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6 Attorneys for Plaintiff
7 BARBRA STREISAND

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 WEST DISTRICT

11
12 BARBRA STREISAND, an individual,

13 Plaintiff,

14 vs.

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

17 Defendants.
18

CASE NO. SC 077257

[Assigned to the Honorable Allan J. Goodman,
Dept. H]

**DECLARATION OF JOHN M. GATTI IN
SUPPORT OF PLAINTIFF BARBRA
STREISAND'S OPPOSITION TO
DEFENDANTS KENNETH ADELMAN
AND PICTOPIA.COM'S MOTION FOR
ATTORNEY'S FEES PURSUANT TO
CALIFORNIA CODE OF CIVIL
PROCEDURE § 425.16(c)**

**[Filed Concurrently with Opposition to
Defendants' Attorney's Fees Motion;
Declaration of David Roberts; and Appendix
of Non-California Authorities in Support
Thereof]**

Date: April 7, 2004
Time: 8:30 a.m.
Place: Dept. H
Judge: Hon. Allan J. Goodman

25 Complaint Filed: May 20, 2003
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1 I, John M. Gatti, declare and say as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California
3 and am a partner in the law firm of Alschuler Grossman Stein & Kahan LLP, counsel of record
4 for Plaintiff Barbra Streisand ("Plaintiff") in the pending matter. I submit this declaration in
5 support of Plaintiff's opposition to Defendants' motion for attorneys' fees. If called upon to
6 testify as to the truth of the matters set forth herein I could and would competently testify thereto
7 from my own personal knowledge.

8 2. I am the partner in charge of handling the matter entitled Streisand v.
9 Kenneth Adelman, et al., Case No. SC 077257 (the "Action"). As the partner in charge, I have
10 reviewed all the bills reflecting the time billed to the Plaintiff in the Action. I am also in charge
11 of assignments and work performed on behalf of Plaintiff in the Action. From my review of the
12 bills submitted to Plaintiff and management of assignments relating to the Action, I have first
13 hand knowledge of the amount and type of work billed to Plaintiff in the Action.

14 3. I am also the attorney responsible for managing the staffing of the Action
15 for Plaintiff's representation. A total of three individuals billed time in connection with the
16 representation of Plaintiff in the Action. These individuals who billed time representing Plaintiff
17 were Jonathan Stern, a first year associate attorney, Rex Glensy, a fifth year associate attorney
18 and me, a partner practicing for sixteen years. Plaintiff was billed for Mr. Stern's time at the rate
19 of \$195 per hour. Plaintiff was billed for Mr. Glensy's time at the rate of \$305 per hour. Plaintiff
20 was billed for my time at the rate of \$440 per hour.

21 4. I have reviewed all of the bills sent to Plaintiff in connection with the
22 Action. The bills set forth the amount of time charged to Plaintiff. The bills reflect that Mr. Stern
23 billed 88.70 hours in total in connection with assignments and issues relating to Defendants'
24 SLAPP motion. At \$195 per hour the total amount for Mr. Stern's time was \$17,296.50. This
25 time included all time incurred by Mr. Stern to attend hearings before the Court on both the
26 defendants' SLAPP motion and Plaintiff's motion for preliminary injunction. I did not attempt to
27 apportion amounts of the hearing between the preliminary injunction and the SLAPP motion. Mr.
28 Glensy billed the Plaintiff for 39.5 hours relating to matters for the Defendants' SLAPP motion.

1 At Mr. Glensy's billing rate of \$305 per hour, the total amount for Mr. Glensy's time billed on the
2 SLAPP motion and related work was \$12,047.50. I billed the Plaintiff 37.75 hours for my time
3 incurred in connection with the SLAPP motion including all of my time to attend the hearings on
4 the motion for the SLAPP motion and the preliminary injunction hearing. At \$440 per hour my
5 total time for work incurred in relationship to the SLAPP motion was \$16,610. Thus, the total
6 amount that Plaintiff was billed for our firm's time in connection with any matters relating to the
7 SLAPP motion was \$45,954. This total included preparation of the opposition brief, preparing
8 supporting declarations and evidence, meeting with declarants, communicating with the client and
9 performing research and analysis pertaining to the SLAPP motion.

10 5. Our firm is comprised of approximately 100 attorneys. It is our firm's
11 practice not to charge clients for the services of file clerks or legal secretaries performing
12 secretarial tasks. I have reviewed Defendants' submission and noticed that Defendants are
13 seeking recovery of time billed for "file" or "litigation" clerks. This is the first time I have seen a
14 law firm bill for file clerk type associates. I have also reviewed our firm's hourly rate schedule
15 and have confirmed that a partner with Lauara A. Seigle's experience is \$385 per hour; research
16 librarians are billed at the rate of \$160 per hour; fourth year attorneys bill at \$285 per hour; an
17 attorney practicing for three years bills at \$240 per hour; and the billing rate for paralegals ranges
18 from \$150 per hour to \$175 per hour.

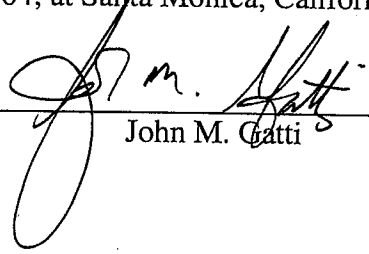
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6. As a partner in charge of managing cases I am familiar with the inefficiencies and duplication of efforts that arise from the overstaffing of a case. I have reviewed the submission by Defendants in support of their request for attorneys' fees and can confirm that Defendants staffed its case with 13 billing individuals. There was no discovery conducted in the Action and there was an extremely limited number of documents that were relevant to the Action. As a result, there was no need for Defendants' counsel to overstaff this case with 13 billing individuals.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 26th of March, 2004, at Santa Monica, California



John M. Gatti