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10 Attorneys for Defendant  
Bruce Perens

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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO**

15 OPEN SOURCE SECURITY, INC., and  
16 BRADLEY SPENGLER,

17 Plaintiffs,

18 v.

19 BRUCE PERENS, and Does 1-50,

20 Defendants.  
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Case No. 3:17-cv-04002-LB

**DECLARATION OF CARA  
GAGLIANO IN SUPPORT OF  
DEFENDANT'S ADMINISTRATIVE  
MOTION TO FILE DOCUMENTS  
UNDER SEAL**

**[Pursuant to Civil L.R. 7-11 and 79-5]**

1 I, Cara Gagliano, hereby declare as follows:

2 1. I am an attorney at O'Melveny & Myers LLP (the "Firm"), counsel for Defendant  
3 Bruce Perens in this action. I am admitted to practice in the State of California. I submit this  
4 declaration in support of Mr. Perens's Administrative Motion to File Under Seal (the "Motion"). I  
5 have personal knowledge of the facts set forth below.

6 2. The Declaration of Melody Drummond Hansen in Support of Bruce Perens's  
7 Motion for Mandatory Fees and Costs Under California's Anti-SLAPP Statute ("Drummond  
8 Hansen Declaration") and certain exhibits attached thereto include billing rates of certain  
9 timekeepers, as well as other information that could be used to determine these billing rates. These  
10 billings rates are identified by the Firm as confidential and competitively sensitive information.  
11 These billing rates are not publicly available, and disclosing them would put the Firm's attorneys  
12 at a competitive disadvantage within the industry and/or be used against the Firm in negotiations.

13 3. The specific billing rates for the particular timekeepers identified in the materials  
14 sought to be sealed under this motion are not publicly available, nor does the Firm publicize these  
15 rates. Publication of these particular rates would put the Firm at a competitive disadvantage by  
16 allowing competitors to use this information in bids for potential work and to set their own rates in  
17 an adversarial fashion.

18 4. The exhibits attached to the Drummond Hansen Declaration detail the precise hours  
19 worked by particular attorneys on particular matters during the course of this litigation. It is the  
20 Firm's policy to maintain the confidentiality of this type of information. Publicizing such  
21 information risks exposing sensitive strategic information about the Firm's business practices and  
22 would cause the firm to suffer competitive harm.

23 5. The Declaration of Paul Covey in Support of Defendant Bruce Perens's Motion for  
24 Mandatory Fees and Costs Under California's Anti-SLAPP Statute ("Covey Declaration")  
25 describes in general detail the prevailing market rates for similar firms in the area. Mr. Covey  
26 relied for this information in part on data available from our marketing partners, including  
27 PricewaterhouseCoopers, describing these rates in aggregate form. However, the Covey  
28 Declaration does not divulge the specific information relied on because our marketing partners do

1 not condone the use of that information in public filings.

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3 I declare under penalty of perjury under the laws of the State of California and the United  
4 States that the foregoing is true and correct. Executed this 7<sup>th</sup> day of February, 2018, in San  
5 Francisco, California.

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/s/ Cara L. Gagliano  
Cara L. Gagliano

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