

1 FRANCIS M. GREGOREK (144785)  
 gregorek@whafh.com  
 2 BETSY C. MANIFOLD (182450)  
 manifold@whafh.com  
 3 RACHELE R. RICKERT (190634)  
 rickert@whafh.com  
 4 MARISA C. LIVESAY (223247)  
 livesay@whafh.com  
 5 BRITTANY N. DEJONG (258766)  
 dejong@whafh.com  
 6 **WOLF HALDENSTEIN ADLER**  
**FREEMAN & HERZ LLP**  
 7 750 B Street, Suite 2770  
 San Diego, CA 92101  
 8 Telephone: 619/239-4599  
 9 Facsimile: 619/234-4599

10 *Interim Lead Counsel for Plaintiffs and the [Proposed] Class*

11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA -**  
 13 **WESTERN DIVISION**

14	GOOD MORNING TO YOU	)	Lead Case No. CV 13-04460-GHK (MRWx)
15	PRODUCTIONS CORP., <i>et al.</i> ,	)	
16	Plaintiffs,	)	<b>DECLARATION OF DANIEL J. SCHACHT</b>
17	v.	)	<b>IN SUPPORT OF FINAL APPROVAL OF</b>
18		)	<b>CLASS ACTION SETTLEMENT AND</b>
19	WARNER/CHAPPELL MUSIC,	)	<b>REQUEST FOR ATTORNEYS' FEES AND</b>
20	INC., <i>et al.</i>	)	<b>EXPENSES</b>
21	Defendants.	)	Room: 650
22		)	Judge: Hon. George H. King, Chief
23		)	Judge
		)	Date: June 27, 2016
		)	Time: 9:30 a.m.

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1 The undersigned, Daniel J. Schacht, under penalty of perjury, hereby declares  
2 and states as follows:

3 1. I am an attorney duly licensed to practice law in the State of California  
4 and I am admitted to practice in this Court. I am a partner of the law firm Donahue  
5 Fitzgerald LLP (“DF”), one of Plaintiffs’ counsel in this litigation. I have personal  
6 knowledge of the matters set forth herein and, if called upon, I could and would  
7 competently testify thereto.

8 2. I submit this Declaration in support of Plaintiffs’ motions for final  
9 approval of the Settlement and for an award of attorneys’ fees and reimbursement of  
10 expenses. These motions and supporting memoranda of law are filed concurrently  
11 herewith.

12 3. Attached hereto as Exhibit A is a copy of my firm’s resume, setting  
13 forth the qualifications of my firm and the attorneys who have worked on the Action.

14 4. This Declaration sets forth the nature of the work my firm performed in  
15 the litigation to demonstrate why Plaintiffs’ Counsel’s request for attorneys’ fees and  
16 expenses is reasonable and should be approved by the Court.

17 5. As the Court is likely aware, the Action was extensively investigated by  
18 Plaintiffs’ Counsel before it was commenced, and was actively and aggressively  
19 litigated by Plaintiffs’ Counsel until the Settlement was reached on February 8, 2016.  
20 For their part, Defendants (and, to a lesser extent, the Intervenors) vigorously  
21 defended themselves against Plaintiffs’ claims. Nothing about the litigation was  
22 simple.

23 6. My firm represented Plaintiff Rupa Marya prior to the litigation, and  
24 represented all Plaintiffs throughout the litigation. We were involved in most of the  
25 major efforts by Plaintiffs’ Counsel. Those efforts fell into seven distinct phases of  
26 the litigation: (a) Pre-filing Investigation and Initial Complaint Drafting;  
27 (b) Amended Complaint Drafting; (c) Motion to Dismiss Response; (d) Discovery;  
28 (e) Cross-Motions for Summary Judgment; (f) Settlement Negotiations; and

1 (g) Settlement Approval and Administration. Our work in each phase of the litigation  
2 is described in detail below.

3 7. The information in this declaration regarding the firm's time and  
4 expenses is taken directly from time and expense printouts and supporting  
5 documentation prepared and/or maintained by the firm in the ordinary course of  
6 business. I am the partner who oversaw and conducted the day-to-day activities in  
7 this litigation and I reviewed these printouts (and backup documentation where  
8 necessary or appropriate) in connection with the preparation of this declaration. The  
9 purpose of this review was to confirm the accuracy of the entries on the printouts as  
10 well as the necessity for, and reasonableness of, the time and expenses committed to  
11 the litigation. As a result of this review, reductions were made to both time and  
12 expenses in the exercise of billing judgment. As a result of this review and the  
13 adjustments made, I believe that the time and the expenses for which payment is  
14 sought as set forth in this declaration are reasonable in amount and were necessary  
15 for the effective and efficient prosecution and resolution of the litigation. In addition,  
16 I believe that the expenses are all of a type that would be normally charged to a fee-  
17 paying client in the private legal market.

18 8. After the reductions referred to above, the number of hours spent on  
19 litigation by my firm is 894.04<sup>1</sup>. The fee amount for attorney/paraprofessional time  
20 based on the firm's current billed rates is \$351,570.80. The hourly rates shown below  
21 are the usual and customary rates set by the firm for each individual, and are rates  
22 that are actually billed to, and paid by, clients of the firm. My firm would usually  
23 seek a *Lodestar* factor of three in this kind of complex litigation.

