

CAUSE NO. D-1-GN-97-012163

TEXAS DISPOSAL SYSTEMS
LANDFILL, INC.,
Plaintiff,

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IN THE DISTRICT COURT OF

vs.

TRAVIS COUNTY, TEXAS

WASTE MANAGEMENT OF
TEXAS, INC.,
Defendant.

126th JUDICIAL DISTRICT

PLAINTIFF'S MOTION TO RETAX COSTS

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Texas Disposal Systems Landfill, Inc. hereby files its Motion to Retax Costs and would show as follows:

1. The appeals in this matter have now been completed, and judgment for the Plaintiff has been upheld. The judgment awards Plaintiff all taxable court costs.

2. The mandate from the final Court of Appeals decision has not issued, The Bill of Costs filed by the Clerk in this matter does not accurately set forth all recoverable costs.

3. Attached hereto as Exhibit A is a summary of Plaintiff's recoverable court costs, in the amount of \$49,732.79. Attached as Exhibit B is a collection of invoices and other documents reflecting such costs. Attached as Exhibit C is an affidavit verifying the invoices and the cost calculation.

4. Plaintiff respectfully requests that the bill of costs be corrected by the Clerk to include all recoverable costs as set forth on the exhibits to this Motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Texas Disposal Systems Landfill, Inc., moves that its motion be GRANTED; that the bill of costs be corrected by the clerk to include all recoverable costs as set forth in the exhibits hereto; and that Plaintiff be granted all

other relief to which it may show itself justly entitled.

Respectfully submitted,
GRAVES, DOUGHERTY, HEARON & MOODY, P.C.
401 Congress Avenue, Suite 2200
Austin, Texas 78701
(512) 480-5600 phone

/s/ James A. Hemphill

John J. McKetta III
State Bar No. 13711500
James A. Hemphill
State Bar No. 00787674
Direct Phone: (512) 480-5762
Direct Fax: (512) 536-9907
Daniel O. Ramón
State Bar No. 24060462

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following counsel for Defendants *via* electronic service (if available) and certified mail, return receipt requested, with courtesy copies *via* email, on the 26th day of November, 2014:

William W. Ogden
Ogden, Gibson, Broocks, Longoria & Hall, L.L.P.
1900 Pennzoil South Tower
711 Louisiana
Houston, Texas 77002
bogden@ogwbl.com

Robert M. Roach, Jr.
Roach & Newton, LLP
Heritage Plaza
1111 Bagby, Suite 2650
Houston, Texas 77002
rroach@roachnewton.com

/s/ James A. Hemphill

James A. Hemphill

EXHIBIT A: TDSL RECOVERABLE COURT COSTS SUMMARY

Date	Description	Amount
10/24/1997	Filing fees	\$ 189.00
10/31/1997	Citation service fee – Don Martin	\$ 50.00
10/31/1997	Citation service fee – WM, Inc.	\$ 40.00
11/6/1997	Citation service fee – WM of Texas	\$ 40.00
1/10/2001	Deposition of Don Martin	\$ 1,743.40
3/14/2002	Jury fee	\$ 30.00
3/21/2002	Deposition of Jesse Oviedo	\$ 1,230.46
4/8/2002	Reporter's record, Motion to Compel	\$ 419.00
4/17/2002	Deposition of Bill Kaufman	\$ 1,076.20
4/23/2002	Subpoena fee - John German	\$ 110.00
4/24/2002	Subpoena preparation and appearance fee for John German deposition in San Antonio	\$ 221.00
5/31/2002	Deposition of Patricia Tilton	\$ 844.20
5/31/2002	Service of subpoena on Patricia Tilton	\$ 160.00
6/5/2002	Deposition of Jane Witheridge	\$ 1,089.10
6/11/2002	Reporter's Record	\$ 399.25
6/12/2002	Deposition of Bob Ross	\$ 601.20
6/14/2002	Deposition of Richard Vasquez	\$ 532.80
6/16/2002	Attempted service of subpoena on Rick Vasquez and Bob Ross	\$ 370.00
6/17/2002	Service and attempted service of subpoena on Richard Bost and Jim Hackfield	\$ 210.00
6/17/2002	Deposition of Richard Bost	\$ 1,088.25
6/19/2002	Attempted service of subpoena on Larry Cohn and John Hall	\$ 20.00
6/19/2002	Service of subpoena on Dwight Pittman, Susan Janek, Loren AlexanDER AND Al Erwin	\$ 515.00
6/19/2002	Deposition of Dwight Pittman	\$ 996.75
6/19/2002	Deposition of Johnny Williams	\$ 655.75
6/21/2002	Subpoena fee -John Hall	\$ 95.00
6/21/2002	Subpoena fee -Henry Avila	\$ 95.00
6/21/2002	Service of subpoena on Jim Hackfield	\$ 120.00
6/21/2002	Deposition of Susan Janek	\$ 1,976.00
6/24/2002	Deposition of Alan Erwin	\$ 1,194.00
6/25/2002	Deposition of W. Fusilier	\$ 1,717.60
6/25/2002	Deposition of John Hall	\$ 535.60
6/27/2002	Deposition of Loren Alexander	\$ 1,115.50
6/27/2002	Deposition of Nick D'Andrea	\$ 1,023.00
6/28/2002	Subpoena fee -Jim Hackfield	\$ 120.00
6/28/2002	Deposition of James Hackfeld	\$ 718.00



