

Exhibit 2

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ABDIQAFAR WAGAFE, *et al.*,

Plaintiffs,

v.

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

Defendants.

No. 2:17-cv-00094-RAJ

**DEFENDANTS' AMENDED FIFTH SET
OF SUPPLEMENTAL INITIAL
DISCLOSURES**

Defendants hereby supplement and amend their Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A) and 26(e)(1)(A) as stated herein in the paragraphs below. Defendants expressly reserve and maintain any and all objections as to privilege, competency, relevancy, or admissibility with respect to any of the persons, documents, or other information described herein. These disclosures are based on information reasonably available to Defendants as of the date these disclosures are served. By making these disclosures, Defendants do not represent that they are identifying every document, tangible thing, or witness possibly relevant to this action. Despite the exclusion of information used solely for impeachment purposes from Rule 26(a)'s disclosure obligations, Defendants include persons, documents, and other information with responsive information within these disclosures. Such disclosures do not waive Defendants' right to use other persons, documents, or other information solely for impeachment purposes.

1 Moreover, Defendants reserve the right to further supplement and/or amend these disclosures as
2 appropriate during the course of this action as necessary and permitted by Fed. R. Civ. P.
3 26(e)(1)(A).

4 **I. Fed. R. Civ. P. 26(a)(1)(A)(i) and 26(e)(1)(A).** In addition to persons identified in
5 Defendants' Initial Disclosures and its First, Second, Third, and Fourth Sets of Supplemental
6 Initial Disclosures, Defendants believe the following individuals are likely to have discoverable
7 information that Defendants may use to support their claims or defenses, specifically including
8 information responsive to anticipated testimony of Plaintiffs' potential witnesses:

- 9 a. Nadia R. Daud
10 Immigration Services Officer III
11 Seattle Field Office, Field Operations Directorate
12 U.S. Citizenship and Immigration Services
13 Seattle, WA
14 c/o Defendants' counsel of record

15 Ms. Daud currently serves as a senior immigration services officer in the Seattle Field
16 Office, but she also has experience in refugee and asylum matters. She likely possesses
17 knowledge that Defendants may offer in response to factual assertions and assumptions included
18 in the reports and/or anticipated testimony from the following experts: Narges Bajoghli,
19 Narmeen Arastu, Yliana Johansen-Mendez, Jay Gairson, Thomas Ragland, and Marc Sageman.
20 More specifically, Ms. Daud likely has discoverable information responsive to these experts
21 based on her experience processing immigrations benefits applications—both in CARRP and
22 otherwise— and trainings related to such application processing, including: the processing of
23 applications in the Seattle Field Office, as well as within the Field Office Directorate and the
Refugee, Asylum and International Operations Directorate; coordination with FDNS and law
enforcement; the use of open source information on applicants; processing times; interview
procedures; an applicant's use of false testimony to obtain an immigration benefit and/or

1 credibility determinations; the use of security checks; the relationship between TRIG and
2 CARRP; the trainings, guidance, subject matter experts, and other resources available to USCIS
3 officials when confronted by applications containing unfamiliar information regarding country
4 conditions, organizations, groups, religious practices, or cultural practices; whether CARRP or
5 any application processes/criteria are used in a discriminatory fashion; the accuracy of any non-
6 USCIS personnel's predictors that an individual has been processed through CARRP; and
7 applicants receiving assistance from attorney or non-attorneys. In addition, because Ms. Daud
8 also assisted with the adjudication of named Plaintiff Mushtaq Abed Jihad's (a.k.a. Noah Adam
9 Abraham) naturalization application, she likely possesses knowledge that Defendants may offer
10 in response to newly asserted facts and opinions offered by Mr. Jihad during his deposition,
11 particularly as they relate to his naturalization interview, to the extent testimony on such facts
12 and opinions are offered into evidence relating to dispositive motions or at trial.

