

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY  
INFORMATION CENTER

Plaintiff,  
v.

DEPARTMENT OF HOMELAND SECURITY

Defendant.

No. 1:12-cv-00333-GK

**AFFIDAVIT OF MARC ROTENBERG**

1. My name is Marc Rotenberg, and all statements made herein are true, and based on my personal knowledge.
2. I am an adult resident of the District of Columbia.
3. I am employed by the Electronic Privacy Information Center (EPIC), and I am the President of EPIC.
4. I am a 1987 graduate of Stanford Law School.
5. I am a member in good standing of the Bar of the District of Columbia (admitted 1990), the Bar of Massachusetts (1987), the U.S. Supreme Court (1991), the U.S. Court of Appeals - 1st Circuit (2005), the U.S. Court of Appeals - 2nd Circuit (2010), the U.S. Court of Appeals - 3rd Circuit (1991), the U.S. Court of Appeals - 4th Circuit (1992), the U.S. Court of Appeals - 5th Circuit (2005), the U.S. Court of Appeals - 7<sup>th</sup> Circuit (2011), the U.S. Court of Appeals - 9<sup>th</sup> Circuit (2011), and the U.S. Court of Appeals - D.C. Circuit (1991).
6. I am the coauthor of *Information Privacy Law, Third Edition* (Aspen 2016), a leading casebook on privacy law, and coeditor of *Litigation Under the Federal Open Government Laws* (EPIC 2010), a leading practice manual on the Freedom of Information Act.

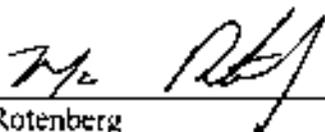
7. I am an Adjunct Professor at Georgetown University Law Center where I have taught Information Privacy Law continuously since 1990, and The Law of Open Government since 2012.

8. I performed 68.9 hours of work on behalf of EPIC in the above-captioned matter.

9. I was licensed to practice law for the entirety of the time spent on this matter.

10. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.

11. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
\_\_\_\_\_  
Marc Rotenberg

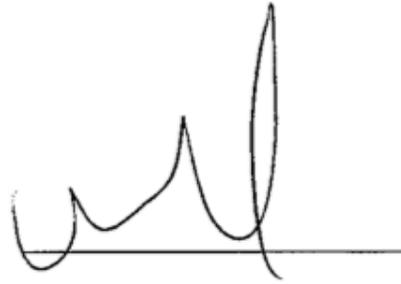
**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION CENTER	)	
	)	
Plaintiff,	)	
v.	)	No. 1:12-cv-00333-GK
	)	
DEPARTMENT OF HOMELAND SECURITY	)	
	)	
Defendant.	)	
	)	

**AFFIDAVIT OF GINGER MCCALL**

1. My name is Ginger McCall, and all statements made herein are true, and based on my personal knowledge.
  
2. I am an adult resident of Maryland.
  
3. I am a 2009 graduate of Cornell Law School.
  
4. I am a member in good standing of the Bar of the District of Columbia and the Bar of Pennsylvania, and was licensed to practice law during the entirety of the time spent on behalf of the Electronic Privacy Information Center (EPIC) in the above-captioned matter.
  
5. I was employed by EPIC between September 2008 and April 2015.
  
6. I performed 34.6 hours of work on behalf of EPIC in the above-captioned matter.
  
7. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

A handwritten signature in black ink, consisting of a series of connected loops and a tall, narrow vertical stroke on the right side, all resting on a horizontal baseline.

Ginger McCall

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY  
INFORMATION CENTER

Plaintiff,  
v.

DEPARTMENT OF HOMELAND SECURITY

Defendant.

No. 1:12-cv-00333-GK

**AFFIDAVIT OF AMIE STEPANOVICH**

1. My name is Amie Stepanovich, and all statements made herein are true, and based on my personal knowledge.

2. I am an adult resident of the District of Columbia.

3. I am a 2010 graduate of New York Law School.

4. From September 2010 to January 2014 I was employed by the Electronic Privacy Information Center (EPIC).

5. I am a member in good standing of the District of Columbia Bar and the New York State Bar Association, and was licensed to practice law during the entirety of the time spent on behalf of EPIC in the above-captioned matter.

6. I performed 77.5 hours of work on behalf of EPIC in the above-captioned matter.

7. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
Amie Stepanovich

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY  
INFORMATION CENTER

Plaintiff,  
v.

DEPARTMENT OF HOMELAND SECURITY

Defendant.

No. 1:12-cv-00333-GK

**AFFIDAVIT OF ALAN JAY BUTLER**

1. My name is Alan Butler, and all statements made herein are true, and based on my personal knowledge.
2. I am an adult resident of the District of Columbia.
3. I am a 2011 graduate of UCLA School of Law.
4. I am currently employed by the Electronic Privacy Information Center (EPIC) as Senior Counsel, and I am an attorney of record on the above-captioned matter.
5. I am a member in good standing of the DC Bar and the State of California Bar, and was licensed to practice law during the entirety of the time spent in this matter.
6. I performed 21 hours of work on behalf of EPIC in this matter.
7. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.
8. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
Alan Jay Butler

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION CENTER	)	
Plaintiff,	)	
v.	)	No. 1:12-cv-00333-GK
DEPARTMENT OF HOMELAND SECURITY	)	
Defendant.	)	

**AFFIDAVIT OF DAVID JACOBS**

1. My name is David Jacobs, and all statements made herein are true, and based on my personal knowledge.

2. I am an adult resident of the District of Columbia.

3. I am a 2011 graduate of Harvard Law School.

4. I am a member in good standing of the District of Columbia Bar and the New York State Bar Association.

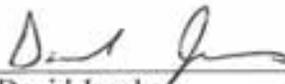
5. I was licensed to practice law after being sworn-in to the New York State Bar Association on October 11, 2012.

6. I was employed by EPIC from September 2011 to 2014.

7. I performed 43.5 hours of work on behalf of EPIC in the above-captioned matter.

8. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.

9. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
David Jacobs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY  
INFORMATION CENTER

Plaintiff,  
v.

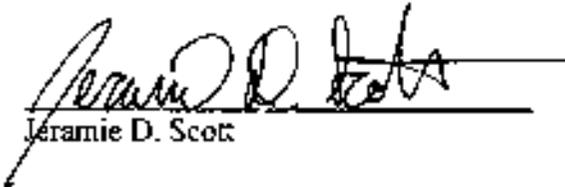
DEPARTMENT OF HOMELAND SECURITY

Defendant.

No. 1:12-cv-00333-GK

**AFFIDAVIT OF JERAMIE D. SCOTT**

1. My name is Jeramie D. Scott, and all statements made herein are true, and based on my personal knowledge.
2. I am an adult resident of the District of Columbia.
3. I am a 2012 graduate of NYU School of Law.
4. I am currently employed by the Electronic Privacy Information Center (EPIC) as the National Security Counsel, and I am an attorney of record on the above-captioned matter.
5. I am a member in good standing of the DC Bar and the New York State Bar, and was licensed to practice law during the entirety of the time spent in this matter.
6. I performed 27.6 hours of work on behalf of EPIC in this matter.
7. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.
8. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
Jeramie D. Scott

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY  
INFORMATION CENTER

Plaintiff,  
v.

DEPARTMENT OF HOMELAND SECURITY

Defendant.

No. 1:12-cv-00333-GK

AFFIDAVIT OF JULIA HORWITZ

1. My name is Julia Horwitz, and all statements made herein are true, and based on my personal knowledge.
2. I am an adult resident of the District of Columbia.
3. I am a 2012 graduate of University of Chicago Law School.
4. I am a member in good standing of the DC Bar and the Maryland State Bar, and was licensed to practice law during the entirety of the time spent on behalf of the Electronic Privacy Information Center (EPIC) in the above-captioned matter.
5. I was employed by EPIC from September 2012 to August 2015.
6. I performed 76.5 hours of work on behalf of EPIC in the above-captioned matter.
7. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.
8. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
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Julia Horwitz

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY  
INFORMATION CENTER

Plaintiff,  
v.

DEPARTMENT OF HOMELAND SECURITY

Defendant.

No. 1:12-cv-00333-GK

AFFIDAVIT OF T. JOHN TRAN

1. My name is Thailand John Tran, and all statements made herein are true, and based on my personal knowledge.

2. I am an adult resident of the District of Columbia.

3. I am a 2014 graduate of the Georgetown University Law Center.

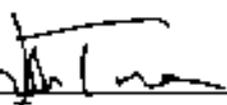
4. I am a member in good standing of the DC Bar, and was licensed to practice law during the entirety of the time spent in this matter.

5. I am currently employed by the Electronic Privacy Information Center (EPIC) as the EPIC FOIA Counsel.

6. I performed 16 hours of work on behalf of EPIC in the above-captioned matter.

7. This calculation is supported by the contemporaneously-generated time records that I recorded throughout the litigation of the above-captioned matter.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
\_\_\_\_\_  
T. John Tran

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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ELECTRONIC PRIVACY INFORMATION CENTER		)
		)
Plaintiff,		)
		)
v.		) No. 1:12-cv-00333-GK
		)
DEPARTMENT OF HOMELAND SECURITY		)
		)
Defendant.		)
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**[PROPOSED] ORDER**

Upon consideration of Plaintiff’s Motion for Attorneys’ Fees and Costs, as well as any opposition and reply thereto, it is hereby

ORDERED that Plaintiff’s Motion is GRANTED, and it is further

ORDERED that Defendant pay Plaintiff’s attorneys’ fees and costs in this matter in the amount of \$110,673.24 within thirty (30) days of the date of this order, and it is further

ORDERED that, given the Parties’ stipulation that no further issues are in dispute, the case is now CLOSED.

So ordered on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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GLADYS KESSLER  
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY  
INFORMATION CENTER

Plaintiff,  
v.

DEPARTMENT OF HOMELAND SECURITY

Defendant.

No. 1:12-cv-00333-GK

**DECLARATION OF T. JOHN TRAN**

I, T. John Tran, do hereby state and declare as follows:

1. I am FOIA Counsel at the Electronic Privacy Information Center ("EPIC"). EPIC is a non-profit research center in Washington, D.C. that focuses public attention on emerging privacy and civil liberties issues. EPIC frequently files requests under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is the Plaintiff in the above-captioned matter.

2. I am the billing attorney for EPIC in this case and submit this declaration in support of EPIC's Motion for Attorneys' Fees and Costs. All statements made herein are true, and based on my personal knowledge.

3. For every case, EPIC designates a single attorney to manage billing records. The billing attorney is responsible for reviewing billing notes kept by all attorneys working on the case, and producing a final bill of costs for submission to the court. EPIC's attorneys maintain detailed and contemporaneous billing notes that they submit to the billing attorney for entry into EPIC's billing database. The billing attorney is responsible for ensuring that these notes are entered into the billing system and that the final bill of costs submitted to the court is clear, accurate, and reasonable based on billing judgment.

4. As billing attorney in this case, I was responsible for the preparation of the affidavits and billing statements submitted in support of this motion.

5. All attorneys who worked for EPIC on this case are currently licensed to practice law and all, except former EPIC attorney David Jacobs, were licensed to practice during the entire period that they worked on this matter. See Aff. of Marc Rotenberg; Aff. of Ginger McCall; Aff. of Amic Stepanovich; Aff. of Alan Jay Butler; Aff. of David Jacobs; Aff. of Jeramie D. Scott; Aff. of Julia Horwitz; Aff. of T. John Tran. Mr. Jacobs' work in this case that he performed prior to his bar admission has been billed at the "law clerk" rate.

6. I used Legal Services Index-adjusted *Laffey* Matrix ("LSI *Laffey* Matrix") rates to calculate the lodestar amount for hours worked by EPIC's attorneys in this matter. Courts in the D.C. Circuit have found that the LSI *Laffey* "is a more reliable index for measuring legal hourly billing in the Washington, D.C. area" than the version maintained by the U.S. Attorney's Office. *Salazar v. District of Columbia*, 991 F. Supp. 2d 39, 47 (D.D.C. 2014) (citing *Salazar v. District of Columbia*, 750 F. Supp. 2d 70, 72-74 (D.D.C. 2011), *aff'd* 80 F.3d 58 (D.C. Cir. 2015)); *see also Citizens for Responsibility & Ethics in Washington v. DOJ*, 80 F. Supp. 3d 1 (D.D.C. 2015) (hereinafter "CREW") (approving a FOIA fee award calculated with LSI *Laffey* rates). As compared to the USAO *Laffey* Matrix, the LSI *Laffey* Matrix is "more likely to reflect the rate of change in prevailing legal services," it "more accurately reflects the conditions of competition for complex litigation," and it utilizes a more recent survey of rates. Pl.'s Mot. Summ. J., Ex. E., Decl. Michael Kavanaugh at 7 -10, CREW, 80 F. Supp. 3d, Ex. A. Evidence submitted in the CREW litigation further supports the reasonableness of the LSI *Laffey* rates. Compare LSI *Laffey* Matrix, Ex. A (calculating a 2013 billing rate for attorneys with more than 20 years of experience at \$753 per hour), and *Real Rates Report 2014*, Ex. B (showing that in 2013 law firm partners in

D.C. with more than 21 years of experience billed at a median rate of \$706 per hour, and the "third quartile" at \$812 per hour), and *Westlaw CourtExpress Legal Billing Reports*, Exs. C, D (showing that in 2012, D.C.-area lawyers with 20 or more years of experience billed at an average rate of \$777 per hour), with USAO Laffey Matrix, Ex. F (suggesting that lawyers with more than 20 years of experience should bill at \$495 per hour from 2011-2012 and \$505 from 2012-2013). Thus, in order to calculate the lodestar amount in this case, I used rates from the LSI *Laffey Matrix* as approved by courts in this Circuit, Ex. A, and published by the economist who developed the methodology for the LSI *Laffey Matrix*, Dr. Michael Kavanaugh, Ex. E.<sup>1</sup>

7. I reviewed the billing notes submitted by attorneys who worked on this case and used those notes to prepare a final bill of costs. I reviewed the final billing records with EPIC's attorneys prior to submission in order to ensure that they were complete and accurate. I also reviewed the final billing records and made small edits as necessary to ensure accuracy and clarity and to facilitate review by the Court.

8. The final billing records submitted in this case were generated from the detailed, contemporaneous billing records of EPIC's attorneys. See Aff. of Marc Rotenberg; Aff. of Ginger McCall; Aff. of Amie Stepanovich; Aff. of Alan Jay Butler; Aff. of David Jacobs; Aff. of Jeramie D. Scott; Aff. of Julia Horwitz; Aff. of T. John Tran.

9. In preparing the bill of costs, I adjusted the lodestar amount based on the specific nature of this case as well as general principles of billing judgment. I also reviewed the billing records and excluded certain hours to ensure a fair allocation of time and prevent double-billing.

10. In exercising billing judgment, I reduced the lodestar amount for work performed prior to summary judgment (i.e. work done before August 30, 2013) by 10 percent. See Bill of

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<sup>1</sup> <http://www.laffeymatrix.com/sec.html> (last visited Feb. 5, 2016).

Costs, Ex G. That period was marked by significant delay stemming from numerous DHS extension requests. See, e.g., DHS Mot. Stay Proceedings, ECF No. 13; DHS Mot. Modify Scheduling Order, ECF No. 17; Mot. Extension of Time, ECF No. 29; Cross Mot. Modify Schedule, ECF No. 33; Mot. Extension of Time, ECF No. 45; Second Mot. Extension of Time, ECF No. 51. When the agency's delays grew excessive, prejudicing EPIC's interest in obtaining the records expeditiously, EPIC was forced to spend significant time opposing the agency's motions. See, e.g., Opp'n and Cross Mot. for Order to Show Cause, ECF No. 19; Reply, ECF No. 22; Opp'n to Mot. Extension of Time, ECF No. 30; Opp'n to Mot. Modify Schedule, ECF No. 36; Mot. Extension of Time, ECF No. 45. EPIC was ultimately successful in obtaining a court order directing the agency to produce responsive documents, see Order, ECF No. 39 (setting the "deadline for a complete production of non-exempt records [for] no later than April 15, 2013.") (emphasis in original). But in recognition of the fact that the Court granted some of the agency's requests, I exercised billing judgment to reduce the lodestar amount.

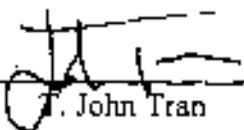
11. Based on the Court's ruling on the cross-motions for summary judgment, Mem. Op., ECF No. 68, I also reduced the lodestar amount for the work on the summary judgment motion and reply by 84 percent. Bill of Costs, Ex G. This reflects the fact that EPIC dedicated six out of 37 pages (roughly 16 percent) of its summary judgment motion (four pages) and reply brief (two pages) to issues on which EPIC successfully argued that the DHS' motion for summary judgment should be denied. See Pl.'s Cross-Mot. for Summ. J., ECF No. 57; Pl.'s Reply, ECF No. 63.

12. Finally, I exercised general billing judgment and reduced the total lodestar amount by 5 percent based on prevailing market standards. See Bill of Costs, Ex G.

13. Based on the billing records compiled in this matter, EPIC's attorneys spent 360.1 hours working to obtain the documents and court orders in this case, and have so far spent 50.9 hours working to obtain fees in this case. See Bill of Costs, Ex G. In total, EPIC's attorneys have spent 360.1 hours on this matter. *Id.*

14. Based on the final billing records and applicable *Laffey* rates, I calculated a total lodestar amount of \$144,806.50. After making the above-mentioned adjustments to the lodestar, I determined that a reasonable fee for the time EPIC's attorneys spent litigating this matter would be \$110,323.24. See Bill of Costs, Ex G. This amount includes \$87,887.84 in fees for work on the underlying case and \$22,435.40 in fees-on-fees. *Id.* EPIC also seeks recovery of \$350 in costs associated with this matter. *Id.*

15. I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2016.

  
\_\_\_\_\_  
John Tran

*EPIC v. DHS*, No. 12-00333 (GK)  
EPIC's Motion for Attorneys' Fees and Costs

# Exhibit A

# EXHIBIT E

Plaintiff's Motion for an Award of Attorneys' Fees and Costs

*Citizens for Ethics and Responsibility in Washington v. Dep't of Justice,*  
Civ. No. 11-0374 (CRC)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

<b>CITIZENS FOR RESPONSIBILITY AND</b>	)	
<b>ETHICS IN WASHINGTON,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 11-0754 (GK)
	)	
<b>U.S. DEPARTMENT OF JUSTICE,</b>	)	
	)	
Defendant.	)	
	)	

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DECLARATION OF MICHAEL KAVANAUGH

I, Michael Kavanaugh, submit this Declaration pursuant to 28 U.S.C. § 1746.

1. I am over the age of twenty-one, suffer no legal disability and am competent to make this Declaration. The statements made in this Declaration are true and correct and based on my personal knowledge.
2. I am an economist in private practice at 19-4231 Road E, PO Box 1228, Volcano Hawaii, 96785.
3. I hold a Ph.D. in economics from the University of Cincinnati (1975) and a BA in economics from Xavier University (1970). I have taught economics at the University of Cincinnati and at Northern Kentucky University. For over 35 years, I have worked as an economist for a variety of clients including the U.S. Department of Justice, the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the States of Ohio, California, and Alaska, citizen groups, and private industry. I have been qualified as an expert in Federal court

- in financial and economic matters many times. Attachment 1 is a copy of my resume with a listing of federal testimony and all publications in the last 10 years.
4. A *Laffey* Matrix has been used for over twenty years as one measure to determine appropriate fee awards for litigation between the Federal government and private parties in areas where the law provides for an award of fees; to narrow the differences in disputes among private parties over the reasonableness of fee awards; and to inform and assist Courts who may have to settle these differences.
  5. A *Laffey* Matrix -- a sample of billing rates<sup>1</sup> taken at Washington D.C., area firms where complex litigation is likely to be performed -- if it is correctly updated, will provide prevailing hourly billing rates for complex litigation. The billing rates will be reported by categories that reflect differing levels of legal experience.<sup>2</sup>
  6. Updated *Laffey* matrices are useful. They are simple. They can ward off a second major litigation over fee awards. They save the resources needed to sample the prevailing billing rates for every fee application.
  7. As a matter of economics, a *Laffey* matrix based on a previous sample of billing rates can provide the current market billing rate if the sampled rates are properly adjusted for the time that has passed between the date of the initial sample and the present. The key questions to an economist are what sample of billing rates should be used and by what price index should the sample be adjusted.
  8. I favor adjusting the 1989 sample of legal services billing rates by using a price index that is specific to legal services. The 1989 sample was drawn in response to

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<sup>1</sup> Billing rates are the price at which the service is sold.

<sup>2</sup> The labor categories are: (1) attorney with more than 20 years of experience; (2) attorney with 11 to 19 years of experience; (3) attorney with 8 to 10 years of experience; (4) attorney with 4 to 7 years of experience; (5) attorney with 1 to 3 years of experience, and; (6) paralegal or law clerk.

