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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.

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

Honorable Vince Chhabria

**DECLARATION OF WILLIAM S. FREEMAN  
IN SUPPORT OF PLAINTIFFS' MOTION  
FOR ATTORNEY'S FEES**

I, William S. Freeman, declare:

1. I am a Senior Counsel with the American Civil Liberties Union Foundation of Northern California (“ACLU-NC”), a member in good standing of the State Bar of California, and one of the attorneys of record for Plaintiffs in this action. I have personal knowledge of the facts set forth in this declaration.

2. I have reviewed the Declaration of Martin S. Schenker in Support of Plaintiffs’ Motion for Attorneys’ Fees, submitted contemporaneously with this declaration. To avoid repetition, I have personal knowledge of, and agree with, the statements in Mr. Schenker’s declaration describing the history of this litigation, the Class Settlement and the Attorneys’ Fees Settlement, and I adopt those statements as my own.

3. As the Court is aware, the parties, in a mediation conducted by the Honorable Magistrate Judge Laurel Beeler, reached agreement on an aggregate award of \$1,950,000 in attorneys’ fees and costs to Plaintiff, subject to the approval of this Court. This amount represented a compromise of the amount in excess of \$2.7 million that represents the total award that Plaintiff could have sought via motion if the parties had not reached agreement in mediation. Having been involved in this case since inception, I believe that the \$1,950,000 award agreed to by the parties and sought by this motion is more than reasonable. The remaining paragraphs of this declaration describe the basis for Plaintiffs’ attorney’s fee request, to the extent based on the work of ACLU-NC in this case.

4. Had Plaintiff been unsuccessful mediating her fees and costs dispute, she would have sought reimbursement for fees at enhanced rates under the Equal Access to Justice Act (“EAJA”) for the work of three ACLU-NC attorneys in this case: myself, Julia Harumi Mass, and Sean Riordan. Plaintiff does not seek any reimbursement for the work of any ALCU-NC paralegals or staff, nor for the work of our investigator, Theodora Simon, even though her efforts were extremely valuable. In addition, Plaintiff does not seek reimbursement for the work of any attorneys after March 30, 2020, even though my colleagues and I expended significant efforts in finalizing the Class Settlement and negotiating the Attorney’s Fee Settlement after that date.

5. The ACLU-NC is a non-profit corporation that is tax-exempt under § 501(c)(3) of

the Internal Revenue Code. It is a nonpartisan organization dedicated to defending the civil liberties and civil rights guaranteed by the federal and state constitutions. The ACLU-NC does not receive government funding. The ACLU-NC litigates civil rights cases, frequently in conjunction with private counsel, combining our expertise in civil rights and impact litigation with the resources and experience of the private bar.

6. The ACLU-NC maintains a system for the recording of time spent by attorneys in connection with each case or matter in which the attorney is involved. Attorneys are required to record their time contemporaneously, and to record time necessarily incurred to complete the tasks required to conduct the matter successfully. The ACLU-NC does not maintain time records for, or bill for, the services of paralegals or support staff.

7. I have carefully reviewed the time entries for each of the attorneys who have worked on this case. My own time entries accurately reflect the time that I necessarily devoted to this case. I am informed and believe that the time entries applicable to Ms. Mass and Mr. Riordan are similarly accurate.

8. As demonstrated in the following paragraphs, the ACLU-NC brought to this litigation a combination of strength and experience in complex class action litigation and immigration litigation – a combination that was critical to Plaintiff’s success before this Court and in the Ninth Circuit Court of Appeals, and in negotiating the favorable Class Settlement. The experience of the ACLU-NC attorneys fully justifies enhanced rates under EAJA, as Defendants implicitly recognized in negotiating the Fee Settlement.

9. I graduated *summa cum laude* from Harvard College in 1974 and *cum laude* from Harvard Law School in 1978. Prior to joining the ACLU-NC in 2017, I worked as a Trial Attorney in the Civil Division of the U.S. Department of Justice for three years (1978-81), and in private practice for 35 years as an associate and partner with Cooley LLP (1981-2010) and as a partner with Jones Day (2010-2016).

10. During the time I was in private practice, I served as lead counsel in dozens of federal and state court class actions and tried over ten cases to jury verdict. I also assisted in the trial to jury verdict of numerous other complex cases. I was named a *Northern California Super*

*Lawyer* for over 10 years.

11. Also while in private practice, I litigated numerous individual asylum cases, and became familiar with U.S. immigration law generally and the intricacies of asylum law and the immigration court system in particular. For my work in asylum cases I was recognized as Advocate of the Year by Community Legal Services in East Palo Alto in 2015.

