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IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF OREGON

GREGG SCHUMACHER and LINDA	)	
SCHUMACHER, individually and as	)	
husband and wife, and GREGG	)	No. 07-CV-00601-HU
SCHUMACHER FURS LLC dba	)	
SCHUMACHER FURS & OUTERWEAR,	)	
	)	
Plaintiffs,	)	DECLARATION OF MARK
	)	MCDUGAL IN SUPPORT OF
v.	)	MOTION FOR ATTORNEY FEES
	)	
CITY OF PORTLAND, a municipal	)	
corporation; IN DEFENSE OF ANIMALS,	)	ON BEHALF OF DEFENDANTS
a foreign nonprofit corporation; ANIMAL	)	IN DEFENSE OF ANIMALS, MATT
LIBERATION FRONT, an unincorporated	)	ROSSELL AND CONNIE DURKEE
association; PEOPLE FOR THE ETHICAL	)	
TREATMENT OF ANIMALS, INC., a	)	
foreign nonprofit corporation; MATT	)	
ROSSELL; KEVIN MEIRAS aka "Bluejay";	)	
CONNIE DURKEE; ALEX LILLI; JOHN	)	
DOES 1-10; and JANE DOES 1-10	)	
	)	
Defendants.	)	

I, Mark G. McDougal, the undersigned attorney for Defendants In  
 Defense of Animals, Matt Rossell and Connie Durkee, make the following

declaration offered in support of an award of reasonable and necessary attorney fees:

1. Defendants are entitled to recover attorney fees pursuant to Fed. R. Civ. P. 54(d)(2) and ORS 31.152(3).

2. The number of hours and services rendered by the undersigned attorney are set forth in detail in Exhibit "A" attached and summarized as follows:

<u>Name</u>	<u>Position</u>	<u>Hourly Rate</u>	<u>No. of Hours</u>	<u>Fees</u>
McDougal	Attorney	\$300	49	\$14,700

3. Staff and paralegal work on the case were not billed as a matter of the exercise of billing judgment. Additionally, numerous telephone conferences and emailed with the client were not billed as a matter of the exercise of billing judgment. Further, Westlaw charges were not billed because our firm customarily does not do so. Additionally, our firm does not track postage, phone or photocopying charges for clients unless the services are performed by an outside service provider.

4. The above hourly rate is based upon the undersigned's estimate of his actual rate. The undersigned is a plaintiffs' attorney in Portland, Oregon, that fits within a small group of plaintiffs' trial lawyers who consistently are involved in large verdicts and settlements. The undersigned does not have an hourly rate, as he has a contingent fee practice.

5. The undersigned is a graduate of Tulane Law School. Tulane Law School has consistently been ranked a top 40 law school.

6. The undersigned began his career in Portland, Oregon practicing international law. The undersigned represented companies in Japan that were making investments in Oregon, and represented companies in the United States who wished to do business in Japan. In the early '90s, this attorney represented the seller in what was then thought to be the largest real estate transaction in the history of Oregon, and was also counsel in a substantial fraud case against a realtor and a politician resulting in separate seven-figure settlements against a number of parties. In 1996, the undersigned switched to a contingent fee plaintiffs' practice.

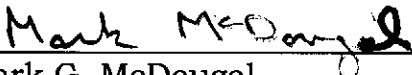
7. The undersigned has also been involved in complex plaintiffs' litigation. The type of complex litigation has ranged from litigating the ownership interest of an FCC license, stock ownership in a company that owned the rights to Internet satellite downloads through Hughes Antennas, various complex products liability cases, a substantial timber fire case in Eastern Oregon, and some medical malpractice cases. The list of the type of cases that I have handled would be exhaustive. The above list is merely for illustration purposes only.

8. I am a member in good standing of the Bars of Oregon and Mississippi. I have been admitted *pro hac vice* in Hawaii, Arkansas, Washington, and the District of Columbia.