- the remand decision in *Save Our Cumberland Mountains v. Hodel*.<sup>3</sup> The price index is the legal services index (LSI) constructed by the U.S. Department of Labor, Bureau of Labor Statistics.
9. The United States Department of Justice, Office of the U.S. Attorney for the District of Columbia (DOJ), on the other hand, updates a sample of 1982 legal services billing rates using a regional consumer price index that combines the price changes of over a hundred thousand diverse commodities into a single measure.
  10. A brief description of the samples of billing rates is as follows. The plaintiffs in *Laffey v. Northwest Airlines, Inc.*,<sup>4</sup> collected information on the hourly billing rates charged to fee-paying clients in 1981-1982 by attorneys engaged in complex federal litigation and created a composite of those rates which has become known as the *Laffey* matrix. The 1981-1982 *Laffey* matrix was updated to 1988-1989 rates with a new survey in connection with the *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988)(*en banc*) litigation at the urging of the D.C. Circuit. The method used to find the 1989 rates is described in the declaration of Joseph Yablonski submitted in the case of *Broderick v. Ruder*, D.C. Civil No. 86-1824 (D.D.C.) (Pratt, J.).

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<sup>3</sup> The documentation used to find the 1989 rates is described in the declaration of Joseph Yablonski submitted in the case of *Broderick v. Ruder*, D.C. Civ. No. 86-1824 (Pratt, J.). This documentation is recognized as an appropriate means to update the observed *Laffey* rates. See, e.g., *Salazar v. The District of Columbia*, 123 F. Supp. 2d at 13, citing, [Sextius v. District of Columbia](#), 839 F.Supp. 919, 924 (D.D.C.1993); [Trout v. Ball](#), 705 F.Supp. 705, 709, n. 10 (D.D.C.1989) (expressly approving use of Yablonski declaration from the *Broderick* case as an exhibit in support of fee petition) and; [Palmer v. Barry](#), 704 F.Supp. 296, 298 (D.D.C.1989).

<sup>4</sup> 572 F. Supp. 354 (D.D.C. 1983), affirmed in part, reversed in part on other grounds, 746 F.2d 4 (D.C. Cir. 1984), cert. denied, 472 U.S. 1021 (1985), overruled in part on other grounds,

11. As discussed in more detail below, indices such as the LSI or the All-Items Regional CPI sample the prices of certain goods and service and create an index. This allows a calculation of a rate of price change over various time intervals for the products and services represented by the sample. Once the rates of price change are established they may be used to make statements about changes in the cost of living or to adjust past market prices to estimate prevailing market prices.
12. The first time I offered an opinion on the appropriate method for adjusting the *Laffey* matrix to present time was in a 1996 affidavit that the plaintiffs submitted in *Salazar v. District of Columbia*, 123 F. Supp. 2d 8 (D.D.C. 2000), in support of their first application for attorneys' fees. A copy of that affidavit is attached as Attachment 2. I opined that using the LSI was the appropriate method for updating a *Laffey* matrix because it focused on the market for legal services rather than the cost of living and therefore was likely to be the better predictor of prevailing (market) rates. The Court explicitly adopted my analysis in its decision. *See Salazar v. District of Columbia*, 123 F. Supp. 2d 8 (D.D.C. 2000). I continue to hold the opinions expressed in that affidavit.
13. Since then, I have prepared declarations/affidavits on the same topic in several other cases. Although I do not maintain a complete list of all my work, I do know my analysis was adopted in the cases of *Salazar v. District of Columbia*, 750 F. Supp. 2d 70 (D.D.C. 2011) Case 1:93-cv-00452-GK Document 1680 Filed 01/04/11; *Interfaith Community Organization v. Honeywell*, 336 F.Supp.2d 370 (D.N.J. 2004), affirmed, 426 F. 3d 694 (3d Cir. 2005), *PIRG v. Magnesium Elektron, Inc.*, 1995 WL 866983, \*2, 10 (D.N.J. Dec. 28, 1995), vacated on other

- grounds, 123 F.3d 111 (3d Cir. 1997); *Hash et al., v. United States of America* Case 1:99-cv-00324-MHW Document 270 Memorandum decision and Order (filed 04/13/12);. and *United States of America ex rel. Robert Baker v. Community Health*. Proposed finding and Court Order, Case 1:05-cv-00279-WJ-ACT Document 594 (August 9, 2013).
14. Plaintiff's counsel asked me to explain why the approach I favor of adjusting the 1989 Laffey sample by the Legal Services Index (LSI) is a better estimator of the market prices for providing complex legal services than the DOJ approach of applying a Consumer Price Index for metropolitan Washington, D.C.,<sup>5</sup> ("All-Items Regional CPI")<sup>6</sup> to the 1983 sample; My opinions are stated to a reasonable degree of certainty under the standards of my profession.
  15. There are three ways to distinguish between each approach. They are: (1) the specific goods and services included in each price index, (2) the characterization of the market in the provision of complex legal services, and (3) the age of the sample of rates.
  16. All-item consumer price indices, including the All-Items Regional CPI that DOJ uses, combine the price changes of over one hundred thousand commodities into

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<sup>5</sup> Prior to 1998, the index included the District of Columbia, Montgomery County, MD; Prince George's County, MD; Alexandria city, VA; Arlington County, VA Fairfax County, VA Falls Church city, VA.

Since 1998, the index includes all of the areas in the older index and adds: Baltimore City and the counties of Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Queen Anne's, and Washington in Maryland; the cities of Fredericksburg, Manassas, and Manassas Park and the counties of Clarke, Fauquier, King George, Loudoun, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren in Virginia; and the counties of Berkeley and Jefferson in West Virginia. See <http://www.bls.gov/ro3/cpiwb.htm> and <http://www.census.gov/population/www/metroareas/lists/historical/60mfips.txt>

<sup>6</sup> Both the LSI and the All-Items Regional CPI are maintained by the U.S. Department of Labor, Bureau of Labor Statistics (BLS).

- a single index value to measure of the rate of price change in the overall cost of living for consumers. For example, the 2012 CPI for all urban consumers contains a legal services component, which accounts for less than .293% (.00293) of the total spending represented in the CPI.<sup>7</sup> Thus, 99.997% of the spending reflected in the 2012 CPI is for items other than legal services. The component representing food and beverage prices accounts for about 15% (.15) of the total 2012 CPI. If legal billing rates were updated using this CPI, this would give fifty times more weight to food markets than to the legal services market. These same percentages apply to the All-Items Regional CPI.
17. In contrast, the LSI measures the fees charged for providing specific legal services. These services include preparing a brief, attending a deposition and representing parties in civil proceedings, which are services provided in complex federal litigation. Just as a national CPI does not and cannot include every item in the U.S. economy, the LSI does not and cannot include the fees charged for every possible service rendered by lawyers. The size and complexity of the U.S. economy and the practice of law makes impossible the inclusion of every good or service in an index.
18. It is my opinion that the use of an index specific to legal services is more likely to reflect the rate of change in prevailing billing rates for legal services than a general consumer price index. A general CPI -- whether national or regional -- includes items that are not relevant to the market for legal services. These other items are given much more weight than legal services. So when an All-Items CPI

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<sup>7</sup> See <ftp://ftp.bls.gov/pub/special.requests/cpi/cpiri2012.txt>. 2012 is the most recent year for which BLS reports its relative component analysis.

- is applied to the billing rates in the *Laffey* matrix, it obfuscates the rate of price change of legal services.
19. Economists try to use the most specific index available. This helps them make a more accurate assessment of the market forces that influence prices. The specific components of the CPI, such as the LSI, to the extent they are available, are the better resource to update an industry's prices than the general CPI. This is because there are two strong forces that exert pressure on prices over time. One is inflation, a rise in the general price level; the other is a supply and demand imbalance. Often for a specific good or service, supply and demand imbalances are the stronger of the two and can accentuate or negate the general effects of inflation on a particular price (e.g. billing rates for legal services). If a broad index is used to adjust an industry's prices over time, then the specific supply and demand effects are suppressed and only the effect of inflation is captured. On the other hand, when a specific index is used, the net effect of both inflation and supply and demand imbalances is captured. This is why it is preferable, and more accurate, to use a specific index rather than a broad index.
  20. Market imbalances negating inflation may be seen in the market for electrical components and parts (e.g., computers) over the last thirty years. Due to strong advances in productivity in this industry, computer prices have declined while prices generally have increased due to inflation.
  21. Market imbalances accentuating inflation may be seen in the market for motor fuels. From Nov-2002 to Nov-2012, fuel prices increased within the Washington D.C., area on average by 9% per year while all items increased by 2.9% per year.

- Thus, if the all-items data were used to update a sample of fuel costs from 2002 to 2012, the procedure would materially underestimate the change. If, for example, motor fuel in November 2002 cost \$1 per gallon, use of the CPI would estimate its cost at \$1.33 in 2012 while the specific index for motor fuel would result in an estimate of \$2.37 in 2012. The difference is an increase of \$1.04 or about 78% higher than the CPI estimate.
22. A second reason for using the approach I favor is that it more accurately reflects the conditions of competition for complex litigation. In my opinion the market for legal services in complex federal litigation is a national market and not a local market. This is because mobility and low-cost communication combine to make a national market for legal services in complex litigation. Washington, D.C., area law firms compete with law firms in other areas such as New York, Philadelphia, Chicago, Dallas, and San Francisco. Once access to world-class libraries was essential to a successful scientific or legal research, today reference materials are readily available online and can be accessed anywhere. Once it took at least a day to move a custom-made document more than five hundred miles, now a document can move five thousand miles in seconds. Resource mobility and low-cost communication, then, combine to make the market for legal services in complex litigation a national market.
23. A third reason why the way I adjust *Laffey* rates is superior to the DOJ method is because the DOJ method applies a general index to 1982 observations; I apply a specific legal services index to the most recent survey of rates developed in 1989 in response to the remand decision in *Save Our Cumberland Mountains v. Hodel*.

In general, the more contemporary the observation, the less possibility exists for forecasting error. The *Laffey* update that I have constructed, then, is more likely to be a more accurate estimate of current rates because it utilizes the more recent observations, whereas the DOJ version uses an older survey.

24. I updated the 1989 *Laffey* Matrix as follows. First, I obtained monthly data for the legal service component of the CPI maintained by the Bureau of Labor Statistics of the U.S. Department of Labor and computed the annual change measured at mid year. Second, I applied the annual change to the 1989 *Laffey* matrix rates for each labor category to produce an hourly rate for each of the six labor categories for each year since 1989. The results for June 1, 2010 to May 31, 2012 are shown below. The complete matrix is attached as Attachment 3.

<b>Years from Law School</b>	<b>June 2010 to May 2011</b>	<b>June 2011 to May 2012</b>
<b>20 +</b>	709	734
<b>11 to 19</b>	588	609
<b>8 to 10</b>	522	540
<b>4 to 7</b>	361	374
<b>1 to 3</b>	294	305
<b>Paralegal/ LawClerk</b>	160	166

In my opinion these rates better reflect prevailing market rates during the relevant period than do DOJ's estimates. This is because the rates I offer begin with a more recent survey and are adjusted by an index that is focused only on the price of legal services.

25. The estimated prevailing billing rates in the table above are not a simple average of *all* billing rates of *all* law firms in an area or the nation; but are instead

estimated prevailing billing rates for law firms that are providing legal services in a particular market. The particular market consists of the rates charged paying customers for providing complex legal services. The presumption is that the firms that are charging and receiving these rates are selling skills comparable to those skills needed to effectively represent civil and constitutional rights.

Executed on this 11<sup>th</sup> day of December 2013.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
Michael Kavanaugh

Attachments

1. 2013 Kavanaugh resume
2. 1996 Kavanaugh declaration in *Salazar*
3. 2013 Adjusted *Laffey* Matrix

## Attachment 1

### **MICHAEL KAVANAUGH**

#### **Research Economist**

Phone: 808 985 7031

E-mail: [M.Kavanaugh@att.net](mailto:M.Kavanaugh@att.net)

P.O. Box 1228  
19-4231 Road E  
Volcano, Hawaii 96785

**PRESENT POSITION:** Private Practice since 1985

#### **PREVIOUS POSITIONS:**

- Senior Economist, ICF Incorporated, 1983-85, Washington, D.C.
- Research Director, Public Interest Economics, 1976-1983, Washington, D.C. and San Francisco, CA.
- Assistant Professor, Northern Kentucky University, 1975-76

#### **EDUCATION:**

- PhD., Economics, University of Cincinnati, 1975
- BA. Economics, Xavier University, 1970

#### **EXPERIENCE**

- An independent research economist with years of experience;
- A national expert in the economic aspects of environmental enforcement and policies for controlling pollution;
- Experienced in regional economic analysis;
- Experienced in the use of economic indices;
- Experienced in valuing damages to persons, households, and commercial enterprises;
- Experienced in assessing natural resource damages; and,
- An author of groundwater management and climate change papers.

Short descriptions of selected projects follow.

#### **ECONOMICS & FINANCE**

I applied economics to many of the environmental changes of the last thirty years including:

- Estimating the ability of defendants to pay a penalty and the financial effects of penalties in enforcement cases;
- Estimating the benefits of cleaner beaches and rivers;
- Developing methods to determine the effects of water quality policies on agricultural output, employment and income;
- Developing methods to estimate the benefits of preserving groundwater quality;
- Advised on the adequacy of financial assurance mechanisms;
- Estimating expected and realized benefits of irrigation projects; and,
- Critiquing efforts to regulate effluents from several industries.

Designed and used financial after-tax, cash flow models to:

- Measure the ability to pay a penalty and the effects of penalties on financial position;
- Estimate the benefit gained by entities that violate law and regulation; and,
- Estimate the burden on the residential sector from municipal compliance with law and regulation.

Provided expert economic and litigation support services to the United States (and others) in Clean Water Act, Clean Air Act, Superfund, RCRA and groundwater quality cases.

*Exxon Valdez* – Estimated the employment and income effects from spending the civil settlement. The work involved characterizing the options in the restoration plan in term of input/output models.

### **Natural resource damage assessments**

- Ohio River – valued public resource damages from spills from tugs and barges. The work combined results from Natural Resource Damage Assessment models, studies of the costs of reducing risks to drinking water, and restoration costs.
- Kailua Beach State Park – valued a three-mile beach based on recreational use and estimated the damage from wastewater treatment plant effluent. The work involved reviewing, updating and synthesizing a variety of studies that valued recreation.
- Florida Beaches – valued beach closures from pollution at several beaches. The work involved extensive use of the Natural Resource Damage Assessment models for coastal and marine environments.

### **Energy & Environment**

- Conducted several analyses of U.S. energy industry to estimate current and future production in wetlands and in the artic.
- Commented on economic impacts to employment and structures of planned, utility-scale photovoltaic projects in Southern California.
- Estimated consequences of oil and gas leasing in the North Aleutian Basin.
- Estimated the cost effectiveness of technologies to control produced water discharges in wetlands,
- Estimated the impact of produced water controls on production, royalties and returns from coal bed methane production.
- Estimated the change in rates needed to pay for adopting cooling water intake controls at a nuclear power plant.
- Advised environmental groups on methods to fund the WV acid mine drainage reclamation fund.
- Design team member to size and fund the Superfund.

- Estimated onshore economic impacts of outer continental shelf oil and gas development in California
- Examined the efficiency and equity of federal leasing policies for oil and gas on public lands

### **Global Climate**

- Estimated current and future greenhouse gas emissions by fuel, sector and region. The work involved estimating long-term energy using an economic model based on prices, income and combustion technology.
- Estimated greenhouse gas emissions by jets at altitude by region and the change in emissions from adopting advanced jet technology.
- Modeled current and future emission from the US automobile fleet under various assumptions about future fuel efficiency.
- Analyzed the benefits of substituting hydrocarbon propellants for CFC propellants in aerosol products. The results showed the same level of consumer satisfaction could be obtained without CFCs and without increasing prices.

### **PUBLICATIONS in last 10 years**

none

### **Federal Court Trial Testimony Since 1/09**

American Canoe Association, Inc., et al. v. Louisa Water and Sewer Commission – Ashland KY. 7/2009, 01-cv-00099-ART

Ohio Valley Environmental Coalition, et al. v. Apogee Coal Company LLC – Huntington WV. 8/2010, 3:07-cv-00413-RCC

### **Deposition Testimony since 1/08**

New Jersey Municipal Authorities et al. v. Honeywell International et al. (9/09) 05-5955 DMC

Ohio Valley Environmental Coalition, et al. v. Apogee Coal Company LLC– (8/10) 3:07-cv-00413-RCC

Ohio Valley Environmental Coalition, et al. v. Massey Energy (4/11) 3:07-cv-00836-RCC

Ohio Valley Environmental Coalition, et al. v. Arch Coal (5/11)

San Francisco Baykeeper v. West Bay Sanitation (7/11)

Attachment 2

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

OSCAR SALAZAR, et al., )  
on behalf of themselves )  
and all others similarly )  
situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THE DISTRICT OF COLUMBIA, )  
et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civil Action No. 93-452 (GK)

AFFIDAVIT OF MICHAEL KAVANAUGH

I, Michael Kavanaugh, Ph.D., do hereby affirm and state:

1. My name is Michael Kavanaugh. I am an economist doing business at 160 Wood Street, Batavia, OH 45103.

2. I hold a Ph.D. in economics from the University of Cincinnati (1975) and a B.A. in economics from Xavier University (1970). I have taught economics at the University of Cincinnati and at Northern Kentucky University. I have worked as a natural resource and environmental economist for a variety of clients, including the U.S. Department of Justice, the U.S. Environmental Protection Agency, environmental groups and private industry for over 20 years. I have been qualified as an expert in Federal court on financial and economic matters ten times. I copy of my curriculum vitae is attached as Attachment 1 and I incorporate it herein by reference.

3. I have been asked by plaintiffs' counsel to render my opinion as to the appropriate price index to be used to update the Laffey matrix of attorneys' fees rates for complex federal litigation in the Washington, D.C. market.

4. Based on the information supplied to me by plaintiffs' counsel, the Laffey matrix was updated to 1988-1989 rates in connection with the Save Our Cumberland Mountains v. Hodel, 857 F.2d 1516 (D.C. Cir. 1988) (en banc) litigation. See Declaration of Joseph A. Yablonski, Pl. Ex. 30.

5. The method that plaintiffs' counsel has used to determine the increase in Laffey rates from 1988-1989 rates to the present is to calculate the June to June change in the legal services component of the consumer price index and to apply the change to a base year to arrive at an estimate for the next year. See Plaintiffs' Application for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, July 1, 1996, p. 14. The process is repeated and a chain of estimates results with each year's estimate linked to the preceding year's estimate by the change in the price index. This is an appropriate and common use of index numbers.

6. In my opinion, as explained below, the Consumer Price Index for U.S. City Average, Legal Service Fees ("Legal Services Index") maintained by the U.S. Department of Labor, Bureau of Labor Statistics (Pl. Ex. 6) is a better measure of the change in prices for legal services in Washington, D.C., than the Consumer Price Index for Washington, D.C., Maryland, Virginia, All Items ("DC Metro CPI") (Def. Ex. 2).

7. I have reviewed both the update to the Laffey matrix prepared by plaintiffs' counsel (Plaintiffs' Application for an Award of Litigation Costs, Including Attorneys' Fees and Out-of-Pocket Expenses, July 1, 1996, p. 14), which uses the Legal Services Index to

bring 1988-1989 rates forward to present, and the update referred to as the United States Attorneys' Office Laffey matrix, which utilizes the DC Metro CPI to bring 1981-1982 rates forward to present (Pl. Exs. 7, 31).

8. Both the Legal Services Index and the DC Metro CPI are readily available and are maintained by the U.S. Department of Labor, Bureau of Labor Statistics. The underlying data are collected by the U.S. Department of Commerce, Census Bureau as part of its quinquennial census and its annual surveys.

9. Economists use as specific an index as possible to determine changes in prices in a part of an industry, such as here changes of prices in legal services in the District of Columbia. Thus, components of the Consumer Price Index are the better tool to use to update an industry's prices rather than the entire Consumer Price Index. This is because there are two strong forces exerting pressure on prices over time. One is inflation, a rise in the general price level; the other is supply and demand imbalances. Often for a particular good or service, supply and demand imbalances are the stronger of the two and can accentuate or negate inflation. If a broad index is used to adjust an industry's prices over time, then the specific supply and demand effects are suppressed and only the effect of inflation is captured. On the other hand, when a specific index is used the net effect both of inflation and of supply and demand imbalances is captured. Accordingly, to measure changes in an industry's prices, it is far preferable to use a specific index rather than a broad index.

10. The Consumer Price Index, U.S. City Average incorporates the Legal Service Index along with many other indices to estimate the cost of living. For example, in the 1995 Consumer Price Index, U.S. City Average for all urban consumers, legal services account for less than .5% of the spending considered by the Consumer Price Index, U.S. City Average. See Pl. Ex. 32, p. 7. In contrast, food prices account for about 16% of total Consumer Price Index, U.S. City Average spending. Adjusting legal fees using the Consumer Price Index, U.S. City Average would give 32 times more weight to food markets than to the markets for legal services.

11. The same comparison is not possible for the DC Metro CPI because the DC Metro CPI does not have a separate component for legal services. See Pl. Ex. 32, p. 13. This is because there were insufficient observations of legal services in the Washington, D.C. metropolitan area to create a statistically valid index. Legal services in the Washington, D.C. metropolitan area are not separately accounted for, but are included in the "Other goods and services category" which also includes tobacco, cosmetics, haircuts, school tuition, day care and funeral expenses. *Id.*, pp. 7, 13. It is fair to conclude that legal services have even less weight in the DC Metro CPI than in the Consumer Price Index, U.S. City Average since there are not sufficient observations for a separate index relating solely to legal services.

