

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
NORTH COUNTY
MINUTE ORDER**

Date: 04/03/2009

Time: 01:00:00 PM

Dept: N-31

Judicial Officer Presiding: Judge William S. Dato
Clerk: Lynn San Nicolas

Bailiff/Court Attendant: Not applicable
ERM:
Reporter: Not Reported

Case Init. Date: 05/16/2005

Case No: GIN044539

Case Title: KELMAN vs KRAMER

Case Category: Civil - Unlimited

Case Type: Defamation

Event Type: Ex Parte

Causal Document & Date Filed:

Appearances:

EX PARTE MINUTE ORDER

MOTIONS OF APRIL 3, 2009

The Court, having taken the above-entitled matter under submission on 04/03/2008 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Defendant Sharon Kramer's motion for costs as prevailing party against Globaltox, Inc., and Plaintiffs Bruce J. Kelman and Globaltox, Inc.'s motion to tax costs requested by Sharon Kramer shall be considered and ruled on concurrently as follows:

Item #1 filing & motion fees in the amount of \$8,659.00:

In her worksheet, Ms. Kramer includes a request for \$1,900.15 for filing and motion fees. These filing fees include costs of \$306.50 for a first appearance fee, \$655.00 and \$148.65 for appellate fees, \$590.00 for a Supreme Court filing fee and \$200 for post trial motion.

The Court concludes that with regard to filing fees, Ms. Kramer is entitled to costs for her first appearance fee in the amount of \$306.50. There is no legal basis for the remainder of the filing and motion fees sought and they are ordered stricken.

Upon application by Kramer, the Court Clerk is directed to refund her \$120.00 in costs for filing fees regarding her Motions for Costs.

Item #2 jury fees in the amount of \$336.00:

Plaintiffs' motion to tax the costs associated with jury fees is denied. Ms Kramer provides a billing statement dated 6/4/08 showing she posted jury fees of \$336.00 at SDSC, Nationwide Legal, Inc, Invoice # 101964. Jury fees are allowable as costs per CCP § 1033.5 (1).

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Calendar No.:

Item #4 Deposition Costs in the amount of \$3,805.00:

Ms. Kramer prevailed against Globaltox, Inc. and lost her case against Dr. Kelman. She is entitled to one half of her deposition costs in the amount of \$1,902.78. The remainder of the deposition costs are ordered stricken.

Item #6 attachment expense in the amount of \$10,836.13:

Ms Kramer claims costs associated with delivery charges including attorney Bandlow's filing fees, postage and photocopying costs. These costs are not allowed under CCP § 1033.5(b)(3) and are ordered stricken.

Item #8 witness fees in the amount of \$1000.00:

In her worksheet, Ms Kramer includes costs for \$250.00 in airfare for M. Jacobson and \$1,200.00 in expert witness fees for Dr. Harriett Ammann. These costs are not recoverable and are ordered stricken. There is no evidence that either of these witnesses testified in deposition or at trial. Airfare is not allowed under Government Code § 68093 and expert fees are not allowed because Dr. Ammann never testified, her testimony was not ordered by the Court, and Ms. Kramer never made a CCP § 998 offer of compromise.

Item #9 court-ordered transcripts in the amount of \$550.00:

These fees are not allowed and are ordered stricken because Ms Kramer has failed to establish she is entitled to \$550.00 for court ordered transcripts.

Item #11 models, blowups and photocopies of exhibit in the amount of \$936.00:

Defendant has failed to demonstrate what models, blowups were used at trial and if they were. Pursuant to CCP § 1033.5(a) (12), Models and blowups of exhibits and photocopies of exhibits may be allowed if they were reasonably helpful to aid the trier of fact. Defendant has failed to establish she is entitled to the costs she requests in Item # 11.

Item #13 other (attorney's fees) in the amount of \$472,250.00:

Defendants request for \$472,250.00 in attorney's fees is denied. On March 9, 2009, this Court denied Ms. Kramer's motion for attorney's fees.

Plaintiffs are ordered to serve notice on all parties within 72 hours of the date of this ruling.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

North County
325 S. Melrose
Vista, CA 92081

SHORT TITLE: KELMAN vs KRAMER

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
GIN044539

I certify that I am not a party to this cause. I certify that a true copy of the attached was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at Vista, California, on 04/06/2009.

Clerk of the Court, by:


L. San Nicolas

, Deputy

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SHARON KRAMER
2031 Arborwood Place
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☐ Additional names and address attached.

CLERK'S CERTIFICATE OF SERVICE BY MAIL

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