

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

Civil Action No. 13-cv-00796-RPM

MICHAEL DAY KEENEY,

Plaintiff,

v.

AUTO-OWNERS INSURANCE COMPANY,

Defendant.

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ORDER ON REVIEW OF AWARD OF COSTS

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The Clerk of this Court awarded costs to the defendant in the amount \$15,338.82 on April 16, 2014. That award included claimed expert witness fees and expenses pursuant to C.R.S. § 13-17-202, a state statutory provision providing for such an award after an offer of settlement has been made and rejected. The plaintiff filed a motion to review the clerk's action on April 23, 2014 [35] and the defendant filed its response on April 30, 2014 [36].

This civil action was dismissed on summary judgment based on a policy exclusion. The motion for summary judgment was filed on the same date as the offer of settlement. The retention of expert witnesses was not necessary to this case and their opinions had no relevance to the determining issue concerning policy coverage. Accordingly, it is

ORDERED that the award of costs by the Clerk is revised to exclude the amounts awarded for expert witnesses, making the award \$65.00.

DATED: May 9<sup>th</sup>, 2014

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge