

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 ADNOWLEDGEMAIL.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 SETH WILKINSON IN SUPPORT OF DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS**

I, Seth Wilkinson, 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 2001, 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. I am an attorney at the law firm of Yarmuth, Wilsdon, Calfo, PLLC. My practice focuses on complex litigation, including technology and

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intellectual property matters. This firm routinely represents clients in federal district court in technology and Internet matters.

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


5. The rates charged by Newman & Newman, LLP are consistent with the hourly rates charged by other comparable attorneys who practice in the same area of law.

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

7. Furthermore, I recognize that Newman & Newman is well-known in the local legal community for its expertise and skill in representing clients in complex CAN-SPAM, RCW 19.190 *et seq.* and email-related litigation, and based on that expertise and reputation, it is entirely reasonable that they charge hourly rates exceeding \$350 (but less than \$400) for senior attorneys and \$200 per hour for junior attorneys.

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

Executed on this 19th day of June, 2007, at Seattle, Washington.

  
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Seth Wilkinson