24 **A. Pre-filing Investigation and Initial Complaint Drafting**

25 9. Before commencing the Action, my firm conducted an initial review of

26 \_\_\_\_\_  
27 <sup>1</sup> This figure includes twenty (20) additional hours that Andrew S. Mackay and Daniel J. Schacht reasonable  
28 anticipate spending on travel to and attendance at the June 27, 2016 hearing, and conferences with the client  
regarding the hearing.

1 the case, which included, but was not limited to, the following: (1) investigating the  
 2 legal status of Happy Birthday to You; (2) reviewing and analyzing the potential  
 3 claims; (3) researching corresponding case law; (4) meeting with the client; and  
 4 (5) preparing the initial complaint. Because of the unique and ground-breaking nature  
 5 of the claim, considerable time was spent determining the legal claims and the bases  
 6 for a class action lawsuit. In addition, the pre-litigation investigation included  
 7 reviewing many historical documents, which also led to a greater than usual time  
 8 spent in this phase of the litigation.

9 10. The work performed by the attorneys of my firm during this phase of the  
 10 litigation is summarized below:

Attorney	Position	Hours Worked	Hourly Rate	Lodestar
Andrew S. MacKay	Partner	76.3	\$460.00	\$35,098.00
Daniel J. Schacht	Partner	148.9	\$420.00	\$62,538.00
Jonathan N. Osder	Partner	5.4	\$500.00	\$2,700.00
William R. Hill	Partner	0.7	\$515.00	\$360.50
Katherine Hall	Paralegal	3.5	\$155.00	\$542.50
<b>TOTALS:</b>		234.8		\$101,239.00

11 **B. Amended Complaint Drafting**

12 11. During this phase of the litigation, my firm assisted with:  
 13 (1) researching and analyzing the potential claims; (2) meeting with the client;  
 14 (3) corresponding with co-counsel; and (4) preparing the consolidated and amended  
 15 complaints.  
 16

17 12. The work performed by the attorneys of my firm during this phase of the  
 18 litigation is summarized below:  
 19

Attorney	Position	Hours Worked	Hourly Rate	Lodestar
Andrew S. MacKay	Partner	12.2	\$460.00	\$5,612.00
Daniel J. Schacht	Partner	22.9	\$420.00	\$9,618.00
Jonathan N. Osder	Partner	3.5	\$500.00	\$1,750.00
William R. Hill	Partner	1.4	\$515.00	\$721.00
Casey L. Williams	Associate	0.6	\$310	\$186.00
Hilary Frech	Paralegal	0.9	\$155	\$139.50

TOTALS:		41.5		\$18,026.50
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**C. Motion to Dismiss Response**

13. During this phase of the litigation, my firm assisted with: (1) researching and analyzing the potential arguments contained in the motion; (2) meeting with the client; (3) corresponding with co-counsel; (4) corresponding with opposing counsel; and (5) preparing the opposition to the motion to dismiss.

14. The work performed by the attorneys of my firm during this phase of the litigation is summarized below:

Attorney	Position	Hours Worked	Hourly Rate	Lodestar
Andrew S. MacKay	Partner	18.8	\$460.00	\$8,648.00
Daniel J. Schacht	Partner	88.5	\$420.00	\$37,170.00
Jonathan M. Wong	Partner	0.3	\$465	\$139.50
William R. Hill	Partner	0.6	\$515.00	\$309
TOTALS:		108.20		\$46,266.50

**D. Discovery**

15. During this phase of the litigation, my firm assisted with preparing and conducting discovery, including, but not limited to: (1) initial disclosures; (2) discovery requests; (3) discovery responses; (4) subpoenas; (5) depositions; and (6) production of documents.

16. The work performed by the attorneys of my firm during this phase of the litigation is summarized below:

Attorney	Position	Hours Worked	Hourly Rate	Lodestar
Andrew S. MacKay	Partner	10.5	\$460.00	\$4,830.00
Daniel J. Schacht	Partner	65.6	\$420.00	\$27,552.00
William R. Hill	Partner	0.1	\$515.00	\$51.50
Casey L. Williams	Associate	40.8	\$310	\$12,648.00
Jason M. Flom	Associate	3.0	\$295	\$885.00
Robert K. Walker	Associate	1.1	\$225	\$247.50
Joe Symes	Paralegal	2.2	\$155	\$341.00
TOTALS:		123.3		\$46,555.00

1           **E. Cross-Motions for Summary Judgment**

2           17. During this phase of the litigation, my firm assisted with: (1) reviewing  
3 and responding to of the opposing party’s Motion for Summary Judgment;  
4 (2) preparing and supporting Plaintiffs’ Motion for Summary Judgment;  
5 (3) preparing for and attending hearings on the cross-motions for summary judgment;  
6 and (4) reviewing and responding to Defendants’ Motion for Reconsideration.

7           18. The work performed by the attorneys of my firm during this phase of the  
8 litigation is summarized below:

9

Attorney	Position	Hours Worked	Hourly Rate	Lodestar
Andrew S. MacKay	Partner	25.6	\$460.00	\$11,776.00
Daniel J. Schacht	Partner	122.34	\$420.00	\$51,382.80
Jonathan N. Osder	Partner	1.7	\$500.00	\$850
Casey L. Williams	Associate	39.8	\$310	\$12,338.00
Robert K. Walker	Associate	50.2	\$225	\$11,295.00
Megan S. Shaked	Associate	0.9	\$335.00	\$301.50
May A. Whitaker	Associate	4.3	\$190.00	\$817
Padmini Cheruvu	Associate	13.3	\$300	\$3,990
Noah R. Drake	Law Clerk	24.7	\$155	\$3,828.5
Katherine Hall	Paralegal	0.7	\$155	\$108.50
TOTALS:		283.54		\$96,687.30

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18           **F. Settlement Negotiations**

19           19. During this phase of the litigation, my firm assisted with: (1) analysis  
20 and advice regarding settlement; and (2) preparation and review of the settlement  
21 agreement.

