

KinderStart.com LLC v. Google, Inc.

C 06-2057 JF

EXHIBIT A

TO KINDERSTART.COM'S OPPOSITION TO
DEFENDANT GOOGLE INC.'S
MOTION FOR ATTORNEY FEES

**RE: DECLARATION OF GREGORY J. YU IN SUPPORT OF OPPOSITION TO
DEFENDANT'S MOTION FOR ATTORNEY'S FEES PURSUANT TO COURT'S
MARCH 16, 2007 ORDER**

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

<p>12 KINDERSTART.COM LLC, a California 13 limited liability company, on behalf of itself and 14 all others similarly situated, 15 Plaintiffs, 16 v. 17 GOOGLE, INC., a Delaware corporation, 18 Defendant.</p>	<p>19 Case No. C 06-2057 JF 20 DECLARATION OF GREGORY J. YU 21 IN OPPOSITION TO DEFENDANT'S 22 MOTION FOR ATTORNEY'S FEES 23 PURSUANT TO COURT'S MARCH 16, 24 2007</p>
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19 I, GREGORY J. YU, HEREBY DECLARE AS FOLLOWS:

20 1. My name is Gregory J. Yu, and I am legal counsel to plaintiff KinderStart.com
21 LLC ("KinderStart") in the above action and am authorized by my client to make this
22 declaration. I have personal direct knowledge of the matters herein and if called as a witness, I
23 could and would competently and truthfully testify as to each of the matters set forth herein.

24 2. Admitted to the state bar in both California and New York, I have been practicing
25 attorney since 1988 in California, and was formerly associated with Weil Gotshal & Manges in
26 New York City, and with Fenwick & West in Mountain View, California. I have never been the
27 subject of any professional discipline by any state bar. I am a sole practitioner working under
28 the name of Global Law Group. I do not have any partners, associates or support staff. My
current standard hourly billing rate is \$225.00, but a much reduced rate was charged in this case.

1 3. After the Court issued its order on March 16, 2007 regarding sanctions under
2 Federal Rule of Civil Procedure 11, I communicated with David H Kramer via e-mail about
3 Google's reasonable attorney's fees in connection with the Rule 11 motion. On March 20, 2007,
4 Mr. Kramer provided a total number of hours billed for Rule 11 of 55.0 hours by three different
5 attorneys at Wilson Sonsini Goodrich & Rosati. I questioned Mr. Kramer whether that included
6 an overlap in billing or excess billing for the work on Rule 11. Mr. Kramer replied that there
7 was no such duplication. I have never received or viewed these billing records of Wilson
8 Sonsini.

9 4. On March 20, 2007, I inquired whether Mr. Kramer's law firm would use a
10 lodestar hourly rate for a possible stipulated amount for the fee sanction. He replied that his firm
11 would use the actual billing rates of the three attorneys (\$500.00, \$380.00 and \$290.00 for him
12 and two associates at the firm) for billed work later paid for by Google. These exact hourly rates
13 for the three attorneys were utilized in Google's motion for fees submitted on March 30, 2007.

14 5. On March 26, 2007, I disclosed to Mr. Kramer that in handling the Rule 11
15 motion for KinderStart, I spent about 24 hours (including clerical time), excluding the special
16 time spent to draft and file the separate declarations requested by the Judge and submitted *in*
17 *camera* on February 20, 2007. I did not have any partners, associates or professional colleagues
18 or paralegals or secretaries bill and charge time in connection with the work done on the motion.

19 6. My law firm maintains computerized billing records of professional time and
20 expenses on Timeslips software. During the research, preparation, prosecution and argument for
21 the Rule 11 motion, I maintained detailed time entries on time specifically spent on the Rule 11
22 motion from September 1, 2006 through February 28, 2007, and are available for examination.

23 7. Attached hereto as Exhibit 1 is an excerpt from www.law.com, Cal Law, which
24 shows the gross revenues for the year 2006 of the law firm of Wilson Sonsini Goodrich & Rosati
25 at \$460 million.

26 8. Attached hereto as Exhibit 2 is the Investor Relations webpage showing Google
27 Inc's market capitalization at \$145.53 billion based on the April 12, 2007 closing market price of
28 its publicly traded shares of common stock.

