

Exhibit B

Exhibit B

From: Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>
Sent: Sunday, August 02, 2020 1:20 PM
To: Minju Cho; John Midgley; Whidbee, Paige (SEA); Ahmed, Sameer; Gellert, Nicholas (SEA); Hyatt, Heath (SEA); Perez, David A. (SEA); Jennie Pasquarella; Hugh Handeyside Contact; Matt Adams
Cc: Brinkman, Andrew (CIV); Moore, Brendan T. (CIV); Flentje, August (CIV); Busen, Jesse (CIV); Davis, Kathryn C (CIV); Taranto, Leon B. (CIV); Murphy, Lindsay M. (CIV); Evans, Manning (CIV); Slack, Michelle R (CIV); Kipnis, Brian (USAWAW); Braga, Victoria M. (CIV); Konkoly, Antonia (CIV)
Subject: RE: Wagafe: Deposition Scheduling

Dear Plaintiffs' Counsel:

Consistent with the time-frames you approved, as well as contingencies under negotiation between the parties in relation to Defendants' selection of their 9th and 10th depositions (i.e., of Kruskol, Bajoghli, Burbank, Gairson, or one or more notice responders), Defendants confirm the following deposition dates:

1. Johansen-Mendez: Aug. 12
2. Sageman: Aug. 18
3. Arastu: Aug. 25
4. Danik: Aug. 26
5. Ragland: Aug. 27

In light of the need to avoid overlap with 30(b)(6) dates, as well as the contingencies relating to Defendants' 9th and 10th depositions, Defendants tentatively also select Sept. 2, for Gairson, but we will need to follow-up with scheduling our 10th deposition.

Kruskol's possible deposition or an alternate witness selection necessarily depends upon the outcome of the parties' negotiations to address Plaintiffs' request that potential amendments to Kruskol's report post-date the 30(b)(6) deposition. Defendants obviously cannot be expected to decide on Kruskol or his alternate until we review his update (if any).

We also continue to reserve the right to depose named Plaintiff Ostadhassan, if he should become available at some point in the future.

Finally, the planning for remote-deposition logistics and technology will be the subject of a separate communication with you early this week from another member of our team.

Please confirm the foregoing deposition-date selections so that Defendants may serve deposition notices, as appropriate.

Regards,

Ethan

Ethan B. Kanter
Chief, National Security Unit
Civil Division, Office of Immigration Litigation-Appellate

United States Department of Justice

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From: Minju Cho <MCho@aclusocal.org>

Sent: Wednesday, July 29, 2020 11:54 AM

To: Kanter, Ethan (CIV) <EKanter@CIV.USDOJ.GOV>; Brinkman, Andrew (CIV) <ABrinkma@civ.usdoj.gov>; Moore, Brendan T. (CIV) <bremore@CIV.USDOJ.GOV>; Flentje, August (CIV) <AFlentje@CIV.USDOJ.GOV>; Busen, Jesse (CIV) <JBusen@civ.usdoj.gov>; Davis, Kathryn C (CIV) <kathdavi@CIV.USDOJ.GOV>; Taranto, Leon B. (CIV) <LTaranto@civ.usdoj.gov>; Murphy, Lindsay M. (CIV) <limurphy@CIV.USDOJ.GOV>; Evans, Manning (CIV) <maevans@CIV.USDOJ.GOV>; Slack, Michelle R (CIV) <mislack@CIV.USDOJ.GOV>; Kipnis, Brian (USAWAW) <BKipnis@usa.doj.gov>; Braga, Victoria M. (CIV) <vbraga@CIV.USDOJ.GOV>

Cc: John Midgley <jmidgley@aclu-wa.org>; Whidbee, Paige (SEA <PWhidbee@perkinscoie.com>; Ahmed, Sameer <sahmed@law.harvard.edu>; Gellert, Nicholas (SEA <NGellert@perkinscoie.com>; Hyatt, Heath (SEA <HHyatt@perkinscoie.com>; Perez, David A. (SEA <DPerez@perkinscoie.com>; Jennie Pasquarella <JPasquarella@aclusocal.org>; Hugh Handeyside Contact <hhandeyside@aclu.org>; Matt Adams <matt@nwirp.org>

Subject: RE: Wagafe: Deposition Scheduling

Dear Victoria,

I am following up to inform you that Mr. Danik is available from August 25-27.

Please let us know soon which experts you would like to depose on which dates.

