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Attorneys for Petitioner John Doe

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**JOHN DOE 1**, an individual,

Petitioner,

v.

**CLOUDFLARE, INC.**,

Respondent.

**PATRICK S. TOMLINSON**,

Plaintiff,

v.

**JOHN DOES 1–60, NAMES UNKNOWN**,

Defendants.

Case No. CPF-21-517455

**DISCOVERY**

**DECLARATION OF RUBEN PEÑA IN  
SUPPORT OF SUPPLEMENTAL  
REPLY IN SUPPORT OF PETITION  
TO QUASH SUBPOENA TO  
CLOUDFLARE, INC. ISSUED FOR  
CASE PENDING IN FOREIGN  
JURISDICTION PURSUANT TO CCP  
§2029.600 AND REQUEST FOR  
SANCTIONS**

In re out-of-state action:

*Patrick S. Tomlinson v. John Does 1–60,  
Names Unknown*, Case No. 2021CV000500  
State of Wisconsin Circuit Court,  
Milwaukee County

Filed by John Doe 1

Date: August 23, 2021

Time: 9:30 a.m.

Ctrm.: 302

Before: The Hon. Ethan P. Schulman

**ELECTRONICALLY  
FILED**

*Superior Court of California,  
County of San Francisco*

**07/28/2021**

**Clerk of the Court**

BY: CAROL BALISTRERI  
Deputy Clerk

1 I, Ruben Peña, declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and before this  
3 Court. I am an associate with the law firm of Kronenberger Rosenfeld, LLP, counsel of record for  
4 Petitioner John Doe 1. Unless otherwise stated, I have personal knowledge of the facts set forth in  
5 this declaration.

6 2. On January 26, 2021, Respondent/Plaintiff Patrick S. Tomlinson (“Tomlinson”)  
7 filed the lawsuit *Patrick S. Tomlinson v. John Does 1–60, Names Unknown*, Case No.  
8 2021CV000500, pending in the Wisconsin Circuit Court for Milwaukee County (the “Wisconsin  
9 Action”). On or around February 22, 2021, Tomlinson served the subpoena at issue on Cloudflare,  
10 Inc. (the “Subpoena”). On May 25, 2021, Petitioner filed a Petition to Quash the Subpoena (the  
11 “Petition”). On June 29, 2021, this Court heard oral argument on the Petition from both parties.  
12 The Court requested supplemental briefing to determine whether Tomlinson has set forth enough  
13 evidence to satisfy the *Krinsky* standard as to Petitioner. Petitioner incurred the attorney’s fees and  
14 paralegal fees described in this declaration in connection with the preparation of his supplemental  
15 briefing (the “Supplemental Briefing”).

16 3. Jeffrey M. Rosenfeld, a partner of Kronenberger Rosenfeld, oversaw the work on the  
17 Supplemental Brief. For nearly two decades, Mr. Rosenfeld has focused his legal practice on speech  
18 litigation, intellectual property litigation, and internet-related litigation. Mr. Rosenfeld has  
19 significant experience litigating online defamation actions, including anonymous defamation  
20 actions. Prior to joining Kronenberger Rosenfeld, Mr. Rosenfeld was a litigation associate with  
21 Howard Rice Nemerovski Canady Falk & Rabkin, in San Francisco, and before that, a litigation and  
22 privacy associate with Covington & Burling in Washington D.C. Mr. Rosenfeld received his J.D.,  
23 *magna cum laude*, from Georgetown University Law Center in 2002, where he was elected to the  
24 Order of the Coif and was an editor on the Georgetown Law Journal. Mr. Rosenfeld received his  
25 A.B. from Stanford University. In this matter, Kronenberger Rosenfeld has billed Mr. Rosenfeld’s  
26 time at \$550/hour

27 4. To reduce fees, where possible, I performed the work in drafting this motion. I  
28 received my J.D. from the Santa Clara University School of Law with a High-Tech Certificate:

Corporate specialization with honors. During law school, I served as a Research Editor and sat on the Board of Editors for the Santa Clara Law Review. My role within Kronenberger Rosenfeld is primarily in its litigation practice. Prior to joining Kronenberger Rosenfeld, I gained experience through legal internships at a major technology company, the United States Attorney's Office for the Northern District of California, the Office of the City Attorney for San José, and the Office of the City Attorney for San Diego. In this matter, Kronenberger Rosenfeld has billed my time at \$295/hour.


