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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**

10 WADE ROBSON, an individual,

11 Plaintiffs,

12 v.

13 MJJ PRODUCTIONS, INC., a California
corporation; MJJ VENTURES, INC., a
14 California corporation, and DOES 4-50,
inclusive,

15 Defendants.
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Case No.: BC508502

[Related to Probate Case No. PB117321, In re the Estate of Michael Joseph Jackson, and civil case BC545264, James Safechuck v. Doe 1, et al.]

Judge: Honorable Mark A. Young
Department: M

NOTICE OF PLAINTIFF WADE ROBSON'S MOTION TO TAX COSTS OF DEFENDANTS MJJ PRODUCTIONS, INC. AND MJJ VENTURES, INC.; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ALEX E. CUNNY, ESQ.

[Filed concurrently with [Proposed] Order.]

Date: November 18, 2021
Time: 8:30 a.m.
Location: Dept. M

Reservation ID: 562524010512

Date Action Filed: May 10, 2013
Trial Date: None.

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1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Plaintiff WADE ROBSON (“Plaintiff”) files the instant
3 Motion to Tax Costs of Defendants MJJ Productions, Inc. (“Productions”) and MJJ Ventures, Inc.
4 (“Ventures”) (collectively, “Defendants”), claimed in Defendants’ Memorandum of Costs. This
5 Motion is based upon the following factual and legal bases for which various costs claimed in the
6 Memorandum of Costs (MC-010) served by Defendants are either *per se* unauthorized by the law,
7 or should not be awarded under the applicable standard:

- 8 (1) Defendants seek to recover expert fees and costs which are categorically
9 unrecoverable, as no *C.C.P.* §998 offer was ever issued by Defendants.
10 Pursuant to *C.C.P.* §1033.5(b)(1), these costs categorically are expressly non-
11 recoverable, as the trial **previously ruled following Defendants’ prior**
12 **Summary Judgment Motion (that was ultimately overturned on appeal).**
13 *See C.C.P.* §1033.5(b)(1) (“(b) The following items are not allowable as costs,
14 except when expressly authorized by law: (1) Fees of experts not ordered by
15 the court.”) Thus, Defendants’ second attempt at obtaining expert fees (and
16 concomitant request to view the Plaintiff’s Independent Medical Examination
17 as a “deposition” cost should be denied; as was Defendants’ first attempt.
18 Plaintiff requests an entire taxing of this **amount of \$35,381.36;**
- 19 (2) Without providing any foundation for their expenses, Defendants seek
20 unsupported and unreasonable costs for travel to depositions. Specifically,
21 there is no explanation for several incredibly high travel costs to depositions
22 (Amanda Robson, Blanca Francia, Mary Albert Coller, Charli Michaels, and
23 Orietta Murdock, Niall) and further, there were excessively high travel
24 charges for depositions that were easily drivable (Jason Francia, Gayle
25 Goforth, Evangeline Pestano-Aquilzano, Linda Ramm, Leroy Thomas). In
26 total, these expenses **\$14,432.98** are unreasonably high, no foundation has
27 been served with the MC-010 Form, and these expenses should, at very least,
28 be drastically reduced to a reasonable amount;
- (3) In March of 2016, Defendants filed a Motion for Summary Judgment that was
granted, however, that ruling was overturned on appeal by the California
Court of Appeal. Subsequently, Defendants brought another MSJ that was
ruled upon based on different legal grounds, thus, the prior MSJ was
unsuccessful and not a necessary fee; as there is an **appellate decision**
overturning that ruling. Plaintiff requests that this **\$500** fee be taxed in its
entirety;
- (4) In addition to travel costs being unreasonably high, Defendants attempt to
recover for wholly disparate and unexplained “transcription” costs. In
particular, some of these transcriptions range from over \$4,000 to over
\$2,000. These costs are unreasonable and should be reduced. Specifically,
they are as to the deposition transcriptions of Lynette Joy Robson, Wade
Robson (Vol. 2), and Cynthia Koziolas. In total, Plaintiff requests that
\$11,703.41 be reduced to a reasonable value;
- (5) Finally, Defendants incurred unreasonable amounts to effectuate process on
three witnesses (Dr. David Arredondo, Dr. Larry Shaw, and Dr. Michael
Cameron) and seek to have the aggregate **\$2,245.05** reduced to a reasonable
amount.

1 In total, the Plaintiff seeks to have the Costs sought to be recovered by Defendants taxed
 2 in the amount of **\$64,262.80**. As broken down, the following are the costs that Plaintiffs seek to
 3 have taxed:

4	Category of Cost	Expense Description	Amount Challenged
5	Witness Fees (Court Ordered Expert ¹)	Dr. Harrison Pope	\$30,300.00
6			
7	Filing Fees (Entirety)	03/02/2016 MSJ	\$500.00
8	Deposition Costs (Entirety)	IME of Wade Robson	\$5,081.36
9			
10	Deposition Costs (Travel)	Mary Albert Coller (Travel)	\$2,206.91
11		Blanca Francia (Travel; 2 depositions)	\$2,956.56
12		Charli Michaels (Travel)	\$1,524.27
13		Orietta Murdock (Travel)	\$1,333.82
14		Amanda Robson (Travel)	\$3,824.42
15		Jason Francia (Travel)	\$400.76
16		Gayle Goforth (Travel)	\$368.81
17		Evangeline Pestano-Aquilzano (Travel)	\$324.21
18		Linda Ramm (Travel)	\$371.92
19		Leroy Thomas (Travel)	\$159.29
20		George Niall (Travel)	\$962.01
21	Deposition Costs (Transcription Costs)	Amanda Robson	\$2,590.99
22			
23		Lynette Joy Robson	\$4,076.60
24		Wade Robson, Volume II	\$2,998.10
25		Cynthia Koziolas	\$2,037.72
26	Service of Process	Dr. David Arredondo	\$699.48
27		Dr. Michael Cameron	\$751.19

28 ¹ Plaintiff disputes this characterization of the fee (as the Court agreed when Defendants attempted to recover this expert fee *last time*) but includes based upon the categorization by Defendants.

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<u>Category of Cost</u>	<u>Expense Description</u>	<u>Amount Challenged</u>
Service of Process	Dr. Larry Shaw	\$794.38

Total Requested Reduction/Challenged Fees: \$64,262.80

This Motion is grounded in this Notice, the accompanying Memorandum of Points and Authorities, the Declaration of Alex E. Cunny and exhibits attached thereto, the records and files in this action, and upon such further evidence and argument, written or oral, as may be presented prior to or at the time of hearing on the Motion.

Dated: June 22, 2021

MANLY, STEWART & FINALDI

By: *Alex E. Cunny*
ALEX E. CUNNY, ESQ.
Attorneys of Record for Plaintiff,
WADE ROBSON

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 In attempting to recover costs **that this Court has already denied in being non-**
4 **recoverable**, Defendants MJJ Productions, Inc. (“Productions”) and MJJ Ventures, Inc.
5 (“Ventures”) (collectively, “Defendants”), **again** attempt to recover over **\$35,000** in expert fees,
6 despite having never served a §998 offer and already having a ruling, **from this Court**, denying
7 such a request. The Plaintiff brings this Motion to Tax Costs (“Motion”) on the grounds that (1)
8 Defendants improperly seek to recover expert witness fees despite the prohibition against it, a
9 prior order striking an identical claim, and no *Code of Civil Procedure* §998 offer ever having
10 been made by Defendants, (2) Defendants seek unreasonable travel costs that are unsupported by
11 any foundation that explains the necessity of such exorbitant expenses, (3) Defendants seek
12 unreasonably high transcription costs for several depositions that provides no evidence,
13 foundation or explanation to such high costs, and (4) several witnesses’ cost of effectuating
14 service are exponentially higher than others with (again) no foundation or evidence as to why
15 such costs are so unreasonably high. All told, Plaintiff challenges \$64,262.90 of the costs
16 claimed, and request that the Court strike the outright costs of Dr. Harrison Pope (**\$35,381.36**) as
17 being unrecoverable expert fees, not court ordered. For the remainder of the costs, Plaintiff
18 request that, assuming a proper evidentiary foundation can be set forth, those costs be reduced
19 from their current, unreasonable claims.

20 As shown below, the Defendants have the burden of showing that these costs were not
21 only *necessary*, but also *reasonable*, and have the initial burden of providing adequate foundation
22 and evidentiary support for such a claim.

23 **II. FACTUAL BACKGROUND**

24 **A. COSTS CLAIMED BY DEFENDANTS.**

25 On June 3, 2021, Defendants served their Memorandum of Costs on Judicial Council
26 Form MC-010, along with the MC-011 worksheet and referenced attachments. *See Memorandum*
27 *of Costs*, Exhibit “1” to *Declaration of Alex E. Cunny* (“*Cunny Decl.*”). In that memorandum of
28 costs, \$112,960.25 in costs are sought to be recovered, though no receipts nor further evidence

1 was served therewith, other than the MC-010 form. *Id.* Specifically, Defendants seek to be
 2 reimbursed for the following cost categories:

3	Filing and Motion Fees:	\$4,443.75
4	Jury Fees:	\$150.00
5	Deposition Costs:	\$74,559.09
6	Service of Process:	\$3,095.61
7	<u>Witness Fees:</u>	<u>\$30,711.80</u>
8	Total	\$112,960.25

9 Memo of Costs, Ex. "1".

10 These claimed costs are then broken down in the attached MC-011 worksheet (pp.3-5 of
 11 Exhibit "1") and further attachments. *See Memorandum of Costs*, pp. 6-11, Ex. "1". Despite these
 12 organization of costs, there is no evidence or foundation set forth attesting to such costs. As such,
 13 this memorandum, alone, fails to set forth adequate foundation for these challenged costs.

14 **B. COSTS CHALLENGED BY THE PLAINTIFF.**

15 In the event foundation is set forth, these various costs are categorically unrecoverable and
 16 are sought to be taxed. Specifically, the following costs are identified as being improperly
 17 claimed:

18	<u>Category of Cost</u>	<u>Expense Description</u>	<u>Amount Challenged</u>
19	Witness Fees	Dr. Harrison Pope	\$30,300.00
20	(Court Ordered Expert ²)		
21	Subtotal of "Court Ordered" Expert Witness Fees:		\$30,300.00
22	Deposition Costs	IME of Wade Robson	\$5,081.36
23	(Entirety)		
24	Subtotal of Requested Taxing/Amounts Objected To:		\$5,081.36
25	Filing Fees	03/02/2016 MSJ	\$500.00
26	(Entirety)		
27	Subtotal of Requested Taxing/Amounts Objected To:		\$500.00

27 ///

28 ² Plaintiff disputes this characterization of the fee (as the Court agreed when Defendants attempted to recover this expert fee *last time*) but includes based upon the categorization by Defendants.

1	Category of Cost	Expense Description	Amount Challenged
2	Deposition Costs (Travel)	Mary Albert Coller (Travel)	\$2,206.91
3		Blanca Francia (Travel)	\$2,956.56
4		Charli Michaels (Travel)	\$1,524.27
5		Orietta Murdock (Travel)	\$1,333.82
6		Amanda Robson (Travel)	\$3,824.42
7		Jason Francia (Travel)	\$400.76
8		Gayle Goforth (Travel)	\$368.81
9		Evangeline Pestano-Aquilzano (Travel)	\$324.21
10		Linda Ramm (Travel)	\$371.92
11	Leroy Thomas (Travel)	\$159.29	
12	George Niall (Travel)	\$962.01	
13	Subtotal of Requested Taxing on Deposition Costs (Travel):		\$14,432.98
14	Deposition Costs (Transcription Costs)	Amanda Robson	\$2,590.99
15		Lynette Joy Robson	\$4,076.60
16		Wade Robson, Volume II	\$2,998.10
17		Cynthia Koziolas	\$2,037.72
18	Subtotal of Requested Taxing on Deposition Costs (Trans.)		\$11,703.41
19	Service of Process	Dr. David Arredondo	\$699.48
20		Dr. Michael Cameron	\$751.19
21		Dr. Larry Shaw	\$794.38
22	Subtotal of Requested Taxing on Service of Process:		\$2,245.05
23	In total, the Plaintiff seeks to tax a grand total of \$64,262.80 of the costs claimed (or in		
24	appropriate circumstances within those categories, reduce the excessive amounts).		
25	///		
26	///		
27			
28			

1 **C. PREVIOUS RULING ON MOTION TO TAX COSTS.**

2 Prior to this Action being assigned to the Honorable Mark A. Young, it was pending on-
3 appeal which ultimately went in favor of the Plaintiff. *See Safechuck v. MJJ Productions, Inc.*
4 (2020) 43 Cal.App.5th 1094. Prior to that appellate decision, this matter had been dismissed at
5 Summary Judgment and Defendants provided a Memorandum of Costs, that largely tracks the
6 costs claimed herein. *See Memorandum of Costs, January 12, 2018*, Ex. “2” to *Cunny Decl.* The
7 Plaintiff filed a Motion to Tax various costs claimed by Defendants and the Court issued an order
8 taxing **\$45,370.95, including the taxing of Dr. Harrison Pope’s expert fees.** *See Tentative*
9 *Ruling on Motion to Tax, 08-17-18*, Ex. “3”.³ As such, these fees **have already been claimed by**
10 **Defendants and have expressly been ruled as non-recoverable expert fees.**

11 **III. ARGUMENT**

12 **A. IN ORDER TO RECOVER COSTS, UPON PROPER OBJECTION, THE PARTY**
13 **SEEKING TO RECOVER COSTS BEARS THE BURDEN OF PROVING THAT**
14 **THEY WERE NECESSARY AND REASONABLE; A FOUNDATIONAL**
15 **FAILURE OF THE PRESENT REQUESTS.**

16 In order to recover any cost under *C.C.P.* § 1032, the party seeking to recover that cost
17 must establish that it was both reasonable and necessary. Once the items in a cost bill “are
18 properly objected to, they are put at issue” and the burden of proof is on the party claiming them
19 as costs to justify those costs as necessary and reasonable in amount. *Ladas v. California State*
20 *Auto. Assn.*, (1993) 19 Cal.App.4th 761, 774. “Allowable costs shall be reasonably necessary to
21 the conduct of the litigation rather than merely convenient or beneficial to its preparation.” *C.C.P.*
22 § 1033.5(c)(2). **“Documentation must be submitted...when a party dissatisfied with the costs**
23 **claimed in the memorandum challenges them by filing a motion to tax costs.”** *Bach v. County*
24 *of Butte*, (1989) 215 Cal.App.3d 294, 308[Emphasis Added]. At first blush, no supporting
25 documentation has been appended to the memorandum of costs, nor evidentiary support (other
26 than the general descriptions in MC-010 form) for the costs that have been claimed. As are put at-
27 issue by way of this Motion, more than half of the claimed costs by Defendants are non-

28 ³ A notice of ruling was ordered by the terms of the Tentative Ruling (Ex. “3”) though Plaintiff’s counsel was unable to locate that final notice. As discussed in the rough copy of the hearing transcript, “the indicated will become the final...” after all parties waived notice. *See 08/17/18 Hearing Transcript*, 14:21-15:2, Ex. “4”.

