

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DALLAS BUYERS CLUB, LLC,
Plaintiff,

v.

DOE- 174.64.14.54,
Defendant

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case NO.: 16-00112- BAJ-EWD

**DECLARATION OF COUNSEL IN SUPPORT OF APPLICATON FOR ENTRY OF
FINAL JUDGMENT BY DEFAULT**

Pierre V. Miller II, lead counsel and trial attorney for plaintiffs Glacier Films (USA), Inc. and Glacier Films I, LLC (collectively “Glacier”) and plaintiff Dallas Buyers Club, LLC (“DBC”), who declares under penalty of perjury in accordance with 28 U.S.C. § 1746:

1. I am an attorney admitted to practice in Louisiana and before this District Court and I am plaintiffs’ counsel in this matter.

2. All matters in this declaration are submitted through my personal knowledge and belief.

3. The statements of fact in the memorandum submitted herewith are accurate, and said memorandum was prepared by me.

4. I am an attorney at law licensed to practice continuously since October 10, 1986 before the Louisiana Supreme Court and all lower courts of the State of Louisiana. I was admitted to practice before the United States District Court for the Western, Eastern and Middle Districts of Louisiana in 1987. In 1987, I was also admitted to practice before the United States Court of Appeal for the Fifth Circuit. In 1992, I was admitted to practice before the United States Supreme Court.

5. I graduated from Tulane University School of Law with honors in 1986.

6. From September 1986 through August 1987, I served as a judicial law clerk on the staff of the Honorable Earl E. Veron, United States District Judge for the Western District of Louisiana, Lake Charles Division.

7. I was associated with the law firm of Jones, Walker, Waechter, Poitevent, Carrere & Denegre from September 1987 through September 1992 in the General Litigation Section.

8. I was a partner in the law firms of Kiefer & Rudman from September 1992 through March 1995 and Trinchard & Trinchard, P.L.C. from March 1995 through April 1997. I am a founding partner of Patrick Miller L.L.C., formed in April 1997.

9. I have reviewed all billing records, including all time and cost entries, for the captioned matter.

10. The individual contemporaneous time entries and cost itemizations are presented in the attached Exhibit 1 *en globo*. Exhibit 1 *en globo* is a true and correct billing statement showing my hours expended and tasks performed, which comes to 25.6 hours times \$295.00 per hour. Additionally, as shown on Exhibit 1 *en globo*, my paralegal worked .60 hours at \$150.00 per hour, and my partner, Patrick H. Patrick, worked .70 hours at \$295.00 per hour. Total fees sought are \$7,848.50.

11. My hourly rate and that of my partner, Patrick H. Patrick, of \$295.00 and my paralegal's hourly rate of \$150.00 for the work each of us performed in this matter is within the range of or below what others of similar qualifications in this District charge for work of this nature.

12. Also reflected on Exhibit 1 *en globo* is a true and correct statement of the recoverable costs of plaintiff in this matter.


February 20, 2016 – Civil Filing Fee	\$400.00
June 2, 2016 -- Postage Expense for May 2016	\$.68
June 17, 2016 – Concord Couriers, Subpoena Delivery	\$ 65.00
July 29, 2016 – Service of subpoena on ISP	\$ 60.00
July 31, 2016 -- Postage Expense for July 2016	\$.47
August 31, 2016 -- Postage Expense for August 2016	\$.47
September 30, 2016 -- Postage Expense for September 2016	\$ 1.40
October 20, 2016 -- Postage Expense	\$ 6.45
November 11, 2016 -- Serve on subscriber	<u>\$195.00</u>
 TOTAL	 \$729.47

13. These fees and costs continue to accrue until the matter of enforcement of Atkinson's rights is complete.

14. On information and belief, the defendant is not active in the military or subject to the Servicemembers Civil Relief Act.

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

Executed at New Orleans, Louisiana, this 21st day of March, 2017.



Pierre V. Miller II #17712 (T.A.)
Patrick Miller LLC
400 Poydras Street, Suite 1680
New Orleans, Louisiana 70130
Telephone: (504) 527-5400
Facsimile: (504) 527-5456
E-mail: pmiller@patrickmillerlaw.com

Patrick Miller LLC

Texaco Center
400 Poydras Street, Suite 1680
New Orleans, LA 70130-3245

Telephone: (504) 527-5400 Fax(504) 527-5456

Tax ID Number:72-1359587

Anti-Piracy Management Company
P.O. Box 923
Salem, OR 97308

March 17, 2016

Attention: Carl Crowell

File #: 16-006

Inv #: 17452

RE: Dallas Buyers Club, LLC v. Doe-174.64.14.54

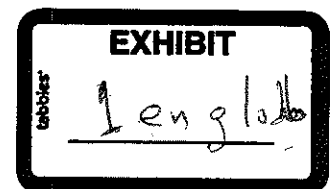
DISBURSEMENTS

Feb-20-16	Paygov - LAMD CM ECF	400.00
	Total Disbursements	<u>\$400.00</u>
	Total Amount of this bill	<u>\$400.00</u>

