

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RALPH VARGAS AND BLAND RICKY
ROBERTS,

Plaintiffs,

v.

PFIZER INC., PUBLICIS, INC., FLUID MUSIC,
EAST WEST COMMUNICATIONS, INC., AND
BRIAN TRANSEAU P/K/A "BT",

Defendants.

04 CV 9772 (WHP)
ECF CASE

**DECLARATION OF JULIE A.
AHRENS IN SUPPORT OF BRIAN
TRANSEAU'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

I, Julie A. Ahrens, declare as follows:

1. I am an attorney admitted to practice in New York and California. On June 4, 2007, I became the Associate Director of the Fair Use Project, which is part of the Center for Internet and Society ("CIS") at Stanford Law School. I make this declaration in support of Defendant Brian Transeau's motion for attorneys' fees and costs pursuant to 17 U.S.C. § 505. The matters stated herein are true of my own personal knowledge.

2. In May 2006, Stanford Law School Center for Internet and Society and the Cyberlaw Clinic began representing Mr. Transeau in the above-captioned matter. At that time, I was an associate at the law firm of Kirkland & Ellis LLP ("Kirkland"). Kirkland began representing Mr. Transeau in June 2006. I was the main associate at Kirkland working on this matter. I left Kirkland in May 2007. The hours I billed to this matter while at Kirkland are detailed in the Declaration of Christian Chadd Taylor, filed concurrently herewith. When I joined the Fair Use

Project, I continued my representation of Mr. Transeau in this matter. This declaration documents the hours that I billed to this case from June 4, 2007 to the present, as the Associate Director of the Fair Use Project at Stanford.

3. I graduated from Benjamin N. Cardozo School of Law in 2002, *cum laude*, Order of the Coif. Upon graduating, I joined Debevoise and Plimpton LLP in New York City as a litigation associate. In March 2003, I joined Kirkland's San Francisco office where I litigated cases in state and district courts nationwide. My billing rate when I left Kirkland was \$435 per hour.

4. I believe that the hourly billing rate of \$300 that is requested for my time billed to this case is fair and reasonable. The rate is well below what I was billed out at Kirkland & Ellis LLP, and is even further below rates charged by other legal professionals in New York and California with equivalent experience levels and credentials.

5. Exhibit FF attached hereto shows the hours I billed to this matter on a daily basis along with descriptions of the work performed each day. This information accurately reflects the work I performed on this matter for the month of June 2007, and was compiled from my personal time records, notes, correspondence, calendar entries and computer files maintained in the regular course of my work.

6. As reflected in Exhibit FF, for the month of June, I am requesting fees for 81.25 hours worked at a rate of \$300 per hour for a total fee request of \$24,375.

7. The services for which fees have been incurred were actually and necessarily performed. The fees are correct and were all incurred directly in connection with defending Mr. Transeau against Plaintiffs' claims under the Copyright Act.

8. Attached hereto as Exhibit A is a true and correct copy of excerpts of the deposition of Ralph Vargas, taken on July 31, 2006 and continued on August 10, 2006.

9. Attached hereto as Exhibit B is a true and correct copy of excerpts of the deposition of Bland-Ricky Roberts taken on August 2, 2006.

10. Attached hereto as Exhibit C is a true and correct copy of Dr. Richard Boulanger's Declaration, dated September 22, 2006.

11. Attached hereto as Exhibit D is a true and correct copy of the Rebuttal Report submitted by Dr. Richard Boulanger on behalf of Brian Transeau, dated September 21, 2006.

12. Attached hereto as Exhibit E is a true and correct copy of Brian Transeau's Declaration, dated June 28, 2005.

13. Attached hereto as Exhibit F is a true and correct copy of excerpts of the deposition of Brian Transeau, taken on August 16, 2006.

14. Attached hereto as Exhibit G is a true and correct copy of Brian Transeau's Supplemental Declaration, dated September 22, 2006.

15. Attached hereto as Exhibit H is a true and correct copy of Anthony Ricigliano's Declaration, dated June 30, 2005.

16. Attached hereto as Exhibit I is a true and correct copy of Matthew Ritter's Declaration, dated July 19, 2005.

17. Attached hereto as Exhibit J is a true and correct copy of the First Amended Complaint filed by Plaintiffs, dated February 11, 2005.

