

STATE OF MAINE  
CUMBERLAND, ss.

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SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-99-231  
TDW-CUM-1/4/2001

NICOLE McNALLY,  
Plaintiff

vs.

ORDER ON DEFENDANT'S  
APPLICATION FOR COSTS

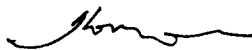
VINCENT DIDONATO,  
Defendant

The court has reviewed defendant's application for costs and plaintiff's opposition and is prepared to award a minimum of \$1,476.43 representing the jury fee, travel expenses, medical record expenses, costs of visual aids, and deposition transcript costs requested. The \$1,000 in expert fees paid to plaintiff's doctors for deposition is disallowed. Poland v. Webb, 1998 ME 104, ¶ 14, 711 A.2d 1278, 1281.

That leaves the expenses related to Dr. Fager, as to which defendant has not submitted enough detail to resolve. If defendant continues to seek costs relating to Dr. Fager, defendant is directed to file within 10 days an affidavit complying with 16 M.R.S.A. § 251 which sets forth the hourly rate sought for Dr. Fager and the number of hours of his in-court testimony.<sup>1</sup> Travel time for Dr. Fager is not compensable. Poland v. Webb, 1998 ME 104, ¶ 15, 711 A.2d at 1282.

An award of costs will be made upon submission of the requested information.

Dated: January 4, 2001



Thomas D. Warren  
Justice, Superior Court

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<sup>1</sup> This information was brought out in Dr. Fager's testimony but the court no longer remembers the relevant figures.

Date Filed 4-16-99 CUMBERLAND Docket No. CV99-231  
County

Action PERSONAL INJURY

NICOLE McNALLY

VINCENT DiDONATO

vs.

Plaintiff's Attorney

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Date of  
Entry