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STATE OF MICHIGAN

COURT OF APPEALS

GINA LARK,

Plaintiff-Appellant/Cross-Appellee,

v

RICO THOMAS MAURICIO and INLAND PIPE REHABILITATION, LLC,

Defendants-Appellees/Cross-Appellants.

UNPUBLISHED
November 20, 2026
10:15 AM

No. 372328
Wayne Circuit Court
LC No. 21-006772-NI

Before: GARRETT, P.J., and LETICA and TREBILCOCK, JJ.

PER CURIAM.

In this third-party action under the no-fault act, MCL 500.3101 *et seq*., plaintiff appeals by right the trial court's amended order awarding defendants $41,927.75 in taxable costs following a five-day jury trial. Defendants cross-appeal the same order. For the reasons set forth in this opinion, we affirm in part, vacate in part, and remand for proceedings consistent with this opinion.

I. BACKGROUND

This case arises from a motor-vehicle accident that occurred on January 15, 2019, in Detroit. Plaintiff, driving a Ford Explorer, was stopped at a stop sign at the intersection of John R Road and Harper Avenue when defendant Rico Thomas Mauricio, driving a Ford F-650 pickup truck, hit plaintiff's vehicle from behind. In her complaint, plaintiff alleged negligence against Mauricio and owner's liability, negligent entrustment, and respondeat superior against defendant Inland Pipe Rehabilitation, LLC.

Defendants admitted that Mauricio was negligent and the issues at the two jury trials held in this case were limited to causation and damages. The first jury trial resulted in a verdict of $1.6 million for plaintiff. After defendants moved for judgment notwithstanding the verdict (JNOV), a new trial, or remittitur, the trial court granted the motion for a new trial on the basis that the jury's verdict was against the great weight of the evidence. The second jury trial resulted in a verdict of no cause of action. A judgment of no cause of action was entered on March 18, 2024. Plaintiff

subsequently moved for a mistrial, JNOV, and a new trial, which the trial court denied on May 16, 2024.

At both trials, plaintiff presented evidence demonstrating that she sustained a traumatic brain injury and injuries to her neck and spine as a result of the accident. She underwent spinal surgery and was also diagnosed with post-traumatic stress disorder and depression. The defense theory at both trials was that the accident was minimal in nature, it did not cause plaintiff's claimed injuries, and plaintiff did not meet the tort threshold of establishing that she had suffered a serious impairment of a body function or a serious permanent disfigurement under MCL 500.3135(1).

Following the second trial, defendants moved for taxable costs related to expert-witness fees. The trial court held a hearing and granted the motion in part, awarding defendants taxable costs in the amount of $41,927.75. Both plaintiff and defendants now appeal.

II. DISCUSSION

Plaintiff argues that the trial court abused its discretion by allowing expert-witness fees as taxable costs. She generally argues that the court allowed taxable costs that were not authorized by statute and specifically challenges the expert-witness fees allowed for the work of defendants' expert, Brian Weaver, an engineer and biomedical consultant, and his team. On cross-appeal, defendants contend that this Court's jurisdiction in this appeal is limited in scope. We address each of these claims in turn.

A. STANDARDS OF REVIEW

This Court reviews for an abuse of discretion the trial court's decision on a motion to tax costs under MCR 2.625. *Int'l Outdoor, Inc v SS Mitx, LLC*, 349 Mich App 212, 245; 27 NW3d 365 (2023). We review de novo the application of relevant court rules and statutes. *Id*. Whether a particular expense is taxable as a cost is a question of law that this Court also reviews de novo. *Id*.

This case requires this Court to interpret provisions of the Revised Judicature Act (RJA), MCL 600.101 *et seq*. We review de novo questions of statutory interpretation. *Ford Motor Co v Treasury Dep't*, 496 Mich 382, 389; 852 NW2d 786 (2014). When interpreting statutes, this Court's overarching task is to discern and give effect to the intention of the Legislature. *Id*. In determining the Legislature's intent, this Court begins by examining the plain language of the statute. *Id*. Where the statutory language is unambiguous, we enforce the statute as written given that the Legislature must have intended the meaning it clearly expressed. *Id*.

To the extent that defendants argue on cross-appeal that this Court has limited jurisdiction, this issue is a question of law that we review de novo. *Chen v Wayne State Univ*, 284 Mich App 172, 191; 771 NW2d 820 (2009).

