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7 **Attorney for Plaintiffs**  
8 Open Source Security Inc. and  
9 Bradley Spengler

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 OPEN SOURCE SECURITY INC. and ) Case No.: 3:17-cv-04002-LB  
14 BRADLEY SPENGLER )  
15 Plaintiffs, ) **Declaration of Rohit Chhabra in Support of**  
16 v. ) **OSS' Opposition to Perens' Attorneys' Fee**  
17 BRUCE PERENS, and Does 1-50, ) **Motion**  
18 Defendants. ) Location: Courtroom C, 15th Floor  
19 ) Judge: Hon. Laurel Beeler  
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**Declaration of Rohit Chhabra**

I, Rohit Chhabra, declare:

1. I am the attorney of record for Plaintiffs Open Source Security Inc. (OSS) and Bradley Spengler in the above-referenced action, and I am admitted to practice before this Court. I have personal knowledge of the facts stated herein and, if called to testify, I could and would testify completely hereto.

2. I graduated from California Western School of Law in 2011 and was admitted to the California State Bar the same year. Prior to becoming a lawyer, I was a software developer at EDS (now a defunct subsidiary of HP) and my background includes a Masters (2005) and Bachelors (2001) Degree in Computer Science.

3. I am the sole attorney Chhabra Law Firm (Firm); I am an Intellectual Property (IP) attorney and my customary hourly billable for IP related work is \$400 per hour. No fee increase has been made this year. The Firm has been representing OSS on other matters prior to initiation of the instant action.

4. Due to our prior representation and mutual trust, Plaintiffs asked me to represent them in this matter. Prior to filing the initiation of this action, it was determined that this would reasonably not be an IP related matter and no legal concepts related to IP would be argued; therefore I, in my professional judgment, decided to reduce my hourly billable to \$350 per hour for this matter.

5. Since the commencement of this matter, Plaintiffs have been billed for a total of \$80,175 representing 229 hours of work. There are no contingency fee agreements with Plaintiffs.

1           6.       Since any support staff the Firm hires are for its patent prosecution practice, no support  
2 staff assisted me in this matter. Had I employed legal interns or other legal professionals to assist me in  
3 this matter, Plaintiffs' out of pocket costs would have further been reduced.

4  
5           7.       This is the first and only defamation action I have filed; Although I have prior litigation  
6 experience, I do not have any prior experience in filing or pleading defamation related matters.  
7 However, with prior years of legal research and motion filing experience, I was able to efficiently draft  
8 and file the motions in this matter. Furthermore, since no complex legal issue was addressed, it is my  
9 opinion the arguments presented in any pleading were fairly simple. Generally, research, drafting, and  
10 filing a substantial 25 page motion took between 35 to 40 hours; Replies and surreplies generally took  
11 around 10-12 hours.

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13           8.       This firm retained William Norman as an attorneys' fee expert witness on behalf of  
14 Plaintiffs.

15           9.       In order to determine a reasonable and fair fee, Mr. Norman was requested to provide a  
16 fair and unbiased opinion based on his experience as a fee expert and anti-SLAPP litigator. Mr.  
17 Norman was not asked to modify, reconsider, or revise his assessment in any way or form. No sealed  
18 information was provided to him and Mr. Norman's assessment is based only using publicly available  
19 documents in this matter.

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22           10.      Using the California State Bar's attorney search website, I was able to determine that  
23 associate C. Gagliano was admitted to practice law in California in February 2017; E. Ormsby and M.  
24 Rhoades were admitted to practice law in California in December 2017 (specifically, December 2,  
25 2017). Based on their publicly available profiles at O'Melveny's website it does not appear that either  
26 associate was admitted to any State Bar prior to 2017.  
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1  
2 11. Since the December 14, 2017 Court hearing only three emails were exchanged between  
3 the parties, in which Plaintiffs' response were short and concise.

4  
5 12. I have reviewed Defendant's Timekeeping Records (ECF No. 63-3, filed under seal).  
6 Using my training and experience as a software developer I was able to export the data into an Excel  
7 spreadsheet. While extra white spaces were generated in the description fields, I twice verified each  
8 entry (as to the hours and fees claimed) to ascertain its accuracy. Three erroneous records were  
9 detected and manually corrected.  
10

11  
12 13. Based on the digitized data, using Excel's built-in functions I was able to ascertain that 240  
13 out of 502 entries, excluding sanctions related entries, had incorrect calculations, exaggerating either  
14 the number of hours or the fee claimed. A true and correct copy of the Timekeeping Records are sorted  
15 based on category are attached hereto as Exhibits 1-A through 1-L. Excel's sum function was used to  
16 determine the total number of hours, fees, and records in each exhibit. Exhibit 1-A presents an  
17 overview of Timekeeping records, sorted by category and with the hours or fees of the exaggerated  
18 records corrected, in good faith. Ex. 1-M represents all the data, regardless of category (except  
19 sanctions) sorted based on research.  
20

21 14. I observed that 23 entries, excluding "sanctions" entries, related to "Conducting Legal  
22 Research" for a motion, "Conduct Additional Research," "Conduct Supplemental Research," and  
23 "Conduct related research" (and other variants) for a motion did not provide any more information;  
24 107 entries, excluding "sanctions" entries, included conference, confer, or discussions, or additional  
25 conferences regarding a motion without providing more; and 188 entries, excluding "sanctions"  
26  
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1 entries, related to revising or drafting a motion and did not provide any substantive information to  
2 determine whether the claimed fee or hours were reasonable.

3 15. A true and correct copy of the Laffey Matrix is attached hereto as Ex. 4.  
4

5 16. A true and correct copy of locality pay differentials within the federal courts are attached  
6 hereto as Ex. 5- 6. An analysis of the records indicates an approximately 9% upward differential for  
7 the Bay Area.  
8

9 17. Ex. 7 is a true and correct copy of a worksheet showing calculations performed using the  
10 Timekeeping records, Laffey Matrix, and Mr. Norman's fee and hour estimate for the Court's  
11 convenience.  
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13  
14 I declare under penalty of perjury under the laws of the United States that the foregoing is  
15 true and correct.  
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17  
18 Executed this 8th day of March 2018 in Mountain View, California.  
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21 /s/ Rohit Chhabra  
22 Rohit Chhabra  
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**EXHIBIT 1-A**  
**FILED UNDER SEAL**

**EXHIBIT 1-B**  
**FILED UNDER SEAL**

**EXHIBIT 1-C**  
**FILED UNDER SEAL**



**EXHIBIT 1-D**  
**FILED UNDER SEAL**

**EXHIBIT 1-E**  
**FILED UNDER SEAL**

**EXHIBIT 1-F**  
**FILED UNDER SEAL**

**EXHIBIT 1-G**  
**FILED UNDER SEAL**

**EXHIBIT 1-H**  
**FILED UNDER SEAL**

**EXHIBIT 1-I**  
**FILED UNDER SEAL**

**EXHIBIT 1-J**  
**FILED UNDER SEAL**

**EXHIBIT 1-K**  
**FILED UNDER SEAL**



**EXHIBIT 1-L**  
**FILED UNDER SEAL**

**EXHIBIT 1-M**  
**FILED UNDER SEAL**