

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
)	
ELECTRONIC PRIVACY INFORMATION CENTER)	
)	
Plaintiff,)	
)	
v.)	Civil No. 10-0196 (BAH)
)	
NATIONAL SECURITY AGENCY)	
)	
Defendant.)	
_____)	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES AND COSTS**

STATEMENT

Following President Obama’s proposed review of government cybersecurity activities in 2009, EPIC sought from the National Security Agency (“NSA”) a 2008 Presidential Directive granting the agency authority over U.S. computer networks. EPIC filed a request under the Freedom of Information Act to obtain the full text of National Security Presidential Directive 54 (“NSPD-54”) and related documents. After the NSA failed to produce responsive records, EPIC filed suit. As a result of this litigation, the NSA produced NSPD-54 to EPIC, and the U.S. Court of Appeals for the D.C. Circuit subsequently issued an order in EPIC’s favor. EPIC has “substantially prevailed” and is eligible for and entitled to recover fees and costs under 5 U.S.C. § 552(a)(4)(E). EPIC has incurred \$59,298.29 in attorneys’ fees and costs in this matter to obtain NSPD-54. These fees are established by detailed and contemporaneously recorded billing records, which are set out in the attached exhibits.

FACTUAL BACKGROUND

In 2008, President George W. Bush signed NSPD-54, a presidential directive that established the Comprehensive National Cybersecurity Initiative (“CNCI”), a “multi-agency, multi-year plan that lays out twelve steps to securing the government’s cyber networks.” Compl. at 3, ECF No. 1. In February 2009, President Obama initiated a comprehensive review of the federal government’s cybersecurity efforts. Jaikumar Vijayan, *Obama Taps Bush Aide Melissa Hathaway to Review Federal Cybersecurity Efforts*, Comp. World. (Feb. 9, 2009).¹ In April 2009, Senator Jay Rockefeller introduced the Cybersecurity Act of 2009, which purported to expand the federal government’s authority over critical infrastructure cybersecurity. Compl. at ¶ 9.

EPIC filed a FOIA request to the NSA on June 25, 2009, in response to the Obama administration’s focus on cybersecurity and pending cybersecurity legislation in Congress. Compl. at ¶ 15. EPIC sought the full text of NSPD-54, the CNCI, and all related privacy policies. *Id.* In a series of letters sent over the next six months, the NSA made several determinations regarding EPIC’s FOIA request, and each time EPIC responded with an administrative appeal. *See* Compl. at ¶¶ 19-50. By December 18, 2009, the date of the NSA’s final letter, the NSA made clear its position that the CNCI and related privacy policies were exempt from disclosure under the FOIA. The NSA argued further that because NSPD-54 did not originate with the agency, EPIC’s request must be processed by the National Security Council (“NSC”). *See id.*

EPIC filed this suit against the NSA and the NSC on February 4, 2010, after the agencies failed to respond within the FOIA’s statutory deadline and after EPIC had

¹ <http://www.computerworld.com/article/2530765/security0/obama-taps-bush-aide-melissa-hathaway-to-review-federal-cybersecurity-efforts.html>.

exhausted its administrative remedies. *See* Compl. at ¶ 53. EPIC’s complaint alleged four counts: (1) NSA’s failure to comply with statutory deadlines, (2) NSA’s failure to disclose responsive agency records, (3) NSC’s failure to disclose responsive agency records, and (4) violation of the Administrative Procedure Act (APA), 5 U.S.C. § 706. *Id.* at ¶¶ 52-73. The NSA and NSC subsequently filed an answer and partial motion to dismiss on March 25, 2010. *See* Answer, ECF No. 5; Mot. Dismiss, ECF No. 6.

On July 7, 2011, this Court issued a Memorandum Opinion partially granting the NSA’s motion to dismiss. Mem. Op., ECF No. 9. The Court dismissed the claim against the NSC and the APA claim against the NSA. *Id.* at 16. The Parties then moved for summary judgment. After the Parties submitted their cross motions for summary judgment but before the Court issued a ruling, the Court gave the Parties an opportunity to submit briefs addressing the relevance of a recent decision by the U.S. Court of Appeals for the D.C. Circuit. *See* Min. Order (Sept. 9, 2013); *Judicial Watch v. U.S. Secret Service*, 726 F.3d 208 (D.C. Cir. 2013). The Parties declined to brief this issue. Joint Status Report, ECF No. 26.

On October 21, 2013, the Court issued a Memorandum Opinion granting in part and denying in part EPIC’s motion for summary judgment. Mem. Op., ECF No. 27. The Court held that NSPD-54 was not an “agency record” subject to the FOIA. *Id.* at 8. According to the Court, “[T]he parties gloss over the question of whether NSPD 54 is an ‘agency record’ at all, which is a threshold question the Court must resolve before turning to the applicability of any exemptions Under this Circuit’s recent opinion in *Judicial Watch*, the answer to this critical question as to NSPD 54 is no, rendering all other arguments about the applicability of Exemption 5 moot.” *Id.* The Court also ruled that the

NSA had “improperly narrowed its search for responsive records [regarding the CNCI]” to only those records with the NSA rather than all relevant federal agencies. *Id.* at 24-25.

On December 17, 2013, EPIC filed a notice of appeal to the U.S. Court of Appeals for the D.C. Circuit. *See* Notice of Appeal, ECF No. 32. EPIC appealed the issue of “[w]hether the district court erred in holding that a Presidential Directive in the possession of a federal agency is not an agency record subject to the FOIA.” Appellant Br. at 1, *EPIC v. NSA*, No. 13-5369 (D.C. Cir. dismissed July 31, 2014), ECF No. 1486351. During the pendency of the appeal, EPIC accepted a Rule 68 Offer of Judgment for \$3,500 from the NSA, dated January 27, 2014, “in full resolution of all claims” then before the Court for “all costs, including attorney’s fees, incurred in this action.” *See* Judgment on Offer & Acceptance, ECF No. 37.²

On March 31, 2014, EPIC submitted its opening brief. Appellant Br., *EPIC v. NSA*, No. 13-5369, ECF No. 1486351. On April 22, 2014, the D.C. Circuit granted the NSA’s motion to extend time to file the agency’s brief to June 9, 2014. Clerk’s Order, *EPIC v. NSA*, No. 13-5369, ECF No. 1489353. On June 5, 2014, four days before the NSA’s brief was due, the agency provided to EPIC the complete text of NSPD-54. Steve Aftergood, *NSA Releases NSPD-54 on Cybersecurity Policy*, Federation Am. Sci. (June 10, 2014).³ On June 9, 2014, the Parties jointly moved to vacate the portion of this Court’s decision finding that NSPD-54 was not an agency record subject to the FOIA. Joint Mot. Vacate, *EPIC v. NSA*, No. 13-5369, ECF No. 1496765. On July 31, 2014, the

² EPIC dedicated four out of thirty-one pages (roughly 13%) of its summary judgment motion and reply brief to the issues upon which EPIC had substantially prevailed as of the date of the Rule 68 Offer of Judgment. *See* Pl.’s Cross-Mot. for Summ. J., ECF No. 14; Pl.’s Reply, ECF No. 17. Four out of 19 pages in EPIC’s Cross-Motion for Summary Judgment and zero pages in EPIC’s reply brief were dedicated to claims on which the Court granted partial summary judgment. *Id.*

³ <http://fas.org/blogs/secrecy/2014/06/nspd-54/>.

D.C. Circuit granted the joint motion and vacated the opinion of the District Court with respect to NSPD-54. Order, ECF No. 38.

On September 2, 2014, the Parties advised the Court that the only remaining issue in the case was the determination of attorneys' fees. Joint Status Report, ECF No. 41. Through Joint Status Reports filed on October 2, 2014, and October 16, 2014, the Parties advised the Court that they were willing to resolve the remaining legal issues in this case, but were unable to reach an agreement regarding fees and costs owed to EPIC. Joint Status Reports, ECF No. 42 and 43. The Court ordered that EPIC's Motion for Attorneys' Fees should be filed no later than October 31, 2014, with the NSA's response due no later than November 24, 2014, and EPIC's reply due no later than December 8, 2014.

