

EXHIBIT 10
FILED UNDER SEAL

~~ATTORNEYS' EYES ONLY~~

Lombardi, Cherie

January 27, 2020

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

-----:

ABDIQAFAR WAGAFE, et al., on behalf :
of themselves and others similarly :
situated, :
Plaintiffs, :

VS. : Case No.

DONALD TRUMP, President of the : 17-CV-00094 RAJ
United States, et al., :
Defendants. :

-----:

ATTORNEYS' EYES ONLY

Washington, D.C.

Monday, January 27, 2020

Videotaped Deposition of CHERIE LOMBARDI,
held at Perkins Coie, 700 13th Street, N.W.,
Washington, D.C., before SUSAN L. CIMINELLI, a
Notary Public in and for the District of Columbia,
beginning at 9:04 a.m., when were present on behalf
of the respective parties:

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1 A P P E A R A N C E S

2 On behalf of Plaintiffs:

3 HEATH L. HYATT, ESQ.
4 NICHOLAS GELLERT, ESQ.
5 Perkins Coie, LLP
6 1201 Third Avenue
7 Suite 4900
8 Seattle, Washington 98101
9 (206) 359-3843
10 HHyatt@PerkinsCoie.com
11 NGellert@PerkinsCoie.com

8 On behalf of Defendants:

9 BRENDAN MOORE, ESQ.
10 VICTORIA BRAGA, ESQ.
11 KATHRYN DAVIS, ESQ.
12 U.S. Department of Justice
13 450 5th Street
14 Washington, D.C. 20007
15 (202) 598-8173
16 Brendan.T.Moore@usdoj.gov

14 ALSO PRESENT:

15 Nat Pham, Videographer
16 USCIS ATTORNEYS:
17 Caitlin Miller, Esq.
18 Danielle Blaire, Esq.

18 * * * * *

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1 C O N T E N T S

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3	EXAMINATION BY:	PAGE
4	Counsel for Plaintiffs	6, 255
5	Counsel for Defendants	254

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7	LOMBARDI EXHIBIT NO.:	PAGE
8	Exhibit 68 CAR000595-734	
9	CAARP Dec. 2015	42
10	Exhibit 69 DEF-0080071	
11	Email chain 4/22/14	65
12	Exhibit 70 DEF-00138377-471	
13	Articulable Link Training	76
14	Exhibit 71 DEF-00181823	
15	2/25/13 Email	78
16	Exhibit 72 DEF-00026345	
17	10/27/16 Email	171
18	Exhibit 73 DEF-00026338	
19	7/8/15 Email chain	189
20	Exhibit 74 DEF-0088946	
21	9/13/16 Email chain	195
22	*Exhibits continued	

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1	LOMBARDI EXHIBIT NO.:	PAGE
2	Exhibit 75	DEF-00026346-347
3		Email chain 4/26/17 198
4	Exhibit 76	DEF-00043652
5		Email chain 7/22/16 206
6	Exhibit 77	DEF-00181338
7		Email chain 5/14/10 212
8	Exhibit 78	DEF-00168662
9		Email chain 1/12/10 216
10	Exhibit 79	DEF-00038280
11		Email chain 7/28/11 221
12	Exhibit 80	DEF-00181889
13		Email chain 6/15/12 226
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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are now on the
3 record. Here begins the video deposition of Cheri
4 Lombardi, taken in the matter of Abdiqafar Wagafe,
5 et al. v. Donald Trump. Today's date is January
6 27th, 2020. The time is 9:04. This deposition is
7 being held at 700 13th Street, Northwest, in
8 Washington, D.C.

9 Our court reporter today is Sue
10 Ciminelli, my name is Nat Pham, both on behalf of
11 Henderson Legal Services. Will counsels please
12 state your appearance for the record?

13 MR. HYATT: Heath Hyatt for the
14 plaintiffs.

15 MR. GALLERT: And Nick Gellert for the
16 plaintiffs.

17 MR. MOORE: Brendan Moore for defendants.

18 MS. BRAGA: Victoria Braga for
19 defendants.

20 THE VIDEOGRAPHER: Will the court
21 reporter please swear in the witness?
22 Whereupon,

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1 CHERIE LOMBARDI,
2 was called as a witness, and having been duly sworn,
3 was examined and testified as follows:

4 EXAMINATION BY COUNSEL FOR PLAINTIFFS

5 BY MR. HYATT:

6 Q. Good morning, Ms. Lombardi. You
7 understand that you are under oath today?

8 A. **Yes.**

9 Q. And that oath is the same oath as you
10 would take in a courtroom?

11 A. **Yes.**

12 Q. Is there any reason why you can't tell
13 the truth today?

14 A. **No.**

15 Q. Before we get started, I want to just go
16 over a couple of ground rules. First, for the
17 benefit of the record and for the court reporter,
18 I'd ask that you please wait until I finish asking
19 my question before you start answering. And I will
20 do the same. I'll wait until you finish your answer
21 before I ask my next question.

22 If, at any point, you need to take a

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1 deliberative process privilege.

2 MR. MOORE: We'll note your request.

3 (Lombardi Exhibit 75 was
4 marked for identification.)

5 BY MR. HYATT:

6 Q. I'm handing you what's been marked as
7 Exhibit 75. This is an email chain between you and
8 some other people copied on it, as Mr. Benavides.
9 The most recent email, though, is from Mr. Benavides
10 to you and a couple of other folks. I'm wondering
11 if you would please read that email from
12 Mr. Benavides sent on April 26th for me?

13 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 Q. Do you remember this concern?

21 A. Yes.

22 Q. Is it one that's still a concern or was

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1 it resolved?

2 A. Which concern are you discussing?

3 Q. Well, let's break that -- why don't you
4 tell me first, what is the concern that's being
5 identified here? Or concerns.

6 A. The main concern was that when an
7 application is received, it goes through processing
8 at the National Benefits Center, the NBC. The
9 processing involves running security checks. And
10 there is certain checks that has to be run, you
11 know, when an application is received.

12 And then based on various criteria, there
13 are certain checks that are run later in the NBC
14 process, but before a case goes out to the field.
15 And we have a new electronic immigration system
16 called ELIS, where the applications are taken
17 electronically and everything is done
18 electronically.

19 And I was working on ELIS at the time
20 when I -- when this email was done. And I found out

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

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1 CERTIFICATE OF NOTARY PUBLIC & REPORTER

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3 I, SUSAN L. CIMINELLI, the officer before whom
4 the foregoing deposition was taken, do hereby
5 certify that the witness whose testimony appears in
6 the foregoing deposition was duly sworn; that the
7 testimony of said witness was taken in shorthand and
8 thereafter reduced to typewriting by me or under my
9 direction; that said deposition is a true record of
10 the testimony given by said witness; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this
13 deposition was taken; and, further, that I am not a
14 relative or employee of any attorney or counsel
15 employed by the parties hereto, nor financially or
16 otherwise interested in the outcome of this action.

17

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19

SUSAN L. CIMINELLI

20

Notary Public in and for the

21

District of Columbia

22

My Commission Expires November 30, 2021.

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ACKNOWLEDGMENT OF DEPONENT

I, Cherie Lombardi, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true, correct
and complete transcription of the testimony given by
me, and any corrections appear on the attached Errata
Sheet signed by me.

2/28/2020 Cherie Lombardi
(DATE) (SIGNATURE)

NOTARIZATION (If Required)

State of _____
County of _____
Subscribed and sworn to (or affirmed) before me on
this _____ day of _____, 20____, by
_____, proved to me on the
basis of satisfactory evidence to be the person who
appeared before me.
Signature: _____
(Seal)

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