B. JURISDICTION

In their brief on appeal and cross-appeal, defendants present a lengthy argument addressing the scope of this Court's jurisdiction. However, defendants previously moved to limit the scope of plaintiff's appeal and to dismiss untimely claims for lack of jurisdiction. This Court declined

to dismiss plaintiff's appeal but limited its scope to the portion of the trial court's August 20, 2024 amended order that granted defendants' motion for taxable costs. *Lark v Mauricio*, unpublished order of the Court of Appeals, entered December 17, 2024 (Docket No. 372328). Therefore, we do not address defendants' repeated arguments that we lack jurisdiction over issues concerning the March 18, 2024 judgment of no cause of action and the May 16, 2024 order denying plaintiff's motion for mistrial, JNOV, and a new trial.

Plaintiff challenges defendants' cross-appeal on the basis that it is procedurally defective because defendants did not include a copy of the order on which they based their cross-appeal. We disagree. This Court's Internal Operating Procedure (IOP) 7.207-1 provides that a defect letter will be sent to the cross-appellant if the order appealed is not provided, "unless it is the same order appealed by the appellant[.]" We acknowledge that this Court's IOPs are not binding and are merely observatory guidelines. See, e.g., *Anglers of AuSable, Inc v Dep't of Environmental Quality*, 489 Mich 884, 887 n 5 (2011) (ZAHRA, J., concurring). However, having reviewed defendants' claim of cross-appeal in the factual and procedural context of this case, it is abundantly clear that defendants cross-appeal the same August 20, 2024 order that plaintiff appeals. Accordingly, we are not persuaded that the cross-appeal is defective.

C. TAXABLE COSTS

"The power to tax costs is purely statutory and the prevailing party cannot recover such expenses absent statutory authority." *Guerrero v Smith*, 280 Mich App 647, 670; 761 NW2d 723 (2008). In a civil case there is a "starting presumption" that taxable costs are allowable as a matter of course. *Id*. at 671.

> "[C]osts shall be allowed as a matter of course to the prevailing party. This does not mean, of course, that every expense incurred by the prevailing party in connection with the proceeding may be recovered against the opposing party. The term 'costs' as used [in] MCR 2.625(A) takes its content from the statutory provisions defining what items are taxable as costs." [*Id*., quoting *Beach v State Farm Mut Auto Ins Co*, 216 Mich App 612, 622; 550 NW2d 580 (1996), quoting 3 Martin, Dean & Webster, Michigan Court Rules Practice (3d ed.), pp 720-721 (alterations in original; emphasis omitted).]

Items and prescribed fees that are generally recoverable as taxable costs and fees are addressed in the RJA. *Lavene v Winnebago Indus*, 266 Mich App 470, 475; 702 NW2d 652 (2005).

1. COSTS INCURRED FOR WEAVER AND HIS TEAM'S TRAVEL TIME, MILEAGE, AND PARKING

Plaintiff contends that defendants cannot recover as taxable costs travel time, mileage expenses, and parking fees. We agree in part and disagree in part.

In Invoice 2744, Explico, Weaver's firm, charged three separate fees of $33.04, $80, and $560 for Weaver's staff to travel to the inspection of Mauricio's Ford F-650 pickup truck. In Invoice 6913, Explico charged $2,250 for six hours of Weaver's time traveling to and from court, as well as his time testifying. In Invoice 2744, Explico charged $31.86 on March 14, 2022, for

mileage expenses. In Invoice 4233, Explico charged $2,625 for Weaver's time traveling to and from court to attend a *Daubert*[1] hearing, as well as his time testifying. In Invoice 6913, Explico charged $67 for Weaver's mileage to and from trial. Defendants also sought to recover as a taxable cost $26.25 for Weaver's parking while testifying during the second trial.

In *Van Elslander v Thomas Sebold & Assoc*, 297 Mich App 204, 218; 823 NW2d 843 (2012), this Court acknowledged that traveling expenses of expert witnesses may be taxed as costs in compliance with MCL 600.2405(1), MCL 600.2552(1), and MCL 600.2552(5). See also *Guerrero*, 280 Mich App at 673. MCL 600.2405 provides authority for the fees of witnesses to be taxed as costs. This statute provides, in pertinent part:

> The following items may be taxed and awarded as costs unless otherwise directed:
>
> (1) *Any of the fees of* officers, *witnesses*, or other persons mentioned in this chapter or chapter 25[, MCL 600.2500 *et seq*.,] unless a contrary intention is stated. [MCL 600.2405(1) (emphasis added).]

