

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 08-cv-00305-CMA-MEH

DAVID MENGES,

Plaintiff,

v.

ABF FREIGHT SYSTEM, INC.,

Defendant.

---

**ORDER DENYING MOTION TO ENFORCE BILL OF COSTS**

---

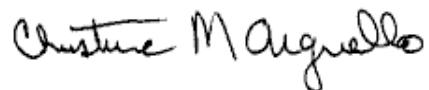
The matter is before the Court on Defendant's Motion to Enforce Bill of Costs (Doc. # 75). Having considered Defendant's arguments and the procedural remedies available under the Federal Rules of Civil Procedure, the Court denies Defendant's motion as moot.

Defendant is attempting to execute on an award of costs, which is tantamount to executing on the Judgment. See *Massachusetts Bonding & Ins. Co. v. Clymer Mfg. Co.*, 48 F.2d 513, 514 (10th Cir. 1931) ("A judgment or decree in the trial court includes the costs in that court. Such costs are merged in the judgment."). To obtain satisfaction of a judgment, Defendant must follow the post-judgment remedies provided for in Federal Rule of Civil Procedure 69.

Accordingly, the Court DENIES Defendant's Motion to Enforce Bill of Costs  
(Doc. # 75).

DATED: November 19, 2009

BY THE COURT:



---

CHRISTINE M. ARGUELLO  
United States District Judge