

For security purposes, could you please provide the names of the people from your office who will be attending each upcoming deposition and the names of the court reporters who will be attending each deposition?

Also, could you please let us know if you will be using LiveNote and if you will be videotaping the depositions?

Thanks,
Lakshmi

Lakshmi A. Muthu
Associate
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
P 302.576.3248
F 302.576.3413
LMuthu@ycst.com<<mailto:LMuthu@ycst.com>>

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

From: Muthu, Lakshmi
Sent: Tuesday, May 19, 2015 1:48 PM
To: 'Jeroen van Kwawegen' (jeroen@blbglaw.com<<mailto:jeroen@blbglaw.com>>)
Cc: Flinn, Barr; Burton, Emily; Potts, Benjamin
Subject: DISH - Deposition Details

Jeroen,

Have you already arranged for court reporters to be at the upcoming depositions of the SLC members? If so, could you please send us the contact information for the court reporters?

Also, will the depositions be videotaped, and will you be using LiveNote during the depositions?

Thanks,
Lakshmi

Lakshmi A. Muthu
Associate
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
P 302.576.3248
F 302.576.3413
LMuthu@ycst.com<<mailto:LMuthu@ycst.com>>

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

Valerie Larsen

From: Kenneth Cardwell <kenneth@blbglaw.com>
Sent: Monday, June 01, 2015 7:55 AM
To: Jeroen van Kwawegen; Muthu, Lakshmi
Cc: Flinn, Barr
Subject: RE: DISH - court reporter

Lakshmi:

The court reporter for tomorrow's deposition is Josephine Fasset. The videographer's name is Adeyline Garcia. Thank you.

Kenneth Cardwell |Case Manager
Bernstein Litowitz
Berger & Grossmann LLP
1285 Avenue of the Americas
New York, New York 10019
Tel: 212-554-1485
Fax: 212-544-1444
Email: Kenneth@blbglaw.com

Notice: This email message and any attachments to this email message contain confidential information that may be legally privileged. It is intended solely for the use of the intended recipient or others who have been specifically authorized to receive it. If you are not the intended recipient, please do not read, copy, use, forward or disclose the contents of this communication to others. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. (Please note that if this email message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by Bernstein Litowitz Berger & Grossmann LLP.) If you have received this email in error, please immediately notify us by return email or by telephone at 212-554-1400 and delete this message. Thank you.

-----Original Message-----

From: Jeroen van Kwawegen
Sent: Monday, June 01, 2015 10:38 AM
To: Muthu, Lakshmi
Cc: Flinn, Barr; Kenneth Cardwell
Subject: RE: DISH - court reporter

Lakshmi, it will be DFW again. Kenneth -- can you let Lakshmi know who from DFW will attend? Thanks.

-----Original Message-----

From: Muthu, Lakshmi [mailto:LMuthu@ycst.com]
Sent: Monday, June 01, 2015 10:36 AM
To: Jeroen van Kwawegen

Cc: Flinn, Barr
Subject: DISH - court reporter

Jeroen - Could you please let me know who will be attending the Brokaw deposition from your court reporting service? I need to provide the names to our security.

Thanks,
Lakshmi

EXHIBIT C

EXHIBIT C

1 BRIAN W. BOSCHKEE, ESQ.
Nevada Bar No. 7612
E-mail: bboschkee@nevadafirm.com
2 WILLIAM N. MILLER, ESQ.
Nevada Bar No. 11658
E-mail: wmiller@nevadafirm.com
3 HOLLEY, DRIGGS, WALCH,
4 PUZEY & THOMPSON
400 South Fourth Street, Third Floor
5 Las Vegas, Nevada 89101
Telephone: 702/791-0308
6 *Liaison Counsel for Plaintiffs*

7 MARK LEOVITCH, ESQ. (admitted *pro hac vice*)
New York Bar No. 3037272
E-mail: markl@blbglaw.com
8 JEROEN VAN KWAWEKEN, ESQ. (admitted *pro hac vice*)
New York Bar No. 4228698
E-mail: jeroen@blbglaw.com
9 ADAM D. HOLLANDER, ESQ. (admitted *pro hac vice*)
New York Bar No. 4498143
E-mail: adam.hollander@blbglaw.com
10 BERNSTEIN LITOWITZ BERGER
11 & GROSSMANN LLP
12 1285 Avenue of the Americas
13 New York, New York 10019
Telephone: 212/554-1400
14 *Lead Counsel for Plaintiffs*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17
18 IN RE DISH NETWORK CORPORATION
19 DERIVATIVE LITIGATION
20
21

Case No.: A-13-686775-B
Dept. No.: XI

**NOTICE OF DEPOSITION OF
CHARLES M. LILLIS, TOM A. ORTOLF,
AND GEORGE R. BROKAW**

22
23 PLEASE TAKE NOTICE that pursuant to Rule 29 and Rule 30(a)(1) of the Nevada Rules
24 of Civil Procedure, Plaintiff will depose the following witnesses on the dates and at the locations
25 indicated below, or on such other dates and at such other locations upon which the parties and the
26 witnesses shall agree:

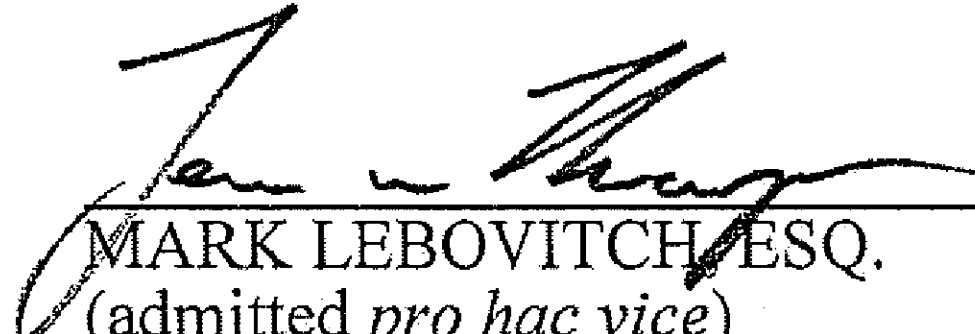
27 ///

Witness	Date and Time	Location
Charles M. Lillis	May 27, 2015 at 9:00 am MDT	Holland & Hart, Denver Tech Center, 6380 South Fiddlers Green Circle, Suite 500 Greenwood Village, Colorado 80111
Tom A. Ortolf	May 29, 2015 at 8:00 am MDT	Holland & Hart, Denver Tech Center, 6380 South Fiddlers Green Circle, Suite 500 Greenwood Village, Colorado 80111
George R. Brokaw	June 2, 2015 at 10:00 am EST	Bernstein Litowitz Berger & Grossmann LLP, 1285 Avenue of the Americas, 38th Floor, New York, New York 10019

The depositions will be conducted upon oral examination before a Notary Public, or before some other officer authorized by law to administer oaths, and may be recorded by any means permitted under Rule 30(b)(2) of the Nevada Rules of Civil Procedure, including videotaping and stenographic recording. The deposition will continue from day to day until completed. You are invited to attend and participate.

Dated this 21st day of May, 2015.

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**


 MARK LEBOVITCH, ESQ.
 (admitted *pro hac vice*)
 New York Bar No. 3037272
 JEROEN VAN KWAWEGEN, ESQ.
 (admitted *pro hac vice*)
 New York Bar No. 4228698
 ADAM D. HOLLANDER, ESQ.
 (admitted *pro hac vice*)
 New York Bar No. 4498143
 1285 Avenue of the Americas
 New York, New York 10019
Lead Counsel for Plaintiffs

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

BRIAN W. BOSCHÉE, ESQ.
Nevada Bar No. 7612
WILLIAM N. MILLER, ESQ.
Nevada Bar No. 11658
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
HOLLEY, DRIGGS, WALCH,
PUZEY & THOMPSON
Liaison Counsel for Plaintiffs

6	///
7	///
8	///
9	///
10	///
11	///
12	///
13	///
14	///
15	///
16	///
17	///
18	///
19	///
20	///
21	///
22	///
23	///
24	///
25	///
26	///
27	///

1 **CERTIFICATE OF SERVICE**

2 I, Alla Zayenchik, hereby certify that on May 21, 2015, I caused a true and correct copy of
3 Plaintiffs' Notice of Deposition of Charles M. Lillis, Tom A. Ortolf, and George R. Brokaw to be
4 served upon the following counsel via electronic mail:

5 Joshua H. Reisman
6 Reisman Sorokac
7 8965 South Eastern Avenue, Suite 382
8 Las Vegas, NV 89123
9 jreisman@rsnvlaw.com

J. Stephen Peek
Robert J. Cassity
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NY 89134
speek@hollandhart.com
bcassity@hollandhart.com

10 Tariq Mundiya
11 Willkie Farr & Gallagher LLP
12 787 Seventh Avenue
13 New York, NY 10019
14 tmundiya@willkie.com

C. Barr Flinn
Emily V. Burton
Young, Conaway, Stargatt & Taylor LLP
1000 North King Street
Wilmington, DE 19801
bflinn@ycst.com
eburton@ycst.com

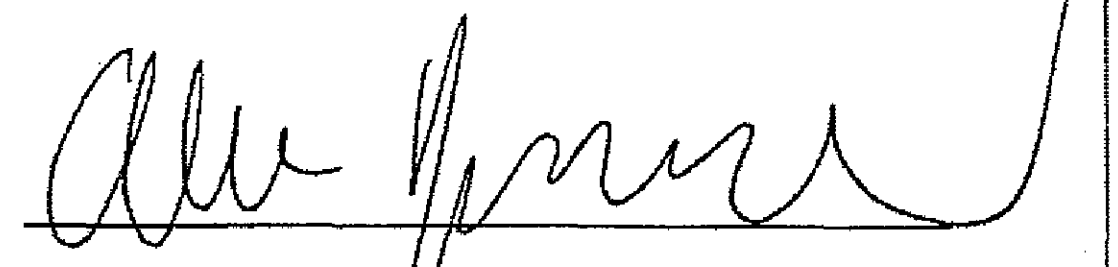
*Counsel for Defendants Charles W. Ergen
and Cantey M. Ergen,*

Counsel for the Special Litigation Committee

15 Jeffrey S. Rugg
16 Brownstein Hyatt Farber Schreck LLP
17 100 North City Parkway, Suite 1600
18 Las Vegas, NV 89106-4614
19 jrugg@bhfs.com

20 Brian T. Frawley
21 Sullivan & Cromwell LLP
22 125 Broad Street
23 New York, NY 10004
24 frawleyb@sullcrom.com

25 *Counsel for Defendants Joseph P. Clayton,*
26 *James DeFranco, David K. Moskowitz, Tom A.*
27 *Ortolf and Carl E. Vogel*

28 
Alla Zayenchik

1 BRIAN W. BOSCHKEE, ESQ.
Nevada Bar No. 7612
E-mail: bboschkee@nevadafirm.com
2 WILLIAM N. MILLER, ESQ.
Nevada Bar No. 11658
E-mail: wmiller@nevadafirm.com
3 HOLLEY, DRIGGS, WALCH,
4 PUZEY & THOMPSON
400 South Fourth Street, Third Floor
5 Las Vegas, Nevada 89101
Telephone: 702/791-0308
6 *Liaison Counsel for Plaintiffs*

7 MARK LEOVITCH, ESQ. (admitted *pro hac vice*)
New York Bar No. 3037272
E-mail: markl@blbglaw.com
8 JEROEN VAN KWAWESEN, ESQ. (admitted *pro hac vice*)
New York Bar No. 4228698
E-mail: jeroen@blbglaw.com
9 ADAM D. HOLLANDER, ESQ. (admitted *pro hac vice*)
New York Bar No. 4498143
E-mail: adam.hollander@blbglaw.com
10 BERNSTEIN LITOWITZ BERGER
11 & GROSSMANN LLP
12 1285 Avenue of the Americas
13 New York, New York 10019
Telephone: 212/554-1400
14 *Lead Counsel for Plaintiffs*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17
18 IN RE DISH NETWORK CORPORATION
19 DERIVATIVE LITIGATION
20
21

Case No.: A-13-686775-B
Dept. No.: XI

**NOTICE OF DEPOSITION OF
TOM A. ORTOLF AND GEORGE R.
BROKAW**

22
23 PLEASE TAKE NOTICE that pursuant to Rule 29 and Rule 30(a)(1) of the Nevada Rules
24 of Civil Procedure, Plaintiff will depose the following witnesses on the dates and at the locations
25 indicated below, or on such other dates and at such other locations upon which the parties and the
26 witnesses shall agree:

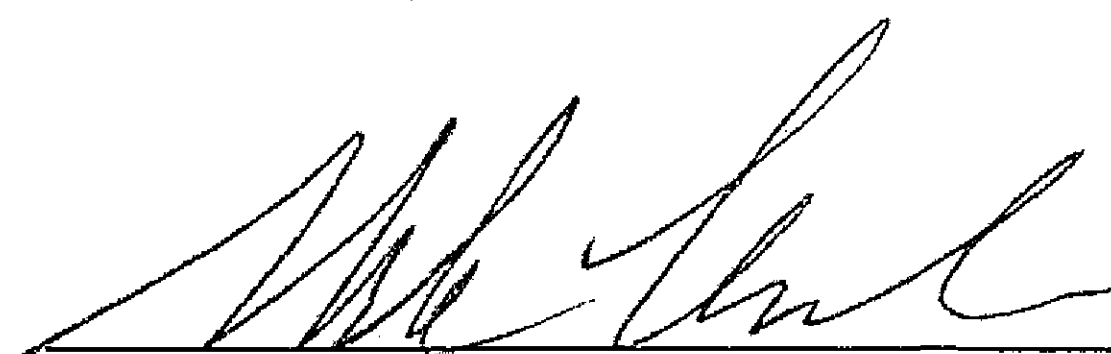
27 ///

Witness	Date and Time	Location
Tom A. Ortolf	May 28, 2015 at 8:00 am Prevailing Mountain Time	Holland & Hart LLP, Denver Tech Center, 6380 South Fiddlers Green Circle, Suite 500 Greenwood Village, Colorado 80111
George R. Brokaw	June 2, 2015 at 10:00 am EST	Young Conaway Stargatt & Taylor, LLP, 1270 Avenue of the Americas, Suite 2210, New York, New York 10020

The depositions will be conducted upon oral examination before a Notary Public, or before some other officer authorized by law to administer oaths, and may be recorded by any means permitted under Rule 30(b)(2) of the Nevada Rules of Civil Procedure, including videotaping and stenographic recording. The deposition will continue from day to day until completed. You are invited to attend and participate.

Dated this 26th day of May, 2015.

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**



MARK LEOVITCH, ESQ.
(admitted *pro hac vice*)
New York Bar No. 3037272
JEROEN VAN KWA WEGEN, ESQ.
(admitted *pro hac vice*)
New York Bar No. 4228698
ADAM D. HOLLANDER, ESQ.
(admitted *pro hac vice*)
New York Bar No. 4498143
1285 Avenue of the Americas
New York, New York 10019
Lead Counsel for Plaintiffs

///

///

CERTIFICATE OF SERVICE

I, Alla Zayenchik, hereby certify that on May 26, 2015, I caused a true and correct copy of Plaintiffs' Notice of Deposition of Tom A. Ortolf and George R. Brokaw to be served upon the following counsel via electronic mail:

Joshua H. Reisman
Reisman Sorokac
8965 South Eastern Avenue, Suite 382
Las Vegas, NV 89123
jreisman@rsnvlaw.com

J. Stephen Peek
Robert J. Cassity
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NY 89134
speek@hollandhart.com
bcassity@hollandhart.com

Tariq Mundiya
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, NY 10019
tmundiya@willkie.com

C. Barr Flinn
Emily V. Burton
Young, Conaway, Stargatt & Taylor LLP
1000 North King Street
Wilmington, DE 19801
bflinn@ycst.com
eburton@ycst.com

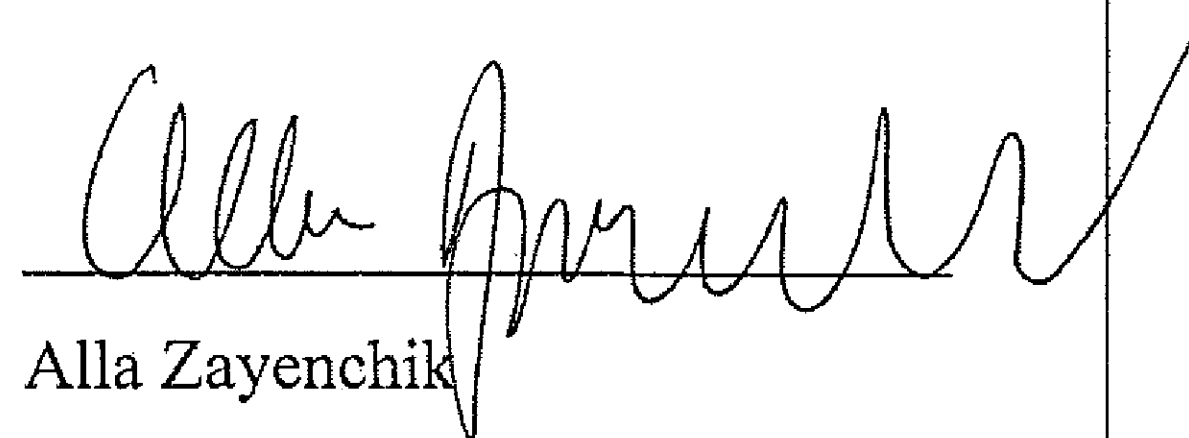
*Counsel for Defendants Charles W. Ergen
and Cantey M. Ergen,*

Counsel for the Special Litigation Committee

Jeffrey S. Rugg
Brownstein Hyatt Farber Schreck LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
jrugg@bhfs.com

Brian T. Frawley
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004
frawleyb@sullcrom.com

*Counsel for Defendants Joseph P. Clayton,
James DeFranco, David K. Moskowitz, Tom A.
Ortolf and Carl E. Vogel*


Alla Zayenchik

1 BRIAN W. BOSCHKEE, ESQ.
Nevada Bar No. 7612
E-mail: bboschkee@nevadafirm.com
2 WILLIAM N. MILLER, ESQ.
Nevada Bar No. 11658
E-mail: wmiller@nevadafirm.com
3 HOLLEY, DRIGGS, WALCH,
4 PUZEY & THOMPSON
400 South Fourth Street, Third Floor
5 Las Vegas, Nevada 89101
Telephone: 702/791-0308
6 *Liaison Counsel for Plaintiffs*

7 MARK LBOVITCH, ESQ. (admitted *pro hac vice*)
New York Bar No. 3037272
E-mail: markl@blbglaw.com
8 JEROEN VAN KWA WEGEN, ESQ. (admitted *pro hac vice*)
New York Bar No. 4228698
E-mail: jeroen@blbglaw.com
9 ADAM D. HOLLANDER, ESQ. (admitted *pro hac vice*)
New York Bar No. 4498143
E-mail: adam.hollander@blbglaw.com
10 BERNSTEIN LITOWITZ BERGER
11 & GROSSMANN LLP
12 1285 Avenue of the Americas
13 New York, New York 10019
Telephone: 212/554-1400
14 *Lead Counsel for Plaintiffs*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17
18 IN RE DISH NETWORK CORPORATION
19 DERIVATIVE LITIGATION
20

Case No.: A-13-686775-B
Dept. No.: XI

**AMENDED NOTICE OF DEPOSITION
OF CHARLES M. LILLIS**

21
22 PLEASE TAKE NOTICE that pursuant to Rule 29 and Rule 30(a)(1) of the Nevada Rules
23 of Civil Procedure, Plaintiff will depose Charles M. Lillis at 8:30 a.m. Prevailing Mountain Time
24 on June 12, 2015 at Holland & Hart LLP, Denver Tech Center, 6380 South Fiddlers Green Circle,
25 Suite 500, Greenwood Village, Colorado 80111.

26 ///

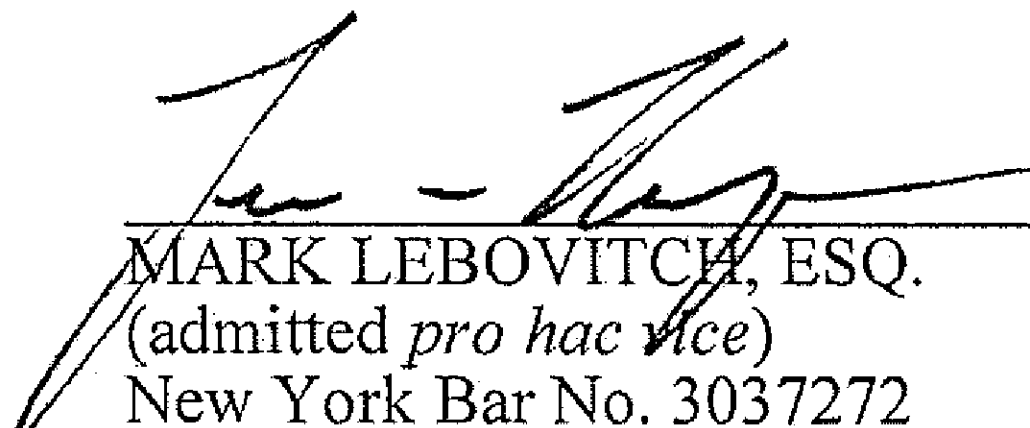
27 ///

28 ///

1 The deposition will be conducted upon oral examination before a Notary Public, or before
2 some other officer authorized by law to administer oaths, and may be recorded by any means
3 permitted under Rule 30(b)(2) of the Nevada Rules of Civil Procedure, including videotaping and
4 stenographic recording. The deposition will continue from day to day until completed. You are
5 invited to attend and participate.

6 Dated this 9th day of June, 2015.

7 **BERNSTEIN LITOWITZ BERGER**
8 **& GROSSMANN LLP**

9
10 
11 MARK LEBOVITCH, ESQ.
12 (admitted *pro hac vice*)
13 New York Bar No. 3037272
14 JEROEN VAN KWA WEGEN, ESQ.
15 (admitted *pro hac vice*)
16 New York Bar No. 4228698
17 ADAM D. HOLLANDER, ESQ.
18 (admitted *pro hac vice*)
19 New York Bar No. 4498143
20 1285 Avenue of the Americas
21 New York, New York 10019
22 *Lead Counsel for Plaintiffs*

23 BRIAN W. BOSCHKE, ESQ.
24 Nevada Bar No. 7612
25 WILLIAM N. MILLER, ESQ.
26 Nevada Bar No. 11658
27 400 South Fourth Street, Third Floor
28 Las Vegas, Nevada 89101
29 HOLLEY, DRIGGS, WALCH,
30 PUZEY & THOMPSON
31 *Liaison Counsel for Plaintiffs*

32 ///

33 ///

34 ///

35 ///

36 ///

37 ///

CERTIFICATE OF SERVICE

I, Alla Zayenchik, hereby certify that on June 9, 2015, I caused a true and correct copy of Plaintiff's Amended Notice of Deposition of Charles M. Lillis to be served upon the following counsel via electronic mail:

Joshua H. Reisman
Reisman Sorokac
8965 South Eastern Avenue, Suite 382
Las Vegas, NV 89123
jreisman@rsnvlaw.com

J. Stephen Peek
Robert J. Cassity
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NY 89134
speek@hollandhart.com
bcassity@hollandhart.com

Tariq Mundiya
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, NY 10019
tmundiya@willkie.com

C. Barr Flinn
Emily V. Burton
Young, Conaway, Stargatt & Taylor LLP
1000 North King Street
Wilmington, DE 19801
bflinn@ycst.com
eburton@ycst.com

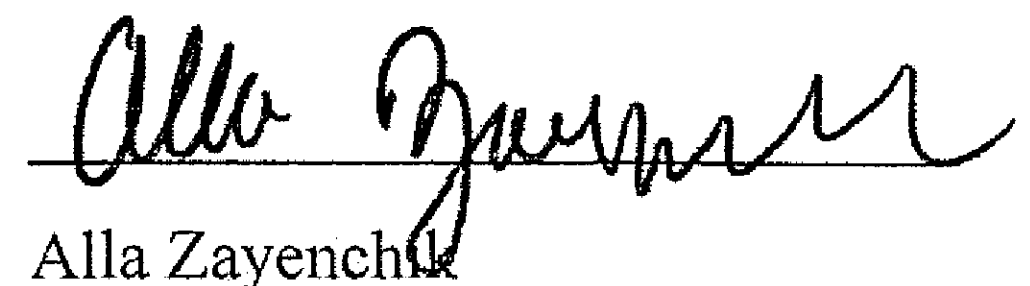
*Counsel for Defendants Charles W. Ergen
and Cantey M. Ergen,*

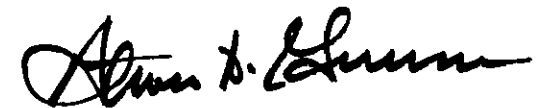
Counsel for the Special Litigation Committee

Jeffrey S. Rugg
Brownstein Hyatt Farber Schreck LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
jrugg@bhfs.com

Brian T. Frawley
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004
frawleyb@sullcrom.com

*Counsel for Defendants Joseph P. Clayton,
James DeFranco, David K. Moskowitz, Tom A.
Ortolf and Carl E. Vogel*


Alla Zayenchik



CLERK OF THE COURT

RIS

BRIAN W. BOSCHKEE, ESQ. (NBN 7612)

E-mail: bboschkee@nevadafirm.com

WILLIAM N. MILLER, ESQ. (NBN 11658)

E-mail: wmiller@nevadafirm.com

HOLLEY, DRIGGS, WALCH,
FINE, WRAY, PUZEY & THOMPSON

400 South Fourth Street, Third Floor

Las Vegas, Nevada 89101

Telephone: 702/791-0308

Liaison Counsel for Plaintiff

MARK LEBOVITCH, ESQ. (admitted *Pro hac vice*)

JEROEN VAN KWAEGEN, ESQ. (admitted *Pro hac vice*)

ADAM D. HOLLANDER, ESQ. (admitted *Pro hac vice*)

ALLA ZAYENCHIK, ESQ.

BERNSTEIN LITOWITZ BERGER

& GROSSMANN LLP

1285 Avenue of the Americas

New York, New York 10019

Telephone: 212/554-1400

Lead Counsel for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No: A-13-686775-B

Dept. No.: XI

**PLAINTIFF'S REPLY IN FURTHER
SUPPORT OF ITS MOTION TO RETAX**

Date of Hearing: Nov. 24, 2015

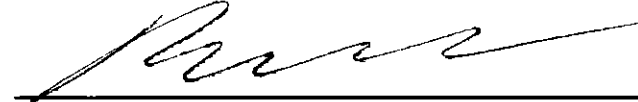
Time of Hearing: 8:30 a.m.

Plaintiff Jacksonville Police and Fire Pension Fund ("Plaintiff"), through its undersigned counsel, respectfully submits this Reply in Further Support of its Motion to Retax. As set forth below, and in Plaintiff's Motion to Retax (the "Motion") and opening memorandum, Plaintiff respectfully requests that the Court enter an order retaxing and settling Defendants' costs and disbursements to allow only those costs and disbursements that are allowable by statute and properly supported with appropriate supporting documentation. Specifically, of the \$219,849.13 set forth in the Special Litigation Committee's ("SLC") October 19, 2015 Memorandum of Costs (the "SLC Memo"), only \$5,815.87 is statutorily recoverable and supported with appropriate documentation.

1 Plaintiff's Motion is made and based upon the papers and pleadings on file, the below
2 Memorandum of Points and Authorities, and such other evidence and argument as may be
3 presented and considered by this Court at any hearing.

4 Dated this 20th day of November, 2015.

5 **HOLLEY, DRIGGS, WALCH, FINE,**
6 **WRAY, PUZEY & THOMPSON**

7 

8 BRIAN W. BOSCH, ESQ. (NBN 7612)
9 WILLIAM N. MILLER, ESQ. (NBN 11658)
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

10 *Liaison Counsel for Plaintiff*

11 MARK LEBOVITCH, ESQ.
12 New York Bar No. 3037272
JEROEN VAN KWAWEGEN, ESQ.
13 New York Bar No. 4228698
ADAM D. HOLLANDER, ESQ.
14 New York Bar No. 4498143
ALLA ZAYENCHIK
15 New York Bar No. 5222443
BERNSTEIN LITOWITZ BERGER
16 **& GROSSMANN LLP**
1285 Avenue of the Americas
17 New York, New York 10019

18 *Lead Counsel for Plaintiff*

MEMORANDUM OF POINTS AND AUTHORITIES

This Court should not permit the SLC to make up the law about the taxing of costs. After running up massive expenses (and, we assume, massive billable hours), the SLC now improperly distorts Nevada law in an effort to impose all of its purported litigation costs on Plaintiff's counsel.

Nevada law unambiguously holds that "statutes permitting the recovery of costs are to be strictly construed because they are in derogation of the common law." *Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals*, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998); see also *Bergmann v. Boyce*, 109 Nev. 670, 679, 856 P.2d 560, 566 (1993) (NRS 18.005 is to be "constru[ed] . . . narrowly"). In N.R.S. 18.005, the Nevada legislature authorized cost-shifting in only certain specified circumstances and for certain expressly identified categories. The legislature did not give prevailing parties a blank check to foist any and all purported costs onto an opposing party. Specifically relevant here, the legislature has not authorized cost-shifting of electronic discovery costs. Nor does NRS 18.005 allow cost-shifting for a number of items in the SLC's Memo, including videography services for depositions, travel and lodging costs for hearings, and travel and lodging costs for three attorneys to defend a deposition (along with as many as seven other defense counsel). The SLC also has not provided adequate support to establish that the vast majority of the costs that are statutorily eligible were actually necessary and reasonable.

The SLC concedes that NRS 18.005 requires that any costs shifted be, among other things, necessary and reasonable. Nevertheless, the SLC overreaches greatly.

- *First*, the SLC claims costs for electronic discovery, even though NRS 18.005 does not authorize shifting such costs and case law holds that absent legislative action, the statute must not be expanded beyond its express terms.
- *Second*, the SLC claims travel and lodging costs that were (a) unnecessary and (b) for attending court hearings, which are not authorized by statute (only depositions are).

- 1 • *Third*, the SLC claims realtime transcription and videography-related costs in
2 connection with depositions, which are not authorized by statute (only a fee for one
3 copy of each deposition is). Whether Plaintiff's counsel ordered videos to prepare for
4 a hoped-for trial or had two attorneys coordinate to *take* a deposition does not render
5 the SLC's costs (including for *defending* depositions) necessary.
- 6 • And *fourth*, the SLC seeks to introduce additional support for the purported
7 reasonableness and necessity of its photocopies, postage, and long distance phone
8 calls. Because that support does not justify those costs on an itemized basis or in any
9 meaningful way, and because the SLC did not submit that support within the time
10 allowed by statute, the Court should not consider it now.

11 Even to the extent discretion is given the Court to permit the statutorily allowable costs,
12 the Court should exercise its discretion to deny or limit any award. While Plaintiff respectfully
13 disagrees with the Court's decision to defer to the SLC, Plaintiff urges the Court to consider that
14 a motion to defer presents an odd procedural posture. Plaintiff and its counsel strongly believed
15 (and continue to believe) in the merits of this case, and Plaintiff's counsel pursued this matter on
16 a fully contingent basis and at its own significant cost because they believed that Charles Ergen,
17 with assistance from the Defendants, engaged in serious misconduct that caused massive harm to
18 DISH and its shareholders. While the Court determined that it must defer to the SLC's
19 conclusion that Plaintiff's claims should not be pursued, that motion is not truly a disposition on
20 the underlying merits.

21 In any event, the SLC's counsel has incurred massive fees and expenses. Plaintiff's
22 Counsel should not bear the cost of the potential billables windfall that the SLC's counsel
23 apparently saw when it looked at this action. Given the massive costs incurred in connection
24 with abbreviated and targeted discovery into the SLC's independence and thoroughness, one can
25 only imagine the attendant fees generated for the SLC's counsel. Whether or not the SLC's
26 counsel actually incurred the costs that the SLC now seeks to impose on Plaintiff's counsel,
27 Plaintiff's counsel should not bear the burden of the overwhelming majority of the SLC's

1 claimed costs, because no statute authorizes shifting those costs. Moreover, there is no basis for
2 the Court to shift discretionary costs to Plaintiff's counsel. They are properly borne by the SLC,
3 which oversaw its own counsel incurring those costs.. Accordingly, and as discussed below and
4 in Plaintiff's opening brief, the Court should grant Plaintiff's Motion to Retax.

5 DISCUSSION

6 The SLC correctly states that the decision whether to award costs is within the sound
7 discretion of the trial court. SLC Br. at 5.¹ The SLC ignores, however, that the Court's
8 discretion must be exercised within the bounds provided by controlling law, and "where a trial
9 court exercises its discretion in clear disregard of the guiding legal principles, this action may
10 constitute an abuse of discretion." *Bergmann*, 109 Nev. at 674, 856 P.3d at 563 (citing *Cooter &*
11 *Gell v. Hartmarx Corp.*, 496 U.S. 384, 405 (1990) ("A district court would necessarily abuse its
12 discretion if it based its ruling on an erroneous view of the law"))).

13 Here, the relevant legal principles are that shifting costs is a fundamental departure from
14 the common-law principle that each party bear its own costs, and is not appropriate absent a clear
15 "indication that the Nevada Legislature intended" such cost shifting. *Bergmann*, 109 Nev. at
16 680, 856 P.3d at 566 (construing NRS 18.005 narrowly and rejecting claimed costs not expressly
17 provided in statute). In addition, the party claiming costs must submit adequate support that any
18 presumptively allowable costs were reasonable and necessary, and neither mere statements and
19 receipts nor an affidavit from counsel that that such costs were necessary, without more, is
20 sufficient. *See Cadle Co. v. Woods & Erickson, LLP*, __ Nev. __, 345 P.3d 1049, 1054-55
21 (2015) (rejecting claim for costs for photocopies, runner service, and deposition transcripts
22 where party "did not present the district court with evidence enabling the court to determine that
23 those costs were reasonable and necessary").

24 ...

25 ...

26
27 ¹ All references to "SLC Br." are to the SLC's November 16, 2015 Opposition to Plaintiff's
28 Motion to Retax.

1 **1. The Court Should Reject the SLC's Claim for Electronic Discovery Costs.**

2 The SLC spends considerable space in its brief arguing that Plaintiff's investigation of
3 the facts somehow necessitated more than \$150,000 in electronic discovery costs. The SLC's
4 claim should be rejected entirely because NRS 18.005 does not expressly provide for electronic
5 discovery costs. If the Nevada legislature determines that such costs should be taxable, it will
6 amend the statute, as it recently did to allow taxing of computerized legal research costs. Unless
7 and until that happens, electronic discovery costs are not taxable under Nevada law.

8 The SLC understands perfectly well that the Nevada Revised Statutes do not provide for
9 taxation of electronic discovery costs. Thus, in attempting to distinguish *Bergmann*, the SLC
10 sidesteps that fundamental point entirely. SLC Br. at 6-7. The SLC focuses on the *Bergmann*
11 court's disallowance of document preparation costs, which the court rejected because the party
12 seeking costs (as here) did not provide adequate documentation to support treating those costs as
13 separate from the work that counsel would ordinarily do internally. *See Bergmann*, 109 Nev. at
14 681, 856 P.2d at 567. The more relevant holding from *Bergmann* on the SLC's Memo and
15 Plaintiff's Motion, however, concerns electronic legal research charges. While recognizing that
16 the residual subsection of NRS 18.005 (then NRS 18.005(16), and now NRS 18.005(17)) allows
17 for certain costs not listed in the statute, the *Bergmann* court "constru[ed] NRS 18.005(16)
18 narrowly" and rejected the defendants' claim for costs because "there [wa]s no indication that the
19 Nevada Legislature intended NRS 18.005 and NRS 18.020 for that purpose." *Id.* at 680. In the
20 intervening years, the legislature apparently determined that computerized legal research is a
21 regular cost *and* determined it should be taxable, as NRS 18.005(17) now expressly allows
22 taxation of "reasonable and necessary expenses for computerized services *for legal research.*"
23 That provision does not relate to discovery costs at all.

24 ...

25 ...

26 ...

27 ...

1 Here, if, as the SLC contends, “the practice of law has already developed such that parties
2 necessarily incur electronic discovery costs” (SLC Br. at 7 n.4), *and* the legislature determines
3 that those costs should be taxable, the statute will presumably be amended to reflect that
4 determination. But without legislative action, even if electronic discovery costs are regularly
5 incurred, there is no basis for taxation.

6 The SLC acknowledges that the Nevada Supreme Court has not addressed the
7 recoverability of electronic discovery costs, and cites to federal case law interpreting 28 U.S.C. §
8 1920(4) (which provides generally for taxation of costs). Even if the federal statute was to apply
9 in the Nevada Business Court (and it does not), the overwhelming weight of federal authority
10 undermines the SLC’s position, as the SLC fails to mention that although “some courts have
11 deemed [electronic discovery] a taxable cost. . . . [M]any more courts have denied such
12 recovery.” *Finnerty v. Stiefel Labs., Inc.*, 900 F. Supp. 2d 1317, 1320-21 (S.D. Fla. 2012); *see*
13 *also Moore v. Weinstein Co., LLC*, 40 F. Supp. 3d 945, 953-54 (M.D. Tenn. 2014) (“agree[ing]
14 with the prevailing view that [costs for de-duplication, running search terms, and data
15 processing] are not taxable as costs”).

16 Federal courts have recognized that electronic discovery is a regular cost of litigation, yet
17 overwhelmingly ***reject taxation of those costs*** beyond the minimal amount attributable to
18 converting electronic or paper documents into a format that can be produced.² The taxable costs
19 are analogous to fees for making paper copies, which are taxable under the federal statute. The
20 bulk of electronic discovery costs – including setting up and maintaining databases, searching for
21 and retrieving documents, and collecting data from cell phones and other devices, all of which
22 the SLC uses to ostensibly justify its claim for costs – are not taxable.

23 Federal appellate courts considering whether electronic discovery costs are recoverable
24 have broadly rejected such arguments. In *Race Tires America, Inc. v. Hoosier Racing Tire*
25 *Corp.*, 674 F.3d 158 (3d Cir. 2012), the Third Circuit Court of Appeals rejected the vast majority

26 ² Indeed, at least some of the SLC’s claimed costs in connection with scanning and converting
27 files to TIFF format are actually included with their claimed photocopying costs, rather than
electronic discovery. *See* Memo. of Costs at App. pp. 115, 116 (invoices for scanning to TIFF).

1 of the party's claim for electronic discovery costs, recognizing that although electronic discovery
2 productions are costly and cumbersome, "[t]he process employed in the pre-digital era to
3 produce documents in complex litigation," which were not taxable, "similarly involved a number
4 of steps essential to the ultimate act of production." In *Race Tires*, the court held that certain
5 relatively minimal costs were taxable because they were equivalent to the costs of making paper
6 copies, as authorized by 28 U.S.C. § 1920(4). Accordingly, the court awarded only costs for "the
7 conversion of native files to TIFF (the agreed-upon default format for production . . .), and the
8 scanning of documents to create digital duplicates." 674 F.3d at 167. The court rejected
9 defendants' claims for costs associated with the preservation and collection of electronically
10 stored information, processing the collected ESI, keyword searching, culling privileged material,
11 and optical character recognition conversion, and held that taxing "all steps that lead up to the
12 production of copies of materials" would be "untethered from the statutory mooring." *Id.* at 169.
13 *See also Country Vintner of N.C., LLC v. E. & J. Gallo Winery, Inc.*, 718 F.3d 249, 260 (4th Cir.
14 2013) (rejecting claim for electronic discovery costs, even where "extensive processing may be
15 essential to make a comprehensive and intelligible production of ESI.") (quotation marks and
16 citation omitted).

17 The majority of federal courts have followed the *Race Tires* approach. *See, e.g., Eolas*
18 *Techs. Inc. v. Adobe Sys., Inc.*, 891 F. Supp. 2d 803, 806 (E.D. Tex. 2012) ("Defendants seek to
19 tax in excess of \$2 million for document collection, processing, and hosting. These activities are
20 not recoverable costs"); *see also Klayman v. Freedom's Watch, Inc.*, 2008 WL 5111293, at *2
21 (S.D. Fla. Dec. 4, 2008) ("It appears that the defendants hired experts at a huge hourly cost to
22 search for and retrieve discoverable electronic documents. In a non-electronic document case
23 this work would be performed by paralegals and associate attorneys and would not be
24 compensable as costs A court may only tax those costs which are specifically authorized by
25 statute."); *see also Moore*, 40 F. Supp. 3d at 953-54; *see also Finnerty*, 900 F. Supp. 2d at 1320-
26 21.

27 . . .

1 NRS 18.005 does not include electronic discovery as a taxable cost, and Nevada case law
2 provides that if the legislature has not amended the statute to include such an item, it is not
3 taxable. Despite the ubiquity of electronic discovery in complex litigation, analogous federal
4 law further provides that except for nominal costs equivalent to making photocopies, electronic
5 discovery costs are not taxable. The SLC's claim for electronic discovery costs should be
6 rejected.

7 **2. The Court Should Reject All of the SLC's Claims for Travel and Lodging Costs**
8 **for Hearings, and the Bulk of the SLC's Claims for Travel and Lodging Costs**
9 **for Depositions.**

10 The SLC overreaches in its claims for costs related to travel and lodging for depositions
11 and for hearings, again seeking taxation beyond what is allowed by statute while charging
12 Plaintiff's counsel for the SLC's lack of oversight over its own counsel. Having previously
13 argued to the contrary, the SLC now admits, as it must, that NRS 18.005(15) (under which it
14 claimed costs for attending hearings) does not provide for such costs. SLC Br. at 9. Rather than
15 drop its claim, however, and acknowledge it was wrong on the law, the SLC now seeks to
16 recharacterize those costs as "other" allowable costs under NRS 18.005(17). The SLC's new
17 argument is contrary to the Nevada Supreme Court's repeated holdings that NRS 18.005 must be
18 construed narrowly, and still fails.

19 The SLC suggests that taxing travel and lodging costs for hearings is an open question, as
20 Nevada law has not addressed the issue of costs and lodging for court hearings. SLC Br. at 10.
21 That concession is fatal to its taxation claim. If the Nevada legislature had intended to allow
22 taxation of such costs, it would have included them in NRS 18.005. The fact that the legislature
23 did not include travel and lodging costs for hearings in the statutes makes them nontaxable. *See*
24 *Bergmann*, 109 Nev. at 680, 856 P.2d at 566 (construing NRS 18.005 narrowly and rejecting
25 claimed costs not expressly provided in statute). The SLC's cited federal cases are inapposite
26 and do not hold differently.³

27 ³ The SLC's cited federal cases each involve a different statutory basis and a different procedural
28 posture. SLC Br. at 10 (citing *Henry A. v. Willden*, 2015 U.S. Dist LEXIS 8159, at *29 (D. Nev.

1 The SLC's assertion that courts outside Nevada generally award travel-related costs as
2 taxable is irrelevant, and wrong. There plainly is no such consensus, and many courts reject
3 taxing the costs that the SLC seeks here. *See, e.g., In re Amendments to Uniform Guidelines for*
4 *Taxation of Costs*, 915 So. 2d 612, 615 (Fla. Sup. Ct. 2005) ("attorney travel expenses generally
5 are not taxable. . . . [W]e have modified the proposed guidelines to include such costs in the
6 category of those that generally 'should not' be taxed.") (collecting cases); *see also Miche Bag,*
7 *LLC v. Ayers*, 2010 WL 5141662, at *5 (D.S.C. Sept. 22, 2010) ("Attorney travel expenses are
8 not typically recoverable pursuant to 17 U.S.C. § 505, 28 U.S.C. § 1920, or Federal Rule of Civil
9 Procedure 54(d)"); *see also B-K Cypress Log Homes Inc. v. Auto-Owners Ins. Co.*, 2011 WL
10 6151507, at *3 (N.D. Fla. Nov. 1, 2011) ("The defendant is correct that attorney travel expenses
11 are not taxable costs under 28 U.S.C. § 1920."). Secondary authority is in accord. *See* 10
12 Charles Alan Wright & Arthur R. Miller, *Fed. Practice & Proc.* § 2666 (3d ed.) ("[A]bsent a
13 special statute or an exceptional exercise of judicial discretion," "travel expenditures" are to be
14 "borne by the litigants[]" and will not be awarded to the prevailing party).

15 With regard to depositions, the SLC offers no authority to support its argument that it was
16 both reasonable *and necessary* for numerous attorneys to attend depositions that the SLC was
17 merely *defending*. Plaintiff had two New York-based attorneys attend to *take* the New York
18 deposition of George Brokaw, one New York-based attorney (and no other counsel) take the
19 deposition of Charles Lillis in Colorado, and two New York-based attorneys (and no other
20 counsel) take the deposition of Tom Ortolf in Colorado. The SLC sent Mr. Flinn and Ms. Muthu
21 from Delaware and Mr. Peek from Nevada to defend the Brokaw deposition, which was also
22 attended by three attorneys for the other Defendants and one in-house DISH attorney. To defend
23 the Lillis deposition, the SLC sent Mr. Flinn and Ms. Muthu from Delaware and Ms. Sollod from

24 _____ (continued)
25 Jan. 16, 2015) (awarding attorneys' fees and expenses pursuant to a *settlement agreement*); *see*
26 *also Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1216 (9th Cir. 1986) (awarding fees and
27 costs for *success on appeal*); *see also Wallis v. BNSF Ry. Co.*, 2014 WL 1648472 (W.D. Wash.
Apr. 23, 2014) (awarding costs and fees under *Federal Railroad Safety Act*, 49 U.S.C. § 20109);
see also Kemper v. Catholic Healthcare W., 2009 WL 860643 (E.D. Cal. Mar. 30, 2009)
(awarding *unopposed* costs and fees under *Fed. R. Civ. P. 54(d)* pursuant to a *consent decree*)).

1 Colorado, and four attorneys for the other Defendants and two in-house DISH attorneys also
2 attended. And for Ortolf's deposition, the SLC sent Mr. Flinn and Ms. Muthu from Delaware
3 and Mr. Peek from Nevada, while five attorneys appeared for the other defendants (including one
4 by phone) and two in-house DISH attorneys attended. *None of the SLC's lawyers, nor any of*
5 *the other defendants' lawyers, asked a single question at any of those depositions.* The
6 suggestion that the expensive travel and lodging costs for numerous attorneys to attend
7 depositions were both reasonable and necessary, when Ms. Sollod could have defended the
8 Colorado depositions and Mr. Flinn could have defended the New York deposition at minimal
9 cost, entirely lacks merit. The fact that they ran up those bills under the SLC's purported
10 supervision, while SLC member Brokaw explained away his inviting the Ergens to sleep in his
11 apartment by claiming that Charlie Ergen does not permit extravagant spending, is ironic and
12 would be funny – but for the SLC's baseless effort to now tax Plaintiff's counsel with those
13 unnecessary and unreasonable costs. The Court should grant Plaintiff's Motion to retax
14 unallowable, unnecessary, and unreasonable travel and lodging costs.

15 **3. The Court Should Reject the SLC's Claim for Court Reporter and Videography**
16 **Costs.**

17 With regard to court reporter and videography costs, the SLC primarily argues that
18 because Plaintiff's counsel used realtime services and chose to videotape the SLC members'
19 depositions, such costs are both (a) somehow covered by NRS 18.005(2), and (b) necessary and
20 reasonable. Neither is correct.

21 NRS 18.005(2) expressly allows for taxation only of "a reporter's fee for one copy of
22 each deposition." Allowing for reporters' fees more broadly would impermissibly construe the
23 statute beyond its clear bounds. Moreover, whether Plaintiff's counsel, drafting briefs under
24 extreme time pressures and recognizing their evidentiary burden, ordered realtime or
25 videography services does not make those costs necessary or properly taxable as to the SLC.
26 Indeed, the SLC had plenty of time before its briefs were due, and the SLC never planned on
27 video presentations.

