

Exhibit A

Exhibit A

From: Brinkman, Andrew (CIV) <Andrew.Brinkman@usdoj.gov>
Sent: Wednesday, August 12, 2020 3:50 PM
To: Hyatt, Heath (SEA); Ahmed, Sameer; Busen, Jesse (CIV); Kanter, Ethan (CIV); Slack, Michelle R (CIV); Taranto, Leon B. (CIV); Kipnis, Brian (USAWAW); Braga, Victoria M. (CIV); Moore, Brendan T. (CIV); Evans, Manning (CIV); Davis, Kathryn C (CIV); Murphy, Lindsay M. (CIV)
Cc: Gellert, Nicholas (SEA); Matt; Whidbee, Paige (SEA); Minju Cho; 'Hugh Handeyside'; Jennie Pasquarella
Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Heath,

We are not seeking to expand the number of depositions allowed per side. We are just clarifying the expected timing for the depositions of any notice responders. Sameer's email was a bit ambiguous as to the expected timing, as he used the phrase "soon thereafter." We're just making it more concrete and in line with what we had contemplated in the initial agreement (Dkt. 371).

Best,
Drew

From: Hyatt, Heath (Perkins Coie) <HHyatt@perkinscoie.com>
Sent: Wednesday, August 12, 2020 6:38 PM
To: Brinkman, Andrew (CIV) <ABrinkma@civ.usdoj.gov>; Ahmed, Sameer <sahmed@law.harvard.edu>; Busen, Jesse (CIV) <JBusen@civ.usdoj.gov>; Kanter, Ethan (CIV) <EKanter@CIV.USDOJ.GOV>; Slack, Michelle R (CIV) <mislack@CIV.USDOJ.GOV>; Taranto, Leon B. (CIV) <LTaranto@civ.usdoj.gov>; Kipnis, Brian (USAWAW) <BKipnis@usa.doj.gov>; Braga, Victoria M. (CIV) <vbraga@CIV.USDOJ.GOV>; Moore, Brendan T. (CIV) <bremoore@CIV.USDOJ.GOV>; Evans, Manning (CIV) <maevans@CIV.USDOJ.GOV>; Davis, Kathryn C (CIV) <kathdavi@CIV.USDOJ.GOV>; Murphy, Lindsay M. (CIV) <limurphy@CIV.USDOJ.GOV>
Cc: Gellert, Nicholas (Perkins Coie) <NGellert@perkinscoie.com>; Matt <matt@nwirp.org>; Whidbee, Paige (Perkins Coie) <PWhidbee@perkinscoie.com>; Minju Cho <MCho@aclusocal.org>; 'Hugh Handeyside' <hhandeyside@aclu.org>; Jennie Pasquarella <jpasquarella@aclusocal.org>
Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Thanks Drew. I'm not sure I understand what part of Sameer's proposal you hope to clarify. Are you seeking to expand the number of responders you plan to depose, suggesting that the 30 day window to conduct your tenth deposition starts when we tell you who the witness will be, or something else?

Please let me know if a brief phone call is in order to resolve this issue given the time of day.

As to your note about discovery deadlines, we appreciate you raising the issue that is certainly something we can discuss at the appropriate time.

Heath

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From: Brinkman, Andrew (CIV) <Andrew.Brinkman@usdoj.gov>
Sent: Wednesday, August 12, 2020 3:22 PM
To: Hyatt, Heath (SEA) <HHyatt@perkinscoie.com>; Ahmed, Sameer <sahmed@law.harvard.edu>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Slack, Michelle R (CIV) <Michelle.R.Slack@usdoj.gov>; Taranto, Leon B. (CIV) <Leon.B.Taranto@usdoj.gov>; Kipnis, Brian (USAFAW) <Brian.Kipnis@usdoj.gov>; Braga, Victoria M. (CIV) <Victoria.M.Braga@usdoj.gov>; Moore, Brendan T. (CIV) <Brendan.T.Moore@usdoj.gov>; Evans, Manning (CIV) <Manning.Evans@usdoj.gov>; Davis, Kathryn C (CIV) <Kathryn.C.Davis@usdoj.gov>; Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>
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Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Heath,

We have no objections to the redacted filing or your proposed modification to our informal agreement. However, I would like to clarify one of the conditions Sameer suggested below. I don't think it's changing the nature of the agreement in any way, but for purposes of deposing the notice responders, our agreement would be "Plaintiffs will not raise a timeliness objection to defendants deposing the six or fewer interviewees who are the subject of a further modification of the protective order, so long as all such depositions are completed no later than 30 days after the plaintiffs identify to defendants which of the six interviewees have agreed to serve as witnesses." Let us know if that works as an informal agreement.

Also, we have some concerns that we might be required by FRCP 29(b) to file a stipulation with the Court regarding these various extensions to the discovery deadlines. I don't think that should prevent you from filing your motion today, but I wanted to flag this issue now as something we may need to include in a future filing.

Best,
Drew

From: Hyatt, Heath (Perkins Coie) <HHyatt@perkinscoie.com>
Sent: Wednesday, August 12, 2020 5:59 PM
To: Brinkman, Andrew (CIV) <ABrinkma@cv.usdoj.gov>; Ahmed, Sameer <sahmed@law.harvard.edu>; Busen, Jesse (CIV) <JBusen@cv.usdoj.gov>; Kanter, Ethan (CIV) <EKanter@CIV.USDOJ.GOV>; Slack, Michelle R (CIV) <mislack@CIV.USDOJ.GOV>; Taranto, Leon B. (CIV) <LTaranto@cv.usdoj.gov>; Kipnis, Brian (USAFAW) <BKipnis@usa.doj.gov>; Braga, Victoria M. (CIV) <vbraga@CIV.USDOJ.GOV>; Moore, Brendan T. (CIV) <bremore@CIV.USDOJ.GOV>; Evans, Manning (CIV) <maevans@CIV.USDOJ.GOV>; Davis, Kathryn C (CIV) <kathdavi@CIV.USDOJ.GOV>; Murphy, Lindsay M. (CIV) <limurphy@CIV.USDOJ.GOV>
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Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Drew,

Do you have an update here or any idea when you might be able to respond to this email and my other email regarding the redacted motion?

Thanks,

Heath

Heath Hyatt | Perkins Coie LLP

ASSOCIATE

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From: Hyatt, Heath (SEA)

Sent: Wednesday, August 12, 2020 9:49 AM

To: 'Brinkman, Andrew (CIV)' <Andrew.Brinkman@usdoj.gov>; Ahmed, Sameer <sahmed@law.harvard.edu>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Slack, Michelle R (CIV) <Michelle.R.Slack@usdoj.gov>; Taranto, Leon B. (CIV) <Leon.B.Taranto@usdoj.gov>; Kipnis, Brian (USAWAW) <Brian.Kipnis@usdoj.gov>; Braga, Victoria M. (CIV) <Victoria.M.Braga@usdoj.gov>; Moore, Brendan T. (CIV) <Brendan.T.Moore@usdoj.gov>; Evans, Manning (CIV) <Manning.Evans@usdoj.gov>; Davis, Kathryn C (CIV) <Kathryn.C.Davis@usdoj.gov>; Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>

Cc: Gellert, Nicholas (SEA) <NGellert@perkinscoie.com>; Matt <matt@nwirp.org>; Whidbee, Paige (SEA) <PWhidbee@perkinscoie.com>; Minju Cho <MCho@aclusocal.org>; 'Hugh Handeyside' <hhandeyside@aclu.org>; Jennie Pasquarella <jpasquarella@aclusocal.org>

Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Drew,

We will make that change to the signature block.

As for supplemental disclosures, we generally agree with your proposal but slightly modified to make it reciprocal. We suggest the following:

“Neither side will raise a timeliness objection if either party supplements their initial disclosures with evidence solely about the six or fewer interviewees who are the subject of a further modification of the protective order, so long as such supplement is provided no later than 30 days after the plaintiffs identify to defendants which of the six interviewees have agreed to serve as witnesses.”

We agree that this does not require a formal filing and that a written agreement will suffice.

Please let us know as soon as possible so we can file the stipulation today.

Best,

Heath

Heath Hyatt | Perkins Coie LLP

ASSOCIATE

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CHECK OUT OUR CORONAVIRUS: GUIDANCE FOR BUSINESSES TO LEARN HOW PERKINS COIE CAN HELP CLIENTS RESPOND AND PREPARE

From: Brinkman, Andrew (CIV) <Andrew.Brinkman@usdoj.gov>

Sent: Tuesday, August 11, 2020 9:42 AM

To: Ahmed, Sameer <sahmed@law.harvard.edu>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Slack, Michelle R (CIV) <Michelle.R.Slack@usdoj.gov>; Taranto, Leon B. (CIV) <Leon.B.Taranto@usdoj.gov>; Kipnis, Brian (USAWAW) <Brian.Kipnis@usdoj.gov>; Braga, Victoria M. (CIV) <Victoria.M.Braga@usdoj.gov>; Moore, Brendan T. (CIV) <Brendan.T.Moore@usdoj.gov>; Evans, Manning (CIV) <Manning.Evans@usdoj.gov>; Davis, Kathryn C (CIV) <Kathryn.C.Davis@usdoj.gov>; Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>

Cc: Gellert, Nicholas (SEA) <NGellert@perkinscoie.com>; Matt <matt@nwirp.org>; Whidbee, Paige (SEA) <PWhidbee@perkinscoie.com>; Minju Cho <MCho@aclusocal.org>; Hyatt, Heath (SEA) <HHyatt@perkinscoie.com>; 'Hugh Handeyside' <hhandeyside@aclu.org>; Jennie Pasquarella <jpasquarella@aclusocal.org>

Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Sameer,

We agree to the language in the motions with one minor edit. In the signature block for the motion to modify the protective order, "Joseph H. Hunt, Assistant Attorney General" should be replaced with "Ethan P. Davis, Acting Assistant Attorney General."

