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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

OREGON NATURAL DESERT ASS’N
et al.,

Plaintiffs,

v.

TOM TIDWELL, et al.,

Defendants,

v.

HARLEY & SHERRIE ALLEN, et al.,

Defendants-Intervenors.

Case No. 2:07-cv-1871-HA
[Related Case No. 3:03-cv-381-HA]
[Related Case No. 2:08-cv-151-HA]

**SECOND DECLARATION OF
KRISTIN F. RUETHER**

I, KRISTIN F. RUETHER, state and declare as follows:

1. My name is Kristin Ruether and I serve as counsel for plaintiffs Oregon Natural Desert Association (“ONDA”), Center for Biological Diversity (“CBD”), and Western Watersheds Project (“WWP”) in the above-captioned case. I submit this declaration in further support of plaintiffs’ application for attorney fees and costs pursuant to the Endangered Species Act (“ESA”) and the Equal Access to Justice Act (“EAJA”).

2. I contemporaneously compiled the hours I spent on this case. I attach my time and expense sheet records to this declaration as Exhibit B, numbered consecutively with Exhibit A, which I attached to my prior declaration (Dkt # 622) and which detailed my time spent on this case up through June 2009. (My time spent on the plaintiffs’ interim-fees-on-reply brief was included at page 7 of Exhibit E to Mr. Lacy’s second declaration, Dkt # 637.)

3. I have exercised professional billing judgment by eliminating time that I considered to be unnecessarily duplicative or inefficiently spent. As is described in Mr. Lacy’s declarations, I also worked with him to eliminate additional time spent on a variety of tasks, in the exercise of billing judgment. In carefully reviewing my time records in preparing this fee petition, I reduced or eliminated time spent on, among other things, emailing or otherwise communicating with co-counsel, reviewing co-counsel’s edits to documents, and conducting arguably clerical or administrative tasks.

4. I explained in my prior declaration why I am entitled to enhanced rates based on my unique expertise and experience in environmental law and litigation, in addition to the limited number of qualified attorneys with this expertise, particularly attorneys available to take this complex case on a *pro bono* basis. I seek reimbursement of \$215/hour for my time in 2009,

\$230/hour for my time in 2010, \$245/hour for my time in 2011, and \$275/hour for my time in 2012. These rates are supportable as market rates in Portland, Oregon for an attorney of my experience and expertise.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of December, 2012, at Boise, Idaho.

s/ Kristin F. Ruether

Kristin F. Ruether