13 b. Anthony J. Negrut-Calinescu
14 Immigration Services Officer III
15 Fort Myers Field Office, Field Operations Directorate
16 U.S. Citizenship and Immigration Services
17 Fort Myers, FL
18 c/o Defendants' counsel of record

19 Mr. Negrut-Calinescu currently serves as a senior immigration services officer in the Fort
20 Myers Field Office, but he also has experience in refugee and asylum matters. He likely
21 possesses knowledge that Defendants may offer in response to factual assertions and
22 assumptions included in the reports and/or anticipated testimony from the following experts:
23 Narges Bajoghli, Narmeen Arastu, Yliana Johansen-Mendez, Jay Gairson, Thomas Ragland, and
Marc Sageman. More specifically, he likely has discoverable information responsive to these
experts based on his experience processing immigrations benefits applications—both in CARRP
and otherwise—and trainings related to such application processing, including: the processing of

1 applications in the Field Office Directorate and the Refugee, Asylum and International
2 Operations Directorate; coordination with FDNS and law enforcement through FDNS; the use of
3 open source information on applicants; processing times; interview procedures; an applicant's
4 use of false testimony to obtain an immigration benefit and/or credibility determinations; the use
5 of security checks; the relationship between TRIG and CARRP; the trainings, guidance, subject
6 matter experts, and other resources available to USCIS officials when confronted by applications
7 containing unfamiliar information regarding country conditions, organizations, groups, religious
8 practices, or cultural practices; whether CARRP or any application processes/criteria are used in
9 a discriminatory fashion; the accuracy of any non-USCIS personnel's predictors that an
10 individual has been processed through CARRP; and applicants receiving assistance from
11 attorney or non-attorneys.

12 c. Kristin E. Averill
13 Supervisory Asylum Officer
14 Los Angeles Asylum Office; Refugee, Asylum and International Operations Directorate
15 U.S. Citizenship and Immigration Services
16 Los Angeles, CA
17 c/o Defendants' counsel of record

18 Ms. Averill serves as a supervisory asylum officer in the Los Angeles Asylum Office In
19 this capacity and as mentioned in Yliana Johansen-Mendez's expert report, she served as Ms.
20 Johansen-Mendez's supervisor during times relevant to facts and assumptions included in Ms.
21 Johansen-Mendez's expert report, and thus, she likely possesses knowledge that Defendants may
22 offer in response to such facts and assumptions included in that expert report and/or Ms.
23 Johansen-Mendez's anticipated testimony, including the manner in which asylum applications—
both in CARRP and otherwise—are processed, processes and procedures of the Los Angeles
Asylum Office, and Ms. Johansen-Mendez's performance as an asylum officer. More
specifically, Ms. Averill can respond to factual assertions/assumptions that Ms. Johansen-

1 Mendez offers on processing times, the use of second or multiple interviews, coordination with
2 FDNS officers, supervision and decision-making authority, the use and purpose of country-
3 specific trainings, and credibility determinations as used by asylum offices, and the Los Angeles
4 Asylum Offices specifically, as well as whether asylum applications are processed in a
5 discriminatory fashion. Ms. Averill also likely possesses knowledge that Defendants may offer
6 in response to factual assertions and assumptions included in the reports and/or anticipated
7 testimony from the following experts: Narges Bajoghli, Narmeen Arastu, Jay Gairson, and
8 Thomas Ragland. More specifically, she likely has discoverable information based on her
9 experience processing immigrations benefits applications—both in CARRP and otherwise—and
10 trainings related to such application processing, including: coordination with FDNS and law
11 enforcement; the use of open source information on applicants; processing times; interview
12 procedures; an applicant’s use of false testimony to obtain an immigration benefit and/or
13 credibility determinations; the trainings, guidance, and resources she has used when applicants
14 present her with unfamiliar information regarding country conditions, organizations, groups,
15 religious practices, or cultural practices; whether CARRP or any application processes/criteria
16 are used in a discriminatory fashion; the accuracy of any non-USCIS personnel’s predictors that
17 an individual has been processed through CARRP; applicants receiving assistance from attorney
18 or non-attorneys; and the use of security checks.

19 d. Kelley L. Costello
20 Senior Asylum Officer
21 Los Angeles Asylum Office; Refugee, Asylum and International Operations Directorate
22 U.S. Citizenship and Immigration Services
23 Los Angeles, CA
c/o Defendants’ counsel of record

Ms. Costello serves as a senior asylum officer in the Los Angeles Asylum Office. She likely possesses knowledge that Defendants may offer in response to such facts and assumptions

