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9 Attorney for Non-Party Subpoena Targets

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 AF HOLDINGS, L.L.C., a St. Kitts and
14 Nevis limited liability company,

Case No.: 2:12-cv-02144-PHX – GMS

15 Plaintiff,

**DECLARATION IN SUPPORT OF
APPLICATION FOR ATTORNEYS'
FEES AND COSTS**

16 v.

17 DAVID HARRIS,

18 Defendant.

19
20 STATE OF ARIZONA)
21 County of Maricopa) ss.

22 I, Paul D. Ticen, being first duly sworn upon oath, depose and state as follows:

23 1. I was first admitted to the practice of law in Arizona in October 2006.

24 2. I obtained my law degree from University of the Pacific – McGeorge
25 School of Law in 2006.

26 3. I am an attorney and of counsel with the law firm Kelly / Warner, PLLC,
27 and I have practiced primarily in litigation for approximately 6 years, with the last 2-3 in
28 specialized areas such as copyright, trademark, and Internet related issues such as the
Computer Fraud and Abuse Act.

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1 4. I am the attorney of record for the non-parties and make this Declaration
2 of my own personal knowledge for and on behalf of the non-parties, being duly
3 authorized to do so.

4 5. The non-parties retained me to represent them.

5 6. The non-parties are entitled to recovery of their reasonably incurred
6 attorneys' fees.

7 7. Exhibit C to the Motion reflects a true and accurate copy of the fee
8 agreement that was signed by the non-parties. Their names have been redacted to
9 protect anonymity, and Exhibit C does not contain their signature. If directed by the
10 Court, I will file the signed fee agreements under seal.

11 8. The itemization of services rendered, attached to the Motion for Attorneys'
12 Fees as Exhibit E and incorporated herein by reference, is a true and correct statement of
13 services rendered on behalf of the non-parties in this matter through the present, which
14 has been paid or amounts that are contingent on an attorneys' fees application awarded
15 in their favor.

16 9. The following is a summary of the hours expended by me as reflected in
17 the itemized bills through July 20, 2013:

18 Paul Ticen 52.2 hours at \$250.00 per hour \$13,050

19
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21 See Exhibit E.

22 10. The following is a summary of the hours expended by me in preparation of
23 the Motion through August 2, 2013:

24 Paul Ticen 11.3 hours at \$250.00 per hour \$3,025.00.

25 See Exhibit E.

26 11. In the event Plaintiff responds and objects to an award of attorneys' fees,
27 additional time will be incurred in preparing a Reply thereto.

28 12. At the time the non-parties hired me to represent him, my hourly rate was
\$250 per hour.

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13. I am aware of the fees charged by attorneys with similar experience in this community and it is my professional opinion that the rates charged by me are more than reasonable and that they are generally in accordance with the mid-range charged by other lawyers in this community in general and at the lower-end of the range with respect to intellectual property matters. The allowance of these attorneys' fees would in my opinion, be reasonable as a matter of law.

14. The foregoing is also supported by the accompanying Motion.

15. I declare under penalty of perjury that the foregoing is true and correct.

RESPECTFULLY submitted this 2nd day of August, 2013.

KELLY / WARNER, PLLC

By /s/ Paul D. Ticen
Paul D. Ticen
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Attorney for Non-Party Subpoena Targets

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