

EXHIBIT G

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ERICH SPECHT, et al.,)	
)	Civil Action No. 09-cv-2572
Plaintiffs,)	
v.)	Judge Leinenweber
)	
GOOGLE INC.)	Magistrate Judge Cole
)	
Defendant.)	

DECLARATION OF CAMERON M. NELSON

1. My name is Cameron M. Nelson. I am an attorney with Greenberg Traurig, LLP and counsel to Google Inc. in the above-captioned case.

2. I have prepared Google's bill of costs, and in doing so I reviewed Greenberg Traurig, LLP's invoices to Google, supporting documentation for those invoices, as well as invoices of third parties which billed Google directly for services related to this litigation.

3. In this litigation, the parties produced significant portions of their discovery documents electronically. Plaintiffs produced documents in both paper and electronic format, with the vast majority of documents produced being in electronic format. Plaintiffs' document production was scanned (if provided in paper format), and loaded into a Summation database. In some instances that document production was also processed for OCR (Optical Character Recognition). Plaintiffs produced a total of 206,846 pages of documents.

4. Greenberg Traurig also loaded Google's document production into the same Summation database, which allowed Greenberg Traurig to produce those documents to Plaintiffs in an electronic format, foregoing the need for paper copies. Google produced a total of 77,853 pages of documents pursuant to Plaintiffs' document requests.

5. Exhibit A to Google's Bill of Costs comprises true and correct copies of portions of Greenberg Traurig, LLP's bills to Google. Exhibit A contains only those portions of each bill referring to costs (as opposed to attorney's fees). Google has paid each of Greenberg Traurig, LLP's bills, with the exception of the most recent bill, which has not yet come due.

6. Exhibit B to Google's Bill of Costs comprises true and correct copies of invoices from various process servers relating to the service of subpoenas. The invoices total \$1,070.00.

7. Exhibit C to Google's Bill of Costs comprises true and correct copies of invoices for transcripts obtained for this case. These invoices include transcripts for court hearings as well as depositions. A spreadsheet showing the amounts for which Google seeks reimbursement is included with Exhibit C.

8. I understand that the maximum rates which may be taxed as costs are set by Local Rule, and that "attendance fees" are only taxable as costs if they do not exceed the amount that would be charged at the maximum per-page rate set by the local rules. Accordingly, for those deposition transcripts which included attendance fees, I first summed up the total "actual" cost including the attendance fee, and then summed up the "maximum" cost according to the Local Rule rates, and selected the lower of the two sums in the "costs sought" column of the spreadsheet of Exhibit C. As illustrated in Exhibit C, Google seeks \$12,924.45 in costs for transcripts necessarily used in the case.

9. Some of the invoices of Exhibit C include charges for videotaping depositions. Google videotaped the deposition of Kenneth Robblee because Mr. Robblee was significantly ill at the time of his deposition and his ability to testify at a future hearing was in serious doubt. Google therefore contends that videotaping charges for Mr. Robblee's deposition, in the amount of \$1,483.25, were necessarily obtained for use in this case. After Mr. Robblee's deposition,

Google did not intend to videotape any further depositions, and did proceed with the next deposition, which was the deposition of Martin Murphy, without video. During that deposition, Plaintiffs' counsel behaved in a manner that ultimately led to Plaintiffs' counsel being personally sanctioned. Based on that behavior, Google proceeded to videotape the remaining depositions towards reducing the likelihood that counsel may again engage in the similar type of disruptive behavior that prevented obtaining permitted factual information during the deposition. Google therefore contends that the videotaping charges for the remainder of the case were necessarily obtained for use in the case. These additional charges total \$6,472.00.

10. Throughout the case Google, through its counsel, ordered transcripts at varying delivery rates, including Hourly, "daily," expedited, and ordinary delivery rates. Transcripts were only ordered at accelerated rates where necessary, such as when the transcript was needed to prepare for an upcoming court hearing, or to submit with a motion.

