

EXHIBIT 2
– FILED UNDER SEAL –

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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ABDIQAFAR WAGAFE, et al., on      )
behalf of themselves and others  )
similarly situated,              )
                                  )
                                Plaintiffs, ) No.
                                  )
                                v.           ) 17-cv-00094 RAJ
                                  )
DONALD TRUMP, President of the   )
United States, et al.,          )
                                  )
                                Defendants. )
-----X

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CONFIDENTIAL UNDER THE PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF KEVIN MARK SHINABERRY

Monday, August 31, 2020; 10:24 a.m. EST

Job No.: 623007

Pgs. 1 - 221

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR,
CLR, RSA, Remote Counsel Reporter, LiveDeposition
Authorized Reporter

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1 BY MR. AHMED:

2 Q. So from the section I just read, the
3 question was, Is it true that an NS concern CME
4 is created when an application could fall under
5 CARRP?

6 Is that correct?

7 A. I'm going to need a minute to read
8 what's on this page.

9 Q. Sure.

10 (Whereupon, the witness reviews the
11 material provided.)

12 THE WITNESS: I think you -- never
13 mind.

14 Sorry.

15 BY MR. AHMED:

16 Q. So the sentence you just read said,
17 An NS concern is created when the application or
18 petition is associated with information that
19 could fall under CARRP.

20 And my question is, Is that correct?

21 (Whereupon, the witness continues
22 to review the material provided.)

1 BY MR. AHMED:

2 Q. We can go off the record if you want
3 more time.

4 MR. TARANTO: We will stay on the
5 record. But I would object to asking
6 questions as to the particular document.
7 The guide is also beyond the -- the scope
8 of the witness' designation. So the
9 answers that the witness is giving would
10 be in his personal capacity and based on
11 his personal knowledge.

12 MR. AHMED: And just to respond to
13 that, all these questions are directly
14 relevant to Subtopic Number 8 and how he
15 defines CME in his own data dictionary
16 that he created. That is also, I
17 believe, Topic Number 9 or 10.

18 MR. TARANTO: And if you ask that
19 question, he will answer it, but this
20 goes --

21 MR. AHMED: I'm --

22 MR. TARANTO: -- beyond that.

1 MR. AHMED: -- I'm asking him
2 because he told me that in the CARRP case
3 flag that he created, he said what --
4 whenever an NS concern CME is created,
5 his understanding is that application is
6 subjected to CARRP.

7 Now, the FDNS User Guide says
8 something different. It just says an NS
9 concern CME is created when an
10 application could fall under CARRP. And
11 I'm just asking him to confirm that
12 that's what the actual guide says.

13 THE WITNESS: Yes, that's --
14 that's how I read it.

15 BY MR. AHMED:

16 Q. Okay. So an NS concern CME could be
17 created even when the application does not
18 definitely fall under CARRP; is that correct?

19 A. Well, it doesn't state that
20 explicitly, but I suppose you could infer that
21 from the way that it's worded.

22 Q. Okay. Let's turn to another page in