22           20. The work performed by the attorneys of my firm during this phase of the  
23 litigation is summarized below, excluding the time my firm spent on the fee and  
24 expense application:

25

Attorney	Position	Hours Worked	Hourly Rate	Lodestar
Andrew S. MacKay	Partner	14.1	\$460.00	\$6,486.00
Daniel J. Schacht	Partner	14.3	\$420.00	\$6,006.00
Casey L. Williams	Associate	10.2	\$310	\$3,162.00
TOTALS:		38.60		\$15,654.00

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1           **G.    Settlement Approval and Administration**

2           21.    During this phase of the litigation, my firm assisted with the approval  
3 and administration of the settlement agreement.

4           22.    The work performed by the attorneys of my firm during this phase of the  
5 litigation is summarized below:

6           Attorney	7           Position	8           Hours Worked	9           Hourly Rate	10          Lodestar
11          Andrew S. MacKay	12          Partner	13          27.5 <sup>2</sup>	14          \$460.00	15          \$12,650.00
16          Daniel J. Schacht	17          Partner	18          29.4 <sup>3</sup>	19          \$420.00	20          \$12,348.00
21          Daniel H. Senter	22          Associate	23          3.1	24          \$295	25          \$914.50
26          Padmini Cheruvu	27          Associate	28          4.1	\$300	\$1,230.00
TOTALS:		64.1		\$27,142.50

23.    I graduated from the University of California, Berkeley School of Law,  
was admitted to the California Bar in December 2008, and am a partner at DF. I am  
the head of DF’s Music and Entertainment Practice and co-chair of the firm’s  
Intellectual Property Group. DF currently represents internationally known musicians  
such as Carlos Santana, Journey, Amon Tobin, and The Doobie Brothers in various  
copyright and intellectual property matters, including music publishing matters. DF  
also recently represented the company with the top app in Apple’s App Store in  
music, copyright, and other matters, and represents many prominent software  
companies in copyright infringement litigation. My billing rate is \$420 per hour, an  
amount I actually charge clients and which clients routinely pay. I have spent 491.94  
hours on work related to this matter.

24.    Andrew S. MacKay graduated from the University of California,  
Berkeley School of Law, was admitted to the California Bar in December 1998, and  
is a partner at my firm. Mr. MacKay is General Counsel for DF, and the co-chair of

<sup>2</sup> This figure includes ten (10) additional hours that Mr. MacKay reasonably anticipates spending on travel to and attendance at the June 27, 2016 hearing, and conferences with the client regarding the hearing.

<sup>3</sup> This figure includes ten (10) additional hours that Mr. Schacht reasonably anticipates spending on travel to and attendance at the June 27, 2016 hearing, and conferences with the client regarding the hearing.

1 firm's Litigation Practice Group. He specializes in intellectual property litigation,  
2 and has represented numerous clients in various copyright and intellectual property  
3 matters. Mr. MacKay's billing rate is \$460 per hour, an amount he actually charges  
4 clients (as are all other rates listed herein), and he has spent 185 hours on work  
5 related to this matter.

6 25. Jonathan M. Wong graduated from the University of California, Davis  
7 School of Law, was admitted to the California Bar in December 1983, is a past  
8 president of the Alameda County Bar Association, and is a partner at my firm. Mr.  
9 Wong is an experienced attorney, which a focus on litigation and considerable  
10 experience with class actions. His billing rate is \$465 per hour and he has spent 0.3  
11 hours on work related to this matter.

12 26. Jonathan N. Osder graduated from the University of San Francisco  
13 School of Law, was admitted to the California Bar in January 1994, and is a partner  
14 at my firm. Mr. Osder specializes in intellectual property law, and has worked  
15 extensively with clients on enforcement of their intellectual property rights. His  
16 billing rate is \$500 per hour and he has spent 10.6 hours on work related to this  
17 matter.

18 27. William R. Hill graduated from the University of California, Berkeley  
19 School of Law, was admitted to the California Bar in December 1984, and is a  
20 partner at my firm. Mr. Hill is an experienced attorney and one of the firm's chief  
21 intellectual property litigators. His billing rate is \$515 per hour and he has spent 2.8  
22 hours on work related to this matter.

23 28. Megan S. Shaked graduated from the University of California, Hastings  
24 School of Law, was admitted to the California Bar in December 2010, and is an  
25 associate at my firm with a focus on litigation. Her billing rate is \$335 per hour and  
26 she has spent 0.9 hours on work related to this matter.

27 29. Robert K. Walker graduated from the University of California, Hastings  
28 School of Law, was admitted to the California Bar in December 2013, and is a



1 former DF associate. The billing rate for an associate of his level while he was  
2 employed at DF is \$225 per hour and he spent 51.30 hours on work related to this  
3 matter.

4 30. Jason M. Flom graduated from the University of California, Hastings  
5 School of Law, was admitted to the California Bar in December 2012, and is an  
6 associate at my firm with a focus on litigation. His billing rate is \$295 per hour and  
7 he spent 3.0 hours on work related to this matter.

8 31. May A. Whitaker graduated from the University of California, Hastings  
9 School of Law, was admitted to the California Bar in December 2014, and is a  
10 former DF associate. The billing rate for an associate of her level while she was  
11 employed at DF is \$190 per hour and she spent 4.3 hours on work related to this  
12 matter.