1 recoverable, and at very least, foundation is necessary to determine how Defendants could
2 recover such fees or how such fees could be reasonable. By way of this Motion and as identified
3 in the Notice, **\$64,262.80** in the claimed fees are either categorically unrecoverable, or
4 unreasonable on their face, without explanation or foundation:

5 **B. DEFENDANTS SEEK RECOVERY OF COSTS THAT ARE NOT AUTHORIZED**
6 **BY STATUTE, AND DIRECTLY PROHIBITED FROM BEING AWARDED.**

7 Notwithstanding the fact that the claimed costs being challenged by this Motion have
8 virtually zero foundation or evidentiary support served with the MC-010, certain expenses
9 asserted by Defendants are nonrecoverable and, as a matter of law even supposing Defendants
10 had properly supported such requests. Therefore, those costs must be summarily deducted from
11 Defendants' total costs. *C.C.P.* § 1033.5 explicitly limits the types of costs that a party may
12 recover to specifically enumerated categories. "[B]ecause the right to costs is governed strictly by
13 statute, a court has no discretion to award costs not statutorily authorized." *Ladas v. California*
14 *State Auto. Assn.*, (1993) 19 Cal.App.4th 761, 774 (citations omitted). Here, Defendants seek to
15 recover two categories of plainly unauthorized expenses: expert witness fees and the recording of
16 an Independent Medical (Psychological) Examination as a "deposition cost." As set forth below,
17 Defendants' attempts to recover these nonrecoverable expenses must be denied in their entirety:

18 **1. Expert Fees**

19 Expert fees are not allowable as costs, unless they are either ordered by the Court or are
20 subject to *C.C.P.* § 998's cost-shifting provision. *C.C.P.* §§ 1033.5(a)(8), (b)(1); *Kahn v. The*
21 *Dewey Group*, (2015) 240 Cal.App.4th 227, 237. "The following items are not allowable as costs,
22 except when expressly authorized by law: (1) Fees of experts not ordered by the court." *C.C.P.*
23 §1033.5(b)(1). "The primary statutory provision that provides the types of expenses that may be
24 included in a cost award under § 1032 is found in § 1033.5 of that code. Section 1033.5(b)(1)
25 explicitly states that, unless expressly authorized by law, '[f]ees of experts not ordered by the
26 court' are not recoverable as costs. It is undisputed that plaintiff's expert was not ordered by the
27 court. Furthermore, plaintiff fails to cite to statutory authority providing for the recoupment of
28 expert witness fees as costs." *Hubbard v. Twin Oaks Health and Rehabilitation Center* (E.D. Cal.
2005) 406 F.Supp.2d 1096, 1101.

1 In this case, the Court never ordered Defendants to retain any expert witness, never
2 ordered an Independent Medical Examination to occur, and Defendants never extended any offer
3 to settle under *C.C.P.* § 998. Cunny Decl. ¶3. Under *C.C.P.* §998, there is absolutely no basis for
4 Defendants to claim that these retained expert fees are recoverable.

5 As Defendants argued previously, Defendants are likely to attempt to claim that Dr.
6 Pope’s fees were “ordered” pursuant to the leave required to conduct a mental health examination
7 under *C.C.P.* §2032.310. **As this Court ruled in August of 2018**, obtaining leave for such an
8 examination is **not** the same as a “court ordered” or an appointed expert witness. *See 08/17/2018*
9 Hearing Transcript, 14:10-22, Ex. “4” (“The Court: Thank you. The indicated will become the
10 final); *see also Tentative Ruling*, Ex. “3”. Indeed, **Defendants** are the ones who selected Dr.
11 Pope, Defendants decided that such a mental health examination was needed⁴, and the Plaintiff
12 stipulated to that requested defense examination to take place. This expert **was not** appointed
13 under *Evidence Code* §730 or §731. This is not an instance where Defendants were ordered to
14 have the expert examination completed, or to have the report sent to the Court. Rather,
15 Defendants **chose** to conduct such an examination and have an expert retained for such, and
16 employed that expert to conduct the work. As explained in *Sanchez v. Bay Shores Medical Group*
17 (1999) 75 Cal.App.4th 946:

18 “When Code of Civil Procedure section 1033.5 was enacted in 1986, existing case
19 law provided that the fee of an expert witness appointed by the court under
20 Evidence Code sections 730 and 731 was allowable as a cost, **while the fee of an**
21 **expert not so appointed was not allowable.** (*Evid.Code* § 733; *Metropolitan*
22 *Water Dist. v. Adams* (1944) 23 Cal.2d 770, 773–774, 147 P.2d 6; *ABC Egg*
23 *Ranch v. Abdelnour* (1963) 223 Cal.App.2d 12, 18–19, 35 Cal.Rptr. 487; *Kennedy*
24 *v. Byrum* (1962) 201 Cal.App.2d 474, 482–483, 20 Cal.Rptr. 98 [all interpreting
25 Code of Civil Procedure former section 1871, the predecessor statute of
26 *Evid.Code* §§ 730–733].) **Accordingly, an expert witness ordered by the court**
27 **is one who has been appointed by the court pursuant to Evidence Code**
28 **section 730 or other statutory authority.** In the absence of an order of the trial
court appointing an expert witness, the fees of an expert witness are not
recoverable as costs under *Code of Civil Procedure* section 1032. (*Davis v. KGO–*
T.V., Inc., supra, 17 Cal.4th at pp. 439–442, 71 Cal.Rptr.2d 452, 950 P.2d 567.)
The reason for the distinction is related to the partiality of the expert witness. “
‘[W]here, as here, an [expert] is not appointed by the court but is employed by
one of the parties, “the temptation to act in the interest of such party must be
apparent” and “the court should not require the opposite party to pay for the

⁴ There is no requirement under §2032.310 that a defendant have an expert mental health provider examine a plaintiff, nor did the Court initiate or require such in this case.

1 services thus rendered.” ’ [Citations.]” (*Id.* at pp. 440–441, 71 Cal.Rptr.2d 452,
2 950 P.2d 567.)

3 *Sanchez*, 75 Cal.App.4th at 949-50[Emphasis Added].

4 Tellingly, the Court in *Sanchez* goes on to find that: “Sanchez argues that medical experts
5 are necessary in medical malpractice actions in order for a plaintiff to meet its burden of proof as
6 to the standard of care and breach of the standard of care elements. Thus, Sanchez asserts medical
7 experts in medical malpractice actions have effectively been ordered by the court. This is
8 incorrect. **The fact that an expert is necessary to present a party's case does not mean that**
9 **expert has been ordered by the court for purposes of recovery of expert witness fees as**
10 **costs.”** *Id.* at 950[Emphasis Added]. The Court continues: “[t]he medical experts for whom fees
11 **were sought as costs in this case were employed by Sanchez. The medical experts were not**
12 **appointed by the court.** Accordingly, pursuant to the express language of *Code of Civil*
13 *Procedure* section 1033.5, Sanchez may not recover the medical expert witness fees as costs.” *Id.*
14 at 950-51[Emphasis Added]. While Defendants argued at the prior hearing on the Motion to Tax
15 Costs in August of 2018 that *Evidence Code* §730 applied to this expert, Dr. Pope **clearly** was not
16 appointed by the Court; just as the expert in *Sanchez* was not appointed by the Court. Therefore,
17 these fees, categorically, are not recoverable.

18 Moreover, the purposes of §2032.310 are to ensure protect a Plaintiff from impermissible
19 methods of a delicate examination, and to delineate “...the time, place, manner, conditions, scope,
20 and nature of the examination, as well as the identity and the specialty, if any, of the person or
21 persons who will perform the examination.” *Id.* at (b). Indeed, this protection of the plaintiff in
22 submitting to unusually invasive procedure of a mental health examination, is to ensure that there
23 are standards through which the examination is conduct, **not a sua sponte order from the Court**
24 **requiring such an examination.** Indeed, Defendants could have chosen not to examine the
25 Plaintiff. Therefore, Defendants are statutorily barred from recovering any amount of expert fees.

26 **2. “Deposition” Transcript of Plaintiff’s IME**

27 Curiously, a \$5,081.36 charge is sought to be recovered by Defendants, which they
28 categorize as a “deposition cost,” that Defendants call the “IME of Wade Robson.” *See*

1 Memorandum of Costs, p. 9, Ex. “1”. Section 1033.5(a)(3)(A) provides that “[t]aking, video
2 recording, and transcribing necessary depositions, including an original and one copy of those
3 taken by the claimant and one copy of depositions taken by the party against whom costs are
4 allowed.” This claim for costs of the IME video of the Plaintiff (costs that were not ordered by the
5 Court) are entirely unprovided for under §1033.5 and were, again, expert fees not authorized by
6 statute, which Defendants are attempting to now re-cast as a “deposition.” There is no foundation
7 for how this IME was transformed into the now-claimed deposition, in order to be recovered
8 under §1033.5(a)(3). As with the cost of Dr. Pope, and **as the Court previously struck**, the
9 Plaintiff requests that the Court similarly strike this videorecording cost.

10 **C. VARIOUS COSTS FOR DEPOSITIONS CONTAINED IN THE MC-010 (AND**
11 **RELATED DOCUMENTS) ARE UNREASONABLE AND NO FOUNDATION**
12 **FOR REASONABLENESS HAS BEEN PROVIDED.**

12 Various costs claimed by Defendants for depositions are unreasonable, and unsupported
13 by any foundation proving reasonableness:

14 **1. The Travel Expenses Are Excessive, Unreasonable, and Therefore Should Be**
15 **Taxed.**

15 In seeking reimbursement for travel to depositions, Defendants claim extreme and patently
16 unreasonable amounts on several depositions. Defendants claim the following exorbitant travel
17 expenses for out-of-state depositions:

18 \$2,206.91 to travel to Maryland for Mary Albert Coller’s deposition;

19 \$1,966.67 and \$989.89 to travel to Las Vegas for Volumes One and Two, respectively, of
20 Blanca Francia’s deposition⁵;

21 \$1,524.27 to travel to Tennessee for Charli Michael’s deposition;

22 \$1,333.82 to travel to Texas for Orietta Murdock’s deposition;

23 \$3,824.42 to travel to Hawaii for Amanda Robson’s deposition; and

24 \$962.01 for their counsel to travel to Oakland, California for George Niall’s deposition.

25 Memorandum of Costs, p. 8 Attachment 4e, Ex. “1”.

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28 ⁵ Defendants paid for two of their attorneys to travel to and attend Volume One of Blanca Francia’s deposition, which took place in Las Vegas. The presence of a second attorney at this deposition was completely unnecessary. Therefore, Defendants are barred from recovering the entirety of the travel expenses they incurred in sending the second attorney to Ms. Francia’s deposition.

1 These travel expenses are patently unreasonable, and no foundation has been set forth to
2 show why such exorbitant costs were incurred. For this reason, these costs must be taxed to
3 reasonable amounts, as required under §1033.5(c)(3).

4 Defendants further claim excessive costs for their travel to depositions within driving
5 distance of Defendants' counsel's Santa Monica, California office. Three depositions – Jason
6 Francia's, Gayle Goforth's and Evangeline Pestano-Aquilizan's – took place in Santa Maria,
7 California, which is 155 miles' driving distance from Defendants' counsel's office. Using the
8 IRS's 2017 standard mileage rate of \$0.535 per mile, round-trip travel to each Santa Maria
9 deposition should have cost Defendants \$165.85. See 2017 Internal Revenue Service Mileage
10 Rates for Business, Medical and Moving Announced, Ex. "5". However, Defendants inexplicably
11 claim \$400.76 in travel costs for Jason Francia's deposition, \$368.81 in travel costs for Gayle
12 Goforth's deposition, and \$324.21 in travel costs for Evangeline Pestano-Aquilizan's deposition.
13 Memorandum of Costs, p.8, Ex. "1". Similarly, round-trip travel to Carlsbad, California – which
14 is 101 miles from Santa Monica – for Linda Ramm's deposition should have cost Defendants
15 \$108.07, yet Defendants claim they spent \$371.92 on travel for that deposition. *Id.* Finally, travel
16 to Palmdale, California – 63 miles from Santa Monica – for Leroy Thomas' deposition should
17 have cost only \$67.41, yet Defendants claim \$159.29 in travel costs. *Id.* The fact that each
18 deposition within driving distance of Defendants' counsel's office allegedly cost Defendants well
19 over double the standard mileage rate renders these travel expenses demonstrably unreasonable.
20 As such, these "driving distance" depositions should be reduced to the 2017 IRS mileage rates,
21 based on the driving distances.