1 included in that expert report and/or Yliana Johansen-Mendez's anticipated testimony, including
2 the manner in which asylum applications—both in CARRP and otherwise—are processed,
3 processes and procedures of the Los Angeles Asylum Office. More specifically, Ms. Costello
4 can respond to factual assertions/assumptions that Ms. Johansen-Mendez offers on processing
5 times, the use of second or multiple interviews, coordination with FDNS officers, supervision
6 and decision-making authority, the use and purpose of country-specific trainings, and credibility
7 determinations as used by asylum offices, and the Los Angeles Asylum Offices specifically, as
8 well as whether asylum applications are processed in a discriminatory fashion. Ms. Costello also
9 likely possesses knowledge that Defendants may offer in response to factual assertions and
10 assumptions included in the reports and/or anticipated testimony from the following experts:
11 Narges Bajoghli, Narmeen Arastu, Jay Gairson, and Thomas Ragland. More specifically, she
12 likely has discoverable information based on her experience processing immigrations benefits
13 applications—both in CARRP and otherwise—and trainings related to such application
14 processing, including: coordination with FDNS and law enforcement through FDNS; the use of
15 open source information on applicants; processing times; interview procedures; an applicant's
16 use of false testimony to obtain an immigration benefit and/or credibility determinations; the
17 trainings, guidance, and resources she has used when applicants present her with unfamiliar
18 information regarding country conditions, organizations, groups, religious practices, or cultural
19 practices; whether CARRP or any application processes/criteria are used in a discriminatory
20 fashion; the accuracy of any non-USCIS personnel's predictors that an individual has been
21 processed through CARRP; applicants receiving assistance from attorney or non-attorneys; and
22 the use of security checks.

23 e. Alexander N. Cook
Immigration Services Officer III

1 Virginia-Washington Field Office, Field Operations Directorate
2 U.S. Citizenship and Immigration Services
3 Fairfax, VA
4 c/o Defendants' counsel of record

5 Mr. Cook serves as an immigration services officer in the Virginia-Washington Field
6 Office. He likely possesses knowledge that Defendants may offer in response to factual
7 assertions and assumptions included in the reports and/or anticipated testimony from the
8 following experts: Narges Bajoghli, Narmeen Arastu, Yliana Johansen-Mendez, Jay Gairson,
9 Thomas Ragland, and Marc Sageman. More specifically, he likely has discoverable information
10 responsive to these experts based on his experience processing immigrations benefits
11 applications—both in CARRP and otherwise—and trainings related to such application
12 processing, including: the processing of applications in the Virginia-Washington Field Office;
13 coordination with FDNS and law enforcement; the use of open source information on applicants;
14 processing times; interview procedures; an applicant's use of false testimony to obtain an
15 immigration benefit and/or credibility determinations; the use of security checks; the trainings,
16 guidance, subject matter experts, and other resources available to USCIS officials when
17 confronted by applications containing unfamiliar information regarding country conditions,
18 organizations, groups, religious practices, or cultural practices; whether CARRP or any
19 application processes/criteria are used in a discriminatory fashion; the accuracy of any non-
20 USCIS personnel's predictors that an individual has been processed through CARRP; and
21 applicants receiving assistance from attorney or non-attorneys.

22 f. Sandy K. Marckmann
23 Immigration Officer, FDNS
Indianapolis Field Office, Field Operations Directorate
U.S. Citizenship and Immigration Services
Indianapolis, IN
c/o Defendants' counsel of record

1 Ms. Marckmann currently serves as an immigration officer in the Indianapolis Field
2 Office, but she previously served as an adjudicator in this office. She likely has discoverable
3 information based on her experience processing immigration benefit applications—both in
4 CARRP and otherwise—particularly in the Indianapolis Field Office. She also served as an
5 adjudicator on the adjustment of status applications of Dr. Bilal Karim Siddiqui and Bushra Bilal
6 Siddiqui, who are both mentioned in the report of Thomas Ragland, and who have both been
7 recently identified by Plaintiffs as potential additional witnesses in this case. As a result, Ms.
8 Marckmann likely possesses knowledge that Defendants may offer in response to factual
9 assertions and assumptions included in the report and/or anticipated testimony of Thomas
10 Ragland, as well as discoverable information about the processing the applications of Dr. and
11 Bushra Siddiqui.