12. The Legal Services Index measures, *inter alia*, the hourly rate of providing many different legal services to households. These services include: preparing a brief, attending a deposition,

representing plaintiffs and defendants in divorce proceedings, and preparing a short form will. Thus, the Legal Services Index is based on a sample of prices of specific items. Just as the overall Consumer Price Index does not include all items available in the U.S. economy, the Legal Services Index does not measure the fees charged for every service rendered by lawyers. Because of the extremely large size of the U.S. economy, it would not be feasible to include every price in the economy in an index.

13. It is common practice in economics to make prices for part of an industry stand for prices in the whole industry. This is what the Department of Commerce does when it prepares estimates of an industry's contribution to gross domestic product (GDP). For example, when measurements of the entire legal industry's contribution to the output of the nation are made, the legal services component of the Consumer Price Index is used; when the contribution to GDP of all physicians' services is calculated, the physician component of the Consumer Price Index is used; and when the contribution to GDP of radio, TV, air conditioning repair services is calculated, the appliance and furniture repair component of the Consumer Price Index is used.

14. The Legal Services Index is a national index that includes the metropolitan Washington, D.C., area. Adjusting the Laffey matrix with a national index assumes that the rate of change of prices for legal services is about the same everywhere. I note that this is not the same thing as prices being the same everywhere. Even if prices differ in different places, the rate of change in prices is likely to

be about the same. With resource mobility and the ability to communicate easily over distances, this is a plausible assumption. While it is possible for prices for the same good or service to change at different rates in different places, this is most likely to happen for goods or services for which there is only a local market because their transport is expensive relative to their value (e.g., fast food) or because communication is difficult.

15. In my opinion, the market for legal services in complex federal litigation in Washington, D.C. is not a local market. Therefore, it would be more appropriate to use the Legal Services Index, which captures supply and demand factors particular to the legal services market as well as inflation, as compared to the DC Metro CPI, which chiefly captures inflation effects.

16. Finally, I note that the Laffey matrix prepared by plaintiffs' counsel is preferable to the United States Attorneys' Office Laffey matrix for an additional reason. Plaintiffs' Laffey matrix update is based on observations from 1988-1989, while the United States Attorneys' Office Laffey matrix uses 1981-1982 rates as a base. In general, the more contemporary the observations, the less possibility exists for forecasting errors. Thus, plaintiffs' Laffey matrix is more likely to be an accurate forecast of rates because it applies an index to more recent observations to bring rates forward to the present as contrasted to the United States Attorneys' Office Laffey matrix which uses an index to bring forward much earlier observations.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on September 26, 1996.

  
MICHAEL KAVANAUGH

**MICHAEL KAVANAUGH**  
160 Wood St.  
Batavia, OH 45103-2923  
Voice/Fax (513) 732-3939  
E-Mail Kavanaug@iglou.com

**PRESENT POSITION:** Private practice, since 1985

**PREVIOUS POSITIONS**

Senior Economist/Project Manager, ICF Incorporated, 1983-85,  
Washington DC  
Research Director, Public Interest Economics Foundation, 1976-83  
Washington DC & San Francisco CA  
Assistant Professor, Northern Kentucky University, 1975-76

**EDUCATION**

Ph.D., Economics, University of Cincinnati, 1975  
B.A., Economics, Xavier University, 1970

**EXPERIENCE**

Dr. Kavanaugh is an independent research economist with over 20 years of experience in applied economics. He is a national expert in environmental enforcement and policies for municipal and industrial point sources of pollution. He has written about groundwater management and climate change. He is experienced in natural resource damage assessment and regional economic impact assessment. Selected projects include:

**ECONOMICS**

Provided expert economic and litigation support services to the United States (and others) in Clean Water Act, Clean Air Act, Superfund, Resource Conservation and Recovery Act Enforcement Cases. He estimates the economic benefit gained by entities who violate their discharge permits; and, measures the effect of penalties on their financial position. This work is based on financial after-tax, cash-flow models.

Prepared testimony on the benefits North Miami received from a landfill and on the economics of operating a landfill (Orange County, NY).

Prepared testimony on the influence of groundwater quality on residential property values; and advised and submitted affidavits supporting Alaska's position on oil and gas leasing in the North Aleutian Basin.

Michael Kavanaugh      Voice/Fax (513) 732-3939

Conducted several analyses of the economic effects of water quality including: estimating the benefits of clean water on beaches and rivers; developing methods to determine the effects of water quality policies on agricultural output, employment, and income; developing methods to estimate the benefits of preserving groundwater quality; estimating expected and realized benefits and costs of irrigation projects; and critiquing efforts to regulate effluents from several industries. Examples include:

Ohio River - (in progress) values public resource damages from spills from tugs and barges. The work combines results from the Natural Resources Damage Assessment models for Great Lake environments, studies of the costs of reducing risks to drinking water, and restoration costs.

Kailua Beach State Park - valued a three mile public beach based on recreational use and estimated the damage to the beach from wastewater treatment plant effluent. The work involved reviewing, updating and synthesizing a variety of studies that valued recreation.

Florida Beaches - valued beach closures from pollution at several Florida beaches. The work involved extensive use of the Natural Resource Damage Assessment models for coastal and marine environments.

Estimated the employment and income effects from spending the Exxon Valdez settlement. The work involved characterising the options in the restoration plan in terms of input/output models.

Conducted several analyses of the U.S. petroleum industry to estimate current and future production in wetlands and in the arctic; and to estimate the cost effectiveness of technologies to control produced water discharges.

Estimated current and future greenhouse gas emissions by fuel, sector, and region. The work involved estimating long-term energy use using an economic model based on prices and income and forecasting combustion technology. The work is used by atmospheric modelers.

Advised environmental groups on the use of contingent valuation to value natural resource damages and commented on the Federal Register Notice on the use of contingent valuation to determine damages.

## PUBLICATIONS

"Fuel economies available from ultrahigh bypass jet engines" in Cost estimates of measures available to reduce U.S. greenhouse gas emissions by 2010. ICF Washington D.C. 1990.

"End-use efficiency and NOx emissions in aviation". In S. Meyers, ed. Energy efficiency and structural change: Implications for the Greenhouse problem. Lawrence Berkeley Laboratory, Berkeley CA 1988.

Estimates of future CO, N2O and NOx emissions from energy combustion, Atmospheric Environment, March 1987.

Tropospheric CH4/CO/NOx: The next 50 years. coauthor with Anne M. Thompson. UNEP/USEPA International Ozone Conference, 1986.

Eliminating CFCs from aerosol uses: the U.S. experience and its applicability to other nations. U.S. Environmental Protection Agency, Washington, February 1986.

The 1983 world oil surplus: some implications for OCS leasing. Prepared for the U.S. House Subcommittee on the Panama Canal/OCS Washington, April 1983.

The effect of OCS leasing schedules and procedures on fair market value. Paper presented to the Western Economic Association, Seattle July 1983.

Efficient strategies for preserving groundwater quality, with Rob Wolcott. U.S. Environmental Protection Agency, May 1982.

Exclusive territorial distributorships and consumer welfare: the case of beer. Food Marketing Institute, Washington D.C. 1982.

The Great Giveaway, with others, Sierra Club, October 1982.

The public benefits of the proposed Union Pacific, Missouri Pacific, Western Pacific Consolidation. Interstate Commerce Commission, August 1981

Regional economic impacts of OCS oil and gas development. with Susan Little and Rob Wolcott. Governor's Office of Planning and Research, California, November 1976.

Attachment 3

## ADJUSTED LAFFEY MATRIX

YEAR	ADJUSTMENT FACTOR	PARALEGAL/ LAW CLERK	YEARS OUT OF LAW SCHOOL					
			1-3	4-7	8-10	11-19	20+	
6/1/13	5/31/14	1.0244	175	320	393	567	640	771
6/1/12	5/31/13	1.0258	170	312	383	554	625	753
6/1/11	5/31/12	1.0352	166	305	374	540	609	734
6/1/10	5/31/11	1.0337	160	294	361	522	588	709
6/1/09	5/31/10	1.0220	155	285	349	505	569	686
6/1/08	5/31/09	1.0399	152	279	342	494	557	671
6/1/07	5/31/08	1.0516	146	268	329	475	536	645
6/1/06	5/31/07	1.0256	139	255	313	451	509	614
6/1/05	5/31/06	1.0427	135	248	305	440	497	598
6/1/04	5/31/05	1.0455	130	238	292	422	476	574
6/1/03	5/31/04	1.0507	124	228	280	404	456	549
6/1/02	5/31/03	1.0727	118	217	266	384	434	522
6/1/01	5/31/02	1.0407	110	202	248	358	404	487
6/1/00	5/31/01	1.0529	106	194	238	344	388	468
6/1/99	5/31/00	1.0491	101	184	226	327	369	444
6/1/98	5/31/99	1.0439	96	176	216	312	352	424
6/1/97	5/31/98	1.0419	92	168	207	299	337	406
6/1/96	5/31/97	1.0396	88	162	198	287	323	389
6/1/95	5/31/96	1.0320	85	155	191	276	311	375
6/1/94	5/31/95	1.0237	82	151	185	267	301	363
6/1/93	5/31/94	1.0552	80	147	181	261	294	355
6/1/92	5/31/93	1.0511	76	139	171	247	279	336
6/1/91	5/30/92	1.0445	72	133	163	235	265	320
6/1/90	5/31/91	1.0794	69	127	156	225	254	306
6/1/89	5/31/90	1.0700	64	118	144	209	235	284
6/1/88	5/31/89		60	110	135	195	220	265

*EPIC v. DHS*, No. 12-00333 (GK)  
EPIC's Motion for Attorneys' Fees and Costs

# Exhibit B

# EXHIBIT G

Supplemental Memorandum in Support of Plaintiff's  
Motion for an Award of Attorneys' Fees and Costs

*Citizens for Ethics and Responsibility in Washington v. Dep't of Justice,*  
Civ. No. 11-0374 (CRC)

# Real Rate Report<sup>®</sup> 2014

The Industry's  
Leading Analysis  
of Law Firm  
Rates, Trends,  
and Practices



Datacert | TyMetrix

# A Note on Comparability of Data

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The data used for *The Real Rate Report* include more than \$16.2 billion in fees billed for legal services in the United States during the seven-year period from 2007 to 2013. The data comprise fees paid by 90 companies to more than 5,600 law firms and more than 206,000 timekeepers. Table 1 provides a summary description of the US dataset.

In addition, a smaller subset of data is used to provide several analyses on non-United States legal fees. These data are from 2013, including nearly \$2 million in legal fees for more than 8,000 lawyers across 103 countries.

The information is not based on surveys, sampling, or reviews of other published information but on anonymized data showing the actual hours and fees law firm personnel billed. Companies participating in this *Real Rate Report* analysis provided written consent for the use of their data. The data used to create this report exclude identifying information of participant companies and of the matters, timekeepers, and law firms billing on those companies' invoices. (For more information on the data methodology, see the Appendix.)

This dataset is large enough to provide valuable guidance and represents a statistically useful portion of the \$294 billion annual US legal services business.<sup>2</sup> Am Law 100 firms alone had 2013 revenues of roughly \$77.4 billion.<sup>3</sup> This dataset covers approximately 141,000 partners and associates—spread across more than 350 US metropolitan areas.

Again, this sample is large enough to have useful analytical power, but it certainly does not come close to covering all the lawyers in the United States who work for corporate clients. The United States Bureau of Labor Statistics estimates there are more than 592,000 lawyers practicing in the United States—53,100 lawyers in the New York area alone and another 41,500 in the Washington, DC, area.<sup>4</sup>

<sup>2</sup> Bureau of Economic Analysis, "Gross Output by Industry," 2012, <http://www.bea.gov/iTable/iTable.cfm?ReqID=51&step=1#reqid=51&step=51&isuri=1&5114=a&5102=15>.

<sup>3</sup> Aric Press, "Am Law 100 Analysis: The Super Rich Get Richer," *The American Lawyer*, 28 April 2014, <http://www.americanlawyer.com/id=1202651706887>.

<sup>4</sup> Bureau of Labor Statistics, "Chart book: Occupational Employment and Wages," May 2013, <http://www.bls.gov/oes/current/oes231011.htm>.

## Appendix A: High-Level Data Cuts

2013—Real Rates for Partners and Associates by City and Matter Type (Excluding Insurance Defense; Continued)							Trend Analysis		
City	Matter Type	Role	n	First Quartile	Median	Third Quartile	2013 Mean	2012 Mean	2011 Mean
Syracuse, NY	Litigation	Partner	27	\$185.00	\$220.00	\$256.54	\$224.05	\$245.53	\$245.35
		Associate	24	\$161.37	\$184.18	\$195.00	\$176.57	\$164.77	\$176.22
	Non-Litigation	Partner	35	\$229.43	\$294.91	\$350.00	\$291.20	\$267.39	\$267.88
		Associate	15	\$175.00	\$196.00	\$225.00	\$202.40	\$177.77	\$173.50
Tallahassee, FL	Litigation	Partner	18	\$325.00	\$342.50	\$420.00	\$354.35	\$347.28	\$340.87
		Associate	10	\$175.00	\$262.15	\$295.00	\$257.50	\$231.38	\$191.78
	Non-Litigation	Partner	25	\$323.97	\$375.00	\$405.00	\$379.89	\$322.54	\$317.16
		Associate	10	\$225.00	\$270.00	\$302.29	\$291.73	\$200.86	\$224.04
Tampa, FL	Litigation	Partner	103	\$225.35	\$275.00	\$373.50	\$307.73	\$318.83	\$317.64
		Associate	96	\$185.00	\$215.96	\$272.50	\$232.76	\$202.70	\$205.25
	Non-Litigation	Partner	107	\$295.00	\$375.00	\$445.00	\$375.95	\$366.26	\$348.06
		Associate	69	\$205.00	\$250.00	\$280.00	\$247.36	\$234.04	\$227.61
Trenton, NJ	Litigation	Partner	39	\$327.40	\$457.32	\$550.00	\$435.79	\$430.00	\$428.08
		Associate	42	\$180.00	\$276.09	\$395.00	\$294.04	\$284.94	\$274.18
	Non-Litigation	Partner	40	\$376.50	\$468.49	\$528.00	\$450.45	\$446.77	\$463.74
		Associate	34	\$210.00	\$295.00	\$360.00	\$303.41	\$298.12	\$292.45
Tulsa, OK	Litigation	Partner	20	\$210.50	\$242.50	\$311.58	\$280.85	\$297.57	\$270.24
		Associate	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	Non-Litigation	Partner	20	\$234.00	\$267.50	\$320.00	\$275.54	\$248.20	\$240.07
		Associate	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Virginia Beach, VA	Litigation	Partner	18	\$300.00	\$329.25	\$360.00	\$343.95	\$343.18	\$349.64
		Associate	10	\$191.94	\$212.50	\$250.00	\$228.03	\$262.09	\$234.76
	Non-Litigation	Partner	22	\$300.00	\$340.00	\$356.00	\$339.55	\$352.40	\$318.18
		Associate	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Washington, DC	Litigation	Partner	1,022	\$550.00	\$660.00	\$765.43	\$656.77	\$644.82	\$617.06
		Associate	961	\$325.00	\$398.90	\$495.00	\$412.19	\$401.49	\$380.80
	Non-Litigation	Partner	1,685	\$541.00	\$652.50	\$773.03	\$656.44	\$649.25	\$627.49
		Associate	1,673	\$310.00	\$393.48	\$489.00	\$410.03	\$408.38	\$391.50
Wheeling, WV	Litigation	Partner	n/a	n/a	n/a	n/a	n/a	n/a	n/a
		Associate	44	\$270.00	\$316.27	\$419.00	\$333.23	\$286.35	\$276.58
	Non-Litigation	Partner	n/a	n/a	n/a	n/a	n/a	n/a	n/a
		Associate	70	\$264.06	\$366.86	\$428.20	\$344.79	\$302.83	\$295.93

## Appendix A: High-Level Data Cuts

2013—Real Rates for Partners by Years of Experience and City (Excluding Insurance Defense; Continued)						Trend Analysis		
City	Years of Experience	n	First Quartile	Median	Third Quartile	2013 Mean	2012 Mean	2011 Mean
Tallahassee, FL	Less Than 21 Years	12	\$319.50	\$342.50	\$442.27	\$359.24	\$313.69	\$301.58
	21 or More Years	23	\$328.15	\$375.00	\$480.00	\$400.24	\$355.69	\$347.79
Tampa, FL	Less Than 21 Years	69	\$250.00	\$295.00	\$345.35	\$299.30	\$295.78	\$298.01
	21 or More Years	75	\$275.00	\$375.77	\$450.00	\$368.04	\$375.34	\$369.68
Trenton, NJ	Less Than 21 Years	31	\$345.00	\$425.00	\$502.85	\$415.86	\$447.29	\$430.40
	21 or More Years	28	\$387.50	\$481.42	\$590.43	\$469.84	\$424.71	\$484.67
Tulsa, OK	Less Than 21 Years	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	21 or More Years	20	\$235.00	\$306.58	\$345.00	\$301.57	\$302.45	\$287.43
Virginia Beach, VA	Less Than 21 Years	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	21 or More Years	16	\$329.25	\$353.00	\$440.00	\$390.70	\$414.53	\$391.45
Washington, DC	Less Than 21 Years	805	\$510.00	\$607.50	\$705.00	\$608.91	\$595.71	\$586.91
	21 or More Years	1,098	\$595.00	\$706.85	\$812.39	\$698.92	\$692.36	\$665.61

*EPIC v. DHS*, No. 12-00333 (GK)  
EPIC's Motion for Attorneys' Fees and Costs

# Exhibit C

# EXHIBIT E

Supplemental Memorandum in Support of Plaintiff's  
Motion for an Award of Attorneys' Fees and Costs

*Citizens for Ethics and Responsibility in Washington v. Dep't of Justice,*  
Civ. No. 11-0374 (CRC)

