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9 & Dohme Corp.*

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **IN RE INCRETIN-BASED**
13 **THERAPIES PRODUCTS**
14 **LIABILITY LITIGATION**

15 *As to All Related and Member Cases*

Case No. 13-md-2452-AJB (MDD)

MDL 2452

DECLARATION PAUL E. BOEHM
IN SUPPORT OF MERCK SHARP
& DOHME CORP.'S BILL OF
COSTS

Date: January 4, 2016

Time: 10 a.m.

Judge: Hon. Anthony J. Battaglia

1 I, Paul E. Boehm, declare as follows:

2 I am an attorney duly licensed to practice in the District of Columbia, and I
3 am a partner at the law firm of Williams & Connolly LLP, counsel of record for
4 Defendant Merck Sharp & Dohme Corp. ("Merck") in this litigation. I am making
5 this declaration in support of Defendant Merck Sharp & Dohme Corp.'s Bill of
6 Costs to recover expenses associated with this litigation pursuant to Rule 54 of the
7 Federal Rules of Civil Procedure and Southern District of California Local Rule
8 54.1. I have personal knowledge of the facts set forth herein and, if called to
9 testify, I could and would testify competently hereto. I further certify that the costs
10 listed in the attached Bill of Costs, detailed in the Supporting Schedule filed
11 herewith, and further detailed in the invoices attached as exhibits to this declaration
12 are allowable under federal law, are correctly stated, and were necessarily incurred
13 in this litigation. *See* L.R. 54.1.

14 **Deposition Costs - 28 U.S.C. § 1920(2)**

15 Attached hereto as Exhibit 1 is an itemized summary of the costs incurred by
16 Merck in order to obtain the transcript, exhibits, and one copy of the depositions of
17 individuals necessarily obtained for use in this case.

18 Attached hereto as Exhibit 2 are true and correct copies of paid invoices that
19 Merck incurred in order to obtain the transcript, exhibits, and one copy of the
20 depositions of individuals necessarily obtained for use in this case. *See* 28 U.S.C.
21 § 1920(2); L.R. 54.1(b)(3); *see also Ancora Techs., Inc. v. Apple, Inc.*, 2013 WL
22 4532927, at *6 (N.D. Cal. Aug. 26, 2013).

23 The line items set forth in Exhibit 1 and in the attached invoices are
24 described below.

- 25 1. [Name of Deponent] Deposition, taken [date].

26 This line item describes the cost of obtaining the deposition transcript.
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2. Exhibits

This line item describes the cost of obtaining a copy of the exhibits to the deposition.

3. Rough Draft/ Rough Draft ASCII

This line item describes the cost of obtaining an additional copy of the deposition on ASCII diskettes.

4. Condensed Transcript

This line item describes the cost of obtaining an additional copy of the deposition in a condensed transcript.

5. Expert Testimony/Expert Premium

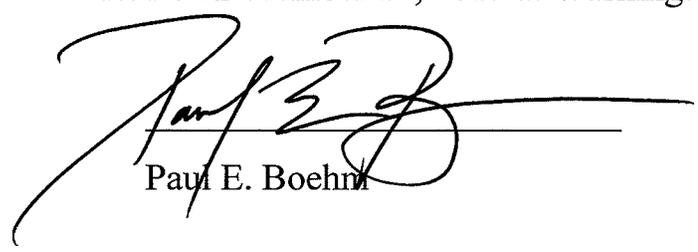
This line item describes an additional fee assessed by certain vendors for expert testimony transcription.

6. Evening Pages or Evening Attendance Fee

These line items describe an additional fee assessed by certain vendors for transcriptions that are taken after normal business hours.

These costs associated with depositions were necessarily obtained in this litigation and are allowable pursuant to 28 U.S.C. § 1920(2) and the law of this Circuit.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 14, 2015 at Washington, D.C.



Paul E. Boehm

