

Defendants' Opposition to Plaintiffs' Motion for Attorney Fees

Al-Haramain Islamic Found. Oregon et al. v. Obama et al.
(07-cv-109-VRW) (3:06-md-1791-VRW)

Appendix 6

OTHER HOUR REDUCTIONS BY COUNSEL

Appendix 6 - Other Hour Reductions by Counsel

The following table sets forth additional hour reductions for particular tasks or activities set forth in the respective counsel's fee request. The grounds for these reductions are set forth in Defendants' Opposition to Plaintiffs' Motion for Attorney Fees and/or briefly noted in the entry. The reductions described in this appendix are for hours that Defendants submit are either unproductive, unnecessary, excessive, or otherwise unreasonable. In addition, entries in counsel's declaration that are too vague to support any compensation are also identified and reduced or eliminated.

The reductions set forth in the following tables are distinct from reductions set forth in Appendix 5 for duplication by counsel. In general, if Defendants' position is that an activity listed in Appendix 5 should be reduced further or eliminated, the further percentage reduction is limited to 50%. If the activity or entry is not identified in Appendix 5, the reductions set forth in these tables are made by estimating the hours for the activity (generally by dividing the hours in a block of time by the number of activities or subjects identified in the block) and then reducing the hours by the percentage indicated.

Note: Page references in the chart are to the page numbers indicated in the ECF generated header at the **top** of the declaration cited.

1. COUNSEL: Jon Eisenberg

A. 2006/2007 - State Secrets Privilege Litigation

Year: 2006 - Eisenberg

Page/Line	Description/Comment	Claimed	Exclude
5:16-17	<i>Feb. 2006:</i> Research Recusal of Judge No recusal motion filed. (50% reduction)	1.7	.85
5:20-22	<i>Mar.-April 2006:</i> Drafting Discovery. Discovery not permitted. (26.5 Hours Divided by 5 Topics = 5.3) (50% Reduction)	5.3	2.7
5:27-28	<i>May 2006:</i> Drafting Motion to Compel Discovery. Motion denied with leave to renew, but discovery never proceeds. (50% Reduction)	7.2	3.6
6:3-5	<i>May-June 2006:</i> USG Motion to Deny Plaintiffs Further Access to Sealed Document. Ps did not obtain further access for duration of litigation. (50% Reduction)	55.7	27.85
6:8-9	<i>June 2006:</i> Ps Opposition to Defendants' Transfer Motion to MDL. Ps lose challenge to MDL transfer. (50% Reduction)	45.7	22.85
6:6-7	<i>June-July 2006:</i> Ps Opposition to USG Motion to Dismiss Based on State Secrets Privilege. Ps lose challenge to SSP on appeal. FISA preemption not decided. (50% Reduction)	66.5	33.25
6:15-16	<i>August 2006:</i> Ps Opposition to USG Motion to Dismiss Based on State Secrets Privilege. Ps lose challenge to SSP on appeal. FISA preemption not decided. (50% Reduction)	41.6	20.8

Year: 2006 - Eisenberg

Page/Line	Description/Comment	Claim	Exclude
6:22	<i>Sept. 2006:</i> Ps Opposition to Defendants' Motion To Transfer to MDL. Ps lose challenge to MDL transfer. (50% Reduction)	20.8	10.4
6:23-24	<i>Sept.-Nov. 2006:</i> Ps Opposition to 1292(b) Appeal and Stay. Ps lose opposition to petition for appeal and stay. (50% Reduction)	44.3	22
6:25	<i>Oct. 2006:</i> Ps Opposition to Defendants' Motion Transfer to MDL. Ps lose challenge to MDL transfer. (50% Reduction)	10.1	5.0
7:4-5	<i>Nov. 2006:</i> Ps Opposition to Defendants' Motion MDL Transfer. Ps lose challenge to transfer. (50% Reduction)	5.7	2.85
7:6-7 7:10	<i>Nov. 2006:</i> Prep Attend 11/17/06 MDL CMC <i>Nov. 2006:</i> Prep/Attend 11/21/06 MDL CMC Duplicative entry. Only one Case Management Conference was held on 11/17/06. CMC primarily concerned telecom carrier cases. This action was not addressed and plaintiffs' counsel did not speak. (50% Reduction)	8.8 <u>4.5</u> = 13.3	6.6
7:8-9	<i>Nov. 2006-Jan. 2007:</i> "Review briefs and rulings in pertinent cases." (Vague) (8 hours divided by 2 = 4 for 2006 and 2007) (50% Reduction)	4.0	2.0
7:17-18	<i>Dec. 2006:</i> "Tasks pertaining to MDL/CTO Transfer" (Vague) (50% Reduction)	4.5	2.2
2006	Total For Topics Listed in 2006		162.95

