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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
CHRISTOPHER WINTER**

SECOND DECLARATION OF CHRISTOPHER WINTER

I, CHRISTOPHER WINTER, hereby declare:

1. I am the same Christopher Winter who filed a first declaration (Dkt # 618) in this matter. I am an attorney licensed to practice law in Oregon since 1998. I am admitted to practice before the U.S. Supreme Court, the Ninth Circuit Court of Appeals, the District of Oregon, the Western District of Washington, the Eastern District of Washington and the District of Alaska. I am a member in good standing of the Oregon, Washington and Alaska State Bars.

2. I make this declaration in further support of plaintiffs' now-global application for attorneys' fees. I do not repeat my experience and qualifications, which I described in detail in my prior declaration.

3. As I stated in my prior declaration, I am familiar with Mr. Becker's, Mr. Lacy's, and Ms. Ruether's distinctive knowledge and expertise in public interest environmental litigation. In my opinion, plaintiffs' attorneys have provided very high quality legal representation to their clients, including in this case. The Oregon Natural Desert Association ("ONDA") and its co-plaintiffs in this case have an excellent reputation for top-quality litigation representation. ONDA has achieved significant victories in many cases year after year, including prevailing on the merits and obtaining significant injunctive and other relief through this Court's recently-issued judgment.

4. Based upon my practice and experience in Oregon, it continues to be my opinion that the hourly rates of \$220 to \$350 for Mr. Becker (for the time period 2005–2012), \$160 to \$335 for Mr. Lacy (for the time period 2001–2012), and \$170 to \$274 for Ms. Ruether (for the time period 2005–2012) are more than reasonable for these attorneys with their experience in Portland, Oregon. All three of these attorneys are qualified to work for large private firms such

as Stoel Rives or others in the Portland area, and if they did so, it is very likely that their billable rates would be higher than those requested here.

5. In reviewing the district court and appellate briefs filed in this case, and this Court's decisions, as well as the time records plaintiffs' attorneys have filed in support of their now-global fee petition, it is my opinion that the number of hours expended and sought for recovery is reasonable. This was an extremely complex case and the results the plaintiffs obtained were outstanding outcomes for the plaintiffs.

6. I do not view the work of Mr. Becker, Mr. Lacy, and Ms. Ruether for the time period July 1, 2009 to present (*i.e.*, the time period roughly covering the merits and relief phases of this litigation, which ONDA's global fee petition now brings into play) as duplication. Rather, I view it as a sound legal business practice.

7. I also reviewed the costs plaintiffs request for the time period July 1, 2009 to present, including the use of experts, consultants, and law clerks, and I find them to be reasonable and of the types that are routinely charged to clients in similar cases.

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 Portland, Oregon,

s/ Christopher Winter

Christopher Winter