

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
LAWRENCE S. LUSTBERG

Oral Argument Requested
NOTE ON MOTION
CALENDAR:

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

1 I, Lawrence S. Lustberg, 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

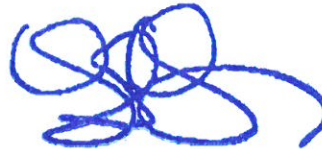
5 1. I am a Director at the law firm of Gibbons P.C., co-counsel for
6 Plaintiffs in this matter. I submit this declaration in support of Plaintiffs'
7 Response to Defendants' Motion to Exclude.
8

9 2. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs'
10 response to Defendants' "Chart of Inaccuracies," which Defendants filed with
11 the Court on June 26, 2017 at ECF No. 199-3.
12

13 3. Attached hereto as Exhibit B is a true and correct copy of excerpts from
14 a document produced by the CIA pursuant to Defendants' subpoena, titled
15 Summary and Reflections of Chief of Medical Services on OMS Participation in
16 the RDI Program, which were produced in discovery at U.S. Bates 001219.
17

18 * * *

19 I declare under penalty of perjury that the foregoing is true and correct.
20

21 

22
23

Lawrence S. Lustberg

24 Dated: July 10, 2017
25 Newark, New Jersey
26

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2017, I caused to be electronically filed and served the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Andrew I. Warden
andrew.warden@usdoj.gov

Attorney for the United States of America

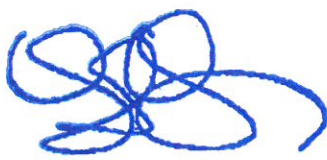
Brian S. Paszamant:
Paszamant@blankrome.com

Henry F. Schuelke, III:
Hschuelke@blankrome.com

James T. Smith:
Smith-Jt@blankrome.com

Christopher W. Tompkins:
Ctompkins@bpmlaw.com

Attorneys for Defendants



s/
Lawrence S. Lustberg (admitted *pro hac vice*)
llustberg@gibbonslaw.com