

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Christine M. Arguello**

Civil Action No. 17-cv-00452-CMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$114,700.00 in United States Currency,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO ADJUST
ATTORNEYS' FEE AWARD**

This matter is before the Court on Claimant Richard Schwabe's Unopposed Motion to Adjust Fee and Cost Award by Adding Travel Expenses. (Doc. # 185.)

Following a jury trial, Claimant prevailed in the above captioned *in rem* forfeiture action. (Doc. # 133.) Pursuant to the Civil Asset Forfeiture Reform Act of 2020, 28 U.S.C. § 2465(b)(1)(A), Claimant moved for attorneys' fees. (Doc. # 134.) The Court awarded Claimant a reduced amount of fees, based on the Court's assessment that his counsel had exercised unsound billing judgment. (Doc. # 162.) The Court also affirmed the Clerk's reduced award of costs. (Doc. # 177.) Claimant appealed both awards to the United States Court of Appeals for the Tenth Circuit which affirmed the Court's costs and fee awards but concluded the Court had erroneously categorized travel expenses

as costs. (Doc. # 183 at 4–12.) Therefore, the Tenth Circuit remanded solely for this Court to consider travel expenses as potential attorneys’ fees. (*Id.* at 12.)

Following the Tenth Circuit’s remand, Claimant filed the instant Motion requesting \$1,370 in travel expenses. (Doc. # 185.) Claimant attached to his Motion an Affidavit of Counsel in which Edward M. Burch attests that he conferred with counsel for the Government who has no objection to the instant Motion. (*Id.* at 7.) The Government has not filed a Response to Claimant’s Motion and the time to do so has passed.

D.C.COLO.LCivR 7.1(d). Upon review of the Motion and the case file, the Court finds that Claimant is entitled to travel expenses as attorneys’ fees and that Claimant’s calculations for reduced travel expenses are reasonable.

As it relates to costs, Claimant makes no arguments that the Court’s previous award of \$5,558.58 should be adjusted. The Tenth Circuit’s Order noted that the only adjustment required pertained to the award of reasonable travel expenses. (Doc. # 183 at 12.) The original cost award issued by the Clerk and affirmed by the Court did not include attorney travel expenses and thus, the Court concludes no adjustments to that award are necessary. (Docs. # 163, 163-1, 177.)

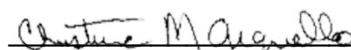
Therefore, the Court hereby GRANTS the Unopposed Motion to Adjust Fee and Cost Award by Adding Travel Expenses (Doc. # 185) and it is hereby

ORDERED that Claimant Richard Schwabe is awarded an additional \$1,370.00 in travel expenses, for a total of \$134,909.00 in attorneys’ fees. It is

FURTHER ORDERED that the \$5,558.58 in costs previously awarded to Claimant Richard Schwabe is REAFFIRMED without changes.

DATED: April 5, 2023

BY THE COURT:



CHRISTINE M. ARGUELLO
Senior United States District Judge