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JUSTIN H. PHILLIPS,

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v.

UNITED STATES BUREAU OF THE CENSUS,

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No. 22-cv-09304-JSR

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Jordan A. Goldstein, dated August 11, 2023, the exhibits attached thereto, the Declaration of Ruth Merewyn Greenwood, dated August 11, 2023, the exhibits attached thereto, the Declaration of Theresa J. Lee, dated August 11, 2023, the exhibits attached thereto, the Declaration of Jeffrey Zalesin, dated August 11, 2023, the exhibits attached thereto, and the accompanying Memorandum of Law, Plaintiff Dr. Justin H. Phillips, by his undersigned attorneys, moves for an Order awarding attorneys fees and costs pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552)&+,)-.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRCIT OF NEW YORK

JUSTIN H. PHILLIPS,

Plaintiff,

v.

UNITED STATES BUREAU OF THE CENSUS,

Defendant.

No. 22-cv-09304-JSR

DECLARATION OF JORDAN A. GOLDSTEIN IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES

I, Jordan A. Goldstein, am over the age of 18 and competent to make this declaration. Pursuant to 28 U.S.C. § 1746 and the laws of the United States, I state the following:

1. I am a member of the law firm Selendy Gay Elsberg PLLC ("SGE") and one of the attorneys for Plaintiff Justin H. Phillips in the above-captioned case. I submit this declaration based on personal knowledge, in support of the Plaintiff's application for attorneys' fees.

Counsel's Billing Records

2. I have attached my time records for the prosecution of the FOIA proceeding as Exhibit 1. These time sheets are based on contemporaneous records and, in an effort to make a reasonable demand, do not include the work spent preparing this fee application. I undertook 6.0 hours of work in this case for which Plaintiff is seeking to recover fees, as reflected in Exhibit 1. I believe the 6.0 hours I expended were reasonable and necessary for the success of this case.

3. The work that Plaintiff's counsel have performed to date, and for which Plaintiff seeks to recover its costs and reasonable attorneys' fees, includes, among other tasks: drafting

pleadings and other court documents, preparing for and attending status conferences with Judge Rakoff, settlement negotiations, preliminary work with experts in advance of motion for summary judgment, and communications with Plaintiff.

4. Plaintiff does not seek to recover fees for time spent litigating this fee application.

5. The hourly rates sought for my work ($811.90 per hour) and Jeffrey Zalesin's work ($499.63 per hour) in this matter are significantly lower than the rates SGE regularly charges for my time and for Mr. Zalesin's time, respectively.

Jordan A. Goldstein's Qualifications

6. I concurrently received my J.D. from Harvard Law School and my M.B.A. from Harvard Business School in 2002.

7. I am one of the founding partners of SGE, which was established in 2018. I currently serve as a Partner and General Counsel of SGE. My practice at SGE focuses on complex commercial disputes in federal and state courts and before arbitral tribunals. I frequently litigate on behalf of both plaintiffs and defendants. I have extensive experience conducting trials and litigating in appellate courts.

8. Before co-founding SGE, I worked as a Partner at Quinn Emanuel Urquhart & Sullivan, LLP (2010 to 2018); Special Counsel to the Assistant Attorney General in the National Security Division of the U.S. Department of Justice ("DOJ") (2008); Attorney Advisor in the Office of Legal Counsel at DOJ (2006-2008); Law Clerk to the Honorable Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit (2005-2006); and Associate at Wachtell, Lipton, Rosen & Katz (2002-2005).

