

IN THE UTAH COURT OF APPEALS

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Betty Fielden,)	MEMORANDUM DECISION	
)	(Not For Official Publication	
Plaintiff and Appellant,)		
)	Case No. 20041058-CA	
v.)		
)		
Brent C. Hansen,)	F I L E D	
)	(October 6, 2005)	
)		
Defendant and Appellee.)	<table border="1"><tr><td>2005 UT App 426</td></tr></table>	2005 UT App 426
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Third District, Salt Lake Department, 010907198
The Honorable Glenn K. Iwasaki

Attorneys: Carlos J. Clark, Salt Lake City, for Appellant
 Kristin VanOrman, Salt Lake City, for Appellee

Before Judges Billings, McHugh, and Orme.

PER CURIAM:

The only issue on appeal is whether the district court exceeded the permitted range of discretion in awarding costs for two trial exhibits to Brent C. Hansen.

Utah Rule of Civil Procedure 54(d) governs awards of costs and provides that "costs shall be allowed as of course to the prevailing party unless the court otherwise directs." Utah R. Civ. P. 54(d)(1). Under this rule, the party who claims costs must submit a memorandum including "the items of his costs and necessary disbursements in the action." Utah R. Civ. P. 54(d)(2). "A trial court's decision to award the prevailing party its costs is reviewed under an abuse of discretion standard." Coleman v. Stevens, 2000 UT 98, ¶10, 17 P.3d 1122 (citing Young v. State, 2000 UT 91, ¶4, 16 P.3d 549).

Hansen sought and obtained an award of costs incurred for preparation of enlarged photographic and medical exhibits used at trial. "That [Hansen] chose to have these documents reproduced on poster board does not make them a 'necessary disbursement' under rule 54(d) of the Utah Rules of Civil Procedure." Beaver County v. Qwest, Inc., 2001 UT 81, ¶24, 31 P.3d 1147.

To the contrary, "'trial exhibits are expenses of litigation and not taxable as costs.'" Id. at ¶25 (quoting Coleman, 2000 UT 98 at ¶14) (additional citations omitted). Therefore, we conclude that the district court exceeded the permitted range of discretion in awarding costs for the two trial exhibits in the amount of \$194.88.

Accordingly, we vacate the award of costs for trial exhibits.

Judith M. Billings,
Presiding Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge