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 20 **Ghafoor**

21 **IN THE UNITED STATES DISTRICT COURT**
 22 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

23 **IN RE NATIONAL SECURITY AGENCY) MDL Docket No 06-1791 VRW**
 24 **TELECOMMUNICATIONS RECORDS)**
 25 **LITIGATION) **DECLARATION OF LISA R. JASKOL****
 26 **) **IN SUPPORT OF PLAINTIFFS'****
 27 **) **MOTION FOR ATTORNEY'S FEES****
 28 **)**

1)
2)
3 This Document Relates Solely To:)
4)

5 *Al Haramain Islamic Foundation, et al., v.*)
6 *Obama, et al. (07-CV-109-VRW)*)

7 **AL-HARAMAIN ISLAMIC FOUNDATION,**)
8 **INC., et al.,**)

9 Plaintiffs,)

10 vs.)

11 **BARAK H. OBAMA, President of the United**)
12 **States, et al.,**)

13 Defendants.)
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I, Lisa R. Jaskol, hereby declare as follows:

1. I make this declaration based on my own personal knowledge and would testify to the statements in this declaration if called as a witness.

2. I graduated from Yale Law School in 1988 and was admitted to the State Bar of California that same year. After law school, I clerked for one year for a judge on the U.S. Court of Appeals for the Ninth Circuit and then joined the law firm Irell & Manella LLP in Los Angeles as a litigation associate. After two years at Irell & Manella, I joined the appellate law firm Horvitz & Levy LLP in Encino, where I later became a partner and was certified as an appellate specialist by the State Bar of California. From March 2001 to March 2004, while on a leave of absence from Horvitz & Levy, I served as the Directing Attorney of the Homelessness Prevention Law Project of Public Counsel, the public interest law office of the Los Angeles County and Beverly Hills Bar Associations and the Southern California affiliate of the Lawyers' Committee for Civil Rights Under Law. I returned to Horvitz & Levy in March 2004. In

1 January 2007, I re-joined Public Counsel as the first Directing Attorney of the organization's
2 new Appellate Law Program, where I remain today. Accordingly, I have practiced law
3 continuously for 22 years.

4
5 3. In 2005, together with Steven Goldberg and Jon Eisenberg, I represented an Oregon
6 National Guardsman on a pro bono basis in an unsuccessful challenge to the U.S. Army's stop loss
7 program, which involuntarily extended soldiers' military enlistment. I took the lead in preparing
8 the Ninth Circuit briefs. *Santiago v. Rumsfeld*, 425 F.3d 549 (9th Cir. 2005).

9
10 4. I became involved in the *Al-Haramain* litigation in February 2006 when Steven
11 Goldberg contacted me to see if Jon Eisenberg and I could join plaintiffs' litigation team. At
12 this time, I was a partner at Horvitz & Levy. The firm approved my individual pro bono
13 participation in the case but the firm itself did not become counsel for the plaintiffs.
14 Nonetheless, the firm allowed me to record my time spent on the case with the help of my
15 secretary and the firm's billing system. Accordingly, while I was at Horvitz & Levy I billed my
16 time spent on the *Al-Haramain* case the same way I billed my time spent on any other matter.
17

18 5. When I joined Public Counsel in January 2007, Public Counsel allowed me to
19 continue to work on the *Al-Haramain* matter, but only on my own time, and the case did not
20 become a Public Counsel matter. In addition, I no longer had a secretary and I was not required
21 to record my time for Public Counsel. As a result, I recorded my time for the *Al-Haramain* case
22 mostly in handwritten logs.
23

24 6. I understand that this Court's practice is to use the *Laffey* matrix as adjusted for
25 locality, rather than counsel's own stated rates or those customarily charged by law firms, to
26 determine appropriate hourly rates. *See* Declaration of Jon B. Eisenberg in Support of
27 Plaintiffs' Motion for Attorney's Fees, paragraph 7. The *Laffey* matrix for 2009-2010
28

1 prescribes attorney's fees at the hourly rate of \$465 for attorneys (like me) with 20-plus years of
2 experience. *See id.*, paragraph 8.

3 7. This case has been primarily litigated in the Northern District of California.

4 8. For 2010, the locality pay differentials for Washington, D.C. and the San
5 Francisco Bay Area are 24.22 percent and 35.15 percent, respectively. See
6 http://www.opm.gov/oca/compmemo/2009/2010PAY_Attach2.pdf. The *Laffey* matrix as
7 adjusted upward for the San Francisco Bay Area yields an hourly rate of \$506 for my time spent
8 on this case. (135.15 minus 124.22 is 10.93. 10.93 divided by 124.22 is .087989. .087989
9 multiplied by 465 is 40.914885. 40.914885 plus 465 is 505.91488.)
10
11

12 9. Pursuant to Civil Local Rule 54-5(b)(2), I provide the following statement of the
13 services I have rendered in this case and summary of the time I have spent providing those
14 services. At the Court's request, and pursuant to Civil Local Rule 54-5(b)(2), I am prepared to
15 produce my contemporary time records or an abstract thereof for *in camera* inspection by the
16 Court, if the Court deems it appropriate.
17

