

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**AARON CLARK and JOHN
PEIRANO,**

Plaintiffs

v.

**THE WALT DISNEY COMPANY, et
al**

Defendants.

Case No. 08 cv 0982

Hon. John D. Holschuh

**Declaration of Grant Kinsel in Support of JAKKS Pacific, Inc.'s Reply
Brief in Support of Motion for Attorneys' Fees (Dkt ## 63 and 68)**

I, Grant Kinsel declare,

1. I make this declaration on the basis of personal knowledge and if called to testify as a witness, I would and could testify competently hereto.

2. On December 23, 2009, I went to <http://dickerson-law.com> and printed the web biographies of Brian Dickerson and Sharlene Chance. True and correct copies of those biographies are attached hereto as pages 3-7.

3. On December 14, 2009, I printed the "Superlawyer" biographies for Mr. Dickerson and Ms. Chance. True and correct copies of those biographies are attached here to as pages 7-10.

4. On or about December 10, 2009, I conducted a search of the "All Feds" database on Westlaw.com. I used the search term "Crag w/s Nard." The search returned four cases, none of which relied on Nard's opinion as an expert.

5. Within days after filing JAKKS' reply brief in support of the Bill of Costs, I received a voice mail from Mr. Dickerson in which he requested information as to the party to whom a check covering the requested costs should be written. I was unable to return Mr. Dickerson's call, but on December 16, 2009, I received from Ms. Chance, a letter enclosing the full amount requested in the Bill of Costs.

6. On or about December 1, 2009, I received a copy of Plaintiffs' objections to JAKKS' Bill of Costs. In my view, the objections were utterly frivolous. Nevertheless, between December 1 and December 3, 2009, I prepared a reply brief in support of JAKKS' Bill of Costs.

7. Between November 4, 2009 and December 15, 2008, JAKKS incurred attorney's fees charges in the amount of \$23,353.50. On December 22, 2009, I printed from my firm's accounting system a "Time Entry Details" report for the period November 4, 2009 through

December 15, 2009. A true and correct copy of that report is attached at pages 12-13.

8. On December 10, 2009, I sent counsel for Plaintiffs' an email requesting that Nard be made available for deposition. On December 11, 2009, I received a letter from counsel for Plaintiffs refusing to make Nard available and raising a number of frivolous objections.

I declare under the penalty of perjury under the United States of America that the foregoing is true and correct. Executed December 23, 2009, at Los Angeles, California.

/s/ Grant Kinsel

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Brian Dickerson

bdickerson@dickerson-law.com vCard

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Practice Experience

Mr. Dickerson is the founder and managing partner of The Dickerson Law Group, P.A. His practice areas include Complex Litigation encompassing White Collar Crime, Products Liability, Healthcare, Trademark and Copyright Infringement and Internet matters.

Mr. Dickerson's white-collar defense practice involves the representation of clients throughout the United States in civil and criminal matters related to securities violations, money laundering, RICO, fraud, tax evasion, international banking, health care, and bank fraud. His representation has involved officers and directors, physicians, hospitals, financial institutions, as well as Fortune 500 companies in cases initiated by the Department of Justice, Federal Government Agencies, State Regulatory Agencies, private and class action plaintiffs in Federal and State Courts.

The complex litigation practice under Mr. Dickerson's direction includes products liability claims including representation of Fortune 500 companies in defense of claims asserted in State and Federal Court; in defending and initiating trademark litigation against infringers in all United States jurisdictions and litigation involving the internet and domain name infringement.

Starting his career in Florida's 20th Circuit State Attorney's Office in 1996, Mr. Dickerson moved into private practice in 1998 where he utilizes his extensive trial experience to manage large monetary multiple party cases in representing businesses throughout the United States.

Bar and Courts

Florida Bar, 1997

Illinois Bar, 1997

Ohio Bar 1998

U.S. District Court, Middle District of Florida , 1998

Southern District of Ohio, 1998

U.S. Court of Appeals, Sixth Circuit, 1999

Northern District of Ohio, 2001

The Dickerson Law Group obtains dismissal on behalf of Del Monte in product liability lawsuit.

Brian Dickerson to be featured speaker at Emerging Issues in Food Litigation Webinar.

Columbus
5003 Horizons Drive, Suite 101
Columbus, Ohio 43220

Toll Free: **888.233.5574**
Phone: **614.339.5370**
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Naples
780 Fifth Avenue South, Suite 200
Naples, Florida 34102

Toll Free: **888.233.5574**
Phone: **239.261.9905**
Facsimile: **239.261.9908**

Northern District of Illinois, 2002
Northern District of Indiana, 2003
Southern District of Indiana, 2003
United States Supreme Court, 2003
District of Columbia, 2005
Northern District of Florida, 2008
11th Circuit of Appeals, 2009

Education

Capital University College of Law, 1996, J.D.
Ohio University 1996, Sports Administration, MS
MacMurray College, 1993, B.S.

Publications/Speaking Engagements

Mr. Dickerson is the author of *The Evolution of Free Agency in the National Football League: Collective Bargaining Restrictiveness*, published in 1996, *The Sports Lawyers Journal*; co-author of *Corporate Compliance for Handling Litigation Claims*, published in January 2003, *National Food Processors Association Journal*; *Trademark Licensing*, *Ohio University Sports Administration Journal*, 2004; author of *Sentencing White Collar Crimes After Booker and Fanfan*, *Columbus Bar Briefs*, *Columbus Bar Association*, Spring 2005; *How to Help Cover Criminal Defense Costs With Insurance Policies*, published 2006, *The Florida Association of Criminal Defense Lawyers Journal*.

A frequent instructor at seminars regarding *The Admissibility of Evidence, Internet and The Law*, and *The Representation of a White Collar Criminal Client*, Mr. Dickerson has also served as an adjunct professor at Ohio University in Athens, Ohio, in the *Sports Administration Program* and currently sits on the *Sports Administration Alumni Board*.

Additionally, Mr. Dickerson has presented at the *National Food Processors Association - 2004, 2005 & 2006*; *Litigation Seminars American Bar Association White Collar Crime Committee Member - 2004-present*; *Protecting Intellectual Property Rights for Athletes, Leagues and Brands* seminar in New York City-2006; *Food Products Association, Effective Management of Consumer Complaints*, Denver, CO, 2007; *Negotiation Skills for Business Owners*, Dallas TX, 2007.

Professional Associations and Memberships

American Bar Association:

- White Collar Crime Committee
- Co-Chair Florida Regional Subcommittee

Florida Bar Association

Ohio Bar Association

Illinois Bar Association

District of Columbia Bar Association

Columbus Bar Association

DRI:

- Corporate Integrity and White Collar Crime Committee (CIWCCC)
- Editor of CIWCCC Newsletter

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Sharlene Chance

schance@dickerson-law.com vCard

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Practice Experience

Ms. Chance is a trial litigator who concentrates her practice on White Collar criminal and civil defense, Intellectual Property, Personal Injury, Medical Malpractice, Criminal Law, Employment Discrimination and Real Estate disputes.

Prior to joining the Dickerson Law Group, Ms. Chance was a litigation associate at a private law firm where she provided extensive research, writing and litigation support.

From September 2001 to June 2005, Ms. Chance served as a Judicial Law Clerk to the former Tenth District Court of Appeals Judge Cynthia C. Lazarus. As a Judicial Law Clerk, Ms. Chance conducted legal research and assisted Judge Lazarus and the Court with drafting numerous court opinions on matters relating to criminal, civil, liquor control and medical board appeals.

Upon graduation, Ms. Chance joined the Columbus City Attorney's Office as an Assistant City Attorney with the Environmental Division of the Franklin County Municipal Court, where she represented the City of Columbus Code Enforcement Officers in enforcing the city's housing, zoning, health and building codes.

Ms. Chance also has experience as a Mediator with mediating disputes for the Franklin County Night Prosecutor Program, Project Smart and Small Claims Division.

Bars and Courts

- Ohio Bar, 1999
- U.S. District Court, Southern District of Ohio, 2000
- U.S. District Court, Northern District of Ohio, 2007

Education

- B.A., Capital University, 1994
- J.D., Capital University Law School, 1999

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The Dickerson Law Group obtains dismissal on behalf of Del Monte in product liability lawsuit.

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American Bar Association, Member

- White Collar Crime Committee
- Ohio Regional White Collar Crime Subcommittee
- Ohio Young Lawyers Regional Subcommittee, Co-Chair

National Association of Criminal Defense Lawyers, Member

Columbus Bar Association, Member

- Minorities in the Law Committee 2006-2007
- Federal Court Committee 2006-2007

Capital University Law School Alumni Board of Directors

Capital University Law School African American Law Alumni Association

John Mercer Langston Bar Association, Member

DRI, Member

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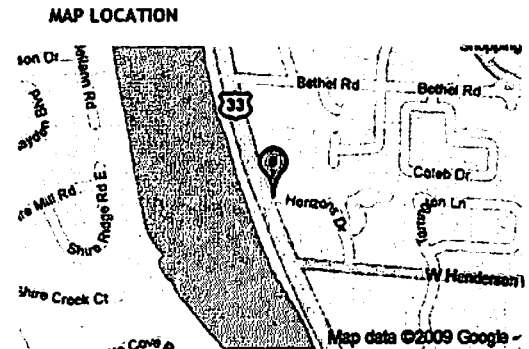
ATTORNEY PROFILE

Brian E. Dickerson

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The Dickerson Law Group, P.A.
5003 Horizons Drive, Suite 101
Columbus, OH 43220

Practice areas: Criminal Defense: White Collar (70%), Business Litigation (20%), General Litigation (10%)
Law School: Capital University Law School



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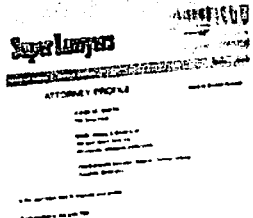
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- San Diego Union Tribune
- San Francisco magazine
- TEXAS MONTHLY, TEXAS MONTHLY
- Tampa Tribune, Miami Herald
- The New York Times
- The New York Times Magazine
- Twin Cities Business, Twin Cities Business
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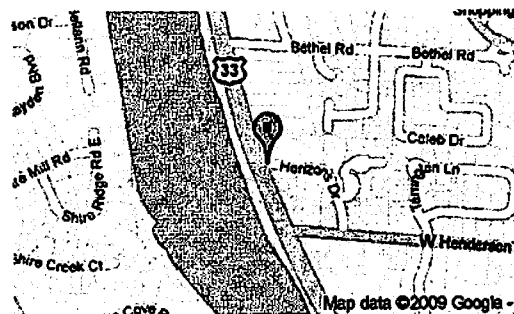
Sharlene Chance

Dickarson Law Group
5003 Horizons Drive, Suite 101
Columbus, OH 43220

Practice areas: Criminal Defense (100%)
Law School: Capital University Law School

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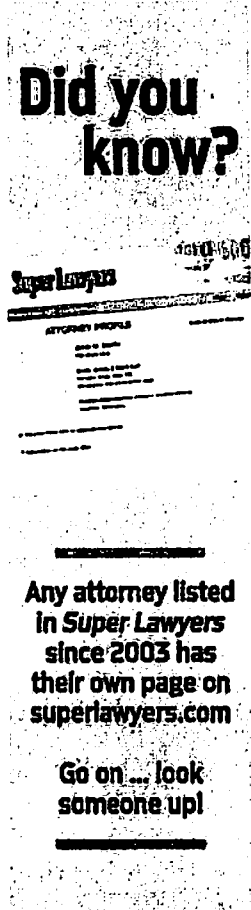
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Current Information

Client: 72341 Matter: 0001 Status: 'W','P','B'

Status: N-not posted, W-work in progress, P-prebill, B-billed, X-cancelled, C-cosmetic

Date	Client / Matter	Timekeeper	Stat.	Base Hrs	Base Amt	Billed Hrs	Billed Amt	Bill No	Bill Date	Narrative	Entry ID
11/04/09	72341 / 0001	Kinsel, Grant E. 04046	B	1.50	\$862.50	1.50	\$862.50	4096663	12/09/09	Research regarding standards for fees under section 285; review bills and invoices for submission; draft supplemental motion for attorneys' fees pursuant to section 285;	18506802
11/05/09	72341 / 0001	Kinsel, Grant E. 04046	B	6.20	\$3,565.00	6.20	\$3,565.00	4096663	12/09/09	Research regarding standards for attorneys' fees under section 285; prepare spreadsheets and schedules relating to fees; draft attorneys' fees motion;	18506800
11/06/09	72341 / 0001	Kinsel, Grant E. 04046	B	6.50	\$3,737.50	6.50	\$3,737.50	4096663	12/09/09	Prepare detailed cost/expense spreadsheets for attorneys' fees motion; research regarding standards for attorneys' fees awards under section 285; review and revise attorneys' fees brief;	18506798
11/09/09	72341 / 0001	Kinsel, Grant E. 04046	B	2.80	\$1,610.00	2.80	\$1,610.00	4096663	12/09/09	Review and revise motion for attorneys fees; prepare declaration and supporting documents regarding motion for fees;	18506801
11/10/09	72341 / 0001	Kinsel, Grant E. 04046	B	2.50	\$1,437.50	2.50	\$1,437.50	4096663	12/09/09	Review and revise bill of costs and prepare same for filing; finalize motion for fees pursuant to 285 and file same;	18506799
12/01/09	72341 / 0001	Kinsel, Grant E. 04046	W	1.00	\$575.00	0.00	\$0.00			Review objection to bill of costs and prepare reply regarding same. 1.0	18549923
12/03/09	72341 / 0001	Kinsel, Grant E. 04046	W	1.00	\$575.00	0.00	\$0.00			Review and revise reply brief regarding bill of costs;	18560579
12/09/09	72341 / 0001	Kinsel, Grant E. 04046	W	1.70	\$977.50	0.00	\$0.00			Review Clark opposition to motion for sanctions and outline reply thereto;	18580985
12/10/09	72341 / 0001	Dueppen, Lara J. 01908	W	2.70	\$783.00	0.00	\$0.00			Research regarding admissibility of patent law expert opinion;	18591689
12/10/09	72341 / 0001	Kinsel, Grant E. 04046	W	4.50	\$2,587.50	0.00	\$0.00			Review Clark opposition to motion for attorneys fees and outline reply brief; telephone conference with M. Dwyer regarding deposition of C. Nard and follow up regarding same;	18582409
12/11/09	72341 / 0001	Dueppen, Lara J. 01908	W	.70	\$203.00	0.00	\$0.00			Research regarding admissibility of expert declaration;	18591690
12/14/09	72341 / 0001	Kinsel, Grant E. 04046	W	6.90	\$3,967.50	0.00	\$0.00			Review Clark opposition to motion for attorneys fees and draft reply brief regarding same; research regarding objective standard for sanctions;	18593245

12/15/09	72341 / 0001	Kinsel, Grant E. 04046	W	4.30	\$2,472.50	0.00	\$0.00	Research regarding standards for admissibility of expert testimony regarding patent law; draft reply brief regarding motion for attorneys' fees;	18602960
Total:				42.30	\$23,353.50	19.50	\$11,212.50		

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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system upon counsels of record.

/s/ Grant E. Kinsel
Grant E. Kinsel (172407)
Attorney for Defendants
Perkins Coie LLP
1888 Century Park East, Suite 1700
Los Angeles, CA 90067
(310) 788-9900
(310) 788-3399
Gkinsel@perkinscoie.com