

HAMPTONHOLLEY LLP
2101 East Coast Highway, Suite 260
Corona del Mar, California 92625

1 Dean A. Dickie (appearing *Pro Hac Vice*)
Dickie@MillerCanfield.com
2 Kathleen E. Koppenhoefer (appearing *Pro Hac Vice*)
Koppenhoefer@MillerCanfield.com
3 MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
225 West Washington Street, Suite 2600
4 Chicago, IL 60606
Telephone: 312.460.4227
5 Facsimile: 312.460.4288

6 Ira Gould (appearing *Pro Hac Vice*)
Gould@igouldlaw.com
7 Ryan L. Greely (appearing *Pro Hac Vice*)
Rgreely@igouldlaw.com
8 GOULD LAW GROUP
120 North LaSalle Street, Suite 2750
9 Chicago, IL 60602
Telephone: 312.781.0680
10 Facsimile: 312.726.1328

11 George L. Hampton IV (State Bar No. 144433)
ghampton@hamptonholley.com
12 Colin C. Holley (State Bar No. 191999)
cholley@hamptonholley.com
13 HAMPTONHOLLEY LLP
2101 East Coast Highway, Suite 260
14 Corona del Mar, California 92625
Telephone: 949.718.4550
15 Facsimile: 949.718.4580

16 Attorneys for Plaintiff
BRYAN PRINGLE

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**
20 **SOUTHERN DIVISION**

21 BRYAN PRINGLE, an individual,) Case No. SACV 10-1656 JST(RZx)
22 Plaintiff,)
23 v.) **DECLARATION OF GEORGE I.**
24 WILLIAM ADAMS, JR.; STACY) **HAMPTON IV OBJECTING TO**
25 FERGUSON; ALLAN PINEDA; and) **BARRY SLOTNICK'S**
26 JAIME GOMEZ, all individually and) **DECLARATION IN SUPPORT OF**
collectively as the music group The Black) **DEFENDANT'S APPLICATION**
Eyed Peas, *et al.*,) **FOR FEES**
27 Defendants.)
28

1 I, George L. Hampton IV, declare as follows:

2 1. I am a partner of the law firm HamptonHolley LLP (“HamptonHolley”),
3 local counsel for plaintiff Bryan Pringle (“Pringle”) in the above-captioned action. If
4 called as a witness, I could and would competently testify to each of the facts set
5 forth in this declaration, as I know each to be true based upon my own personal
6 knowledge or based upon my review of the files and records maintained by
7 HamptonHolley in the regular course of its business. I am submitting this
8 declaration to object to the reasonableness of the \$36,091.50 in fees alleged to have
9 been incurred by Rister Editions’ counsel Loeb & Loeb in connection with filing the
10 second motion to dismiss.

11 2. I graduated cum laude, Phi Beta Kappa from Rice University in 1986.
12 In 1989, I graduated from The University of Texas School of Law where I was a
13 member of the Legal Research Board and the Board of Advocates. I was admitted to
14 the State Bar of California in 1989 and to the State Bar of Texas in 1995.

15 3. I have practiced law in Orange County California since my admission to
16 the State Bar of California in 1989. From 1989 to 1994, I was an associate in the
17 litigation and appellate departments in the Orange County office of Buchalter,
18 Nemer, Fields & Younger. In 1991, I was selected as a Pegasus Scholar by the
19 American Inns of Court Foundation and spent three months studying oral advocacy
20 with solicitors at Linklaters and Paines in London, England and with the barristers at
21 Fountain Court also in London, England. Also in 1991, I was selected to receive the
22 State Bar of California 1991 President’s Pro Bono Service Award for my work as
23 part of the Homeless Defense Project Team.

24 4. From 1994 to August 2003, I worked first as an associate and then as a
25 partner in the litigation and intellectual property departments in the Orange County
26 office of McDermott, Will & Emery. I left McDermott, Will & Emery in August
27 2003 to become a shareholder in the law firm Green & Hall, APC where I was a
28 shareholder from August 2003 through October 2005. I left Green & Hall in

1 November 2005 to become a partner in HamptonHolley LLP where I focus my
2 practice on the trial of complex commercial matters including intellectual property
3 disputes involving patents, trademarks and copyrights. Since 2005 I have been rated
4 “AV” by Martindale-Hubbell.

5 5. Based upon my experience as a lawyer practicing law in Orange County
6 California for the last 22 years, the \$36,091.50 in fees alleged to have been incurred
7 by Rister Editions’ counsel in drafting the second motion to dismiss is simply not
8 reasonable. I base my opinion on the following: (1) the total amount of fees sought
9 is grossly excessive given that the issues involved—failing to serve a complaint
10 within 120 days of filing the complaint as required by FRCP Rules 4(c) and 4(m) and
11 as ordered by the court—were neither novel nor unique; and (2) Mr. Slotnick’s
12 declaration impermissibly includes fees associated with unrelated tasks and/or
13 different clients.

