

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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27
28

No. CV 13-03972-JAK (PLAx)

**DECLARATION OF SEAN RIORDAN
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 SEAN RIORDAN

I, Sean Riordan, hereby declare:

1. I am an attorney licensed to practice before the courts of the State of California and several federal courts, including the United States Court of Appeals for the Ninth Circuit and this Court.

2. I am one of the attorneys of record for the Plaintiffs. I currently work for the American Civil Liberties Union Foundation of San Diego & Imperial Counties (“ACLU-SDIC”). Throughout the course of this litigation, I have been employed by the ACLU-SDIC, though I am currently on family leave and am planning to leave my position with the ACLU-SDIC on December 23, 2014. 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 determination of attorneys’ fees.

3. Throughout the course of this litigation, I have been one of the attorneys representing the Plaintiffs and have until recently been the primary attorney responsible for and involved in this litigation from the ACLU-SDIC.

4. I graduated from UCLA School of Law in 2007, after which time I served as a law clerk to the Honorable Marc L. Goldman of this Court. I was then awarded a two year Skadden Fellowship to work as a staff attorney at the ACLU-SDIC beginning October 2008. At the end of my Skadden Fellowship period, the ACLU-SDIC hired me as a staff attorney and, in December 2013, promoted me to the position of senior staff attorney. For family reasons, I plan to leave the ACLU-SDIC on December 23, 2014. A copy of a recent C.V. is attached as Exhibit A.

At ACLU-SDIC, I have regularly engaged in litigation concerning the constitutional rights of non-citizens, among other civil rights litigation. My significant litigation experience on behalf of non-citizens includes: *Franco v. Holder*, Case No. 10-cv-02211-DMG-DTB (C.D. Cal.) (co-counsel) (path-breaking class action establishing the right to a qualified representative for mentally

1 incompetent non-citizens facing deportation); *Centeno-Ortiz v. Culley*, Case No.
2 11-cv-1970-IEG-POR (S.D. Cal.) (lead counsel) (first-ever federal court decision
3 finding that asylum seekers caught at the border have a right to a hearing to
4 determine whether their detention is justified); *Fernandez-Crespo v. Baker*, Case
5 No. 11-CV-03019 (S.D. Cal.) (lead counsel) (successfully challenged detention of
6 former Cuban political prisoner as an alleged national security threat); *Hernandez v.*
7 *United States*, Case No. 11-50792 (5th Cir.) (amicus co-counsel) (successfully
8 challenged district court’s determination that Mexican boy killed by Border Patrol
9 officer on Mexican soil was not entitled to constitutional protections); *ACLU-SDIC*
10 *v. ICE*, Case No. 10-cv-0544-BEN-WVG (“ICE Raids FOIA”) (S.D. Cal.) (lead
11 counsel) (successfully obtained documents regarding ICE raids in and around San
12 Diego that were initially withheld under FOIA); *Salas v. Sierra Chemical*, Case No.
13 S196568 (Cal. Sup. Ct.) (amicus co-counsel) (successfully establishing rights under
14 state law for undocumented workers); *Sanchez de Gomez v. Baker*, Case No. 10-
15 56542 (9th Cir.) (lead counsel) (pending appeal before the Ninth Circuit that raises
16 significant justiciability questions regarding habeas jurisdiction).

17 5. The cases mentioned above have received significant media attention.
18 Additionally, our litigation team in *Franco* received the 2014 Jack Wasserman
19 Memorial Award for excellence in immigration litigation from the American
20 Immigration Lawyers’ Association.

21 6. I have also engaged in other successful civil rights litigation,
22 including: *Martin v. NCIS*, Case No. 10-cv-1879-WQH-NLS (S.D. Cal.) (co-lead
23 counsel) (successfully settled First Amendment retaliation action brought by
24 military criminal defense contractor against NCIS); *CAIR v. FBI*, Case No. 09-cv-
25 0823-IEG-CAB (S.D. Cal.) (co-counsel) (successfully obtained documents initially
26 withheld by government regarding spying on Muslims in San Diego).

27 7. I was the lead attorney for ACLU-SDIC on this case, which I began
28 investigating in 2011 in response to hearing repeated stories of immigrants being

1 pressured, coerced, or misinformed into waiving their right to see a judge and
2 instead signing removal paperwork, often without being provided an opportunity to
3 consult with an attorney. As the lead attorney on the case, I closely supervised the
4 work of Gabriela Rivera and Mitra Ebadolahi, who also worked on this case for
5 ACLU-SDIC. The three of us spent significant time working on this litigation, all
6 of which was necessary to its successful prosecution in my opinion. Rather than
7 duplicate efforts, we often divided the work into discrete responsibilities and tasks,
8 and assigned each to a particular staff member or member of co-counsel.

9 8. ACLU-SDIC utilizes a computer billing program that maintains
10 contemporaneous time records of work performed on our cases. However, for
11 extended periods of time throughout this litigation, our billing program was not
12 accessible to me for technical or other reasons. For instance, from August 2013
13 until the present, I have lived in Davis, California, spending about 75% of my time
14 working remotely from there. Furthermore, much of the work on this case was
15 performed late at night, on weekends, or while traveling away from the office to
16 visit witnesses. In those instances, I often was unable to record my time working
17 on the case because I did not have ready access to our normal contemporaneous
18 billing system to determine the time spent. I made efforts to track my time using
19 timekeeping sheets for those periods, but I am certain that my time on my
20 spreadsheets is significantly underreported. Finally, I ceased keeping my time
21 almost entirely beginning in or around May 2014. At first, we ceased billing for a
22 short period of time to show good faith in negotiations, to demonstrate that we were
23 not “running up fees” in our negotiations. However, as settlement discussions
24 became more promising and it appeared the contested portion of the case would
25 draw to a close, I ceased maintaining contemporaneous time records nearly entirely.

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1 For all of these reasons, the combination of records in our billing program and my
2 spreadsheets represent an extremely conservative accounting of the time I spent
3 working on this case.

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

5 Executed this 16th day of December, 2014, at Alexandria, Egypt.

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7
8 /s/ Sean Riordan
SEAN RIORDAN

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10 *[Additional Counsel]*

11 AHILAN T. ARULANANTHAM (SBN 237841)
12 (aarulanantham@aclu-sc.org)
13 ACLU Immigrants' Rights Project
14 1313 West 8th Street
Los Angeles, California 90017
Phone: (213) 977-5211
Fax: (213) 417-2211

15 BELINDA ESCOBOSA HELZER (SBN 214178)
16 (bescobosahelzer@aclu-sc.org)
17 ACLU Foundation of Southern California
18 1851 East First Street, Suite 450
Santa Ana, California 92705
Phone: (714) 450-3962
Fax: (714) 543-5240