EPIC has incurred \$59,298.29 in fees and costs associated with work to obtain NSPD-54. Ex. 1. This amount includes \$15,777.01 in fees prior to this Court's October 21 Order, *see* Ex. 2, \$33,890 in fees and \$730.28 in costs in the U.S. Court of Appeals for the D.C. Circuit, *see* Ex. 3, and \$8,901 in fees on fees. *See* Ex. 4. Therefore, EPIC is seeking a total of \$59,298.29 for all fees and costs incurred to obtain NSPD-54 in this matter. These fees are supported by the billing records of EPIC attorneys. *See* Exs. 5-11.

ARGUMENT

EPIC is eligible for and entitled to recover fees it incurred to obtain NSPD-54. The FOIA provides that, "[t]he court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed." 5 U.S.C. § 552(a)(4)(E)(i). This attorney fee inquiry is divided into two prongs: fee "eligibility" and fee "entitlement." *Brayton v. Office of the U.S. Trade Representative*, 641 F.3d 521, 524 (D.C. Cir. 2011).

I. EPIC Is Eligible for and Entitled to Recover Fees and Costs in This Matter

A. EPIC Is Eligible to Recover Fees and Costs

A complainant who has “substantially prevailed” is eligible to recover fees and costs under the FOIA. *Brayton*, 641 F.3d at 525. The FOIA provides that a complainant “substantially prevails” by obtaining “relief through either (I) a judicial order, or an enforceable written agreement or consent decree; or (II) a voluntary or unilateral change in position by the agency, if the complainant's claim is not insubstantial.” 5 U.S.C. § 552(a)(4)(E)(ii). EPIC has “substantially prevailed” in this case under both standards.

First, the order from the U.S. Court of Appeals for the D.C. Circuit to partially vacate this Court’s summary judgment ruling, Per Curiam Order, *EPIC v. DHS*, No. 13-5369, ECF No. 1505437, is a judicial order sufficient to establish that EPIC “substantially prevailed.” The Court’s ruling denying EPIC’s motion for summary judgment as to NSPD-54 was directly adverse to EPIC. The D.C. Circuit’s subsequent order to vacate the Court’s ruling therefore provided relief to EPIC.

Second, EPIC’s suit caused a “voluntary or unilateral change in position by the agency” sufficient to establish that EPIC substantially prevailed. *See Judicial Watch, Inc. v. DOJ*, 878 F. Supp. 2d 225, 233 (D.D.C. 2012). The NSA released the document after EPIC filed the appeal and just four days before the agency’s brief was due. This tangible outcome supports the conclusion that EPIC “substantially prevailed” in this matter because as a result of EPIC’s appeal, the NSA released the document that EPIC sought. *See e.g., Brayton*, 641 F.3d at 525 (“[P]laintiffs can now qualify as ‘substantially prevailing,’ and thus become eligible for attorney fees, without winning court-ordered

relief on the merits of their FOIA claims.”). Under either standard set forth by 5 U.S.C. § 552(a)(4)(E)(ii), EPIC has “substantially prevailed.”

B. EPIC Is Entitled to Recover Fees and Costs Under the D.C. Circuit’s Four Factor Test

If a court finds that a plaintiff is eligible to recover fees and costs under the FOIA, the court must then determine whether the plaintiff is entitled to fees and costs. *Brayton*, 641 F.3d at 525. This Circuit employs a four-factor balancing test to determine a plaintiff’s entitlement to attorney fees. *McKinley v. FHFA*, 739 F.3d 707, 711 (D.C. Cir. 2014). The four factors are: 1) “the benefit to the public, if any, deriving from the case;” 2) “the commercial benefit to the plaintiff;” 3) “the nature of the plaintiff’s interest in the records;” and 4) “the reasonableness of the agency’s withholding.” *Id.* (citing *Tax Analysts v. DOJ*, 965 F.2d 1092, 1093 (D.C. Cir. 1992)).

The first factor of the entitlement test favors EPIC because as a result of this case the NSA disclosed NSPD-54, an important document that contains information about the President’s plan to implement cybersecurity policies. EPIC sought this document in the public interest as a “quintessential requestor of government information envisioned by the FOIA.” *EPIC v. DHS*, 982 F. Supp. 2d 56, 63 (D.D.C. Oct. 15, 2013). Furthermore, EPIC has distributed information about NSPD-54 to the public.⁴

The public benefit factor concerns “the significance of the contribution that the released information makes to the fund of public knowledge.” *McKinley*, 739 F.3d at 711.

