

NATIONAL FEDERATION OF THE BLIND

Page: 2
 February 09, 2012
 ACCOUNT NO: 1120-336M
 INVOICE NO: 30959

HATHITRUST

	Hours	
LESS COURTESY DISCOUNT		-216.90
NET FEES AFTER DISCOUNT		<u>1,229.10</u>

TIMEKEEPER SUMMARY

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
DANIEL F. GOLDSTEIN	2.50	\$475.00	\$1,187.50
DENISE M. ALTOBELLI	0.70	155.00	108.50
LAURA G. ABELSON	0.60	250.00	150.00

EXPENSES

01/01/2012	Research (50.00) WESTLAW	<u>122.06</u>
	Research	122.06
12/02/2011	Teleconference (354.00) AT&T TELECONFERENCE SERVICES	<u>96.47</u>
	Teleconference	96.47
12/31/2011	Pacer Search (92.00) PACER SERVICE CENTER	<u>7.52</u>
	Pacer Search	7.52
01/06/2012	Copying	<u>0.30</u>
	Copying	0.30
12/09/2011	NFB EXPENSES (54.00) UNITED PARCEL SERVICE	15.71
01/06/2012	NFB EXPENSES - POSTAGE	<u>0.44</u>
	NFB EXPENSES	16.15
	TOTAL EXPENSES	<u>242.50</u>

ADVANCES

01/13/2012	Local Counsel - ROBERT J. BERNSTEIN	18,750.00
	Local Counsel	<u>18,750.00</u>
	TOTAL ADVANCES	18,750.00
	TOTAL CURRENT WORK	20,221.60
	BALANCE DUE	<u><u>\$20,221.60</u></u>

THIS BILL COVERS THE PERIOD THROUGH 01/31/2012
 WE ACCEPT VISA/MASTERCARD/AMERICAN EXPRESS/DISCOVER
 Federal Tax I.D. # 52-1322243

**The Law Office of
Robert J. Bernstein**

488 Madison Avenue, 9th Floor, New York, NY 10022
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December 31, 2011

Via Email (dfg@browngold.com)

NATIONAL FEDERATION OF THE BLIND
c/o Daniel F. Goldstein
Brown, Goldstein & Levy, LLP
120 E. Baltimore Street, Suite 1700
Baltimore, MD 21202

**Re: The Authors Guild, Inc., et al. v. HathiTrust, et al,
No. 11 Civ. 6351 (HB) U. S. District Court (S. D.N.Y.)**

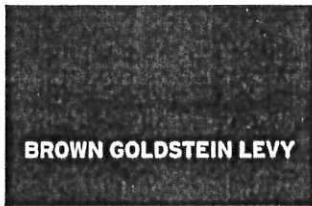
All legal services set forth in this statement were rendered by Robert J. Bernstein ("RJB") at his regular rate of \$500/hour. This invoice covers all legal services rendered for National Federation of the Blind, Blair Seidlitz, Courtney Wheeler and Georgina Kleege for the period December 1 to 31, 2011 in connection with the above matter.

LEGAL SERVICES:

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
Dec. 1:	review Peter A. Jaszi (PAJ) comments on first draft of memorandum of law ("Memo.") in support of NFB motion to intervene (the "Motion"); email (EM) to Daniel F. Goldstein (DFG), PAJ and Laura G. Abelson (LGA), (collectively, "Team") re research issues and PAJ comments; memorandum to Team re my comments on Memo., including fair use issues, possible additional research points, and strategy; review PAJ email re Dr. Maurer's declaration;	5.8
Dec. 2:	multiple EMs with Team re strategy on Motion vis-à-vis relative emphasis on fair use, ADA and Chafee Amendment; telephone conference (TC) with Team re same, and re additional research and supplementing sections on fair use and Chafee Amendment; review decisions of Judge Harold Baer (HB);	4.2

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
Dec. 3:	review key fair use decisions for drafting fair use section of Memo., including Supreme Court opinions in <i>Nation</i> , <i>Acuff-Rose</i> , and <i>Sony</i> cases, HB decision in <i>Hofheinz</i> , Second Circuit decisions in <i>Dorling Kindersley</i> and <i>Blanch v. Koons</i> , and Ninth Circuit decision in <i>Kelley v. Arriba Soft</i>	3.8
Dec. 4:	EMs with Team re Senator Chafee's remarks introducing Chafee Amendment, 17.U.S.C. § 121 ("§121") and reference to agreement between AAP and NFB; review revised Maurer Decl.; work on my expanded fair use section for Memo.; EMs with Team re strategy;	5.5
Dec. 5:	continued work on my expanded fair use section for Memo.; detailed EM to team re strategy taken in my fair use section; review PAJ section on §121; further EMs with Team re fair use section	6.3
Dec. 6:	EMs with Team re PAJ comments on fair use issues; EMs with team re strategy, intervention research, notice of motion, pro hac vice (PHV) motions; review fair use section as revised with DFG, PAJ and LGA comments, and EM to Team re same; review draft incorporating Team comments to be sent to Joe Beck (JB), counsel for HathiTrust and University Defendants	3.0
Dec. 7:	EMs with Denise Altobelli (DA) re PHV motions, and review and edit same; EMs with Team and JB re strategy on whether to discuss in fair use section the "multiple copies" reference in House Report; TC with SDNY Clerk's office re e-filing motion to intervene; EMs with JB re fair use argument; review comments of JB and University of Michigan (UM) counsel on 12/6 draft of Memo.;	2.5
Dec. 8:	EMs with Team re whether to request oral argument on Motion; review DFG final draft of Memo. and EMs re same; EMs re PHV motions; EMs re filing date; review proposed answer and affirmative defenses of intervenors, and review answer/affirmative defenses of HathiTrust/University defendants; review DFG Declaration; revise Notice of Motion;	4.8
Dec. 9:	finalize Notice of Motion; review supporting papers for filing and e-filing filing them; EMs to Team re same; review EMs from PAJ and DFG re §121	1.4
Dec. 12:	review PHV motions and supporting documents for filing and file same with Clerk's office	0.5

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
Dec. 16:	TCs with plaintiffs' counsel Edward Rosenthal (ER) re plaintiffs' request for extension of time to file answering papers to Motion; EMs with DFG re same; review University defendants motion to substitute parties and forward same to Team; EMs with DFG re strategy on reply papers	0.6
Dec. 21:	review Common Interest Agreement and EM to Team re same	0.3
Total RJB time for December 2011:		38.7 hrs.
<u>Total Amount due for RJB services in December</u> (38.7hrs. x \$500/hr):		<u>\$19,350</u>
<u>Less Remaining Credit</u> (\$3,000 retainer less \$2,400 for services in November):		<u>(\$600)</u>
<u>TOTAL AMOUNT DUE:</u>		<u>\$18,750</u>



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NATIONAL FEDERATION OF THE BLIND
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 AT JERNIGAN PLACE
 BALTIMORE MD 21230

Page: 1
 March 21, 2012
 ACCOUNT NO: 1120-336M
 INVOICE NO: 31370

ATTN: DR. MARC MAURER

HATHITRUST

FEES

			Hours	
02/01/2012	LA	Review motion for judgment on the pleadings and opposition thereto	1.00	
	DFG	Review opposition to Motion for Judgment on the Pleading	0.30	
02/04/2012	DFG	Review in AIME v. Regents	0.10	
02/29/2012	DMA	E-mail from Peter Jaszi re: logging into ECF system; check login and respond		n/c
	DMA	Download and print pleadings; conference with Daniel F. Goldstein and provide copies to Daniel F. Goldstein	0.40	
	DFG	E-mail re: response to plaintiff's motion for judgment	0.20	
		FOR CURRENT SERVICES RENDERED	2.00	597.00
		LESS COURTESY DISCOUNT		-89.55
		NET FEES AFTER DISCOUNT		507.45

