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9 Attorneys for Plaintiff Perfect 10, Inc.

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12 PERFECT 10, INC., a California
 13 corporation,

14 Plaintiff,

15 v.

16 GOOGLE, INC., a corporation; and
 17 DOES 1 through 100, inclusive,

18 Defendant.

19 AND CONSOLIDATED CASE.

Case No. CV 04-9484 AHM (SHx)
 Consolidated with Case No. CV 05-4753
 AHM (SHx)

DISCOVERY MATTER

**DECLARATION OF MELANIE
 POBLETE IN OPPOSITION TO
 GOOGLE’S SUPPLEMENTAL
 MEMORANDUM IN SUPPORT OF
 ITS MOTION TO COMPEL
 PERFECT 10 TO AFFIX
 DOCUMENT CONTROL NUMBERS
 TO ITS DOCUMENT PRODUCTION
 (DOCKET NO. 543)**

Before Judge Stephen J. Hillman

Date: None Set (taken under
 submission)

Time: None Set

Place: Courtroom 14, Courtroom of the
 Honorable A. Howard Matz

Discovery Cut-Off Date: None Set
 Pretrial Conference Date: None Set
 Trial Date: None Set

28 Declaration of Melanie Poblete in Opposition to Google’s Supplemental Memo Re Mtn to
 Compel P10 to Affix Document Control Numbers to Document Production

1 I, Melanie Poblete, declare as follows:

2 1. I am employed by Perfect 10, Inc. and the Law Offices of Jeffrey
3 N. Mausner. I attended the University of California, Santa Cruz for a Bachelor
4 of Arts degree in Legal Studies, which I am in the process of completing. For 6
5 years, I have worked in the legal field assisting attorneys in pre-trial litigation,
6 discovery, and in arbitration hearings and trials. Unless otherwise stated, I have
7 direct and personal knowledge of the facts set forth herein and, if called as a
8 witness, could and would competently testify thereto.

9 2. I was present during the September 22, 2009 discovery hearing
10 before Judge Hillman and was involved in the preparation thereof. I obtained
11 copies of the recording of that proceeding from the Court Recorder's office and
12 have listened to the relevant portions regarding Bates stamping several times.
13 Additionally, I have carefully read the following pleadings filed by Google:

14 (a) Supplemental Declaration Of Rachel Herrick Kassabian In
15 Support Of (1) Google's Motion To Compel Perfect 10 To Produce Documents,
16 To Comply With Protective Order And To Affix Document Control Numbers
17 To Its Document Production, And (2) Google's Motion To Determine The
18 Sufficiency Of Perfect 10, Inc.'s Responses To Google's Requests For
19 Admission ("Supplemental Kassabian Decl.") (Docket No. 540),

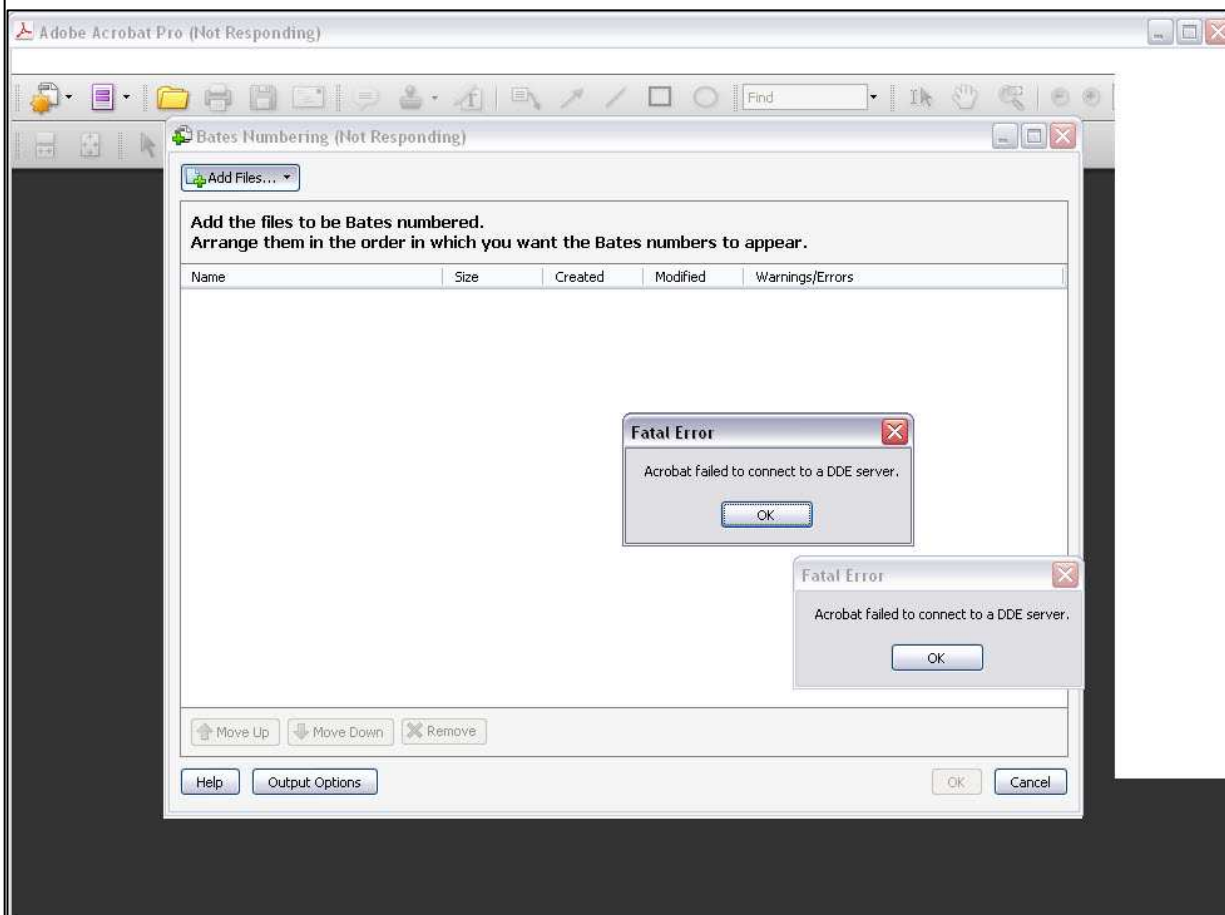
20 (b) Google Inc.'s Supplemental Memorandum In Support Of Its
21 Motion To Compel Perfect 10, Inc. To Affix Control Numbers To Its Document
22 Production ("Google's Supplemental Memo") (Docket No. 543) and,