⁴ EPIC maintains two of the world’s most popular websites for searches on the term “privacy”: epic.org and privacy.org. EPIC’s has published extensively about NSPD-54 and related cybersecurity issues on its website. See *EPIC v. NSA – Cybersecurity Authority*, http://epic.org/privacy/nsa/epic_v_nsa.html; *EPIC v. NSA: NSPD-54 Appeal*, <http://epic.org/foia/nsa/nspd-54/appeal/>. EPIC disseminated the agency records to epic.org visitors and the approximately 8,000 recipients of its bi-weekly newsletter. See EPIC Alert (June 16, 2014), http://epic.org/alert/epic_alert_21.11.html.

As the D.C. Circuit made clear in *Davy v. CIA*, the public benefit factor favors the plaintiff where the FOIA suit results in the release of documents “providing important new information” concerning an issue “of national importance.” 550 F.3d 1155, 1159-60. The D.C. Circuit also recently held that a lower court abused its discretion where it “did not consider the *Davy* Court’s analysis of the public-benefit factor.” *Morley v. CIA*, 719 F.3d 689, 690 (D.C. Cir. 2011) (per curiam). The court in *Morley* also noted that the information disclosed need not be of “immediate public interest” if it “nevertheless enables further research ultimately of great value and interest.” *Id.*

In fact, the D.C. Circuit has only held that the public benefit factor weighs against the plaintiff where the FOIA suit did not result in the disclosure of important information to the public. For example, the D.C. Circuit recently ruled that when the documents received “were so heavily redacted that they contributed only ‘scant’ information to the public record,” the lower court did not abuse its discretion when it ruled that the “first factor ‘strongly counsels’ against awarding fees.” *McKinley*, 707 F.3d at 711.

In this case, EPIC’s suit led directly to the release of NSPD-54, a critical executive branch document that outlines President Bush’s cybersecurity implementation plan. *See* Ex. 14. This document sets out the Government’s cybersecurity policy, an issue of widespread public concern. For example, the U.S. Department of Homeland Security has designated this month as the national “Cyber Security Awareness Month.” Dep’t Homeland Sec., “National Cyber Security Awareness Month 2014” (Oct. 2, 2014).⁵ Congress is currently considering legislation governing cyber security authorities. Jerry Markon, *Key Homeland Security Official Urges Passage of Cybersecurity Bill*, Wash.

⁵ <http://www.dhs.gov/national-cyber-security-awareness-month-2014>.

Post (Oct. 1, 2014).⁶ The disclosure of NSPD-54 pursuant to EPIC’s lawsuit has contributed directly to that debate. *See, e.g.*, Joseph Marks & David Perera, *First look: Cost of Cybercrime High, Rising – House Appropriators to Take Up DHS Cyber Spending*, Politico – Morning Cybersecurity (June 9, 2014).⁷

During the period in which EPIC filed the FOIA request, cybersecurity has been the focus of intense debate among the American public. *See* Steve Aquino, *Should Obama Control the Internet?*, Mother Jones (Apr. 2, 2009);⁸ Declan McCullagh, *Bill Would Give President Emergency Control of Internet*, CNET (Aug. 28, 2009).⁹ NSPD-54 and the CNCI in particular have garnered the attention of journalists and commentators. *See e.g.*, Ellen Nakashima, *White House Declassifies Outline of Cybersecurity Program*, Wash. Post, (March 3, 2010);¹⁰ Gus P. Coldebella & Brian M. White, *Foundational Questions Regarding the Federal Role in Cybersecurity*, 4 J. Nat’l Security L. & Pol’y 233 (2010); Bruce Schneier, *Comprehensive National Cybersecurity Initiative*, Schneier on Security (Mar. 4, 2010).¹¹

The second and third entitlement factors also favor EPIC. The “nature of the [complainant’s] interest” factor is “closely related [to] and often considered together with the commercial benefit criterion.” *Tax Analysts v. DOJ*, 965 F.2d 1092, 1095 (D.C. Cir. 1992). “The second factor considers the commercial benefit to the plaintiff, while the third factor considers the plaintiff’s interest in the records.” *EPIC v. DHS*, 999 F. Supp. 2d 61, 69 (D.D.C. 2013). Favored interests are “scholarly, journalistic or public-interest

⁶ <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/10/01/key-homeland-security-official-urges-passage-of-cybersecurity-bill/>.

