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12 Attorneys for Defendant,
 CORNELL UNIVERSITY
 13 UNITED STATES DISTRICT COURT
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 KEVIN VANGINDEREN,)	Case No. 07-CV-2045-BTM (JMA)
)	
16 Plaintiff,)	DECLARATION OF CLIFFORD S.
)	DAVIDSON IN SUPPORT OF
17 v.)	DEFENDANT CORNELL
)	UNIVERSITY'S APPLICATION TO
18 CORNELL UNIVERSITY)	THE CLERK TO TAX COSTS
)	
19 Defendants.)	Hon. Barry T. Moskowitz
)	
20)	[Notice of Application and Bill of Costs
)	filed concurrently]
21)	
)	Date: July 8, 2008
22)	Time: 10 a.m.
)	Place: Room 4290
23)	(619) 557-6415
)	

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1 **DECLARATION OF CLIFFORD S. DAVIDSON**

2 I, Clifford S. Davidson, declare:

3 1. I am an attorney associated with the law firm Proskauer Rose LLP (“Proskauer”),
4 attorneys for defendant Cornell University (“Cornell”) in the above-captioned action. I submit this
5 Declaration in support of defendant Cornell University’s Application to the Clerk to Tax Costs. I
6 make this declaration of my own personal knowledge except where otherwise stated, and if called
7 as a witness, I could and would testify competently as set forth below.

8 2. Attached collectively to the Bill of Costs are an itemization of costs in each
9 category listed on the Bill of Costs and invoices supporting the amounts set forth in the
10 concurrently-filed Bill of Costs. The invoices are kept in the ordinary course of business by the
11 Proskauer Accounting Department, which provided those invoices to me. Because the invoices
12 reflect charges incurred in other Proskauer matters, I redacted the invoices to reflect only amounts
13 incurred by Cornell in the above-captioned action. I further redacted the invoices to eliminate
14 charges for which costs are not recoverable. I updated the totals on the invoices accordingly.

15 3. It is Proskauer’s occasional practice to request the messenger services it uses to
16 advance filing fees. Proskauer later reimburses the messenger service for those fees and passes
17 that cost on to the appropriate client. For this reason, the October 29, 2007 entry on the invoice
18 from U.S. Legal Management Services, Inc. reflects the \$350 filing fee Cornell incurred upon
19 removal of the above-captioned action to this Court from the San Diego Superior Court.

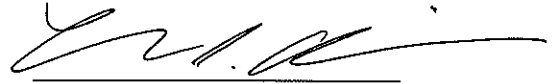
20 4. The attachments to the Bill of Costs include Federal Express (“FedEx”) invoices
21 reflecting (a) service upon Plaintiff of Cornell’s filings, necessary pursuant to Local Rule because
22 Plaintiff is proceeding *pro se*; and (b) expenses associated with providing to the Court courtesy
23 copies of Cornell’s filings. The Proskauer Accounting Department informs me that the FedEx
24 master invoices attached to the Bill of Costs constitute the official backup documentation
25 maintained by Proskauer. The original invoices are submitted to FedEx, which then issues master
26 invoices in the form attached to the Bill of Costs. I redacted the FedEx master invoices and
27 omitted extraneous pages such that the attached FedEx master invoices reflect only the costs
28

1 Cornell incurred in the above-captioned matter. I further redacted the invoices to eliminate
2 charges for which costs are not recoverable.

3 5. The costs claimed in the Bill of Costs – fees of the Clerk, expenses related to
4 service of process and courtesy copies, and messenger services – are allowable by law, the Federal
5 Rules of Civil Procedure or the Local Rules. The costs claimed are correctly stated and were
6 necessarily incurred in the course of defending Cornell in this litigation.

7
8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

10 Executed this 18th day of June, 2008, at Los Angeles, California.

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13 Clifford S. Davidson
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