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12	J J JJ	
13	UNITED STATES DISTRICT COURT	
14	CENTRAL DISTRICT OF CALIFORNIA MARCUS GRAY, et al.,	
15	Plaintiffs,	CASE NO. 2:15-cv-05642-CAS (JCx)
16	V.	Honorable Christina A. Snyder
17	KATHERYN ELIZABETH	PLAINTIFFS' UNOPPOSED
18	HUDSON, et al.,	MOTION TO RECOVER COSTS
19	Defendants.	PURSUANT TO LOCAL RULE 54-
20		3.12
21		Filed: July 1, 2014 Trial: July 17, 2019
22		Trial: July 17, 2019
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Pursuant to Local Rule 54-3.12, Plaintiffs Marcus Gray, Emanuel Lambert, and Chike Ozukwu respectfully move this Court for an order taxing as additional costs in this matter the \$4,981.00 they incurred in the creation of charts, diagrams, and other visual and audio demonstrative aids that were reasonably necessary in assisting the jury in Plaintiffs' presentation of their claim for copyright infringement at trial. In support of this Motion, Plaintiffs state as follows:

- 1. On September 25, 2019, Plaintiff filed their Application to the Clerk to Tax Costs Against Defendants, which included the various costs allowed under Local Rule 54-3.1 to 54-3.10. (Dkt. 476)
- 2. Local Rule 54-3.12 authorizes the Court to tax as additional costs various demonstratives and other "visual aids reasonably necessary to assist the jury or the Court in understanding the issues at trial." *Andreson v. Int'l Paper Company*, 2015 WL 3648972 (C.D. Cal. 2015)(Snyder, J.) (awarding costs for services related to the direct production of visual aids used at trial).
- 3. In Plaintiffs' presentation of their case to the jury they incurred \$4,981.00 for the creation and presentation of trial graphics and audio demonstrations used in their opening and closing statements and in their examination and cross-examination of witnesses, as more fully set forth in the attached Declaration of Michael A. Kahn and Exhibit A to that Declaration.
- 4. These visual and audio aids that Plaintiffs used were necessary and essential to the jury verdict in their favor. Specifically, Plaintiffs used trial graphics to simplify otherwise complex issues, such as the various extrinsic similarities Professor Todd Decker identified in his comparison of the ostinatos in the two songs or, in closing argument, the manifest flaws in the Defendants' musicologist's attempts to identify prior art. As such, the trial graphics were "integral to the jury's understanding of the issues and the efficient conduct of the trial." *Dowd v City of Los Angeles*, 28 F.Supp.3d 1019, 1049 (C.D. Cal. 2014).

1	5. In accordance with Local Rule 7-3, Plaintiffs' counsel and Defendants'		
2	counsel conferred several times in advance of this motion and were able to reach a		
3	resolution that eliminates the necessity for a hearing on this motion. As a result of		
4	those conferences, Plaintiffs have eliminated all costs incurred on July 28, 2019		
5	and reduced by half their request for reimbursement of costs incurred on July 29,		
6	2019, as more fully explained in the Declaration of Michael A. Kahn.		
7	6. As a result of those reductions, Defendants' counsel advised Plaintiffs'		
8	counsel that Defendants do not oppose this motion.		
9	Wherefore, Plaintiffs respectfully request that the Court grant its Motion		
10	Recover Costs Pursuant to Local Rule 54-3.12 in the amount of the \$4,981.00.		
11	Plaintiffs have attached to this Motion and will separately file in Word format a		
12	Proposed Order.		
13			
14	Respectfully submitted,		
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