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12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 ELECTRONIC FRONTIER FOUNDATION,) NO. 07-CV-05278-SI
17 Plaintiff,)
18 v.) **DECLARATION OF JENNIFER STISA**
19 OFFICE OF THE DIRECTOR OF NATIONAL) **GRANICK IN SUPPORT OF MOTION**
20 INTELLIGENCE,) **FOR AWARD OF ATTORNEYS FEES**
21 Defendant.) **AND COSTS**
22)
23)
Date: May 16, 2008
Time: 9:00 a.m.
Courtroom: 10, 19th Floor

24 1. I am an attorney for the plaintiff in this matter and a member in good standing of the
25 California State Bar, and am admitted to practice before this Court. I have personal knowledge of
26 the matters stated in this declaration. If called upon to do so, I am competent to testify to all
27 matters set forth herein.
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1 2. I am Civil Liberties Director at Plaintiff Electronic Frontier Foundation (“EFF”),
2 which is a nonprofit corporation established under the laws of California with its principal place of
3 business in San Francisco.

4 3. EFF generally represents clients without charge in precedent-setting litigation of
5 national importance involving novel and complex issues arising from the intersection of new
6 technology with privacy rights, free press and free expression rights, and other civil liberties.
7 Nevertheless, EFF attorneys have hourly rates for purposes of cases in which EFF is entitled to
8 attorney’s fees.

9 4. For 2007, my rate was \$500 per hour. For 2008, my rate is \$600 per hour.

10 5. My rates are well within the prevailing hourly rates in the San Francisco Bay Area
11 for lawyers of comparable education, expertise, and experience who handle matters of the type
12 involved in this litigation.
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14 6. In 1993, I received my Juris Doctor degree from the University of California at
15 Hastings School of Law. Since graduation I have continuously practiced criminal and civil law. I
16 became Director of Civil Liberties at EFF in September 2007.
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18 7. Before holding this position, I was the Executive Director of the Center for Internet
19 and Society at Stanford Law School, where I taught the Cyberlaw Clinic and Cybercrime Seminar
20 and supervised litigation conducted by the Fair Use Project.
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22 8. Prior to this case, I co-counseled on at least two Freedom of Information Act cases,
23 including *Poulsen v. United States Customs and Border Protection*, U.S. District Court for the
24 Northern District of California, San Francisco Division, No. C-06-1743 SI (N.D. Cal. 2007).
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26 9. After a careful review of our files on the case, I estimate that I spent the following
27 hours on the materials accompanying the preliminary injunction motion and this declaration:
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| <u>Date</u> | <u>Task</u> | <u>Hours</u> |
|-------------------|--|--------------|
| 10/26/07 | Consultation, review and drafting of application for order shortening time | 1.0 |
| 10/29/07 | Drafting application for an order shortening time | 0.5 |
| 10/31/07 | Review of stipulation and email to team regarding hearing date, scheduling | 0.2 |
| | | |
| Total 2007 hours: | | 1.7 |
| 4/8/08 | Draft declaration in support of fee motion | 0.2 |
| | | |
| Total 2008 hours: | | 0.2 |

10. In total, I spent no fewer than 1.9 hours on this litigation, with 1.7 hours spent in 2007 when my hourly rate was \$500 per hour (\$950) and 0.2 hours spent in 2008 when my hourly rate was \$600 per hour (\$120). At my hourly rates during the relevant timeframe, my total fees are \$1,070.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief. Executed April 11, 2007 in San Francisco, California.

/s/ Jennifer Stisa Granick

 Jennifer Stisa Granick