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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

DECLARATION OF R. SCOTT
JERGER IN SUPPORT OF MOTION
FOR ATTORNEY FEES PURSUANT
TO CCP §425.16

I, R. Scott Jerger, declare:

1. I, R. Scott Jerger, am over the age of 18 and am competent to testify and make these averments from my own knowledge and observations. I hereby state as follows:
2. I am the attorney for Matt Katzer and KAMIND Associates, Inc.

1 3. My clients have reasonably incurred attorneys' fees in connection with this special
2 motion to strike in the amount of \$20,782.58, inclusive of \$450.68 in expenses necessarily
3 incurred as part of my legal representation and billed to my clients, including expenses for the
4 undersigned to attend the oral argument in San Francisco. The time spent by myself, my
5 paralegal and local counsel, John Gorman, on the anti-SLAPP special motion to strike is detailed
6 below.

7 4. I have spent a total of 88.15 hours of legal time researching the libel claim and
8 California's anti-SLAPP statute, preparing the anti-SLAPP special motion to strike papers
9 (including the declaration of Matthew Katzer), reviewing Jacobsen's opposition, preparing a
10 reply, attending the court hearing on this special motion to strike and preparing this declaration.
11 My billing rate on this case is \$220 per hour. My billing practice on this case includes
12 significant "no charge" entries. My legal time is further itemized as follows:

13 a. I have spent a total of 37.15 hours of legal time reviewing and researching the
14 libel claim and researching and preparing the anti-SLAPP special motion to strike papers,
15 including the declaration of Matthew Katzer.

16 b. I have spent a total of 7.5 hours of legal time reviewing Jacobsen's opposition
17 to the anti-SLAPP special motion to strike, including the declarations submitted by
18 Jacobsen.

19 c. I have spent a total of 15.15 hours of legal time preparing a reply on the anti-
20 SLAPP special motion to strike as well as preparing evidentiary objections to Jacobsen's
21 and other's declarations and preparing a response to Jacobsen's motion to amend his
22 opposition memorandum.

23 d. I have spent a total of 28.4 hours of legal time preparing for and attending the
24 court hearing on this special motion to strike and preparing this declaration.

25 4. I am a 1997 graduate of the University of Texas School of Law. I have an LL.M. in
26 environmental and natural resources law from the Northwestern School of Law at Lewis & Clark

1 College. I have been a licensed attorney since 1997 and have been licensed as an attorney in the
2 State of Oregon since 2002. For the past three (3) years my legal practice has focused on
3 environmental and commercial litigation in Oregon state and federal courts.

4 6. I am familiar with the legal fees charged by attorneys in the San Francisco area for
5 handling matters similar to the instant patent infringement suit. My personal billing rate is below
6 the rates charged by other lawyers with similar experience and qualifications.

7 7. I have kept detailed contemporaneous time records which are available for *in camera*
8 inspection if requested.

9 8. A paralegal in my office, Jonathan Smale, has spent 4.17 hours of time assisting in
10 legal research on the anti-SLAPP special motion to strike. Jonathan Smale's billing rate is \$120
11 per hour.

12 9. I have received the time records kept by John Gorman, local counsel for my clients.
13 According to these time records, Mr. Gorman spent 3.5 hours of legal time researching and
14 reviewing the anti-SLAPP papers. Mr. Gorman's billing rate is \$425 per hour. He is a 1979
15 graduate of Stanford Law School and has specialized in business litigation in federal and state
16 court matters for the past 27 years. Mr. Gorman's detailed contemporaneous time records are
17 available for inspection if requested.

18 10. Pursuant to LR 54-6(b)(1), I have met and conferred with opposing counsel who
19 indicates that she will file any objections to this declaration by September 8, 2006.

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

22 Executed on August 24, 2006, in Portland, Oregon.

23 _____/s/_____
24 R. Scott Jerger
25
26