

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

DENNIS H. HUNZEKER,

Plaintiff,

v.

GREG BUTLER, in his official and individual capacities; ANITA PANKO, in her official and individual capacities; and the CITY OF MONTPELIER, an Idaho political subdivision,

Defendants.

Case No. 4:12-cv-00421-BLW

MEMORANDUM DECISION AND ORDER

In an earlier opinion, the Court granted Plaintiff's Motion to Compel. Dkt. 20. In doing so, the Court also determined that sanctions were appropriate, and the Court ordered defendant Panko and her attorney to pay Hunzeker's costs and fees associated with the motion to compel, including counsel's time spent informally trying to mediate the issue and the cost of the transcript and court reporter travel fees. The parties could not agree on the total amount of the sanction, and that dispute is now before the Court.

Hunzeker initially asked for \$2,438.22 in total fees and costs. Panko and her attorney disputed that amount, contending that Hunzeker's attorney misstated the amount of time he spent mediating a discovery dispute. Panko and her attorney also objected to \$158.02 for travel incurred by the court reporter. They argued that the travel would constitute double billing because the court reporter was already scheduled to be in

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Montpelier, Idaho – the place of the deposition for which the travel expenses are sought – for other depositions.

Hunzeker reduced his request to \$928.02 by acknowledging a mistake about the amount of time he spent mediating the discovery dispute. However, Hunzeker contends that he is entitled to the court reporter travel costs of \$158.02 because he was billed by the court reporter for travel related to Panko’s deposition. He does not, however, dispute that other depositions were scheduled for the same time and place. Under these circumstances, the Court will split the court reporter travel costs, and order Panko and her attorney to pay half of those costs, which equals \$79.01. Accordingly, Hunzeker is entitled to \$849.01.¹

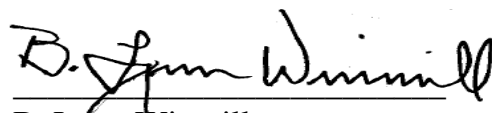
ORDER

IT IS ORDERED:

1. Planko and her attorney shall pay Hunzeker \$849.01 as sanctions for the motion to compel.



DATED: September 30, 2013


B. Lynn Winmill
Chief Judge
United States District Court

¹ \$849.01 is total of Hunzeker’s request (\$928.02) minus half the reporter travel fees (\$79.01). The Court also notes that this total is actually less than the total Panko and her attorney agreed to pay in their response brief, which was \$972.20.