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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AYMAN LATIF, et al., <i>Plaintiffs,</i>	Case 3:10-cv-00750-BR
v. ERIC H. HOLDER, JR., et al., <i>Defendants.</i>	JOINT STATEMENT OF AGREED FACTS RELEVANT TO PLAINTIFF RAYMOND KNAEBLE

In accordance with the Court’s Case Management Order dated February 13, 2015 (Dkt. No. 168), the parties have conferred and hereby submit the following Joint Statement of Agreed Facts Relevant to Plaintiff Raymond Knaeble:

1. In 2014, after the issuance of this Court’s June 2014 Memorandum Opinion and Order (Dkt. No. 136), the Government advised the Court that it was undertaking a revision of its existing redress process. In connection with that effort in this case, and in accordance with the Court’s October 3, 2015 Case Management Order (Dkt. No. 152), Defendants conducted a substantive reconsideration of Mr. Knaeble’s DHS TRIP complaint.
2. On November 24, 2014, Defendants provided Mr. Knaeble with a DHS TRIP notification letter, a redacted version of which is attached hereto as Exhibit A, which is being submitted in unredacted form pursuant to a proposed protective order and a motion to seal.
3. The DHS TRIP notification letter informed Mr. Knaeble that he is on the No Fly List because he had been “identified as an individual who ‘may be a threat to civil aviation or national security.’ 49 U.S.C. § 114(h)(3)(A).”
4. The DHS TRIP notification letter to Mr. Knaeble further stated that “it has been determined that you pose a threat of committing an act of domestic terrorism (as defined in 18 U.S.C. § 2331(5)) with respect to the homeland.”
5. The DHS TRIP notification letter to Mr. Knaeble also provided “an unclassified summary that includes reasons supporting” his placement on the No Fly List.
6. The DHS TRIP notification letter to Mr. Knaeble did not disclose all of the reasons or information that the Government relied upon in determining that he should remain on the No Fly List.
7. The DHS TRIP notification letter informed Mr. Knaeble that the Government was “unable to provide additional disclosures” regarding his placement on the No Fly List.

8. The DHS TRIP notification letter to Mr. Knaeble did not discuss the presence or absence of information not reflected in the letter that might be in the Government's possession contravening Mr. Knaeble's placement on the No Fly List.
9. The DHS TRIP notification letter did not provide Mr. Knaeble with his full prior statements on which the Government relied in determining that he should remain on the No Fly List.
10. The DHS TRIP notification letter did not confirm or deny whether any particular surveillance techniques were used to procure information that formed a basis for including Mr. Knaeble on the No Fly List.
11. The DHS TRIP notification letter invited Mr. Knaeble to respond by written submission on or before December 15, 2014.
12. By letter dated December 5, 2014, counsel for Mr. Knaeble wrote to counsel for the Defendants seeking additional information and procedures. (Dkt. No. 167-1.)
13. By letter dated December 14, 2014, counsel for Defendants advised counsel for Mr. Knaeble that they believed the notification letters and revised redress program were appropriate. (Dkt. No. 167-2.)
14. On December 15, 2014, Mr. Knaeble submitted a response to the DHS TRIP notification letter. A redacted version of the response is attached hereto as Exhibit B, which is being submitted in unredacted form pursuant to a proposed protective order and a motion to seal.
15. The Government assessed Mr. Knaeble's response, and on January 21, 2015 the Acting Administrator of the TSA issued a final determination, which is attached hereto as Exhibit C.
16. The Government's reconsideration of Mr. Knaeble's DHS TRIP complaint did not include a hearing at which live testimony could be presented or witnesses cross-examined.
17. The TSA Administrator's final determination concluded that Mr. Knaeble should remain on the No Fly List.
18. The TSA Administrator's final determination changed the criterion applicable to Mr. Knaeble's placement on the No Fly List. The determination stated that "Mr. Knaeble is properly placed on the No Fly List because he is an individual who represents a threat of engaging in or conducting a violent act of terrorism and who is operationally capable of doing so."

Dated: March 13, 2015

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing stipulation was delivered to all counsel of record via the Court's ECF notification system.

s/ Hina Shamsi