Thank you,
Minju

From: Minju Cho

Sent: Friday, July 24, 2020 5:08 PM

To: 'Kanter, Ethan (CIV)' <Ethan.Kanter@usdoj.gov>; 'Brinkman, Andrew (CIV)' <Andrew.Brinkman@usdoj.gov>; 'Moore, Brendan T. (CIV)' <Brendan.T.Moore@usdoj.gov>; 'Flentje, August (CIV)' <August.Flentje@usdoj.gov>; 'Busen, Jesse (CIV)' <Jesse.Busen@usdoj.gov>; 'Davis, Kathryn C (CIV)' <Kathryn.C.Davis@usdoj.gov>; 'Taranto, Leon B. (CIV)' <Leon.B.Taranto@usdoj.gov>; 'Murphy, Lindsay M. (CIV)' <Lindsay.M.Murphy@usdoj.gov>; 'Evans, Manning (CIV)' <Manning.Evans@usdoj.gov>; 'Slack, Michelle R (CIV)' <Michelle.R.Slack@usdoj.gov>; 'brian.kipnis@usdoj.gov' <brian.kipnis@usdoj.gov>; 'victoria.m.braga@usdoj.gov' <victoria.m.braga@usdoj.gov>

Cc: 'John Midgley' <jmidgley@aclu-wa.org>; 'Whidbee, Paige (SEA)' <PWhidbee@perkinscoie.com>; 'Ahmed, Sameer' <sahmed@law.harvard.edu>; 'Gellert, Nicholas (SEA)' <NGellert@perkinscoie.com>; 'Hyatt, Heath (SEA)' <HHyatt@perkinscoie.com>; 'Perez, David A. (SEA)' <DPerez@perkinscoie.com>; Jennie Pasquarella <JPasquarella@aclusocal.org>; 'Hugh Handeyside' <hhandeyside@aclu.org>; 'Matt Adams' <matt@nwirp.org>

Subject: RE: Wagafe: Deposition Scheduling

Dear Victoria,

Our experts have indicated their availability for a deposition as follows:

1. Arastu: Not available Aug. 11-13. Would prefer to push deposition back to the last full week of August.

2. Bajoghli: Available Aug. 19-21. Is fairly available in August generally.
3. Burbank: Not available the first week of August. Is generally available the rest of the month.
4. Gairson: Not available Aug. 10-20. Available Aug. 31 – Sept. 2.
5. Johansen-Mendez: Available Aug. 5-7, 10-12, although depending on the time scheduled would have to move around prior commitments.
6. Kruskol: Generally available the week of Aug. 17, as well as Aug. 24, 27, 28, 31.
7. Ragland: Available Aug. 26-28.
8. Sageman: Available Aug. 18-20.

We are still confirming the availability of Mr. Danik, and will follow up as soon as possible.

Lastly, we are still verifying that we have the appropriate attorneys available for the dates you requested for the various expert depositions. It would be helpful if you could please tell us more specifically which dates you would like to select for the experts' depositions.

Thank you,
Minju

From: Braga, Victoria M. (CIV) <Victoria.M.Braga@usdoj.gov>
Sent: Monday, July 20, 2020 10:48 AM
To: Gellert, Nicholas (SEA) <NGellert@perkinscoie.com>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Hyatt, Heath (SEA) <HHyatt@perkinscoie.com>; Perez, David A. (SEA) <DPerez@perkinscoie.com>; Hugh Handeyside <hhandeyside@aclu.org>; Jennie Pasquarella <JPasquarella@clusocal.org>; Matt Adams <matt@nwirp.org>; John Midgley <jmidgley@aclu-wa.org>; Whidbee, Paige (SEA) <PWhidbee@perkinscoie.com>; Ahmed, Sameer <sahmed@law.harvard.edu>
Cc: Brinkman, Andrew (CIV) <Andrew.Brinkman@usdoj.gov>; Moore, Brendan T. (CIV) <Brendan.T.Moore@usdoj.gov>; Flentje, August (CIV) <August.Flentje@usdoj.gov>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Davis, Kathryn C (CIV) <Kathryn.C.Davis@usdoj.gov>; Taranto, Leon B. (CIV) <Leon.B.Taranto@usdoj.gov>; Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>; Evans, Manning (CIV) <Manning.Evans@usdoj.gov>; Slack, Michelle R (CIV) <Michelle.R.Slack@usdoj.gov>; Kipnis, Brian (USAWAW) <Brian.Kipnis@usdoj.gov>
Subject: RE: Wagafe: Deposition Scheduling

Hi everyone,

One change to the proposed dates below. These are the dates we are proposing for Ms. Johansen-Mendez's deposition: August 5-7, 10-12.

