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    Bruce Perens

11

12   **UNITED STATES DISTRICT COURT**

13   **NORTHERN DISTRICT OF CALIFORNIA**

14   **SAN FRANCISCO DIVISION**

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16 OPEN SOURCE SECURITY, INC., and   Case No. 3:17-cv-04002-LB
    BRADLEY SPENGLER,
                                             DECLARATION OF CARA L.
17   **GAGLIANO IN SUPPORT OF**
                 Plaintiffs,   **DEFENDANT'S ADMINISTRATIVE**
                                             MOTION TO FILE DOCUMENTS
18   v.   **UNDER SEAL**

19 BRUCE PERENS, and Does 1-50,   **[Pursuant to Civil L.R. 7-11 and 79-5]**

20   Defendants.

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I, Cara Gagliano, hereby declare as follows:

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

2. The Declaration of Melody Drummond Hansen in Support of Bruce Perens's Reply in Support of his Motion for Mandatory Fees and Costs Under California's Anti-SLAPP Statute ("Drummond Hansen Reply Declaration") and certain exhibits attached thereto include confidential sealable information including billing rates of certain timekeepers, information that could be used to determine these billing rates, and detailed billing entries. These billings rates are identified by the Firm as confidential and competitively sensitive information.

3. Specifically, Drummond Hansen Reply Declaration Exhibits A and B detail rates, hours worked and fees accrued by particular attorneys on particular matters during the course of this litigation, and those portions should be sealed as they reveal confidential billing rates.

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

5. Exhibits C and E contain detailed billing entries which reflect not only the confidential rates charged but also reveal confidential information regarding the specific work performed on particular tasks. It is the Firm's policy to maintain the confidentiality of this type of information. Such entries also potentially reveal the strategy and approach for litigating similar cases. Publicizing such information risks exposing sensitive strategic information about the Firm's business practices and would cause the firm to suffer competitive harm. Mr. Perens also has a confidentiality interest in this material since this is work performed on his behalf and in consultation with him.

6. This Court has granted previous motions to seal similar fees and detailed billing entry information. For example, Defendant's previous motion to seal (ECF No. 63) was granted by this Court on February 13, 2018 (ECF No. 69), and Plaintiffs administrative motion to seal (ECF No. 77) on March 12, 2018 (ECF No. 81).

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed this 22ND day of March, 2018, in San Francisco, California.

           /s/ Cara L. Gagliano
            Cara L. Gagliano