22 **2. The Transcription Costs Are Excessive And Unreasonable, Therefore Should Be**
23 **Taxed.**

24 Notwithstanding the objection made to IME "deposition" of the Plaintiff *supra*, in
25 claiming various transcription costs, Defendants transcription costs are clearly excessive. The
26 transcription costs claimed for the following individuals are excessive and unfounded in any
27 foundation that Defendants have set forth with the MC-010:Amanda Robson costing \$2,590.99
28 for transcription, Lynette Joy Robson costing \$4,076.60 for transcription, and Wade Robson,
Volume II costing \$2,998.10 for transcription and Cynthia Koziolas costing \$2,037.72 for

1 transcription. Memorandum of Costs, p. 8, Attachment 4e, Ex. "1". These costs all exceed \$2,000
2 and are unexplained in the Memorandum of Costs as to why they are more expensive (far more
3 expensive) than most other depositions in the case. These costs are excessive and should be
4 reduced to reasonable amounts.

5 **D. VARIOUS SERVICE OF PROCESS CHARGES ARE UNREASONABLE AND**
6 **SHOULD BE TAXED.**

7 Plaintiff further objects to Defendants' claimed service of process charges for Dr. David
8 Arrendondo (\$699.48), Dr. Michael Cameron (\$751.19) and Dr. Larry Shaw (\$794.38). *See*
9 Memorandum of Costs, p. 10, Attachment 5D, Ex. "1", as these services were neither necessary,
10 nor reasonable. First, there was no showing made (at least in the MC-010 form, Ex. "1") as to
11 why any of these witnesses were necessary and reasonable **especially** since Defendants sought to
12 dismiss this case on liability/statute of limitations issues, **not damages**. For that reason alone,
13 these costs are not necessarily incurred under §1033.5(c)(2).

14 Second, the amount for service of these doctors is further unreasonable, especially in light
15 of the minimal, reasonable cost of having served Dr. David Fogelson, Dr. Benbasset, and others
16 contained in the Memorandum of Costs. *See* Memorandum of Costs, p. 10, Attachment 5D, Ex.
17 "1". Even if serving Drs. Arredondo, Cameron and Shaw was necessary, the reasonable cost of
18 service would have been far less than Defendants paid. Each of these three doctors has a
19 California business address that is readily available to the public via a simple internet search, such
20 that serving each doctor at his place of business during business hours would be incredibly easy.
21 Cunny Decl., ¶ 3. There is no reason that such straightforward services of process should have
22 cost over \$600 (nearly \$700) each. There is no valid explanation as to why service of this readily
23 identifiable business would warrant a service fee of over \$300.

24 For these reasons, these service costs should be stricken entirely, or otherwise taxed to a
25 reasonable amount consonant with the reasonable rates to have this service effectuated.

26 **E. THE DEFENDANTS SHOULD NOT BE ABLE TO DOUBLE RECOVER FOR**
27 **THE SUMMARY JUDGMENT MOTION THAT PRECIPITATED AN APPEAL**
28 **THAT OVERTURNED THE TRIAL COURT RULING.**

29 Defendants seek to recover \$500 for the cost filing a Motion for Summary Judgment in
30 2016. *See* Memorandum of Costs, p.6, Ex. "1". While the trial court granted this Motion, the

1 Court of Appeal **reversed** that decision in a published decision. *See Safechuck*, 43 Cal.App.5th
2 1094. While this Court again dismissed the case on different legal grounds at a subsequent
3 Summary Judgment hearing, **this prior Summary Judgment Motion should not be considered**
4 **necessary or reasonable in recovering the filing fee.** While “[f]iling, motion, and jury fees” are
5 generally recoverable, the Court should not allow this cost that is duplicative and one that proved
6 upon appeal to lack merit; failing to meet the “necessity” standard under §1033.5(c)(2). As such,
7 Plaintiff requests that the Court tax the entirety of the 2016 Summary Judgment Motion cost in
8 the amount of **\$500**.

9 F. **CONCLUSION**

10 For the foregoing reasons, the Plaintiff objects to **\$64,262.80** of the \$112,960.25 costs
11 claimed by Defendants. Plaintiff requests that the ^{Alex E. Cunny} **\$30,300.00** expert fees of Dr. Pope, the
12 **\$5,081.36** “deposition costs” for the Plaintiff’s IME, and the **\$500** filing fee for the MSJ that was
13 overturned on appeal stricken in their entirety. As to the remaining **\$11,703.41** in
14 challenged/objected to costs regarding deposition transcriptions, **\$2,245.05** in challenged/objected
15 to service of process costs, and **\$14,432.98** in travel costs to depositions, Plaintiff requests that
16 these costs be reduced to reasonable amounts authorized by law.

17 Dated: June 22, 2021

MANLY, STEWART & FINALDI

18 By: _____

19 ALEX E. CUNNY, ESQ.
20 Attorneys of Record for Plaintiff,
21 WADE ROBSON
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DECLARATION OF ALEX E. CUNNY, ESQ.

I, ALEX E. CUNNY, Esq., hereby declare:

1. I am an attorney duly licensed to practice law in the State of California. I am an attorney with Manly, Stewart & Finaldi, attorneys of record for Plaintiff WADE ROBSON (“Plaintiff”) in the above-entitled matter. I am personally familiar with the facts of this case and the contents of this Declaration, and if called upon, could and would competently testify as to its contents.

2. This Declaration is made in support of the Plaintiff Wade Robson’s Motion to Tax Costs.

3. On June 22, 2021, I used the Google search engine to locate offices for Dr. David Arredondo, Dr. Larry Shaw, and Dr. Michael Cameron. The search for each of these names immediately returned the business address for each doctor: 325 Sharon Park Dr. Suite 210 Menlo Park, CA 94025 for Dr. Arredondo, 1081 S. Westwood Blvd # 226, Los Angeles, CA 90024 for Dr. Cameron, and 420 S. Beverly Dr, Beverly Hills, CA 90212 for Dr. Shaw.

4. Attached as Exhibit “1” is a true and correct copy of the Memorandum of Costs (MC-010) served by Defendants on the Plaintiff, detailing the costs sought to be recovered by Defendants MJJ Productions, Inc. and MJJ Ventures, Inc. (“Defendants”).

5. Attached as Exhibit “2” is a true and correct copy of the Memorandum of Costs (MC-010 and MC-011) submitted by Defendants in January of 2018, detailing the costs sought to be recovered for the prior Motion for Summary Judgment.

6. Attached as Exhibit “3” is a true and correct copy of the Tentative Ruling that was issued by the Court with respect to the August 17, 2018 Hearing on Plaintiff’s prior Motion to Tax Costs.

7. Attached as Exhibit “4” is a true and correct copy of the hearing transcript from the August 17, 2018 hearing on Plaintiff’s Motion to Tax Costs.

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8.□ Attached as Exhibit “5” is a true and correct copy of a printout from the Internal Revenue Services’ website, entitled: “2017 Standard Mileage Rates for Business, Medical and Moving Announced.” This information was obtained on June 22, 2021 at the following website:

<https://www.irs.gov/newsroom/2017-standard-mileage-rates-for-business-medical-and-moving-announced>

I hereby declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on this 22nd day of June, 2021, at Irvine, California.

ALEX E. CUNNY, Esq.

Alex E. Cunny

EXHIBIT “1”

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Jonathan Steinsapir (226281) FIRM NAME: Kinsella Weitzman Iser Kump LLC STREET ADDRESS: 808 Wilshire Blvd., 3rd Flr CITY: Santa Monica STATE: CA ZIP CODE: 90401 TELEPHONE NO.: 310-566-9800 FAX NO.: 310-566-9850 E-MAIL ADDRESS: jsteinsapir@kwikalaw.com ATTORNEY FOR (name): MJJ Productions, Inc., MJJ Ventures Inc.	STATE BAR NUMBER: FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 1725 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Santa Monica, CA 90401 BRANCH NAME: West	
PLAINTIFF: Wade Robson DEFENDANT: MJJ Productions, Inc. et al.	
MEMORANDUM OF COSTS (SUMMARY)	CASE NUMBER: BC 508502

The following costs are requested:

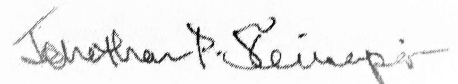
	TOTALS
1. Filing and motion fees	\$ 4,443.75
2. Jury fees	\$ 150.00
3. Jury food and lodging	\$
4. Deposition costs	\$ 74,559.09
5. Service of process	\$ 3,095.61
6. Attachment expenses	\$
7. Surety bond premiums	\$
8. Witness fees	\$ 30,711.80
9. Court-ordered transcripts	\$
10. Attorney fees <i>(enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required)</i>	\$
11. Court reporter fees as established by statute	\$
12. Models, enlargements, and photocopies of exhibits	\$
13. Interpreter fees	\$
14. Fees for electronic filing or service	\$
15. Fees for hosting electronic documents	\$
16. Other	\$
TOTAL COSTS	\$ 112,960.25

I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

Date: June 02, 2021

Jonathan Steinsapir

(TYPE OR PRINT NAME)





(SIGNATURE OF DECLARANT)

(Proof of service on reverse)

Page 1 of 2

SHORT TITLE
WADE ROBSON v. MJJ PRODUCTIONS, et al.

CASE NUMBER:
BC 508502

PROOF OF **MAILING** **PERSONAL DELIVERY**

1. At the time of mailing or personal delivery, I was at least 18 years of age and **not a party** to this legal action.
2. My residence or business address is (*specify*):

3. I mailed or personally delivered a copy of the *Memorandum of Costs (Summary)* as follows (*complete either a or b*):
 - a. **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope AND
 - (a) **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:

 - (c) Date of mailing: _____
 - (d) Place of mailing (*city and state*):
 - b. **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:

 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF DECLARANT)

SHORT TITLE WADE ROBSON v MJJ PRODUCTIONS, et al.	CASE NUMBER: BC 508502
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MEMORANDUM OF COSTS (WORKSHEET)

1. Filing and motion fees

	<u>Paper filed</u>	<u>Filing fee</u>
a.	<u>06/30/14 Stip to Response to 2nd Amended Complaint</u> <u>06/20/14 Demurrers (2) re: Doe 1 and to 2nd Amended</u>	\$ <u>20.00</u>
b.	<u>Complaint (First Appearance Fees)</u>	\$ <u>930.00</u>
c.	<u>10/23/14 Stip and Motion re: Protective Order</u>	\$ <u>20.00</u>
d.	<u>02/09/15 Stip to extend time to respond to complaint</u>	\$ <u>20.00</u>
e.	<u>03/10/15 Demurrer to Third Amended Complaint</u>	\$ <u>60.00</u>
f.	<u>Total from Attachment 1g</u>	\$ <u>3,393.75</u>
g.	<input checked="" type="checkbox"/> Information about additional filing and motion fees is contained in Attachment 1g.	

TOTAL 1. \$ 4,443.75

2. Jury fees

	<u>Date</u>	<u>Fee & mileage</u>
a.	<u>07/14/14</u>	\$ <u>150.00</u>
b.	<u> </u>	\$ <u> </u>
c.	<u> </u>	\$ <u> </u>
d.	<u> </u>	\$ <u> </u>
e.	<input type="checkbox"/> Information about additional jury fees is contained in Attachment 2e.	

TOTAL 2. \$ 150.00

3. Juror food: \$ _____ and lodging: \$ _____

TOTAL 3. \$ 0.00

4. Deposition costs

	<u>Name of deponent</u>	<u>Taking</u>	<u>Transcribing</u>	<u>Travel</u>	<u>Videotaping</u>	<u>Subtotals</u>
a.	<u>Mary Albert Collier</u>	\$ <u> </u>	\$ <u>680.20</u>	\$ <u>2,206.91</u>	\$ <u> </u>	\$ <u>2,887.11</u>
b.	<u>Blanca Francia Vol. 1</u>	\$ <u> </u>	\$ <u>1,607.80</u>	\$ <u>1,966.67</u>	\$ <u>450.00</u>	\$ <u>4,024.47</u>
c.	<u>Blanca Francia Vol. 2</u>	\$ <u> </u>	\$ <u>1,757.45</u>	\$ <u>989.89</u>	\$ <u>900.50</u>	\$ <u>3,647.84</u>
d.	<u>Total from Attachment 4e</u>	\$ <u>121.88</u>	\$ <u>36,399.95</u>	\$ <u>11,489.82</u>	\$ <u>15,988.02</u>	\$ <u>63,999.67</u>

e. Information about additional deposition costs is contained in Attachment 4e.

TOTAL 4. \$ 74,559.09

(Continued on reverse)

5. **Service of process**

	<u>Name of person served</u>	<u>Public officer</u>	<u>Registered process</u>	<u>Publication</u>	<u>Other (specify)</u>
a.	Santa Barbara County District Attorney	\$ _____	\$ 150.00	\$ _____	\$ _____
b.	Santa Barbara County District Attorney	\$ _____	\$ 60.00	\$ _____	\$ _____
c.	Total from Attachment 5D	\$ _____	\$ 2,885.61	\$ _____	\$ _____

d. Information about additional costs for service of process is contained in Attachment 5d.

TOTAL 5. \$ 3,095.61

6. Attachment expenses (specify):

6. \$ _____

7. Surety bond premiums (itemize bonds and amounts):

7. \$ _____

8. a. **Ordinary witness fees**

	<u>Name of witness</u>	<u>Daily fee</u>	<u>Mileage</u>	<u>Total</u>
(1)	Blanca Francia	1 days at 35.00 \$/day	_____ miles at _____ ¢/mile:	\$ 35.00
(2)	Chantal Robson - Deposition	1 days at 79.00 \$/day	_____ miles at _____ ¢/mile:	\$ 79.00
(3)	Joy Robson - Deposition	1 days at 79.00 \$/day	_____ miles at _____ ¢/mile:	\$ 79.00
(4)	Shane Robson	1 days at 79.00 \$/day	_____ miles at _____ ¢/mile:	\$ 79.00
(5)	Total from Attachment 8a (6)	1 days at 139.80 \$/day	_____ miles at _____ ¢/mile:	\$ 139.80

(6) Information about additional ordinary witness fees is contained in Attachment 8a(6).

