

SUPERIOR COURT
OF THE
STATE OF DELAWARE

WILLIAM C. CARPENTER, JR.
JUDGE

NEW CASTLE COUNTY COURTHOUSE
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WILMINGTON, DE 19801-3733
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May 13, 2013

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Submitted: March 29, 2013

Decided: May 13, 2013

RE: Jeffrey and Greta Gricol v. Linda Sipple
C.A. No. N11C-09-186 EMD

Upon Plaintiffs' Motion for Costs, Fees and Interest - **GRANTED IN PART**

Dear Counsel:

The plaintiffs have filed a Motion for Costs, Fees and Interest in the above-captioned matter. As the prevailing party, plaintiff is entitled to court costs pursuant to Rule 54(d) of the Superior Court Civil Rules. The following is the Court's decision regarding the costs requested.

The Court first finds that the filing fee, service fee and costs associated with the filing of documents in LexisNexis are fair and appropriate and should be awarded. The plaintiffs' Motion reflects court and trial fees in the amount of \$344.00 and a LexisNexis billing of \$293.50.

Next the plaintiffs argue that they are entitled to deposition costs associated with the testimony of Dr. Baar. Dr. Baar's deposition was read into the record and thus is an allowable cost under Rule 54(h). However, the Court, at this time, is unable to determine the actual cost associated with the taking of this deposition. The documentation provided to the Court in the Motion is simply a fee schedule of the doctor and does not reflect an actual invoice or other evidence of billing for this service. The plaintiffs assert in their motion that the deposition cost was \$1900.00 and this amount is reflected in the fee schedule. However, while the Court finds this amount to be reasonable, without additional documentation evidencing actual billing or payment, it believes it would be inappropriate to order. As such, this amount will not be ordered at this time, but the Court will give the plaintiff until May 31, 2013 to provide the appropriate documentation. There is supporting documentation reflecting the court reporter costs for the deposition in the amount of \$595.23 and that amount will be ordered.

Finally, the plaintiffs are requesting prejudgment interest regarding this verdict. The Court finds that the provisions of Title 6, *Del. C.* § 2301 (d) have not been met and therefore interest is inappropriate.

As a result, the following costs will be awarded without prejudice to the plaintiff to submit additional documentation regarding Dr. Baar.

(A)	Court Costs and trial fee	\$344.00
(B)	LexisNexis filings	\$293.50
(C)	Deposition Transcript	<u>\$595.23</u>
		\$1232.73

The parties also agree that the amount of costs awarded should be reduced by the \$500 previously ordered by Judge Ableman on October 26, 2012. As such, the total costs awarded by this Order will be \$732.73.

IT IS SO ORDERED.

/s/ William C. Carpenter, Jr.

WCCjr:twp

cc: Civil Case Manager