

1 HARDER LLP
 2 CHARLES J. HARDER (CA Bar No. 184593)
 3 RYAN J. STONEROCK (CA Bar No. 247132)
 4 132 S. Rodeo Drive, Fourth Floor
 5 Beverly Hills, California 90212
 6 Telephone: (310) 546-7400
 7 Facsimile: (310) 546-7401
 8 Email: CHarder@HarderLLP.com
 9 RStonerock@HarderLLP.com

10 Attorneys for Defendant
 11 DONALD J. TRUMP

12 **UNITED STATES DISTRICT COURT**
 13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STEPHANIE CLIFFORD a.k.a.
 15 STORMY DANIELS,

16 Plaintiff,

17 v.

18 DONALD J. TRUMP,

19 Defendant.

Case No. 2:18-cv-06893-SJO-FFM

**DECLARATION OF
 CHARLES J. HARDER
 IN SUPPORT MOTION OF
 DEFENDANT DONALD J. TRUMP
 FOR ATTORNEYS' FEES AND
 MONETARY SANCTIONS**

Assigned for All Purposes to the
 Hon. S. James Otero

Action Filed: April 30, 2018

DECLARATION OF CHARLES J. HARDER

I, Charles J. Harder, declare:

1. I am an attorney duly licensed to practice before all courts of the State of California and in the U.S. District Court for the Central District of California, among other courts. I am a partner of the law firm Harder LLP, counsel of record for Defendant Donald J. Trump (“Mr. Trump”). I make this declaration based on my own personal knowledge and, if called and sworn as a witness, I could and would competently testify hereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of a statement of the amount of fees, and the corresponding attorney time, incurred by Mr. Trump in defending against this action, and for which he seeks reimbursement. This statement is divided into the following categories: (1) Initial Analysis, Strategy and Defense; (2) Motion to Transfer; (3) Motion to Strike; and (4) Motion for Attorneys’ Fees. The effective hourly rate of each attorney reflected in this statement constitutes the attorney’s full hourly rate for this matter, reduced by all billing discounts provided by Harder LLP to Mr. Trump. This statement was prepared by my office and is based upon Harder LLP’s billing records for this action. I have reviewed these billing records, and the attached statement accurately reflects those records. Additionally, the fees incurred in defending against this case were fixed and not contingent on the results obtained.

3. In addition to the time reflected on the statement attached hereto as Exhibit A, it is estimated that an additional twenty (20) hours in attorney time will be necessary to review Plaintiff’s Opposition to Mr. Trump’s Motion for Attorneys’ Fees and Monetary Sanctions and prepare a Reply in support of the same, and an additional sixteen (16) hours in attorney time will be necessary to prepare for and attend a potential hearing on the Motion.

4. Attached hereto as **Exhibit B** is a true and correct copy of a June 12-13, 2018 email exchange between myself and Plaintiff’s counsel, Ahmed Ibrahim.

1 5. Attached hereto as **Exhibit C** is a true and correct copy of an August 7,
2 2018 email exchange between myself and Mr. Ibrahim.

3 6. Attached hereto as **Exhibit D** is a true and correct copy of the Order
4 Granting in Part and Denying in Part Motion for Attorneys' Fees, issued in the matter
5 of *Stephen Wynn v. James Chanos*, United States District Court, Northern District of
6 California, Case No. 14-cv-04329-WHO, on June 19, 2015, which is available on the
7 Pacer website for the Northern District of California (<https://ecf.cand.uscourts.gov>).

8 7. Attached hereto as **Exhibit E** is a true and correct copy of the
9 Declaration of Richard Rohan, filed in the matter of *Dimitri Charalambopoulos v.*
10 *Camille Grammer*, United States District Court, Northern District of Texas, Case No.
11 14-cv-02424-D, on September 1, 2015, which is available on the Pacer website for the
12 Northern District of Texas (<https://ecf.txnd.uscourts.gov/>).