13 32. Padmini Cheruvu graduated from the University of California, Hastings  
14 School of Law, was admitted to the California Bar in December 2014, and is an  
15 associate at my firm with a focus on intellectual property litigation. Her billing rate  
16 for intellectual property litigation matters is \$300 per hour and she has spent 17.4  
17 hours on work related to this matter.

18 33. Casey L. Williams graduated from the University of California,  
19 Hastings School of Law, was admitted to the California Bar in December 2011, and  
20 is an associate at my firm with a focus on litigation. Her billing rate is \$310 per hour  
21 and she has spent 91.4 hours on work related to this matter.

22 34. Daniel H. Senter graduated from the University of Southern California  
23 School of Law, was admitted to the California Bar in December 2010, and is an  
24 associate at my firm with an emphasis on intellectual property litigation. His billing  
25 rate is \$295 per hour and he has spent 3.1 hours on work related to this matter.

26 35. Katherine Hall is a paralegal at DF. DF's billing rate for paralegals and  
27 law clerks is \$155 per hour. Ms. Hall spent 4.2 hours on work related to this matter.

28 36. Joe Symes is a former paralegal at DF. He spent 2.2 hours on work

1 related to this matter.

2 37. Hilary Frech is a former paralegal at DF. She spent 0.9 hours on work  
3 related to this matter.

4 38. Noah R. Drake is a former law clerk at DF. He spent 24.7 hours on work  
5 related to this matter.

6 39. DF is a recognized leader in intellectual property litigation. Notable  
7 intellectual property cases that DF has litigated include: (1) *PhoneDog v. Kravitz*,  
8 N.D. Cal. Case No. 11-03474 (lead counsel, oft-cited trade secret case regarding  
9 Twitter accounts); (2) *Symantec Corp. v. CD Micro, Inc.*, 286 F.Supp.2d 1265 and  
10 286 F. Supp. 2d 1278 (D. Or. 2003) (lead counsel, \$10 million treble damage award  
11 for trademark counterfeiting and copyright infringement, with officer's personal  
12 liability); (3) *Vernor v. Autodesk, Inc.*, 621 F.3d 1102 (9th Cir. 2010) (co-counsel,  
13 important software copyright and first sale doctrine case); (4) *Adobe Systems, Inc. v.*  
14 *Kornrumpf*, Case No. 12-16616 (9th Cir. 2014) (oral argument assistance, software  
15 copyright and the first sale doctrine case); and (5) *Autodesk, Inc. v. RK Mace*  
16 *Engineering, Inc.*, 2004 WL 603382 (N.D. Cal. March 11, 2004) (lead counsel,  
17 jurisdictional effects test for copyright infringement). In its music practice, DF has  
18 represented some of the world's most prominent artists and their heirs.

19 40. The resumes of all the attorneys listed above are attached hereto as  
20 Exhibit A. Based on my experience practicing law in the area of intellectual property  
21 litigation, it is my opinion that the hours charged and the rates are reasonable and  
22 consistent with community standards. Furthermore, the hours were necessarily  
23 incurred.

24 **H. Expenses**

25 41. During the prosecution of the Action, my firm incurred \$27,225.13 in  
26 reasonable and necessary out-of-pocket expenses, summarized in the following table:  
27

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Expense	Amount
Expert Fees	\$1,500.00

Meals, Hotels & Transportation	\$5,794.03
Computer/Legal Research	\$19,925.28
Telephone/Telecopier	\$5.82
TOTAL:	\$27,225.13

42. The following is additional information regarding certain of these expenses:

(a) Expert fees: \$1,500.00. These expenses have been paid to an expert who provided valuable consulting services regarding music publishing practices and who is a recognized leader in that field.

(b) Transportation, Hotels & Meals: \$5,794.03. In connection with the prosecution of the case, the firm has paid for travel expenses to attend among other things, depositions, document productions, court hearings and status conferences.

(c) Legal Research: \$19,925.28. In this case, vendors such as Pacer, Bloomberg, Courtlink, Lexis and Westlaw and other specialized databases were used to obtain access filings, court orders, factual databases, legal research and for cite-checking briefs. The expense represents the expense incurred by my firm for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of service requested. In addition, legal research was conducted by purchasing historical books in order to evaluate potential claims and arguments.

43. The expenses we incurred in this Action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

44. The expenses we incurred were necessary and appropriate for the prosecution of this Action, all of which was at risk in this litigation. These expenses are a necessary part of litigation of this magnitude and scale and were essential to

1 enable Plaintiffs' Counsel to achieve the results now before the Court.

2 45. I hereby certify, under the penalty of perjury under the laws of the  
3 United States, that the foregoing statements are true and correct to the best of my  
4 knowledge, information, and belief.

5 Executed this 26th day of April, 2016, at Oakland, California.

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8 Daniel J. Schacht  
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# **EXHIBIT A**



## Daniel J. Schacht

Partner

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
dschacht@donahue.com

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### Overview

Daniel Schacht works with creative entrepreneurs and content creators to protect their rights in traditional and emerging media. He practices general business and entertainment law and focuses on copyrights and trademarks, from registration to licensing to litigation. He has represented talented individuals and international businesses in a myriad of negotiations, as well as at trial, appeals, arbitration, and mediation.

