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Philadelphia, PA 19103

Attorneys for Defendants Mitchell and Jessen

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

SULEIMAN ABDULLAH SALIM, et
al.,

Plaintiffs,

vs.

JAMES E. MITCHELL and JOHN
JESSEN,

Defendants.

NO. CV-15-0286-JLQ

**DECLARATION OF CHARRISE
L. ALEXANDER IN SUPPORT OF
DEFENDANTS' MOTION TO
COMPEL IMES AND
DEPOSITIONS, AND FOR
RELIEF FROM RELATED
DEADLINES**

Without Oral Argument
December 16, 2016

DECL. OF CHARRISE L. ALEXANDER IN
SUPPORT OF MOTION TO COMPEL IMES
AND DEPOSITIONS
NO. CV-15-0286-JLQ

Betts Patterson Mines
One Convention Place
701 Pike Street, Suite 1400
Seattle, Washington 98101-3927
(206) 292-9988

1 I, Charrise L. Alexander, hereby certify under penalty of perjury, that the
2 following is true and correct and within my personal knowledge:

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

6 2. I am an attorney in the law firm of Blank Rome LLP, and one of the
7 attorneys representing Defendants James Elmer Mitchell and John "Bruce" Jessen
8 (collectively, "Defendants") in the above-captioned action.

9 3. On October 13, 2016, counsel for Plaintiffs and counsel for
10 Defendants engaged in a telephone conversation regarding the scheduling of
11 Plaintiffs' depositions and the independent medical examinations ("IMEs") for
12 Plaintiffs Salim and Soud.

13 4. During that discussion, counsel for Defendants advised of
14 Defendants' desire to conduct the requested depositions and IMEs during mid-late
15 November in or around Spokane, but also advised of Defendants' willingness to
16 conduct such activities at a mutually convenient location elsewhere within the
17 United States.

18 5. Following that telephone call, counsel for Plaintiffs and counsel for
19 Defendants exchanged several e-mails regarding the scheduling of the requested
20 depositions and IMEs. The e-mails included discussions about the status of
21 Plaintiffs' visas to enter the United States, the option of conducting the requested
22 activities outside of the United States, and Plaintiffs' objections to the scope of the
23 proposed IMEs.


1 6. A true and correct copy of the aforementioned e-mail correspondence
2 is attached collectively hereto as **Exhibit A**.

3 7. The IMEs that Defendants propose are necessary based on, among
4 other things, the injuries that appear to constitute Plaintiffs' claimed damages as
5 identified within the Complaint, REDACTED

8 8. A true and correct copy of REDACTED
9 attached hereto as **Exhibit B**.

10 9. A true and correct copy of REDACTED
11 attached hereto as **Exhibit C**.

12 10. I declare under penalty of perjury under the laws of the United States
13 of America that the foregoing is true and correct.

14 
15 _____
16 Charrise L. Alexander

17 Executed this 16th day of November, 2016
18 at Philadelphia, PA.

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2016, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

<p>Emily Chiang echiang@aclu-wa.org ACLU of Washington Foundation 901 Fifth Ave, Suite 630 Seattle, WA 98164</p>	<p>Paul Hoffman hoffpaul@aol.com Schonbrun Seplow Harris & Hoffman, LLP 723 Ocean Front Walk, Suite 100 Venice, CA 90291</p>
<p>Andrew L. Warden Andrew.Warden@usdoj.gov Senior Trial Counsel Timothy A. Johnson Timothy.Johnson4@usdoj.gov Trial Attorney United States Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Ave NW Washington, DC 20530</p>	<p>Steven M. Watt, admitted <i>pro hac vice</i> swatt@aclu.org Dror Ladin, admitted <i>pro hac vice</i> dladin@aclu.org Hina Shamsi, admitted <i>pro hac vice</i> hshamsi@aclu.org ACLU Foundation 125 Broad Street, 18th Floor New York, NY 10007</p>
<p>Avram D. Frey, admitted <i>pro hac vice</i> afrey@gibbonslaw.com Daniel J. McGrady, admitted <i>pro hac vice</i> dmcgrady@gibbonslaw.com Kate E. Janukowicz, admitted <i>pro hac vice</i> kjanukowicz@gibbonslaw.com Lawrence S. Lustberg, admitted <i>pro hac vice</i> llustberg@gibbonslaw.com Gibbons PC One Gateway Center Newark, NJ 07102</p>	

