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9 Attorney for Putative John Doe in 2:12-cv-08333-ODW-JC

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

12 **INGENUITY 13, LLC, a Limited**
13 **Liability Company Organized Under**
14 **the Laws of the Federation of Saint**
15 **Kitts and Nevis,**

16 **Plaintiff,**

17 **v.**

18 **JOHN DOE,**

19 **Defendant.**

Case Number: 2:12-cv-08333-ODW-JC

Case Assigned to:
District Judge Otis D Wright, II

Discovery Referred to:
Magistrate Judge Jacqueline Chooljian

Case Consolidated with Case Nos.:
2:12-cv-6636; 2:12-cv-6669; 2:12-cv-
6662; 2:12-cv-6668

**DECLARATION OF MORGAN E.
PIETZ RE: FEES AND COSTS**

1 **DECLARATION OF MORGAN E. PIETZ RE: FEES AND COSTS**

2 1. I am an attorney duly licensed by the State Bar of California and
3 admitted to the state and federal Courts of the State of California. This declaration
4 is made to substantiate the fees and costs previously requested. *See* ECF No. 52 at
5 31.

6 2. I am lead counsel for the putative defendant in *Ingenuity 13, LLC v.*
7 *John Doe*, C.D. Cal. No. 12-cv-8333-ODW-JC.

8 3. I graduated from USC Gould School of Law in 2008 and have been
9 licensed and admitted to practice as an attorney in the State of California since
10 December, 2008.

11 4. I previously worked as an associate in the Los Angeles office of a large
12 global law firm, Paul Hastings, LLP. The focus of the work I did there was
13 intellectual property, primarily copyright, trademark, trade secret, and anti-trust.
14 Just before I left Paul Hastings, my billing rate was approximately \$450 per hour.
15 During my second and third years of law school, during the school years, I worked
16 as a clerk in the legal and business affairs departments of several motion picture and
17 television studios, where I focused on intellectual property and entertainment issues.

18 5. In the fall of 2010, I founded The Pietz Law Firm. I continue to focus
19 primarily on copyright, trademark, trade secret and entertainment matters, mainly
20 litigation. My billing rate during the pendency of the proceedings before this Court
21 was \$300 an hour, which is the figure used to calculate the total requested attorney’s
22 fees.

23 6. I have determined that my billing rate is reasonable by consulting three
24 sources: (i) the “Laffey Matrix” issued by the United State Department of Justice;
25 (ii) the “Adjusted Laffey Matrix,” which is a similar measure used by private law
26 firms; and (iii) a recent survey of hourly billing rates published by the San Francisco
27 Daily Journal.

28 7. According to the Department of Justice’s Laffey Matrix, a true and

1 correct copy of which is attached hereto as Exhibit A, for the year June 1, 2012 to
2 May 31, 2013, the benchmark for an attorney with 4-7 years experience (such as me)
3 is **\$290 per hour**. See *Viveros v. Donahoe*, 2013 U.S. Dist. LEXIS 46867 (C.D. Cal. Mar.
4 27, 2013) (Morrow, J.) (noting that “The Laffey Matrix reports that. . . a reasonable rate for
5 an attorney with four to seven years of experience is \$290 an hour [fn 31]” but explaining
6 in footnote 31 that “The court's experience suggests that these average rates are somewhat
7 low for the Los Angeles legal community.”)

8 8. According to the “Adjusted Laffey Matrix”, a true and correct copy of
9 which is attached hereto as Exhibit B, prepared not by the DOJ, but by private
10 litigants after reviewing DOJ methodology, the rate for a lawyer with 4-7 years
11 experience is **\$383 per hour**. See, *Kempf v. Barrett Bus. Servs.*, No. C-06-3161 SC,
12 2007 U.S. Dist. LEXIS 89447 (N.D. Cal. Nov. 20, 2007) (finding attorneys’
13 requested fees reasonable when compared to rates in the Adjusted Laffey Matrix).

14 9. According to the August 10, 2012, edition of the San Francisco Daily
15 Journal, a true and correct copy of which is attached hereto as Exhibit C, the
16 reasonable hourly rate for attorneys in the Los Angeles area is significantly higher
17 than the rate suggested by the Laffey Matrix. According to this survey, the 2012
18 average billing rate in the Los Angeles market was **\$550 per hour** for an associate,
19 up from \$516 per hour in 2011.

20 10. I have significant skill and experience dealing with this type of case and
21 with Prenda Law, Inc. in particular. I estimate that I represent approximately 50+
22 John Doe defendants in similar actions, including several other cases that have been
23 filed by the same plaintiffs’ attorneys, Prenda Law, Inc.

24 11. Based on my (i) big-firm experience, (ii) sustained focus on intellectual
25 property issues, (iii) practical experience litigating this particular type of case, and
26 (iv) with reference to the fee benchmarks noted above, I believe that my current
27 billing rate of \$300 per hour is reasonable, if not on the low end for an attorney with
28 my skill and experience in these types of cases.

1 12. I have reasonably expended 120.50 hours in defense of this action. A
2 true and correct copy of my time billing records for this case to date are attached
3 hereto as Exhibit D. At \$300 an hour, that means total legal fees of \$36,150.00.

4 13. In addition, I have incurred \$2,226.26 in costs in connection with this
5 action, all as detailed in Exhibit D.

6 14. In addition to my own time, I also engaged my colleague Mr. Nicholas
7 Ranallo of the Ranallo Law Office to assist me at the two evidentiary hearings held
8 on the sanctions issue. I viewed Mr. Ranallo’s help as invaluable, due to his long
9 history in dealing with Mr. Gibbs and Prenda Law in a variety of cases in the
10 Northern District of California (where Prenda has been filing cases for longer).
11 Further, one challenge in preparing for the evidentiary hearings was that its was very
12 difficult to predict what Prenda and its associated lawyers were going to say, so I
13 wanted assistance to help rebut any statements that did not comport with reality. As
14 detailed in the accompanying Declaration of Nicholas Ranallo, a true and correct
15 copy of which is attached hereto as Exhibit E, the total for his time and costs to
16 assist at the two hearings was \$1950 for attorney time, and \$333.60 in costs.

17 15. My legal fees and costs together amount to \$38,376.26. Adding that
18 together with Mr. Ranallo’s fees and costs of \$2283.60 works out to a ***grand total of***
19 ***attorneys’ fees and costs requested of \$40,659.86***. See ECF No. 52 at pp. 30-32.

20
21 I declare under penalty of perjury under the laws of the United States of America
22 that the foregoing is true and correct.

23
24 Respectfully submitted,

25 DATED: April 5, 2013

26
27 Executed this day at Manhattan Beach, California by: /s/ Morgan E. Pietz

28 Morgan E. Pietz, Declarant