

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ANTHONY SUMMERS	:	
	:	
Plaintiff	:	
	:	C.A. No. 98-1837 (RWR)
v.	:	
	:	
U.S. DEPARTMENT OF JUSTICE,	:	
<u>et al.</u> ,	:	
	:	
Defendants	:	

DECLARATION OF JAMES H. LESAR

I, James H. Lesar, declare as follows:

1. I graduated from the University of Wisconsin Law School in 1969 and was admitted to the Wisconsin Bar that same year. In 1972 I was admitted to the District of Columbia Bar.

2. I am also admitted to practice before the United States Supreme Court, the United States Court of Claims, and the United States Courts of Appeals for the First, Fourth, Fifth, Sixth, Eleventh and District of Columbia Circuits.

3. I have had extensive practice litigating Freedom of Information Act ("FOIA") cases. Since 1970 I have litigated over 200 FOIA cases in federal courts (at least 127 civil actions and 76 appeals). More than seventy-five opinions rendered in these cases have been officially. Other decisions have been published in Government Disclosure Service ("GDS") or excerpted or summarized in Access Reports, The Privacy Times, The Daily Washington Law Reporter, The News Media and the Law, FOIA Update and United States Law Week. Several of my cases have set precedents and are cited

frequently in standard books and treatises on the FOIA. At least two law review articles have been written on FOIA cases I handled.

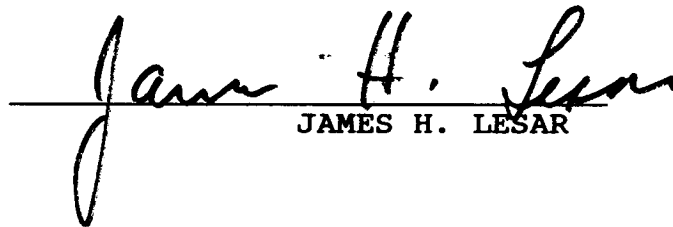
5. I am familiar with rates charged by attorneys in the Washington, D.C. area, and with the "Laffey matrix which calculates those rates based on the experience level of attorneys. I have 33 years of experience. On the basis of the information available to me, I believe that an hourly rates reflected in the Laffey Matrix as calculated by the U.S. Attorneys Office for the District of Columbia is at or below the current market rate for an attorney with my level of experience and expertise.

6. Attachment 1 to this declaration is an itemization of all the time that I recorded working on this case. On the itemization I have crossed off certain entries because they do not relate to parts of the case for which compensation is claimed. With respect to other entries on the itemization I have only crossed out the date on which the work done in connection with that entry was done. This indicates that I am reducing the amount of reimbursable time claimed for that entry by fourth-fifths to take into account work on issues on which the client did not substantially prevail.

7. Multiplying the rates prescribed by the Laffey matrix for each yearly period times the number of hours worked during that period yields a total attorney fee of \$ 97,595.00. Attached hereto is a table which sets for the yearly amounts of time and fees incurred according to the Laffey matrix rates. See Attachment 2. Attachment 3 is another table which sets forth the yearly amounts of time and fees which are believed compensable. This

table reflects a total figure of \$ 43,125.00 in attorney fees for time which is believed compensable. To these fees must be added \$ \$164.64 in costs (filing fee of \$150.00 plus copying costs), bringing the total award to \$43,289.64.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of January, 2006.



JAMES H. LESAR

ITEMIZATION OF TIME: Civil Action No. 98-1837

<u>Date</u>	<u>Hours</u>	<u>Description</u>
7/23/98	2.5	Complaint
9/9/98	0.2	t/c Eric Jaffe re Rule 206 report & Open America motion
9/11/98	0.4	Reviewed DOJ's answer to complaint
10/6/98	0.6	response to motion to dismiss
10/16/98	0.3	reviewed CIA's reply
12/12/98	0.9	reviewed motion for Open America stay
12/16/98	3.3	requests for production of documents notice of deposition; motion for ext.
12/23/98	0.1	t/c B. Sonfield re notice of deposition, etc. FBI to move for stay
12/31/98	1.0	opposition to motion for stay
1/3/99	1.0	opposition to motion for protective order
1/4/99	3.6	"
1/6/99	4.5	opposition to motion for stay
1/8/99	5.0	opposition to motion for protective order
1/9/99	4.3	"
1/11/99	2.8	"
1/13/99	1.0	opposition to Open America motion
2/2/99	0.4	reviewed defendant's responses
2/5/99	1.0	reply
2/6/99	1.4	surreply
2/7/99	2.8	response to reply to opposition to motion for protective order
2/10/99	1.0	drafted 206 report and faxed to Jaffee
	0.1	5/c Jaffee

