IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 9505-7308

WILLIAM BURGAN

Petitioner

vs.

NATIONWIDE INSURANCE COMPANY

Respondent/Insurer for

CENEX

Employer.

ORDER AWARDING COSTS

Petitioner prevailed in this matter and has been found entitled to costs. His affidavit of costs seeks $313.60, broken down as follows:

Predeposition conference with Dr. Shaw 100.00

Copies of depositions used at trial 176.75

Long distance telephone calls 2.85

Photocopies 34.00

Respondent objects to each and every charge.

This Court recently held that expert witness charges for deposition and trial preparation are recoverable costs and that long distance telephone charges and the cost of photocopies are also recoverable. *Rocky G. Rooney v. Credit General Ins.,* WCC No. 9411-7166 (October 23, 1995); *Carrie Brown v. Liberty Mutual Fire Ins. Co.*, WCC No. 9505-7315 (November 1, 1995). All costs submitted in this case are facially reasonable and recoverable.

The Court takes note of respondent's objection to the photocopying charges. That objection was as follows:

> 4. Respondent objects to all photocopy expenses. These expenses are more properly an office expense. **Counsel for petitioner could have used carbon paper and two sheets of paper just as well as the photo machine to make copies to send to counsel.**

(Emphasis added.) The Court assumes that in writing the highlighted sentence, the respondent's counsel was joking.

IT IS HEREBY ORDERED THAT petitioner shall recover from respondent the sum of $313.60 for his costs in this action.

Dated in Helena, Montana, this 3rd day of November, 1995.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Patrick R. Sheehy
Mr. Neil S. Keefer