### **EXHIBIT 5**

### Defendants' Cross-Motion for Summary Judgment

Samma v. Esper, 20-cv-1104 (D.D.C.)

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ANGE SAMMA, et al.,	
Plaintiffs,	
v.  UNITED STATES DEPARTMENT OF DEFENSE and MARK ESPER, in his official capacity as Secretary of Defense,	) Civil Action No. 1:20-cv-01104 ) The Honorable Ellen Segal Huvelle )
Defendants.	
	)

#### DECLARATION OF CHELSEA P. AUBUCHON

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

- 1. I am currently the Battalion S1 for the Special Troops Battalion. As the Battalion S1, I am the principal staff officer for all military personnel matters and other matters concerning human resources support within the unit and serve as the senior adjutant general officer in the command. In my capacity as the principal staff officer for military personnel matters, I have oversight responsibilities for maintaining personnel information, accounting for military personnel, and collecting, processing and storing information about soldiers. Within my office, I oversee the processing of individual military personnel actions, including finance and legal services, and records management, including custody, maintenance, and inspection of military personnel records maintained by the unit for each soldier assigned to the unit.
- 2. I commissioned as an officer in the Regular Army on April 16, 2019. I am currently a Second Lieutenant serving as a Human Resources Officer in the Adjutant General's Corps. I have served as a Human Resources Officer since September 10, 2019. On September 16, 2019. I assumed my current responsibilities as the Battalion S1 for the Special Troops

Battalion. The Special Troops Battalion is attached to the 25th Infantry Division Sustainment Brigade under the command of Colonel (COL) Landis C. Maddox.

- I submit this declaration pursuant to Federal Rules of Evidence 902(11) as the custodian of all military personnel records that are processed by and maintained within the custody of the Special Troops Battalion personnel office.
- Specialist Yu Min Lee is an Active Duty soldier serving at Schofield Barracks, Hawaii, and is currently assigned to Headquarters and Headquarters Company, Special Troops Battalion, 25th Infantry Division Sustainment Brigade Commander. SPC Lee has been assigned to the Special Troops Battalion since May 4, 2020. The unit maintains a local military personnel record for each of its soldiers, including for SPC Lee. The attached copy of the USCIS Form N-426, Request for Certification of Military or Naval Service, for SPC Yu Min Lee (Attach. A) was certified by COL Landis C. Maddox, 25th Infantry Division Sustainment Brigade Commander, the first O-6 commanding officer in the soldier's chain of command, and SPC Lee's military service was certified in accordance with the April 24, 2020, Under Secretary of Defense memorandum, subject: Certification of Honorable Service for Purposes of Naturalization. A copy of this certified USCIS Form N-426 is maintained in the soldier's local military personnel record under my custodial responsibility. Additionally, a copy of the form will be uploaded into the soldier's official military record—Army Military Human Resources Record (AMHRR). I declare under penalty of perjury that the foregoing is true and correct. Executed on May 15, 2020.

CHELSEA P. AUBUCHON Second Lieutenant, U.S. Army

## ATTACHMENT A



# Request for Certification of Military or Naval Service

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS Form N-426 OMB No. 1615-0053 Expires 09/30/2021

USCIS requests certification of the service member's military service. Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the executive department under which such person served to certify whether the service member served honorably, and whether the service member's separation from the service was under honorable conditions pursuant to Department of Defense (DoD) policy and guidelines. Recruiters are not authorized to certify this request.

NOTE: Requestors must complete Parts 1. - 4. Certifying officials must complete Parts 5. - 8. All applicants must submit a completed Form N-426; however, only applicants currently serving are required to obtain certification of Form N-426. Submit this request with Form N-400, Application for Naturalization. USCIS may reject your application if this request is not completely and properly filled out.

NOTE: ONLY military personnel (serving in pay grade O-6 or above) and equivalent civilian personnel (GS-15 or above) with proper authorization may certify this request.

Pa	rt 1. Information About You			
1.	Alien Registration Number (A-Number) (if any)  ▶ A-	2. Milita	ry Service Number	
3.	Full Legal Name			
	Family Name (Last Name)	Given N	lame (First Name)	Middle Name
	Lee	Yu Mi	n	N/A
4.	Other Names Used			
	List all other names you have used, including you space provided in Part 9. Additional Information		me (if any). If you need ex	tra space to complete this section, use the
	Family Name (Last Name)	Given N	lame (First Name)	Middle Name
	Lee	Sunny		N/A
	Lee	Sunny		Yu Min
5. 8.	U.S. Social Security Number (if any) 6. USC!  ▶ □  Place of Birth  City	IS Online Acc	Country	7. Date of Birth (mm/dd/yyyy)
	Bucheon		South Korea	
9.	Country of Citizenship		10. Country of National	lity
	South Korea		South Korea	
11.	Physical Address Street Number and Name			Apt. Ste. Flr. Number
	City or Town	County		State ZIP Code + 4
	Schofield Barracks	Honolu	lu	HI -
	Province or Region (foreign address only) Country (		(foreign address only)	Postal Code (foreign address only)
		USA		

Form N-426 09 16 19 Page 1 of 5

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Province (if applic	able)		MARKET IN	ing the orbital area		
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		09/23/2019	present	X Active Duty	e of the Ready Reserv	

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3.	Requestor's Email Address (if any)		Assession of the second	geren) Talket	2	al T	1		
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R	equestor's Signature								
4									
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