

# Exhibit 1

**From:** Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

**Sent:** Tuesday, September 06, 2016 11:50 AM

**To:** Warden, Andrew (CIV)

**Cc:** Smith, James; Schuelke III, Henry F.; Chris Tompkins; Dror Ladin; Steven Watt; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org); Hina Shamsi

**Subject:** Salim/Mitchell (Defendants' Touhy Request Seeking Depositions)

Andrew,

Pursuant to paragraph 6 of the Stipulation re: Discovery filed in the above-referenced action, attached is Defendants' *Touhy* request and attendant subpoenas for the depositions of the following CIA or ex-CIA employees: (1) James Cotsana; (2) Jose Rodriguez; (3) John Rizzo; and (4) Jonathan Fredman. A copy will follow by regular mail.

BP

**Brian S. Paszamant | Blank Rome LLP**

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*

# Exhibit 2

**From:** Rosenthal, Jeffrey [<mailto:Rosenthal-J@BlankRome.com>]

**Sent:** Wednesday, December 21, 2016 9:53 AM

**To:** Dror Ladin; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org); Steven Watt; McGrady, Daniel, J.; Frey, Avram D.; Janukowicz, Kate E.; Lustberg, Lawrence S; Hina Shamsi

**Cc:** Smith, James; Paszamant, Brian; Schuelke III, Henry F.; 'Chris Tompkins'

**Subject:** Salim v. Mitchell--Subpoena for Service

Mr. Ladin:

Please see attached subpoenas. A hard copy will be sent to you via U.S. Mail today.

Thanks.

Jeff

**Jeffrey N. Rosenthal | Blank Rome LLP**

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5553 | Fax: 215.832.5553 | Email: [Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

Suleiman Abdulah Salim, et. al.

Plaintiff

v.

James Elmer Mitchell and John "Bruce" Jessen

Defendant

Civil Action No. 2:15-CV-286-JLQ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: John A. Rizzo c/o Robert S. Bennett Esq., Hogan Lovells LLP, Columbia Square, 555 Thirteenth Street, NW, Washington, D.C. 20004

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (Blank Rome LLP, 1825 Eye Street, NW, Washington, D.C. 20006) and Date and Time (01/23/2017 10:00 am)

The deposition will be recorded by this method: Reporter and videographer

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/21/2016

CLERK OF COURT

OR

Brian Paszamant / JNR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants James Elmer Mitchell and John "Bruce" Jessen, who issues or requests this subpoena, are:

Brian Paszamant, 1 Logan Square, 130 North 18th Street, Philadelphia, PA 19103-6998. Tel: (215) 569-5791. Email: Paszamant@blankrome.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:15-CV-286-JLQ

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

UNITED STATES DISTRICT COURT
for the
Eastern District of Washington

Suleiman Abdulah Salim, et. al.

Plaintiff

v.

James Elmer Mitchell and John "Bruce" Jessen

Defendant

Civil Action No. 2:15-CV-286-JLQ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Jose A. Rodriguez c/o Robert S. Bennett Esq., Hogan Lovells LLP, Columbia Square, 555 Thirteenth Street, NW, Washington, D.C. 20004

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (Blank Rome LLP, 1825 Eye Street, NW, Washington, D.C. 20006) and Date and Time (01/24/2017 10:00 am)

The deposition will be recorded by this method: Reporter and videographer

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/21/2016

CLERK OF COURT

OR

Handwritten signature of Brian Paszamant

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants James Elmer Mitchell and John "Bruce" Jessen, who issues or requests this subpoena, are:

Brian Paszamant, 1 Logan Square, 130 North 18th Street, Philadelphia, PA 19103-6998. Tel: (215) 569-5791. Email: Paszamant@blankrome.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 2:15-CV-286-JLQ

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# Exhibit 3

**From:** Hina Shamsi [<mailto:hshamsi@aclu.org>]

**Sent:** Wednesday, December 21, 2016 5:26 PM

**To:** Rosenthal, Jeffrey; Dror Ladin; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org); Steven Watt; McGrady, Daniel, J.; Frey, Avram D.; Janukowicz, Kate E.; Lustberg, Lawrence S

**Cc:** Smith, James; Paszamant, Brian; Schuelke III, Henry F.; 'Chris Tompkins'; [andrew.warden@usdoj.gov](mailto:andrew.warden@usdoj.gov)

**Subject:** RE: Salim v. Mitchell--Subpoena for Service

Mr. Rosenthal,

We are in receipt of these subpoenas. We note that you did not coordinate with Plaintiffs' counsel to ascertain our availability for, or the location of, these depositions. As a party to the case, we expected to have been consulted about scheduling—as you in fact consulted us in setting the deposition date for Mr. Cotsana.

Plaintiffs agree to the location of the depositions at your offices in Washington, DC. We are available on January 30 for Mr. Fredman's deposition. Because of a court argument in another matter and another work commitment that cannot be moved, we are in fact not available on January 23 or 24. Keeping in mind the impending discovery cut-off deadline, we are available earlier in the month, and we propose that Mr. Rodriguez's deposition be held on January 13, and Mr. Rizzo's deposition be held on January 17.