9. Representative matters that I have litigated in private practice include, among many others, *Federal Housing Finance Agency v. Nomura Holding America, Inc.*, 1:11-cv-06201

(S.D.N.Y.) (served as trial counsel in a one-month trial in the Southern District of New York, in which the Federal Housing Finance Agency obtained an $800 million judgment, as well as attorneys' fees, from Nomura and RBS based on findings the investment banks had made false statements to Fannie Mae and Freddie Mac in offering materials for residential mortgage-backed securities); *Knox County Pension & Retirement Board v. Allianz Global Investors US LLC*, Index No. 651233/2021 (N.Y. Sup. Ct.) (represented mutual fund shareholders who purchased, sold, or liquidated mutual fund shares managed by Allianz Global Investors U.S. LLC's Structured Property Groups from January 1, 2015, to December 31, 2020, securing a $145 million settlement); and *Kearny Investors S.A.R.L. v. Goldman Sachs & Co.*, 16-cv-09566 (S.D.N.Y.) (action against multiple investment banks based on alleging violations of federal and state securities laws arising from the issuance of SunEdison securities).

10. I am admitted to practice before several federal courts, including the U.S. District Court for the Southern District of New York and the U.S. Court of Appeals for the Second Circuit. I have been admitted pro hac vice in numerous other courts.

11. I was admitted to the New York State Bar (Bar No. 4154316) on June 20, 2003, and remain in good standing. I was admitted to the Florida Bar (Bar No. 1030913) on September 21, 2021, and remain in good standing.

12. I have not been disciplined by any state or federal bar and there are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

Exhibits

13. Attached to this Declaration is a true and accurate copy of Exhibit 1 – my detailed time records in this matter.

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

Executed on this 11th day of August, 2023,

By:

Jordan A. Goldstein

EXHIBIT 1

Plaintiff's Attorney Jordan Goldstein Time Entry Ledger

Date	**Description**	**Time**
6/14/22	Editing FOIA request.	0.80
10/20/22	Edit complaint.	1.20
10/27/22	Edit notice of motion, memorandum of law, and ancillary papers.	1.20
10/31/22	Review filings for today.	0.80
11/10/22	Edit email to Court.	0.30
12/12/22	Rule 26(f) conference (.4).	0.40
12/19/22	Moot court for upcoming hearing.	1.00
12/20/22	Court hearing (.3).	0.30
Total		**6.00**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRCIT OF NEW YORK

JUSTIN H. PHILLIPS,

Plaintiff,

v.

UNITED STATES BUREAU OF THE CENSUS,

Defendant.

No. 22-cv-09304-JSR

DECLARATION OF RUTH MEREWYN GREENWOOD IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES

I, Ruth Merewyn Greenwood, am over the age of 18 and competent to make this declaration. Pursuant to 28 U.S.C. § 1746 and the laws of the United States, I state the following:

1. I am the Director of the Election Law Clinic at Harvard Law School, and one of the attorneys for Plaintiff Dr. Justin H. Phillips in the above-captioned case. I am admitted to practice in this Court on a pro hac vice basis. I submit this declaration based on personal knowledge, in support of the Plaintiff's application for attorneys' fees and costs.

Counsel's Billing Records

2. I attach my time records for the prosecution of the FOIA proceeding as Exhibit 1. These time sheets are based on contemporaneous records and, in an effort to make a reasonable demand, do not include the work spent preparing this fee application. I undertook 40.1 hours of work in this case for which Plaintiff is seeking to recover fees, as reflected in Exhibit 1. I believe the 40.1 hours I expended were reasonable and necessary for the success of this case.

3. The work that Plaintiff's counsel have performed to date, and for which Plaintiff seeks to recover its costs and reasonable attorney's fees, includes, among other tasks: drafting pleadings and other court documents, preparing for and attending status conferences with Judge Rakoff, settlement negotiations, preliminary work with experts in advance of motion for summary judgment, and communications with Plaintiff.