By s/ Shane Kangas
 Shane Kangas
skangas@bpmlaw.com Betts, Patterson &
 Mines, P.S.

DECL. OF CHARRISE L. ALEXANDER IN
 SUPPORT OF MOTION TO COMPEL IMES
 AND DEPOSITIONS
 NO. CV-15-0286-JLQ

Betts Patterson Mines
 One Convention Place
 701 Pike Street, Suite 1400
 Seattle, Washington 98101-3927
 (206) 292-9988

EXHIBIT A

Steven,

Thank you for the email and for identifying Plaintiffs' position that the email chain is not "Confidential". I do, however, want to ensure that I am clear with regard to Plaintiff Salim's intent related to his claimed rectal injuries. Please confirm whether Plaintiffs intend to refrain from seeking to introduce at trial any evidence and/or argument concerning: (1) Plaintiff Salim's rectal injuries; and (2) the actions purportedly resulting in such alleged injuries.

Thank you in advance.

BP

Brian S. Paszamant | Blank Rome LLP

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: Paszamant@BlankRome.com

From: Steven Watt [<mailto:swatt@aclu.org>]

Sent: Tuesday, November 15, 2016 12:56 PM

To: Paszamant, Brian <Paszamant@BlankRome.com>

Cc: llustberg@gibbonslaw.com; Hina Shamsi <hshamsi@aclu.org>; Janukowicz, Kate E.

(KJanukowicz@gibbonslaw.com) <KJanukowicz@gibbonslaw.com>; Frey, Avram D.

(AFrey@gibbonslaw.com) <AFrey@gibbonslaw.com>; Daniel J. McGrady (dmcgrady@gibbonslaw.com)

<dmcgrady@gibbonslaw.com>; Smith, James <Smith-jt@BlankRome.com>; Chris Tompkins

(ctompkins@bpmlaw.com) <ctompkins@bpmlaw.com>; Schuelke III, Henry F.

<HSchuelke@BlankRome.com>; Dror Ladin <dladin@aclu.org>

Subject: RE: Plaintiffs' Depositions and IMEs

Brian,

You first raised Defendants' vision of an invasive rectal examination of Mr. Salim on Friday. As you are aware, Mr. Salim neither alleges that Defendants directly inflicted his rectal injuries, nor that Defendants' design for the torture program involved the systematic infliction of such injuries. To the extent you have good faith questions about the injuries "that appear to constitute Plaintiffs' claimed damages," Plaintiffs are willing to confer with you at a mutually agreeable time. If Defendants would prefer to set aside the conferral obligation regarding the disproportionate and irrelevant IMEs you seek, Plaintiffs will respond at the appropriate time.

To your second question: (1) Plaintiffs do not at this time consent to lifting the "Confidential" designation of medical reports; (2) Plaintiffs do not consider this email chain confidential.