12. Since joining the ACLU-NC in January 2017, I have participated as lead or co-lead counsel in a number of immigration cases challenging government policies in addition to the instant case, including *Al-Mowafak, et al. v. Trump, et al.*, Case No. 3:17-cv-0557-WHO, N.D. Cal. (seeking declaratory and injunctive relief from executive orders banning travel to the United States by citizens or majority-Muslim countries); *Ramos v. Nielsen*, Case No. 18-cv-1554-EMC, N.D. Cal. (challenging Administration's attempts to end Temporary Protected Status for immigrants from various countries); *Ramos v. G4S Secure Solutions (USA), Inc.*, No. 19-cv-2757-LB (complaint for personal injury arising out of transportation by ICE contractor); *Zepeda Rivas, et al. v. Jennings, et al.*, No. 20-cv-02731-VC, N.D. Cal. (challenging conditions of confinement in immigration detention facilities during COVID-19 pandemic). I have also served as lead or co-lead counsel in litigating other class action cases challenging government action, including *Sanchez, et al. v. California Department of Transportation, et al.*, Case No. RG16842117, California Superior Court, Alameda County (seeking injunctive relief regarding Caltrans' alleged constitutional violations in connection with sweeps of homeless encampments on rights-of-way); *Sacramento Regional Coalition to End Homelessness, et al. v. City of Sacramento*, Case No. 2:18-cv-00878-MCE, E.D. Cal. (preliminary injunction granted, enjoining city from enforcing ordinance targeting solicitation of funds by indigent persons); *Harris v. City of Fontana*, Case No. CIVDS 1710589, California Superior Court, County of San Bernardino (writ of mandate granted, invalidating portions of municipal ordinance restricting residents' rights to engage in personal indoor cultivation of marijuana pursuant to California Proposition 64); and *Asian Americans Advancing Justice – Los Angeles, et al. v. Padilla*, Case No. CPF-18-516155, California Superior Court, County of San Francisco (writ of mandate granted in part, requiring Secretary of State to provide additional election language assistance).

13. Julia Harumi Mass graduated from UCLA Law School in 1996, served as a judicial clerk to the Hon. Warren J. Ferguson of the U. S. Court of Appeals for the Ninth Circuit, and from 2003-2018 was a senior litigation attorney at ACLU-NC. At the time the *Saravia* action was filed, she was the leader of ACLU-NC's immigration litigation team, and she had litigated a number of class actions on behalf of immigrants and immigration detainees, including *Lyon v. ICE*, No. 13-cv-05878-EMC, N.D. Cal. (challenging lack of telephone access for immigration detainees in Northern California). She received a California Lawyer of the Year (CLAY) Award from the California Lawyer Magazine/Daily Journal in 2014 and 2015 in the area of immigration.

14. Sean Riordan, a graduate of UCLA Law School, has been a Senior Staff Attorney at the ACLU of Northern California since 2018. Previously, he worked for six years as an attorney at the ACLU of San Diego and Imperial Counties, where he litigated a range of civil rights and civil liberties issues and helped found the organization's Border Litigation Project. He was lead counsel in *Lopez-Venegas v. Johnson*, 2014 WL 12772087 (C.D. Cal. Aug. 28, 2014), a class action lawsuit on behalf of Mexican nationals who were eligible for U.S. residency, but were deceived into signing their own expulsion orders by government officials. He was also counsel in *Franco v. Holder*, 767 F.Supp.2d 1034 (C.D. Cal. 2010), which established a right to appointed counsel for mentally incompetent immigration detainees. Mr. Riordan also worked for several years as a federal public defender, where he specialized in defending immigration-related criminal prosecutions and obtained the court ordered dismissal of several of those cases. The American Immigration Lawyers' Association recognized the *Franco* team with the Jack Wasserman Memorial Award for excellence in litigation in the field of immigration law.

15. The total amount of fees incurred by Plaintiff for services performed by ACLU-NC in this matter from June 2017 through March 2020 is \$827,751.23. The total amount of hours worked for this time period by ACLU-NC timekeepers was 1,240.9, which does not include any time spent after March 30, 2020.

16. ACLU-NC timekeepers billed 757.4 hours from June 15, 2017 through November 21, 2017. That period included, *inter alia*, drafting the Amended Complaint and First Amended Petition for Writ of Habeas Corpus and Class Action Complaint for Injunctive and Declaratory

Relief (ECF No. 31), the ensuing discovery related to the Complaint and preliminary injunction proceedings, as well as the hearing for same.

17. The Court granted Plaintiff's requested Preliminary Injunction and provisionally certified the class on November 20, 2017. (ECF No. 100.) From November 22, 2017 through July 13, 2018, ACLU-NC timekeepers billed 242.5 hours. That period included, *inter alia*, the government's appeal to the Ninth Circuit, the attendant briefing and oral argument, and numerous *Saravia* hearings. (ECF No. 124-1, Chart re: *Saravia* Hearings.)

18. ACLU-NC timekeepers billed 119.7 hours from July 14, 2018 through January 28, 2019. That period included, *inter alia*, extensive written discovery, drafting of a Second Amended Complaint (ECF No. 164), briefing in opposition to Defendants' Motion to Dismiss (ECF No. 172), and preparation of a Motion to Clarify the Definition of the Class (ECF No. 159, 160).

19. ACLU-NC timekeepers billed 121.3 hours from January 29, 2019 through March 30, 2020. 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.

20. As one of the lead attorneys in this case, I helped to coordinate the actions of all members of the Plaintiff's counsel team, to prevent duplicative or wasteful effort. Work on the case was at all times managed so as to eliminate any such duplication to the maximum extent possible.

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

Executed at Hillsborough, California on June 1, 2021.

/s/ William S. Freeman  
William S. Freeman