

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-2822-RPM

SANDY PHILLIPS, individually and as surviving parent
of Jessica Ghawi, decedent; LONNIE PHILLIPS,
individually and as surviving parent of Jessica Ghawi,
decedent.

Plaintiffs,

v.

LUCKY GUNNER, d/b/a/ BULKAMMO.COM,
THE SPORTSMAN'S GUIDE,
Brian Platt, d/b/a/ BTP ARMS,
Gold Strike E Commerce LLC d/b/a/
BULLETPROOFBODYARMORHQ.COM,
and JOHN DOES 1 through 10, unknown individuals.

Defendants.

DEFENDANT LUCKYGUNNER'S ITEMIZATION OF BILL OF COSTS

Defendant, LuckyGunner, LLC ("LG"), pursuant to Fed. R. Civ. P. 54(d), D.C. Colo. L.Civ.R. 54.3, 28 U.S.C. §§ 1920 *et seq.*, and the Court's Order of March 27, 2015 (DE 45), submits the following itemization for its Bill of Costs.

1. On March 27, 2015, the Court entered judgement against Plaintiffs (DE 46) and granted LG's Rule 12(b)(6) motion to dismiss, stating that "[p]ursuant to C.R.S. §13-21-504.5, defendants Lucky Gunner and the Sportsman's Guide are entitled to an award of reasonable attorney fees and costs to be determined after filing motions pursuant to D.C.Colo.L.Civ.R.54.3 . . ." (DE 45 at 19.)

2. Supporting documentation for the costs incurred to defend this action are part of the Billing Invoices attached to the Affidavit of James B. Vogts ("Vogts Affidavit) and the

Affidavit of Marc Colin (“Colin Affidavit”). Those affidavits and Billing Invoices have already been filed with the Court as part of LG’s Motion for Fees and Costs, and are incorporated by reference herein.

3. LG incurred costs for the federal filing cost, the filing/answering fee in state court to provide notice that the action had been removed to federal court as required by 28 U.S.C. § 1446(d), photocopies of the state court file in the instant lawsuit that was required to be filed with the removal of this action to federal court and photocopies of the voluminous state court filings in the other consolidated lawsuits arising from the same incident that forms the basis of this lawsuit (DE 15).

4. The costs incurred to defend this action are itemized as follows:

- a. \$400.00 – federal court filing fee (*see* Vogts Affidavit, at Ex. 1 Invoice of Dec. 11, 2014 at p. 3 and attached invoice).
- b. \$778.40 – 3,892 photocopies of state court pleadings (*see* Colin Affidavit, Ex. 1 at Billing Invoice of Oct. 31, 2014; charge dated 10/03/2014).
- c. \$158.00 – Answer filing fee, state court notice of removal (*see* Colin Affidavit, Ex. 1 at Billing Invoice of Nov. 11, 2014; charge dated 10/17/2014).
- d. \$81.60 – 408 photocopies of state court pleadings (*see* Colin Affidavit, Ex. 1 at Billing Invoice of Nov. 11, 2014; charge dated 10/31/2014).

5. The total costs are \$1,418.00.

CONCLUSION

6. Undersigned counsel certifies that the costs listed in the itemization above were necessary to the defense of the case, that the services were actually performed and the costs incurred, and that the costs are correct as listed.

Respectfully submitted,

LUCKYGUNNER, LLC

By: /s/ Andrew A. Lothson
One of Defendant LuckyGunner, LLC’s
Attorneys

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Attorneys for Defendant, LuckyGunner, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

1. Thomas W. Stoever, Jr.
Paul W. Rodney
Arnold & Porter LLP
370 Seventeenth Street, Suite 4400
Denver, CO 80202

Counsel for Plaintiffs

2. Patrick J. Rooney, Esq.
Donald Chance Mark, Jr., Esq.
Peter A.T. Carlson, Esq.
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Counsel for The Sportsman's Guide, Inc.

3. Phillip R. Zuber, Esquire
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4. Bruce A. Montoya, Esq.
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Denver, CO 80202

Counsel for Defendant Brian Platt, d/b/a BTP Arms

I hereby further certify that I have mailed the foregoing via U.S. mail, postage prepaid, to the following non-CM/ECF participants:

5. Jonathan E. Lowy
Elizabeth Burke
Kelly Sampson
Brady Center to Prevent Gun Violence
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Washington, DC 20005

Counsel for Plaintiffs

6. Gold Strike E Commerce, LLC
d/b/a bulletproofbodyarmorhq.com
Christopher E. Russell, Agent for Service
1546 West Vine Ave.
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/s/ Andrew A. Lothson _____

Andrew A. Lothson