This fall, Daniel will be teaching music law at his alma mater, U.C. Berkeley School of Law. His commitment to his community includes serving as pro bono counsel to two of Oakland's Community Benefit Districts. He previously served on the boards of Oakland Art Murmur, which brings international attention to Oakland's vibrant arts scene, and the Great Wall of Oakland, which showcases visual art from Oakland and around the world. He provides pro bono services as well as presentations on the law and business of music for the California Lawyers for the Arts.

During law school, Daniel served as president of both the Sports and Entertainment Law Society and Parents at Boalt and was a member of the *Berkeley Technology Law Journal*. He spent his junior year at the Universität Hamburg and is proficient in German. Before law school, he worked for a decade in the Bay Area music scene as a bassist, sound engineer, studio owner, and producer.

### Affiliations

- Law Firm Partner, Startup Legal Garage, University of California, Hastings College of the Law
- Member, Alameda County Bar Association
- Member, Rotary Club of Oakland 3
- Member, California Lawyers for the Arts
- Former member, Board of Directors, Great Wall of Oakland
- Former member, Board of Directors, Oakland Art Murmur

### Honor & Awards

- Recipient, American Jurisprudence Award for Intellectual Property in Entertainment

### Education

- J.D., University of California, Berkeley School of Law, 2008
- B.A., Cornell University, 1995, *with Distinction*



## Andrew S. MacKay

Partner

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
amackay@donahue.com

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### Overview

Andrew S. MacKay specializes in intellectual property, employment law, and commercial litigation. His clients range from start-up businesses to corporations such as Autodesk, Inc., and Dyson Ltd. His work has resulted in favorable judgments, preliminary and permanent injunctive relief, and settlements for his clients. He is a co-chair of the firm's Litigation Practice Group and serves as General Counsel for the firm.

Andrew's intellectual property practice includes both pre-litigation enforcement work and litigation in the areas of copyright, trademark, trade dress, domain name, trade secret, and patent. His copyright cases have involved infringement of his client's rights in business software, music, architectural drawings, videogames, books and eBooks, and artwork. These matters often involve removal of online infringing content under the provisions of the Digital Millennium Copyright Act (DMCA) and claims related to the circumvention of technological measures designed to control access to a work.

Andrew represents companies in litigation in federal and state court and trademark prosecution before the Patent and Trademark Office (PTO). He protects client against trademark counterfeiting and infringement of marks for business names and products, such as software, musical recordings, and household products like bladeless fans. He has experience with trade dress matters involving franchise design and layout and product design, for products such as chairs and other furniture, and product packaging, for products such as nutritional supplements.

Andrew enforces his clients' rights in domain names both through lawsuits involving claims such as cybersquatting and Uniform Domain-Name Dispute Resolution Procedures (UDRP). His work involves monitoring and enforcement efforts for both existing and new domain name registrations that are substantially similar to his clients' trademarks or that involve intentional misspelling of his clients' trademark, known as typosquatting.

Andrew has experience protecting clients' trade secrets such as customer lists, production manufacturing and design, and online and physical distribution of products. His patent practice involves prelitigation enforcement and litigation of both design and utility patents. He frequently advises companies in computer and internet law, such as branding and claims of online defamation.

Aside from intellectual property matters, Andrew's litigation experience includes:

- Commercial litigation which focuses on complex issues of contract interpretation covering disputes ranging from software licenses and product warranties to distribution and reseller agreements
- Shareholder, indemnity, and insurance disputes
- Trust and estate disputes
- Real estate

- Employment law issues including claims of discrimination and harassment and unpaid wages. He has represented employers in class actions and administrative proceedings. He also counsels clients regarding compliance with employment laws.

### **Affiliations**

- Member, Marin County Bar Association
  - Member, Intellectual Property Section
  - Member, Litigation Section
  - Member, Employment Law Sections
- Member, Alameda County Bar Association

### **Honor & Awards**

- Recipient, Anthony F. Draggonette Award for Outstanding Achievement in Civil Litigation Trial Practice
- Recipient, American Jurisprudence Award for Civil Litigation Trial Practice

### **Education**

- J.D., University of California, Berkeley School of Law, 1998
- B.A., Yale University, 1995, *summa cum laude*





## **Padmini Cheruvu**

Associate

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
pcheruvu@donahue.com

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### **Overview**

Padmini Cheruvu is a litigation associate with a focus on intellectual property, employment and business disputes. She has assisted clients in all stages of litigation, including discovery, pre-trial motions and trial preparation. She has experience representing business owners in:

- Employment law matters involving wage and hour claims
- Commercial and business litigation matters involving contractual disputes and business torts

Padmini's intellectual property practice concentrates on the prosecution and defense of:

- Trademark infringement cases
- Trade secret misappropriation issues
- Trademark Trial and Appeal Board (TTAB) proceedings.

During law school, Padmini was the operations editor for the *Hastings Communications and Entertainment Law Journal* and a staff editor for the *Hastings Science and Technology Law Journal*. During her final year, she participated in the Hastings Workers' Rights Clinic, where she counseled low-income workers in a wide range of employment issues, and the Hastings Mediation Clinic, where she mediated cases in the San Francisco Small Claims Court. She was a teaching assistant in legal writing and research and a singer and musical director of Hastings Legal Notes.

### **Affiliations**

- Member, Alameda County Bar Association

### **Honor & Awards**

- Recipient, CALI Excellence for the Future Award
- Recipient, Witkin Award – Negotiations and Settlement

### **Education**

J.D., University of California, Hastings College of the Law, 2014  
B.S., University of California, Los Angeles, 2011

## Casey Williams

Associate

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
cwilliams@donahue.com

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### Overview

Casey Williams is a litigation associate with a focus on employment and business matters. In addition, a significant portion of her practice is devoted to working with nonprofit organizations with corporation formation, tax-exemption applications, and governance issues. She is an active volunteer at the Low Income Landlord Clinic and Immigration Clinic operated by the Volunteer Legal Services Corporation, the nonprofit arm of the Alameda County Bar Association.

