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9 ATTORNEYS FOR FEDERAL DEFENDANTS

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 LONG HAUL, INC. AND EAST BAY)
14 PRISONER SUPPORT,)

15 Plaintiffs,)

16 v.)

17 REGENTS OF THE UNIVERSITY OF)
18 CALIFORNIA; VICTORIA HARRISON;)
19 KAREN ALBERTS; WILLIAM KASISKE;)
20 WADE MACADAM; TIMOTHY J.)
21 ZUNIGA; BRUCE BAUER; COUNTY OF)
22 ALAMEDA; GREGORY J. AHERN; MIKE)
23 HART; FEDERAL BUREAU OF)
24 INVESTIGATION; LISA SHAFFER; AND)
25 DOES 1-25.)

26 Defendants.)

No. C 09-0168 JSW

DECLARATION OF JONATHAN U. LEE IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS COMPLAINT FOR LACK OF JURISDICTION UNDER FED. R. CIV. P. 12(B)(1), FOR FAILURE TO STATE A CLAIM UNDER FED. R. CIV. P. 12(B)(6), OR IN THE ALTERNATIVE MOTION FOR MORE DEFINITE STATEMENT UNDER FED. R. CIV. P. 12(E)

Date: June 19, 2009
Time: 9:00 a.m.
Place: Courtroom 11, 19th Floor
Judge: Hon. Jeffrey S. White

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I, JONATHAN U. LEE, declare:

1. I am an Assistant United States Attorney in the United States Attorney’s Office for the Northern District of California and am assigned to defend the Federal Bureau of Investigation and Lisa Shaffer in this litigation. In addition, it is my understanding that defendant Mike Hart has requested representation by our office due to his participation in the events described in the complaint as a member of a joint terrorism task force, but at this time, plaintiffs’ counsel and I have agreed that because more time is needed to resolve that representation issue, the time for Mr. Hart’s first responsive pleading is extended by agreement to May 1, 2009.
2. I am licensed to practice law in California and to appear before this Court. I make this declaration from my own personal knowledge. If called as a witness, I could and would competently testify to the contents of this declaration.
3. Attached hereto as Exhibit A is a true and correct copy of the search warrant application referred to in plaintiffs’ complaint.
4. Attached hereto as Exhibit B is a true and correct copy of plaintiffs’ claims for damages presented to the FBI on March 13, 2009.

I declare under penalty of perjury that the foregoing is true and accurate and that I have executed this declaration on April 10, 2009 in San Francisco, California.

/s/

JONATHAN U. LEE