

1 JAMES P. BENNETT (CA SBN 65179)
 JBennett@mofo.com
 2 STACEY M. SPRENKEL (CA SBN 241689)
 SSprenkel@mofo.com
 3 BEN PATTERSON (CA SBN 268696)
 BPatterson@mofo.com
 4 MORRISON & FOERSTER LLP
 425 Market Street
 5 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 6 Facsimile: 415.268.7522

7 Attorneys for Plaintiffs
 Vietnam Veterans of America; Swords to
 8 Plowshares; Veterans Rights Organization;
 Bruce Price; Franklin D. Rochelle;
 9 Eric P. Muth; David C. Dufrane; Tim Michael
 Josephs; and William Blazinski

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

14 VIETNAM VETERANS OF AMERICA *et al.*,
 15
 16 Plaintiffs,
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 18 v.
 19 CENTRAL INTELLIGENCE AGENCY *et al.*,
 20
 21 Defendants.

Case No. CV 09-0037-CW

**DECLARATION OF
 STACEY M. SPRENKEL IN
 SUPPORT OF MOTION FOR
 ATTORNEYS' FEES AND
 EXPENSES**

Complaint filed January 7, 2009

1 I, Stacey M. Sprenkel, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am admitted
3 to practice before this Court. I am a partner with the law firm of Morrison & Foerster LLP,
4 counsel of record for Vietnam Veterans of America, Swords to Plowshares: Veterans Rights
5 Organization, Bruce Price, Franklin D. Rochelle, Eric P. Muth, David C. Dufrane, Tim Michael
6 Josephs, and William Blazinski (“Plaintiffs”) in this action. I submit this Declaration in Support
7 of Plaintiffs’ Motion for Attorneys’ Fees and Expenses. I make this Declaration based on my
8 personal knowledge and my discussions with support staff working under my direction. If called
9 as a witness, I would testify to the facts set forth below.

10 2. By this motion, Plaintiffs seek attorney’s fees of \$3,679,003.50 and costs of
11 \$836,864.71 pursuant to the Equal Access of Justice Act (“EAJA”) for their successful
12 prosecution of this action on behalf of the class certified by the Court on September 30, 2012.
13 The \$4,515,868.71 in fees and costs sought by the motion are based upon a part of the actual
14 hours spent by Morrison & Foerster attorneys, with rates substantially adjusted to comply with
15 the fee cap limitations of the EAJA. Fees and costs in the stated amount have been reasonably
16 incurred by class counsel, Morrison & Foerster, in the prosecution of the action. In fact, the
17 actual fees reasonably incurred by Morrison & Foerster substantially exceed that amount.

18 3. Per 28 U.S.C. § 2412(d)(1)(B), this Declaration and attached exhibits serve as an
19 itemized statement of the actual time expended and the rate at which fees and other expenses
20 were computed, as requested in Plaintiffs’ Motion. Attached as Exhibit A is a spreadsheet
21 containing a true and correct extract from Morrison & Foerster’s billing software, which includes
22 verbatim time entries as contemporaneously recorded by attorneys and paralegals working on this
23 matter. The spreadsheet identifies the billing timekeeper in detailed time records, which were
24 compiled regularly by attorneys and paralegals who worked on this case, and it identifies the
25 subject matter of the time expenditures. The time records provided in support of this application
26 establish that Plaintiffs’ counsel expended a reasonable amount of time in prosecuting this case.
27 In the same manner that Morrison & Foerster would generate a client bill, for Plaintiffs’ Motion,
28 Exhibit A includes time note entries detailing the tasks completed, accurately reflecting the time

1 recorded, and identifying the attorney or paralegal who undertook the task and the applicable
2 billing rate that is being sought in this Fees Motion. When more than 12 hours were recorded in
3 an entry, the hours being sought for recovery were capped at 12 hours daily. The standard billing
4 rates for the timekeepers, as we would charge a client, are also included in Exhibit A. For privacy
5 concerns, Plaintiffs have redacted the names of absent class members who are not identified in
6 the public record, but whose names appear in time note entries.

7 4. Exhibit A does not include all time recorded on this matter by Morrison & Foerster
8 employees. Based on applicable billing rates utilized by the firm, the total fees and costs incurred
9 if billed to a client for the total number of hours expended on this matter would total in excess of
10 \$20 million.

11 5. As reflected in Exhibit A, if the standard billing rate for each attorney and
12 paralegal were applied for the work hours being sought, the fees amount would be \$8,262,600.00.
13 Based on applying the EAJA Ninth Circuit statutory hourly rates for all but Mr. Erspamer, and
14 using Mr. Erspamer's standard rate, the total fees amount being requested is \$3,679,003.50. For
15 simplicity, the rates utilized for all but Mr. Erspamer are the applicable statutory rates rounded
16 down to the nearest dollar. All of counsel's hours being sought for recovery were spent on
17 appropriate and necessary activities.

18 6. As reflected in Exhibit A, the tasks for which recovery is sought relate to
19 Plaintiffs' successful notice and medical care claims (e.g., opposing motions to dismiss, summary
20 judgment, appeal, plaintiff depositions, and expert discovery and depositions), and Plaintiffs
21 intend to omit time spent on certain other tasks, such as litigating numerous discovery disputes,
22 obtaining discovery from defendants who were ultimately dismissed (CIA and VA), non-working
23 travel time, and answering questions from numerous class members. The key events included
24 generally fall into the following categories: preparing and filing the complaint and four amended
25 complaints; opposing the Army's serial motions to dismiss the case; defending the depositions of
26 eight named individual Plaintiffs and representatives of the two organizational Plaintiffs; taking
27 discovery related to the conducting of the testing programs; taking the three-day deposition of the
28 Army's Rule 30(b)(6) designee; drafting requests for admission that were ultimately used on

1 summary judgment; reviewing voluminous documents; successfully moving for class
2 certification; working with several experts to prepare for trial, defending those experts'
3 depositions, and taking the Army's experts' depositions; moving for and opposing summary
4 judgment; successfully appealing to the Ninth Circuit and defending against a cross-appeal by the
5 Army; attempting to negotiate the medical care injunction and a potential settlement; and
6 preparing this fee motion.

7 7. This case was factually and technically complex, requiring familiarity with, among
8 other things, lengthy Army regulations, and the evolution and history surrounding those
9 regulations over a period of decades. A large number of factual and scientific issues were
10 explored, through document review and with the assistance of experts, relating to the testing
11 programs and the chemical and biological agents to which the Plaintiff class members were
12 exposed.

13 8. The parties also engaged in extensive discovery during the course of the litigation.
14 The parties produced approximately 1.8 million pages of documents during the litigation.
15 Because some of this discovery was related to claims against the CIA and VA, Plaintiffs intend to
16 exclude those hours from this application. Plaintiffs endeavored to limit discovery tasks time
17 sought to (1) the depositions of named Plaintiffs, (2) the deposition of the Army's Rule 30(b)(6)
18 designee Michael Kilpatrick, (3) the limited time spent drafting two sets of requests for
19 admission, (4) document review, and (5) expert related time, such as deposing the Army's experts
20 or defending expert depositions.

21 9. Numerous attorneys and paralegals worked on this pro bono matter over the course
22 of eight years. Including support staff, librarians, and e-discovery specialists, a total of 204
23 timekeepers recorded time on this matter. During the course of extended litigation such as this,
24 there is inevitably turnover in the staffing of a case. In recognition of that fact and as a matter of
25 billing judgment, I have excluded a significant number of timekeepers who worked on the matter
26 only briefly, including summer associates. For purposes of this Motion, only certain core
27 timekeepers' hours are being sought for recovery. The 19 core attorney timekeepers included
28 here are as follows: Gordon Erspamer, Eugene Illovsky, Tim Blakely, James Bennett, A.C.

1 Johnston, Charles Patterson, Peter Stern, Andrew Mulbach, Ben Patterson, Mike Kryston, Jed
2 Rich, Grant Schrader, Adam Shapiro, Daniel Vecchio, James Hancock, Dr. Marc Sharp, Dr. Jae
3 Hong Lee, Dr. Katharine McElhone, and me. Exhibit A includes the time note entries for these
4 core timekeepers and details some of the projects and tasks they worked on in furtherance of this
5 litigation.

6 10. All of the attorneys for whom fees are sought were at all relevant times partners,
7 counsel, or associates with the law firm of Morrison & Foerster and members in good standing of
8 the California bar.

9 11. I am a partner, the head of the Litigation Department in Morrison & Foerster's
10 San Francisco office, and a member of the firm's global anti-corruption and compliance team.
11 I played an active role in the prosecution of this case from its inception in 2008. I successfully
12 argued the Plaintiffs' Motion for Class Certification in April 2012. My practice has included
13 extensive work on behalf of veterans, including being a member of the trial team in *Veterans for*
14 *Common Sense v. Shinseki*, an action brought on behalf of veterans with post-traumatic stress
15 disorder against the Department of Veterans Affairs for failure to provide statutorily mandated
16 benefits and health care to returning troops. I was named among the Top Five Associates to
17 Watch in California in 2013 by the *Daily Journal*, as part of the publication's annual 20 Under 40
18 list highlighting California's emerging legal leaders. I received my J.D. from Columbia Law
19 School in 2005, where I served as the Editor-in-Chief of the *Columbia Journal of European Law*.

20 12. Gordon Erspamer was a partner at the firm. Before his passing in November 2014,
21 he was a renowned litigation attorney and a determined crusader on behalf of veterans. I worked
22 with Mr. Erspamer on various matters, including the trial and appeal in *Veterans for Common*
23 *Sense v. Shinseki*, where Mr. Erspamer was lead counsel for two veterans' organizations in an
24 action challenging DVA's failures to provide timely mental health care and disability
25 compensation determinations for veterans. Starting in the 1980s, Mr. Erspamer dedicated a
26 substantial portion of his career to helping veterans and veterans' organizations in pro bono cases.
27 Over three decades, he became uniquely familiar with the relevant statutes, regulations, and
28

1 agencies relevant in this litigation. Mr. Erspamer graduated from the University of Michigan
2 Law School.

3 13. Attached hereto as Exhibit B is a true and correct copy of an article from
4 *The American Lawyer*, dated September 2011, titled “Lifetime Achievers,” profiling attorney
5 Gordon Erspamer for a lifetime achievement award.

6 14. For Mr. Erspamer, Plaintiffs are requesting his standard billing rate of \$725 in
7 years 2008-2010, \$750 in 2011, and \$795 in 2012. These rates requested for Mr. Erspamer were
8 his usual billing rates and are the same rates we charged private clients for legal services during
9 the relevant time period.

10 15. Eugene Illovsky was a partner at the firm and previously served as Managing
11 Partner of the firm’s Walnut Creek office. Mr. Illovsky’s practice focused on white-collar
12 defense, corporate internal investigations, corporate compliance and complex litigation. He has
13 had several jury and bench trials and has argued more than a dozen cases before the U.S. Court of
14 Appeals. Prior to joining the firm, Mr. Illovsky previously served as an Assistant United States
15 Attorney for the Eastern District of California for six years. He received his J.D. from Yale Law
16 School, where he was an Editor of the *Yale Law Journal*, and his A.B. from Amherst College,
17 where he was elected to Phi Beta Kappa.

18 16. Tim Blakely is head of Morrison & Foerster’s Hong Kong Litigation Department
19 and a partner in the firm’s Securities Litigation, Enforcement, and White-Collar Criminal Defense
20 practice group. He previously practiced in the firm’s San Francisco office. His practice focuses
21 on government and internal investigations and complex commercial litigation and arbitration
22 matters. Prior to joining Morrison & Foerster, Mr. Blakely was an associate with Cravath,
23 Swaine & Moore LLP in New York. Mr. Blakely graduated, *magna cum laude*, from Bowdoin
24 College in 1996, and he received his J.D., *magna cum laude*, in 2001 from the University of
25 Pennsylvania, where he served as Senior Editor of the Law Review and was elected to the Order
26 of the Coif. Mr. Blakely served as a law clerk to the Honorable Mary A. McLaughlin in the
27 United States District Court for the Eastern District of Pennsylvania.

1 17. James Bennett is a partner in the firm's San Francisco office and is a trial lawyer
2 with more than 40 years of experience. He is a fellow of the American College of Trial Lawyers
3 and an associate member of The American Board of Trial Advocates. He has first-chaired over
4 30 complex commercial jury trials. Mr. Bennett served as firmwide Chair of the Litigation
5 Department from 1999 to 2003. He is the recipient of the *California Lawyer* 2008 Attorney of
6 the Year Award. During law school, Mr. Bennett was a member of the editorial staff of the
7 *Hastings Law Journal* and was elected to Order of the Coif.

8 18. A.C. Johnston was a partner in the firm's Intellectual Property Group. A trial
9 lawyer with more than 40 years of experience, Mr. Johnston focused his practice on disputes
10 involving patent infringement, theft of trade secrets, and technology licensing. Mr. Johnston was
11 one of the founders and served as managing partner of the firm's Washington, D.C. and Palo Alto
12 offices. He received his J.D. from Harvard Law School in 1975.

13 19. Charles Patterson is a senior of counsel at the firm. He is a trial lawyer with more
14 than 40 years of experience in complex commercial litigation and a wide variety of other civil and
15 criminal cases. He has tried more than 115 cases to a verdict before a jury and more than 30
16 cases to the court. Mr. Patterson is a Fellow of the American College of Trial Lawyers, a
17 Diplomate of the American Board of Trial Advocates, a Fellow of the International Society of
18 Barristers, and a Fellow of the American Bar Foundation. He graduated from the University of
19 Michigan Law School in 1966. Mr. Patterson then went on to serve as an officer in the United
20 States Marine Corps from 1966-1969.

21 20. Peter Stern was a partner at the firm, who focused on general commercial litigation
22 with an emphasis on intellectual property litigation and counseling, particularly in the areas of
23 patent and copyright. Mr. Stern received his B.A., Phi Beta Kappa and *summa cum laude*, from
24 Amherst College in 1985, and his M.A. in History from the University of California, Berkeley, in
25 1988. He received his J.D. from the University of California, Berkeley, Boalt Hall School of
26 Law, in 1992, where he was Articles Editor of the *California Law Review*.

27 21. Andrew Mulbach was a partner at the firm, and his practice focused on the defense
28 of consumer class actions and product defect litigation. Mr. Muhlbach also has general

1 commercial litigation experience encompassing complex actions in the fields of business torts,
2 breach of contract, inverse condemnation, and government tort claims. He received his B.S.
3 degree in Metallurgical and Materials Engineering from Colorado School of Mines in 1991, with
4 high honors and Tau Beta Pi. He received his J.D. degree from Georgetown University Law
5 Center in 1994, *cum laude*, where he served as a member of the *Georgetown International*
6 *Environmental Law Review*.

7 22. Ben Patterson is an associate at the firm, with a broad-based litigation practice,
8 focusing on financial services, consumer class action, and commercial litigation. He has
9 experience drafting and arguing motions and appeals in federal courts, and has handled numerous
10 depositions. Prior to joining the firm, Mr. Patterson clerked for the Honorable Kathleen M.
11 O'Malley on the United States District Court for the Northern District of Ohio. He graduated
12 *cum laude* from the University of Michigan Law School in 2009, and received his B.A. *summa*
13 *cum laude* in economics and political science from Otterbein College in 2006.

14 23. Mike Kryston was an associate in Morrison & Foerster's Palo Alto office, where
15 his practice focused primarily on securities and intellectual property litigation. He received a
16 BSE in Electrical Engineering and MBA from the University of Michigan, and his J.D. from
17 Santa Clara University of Law, earning a High Technology Law Certificate.

18 24. Jed Rich was a litigation associate in Morrison & Foerster's San Francisco office.
19 He graduated from Stanford University with a B.A. in International Relations and honors in
20 Ethics in Society. Mr. Rich received his J.D. from Stanford Law School. While in law school, he
21 served as an anti-"Predatory Lending" Fellow at Community Legal Services in East Palo Alto,
22 and as a legal assistant with the U.S. House of Representatives Committee on Foreign Affairs.

23 25. Grant Schrader was an associate in the firm's Litigation Department.
24 Mr. Schrader received his J.D. from the University of California, Berkeley School of Law (Boalt
25 Hall). He served as a judicial extern for the Honorable Carlos T. Bea of the U.S. Court of
26 Appeals for the Ninth Circuit and interned as a law clerk at the Alameda County District
27 Attorney's office. Mr. Schrader graduated, *cum laude*, from the University of California,
28 San Diego with a B.S. in psychology and a minor in law and society.

1 26. Adam Shapiro was a litigation associate in the San Francisco office of the firm.
2 He received his J.D. from Stanford University in May 2009, where he served as a Lead Article
3 Editor on the *Stanford Environmental Law Journal*. He received his Master's in Public Policy
4 from Harvard University's John F. Kennedy School of Government and his B.A. in History and
5 Political Science, *summa cum laude*, from the University of Rochester. Prior to attending law
6 school, Mr. Shapiro worked as a management consultant in the Global Public Sector division of
7 Grant Thornton, LLP and as a policy analyst at the U.S. Government Accountability Office.