Steven

From: Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

Sent: Tuesday, November 15, 2016 9:59 AM

To: Steven Watt

Cc: llustberg@gibbonslaw.com; Hina Shamsi; Janukowicz, Kate E. (KJanukowicz@gibbonslaw.com); Frey,

Avram D. (AFrey@gibbonslaw.com); Daniel J. McGrady (dmcgrady@gibbonslaw.com); Smith, James;

Chris Tompkins (ctompkins@bpmlaw.com); Schuelke III, Henry F.; Dror Ladin

Subject: RE: Plaintiffs' Depositions and IMEs

Steven,

The contemplated IMEs are not designed to harass. Plaintiffs have alleged significant physical and psychological injuries in their Complaint against the Defendants. However, thus far, we have received only the Medical Report authored by Dr. Crosby regarding Plaintiff Salim's alleged injuries and a Medical Report authored by Dr. Sertel regarding Plaintiff Soud's alleged injuries. We have not received any underlying records to support Plaintiffs' allegations or the conclusions drawn in the Reports. In fact, Dr. Sertel makes mention that an x-ray of Plaintiff Soud's left foot was taken and an audiometry test was administered, however neither has been provided. The IMEs that we propose are necessitated based on the lack of medical records provided to us, the injuries that appear to constitute Plaintiffs' claimed damages as identified within the Complaint and the aforementioned Reports, and the sound advice of our retained doctors. The proposed IMEs are meant to assess all of the alleged injuries, including Plaintiff Salim's alleged rectal injuries, an injury noted repeatedly within Dr. Crosby's Report. See Crosby Report at 3, 4, 5, 7, 8.

To the extent that Plaintiffs do not intend to pursue at trial claims for some or all of the injuries alleged in the Complaint and/or the aforementioned Reports, please advise me promptly. Based upon any such advice Defendants will consider their need for medical examinations (including testing) in this area(s). Absent Plaintiffs' indication of such a limitation(s), Defendants continue to require the examinations and testing identified below and will promptly move the Court to compel such examinations and testing to be performed within the United States.

Defendants are amenable to providing the Court with this entire email chain, inclusive of this email and any future continuation of this chain. But this, as well as Plaintiffs' designation of the aforementioned Reports as "Confidential" pursuant to the parties' Confidentiality Agreement ("Agreement") raises an issue and a question for Plaintiffs. Specifically, as you may recall, the Agreement (at Section 4.3) establishes a procedure for filing under seal documents designated in this fashion and contemplates a meet and confer in advance of any such filing. With this in mind, please advise me promptly whether Plaintiffs: (1) will withdraw their designation with regard to some or all of the aforementioned Reports; and (2) consider this email chain "Confidential". To the extent that Plaintiffs continue to consider either of the aforementioned items "Confidential", please advise as Defendants contemplate filing each of these items along with their motion and will do so in accordance with the procedure contemplated by the Agreement's Section 4.3. Pursuant to Section 4.3, Defendants will not oppose Plaintiffs' effort to have one or more of these items filed under seal, but look to Plaintiffs to promptly prepare the appropriate filing(s). The Court must be presented with the Reports and the information contained therein so that it may understand the breadth and scope of Plaintiffs' claimed injuries and Defendants' resultant need for the contemplated examinations and testing.

Separately, thank you for your agreement concerning the expert report extension. Defendants are amenable to affording Plaintiffs' the two-week extension that you identify below.

Given the timing sensitivities associated with these issues, I ask that you please get back to me by 1 p.m. East Coast time today with Plaintiffs' position concerning the foregoing. Thank you in advance.

BP

Brian S. Paszamant | Blank Rome LLP

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: Paszamant@BlankRome.com

From: Steven Watt [<mailto:swatt@aclu.org>]

Sent: Monday, November 14, 2016 5:10 PM

To: Paszamant, Brian <Paszamant@BlankRome.com>

Cc: llustberg@gibbonslaw.com; Hina Shamsi <hshamsi@aclu.org>; Janukowicz, Kate E.

(<KJanukowicz@gibbonslaw.com> <KJanukowicz@gibbonslaw.com>; Frey, Avram D.

(<AFrey@gibbonslaw.com> <AFrey@gibbonslaw.com>; Daniel J. McGrady (<dmcgrady@gibbonslaw.com

<dmcgrady@gibbonslaw.com>; Smith, James <Smith-jt@BlankRome.com>; Chris Tompkins

(<ctompkins@bpmlaw.com> <ctompkins@bpmlaw.com>; Schuelke III, Henry F.

