

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

ANGE SAMMA *et al.*, on behalf of  
themselves and others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
DEFENSE *et al.*,

Defendants.

No. 20-cv-01104-PLF

**SUPPLEMENTAL DECLARATION OF SANA MAYAT**

I, Sana Mayat, declare as follows:

1. I am the Nadine Strossen National Security Fellow with the American Civil Liberties Union and one of class counsel in the above-numbered action. I submit this supplemental declaration in support of Plaintiffs' Reply Memorandum in support of Plaintiffs' Motion to Enforce Court Order.

**I. Class Members Whose N-426 Certifications Remain Outstanding**

**A. Norris Ntambwa**

2. On March 8, 2021, class member Norris Ntambwa shipped to basic combat training ("BCT") at Fort Jackson. *See* Ntambwa Decl. ¶ 6.
3. While at BCT reception, class member Ntambwa first requested his N-426 certification. *See* Ntambwa Decl. ¶ 7.
4. On October 21, 2021, class counsel Scarlet Kim wrote an email to Defendants' counsel, Liam Holland, attaching a letter describing class member Ntambwa's inability to obtain an

N-426 certification. Attached as Exhibit 37 is a true and correct copy of that email. Attached as Exhibit 38 is a true and correct copy of the letter attached to that email.

5. It has been nearly eight months since class member Ntambwa first requested his N-426 certification.
6. To date, class member Ntambwa's N-426 certification remains outstanding.

## **II. Class Members Who Received N-426 Certifications After Non-Compliant Delays.**

### **B. Olusegun Enikanoselu**

7. On July 28, 2021, Ms. Kim sent a letter to Mr. Netter, describing class member Enikanoselu's inability to obtain an N-426 certification since first requesting it from his Selected Reserve unit in October 2020. *See* ECF No. 60-12.
8. On August 23, 2021, I sent Mr. Holland an email, attaching a letter following up on class member Enikanoselu's N-426 certification. Attached as Exhibit 39 is a true and correct copy of that email. *See* ECF No. 75-3.
9. On September 15, 2021, Ms. Kim sent Mr. Holland an email, attaching a letter following up on class member Enikanoselu's N-426 certification. Attached as Exhibit 40 is a true and correct copy of that email; ECF No. 77.
10. On September 22, 2021, Ms. Kim sent Mr. Holland an email, attaching a letter following up on class member Enikanoselu's N-426 certification. *See* Exhibit 40; ECF No. 78.
11. On October 7, 2021, I sent Mr. Holland an email, attaching a letter following up on class member Enikanoselu's N-426 certification. *See* Exhibit 40; ECF No. 79.
12. On October 18, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Enikanoselu. Attached as Exhibit 41 is a true and correct copy of that email.

13. At the time he received his N-426 certification, it had been a year since class member Enikanoselu first requested his certification.

14. At the time he received his N-426 certification, it had been nearly three months since class counsel first notified Defendants' counsel about class member Enikanoselu's case.

**C. Adeleke Okediran**

15. In January 2021, class member Adeleke Okediran shipped to BCT at Fort Jackson. *See* Okediran Decl. ¶ 6.

16. In April 2021, class member Okediran first requested his N-426 certification while at advanced individual training ("AIT") reception at Fort Leonard Wood. *See* Okediran Decl. ¶ 9.

17. On October 21, 2021, Ms. Kim wrote an email to Mr. Holland, attaching a letter describing class member Okediran's inability to obtain an N-426 certification. *See* Exhibits 37-38.

18. On October 27, 2021, class member Okediran received his N-426 certification from his chain of command at his Selected Reserve unit. *See* Okediran Decl. ¶ 13.

19. At the time he received his N-426 certification, it had been nearly seven months since class member Okediran first requested his certification.

**D. Olubunmi Aregbesola**

20. On July 23, 2021, Ms. Kim sent an email to Mr. Netter, attaching a letter describing class member Olubunmi Aregbesola's inability to obtain an N-426 certification since first requesting it while attending BCT at Fort Sill in April 2021. *See* ECF No. 60-9.

21. On August 23, 2021, I sent an email to Mr. Holland, attaching a letter following up on class member Aregbesola's N-426 certification. *See* Exhibit 39; ECF No. 75-3.

