

1 DAVID N. MAKOUS, SB# 082409
 E-Mail: makous@lbbslaw.com
 2 DANIEL C. DECARLO, SB# 160307
 E-Mail: decarlo@lbbslaw.com
 3 MINA I. HAMILTON, SB# 213917
 E-Mail: hamilt@lbbslaw.com
 4 LEWIS BRISBOIS BISGAARD & SMITH LLP
 221 North Figueroa Street, Suite 1200
 5 Los Angeles, California 90012
 Telephone: 213.250.1800
 6 Facsimile: 213.250.7900

7 Attorneys for Plaintiffs
 TRAFFICSCHOOL.COM and DRIVERS
 8 ED DIRECT, LLC, California companies

9
 10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 TRAFFICSCHOOL.COM, INC., a
 13 California corporation; DRIVERS ED
 14 DIRECT, LLC, a California limited
 liability company,

15 Plaintiffs,

16 v.

17 EDRIVER, INC., ONLINE GURU, INC.,
 18 FIND MY SPECIALIST, INC., and
 SERIOUSNET, INC., California
 19 corporations; RAVI K. LAHOTI, RAJ
 LAHOTI, individuals,

20 Defendants.

CASE NO. CV 06-7561 PA (CWx)

The Hon. Percy Andersen

**REPLY TO DEFENDANTS'
 OBJECTION TO PLAINTIFFS'
 BILL OF COSTS**

Date: September 25, 2008

Time: 10:00 a.m.

Location: Room 917/Telephonic

LEWIS BRISBOIS BISGAARD & SMITH LLP
 221 NORTH FIGUEROA STREET, SUITE 1200
 LOS ANGELES, CALIFORNIA 90012-2601
 TELEPHONE (213) 250-1800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiffs hereby reply, in part¹, to Defendants' objections to Plaintiffs' Bill of
2 Costs as follows:

3 **Trial Transcripts: Daily Trial Transcripts Required for Bench Trial**

4 The parties in this case stipulated to a *bench trial* before the Honorable Percy
5 Anderson. Daily transcripts were therefore required to address issues to the Court
6 related to the prior day's proceedings, and the Court expected counsel to obtain
7 them. To illustrate, on the last day of trial (November 8, 2007), the Court and
8 counsel had the following exchange:

9 -----
10 THE COURT: Do you have the citation in the record as to where that
11 testimony is?

12 MS. HAMILTON: Not right now, your Honor, I can – I believe –

13 THE COURT: Well, if you're asking to offer this in your rebuttal case,
14 it would seem to me that you would have been able to point to
15 something – you've been able to point to the record. **I think you're**
16 **probably getting *daily transcripts* to tell me that "Here's"—"Here's**
17 **the statement. Here's where he made it, and this is why it's**
18 **rebuttal."**

19 MS. HAMILTON: If I could have five minutes, your Honor, I'd be able
20 to do that.

21 (Emphasis added)

22 See, Exhibit A (page 17 of transcript).

23 -----
24
25 _____
26 ¹ Plaintiffs do not dispute the reduction of \$1,845.48 for expedite fees for deposition
27 transcripts, and Plaintiffs reserve their right to seek a court order for their survey and related
28 expert costs that were reasonably necessary to assist the Court in understanding the issues for trial,
as contemplated by Local Rule 54-4.13.

LEWIS BRISBOIS BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CALIFORNIA 90012-2601
TELEPHONE (213) 250-1800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In fact, counsel was able to point to the record because daily transcripts had been obtained, and the Court ruled on that issue.

Moreover, the Court ordered counsel to file their post-trial briefings beginning only about one week later on November 15 and to file detailed pots-trial findings and conclusions by November 26th (See, Exhibit A, pages 4-5). Therefore, it was imperative that counsel obtain the daily transcripts to prepare those post-trial documents. Accordingly, daily transcripts were indispensable in this stipulated bench trial, and no reduction should be applied to this cost item.

Respectfully submitted

DATED: September 22, 2008 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

By: /s/ Mina Hamilton

David N. Makous
Daniel C. Decarlo
Mina I. Hamilton
Attorneys for Plaintiffs TRAFFICSCHOOL.COM
and DRIVERS ED DIRECT, LLC