

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2006 CA 0145

THOMAS R. DENTON

VERSUS

PAMELA A. VIDRINE, AMERICAN DEPOSIT INSURANCE COMPANY,  
LA SHERIFFS' AUTOMOBILE RISK PROGRAM, AND STATE FARM  
MUTUAL AUTOMOBILE INSURANCE COMPANY

CONSOLIDATED WITH

NO. 2006 CA 0146

PAMELA VIDRINE

VERSUS

THOMAS R. DENTON, RANDALL ANDRE IN HIS CAPACITY  
AS SHERIFF FOR THE PARISH OF WEST BATON ROUGE -- WEST  
BATON ROUGE PARISH SHERIFF'S OFFICE, LOUISIANA SHERIFFS'  
AUTOMOBILE RISK PROGRAM AND XYZ INSURANCE COMPANY

**Judgment rendered December 28, 2006.**

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Appealed from the  
18th Judicial District Court  
in and for the Parish of West Baton Rouge, Louisiana  
Trial Court No. 27,225 c/w No. 27,167  
Honorable James J. Best, Judge

\* \* \* \* \*

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Handwritten signatures and initials on the left margin, including what appears to be 'T.R.D.' and 'P.V.'.

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ATTORNEYS FOR  
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STATE OF LOUISIANA THROUGH  
THE DEPARTMENT OF  
TRANSPORTATION AND  
DEVELOPMENT (DOTD)

ATTORNEYS FOR  
DEFENDANTS-APPELLEES  
STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY AND PAMELA A.  
VIDRINE

ATTORNEY FOR  
DEFENDANT-APPELLEE  
STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY

\* \* \* \* \*

**BEFORE: PETTIGREW, DOWNING, AND HUGHES, JJ.**

**PETTIGREW, J.**

These consolidated cases involve claims for damages resulting from personal injuries arising out of the same vehicular collision.<sup>1</sup> Following a lengthy trial, the jury returned a verdict in favor of the plaintiff, Thomas R. Denton, awarding damages totaling \$5,285,908.00 and casting the State of Louisiana, through the Department of Transportation and Development ("DOTD"), for 52 percent of said damages plus judicial interest and costs.

Thereafter, Mr. Denton filed a motion to tax costs, outlining the various costs associated with the trial of this matter. The court heard argument from the parties on January 11, 2005, and subsequently, on August 19, 2005, signed a judgment in accordance with its findings on the cost issue. The court assessed costs totaling \$26,448.20 and ordered each party to bear its own percentage as found by the jury at the trial of the matter below. It is from this judgment that DOTD has appealed, arguing that the trial court erred in not further reducing the costs assessed concerning two expert witnesses.

During oral arguments before this court on November 6, 2006, counsel for both Mr. Denton and DOTD advised the court they had come to an agreement with regard to reducing court costs associated with certain expert witnesses who participated in the trial of this matter. See **Gauthier v. Wilson**, 2004-2527 (La. App. 1 Cir. 11/4/05), 927 So.2d 383, writ denied, 2005-2402 (La. 3/31/06), 925 So.2d 1258. A "Joint Stipulation As To Costs" was filed into the record of this matter on December 4, 2006.

Thus, in accordance with the stipulation of the parties, the trial court's August 19, 2005 judgment is amended, as follows, and as amended, affirmed:

- (a) The deposition cost for Jim Clary's deposition in the amount of \$163.60 is not a taxable cost.
- (b) The deposition costs for James Richardson's depositions in the amount of \$308.90 and \$115.00 are not taxable costs.
- (c) Charges submitted by Jim Clary in the amounts of \$875.00 for a site inspection, \$350.00 for review of the Canfield and Savoie depositions and \$612.50 for review of the Hunter transcripts are not taxable costs.

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<sup>1</sup> See **Denton v. Vidrine**, 2006-0141, 2006-0142 (La. App. 1 Cir. 12/28/06), \_\_\_ So.2d \_\_\_, also decided this date, for a discussion of the facts of the case and DOTD's appeal from the judgment on the merits.

(d) Charges submitted by Cornelius Gorman in the amounts of \$990.00 for travel portal to portal and \$990.00 for life care plan conclusion are not taxable costs.

Appeal costs in the amount of \$3,325.00 are divided equally between Mr. Denton and DOTD.

**AFFIRMED AS AMENDED.**