

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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|-------------------------------|---|-----------------------|
| PHILIP A. GALGAY, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | Civil No. 98-0354-P-C |
| |) | |
| PENOBSCOT AIR SERVICES, LTD., |) | |
| |) | |
| Defendant |) | |

REPORT OF TELEPHONE CONFERENCE

A conference of counsel was held on March 2, 1999, at 10:00 a.m. by Eugene W. Beaulieu, United States Magistrate Judge, with the following persons participating:

Dort S. Bigg, Esq., and Douglas J. Wenners, Esq., for Plaintiff

Barbara T. Schneider, Esq., and Rita S. Saliba, Esq., for Defendant

The purpose of this conference was to informally resolve, if possible, a dispute that has arisen regarding the hourly deposition fee sought by Plaintiff's expert, Dr. Kleeman. Dr. Kleeman seeks a prepaid fee of \$1500 for the first hour of deposition and has indicated his fee will be \$375 for every fifteen minutes of deposition time thereafter. Plaintiff's counsel has indicated the fee is reasonable and customary in the

geographic location in which he is located for experts of Dr. Kleeman's qualifications.

Defendant has offered to pay \$600 per hour of deposition, which fee is based upon the fee charged by Defendant's expert. Defendant seeks relief from the \$1500 fee, and counsel represents to the Court that \$600 is a reasonable and customary fee in the geographic area in which it is located for experts of Dr. Kleeman's qualifications. Defendant further asserts that reduction of the fee is appropriate in this case in light of the fact that Dr. Kleeman's treatment of Plaintiff did not require him to exercise the level of expertise that serves as justification for the \$1500 fee.

In the absence of evidence, in the form of affidavits or otherwise, as to the reasonableness of the expert's fee for this testimony, Defendant's request for relief from the fee is DENIED. Defendant may seek reimbursement of any fees paid as appropriate following completion of this matter.

The Court did not address any question regarding the scope of Dr. Kleeman's expert witness disclosure or proposed testimony during this conference.

If there is any objection to this report of telephone conference or if it does not accurately reflect the substance of the conference, counsel shall, not later than March 9, 1999, communicate with the Clerk's office with respect to any material item omitted or incorrectly reported.

SO ORDERED.

Eugene W. Beaulieu
U.S. Magistrate Judge

Dated on March 3, 2000.