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4 Attorney for Plaintiff
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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 MICHAEL SAVAGE,

13 Plaintiff,

14 v.

15 COUNCIL ON AMERICAN-ISLAMIC
16 RELATIONS, INC., COUNCIL ON
AMERICAN-ISLAMIC RELATIONS ACTION
17 NETWORK, INC., COUNCIL ON
18 AMERICAN-ISLAMIC RELATIONS OF
SANTA CLARA, INC. and DOES 3-100,

19 Defendants.
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Case No. C 07-6076 SI

**DECLARATION OF IAN K. BOYD IN
SUPPORT OF OPPOSITION TO MOTION
FOR AN AWARD OF ATTORNEYS' FEES
AND COSTS**

Date: November 14, 2008

Time: 9:00 a.m.

The Honorable Susan Illston

22 I, Ian K. Boyd, declare as follows:

23 1. I am a partner in the law firm of Harvey Siskind LLP. I have personal knowledge of
24 the matters stated herein, and, if called as a witness, I could and would testify competently thereto.

25 2. On or about August 26, 2008, Daniel Horowitz, counsel of record for Plaintiff, called
26 to advise me that he had received a telephone call from Matthew Zimmerman, counsel for
27 Defendants, regarding a motion for attorneys' fees ("Fees Motion") that Defendants planned to file.
28

1 Mr. Horowitz asked me if I would agree to contact Mr. Zimmerman on behalf of Plaintiff and I
2 agreed to do so.

3 3. On August 26, 2008, I placed a telephone call to Mr. Zimmerman. Mr. Zimmerman
4 advised me that Defendants intended to file the Fees Motion, but that he was not yet in a position to
5 meet and confer. Later that same day, Mr. Zimmerman sent me an e-mail confirming that he was still
6 consulting with his clients and advised me that he would try to get back to me by "tomorrow." A true
7 and correct copy of Mr. Zimmerman's e-mail is attached hereto as Exhibit A.

8 4. Mr. Zimmerman did not contact me on August 27. On August 28, I again spoke with
9 Mr. Zimmerman, and he again advised me that he was not yet in a position to meet and confer
10 regarding the Fees Motion.

11 5. On August 29, 2008, Defendants filed the Fees Motion. At no point prior to filing the
12 Fees Motion did Mr. Zimmerman meet and confer with me. Defendants' failure to meet and confer
13 prior to filing the Fees Motion is in violation of Local Rule 54-6 (a), which states that "[c]ounsel for
14 the respective parties must meet and confer for the purpose of resolving all disputed issues relating to
15 attorney's fees before making a motion for award of attorney's fees."

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct and that this declaration was executed this 20th day of October, 2008, in San
18 Francisco, California.

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Ian K. Boyd

EXHIBIT A

Ian,

Thank you for your call earlier today regarding CAIR's upcoming fees motion in the Savage v. CAIR matter. I'm still consulting with my clients about the matters we discussed and will aim to get back to you by tomorrow.

Thanks again,

Matt

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Matthew Zimmerman
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