IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1994 MTWCC 63A

WCC No. 9308-6870

WALTER J. CASAROTTO

Petitioner

vs.

MONTANA MUNICIPAL INSURANCE AUTHORITY

Respondent/Insurer for

BUTTE-SILVER BOW GOV'T POLICE DEPARTMENT

Employer.

ORDER AWARDING COSTS

On July 8, 1994, this Court entered its findings of fact, conclusions of law and judgment. The judgment provided for an award of reasonable costs to the petitioner. petitioner's memorandum of costs was filed requesting costs in the amount of $776.39.

Respondent filed its objections to the requested costs on July 20, 1994.

The respondent resists the payment of the following costs:

Photocopying	$ 70.60
Telephone	7.49
Travel	78.40
Medical	360.00
Total	$516.49

An award of costs is governed by section 25-10-201, MCA. Stevens v. State Compensation Insurance Fund, WCC No. 9304-6778, order awarding costs (March 11, 1994) citing Baeta v. Don Tripp Trucking, 254 Mont. 487, 839 P.2d 566, (1992).

Costs for photocopying and telephone are denied. Section 25-10-201, MCA has no provision for travel costs for an attorney. The medical fee for the deposition of Dr. Murphy must be disallowed. See Thayer v. Hicks, 243 Mont. 188, 160, 793 P.2d 784 (1990). The

remaining two medical expenses: 7/6/92 in the amount of $20.00 and 6/16/93 for $40.00 are offered without explanation and must be denied. Respondent's objections are granted. IT IS HEREBY ORDERED that respondent shall pay the petitioner costs in the amount of $259.90.

DATED in Helena, Montana, this 1st day of August, 1994.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. Richard J. Pyfer
Mr. Leo S. Ward