SUBTOTAL 8a. \$ 411.80

(Continued on next page)

SHORT TITLE WADE ROBSON v MJJ PRODUCTIONS, et al.	CASE NUMBER: BC 508502
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8. b. **Expert fees** (per Code of Civil Procedure section 998)

Name of witness	Fee	
(1) _____	_____ hours at \$ _____/hr	\$ 0.00
(2) _____	_____ hours at \$ _____/hr	\$ 0.00
(3) _____	_____ hours at \$ _____/hr	\$ 0.00
(4) _____	_____ hours at \$ _____/hr	\$ 0.00
(5) <input type="checkbox"/> Information about additional expert fees is contained in Attachment 8b(5).		
SUBTOTAL 8b.		\$ 0.00

c. **Court-ordered expert fees**

Name of witness	Fee	
(1) <u>Dr. Harrison Pope</u>	<u>50.50</u> hours at \$ <u>600.00</u> /hr	\$ 30,300.00
(2) _____	_____ hours at \$ _____/hr	\$ 0.00
(3) <input type="checkbox"/> Information about additional court-ordered expert fees is contained in Attachment 8c(3).		
SUBTOTAL 8c.		\$ 30,300.00

TOTAL (8a, 8b, & 8c) 8. \$ 30,711.80

9. **Court-ordered transcripts** (specify):

9. \$

10. **Attorney fees** (enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required):

10. \$

11. **Models, enlargements, and photocopies of exhibits** (specify):

11. \$

12. **Court reporter fees** (as established by statute)

a. (Name of reporter): _____ Fees: \$ _____

b. (Name of reporter): _____ Fees: \$ _____

c. Information about additional court-reporter fees is contained in Attachment 12c.

TOTAL 12. \$ 0.00

13. **Interpreter fees**

a. Fees of a certified or registered interpreter for the deposition of a party or witness

(Name of interpreter): _____ Fees: \$ _____

(Name of interpreter): _____ Fees: \$ _____

b. Fees for a qualified court interpreter authorized by the court for an indigent person represented by a qualified legal services project or a pro bono attorney

(Name of interpreter): _____ Fees: \$ _____

(Name of interpreter): _____ Fees: \$ _____

c. Information about additional court-reporter fees is contained in Attachment 13c.

TOTAL 13. \$ 0.00

14. **Fees for electronic filing or service of documents through an electronic filing service provider** (enter here if required or ordered by the court):

14. \$

15. **Fees for hosting electronic documents through an electronic filing service provider** (enter here if required or ordered by the court):

15. \$

16. **Other** (specify): _____

16. \$

TOTAL COSTS	\$ 112,960.25
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(Additional information may be supplied on the reverse)

Attachment 1g

<u>Paper filed</u>	<u>Filing fee</u>
11/23/15 Writ of Mandate	\$775.00
03/02/16 Motion for Summary Judgment	\$500.00
08/04/16 Stip and Proposed Order re: Mental Examination	\$ 20.00
08/09/16 Ex Parte Application for Protective Order	\$ 60.00
08/28/16 Motion for Summary Judgment – Reschedule Fee	\$ 20.00
12/20/16 Motion to Compel Discovery	\$ 60.00
04/16/17 Motion to Seal	\$ 60.00
08/10/17 Ex Parte Application to Advance Motion for Summary Judgment Hearing date	\$ 60.00
12/01/17 Motion to Seal	\$ 60.00
12/12/17 Motion to Quash	\$ 60.00
12/15/17 Motion to Seal	\$ 60.00
12/02/20 Ex Parte	\$154.00
12/04/20 Opposition to Petition for Writ	\$390.00
12/11/20 Motion for Summary Judgment, Separate Statement, Compendium of Evidence	\$37.00
2/28/21 Notice of Motion & Motion to Seal Documents	\$36.20
2/28/21 Proposed Order re Motion to Seal Documents	\$36.20
2/28/21 Joint Stipulation & Order	\$126.15
2/28/21 Notice of Order re Rescheduling Hearing	\$76.20
3/9/21 Motion to Seal Hearing	\$61.65
3/31/21 Joint Stipulation and [Proposed] Order to Continue	\$58.20
3/31/21 Proposed Order	\$102.20

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1	<u>Paper filed</u>	<u>Filing fee</u>
2	4/10/21 Stipulation and Order to Continue Trial	\$67.20
3	5/04/21 Motion for Summary Judgment	\$513.75
4	TOTAL	\$3393.75

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Attachment 4e

<u>Name of Deponent</u>	<u>Taking</u>	<u>Transcribing</u>	<u>Travel</u>	<u>Video-taping</u>	<u>Subtotals</u>
Jason Francia		\$1,481.92	\$400.76	\$575.00	\$2,457.68
Gayle Goforth		\$998.80	\$368.81		\$1,367.61
Gary Hearne		\$1,071.60		\$550.00	\$1,621.60
Michael Kane		\$938.35			\$938.35
Cynthia Koziolas		\$2,037.72		\$1,360.66	\$3,398.38
Jolie Levine		\$1,293.40		\$570.00	\$1,863.40
Charli Michaels		\$1,406.05	\$1,524.27	\$525.00	\$3,455.32
Orietta Mudock		\$1,297.25	\$1,333.82	\$425.00	\$3,056.07
Vincent Neglia		\$1,200.05		\$500.00	\$1700.05
George Nial		\$617.25	\$962.01	\$250.00	\$1,829.26
Anthony Pelicano		\$104.55			\$104.55
Evangeline Pestano-Aquilizan		\$591.25	\$324.21	\$200.00	\$1,115.46
Linda Ramm		\$681.00	\$371.92	\$300.00	\$1,352.92
Amanda Robson	\$121.88	\$2,590.99	\$3,824.42	\$1,461.83	\$7,999.12
Chantal Robson		\$1,989.45		\$1,347.50	\$3,336.95
Lynette Joy Robson		\$4,076.60		\$1,692.50	\$5,769.10
Shane Robson		\$1,202.20		\$880.00	\$2,082.20
Wade Robson Vol. 1		\$893.87		\$513.13	\$1,407.00
Wade Robson Vol. 2		\$2,998.10		\$1,363.75	\$4,361.85
Federico Sicard		\$1,175.00		\$675.00	\$1,850.00
Rosibel Smith		\$1,050.00		\$525.00	\$1,575.00
Donald Starks		\$333.70		\$100.00	\$433.70

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<u>1</u>	<u>Name of</u>	<u>Taking</u>	<u>Transcribing</u>	<u>Travel</u>	<u>Video-taping</u>	<u>Subtotals</u>
<u>2</u>	<u>Deponent</u>					
3	Evelyn Tayasci		\$811.50		\$275.00	\$1,086.50
4	Leroy Thomas		\$415.60	\$159.29	\$150.00	\$724.89
5	Leroy Whaley		\$434.55		\$150.00	\$584.55
6	Anthony Pellicano		\$1,859.75		\$600.00	\$2,459.75
7	IME of Wade Robson		\$2,137.40	\$2,220.31	\$723.65	\$5,081.36
8	John Branca		\$712.05		\$275.00	\$987.05
9	TOTAL	\$121.88	\$36,399.95	\$11,489.82	\$15,988.02	\$63,999.67
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Attachment 5D

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Name of Person Served	Public Officer	Registered Process	Publication	Other (Specify)
Dr. David Arrendondo		\$699.48		
Dr. Ron Benbasset		\$106.00		
Dr. Michael Cameron		\$751.19		
Dr. David Fogelson		\$ 92.00		
Gerardo Horischnik		\$106.00		
Dr. Larry Shaw		\$794.38		
Renaissance – Literary/Talent Agency		\$336.56		
TOTAL		\$2,885.61		

KINSELLA WEITZMAN ISER KUMP LLP
808 WILSHIRE BOULEVARD, 3RD FLOOR
SANTA MONICA, CALIFORNIA 90401
TEL 310.566.9800 • FAX 310.566.9850

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Attachment 8a

Name of Witness	Daily Fee (including Mileage)	Total
Chantal Robson – Trial Subpoena	\$60.00	\$ 60.00
Joy Robson – Trial Subpoena	\$79.80	\$ 79.80
TOTAL		\$139.80

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 808 Wilshire Boulevard, 3rd Floor, Santa Monica, CA 90401.

On June 3, 2021, I served true copies of the following document(s) described as **MEMORANDUM OF COSTS** on the interested parties in this action as follows:

John C. Manley
Vince W. Finaldi
Alex E. Cunny
Manly, Stewart & Finaldi
19100 Von Karman Ave., Suite 800
Irvine, CA 92612

Attorneys for Plaintiff Wade Robson

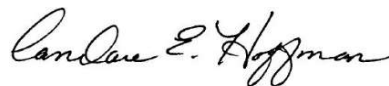
Phone: 949-252-9990
Fax: 949-252-9991
Email: vfinaldi@manlystewart.com
jmanly@manlystewart.com
acunny@manlystewart.com
kfrederiksen@manlystewart.com

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Kinsella Weitzman Iser Kump LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address choffman@kwikalaw.com to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY OVERNIGHT DELIVERY: I caused said document(s) to be enclosed in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed above or on the attached Service List. I caused the envelope or package to be placed for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 3, 2021, at Los Angeles, California.



Candace E. Hoffman

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 808 Wilshire Boulevard, 3rd Floor, Santa Monica, CA 90401.

On June 3, 2021, I served true copies of the following document(s) described as **MEMORANDUM OF COSTS** on the interested parties in this action as follows:

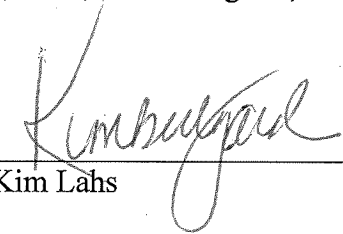
John C. Manley	<i>Attorneys for Plaintiff Wade Robson</i>
Vince W. Finaldi	
Alex E. Cunny	Phone: 949-252-9990
Manly, Stewart & Finaldi	Fax: 949-252-9991
19100 Von Karman Ave., Suite 800	
Irvine, CA 92612	

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Kinsella Weitzman Iser Kump LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address choffman@kwikalaw.com to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY OVERNIGHT DELIVERY: I caused said document(s) to be enclosed in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed above or on the attached Service List. I caused the envelope or package to be placed for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 3, 2021, at Los Angeles, California.



Kim LaHS

EXHIBIT “2”

UDF mtn tax =
2/1/18 MC-010

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: Howard Weitzman (SBN 38723); Jonathan Steinsapir (226281) FIRM NAME: Kinsella Weitzman Iser Kump & Aldisert LLC STREET ADDRESS: 808 Wilshire Blvd., 3rd Flr CITY: Santa Monica STATE: CA ZIP CODE: 90401 TELEPHONE NO.: 310-566-9800 FAX NO.: 310-566-9850 E-MAIL ADDRESS: hweitzman@kwikalaw.com; jsteinsapir@kwikalaw.com ATTORNEY FOR (name): MJJ Productions, Inc., MJJ Ventures, In</p>	<p>FOR COURT USE ONLY</p> <div style="font-size: 2em; font-weight: bold; color: blue; text-align: center;"> RECEIVED JAN 16 2018 BY: _____ </div>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 1725 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Santa Monica, CA 90401 BRANCH NAME: West</p>	
<p>PLAINTIFF: Wade Robson DEFENDANT: MJJ Productions, Inc. et al.</p>	
<p>MEMORANDUM OF COSTS (SUMMARY)</p>	<p>CASE NUMBER: BC 508502</p>

The following costs are requested:

	TOTALS
1. Filing and motion fees	\$ 2,785.00
2. Jury fees	\$ 150.00
3. Jury food and lodging	\$
4. Deposition costs	\$ 72,099.34
5. Service of process	\$ 3,095.61
6. Attachment expenses	\$
7. Surety bond premiums	\$
8. Witness fees	\$ 30,711.80
9. Court-ordered transcripts	\$ 2,623.35
10. Attorney fees (enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required)	\$
11. Court reporter fees as established by statute	\$
12. Models, enlargements, and photocopies of exhibits	\$
13. Interpreter fees	\$
14. Fees for electronic filing or service	\$
15. Fees for hosting electronic documents	\$
16. Other	\$

TOTAL COSTS	\$ 111,465.10
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I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

Date: January 12, 2018

Jonathan Steinsapir
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

(Proof of service on reverse)

SHORT TITLE WADE ROBSON v MJJ PRODUCTIONS, et al.

CASE NUMBER:

BC 508502

PROOF OF MAILING PERSONAL DELIVERY

1. At the time of mailing or personal delivery, I was at least 18 years of age and **not a party** to this legal action.
2. My residence or business address is (*specify*):

3. I mailed or personally delivered a copy of the *Memorandum of Costs (Summary)* as follows (*complete either a or b*):
 - a. **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope AND
 - (a) **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) Address on envelope:

 - (c) Date of mailing: _____
 - (d) Place of mailing (*city and state*):
 - b. **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:


 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Jonathan Steinsapir

(TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

SHORT TITLE: WADE ROBSON v MJJ PRODUCTIONS, et al.	CASE NUMBER: BC 508502
MEMORANDUM OF COSTS (WORKSHEET)	

1. Filing and motion fees

	<u>Paper filed</u>	<u>Filing fee</u>
a. <u>06/30/14 Stip to Respons to 2nd Amended Complaint</u>	\$	20.00
b. <u>06/20/14 Demurrers(2)re: Doe 1 and to Second Amended Complaint (First Appearance Fees)</u>	\$	930.00
c. <u>10/23/14 Stip and Motion re: Protective Order</u>	\$	20.00
d. <u>02/09/15 Stip to extend time to respond to complaint</u>	\$	20.00
e. <u>03/10/15 Demurrer to Third Amended Complaint</u>	\$	60.00
f. <u>Total from Attachment 1g</u>	\$	1,735.00

g. Information about additional filing and motion fees is contained in Attachment 1g.

