

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

JAMES S. GORDON, Jr., a married individual, d/b/a 'GORDONWORKS.COM'; OMNI INNOVATIONS, LLC., a Washington limited liability company,

Plaintiffs,

v.

VIRTUMUNDO, INC, a Delaware corporation d/b/a ADKNOWLEDGEMAIL.COM; ADKNOWLEDGE, INC., a Delaware corporation, d/b/a ADKNOWLEDGEMAIL.COM; SCOTT LYNN, an individual; and JOHN DOES, 1-X,

Defendants.

NO. CV06-0204JCC

**DECLARATION OF SPENCER D. FREEMAN IN SUPPORT OF DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS**

I, Spencer D. Freeman, declare and testify as follows:

1. I am over eighteen years of age, competent to testify to the matters stated in this declaration, and make this declaration based upon personal knowledge.
2. Since 1995, I have been an attorney licensed to practice in Washington State. I am admitted to practice in the Western District of Washington and regularly have cases in this district.
3. My practice focuses on intellectual property and Internet-related litigation, and I routinely represent clients in federal district court on technology

1 matters similar to those at issue in the above-captioned action.

2 4. I have reviewed the rate sheet from Newman & Newman, LLP attached  
3 hereto as Exhibit A and find it to be reasonable and consistent with the  
4 prevailing rates for attorneys in this legal community for matters of similar  
5 complexity, novelty and legal exposure.

6 5. The rates charged by Newman & Newman, LLP are consistent with the  
7 hourly rates at my law firm and other comparable attorneys who practice in  
8 the same area of law.

9 6. I am familiar with the skill, expertise, and reputation of the attorneys at  
10 Newman & Newman, LLP and believe that they are particularly well-  
11 qualified to represent parties in complex technology litigation.

12 7. Furthermore, I recognize that Newman & Newman is well-known in the  
13 local legal community for its expertise and skill in representing clients in  
14 complex CAN-SPAM, RCW 19.190 *et seq.* and email-related litigation, and  
15 based on that expertise and reputation, it is entirely reasonable that they  
16 charge hourly rates of greater than \$350 for senior attorneys and \$200 per  
17 hour for junior attorneys.

18 I certify and declare under the penalty of perjury under the laws of the State of  
19 Washington and the United States that to my knowledge the foregoing is true and correct.

20  
21 Executed on this 19th day of June, 2007, at Tacoma, Washington.

22  
23   
24 Spender D. Freeman