

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.)	<u>AFFIDAVIT OF FEES AND COSTS</u>
)	
Christopher Prince, Sheldon Shelley, Prince)	
Distribution, LLC, and Bright Builders,)	
Inc.)	
)	
Defendants.)	


1. I, Morgan T. Nickerson, an attorney of record for Roger Cleveland Golf Company, Inc. ("Cleveland"), under oath hereby submit this affidavit of fees incurred as a result of Defendant Bright Builders, Inc.'s ("Bright Builders") unsupported, procedurally deficient Motion for Summary Judgment.
2. I am an attorney licensed to practice law in Massachusetts, admitted *pro hac vice* in this case, and am currently employed as a fifth year associate in the intellectual property department of Nelson Mullins Riley & Scarborough LLP.
3. To draft the Response to Bright Builders' Motion for Summary Judgment and conduct legal research regarding the same required eleven and one half (11.5) hours of my time. My hourly rate on this matter is \$300.00 an hour. Therefore, Cleveland incurred **\$3,450.00** in legal fees for my work in opposing Bright Builders' motion.
4. Attorney John C. McElwaine is a partner in the intellectual property department of Nelson Mullins Riley & Scarborough LLP. To edit and draft the Response to Bright Builders' Motion for Summary Judgment and conduct research regarding the same

required ten and three tenths (10.3) hours of his time. Attorney McElwaine's hourly rate on this matter is \$400.00 an hour. Therefore, Cleveland incurred **\$4,120.00** in legal fees for Attorney McElwaine's work in opposing Bright Builders' motion.

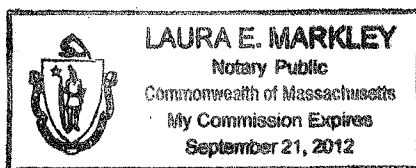
5. Attorney Jeffrey S. Patterson is a partner in the litigation department of Nelson Mullins Riley & Scarborough LLP. To edit and draft the Response to Bright Builders' Motion for Summary Judgment required one and three tenths (1.3) hours of his time. Attorney Patterson's hourly rate on this matter is \$400.00 an hour. Therefore, Cleveland incurred **\$520.00** in legal fees for Attorney Patterson's work in opposing Bright Builders' motion.


6. In total, Cleveland incurred **\$8,090.00** in legal fees in opposing Bright Builders' motion.

Signed under the pains and penalties of perjury this 14th day of December, 2010.


Morgan T. Nickerson

On December 14, 2010, Morgan Nickerson, a person known to me by producing valid identification appeared before me and acknowledged executing the foregoing Affidavit.




Notary Public
Commission Expires: 9/21/2012