

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: METHOD OF PROCESSING	)	
ETHANOL BYPRODUCTS AND	)	
RELATED SUBSYSTEMS ('858) PATENT	)	No. 1:10-ml-2181-RLM-DML
LITIGATION	)	
	)	
RELATED CASES:	)	
1:10-cv-00180-LJM-DML	)	
1:10-cv-08000-LJM-DML	)	
1:10-cv-08001-LJM-DML	)	
1:10-cv-08002-LJM-DML	)	
1:10-cv-08003-LJM-DML	)	
1:10-cv-08004-LJM-DML	)	
1:10-cv-08005-LJM-DML	)	
1:10-cv-08006-LJM-DML	)	
1:10-cv-08007-LJM-DML	)	
1:10-cv-08008-LJM-DML	)	
1:10-cv-08009-LJM-DML	)	
1:10-cv-08010-LJM-DML	)	
1:13-cv-08012-LJM-DML	)	
1:13-cv-08013-LJM-DML	)	
1:13-cv-08014-LJM-DML	)	
1:13-cv-08015-LJM-DML	)	
1:13-cv-08016-LJM-DML	)	
1:13-cv-08017-LJM-DML	)	
1:13-cv-08018-LJM-DML	)	
1:14-cv-08019-LJM-DML	)	
1:14-cv-08020-LJM-DML	)	

AMENDED OPINION AND ORDER

The court notes calculation errors as to the amounts awarded to Blue Flint Ethanol, LLC; Heartland Corn Products, LLC; and United Wisconsin Grain Producers, LLC. Additionally, Cleantech and Pacific Ethanol, Inc. agreed that the parties understated a reduction and asked the court to amend the amount taxed against Cleantech under Pacific Ethanol, Inc.'s bill of cost. Finally, Cleantech asks the court to amend its order as to ICM's exemplification and copying costs.

ICM’s exhibit attached to the bill of cost identified the copying costs with varying levels of specificity, sometimes specifically listing it with entries such as “Xact Data Discovery- printing discovery responses from Cleantech” and other times with more vague entries such as “Outside Copy Charges- Xact Data Discovery”. The court will tax Cleantech for the exemplification and copying charges which ICM sufficiently identified for the court to determine the content or purpose.

Accordingly, the court amends Doc. No. 1925 as follows:

Blue Flint Ethanol, LLC

Objection	Response	Ruling
Service of summons or subpoena	Contested	Reduce by \$590
No costs for depo transcripts/ reduced to \$3.65 per page for original and \$0.90 per page for certified	Contested	Reduce by \$29,539.57
Video depositions	Contested	Reduce by \$9,145
Printing	Agreed	Award in full
	Total reduction	\$39,274.57
	<b>Total Award</b>	\$12,884.72

Heartland Corn Products, LLC

Objection	Response	Ruling
Service of summons or subpoena	Contested	Reduce by \$60.75
No costs for depo transcripts/ reduced to \$3.65 per page for original and \$0.90 per page for certified	Contested	Reduce by \$3,217.08
Video depositions	Contested	Reduce by \$2,573.77
Printing	Partially Agreed, partially Contested	Reduce by \$1,063.68
	Total reduction	\$ 6,915.28
	<b>Total Award</b>	\$ 8,814.77

United Wisconsin Grain Producers, LLC

Objection	Response	Ruling
Service of summons or subpoena	Contest	Reduce by \$60.75
No costs for depo transcripts/ reduced to \$3.65 per page for original and \$0.90 per page for certified	Contest	Reduce by \$8,944.29
Video depositions	Contest	Reduce by \$3,091.27
Printing	Partial agree, partial contest	Reduce by \$1,378.43
	Total reduction	\$13,270.77
	<b>Total Award</b>	\$2,926.62

Pacific Ethanol, Inc.

Objection	Response	Ruling
Deposition transcripts for Charlie O'Brien	Contest	Award in full
E-discovery services	Agree	Reduce to 42.50
Pacer fees	Withdrawn	Reduce by \$209.90
Research	Withdrawn	Reduce by \$5,143.90
Fees to the clerk	Withdrawn	Reduce by \$20
Mediation	Withdrawn	Reduce by \$518.64
Phone conference	Withdrawn	Reduce by \$379.63
Travel and accommodation	Withdrawn	Reduce by \$872.60
	Total reduction	\$51,064.67
	<b>Total Award</b>	\$986.56

ICM, Inc.

Objection	Response	Ruling
Service of summons or subpoena	Contest	Reduce by \$1,110
Costs incidental to depositions	Contest	Award in full
No costs for depo transcripts/ reduced to \$3.65 per page for original and \$0.90 per page for certified	Contest	Reduce by \$55,242.35
Video depositions	Contest	Reduce by \$33,033.50
Witness fees	Contest	Reduce by \$46.44
Printing	Partial agree, partial contest	Reduce by \$62,687.99
	Total reduction	\$151,010.28
	<b>Total Award</b>	\$48,658.6

SO ORDERED

ENTERED: March 24, 2020

/s/ Robert L. Miller, Jr.  
Judge, United States District Court

Distribution:

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