

1 DAVID LOY (SBN 229235)
(davidloy@aclusandiego.org)
2 BARDIS VAKILI (SBN 247783)
(bvakili@aclusandiego.org)
3 SEAN RIORDAN (SBN 255752)
(sriordan@aclusandiego.org)
4 GABRIELA RIVERA (SBN 283633)
(grivera@aclusandiego.org)
5 MITRA EBADOLAHY (SBN 275157)
(mebadolahy@aclusandiego.org)
6 ACLU FOUNDATION OF SAN DIEGO &
7 IMPERIAL COUNTIES
8 P.O. Box 87131
9 San Diego, CA 92138-7131
10 Phone: (619) 232-2121
Fax: (619) 232-0036

11 ANTHONY STIEGLER (SBN 126414)
(stiegleram@cooley.com)
12 DARCIIE TILLY (SBN 239715)
(dtilly@cooley.com)
13 COOLEY LLP
14 4401 Eastgate Mall
15 San Diego, CA 92121-1909
16 Phone: (858) 550-6035
Fax: (858) 550-6420

17 Counsel for PLAINTIFFS
18 [*Additional counsel on signature page*]

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21 ISIDORA LOPEZ-VENEGAS, *et al.*,

22 Plaintiffs,

23 v.

24 JEH JOHNSON, *et al.*,

25 Defendants.
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No. CV 13-03972-JAK (PLAx)

DECLARATION OF GABRIELA RIVERA IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND COSTS

**Date: February 9, 2015
Time: 8:30 a.m.
Place: Courtroom 750
Judge: Hon. John A. Kronstadt**

DECLARATION OF GABRIELA RIVERA

I, Gabriela Rivera, hereby declare:

1. I am an attorney licensed to practice before the court of the State of California, as well as several federal courts, including the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Central District of California and Southern District of California.

2. I am one of the attorneys of record in *Lopez-Venegas v. Johnson*. I currently work for the American Civil Liberties Union Foundation of San Diego and Imperial Counties (“ACLU-SDIC”). Throughout the course of this litigation, I have been employed by the ACLU-SDIC. I have personal knowledge of the facts set forth below and if called to testify, I could and would do so competently. I submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees.

3. As noted, I currently work for the ACLU-SDIC. Throughout the course of this litigation, I have been employed by the ACLU-SDIC and I have been one of the attorneys representing the *Lopez-Venegas* plaintiffs.

4. I graduated from Yale Law School with a JD in 2011.

5. I joined the ACLU-SDIC as a Yale Law School Public Interest Fellow on August 1, 2012. Following the completion of my fellowship, I have remained with the ACLU-SDIC as a staff attorney. As part of my job responsibilities I develop and litigate complex civil rights cases pertaining to civil and human rights violations in San Diego and Imperial Counties. My significant litigation experience since joining the ACLU-SDIC includes this case, as well as: *M.S.P.C. et al. v. Johnson et al.*, 14-cv-01437 (D.D.C. Aug. 22, 2014) (Statutory and constitutional challenge to credible fear interview policies and procedures at Artesia, New Mexico detention facility); *Olivas v. Whitford et al.*, 14-cv-01434 (S.D. Cal. Jun. 12, 2014) (lead counsel representing Plaintiff-Petitioner in challenge to ongoing exile from the United States); *American Civil Liberties Union of San Diego and Imperial Counties v. U.S. Dep’t of Homeland Security*, 14-cv-01974 (S.D. Ca. Aug. 22,

1 2014) (lead counsel in Freedom of Information Act lawsuit filed against
2 Department of Homeland Security and U.S. Customs and Border Protection).

3 6. It is my general practice to keep track of my time through the use of
4 contemporaneous timekeeping records. For this purpose, our office utilizes a
5 computer billing program that maintains contemporaneous time records of all work
6 performed on our cases. For extended periods of time throughout this litigation,
7 however, our billing program was not accessible due to technical failures or for
8 other reasons. For instance, much of the work on this case was performed late at
9 night, on weekends, or while traveling away from the office, often to interview
10 witnesses, potential plaintiffs, or other victims of unlawful Voluntary Return
11 practices, including abroad in Mexico. In many of those instances, I was unable to
12 record my time working on the case because I did not have ready access to our
13 normal contemporaneous billing system to determine the time spent. I made efforts
14 to track my time using timekeeping sheets for those periods, but, because of the
15 time lag between when I performed the work and when I had access to the
16 spreadsheet to track it, I deliberately estimated my time conservatively to avoid the
17 risk of overbilling.

18 7. Likewise, given that the nature of this case often prevented me from
19 keeping contemporaneous time records, I organized my electronic mail and
20 computer folders in a manner that would allow me to reconstruct much of the time
21 spent on this case if the need arose. I am thus certain that the combination of
22 records in our billing program and my spreadsheets alone represent an extremely
23 conservative accounting of the time I spent working on this case.

24 8. Furthermore, I ceased keeping my time almost entirely beginning in or
25 around May 2014. At first, we ceased billing for a short period of time to show
26 good faith in settlement negotiations, to demonstrate that we were not “running up”
27 fees. As settlement discussions progressed and it appeared that the contested
28 portion of the case would draw to a close, I ceased maintaining contemporaneous

1 time records nearly entirely.

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

3 Executed this 17th day of December, 2014, at San Diego, California.

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GABRIELA RIVERA

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[Additional Counsel]

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AHILAN T. ARULANANTHAM (SBN 237841)
(aarulanantham@aclu-sc.org)
ACLU Immigrants' Rights Project
1313 West 8th Street
Los Angeles, California 90017
Phone: (213) 977-5211
Fax: (213) 417-2211

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BELINDA ESCOBOSA HELZER (SBN 214178)
(bescobosahelzer@aclu-sc.org)
ACLU Foundation of Southern California
1851 East First Street, Suite 450
Santa Ana, California 92705
Phone: (714) 450-3962
Fax: (714) 543-5240

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