

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

Mary M. Johnston  
Judge

New Castle County Courthouse  
500 North King Street, Suite 10400  
Wilmington, DE 19801-3733  
Telephone (302) 255-0668

April 7, 2015

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**Re: *PICA v. Hewlett Packard***  
**C. A. No. N12C-06-196 MMJ CCLD**

Dear Counsel:

The Court has reviewed counsel's letters dated April 1, 2 and 6, 2015.

As the Court stated in its March 23, 2015 Opinion:

Should HP dispute the reasonableness of the dollar amount represented by 75% of PICA's attorneys' fees, HP shall provide a full accounting of HP's own fees and costs in defending the entirety of this litigation. The Court then will make a determination as to reasonableness.<sup>1</sup>

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<sup>1</sup>*Professional Investigating & Consulting Agency, Inc. v. Hewlett-Packard Co.*, 2015 WL 1417329, at \*8 (Del. Super.) (citing *Agilent Technologies, Inc. v. Kirkland*, 2010 WL 61075, at \*34 (Del. Ch.)(“I will assume that if each side's expenditures are reasonably similar...the fees and costs were reasonably incurred.”)).

This ruling is clear. HP can attempt to demonstrate that PICA's fee request is not appropriate by providing its own fees for comparison. In other words, if HP's counsel submits an affidavit stating that 75% of HP's total attorneys' fees is less than \$1,028,130.38, the Court will require both parties to provide a full accounting of fees to determine reasonableness.

The same procedure applies to PICA's calculation of the fees awarded under the Rule 37(b) sanctions. However, PICA is directed to review its fee calculations to ensure that PICA is not recovering the same fees twice, as HP claims. The Court declines to require PICA to break down the Rule 37(b) fees by category.

Finally, the Court awarded 75% of PICA's total attorneys' fees. This includes the post-trial proceedings.

HP shall file any objections to the Proposed Final Order and Judgment by no later than April 14, 2015. Post judgment interest will run as of the date the Court enters the Final Order and Judgment.

SO ORDERED.

/s/ Mary M. Johnston  
Mary M. Johnston

MMJ/tjm  
oc: Prothonotary