Filed 7/19/12 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2012 ND 150

Jan Reiser and Auto-Owners Insurance Company, Plaintiffs and Appellants

v.

Roger Thorpe d/b/a Roger's Staining, and Roger's Staining, Inc., Defendants and Appellees

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No. 20120137

Appeal from the District Court of Cass County, East Central Judicial District, the Honorable Lisa K. Fair McEvers, Judge.

AFFIRMED.

Per Curiam.

Bradley J. Ayers (argued), 5125 County Road 101, Suite 202, Minnetonka, MN 55345, and Corey J. Quinton (appeared), P.O. Box 657, Moorhead, MN 56561-0657, for plaintiffs and appellants.

Scott K. Porsborg, P.O. Box 460, Bismarck, N.D. 58502-0460, for defendants and appellees.

Reiser v. Thorpe

No. 20120137

Per Curiam.

[¶1] Jan Reiser and Auto-Owners Insurance Company (collectively "Reiser") appeal from a judgment awarding Roger Thorpe, doing business as Roger's Staining and Roger's Staining, Inc. (collectively "Thorpe"), $98,543.84 in costs and disbursements incurred in Thorpe's defense of Reiser's unsuccessful lawsuit. Reiser argues the district court erred in awarding Thorpe approximately $91,000 in expert witness fees and in approving other miscellaneous expenses because the fees and expenses were not reasonable. We conclude the court did not abuse its discretion and affirm the judgment under N.D.R.App.P. 35.1(a)(4).

[¶2] Daniel J. Crothers, Acting C.J.
Mary Muehlen Maring
Carol Ronning Kapsner
Dale V. Sandstrom
Everett Nels Olson, S.J.

[¶3] The Honorable Everett Nels Olson, S.J., sitting in place of VandeWalle, C.J., disqualified.