18. Attached hereto as Exhibit K is a true and correct copy of the Second Amended Complaint filed by Plaintiffs, dated November 14, 2005.

19. Attached hereto as Exhibit L is a true and correct copy of the Memorandum of Law in Support of Defendants' Motion for Summary Judgment on the Issue of the Originality of Plaintiffs' Work, dated June 30, 2005.

20. Attached hereto as Exhibit M is a true and correct copy of the Plaintiffs' Memorandum of Law in Opposition to Defendants' Joint Motion for Summary Judgment, dated July 23, 2005.

21. Attached hereto as Exhibit N is a true and correct copy of the Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment, dated October 12, 2006.

22. Attached hereto as Exhibit O is a true and correct copy of the Memorandum and Order Granting Defendants' Motion for Summary Judgment, dated May 9, 2007.

23. Attached hereto as Exhibit P is a true and correct copy of the Confidential Settlement Agreement and Release between Plaintiffs and Publicis, Inc., Pfizer, Inc. and Alanda Music, Ltd., dated February 2, 2006.

24. Attached hereto as Exhibit Q is a true and correct copy of the expert report submitted by Dr. Steven Smith on behalf of Plaintiffs, dated March 11, 2006.

25. Attached hereto as Exhibit R is a true and correct copy of excerpts of the deposition of Dr. Steven Smith, taken on August 15, 2006.

26. Attached hereto as Exhibit S is a true and correct copy of the expert report submitted by Dr. Richard Boulanger on behalf of Brian Transeau, dated January 31, 2006.

27. Attached hereto as Exhibit T is a true and correct copy of excerpts of the deposition of Ivan A. Rodriguez, taken on August 9, 2006.

28. Attached hereto as Exhibit U is a true and correct copy of the Memorandum in Support of Brian Transeau's Motion for Summary Judgment, dated September 25, 2006.

29. Attached hereto as Exhibit V is a true and correct copy of excerpts of the Transcript of the Oral Argument on Defendants' Motion for Summary Judgment, dated November 3, 2006.

30. Attached hereto as Exhibit W is a true and correct copy of correspondence from Paul A. Chin to Hon. William H. Pauley III requesting a pre-motion conference, dated May 18, 2006.

31. Attached hereto as Exhibit X is a true and correct copy of Plaintiffs' Supplementary Responses to Interrogatories, dated April 11, 2006.

32. Attached hereto as Exhibit Y is a true and correct copy of the Supplemental Declaration of Julie A. Ahrens, dated December 1, 2006.

33. Attached hereto as Exhibit Z is a true and correct copy of the Supplemental Declaration of Dr. Richard Boulanger, dated December 1, 2006.

34. Attached hereto as Exhibit AA is a true and correct copy of the Supplemental Declaration of Paul Chin, dated January 23, 2007.

35. Attached hereto as Exhibit BB is a true and correct copy of Defendants' Reply Memorandum in Support of Brian Transeau's Motion for Summary Judgment, dated October 18, 2006.

36. Attached hereto as Exhibit CC is a true and correct copy of the Memorandum in Support of Brian Transeau's Motion to Strike the Declaration of Paul Chin, dated March 15, 2007.

37. Attached hereto as Exhibit DD is a true and correct copy of the Declaration of Matthew Ritter, dated January 23, 2007.

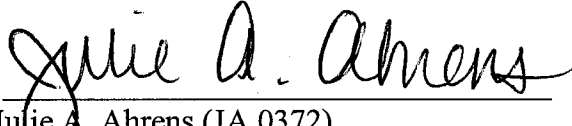
38. Attached hereto as Exhibit EE is a true and correct copy of Defendants' Deposition Exhibit 8, Plaintiffs' Document Bates Labeled 00017.

39. I declare under penalty of perjury under the laws of the United States of America that the above statement is true and correct. Executed this 29th day of June, 2007 at Stanford, CA.

Dated: June 29, 2007

STANFORD LAW SCHOOL CYBERLAW CLINIC
CENTER FOR INTERNET AND SOCIETY

By:


Julie A. Ahrens (JA 0372)
jahrens@law.stanford.edu

Attorneys for Defendant
BRIAN TRANSEAU p/k/a "BT"