

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

ADHAM AMIN HASSOUN,

*Petitioner,*

v.

Case No. 1:19-cv-00370-EAW

JEFFREY SEARLS, in his official capacity  
Acting Assistant Field Office Director and  
Administrator of the Buffalo Federal  
Detention Facility,

*Respondent.*

**Declaration of A. Nicole Hallett**

1. My name is A. Nicole Hallett and I represent Adham Amin Hassoun. I write this declaration in response to Respondent's Notice of Protective Order Violation, ECF No. 277.
2. On June 26, 2020, the parties entered into a stipulation extending the existing protective order to cover the government's efforts to effectuate Mr. Hassoun's removal.
3. Before revealing any confidential information to Mr. Hassoun, counsel read him the new stipulation over the phone and confirmed that he understood it. Counsel explained that they would attempt to get an exception to the protective order permitting him to tell his family his destination but that until they obtained such permission, he remained strictly bound by said terms.
4. On July 8, 2020, Mr. Hassoun informed counsel during a phone call that he had told his two sons, Abed and Abdul Hassoun, the name of the country of removal.

5. Counsel immediately informed Mr. Hassoun that he had violated the protective order and asked if he had told anyone else. He stated that he had not. He further stated that he had not understood that the protective order prohibited him from informing his immediate family of the country of removal. Counsel reiterated the terms of the protective order.

6. That same day, in accordance with Section H.2 of the protective order, I sent an email to Abed and Abdul Hassoun explaining that their father had violated the protective order, that they could not tell anyone the information they had learned, that they needed to tell me whether they had already told anyone else the information, and that they needed to sign the certification attached to the protective order.

7. On July 8, Abdul wrote an email in which he stated that he had not told anyone and would not tell anyone the confidential information he had learned from Mr. Hassoun, but that he needed to speak with his father before signing the certification. He wrote, "I won't sign anything that I don't understand."

8. On July 8, I responded and urged Abdul to speak to his father about signing the protective order.

9. I did not receive an email response from Abed Hassoun.

10. On July 10, 11, 12, 13, 14, 15, and 16, counsel spoke with Mr. Hassoun and stressed that he needed to speak with Abed and Abdul and tell them to sign the certification. Counsel also stressed that Abed needed to confirm whether he had disclosed the confidential information to anyone else.

11. Mr. Hassoun repeatedly confirmed that he had spoken to both of his sons and that it was his understanding that they had not, and would not, tell anyone else what he had told them.

He reported, however, that his sons felt uncomfortable signing the certification to the protective order. We reiterated that it was important that they do so despite their discomfort.

12. We understood that Mr. Hassoun was continuing to speak with his sons about signing the certification during this time and that it was possible he might persuade them to sign it.

13. Between July 8 and July 17, counsel for Mr. Hassoun had several phone calls with government counsel about the scope of the protective order. Among the topics discussed were whether counsel were permitted to make hotel arrangements for Mr. Hassoun in advance of his arrival in the country of a removal, whether counsel could contact a person in the country of removal to arrange for Mr. Hassoun to be picked up at the airport, and whether counsel could tell Mr. Hassoun's sister the identity of the country of removal so that she could arrange to have money sent to him.

14. On July 15, 2020, not having received the signed certifications from either Abed or Abdul, I sent a follow-up email to Abed and Abdul reiterating that they needed to sign the certifications. Neither responded.

15. After being unsuccessful at obtaining signed certifications, Petitioner's counsel arranged a phone call with government counsel on July 17, 2020.

16. This phone call took place within the 10-day deadline for disclosing protective order violations under Section H.2.

17. On this phone call, counsel for Mr. Hassoun explained the protective order violation and the steps that Mr. Hassoun and his counsel had taken to comply with the protective order and to prevent further unauthorized disclosure of the confidential information.

18. Later that day, I followed up with an email to Anthony Bianco, counsel for the government, confirming the steps that had been taken and stated that we would let government

counsel know if we were able to get the signed certifications and/or if we were able to confirm with Abed that no additional unauthorized disclosures had been made.

19. On July 17, 2020, I sent another follow-up email to Abed and Abdul. Neither responded.

20. On July 20, 2020, Mr. Hassoun confirmed that Abed had not told anyone the confidential information. On that same day, I emailed government counsel to provide that additional information.

21. Petitioner's counsel was unsuccessful at getting either Abed or Abdul to sign the certifications, despite their and Mr. Hassoun's efforts.

22. On July 21, 2020, Mr. Hassoun was removed from the United States.

23. On July 24, 2020, the country of removal announced on Twitter that Mr. Hassoun had resettled in the country. In addition, one of the largest newspapers in the country ran a news story about his arrival. Thus, the disclosed information is now in the public domain and no longer confidential under the protective order.

24. Petitioner's counsel complied with all of the requirements of the protective order, including promptly notifying Mr. Hassoun's sons that the confidential information was subject to the protective order, promptly seeking to prevent their further unauthorized disclosure of information, promptly requesting that they sign the certification to the protective order, and notifying government counsel within 10 days of becoming aware of the unauthorized disclosure.

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

/s/ A. Nicole Hallett

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A. Nicole Hallett