

EXHIBIT B

EXHIBIT B



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Attorneys for Caesars World, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CAESARS WORLD, INC., a Florida
corporation,

Plaintiff,

v.

MARCEL JULY, an individual; and
OCTAVIUS TOWER LLC, a Nevada limited
liability company,

Defendants.

CASE NO.: 2:11-cv-00536-GMN-(CWH)
**AFFIDAVIT OF DAVID J. STEWART,
ESQ. IN SUPPORT OF PLAINTIFF'S
MEMORANDUM OF FEES AND COSTS**



1 I, DAVID J. STEWART, ESQ., under penalty of perjury pursuant to the laws of the
2 United States, hereby state as follows:

3 1. I am one of the attorneys for Plaintiff, Caesars World, Inc. ("Caesars"), in the
4 above-captioned action. I am a partner with the law firm of Alston & Bird LLP ("A&B"). A&B
5 is lead trial counsel for Caesars in the above-captioned action.

6 2. I make this Affidavit in Support of Caesars' Memorandum of Fees and Costs (the
7 "Memorandum") filed herewith. I am over the age of eighteen years and I am competent to
8 testify herein. I have personal knowledge of the facts set forth herein, and could and would
9 testify to the same if called to do so.

10 3. On December 19, 2011, this Court entered a Minute Order (Docket No. 49) (the
11 "December 19th Order"). Among other things, the December 19th Order awarded Caesars its
12 reasonable attorneys' fees incurred in attempting to obtain discovery from Defendants Marcel
13 July and Octavius Tower LLC (collectively "Defendants"), and in prosecuting its Motion to
14 Compel Defendants to Respond to Caesars' First Set of Interrogatories and Document Requests
15 (the "Motion to Compel") pursuant to Fed. R. Civ. P. 37(a)(5).

16 4. I graduated from Vanderbilt University Law School in May 1990, and was
17 admitted to the State Bar of Georgia in January 1991. My practice has focused exclusively on
18 intellectual property litigation and counseling, particularly trademark and copyright litigation and
19 counseling, since my practice began. I am the head of A&B's Trademark & Copyright Practice
20 Group. My current billing rate for this action is \$510.00 per hour.

21 5. I have been assisted in this matter by Nadya Sand, Esq., an associate in the firm's
22 Trademark & Copyright Practice Group. Ms. Sand graduated from Vanderbilt University Law
23 School in May 2008 and was admitted to the Georgia bar in November 2008. Ms. Sand's
24 practice focuses exclusively on intellectual property litigation and counseling, primarily
25 trademark litigation and counseling. Ms. Sand's billing rate is \$265.00 per hour in this action.

26 6. A&B has engaged in considerable research related to determining that the hourly
27 fee rates charged by its attorneys, including those fees charged by me and Ms. Sand, are
28 reasonable and fair within the marketplace for the knowledge level and skill set of practitioners

1 with specialized trademark knowledge and litigation experience. The research conducted by my
2 firm includes, without limitation, surveys of law firms of comparable size and experience related
3 to the legal issues confronted by A&B's clients.

4 7. I am Caesars' regular outside U.S. trademark enforcement counsel and have been
5 for more than a decade. As a result, I have detailed knowledge of Caesars' properties and
6 trademark rights that make it more cost efficient and effective for me to be lead trial counsel in
7 cases such as the instant case on Caesars' behalf than alternate counsel. I have litigated
8 numerous cases on Caesars' behalf, including at least one case in this Court.

9 8. Attached hereto and incorporated herein by this reference as **Exhibit B-1** is the
10 itemized Transactions Listing. For the time period October 1 to November 30, 2011, Exhibit B-1
11 consists of redacted copies of bills submitted to Caesars in November and December 2011 for
12 time incurred in October and November 2011, respectively. Invoices have not yet been sent for
13 fees and expenses incurred in December. Accordingly, the portion of Exhibit B-1 for the time
14 period December 1 to December 20, 2011 is a document that lists the time entries associated
15 with the Motion to Compel that A&B will bill to Caesars in January when the firm's December
16 invoice is sent.

17 9. The period October 1, 2011 to November 8, 2011, includes the total time and
18 amount billed by me and Ms. Sand during that period related to attempts to obtain discovery
19 from Defendants. The report has been reviewed and edited to reflect only those fees that relate
20 to such attempts.

21 10. The period November 7, 2011 to December 20, 2011, includes the total time and
22 amount billed by me and Ms. Sand during that period related to the Motion to Compel, Reply
23 Brief, and the December 19th Hearing. The report has been reviewed and edited to reflect only
24 those fees that relate to the Motion to Compel, Reply Brief, and the December 19th Hearing.

25 11. To date, I have billed Caesars for 12 hours of work in connection with the Motion
26 to Compel, for an aggregate of fees billed totaling \$6,120.00. Of this, \$459.00 was incurred in
27 attempting to obtain discovery from Defendants, and \$5,661.00 was incurred in connection with
28 the preparation of the Motion to Compel and Reply Brief and preparation for the December 19th



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Hearing.