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

- 19 • Research, analysis, consultations with co-counsel regarding case strategy and
20 factual background of case (3/7/06 to 3/16/06): 16.5 hours
- 21 • Research, analysis, conference call with court, consultations with co-counsel,
22 review and editing of filings regarding sealing and access issues and pending
23 related litigation (3/17/06 to 6/19/06): 32.9 hours
- 24 • Legal research, analysis, review and editing of filings concerning government's ex
25 parte filing and in camera lodging of material; telephonic hearing with court re:
26 government's ex parte filing (4/19/06 to 5/25/06): 21.5 hours
27
28

- 1 • Review and editing of motion to compel; telephone conference with Court re:
2 discovery and consultation with co-counsel; prepare correspondence to government
3 counsel re discovery conference (5/17/06 to 9/14/06): 7.3 hours
4
- 5 • Review, analysis and editing of filings concerning government's motion for
6 consolidation and transfer to MDL panel; conference calls with court and
7 consultation with co-counsel and other plaintiffs' counsel re: same; discussion of
8 timing and procedures with clerk of MDL court (6/2/06 to 9/5/06): 9.9 hours
9
- 10 • Review, analysis, and editing of filings concerning government's motion to
11 dismiss; prepare for, travel to/from, attend 8/29/06 hearing on motion to dismiss;
12 review, analysis, consultation with co-counsel concerning district court ruling
13 (6/6/06 to 9/7/06): 26.3 hours
14
- 15 • Legal research, consultation with co-counsel, review and editing of letter to court
16 on recent decisions (6/29/06 to 7/26/06): 6.8 hours
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- 18 • Review, legal research, analysis, consultation with co-counsel, and editing of filings
19 concerning government's petition for interlocutory appeal (9/20/06 to 9/29/06):
20 11.2 hours
21
- 22 • Review, analysis and editing of filings re: motion to vacate conditional transfer
23 order (9/21/06 to 11/9/06): 13.4
24
- 25 • Review, analysis, consultation with co-counsel and editing of filings re: summary
26 judgment motion (10/23/06 to 10/27/06): 5.6 hours
27
- 28 • Review, analysis and editing of filings regarding government's motion for stay
(10/24/06 to 11/1/06): 3.6 hours

- Review and editing of letters to court in response to government counsel's misconduct allegations and re: November 14 hearing; consultation with co-counsel; and conference call with Court (11/1/06 to 11/3/06): 1.5 hours
- Review and analysis of state secrets issue and prepare memorandum re: same (11/3/06): 3.2 hours

Litigation in the Northern District of California (12/20/06 – 7/9/10):

- Strategy conference calls with attorneys in transferred cases and co-counsel (12/20/06 to 12/27/06): 2.3 hours
- Review, analysis, and editing of Ninth Circuit appellate briefs; review and analysis of sealed filings in District Court under supervision of Court Security Officer; prepare for, travel to and from and attend Ninth Circuit oral argument; prepare post-Ninth Circuit oral argument sealed filing under supervision of Court Security Officer (8/8/07): (6/10/07 to 8/30/07): 29.0
- Review and editing of amended summary judgment motion (1/25/08 to 2/4/08): 6.8 hours
- Review, analysis, legal research, consultation with co-counsel and editing of filings concerning government's second motion to dismiss (3/16/08 to 7/2/08): 15.7 hours
- Review, analysis, legal research, consultation with co-counsel and editing of filings concerning amicus curiae brief of telecoms (4/9/08 to 4/11/08): 3.6 hours
- Legal research regarding, consultation with co-counsel, and review and editing of amended complaint (7/6/08 to 7/24/08): 11.1 hours

- 1 • Review, analysis, editing and consultation with co-counsel regarding case
2 management statements and stipulation for extension of time to answer amended
3 complaint (2/6/08 to 2/17/09): 3.1 hours
- 4
- 5 • Review, analysis, editing of filings, and consultation with co-counsel regarding
6 section 1806(f) motion and declarations (9/4/08 to 11/3/08): 7.7 hours
- 7
- 8 • Review, analysis, consultation with co-counsel and editing of filings and ruling
9 concerning defendants' third motion to dismiss or for summary judgment (10/3/08
10 to 1/7/09): 8.1 hours
- 11
- 12 • Review, analysis legal research, consultation with co-counsel and editing of filings
13 regarding government's purported appeal and stay motion (1/17/09 to 2/26/09): 4.6
14 hours
- 15
- 16 • Legal research, review and analysis of filings regarding declassification and
17 security clearance issues (2/16/09 to 3/2/09): 5.2 hours
- 18
- 19 • Review and editing of proposed protective order (4/21/09 to 4/23/09): 3.0 hours
- 20
- 21 • Review and editing of Joint Submission in Response to Court's April 17, 2009
22 Order (5/15/09): 1.7 hours
- 23
- 24 • Review and analysis and consultation with co-counsel re response to Court's
25 5/22/09 order (5/25/09 to 5/27/09): 2.0 hours
- 26
- 27 • Review, analysis, consultation with co-counsel and editing of filings concerning
28 summary judgment; consultation with co-counsel regarding post-ruling issues
(5/27/09 to 4/13/10): 14.0 hours
- Review and editing of memorandum of points and authorities re: punitive damages
(4/27/10 to 5/3/10): 1.4 hours

