

1 EDWARD J. MCINTYRE [SBN 80402]
 emcintyre@swsslaw.com
 2 SOLOMON WARD SEIDENWURM & SMITH, LLP
 401 B Street, Suite 1200
 3 San Diego, California 92101
 Telephone: (619) 231-0303
 4 Facsimile: (619) 231-4755
 5 Attorneys for PACIFIC LAW CENTER

F I L E D
 Clerk of the Superior Court
MAY 31 2007
 By: [Signature]

6
 7
 8 **SUPERIOR COURT OF CALIFORNIA**
 9 **COUNTY OF SAN DIEGO**

10
 11 PACIFIC LAW CENTER, a Professional Law
 Corporation,
 12
 Plaintiff,
 13
 v.
 14 SHAHROKH SAADAT-NEJAD, individually
 and doing business as
 15 PACIFICLAWCENTERS.COM and DOES 1
 through 50, inclusive,
 16
 Defendants.
 17

CASE NO. GIC 878352
**DECLARATION OF EDWARD J.
 MCINTYRE IN SUPPORT OF PLAINTIFF'S
 REQUEST FOR ATTORNEY'S FEES**
 Complaint Filed: January 12, 2007
 I/C Judge: Hon. Richard E.L. Strauss
 Dept. 75

18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 I, Edward J. McIntyre, declare:

2 1. I am a member of the Bar of this Court. I am a partner at Solomon Ward
3 Seidenwurm & Smith, LLP, counsel of record for Pacific Law Center. I have personal
4 knowledge of the facts set forth.

5 2. I have been a trial and appellate lawyer since 1974. I was the partner in
6 charge of this case.

7 3. 15 U.S.C. § 1117 allows an award of reasonable attorney fees for violations of
8 15 U.S.C. § 1125 (a), (c) or (d) in "exceptional cases."¹ An "exceptional case" is one where
9 the trademark infringement can be characterized as "malicious, fraudulent, deliberate or
10 willful."² "Succinctly put, an exceptional case . . . is one in which the party's behavior went
11 beyond the pale of acceptable conduct."³

12 4. Throughout the case, Pacific Law Center was charged our firm's standard
13 hourly rates. The hourly rates of those who spent the majority of time on this case are
14 \$400.00 for my time, and \$210-\$395 for associate time.

15 5. A true and correct copy of time spent by Solomon Ward, detailing the time
16 spent by each individual and explaining, without redaction, the purpose for that time is
17 attached as Exhibit 1. I have reviewed the attached Exhibit 1 billing statement and find the
18 billings to be accurate.

19 6. The reasonable attorney fees in the case are \$30,796.00.

20 7. The costs in the case are \$3527.39. Attached as Exhibit 1 is also a breakdown
21 of cost incurred.

22
23 8. Based upon the facts of this case, I believe Solomon Ward's fees and costs
24 were reasonably necessary and appropriate, and should be awarded to Pacific Law Center.


25
26 ¹ Silpada Designs, Inc., v. O'Malley d/b/a Mrshirleys, No. 04-2302-CM, 2006 U.S. Dist. LEXIS 76301,*8
(D.Kan. Oct.2006).
27 ² United Phosphorus, Ltd. v. Midland Furnigant, Inc., 205 F.3d 1219, 1232 (10th Cir. 2000).
28 ³ Aromatique, Inc. v. Gold Seal, Inc., 28 F.3d 863, 877 (8th Cir. 1994).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under the laws of the State of California that the facts in this declaration are true and correct and that I executed this declaration on May 30, 2007 in San Diego, California.

