

EXHIBIT A

DECLARATION IN SUPPORT OF BILL OF COSTS

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17 *Attorneys for Defendant Netflix, Inc.*

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 OAKLAND DIVISION

21 IN RE ONLINE DVD RENTAL) Master File No.: 4:09-md-2029 PJH (JCS)
22 ANTITRUST LITIGATION) MDL No. 2029
23)
24) Hon. Phyllis J. Hamilton
25)
26) **DECLARATION OF ANTHONY**
27) **WEIBELL IN SUPPORT OF**
28) **DEFENDANT NETFLIX, INC.'S BILL**
) **OF COSTS RE NETFLIX**
) **SUBSCRIBER ACTIONS**

29 THIS DOCUMENT RELATES TO ALL)
30 ACTIONS EXCEPT THE FOLLOWING:)
31)
32) *Pierson v. Walmart.com USA LLC, Wal-Mart*)
33) *Stores, Inc. and Netflix, Inc., No. 09-cv-2163*)
34) (N.D. Cal.);)
35)
36) *Levy, et al. v. Walmart.com USA LLC, Wal-Mart*)
37) *Stores, Inc. and Netflix, Inc., No. 09-cv-2296*)
38) (N.D. Cal.))

1 I, Anthony Weibell, declare and state as follows:

2 1. I am an attorney duly licensed to practice before this Court and employed by Wilson
3 Sonsini Goodrich & Rosati (“WSGR”), counsel to defendant Netflix, Inc. (“Netflix”) in this
4 action. I have personal knowledge of the facts set forth herein, and if called as a witness, could
5 and would testify thereto.

6 2. I verify that all costs included in Netflix’s bill of costs submitted herewith were
7 necessarily incurred in this action and recoverable under 28 U.S.C. §1920, Civil Local Rule 54-
8 3, and relevant case law, and that the services for which fees have been charged were actually
9 and necessarily performed.

10 3. The costs in Netflix’s bill of costs include the Netflix Subscriber Plaintiffs’ 50%
11 share of the costs previously awarded by the Court against the Blockbuster Subscriber Plaintiffs
12 in this MDL proceeding. *See* ECF No. 515. The bill of costs also includes some additional costs
13 not submitted in the prior bill approved by the Court (because they were not directly related to
14 the Blockbuster Subscriber Plaintiffs’ actions or because they were incurred after the prior bill of
15 costs was filed) but that are of the same type and category of costs previously approved by the
16 Court.

17 4. I verify that all costs included in Netflix’s bill of costs are fairly attributed to the
18 actions brought by the Netflix Subscriber Plaintiffs in this litigation.

19 5. The invoices supporting Netflix’s bill of costs are attached as Exhibit C to Netflix’s
20 bill of costs. Where an invoice includes both charges that are recoverable and charges that are
21 not recoverable, the recoverable charges have been highlighted on the invoice.

22 6. All of the costs included on Netflix’s bill of costs for “preparing charts, diagrams,
23 videotapes and visual aids” were necessarily incurred to prepare visual aids needed to assist the
24 Court in understanding the issues and were presented at the relevant hearings or were prepared in
25 anticipation of trial. These include posters displaying key quotations, graphed numerical data,
26 comparison charts, presentation slides, etc.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed December 5, 2011, at Palo Alto, California.

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/s/ Anthony J Weibell
Anthony J Weibell