Year: 2007- Eisenberg

Page/Line	Description/Comment	Claim	Exclude
7:8-9	<i>Nov. 2006-Jan. 2007: “Review briefs and rulings in pertinent cases.” (Vague) (8 hours divided by 2 = 4 for 2006 and 2007)</i>	4.0	2.0
7:26-27	<i>Feb. 2007: Brief and Hearing Opposing 1292(b) Stay. Ps lose opposition to stay. (50% Reduction)</i>	21.3	10.65
8:4-5	<i>March-April 2007: Prepare Amicus in <i>Hepting</i> appeal due to Ninth Circuit stay. Ps lose challenge to SSP and only FISA preemption issue remanded without decision. (50% Reduction)</i>	22.7	11.35
8:6-7	<i>March 2007: Ps Opposition to Stay Pending Appeal. Ps lose opposition to stay. (50% Reduction)</i>	23.0	11.5
8:8-9	<i>April 2007: Motion to Reconsider Stay Pending Appeal. Ps lose opposition to stay. (50% Reduction)</i>	5.2	2.6
8:10-22	<i>March - Aug. 2007: Court of Appeals Merits Briefing and Argument. Ps lose challenge to State Secrets Privilege on appeal. FISA preemption issue remanded without decision. (50% Reduction)</i>	367.8	183.9
8:23-24	<i>August 2007: Watch video of Ninth Circuit argument and create transcript. Unproductive and secretarial work improper for partner billing. (30% Reduction)</i>	6.6	2.0
8:25-27	<i>Sept.-Nov. 2007: “Review new developments regarding FISA issues and congressional testimony regarding TSP.” (Vague, Unproductive)(30% Reduction off of half the 30.1 hour block.)</i>	15	3.75
8:28-9:1	<i>Nov. 2007: Research and Consultation on Rehearing and Certiorari. Neither rehearing nor certiorari pursued. (50% Reduction)</i>	6.6	3.3
2007	Total for Topics Listed in 2007		231.05

B. Dismissal of Complaint in July 2008

Year: 2008 - Eisenberg

Page/Line	Description/Comment	Claim	Exclude
9:2-3	<i>Nov. 2007-June 2008:</i> “Research, analysis, update TSP developments, consultations with co-counsel for issues on remand from Ninth Circuit.” (Vague) (25% Reduction)	62.1	15.5
9:8-11	<i>Feb.-March 2008:</i> Ps Briefing in Opposition to Government’s Second Motion to Dismiss. Ps first complaint dismissed. (30% Reduction)	87.5	26.25
9:12	<i>April 2008:</i> Motion to Extend Time to Serve Individual Capacity Defendants. One individual defendant claim pursued (FBI Director Mueller) and dismissed.	7.0	7.0
9:13-14	<i>April 2008:</i> Prepare/Attend Hearing on Government’s Second Motion to Dismiss. First complaint dismissed. (30% Reduction)	29	8.7
2008	Total for Topics Listed in 2008		57.45

C. July 2008 to June 2009: Litigation Over Access to Classified Information

Year: 2008 -Eisenberg

Page/Line	Description/Comment	Claim	Exclude
9:21-28	<i>Aug. - Dec. 2008:</i> Prepare Plaintiffs’ Motion for Discovery Pursuant to Section 1806(f); Oppose USG Third MTD/MSJ; Hearing December 2, 2008. Plaintiffs not granted access to classified information under 1806(f) proceedings per Government’s objection. (25% Reduction)	239.4	59.85
2008	Total for Topics Listed in 2008		59.85

Year: 2009 - Eisenberg

Page/Line	Description/Comment	Claim	Exclude
10:1-22	<i>Jan.-March 2009:</i> Hours after January 2009 decision that plaintiffs be granted access to classified information. Application for security clearances. Work on dismissal of USG appeal re: access. Plaintiffs not granted access to classified information. (30% Reduction)	195.4	58.65
10:23-25	<i>April 2009:</i> “Review and analysis of recent filings in related cases, possible new DOJ policy on state secrets privilege, and relevance of newly released torture memos to TSP cases.” (Vague, Unrelated)	4.6	4.6
10:26-11:1	<i>April 2009:</i> Settlement Overture to Department of Justice. Never considered by DOJ. Never provided to DOJ counsel of record. Concerned all MDL cases.	22.4	22.4
11:2-4 11:7-12	<i>April-June 2009:</i> Work on proposed protective order granting Ps access to classified information and Order to Show Cause; Hearing June 3, 2009. Plaintiffs not granted access to classified information. (30% Reduction)	55.6	16.7
2009	Total for Topics Listed in 2009		102.32