EXHIBIT A: TDSL RECOVERABLE COURT COSTS SUMMARY

Date	Description	Amount
6/28/2002	Deposition of Henry Avila	\$ 1,638.20
7/1/2002	Reporter's record	\$ 399.25
7/1/2002	Certificate of Nonappearance for Deposition of Juan Solis, III	\$ 75.00
7/2/2002	Deposition of Kevin Yard	\$ 713.80
7/3/2002	Deposition of Juan Solis	\$ 802.00
7/9/2002	Deposition of Larry Cohn	\$ 1,689.75
7/16/2002	Non appearance of Juan Solis	\$ 75.00
9/27/2002	Reporter's Record	\$ 95.00
11/21/2002	Reporter's Record	\$ 138.00
1/22/2003	Deposition of Linda Smith	\$ 608.35
3/4/2003	Deposition of John Slocum, Volume 1	\$ 842.25
3/5/2003	Reporter's Record	\$ 480.00
4/7/2003	Reporter's Record	\$ 354.00
4/21/2003	Trial transcript, 4/15 - 18	\$ 2,334.00
4/27/2003	Deposition of Richard Bost	\$ 1,012.50
4/28/2003	Trial transcript, 4/21 - 25	\$ 3,913.00
5/5/2003	Trial transcript, 4/28 - 5/2	\$ 4,518.50
5/6/2003	Trial transcript, 5/5	\$ 910.00
9/4/2003	Motion for New Trial	\$ 30.00
11/5/2003	Clerk's Record - for appeal, estimated cost (50% of \$500)	\$ 250.00
11/13/2003	Court of Appeals filing fee (50% of \$125)	\$ 62.50
12/11/2003	Clerk's Record - payment (50% of \$5,000)	\$ 2,500.00
12/15/2003	Clerk's Record- final cost (50% of 1,014)	\$ 507.00
3/11/2004	Court of Appeals filing fee (50% of \$10)	\$ 5.00
5/13/2004	Court of Appeals filing fee (50% of \$10)	\$ 5.00
7/7/2005	Court of Appeals filing fee (50% of \$10)	\$ 5.00
7/5/2006	Court of Appeals filing fee (50% of \$10)	\$ 5.00
2/12/2007	Court of Appeals filing fee (50% of \$10)	\$ 5.00
2/22/2007	Court of Appeals filing fee (50% of \$10)	\$ 5.00
2/26/2007	Court of Appeals filing fee (50% of \$10)	\$ 5.00
1/30/2009	District Court filing fees	\$ 16.36
9/15/2010	Reporter's Record	\$ 636.00
9/21/2010	Deposition of Rudolph Bonaparte	\$ 1,143.10
9/30/2010	Deposition of Lawrence Ranallo	\$ 1,673.08
10/14/2010	Subpoena and witness fee - Jacob's Engineering Group	\$ 136.00
10/13/2010	Subpoena service and witness fee - Alan Erwin	\$ 80.00
10/14/2010	Subpoena service and witness fee - Don Martin	\$ 80.00

