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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

JAMES ELMER MITCHELL and
JOHN "BRUCE" JESSEN,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

NO. 16-MC-00036-JLQ

DECLARATION OF JEFFREY
N. ROSENTHAL IN SUPPORT
OF PETITIONERS' MOTION
FOR RECONSIDERATION OF
COURT'S OCTOBER 4, 2016
ORDER RE: MOTION TO
COMPEL [ECF No. 31]

Without Oral Argument
November 18, 2016
Expedited Hearing Requested

DECLARATION OF JEFFREY N.
ROSENTHAL IN SUPPORT OF
PETITIONERS' MOTION FOR
RECONSIDERATION
NO. 16-MC-00036-JLQ

1089360/101916 1429/8360-0001

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(206) 292-9988

Related Case:

SULEIMAN ABDULLAH SALIM, et al.,

Plaintiffs,

vs.

JAMES E. MITCHELL and JOHN JESSEN,

Defendants.

NO. CV-15-0286-JLQ

I, Jeffrey N. Rosenthal, hereby certify under penalty of perjury, that the following is true and correct and within my personal knowledge:

1. I am over the age of 18, have personal knowledge of all facts contained in this declaration, and am competent to testify as a witness to those facts.

2. I am one of the attorneys representing Petitioners James Elmer Mitchell (“Dr. Mitchell”) and John “Bruce” Jessen (collectively, “Defendants”) in this action.

3. I have facilitated and been involved in the collection, review, and production of documents in connection with this action.

4. **Exhibit 1** to this declaration is a true and correct copy of a document created on June 22, 2007, that was produced by the Government on September 29, 2016, bearing the identifier “United States Bates #001175-77.”

5. **Exhibit 2** to this declaration is a true and correct copy of a document created on April 11, 2007, that was produced by the Government on September

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1 16, 2016, bearing the identifier “United States Bates #001099-100.”

2 6. **Exhibit 3** to this declaration is a true and correct copy of a portion of
3 an email chain dated October 9-10, 2016, between counsel for Defendants and
4 counsel for the Government generated during the meet and confer process
5 preceding this motion.
6

7 7. **Exhibit 4** to this declaration is a true and correct copy of a document
8 that was produced by the Government on September 26, 2016, bearing the
9 identifier “United States Bates #001162-66.”

10 8. **Exhibit 5** to this declaration is a true and correct copy of a document
11 that was produced by the Government on September 26, 2016, bearing the
12 identifier “United States Bates #001158-61.”
13

14 9. In an email exchange between counsel for Defendants and counsel
15 for the Government on or after October 11, 2016, Andrew Warden, counsel to the
16 Government, made the following representation:
17

18 The Government has no objection to expedited
19 consideration of the motion and will file its opposition
20 [five] business days after the motion is filed. The
21 Government requests oral argument if the Court
22 believes oral argument would be helpful to resolution of
23 the motion.

24 
25 _____
Jeffrey N. Rosenthal

Executed this 19th day of October, 2016
at Philadelphia, PA.

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