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5 Attorneys for Defendant  
LAYER42.NET

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10 BARBRA STREISAND, an individual,

11 Plaintiff,

12 v.

13 KENNETH ADELMAN, an individual;  
14 PICTOPIA.COM, a California corporation;  
LAYER42.NET, a California corporation; and  
15 DOE 1 through DOE 20, inclusive,

16 Defendants.

Case No.: SC077257

**DECLARATION OF DANIEL L. CASAS IN  
SUPPORT OF MOTION OF DEFENDANT  
LAYER42.NET FOR AWARD OF  
ATTORNEYS' FEES**

Date: April 20, 2004

Time: 8:30 a.m.

Dept.: H (Hon. Allan J. Goodman)

Complaint filed: May 20, 2003

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18 I, Daniel L. Casas, declare as follows:

- 19 1. I am an attorney licensed since 1984 to practice in all of the courts of the State of California. I  
20 am a partner in the law firm of Reynolds Casas & Riley, LLP ("RCR"), attorneys of record for  
21 Defendant LAYER42.NET in the above-captioned action. I am personally familiar with the  
22 facts stated below and, if called as a witness, could testify competently thereto.
- 23 2. Attached as **Exhibit 1** is a redacted copy of the billing record documenting the time that  
24 attorneys at RCR spent related to LAYER42.NET'S successful motion to strike pursuant to  
25 California Code of Civil Procedure §425.16.
- 26 3. RCR uses the computer software program "Timeslips" to record its billing. As RCR's regular  
27 business practice, each attorney enters his or her time into the networked program identifying  
28

1 the client, time spent, and a brief description of the services provided. RCR's attorneys enter  
2 their time at or near the time that the services were rendered.

- 3 4. Three RCR attorneys billed time related to the Anti-SLAPP motion as reflected in **Exhibit 1** as  
4 follows:

<u>Attorney</u>	<u>Hourly Billing Rate</u>	<u>Hours</u>	<u>Fees</u>
Daniel L. Casas	\$325.00	50.5	16,412.50
Jerome Galli	\$215.00/225.00	17.3	3,720.50
Sam Kiamanesh	\$165.00/185.00	<u>7.0</u>	<u>1,161.00</u>
Totals		74.8	21,294.00

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10 5. Jerome Galli is an associate with RCR and has been licensed to practice law in California since  
11 1997. Prior to December 1, 2003, RCR billed Mr. Galli's time at the rate of \$215.00 per hour.  
12 After December 1, 2003, Mr. Galli's time was billed at the rate of \$225.00 per hour. Of the  
13 17.3 hours billed by Mr. Galli, only .1 of an hour was billed at the \$225.00/hour rate.
- 14 6. Sam Kiamanesh is an associate with RCR and has been licensed to practice law in California  
15 since 2000. Prior to December 1, 2003, RCR billed Mr. Kiamanesh's time at the rate of  
16 \$165.00 per hour. After December 1, 2003, Mr. Kiamanesh's time was billed at the rate of  
17 \$185.00 per hour. Of the 7.0 hours billed by Mr. Kiamanesh, only .3 of an hour was billed at  
18 the \$185.00/hour rate.
- 19 7. The billing rates identified for the attorneys above fall within the range of rates charged in  
20 Santa Clara County for attorneys with comparable experience in similar practice areas.
- 21 8. The billing record attached as **Exhibit 1** captures all time that RCR attorneys billed on behalf  
22 of LAYER42.NET in the above-captioned action. RCR attorneys billed a total of \$32,350.64,  
23 representing 110.3 hours of work. In calculating the fees related to the Anti-SLAPP motion, I  
24 reviewed the attached exhibit and consulted with the attorneys who recorded time to the  
25 account. Where a particular entry included work unrelated to the Anti-SLAPP motion, for  
26 instance, for drafting LAYER42.NET's demurrer, I reduced the time associated with the entry  
27 accordingly. The handwritten entries for time and fees on **Exhibit 1** reflect these kinds of  
28 reductions. However, I included in the billing work that was necessary both to the Motion to

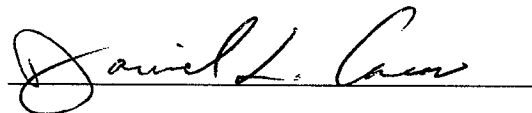
1 Strike and other activities (such as the demurrer), on the theory that said work would have been  
2 done anyway even if the Motion to Strike were the only pleading filed by LAYER42.NET.

3 After reviewing the billing records and consulting with the RCR attorneys involved in the case,  
4 I have identified \$21,294.00 in attorneys' fees related to the Anti-SLAPP motion.

5 9. In reviewing the billing record, I have also redacted entries related to costs that are not  
6 applicable to the present motion.

7 10. I anticipate that my office will expend an additional \$2,620.00 in fees bringing the current  
8 motion, which fees include preparing these moving papers, preparing reply papers, and  
9 appearing at the hearing on the present motion. On January 19, 2004 I sent a letter to  
10 Plaintiff's counsel requesting reimbursement of \$21,294.00 in fees without the necessity of  
11 bringing a motion, but Plaintiff refused.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
13 true and correct and that this Declaration was entered on March 24, 2004 in Los Altos, California.

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16 Daniel L. Casas  
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**EXHIBIT 1**

Selection Criteria

Slip Classification Open  
Client (hand select) Include: LAYER/BS  
Slip Date 01/01/2003 - 01/16/2004

Slip ID	Dates and Time	Attorney Activity Client	Reference	Units	Rate	Slip Value
71132	05/28/2003 TIME Billed	SKK Prof. Serv. LAYER/BS		0.10	165.00	16.50
Telephone conversation with client regarding lawsuit by Barbara Streisand						
71219	05/29/2003 TIME Billed	DLC Prof. Serv. LAYER/BS		0.50	325.00	162.50
Attention to defense issues in Streisand lawsuit						
71237	05/30/2003 TIME Billed	SKK Prof. Serv. LAYER/BS		1.00	165.00	165.00
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						
attention to defendant's website; research and review of law regarding ISP liability for third party content						
71277	05/30/2003 TIME Billed	SKK Prof. Serv. LAYER/BS		.60	165.00	99.00
Telephone conversation with client regarding litigation options; attention to complaint; telephone conversation with co-counsel regarding mutual defense [REDACTED]						
71313	06/02/2003 TIME Billed	DLC Prof. Serv. LAYER/BS		1.70	325.00	552.50
Attention to Streisand lawsuit [REDACTED] telephone call to Adelman's counsel						
71356	06/02/2003 TIME Billed	SKK Prof. Serv. LAYER/BS				
[REDACTED]						

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9:50 AM

Reynolds Casas & Riley, LLP  
Slip Listing

Slip ID	Dates and Time	Status	Description	Attorney Activity Client Reference	Units	Rate	Slip Value
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
71393	06/03/2003	TIME Billed	Teleconf. w/client; open litigation file	DLC Prof. Serv. LAYER/BS	1.00	325.00	325.00
71406	06/03/2003	TIME Billed	[REDACTED] teleconference with client and Dan Casas regarding claim and defense strategy	SKK Prof. Serv. LAYER/BS	[REDACTED] .80	165.00	[REDACTED] 132-
71502	06/04/2003	TIME Billed	Research and review of law regarding supporting ISP federal immunity for third party content; draft letter to opposing counsel demanding voluntary dismissal of client	SKK Prof. Serv. LAYER/BS	2.90	165.00	478.50
71455	06/04/2003	TIME 5:30 AM Billed	Attention to Westlaw research of case law	JOG Prof. Serv. LAYER/BS	0.30	215.00	64.50
71486	06/05/2003	TIME Billed	[REDACTED] No Charge	DLC Prof. Serv. LAYER/BS	[REDACTED]	[REDACTED]	[REDACTED]
71556	06/06/2003	TIME Billed	Finalize draft letter to Streisand's counsel	DLC Prof. Serv. LAYER/BS	1.00	325.00	325.00
71601	06/09/2003	TIME Billed	[REDACTED]	SKK Prof. Serv. LAYER/BS	[REDACTED]	[REDACTED]	[REDACTED]
71959	06/19/2003	TIME Billed	Telephone call to Adelman's counsel [return call]	DLC Prof. Serv. LAYER/BS	0.30	325.00	97.50
71972	06/19/2003	TIME Billed	[REDACTED]	SKK Prof. Serv. LAYER/BS	[REDACTED] .20	[REDACTED]	[REDACTED] 33-

