

1 MELODY DRUMMOND HANSEN (S.B. #278786)  
mdrummondhansen@omm.com  
2 HEATHER J. MEEKER (S.B. #172148)  
hmeeker@omm.com  
3 O'MELVENY & MYERS LLP  
2765 Sand Hill Road  
4 Menlo Park, California 94025-7019  
Telephone: +1 650 473 2600  
5 Facsimile: +1 650 473 2601

6 CARA L. GAGLIANO (S.B. #308639)  
cgagliano@omm.com  
7 Two Embarcadero Center  
28th Floor  
8 San Francisco, California 94111-3823  
Telephone: +1 415 984 8700  
9 Facsimile: +1 415 984 8701

10 Attorneys for Defendant  
Bruce Perens

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

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 MELODY  
DRUMMOND HANSEN IN SUPPORT  
OF DEFENDANT'S  
ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL**

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

1 I, Melody Drummond Hansen, hereby declare as follows:  
2

3 1. I am partner of O'Melveny & Myers LLP (the "Firm"), counsel for Defendant Bruce  
4 Perens in this action. I am admitted to practice in the State of California. I submit this declaration  
5 in support of Mr. Perens's Administrative Motion to File Under Seal (the "Motion"). I have  
6 personal knowledge of the facts set forth below and, if called to testify, I could and would testify  
7 to the truth of the following.

8 2. The exhibits submitted in accordance with the Court's Order Regarding Chart (ECF  
9 No. 89) include confidential sealable information including billing rates of certain timekeepers,  
10 information that could be used to determine these billing rates, and detailed billing entries. These  
11 billings rates are identified by the Firm as confidential and competitively sensitive information.

12 3. Specifically, the Declaration of Melody Drummond Hansen in Support of Defendant  
13 Bruce Perens's Response to Order Regarding Chart (ECF No. 89) and Exhibit 1 attached thereto  
14 detail rates, hours worked and fees accrued by particular attorneys on particular matters during the  
15 course of this litigation, and those exhibits should be sealed as they reveal confidential billing rates.

16 4. This Court has granted previous motions to seal similar fees and detailed billing  
17 entry information. For example, Defendant's previous motion to seal (ECF No. 63) was granted  
18 by this Court on February 13, 2018 (ECF No. 69); and Plaintiffs administrative motion to seal (ECF  
19 No. 77) was granted on March 12, 2018 (ECF No. 81). These motions sought to seal substantially  
20 similar billing records as well as documents containing hourly rates or information from which  
21 hourly rates could be determined, the same categories of information for which sealing is currently  
22 sought.

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

28 6. Exhibit 1 contains detailed billing entries which reflect not only the confidential

1 rates charged but also reveals confidential information regarding the specific work performed on  
2 particular tasks. It is the Firm's policy to maintain the confidentiality of this type of information.  
3 Such entries also potentially reveal the strategy and approach for litigating similar cases.  
4 Publicizing such information risks exposing sensitive strategic information about the Firm's  
5 business practices and would cause the firm to suffer competitive harm. Mr. Perens also has a  
6 confidentiality interest in this material since this is work performed on his behalf and in consultation  
7 with him.

8  
9 I declare under penalty of perjury under the laws of the State of California and the United  
10 States that the foregoing is true and correct. Executed this 29<sup>th</sup> day of May, 2018, in San  
11 Francisco, California.

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13 */s/ Melody Drummond Hansen*  
14 Melody Drummond Hansen  
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