

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

J. ALEXANDER INVESTMENTS, INC.,)	Civ. No. 08-00420 HG-BMK
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATION THAT
vs.)	DEFENDANT PHILIP ANDREW
)	IRONS' BILL OF COSTS BE
)	GRANTED
PHILLIP ANDREW IRONS, et al.,)	
)	
Defendants.)	
_____)	

FINDINGS AND RECOMMENDATION THAT DEFENDANT PHILIP
ANDREW IRONS' BILL OF COSTS BE GRANTED

Before the Court is Defendant Philip Andrew Irons'¹ ("Defendant") Bill of Costs, which seeks and award of costs in the amount of \$3799.12. After reviewing the parties' submissions and relevant legal authority, the Court finds and recommends that Defendant's Bill of Costs be GRANTED.² Specifically, the Court finds that Plaintiff J. Alexander Investments, Inc. raised no arguments or objections as to the merits associated with Defendant's submitted Bill of Costs. Therefore, the Court recommends that \$3799.12 in costs be taxed against Plaintiff and in favor of Defendant.

¹ Defendant Philip Andrew Irons is misidentified in the caption as Phillip Andrew Irons. (Doc. 237 at 2.)

² Pursuant to Local Rule 7.2(d), the Court elects to decide this matter without a hearing.

Defendant seeks costs arising from an alleged agreement between Plaintiff and Defendant for a \$275,000 loan secured by a deed of trust on real property owned in part by Defendant. (Doc. 230 at 2.) The action is based on two documents, a promissory note dated May 5, 2006 and a deed of trust dated May 3, 2006. (Id. at 3.) Defendant denied signing both documents. (Id.) He also denied having any involvement in the alleged transaction. (Id.) Throughout the course of litigation, Defendant argued his position by filing five motions for summary judgment, participating in all aspects of discovery, and retaining expert witnesses. (Id.) On August 25, 2010, the Court granted two of Defendant's motions for summary judgment, dismissing Plaintiff's contract and tort claims and leaving no viable claims against Defendant. (Doc. 196.) Defendant was thereby terminated from the case. (Id.)

On January 5, 2011, Defendant submitted a Motion for Attorney's Fees and Costs (Doc. 230) and a Bill of Costs. (Doc. 231.) On March 3, 2011, this Court was informed that the parties settled Defendant's Motion for Attorney's Fees and Costs. (Doc. 238.) Remaining is Defendant's Bill of Costs.

In Plaintiff's combined Opposition to Defendant's Motion for Attorney's Fees and Bill of Costs, Plaintiff argues (1) James Alexander should not be personally liable for the debts of named Plaintiff, J. Alexander Investments,

Inc., (2) the request for fees and costs should be denied because Defendant passed away during the pendency of this case, and (3) the request for attorney's fees is unreasonable. (Doc. 235.) However, Plaintiff does not raise any specific objections to the merits of Defendant's Bill of Costs. Accordingly, the Court finds and recommends that Defendant's Bill of Costs for \$3799.12 be GRANTED in full.

DATED: Honolulu, Hawaii, March 17, 2011.

IT IS SO FOUND AND RECOMMENDED.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

J. Alexander Inv., Inc. v. Philip Andrew Irons, et al.; Civ. No. 08-00420 HG-BMK; FINDINGS AND RECOMMENDATION THAT DEFENDANT PHILLIP ANDREW IRONS' BILL OF COSTS BE GRANTED.