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7 Attorneys for Defendants STACY FERGUSON p/k/a FERGIE and HEADPHONE
8 JUNKIE PUBLISHING, LLC

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11
12 BRYAN PRINGLE, an individual,
13
14 Plaintiffs,

15 v.

16 WILLIAM ADAMS JR.; STACY
17 FERGUSON; ALLAN PINEDA; and
18 JAIME GOMEZ, all individually and
19 collectively as the music group the Black
20 Eyed Peas; DAVID GUETTA;
21 FREDERIC RIESTERER; UMG
22 RECORDINGS, INC.; INTERSCOPE
23 RECORDS; EMI APRIL MUSIC, INC.;
24 HEADPHONE JUNKIE PUBLISHING,
25 LLC; WILL.I.AM. MUSIC, LLC;
26 JEEPNEY MUSIC, INC.; TAB
27 MAGNETIC PUBLISHING; and
28 CHERRY RIVER MUSIC CO.,
SQUARE RIVOLI PUBLISHING;
RISTER EDITIONS; and SHAPIRO,
BERNSTEIN & CO.,
Defendants.

CASE NO. SACV10-1656 JST (RZx)
Hon. Josephine Staton Tucker

**DECLARATION OF EDWIN F.
McPHERSON IN SUPPORT OF
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

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1 I, EDWIN F. McPHERSON, declare as follows:

2 1. I am an attorney, admitted to practice law in the State of California, and a
3 member of the Bar of this Court. I am a partner in the law firm of McPherson Rane LLP.
4 I have personal knowledge of the facts set forth herein and, if called upon to testify
5 thereto, could and would competently do so.

6 2. My firm is personal counsel to Stacy Ferguson p/k/a Fergie. We
7 represented Ms. Ferguson in connection with a copyright infringement action entitled
8 *Ebony Latrice Batts, et al. v. William Adams, Jr., et al.*, U.S.D.C., C.D. Cal. Case No.
9 CV 10-8123 JFW (R2x) during the pendency of this litigation. Although the Bryan Cave
10 firm represented Ms. Ferguson in general in connection with this action, it was necessary
11 for me to represent Ms. Ferguson at her Deposition in this case. In order to do that
12 effectively, it was necessary for me to attend the Depositions of the other members of the
13 Black Eyed Peas.

14 3. Each McPherson Rane attorney who performed services for Ms. Ferguson in
15 this case, including me, maintained a detailed time record of the time expended and
16 services rendered on a daily basis. However, we billed the client as part of the *Batts*
17 case. Attached hereto as Exhibit "A," and incorporated herein by this reference as
18 though set forth in full, is a true and correct redacted copy of certain billing invoices that
19 were sent to our client, which contain the billing entries made by me, and my colleagues,
20 Tracy B. Rane and Pierre B. Pine, and which reflect the work that McPherson Rane LLP
21 performed in connection with the Deposition of Ms. Ferguson in this action.

22 4. I have reviewed each of the billing invoices attached as Exhibit "A" and,
23 based on my 30 years of experience as a litigator and my knowledge of the facts of this
24 case, the billing entries reflect time that was reasonably and necessarily expended in the
25 representation of Ms. Ferguson at her Deposition, in light of the nature of the Plaintiff's
26 claim, the amount of the potential damages, and the manner in which this action was
27 pursued by the Plaintiff.

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1 5. Additionally, based on my experience and personal knowledge, the hourly
2 rates that were charged by each of us, which are set forth below, are reasonable and
3 equivalent to, or less than, those charged by other California law firms of comparable
4 reputation and experience to defend similarly-complex copyright cases.

5 6. I am the managing partner of McPherson Rane LLP. I have thirty years of
6 experience as a trial lawyer, which includes jury trials, bench trials, arbitrations,
7 administrative hearings, and appeals. The primary focus of my practice is, and has been
8 for the majority of my career, intellectual property and entertainment litigation,
9 specifically in the music industry. I hold two Bachelor's degrees from the University of
10 Southern California, one in music and one in psychology, and a Juris Doctor degree from
11 the University of San Diego. I am licensed to practice law in California (1982), Hawaii
12 (1983), and Massachusetts (2005). I am admitted to the United States District Court, for
13 the Central, Southern, Eastern, and Northern Districts of California, as well as the
14 Northern District of Illinois. I also am admitted to the Federal Court of Appeals for the
15 Ninth, Second, and Third Circuits. I also am a frequent author and lecturer, and I have
16 been retained on several occasions as an expert witness in connection with various
17 entertainment-related issues. My hourly rate in this matter was \$475.00 per hour. I
18 billed a total of 53.9 hours in this matter in connection with defending the Ferguson
19 Deposition, for total fees of \$25,602.50.

20 7. Tracy B. Rane is a partner of McPherson Rane LLP, and has fourteen years
21 of experience as a civil litigation attorney. Her practice also focuses on intellectual
22 property and entertainment litigation. Ms. Rane has a Bachelor's Degree from California
23 State University of Northridge, and law degree from the University of California Los
24 Angeles. Ms. Rane's hourly rate in this matter was \$325.00 per hour. Ms. Rane billed a
25 total of 7.7 hours in connection with preparing Ms. Ferguson for her Deposition in this
26 matter, for total fees of \$2,502.50.

27 8. Pierre B. Pine is an associate with McPherson Rane LLP, and has eleven
28 years of experience as a civil litigation attorney. His practice focuses on intellectual

1 property and entertainment litigation. Mr. Pine has a Bachelor's Degree from Loyola
2 Marymount University, and a law degree from the University of San Diego. Mr. Pine's
3 hourly rate in this matter was \$275.00 per hour. Mr. Pine billed a total of 4.1 hours in
4 connection with defending the Fergie Defendants in this matter, for total fees of
5 \$1,127.50.

6 9. The total amount of attorneys' fees charged by McPherson Rane LLP to
7 represent and defend Ms. Ferguson in this matter was \$29,232.50.

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

10 Executed this 25th day of May, 2012, in Los Angeles, California

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13 EDWIN F. MCPHERSON
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