DATED: May 30, 2007

SOLOMON WARD SEIDENWURM & SMITH, LLP

By: 
EDWARD J. MCINTYRE
Attorneys for Plaintiff PACIFIC LAW CENTER

Solomon, Ward, Seidenwurm & Smith
401 "B" Street, Suite 1200
San Diego, CA 92101
(619) 231-0303
Tax I.D. Number 95-2978900

Pacific Law Center
4225 Executive Square, Suite 1550
La Jolla, CA 92037

MAY 30, 2007
INVOICE NO:*****

File Number: 57122.002

RE: Saadatnejad, Shahrokh

LEGAL SERVICES RENDERED

DATE	DESCRIPTION	HOURS	FEES
02/23/07	EJM Prepare for and meet with clients to discuss facts and preliminary strategy	1.30	NO CHARGE
02/25/07	EJM Research, draft and revise ex parte application for TRO and OSC re preliminary injunction; draft and revise supporting declarations; select exhibits for declaration; finalize papers and deliver to client for review, comment and execution	8.70	3480.00
02/27/07	EJM Prepare for and attend ex parte hearing on TRO; gather additional authority court instructed be included in any supplemental briefing for preliminary injunction; address court's inquiry concerning bond; brief report to client	2.70	1080.00
02/27/07	CMM Legal research re California Rules of Court re existence of requirement to post a bond when requesting a temporary restraining order	.40	92.00
02/27/07	ECP Research re first amendment case currently pending in California Supreme Court and report findings to E. McIntyre	1.50	315.00
03/06/07	EJM Research First Amendment issues court specifically asked to be briefed.	8.70	3480.00
03/06/07	EJM Draft portions of supplemental memorandum for preliminary injunction	2.40	960.00

Pacific Law Center
FILE NUMBER: 57122.002
INVOICE NO.: *****

MAY 30, 2007

PAGE 2

03/07/07	EJM	Draft, revise, edit and finalize supplemental papers for injunction hearing	5.70	2280.00
03/07/07	ECP	Legal research re statutory schemes permitting injunctive relief and draft memo to E. McIntyre re same; review defendant's declaration and office conference with E. McIntyre re same	2.60	546.00
03/08/07	WNK	Review and analysis of client's options to eliminate cybersquatting	1.40	553.00
03/09/07	EJM	Draft, finalize and file supplemental declaration for hearing; prepare for and attend hearing on motion for preliminary injunction	3.90	1560.00
03/09/07	WNK	Review ICANN rules for commencing arbitration re Pacific Law Centers.com; review three arbitration forum alternatives; evaluate national arbitration forum as most appropriate venue; review NAF rules; outline arbitration claim	2.80	1106.00
03/09/07	ARR	Legal research re filing a UDRP Complaint (.7); review client file (.5); begin drafting UDRP Complaint (1.1)	2.30	402.50
03/11/07	ARR	Draft arbitration complaint in accordance with the policies of the Internet Corporation for Assigned Names and Numbers	2.30	402.50
03/12/07	WNK	Review new filing for solomonwardlawfirm.com; review pacific-law-center registration; review Go Daddy procedures; prepare take down notices to Saadat-Nejad for both Pacific Law Center and Solomon Ward Seidenwurn & Smith	2.60	1027.00
03/12/07	ARR	Prepare and finalize arbitration complaint in accordance with the policies of the Internet Corporation for Assigned Names and Numbers (3.5); edit demand letter to S. Saadat-Nejad (.2); research other alternatives in addition to arbitration (.4)	4.10	717.50
03/12/07	CMM	Legal research re Federal Rules of Civil Procedure and requirement that Complaint be served by nonparty to a civil action	.20	46.00
03/13/07	EJM	Draft, revise, edit, finalize and file ex parte papers for OSC in re contempt and further TRO	4.60	1840.00