Casey teaches Legal Aspects of Human Resource Management at the College of Extended Learning at San Francisco State University. The class is a primer on legal issues employers and human resource professionals routinely encounter, including wage and hour, discrimination, employee leave, and hiring and termination issues.

Prior to joining the firm, Casey served as an extern for the Hon. Claudia Wilken of the U.S. District Court for the Northern District of California. During law school, she served as a production editor for the UC Hastings *Science & Technology Law Journal* and was a member of the board of the moot court team.

### Affiliations

- Member, Council of Business Advisors
- Member, Business Law and Real Property Law sections - State Bar of California
- Member, Business Law Section - American Bar Association
- Member, Alameda County Bar Association (ACBA), 2011-present
  - Member, Executive Committee, Barristers Section, 2013-2015
  - Commissioner, Judicial Appointments Evaluation Committee, 2014-present
- Pro Bono Attorney and Volunteer, Volunteer Legal Services Corporation, 2011-present
  - Supervising Attorney, Low Income Landlord Clinic, 2014-present
  - Coordinating Attorney, Immigration Law Clinic, 2012-present
- Volunteer, Resilient Communities Legal Café, Sustainable Economics Law Center , 2015-present
- Member, Earl Warren Inn of Court, 2015-present

### Honors & Awards

- Nominee, Jack Berman Award of Achievement, State Bar of California, 2016
- Named, Volunteer of the Year, Volunteer Legal Services Corporation, 2014
- Recipient, Wiley W. Manuel Certificate for Pro Bono Legal Services, State Bar of California, 2013

### Education

J.D., Hastings College of the Law, University of California, San Francisco, 2011  
B.A., University of California, Berkeley, 2007



## Robert K. Walker

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300

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### Overview

Robert K. Walker's practice focuses on business law and on intellectual property with an emphasis on copyright, entertainment, and technology law.

In addition to his practice, Rob is a research fellow with the Technology and Privacy Project at the University of California Hastings College of the Law. He has published articles on copyright law and privacy law in the *Northwestern University Law Review*, *Cardozo Law Review*, *Notre Dame Law Review*, and the *Hastings Law Journal*.

While in law school, Rob served as a student liaison to the American Bar Association Forum Committee on Communications Law and an editor of the *Hastings Law Journal*. Before law school, he worked as a video producer, director, and editor for CNNMoney.com and TVGuide.com and as a technology project manager for Condé Nast publications. While at CNN, he was a member of the production team that won a 2008 Peabody Award for distinguished public service in broadcasting. He holds a professional certificate in entertainment media management from New York University.

### Education

- J.D., University of California, Hastings College of the Law, *magna cum laude*
- B.A., University of Virginia, *with high distinction*

## William R. Hill

Partner

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
whill@donahue.com

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### Overview

William “Rock” Hill is a partner in Donahue Fitzgerald with thirty years of experience focused primarily on litigation, intellectual property and commercial law. His intellectual property practice encompasses all aspects of IP management and litigation, from copyrights, trademarks, and trade secrets to patent litigation. He also represents retailers, manufacturers, and contractors in various commercial matters, and employers in work-related disputes before federal and state regulatory agencies and in mediations, arbitrations, and trials.

Rock is one of the firm’s chief commercial and intellectual property litigators. He has prosecuted thousands of individuals and businesses charged with infringing copyrights and trademarks, pirating domain names, and misappropriating trade secrets, negotiating settlements or filing lawsuits as appropriate. To date, his efforts along with his colleagues in the firm have resulted in recoveries of over \$500 Million for software companies such as Microsoft, Autodesk, Novell, Symantec, Macromedia, Aldus, and Adobe, along with members of the Business Software Alliance and the Software & Information Industry Association.

Rock’s intellectual property practice extends to non-technology companies as well. He has successfully represented major supermarket chains and restaurants in trademark litigation over the use of protected marks. He has prosecuted and defended clients in numerous cases involving local, regional, and national infringement of intellectual property rights.

Rock maintains an active commercial practice as well. He has served as lead trial attorney in over thirty jury and non-jury trials in both state and federal court, in addition to handling numerous mediations and arbitrations. He has defended several multi-million dollar class action cases, including *Berger, et al. v. Property I.D., et al.* class action in federal court in Los Angeles, where he obtained a dismissal in a case ultimately settled with the other defendants in excess of \$25 million.

Rock served as the firm’s CEO from 1998 through 2005. During law school, he was an extern for the U.S. Court of Appeals for the Ninth Circuit.