Please advise us whether those dates are acceptable. Counsel for the government is copied on this response.

Best regards,

**Hina Shamsi**

Director, National Security Project

American Civil Liberties Union

125 Broad St., New York, NY 10004

■ 212.284.7321 ■ [hshamsi@aclu.org](mailto:hshamsi@aclu.org)

[www.aclu.org](http://www.aclu.org)  

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.*

---

**From:** Rosenthal, Jeffrey [<mailto:Rosenthal-J@BlankRome.com>]

**Sent:** Wednesday, December 21, 2016 9:53 AM

**To:** Dror Ladin; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org); Steven Watt; McGrady, Daniel, J.; Frey, Avram D.; Janukowicz, Kate E.; Lustberg, Lawrence S; Hina Shamsi

**Cc:** Smith, James; Paszamant, Brian; Schuelke III, Henry F.; 'Chris Tompkins'

**Subject:** Salim v. Mitchell--Subpoena for Service

Mr. Ladin:

Please see attached subpoenas. A hard copy will be sent to you via U.S. Mail today.

Thanks.

Jeff

**Jeffrey N. Rosenthal | Blank Rome LLP**

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5553 | Fax: 215.832.5553 | Email: [Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*

# Exhibit 4

**From:** Hina Shamsi [<mailto:hshamsi@aclu.org>]

**Sent:** Wednesday, December 28, 2016 5:39 PM

**To:** Rosenthal, Jeffrey; Dror Ladin; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org); Steven Watt; McGrady, Daniel, J.; Frey, Avram D.; Janukowicz, Kate E.; Lustberg, Lawrence S

**Cc:** Smith, James; Paszamant, Brian; Schuelke III, Henry F.; 'Chris Tompkins'; [andrew.warden@usdoj.gov](mailto:andrew.warden@usdoj.gov)

**Subject:** RE: Salim v. Mitchell--Subpoena for Service

Mr. Rosenthal,

We have had no response to our proposed dates for the depositions of Mr. Rizzo and Mr. Rodriguez. Please let us know your position. In addition, we should decide the division of time for questioning for each deposition. We propose that Defendants have 4.5 hours to ask questions and Plaintiffs have 2.5 hours.

Finally, we are finalizing our research on possible locations for our clients' IMEs and depositions and expect to email tomorrow with proposals and to set up a time for the meet-and-confer.

Best regards,

**Hina Shamsi**

Director, National Security Project

American Civil Liberties Union

125 Broad St., New York, NY 10004

■ 212.284.7321 ■ [hshamsi@aclu.org](mailto:hshamsi@aclu.org)

[www.aclu.org](http://www.aclu.org)  

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.*

---

**From:** Hina Shamsi

**Sent:** Wednesday, December 21, 2016 5:26 PM

**To:** 'Rosenthal, Jeffrey'; Dror Ladin; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org); Steven Watt; McGrady, Daniel, J.; Frey, Avram D.; Janukowicz, Kate E.; Lustberg, Lawrence S

**Cc:** Smith, James; Paszamant, Brian; Schuelke III, Henry F.; 'Chris Tompkins'; [andrew.warden@usdoj.gov](mailto:andrew.warden@usdoj.gov)

**Subject:** RE: Salim v. Mitchell--Subpoena for Service

Mr. Rosenthal,



We are in receipt of these subpoenas. We note that you did not coordinate with Plaintiffs' counsel to ascertain our availability for, or the location of, these depositions. As a party to the case, we expected to have been consulted about scheduling—as you in fact consulted us in setting the deposition date for Mr. Cotsana.

Plaintiffs agree to the location of the depositions at your offices in Washington, DC. We are available on January 30 for Mr. Fredman's deposition. Because of a court argument in another matter and another work commitment that cannot be moved, we are in fact not available on January 23 or 24. Keeping in mind the impending discovery cut-off deadline, we are available earlier in the month, and we propose that Mr. Rodriguez's deposition be held on January 13, and Mr. Rizzo's deposition be held on January 17.

Please advise us whether those dates are acceptable. Counsel for the government is copied on this response.

Best regards,

**Hina Shamsi**

Director, National Security Project  
American Civil Liberties Union  
125 Broad St., New York, NY 10004  
■ 212.284.7321 ■ hshamsi@aclu.org  
[www.aclu.org](http://www.aclu.org)  

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.*

---

**From:** Rosenthal, Jeffrey [<mailto:Rosenthal-J@BlankRome.com>]  
**Sent:** Wednesday, December 21, 2016 9:53 AM  
**To:** Dror Ladin; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); [echiang@aclu-wa.org](mailto:echiang@aclu-wa.org); Steven Watt; McGrady, Daniel, J.; Frey, Avram D.; Janukowicz, Kate E.; Lustberg, Lawrence S; Hina Shamsi  
**Cc:** Smith, James; Paszamant, Brian; Schuelke III, Henry F.; 'Chris Tompkins'  
**Subject:** Salim v. Mitchell--Subpoena for Service

Mr. Ladin:

Please see attached subpoenas. A hard copy will be sent to you via U.S. Mail today.

