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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION, et al.,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, et al.,

Defendants.

No. 04 Civ. 4151 (AKH)

DECLARATION OF AMY A. BARCELO

Amy A. Barcelo, pursuant to the provisions of 28 U.S.C. § 1746, declares, under penalty of perjury, as follows:

1. I am an Assistant United States Attorney in the office of Preet Bharara, United States Attorney for the Southern District of New York, attorney for defendant in this case. I am an attorney assigned to the defense of this matter.
2. I submit this declaration in support of the seventh motion for partial summary judgment by Department of Defense and its components Department of Army, Department of Navy, Department of Air Force, and Defense Intelligence Agency (collectively, "DoD").
3. Attached as Exhibit A hereto is a true and correct copy of DoD's memorandum of

law in support of its sixth motion for partial summary judgment dated April 1, 2011.

4. Attached as Exhibit B hereto is a true and correct copy of Plaintiffs' memorandum of law in support of their sixth motion for partial summary judgment dated December 17, 2010.

5. Attached as Exhibit C hereto is a true and correct copy of the transcript of the July 20, 2011 oral argument held in the parties' sixth motions for partial summary judgment.

6. Attached as Exhibit D hereto is a true and correct copy of the certification of the Secretary of Defense Leon Panetta pursuant to section 565 of the Department of Homeland Security Appropriations Act, 2010 (Pub. L. 111-83), dated November 9, 2012.

7. Attached as Exhibit E hereto is a true and correct copy of the transcript of the December 14, 2012 status conference with the Court in this case.

8. Attached as Exhibit F hereto is a true and correct copy of DoD's reply brief in support of its sixth motion for summary judgment dated May 13, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Date: New York, New York
February 11, 2014

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