4. Plaintiff does not seek to recover fees for time spent litigating this fee application.

Ruth Greenwood's Qualifications

5. I graduated with an LL.B (Hons I) / B.Sc. (Hons I) from the University of Sydney in 2005. I received my LL.M from Columbia Law School in 2009 and was a Harlan Fiske Stone Scholar. I was admitted to the New York State Bar (Bar. No. 4947966) on June 21, 2011 and remain in good standing. I was admitted to the Illinois State Bar (Bar No. 6310903) on May 9, 2013 and remain in good standing. I was admitted to the Bar of the Commonwealth of Massachusetts (Bar No. 707247) on January 6, 2021 and remain in good standing. I am also admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Seventh, Eighth, Ninth, and Eleventh Circuits, and the United States District Courts for the District of Colorado, the District of Massachusetts, and the Northern District of Illinois. I have been admitted pro hac vice to a number of other state and federal courts. I have not been disciplined by any state or federal bar and there are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

6. In 2006, directly after graduating from law school in Sydney, I worked as a clerk (called a "tipstaff" in Australia) for the Hon. Justice R.P. Austin of the Supreme Court of New South Wales. For two years (2007, the first half of 2008, and the latter half of 2009), I worked as

a solicitor in the litigation department of the law firm now called Allens Linklaters (then called Allens Arthur Robinson).

7. I have worked in voting rights and redistricting law and advocacy since 2009. I worked as a foreign trained attorney with what is now called the Fair Elections Project from December 2009 until March 2011. During that time, I worked on voting rights advocacy projects in multiple states including writing a report *Lose Your Home; Keep Your Vote (2010)* about the possible effect of the foreclosure crisis on disenfranchisement in the 2010 elections. I then worked as a Redistricting Fellow with the Democratic National Committee's Voting Rights Institute from April 2011 to November 2012. That role included drafting multiple pre-litigation memos for possible redistricting lawsuits, assisting with briefing for the plaintiffs in *Obama for America v. Husted*, 697 F.3d 423 (6th Cir. 2012), and running the preparation for and implementation of Election Day 2012 voter protection efforts in New Hampshire.

8. From 2013-2016, I worked at the Chicago Lawyers' Committee, where I first worked as a voting rights attorney and fellow, and then served as Lead Counsel for Voting Rights. I managed the organization's Voting Rights Program, including voting rights and redistricting advocacy and litigation. In this role, I ran the organization's Election Protection program, which helped voters with questions about voting and applicable election law in Illinois. I worked on a number of redistricting matters at the Chicago Lawyers' Committee, including serving as co-counsel for Plaintiffs in *Whitford v. Gill*, a case challenging Wisconsin's state assembly map as an unconstitutional partisan gerrymander. I also successfully represented a group of residents challenging the City of Blue Island's ward map as violating the federal constitution, resulting in a new ward map that complied with Section 2 of the Voting Rights and the constitution. In 2014, I was awarded an Exceptional Service Award by the Chicago Board of Elections for my work on

Chicago Democracy Week. In 2016, I was a Civic Leadership Academy Fellow with the University of Chicago. From 2014 to 2015, I also served on the board of the nonpartisan, nonprofit Prison Policy Initiative. From 2015-2016, I also served as a board member for the Independent Map Amendment organization, which sought to establish an independent redistricting commission in Illinois.

9. In 2016, I joined the Campaign Legal Center ("CLC") as Senior Redistricting Counsel, where my work focused on redistricting and voting rights litigation and advocacy. I was then promoted to serve as a Co-Director of Voting Rights and Redistricting. In both of these roles, I served in a supervisory capacity. While at CLC, I worked on a range of complex redistricting litigation, including continuing to serve as co-counsel in *Whitford v. Gill* at both the trial and appellate phases of the case, including at the U.S. Supreme Court and on remand to the federal district court. I also served as co-counsel for Plaintiffs in *League of Women Voters of North Carolina, v. Rucho,* which challenged North Carolina's congressional map as an unconstitutional partisan gerrymander, at both the trial and appellate levels. I also represented Plaintiffs at the pre-trial and trial phases in *Holloway v. City of Virginia Beach*, a challenge to Virginia Beach's City Council districts under Section 2 of the Voting Rights Act. In 2020, I served as co-counsel to Plaintiffs in *Miller v. Thurston* and *Sinner v. Jaeger*, cases challenging signature requirements during the COVID pandemic for redistricting ballot initiatives in Arkansas and North Dakota. I presented oral arguments in the *Miller* case at the Western District of Arkansas and the Eighth Circuit. Finally, I also served as counsel on a FOIA enforcement lawsuit involving the Census Bureau, *Campaign Legal Center v. Bureau of the Census*, No. 8:20-cv-625 (D. Md. filed Mar. 6, 2020).

10. While at CLC, I also helped draft amicus briefs and/or served as amici counsel in a number of voting rights and redistricting cases, including *Benisek v. Lamone* (federal challenge to Maryland's congressional map as an unconstitutional partisan gerrymander); *Corman v. Torres* (federal challenge to remedial Pennsylvania congressional map); *Hooker v. Illinois State Board of Elections* (Illinois state supreme court challenge involving a redistricting ballot initiative petition), for which co-counsel and I won the Green Bag Award for Exemplary Legal Writing in 2016; *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania* (Pennsylvania state supreme court case challenging state map as an unconstitutional partisan gerrymander); *In the Matter of Title, Ballot Title, and Submission Clause for Proposed Initiative 2017-2018 #69 et al* (series of Colorado state supreme court cases involving a challenge to ballot initiatives relating to state legislative and congressional redistricting); and *Cockrum v. Trump* (case involving a challenge under 42 U.S.C. § 1985(3)). I have also consulted on and helped draft language for numerous redistricting legislation and policies across the country, including independent redistricting commissions and state voting rights acts.

11. While working at CLC, I also served as an Adjunct Professor of Law at Loyola University Chicago School of Law from 2014-2019, where I taught Election Law. From 2020-2021, I served as a Lecturer in Law at Harvard Law School, where I taught the Voting Rights Litigation and Advocacy externship clinic.

12. In July 2021, I joined Harvard Law School full-time as Visiting Assistant Clinical Professor of Law and the Founding Director of the Election Law Clinic at Harvard Law School ("ELC"). In that role I serve as counsel for plaintiffs in a racial gerrymandering case, *Jacksonville Branch of the NAACP v. City of Jacksonville*, No. 3:22-cv-493 (M.D. Fl filed May 3, 2022), and I

served as counsel for plaintiffs in a mandamus action related to redistricting and elections, *Staples v. DeSantis*, No. 2021-CA-1781 (Fla. Cir. Ct. filed Oct. 15, 2021).

13. As Director of the ELC I have also helped draft amicus briefs and/or served as amici counsel in a number of voting rights and redistricting cases, including: *Johnson v Wisconsin Elections Commission*, No. 2021-AP-1450 (Wis. filed Aug. 23, 2021) (case determining the state legislative and congressional redistricting plans for the 2020 decade), *West Virginia v. Environmental Protection Agency*, No. 20-1530 (U.S. filed Apr. 29, 2021) (dealing with, *inter alia*, the non-delegation doctrine), *Harper v. Hall,* No. 413P21 (N.C. filed Dec. 6, 2021) (North Carolina Supreme Court case alleging partisan gerrymandering), *Alpha Phi Alpha Fraternity v. Raffensperger,* No. 1:21-cv-5337 (N.D. Ga. filed Dec. 30, 2021*)* (vote dilution claim under Section 2 of the Voting Rights Act), *Allen v. Milligan*, No. 21-1087 (U.S. filed Jan 28, 2022) (vote dilution claim under Section 2 of the Voting Rights Act), *Moore v. Harper*, No 21-1271 (U.S. filed Feb. 25, 2022) (case dealing with whether the independent state legislature theory is a defense against State Supreme Courts striking down redistricting plans as partisan gerrymanders), *Portugal v. Franklin County*, No. 21-250210-11 (Wash. Super. Ct. filed Apr. 22, 2021) and No. 100999-2 (Wash. filed June 8, 2022) (case dealing with the constitutionality of the Washington Voting Rights Act), *Borja v. Nago*, No. 22-16742 (9th Cir. filed Nov. 8, 2022) (case alleging absentee voting rule in Hawaii is a violation of the Fourteenth Amendment), *League of Women Voters of Utah v. Utah State Legislature*, No. 20220991-SC (Utah filed Feb. 28, 2023) (partisan gerrymandering claim under the state constitution).

