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12
13 UNITED STATES DISTRICT COURT

14 CENTRAL DISTRICT OF CALIFORNIA

15 MARCUS GRAY, et al.,

16 Plaintiffs,

17 v.

18 KATHERYN ELIZABETH
HUDSON, et al.,

19 Defendants.

CASE NO. 2:15-cv-05642-CAS (JCx)

Honorable Christina A. Snyder

**PLAINTIFFS' UNOPPOSED
MOTION TO RECOVER COSTS
PURSUANT TO LOCAL RULE 54-
3.12**

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21 Filed: July 1, 2014
22 Trial: July 17, 2019
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1 Pursuant to Local Rule 54-3.12, Plaintiffs Marcus Gray, Emanuel Lambert, and
2 Chike Ozukwu respectfully move this Court for an order taxing as additional costs
3 in this matter the \$4,981.00 they incurred in the creation of charts, diagrams, and
4 other visual and audio demonstrative aids that were reasonably necessary in
5 assisting the jury in Plaintiffs' presentation of their claim for copyright
6 infringement at trial. In support of this Motion, Plaintiffs state as follows:

7 1. On September 25, 2019, Plaintiff filed their Application to the Clerk to Tax
8 Costs Against Defendants, which included the various costs allowed under Local
9 Rule 54-3.1 to 54-3.10. (Dkt. 476)

10 2. Local Rule 54-3.12 authorizes the Court to tax as additional costs various
11 demonstratives and other "visual aids reasonably necessary to assist the jury or the
12 Court in understanding the issues at trial." *Andreson v. Int'l Paper Company*, 2015
13 WL 3648972 (C.D. Cal. 2015)(Snyder, J.) (awarding costs for services related to
14 the direct production of visual aids used at trial).

15 3. In Plaintiffs' presentation of their case to the jury they incurred \$4,981.00
16 for the creation and presentation of trial graphics and audio demonstrations used in
17 their opening and closing statements and in their examination and cross-
18 examination of witnesses, as more fully set forth in the attached Declaration of
19 Michael A. Kahn and Exhibit A to that Declaration.

20 4. These visual and audio aids that Plaintiffs used were necessary and essential
21 to the jury verdict in their favor. Specifically, Plaintiffs used trial graphics to
22 simplify otherwise complex issues, such as the various extrinsic similarities
23 Professor Todd Decker identified in his comparison of the ostinatos in the two
24 songs or, in closing argument, the manifest flaws in the Defendants' musicologist's
25 attempts to identify prior art. As such, the trial graphics were "integral to the jury's
26 understanding of the issues and the efficient conduct of the trial." *Dowd v City of*
27 *Los Angeles*, 28 F.Supp.3d 1019, 1049 (C.D. Cal. 2014).