TIMEKEEPER SUMMARY

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
DANIEL F. GOLDSTEIN	0.60	\$475.00	\$285.00
DENISE M. ALTOBELLI	0.40	155.00	62.00
LAURA G. ABELSON	1.00	250.00	250.00

EXPENSES

03/13/2012	Postage	0.65
03/13/2012	Postage	3.15
	Postage	3.80
03/13/2012	Copying	0.75
	Copying	0.75
	TOTAL EXPENSES	4.55

NATIONAL FEDERATION OF THE BLIND

HATHITRUST

Page: 2
March 21, 2012
ACCOUNT NO: 1120-336M
INVOICE NO: 31370

ADVANCES

02/21/2012	Local Counsel - ROBERT J. BERNSTEIN - PERIOD OF JAN. 1 TO 31, 2012	1,600.00
03/02/2012	Local Counsel - ROBERT J. BERNSTEIN - PERIOD OF FEB. 1 TO 29, 2012	1,400.00
	Local Counsel	<u>3,000.00</u>
	TOTAL ADVANCES	3,000.00
	TOTAL CURRENT WORK	3,512.00
	BALANCE DUE	<u>\$3,512.00</u>

THIS BILL COVERS THE PERIOD THROUGH 02/29/2012
WE ACCEPT VISA/MASTERCARD/AMERICAN EXPRESS/DISCOVER
Federal Tax I.D. # 52-1322243

**The Law Office of
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February 21, 2012

Via Email (dfg@browngold.com)

NATIONAL FEDERATION OF THE BLIND (NFB)
c/o Daniel F. Goldstein
Brown, Goldstein & Levy, LLP
120 E. Baltimore Street, Suite 1700
Baltimore, MD 21202

**Re: The Authors Guild, Inc., et al. v. HathiTrust, et al,
No. 11 Civ. 6351 (HB) U. S. District Court (S. D.N.Y.)**

All legal services set forth in this statement were rendered by Robert J. Bernstein ("RJB") at his regular rate of \$500/hour. This invoice covers all legal services rendered for National Federation of the Blind, Blair Seidlitz and Courtney Wheeler from January 1 to 31, 2012 in connection with the above matter.

Legal Services (for the period January 1 to 31, 2012):

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
Jan. 3:	review University/HahtiTrust (collectively "HT") motion for judgment on pleadings and supporting memorandum; emails (EM) to Daniel F. Goldstein (DFG), Laura Abelson (LA) and Peter Jaszi (PJ), (collectively, the "Team") re same; review and forward further EMs from clerk's office re same;	1.0
Jan. 4:	telephone conference (TC) and EMs with Ned Rosenthal (NR), plaintiff's counsel, and EM to Team, re requested clarification of NFB position on discovery and schedule in the event of intervention and plaintiff's possible consent to intervention	0.2
Jan. 5:	EM to Team re NR's inquiry on NFB's intentions on discovery; TC with DFG and LA re strategy in responding to NR's inquiry and possible consent to intervention; further EM to Team re possible areas of discovery on fair use and Chafee issues; review DFG EM reporting on TC with NR	1.2

<u>Date:</u>	<u>Description</u>	<u>Time</u> (hrs.)
Jan. 6:	review DFG draft letter to NR re NFB intentions on discovery; EM to DFG with comments on same	0.3
Jan. 9:	review EMs between DFG and NR re motion to intervene and extension of time for plaintiff to respond; EM to DFG re same	0.2
Jan. 10:	review EM from Judge Baer's law clerk and forward to team; review and forward to Team "so ordered" stipulation re briefing schedule and hearing on HT motion for judgment on pleadings	0.2
Jan. 25:	review EM from Judge Baer's law clerk re March hearing date and forward to Team; further EMs with Team and NR re same	0.1
Total RJB time for January 2012:		3.2 hrs.
<u>Total Amount Due Legal Services in January</u> (3.2 hrs. x \$500/hr):		<u>\$1,600</u>
<u>Disbursements:</u>	None	000
<u>TOTAL AMOUNT DUE:</u>		<u>\$1,600</u>

**The Law Office of
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March 2, 2012

Via Email (dfg@browngold.com)
NATIONAL FEDERATION OF THE BLIND (NFB)
c/o Daniel F. Goldstein
Brown, Goldstein & Levy, LLP
120 E. Baltimore Street, Suite 1700
Baltimore, MD 21202

Re: The Authors Guild, Inc. v. HathiTrust, 11 Civ. 6351 (HB) (SDNY)

All legal services set forth in this statement were rendered by Robert J. Bernstein ("RJB") at his regular rate of \$500/hour. This invoice covers all legal services rendered for National Federation of the Blind, Blair Seidlitz and Courtney Wheeler from February 1 to 29, 2012 in connection with the above matter.

Legal Services (for the period February 1 to 29, 2012):

<u>Date:</u>	<u>Description</u>	<u>Time</u>
Feb. 1:	brief review of Plaintiffs' Memorandum in Opposition to Defendants' Motion for Judgment on the Pleadings	0.5
Feb. 18:	brief review of Defendants' Reply Memorandum in Support of Motion for Judgment on the Pleadings, and Exhibits (plaintiffs' discovery responses) to Declaration of Joseph Peterson in Support of Defendants' Motion	0.8
Feb. 29:	review of Memorandum of Law in Support of Plaintiff's Motion for Partial Judgment on the Pleadings; EMs with Team re same; review Rosenthal and Peterson letters re March 5 hearing and plaintiff's request to consolidate hearing on motions	1.5

Total RJB time for February 2012:

2.8 hrs.

Total Amount Due Legal Services in February (2.8 hrs. x \$500/hr):

\$1,400

Disbursements: None

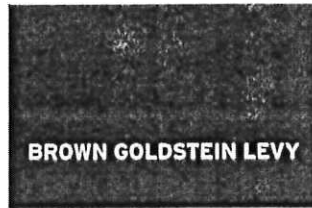
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Previous Balance (from Invoice dated February 21, 2012 for January services):

~~\$1,600~~

TOTAL AMOUNT DUE:

~~\$3,000~~



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NATIONAL FEDERATION OF THE BLIND
 200 EAST WELLS STREET
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Page: 1
 May 09, 2012
 ACCOUNT NO: 1120-336M
 INVOICE NO: 32209

ATTN: DR. MARC MAURER

HATHITRUST

FEES

			Hours
03/01/2012	DFG	Review correspondence of counsel re: possible postponement of hearing	0.10
03/02/2012	LA	Read Plaintiffs' Motion for Partial Judgment on the Pleadings	0.20
	LA	Review Plaintiffs' motion for judgment on the pleadings	0.90
	LA	Telephone call with Peter Jaszi, Bob Bernstein and Daniel F. Goldstein re: strategy for opposing Plaintiffs' motion for judgment on the pleadings	1.20
	LA	Prepare for hearing on Defendants' motion for judgment on the pleadings	0.40
	LA	Research motion for judgment on the pleadings	0.90
	DFG	Review Plaintiff's Motion for Judgment on the Pleadings, review prayer for relief in amended Complaint; e-mail to team re: approach	0.60
	DFG	Conferred with Laura G. Abelson re: approach to Plaintiff's Motion for Judgment on the Pleadings	0.10
	DFG	Discuss response to Motion for Judgment on the Pleadings	1.20
03/03/2012	LA	Research motions for judgment on the pleadings in the Second Circuit	1.90
03/04/2012	DFG	E-mail to J. Beck re: opposition to plaintiff's motion for judgment on the pleadings	0.10
03/05/2012	LA	Research motions for judgment on the pleadings in copyright cases	0.30
	LA	Research standard for motions for judgment on the pleadings	0.90
	DFG	Review Patry on copyright re: 107-108 relationship	0.30
03/06/2012	LA	Telephone call with Daniel F. Goldstein, Peter Jaszi, Bob Bernstein, Joe Beck and Joe Peterson re: strategy	