IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1999 MTWCC 4

WCC No. 9808-8038

JEFFREY LEE BURNER

Petitioner

vs.

UNINSURED EMPLOYERS' FUND

Respondent

MARK NEWSOM, d/b/a ROCKY MOUNTAIN ROOFING

Employer.

ORDER AWARDING COSTS

¶1 On December 21, 1998, counsel for the petitioner, Mr. Thomas A. Budewitz, filed his Application for Taxation of Costs in the above-entitled matter. Respondent filed Uef's Objection to Petitioner's Application for Taxation of Costs on December 28, 1998, and petitioner responded to UEF's objection on January 5, 1999.

¶2 Petitioner was seeking $1,180.08 in fees. The UEF is objecting to the deposition fee of Dr. Brooke Hunter and expert witness fee in the amount of $274.10. Petitioner is withdrawing his claim for those fees in the amount of $274.10.

¶3 The Court finds good cause to grant petitioner's claim for costs as follows:

¶4 IT IS HEREBY ORDERED that the respondent, Uninsured Employers' Fund, pay to the petitioner's attorney, Mr. Thomas A. Budewitz, his costs in the amount of $905.98. ($1,180.08 - 274.10 = $905.98).

¶5 This Order is signed by the Hearing Examiner at the direction of the Judge of the Workers' Compensation Court.

DATED in Helena, Montana, this 13th day of January, 1999.

(SEAL)

/s/ Clarice V. Beck
CLARICE V. BECK
Hearing Examiner

c: Mr. Thomas A. Budewitz
Mr. Patrick A. Trammelle
Submitted: January 4, 1999