D. June 2009-March 2010: Litigation of Partial Summary Judgment

Year: 2009 - Eisenberg

Page/Line	Description/Comment	Claim	Exclude
11:27-28	<i>Sept. 2009</i> : Review DOJ OLC Memo on executive power. (Vague, Unproductive)	4.0	4.0
12:1-3	<i>Sept. 2009-Feb. 2010</i> : Review of 9/23/09 Transcript Cooperative errata process- no litigation dispute.	7.7	7.7
12:4-5	<i>Sept. 2009</i> : Review New DOJ Policy on State Secrets Policy not applicable to Al-Haramain case. Policy not applicable to case. (Unproductive)	7.0	7.0
12:8-9	<i>Nov. 2009</i> : Plaintiffs File Amicus Brief in District of Columbia Opposing Vacatur in <i>Horn v. Huddle</i> . Vacatur denied and work in D.C. litigation not compensable in this case.	16.6	16.6
12:12-13	<i>Nov. 2009</i> : Review EFF FOIA Documents on FISA 2008 Amendments (Vague, Unrelated)	3.0	3.0
12:14-15	<i>Nov. 2009</i> : Ps Reply Brief in <i>Horn</i> . Vacatur denied and work in D.C. litigation not compensable in this case.	11.7	11.7
2009	Total for Topics Listed in 2009		50

Year: 2010 - Eisenberg

Page/Line	Description/Comment	Claim	Exclude
12:16-17	<i>Jan.-Feb. 2010</i> : Review Documents Pertaining to FBI Exigent Letter Issues. (Vague, Unrelated)	10.6	10.6
12:20	<i>March 2010</i> : Ps Review Vacatur Decision in <i>Horn</i>	1.5	1.5
2010	Total for Topics Listed 2010		12.1

E. Post Judgement March to June 2010

Year: 2010 - Eisenberg

Page/Line	Description/Comment	Claim	Exclude
13-4-5 13-9-10	Work on Punitive Damages Issue.	63	63
13:11-14	Fee Research and Work (Fees-for-Fees Reduction Made on Summary Chart)	56.6	
2010	Total for Topics Listed in 2010		63

2. COUNSEL: Goldberg

A. 2006/2007 - State Secrets Privilege Litigation

Year: 2006-Goldberg

Page/Line	Description/Comment	Claimed	Exclude
5:4-6	<i>Feb. 2006:</i> Research Recusal of Judge No recusal motion filed. (50% reduction)	3.4	1.7
5:10-14 5:15-19	<i>March-May 2006:</i> Filings re Oregonian Newspaper Motion to Unseal Document. Motion was denied and document remained sealed. 5:10-14: 15.5 hours divided by 2 topics = 7.75 5:15-19: 10.9 hours divided by 5 topics = 2.2 (50% Reduction)	9.9	5
5:21-22	<i>Mar.-May 2006:</i> Drafting Discovery/Motion to Compel. Discovery never proceeds. (50% Reduction)	11	5.5
5:23-27	<i>May-June 2006:</i> USG Motion to Deny Plaintiffs Further Access to Sealed Document. Ps did not obtain further access for duration of litigation. (50% Reduction)	18	9
6:1-4	<i>June-Oct. 2006:</i> Ps Opposition to Defendants' Transfer Motion to MDL. Ps lose challenge to MDL transfer. (50% Reduction)	22.5	11.25
6:7-8	<i>July-Sept 2006:</i> Drafting Reply Motion to Compel Discovery and Analyze Decision. Motion denied with leave to renew, but discovery never proceeds. (50% Reduction)	18	9
6:9-11	<i>July- Aug. 2006:</i> Ps Opposition to USG Motion to Dismiss Based on State Secrets Privilege. Ps lose challenge to SSP on appeal. FISA preemption issue not decided. (50% Reduction)	23	11.5
2006	Total For Topics Listed in 2006		52.95

Year: 2007 - Goldberg

Page/Line	Description/Comment	Claim	Exclude
7:1-10	<i>May - Aug. 2007:</i> Court of Appeals Merits Briefing and Argument. Ps Lose Challenge to State Secrets Privilege on Appeal. FISA preemption issue remanded without decision. (50% Reduction off two-thirds of block which includes post appeal activity.)	56.6	28.3
2007	Total for Topics Listed in 2007		28.3

B. Dismissal of Complaint in July 2008

Year: 2008 -Goldberg

Page/Line	Description/Comment	Claim	Exclude
7:16-23	<i>Feb.- April 2008:</i> Ps Briefing in Opposition to Government's Second Motion to Dismiss. Ps first complaint dismissed. (30% Reduction)	83.3	25
2008	Total for Topics Listed in 2008		25

