

2004 WL 5030722 (Cal.Superior) (Trial Order)
Superior Court of California.
Alameda County

CALIFORNIANS FOR DISABILITY RIGHTS, Plaintiff,
v.
MERVYN'S CALIFORNIA, INC., Defendant.

No. 2002-051738.
May 6, 2004.

Order Granting, in Part, Plaintiff's Motion to Tax Costs

Henry E. Needham Judge of the Superior Court.

The Motion of Plaintiff Californians For Disability Rights ("Plaintiff") to Tax Costs came on regularly for hearing on April 9, 2004 in Department 30 of the above-entitled court, the Honorable Henry E. Needham presiding. Sid Wolinsky and Monica Goracke appeared on behalf of Plaintiff. Gloria Lee appeared on behalf of Defendant Mervyn's California, Inc. ("Defendant").

The Court has considered all of the papers filed in connection with the Motion and the arguments of counsel, and, good cause appearing, HEREBY RULES AS FOLLOWS:

The Motion to tax the travel costs associated with the depositions is DENIED.

The Motion to tax the costs for expedited deposition transcripts is GRANTED as to John Longberg and Edward Delgado, and DENIED as to Michael Levy and Barry Atwood. (This results in \$315.83 being taxed.)

The Motion to tax the costs of the Pollard depositions is GRANTED. (This results in \$6,277.13 being taxed.)

The Motion to tax the photocopy costs of the parties' deposition designations is GRANTED. (This results in \$2,969.08 being taxed.)

The Motion to tax travel expenses for attorneys during trial is GRANTED, to the extent that half of the costs for David McDowell for lodging are taxed. (This results in \$2,256.26 being taxed.)

The Motion to tax the Fulcrum Graphics costs is GRANTED, to the extent that the Court allows Defendant to recover \$7,135.21 of its expenses, with the remainder being taxed. The Court is allowing expenses for VHS Dubs, color prints, binders, CD-ROMs, film rolls and processing, court boards, and related materials from which Defendant prepared trial exhibits. The Court is not allowing Defendant to recover for the time spent by Fulcrum Graphics staff to prepare the exhibits or videos or to appear in court, or for equipment rental, meals, mileage and delivery fees charged by Fulcrum Graphics. (This results in \$78,218.53 being taxed.)

The total amount taxed from Defendant's Memorandum of Costs, filed on February 4, 2004, is \$90,036.83. The total amount of costs allowed is \$45,674.50.

May 6, 2004

<<signature>>

Date

Henry E. Needham

Judge of the Superior Court

PROOF OF SERVICE

I certify that I am not a party to this cause and that a true copy of this Notice was sent to the following parties by first class, postage pre-paid in a sealed envelope, addressed as follows. Executed, deposited and mailed in Oakland, California, on May 6, 2004

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