12. To date, Ms. Sand has billed Caesars for 46.4 hours of work in connection with the Motion to Compel, for an aggregate of fees billed totaling \$12,296.00. Of this, \$1,881.50 was incurred in attempting to obtain discovery from Defendants, and \$10,414.50 was incurred in connection with the preparation of the Motion to Compel and Reply Brief and preparation for the December 19th Hearing.

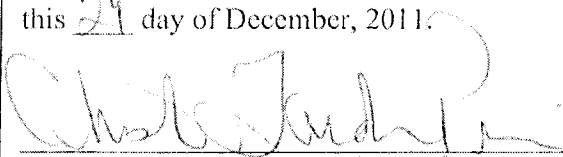
13. I declare under penalty of perjury that the foregoing fees and costs associated with A&B are correct and were actually necessarily incurred in this action, and that the services for which said fees and costs associated with A&B were actually billed to Caesars, or, for December time, will be.

14. Caesars further has incurred reasonable attorneys' fees in the amount of \$1,550.00 in concluding the preparation and filing of the instant Memorandum.



DAVID J. STEWART, ESQ.

SUBSCRIBED and SWORN to before me
this 24 day of December, 2011.



NOTARY PUBLIC Lowata County, Georgia
My Commission Expires June 14, 2012

EXHIBIT B-1

EXHIBIT B-1

ATLANTA
CHARLOTTE
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NEW YORK
RESEARCH TRIANGLE
SILICON VALLEY
VENTURA COUNTY
WASHINGTON
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ALSTON & BIRD LLP

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P. O. Box 933124
Atlanta, GA 31193-3124

Tax ID # 68-0137615

Duane D. Holloway, Esq.
Vice President, Litigation
Caesars Entertainment Corporation
One Caesars Palace Drive
Las Vegas, NV 89109

November 14, 2011
Client: 024002
Matter: 406212
Invoice #: 10487962
DAVID STEWART

Re: OCTAVIUS TOWER

For services rendered on the above-referenced matter:

DATE	TIMEKEEPER	HOURS	DESCRIPTION
10/05/2011	NADYA SAND	0.20	Correspond with D. Stewart regarding Marcel July's and Octavius Tower's discovery responses.

DATE	TIMEKEEPER	HOURS	DESCRIPTION
10/19/2011	DAVID STEWART	0.40	Conferences with N. Sand regarding conferences with M. Sanft and discovery issues in case, including extension requested by Sanft.
10/20/2011	NADYA SAND	0.60	Correspond with M. Sanft regarding discovery extension and expectations.
10/20/2011	NADYA SAND	0.50	Speak with D. Stewart about discovery extension and expectations.

November 14, 2011
Client: 024002
Matter: 406212

ALSTON & BIRD LLP

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Invoice #: 10487962

DATE	TIMEKEEPER	HOURS	DESCRIPTION
10/21/2011	NADYA SAND	0.10	Call M. Sanft about extension.
10/25/2011	NADYA SAND	0.10	Speak with M. Sanft's office regarding discovery extension.

November 14, 2011
Client: 024002
Matter: 406212

ALSTON & BIRD LLP

Page 5 of 7
Invoice #: 10487962

DATE	TIMEKEEPER	HOURS	DESCRIPTION
10/31/2011	NADYA SAND	0.30	Email all counsel regarding a meet and confer conference.
10/31/2011	DAVID STEWART	0.20	Conferences with N. Sand regarding failure of July to produce documents and next steps.

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Tax ID # 58-0137615

Duane D. Holloway, Esq.
Vice President, Litigation
Caesars Entertainment Corporation
One Caesars Palace Drive
Las Vegas, NV 89109

December 9, 2011
Client: 024002
Matter: 406212
Invoice #: 10494293
DAVID STEWART

Re: OCTAVIUS TOWER

For services rendered on the above-referenced matter:

DATE	TIMEKEEPER	HOURS	DESCRIPTION
11/01/2011	NADYA SAND	0.20	Call and email M. Sanft regarding phone conference to meet and confer.
11/01/2011	DAVID STEWART	0.20	Emails regarding mediation and follow-up on meet and confer regarding failure of July to produce documents.
11/03/2011	NADYA SAND	0.80	Correspond with opposing counsel regarding last attempt to meet and confer.
11/04/2011	NADYA SAND	0.70	Speak with opposing counsel regarding discovery responses as well as the failure to produce proper responses.

DATE	TIMEKEEPER	HOURS	DESCRIPTION
11/07/2011	NADYA SAND	0.60	Email D. Holloway summary of meet and confer conference and recommendation regarding Motion to Compel.
11/07/2011	NADYA SAND	0.10	Email J. Boyle regarding Motion to Compel.
11/07/2011	NADYA SAND	0.30	Draft email to opposing counsel confirming that meeting satisfies meet and confer requirements.
11/07/2011	NADYA SAND	2.60	Meet with D. Stewart about discovery responses and meet and confer conference as well as have meet and confer conference with opposing counsel.
11/08/2011	NADYA SAND	0.10	Revise as well as send email to M. Sanft regarding motion to compel.
11/08/2011	NADYA SAND	1.80	Research for motion to compel as well as speak with D. Stewart about the same.
11/08/2011	DAVID STEWART	0.10	Edits to draft correspondence to M. Sanft regarding meet and confer process.
11/09/2011	NADYA SAND	1.20	Draft outline to Motion to Compel.
11/09/2011	NADYA SAND	1.50	Meet with D. Stewart regarding outline and Motion to Compel.
11/09/2011	NADYA SAND	4.00	Research for Motion to Compel.
11/10/2011	NADYA SAND	6.10	Draft Motion to Compel.