12 g. Christopher P. Atienza
13 Immigration Officer, FDNS
14 Seattle Field Office, Field Operations Directorate
15 U.S. Citizenship and Immigration Services
16 Seattle, WA
17 c/o Defendants' counsel of record

18 Mr. Atienza serves as an immigration officer in the Seattle Field Office. He served as
19 one of the adjudicators who worked on named Plaintiff Mushtaq Abed Jihad's (a.k.a. Noah Adam
20 Abraham) naturalization application, and he likely possesses knowledge that Defendants may
21 offer in response to newly asserted facts and opinions offered by Mr. Jihad during his deposition,
22 particularly as they relate to his naturalization interview, to the extent testimony on such facts
23 and opinions are offered into evidence relating to dispositive motions or at trial.

24 h. Christina E. Salidzik
25 Adjudications Officer, FDNS Operations Branch 2
26 Headquarters, Field Operations Directorate
27 U.S. Citizenship and Immigration Services
28 Washington, DC

1 c/o Defendants' counsel of record

2 Ms. Salidzik serves as an adjudications officer in the FDNS Branch of the Field
3 Operations Directorate of USCIS's Headquarters Office. She likely possesses knowledge that
4 Defendants may offer in response to the facts and assumptions included in the expert reports
5 and/or anticipated testimony of the following experts: Nardeem Arastu, Narges Bajoghli, Yliana
6 Johansen-Mendez, Jay Gairson, and Thomas Ragland.

7
8 **II. Fed. R. Civ. P. 26(a)(1)(A)(ii) and 26(e)(1)(A).** In addition to documents and
9 material previously identified in Defendants' Initial Disclosures and their Supplemental Initial
10 Disclosures, the Defendants may use the following materials in their possession, custody or
11 control, as well as publically available, to support their claims or defenses, specifically including
12 information that is responsive to anticipated testimony of Plaintiffs' potential witnesses:

13
14 a. Expert Witness Documents and Materials

15 Documents and/or materials considered by any of the parties' experts in preparing their
16 expert reports and/or in anticipation of their testimony, including any documents related to
17 immigration benefit applicants of any individual specifically referenced or described in any
18 expert report and/or in their anticipated testimony. Also documents and/or materials related to
19 any expert's qualifications, including any of the experts' publications or public presentations,
20 any relevant professional or employment related matters, and any relevant testimonial
21 statements, as well as any learned treatise commonly used and relied upon by any expert or
22 experts in the same profession.

1 b. The Global Terrorism Database and Materials

2 Any data and/or materials for the Global Terrorism Database, website and related
3 links/websites available at <https://www.start.umd.edu/gtd/> . *See also*
4 <https://grevd.org/consortium/partner/gtd> (commenting on the Global Terrorism Database);
5 <https://protect2.fireeye.com/v1/url?k=c92992d7-954242dc-c92eb632-0cc47adc5fd8-7201dd0a41c11461&q=1&e=1d2d3122-c0d8-42c6-b998-a36c2925543b&u=https%3A%2F%2Fsubjectguides.library.american.edu%2Fc.php%3Fg%3D478725%26p%3D3273238>
6 [7201dd0a41c11461&q=1&e=1d2d3122-c0d8-42c6-b998-](https://protect2.fireeye.com/v1/url?k=c92992d7-954242dc-c92eb632-0cc47adc5fd8-7201dd0a41c11461&q=1&e=1d2d3122-c0d8-42c6-b998-a36c2925543b&u=https%3A%2F%2Fsubjectguides.library.american.edu%2Fc.php%3Fg%3D478725%26p%3D3273238)
7 [a36c2925543b&u=https%3A%2F%2Fsubjectguides.library.american.edu%2Fc.php%3Fg%3D4](https://protect2.fireeye.com/v1/url?k=c92992d7-954242dc-c92eb632-0cc47adc5fd8-7201dd0a41c11461&q=1&e=1d2d3122-c0d8-42c6-b998-a36c2925543b&u=https%3A%2F%2Fsubjectguides.library.american.edu%2Fc.php%3Fg%3D478725%26p%3D3273238)
8 [78725%26p%3D3273238](https://protect2.fireeye.com/v1/url?k=c92992d7-954242dc-c92eb632-0cc47adc5fd8-7201dd0a41c11461&q=1&e=1d2d3122-c0d8-42c6-b998-a36c2925543b&u=https%3A%2F%2Fsubjectguides.library.american.edu%2Fc.php%3Fg%3D478725%26p%3D3273238) (commenting on various global terrorism databases, including the
9 Global Terrorism Database).

10
11 c. The United States Department of Justice, Office of the Inspector General, June 2008
12 Report, Entitled: *The Federal Bureau of Investigation's Security Check Process for*
13 *Immigration Applications and Petitions* (Public Release Redacted Version).

14 Any information contained within this publicly released, redacted report of the audit
15 conducted by the Department of Justice's Office of Inspector General, which can be found at:
16 <https://oig.justice.gov/reports/FBI/a0824/final.pdf>.

17 d. U.S. Department of Homeland Security (DHS) Memorandum for DHS Directorate
18 and Component Leadership, The Department of Homeland Security's Federal
19 Information Sharing Environment Privacy and Civil Liberties Protection Policy (June
20 5, 2009), available
21 at: [https://www.dhs.gov/sites/default/files/publications/privacy_crcl_guidance_ise_2](https://www.dhs.gov/sites/default/files/publications/privacy_crcl_guidance_ise_2009-01_0.pdf)
22 [009-01_0.pdf](https://www.dhs.gov/sites/default/files/publications/privacy_crcl_guidance_ise_2009-01_0.pdf). (Note: This policy statement is merely an addition to the "including,
23 but not limited to" list of publicly available DHS documents previously disclosed in
Defendants' First Set of Supplemental Initial Disclosures.)

e. Forthcoming Supplemental Discovery Responses.

1 Pursuant to their duty to supplement specific discovery requests, Defendants are in the
2 process of preparing supplemental productions of responses to Plaintiffs' prior formal discovery
3 requests, including to resolve existing discovery disputes. Defendants anticipate that such
4 production, which is already covered by Defendants' First Set of Supplemental Initial
5 Disclosures, will include additional training materials and resources available to USCIS officers
6 handling relevant applications.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

- 1 f. USCIS Data and/or Data Summaries/Compilations for Fiscal Year 2013 through the
2 first half of Fiscal Year 2019

3 Defendants hereby amend and supplement their prior disclosures to substitute the updated
4 and corrected data and/or data summaries/compilations provided to Plaintiffs for Fiscal Year
5 2013 through Fiscal Year 2019. The updated underlying data and summaries/compilations
6 supersede any previously provided.

- 7
8 g. The 9/11 Commission Report and Related Materials, available at: <https://www.9-11commission.gov/report/>

- 9
10 h. United States Department of State, Bureau of Counterterrorism, Designation of State
11 Sponsors of Terrorism, available at: <https://www.state.gov/state-sponsors-of-terrorism/>

- 12 i. United States Department of State, Foreign Terrorist Organizations, available at:
13 <https://www.state.gov/foreign-terrorist-organizations/>

- 14 j. United States Department of State, Terrorist Exclusion List, available at:
15 <https://www.state.gov/terrorist-exclusion-list/>

1 Dated: August __, 2020

Respectfully Submitted,

2 ETHAN P. DAVIS
Acting Assistant Attorney General
3 Civil Division
U.S. Department of Justice

ANDREW C. BRINKMAN
Senior Counsel for National Security
Office of Immigration Litigation

4 AUGUST FLENTJE
5 Special Counsel
Civil Division

LINDSAY M. MURPHY
Senior Counsel for National Security
Office of Immigration Litigation

6 ETHAN B. KANTER
7 Chief, National Security Unit
Office of Immigration Litigation
8 Civil Division

MANNING W. EVANS
Senior Litigation Counsel
Office of Immigration Litigation

9 BRIAN T. MORAN
United States Attorney

BRENDAN T. MOORE
Trial Attorney
Office of Immigration Litigation

10 BRIAN C. KIPNIS
11 Assistant United States Attorney
Western District of Washington

JESSE L. BUSEN
Trial Attorney
Office of Immigration Litigation

12 LEON B. TARANTO
13 Trial Attorney
Torts Branch

VICTORIA BRAGA
Trial Attorney
Office of Immigration Litigation

14 KATHRYN DAVIS
15 Senior Counsel
Federal Programs Branch

/s/ Michelle R. Slack
MICHELLE R. SLACK
Trial Attorney
Office of Immigration Litigation
Civil Division, U.S. Department of Justice

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August __, 2020, I electronically served the foregoing
DEFENDANTS' FIFTH SET OF SUPPLEMENTAL INITIAL DISCLOSURES via email to all
counsel of record herein.

/s/ Michelle R. Slack
MICHELLE R. SLACK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23