

1 Mark Holscher (S.B.N. 139582)
R. Alexander Pilmer (S.B.N. 166196)
2 Mark T. Cramer (S.B.N. 198952)
KIRKLAND & ELLIS LLP
3 777 South Figueroa Street
Los Angeles, California 90017
4 Telephone: (213) 680-8400
Facsimile: (213) 680-8500
5 E-mail: mholscher@kirkland.com
apilmer@kirkland.com
6 mcramer@kirkland.com

7 Attorneys for Defendant
California Institute of Technology
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 Robert M. Nelson, William Bruce
Banerdt, Julia Bell, Josette Bellan,
13 Dennis V. Byrnes, George Carlisle, Kent
Robert Crossin, Larry R. D'Addario,
14 Riley M. Duren, Peter R. Eisenhardt,
Susan D.J. Foster, Matthew P.
15 Golombek, Varoujan Gorjian, Zareh
Gorjian, Robert J. Haw, James Kulleck,
16 Sharon L. Laubach, Christian A.
Lindensmith, Amanda Mainzer, Scott
17 Maxwell, Timothy P. McElrath, Susan
Paradise, Konstantin Penanen, Celeste M.
18 Satter, Peter M.B. Shames, Amy Snyder
Hale, William John Walker and Paul R.
19 Weissman,

20 Plaintiffs,

21 vs.

22 National Aeronautics and Space
Administration, an Agency of the United
23 States; Michael Griffin, Director of
NASA, in his official capacity only;
24 Department of Commerce; Carlos M.
Gutierrez, Secretary of Commerce, in his
25 official capacity only; California Institute
of Technology; and Does 1-100,
26

27 Defendants.
28

CASE NO. CV-07-05669 ODW (VBKX)

The Hon. Otis D. Wright II

**DECLARATION OF COZETTE
HART IN SUPPORT OF
CALIFORNIA INSTITUTE OF
TECHNOLOGY'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: October 1, 2007

Time: 4:00 pm

Courtroom: 11

1 contractors with physical access to JPL would be designated Low, Moderate, or High
2 Risk.

3 7. Generally, anyone with a role requiring "root" access to a mission ground
4 data system or involved with the design of mission information technology system
5 security is designated "High Risk." Also, any mission control engineer, defined as
6 someone having unsupervised ability to send commands to a spacecraft, is designated
7 "Moderate Risk." The latter category does not apply to JPL Earth Science Mission
8 Control Center because those employees only have access to planned command
9 products. By default, anyone with JPL access not designated Moderate or High Risk
10 is designated Low Risk.

11 8. The overwhelming majority of those employees and non-employees with
12 access to JPL have been designated as "Low Risk" -- over 97%. One consequence is
13 that these people will undergo a less comprehensive background investigation than the
14 Moderate and High Risk positions.

15 9. JPL experiences turnover for a variety of reasons and is accustomed to
16 various employees leaving their position and replacing them as necessary. For
17 example, in 2006, about 178 employees were laid off, 61 retired, 155 voluntarily left,
18 and 15 left JPL for other reasons. When an employee leaves JPL we typically have a
19 number of qualified applicants available to replace them, entailing minimal disruption
20 to any project that employee may have been working on. For example, in the period
21 between September 2006 through August 2007, we had job postings for 598 exempt
22 employee positions and we received over 10,250 applications for these positions. Of
23 these, over 5,000 were moved to a follow-up "Interest List" for further consideration.
24 The applicants on this "Interest List" included all candidates that met minimum
25 qualifications for the position. Thus, while Caltech values its talented and exceptional
26 employees and works hard to retain them, Caltech is capable of finding suitable

1 replacements for employees that leave JPL.

2 10. JPL employees who do not receive a federal identification badge, as
3 required by the government, will be considered to have voluntarily resigned from their
4 employment. Because JPL is a federal facility, it must comply with the federal
5 identification badge requirements. JPL employees, affiliates and contractors cannot
6 perform their jobs without unescorted access to JPL because that would result in an
7 employee with a badge having to stay with the person every minute that the badge-less
8 person is inside the federal facility. This result would not only be impractical and
9 costly, but would also interfere with JPL's ability to accomplish its important work.

10 I declare under penalty of perjury under the laws of the United States of
11 America that the foregoing is true and correct.

12 Executed this 21 day of September 2007, at Pasadena,
13 California.

14 
15 _____
16 Cozette Hart