Thanks.

Jeff

**Jeffrey N. Rosenthal | Blank Rome LLP**  
One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998  
Phone: 215.569.5553 | Fax: 215.832.5553 | Email: [Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*



# Exhibit 5

**From:** Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

**Sent:** Saturday, December 31, 2016 8:42 AM

**To:** 'Hina Shamsi'; Dror Ladin

**Cc:** Steven Watt; Lustberg, Lawrence S; McGrady, Daniel, J.; Janukowicz, Kate E.; Frey, Avram D.; Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Schuelke III, Henry F.; Smith, James; Rosenthal, Jeffrey; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com))

**Subject:** RE: Salim/Mitchell (Court Ordered Meet and Confer)

Hina,

Thank you for the email. Once Defendants have a sense of what injuries Plaintiffs Salim and Ben Soud intend to try to attribute to Defendants at trial, Defendants will be in a better position to assess resulting IME needs, and thus better able to provide Plaintiffs with specific proposed dates for Plaintiffs Salim and Ben Soud's depositions and IMEs. According to Dror's email from yesterday, it seems that we will be provided with this injury information on January 2.

We have now heard back from counsel for Messrs. Rodriguez and Rizzo, Bob Bennett. Setting aside defense counsel availability issues, Mr. Bennett advises that Messrs. Rodriguez and Rizzo are not available on the dates that Plaintiffs have proposed below. In fact, I was advised that the lack of availability on Messrs. Rodriguez, Rizzo and Bennett's parts until later in January is what caused us to select the dates that we did. Let's plan to speak further about the scheduling of Messrs. Rodriguez and Rizzo's depositions after we have locked in dates and locations for Plaintiffs Salim and Ben Soud's depositions and IMEs.

With regard to Plaintiffs Salim and Ben Soud's depositions, we have begun to look into the proposed locales. Initial review suggests that Quito, Equador may be problematic as Equador does not seem to permit the taking of depositions even if voluntary: <https://travel.state.gov/content/travel/en/legal-considerations/judicial/country/ecuador.html> ("The taking of voluntary depositions of willing witnesses is not permitted in Ecuador, regardless of the nationality of the witness.") While Defendants continue to assess the identified locales from this and other perspectives, could you please advise whether you or your colleagues have any experience conducting depositions in either of the locales, including whether the conducting of depositions is permissible?

With regard to agreement to extend deadlines including the present fact discovery deadline, we are happy to discuss this with Plaintiffs.

BP

**Brian S. Paszamant | Blank Rome LLP**

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

**From:** Hina Shamsi [<mailto:hshamsi@aclu.org>]

**Sent:** Friday, December 30, 2016 1:16 PM

**To:** Paszamant, Brian <[Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)>; Dror Ladin <[dladin@aclu.org](mailto:dladin@aclu.org)>

**Cc:** Steven Watt <[swatt@aclu.org](mailto:swatt@aclu.org)>; 'LLustberg@gibbonslaw.com' (<[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)> <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>); McGrady, Daniel, J. (<[DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)> <[DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)>); Janukowicz, Kate E. (<[KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)> <[KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)>); Frey, Avram D. (<[AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)> <[AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)>); Warden, Andrew (CIV) (<[Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)> <[Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)>); Schuelke III, Henry F. (<[HSchuelke@BlankRome.com](mailto:HSchuelke@BlankRome.com)> <[HSchuelke@BlankRome.com](mailto:HSchuelke@BlankRome.com)>); Smith, James (<[Smith-jt@BlankRome.com](mailto:Smith-jt@BlankRome.com)> <[Smith-jt@BlankRome.com](mailto:Smith-jt@BlankRome.com)>); Rosenthal, Jeffrey (<[Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)> <[Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)>); Chris Tompkins (<[ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)> <[ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)>)

**Subject:** RE: Salim/Mitchell (Court Ordered Meet and Confer)

Brian,

If the week of January 23 does not work for you, we are amenable to IMEs and depositions during the week of January 30; please let us know your specific scheduling proposals. We expect that if IMEs take place during the January 30 week, you will need to make an application, to which we would consent, to extend the discovery period in order for us to respond to your IME-based expert reports pursuant to the time line set by the Court.

Could you also please give us a sense of when you might confirm the dates for the depositions of Messrs. Rizzo and Rodriguez? I'm sorry to press again, but we need to make travel plans.

Thanks,  
Hina

**Hina Shamsi**

Director, National Security Project  
American Civil Liberties Union  
125 Broad St., New York, NY 10004  
■ 212.284.7321 ■ [hshamsi@aclu.org](mailto:hshamsi@aclu.org)  
[www.aclu.org](http://www.aclu.org)  

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.*

---

**From:** Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

**Sent:** Friday, December 30, 2016 11:33 AM

**To:** Dror Ladin

**Cc:** Steven Watt; Hina Shamsi; 'LLustberg@gibbonslaw.com' ([LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)); McGrady, Daniel, J. ([DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)); Janukowicz, Kate E. ([KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)); Frey, Avram D. ([AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Schuelke III, Henry F.; Smith, James; Rosenthal, Jeffrey; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com))

**Subject:** RE: Salim/Mitchell (Court Ordered Meet and Confer)

Thank you. This is helpful. Also, the week of January 25 will likely not work for these depositions and IMEs. How is availability the week of January 30 even if that possibly necessitates moving around existing depositions?

