

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

Civil Action No. 13-cv-01105-REB-MJW

EDWARD H. PHILLIPS

Plaintiff,

v.

DUANE MORRIS, LLP,  
JOHN C. HERMAN, and  
ALLEN L. GREENBERG,

Defendants.

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**ORDER ADOPTING RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

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**Blackburn, J.**

The matter before me is the recommendation concerning costs contained in the magistrate judge's **Report & Recommendation on Defendants' Motion for Review of Clerk's Decision on Taxing of Costs (Docket No. 127) and Plaintiff's Motion for Review of Clerk's Bill of Costs (Docket No. 128)** [#136],<sup>1</sup> filed November 18, 2014. No timely objection having been filed to the recommendation, I review it for plain error only. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10<sup>th</sup> Cir. 2005). Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

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<sup>1</sup> "[#136]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

**THEREFORE, IT IS ORDERED** as follows:

1. That the magistrate judge's **Report & Recommendation on Defendants' Motion for Review of Clerk's Decision on Taxing of Costs (Docket No. 127) and Plaintiff's Motion for Review of Clerk's Bill of Costs (Docket No. 128) [#136]**, filed November 18, 2014, is **APPROVED AND ADOPTED** as an order of this court;

2. That **Defendant's Motion for Review of Clerk's Decision on Taxing of Costs [#127]**, filed October 6, 2014, is **DENIED**;

3. That **Plaintiff's Motion for Review of Clerk's Bill of Costs [#128]**, filed October 6, 2014, is **DENIED**; and

4. That the clerk of the court is **DIRECTED** to **AMEND** the **Bill of Costs [#117]**, filed September 2, 2014, to reduce the amount awarded for expert witness fees by \$57,626.86 to \$14,585.66, and thus to tax costs in the total amount of \$48,087.10 to plaintiff.

Dated December 12, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge