

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**

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.

2
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 7th day of February, 2018, in San
5 Francisco, California.

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7 /s/ Cara L. Gagliano
8 Cara L. Gagliano
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