# ***Westlaw Court Express***

## ***LEGAL BILLING REPORT***

VOLUME 14, NUMBER 1

May 2012

DC REGION

***BY BILLING RATE***

## District of Columbia Rate Report

	<u>PROFESSIONAL</u>	<u>FIRM</u>	<u>GRADUATED</u>	<u>ADMITTED</u>	<u>STATE</u>	<u>RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
Partner	Paul D. Marquardt	Cleary Gottlieb Steen & Hamilton LLP	1994	1996	DC	\$ 1,065.00	7.00	\$ 7,455.00
Partner	Roger Frankel	Orrick, Herrington & Sutcliffe LLP	1971	1971	DC	995.00	69.00	68,655.00
Partner	David Cohen	Milbank Tweed Hadley & McCloy LLP	1994	1994	DC	950.00	5.10	4,845.00
Member	Peter Lockwood	Caplin & Drysdale, Chartered	1966	1968	DC	905.00	19.90	18,009.50
Partner	R. Scott Kilgore	Wilmer Cutler Pickering Hale and Dorr LLP	1985	1985	DC	875.00	0.10	87.50
Partner	Richard Wyron	Orrick, Herrington & Sutcliffe LLP	1979	1979	DC	875.00	55.60	48,650.00
Partner	Douglas G. Gibson	Covington & Burling LLP	1990	1990	DC	855.00	7.00	5,985.00
Associate	Michael Collins	Gibson Dunn & Crutcher, LLP	1995	1995	DC	855.00	5.60	4,788.00
Partner	David R. Hill	Sidley Austin LLP	1988	1989	DC	825.00	13.00	10,725.00
Partner	Ralph Miller	Weil, Gotshal & Manges LLP	1972	1972	DC	775.00	100.00	77,500.00
Of Counsel	Edward L. Froelich	Morrison & Foerster LLP	1994	1997	DC	760.00	6.10	4,636.00
Partner	Howard B. Jacobson	Akin Gump Strauss Hauer & Feld LLP	1979	1979	DC	755.00	74.50	56,247.50
Of Counsel	Mary Wallace	Orrick, Herrington & Sutcliffe LLP	1989	1989	DC	740.00	0.10	74.00
Partner	Edward L. Rubinoff	Akin Gump Strauss Hauer & Feld LLP	1975	1975	DC	725.00	88.20	63,945.00
Partner	Tom W. Davidson	Akin Gump Strauss Hauer & Feld LLP	1977	1991	DC	720.00	50.10	36,072.00
Partner	Karol A. Kepchar	Akin Gump Strauss Hauer & Feld LLP	1992	1992	DC	715.00	4.90	3,503.50
Associate	Aaron Renenger	Milbank Tweed Hadley & McCloy LLP	2002	2002	DC	695.00	14.80	10,286.00
Partner	Ronald Reinsel	Caplin & Drysdale, Chartered	1986	1986	DC	690.00	1.10	759.00
Partner	Zachary Wittenberg	Akin Gump Strauss Hauer & Feld LLP	1996	1999	DC	680.00	257.40	175,032.00
Counsel	Kurt H. Jacobs	Sidley Austin LLP	1990	1993	DC	675.00	10.60	7,155.00
Senior Associate	Debra Felder	Orrick, Herrington & Sutcliffe LLP	2002	2002	DC	650.00	34.90	22,685.00
Counsel	Joanna F. Newdeck	Akin Gump Strauss Hauer & Feld LLP	2004	2006	DC	650.00	8.60	5,590.00
Associate	Nicholas Bassett	Milbank Tweed Hadley & McCloy LLP	2007	2007	DC	650.00	208.30	135,395.00
Member	Ann C. McMillan	Caplin & Drysdale, Chartered	1984	1984	DC	645.00	15.20	9,804.00
Member	Bernard Bailor	Caplin & Drysdale, Chartered	1970	1970	DC	645.00	55.00	35,475.00
Counsel	James Stenger	Chadbourne & Parke LLP	1978	1978	DC	645.00	33.90	21,865.50
Associate	Lisa Ewart	Wilmer Cutler Pickering Hale and Dorr LLP	2005	2005	DC	645.00	32.70	21,091.50
Associate	Edward Holzwanger	Kirkland & Ellis LLP	2001	2004	DC	635.00	0.80	508.00
Partner	Michael Seidel	Pachulski Stang Ziehl Young Jones & Weintraub	1996	1996	DC	615.00	10.90	6,703.50
Counsel	Kimberly Reindl	Akin Gump Strauss Hauer & Feld LLP	1996	1998	DC	575.00	3.30	1,897.50
Associate	Scott Rodes	Covington & Burling LLP	1998	1999	DC	565.00	6.20	3,503.00
Associate	Denise Linton	Milbank Tweed Hadley & McCloy LLP	2010	2010	DC	550.00	132.90	73,095.00
Associate	Kristopher L. Kirkwood	Sidley Austin LLP	2004	2005	DC	540.00	12.20	6,588.00
Associate	Kyle J. Fiet	Sidley Austin LLP	2007	2007	DC	540.00	45.90	24,786.00
Member	Jeffrey Liesemer	Caplin & Drysdale, Chartered	1993	1993	DC	535.00	120.40	64,414.00
Of Counsel	Kevin Maclay	Caplin & Drysdale, Chartered	1994	1994	DC	535.00	60.20	32,207.00
Member	Marceka Stras	Cozen O'Connor	1978	1980	DC	465.00	4.60	2,139.00
Associate	Christina Totino	Milbank Tweed Hadley & McCloy LLP	2011	2011	DC	460.00	20.20	9,292.00
Member	Ann Mickey	Cozen O'Connor	1976	1976	DC	450.00	13.50	6,075.00
Associate	Carolyn E. Perez	Akin Gump Strauss Hauer & Feld LLP	2007	2010	DC	450.00	21.70	9,765.00
Associate	Adam C. Doverspike	Sidley Austin LLP	2009	2010	DC	445.00	12.80	5,696.00
Associate	Joshua D. Mckarcher	Covington & Burling LLP	2008	2008	DC	445.00	4.30	1,913.50
Of Counsel	Sean I. Kahng	Caplin & Drysdale, Chartered	1998	1999	DC	400.00	15.70	6,280.00
Associate	Jeanna Rickards Koski	Caplin & Drysdale, Chartered	2004	2009	DC	380.00	152.80	58,064.00
Member	Trevor Swett	Caplin & Drysdale, Chartered	1981	1982	DC	355.00	9.80	3,479.00
Associate	Andrew Sackett	Caplin & Drysdale, Chartered	2005	2005	DC	340.00	152.80	51,952.00
Associate	Todd E. Phillips	Caplin & Drysdale, Chartered	2005	2009	DC	340.00	174.50	59,330.00
Of Counsel	Leslie Kelleher	Caplin & Drysdale, Chartered	1985	1985	DC	307.50	7.50	2,306.25
Of Counsel	James Wehner	Caplin & Drysdale, Chartered	1995	1995	DC	277.50	5.00	1,387.50

**District of Columbia Rate Report**

	<u>PROFESSIONAL</u>	<u>FIRM</u>	<u>GRADUATED</u>	<u>ADMITTED</u>	<u>STATE</u>	<u>RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
Associate	Elizabeth Wadsworth	Cozen O'Connor	1992	2003	DC	\$ 275.00	1.20	\$ 330.00
Associate	Kate G. Henningsen	Caplin & Drysdale, Chartered	2010	2010	DC	240.00	124.60	29,904.00
Associate	Jamie S. Kaplan	Weil, Gotshal & Manges LLP	2005	2005	DC	50.00	6.60	330.00

*EPIC v. DHS*, No. 12-00333 (GK)  
EPIC's Motion for Attorneys' Fees and Costs

# Exhibit D

# EXHIBIT F

Supplemental Memorandum in Support of Plaintiff's  
Motion for an Award of Attorneys' Fees and Costs

*Citizens for Ethics and Responsibility in Washington v. Dep't of Justice,*  
Civ. No. 11-0374 (CRC)

# ***Westlaw Court Express***

## ***LEGAL BILLING REPORT***

VOLUME 14, NUMBER 2

August 2012

DC REGION

***BY BILLING RATE***

## District of Columbia Rate Report

	<u>PROFESSIONAL</u>	<u>FIRM</u>	<u>GRADUATED</u>	<u>ADMITTED</u>	<u>STATE</u>	<u>RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
Partner	Donald Elliot	Willkie Farr & Gallagher LLP	1974	1975	DC	\$ 1,090.00	4.40	\$ 4,796.00
Partner	David R. Berz	Weil, Gotshal & Manges LLP	1973	1973	DC	1,000.00	2.00	2,000.00
Partner	Blake D. Rubin	McDermott, Will & Emery LLP	1980	1988	DC	995.00	100.80	100,296.00
Partner	Roger Frankel	Orrick, Herrington & Sutcliffe LLP	1971	1971	DC	995.00	62.80	62,486.00
Partner	Robin Greenhouse	McDermott, Will & Emery LLP	1984	1988	DC	900.00	19.40	17,460.00
Partner	Scott M. Flicker	Paul Hastings LLP	1988	1988	DC	900.00	203.20	182,880.00
Shareholder	Robert Horkovich	Anderson Kill & Olick LLP	1980	1980	DC	895.00	4.20	3,759.00
Partner	Andrea M. Whiteway	McDermott, Will & Emery LLP	1992	1992	DC	885.00	93.20	82,482.00
Partner	Richard Wyron	Orrick, Herrington & Sutcliffe LLP	1979	1979	DC	875.00	26.50	23,187.50
Partner	Richard V. Smith	Orrick, Herrington & Sutcliffe LLP	1983	1983	DC	875.00	0.60	525.00
Partner	John M. Sipple	Weil, Gotshal & Manges LLP	1973	1980	DC	860.00	1.00	860.00
Partner	David F. Geneson	Sheppard Mullin Richter & Hampton LLP	1974	1979	DC	830.00	26.30	21,829.00
Partner	Neal Mollen	Paul Hastings LLP	1985	1985	DC	820.00	176.50	144,730.00
Counsel	William Thomas	Willkie Farr & Gallagher LLP	1986	1990	DC	790.00	11.50	9,085.00
Partner	James Sottile	Zuckerman Spaeder LLP	1985	1986	DC	790.00	89.20	70,468.00
Partner	Gary M. Ford	Groom Law Group	1977	1977	DC	787.50	80.80	63,630.00
Partner	Michael J. Wilder	McDermott, Will & Emery LLP	1992	1995	DC	780.00	4.80	3,744.00
Partner	Ralph Miller	Weil, Gotshal & Manges LLP	1972	1972	DC	775.00	108.80	84,320.00
Partner	Louis T. Mazawey	Groom Law Group	1975	1975	DC	769.50	3.00	2,308.50
Partner	Jon G. Finkelstein	McDermott, Will & Emery LLP	1999	2001	DC	765.00	45.70	34,960.50
Member	John Feore	Dow Lohnes PLLC	1974	1975	DC	760.00	34.70	26,372.00
Of Counsel	Edward L. Froelich	Morrison & Foerster LLP	1994	1997	DC	760.00	22.10	16,796.00
Partner	Patrick Potter	Pillsbury Winthrop Shaw Pittman LLP	1989	1991	DC	750.00	20.20	15,150.00
Partner	Lawrence Bard	Morrison & Foerster LLP	1993	1995	DC	725.00	0.40	290.00
Partner	Andree St. Martin	Groom Law Group	1983	1983	DC	711.00	7.30	5,190.30
Associate	Johanna Hickman	Willkie Farr & Gallagher LLP	2006	2008	DC	690.00	9.20	6,348.00
Partner	Lonie A. Hassel	Groom Law Group	1980	1980	DC	679.50	58.90	40,022.55
Partner	Thomas Gigot	Groom Law Group	1984	1984	DC	675.00	0.20	135.00
Attorney	Margaret Spurlin	Paul Hastings LLP	1978	1979	DC	675.00	38.30	25,852.50
Principal	Karl Bourdeau	Beveridge & Diamond, P.C.	1978	1978	DC	657.80	44.10	29,008.98
Principal	Mark L. Lofgren	Groom Law Group	1982	1982	DC	652.50	67.20	43,848.00
Member	Ann Swanson	Dow Lohnes PLLC	1979	1981	DC	650.00	24.30	15,795.00
Member	John Logan	Dow Lohnes PLLC	1977	1979	DC	650.00	57.50	37,375.00
Senior Associate	Debra Felder	Orrick, Herrington & Sutcliffe LLP	2002	2002	DC	650.00	28.80	18,720.00
Attorney	Andrew B. Rogers	Paul Hastings LLP	2005	2005	DC	620.00	146.40	90,768.00

## District of Columbia Rate Report

	<u>PROFESSIONAL</u>	<u>FIRM</u>	<u>GRADUATED</u>	<u>ADMITTED</u>	<u>STATE</u>	<u>RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
Partner	Brigen Winters	Groom Law Group	1994	1994	DC	\$ 612.00	5.60	\$ 3,427.20
Partner	John McGuinness	Groom Law Group	1993	1993	DC	612.00	0.50	306.00
Partner	P. Andrew Torrez	Zuckerman Spaeder LLP	1997	1997	DC	610.00	13.50	8,235.00
Partner	Donald L. Havermann	Morgan Lewis & Bockius, LLP	1980	1980	DC	603.00	2.20	1,326.60
Partner	Thomas E. Reinert	Morgan Lewis & Bockius, LLP	1980	1980	DC	603.00	48.00	28,944.00
Counsel	John P. Rynkiewicz	Kaye Scholer LLC	1981	1981	DC	587.00	4.83	2,835.21
Associate	Intra L. Germanis	Paul Hastings LLP	1992	1992	DC	580.00	10.60	6,148.00
Partner	Christine L. Keller	Groom Law Group	1996	1996	DC	576.00	3.40	1,958.40
Associate	Lars Golumbic	Groom Law Group	1998	1998	DC	576.00	39.50	22,752.00
Partner	Sheldon M. Kline	Sheppard Mullin Richter & Hampton LLP	1987	1988	DC	575.00	169.90	97,692.50
Principal	Mark C Nielsen	Groom Law Group	1997	1997	DC	558.00	107.70	60,096.60
Member	Christina Burrow	Dow Lohnes PLLC	1993	1994	DC	550.00	36.60	20,130.00
Associate	James Burke	Orrick, Herrington & Sutcliffe LLP	2008	2008	DC	550.00	2.10	1,155.00
Principal	Aaron H. Goldberg	Beveridge & Diamond, P.C.	1985	1985	DC	547.40	1.80	985.32
Partner	Christopher M. Loveland	Sheppard Mullin Richter & Hampton LLP	2000	2001	DC	525.00	55.90	29,347.50
Associate	Maria T. Davis	Paul Hastings LLP	2009	2009	DC	520.00	165.30	85,956.00
Associate	Sarah A. Zumwalt	Groom Law Group	2003	2003	DC	513.00	65.90	33,806.70
Associate	Gale E. Chan	McDermott, Will & Emery LLP	2008	2008	DC	500.00	11.10	5,550.00
Associate	Jason H. Lee	Groom Law Group	2006	2006	DC	490.50	18.00	8,829.00
Associate	Julia E. Zuckerman	Groom Law Group	2005	2005	DC	490.50	47.60	23,347.80
Associate	Dania Slim	Pillsbury Winthrop Shaw Pittman LLP	2008	2008	DC	490.00	33.30	16,317.00
Senior Counsel	Jason Rademacher	Dow Lohnes PLLC	2000	2000	DC	470.00	4.00	1,880.00
Partner	Jay Ward Brown	Levine Sullivan Koch & Schulz LLP	1992	1992	DC	455.00	0.20	91.00
Partner	Seth D. Berlin	Levine Sullivan Koch & Schulz LLP	1991	1991	DC	455.00	0.60	273.00
Associate	Karin H. Johnson	Sheppard Mullin Richter & Hampton LLP	2007	2007	DC	455.00	113.00	51,415.00
Associate	Rose J. Zaklad	Groom Law Group	2006	2006	DC	454.50	102.90	46,768.05
Member	Christopher Meazell	Dow Lohnes PLLC	2001	2001	GA	450.00	9.70	4,365.00
Senior Counsel	Maureen M. Nagle	Dow Lohnes PLLC	1999	2000	NY	450.00	9.30	4,185.00
Associate	Andrew Blair-Stanek	McDermott, Will & Emery LLP	2008	2009	DC	435.00	63.70	27,709.50
Partner	Thomas Curley	Levine Sullivan Koch & Schulz LLP	2000	2000	DC	430.00	0.20	86.00
Associate	Dana M. Parsons	Paul Hastings LLP	2010	2010	DC	410.00	100.90	41,369.00
Associate	Robert Folliard	Dow Lohnes PLLC	2005	2006	DC	390.00	21.50	8,385.00
Associate	Cole Parker	McDermott, Will & Emery LLP	2010	2010	DC	365.00	16.80	6,132.00
Associate	Derek H. Teslik	Dow Lohnes PLLC	2007	2009	DC	350.00	3.20	1,120.00
Associate	Marianne Hogan	Morgan Lewis & Bockius, LLP	2006	2009	DC	348.50	1.70	592.45

### District of Columbia Rate Report

	<u>PROFESSIONAL</u>	<u>FIRM</u>	<u>GRADUATED</u>	<u>ADMITTED</u>	<u>STATE</u>	<u>RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
Associate	Shaina D. Jones	Levine Sullivan Koch & Schulz LLP	2009	2009	DC	\$ 335.00	6.00	\$ 2,010.00
Associate	Allison B. Rogers	Groom Law Group	2010	2010	DC	319.50	137.00	43,771.50
Associate	Kevin Walsh	Groom Law Group	2009	2009	DC	319.50	51.00	16,294.50
Associate	David R. Broderdorf	Morgan Lewis & Bockius, LLP	2008	2009	DC	318.75	3.20	1,020.00
Associate	Kerry Stotler	Dow Lohnes PLLC	2009	2010	DC	310.00	12.90	3,999.00
Associate	Jayni Lanham	Beveridge & Diamond, P.C.	2008	2008	DC	303.60	8.60	2,610.96
Associate	Ryan J. Rosner	Sheppard Mullin Richter & Hampton LLP	2011	2011	DC	285.00	69.40	19,779.00
Paraprofessional	Laurie McCarthy	Dow Lohnes PLLC				280.00	73.20	20,496.00
Paraprofessional	Jer-Wei Chen	Zuckerman Spaeder LLP				280.00	0.30	84.00
Paraprofessional	Lisa Gehlbach	Zuckerman Spaeder LLP				280.00	3.30	924.00
Associate	Ryan Temme	Groom Law Group	2011	2011	DC	274.50	124.30	34,120.35
Paraprofessional	Debra O. Fullem	Orrick, Herrington & Sutcliffe LLP				270.00	14.20	3,834.00
Associate	Lindsey Selba	Beveridge & Diamond, P.C.	2010	2010	DC	257.60	9.80	2,524.48
Paraprofessional	Carl P. Jaworski	Beveridge & Diamond, P.C.				257.60	6.00	1,545.60
Paraprofessional	Susan Anderson	Dow Lohnes PLLC				250.00	9.30	2,325.00
Paraprofessional	Allyson Mejia	Dow Lohnes PLLC				240.00	12.70	3,048.00
Paraprofessional	Christian J. Pena	Dow Lohnes PLLC				220.00	3.90	858.00
Paraprofessional	Jennifer P. Burke	Levine Sullivan Koch & Schulz LLP				195.00	0.30	58.50
Paraprofessional	Elizabeth Wolk	Beveridge & Diamond, P.C.				179.40	3.50	627.90
Paraprofessional	Danielle Nelson	Groom Law Group				171.00	24.10	4,121.10

*EPIC v. DHS*, No. 12-00333 (GK)  
EPIC's Motion for Attorneys' Fees and Costs

# Exhibit E

# LAFFEY MATRIX

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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., McDowell v. District of Columbia, Civ. A. No.

\* "Years Out of Law School" is calculated from June 1 of each year, when most law students graduate. "1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). "4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier "1-3" from June 1, 1996 until May 31, 1999, would move into tier "4-7" on June 1, 1999, and tier "8-10" on June 1, 2003.

\*\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

*EPIC v. DHS*, No. 12-00333 (GK)  
EPIC's Motion for Attorneys' Fees and Costs

# Exhibit F

**LAFFEY MATRIX -- 2003-2014**  
**(2009-10 rates were unchanged from 2008-09 rates)**

Experience	Years (Rate for June 1 - May 31, based on prior year's CPI-U)										
	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14
20+ years	380	390	405	425	440	465	465	475	495	505	510
11-19 years	335	345	360	375	390	410	410	420	435	445	450
8-10 years	270	280	290	305	315	330	330	335	350	355	360
4-7 years	220	225	235	245	255	270	270	275	285	290	295
1-3 years	180	185	195	205	215	225	225	230	240	245	250
Paralegals & Law Clerks	105	110	115	120	125	130	130	135	140	145	145

*Explanatory Notes*

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia. The matrix is intended to be used in cases in which a "fee-shifting" statute permits the prevailing party to recover "reasonable" attorney's fees. See, e.g., 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act), 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412 (b) (Equal Access to Justice Act). The matrix does not apply in cases in which the hourly rate is limited by statute. See 28 U.S.C. § 2412(d).
2. This matrix is based on the hourly rates allowed by the District Court in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1984), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert denied*, 472 U.S. 1021 (1985). It is commonly referred to by attorneys and federal judges in the District of Columbia as the "Laffey Matrix" or the "United States Attorney's Office Matrix." The column headed "Experience" refers to the years following the attorney's graduation from law school. The various "brackets" are intended to correspond to "junior associates" (1-3 years after law school graduation), "senior associates" (4-7 years), "experienced federal court litigators" (8-10 and 11-19 years), and "very experienced federal court litigators" (20 years or more). See *Laffey*, 572 F. Supp. at 371.
3. The hourly rates approved by the District Court in *Laffey* were for work done principally in 1981-82. The Matrix begins with those rates. See *Laffey*, 572 F. Supp. at 371 (attorney rates) & 386 n.74 (paralegal and law clerk rate). The rates for subsequent yearly periods were determined by adding the change in the cost of living for the Washington, D.C. area to the applicable rate for the prior year, and then rounding to the nearest multiple of \$5 (up if within \$3 of the next multiple of \$5). The result is subject to adjustment if appropriate to ensure that the relationship between the highest rate and the lower rates remains reasonably constant. Changes in the cost of living are measured by the Consumer Price Index for All Urban Consumers (CPI-U) for Washington-Baltimore, DC-MD-VA-WV, as announced by the Bureau of Labor Statistics for May of each year.
4. Use of an updated *Laffey* Matrix was implicitly endorsed by the Court of Appeals in *Sive One Cumberland Mountains v. Husel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). The Court of Appeals subsequently stated that parties may rely on the updated *Laffey* Matrix prepared by the United States Attorney's Office as evidence of prevailing market rates for litigation counsel in the Washington, D.C. area. See *Covington v. District of Columbia*, 57 F.3d 1001, 1105 & n. 14, 1109 (D.C. Cir. 1995), *cert denied*, 516 U.S. 1115 (1996). Lower federal courts in the District of Columbia have used this updated *Laffey* Matrix when determining whether fee awards under fee-shifting statutes are reasonable. See, e.g., *Blackman v. District of Columbia*, 59 F. Supp. 2d 37, 43 (D.D.C. 1999); *Jefferson v. Milvets System Technology, Inc.*, 986 F. Supp. 6, 31 (D.D.C. 1995); *Ralph Hunt & Associates v. Nat'l Highway Transportation Safety Admin.*, 985 F. Supp. 1, 9-10 n.3 (D.D.C. 1997); *Alarini v. Fed. Nat'l Mfg. Ass'n*, 977 F. Supp. 482, 485 n.2 (D.D.C. 1997); *Park v. Howard University*, 881 F. Supp. 653, 654 (D.D.C. 1995).

