

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Case No. 11-cv-03182-RM-GPG

TIMOTHY SAWATZKY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

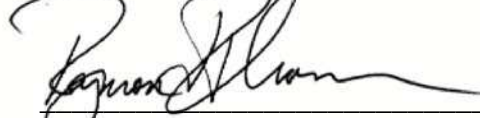
Defendant.

ORDER RE: COSTS

The Court presided over a trial to the court in July of 2013 in this Federal Tort Claims Act case and found in favor of the Defendant. (ECF No. 120.) The issues in this case were close and difficult, and Plaintiff Timothy Sawatzky has had serious diminution of his income over the pendency of this litigation, and will likely continue to experience extreme economic difficulty. *See, e.g., AeroTech Inc. v. Estes*, 110 F.3d 1523, 1525 (10th Cir. 1997) (discussing “some of the circumstances in which a district court may properly deny costs to a prevailing party” including where “the nonprevailing party was indigent [and where] the issues were close and difficult”). Accordingly, it is ORDERED that each party shall bear his or its own costs and attorneys’ fees.

DATED this 24th day of September, 2013.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge