

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WILLIAM A. DAVY, JR.,

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY,

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Civil Action No. 00-2134 (RJL)

DECLARATION OF JAMES H. LESAR

I, James H. Lesar, declare as follows:

1. I graduated from the University of Wisconsin Law School in 1969 and was admitted to the Wisconsin Bar that same year. In 1972 I was admitted to the District of Columbia Bar.

2. I am also admitted to practice before the United States Supreme Court, the United States Court of Claims, and the United States Courts of Appeals for the First, Fourth, Fifth, Sixth, Eleventh and District of Columbia Circuits.

3. I have had extensive practice litigating Freedom of Information Act ("FOIA") cases. Since 1970 I have litigated over 200 FOIA cases in federal courts (at least 127 civil actions and 76 appeals). At least eighty opinions rendered in these cases have been officially published in the Federal Reporter series. See list reproduced as Attachment 1. Other decisions have been published in Government Disclosure Service ("GDS") or excerpted or summarized in Access Reports, The Privacy Times, The Daily Washington Law Reporter, The News Media and the Law, FOIA Update and United States Law Week. Several of my cases have set precedents and are cited

frequently in standard books and treatises on the FOIA. At least two law review articles have been written on FOIA cases I handled.

5. I am familiar with rates charged by attorneys in the Washington, D.C. area, and with the "Laffey matrix, in which the U.S. Attorneys Office for the District of Columbia calculates those rates based on the experience level of attorneys. I have thirty-four years of experience litigating FOIA cases.. On the basis of the information available to me, I believe that an hourly rates reflected in the Laffey Matrix as calculated by the U.S. Attorneys Office for the District of Columbia is at or below the current market rate for an attorney with my level of experience and expertise.

6. Attachment 2 to this declaration is an itemization of all the compensable time that I spent working on this case.

7. Attachment 3 is a chart of the compensable amount of fees set forth by year and calculated to the appropriate Laffey Matrix rate.

8. Mr. Davy seeks also seeks costs in the amount of \$867.05. These costs consists of filing fees (\$ 605.00), postage (\$ 3.95), and xeroxing (\$258.10).

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of January, 2007.

  
JAMES HIRAM LESAR



PUBLISHED DECISIONS IN FOIA CASES HANDLED BY LESAR

1. AARC v. DOJ, 43 F.3d 1542 (D.C.Cir.1995)
2. Allen v. Central Intelligence Agency, 516 F.Supp 653 (D.D.C. 1981)
3. Allen v. Central Intelligence Agency, 636 F.2d 1287, 205 U.S.App. D.C. 159 (1980)
4. Allen v. Department of Defense, 580 F.Supp. 74 (D.D.C.1983)
5. Allen v. Department of Defense, 658 F.Supp. 15 (D.D.C.1986)
6. Allen v. Department of Defense, 713 F.Supp. 7 (D.D.C.1989)
7. Allen v. F.B.I., 551 F.Supp. 694 (D.D.C.1982)
8. Allen v. F.B.I., 716 F.Supp 667 (D.D.C.1988)
9. Allen v. Federal Bureau of Investigation, 749 F. Supp. 21 (D.D.C.1990)
10. Allen v. F.B.I., 751 F.Supp. 255 (D.D.C.1990)
11. Aronson v. U.S. Dept. of Housing and Urban Dev., 822 F.2d 182 (1st Cir.1987)
12. Aronson v. U.S. Dept. of Housing and Urban Dev., 866 F.2d 1 (1st Cir.1989)
13. Assassination Archives & Research Center v. C.I.A., 720 F.Supp. 217 (D.D.C.1989)
14. Assassination Archives & Research Center v. C.I.A., 177 F. Supp. 2d 1 (D.D.C. 2001)
15. Assassination Archives and Research Center v. Dep't of Justice, 43 F.3d 1542 (D.C.Cir.1995)
16. Blakey v. Department of Justice, 549 F.Supp. 362 (D.D.C.1982), aff'd in part, vacated in part, 720 F.2d 215 (D.C.Cir. 1983) (table cite)
17. Blanton v. United States Dep't of Justice, 63 F.Supp.2d 35 (ED.D.C.1999)
18. Blanton v. United States Dep't of Justice, 182 F.Supp.2d 81 (D.D.C.2002)

