

COUNTY COURT, EL PASO COUNTY, COLORADO El Paso County Judicial Building 270 South Tejon P. O. Box 2980 Colorado Springs, Colorado 80903	▲COURT USE ONLY▲
Plaintiffs/Petitioners: LARRY D. BISHOP and WOODMEN HILLS METROPOLITAN DISTRICT vs. Defendant/Respondent: RONALD PACE	Case No.: C0212009C 009181 Division.: N Courtroom: W370
Attorney for Defendant/Respondent: Richard W. Daily, No. 2938 Richard W. Daily LLC 621 Seventeenth St., Suite 1535 Denver, Colorado 80293 Telephone: (720) 963-1121 Fax: (720) 897-2802 E-mail: RDaily@DailyLLC.com	
DEFENDANT’S REPLY IN SUPPORT OF HIS BILL OF COSTS	

Defendant Ronald Pace, through his undersigned counsel, submits this Reply in Support of his Bill of Costs, in opposition to *Plaintiffs’ Response and Objection to Defendant’s Bill of Costs*, which was filed and served by both Plaintiffs on December 9, 2009.

1. Plaintiffs make only one point: Rule 354(d) does not permit recovery of costs against political subdivisions of the State of Colorado, and they correctly observe that Plaintiff Woodmen Hills Metropolitan District, as a Title 32 Special District, is plainly a political subdivision of the State of Colorado.

2. Neither of the Plaintiffs object either to the nature of the costs sought, or the amount thereof.

3. Rule 354(d) does not prohibit the recovery of costs against Plaintiff Larry D. Bishop, who is not “a political subdivision of the state of Colorado.” Plaintiffs have not offered any other basis upon which the Court might refuse to award costs against Mr. Bishop; nor have they argued any basis upon which such costs might be apportioned between the two plaintiffs.

4. Indeed, it is plain from the testimony at trial that, although Mr. Bishop was (and is) an employee of Woodmen Hills Metropolitan District, he was the moving force behind the filing of the *Complaint* in the matter, and that he acted on his own behalf as well as on behalf of the District in filing the *Complaint*.

5. *Farmers Reservoir & Irrigation Co. v. City of Golden*, 113 P.3d 119, 132 (Colo. 2005), the case principally relied upon by the Plaintiffs in their *Response*, supports the award of costs against Mr. Bishop. There, the court stated that although the water court erred in awarding costs against the municipal appellants, “[t]he award of costs against the private entities, however, was authorized by Rule 54(d) and the cost award against them is affirmed.”

WHEREFORE, Defendant requests the Court enter an award of costs against Plaintiff Larry D. Bishop and in favor of Defendant Ronald Pace in the amount of **\$2,948.75**.

Richard W. Daily LLC

Original duly signed

By: _____
Richard W. Daily, No. 2938

CERTIFICATE OF SERVICE

I certify that on this 19th day of December, 2009 the foregoing **DEFENDANT'S REPLY IN SUPPORT OF HIS BILL OF COSTS** was served on all parties and other interested persons by delivering a correct copy of the same in the manner indicated below, addressed to the following:

Counsel for Plaintiffs/Petitioners:

Jason W. Downie, Esq.
Geoffrey L. Lindquist, Esq.
Susemihl, McDermott & Cowan, P.C.
660 Southpointe Ct., Ste. 210
Colorado Springs, CO 80906

By depositing a copy in the U. S. Mail

Original duly signed