### Affiliations

- Member, State Bar of California
- Member, Alameda County Bar Association
- Member, Litigation Counsel of America
- Member, Advisory Board of Directors, Oakland Boys and Girls Club

### Honors & Awards

- Named, Super Lawyer – Northern California, *Super Lawyers Magazine*, 2004-2009

- Awarded, AV Preeminent<sup>®</sup> Peer Review Rating, Martindale-Hubbell

## Education

J.D., University of California, Berkeley School of Law, 1984

M.A., Stanford University, 1981

B.A., University of California, Berkeley, 1978



## Jonathan Osder

Partner

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
josder@donahue.com

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### Overview

Jonathan's area of expertise is intellectual property law. His practice extends internationally and he is often engaged in cutting edge legal issues that involve:

- Copyrights
- High technology, including computer, Internet, and new media law
- Trademarks
- Domain name disputes
- Patent enforcement and licensing
- Unfair competition
- Rights of publicity
- General civil matters

Jonathan counsels diverse clients, including prominent software companies, manufacturers, musicians, universities, computer programmers, authors, artists, professors, producers, professional athletes, restaurateurs, photographers, and other entrepreneurs on how to secure, protect, license, transfer, and enforce their proprietary rights. This includes helping clients identify their valuable intellectual property assets, preparing proper documentation to memorialize their ownership rights, and facilitating recordation and registration of those rights with the appropriate government agencies. In the copyright context alone, he has worked on over 1,000 copyright registration applications for registration with the U.S. Copyright Office.

As a professional negotiator, Jonathan has substantial experience and has demonstrated his expertise through his handling of many multi-million dollar negotiations for which he also drafted complex agreements. He is an experienced and talented negotiator and drafter of various agreement types, including license, intellectual property transfer, software and website development, consultation, distribution, settlement, non-disclosure, advertising, Internet, computer-related, publishing, merchandise, synchronization, public performance, musician tour, character licensing, recording, endorsement, sponsorship, and right of publicity agreements.

Jonathan helps supervise the firm's IP enforcement programs, including its software license compliance, domain name enforcement, and patent enforcement programs conducted on behalf of clients such as Autodesk, Inc., UK-based Dyson Technology Limited, Monster, Inc., Denmark-based Sitecore Corporation, the Software & Information Industry Association, and Symantec Corporation. He has negotiated the recovery of several million dollars prosecuting civil claims of software copyright infringement on behalf of clients such as Autodesk, Intuit, and trade organizations whose members include Adobe Systems, Apple Computer, Autodesk, Microsoft Corporation, Network Associates, Novell, and Symantec.

Internationally, Jonathan provides legal support to attorneys worldwide. Two noteworthy matters include negotiating a sponsorship deal with then Formula One racing world champion Jenson Button and, in connection with the 120th anniversary of the Eiffel Tower, clearing rights to Hollywood blockbuster films for The Société d'Exploitation de la Tour Eiffel, so famous scenes featuring the Eiffel Tower could be publicly displayed there.

Jonathan served as the firm's chief operations officer from 2005-2014. While awaiting his California Bar results, he worked in Melbourne, Australia for Phillips Fox Solicitors, one of Australia's largest law firms, which has since merged with DLA Piper. During law school, Jonathan served as a comments editor of the *University of San Francisco Law Review*.

## Affiliations

- Member, Intellectual Property Section, State Bar of California
- Member, Alameda County Bar Association

## Honor & Awards

- Awarded, AV Preeminent<sup>®</sup> Peer Review Rating, Martindale-Hubbell

## Education

- J.D., University of San Francisco, 1993
- B.A., University of California, Berkeley, 1989



## Jonathan McNeil Wong

Partner

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
jmwong@donahue.com

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### Overview

Jonathan McNeil Wong heads the firm's immigration and nationality law practice, advising and representing domestic and international companies that are hiring foreign nationals to work in the United States. He recommends immigration strategies to employers and represents them before the Departments of State and Homeland Security. He has handled the immigration process for U.S. companies seeking the services of foreign engineers, scientists, technical specialists, and marketing and operations personnel in diverse business sectors ranging from architecture to zoological science. He is also experienced in the transfer of foreign executives, managers, and other key personnel to American branches of foreign companies. In employment circumstances involving access to trade secrets and other proprietary information, he assists employers in evaluating the foreign worker's background and structuring a relationship that protects his clients' interests.

An experienced litigator, Jonathan counsels employers and defends them against claims of wrongful termination, discrimination and sexual harassment, and other employment-related issues. He has also represented plaintiffs in employment-related individual and class litigation. He has served as trial counsel in multiple trials, has represented clients in numerous mediations and arbitrations, and has successfully argued his clients' cases before California and federal appeals courts. He was lead counsel for instatement procedures and was responsible for negotiating the settlement of all claims made by 1,200 employees in a class action lawsuit settled by a consent decree. His litigation practice also includes advising clients, in-house counsel, and partner law firms on electronic discovery best practices, technology assisted review, and compliance with new federal and state electronic discovery rules.

Jonathan advises employers on personnel disputes, employee discipline, demotions, and terminations. He drafts and reviews employee policy manuals, checking for compliance with all federal, state, and local regulations. He also counsels employers on workplace safety and OSHA compliance and on the implications of the Americans With Disabilities Act. He assists employers in complying with federal, state, and local requirements governing wages, hours, and other conditions of employment and defends them in administrative proceedings brought by government agencies. As part of his employment and labor law practice, Jonathan negotiates and drafts employment agreements for key employees, executives, and officers. His labor relations practice concentrates on advising employers regarding union elections, employee grievances, contract interpretation and collective bargaining strategies and techniques.

Jonathan is the recipient of multiple awards for his provision of pro bono legal services to the indigent. He is fluent in French, German, Spanish, and Mandarin Chinese. In law school, he was an editor of the U.C. Davis School of Law *Law Review* and received the Patrick Hopkins Law Prize.