1 The SLC, yet again, misrepresents federal law as regularly allowing taxation of certain
2 costs. SLC Br. at 11-12. As one of the cases the SLC itself cites states, however, “[t]he one
3 thing that is clear with respect to [videography] fees is that courts are not in agreement as to their
4 taxability.” *Garonzik v. Whitman Diner*, 910 F. Supp. 167, 170-71 (D.N.J. 1995). Even courts
5 to award costs for video depositions “generally do not allow recovery of costs for both a
6 videotape and written transcript, however.” *Macario v. Pratt & Whitney Canada, Inc.*, 1995 WL
7 649160, at *2 (E.D. Pa Nov. 1, 1995). The SLC’s claim for realtime and videography costs
8 should not be allowed, when taxation for such costs are not provided for in the Nevada Revised
9 Statutes and there is no basis to conclude that the discretionary expenditure by the SLC’s counsel
10 was both necessary and reasonable.

11 In addition, under Nevada law, “[a] strict construction of [NRS 18.005] requires that the
12 phrase “reasonable costs” be interpreted to mean actual costs that are also reasonable, rather than
13 a reasonable estimate or calculation of such costs.” *Gibellini v. Klindt*, 110 Nev. 1201, 1206,
14 885 P.2d 540, 543 (1994). Here, the SLC has not provided any way to separate its actual
15 allowable costs for one copy of each deposition from other items, including realtime and
16 videography services, a “Litigation Support Package,” draft transcripts, and expedited
17 transcripts. The SLC complains that it is not responsible for the invoicing practices of the court
18 reporting service that Plaintiff’s counsel selected (SLC Br. at 11), but fails to acknowledge that
19 the SLC bears the burden to show that it is entitled to taxation – Plaintiff has no burden to show
20 why it is not.

21 The SLC’s reliance on *Cadle* is misplaced. In *Cadle*, the Nevada Supreme Court rejected
22 a claim for reporting fees where, like here, the party “d[id] not provide any itemization of, or
23 justification for,” the transcripts. *Cadle*, 345 P.3d at 1055. Here, the SLC could have contacted
24 the reporting service and asked for an itemized invoice, or other backup showing the portion of
25 invoiced amounts that covered each of the services provided. The SLC chose not to do so, and
26 cannot now claim taxation of the full costs of reporting services.

1 **4. The Court Should Reject the SLC's Claims for Costs of Photocopying, Postage,**
2 **and Long Distance Phone Calls.**

3 Even if the Court permits the SLC's tardy submission of supporting records, the SLC has
4 done nothing to cure the underlying inherent defects in its claim for costs of photocopying,
5 postage, and long distance phone calls. None is adequately supported by backup establishing
6 that such costs, on an itemized basis, were necessary and reasonable, as required by Nevada law.
7 *See Berosini*, 114 Nev. at 1353, 971 P.2d at 386 (rejecting claim for photocopying costs and long
8 distance calls for failure to provide sufficient justifying documentation).

9 Contrary to the SLC's contention, Ms. Burton's declaration attached to the SLC's
10 opposition to the Motion – discussing Young Conaway's photocopying practices and her opinion
11 that the costs claimed were reasonable and necessary – is insufficient. SLC Br. at Ex. A ¶ 10-13;
12 *see also Cadle*, 345 P.3d at 1054-55 (rejecting affidavit of counsel where “[t]he affidavit of
13 counsel *told* the court that the costs were reasonable and necessary, but it did not *demonstrate*
14 how such fees were necessary to and incurred in the present action”) (quotation marks omitted).
15 Here, the SLC has not even attempted to provide the sort of itemized justification necessary,
16 given that the law requires, for example, “evidence on which to judge the reasonableness or
17 necessity of each photocopy charge.” *Id.* Merely describing Young Conaway's photocopying
18 practices, and averring that all the copies included in the SLC's Memo were reasonable and
19 necessary, cannot establish the reasonableness or necessity of those items, as required.

20 * * *

21 The SLC has tried to cure the numerous fatal flaws in its Memo by submitting a
22 supplemental affidavit and purported evidence to show why it believes that certain costs were
23 allowable, reasonable, and necessary. However, Nevada law is clear that, when the SLC
24 submitted that support, the time had passed for the SLC to provide support for the Court to
25 consider in connection with its Memorandum of Costs. *See Brochu v. Foote Enters.*, 2012 WL
26 5991571, at *6 (Nev. Nov. 29, 2012) (affirming district court's rejection of “two untimely filed
27 supplemental memoranda with documentation regarding costs in its response to a motion to
28

retax”). The SLC had its chance to introduce adequate support. It did not do so within the time set forth under NRS 18.110, and for that matter still has not done so.

CONCLUSION

As discussed above, and for the reasons set forth in Plaintiff's opening memorandum, Plaintiff's Motion should be granted.

Dated this 20th day of November, 2015.

**HOLLEY, DRIGGS, WALCH, FINE,
WRAY, PUZEY & THOMPSON**

BRIAN W. BOSCHKE, ESQ. (NBN 7612)
WILLIAM N. MILLER, ESQ. (NBN 11658)
 400 South Fourth Street, Third Floor
 Las Vegas, Nevada 89101

Liaison Counsel for Plaintiff

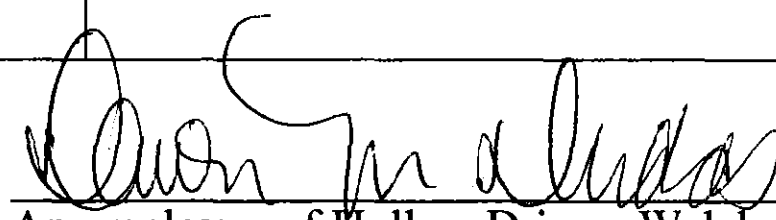
MARK LBOVITCH, ESQ.
New York Bar No. 3037272
JEROEN VAN KWAWEGEN, ESQ.
New York Bar No. 4228698
ADAM D. HOLLANDER, ESQ.
New York Bar No. 4498143
ALLA ZAYENCHIK
New York Bar No. 5222443
**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**
1285 Avenue of the Americas
New York, New York 10019

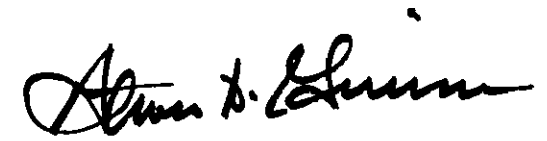
Lead Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **PLAINTIFF'S REPLY IN FURTHER SUPPORT OF ITS MOTION TO RETAX** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 20th day of November, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

Joshua H. Reisman, Esq. Robert R. Warns III, Esq. REISMAN SOROKAC 8965 South Eastern Avenue, Suite 382 Las Vegas, Nevada 89123	James C. Dugan, Esq. Tariq Mundiya, Esq. WILLKIE, FARR & GALLAGHER, LLP 787 Seventh Avenue New York, New York 10019 <i>Attorneys for Charles W. Ergen and Cantey M. Ergen</i>
Kirk B. Lenhard, Esq. Jeffrey S. Rugg, Esq. BROWNSTEIN HYATT FABER SCHREK 100 North City Parkway, Suite 1600 Las Vegas, Nevada 89106-4614	Brian T. Fawley, Esq. SULLIVAN & CROMWELL, LLP 125 Broad Street New York, New York 10004 <i>Attorneys for the Director Defendants</i>
J. Stephen Peek, Esq. Robert J. Cassity, Esq. HOLLAND & HART, LLP 9555 Hillwood Drive, 2 nd Floor Las Vegas, Nevada 89134	David C. McBride, Esq. Robert S. Brady, Esq. C. Barr Flinn, Esq. YOUNG, CONWAY, STARGATT & TAYLOR, LLP Rodney Square 1000 North King Street Wilmington, Delaware 19801 <i>Attorneys for the Special Litigation Committee of Dish Network Corporation</i>
James J. Pisanelli, Esq. Debra L. Spinelli, Esq. PISANELLI BICE PLLC 400 South 7 th Street, Suite 300 Las Vegas, Nevada 89101 <i>Attorneys for Defendants Thomas A. Cullen, Kyle J. Kiser, and R. Stanton Dodge</i>	


An employee of Holley, Driggs, Walch,
Fine, Wray, Puzey & Thompson



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

IN RE DISH NETWORK CORPORATION .
DERIVATIVE LITIGATION .

CASE NO. A-686775

DEPT. NO. XI

**Transcript of
Proceedings**

.

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

HEARING ON PLAINTIFF'S MOTION TO RETAX

TUESDAY, NOVEMBER 24, 2015

COURT RECORDER:

TRANSCRIPTION BY:

JILL HAWKINS
District Court

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

APPEARANCES:

FOR THE PLAINTIFF:

BRIAN W. BOSCHEE, ESQ.
MARK LEBOVITCH, ESQ.
ADAM HOLLANDER, ESQ,

FOR THE DEFENDANTS:

J. STEPHEN PEEK, ESQ.
BARR FLINN, ESQ.
JEFFREY S. RUGG, ESQ.
TARIQ MUNDIYA, ESQ.
MAXIMILLIEN FETAZ, ESQ.
EMILY V. BURTON, ESQ.

1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 24, 2015, 8:57 A.M.

2 (Court was called to order)

3 THE COURT: That takes me to DISH.

4 So we have a new issue in the state of Nevada, which
5 is ediscovery and whether ediscovery falls within those areas
6 where we would be permitting recovery of costs. Because, as
7 I've said in other circumstances, electronic discovery is just
8 discovery under Rule 26 by different methods and they'd be
9 able to recover the costs related to at least some of the work
10 under those traditional methods, I'm inclined to entertain it,
11 but I'm happy to listen to your argument related to the
12 amounts, because it's your motion.

13 MR. BOSCHEE: Okay. And that obviously is the key
14 issue. Okay. The clock has started.

15 The key issue with electronic discovery for us is --
16 it's twofold. One, I understand what Your Honor's position is
17 with respect to discovery generally and it's allowable and the
18 costs are allowable. But electronic discovery is a little bit
19 of a different animal. It's great, and we use it, and the new
20 one I think is called Disco over at LDG, and it's really
21 convenient. But at the end of the day it's exactly that, it's
22 a convenience. And when we sign on for that for our clients
23 we take that on at our own risk. If we're saving paralegal
24 time, attorney time, whatever else by using this electronic
25 discovery, we're doing that kind of at our peril. And we know

1 if we're using these new electronic discovery methods and it's
2 costing more in terms of cost, that that should be arguably
3 saving money on the back end.

4 That said -- I was looking at this again last night
5 -- it's interesting in Bergman the court denies legal research
6 costs, and then five years --

7 THE COURT: But they changed the statute.

8 MR. BOSCHKE: But then -- well, that was my point.
9 But then five years later they changed the statute to add
10 legal research. Ediscovery isn't new. I mean, it's
11 relatively new, but it's really not. It's been around in some
12 for or another for 10 to 15 years in the way that Mr. Peek is
13 using it. And the legislature in its wisdom has not amended
14 18.005(17) to add anything relating to electronic discovery.
15 So when you're talking about 150-some-odd-thousand dollars of
16 actual costs Your Honor has to look at the question of whether
17 that's a necessary and reasonable cost for discovery in this
18 case. And we would submit that it isn't, Your Honor. There
19 are -- there were other methods under Rule 26 by which this
20 information could have been stored and gathered. A paralegal
21 could have looked at it, an associate could have looked at it.
22 There were literally numerous other ways. I know this
23 because, truthfully, Your Honor, I've been on the other side
24 of this issue arguing this, and I've actually been denied and
25 granted. So I'm not exactly sure that there's a uniform

1 consensus among the judges even in these courts.

2 THE COURT: I don't think there's a uniform
3 consensus at this point.

4 MR. BOSCHKE: And so when you're talking about that
5 level of costs -- and I understand that there was a lot going
6 on in the case and there was a lot of -- you know, a lot of
7 electronic information needed, and the searching capabilities
8 were really nice. But \$151,000 isn't reasonable, and it
9 certainly isn't necessary. There were other ways to do this
10 that would have accomplished the same thing that would not
11 have been so burdensome. And, again, to that end I would
12 note, whether it matters or not, that obviously when Your
13 Honor is balancing the equities and deciding whether to allow
14 these or not, I would submit that the Jacksonville policemen
15 and firemen are not going to be paying these costs when your
16 ultimate decision come down. So just submit that for whatever
17 it's worth.

18 I think it's also notable that the Federal Courts
19 are split on this. There isn't -- Mr. Peek seems to indicate
20 in the opposition that there's some uniform opinion out there.
21 That's not the case. The courts are split, and they look at
22 it on a case-by-case basis. And that's what I would ask Your
23 Honor to do here, because I don't think, if you look at the
24 totality of what happened here, \$151,000 in electronic
25 discovery costs is reasonable. That's one issue.

1 There are really three big issues that we're looking
2 at that constitute the majority of this. I'm not going to
3 argue about recorder's fees and some other things that are
4 legal research that are clearly allowed by the statute.

5 Travel lodging. This goes to a very fundamental
6 issue, and I think Your Honor and most of the judges in our
7 courts have been very consistent about this. You just simply
8 don't get to recover for --

9 THE COURT: You get one.

10 MR. BOSCHEE: -- right -- for three or four lawyers.
11 And Mr. Peek noted, and he's fair to do this, and I brought
12 Mr. Miller to court with me this morning, if I was making a
13 motion for fees, obviously I wouldn't be even asking for Mr.
14 Miller's time, because you only get one attorney. And I think
15 that's significant, because there are a lot of attorneys going
16 to a lot of these depositions, they're asking for a lot of
17 hotel and lodging for all of the attorneys. In fact, they're
18 asking for hotel and lodging for the members of the SLC who
19 came to hearing, and I don't think any of that's allowable.
20 You kind of roll the dice when you submit pro hac vice
21 applications as an attorney and come in from out of state, and
22 you have to live with that consequence. They certainly have
23 no basis for asking for lodging and hotel expenses for the
24 actual members of the SLC. And so there -- if you go through
25 this, of the \$28,000 that they're asking for I think in hotel

1 and lodging, all but maybe like I think it's 1500 and change
2 -- in fact, that's exactly what it is, is for multiple
3 attorneys. And once you take that out, that number gets
4 reduced dramatically, and we would ask Your Honor to retax
5 that, as well.

6 There's also -- in the depositions it's interesting,
7 because I do the same thing. And I understand why Mr. Peek
8 did this. He wants the real time depo transcripts and he
9 wants to have the depo coming up on his iPad so he can make
10 objections. But, again, I do that at my own peril. The
11 statute is very clear that you get reporter's fees for
12 depositions, including the reporter's fee for one copy. It
13 doesn't -- again, this is another area where the legislature
14 could speak. They haven't. They could say, you can get
15 allowable costs for different areas in the deposition for real
16 time, for everything else. They haven't done that. And I
17 think a giant portion, I'm going to say 80 percent, of the
18 deposition fees are for that. And, again, whether we noticed
19 up a video deposition or not, they get costs for one copy.
20 They don't get an inordinate amount of costs for the real
21 time, for everything else.

22 And as to photocopies and postage, you know, listen,
23 obviously there was a lot of paper in this case. Your Honor
24 has had to look at a lot of paper in this case. There were
25 binders and binders and binders. Our concern there is we

1 don't have a lot of support for -- Ms. Burton's declaration is
2 simply not sufficient evidence to say that these are
3 reasonable costs and expenses. We would ask that those be
4 stricken and retaxed because simply there is no support for
5 them.

6 So as denoted by the rest of our motion -- I'm
7 trying to keep track on my watch, as well -- I don't think
8 that they have shown -- it's about 80 percent, 85 percent of
9 their \$217,000 that they've backed it up, and I think it all
10 needs to be retaxed, especially the electronic discovery,
11 which, again, I would submit the Federal Courts have been
12 pretty clear about. You kind of take that at your own peril.
13 You're substituting one for another. If you're taking the
14 convenience of electronic discovery, that's in lieu of an
15 attorney or a paralegal looking at it.

16 THE COURT: But it's not really convenience.

17 MR. BOSCHÉE: Well, it really is.

18 THE COURT: It's a necessity at this point, isn't
19 it?

20 MR. BOSCHÉE: I don't -- well, I don't think so. I
21 mean, I -- well, it certainly isn't for me, because I --

22 THE COURT: In some cases.

23 MR. BOSCHÉE: In some cases it might be, but I don't
24 think it is in this case. There are other ways to do it.
25 And, truthfully, in our office we do evaluate this on a case-

1 by-case basis. If it's a case that absolutely is completely
2 intensive, we do it. But, again, we do it at our own risk,
3 knowing that it's probably -- and advise clients of this --
4 it's not possibly going to be a recoverable cost. And we do
5 that in lieu of attorney time and paralegal time. That's the
6 danger you run. I mean, I think that that's what the courts
7 are telling us. When you use electronic discovery it's a
8 convenience, it's a very good way of, you know, keeping things
9 in order and looking at everything. But when we're talking
10 about \$151,000 of costs that are being attributed then Your
11 Honor has to look at whether that's reasonable. And certainly
12 in this case we would submit that it isn't, especially in lieu
13 of all of the paper that was produced, all of everything else
14 that was produced that they're just saying, well, we didn't
15 have attorneys looking at it, we did a search engine and we
16 did all these other things to look for terms. Well, you could
17 have done that with a person, as well as a computer. So we
18 don't think that the one fifty one is reasonable, and
19 certainly it isn't allowed by statute. And our legislature
20 has had ample opportunity over the last 20 years to amend the
21 statute to add electronic discovery, and they've chosen not
22 to. And I think we should take guidance from the legislature
23 on that fact.

24 THE COURT: Okay. Thank you.

25 MR. BOSCHÉE: I'll save my two minutes for

1 responding to Mr. Peek.

2 THE COURT: Mr. Peek.

3 MR. PEEK: Your Honor, we have at least four
4 disputes in four categories here, ediscovery, the travel
5 costs, the court reporting, and videographer services and the
6 photocopying, postage, and long distance calls. All of these
7 costs were reasonable and necessary. All of these costs were
8 incurred because of plaintiff's broad discovery request that
9 it made on the day of the motion for summary judgment -- or
10 motion to defer, excuse me, when Mr. Boschee came forward that
11 day and presented the Court with his affidavit and asked for
12 56(f) relief and then submitted discovery to the defendants.

13 First, ediscovery costs, are recoverable under
14 18.005(17). They were reasonable and necessary, and they were
15 the result of plaintiff's remarkably broad discovery requests.
16 They covered a six-year period of time. And all of the
17 discovery requests required electronic discovery. They
18 covered both the SLC's professional and personal
19 communications stored electronically. They required the data
20 collection from professional and personal accounts and
21 professional and personal devices, all electronically stored.
22 They did not limit the discovery just to the SLC members. The
23 requests covered data from other board members and Mr.
24 Brokaw's wife, as well. The result of the requests were data
25 collection from 13 custodians. And Mr. Boschee says -- when

1 the Court says, well, don't you have to use ediscovery, I
2 didn't hear really a solid answer that I could have done out
3 and collected with my paralegals or with one of my associates
4 this information off of these 13 devices and self collected or
5 the client could have self collected. I would have then been
6 at risk for spoliation because I didn't capture it correctly.
7 All this information went back to 2008 from servers, from Web-
8 based email, and other storage locations. These broad
9 parameters necessitated by plaintiff's requests increased the
10 related ediscovery costs.

11 Costs do not necessarily include incurred by the SLC
12 in connection with investigation regarding the plaintiff's
13 allegations. We didn't go back to all of that ediscovery that
14 we did, Your Honor, before October 24th of 2014. We did it
15 forward from there based upon the motion to defer.

16 The Nevada Supreme Court has not addressed
17 recoverability of ediscovery costs. We know that. Some
18 Federal District Courts have permitted recovery of ediscovery
19 costs, holding that ediscovery is complex -- in complex cases
20 saves costs overall by allowing discovery to be conducted in
21 an efficient and cost-effective manner. Therefore, reasonable
22 and necessary.

23 In this case we cited you to Aspertame Antitrust
24 Litigation. Plaintiff's reliance on other caselaw is
25 misguided. The costs are not routine office overhead. The

1 ediscovery costs prompted solely by plaintiff's last-minute
2 requests were clearly not routine office overhead.

3 They cannot credibly argue that ediscovery costs
4 were not reasonable and necessary. Instead, they focus only
5 on the fact that ediscovery costs are not specifically
6 included in NRS 18.005. Their analysis ignores and gives no
7 meaning to NRS 18.005(17) because what they're saying is that
8 unless it's specifically addressed in subparts (1) through
9 (16) of 18.005 you don't recover it. Well, that's why the
10 Supreme Court -- excuse me, the legislature chose to add
11 "reasonable and necessary costs incurred in the litigation."

12 What we have here, Your Honor -- and we're
13 instructed really by NRCP Rule 34(d). 34(d) instructs us that
14 the party requesting that documents be copied must pay the
15 reasonable costs thereof. We don't have that in the federal
16 system. There is not a federal analog to our 34(d). And, as
17 the Court knows, there is within that body ediscovery required
18 under 34(d). So these are the costs associated with copying,
19 collecting, copying, processing the ediscovery. And that is a
20 burden that when they request that they're required under
21 34(d) to pay that cost.

22 THE COURT: So can I ask you a question about that
23 issue.

24 MR. PEEK: Of course, Your Honor.

25 THE COURT: Part of the benefit of ediscovery and

1 using search terms is you reduce the amount of time that
2 counsel has to spend reviewing the documents. Can you address
3 how that analysis should impact the recovery of electronic
4 discover vendor fees.

5 MR. PEEK: I can, Your Honor, but I can't break it
6 down for you.

7 THE COURT: Right.

8 MR. PEEK: But what I can say to you, because I've
9 done a lot of ediscovery, as the Court knows, you go out and
10 you collect multiple terabytes of information from all of the
11 13 devices from which we collected, all of the 13 custodians.
12 As you know, you collect first from custodians. You collect
13 from the custodians in a temporal period. So we went from
14 2008 all the way up to 2014, which is when the motion was
15 made. So you collect more data than is necessary. You know
16 that you have an issue of independence and thoroughness, you
17 know you have a relationship of these individuals to Mr.
18 Brokaw and others on the board. So you're looking at the
19 relationships amongst the board members. So then you put
20 search terms and say, during this period of time give me all
21 information related to communications with Mr. Brokaw --
22 excuse me, with Mr. Ergen, with Candy Ergen, and with other
23 members of the board. So you narrow it. You try to narrow
24 it, because you're going to have a lot of electronic
25 information stored. When you apply those search terms you may

1 cull that what might start out as a terabyte into maybe
2 multiple gigabytes. So that's the process. Then what you do
3 is you then have manual review of those documents.

4 THE COURT: But isn't that search process where you
5 go from the terabyte size to say several megabytes --

6 MR. PEEK: Or gigabytes, more likely.

7 THE COURT: -- or gigabytes, isn't that process
8 similar to what you would have had a paralegal or an associate
9 do in reviewing whether you chose not to use search terms or
10 you were looking at the traditional paper copies? Do you
11 understand what I'm trying to say?

12 MR. PEEK: Yes, Your Honor, I do understand what
13 you're saying. So if 34(d) is instructive, I would have had
14 to print out those documents --

15 THE COURT: Correct.

16 MR. PEEK: -- I would have had to have then had
17 manual review of each of those documents versus the electronic
18 search terms applied to it, and then I would begin to set
19 aside those documents just initially before I did further
20 manual review. I'd have to do sort of do what the search did
21 electronically --

22 THE COURT: Correct.

23 MR. PEEK: -- and narrow it, set those aside, and
24 then -- but I'd have to store that information or I'd have to
25 have paper copies, one or the other --

1 THE COURT: And have it hosted.

2 MR. PEEK: -- and then I would set that subset
3 aside. Then I would go through that subset another time. So
4 there is certainly an efficient and cost-effective manner for
5 which, you know, they should receive that benefit, because
6 34(d) otherwise would require them to pay all those costs.

7 So I understand where the Court is going, because
8 the Court is saying, well, you saved time, you're not entitled
9 to paralegal fees, you're not entitled to attorneys' fees
10 which you had otherwise incurred. There certainly are cases
11 that address that as an issue, and that's why we cited you,
12 Your Honor, to the Aspertame Antitrust Litigation.

13 The second category -- and if the Court has any more
14 questions on electronic discovery, I can certainly address
15 those, but I think that we are instructed by 34(d) and the
16 federal case that we cited to the Court as to cost-effective
17 and efficient manner in which parties are now entitled to use
18 that. Because if you don't say to parties, you can use that,
19 you know, I would be over here now with Mr. -- if I were
20 asking for fees, for example, I could see Mr. Boschee when I
21 asked for the manual review and I said, okay, all of these
22 paralegals had to search this, he would have said, well, you
23 should have used ediscovery, you should have used ediscovery
24 and that ediscovery is not compensable as a cost and now,
25 because you didn't use ediscovery, you can't even get fees for

1 it. So that's the double-edge sword. And I know we're not
2 here on fees, Your Honor --

3 THE COURT: I understand.

4 MR. PEEK: -- were here on costs. But that analogy
5 I think makes sense here.

6 The second category is the travel and lodging costs
7 for the depositions first and secondly for the hearings.

8 I think we have people on the phone. I don't think
9 they've announced, but maybe we should get to that at some
10 time.

11 THE COURT: They're not going to talk, are they?

12 MR. PEEK: No, they're not going to talk, but I
13 think they should at least have an appearance.

14 THE COURT: So why don't you ask them to appear, Mr.
15 Peek, since we took a short break for that, and we will turn
16 off your timer for a little bit.

17 MR. PEEK: Thank you.

18 Thank you, Laura.

19 Could those on the phone announce themselves.

20 You all did it at once. Could we start again.

21 MR. FLINN: I'm Barr Flinn, and Emily Burton, with
22 Mr. Peek for the Special Litigation Committee.

23 MR. MUNDIYA: This is Tariq Mundiya of Willkie Farr
24 for Charlie and Candy Ergen.

25 MR. RUGG: [Unintelligible] Rugg [unintelligible] on

1 behalf of director defendants.

2 MR. PEEK: I'm sorry. We didn't get who the
3 director defendants' lawyer was.

4 MR. RUGG: Jeffrey Rugg and Max Fetaz.

5 MR. PEEK: Thank you.

6 THE COURT: And you're, what, two blocks away and
7 don't even come down here?

8 MR. PEEK: That's really courteous, Jeff.

9 THE COURT: Never mind. Keep going.

10 MR. PEEK: Is Mr. Lebovitch or Mr. -- is
11 [unintelligible] on the phone?

12 MR. LEBOVITCH: Yes. This is Mark Lebovitch. And
13 we're in three different places, but Mark Lebovitch is on the
14 phone, [unintelligible], and my partner is also on the phone.
15 And Adam Hollander is in a different place, but I believe also
16 on the phone.

17 MR. PEEK: So five lawyers from the plaintiff's
18 side.

19 Your Honor, the second one is travel and lodging
20 costs for depositions and hearings. The plaintiff
21 acknowledges that the costs are proper under 18.005(15) for
22 deposition travel and discovery. Deposition is included, and
23 discovery is included there. But they argue that the SLC
24 should only be awarded travel costs for one attorney to
25 prepare and defend each of it's SLC members. In a case of

1 this complexity and with facts regarding independence spanning
2 over six years and thoroughness of the investigation over the
3 course of the time that the SLC investigated implicated
4 thousands of documents, requested -- that requested alone the
5 presence of all three of the attorneys who prepared and
6 attended the depositions.

7 Plaintiff had at least two out-of-state attorneys
8 itself attend the depositions. Plaintiff chose not to have
9 its Nevada counsel present. Yet plaintiff now challenges the
10 reasonableness of the SLC having two out-of-state attorneys
11 attend -- well, prepare for and attend the depositions. They
12 question the SLC's choice to have me present to insure that
13 the proceedings were conducted in accordance with state and
14 local rules. The lawyers' extensive involvement in this case
15 shows that their attendance was reasonable and necessary. And
16 under 18.005(17) the associated travel and lodging costs to
17 attend two court hearings and the related parking charges that
18 they complain about, that I overcharged for parking --

19 THE COURT: Include your \$12 charge?

20 MR. PEEK: My \$12 charge. But they fail to point
21 out that at least at one of the earlier hearings I charged it
22 to one client, and one the other.

23 THE COURT: Twenty-five.

24 MR. PEEK: It's what the parking is, Your Honor.
25 And I did split it, and I do split it all the time.

1 THE COURT: I understand. But you make me go
2 through all this stuff, and so --

3 MR. PEEK: So, Your Honor, the plaintiff themselves
4 had five lawyers attend the hearings, three from out of town
5 and two from Las Vegas, but now complain that the SLC's
6 attorneys who attended the hearings were not reasonable and
7 necessary for the hearing. I can assure that Ms. Burton's
8 presence and Mr. Flinn's presence were certainly reasonable
9 and necessary for the hearing to get me the right argument in
10 the shortest amount of time that I could do so.

11 The Court is well used to the fact that multiple
12 attorneys for a party appear at her hearings. They're all
13 used to the fact that they assist in the preparation, assist
14 in answering the Court's questions. In fact, I'm reminded
15 that when I was here last Thursday the Court said to Laura
16 Chester, make sure you get Mr. Peek's questions and answers
17 correct for him so you may need to pass him notes. That
18 happens.

19 Court reporter and videographer fees, Your Honor,
20 that's another category which I didn't quite understand --

21 THE COURT: Tell me what the premium is for real
22 time.

23 MR. PEEK: I don't know what the premium is for real
24 time. But, Your Honor, the Court doesn't say reporter's fees,
25 only reporter's fees. Reporter's fee includes LiveNote. You

1 saw from the affidavit and as well as the exhibit attached, I
2 think it's Exhibit B, there's the correspondence back and
3 forth between Ms. -- if I say this correctly -- Muthy -- wrote
4 to Yurin and said, what are you going to have, we're going to
5 have LiveNote and videography is what we're going to have. So
6 I'm not allowed to have videography, I'm not allowed to pay
7 for that videography when it's something that they required at
8 the deposition, and LiveNote. They have LiveNote. Sorry,
9 Your Honor.

10 THE COURT: But before real time -- it's a question
11 whether it's recoverable, as opposed to whether you get access
12 to it. But before we had real time in order to get that same
13 benefit you would have to pay for the expedited transcript
14 cost.

15 MR. PEEK: Yes, you did.

16 THE COURT: And typically when I was still in
17 practice, and remember that was long ago at this point, if you
18 paid for real time, you had to pay the cost of the expedited
19 transcript. And that wasn't a recoverable cost under the rule
20 typically. So that's what I'm trying to figure out, is if the
21 billing for the premium for what you're calling LiveNote has
22 changed.

23 MR. PEEK: They use LiveNote, I use real time. You
24 use real time pretty much in every deposition today. But the
25 statute doesn't say -- when it says "reporter's fees" it

1 doesn't break it down between LiveNote and videography --

2 THE COURT: I know.

3 MR. PEEK: -- because all are allowed and that's
4 what court reporter's charge.

5 THE COURT: I understand.

6 MR. PEEK: And when I got my bill from plaintiff's
7 videographer, plaintiff's court reporter, it was all included
8 in one lump sum. They didn't break it down for me. If the
9 Court wants me to break it down, I can go back to that court
10 reporting service that was hired by the plaintiffs that billed
11 us for the lump-sum costs and break it down between, as you
12 say, real time and court reporter fees.

13 THE COURT: Okay.

14 MR. PEEK: But I believe, Your Honor, that was
15 reasonable and necessary under 18.005(17) because it's
16 incurred in this action. It's something that plaintiff
17 required for their -- to have a videographer and to have
18 LiveNote in order for me to be on an equal playing field with
19 a counsel who's now going to be looking at the LiveNote,
20 asking questions or making objections, we now what that
21 question was and what that objection is. So, I think, Your
22 Honor, it's recoverable.

23 THE COURT: Anything else?

24 MR. PEEK: The fourth and final category, Your
25 Honor, which I won't spend a lot of time on, which deals with

1 the costs of photocopying, the costs of postage, and the costs
2 of telephone conferences, plaintiff says, well, you didn't
3 provide really enough information, we're not really disputing
4 that you aren't entitled to photocopying costs, we just don't
5 think you have documented it sufficiently. We did do that
6 with Miss Burton's affidavit. I think that the case that we
7 cited, we actually both cited, I think it's called Gibellini
8 is the case, which says in that case that the supplementation
9 was to add costs, not to actually talk about those costs that
10 had already been set forth.

11 So I think it's proper under Gibellini, and I
12 believe that all costs, Your Honor, including that 151,000, as
13 well as the videographer fees, court reporting fees for
14 LiveNote, travel costs are all proper and recoverable.

15 THE COURT: Thank you, Mr. Peek.

16 MR. BOSCHEE: Two minutes. And I will be -- I will
17 use them judiciously.

18 Mr. Peek did raise one issue that is novel, I
19 believe, and that's 34(d). The problem with that argument,
20 Your Honor, is if that's the -- if that's the path they want
21 to go and that's what they want to say now, that we have to
22 pay for the photocopying, he's right under the rule, but then
23 he's got to send me a bill. He can't come back after the fact
24 and say, well, under 34(d) we paid these costs and even if
25 they're not recoverable under the statute, under 34(d) we

1 could have billed you for them and made you pay for them so
2 now I'm going to ask for them. That's -- that doesn't fly.
3 That's not a recoverable cost under 18.005.

4 THE COURT: But doesn't it show a difference in the
5 thought process of the Nevada courts, as opposed to other
6 jurisdictions?

7 MR. BOSCHÉE: Well, I think it does. But it also --
8 but if you're going down that road and you're using that
9 analysis, then you have to go all the way, because then I have
10 to be given an opportunity to ascertain, okay, this is what
11 this photocopying is going to cost. If it's your
12 responsibility, Mr. Boschee, and your client is going to be
13 incurring this cost or you're going to be incurring this cost
14 in this case this is what the cost is going to be under 34(d).
15 I was never given that opportunity. They did it and then sent
16 me -- and then now have asked for recovery of it under 18.005
17 when there's no category for it.

18 And I think it was interesting that Mr. Peek tried
19 to shovel everything under 18.005(17). I mean, he was -- I
20 mean --

21 THE COURT: Isn't that what good lawyers do?

22 MR. BOSCHÉE: It is.

23 THE COURT: They find a catch-all and throw it all
24 in.

25 MR. BOSCHÉE: And Mr. Peek is a good lawyer. I'm

1 not going to dispute that. And in his position I would
2 probably be trying to do the same thing. But it's not me that
3 says you have to construe the statute narrowly, it's our
4 Supreme Court expressly and unambiguously said, you have to
5 look at these statutes very succinctly. So that was -- that
6 was concerning.

7 The other thing that I thought was interesting about
8 what Mr. Peek said is that the electronic discovery cost was
9 because they had to gather all this information from these
10 13 different apparatuses. If Your Honor looks at their memo
11 of costs and digs into their 400 pages, that's not what
12 they're asking for. It's not the collection of all this
13 information. You can get that --

14 THE COURT: The deduplication is part of that.

15 MR. BOSCHÉE: That's part of the photocopying. I
16 mean, you can't have it both ways.

17 THE COURT: No. The deduplication is part --

18 MR. BOSCHÉE: There is some of that. There was some
19 duplication of it. But the cost -- and we use these vendors
20 all the time. The cost is the accessibility, the
21 searchability, the convenience of it. That's what the vendors
22 charge for.

23 THE COURT: The hosting is a minimal cost compared
24 to everything else. The hosting is a little over five grand a
25 month compared to everything else.

1 MR. BOSCHÉE: But it's -- well, I'm looking at it
2 right now.

3 THE COURT: I mean, the searching and the indexing
4 and the deduplication are --

5 MR. BOSCHÉE: 14,000, 13,000.

6 THE COURT: Right. But 5,000 or so of that is the
7 hosting, because --

8 MR. BOSCHÉE: Well, it is. But communication --

9 THE COURT: -- because I've got some months I only
10 got hosting.

11 MR. BOSCHÉE: Well, right. But I'm looking at --
12 I'm breaking it down. And I realize I'm out of time, but
13 loading index, raw data, \$24,000. It's the indexing that's
14 the -- that's the real crux of it. That's what -- I mean,
15 that's what we pay for it, our firm.

16 THE COURT: No. I know.

17 MR. BOSCHÉE: I assume it's the same. It's the, you
18 know, collection, loading and indexing, the collecting
19 processing.

20 THE COURT: And for that entry it says --

21 MR. BOSCHÉE: I mean, run search reports, \$23,000.

22 THE COURT: -- "Host Data" at the end, and the host
23 data we know is five grand, because that's what it is --

24 MR. BOSCHÉE: Right.

25 THE COURT: -- in every location where it's only

1 host data billed.

2 MR. BOSCHÉE: But the big ones, the ones that are
3 particularly concerning is like at the bottom of page 13, run
4 search reports, process, load --

5 THE COURT: No. That's the 23,384.

6 MR. BOSCHÉE: -- that's the 23,000. That's where
7 these things hit you. And I know that because we use them. I
8 mean, that's where you get hit on these things. And, again,
9 that's a convenience issue. I would note that Mr. Peek and
10 his co-counsel and his client, knowing that they probably
11 weren't going to be able to submit a motion for attorneys'
12 fees but were going to try to shoehorn this into costs, that's
13 why the \$151,000 is used for electronic discovery is pushed
14 into costs and not using a paralegal. If he a slam-dunk
15 argument for attorneys' fees and was going to have that at the
16 beginning of the case, I would represent that we wouldn't have
17 as much ediscovery costs, and a lot of paralegals and
18 associates would have been doing this work. So that to me is
19 a little bit of a disingenuous argument to say that that's a
20 -- when addressing Your Honor's question.

21 I think I am out of time, so --

22 THE COURT: Thanks.

23 Your motion is granted in part. With respect to the
24 electronic discovery the Court is finding that in this
25 particular case the electronic discovery, including the

1 electronic search terms, was a reasonable and necessary method
2 by which to acquire the information that was required to be
3 produced as part of the litigation.

4 With respect to the deposition and discovery-related
5 travel and lodging the Court is granting your motion in part.
6 The travel expenses will be retaxed, with the exception of
7 those for Mr. Peek. Mr. Peek is the Nevada lawyer who was
8 retained to assist with that, and his travel expenses for
9 going to the depositions and prepping appear to be reasonable
10 and necessary.

11 With respect to the photocopies, the photocopy
12 charges are much better documented than they were in the Cadle
13 case, and they appear to be reasonable and necessary and,
14 given the use of electronically stored information, much less
15 than one would have anticipated in a case like this.

16 And the long distance telephone calls appear to be
17 supported. I understand your position related to those
18 billings, but the billings for the conference services appear
19 reasonable. The postages are reasonable.

20 And I am going to order Mr. Peek to supplement with
21 a breakdown as to amount of real time premium for the
22 deposition costs. I am going to permit all costs, except for
23 the premium related to the real time. That means you get your
24 copy of the video and you get your cost for the transcripts.

25 MR. BOSCHEE: One thing I wasn't clear about, Your

1 Honor, I think, you talked about Mr. Peek's fees for -- the
2 lodging for the depositions. What about the hearings? Is
3 that all -- I mean, because the counsel that flew in for --

4 THE COURT: You don't get -- you don't get costs for
5 hearings.

6 MR. BOSCHÉE: Okay.

7 THE COURT: So you have to take off his \$12 and his
8 \$25 for parking. But he does get his baggage fees for
9 travelling and he has to check a bag.

10 MR. BOSCHÉE: I was more concerned about all the
11 out-of-state counsel and the SLC members.

12 THE COURT: I didn't give him any of those.

13 MR. BOSCHÉE: Okay.

14 THE COURT: Do you want the sheets where I wrote it
15 on?

16 MR. BOSCHÉE: No. That's all right.

17 THE COURT: No? Okay.

18 So if it's Mr. Peek travelling for a deposition
19 which is --

20 MR. PEEK: Colorado and New York, Your Honor.

21 THE COURT: -- Colorado and New York, there's about
22 15 entries that relate to that. All of those are recoverable.

23 With respect to the other attorneys they're not
24 recoverable.

25 MR. BOSCHÉE: And as to the electronic discovery,

1 they get it all, the whole 151,000?

2 THE COURT: Yes. I gave a good reason.

3 MR. BOSCHEE: Okay. I just wanted to make --

4 THE COURT: And I also contrasted the photocopies
5 with that to show that I was thinking in broader terms, not
6 just as one person today.

7 Anything else?

8 MR. PEEK: Your Honor, this is just a guidance
9 question for me in the future with respect to dealing with
10 out-of-state counsel.

11 THE COURT: One lawyer. If you ask me for
12 attorneys' fees, I'll give you one lawyer.

13 MR. PEEK: Okay. And so --

14 THE COURT: That's just me.

15 MR. PEEK: No, no. I understand, Your Honor.

16 THE COURT: It differs from place to place.

17 MR. PEEK: I dealt with this in the Suen trial with
18 Judge Bare, made similar arguments about out-of-state counsel.
19 But I guess where I'm going with this is whether it's local
20 counsel or out-of-state lawyers, you're only just saying in
21 the future just guidance for me in the future, one lawyer
22 travel costs, depositions and the like. Okay.

23 THE COURT: And usually that is the local counsel,
24 because the local counsel under our rules, unless there's a
25 stipulation, has to even be present at the out-of-state

1 depositions.

2 MR. PEEK: I agree with that, Your Honor. I was
3 surprised that Mr. Boschee was not present at these
4 depositions. But I understand that.

5 THE COURT: That's how our rules read.

6 MR. PEEK: I agree with the Court.

7 MR. BOSCHEE: We were trying to be efficient with
8 costs, Your Honor.

9 THE COURT: And you had a stipulation that nobody
10 was going to complain about it.

11 MR. BOSCHEE: Right.

12 THE COURT: Anything else?

13 MR. BOSCHEE: Thank you, Judge.

14 MR. PEEK: No, Your Honor. Thank you.

15 THE PROCEEDINGS CONCLUDED AT 9:31 A.M.

16 * * * * *

17

18

19

20

21

22

23

24

25

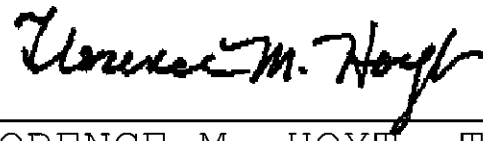
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

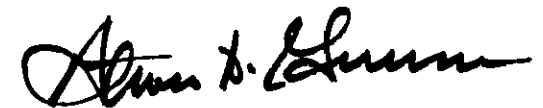
FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

11/25/15

DATE



CLERK OF THE COURT

SUPP

J. Stephen Peek
Nevada Bar No. 1758
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

**SUPPLEMENT TO OPPOSITION TO
PLAINTIFF'S MOTION TO RETAX**

Date of Hearing: November 24, 2015
Time of Hearing: 8:30 a.m.

The Special Litigation Committee of DISH Network Corporation (the "SLC"), by and
through its undersigned counsel, submits this Supplement to its Opposition to Plaintiff's Motion

1 to Retax ("Supplement").

2 In its Memorandum of Costs, the SLC requested court reporter's fees in the amount of
3 \$18,946.15, which included costs for "real time" services for the depositions. *See* SLC Memo. of
4 Costs. During the November 24, 2015 hearing on Plaintiff's Motion to Retax (the "Hearing"),
5 the Court ordered the SLC to submit a supplemental brief which provides a breakdown of the
6 real time charges associated with the depositions. *See* Tr. of Oral Argument (Nov. 24, 2015), at
7 27:20-22 (The COURT: "And I am going to order Mr. Peek to supplement with a breakdown as
8 to amount of real time premium for the deposition costs.").

9 Following the hearing, the SLC's counsel requested a breakdown of the "real time" costs
10 from David Feldman Worldwide, Inc. ("David Feldman"), the court reporting service for the
11 subject depositions. *See* Exhibit A (email exchange between the SLC's counsel and Ms.
12 Catapano of David Feldman). According to David Feldman, the following table reflects the "real
13 time" charges associated with the depositions:

Deposition	Date	Transcript Pages	Cost per page	Total Cost
Tom Ortolf	May 28, 2015	369	\$2.25	\$830.25
George Brokaw	June 2, 2015	439	\$2.25	\$987.75
Charles Lillis	June 12, 2015	262	\$2.25	\$589.50
TOTAL				\$2,407.50

19
20 Ex. A. Thus, the total cost for "real time" deposition transcripts was \$2,407.50.

21 During the Hearing, the Court ordered that all court reporters' costs were recoverable,
22 "except for the premium related to the real time" service. *See* Tr. of Oral Argument (Nov. 24,
23 2015), at 27:22-23 ("I am going to permit all costs, except for the premium related to the real
24 time."). Therefore, the total court reporter's fees (\$18,946.15), reduced by the "real time" fees of
25 \$2,407.50 retaxed per the Court's ruling, results in \$16,538.65 in recoverable court reporter's
26 fees under NRS 18.005(2).

27 ///

28 ///

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 Based on the foregoing, the Court should allow recovery of \$16,538.65 in court reporter's
2 fees.

3 DATED this 8th day of December, 2015

4 
5

6 J. Stephen Peek
7 Robert J. Cassity
8 HOLLAND & HART LLP
9 9555 Hillwood Drive, 2nd Floor
10 Las Vegas, NV 89134

11 Holly Stein Sollod (*pro hac vice*)
12 HOLLAND & HART LLP
13 555 17th Street Suite 3200
14 Denver, CO 80202

15 C. Barr Flinn (*pro hac vice*)
16 Emily V. Burton (*pro hac vice*)
17 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
18 Rodney Square
19 1000 North King Street
20 Wilmington, DE 19801

21 *Attorneys for the Special Litigation Committee*
22 *of DISH Network Corporation*
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 8th day of December 2015, a true and correct copy of the
3 foregoing **SUPPLEMENT TO OPPOSITION TO PLAINTIFF'S MOTION TO RETAX**
4 was served by the following method(s):


5 ☒ Electronic: by submitting electronically for filing and/or service with the Eighth
6 Judicial District Court's e-filing system and served on counsel electronically in
accordance with the E-service list to the following email addresses:

7 Please see the attached E-Service list

8 ☐ U.S. Mail: by depositing same in the United States mail, first class postage fully
9 prepaid to the persons and addresses listed below:

10 ☐ Email: by electronically delivering a copy via email to the following e-mail address:

11 ☐ Facsimile: by faxing a copy to the following numbers referenced below:

12 
13 An Employee of Holland & Hart LLP

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

**E-Service Master List
For Case****null - Jacksonville Police and Fire Pension Fund, Plaintiff(s) vs. Charles Ergen, Defendant(s)****Bernstein Litowitz Berger & Grossmann LLP****Contact**Adam D. Hollander
Jeroen Van Kwawegen
Mark Lebovitch**Email**adam.hollander@blbqlaw.com
jeroen@blbqlaw.com
markl@blbqlaw.com**Brownstein Hyatt Farber Schreck, LLP****Contact**Jeffrey S. Rugg
Karen Mandall
Maximilien "Max" D. Fetaz**Email**jrugg@bhfs.com
kmandall@bhfs.com
MFetaz@BHFS.com**Cadwalader Wickersham****Contact**Brittany Schulman
Gregory Beaman
William Foley**Email**brittany.schulman@cwt.com
Gregory.Beamen@cwt.com
William.Foley@cwt.com**Greenberg Traurig, LLP****Contact**6085 Joyce Heilich
7132 Andrea Rosehill
IOM Mark Ferrario
LVGTDocketing
RRW Randolph Westbrook**Email**heilichj@gtlaw.com
rosehilla@gtlaw.com
lvitdock@gtlaw.com
lvitdock@gtlaw.com
westbrookr@gtlaw.com**Holland & Hart****Contact**

Steve Peek

Emailspeek@hollandhart.com**Holland & Hart LLP****Contact**Robert Cassity
Valerie Larsen**Email**bcassity@hollandhart.com
vlarsen@hollandhart.com**Holley Driggs Walch Fine Wray Puzey & Thompson****Contact**

Dawn Dudas

Emailddudas@nevadafirm.com**Holley Driggs Walch Puzey Thompson****Contact**

William N. Miller

Emailwmiller@nevadafirm.com**Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson****Contact**

Brian W. Boschee

Emailbboschee@nevadafirm.com**Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson****Contact**

Brian W. Boschee, Esq.