1. \$ 2,785.00

2. Jury fees

	<u>Date</u>	<u>Fee & mileage</u>
a. <u>07/14/14</u>	\$	150.00
b. _____	\$	_____
c. _____	\$	_____
d. _____	\$	_____

e. Information about additional jury fees is contained in Attachment 2e.

TOTAL 2. \$ 150.00

3. Juror food: \$ _____ and lodging: \$ _____

TOTAL 3. \$ _____

4. Deposition costs

	<u>Name of deponent</u>	<u>Taking</u>	<u>Transcribing</u>	<u>Travel</u>	<u>Video-taping</u>	<u>Subtotals</u>
a.	<u>Mary Albert Collier</u>	\$ _____	\$ 680.20	\$ 2,206.91	\$ _____	\$ 2,887.11
b.	<u>John Branca</u>	\$ _____	\$ 712.05	\$ _____	\$ 275.00	\$ 987.05
c.	<u>Blanca Francia Vol. 1</u>	\$ _____	\$ 1,607.80	\$ 1,966.67	\$ 450.00	\$ 4,024.47
d.	<u>Blanca Francia Vol. 2</u>	\$ _____	\$ 1,757.45	\$ 989.89	\$ 900.50	\$ 3,647.84

e. Information about additional deposition costs is contained in Attachment 4e.

TOTAL 4. \$ 72,099.34

(Continued on reverse)

5. Service of process

	<u>Name of person served</u>	<u>Public officer</u>	<u>Registered process</u>	<u>Publication</u>	<u>Other (specify)</u>
a.	<u>Santa Barbara County</u> District Attorney	\$ _____	\$ <u>150.00</u>	\$ _____	\$ _____
b.	<u>Santa Barbara County</u> District Attorney	\$ _____	\$ <u>60.00</u>	\$ _____	\$ _____
c.	<u>Total from</u> Attachment 5D	\$ _____	\$ <u>2,885.61</u>	\$ _____	\$ _____

d. Information about additional costs for service of process is contained in Attachment 5d.

TOTAL 5. \$ 3,095.61

6. Attachment expenses (specify): 6. \$

7. Surety bond premiums (itemize bonds and amounts): 7. \$

8. a. Ordinary witness fees

	<u>Name of witness</u>	<u>Daily fee</u>	<u>Mileage</u>	<u>Total</u>
(1)	<u>Blanca Francia</u>	<u>1.00</u> days at <u>35.00</u> \$/day	_____ miles at _____ ¢/mile	\$ <u>35.00</u>
(2)	<u>Chantal Robson -</u> Deposition	<u>1.00</u> days at <u>79.00</u> \$/day	_____ miles at _____ ¢/mile	\$ <u>79.00</u>
(3)	<u>Joy Robson -</u> Deposition	<u>1.00</u> days at <u>79.00</u> \$/day	_____ miles at _____ ¢/mile	\$ <u>79.00</u>
(4)	<u>Shane Robson</u>	<u>1.00</u> days at <u>79.00</u> \$/day	_____ miles at _____ ¢/mile	\$ <u>79.00</u>
(5)	<u>Total from</u> Attachment 8a(6)	<u>1.00</u> days at <u>139.8</u> \$/day	_____ miles at _____ ¢/mile	\$ <u>139.80</u>

(6) Information about additional ordinary witness fees is contained in Attachment 8a(6).

SUBTOTAL 8a. \$ 411.80

SHORT TITLE: WADE ROBSON v MJJ PRODUCTIONS, et al.

CASE NUMBER:
BC 508502

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

8. b. Expert fees (per Code of Civil Procedure section 998)

<u>Name of witness</u>	<u>Fee</u>
(1) _____	_____ hours at \$ _____ /hr \$ _____
(2) _____	_____ hours at \$ _____ /hr \$ _____
(3) _____	_____ hours at \$ _____ /hr \$ _____
(4) _____	_____ hours at \$ _____ /hr \$ _____

(5) Information about additional expert witness fees is contained in Attachment 8b(5).

SUBTOTAL 8b. \$

c. Court-ordered expert fees

<u>Name of witness</u>	<u>Fee</u>
(1) <u>Dr. Harrison Pope</u>	<u>50.50</u> hours at \$ <u>600.00</u> /hr \$ <u>30,300.00</u>
(2) _____	_____ hours at \$ _____ /hr \$ _____

(3) Information about additional court-ordered expert witness fees is contained in Attachment 8c(3).

SUBTOTAL 8c. \$ 30,300.00

TOTAL (8a, 8b, & 8c) 8. \$ 30,711.80

9. **Court-ordered transcripts (specify):** See Attachment 9 9. \$ 2,623.35

10. **Attorney fees (enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required):** 10. \$

11. **Models, blowups, and photocopies of exhibits (specify):** 11. \$

12. Court reporter fees (as established by statute)

a. (Name of reporter): _____ Fees: \$ _____

b. (Name of reporter): _____ Fees: \$ _____

c. Information about additional court reporter fees is contained in Attachment 12c.

TOTAL 12. \$

13. **Other (specify):** 13. \$

TOTAL COSTS \$ 111,465.10

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

	4. Deposition costs (continued)					
	Name of deponent	Taking	Transcribing	Travel	Video- taping	Subtotals
1						
2						
3	<u>Jason Francia</u>	\$ _____	\$ <u>1,481.92</u>	\$ <u>400.76</u>	\$ <u>575.00</u>	\$ <u>2,457.68</u>
4	<u>Gayle Goforth</u>	\$ _____	\$ <u>998.80</u>	\$ <u>368.81</u>	\$ _____	\$ <u>1,367.61</u>
5	<u>Gary Hearne</u>	\$ _____	\$ <u>1,071.60</u>	\$ _____	\$ <u>550.00</u>	\$ <u>1,621.60</u>
6	<u>Michael Kane</u>	\$ _____	\$ <u>938.35</u>	\$ _____	\$ _____	\$ <u>938.35</u>
7	<u>Cynthia Koziolas</u>	\$ _____	\$ <u>2,037.72</u>	\$ _____	\$ <u>1,360.66</u>	\$ <u>3,398.38</u>
8	<u>Jolie Levine</u>	\$ _____	\$ <u>1,293.40</u>	\$ _____	\$ <u>570.00</u>	\$ <u>1,863.40</u>
9	<u>Charli Michaels</u>	\$ _____	\$ <u>1,406.05</u>	\$ <u>1,524.27</u>	\$ <u>525.00</u>	\$ <u>3,455.32</u>
10	<u>Orietta Mudock</u>	\$ _____	\$ <u>1,297.25</u>	\$ <u>1,333.82</u>	\$ <u>425.00</u>	\$ <u>3,056.07</u>
11	<u>Vincent Neglia</u>	\$ _____	\$ <u>1,200.05</u>	\$ _____	\$ <u>500.00</u>	\$ <u>1,700.05</u>
12	<u>George Nial</u>	\$ _____	\$ <u>617.25</u>	\$ <u>962.01</u>	\$ <u>250.00</u>	\$ <u>1,829.26</u>
13	<u>Anthony Pelicano</u>	\$ _____	\$ <u>104.55</u>	\$ _____	\$ _____	\$ <u>104.55</u>
14	<u>Evangeline</u>	\$ _____	\$ <u>591.25</u>	\$ <u>324.21</u>	\$ <u>200.00</u>	\$ <u>1,115.46</u>
15	<u>Pestano-Aquilizan</u>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
16	<u>Linda Ramm</u>	\$ _____	\$ <u>681.00</u>	\$ <u>371.92</u>	\$ <u>300.00</u>	\$ <u>1,352.92</u>
17	<u>Amanda Robson</u>	\$ <u>121.88</u>	\$ <u>2,590.99</u>	\$ <u>3,824.42</u>	\$ <u>1,461.83</u>	\$ <u>7,999.12</u>
18	<u>Chantal Robson</u>	\$ _____	\$ <u>1,989.45</u>	\$ _____	\$ <u>1,347.50</u>	\$ <u>3,336.95</u>
19	<u>Lynette Joy</u>	\$ _____	\$ <u>4,076.60</u>	\$ _____	\$ <u>1,692.50</u>	\$ <u>5,769.10</u>
20	<u>Robson</u>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
20	<u>Shane Robson</u>	\$ _____	\$ <u>1,202.20</u>	\$ _____	\$ <u>880.00</u>	\$ <u>2,082.20</u>
21	<u>Wade Robson Vol.</u>	\$ _____	\$ <u>893.87</u>	\$ _____	\$ <u>513.13</u>	\$ <u>1,407.00</u>
22	<u>1</u>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
22	<u>Wade Robson Vol.</u>	\$ _____	\$ <u>2,998.10</u>	\$ _____	\$ <u>1,363.75</u>	\$ <u>4,361.85</u>
23	<u>2</u>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
23	<u>Federico Sicard</u>	\$ _____	\$ <u>1,175.00</u>	\$ _____	\$ <u>675.00</u>	\$ <u>1,850.00</u>
24	<u>Rosibel Smith</u>	\$ _____	\$ <u>1,050.00</u>	\$ _____	\$ <u>525.00</u>	\$ <u>1,575.00</u>
25	<u>Total from 4-2</u>	\$ _____	\$ <u>4,132.75</u>	\$ <u>2,379.60</u>	\$ <u>1,398.65</u>	\$ <u>7,911.00</u>
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MEMORANDUM OF COSTS (WORKSHEET) (Continued)

	4. Deposition costs (continued)					
	Name of deponent	Taking	Transcribing	Travel	Video- taping	Subtotals
1						
2						
3	Donald Starks	\$ _____	\$ 333.70	\$ _____	\$ 100.00	\$ 433.70
4	Evelyn Tavasci	\$ _____	\$ 811.50	\$ _____	\$ 275.00	\$ 1,086.50
5	Leroy Thomas	\$ _____	\$ 415.60	\$ 159.29	\$ 150.00	\$ 724.89
6	Leroy Whaley	\$ _____	\$ 434.55	\$ _____	\$ 150.00	\$ 584.55
7	IME of Wade Robson	\$ _____	\$ 2,137.40	\$ 2,220.31	\$ 723.65	\$ 5,081.36
8	TOTAL	\$ _____	\$ 4,132.75	\$ 2,379.60	\$ 1,398.65	\$ 7,911.00
9		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
10		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
11		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
12		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
13		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
14		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
15		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
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20		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
21		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
22		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
23		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
24		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
25		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

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Attachment 1g

<u>Paper filed</u>	<u>Filing fee</u>
11/23/15 Writ of Mandate	\$775.00
03/02/16 Motion for Summary Judgment	\$500.00
08/04/16 Stip and Proposed Order re: Mental Examination	\$ 20.00
08/09/16 Ex Parte Application for Protective Order	\$ 60.00
08/28/16 Motion for Summary Judgment – Reschedule Fee	\$ 20.00
12/20/16 Motion to Compel Discovery	\$ 60.00
04/16/17 Motion to Seal	\$ 60.00
08/10/17 Ex Parte Application to Advance Motion for Summary Judgment Hearing date	\$ 60.00
12/01/17 Motion to Seal	\$ 60.00
12/12/17 Motion to Quash	\$ 60.00
12/15/17 Motion to Seal	<u>\$ 60.00</u>
TOTAL	\$1,735.00

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Attachment 5D

Name of Person Served	Public Officer	Registered Process	Publication	Other (Specify)
Dr. David Arrendondo		\$699.48		
Dr. Ron Benbasset		\$106.00		
Dr. Michael Cameron		\$751.19		
Dr. David Fogelson		\$ 92.00		
Gerardo Horischnik		\$106.00		
Dr. Larry Shaw		\$794.38		
Renaissance – Literary/Talent Agency		\$336.56		
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Attachment 8a

Name of Witness	Daily Fee (including Mileage)	Total
Chantal Robson – Trial Subpoena	\$60.00	\$ 60.00
Joy Robson – Trial Subpoena	\$79.80	\$ 79.80
TOTAL		\$139.80

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Attachment 9

1			
2	Date	Description	Total
3	07/20/15	Demurrer Hearing	547.50
4	08/23/16	Motion for Protective Order	459.15
5	02/02/17	Motion to Compel Compliance	626.70
6	08/09/17	Motion for Protective Order and Sanctions-Whaley Deposition	184.00
7	12/05/17	Motion for Summary Judgment	806.00
8	TOTAL		\$2,623.35

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 808 Wilshire Boulevard, 3rd Floor, Santa Monica, CA 90401.

On January 12, 2018, I served true copies of the following document(s) described as **MEMORANDUM OF COSTS** on the interested parties in this action as follows:

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BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Kinsella Weitzman Iser Kump & Aldisert LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a courtesy copy of the document(s) to be sent from e-mail address dgotori@kwikalaw.com to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY OVERNIGHT DELIVERY: I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed above or on the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 12, 2018, at Santa Monica, California.