8 27. Daniel Vecchio was an associate in Morrison & Foerster's San Francisco office.
9 Mr. Vecchio had a broad-based litigation practice that included securities class action defense and
10 internal investigations. He received his J.D. from the University of California, Davis School of
11 Law, where he was elected to the Order of the Coif. While at Davis, he served as articles editor
12 for *The UC Davis Law Review*. He received his B.A. in philosophy from the University of
13 Oregon.

14 28. James Hancock is an associate in the Litigation Department in Morrison &
15 Foerster's Palo Alto office. Mr. Hancock received his J.D. *cum laude* from the Georgetown
16 University Law Center. During law school, Mr. Hancock served as a legal intern for the House
17 Judiciary Committee and a judicial extern for the Honorable James A. Teilborg in the U.S.
18 District Court of Arizona. He received his B.A. in Political Science from Stanford University.

19 29. Dr. Marc Sharp was an associate at the firm, and his practice focused primarily on
20 patent litigation, with an emphasis on the life sciences. Dr. Sharp has published original scientific
21 works and reviews in journals that include *Journal of Bacteriology*, *Science*, *EMBO*, *Proceedings*
22 *of the National Academy of Science*, and *Molecular Microbiology*. He received his J.D. from the
23 University of California, Berkeley in 2005. While attending law school, he was senior articles
24 editor of the *Berkeley Technology Law Journal*. After completing law school, he clerked for
25 Senior District Judge Rudi M. Brewster in the Southern District of California. Dr. Sharp received
26 his Ph.D. in biology for research in microbiology from the University of California, San Diego in
27 2002, where he received the Ray Thomas Edwards Foundation Award. He received his
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1 bachelor's degree in biology with high distinction and departmental honors from Harvey Mudd
2 College.

3 30. Dr. Jae Hong Lee was an associate at the firm. He is a physician and has
4 represented clients in the pharmaceutical, medical device, nutritional supplement, and aviation
5 industries in a broad range of matters, including product liability litigation, patent litigation, FDA
6 regulatory issues, advertising disputes, patent prosecution, and patent interference. Dr. Lee
7 received his J.D. from the University of California, Berkeley School of Law in 2005. He has
8 published articles in peer-reviewed medical, scientific, and law journals, as well as *The Baltimore*
9 *Sun*. Dr. Lee received his M.P.H. with a concentration in quantitative methods in 2001 from the
10 Harvard School of Public Health. He received his M.D. in 1993 from the University of
11 Pennsylvania School of Medicine. Dr. Lee received his B.A. in biophysics in 1987 from The
12 Johns Hopkins University where he graduated with departmental honors.

13 31. Dr. Kate McElhone was an associate at the firm, and her practice focused on the
14 preparation and prosecution of U.S. and international patent applications in the areas of
15 pharmaceuticals, animal health, agrochemicals, and biotechnology. Prior to joining Morrison &
16 Foerster, Dr. McElhone served as a law clerk to the Honorable Jeffrey T. Miller of the United
17 States District Court for the Southern District of California. She received her J.D., *magna cum*
18 *laude*, from the University of San Diego School of Law in 2008. Before law school,
19 Dr. McElhone performed medicinal chemist research at Bristol-Myers Squibb, targeting
20 therapeutics for Alzheimer's Disease, depression, and psoriasis. She received her A.B. in
21 Chemistry from Duke University and a Ph.D. in Organic Chemistry from the University of
22 California, Berkeley.

23 32. With respect to paralegal time being sought for recovery, all of the hours included
24 were spent on appropriate and necessary activities in the various stages of litigation, including,
25 for example, handling document productions and the record; preparing documents for filing;
26 assisting with depositions; and preparing for hearings and Court-ordered conferences. As
27 reflected in Exhibit A, the requested hourly rates for the paralegals are capped at the EAJA
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1 statutory rates, rounded down to the nearest dollar. The standard billing rates for the paralegals,
2 as we would charge a client, are also included in Exhibit A.

3 33. Plaintiffs have omitted time billed by several paralegals who did not bill
4 significant time on the case. The six core paralegal timekeepers included here are as follows:
5 Jennifer Dwight, Mary Howell, Doug Loi, Victor Tobar, Anne LePore, and Gary Stenger.

6 34. Gary Stenger and Anne LePore are both senior paralegals at the firm in the
7 litigation department, and Jennifer Dwight and Mary Howell were senior paralegals in the
8 litigation department. All four have extensive experience over many years assisting in complex
9 litigation matters, including with discovery, court filings, and case support. Doug Loi and Victor
10 Tobar were both litigation paralegals at the firm, with experience assisting in complex litigation
11 matters, including with deposition preparation and court filings.

12 35. Pursuant to Local Rule 54-5, the parties met and conferred for the purpose of
13 attempting to resolve any disputes with respect to this motion. Per the Army's counsel's request,
14 Plaintiffs provided the Army with certain time records and a fees demand on June 1, 2017. The
15 parties had a further meet and confer by telephone conference on June 30, 2017. As set forth in
16 the Stipulation filed with the Court on July 12, 2017, the parties are continuing to explore the
17 potential for the resolution of this motion. (ECF No. 601.)

18 36. Plaintiffs' disclosed experts opined concerning, *inter alia*, the potential health
19 effects of chemical and biological substances used during the testing program and the problem of
20 PTSD resulting from testing participation. In response to Plaintiffs' disclosed expert reports, the
21 government disclosed six experts of their own. Plaintiffs deposed these experts.

22 37. Attached hereto as Exhibit C is a true and correct copy of a letter from Defendants'
23 counsel Joshua E. Gardner to Gordon Erspamer, dated November 14, 2012. This letter lists
24 Defendants' experts and their billing rates. Defendants' disclosed experts were Dr. Noel Brewer,
25 Dr. Harold Bursztajn, Dr. David Garabrant, Dr. David Smith, Dr. Kenneth Chase, and
26 Dr. John Whysner.

27 38. Attached hereto as Exhibit D is a true and correct copy of Plaintiffs' Disclosure of
28 Expert Witnesses, dated August 7, 2012, which was served on Defendants. These Disclosures

1 generally identify Plaintiffs' experts, their subject matter expertise, and provide a description of
2 issues each expert witness was expected to address.

3 39. Attached hereto as Exhibit E is a true and correct copy of the Curriculum Vitae for
4 Una D. McCann, M.D., which was attached as an exhibit to her expert report, served on
5 Defendants, dated August 7, 2012.

6 40. Attached hereto as Exhibit F is a true and correct copy of the Curriculum Vitae for
7 Steven B. Bird, M.D., which was attached as an exhibit to his expert report, served on
8 Defendants, dated August 7, 2012. For privacy concerns, some personal information has been
9 redacted from Dr. Bird's Curriculum Vitae.

10 41. Attached hereto as Exhibit G is a true and correct copy of the Curriculum Vitae for
11 Sonya S. Kwon, M.B.A., which was attached as an exhibit to her expert report, served on
12 Defendants, dated August 7, 2012.

13 42. Attached hereto as Exhibit H is a true and correct copy of the Curriculum Vitae for
14 Daniel E. Ford, M.D., M.P.H., which was attached as an exhibit to his expert report, served on
15 Defendants, dated August 8, 2012. For privacy concerns, some personal information has been
16 redacted from Dr. Ford's Curriculum Vitae.

17 43. Attached hereto as Exhibit I is a true and correct copy of the Curriculum Vitae for
18 Ronald Alan Greenfield, M.D., M.S., F.A.C.P., F.I.D.S.A., which was attached as an exhibit to
19 his expert report, served on Defendants, dated August 8, 2012. For privacy concerns, some
20 personal information has been redacted from Dr. Greenfield's Curriculum Vitae.

21 44. Attached hereto as Exhibit J is a true and correct copy of the Curriculum Vitae for
22 Jeffrey D. Laskin, Ph.D., which was attached as an exhibit to his expert report, served on
23 Defendants, dated August 7, 2012.

24 45. Filed herewith is a Bill of Costs with supporting documentation as exhibits. The
25 costs included on the Bill of Costs are correctly stated, were reasonable and necessarily incurred
26 in pursuit of the outcome achieved in this litigation, and are allowable by law. Appropriate
27 documentation to support each item claimed is attached as an exhibit to the Bill of Costs filing.
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Attestation Pursuant to Local Rule 5-1(i)(3)

I hereby attest that Stacey M. Sprenkel concurs in the filing of this Declaration as indicated by a “conformed” signature (/S/) within this e-filed document.

/s/James P. Bennett
James P. Bennett