*EPIC v. DHS*, No. 12-00333 (GK)  
EPIC's Motion for Attorneys' Fees and Costs

# Exhibit G

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELECTRONIC PRIVACY INFORMATION CENTER	)	
	)	
Plaintiff,	)	
v.	)	No. 1:12-00333-GK
	)	
DEPARTMENT OF HOMELAND SECURITY	)	
	)	
Defendant.	)	

**BILL OF FEES AND COSTS**

Pre-Summary Judgment (March 1, 2012 through Aug. 19, 2013):

Subtotal:	\$95,629.10
Discount factor (10%)	(\$9,562.91)
Discounted Subtotal:	<b>\$86,066.19</b>

Summary Judgment (Aug. 30, 2013 through Nov. 25, 2013):

Subtotal:	\$22,754.60
Discount factor (84%)	(\$19,113.86)
Discounted Subtotal:	<b>\$ 3,640.74</b>

Post-Summary Judgment (Aug. 4, 2015 through Oct. 27, 2015): **\$3,987.40**

Fees on fees: **\$22,435.40**

SUBTOTAL (all fees):	<b>\$116,129.73</b>
Discount factor (5%)	(\$5,806.49)

**TOTAL FEES:** **\$110,323.24**

**TOTAL COSTS:** **\$350.00**

**GRAND TOTAL:** **\$110,673.24**

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
2/29/2012	Amie Stepanovich <b>Description:</b> Draft complaint	1.0	\$305.00	\$305.00
3/1/2012	Amie Stepanovich <b>Description:</b> File complaint and associated documents via ECF	1.0	\$305.00	\$305.00
3/1/2012	Marc Rotenberg <b>Description:</b> Review complaint as filed	0.1	\$734.00	\$73.40
3/5/2012	Amie Stepanovich <b>Description:</b> Travel to court to obtain summons and complaint	0.8	\$305.00	\$244.00
3/12/2012	Amie Stepanovich <b>Description:</b> File service of process documents to mail to parties	0.6	\$305.00	\$183.00
3/28/2012	Marc Rotenberg <b>Description:</b> File notice of appearance	0.1	\$734.00	\$73.40
4/13/2012	Marc Rotenberg <b>Description:</b> Review minute order re extension	0.1	\$734.00	\$73.40
5/1/2012	Marc Rotenberg <b>Description:</b> Review answer	0.2	\$734.00	\$146.80
5/2/2012	Marc Rotenberg <b>Description:</b> Review scheduling conference order	0.1	\$734.00	\$73.40
5/7/2012	Amie Stepanovich <b>Description:</b> Review agency answer and court order re: meet and confer	0.6	\$305.00	\$183.00
5/10/2012	Amie Stepanovich <b>Description:</b> Draft joint meet and confer statement and order	1.8	\$305.00	\$549.00

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
5/10/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel re: meet and confer discussion	0.1	\$305.00	\$30.50
5/15/2012	Marc Rotenberg <b>Description:</b> E-Mail to opposing counsel	0.1	\$734.00	\$73.40
5/16/2012	Marc Rotenberg <b>Description:</b> Conference re: case status, meet and confer statement, and call with opposing counsel (Other EPIC staff present: A. Stepanovich)	0.4	\$734.00	\$293.60
5/16/2012	Amie Stepanovich <b>Description:</b> Conference re: case status, meet and confer statement, and call with opposing counsel (Other EPIC staff present: M. Rotenberg)	0.4	\$305.00	\$122.00
5/16/2012	Amie Stepanovich <b>Description:</b> Conference with M. Rotenberg to discuss call with opposing counsel (Other EPIC staff present: M. Rotenberg)	0.3	\$305.00	\$91.50
5/16/2012	Marc Rotenberg <b>Description:</b> Conference with M. Rotenberg to discuss call with opposing counsel (Other EPIC staff present: A. Stepanovich)	0.3	\$734.00	\$220.20
5/16/2012	Amie Stepanovich <b>Description:</b> E-Mail counsel to confirm details of teleconference	0.1	\$305.00	\$30.50
5/16/2012	Marc Rotenberg <b>Description:</b> Preparation for call with opposing counsel	0.3	\$734.00	\$220.20
5/16/2012	Marc Rotenberg <b>Description:</b> Preparation for call with opposing counsel	0.3	\$734.00	\$220.20
5/16/2012	Marc Rotenberg <b>Description:</b> Review minute order re scheduling conference	0.1	\$734.00	\$73.40
5/16/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel re: meet and confer (Other EPIC staff present: M. Rotenberg)	0.5	\$305.00	\$152.50

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**Electronic Privacy Information Center (EPIC)**

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
5/16/2012	Marc Rotenberg <b>Description:</b> Tele-Conference with opposing counsel re: meet and confer (Other EPIC staff present: A. Stepanovich)	0.5	\$734.00	\$367.00
5/17/2012	Amie Stepanovich <b>Description:</b> Draft motion for telephonic initial scheduling conference	0.4	\$305.00	\$122.00
5/17/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel re: scheduling teleconference	0.2	\$305.00	\$61.00
5/18/2012	Ginger McCall <b>Description:</b> Draft and file motion for appearance.	1.0	\$305.00	\$305.00
5/18/2012	Amie Stepanovich <b>Description:</b> Draft and file motion for telephonic initial scheduling conference	1.0	\$305.00	\$305.00
5/18/2012	Marc Rotenberg <b>Description:</b> Preparation for call with opposing counsel	0.3	\$734.00	\$220.20
5/18/2012	Marc Rotenberg <b>Description:</b> Review consent motion for order for a telephonic initial scheduling conference	0.1	\$734.00	\$73.40
5/18/2012	Amie Stepanovich <b>Description:</b> Review opposing counsel's proposed meet and confer statement	0.2	\$305.00	\$61.00
5/18/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with court re: telephonic conference schedule	0.2	\$305.00	\$61.00
5/18/2012	Marc Rotenberg <b>Description:</b> Tele-Conference with opposing counsel re: scheduling (Other EPIC staff present: G. McCall, A. Stepanovich)	0.5	\$734.00	\$367.00
5/18/2012	Ginger McCall <b>Description:</b> Tele-Conference with opposing counsel re: scheduling (Other EPIC staff present: M. Rotenberg, A. Stepanovich)	0.5	\$305.00	\$152.50

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

<b>EPIC v. Department of Homeland Security (12-333)</b> <b>Billing Records</b>
---

Date	Attorney Name	Hours	Rate	Amount
5/18/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel re: scheduling (Other EPIC staff present: M. Rotenberg, G. McCall)	0.5	\$305.00	\$152.50
5/20/2012	Amie Stepanovich <b>Description:</b> E-Mail to discuss case status and meet and confer statement (Other EPIC staff present: M. Rotenberg, G. McCall)	0.2	\$305.00	\$61.00
5/20/2012	Marc Rotenberg <b>Description:</b> E-Mail to discuss case status and meet and confer statement (Other EPIC staff present: A. Stepanovich, G. McCall)	0.2	\$734.00	\$146.80
5/20/2012	Ginger McCall <b>Description:</b> E-Mail to discuss case status and meet and confer statement (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.2	\$305.00	\$61.00
5/20/2012	Ginger McCall <b>Description:</b> Edit joint meet and confer statement	0.5	\$305.00	\$152.50
5/20/2012	Amie Stepanovich <b>Description:</b> Edit joint meet and confer statement	0.3	\$305.00	\$91.50
5/21/2012	Amie Stepanovich <b>Description:</b> E-Mail with M. Rotenberg and G. McCall re: meet and confer	0.2	\$305.00	\$61.00
5/21/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel re: meet and confer	0.1	\$305.00	\$30.50
5/21/2012	Amie Stepanovich <b>Description:</b> Edit joint meet and confer statement	0.3	\$305.00	\$91.50
5/21/2012	Amie Stepanovich <b>Description:</b> File joint meet and confer statement	0.2	\$305.00	\$61.00
5/21/2012	Marc Rotenberg <b>Description:</b> Review minute order re scheduling conference	0.1	\$734.00	\$73.40

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
5/21/2012	Marc Rotenberg <b>Description:</b> Review meet and confer statement	0.1	\$734.00	\$73.40
5/21/2012	Ginger McCall <b>Description:</b> Tele-Conference re: meet and confer statement (with A. Stepanovich and M. Rotenberg)	0.2	\$305.00	\$61.00
5/21/2012	Marc Rotenberg <b>Description:</b> Tele-Conference re: meet and confer statement (with G. McCall and A. Stepanovich)	0.2	\$734.00	\$146.80
5/21/2012	Marc Rotenberg <b>Description:</b> Tele-Conference with opposing counsel re: meet and confer (Other EPIC staff present: A. Stepanovich)	0.2	\$734.00	\$146.80
5/21/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel re: meet and confer (Other EPIC staff present: M. Rotenberg)	0.2	\$305.00	\$61.00
5/21/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel re: meet and confer	0.3	\$305.00	\$91.50
5/24/2012	Ginger McCall <b>Description:</b> Conference to prepare for court scheduling teleconference (Other EPIC staff present: M. Rotenberg, A. Stepanovich)	0.8	\$305.00	\$244.00
5/24/2012	Marc Rotenberg <b>Description:</b> Conference to prepare for court scheduling teleconference (Other EPIC staff present: G. McCall, A. Stepanovich)	0.8	\$734.00	\$587.20
5/24/2012	Amie Stepanovich <b>Description:</b> Conference to prepare for court scheduling teleconference (Other EPIC staff present: G. McCall, M. Rotenberg)	0.8	\$305.00	\$244.00
5/24/2012	Marc Rotenberg <b>Description:</b> Review scheduling order	0.1	\$734.00	\$73.40
5/24/2012	Amie Stepanovich <b>Description:</b> Tele-Conference re: scheduling with Judge Kessler and opposing counsel (Other EPIC staff present: G. McCall, M. Rotenberg)	0.2	\$305.00	\$61.00

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
5/24/2012	Ginger McCall	0.2	\$305.00	\$61.00
	<b>Description:</b> Tele-Conference re: scheduling with Judge Kessler and opposing counsel (Other EPIC staff present: A. Stepanovich, M. Rotenberg)			
5/24/2012	Marc Rotenberg	0.2	\$734.00	\$146.80
	<b>Description:</b> Tele-Conference re: scheduling with Judge Kessler and opposing counsel (Other EPIC staff present: A. Stepanovich, G. McCall)			
7/24/2012	Ginger McCall	0.3	\$383.00	\$114.90
	<b>Description:</b> Conference to discuss agency request (Other EPIC staff present: A. Stepanovich, M. Rotenberg).			
7/24/2012	Marc Rotenberg	0.3	\$753.00	\$225.90
	<b>Description:</b> Conference to discuss agency request (Other EPIC staff present: A. Stepanovich, G. McCall).			
7/24/2012	Amie Stepanovich	0.3	\$312.00	\$93.60
	<b>Description:</b> Conference to discuss agency request (with M. Rotenberg and G. McCall)			
8/24/2012	Marc Rotenberg	0.3	\$753.00	\$225.90
	<b>Description:</b> Conference to discuss agency request for extension prior to teleconference (Other EPIC staff present: A. Stepanovich, G. McCall)			
8/24/2012	Amie Stepanovich	0.3	\$312.00	\$93.60
	<b>Description:</b> Conference to discuss agency request for extension prior to teleconference (Other EPIC staff present: M. Rotenberg, G. McCall)			
8/24/2012	Ginger McCall	0.3	\$383.00	\$114.90
	<b>Description:</b> Conference to discuss agency request for extension prior to teleconference (Other EPIC staff present: M. Rotenberg, A. Stepanovich)			
8/24/2012	Amie Stepanovich	0.3	\$312.00	\$93.60
	<b>Description:</b> Conference to review discussion with opposing counsel (Other EPIC staff present: G. McCall, M. Rotenberg)			
8/24/2012	Ginger McCall	0.3	\$383.00	\$114.90
	<b>Description:</b> Conference to review discussion with opposing counsel (Other EPIC staff present: A. Stepanovich, M. Rotenberg)			
8/24/2012	Marc Rotenberg	0.3	\$753.00	\$225.90
	<b>Description:</b> Conference to review discussion with opposing counsel (Other EPIC staff present: A. Stepanovich, G. McCall)			

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
8/24/2012	Amie Stepanovich <b>Description:</b> Conference preparation for second scheduling call with opposing counsel (Other EPIC staff present: M. Rotenberg, G. McCall)	0.2	\$312.00	\$62.40
8/24/2012	Marc Rotenberg <b>Description:</b> Conference preparation for second scheduling call with opposing counsel (Other EPIC staff present: A. Stepanovich, G. McCall)	0.2	\$753.00	\$150.60
8/24/2012	Ginger McCall <b>Description:</b> Conference preparation for second scheduling call with opposing counsel (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.2	\$383.00	\$76.60
8/24/2012	Amie Stepanovich <b>Description:</b> Conference to discuss second call with opposing counsel (Other EPIC staff present: M. Rotenberg, G. McCall)	0.1	\$312.00	\$31.20
8/24/2012	Marc Rotenberg <b>Description:</b> Conference to discuss second call with opposing counsel (Other EPIC staff present: A. Stepanovich, G. McCall)	0.1	\$753.00	\$75.30
8/24/2012	Ginger McCall <b>Description:</b> Conference to discuss second call with opposing counsel (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.1	\$383.00	\$38.30
8/24/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel re: scheduling	0.1	\$312.00	\$31.20
8/24/2012	Marc Rotenberg <b>Description:</b> Review DHS motion to stay	0.2	\$753.00	\$150.60
8/24/2012	Marc Rotenberg <b>Description:</b> Tele-Conference with opposing counsel (Other EPIC staff present: G. McCall, A. Stepanovich)	0.4	\$753.00	\$301.20
8/24/2012	Ginger McCall <b>Description:</b> Tele-Conference with opposing counsel (Other EPIC staff present: M. Rotenberg, A. Stepanovich)	0.4	\$383.00	\$153.20
8/24/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel (Other EPIC staff present: M. Rotenberg, G. McCall)	0.4	\$312.00	\$124.80

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

<b>EPIC v. Department of Homeland Security (12-333)</b> <b>Billing Records</b>
---

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
8/24/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel re: scheduling	0.2	\$312.00	\$62.40
8/24/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel re: scheduling (Other EPIC staff present: M. Rotenberg, G. McCall)	0.1	\$312.00	\$31.20
8/24/2012	Marc Rotenberg <b>Description:</b> Tele-Conference with opposing counsel re: scheduling (Other EPIC staff present: A. Stepanovich, G. McCall)	0.1	\$753.00	\$75.30
8/24/2012	Ginger McCall <b>Description:</b> Tele-Conference with opposing counsel re: scheduling (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.1	\$383.00	\$38.30
8/25/2012	Amie Stepanovich <b>Description:</b> Review agency motion for stay	0.2	\$312.00	\$62.40
8/26/2012	Amie Stepanovich <b>Description:</b> Draft opposition to agency motion for stay	1.9	\$312.00	\$592.80
8/26/2012	Amie Stepanovich <b>Description:</b> E-Mail with M. Rotenberg re: agency motion for stay	0.1	\$312.00	\$31.20
8/26/2012	Amie Stepanovich <b>Description:</b> Research motions for stay in FOIA cases	0.3	\$312.00	\$93.60
8/27/2012	Marc Rotenberg <b>Description:</b> Review minute order re DHS motion for stay	0.1	\$753.00	\$75.30
8/27/2012	Amie Stepanovich <b>Description:</b> Review minute order re: motion for stay	0.1	\$312.00	\$31.20
8/30/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel re: scheduling	0.1	\$312.00	\$31.20

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
8/31/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel re: scheduling and scope of request	0.1	\$312.00	\$31.20
8/31/2012	Amie Stepanovich <b>Description:</b> Research Exemption 1 and background subject matter of EPIC FOIA request	1.0	\$312.00	\$312.00
8/31/2012	Amie Stepanovich <b>Description:</b> Review agency proposal re: scope of FOIA request	0.2	\$312.00	\$62.40
9/4/2012	Marc Rotenberg <b>Description:</b> Conference re: agency questions about EPIC's FOIA request (Other EPIC staff present: G. McCall, A. Stepanovich)	0.8	\$753.00	\$602.40
9/4/2012	Ginger McCall <b>Description:</b> Conference re: agency questions about EPIC's FOIA request (Other EPIC staff present: M. Rotenberg, A. Stepanovich)	0.8	\$383.00	\$306.40
9/4/2012	Amie Stepanovich <b>Description:</b> Conference re: agency questions about EPIC's FOIA request (Other EPIC staff present: M. Rotenberg, G. McCall)	0.8	\$312.00	\$249.60
9/4/2012	Amie Stepanovich <b>Description:</b> Conference re: opposing counsel extension request (Other EPIC staff present: M. Rotenberg, G. McCall)	0.2	\$312.00	\$62.40
9/4/2012	Marc Rotenberg <b>Description:</b> Conference re: opposing counsel extension request (Other EPIC staff present: A. Stepanovich, G. McCall)	0.2	\$753.00	\$150.60
9/4/2012	Ginger McCall <b>Description:</b> Conference re: opposing counsel extension request (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.2	\$383.00	\$76.60
9/4/2012	Amie Stepanovich <b>Description:</b> Draft opposition to motion for stay	1.4	\$312.00	\$436.80
9/4/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel re: scheduling	0.1	\$312.00	\$31.20

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/4/2012	Amie Stepanovich <b>Description:</b> E-Mail with M. Rotenberg re: opposition to motion for stay	0.1	\$312.00	\$31.20
9/4/2012	Marc Rotenberg <b>Description:</b> E-Mail with A. Stepanovich re: DHS motion	0.1	\$753.00	\$75.30
9/4/2012	Marc Rotenberg <b>Description:</b> Edit opposition to motion for stay	1.3	\$753.00	\$978.90
9/4/2012	Amie Stepanovich <b>Description:</b> Research agency motion for stay in FOIA cases	1.2	\$312.00	\$374.40
9/5/2012	Amie Stepanovich <b>Description:</b> Conference re: opposition to motion for stay (Other EPIC staff present: M. Rotenberg)	0.1	\$312.00	\$31.20
9/5/2012	Marc Rotenberg <b>Description:</b> Conference re: opposition to motion for stay (Other EPIC staff present: A. Stepanovich)	0.1	\$753.00	\$75.30
9/5/2012	Amie Stepanovich <b>Description:</b> Draft opposition to motion for stay	0.7	\$312.00	\$218.40
9/5/2012	Marc Rotenberg <b>Description:</b> Edit opposition to motion for stay	0.8	\$753.00	\$602.40
9/5/2012	Marc Rotenberg <b>Description:</b> Edit opposition to motion for stay	0.8	\$753.00	\$602.40
9/5/2012	Amie Stepanovich <b>Description:</b> File opposition to motion for stay	0.2	\$312.00	\$62.40
9/5/2012	Marc Rotenberg <b>Description:</b> Review DHS motion to continue stay	0.2	\$753.00	\$150.60

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/5/2012	Marc Rotenberg <b>Description:</b> Review review court order	0.1	\$753.00	\$75.30
9/5/2012	Amie Stepanovich <b>Description:</b> Review court order re: motion for stay	0.1	\$312.00	\$31.20
9/11/2012	Amie Stepanovich <b>Description:</b> Conference to discuss agency request for extension (Other EPIC staff present: M. Rotenberg)	0.2	\$312.00	\$62.40
9/11/2012	Marc Rotenberg <b>Description:</b> Conference to discuss agency request for extension (Other EPIC staff present: A. Stepanovich)	0.2	\$753.00	\$150.60
9/11/2012	Ginger McCall <b>Description:</b> Conference to discuss agency request for extension (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.4	\$383.00	\$153.20
9/11/2012	Amie Stepanovich <b>Description:</b> Conference to discuss agency request for extension (Other EPIC staff present: G. McCall, M. Rotenberg)	0.4	\$312.00	\$124.80
9/11/2012	Marc Rotenberg <b>Description:</b> Conference to discuss agency request for extension (Other EPIC staff present: G. McCall, A. Stepanovich)	0.4	\$753.00	\$301.20
9/11/2012	Marc Rotenberg <b>Description:</b> Draft and edit email re: DHS motion	0.3	\$753.00	\$225.90
9/14/2012	Amie Stepanovich <b>Description:</b> Conference to discuss next steps in case (Other EPIC staff present: G. McCall, M. Rotenberg)	0.2	\$312.00	\$62.40
9/14/2012	Ginger McCall <b>Description:</b> Conference to discuss next steps in case (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.2	\$383.00	\$76.60
9/14/2012	Marc Rotenberg <b>Description:</b> Conference to discuss next steps in case (Other EPIC staff present: A. Stepanovich, G. McCall)	0.2	\$753.00	\$150.60

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/14/2012	Amie Stepanovich <b>Description:</b> Conference to discuss opposing counsel response re: scheduling (Other EPIC staff present: G. McCall, M. Rotenberg)	0.4	\$312.00	\$124.80
9/14/2012	Ginger McCall <b>Description:</b> Conference to discuss opposing counsel response re: scheduling (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.4	\$383.00	\$153.20
9/14/2012	Marc Rotenberg <b>Description:</b> Conference to discuss opposing counsel response re: scheduling (Other EPIC staff present: A. Stepanovich, G. McCall)	0.4	\$753.00	\$301.20
9/14/2012	Amie Stepanovich <b>Description:</b> Research Open America Stay and Scheduling Extensions	0.8	\$312.00	\$249.60
9/14/2012	Amie Stepanovich <b>Description:</b> Review agency motion for modification of the scheduling order	0.4	\$312.00	\$124.80
9/14/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel re: scheduling	0.2	\$312.00	\$62.40
9/15/2012	Amie Stepanovich <b>Description:</b> Draft opposition to motion to modify the scheduling order	1.4	\$312.00	\$436.80
9/15/2012	Amie Stepanovich <b>Description:</b> Research scheduling extension and possible cross-motion	2.2	\$312.00	\$686.40
9/16/2012	Amie Stepanovich <b>Description:</b> Draft opposition to motion to modify the scheduling order	3.6	\$312.00	\$1,123.20
9/16/2012	Amie Stepanovich <b>Description:</b> Research requests for extension and motion to show cause	2.0	\$312.00	\$624.00
9/17/2012	Amie Stepanovich <b>Description:</b> Conference to discuss declaration (Other EPIC staff present: G. McCall)	0.1	\$312.00	\$31.20