23 (c) Second Supplemental Declaration of Rachel Herrick
24 Kassabian In Support Of Google's Motion To Compel Perfect 10 To Affix
25 Document Control Numbers To Its Document Production ("Second
26 Supplemental Kassabian Decl.") (Docket No. 543-2).

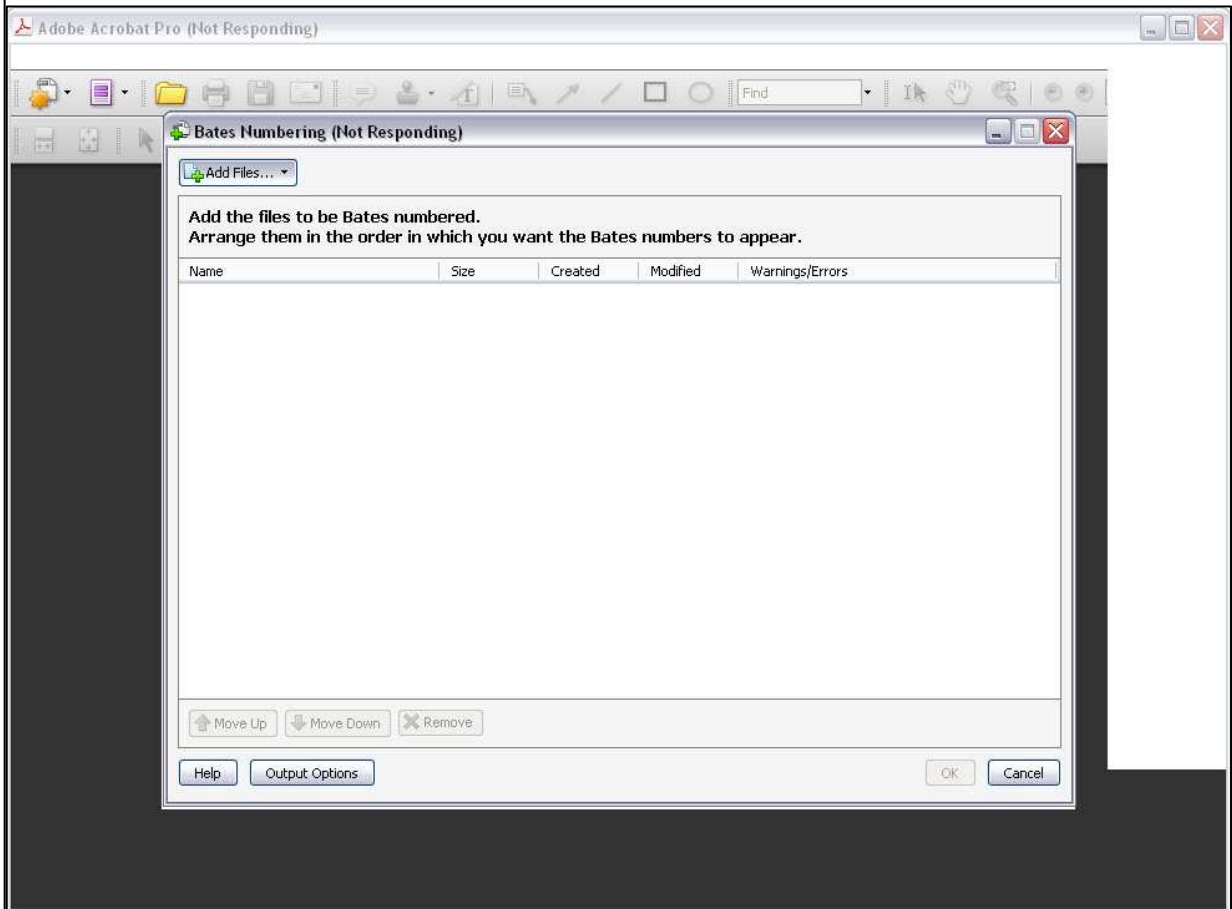
27 3. On September 30, 2009, I followed the instructions that the Court
28 gave to Google's attorneys on September 22, to test a sample for Bates