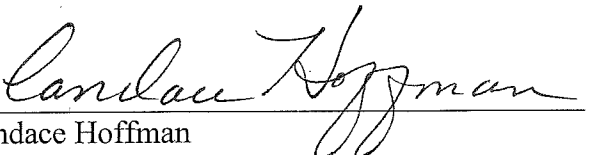

Candace Hoffman

EXHIBIT “3”

CASE NAME: ROBSON v. MJJ PRODUCTIONS, INC.
CASE NUMBER: BC508502 [r/t BC545264 and BP117321]
HEARING DATE: 8/17/18 **COMPLAINT FILED:** 5/10/13
TRIAL DATE: N/A
NOTICE: OK

MOTION: Plaintiff Wade Robson’s Motion to Tax Costs

TENTATIVE RULING

Merits

Plaintiff Wade Robson moves to tax Defendants MJJ Productions and MJJ Ventures’ memorandum of costs. Defendants oppose the motion. A reply was filed.

“If the items appearing in a cost bill appear to be proper charges, the burden is on the party seeking to tax costs to show that they were not reasonable or necessary. On the other hand, if the items are properly objected to, they are put in issue and the burden of proof is on the party claiming them as costs.” (*Ladas v. Cal. State Auto. Assoc.* (1993) 19 Cal.App.4th 761, 774.) Thus, if the items appear to be proper charges the verified memorandum is prima facie evidence that the costs, expenses and services therein listed were necessarily incurred by the prevailing defendant, and the burden of showing that an item is not properly chargeable or is unreasonable is upon Plaintiff. (*Nelson v. Anderson* (1998) 72 Cal.App.4th 111, 131.)

a. Expert Fees

Plaintiff seeks to tax \$35,381.36 for the expert fees sought in Defendant’s memorandum of costs. Plaintiff argues that expert fees are not recoverable unless these costs are either ordered by the court or are subject to a CCP §998 offer. (CCP §§ 1033.5(a)(8), (b)(1))

With respect to the costs, Defendants agreed these costs are only recoverable to the extent that they comply with the statute but argue that the IME conducted by Dr. Harrison Pope was court ordered pursuant to CCP 2032.310. (Steinsapir Decl., Ex. A)

The court is not inclined to find that the expert fees associated to an IME are properly characterized as “court ordered fees” even though an IME requires “leave from the court”, i.e., a court order. Defendants submit no persuasive legal authority suggesting that an IME can be recovered as a court-ordered expert fee. Rather than find that the IME was by a “court-ordered expert,” which suggests that the court had directed the IME to occur, this Court finds that an IME is simply a Court permitted occurrence at the request of a party. Another way of looking at the IME is to consider what would have happened if both parties had decided not to proceed with the IME after the court signed the submitted stipulation; in such an instance, there would have

been no violation of court order because the court did not independently decide to set the IME.

Plaintiff's motion to tax these costs is GRANTED in the amount of \$35,381.36.

b. *Court Transcripts*

Plaintiff moves to tax these costs in the amount of \$2,623.35. Defendants concede that the motion to tax costs be GRANTED as to these costs.

c. *Deposition Costs*

Plaintiff moves to tax these costs, arguing that the transcription costs appear to be excessive, the travel costs are patently unreasonable, and the videotaping was neither necessary nor reasonable.

In opposition, Defendants submit their attorney billing record which they contend is sufficient to show that these costs were actually incurred but submit no underlying invoices or receipts. The reply argues that this evidence is inadequate to show that the costs were actually incurred and provide no additional evidence than already contained within the memorandum of costs. The Court is inclined to find that Defendant's opposition evidence is sufficient (albeit only barely).

With respect to the deposition transcription costs, Plaintiff notes that several of the deposition transcript costs were over \$1,000 and at least one was \$4,000. However, as to these costs, the court is inclined to find that simply arguing that the transcription cost are expensive is insufficient to show they are unreasonable without submitting some evidence as to what the reasonable transcriptions costs *should* have been. Moreover, Defendants argue that they were charged by the number of page and some depositions were longer than others; also, because of where some of the depositions occurred—such as Maui—the cost were higher than normal Los Angeles rates. (Steinsapir Decl., ¶ 8). The court has not been provided a sufficient basis to tax these costs.

Plaintiff further argues that the depositions travel costs were unreasonable. With respect to travel costs to depositions “within driving distance” of Santa Monica, Defendant argues that they chose to stay overnight at these locations to save on driving time and the costs of hotel were justified because they cost less than an hour of counsel's hourly rate. The court finds that the cost of hotels related to the depositions of Jason Francia, Gayle Goforth, Evangeline Pestano-Aquilizan, Linda Ramm and Leroy Thomas are “merely convenient” and not necessary. Further, there was no showing that counsel would have been required to travel in rush hour traffic to attend these depositions or that the time spent in this heavier traffic would have exceeded the cost of the hotel. Thus, the court will tax these accommodation costs in their entirety in the amount of \$366.24.

Plaintiff also challenges as excessive the travel costs for out of state depositions of Mary Alert Collier (\$2,206.91), Blanca Francia (\$2,065.56) Charlie Michael (\$1,524.27), Orietta Murdock (\$1,333.82), and Amanda Robson (\$3,824.42). With respect to the deposition of Blanca Francia, Plaintiff notes that Defendant had two attorneys present and seemingly seeks to recover the costs for both attorneys; while Defendants provide a reasonable explanation for the appearance of two attorneys at this deposition, the court finds that two attorneys was merely convenient rather than reasonably necessary. More generally, the court also finds that Defendants have failed to substantiate these travel costs. A review of the billing records suggest that these costs were excessive and some costs unnecessary; for example \$500 per flight to Las Vegas appears high and no explanation was provided for this substantial cost. The court is inclined to tax these travel costs by \$3,000.

Finally, in videotaping the depositions, Plaintiff argues that the videotaping was not necessary and even to the extent the court finds that videotaping was necessary there is no explanation for the high cost. The court finds that the videotaping in this type of case is reasonably necessary and also notes that most of the video depositions were noticed by Plaintiff and the videotaping of those were at his request. (Steinsapir Decl., ¶ 9). However, the court is inclined to tax the video deposition costs of Blanca Francia, Cynthia Koziolas, Amanda Robson, Chantal Robson, Lynette Joy Robson, Shane Robson, Wade Robson and Federico Sicard in the absence of any explanation from Defendants to Plaintiff's challenge of these high costs, which appear unreasonable on their face. The court is inclined to tax these costs by \$3,000.

d. *Service Costs*

Defendants claim service costs in the amount of \$3,095.61. Defendant's cost memorandum notes service fees of \$699.48, \$751.19, \$794.38 and \$336.56. The court agrees that these costs appear unreasonable in the absence of any justification. Defendants only attempt to explain the costs as to service on two individuals and these explanations are unpersuasive. (Steinsapir Decl., ¶ 10). The Court will tax these costs by \$1,000.

SUMMARY OF COSTS TAXED:

Expert Fees	\$ 35,381.36
Court Transcripts	\$ 2,623.35
Deposition Costs	\$ 6,366.24
Service Costs	\$ 1,000.00
TOTAL	\$ 45,370.95

Total Costs Requested: \$ 111,465.10
Costs Taxed: \$ (43,370.95)
Net Costs Awarded: \$ 68,094.15

NOTICE

Defendant shall give notice of today's rulings and timely file proof of service thereof.

EXHIBIT “4”

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(PARTIES PARTICIPATED VIA COURT CALL)

THE COURT: NUMBER ONE. WADE ROBSON VERSUS
JOHN DOE, ET AL.

MS. MAC ISAAC: GOOD MORNING, YOUR HONOR.
SUEANN --

MR. STEWART: YOUR HONOR, MORGAN STEWART ON
THE PHONE FOR PLAINTIFF.

MS. MAC ISAAC: GOOD MORNING, YOUR HONOR.
SUANN MACISAAC FOR THE DEFENDANTS MJJ PRODUCTIONS AND
MJJ VENTURES.

THE COURT: MACISSAC, IS IT?

MS. MAC ISAAC: MAC ISAAC. M-A-C-I-S-A-A-C.

THE COURT: THANK YOU. MACISAAC. I GOT YOU.
ANYBODY ELSE ON THAT CASE?

HEARING NONE, VERY GOOD. THE HEARING'S DEEMED
STARTED. YOU CAN HAND OUT THE TENTATIVE.

(PAUSE IN PROCEEDINGS.)

THE COURT: NEXT IS WADE ROBSON VERSUS JOHN
DOE, ET AL. CASE NUMBER BC508502.

MR. STEWART: GOOD MORNING, YOUR HONOR.
MORGAN STEWART ON THE PHONE FOR PLAINTIFF WADE ROBSON.

THE COURT: GOOD MORNING.

MS. MAC ISAAC: GOOD MORNING, YOUR HONOR.
SUANN MACISAAC FOR THE DEFENDANTS MJJ PRODUCTIONS AND
MJJ VENTURES.

1 THE COURT: GOOD MORNING. BOTH OF YOU HAVE
2 HAD AN OPPORTUNITY TO READ MY INDICATED?

3 MS. MAC ISAAC: I HAVE, YOUR HONOR.

4 MR. STEWART: YES, YOUR HONOR.

5 THE COURT: VERY GOOD. IT'S THE PLAINTIFF'S
6 MOTION SO, MR. STEWART, YOU GET TO ARGUE FIRST.

7 MR. STEWART: PLAINTIFF'S POSITION IS -- AND
8 I'VE HAD AN OPPORTUNITY TO READ THE TENTATIVE, AND
9 THANK YOU VERY MUCH TO THE CLERK FOR FAXING THAT
10 OVER -- WE WOULD SUBMIT ON THE TENTATIVE. WE AGREE
11 WITH THE COURT'S FINDINGS WITH RESPECT TO THAT.

12 THE COURT: THANK YOU.
13 DEFENSE?

14 MS. MAC ISAAC: YES, YOUR HONOR. I'D LIKE TO
15 BE HEARD JUST FOR A MOMENT.

16 THE COURT: CERTAINLY.

17 MS. MAC ISAAC: FIRST, BECAUSE IT'S THE
18 BIGGEST TICKET ITEM, I'D LIKE TO TALK ABOUT DR. POPE'S
19 EXPERT FEES.

20 THE COURT: OKAY.

21 MS. MAC ISAAC: THE COURT APPEARS, IN ITS
22 TENTATIVE, TO AGREE WITH PLAINTIFF -- PLAINTIFF'S
23 COUNSEL -- THAT 1033.588 IS LIMITED TO COURT-APPOINTED
24 EXPERTS. AND THIS ARGUMENT WAS MADE IN THE REPLY AND
25 IS BASED ON THE FIRST NATIONAL WISE BAIT V MOUNTAIN
26 CASCADE. AND AFTER READING THE REPLY, I LOOKED AT THE
27 EVIDENCE CODE -- EVIDENCE CODE SECTION 730.

28 SO WHAT DOES IT MANE FOR A COURT TO APPOINT AN

1 EXPERT? AND THIS IS WHAT THE EVIDENCE CODE SAYS. THIS
2 IS READING FROM EVIDENCE CODE SECTION 730:

3 "WHEN IT APPEARS TO THE COURT AT ANY TIME
4 BEFORE OR DURING THE TRIAL OF AN ACTION THAT EXPERT
5 EVIDENCE IS OR MAY BE REQUIRED BY THE COURT OR BY ANY
6 PARTY TO THE ACTION, THE COURT ON ITS OWN MOTION OR ON
7 A MOTION OF ANY PARTY, MAY APPOINT ONE OR MORE EXPERTS"
8 .. AND THEN IT GOES ON TO SAY "TO INVESTIGATE, TO
9 RENDER A REPORT, TO PROVIDE TESTIMONY."

10 THAT'S EXACTLY WHAT HAPPENS IN AN I.M.E., YOUR
11 HONOR. IN AN I.M.E. -- YOU CANNOT DO AN I.M.E. IN THE
12 STATE OF CALIFORNIA WITHOUT A COURT ORDER. YOU CAN
13 CALL IT LEAVE OF THE COURT. WHAT IT IS IS IT A COURT
14 ORDER.

15 YOU GET TO GO IN. YOU MOVE AS A PARTY. THE
16 COURT CONSIDERS. YOU HAVE TO SPECIFICALLY, UNDER THE
17 CODE, THIS IS 2032.310, YOU HAVE TO IDENTIFY THE
18 EXPERT THAT YOU WANT APPOINTED TO DO THE I.M.E.

19 YOU HAVE TO SHOW HIS EXPERTISE, AND YOU HAVE
20 TO STATE THE SCOPE OF THE EXAM. OKAY? THEN THE COURT
21 RULES ON THAT AND IT ORDERS -- IT APPOINTS THE EXPERT
22 TO DO THE I.M.E.

23 SO ON THE FACE OF 1033.5 AB, THERE'S
24 NOTHING -- OBVIOUSLY THE LEGISLATURE KNEW THAT YOU
25 NEEDED A COURT ORDER TO DO AN I.M.E.. -- IT'S GOING TO
26 BE A DOCTOR OR PSYCHOLOGIST. THEY DIDN'T SET IT OUT.
27 THEY DIDN'T CARVE IT OUT AND SAY "EXCEPT WHERE THE
28 COURT APPOINTS AN EXPERT TO DO AN I.M.E."

1 THERE'S NO CASE THAT THE PLAINTIFF HAS CITED
2 THAT SAYS AN I.M.E. IS NOT, WHEN IT'S ORDERED BY A
3 COURT -- WHICH IT HAS TO BE -- IS NOT A RECOVERABLE
4 EXPERT FEE. AND WE KNOW UNDER THE EVIDENCE CODE
5 SECTION 730 THAT A COURT-APPOINTED EXPERT CAN BE
6 APPOINTED ON A PARTY'S MOTION, AND IT CAN BE BASED ON A
7 PARTY'S NEED.