C. July 2008 to June 2009: Litigation Over Access to Classified Information

Year: 2008 - Goldberg

Page/Line	Description/Comment	Claim	Exclude
7:23-27	<i>July-Sept. 2008:</i> Time on service of individual capacity defendants. One individual defendant claim pursued (FBI Director Mueller) and dismissed. (34.8 hour block divided by 4 = 8.7).	8.7	8.7
8:1-5	<i>Sept.-Dec. 2008:</i> Prepare Plaintiffs' Motion for Discovery Pursuant to Section 1806(f); Oppose USG Third MTD/MSJ; Hearing December 2, 2008. Plaintiffs not granted access to classified information under 1806(f) proceedings per Government's objection. (25% Reduction)	43.7	10.9
2008	Total for Topics Listed in 2008		19.6

Year: 2009 - Goldberg

Page/Line	Description/Comment	Claim	Exclude
8:6-15	<i>Jan. 2009:</i> Hours after January 2009 decision that plaintiffs be granted access to classified information. Application for security clearances. Work on dismissal of USG appeal re: access. Plaintiffs not granted access to classified information. (25% Reduction)	23.3	5.8
8:16-23	<i>March-June 2009:</i> Work on proposed protective order granting Ps access to classified information and Order to Show Cause; Hearing June 3, 2009. Plaintiffs not granted access to classified information. (25% Reduction)	32.4	8.1
2009	Total for Topics Listed in 2009		13.9

D. Post Judgement March to June 2010**Year: 2010 - Goldberg**

Page/Line	Description/Comment	Claim	Exclude
9:1-7	Work on Punitive Damages Issue. (55.6 hour block divided by 5)	11.5	11.5
9:9-13	Fee Research and Work (Fees-for-Fees Reduction Made on Summary Chart)	32.5	
Total	Total for Topics Listed in 2010		11.5

3. COUNSEL: Nelson

A. 2006/2007 - State Secrets Privilege Litigation

Year: 2006 - Nelson

Page/Line	Description/Comment	Claimed	Exclude
7:11-19	<i>March 2006:</i> Research Recusal of Judge No recusal motion filed. (65.6 hours divided by 5 topics = 13.12) (50% reduction)	13.12	6.6
7:11-19	<i>March 2006:</i> Drafting Discovery/Motion to Compel. Discovery never proceeds. (50% Reduction) (65.6 hours divided by 5 topics = 13.12) (50% reduction)	13.12	6.6
7:11-19	<i>March 2006:</i> Filings re Oregonian Newspaper Motion to Unseal Document. Motion was denied and document remained sealed. (65.6 hours divided by 5 topics = 13.12) (50% Reduction)	13.12	6.6
7:20-8:22	<i>March-May 2006:</i> "Discovery Matters" Vague. Discovery never proceeds. (112.1 hours divided by 5 = 22.42) (50% Reduction)	22.42	11.2
8:3-15	<i>May-Sept. 2006:</i> Review Government submissions in Al-Haramain designation case and legal research re same. Hours devoted to separate case and claims. (214.2 hours divided by 13 topics = 16.5) (50% Reduction)	16.5	8.3
8:3-15	<i>May-Sept. 2006:</i> Drafting Discovery. Discovery never proceeds. (214.2 hours divided by 13 topics = 16.5) (50% Reduction)	16.5	8.3
8:3-15	<i>May-Sept. 2006:</i> Filings re Oregonian Newspaper Motion to Unseal Document. Motion was denied and document remained sealed. (214.2 hours divided by 13 topics = 16.5) (50% Reduction)	16.5	8.3
8:3-15	<i>May-Sept. 2006:</i> USG Motion to Deny Plaintiffs Further Access to Sealed Document. Ps did not obtain further access for duration of litigation. (214.2 hours divided by 13 topics = 16.5) (50% Reduction)	16.5	8.3
8:3-15	<i>May-Sept. 2006:</i> Ps Opposition to 1292(b) Appeal and	16.5	8.3

	Stay. Ps lose opposition to petition for appeal and stay. (214.2 hours divided by 13 topics = 16.5) (50% Reduction)		
8:16-21	<i>Sept. - Dec. 2006:</i> Consult with ethics specialist. Appears Duplicative of 7:20-22 (describing “initial” consultation with ethics specialist.) (73 hours divided by 3 topics = 24.3) (50% Reduction)	24.3	12.2
8:16-21	<i>Sept. - Dec. 2006:</i> Participation in analysis of MDL Transfer. Ps lose opposition to transfer. (73 hours divided by 3 topics = 24.3) (50% Reduction)	24.3	12.2
2006	Total For Topics Listed in 2006		96.9