⁷ <http://www.politico.com/morningcybersecurity/0614/morningcybersecurity14218.html>.

⁸ <http://www.motherjones.com/politics/2009/04/should-obama-control-internet?>.

⁹ <http://www.cnet.com/news/bill-would-give-president-emergency-control-of-internet/>.

¹⁰ <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/02/AR2010030202113.html>.

¹¹ https://www.schneier.com/blog/archives/2010/03/comprehensive_n.html.

oriented.” *See Long v. IRS*, 932 F.2d 1309, 1316 (9th Cir. 1991) (holding that a lower court’s ruling that the plaintiff’s scholarly interest weighed against her recovery of fees was “wrong as a matter of law and an abuse of discretion”). EPIC is a 501(c)(3) non-profit public interest research center. *EPIC*, 241 F. Supp. 2d at 5. EPIC derived no commercial benefit from its FOIA request or lawsuit. The sole benefit was to the public, which benefited from the disclosure of the documents released in this case. Thus, EPIC’s interest in this matter is squarely within the “scholarly, journalistic or public interest oriented” interests favored by the statute. *See, EPIC v. DHS*, 760 F. Supp. 2d 4, 44 (D.D.C. 2011) (“[EPIC’s] aims, which include dissemination of information regarding privacy issues to the public . . . fall within the scholarly and public-interest oriented goals promoted by FOIA”).

Lastly, the fourth entitlement factor favors EPIC because the NSA did not have a “reasonable legal basis” to withhold NSPD-54. The NSA previously argued that it properly withheld NSPD-54 pursuant to FOIA Exemption 5, but the agency’s position had no reasonable basis in the law. First, the privilege could not apply because the President did not personally invoke the privilege as to NSPD-54. *See Citizens for Responsibility and Ethics in Washington v. DHS*, 532 F.3d 860 (D.C. Cir. 2008) (observing that “the agency would need to consult with the White House before claiming [FOIA] Exemption 5 on executive privilege grounds.”). Second, even if the presidential invocation requirement had been satisfied, NSPD-54 could not have been privileged because it is neither “confidential” nor a “communication.” *See Dep’t of Interior v. Klamath Water Users Protective Assn.*, 532 U.S. 1, 8 (2001); see also *Citizens for Responsibility and Ethics in Washington v. DHS*, 514 F. Supp. 2d 36, 49-50 (D.D.C.

2007) (“The core of the presidential communications privilege is the protection of the President’s need for confidentiality in the communications of his office.”).

No court in this Circuit has accepted the NSA’s proposition that the presidential communications privilege extends to presidential directives. In fact, one court recently rejected a nearly identical claim for withholding a State Department-held policy directive. *See Ctr. for Effective Gov’t v. U.S. Dep’t of State*, 7 F. Supp. 3d 16 (D.D.C. 2013) (holding that a Presidential Policy Directive on global development was not covered by presidential privilege).

Because all four entitlement factors favor EPIC, and because EPIC substantially prevailed in this matter, the EPIC’s reasonable attorneys’ costs and fees for its work to obtain NSPD-54 in this matter.

II. The Attorneys’ Fees EPIC Seeks Are Reasonable

To determine whether fees are reasonable, courts focus on two questions: (1) whether the attorneys charged a reasonable hourly rate and (2) whether the time attorneys logged on the case was reasonable - *i.e.*, did the attorneys waste or otherwise unnecessarily spend time on the matter. *Judicial Watch, Inc. v. DOJ*, 774 F. Supp. 2d 225, 232 (D.D.C. 2011) (*Judicial Watch II*) (quoting *Bd. of Trs. Of Hotel & Rest. Emps. Local 25 v. JPR, Inc.*, 136 F.3d 794, 801 (D.C. Cir. 1998)).