8 SO IT DOESN'T NEED TO BE AN INDEPENDENTLY SUA
9 SPONTE ORDERING TO BE A COURT-APPOINTED EXPERT. YOU
10 THINK ABOUT WHEN AN EXPERT IS APPOINTED IN A CIVIL
11 ACTION -- AN I.M.E. IS A TYPICAL EXAMPLE OF A
12 COURT-ORDERED EXPERT. YOU COULD HAVE, IN A PROBATE
13 CASE, AN EXAM TO SEE IF THE PERSON HAS MENTAL CAPACITY.
14 THAT'S COURT ORDERED.

15 IN A FAMILY LAW CASE, YOU HAVE A COURT-ORDERED
16 EXPERT. I DON'T KNOW -- IT'S RARE THAT SUA SPONTE IN A
17 CIVIL ACTION A JUDGE IS GOING TO ORDER EXPERT. BUT IF
18 YOU BRING A CASE, WHICH WADE ROBSON DID, SEEKING
19 EMOTIONAL DISTRESS, YOU RUN THE RISK THAT A PARTY IS
20 GOING TO LIKELY SEEK AN I.M.E.. IT'S GOING TO BE COURT
21 ORDERED. AND THAT HAS INDICIA OF RELIABILITY BECAUSE
22 THIS ISN'T JUST AN EXPERT THAT SOMEONE HAS APPOINTED.

23 THE COURT HAS SAID IT'S NECESSARY BASED ON THE
24 PARTY'S SHOWING. AND THE COURT ORDERS IT. SO THAT'S
25 EXACTLY -- I WOULD ARGUE, WHAT WE ARGUE -- WHAT IS
26 CONTEMPLATED IN 1033.588.

27 ADDITIONALLY, NELSON V ANDERSON IS THE SEMINAL
28 CASE. IT'S A 1999 COURT OF APPEAL CASE. IT'S THE CASE

1 BOTH PARTIES RELY ON. IT SPECIFICALLY HOLDS THAT A
2 COURT SHOULD BE CAUTION IN DRAFTING EXCEPTION TO CLEAR
3 LANGUAGE OF QUOTED CIVIL PROCEDURE SECTION 1032.

4 IT ALSO SAYS, AND THIS IS QUOTE:

5 "NOR SHOULD READ INTO THE STATUTE ALLOWING
6 COSTS OR RESTRICTION WHICH HAS NOT BEEN PLACED THERE."

7 SO, YOUR HONOR, THAT'S THE POINT THAT I'D MAKE
8 ON THE I.M.E.

9 AND AGAIN, NO CASE IN CALIFORNIA SAYS WHEN A
10 COURT ORDERS AN AN I.M.E. YOU CAN'T GET THE EXPERT
11 FEES.

12 WITH RESPECT TO THE REST OF THE COURT'S
13 TENTATIVE, I WOULD BE PREPARED TO SUBMIT ON IT WITH A
14 FEW MINOR EXCEPTIONS.

15 AS TO THE VIDEOTAPED DEPOSITIONS, YOUR HONOR,
16 BLANCA FANSIA WAS THEIR DEPOSITION. IT WAS THEIR
17 VIDEOGRAPHER. I MEAN, WE JUST PAID FOR IT. SO THE
18 COST OF THAT, THERE'S NO -- THE BURDEN CERTAINLY DIDN'T
19 SHIFT. WE PAID THEIR COURT REPORTER. AND WE'VE SAID
20 UNDER OATH THAT THAT'S WHAT WE WERE CHARGED BY THE
21 COURT REPORTER. SO I DON'T THINK THAT THAT CAN BE
22 TAXED.

23 ADDITIONALLY, WITH RESPECT TO THE OTHER
24 VIDEOTAPED DEPOSITION, THESE WERE ALL COSTS THAT WERE
25 ACTUALLY INCURRED. THERE'S NOTHING ABOUT THEM -- I
26 VIDEOTAPE DEPOSITIONS ALL THE TIME -- TO BE CHARGED A
27 THOUSAND DOLLARS, 1200 DOLLARS, 1300 DOLLARS IS
28 COMPLETELY NORMAL. THESE WERE PARTY DEPOSITIONS. WADE

1 ROBSON WAS THE PLAINTIFF. AMANDA ROBSON WAS HIS
2 SISTER. I BELIEVE SHANTEL IS HIS WIFE. JOY ROBSON WAS
3 HIS MOTHER. SHANE IS HIS BROTHER. THESE ARE CRITICAL
4 WITNESSES.

5 THE CODE SPECIFICALLY ALLOWS VIDEOTAPING. AND
6 YOU KNOW, WHAT'S INTERESTING IS THAT WHEN YOU LOOK AT
7 THE DECLARATION THAT WAS PUT IN SUPPORT OF THE MOTION
8 TO TAX, NEVER -- THEY PAID FOR THE VIDEOTAPES OF THESE
9 DEPOSITIONS, TOO.

10 THEY NEVER SAID WE GOT IT CHEAPER OR WE DID
11 OUR VIDEOTAPES FOR LESS THAN \$1200. THIS IS STANDARD.
12 SO I WOULD ARGUE THAT THAT SHOULD DEFINITELY COME BACK
13 IN.

14 AND FINALLY, THE TRAVEL COSTS FOR BLANCA
15 FANSIA -- THEY HAD TWO ATTORNEYS, BUT I ACCEPT THAT.
16 \$500, I TOOK THE FLIGHT. THAT'S WHAT IT COST. IT WAS
17 A REGULAR ECONOMY CLASS TICKET. WHAT'S IN MR.
18 STEINSAPIR'S DECLARATION IS DEPOSITIONS -- WE TOOK 29
19 OR 30 DEPOSITIONS IN THIS CASE. THEY GOT MOVED AROUND
20 CONSTANTLY. WE HAD TO GET THOSE NONREFUNDABLE TICKETS.

21 SO I DON'T THINK \$500 TO GO TO VEGAS ON JUST
22 AN ECONOMY CLASS TICKET IS PARTICULARLY EXPENSIVE WHEN
23 YOU GET THE NON-REFUNDABLE TICKETS THAT CHANGE THAT.

24 THE COURT: I THINK SOUTHWEST GOES FOR 150
25 EACH WAY.

26 MS. MAC ISAAC: WELL, THAT'S \$300. BUT YOU
27 NEED THE NONREFUNDABLE.

28 THE COURT: SOUTHWEST IS ALWAYS REFUNDABLE.

1 YOU GET IT DEPOSIT BACK INTO AN ACCOUNT.

2 ANYWAY, THERE'S NO LAW THAT SAYS YOU HAVE TO
3 TAKE SOUTHWEST. I UNDERSTAND THAT.

4 MS. MAC ISAAC: THAT'S OKAY, YOUR HONOR. I
5 WOULD JUST ARGUE THAT 500 -- WE TOOK IT. THAT'S WHAT
6 WAS INCURRED, I DIDN'T FLY BUSINESS CLASS, I NEVER FLY
7 BUSINESS CLASS OUT OF PRINCIPLE. I DO THE REGULAR
8 ECONOMY BECAUSE WE ARE DOING THESE FULLY REFUNDABLE
9 TICKETS.

10 THE COURT: I UNDERSTAND.

11 I HAVE A QUESTION FOR YOU ABOUT THE EXPERT.
12 ON THESE I.M.E.'S -- BEAR IN MIND THAT WHEN I WAS A
13 LAWYER, I DIDN'T DO CIVIL; I CAME FROM A CRIMINAL
14 BACKGROUND SO I'VE NEVER DONE AN I.M.E.

15 BUT MY UNDERSTANDING IS THAT THE DEFENSE GETS
16 TO ASK LEAVE OF THE COURT TO GRANT AN INDEPENDENT
17 MEDICAL EXAM. THAT IS YOU CAN'T EXAMINE THE PLAINTIFF
18 WITHOUT THE COURT SAYING SO. RIGHT?

19 MS. MAC ISAAC: YES. LET ME POINT YOUR HONOR
20 TO THE CODE SECTION. UNDER -- I BELIEVE IT'S 2032.310
21 YOU CANNOT TAKE AN I.M.E. IN CALIFORNIA WITHOUT OR A
22 COURT ORDER. THAT'S WHY, EVEN WHEN THE PARTIES
23 STIPULATED TO IT, IT'S NOT A MOTION TO COMPEL. YOU'VE
24 GOT GO IN. SO THIS IS REALLY THE TYPICAL TYPE IN A
25 CIVIL ACTION OF COURT ORDERED EXPERT THAT YOU WOULD
26 GET.

27 IT'S THE SAME IN PROBATE IF YOUR TESTING THE
28 MENTAL CAPACITY OF, SAY, AN ELDERLY PERSON. YOU CAN'T

1 JUST DO THAT. YOU HAVE TO -- SO IT MAKES SENSE FROM A
2 LEGISLATIVE STANDPOINT THAT WHERE THE COURT HAS ALLOWED
3 THIS, WHERE THEY'VE APPOINTED THE EXPERT AND THERE'S AN
4 INDICIA -- THE PARTY HAS COME IN, THEY'VE SHOWN THE
5 NEED FOR IT, AND THE COURT HAS DECIDED ON THAT, THAT
6 THAT IS WHERE THE FEES WOULD BE RECOVERABLE.

7 THE COURT: LET ME ASK YOU A FOLLOW UP
8 QUESTION.

9 ONCE YOU COME IN, IS THIS A SITUATION WHERE
10 I'VE SEEN IN OTHER CASES, WHERE BOTH SIDES COME IN AND
11 THEY SAY, "JUDGE WE'D LIKE TO HAVE A REALLY TRULY
12 INDEPENDENT EXPERT EXAMINE THE MENTAL CONDITION OF
13 SUCH-AND-SUCH PERSON. AND WE'VE COME UP WITH SOME
14 NAMES, YOUR HONOR. YOU KNOW, COULD YOU APPOINT ONE OF
15 THESE PEOPLE."

16 IS IT LIKE THAT? OR IS IT MORE LIKE, THE
17 DEFENSE SAYS, "I WANT TO EXAMINE THE PLAINTIFF. AND,
18 JUDGE, GIVE ME THE PERMISSION TO DO SO AND I'LL PICK MY
19 OWN EXPERT."

20 MS. MAC ISAAC: IT'S USUALLY MORE LIKE THE
21 LATTER. BUT YOU'RE REQUIRED UNDER LAW TO MEET AND
22 CONFER. WE PROPOSED DR. HARRISON POPE, WHO IS A
23 WELL-KNOWN PSYCHIATRIST. THEY DIDN'T HAVE ANY ISSUE
24 WITH HIM. WITH STIPULATED TO A COURT ORDER. JUST TO
25 SHOW --

26 MR. STEWART: YOUR HONOR --

27 THE COURT: I'LL GIVE YOU A CHANCE.

28 MS. MAC ISAAC: TO SHOW HOW MUCH.

1 MR. STEWART: I WILL RESPOND TO THAT. THANK
2 YOU.

3 (CROSSTALK.)

4 MS. MAC ISAAC: -- TO SHOW HOW MUCH YOU NEED A
5 COURT ORDER TO DO AN I.M.E. IS THAT EVEN WHEN PARTIES
6 STIPULATE, YOU NEED THE COURT TO SIGN OFF ON IT. AND
7 YOU HAVE TO SAY WHO IS THE EXPERT. AND, AGAIN, THE
8 REAL THING IS LOOKING AT THE EVIDENCE.

9 THE COURT: ONE FOLLOW-UP QUESTION.
10 DOES THE COURT PAY FOR THIS EXPERT?

11 MS. MAC ISAAC: NO. THE PARTIES -- THE PARTY
12 THAT SOUGHT IT, WE PAID FOR THE I.M.E. BUT THERE'S
13 NOTHING IN THE CODE THAT SAYS THESE ARE FEES --
14 OBVIOUSLY IF IT'S AN ALLOWABLE COST, IT'S A COST WE
15 INCURRED.

16 WHAT'S REALLY IMPORTANT FOR YOUR HONOR IS THE
17 EVIDENCE CODE SECTION. SO WHAT DOES IT MEAN TO APPOINT
18 AN EXPERT IN A CIVIL CASE? AND IT HAPPENS ON THE
19 MOTION OF A PARTY. IT CAN HAPPEN WHEN THE PARTY NEEDS
20 THE EVIDENCE. AND SO I REALLY THINK ON THE PLAIN
21 LANGUAGE IT'S HARD TO IMAGINE A CIRCUMSTANCE IN A CIVIL
22 ACTION WHERE AN EXPERT WOULD BE ORDERED BY A COURT
23 OTHER THAN AN I.M.E., YOU KNOW, IN THE PROBATE KIND OF
24 CONTEXT OR FAMILY LAW CONTEXT YOU HAVE THE BEST
25 INTEREST OF THE CHILD -- THAT'S ALWAYS BASED ON ONE
26 PARENT -- USUALLY, I SHOULDN'T SAY ALWAYS -- BUT IN
27 CUSTODY DISPUTES IT'S USUALLY BASED ON ONE PARENT
28 CHALLENGING. THESE ARE WHERE THE EXPERT FEES ARE

1 RECOVERABLE.

2 THE COURT: THE TERM INDEPENDENT. WHY IS IT
3 CALLED "INDEPENDENT" WHEN IT'S REALLY A DEFENSE EXPERT,
4 RIGHT?

5 MS. MAC ISAAC: YOUR HONOR, I'M NOT SURE WHY
6 THE STATUTE CALLED IT "INDEPENDENT" MEDICAL EXAM.
7 PERHAPS BECAUSE YOU NEED A COURT ORDER TO DO IT. YOU
8 HAVE TO SAY WHAT THE SPECIALITY IS OF THE PERSON. YOU
9 HAVE TO MAKE THAT SHOWING.

10 YOU CAN'T GET JUST AN I.M.E. WITHOUT PUTTING
11 THAT PERSON'S NAME FORWARD. SO IT REALLY IS THE
12 APPOINTMENT OF AN EXPERT TO DO IT.