Likewise, MCL 600.2552 provides, in pertinent part:

> (1) Except as provided in sections 7 and 13 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.7 and 775.13, *a witness shall be reimbursed as provided in subsection (5) for his or her traveling expenses in coming to the place of attendance and returning from the place of attendance, to be estimated from the residence of the witness, if his or her residence is within this state, or from the boundary line of this state that the witness passed in coming into this state, if his or her residence is out of this state.*
>
> * * *
>
> (5) Beginning on the effective date of the amendatory act that added this subsection, the per-mile rate of reimbursement of traveling expenses for witnesses shall be the same as the per-mile rate of reimbursement of traveling expenses established by directives of the department of management and budget for state officers and unclassified employees of state agencies while engaged in the performance of state business, pursuant to section 217 of the management and budget act, 1984 PA 431, MCL 18.1217. [Emphasis added.]

With regard to Weaver's travel time, MCL 600.2552(1) states that "a witness shall be *reimbursed as provided in subsection (5)* for his or her traveling expenses in coming to the place of attendance and returning from the place of attendance . . . ." (Emphasis added.) In *Int'l Outdoor*, 349 Mich App at 248, this Court recognized that a witness may be compensated for their travel expenses " 'in coming to the place of attendance and returning from the place of attendance' " for trial, but "only as provided under MCL 600.2552(5)." As this Court recognized

[1] *Daubert v Merrell Dow Pharm, Inc*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993).

in *Int'l Outdoor*, *id.*, quoting MCL 600.2552(1), mileage is to be " 'estimated from the residence of the witness, if his or her residence is within this state, or from the boundary line of this state that the witness passed in coming into this state, if his or her residence is out of this state.' "

Notably, MCL 600.2552(1) does not provide authority for the time spent by an expert witness traveling to and from the place of attendance for trial. Accordingly, to the extent that the trial court permitted defendants to recover fees for Weaver's time traveling to and from court, its decision was not supported by Michigan law and therefore amounts to an abuse of discretion. *Pirgu v United Servs Auto Ass'n*, 499 Mich 269, 274; 884 NW2d 257 (2016) ("A trial court necessarily abuses its discretion when it makes an error of law."). Similarly, the time incurred by Weaver's staff to travel to and from the place of inspection of Mauricio's Ford F-650 did not involve a witness traveling to a place of attendance and also is not allowable under MCL 600.2552(1). However, this Court has held that an expert witness may be compensated for their time in court. *Van Elslander*, 297 Mich App at 218. Therefore, the portion of the $2,250 charge in Invoice 6913 for Weaver's time spent in court testifying is allowable as a taxable cost. Likewise, the time that Weaver spent in court testifying during the *Daubert* hearing as set forth in Invoice 4233 is also allowable as a taxable cost.

Defendants draw this Court's attention to *Guerrero*, 280 Mich App at 673, in support of their argument that fees for Weaver's travel time are allowable as a taxable cost. However, in *Guerrero*, *id*., this Court cited MCL 600.2405(1) and MCL 600.2552(1) and (5) in support of its assertion that the "traveling expenses of witnesses may be taxed as costs." As we have concluded, MCL 600.2552(1) does not provide authority for recovering an expert witness's travel time. We also conclude that fees for an expert's travel time are not permitted under MCL 600.2405(1) given that the statute states, "The following items may be taxed and awarded as costs unless otherwise directed: (1) Any of the fees of officers, witnesses, or other persons mentioned in this chapter or in chapter 25, *unless a contrary intention is stated*." (Emphasis added.) Given that fees for Weaver's travel time are not permitted by the plain language of MCL 600.2552(1), they are not permissible under MCL 600.2405(1) because the Legislature has clearly stated a contrary intention.