Attorney fees are calculated based on the “lodestar,” which is the number of hours the lawyers reasonably spent on the case multiplied by the lawyers’ hourly rates. *Id.* A lawyer’s hourly rate is measured by its fair market value, “regardless of whether plaintiff is represented by private or non-profit counsel.” *Blum v. Stenson*, 465 U.S. 886, 895 (1984). “For public-interest or government lawyers who do not have customary billing

rates, courts in this circuit have frequently employed the ‘*Laffey Matrix*,’ a schedule of fees based on years of attorney experience.” *Judicial Watch II*, 774 F. Supp. 2d at 232; *see also Covington*, 57 F.3d at 1105-12 (affirming a fee award calculated using the *Laffey* matrix). EPIC billed time for this matter using the *Laffey* Matrix as the basis for its calculations. Exs. 1-4, 12-13.¹²

The D.C. Circuit has held that “the second prong of the equation for calculating a fee award – the reasonableness of hourly rates awarded under fee-shifting statutes – consists of ‘at least three elements: the attorneys’ billing practices; the attorneys’ skill, experience, and reputation; and the prevailing market rates in the relevant community.’” *Am. Lands Alliance v. Norton*, 525 F. Supp. 2d 135 (D.D.C. 2007) (citing *Covington v. D.C.*, 57 F.3d 1101, 1107 (D.C. Cir. 1995)). To recover, the movant must provide “contemporaneous, complete, and standardized time records which accurately reflect the work done by each attorney.” *Nat’l Ass’n of Concerned Veterans v. Sec’y of Def.*, 675 F.2d 1319, 1327 (D.C. Cir. 1982).

EPIC has provided complete, detailed billing records, which were contemporaneously recorded and accurately reflect the work done by each attorney. *See* Exs. 2-4. The records reflect the date, time, and nature of each activity, and include details about the specific work performed. *Id.* Each entry is clearly labeled with the name of the attorney performing the work, the attorney’s rate, the hours of work performed on the activity, and the total amount charged for the activity. *Id.* EPIC has therefore provided satisfactory billing records in this matter. EPIC’s request is further supported by affidavits from each attorney who worked on this case. Ex. 5, Butler Aff.; Ex. 8, McCall Aff.; Ex. 9, Horwitz Aff.; Ex. 10, Rotenberg Aff.; Ex. 6, Stepanovich Aff.; Ex. 7,

¹² Available at <http://www.justice.gov/usao/dc/divisions/civil.html>.

Husband Aff.; Ex. 11, Tran Aff. EPIC's request for \$730.28 in costs at the D.C. Circuit is supported by receipts. *See* Ex. 15.

EPIC has incurred a total of \$49,667 in attorneys' fees for its work to obtain NSPD-54 and \$8,901 in fees on fees. This includes \$33,890 for the 117 hours EPIC attorneys spent filing the appeal and preparing the opening brief, based on applicable *Laffey* rates. *See* Exs. 3, 13, 14. This also includes fees for the 74.4 hours EPIC attorneys spent preparing the motion for summary judgment and subsequent filings in this case. Using appropriate *Laffey* matrix rates, the lodestar amount for EPIC's attorneys' fees on summary judgment and related filings is \$18,134.50. Exs. 1-2. Applying a discount factor of 13% for arguments not related to NSPD-54, a reasonable award for this work would be \$15,777. Ex. 1. Therefore, EPIC's request for fees in this matter is reasonable.

III. The Court Should Award "Fees on Fees"

In addition to recovering fees for the time it spent on this litigation, EPIC is entitled to recover fees for its work on this motion and prior fee negotiations. "It is settled in this circuit that hours reasonably devoted to a request for fees are compensable." *Judicial Watch II*, 878 F. Supp. 2d at 240 (citations omitted); *see also EPIC v. DHS*, 811 F. Supp. 2d 216, 237 (D.D.C. 2011) ("It is a common practice in this jurisdiction to award fees on fees in FOIA cases."). EPIC has incurred a total of \$8,901 for the 38.9 hours its attorneys have dedicated to obtaining fees in this matter. Ex. 4. If EPIC prevails in its Motion for Attorneys' Fees and Costs, this Court should award fees on fees.

CONCLUSION

EPIC has substantially prevailed in this case and is eligible for and entitled to recover fees under the FOIA. The award EPIC seeks is reasonable and supported by the attached affidavits, billing records, and receipts. EPIC therefore requests that the Court award it \$59,298.29 in fees and costs.

Respectfully submitted,

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