

1 AVENATTI & ASSOCIATES, APC  
Michael J. Avenatti, State Bar No. 206929  
2 Ahmed Ibrahim, State Bar No. 238739  
520 Newport Center Drive, Suite 1400  
3 Newport Beach, CA 92660  
Telephone: 949.706.7000  
4 Facsimile: 949.706.7050

5 Attorneys for Plaintiff Stephanie Clifford  
a.k.a. Stormy Daniels  
6  
7

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 STEPHANIE CLIFFORD a.k.a.  
STORMY DANIELS,

12 Plaintiff,

13 vs.  
14

15 DONALD J. TRUMP,

16 Defendant.  
17

CASE NO.: 2:18-cv-06893-SJO-FFM

**DECLARATION OF MICHAEL J.  
AVENATTI IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANT DONALD J. TRUMP'S  
MOTION FOR ATTORNEYS' FEES  
AND MONETARY SANCTIONS**

Assigned to the Hon. S. James Otero

Action Filed: April 30, 2018

**Hearing Date: November 26, 2018**

**Hearing Time: 10:00 a.m.**

**Location: 350 West 1st Street  
Courtroom 10C  
Los Angeles, CA 90012**

1 **DECLARATION OF MICHAEL J. AVENATTI**

2 I, MICHAEL J. AVENATTI, declare as follows:

3 1. I am an attorney duly admitted to practice before this Court. I am an  
4 attorney with the law firm of Avenatti & Associates, APC, counsel of record for Plaintiff  
5 Stephanie Clifford. I am submitting this declaration in support of Plaintiff's Opposition  
6 to Defendant Donald J. Trump's Special Motion for Attorneys' Fees and Monetary  
7 Sanctions. I have personal knowledge of the information stated herein and if called to  
8 testify to the same would and could do so.

9 2. Attached hereto as Exhibit 1 is a true and correct copy of Mr. Trump's  
10 Motion to Dismiss for Lack of Subject Matter Jurisdiction filed in the action *Stephanie*  
11 *Clifford v. Donald J. Trump, et al.*, Case No. 2:18-cv-02217-SJO-FFM (Dkt. No. 87) on  
12 or about October 8, 2018.

13 3. Attached hereto as Exhibit 2 is a true and correct copy of the Notice of  
14 Appeal filed by Plaintiff in this action regarding the Court's Order dated October 15,  
15 2018.

16 4. Attached hereto as Exhibit 3 is a true and correct copy of a tweet posted on  
17 Mr. Trump's twitter account @realdonaldtrump on or about October 16, 2018. It is  
18 accessible at the following website address:

19 <https://twitter.com/realDonaldTrump/status/1052213711295930368>

20 5. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiff's  
21 Response to Defendant Michael Cohen's Special Motion to Strike filed in the action  
22 *Stephanie Clifford v. Donald J. Trump, et al.*, Case No. 2:18-cv-02217-SJO-FFM (Dkt.  
23 No. 90) on or about October 26, 2018.

24 6. I have reviewed Mr. Trump's Motion for Attorneys' Fees, and am familiar  
25 with the proceedings in this action as counsel of record. Mr. Trump seeks \$341,559.50 in  
26 attorneys' fees accounting for 509.25 hours of attorney time. Based on my experience  
27 litigating complex cases involving hundreds of millions of dollars in damages in this  
28 District and elsewhere, the proceedings in this action regarding Plaintiff's defamation

1 cause of action were not so complex as to justify the sheer volume of hours and money  
2 supposedly billed by Mr. Trump’s counsel. Based on my experience, the amount sought  
3 by Mr. Trump is not reasonable and is in fact excessive.

4 7. Based on my experience and knowledge of litigation in this District and  
5 elsewhere, the \$139,899 in fees based on 230.5 hours of attorney time that Mr. Trump  
6 requests in connection with the motion to strike filed in this action is not reasonable and  
7 is in fact excessive. Plaintiff’s counsel prepared the opposition to Mr. Trump’s motion in  
8 far less time. Indeed, based on the notice provided to Plaintiff, Plaintiff had roughly one  
9 week to oppose this motion. Thus, hypothetically, had an attorney in my office billed 24  
10 hours a day for the entire week, it still would have only amounted to 168 hours of  
11 attorney time. Mr. Trump’s lawyers’ request is therefore grossly inflated and excessive.

12 8. Based on my experience and knowledge of litigation in this District and  
13 elsewhere, the \$63,975 in fees based on 88.5 hours of attorney time that Mr. Trump  
14 requests in connection with the motion to for attorneys’ fees filed in this action is already  
15 unreasonable and excessive. Yet, Mr. Trump claims he will incur even more fees and  
16 attorney time in connection with this motion. Plaintiff’s counsel prepared the opposition  
17 to the motion for attorneys’ fees in far less time.

18 9. Based on my experience and knowledge of litigation in this District and  
19 elsewhere, the \$102,977.32 in fees for over 143 hours of attorney time that Mr. Trump  
20 requests in connection with the motion to transfer filed in this action is not reasonable  
21 and is excessive. Plaintiff’s counsel prepared the opposition to Mr. Trump’s motion in  
22 far less time.

23 10. Based on my experience and knowledge of litigation in this District and  
24 elsewhere, the \$34,707.97 for 47 hours of attorney time that Mr. Trump requests in  
25 connection with “initial strategy” in this action is not reasonable and is excessive.

26 11. Attached hereto as Exhibit 5 is a true and correct copy of the *2017 Real Rate*  
27 *Report Snapshot*, a CEB publication which I understand some courts in this District rely  
28

1 on in determining reasonable hourly rates to assign to attorneys' fee awards. See, e.g.,  
2 Hicks v. Toys'R' Us-Delaware, Inc., No. CV13-1302-DSF JCGX, 2014 WL 4670896, at  
3 \*1 (C.D. Cal. Sept. 2, 2014). I obtained this document from the Internet at  
4 [https://www.wkelmsolutions.com/sites/default/files/2017\\_real\\_rate\\_report\\_sam](https://www.wkelmsolutions.com/sites/default/files/2017_real_rate_report_snapshot_sam)  
5 [ple.pdf](https://www.wkelmsolutions.com/sites/default/files/2017_real_rate_report_snapshot_sam). This publication suggests that the rates requested by Mr. Trump's lawyers are  
6 excessive.

7  
8 I declare, under penalty of perjury and under the laws of the United States of  
9 America, that the foregoing is true and correct. I have executed this declaration on  
10 November 5, 2018.

11  
12  
13 /s/ Michael J. Avenatti  
14 Michael J. Avenatti