13 8. I am lead litigation counsel for Mr. Trump in this matter, and the other
14 attorneys listed below worked on this action at my direction and under my
15 supervision:

16 a. **Charles Harder** (designated as "CH" on the statement attached as
17 Exhibit A hereto): I have been practicing law for nearly twenty-two (22) years, and
18 am a founding partner of Harder LLP. Among many other cases, in 2016, I won a
19 \$140 million jury trial verdict for Terry Bollea (a.k.a. Hulk Hogan) in an invasion of
20 privacy lawsuit in Florida against Gawker Media. In 2017, I won a nearly \$3 million
21 dollar settlement payment and full retraction and apology on behalf of First Lady
22 Melania Trump in a defamation lawsuit against the *Daily Mail*. In 2017, I was named
23 California Lawyer of the Year in Media by *California Lawyer* magazine. I have also
24 been listed in the Top 100 Lawyers in California by the *Daily Journal* in 2017 and
25 2018, listed in the Top 100 "Power Lawyers" in America by *The Hollywood Reporter*
26 for different years, and listed in "Super Lawyers" by Thompson Reuters. In 2016,
27 *The Hollywood Reporter* wrote of me: "Arguably the highest-profile media lawyer in
28 America." I am also the founding Editor and Co-Author of the law treatise

1 ENTERTAINMENT LAW & LITIGATION (Oxford University Press 2011-12, Lexis/Nexis
2 2013-18 Editions). I am a 1996 graduate of Loyola Law School, Los Angeles. After
3 law school, I served as a one-year law clerk for U.S. District Judge A. Andrew Hauk
4 in the Central District of California. Attached hereto as **Exhibit F** is a true and
5 correct copy of my bio taken from Harder LLP’s website, www.HarderLLP.com.

6 • **Ryan Stonerock** (designated as “RJS” on the statement attached as
7 Exhibit A hereto): Mr. Stonerock is a partner at Harder LLP, and has been practicing
8 law for nearly twelve (12) years. Prior to joining Harder LLP, Mr. Stonerock was a
9 partner at the Los Angeles law firm, Wolf Rifkin Shapiro Schulman & Rabkin LLP.
10 Mr. Stonerock has represented numerous high profile individuals and companies in
11 connection with the publication of false and defamatory statements, unauthorized
12 images and private information. Mr. Stonerock worked closely with me in obtaining
13 a multi-million dollar settlement and full retraction and apology on behalf of First
14 Lady Melania Trump in a defamation lawsuit against the *Daily Mail*. Mr. Stonerock
15 has been named a Southern California “Rising Star” by Super Lawyers in 2009, 2010
16 and 2013-2017 in the area of Entertainment & Sports. Mr. Stonerock is a 2006
17 graduate of Georgetown Law School. Attached hereto as **Exhibit G** is a true and
18 correct copy of Mr. Stonerock’s bio taken from Harder LLP’s website,
19 www.HarderLLP.com.

20 • **Dilan Esper** (designated as “DE” on the statement attached as Exhibit A
21 hereto): Mr. Esper is a senior attorney at Harder LLP, and has been practicing law for
22 nearly twenty-three (23) years. He has participated in the litigation of numerous First
23 Amendment cases, including preparing the amicus brief for the ACLU Foundation of
24 Southern California filed in the California Supreme Court in *Keenan v. Superior*
25 *Court*, representing homeless protesters who successfully sued the City of Los
26 Angeles for violating their First Amendment rights, and authoring a number of
27 appellate briefs and petitions, including in the California Supreme Court and the
28 United States Supreme Court. Most recently, Mr. Esper spearheaded the preparation

1 of two pending petitions for certiorari before the United States Supreme Court in
2 *McKee v. Cosby* and *Hassell v. Yelp Inc.*, which both involve First Amendment
3 issues. Mr. Esper is a 1995 graduate of the University of Southern California, where
4 he was Order of the Coif and an Editor of the *Southern California Law Review*.
5 Attached hereto as **Exhibit H** is a true and correct copy of Mr. Esper’s bio taken from
6 Harder LLP’s website, www.HarderLLP.com.