Emailbboschee@nevadafirm.com**Holley, Driggs, Walch, Puzey & Thompson****Contact**

William N. Miller

Emailwmiller@nevadafirm.com**McDonald Carano Wilson LLP****Contact**Amanda Yen
CaraMia Gerard
Jeff Silvestri**Email**ayen@mcdonaldcarano.com
cgerard@mcdonaldcarano.com
jsilvestri@mcdonaldcarano.com

Michelle Wade

mwade@mcdonaldcarano.com

Pisanelli Bice PLLC**Contact**Debra L. Spinelli
Paul Garcia
PB Lit**Email**dls@pisanellibice.com
pg@pisanellibice.com
lit@pisanellibice.com

Reisman Sorokac**Contact**Joshua H. Reisman, Esq.
Kelly Wood**Email**JReisman@rsnvlaw.com
kwood@rsnvlaw.com

Sullivan & Cromwell, LLP**Contact**Andrew L. Van Houter
Brian T. Frawley
Heather Celeste Mitchell**Email**vanhoutera@sullcrom.com
frawleyb@sullcrom.com
MITCHELLH@SULLCROM.COM

Willkie, Farr & Gallagher LLP**Contact**

Tariq Mundiya

Emailtmundiya@willkie.com

Winston & Strawn**Contact**

Bruce R. Braun

EmailBBraun@winston.com

Young, Conway, Stargatt & Taylor, LLP**Contact**

C. Barr Flinn

Emailbflinn@ycst.com

EXHIBIT A

EXHIBIT A

Valerie Larsen

From: Stephani Catapano <scatapano@david-feldman.com>
Sent: Tuesday, November 24, 2015 1:34 PM
To: Muthu, Lakshmi
Cc: Burton, Emily
Subject: RE: DISH - Realtime Costs

Lakshmi, our system doesn't actually have the capability to run statements on a single service – it can only run them by the full invoice. I have, however, listed the realtime fees for each witness below:

Tom Ortloff, 5/28/15 - 369 pages @ \$2.25 per page = \$830.25
George Brokaw, 6/2/15 – 439 pages @ \$2.25 per page = \$987.75
Charles Lillis, 6/12/5 – 262 pages @ \$2.25 per page = \$589.50

I hope this is helpful!

Stephani

From: Muthu, Lakshmi [mailto:LMuthu@ycst.com]
Sent: Tuesday, November 24, 2015 3:32 PM
To: Stephani Catapano <scatapano@david-feldman.com>
Cc: Burton, Emily <EBurton@ycst.com>
Subject: RE: DISH - Realtime Costs

We may need to submit this information to the court; so, a formal statement listing the realtime fees charged for each witness would be helpful.

Thanks,
Lakshmi

Lakshmi A. Muthu, Associate ■ YOUNG CONAWAY STARGATT & TAYLOR, LLP
Rodney Square, 1000 North King Street ■ Wilmington, DE 19801
P 302.576.3248 F 302-576-3413 ■ LMuthu@ycst.com ■ www.youngconaway.com ■ [vCard](#)

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

From: Stephani Catapano [mailto:scatapano@david-feldman.com]
Sent: Tuesday, November 24, 2015 3:30 PM
To: Muthu, Lakshmi
Cc: Burton, Emily
Subject: RE: DISH - Realtime Costs

You were billed the same for realtime on every deposition – always \$2.25 per page. Would like a list of just the realtime fees for each witness?

From: Muthu, Lakshmi [<mailto:LMuthu@ycst.com>]
Sent: Tuesday, November 24, 2015 3:28 PM
To: Stephani Catapano <scatapano@david-feldman.com>
Cc: Burton, Emily <EBurton@ycst.com>
Subject: RE: DISH - Realtime Costs

Thanks, Stephani. Would you be able to send some sort of supplemental statement for each deposition indicating what our realtime costs were? Or, could you send supplemental invoices that make clear what we were charged in realtime costs for each deposition?

Thanks again,
Lakshmi

Lakshmi A. Muthu, Associate ■ YOUNG CONAWAY STARGATT & TAYLOR, LLP
Rodney Square, 1000 North King Street ■ Wilmington, DE 19801
P 302.576.3248 F 302-576-3413 ■ LMuthu@ycst.com ■ www.youngconaway.com ■ [vCard](#)

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

From: Stephani Catapano [<mailto:scatapano@david-feldman.com>]
Sent: Tuesday, November 24, 2015 2:54 PM
To: Muthu, Lakshmi
Cc: Burton, Emily
Subject: RE: DISH - Realtime Costs

Hi Lakshmi,

The fee for the realtime feeds is \$2.25 per page. Please do let me know if you need further information.

Thanks,
Stephani

From: Muthu, Lakshmi [<mailto:LMuthu@ycst.com>]
Sent: Tuesday, November 24, 2015 1:44 PM
To: Stephani Catapano <scatapano@david-feldman.com>
Cc: Burton, Emily <EBurton@ycst.com>
Subject: DISH - Realtime Costs

Hi Stephani,

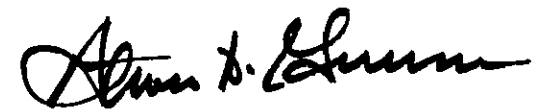
Could you please let us know how much we were charged for interactive realtime at each deposition taken in the DISH matter (Lillis, Brokaw, Ortolf)? Your invoices show us how much in total was charged for the services you provided us

with respect to each deposition, but they do not state how much of those totals should be allocated to the realtime service. We would appreciate it if you could please provide this information at your earliest convenience.

Thanks,
Lakshmi

Lakshmi A. Muthu, Associate ■ YOUNG CONAWAY STARGATT & TAYLOR, LLP
Rodney Square, 1000 North King Street ■ Wilmington, DE 19801
P 302.576.3248 F 302-576-3413 ■ LMuthu@ycst.com ■ www.youngconaway.com ■ [vCard](#)

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.



CLERK OF THE COURT

1 **SUPP**
2 BRIAN W. BOSCHKEE, ESQ. (NBN 7612)
3 E-mail: bboschkee@nevadafirm.com
4 WILLIAM N. MILLER, ESQ. (NBN 11658)
5 E-mail: wmiller@nevadafirm.com
6 HOLLEY, DRIGGS, WALCH,
7 FINE, WRAY, PUZEY & THOMPSON
8 400 South Fourth Street, Third Floor
9 Las Vegas, Nevada 89101
10 Telephone: 702/791-0308
11 *Liaison Counsel for Plaintiff*

12 MARK LEBOVITCH, ESQ. (admitted *Pro hac vice*)
13 JEROEN VAN KWAWESEN, ESQ. (admitted *Pro hac vice*)
14 ADAM D. HOLLANDER, ESQ. (admitted *Pro hac vice*)
15 BERNSTEIN LITOWITZ BERGER
16 & GROSSMANN LLP
17 1251 Avenue of the Americas
18 New York, New York 10020
19 Telephone: 212/554-1400
20 *Lead Counsel for Plaintiff*

21 **DISTRICT COURT**

22 **CLARK COUNTY, NEVADA**

23 IN RE DISH NETWORK CORPORATION
24 DERIVATIVE LITIGATION

Case No: A-13-686775-B
Dept. No.: XI

**RESPONSE TO SLC'S SUPPLEMENT TO
OPPOSITION TO PLAINTIFF'S
MOTION TO RETAX**

Date of Hearing: Nov. 24, 2015
Time of Hearing: 8:30 a.m.

25 Plaintiff Jacksonville Police and Fire Pension Fund ("Plaintiff"), through its undersigned
26 counsel, respectfully submits this Response to SLC's Supplement to Opposition to Plaintiff's
27 Motion to Retax. Although Plaintiff respectfully submits that the Court's decision on its Motion
28 to Retax (the "Motion"), including allowing the taxation of more than \$150,000 in electronic
discovery costs, is contrary to the applicable statute and controlling Nevada Supreme Court
precedent,¹ Plaintiff understands that ruling is properly challenged on appeal, and that this Court
is unlikely to reconsider its decision. Plaintiff submits this Response only to request that the

¹ See, e.g., *Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals*, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998); see also *Bergmann v. Boyce*, 109 Nev. 670, 679, 856 P.2d 560, 566 (1993).

1 Court clarify which costs, specifically, the SLC may tax under NRS 18.005(2) as reporter's fees
 2 for depositions.

3 At the November 24, 2015 hearing on Plaintiff's Motion, the Court ordered that the SLC
 4 could tax costs for its "copy of the video and . . . get [its] cost for the transcripts." 11/24 Tr. at
 5 27:23-24. The Court accordingly instructed the SLC "to supplement with a breakdown as to the
 6 amount of real time premium for the deposition costs." *Id.* at 27:20-22.

7 On December 8, 2015, the SLC submitted a supplement, arguing that the total cost of
 8 \$18,946.15 in court reporter's fees should be reduced only by \$2,407.50 attributable to realtime
 9 transcripts, leaving \$16,538.65 in recoverable reporter's fees. Following that submission,
 10 Plaintiff contacted the SLC to request a breakdown of the invoices from the reporting service
 11 that covered the depositions at issue, as well as an explanation of the services actually provided
 12 and included in the amounts the SLC sought to impose on Plaintiff's Counsel. *See* Ex. 1 at 2.
 13 The SLC refused to provide any information beyond what it had supplied to the Court. *Id.* at 1-
 14 2. However, the correspondence that the SLC attached to its Supplement merely shows that the
 15 SLC asked "how much we were charged for interactive realtime," and did not ask the reporting
 16 service to itemize other component costs and fees, or obtain a description of the services the SLC
 17 sought to tax upon Plaintiff's Counsel. SLC 12/8/15 Supp. at Ex. A at 2.

18 Although the SLC refused to acquire and provide the Court with a transparent breakdown
 19 of its court reporter invoices, Plaintiff contacted the reporting service directly. Because Plaintiff
 20 understood that the court reporters likely could not provide the specific amounts billed to the
 21 SLC, Plaintiff inquired as to the standard rates for the services included in the SLC's invoices.
 22 In light of the number of pages and invoiced totals of each deposition, it is clear that the
 23 reporting service charged the SLC its standard rates.

24 Those rates, attached as Ex. 2, include \$5.00 per page for next-day expedited transcripts,
 25 as well as \$1.75 per page for same-day rough transcripts – a total of \$6.75 per page for services
 26 that are not included in NRS 18.005(2), and that the Court did not expressly allow. Given that
 27 there is never a reason to get **both** next-day expedited transcripts and same-day rough transcripts,
 28 and that such items are not at all useful during a deposition in the way that a realtime transcript

could arguably be, and because the SLC did not have any pressing briefing deadlines following the depositions (as opposed to Plaintiff, whose Supplemental brief in opposition to the SLC's motion to defer was due shortly the after depositions were completed), Plaintiff did not understand the Court to be allowing recovery of the costs of expedited or rough transcripts, as opposed to merely the cost of acquiring the transcripts on a standard schedule.

In total, the SLC improperly seeks to recover \$7,222.50 for expedited and same-day rough transcripts:

Deposition	Date	Transcript Pages	Cost per page – next-day expedited transcript	Cost per page – same-day rough transcript	Total Cost
Tom Ortolf	May 28, 2015	369	\$5.00	\$1.75	\$2,490.75
George Brokaw	June 2, 2015	439	\$5.00	\$1.75	\$2,963.25
Charles Lillis	June 12, 2015	262	\$5.00	\$1.75	\$1,768.50
TOTAL					\$7,222.50


Plaintiff's Counsel submits that there is no basis under NRS 18.005(2) to permit recovery of \$7,222.50 for the SLC's purchase of expedited and same-day rough transcripts, particularly in light of the absence of any imminent briefing deadlines facing the SLC.

...
...
...
...
...
...
...
...
...
...

1 Based on the foregoing, while Plaintiff's Counsel preserves all appellate argument, we
2 ask that the Court clarify that under its November 24, 2015 ruling, the SLC may recover no more
3 than \$9,316.15 in court reporter's fees (*i.e.*, its video costs and the cost of acquiring transcripts).

4 Dated this 10th day of December, 2015.

5
6 **HOLLEY, DRIGGS, WALCH, FINE,**
7 **WRAY, PUZEY & THOMPSON**

8 
9 BRIAN W. BOSCHEE, ESQ. (NBN 7612)
10 WILLIAM N. MILLER, ESQ. (NBN 11658)
11 400 South Fourth Street, Third Floor
12 Las Vegas, Nevada 89101
13 *Liaison Counsel for Plaintiff*

14 MARK LEBOVITCH, ESQ.
15 New York Bar No. 3037272
16 JEROEN VAN KWAWEGEN, ESQ.
17 New York Bar No. 4228698
18 ADAM D. HOLLANDER, ESQ.
19 New York Bar No. 4498143
20 **BERNSTEIN LITOWITZ BERGER**
21 **& GROSSMANN LLP**
22 1251 Avenue of the Americas
23 New York, New York 10020
24 *Lead Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **RESPONSE TO SLC'S SUPPLEMENT TO
 OPPOSITION TO PLAINTIFF'S MOTION TO RETAX** was submitted electronically for
 filing and/or service with the Eighth Judicial District Court on the 10th day of December, 2015.
 Electronic service of the foregoing document shall be made in accordance with the E-Service
 List as follows:

Joshua H. Reisman, Esq. Robert R. Warns III, Esq. REISMAN SOROKAC 8965 South Eastern Avenue, Suite 382 Las Vegas, Nevada 89123	James C. Dugan, Esq. Tariq Mundiya, Esq. WILLKIE, FARR & GALLAGHER, LLP 787 Seventh Avenue New York, New York 10019 <i>Attorneys for Charles W. Ergen and Cantey M. Ergen</i>
Kirk B. Lenhard, Esq. Jeffrey S. Rugg, Esq. BROWNSTEIN HYATT FABER SCHREK 100 North City Parkway, Suite 1600 Las Vegas, Nevada 89106-4614	Brian T. Fawley, Esq. SULLIVAN & CROMWELL, LLP 125 Broad Street New York, New York 10004 <i>Attorneys for the Director Defendants</i>
J. Stephen Peek, Esq. Robert J. Cassity, Esq. HOLLAND & HART, LLP 9555 Hillwood Drive, 2 nd Floor Las Vegas, Nevada 89134	David C. McBride, Esq. Robert S. Brady, Esq. C. Barr Flinn, Esq. YOUNG, CONWAY, STARGATT & TAYLOR, LLP Rodney Square 1000 North King Street Wilmington, Delaware 19801 <i>Attorneys for the Special Litigation Committee of Dish Network Corporation</i>
James J. Pisanelli, Esq. Debra L. Spinelli, Esq. PISANELLI BICE PLLC 400 South 7 th Street, Suite 300 Las Vegas, Nevada 89101 <i>Attorneys for Defendants Thomas A. Cullen, Kyle J. Kiser, and R. Stanton Dodge</i>	

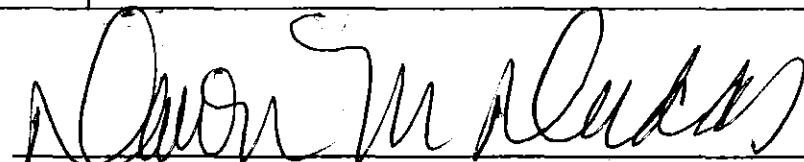

 An employee of Holley Driggs Walch
 Fine Wray Puzey & Thompson

EXHIBIT 1

EXHIBIT 1

Adam Hollander

From: Mark Lebovitch
Sent: Tuesday, December 08, 2015 11:48 PM
To: Steve Peek
Cc: Bob Cassity; Brian Boschee; Flinn, Barr; Burton, Emily; Jeroen van Kwawegen; Tariq Mundiya - Willkie Farr & Gallagher LLP (tmundiya@willkie.com); Brian T. Frawley - Sullivan & Cromwell LLP (frawleyb@sullcrom.com); Adam Hollander; Alla Zayenchik
Subject: RE: DISH - Order re Motion to Retax

Do you deny having further communications from the court reporter that could shed light on the services you obtained and are seeking to impose on your opposing counsel? This is a question, not argument.

I have plenty of arguments with you and Barr in light of your actions, but will save resolution of those for some other time and place. I believe I am raising a very legitimate question and do not understand why you won't answer.

From: Steve Peek [mailto:S.Peek@hollandhart.com]
Sent: Tuesday, December 8, 2015 11:46 PM
To: Mark Lebovitch
Cc: Bob Cassity; Brian Boschee; Flinn, Barr; Burton, Emily; Jeroen van Kwawegen; Tariq Mundiya - Willkie Farr & Gallagher LLP (tmundiya@willkie.com); Brian T. Frawley - Sullivan & Cromwell LLP (frawleyb@sullcrom.com); Adam Hollander; Alla Zayenchik
Subject: Re: DISH - Order re Motion to Retax

Given that you have no comments but only argument, we will honor our commitment for Thursday but not respond any further to you comments. We have given you our submission and stand by it.

Sent from my iPhone

On Dec 8, 2015, at 8:43 PM, Mark Lebovitch <MarkL@blbglaw.com> wrote:

You stop it Steve. I'm asking legitimate questions. Do you have any further communications with the Court reporters relating to what you are charging us for? Oh, and what happened to waiting until Thursday? Did you call a special committee meeting and get your clients to instruct you to backtrack on Bob's commitment to give us less than 48 hours to review and comment on the document?

For the record, you don't have our comments on the Order. I asked a legitimate question that you are refusing to answer.

From: Steve Peek [mailto:S.Peek@hollandhart.com]
Sent: Tuesday, December 8, 2015 11:39 PM
To: Mark Lebovitch
Cc: Bob Cassity; Brian Boschee; Flinn, Barr; Burton, Emily; Jeroen van Kwawegen; Tariq Mundiya - Willkie Farr & Gallagher LLP (tmundiya@willkie.com); Brian T. Frawley - Sullivan & Cromwell LLP (frawleyb@sullcrom.com); Adam Hollander; Alla Zayenchik
Subject: Re: DISH - Order re Motion to Retax

Stop it. We will be submitting the Order and our Submission tomorrow. We have your comments. You are welcome to submit whatever you like in opposition.

Sent from my iPhone

On Dec 8, 2015, at 8:36 PM, Mark Lebovitch <MarkL@blbglaw.com> wrote:

Did you provide the Court with all communications with the Court reporter reflecting the services you bought? Are you representing that you paid \$16,000 for transcripts? Because I am still having a tough time seeing the math on that. We should clarify what the money is actually for. I'm sure you wouldn't want to get an Order from the Court based on a mischaracterization of what you paid for.

From: Bob Cassity [<mailto:BCassity@hollandhart.com>]

Sent: Tuesday, December 8, 2015 5:48 PM

To: Mark Lebovitch; Brian Boschee

Cc: Steve Peek; Flinn, Barr; Burton, Emily; Jeroen van Kwawegen; Tariq Mundiya - Willkie Farr & Gallagher LLP (tmundiya@willkie.com); Brian T. Frawley - Sullivan & Cromwell LLP (frawleyb@sullcrom.com); Adam Hollander; Alla Zayenchik

Subject: RE: DISH - Order re Motion to Retax

Mark, as you can see from our Supplement (filed and e-served earlier today), we asked the court reporter (which your side selected) for a breakdown of the real time services as requested by the Court, and we have provided that email exchange and the court reporter's straightforward breakdown of the real time fees charged for each witness. We previously supplied the court reporter's invoices with our memorandum of costs. The Court overruled all other objections that your side raised to the court reporter's fees at the hearing, but nonetheless we are aware of no such "luxury package of services that go far beyond court reporter transcripts."

Thanks.

Bob

From: Mark Lebovitch [<mailto:MarkL@blbglaw.com>]

Sent: Tuesday, December 08, 2015 2:22 PM

To: Bob Cassity; Brian Boschee

Cc: Steve Peek; Flinn, Barr; Burton, Emily; Jeroen van Kwawegen; Tariq Mundiya - Willkie Farr & Gallagher LLP (tmundiya@willkie.com); Brian T. Frawley - Sullivan & Cromwell LLP (frawleyb@sullcrom.com); Adam Hollander; Alla Zayenchik

Subject: RE: DISH - Order re Motion to Retax

Thanks for the courtesy, Bob.

Along the lines of being professional and courteous, can you please send us the actual breakdown of the invoice that you received from the court reporters including the description of the services you were provided and paid for? We have tried to do the math on how court reporter transcript fees can cost this much and real time so little relative to the total, to no avail. Not that you would ever try to take advantage of us, since you are professional, but we have a slight concern that you are asking us to pay for a luxury package of services that go far beyond court reporter transcripts – which plaintiffs neither got nor paid for nor deemed to be reasonable much less necessary.

So before you file the proposed order after giving us the courtesy of two days, we ask that you educate us on how your court reporter charges can be so much more than what we believe matches the actual court reporting transcript costs.

Please let us know if this is a problem for you.

Mark Lebovitch, Esq.
Bernstein Litowitz
Berger & Grossmann LLP
1251 Avenue of the Americas, 44th Floor
New York, New York 10019
Tel: 212-554-1519
Fax: 212-554-1444

From: Bob Cassity [mailto:BCassity@hollandhart.com]
Sent: Tuesday, December 08, 2015 5:14 PM
To: Brian Boschee <bboschee@nevadafirm.com>; Mark Lebovitch <MarkL@blbglaw.com>
Cc: Steve Peek <SPeek@hollandhart.com>; Flinn, Barr <bflinn@ycst.com>; Burton, Emily <EBurton@ycst.com>; Jeroen van Kwawegen <jeroen@blbglaw.com>
Subject: DISH - Order re Motion to Retax

Brian/Mark—

As you have seen, we have submitted a supplement which addresses the breakdown of the real time fees. Based upon the supplement, I've attached a draft order granting in part and denying in part the plaintiff's motion to retax. If you have any proposed edits, please send to us by noon PT on Thursday (12/10), as we intend to submit to chambers Thursday afternoon.

We also intend to submit the attached amended judgment Thursday afternoon.

Thanks.

Bob

Robert J. Cassity
Holland & Hart LLP
9555 Hillwood Dr., 2nd Floor
Las Vegas, Nevada 89134
Phone (702) 669-4600
Fax (702) 669-4650
bcassity@hollandhart.com

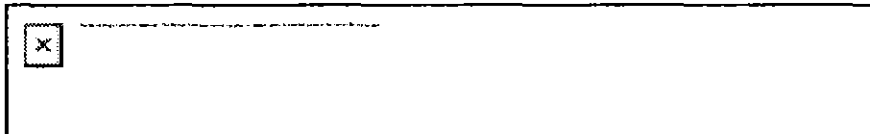


EXHIBIT 2

EXHIBIT 2

Adam Hollander

From: David Powers <DPowers@david-feldman.com>
Sent: Wednesday, December 09, 2015 7:08 PM
To: Mark Lebovitch; Adam Hollander
Cc: Jeroen van Kwawegen; Michael Feldman
Subject: RE: Question re rates and services

Hi Mark and Adam,

As I explained over the phone, DFW has strict protocols concerning client confidentiality, and to that end we do not share information concerning what services are ordered by other parties. In addition, DFW does not disclose what rates we charge to any particular client. I can provide you with our "Standard Rates" for the services you have asked about (i.e. the ones ordered in connection with the Ortolf deposition), but I am not permitted to disclose whether another party is being billed at Standard Rates or if they have negotiated alternative rates with DFW for any particular deposition, case or law firm.

For the items listed in the Ortolf invoices that you provided, a description of each service and DFW's Standard Rates for these services are as follows:

Court Reporting Invoice

Service	Description	DFW Standard Rate
Certified Copy of Transcript	Regular Delivery 10 to 12 Business Days	\$3.95/page
Expedited Delivery of Final Transcript	Next Business Day	\$5.00/page
Interactive Realtime	Instantaneous display of testimony on computer screen as reporter transcribes spoken testimony	\$2.25/page
Rough Draft/ASCII	Rough draft of transcript provided the day of the deposition	\$1.75/page
Exhibit Package	Scan/OCR/Print/Tab/Bind Exhibits	\$1.20/page
Litigation Support Package	Includes final E-Transcript file and final ASCII file emailed and on CD; hard copy condensed transcript; secure access to all of the aforementioned on DFW's online repository through any internet connection	\$150.00
Shipping & Handling		\$68.00

Video Invoice

Service	Description	DFW Standard Rate
Technical Conversion/Synchronization	Final Transcript and Video Recording are combined and delivered via a synchronized file	\$97.50/hour
Media/DVD		\$49.00
Shipping & Handling		\$78.00

Please let me know if you have any questions or if I can be of further assistance.

Best,
David



david m. powers, esq. VICE PRESIDENT, BUSINESS DEVELOPMENT
DAVID FELDMAN WORLDWIDE COURT REPORTING

dpowers@david-feldman.com | direct: 212.705.8528
mobile: 917.453.5917 | 24/7: 800.642.1099
450 seventh avenue | suite 500 | new york, ny 10123

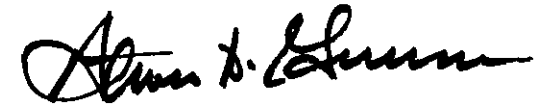
From: Mark Lebovitch [mailto:MarkL@blbglaw.com]
Sent: Wednesday, December 9, 2015 5:20 PM
To: David Powers <DPowers@david-feldman.com>
Cc: Adam Hollander <Adam.Hollander@blbglaw.com>; Jeroen van Kwawegen <jeroen@blbglaw.com>
Subject: Question re rates and services

David,

Can you please advise us about various packages of services you provide in connection with depositions? I'd like to get a description of what each service actually entails, and an estimate of the standard cost for each service. As an example for costs that depend on page numbers, we can use the Ortolf deposition from the DISH case. Adam will send a follow up email with the specific services we want to better understand. Thanks.

Mark Lebovitch, Esq.
Bernstein Litowitz
Berger & Grossmann LLP
1251 Avenue of the Americas, 44th Floor
New York, New York 10020
Tel: 212-554-1519
Fax: 212-554-1444

NOTE THAT OUR ADDRESS HAS RECENTLY CHANGED



CLERK OF THE COURT

ORDR

J. Stephen Peek
Nevada Bar No. 1758
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

Date: November 24, 2015
Time: 8:30 a.m.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO RETAX**

This matter came before the Court on November 24, 2015 at 8:30 a.m. on Plaintiff Jacksonville Police and Fire Pension Fund's ("Plaintiff") Motion to Retax (the "Motion"). J. Stephen Peek of Holland & Hart LLP, and C. Barr Flinn and Emily V. Burton of Young,

1 Conaway, Stargatt, & Taylor, LLP appeared on behalf of the Special Litigation Committee of
2 DISH Network Corporation ("SLC"). Jeffrey S. Rugg and Maximilien Fetaz of Brownstein
3 Hyatt Farber Shreck appeared on behalf of Defendants James DeFranco, David K. Moskowitz,
4 and Carl E. Vogel. Tariq Mundiya of Willkie Farr LLP appeared on behalf of Defendants
5 Charles Ergen and Cantey Ergen. Brian W. Boschee of the law firm of Holley Driggs Walch
6 Puzey & Thompson, and Mark Lebovitch and Adam Hollander of Bernstein Litowitz Berger &
7 Grossmann LLP appeared on behalf of the Plaintiff.

8 The Court, having reviewed the Plaintiff's Motion, the Opposition, and the Reply, and
9 having heard the oral arguments of counsel, and good cause appearing, makes the following
10 findings:

11 1. The costs of the electronic discovery vendors utilized by the SLC in this case
12 were a reasonable and necessary expense incurred in connection with the action as a method by
13 which to acquire and process the information that was required to be produced in response to the
14 Plaintiff's NRCP 56(f) discovery requests, and they are recoverable under NRS 18.005(17). *See*
15 *also* NRCP 34(d).

16 2. As Nevada counsel for the SLC, Mr. Peek's travel expenses for attending the
17 depositions were reasonable and necessary, and are recoverable under NRS 18.005(15).
18 However, the travel expenses of co-counsel incurred in attending the depositions were not. None
19 of the travel expenses for attending hearings are recoverable under NRS 18.005.

20 3. The costs related to photocopies were reasonable and necessary, are recoverable
21 under NRS 18.005(12), and are better documented than those discussed in *Cadle Co. v. Woods &*
22 *Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049 (2015).

23 4. The costs of "real time" court reporting services, same-day rough transcripts, and
24 expedited transcripts are not recoverable under NRS 18.005(2), nor are they recoverable under
25 NRS 18.005(17) as a reasonable and necessary expense incurred in connection with the action.
26 The remaining costs related to court reporting and videographer services were reasonable and
27 necessary and are recoverable under NRS 18.005(2) and NRS 18.005(17), respectively.

28 5. The costs related to long distance telephone calls were adequately supported and

1 are reasonable and necessary, and are recoverable under NRS 18.005(13).

2 6. The postage costs were sufficiently documented and are reasonable and
3 necessary, and are recoverable under NRS 18.005(14).

4 Having made the foregoing findings, and good cause appearing,

5 IT IS HEREBY ORDERED that Plaintiff's Motion is GRANTED in part and DENIED in
6 part as follows:

7 1. The Motion is GRANTED in part with respect to travel expenses for the SLC's
8 out-of-state counsel, and all expenses related to travel for hearings, which are retaxed in the
9 amount of \$20,025.73.

10 2. The Motion is GRANTED as to the costs related to "real time" services, which
11 are retaxed in the amount of \$2,407.50 and with respect to next-day expedited transcripts and
12 same-day rough copies of transcripts in the amount of \$7,222.50. The Motion is DENIED with
13 respect to costs related to court reporter's fees, deposition transcripts, and videographer's fees,
14 leaving \$9,316.15 in recoverable court reporter's fees.

15 3. The Motion is DENIED as to expenses related to travel by Mr. Peek for
16 depositions, which are recoverable in the amount of \$3,653.96.

17 4. The Motion is DENIED with respect to the electronic discovery costs, which are
18 recoverable in the full amount of \$151,178.32.

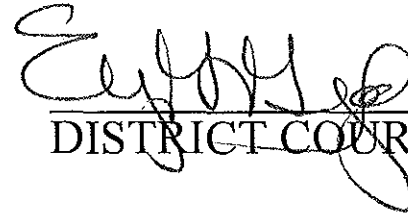
19
20
21
22
23
24
25
26
27 ///

28 ///

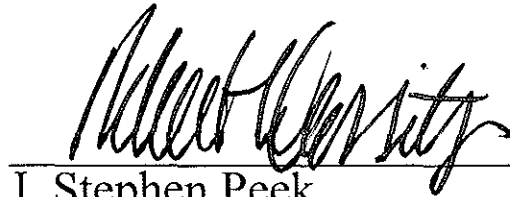
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 5. The Motion is DENIED with respect to the costs related to photocopies, long
2 distance telephone calls, and postage, which are recoverable in the amount of \$21,952.17.

3 DATED this 5th day of Jan, 2016.

4
5 
DISTRICT COURT JUDGE

6 Respectfully submitted by:

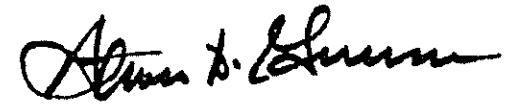
7 
8

9 J. Stephen Peek
Robert J. Cassity
HOLLAND & HART LLP
10 9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

11 Holly Stein Sollod (*pro hac vice*)
12 HOLLAND & HART LLP
555 17th Street Suite 3200
13 Denver, CO 80202

14 David C. McBride
Robert S. Brady
15 C. Barr Flinn
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
16 Rodney Square
1000 North King Street
17 Wilmington, DE 19801

18 *Attorneys for the Special Litigation Committee*
19 *of DISH Network Corporation*
20
21
22
23
24
25
26
27
28



CLERK OF THE COURT

1 **NEOJ**

2 J. Stephen Peek

3 Nevada Bar 1758

4 Robert J. Cassity

5 Nevada Bar 9779

6 HOLLAND & HART LLP

7 9555 Hillwood Drive, 2nd Floor

8 Las Vegas, NV 89134

9 Phone: (702) 669-4600

10 Fax: (702) 669-4650

11 Holly Stein Sollod (*pro hac vice*)

12 HOLLAND & HART LLP

13 555 17th Street Suite 3200

14 Denver, CO 80202

15 Phone (303) 295-8000

16 Fax: (303) 975-5395

17 David C. McBride (*pro hac vice*)

18 Robert S. Brady (*pro hac vice*)

19 C. Barr Flinn (*pro hac vice*)

20 Emily V. Burton (*pro hac vice*)

21 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP

22 Rodney Square

23 1000 North King Street

24 Wilmington, DE 19801

25 Phone: (302) 571-6600

26 Fax: (302) 571-1253

27 *Attorneys for the Special Litigation Committee*
28 *of Dish Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK DERIVATIVE
LITIGATION

Case No. A-13-686775-B

Dept. No. XI

Consolidated with A688882

**NOTICE OF ENTRY OF ORDER
GRANTING IN PART AND DENYING IN
PART PLAINTIFF'S MOTION TO
RETAX**

///

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 PLEASE TAKE NOTICE that the attached Order Granting in Part and Denying in Part
2 Plaintiff's Motion to Retax was entered on the 8th day of January 2016.

3 DATED this 12th day of January 2016
4

5 /s/ Robert J. Cassity

6 J. Stephen Peek
7 Nevada Bar No. 1758
8 Holly Stein Sollod
9 Robert J. Cassity
10 Nevada Bar No. 9779
11 HOLLAND & HART LLP
12 9555 Hillwood Drive, 2nd Floor
13 Las Vegas, NV 89134

14 Holly Stein Sollod (*pro hac vice*)
15 HOLLAND & HART LLP
16 555 17th Street Suite 3200
17 Denver, CO 80202

18 David C. McBride (*pro hac vice*)
19 Robert S. Brady (*pro hac vice*)
20 C. Barr Flinn (*pro hac vice*)
21 Emily V. Burton (*pro hac vice*)
22 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
23 Rodney Square
24 1000 North King Street
25 Wilmington, DE 19801

26 *Attorneys for the Special Litigation Committee*
27 *of Dish Network Corporation*
28

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January 2016, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO RETAX** was served by the following method(s):

× Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

See the attached E-Service Master List

☐ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

☐ Email: by electronically delivering a copy via email to the following e-mail address:

☐ Facsimile: by faxing a copy to the following numbers referenced below:

/s/ Valerie Larsen
An Employee of Holland & Hart LLP

**E-Service Master List
For Case****null - Jacksonville Police and Fire Pension Fund, Plaintiff(s) vs. Charles Ergen, Defendant(s)****Bernstein Litowitz Berger & Grossmann LLP****Contact**Adam D. Hollander
Jeroen Van Kwawegen
Mark Lebovitch**Email**adam.hollander@blbqlaw.com
jeroen@blbqlaw.com
markl@blbqlaw.com**Brownstein Hyatt Farber Schreck, LLP****Contact**Jeffrey S. Rugg
Karen Mandall
Maximilien "Max" D. Fetaz**Email**jrugg@bhfs.com
kmandall@bhfs.com
MFetaz@BHFS.com**Cadwalader Wickersham****Contact**Brittany Schulman
Gregory Beaman
William Foley**Email**brittany.schulman@cwt.com
Gregory.Beaman@cwt.com
William.Foley@cwt.com**Greenberg Traurig, LLP****Contact**7132 Andrea Rosehill
IOM Mark Ferrario
LVGTDocketing**Email**rosehilla@gtlaw.com
lvitdock@gtlaw.com
lvitdock@gtlaw.com**Holland & Hart****Contact**

Steve Peek

Emailspeek@hollandhart.com**Holland & Hart LLP****Contact**Robert Cassity
Valerie Larsen**Email**bcassity@hollandhart.com
vlarsen@hollandhart.com**Holley Driggs Walch Fine Wray Puzey & Thompson****Contact**

Dawn Dudas

Emailddudas@nevadafirm.com**Holley Driggs Walch Puzey Thompson****Contact**

William N. Miller

Emailwmiller@nevadafirm.com**Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson****Contact**

Brian W. Boschee

Emailbboschee@nevadafirm.com**Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson****Contact**

Brian W. Boschee, Esq.

Emailbboschee@nevadafirm.com**Holley, Driggs, Walch, Puzey & Thompson****Contact**

William N. Miller

Emailwmiller@nevadafirm.com**McDonald Carano Wilson LLP****Contact**Amanda Yen
CaraMia Gerard
Jeff Silvestri
Michelle Wade**Email**ayen@mcdonaldcarano.com
cgerard@mcdonaldcarano.com
jsilvestri@mcdonaldcarano.com
mwade@mcdonaldcarano.com

Pisanelli Bice PLLC**Contact**

Debra L. Spinelli
Paul Garcia
PB Lit

Email

dls@pisanellibice.com
pg@pisanellibice.com
lit@pisanellibice.com

Reisman Sorokac**Contact**

Joshua H. Reisman, Esq.
Kelly Wood

Email

JReisman@rsnvlaw.com
kwood@rsnvlaw.com

Sullivan & Cromwell, LLP**Contact**

Andrew L. Van Houter
Brian T. Frawley
Heather Celeste Mitchell

Email

vanhoutera@sullcrom.com
frawleyb@sullcrom.com
MITCHELLH@SULLCROM.COM

Willkie, Farr & Gallagher LLP**Contact**

Tariq Mundiya

Email

tmundiya@willkie.com

Winston & Strawn**Contact**

Bruce R. Braun

Email

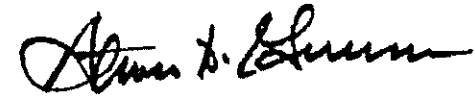
BBraun@winston.com

Young, Conway, Stargatt & Taylor, LLP**Contact**

C. Barr Flinn

Email

bflinn@ycst.com



CLERK OF THE COURT

ORDR

J. Stephen Peek
Nevada Bar No. 1758
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

Date: November 24, 2015
Time: 8:30 a.m.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO RETAX**

This matter came before the Court on November 24, 2015 at 8:30 a.m. on Plaintiff Jacksonville Police and Fire Pension Fund's ("Plaintiff") Motion to Retax (the "Motion"). J. Stephen Peek of Holland & Hart LLP, and C. Barr Flinn and Emily V. Burton of Young,

1 Conaway, Stargatt, & Taylor, LLP appeared on behalf of the Special Litigation Committee of
2 DISH Network Corporation ("SLC"). Jeffrey S. Rugg and Maximilien Fetaz of Brownstein
3 Hyatt Farber Shreck appeared on behalf of Defendants James DeFranco, David K. Moskowitz,
4 and Carl E. Vogel. Tariq Mundiya of Willkie Farr LLP appeared on behalf of Defendants
5 Charles Ergen and Cantey Ergen. Brian W. Boschee of the law firm of Holley Driggs Walch
6 Puzey & Thompson, and Mark Lebovitch and Adam Hollander of Bernstein Litowitz Berger &
7 Grossmann LLP appeared on behalf of the Plaintiff.

8 The Court, having reviewed the Plaintiff's Motion, the Opposition, and the Reply, and
9 having heard the oral arguments of counsel, and good cause appearing, makes the following
10 findings:

11 1. The costs of the electronic discovery vendors utilized by the SLC in this case
12 were a reasonable and necessary expense incurred in connection with the action as a method by
13 which to acquire and process the information that was required to be produced in response to the
14 Plaintiff's NRCP 56(f) discovery requests, and they are recoverable under NRS 18.005(17). *See*
15 *also* NRCP 34(d).

16 2. As Nevada counsel for the SLC, Mr. Peek's travel expenses for attending the
17 depositions were reasonable and necessary, and are recoverable under NRS 18.005(15).
18 However, the travel expenses of co-counsel incurred in attending the depositions were not. None
19 of the travel expenses for attending hearings are recoverable under NRS 18.005.

20 3. The costs related to photocopies were reasonable and necessary, are recoverable
21 under NRS 18.005(12), and are better documented than those discussed in *Cadle Co. v. Woods &*
22 *Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049 (2015).

23 4. The costs of "real time" court reporting services, same-day rough transcripts, and
24 expedited transcripts are not recoverable under NRS 18.005(2), nor are they recoverable under
25 NRS 18.005(17) as a reasonable and necessary expense incurred in connection with the action.
26 The remaining costs related to court reporting and videographer services were reasonable and
27 necessary and are recoverable under NRS 18.005(2) and NRS 18.005(17), respectively.

28 5. The costs related to long distance telephone calls were adequately supported and

1 are reasonable and necessary, and are recoverable under NRS 18.005(13).

2 6. The postage costs were sufficiently documented and are reasonable and
3 necessary, and are recoverable under NRS 18.005(14).

4 Having made the foregoing findings, and good cause appearing,

5 IT IS HEREBY ORDERED that Plaintiff's Motion is GRANTED in part and DENIED in
6 part as follows:

7 1. The Motion is GRANTED in part with respect to travel expenses for the SLC's
8 out-of-state counsel, and all expenses related to travel for hearings, which are retaxed in the
9 amount of \$20,025.73.

10 2. The Motion is GRANTED as to the costs related to "real time" services, which
11 are retaxed in the amount of \$2,407.50 and with respect to next-day expedited transcripts and
12 same-day rough copies of transcripts in the amount of \$7,222.50. The Motion is DENIED with
13 respect to costs related to court reporter's fees, deposition transcripts, and videographer's fees,
14 leaving \$9,316.15 in recoverable court reporter's fees.

15 3. The Motion is DENIED as to expenses related to travel by Mr. Peek for
16 depositions, which are recoverable in the amount of \$3,653.96.

17 4. The Motion is DENIED with respect to the electronic discovery costs, which are
18 recoverable in the full amount of \$151,178.32.

19

20

21

22

23

24

25

26

27 ///


28 ///

5. The Motion is DENIED with respect to the costs related to photocopies, long distance telephone calls, and postage, which are recoverable in the amount of \$21,952.17.

DATED this 5th day of Nov December, 2016


DISTRICT COURT JUDGE

Respectfully submitted by:

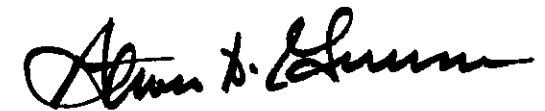

J. Stephen Peek
Robert J. Cassity
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202

David C. McBride
Robert S. Brady
C. Barr Flinn
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134



CLERK OF THE COURT

JUDG

J. Stephen Peek
Nevada Bar No. 1758
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

AMENDED JUDGMENT

The Court having entered Findings of Fact and Conclusions of Law Regarding the
Motion to Defer to the SLC's Determination that the Claims Should be Dismissed, filed

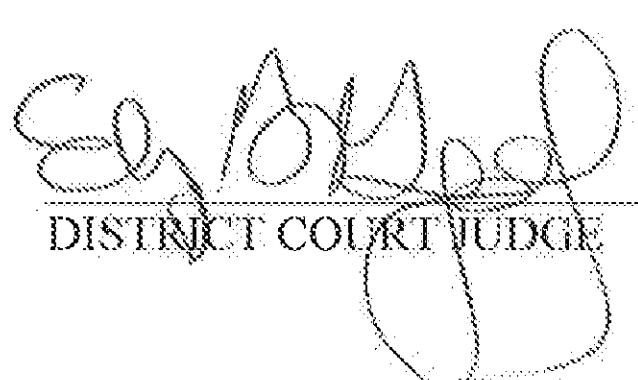
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 September 18, 2015, and having entered an Order Granting in Part and Denying in Part
2 Plaintiff's Motion to Retax, filed January 5, 2015, and good cause appearing:

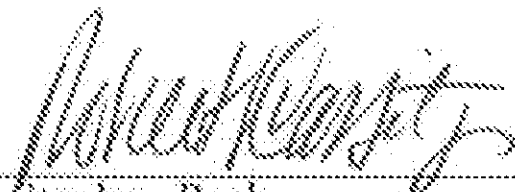
3 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Judgment of
4 dismissal with prejudice of Plaintiffs' claims is entered in favor of the Defendants and the SLC,
5 on behalf of nominal defendant DISH Network Corporation, and against Plaintiffs.

6 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Judgment is
7 entered in favor of the SLC on behalf of nominal defendant DISH Network Corporation, and
8 against Plaintiff for costs in the amount of \$186,100.60, as of October 19, 2015. Prejudgment
9 and post-judgment interest shall accrue in accordance with Nevada law.

10 DATED this 22nd day of January 2016

11 
12 DISTRICT COURT JUDGE

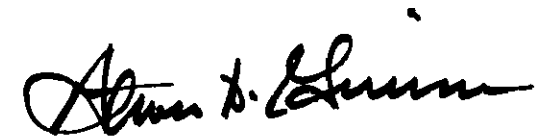
13 Respectfully submitted by:

14 
15 J. Stephen Peek
16 Robert J. Cassity
17 HOLLAND & HART LLP
18 9555 Hillwood Drive, 2nd Floor
19 Las Vegas, NV 89134

20 Holly Stein Sollod (*pro hac vice*)
21 HOLLAND & HART LLP
22 555 17th Street Suite 3200
23 Denver, CO 80202

24 David C. McBride (*pro hac vice*)
25 Robert S. Brady (*pro hac vice*)
26 C. Barr Flinn (*pro hac vice*)
27 Emily V. Burton (*pro hac vice*)
28 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*



CLERK OF THE COURT

NJUD

J. Stephen Peek
Nevada Bar 1758
Robert J. Cassity
Nevada Bar 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of Dish Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK DERIVATIVE
LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

**NOTICE OF ENTRY OF AMENDED
JUDGMENT**

///

PLEASE TAKE NOTICE that the attached Amended Judgment was entered on the 27th day of January 2016.

DATED this 28th day of January 2016

/s/ Robert J. Cassity

J. Stephen Peek
Nevada Bar No. 1758
Holly Stein Sollod
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801

*Attorneys for the Special Litigation Committee
of Dish Network Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January 2016, a true and correct copy of the foregoing **NOTICE OF ENTRY OF AMENDED JUDGMENT** was served by the following method(s):

× Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

See the attached E-Service Master List

☐ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

☐ Email: by electronically delivering a copy via email to the following e-mail address:

☐ Facsimile: by faxing a copy to the following numbers referenced below:

/s/ Valerie Larsen
An Employee of Holland & Hart LLP

**E-Service Master List
For Case**

null - Jacksonville Police and Fire Pension Fund, Plaintiff(s) vs. Charles Ergen, Defendant(s)

Bernstein Litowitz Berger & Grossmann LLP

Contact	Email
Adam D. Hollander	adam.hollander@blbglaw.com
Jeroen Van Kwawegen	jeroen@blbglaw.com
Mark Lebovitch	markl@blbglaw.com

Brownstein Hyatt Farber Schreck, LLP

Contact	Email
Jeffrey S. Rugg	jrugg@bhfs.com
Karen Mandall	kmandall@bhfs.com
Maximilien "Max" D. Fetaz	MFetaz@BHFS.com

Cadwalader Wickersham

Contact	Email
Brittany Schulman	brittany.schulman@cwt.com
Gregory Beaman	Gregory.Beaman@cwt.com
William Foley	William.Foley@cwt.com

Greenberg Traurig, LLP

Contact	Email
7132 Andrea Rosehill	rosehilla@gtlaw.com
IOM Mark Ferrario	lvitdock@gtlaw.com
LVGTDocketing	lvitdock@gtlaw.com

Holland & Hart

Contact	Email
Steve Peek	speek@hollandhart.com

Holland & Hart LLP

Contact	Email
Robert Cassity	bcassity@hollandhart.com
Valerie Larsen	vlarsen@hollandhart.com

Holley Driggs Walch Fine Wray Puzey & Thompson

Contact	Email
Dawn Dudas	ddudas@nevadafirm.com

Holley Driggs Walch Puzey Thompson

Contact	Email
William N. Miller	wmiller@nevadafirm.com

Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson

Contact	Email
Brian W. Boschee	bboschee@nevadafirm.com

Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson

Contact	Email
Brian W. Boschee, Esq.	bboschee@nevadafirm.com

Holley, Driggs, Walch, Puzey & Thompson

Contact	Email
William N. Miller	wmiller@nevadafirm.com

McDonald Carano Wilson LLP

Contact	Email
Amanda Yen	ayen@mcdonaldcarano.com
CaraMia Gerard	cgerard@mcdonaldcarano.com
Jeff Silvestri	jsilvestri@mcdonaldcarano.com
Michelle Wade	mwade@mcdonaldcarano.com

Pisanelli Bice PLLC**Contact****Email**

Debra L. Spinelli

dls@pisanellibice.com

Paul Garcia

pg@pisanellibice.com

PB Lit

lit@pisanellibice.com**Reisman Sorokac****Contact****Email**

Joshua H. Reisman, Esq.