1 numbering. I took a file from Perfect 10's June 29, 2009 production, which
2 included a hard drive. From that hard drive, I selected a folder containing the
3 deposit material for the perfect10.com website, which was entitled "VA 1-407-
4 570 Perfect 10 Website" and contained approximately 3.44 GB of data. My
5 computer was purchased within the last year and operates well. Using the
6 instructions provided by Kassabian Supplemental Decl. and Google's
7 Supplemental Memo, I began the Bates numbering process at 3:00 p.m.

8 4. At 3:55 p.m., 55 minutes later, a window appeared from Adobe,
9 which indicated a "Fatal Error." Within moments, another window showing
10 "Fatal Error" appeared. A print-screen of those errors is shown below.



26 Additionally, when I selected "OK," Adobe Acrobat was "(Not Responding)"
27 as pictured below:



5. Adobe was unable to get beyond the stage of processing described in Page 3 of Google’s Supplemental Memo. I examined the contents of the “VA 1-407-570 Perfect 10 Website” folder I selected for Adobe Acrobat to bates number. Over the multitude of folders and subfolders I opened to examine, no new PDF files were created from any of the files (html, image, or any other type) contained therein. I opened several files in several different subfolders and was unable to locate a single file that had been Bates numbered or converted to PDF.

6. The billing rate of a paralegal in California is about \$125 per hour, according to a 2008 report by the National Association of Legal Assistants (NALA). A true and correct copy of relevant portions of the report, which I downloaded from the NALA website (http://www.nala.org/Survey_Table.htm) are attached hereto as Exhibit A.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct to the best of my knowledge.

3 Executed this 1st day of October, 2009, in Los Angeles County,
4 California.



5 _____
6 Melanie Poblete

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Exhibit A



**2008 National Utilization
and
Compensation Survey Report**

**Section 3
Paralegal Billing Rates**

March 2008

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NALA • 1516 S. Boston, #200 • Tulsa, OK 74119 • 918- 587-6828 • www.nala.org

Table 3.3
Current Billing Rates
General Findings Years 2008-1997

Value	2008 Responses	2008 Percent	2004 Percent	2002 Percent	2000 Percent	1997 Percent
Less than \$30	18	2%	2%	2%	7%	3%
\$31 - \$35	4	1%	0	1%	1%	2%
\$36 - \$40	4	1%	0	1%	2%	3%
\$41 - \$45	6	1%	1%	3%	3%	7%
\$46 - \$50	19	2%	4%	6%	9%	14%
\$51 - \$55	5	1%	2%	3%	4%	6%
\$56 - \$60	30	4%	4%	7%	9%	13%
\$61 - \$65	33	4%	8%	9%	11%	12%
\$66 - \$70	26	3%	4%	5%	5%	5%
\$71 - \$75	111	13%	17%	15%	15%	13%
\$76 - \$80	42	5%	6%	7%	6%	5%
\$81 - \$85	41	5%	8%	7%	6%	5%
\$86 - \$90	58	7%	6%	6%	4%	3%
Greater than \$90	448	53%	38%	29%	18%	7%

Table 3.4
Billing Rate by Region 2008-1997 Data

Region	2008 Rate	2004 Rate	2002 Rate	2000 Rate	1997 Rate
Region 1	\$102	\$93	\$80	\$73	\$62
Region 2	\$101	\$95	\$85	\$64	\$68
Region 3	\$87	\$77	\$71	\$61	\$57
Region 4	\$102	\$91	\$82	\$71	\$66
Region 5	\$101	\$89	\$80	\$66	\$62
Region 6	\$84	\$79	\$71	\$52	\$61
Region 7	\$125	\$106	\$97	\$83	\$72