

1 Thomas R. Burke (CA State Bar No. 141930)
DAVIS WRIGHT TREMAINE LLP
2 505 Montgomery Street, Suite 800
San Francisco, California 94111
3 Telephone: (415) 276-6500
Facsimile: (415) 276-6599
4 Email: thomasburke@dwt.com

5 Matt Zimmerman (CA State Bar No. 212423)
ELECTRONIC FRONTIER FOUNDATION
6 454 Shotwell Street
San Francisco, CA 94110
7 Telephone: (415) 436-9333
8 Facsimile: (415) 436-9993
Email: mattz@eff.org
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10 Attorneys for Defendants Council on American-Islamic
Relations, Inc., Council on American Islamic Relations
11 Action Network, Inc., and Council on American Islamic
Relations of Santa Clara, Inc.
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DAVIS WRIGHT TREMAINE LLP

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14 IN THE UNITED STATES DISTRICT COURT
15 THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 MICHAEL SAVAGE,
18 Plaintiff,

19 v.

20 COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, INC., COUNCIL ON
AMERICAN ISLAMIC RELATIONS ACTION)
21 NETWORK, INC., COUNCIL ON AMERICAN)
ISLAMIC RELATIONS OF SANTA CLARA,)
22 INC., and DOES 3-100,)
23 Defendants.)

) Case No. CV07-06076 SI

) **DECLARATION OF CORYNNE**
) **MCSHERRY IN SUPPORT OF MOTION**
) **FOR AWARD OF ATTORNEYS' FEES**
) **AND COSTS**

) Date: October 3, 2008

) Time: 9:00 a.m.

) Honorable Susan Illston

DAVIS WRIGHT TREMAINE LLP

1 1. I am an attorney for the Defendants in this matter and a member in good standing
2 of the California State Bar, and am admitted to practice before this Court. I have personal
3 knowledge of the matters stated in this declaration. If called upon to do so, I am competent to
4 testify to all matters set forth herein.

5 2. I have been a staff attorney at EFF since 2005. I hold a J.D. from Stanford Law
6 School and a M.A. and Ph.D from the University of California, San Diego.

7 3. Prior to joining EFF, I was a litigator with Bingham McCutchen, LLP (2002-2005).
8 I have published widely on intellectual property issues, including book on intellectual property
9 and academic freedom (*Who Owns Academic Work? Battling for Intellectual Property*, Harvard
10 University Press, 2001).

11 4. At EFF, I specialize in intellectual property litigation and have served as counsel to
12 plaintiffs and defendants in numerous copyright fair use cases, including *Lenz v. Universal*, N.D.
13 Cal Case No. C 07-03783-MEJ and *Doe v. Geller et al*, N.D. Case No. 3:07-CV-02478-VRW.
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15 5. My 2007 hourly rate, which is the hourly rate for purposes of this matter, is \$350
16 per hour.

17 6. My rates are well within the prevailing hourly rates in the San Francisco Bay Area
18 for lawyers of comparable education, expertise, and experience who handle matters of the type
19 involved in this litigation.
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21 7. EFF has been paid its attorneys' fees at its prevailing hourly rates in other cases.
22 Courts have found EFF's rates to be reasonable in several recent cases. In *Elec. Frontier*
23 *Foundation v. Office of the Director of National Intelligence*, No. 07-05278 SI, 2008 U.S. Dist.
24 LEXIS 44050 (N.D. Cal. June 4, 2008), for example, this Court found EFF's 2007 hourly rates to
25 be reasonable. In *Apple v. Does* (Santa Clara Superior Ct., Case No. 1-04-CV-032178), EFF was
26 awarded attorneys' fees in accordance with their lawyers' 2006 and 2007 rates. *Id.* In *OPG v.*
27 *Diebold*, 337 F. Supp. 2d 1195 (N.D. Cal. 2004), EFF attorneys were paid fees after a summary
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