

(ENDORSED)
FILED
MAY 15 2012

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of Santa Clara County
BY CELIA BOMANN DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

VIETNAMESE AMERICAN COMMUNITY)
OF NORTHERN CALIFORNIA, a non-profit)
corporation,)

Plaintiff,

v.

CITY OF SAN JOSE; CITY COUNCIL OF)
SAN JOSE; REVELOPMENT AGENCY OF)
THE CITY OF SAN JOSE; AND DOES 1-20,)

Defendant.

Case No. 1-08-CV-107082

ORDER REGARDING COST BILL

Plaintiff's motion for attorneys' fees and Defendant's motion to tax costs were heard on February 10, 2012. At the conclusion of the hearing, the parties were ordered to submit briefs providing authority as to whether the Court could re-open the October 11, 2011 judgment to include Brown Act claims. Plaintiff's brief was due on February 27, 2012 and the defense's response due on March 12, 2012. In addition, Plaintiff's firm was ordered to produce the Shepard Mullen's firm fees and cost records by March 12, 2012. The matter was deemed submitted on March 12, 2012.

MOTION TO STRIKE COSTS

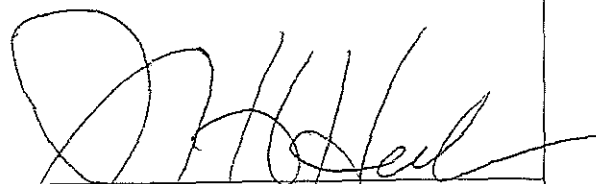
The Court has reviewed Plaintiff's cost bill filed on or about October 28, 2011, along with Defendant's motion to strike or tax costs, Plaintiff's opposition and Defendant's reply.

1 After review, the Court grants Defendant's motion to tax costs, in part, as follows:

- 2 1. Filing and Motion Fees: Items 1b and 1j, totaling \$40 are no longer claimed by
3 Plaintiff per their opposition papers. Item 1i is stricken as it relates to the Brown
4 Act claim, not CPRA. The total stricken amount is \$ 655. The total amount
5 allowed in this category is \$790.
- 6 2. Depositions: All deposition costs not related to the CPRA claim are stricken. The
7 Court will allow the \$127 allocation as suggested by the City relative to the
8 Madison Nguyen deposition. The Court was presented with no evidence to
9 suggest that the balance of the depositions related to the CPRA claim. The total
10 cost allowed for her deposition is \$127.
- 11 3. Service of Process: All service fees are allowed. Total \$352.
- 12 4. Witness Fees: All witness fees are disallowed as they relate to Brown Act
13 claims.
- 14 5. Models, blowups, and photocopies of exhibits: \$56 is allowed.

15 Plaintiff is allowed costs of \$1,325. All other costs are stricken.

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18 Dated: 5-15-12

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21 Hon. Joseph H. Huber
22 Judge of the Superior Court
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
191 N. First Street
San Jose, CA 95113-1090

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DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA, County of Santa Clara
BY SYLVIA ROMAN DEPUTY

TO: James H. McManis
McManis Faulkner
50 W. San Fernando Street 10th Floor
San Jose, CA 95113

RE: Vietnamese-American Community Of Northern California Vs City Of San Jo
Case Nbr: 1-08-CV-107082

PROOF OF SERVICE

ORDER REGARDING COST BILL

was delivered to the parties listed below in the above entitled case as set forth in the sworn declaration below.

Parties/Attorneys of Record:

CC: Robert R. Fabela , City Attorney's Office - SJ
200 East Santa Clara St., 16th Floor Tower, San Jose, CA 95113-1905

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408)882-2700, or use the Court's TDD line, (408)882-2690 or the Voice/TDD California Relay Service, (800)735-2922.

DECLARATION OF SERVICE BY MAIL: I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown above, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on 05/15/12. DAVID H. YAMASAKI, Chief Executive Officer/Clerk by Sylvia Roman, Deputy



Superior Court of California
County of Santa Clara

Downtown Superior Court
191 North First Street
San Jose, California 95113

RETURN SERVICE REQUESTED

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FIRST CLASS

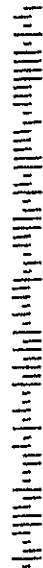


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