Pacific Law Center
FILE NUMBER: 57122.002
INVOICE NO.: *****

MAY 30, 2007

PAGE 3

03/13/07	WNK	Review Go Daddy application; review ICANN application for Pacific Law Center and Solomon Ward Seidenwurm & Smith; review Go Daddy take down notice; review status of all proceedings	1.70	671.50
03/13/07	ARR	Legal research re removing offending materials from craigslist.com, prepare demand letters to craigslist.com, prepare demand letters to godaddy.com	3.70	647.50
03/14/07	EJM	Prepare for and attend ex parte hearing re OSC in re contempt and further TRO; brief meeting with T. Slattery after hearing	2.10	840.00
03/14/07	WNK	Review and revise take-down notices to Go Daddy; review status of all proceedings	.70	276.50
03/14/07	ARR	Revise petition to godaddy.com to block S. Saadat-Nejad's access to pacificlawcenters.com and pacific-law-center.com; legal research of 9th Circuit cases on granting injunctions (temporary and permanent) under the ACPA	4.20	735.00
03/16/07	EJM	Meet with Saadat-Nejad, Tom Slattery and Matt Spiegel at office to attempt resolution	4.00	1600.00
03/20/07	EJM	Opposition to Saadat-Nejad's ex parte application	3.70	1480.00
03/21/07	EJM	Draft, revise, edit and file opposition to Saadat-Nejad's ex parte application to dismiss action and for other relief	5.90	2360.00
03/21/07	WNK	Review, revise and analyze arbitral forum rules and pleadings	1.70	671.50
03/22/07	EJM	Prepare for and attend ex parte hearing that Saadat-Nejad noticed in state court to dismiss action and other relief; serve Saadat-Nejad with federal ex parte papers	1.70	680.00
04/05/07	CMM	Legal research re California case law re standards for granting preliminary injunction, to assist in obtaining preliminary injunction in subject matter	1.60	368.00
04/06/07	CMM	Review declaration of J. Phillips in support of motion for Preliminary Injunction	.10	23.00

Pacific Law Center
FILE NUMBER: 57122.002
INVOICE NO.: *****

MAY 30, 2007

PAGE 4

04/09/07 WNK Review present status of arbitrations and protests to ISPs.	.70	276.50
04/20/07 EJM Attend state court hearing	.50	200.00
04/23/07 WNK Review recent correspondence from arbitration forum	.20	79.00

TOTAL	89.40 HRS.	30,796.00

COSTS INCURRED

Telecopier Expense	12.20
Photocopy Charges	312.60
Word Processing Charges	20.00
Long Distance Telephone Charges	.44
Lexis/Nexis	121.43
Federal Express	249.42
Postage Charges	6.42
Secretarial Overtime Charges	420.00
02/26/07 Filing Fees - VENDOR: Superior Court	40.00
03/13/07 Ex parte Filing Fees - VENDOR: Superior Court	40.00
03/22/07 UDRP Complaint Filing Fees - VENDOR: National Arbitration Forum	1300.00
02/28/07 Attorney Services - VENDOR: Knox Services	64.75
02/28/07 Attorney Services - VENDOR: Knox Services	67.25
03/28/07 Fees Advanced \$399.50 and Attorney Services - VENDOR: Knox Services	555.88
03/28/07 Attorney Services - VENDOR: Knox Services	144.75
03/31/07 Attorney Services - VENDOR: Knox Services	15.25
04/30/07 Attorney Services - VENDOR: Knox Services	73.00
03/14/07 Court Reporter's Transcript Charges - VENDOR: James Partridge	84.00
TOTAL	3,527.39
TOTAL CHARGES FOR PERIOD	34,323.39

Pacific Law Center
FILE NUMBER: 57122.002
INVOICE NO.: *****

MAY 30, 2007

PAGE 5

SUMMARY OF CURRENT FEES

PERSON		FEES
Edward J. McIntyre	1.30 hours at \$ 0.00 =	00
Edward J. McIntyre	54.60 hours at \$ 400.00 =	2 2848400
William N. Kammer	11.80 hours at \$ 395.00 =	666600
Adam R. Rosenthal	16.60 hours at \$ 175.00 =	909000
Christina M. Milligan	2.30 hours at \$ 230.00 =	525200
Elizabeth C. Pietanza	4.10 hours at \$ 210.00 =	868600
	-----	-----
TOTAL	89.40	30,796.00