## Affiliations

- Member, American Immigration Lawyers Association
- Member and former president, Alameda County Bar Association
- Former president, Volunteer Legal Services Corporation - Alameda County Bar Association
- Instructional Faculty, San Francisco State University Extended Learning

## Honor & Awards

- Recipient, Pro Bono Leadership Award, Volunteer Legal Services Corporation, 2013
- Recipient, Pro Bono Angel Award, *California Lawyer Magazine*, 2007
- Recipient, Distinguished Service Award, Alameda County Bar Association, 2003
- Recipient, President's Pro Bono Service Award, State Bar of California, 2000
- Named, Super Lawyer – Immigration, Northern California, *Super Lawyers Magazine*, 2008-2012
- Awarded, AV Preeminent<sup>®</sup> Peer Review Rating, Martindale-Hubbell

## Education

- J.D., University of California, Davis, School of Law, 1982
- B.A. Pomona College, 1979



## Jason M. Flom

Associate

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
jflom@donahue.com

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### Overview

Jason M. Flom represents corporate and individual clients in an assortment of matters, specializing in civil litigation. He has defended and prosecuted intellectual property infringement cases, defended employers in employment cases, opposed a class action claim, represented ex-business partners in relationships that have degraded beyond repair, advocated for creditors in bankruptcies and litigated real property disputes.

In law school, Jason served as the executive editor of the *Communications and Entertainment Law Journal* and spent a semester serving low income clients at the Hastings Civil Justice Clinic. He continues to represent low-income clients in partnership with the East Bay Community Law Center.

### Affiliations

- Member, Alameda County Bar Association
- Member, State Bar of California

### Honor & Awards

- Recipient, Witkin Award for Academic Excellence in Advanced Corporations

### Education

- J.D., University of California, Hastings College of the Law, 2012
- B.A., Westmont College, *cum laude*



## Daniel H. Senter

Associate

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
dsenter@donahue.com

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### Overview

Daniel Senter represents a variety of individual and corporate clients, with an emphasis on intellectual property, entertainment, and general business law. Primary areas of his practice include:

- Intellectual property, entertainment, and business contracts
- Copyright filings and enforcement
- Broadcast, webcast, and podcast counseling
- Trademark filings – domestic and international
- Trademark Trial and Appeal Board (TTAB) proceedings
- Uniform Domain-Name Dispute-Resolution Policy (UDRP) proceedings
- IP and general business litigation

Prior to joining Donahue Fitzgerald, Daniel worked at another Bay Area law firm, where his practice included copyright and trademark counseling, as well as state and federal court litigation. Prior to that, he worked in juvenile public defense in Alameda County.

During law school, Daniel served as an editor of the *Los Angeles Public Interest Law Journal*. He was a quarter-finalist in the Hale Moot Court Honors Program and a clinical participant in the Intellectual Property and Technology Law Clinic.

Since 2012, Daniel has provided pro bono legal assistance to local artists as a panel attorney with the California Lawyers for the Arts. He also volunteers with The Bay Bridged, a music and arts events organization, where he produces concerts and writes music reviews.

### Affiliations

- Member, Copyright Society
- Member, California Lawyers for the Arts

### Honor & Awards

- Named, Outstanding Young Lawyer, National Association of Counsel for Children, 2014
- Awarded, Jefferson Award, CBS, 2013
- Awarded, Irmas Fellowship, USC Gould School of Law, 2010

### Education

- J.D., University of Southern California Gould School of Law, 2010
- B.A., Harvard University, 2004, *cum laude*



## **Megan S. Shaked**

Associate

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300  
mshaked@donahue.com

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### **Overview**

Megan Shaked's practice focuses on employment and business matters. She has assisted individuals as well as corporations, nonprofits, and public entities with such matters as contract disputes, construction litigation, securities offerings, trademark enforcement, and wage and hour disputes.

Megan coaches the Trial Advocacy Team at the College of the Law, U.C. Hastings, in mock trial competitions. She is an active member of the UCLA Alumni Association, where she assists with the Alumni Association Scholarship Program.

During law school, Megan was a member of the Trial Advocacy Team and participated in the Civil Justice Clinic.

### **Affiliations**

- Member, Alameda County Bar Association
- Member, Alumni Association, University of California, Los Angeles

### **Honors & Awards**

- Recipient, Outstanding Performance in the Individual Representation Clinic, Civil Justice Clinic, College of the Law, U.C. Hastings
- Recipient, CALI Excellence for the Future Award
- Recipient, Witkin Award for Academic Excellence

### **Education**

J.D., University of California, College of the Law, U.C. Hastings, 2010  
B.A., University of California, Los Angeles, *cum laude*



## May A. Whitaker

1999 Harrison Street, Floor 25  
Oakland, CA 94612  
(510) 451-3300

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### Overview

As a member of the firm's Business and Corporate, Employment, and Litigation practice groups, May Whitaker advised private companies on the formation and operation of business entities, intellectual property, employment, securities and general commercial litigation matters. She has a broad range of experience in handling complex business transactions for established and emerging entities, including drafting and reviewing corporate documents and agreements in connection with reorganizations and conversions, strategic alliances, private equity financing, and mergers and acquisitions.

During law school, May served as the production editor for the *Berkeley Journal of Gender, Law & Justice* and as secretary of the Boalt Hall Student Association. She also served as the Berkeley Chapter Director of the Iraqi Refugee Assistance Project. She helped co-found the Boalt Veteran Assistance Project and completed a field placement at the Housing and Economic Rights Advocates in Oakland. Before law school, May worked for nearly a decade in the private sector for a prominent Bay Area general engineering construction company.

### Education

- J.D., University of California, Berkeley School of Law, 2014
- B.A., San Francisco State University, 2010, *summa cum laude*