

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant and Third-Party
Plaintiff,

v.

GREG LEMON, D,

Third-Party Defendant.

Case No. 08-CV-1010 (RHK-JSM)

**AFFIDAVIT OF RALPH A. WEBER
IN SUPPORT OF FEES AND COSTS
PURSUANT TO JUDGE
MAYERON'S NOVEMBER 30, 2009
ORDER**STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

Ralph A. Weber, being first duly sworn under oath, deposes and states as follows:

1. I am an adult resident of the State of Wisconsin and am one of the attorneys representing Trek Bicycle Corporation in this action.

2. I make this affidavit in accordance with Judge Mayeron's November 30, 2009 order granting Trek's request for attorney's fees and costs incurred in bringing and attending its July 14, 2009 motion to compel.

3. Gass Weber Mullins LLC, counsel for Trek Bicycle Corporation, incurred the following attorney's fees and costs related to the July 14, 2009 motion to compel:

Date	Timekeeper	Status	Description	Hours	Fee
06/24/09	KSS	Associate	Research re deficiencies in LeMond's discovery responses and draft memos re same.	3.7	925.00
	RAW	Member	Analyze LeMond's discovery responses and consider grounds for motion to compel.	1.5	525.00
06/25/09	KSS	Associate	Review and discuss draft letter to Attorney Rahne re discovery responses.	0.2	50.00
	CPD	Associate	Revise letter to Attorney Rahne re discovery responses.	0.7	175.00
06/26/09	CPD	Associate	Review research and revise letter to Attorney Rahne re discovery responses.	1.4	350.00
06/29/09	CPD	Associate	Revise letter to Attorney Rahne re discovery responses.	0.2	50.00
	ESZ	Paralegal	Review draft letter to Attorney Rahne re discovery responses.	0.1	12.50
07/01/09	KSS	Associate	Review and discuss letters exchanged between parties re LeMond's discovery responses.	0.5	125.00
07/02/09	KSS	Associate	Prepare for and attend meet and confer conference call; draft letter to Attorney Robbins and Attorney Madel re meet and confer.	1.6	400.00
07/08/09	KSS	Associate	Draft motion to compel; research re same.	3.8	950.00
07/09/09	KSS	Associate	Revise motion to compel; research re same; correspondence with Attorney Robbins re LeMond responses.	2.0	500.00
07/10/09	KSS	Associate	Revise motion to compel; research re same; correspond with Ralph Weber and office staff re revisions to motion to compel and exhibits.	1.1	275.00
	RAW	Member	Review and revise motion to compel.	0.7	245.00
07/13/09	ESZ	Paralegal	Assist with finalizing motion to compel; draft supporting documents and compile exhibits.	3.9	487.50
07/14/09	KSS	Associate	Revise, finalize and file motion to compel.	0.9	225.00
	ESZ	Paralegal	Organize materials for motion to compel filing.	1.4	175.00
07/20/09	RAW	Member	Confer re response to motion to compel and reply brief.	0.4	140.00
07/23/09	KSS	Associate	Draft reply brief; research re same.	1.8	450.00

Date	Timekeeper	Status	Description	Hours	Fee
07/24/09	KSS	Associate	Draft reply brief; research re same.	1.5	375.00
	ESZ	Paralegal	Review reply brief and emails re same.	0.3	37.50
07/26/09	KSS	Associate	Revise reply brief; research re same.	0.9	225.00
07/27/09	KSS	Associate	Revise, finalize and file reply brief.	1.5	375.00
	RAW	Member	Finalize reply brief.	0.7	245.00
07/29/09	RAW	Member	Travel to and from Minneapolis and participate in hearing on motion to compel.	8.5	2975.00
06/24/09			Westlaw research charges.		623.92
07/08/09			Westlaw research charges.		70.65
07/09/09			Westlaw research charges.		17.12
07/10/09			Westlaw research charges.		49.68
07/12/09			Westlaw research charges.		15.84
07/13/09			Westlaw research charges.		59.93
07/14/09			Westlaw research charges.		34.49
07/29/09			Travel expenses to attend hearing.		270.81
Total fees and costs incurred by Gass Weber Mullins:				39.3	\$11,434.94

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Ralph A. Weber	Member	11.8	\$350.00	\$4130.00
Christopher P. Dombrowicki	Associate	2.3	250.00	575.00
Kristal S. Stippich	Associate	19.5	250.00	4875.00
Emily S. Zastrow	Paralegal	5.7	125.00	712.50

4. Halleland Lewis Nilan & Johnson PA, local counsel for Trek Bicycle

Corporation, incurred the following attorney's fees and costs related to the July 14, 2009

motion to compel:

Date	Timekeeper	Status	Description	Hours	Fee
07/09/09	BJR	Associate	Confer with Kristal Stippich re filing motion to compel.	0.2	45.00
07/13/09	BJR	Associate	Analyze motion to compel and correspond with Kristal Stippich re filing.	0.6	135.00
07/14/09	BJR	Associate	Assist with filing motion to compel; ensure compliance with local rules.	2.0	450.00
07/23/09	BJR	Associate	Confer with Kristal Stippich re filing reply brief.	0.1	22.50
07/24/09	BJR	Associate	Analyze reply brief.	0.6	135.00

Date	Timekeeper	Status	Description	Hours	Fee
07/27/09	BJR	Associate	Assist with filing reply brief; ensure compliance with local rules.	2.2	495.00
07/28/09	ETS	Shareholder	Prepare for hearing.	0.5	195.00
07/29/09	ETS	Shareholder	Prepare for and attend hearing on motion to compel.	1.0	390.00
Total fees and costs incurred by Halleland Lewis:				7.2	\$1,867.50

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Erik T. Salveson	Shareholder	1.5	\$390.00	\$585.00
Benjamin Rolf	Associate	5.7	225.00	1282.50

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on December 11, 2009.

s/Ralph A. Weber
Ralph A. Weber

Subscribed to and sworn before me
this 11th day of December, 2009.

s/Joan M. Latawiec
Joan M. Latawiec

Notary Public, State of Wisconsin
My Commission Expires: July 21, 2013