<HSchuelke@BlankRome.com>; Dror Ladin <dladin@aclu.org>

Subject: RE: Plaintiffs' Depositions and IMEs

Brian,

First, you state inaccurately that Plaintiffs have made a "representation" that they will be afforded entry to the United States by a date certain. Plaintiffs have made no such representation. Nor could they. As Plaintiffs have explained and as you are aware, it is the U.S. government that determines if and when non-citizens may enter the United States. Plaintiffs are diligently pursuing entry to the United States. While Plaintiffs have confidence in that process, they do not control its outcome.

Second, Plaintiffs do not agree to the IMEs you describe below. The barrage of examinations you "envision" are not remotely proportionate to the needs of the case or relevant to the matters in dispute. Your demand that Mr. Salim submit to an invasive examination by a rectal surgeon is perhaps the clearest example of that and seems to us to be nothing more than designed to harass.

Third, as to possible timing, Plaintiffs consent to Defendants seeking an extension of their expert witness deadline with respect to any IMEs that are ordered but delayed due to U.S. visa approval timelines. Any such extension, however, must be accompanied by a two-week extension for Plaintiffs' rebuttal reports, running from the date the defendants' expert reports on the IME reports are produced.

Finally, Plaintiffs again suggest that Defendants consider conducting depositions and IMEs in another country, or, in relation to depositions only, taking them by video-link.

If Defendants intend to seek relief from the Court, Plaintiffs ask that this entire email thread be appended to Defendants' motion.

Steven

From: Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

Sent: Friday, November 11, 2016 9:49 AM

To: Steven Watt

Cc: llustberg@gibbonslaw.com; Hina Shamsi; Janukowicz, Kate E. (KJanukowicz@gibbonslaw.com); Frey, Avram D. (AFrey@gibbonslaw.com); Daniel J. McGrady (dmcgrady@gibbonslaw.com); Smith, James; Chris Tompkins (ctompkins@bpmlaw.com); Schuelke III, Henry F.; Dror Ladin

Subject: RE: Plaintiffs' Depositions and IMEs

Steven,

We have been thinking about the situation relating to Plaintiffs' depositions and IMEs since I received your last email. Defendants believe that they are entitled to conduct Plaintiffs' depositions and the IMEs of Plaintiffs Salim and Soud in the United States. They are amenable to waiting until the first two weeks of January to conduct these efforts in light of the current discovery deadline and your representation that Plaintiffs will be afforded entry into the United States well in advance of that deadline. Doing so will require adjustments in the current scheduling deadlines, as referenced below.

At this point, Defendants envision having Plaintiffs Salim and Soud examined by, at a minimum, an orthopedist, an internist and a psychiatrist given their claimed injuries as gleaned from the complaint and medical records produced during discovery. Defendants also envision having Plaintiff Salim examined by a rectal surgeon given his claimed rectal injuries as identified within medical reports produced during discovery.

Defendants have been advised by their experts that Plaintiffs Salim and Soud will need to undergo certain tests in connection with these examinations. For example, it is expected that such Plaintiffs will need to submit to standard laboratory tests as well as x-rays and MRIs. In addition, it is expected that Plaintiff Salim will need to have a colonoscopy and endoscopic procedures to evaluate his claimed rectal injuries which will require that he be sedated to minimize discomfort. We ask that Plaintiffs agree to this proposed scope of examination.

If we adopt this timeline, Defendants will require relief from their current December 12, 2016 expert report deadline. Specifically, Defendants intend to request that the Court enter an Order providing that Plaintiffs' depositions and IMEs will occur at a mutually agreeable location in the United States prior to January 17, 2017, and affords Defendants until the latter of two-weeks after an IME or deposition is completed within which to produce a Fed.R.Civ.P. 26(a)(2)(B) report from each of their experts that conducts an IME. If we cannot agree on a scope for the IMEs, we will raise that issue in the motion, or at a later time. I write to explore whether the parties can agree, or whether Defendants will need to file a motion.