2

<u>Date</u>	<u>Hours</u>	<u>Description</u>
2/11/99	0.5	t/c Jaffee re 206 report; reviewed revised report
2/20/99	0.7	response to notice of filing
2/22/99	0.5	amended complaint
2/2/00	1.1	<u>Vaughn</u> motion
2/3/00	1.0	"
2/4/00	0.1	t/c B. Sonfield
4/10/00	0.1	Reviewed Defendant's Status Report
4/19/00	0.1	t/c clerk
4/20/00	0.1	t/c Judge's law clerk,
4/30/00	0.8	reviewed case file
5/1/00	0.8	report
5/18/00	1.1	status call
5/28/00	0.1	reviewed court's order
6/6/00	0.8	reviewed 5/26/00 release of Rebozo docs.
6/7/00	0.3	fax to T. Summers
7/11/00	0.3	t/c B. Sonfield (2); reviewed draft of stipulation
7/12/00	0.2	t/c B. Sonfield re joint status report (2)
7/14/00	1.0	reviewed Rebozo documents
7/15/00	0.3	letter to client
8/14/00	0.2	joint status report
9/4/00	0.1	areviewed court's order
9/13/00	0.2	joint status report
9/23/00	0.1	reviewed court's order
10/13/00	0.2	joint statuts report

3

<u>Date</u>	<u>Hours</u>	<u>Description</u>
11/13/00	0.2	joint status report
11/27/00	0.1	reviewed court's order
11/16/00	0.1	reviewed joint status rpt.
6/2/01	0.1	reviewed court's order
6/6/01	0.1 0.5	t/c Kirstan reviewed Rebozo docs.
6/7/01	1.0 0.5	reviewed Rebozo docs. drafted report to court
6/8/01	0.1 0.5 0.5	t/c K. Dudey reviewed file report to court
6/17/01	5.0	<u>Vaughn</u> index
6/18/01	4.6 0.2	" letter AUSA Dady
<u>2/10/02</u>	0.6	cross-motion for summary judgment
2/12/02	4.5 0.2	" fax
<u>2/13/02</u>	4.2	cross-motion for summary judgment
<u>2/18/02</u>	2.5	"
<u>2/19/02</u>	2.2	"
<u>2/20/02</u>	0.6	"
<u>2/21/02</u>	0.8	"
2/3/02	3.2	cross-motion for summary judgment
2/6/02	4.0	"
2/7/02	1.0	"
2/9/02	4.0	"
<u>2/10/02</u>	4.2	"
2/11/02	4.5	"

<u>Date</u>	<u>Hours</u>	<u>Description</u>
3/13/02	6.2	"
3/14/02	8.2	"
3/15/02	4.6	"
3/16/02	2.2	"
3/11/02	4.4	"
8/2/02	1.0	reviewed opposition
8/22/02	0.4	reviewed Notice of Filing
9/11/02	3.8	reply
9/12/02	7.5	"
11/25/02	0.4	reviewed notice of supplemental authority
3/19/03	0.8	reviewed decision
3/25/03	0.3	"
3/25/03	0.3	reviewed court's opinion
4/6/03	2.0	mot. for partial summary judgment
4/7/03	2.4	"
4/8/03	3.3	"
6/27/03	0.1	t/c AUSA Sonfield
7/18/03	0.1	t/c B. Sonfield
7/22/03	0.1	t/c B. Sonfield
10/10/03	1.3	reply
10/12/03	3.2	"
10/13/03	3.2	"
10/14/03	6.5	"
10/15/03	7.5	"
10/16/03	3.8	"