JReisman@rsnvlaw.com

Kelly Wood

kwood@rsnvlaw.com**Sullivan & Cromwell, LLP****Contact****Email**

Andrew L. Van Houter

vanhoutera@sullcrom.com

Brian T. Frawley

frawleyb@sullcrom.com

Heather Celeste Mitchell

MITCHELLH@SULLCROM.COM**Willkie, Farr & Gallagher LLP****Contact****Email**

Tariq Mundiya

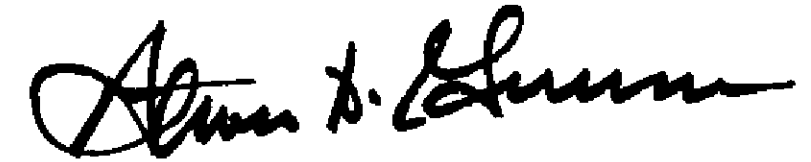
tmundiya@willkie.com**Winston & Strawn****Contact****Email**

Bruce R. Braun

BBraun@winston.com**Young, Conway, Stargatt & Taylor, LLP****Contact****Email**

C. Barr Flinn

bflinn@ycst.com



CLERK OF THE COURT

1 JUDGE

J. Stephen Peek

2 Nevada Bar No. 1758

Robert J. Cassity

3 Nevada Bar No. 9779

HOLLAND & HART LLP

4 9555 Hillwood Drive, 2nd Floor

Las Vegas, NV 89134

5 Phone: (702) 669-4600

Fax: (702) 669-4650

6 Holly Stein Sollod (*pro hac vice*)

7 HOLLAND & HART LLP

555 17th Street Suite 3200

8 Denver, CO 80202

Phone (303) 295-8000

9 Fax: (303) 975-5395

10 David C. McBride (*pro hac vice*)

Robert S. Brady (*pro hac vice*)

11 C. Barr Flinn (*pro hac vice*)

Emily V. Burton (*pro hac vice*)

12 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP

Rodney Square

13 1000 North King Street

Wilmington, DE 19801

14 Phone: (302) 571-6600

Fax: (302) 571-1253

15 *Attorneys for the Special Litigation Committee*
16 *of DISH Network Corporation*

17 DISTRICT COURT

18 CLARK COUNTY, NEVADA

19 IN RE DISH NETWORK CORPORATION
20 DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

21 *Consolidated with A688882*

22 AMENDED JUDGMENT

23
24
25
26 The Court having entered Findings of Fact and Conclusions of Law Regarding the
27 Motion to Defer to the SLC's Determination that the Claims Should be Dismissed, filed
28

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 September 18, 2015, and having entered an Order Granting in Part and Denying in Part
2 Plaintiff's Motion to Retax, filed January 5, 2015, and good cause appearing:

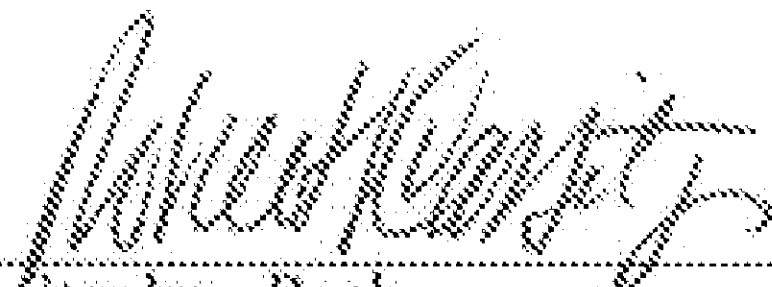
3 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Judgment of
4 dismissal with prejudice of Plaintiffs' claims is entered in favor of the Defendants and the SLC,
5 on behalf of nominal defendant DISH Network Corporation, and against Plaintiffs.

6 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Judgment is
7 entered in favor of the SLC on behalf of nominal defendant DISH Network Corporation, and
8 against Plaintiff for costs in the amount of \$186,100.60, as of October 19, 2015. Prejudgment
9 and post-judgment interest shall accrue in accordance with Nevada law.

10 DATED this 22nd day of January 2016

11 
12 DISTRICT COURT JUDGE

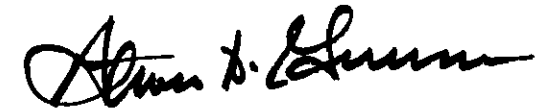
13 Respectfully submitted by:

14 
15 J. Stephen Peek
16 Robert J. Cassity
17 HOLLAND & HART LLP
18 9555 Hillwood Drive, 2nd Floor
19 Las Vegas, NV 89134

20 Holly Stein Sollod (*pro hac vice*)
21 HOLLAND & HART LLP
22 555 17th Street Suite 3200
23 Denver, CO 80202

24 David C. McBride (*pro hac vice*)
25 Robert S. Brady (*pro hac vice*)
26 C. Barr Flinn (*pro hac vice*)
27 Emily V. Burton (*pro hac vice*)
28 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*



CLERK OF THE COURT

1 **NOAS**

JEFF SILVESTRI, ESQ.

2 Nevada Bar No. 5997

Email: jsilvestri@mcdonaldcarano.com

3 AMANDA C. YEN, ESQ.

Nevada Bar No. 9726

4 Email: ayen@mcdonaldcarano.com

DEBBIE LEONARD, ESQ.

5 Nevada Bar No. 8620

Email: dleonard@mcdonaldcarano.com

6 McDONALD CARANO WILSON LLP

2300 W. Sahara Avenue, Suite 1200

7 Las Vegas, NV 89102

Telephone: 702.873.4100

8 Facsimile: 702.873.9966

9 BRIAN W. BOSCHKEE, ESQ. (NBN 7612)

E-mail: bboschkee@nevadafirm.com

10 WILLIAM N. MILLER, ESQ. (NBN 11658)

E-mail: wmiller@nevadafirm.com

11 HOLLEY, DRIGGS, WALCH,

FINE, WRAY, PUZEY & THOMPSON

12 400 South Fourth Street, Third Floor

Las Vegas, Nevada 89101

13 Telephone: 702/791-0308

14 MARK LEOVITCH, ESQ. (*admitted pro hac vice*)

Email: markL@blbglaw.com

15 JEROEN VAN KWAEGEN, ESQ. (*admitted pro hac vice*)

Email: jeroen@blbglaw.com

16 ADAM D. HOLLANDER, ESQ. (*admitted pro hac vice*)

Email: adamhollander@blbglaw.com

17 BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP

1251 Avenue of the Americas, 44th Floor

18 New York, NY 10020

Telephone: (212) 554-1400

19 *Attorneys for Jacksonville Police and Fire Pension Fund*

20 **DISTRICT COURT**

21 **CLARK COUNTY, NEVADA**

22 IN RE DISH NETWORK DERIVATIVE
23 LITIGATION,

CASE NO.: A-13-686775-B

DEPT. NO.: XI

Consolidated with
A-13-688862-B
A-14-693887-B

NOTICE OF APPEAL

The Jacksonville Police and Fire Pension Fund, by and through its attorneys of record, Bernstein Litowitz Berger & Grossmann LLP; McDonald Carano Wilson LLP; and Holley, Driggs, Walch, Fine, Wray, Puzey, & Thompson hereby appeals to the Supreme Court of Nevada from the Order Granting in Part and Denying in Part Plaintiff's Motion to Retax ("Order") entered in this action on January 8, 2016, and upon which written notice of entry of the Order was served on January 12, 2016. A copy of said Order is attached hereto as **Exhibit A**.

RESPECTFULLY SUBMITTED this 2nd day of February, 2016.

McDONALD • CARANO • WILSON LLP

By: 

Jeff Silvestri, Esq.
Nevada Bar No. 5997
Email: jsilvestri@mcdonaldcarano.com
Amanda C. Yen, Esq.
Nevada Bar No. 9726
Email: ayen@mcdonaldcarano.com
Debbie Leonard, Esq.
Nevada Bar No. 8620
Email: dleonard@mcdonaldcarano.com
2300 W. Sahara Avenue, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966

Brian W. Boschee, Esq. (NBN 7612)
E-mail: bboschee@nevadafirm.com
William N. Miller, Esq. (NBN 11658)
E-mail: wmiller@nevadafirm.com
HOLLEY, DRIGGS, WALCH,
FINE, WRAY, PUZEY & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Telephone: 702/791-0308

Mark Lebovitch, Esq.
(admitted pro hac vice)
Email: markL@blbglaw.com
Jeroen Van Kwawegen, Esq.
(admitted pro hac vice)
Email: jeroen@blbglaw.com
Adam D. Hollander, Esq.
(admitted pro hac vice)
Email: adam.hollander@blbglaw.com
Bernstein Litowitz Berger & Grossmann LLP
1241 Avenue of the Americas, 44th Floor
New York, NY 10020
Telephone: 212.554.1400
Attorneys for Jacksonville Police and Fire Pension Fund

CERTIFICATE OF SERVICE

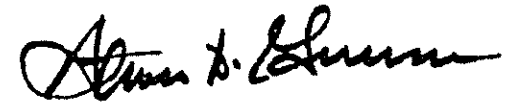
I HEREBY CERTIFY that I am an employee of McDonald Carano Wilson LLP and that on the 2nd day of February, 2016, a true and correct copy of the foregoing **NOTICE OF APPEAL** was electronically filed with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.



An employee of McDonald Carano Wilson LLP

EXHIBIT A

EXHIBIT A



CLERK OF THE COURT

NEOJ

J. Stephen Peek
Nevada Bar 1758
Robert J. Cassity
Nevada Bar 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of Dish Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK DERIVATIVE
LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

**NOTICE OF ENTRY OF ORDER
GRANTING IN PART AND DENYING IN
PART PLAINTIFF'S MOTION TO
RETAX**

///

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

1 PLEASE TAKE NOTICE that the attached Order Granting in Part and Denying in Part
2 Plaintiff's Motion to Retax was entered on the 8th day of January 2016.

3 DATED this 12th day of January 2016
4

5 /s/ Robert J. Cassity

6 J. Stephen Peek
7 Nevada Bar No. 1758
8 Holly Stein Sollod
9 Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

10 Holly Stein Sollod (*pro hac vice*)
11 HOLLAND & HART LLP
555 17th Street Suite 3200
12 Denver, CO 80202

13 David C. McBride (*pro hac vice*)
14 Robert S. Brady (*pro hac vice*)
15 C. Barr Flinn (*pro hac vice*)
16 Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801

17 *Attorneys for the Special Litigation Committee*
18 *of Dish Network Corporation*
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January 2016, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO RETAX** was served by the following method(s):

× Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

See the attached E-Service Master List

☐ U.S. Mail: by depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below:

☐ Email: by electronically delivering a copy via email to the following e-mail address:

☐ Facsimile: by faxing a copy to the following numbers referenced below:

/s/ Valerie Larsen
An Employee of Holland & Hart LLP

**E-Service Master List
For Case****null - Jacksonville Police and Fire Pension Fund, Plaintiff(s) vs. Charles Ergen, Defendant(s)****Bernstein Litowitz Berger & Grossmann LLP****Contact**Adam D. Hollander
Jeroen Van Kwawegen
Mark Lebovitch**Email**adam.hollander@blbqlaw.com
jeroen@blbqlaw.com
markl@blbqlaw.com**Brownstein Hyatt Farber Schreck, LLP****Contact**Jeffrey S. Rugg
Karen Mandall
Maximilien "Max" D. Fetaz**Email**jrugg@bhfs.com
kmandall@bhfs.com
MFetaz@BHFS.com**Cadwalader Wickersham****Contact**Brittany Schulman
Gregory Beaman
William Foley**Email**brittany.schulman@cwt.com
Gregory.Beaman@cwt.com
William.Foley@cwt.com**Greenberg Traurig, LLP****Contact**7132 Andrea Rosehill
IOM Mark Ferrario
LVGTDocketing**Email**rosehilla@gtlaw.com
lvitdock@gtlaw.com
lvitdock@gtlaw.com**Holland & Hart****Contact**

Steve Peek

Emailspeek@hollandhart.com**Holland & Hart LLP****Contact**Robert Cassity
Valerie Larsen**Email**bcassity@hollandhart.com
vlarsen@hollandhart.com**Holley Driggs Walch Fine Wray Puzey & Thompson****Contact**

Dawn Dudas

Emailddudas@nevadafirm.com**Holley Driggs Walch Puzey Thompson****Contact**

William N. Miller

Emailwmiller@nevadafirm.com**Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson****Contact**

Brian W. Boschee

Emailbboschee@nevadafirm.com**Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson****Contact**

Brian W. Boschee, Esq.

Emailbboschee@nevadafirm.com**Holley, Driggs, Walch, Puzey & Thompson****Contact**

William N. Miller

Emailwmiller@nevadafirm.com**McDonald Carano Wilson LLP****Contact**Amanda Yen
CaraMia Gerard
Jeff Silvestri
Michelle Wade**Email**ayen@mcdonaldcarano.com
cgerard@mcdonaldcarano.com
jsilvestri@mcdonaldcarano.com
mwade@mcdonaldcarano.com

Pisanelli Bice PLLC**Contact**

Debra L. Spinelli
Paul Garcia
PB Lit

Email

dls@pisanellibice.com
pg@pisanellibice.com
lit@pisanellibice.com

Reisman Sorokac**Contact**

Joshua H. Reisman, Esq.
Kelly Wood

Email

JReisman@rsnvlaw.com
kwood@rsnvlaw.com

Sullivan & Cromwell, LLP**Contact**

Andrew L. Van Houter
Brian T. Frawley
Heather Celeste Mitchell

Email

vanhoutera@sullcrom.com
frawleyb@sullcrom.com
MITCHELLH@SULLCROM.COM

Willkie, Farr & Gallagher LLP**Contact**

Tariq Mundiya

Email

tmundiya@willkie.com

Winston & Strawn**Contact**

Bruce R. Braun

Email

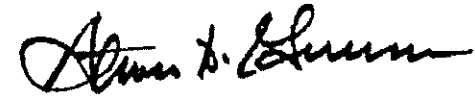
BBraun@winston.com

Young, Conway, Stargatt & Taylor, LLP**Contact**

C. Barr Flinn

Email

bflinn@ycst.com



CLERK OF THE COURT

ORDR

J. Stephen Peek
Nevada Bar No. 1758
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

Date: November 24, 2015
Time: 8:30 a.m.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO RETAX**

This matter came before the Court on November 24, 2015 at 8:30 a.m. on Plaintiff Jacksonville Police and Fire Pension Fund's ("Plaintiff") Motion to Retax (the "Motion"). J. Stephen Peek of Holland & Hart LLP, and C. Barr Flinn and Emily V. Burton of Young,

1 Conaway, Stargatt, & Taylor, LLP appeared on behalf of the Special Litigation Committee of
2 DISH Network Corporation ("SLC"). Jeffrey S. Rugg and Maximilien Fetaz of Brownstein
3 Hyatt Farber Shreck appeared on behalf of Defendants James DeFranco, David K. Moskowitz,
4 and Carl E. Vogel. Tariq Mundiya of Willkie Farr LLP appeared on behalf of Defendants
5 Charles Ergen and Canteay Ergen. Brian W. Boschee of the law firm of Holley Driggs Walch
6 Puzey & Thompson, and Mark Lebovitch and Adam Hollander of Bernstein Litowitz Berger &
7 Grossmann LLP appeared on behalf of the Plaintiff.

8 The Court, having reviewed the Plaintiff's Motion, the Opposition, and the Reply, and
9 having heard the oral arguments of counsel, and good cause appearing, makes the following
10 findings:

11 1. The costs of the electronic discovery vendors utilized by the SLC in this case
12 were a reasonable and necessary expense incurred in connection with the action as a method by
13 which to acquire and process the information that was required to be produced in response to the
14 Plaintiff's NRCP 56(f) discovery requests, and they are recoverable under NRS 18.005(17). *See*
15 *also* NRCP 34(d).

16 2. As Nevada counsel for the SLC, Mr. Peek's travel expenses for attending the
17 depositions were reasonable and necessary, and are recoverable under NRS 18.005(15).
18 However, the travel expenses of co-counsel incurred in attending the depositions were not. None
19 of the travel expenses for attending hearings are recoverable under NRS 18.005.

20 3. The costs related to photocopies were reasonable and necessary, are recoverable
21 under NRS 18.005(12), and are better documented than those discussed in *Cadle Co. v. Woods &*
22 *Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049 (2015).

23 4. The costs of "real time" court reporting services, same-day rough transcripts, and
24 expedited transcripts are not recoverable under NRS 18.005(2), nor are they recoverable under
25 NRS 18.005(17) as a reasonable and necessary expense incurred in connection with the action.
26 The remaining costs related to court reporting and videographer services were reasonable and
27 necessary and are recoverable under NRS 18.005(2) and NRS 18.005(17), respectively.

28 5. The costs related to long distance telephone calls were adequately supported and

1 are reasonable and necessary, and are recoverable under NRS 18.005(13).

2 6. The postage costs were sufficiently documented and are reasonable and
3 necessary, and are recoverable under NRS 18.005(14).

4 Having made the foregoing findings, and good cause appearing,

5 IT IS HEREBY ORDERED that Plaintiff's Motion is GRANTED in part and DENIED in
6 part as follows:

7 1. The Motion is GRANTED in part with respect to travel expenses for the SLC's
8 out-of-state counsel, and all expenses related to travel for hearings, which are retaxed in the
9 amount of \$20,025.73.

10 2. The Motion is GRANTED as to the costs related to "real time" services, which
11 are retaxed in the amount of \$2,407.50 and with respect to next-day expedited transcripts and
12 same-day rough copies of transcripts in the amount of \$7,222.50. The Motion is DENIED with
13 respect to costs related to court reporter's fees, deposition transcripts, and videographer's fees,
14 leaving \$9,316.15 in recoverable court reporter's fees.

15 3. The Motion is DENIED as to expenses related to travel by Mr. Peek for
16 depositions, which are recoverable in the amount of \$3,653.96.

17 4. The Motion is DENIED with respect to the electronic discovery costs, which are
18 recoverable in the full amount of \$151,178.32.

19

20

21

22

23

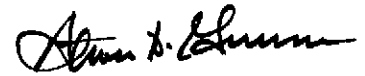
24

25

26

27 ///

28 ///



CLERK OF THE COURT

Electronically Filed
Feb 09 2016 02:00 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOAS

JEFF SILVESTRI, ESQ.

Nevada Bar No. 5997

Email: jsilvestri@mcdonaldcarano.com

AMANDA C. YEN, ESQ.

Nevada Bar No. 9726

Email: ayen@mcdonaldcarano.com

DEBBIE LEONARD, ESQ.

Nevada Bar No. 8620

Email: dleonard@mcdonaldcarano.com

MCDONALD CARANO WILSON LLP

2300 W. Sahara Avenue, Suite 1200

Las Vegas, NV 89102

Telephone: 702.873.4100

Facsimile: 702.873.9966

BRIAN W. BOSCHKEE, ESQ. (NBN 7612)

E-mail: bboschkee@nevadafirm.com

WILLIAM N. MILLER, ESQ. (NBN 11658)

E-mail: wmiller@nevadafirm.com

HOLLEY, DRIGGS, WALCH,

FINE, WRAY, PUZEY & THOMPSON

400 South Fourth Street, Third Floor

Las Vegas, Nevada 89101

Telephone: 702/791-0308

MARK LEOVITCH, ESQ. (*admitted pro hac vice*)

Email: markL@blbglaw.com

JEROEN VAN KWAEGEN, ESQ. (*admitted pro hac vice*)

Email: jeroen@blbglaw.com

ADAM D. HOLLANDER, ESQ. (*admitted pro hac vice*)

Email: adamhollander@blbglaw.com

BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP

1251 Avenue of the Americas, 44th Floor

New York, NY 10020

Telephone: (212) 554-1400

Attorneys for Jacksonville Police and Fire Pension Fund

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK DERIVATIVE
LITIGATION,

CASE NO.: A-13-686775-B

DEPT. NO.: XI

Consolidated with

A-13-688862-B

A-14-693887-B

NOTICE OF APPEAL

The Jacksonville Police and Fire Pension Fund, by and through its attorneys of record, Bernstein Litowitz Berger & Grossmann LLP; McDonald Carano Wilson LLP; and Holley, Driggs, Walch, Fine, Wray, Puzey, & Thompson hereby appeals to the Supreme Court of Nevada from the Order Granting in Part and Denying in Part Plaintiff's Motion to Retax ("Order") entered in this action on January 8, 2016, and upon which written notice of entry of the Order was served on January 12, 2016. A copy of said Order is attached hereto as **Exhibit A**.

RESPECTFULLY SUBMITTED this 2nd day of February, 2016.

McDONALD • CARANO • WILSON LLP

By: 

Jeff Silvestri, Esq.
Nevada Bar No. 5997
Email: jsilvestri@mcdonaldcarano.com
Amanda C. Yen, Esq.
Nevada Bar No. 9726
Email: ayen@mcdonaldcarano.com
Debbie Leonard, Esq.
Nevada Bar No. 8620
Email: dleonard@mcdonaldcarano.com
2300 W. Sahara Avenue, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966

Brian W. Boschee, Esq. (NBN 7612)
E-mail: bboschee@nevadafirm.com
William N. Miller, Esq. (NBN 11658)
E-mail: wmiller@nevadafirm.com
HOLLEY, DRIGGS, WALCH,
FINE, WRAY, PUZEY & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Telephone: 702/791-0308

Mark Lebovitch, Esq.
(admitted pro hac vice)
Email: markL@blbglaw.com
Jeroen Van Kwawegen, Esq.
(admitted pro hac vice)
Email: jeroen@blbglaw.com
Adam D. Hollander, Esq.
(admitted pro hac vice)
Email: adam.hollander@blbglaw.com
Bernstein Litowitz Berger & Grossmann LLP
1241 Avenue of the Americas, 44th Floor
New York, NY 10020
Telephone: 212.554.1400

Attorneys for Jacksonville Police and Fire Pension Fund

JA010748

CERTIFICATE OF SERVICE

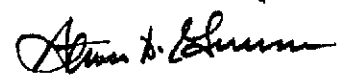
I HEREBY CERTIFY that I am an employee of McDonald Carano Wilson LLP and that on the 2nd day of February, 2016, a true and correct copy of the foregoing **NOTICE OF APPEAL** was electronically filed with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.



An employee of McDonald Carano Wilson LLP

EXHIBIT A

EXHIBIT A



CLERK OF THE COURT

1 **NEOJ**

2 J. Stephen Peek
3 Nevada Bar 1758
4 Robert J. Cassity
5 Nevada Bar 9779
6 HOLLAND & HART LLP
7 9555 Hillwood Drive, 2nd Floor
8 Las Vegas, NV 89134
9 Phone: (702) 669-4600
10 Fax: (702) 669-4650

11 Holly Stein Sollod (*pro hac vice*)
12 HOLLAND & HART LLP
13 555 17th Street Suite 3200
14 Denver, CO 80202
15 Phone (303) 295-8000
16 Fax: (303) 975-5395

17 David C. McBride (*pro hac vice*)
18 Robert S. Brady (*pro hac vice*)
19 C. Barr Flinn (*pro hac vice*)
20 Emily V. Burton (*pro hac vice*)
21 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
22 Rodney Square
23 1000 North King Street
24 Wilmington, DE 19801
25 Phone: (302) 571-6600
26 Fax: (302) 571-1253

27 *Attorneys for the Special Litigation Committee*
28 *of Dish Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK DERIVATIVE
LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

**NOTICE OF ENTRY OF ORDER
GRANTING IN PART AND DENYING IN
PART PLAINTIFF'S MOTION TO
RETAX**

///

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISH NETWORK
DERIVATIVE LITIGATION.

JACKSONVILLE POLICE AND FIRE
PENSION FUND,

Appellant,

vs.

GEORGE R. BROKAW; CHARLES M.
LILLIS; TOM A. ORTOLF; CHARLES
W. ERGEN; CANTEY M. ERGEN;
JAMES DEFRANCO; DAVID K.
MOSKOWITZ; CARL E. VOGEL;
THOMAS A. CULLEN; KYLE J. KISER;
AND R. STANTON DODGE,

Respondent.

Electronically Filed
SUPREME COURT No. 69012
May 27 2016 09:34 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**JOINT APPENDIX
VOLUME 43 of 44**

JEFF SILVESTRI (NSBN 5779)
AMANDA C. YEN (NSBN 9726)
DEBBIE LEONARD (NSBN 8620)
McDONALD CARANO WILSON LLP
2300 W. Sahara Avenue, Suite 1200
Las Vegas, NV 89102
Telephone: (702) 873-4100
Facsimile: (702) 873-9966
jsilvestri@mcdonaldcarano.com
ayen@mcdonaldcarano.com
dleonard@mcdonaldcarano.com

BRIAN W. BOSCHEE (NSBN 7612)
WILLIAM N. MILLER (NSBN 11658)
HOLLEY, DRIGGS, WALCH,
FINE, WRAY, PUZEY & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Telephone: (702) 791-0308
bboschee@nevadafirm.com
wmiller@nevadafirm.com

MARK LEOVITCH (*pro hac vice*)
JEROEN VAN KWAWEGEN (*pro hac*
vice)
ADAM D. HOLLANDER (*pro hac vice*)
BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP
1251 Avenue of the Americas, 44th Floor
New York, NY 10020
Telephone: (212) 554-1400
markL@blbglaw.com
jeroen@blbglaw.com
adam.hollander@blbglaw.com

Attorneys for Appellant Jacksonville Police and Fire Pension Fund

J. STEPHEN PEEK
 ROBERT J. CASSITY
 HOLLAND & HART LLP
 9555 Hillwood Drive, 2nd Floor
 Las Vegas, NV 89134
 Phone: (702) 669-4600
 Fax: (702) 669-4650
S.Peek@hollandhart.com
BCassity@hollandhart.com

HOLLY STEIN SOLLOD
(pro hac vice)
 HOLLAND & HART LLP
 555 17th Street, Suite 3200
 Denver, CO 80202
 Phone: (303) 975-5395
 Fax: (303) 975-5395
hsteinsollod@hollandhart.com

DAVID C. MCBRIDE *(pro hac vice)*
 ROBERT S. BRADY *(pro hac vice)*
 C. BARR FLINN *(pro hac vice)*
 EMILY V. BURTON *(pro hac vice)*
 YOUNG, CONAWAY, STARGATT &
 TAYLOR, LLP
 Rodney Square, LLP
 1000 North King Street
 Wilmington, DE 19801
 Phone: (302) 571-6600
 Fax: (302) 571-1253
dmcbride@ycst.com
rbrady@ycst.com
bflinn@ycst.com
eburton@ycst.com

Attorneys for the Respondent Special Litigation Committee Dish Network Corporation

Date	Document Description	Volume	Bates No.
2014-08-29	Affidavit of Service re Second Amended Complaint Kyle Jason Kiser	Vol. 18	JA004272 – JA004273 ¹
2014-08-29	Affidavit of Service re Second Amended Complaint Stanton Dodge	Vol. 18	JA004268 – JA004271
2014-08-29	Affidavit of Service re Second Amended Complaint Thomas A. Cullen	Vol. 18	JA004274 – JA004275
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000040

¹ JA = Joint Appendix

Date	Document Description	Volume	Bates No.
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000041
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000042
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000043
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000044
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000045
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000046
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000047
2013-08-22	Affidavit of Service re Verified Shareholder Complaint	Vol. 1	JA000048
2016-01-27	Amended Judgment	Vol. 43	JA010725 – JA010726
2014-10-26	Appendix, Volume 1 of the Appendix to the Report of the Special Litigation Committee of DISH Network Corporation (No exhibits attached)	Vol. 20	JA004958 – JA004962
2014-10-27	Appendix, Volume 2 of the Appendix to the Report of the Special Litigation Committee of DISH Network Corporation (No exhibits attached)	Vol. 20	JA004963 – JA004971

Date	Document Description	Volume	Bates No.
2014-10-27	Appendix, Volume 3 of the Appendix to the Report of the Special Litigation Committee of DISH Network Corporation and Selected Exhibits to Special Litigation Committee's Report: Exhibit 162 (Omnibus Objection of the United States Trustee to Confirmation dated Nov. 22, 2013); Exhibit 172 (Hearing Transcript dated December 10, 2013); and Exhibit 194 (Transcript, Hearing: Bench Decision in Adv. Proc. 13-01390-scc., Hearing: Bench Decision on Confirmation of Plan of Debtors (12-12080-scc), In re LightSquared Inc., No. 12-120808-scc, Adv. Proc. No. 13-01390-scc (Bankr. S.D.N.Y. May 8, 2014)); Exhibit 195 (Post-Trial Findings of Fact and Conclusion of Law dated June 10, 2014 (In re LightSquared, No. 12-120808 (Bankr. S.D.N.Y.)); Exhibit 203 (Decision Denying Confirmation of Debtors' Third Amended Joint Plan Pursuant to Chapter 11 of Bankruptcy Code (In re LightSquared, No. 12-120808 (Bankr. S.D.N.Y.))	Vol. 20 Vol. 21 Vol. 22 Vol. 23	JA004972 – JA005001 JA005002 – JA005251 JA005252 – JA005501 JA005502 – JA005633
2014-10-27	Appendix, Volume 4 of the Appendix to the Report of the Special Litigation Committee of DISH Network Corporation (No exhibits attached)	Vol. 23	JA005634 – JA005642

Date	Document Description	Volume	Bates No.
2014-10-27	Appendix, Volume 5 of the Appendix to the Report of the Special Litigation Committee of DISH Network Corporation and Selected Exhibits to Special Litigation Committee's Report: Exhibit 395 (Perella Fairness Opinion dated July 21, 2013); Exhibit 439 (Minutes of the Special Meeting of the Board of Directors of DISH Network Corporation (December 9, 2013). (In re LightSquared, No. 12-120808 (Bankr. S.D.N.Y.)) (Filed Under Seal)	Vol. 23	JA005643 – JA005674
2014-10-27	Appendix, Volume 6 of the Appendix to the Report of the Special Litigation Committee of DISH Network Corporation (No exhibits attached)	Vol. 23	JA005675 – JA005679
2014-06-18	Defendant Charles W. Ergen's Response to Plaintiff's Status Report	Vol. 17	JA004130 – JA004139
2014-08-29	Director Defendants Motion to Dismiss the Second Amended Complaint	Vol. 18	JA004276 – JA004350
2014-10-02	Director Defendants Reply in Further Support of Their Motion to Dismiss the Second Amended Complaint	Vol. 19	JA004540 – JA004554

Date	Document Description	Volume	Bates No.
2013-11-21	Errata to Report to the Special Litigation Committee of Dish Network Corporation Regarding Plaintiff's Motion for Preliminary Injunction	Vol. 13	JA003144 – JA003146
2013-08-12	Errata to Verified Shareholder Complaint	Vol. 1	JA000038 – JA000039
2013-11-27	Findings of Fact and Conclusion of Law	Vol. 14	JA003316 – JA003331
2015-09-18	Findings of Fact and Conclusions of Law Regarding The Motion to Defer to the SLC's Determination That The Claims Should Be Dismissed	Vol. 41	JA010074 – JA010105
2013-09-19	Hearing Transcript re Motion for Expedited Discovery	Vol. 5	JA001029 – JA001097
2013-11-25	Hearing Transcript re Motion for Preliminary Injunction	Vol. 13 Vol. 14	JA003147 – JA003251 JA003252 - JA003315
2013-12-19	Hearing Transcript re Motion for Reconsideration	Vol. 14	JA003332 – JA003367
2015-07-16	Hearing Transcript re Motion to Defer	Vol. 41	JA010049 – JA010071
2015-01-12	Hearing Transcript re Motions including Motion to Defer to the Special Litigation Committee's Determination that the Claims Should be Dismissed and Motion to Dismiss (Filed Under Seal)	Vol. 25 Vol. 26	JA006228 – JA006251 JA006252 – JA006311

Date	Document Description	Volume	Bates No.
2015-11-24	Hearing Transcript re Plaintiff's Motion to Retax	Vol. 43	JA010659 – JA010689
2013-10-04	Minute Order	Vol. 7	JA001555 – JA001556
2015-08-07	Minute Order	Vol. 41	JA010072 – JA010073
2015-10-12	Notice of Appeal	Vol. 41	JA010143 – JA010184
2016-02-02	Notice of Appeal	Vol. 43	JA010734 – JA010746
2016-02-09	Notice of Appeal	Vol. 43 Vol. 44	JA010747 – JA010751 JA010752 – JA010918
2016-01-28	Notice of Entry of Amended Judgment	Vol. 43	JA010727 – JA010733
2015-10-02	Notice of Entry of Findings of Fact and Conclusions of Law re the SLC's Motion to Defer	Vol. 41	JA010106 – JA010142
2016-01-12	Notice of Entry of Order Granting in Part and Denying in Part Plaintiff's Motion to Retax	Vol. 43	JA010716 – JA010724
2013-10-16	Notice of Entry of Order Granting, in Part, Plaintiffs Ex Parte Motion for Order to Show Cause and Motion to (1) Expedite Discovery and (2) Set a Hearing on Motion for Preliminary Injunction on Order Shortening Time and Plaintiff's Motion for Preliminary Injunction and for Discovery on an Order Shortening Time	Vol. 7	JA001562 – JA001570

Date	Document Description	Volume	Bates No.
2015-02-20	Notice of Entry of Order Regarding Motion to Defer to The SLC's Determination that the Claims Should Be Dismissed	Vol. 26	JA006315 – JA006322
2016-01-08	Order Granting in Part and Denying in Part Plaintiff's Motion to Retax	Vol. 43	JA010712 – JA010715
2013-10-15	Order Granting, in Part, Plaintiffs Ex Parte Motion for Order to Show Cause and Motion to (1) Expedite Discovery and (2) Set a Hearing on Motion for Preliminary Injunction on Order Shortening Time and Plaintiff's Motion for Preliminary Injunction and for Discovery on an Order Shortening Time	Vol. 7	JA001557 – JA001561
2015-02-19	Order Regarding Motion to Defer to the SLC's Determination that the Claims Should Be Dismissed	Vol. 26	JA006312 – JA006314
2013-09-13	Plaintiff's Appendix of Exhibits to Motion for Preliminary Injunction and For Discovery on an Order Shortening Time	Vol. 1 Vol. 2 Vol. 3 Vol. 4 Vol. 5	JA00132 – JA00250 JA00251 – JA00501 JA00502 – JA00751 JA00752 – JA001001 JA001002 – JA001028
2013-10-03	Plaintiff's Appendix of Exhibits to Status Report	Vol. 5 Vol. 6	JA001115 – JA001251 JA001252 – JA001335
2014-06-06	Plaintiff's Appendix of Exhibits to Status Report	Vol. 14 Vol. 15 Vol. 16	JA03385 – JA003501 JA003502 – JA003751 JA003752 – JA003950

Date	Document Description	Volume	Bates No.
2013-11-13	Plaintiff's Appendix of Exhibits to Supplement to Motion for Preliminary Injunction Vol. 1 Part 1 (Filed Under Seal)	Vol. 7 Vol. 8	JA001607 – JA001751 JA001752 – JA001955
2013-11-13	Plaintiff's Appendix of Exhibits to Supplement to Motion for Preliminary Injunction Vol. 1 Part 2 (Filed Under Seal)	Vol. 8 Vol. 9 Vol. 10	JA001956 – JA002001 JA002002 – JA002251 JA002252 – JA002403
2013-11-13	Plaintiff's Appendix of Exhibits to Supplement to Motion for Preliminary Injunction Vol. 1 Part 3 (Filed Under Seal)	Vol. 10 Vol. 11 Vol. 12 Vol. 13	JA002404 – JA002501 JA002502 – JA002751 JA002752 – JA003001 JA003002 – JA003065
2015-06-18	Plaintiff's Appendix of Exhibits to their Supplemental Opposition to the SLC's Motion to Defer to its Determination that the Claims Should be Dismissed (Filed Under Seal)	Vol. 27 Vol. 28 Vol. 29 Vol. 30 Vol. 31 Vol. 32 Vol. 33 Vol. 34 Vol. 35 Vol. 36 Vol. 37	JA006512 – JA006751 JA006752 – JA007001 JA007002 – JA007251 JA007252 – JA007501 JA007502 – JA007751 JA007752 – JA008251 JA008002 – JA008251 JA008252 – JA008501 JA008502 – JA008751 JA008752 – JA009001 JA009002 – JA009220
2013-09-13	Plaintiff's Motion for Preliminary Injunction and for Discovery on an Order Shortening Time	Vol. 1	JA000095 – JA000131
2015-11-03	Plaintiff's Motion to Retax	Vol. 43	JA010589 – JA010601

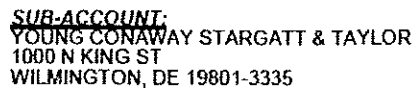
Date	Document Description	Volume	Bates No.
2014-09-19	Plaintiff's Opposition to the Director Defendants' Motion to Dismiss the Second Amended Complaint and Director Defendant's Motion to Dismiss the Second Amended Complaint (Filed Under Seal)	Vol. 18 Vol. 19	JA004453 – JA004501 JA004502 – JA004508
2014-12-10	Plaintiff's Opposition to the SLC's Motion to Defer to its Determination that the Claims Should be Dismissed (Filed Under Seal)	Vol. 24	JA005868 – JA005993
2014-09-19	Plaintiff's Opposition to the Special Litigation Committee's Motion to Dismiss for Failure to Plead Demand Futility	Vol. 19	JA004509 – JA004539
2015-11-20	Plaintiff's Reply in Further Support of its Motion to Retax	Vol. 43	JA010644 – JA010658
2015-12-10	Plaintiff's Response to SLC's Supplement to Opposition to Plaintiff's Motion to Retax	Vol. 43	JA010700 – JA010711
2013-10-03	Plaintiff's Status Report	Vol. 5	JA001098 – JA001114
2014-06-06	Plaintiff's Status Report	Vol. 14	JA003368 – JA003384
2014-10-30	Plaintiff's Status Report	Vol. 23	JA005680 - JA005749
2015-04-03	Plaintiff's Status Report	Vol. 26	JA006323 – JA006451
2013-11-18	Plaintiff's Supplement to its Supplement to its Motion for Preliminary Injunction	Vol. 13	JA003066 – JA003097

Date	Document Description	Volume	Bates No.
2013-11-08	Plaintiff's Supplement to Motion for Preliminary Injunction (Filed Under Seal)	Vol. 7	JA001571 – JA001606
2014-06-16	Plaintiff's Supplement to the Status Report	Vol. 16 Vol. 17	JA003951 – JA004001 JA004002 – JA004129
2014-12-15	Plaintiff's Supplemental Authority to its Opposition to the SLC's Motion to Defer to its Determination that the Claims Should be Dismissed	Vol. 24 Vol. 25	JA005994 – JA006001 JA006002 – JA006010
2015-06-18	Plaintiff's Supplemental Opposition to the SLC's Motion to Defer to its Determination that the Claims Should be Dismissed (Filed Under Seal)	Vol. 26 Vol. 27	JA006460 – JA006501 JA006502 – JA006511
2014-10-24	Report of the Special Litigation Committee (Filed Under Seal)	Vol. 19 Vol. 20	JA004613 – JA004751 JA004752 – JA004957
2014-07-25	Second Amended Complaint (Filed Under Seal)	Vol. 17 Vol. 18	JA004140 – JA004251 JA004252 – JA004267
2013-11-20	Special Litigation Committee Report Regarding Plaintiff's Motion for Preliminary Injunction (Filed Under Seal)	Vol. 13	JA003098 – JA003143
2015-01-06	Special Litigation Committee's Appendix of Exhibits Referenced in their Reply In Support of their Motion to Defer to its Determination that the Claims Should Be Dismissed	Vol. 25	JA006046 – JA006227

Date	Document Description	Volume	Bates No.
2015-07-02	Special Litigation Committee's Appendix of Exhibits to Supplemental Reply in Support of their Motion to Defer (Filed Under Seal) (Includes Exhibits: C, D, E, J and K)	Vol. 39	JA009553 – JA009632
2015-07-02	Special Litigation Committee's Appendix of Exhibits to their Supplemental Reply in Support of their Motion to Defer (Exhibits Filed Publicly) (Includes Exhibits: A, B, F, G, H, I, L and M)	Vol. 37 Vol. 38	JA009921 – JA009251 JA009252 – JA009498
2015-07-02	Special Litigation Committee's Appendix of SLC Report Exhibits Referenced in Supplemental Reply in Support of the Motion to Defer (Exhibits Filed Under Seal) (Includes SLC Report Exhibits 298, 394, 443, 444, 446, 447 and 454)	Vol. 41	JA0010002 – JA010048
2015-07-02	Special Litigation Committee's Appendix of SLC Report Exhibits Referenced in Supplemental Reply in Support of the Motion to Defer (Exhibits Filed Publicly) (Includes SLC Report Exhibits 5, 172, and 195)	Vol. 39 Vol. 40	JA009633 – JA009751 JA009752 – JA010001
2015-10-19	Special Litigation Committee's Memorandum of Costs	Vol. 41 Vol. 42 Vol. 43	JA010185 – JA010251 JA010252 – JA010501 JA010502 – JA010588
2014-11-18	Special Litigation Committee's Motion to Defer to its Determination that the Claims Should Be Dismissed	Vol. 23 Vol. 24	JA005750 – JA005751 JA005751 – JA005867

Date	Document Description	Volume	Bates No.
2014-08-29	Special Litigation Committee's Motion to Dismiss for Failure to Plead Demand Futility	Vol. 18	JA004351 – JA004452
2015-11-16	Special Litigation Committee's Opposition to Plaintiff's Motion to Retax	Vol. 43	JA010602 – JA010643
2014-10-02	Special Litigation Committee's Reply in Support of Their Motion to Dismiss for Failure to Plead Demand Futility	Vol. 19	JA004555 – JA004612
2015-01-05	Special Litigation Committee's Reply in Support of their Motion to Defer to its Determination that the Claims Should Be Dismissed	Vol. 25	JA006011 – JA006045
2013-10-03	Special Litigation Committee's Status Report	Vol. 6 Vol. 7	JA001336 – JA001501 JA001502 – JA001554
2015-04-06	Special Litigation Committee's Status Report	Vol. 26	JA006452 – JA006459
2015-12-08	Special Litigation Committee's Supplement to Opposition to Plaintiff's Motion to Retax	Vol. 43	JA010690 – JA010699
2015-07-02	Special Litigation Committee's Supplemental Reply in Support of the Motion to Defer to the SLC's Determination that the Claims Should Be Dismissed (Filed Under Seal)	Vol. 38 Vol. 39	JA009499 – JA009501 JA009502 – JA009552
2013-09-12	Verified Amended Derivative Complaint	Vol. 1	JA000049 – JA000094

Date	Document Description	Volume	Bates No.
2013-08-09	Verified Shareholder Derivative Complaint	Vol. 1	JA000001 – JA000034

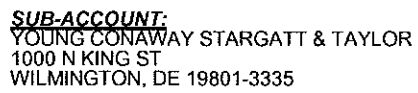
B L L I N G PERIOD 01-DEC-14 - 31-DEC-14

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

11-78

JA010502



8 LL NG PERIOD 01-JAN-15 - 31-JAN-15

ACCOUNT NUMBER

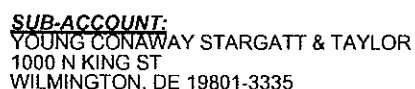
INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

SUB-ACCOUNT NUMBER: 100AE9

[illegible][illegible]

10-61

***Redacted items were not billed in this matter.**

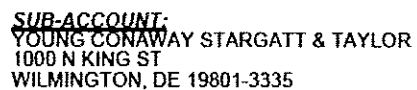
B L L N G PERIOD 01-JAN-15 - 31-JAN-15ACCOUNT NUMBER

SUB-ACCOUNT NUMBER: 100AE9

[illegible]

10-62

Page No. 299

B L L N G PERIOD 01-JAN-15 - 31-JAN-15

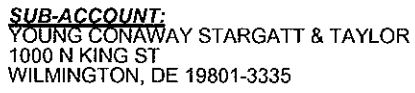
INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT / DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE[illegible]

10-67

***Redacted items were not billed in this matter.**

B L L NG PERIOD 01-JAN-15 - 31-JAN-15

ACCOUNT NUMBER

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

SUB-ACCOUNT NUMBER: 100AE9

072603.1001

1/09 LEXIS LEGAL SERVICES

ONLINE TIME

SINGLE DOCUMENT RETRIEVAL

DOCUMENT PRINTING

1/20 LEXIS LEGAL SERVICES

ONLINE TIME

SINGLE DOCUMENT RETRIEVAL

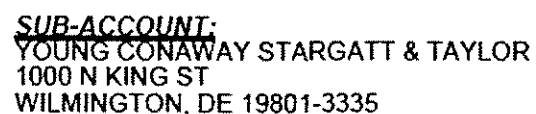
DOCUMENT PRINTING

CLIENT TOTAL 072603.1001

[illegible]

10-79

***Redacted items were not billed in this matter.**

B L L I N G P E R I O D 01-FEB-15 - 28-FEB-15

ACCOUNT NUMBER
██████████

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT /DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

MUTHU, LAKSHMI

072603.1001

2/09 LEXIS LEGAL SERVICES

ONLINE TIME

SEARCHES

COMBINED SEARCH COMPONENT

SINGLE DOCUMENT RETRIEVAL

2/09 SHEPARD'S SERVICE

ONLINE TIME

LEGAL CITATION SERVICES

CLIENT TOTAL 072603.1001

[illegible]

11-54

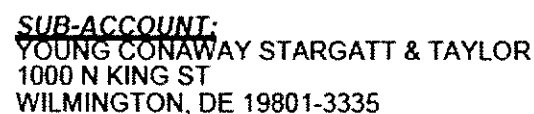
***Redacted items were not billed in this matter.**

BILL NG PERIOD 01-MAR-15 - 31-MAR-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

072603.1001
3/24 LEXIS LEGAL SERVICES
LA DOCUMENT ACCESS
3/25 LEXIS LEGAL SERVICES
LA DOCUMENT ACCESS
3/26 LEXIS LEGAL SERVICES

BILLING PERIOD 01-MAR-15 - 31-MAR-15

ACCOUNT NUMBER
██████████

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

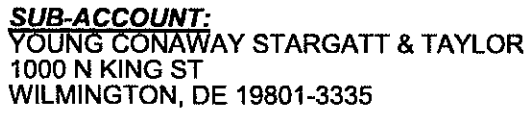
ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT / DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE
POTTS, BEN [REDACTED] (CONT NUED)
LA DOCUMENT ACCESS
3/26 SHEPARD'S SERVICE
LA SHEPARD'S ACCESS
CLIENT TOTAL 072603.1001

