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UMG RECORDINGS, INC. and
7 INTERSCOPE RECORDS

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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 BRYAN PRINGLE, an individual,
13
14 Plaintiff,
15 v.
16 WILLIAM ADAMS, JR. et al.
17 Defendants.

Case No. SACV 10-1656 JST (RZx)

**DECLARATION OF LINDA M.
BURROW IN SUPPORT OF
DEFENDANTS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES
AND FULL COSTS AGAINST
PLAINTIFF AND HIS COUNSEL**

Complaint Filed: October 28, 2010

Date: June 25, 2012
Time: 10:00 a.m.
Place: Courtroom 10A

DECLARATION OF LINDA M. BURROW

I, LINDA M. BURROW, declare and state as follows:

1. I am a shareholder in the law firm of Caldwell Leslie & Proctor, PC, counsel for Defendants UMG Recordings, Inc. (“UMG”) and Interscope Records (“Interscope”) (collectively referred to herein as the “UMG Defendants”) in this matter. I am an attorney admitted to practice in the State of California and a member of the bar of this Court. I submit this declaration in support of Defendants' Motion for an Award of Attorneys' Fees and Full Costs against Plaintiff and His Counsel. I have personal knowledge of the facts stated herein, and could and would testify competently thereto if called as a witness in this matter.

2. I received my Bachelor of Science degree in Chemical Engineering with high honors from Oregon State University in 1985. I received my J.D. degree in 1997 from Boalt Hall School of Law at the University of California, Berkeley, where I was a member of the Order of the Coif. Following graduation from law school, I clerked for the Honorable Stephen V. Wilson on the United States District Court for the Central District of California. After several years as an associate at Munger, Tolles & Olson LLP, I joined Caldwell Leslie in 2006, and became a shareholder in January 2008.

3. Caldwell Leslie is a twenty-nine lawyer law firm based in Los Angeles that maintains an active practice in litigation matters. My practice focuses on entertainment litigation, including copyright and trademark disputes, as well as other complex civil litigation. I have extensive experience in representing media and entertainment clients, including UMG. I have been recognized three times, in 2009, 2011 and 2012, as one of California's top women litigators by the Los Angeles and San Francisco Daily Journal.

1 **Work Performed by Caldwell Leslie**

2 4. Caldwell Leslie has served as counsel of record for the UMG
3 Defendants in this case since November 2010. I am the billing attorney for
4 Caldwell Leslie's representation of the UMG Defendants in this case. In this
5 Motion, the UMG Defendants seek a total of \$51,805.72 in fees and costs for 186.9
6 hours of Caldwell Leslie attorney and support professionals time incurred in defense
7 of this case.

8 5. Attached hereto as Exhibit A are true and correct copies of Caldwell
9 Leslie's billing statements in this matter, which reflect the time sought in
10 Defendants' Motion, with certain privileged information redacted. Attached hereto
11 as Exhibit B is a summary of the time sought sorted by billing professional. With
12 the reply, the UMG Defendants will submit a supplement of additional fees incurred
13 in preparing the Motion and this Declaration.

14 6. In every case I manage, I take steps to ensure that attorneys and staff
15 perform their work efficiently and that efforts are not duplicated. I also expect the
16 same of myself, and to the best of my ability perform my work efficiently and seek
17 to avoid duplicative efforts. This case was no different. After reviewing the
18 Complaint filed by Plaintiff Bryan Pringle ("Plaintiff") in October 2010 and the
19 First Amended Complaint ("FAC") filed by Plaintiff in November 2010, I
20 determined that working with one additional attorney would yield the greatest
21 efficiencies in communication and work-product.

22 (a) **Opposing Plaintiff's FAC, Ex Parte Application for a Temporary**
23 **Restraining Order, and Preliminary Injunction Motion**

24 7. Plaintiff filed his *Ex Parte* Application for a Temporary Restraining
25 Order and Order to Show Cause for Preliminary Injunction in November 2010,
26 which sought to halt distribution of Defendants' song "I Gotta Feeling" before the
27 crucial holiday shopping season. The response that Caldwell Leslie prepared
28 incorporated the response prepared and filed by Defendants William Adams, Jr.,

1 Stacy Ferguson, Allan Pineda, and Jaime Gomez, all individually and professionally
2 known as The Black Eyed Peas; Tab Magnetic Publishing; Headphone Junkie
3 Publishing, LLC; will.i.am music, llc; Jeepney Music, Inc.; Cherry River Music Co.;
4 and EMI April Music, Inc. (the “Adams Defendants”), so as not to duplicate the
5 arguments asserted by those Defendants. Heather Pearson, a Caldwell Leslie
6 associate, researched and drafted the UMG Defendants’ Joinder and Opposition to
7 Plaintiff’s *Ex Parte* Application for a Temporary Restraining Order and Order to
8 Show Case, which I reviewed and revised prior to filing, and Ms. Pearson and I also
9 provided comments to the Adam Defendants’ response. This Court denied
10 Plaintiff’s *Ex Parte* Application on November 24, 2010.

11 8. Ms. Pearson and I also reviewed and analyzed the FAC Plaintiff filed
12 on November 19, 2010 and recognized that the claims Plaintiff alleged in FAC had
13 numerous deficiencies in Plaintiff’s FAC, including Plaintiff’s failure to allege that
14 he had registered the work he claimed Defendants infringed. Rather than duplicate
15 the efforts of the other Defendants, however, Ms. Pearson and I elected to join the
16 motion to dismiss, motion for a more definite statement and the motion to strike
17 filed by the Adams Defendants, as well as a section of the motion to dismiss filed by
18 Defendants Shapiro Bernstein & Co., Inc., David Guetta, Rister Editions and
19 Frederic Riesterer (the “Guetta Defendants”), instead of drafting and filing separate
20 motions on the UMG Defendants’ behalf.