14. I have written or co-authored a number of academic articles and chapters on the topic of voting rights and redistricting including: *Voting Rights Federalism*, Emory Law Journal (2024 Forthcoming), *Voting Under State Law*, Oxford Handbook of American Election Law (2024

Forthcoming), *Fair Representation in Local Government*, 5 Ind. J.L. & Soc. Equality 197 (2017); *Return of the States*, 40 N.Y.U. Rev. L & Soc. Change 97 (2015).

15. In addition to formal academic writing, I have also written a number of reports and articles relating to voting rights and redistricting. Some examples include *The Color of Representation: Local Government in Illinois* (2015); *Partisan Gerrymandering in 2016: More Extreme Than Ever Before* (2016); *Make Democracy Count: Ending Partisan Gerrymandering* (2016); *Designing Independent Redistricting Commissions* (2018); and *Designing State Voting Rights Acts: A Guide to Securing Equal Voting Rights for People of Color and a Model Bill* (2020). In addition, I have spoken to numerous groups and panels across the country on various voting rights and redistricting topics.

Exhibits

16. Attached to this Declaration is a true and accurate copy of Exhibit 1 – my detailed time records in this matter.

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

Executed on this11th day of August, 2023,

By:

Ruth Merewyn Greenwood

EXHIBIT 1

Plaintiff’s Attorney Ruth Greenwood Time Entry Ledger

Date	**Description**	**Time**
2/15/22	Email w client about case	0.3
2/16/22	Draft co-counsel and retainer agreement to send to ELC and S&G team	0.5
2/16/22	Research past FOIA examples to give to students for drafting assistance	0.5
9/21/22	Discuss draft complaint with student	0.3
9/21/22	Review email asking for update on status	0.2
9/22/22	Meet with team to discuss follow up with Census Bureau and review draft complaint and motion to expedite	1.0
9/22/22	Email with J Bissasor about motion to expedite	0.1
9/23/22	Draft Meeting notes and circulate	0.3
9/23/22	Communicate w N Tang re possible expert list to investigate	0.1
9/29/22	Discuss draft complaint	0.7
9/30/22	Review email to client re experts	0.1
10/3/22	Edit complaint, leave some comments for next reviewer	1.5
10/6/22	Meet with team re editing complaint	0.9
10/7/22	Meet with possible experts for case, update team with notes	1.5
10/13/22	Meet with team re: upcoming filing	1.0
10/19/22	Review complaint and motion to expedite, leave comments	1.0
10/19/22	Review email on cert of service and local rules, review local rules	0.2
10/20/22	Meet with team re: complaint filing and motion to expedite	1.0
10/21/22	Draft and send email to client to update on status	0.3
10/27/22	Meet with J Zalesin and team re: final details of case filing plan	1.0
10/31/22	Email client with filed copies	0.1
11/3/22	Meet with team re next steps on exemptions research, experts, and discovery research	1.0
11/7/22	Discuss Judge Rakoff with T Lee and J Zalesin	0.2
11/10/22	Meet with team and J Zalesin: case status and strategy	0.6
11/14/22	Meet with opposing counsel, discuss possible motion to expedite	0.4
11/14/22	Email team re call with opposing counsel	0.2
11/30/22	Email team re census response upcoming	0.2
12/7/22	Research into NARA	0.7
12/8/22	Research into discovery motion and possible defenses	4.8
12/8/22	Draft 26f dates and email team	0.3
12/8/22	Team meeting to discuss 26f conference	1.0
12/8/22	Draft letter to send complaint to judge	0.3
12/9/22	Research memo for student to do on FOIA and discovery cases	0.3
12/11/22	Update dates for 26f	0.3
12/15/22	Team meeting	0.7
12/16/22	Draft memo on bureau claims of privacy in publications	2.5
12/19/22	Review hearing notes by J Zalesin add comments	0.5
12/20/22	26 f conference	0.4
12/20/22	Post hearing debrief	0.5
12/20/22	Emails to experts	0.5
1/11/23	Email to expert re expert report	0.1
1/11/23	Call with J Zalesin re: next steps	0.3