Attachmnet 1

19. Bowers v. Department v. Department of Justice, 930 F.2d 350 (4th Cir.1991)

20. Campbell v. U.S. Dept. of Justice, 164 F.3d 20 (D.C.Cir.1998)
21. Campbell v. Department of Justice, 193 F.Supp. 2d 29 (D.D.C.2001)
22. Campbell v. U.S. Dept. of Justice, 209 F.R.D. 272 (D.D.C.2002)
23. Canning v. United States Dep't of Justice, 848 F. Supp. 1037 (D.D.C.1994)
24. Curran v. Department of Justice, 640 F.Supp. 153 (D.Mass.1986)
25. Curran v. Department of Justice, 813 F.2d 473 (1st Cir.1987)
26. Davis v. U.S. Dept. of Justice, 968 F.2d 1276 (D.C.Cir.1992)
27. Davy v. Central Intelligence Agency, 456 F.3d 162 (D.C.Cir. 2006)
28. Davy v. Central Intelligence Agency, 357 F.Supp. 2d 76 (D.C.C.2004)
29. Dettmann v. United States Dept. of Justice, 802 F.2d 1472 (D.C.Cir.1986)
30. Dismukes v. Dept. of the Interior, 603 F.Supp. 760 (D.D.C.1984)
31. Exner v. U.S. Dept. of Justice, 902 F.Supp. 240 (D.D.C.1995)
32. Fitzgibbon v. Agency for Intern. Development, 724 F.Supp. 1048 (D.D.C.1989)
33. Fitzgibbon v. U.S. Secret Service, 747 F.Supp. 51 (D.D.C.1990)
34. Freeman v. United States Department of Justice, 822 F.Supp 1064 (S.D.N.Y.1993)
35. Greenberg v. Dept. of Treasury, 10 F.Supp.3d 3 (D.D.C.1998)
36. Hall v. U.S. Dept. of Justice, 26 F.Supp.2d 78 (D.D.C.1998)
37. Hall v. U.S. Dept. of Justice, 63 F.Supp.2d 14 (D.D.C.1999)
38. Hoch v. CIA, 593 F. Supp. 675 (D.D.C.1984); aff'd 1990 U.S. App. LEXIS12344 (D.C.Cir. July 20, 1990).
39. LaRouche v. U.S. Dept. of Treasury, 112 F.Supp.2d 48 (D.D.C. 2000)
40. Lesar v. United States Dept. of Justice, 455 F.Supp. 921



(D.D.C.1978)