9. Based on the above, defendants are entitled to an award of reasonable attorney fees in the sum of \$14,700.

I HEREBY DECLARE THAT THE ABOVE STATEMENT AND THE TIME IDENTIFIED IN EXHIBIT "A" ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY.

Executed this 10<sup>th</sup> day of August, 2007, at Portland, Oregon.

  
\_\_\_\_\_  
Mark G. McDougal

## Mark McDougal Attorney Fee Time

Date	Description	Time Expended
04/30/2007	Meeting with Matt Rossell re: Schumacher lawsuit.	2.0
05/03/2007	Meeting with client; discussion with board members; review of preliminary injunction papers.	2.0
05/08/2007	Telephone conference with defense counsel, discuss consolidation of motion to strike with injunction hearing; dictate motion to consolidate; begin preparation of opposition motion for preliminary injunction; discussions with client re: facts; review of declarations of Grey, Castleman and Schumachers; confer with Kafoury about striking portions of declarations.	8.0
05/09/2007	Meeting with counsel for other defendants to discuss facts and strategy; meeting with clients re: facts; draft special motion to strike; email/discuss case law with Eric Wilson; review complaint; confer with counsel for Maris re: joining in motion; review federal district court opinions re: antiSLAPP legislation; revise/edit draft of motion and memorandum in support.	8.0
05/10/2007	Review and revise draft response to motion for preliminary injunction; draft motion to make more definite and certain and supporting memorandum; brief case law research re: injunction issues and pleadings; draft affidavits for clients; telephone discussions with clients re: affidavits.	8.0
05/11/2007	Edit memorandum in support of motion to dismiss for lack of pendent jurisdiction; finalize, edit and redraft special motion to strike; finalize other motions to make more definite and certain; edit and finalize motion to strike portions of declarations; finalize opposition to motion for preliminary injunction, coordinate draft with counsel for Maris.	8.0
05/16/2007	Review plaintiff's reply to IDA, PETA re: motion for preliminary injunction and opposition to IDA motions.	3.0
05/17/2007	Prepare for and attend motion for preliminary injunction; review case law cited by plaintiff in recent filings; telephone discussions with client re: proceedings.	4.0
06/16/2007	Prepare for hearing; review various memoranda of parties' declarations and case law.	3.0

Date	Description	Time Expended
06/18/2007	Continue preparation and attend hearing on motion to strike.	2.0
Total	49 hours x \$300 = \$14,700	

2- Mark McDougal Attorney Fee Time

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing DECLARATION OF MARK  
3 MCDUGAL on the following parties on the date indicated below, by the  
4 following method:

5 [ X ] Electronically mailed notice from the court

6 William M. Manlove  
7 City of Portland  
8 Office of the City Attorney  
9 1221 SW Fourth Avenue  
10 Suite 430  
11 Portland OR 97204  
12 bmanlove@ci.portland.or.us  
13 Attorney for Defendant  
14 City of Portland

11 Hertbert Grey  
12 Attorneys at Law  
13 4800 SW Griffith Ave.  
14 Suite 320  
15 Beaverton OR 97005  
16 Hgrey.law@verizon.net  
17 Attorney for Plaintiffs

15 Jonathan A. Clark  
16 960 Liberty Street, SE  
17 Suite 250  
18 Salem OR 97302  
19 jonathan@jaclawoffice.com  
20 Attorney for Plaintiffs

19 Eric Wilson  
20 Lane Powell  
21 601 SW 2<sup>nd</sup> Ave.  
22 Suite 2100  
23 Portland OR 97204  
24 Wilsone@lanepowell.com  
25 Attorneys for Defendant  
26 People for the Ethical Treatment of  
Animals

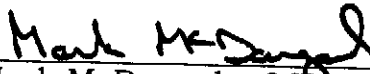
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Attorney for Defendants

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Lewis & Clark Law School  
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Attorney for Defendants

DATED: August 10, 2007

Shauna Curphey  
NW Constitutional Rights Cntr  
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Attorney for Defendants

  
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Attorneys for Defendants  
In Defense of Animals, Matt Rossell,  
and Connie Durkee