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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Ilsa Saravia, as next friend for A.H., a
minor, and on behalf of herself individually
and others similarly situated,

Plaintiff,

v.

Merrick Garland, Attorney General, *et al.*,

Defendants.

Case No. 3:17-cv-03615-VC

Honorable Vince Chhabria
**DECLARATION OF AMY BELSHER IN
SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES**

I, Amy Belsher, declare as follows:

1. I am a Staff Attorney with the New York Civil Liberties Union Foundation (“NYCLU”), counsel of record in the above-captioned matter for the named Plaintiff and the provisionally certified Class in this action.

2. I submit this Declaration in Support of Plaintiff’s Motion for Approval of Settlement Regarding Attorneys’ Fees and Costs.

3. I have personal knowledge of the facts set forth below and, if called as a witness to testify, could and would testify competently thereto.

4. In provisionally certifying the class in this matter, this Court determined that the class was adequately represented. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1205 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (“[H]aving reviewed the proof submitted by plaintiff’s counsel regarding their experience litigating complex civil actions and cases involving issues similar to those raised in this case, the Court is satisfied that the adequacy requirement is met.”).

5. This Court later preliminarily approved of the Class Settlement and appointed the NYCLU (together with our co-counsel) as class counsel. (ECF No. 245.)

6. Shortly before Plaintiff filed her Motion seeking Preliminary Approval, counsel for Plaintiff and Defendants (collectively, “Parties”) initiated negotiations regarding Plaintiff’s intent to file a Motion seeking Fees and Costs pursuant to 28 U.S.C. § 2412 of the Equal Access to Justice Act. The Parties engaged in active, arms-length, negotiations for over six months before agreeing to mediate their dispute before Magistrate Judge Laurel Beeler. (ECF No. 256). With the assistance of Judge Beeler, the Parties settled Plaintiff’s request for fees and costs on April 22, 2021. (ECF No. 259).

DETAILS REGARDING NYCLU’S TIMEKEEPERS

7. A total of two timekeepers from the NYCLU recorded time on this case from May 2019 through March 2020: Amy Belsher and Jessica (“JP”) Perry.

8. As part of the settlement negotiations for Plaintiff’s fees and costs, and in connection with this Motion, I reviewed the time records for myself and Jessica Perry and am

knowledgeable about the tasks performed. I believe that both myself and Jessica Perry worked efficiently and contributed substantially to the representation of the named Plaintiff and class members, and that our time records are accurate and were kept contemporaneously.

9. I have worked as a Staff Attorney at the NYCLU since 2019 where my work focuses on immigration and civil liberties. I received a J.D. from University of California, Berkeley School of Law in 2014 and a bachelor's degree from University of California, Berkeley in 2011. After receiving my J.D., I worked in civil litigation for a non-profit organization, the Center for Justice and Accountability, and two law firms, Chadbourne & Park, LLP, and Cooley, LLP. Before joining the NYCLU, I clerked for the Honorable Margo K. Brodie in the Eastern District of New York. I am a member of the California Bar and the New York Bar and am admitted to practice law before state and federal courts in California, New York, and the United States Courts of Appeals for the Second Circuit.

10. I am counsel of record in several immigration class actions including *Velesaca v. Decker*, No. 20-cv-1803, a class action challenging Immigration and Customs Enforcement's failure to perform individualized custody determinations at its New York Field Office, and *Onosamba-Ohindo v. Barr*, No. 20-cv-00290, a class action challenging custody determination practices at the Batavia and Buffalo immigration courts. Both cases have preliminary injunctions in place.

11. Jessica Perry is a Staff Attorney at the NYCLU where her practice focuses on the civil and constitutional rights of immigrant youth, protestors, and LGBTQ and pregnant individuals. She received her J.D. from the City University of New York School of Law in 2018, and her B.A. from Bryn Mawr College in 2009. During law school, she was a judicial intern to the Honorable Ronnie Abrams of the U.S. District Court for the Southern district of New York. After law school, Ms. Perry was awarded a Skadden Fellowship focused on the rights of immigrant students, which she completed at the NYCLU between 2018-2020. Ms. Perry is admitted to the New York bar and admitted to practice before state and federal courts in New York.

SUMMARY OF COMPENSABLE TIME AND COSTS EXPENDED BY THE NYCLU

12. As explained in Plaintiff's Motion for Attorneys' Fees filed herewith, this case involves complex immigration and constitutional issues and has been highly resource-intensive to litigate. As a result, this case required extremely skilled attorneys with extensive hearing and trial experience. Accordingly, I believe Plaintiff is entitled to an hourly rate for NYCLU attorneys consistent with the private San Francisco market rate.

13. The total amount of fees incurred by Plaintiff for services performed by the NYCLU in this matter from May 2019 through March 2020, subject to the applicable EAJA rate caps is \$43,911.55. The total amount of hours worked for this time period by NYCLU attorneys was 213.8 hours. This number does not include any time spent after March 30, 2020 regarding Plaintiff's Motions for Preliminary and Final Approval of the Class Settlement, nor the EAJA fee negotiations that prompted this Motion.

14. NYCLU timekeepers billed 213.8 hours from May 20, 2019 through March 31, 2021. That period marked the beginning of the Parties' settlement negotiations, substantial settlement-related discovery efforts, mediation before Magistrate Judge Laurel Beeler, and the protracted drafting of the Final Class Settlement Agreement.

15. For purposes of the Parties' Settlement of Plaintiff's Fees and Costs, Plaintiff omitted all hours billed by all Plaintiff timekeepers after March 30, 2020. Therefore, the hours billed by NYCLU timekeepers related to the Parties' negotiations to settle Plaintiff's fees and costs, and the instant Motion were not part of the Parties' settlement efforts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 1, 2021 in New York, New York.

/s/ Amy Belsher
Amy Belsher