

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

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Civil Action N<sup>o</sup> 05-cv-01858-EWN–MJW

SEAN HARRINGTON

Plaintiff,

v.

MADLINE WILSON and the “LAW OFFICE OF MADELINE WILSON”;  
CHRISTY RYAN;  
BILL J. FYFE and COLUMBINE COUNSELING CENTER, P.C.;  
LAURA ARCILISE, in her personal capacity;  
LOUISE CULBERSON-SMITH, in her personal capacity;  
JOHN GLEASON in both his personal and official capacity;  
WENDELL PRYOR in his official capacity;  
ROBERT EVANS, in his official capacity; and  
the JEFFERSON COUNTY COMBINED COURT (a/k/a “THE FIRST JUDICIAL DISTRICT”),  
by and through the COLORADO ATTORNEY GENERAL, JOHN SUTHERS, in his official Capacity.

Defendants

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**SUPPLEMENT TO PLAINTIFF’S OBJECTION TO DEFENDANT RYAN’S PROPOSED BILL OF  
COSTS**

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COMES NOW, Plaintiff, Sean Harrington, for the purpose of submitting the within Supplement to his previously filed Objection (docket # 98):

1. In paragraphs 5 and 6 of his Objection to Defendant Ryan’s proposed bill of costs (docket # 97), Plaintiff took exception to the legality of opposing counsel’s assertion of computerized research fees as costs under Section 1919. Plaintiff argued, among other things, that “costs for computer research are not statutorily authorized.” Docket # 98 at ¶ 5 (quoting *Jones v. Unisys Corp.*, 54 F.3d 624, 633 (10<sup>th</sup> Cir., 1995)).
  
2. Plaintiff also argued that \$646.42 for sixty-one minutes of Westlaw usage is absurdly unreasonable. Docket # 98 at ¶ 6. Opposing counsel’s attachment is a report from Westlaw “Quick-View.” (docket # 97-2) The report reveals that opposing counsel incurred extraordinary fees of **\$650**

**per hour** by going outside his routine Westlaw plan, which is covered by a flat-rate. Moreover, the \$650 of fees listed thereon is the full-retail price of “Schedule A,” which does not reflect the maximum possible discount amount of up to 40% that is available to law firm subscribers —meaning that no one (except opposing counsel and Thomson-West) actually knows what his real cost is or what it could have been, if he had sought the discount. A copy of West’s “Schedule A” is attached hereto and incorporated by reference as, “Schedule A.”

3. Opposing counsel is a member of the Colorado Bar Association. *See* display of Online CBA Attorney Member Directory, attached hereto and made part hereof as, “**Exhibit B.**” All CBA all members have unlimited free access to Casemaker,<sup>®</sup> a product of Lawwriter Corp., which is a competitor to WestLaw,<sup>®</sup> LexisNexis<sup>®</sup>, LoisLaw,<sup>™</sup> VersusLaw<sup>®</sup> and Fastcase<sup>™</sup> legal research online content products. Plaintiff alleges the same upon personal knowledge, because Plaintiff is an associate-member of the Colorado Bar Association.

4. Opposing counsel’s itemized charges are dated October through December of 2005, indicating that his research related to his single Motion to Dismiss and Motion to Stay Discovery. Every case cited in his motions, including Tenth Circuit, Colorado state and U.S. Supreme Court cases, were available in full text from CaseMaker **at no cost** to him. A copy of the CBA Web page describing this member benefit is attached hereto and made part hereof by reference as, “**Exhibit C.**”

5. Additionally, opposing counsel is a graduate of University of Denver Sturm College of Law. *See* Exhibit B. The entirety of the law school’s library, including computerized legal research (such as Shepard’s Citation Service from Lexis) is available **absolutely free** to alumni.

6. Finally, opposing counsel’s QuickView report clearly states at the top, “SUBSCRIBER AGREES NOT TO DISSEMINATE THIS REPORT TO ANY THIRD PARTY OR TO REPRESENT THE CHARGES AS ACTUAL WESTLAW CHARGES.” Opposing counsel is in violation of his contract with Thomson-West and, because he has contracted not to reveal or represent the QuickView Report, which he submitted to the Court as docket # 97-2, as actual Westlaw charges, Plaintiff requests that the Exhibit be stricken.

WHEREFORE, Plaintiff respectfully request an Order striking opposing counsel's Exhibit in support of computerized research costs and directing the Clerk to amend the Entry of Judgment *nunc pro tunc* to reflect the Court's September 25<sup>th</sup> 2006 Order, thereby denying defendants an award of costs in any amount.

Submitted this 9<sup>th</sup> day of October, 2006:

/s/ Sean Harrington  
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#### CERTIFICATE OF SERVICE

I hereby certify that on October 9<sup>th</sup> 2006, I served the foregoing Supplement via electronic mail to the following ECF participants.

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