BP

**Brian S. Paszamant | Blank Rome LLP**

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998  
Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

---

**From:** Dror Ladin [<mailto:dladin@aclu.org>]

**Sent:** Friday, December 30, 2016 11:28 AM

**To:** Paszamant, Brian <[Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)>

**Cc:** Steven Watt <[swatt@aclu.org](mailto:swatt@aclu.org)>; Hina Shamsi <[hshamsi@aclu.org](mailto:hshamsi@aclu.org)>; 'LLustberg@gibbonslaw.com' ([LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)) <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>; McGrady, Daniel, J. ([DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)) <[DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)>; Janukowicz, Kate E. ([KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)) <[KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)>; Frey, Avram D. ([AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)) <[AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)>; Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)) <[Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)>; Schuelke III, Henry F. <[HSchuelke@BlankRome.com](mailto:HSchuelke@BlankRome.com)>; Smith, James <[Smith-it@BlankRome.com](mailto:Smith-it@BlankRome.com)>; Rosenthal, Jeffrey <[Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)>; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)) <[ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)>

**Subject:** Re: Salim/Mitchell (Court Ordered Meet and Confer)

Thanks, Brian. Plaintiff Salim's English is good enough for him to have his IME in English, but there should be a Swahili translator present for his deposition. Plaintiff Ben Soud will need an Arabic translator for both his IME and deposition.

Sent from my iPhone

On Dec 30, 2016, at 10:32 AM, Paszamant, Brian <[Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)> wrote:

Yes dror, 3:30 works. In the meantime, could you please advise whether plaintiffs salim and Ben soud are fluent in English and, if not, what language we should be focusing on in terms of locating appropriate translation services for these plaintiffs?

Bp

Brian S. Paszamant, Esquire  
Blank Rome LLP  
One Logan Square  
18th and Cherry Streets  
Philadelphia, Pennsylvania 19103  
(215) 569-5791  
[Paszamant@blankrome.com](mailto:Paszamant@blankrome.com)

On Dec 30, 2016, at 10:23 AM, Dror Ladin <[dladin@aclu.org](mailto:dladin@aclu.org)> wrote:

Thanks, Brian. We will circulate a call-in and appreciate your availability. Would it be possible for you and Chris to join a call at 3:30 PM Eastern instead? That later time will allow more of us to participate in the conferral.

Thanks,  
Dror

On Dec 30, 2016, at 9:16 AM, Paszamant, Brian <[Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)> wrote:

Dror,

Thank you for the email. Chris Tompkins and I will be participating for Defendants and we are available to speak on January 4 at 2:30 p.m. East Coast Time. Could you please circulate a dial in?

BP

**Brian S. Paszamant | Blank Rome LLP**

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998  
Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

**From:** Dror Ladin [<mailto:dladin@aclu.org>]

**Sent:** Thursday, December 29, 2016 5:13 PM

**To:** Paszamant, Brian <[Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)>; Steven Watt

<[swatt@aclu.org](mailto:swatt@aclu.org)>; Hina Shamsi <[hshamsi@aclu.org](mailto:hshamsi@aclu.org)>;

'[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)' (<[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>)

<[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>; McGrady, Daniel, J.

(<[DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)> <[DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)>; Janukowicz,

Kate E. (<[KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)> <[KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)>); Frey,

**Cc:** Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov))  
<[Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)>; Schuelke III, Henry F.  
<[HSchuelke@BlankRome.com](mailto:HSchuelke@BlankRome.com)>; Smith, James <[Smith-jt@BlankRome.com](mailto:Smith-jt@BlankRome.com)>;  
Rosenthal, Jeffrey <[Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)>; Chris Tompkins  
([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)) <[ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)>  
**Subject:** Re: Salim/Mitchell (Court Ordered Meet and Confer)

Brian,

In accordance with the Court's Order, we propose a telephonic conference on the afternoon of Jan. 4. In answer to your questions, we propose that Plaintiffs Salim and Ben Soud travel to Roseau, Domenica or to Quito, Ecuador for IMEs and depositions beginning on Jan. 25. We don't anticipate difficulties with Plaintiffs accessing these locations, and believe that both have medical facilities that would enable Defendants to conduct appropriate examinations. We will provide you by Jan. 2 a list of injuries so that we can try and reach agreement on the scope of the IMEs. We don't believe there is a need for any specialized testing equipment beyond that employed by Plaintiffs' experts and identified in their reports.

