

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANGE SAMMA *et al.*, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,

Defendants.

No. 20-cv-01104-PLF

**NOTICE OF FILING CORRESPONDENCE REGARDING
CONTINUED NON-COMPLIANCE**

Plaintiffs respectfully submit this Notice of Filing to notify the Court of the attached letter, dated March 3, 2022, from Plaintiffs' counsel to Defendants' counsel, describing two new cases of non-compliance. Since Plaintiffs filed their motion on August 17, 2021, ECF No. 58, Plaintiffs have given notice to Defendants and filed ten letters with the Court detailing incidents of non-compliance.

Dated: March 3, 2022

Respectfully submitted,

Jennifer Pasquarella
American Civil Liberties Union Foundation
of Southern California
1313 West 8th Street
Los Angeles, CA 90017
(213) 977-5236
jpasquarella@aclusocal.org

/s/ Scarlet Kim
Scarlet Kim (D.D.C. Bar No. NY0329)
Sana Mayat*
Brett Max Kaufman (D.D.C. Bar. No. NY0224)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
scarletk@aclu.org
smayat@aclu.org
bkaufman@aclu.org

Arthur B. Spitzer (D.D.C. Bar No. 235960)
American Civil Liberties Union Foundation
of the District of Columbia
915 15th Street, NW, 2nd Floor
Washington, DC 20005
(202) 601-4266
aspitzer@acludc.org

*Admitted *pro hac vice*

Counsel for Plaintiffs

March 3, 2022

DELIVERED VIA EMAIL

Liam C. Holland
Trial Attorney
U.S. Department of Justice
Washington, D.C. 20530

Re: *Samma, et al. v. United States Department of Defense, et al.*, No. 20-CV-1104 (D.D.C.)



Dear Liam,

We are writing to raise two new cases of non-compliance that were recently brought to class counsel's attention.

We recently communicated with class member Swaraben Patel and her counsel. Ms. Patel is currently serving with the Selected Reserve of the U.S. Army Reserve and began her service in August 2020, when she shipped to basic combat training at Fort Jackson, South Carolina. In November 2020, she shipped to advanced individual training ("AIT") at Fort Lee, Virginia, and shortly after she arrived, submitted her N-426 form for certification to her chain of command. She regularly followed up on her N-426 certification during her time at AIT but graduated in December 2020 without her certification.

In January 2021, Ms. Patel began drilling with her Selected Reserve unit. In March 2021, she again submitted her N-426 form for certification to the Unit Administrator. She regularly followed up on her N-426 certification at subsequent drills but was unable to receive an update. About two weeks ago, while attending her February 2022 drill, Ms. Patel again followed up on her N-426 certification and her Unit Administrator asked her to fill out and submit yet another N-426 form. It has now been approximately 15 months since Ms. Patel first requested her N-426 certification.

Class counsel also recently communicated with class member Soufiane Naji, who is currently serving with the Selected Reserve of the U.S. Air Force Reserve. Mr. Naji began his service on January 9, 2022 by completing his first drill. On February 18, 2022, Mr. Naji sent an e-mail to his chain of command requesting his N-426 certification. His sergeant instructed him to speak with his recruiter for further guidance. Mr. Naji spoke with his recruiter shortly thereafter and his recruiter informed him that he would have to wait to obtain his N-426 certification. Mr. Naji then contacted the first sergeant of his squadron, who informed him that he could not help him because the form required an O-6

signature and he did not know how to obtain one. With the assistance of an attorney, Mr. Naji then contacted the Chief of Customer Support at his base via email but has still not been able to find anyone to accept his N-426 form for certification.

Class counsel request that Defendants provide Ms. Patel and Mr. Naji with their N-426 certifications and have attached their N-426 forms to this letter. Ms. Patel's unit information is [REDACTED]. Mr. Naji's unit information is [REDACTED] of the U.S. Air Force Reserve.

Class counsel further request that Defendants investigate continuing non-compliance at Fort Lee and throughout the Selected Reserve of the U.S. Army Reserve.



Sincerely,
Scarlet Kim

Counsel to Plaintiffs

Encl.