EXHIBIT A: TDSL RECOVERABLE COURT COSTS SUMMARY

Date	Description	Amount
10/14/2010	Subpoena service attempt - William Rhodes	\$ 75.00
10/21/2010	Deposition On Written Questions of Jacobs Engineering Group	\$ 461.45
8/25/10 - 12/15/10	District Court filing fees	\$ 107.64
	TOTAL	\$ 49,732.79

USE NO.: 9712863
TRAVIS COUNTY
AMALIA RODRIGUEZ-MENDOZA
DANIELA CRISTINA MONTANA
RECEIPT NO.: 349482
TRAVIS COUNTY
WASTE DISPOSAL SYSTEMS LANDFILL, INC.
VS.
WASTE MANAGEMENT, INC.
TEXAS
PAID BY: HOHMANN & TAPPE, TEXAS
PAYMENT FOR: FILING FEES
AMOUNT RECEIVED: 189.00
RECEIVED BY: RACHEL ALEMAN

OCTOBER 24, 1997
PAYMENT BY: CHECK
COURT: 126
TIME: 16:53



EXHIBIT
B
tabbies

CITATION
THE STATE OF TEXAS

Cause No. 9712163

TEXAS DISPOSAL SYSTEMS LANDFILL, INC. , Plaintiff

vs.

WASTE MANAGEMENT, INC.; WASTE MANAGEMENT OF TEXAS, INC., and DONALD MARTIN

Defendant
COPY

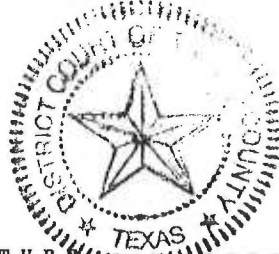
To: DONALD MARTIN
3345 BEE CAVES ROAD
AUSTIN, TEXAS 78746

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the ORIGINAL PETITION of the PLAINTIFF in the above styled and numbered cause, which was filed on the 24th day of October, 1997, in the 126TH Judicial District Court of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, this the 29th day of October, 1997.
REQUESTED BY:
ERIC J. TAUBE
100 CONGRESS AVE., STE. 1600
AUSTIN, TX 78701
(512) 472-5997



AMALIA RODRIGUEZ-MENDOZA
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 1748
Austin, Texas

By M. Connie Arzola
M. CONNIE ARZOLA, Deputy

RETURN

Came to hand on the 29 day of October 1997 at 4:00'clock P.M., and executed at 3345 Bee Caves Austin Tx, within the County of Travis on the 29 day of October 1997 at 4:50'clock P.M., by delivering to the within named Donald Martin

each in person, a true copy of this citation together with the accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ 50.00

Sworn to and subscribed before me this the _____ day of _____, _____.

NOTARY PUBLIC, THE STATE OF TEXAS

Original Copy

VERIFICATION
ATTACHED

Mark Ramsey
SHERIFF/CONSTABLE/AUTHORIZED PERSON
BY:
Mark Ramsey
PRINTED NAME OF SERVOR

County, Texas

9712163-004

Service Fee Not Paid

FILED

97 OCT 31 PM 4: 38

Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY, TEXAS



5
10-31-97
JPC

CITATION
THE STATE OF TEXAS

Cause No. 9712163

TEXAS DISPOSAL SYSTEMS LANDFILL, INC. , Plaintiff

vs.

WASTE MANAGEMENT, INC.; WASTE MANAGEMENT OF TEXAS, INC., and DONALD MARTIN , Defendant

COPY

To: WASTE MANAGEMENT, INC., BY DELIVERING TO THE SECRETARY OF STATE FOR THE STATE OF TEXAS

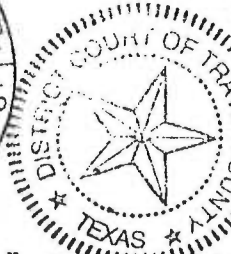
Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

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ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, this the 29th day of October, 1997.
REQUESTED BY:
ERIC J. TAUBE
100 CONGRESS AVE., STE. 1600
AUSTIN, TX 78701
(512) 472-5997



AMALIA RODRIGUEZ-MENDOZA
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 1748
Austin, Texas

M. Connie Arzola
M. CONNIE ARZOLA, Deputy

RETURN

Came to hand on the ___ day of _____, at ___ o'clock ___ .M., and executed at _____, within the County of _____ on the ___ day of _____, at ___ o'clock ___ .M., by delivering to the within named _____

_____, each in person, a true copy of this citation together with the accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ 40.00

Sworn to and subscribed before me this the ___ day of _____, _____.

