

1 Emily Chiang, WSBA No. 50517
2 echiang@aclu-wa.org
3 AMERICAN CIVIL LIBERTIES UNION
4 OF WASHINGTON FOUNDATION
5 901 Fifth Avenue, Suite 630
6 Seattle, WA 98164
7 Phone: 206-624-2184

8 Dror Ladin (admitted *pro hac vice*)
9 Steven M. Watt (admitted *pro hac vice*)
10 Hina Shamsi (admitted *pro hac vice*)
11 AMERICAN CIVIL LIBERTIES UNION FOUNDATION

12 Lawrence S. Lustberg (admitted *pro hac vice*)
13 Kate E. Janukowicz (admitted *pro hac vice*)
14 Daniel J. McGrady (admitted *pro hac vice*)
15 Avram D. Frey (admitted *pro hac vice*)
16 GIBBONS P.C.

17 *Attorneys for Plaintiffs*

18 UNITED STATES DISTRICT COURT
19 FOR THE EASTERN DISTRICT OF WASHINGTON

20 SULEIMAN ABDULLAH SALIM,
21 MOHAMED AHMED BEN SOUD, OBAID
22 ULLAH (AS PERSONAL
23 REPRESENTATIVE OF GUL RAHMAN),

24 Plaintiffs,

25 v.

26 JAMES ELMER MITCHELL and JOHN
"BRUCE" JESSEN

Defendants.

2:15-CV-286-JLQ

DECLARATION OF
DANIEL J. MCGRADY

Oral Argument Requested
NOTE ON MOTION
CALENDAR:

JULY 28, 2017,
9:30 A.M., AT
SPOKANE, WASHINGTON

1 I, Daniel J. McGrady, a member of the Bars of the States of New York
2 and New Jersey and admitted *pro hac vice* to the Bar of this Court, declare under
3 penalty of perjury as follows:
4

5 1. I am an attorney with Gibbons P.C., and represent Plaintiffs in this
6 matter. I submit this declaration in support of Plaintiffs' Reply to Defendants'
7 Response to Plaintiffs' Statement of Undisputed Material Facts.
8

9 2. Attached hereto as Exhibit A is a true and correct copy of excerpts of
10 the deposition transcript of John Rizzo, dated March 20, 2017.
11

12 3. Attached hereto as Exhibit B is a true and correct copy of excerpts of
13 the deposition transcript of Jose Rodriguez, dated March 7, 2017.
14

15 4. Attached hereto as Exhibit C is a true and correct copy of excerpts of
16 the deposition transcript of James Elmer Mitchell, dated January 16, 2017.
17

18 5. Attached hereto as Exhibit D is a true and correct copy of excerpts of
19 the deposition transcript of John "Bruce" Jessen, dated January 20, 2017.
20

21 6. Attached hereto as Exhibit E is a true and correct copy of a document
22 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
23 [REDACTED] ON ABU ZUBAYDAH AS OF 2300 HOURS (LOCAL[])" and
24 labelled with U.S. Bates numbers 001667– 001671.
25

26 7. Attached hereto as Exhibit F is a true and correct copy of excerpts of a

1 draft manuscript produced by Defendant Mitchell pursuant to Plaintiffs'
2 discovery request, titled "Interrogating the Enemy" and labelled with Bates
3 numbers MJ00022631, MJ00022638, MJ00022666, MJ00022763, and
4 MJ00022891.
5

6 8. Attached hereto as Exhibit G is a true and correct copy of excerpts of
7 the Senate Committee on Armed Services, 110th Cong., 2d Sess., Report on
8 Inquiry into the Treatment of Detainees in U.S. Custody (Comm. Print 2008)
9 (inadvertently omitted as Exhibit I to the Declaration of Dror Ladin, ECF No.
10 182-9).
11
12

13 9. Attached hereto as Exhibit H is a true and correct copy of excerpts of
14 the deposition transcript of Suleiman Abdullah Salim, dated March 14 and 15,
15 2017.
16

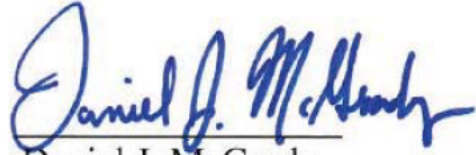
17 10. Attached hereto as Exhibit I is a true and correct copy of excerpts of
18 Volume I of the deposition transcript of Mohamed Ahmed Ben Soud, dated
19 January 31, 2017.
20

21 11. Attached hereto as Exhibit J is a true and correct copy of excerpts of
22 the deposition transcript of Obaidullah, dated January 31, 2017.
23

24 12. Attached hereto as Exhibit K is a true and correct copy of excerpts of
25 the deposition transcript of Charles Morgan, dated April 27, 2017.
26

* * *

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


Daniel J. McGrady

Dated: June 26, 2017
Newark, New Jersey