Date	**Description**	**Time**
1/18/23	Call with opposing counsel, then follow up with co-counsel about schedule	1.0
1/23/23	Team meeting re J Vargas email	0.7
1/23/23	Draft email to J Vargas	0.3
1/23/23	Send email to J Vargas	0.1
1/23/23	Email to team about J Vargas email and update client	0.6
1/25/23	Pre meet and confer convo w T Lee	1.0
1/25/23	Meet and confer	0.8
1/25/23	Post meet and confer discussion w J Zalesin and T Lee and D Herndon	0.3
1/26/23	Teleconference with Judge's chambers to change dates	0.5
1/26/23	Meet with expert and then team to discuss next steps on case	1.0
2/1/23	Weekly meeting to discuss next steps on MSJ and FOIA follow up	0.5
2/1/23	Meet with expert re next steps on case	0.5
2/15/23	With clinic team re: drafting motion for summary judgment	0.6
3/8/23	Meet with team	0.3
4/3/23	Review TPs for call on Tues	0.2
4/3/23	Review and edit MSJ	1.5
4/4/23	Meet and confer with J Vargas	0.6
4/6/23	Review MSJ memo and edit, circulate to co-counsel	0.8
4/6/23	Review email from J Vargas	0.1
4/7/23	Discuss finalizing MSJ docs	0.3
Total		**40.1**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRCIT OF NEW YORK

JUSTIN H. PHILLIPS,

Plaintiff,

v.

UNITED STATES BUREAU OF THE CENSUS,

Defendant.

No. 22-cv-09304-JSR

DECLARATION OF JEFFREY ZALESIN IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES

I, Jeffrey Zalesin, am over the age of 18 and competent to make this declaration. Pursuant to 28 U.S.C. § 1746 and the laws of the United States, I state the following:

1. I am an associate at the law firm Selendy Gay Elsberg PLLC ("SGE") and one of the attorneys for Plaintiff Justin H. Phillips in the above-captioned case. I submit this declaration based on personal knowledge, in support of the Plaintiff's application for attorneys' fees and costs.

Counsel's Billing Records

2. I attach my time records for the prosecution of the FOIA proceeding as Exhibit 1. These time sheets are based on contemporaneous records and, in an effort to make a reasonable demand, do not include the work spent preparing this fee application. I undertook 56.1 hours of work in this case for which Plaintiff is seeking to recover fees, as reflected in Exhibit 1. I believe the 56.1 hours I expended were reasonable and necessary for the success of this case.

3. The work that Plaintiff's counsel have performed to date, and for which Plaintiff seeks to recover its costs and reasonable attorneys' fees, includes, among other tasks: drafting

pleadings and other court documents, preparing for and attending status conferences with Judge Rakoff, settlement negotiations, preliminary work with experts in advance of motion for summary judgment, and communications with Plaintiff.

4. Plaintiff does not seek to recover fees for time spent litigating this fee application.

Jeffrey Zalesin's Qualifications

5. I received my J.D. from Yale Law School in May 2019. While in law school, I participated as a student intern in the Rule of Law Clinic ("ROLC") and was a member of a ROLC team that represented the National Association for the Advancement of Colored People ("NAACP") and certain of its affiliates in two litigation matters concerning the 2020 Census: *NAACP v. U.S. Dep't of Commerce*, 3:17-cv-01682 (D. Conn.) (FOIA action), and *NAACP v. Bureau of the Census*, 8:18-cv-00891 (D. Md.) (action under the Constitution and Administrative Procedure Act).