NOTARY PUBLIC, THE STATE OF TEXAS
Original Copy

SHERIFF/CONSTABLE/AUTHORIZED PERSON

BY: _____

PRINTED NAME OF SERVOR

_____, County, Texas

9712163-005

Service Fee Not Paid

FILED
97 OCT 31 PM 4:37

Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

7
10-31-97
JPC

CITATION
THE STATE OF TEXAS

COPY
Cause No. 9712163

TEXAS DISPOSAL SYSTEMS LANDFILL, INC. , Plaintiff

vs.

WASTE MANAGEMENT, INC.; WASTE MANAGEMENT OF TEXAS, INC., and DONALD MARTIN , Defendant

RECEIVED
NOV 10 1997
EJT

To: WASTE MANAGEMENT OF TEXAS, INC. ("WMT") BY
DELIVERING TO CT CORPORATION SYSTEMS
350 N. ST. PAUL STREET
DALLAS, TEXAS 75201

Defendant, in the above styled and numbered cause:

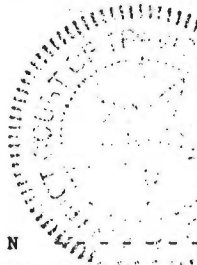
YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A. M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

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ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, this the 27th day of October, 1997.

REQUESTED BY:
ERIC J. TAUBE
100 CONGRESS AVE., STE. 1600
AUSTIN, TX 78701
(512) 472-5997

AMALIA RODRIGUEZ-MENDOZA
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 1748
Austin, Texas



By: M. Connie Arzola
M. CONNIE ARZOLA, Deputy

RETURN

Came to hand on the ___ day of _____, at ___ o'clock ___ M., and executed at _____, within the County of _____ on the ___ day of _____, at ___ o'clock ___ M., by delivering to the within named _____

_____, each in person, a true copy of this citation together with the accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ 4000

Sworn to and subscribed before me this the ___ day of _____, _____

NOTARY PUBLIC, THE STATE OF TEXAS
Original Copy

Service Fee Not Paid

SHERIFF/CONSTABLE/AUTHORIZED PERSON

BY: _____

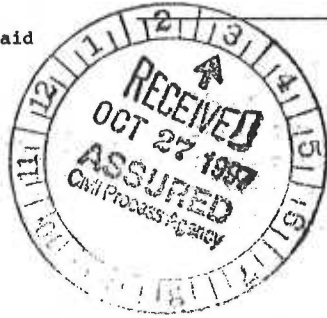
PRINTED NAME OF SERVOR

_____, County, Texas
9712163-001

FILED

97 NOV -6 AM 9:06

Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY, TEXAS



11
11-10-97
JPC



ESQUIRE DEPOSITION SERVICES - EAN
 A Hobart West Company
 Tax ID # 22-3779684
 7800 IH-10 WEST, #100
 SAN ANTONIO, TEXAS 78230
 800-969-3027 210-377-3027 FAX 210-344-5016

Kerry 874-1

127063 BEAVP01

To: George & Donaldson, L.L.P.
 114 West 7th Street, Suite 1100
 Austin, TX 78701

INVOICE NUMBER	DATE
130472EAN	03/29/02

ATTN : DAVID DONALDSON

Due upon receipt.

	AMOUNT DUE	ENCL.
YOUR REFERENCE NUMBER: TRAVIS CAPTION: TEXAS DISPOSAL SYSTEMS VS. WASTE MANGT. SERVICES PROVIDED ON 03/21/02: Jesse Oviedo 1- 162 162 PGS Original & Copy of Deposition **** CONTINUED ****		O+1
TOTAL		

Thank You!

↓ Please detach and send with payment

Remit To:

RECEIVED
 APR 08 2002

BY:.....





ESQUIRE DEPOSITION SERVICES - EAN

A Hobart West Company

Tax ID # 22-3779684

7800 IH-10 WEST, #100

SAN ANTONIO, TEXAS 78230

800-969-3027 210-377-3027 FAX 210-344-6016

127063

PAGE 2
BEAVP01

To: George & Donaldson, L.L.P.
114 West 7th Street, Suite 1100
Austin, TX 78701

INVOICE NUMBER	DATE
130472EAN	03/29/02

ATTN : DAVID DONALDSON

Due upon receipt.

