

From: [REDACTED]@ithaka.org>
Sent: Wednesday, July 13, 2011 12:49 PM
To: 'Heymann, Stephen (USAMA)' <Stephen.Heymann@usdoj.gov>
Cc: [REDACTED]@debevoise.com>
Subject: RE: Subpoena Response

Hi Steve,

Please clarify – are you looking for the hourly cost for everyone who spent time on the matter or for only the 25 man hours noted? Also, are you looking for the cost associated with the matter as it was unfolding in the fall of '10, or also the aftermath and the costs involved in responding to subpoenas, etc.

Thanks,
[REDACTED]

From: Heymann, Stephen (USAMA) [mailto:Stephen.Heymann@usdoj.gov]
Sent: Monday, July 11, 2011 6:31 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Subpoena Response

[REDACTED]

Could you please both total the number of hours spent as best you can and estimate the hourly cost for each based on the people's salaries and benefits.

Thank you, Steve

From: [REDACTED]@ithaka.org]
Sent: Wednesday, June 22, 2011 4:06 PM
To: Heymann, Stephen (USAMA)
Cc: [REDACTED]
Subject: RE: Subpoena Response

On the first question, yes. We have records that show a total of approximately 25 man hours divided among 3 people.

As to the second question, and on top of the records we have, we also could piece together time spent, and we certainly could talk about hourly cost based on peoples' salaries + benefits.

From: Heymann, Stephen (USAMA) [mailto:Stephen.Heymann@usdoj.gov]
Sent: Wednesday, June 22, 2011 2:37 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Subpoena Response

[REDACTED]

For computer crimes, damages include salaries paid to, and hours worked by, in-house employees who address violations, even where the employees are paid fixed salaries and there is no evidence that hours spent by them in responding diverted them from their other responsibilities. See, e.g., U.S. v. Middleton, 231 F. 3d 1207, 1213-14 (9th Cir. 2000).

Do you have records, other than the e-mail traffic which you have already provided, which reflect the number of hours spent by various employees of Ithaka addressing the Swartz thefts? If not, who would be able to testify about them knowledgably, if necessary, as well as the effective hourly cost to Ithaka of each?

Thanks again, Steve

From: [REDACTED]@ithaka.org]
Sent: Friday, June 17, 2011 6:20 PM
To: Heymann, Stephen (USAMA)
Cc: [REDACTED]
Subject: Subpoena Response

Hi Steve,

Please find attached the response to your subpoena dated June 14. Included are invoices from Debevoise, a PR firm, and a couple of security firms. The materials also are being delivered via FedEx to Michael Pickett.

Please let me know if you have any questions.

Sincerely,

[REDACTED]

[REDACTED]

ITHAKA

[REDACTED]

www.ithaka.org

ITHAKA (www.ithaka.org) is a not-for-profit organization that helps the academic community use digital technologies to preserve the scholarly record and to advance research and teaching in sustainable ways. We provide innovative services that benefit higher education, including Ithaka S+R, JSTOR, and Portico.