14 6. Based upon my experience it is simply inconceivable that Rister
15 Editions’ counsel spent **71.3 hours** in preparing and filing the second motion to
16 dismiss based upon the failure to serve the complaint pursuant to FRCP Rules 4(c)
17 and 4(m) and the Court’s January 27, 2011 order based thereon.

18 7. In fact and based upon my review of the time records attached to Mr.
19 Slotnick’s declaration, in total, Rister Editions’ attorneys allegedly spent **29.5 hours**
20 preparing Rister Editions’ second motion to dismiss, totaling \$15,725.00. [Doc.
21 #128-2, pp. 1 and 2] and **26.7 hours** preparing its reply, totaling \$11,644.40. [Doc.
22 \$128-2, pp. 3-4]. The remaining **15.1 hours** were spent preparing Rister Editions’
23 request for fees. Even **56.2 hours**, however, spent preparing a simple motion and 6 ½
24 page memorandum and a 7 1/2 page reply is excessive.

25 8. For example, although Mr. Slotnick claims that Thomas D. Nolan has
26 “extensive experience handing a broad array of complex litigation matters,” Mr.
27 Nolan allegedly spent **36.7 hours** at a billing rate of \$500 per hour researching and
28 drafting the second motion to dismiss. The extraordinary length of time Mr. Nolan

1 allegedly spent in preparing the second motion to dismiss is particularly egregious
2 given that Mr. Nolan simply copied *verbatim* portions of Rister Editions’ December
3 13, 2010 motion to dismiss, and then added paragraph breaks. *Compare* Doc. #53-1
4 at page 7:20–8:10 (“It is hornbook law...”) *with* Doc. #122 at page 3:28–4:19 (“It is
5 hornbook law... [paragraph break].”).

6 9. Additionally and notwithstanding Mr. Slotnick’s declaration to the
7 contrary, it is not usual or customary to bill a paralegal’s time at \$350 and \$320 per
8 hour. It is also not usual or customary to have three associates—in their 6th, 7th and
9 8th year respectively—spending a total of **57.2** hours working on a single motion to
10 dismiss where the issues are simple, e.g. failure to serve a complaint within 120 days
11 or pursuant to the Court’s order.

12 10. In my experience, it is not usual or customary for an associate such as
13 Mr. Nolan to bill **36.7** hours at \$500 per hour to simply rehash a previously filed
14 motion to dismiss with a substantial portion of the legal analysis being copied
15 verbatim from the previous filing.

16 11. In addition and according to the time records attached to Mr. Slotnick’s
17 declaration, the fees requested by Rister Editions improperly includes time that was
18 actually spent on tasks unrelated to the filing of the second motion to dismiss and/or
19 performing work for other clients. For example and according to the time records
20 attached to Mr. Slotnick’s declaration:

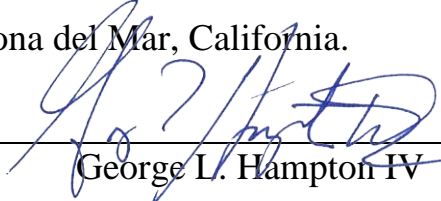
- 21 • On March 21, 2011, Mr. Nolan spent 3.9 hours working on projects
22 relating to Rister Editions, defendant Square Rivoli and defendant
23 Fred Riesterer. Rister Editions improperly seeks reimbursement for
24 this entire 3.9 hour block.
- 25 • On March 25, 2011, Mr. Slotnick spent 0.2 hours reviewing and
26 responding to emails regarding service of process on defendant F.
27 Riesterer. Accordingly, Mr. Slotnick’s March 25, 2011 time was
28 unrelated to Rister Editions’ motion to dismiss.

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- On April 5, 2011, Mr. Dickstein spent 1.1 hours working on projects relating to Rister Editions and Fred Riesterer. Rister Editions improperly seeks reimbursement for this entire block of billing time.
- On April 5, 2011, Mr. Nolan spent 1.8 hours researching methods of service in France. Rister Editions’ motion, however, was based on service effectuated in the United States. Accordingly, Mr. Nolan’s April 5th time was unrelated to Rister Editions’ motion to dismiss.
- On April 12, 2011, Mr. Nolan billed 4.1 hours—more than 10% of the total time at issue—drafting defendant Fred Riesterer’s Answer to the Complaint. This work was entirely unrelated to Rister Editions’ motion to dismiss.

12. In conclusion, 56.2 hours to prepare a motion to dismiss is excessive. If the issues were as clear cut as Rister Editions’ counsel and the Court believed—such as to justify the imposition of sanctions—then it should not have taken 56.2 hours to prepare and file the second motion to dismiss.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 26th day of April, 2011, at Corona del Mar, California.



George L. Hampton IV