Year: 2007 - Nelson

Page/Line	Description/Comment	Claim	Exclude
9:1-9	<i>Jan. - June 2007:</i> Several vague entries: “review status of issues before Judge Walker”; “review issues relating to telephone records”; review documents in Saudi Arabia; (152.7 hours divided by 7 topics in block = 21.8 x 3 vague topics = 87.2 (25% Reduction)	65.4	16.4
9:1-9	<i>Jan. - June 2007:</i> Review proposed discovery. Case was in Court of Appeals. Discovery never served thereafter or permitted in case. (152.7 hours divided by 7 topics in block = 21.8) (50% Reduction)	21.8	10.9
9:10-18	<i>July-Dec. 2007:</i> Court of Appeals Merits Briefing and Argument. Ps Lose Challenge to State Secrets Privilege on Appeal. FISA preemption issue remanded without decision. (50% Reduction off two-thirds of block which includes post appeal activity.)	32.2	16.1
2007	Total for Topics Listed in 2007		43.4

B. Dismissal of Complaint in July 2008

Year: 2008 - Nelson

Page/Line	Description/Comment	Claim	Exclude
9:19-10:2	<i>Feb.-July 2008:</i> Ps Briefing in Opposition to Government's Second Motion to Dismiss. Ps first complaint dismissed. (11.7 hours divided by 8 topics = 1.5) (30% Reduction)	1.5	.5
9:19-10:2	<i>Feb.-July 2008:</i> Includes time for work in response to USG Third Motion to Dismiss which had not yet been filed and was <u>not</u> litigated during this period. (11.7 hours divided by 8 topics = 1.5)	1.5	1.5
9:19-10:2	<i>Feb.-July 2008:</i> Includes time for "analyze Espionage Act." Vague, unrelated. (11.7 hours divided by 8 topics = 1.5)	1.5	1.5
2008	Total for Topics Listed in 2008		3.5

Year: 2009 - Nelson

Page/Line	Description/Comment	Claim	Exclude
10:12-24	<i>Jan. 2009 to Present:</i> 113 hours listed for January 2009 to Present. Assume 75% in 2009 = 85; 25% in 2010 = 28. (A) Assume 42.5 hours for 6 months to June 2009: Hours after January 2009 decision that plaintiffs be granted access to classified information. Work on dismissal of USG appeal. Work on proposed protective order granting Ps access to classified information and Order to Show Cause; hearing June 3, 2009. Plaintiffs not granted access to classified information. (25% Reduction)	42.5	10.6
2009	Total for Topics Listed in 2009		10.6

D. Post Judgement March to June 2010

Year: 2010 -Nelson

Page/Line	Description/Comment	Claim	Exclude
10:22-24	Assume 28 hours of block in 2010 post-judgment. Vague description of activities. (50% Reduction)	28	14
2010	Total for Topics Listed in 2010		14

4. COUNSEL: Albies

A. 2006/2007 - State Secrets Privilege Litigation

Year: 2006 - Albies

Page/Line	Description/Comment	Claimed	Exclude
3:12-15	<i>March-April 2006:</i> Drafting Discovery/Motion to Compel. Discovery never proceeds. (54.8 hours divided by 5 topics = 10.96) (50% Reduction)	10.96	5.5
3:12-15	<i>March-April 2006:</i> Dispute Over Classification of Sealed Document and Handling. Document treated as classified and ordered stored by Government in a SCIF. (54.8 hours divided by 5 topics = 10.96) (50% Reduction)	10.96	5.5
3:16-18	<i>April 2006:</i> Filings re Oregonian Newspaper Motion to Unseal Document. Motion was denied and document remained sealed. (33.5 hours divided by 3 topics = 11.2) (50% Reduction)	11.2	5.6
3:19-21	<i>May 2006:</i> Research, analysis on state secrets privilege, “other privileges,” “assessment of other pending litigation,” “compiling of litigation materials.” Vague. SSP assertion upheld. (50% Reduction)	32.7	32.7
3:22-24	<i>Mar.-May 2006:</i> Drafting Discovery/Motion to Compel. Discovery never proceeds. (52.5 hours divided by 4 topics = 13.1) (50% Reduction)	26.25	6.55
3:27-28	<i>Aug. 2006:</i> Ps Opposition to USG Motion to Dismiss Based on State Secrets Privilege. Ps lose challenge to SSP on appeal. FISA preemption not decided. (50% Reduction).	3.5	1.75
4:4-5	<i>Sept.-Oct. 2006:</i> Ps Opposition to 1292(b) Appeal and Stay. Ps lose opposition to petition for appeal and stay. (50% Reduction)	27.9	13.95
4:9-11	<i>Nov.-Dec. 2006:</i> Research analysis of “funding request” Vague. 48.2 hours divided by 2 topics = 24.1	24.1	24.1
2006	Total For Topics Listed in 2006		95.65