[illegible]

11-67

***Redacted items were not billed in this matter.**

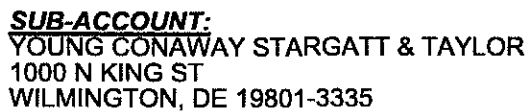
B L L NG PERIOD 01-APR-15 - 30-APR-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

11-14

***Redacted items were not billed in this matter.**

B L L N G PERIOD 01-APR-15 - 30-APR-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT /DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

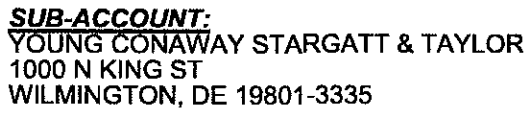
[illegible]

CHASE, DEBORAH - [REDACTED]
072603.1001
4/16 LEXIS LEGAL SERVICES

[illegible]

11-16

***Redacted items were not billed in this matter.**

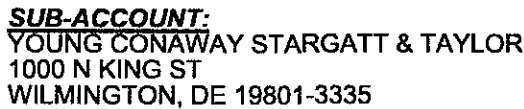
B L L N G PERIOD 01-APR-15 - 30-APR-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE
CHASE, DEBORAH - [REDACTED] (CONT NUED)
ONLINE T ME
S NGLE DOCUMENT RETRIEVAL
DOCUMENT PRINT NG
CLIENT TOTAL 072603.1001

11-17

***Redacted items were not billed in this matter.**

B L L NG PERIOD 01-APR-15 - 30-APR-15

ACCOUNT NUMBER

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

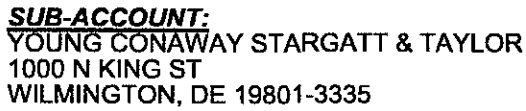
ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT / DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE
O'DONNELL, MARIANNE - 089RFSP(CONTINUED)
DOCUMENT PRINT NG
CLIENT TOTAL 072603.1001

[illegible]

11-62

***Redacted items were not billed in this matter.**

B L L NG PERIOD 01-APR-15 - 30-APR-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

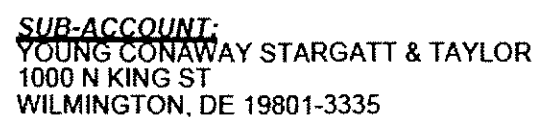
POTTS, BEN - [REDACTED]
072603.1001
4/01 LEXIS LEGAL SERVICES
LA DOCUMENT ACCESS
4/10 LEXIS LEGAL SERVICES
LA DOCUMENT ACCESS
4/10 LAW REVIEWS
LA DOCUMENT ACCESS
4/16 LEXIS LEGAL SERVICES
LA DOCUMENT ACCESS
4/17 LEXIS LEGAL SERVICES
LA DOCUMENT ACCESS
4/21 LEXIS LEGAL SERVICES
LA DOCUMENT ACCESS
4/21 SHEPARD'S SERVICE
LA SHEPARD'S ACCESS
CLIENT TOTAL 072603.1001

BILLING PERIOD 01-MAY-15 - 31-MAY-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE10-16

***Redacted items were not billed in this matter.**

BILLING PERIOD 01-MAY-15 - 31-MAY-15

ACCOUNT NUMBER
██████████

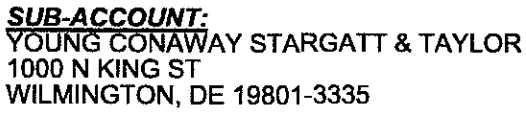
INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT /DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE[illegible]

10-64

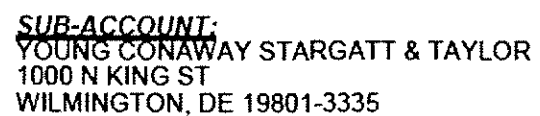
***Redacted items were not billed in this matter.**

B L L I N G PERIOD 01-JUN-15 - 30-JUN-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE10-19

***Redacted items were not billed in this matter.**

B L L I N G PERIOD 01-JUN-15 - 30-JUN-15

ACCOUNT NUMBER
██████████

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

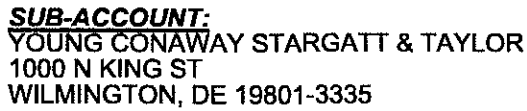
ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT / DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

[illegible]

MUTHU, LAKSHMI - [REDACTED]
072603.1001
6/25 LEXIS LEGAL SERVICES
ONLINE T ME
SEARCHES

***Redacted items were not billed in this matter.**

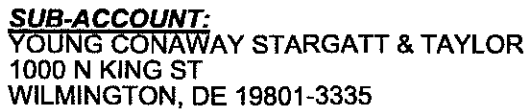
B L L I N G PERIOD 01-JUN-15 - 30-JUN-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE
MUTHU, LAKSHMI - R45HMFK(CONT NUED)
COMB NED SEARCH COMPONENT
S NGLE DOCUMENT RETRIEVAL
6/28 LEXIS LEGAL SERVICES
ONLINE T ME
S NGLE DOCUMENT RETRIEVAL
CLIENT TOTAL 072603.1001

10-47

***Redacted items were not billed in this matter.**

B L L I N G PERIOD 01-JUN-15 - 30-JUN-15

ACCOUNT NUMBER

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT / DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE10-55

***Redacted items were not billed in this matter.**

BILLING PERIOD 01-JUN-15 - 30-JUN-15

ACCOUNT NUMBER
██████████

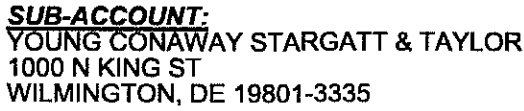
INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT / DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE[illegible]

10-63

***Redacted items were not billed in this matter.**

BILLING PERIOD 01-JUL-15 - 31-JUL-15

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

O'DONNELL, MARIANNE
072603.1001

BILLING PERIOD 01-JUL-15 - 31-JUL-15

ACCOUNT NUMBER
██████████

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

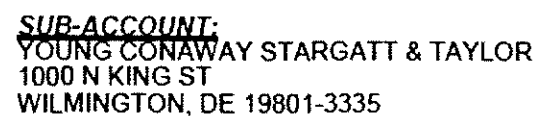
ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT /DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE
O'DONNELL, MARIANNE - 089RFSP(CONTINUED)
7/10 LEXIS LEGAL SERVICES
ONLINE T ME
S NGLE DOCUMENT RETRIEVAL
DOCUMENT PRINT NG
CLIENT TOTAL 072603.1001

[illegible]

10-54

***Redacted items were not billed in this matter.**

BILLING PERIOD 01-JUL-15 - 31-JUL-15

ACCOUNT NUMBER
██████████

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT /DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

USER / CLIENT / DATE / SERVICE / TYPE OF CHARGE

TAYLOR, CANDYCE -

072603.1001

7/08 LEXIS LEGAL SERVICES

ONLINE TIME

SINGLE DOCUMENT RETRIEVAL

DOCUMENT PRINTING

7/10 LEXIS LEGAL SERVICES

ONLINE TIME

SINGLE DOCUMENT RETRIEVAL

DOCUMENT PRINTING

CLIENT TOTAL 072603.1001

[illegible]

10-66

***Redacted items were not billed in this matter.**

BILLING PERIOD 01-AUG-15 - 31-AUG-15

ACCOUNT NUMBER
██████████

INVOICE TO:
YOUNG CONAWAY STARGATT & TAYLOR
WILMINGTON DE 19801-1050

ITEMIZATION OF LEXISNEXIS & RELATED CHARGES
SUB-ACCOUNT DETAIL BY USER NAME / CLIENT /DATE / SERVICE / TYPE OF CHARGE
SUB-ACCOUNT NUMBER: 100AE9

072603.1001

8/03 LEXIS LEGAL SERVICES
ONLINE T ME
COMB NED SEARCH COMPONENT

8/06 LEXIS LEGAL SERVICES
ONLINE T ME
SEARCHES
S NGL E DOCUMENT RETRIEVAL

8/07 LEXIS LEGAL SERVICES
ONLINE T ME
SEARCHES
S NGL E DOCUMENT RETRIEVAL

CLIENT TOTAL 072603.1001

[illegible]

***Redacted items were not billed in this matter.**

— 8B —

NRS 18.005(17)

Electronic
Discovery



PO Box 2206
Wilmington, DE 19899

Invoice		88144	
Date	Terms	Rep	TAX ID
1/27/2015	Due on receipt	JL	51-0368307

Bill To
Dish Network C/O Young, Conaway, Stargatt & Taylor LLP 1000 North King Street Wilmington, DE 19801

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY		PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Monica Velastegui		01/24/2015		DISH Network	01-15-4970
Quantity	Description			Rate	Amount
14.1	01/24/2015 - E01 - Includes loading and indexing of raw data. Deduplication. Source - "EMAILS.RAR"			125.00	1,762.50
33,940	01/24/2015 - M05 - OCR (Optical Character Recognition) Volume: Y001: Y00000001 - Y00320450			0.03	1,018.20
11.82	01/24/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Volume: Volume: Y001: Y00000001 - Y00320450			650.00	7,683.00
1	01/24/2015 - M11 - Tech Time - Deliverable creation. Volume Y001			125.00	125.00
20.27	01/24/2015 - E01 - Includes loading and indexing of raw data. Deduplication. Source - 17 zip files received via Share			125.00	2,533.75
37,200	01/24/2015 - M05 - OCR (Optical Character Recognition) Volume: Y002: Y00320451 - Y00697836			0.03	1,116.00
15.59	01/24/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Volume: Y002: Y00320451 - Y00697836			650.00	10,133.50
1	01/24/2015 - M11 - Tech Time - Deliverable creation. Volume Y002			125.00	125.00
1	M21 - 500GB USB delivery drive containing volumes Y001 and Y002. Delivered via courier on 01/26/2015			150.00	150.00
Thank you for your business. We look forward to working with you again.				Total	\$24,646.95
If you have any questions please call us at 302.888.2060 or email accountsreceivable@dlsdiscovery.net Visit our website at dlsdiscovery.net				Payments/Credits	\$0.00
				Balance Due	\$24,646.95

*Redacted items were not billed in this matter.



PO Box 2206
Wilmington, DE 19899

Invoice		88419	
Date	Terms	Rep	TAX ID
1/31/2015	Due on receipt	RH	51-0368307

Bill To
Dish Network C/O Young, Conaway, Stargatt & Taylor LLP 1000 North King Street Wilmington, DE 19801

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY		PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Lakshmi Muthu		01/26/2015	072603.1001	DISH Network	01-15-4978
Quantity	Description			Rate	Amount
1.25	01/26/2015 - F05 - Forensic Labor - Remote Collection - George Brokaw iPhone backup. Collected via Alison Brokaw's MacBook using TeamViewer. Backup is imaged to L01 image using EnCase v10			250.00	312.50
2	01/26/2015 - F05 - Forensic Labor - Remote Collection - Alison Brokaw's iPhone backup. Collected via Alison Brokaw's MacBook using TeamViewer. Backup is imaged to L01 image using EnCase v10. Collected image FAILED, waiting on additional opportunity or collection method.			250.00	500.00
0.5	01/27/2015 - F05 - Forensic Labor - Remote Collection - George Brokaw Icloud.			250.00	125.00
1	01/27/2015 - Purchase of Dr.Fone iCloud recovery license			69.95	69.95
0.25	01/27/2015 - F05 - Forensic Labor - Remote Collection - George Brokaw IPAD. Collected via Alison Brokaw's MacBook using TeamViewer. Backup is imaged to L01 image using EnCase v10			250.00	62.50
1	01/27/2015 - F05 - Forensic Labor - Remote Collection - George Brokaw's PC. Remote session FTK imager Lite to USB Device encrypted with TrueCrypt			250.00	250.00
1	01/28/2015 - M21 - 500GB USB - shipped to Trafelet Brokaw for a Forensic collection			150.00	150.00
1	01/28/2015 - Federal Express: Fed Ex a drive to Trafelet Brokaw for a Forensic collection. FedEx TRK# 7727 4752 3592			38.40	38.40
4.25	01/28/2015 - F05 - Forensic Labor - Remote Collection - George Brokaw iCloud Collection. Download the first and last backup listed available for each of George Brokaw's iCloud synced device backups. Collection includes iPhone 5, iPhone 5s, iPad, and iPad2.			250.00	1,062.50
2.5	01/28/2015 - F05 - Forensic Labor - Remote Collection - Barr Flinn's iPhone 5. iPhone 5 collected onsite using iTunes backup and enCase logical image for redundancy.			250.00	625.00
1	01/29/2015 - F05 - Forensic Labor - Create EnCase Phone Report, recover call log, SMS and images from backup. Report misc. information as requested regarding the tasks detailed above.			250.00	250.00
Thank you for your business. We look forward to working with you again.				Total	\$3,445.85
If you have any questions please call us at 302.888.2060 or email accountsreceivable@dlsdiscovery.net Visit our website at dlsdiscovery.net				Payments/Credits	\$0.00
				Balance Due	\$3,445.85

*Redacted items were not billed in this matter.



PO Box 2206
Wilmington, DE 19899

Invoice		88642	
Date	Terms	Rep	TAX ID
2/10/2015	Due on receipt	RH	51-0368307

Bill To
Dish Network C/O Young, Conaway, Stargatt & Taylor LLP 1000 North King Street Wilmington, DE 19801

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY		PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Lakshmi Muthu		02/03/2015	072603.1001	DISH Network	02-15-4995
Quantity	Description			Rate	Amount
0.25	02/02/2015 - F05 - Forensic Labor - Split SMS message to indivdual documents			250.00	62.50
0.25	02/02/2015 - E01 - Includes loading and indexing of raw data. Deduplication. Source - Barr Flinn's extracted SMS records from iPhone collected onsite at YCST 20150128			125.00	31.25
1.5	02/03/2015 - M11 - Tech Time - Identify false positive hits for large unique hits. Create correspondents summary			125.00	187.50
1	02/03/2015 - M21 - 1 TB Padlock HD sent to Tom Ortolf			250.00	250.00
1	02/03/2015 - Federal Express TRK #7728 0926 5310. FedEx a drive to Tom Ortolf [Littleton, CO] for a Forensic collection			60.53	60.53
1	02/03/2015 - M21 - 500GB USB HD sent to Lori Hoff			150.00	150.00
1	02/03/2015 - Federal Express TRK #7728 1447 7796. FedEx a drive to Lori Hoff [Castle Rock, CO] for a Forensic collection			60.53	60.53
3	02/03/2015 - 02/04/2015 - M11 - Tech Time - Running additional search reports. Search Set # 4 - 9.[DISH_SearchReports20150203_01 - 02; DISH_SearchReports20150204_01 - 04]			125.00	375.00
2	02/05/2015 - M11 - Tech Time - Process 20150204 hits to review volume Y001: Y00000001 - Y00074637			125.00	250.00
1	02/05/2015 - F05 - Forensic Labor - George Brokaw's GB@TCBO.Com email account. Tested multiple collection techniques, could not establish connection. PST provided by TCBO (Trefele) IT			250.00	250.00
8	02/05/2015 - F05 - Forensic Labor - Remote collection. Custodian Tom Ortolf. Collected devices/areas include: OEM Desktop, Macbook Air, Airpot Extreme HDD, iPhone with iExplorer for specific messages, Facebook SS, and Instagram SS. 02/05/2015 - 3.25 hrs; 02/06/2015 - 3.75 hrs; 02/10/2015 - 1 hr			250.00	2,000.00
1	02/03/2015 - Purchase of iExplorer for Tom Ortolf			34.99	34.99
1	02/03/2015 - Purchase of iExplorer for Chuck Lillis			34.99	34.99
4	02/06/2015 - F05 - Forensic Labor - Remote Collection Gmail and AOL. Custodian Tom Ortolf			250.00	1,000.00
1	02/06/2015 - UPS - UPS TRK#1Z483TK51395001613. From Tom Ortolf to DLS			86.91	86.91
				Total	\$4,834.20
If you have any questions please call us at 302.888.2060 or email accountsreceivable@dlsdiscovery.net Visit our website at dlsdiscovery.net				Payments/Credits	\$0.00
				Balance Due	\$4,834.20

*Redacted items were not billed in this matter.



PO Box 2206
Wilmington, DE 19899

Invoice		89243	
Date	Terms	Rep	TAX ID
3/3/2015	Due on receipt	RH	51-0368307

Bill To
Dish Network C/O Young, Conaway, Stargatt & Taylor LLP 1000 North King Street Wilmington, DE 19801

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY		PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Monica Velastegui		2/27/2015	072603.1001	DISH Network	02-15-5014
Quantity	Description	Rate	Amount		
2	02/06/2015 - F05 - Forensic Labor - Remote collection from Chuck Lillis	250.00	500.00		
1	02/11/2015 - F05 - Forensic Labor - Alison Brokaw's iCloud backups	250.00	250.00		
0.5	02/12/2015 - M11 - Tech Time - Consolidate collected images to Thumb Drive for delivery to YCST	125.00	62.50		
1	02/12/2015 - Flash Drive containing Consolidate collected images.	75.00	75.00		
31.52	02/13/2015 - E01 - Includes loading and indexing of raw data. Deduplication. Source - Tom Ortolf's AOL and Gmail	125.00	3,940.00		
3.83	02/13/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Volume: TO001: TO00000001 - TO00010422	650.00	2,489.50		
13,766	02/13/2015 - M05 - OCR (Optical Character Recognition) Source/Volume TO001	0.03	412.98		
2	02/13/2015 - M11 - Tech Time - TO001 review volume creation. Volume re-exported due to additional data culling. Delivered via FTP	125.00	250.00		
1	02/11/2015 - M21 - 500GB USB delivery drive containing George Brokaw's collected data consolidated on HD and shipped to Falcon Discovery	150.00	150.00		
1	02/11/2015 - Federal Express: FedEx TRK# 7728 8997 9849. Shipped to Denver, CO	60.53	60.53		
1	02/11/2015 - Flash Drive - Alison Brokaw's collected data consolidated on HD and shipped to Falcon Discovery	75.00	75.00		
1	02/11/2015 - Federal Express: FedEx TRK# 7728 9212 8901. Shipped to Denver, CO	43.84	43.84		
1	02/12/2015 - M21 - 500GB USB delivery drive containing Tom Ortolf's collected data consolidated on HD and shipped to Falcon Discovery	150.00	150.00		
1	02/12/2015 - Federal Express: FedEx TRK# 7729 0277 8701. Shipped to Denver, CO	60.53	60.53		
18.17	02/17/2015 - E01 - Includes loading and indexing of raw data. Deduplication. Source - All non game/video from iPhone collections for Brokaw and Ortolf. Custodians: George Brokaw, Alison Brokaw, Tom Ortolf	125.00	2,271.25		
3,628	02/17/2015 - M05 - OCR (Optical Character Recognition) Source All non game/video from iPhone collections for Brokaw and Ortolf. Custodians: George Brokaw, Alison Brokaw, Tom Ortolf	0.03	108.84		
1	02/17/2015 - F05 -Forensic Labor - Extract content from iTunes backup of George Brokaw's iPad and iPhone.	250.00	250.00		
Thank you for your business. We look forward to working with you again.					Total
If you have any questions please call us at 302.888.2060 or email accountsreceivable@dlsdiscovery.net Visit our website at dlsdiscovery.net					Payments/Credits
					Balance Due



PO Box 2206
Wilmington, DE 19899

Invoice		89243	
Date	Terms	Rep	TAX ID
3/3/2015	Due on receipt	RH	51-0368307

Bill To
Dish Network C/O Young, Conaway, Stargatt & Taylor LLP 1000 North King Street Wilmington, DE 19801

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY	PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Monica Velastegui	2/27/2015	072603.1001	DISH Network	02-15-5014
Quantity	Description	Rate	Amount	
0.25	02/18/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Source: Export all Tom Ortolf SMS for review. Volume: TOIOS001: TOIOS00000001 - TOIOS000000035	650.00	162.50	
0.5	02/18/2015 - M11 - Tech Time - Review volume TOIOS001 creation. Volume delivered via FTP	125.00	62.50	
1	02/18/2015 - Flash Drive - Chuck Lillis' email shipped to Corby Goforth at Falcon Discovery	75.00	75.00	
1	02/18/2015 - Federal Express: FedEx TRK# 7729 3389 1343. Shipped to Denver, CO	43.84	43.84	
1	02/18/2015 - Flash Drive - Tom Ortolf's Gmail shipped to Corby Goforth at Falcon Discovery	75.00	75.00	
1	02/18/2015 - Federal Express: FedEx TRK# 7729 4255 8899. Shipped to Denver, CO	43.84	43.84	
2.5	02/18/2015 - M11 - Tech Time - Running additional search reports. Custodian Tom Ortolf. DISH_SearchReports_TomOrtolf_20150212_01 - 03; DISH_SearchReports_TomOrtolf_20150213_01 - 02	125.00	312.50	
2	02/18/2015 - M11 - Tech Time - Running searches on George/Alison Brokaw's IOS data. 2 search report and counts of individual text messages.	125.00	250.00	
1	02/18/2015 - M11 - Tech Time - Splitting up text messages to individual docs	125.00	125.00	
0.25	02/19/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Source Alison Brokaw search hits. Volume: ABIOS001: ABIOS00000001 - ABIOS000000082	650.00	162.50	
0.5	02/19/2015 - M11 - Tech Time - Review volume ABIOS001 creation. Volume delivered via FTP	125.00	62.50	
0.25	02/19/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Source George Brokaw search hits. Volume: GBIOS001: GBIOS00000001 - GBIOS000000313	650.00	162.50	
0.5	02/19/2015 - M11 - Tech Time - Review volume GBIOS001 creation. Volume delivered via FTP	125.00	62.50	
1	02/20/2015 - M11 - Tech Time - Convert Chuck Lillis OST file to PST for delivery to Corby at Falcon Discovery	125.00	125.00	
Thank you for your business. We look forward to working with you again.			Total	
If you have any questions please call us at 302.888.2060 or email accountsreceivable@dlsdiscovery.net Visit our website at dlsdiscovery.net			Payments/Credits	
			Balance Due	



PO Box 2206
Wilmington, DE 19899

Invoice		89243	
Date	Terms	Rep	TAX ID
3/3/2015	Due on receipt	RH	51-0368307

Bill To
Dish Network C/O Young, Conaway, Stargatt & Taylor LLP 1000 North King Street Wilmington, DE 19801

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY	PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Monica Velastegui	2/27/2015	072603.1001	DISH Network	02-15-5014
Quantity	Description		Rate	Amount
2	02/24/2015 - M11 - Tech Time - Running searches on GeorgeBrokaw's IOS data. DISH_SearchReport_George-Brokaw_iPad_20150224_01 - 03. Combined DISH_SearchReport_George-Brokaw_iPad_20150224_02-03_IB-IC-ID		125.00	250.00
0.25	02/24/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Source George Brokaw search hits. Volume: GBIOS002: GBIOS00000314 - GBIOS00000624		650.00	162.50
0.5	02/24/2015 - M11 - Tech Time - Review volume GBIOS002 creation. Volume delivered via FTP		125.00	62.50
1	02/24/2015 - F05 -Forensic Labor for Compile 'earliest record report' from all collected Brokaw devices		250.00	250.00
0.75	02/26/2015 - M11 - Tech Time - Re-format HTML in SMS messages to better reflect conversation. Volume ABIOS002: ABIOS00000083 - ABIOS00000109 delivered via FTP.		125.00	93.75
0.75	02/26/2015 - M11 - Tech Time - Re-format HTML in SMS messages to better reflect conversation. Volume GBIOS003: GBIOS00000625 - GBIOS00000663 delivered via FTP		125.00	93.75
Thank you for your business. We look forward to working with you again.			Total	\$13,787.65
If you have any questions please call us at 302.888.2060 or email accountsreceivable@dlsdiscovery.net Visit our website at dlsdiscovery.net			Payments/Credits	\$0.00
			Balance Due	\$13,787.65



PO Box 2206
Wilmington, DE 19899

Bill To

Young, Conaway, Stargatt & Taylor LLP
1000 North King Street
Wilmington, DE 19801

Invoice 90066

Date	Terms	Rep	Tax ID
3/17/2015	Due on receipt	RH	51-0368307

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY		PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Lakshmi Muthu		03/17/2015	072603.1001	DISH Network	03-15-5064
Quantity	Description			Rate	Amount
1	03/17/2015 - M11 - Tech Time - 20150317_01, 20150317_02 search report (20150317_01 terms) sent to client			125.00	125.00
0.5	03/25/2015 - M11 - Tech Time - Review volume creation. Y002: Y00074638 - Y00081427. Volume delivered via FTP			125.00	62.50
0.25	03/25/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Volume Y003: Y00081428 - Y00081672			650.00	162.50
0.25	03/25/2015 - M11 - Tech Time - Not already delivered hits on tmundiya@willkie.com. Y003: Y00081428 - Y00081672. Review volume Y003 delivered via FTP			125.00	31.25
0.25	03/27/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Volume Y004: Y00081673 - Y00081721			650.00	162.50
0.25	03/27/2015 - M11 - Tech Time - Review volume Y004 delivered via FTP			125.00	31.25

*Redacted items were not billed in this matter.



PO Box 2206
Wilmington, DE 19899

Bill To

Young, Conaway, Stargatt & Taylor LLP
1000 North King Street
Wilmington, DE 19801

Invoice		90722	
Date	Terms	Rep	Tax ID
4/23/2015	Due on receipt	RH	51-0368307

For Terms and Conditions
please visit our website at
dlsdiscovery.net/InvoiceInfo.htm

ORDERED BY		PROJECT DATE	P.O. No.	PROJECT NAME	DLS Job #
Lakshmi Muthu		04/07/2015	072603.1001	DISH Network	04-15-5107
Quantity	Description			Rate	Amount
0.5	04/07/2015 - M11 - Tech Time - Additional search report requested by Elisabeth Bradley on iOS data, excluding any YCST data.			125.00	62.50
0.25	04/07/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Source: Barr Flinn search hits from 20150407_01 report. Volume Y005: Y00081722 - Y00081722			650.00	162.50
0.25	04/07/2015 - M11 - Tech Time - Review volume Y005 delivered via FTP			125.00	31.25
0.25	04/07/2015 - E03 - Includes metadata extraction, full text capture, link to native files, tiff conversion and load files creation. Source: George Brokaw search hits from 20150407_01 report. Volume GBIOS004: GBIOS00000664 - GBIOS00001055			650.00	162.50
0.25	04/07/2015 - M11 - Tech Time - Review volume GBIOS004 delivered via FTP			125.00	31.25
</					

*Redacted items were not billed in this matter.

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8316
Invoice Date: 11/30/14
Amount Due: \$5,428.89
Billing Period: 11/01/14 - 11/30/14
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
11/05/14	Corby Mason	Attend to questions regarding time frame for kPlex Relativity upgrade, relay notice to YCST.	0.30	\$125.00	\$37.50
11/10/14	Corby Mason	Consult with Ms. Burton regarding meeting request to discuss transfer of Relativity hosted data.	0.10	\$125.00	\$12.50
11/11/14	Corby Mason	Meet and confer with Ms. Burton, Ms. Donovan and Falcon team regarding migration of Relativity workspace to DTI servers.	0.20	\$125.00	\$25.00
TOTAL PROFESSIONAL FEES:			0.60		\$75.00

Date	Source	Description	Quantity	Rate	Amount
11/30/14	Bonnie Veis	Clearwell Data Hosting – NOVEMBER 2014 62 GB x \$20/GB = \$1240.00			\$1,240.00
11/30/14	Bonnie Veis	kCura - NOVEMBER 2014 -17 User Fees (\$120/User) = \$2040.00			\$2,040.00
11/30/14	Bonnie Veis	kCura – NOVEMBER 2014 -48.23 GB (\$43/GB) of Data Hosted = \$2,073.89			\$2,073.89
TOTAL REIMBURSABLE EXPENSES:					\$5,353.89

Amount Due (This Invoice): \$5,428.89

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8461
Invoice Date: 12/31/14
Amount Due: \$4,334.10
Billing Period: 12/01/14 - 12/31/14
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
12/01/14	Matthew Porter	Address Relativity access issues.	0.30	\$175.00	\$52.50
TOTAL PROFESSIONAL FEES:			0.30		\$52.50

Date	Source	Description	Quantity	Rate	Amount
12/31/14	Bonnie Veis	User Fees– DECEMBER 2014 -7 User Fees (\$120/User) = \$840.00			\$840.00
12/31/14	Bonnie Veis	Clearwell Data Hosting – DECEMBER 2014 62 GB x \$20/GB = \$1240.00			\$1,240.00
12/31/14	Bonnie Veis	Hosted Data – DECEMBER 2014 -51.2 GB (\$43/GB) of Data Hosted = \$2201.60			\$2,201.60
TOTAL REIMBURSABLE EXPENSES:					\$4,281.60

AMOUNT DUE (THIS INVOICE)	\$4,334.10
----------------------------------	-------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8555
Invoice Date: 01/31/15
Amount Due: \$8,336.60
Billing Period: 01/01/15 - 01/31/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
01/22/15	Mark Thompson	Attend to custodian collection issues for Chuck Lillis, George Brokaw and Tom Ortolf with Ms. Mason.	1.80	\$125.00	\$225.00
01/22/15	Corby Mason	Attend to request for dates of specified board member's collections conducted by Falcon from YCST, consult with Mr. Thompson regarding YCST request regarding previous collection and notification of upcoming re-refresh collections request, assess current Clearwell indexed data.	1.00	\$125.00	\$125.00
01/23/15	Mark Thompson	Collect custodian George Brokaw email refresh using credentials for Outlook Web App (1.3); attend to export format and delivery issues with Mr. Ng and Mr. Balsdon (.4); create new dat source and settings for Brokaw email collection and initiate pre-discovery (.6); Analyze and QC pre-discovery results for Brokae collection and initiate indexing (.4)	2.70	\$125.00	\$337.50
01/23/15	Corby Mason	Consult with YCST regarding requested additional collection of Mr. Brokaw's email, discuss collection protocol and strategy for processing and searching; attend to requests from YCST regarding potential iPhone collections, consult with Mr. Greenwaldt regarding engaging forensic analysts, further consultation with DTI forensic analysts and coordinate communication with YCST and Mr. Aberman.	0.80	\$125.00	\$100.00
01/25/15	Mark Thompson	QC indexing results for George Brokaw email collection.	0.80	\$125.00	\$100.00
01/26/15	Corby Mason	Assess and provide update to YCST regarding successful collection, processing and document counts for newly indexed data.	0.80	\$125.00	\$100.00
01/26/15	Caroline Palmer	Strategy and planning with team regarding processing and loading of Clearwell documents to Relativity and identifying previously loaded documents.	0.50	\$165.00	\$82.50
01/26/15	Matthew Porter	Address user access issues.	0.20	\$175.00	\$35.00
01/26/15	Matthew Porter	Address questions regarding text message collection.	0.20	\$175.00	\$35.00
01/26/15	Corby Mason	Attend to request from YCST for Relativity password resets for specified users, cancel requested conference regarding iPhone collections per YCST's requests, confer with Falcon LitTech team regarding necessary format for SMS text data that YCST's collecting; meet and confer with YCST regarding second phase of document review and plan for additional search request and review, consult with Falcon Lit Tech and EDD teams to confirm strategy discussed with counsel.	1.70	\$125.00	\$212.50
01/26/15	Jason Witthoft	Attend to communications regarding user account status in Lightsquared Relativity workspace; made updates to user accounts and provided notifications.	0.50	\$175.00	\$87.50
01/27/15	Mark Thompson	Attend to Lightsquared Derivative custodian email collection for Allison Brokaw with Ms. Mason and Ms. Muthu.	0.40	\$125.00	\$50.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8555
 Invoice Date: 01/31/15
 Amount Due: \$8,336.60
 Billing Period: 01/01/15 - 01/31/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

01/27/15	Corby Mason	Meet and confer with YCST regarding additional PST collection for specified custodian for email credentials and process; attend to credentials and login questions from YCST; attend to YCST request regarding Clearwell custodians and indexed date ranges, assess Clearwell index for said information, further consultation with Mr. Thompson regarding YCST's requests and Clearwell processing of specified custodians.	2.00	\$125.00	\$250.00
01/28/15	Matthew Porter	Attend to issues regarding new data indexing.	0.20	\$175.00	\$35.00
01/28/15	Caroline Palmer	Weekly Legal Tech Dept meeting to discuss status of keyword searching in Clearwell and upcoming export requests.	0.20	\$165.00	\$33.00
01/28/15	Corby Mason	Attend to YCST request regarding date ranges for previously collected custodians, continue to assess Clearwell data to provide answers to YCST's request regarding collections, further consultation with Mr. Thompson regarding requested date ranges; consult with Mr. Thompson regarding priority of processing for newly collected, A. Brokaw's PST collection and status of same.	2.00	\$125.00	\$250.00
01/29/15	Christian Pedersen	Locate earliest documents in matter for selected custodians.	0.50	\$95.00	\$47.50
01/29/15	Corby Mason	Attend to YCST's continued requests for date ranges of custodians collections and/or processed data from Clearwell and source collections, assess search tracking matrix and processed data from Clearwell for background to provide requested information to YCST, further consultation with Mr. Thompson regarding YCST's requests.	1.50	\$125.00	\$187.50
01/29/15	Matthew Porter	Attend to data indexing issues.	0.30	\$175.00	\$52.50
01/30/15	Corby Mason	Meet and confer with YCST regarding requested search criteria for multiple search requests, further consultation regarding additional collections requested and credentials for same, general overview of upcoming deadlines and additional anticipated requests.	0.60	\$125.00	\$75.00
01/30/15	Corby Mason	Construct search strings for Clearwell syntax and search tracking matrix for five requested searches, confirm with YCST reformatted search strings for intended search requests.	3.00	\$125.00	\$375.00
01/30/15	Matthew Porter	Monitor data indexing and related issues.	0.20	NC	--
01/30/15	Christian Pedersen	Research earliest date of documents in custodian Ortolf's collection and report it to case manager.	0.60	\$95.00	\$57.00
01/31/15	Corby Mason	Consultation with Mr. Thompson regarding attempted collection from requested mailboxes from YCST, invalid credentials provided, follow up with YCST regarding confirmation of credentials requested.	0.10	\$125.00	\$12.50
01/31/15	Corby Mason	Prepare, assess and revise requested four search request from YCST, prepare search hits report for counsel, prepare de-duped search request for total document count, attend to follow up questions and requests from YCST regarding reported search hits, further assess prepared searches for clarification responses to YCST.	2.80	\$125.00	\$350.00

TOTAL PROFESSIONAL FEES:	25.40	\$3,215.00
---------------------------------	--------------	-------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8555
Invoice Date: 01/31/15
Amount Due: \$8,336.60
Billing Period: 01/01/15 - 01/31/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: LightSquared LP, et al. v.
SP Special Opportunitie

Date	Source	Description	Quantity	Rate	Amount
01/31/15	Bonnie Veis	Clearwell Data Hosting – JANUARY 2015 62 GB x \$20/GB = \$1240.00			\$1,240.00
01/31/15	Bonnie Veis	Hosted Data – JANUARY 2015 -51.2 GB (\$43/GB) of Data Hosted = \$2201.60			\$2,201.60
01/31/15	Bonnie Veis	User Fees– JANUARY 2015 -8 User Fees (\$120/User) = \$960.00			\$960.00
01/31/15	Bonnie Veis	Clearwell Data Hosting – JANUARY 2015 6 GB x \$20/GB = \$120.00 WAIVE 1ST MONTH		NC	--
01/31/15	Bonnie Veis	Clearwell Indexing – JANUARY 2015 6.0 GB x \$120/GB = \$720.00			\$720.00
TOTAL REIMBURSABLE EXPENSES:					\$5,121.60

AMOUNT DUE (THIS INVOICE)	\$8,336.60
----------------------------------	-------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8718
Invoice Date: 02/28/15
Amount Due: \$23,384.30
Billing Period: 02/01/15 - 02/28/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
02/01/15	Corby Mason	Prepare revised search terms for requested four searches per YCST's request to further assess search terms, assess search results, prepare updated search tracking matrix, prepare revised search hits report for YCST (2.5); request Falcon EDD to verify processing for custodian's processed data regarding search returning zero hits (.1).	2.60	\$125.00	\$325.00
02/02/15	Corby Mason	Assess requested revised search terms, prepared revised search hits report and prepare revised searches as requested in Clearwell, assess results, prepare updated search tracking matrix, prepare updated search hits report.	1.60	\$125.00	\$200.00
02/02/15	Corby Mason	Consult with YCST regarding additional collections requested for Ortolfo(s) email accounts, strategize with Mr. Thompson error messages and best means to perform requested collections.	0.20	\$125.00	\$25.00
02/02/15	Mark Thompson	Attend to collection issues re gbrokaw@tbco.com email collection via the internet (1.2)	1.20	\$125.00	\$150.00
02/03/15	Corby Mason	Conduct follow up analysis from YCST's proposed revisions to search requests, provide proposed terms for clarification.	0.30	\$125.00	\$37.50
02/03/15	Christian Pedersen	Travel to/from COLO to deliver drop client HDD off with rest of client HDD's.	0.70	NC	--
02/04/15	Corby Mason	Prepare, assess and revise requested searches per revised search terms provided from YCST, request clarification from YCST regarding intent with terms, explain search errors encountered from too broad of stemming requests, prepare Falcon proposed search terms for YCST's assessment, further assess email addresses for verifying Ergen email accounts and YCST's review, prepare updated search tracking matrix, prepare revised search hits report to YCST; consult with Mr. Thompson regarding reset for services due to slow searching.	4.50	\$125.00	\$562.50
02/04/15	Matthew Porter	Address questions regarding LEF processing issues.	0.90	NC	--
02/04/15	Matthew Porter	Address issues regarding deduplication of new data.	0.60	\$175.00	\$105.00
02/05/15	Corby Mason	Meet and confer with YCST to confirm provided explanation of search hits and search requests intent (1.0), prepare, assess and revise requested searches per revised search terms provided from YCST, request clarification from YCST regarding intent with terms, explain search errors encountered from too broad of stemming requests, prepare Falcon proposed search terms for YCST's assessment, further assess email addresses for verifying Ergen email accounts and YCST's review, prepare updated search tracking matrix, prepare revised search hits report to YCST; consult with Mr. Thompson regarding reset for services due to slow searching (3.5)	4.50	\$125.00	\$562.50

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8718
 Invoice Date: 02/28/15
 Amount Due: \$23,384.30
 Billing Period: 02/01/15 - 02/28/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

02/09/15	Corby Mason	Consult with YCST regarding revised search terms for Ms. Brokaw's collection, prepare revised search hits, assess and provide new search hits report, prepare updated search tracking matrix, confer with YCST regarding updated review layout fields; consult with YCST regarding additional collection requested with DTI Forensics, consult with Mr. Greenwaldt regarding protocol for DTI forensics team. (TOTAL TIME 1.70/NC .50)	1.20	\$125.00	\$150.00
02/10/15	Mark Thompson	Create "Clearwell Export 2015.02.10 A.Brokaw" export (.6)	0.60	\$125.00	\$75.00
02/10/15	Christian Pedersen	Assist Mr. Thompson with export.	0.40	\$125.00	\$50.00
02/10/15	Caroline Palmer	Prepare Clearwell export of A. Brokaw documents for LAW processing; batch process for TIFF conversion; resolve text extraction issues; run DeDupe Utility; export files for loading to Relativity.	1.60	\$165.00	\$264.00
02/10/15	Corby Mason	Meet and confer with Lakshmi regarding additional collection and upcoming data to be shipped to Falcon.	0.20	\$125.00	\$25.00
02/10/15	Corby Mason	Prepare requested documents for export requests, tag population and prepare export searches, prepare export request for Falcon EDD, attend to follow up questions regarding same from Falcon EDD.	0.70	\$125.00	\$87.50
02/11/15	Caroline Palmer	Weekly team status call to discuss status of data processing, loading, and review.	0.10	\$165.00	\$16.50
02/11/15	Caroline Palmer	Prepare Clearwell export of A. Brokaw documents for loading to Relativity; QC same; import coding propagation Application to Workspace; overlay Clearwell metadata and propagate to family groups; run duplication search; circulate load status to team; coordinate Layout and Batch creation per request.	1.80	\$165.00	\$297.00
02/11/15	Jason Witthoft	Created fields and layouts for Post Report Review layout in Lightsquared Derivative workspace.	0.70	\$175.00	\$122.50
02/11/15	Matthew Porter	Address questions regarding device backup collections.	0.30	\$175.00	\$52.50
02/11/15	Corby Mason	Attend to forensic collection requests for DTI team, consult with Ms. Muthu regarding conflicts form information; consultation with Mr. Ehrhart regarding Moskowitz's collection requested from YCST, further assess processing reports and processed data within Clearwell for Moskowitz collection to confirm date's processed, notify Falcon LitTech teams of incoming data via Fed Ex, confirm requested new tagging protocol and layout, request same with Falcon Lit team, provide update to Falcon team via weekly meeting to discuss on-going case status and anticipated work.	1.80	\$125.00	\$225.00
02/11/15	Mark Thompson	Consolidate and update Clearwell indexing status information in light of recent data set processing per Ms. Mason (.9); attend to issues re the processing of iPad and iPhone data (1.6); attend to date range within the Moskowitz data received to date (.6).	3.10	\$125.00	\$387.50
02/12/15	Raymond Klumker III	Attend to current status re incoming data and preparation for processing and loading custodian data with attorney team and Legal Tech group.	0.30	\$95.00	\$28.50
02/12/15	Jason Witthoft	Created coding fields in Relativity workspace and updated layout; attend to communications regarding different levels of fields per review phase.	0.40	\$175.00	\$70.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8718
 Invoice Date: 02/28/15
 Amount Due: \$23,384.30
 Billing Period: 02/01/15 - 02/28/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

02/12/15	Raymond Klumker III	Travel to and from Colo to copy incoming data provided by OC to network staging area; log incoming media to case control tracking.	1.40	\$95.00	\$133.00
02/12/15	Caroline Palmer	Follow-up with team regarding collection of social media data and strategy for processing and loading to Relativity for review.	0.40	\$165.00	\$66.00
02/12/15	Corby Mason	Attend to requests from YCST of new Relativity second level review fields and new batch view creation, consult with Falcon Lit Tech regarding creation of requested fields, assessment of existing Relativity fields and those previously applied in Workspace; confirm with DLS shipping information of YCST's requested collections, request future drives shipped to Falcon be encrypted, providing tracking and notice of incoming data to Falcon Lit Tech team.	0.60	\$125.00	\$75.00
02/13/15	Raymond Klumker III	Attend to current status re incoming data and preparation for processing and loading custodian data with attorney team and Legal Tech group.	0.40	\$95.00	\$38.00
02/13/15	Raymond Klumker III	Copy incoming data provided by OC to network staging area; log incoming media to case control tracking.	0.60	\$95.00	\$57.00
02/13/15	Caroline Palmer	Review contents and file formats of collection of social media data and circle back to team regarding strategy for processing.	0.50	\$165.00	\$82.50
02/13/15	Mark Thompson	Attend to analysis and organization of iPad and iPhone data related to George and Alison Brokaw (3.4); prioritize and organize new custodian data per Ms. Muthu (.9)	4.30	\$125.00	\$537.50
02/13/15	Corby Mason	Consult with YCST regarding received collections to date, request clarification of iPhone data needs and provide update regarding Falcon's expectation of time for processing and searchable index of received data, follow up with Falcon Lit Tech team to discuss clarifications of data received from DLS (YCST vendor) and YCST's priority list for processing data collected and provided to Falcon. (TOTAL TIME .40/NC .30)	0.10	\$125.00	\$12.50
02/14/15	Matthew Porter	Analyze data and address plans for processing and loading SMS files.	0.60	\$175.00	\$105.00
02/14/15	Mark Thompson	Post George Brokaw collections to data processing location (.4); create new Clearwell data source and settings and initiate Pre-discovery (.6)	1.00	\$125.00	\$125.00
02/15/15	Matthew Porter	Address questions regarding handling of Brokaw data.	0.20	\$175.00	\$35.00
02/15/15	Mark Thompson	Attend to organization and analysis of George Brokaw email, iPad, iPhone and Windows 7 PC collections for optimal processing strategy by running email boxes through Advanced Outlook Repair to unlock and prepare them for successful ingestion into Clearwell (2.6); create new Clearwell data source and settings and re-run Pre-processing on unlock email files (.6)	3.20	\$125.00	\$400.00
02/16/15	Raymond Klumker III	Travel to and from Colo to copy incoming data provided by OC to network staging area; log incoming media to case control tracking.	1.20	\$95.00	\$114.00
02/16/15	Jason Witthoft	Attend to communications regarding processing of custodian data in Lightsquared Relativity workspace; conference calls with case management and legal technology team to discuss data composition and processing requirements	0.40	\$175.00	\$70.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8718
 Invoice Date: 02/28/15
 Amount Due: \$23,384.30
 Billing Period: 02/01/15 - 02/28/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

02/16/15	Jason Witthoft	Evaluated content of Mac data for specific custodians in Lightsquared matter. Executed testing in SQLite3 to evaluate extraction of Mac message body text and metadata for processing to Relativity; performed table exports from SQLite3 to evaluate available metadata and composition of resulting files; attend to communications regarding requirements for extraction of data and status of extraction test.	3.10	\$175.00	\$542.50
02/16/15	Raymond Klumker III	Attend to current status re: data processing of received custodian data with Legal Tech team and attorney group.	0.40	\$95.00	\$38.00
02/16/15	Matthew Porter	Attend to questions regarding processing and loading of Brokaw data.	0.70	\$175.00	\$122.50
02/16/15	Caroline Palmer	Internal strategy regarding collection and processing of iOS custodian data; review format of SMS text data with regards to same.	2.20	\$165.00	\$363.00
02/16/15	Mark Thompson	Attend to processing of custodian iPad, iPhone and iCloud collections with Mr. Aberman of the forensics group , Mr. Porter and Ms. Palmer (2.8).	2.80	NC	--
02/16/15	Corby Mason	Meet and confer with YCST regarding iOS collections and Falcon's strategy and efforts to process data per YCST's request, meet and confer with Falcon Lit Tech and EDD teams to prepare strategy for processing iOS and additional collections provided by YCST's vendor DLS per YCST's priority list for data, consultation with DLS regarding iOS data format provided and processing tools suggested for extracting data. (TOTAL TIME 1.50/NC .50)	1.00	\$125.00	\$125.00
02/17/15	Raymond Klumker III	Attend to current status re: data processing of received custodian data with Legal Tech team and attorney group.	0.60	\$95.00	\$57.00
02/17/15	Mark Thompson	Attend to iOS data processing requirements and alternatives with DLSForensics (1.6); attend to issues re Ortolf Gmail collection (1.7). (TOTAL TIME 3.30/NC 1.7)	1.60	\$125.00	\$200.00
02/17/15	Jason Witthoft	Executed testing in SQLite3 to evaluate extraction of Mac message data and attachments, and processing to Relativity as unitized families; performed table exports from SQLite3 to evaluate available metadata and composition of resulting files; attend to communications regarding requirements for extraction of data and status of extraction test.	2.30	\$175.00	\$402.50
02/17/15	Cody Greenwaldt	Discuss handling of various collections for indexing and searching in Clearwell; attend call with YCST to discuss status of collection handling.	1.60	\$175.00	\$280.00
02/17/15	Caroline Palmer	Internal strategy regarding iOS backup data for processing and loading to Relativity.	0.50	\$165.00	\$82.50
02/17/15	Matthew Porter	Address issues regarding handling of device data collections.	1.40	\$175.00	\$245.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8718
 Invoice Date: 02/28/15
 Amount Due: \$23,384.30
 Billing Period: 02/01/15 - 02/28/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunite

02/17/15	Corby Mason	Meet and confer with Mr. Greenwaldt regarding Falcon EDD processing status of iOS data provided by DLS; meet and confer with Falcon EDD and Lit Tech team to discuss capability to process collections provided by DLS, status of processing per priority list provided by YCST and proceeding with email processing, while strategize plan for iOS data processing; meet and confer with DLS regarding their capability to process iOS data and format of processed data for loading to Relativity; meet and confer with Digital Strata regarding capability of processing iOS collections and provided load file of data and associated attachments for searching and loading to Relativity; meet and confer with DTI Forensic team to discuss capability to provide processed iOS collections; meet and confer with YCST to propose options of Falcon to handle and provide processed data of iOS collections received; provide update to Falcon EDD and Lit Tech team regarding new processing priority list requested by YCST.	1.80	\$125.00	\$225.00
02/18/15	Mark Thompson	Organize Ortolf Desktop, AOL, Facebook and MacBook Air collections for processing and initiate Pre-discovery (1.6); analyze pre-discovery results and initiate processing (.8)); attend to Ortolf corrupt/failed email collection (.9)	3.30	\$125.00	\$412.50
02/18/15	Corby Mason	Consult with Ms. Bradley regarding proceeding with request search of Clearwell data, confirm requested search terms, prepare updated search criteria, assess search hits, prepare updated search tracking matrix, prepare and provide search hits results to YCST, prepare specified search hits to tag and export search for export request to Falcon EDD and Lit Tech teams, prepare export requests with specified criteria and identifying existing Relativity duplicates of Clearwell search hits per YCST requests.	1.20	\$125.00	\$150.00
02/18/15	Raymond Klumker III	Attend to current status re incoming data and preparation for processing and loading custodian data with attorney team and Legal Tech group.	0.30	\$95.00	\$28.50
02/18/15	Corby Mason	Consult with Mr. Burg regarding format for receiving Moskowitz collection and processing plan, provide update to YCST regarding processing status of collections and estimated time for searchable data set, attend to request for new review fields to Relativity coding layout.	0.60	\$125.00	\$75.00
02/19/15	Caroline Palmer	Prepare export of Clearwell documents for LAW processing; QC ED Session loader logs; merge date and time metadata fields; resolve extracted text issues with Image and OCR processing jobs.	1.50	\$165.00	\$247.50
02/19/15	Caroline Palmer	Weekly Legal Tech Dept meeting to discuss status of processing and loading data in Clearwell and Relativity.	0.10	\$165.00	\$16.50
02/19/15	Mark Thompson	Download and extract Moskowitz email collection (.6); attend to Lillis invalid email file resolution (.5); Organize Lillis, Moskowitz and Ortolf collections for processing and initiate Pre-discovery (2.4); analyze pre-discovery results and initiate processing (.8); Filter and normalize Brokaw Windows 7 PC collection data for processing in Clearwell (1.2); create "Clearwell Export 2015.02.10 6 non-SLC Board Members" (.8)	6.50	\$125.00	\$812.50

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8718
 Invoice Date: 02/28/15
 Amount Due: \$23,384.30
 Billing Period: 02/01/15 - 02/28/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

02/19/15	Corby Mason	Provide status update to YCST of processing, relay issues with received email collection for Mr. Lillis and request overnight of collection.	0.30	\$125.00	\$37.50
02/20/15	Mark Thompson	Attend to re-issued Lillis email download and extraction (.4); create new data source and settings and initiate pre-discovery of Lillis email (.7)	1.10	\$125.00	\$137.50
02/20/15	Corby Mason	Notify YCST of current processing status, assess requested search criteria and follow up with initial clarifications for requests.	0.20	\$125.00	\$25.00
02/20/15	Caroline Palmer	Prepare LAW processed Clearwell data for loading to Relativity; follow-up with team regarding status of same.	0.80	\$165.00	\$132.00
02/20/15	Caroline Palmer	Internal updates and strategy regarding processing of Clearwell data for loading to Relativity.	0.50	\$165.00	\$82.50
02/20/15	Caroline Palmer	Prepare export of Clearwell natives, text, and metadata from LAW Prediscovery for overlay to Relativity; resume OCR batch processing to resolve additional extracted text issues.	1.20	\$165.00	\$198.00
02/21/15	Jason Witthoft	Performed user account maintenance for outside counsel per request, to enable review of material in Lightsquared Derivative Relativity workspace.	0.20	\$175.00	\$35.00
02/21/15	Corby Mason	Consultation with Ms. Palmer regarding Clearwell export of and identification of existing duplicates; prepare newly loading documents and existing duplicates with Post-Report review population and review batches of same, notify YCST of new review batches and requests if updates are needed to review coding layout.	1.50	\$125.00	\$187.50
02/21/15	Mark Thompson	Repair locked Brokaw PSTs for processing in Clearwell (1.2)	1.20	\$125.00	\$150.00
02/21/15	Caroline Palmer	QC OCR processing in LAW and prepare subset of text files for export in preparation for overlay to Relativity.	0.40	\$165.00	\$66.00
02/21/15	Caroline Palmer	QC data load in Relativity; prepare overlay of Clearwell metadata; review error report to identify original duplicates in Relativity; analyze discrepancies with document totals; strategize with C. Mason regarding clean-up of duplicates in Relativity and setting up saved searches and review batches; prepare overlay of updated OCR to Relativity records.	2.80	\$165.00	\$462.00
02/22/15	Mark Thompson	Create new source and settings for George Brokaw Windows 7 PC collection and initiate pre-discovery (.8); analyze results for Lillis pre-discovery and initiate processing (.4)	1.20	\$125.00	\$150.00
02/22/15	Corby Mason	Attend to new user credential requests from YCST, consult with Mr. Witthoft regarding password reset for all requested users, meet and confer with Ms. Bradley regarding requested new review coding fields and choices, prepare same, and provide assistance for navigating to appropriate batch documents and search criteria for new review fields.	1.30	\$125.00	\$162.50
02/22/15	Jason Witthoft	Attend to communications regarding workspace coding layout updates and revisions in Lightsquared Derivative Relativity workspace; established additional outside counsel accounts and group update to prepare for review; confirmed status of users and updates.	0.70	\$175.00	\$122.50

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8718
Invoice Date: 02/28/15
Amount Due: \$23,384.30
Billing Period: 02/01/15 - 02/28/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: LightSquared LP, et al. v.
SP Special Opportunitie

02/22/15	Corby Mason	Consultation with Mr. Thompson regarding updated processing status and provide proposed search workflow to YCST, confirm search criteria and requests with YCST, prepare requested keyword search, updated search tracking matrix, prepare search hits report to YCST.	2.50	\$125.00	\$312.50
02/23/15	Corby Mason	Consultation with Mr. Thompson regarding status of processing, confirm revised search criteria and eight (8) search requests with YCST, prepare requested revised keyword searches, updated search tracking matrix, prepare updated search hits report to YCST.	3.20	\$125.00	\$400.00
02/23/15	Mark Thompson	Initiate processing for Brokaw Windows 7 PC collection (.3); QC Lillis and Brokaw indexing results (.8); normalize custodian names in entire Lightsquared index (.6)	1.70	\$125.00	\$212.50
02/24/15	Corby Mason	Confirm continued revised search criteria and eight (9) search requests with YCST, prepare requested revised keyword searches, updated search tracking matrix, prepare updated search hits report to YCST.	3.50	\$125.00	\$437.50
02/25/15	Caroline Palmer	Strategy and correspondence with C. Mason and M. Thompson regarding best approach for processing and loading of search export requests from Clearwell; review export requests.	1.20	\$165.00	\$198.00
02/25/15	Corby Mason	Prepare finalized nine (9) search requests, prepare search tracking tags and tag population for Clearwell overlay, prepare updated search tracking report and updated search tracking matrix.	2.40	\$125.00	\$300.00
02/25/15	Corby Mason	Consultation with YCST regarding workflow and efficiency for exporting and processing search requested.	0.30	\$125.00	\$37.50
02/25/15	Mark Thompson	Attend to Case export alternatives for the most expedient processing into Relativity with Ms. mason and Ms. Palmer (.7)	0.70	\$125.00	\$87.50
02/26/15	Corby Mason	Attend to YCST requests to image documents and prepare workflow for rolling image sets, confirm export and overlay of custodian information to YCST as requested.	0.40	\$125.00	\$50.00
02/26/15	Caroline Palmer	Prepare consolidated Clearwell exports for importing to LAW; monitor progress; review ED Session Loader logs; resolve text extraction issues with Image and OCR sets; review and retry errors.	1.60	\$165.00	\$264.00
02/26/15	Corby Mason	Prepare documents for combined export of nine search requests from YCST, prepare export request with specified criteria for Relativity de-duplication, Clearwell overlay of tags and load folder naming, prepare revised search for Ergen emails, prepare additional export request of same.	1.60	\$125.00	\$200.00
02/26/15	Caroline Palmer	Review security group permissions for mass printing and imaging in Relativity Workspace; generate images in Relativity per OSC request; troubleshoot image processing issues with DTI support.	0.80	\$165.00	\$132.00
02/26/15	Jason Witthoft	Performed review of user group permissions with regard to print capability in Lightsquared workspace, per request from Ms. Bradley / YCST.	0.20	\$175.00	\$35.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8718
 Invoice Date: 02/28/15
 Amount Due: \$23,384.30
 Billing Period: 02/01/15 - 02/28/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

02/26/15	Mark Thompson	Create "Export Search 2-26-2015 (LS Derivative, combined export requests" for processing into Relativity (2.2); attend to issues re possible Ortoff EchoStar email collection (.4); create "Export Search 2-26-2015 (LS Derivative, supplemental Ergen emails" (.8)	3.40	\$125.00	\$425.00
02/27/15	Caroline Palmer	Prepare consolidated Clearwell exports for loading to Relativity; update metadata field mapping profile; QC data load; prepare overlay of Clearwell metadata; identify original duplicates in saved search; correspondence with C. Mason regarding same; prepare overlay of date and time metadata from LAW to Relativity.	2.80	\$165.00	\$462.00
02/27/15	Caroline Palmer	Prepare export of natives, text, and metadata from LAW Prediscovery in preparation for loading to Relativity.	0.50	\$165.00	\$82.50
02/27/15	Jason Witthoft	Attend to communications regarding imaging status in Lightsquared workspace; performed check of images in Relativity to verify status, performed check of imaged records against tag identifying material required for imaging.	0.60	\$175.00	\$105.00
02/27/15	Corby Mason	Attend to YCST requests for documents set to be imaged, prepare search to capture requested documents for imaging, provide suggested workflow and new tag to address requests for imaging data sets on rolling basis; consultation with Ms. Palmer regarding processing status of Clearwell export and identification of existing duplicates within workspace.	0.40	\$125.00	\$50.00
02/28/15	Jason Witthoft	Executed imaging search and imaging set in Lightsquared Relativity workspace to facilitate review; attend to communications regarding imaging, field creation and parsing Clearwell tags into multiple-choice field for review display.	1.30	\$175.00	\$227.50
02/28/15	Caroline Palmer	Prepare supplemental Clearwell export for loading to Relativity; QC same; prepare overlay of Clearwell metadata; circulate update to team; internal strategy regarding preparation of multichoice Clearwell tag fields in Relativity.	1.50	\$165.00	\$247.50
02/28/15	Caroline Palmer	Prepare supplemental Clearwell export for LAW processing; QC same and export files for loading to Relativity.	0.60	\$165.00	\$99.00
02/28/15	Corby Mason	Prepare updated post-report review population of newly loaded Clearwell data and existing duplicates within Relativity, prepare requested priority custodian review batches, prepare update to YCST regarding same and request notification for additional priority custodians for review; consultation with Mr. Witthoft regarding request to create choice field in Relativity of Clearwell Tags to accomplish identifying YCST Clearwell search requests, prepare and requests document set for imaging.	1.20	\$125.00	\$150.00

TOTAL PROFESSIONAL FEES:	124.50	\$16,557.50
---------------------------------	---------------	--------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8718
Invoice Date: 02/28/15
Amount Due: \$23,384.30
Billing Period: 02/01/15 - 02/28/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: LightSquared LP, et al. v.
SP Special Opportunitie

Date	Source	Description	Quantity	Rate	Amount
02/28/15	Bonnie Veis	Clearwell Data Hosting – FEBRUARY 2015 68 GB x \$20/GB = \$1360.00			\$1,360.00
02/28/15	Bonnie Veis	Law Processing – FEBRUARY 2015 11.10 GB x \$250/GB = \$2775.00			\$2,775.00
02/28/15	Bonnie Veis	Clearwell Indexing – FEBRUARY 2015 39 GB x \$120/GB = \$4680.00 WAIVED FOR THE 1st MONTH		NC	--
02/28/15	Bonnie Veis	User Fees– FEBRUARY 2015 18 User Fees (\$120/User) = \$2160.00			\$2,160.00
02/28/15	Bonnie Veis	Hosted Data – FEBRUARY 2015 62.1 GB (\$30/GB) of Data Hosted = \$1863.00 CREDIT -RELATIVITY RATE REDUCTION 2 MONTHS (\$43/GB - \$30/GB) x 51.2 GB = \$665.60 x 2 months = \$1331.20 CREDIT			\$531.80
TOTAL REIMBURSABLE EXPENSES:					\$6,826.80

AMOUNT DUE (THIS INVOICE)	\$23,384.30
----------------------------------	--------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8913
Invoice Date: 03/31/15
Amount Due: \$16,932.50
Billing Period: 03/01/15 - 03/31/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: LightSquared LP, et al. v.
SP Special Opportunitie

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
03/01/15	Jason Witthoft	Attend to communications regarding field choices for specific field in Lightsquared Derivative Relativity workspace; perform export of field data and configured to load to Relativity as multiple choices under new specific field, to enable cohesive searching of tag values. Perform revision to choices per communications. Perform requested imaging in Relativity workspace; set up imaging sets and reviewed status; perform check of specific files in imaging sets.	3.40	\$175.00	\$595.00
03/02/15	Caroline Palmer	Correspondence and planning regarding supplemental requests for Clearwell exports from YCST.	0.30	\$165.00	\$49.50
03/03/15	Caroline Palmer	Modify Workspace fields and review layout per request.	0.20	\$165.00	\$33.00
03/03/15	Matthew Porter	Address questions regarding data overlay and Relativity configuration for same.	0.40	\$175.00	\$70.00
03/03/15	Jason Witthoft	Attend to communications regarding field choices in Lightsquared Derivative Relativity workspace; review listing of existing tags against list of field choices to retain; perform coding updates to enable field activity.	0.30	\$175.00	\$52.50
03/03/15	Corby Mason	Attend to requests for creation of additional coding fields to second-level review category for YCST, prepare additional fields per requests.	0.20	\$125.00	\$25.00
03/04/15	Corby Mason	Attend to and prepare additional tag requested for YCST for second level review category.	0.20	\$125.00	\$25.00
03/05/15	Mark Thompson	Download and stage Ortoff EchoStar email collection for indexing (.9); create new data source and settings and initiate pre-discovery (.6); analyze pre-discovery results and initiate indexing (.4).	1.90	\$125.00	\$237.50
03/05/15	Caroline Palmer	Weekly team status call to discuss status of case.	0.10	\$165.00	\$16.50
03/05/15	Corby Mason	Attend to notice from DISH of new collection of Ortoff data for Falcon's processing and searching, consultation with Mr. Greenwaldt regarding access to PST posted on GoogleDrive, confer with Mr. Thompson regarding processing status.	0.30	\$125.00	\$37.50
03/06/15	Jason Witthoft	Execute on deletion of unnecessary Clearwell tags in Lightsquared Derivative Relativity workspace to enable targeted searching on tag values. Perform export of existing field values to verify status of updating specific custodian population with values.	0.60	\$175.00	\$105.00
03/06/15	Mark Thompson	QC overnight Ortoff indexing result (.8); create "Export Search 3-06-15 (LS Derivative, add'l Ortoff Hits)" (.8); create Export Search 2-10-15 (LS Derivative, A.Brokaw) and Export Search 2-18-15 (LS Derivative, 6 non-SLC Board Members) (1.4).	3.00	\$125.00	\$375.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8913
 Invoice Date: 03/31/15
 Amount Due: \$16,932.50
 Billing Period: 03/01/15 - 03/31/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

03/06/15	Corby Mason	Assess newly indexed data and prepare three (3) search request, assess search hits, prepare and tag updated Clearwell search tracking tags, prepare updated search tracking matrix, prepare search hits report to YCST, prepare requested search hits for requested export of same, consultation with Falcon EDD and Lit Tech regarding export requested and specifications of same.	2.20	\$125.00	\$275.00
03/06/15	Corby Mason	Consultation with Mr. Witthoft regarding Clearwell tags overlay and new multi-choice field in Relativity, further clarify Clearwell data for deletion and cleanup in Relativity, meet and confer with Mr. Thompson regarding updated Clearwell tags for overlay to Relativity for multi-choice field values.	0.30	\$125.00	\$37.50
03/09/15	Corby Mason	Attend to request from YCST to investigate possible processing errors of specified documents in Relativity, review and assess documents and confirm no processing errors to YCST.	0.30	\$125.00	\$37.50
03/09/15	Caroline Palmer	Prepare supplemental Clearwell export of Ergen emails for LAW processing; QC same and export files for loading to Relativity.	0.90	\$165.00	\$148.50
03/09/15	Caroline Palmer	Prepare supplemental Clearwell export of Ergen emails for loading to Relativity; QC same; prepare overlay of Clearwell metadata and circulate update to team.	0.80	\$165.00	\$132.00
03/10/15	Caroline Palmer	Respond to OSC request for date sorting by family group in Relativity; run Parent Date propagation script and QC OSC saved search of documents for sorting; update Clearwell tag multichoice field for all Ergen email documents in Relativity; internal strategy regarding same.	2.20	\$165.00	\$363.00
03/10/15	Corby Mason	Attend to request from YCST regarding date sent differences in different Relativity viewer and native options, consultation with Ms. Palmer regarding same; follow up with Mr. Witthoft regarding Clearwell Search tags and final clean up and overlay from most recent Clearwell export, assess final Clearwell multi-choice field and provide update to YCST of location and use of Clearwell search field in Relativity.	0.50	\$125.00	\$62.50
03/10/15	Caroline Palmer	Concatenate date and time metadata fields in LAW across all processed data in preparation for overlay to Relativity.	1.00	\$165.00	\$165.00
03/11/15	Corby Mason	Provide update to YCST of planned out of office time and coordinate any anticipated requests with internal Falcon team.	0.10	\$125.00	\$12.50
03/11/15	Caroline Palmer	Perform clean-up of Clearwell Tag choices in Relativity per request; overlay additional concatenated date metadata fields from LAW to Relativity and re-run Parent date propagation script.	1.60	\$165.00	\$264.00
03/16/15	Caroline Palmer	Circulate inquiry to DTI Relativity support regarding Date/Time concatenate script for use in DISH LS Workspace.	0.50	\$165.00	\$82.50
03/17/15	Caroline Palmer	Review OSC requests for saved search imaging in Relativity; overlay LAW generated TIFFs, QC time stamps for emails; troubleshoot issue file types.	1.20	\$165.00	\$198.00
03/17/15	Corby Mason	Attend to YCST's requests for additional imaging of specified population, consultation with Mr. Palmer regarding specific population for image request and erred files, follow up with YCST with status update and time frame for images to be available, attend to requests to re-image files from landscape to portrait view.	0.40	\$125.00	\$50.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8913
 Invoice Date: 03/31/15
 Amount Due: \$16,932.50
 Billing Period: 03/01/15 - 03/31/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

03/17/15	Caroline Palmer	Generate TIFFs in LAW Prediscovery for overlay to Relativity per OSC request; review and retry errors; export images for overlay to Relativity.	1.20	\$165.00	\$198.00
03/18/15	Caroline Palmer	Weekly Legal Tech Dept meeting to discuss status of case.	0.20	\$165.00	\$33.00
03/18/15	Caroline Palmer	Generate TIFFs in LAW Prediscovery for overlay to Relativity per OSC request; export images for overlay to Relativity.	1.50	\$165.00	\$247.50
03/18/15	Caroline Palmer	Review additional OSC requests for saved search imaging in Relativity; overlay LAW generated TIFFs; QC same.	1.40	\$165.00	\$231.00
03/18/15	Matthew Porter	Attend to imaging issues.	0.30	\$175.00	\$52.50
03/18/15	Corby Mason	Continued consultation with YCST regarding requested images, prepare saved search of erred image files to confirm if documents need images, bulk update per YCSTs to remove from "To Image" population, consultation with Ms. Palmer regarding LAW image settings and possible resolutions with portrait versus landscape imaging, receipt of 10 search requests from YCST, assess and follow up with clarifying questions of same, begin preparation of search tracking tags for Clearwell and updated search tracking matrix.	2.60	\$125.00	\$325.00
03/19/15	Caroline Palmer	Strategize with C. Mason regarding search logic and OSC Clearwell search requests.	0.50	\$165.00	\$82.50
03/19/15	Caroline Palmer	Identify documents for imaging and overlay LAW generated TIFFs to Relativity; QC same.	0.70	\$165.00	\$115.50
03/19/15	Caroline Palmer	Generate additional TIFFs in LAW Prediscovery per OSC request.	1.10	\$165.00	\$181.50
03/19/15	Corby Mason	Continued preparation of search tracking matrix, assess search results and prepare search hits reports per YCST's requests, providing search results by terms for excluding previously exported documents for post-report phase and across 10 requested searches, prepare search hits report, consultation with Mr. Hollinder regarding results and explanation of same.	4.80	\$125.00	\$600.00
03/19/15	Brandon Hollinder	Discuss search results and number discrepancies explaining same with Ms. Mason.	0.40	\$150.00	\$60.00
03/20/15	Corby Mason	Continued preparation of requested 10 searches, assess results and prepare search hits report per YCST's requested criteria, consultation with Ms. Teeter regarding explanation of search hits across requested 10 search terms, provide search results to YCST and corresponding explanation of search hits report.	3.70	\$125.00	\$462.50
03/23/15	Corby Mason	Consultation with Ms. Bradley regarding requested revisions to search requests, and attend to follow up questions of provided search results and search parameters, prepare revised search requests, assess results, prepare updated search tracking matrix, prepare update search hits report of same to YCST.	4.80	\$125.00	\$600.00
03/24/15	Caroline Palmer	Weekly team call to discuss status of case; review correspondence with OSC regarding search requests for processing and loading to Relativity.	0.30	\$165.00	\$49.50
03/24/15	Mark Thompson	Create "Export Search 3-24-15 (LS Derivative, 3-18-15 Searches_No 7)".	1.30	\$125.00	\$162.50

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 8913
 Invoice Date: 03/31/15
 Amount Due: \$16,932.50
 Billing Period: 03/01/15 - 03/31/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

03/24/15	Corby Mason	Continue consultation with Ms. Bradley regarding requested revisions to search requests, and attend to follow up questions of provided search results and search parameters, prepare additional revised search requests, assess results, prepare updated search tracking matrix, prepare update search hits report of same to YCST.	3.20	\$125.00	\$400.00
03/25/15	Caroline Palmer	Prepare Clearwell export for LAW processing; batch process for TIFF conversion; review and retry errors; resolve text extraction issues; export files for loading to Relativity.	1.20	\$165.00	\$198.00
03/25/15	Corby Mason	Continue consultation with Ms. Bradley regarding follow up questions and clarifications of search parameters, export requests for search hits, prepare revised search hits report of requested four searches, assess results of same, update search tracking matrix, prepare search hits report of same, assess and tag newly processed and loaded data to Relativity for post-review population, identifying existing duplicates of same, prepare requested review batch for said population, attend to review batch view issues of Ms. Bradley, prepare saved search for Ms. Bradley's review of said population.	2.70	\$125.00	\$337.50
03/25/15	Mark Thompson	Create "Export Search 3-24-15 (LS Derivative, 3-18-15 Searches_No 7 Add'l Hits)" and Metadata Overlay.	1.40	\$125.00	\$175.00
03/25/15	Caroline Palmer	Prepare Clearwell documents for loading to Relativity; QC same; prepare overlay of updated Clearwell metadata; identify and clean-up duplicates in Workspace for attorney review and tagging; clean-up Clearwell Tag choice fields in Workspace; prepare images for additional documents per OSC request; troubleshoot OSC issues with batch views in Relativity.	2.40	\$165.00	\$396.00
03/25/15	Jason Witthoft	Performed testing of batch count and record visibility in Lightsquared Relativity workspace, per communications from Ms. Bradley / YCST.	0.30	\$175.00	\$52.50
03/25/15	Brandon Hollinder	Discuss Clearwell popup picker searches with Ms. Mason.	0.20	\$150.00	\$30.00
03/30/15	Caroline Palmer	Prepare Clearwell export for LAW processing; retry errors; merge date and time fields; resolve extracted text issues with batch Image and OCR processing sets; QC same.	2.20	\$165.00	\$363.00
03/30/15	Corby Mason	Attend to requests from YCST to export three search hits results, prepare specified search results for export requests, prepare updated search tracking matrix, provide export specifications of same to Falcon EDD and Lit Tech teams.	0.80	\$125.00	\$100.00
03/30/15	Mark Thompson	Create "Export Search 3-30-15 (LS Derivative, 3-18-15 Searches_No 3, 8-10)" and Metadata overlay.	1.40	\$125.00	\$175.00
03/31/15	Caroline Palmer	Coordinate with DTI regarding processing of Clearwell export; prepare DVD of Clearwell natives with regards to same.	1.00	\$165.00	\$165.00
03/31/15	Corby Mason	Prepare revised search terms for three requested search requests, per YCST's instruction, prepare updated search tracking matrix of same, prepare search hits report of results, per YCST's instruction, consultation with Falcon EDD regarding clarification of processed date ranges of specified custodians, per request from YCST.	2.80	\$125.00	\$350.00

TOTAL PROFESSIONAL FEES:**67.30****\$9,592.50**

Thursday, April 02, 2015

Invoice, Page 4

***Redacted items were not billed in this matter.**

Page No. 349

JA010554

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 8913
Invoice Date: 03/31/15
Amount Due: \$16,932.50
Billing Period: 03/01/15 - 03/31/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

Date	Source	Description	Quantity	Rate	Amount
03/31/15	Bonnie Veis	Law Processing -MARCH 2015 2.8 GB x \$250/GB = \$700.00			\$700.00
03/31/15	Bonnie Veis	Hosted Data – MARCH 2015 -74 GB (\$30/GB) of Data Hosted = \$2220.00			\$2,220.00
03/31/15	Bonnie Veis	User Fees– MARCH 2015 -19 User Fees (\$120/User) = \$2280.00			\$2,280.00
03/31/15	Bonnie Veis	Clearwell Indexing – MARCH 2015 1 GB x \$120/GB = \$120.00 WAIVED 1st MONTH		NC	--
03/31/15	Bonnie Veis	Clearwell Data Hosting – MARCH 2015 107 GB x \$20/GB = \$2140.00			\$2,140.00
TOTAL REIMBURSABLE EXPENSES:					\$7,340.00

AMOUNT DUE (THIS INVOICE)	\$16,932.50
----------------------------------	--------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 9089
Invoice Date: 04/30/15
Amount Due: \$14,480.53
Billing Period: 04/01/15 - 04/30/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: LightSquared LP, et al. v.
SP Special Opportunitie

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
04/01/15	Caroline Palmer	Receive and QC DTI processed data; stage data for loading; review missing data and follow-up with processing team regarding format of deliverables.	1.50	\$165.00	\$247.50
04/01/15	Mark Thompson	Attend to Clearwell indexing status and date spectrum included in collected custodian data sets.	1.20	\$125.00	\$150.00
04/01/15	Caroline Palmer	Internal strategy and correspondence regarding upcoming request for production.	0.30	\$165.00	\$49.50
04/01/15	Corby Mason	Continued consultation with Falcon EDD regarding Clearwell reporting of processed dates for specified custodians to clarify contradicting data ranges; meet and confer with Ms. Bradley regarding clarification of processed date ranges for said custodians, upcoming production and image requests.	0.60	\$125.00	\$75.00
04/02/15	Corby Mason	Attend to YCST's requests for specified document population for imaging, verify document population and requests same from Lit Tech team; assess newly loaded data to Relativity of requested Clearwell export population, prepare and tag for updated Post-Review population, prepare requested review batch set of same per specified batching criteria, provide location and details of newly loaded Clearwell export, previously existing data from export requests and updated Post-Review population prepared for YCST's review.	1.00	\$125.00	\$125.00
04/02/15	Corby Mason	Meet and confer with Ms. Palmer regarding strategy for exporting requested search requests population and tracking same for batching in Relativity, per YCST's specific batching request, prepare specified search requests and hits for requested exports from YCST, prepare and update search tracking tags in Clearwell per requested search requests for exporting to Relativity, finalize export population and prepare export tag and tracking searches in Clearwell, prepare specified export criteria to Falcon EDD and Lit Tech teams, attend to follow up clarification questions of same from Lit Tech.	1.80	\$125.00	\$225.00
04/02/15	Caroline Palmer	Prepare DTI processed data for loading to Relativity; QC same; prepare overlay of updated Clearwell metadata; identify duplicates and missing records; propagate Clearwell tags to multichoice field and perform clean-up of tag choices per request; review OSC request for imaging of saved search; generate TIFFs and QC same.	2.80	\$165.00	\$462.00
04/02/15	Mark Thompson	Create "Export Search 4-02-15 (LS Derivative, 3-18-15 Searches_No 1, 2 & 5" and metadata Overlay for loading into Relativity.	1.60	\$125.00	\$200.00
04/02/15	Caroline Palmer	Review request for additional Clearwell export; QC export results and prepare on media for transfer to DTI processing center.	0.50	\$165.00	\$82.50

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 9089
 Invoice Date: 04/30/15
 Amount Due: \$14,480.53
 Billing Period: 04/01/15 - 04/30/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

04/03/15	Caroline Palmer	Prepare additional DTI processed data of Clearwell exports for loading to Relativity; QC same; prepare overlay of updated Clearwell metadata; identify existing records for review tagging; propagate Clearwell tags to multichoice field and perform clean-up of tag choices per request; update dtSearch index.	2.20	\$165.00	\$363.00
04/03/15	Corby Mason	Assess newly loaded data to Relativity of requested Clearwell export population, prepare and tag for updated Post-Review population, prepare requested three review batch sets of same per specified batching criteria, provide location and details of newly loaded Clearwell export, previously existing data from export requests and updated Post-Review population prepared for YCST's review.	1.40	\$125.00	\$175.00
04/06/15	Caroline Palmer	Update/populate Parent date Relativity field for recently loaded documents per OSC request.	0.60	\$165.00	\$99.00
04/06/15	Corby Mason	Attend to YCST's request for Parent_date field population, request script application from Falcon Lit Tech team, attend to Relativity credentials requests for YCST IT regarding technical issues experienced on YCST's network.	0.30	\$125.00	\$37.50
04/07/15	Jason Witthoft	Perform user account administration in Lightsquared Realtivity workspace.	0.20	\$175.00	\$35.00
04/07/15	Caroline Palmer	Set up additional YCST end user with Relativity access per request; follow-up with DTI regarding identification and clean-up of placeholder TIFFs in Relativity in preparation for upcoming production.	0.60	\$165.00	\$99.00
04/07/15	Corby Mason	Attend to Relativity password reset request from YCST attorney, confirm with Ms. Muthu that attorney should be enable, request same with Mr. Witthoft, follow up with Falcon Lit Tech regarding YCST's technical issues and confirm resolution.	0.60	\$125.00	\$75.00
04/08/15	Caroline Palmer	Weekly Legal Tech Dept meeting to discuss status of case.	0.10	\$165.00	\$16.50
04/08/15	Caroline Palmer	Run search across all records with placeholder images and clean-up Workspace in preparation for production; QC same.	0.50	\$165.00	\$82.50
04/08/15	Jason Witthoft	Perform testing in Lightsquared Relativity workspace per advisement from outside counsel team regarding functionality; attend to communications regarding status.	0.30	\$175.00	\$52.50
04/08/15	Matthew Porter	Address Relativity access and performance issues.	0.60	\$175.00	\$105.00
04/09/15	Corby Mason	Attend to Ms. Muthu's requests for additional specified population to prepare Relativity images, follow up with Ms. Muthu regarding imaging of excels and audio files; consultation with Ms. Muthu regarding potential upcoming production and estimated time for delivery by Falcon, as well as general questions from Ms. Muthu regarding production specifications form.	0.30	\$125.00	\$37.50
04/09/15	Caroline Palmer	Generate TIFFs in Relativity per OSC request; QC same and review errors.	1.50	\$165.00	\$247.50
04/13/15	Corby Mason	Attend to requests for two additional Relativity fields for YCST's second level review, prepare requested fields in Relativity and review layout.	0.30	\$125.00	\$37.50

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 9089
 Invoice Date: 04/30/15
 Amount Due: \$14,480.53
 Billing Period: 04/01/15 - 04/30/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

04/15/15	Corby Mason	Prepare Clearwell search to capture all requested Post-Review exported documents requests for Relativity Clearwell Search choices overlay in Relativity, request specifications of same to Falcon EDD and Lit Tech teams; attend to notification of particular document's image missing header/footer text, consultation with Falcon Lit Tech and requested quality control review of similar file types based on confirmation from DTI processing team of default imaging settings, confer with Ms. Muthu regarding same; consultation with Ms. Muthu regarding finalizing production specifications and general discussion of production timing for processing and delivery method anticipated.	1.50	\$125.00	\$187.50
04/15/15	Caroline Palmer	Investigate issues with missing header/footer information in images for select documents in Relativity; perform QC of PowerPoint files; following up with DTI Tech team regarding print options; reimage select documents and QC same.	2.20	\$165.00	\$363.00
04/15/15	Mark Thompson	Create new consolidated metadata overlay file for Export Search 3-24-15 (LS Derivative, 3-18-15 Searches_No 7 Add'l Hits), Export Search 3-30-15 (LS Derivative, 3-18-15 Searches_No 3, 8-10), Export Search 3-24-15 (LS Derivative, 3-18-15 Searches_No 7), Export Search 2-26-15 (LS Derivative combined search requests), Export Search 2-10-15 (LS Derivative, A.Brokaw), Export Search 3-06-15 (LS Derivative, add'l Ortolf Hits), Export Search 2-26-15 (LS Derivative, supplemental Ergen emails) Export Search 2-18-15 (LS Derivative, 6 non-SLC Board Members) and Export Search 4-02-15 (LS Derivative, 3-18-15 Searches_No 1, 2 & 5).	2.00	\$125.00	\$250.00
04/16/15	Corby Mason	Meet and confer with Ms. Palmer and Ms. Muthu regarding overview of production specifications form provided by YCST and clarifications of requested format and metadata; prepare requested Production tag in Relativity for YCST's use.	0.80	\$125.00	\$100.00
04/16/15	Caroline Palmer	Conference call with YCST to discuss production specification form for upcoming production of documents out of Relativity.	0.80	\$165.00	\$132.00
04/20/15	Mark Thompson	Attend to "Export Search 4-20-15 (LS Derivative, Processing Errors 01)" to create viable copies of corrupt or partially corrupt index items.	1.40	\$125.00	\$175.00
04/20/15	Corby Mason	Prepare Clearwell search of documents including in post-report search populations for clean-up of Clearwell search tracking tags, requests export overlay file of same with specified exports for inclusion from Falcon EDD and Lit Tech teams, attend to notification of original Clearwell files designated for export and loading to Relativity that were not in Relativity, prepare saved search of same and assess results, prepare documents for export request and request export from Falcon EDD with specifications regarding export, processing and loading, notify YCST of new documents to be loaded to Relativity for initial YCST review (1.5); attend to image request from YCST, follow up regarding erred or no image files with cross reference export of same to confirm with YCST these files image request status (0.5).	2.00	\$125.00	\$250.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 9089
 Invoice Date: 04/30/15
 Amount Due: \$14,480.53
 Billing Period: 04/01/15 - 04/30/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: LightSquared LP, et al. v.
 SP Special Opportunitie

04/20/15	Caroline Palmer	Prepare overlay of updated Clearwell metadata and propagate to family groups; perform clean-up of multichoice fields in Relativity and identify missing Clearwell doc IDs and notify Ms. Mason; generate TIFF images for select documents in Relativity; review errors and exceptions and circulate update to team.	2.40	\$165.00	\$396.00
04/21/15	Caroline Palmer	Prepare missing Clearwell documents for loading to Relativity; QC same and circulate update; prepare overlay of Clearwell metadata.	0.70	\$165.00	\$115.50
04/21/15	Jason Witthoft	Execute user account maintenance in Lightsquared Relativity workspace.	0.20	\$175.00	\$35.00
04/21/15	Caroline Palmer	Weekly team call to discuss status of case.	0.10	\$165.00	\$16.50
04/21/15	Caroline Palmer	Prepare missing Clearwell documents for LAW processing; QC same and export files for loading to Relativity.	0.90	\$165.00	\$148.50
04/22/15	Caroline Palmer	Set up, run, and export new production set from Relativity; perform clean-up of Clearwell Tag choices per request.	1.40	\$165.00	\$231.00
04/22/15	Jason Witthoft	Create field per request from Ms. Muthu / YCST in Lightsquared Relativity workspace; update specific layout and advised regarding status.	0.20	\$175.00	\$35.00
04/22/15	Corby Mason	Notify YCST team of final production availability on Falcon's FTP and folder location of same, follow up with Falcon IT regarding additional Falcon FTP credentials needed and request to re-send Ms. Muthu's FTP login instruction; prepare additional second level review coding tags, per YCST's request.	0.40	\$125.00	\$50.00
04/22/15	Raymond Klumker III	Perform control check on document production requested by outside counsel.	1.20	\$95.00	\$114.00
04/22/15	Caroline Palmer	Finalize production deliverables and prepare same for posting to Falcon FTP site; internal correspondence and planning regarding same; log final deliverables and circulate update; request OSC FTP credentials.	1.60	\$165.00	\$264.00
04/23/15	Caroline Palmer	Conference call with OSC regarding changes to production; re-process production per request; QC same and prepare for Falcon's FTP site.	1.50	\$165.00	\$247.50
04/23/15	Corby Mason	Meet and confer with Ms. Muthu and Ms. Palmer regarding rush request to re-run production pursuant to new redact markups to existing processed production, provide update to Ms. Muthu regarding notice and location of re-run production on Falcon's FTP.	0.30	\$125.00	\$37.50
04/23/15	Caroline Palmer	Perform clean-up in Relativity in preparation for re-processing production.	0.20	\$165.00	\$33.00
04/23/15	Raymond Klumker III	Perform control check on rerun of document production due to changes by outside counsel.	0.60	\$95.00	\$57.00
04/29/15	Caroline Palmer	Weekly Legal Tech Dept meeting to discuss status of case.	0.10	\$165.00	\$16.50
TOTAL PROFESSIONAL FEES:			43.30		\$6,333.50

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 9089
Invoice Date: 04/30/15
Amount Due: \$14,480.53
Billing Period: 04/01/15 - 04/30/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

Date	Source	Description	Quantity	Rate	Amount
04/01/15	Bonnie Veis	OCR Conversion -2394 x \$0.30 = \$71.82			\$71.82
04/01/15	Bonnie Veis	TIFF & Data Conversion -.992 x \$500 = \$496.00			\$496.00
04/02/15	Bonnie Veis	Subset TIFF Conversion -0.845 x \$500 = \$422.50			\$422.50
04/02/15	Bonnie Veis	OCR Conversion -1957 x \$0.03 = \$58.71			\$58.71
04/02/15	Bonnie Veis	1 Flash Drive Used			\$65.00
04/30/15	Bonnie Veis	User Fees– APRIL 2015 -20 User Fees (\$120/User) = \$2400.00			\$2,400.00
04/30/15	Bonnie Veis	Hosted Data – APRIL 2015 -83.1 GB (\$30/GB) of Data Hosted = \$2,493.00			\$2,493.00
04/30/15	Bonnie Veis	Clearwell Data Hosting – APRIL 2015 107 GB x \$20/GB = \$2140.00			\$2,140.00
TOTAL REIMBURSABLE EXPENSES:					\$8,147.03

AMOUNT DUE (THIS INVOICE)	\$14,480.53
----------------------------------	--------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 9143
Invoice Date: 05/31/15
Amount Due: \$13,403.50
Billing Period: 05/01/15 - 05/31/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: LightSquared LP, et al. v.
SP Special Opportunitie

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
05/01/15	Corby Mason	Attend to questions from Ms. Muthu regarding potentially upcoming production and expected size and time frame to release for processing and delivery.	0.10	\$125.00	\$12.50
05/04/15	Corby Mason	Meet and confer with YCST and Ms. Palmer to go over anticipated production, specifications and population released for processing.	0.30	\$125.00	\$37.50
05/04/15	Caroline Palmer	Conference call with OSC to discuss status and format of next production.	0.50	\$165.00	\$82.50
05/05/15	Corby Mason	Attend to additional imaging request of specified production population, and update of production population release to Falcon for processing.	0.20	\$125.00	\$25.00
05/05/15	Caroline Palmer	Follow-up with OSC regarding status of production.	0.40	\$165.00	\$66.00
05/05/15	Caroline Palmer	Review saved search of potential production documents in Relativity and image documents in preparation for production; QC same.	0.70	\$165.00	\$115.50
05/06/15	Corby Mason	Confirm production population released for processing, consultation with Ms. Palmer regarding production specifications follow ups and identified population	0.40	\$125.00	\$50.00
05/06/15	Caroline Palmer	Prepare final production deliverables; QC, log, and prepare zip file for posting to FTP site for YCST; internal correspondence and planning regarding same.	1.50	\$165.00	\$247.50
05/06/15	Caroline Palmer	QC saved search of production deliverables; set up and run new production set; re-OCR redacted documents and export production set from Relativity.	1.20	\$165.00	\$198.00
05/07/15	Caroline Palmer	Weekly team status call to discuss status of case.	0.10	\$165.00	\$16.50
05/07/15	Matthew Porter	Upload and confirm production deliverable.	0.40	\$175.00	\$70.00
05/07/15	Corby Mason	Attend to request to re-run production pursuant to requested bates numbering, attend to request for FTP credentials for YCST's IT and follow up with access issues regarding same.	0.20	\$125.00	\$25.00
05/07/15	Raymond Klumker III	Perform control check of document production.	1.10	\$95.00	\$104.50
05/08/15	Matthew Porter	Check production deliverable.	0.40	\$175.00	\$70.00
05/08/15	Caroline Palmer	Perform clean-up to production set in Relativity; QC updated production saved search; re-run new production set per YCST instruction and export same.	0.80	\$165.00	\$132.00
05/08/15	Corby Mason	Attend to request from YCST to re-run two documents previously produced with redact mark up, now un-redacted, consultation with Ms. Palmer regarding estimation of time to complete and when requested documents could be available on FTP.	0.20	\$125.00	\$25.00
05/08/15	Caroline Palmer	Respond to OSC request for edits to production deliverables; prepare final updated production deliverables; QC, log, and prepare zip file for posting to FTP site for YCST; internal correspondence and planning regarding same.	1.40	\$165.00	\$231.00

Falcon Discovery, a DTI Company

P.O. Box 204010
 Dallas, TX 75320-4010
 EID: 58-2413793 bveis@falcondiscovery.com
 Phone: 1-800-671-9210 x1

Invoice Number: 9143
 Invoice Date: 05/31/15
 Amount Due: \$13,403.50
 Billing Period: 05/01/15 - 05/31/15
 Terms:

Brandon Ehrhart
DishNetwork
 9601 S. Meridian Blvd
 Englewood, CO 80112
 USA

Matter ID: FD14-1153
 Matter Name: **LightSquared LP, et al. v.
 SP Special Opportunitie**

05/11/15	Caroline Palmer	Respond to OSC request for redo of unredacted production documents; internal correspondence and planning with Ms. Mason regarding same.	0.30	\$165.00	\$49.50
05/11/15	Corby Mason	Attend to request from YCST to re-run two documents previously produced and post to Falcon FTP, consultation with Ms. Palmer regarding request for same and completed production posted to Falcon's FTP, notify YCST of same.	0.10	\$125.00	\$12.50
05/12/15	Caroline Palmer	Prepare supplemental re-run of unredacted production documents per YCST request; QC same and prepare for delivery via FTP site.	0.80	\$165.00	\$132.00
05/28/15	Caroline Palmer	Disable Relativity user accounts per request.	0.40	\$165.00	\$66.00
05/29/15	Caroline Palmer	Disable additional Relativity end user accounts in Relativity per OSC request.	0.20	\$165.00	\$33.00

TOTAL PROFESSIONAL FEES: 11.70 \$1,801.50

Date	Source	Description	Quantity	Rate	Amount
05/30/15	Bonnie Veis	Clearwell Hosting – FEBRUARY 2015 (Billing Error in February. This should have been on the February invoice) 39 GB x \$20/GB = \$780.00 WAIVED FOR THE 1st MONTH		NC	--
05/30/15	Bonnie Veis	Clearwell Indexing – FEBRUARY 2015 (Billing Error in February. This item should have been charged) 39 GB x \$120/GB = \$4680.00			\$4,680.00
05/31/15	Bonnie Veis	User Fees– MAY 2015 -19 User Fees (\$120/User) = \$2280.00			\$2,280.00
05/31/15	Bonnie Veis	Hosted Data – MAY 2015 -83.4 GB (\$30/GB) of Data Hosted = \$2502.00			\$2,502.00
05/31/15	Bonnie Veis	Clearwell Data Hosting – MAY 2015 107 GB x \$20/GB = \$2140.00			\$2,140.00

TOTAL REIMBURSABLE EXPENSES: \$11,602.00

AMOUNT DUE (THIS INVOICE) \$13,403.50

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 9355
Invoice Date: 06/30/15
Amount Due: \$5,362.00
Billing Period: 06/01/15 - 06/30/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
06/18/15	Raymond Klumker III	Run workspace scripts for hosting volume and user status information.	0.20	NC	--

TOTAL PROFESSIONAL FEES:			0.20		\$0.00
---------------------------------	--	--	-------------	--	---------------

Date	Source	Description	Quantity	Rate	Amount
06/30/15	Bonnie Veis	Hosted Data – JUNE 2015 -83.4 GB (\$30/GB) of Data Hosted = \$2502.00			\$2,502.00
06/30/15	Bonnie Veis	User Fees– JUNE 2015 -6 User Fees (\$120/User) = \$720.00			\$720.00
06/30/15	Bonnie Veis	Clearwell Data Hosting – JUNE 2015 107 GB x \$20/GB = \$2140.00			\$2,140.00

TOTAL REIMBURSABLE EXPENSES:					\$5,362.00
-------------------------------------	--	--	--	--	-------------------

AMOUNT DUE (THIS INVOICE)					\$5,362.00
----------------------------------	--	--	--	--	-------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 9528
Invoice Date: 07/31/15
Amount Due: \$5,488.00
Billing Period: 07/01/15 - 07/31/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: **LightSquared LP, et al. v.
SP Special Opportunitie**

INVOICE

Date	Staff Member	Description	Hours	Rate	Amount
07/17/15	Raymond Klumker III	Update Relativity user access and hosting volume report per Mr. Pulju's request.	0.20	NC	--

TOTAL PROFESSIONAL FEES:			0.20		\$0.00
---------------------------------	--	--	-------------	--	---------------

Date	Source	Description	Quantity	Rate	Amount
07/31/15	Bonnie Veis	Clearwell Data Hosting – JULY 2015 107 GB x \$20/GB = \$2140.00			\$2,140.00
07/31/15	Bonnie Veis	Hosted Data – JULY 2015 -83.6 GB (\$30/GB) of Data Hosted = \$2508			\$2,508.00
07/31/15	Bonnie Veis	User Fees– JULY 2015 -7 User Fees (\$120/User) = \$840.00			\$840.00

