

1 R. Scott Jerger (*pro hac vice*)
2 Field & Jerger, LLP
3 610 SW Alder Street, Suite 910
4 Portland, OR 97205
5 Tel: (503) 228-9115
6 Fax: (503) 225-0276
7 Email: scott@fieldjerger.com

8 John C. Gorman (CA State Bar #91515)
9 Gorman & Miller, P.C.
10 210 N 4th Street, Suite 200
11 San Jose, CA 95112
12 Tel: (408) 297-2222
13 Fax: (408) 297-2224
14 Email: jgorman@gormanmiller.com

15 Attorneys for Defendants
16 Matthew Katzer and Kamind Associates, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 ROBERT JACOBSEN, an individual,)
21)
22 Plaintiff,)
23)
24 vs.)
25)
26 MATTHEW KATZER, an individual, KAMIND)
ASSOCIATES, INC., an Oregon corporation dba)
KAM Industries, and KEVIN RUSSELL, an)
individual,)
Defendants.)

Case Number C06-1905-JSW

**DEFENDANTS MATTHEW
KATZER AND KAMIND
ASSOCIATES, INC.'S REPLY TO
PLAINTIFF'S OBJECTIONS TO
DECLARATION OF R. SCOTT
JERGER**

National and local rules directly address the plaintiff's evidentiary objections to
defendants Kamind Associates, Inc. and Matt Katzer's attorney fee declaration.

1 Fed. R. Civ. Pro. 54(d)(2)(B) states that attorney fee motions must “state the amount or
2 provide a fair estimate of the amount sought.” Fed. R. Civ. Pro 54(d)(2)(D) states that “[b]y
3 local rule, the court may establish special procedures by which issues relating to such fees may
4 be resolved without extensive evidentiary hearings.” Together, these provisions encourage
5 minimizing discovery and limiting evidentiary issues in favor of court efficiency in deciding
6 attorney fee motions.

7 The Northern District of California has established a Local Rule to limit evidentiary
8 issues in attorney fee petitions, LR 54-6(b) (1)-(3). The declaration of the undersigned meets the
9 requirements of this local rule. This local rule expressly requires disclosure of a summary of
10 time spent by each person but does not require disclosure of the underlying contemporaneous
11 time records that the plaintiff seeks. Rather, disclosure is at the court’s discretion. In
12 compliance with the local rule, the defendants have contemporaneous time records available for
13 the court’s inspection if the court requests such an inspection.

14 In regard to plaintiff’s objections to the inclusion of travel and court time in the
15 declaration not related to the anti-SLAPP motion, the contemporaneous time records of the
16 undersigned reflect that the attorney fees requested in the declaration include only the estimated
17 *pro rata* time spent by the undersigned preparing for and arguing the anti-SLAPP motion during
18 travel and court time.

19 For the foregoing reasons, defendants Kamind Associates, Inc. and Katzer believe that
20 the attorney fees requested in the declaration of the undersigned are reasonable.

21 Dated September 11, 2006.

22 _____
23 /s/
24 R. Scott Jerger (*pro hac vice*)
25 Field Jerger, LLP
26 610 SW Alder Street, Suite 910
Portland, OR 97205
Tel: (503) 228-9115
Fax: (503) 225-0276
Email: scott@fieldjerger.com

1 I certify that on September 11, 2006, I served Matthew Katzer's and KAM's Reply to
2 Plaintiff's Objections to Declaration of R. Scott Jerger on the following parties through their
attorneys via the Court's ECF filing system:

3 Victoria K. Hall
4 Law Office of Victoria K. Hall
401 N. Washington Street, Suite 550
5 Rockville, MD 20850

David M. Zeff
Law Office of David M. Zeff
1388 Sutter Street, Suite 820
San Francisco, CA 94109

6 _____
/s/
7 R. Scott Jerger (*pro hac vice*)
Field Jerger LLP