Year: 2007 -Albies

Page/Line	Description/Comment	Claim	Exclude
4:14-16	<i>May - Aug. 2007: Court of Appeals Merits Briefing and Argument. Ps Lose Challenge to State Secrets Privilege on Appeal. FISA preemption issue remanded without decision. (50% Reduction off two-thirds of block which includes post appeal activity.)</i>	21.1	10.6
2007	Total for Topics Listed in 2007		10.6

B. Dismissal of Complaint in July 2008

Year: 2008 - Albies

Page/Line	Description/Comment	Claim	Exclude
4:20-22	<i>Mar.-April 2008: Ps Briefing in Opposition to Government's Second Motion to Dismiss. Ps first complaint dismissed. (30% Reduction)</i>	12.3	3.7
Total	Total for Topics Listed Jan. - July 2008		3.7

C. July 2008 to June 2009: Litigation Over Access to Classified Information

Year: 2008 - Albies

Page/Line	Description/Comment	Claim	Exclude
4:23-24	<i>July 2008: Time on service of individual capacity defendants. One individual defendant claim pursued (FBI Director Mueller) and dismissed. (3.6 hour block divided by 3 = 8.7).</i>	1.2	1.2
4:25-28	<i>Oct. - Dec. 2008: Prepare Plaintiffs' Motion for Discovery Pursuant to Section 1806(f); Oppose USG Third MTD/MSJ; Hearing December 2, 2008. Plaintiffs not granted access to classified information under 1806(f) proceedings per Government's objection. (25% Reduction)</i>	18.1	4.5
2008	Total for Topics Listed in 2008		5.7

Year: 2009 - Albies

Page/Line	Description/Comment	Claim	Exclude
5:1-6	<i>Jan. - June 2009:</i> Hours after January 2009 decision that plaintiffs be granted access to classified information. Work on proposed protective order granting Ps access to classified information and Order to Show Cause; Hearing June 3, 2009. Plaintiffs not granted access to classified information. (25% Reduction)	33.2	8.3
2009	Total for Topics Listed in 2009		8.3

D. Post Judgement March to June 2010**Year: 2010 -Albies**

Page/Line	Description/Comment	Claim	Exclude
5:11-13	Work on Punitive Damages Issue. (11.9 hour block divided by 2)	5.95	5.95
5:14-15	Fee Research and Work (Fees-for-Fees Reduction Made on Summary Chart	9.5	
2010	Total for Topics Listed in 2010		5.95

5. COUNSEL: Hassan

A. 2006/2007 - State Secrets Privilege Litigation

Year: 2006 -Hassan

Page/Line	Description/Comment	Claim	Exclude
4:1-6	<i>March-May 2006: Drafting Discovery/Motion to Compel. Discovery never proceeds. (21.5 hour block divided by 8 activities in block) (50% Reduction)</i>	2.7	1.35
4:7-13	<i>March-May 2006: Filings re Oregonian Newspaper Motion to Unseal Document. (Motion Denied) (46.1 Hrs Divided by 4 Major Topics in Block) (50% Reduction)</i>	11.5	5.76
4:14-16	<i>May-June 2006: Opposition USG Motion to Prevent Further Access to Sealed Document Under Protective Order. Further access never granted. (50% Reduction)</i>	7.1	3.55
4:17-21	<i>June-Sept. 2006: Ps Opposition to Defendants' Motion to Transfer to MDL. Ps lose challenge to MDL transfer. (50% Reduction)</i>	13.4	6.7
4:22-25	<i>July-August 2006: Ps Opposition to USG Motion to Dismiss Based on State Secrets Privilege. Ps lose challenge to SSP on appeal. FISA preemption not decided. (50% Reduction).</i>	21	10.5
4:26-27	<i>May-June 2006: Drafting Discovery/Motion to Compel. Discovery never proceeds. (50% Reduction)</i>	5.4	2.7
5:6	<i>Sept.-Nov. 2006: Consultation on proposed FISA legislation, which was not applicable in this case. (18.6 hours in block divided by 5 topics) (50% Reduction)</i>	3.7	3.7
5:7-9	<i>Sept.-Nov. 2006: Ps Opposition to 1292(b) Appeal and Stay. Ps lose opposition to petition for appeal and stay. (50% Reduction)</i>	12.7	6.35
2006	Total For Topics Listed 2006:		40.61