13 THE COURT: ONE OTHER QUESTION. ONCE THE
14 EXPERT'S APPOINTED AND THE EXPERT DOES THE EXAMINATION,
15 IS THE REPORT GIVEN BACK TO THE COURT UNDER SEAL? OR
16 IS IT JUST GIVEN TO THE PARTY WHO RETAINS THEM?

17 MS. MAC ISAAC: NO. THE PARTY WHO WAS
18 EXAMINED HAS THE OPPORTUNITY, UNDER THE CODE, TO
19 REQUEST A REPORT, WHICH IS WHAT HAPPENED HERE. THEN
20 THE REPORT IS CREATED. AND IT WAS UNDER THE
21 STIPULATION TO BE HELD CONFIDENTIAL BY THE PARTIES.

22 BUT, YOU KNOW, IT'S INDEPENDENT -- HE'S A
23 RETAINED EXPERT, YOU KNOW, BUT THEY HAVE TO -- THEY
24 AGREED TO HIM. THEY DON'T HAVE TO, UNDER THE STATUTE,
25 BUT THEY CERTAINLY COULD HAVE OBJECTED TO DR. POPE.

26 THE COURT: I SEE. THANK YOU FOR ANSWERING MY
27 QUESTIONS.

28 MS. MAC ISAAC: SURE.

1 THE COURT: RESPONSE, MR. STEWART?

2 MR. STEWART: THANK YOU, YOUR HONOR.

3 UNFORTUNATELY, I DO NEED TO CORRECT A LOT OF STUFF THAT
4 WAS CAME OUT ABOUT THE EXPERT. THE TERM INDEPENDENT IS
5 NOT A TERM. WE DID NOT AGREE TO THEIR EXPERT. THEY
6 WANTED A MENTAL HEALTH EXAM. THEY DIDN'T NEED A MENTAL
7 HEALTH EXAM. THEY AREN'T -- THAT'S NOT A REQUIREMENT
8 UNDER THE LAW.

9 THE REASON WHY THE COURT, THE STATUTE REQUIRES
10 THAT THE COURT SIGN OFF ON A MENTAL HEALTH EXAM IS TO
11 PREVENT ABUSE OF THAT PROCESS. AND IT IS NOT REQUIRED
12 UNDER A PHYSICAL EXAM. IT'S ONLY REQUIRED UNDER A
13 MENTAL HEALTH EXAM. SO IT'S TO PREVENT SOMEBODY FROM
14 OBTAINING A MENTAL HEALTH EXAM JUST BY SENDING A
15 DISCOVERY REQUEST AND FORCING A PARTY INTO IT.

16 THAT'S THE REASON -- THE SOLE AND ONLY REASON
17 WHY THAT REQUIRES A COURT SIGN OFF IS TO PREVENT AN
18 ABUSIVE DEFENDANT FROM TAKING ADVANCE OF A PLAINTIFF IN
19 THAT SITUATION.

20 IT'S NOT INDEPENDENT. IT'S THEIR EXPERT.
21 THEY CHOSE IT. WE STIPULATED TO IT BECAUSE WE AGREED
22 THEY IF THEY WANT TO TAKE IT, THAT'S FINE. BUT THAT
23 DOESN'T MEAN THE COURT ORDERED IT. THE COURT DID NOT
24 ASK FOR IT. THE COURT DID NOT SAY THIS IS NECESSARY.

25 THE COURT DIDN'T INTERFERE OR INTERCEDE AND
26 SAY "THIS IS THE EXPERT WE'RE CHOOSING."

27 THE COURT DIDN'T SAY THIS IS AN INDEPENDENT
28 EXPERT. THE COURT DIDN'T RECEIVE THE REPORT FROM THE

1 EXPERT. THE COURT ISN'T INVOLVED IN THIS PROCESS OTHER
2 THAN SIGNING OFF ON A STIPULATED AGREEMENT THAT THE
3 EXPERT COULD BE TAKEN.

4 AND THIS IS -- GOES BACK TO THE EVIDENCE CODE
5 THAT COUNSEL JUST POINTED TO. THAT EVIDENCE CODE IS A
6 CUSTODY EVIDENCE CODE. IT IS A SITUATION WHERE A
7 FAMILY LAW COURT IS TRYING TO DECIDE WHAT IS THE
8 APPROPRIATE ARRANGEMENT FOR A CHILD.

9 THIS IS NOT THAT CASE. THIS IS A CIVIL
10 DISPUTE CASE WHERE A PARTY IS TRYING TO FIND OUT THE
11 MENTAL CAPACITY, THE EMOTIONAL DAMAGE THAT OCCURRED TO
12 THIS PLAINTIFF BY TAKING A MENTAL HEALTH EXAM.

13 THERE IS NOT A SCINTILLA OF EVIDENCE THAT SAYS
14 THAT IN A STIPULATED MENTAL HEALTH EXAM THEY CAN
15 RECOVER FEES WHEN THE COURT HAS NOT ORDERED IT. IT
16 WASN'T AS IF THE COURT SAID WE -- I WANT TO SEE THIS
17 MENTAL HEALTH EXAM. IT WAS DEFENDANTS COMING TO
18 PLAINTIFFS AND PLAINTIFFS SAYING YES, WE WILL AGREE.

19 THAT IS NOT THE SITUATION WHERE A COURT ORDERS
20 IT. THAT IS NOT THE SITUATION WHERE A COURT WANTS TO
21 FIND OUT WHAT THE APPROPRIATE ARRANGEMENT FOR A CHILD
22 IS OR THE MENTAL HEALTH OF A PARTY IS.

23 I'VE BEEN THROUGH THOSE SITUATIONS IN OTHER
24 COURTS. THAT'S WHEN THE JUDGE SAYS, "I WANT YOU GUYS
25 TO AGREE ON AN EXPERT. WE'RE GOING TO APPOINT AN
26 EXPERT. YOU'RE GOING TO JOINTLY PREPARE THAT EXPERT.
27 YOU'RE GOING TO JOINTLY PAY FOR THAT EXPERT. THEN I'M
28 GOING TO RECEIVE THE REPORT."

1 THIS IS NOWHERE CLOSE TO THAT SITUATION. AND
2 THERE'S NOT ANY EVIDENCE IN ANY STATUTE, ANY LAW, THAT
3 SAYS THEY CAN RECOVER FOR A STIPULATED MENTAL HEALTH
4 EXAM THAT PROVIDES FOR DEFENDANTS TO APPOINT THEIR OWN
5 EXPERT AND RECEIVE A REPORT FROM THEIR OWN EXPERT AS TO
6 WHAT TOOK PLACE IN A MENTAL HEALTH EXAM.

7 THAT'S NUMBER ONE. AND THEN TO FOLLOW ONTO
8 THE OTHER COMMENTS, THE COURT IS RIGHT ON POINT. THEY
9 DIDN'T PROVIDE ANY OF THIS EVIDENCE. THERE IS -- WHAT
10 COUNSEL IS NOW ARGUING IS THE SAME THING THEY PUT IN
11 THEIR PAPERS.

12 "WE HAD TO DO THIS. WE DID THIS." BUT
13 WHERE'S THE DOCUMENTATION? WHERE'S THE INDICATIONS OF
14 THESE BILLS? WHERE'S THE INVOICES? WHERE'S THE
15 SUPPORTING DOCUMENTATION? THAT'S WHY I BELIEVE THE
16 COURT'S TENTATIVE IS ABSOLUTELY 100 PERCENT CORRECT ON
17 THE ABSENCE OF THIS INFORMATION. IT IS AT ISSUE, AND
18 THEY DID NOTHING TO SUPPORT THOSE COSTS.

19 I APPRECIATE YOUR TIME, YOUR HONOR.

20 THE COURT: ALL RIGHT. MS. MACISAAC, LAST
21 WORD?

22 MS. MAC ISAAC: YES.

23 AGAIN, I DON'T SEE ANYTHING IN EVIDENCE CODE
24 SECTION 730 THAT'S AT ALL LIMITED TO CHILD CUSTODY
25 CASES. IT'S ENTITLED APPOINTMENT OF EXPERT WITNESSES
26 BY THE COURT. IT SPECIFICALLY SAYS -- THERE'S NO
27 EVIDENCE THAT'S BEING MADE IN THE ARGUMENT OF
28 PLAINTIFFS COUNSEL -- IT SPECIFICALLY SAYS THAT THE

1 COURT CAN APPOINT AN EXPERT ON ITS OWN MOTION OR ON THE
2 MOTION OF ANY PARTY. AND IT SAYS THAT IT CAN APPOINT
3 THAT EXPERT TO INVESTIGATE, TO WHEN RENDER A REPORT.

4 THAT'S EXACTLY WHAT HAPPENS IN AN I.M.E..
5 THEY ARE NOT TELLING WHAT CIVIL CASE -- IN A CIVIL
6 CASE, YOU HAVE THE OPTION OF HAVING EXPERTS. YOU CAN
7 USUALLY JUST DESIGNATE AN EXPERT. YOU DON'T GET TO DO
8 THAT WHEN YOU WANT TO DO A MENTAL EXAM. YOU HAVE TO
9 MAKE A SHOWING BEFORE THE COURT. OKAY?

10 AND THEN THAT, IF YOU THINK ABOUT IT, HAS
11 RELIABILITY. IT'S NOT AN EXPERT THAT WAS WILY NILLY
12 CHOSEN. IT WAS SANCTIONED BY THE COURT. THAT IS
13 EXACTLY THE TYPICAL SCENARIO THAT FITS WITHIN 1033.5
14 A8.

15 AS WE KNOW IN THE COURT OF APPEAL IN NELSON,
16 THE COURT SHOULD NOT BE INGRAFTING LIMITATIONS. THE
17 EVIDENCE CODE SUGGESTS THAT THIS IS EXACTLY THE TYPE OF
18 SITUATION WHERE THERE WAS A COURT-APPOINTED EXPERT.

19 WE ONLY ASK FOR COSTS RELATED TO THE I.M.E.

20 WITH THAT, YOUR HONOR --

21 THE COURT: THANK YOU. THE INDICATED WILL
22 BECOME FINAL.

23 DO YOU WISH TO HAVE NOTICE, MS. MACISAAC?

24 MS. MAC ISAAC: I WAIVE NOTICE.

25 THE COURT: ALL RIGHT.

26 NOTICE WAIVED.

27 MS. MAC ISAAC: THANK YOU, YOUR HONOR.

28 THE COURT: THANK YOU BOTH.

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MR. STEWART: THANK YOU, YOUR HONOR.
(PROCEEDINGS CONCLUDED AT 9:49 A.M.)

EXHIBIT “5”



2017 Standard Mileage Rates for Business, Medical and Moving Announced



Notice: Historical Content

This is an archival or historical document and may not reflect current law, policies or procedures.

IR-2016-169, December 13, 2016

WASHINGTON — The Internal Revenue Service today issued the 2017 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2017, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 53.5 cents per mile for business miles driven, down from 54 cents for 2016
- 17 cents per mile driven for medical or moving purposes, down from 19 cents for 2016
- 14 cents per mile driven in service of charitable organizations

The business mileage rate decreased half a cent per mile and the medical and moving expense rates each dropped 2 cents per mile from 2016. The charitable rate is set by statute and remains unchanged.


The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

A taxpayer may not use the business standard mileage rate for a vehicle after using any depreciation method under the Modified Accelerated Cost Recovery System (MACRS) or after claiming a Section 179 deduction for that vehicle. In addition, the business standard mileage rate cannot be used for more than four vehicles used simultaneously.

These and other requirements are described in [Rev. Proc. 2010-51](#) [PDF](#). [Notice 2016-79](#) [PDF](#), posted today on IRS.gov, contains the standard mileage rates, the amount a taxpayer must use in calculating reductions to basis for depreciation taken under the business standard mileage rate, and the maximum standard automobile cost that a taxpayer may use in computing the allowance under a fixed and variable rate plan.

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 *This page is designated as historical and is no longer updated.*
Page Last Reviewed or Updated: 19-Sep-2020

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 19100 Von Karman Ave., Suite 800, Irvine, CA 92612.

On June 22, 2021, I served the following document described as **NOTICE OF PLAINTIFF WADE ROBSON’S MOTION TO TAX COSTS OF DEFENDANTS MJJ PRODUCTIONS, INC. AND MJJ VENTURES, INC.; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ALEX E. CUNNY, ESQ.** on the interested parties to this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED MAILING LIST

BY U.S. MAIL

I deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION I caused the documents to be sent to the persons on the e-mail addresses as listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 22, 2021, at Irvine, California.

Michelle Friis

Michelle Friis

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MAILING LIST

Wade Robson v. MJJ Productions, et al.
LASC Case No. BC508502

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Counsel for Defendants MJJ Ventures, Inc. and MJJ Productions, Inc.

N



Journal Technologies Court Portal

Make a Reservation

WADE ROBSON VS DOE 1 ET AL

Case Number: BC508502 Case Type: Civil Unlimited Category: Other Personal Injury/Property
Damage/Wrongful Death

Date Filed: 2013-05-10 Location: Santa Monica Courthouse - Department M

Reservation

Case Name: WADE ROBSON VS DOE 1 ET AL	Case Number: BC508502
Type: Motion to Tax Costs	Status: RESERVED
Filing Party: Wade Robson (Plaintiff)	Location: Santa Monica Courthouse - Department M
Date/Time: 11/18/2021 8:30 AM	Number of Motions: 1
Reservation ID: 562524010512	Confirmation Code: CR-QYURWDPVRKECLJKJF

Fees

Description	Fee	Qty	Amount
Motion to Tax Costs	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
TOTAL			\$61.65

Payment

Amount: \$61.65	Type: AmericanExpress
Account Number: XXXX7007	Authorization: 288292

[Print Receipt](#)

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[View My Reservations](#)