22. On September 15, 2021, Ms. Kim sent an email to Mr. Holland, attaching a letter following up on class member Aregbesola's N-426 certification. *See* Exhibit 40; ECF No. 77.
23. On September 22, 2021, Ms. Kim sent an email to Mr. Holland, attaching a letter following up on class member Aregbesola's N-426 certification. *See* Exhibit 40; ECF No. 78.
24. On October 7, 2021, I sent an email to Mr. Holland, attaching a letter following up on class member Aregbesola's N-426 certification. *See* Exhibit 40; ECF No. 79.
25. On October 15, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Aregbesola. *See* Exhibit 41.
26. At the time she received her N-426 certification, it had been six months since class member Aregbesola first requested her certification.
27. At the time she received her N-426 certification, it had been over two and a half months since class counsel first notified Defendants' counsel about class member Aregbesola's case.

**E. Augustine Ayankoya**

28. On August 23, 2021, I sent Mr. Holland an email, attaching a letter describing class member Augustine Ayankoya's inability to obtain an N-426 certification since first requesting it while at BCT at Fort Jackson in April 2021. *See* Exhibit 39; ECF No. 75-2; 75-3.
29. On September 15, 2021, Ms. Kim sent Mr. Holland an email, attaching a letter following up on class member Ayankoya's N-426 certification. *See* Exhibit 40; ECF No. 77.
30. On September 22, 2021 letter, Ms. Kim sent Mr. Holland an email, attaching a letter following up on class member Ayankoya's N-426 certification. *See* Exhibit 40; ECF No. 78
31. On September 27, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Ayankoya. Attached as Exhibit 42 is a true and correct copy of that email.

32. At the time class member Ayankoya received his N-426 certification, it had been five months since he first requested his certification.

33. At the time class member Ayankoya received his N-426 certification, it had been over 30 days since class counsel first notified Defendants' counsel about class member Ayankoya's case.

**F. Lichao Li**

34. On May 4, 2021, class member Lichao Li shipped to BCT at Fort Jackson. *See* Li Decl. ¶ 6.

35. On or about May 10, 2021, class member Li first requested his N-426 certification from his chain of command at Fort Jackson. *See* Li Decl. ¶ 7.

36. On August 12, 2021, I sent Mr. Holland an email, attaching a letter describing class member Li's inability to obtain an N-426 certification. *See* ECF No. 60-16.

37. On August 16, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Li. *See* ECF No. 60-7.

38. On September 15, 2021, Ms. Kim sent an email to Mr. Holland, attaching a letter explaining that class member Li's N-426 form was not completely certified and was therefore rejected by USCIS. Ms. Kim requested a new, completely certified N-426 form for class member Li. *See* ECF No. 77; *see also* Li Decl. ¶17 & Exhibit A.

39. On September 21, 2021, Mr. Holland responded to Ms. Kim's email, attaching a new, completed N-426 certification for class member Li. *See* Exhibit 40.

40. At the time class member Li received his properly completed N-426 certification, it had been over four and a half months since he began his service by shipping to BCT.

41. At the time class member Li received his properly completed N-426 certification, it had been four and a half months since he first requested his certification.

42. At the time class member Li received his properly completed N-426 certification, it had been over 30 days since class counsel first notified Defendants' counsel about class member Li's case.

**G. Nikolai Povolotckii**

43. On June 21, 2021, class member Nikolai Povolotckii shipped to BCT at Fort Leonard Wood. *See* Cutler Decl. ¶ 29, ECF No. 63.

44. In early July, class member Povolotckii first requested his N-426 certification from his chain of command at Fort Leonard Wood. *See* Cutler Decl. ¶ 31, ECF No. 63.

45. On July 23, 2021, Ms. Kim sent Brian Netter, Deputy Assistant Attorney General for the Federal Programs Branch, an email, attaching a letter describing class member Povolotckii's inability to obtain an N-426 certification. *See* ECF No. 60-9.

46. On August 27, 2021, Mr. Holland sent Ms. Kim and me an e-mail, attaching an N-426 certification for class member Povolotckii. *See* Exhibit 39.

47. On October 7, 2021, I sent Mr. Holland an email, attaching a letter explaining that class member Povolotckii's N-426 form was incorrectly certified and was therefore rejected by United States Citizenship and Immigration Services ("USCIS"). *See* Cutler Suppl. Decl. ¶ 8. I requested a new, correctly certified N-426 form for class member Povolotckii. Attached as Exhibit 40 is a true and correct copy of that email. Attached as Exhibit 43 is a true and correct copy of the letter attached to that email.