Year: 2007 - Hassan

Page/Line	Description/Comment	Claim	Exclude
5:16-19	<i>March -April 2007:</i> Ps Opposition to 1292(b) Appeal and Stay. Ps lose opposition to petition for appeal and stay. (50% Reduction)	3.9	1.95
5:20-27	<i>May - August 2007:</i> Court of Appeals Merits Briefing and Argument. Ps lose challenge to State Secrets privilege on appeal. FISA preemption issue remanded without decision. (50% Reduction off two-thirds of block which includes post appeal activity.)	31.4	15.7
2007	Total for Topics Listed in 2007		17.65

B. July 2008 to June 2009: Access to Classified Information**Year: 2008 - Hassan**

Page/Line	Description/Comment	Claim	Exclude
6:13	<i>July-Sept. 2008:</i> Meeting with Attorneys of Pete Seda Unexplained and Unrelated. (12.3 hours in serial block divided by 6 topics.)	2.1	2.1
6:13-14	<i>July-Sept. 2008:</i> Time on service of individual capacity defendants. One individual defendant claim pursued (FBI Director Mueller) and dismissed. (12.3 hours in serial block divided by 6 topics.)	2.1	2.1
6:16-20	<i>Sept.-Dec. 2008:</i> Ps Motion for Discovery Pursuant to Section 1806(f); Oppose USG Third MTD/MSJ. Plaintiffs not granted access to classified information under 1806(f) proceedings per Government's objection. (25% Reduction)	16	4
Total	Total Topics Listed July 2008-June 2009		8.2

D. Post Judgement March to June 2010

Year: 2010 - Hassan

Page/Line	Description/Comment	Claim	Exclude
7:1-7	Work on Punitive Damages Issue. (23 hours divided by 3)	7.6	7.6
13:11-14	Fee Research and Work (Fees-for-Fees Reduction Made on Summary Chart)	13.5	
2010	Total for Topics Listed in 2010		7.6

6. COUNSEL: Jaskol

A. 2006/2007 - State Secrets Privilege Litigation

Year: 2006 - Jaskol

Page/Line	Description/Comment	Claimed	Exclude
5:1-4	<i>May - Sept. 2006:</i> Drafting Discovery/Motion to Compel. Discovery never proceeds. (50% Reduction)	7.3	3.65
5:5-8	<i>June-Oct. 2006:</i> Ps Opposition to Defendants' Transfer Motion to MDL. Ps lose challenge to MDL transfer. (50% Reduction)	9.9	4.95
5:9-13	<i>June- Sept. 2006:</i> Ps Opposition to USG Motion to Dismiss Based on State Secrets Privilege. Ps lose challenge to SSP on appeal. FISA preemption not decided. (50% Reduction).	26.3	13.15
5:17-19	<i>Sept. 2006:</i> Ps Opposition to Interlocutory Appeal. Ps lose opposition to stay.	11.2	5.6
5:20-22	<i>Sept.-Nov. 2006:</i> Ps Opposition to MDL Transfer. Ps lose challenge to transfer. (50% Reduction)	13.4	6.7
5:26-27	<i>Oct.-Nov. 2006:</i> Ps Opposition to Stay Pending 1292(b) Appeal. Ps lose opposition to stay. (50% Reduction)	3.6	1.8
2006	Total For Topics Listed in 2006		35.85

Year: 2007 - Jaskol

Page/Line	Description/Comment	Claim	Exclude
6:11-16	<i>June - Aug. 2007:</i> Court of Appeals Merits Briefing and Argument. Ps Lose Challenge to State Secrets Privilege on Appeal. FISA preemption issue remanded without decision. (50% Reduction off two-thirds of block which includes post appeal activity.)	19.5	9.75
2007	Total for Topics Listed in 2007		9.75

B. Dismissal of Complaint in July 2008

Year: 2008 - Jaskol

Page/Line	Description/Comment	Claim	Exclude
6:19-23	<i>Mar.-July 2008:</i> Ps Briefing in Opposition to Government's Second Motion to Dismiss. Ps first complaint dismissed. (30% Reduction)	19.3	5.8
2008	Total for Topics Listed in 2008		5.8

C. July 2008 to June 2009: Litigation Over Access to Classified Information

Year: 2008 - Jaskol

Page/Line	Description/Comment	Claim	Exclude
7:5-10	<i>Oct. 2008- Jan. 2009:</i> Prepare Plaintiffs' Motion for Discovery Pursuant to Section 1806(f); Oppose USG Third MTD/MSJ; Hearing December 2, 2008. Plaintiffs not granted access to classified information under 1806(f) proceedings per Government's objection. (25% Reduction)	15.8	3.95
2008	Total for Topics Listed in 2008		3.95