11. Two of the transcripts ordered in this case are transcriptions of recorded voice mails; one voice mail from Mr. Robblee to Mr. Specht, and one voice mail from Mr. Robblee to Google. These transcripts were not billed at "per-page" rates as they are not traditional deposition testimony, but instead were billed at \$45 and \$75, respectively. Google contends that it considered the fees for these transcripts to be reasonable and in fact paid those fees.

12. Google seeks a total of \$20,879.70 in costs for fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case. This amount includes \$12,924.45 for transcripts, \$1,483.25 for the accompanying video associated with Mr. Robblee's deposition, and \$6,472.00 for the remaining deposition videos.

13. Exhibit D to Google's Bill of Costs comprises a true and correct copy of an invoice from Counsel Press. This invoice reflects printing charges relating to the brief submitted

in connection with Plaintiffs' unsuccessful Petition for Writ of Mandamus to the Seventh Circuit relative to this Court's denial (Dk. 235) of Plaintiffs' motion to amend and motion to disqualify (Dkt. 227). This invoice total is \$1,326.14.

14. Exhibit E to Google's Bill of Costs is true and correct copy of a canceled check, check request and supporting documentation relating to a witness fee paid to Warren Crum, a witness subpoenaed for deposition. The total mileage and witness fees are \$55.00.

15. I have asked our accounting department to sum up the photocopying charges shown in the bills of Exhibit A to Google's Bill of Costs. Those charges total \$2,152.15, and represent approximately 21,522 pages of photocopying at an average cost of \$0.10 per page. (Color copies and other unusual charges would have been charged at a higher rate.) These photocopying charges reflect only those documents that were sent to Greenberg Traurig's internal copy room for photocopying. The attorneys, paralegals and secretaries working on this case would typically only use the internal copy room for copying documents that were to be transmitted to opposing counsel, sent to the Court as physical courtesy copies, or which were to be filed with the Court in paper form, such as those which were filed under seal. On some rarer occasions sizeable filings received from opposing counsel would have also been sent to the internal copy room. These copy charges do not include any charges associated with the printing of electronic documents. Attorneys, paralegals and secretaries working on this case would ordinarily do the majority of printing directly to firm printers without using the internal copy room. These printing tasks would typically include printing filings submitted by Plaintiffs, printing documents to be signed, scanned and filed with the Court, and printing certain pages from Plaintiffs' document production. These charges are not tracked and are included in the

above copying costs. The parties filed 3,162 pages of documents electronically, in this case, as well as 3,580 pages of additional scaled pleadings.

16. I have asked our accounting department to sum up the “GT Imaging” charges on the bills of Exhibit A to Google’s Bill of Costs. Those bills show a total of \$17,002.67 in imaging charges. “GT Imaging” charges reflect those charges incurred with imaging, OCRing, and loading documents into the Summation database used in connection with document production in this case. Greenberg Traurig operates its own internal litigation support department as an alternative to using an outside vendor, because the internal litigation support department can provide litigation database support at a cost lower than most outside vendors. Had Greenberg Traurig maintained a single set of paper copies of the 285,717 pages of discovery documents in this case, the cost of those copies would have been at least \$42,857.55 (assuming \$.15 per page), before making any additional copies.

17. Exhibit F comprises true and correct copies of cancelled checks and/or invoices relating to additional copying costs. These include certified copies of corporate records (\$300), imaging costs which were outsourced instead of being completed in-house (\$775.97), costs for converting a QuickBooks database produced by Plaintiffs into a usable format (\$1,375), costs for printing electronically produced documents (\$335.36), and costs for electronically endorsing documents (\$10.01). These invoices total \$2,796.34.

18. Google seeks a total of \$21,951.16 in costs for exemplification and copies of papers necessarily obtained for use in the case, comprised of \$17,002.67 in litigation-database-related costs, \$2,152.15 in photocopying costs, and \$2,796.34 in additional copying costs as reflected in Exhibit F.

I declare under penalty of perjury under the laws of the United States that the foregoing information is true and correct to the best of my knowledge, information and belief.

Date: March 23, 2011


Cameron M. Nelson