

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 09-cv-01281-REB-KLM

KATHERINE ENGEN,

Plaintiff,

v.

COLORADO MILLS MALL LIMITED PARTNERSHIP, an Indiana limited partnership,

Defendant and Third-Party Plaintiff,

v.

METCO LANDSCAPE, INC., a Colorado corporation,

Third-Party Defendant.

ORDER ASSESSING JURY COSTS

Blackburn, J.

This matter is before me for the assessment of jury costs under **D.C.COLO.LCivR 54.2**. This civil action was set for trial by jury between the plaintiff and the defendant to commence Monday, June 21, 2010. However, on Friday, June 18, 2010, after business hours, the parties reached a settlement, ostensibly obviating the necessity for a trial. However, counsel made no effort to notify the court before the scheduled commencement of trial, even though such after-hours notification was available by voicemail and/or email. As a result, 27 prospective jurors could not be notified and, instead, reported unnecessarily for jury duty as summoned on Monday, June 21, 2010. The jury commissioner reports that the jury costs for these 27 prospective jurors is \$2,294.50.


D.C.COLO.LCivR 54.2 provides in relevant part that “[w]henver any civil action

scheduled for trial is settled or otherwise resolved after noon on the last day before trial, jury costs may be assessed against any of the parties and/or counsel." Because counsel for the plaintiff and defendant could and should have attempted to notify the court of their tentative settlement before the scheduled commencement of trial, I find and conclude that jury costs should be assessed.

THEREFORE, IT IS ORDERED that jury costs of \$2,294.50 are **ASSESSED** against the plaintiff and the defendant, jointly and severally, which jury costs **SHALL BE PAID** to the clerk of the court by July 9, 2010.

Dated June 23, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge