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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 CITY AND COUNTY OF SAN FRANCISCO

13 BRUCE DEATON, ET. AL, on Behalf of
14 Themselves and All Others Similarly Situated,

15 Plaintiffs,

16 v.

17 HOTWIRE, INC., and DOES 1 through 100,

18 Defendants.

Case No.: CGC-05- 437631
(Cons. With Nos. CGC 05-437701 and
CGC 05-4387881)

CLASS ACTION

SUPPLEMENTAL DECLARATION OF
JON V. HARPER IN SUPPORT OF
APPLICATION FOR AWARD OF
ATTORNEYS' FEES AND COSTS

Date: October 23, 2009

Time: 10:30 a.m.

Judge: Honorable Richard A. Kramer
Dept.: 304

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21 1. I am a member of the law firm of Anderson & Karrenberg in Salt Lake City, Utah,
22 which is one of the counsel of record for the plaintiff class. I am submitting this supplemental
23 declaration in further support of my firm's application for an award of attorneys' fees in connection
24 with the services rendered in this action and for reimbursement of expenses incurred by my firm in
25 the course of this litigation.

26 2. The billing rates of the attorneys performing work on this matter, identified in
27 paragraph 5 of my original declaration, are reasonable in light of the market in which we perform
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1 legal services. Because my billing rate ranged from \$450 initially to a final rate of \$525 per hour,
2 the average rate for the time I expended was based on an hourly rate of \$489, which is significantly
3 less than lawyers bill on cases of this nature nationally and, based on my experience, is reasonably
4 within the range of what attorneys in the Salt Lake City legal market charge in complex litigation
5 matters of this nature, as are the rates of the other attorneys working on this matter, ranging from
6 \$160 to \$350.

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8 3. As I indicated in my original declaration, I personally have been involved in and
9 supervised all aspects of the legal work performed by this law firm in connection with this work,
10 and I certify to the Court that we did not perform unnecessary or duplicative work or “pad” hours in
11 any respect. Indeed, we coordinated with co-counsel in dividing up the work as much as possible to
12 avoid duplication and perform our work efficiently. By way of example, in preparing filings, one
13 firm typically prepared an initial draft, and the work was then reviewed and edited by co-counsel, as
14 time and schedules permitted. With respect to the review of the voluminous documents produced in
15 this action, counsel specifically assigned portions of the productions to each co-counsel law firm to
16 review and summarize in order to overlap in that regard.

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18 4. With respect to the costs our firm incurred in this action, we seek reimbursement of
19 \$5,952.09, which is comprised of \$34.80 in copying costs (at \$0.20 per page); \$340.43 in mailing
20 costs; \$171.17 in out-of-pocket research costs; \$1,031.20 in court reporter fees; and \$4,374.49 in
21 travel expenses, including five trips from Salt Lake City to San Francisco. All travel was coach
22 class, using public transportation as much as possible to and from the airport, and flying in and out
23 of San Francisco on the same day of a hearing or mediation session, where possible. In the
24 instances where a hotel stay was necessary, I stayed in a standard business-class hotel in San
25 Francisco. I certify that all of these expenses were reasonably and appropriately incurred in
26 prosecution of this case.
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1 5. Since submitting my original declaration, dated September 16, 2009, our firm has
2 expended an additional 12.5 hours working on this case, and I anticipate an additional day of work
3 preparing for, traveling to and attending the final approval hearing. Our firm's revised lodestar is
4 \$377,908.75.

5 I hereby declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct to the best of my knowledge, information and belief.

7 Executed this 10th day of October, 2009, in Salt Lake City, Utah.

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11 JON V. HARPER

12 Additional Class Counsel for Plaintiff:

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