Year: 2009 - Jaskol

Page/Line	Description/Comment	Claim	Exclude
7:11-16	<i>Jan.-March 2009:</i> Hours after January 2009 decision that plaintiffs be granted access to classified information. Work on proposed protective order granting Ps access to classified information and Order to Show Cause; Hearing June 3, 2009. Plaintiffs not granted access to classified information. (25% Reduction)	9.8	2.45
7:17-22	<i>April-May 2009:</i> Work on proposed protective order granting Ps access to classified information and Order to Show Cause; Hearing June 3, 2009. Plaintiffs not granted access to classified information. (25% Reduction)	5.0	1.25
2009	Total for Topics Listed in 2009		3.7

D. Post Judgement March to June 2010

Year: 2010 - Jaskol

Page/Line	Description/Comment	Claim	Exclude
7:27-28	Work on Punitive Damages.	1.4	1.4
8:2-4	Fee Research and Work (Fees-for-Fees Reduction Made on Summary Chart)	5.6	
2010	Total for Topics Listed in 2010		1.4

7. COUNSEL: Hancock

A. 2006/2007 - State Secrets Privilege Litigation

Year: 2006 - Hancock

Page/Line	Description/Comment	Claimed	Exclude
4:3	<i>July 2006:</i> Legal Research. Vague.	3.0	3.0
4:4-5	<i>Aug.- Oct. 2006:</i> Tasks related to motion to dismiss. Vague.	2.6	2.6
4:6-7	<i>November 2006:</i> "Tasks and research" re: multiple topics is vague. Ps did not succeed in opposing stay pending appeal. Counsel did not speak at MDL coordination hearing in November 2006. (50% Reduction)	5.7	2.85
2006	Total For Topics Listed in 2006		8.45

Year: 2007 - Hancock

Page/Line	Description/Comment	Claim	Exclude
4:10-11	<i>Feb. 2007:</i> "Tasks re: stay issues." Vague and Ps Opposition to Stay Pending Appeal. Ps lose opposition to stay.	4.5	4.5
4:12-13	<i>March-April 2007:</i> "Tasks re:" Vague and USG stay pending appeal. Ps lose opposition and stay granted. (7.3 block hours divided by 5 = 1.5)	1.5	1.5
4:17-19	<i>May-June 2007:</i> Court of Appeals proceedings, Ps lose challenge to SSP on appeal. FISA claim alone remanded. (50% Reduction)	41	20
2007	Total for Topics Listed in 2007		26

B. Dismissal of Complaint in July 2008

Year: 2008 - Hancock

Page/Line	Description/Comment	Claim	Exclude
4:22-24	<i>Jan.-May 2008:</i> Ps Briefing in Opposition to Government's Second Motion to Dismiss. Ps first complaint dismissed. (30% Reduction)	14.3	4.3
2008	Total for Topics Listed in 2008		4.3

C. July 2008 to June 2009: Litigation Over Access to Classified Information

Year: 2008 - Hancock

Page/Line	Description/Comment	Claim	Exclude
4:28-5:5	<i>Aug.-Dec. 2008:</i> Prepare Plaintiffs' Motion for Discovery Pursuant to Section 1806(f); Oppose USG Third MTD/MSJ; Hearing December 2, 2008. Plaintiffs not granted access to classified information under 1806(f) proceedings per Government's objection. (25% Reduction)	17.6	4.4
2008	Total for Topics Listed in 2008		4.4

Year: 2009 - Hancock

Page/Line	Description/Comment	Claim	Exclude
5:6-8	<i>Jan.-March 2009:</i> Hours after January 2009 decision that plaintiffs be granted access to classified information. Work on proposed protective order granting Ps access to classified information and Order to Show Cause; Hearing June 3, 2009. Plaintiffs not granted access to classified information. (25% Reduction)	10.7	2.7
5:9-15	<i>April-June 2009:</i> Work on proposed protective order granting Ps access to classified information and Order to Show Cause; Hearing June 3, 2009. Plaintiffs not granted access to classified information. (25% Reduction)	30.9	7.7
2009	Total for Topics Listed in 2009		10.4

D. Post Judgement March to June 2010

Year: 2010 - Hancock

Page/Line	Description/Comment	Claim	Exclude
5:19-23	<i>Jan. - March 2010:</i> Work on Punitive Damages Issue. (27 hour block divided by 4 x 2 topics =13.5)	13.5	13.5
5:24-26	Fee Research and Work (Fees-for-Fees Reduction Made on Summary Chart)	12.2	
2010	Total for Topics Listed in 2010		13.5