Sincerely,

Dror

---

**From:** Paszamant, Brian <[Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)>  
**Sent:** Friday, December 23, 2016 8:08:09 AM  
**To:** Dror Ladin; Steven Watt; Hina Shamsi; '[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)'  
([LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)); McGrady, Daniel, J.  
([DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)); Janukowicz, Kate E.  
([KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)); Frey, Avram D. ([AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com))  
**Cc:** Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Schuelke III, Henry F.;  
Smith, James; Rosenthal, Jeffrey; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com))  
**Subject:** Salim/Mitchell (Court Ordered Meet and Confer)

Counsel,

We are in receipt of the Court's Order concerning Plaintiffs Salim and Ben Soud's depositions and IMEs. In an effort to meet and confer as the Order contemplates, please advise as soon as possible: (1) which countries within 3,000 miles of Washington, D.C. Plaintiffs Salim and Ben Soud are able to travel for their IMEs and depositions; and (2) which injuries, if any, identified within (a) Plaintiffs' Complaint or (b) the medical reports produced by Plaintiffs, Plaintiffs Salim and Ben Soud will not be pursuing at trial.

Your anticipated cooperation is greatly appreciated.

BP

**Brian S. Paszamant | Blank Rome LLP**  
One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998  
Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*

# Exhibit 6

**From:** Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

**Sent:** Thursday, January 12, 2017 12:19 PM

**To:** Dror Ladin

**Cc:** Steven Watt; Hina Shamsi; Lustberg, Lawrence S; McGrady, Daniel, J.; Janukowicz, Kate E.; Frey, Avram D.; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Smith, James; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)); Rosenthal, Jeffrey; Schuelke III, Henry F.; Querns, Ann E.

**Subject:** Salim/Mitchell (Rodriguez, Rizzo and Fredman Depositions; Gov't Business Records; Crosby Records)

Dror,

We have heard back from Mr. Bennett with regard to the depositions of Jose Rodriguez and John Rizzo, and from Steve McCool with regard to the deposition of Jonathan Fredman. In light of those discussions, we propose the following deposition schedule with all such depositions to be conducted in Blank Rome's D.C. office:

- (1) January 26 – Jose Rodriguez
- (2) January 27 – John Rizzo
- (3) January 30 – Jonathan Fredman

Please advise whether this works for you so that we may lock this down.

Separately, during the first of our meet and confer calls last week, I inquired whether Plaintiffs would stipulate that the documents produced by the CIA and DOJ in response to Defendants' *Touhy* requests constitute business records for evidentiary purposes. We await Plaintiffs' response to this proposal.

Additionally, during the same meet and confer call, I advised of Defendants desire to promptly obtain Dr. Sandra Crosby's records relating to her 2010 examination of Plaintiff Salim. Please advise as to Plaintiffs' position in this regard.

Thank you in advance.

BP

**Brian S. Paszamant | Blank Rome LLP**

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*



# Exhibit 7

**From:** Dror Ladin [<mailto:dladin@aclu.org>]  
**Sent:** Wednesday, January 18, 2017 2:40 PM  
**To:** Paszamant, Brian  
**Cc:** Steven Watt; Hina Shamsi; Lustberg, Lawrence S; McGrady, Daniel, J.; Janukowicz, Kate E.; Frey, Avram D.; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Smith, James; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)); Rosenthal, Jeffrey; Schuelke III, Henry F.; Querns, Ann E.  
**Subject:** RE: Salim/Mitchell (Rodriguez, Rizzo and Fredman Depositions; Gov't Business Records; Crosby Records)

Brian,  
Thanks for your email. In response to your questions:  
First, Plaintiffs accept Defendants' proposed deposition schedule and location for depositions.  
Second, my co-counsel Larry Lustberg will contact you today or tomorrow to set up a time to discuss the scope of a possible stipulation as to admissibility of documents.  
Third, my co-counsel Avi Frey will respond to you shortly with the records of Dr. Crosby that Defendants have requested.

**Dror Ladin**  
Staff Attorney  
National Security Project  
American Civil Liberties Union  
125 Broad St., New York, NY 10004  
■ 212.284.7303 ■ [dladin@aclu.org](mailto:dladin@aclu.org)  
[www.aclu.org](http://www.aclu.org)



BECAUSE FREEDOM CAN'T PROTECT ITSELF

*This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.*

---

**From:** Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]  
**Sent:** Wednesday, January 18, 2017 2:28 PM  
**To:** Dror Ladin  
**Cc:** Steven Watt; Hina Shamsi; 'LLustberg@gibbonslaw.com' ([LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)); McGrady, Daniel, J. ([DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)); Janukowicz, Kate E. ([KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)); Frey, Avram D. ([AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)); [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Smith, James; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)); Rosenthal, Jeffrey; Schuelke III, Henry F.; Querns, Ann E.  
**Subject:** RE: Salim/Mitchell (Rodriguez, Rizzo and Fredman Depositions; Gov't Business Records; Crosby Records)

Dror,

I'm following up about the deposition dates as well as the other items identified below. Please advise.

BP

**Brian S. Paszamant | Blank Rome LLP**  
One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998  
Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

**From:** Paszamant, Brian

**Sent:** Thursday, January 12, 2017 12:19 PM

**To:** Dror Ladin <[dladin@aclu.org](mailto:dladin@aclu.org)>

**Cc:** Steven Watt <[swatt@aclu.org](mailto:swatt@aclu.org)>; Hina Shamsi <[hshamsi@aclu.org](mailto:hshamsi@aclu.org)>; 'LLustberg@gibbonslaw.com' (<[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>) <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)>; McGrady, Daniel, J. (<[DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)>) <[DMcGrady@gibbonslaw.com](mailto:DMcGrady@gibbonslaw.com)>; Janukowicz, Kate E. (<[KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)>) <[KJanukowicz@gibbonslaw.com](mailto:KJanukowicz@gibbonslaw.com)>; Frey, Avram D. (<[AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)>) <[AFrey@gibbonslaw.com](mailto:AFrey@gibbonslaw.com)>; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) (<[Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)>) <[Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)>; Smith, James (<[Smith-jt@BlankRome.com](mailto:Smith-jt@BlankRome.com)>) <[Smith-jt@BlankRome.com](mailto:Smith-jt@BlankRome.com)>; Chris Tompkins (<[ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)>) <[ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)>; Rosenthal, Jeffrey (<[Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)>) <[Rosenthal-J@BlankRome.com](mailto:Rosenthal-J@BlankRome.com)>; Schuelke III, Henry F. (<[HSchuelke@BlankRome.com](mailto:HSchuelke@BlankRome.com)>) <[HSchuelke@BlankRome.com](mailto:HSchuelke@BlankRome.com)>; Querns, Ann E. (<[AQuerns@blankrome.com](mailto:AQuerns@blankrome.com)>) <[AQuerns@blankrome.com](mailto:AQuerns@blankrome.com)>

**Subject:** Salim/Mitchell (Rodriguez, Rizzo and Fredman Depositions; Gov't Business Records; Crosby Records)

Dror,

We have heard back from Mr. Bennett with regard to the depositions of Jose Rodriguez and John Rizzo, and from Steve McCool with regard to the deposition of Jonathan Fredman. In light of those discussions, we propose the following deposition schedule with all such depositions to be conducted in Blank Rome's D.C. office:

- (1) January 26 – Jose Rodriguez
- (2) January 27 – John Rizzo
- (3) January 30 – Jonathan Fredman

Please advise whether this works for you so that we may lock this down.

Separately, during the first of our meet and confer calls last week, I inquired whether Plaintiffs would stipulate that the documents produced by the CIA and DOJ in response to Defendants' *Touhy* requests constitute business records for evidentiary purposes. We await Plaintiffs' response to this proposal.

Additionally, during the same meet and confer call, I advised of Defendants desire to promptly obtain Dr. Sandra Crosby's records relating to her 2010 examination of Plaintiff Salim. Please advise as to Plaintiffs' position in this regard.

Thank you in advance.

BP

**Brian S. Paszamant | Blank Rome LLP**  
One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998  
Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*

# Exhibit 8



**Phone:** (215) 569-5791  
**Fax:** (215) 832-5791  
**Email:** [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

January 24, 2017

**VIA EMAIL**

Emily Chiang, Esquire  
[echiang@aclu-wa.org](mailto:echiang@aclu-wa.org)  
ACLU of Washington Foundation  
901 Fifth Ave, Suite 630  
Seattle, WA 98164

Steven M. Watt, Esquire  
[swatt@aclu.org](mailto:swatt@aclu.org)  
Dror Ladin, Esquire  
[dladin@aclu.org](mailto:dladin@aclu.org)  
Hina Shamsi, Esquire  
[hshamsi@aclu.org](mailto:hshamsi@aclu.org)  
Jameel Jaffer, Esquire  
[jjaffer@aclu.org](mailto:jjaffer@aclu.org)  
ACLU Foundation  
125 Broad Street, 18th Floor  
New York, NY 10007

Lawrence S. Lustberg, Esquire  
[llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com)  
Avram D. Frey, Esquire  
[afrey@gibbonslaw.com](mailto:afrey@gibbonslaw.com)  
Daniel J. McGrady, Esquire  
[dmcgrady@gibbonslaw.com](mailto:dmcgrady@gibbonslaw.com)  
Kate E. Janukowicz, Esquire  
[kjanukowicz@gibbonslaw.com](mailto:kjanukowicz@gibbonslaw.com)  
Gibbons PC  
One Gateway Center  
Newark, NJ 07102

Paul Hoffman, Esquire  
[hoffpaul@aol.com](mailto:hoffpaul@aol.com)  
Schonbrun Seplow Harris & Hoffman, LLP  
723 Ocean Front Walk, Suite 100  
Venice, CA 90291

**Re: Salim v. Mitchell, Civil Action No. 2:15-CV-286-JLQ (E.D. Wash.)**

Dear Counsel:

I write concerning the depositions of Jose Rodriguez and John Rizzo, scheduled for this Thursday and Friday respectively. Mr. Rodriguez and Mr. Rizzo have each provided Defendants with a declaration in exchange for Defendants' agreement to withdraw their subpoenas. In light of this development, Defendants withdraw these subpoenas and do not intend to proceed with these depositions.



January 24, 2017  
Page 2

I will promptly forward to you a copy of each of the declarations.

Very truly yours,

BRIAN S. PASZAMANT

BSP/mc

Cc: Andrew L. Warden, Esquire  
James T. Smith, Esquire  
Henry F. Schuelke, III, Esquire  
Ann E. Querns, Esquire  
Christopher W. Tompkins, Esquire  
(each via email)

# Exhibit 9

**From:** Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]  
**Sent:** Wednesday, January 25, 2017 3:21 PM  
**To:** Lustberg, Lawrence S  
**Subject:** Salim/Mitchell (Rodriguez and Rizzo Declarations)

Larry,

Attached is a copy of: (1) the Declaration of Jose Rodriguez; and (2) the Declaration of John Rizzo. The exhibits to the Declarations have been overnighted to you.

BP

**Brian S. Paszamant | Blank Rome LLP**  
One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998  
Phone: 215.569.5791 | Fax: 215.832.5791 | Email: [Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)

\*\*\*\*\*  
\*\*\*\*\*

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

\*\*\*\*\*  
\*\*\*\*\*



# Exhibit 10

**From:** Lustberg, Lawrence S

**Sent:** Thursday, January 26, 2017 12:44 PM

**To:** [robert.bennett@hoganlovells.com](mailto:robert.bennett@hoganlovells.com)

**Cc:** Paszamant, Brian ([Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)); Steven Watt; Hina Shamsi; Lustberg, Lawrence S; McGrady, Daniel, J.; Janukowicz, Kate E.; Frey, Avram D.; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Smith, James; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)); Rosenthal, Jeffrey; Schuelke III, Henry F.; Querns, Ann E.

**Subject:** Salim v. Mitchell

Dear Mr. Bennett:

We understand that you represent Jose Rodriguez and John Rizzo in the above-captioned matter. Given that they are on defendants' witness list and have now provided declarations in this matter, Plaintiffs here provide subpoenas for their depositions. I assume that you will accept service, but if not, let me know and we will serve the defendants more formally.

We apologize for the late date of these subpoenas, but have long anticipated, based upon our communications with the defendants, that we would have had the opportunity to ask our questions at the previously scheduled and now cancelled depositions scheduled for today and tomorrow. That said, we can be flexible with dates, as well as locations for the depositions, subject only to the Court's scheduling order, which will require that the depositions be completed by February 17. Let me know what works for you and your clients in that regard; by copy of this email, I am also making the same request of counsel for the defendants and the Government.

I look forward to hearing from you at your earliest convenience so that we can make arrangements for these depositions. Thank you for your kind attention to this matter.

Larry Lustberg

Lawrence S. Lustberg, Esq.

Gibbons P.C.

1 Gateway Center

Newark, NJ 07102

Tel. (973) 596-4731

Fax (973) 639-6285

Cell (201) 407-4765

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

Suleiman Abdullah Salim, et al.

Plaintiff

v.

James Elmer Mitchell and John "Bruce" Jessen

Defendant

Civil Action No. 2:15-CV-286-JLQ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: John A. Rizzo c/o Robert S. Bennett, Esq., Hogan Lovells LLP, Columbia Square, 555 Thirteenth Street, NW, Washington, D.C. 20004

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (ACLU, 915 Fifteenth Street, NW, Washington, DC 20005) and Date and Time (02/09/2017 10:00 am)

The deposition will be recorded by this method: Reporter

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 01/26/2017

CLERK OF COURT

OR

Handwritten signature in blue ink

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs Suleiman Abdullah Salim, Mohamed Ahmed Ben Soud, and ObaidUllah, who issues or requests this subpoena, are: Lawrence S. Lustberg, Gibbons P.C., One Gateway Center, Newark, NJ 07102-5310, llustberg@gibbonslaw.com, (973) 596-4731

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:15-CV-286-JLQ

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

Suleiman Abdullah Salim, et al.

Plaintiff

v.

James Elmer Mitchell and John "Bruce" Jessen

Defendant

Civil Action No. 2:15-CV-286-JLQ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Jose A. Rodriguez c/o Robert S. Bennett, Esq., Hogan Lovells LLP, Columbia Square, 555 Thirteenth Street, NW, Washington, D.C. 20004

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (ACLU, 915 Fifteenth Street, NW, Washington, DC 20005) and Date and Time (02/06/2017 10:00 am)

The deposition will be recorded by this method: Reporter

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 01/26/2017

CLERK OF COURT

OR

Handwritten signature in blue ink

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs Suleiman Abdullah Salim, Mohamed Ahmed Ben Soud, and ObaidUllah, who issues or requests this subpoena, are: Lawrence S. Lustberg, Gibbons P.C., One Gateway Center, Newark, NJ 07102-5310, llustberg@gibbonslaw.com, (973) 596-4731

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 2:15-CV-286-JLQ

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

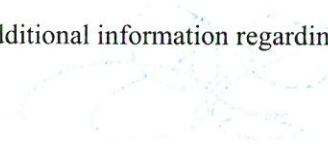
I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



# Exhibit 11

**From:** Bennett, Robert S. [<mailto:robert.bennett@hoganlovells.com>]  
**Sent:** Thursday, January 26, 2017 3:43 PM  
**To:** Lustberg, Lawrence S  
**Cc:** Paszamant, Brian ([Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)); Steven Watt; Hina Shamsi; McGrady, Daniel, J.; Janukowicz, Kate E.; Frey, Avram D.; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Smith, James; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)); Rosenthal, Jeffrey; Schuelke III, Henry F.; Querns, Ann E.  
**Subject:** Re: Salim v. Mitchell

How about the 7th and the 9th?

Sent from my iPhone

On Jan 26, 2017, at 2:49 PM, Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)> wrote:

Unfortunately, I have a conflict with a court appearance on the 8th, so it gets a little complicated.

Lawrence S. Lustberg, Esq.  
Gibbons P.C.  
1 Gateway Center  
Newark, NJ 07102

Tel. (973) 596-4731  
Fax (973) 639-6285  
Cell (201) 407-4765

---

**From:** Bennett, Robert S. [<mailto:robert.bennett@hoganlovells.com>]  
**Sent:** Thursday, January 26, 2017 2:42 PM  
**To:** Lustberg, Lawrence S  
**Cc:** Paszamant, Brian ([Paszamant@BlankRome.com](mailto:Paszamant@BlankRome.com)); Steven Watt; Hina Shamsi; McGrady, Daniel, J.; Janukowicz, Kate E.; Frey, Avram D.; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Smith, James; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)); Rosenthal, Jeffrey; Schuelke III, Henry F.; Querns, Ann E.  
**Subject:** Re: Salim v. Mitchell

My strong preference would be to schedule the deps for March 8 and 9 so I can avoid a conflict on the 10th.

Sent from my iPhone

On Jan 26, 2017, at 1:17 PM, Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)> wrote:

Thank you.

Lawrence S. Lustberg, Esq.  
Gibbons P.C.  
1 Gateway Center  
Newark, NJ 07102

Tel. (973) 596-4731  
Fax (973) 639-6285  
Cell (201) 407-4765

---

**From:** Bennett, Robert S. [<mailto:robert.bennett@hoganlovells.com>]  
**Sent:** Thursday, January 26, 2017 1:15 PM  
**To:** Lustberg, Lawrence S



**Cc:** Paszama, Brian ([Paszama@blankrome.com](mailto:Paszama@blankrome.com)); Steven Watt; Hina Shamsi, McGrady, Daniel, J.; Janukowicz, Kate E.; Frey, Avram D.; [hoffpaul@aol.com](mailto:hoffpaul@aol.com); Warden, Andrew (CIV) ([Andrew.Warden@usdoj.gov](mailto:Andrew.Warden@usdoj.gov)); Smith, James; Chris Tompkins ([ctompkins@bpmlaw.com](mailto:ctompkins@bpmlaw.com)); Rosenthal, Jeffrey; Schuelke III, Henry F.; Querns, Ann E.

**Subject:** Re: Salim v. Mitchell

I will check with my clients and my own schedule and get back to you.

Sent from my iPhone

On Jan 26, 2017, at 12:45 PM, Lustberg, Lawrence S <[LLustberg@gibbonslaw.com](mailto:LLustberg@gibbonslaw.com)> wrote:

Dear Mr. Bennett:

We understand that you represent Jose Rodriguez and John Rizzo in the above-captioned matter. Given that they are on defendants' witness list and have now provided declarations in this matter, Plaintiffs here provide subpoenas for their depositions. I assume that you will accept service, but if not, let me know and we will serve the defendants more formally.

We apologize for the late date of these subpoenas, but have long anticipated, based upon our communications with the defendants, that we would have had the opportunity to ask our questions at the previously scheduled and now cancelled depositions scheduled for today and tomorrow. That said, we can be flexible with dates, as well as locations for the depositions, subject only to the Court's scheduling order, which will require that the depositions be completed by February 17. Let me know what works for you and your clients in that regard; by copy of this email, I am also making the same request of counsel for the defendants and the Government.

I look forward to hearing from you at your earliest convenience so that we can make arrangements for these depositions. Thank you for your kind attention to this matter.

Larry Lustberg

Lawrence S. Lustberg, Esq.  
Gibbons P.C.  
1 Gateway Center  
Newark, NJ 07102

Tel. (973) 596-4731  
Fax (973) 639-6285  
Cell (201) 407-4765

<image001.jpg>

**Disclaimer**

The contents of this message, together with any attachments, may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, printing, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify me immediately by reply e-mail or call the Gibbons P.C. Help Desk

Case 2:15-cv-00286-JLO Document 136-2 Filed 01/31/17  
at 973-656-4900 (e-mail: [helpdesk@gibbonslaw.com](mailto:helpdesk@gibbonslaw.com)) and delete this message,  
along with any attachments, from your computer.

<Subpoena - Jose Rodriguez.pdf>

<Subpoena - John Rizzo.pdf>

---

**About Hogan Lovells**

Hogan Lovells is an international legal practice that includes Hogan Lovells US LLP and Hogan Lovells International LLP. For more information, see [www.hoganlovells.com](http://www.hoganlovells.com).

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be privileged. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system.