

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1994 MTWCC 25A

WCC No. 9210-6609

BRUCE BARNES

Petitioner

vs.

STATE COMPENSATION INSURANCE FUND

Respondent/Insurer for

BLUE RANGE MINING COMPANY

Employer.

ORDER REGARDING COSTS

This Court's Judgment granted costs and the petitioner filed his Memorandum of Costs and Disbursements on February 7, 1994. State Fund's objections to petitioner's costs were filed on February 15, 1994.

Respondent objects to costs for telephone charges, faxes and copying, all costs which are routinely denied by the Court. Respondent also objects to the charges which are identified as transcript fees for the deposition of Bruce Barnes, in the amount of \$158.90 and \$208.90. In reviewing the file it is apparent that the second of these charges (\$208.90) is for the trial transcript. Finally, respondent objects to charges identified as "misc. costs" which are presented without explanation.

An award of costs is governed by section 25-10-201, MCA. *Baeta v. State Compensation Mutual Insurance Fund*, 254 Mont. 487, 839 P.2d 566, (1992). Section 25-10-201(7), MCA, specifically provides for the recovery of the trial transcript "for the supreme court." As of this date this matter has not been appealed, therefore the cost of the transcript, which the Court determines to be \$208.90 must be **denied**. There is no provision for miscellaneous costs in section 25-10-201, MCA, therefore these costs are **denied**. All costs for telephone calls, faxes and copying are **denied**.

In summary, IT IS HEREBY ORDERED that petitioner shall recover from the respondent the sum of \$393.40 in costs.

DATED in Helena, Montana, this 15th day of March, 1994.

(SEAL)

/s/ Mike McCarter

JUDGE

c: Mr. John C. Doubek

Mr. Oliver H. Goe