41. Lesar v. United States Dept. of Justice, 636 F.2d 472 (D.C.Cir.1980)
42. Lisee v. C.I.A., 741 F. Supp. 988 (D.D.C.1990) (George H. Revercomb, J.)
43. Oglesby v. U.S. Dept. of Army, 920 F.2d 57 (D.C.Cir.1990)
44. Oglesby v. U.S. Dept. of Army, 69 F.3d 1172 (D.C.Cir.1996)
45. Schrecker v. Dept. of Justice, 970 F.Supp. 49 (D.D.C.1997)
46. Schrecker v. U.S. Dept. of Justice, 14 F.Supp.2d 111 (D.D.C.1998)
47. Schrecker v. U.S. Dept. of Justice, 74 F.Supp.2d 26 (D.D.C.1999)
48. Schrecker v. Dept. of Justice, 254 F.3d 162 (D.C.Cir.2001)
49. Schrecker v. U.S. Dept. of Justice, 217 F.Supp.2d 29 (D.D.C.2002)
50. Schrecker v. United States Dept. of Justice, 349 F.3d 657 (D.C.Cir.2003)
51. Shaw v. F.B.I., 749 F.2d 58 (D.C.Cir.1984)
52. Sinito v. Dept. of Justice, 176 F.3d 912 (D.C.Cir.1999)
53. Sloman v. United States Dep't of Justice, 832 F.Supp. 63 (S.D.N.Y.1993)
54. Southam News v. U.S. I.N.S., 674 F.Supp. 881 (D.D.C.1987)
55. Spannaus v. United States Dept. of Justice, 643 F.Supp. 698 (D.D.C.1986)
56. Spannaus v. United States Dept. of Justice, 824 F.2d 52 (D.C.Cir.1987)
57. Spannaus v. CIA, 841 F.Supp. 14 (D.D.C.1993)
58. Steinberg v. United States Dep't of Justice, 23 F.3d 548 (D.C.Cir.1994)
59. Stone v. FBI, 727 F. Supp. 662 (D.D.C.1990)
60. Sullivan v. C.I.A., 992 F.2d 1249 (1st Cir.1993)

61. Summers v. Dept. of Justice, 733 F.Supp. 443 (D.D.C.1990)
62. Summers v. Department of Justice, 140 F.3d 1077 (D.C.Cir.1998)
63. Summers v. U.S. Dept. of Justice, 729 F.Supp. 1379 (D.D.C.1989)
64. Summers v. U.S. Dept. of Justice, 925 F.2d 450 (D.C.Cir.1991)
65. Summers v. U.S. Dept. of Justice, 776 F. Supp 4 (D.D.C.1991)
66. Summers v. United States Dep't of Justice, 934 F.Supp. 458 (D.D.C.1996)
67. Summers v. U.S. Dept. of Justice, 999 F.2d 570 (D.C.Cir.1993)
68. Weisberg v. Dept. of Justice, 543 F.2d 308, 177 U.S.App.D.C. 161 (1976)
69. Weisberg v. U.S. Dept. of Justice, 489 F.2d 71, 160 U.S.App.D.C. 71 (1973) (en banc)
70. Weisberg v. U.S. Dept. of Justice, 763 F.2d 1436 (D.C.Cir.1985)
71. Weisberg v. United States Dept. of Justice, 200 U.S.App.D.C. 312 (1980) 627 F.2d 365 (D.C.Cir.1980)
72. Weisberg v. U.S. Dept. of Justice, 631 F.2d 824, 203 U.S.App.D.C.242 (1980)
73. Weisberg v. U.S. Dept. of Justice, 745 F.2d 1476 (D.C.Cir.1984)
74. Weisberg v. U.S. Dept. of Justice, 227 U.S.App.D.C. 253, 705 F.2d 1344 (1983)
75. Weisberg v. U.S. Department, 848 F.2d 1265 (D.C.Cir.1988)
76. Weisberg v. United States Dept. of Justice, 438 F.Supp. 492 (D.D.C.1977)
77. Weisberg v. United States Dept. of Justice, 705 F.2d 1344, 227 U.S.App.D.C. 253 (1983)
78. Weisberg v. Webster, 749 F.2d 864 (D.C.Cir.1984)
79. Weisberg v. U.S. Dept. of Justice, 720 F.Supp. 1 (D.D.C.1990)

**CHART OF COMPENSABLE FEES ACCORDING TO LAFFEY MATRIX RATE**

<u>Year</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount of Fees</u>
2000-01	9.8	350	3,430.00
2001-02	5.5	360	1,980.00
2002-03	44.6	370	16,502.00
2003-04	9.8	380	3,724.00
2004-05	25.1	390	9,789.00
2005-06	52.7	405	21,343.50
2006-07	23.0	410	<del>68,438.00</del>
		TOTAL:	<u>68,438.00</u>

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**Attachment 3**