

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ABDIQAFAR WAGAFE, *et al.*, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**DECLARATION OF CRISTINA SEPE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR COURT PERMISSION TO
INTERVIEW LIMITED NUMBER OF
PERSONS WHO SUSPECT THEY HAVE
BEEN SUBJECTED TO CARRP**

I, Christina Sepe, hereby declare:

1. I have personal knowledge of the facts stated below and am competent to testify regarding the same. I am one of the attorneys for Plaintiffs in this matter, *Wagafe v. Trump*, No. 17-cv-00094 RAJ.

2. The Court previously ordered Defendants to produce the Class Lists, but issued a protective order requiring Plaintiffs' counsel to obtain authorization from the Court before communicating with any unnamed class members. The protective order further prohibits Plaintiffs' counsel from confirming or denying whether any individual who contacts them might be subject to CARRP. Plaintiffs have strictly adhered to the protective order and have not confirmed whether any individual might be subject to CARRP.

1 3. With the Court’s authorization, *see* Dkt. 183, Plaintiffs’ counsel posted a Public
2 Notice to Potential Class Members (the “Notice”) for the purpose of soliciting relevant details
3 from potential class members in accordance with the Court’s limited protective order.

4 4. The Notice was explicit that Plaintiffs’ counsel could not disclose the status of, or
5 any other information regarding, the immigration benefits application of any individual.

6 5. Attached as **Exhibit A** is a true and correct copy of the Notice.

7 6. Several persons (directly or through their counsel) have responded to the Notice
8 and contacted Plaintiffs’ counsel communicating that they suspect they are members of one the
9 classes.

10 7. On December 11, 2019, the parties held a telephonic meet and confer. I, along
11 with Nicholas Gellert and Heath Hyatt, represented Plaintiffs on this call. At this meet and
12 confer, Plaintiffs’ counsel sought Defendants’ stipulation to allow follow-up interviews with
13 those who had responded to the Notice.

14 8. During the meet and confer, Plaintiffs’ counsel stated that they would not confirm
15 or deny whether any of the Notice respondents’ applications were subject to CARRP. Counsel
16 explained that the aim was to gather relevant information about the potential class members’
17 experiences applying for immigration benefits to aid Plaintiffs’ prosecution of their claims.

18 9. Defendants expressed concerns that such contact would reveal to respondents
19 whether or not they are a class member, to which Plaintiffs’ counsel noted that the Notice
20 respondents already suspect that they are subject to CARRP otherwise they would not have
21 responded to the Notice.

22 10. Plaintiffs proposed that, if Defendants would not consent to contact with the
23 potential class members, Defendants could provide alternative information—such as the A-files
24 of the Notice respondents—to help Plaintiffs develop relevant evidence. Defendants rejected
25 this proposal.
26

1 11. At the December 11, 2019 meet and confer, counsel for Defendants requested that
2 Plaintiffs' counsel provide more information about the proposed communication with potential
3 class members so that they could present this proposal to their client.

4 12. On December 13, 2019, Plaintiffs' counsel emailed a proposal outlining the
5 parameters of the proposed contact with the individuals who responded to the Notice.

6 13. Attached as **Exhibit B** is a true and correct copy of an email from Nick Gellert,
7 counsel for Plaintiffs, to Jesse Busen, counsel for Defendants, outlining

8 14. Plaintiffs' proposed topics of inquiry does not confirm or deny that the potential
9 class members are or have ever been subject to CARRP, and Plaintiff's counsel have emphasized
10 that they will adhere to the Court's limited protective order at Dkt. 183 by refusing to comment
11 on whether any of the individuals are members of either class.

12 15. On December 18, 2019 Defendants rejected Plaintiffs' proposal by email, due to
13 concerns that, by establishing contact, Plaintiffs would be "implicitly confirming that each
14 individual's immigration benefit application is being (or has been) subject to the CARRP
15 process."

16 16. A true and correct copy of the December 18, 2019 email is attached as **Exhibit C**.

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18 EXECUTED this 9th day of January, 2020, at Washington, DC.

19 *s/ Cristina Sepe*

20 _____
Cristina Sepe

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CERTIFICATE OF SERVICE

I certify that on the date indicated below, I caused service of the foregoing document via the CM/ECF system, which will automatically send notice of such filing to all counsel of record.

DATED this 9th day of January 2020, at Washington, DC.

s/ Cristina Sepe
Cristina Sepe, WSBA No. 53609
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
Email: CSepe@perkinscoie.com