6. From 2019 to 2020, I served as a Legal Fellow at Campaign Legal Center ("CLC"). My practice at CLC was devoted to litigation and public advocacy regarding the 2020 Census, redistricting, voting rights, and campaign finance. Some of the litigation on which I worked at CLC, like the present action, involved claims under FOIA. The litigation matters on which I worked at CLC include *Campaign Legal Center v. Bureau of the Census*, 8:20-cv-00625 (D. Md.) (FOIA action); *Campaign Legal Center v. Federal Election Commission*, 1:19-cv-02336 (D.D.C.) (action challenging dismissal of administrative complaint regarding alleged violations of campaign finance law); *Holloway v. City of Virginia Beach*, 2:18-cv-0069 (E.D.V.A.) (Voting Rights Act action); *Raysor v. Lee*, 4:19-cv-00301 (N.D. Fl.) (challenge to Florida law requiring payment of certain financial obligations as condition of restoration of voting rights to individuals with felony convictions); *League of Women Voters of Tennessee v. Hargett*, 3:19-cv-385 (M.D. Tenn.)

(challenge to Tennessee law restricting voter registration activities); and *League of Women Voters of Minnesota v. Simon*, 20-cv-01205 (D. Minn.) (challenge to certain restrictions on voting by mail in Minnesota during COVID-19 pandemic).

7. From 2020 to 2021, I served as a Law Clerk to the Honorable Christopher R. Cooper of the United States District Court for the District of Columbia.

8. Since 2021, I have served as an Associate at SGE. My practice at SGE focuses on complex commercial disputes in federal and state courts and before arbitral tribunals. Representative matters on which I have worked at SGE include *Deutsche Bank Securities Inc. v. Kingate Global Fund Ltd.*, 19-cv-10823 (S.D.N.Y.) and *Fortis Advisors LLC v. Johnson & Johnson*, C.A. No. 2020-0881-LWW (Del. Ch.). I also maintain an active public-interest practice focused on voting rights and redistricting. In addition to representing Plaintiff in the instant action, I represented the American Bar Association as *amicus curiae* in *Moore v. Harper*, 21-1271, a case before the Supreme Court concerning redistricting and elections.

9. I am admitted to practice before the U.S. District Court for the Southern District of New York, the U.S. District Court for the Eastern District of New York, and the U.S. District Court for the District of Columbia. I have been admitted pro hac vice in certain other courts, including the U.S. District Court for the District of Maryland and the Delaware Court of Chancery.

10. I was admitted to the District of Columbia bar (Bar. No. 1671482) on December 27, 2019, and remain in good standing. I was admitted to the New York State Bar (Bar. No. 5936513) on January 18, 2022, and remain in good standing.

11. I have not been disciplined by any state or federal bar and there are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

Exhibits

12. Attached to this Declaration is a true and accurate copy of Exhibit 1 – my detailed time records in this matter.

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

Executed on this 11th day of August, 2023,

By:

