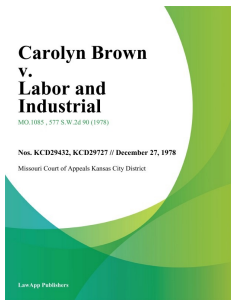


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CAROLYN BROWN V LABOR AND INDUSTRIAL EBOOKS 2019



Author: Missouri Court of Appeals Kansas City District

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The Missouri Division of Transportation ("DOT") appeals the trial courts award of attorneys fees and costs in favor of Sure-Way Transportation, Inc. ("Sure-Way") granted under authority of section 536.087, RSMo 1994. The statute requires an award of reasonable attorneys fees and expenses incurred by the non-governmental party in either a civil action or agency proceeding, unless the court or agency finds that the states position was "substantially justified or that special circumstances make the award unjust." Â§ 536.087.1. DOT claims the trial court erroneously concluded that it was not substantially justified in prosecuting Sure-Way for alleged violation of section 387.100 by charging the University of Missouri reduced carrier rates.

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