PAYMENT DETAILS

Total Payments	<u>\$0.00</u>
Balance Now Due	<u>\$400.00</u>

TIMEKEEPER SUMMARY



Patrick Miller LLC

Texaco Center
 400 Poydras Street, Suite 1680
 New Orleans, LA 70130-3245

Telephone: (504) 527-5400 Fax(504) 527-5456

Tax ID Number:72-1359587

Anti-Piracy Management Company
 P.O. Box 923
 Salem, OR 97308

December 29, 2016

Attention: Carl Crowell

File #: 16-006

Inv #: 17974

RE: Dallas Buyers Club, LLC v. Doe-174.64.14.54

DISBURSEMENTS

Jun-02-16	Postage expense for the month of May	0.68
Jun-17-16	Concord Couriers 6/6/16 Subpoena Delivery	65.00
Jul-29-16	Cox Communications Supoena	60.00
Jul-31-16	Postage expense for the month of July 2016	0.47
Aug-31-16	Postage expense for the month of August	0.47
Sep-30-16	Postage expense for the month of September	1.40
Oct-20-16	USPS Postage	6.45
Nov-11-16	Delivery of Subpoena	195.00
	Total Disbursements	<u>\$329.47</u>

Total Amount of this bill \$329.47

PAYMENT DETAILS

	Previous Balance	400.00
Mar-17-16	Payment - Thank You - Ck# 2028	400.00
	Total Payments	<u>\$400.00</u>

Balance Now Due \$329.47

TIMEKEEPER SUMMARY

Patrick Miller LLC

Texaco Center
 400 Poydras Street, Suite 1680
 New Orleans, LA 70130-3245

Telephone: (504) 527-5400 Fax(504) 527-5456

Tax ID Number:72-1359587

Anti-Piracy Management Company
 P.O. Box 923
 Salem, OR 97308

March 21, 2017

Attention: Carl Crowell

File #: 16-006

Inv #: 18115

RE: Dallas Buyers Club, LLC v. Doe-174.64.14.54

DATE	LAWYER	DESCRIPTION	HOURS	AMOUNT
Feb-08-16	PVM	Drafted Complaint; Motion for Authorization to Issue Subpoena, supporting memorandum, and Declaration of Macek (2.0); Drafted e-mail to Mr. Crowell regarding same (.1).	2.10	
Feb-16-16	PVM	Received and reviewed e-mail from Mr. Crowell and suit information for Queen of the Desert.	0.50	
Feb-19-16	PHP	Conference with Mr. Miller and C. Crowell and reviewed pleadings and Roby decision.	0.50	
	PVM	Received and reviewed e-mail from Mr. Crowell regarding revisions to complaint (.2); Telephone call from Mr. Crowell to discuss same (.3); Revised complaint (.2).	0.70	
Feb-20-16	PVM	Drafted Plaintiff's Rule 7.1 Disclosure Statement and Civil Cover Sheet.	0.30	
Feb-23-16	PVM	Revised Declaration of Mr. Macek and drafted e-mail to Mr. Crowell regarding same.	0.10	
	PARA	Added anti-piracy e-mail to ECF and updated status on spreadsheet.	0.20	
Feb-24-16	PVM	Received and reviewed Order setting Scheduling Conference and setting pre-trial deadlines for status report and Rule 26 initial disclosures.	0.30	
Feb-25-16	PVM	Received and reviewed e-mail from Mr. Crowell regarding Declaration, Motion for Expedited Discovery and supporting memorandum (.1);	0.40	

		Reviewed same (.2); Drafted e-mail to Mr. Crowell regarding same (.1).	
Feb-26-16	PVM	Revised Memorandum is of Motion for Expedited Discovery and Declaration of Macek.	0.50
Mar-01-16	PVM	Received and reviewed e-mail from Ma. Faye approving form and content of Declaration.	0.10
Mar-03-16	PVM	Received and reviewed executed Declaration of Daniel Mock (.1); Revised Motion for Authorization and supporting Memorandum (.2); Drafted proposed Order (.1).	0.40
Mar-04-16	PVM	Received and reviewed referral of motion to Magistrate (.1); Received and reviewed Notice of Non-Compliance with Local Rule 7(g) (.1); Researched requirements of same (.2); Telephone call to Clerk of Court to discuss proper corrective action (.2); Drafted and revised Motion to Strike and for Leave to File, supporting Memorandum, and proposed Order (1.2).	1.80
Mar-07-16	PVM	Received and reviewed Order granting Motion to Strike and for Leave to File.	0.10
Mar-24-16	PVM	Drafted Motion to Suspend Scheduling Order Deadlines and for Leave to file Separate Status report and supporting Memorandum.	0.50
Mar-25-16	PVM	Received and reviewed referral of Motion to Suspend.	0.10
Apr-11-16	PVM	Revised Motion for Leave to File Supplemental Memorandum (.1); Drafted memorandum in support of Motion for Leave (.5); Drafted proposed Order (.1).	0.70
Apr-13-16	PVM	Received and reviewed Order on Motion to Suspend Certain Scheduling Order Deadlines and for Leave to File Separate Status Report (.1); Received and reviewed Order scheduling Scheduling Conference and deadlines for Status Report (.1).	0.20
Apr-27-16	PVM	Received and reviewed letter from Cox Communication in response to request for preservation of data.	0.10
May-03-16	PVM	Teleconference with Mr. Patrick and Mr. Crowell to discuss strategy, status, and upcoming deadlines.	0.30
May-17-16	PVM	Drafted Motion for Leave to File Second	1.00