Please advise me no later than COB on Monday of Plaintiffs' position with regard to these items.

BP

Brian S. Paszamant | Blank Rome LLP

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: Paszamant@BlankRome.com

From: Steven Watt [<mailto:swatt@aclu.org>]

Sent: Thursday, October 27, 2016 7:27 PM

To: Paszamant, Brian <Paszamant@BlankRome.com>

Cc: llustberg@gibbonslaw.com; Hina Shamsi <hshamsi@aclu.org>; Janukowicz, Kate E.

(KJanukowicz@gibbonslaw.com) <KJanukowicz@gibbonslaw.com>; Frey, Avram D.

(AFrey@gibbonslaw.com) <AFrey@gibbonslaw.com>; Daniel J. McGrady (dmcgrady@gibbonslaw.com)

<dmcgrady@gibbonslaw.com>; Smith, James <Smith-jt@BlankRome.com>; Chris Tompkins

(ctompkins@bpmlaw.com) <ctompkins@bpmlaw.com>; Schuelke III, Henry F.

<HSchuelke@BlankRome.com>; Dror Ladin <dladin@aclu.org>

Subject: RE: Plaintiffs' Depositions and IMEs

Brian:

As I said in my last email, we have been diligently pursuing U.S. entry visas, including by engaging a specialist immigration firm, and have been working on the process since June. Since our last email exchange we have completed the online visa application process for all three of our clients and secured interview dates for two of them in early November – a U.S. Embassy interview is a prerequisite to issuance of a visa. We are pressing to arrange an interview date for the third client expeditiously, and hope for a November date also.

We will notify you as soon as their visa decisions have been issued. Given the uncertainty of when our clients will be able to lawfully enter the United States (and although we are confident that we will be able to work this out in advance of the discovery cutoff on February 17, 2017), we reiterate our offer of depositions at mutually agreeable locations outside the United States that are more easily and quickly accessible to our clients. As an alternative to Tanzania, Mr. Salim can travel to South Africa for his deposition; and Messers ObaidUllah and Ben Soud to Turkey (Istanbul) for their depositions. Fed. R. Civ. P. 28(b) makes explicit provision for overseas depositions and many courts have permitted plaintiffs' depositions and even trial testimony to be taken abroad. South Africa and Turkey are parties to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, so both permit U.S. depositions. As an alternative, we reiterate our offer of deposition via videoconferencing. Video depositions are not uncommon, especially in litigations brought under the Alien Tort Statute where plaintiffs reside overseas. Courts that have allowed video depositions have not been troubled by the concerns you raise with such depositions.

As to independent medical examinations of Messers Salim and Ben Soud: the first time you suggested the prospect of conducting these examinations was when we spoke on October 13. Our clients are willing to undergo examination at a mutually agreeable location in the United States, once their U.S. entry visas have been approved and they are able to travel here. In the interests of time, however, we reiterate our offer to have these examinations conducted overseas, for example, in South Africa and Turkey.

Steven

From: Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

Sent: Tuesday, October 25, 2016 10:31 AM

To: Steven Watt

Cc: Smith, James; Chris Tompkins; Schuelke III, Henry F.; Dror Ladin; Lustberg, Lawrence S; Hina Shamsi; Janukowicz, Kate E. (KJanukowicz@gibbonslaw.com); Frey, Avram D. (AFrey@gibbonslaw.com); Daniel J. McGrady (dmcgrady@gibbonslaw.com)

Subject: RE: Plaintiffs' Depositions and IMEs

Steven,

Plaintiffs chose to file suit in the United States, presumably understanding that they would need to take necessary actions to support their lawsuit, including appearing for depositions, mental and physical examinations, and trial. Your suggestion that defendants bear the burdens and expense of travel to Tanzania or Turkey – even if those countries permit depositions to be taken in connection with US lawsuits – is not agreeable or appropriate. Among other concerns, there have been recent bombings in Istanbul and, longer ago, in Dar es Salaam. Moreover, our experience with videoconference depositions is that they pose significant challenges even when there are not language barriers, as there will be in this case, including decreased spontaneity and an inability to assess a deponent's demeanor, among others, and we are not agreeable to conducting these very important depositions by video conferencing.