Victoria

From: Gellert, Nicholas (Perkins Coie) <NGellert@perkinscoie.com>
Sent: Monday, July 20, 2020 1:15 PM
To: Kanter, Ethan (CIV) <EKanter@CIV.USDOJ.GOV>; Hyatt, Heath (Perkins Coie) <HHyatt@perkinscoie.com>; Perez, David A. (Perkins Coie) <DPerez@perkinscoie.com>; Hugh Handeyside <hhandeyside@aclu.org>; Jennie Pasquarella <JPasquarella@clusocal.org>; Matt Adams <matt@nwirp.org>; John Midgley <jmidgley@aclu-wa.org>; Whidbee, Paige (Perkins Coie) <PWhidbee@perkinscoie.com>; Ahmed, Sameer <sahmed@law.harvard.edu>
Cc: Brinkman, Andrew (CIV) <ABrinkma@civ.usdoj.gov>; Moore, Brendan T. (CIV) <bremore@CIV.USDOJ.GOV>; Flentje, August (CIV) <AFlentje@CIV.USDOJ.GOV>; Busen, Jesse (CIV) <JBusen@civ.usdoj.gov>; Davis, Kathryn C (CIV) <kathdavi@CIV.USDOJ.GOV>; Taranto, Leon B. (CIV) <LTaranto@civ.usdoj.gov>; Murphy, Lindsay M. (CIV)

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Ethan: Thank you for sending these proposed dates. We will circle with the witnesses on the proposed dates and we will get back to you soon. As we have already indicated, we want to do the Rule 30(b)(6) deposition in late August, and we await proposed dates from you as to when the designee(s) are available (as well as identity of same). We trust that you took that into account in the dates that you suggested for the depositions you want to take. We are evaluating based on newly provided information what deposition we would request as our tenth deposition; we will get you that information by the end of the week. Nick

From: Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>

Sent: Friday, July 17, 2020 4:36 PM

To: Hyatt, Heath (SEA) <HHyatt@perkinscoie.com>; Perez, David A. (SEA) <DPerez@perkinscoie.com>; Hugh Handeyside <hhandeyside@aclu.org>; Jennie Pasquarella <JPasquarella@aclusocal.org>; Matt Adams <matt@nwirp.org>; John Midgley <jmidgley@aclu-wa.org>; Whidbee, Paige (SEA) <PWhidbee@perkinscoie.com>; Ahmed, Sameer <sahmed@law.harvard.edu>; Gellert, Nicholas (SEA) <NGellert@perkinscoie.com>

Cc: Brinkman, Andrew (CIV) <Andrew.Brinkman@usdoj.gov>; Moore, Brendan T. (CIV) <Brendan.T.Moore@usdoj.gov>; Flentje, August (CIV) <August.Flentje@usdoj.gov>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Davis, Kathryn C (CIV) <Kathryn.C.Davis@usdoj.gov>; Taranto, Leon B. (CIV) <Leon.B.Taranto@usdoj.gov>; Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>; Braga, Victoria M. (CIV) <Victoria.M.Braga@usdoj.gov>; Evans, Manning (CIV) <Manning.Evans@usdoj.gov>; Slack, Michelle R (CIV) <Michelle.R.Slack@usdoj.gov>; Kipnis, Brian (USAWAW) <Brian.Kipnis@usdoj.gov>

Subject: Wagafe: Deposition Scheduling

Dear Plaintiffs' Counsel:

Here is a schedule of proposed date-ranges for taking depositions of your expert witnesses. Clearly, there are logistics to be worked through on taking remote depositions, and we expect many of these will be remote, so it will benefit all concerned to nail these dates down as soon as possible. That said, we propose these dates to get us started, but we'll likely have to exchange and discuss further:

1. Johansen-Mendez: August 5-7, 12-14
2. Arastu: August 11-13
3. Sageman: August 18-20
4. Danik: August 25-27
5. Ragland: August 26-28

We are also considering taking depositions of two of the following: Gairson, Bajoghli, Burbank, and Kruskol. However, we need to evaluate Kruskol's updated report, as well as the list of ten notice responders you provided to us on Wednesday evening, before we make selections. For that reason, please let us know the availability in August of these additional four Plaintiffs' experts, including specifically whether Gairson is available August 31 – Sept. 2 (in addition to any other dates in August), and whether Bajoghli is available August 19-21 (again, in addition to other August availability).

Finally, could you please let us know who you plan to depose with your last deposition slot and when?

Have a nice weekend.

Ethan

Ethan B. Kanter

Chief, National Security Unit

Civil Division, Office of Immigration Litigation-Appellate

United States Department of Justice

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