<u>Date</u>	<u>Hours</u>	<u>Description</u>
2/11/04	2.0	"
2/12/04	2.3	"
2/14/04	3.5	"
2/15/04	3.2	"
2/16/04	3.6	"
2/17/04	4.6	"
2/18/04	7.0	"
6/13/04	0.2	notice of appeal
8/18/04	1.3	docketing statement
12/9/04	5.4	response to motion for summary affirance
12/10/04	2.3	"
12/11/04	4.2	"
12/12/04	6.0	"
12/13/04	3.6	"
5/18/05	0.2	reviewed court of appeals mediation order
5/25/05	0.2	t/c Arthur Lazarus
5/26/05	0.2	t/c AUSA Valdez
	0.1	t/c Arthur Lazarus
5/29/05	1.3	position paper
5/30/05	1.7	position paper
5/31/05	5.3	position paper
6/1/05	2.3	position paper
6/27/05	2.0	mediation session
7/11/05	0.2	t/c Valdez
7/18/05	1.2	prepartion for mediation
7/21/05	2.7	mediation conf. and preparation therefor

6

<u>Date</u>	<u>Hours</u>	<u>Description</u>
9/5/05	2.0	letter to Lazarus
9/6/05	0.2	t/c Valdez
	0.2	t/c Lazarus
	1.0	conference
9/19/05	0.1	t/c Valdez
	0.2	motion for ext.
	0.1	fax to Valdez
9/20/05	0.1	t/c Valdez
	0.5	m/retard briefing schedle
9/22/05	0.1	t/c Lazarus
10/6/05	0.1	t/c Valdez
10/7/05	0.2	t/c AUSA Wald
	0.9	review to determine inconsistent 7(C) claims
10/9/05	0.5	fax letter to Valdez
10/13/05	0.8	fax letter to AUSA Valdez re draft settlement agreement
10/16/05	0.3	m/retard briefing schedule
10/24/05	0.2	fax to Valdez
10/31/05	0.2	t/c Valdez
11/4/05	1.4	meeting with mediator
11/10/05	0.3	phone message from Valdez transcribed
11/14/05	0.3	t/c Lazarus
11/21/05	0.3	t/c Valdezy
11/27/05	0.1	t/c Valdez
11/30/05	0.1	t/c A. Lazarus
	0.1	t/c Valdez
12/7/05	0.3	reviewed draft of settlement agreement
12/8/05	0.1	t/c Valdez

<u>Date</u>	<u>Hours</u>	<u>Description</u>
12/15/05	0.1	t/c Valdez
12/16/05	0.2	t/c Valdez
12/19/05	0.4	motion to dismiss appeal
	0.1	t/c Valdez
1/5/06	0.5	t/c Valdez; mot. to set schedule
1/21/06	3.4	motion for attorney fees
1/22/06	3.2	"
1/23//06	2.4	"
1/24/06	5.0	"
1/25/06	2.3	"
1/27/06	6.5	"

TABLE OF FEES

<u>Year</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
98-99	39.9	\$335	\$ 13,366.50
99-00	6.4	\$340	\$ 2,176.00
00-01	16.1	\$350	\$ 5,635.00
01-02	62.2	\$360	\$ 22,392.00
02-03	22.2	\$370	\$ 8,214.00
03-04	52.1	\$380	\$ 19,380.00
04-05	36.1	\$390	\$ 14,079.00
05-06	30.5	\$405	\$ 12,352.50
		<u>TOTAL:</u>	<u>\$ 97,595.00</u>

Attachment 2

TABLE OF COMPENSABLE FEES

<u>Year</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
98-99	5.9	\$335	\$ 1,976.50
99-00	6.4	\$340	\$ 2,176.00
00-01	16.1	\$350	\$ 5,635.00
01-02	12.4	\$360	\$ 4,464.00
DD-03	4.4	\$370	\$ 1,628.00
03-04	10.6	\$380	\$ 4,028.00
04-05	18.9	\$390	\$ 7,301.00
05-06	39.3	\$405	\$ 15,916.00
		<u>TOTAL:</u>	<u>\$ 43,125.00</u>