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19 UNITED STATES DISTRICT COURT  
20 CENTRAL DISTRICT OF CALIFORNIA

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

22 Plaintiffs,

23 v.

24 JEI JOIISON, *et al.*,

25 Defendants.

No. CV 13-03972-JAK (PLAx)

**DECLARATION OF MITRA  
EBADOLAHY 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 MITRA EBADOLAH**

I, Mitra Ebadolahi, hereby declare:

1. I am an attorney licensed to practice before the courts of the State of California and the State of New York, as well as several federal courts, including the United States Courts of Appeals for the Third and Ninth Circuits and the United States District Courts for the Northern District of California, 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. I graduated from New York University (“NYU”) School of Law with a J.D. in 2008. I received an LL.M. in International Legal Studies, also from NYU School of Law, in 2012. From August 2008 through August 2009, I served as a law clerk to the Honorable Margaret M. Morrow, U.S. District Court Judge, Central District of California. From August 2009 through May 2010, I completed the coursework for my LL.M. degree at NYU Law. From August 2010 through August 2011, I served as a law clerk to the Honorable Betty B. Fletcher, Senior Circuit Judge, U.S. Court of Appeals for the Ninth Circuit.

4. From September 2011 through April 2013, I worked as the inaugural Nadine Strossen Fellow for the ACLU National Legal Department’s National Security Project (“NSP”). While with NSP, I engaged in complex civil rights litigation. My significant litigation experience included: *Clapper v. Amnesty*, 133 S. Ct. 1138 (2013) (member of litigation team responsible for responding to Petitioners’ petition for writ of certiorari and, after writ granted, for writing merits brief and preparing for oral argument before the U.S. Supreme Court); *George v.*

1 *Rehiel*, 738 F.3d 562 (3d Cir. 2013) (second chair defending Appellee’s case  
2 alleging violations of First and Fourth Amendment at Philadelphia airport on appeal  
3 before the Third Circuit); *Raza v. City of New York*, 13-3448 (E.D.N.Y. June 18,  
4 2013) (completed intensive factfinding, legal research, and complaint drafting in  
5 preparation for constitutional challenge to New York Police Department’s “Muslim  
6 Surveillance Program”); and *Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659  
7 (2013) (researched and helped to draft amicus brief of the American Civil Liberties  
8 Union on reargument in support of petitioners, 2012 WL 2363407).

9       5. I joined the ACLU-SDIC as the Border Litigation Project staff  
10 attorney on May 1, 2013. As part of my job responsibilities I develop and litigate  
11 complex civil rights cases pertaining to civil and human rights violations along the  
12 U.S.-Mexico border. My significant litigation experience since joining the ACLU-  
13 SDIC includes this case, as well as: *Jacobson et al. v. U.S. Dep’t of Homeland*  
14 *Security et al.*, 14-cv-02487-BGM (D. Ariz. Nov. 20, 2014) (First Amendment  
15 challenge to U.S. Border Patrol interference with peaceful protected speech  
16 activities near the Arivaca checkpoint); *M.S.P.C. et al. v. Johnson et al.*, 14-cv-  
17 01437 (D.D.C. Aug. 22, 2014) (challenge to credible fear interview policies and  
18 procedures at Artesia, New Mexico detention facility); *Rodriguez v. Swartz*, 14-cv-  
19 02251-RCC (D. Ariz. July 29, 2014) (constitutional challenge to U.S. Border Patrol  
20 agent’s cross-border shooting); *Gill et al. v. U.S. Dep’t of Justice, et al.*, 14-cv-  
21 03120-RS (N.D. Cal. July 10, 2014) (Administrative Procedure Act challenge to  
22 Suspicious Activity Reports); *American Civil Liberties Union of San Diego and*  
23 *Imperial Counties v. U.S. Dep’t of Homeland Security et al.*, 14-CV-1272 BTM  
24 JMA (S.D. Cal. May 22, 2014) (lead counsel in Freedom of Information Act  
25 lawsuit filed against DHS and U.S. Customs and Border Protection).

26       6. In addition to my litigation experience, I was invited to serve on the  
27 American Immigration Lawyers Association (AILA) Border Issues Taskforce for  
28 its inaugural term, from June 2014 through May 2015. I am one of seven regular

1 members of this national taskforce. Additionally, beginning in January 2015, I will  
2 be a Lecturer-in-Law at the University of California at Irvine School of Law, where  
3 I will teach a seminar on constitutional rights along the U.S.-Mexico border.

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

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

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

1 portion of the case would draw to a close, I ceased maintaining contemporaneous  
2 time records nearly entirely.

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

4 Executed this 16<sup>th</sup> day of December, 2014, at San Diego, California.

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MITRA EBADOLAH

9 *[Additional Counsel]*

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