TOTAL REIMBURSABLE EXPENSES:					\$5,488.00
-------------------------------------	--	--	--	--	-------------------

AMOUNT DUE (THIS INVOICE)					\$5,488.00
----------------------------------	--	--	--	--	-------------------

Falcon Discovery, a DTI Company

P.O. Box 204010
Dallas, TX 75320-4010
EID: 58-2413793 bveis@falcondiscovery.com
Phone: 1-800-671-9210 x1

Invoice Number: 9593
Invoice Date: 08/31/15
Amount Due: \$5,368.00
Billing Period: 08/01/15 - 08/31/15
Terms:

Brandon Ehrhart
DishNetwork
9601 S. Meridian Blvd
Englewood, CO 80112
USA

Matter ID: FD14-1153
Matter Name: LightSquared LP, et al. v.
SP Special Opportunitie

INVOICE

Date	Source	Description	Quantity	Rate	Amount
08/31/15	Bonnie Veis	Hosted Data – AUGUST 2015 -83.6 GB (\$30/GB) of Data Hosted = \$2508.00			\$2,508.00
08/31/15	Bonnie Veis	User Fees– AUGUST 2015 -6 User Fees (\$120/User) = \$720.00			\$720.00
08/31/15	Bonnie Veis	Clearwell Data Hosting – AUGUST 2015 107 GB x \$20/GB = \$2140.00			\$2,140.00
TOTAL REIMBURSABLE EXPENSES:					\$5,368.00

AMOUNT DUE (THIS INVOICE)	\$5,368.00
----------------------------------	-------------------

EDGE Legal Technologies
1421 Emory Road
Wilmington DE 19803
302-354-6729

1



Client Name: Young Conaway Stargatt & Taylor, LLP
Client Address: 1000 N King Street, Rodney
Square
Wilmington DE 19801
302-571-6600

Contact: Monica Velastegui (mvelastegui@ycst.com)

Invoice
No. 15-0203

EDGE LT Tax ID: 45-1103586

Terms	Billing Date	Due Date	Case/Matter	PO	Customer Number
	3/3/2015		Dish Network 070357_1001		120

For questions regarding this invoice please call

Contact Phone
Hugo Velastegui 215-569-4009

Task	Hours/Units	Rate	Total
2/25/2015, " Docs for Other Database". Converted to tiff redacted images with outline and prepare them for production. Exported tags from Eclipse. Combined data files and tags in MSAccess to create Relativity ready load files.	4	\$100.00	\$400.00

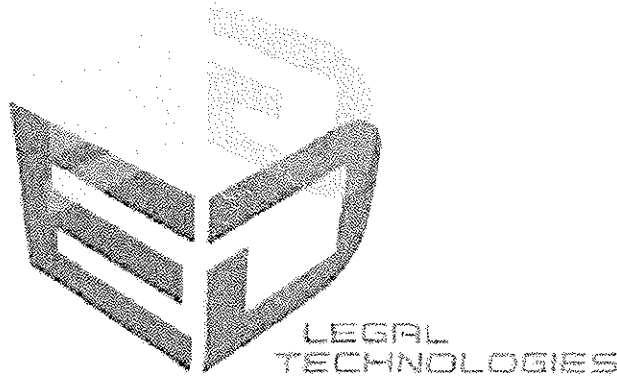
\$400.00

Note: Statement Date: 3/3/2015
Customer No: 120
Amount Due: \$400.00
Amount Enclosed:

***Redacted items were not billed in this matter.**

EDGE Legal Technologies
1421 Emory Road
Wilmington DE 19803
302-354-6729

1



Client Name: Young Conaway Stargatt & Taylor, LLP
Client Address: 1000 N King Street, Rodney
Square
Wilmington DE 19801
302-571-6600

Invoice
No. 15-0504

Contact: Monica Velastegui (mvelastegui@ycst.com)

EDGE LT Tax ID: 45-1103586

Terms	Billing Date	Due Date	Case/Matter	PO	Customer Number
	5/4/2015		Dish Post Report/072603.1001		120

For questions regarding this invoice please call:

Contact **Phone**
Hugo Velastegui 302-354-6729

Task	Hours/Units	Rate	Total
4/29. Process data with LAW and load into Eclipse.	1	\$125.00	\$125.00
4/30. Process data with LAW and load into Eclipse.	0.5	\$125.00	\$62.50
5/1. Process data with LAW and load into Eclipse.	0.5	\$125.00	\$62.50

\$250.00

Note: Statement Date: 5/4/2015
Customer No: 106
Amount Due: \$250.00
Amount Enclosed:

***Redacted items were not billed in this matter.**

RECEIVED

NOV 12 2014



1 E. Charleston Blvd
Suite 200
Las Vegas, NV 89104
Phone: 702.384.3840
Fax: 702.799.9147


Invoice

Date	Invoice #
10/31/2014	87778

Bill To:	
Holland & Hart 9555 Hillwood Dr., 2nd Floor Las Vegas, NV 89134	
Phone (702) 669-4600	Fax (702) 669-4650

Sales & Use Tax Accrual

City 66 GL-23201
State 66 GL-23202
City Consumption GL-23201
State Consumption GL-23202
Exempt from tax
Tax included ☒

P.O. No.	Terms	Rep	Ship Date	Ordered By	QUIVX Job #	Client Matter #
	Net 30	Jim	10/23/2014	Theresa	90212	83857-0001
Qty	Description	Item	Amount			
2.5	Remove encryption on all PDFs, reduce file sizes on all files to below 25 MB. If files still exceed 25 MB, files are to be split. Tech Time: File Size Reduction and Removal of Security Sales Tax	Tech Time	250.00 20.25			
<p>INVOICE APPROVED FOR PAYMENT</p> <p>Vendor # <u>39117</u> C/O/CL # <u>66</u> Client # <u>83857-0001</u> Trsp # <u>5191</u> Amount \$ <u>270.25</u> By <u>[Signature]</u></p>				 * 9 0 0 3 9 7 9 7 6 *		
Received by:					Total \$270.25	
Signature: _____ Printed Name: _____						
<p>Invoices past due will incur a 1.5% late fee each month.</p> <p>We recognize that some of our customers may be billing these expenses to their clients. However, QUIVX's customers remain ultimately responsible for payment within our terms regardless of their receivables.</p> <p>Please make checks payable to: QUIVX</p> <p>Tax Information: CHOICE LEGAL DOCUMENT SOLUTIONS, INC. Tax ID# 56-2317932</p>						

— 8C —

NRS 18.005(17)

Delivery &
Filing Services /
Messengers

Holland & Hart LLP

ATTORNEYS AT LAW

DENVER * BOULDER
 DENVER TECH CENTER
 COLORADO SPRINGS
 ASPEN * BILLINGS
 BOISE * CHEYENNE

PLEASE REMIT TO:
 P. O. BOX 17283
 DENVER, CO 80217-0283
 TELEPHONE (303) 295-8000
 FACSIMILE (303) 295-8261

JACKSON HOLE
 LAS VEGAS * SANTA FE
 CARSON CITY * RENO
 SALT LAKE CITY
 WASHINGTON D.C.

September 30, 2015

Special Litigation Committee of Dish Network Corporation C. Barr Flinn Young Conaway Stargatt & Taylor, LLP Rodney Square, 1000 North King Street Wilmington, DE 19801	Invoice No. H&H Ref. No. Client No. Attorney:	RM09302015 9302015 83857 JSpeek
--	--	--

Regarding: Matter No. 0001 - Jacksonville Police and Fire Pension Fund**Disbursements**

Description of Disbursements	Date	Amount
Runner Charge: Delivery of payment for Transcript for telephonic hearing re: scheduling to Court	11/05/14	12.50
Runner Charge; Picking up signed Stipulation and Order regarding January 12, 2015 Hearing Transcript from Holley Driggs, 400 S. 4th Street	03/19/15	12.50
Runner Charge; Picking up signed Stipulation and Order regarding January 12, 2015 Hearing Transcript from Pisanelli & Bice, 400 S. 7th Street, Suite 300	03/19/15	12.50
Runner Charge; Picking up signed Stipulation and Order regarding January 12, 2015 Hearing Transcript from Reisman Sorokas, 8965 South Eastern Avenue, Suite 382	03/19/15	12.50
Runner Charge; Picking up signed Stipulation and Order regarding January 12, 2015 Hearing Transcript to District Court, Dept, XI	03/19/15	12.50
Runner Charge: Delivering Order Granting Motion to Associate Emily V. Burton as Counsel to: District Court, Dept. XI District Court, Dept. XI	03/25/15	12.50

Thank you for your prompt payment. Questions regarding this invoice should be directed to the attorney responsible for your account, or Elizabeth Simms, Billing Specialist in our Reno office, at (775) 327-3088.

Due On Receipt

Page No. 365

***Redacted items were not billed in this matter.**

JA010570

Disbursements

Description of Disbursements	Date	Amount
Runner Charge: Delivering Courtesy Copy of Status Report to District Court, Dept. XI	04/06/15	12.50
Runner Charge: Delivering Order Granting Ex Parte Application for Leave to Exceed Page Limit for the SLC Reply in Support of Its Motion to Defer to District Court, Dept. 11	06/29/15	12.50
Runner Charge: Delivering Supplemental Reply in Support of Motion to Defer with Appendices to be filed under seal to District Court Clerk	07/02/15	12.50
Runner Charge: Delivering Courtesy Copy of Supplemental Reply in Support of Motion to Defer with Appendices to District Court Clerk	07/07/15	12.50
Total Current Disbursements:		\$125.00

Thank you for your prompt payment. Questions regarding this invoice should be directed to the attorney responsible for your account, or Elizabeth Simms, Billing Specialist in our Reno office, at (775) 327-3088.

Due On Receipt
***Redacted items were not billed in this matter.**

RUNNER INSTRUCTION FORM

☐ **URGENT**

SAVE COPY TO WORKSITE CLIENT DIRECTORY
PRINT 2 COPIES FOR RUNNER
Original to be returned to Requestor when completed

Date: 11/5/14 Time Requested: 9:56 AM Requestor: Valerie Ext. _____ Atty. _____

Client/Matter No.: 83857.0001 Case No.: A686775

Client/Matter Name: Okada DISH

CHARGE TO CLIENT: ☐ **NO CHARGE TO CLIENT:** ☒ (Be Sure To Check One Box)

Documents Attached: \$30 check and \$277.50 check

Original + _____ copies

2 _____ Date: _____ RETURN TO THE OFFICE NO LATER THAN: _____ ☐ a.m. / ☐ p.m.

☒ Court: _____ ☐ Obtain Copy: _____

☐ Indicate Court Instruction: _____

☐ Courtesy Copy for Judge: Dept. No.: _____

☐ Clark County Recorder - DEADLINE 5:00 p.m.

☐ Hand Deliver to: _____ Phone No.: _____

_____ Phone No.: _____

☐ Receipt of Copy from: _____ Phone No.: _____

_____ Phone No.: _____

☐ Pick Up from: _____

☒ Special Instructions: Please take \$30 check to cashier and receipt of payment and \$135.00 check to dept 11, you will not be picking up transcripts.

☐ Obtain Signature of: _____

Received by: _____ Time: _____ Date: ____/____/____

[If unable to obtain signature: ☐ Return Docs / ☐ Leave Docs]

Completed By: JL Date: 11/5/14 Time Completed: _____
Signature of Runner

RUNNER INSTRUCTION FORM

URGENT

SAVE COPY TO WORKSITE CLIENT DIRECTORY
PRINT 2 COPIES FOR RUNNER
Original to be returned to Requestor when completed

Date: **3/19/15** Time Requested: 1:29 PM Requestor: **Valerie** Ext. _____ Atty. **Bob**

Client/Matter No.: 83857.0001 Case No.: A-686775

Client/Matter Name: DISH Network

CHARGE TO CLIENT: ☒ **NO CHARGE TO CLIENT:** ☐ *(Be Sure To Check One Box)*

Documents Attached: Stipulation and Order Regarding January 12, 2015 Hearing Transcript

Original + _____ copies

_____ Date: _____ RETURN TO THE OFFICE NO LATER THAN: _____ ☐ a.m. / ☐ p.m.

☒ Court: ***District Court - DEADLINE IS 5:00 PM*** ☐ Obtain Copy:

☐ Indicate Court Instruction:

☐ Courtesy Copy for Judge: Dept. No.:

☐ Clark County Recorder - DEADLINE 5:00 p.m.

☐ Hand Deliver to: _____ Phone No.: _____

Phone No.: _____

☐ Receipt of Copy from: _____ Phone No.: _____

Phone No.:

☐ Pick Up from: _____

☒ Special Instructions: Please pick up signed stips at 1) Holley Driggs - 400 S. 4th Street, 2) Pisanelli Bice - 400 South 7th Street Ste 300 & 3) Reisman Sorokac - 8965 South Eastern Ave Ste 382. Combine to make one document and deliver to dept XI at District Court.

☐ Obtain Signature of: _____

Received by: _____ Time: _____ Date: ____/____/____

Completed By: JL Date: 3/19/15 Time Completed: _____
Signature of Runner

RUNNER INSTRUCTION FORM

☐ **URGENT**

SAVE COPY TO WORKSITE CLIENT DIRECTORY
PRINT 2 COPIES FOR RUNNER
Original to be returned to Requestor when completed

Date: 3/25/15 Time Requested: 10:05 AM Requestor: Valerie Ext. _____ Atty. Bob

Client/Matter No.: 83857.0001 Case No.: A686775

Client/Matter Name: _____

CHARGE TO CLIENT: ☒ **NO CHARGE TO CLIENT:** ☐ (Be Sure To Check One Box)

Documents Attached: Order Granting Motion to Associate Emily V. Burton as Counsel

Original + _____ copies

_____ Date: _____ RETURN TO THE OFFICE NO LATER THAN: _____ ☐ a.m. / ☐ p.m.

☒ Court: **District Court - DEADLINE IS 5:00 PM** ☐ Obtain Copy: _____

☐ Indicate Court Instruction: _____

☐ Courtesy Copy for Judge: Dept. No.:

☐ Clark County Recorder - DEADLINE 5:00 p.m.

☒ Hand Deliver to: Dept XI Phone No.: _____

_____ Phone No.: _____

☐ Receipt of Copy from: _____ Phone No.: _____

_____ Phone No.: _____

☐ Pick Up from: _____

☐ Special Instructions: _____

☐ Obtain Signature of: _____

Received by: _____ Time: _____ Date: ____/____/____

[If unable to obtain signature: ☐ Return Docs / ☐ Leave Docs]

Completed By: TL Date: 3/25/15 Time Completed: _____
Signature of Runner

RUNNER INSTRUCTION FORM

☐ **URGENT**

SAVE COPY TO WORKSITE CLIENT DIRECTORY

PRINT 2 COPIES FOR RUNNER

Original to be returned to Requestor when completed

Date: 4/6/15 Time Requested: 2:22 PM Requestor: Valerie Ext. _____ Atty. Steve

Client/Matter No.: 83857.0001

Case No.: A686775

Client/Matter Name: DISH

CHARGE TO CLIENT: ☒ **NO CHARGE TO CLIENT:** ☐ (Be Sure To Check One Box)

Documents Attached: Status Report

Original + _____ copies

2 _____ Date: _____ RETURN TO THE OFFICE NO LATER THAN: _____ ☐ a.m. / ☐ p.m.

☒ Court: **District Court - DEADLINE IS 5:00 PM** ☐ Obtain Copy: _____

☐ Indicate Court Instruction: _____

☐ Courtesy Copy for Judge: Dept. No.:

☐ Clark County Recorder - DEADLINE 5:00 p.m.

☒ Hand Deliver to: Dept XI Phone No.: _____

Phone No.: _____

☐ Receipt of Copy from: _____ Phone No.: _____

Phone No.: _____

☐ Pick Up from: _____

☐ Special Instructions: _____

☐ Obtain Signature of: _____

Received by: _____ Time: _____ Date: ____/____/____

[If unable to obtain signature: ☐ Return Docs / ☐ Leave Docs]

Completed By: JL Date: 4/6/15 Time Completed: _____
Signature of Runner

RUNNER INSTRUCTION FORM

☐ URGENT

SAVE COPY TO WORKSITE CLIENT DIRECTORY
PRINT 2 COPIES FOR RUNNER
Original to be returned to Requestor when completed

Date: 6/29/15 Time Requested: 2:36 PM Requestor: Valerie Ext. _____ Atty. Bo

Client/Matter No.: 83857.0001 Case No.: A686775

Client/Matter Name: DISH

CHARGE TO CLIENT: ☒ NO CHARGE TO CLIENT: ☐ (Be Sure To Check One Box)

Documents Attached: Order Granting Ex Parte Application for Leave to Exceed Pgae Limite for the SLC's Reply in Support of Its Motion to Defer

Original + _____ copies

≈ _____ Date: _____ RETURN TO THE OFFICE NO LATER THAN: _____ ☐ a.m. / ☐ p.m.

☒ Court: **District Court - DEADLINE IS 5:00 PM** ☐ Obtain Copy: _____

☐ Indicate Court Instruction: _____

☐ Courtesy Copy for Judge: Dept. No.:

☐ Clark County Recorder - DEADLINE 5:00 p.m.

☐ Hand Deliver to: Dept. Eleven Phone No.: _____

_____ Phone No.: _____

☐ Receipt of Copy from: _____ Phone No.: _____

_____ Phone No.: _____


☐ Pick Up from: _____

☐ Special Instructions: _____

☐ Obtain Signature of: _____

Received by: _____ Time: _____ Date: ____/____/____

[If unable to obtain signature: ☐ Return Docs / ☐ Leave Docs]

Completed By: <u></u>	Date: <u>6/29/15</u>	Time Completed: _____
Signature of Runner		

RUNNER INSTRUCTION FORM

☐ **URGENT**

SAVE COPY TO WORKSITE CLIENT DIRECTORY
PRINT 2 COPIES FOR RUNNER
Original to be returned to Requestor when completed

Date: 7/2/15 Time Requested: 2:25 PM Requestor: Val Ext. _____ Atty. Bob

Client/Matter No.: 83857.0001 Case No.: 686775

Client/Matter Name: DISH Network

CHARGE TO CLIENT: ☒ **NO CHARGE TO CLIENT:** ☐ (*Be Sure To Check One Box*)

Documents Attached: Supplemental Reply ISO Motion to Defer and 2 appendices

Original + _____ copies

2 _____ Date: _____ RETURN TO THE OFFICE NO LATER THAN: _____ ☐ a.m. / ☐ p.m.

☒ Court: ***District Court - DEADLINE IS 5:00 PM*** ☐ Obtain Copy: _____

☐ Indicate Court Instruction: _____

☐ Courtesy Copy for Judge: Dept. No.: _____

☐ Clark County Recorder - DEADLINE 5:00 p.m.

☐ Hand Deliver to: _____ Phone No.: _____

_____ Phone No.: _____

☐ Receipt of Copy from: _____ Phone No.: _____

_____ Phone No.: _____

☐ Pick Up from: _____

☒ Special Instructions: ***Please have the Supplemental Reply and 2 appendices filed under seal***

☐ Obtain Signature of: _____

Received by: _____ Time: _____ Date: ____/____/____

[If unable to obtain signature: ☐ Return Docs / ☐ Leave Docs]

Completed By: TS Date: 7/2 Time Completed: _____
Signature of Runner

RUNNER INSTRUCTION FORM

☐ **URGENT**

SAVE COPY TO WORKSITE CLIENT DIRECTORY

PRINT 2 COPIES FOR RUNNER

Original to be returned to Requestor when completed

Date: 7/2/15 Time Requested: 3:16 PM Requestor: Valerie Ext. _____ Atty. Bob

Client/Matter No.: A83857.0001 Case No.: A686775

Client/Matter Name: DISH Network

CHARGE TO CLIENT: ☒ **NO CHARGE TO CLIENT:** ☐ (Be Sure To Check One Box)

Documents Attached: Courtesy Copies of Supplemental Reply, corresponding Exhibits and Motion to Seal

Original + _____ copies

≡ _____ Date: _____ RETURN TO THE OFFICE NO LATER THAN: _____ ☐ a.m. / ☐ p.m.

☒ Court: **District Court - DEADLINE IS 5:00 PM** ☐ Obtain Copy: _____

☐ Indicate Court Instruction: _____

☒ Courtesy Copy for Judge: Dept. No.: **XI**

☐ Clark County Recorder - DEADLINE 5:00 p.m.

☐ Hand Deliver to: _____ Phone No.: _____

_____ Phone No.: _____

☐ Receipt of Copy from: _____ Phone No.: _____

_____ Phone No.: _____

☐ Pick Up from: _____

☐ Special Instructions: _____

☐ Obtain Signature of: _____

Received by: _____ Time: _____ Date: ____/____/____

[If unable to obtain signature: ☐ Return Docs / ☐ Leave Docs]

Completed By: TS Date: 7/2/15 Time Completed: _____
Signature of Runner

— 8D —

NRS 18.005(17)

Access To
Court Records

[REDACTED]

[REDACTED]

[REDACTED]

2665664	NYSBK	11/50/2014	072603.1001 CFWL	206	0	520.90
---------	-------	------------	------------------	-----	---	--------

[REDACTED]

[REDACTED]

[REDACTED]

2665664	NVDC	11/18/2014	072603.1001 DCHAS	2	0	90.20
---------	------	------------	-------------------	---	---	-------

[REDACTED]

[REDACTED]

07/25/2015 - 08/01/2015						
2665664	CCDC	02/11/2015	072603.1001 CFOWL	4	0	\$0.40
2665664	NVDC	03/30/2015	072603.1001 CFOWL	35	0	\$0.50
2665664	NVSBK	04/09/2015	072603.1001 CFOWL	133	0	\$13.50
2665664	NVSBK	02/23/2015	072603.1001 CFOWL	27	0	\$2.70
08/02/2015 - 08/08/2015						
2665664	NYSBK	04/10/2015	072603.1001 B/WALT	114	0	\$11.40
08/09/2015 - 08/15/2015						
2665664	NYSBK	04/06/2015	072603.1001 DLASK	120	0	\$12.00
2665664	NYSBK	05/22/2015	072603.1001 DLASK	150	0	\$15.00
2665664	NYSBK	06/08/2015	072603.1001 DLASK	30	0	\$3.00
2665664	NYSBK	06/23/2015	072603.1001 DLASK	308	0	\$30.80
08/16/2015 - 08/22/2015						
2665664	NYSEO	06/24/2015	072603.1001 KENGOS	124	0	\$12.40
2665664	NYSEO	06/25/2015	072603.1001 KENGOS	24	0	\$2.80
Subtotal:			132 pages			\$15.20
			0 audio files (\$2.40 ea)			\$0.00
						\$15.20
08/23/2015 - 08/29/2015						
2665664	NYSBK	05/12/2015	072603.1001 LROJL	30	0	\$3.00
Subtotal:			30 pages			\$3.00
			0 audio files (\$2.40 ea)			\$0.00
						\$3.00

07/20/2015-08/10/2015						
2685664	CODC	07/01/2015	072603.1001 CFOWL	15	0	\$1.50
2685664	CODC	08/10/2015	072603.1001 CFOWL	12	0	\$1.20
Subtotal:			33 pages			\$3.30
			0 audio files (\$2.40 ea)			\$0.00
						\$3.30
07/20/2015-08/10/2015						
2685664	NYSSK	05/10/2015	072603.1001 CLASK	138	0	\$13.80
2685664	NYSSK	05/11/2015	072603.1001 CLASK	25	0	\$2.50
2685664	NYSSK	05/17/2015	072603.1001 CLASK	30	0	\$3.00
2685664	NYSSC	07/01/2015	072603.1001 CLASK	51	0	\$5.10
Subtotal:			244 pages			\$24.40
			0 audio files (\$2.40 ea)			\$0.00
						\$24.40

— 8E —

NRS 18.005(17)

Pro Hac Vice
Admissions

UMB BANK N.A.

HOLLAND & HART LLP
ATTORNEYS AT LAW
PROFESSIONAL ACCOUNT
9555 Hillwood Drive
Suite 200
Las Vegas, Nevada 89134

DATE October 28, 2014

PAY Five hundred and 00/100 *****
\$ 500.00

PAY
TO THE
ORDER OF

HOLLAND & HART LLP

State Bar of Nevada
PO Box 50
Las Vegas, NV 89125-0050

VOID AFTER 6 MONTHS

Payee: State Bar of Nevada

Holland & Hart LLP

Check #:

Vendor:

Check Date: 10/28/2014

Invoice Number	Invoice Date	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
102814	10/28/2014	500.00	500.00		500.00

Annual Renewal Fee of Pro Hac Vice of Holly Stein Soiled

Totals	500.00	500.00			500.00
--------	--------	--------	--	--	--------

January 21, 2015

VIA FEDEX

Clerk of the Supreme Court
Wisconsin Court System
110 East Main Street Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Re: Certificate of good standing request

Dear Clerk of the Supreme Court:

This letter is to request a copy of good standing; my bar number is 1068855, and date of admission is April 16, 2008. Please send the good standing to my attention at the address noted below. Check number 152 in the amount of \$3 is enclosed. If there are any questions please do not hesitate to contact me.

Respectfully submitted,

Emily V. Burton

EVB:rh
Enclosure



EMILY V. BURTON
JEFFREY P. WIKSTROM
1404 LOVERING AVE.
WILMINGTON, DE 19806-3018

152

62-114/311
339

1/21/2015

Date

Pay to the
order of

Wisconsin Supreme Court

\$ 3⁰⁰

Three dollars and ⁰⁰/₁₀₀

Dollars



Security
Features
Details on
Back



Citizens Bank

Citizens Circle Account

For

Certificate of good standing

[Signature]

MP

⑆031101143⑆ 8202869178 0152

Harland Clarke

SUPREME COURT OF DELAWARE

SUPREME COURT BUILDING
55 THE GREEN
P.O. BOX 476
DOVER, DELAWARE 19903
(302) 739-4155

January 21, 2015

TO: Emily V. Burton, Esquire
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801

RE: Certificate of Good Standing

Please remit \$5.00 upon receipt

Thank you.

Make check payable to:

Supreme Court of Delaware

UMB BANK N.A.

HOLLAND & HART LLP

ATTORNEYS AT LAW
PROFESSIONAL ACCOUNT
9555 Hillwood Drive
Suite 200
Las Vegas, Nevada 89134

DATE February 17, 2015

PAY Six hundred fifty and 00/100

\$ 650.00

PAY
TO THE
ORDER OF

HOLLAND & HART LLP

State Bar of Nevada
PO Box 50
Las Vegas, NV 89125-0050

VOID AFTER 6 MONTHS

Payee: State Bar of Nevada

Holland & Hart LLP

Check #:

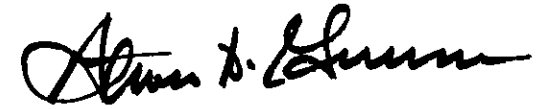
Vendor:

Check Date: 2/17/2015

Invoice Number	Invoice Date	Invoice Amount	Amount Paid	Discount Taken	Payment Amt
021715	2/17/2015	650.00	650.00		650.00

Verified Application for Permission to practice re Emily V. Burton

Totals	650.00	650.00	650.00
--------	--------	--------	--------



CLERK OF THE COURT

1 **MRTX**
BRIAN W. BOSCHEE, ESQ. (NBN 7612)
2 E-mail: bboschee@nevadafirm.com
WILLIAM N. MILLER, ESQ. (NBN 11658)
3 E-mail: wmiller@nevadafirm.com
HOLLEY, DRIGGS, WALCH,
4 PUZEY & THOMPSON
400 South Fourth Street, Third Floor
5 Las Vegas, Nevada 89101
Telephone: 702/791-0308
6 *Liaison Counsel for Plaintiff*

7 MARK LEOVITCH, ESQ. (admitted *Pro hac vice*)
JEROEN VAN KAWEGEN, ESQ. (admitted *Pro hac vice*)
8 ADAM D. HOLLANDER, ESQ. (admitted *Pro hac vice*)
ALLA ZAYENCHIK, ESQ.
9 BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
10 1285 Avenue of the Americas
New York, New York 10019
11 Telephone: 212/554-1400
Lead Counsel for Plaintiff

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14
15 IN RE DISH NETWORK CORPORATION
16 DERIVATIVE LITIGATION

Case No: A-13-686775-B
Dept. No.: XI

PLAINTIFF'S MOTION TO RETAX


Date of Hearing: 12 / 04 / 15
Time of Hearing: In Chambers

17
18
19 Plaintiff Jacksonville Police and Fire Pension Fund ("Plaintiff"), through its undersigned
20 counsel, respectfully submits this Motion to Retax. As set forth below, Plaintiff respectfully
21 requests that the Court enter an order retaxing and settling Defendants' costs and disbursements
22 to allow only those costs and disbursements that are allowable by statute and properly supported
23 with appropriate supporting documentation. Specifically, of the \$219,849.13 set forth in the
24 Special Litigation Committee's ("SLC") October 19, 2015 Memorandum of Costs (the "SLC
25 Memo"), only \$5,815.87 is statutorily recoverable and supported with appropriate
26 documentation.
27
28

1 This Motion is made and based upon the papers and pleadings on file, the below
2 Memorandum of Points and Authorities, and such other evidence and argument as may be
3 presented and considered by this Court at any hearing.

4 Dated this 3rd day of November, 2015.

5
6 **BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

7 
8 MARK LEOVITCH, ESQ.
New York Bar No. 3037272
9 JEROEN VAN KWAWEGEN, ESQ.
New York Bar No. 4228698
10 ADAM D. HOLLANDER, ESQ.
New York Bar No. 4498143
11 ALLA ZAYENCHIK
New York Bar No. 5222443
12 **BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**
13 1285 Avenue of the Americas
New York, New York 10019

14 *Lead Counsel for Plaintiff*

15 BRIAN W. BOSCHKE, ESQ. (NBN 7612)
16 WILLIAM N. MILLER, ESQ. (NBN 11658)
400 South Fourth Street, Third Floor
17 Las Vegas, Nevada 89101

18 *Liaison Counsel for Plaintiff*

1 **NOTICE OF MOTION**

2 TO: ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:

3 YOU, and each of you, will please take notice that the undersigned will bring the above
4 and foregoing **PLAINTIFF'S MOTION TO RETAX** on for hearing before the above-entitled
5 Court on the ⁰⁴ day of ^{In Chambers} Dec ., 2015 ~~at 10:00 a.m.~~ in Department XI of said Court.

6 Dated this 3rd day of November, 2015.

7
8 **BERNSTEIN LITOWITZ BERGER &
9 GROSSMANN LLP**

10 
11 MARK LEOVITCH, ESQ.
12 New York Bar No. 3037272
13 JEROEN VAN KWAEGEN, ESQ.
14 New York Bar No. 4228698
15 ADAM D. HOLLANDER, ESQ.
16 New York Bar No. 4498143
17 ALLA ZAYENCHIK
18 New York Bar No. 5222443
19 **BERNSTEIN LITOWITZ BERGER
20 & GROSSMANN LLP**
21 1285 Avenue of the Americas
22 New York, New York 10019

23 *Lead Counsel for Plaintiff*

24 BRIAN W. BOSCHKE, ESQ. (NBN 7612)
25 WILLIAM N. MILLER, ESQ. (NBN 11658)
26 400 South Fourth Street, Third Floor
27 Las Vegas, Nevada 89101

28 *Liaison Counsel for Plaintiff*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Authority to Retax & Scope of Recoverable Costs**

3 The SLC Memo includes numerous categories of costs not recoverable under NRS
4 18.005, but fails to adequately show that the vast majority of the costs included are reasonable
5 and necessary. Accordingly, Plaintiff moves the Court to retax and settle costs under NRS
6 18.110(4).

7 NRS 18.005 provides an exhaustive list of the costs that a prevailing party is entitled to
8 recover. As the Nevada Supreme Court has directed, the statute under which the SLC seeks an
9 award of costs, NRS 18.005, is to be “constru[ed] . . . narrowly.” *Bergmann v. Boyce*, 109 Nev.
10 670, 679, 856 P.2d 560, 566 (1993); *see also Bobby Berosini, Ltd. v. People for the Ethical*
11 *Treatment of Animals*, 114 Nev. 1348, 1352, 971 P.2d 383, 385 (1998) (“statutes permitting the
12 recovery of costs are to be strictly construed because they are in derogation of the common
13 law”). Unless specifically enumerated in the statute, costs are not recoverable where they are
14 “better considered part of the attorney’s fee or non-recoverable overhead.” *Bergmann*, 109 Nev.
15 at 680, 856 P.2d at 566. Whether counsel separately billed its client for a particular item does
16 not bear on whether the cost is recoverable. *Id.* at 681, 856 P.2d at 567 (“The fact that
17 Bergmann’s counsel separately billed him for document production does not make this expense a
18 recoverable cost A law firm may not expand the coverage of NRS 18.005 simply by
19 changing its billing practices.”). Here, the vast majority of the SLC’s costs – including more
20 than \$150,000 in purported electronic discovery costs – are simply not listed in, and thus not
21 taxable under, NRS 18.005, regardless of necessity or the reasonableness of the expense.

22 In addition, even for categories of costs enumerated in the statute, a prevailing party, at
23 the time of its memorandum of costs, must provide sufficient support for the court to conclude
24 that each taxed cost was reasonable and necessary. Such support may include, but is not limited
25 to, detailed and itemized documents. *See Brochu v. Foote Enters., Inc.*, 2012 WL 5991571, at *7
26 (Nev. Nov. 29, 2012) (“Determining necessity and reasonableness may require detailed
27 documents, such as itemizations. . . . But specific documentation alone does not always suffice”
28 (emphasis removed)); *see also Cadle Co. v. Woods & Erickson, LLP*, __ Nev. __, 345 P.3d 1049,

1 1054 (2015) (rejecting memorandum for costs for photocopies, runner service, and deposition
2 transcripts for lack of “sufficient justifying documentation,” where party “did not present the
3 district court with evidence enabling the court to determine that those costs were reasonable and
4 necessary”); *see also Berosini*, 114 Nev. at 1352-53, 971 P.2d at 385-86 (submission of itemized
5 costs did demonstrate reasonableness or necessity).

6 Here, although the SLC has attached nearly 400 pages of receipts to its Memorandum, it
7 has failed to put forward the requisite evidence supporting the reasonableness and necessity of
8 much of the costs set forth in the Memorandum, including costs of interactive realtime
9 deposition transcripts; printing, photocopying, and scanning; and travel and lodging to bring
10 scores of attorneys and parties to hearings and depositions. Moreover, because the time for the
11 SLC to submit adequate support for those costs has passed, it cannot now seek to cure the defects
12 in the SLC Memo through any further filing. *See Brochu*, 2012 WL 5991571, at *6 (affirming
13 district court’s rejection of “two untimely filed supplemental memoranda with documentation
14 regarding costs in its response to a motion to retax”).

15 **1. Costs of Electronic Discovery**

16 The SLC claims \$151,178.32 in electronic discovery costs, representing approximately
17 69% of the total amount claimed. Mem. at 13-14. None of those claimed electronic discovery
18 costs are allowable under NRS 18.005.

19 Although NRS 18.005 allows a prevailing party to tax certain discovery-related costs,
20 none of the enumerated costs at NRS 18.005(1)-(16) specifically identify electronic discovery
21 costs. NRS 18.005(2) (“Reporters’ fees for depositions”), 18.005(5) (“Reasonable fees of not
22 more than five expert witnesses”), 18.005(15) (“Reasonable costs for travel and lodging incurred
23 taking depositions and conducting discovery”). NRS 18.005(17), on which the SLC relies in its
24 claim for electronic discovery costs, sets forth a residual clause allowing taxation of “[a]ny other
25 reasonable and necessary expense incurred in connection with the action, including reasonable
26 and necessary expenses for computerized services for legal research.”

27 As the Nevada Supreme Court has held, NRS 18.005(17) is to be construed narrowly.
28 “[S]tatutes permitting the recovery of costs are to be strictly construed because they are in

1 derogation of the common law.” *Berosini*, 114 Nev. at 1352, 971 P.2d at 385; *see also Gibellini*
2 *v. Klindt*, 110 Nev. 1201, 1205, 885 P.2d 540, 542-43 (1994). Indeed, the Supreme Court
3 rejected a claim for Westlaw costs under a prior version of the statute that did not explicitly
4 include computerized legal research. In *Bergmann*, the court discussed NRS 18.005(16), which
5 was at the time of that decision the statute’s residual subsection and allowed “[a]ny other
6 reasonable and necessary expense incurred in connection with the action.” The court rejected the
7 claimed Westlaw costs because, “[a]lthough reducing overall litigation expenses is a desirable
8 objective, there is no indication that the Nevada Legislature intended that NRS 18.005 . . . for
9 that purpose.” Accordingly, “[c]onstruing NRS 18.05(16) narrowly, [the court] h[e]ld that
10 computer research expenses are not recoverable costs.” *Bergmann*, 109 Nev. at 680, 868 P.2d at
11 567.

12 Electronic discovery costs are not specifically included in NRS 18.005 and, therefore, are
13 not recoverable here. As *Bergmann* teaches, it is the legislature’s role to expand the categories
14 of recoverable costs under the statute – such as the explicit addition of computerized legal
15 research – rather than the court’s. Should the Nevada legal community believe that electronic
16 discovery costs ought to be included in NRS 18.005, it should advocate for that legislative
17 change. Imposing this cost on Plaintiff’s counsel here is improper, and without a statutory basis.

18 Because electronic discovery costs are not recoverable under NRS 18.005, the
19 \$151,178.32 that the SLC claims for electronic discovery should be disallowed.

20 **2. Costs of Travel and Lodging**

21 The SLC claims \$23,679.69 in costs under NRS 18.005(15) for “Travel and Lodging for
22 Hearings and Depositions.” Mem. at 10-12. The bulk of that amount is not properly taxable. As
23 an initial matter, NRS 18.005(15) includes necessary and reasonable costs “for travel and
24 lodging incurred taking depositions and conducting discovery,” but says nothing about hearings.
25 Because NRS 18.005 is to be construed narrowly, and the statute specifically provides for travel
26 and lodging costs related to discovery but not hearings, the SLC’s claimed travel and lodging
27 costs in connection with hearings should be disallowed. *See Bergmann*, 109 Nev. at 679, 856
28 P.2d at 566; *see also Berosini*, 114 Nev. at 1352, 971 P.2d at 385 (“statutes permitting the

1 recovery of costs are to be strictly construed because they are in derogation of the common
2 law"). Such claimed costs in connection with the January 12, 2015 and July 16, 2015 hearings
3 on the SLC's motion to defer, which total \$8,224.34, are improper and should not be allowed.
4 Steve Peek's \$12.00 parking charge for an April 7, 2015 status check should likewise be
5 disallowed.¹

6 After the amounts spent in connection with attending hearings are deducted, the SLC
7 seeks \$15,443.35 in connection with travel and lodging for depositions. To defend the
8 depositions of each of the SLC's members (as well as for the motion to defer hearings), multiple
9 counsel attended. But the SLC did not submit anything to support the contention that it was
10 reasonable and necessary for SLC counsel C. Barr Flinn and Lakshmi Muthu of Young
11 Conaway, as well as Mr. Peek of Holland & Hart, to each travel to Colorado for the depositions
12 of Defendants Ortolf and Lillis. This is especially so considering that Mr. Peek's partner, SLC
13 Counsel Holly Sollod of Holland & Hart, has attended depositions and was involved in this
14 matter, and is already located in Colorado. In any event, there is no support for the
15 reasonableness or necessity of Mr. Flinn, Ms. Muthu, and Mr. Peek all traveling to Ortolf's and
16 Lillis's depositions. Similarly, there is no support for the reasonableness or necessity of Mr.
17 Peek, Mr. Flinn, and Ms. Muthu all attending the deposition of Defendant Brokaw in New York,
18 as opposed to only one of those attorneys attending.²

19 Because it was only necessary for one attorney to defend each SLC member's deposition,
20 and because SLC Counsel Ms. Sollod is already located in Colorado – and Young Conaway's
21 Mr. Flinn is located a train ride from New York, as opposed to a cross-country flight for Mr.
22 Peek – the reasonable and necessary costs allowed under NRS 18.005(15) are \$1,723.07. Thus,
23 \$13,720.28 of the claimed deposition-related travel and lodging costs should be disallowed.³

24
25 ¹ Indeed, as the Court is aware, Mr. Peek often appears in multiple actions during a day's trip to
26 the district courthouse. The SLC has not put forth any basis to conclude that the entirety of Mr.
27 Peek's parking costs are taxable in the present action.

28 ² Moreover, there is no support for the reasonableness or necessity of: (i) air travel change fees
totaling \$1,016, (ii) \$717.79 in car rental charges, (iii) \$251 in unspecified "air travel expenses"
incurred by Peek; or (iv) \$198 in airport parking costs.

³ The significant hotel costs that the SLC claims are also striking due to the deposition testimony

3. Reporters' Fees for Depositions

Under NRS 18.005(2), a prevailing party may recover “[r]eporter’s fees for depositions, including a reporter’s fee for one copy of each deposition.” In its Memorandum, however, the SLC claims costs in connection with the depositions of each of Defendants Ortolf, Lillis, and Brokaw for “Interactive Realtime transcript, draft transcript, final transcript and deposition exhibits.” Mem. at 6. The SLC also claims videography costs for each deposition. *Id.* Those claimed costs go well beyond what NRS 18.005(2) expressly allows – the fees for the reporter to transcribe the deposition, as well as one copy per deposition. Further, the invoices attached to the SLC’s Memorandum are not itemized, and instead include a single charge for each transcript covering “Interactive Realtime”; “Rough Draft/ASCII”; “Exhibit Package”; and “Litigation Support Package.” *Id.* at App. p. 69 (\$5,760.15 for Ortolf deposition); 71 (\$4,145 for Lillis deposition); 72 (\$6,283 for Brokaw deposition).

The SLC has not submitted any documentation to separate out the costs of the reporter’s fees and cost of one copy for each deposition, so there is no way to ascertain with precision which portion of those costs are allowable under NRS 18.005(2). *See, e.g., Cadle*, 345 P.3d at 1055 (refusing costs where counsel was “only able to track down invoices for certain of the transcript expenses” and there was no “itemization of, or justification for, the transcripts without invoices”); *see also Gibellini*, 110 Nev. at 1206, 885 P.2d at 543 (“reasonable costs” must be actual and reasonable, “rather than a reasonable estimate or calculation of such costs”).

The SLC has also not submitted support to show what the reporting service’s “Litigation Support Package” included or why it was reasonable or necessary. There is no basis for Plaintiff’s counsel to bear such expenses. Nor has the SLC submitted support to show the reasonableness and necessity of interactive realtime transcripts, draft transcripts, videography services, or expedited transcripts for Ortolf and Brokaw. *See Cadle*, 345 P.3d at 1055; *see also*

(continued)
from Defendant Brokaw that the Ergens are so “cheap” that, despite their significant wealth, the Ergens prefer to sleep on friends’ air mattresses rather than in hotels when traveling. Here, Ergen and DISH are no doubt paying the SLC’s bills. The hotel costs submitted by the SLC further show that Ergen and DISH will pay hotel costs, and that the Ergens and the SLC members sleep on air mattresses at each others’ homes because of their close personal relationships, not because Ergen is cheap.

1 *Brochu*, 2012 WL 5991571, at *8 (holding that district court abused its discretion in awarding
2 costs that required more documentation).

3 Because the SLC's claimed costs for reporters' fees for depositions do not break out the
4 actual reporters' fees (including the cost of one copy of each transcript), and because the SLC
5 has not substantiated the reasonableness or necessity of any billed-for costs beyond those fees,
6 the \$18,946.15 claimed under NRS 18.005(2) should be disallowed.

7 **4. Costs of Photocopying and Scanning**

8 The SLC claims printing, photocopying, and scanning costs under NRS 18.005(12)
9 totaling \$18,820.08. Mem. at 6-7. As backup, the SLC submitted several pages of records
10 showing only that copies and scans were made, the dates they were made, and by whom. Mem.
11 App. at 83-166. Under controlling law, that is insufficient to demonstrate that photocopies and
12 scans were reasonable and necessary. *See Berosini*, 114 Nev. at 1353, 971 P.2d at 386 (rejecting
13 claim for photocopying costs because "PETA failed to provide sufficient justifying
14 documentation beyond the date of each photocopy and the total photocopying charge"); *see also*
15 *Cadle*, 345 P.3d at 1054-55 (rejecting affidavit of counsel stating that each copy made was
16 reasonable and necessary; "Because the district court had no evidence on which to judge the
17 reasonableness or necessity of each photocopy charge, we conclude that the court lacked
18 justifying documentation to award photocopy costs."); *see also Brochu*, 20120 WL 5991571, at
19 *8.

20 Because the SLC has not demonstrated that the photocopies for which it claims costs was
21 reasonable and necessary, the \$18,820.08 claimed under NRS 18.005(12) should be disallowed.

22 **5. Costs of Telephone Calls**

23 The SLC claims costs for teleconferences under NRS 18.005(13) totaling \$708.02. Mem.
24 at 7. As backup, the SLC submitted only invoices from a teleconference service provider. Mem.
25 App. at 168-86. That support is insufficient to demonstrate that the teleconferences were
26 reasonable and necessary. *See Berosini*, 114 Nev. at 1353 (rejecting claim for long distance
27 telephone charges); *see also Brochu*, 20120 WL 5991571, at *8 (same).

1 Because the SLC has not demonstrated that each of the teleconferences for which it
2 claims costs was reasonable and necessary, the \$708.02 claimed under NRS 18.005(13) should
3 be disallowed.

4 **6. Costs of Postage**

5 The SLC claims costs, under NRS 18.005(14), for \$2,424.07 in postage-related expenses.
6 Mem at 8-9. There is no support, however, for the claim that those expenses were reasonable
7 and necessary. Rather, the SLC has claimed costs for mailing materials that could have easily
8 been transmitted electronically at a lower cost. Indeed, there is no support that it was necessary
9 to send "deposition preparation" materials, "deposition materials," or "further additional
10 materials" via UPS or Federal Express. Without any reason to conclude otherwise, those
11 unspecified materials were likely primarily documents that the SLC possessed electronically.
12 This is particularly a concern where, as here, the SLC defended rather than took the underlying
13 depositions and therefore did not need to bring – and did not bring – several copies of numerous
14 documents to transport to the depositions.

15 As with the photocopies and telephone calls discussed above, the SLC is required to
16 establish a basis to determine that its postage costs are properly recoverable under the statute.
17 The SLC's counsel's bald affidavit averring that such costs were necessary, without more, is
18 insufficient. *See Cadle*, 345 P.3d at 1054-55. Because there is no support for or adequate
19 explanation of the necessity of the SLC's claimed postage-related costs, the \$2,424.07 claimed
20 under NRS 18.005(14) should be disallowed.

SUMMARY OF COST REDUCTIONS


<u>Category</u>	<u>Amount Claimed</u>	<u>Reduction</u>	<u>Allowable Amount</u>
Electronic discovery (NRS 18.005(17))	\$151,178.32	\$151,178.31	\$0.00
Deposition and discovery-related travel and lodging (NRS 18.005(15))	\$23,679.69	\$21,956.62	\$1,723.07
Reporters' fees for depositions (NRS 18.005(2))	\$18,946.15	\$18,946.15	\$0.00
Photocopies (NRS 18.005(12))	\$18,820.08	\$18,820.08	\$0.00
Long distance telephone calls (NRS 18.005(13))	\$708.02	\$708.02	\$0.00
Postage (NRS 18.005(14))	\$2,424.07	\$2,424.07	\$0.00
Costs not challenged (court fees, official reporters' fees, travel and lodging, legal research, runners, court records, <i>pro hac vice</i> costs)	\$4,092.80	\$0.00	\$4,092.80
Total	\$219,849.13	\$214,033.26	\$5,815.87

1 **CONCLUSION**

2 As discussed above, a significant majority of the claimed costs set forth in the SLC's
3 Memorandum are not recoverable under NRS 18.005, either because there is insufficient support
4 that the costs were reasonable and necessary, or because those costs are not included as
5 recoverable under the statute. The sum total by which the SLC's claimed costs should be
6 disallowed is \$214,033.26, with the remaining \$5,815.87 properly taxable.

