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 15 **Attorneys for Plaintiffs Al-Haramain Islamic Foundation, Inc., Wendell Belew and Asim Ghafoor**

16 **IN THE UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

| | | |
|----|---|---|
| 18 | IN RE NATIONAL SECURITY |) MDL Docket No. 06-1791 VRW |
| 19 | AGENCY TELECOMMUNICATIONS |) |
| 20 | RECORDS LITIGATION |) DECLARATION OF J. ASHLEE ALBIES IN |
| 21 | <u>This Document Relates Solely To:</u> |) SUPPORT OF PLAINTIFFS’ MOTION FOR |
| 22 | <i>Al-Haramain Islamic Foundation, Inc., et</i> |) ATTORNEY’S FEES |
| 23 | <i>al. v. Obama, et al. (C07-CV-0109-VRW)</i> |) |
| 24 | AL-HARAMAIN ISLAMIC |) |
| 25 | FOUNDATION, INC., et al., |) |
| 26 | Plaintiffs, |) |
| 27 | vs. |) |
| 28 | BARACK H. OBAMA, President of the |) |
| | United States, et al., |) |
| | Defendants. |) |

DECLARATION OF J. ASHLEE ALBIES IN SUPPORT OF PLAINTIFFS’ MOTION FOR ATTORNEY’S FEES
 MDL DOCKET NO. 06-1791 VRW

1 I, J. Ashlee Albies, hereby declare as follows:

2 1. I make this declaration of my own personal knowledge and could testify thereto if
3 called as a witness.

4 2. I graduated from Lewis and Clark Law School in 2005 and was admitted to the
5 Oregon bar that same year. During law school, I served as a law clerk for the Lewis and Clark Legal
6 Clinic in Portland, OR, providing legal services to low income residents of Portland. In addition,
7 I served as a law clerk for the Center for Constitutional Rights in New York, where I worked on
8 international human rights cases, as well as cases involving government misconduct. From
9 November 2005 through February of 2008, I was in solo practice, focusing on plaintiff-side litigation
10 in the areas of family, employment, and civil rights law in Portland, OR. From February 2008
11 through the present, I have been a litigation associate at Steenson, Schumann, Tewksbury, Creighton
12 & Rose, PC in Portland, OR where I continue to litigate plaintiff-side employment and civil rights
13 cases. I have litigated cases in both federal and state court, at both the trial and appellate levels.

14 3. I also serve as counsel representing the Center for Constitutional Rights in its
15 challenge to the same NSA wiretapping program . That case is currently pending in the Northern
16 District of California, Case No. 3:07-cv-01115-VRW. I have presented at several Continuing Legal
17 Education seminars on Civil Rights, specifically on the topics of civil rights and the First
18 Amendment and on changes to Federal Law in the area of Civil Rights. In addition, I serve on the
19 Oregon State Bar Civil Rights Section Executive Committee, and serve as Chair of the Portland
20 Chapter of the National Lawyers Guild.

21 4. Almost all of my practice involves representation of clients in cases on a contingent
22 basis (primarily involving constitutional and civil rights issues).

23 5. I joined the litigation team in this case prior to the complaint being filed on February
24 28, 2006. I provided preliminary research and analysis on key issues in this case prior to filing, and
25 continued to provide research and analysis throughout this litigation, including the defendants'
26 interlocutory appeal to the Ninth Circuit and the case's MDL transfer from Oregon to the San
27 Francisco Bay Area.

28 6. I maintained time records in this case in the same manner as I maintain time records

1 for all of my other direct billing and contingent cases. Throughout the course of my work, I
2 contemporaneously record the time spent on specific tasks for my work that day. However, over the
3 course of this litigation, I have changed offices and used two different billing programs.

4 7. Pursuant to Civil Local Rule 54-5(b)(2), I provide the following statement of the
5 services I have rendered in this case and summary of the time I have spent providing those services.
6 At the Court's request, and pursuant to Civil Local Rule 54-5(b)(2), I am prepared to produce my
7 contemporary time records or an abstract thereof for *in camera* inspection by the Court, if the Court
8 deems it appropriate.

9 **Preparation for filing of initial complaint (2/5/06 – 2-27/06)**

10 • Research, analysis, consultations with co-counsel for drafting and process for filing
11 complaint: 18.3 hours.

12 **Litigation in Oregon (2/28/06-12/20/06)**

13 • Research, analysis, consultations with co-counsel, drafting regarding discovery,
14 privileges, classification and sealing issues and pending related litigation, hearing on sealed
15 document (3/2/06-4/17/06): 54.8 hours.

16 • Research, analysis, consultations with co-counsel, drafting for memorandum in
17 opposition to ex parte filing by defendants, filings re: Oregonian motion to unseal (4/18/06–
18 4/23/06): 33.5 hours.

19 • Research, analysis, consultations with co-counsel regarding state secrets and other
20 privileges, assessment of other pending litigation, compiling litigation materials (5/1/06-5/23/06):
21 32.7 hours.

22 • Research, analysis, consultations with co-counsel for motion to compel discovery,
23 access to document, opposition to defendant's motion to dismiss based on state secrets privilege,
24 review of potential legislation (5/16/06- 8/29/06): 52.5 hours.

