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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,

**STATEMENT OF CONSULTATION
BY PAUL D. TICEN**

16 v.

17 DAVID HARRIS,

18 Defendant.
19

20 I, Paul D. Ticen, declare as follows:

21 1. I am over eighteen (18) years of age and I am otherwise competent to sign
22 this declaration based on my personal knowledge of all matters addressed in this
23 declaration.

24 2. Following the July 19, 2013 hearing, I spoke to Mr. Goodhue outside the
25 Courtroom.

26 3. I told him my preference was to resolve the attorneys' fees issue
27 informally.

28 4. Mr. Goodhue responded by telling me to e-mail him what my clients' were
requesting.

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5. On July 20, 2013, I e-mailed him a request. (See the attached).

6. I never received a response from Mr. Goodhue, Plaintiff or anybody associated with Prenda Law.

7. I hereby certify that I attempted to make a good faith effort to resolve the attorneys' fee issue informally.

RESPECTFULLY submitted this 2nd day of August, 2013.

KELLY / WARNER, PLLC

By /s/ Paul D. Ticen
Paul D. Ticen
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Paul Ticen <paul@kellywarnerlaw.com>

AF Holdings v. Harris

1 message

Paul Ticen <paul@kellywarnerlaw.com>
To: Steven James Goodhue <sjg@sjgoodlaw.com>

Sat, Jul 20, 2013 at 9:37 AM

Steve,

It was nice to finally meet face-to-face yesterday after we've been litigating against one another for the past year. As you know, it's our position that subpoena was issued in bad faith. The subpoena targeted my clients, who purportedly infringed between November 2012 and January 2013. The complaint was filed in October, which included the conspiracy allegations. A conspiracy requires a showing of a (1) formation and operations of a conspiracy, (2) wrongful act or acts done pursuant thereto and (3) damages from the act. See *Wasco Products v. Southwall Technologies, Inc.*, 435 F.3d 989, 992 (9th Cir. 2006). The conspiracy allegations were asserted as of October, yet, the infringing acts of Mr. Harris' purported co-conspirators hadn't even taken place. There was no amended complaint that alleging, let alone evidence, that Mr. Harris continued to infringe or directed others to do so during the above November to January time frame. And Mr. Harris' alleged infringement was 1 1/2 years earlier, and allegations were made (as mentioned by the Court) that Mr. Harris was in an purported conspiracy with the 1,100 others in the DC action.

My clients have incurred attorneys' fees in the amount of \$13,050 (52.2 hours at \$250 per hour). That figure will only increase, and I'm going to request that the order/judgment for attorneys fees be against Steele, Hansmeier and Duffy personally given PH's testimony and that AF Holdings is nothing more than an empty shell company. Because of the tight turn around for me to submit an attorneys fees application (August 2), if AF Holdings/Prenda/the above individuals are going to voluntarily pay this amount, I need to know by this upcoming Weds (7/24) at 5:00 p.m. (PST) and a certified check/money order will need to be received at our office by next Friday (7/26). Thanks.

—
Paul D. Ticen

Of Counsel

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