AMOUNT DUE	ENCL.
1,230.46	

YOUR REFERENCE NUMBER: TRAVIS

CAPTION: TEXAS DISPOSAL SYSTEMS VS. WASTE MANGT.

ACCOUNT SERVICE FEE ***

BALANCE DUE

(We accept VISA, MasterCard & American Express cards)

***SAVE 111.86

AMOUNT DUE IF PAID BEFORE 04/28/02 1,118.60

AMOUNT DUE IF PAID AFTER 04/28/02 1,230.46

CALL OUR OFFICE TO SCHEDULE YOUR OUT-OF-TOWN DEPOS

TOTAL

1,230.46

Thank You!

Collection questions

contact us at

(210)377-3027

Fax (210)344-6016

↓ Please detach and send with payment

Remit To:

Esquire Deposition Services

7800 IH 10 West, Suite 100

San Antonio, TX 78230

Tax ID # 22-3779684

JOB: 127063 TOT: \$1230.46

INVOICE #: 130472EAN

DATE: 03/29/02

George & Donaldson, L.L.P.
Attn: DAVID DONALDSON
114 West 7th Street, Suite 1100
Austin, TX 78701



ESQUIRE
DEPOSITION SERVICES

A Record Of Excellence

COSTS
FILE COPY

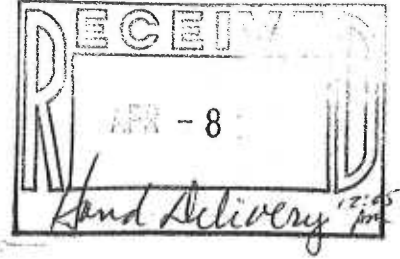


Chapman Court Reporting Service
111 W. ANDERSON LANE, SUITE 222
AUSTIN, TEXAS 78752-1118
(512) 452-4072
FAX (512) 452-5913

Co. Vendor #6532

OUR INVOICE NUMBER ▶ 02.5599

DATE OF INVOICE ▶ 4.8.02



SOLD TO ▶
 . Mr. R. James George, Jr.
 . George & Donaldson, L.L.P.
 . 1100 Norwood Tower, 114 West 7th St.
 . Austin, TX 78701

	TAX I.D. NO.		JOB NO.	REPORTER
	74-2323293		8325.1	CC

QUANTITY		DESCRIPTION	UNIT PRICE	AMOUNT
	✓	No. 97-12163 - TDSL, Inc. v. Waste Mngt., Inc., et al; In the 126th District Court Motion to Compel, 4.3.02 before J. Dietz. Reporter's Record		<u>\$419.00</u>
TOTAL AMOUNT DUE UPON RECEIPT:				<u>\$419.00</u>
Approved By: _____				
*Past due accounts will be charged 1 1/2% plus late fees per month on unpaid balances over 30 days; 10% plus late fees per month over 90 days.				

Thank You

AcuScribe Court Reporters

240 Norwood Tower
114 West 7th Street
Austin, Texas 78701
(512) 499-0277 / (800) 497-0277
acuscribe.com

FILE COPY

MR. DAVID H. DONALDSON, JR.
GEORGE & DONALDSON, L.L.P.
1100 NORWOOD TOWER
114 WEST 7TH STREET
AUSTIN, TEXAS 78701

May 24, 2002

Invoice# 02-00678

Balance: \$1,598.70

Re: TX. DISPOSAL SYSTEMS LANDFILL VS. WASTE
MANAGEMENT, ET AL
on 04/17/02 by PATRICIA HARRIS VERNON, CSR

Invoicing Information

Charge Description

TAKING AND PREPARATION OF THE ORAL VIDEOTAPED
DEPOSITION OF WILLIAM T. "BILL" KAUFMAN, ESQUIRE
\$1,076.20

VIDEOTAPING THE ORAL DEPOSITION OF
WILLIAM T. "BILL" KAUFMAN, ESQUIRE
\$522.50

(Taxable Court Costs - \$1,598.70)

WE APPRECIATE YOUR BUSINESS!!!

Please Remit - - - > Total Due: \$1,598.70

FEDERAL ID NO. 74-2717140
Due upon receipt

