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13 Attorneys for Plaintiff Public.Resource.Org

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 15 IN THE UNITED STATES DISTRICT COURT
 16 THE NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

18 PUBLIC.RESOURCE.ORG., a California non-
 19 profit organization,

20 Plaintiff,

21 v.

22 UNITED STATES INTERNAL REVENUE
 SERVICE,

23 Defendant.

) Case No. 13-cv-02789 WHO

) **DECLARATION OF KARL OLSON IN**
) **SUPPORT OF PLAINTIFF**
) **PUBLIC.RESOURCE.ORG'S MOTION**
) **FOR ATTORNEY'S FEES AND COSTS**

1 I, Karl Olson, declare:

2 1. I am a member in good standing of the State Bar of California and a partner in the
3 law firm of Ram, Olson, Cereghino & Kopczynski in San Francisco. I make this declaration from
4 personal knowledge and if called as a witness I could and would testify competently to the facts
5 stated herein.

6 2. I was admitted to the California Bar in December of 1982 after graduating *magna*
7 *cum laude* from University of California's Hastings College of the Law that year. From 1982 to
8 1983 I was employed by Justice Joseph Grodin as a law clerk and research attorney, respectively,
9 first for the California Court of Appeal (First District) and then for the California Supreme Court
10 when he was elevated to the Supreme Court in December of 1982. From 1983 to 1986 I was an
11 associate at Morrison & Foerster. From 1986 to the end of 1989 I was an associate at Cooper,
12 White & Cooper and from January 1, 1990 to March 31, 1997 I was a partner at Cooper, White &
13 Cooper. On April 1, 1997, I co-founded Levy, Ram & Olson, which became Ram & Olson on
14 June 1, 2009, and Ram, Olson, Cereghino & Kopczynski in February of 2011.

15 3. I have specialized in media law since 1986. For the past 11 years my practice has
16 focused heavily on the Public Records Act. I was lead counsel for the Contra Costa Newspapers,
17 the prevailing party in *International Federation of Professional and Technical Engineers Local 21*
18 *v. Superior Court of Alameda County* (Contra Costa Newspapers, real party in interest) (2007) 42
19 Cal. 4th 319, which vindicated the public's right of access to named public employees' salaries. I
20 was counsel of record for the Sacramento Bee, the prevailing real party in interest in *Sacramento*
21 *County Employees Retirement System v. Superior Court* (2011) 195 Cal. App. 4th 440, which
22 vindicated the public's right of access to named public employees' pensions. Finally, I was
23 counsel of record in the three cases establishing the public's right of access to information about
24 public pension funds' investments in venture capital firms, including *Coalition of University*
25 *Employees v. Regents of University of California*, and was also involved in the drafting of
26 Government Code section 6254.26 (I drafted the portions of Statutes 2005, chapter 258, section 1
27 which stated legislative intent to ensure that the public would still be able to monitor the
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1 performance of public investments in venture capital firms, and legislative intent to ensure that
2 pro-disclosure decisions such as Coalition of University Employees would not be overruled).

3 4. I am familiar with the information sought to be publicly disclosed by
4 Public.Resource.Org in this litigation. Given my personal familiarity with the specific legal issues
5 that were at issue in this litigation and as a lawyer who has counseled and represented clients in
6 Public Records Act matters throughout his entire legal career, in my opinion, through this
7 litigation, Public.Resource.Org enforced important public rights that also conferred a significant
8 benefit upon the public as a whole. The access issues raised in this FOIA litigation – the public’s
9 ability to receive access to publicly-filed Form 990s, but in Machine Readable format – were
10 novel; the two published opinions by this Court will be available for use in future litigation.

11 5. I understand the total hours of 458 and hourly rates being sought in connection with
12 work done by counsel for PR.Org. The total fees sought by PR.Org – \$219,535– which were
13 already voluntarily reduced by counsel – are reasonable and consistent with fee awards in Public
14 Records Act lawsuits. Even at the highest requested billing rate of \$645 per hour for Mr. Burke,
15 these hourly rates are less than prevailing market rates for skilled and experienced attorneys in the
16 San Francisco Bay Area. For example, the Alameda County Superior Court in 2013 awarded fees
17 for my time at a rate of \$785 an hour in the case of *Reuters America LLC v. Regents of the*
18 *University of California*. In that case we were awarded fees of approximately \$225,000 for 40
19 percent of our time in the trial court (the court apportioned our time between separate components
20 of the litigation). I am aware of several other public records access cases in California courts in
21 which fee awards substantially over \$100,000 have been awarded for work in the trial court alone,
22 in matters seemingly less complex and contested than this one, including a fee award of
23 approximately \$155,000 in *San Diego County Water Authority v. City of Los Angeles Department*
24 *of Water and Power*, Los Angeles County Superior Court No. BS136663.

25 I declare under penalty of perjury under the laws of the State of California and of the
26 United States that the foregoing is true and correct and that this declaration was executed this 19th
27 day of July, 2015, in San Francisco, California.

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KARL OLSON