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Reynolds Casas & Riley, LLP  
Slip Listing

Slip ID	Dates and Time	Status	Description	Attorney Activity Client Reference	Units	Rate	Slip Value
			Attention to email from client regarding communication with co-defendant's attorney; attention to voicemail from co-defendant's attorney regarding status of case;				
			[REDACTED]				
72025	06/20/2003	TIME	Billed	SKK Prof. Serv. LAYER/BS	0.20	165.00	33.00
			Attention to voicemail from co-defendant's counsel regarding joining motion; telephone call to co-defendant's counsel regarding joining motion, left voicemail				
72002	06/22/2003	TIME	Billed	DLC Prof. Serv. LAYER/BS	[REDACTED]	[REDACTED]	[REDACTED]
			[REDACTED]				
72043	06/23/2003	TIME	Billed	DLC Prof. Serv. LAYER/BS	1.50	325.00	487.50
			Review Adelman's motion to strike complaint; telephone calls to client; telephone call from Adelman's counsel [return call]				
72056	06/23/2003	TIME	Billed	JOG Prof. Serv. LAYER/BS	4.20	215.00	903-
			[REDACTED] review of Adelman's motion to dismiss and preparation of notice of joining motion				
72087	06/23/2003	TIME	Billed	SKK Prof. Serv. LAYER/BS	0.20	165.00	33.00
			Attention to voicemail from co-counsel regarding deadline to join motion; attention to email to client regarding motion				
72071	06/24/2003	EXP	Billed	DLC \$Filing fees LAYER/BS	[REDACTED]	[REDACTED]	[REDACTED]
			Los Angeles County Superior Court				
72083	06/24/2003	TIME	Billed	JOG Prof. Serv. LAYER/BS	2.40	215.00	516-

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Slip ID	Dates and Time	Status	Description	Attorney Activity Client Reference	Units	Rate	Slip Value
			Review motions to strike filed by Adelman and Pictopia [REDACTED]				
72104	06/25/2003	TIME	Billed Telephone call to client [return call]	DLC Prof. Serv. LAYER/BS	0.20	325.00	65.00
72141	06/25/2003	TIME	Billed [REDACTED]	JOG Prof. Serv. LAYER/BS	[REDACTED]	[REDACTED]	[REDACTED]
72371	06/25/2003	EXP	Billed Los Angeles County Superior Court	DLC \$Filing fees LAYER/BS	[REDACTED]	[REDACTED]	[REDACTED]
72372	06/25/2003	EXP	Billed Small Claims Processing Service	DLC \$Filing fees LAYER/BS	[REDACTED]	[REDACTED]	[REDACTED]
72157	06/26/2003	TIME	Billed Review court documents in preparation of hearing on July 14 [REDACTED]	DLC Prof. Serv. LAYER/BS	2.30	325.00	747.50
72342	06/26/2003	TIME	Billed [REDACTED]	JOG Prof. Serv. LAYER/BS	2.30	215.00	494.50
72350	06/26/2003	TIME	Billed Attention to summary of Plaintiff's property dispute with neighbor [REDACTED]	SKK Prof. Serv. LAYER/BS	.20	165.00	33-
72391	06/27/2003	TIME	Billed Conference with Jerome Galli regarding Judge's conflict of interest; attention to Waiver of Disqualification; draft email to client regarding Waiver of Disqualification; draft cover letter to client regarding Waiver of Disqualification	SKK Prof. Serv. LAYER/BS	0.30	165.00	49.50



