

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-02243-RPM

OLIVEA MARX,

Plaintiff,

v.

GENERAL REVENUE CORPORATION,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO ALTER/AMEND JUDGMENT AND
ORDER DENYING DEFENDANT'S MOTION FOR REVIEW OF TAXATION OF COSTS

On June 8, 2010, the plaintiff filed a Motion to Alter/Amend the Judgment Pursuant to Fed.R.Civ.P. 59(e), [77], seeking to vacate that part of the order awarding the defendant costs under Fed.R.Civ.P. 54(d) based on 15 U.S.C. § 1692k(a)(3). Support for the plaintiff's position is provided by the opinion of the Ninth Circuit Court of Appeals in *Rouse v. Law Offices*. The defendant responded, asserting that in addition to Rule 54(d), the Court should award costs under Rule 68 because of an offer of judgment prior to trial. The plaintiff responded, challenging the validity of the terms of the Rule 68 offer.

The Ninth Circuit opinion is not persuasive. The statutory language requiring a finding of bad faith and harassment is applicable only for an award of attorney fees and does not displace Rule 54(d). Additionally, costs should be awarded under Rule 68.

The defendant also filed a motion for a review of the Clerk's taxation of costs of \$4,543.03, seeking an additional amount for deposition transcripts and travel costs.

The additional amounts are not awarded as a matter of this Court's discretion. It is now

ORDERED that the plaintiff's motion to alter/amend the judgment [77] is denied and it is

FURTHER ORDERED that the defendant's motion for review of taxation of costs [81] is denied.

DATED: July 15th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge