EXHIBIT 3

~~FILED UNDER SEAL~~

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


Abdiqafar Wagafe, et al.,        )
on behalf of himself and         )
others similarly situated,       )
                                 )
            Plaintiffs,          )
                                 )
    vs.                          )2:17-CV-00094-RAJ
                                 )
DONALD TRUMP, President of the   )
United States, et al.,         )
                                 )
        Defendants.
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        The virtual videotaped deposition via
Webex of SEAN KRUSKOL, called by the Defendants,
taken pursuant to the Federal Rules of Civil
Procedure of the United States District Courts
pertaining to the taking of depositions, taken
before PEGGY CURRAN, CSR, CRR, RPR, CSR License
No. 084-002016, a notary public within and for the
County of DuPage and State of Illinois, taken at
Chicago, Illinois on Tuesday, October 20, 2020,
commencing at the hour of 9:07 a.m. CT

 CONFIDENTIAL DUE TO PROTECTIVE ORDER

REPORTED BY: Peggy Curran, CSR, CRR, CMR
            CSR No. 084-002016
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1   MR. AHMED: Objection, compound. Objection,

2 vague. Objection, calls for speculation.

3   THE WITNESS: I believe this line is in my

4 report. But my recollection is that an application

5 as identified as non-NS may -- occurs when an

6 applicant is no longer a national security concern

7 or it has been determined that information does not

8 related to the applicant.

9   If I had this data or what this would

10 tell me is whether or not certain applications

11 subject to CARRP were identified as non-NS and

12 whether these applications potentially subject to

13 CARRP were identified as non-NS during the time of

14 review, receipt, and adjudication, or not.

15   My understanding is that an applicant

16 may be labeled as being processed under CARRP even

17 if the application was not -- or identified as

18 non-KST or non-NS.

19   If I had additional data, more granular

20 data containing these three concern types, I would

21 be able to analyze the percentages, the counts,

22 adjudication times of applications with these

23 concern types.

24   Q   If you had data showing you that for the

25 CARRP flagged applications that they were KST or

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 1   non-KST, would that change any of your flagging or

 2   cause you to say any of the flags were incorrect?

 3        MR. AHMED:  Objection, compound.  Objection,

 4   vague.  Objection, calls for speculation.

 5        THE WITNESS:  In this hypothetical example,

 6   without knowledge of what the data would show, I'm

 7   unable to conclude one way or another whether any

 8   of the flags or fields that identify applications

 9   as subject to CARRP would either change or need

10   additional scrutiny.

11        By Mr. Taranto:

12        Q    In paragraph 15 of your report, you say

13   that an applicant cannot start out as a

14   non-NS Concern type, and that an applicant could

15   later be identified as non-NS when the applicant is

16   no longer a national security concern or it is

17   determined that the information does not relate to

18   the applicant.

19             So the applicant would originally start

20   out as either KST or non-KST in this scenario and

21   could be changed to non-NS, is that what you are

22   saying?

23        MR. AHMED:  Objection, I believe you misstated

24   exactly what the expert report says.  Objection,

25   vague.  Objection, calls for speculation.
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1   applications with sub-status KST, non-KST, and

2   non-NS.

3   By Mr. Taranto:

4   Q   How do you know that?

5   MR. AHMED: Objection, vague. Objection,

6   argumentative.

7   THE WITNESS: Consistent with my understanding

8   of additional fields within databases, those fields

9   can be used to sub-set data, and once data is

10   sub-set, additional analyses, additional analyses

11   can be prepared on that sub-set data.

12   By Mr. Taranto:

13   Q   Can the sub-status and concern type for

14   a case change over the lifecycle of an

15   application?

16   MR. AHMED: Objection, compound. Objection,

17   vague.

18   By Mr. Taranto:

19   Q   Let's just go with sub-status. Can the

20   sub-status for a case change over the lifetime of

21   an application?

22   MR. AHMED: Objection, vague.

23   THE WITNESS: My understanding for the FDNS

24   User Guide is that the answer is yes.

25   As shown on the screen right now and

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 1        THE WITNESS:  I am not sure one way or another

 2   whether or not such a data field exists.  My

 3   understanding of the way that the column or field

 4   within the June '20 data identified cases as CARRP

 5   or not were based on algorithm created for the

 6   purposes of this litigation that are generally not

 7   used in the normal course of business and are not

 8   verified with any single data field or underlying

 9   application or A-File at any point in time.

10        By Mr. Taranto:

11        Q     If you have NS Concern type for all of

12   the applications that are CARRP flagged, would

13   having that information enable you to determine

14   that the flags are incorrect for any of the cases

15   and that they were never in CARRP?

16        MR. AHMED:  Objection, compound.  Objection,

17   asked and answered.  Objection, calls for

18   speculation.  Objection, vague.

19        THE WITNESS:  Without the data, I do not know

20   the answer one way or another.  However, if I were

21   able to obtain sub-status data for all applications

22   within the June '20 data, to the extent that it

23   exists and it is applicable, I believe that I would

24   be able to perform additional analytics to assist

25   me in answering that question.
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1   However, the FDNS User Guide says that a

2   NS Concern case could or may result in an

3   application being processed under CARRP.

4   By Mr. Taranto:

5   Q   Let's move now to Exhibit 1, page 6.

6   That's paragraph 14 of your September 21 report.

7   Here you mention the four sub-statuses for national

8   security concern cases. And you point out that the

9   USCIS's algorithm can identify an application as

10   having been subject to CARRP even if the NS Concern

11   is ultimately resolved.

12   Does the fact that an NS Concern was

13   resolved mean to you that an application was never

14   in CARRP?

15   A   As stated in my report, I believe that

16   this means that an application may or may not have.

17   I did not use the word never.

18   Q   So knowing that something is NS Concern

19   Resolved tell you that it was never in CARRP,

20   correct?

21   MR. AHMED: Objection, asked and answered.

22   THE WITNESS: No, I do not believe that having

23   an NS Concern case Resolved would mean that an

24   application was never subject to CARRP.

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1          By Mr. Taranto:

2          Q     And same for NS Concern Not Confirmed,

3     if the sub-status shows that, that doesn't tell you

4     that the application was never in CARRP, does it?

5          A     That is correct.

6          Q     Bear with me for a moment.  I am just

7     skipping over a few points.

8                If we can move now to -- well, your

9     Exhibit 1 at page 9.  Here I want to go to

10    paragraph 20, your point two.

11               You say there -- and the document is on

12    the screen now.

13               That USCIS's algorithm for identifying

14    applications processed under CARRP, quote, fails to

15    differentiate between applications based on

16    sub-status and concern type fields in FDNS-DS, end

17    quote.

18               Do you believe you need to know the

19    sub-status and concern type of a NS Concern case to

20    determine if it's in CARRP?

21          MR. AHMED:  Objection, asked and answered.

22    Objection, compound.

23          THE WITNESS:  As previously stated, I believe

24    that having the sub-status and concern type fields

25    in FDNS would allow me to perform additional data
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