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15 **Attorneys for Plaintiffs Al-Haramain Islamic Foundation, Inc., Wendell Belew and Asim Ghafoor**

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 **IN RE NATIONAL SECURITY**) MDL Docket No. 06-1791 VRW
19 **AGENCY TELECOMMUNICATIONS**)
20 **RECORDS LITIGATION**) **DECLARATION OF WILLIAM N.**
21 This Document Relates Solely To:) **HANCOCK IN SUPPORT OF MOTION**
22) **FOR ATTORNEY’S FEES**

21 *Al-Haramain Islamic Foundation, Inc., et*)
22 *al. v. Obama, et al. (C07-CV-0109-VRW)*)

22 **AL-HARAMAIN ISLAMIC**)
23 **FOUNDATION, INC., et al.,**)

24 Plaintiffs,)

24 vs.)

25 **BARACK H. OBAMA, President of the**)
26 **United States, et al.,**)

27 Defendants.)

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1 I, William N. Hancock, hereby declare as follows:

2 1. I make this declaration of my own personal knowledge and could testify thereto if
3 called as a witness.

4 2. I am currently a partner in Eisenberg and Hancock, LLP, and am admitted to practice
5 law in all California State Courts and the Federal District Court for the Northern District of
6 California.

7 3. I am a 1982 graduate of Hastings College of the Law where I was Order of the Coif
8 and a member of the Thurston Honor Society. I was admitted to the California bar in 1982. Upon
9 graduation, I worked as an associate with Orrick, Herrington & Sutcliffe in San Francisco. In 1983,
10 I left Orrick and began a two-year clerkship with the Honorable J. Anthony Kline of the California
11 Court of Appeal in San Francisco. In 1985, I was a founding staff member of the First District
12 Appellate Project in San Francisco. In 1986, I returned to the California Court of Appeal, working
13 first as a research attorney on the central staff for the Sixth District in San Jose (one year), then as
14 a chambers attorney for the Honorable Clinton White, Presiding Justice of Division Three of the
15 First District Court of Appeal in San Francisco (7 years), was temporarily assigned to the staff of the
16 Honorable Ming Chin (when he was a Justice of the Court of Appeal) upon Justice White's
17 retirement, and was later hired by the Honorable Joanne Parrilli of the First District Court of Appeal
18 as a Senior Research Attorney in her chambers (five years). In 2001, I left the court to work for
19 Horvitz & Levy, LLP, a 35-lawyer appellate specialty firm headquartered in Encino, California, first
20 as a contract attorney, and then as "of counsel" in their Oakland office. In April of 2004, I left
21 Horvitz & Levy to establish my own appellate practice, the Hancock Law Office, in San Francisco.
22 In July of 2006, I formed a law partnership, Eisenberg and Hancock, LLP with my long time
23 colleague, Jon B. Eisenberg. Mr. Eisenberg and I continue to practice law together as Eisenberg and
24 Hancock, LLP.

25 4. Since I returned to private practice in 2001, I have handled dozens of appeals in the
26 California Court of Appeal as either the lead attorney primarily responsible for drafting the briefs,
27 or as a supervising attorney, responsible for editing the briefs and advising the primary author. In
28 addition, I have had more limited involvement in several federal appeals in the Ninth Circuit.

1 5. In 2009 and 2010, I was named a Northern California “Super Lawyer” in the field of
2 appellate law. The Super Lawyer selection process is described at
3 http://www.superlawyers.com/about/selection_process.html. In the Spring semester of 2009, I taught
4 California Appellate Process as an adjunct professor at the University of California, Hastings College
5 of the Law. I have been invited to return to Hastings to again teach this class, but I am currently
6 alternating teaching duties with my partner, Jon Eisenberg.

7 6. My current standard commercial rate is \$525 per hour. I routinely charge this rate to
8 a variety of clients who are billed monthly for my services. I am informed and believe that my
9 standard commercial rate is reasonable and customary for an attorney of my experience and caliber
10 practicing in San Francisco, California.

11 7. I first became involved in the Al-Haramain litigation in July of 2006 when I formed
12 a partnership with Mr. Eisenberg. Mr. Eisenberg has been the lead attorney in the Al-Haramain
13 litigation for our firm, while I have played a supporting role, conducting legal research, review and
14 analysis of documents, and other ancillary services as needed. I have been actively engaged in
15 helping to craft the strategy for this litigation, particularly as that strategy might have implications
16 for future appeals.

17 8. I am primarily responsible for preparing and overseeing the billing records of
18 Eisenberg and Hancock, LLP. Generally, Mr. Eisenberg submits his written time entries to me on
19 a daily basis which I in turn cause to be entered into our computerized billing program. Because I
20 am responsible for maintaining the computerized billing program, I enter my time entries directly
21 into the billing program on a daily basis. All attorneys, paralegals, and law clerks in our office bill
22 in increments of .1 of an hour. In the ordinary course of business, all billing entries are generally
23 made in our RTG billing program on the day the work is done, or, at maximum, within 48 to 72
24 hours of when the work is performed.