21 9. Similarly, when Plaintiff filed his motion for preliminary injunction in
22 January 2011, which sought to preclude Defendants from performing or distributing
23 their song “I Gotta Feeling” on the eve of the Black Eyed Peas’ performance at the
24 Super Bowl, the response Ms. Pearson and I prepared incorporated the responses
25 prepared and filed by the Adams Defendants and the Guetta Defendants, so as not to
26 duplicate the arguments asserted by those Defendants. Ms. Pearson researched and
27 drafted the UMG Defendants’ opposition to Plaintiff’s preliminary injunction
28

1 motion, which I reviewed and revised prior to filing. This Court denied Plaintiff's
2 preliminary injunction motion on February 7, 2011.

3 ***(b) Responding to Plaintiff's Discovery Requests***

4 10. Plaintiff propounded his First Sets of Requests for Production and
5 Interrogatories to the UMG Defendants on April 11, 2011. Ms. Pearson researched
6 and drafted responses to the discovery requests, which I reviewed and revised. The
7 UMG Defendants served responses to the discovery requests on May 16, 2011.

8 11. After Ms. Pearson left Caldwell Leslie, Alison Mackenzie, another
9 Caldwell Leslie associate, began working on this case with me. Ms. Mackenzie
10 reviewed thousands of pages of UMG and Interscope documents to identify
11 documents responsive to Plaintiff's discovery requests. The UMG Defendants
12 ultimately produced more than 6,000 pages of documents to Plaintiffs.

13 12. On March 21, 2011, Plaintiff noticed the deposition of UMG employee
14 Ike Youssef, and on June 30, 2011, Plaintiff served an amended deposition notice
15 for Mr. Youssef. I prepared for and defended Mr. Youssef's deposition, which took
16 place in mid-July, 2011.

17 13. The UMG Defendants did not propound any written discovery on
18 Plaintiff in this action and did not notice any depositions. So as not to incur any
19 unnecessary fees, neither I nor any of my colleagues attended the depositions of any
20 non-UMG witnesses, and we did not duplicate any of the work undertaken by
21 counsel for the Adams Defendants with respect to their motion to compel, or any of
22 the work undertaken by counsel for the Guetta Defendants, including but not limited
23 to the summary judgment motion the Guetta Defendants filed in November 2011.
24 Instead, Ms. Mackenzie and I provided information to counsel for the Adams and
25 Guetta Defendants as necessary to support these motions.

26 14. Ms. Mackenzie and I relied on two experienced paralegals, David Clark
27 and Lisa Knofel, as well as a litigation technology support specialist, Ron Deutsch,
28 to provide necessary support services. Caldwell Leslie involves these billing

1 professionals as an expense-saving measure, preferring to delegate needed filing
2 preparation and document review and production work to those members of our firm
3 who can ably perform the work at the least cost.

4 15. Ms. Knofel reviewed the opposition we filed in response to Plaintiff's
5 *ex parte* application for a temporary restraining order. Mr. Clark and Ms. Knofel
6 each reviewed portions of the opposition we filed in response to Plaintiff's
7 preliminary injunction motion. Mr. Deutsch prepared and managed the documents
8 produced by the UMG Defendants.

9 16. In total, the Caldwell Leslie billing professionals on this case have
10 spent 186.90 hours working on this case and have billed a total of \$49,876.00. In
11 addition, Caldwell Leslie has incurred a total of \$1,929.72 in costs.

12 **Caldwell Leslie's Billing Policies**

13 17. I am familiar with the timekeeping and billing policies of my firm.
14 Under those policies, each attorney prepares a time log, setting forth the number of
15 hours of work performed for each client and matter and giving brief summaries of
16 the substance of that work. The paralegals and litigation technology support
17 specialists keep track of their time in the same manner. These logs are entered into
18 a Caldwell Leslie computer system, and each attorney and staff member reviews
19 these entries to ensure their accuracy. Monthly billing information memoranda are
20 generated to show all the work done by all billing professionals for each client.

21 18. In keeping with these timekeeping and billing policies of my firm, I
22 kept careful records of the time I spent working on this matter. Specifically, I
23 entered my time log directly into our computer billing system and then reviewed my
24 entries to ensure their accuracy.

25 19. I am informed and believe that each of the other Caldwell Leslie billing
26 professionals also entered the time they spent working on this matter into our
27 computer billing system and then reviewed the entries to ensure their accuracy.

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20. As the billing attorney for Caldwell Leslie's representation of the UMG Defendants in this matter, I also personally reviewed the bills generated for this matter for their accuracy before they were submitted to the UMG Defendants for payment.

Caldwell Leslie's Rates Are Reasonable

21. I am generally familiar with billing rates for attorneys of comparable seniority and experience at Los Angeles law firms. Each year I am involved in setting our firm's billing rates. As part of that process, I obtain billing rate information of other firms from a variety of sources, including clients who work with other firms, from public filings, and from published information. Based on this knowledge and experience, I have concluded that the rates Caldwell Leslie charges for its attorneys' and paralegals' time are reasonable and wholly consistent with, if not generally somewhat lower than, prevailing market rates for attorneys and paralegals at comparable law firms.

22. Moreover, the rates charged in this case, as set forth in Exhibits A and B, were approximately 40% lower than our standard rates due to a negotiated agreement with this particular client. These rates are thus even more reasonable under the circumstances.

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

Executed on May 25, 2012, at Los Angeles, California.

/S/
LINDA M. BURROW