In contrast, Weaver's mileage fee of $67 to travel to and from court in Invoice 6913 was a "traveling expense[]" allowable under MCL 600.2552(1) and (5). However, to the extent that defendants claimed that the mileage fee of $31.86 in Invoice 2744 was allowable as a taxable cost, we note that this mileage charge arose from Weaver's team traveling to inspect Mauricio's Ford F-650 pickup truck. MCL 600.2552(1) states that witnesses who "attend[] any action or proceeding pending in a court of record" are permitted to recover witness fees. MCL 600.2552(1) further provides that "a witness shall be reimbursed as provided in subsection (5) for his or her traveling expenses in coming to the place of attendance and returning from the place of attendance . . . ." Because this traveling expense was not related to Weaver traveling to and from court to testify as an expert witness, MCL 600.2552(1), the mileage fee of $31.86 was not allowable as a taxable cost.

With regard to Weaver's fee of $26.50 for parking while testifying in court, as itemized in Invoice 6913, this expense is not an allowable taxable cost under either MCL 600.2405(1) or MCL 600.2552(1). While MCL 600.2405(1) *does* allow for the taxation of costs of "[a]ny of the fees of . . . witnesses," such fees are allowed only if a contrary intention is not stated. MCL

600.2552(1) clearly states such a contrary intention by limiting a witness's "traveling expenses" as provided in Subsection (5), which addresses the applicable mileage rates. Therefore, a review of the statute's plain language confirms that parking fees were not contemplated as allowable traveling expenses.

2. SCANNER AND DIGITAL MODELING FEES AND WORK PERFORMED BY WEAVER'S TEAM

Plaintiff also challenges the trial court's decision to allow defendants to recover as taxable costs fees for work that Weaver and his staff performed related to the creation of a digital version of plaintiff's vehicle, the inspection of Mauricio's Ford F-650 pickup truck, and the preparation of Weaver's report.

A review of Invoice 2744 reflects that defendants sought to recover as taxable costs multiple fees relating to Weaver's and his staff's work on the creation of digital versions of plaintiff's vehicle and Mauricio's Ford F-650 pickup truck. On March 14, 2022, Explico entered an itemized charge of $500 for a "[s]canner [f]ee." On March 14, 2022, Explico entered an itemized charge of $320 for the work of Vanni Roa in performing an inspection of Mauricio's Ford F-650 pickup truck. On March 14, 2022, Explico entered an itemized charge of $560 for the travel time and services of Adriano Vozza for measuring, inspecting, and scanning Mauricio's Ford F-650 pickup truck. On March 15, 2022, Explico entered an itemized charge of $200 for Vozza's work in processing fieldwork and registering the scans of the Ford F-650. On March 16, 2022, Explico entered an itemized charge of $280 for the services of Vozza in processing the scans. On March 16, 2022, Explico entered an itemized charge of $75 for "3D CAD Model." On March 17, 2022, Explico entered an itemized charge of $95 for "CAD Model." On March 17, 2022, Explico was charged an itemized fee of $95 for a "3d model" of Mauricio's Ford F-650 pickup truck. On March 24, 2022, Explico entered an itemized charge of $281.25 for the services of Joseph Neal in performing "[p]hotogrammetry, [and] crush measurements."[2] On March 25, 2022, Explico entered an itemized charge of $1,113.75 for the work of Dominic Demma to "Build Occupant Dynamics Simulation." On May 5, 2022, Explico entered an itemized charge of $187.50 for the work of Stephanie Rossman in assisting with a "collision-severity analysis."

MCL 600.2164 provides, in pertinent part:

> (1) No expert witness shall be paid, or receive as compensation in any given case for his services as such, a sum in excess of the ordinary witness fees provided by law, unless the court before whom such witness is to appear, or has appeared, awards a larger sum, which sum may be taxed as a part of the taxable costs in the case.

[2] Photogrammetry is "the science of making reliable measurements by the use of photographs and especially aerial photographs (as in surveying)." *Merriam-Webster.com Dictionary*, photogrammetry <https://www.merriam-webster.com/dictionary/photogrammetry> (accessed November 10, 2026).

Similarly, MCL 600.2421b provides, in pertinent part:

> (1) "Costs and fees" means the normal costs incurred in being a party in a civil action after an action has been filed with the court, those provided by law or court rule, and include all of the following:
>
> (a) The reasonable and necessary expenses of expert witnesses as determined by the court.
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> (b) *The reasonable cost of any study, analysis, engineering report, test, or project which is determined by the court to have been necessary for the preparation of a party's case*. [Emphasis added.]

