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12 ATTORNEYS FOR FEDERAL DEFENDANTS

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 LONG HAUL, INC. AND EAST BAY )  
17 PRISONER SUPPORT, )

18 Plaintiffs, )

19 v. )

20 REGENTS OF THE UNIVERSITY OF )  
21 CALIFORNIA; VICTORIA HARRISON; )  
22 KAREN ALBERTS; WILLIAM KASISKE; )  
23 WADE MACADAM; TIMOTHY J. )  
24 ZUNIGA; BRUCE BAUER; COUNTY OF )  
25 ALAMEDA; GREGORY J. AHERN; MIKE )  
26 HART; FEDERAL BUREAU OF )  
27 INVESTIGATION; LISA SHAFFER; AND )  
28 DOES 1-25. )

Defendants. )

No. C 09-0168 JSW

**DECLARATION OF JONATHAN U. LEE IN SUPPORT OF DEFENDANT HART'S MOTION TO DISMISS COMPLAINT FOR LACK OF JURISDICTION UNDER FED. R. CIV. P. 12(B)(1), FOR FAILURE TO STATE A CLAIM UNDER FED. R. CIV. P. 12(B)(6), OR IN THE ALTERNATIVE MOTION FOR MORE DEFINITE STATEMENT UNDER FED. R. CIV. P. 12(E)**

*Date: June 12, 2009*  
*Time: 9:00 a.m.*  
*Place: Courtroom 11, 19<sup>th</sup> Floor*  
*Judge: Hon. Jeffrey S. White*

I, JONATHAN U. LEE, declare:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Northern District of California and am assigned to defend the Federal Bureau of Investigation, Lisa Shaffer, and Mike Hart in this litigation.
2. On behalf of defendants FBI and Shaffer, I caused a motion to dismiss to be filed with a hearing date of June 19, 2009.
3. At the time of the filing of that motion on April 10, 2009, the issue of representation for defendant Mike Hart had not been resolved at the Department of Justice in Washington,

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D.C. Therefore, plaintiffs' counsel and I agreed that Mr. Hart's initial responsive pleading would be due May 1, 2009.

4. Between April 10 and May 1, the issue has been resolved and our office will be representing Mr. Hart, pursuant to his request, in this litigation, because at the time of and for the purposes of any claims arising from the alleged occurrences Mr. Hart was a member of an FBI task force, not an employee of the Alameda County Sheriff's Department.

5. Because of his status as a task force member, Mr. Hart was acting as an authorized representative of the FBI when he participated in the events described in the plaintiffs' complaint.

6. I am licensed to practice law in California and to appear before this Court. I make this declaration from my own personal knowledge, except as indicated when it is from my understanding and belief. If called as a witness, I could and would competently testify to the contents of this declaration.

7. Attached hereto as Exhibit A is a true and correct copy of the search warrant application referred to in plaintiffs' complaint.

I declare under penalty of perjury that the foregoing is true and accurate and that I have executed this declaration on May 1, 2009 in San Francisco, California.

/s/  
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JONATHAN U. LEE