Our position is bolstered by the fact that Plaintiffs assert claims for significant physical and emotional injuries, and we desire Rule 35 examinations in connection with those claims. Even if we could overcome the problems raised by conducting depositions in the Mid-east, or by long distance technology, we anticipate that Messrs. Salim's and Soud's Rule 35 examinations will be extensive. Defendants have no reason to believe that their experts are available to travel to Istanbul or Dar es Salaam to conduct those examinations, let alone that they will be able to obtain appropriate clearances, privileges, certifications etc. to conduct them in those cities. Nor should defendants be required to bear the additional expense of travel by their experts even if all the other aforementioned issues could be overcome. Since Plaintiffs will have to travel to the US for their Rule 35 examinations in any event, their depositions should be conducted in the US as well.

Please advise as to the current status of Plaintiffs' visa applications, and when it is anticipated, based on the best information available, that a decision will be rendered with regard to each of their applications. Also, could you please advise when these applications were submitted, and why this potentially lengthy process was not begun at least by the time this lawsuit was filed?

We look forward to hearing from you.

BP

Brian S. Paszamant | Blank Rome LLP

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: Paszamant@BlankRome.com

From: Steven Watt [<mailto:swatt@aclu.org>]

Sent: Monday, October 24, 2016 3:41 PM

To: Paszamant, Brian <Paszamant@BlankRome.com>

Cc: Smith, James <Smith-jt@BlankRome.com>; Chris Tompkins <ctompkins@bpmlaw.com>; Schuelke III, Henry F. <HSchuelke@BlankRome.com>; Dror Ladin <dladin@aclu.org>; Lustberg, Lawrence S

<LLustberg@gibbonslaw.com>; Hina Shamsi <hshamsi@aclu.org>; Janukowicz, Kate E.

(<KJanukowicz@gibbonslaw.com>) <KJanukowicz@gibbonslaw.com>; Frey, Avram D.

(<AFrey@gibbonslaw.com>) <AFrey@gibbonslaw.com>; Daniel J. McGrady (<dmcgrady@gibbonslaw.com

<dmcgrady@gibbonslaw.com>

Subject: RE: Plaintiffs' Depositions and IMEs

Brian:

I've never suggested that there would be any issues with our clients' applications for U.S. entry visas. However, as you know, as non-U.S. citizens, from non-visa-waiver countries, our clients will have to obtain visas before coming here, and the decision whether to grant such visas is made by the U.S. government. We have begun the process on their behalf, and we will keep you apprised of our progress; certainly, we will let you know as soon as we receive the visa decisions.

As to alternative countries for conduct of their depositions, and IMEs for Messers Salim and Ben Soud, we have been considering Tanzania (Dar es Salaam) and Turkey (Istanbul). Mr. Salim is a Tanzanian citizen, and travel to Turkey is likely to be more quickly obtainable for Messers Ben Soud and ObaidUllah than to the United States. Let us know your thoughts on having depositions in those places, or as I mentioned before, by such other technology as videoconferencing, as an alternative.

Thank you.