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Slip ID	Dates and Time	Status	Description	Attorney Activity Client Reference	Units	Rate	Slip Value
72416	TIME			JOG	0.20	215.00	43.00
	06/30/2003	6:00 AM	Billed	Prof. Serv. LAYER/BS			
			Attention to calendaring of deadlines for motions				
72567	TIME			DLC	0.50	325.00	162.50
	07/07/2003		Billed	Prof. Serv. LAYER/BS			
			Attention to opposition to motion to strike				
72589	TIME			JOG			
	07/07/2003	2:06 AM	Billed	Prof. Serv. LAYER/BS			
			[REDACTED]				
72662	TIME			DLC	0.20	325.00	65.00
	07/09/2003		Billed	Prof. Serv. LAYER/BS			
			Telephone call to client				
72684	TIME			DLC	1.30	325.00	422.50
	07/10/2003		Billed	Prof. Serv. LAYER/BS			
			Review Reply of Adelman and Pictopia				
72701	TIME			JOG	1.60	215.00	344.00
	07/10/2003	9:06 PM	Billed	Prof. Serv. LAYER/BS			
			Review reply memorandum of Adelman; prepare memorandum regarding distinctions between various provisions of section 230 of the Communications Decency Act in preparation for hearing				
72741	TIME			SKK	0.20	165.00	33.00
	07/10/2003		Billed	Prof. Serv. LAYER/BS			
			Draft email to client regarding status of Waiver of Disqualification; conference with Jerome Galli regarding fax copy of Waiver				
72716	TIME			DLC			
	07/11/2003		Billed	Prof. Serv. LAYER/BS			
			[REDACTED]				
72732	TIME			JOG	0.80	215.00	172.00
	07/11/2003	5:48 AM	Billed	Prof. Serv. LAYER/BS			
			Preparation for hearing on motion to strike				

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Slip ID	Dates and Time	Attorney Activity	Client Reference	Units	Rate	Slip Value
72733	TIME	DLC		3.80	325.00	1235.00
	07/13/2003	Prof. Serv.				
	Billed	LAYER/BS				
	Prepare for hearing in Los Angeles Superior Court on 7/14/03					
72785	TIME	JOG		0.70	215.00	150.50
	07/14/2003	Prof. Serv.				
	1:48 PM	LAYER/BS				
	Billed					
	Legal research regarding right to attorney's fees					
72796	TIME	DLC		8.00	325.00	2600.00
	07/14/2003	Prof. Serv.				
	Billed	LAYER/BS				
	Attend hearing in Los Angeles Superior Court [Travel time excluded]					
72828	TIME	DLC		2.70	325.00	877.50
	07/15/2003	Prof. Serv.				
	Billed	LAYER/BS				
	Telephone call to John Gatti [left voicemail about dismissal]; prepare for hearing on 7/16/03; prepare and send email to client					
72889	TIME	JOG		1.80	215.00	387.00
	07/15/2003	Prof. Serv.				
	8:36 PM	LAYER/BS				
	Billed					
	Review record for evidence relating Layer42; legal research					
72908	TIME	DLC		10.00	325.00	3250.00
	07/16/2003	Prof. Serv.				
	Billed	LAYER/BS				
	Attend Hearing in Los Angeles Superior Court					
72912	TIME	DLC		2.20	325.00	715.00
	07/17/2003	Prof. Serv.				
	Billed	LAYER/BS				
	Telephone calls regarding: travel plans; discuss with client and prepare for final day of hearings in Los Angeles Superior Court					
73028	TIME	DLC		8.50	325.00	2762.50
	07/18/2003	Prof. Serv.				
	Billed	LAYER/BS				
	Attend final day of Hearings in Los Angeles					
73087	TIME	DLC		0.40	325.00	130.00
	07/22/2003	Prof. Serv.				
	Billed	LAYER/BS				
	Review incoming correspondence from opposing and co-counsel; prepare and fax letter to all counsel					

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Slip ID	Dates and Time	Status	Description	Attorney Activity Client Reference	Units	Rate	Slip Value
73102	07/22/2003	EXP	Billed [No description]	DLC \$Express mail LAYER/BS			
73218	07/23/2003	EXP	Billed Parking, cab fare	DLC \$Travel expens LAYER/BS			
73219	07/24/2003	EXP	Billed Westlaw	DLC \$Legal Researc LAYER/BS			
73839	08/21/2003	EXP	Billed Airfare	DLC \$Travel expens LAYER/BS			
73841	08/21/2003	EXP	Billed Westlaw	DLC \$Legal Researc LAYER/BS			
73896	08/25/2003	TIME	Billed Review incoming correspondence from Superior Court; prepare letter with encl. to client; review two new cases relating to the lawsuit; prepare letter with encls. to client	DLC Prof. Serv. LAYER/BS	0.70	325.00	227.50
74280	08/28/2003	TIME	Billed Review additional brief filed by Adelman's counsel; review and reply to email from client	DLC Prof. Serv. LAYER/BS	0.40	325.00	130.00
74879	09/16/2003	TIME	Billed [Redacted]	DLC Prof. Serv. LAYER/BS			
75055	09/22/2003	TIME	Billed [Redacted]	JOG Prof. Serv. LAYER/BS			
75155	09/24/2003	TIME	Billed Attention to coordination of telephonic appearance for case management	JOG Prof. Serv. LAYER/BS	20	215.00	43.00

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Slip ID	Dates and Time	Attorney Activity Client Reference	Units	Rate	Slip Value
		conference; telephone call with Laura Siegle, attorney for Adelman, regarding case management conference			
75449	TIME 09/29/2003 2:12 PM	JOG Prof. Serv. LAYER/BS	0.20	215.00	43.00
		Billed Telephone call with Laura Siegle; telephone call with John Gatti, regarding case management conference; review court's minute order regarding new time for CMC			
75368	TIME 09/29/2003	DLC Prof. Serv. LAYER/BS	0.60	325.00	195.00
		Billed Review case status sheet from Streisand's counsel; review incoming correspondence from Judge Goodman; attention to preparation for mandatory status hearing			
75662	TIME 10/03/2003 3:36 PM	JOG Prof. Serv. LAYER/BS	2.50	215.00	537.50
		Billed Preparation for and attendance at telephonic case management conference			
76250	TIME 10/21/2003 2:54 AM	JOG Prof. Serv. LAYER/BS			
		Billed [REDACTED]			
76266	EXP 10/22/2003	DLC \$Filing fees LAYER/BS			
		Billed Court Call, LLC			
76337	TIME 10/23/2003 10:30 AM	JOG Prof. Serv. LAYER/BS			
		Billed [REDACTED] [REDACTED] [REDACTED] [REDACTED]			
76335	EXP 10/24/2003	DLC \$Process Serve LAYER/BS			
		Billed Small Claims Process Serving			
76341	TIME 10/24/2003 6:30 PM	JOG Prof. Serv. LAYER/BS			
		Billed [REDACTED] [REDACTED]			

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Slip ID	Dates and Time	Attorney Activity	Client Reference	Units	Rate	Slip Value
76621	TIME 10/30/2003 11:00 PM	JOG Prof. Serv. Billed	LAYER/BS			
76665	TIME 10/31/2003	DLC Prof. Serv. Billed	LAYER/BS			
76832	EXP 11/06/2003	DLC \$Travel expens Billed	LAYER/BS			
77322	EXP 11/20/2003	DLC \$Legal Researc Billed	LAYER/BS			
77727	EXP 11/25/2003	DLC \$Express mail Billed	LAYER/BS			
77841	TIME 12/03/2003	SKK Prof. Serv. Billed	LAYER/BS	0.30	185.00	55.50
	Conference with Dan Casas regarding ruling on anti-slapp motion; draft email to client regarding tentative ruling; telephone conversation with client regarding recovery of attorneys' fees despite appeal					
77848	TIME 12/03/2003	DLC Prof. Serv. Billed	LAYER/BS	0.40	325.00	130.00
	Brief review of Judge Goodman's tentative decision					
77938	TIME 12/08/2003 8:54 PM	JOG Prof. Serv. Billed	LAYER/BS	0.10	225.00	22.50
	Telephone call with client regarding tentative decision					
78531	EXP 12/19/2003	DLC \$Legal Researc Billed	LAYER/BS			
	Online Research					

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Slip ID	Dates and Time	Status	Description	Attorney Activity Client Reference	Units	Rate	Slip Value
78537	12/19/2003	EXP	Billed Parking	DLC \$Travel expens LAYER/BS			
78985	01/15/2004	TIME	WIP Review incoming correspondence and court documents from opposing counsel; attention to our fee/cost motion	DLC Prof. Serv. LAYER/BS	2.30	325.00	747.50
<b>Grand Total</b>							
				Billable	110.00		32253.14
				Unbillable	0.30		97.50
				Total	<del>110.30</del>		<del>32350.64</del>
					74.8		21,294.00