DATE	TIMEKEEPER	HOURS	DESCRIPTION
11/11/2011	NADYA SAND	1.20	Finish draft of Motion to Compel.
11/13/2011	NADYA SAND	0.40	Draft declaration for motion to compel.
11/14/2011	NADYA SAND	3.50	Review and revise motion to compel.
11/14/2011	NADYA SAND	0.50	Research Ninth Circuit cases addressing substantial justice.
11/14/2011	DAVID STEWART	4.20	Review and edit draft motion to compel.
11/15/2011	DAVID STEWART	0.70	Edits to motion to compel brief.
11/16/2011	NADYA SAND	4.00	Draft declaration and proposed order for Motion to Compel, finalize Motion to Compel, compile exhibits for the same, and speak with D. Stewart about motion.
11/16/2011	DAVID STEWART	0.70	Edit motion to compel and supporting declaration.
11/16/2011	DAVID STEWART	0.10	Emails with J. Boyle regarding motion to compel brief edits.
11/17/2011	NADYA SAND	0.20	Correspond with J. Boyle and D. Stewart regarding oral argument for motion to compel.
11/17/2011	NADYA SAND	0.50	Correspond with J. Boyle regarding edits to Motion to Compel and transmission of exhibits for Motion to Compel.
11/17/2011	NADYA SAND	0.60	Finalize Motion to Compel and Exhibits.

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ALSTON & BIRD LLP

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Duane D. Holloway, Esq.
Vice President, Litigation
Caesars Entertainment
Corporation One Caesars
Palace Drive
Las Vegas, NV 89109

December 29, 2011
Client: 024002
Matter: 406212
Invoice #:
DAVID STEWART

Re: OCTAVIUS TOWER

For services rendered on the above-referenced matter:

DATE	TIMEKEEPER	HOURS	DESCRIPTION
12/08/2011	NADYA SAND	0.20	Speak with J. Boyle about Notice of Defendants' Non-Opposition to Caesars' Motion to Compel.
12/09/2011	NADYA SAND	0.10	Speak with J. Boyle regarding Notice of Defendants' Non-Opposition to Motion to Compel.
12/09/2011	NADYA SAND	1.90	Meet with D. Stewart about Defendants' discovery and deficiencies therein and outline deficiencies for reply brief.
12/09/2011	DAVID STEWART	1.30	Meeting with N. Sand to discuss discovery responses from July and deficiencies in the same, and next steps on motion to compel.
12/10/11	NADYA SAND	1.00	Research for Notice of Defendants' Non-Opposition to Caesars' Motion to Compel.
12/10/11	NADYA SAND	2.80	Draft Notice of Defendants' Non-Opposition to Caesars' Motion to Compel.
12/11/11	NADYA SAND	2.20	Draft Notice of Defendants' Non-Opposition to Caesars' Motion to Compel, and revise per D. Stewart's comments.
12/11/11	NADYA SAND	0.20	Correspond with D. Stewart regarding revisions to Notice of Defendants' Non-Opposition to Caesars' Motion to Compel.
12/11/11	DAVID STEWART	2.10	Review and edit notice of non-opposition.
12/12/11	NADYA SAND	0.60	Speak with D. Stewart and J. Boyle about Notice of Defendants' Non-Opposition to Caesars' Motion to Compel and next steps regarding same.
12/12/11	NADYA SAND	0.70	Review, revise, and finalize Notice of Defendants' Non-Opposition to Caesars' Motion to Compel.
12/12/11	NADYA SAND	0.20	Create exhibits for Notice of Defendants' Non-Opposition to Caesars' Motion to Compel.
12/12/11	DAVID STEWART	2.00	Final review and edits to notice of non-opposition; conference with Jim Boyle regarding same and issues for hearing on motion.

December 29, 2011
Client: 024002
Matter: 406212

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Page 2 of 2
Invoice:

DATE	TIMEKEEPER	HOURS	DESCRIPTION
12/15/11	NADYA SAND	2.70	Draft detailed list of deficiencies in Defendants' discovery for J. Boyle for hearing on Motion to Compel.
12/16/11	NADYA SAND	0.70	Preparation with J. Boyle for hearing on Motion to Compel.
12/19/11	NADYA SAND	0.40	Speak with J. Boyle about hearing on Motion to Compel.

SUMMARY OF SERVICES:

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
DAVID STEWART	5.4	510.00	2,754.00
NADYA SAND	13.7	265.00	3,630.50
	19.1		6,384.50