

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

CHARLOTTE YVONNE KESTER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION
)	
)	No. 05-2031-CM
)	
STATE OF KANSAS, et al.,)	
)	
Defendants.)	
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ORDER

The court entered judgment in this case for defendants on June 9, 2005. On June 20, 2005, plaintiffs filed a Motion for Relief from or to Amend Judgment (Doc. 24). In their motion, plaintiffs ask the court not to award defendants their costs of the action because plaintiffs brought the action in good faith. All defendants but pro se defendant Thomas Raitchel responded, representing that they do not intend to seek costs from plaintiffs. With respect to defendants who do not seek costs, plaintiffs' motion is moot. With respect to defendant Thomas Raitchel, the court denies plaintiffs' motion, as they have asserted no basis for relief under Fed. R. Civ. P. 59(e) or 60(b). *See AeroTech, Inc. v. Estes*, 110 F.3d 1523, 1527 (10th Cir. 1997) (holding that the district court's finding that plaintiff did not initiate its suit in bad faith was insufficient to permit the court to deny costs, as all parties have an obligation to act in good faith).

IT IS THEREFORE ORDERED that plaintiffs' Motion for Relief from or to Amend Judgment (Doc. 24) is denied.

Dated this 8th day of August 2005, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge