

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Roger Cleveland Golf Company, Inc.,) Civil Action No. 2:09-2119-MBS
)
Plaintiff,)
)
vs.) **AFFIDAVIT OF FEES AND COSTS**
)
Christopher Prince, Sheldon Shelley, Prince)
Distribution, LLC, and Bright Builders,)
Inc.)
)
Defendants.)

1. I, John C. McElwaine, an attorney of record for Roger Cleveland Golf Company, Inc. ("Cleveland"), under oath hereby submit this affidavit of fees incurred by Cleveland in pursuing its case against Defendant Christopher Prince ("Prince") and Defendant Bright Builders, Inc. ("Bright Builders").
2. I am a partner in the intellectual property / litigation group of Nelson Mullins Riley & Scarborough LLP ("Nelson Mullins"). I have been practicing law for more than 15 years, having obtained my juris doctor degree from the University of South Carolina in 1995.
3. I am licensed to practice before the South Carolina Supreme Court, the United States District Court for the District of South Carolina, the Fourth Circuit Court of Appeals and the District of Columbia. I have been practicing in the area of trademark litigation since 1995 and have represented both plaintiffs and defendants in trademark infringement cases.

4. Attached to this Affidavit are true and accurate copies of bills sent to Cleveland by Nelson Mullins reflecting time spent by attorneys and other time keepers on this matter as well as costs incurred by Cleveland in pursuing this matter. Portions of the bill have been redacted to preserve attorney / client privilege or remove fees and costs for which Cleveland is not seeking reimbursement. In fact, of the seven attorneys and two paralegals that assisted on this litigation, Cleveland is seeking fees only related to the three attorneys that were primarily responsible for this matter.
5. As reflected in the attached bills, Cleveland incurred **\$7,965.17** in costs in bringing the current action. These costs include filing fees with this Court, the costs associated with the multiple depositions taken in the case, and the costs of perfecting service upon the defendants.
6. As shown on the attached redacted legal bills, Morgan Nickerson, a fifth year associate in the litigation department of Nelson Mullins' Boston Office, spent 144.20 hours of his time working on the present matter. Had he not been working on the present matter, Mr. Nickerson would have spent the hours working on matters for other clients. His hourly rate on this matter ranged from \$250.00 to \$300.00 an hour. Therefore, Cleveland incurred approximately **\$39,590.11** in legal fees for his work in this matter.
7. As shown on the attached redacted legal bills, I, John C. McElwaine, spent 253.30 hours working on the present matter. Had I not been working on the present matter, I would have spent the hours working on matters for other clients. My hourly rate on this matter ranged from \$350.00 to \$400.00 an hour. Therefore, Cleveland incurred approximately **\$98,437.45** in legal fees for my work in this matter.

8. As shown on the attached redacted legal bills, Attorney Jeffrey S. Patterson is a partner in the litigation department of Nelson Mullins Riley & Scarborough LLP. He spent 114 hours of his time working on the present matter. Had he not been working on the present matter, he would have spent the hours working on matters for other clients. Mr. Patterson's hourly rate on this matter ranged from \$395.00 to \$400.00 an hour. Therefore, Cleveland incurred approximately **\$44,802.00** in legal fees for his work in this matter.
9. In total, Cleveland incurred more than **\$182,829.56** in legal fees in bringing the current action.

I declare under penalties of perjury under the laws of the State of South Carolina that the foregoing is true and correct.



John C. McElwaine

SWORN to and subscribed before me

This 28th day of March, 2011



Notary Public for South Carolina (L.S.)

My Commission Expires: 9/14/2019