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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON

9 ELF-MAN, LLC,

10 Plaintiff,

11 v.  
12

13 RYAN LAMBERSON,

14 Defendants.

Civil Action No. 13-cv-00395 TOR

DECLARATION OF DAVID  
A. LOWE IN OPPOSITION TO  
DEFENDANT'S ATTORNEY'S FEES

15 I, David A. Lowe, declare as follows:

16 1. I am counsel for Plaintiff Elf-Man, LLC. I make this declaration in  
17 opposition to Defendant's motion to compel. My statements are based on personal  
18 knowledge and I believe them to be true.

19 2. Attached as Exhibit A is a true and accurate copy of the emails  
20 exchanged between counsel for Plaintiff and Defendant between November 10 and  
21 December 4, 2014.

22 3. Attached as Exhibit B is a true and accurate copy of the Fee Analysis  
23 Table created in this case in an effort to evaluate the reasonableness of Defendant's  
24 claimed fees. This table was created directly from Ex. 1 of ECF No. 100. It is  
25 organized according to date, and further includes three Tag columns where each  
26

1 entry of categorized based on one of more of the characteristics identified in the  
2 key provided on the first page. Because of Defendant's use of block billings,  
3 categorization of gross time entries throughout this response was necessarily based  
4 on a minimum of one entry for a particular activity. It was not possible to ascertain  
5 which part of the block entry was attributable each of the separate activities.

6 4. Attached as Exhibit C is a true and accurate copy of the settlement  
7 letters exchanged between counsel for Plaintiff and Defendant between May 13  
8 and May 19, 2014.

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

10 EXECUTED this 5<sup>th</sup> day of December, 2014.

11 s/David A. Lowe, WSBA No. 24,453  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on December 5, 2014 to all counsel or parties of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

s/ David A. Lowe