7 Dated this 3rd day of November, 2015.

8 **BERNSTEIN LITOWITZ BERGER &
9 GROSSMANN LLP**

10 
11 MARK LEOVITCH, ESQ.
12 New York Bar No. 3037272
13 JEROEN VAN KWAEGEN, ESQ.
14 New York Bar No. 4228698
15 ADAM D. HOLLANDER, ESQ.
16 New York Bar No. 4498143
17 ALLA ZAYENCHIK
18 New York Bar No. 5222443
19 **BERNSTEIN LITOWITZ BERGER
20 & GROSSMANN LLP**
21 1285 Avenue of the Americas
22 New York, New York 10019

23 *Lead Counsel for Plaintiff*


24 BRIAN W. BOSCHKE, ESQ. (NBN 7612)
25 WILLIAM N. MILLER, ESQ. (NBN 11658)
26 400 South Fourth Street, Third Floor
27 Las Vegas, Nevada 89101

28 *Liaison Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **PLAINTIFF'S MOTION TO RETAX** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 3rd day of November, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

Joshua H. Reisman, Esq. Robert R. Warns III, Esq. REISMAN SOROKAC 8965 South Eastern Avenue, Suite 382 Las Vegas, Nevada 89123	James C. Dugan, Esq. Tariq Mundiya, Esq. WILLKIE, FARR & GALLAGHER, LLP 787 Seventh Avenue New York, New York 10019 <i>Attorneys for Charles W. Ergen and Cantey M. Ergen</i>
Kirk B. Lenhard, Esq. Jeffrey S. Rugg, Esq. BROWNSTEIN HYATT FABER SCHREK 100 North City Parkway, Suite 1600 Las Vegas, Nevada 89106-4614	Brian T. Fawley, Esq. SULLIVAN & CROMWELL, LLP 125 Broad Street New York, New York 10004 <i>Attorneys for the Director Defendants</i>
J. Stephen Peek, Esq. Robert J. Cassity, Esq. HOLLAND & HART, LLP 9555 Hillwood Drive, 2 nd Floor Las Vegas, Nevada 89134	David C. McBride, Esq. Robert S. Brady, Esq. C. Barr Flinn, Esq. YOUNG, CONWAY, STARGATT & TAYLOR, LLP Rodney Square 1000 North King Street Wilmington, Delaware 19801 <i>Attorneys for the Special Litigation Committee of Dish Network Corporation</i>
James J. Pisanelli, Esq. Debra L. Spinelli, Esq. PISANELLI BICE PLLC 400 South 7 th Street, Suite 300 Las Vegas, Nevada 89101 <i>Attorneys for Defendants Thomas A. Cullen, Kyle J. Kiser, and R. Stanton Dodge</i>	


An employee of Holley, Driggs, Walch,
Fine, Wray, Puzey & Thompson

Electronically Filed
11/16/2015 05:20:25 PM



CLERK OF THE COURT

OPPM

J. Stephen Peek
Nevada Bar No. 1758
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

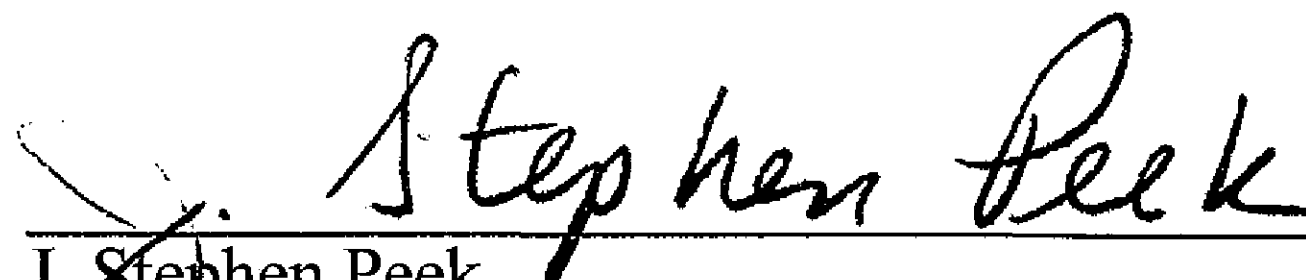
**OPPOSITION TO PLAINTIFF'S
MOTION TO RETAX**

Date of Hearing: November 24, 2015
Time of Hearing: 8:30 a.m.

The Special Litigation Committee of DISH Network Corporation (the "SLC"), by and
through its undersigned counsel, submits this Opposition to Plaintiff's Motion to Retax.

1 This Opposition is supported by the following Memorandum of Points and Authorities,
2 the papers and pleadings on file herein, and any oral argument the Court may entertain.

3 DATED this 16th day of November, 2015

4
5 

6 J. Stephen Peek
7 Robert J. Cassity
8 HOLLAND & HART LLP
9 9555 Hillwood Drive, 2nd Floor
10 Las Vegas, NV 89134

11 Holly Stein Sollod (*pro hac vice*)
12 HOLLAND & HART LLP
13 555 17th Street Suite 3200
14 Denver, CO 80202

15 David C. McBride (*pro hac vice*)
16 Robert S. Brady (*pro hac vice*)
17 C. Barr Flinn (*pro hac vice*)
18 Emily V. Burton (*pro hac vice*)
19 YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
20 Rodney Square
21 1000 North King Street
22 Wilmington, DE 19801

23 *Attorneys for the Special Litigation Committee*
24 *of DISH Network Corporation*

25 **MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO**
26 **PLAINTIFF'S MOTION TO RETAX**

27 **I.**

28 **INTRODUCTION**

1 In its Motion to Retax ("Motion"), plaintiff Jacksonville Police and Fire Pension Fund
2 ("Plaintiff") acknowledges the SLC's entitlement to recover a number of costs the SLC incurred
3 after it determined that pursuit of Plaintiff's claims was not in DISH Network Corporation's
4 ("DISH") best interest. Plaintiff's Motion, however, challenges various costs necessarily
5 incurred by the SLC to respond to and participate in the broad discovery and depositions Plaintiff
6 demanded, and the Court ordered, regarding the independence of the SLC members and good

1 faith of the SLC's investigation, and to attend the hearings on the SLC's Motion to Defer. As set
2 forth in greater detail below, the Motion should be denied and the costs awarded to the SLC as
3 requested in its Memorandum of Costs ("Memorandum" or "Memo.") for the following reasons:

4 *First*, the electronic discovery costs set forth in the Memorandum were incurred by the
5 SLC to collect, process, host, and search the SLC members' individual electronically stored
6 information ("ESI"), including their personal web-based email accounts, for documents
7 responsive to the Plaintiff's broad NRCP 56(f) discovery requests made in conjunction with the
8 Motion to Defer. Because these broad discovery requests were made by Plaintiff, and ordered by
9 the Court, the electronic discovery costs incurred to respond to these requests were both
10 reasonable and necessary to comply with the SLC's discovery obligations.

11 The Court will recall that Plaintiff did not seek NRCP 56(f) relief until the oral argument
12 at the January 12, 2015 hearing on the Motion to Defer, and the Court then permitted Plaintiff to
13 obtain the requested NRCP 56(f) discovery. The significant amount of electronic discovery costs
14 incurred that are the subject of the Motion were directly caused by the extraordinarily broad
15 discovery requests made by the Plaintiff. First, Plaintiff's discovery demands covered an
16 unusually long period of time – Plaintiff initially demanded electronic discovery with no date
17 restriction, and ultimately agreed to limit its requests to a six-year period of time. To
18 accommodate that demand, the SLC's electronic discovery vendors needed to collect the SLC
19 members' email and other documents for this six-year time period. Collecting documents from
20 such a wide time period was costly. Second, Plaintiff's demands covered both the SLC's
21 professional and personal communications. To accommodate this demand, the SLC's electronic
22 discovery vendors needed to collect not only the SLC members' business related email accounts
23 and computers used for business purposes, but also personal email accounts and devices used for
24 personal communications. This doubled collection added cost and required the retention of a
25 second vendor versed in collecting data from cell phones and social media. Third, the Plaintiff
26 did not limit its discovery demands to the SLC members: Plaintiff also demanded the collection,
27 hosting, and searching of documents from the other board members of DISH and Mr. Brokaw's
28

1 wife. The addition of these custodians further increased the necessary electronic discovery costs.
2 The amount of information collected to respond to Plaintiff's broad demands necessarily
3 increased the importance of using search terms to cull the collected documents prior to a manual
4 review; running these search terms incurred fees. And then, even after search terms, the volume
5 of information that needed to be hosted during the review and litigation on the Motion to Defer
6 was proportional to the massive amount of information collected. Given that the SLC's
7 electronic discovery costs were necessitated by Plaintiff's broad electronic discovery demands, it
8 comes with ill grace for the Plaintiff to complain now about the costs it imposed.

9 *Second*, Plaintiff's argument that it should not bear the travel costs for the SLC's Nevada
10 counsel to attend the SLC members' depositions is without merit. And Plaintiff's claim that only
11 one attorney was necessary to attend the SLC members' depositions must be rejected,
12 particularly in light of the fact that Plaintiff had at least two attorneys at the depositions of Tom
13 Ortolfo and George Brokaw (and chose *not* to involve their local Nevada counsel). Similarly,
14 travel expenses for two out-of-state lawyers to attend the two hearings on the SLC's Motion to
15 Defer were both reasonable and necessary when Plaintiff had five lawyers (including three out-
16 of-state lawyers) attend these hearings.¹

17 *Third*, the SLC should recover court reporting and videography costs associated with the
18 SLC members' depositions. Plaintiff engaged the court reporting and videographer service and
19 utilized the same real time court reporter services it now seeks to preclude the SLC from
20 recovering. The SLC's counsel's use of the same court reporter services utilized by the Plaintiff
21 during the deposition, and ordering of videotapes of the depositions Plaintiff videotaped,
22 demonstrate the reasonableness and necessity of these costs, and the SLC should recover the
23 same.

24 *Finally*, the SLC has provided extensive documentation regarding the reasonable and
25 necessary photocopying, postage, and long-distance telephone calls for which the SLC seeks
26 reimbursement. As set forth below, the SLC's counsel reasonably and necessarily incurred

27 ¹ Plaintiff's petty quarrel with a \$12.00 parking charge for Mr. Peek to attend a hearing in this
28 matter speaks volumes about the merit (or, rather, lack thereof) of its Motion.

1 photocopying, postage, and long distance telephone call costs to pursue the Motion to Defer and
2 Plaintiff's requested discovery.

3 Accordingly, the Court should award the SLC all of the costs set forth in the
4 Memorandum.

5 **II.**

6 **LEGAL ANALYSIS**

7 "The determination of costs is within the sound discretion of the district court," and will
8 not be disturbed on appeal absent an abuse of discretion. *Bergmann v. Boyce*, 109 Nev. 670, 679
9 (1993); *see also Waddell v. L.V.S.V. Inc.*, 122 Nev. 15, 25, 125 P.3d 1160, 1166 (2006) ("A
10 determination of allowable costs is within the sound discretion of the trial court.") (internal
11 quotations omitted). Even if costs are not specifically identified under NRS 18.005, a district
12 court may award costs for additional items pursuant to NRS 18.005(17) where such costs are
13 reasonable, necessary and incurred in the action. *Bobby Berosini, Ltd. v. People for the Ethical*
14 *Treatment of Animals*, 114 Nev. 1348, 1352, 971 P.2d 383, 386 (1998). As explained below, the
15 SLC's costs clearly meet this standard.

16 **A. Electronic Discovery Costs Were Reasonable and Necessary to Respond to**
17 **the Plaintiff's Broad NRCP 56(f) Discovery Requests.**

18 The SLC incurred substantial electronic discovery costs in order to collect, host, and
19 search the documents of the SLC members (including web-based email accounts), and to identify
20 and produce documents responsive to the Plaintiff's expansive discovery requests.² Plaintiff
21 argues that because electronic discovery costs are "not specifically included in NRS 18.005," any
22 such costs must be disallowed because the statute is to be construed narrowly. Mot. at 2-3. But
23 Plaintiff cannot credibly argue (and does not even attempt to argue in its Motion) that the
24 electronic discovery costs were not reasonable or necessary to respond to its extensive requests

25 ² To be clear, the SLC's request is limited to the electronic discovery costs incurred by the SLC
26 to respond to the NRCP 56(f) discovery requests first made by Plaintiff during the hearing on the
27 SLC's Motion to Defer on January 12, 2015; its request **does not include** the electronic
28 discovery costs incurred by the SLC in connection with its investigation regarding the Plaintiff's
allegations. Thus, these electronic discovery costs were incurred because of Plaintiff's broad
NRCP 56(f) discovery requests, and should be taxed against the Plaintiff.

1 for discovery of the SLC members. Indeed, Plaintiff's analysis utterly ignores NRS 18.005(17),
2 which allows "[a]ny other reasonable and necessary expense incurred in connection with the
3 action" Plaintiff's analysis would render that subsection of the statute meaningless. There is
4 no need for legislative action or amendment when the claimed cost already fits neatly within the
5 provisions of NRS 18.005(17) and the district court's exercise of its sound discretion to
6 determine whether a cost is reasonable and necessary.

7 Here, the electronic discovery costs were both reasonable and necessary. Plaintiff's
8 document production demands necessitated the collection of documents from thirteen custodians,
9 dating back to 2008, with the documents taken from DISH's servers, other company servers, and
10 web-based email and other storage locations. The demands required the production of more than
11 3,900 documents (comprising over 60,000 pages). The SLC could not have responded to
12 Plaintiff's discovery demands without employing the electronic discovery vendors that it used.
13 Aside from broadly challenging the SLC's use of electronic discovery vendors, Plaintiff has not
14 challenged any charge from those vendors as excessive. Moreover, the individual invoices for
15 all of the vendors' work was provided with the SLC's initial Memorandum. *See* Ex. A
16 (Declaration of Emily V. Burton).³

17 Plaintiff cites *Bergmann v. Boyce*, 109 Nev. 670, 856 P.2d 560 (1993), for the proposition
18 that document production costs are not recoverable when they are "better considered part of the
19 attorneys' fee or non-recoverable overhead" and that merely billing the items separately cannot

20 ³ The Court may properly consider matters submitted in response to a motion to retax costs. For
21 example, in *Gibellini v. Klindt*, 885 P.2d 540, 541-42, 110 Nev. 1201, 1203 (1994), the plaintiffs
22 filed their memorandum of costs under NRS 18.110, and the defendants filed a motion to retax.
23 Over a month later, the plaintiffs filed a "reply to appellants' motion to retax costs, providing an
24 itemized statement of travel, deposition, and other expenses." The district court relied on
25 plaintiff's reply and "itemized statement," and denied the motion to retax. Although the
26 Supreme Court reversed portions of the costs award, it did not criticize the district court for
27 reviewing the additional material provided in response to a motion to retax. Plaintiff cites the
28 unpublished opinion in *Brochu v. Foote Enterprises, Inc.*, 2012 WL 5991571 (Nev. 2012), for
the erroneous proposition that a party may not submit any additional support for costs by a
further filing. But setting aside the fact that *Brochu* "shall not be cited as legal authority" under
SCR 123, the Court there noted that "the district court did not abuse its discretion in refusing to
consider *any costs* other than those appearing within Foote's original memorandum of costs." *Id.*
at *6 (emphasis added). Here, the SLC is not requesting any new costs that were not previously
identified in the SLC's Memorandum; rather, it is merely supplying further evidentiary support
for the reasonableness and necessity of those costs.

1 convert attorneys' fees or firm overhead into a recoverable cost. In *Bergmann*, the Supreme
2 Court cited the case of *Hasbrouck v. Texaco, Inc.*, 631 F. Supp. 258, 268 (E.D. Wash. 1986),
3 noting that courts *will* award such costs where they "were not routine office overhead," but
4 pointed out that the prevailing party in *Hasbrouck* did not carry its burden of demonstrating that
5 the workers, whose costs were sought to be taxed, were "employed exclusively for work on the
6 instant case." *Id.* at 681. But the Court did *not* reject document production costs on the basis that
7 they were not statutorily allowed—it rejected them because the party in *Bergmann*, as in
8 *Hasbrouck*, did not provide adequate evidence of "circumstances indicating that his counsel was
9 required to hire additional workers or indicating that counsel's current staff was required to
10 perform extraordinary services." *Id.* Here, however, the electronic discovery costs are not
11 overhead that is part of the attorneys' fees charged by the SLC's counsel; in fact, the SLC's
12 Memorandum does not seek any costs for work performed by counsel in connection with the
13 collection, processing, hosting, storage, and production of the SLC members' electronically
14 stored information. Ex. A. The SLC's counsel reasonably and necessarily engaged the services
15 of two electronic discovery vendors to assist with these functions in order to search for and
16 produce documents responsive to Plaintiff's NRCP 56(f) discovery requests.⁴ Further, unlike in
17 *Bergmann*, the SLC's vendors undisputedly were engaged solely for electronic discovery
18 services.

19 The Nevada Supreme Court has not addressed the recoverability of electronic discovery
20 costs under NRS 18.005, but many federal district courts considering the issue have permitted
21 the recovery of such electronic discovery costs. *See, e.g., In re Aspartame Antitrust Litig.*, 817 F.
22 Supp. 2d 608, 614-15 ("The court is persuaded that in cases of this complexity, e-discovery saves
23 costs overall by allowing discovery to be conducted in an efficient and cost-effective manner.");
24 *CBT Flint Partners, LLC v. Return Path, Inc.*, 676 F. Supp. 2d 1376 (N.D. Ga. 2009), *vacated on*

25 ⁴ The *Bergmann* court also commented with respect to certain other costs that, "[p]erhaps, at
26 some future time, the practice of law will develop to a point where litigation attorneys
27 necessarily incur such expenses as a matter of course." *Id.* at 682, 856 P.2d at 568. We
28 respectfully submit that the practice of law has already developed such that parties necessarily
incur electronic discovery costs in responding to voluminous discovery requests that seek
parties' electronically stored information.

1 *other grounds*, 654 F.3d 1353, 1355 (Fed. Cir. 2011) (holding expenses incurred in retaining
2 computer consultant to collect, search, and identify documents in response to plaintiff's
3 discovery requests were taxable costs); *Tibble v. Edison Int'l*, No. CV 07-5359, 2011 WL
4 3759927, at *7 (C.D. Cal. Aug. 22, 2011) (finding that "Defendants' costs were not accrued
5 merely for the convenience of counsel, but were necessarily incurred in responding to Plaintiffs'
6 discovery requests," and awarding more than \$500,000 in electronic discovery costs "necessarily
7 incurred" to respond to plaintiff's discovery requests); *Parrish v. Manatt, Phelps, & Phillips,*
8 *LLP*, No. C 10-03200 WHA, 2011 WL 1362112, at *2 (N.D. Cal. Apr. 11, 2011) ("The tasks of
9 collecting client documents, reviewing those documents, and determining which documents are
10 relevant are essential—and often costly—parts of investigation and discovery."). As these cases
11 recognize, such electronic discovery costs are necessarily incurred as part of fulfilling parties'
12 discovery obligations under the rules in complex cases, such as this. Accordingly, the Court
13 should award the electronic discovery costs incurred by the SLC in responding to Plaintiff's
14 broad NRCP 56(f) document requests.

15 **B. The Court Should Allow Costs for Travel and Lodging for Depositions and**
16 **Hearings.**

17 Plaintiff's Motion seeks to disallow all but \$1,723.07 of the \$23,679.69 in costs that were
18 incurred by the SLC's counsel for travel and lodging. In particular, Plaintiff complains that Mr.
19 Peek, the SLC's Nevada counsel, traveled to Colorado and New York to attend depositions of
20 the SLC members in this case.⁵ Mot. at 4. But this objection cannot be sustained. As the Court
21 is well aware, Mr. Peek, as Nevada counsel of record, is responsible to the Court to ensure that
22
23
24

25 ⁵ Plaintiff complains about \$251 in "unspecified 'air travel expenses'" for Mr. Peek (Mot. at 4
26 n.2), but as reflected in the invoices submitted, these consisted of (i) \$109.00 charge to upgrade
27 from economy to coach on Mr. Peek's May 30 flight from Colorado to New York (United flight
28 no. 0303), and (ii) a flight change fee of \$142.00 for Mr. Peek to return to Las Vegas on June
2nd (United flight nos. 0695 & 0439) rather than his originally scheduled June 3 return date
(United flight nos. 1145 & 0711) following Mr. Brokaw's deposition (which, in turn, avoided an
additional day of lodging expenses).

1 the proceedings (including depositions) are conducted in accordance with the state and local
2 rules of practice and professional and ethical rules under SCR 42(14).⁶

3 Moreover, Plaintiff had at least two out-of-state attorneys attend the depositions of SLC
4 members Tom Ortolf and George Brokaw (and chose *not* to have its Nevada counsel present for
5 any of the three depositions of the SLC members), so the reasonableness of the attendance of two
6 out-of-state lawyers for the SLC cannot reasonably be questioned. In any case, Mr. Flinn served
7 as co-lead counsel for the SLC and defended the SLC members' depositions at the specific
8 request of each of the SLC members, and Ms. Muthu's attendance was reasonable and necessary
9 due to her extensive involvement in the SLC members' preparation for their depositions. Ex. A.
10 Further, the SLC's counsel's use of rental cars while traveling in Las Vegas was reasonable and
11 necessary in light of the fact that individual SLC members attended the court hearings on
12 January 12 and July 16, 2015. *Id.*

13 Even if NRS 18.005(15) does not contemplate travel and lodging for attendance at
14 necessary court hearings, the SLC's request for travel and lodging expenses related to the
15 January 12 and July 16 hearings on the SLC's Motion to Defer are recoverable under NRS
16 18.005(17) as reasonable and necessary expenses incurred in connection with this action.
17 Because Plaintiff has already acknowledged that the SLC counsel's *pro hac vice* expenses were
18 both reasonable and necessary (*see* Mot. at 8), it necessarily follows that the SLC's out-of-state
19 counsel's appearances at two critical hearings on the SLC's Motion to Defer were likewise
20 reasonable and necessary. Given the complexity of the issues presented in the Motion to Defer,
21 and in light of the fact that Plaintiff had five lawyers attend the January 12 and July 16 hearings
22 (including three out-of-state lawyers), the attendance by four lawyers for the SLC (including two
23 out-of-state lawyers) was both reasonable and necessary for the SLC. Parking charges incurred in
24 connection with the two hearings were likewise reasonable and necessary.⁷

25 ⁶ Although Mr. Peek intended to attend each of the depositions, a scheduling issue arose and Ms.
26 Sollod, who was admitted *pro hac vice* and who practices in Holland & Hart's Denver office,
27 attended Mr. Lillis' deposition in Denver. Thus, the only travel expenses sought in association
28 with Mr. Lillis' deposition were incurred by the SLC's out-of-state counsel.

⁷ Perhaps not surprisingly, Plaintiff even complains about a \$12.00 parking charge incurred by
Mr. Peek on April 7, 2015 on the ground that Mr. Peek sometimes appears on multiple matters

Although the Nevada Supreme Court has not squarely addressed the issue of costs for travel and lodging for court hearings, other courts have generally concluded that travel-related expenses are recoverable as reasonable and necessary expenses. *Henry A. v. Willden*, 2015 U.S. Dist. LEXIS 8159, *29 (D. Nev. Jan. 16, 2015) (concluding that travel “for court appearances” were necessary and reasonable for representation); *Chalmers v. Los Angeles*, 796 F.2d 1205, 1216 (9th Cir. 1986) (transportation costs are recoverable because they are an expense normally charged to a client); *Wallis v. BNSF Ry. Co.*, 2014 U.S. Dist. LEXIS 56834 (W.D. Wash. 2014) (travel and meal expenses “generally recoverable as out-of-pocket expenses”); *Arnold v. Catholic Healthcare West*, 2009 U.S. Dist. LEXIS 30998 (E.D. Cal. 2009) (travel expenses recoverable under FRCP 54(d) which authorizes costs to the prevailing party subject to the discretion of the court).

For these reasons, the Court should allow the travel, lodging and parking expenses for the SLC’s counsel to attend depositions and important hearings.

C. The Court Reporter and Videography Fees Should Be Awarded.

The court reporter’s fees for the SLC members’ depositions are similarly recoverable under NRS 18.005(2). Although Plaintiff now complains about costs for the court reporter’s real time fees, these services are reasonable and necessary in assisting counsel for the SLC to better understand the questions being asked, to frame appropriate objections, and to review the deponent’s testimony. These services were a part of the court reporter’s fees and Plaintiff’s counsel specifically informed counsel for the SLC that *they* would be using real time services during the depositions. *See, e.g.*, Ex. B, email from J. Van Kwawegen to L. Muthu (responding to inquiry, stating, “We’ll use livenote and video.”). Further, the use of real time services from the court reporter, providing a draft of the transcript, and providing copies of exhibits are all reasonable, necessary, and customary court reporter fees under NRS 18.005(2), and are routinely

on the same day. Had Plaintiff carefully reviewed Mr. Peek’s other parking receipts, it would have noticed that Mr. Peek *did* apportion parking costs among multiple matters when he attended hearings on behalf of multiple clients. *See, e.g.*, Exhibits to Memo. at 275. But Mr. Peek appeared only for the instant matter on April 7, 2015, and, therefore, the \$12.00 parking cost was charged only to this matter.

1 obtained in any business litigation matter. Plaintiff cannot dispute this. Indeed, Plaintiff has not
2 identified any of the fees on the invoice that are not legitimate “court reporter’s fees,” nor has
3 Plaintiff cited any support to the contrary. And Plaintiff’s complaints about the invoicing
4 practices of the court reporting service *it selected* cannot be blamed on the SLC.

5 Plaintiff’s reliance upon *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15,
6 345 P.3d 1049 (2015) for its objection to the court reporter’s fees is likewise unavailing. There,
7 the Supreme Court reduced the costs awarded for court reporter’s fees where the affidavit of
8 counsel stated a higher amount than the actual invoices supported, and where there was no
9 itemization in counsel’s affidavit of the claimed court reporter’s fees for which there were no
10 supporting invoices. *Id.* at 1055. Unlike the circumstances in *Cadle*, the SLC seeks to recover
11 only the amount of the court reporters’ fees set forth in the invoices it submitted with its
12 Memorandum of Costs, and the invoices sufficiently describe the court reporter’s fees that were
13 reasonably and necessarily incurred.

14 Plaintiff’s objection to the costs incurred by the SLC for a videographer is likewise
15 without merit because *Plaintiff chose to videotape each of the SLC members’ depositions*. See
16 Ex. C (Notices of Deposition) (each noting that the deposition “may be recorded by any means
17 permitted under Rule 30(b)(2) of the Nevada Rules of Civil Procedure, including videotaping
18 and stenographic means.”); Ex. B (Plaintiff’s counsel confirming videotaping of deposition).
19 Videography costs are both reasonable and necessary, as almost all depositions are now taken
20 both by stenographic means and by videotape. In addition, as the Court may recall, Plaintiff
21 played videotaped deposition testimony during its argument at the preliminary injunction hearing
22 in November 2013. Thus, counsel for the SLC reasonably required a copy of the videotaped
23 testimony of the SLC members, created at Plaintiff’s demand, in connection with the SLC’s
24 advocacy concerning the Motion to Defer. In fact, courts throughout the country have permitted
25 the recovery of videographer fees as recoverable costs. See *Tilton v. Capital Cities/ABC, Inc.*,
26 115 F.3d 1471, 1477-78 (10th Cir. 1997) (permitting recovery for videotaping); *Morrison v.*
27 *Reichhold Chem., Inc.*, 97 F.3d 460 (11th Cir. 1996); *Koehn v. Yamaha Motor Corp.*, 1997 U.S.
28

1 Dist. LEXIS 5952 (D. Kan. 1997); *Garonzik v. Whitman Diner*, 910 F. Supp. 167 (D. N.J. 1995);
2 *Griffith v. Mt. Carmel Med. Ctr.*, 157 F.R.D. 499 (D. Kan. 1994); *Meredith v. Schreiner Transp.*,
3 *Inc.*, 814 F. Supp. 1004 (D. Kan. 1993); *Marino v. Town of Kirkland*, 146 F.R.D. 49 (N.D.N.Y.
4 1993); *Deaton v. Dreis & Krump Mfg. Co.*, 134 F.R.D. 219 (N.D. Ohio 1991). The videographer
5 costs were both reasonable and necessary in this case, and should be allowed.

6 **D. The SLC Should Be Awarded Its Photocopying and Scanning Costs.**

7 With regard to photocopying and scanning costs, Plaintiff complains that the SLC's
8 documentation consists only of copies and scans being made, the dates, and by whom. Mot. at 6.
9 But Plaintiff apparently disregarded other documentation provided with the Memorandum of
10 Costs that specified the nature and purpose of many of the scans and copies. *See, e.g.*, Exhibits
11 to Memo. of Costs, at 115, 116, 152, 153, 161. Nevertheless, to the extent additional evidence
12 may assist to support a finding that the remaining photocopies and scans were reasonable and
13 necessary, the reasonableness, necessity, and purpose of the photocopying is supported by the
14 Burton Declaration. *See* Ex. A. Specifically, every time Young Conaway Stargatt & Taylor,
15 LLP ("Young Conaway") prints a document that is five pages⁸ or longer or photocopies a
16 document for the purpose of facilitating legal services to the SLC, it affirmatively charges the
17 printing or photocopying job to the SLC by entering a billing number associated with the SLC
18 into the firm's computer system before the system will allow the printing or photocopying job to
19 proceed. *Id.* While it would be overly burdensome to detail each incremental incident of
20 printing or photocopying, the photocopying and printing listed in the Memorandum served three
21 main purposes: (1) to facilitate the SLC's briefing on its Motion to Defer and related filings, (2)
22 to facilitate deposition preparation for the SLC members, and (3) to facilitate preparation for
23 both hearings on the SLC's Motion to Defer. *Id.*

24
25 ///

26
27 ⁸ Young Conaway does not bill its clients for the printing of documents that are less than five
28 pages in length. Accordingly, Young Conaway does not seek to recover the costs of printing any
documents that were less than five pages in length.

E. Costs for Long-Distance Telephone Conferences Should Be Allowed.

The SLC should be awarded the costs it incurred for long distance telephone conferences to communicate with co-counsel, opposing counsel, and the SLC members. These costs are specifically authorized by statute. NRS 18.005(13). Plaintiff's reliance on *Berosini* to object to the costs of the SLC's long distance telephone calls is misplaced because there, "PETA *failed to provide any itemization* with respect to its request for long distance telephone costs." *Id.* at 1353 (emphasis added). Here, the SLC provided invoices for its teleconference service that itemized each of the long distance telephone conferences for which the SLC is seeking reimbursement in this matter, including the dates of the telephone conferences, the length of the calls, and the itemized charge for each such teleconference. Moreover, the Burton Declaration lends even further support regarding the purposes of the teleconference costs and their reasonableness and necessity. Ex. A.

F. The SLC is Entitled to Recover its Postage Costs.

The SLC incurred costs in connection with mailing certain materials, including the SLC's Report dated October 24, 2014, and deposition preparation binders and materials, which postage costs are specifically authorized under NRS 18.005(14). Plaintiff's claim that sufficient documentation and justification for these materials was not provided is simply inaccurate. The Memorandum spelled out, with particularity, the dates, materials shipped, and costs associated with each of the postage charges. In addition, the Memorandum of Costs specifically described the purpose of each of the postage charges. Plaintiff complains that the SLC should not have incurred some of these expenses because certain materials could be scanned and sent electronically. Mot. at 7. But the SLC *did* scan and transmit electronic copies of many materials in this case in lieu of sending by post; but other materials, including binders assembled for deposition preparation (containing work product) were properly sent by post rather than electronically. Plaintiff's argument that the SLC's counsel did not need to bring deposition binders to the actual depositions misses the point—the SLC's counsel prepared and sent deposition binders to assist in the *preparation* for each SLC member's deposition. Plaintiff did

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

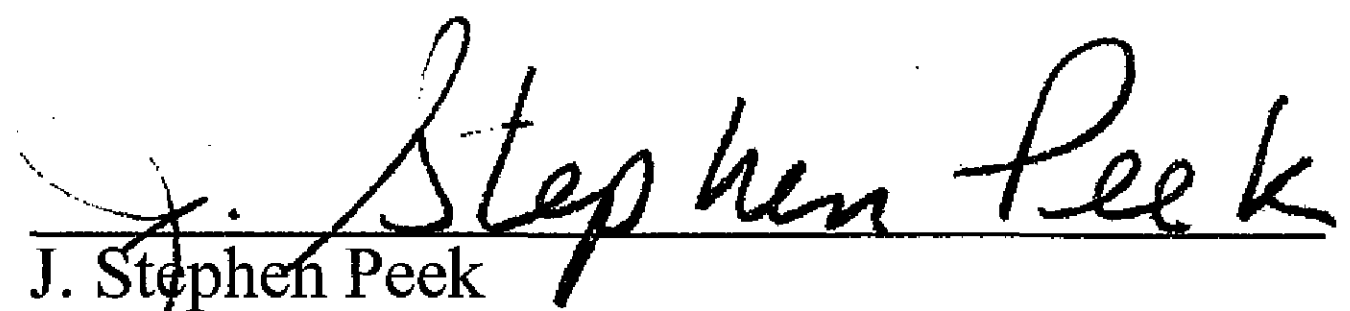
1 not challenge any of the specific entries listed in the Memorandum, and the Court should
2 therefore allow all of these costs.

3 **III.**

4 **CONCLUSION**

5 Because the SLC has demonstrated that the costs incurred by the SLC as set forth in the
6 Memorandum of Costs were reasonable and necessary to pursue the SLC's Motion to Defer, the
7 Court should exercise its broad discretion to allow these costs and should deny the Motion to
8 Retax in its entirety.

9 DATED this 16th day of November, 2015

10
11 

12 J. Stephen Peek
Robert J. Cassity
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

15 Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202

17 C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801

21 *Attorneys for the Special Litigation Committee
of DISH Network Corporation*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 16th day of November 2015, a true and correct copy of the
3 foregoing **OPPOSITION TO PLAINTIFF'S MOTION TO RETAX** was served by the
4 following method(s):

5 ☒ Electronic: by submitting electronically for filing and/or service with the Eighth
6 Judicial District Court's e-filing system and served on counsel electronically in
accordance with the E-service list to the following email addresses:

7 Please see the attached E-Service list

8 ☐ U.S. Mail: by depositing same in the United States mail, first class postage fully
9 prepaid to the persons and addresses listed below:

10 ☐ Email: by electronically delivering a copy via email to the following e-mail address:

11 ☐ Facsimile: by faxing a copy to the following numbers referenced below:

12 
13 An Employee of Holland & Hart LLP

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

**E-Service Master List
For Case**

null - Jacksonville Police and Fire Pension Fund, Plaintiff(s) vs. Charles Ergen, Defendant(s)

Bernstein Litowitz Berger & Grossmann LLP

Contact	Email
Adam D. Hollander	adam.hollander@blbqlaw.com
Jeroen Van Kwawegen	jeroen@blbqlaw.com
Mark Lebovitch	markl@blbqlaw.com

Brownstein Hyatt Farber Schreck, LLP

Contact	Email
Jeffrey S. Rugg	jrugg@bhfs.com
Karen Mandall	kmandall@bhfs.com
Maximilien "Max" D. Fetaz	MFetaz@BHFS.com

Cadwalader Wickersham

Contact	Email
Brittany Schulman	brittany.schulman@cwt.com
Gregory Beaman	Gregory.Beaman@cwt.com
William Foley	William.Foley@cwt.com

Greenberg Traurig, LLP

Contact	Email
6085 Joyce Heilich	heilichj@gtlaw.com
7132 Andrea Rosehill	rosehilla@gtlaw.com
IOM Mark Ferrario	lvitdock@gtlaw.com
LVGTDocketing	lvitdock@gtlaw.com
RRW Randolph Westbrook	westbrookr@gtlaw.com

Holland & Hart

Contact	Email
Steve Peek	speek@hollandhart.com

Holland & Hart LLP

Contact	Email
Robert Cassity	bcassity@hollandhart.com
Valerie Larsen	vlarsen@hollandhart.com

Holley Driggs Walch Fine Wray Puzey & Thompson

Contact	Email
Dawn Dudas	ddudas@nevadafirm.com

Holley Driggs Walch Puzey Thompson

Contact	Email
William N. Miller	wmiller@nevadafirm.com

Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson

Contact	Email
Brian W. Boschee	bboschee@nevadafirm.com

Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson

Contact	Email
Brian W. Boschee, Esq.	bboschee@nevadafirm.com

Holley, Driggs, Walch, Puzey & Thompson

Contact	Email
William N. Miller	wmiller@nevadafirm.com

McDonald Carano Wilson LLP

Contact	Email
Amanda Yen	ayen@mcdonaldcarano.com
CaraMia Gerard	cgerard@mcdonaldcarano.com
Jeff Silvestri	jsilvestri@mcdonaldcarano.com

Michelle Wade

mwade@mcdonaldcarano.com

Pisanelli Bice PLLC**Contact**Debra L. Spinelli
Paul Garcia
PB Lit**Email**dls@pisanellibice.com
pg@pisanellibice.com
lit@pisanellibice.com

Reisman Sorokac**Contact**Joshua H. Reisman, Esq.
Kelly Wood**Email**JReisman@rsnlaw.com
kwood@rsnlaw.com

Sullivan & Cromwell, LLP**Contact**Andrew L. Van Houter
Brian T. Frawley
Heather Celeste Mitchell**Email**vanhoutera@sullcrom.com
frawleyb@sullcrom.com
MITCHELLH@SULLCROM.COM

Willkie, Farr & Gallagher LLP**Contact**

Tariq Mundiya

Emailtmundiya@willkie.com

Winston & Strawn**Contact**

Bruce R. Braun

EmailBBraun@winston.com

Young, Conway, Stargatt & Taylor, LLP**Contact**

C. Barr Flinn

Emailbflinn@ycst.com

EXHIBIT A

EXHIBIT A

DECL

J. Stephen Peek
Nevada Bar No. 1758
Robert J. Cassity
Nevada Bar No. 9779
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: (702) 669-4600
Fax: (702) 669-4650

Holly Stein Sollod (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street Suite 3200
Denver, CO 80202
Phone (303) 295-8000
Fax: (303) 975-5395

David C. McBride (*pro hac vice*)
Robert S. Brady (*pro hac vice*)
C. Barr Flinn (*pro hac vice*)
Emily V. Burton (*pro hac vice*)
YOUNG, CONAWAY, STARGATT & TAYLOR, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
Phone: (302) 571-6600
Fax: (302) 571-1253

*Attorneys for the Special Litigation Committee
of DISH Network Corporation*

DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE DISH NETWORK CORPORATION
DERIVATIVE LITIGATION

Case No. A-13-686775-B
Dept. No. XI

Consolidated with A688882

**DECLARATION OF EMILY V. BURTON
IN SUPPORT OF SPECIAL LITIGATION
COMMITTEE'S OPPOSITION TO
PLAINTIFF'S MOTION TO RETAX**

I, Emily V. Burton, Esq., declare as follows:

1. I am over 18 years of age and am competent to testify as to the matters set forth in
this Declaration based upon my own personal knowledge.

1 2. I am an attorney at Young, Conaway, Stargatt & Taylor, LLP (“Young
2 Conaway”), counsel for the Special Litigation Committee of DISH Network Corporation
3 (“SLC”) in this action.

4 3. I make this Declaration in support of the SLC’s Opposition to Plaintiff’s Motion
5 to Retax and to provide additional details concerning (1) the SLC’s electronic discovery costs
6 and (2) the SLC’s printing and photocopying costs.

7 *Utilization of Electronic Discovery Vendors*

8 4. The SLC seeks to recover e-Discovery costs incurred from October 31, 2014 to
9 August 31, 2015. During this time period, counsel for the SLC worked with two e-discovery
10 vendors – (1) Falcon Discovery and (2) DLS Discovery – to collect, process, host, and search by
11 both terms and dates documents in connection with the SLC’s Motion to Defer, as well as to
12 provide a document review platform on behalf of the SLC. The SLC’s utilization of third-party
13 e-Discovery vendors ensured that all available and relevant electronically stored information was
14 collected in a complete and efficient manner. Furthermore, the utilization of these technical
15 experts ensures that electronically stored information is collected and processed in a manner that
16 does not electronically alter the data and that preserves metadata. Counsel for the SLC does not
17 possess the technical expertise to collect electronically stored information in a reliable and
18 efficient manner itself.

19 5. Counsel for the SLC worked with Falcon Discovery to collect and process
20 documents from web-based email accounts and DISH servers.

21 6. When the plaintiff sought documents from personal devices, including cell
22 phones, and social media, counsel for the SLC worked with DLS Discovery to access and collect
23 documents from such sources, because Falcon Discovery lacked the technical expertise to
24 perform these collections. DLS Discovery also assisted Falcon Discovery in performing
25 collections, data processing, and data searches that required additional technical expertise. DLS
26 Discovery provided documents that it collected to Falcon Discovery and counsel for the SLC to
27 host and review. Thereafter, DLS Discovery’s work on this matter concluded.

1 7. Following the document collection and processing phase of the discovery
2 process, Falcon Discovery applied search terms, to the data collected in order to facilitate the
3 document review process. The search process required the running of multiple sets of search
4 terms in order to establish a set of documents that could be reviewed and produced on a time-
5 frame consistent with the parties' discovery schedule. During the review process, search terms
6 were also modified based on negotiations with the plaintiff regarding the scope of the discovery
7 that plaintiff demanded.

8 8. Consistent with the parties' discovery schedule, Falcon Discovery assisted
9 counsel for the SLC in producing documents to the plaintiff. After the completion of the
10 document production phase of discovery, Falcon Discovery continued to host the data collected
11 for the entirety of the litigation on the Motion to Defer.

12 9. The costs incurred in connection with DLS's and Falcon Discovery's work was
13 both reasonable and necessary for the SLC to comply with the plaintiff's discovery in connection
14 with the plaintiff's opposition to the SLC's Motion to Defer.

15 ***Young Conaway's Printing & Photocopying Costs***

16 10. The SLC also seeks to recover costs for printing and photocopying incurred from
17 October 27, 2014 to August 31, 2015. During this time period, Young Conaway personnel
18 printed and photocopied documents for three main purposes: (1) to facilitate the preparation and
19 drafting of the SLC's briefing on its Motion to Defer and related filings, (2) to facilitate
20 deposition preparation for each of the members of the SLC, and (3) to facilitate preparation for
21 both hearings on the SLC's Motion to Defer.

22 11. Young Conaway uses a computer program, equitrac, to facilitate the billing of
23 printing and photocopying jobs undertaken by its personnel.

24 12. Every time a person at Young Conaway sought to print a document that was five
25 pages¹ or longer or photocopy a document for the purpose of facilitating the rendition of legal

26 ¹ Young Conaway, as a firm policy, does not bill its clients for the printing of documents that are
27 less than five pages in length. Young Conaway absorbs the costs for such print jobs in its
28 overhead. Accordingly, the SLC does not seek to recover the costs of printing any documents
that were less than five pages in length.

1 services to the SLC, equitrac required the person to affirmatively charge the printing or
2 photocopying job to the SLC by entering a number associated with the SLC into an automated
3 pop-up generated by equitrac. The use of this number ensured that only printing or
4 photocopying associated with Young Conaway's work for the SLC was billed to the SLC and
5 was presented as part of the SLC's requested recovery of costs.

6 13. Young Conaway's accounting department compiled all of the printing and
7 photocopying charges made in furtherance of providing legal services to the SLC and provided
8 those costs to counsel for the SLC for client billing purposes. These costs were both reasonable
9 and necessary for the SLC to appropriately respond to the plaintiff's discovery demands and
10 opposition to the SLC's Motion to Defer.

11 Executed this 16th day of November, 2015, in New Castle County, Delaware.

12
13 /s/ Emily V. Burton
14 Emily V. Burton, Esq.
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT B

EXHIBIT B

Valerie Larsen

From: Jeroen van Kwawegen <jeroen@blbglaw.com>
Sent: Friday, May 22, 2015 6:59 AM
To: Muthu, Lakshmi
Cc: Flinn, Barr; Burton, Emily; Potts, Benjamin
Subject: Re: DISH - Deposition Details

Lakshmi, next week will be Mark and me. I don't have the names of the court reporters yet, but they're from David Feldman or their local referral. We'll use livenote and video.

On May 22, 2015, at 9:51 AM, Muthu, Lakshmi <LMuthu@ycst.com<<mailto:LMuthu@ycst.com>>> wrote:

Jeroen,

For security purposes, could you please provide the names of the people from your office who will be attending each upcoming deposition and the names of the court reporters who will be attending each deposition?

Also, could you please let us know if you will be using LiveNote and if you will be videotaping the depositions?

Thanks,
Lakshmi

Lakshmi A. Muthu
Associate
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
P 302.576.3248
F 302.576.3413
LMuthu@ycst.com<<mailto:LMuthu@ycst.com>>

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

From: Muthu, Lakshmi
Sent: Tuesday, May 19, 2015 1:48 PM
To: 'Jeroen van Kwawegen' (jeroen@blbglaw.com<<mailto:jeroen@blbglaw.com>>)
Cc: Flinn, Barr; Burton, Emily; Potts, Benjamin
Subject: DISH - Deposition Details

Jeroen,

Have you already arranged for court reporters to be at the upcoming depositions of the SLC members? If so, could you please send us the contact information for the court reporters?

Also, will the depositions be videotaped, and will you be using LiveNote during the depositions?

Thanks,
Lakshmi

Lakshmi A. Muthu
Associate
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
P 302.576.3248
F 302.576.3413
LMuthu@ycst.com<mailto:LMuthu@ycst.com>

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

Valerie Larsen

From: Muthu, Lakshmi <LMuthu@ycst.com>
Sent: Friday, May 22, 2015 7:02 AM
To: 'Jeroen van Kwawegen'
Cc: Flinn, Barr; Burton, Emily; Potts, Benjamin
Subject: RE: DISH - Deposition Details

Thanks, Jeroen. Please let us know when you have the names of the people who will be attending the New York deposition. We will contact David Feldman to ask its staff to provide us with LiveNote as well.

Best,
Lakshmi

Lakshmi A. Muthu
Associate
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
P 302.576.3248
F 302.576.3413
LMuthu@ycst.com

This message may contain confidential attorney-client communications or other protected information. If you believe you are not an intended recipient (even if this message was sent to your e-mail address), you may not use, copy, or retransmit it. If you believe you received this message by mistake, please notify us by return e-mail, and then delete this message. Thank you for your cooperation.

-----Original Message-----

From: Jeroen van Kwawegen [<mailto:jeroen@blbglaw.com>]
Sent: Friday, May 22, 2015 9:59 AM
To: Muthu, Lakshmi
Cc: Flinn, Barr; Burton, Emily; Potts, Benjamin
Subject: Re: DISH - Deposition Details

Lakshmi, next week will be Mark and me. I don't have the names of the court reporters yet, but they're from David Feldman or their local referral. We'll use livenote and video.

On May 22, 2015, at 9:51 AM, Muthu, Lakshmi <LMuthu@ycst.com<<mailto:LMuthu@ycst.com>>> wrote:

Jeroen,