

**IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA**

**1994 MTWCC 117-A**

**WCC No. 9409-7140**

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**JANNA PULLIAM**

**Petitioner**

**vs.**

**LIBERTY NORTHWEST INSURANCE COMPANY**

**Respondent/Insurer for**

**HENNESSY'S DEPARTMENT STORE**

**Employer.**

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**ORDER AWARDING COSTS**

**Summary:** Insurer objected to claimant's request for costs associated with copying.

**Held:** The Worker's Compensation Court allows recovery of costs for copying or enlargement of trial exhibits. The Court allowed costs associated with copying medical records admitted as exhibits, but did not allow costs claimed for copying file of Employment Relations Division, which was not offered into evidence.

**Topics:**

**Costs: WCC Costs.** Where the Worker's Compensation Court allows recovery of costs for copying or enlargement of trial exhibits, the Court allowed costs associated with copying medical records admitted as exhibits, but did not allow costs claimed for copying file of Employment Relations Division, which was not offered into evidence.

On December 22, 1994, this Court issued Findings of Fact, Conclusions of Law and Judgment, which provided that the Claimant was entitled to costs. Claimant's Affidavit of Costs and respondents Objections to Costs were filed. Claimant seeks costs totalling \$543.25. Respondent objects to costs for copies in the amount of \$340.25, as follows:

Copies of Dr. Weinert's records . . . . . \$ 25.00  
Copies of St. Peter's Hospital records . . . . . 238.50  
Copies of Dr. Hunter's records . . . . . 25.00

Copies of Employment Relations Division file . . . . .51.75

Total . . . . . \$340.25

The Court file contains as exhibits the records of Dr. Weinert, St. Peter's Hospital and Dr. Hunter. There is no exhibit identified as being the file from the Employment Relations Division.

This Court in **Stevens v. State Fund**, WCC No. 9304-6778 (*Order Awarding Costs*) March 11, 1994 allowed costs for the enlargement of trial exhibits and for copying papers used as exhibits. These types of items are awardable within the sound discretion of the Court. **Thayer v. Hicks**, 243 Mont. 188, 160, 793 P.2d 784 (1990). Accordingly, costs for the copies of Weinert, Hunter and St. Peter's Hospital which were used as exhibits will be allowed. The cost of the Employment Relations Division file is denied.

IT IS HEREBY ORDERED that petitioner shall recover from the respondent the sum of \$491.50 in costs.

The Order herein is certified as final for purposes of appeal to the Montana Supreme Court pursuant to ARM 24.5.348.

DATED in Helena, Montana, this 9th day of January, 1995.

(SEAL)

/S/ Mike McCarter  
JUDGE

c: Mr. Norman H. Grosfield  
Mr. Larry W. Jones