

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

THOMAS C. PORTA, et al.,)	
)	
and)	
)	
ANDREW D. BARTH, et al.,)	No. 05-14210C
)	& No. 05-759C
Plaintiffs,)	
)	CONSOLIDATED
v.)	
)	(Judge Firestone)
THE UNITED STATES,)	
)	
Defendant.)	

DECLARATION OF ARTIUR I. RETTINGER

I, Arthur I. Rettinger, state the following:

1. I am Senior Counsel in the Office of General Counsel for Customs and Border Protection ("CBP"). In that capacity, I am agency counsel in Thomas C. Porta, et al. v. United States, No. 05-14210C, and Andrew D. Barth v. United States, No. 05-759C.

2. As the sole counsel from CBP assigned to the above-referenced matter, I am the attorney with principal access to the sources of information requested in the Court's May 3, 2007, order.

3. At the time of the May 3, 2007 conference between the parties and the Court, I was on an extended leave of two weeks. I will also be taking additional leave of one week returning June 4, 2007.

4. Prior to beginning my leave, I was unaware that a conference had been scheduled on the plaintiffs' motion to compel, and therefore did not advise my colleagues of the same.

5. Upon my return to the office, I learned that a conference had been held on May 3, 2007, and that additional documents were to be produced by June 4, 2007. Since that time, I

have been working diligently with counsel of record, Maame A.F. Ewusi-Mensah, as well as with the relevant sources of information to obtain the documents being requested.

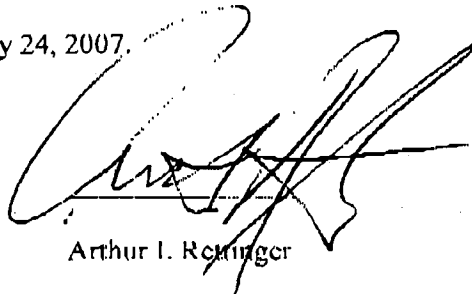
6. In my absence, my colleagues requested preliminary email searches of the CBP email accounts of Wayne Coleman, Alethea Smalls, and Ronelle Rotterman. These preliminary searches were limited to searching for the relevant search terms in the "subject line" of the emails in these three accounts.

7. As soon as I returned, I consulted with the Information Technology personnel who conducted the email searches, and began reviewing the emails resulting from these searches for responsiveness and privilege. I have personally been handling the review of the emails that resulted from the preliminary email searches of the CBP email accounts of Wayne Coleman, Alethea Smalls, and Ronelle Rotterman, and have completed my review of these documents for responsiveness and privilege.

8. I requested the CBP Information Technology ("IT") personnel to conduct additional searches in the email accounts of Wayne Coleman, Alethea Smalls, and Ronelle Rotterman for relevant search terms in the body of these emails.

9. CBP's IT personnel have informed me that they will require at least one week to complete a time and cost estimate for these additional searches, and have advised me that the additional searches could take two months or longer to complete given the limitations of the technology used by Customs and Border Protection to store and search these email accounts and the fact that Customs and Border Protection staff responsible for these searches are currently engaged in a large technology migration involving CBP's email software. After the searches are complete, I intend to review these documents for responsiveness and privilege.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 24, 2007.

A handwritten signature in black ink, appearing to read 'Arthur I. Reisinger', written over a horizontal line. The signature is stylized and somewhat cursive.

Arthur I. Reisinger