The trial court did not abuse its discretion by ordering plaintiff to pay taxable costs arising from the creation of a digital version of plaintiff's vehicle and the inspection of Mauricio's vehicle. The trial court properly determined that the scanning fees, as well fees for the time required to take, register, and process the scans, were all "reasonable cost[s]" related to a "study, analysis, engineering report, test, or project" that was necessary for the preparation of defendants' case. MCL 600.2421b(1)(b). Moreover, the trial court did not err by concluding that the costs of performing the photogrammetry, a simulation, and accident-reconstruction analysis were reasonable costs of a "study, analysis, engineering report, test, or project" which were necessary to allow defendants to present their case. MCL 600.2421b(1). However, any fees attributed to Vozza's travel time are not allowable taxable costs. MCL 600.2405(1); MCL 600.2552(1).

Further, the fact that some of the challenged fees were incurred by Weaver's staff does not mean that such fees should be excluded under MCL 600.2421b(1)(b). Notably, the language of the statute does not limit the recovery of reasonable costs for a study, analysis, engineering report, test, or project to costs for work performed only by the expert. The statute also leaves it to the trial court to determine which reasonable costs were necessary for the preparation of a party's case. MCL 600.2421b(1)(b).

This Court's decision in *Van Elslander*, 297 Mich App at 220, supports our determination. In that case, the plaintiff contended that the fees for the work performed by an expert witness's assistants were not allowable as taxable costs. *Id*. This Court recognized that under Michigan law experts are properly compensated for their court time and the time required to prepare for their testimony. In addition, this Court stated, "*If the preparation undertaken by an expert witness to testify requires the work of assistants, the labors of those assistants will be taxable if the aid provided is directed to preparing the expert witness to express an opinion*." *Id*. at 220 (emphasis added). Accordingly, in addition to the plain language of MCL 600.2421b(1)(b), under *Van Elslander* it was not an abuse of discretion for the trial court to award as taxable costs fees incurred by Weaver's staff for necessary work to enable Weaver to testify at trial.[3]

[3] We acknowledge that in *Joerger v Gordon Food Serv, Inc*, 224 Mich App 167, 181; 568 NW2d 365 (1997), this Court reviewed the language of MCL 600.2405 and concluded that the statute did

Plaintiff relies on this Court's decision in *Portelli v IR Constr Prod Co, Inc*, 218 Mich App 591, 605; 554 NW2d 591 (1996), in support of her argument that items such as technology charges, scanner fees, and digital modeling fees are ordinary business expenses of litigation that are not allowable as taxable costs. In *Portelli*, the plaintiff argued that costs incurred for deposition transcripts were not taxable under MCL 600.2549 because they were not filed in any clerk's office as required by the language of the statute. *Id*. at 606. This Court "[r]eluctantly" agreed with the plaintiff's argument after reviewing the plain language of the statute. *Id*. at 606-607. Plaintiff's reliance on *Portelli* is misplaced because that case does not support her argument that fees for travel time, mileage, parking, technology charges, scanner fees, and digital modeling fees are not properly included in expert-witness fees and allowable as taxable costs.

Plaintiff also points to *Peterson v Fertel*, 283 Mich App 232; 770 NW2d 47 (2009), as standing for the principle that prevailing parties may only recover "expert witness fees for actual testimony, not preparation time." In *Peterson*, this Court was called on to decide whether the trial court should have awarded expert-witness fees as case-evaluation sanctions when the experts did not testify in a deposition or at trial. *Id*. at 240. Our reading of *Peterson* is not in keeping with plaintiff's interpretation of that case. Instead, in *Peterson* this Court reviewed the plain language of MCL 600.2164(1) and concluded that the statute did not require an expert to provide testimony to recover expert-witness fees. *Id*. at 240-241. This Court stated, "Indeed, it is well settled that, regardless of whether the expert testifies, the prevailing party may recover fees for trial preparation." *Id*. at 241; see also *Guerrero*, 280 Mich App at 675 (recognizing that the trial court has discretion under MCL 600.2164 to include fees for an expert's preparation time as taxable costs). Plaintiff's assertion that the text of MCL 600.2421b does not allow expert witness fees beyond the actual testimony of an expert is also not factually accurate. MCL 600.2421b(1)(b) clearly allows "[t]he reasonable cost of any study, analysis, engineering report, test, or project which is determined by the court to have been necessary for the preparation of a party's case."

