

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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RALPH VARGAS and  
BLAND-RICKY ROBERTS,

Plaintiffs,

- against -

PFIZER INC., PUBLICIS, INC., FLUID  
MUSIC, EAST WEST COMMUNICATIONS,  
INC. and BRIAN TRANSEAU p/k/a "BT",

Defendants.

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Case No. 04 CV 9772 (WHP)

**DECLARATION OF DAVID S.  
OLSON IN SUPPORT OF  
DEFENDANT BRIAN TRANSEAU'S  
MOTION FOR ATTORNEYS' FEES  
AND COSTS**

I, David S. Olson, declare:

1. I am an attorney admitted to practice in New York and California. Until June 8, 2007, I was a resident fellow at the Stanford Law School Center for Internet and Society. 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. I was the main attorney assigned to the case and I was involved in working on all aspects of this lawsuit. This declaration documents the hours that I billed to this case. I have compiled my fee application in this matter with care, and have not billed the vast majority of my time spent working with students or on administrative tasks in this case. At the Center for Internet and Society we have the advantage and pleasure of having students from the Stanford Law School Cyberlaw Clinic who work intensively on our cases. Notwithstanding the significant benefit and help these students provided to the case, I have for the most part not billed my time working with these students. This represents a significant savings in the actual hours worked on this case.

3. I graduated from Harvard Law School in 2000. After clerking for the Honorable Jerry E. Smith on the Federal Court of Appeals for the Fifth Circuit, I worked for four years as an Intellectual Property litigator at Kirkland & Ellis LLP in New York and San Francisco. I have spent the last two years as a residential fellow and attorney at Stanford Law School Center for Internet and Society. While at the Center for Internet and Society, at least half of my time has been spent litigating copyright cases in federal district courts nationwide. My billing rate when I left Kirkland & Ellis LLP two years ago was approximately \$400 per hour. My customary consulting rates begin at \$350 per hour. My fellowship at Stanford has concluded, and as of July 1, 2007, I will be a tenure-track assistant professor at Boston College Law School where I will teach intellectual property law and antitrust.

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 two years ago 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 A** 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, and was compiled from my personal time records, notes, correspondence, calendar entries and computer files maintained in the regular course of my work. As noted above, Exhibit A does not contain the significant amount of time I spent working with students (many of whom I thought made contributions on par with or better than junior associates at top firms), nor, for the most part, does it contain the time I spent performing

administrative tasks related to the case. Thus, Exhibit A actually represents significantly less hours than I spent in total on this case.

6. As reflected in Exhibit A, for the period of May 2006 through June 2007, I am requesting fees for 552.25 hours worked at a rate of \$300 per hour for a total fee request of \$165,675.

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. All of the work performed was necessary and required to defend these claims.

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

DATED this 27th day of June, 2007 at Newton, Massachusetts.

STANFORD LAW SCHOOL  
CENTER FOR INTERNET AND SOCIETY

By



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