25 9. To date, I have devoted 235.1 hours to this case as detailed below.

26 10. Pursuant to Civil Local Rule 54-5(b)(2), I provide the following statement of the
27 services I have rendered in this case and summary of the time I have spent providing those services.
28 At the Court’s request, and pursuant to Civil Local Rule 54-5(b)(2), I am prepared to produce my

1 contemporary time records or an abstract thereof for *in camera* inspection by the Court, if the Court
2 deems it appropriate.

- 3 • Legal research (7/10/06-7/31/06): 3.0 hours.
- 4 • Prepare retention letter; tasks related to motion to dismiss (8/4/06-10/31/06): 2.6
5 hours.
- 6 • Tasks and research re: security procedures; motion for partial summary judgment,
7 motion for stay; MDL coordination hearing, computer wiping: (11/01/06-11/27/06): 5.7 hours.
- 8 • Tasks re: computer wiping issues; review new administration FISA policy; prepare
9 quarterly attorney fee report; legal research on sovereign immunity(1/09/07-1/31/07): 7.0 hours.
- 10 • Tasks re: stay issues; prepare for and attend 2/9/07 hearing (2/05/07-2/20/07): 4.5
11 hours.
- 12 • Tasks re: motion for summary judgment, computer wiping, stay request, consolidation
13 of *Al-Haramain* and *Hepting* appeals, *Hepting* amicus curiae brief: (3/13/07–4/30/07): 7.3 hours.
- 14 • Tasks re: appellees brief, *Hepting* amicus curiae brief, computer wiping issues,
15 *Comey* testimony; review govt's 9th Cir. brief; review and edit appellee's brief: (5/1/07-6/30/07):
16 12.6 hours.
- 17 • Finalize appellees brief for filing, related legal research; review and analysis of govt's
18 reply brief, assist with preparing J. Eisenberg for oral argument; meet with litigation team at DOJ
19 office to review sealed filings; attend oral argument in 9th Cir. (7/1/07-9/30/07): 41 hours.
- 20 • Review and analysis of 9th Circuit opinion; meeting with EFF re: post-appeal strategy
21 (10/1/07 - 12/31/07): 4.3 hours.
- 22 • Analysis of post-appeal strategy; assist with preparing amended motion for summary
23 judgment; assist with and edit opposition to second motion to dismiss; attend hearing on second
24 motion to dismiss (1/1/08 - 5/31/08) : 14.3 hours.
- 25 • Review and analysis of trial court preemption decision; legal research re: same;
26 assist with preparing amended complaint; edit amended complaint; legal research re: same (6/1/08 -
27 7/31/08): 27.6 hours.
- 28 • Attend September 12, 2008 CMC; conference with J. Eisenberg and S. Goldberg re:

1 same; review 1806(f) motion; assist with preparing opposition to third motion to dismiss; legal
2 research for opposition to third motion to dismiss; review and edit opposition to third motion to
3 dismiss; assist with preparing J. Eisenberg for hearing on third motion to dismiss; attend hearing on
4 third motion to dismiss, post-argument meeting with litigation team re: same (8/1/08-12/31/08):
5 17.6 hours.

6 • Review and analysis of 1/5/09 order; review and edit CMC statement; legal research
7 re: appealability of interim order; attend CMC; review and edit opposition to 1292(b) motion; review
8 and edit motion to dismiss govt.'s appeal of interim order (1/1/09-3/31/09): 10.7 hours.

9 • Review and analysis of Obama administration's revised position on state secrets
10 privilege; review 4/17/09 order and related e-mails; review and analysis of *Jeppesen* opinion; review
11 and analysis of Judge Walker's order to show cause against defendants; legal research re: same;
12 conferences with co-counsel re: same; review and analysis of defendants' response to order to show
13 cause; assist in preparing J. Eisenberg for hearing on order to show cause; prepare for and attend
14 hearing on order to show cause; tasks re: stipulation for briefing schedule (4/1/09 - 6/30/09): 30.9
15 hours.

16 • Review and edit motion for summary judgment; attend hearing on motion for
17 summary judgment and defendant's fourth motion to dismiss; legal research re: related cases (7/1/09-
18 12/31/09): 6.8 hours.

19 • Review *Jewel* dismissal order; review and analysis of decision on motion for
20 summary judgment; legal research re: motion for attorney fees; legal research re: punitive damages;
21 conferences with litigation team re: strategy for judgment/punitive damages; conference re: motion
22 for attorney fees; legal research re: cy pres doctrine; review and edit memo on punitive damages
23 (1/1/10 - 4/30/10): 27 hours.

24 • Review government filings re: judgment; review and edit revised memo on punitive
25 damages; prepare attorney fee application and cost bill and declaration in support thereof (5/1/10-
26 6/28/10): 12.2 hours.

27 11. I request an award of my attorney's fees in the sum of \$118,960.60 consisting
28 of 235.1 hours times \$506 per hour.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed this 7th day of July, 2010, in San Francisco, California.

/s/ William N. Hancock