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/17/2012	Ginger McCall <b>Description:</b> Conference to discuss declaration (Other EPIC staff present: A. Stepanovich)	0.1	\$383.00	\$38.30
9/17/2012	Amie Stepanovich <b>Description:</b> Conference multiple to discuss motion to show cause (Other EPIC staff present: D. Jacobs, M. Rotenberg)	1.0	\$312.00	\$312.00
9/17/2012	David Jacobs <b>Description:</b> Conference multiple to discuss motion to show cause (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	1.0	\$170.00	\$170.00
9/17/2012	Marc Rotenberg <b>Description:</b> Conference multiple to discuss motion to show cause (Other EPIC staff present: A. Stepanovich, D. Jacobs)	1.0	\$753.00	\$753.00
9/17/2012	Ginger McCall <b>Description:</b> Draft declaration and affidavit	0.9	\$383.00	\$344.70
9/17/2012	Amie Stepanovich <b>Description:</b> Draft opposition to motion to modify the scheduling order	3.2	\$312.00	\$998.40
9/17/2012	Amie Stepanovich <b>Description:</b> Draft declaration	0.4	\$312.00	\$124.80
9/17/2012	Marc Rotenberg <b>Description:</b> E-Mail to discuss motion to show cause (Other EPIC staff present: A. Stepanovich)	0.2	\$753.00	\$150.60
9/17/2012	Amie Stepanovich <b>Description:</b> E-Mail to discuss motion to show cause (Other EPIC staff present: M. Rotenberg)	0.2	\$312.00	\$62.40
9/17/2012	Marc Rotenberg <b>Description:</b> E-Mail with G. McCall, A. Stepanovich, and D. Jacobs re: opposition and motion to show cause	0.2	\$753.00	\$150.60
9/17/2012	David Jacobs <b>Description:</b> Edit show cause motion	1.2	\$170.00	\$204.00

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/17/2012	David Jacobs <b>Description:</b> Research and draft show cause motion	8.5	\$170.00	\$1,445.00
9/17/2012	Amie Stepanovich <b>Description:</b> Research scheduling extension and motion to show cause	0.8	\$312.00	\$249.60
9/18/2012	Ginger McCall <b>Description:</b> Conference to discuss opposition and motion (Other EPIC staff present: A. Stepanovich, M. Rotenberg, D. Jacobs).	0.8	\$383.00	\$306.40
9/18/2012	Marc Rotenberg <b>Description:</b> Conference to discuss cross motion and opposition (other EPIC staff present: A. Stepanovich, D. Jacobs)	0.4	\$753.00	\$301.20
9/18/2012	Marc Rotenberg <b>Description:</b> Conference to discuss opposition and motion (Other EPIC staff present: A. Stepanovich, G. McCall, D. Jacobs)	0.8	\$753.00	\$602.40
9/18/2012	Amie Stepanovich <b>Description:</b> Conference to discuss motion to modify scheduling order (EPIC staff present: M. Rotenberg, G. McCall, D. Jacobs)	0.8	\$312.00	\$249.60
9/18/2012	Amie Stepanovich <b>Description:</b> Conference to discuss motion to modify scheduling order (EPIC staff present: M. Rotenberg) (Other EPIC staff present: M. Rotenberg)	0.2	\$312.00	\$62.40
9/18/2012	Marc Rotenberg <b>Description:</b> Conference to discuss motion to modify scheduling order (EPIC staff present: M. Rotenberg) (Other EPIC staff present: A. Stepanovich)	0.2	\$753.00	\$150.60
9/18/2012	Amie Stepanovich <b>Description:</b> Draft opposition to motion to modify the scheduling order	1.1	\$312.00	\$343.20
9/18/2012	Marc Rotenberg <b>Description:</b> E-Mail regarding opposing counsel's request for extension.	0.2	\$753.00	\$150.60
9/18/2012	David Jacobs <b>Description:</b> Edit show cause motion	0.3	\$170.00	\$51.00

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/18/2012	David Jacobs <b>Description:</b> Edit show cause motion	0.3	\$170.00	\$51.00
9/18/2012	David Jacobs <b>Description:</b> Research show cause motion	0.4	\$170.00	\$68.00
9/18/2012	David Jacobs <b>Description:</b> Research for opposition to motion to modify	0.5	\$170.00	\$85.00
9/18/2012	Marc Rotenberg <b>Description:</b> Research scheduling order	0.5	\$753.00	\$376.50
9/18/2012	David Jacobs <b>Description:</b> Review opposition to motion to modify	0.2	\$170.00	\$34.00
9/18/2012	Marc Rotenberg <b>Description:</b> Review show cause motion	1.5	\$753.00	\$1,129.50
9/19/2012	Ginger McCall <b>Description:</b> Conference to discuss DHS motion (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.4	\$383.00	\$153.20
9/19/2012	Ginger McCall <b>Description:</b> Conference to discuss declaration (EPIC staff present: A. Stepanovich, G. McCall, M. Rotenberg, D. Jacobs) (Other EPIC staff present: M. Rotenberg)	0.9	\$383.00	\$344.70
9/19/2012	Marc Rotenberg <b>Description:</b> Conference to discuss declaration (EPIC staff present: A. Stepanovich, G. McCall, M. Rotenberg, D. Jacobs) (Other EPIC staff present: G. McCall)	0.9	\$753.00	\$677.70
9/19/2012	David Jacobs <b>Description:</b> Conference re: motion to show cause	0.4	\$170.00	\$68.00
9/19/2012	Amie Stepanovich <b>Description:</b> Conference to discuss opposition brief (EPIC staff present: M. Rotenberg, A. Stepanovich, G. McCall, D. Jacobs) (Other EPIC staff present:	0.8	\$312.00	\$249.60

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/19/2012	Marc Rotenberg <b>Description:</b> Conference to discuss opposition brief (EPIC staff present: M. Rotenberg, A. Stepanovich, G. McCall, D. Jacobs) (Other EPIC staff present:	0.8	\$753.00	\$602.40
9/19/2012	Amie Stepanovich <b>Description:</b> Draft declaration	1.0	\$312.00	\$312.00
9/19/2012	Amie Stepanovich <b>Description:</b> Draft declaration	1.2	\$312.00	\$374.40
9/19/2012	Marc Rotenberg <b>Description:</b> E-Mail regarding opposing counsel's request for extension.	0.1	\$753.00	\$75.30
9/19/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: declaration	0.1	\$312.00	\$31.20
9/19/2012	David Jacobs <b>Description:</b> File cross motion and opposition	0.3	\$170.00	\$51.00
9/19/2012	Amie Stepanovich <b>Description:</b> File opposition to motion to modify scheduling order and cross motion to show cause	0.5	\$312.00	\$156.00
9/19/2012	David Jacobs <b>Description:</b> Research re: show cause motion	0.5	\$170.00	\$85.00
9/19/2012	Marc Rotenberg <b>Description:</b> Review opposition to motion to modify the scheduling order as filed	0.1	\$753.00	\$75.30
9/19/2012	Marc Rotenberg <b>Description:</b> Review cross motion for order to show cause	0.1	\$753.00	\$75.30
9/19/2012	Marc Rotenberg <b>Description:</b> Review and edit motion to modify schedule and supporting affidavit	2.4	\$753.00	\$1,807.20

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/24/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel	0.1	\$312.00	\$31.20
9/24/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel	0.1	\$312.00	\$31.20
9/25/2012	Amie Stepanovich <b>Description:</b> Conference to discuss agency request (EPIC staff present: A. Stepanovich, G. McCall, M. Rotenberg). (Other EPIC staff present: M.	0.1	\$312.00	\$31.20
9/25/2012	Marc Rotenberg <b>Description:</b> Conference to discuss agency request (EPIC staff present: A. Stepanovich, G. McCall, M. Rotenberg). (Other EPIC staff present: A.	0.1	\$753.00	\$75.30
9/25/2012	Ginger McCall <b>Description:</b> Conference to discuss agency request (EPIC staff present: A. Stepanovich, G. McCall, M. Rotenberg). (Other EPIC staff present: A.	0.1	\$383.00	\$38.30
9/25/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel	0.1	\$312.00	\$31.20
09/25/2012	Marc Rotenberg <b>Description:</b> Review consent motion for extension	0.2	\$753.00	\$150.60
9/25/2012	Amie Stepanovich <b>Description:</b> Review agency consent motion for extension	0.1	\$312.00	\$31.20
09/26/2012	Marc Rotenberg <b>Description:</b> Review minute order re extension	0.1	\$753.00	\$75.30
9/26/2012	Amie Stepanovich <b>Description:</b> Review review minute order	0.1	\$312.00	\$31.20
09/28/2012	Marc Rotenberg <b>Description:</b> Review DHS reply re opposition to extension	0.2	\$753.00	\$150.60

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
09/28/2012	Marc Rotenberg <b>Description:</b> Review DHS opposition to cross motion to show cause	0.2	\$753.00	\$150.60
9/28/2012	Amie Stepanovich <b>Description:</b> Review DHS reply to EPIC's opposition	0.2	\$312.00	\$62.40
9/30/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: agency reply	0.1	\$312.00	\$31.20
10/1/2012	David Jacobs <b>Description:</b> Conference to discuss reply (Other EPIC staff present: A. Stepanovich, M. Rotenberg, G. McCall)	0.3	\$170.00	\$51.00
10/1/2012	Marc Rotenberg <b>Description:</b> Conference to discuss reply (EPIC staff present: A. Stepanovich, M. Rotenberg, G. McCall, D. Jacobs) (Other EPIC staff present: G. McCall)	0.3	\$753.00	\$225.90
10/1/2012	Ginger McCall <b>Description:</b> Conference to discuss reply (EPIC staff present: A. Stepanovich, M. Rotenberg, G. McCall, D. Jacobs) (Other EPIC staff present: M. Rotenberg)	0.3	\$383.00	\$114.90
10/1/2012	Amie Stepanovich <b>Description:</b> Conference re: reply in support of motion to show cause (Other EPIC staff present: D. Jacobs)	0.3	\$312.00	\$93.60
10/1/2012	David Jacobs <b>Description:</b> Conference re: reply in support of motion to show cause (Other EPIC staff present: A. Stepanovich)	0.3	\$170.00	\$51.00
10/1/2012	Amie Stepanovich <b>Description:</b> Conference to discuss reply (EPIC staff present: A. Stepanovich, M. Rotenberg, G. McCall, D. Jacobs)	0.3	\$312.00	\$93.60
10/1/2012	David Jacobs <b>Description:</b> Draft reply brief	2.4	\$170.00	\$408.00
10/1/2012	Amie Stepanovich <b>Description:</b> Draft EPIC reply	0.5	\$312.00	\$156.00

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
10/1/2012	David Jacobs <b>Description:</b> Research reply	3.5	\$170.00	\$595.00
10/1/2012	Marc Rotenberg <b>Description:</b> Research reply brief	0.5	\$753.00	\$376.50
10/1/2012	David Jacobs <b>Description:</b> Review reply and opposition to cross motion	0.4	\$170.00	\$68.00
10/2/2012	David Jacobs <b>Description:</b> Draft reply brief	5.5	\$170.00	\$935.00
10/3/2012	David Jacobs <b>Description:</b> Draft reply brief	4.5	\$170.00	\$765.00
10/4/2012	Marc Rotenberg <b>Description:</b> Conference with A. Stepanovich and D. Jacobs to discuss reply brief	0.1	\$753.00	\$75.30
10/4/2012	Amie Stepanovich <b>Description:</b> Conference to discuss reply (EPIC staff present: A. Stepanovich, M. Rotenberg, D. Jacobs) (Other EPIC staff present: D. Jacobs)	0.1	\$312.00	\$31.20
10/4/2012	David Jacobs <b>Description:</b> Conference to discuss reply (EPIC staff present: A. Stepanovich, M. Rotenberg, D. Jacobs) (Other EPIC staff present: A. Stepanovich)	0.1	\$170.00	\$17.00
10/4/2012	David Jacobs <b>Description:</b> Draft reply brief	0.2	\$170.00	\$34.00
10/4/2012	Amie Stepanovich <b>Description:</b> Draft reply	0.2	\$312.00	\$62.40
10/4/2012	Amie Stepanovich <b>Description:</b> E-Mail to EPIC attorneys re: reply	0.1	\$312.00	\$31.20

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<b>EPIC v. Department of Homeland Security (12-333)</b> <b>Billing Records</b>
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
10/4/2012	David Jacobs <b>Description:</b> Edit reply brief	0.3	\$170.00	\$51.00
10/4/2012	David Jacobs <b>Description:</b> File reply brief	0.1	\$170.00	\$17.00
10/5/2012	Marc Rotenberg <b>Description:</b> E-Mail regarding opposing counsel's request for extension.	0.2	\$753.00	\$150.60
10/5/2012	Amie Stepanovich <b>Description:</b> E-Mail to EPIC attorneys re: reply	0.1	\$312.00	\$31.20
10/05/2012	Marc Rotenberg <b>Description:</b> Review reply in support of cross motion for order to show cause as filed	0.3	\$753.00	\$225.90
10/9/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: status conference	0.1	\$312.00	\$31.20
10/9/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel	0.2	\$312.00	\$62.40
10/9/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: status conference	0.2	\$312.00	\$62.40
10/09/2012	Marc Rotenberg <b>Description:</b> Review minute order status conference	0.1	\$753.00	\$75.30
10/9/2012	Amie Stepanovich <b>Description:</b> Review Minute Order	0.1	\$312.00	\$31.20
10/9/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with opposing counsel	0.1	\$312.00	\$31.20

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
10/10/2012	Marc Rotenberg <b>Description:</b> Review consent motion to continue status conference as filed	0.1	\$753.00	\$75.30
10/10/2012	Marc Rotenberg <b>Description:</b> Review minute order re status conference	0.1	\$753.00	\$75.30
10/10/2012	Amie Stepanovich <b>Description:</b> Review Minute Order	0.1	\$312.00	\$31.20
10/12/2012	David Jacobs <b>Description:</b> Conference to prepare for status hearing (Other EPIC staff present: M. Rotenberg, G. McCall, A. Stepanovich)	0.5	\$312.00	\$156.00
10/12/2012	Amie Stepanovich <b>Description:</b> Conference to discuss status conference (EPIC staff present: M. Rotenberg, A. Stepanovich, D. Jacobs, G. McCall) (Other EPIC staff present:	0.5	\$312.00	\$156.00
10/12/2012	David Jacobs <b>Description:</b> Conference to discuss status conference (EPIC staff present: M. Rotenberg, A. Stepanovich, D. Jacobs, G. McCall) (Other EPIC staff present:	0.5	\$312.00	\$156.00
10/12/2012	Ginger McCall <b>Description:</b> Conference to discuss status conference (EPIC staff present: M. Rotenberg, A. Stepanovich, D. Jacobs, G. McCall) (Other EPIC staff present:	0.5	\$383.00	\$191.50
10/12/2012	Marc Rotenberg <b>Description:</b> Conference to discuss status conference (EPIC staff present: M. Rotenberg, A. Stepanovich, D. Jacobs, G. McCall) (Other EPIC staff present:	0.5	\$753.00	\$376.50
10/14/2012	Marc Rotenberg <b>Description:</b> Preparation for status conference	3.8	\$753.00	\$2,861.40
10/15/2012	David Jacobs <b>Description:</b> Conference to prepare for status hearing (Other EPIC staff present: M. Rotenberg, G. McCall, A. Stepanovich)	0.5	\$312.00	\$156.00
10/15/2012	David Jacobs <b>Description:</b> Conference court status hearing	0.8	\$312.00	\$249.60

## Case Billing Record

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
10/15/2012	Marc Rotenberg <b>Description:</b> Preparation , travel, and participation in status conference	2.4	\$753.00	\$1,807.20
10/15/2012	David Jacobs <b>Description:</b> Research for status hearing	0.3	\$312.00	\$93.60
10/15/2012	Amie Stepanovich <b>Description:</b> Review minute order	0.1	\$312.00	\$31.20
10/15/2012	Marc Rotenberg <b>Description:</b> Tele-Conference with Judge Kessler and opposing counsel	0.1	\$753.00	\$75.30
10/16/2012	David Jacobs <b>Description:</b> Conference with A. Stepanovich and A. Butler.	0.5	\$312.00	\$156.00
10/16/2012	Marc Rotenberg <b>Description:</b> Review scheduling order	0.1	\$753.00	\$75.30
10/16/2012	Amie Stepanovich <b>Description:</b> Review modified scheduling order	0.1	\$312.00	\$31.20
10/20/2012	Amie Stepanovich <b>Description:</b> Research protective orders	1.0	\$312.00	\$312.00
10/21/2012	David Jacobs <b>Description:</b> E-Mail A. Stepanovich regarding clawback agreement	0.2	\$312.00	\$62.40
10/21/2012	David Jacobs <b>Description:</b> Research clawback agreement	4.0	\$312.00	\$1,248.00
10/24/2012	Amie Stepanovich <b>Description:</b> Conference to discuss clawback agreement (EPIC staff present: M. Rotenberg, A. Stepanovich, G. McCall, D. Jacobs) (Other EPIC staff present:	0.2	\$312.00	\$62.40

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
10/24/2012	David Jacobs <b>Description:</b> Conference to discuss clawback agreement (EPIC staff present: M. Rotenberg, A. Stepanovich, G. McCall, D. Jacobs) (Other EPIC staff present:	0.2	\$312.00	\$62.40
10/24/2012	Ginger McCall <b>Description:</b> Conference to discuss clawback agreement (EPIC staff present: M. Rotenberg, A. Stepanovich, G. McCall, D. Jacobs) (Other EPIC staff present:	0.2	\$383.00	\$76.60
10/24/2012	Marc Rotenberg <b>Description:</b> Conference to discuss clawback agreement (EPIC staff present: M. Rotenberg, A. Stepanovich, G. McCall, D. Jacobs) (Other EPIC staff present:	0.2	\$753.00	\$150.60
10/24/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: motion for reconsideration	0.1	\$312.00	\$31.20
10/30/2012	Amie Stepanovich <b>Description:</b> Draft motion for reconsideration	1.7	\$312.00	\$530.40
10/30/2012	David Jacobs <b>Description:</b> E-Mail G. McCall and A. Stepanovich regarding motion to reconsider	0.1	\$312.00	\$31.20
10/30/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: motion for reconsideration	0.1	\$312.00	\$31.20
10/30/2012	David Jacobs <b>Description:</b> Research and draft memo regarding motion to reconsider	3.5	\$312.00	\$1,092.00
10/30/2012	Marc Rotenberg <b>Description:</b> Research protective order.	1.5	\$753.00	\$1,129.50
10/31/2012	Amie Stepanovich <b>Description:</b> Draft motion for reconsideration	1.4	\$312.00	\$436.80
10/31/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: motion for reconsideration	0.1	\$312.00	\$31.20

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
11/1/2012	Marc Rotenberg <b>Description:</b> E-Mail to opposing counsel regarding motion for reconsideration.	0.3	\$753.00	\$225.90
11/1/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel	0.1	\$312.00	\$31.20
11/2/2012	Amie Stepanovich <b>Description:</b> Draft motion for reconsideration	0.8	\$312.00	\$249.60
11/2/2012	Marc Rotenberg <b>Description:</b> E-Mail to opposing counsel	0.2	\$753.00	\$150.60
11/2/2012	Marc Rotenberg <b>Description:</b> E-Mail to opposing counsel regarding motion for reconsideration.	0.1	\$753.00	\$75.30
11/2/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel	0.3	\$312.00	\$93.60
11/2/2012	Amie Stepanovich <b>Description:</b> Research motion for reconsideration	1.2	\$312.00	\$374.40
11/2/2012	Ginger McCall <b>Description:</b> Review draft motion for reconsideration.	1.1	\$383.00	\$421.30
11/5/2012	Amie Stepanovich <b>Description:</b> Conference to discuss motion for reconsideration (EPIC staff present: M. Rotenberg, G. McCall, A. Stepanovich) (Other EPIC staff present: G. McCall,	0.2	\$312.00	\$62.40
11/5/2012	Ginger McCall <b>Description:</b> Conference to discuss motion for reconsideration (EPIC staff present: M. Rotenberg, G. McCall, A. Stepanovich) (Other EPIC staff present: A.	0.2	\$383.00	\$76.60
11/5/2012	Marc Rotenberg <b>Description:</b> Conference to discuss motion for reconsideration (EPIC staff present: M. Rotenberg, G. McCall, A. Stepanovich) (Other EPIC staff present: A.	0.2	\$753.00	\$150.60