7 b. **Steven Frackman** (designated as “SF” on the statement attached
8 as Exhibit A hereto): Mr. Frackman is an attorney at Harder LLP, and has been
9 practicing law for nearly nine (9) years. Prior to working at Harder LLP, Mr.
10 Frackman worked at one of the largest law firms in Los Angeles, where he litigated
11 matters on behalf of prominent clients, including Beats Electronics, Public Storage,
12 and the Trustee for the Bankruptcy Estate of Billy Preston. Mr. Frackman is a 2009
13 graduate of Loyola Law School, Los Angeles, where he served as a Production Editor
14 of the *Loyola of Los Angeles Entertainment Law Review*, and also served as Judicial
15 Extern to the Hon. Charles F. Eick in the United States District Court, Central District
16 of California. Attached hereto as **Exhibit I** is a true and correct copy of Mr.
17 Frackman’s bio taken from Harder LLP’s website, www.HarderLLP.com.

18 • **Ted Nguyen** (designated as “TN” on the statement attached as Exhibit A
19 hereto): Mr. Nguyen is an attorney at Harder LLP, and has been practicing law for
20 nearly two (2) years. Prior to working at Harder LLP, Mr. Nguyen completed an
21 appellate clerkship at a prominent Los Angeles law firm. Mr. Nguyen is a 2016
22 graduate of Loyola Law School, Los Angeles, where he served as an Editor of the
23 *Loyola of Los Angeles International and Comparative Law Review*. Attached hereto
24 as **Exhibit J** is a true and correct copy of Mr. Nguyen’s bio taken from Harder LLP’s
25 website, www.HarderLLP.com.

26 9. Attached hereto as **Exhibit K** is a true and correct copy of an April 14,
27 2018 tweet by Plaintiff’s attorney, Michael Avenatti, which was obtained from the
28 following URL: <https://twitter.com/MichaelAvenatti/status/985096562677297153>.

1 Mr. Avenatti’s tweet states: “Mr. Trump may be able to engineer the outrageous firing
2 of Mr. Rosenstein and Mr. Mueller, but he can’t fire me and my client. We are not
3 going to stop until the truth about the cover-up is fully disclosed to the American
4 people and justice is served.”

5 10. Attached hereto as **Exhibit L** is a true and correct copy of an August 27,
6 2018 tweet by Mr. Avenatti, which was obtained from the following URL:
7 <https://twitter.com/MichaelAvenatti/status/1034251238596984832>. Mr. Avenatti’s
8 tweet states: “We are going to continue to push until we force the disclosure of all of
9 the facts and all of the evidence.”

10 11. Attached hereto as **Exhibit M** is a true and correct copy of an October
11 23, 2018 tweet by Mr. Avenatti, which was obtained from the following URL:
12 <https://twitter.com/MichaelAvenatti/status/1054911712909033475>. Mr. Avenatti’s
13 tweet states: “Bloomberg: ‘Donald Trump’s most virulent adversary.’ The best
14 compliment I have ever received. Be clear – we’re not going to stop punching. We
15 are just getting started. #FightClub”.

16 12. Attached hereto as **Exhibit N** is a true and correct copy of an October 15,
17 2018 tweet by Mr. Avenatti, which was obtained from the following URL:
18 <https://twitter.com/MichaelAvenatti/status/1052079967444463616>. Mr. Avenatti’s
19 tweet contains a “Statement Re Stormy Daniels Litigation,” which states, in part, that:
20 “Mr. Harder and Mr. Trump...purposely lied to the press and public...The American
21 public deserves far better from Mr. Trump. And Mr. Harder.”

22 13. Attached hereto as **Exhibit O** is a true and correct copy of a letter my
23 office emailed to Plaintiff’s counsel, Mr. Avenatti and Mr. Ibrahim, on October 18,
24 2018.

25 14. Attached hereto as **Exhibit P** is a true and correct copy of an October 18-
26 26, 2018 email exchange between myself, Ryan Stonerock, Mr. Avenatti and Mr.
27 Ibrahim, regarding Mr. Trump’s Motion for Attorneys’ Fees.

28

1 15. On October 26, 2018, my partner, Ryan Stonerock, met and conferred
2 with Mr. Ibrahim telephonically regarding Mr. Trump’s Motion for Attorneys’ Fees.
3 The parties were unable reach a resolution, and Mr. Ibrahim advised that Plaintiff will
4 oppose Mr. Trump’s Motion.

5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct. Executed on October 29, 2018, at
7 Los Angeles, California.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



CHARLES J. HARDER