

## **EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

GHASSAN ALASAAD, NADIA )  
ALASAAD, SUHAIB ALLABABIDI, SIDD )  
BIKKANNAVAR, JÉRÉMIE DUPIN, )  
AARON GACH, ISMAIL ABDEL-RASOUL )  
AKA ISMA'IL KUSHKUSH, ZAINAB )  
MERCHANT, MOHAMMED AKRAM )  
SHIBLY, MATTHEW WRIGHT, AND )  
DIANE MAYE ZORRI, )

Plaintiffs, )

v. )

KIRSTJEN NIELSEN, SECRETARY OF )  
THE U.S. DEPARTMENT OF HOMELAND )  
SECURITY, IN HER OFFICIAL )  
CAPACITY; KEVIN MCALEENAN, )  
COMMISSIONER OF U.S. CUSTOMS )  
AND BORDER PROTECTION, IN HIS )  
OFFICIAL CAPACITY; AND RONALD )  
VITIELLO, ACTING DIRECTOR OF U.S. )  
IMMIGRATION AND CUSTOMS )  
ENFORCEMENT, IN HIS OFFICIAL )  
CAPACITY, )

Defendants. )

Civil Action No. 17-cv-11730-DJC

Hon. Denise J. Casper

**DECLARATION OF PLAINTIFF SUHAIB ALLABABIDI**

1. I own and operate a business that sells security technology, including to federal government clients.
2. I am a U.S. citizen.
3. I reside in Texas.
4. On January 24, 2017, I returned from a business trip on a flight from Dubai, United Arab Emirates, to Dallas, Texas. I carried a locked Samsung S7 Edge smartphone that I used regularly for both personal and business matters inside the United States. I also carried an unlocked

iPhone smartphone that I had brought on the trip because it enabled me to communicate easily while overseas.

5. At the passport control area in the Dallas-Fort Worth airport, a U.S. Customs and Border Protection (“CBP”) officer directed me to a secondary inspection area. There, as CBP officers searched my belongings, I observed a CBP officer seize and manually search my unlocked phone for at least 20 minutes. The officer then returned the phone to me.

6. The officer then ordered me to unlock my other phone. Concerned about officers accessing private information on my phone, I declined to do so. CBP officers responded by confiscating both phones, including the unlocked phone that the officer had already searched and returned to me.

7. The government returned the unlocked phone to me more than two months later.

8. The government returned the locked phone to me on December 13, 2017, more than ten months after it was confiscated from me and after the filing of this lawsuit.

9. During the time that my phones were confiscated, I had to spend more than \$1,000 on replacement phones.

10. I felt like these searches and confiscations of my phones violated my privacy. It felt like the CBP was prying into both my professional and personal life.

11. I regularly travel internationally for business and personal reasons, and carry electronic devices with me when I do so.

12. To the best of my knowledge, since January 1, 2013, I have returned to the United States from an international trip at least 7 times.

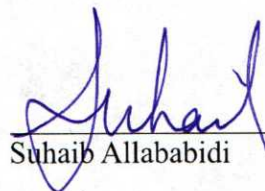
13. At the current time, I intend to continue traveling internationally for business and personal reasons.

14. Later this year, I will visit Turkey for business and personal reasons. I have reserved flights to Turkey on May 29 and home on July 5.

15. I may also visit China this year for business purposes.

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

Dated: April 18, 2019

  
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Sahaib Allababidi