48. On October 21, 2021, Ms. Kim sent Mr. Holland an email, attaching a letter following up on class member Povolotckii's N-426 certification. *See* Exhibits 37, 38.

49. On October 25, 2021, Mr. Holland responded to Ms. Kim's email, stating that the Army was processing class counsel's request for a new N-426 certification for class member Povolotckii. Attached as Exhibit 44 is a true and correct copy of that email.
50. On October 30, 2021, class member Povolotckii finally received a new, correctly certified N-426 form. *See* Cutler Suppl. Decl. ¶ 10.
51. At the time he received a properly certified N-426 form, it had been over four months since class member Povolotckii began his service by shipping to BCT.
52. At the time he received a properly certified N-426 form, it had been approximately four months since class member Povolotckii first requested his N-426 certification.
53. At the time he received a properly certified N-426 form, it had been over three months since class counsel first notified Defendants' counsel about class member Povolotckii's case.

**H. Zhen Pang**

54. On June 21 or 22, 2021, class member Zhen Pang shipped to BCT at Fort Leonard Wood. *See* Quail Suppl. Decl. ¶ 5.
55. On July 8, 2021, a paralegal at Cascadia Cross Border Law Group, a law firm representing class member Pang, first requested his N-426 certification from the legal assistance office—the Office of the Staff Judge Advocate (“OSJA”)—at Fort Leonard Wood. *See* Quail Decl. ¶ 6, ECF No. 62.
56. On July 13, 2021, Ms. Kim sent Mr. Netter an email, attaching a letter describing class member Pang's inability to obtain an N-426 certification. *See* ECF No. 60-6.
57. On July 23, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Pang. *See* ECF No. 59-20.

58. On August 10, 2021, class member Pang received a Request for Evidence from USCIS stating that his N-426 form was incomplete and instructing class member Pang to obtain a completed N-426 certification. *See* Quail Suppl. Decl. ¶ 12 & Exhibit A.
59. On August 24, 2021, class member Pang requested a new N-426 certification while at AIT at Fort Lee. *See* Quail Suppl. Decl. ¶ 15.
60. On October 25, 2021, class member Pang received a new N-426 certification from his chain of command at AIT. *See* Quail Suppl. Decl. ¶ 20.
61. At the time class member Pang received his properly completed N-426 certification, it had been approximately four months since he began his service by shipping to BCT.
62. At the time class member Pang received his properly completed N-426 certification, it had been over three and a half months since his counsel first requested his N-426 certification on his behalf.
63. At the time class member Pang received his properly completed N-426 certification, it had been over three months since class counsel notified Defendants' counsel about his case.

**I. Joseph Okoisu**

64. On July 28, 2021, Ms. Kim sent Mr. Netter an email, attaching a letter describing class member Joseph Okoisu's inability to obtain an N-426 certification since first requesting it while attending BCT at Fort Leonard Wood in May 2021. *See* ECF No. 60-11.
65. On August 20, 2021, Mr. Holland sent me an email, attaching an N-426 certification for class member Okoisu. Attached as Exhibit 45 is a true and correct copy of this e-mail.
66. At the time he received his N-426 certification, it had been three months since class member Okoisu first requested his certification.

**J. Christiana Etukudo Atat**



67. On July 28, 2021, Ms. Kim sent a letter to Mr. Netter, describing class member Christiana Etukudo Atat's inability to obtain an N-426 certification since first requesting it while attending BCT at Fort Leonard Wood in May 2021. *See* ECF No. 60-11.
68. On August 20, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Atat. *See* Exhibit 45.
69. At the time she received her N-426 certification, it had been three months since class member Atat first requested her certification.

