

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

**ROYAL WHITAKER III and  
SUSAN WHITAKER,**

**Plaintiffs,**

**vs.**

**TRANS UNION CORPORATION,  
EXPERIAN INFORMATION  
SOLUTIONS, INC., and  
CSC CREDIT SERVICES, INC.,**

**Defendants.**

**CIVIL ACTION**

**No. 03-2551-CM**

**ORDER**

This case is before the court on plaintiffs’ fourth motion regarding the taxation of costs (Doc. 254). The court is aware that plaintiffs proceed pro se. But the court finds no procedural basis in the law for plaintiffs’ current motion. The court has issued its ruling on taxation of costs, and has declined twice to reconsider that ruling.

Plaintiffs continue to argue that defendant waived its right to oppose plaintiffs’ motion to retax costs because defendant did not file a response. Although the court has implicitly rejected plaintiffs’ position, the court has not explained to plaintiffs why their argument fails. First, defendant had already outlined its position in its request for costs. The court reviewed defendant’s previous pleadings—as well as plaintiffs’—when it retaxed costs. Second, the court is not required to grant a motion that lacks a response. Local Rule 7.4 provides that an uncontested motion “ordinarily” will be granted without further notice. But the Rule does not require a court to grant the motion regardless of the evidence of record. *See Calia v. Werholtz*, 408 F. Supp. 2d 1148, 1149 (D.

Kan. 2005) (quoting *Green v. Dean*, 03-3225-JWL, 2005 WL 1806427, at \*1 n.2 (D. Kan. Aug. 1, 2005) (“While uncontested motions are ordinarily granted, they are not invariably granted.”)). The court reviewed the record in its entirety, and found that some of the taxation issues should be resolved in plaintiffs’ favor, but that others should not. Rule 7.4 does not prohibit an independent evaluation of the record.

Plaintiffs’ additional arguments are, again, arguments that could have been presented in the first instance, and do not present valid reasons for the court to reconsider its decision.

The court is not angry with plaintiffs. If plaintiffs feel that the court’s decision is in error, however, plaintiffs should determine whether an appeal of this case is appropriate and/or available. The court will not consider any further motions by plaintiffs on taxation of costs. The court denies plaintiffs’ motion (Doc. 254).

**IT IS SO ORDERED.**

Dated this 11th day of October 2006, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**