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
11/5/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel	0.1	\$312.00	\$31.20
11/5/2012	Marc Rotenberg <b>Description:</b> Tele-Conference with opposing counsel (Other EPIC staff present: G. McCall, A. Stepanovich)	0.3	\$753.00	\$225.90
11/6/2012	Marc Rotenberg <b>Description:</b> E-Mail to opposing counsel	0.2	\$753.00	\$150.60
11/7/2012	Amie Stepanovich <b>Description:</b> File motion for reconsideration	0.2	\$312.00	\$62.40
11/07/2012	Marc Rotenberg <b>Description:</b> Review motion for reconsideration as filed	0.5	\$753.00	\$376.50
11/15/2012	Marc Rotenberg <b>Description:</b> Review DHS status report	0.2	\$753.00	\$150.60
11/15/2012	Amie Stepanovich <b>Description:</b> Review agency status report	0.2	\$312.00	\$62.40
11/21/2012	Marc Rotenberg <b>Description:</b> E-Mail regarding opposing counsel's request for extension.	0.1	\$753.00	\$75.30
11/21/2012	Amie Stepanovich <b>Description:</b> E-Mail opposing counsel	0.1	\$312.00	\$31.20
11/21/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: agency motion	0.3	\$312.00	\$93.60
11/21/2012	Marc Rotenberg <b>Description:</b> Review DHS motion for extension	0.2	\$753.00	\$150.60

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
11/21/2012	Marc Rotenberg <b>Description:</b> Review opposition to extension as filed	0.1	\$753.00	\$75.30
11/21/2012	Amie Stepanovich <b>Description:</b> Review agency motion for extension	0.1	\$312.00	\$31.20
11/21/2012	Amie Stepanovich <b>Description:</b> Review EPIC opposition	0.1	\$312.00	\$31.20
11/26/2012	Amie Stepanovich <b>Description:</b> File cross motion	0.2	\$312.00	\$62.40
11/26/2012	Marc Rotenberg <b>Description:</b> Review cross motion for order granting plaintiff's motion for reconsideration as unopposed as filed	0.1	\$753.00	\$75.30
11/26/2012	Marc Rotenberg <b>Description:</b> Review minute order re motion	0.1	\$753.00	\$75.30
11/26/2012	Amie Stepanovich <b>Description:</b> Review court order	0.2	\$312.00	\$62.40
11/29/2012	Amie Stepanovich <b>Description:</b> Draft reply	0.2	\$312.00	\$62.40
11/30/2012	Amie Stepanovich <b>Description:</b> Draft reply	0.1	\$312.00	\$31.20
11/30/2012	Marc Rotenberg <b>Description:</b> Review DHS response to motion for reconsideration	0.2	\$753.00	\$150.60
11/30/2012	Marc Rotenberg <b>Description:</b> Review DHS cross motion to modify schedule	0.2	\$753.00	\$150.60

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
11/30/2012	Amie Stepanovich <b>Description:</b> Review agency opposition	0.3	\$312.00	\$93.60
12/1/2012	Amie Stepanovich <b>Description:</b> Draft motion for reconsideration	4.1	\$312.00	\$1,279.20
12/1/2012	Amie Stepanovich <b>Description:</b> Draft motion for reconsideration	2.1	\$312.00	\$655.20
12/1/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: EPIC motion	0.1	\$312.00	\$31.20
12/1/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: motion for reconsideration	0.2	\$312.00	\$62.40
12/1/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: EPIC motion	0.2	\$312.00	\$62.40
12/3/2012	Amie Stepanovich <b>Description:</b> Draft reply to motion for reconsideration	0.4	\$312.00	\$124.80
12/3/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: motion for reconsideration	0.2	\$312.00	\$62.40
12/3/2012	Ginger McCall <b>Description:</b> Review reply motion for reconsideration	2.5	\$383.00	\$957.50
12/3/2012	Marc Rotenberg <b>Description:</b> Review opposition and reply	0.5	\$753.00	\$376.50
12/4/2012	Ginger McCall <b>Description:</b> Review reply motion for reconsideration	1.1	\$383.00	\$421.30

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
12/5/2012	Amie Stepanovich <b>Description:</b> E-Mail EPIC attorneys re: motion for reconsideration	0.1	\$312.00	\$31.20
12/6/2012	Marc Rotenberg <b>Description:</b> Research motion for reconsideration	1.3	\$753.00	\$978.90
12/7/2012	Ginger McCall <b>Description:</b> Conference to discuss reconsideration/appeal strategy (other EPIC staff present: A. Stepanovich, M. Rotenberg, J. Horwitz)	0.3	\$383.00	\$114.90
12/7/2012	Marc Rotenberg <b>Description:</b> Conference to discuss reconsideration/appeal strategy (other EPIC staff present: A. Stepanovich, G. McCall, J. Horwitz)	0.3	\$753.00	\$225.90
12/7/2012	Amie Stepanovich <b>Description:</b> Conference to discuss motion for reconsideration (EPIC staff present: M. Rotenberg, G. McCall, A. Stepanovich, J. Horwitz) (Other EPIC staff present:	0.3	\$312.00	\$93.60
12/7/2012	Ginger McCall <b>Description:</b> Conference to discuss motion for reconsideration (EPIC staff present: M. Rotenberg, G. McCall, A. Stepanovich, J. Horwitz) (Other EPIC staff present:	0.3	\$383.00	\$114.90
12/7/2012	Ginger McCall <b>Description:</b> File reply motion for reconsideration	0.1	\$383.00	\$38.30
12/7/2012	Amie Stepanovich <b>Description:</b> File reply to motion for reconsideration	0.3	\$312.00	\$93.60
12/7/2012	Amie Stepanovich <b>Description:</b> Research reply to motion for reconsideration	0.8	\$312.00	\$249.60
12/7/2012	Ginger McCall <b>Description:</b> Review reply motion for reconsideration	1.5	\$383.00	\$574.50
12/07/2012	Marc Rotenberg <b>Description:</b> Review reply in support of motion for reconsideration as filed	0.1	\$753.00	\$75.30

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
12/07/2012	Marc Rotenberg <b>Description:</b> Review opposition to DHS motion to modify schedule as filed	0.1	\$753.00	\$75.30
12/7/2012	Amie Stepanovich <b>Description:</b> Tele-Conference with clerk of the court	0.2	\$312.00	\$62.40
12/13/2012	Julia Horwitz <b>Description:</b> Draft memo re: appellate review of court order	4.0	\$312.00	\$1,248.00
12/13/2012	Julia Horwitz <b>Description:</b> Research adequacy of DHS's Exemption 7(D) claims in supplemental Vaughn and Declaration for memo re: appellate review of court order	4.0	\$312.00	\$1,248.00
12/14/2012	Julia Horwitz <b>Description:</b> Draft memo re: appellate review of court order	4.0	\$312.00	\$1,248.00
12/14/2012	Julia Horwitz <b>Description:</b> Research sections 1291 and 1292 for memo re: appellate review of court order	4.0	\$312.00	\$1,248.00
12/17/2012	Julia Horwitz <b>Description:</b> Research and draft memo re: appellate review of court order	7.0	\$312.00	\$2,184.00
12/17/2012	Marc Rotenberg <b>Description:</b> Review DHS status report	0.2	\$753.00	\$150.60
12/18/2012	Julia Horwitz <b>Description:</b> Draft memo re: appellate review of court order	3.5	\$312.00	\$1,092.00
12/19/2012	Julia Horwitz <b>Description:</b> Conference with G. McCall, M. Rotenberg, and A. Stepanovich on memo re: appellate review of court order	0.8	\$312.00	\$249.60
12/19/2012	Ginger McCall <b>Description:</b> Conference with J. Horwitz, M. Rotenberg, and A. Stepanovich on memo re: appellate review of court order	0.8	\$383.00	\$306.40

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
12/19/2012	Marc Rotenberg <b>Description:</b> Conference with J. Horwitz, G. McCall, and A. Stepanovich on memo re: appellate review of court order	0.8	\$753.00	\$602.40
12/19/2012	Marc Rotenberg <b>Description:</b> Conference with G. McCall, M. Rotenberg, J. Horwitz, and A. Stepanovich on memo re: appellate review of court order (Other EPIC staff	0.8	\$753.00	\$602.40
12/19/2012	Ginger McCall <b>Description:</b> Conference with G. McCall, M. Rotenberg, J. Horwitz, and A. Stepanovich on memo re: appellate review of court order (Other EPIC staff	0.8	\$383.00	\$306.40
12/19/2012	Julia Horwitz <b>Description:</b> Edit memo re: appellate review of court order	3.5	\$312.00	\$1,092.00
12/19/2012	Julia Horwitz <b>Description:</b> Research case, collateral order doctrine, and section 1292 for memo re: appellate review of court order	3.0	\$312.00	\$936.00
12/20/2012	Amie Stepanovich <b>Description:</b> Conference with J. Horwitz, G. McCall, M. Rotenberg, A. Stepanovich (Other EPIC staff present: G. McCall, M. Rotenberg)	0.3	\$312.00	\$93.60
12/20/2012	Ginger McCall <b>Description:</b> Conference with J. Horwitz, G. McCall, M. Rotenberg, A. Stepanovich (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.3	\$383.00	\$114.90
12/20/2012	Marc Rotenberg <b>Description:</b> Conference with J. Horwitz, G. McCall, M. Rotenberg, A. Stepanovich (Other EPIC staff present: A. Stepanovich, G. McCall)	0.3	\$753.00	\$225.90
12/20/2012	Ginger McCall <b>Description:</b> Conference with G. McCall, M. Rotenberg, D. Jacobs, J. Horwitz, and A. Stepanovich on memo re: appellate review of court order (Other EPIC staff	0.3	\$383.00	\$114.90
12/20/2012	Marc Rotenberg <b>Description:</b> Conference with G. McCall, M. Rotenberg, D. Jacobs, J. Horwitz, and A. Stepanovich on memo re: appellate review of court order (Other EPIC staff	0.3	\$753.00	\$225.90
12/20/2012	Julia Horwitz <b>Description:</b> Research interlocutory appeals in DC Circuit	2.0	\$312.00	\$624.00

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
12/21/2012	Julia Horwitz <b>Description:</b> Draft timeline addition to memo	1.0	\$312.00	\$312.00
12/26/2012	Ginger McCall <b>Description:</b> Review docket update re: court hearing	0.1	\$383.00	\$38.30
12/26/2012	Marc Rotenberg <b>Description:</b> Review minute order re motions hearing	0.1	\$753.00	\$75.30
1/2/2013	Julia Horwitz <b>Description:</b> Preparation for court appearance	3.0	\$312.00	\$936.00
1/3/2013	Julia Horwitz <b>Description:</b> Conference with G. McCall re: hearing	0.5	\$312.00	\$156.00
1/3/2013	Ginger McCall <b>Description:</b> Conference with J. Horwitz, M. Rotenberg, G. McCall (Other EPIC staff present: M. Rotenberg)	1.0	\$383.00	\$383.00
1/3/2013	Marc Rotenberg <b>Description:</b> Conference with J. Horwitz, M. Rotenberg, G. McCall (Other EPIC staff present: G. McCall)	1.0	\$753.00	\$753.00
1/3/2013	Ginger McCall <b>Description:</b> Conference with J. Horwitz	0.5	\$383.00	\$191.50
1/3/2013	Marc Rotenberg <b>Description:</b> Conference with J. Horwitz, G. McCall, and M. Rotenberg re: hearing (Other EPIC staff present: G. McCall)	1.0	\$753.00	\$753.00
1/3/2013	Ginger McCall <b>Description:</b> Conference with J. Horwitz, G. McCall, and M. Rotenberg re: hearing (Other EPIC staff present: M. Rotenberg)	1.0	\$383.00	\$383.00
1/3/2013	Ginger McCall <b>Description:</b> Preparation for hearing	3.2	\$383.00	\$1,225.60

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1/3/2013	Ginger McCall <b>Description:</b> Preparation for hearing (moot hearing)	1.0	\$383.00	\$383.00
1/3/2013	Marc Rotenberg <b>Description:</b> Preparation for hearing (moot hearing)	1.0	\$753.00	\$753.00
1/3/2013	David Jacobs <b>Description:</b> Preparation for motions hearing through moot	1.0	\$312.00	\$312.00
1/3/2013	Julia Horwitz <b>Description:</b> Research case law, executive orders	2.0	\$312.00	\$624.00
1/3/2013	Julia Horwitz <b>Description:</b> Review motions, case history, judge's orders	1.0	\$312.00	\$312.00
1/4/2013	Ginger McCall <b>Description:</b> Preparation for hearing	2.5	\$383.00	\$957.50
1/4/2013	Ginger McCall <b>Description:</b> Preparation for hearing with moot hearing	1.0	\$383.00	\$383.00
1/4/2013	Ginger McCall <b>Description:</b> Preparation outline for hearing	1.5	\$383.00	\$574.50
1/4/2013	David Jacobs <b>Description:</b> Preparation for motions hearing through moot	1.0	\$312.00	\$312.00
1/4/2013	Marc Rotenberg <b>Description:</b> Preparation for status hearing	0.3	\$753.00	\$225.90
1/6/2013	Ginger McCall <b>Description:</b> Review hearing argument outline	1.2	\$383.00	\$459.60

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01/07/2013	Marc Rotenberg <b>Description:</b> Conference re: motions hearing before Judge Kessler	0.1	\$753.00	\$75.30
1/7/2013	Julia Horwitz <b>Description:</b> Preparation for court appearance	1.0	\$312.00	\$312.00
1/7/2013	Ginger McCall <b>Description:</b> Travel to court for appearance	0.5	\$383.00	\$191.50
01/08/2013	Marc Rotenberg <b>Description:</b> Review order re motion for reconsideration	0.2	\$753.00	\$150.60
02/01/2013	Marc Rotenberg <b>Description:</b> Review DHS status report	0.2	\$753.00	\$150.60
03/01/2013	Marc Rotenberg <b>Description:</b> Review DHS status report	0.2	\$753.00	\$150.60
04/15/2013	Marc Rotenberg <b>Description:</b> Review DHS status report	0.2	\$753.00	\$150.60
05/31/2013	Marc Rotenberg <b>Description:</b> Review DHS motion for extension	0.2	\$753.00	\$150.60
05/31/2013	Marc Rotenberg <b>Description:</b> Review minute order granting extension	0.1	\$753.00	\$75.30
06/14/2013	Marc Rotenberg <b>Description:</b> Review motion for extension	0.2	\$771.00	\$154.20
06/17/2013	Marc Rotenberg <b>Description:</b> Review minute order granting extension	0.1	\$771.00	\$77.10

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
06/25/2013	Marc Rotenberg <b>Description:</b> Review DHS motion for extension	0.2	\$771.00	\$154.20
06/26/2013	Marc Rotenberg <b>Description:</b> Review minute order granting extension	0.1	\$771.00	\$77.10
06/28/2013	Marc Rotenberg <b>Description:</b> Review motion to modify scheduling order as filed	0.1	\$771.00	\$77.10
6/28/2013	Marc Rotenberg <b>Description:</b> Review and edit A. Stepanovich affidavit.	0.9	\$771.00	\$693.90
07/02/2013	Marc Rotenberg <b>Description:</b> Review DHS opposition to motion to modify scheduling order	0.2	\$771.00	\$154.20
07/25/2013	Marc Rotenberg <b>Description:</b> Review order re motion to modify schedule	0.1	\$771.00	\$77.10
7/28/2013	Marc Rotenberg <b>Description:</b> E-Mail regarding opposing counsel's request for extension.	0.1	\$771.00	\$77.10
8/15/2013	Amie Stepanovich <b>Description:</b> Conference with J. Horwitz, A. Stepanovich, T. Moore, and M. Rotenberg to discuss opposing counsel's motion. (Other EPIC staff present: M.	0.3	\$393.00	\$117.90
8/15/2013	Marc Rotenberg <b>Description:</b> Conference with J. Horwitz, A. Stepanovich, T. Moore, and M. Rotenberg to discuss opposing counsel's motion. (Other EPIC staff present: A.	0.3	\$771.00	\$231.30
8/15/2013	Tom Moore <b>Description:</b> Conference with J. Horwitz, A. Stepanovich, T. Moore, and M. Rotenberg to discuss opposing counsel's motion. (Other EPIC staff present: A.	0.3	\$175.00	\$52.50
8/15/2013	Amie Stepanovich <b>Description:</b> Conference to discuss opposing counsel's motion for extension (EPIC staff present: A. Stepanovich, M. Rotenberg, J. Horwitz) (Other EPIC staff	0.6	\$393.00	\$235.80

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
8/15/2013	Marc Rotenberg <b>Description:</b> Conference to discuss opposing counsel's motion for extension (EPIC staff present: A. Stepanovich, M. Rotenberg, J. Horwitz) (Other EPIC staff	0.6	\$771.00	\$462.60
8/15/2013	Julia Horwitz <b>Description:</b> Review opposing counsel's motion for extension and court's order	0.5	\$320.00	\$160.00
08/15/2013	Marc Rotenberg <b>Description:</b> Review DHS motion for extension	0.2	\$771.00	\$154.20
8/15/2013	Julia Horwitz <b>Description:</b> Review opposing counsel's motion for extension and court's order	0.5	\$320.00	\$160.00
8/15/2013	Julia Horwitz <b>Description:</b> Review court's automatic grant of motion	0.2	\$320.00	\$64.00
8/16/2013	Julia Horwitz <b>Description:</b> E-Mail regarding government's motion.	0.1	\$320.00	\$32.00
8/16/2013	Julia Horwitz <b>Description:</b> Review court's automatic grant of motion	0.2	\$320.00	\$64.00
08/16/2013	Marc Rotenberg <b>Description:</b> Review minute order granting extension	0.1	\$771.00	\$77.10
08/16/2013	Marc Rotenberg <b>Description:</b> Review opposition to DHS extension motion as filed	0.1	\$771.00	\$77.10
08/19/2013	Marc Rotenberg <b>Description:</b> Review minute order granting extension	0.1	\$771.00	\$77.10
08/30/2013	Marc Rotenberg <b>Description:</b> Review DHS motion for summary judgment	0.2	\$771.00	\$154.20

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

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<b>EPIC v. Department of Homeland Security (12-333)</b> <b>Billing Records</b>
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/17/2013	Julia Horwitz <b>Description:</b> Conference to discuss exemptions (other EPIC staff present: A. Stepanovich)	0.5	\$320.00	\$160.00
9/19/2013	Marc Rotenberg <b>Description:</b> Review and edit cross-motion for summary judgment.	3.5	\$771.00	\$2,698.50
9/20/2013	Julia Horwitz <b>Description:</b> Conference to discuss motion for summary judgment (Other EPIC staff present: A. Stepanovich)	0.6	\$320.00	\$192.00
9/20/2013	Julia Horwitz <b>Description:</b> Review responsive records, Vaughn index, and Defendant's Motion for Summary Judgment	3.0	\$320.00	\$960.00
9/21/2013	Julia Horwitz <b>Description:</b> Research and draft Motion for Summary Judgment	6.0	\$320.00	\$1,920.00
9/24/2013	Jeramie Scott <b>Description:</b> Research sufficiency of search section for MSJ	1.0	\$320.00	\$320.00
9/25/2013	Jeramie Scott <b>Description:</b> Draft sufficiency of search section for MSJ	2.6	\$320.00	\$832.00
9/25/2013	Jeramie Scott <b>Description:</b> Research sufficiency of search section for MSJ	4.0	\$320.00	\$1,280.00
9/25/2013	Julia Horwitz <b>Description:</b> Research and draft Motion for Summary Judgment	5.0	\$320.00	\$1,600.00
9/25/2013	Julia Horwitz <b>Description:</b> Review b(5) claims made by agency in Vaughn index, compared with redactions in records	4.0	\$320.00	\$1,280.00
9/26/2013	Julia Horwitz <b>Description:</b> Draft Section on b(5)	3.0	\$320.00	\$960.00

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/26/2013	Amie Stepanovich <b>Description:</b> E-Mail Status of Motion for Summary Judgment, discuss final drafting and creation of exhibits (Other EPIC staff present: J. Scott, J. Horwitz)	0.5	\$393.00	\$196.50
9/26/2013	Jeramie Scott <b>Description:</b> E-Mail Status of Motion for Summary Judgment, discuss final drafting and creation of exhibits (Other EPIC staff present: A. Stepanovich, J. Horwitz)	0.5	\$320.00	\$160.00
9/26/2013	Julia Horwitz <b>Description:</b> E-Mail Status of Motion for Summary Judgment, discuss final drafting and creation of exhibits (Other EPIC staff present: A. Stepanovich, J. Scott)	0.5	\$320.00	\$160.00
9/26/2013	Julia Horwitz <b>Description:</b> Edit table of contents and formatting to accomodate section on b(5)	0.5	\$320.00	\$160.00
9/26/2013	Jeramie Scott <b>Description:</b> Edit sufficiency of search section for MSJ	1.1	\$320.00	\$352.00
9/26/2013	Amie Stepanovich <b>Description:</b> Research Exemption b(1) and sufficiency of agency declarations	1.5	\$393.00	\$589.50
9/26/2013	Julia Horwitz <b>Description:</b> Review b(5) claims made in Vaughn index and in records	1.0	\$320.00	\$320.00
9/26/2013	Jeramie Scott <b>Description:</b> Review production of FOIA documents for examples of sufficiency of search issue for Exhibit 4	2.0	\$320.00	\$640.00
9/26/2013	Amie Stepanovich <b>Description:</b> Tele-Conference Scope of b(1) argument and final drafting of Motion for Summary Judgment (Other EPIC staff present: M. Rotenberg)	0.3	\$393.00	\$117.90
9/26/2013	Marc Rotenberg <b>Description:</b> Tele-Conference Scope of b(1) argument and final drafting of Motion for Summary Judgment (Other EPIC staff present: A. Stepanovich)	0.3	\$771.00	\$231.30
9/27/2013	Jeramie Scott <b>Description:</b> Draft Exhibit 4	1.3	\$320.00	\$416.00

