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"I-40 Court Costs Assessed"

Item Type	Article
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Publisher	Commercial Appeal
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Download date	2026-06-06 13:37:24
Link to Item	http://hdl.handle.net/10267/29473

THE COMMERCIAL APPEAL, MEMPHIS,

I-40 Court Costs Assessed

United States Magistrate Aaron Brown Jr. recommended yesterday that the state and federal governments pay \$3,237.78 in court costs as a result of a Jan. 5 decision in the Overton Park expressway case.

The assessment, which must await approval by United States Dist. Judge Bailey Brown, would settle a post-trial monetary duel in which the plaintiffs are trying to assess the government for \$4-478.48, the amount the plaintiffs claim they paid in court costs during the 27-day trial.

Judge Brown assessed the court costs to the government after he remanded the case to

Secretary of Transportation John Volpe for a new decision on the routing of Interstate 40 in Memphis.

The government claimed, however, it should have to pay only \$445.20, arguing the plaintiffs are trying to collect \$4,033.28 for costs which were unnecessary and outside the ordinary realm of assessable costs.

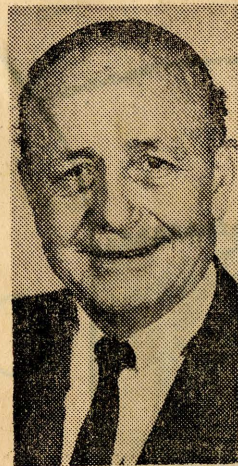
During an earlier hearing, United States Dist. Court Clerk W. Lloyd Johnson agreed with the government, assessing it for only \$445.20, which covered filing fees, witness fees, marshal's fees and court docket fees.

The remaining costs enumerated by the plaintiffs were \$1,132.20 for purchase of portions of the trial transcript, \$2,029.40 for travel and other expenses incurred in the taking of depositions and \$871.68 in copying fees.

Magistrate Brown ruled the plaintiffs must pay the \$1,132.20 for transcript purchases since it wasn't necessary for the plaintiffs to buy the transcripts.

But, he ruled the government must pay the majority of the deposition costs, including the deposition taken from Secretary Volpe. The only deposi-

tion excluded from the ruling is that of zoo director Robert Mattlin, which cost \$108.50.



Aaron Brown Jr.

April 20, 1972