3. CLERICAL AND ADMINISTRATIVE TASKS

Finally, plaintiff contends that clerical and administrative tasks may not be included as taxable costs for expert-witness fees. Plaintiff's assertion does not accurately reflect the trial court's ruling. A review of the trial court's bench ruling demonstrates that the court specifically ordered, consistent with MCL 600.2421b(1)(b), that only fees for work related to a "study, analysis, engineering report, test, or project which is determined by the court to have been necessary for the preparation of a party's case" were allowable as taxable costs. Stated another way, it is clear to us from the court's bench ruling that the court was aware of the plain language of MCL 600.2421(b)(1) and that it intended to exclude from taxable costs any fees that did not meet the requirements of that subsection. The trial court's bench ruling also reflects that the court considered the reasonableness of the charges for work performed by Weaver's staff in determining whether the fees were allowable as taxable costs. See, e.g., *Guerrero*, 280 Mich App at 676-677

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not authorize an award of costs for expenses generated by paralegals. See also *Allard v State Farm Ins Co*, 271 Mich App 394, 404; 722 NW2d 268 (2006) (acknowledging that "[p]aralegal fees are not enumerated in the list of taxable costs in [MCL 600.2405]"). However, we find that MCL 600.2421b(1)(b) allows the fees incurred by Weaver's team as taxable costs.

(concluding that the award fell within trial court's discretion when it "carefully considered" the amount of expert witness fees). Accordingly, to the extent that defendants' bill of costs initially included fees for administrative tasks, the trial court's ruling reflects that such fees were not allowable as taxable costs.

Plaintiff also asserts that the trial court did not make a determination of reasonableness under MCL 600.2164(1) before awarding fees as taxable costs. As we have noted, the trial court did consider the reasonableness of the fees charged in determining allowable taxable costs. Moreover, in the trial court, plaintiff did not challenge the *reasonableness* of the fees incurred by defendant's experts. If a litigant fails to raise an issue in the trial court, this Court is not obligated to consider the issue. *Tolas Oil & Gas Exploration Co v Bach Servs & Mfg, LLC*, 347 Mich App 280, 289; 14 NW3d 472 (2023).

4. REMAND TO THE TRIAL COURT

Our review of the issues related to fees charged for the work of Weaver and his team is hindered by the fact that, after the trial court ruled from the bench, defendants did not submit to the court a revised bill of costs that stated clearly which fees had been omitted and which had been included. Instead, the trial court's August 20, 2024 amended order simply reflected a reduced charge for Weaver's work in Invoice 2744 of $15,116.76. The original bill of costs that defendants submitted for Invoice 2744 sought taxable costs in the amount of $21,565.41. Similarly, regarding the fees itemized by Explico in Invoice 4233, defendants originally sought taxable costs in the amount of $8,846.26, but the amended order reflects a fee of $5,430.

We also note that there are *several* charges included in Invoice 2744 that indicate, "Material review," "Research and Analysis," "QA Analysis," "Analysis [and] Reporting," and "Assistance with report," but it is unclear from the invoice whether this work was related to the creation and study of the digital version of plaintiff's vehicle and Mauricio's F-650 pickup truck and the preparation of Weaver's report. It is also unclear from the record whether these fees were included in the taxable costs of $15,116.76 ultimately awarded to defendants. Likewise, it is unclear which fees were included from Invoice 4233. As a general matter, we are uncertain which fees were included in defendant's revised bill of costs. Therefore, we affirm in part and vacate in part the trial court's August 20, 2024 amended order regarding postjudgment taxable costs. The portion of the court's order allowing taxable costs that complies with this Court's determination of allowable costs is affirmed. In contrast, the portion of the court's order allowing taxable costs that does not comply with this Court's determination is vacated and this case is remanded to the trial court for further proceedings. On remand the trial court shall require defendants to submit revised itemized invoices to confirm which specific fees *were* included in their revised bill of costs and whether the fees included were in fact allowable taxable costs under MCL 600.2421b(1)(b) as set forth in this opinion.

III. CONCLUSION

We affirm in part and vacate in part the trial court's August 20, 2024 amended order

allowing defendants' taxable costs and remand for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Kristina Robinson Garrett
/s/ Anica Letica
/s/ Christopher M. Trebilcock