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/27/2013	Amie Stepanovich <b>Description:</b> E-Mail Discussion of exhibits (Other EPIC staff present: J. Horwitz)	0.1	\$393.00	\$39.30
9/27/2013	Julia Horwitz <b>Description:</b> E-Mail Discussion of exhibits (Other EPIC staff present: A. Stepanovich)	0.1	\$320.00	\$32.00
9/27/2013	Amie Stepanovich <b>Description:</b> E-Mail Draft Motion for Summary Judgment for final review and related discussions (Other EPIC staff present: J. Scott, J. Horwitz, M. Rotenberg)	0.2	\$393.00	\$78.60
9/27/2013	Jeramie Scott <b>Description:</b> E-Mail Draft Motion for Summary Judgment for final review and related discussions (Other EPIC staff present: A. Stepanovich, J. Horwitz, M. Rotenberg)	0.2	\$320.00	\$64.00
9/27/2013	Julia Horwitz <b>Description:</b> E-Mail Draft Motion for Summary Judgment for final review and related discussions (Other EPIC staff present: A. Stepanovich, J. Scott, M. Rotenberg)	0.2	\$320.00	\$64.00
9/27/2013	Marc Rotenberg <b>Description:</b> E-Mail Draft Motion for Summary Judgment for final review and related discussions (Other EPIC staff present: A. Stepanovich, J. Scott, J. Horwitz)	0.2	\$771.00	\$154.20
9/27/2013	Amie Stepanovich <b>Description:</b> E-Mail Creation of Sufficiency of Search Exhibit (Other EPIC staff present: J. Scott)	0.1	\$393.00	\$39.30
9/27/2013	Jeramie Scott <b>Description:</b> E-Mail Creation of Sufficiency of Search Exhibit (Other EPIC staff present: A. Stepanovich)	0.1	\$320.00	\$32.00
9/27/2013	Jeramie Scott <b>Description:</b> Edit sufficiency of search section for MSJ	0.2	\$320.00	\$64.00
9/27/2013	Amie Stepanovich <b>Description:</b> File Motion for Summary Judgment and Opposition	1.2	\$393.00	\$471.60
9/27/2013	Amie Stepanovich <b>Description:</b> Preparation Motion for Summary Judgment for Filing	0.3	\$393.00	\$117.90

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/27/2013	Amie Stepanovich <b>Description:</b> Preparation Motion for Summary Judgment for Filing	0.4	\$393.00	\$157.20
9/27/2013	Amie Stepanovich <b>Description:</b> Preparation Motion for Summary Judgment for Filing - Final editing, compilation	0.8	\$393.00	\$314.40
9/27/2013	Jeramie Scott <b>Description:</b> Review production of FOIA documents for examples of sufficiency of search issue for Exhibit 4	1.1	\$320.00	\$352.00
9/27/2013	Amie Stepanovich <b>Description:</b> Review Filing for Confirmation	0.1	\$393.00	\$39.30
09/27/2013	Marc Rotenberg <b>Description:</b> Review cross motion for summary judgment as filed	0.1	\$771.00	\$77.10
9/30/2013	Amie Stepanovich <b>Description:</b> E-Mail exchange of emails discussing our position on the government's proposed stay (Other EPIC staff present: M. Rotenberg, J. Horwitz)	0.8	\$393.00	\$314.40
9/30/2013	Marc Rotenberg <b>Description:</b> E-Mail exchange of emails discussing our position on the government's proposed stay (Other EPIC staff present: A. Stepanovich, J. Horwitz)	0.8	\$771.00	\$616.80
9/30/2013	Julia Horwitz <b>Description:</b> E-Mail exchange of emails discussing our position on the government's proposed stay (Other EPIC staff present: A. Stepanovich, M. Rotenberg)	0.8	\$320.00	\$256.00
10/01/2013	Marc Rotenberg <b>Description:</b> Review DHS motion for stay	0.2	\$771.00	\$154.20
10/2/2013	Amie Stepanovich <b>Description:</b> Review Court Order to Stay Proceedings for Shutdown	0.1	\$393.00	\$39.30
10/2/2013	Amie Stepanovich <b>Description:</b> Review Voicemail from L. Marcus about stay needed for government shutdown	0.1	\$393.00	\$39.30

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
10/02/2013	Marc Rotenberg <b>Description:</b> Review minute order granting motion for stay	0.1	\$771.00	\$77.10
10/21/2013	Marc Rotenberg <b>Description:</b> Review DHS notice	0.1	\$771.00	\$77.10
10/22/2013	Marc Rotenberg <b>Description:</b> Review minute order re scheduling	0.1	\$771.00	\$77.10
10/27/2013	Marc Rotenberg <b>Description:</b> E-Mail regarding motion for reconsideration.	0.1	\$771.00	\$77.10
11/1/2013	Amie Stepanovich <b>Description:</b> Tele-Conference with Lisa Marcus re: government shutdown and need for stay (check voicemail message)	0.1	\$393.00	\$39.30
11/04/2013	Marc Rotenberg <b>Description:</b> Review DHS reply	0.2	\$771.00	\$154.20
11/20/2013	Julia Horwitz <b>Description:</b> Draft section of the reply discussing b(5)	1.0	\$320.00	\$320.00
11/20/2013	Julia Horwitz <b>Description:</b> Draft section of the reply discussing b(7)	1.0	\$320.00	\$320.00
11/20/2013	Julia Horwitz <b>Description:</b> Review opposition and reply	0.5	\$320.00	\$160.00
11/25/2013	Marc Rotenberg <b>Description:</b> Review reply in support of cross motion for summary judgment as filed	0.1	\$771.00	\$77.10
11/25/2013	Marc Rotenberg <b>Description:</b> Review and edit reply motion	2.8	\$771.00	\$2,158.80

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
8/4/2015	Alan Butler <b>Description:</b> E-Mail with M. Rotenberg re: opinion and order	0.1	\$406.00	\$40.60
8/4/2015	Alan Butler <b>Description:</b> Review court order and opinion	0.5	\$406.00	\$203.00
08/04/2015	Marc Rotenberg <b>Description:</b> Review opinion and order	0.2	\$796.00	\$159.20
8/5/2015	Alan Butler <b>Description:</b> Edit e-mail to opposing counsel and Joint Status Report	0.2	\$406.00	\$81.20
8/5/2015	Alan Butler <b>Description:</b> Review edits to Joint Status Report	0.1	\$406.00	\$40.60
09/14/2015	Marc Rotenberg <b>Description:</b> Review DHS motion to modify the scheduling order	0.2	\$796.00	\$159.20
9/18/2015	Alan Butler <b>Description:</b> E-Mail re: opposing counsel request for extension (Other EPIC staff present: J. Scott, M. Rotenberg)	0.5	\$406.00	\$203.00
9/18/2015	Jeramie Scott <b>Description:</b> E-Mail re: opposing counsel request for extension (Other EPIC staff present: A. Butler, M. Rotenberg)	0.5	\$406.00	\$203.00
9/18/2015	Marc Rotenberg <b>Description:</b> E-Mail re: opposing counsel request for extension (Other EPIC staff present: A. Butler, J. Scott)	0.5	\$796.00	\$398.00
09/18/2015	Marc Rotenberg <b>Description:</b> Review DHS motion for extension	0.2	\$796.00	\$159.20
9/21/2015	Alan Butler <b>Description:</b> Conference re: motion for extension (Other EPIC staff present: J. Scott, M. Rotenberg)	0.2	\$406.00	\$81.20

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**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
9/21/2015	Jeramie Scott <b>Description:</b> Conference re: motion for extension (Other EPIC staff present: A. Butler, M. Rotenberg)	0.2	\$406.00	\$81.20
9/21/2015	Marc Rotenberg <b>Description:</b> Conference re: motion for extension (Other EPIC staff present: A. Butler, J. Scott)	0.2	\$796.00	\$159.20
9/21/2015	Alan Butler <b>Description:</b> Edit and update case records	0.2	\$406.00	\$81.20
9/21/2015	Alan Butler <b>Description:</b> File notice of appearance	0.1	\$406.00	\$40.60
9/21/2015	Alan Butler <b>Description:</b> File notice of appearance	0.2	\$406.00	\$81.20
09/21/2015	Marc Rotenberg <b>Description:</b> Review order granting motion for extension	0.1	\$796.00	\$79.60
09/30/2015	Marc Rotenberg <b>Description:</b> Review DHS notice and vaughn	0.2	\$796.00	\$159.20
10/2/2015	Alan Butler <b>Description:</b> Conference to discuss case status and supplemental vaughn (Other EPIC staff present: J. Scott, M. Rotenberg)	0.3	\$406.00	\$121.80
10/2/2015	Jeramie Scott <b>Description:</b> Conference to discuss case status and supplemental vaughn (Other EPIC staff present: A. Butler, M. Rotenberg)	0.3	\$406.00	\$121.80
10/2/2015	Marc Rotenberg <b>Description:</b> Conference to discuss case status and supplemental vaughn (Other EPIC staff present: A. Butler, J. Scott)	0.3	\$796.00	\$238.80
10/2/2015	Jeramie Scott <b>Description:</b> Review DHS supplemental Vaughn and Declaration	0.5	\$406.00	\$203.00

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
10/5/2015	Jeramie Scott <b>Description:</b> Draft Memo re: adequacy of DHS's Exemption 7(D) claims in supplemental Vaughn and Declaration	1.0	\$406.00	\$406.00
10/26/2015	Jeramie Scott <b>Description:</b> Edit Memo re: adequacy of DHS's Exemption 7(D) claims in supplemental Vaughn and Declaration	0.5	\$406.00	\$203.00
10/26/2015	Alan Butler <b>Description:</b> Review court order	0.1	\$406.00	\$40.60
10/26/2015	Marc Rotenberg <b>Description:</b> Review order re status report	0.1	\$796.00	\$79.60
10/26/2015	Jeramie Scott <b>Description:</b> Review Court order	0.1	\$406.00	\$40.60
10/27/2015	Alan Butler <b>Description:</b> Edit e-mail to opposing counsel re: court order	0.3	\$406.00	\$121.80
10/28/2015	Alan Butler <b>Description:</b> Conference re: next steps (Other EPIC staff present: J. Scott, M. Rotenberg)	0.3	\$406.00	\$121.80
10/28/2015	Jeramie Scott <b>Description:</b> Conference re: next steps (Other EPIC staff present: A. Butler, M. Rotenberg)	0.3	\$406.00	\$121.80
10/28/2015	Marc Rotenberg <b>Description:</b> Conference re: next steps (Other EPIC staff present: A. Butler, J. Scott)	0.3	\$796.00	\$238.80
10/28/2015	Alan Butler <b>Description:</b> Review billing records	0.5	\$406.00	\$203.00
11/2/2015	Marc Rotenberg <b>Description:</b> Review draft motion for reconsideration.	0.2	\$796.00	\$159.20

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<b>EPIC v. Department of Homeland Security (12-333)</b> <b>Billing Records</b>
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
11/3/2015	Alan Butler <b>Description:</b> Review billing records	1.0	\$406.00	\$406.00
11/4/2015	Alan Butler <b>Description:</b> Review billing records	1.0	\$406.00	\$406.00
11/5/2015	Alan Butler <b>Description:</b> Review billing records	1.0	\$406.00	\$406.00
11/9/2015	Alan Butler <b>Description:</b> Draft memo re: settlement proposal	1.0	\$406.00	\$406.00
11/11/2015	Marc Rotenberg <b>Description:</b> Review billing records	1.1	\$796.00	\$875.60
11/12/2015	Marc Rotenberg <b>Description:</b> Conference to discuss agency request (Other EPIC staff present: A. Stepanovich, G. McCall).	0.3	\$796.00	\$238.80
11/12/2015	Marc Rotenberg <b>Description:</b> E-Mail to opposing counsel regarding motion for reconsideration.	0.1	\$796.00	\$79.60
11/12/2015	Alan Butler <b>Description:</b> E-Mail regarding billing record. (Other EPIC staff present: J. Tran, M. Rotenberg, J. Scott)	0.5	\$406.00	\$203.00
11/12/2015	John Tran <b>Description:</b> E-Mail regarding billing record. (Other EPIC staff present: A. Butler, M. Rotenberg, J. Scott)	0.5	\$331.00	\$165.50
11/12/2015	Marc Rotenberg <b>Description:</b> E-Mail regarding billing record. (Other EPIC staff present: A. Butler, J. Tran, J. Scott)	0.5	\$796.00	\$398.00
11/12/2015	Jeramie Scott <b>Description:</b> E-Mail regarding billing record. (Other EPIC staff present: A. Butler, J. Tran, M. Rotenberg)	0.5	\$406.00	\$203.00

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Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
11/12/2015	Marc Rotenberg <b>Description:</b> E-Mail regarding billing record.	0.3	\$796.00	\$238.80
11/12/2015	John Tran <b>Description:</b> Review billing records	2.7	\$331.00	\$893.70
11/12/2015	Marc Rotenberg <b>Description:</b> Review billing records.	0.4	\$796.00	\$318.40
11/24/2015	Alan Butler <b>Description:</b> Conference re: case status (Other EPIC staff present: J. Scott, M. Rotenberg)	0.2	\$406.00	\$81.20
11/24/2015	Jeramie Scott <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, M. Rotenberg)	0.2	\$406.00	\$81.20
11/24/2015	Marc Rotenberg <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, J. Scott)	0.2	\$796.00	\$159.20
11/30/2015	Jeramie Scott <b>Description:</b> Draft e-mail re: proposed settlement offer	0.3	\$406.00	\$121.80
11/30/2015	Jeramie Scott <b>Description:</b> E-Mail re: proposed settlement offer (Other EPIC staff present: M. Rotenberg)	0.5	\$406.00	\$203.00
11/30/2015	Marc Rotenberg <b>Description:</b> E-Mail re: proposed settlement offer (Other EPIC staff present: J. Scott)	0.5	\$796.00	\$398.00
11/30/2015	John Tran <b>Description:</b> Review billing records (Other EPIC staff present: A. Butler)	1.0	\$331.00	\$331.00
11/30/2015	Alan Butler <b>Description:</b> Review billing records (Other EPIC staff present: J. Tran)	1.0	\$406.00	\$406.00

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**EPIC v. Department of Homeland Security (12-333)  
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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
12/1/2015	Jeramie Scott <b>Description:</b> Edit e-mail re: proposed settlement offer	0.2	\$406.00	\$81.20
12/1/2015	Alan Butler <b>Description:</b> Review e-mail re: proposed settlement offer	0.2	\$406.00	\$81.20
12/1/2015	Marc Rotenberg <b>Description:</b> Review e-mail to opposing counsel re: proposed settlement offer	0.1	\$796.00	\$79.60
12/7/2015	Alan Butler <b>Description:</b> Conference re: case status (Other EPIC staff present: J. Scott, M. Rotenberg)	0.1	\$406.00	\$40.60
12/7/2015	Jeramie Scott <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, M. Rotenberg)	0.1	\$406.00	\$40.60
12/7/2015	Marc Rotenberg <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, J. Scott)	0.1	\$796.00	\$79.60
12/11/2015	Jeramie Scott <b>Description:</b> Draft joint status report	0.3	\$406.00	\$121.80
12/11/2015	Jeramie Scott <b>Description:</b> E-Mail opposing counsel re: joint status report	0.3	\$406.00	\$121.80
12/11/2015	Jeramie Scott <b>Description:</b> E-Mail opposing counsel re: joint status report	0.1	\$406.00	\$40.60
12/11/2015	Jeramie Scott <b>Description:</b> Edit joint status report	0.1	\$406.00	\$40.60
12/11/2015	Alan Butler <b>Description:</b> Edit joint status report	0.2	\$406.00	\$81.20

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<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
12/15/2015	Alan Butler <b>Description:</b> Conference re: opposing counsel communications and edits to JSR (Other EPIC staff present: J. Scott, M. Rotenberg)	1.0	\$406.00	\$406.00
12/15/2015	Jeramie Scott <b>Description:</b> Conference re: opposing counsel communications and edits to JSR (Other EPIC staff present: A. Butler, M. Rotenberg)	1.0	\$406.00	\$406.00
12/15/2015	Marc Rotenberg <b>Description:</b> Conference re: opposing counsel communications and edits to JSR (Other EPIC staff present: A. Butler, J. Scott)	1.0	\$796.00	\$796.00
12/15/2015	Alan Butler <b>Description:</b> Conference re: revised status report and opposing counsel e-mails (Other EPIC staff present: J. Scott)	0.5	\$406.00	\$203.00
12/15/2015	Jeramie Scott <b>Description:</b> Conference re: revised status report and opposing counsel e-mails (Other EPIC staff present: A. Butler)	0.5	\$406.00	\$203.00
12/15/2015	Alan Butler <b>Description:</b> E-Mail re: opposing counsel communications and edits to JSR (Other EPIC staff present: J. Scott, M. Rotenberg)	0.5	\$406.00	\$203.00
12/15/2015	Jeramie Scott <b>Description:</b> E-Mail re: opposing counsel communications and edits to JSR (Other EPIC staff present: A. Butler, M. Rotenberg)	0.5	\$406.00	\$203.00
12/15/2015	Marc Rotenberg <b>Description:</b> E-Mail re: opposing counsel communications and edits to JSR (Other EPIC staff present: A. Butler, J. Scott)	0.5	\$796.00	\$398.00
12/15/2015	Jeramie Scott <b>Description:</b> E-Mail opposing counsel re: joint status report	0.2	\$406.00	\$81.20
12/15/2015	Marc Rotenberg <b>Description:</b> Edit joint status report and e-mail to opposing counsel	0.2	\$796.00	\$159.20
1/5/2016	Alan Butler <b>Description:</b> Conference re: case status (Other EPIC staff present: J. Scott, M. Rotenberg)	0.1	\$406.00	\$40.60

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
1/5/2016	Jeramie Scott <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, M. Rotenberg)	0.1	\$406.00	\$40.60
1/5/2016	Marc Rotenberg <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, J. Scott)	0.1	\$796.00	\$79.60
1/11/2016	John Tran <b>Description:</b> Review billing records (Other EPIC staff present: A. Butler)	0.3	\$331.00	\$99.30
1/11/2016	Alan Butler <b>Description:</b> Review billing records (Other EPIC staff present: J. Tran)	0.3	\$406.00	\$121.80
1/19/2016	Alan Butler <b>Description:</b> Conference re: case status (Other EPIC staff present: M. Rotenberg, J. Tran, J. Scott)	0.1	\$406.00	\$40.60
1/19/2016	Marc Rotenberg <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, J. Tran, J. Scott)	0.1	\$796.00	\$79.60
1/19/2016	John Tran <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, M. Rotenberg, J. Scott)	0.1	\$331.00	\$33.10
1/19/2016	Jeramie Scott <b>Description:</b> Conference re: case status (Other EPIC staff present: A. Butler, M. Rotenberg, J. Tran)	0.1	\$406.00	\$40.60
2/1/2016	Alan Butler <b>Description:</b> Conference re: DC Cir decision in Salazar (Other EPIC staff present: J. Tran, M. Rotenberg)	0.5	\$406.00	\$203.00
2/1/2016	John Tran <b>Description:</b> Conference re: DC Cir decision in Salazar (Other EPIC staff present: A. Butler, M. Rotenberg)	0.5	\$331.00	\$165.50
2/1/2016	Marc Rotenberg <b>Description:</b> Conference re: DC Cir decision in Salazar (Other EPIC staff present: A. Butler, J. Tran)	0.5	\$796.00	\$398.00

## Case Billing Record

**Electronic Privacy Information Center (EPIC)**

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

**EPIC v. Department of Homeland Security (12-333)  
Billing Records**

<b>Date</b>	<b>Attorney Name</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
2/3/2016	Alan Butler <b>Description:</b> Review and enter billing records	1.0	\$406.00	\$406.00
2/4/2016	John Tran <b>Description:</b> Draft fee motion	3.5	\$331.00	\$1,158.50
2/4/2016	Alan Butler <b>Description:</b> Edit fee motion	2.1	\$406.00	\$852.60
2/4/2016	Jeramie Scott <b>Description:</b> Edit fee motion	1.1	\$406.00	\$446.60
2/4/2016	Alan Butler <b>Description:</b> Review and enter billing records	2.0	\$406.00	\$812.00
2/5/2016	Alan Butler <b>Description:</b> Edit fee motion	2.5	\$406.00	\$1,015.00
2/5/2016	Marc Rotenberg <b>Description:</b> Edit fee motion	1.0	\$796.00	\$796.00
2/5/2016	John Tran <b>Description:</b> Edit fee motion	5.5	\$331.00	\$1,820.50
2/5/2016	Jeramie Scott <b>Description:</b> Edit fee motion	4.0	\$406.00	\$1,624.00
2/5/2016	John Tran <b>Description:</b> File fee motion	0.3	\$331.00	\$99.30
2/5/2016	John Tran <b>Description:</b> Preparation exhibits to fee motion	1.0	\$331.00	\$331.00

## Case Billing Record

### Electronic Privacy Information Center (EPIC)

1718 Connecticut Ave., NW • Suite 200 • Washington, DC 20009

<p style="text-align: center;"><b>EPIC v. Department of Homeland Security (12-333) Billing Records</b></p>
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<u>Date</u>	<u>Attorney Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
<b>Total Hours: 360.1</b>		<b>Total Amount: \$144,806.50</b>		