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Attorney for David Trinh

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

AF HOLDINGS, LLC

Plaintiff,

vs.

DAVID TRINH

Defendant

) Case No.: 3:12-cv-02393-CRB

) RANALLO DECLARATION IN SUPPORT  
) OF MOTION FOR COSTS AND  
) ATTORNEY FEES

1 **RANALLO DECLARATION IN SUPPORT OF MOTION FOR ATTORNEY’S FEES**

- 2
- 3 1. I am an attorney duly licensed to practice in the State of California and before the District
- 4 Court for the Northern District of California. This declaration is based on personal
- 5 knowledge of the matters set forth herein.
- 6 2. I am attorney of record for David Trinh in the instant matter.
- 7 3. In accordance with Local Rule 54-5(b)(1), I have met and conferred with opposing
- 8 counsel via telephone prior to filing the instant motion, though the parties were unable to
- 9 agree on acceptable terms.

10 **Attorney’s Fees, Costs, and Basis of Calculation**

- 11 4. I graduated *cum laude* from Tulane Law School in May, 2007.
- 12 5. I passed the July 2007 New York Bar Examination and was admitted to practice in July,
- 13 2008.
- 14 6. I previously worked for the law firm of Stern & Montana, LLP from approximately May,
- 15 2008 until September 2010 as a litigation associate.
- 16 7. While working at Stern & Montana, I took and passed the July, 2010 California Bar
- 17 Exam, and was admitted to practice in this state in January, 2011.
- 18 8. I have represented a large number of defendants and putative “Doe” defendants accused
- 19 of similar BitTorrent copyright infringement, including successfully defending a number
- 20 of individuals who have been sued by AF Holdings during its litigation campaign.
- 21 9. I represented Mr. Trinh at a discounted rate in this action, as I have done with a number
- 22 of innocent BitTorrent defendants in similar circumstances. I have offered these
- 23 discounted rates based on my particular distaste for the “cost of defense” settlement angle
- 24 embodied in these types of suits, and the otherwise hopeless situation that an innocent
- 25 defendant faces when pursued in these actions.
- 26 10. For the purposes of calculating attorneys fees in this action, I have therefore determined a
- 27 reasonable hourly rate for my services in this district, as further described below.
- 28

1 11. This court's November 9, 2012, Order Requiring an Undertaking determined that my  
2 "proposed hourly rate, of \$250/hour is reasonable," based on the same sources relied  
3 upon below. See ECF No. 24. As such, I have selected \$250/hour as the reasonable  
4 hourly rate for this matter.

5 12. To determine a reasonable hourly rate for this matter, I previously consulted two primary  
6 sources - the "Laffey Matrix" issued by the United State Department of Justice and a  
7 recent survey of hourly billing rates published by the San Francisco Daily Journal.

8 13. A copy of the Laffey Matrix is annexed to Defendant's Motion as Exhibit K, and can be  
9 accessed from the United States Justice Department website at:  
10 [http://www.justice.gov/usao/dc/divisions/Laffey\\_Matrix\\_2003-2013.pdf](http://www.justice.gov/usao/dc/divisions/Laffey_Matrix_2003-2013.pdf)

11 14. According to the Laffey Matrix, an attorney with 4-7 years of experience should be  
12 entitled to a reasonable hourly rate of **\$290/hour** in 2012-2013.

13 15. According to the August 10, 2012 edition of the San Francisco Daily Journal, a  
14 reasonable hourly rate for attorneys in the San Francisco Bay Area is significantly higher  
15 than the rate suggested by the Laffey Matrix. According to this survey, the 2012 average  
16 billing rate in the San Francisco market was **\$482/hour** for an associate, up from \$449 in  
17 2011. A copy of the chart summarizing billing rates is annexed hereto as Exhibit L.

18 16. In light of the foregoing, I have adopted a reasonable hourly rate for services in this  
19 matter of \$250/hour.

20 17. Up to and including the instant motion and supporting declarations, I have reasonably  
21 expended 33.7 hours in defense of this action. These hours are broken down more fully  
22 on Exhibit M to Defendant's motion, which is hereby incorporated by reference.

23 18. As such, the total value of reasonable attorney fees accrued is \$8425.00

24 Other Relevant Facts

25 19. The deposition excerpts attached to defendant's motion as Exhibit E are true and correct  
26 copies of the relevant deposition transcript received from California Deposition  
27 Reporters, including a true and correct copy of the Certificate of Reporter.  
28

1 20. I personally attended the March 11, 2013 Order to Show Cause hearing described in  
2 Defendant's Motion as co-counsel for the putative "Doe" defendant.

3 21. At the March 11<sup>th</sup> hearing, Alan Cooper was called to testify and specifically denied  
4 executing the assignment that forms the basis of the instant action

5  
6 **I declare under penalty of perjury under the laws of the State of California that the**  
7 **foregoing is true and correct. This declaration is executed on this 22<sup>nd</sup> day of March, 2013,**  
8 **in Boulder Creek, California.**

9  
10  
11     /S/ Nicholas Ranallo \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of March, 2013, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system and served on all of those parties receiving notification through the CM/ECF system.

By:     /s/Nicholas Ranallo  
Nicholas Ranallo