

EXHIBIT C

1 Cynthia A. Ricketts (Arizona Bar No. 012668)
2 cindy.ricketts@dlapiper.com
3 Shane D. Gosdis (Arizona Bar No. 022471)
4 shane.gosdis@dlapiper.com
5 DLA Piper LLP (US)
6 2415 East Camelback Road, Suite 700
7 Phoenix, Arizona 85016
8 Telephone: (480) 606-5100
9 Facsimile: (480) 606-5101

10 Attorneys for Defendants Costar Realty
11 Information, Inc., and Costar Group, Inc.

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 PETER STROJNIK, an individual,
15
16 Plaintiff,

17 v.

18 THE COSTAR REALTY INFORMATION,
19 INC., a Corporation; COSTAR GROUP,
20 INC.,
21 Defendants.

Case No. 2:08-CV-01276-PHX-SRB
(E-File Case)

**AFFIDAVIT OF CYNTHIA A.
RICKETTS IN SUPPORT OF
DEFENDANTS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES
AND EXPENSES**

Before: Honorable Susan R. Bolton

22 STATE OF ARIZONA)
23) ss:
24 County of Maricopa)

25 Cynthia A. Ricketts, being duly sworn, states:

26 1. I am an attorney licensed to practice law in the State of Arizona. I am over
27 the age of 18 years and am, in all respects, competent to make this affidavit. This
28 affidavit is based upon my personal knowledge, and if called upon to testify, I could and
would competently testify to the following.

2. I am a partner at the law firm of DLA Piper LLP (US) ("DLA Piper"),
attorneys for Defendants The Costar Realty Information, Inc. and Costar Group, Inc.

1 (“Defendants”).

2 3. In my capacity as an attorney for Defendants, I am familiar with the nature
3 of this action, the pleadings and other papers that have been filed by the parties, and I
4 have reviewed each of the billing statements submitted to Defendants by DLA Piper.
5

6 4. Attached as Exhibit B to Defendants’ Motion for Attorneys’ Fees and
7 Expenses contains a detailed description of the services provided by DLA Piper attorneys
8 in connection with Defendants’ efforts to obtain the dismissal of this action. Exhibit B
9 states the date the work was performed, identifies the individual who performed it,
10 describes the work performed, and states the amount of time the attorneys and legal
11 assistants spent on the work performed. The information for this exhibit was taken
12 directly from the billing statements DLA Piper submitted to Defendants in connection
13 with obtaining the dismissal of Plaintiff’s action. All of the time identified in Exhibit B
14 reasonably relates to Defendants’ efforts to obtain the dismissal of Plaintiff’s Complaint.
15 DLA Piper’s billing statements were prepared from the contemporaneous time records of
16 the various timekeepers identified herein and in Exhibit B, and accurately reflect the fees
17 incurred relating to DLA Piper’s efforts to obtain the dismissal of Plaintiff’s Complaint.
18
19
20

21 5. DLA Piper has billed Defendants a total of \$26,616.50 for fees generated on
22 Defendants’ behalf in obtaining the dismissal of Plaintiff’s Complaint. Defendants have
23 paid these fees to DLA Piper for these services performed on their behalf.
24

25 6. Exhibit B does not include the fees that DLA Piper incurred in connection
26 with meeting and conferring with counsel defending the similar copycat actions filed by
27 Plaintiff. Exhibit B also does not include any attorneys’ fees that were incurred to prepare
28 Defendants’ Motion for an Award of Attorneys’ Fees and Expenses. Defendants seek

1 \$1,961.63 as reimbursement for online research, filing fees, and Express Mail expenses,
2 all of which were incurred in connection with obtaining dismissal of Plaintiff's
3 Complaint, and are identified in Exhibit B. Defendants do not seek any costs incurred in
4 the preparation of Defendants' Motion for an Award of Attorneys' Fees and Expenses.
5

6 7. As an attorney at DLA Piper, I have consulted with other attorneys with
7 regard to the prevailing market rates in Phoenix, Arizona, and have reviewed fee
8 applications submitted by various law firms in Phoenix, Arizona. Based on this, I believe
9 that I am familiar with the prevailing market rates in Phoenix, Arizona. Based on this, the
10 rates that DLA Piper has charged Defendants to obtain dismissal of Plaintiff's Complaint
11 are reasonable for the services provided and are consistent with the prevailing market
12 rates for other attorneys' with similar experience in Phoenix, Arizona.
13
14

15 8. DLA Piper's fee agreement with Defendants requires Defendants to pay the
16 hourly rates that DLA Piper charges to Defendants for DLA Piper's services, which are
17 DLA Piper's standard hourly rates, and Defendants have paid DLA Piper's standard
18 hourly rates for the services provided in connection with obtaining the dismissal of
19 Plaintiff's Complaint. Those hourly rates are set forth below.
20

21 9. I graduated from Smith College in 1986 and Arizona State University Law
22 School in 1989, where I was a member of the Order of the Coif and an Associate Editor of
23 the Arizona State Law Journal. I have been practicing commercial litigation since that
24 time and have significant trial experience. I practiced at Squire Sanders & Dempsey from
25 1990 until 2006, and became a partner with Squire Sanders & Dempsey in 1999. I joined
26 DLA Piper as a partner in 2006 and have practiced with DLA Piper since that time.
27
28 During the time that I performed the services on behalf of Defendants described in Exhibit

1 B, my billing rate was \$580.00 per hour. Defendants were charged and have agreed to
2 pay (and have paid) this rate for my services in this matter.

3
4 10. Shane D. Gosdis is a litigation associate with DLA Piper. He received his
5 Bachelor of Science from the University of Utah in 2000 and graduated from Cornell Law
6 School in 2003. At Cornell, he was a Symposium Editor of the *Cornell Law Review*.
7 Mr. Gosdis practices commercial litigation. His billing rate was \$450 per hour during the
8 time that he performed the services on behalf of Defendants described in Exhibit B.
9 Defendants were charged and have agreed to pay (and have paid) this rate for his services
10 in this matter.

11
12 11. Camilla J. Butler is a litigation associate with DLA Piper. She received his
13 Bachelor of Science from the Arizona State University in 2002 and graduated from
14 University of Arizona Law School in 2006. Ms. Butler practices commercial litigation.
15 Her billing rate was \$315.00 per hour during the time that he performed the services on
16 behalf of Defendants described in Exhibit B. Defendants were charged and have agreed
17 to pay (and have paid) this rate for her services in this matter.
18

19
20 12. Deb Rutschman is a paralegal with DLA Piper. Ms. Rutschman has over
21 eighteen years of experience as a legal assistant. Ms. Rutschman's billing rate was
22 \$245.00 per hour during the time she performed the services on behalf of Defendants
23 described in Exhibit B. Defendants were charged and have agreed to pay (and have paid)
24 this rate for her services in this matter.
25

26 13. In my capacity as a partner at DLA Piper working on this matter on
27 Defendants' behalf, I have exercised billing judgment by authorizing the writing off of
28 16.70 hours of time amounting to \$6,421.50 in legal fees that were spent to successfully

1 obtain the dismissal of Plaintiff's Complaint, but which amount was not charged to
2 Defendants. Defendants do not seek to recover any of this time from Plaintiff.


3 Further, affiant sayeth not.

4 

5
6 Cynthia A. Ricketts

7
8 SUBSCRIBED AND SWORN to before me this 6th day of January, 2009, by
9 Cynthia A. Ricketts.



12 
13 Notary Public

14 My Commission Expires:

15 March 12, 2010