Steven

From: Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]

Sent: Friday, October 21, 2016 3:56 PM

To: Steven Watt

Cc: Smith, James; Chris Tompkins; Schuelke III, Henry F.; Dror Ladin; Lustberg, Lawrence S; Hina Shamsi; Janukowicz, Kate E. (<KJanukowicz@gibbonslaw.com>); Frey, Avram D. (<AFrey@gibbonslaw.com>);

Daniel J. McGrady (<dmcgrady@gibbonslaw.com>)

Subject: RE: Plaintiffs' Depositions and IMEs

Steven,

Thank you for the email. When we spoke last Thursday, you inquired whether Defendants would be amenable to conducting Plaintiffs' depositions overseas and I

advised that Defendants did not wish to do so. Your email below is the first mention of any visa issues that Plaintiffs may be confronting.

Please keep us advised as to the status of Plaintiffs' visas. In the meantime, could you please advise what locations outside the United States you may be contemplating so that Defendants can properly consider your inquiry below?

Thank you in advance.

BP

Brian S. Paszamant | Blank Rome LLP

One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998

Phone: 215.569.5791 | Fax: 215.832.5791 | Email: Paszamant@BlankRome.com

From: Steven Watt [<mailto:swatt@aclu.org>]

Sent: Friday, October 21, 2016 1:34 PM

To: Paszamant, Brian <Paszamant@BlankRome.com>

Cc: Smith, James <Smith-jt@BlankRome.com>; Chris Tompkins <ctompkins@bpmlaw.com>; Schuelke III, Henry F. <HSchuelke@BlankRome.com>; Dror Ladin <dladin@aclu.org>; Lustberg, Lawrence S <LLustberg@gibbonslaw.com>; Hina Shamsi <hshamsi@aclu.org>; Janukowicz, Kate E. (<KJanukowicz@gibbonslaw.com>) <KJanukowicz@gibbonslaw.com>; Frey, Avram D. (<AFrey@gibbonslaw.com>) <AFrey@gibbonslaw.com>; Daniel J. McGrady (<dmcgrady@gibbonslaw.com>) <dmcgrady@gibbonslaw.com>

Subject: RE: Plaintiffs' Depositions and IMEs

Brian:

As I informed you last week when you first raised the question of Plaintiffs' depositions, Plaintiffs do not currently possess visas to enter the United States. We have already begun the process of securing all the Plaintiffs visas. One of our clients is awaiting a visa interview date. For two others, we have begun the online visa application processes and are retaining a specialist immigration law firm to further the process.

However, because Plaintiffs control neither the speed nor the outcome of the U.S. government visa process, would Defendants agree to hold depositions and medical examinations of Messrs. Salim and Ben Soud at mutually convenient locations outside the United States—in countries that our clients can access more easily and quickly; or alternatively, with regard to depositions, to have them taken via video-link?

Steven

Steven M. Watt

Senior Staff Attorney

American Civil Liberties Union

125 Broad St., New York, NY 10004

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■ m 917.312.6989 ■ f 212.549.2680

www.aclu.org <image001.jpg> <image003.jpg>

<image005.jpg>

Because Freedom Can't Protect Itself

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.

From: Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]
Sent: Wednesday, October 19, 2016 5:18 PM
To: Steven Watt
Cc: Smith, James; Chris Tompkins; Schuelke III, Henry F.; Dror Ladin; Lustberg, Lawrence S
Subject: Plaintiffs' Depositions and IMEs

Steven,

Any progress with regard to mid/late November dates for Plaintiffs' depositions and dates close in time for the IMEs of the two living detainee Plaintiffs? As I mentioned when we spoke last Thursday, we are working under the assumption that these activities will occur in or around Spokane, but we are willing to consider other mutually agreeable locales in the Continental U.S. if you have any proposal in this regard.

BP

Brian S. Paszamant | Blank Rome LLP
One Logan Square 130 North 18th Street | Philadelphia, PA 19103-6998
Phone: 215.569.5791 | Fax: 215.832.5791 | Email: Paszamant@BlankRome.com

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EXHIBIT B

DOCUMENT PENDING ORDER TO SEAL

EXHIBIT C

DOCUMENT PENDING ORDER TO SEAL