Jeffrey Zalesin

EXHIBIT 1

Plaintiff's Attorney Jeffrey Zalesin Time Entry Ledger

Date	Description	Time
6/1/22	Recommend revisions to partner organization's draft of proposed FOIA request for prospective client in Census Bureau matter. Prepare for and participate in call with J. Goldstein re: same.	3.50
6/14/22	Respond to questions from J. Goldstein re: FOIA request	0.60
6/15/22	Read recent article by Census Bureau officials. Email co-counsel re: same.	0.60
6/16/22	Revise FOIA request to incorporate recent article by Census Bureau officials	1.00
6/17/22	Supervise cite check of FOIA request	0.80
6/22/22	Incorporate edits to FOIA request from cite check	0.70
6/23/22	Make final corrections to FOIA request	2.00
6/28/22	Lead introductory call with summer associates	1.00
7/1/22	Quarterly update of budget estimate for pro bono matter	1.30
7/7/22	Communicate with co-counsel re filing of FOIA request	0.40
7/15/22	Call with summer associates re research tasks	0.20
7/29/22	Call with N. Tang re FOIA Exemption 3	0.50
9/8/22	Call with co-counsel re planning for fall semester and call with Census Bureau FOIA office	0.50
9/20/22	Respond to email from N. Tang re outreach to FOIA office	0.30
9/22/22	Comment on draft complaint. Participate in meeting with Election Law Clinic.	1.20
9/29/22	Prep for and participate in call with Election Law Clinic re draft complaint	1.10
10/5/22	Edit and comment on draft complaint	2.20
10/6/22	Call with Election Law Clinic re: revisions to complaint	0.90
10/13/22	Meeting with clinic team re: upcoming filing	1.00
10/18/22	Suggest edits to near-final version of complaint	0.50
10/19/22	Update J. Goldstein and C. Halligan on case status. Correspond with co-counsel re: filing plan.	0.60
10/20/22	Meeting with Election Law Clinic re: complaint filing and motion to expedite. Review and respond to edits to complaint from J. Goldstein. Propose edits to Clinic.	2.00
10/21/22	Attention to draft motion to expedite	0.40
10/24/22	Call with E. Maynard re: communications strategy	0.40
10/26/22	Edit motion to shorten answer deadline. Call with co-counsel re: same.	1.40
10/27/22	Meet with Election Law Clinic re: final details of case filing plan. Revise scheduling motion and ancillary papers.	1.70
10/28/22	Correspondence with co-counsel	0.10

10/29/22	Final review and edits on complaint, scheduling motion, and all supporting papers. Edit draft case summary for firm website.	1.50
10/31/22	Attention to complaint filing and public communications re: same	0.40
11/2/22	Prepare notices of appearance for J. Goldstein and J. Zalesin	0.30
11/7/22	Attention to filing of notices of appearance for self and J. Goldstein	0.30
11/9/22	Call US Attorney's Office re anticipated scheduling motion. Edit student draft of email to Court re anticipated scheduling motion.	1.00
11/10/22	Meeting with co-counsel re: case status and strategy	0.60
11/14/22	Call with R. Greenwood re: status of contact with US Attorney's Office	0.10
11/17/22	Attend weekly team meeting. Read memos circulated in advance of same.	1.30
12/1/22	Weekly team meeting with Election Law Clinic	0.50
12/2/22	Review Census Bureau's response to FOIA request. Call with clinic team re: same.	0.70
12/7/22	Attention to logistics of upcoming court conference	0.30
12/8/22	Call with R. Greenwood and T. Lee re: position on case management order	1.00
12/9/22	Call with client J. Phillips re: discovery plan	0.30
12/12/22	Meet and confer with DOJ re: case management plan	0.60
12/12/22	Revise proposed joint report re: discovery plan. Discuss same with R. Greenwood.	1.40
12/14/22	Research case law re: discovery in FOIA cases	0.50
12/15/22	Call with R. Greenwood and T. Lee re: prep for case management conference. Review case law for same.	1.20
12/16/22	Draft outline of talking points for case management conference	0.60
12/17/22	Analyze case law and draft talking points on anticipated questions for case management conference	5.90
12/19/22	Moot with J. Goldstein and clinic partners for case management conference. Revise talking points for same.	2.80
12/20/22	Argue case management issues at telephonic conference. Prepare for and debrief from same. Call with R. Greenwood and R. Guong re: potential expert witnesses.	2.20
1/11/23	Call with Election Law Clinic re: next steps	0.30
1/18/23	Call with opposing counsel re: possible data releases. Follow-up call with co-counsel.	0.50
1/23/23	Call with co-counsel re: position on briefing schedule. Emails with co-counsel re: same.	0.80
1/24/23	Prep for meet and confer with DOJ re: scheduling issue	0.30
1/25/23	Meet and confer with DOJ re: briefing schedule	0.60
1/29/23	Draft email memorializing meet and confer with DOJ	0.40
1/30/23	Update budget for pro bono matter	0.50
2/1/23	Meeting with clinic team	0.20

2/15/23	Meeting with clinic team re: drafting motion for summary judgment	0.60
2/22/23	Read new scholarship relevant to merits	0.40
3/1/23	Comments on draft MSJ. Participate in team meeting.	1.10
Total		**56.10**