**K. Alina Nair**

70. On July 21, 2021, class member Alina Nair attended her first drill with her Selected Reserve unit. *See* Cutler Suppl. Decl. ¶ 32.
71. On August 10, 2021, class member Nair first requested her N-426 certification. *See* Cutler Suppl. Decl. ¶ 33.
72. On September 22, 2021 letter, Ms. Kim sent an email to Mr. Holland, attaching a letter describing class member Nair's inability to obtain an N-426 certification. *See* Exhibit 40; ECF No. 78.
73. On October 7, 2021, I sent an email to Mr. Holland, attaching a letter following up on class member Nair's N-426 certification. *See* Exhibit 40; ECF No. 79.
74. On October 15, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Nair. *See* Exhibit 41.
75. At the time she received her N-426 certification, it had been nearly three months since class member Nair began her service by attending her first drill.
76. At the time she received her N-426 certification, it had been over two months since class member Nair first requested her certification.

**L. Banchao Shu**

77. On July 19, 2021, class member Banchao Shu shipped to BCT at Fort Leonard Wood. *See* Cutler Suppl. Decl. ¶ 14.
78. In late July, class member Shu first requested his N-426 certification while at BCT reception at Fort Leonard Wood. *See* Cutler Suppl. Decl. ¶ 16.
79. On September 15, 2021, Ms. Kim sent an email to Mr. Holland, attaching a letter describing class member Shu's inability to obtain an N-426 certification. *See* Exhibit 40; ECF No. 77.
80. On September 27, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Shu. *See* Exhibit 42.
81. At the time class member Shu received his N-426 certification, it had been over two months since he began his service by shipping to BCT.
82. At the time class member Shu received his N-426 certification, it had been approximately two months since he first requested his certification.

**M. Jia Ye**

83. On August 16, 2021, class member Jia Ye shipped to BCT at Fort Sill. *See* Cutler Suppl. Decl. ¶ 23.
84. In the third week of August, class member Ye first requested his N-426 certification while at BCT reception at Fort Sill. *See* Cutler Suppl. Decl. ¶ 25.
85. On September 15, 2021, Ms. Kim sent an email to Mr. Holland, attaching a letter describing class member Ye's inability to obtain an N-426 certification. *See* Exhibit 40; ECF No. 77.
86. On September 22, 2021, Ms. Kim sent an email to Mr. Holland, attaching a letter following up on class member Ye's N-426 certification. *See* Exhibit 40; ECF No. 78.

87. On October 7, 2021, I sent an email to Mr. Holland, attaching a letter following up on class member Ye's N-426 certification. *See* Exhibit 40; ECF No. 79.
88. On October 16, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Ye. Attached as Exhibit 46 is a true and correct copy of that e-mail.
89. At the time he received his N-426 certification, it had been two months since class member Ye began his service by shipping to BCT.
90. At the time he received his N-426 certification, it had been almost two months since class member Ye first requested his certification.

**N. Hariom Patel**

91. On August 12, 2021, I wrote an email to Mr. Holland, attaching a letter describing class member Hariom Patel's inability to obtain an N-426 certification since first requesting it from the legal assistance office while serving in the Illinois Army National Guard on July 21, 2021. *See* ECF No. 60-16.
92. On August 30, 2021, Mr. Holland sent Ms. Kim and me an email, attaching an N-426 certification for class member Patel. *See* Exhibit 39.
93. That same day, I responded to Mr. Holland's e-mail, noting that class member Patel's certification was incomplete and requesting a new, properly completed N-426 certification. *See* Exhibit 39.
94. On September 2, 2021, Mr. Holland responded to my email, attaching a new, properly completed N-426 certification for class member Patel. *See* Exhibit 39.
95. At the time class member Patel received his properly completed N-426 certification, it had been six weeks since he first requested his certification.

**III. Marina Ladyhina**

96. To clarify the record, in my August 23, 2021 email to Mr. Holland regarding service member Marina Ladyhina, I misstated that class counsel had spoken directly with her, when in fact class counsel had spoken with an attorney representing her. Based on representations by Ms. Ladyhina's attorney, I also misstated that the N-426 form she had submitted had expired, when in fact it had been replaced with a new form. *See* Exhibit 39; ECF No. 75-2; 75-3.

**IV. Additional Exhibits**

97. Attached as Exhibit 47 is a true and correct copy of an Order of this Court in *Select Hosp.- Denver, Inc. v. Becerra*, No. 10-cv-1356 (D.D.C.), dated September 20, 2021.

98. Attached as Exhibit 48 is a true and correct copy of an Order of this Court in *Damus v. Wolf*, No. 18-cv-578 (D.D.C.), dated February 7, 2020.

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

Executed on October 31, 2021



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Sana Mayat