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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

**IN RE NATIONAL SECURITY AGENCY
 TELECOMMUNICATIONS RECORDS
 LITIGATION**

This Document Relates Solely To:

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

**AL-HARAMAIN ISLAMIC FOUNDATION,
 INC., et al,**

Plaintiffs,

vs.

**BARACK H. OBAMA, President of the
 United States, et, al.,**

Defendants.

MDL Docket No 06-1791 VRW

**DECLARATION OF KENNETH A.
 KREUSCHER IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 ATTORNEY'S FEES**

1 I, Kenneth A. Kreuscher, hereby declare as follows:

2 1. I make this Declaration based upon my own personal knowledge and would testify
3 to the statements in this Declaration if called as a witness. I make this Declaration in support of
4 Plaintiffs' Motion for Attorney Fees.

5 2. I received a Bachelor of Science Degree from Indiana University in 2000, and a
6 Juris Doctor Degree from Lewis and Clark Law School, of Portland, Oregon, in 2006. I have been
7 admitted to practice law in the State of Oregon since 2006. My Oregon State Bar number is
8 066189.

9 3. I attended and graduated *cum laude* from Lewis and Clark Law School. While in
10 law school, I served as a certified law student for Metropolitan Public Defender of Portland,
11 Oregon and the Lewis and Clark Law Clinic.

12 4. I also clerked full time for six months with the Center for Constitutional Rights
13 ("CCR") in New York, New York, a human rights and civil rights organization. At CCR, I drafted
14 and updated the model habeas corpus petition filed in the majority of the Guantanamo Bay
15 Detainee cases and conducted research and motions drafting in multiple complex federal civil
16 rights cases.

17 5. Also in law school, I founded and participated in a GI Rights project, which assisted
18 U.S. armed service members to secure and enforce their civil and human rights in the military.

19 6. I graduated from Lewis and Clark Law in 2006 in the top 20% of my law school
20 class.

21 6. Upon graduating from law school and after passing the bar exam, I was in solo
22 private practice in Portland Oregon, from October, 2006 to April, 2007. I practiced criminal
23 defense and civil litigation. During that time, I performed work in this case for the attorneys for the
24 Plaintiffs.

1 7. During my initial period of private practice, I worked on several notable cases,
2 including a complex Freedom of Information Act case, *Hiken v. DOD*, case no. CV-06-2812
3 (MHP) (ND Cal 2006). *See Hiken v. DOD*, 521 F Supp 2d 1047 (ND Cal 2007).

4 8. As well, I represented 14 criminal defendants on appeal, in which the Oregon Court
5 of Appeals declared the underlying criminal statute to be violative of the 14th Amendment's Equal
6 Protection Clause. *See State v. Borowski*, 231 Or App 511, 220 P 3d 100 (2009; and *State v.*
7 *Roselle*, 232 Or App 212, 221 P3d 762 (2009).

9 8. From April 2007 to December of 2009, I worked as a deputy public defender for
10 Oregon's appellate public defender. I briefed and/or argued approximately 150 cases in the
11 Oregon Court of Appeals and a case on review in the Oregon Supreme Court. *See State v.*
12 *McCullough*, 347 Or 350, 220 P3d 1182 (2009).

13 9. I have represented over 200 hundred criminal defendants on direct appeal on cases
14 involving charges up to and including murder. I have also represented approximately a dozen
15 parolees in judicial review proceedings regarding Oregon's complex parole and post-prison
16 supervision regulatory scheme.

17 8. Presently, I am a partner in a three lawyer law firm in Portland, Oregon, called the
18 Portland Law Collective, LLP. Our website is located at <http://www.portlandlawcollective.com>.
19 My firm represents individuals on federal and state civil rights litigation, employment cases, and
20 criminal defense. We also represent unions in labor law litigation and negotiations.

21 9. The bulk of my personal practice continues to be criminal defense and direct
22 appeals.

23 10. I serve on the national board of the National Lawyers Guild as a Northwest Regional
24 Vice-President.

11. I became involved in the Al-Haramain litigation in October of 2006 when I was contacted by J. Ashlee Albies to provide legal services for the plaintiffs.

12. I maintained time records in this case in the same manner as I maintain time records for all of my other paying cases and most of my nonpaying cases. Throughout the course of my work, I record the time spent on specific tasks for my work that day. I enter my time contemporaneously to keep track of my time.

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

Initial Consultation and Discussion of Plaintiffs' Legal Needs with J. Ashlee Albies (October 26, 2006 to October 27, 2006):

- Reviewed filings up to that date, statutes, and rules for amending complaint (1.5 hours)
- Met with J. Ashlee Albies; consult and discuss needs; planned litigation and needed research (1.1 hours)

Research and Draft Memo for Plaintiff's (November 3, 2006 to November 14, 2006):

- Performed research on potential defenses by Defendants: and how those defenses implicate Plaintiff's actual and potential causes of action (8.6 hours).

Consultation with J. Ashlee Albies (November 29, 2006):

- Explanation of initial research findings, follow up questions, consultation involving suggestions for moving forward (1.5 hours)

Final Preparation of Research, Submission (December 4, 2006):

- Researched potential defenses and APA claim amendments; final draft and submission of research; final submission of hours. (5.8 hours)

Motion for Attorney Fees:

- Reviewed motion and case law, draft declaration, consult about Laffey matrix. (1.2 hours).

16. Based on the foregoing, my total hours in this case are 19.7.

17. Using the updated Laffey-matrix hourly rate of \$294 (for attorneys with 4 to 7 years of experience), I request an award of reasonable attorney fees in the amount of \$5791.80.

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.

DATED this 29th day of June, 2010.

s/ Kenneth A. Kreuscher
Kenneth A. Kreuscher, Ore. Bar No. 066189