

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-03088-MSK-MEH

WILLIAM CAMPOS,

Plaintiff,

v.

MANTECH INTERNATIONAL CORPORATION,

Defendant.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Before the Court is Defendant Mantech International Corporation's Rule 30 Motion for Costs [filed August 18, 2015; docket #61]. The motion is fully briefed.

Defendant scheduled Plaintiff's deposition for August 7, 2015 at 8:30 a.m. in Denver. Plaintiff did not make his scheduled 5:40 a.m. flight that day from Houston to Denver. He arrived at a Houston airport shuttle parking lot ticket dispenser exactly one hour before the flight was schedule to leave. From there, he had to park, catch a shuttle, and ride to the airport itself, by which time he was unable to get to the gate and board the plane on time. He took a later flight which, unfortunately, was delayed. Defendant incurred \$957.50 in additional court reporter and videographer costs attributable solely to the delay. Rule 30(b)(2) permits the court to reapportion costs in the event a deponent delays a deposition. There is no requirement in the rule limiting costs to those occasions when the deposition is "unreasonably" delayed. Had Plaintiff's delay been beyond his control, costs would likely be unwarranted. The delay was not beyond Plaintiff's control, because it is clear based on the facts presented in the papers that had Plaintiff arrived at the *airport* (not the parking lot) an hour before his flight, which is what the airlines recommend, this

delay would not have occurred. This is a simple matter of Defendant not having to pay for a decision that Plaintiff made. The motion is **granted**. Plaintiff shall submit to the Defendant \$957.50 on or before October 31, 2015.

Entered and dated at Denver, Colorado, this 10th day of September, 2015.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial 'M' and a stylized 'H'.

Michael E. Hegarty
United States Magistrate Judge