

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 05-cv-01891-PAB-MEH

KIRK WARREN,

Plaintiff,

v.

LIBERTY MUTUAL FIRE INSURANCE COMPANY,
a Massachusetts insurance company,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant Liberty Mutual Fire Insurance Company's unopposed revised motion [Docket No. 118] to modify the previously-entered taxation of costs [Docket No. 70]. In February 2007, this case was decided in favor of defendant Liberty Mutual and against plaintiffs Kirk Warren and Kurt Warren on summary judgment [Docket No. 67]. Both plaintiffs appealed that decision to the Tenth Circuit Court of Appeals. The Tenth Circuit reversed in favor of plaintiff Kirk Warren and affirmed the decision with regard to plaintiff Kurt Warren.

Following remand from the Tenth Circuit, and after negotiations and agreement by the parties, the defendant seeks to have the taxation of costs originally entered on February 26, 2007 [Docket No. 70] modified such that the successful appellant, Kirk Warren, is not taxed costs, and the unsuccessful appellant, Kurt Warren, is taxed a reduced amount. It is

ORDERED that defendant's unopposed revised motion to modify the previously-entered taxation of costs [Docket No. 118] is GRANTED. The award of costs [Docket No. 70] is modified as follows: no costs are taxed against plaintiff Kirk Warren; costs in the amount of \$1,774.26 are taxed against plaintiff Kurt Warren alone.

DATED June 23, 2009.