5. Also, where possible, to reduce fees, Kronenberger Rosenfeld used paralegals to perform the work in preparing this motion. Leah Vulić is a senior paralegal at Kronenberger Rosenfeld. Leah has several years of paralegal experience in civil litigation practice and is well-versed in all aspects of pretrial and trial practice, including case management, document review, court filings, and legal research. Leah graduated *magna cum laude* from the Ohio State University in March 2006, where she earned a B.A. in History. Leah obtained a Certificate of Paralegal Studies from Kaplan University in October 2008. From 2008 through 2011, Leah served as a legal assistant at Onda, LaBuhn, Rankin & Boggs Co., LPA in Columbus, Ohio. Leah joined Kronenberger Rosenfeld as a senior paralegal in 2011, where she has worked on all aspects of the firm's civil litigation practice. Paralegal Iyah Turminini received her dual-B.A. from the University of California at Berkeley in 2014. Iyah has been working as a paralegal for approximately six years and is well-versed in all aspects of civil procedure. In this matter, Kronenberger Rosenfeld billed Leah's and Iyah's time at \$205/hour.

6. To date, Petitioner has incurred \$4,880.10 in fees related to the Supplemental Brief. Kronenberger Rosenfeld, LLP generates billing summaries on a regular basis, which include billing times and work descriptions. My colleagues and I adhered to Kronenberger Rosenfeld's billing procedure in tracking and entering our time billed for preparing and filing the Supplemental Brief. Attached hereto as **Exhibit A** is a true and correct copy of a billing summary reflecting the work that Kronenberger Rosenfeld performed in preparing the Supplemental Brief and supporting papers. Exhibit A is limited to include only time entries related to the researching and drafting of the Supplemental Brief and supporting papers. As Exhibit A shows, in total Petitioner incurred

1 \$4,880.10 in fees in researching and drafting the Supplemental Brief and supporting papers.

2 I declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct.

4  
5 DATED: July 28, 2021

By:   
Ruben Peña

# Exhibit A

**John Doe 1 v. Tomlinson, Case No. CPF-21-517455 - Billing Records for Petitioner John Doe 1's  
Supplemental Briefing - Prepared on July 28, 2021**

| Date      | Hours | Description  | User           | Rate (\$) | Billable (\$) |
|-----------|-------|--|----------------|-----------|---------------|
| 7/15/2021 | 2.28  | Internal conference re: plaintiff's supplemental brief re: petition to quash subpoena to Cloudflare; review same; begin to outline responsive supplemental brief re: same.   | Ruben Pena     | 295       | \$672.60      |
| 7/15/2021 | 0.09  | Briefly review Tomlinson's supplemental brief re: petition to quash subpoena to Cloudflare; communicate with client re: same; internal conference re: same.  | Jeff Rosenfeld | 550       | \$49.50       |
| 7/16/2021 | 1.69  | Begin researching and drafting responsive supplemental brief re: petition to quash subpoena to Cloudflare.   | Ruben Pena     | 295       | \$498.55      |
| 7/19/2021 | 2.08  | Continue researching and drafting responsive supplemental brief re: petition to quash subpoena to Cloudflare.  | Ruben Pena     | 295       | \$613.60      |
| 7/20/2021 | 1.1   | Continue researching and drafting responsive supplemental brief re: petition to quash subpoena to Cloudflare.  | Ruben Pena     | 295       | \$324.50      |
| 7/21/2021 | 0.53  | Conference with client re: supplemental briefing for motion to quash subpoena to Cloudflare; review and respond to client's communications re: same; Continue researching and drafting responsive supplemental brief re: petition to quash subpoena to Cloudflare. | Jeff Rosenfeld | 550       | \$291.50      |
| 7/21/2021 | 0.5   | Cloudflare.  | Ruben Pena     | 295       | \$147.50      |
| 7/26/2021 | 1.2   | Continue researching and drafting responsive supplemental brief re: petition to quash subpoena to Cloudflare and supporting declarations.  | Ruben Pena     | 295       | \$354.00      |
| 7/26/2021 | 0.33  | Review and revise supplemental briefing re: motion to quash subpoena to Cloudflare; internal conference re: same; communicate with client re: same; review Tomlinson's Twitter posts for support for same.   | Jeff Rosenfeld | 550       | \$181.50      |
| 7/27/2021 | 2.2   | Review and revise supplemental briefing in support of motion to quash subpoena to Cloudflare and supporting declarations; communicate with client re: same; internal communications re: same.  | Jeff Rosenfeld | 550       | \$1,210.00    |
| 7/27/2021 | 0.43  | Final review of supplemental brief in support of motion to quash subpoena to Cloudflare and supporting declarations; communicate with client re: same; internal communications re: same.   | Ruben Pena     | 295       | \$126.85      |

Review and revise client declaration in support of supplemental reply; dispatch to client for signature; process and route signed client declaration into document management system; draft proof of service; revise, finalize, and dispatch for electronic filing and electronic service supplemental reply and declaration in support thereof; internal conferences

7/28/2021

2 with attorneys re: same.

Leah Vulic

205 \$410.00

**Total: \$4,880.10**