		Supplemental Memorandum, supporting Memorandum, and proposed Order (.5); Drafted Motion for Extension of Time to Serve Defendants (.5).	
May-23-16	PVM	Drafted and revised Motion for Leave to File Second Supplemental Memorandum, Supporting Memorandum, proposed Order, and Second Supplemental Memorandum.	1.10
	PVM	Researched support for Extension of Time to Serve Subscriber, Supporting Memorandum, and proposed Order.	2.10
May-24-16	PVM	Received and reviewed Order granting leave to file supplemental memorandum (.1); Received and reviewed Order extending deadline to serve defendant (.1); Received and reviewed Order granting leave to file Second Supplemental Memorandum (.1).	0.30
May-27-16	PVM	Received and reviewed Order and Reasons granting expedited discovery (.5); Drafted e-mail to Mr. Crowell regarding same (.1); Revised Subpoena and letters to Cox Communications (.2).	0.80
	PARA	Drafted subpoena and letter to Cox Communications regarding same (.3); Drafted letter to Mr. Dugas regarding service of subpoena (.1).	0.40
Jun-06-16	PVM	Received and reviewed Proof of Service on ISP.	0.10
Jul-05-16	PVM	Received and reviewed Order resetting Status conference.	0.10
Jul-29-16	PVM	Researched duty to preserve evidence (.5); Drafted and revised letter to Mr. Johnson requesting assistance in identifying infringer (.2).	0.70
Aug-09-16	PVM	Revised second demand letter to Mr. Johnson.	0.20
Aug-10-16	PVM	Received and reviewed error message from delivery of demand letter by email.	0.10
Aug-29-16	PVM	Researched ownership and location of property address; Drafted letter to owners regarding residents at the time of infringement; Received and reviewed e-mail from Ms. Young regarding flood damages.	1.20
Sep-12-16	PVM	Received and reviewed e-mail from Mr. Mueller regarding tenant Jeffrey Johnson.	0.10

Sep-13-16	PVM	Received and reviewed e-mail from Ms. Young regarding status of downloading.	0.10	
Sep-19-16	PVM	Received and reviewed Show Cause Order for failure to serve defendant.	0.10	
Sep-23-16	PVM	Received and reviewed Notice of Change of Scheduling for Show Cause Hearing.	0.10	
Sep-27-16	PVM	Revised Second Motion for Extension of Time to Serve Defendant, supporting Memorandum, Order and Declaration.	1.10	
Sep-29-16	PVM	Received and reviewed Order granting extension of time to serve defendant and cancelling show cause hearing.	0.10	
Oct-05-16	PVM	Drafted letter to Mr. Johnson regarding intention to name as defendant.	0.50	
Oct-17-16	PVM	Revised letter to Mr. Johnson regarding intent to name as a defendant.	0.20	
Oct-20-16	PVM	Received and reviewed USPS delivery confirmation for final demand letter.	0.10	
Nov-03-16	PVM	Received and reviewed e-mail from Mr. Crowell regarding adding party plaintiff and related issues; Drafted First Amended Complaint.	1.40	
Nov-10-16	PVM	Received and reviewed e-mail from process server regarding service on defendant.	0.10	
Dec-02-16	PVM	Drafted Motion for Entry of Default.	0.10	
Dec-05-16	PVM	Received and reviewed Clerk's Entry of Default.	0.10	
Mar-07-17	PVM	Received and reviewed order setting deadline for confirming default.	0.10	
Mar-21-17	PHP	Received and reviewed e-mails from Mr. Crowell regarding case issues.	0.20	
	PVM	Drafted and revised Application for Entry of Final Default Judgment, Memorandum in support of Application for Entry of Final Default Judgment, Declaration of Counsel, and proposed Final Default Judgment.	4.50	
Total Fees			26.90	\$7,848.50
Total Amount of this bill				\$7,848.50

PAYMENT DETAILS

	Previous Balance		329.47
Dec-29-16	Payment - Thank You - Ck# 2092		326.33
Dec-29-16	Payment - Thank You - Ck# 2093		3.14
	Total Payments		<u>\$329.47</u>
	Balance Now Due		<u>\$7,848.50</u>

TIMEKEEPER SUMMARY

Patrick H. Patrick	0.70	\$295.00	\$206.50
Pierre V. Miller II	25.60	\$295.00	\$7,552.00
Paralegal	0.60	\$150.00	\$90.00