

SIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SUSAN CHANG, AS NEXT FRIEND OF
ALISON CHANG, A MINOR, AND
JUSTIN HO-WEE WONG,

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PLAINTIFFS

CA No. 3:07-cv-1767

VS.

VIRGIN MOBILE PTY LTD.,

DEFENDANT.

PLAINTIFFS' OBJECTION TO DEFENDANT'S BILL OF COSTS

Plaintiffs file this motion objecting to the bill of costs Defendants submitted to the Clerk on January 28, 2008.

Taxation of costs is governed by 28 U.S.C. §1920. Section 2—the only section relevant here—allows a prevailing party to recover “[f]ees for **printed or electronically recorded** transcripts necessarily obtained for use in the case.”¹ As the Fifth Circuit recognized in *Migis v. Pearle Vision, Inc.*, “[t]here is no provision for videotapes of depositions.”² Not only is there no statutory basis for awarding Defendant any costs associated with recording the deposition, but they also are unable to demonstrate that a videotape, in addition to the transcript, was “necessarily obtained for use in the case.” The only reason the proceeding was videotaped in the first place is that Defendant’s corporate representatives were unable to fly to Houston—even at Plaintiffs’ expense.

¹ 28 U.S.C. §1920 (2).

² 135 F.3d 1041, 1049 (5th Cir. 1998) (emphasis added).

Defendant, therefore, is only entitled to the costs it incurred in obtaining a copy of the written transcript from National Court Reporters, which as evidenced by the invoice, is \$2,417.85.

Respectfully submitted,

/s/ Ryan H. Zehl

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 28 day of January 2009, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. The system sent a "Notice of Electronic Filing" to the following attorneys of record, all of whom have consented to accept this Notice as service of the document:

Lisa H. Meyerhoff
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/s/ Ryan H. Zehl _____
Ryan H. Zehl

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(b), I certify that on February 01, 2008, I had a telephone conversation with Defendant's counsel Myall S. Hawkins who stated that Defendant was unopposed to this Motion.

/s/ Ryan H. Zehl _____
Ryan H. Zehl