

---

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ATLANTIC RECORDING )  
CORPORATION, a Delaware )  
corporation; BMG MUSIC, a New York )  
general partnership; VIRGIN RECORDS )  
AMERICA, INC., a California )  
corporation; CAPITOL RECORDS, )  
INC., a Delaware corporation; SONY )  
BMG MUSIC ENTERTAINMENT, a )  
Delaware general partnership; and UMG )  
RECORDINGS, INC., a Delaware )  
corporation, )  
  
Plaintiffs, )  
  
v. )  
  
JENNA RALEIGH, )  
  
Defendant. )

Case No. 4:06-cv-01708-CEJ

---

**DECLARATION OF JOHN D. RYAN IN SUPPORT OF PLAINTIFFS' VERIFIED  
STATEMENT OF EXPENSES**

---

John D. Ryan, under penalty of perjury, hereby declares and states:

(a) I am an attorney at law with the law firm of Lathrop & Gage, L.C. ("Lathrop & Gage"). I am the local counsel of Plaintiffs in regards to this case. I make the statements in this declaration based upon my personal knowledge and I am competent to testify regarding any matters set forth herein.

(b) I reviewed, commented on, and filed the Motion to Compel (Plaintiffs' Motion, Doc. No. 53) that the Court granted in its December 15, 2008 Order (Doc. No. 59.).

(c) Below is a chart reflecting hours worked and amounts billed in connection with reviewing and filing Plaintiffs' Motion. I performed the work designated under attorney "JDR."

Date	Atty	Description	Hours	Amount
11/21/08	SRC	Draft Rule 37 Letter regarding Defendant's incomplete discovery responses.	1.0	\$235.00

11/24/08	SRC	Conference with EBurton regarding Motion to Compel and discovery responses; research 8 <sup>th</sup> Circuit law on discovery obligations and draft Motion to Compel.	4.0	\$940.00
11/25/08	SRC	Revise Motion to Compel and prepare for filing.	1.5	\$352.50
11/25/08	JDR	E-mail with S. Cross regarding Motion to Compel and call to J. Andres and B. Schneider regarding good faith resolution of same; review Motion to Compel and file same with MOED.	2.0	\$692.55
12/08/08	SRC	Review Defendant's Response to Plaintiffs' Motion to Compel.	.2	\$47.00
12/09/08	SRC	Research case law re Rule 37 and discovery obligations; draft Reply in Support of Plaintiffs' Motion to Compel.	4.75	\$1116.25
12/10/08	SRC	Continue research and continue drafting Reply in Support of Motion to Compel.	2.0	\$470.00
		TOTAL	15.45	\$3,853.30

(d) As reflected in the foregoing chart, the amount of attorney time billed in relation to Plaintiffs' Motion to Compel is \$3,853.30. I was responsible for \$692.55 worth of that time.<sup>1</sup> All of such time represents the necessary and reasonable efforts of Lathrop & Gage on behalf of Plaintiffs in connection with moving the Court to compel the discovery at issue. The hours recorded were actually expended on the topics stated in the foregoing chart. Moreover, the time reflected under JDR in the foregoing chart was billed at Lathrop & Gage's customary hourly rates, and, to the best of my knowledge, information, and belief, these rates are consistent with the rates charged by other attorneys of like experience for matters of this type. The hours expended and rates claimed are reasonable.

(e) I am an associate in Lathrop & Gage's business litigation department. I have been in practice for over five years and have significant experience as local counsel representing Plaintiffs and their affiliated companies in copyright infringement cases. My billing rate in November/December 2008 was set at \$346.28 per hour.

---

<sup>1</sup> The remainder of the time (under SRC) was recorded by Shane R. Cross and addressed in his declaration.

(f) Based on the foregoing, the total amount of reasonable fees and costs incurred by Plaintiffs in connection with filing their Motion to Compel, and for which Plaintiffs are requesting payment from Defendant, is \$3,853.30.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Dated this 29th day of December 2008.

  
\_\_\_\_\_  
John D. Ryan