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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) **SUPPLEMENTAL DECLARATION OF**
v.) **DAVID L. SOBEL IN SUPPORT OF**
19) **MOTION FOR AWARD OF**
OFFICE OF THE DIRECTOR OF NATIONAL) **ATTORNEYS FEES AND COSTS**
20 INTELLIGENCE,)
21)
Defendant.)
22)
23)

Date: May 23, 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 District of Columbia Bar, and am admitted to practice before this Court in this action *pro hac vice*.
26 I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am
27 competent to testify to all matters set forth herein.
28

1 2. I am Senior Counsel at Plaintiff Electronic Frontier Foundation (“EFF”), which is a
 2 nonprofit corporation established under the laws of California with its principal place of business in
 3 San Francisco. I am based at EFF’s office in Washington, DC.

4 3. This case is the first action I have litigated in the United States District Court for the
 5 Northern District of California concerning the expedited processing provision of the Freedom of
 6 Information Act (“FOIA”).

7 4. I have sought preliminary injunctive relief in past FOIA lawsuits in the United
 8 States District Court for the District of Columbia. However, to prepare the motion for a
 9 preliminary injunction in this case, I needed to perform legal research and revise prior arguments to
 10 incorporate the preliminary injunction and FOIA case precedent specific to the Ninth Circuit.

11 5. I also became familiar with the local rules and procedures of this Court to ensure
 12 that the filings in this case conformed to those requirements.

13 3. After a careful review of our files on the case, I have determined that I spent the
 14 following hours on the reply and this declaration:

<u>Date</u>	<u>Task</u>	<u>Hours</u>
5/5/08	Reviewed and analyzed ODNI opposition to fee motion	0.4
	Conferred with co-counsel concerning possible declarants for reasonableness of rates	0.2
5/8/08	Reviewed and edited draft of reply	0.6
	Conferred with co-counsel concerning draft of reply	0.2
	Reviewed and edited declaration	0.2
	=====	===
	Total reply hours:	1.6

15 4. In total, I spent no fewer than 24 hours on this litigation, with 21.5 hours spent in 2007

1 when my hourly rate was \$600 per hour (\$12,900.00) and 4.1 hours spent in 2008 when my hourly
2 rate was \$700 per hour (\$2,870). At my hourly rates during the relevant timeframe, my total fees
3 are \$15,770.00.
4

5 I declare under penalty of perjury of the laws of the State of California that the foregoing is true
6 and correct to the best of my knowledge and belief. Executed May 9, 2008 in Washington, DC.
7

8
9 /s/ David L. Sobel
David L. Sobel