25 • Review and analysis of sur-reply memorandum on ex parte filing by defendants
26 (5/25/06-5/26/06): 1.0 hours.

27 • Assist co-counsel to prepare for, attend 8/29/06 hearing on defendants' motion to
28 dismiss (8/17/06 -8/29/06): 3.5 hours.

1 • Review MDL decision and defendants' request for stay pending further MDL
2 proceedings, consultations with co-counsel, review opposition to stay request (8/18/06-9/25/06):
3 5.6 hours.

4 • Research, analysis, consultations with co-counsel re: interlocutory appeal standards,
5 potential motions, case status: (9/25/06 - 10/24/06): 27.9 hours

6 • Research, analysis, consultations with co-counsel, draft and edit motion for summary
7 judgment, review of exhibits, response to government's objections to filing of documents,
8 preparation for oral argument, telephone hearing (10/23/06 - 11/1/06): 30.5 hours.

9 • Research, analysis, consultations with co-counsel re: immunity issues, funding request
10 (11/7/06 - 12/5/06): 48.2 hours.

11 **Litigation in the Northern District of California (12/20/06 - present)**

12 • Consultations with co-counsel re: strategy, review and analysis of related pending
13 litigation (1/7/07 - 4/19/07): 5.7 hours.

14 • Research, analysis, consultations with co-counsel regarding defendant's Ninth Circuit
15 brief, review, editing, and drafting of plaintiff's Ninth Circuit filing, travel to and assist in
16 preparation for oral argument, post argument analysis (5/31/07 - 8/28/07): 31.5 hours.

17 • Post- 9th Circuit decision work including analysis of decision, consultations with co-
18 counsel to discuss strategy, research on legislative history of FISA, prepare and file notice of change
19 of address (11/28/07 - 2/11/08): 11.7 hours.

20 • Analysis, research, consultations with co- counsel re: government's motion to
21 dismiss, plaintiff's response, assist with preparation and travel to hearing on government's motion
22 to dismiss (3/15/08 - 4/23/08): 12.3 hours.

23 • Review and analysis of July District Court opinion, consultations with co-counsel,
24 analysis, legal research re: service issues, review of amended complaint (7/3/08 - 7/21/08): 3.6 hours.

25 • Analysis, legal research, consultations with co-counsel, drafting and editing of
26 plaintiff's motion pursuant to 1805(f) and response to government's third motion to dismiss, assist
27 with preparation for and travel to oral argument in San Francisco, review and analysis of potential
28 legislative action (10/7/08 - 12/18/08): 18.1 hours.

1 • Review of Court's January 2009 opinion, consultation and analysis with co-counsel,
2 analysis, research, consultations with co-counsel, drafting and editing of case management statement,
3 motion to dismiss and opposition, review government declassification report, opposition to
4 government motion to stay, review and follow up on Court's show cause order, preparation for and
5 travel to show cause hearing (1/5/09 - 6/5/09): 33.2 hours.

6 • Analysis, research, consultations with co-counsel, editing and review of plaintiff's
7 motion for summary judgment and reply brief, review/analysis of government opposition,
8 preparation and travel to hearing in San Francisco, review of Inspector General's report on NSA
9 program, review/edit plaintiff's motion to strike, review and analysis of new cases on state secrets
10 privilege (6/11/09 - 9/23/09): 21.5 hours.

11 • Analysis, legal research, consultations with co-counsel re: March 2010 District Court
12 opinion and post-decision strategy, punitive damages, review/edit of punitive damages memo
13 (3/31/10 - 5/5/10): 11.9 hours.

14 • Research into cost recovery, preparation of fee declaration (6/25/10 - (6/29/09)): 9.5
15 hours.

16 8. Based on the foregoing, my total hours in this case are 467.2. Using the Laffey matrix
17 hourly rate of \$294 (for attorneys with 4 to 7 years of experience), I request an award of reasonable
18 attorney fees in the amount of \$137,356.80.

19 9. I also incurred certain litigation costs in this matter. Those costs include travel costs
20 to San Francisco for court hearings. I believe those costs are properly reimbursable insofar as this
21 case was transferred from the District of Oregon, where it was initially properly filed, to the Northern
22 District as a result of defendants' motion to the Joint Panel on Multidistrict Litigation. Further, on
23 information and belief, the standard practice in the Northern District of California is for attorneys
24 to bill their clients for such travel expenses and messenger charges separate from their hourly rates.

25 The expenses I am seeking reimbursement for are as follows:

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| 26 August 2007: Ninth Circuit oral argument | \$441.60 |
| 27 April 2008: Court hearing on Motion to Dismiss | \$199.00 |
| 28 December 2008: Court hearing on Motion to Dismiss | |

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| and Plaintiffs' 1806(f) Motion | \$337.00 |
| June 2009: Order to Show Cause Hearing | \$268.20 |

Based on the foregoing, I request an award of \$1,245.80 as reasonable litigation costs.

I, hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Executed this 8th day of July, 2010.

/s/ J. Ashlee Albies