Turning to your scheduling proposal, we were under the impression that you had already asked these individuals to serve as witnesses during the initial interviews. Given this misunderstanding, we agree not to notice any of them for depositions until you have notified us that they have agreed to serve as witnesses, and we also think it makes sense to modify Dkt. 271, section (m), to say "Plaintiffs will not raise a timeliness objection if defendants supplement their initial disclosures with evidence about the six or fewer interviewees who are the subject of a further modification of the protective order, so long as such supplement is provided no later than 30 days after the plaintiffs identify to defendants which of the six interviewees have agreed to serve as witnesses." We would be willing to proceed in this manner without filing a formal modification to Dkt. 271 as long as you agree to this proposed revision in writing.

Thanks,
Drew

From: Ahmed, Sameer <sahmed@law.harvard.edu>

Sent: Monday, August 10, 2020 9:46 PM

To: Brinkman, Andrew (CIV) <ABrinkma@civ.usdoj.gov>; Busen, Jesse (CIV) <JBusen@civ.usdoj.gov>; Kanter, Ethan (CIV) <EKanter@CIV.USDOJ.GOV>; Slack, Michelle R (CIV) <mislack@CIV.USDOJ.GOV>; Taranto, Leon B. (CIV) <LTaranto@civ.usdoj.gov>; Kipnis, Brian (USAWAW) <BKipnis@usa.doj.gov>; Braga, Victoria M. (CIV) <vbraga@CIV.USDOJ.GOV>; Moore, Brendan T. (CIV) <bremooore@CIV.USDOJ.GOV>; Evans, Manning (CIV) <maevans@CIV.USDOJ.GOV>; Davis, Kathryn C (CIV) <kathdavi@CIV.USDOJ.GOV>; Murphy, Lindsay M. (CIV) <limurphy@CIV.USDOJ.GOV>

Cc: Gellert, Nicholas (Perkins Coie) <NGellert@perkinscoie.com>; Matt <matt@nwirp.org>; Whidbee, Paige (Perkins

Coie) <PWhidbee@perkinscoie.com>; Minju Cho <MCho@aclusocal.org>; Hyatt, Heath (Perkins Coie) <HHyatt@perkinscoie.com>; 'Hugh Handeyside' <hhandeyside@aclu.org>; Jennie Pasquarella <jpasquarella@aclusocal.org>

Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Counsel,

Please let us know at your earliest convenience if Defendants consent to Plaintiffs filing the attached stipulated motion to modify the protective order and motion to seal. As a reminder, in Section (h) of Dkt. 371, the parties agreed to file the stipulated motion by August 12.

Sincerely,
Sameer

Sameer Ahmed
Clinical Instructor
Harvard Immigration and Refugee Clinical Program
Harvard Law School
(617) 384-0088
sahmed@law.harvard.edu

From: Ahmed, Sameer

Sent: Friday, August 7, 2020 7:56 PM

To: 'Brinkman, Andrew (CIV)' <Andrew.Brinkman@usdoj.gov>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Slack, Michelle R (CIV) <Michelle.R.Slack@usdoj.gov>; Taranto, Leon B. (CIV) <Leon.B.Taranto@usdoj.gov>; Kipnis, Brian (USAWAW) <Brian.Kipnis@usdoj.gov>; Braga, Victoria M. (CIV) <Victoria.M.Braga@usdoj.gov>; Moore, Brendan T. (CIV) <Brendan.T.Moore@usdoj.gov>; Evans, Manning (CIV) <Manning.Evans@usdoj.gov>; Davis, Kathryn C (CIV) <Kathryn.C.Davis@usdoj.gov>; Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>

Cc: Gellert, Nicholas (Perkins Coie) <NGellert@perkinscoie.com>; Matt <matt@nwirp.org>; Whidbee, Paige (Perkins Coie) <PWhidbee@perkinscoie.com>; Minju Cho <MCho@aclusocal.org>; Hyatt, Heath (Perkins Coie) <HHyatt@perkinscoie.com>; 'Hugh Handeyside' <hhandeyside@aclu.org>; Jennie Pasquarella <jpasquarella@aclusocal.org>

Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Counsel,

Pursuant to Section (h) of the Stipulation and Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons (Dkt. 371), please see attached a draft stipulated motion to modify the protective order to allow Plaintiffs' counsel to communicate with six interviewees and ask them to serve as witnesses in the case. Also attached is a draft motion to seal the stipulated motion. Please let us know if we have your permission to file.

Also, Defendants have indicated that they may want to use their 10th deposition on a notice responder, but first Plaintiffs will need time to determine which agree to serve as a witness in the case, as there is no reason (and we would object) to Defendants deposing a responder who has not so agreed. Because we are not permitted to communicate with any notice responder again until the Court grants our stipulated motion to modify the protective order, we will need time to communicate with the responders after the Court enters an order allowing such contact for us to determine who may be a witness. We propose that Plaintiffs be permitted up to three weeks from the

Court's order granting the stipulated motion to notify Defendants which of the notice responders have agreed to serve as witnesses. Assuming that any deposition take place soon thereafter at a time convenient to the notice responder, Plaintiffs would not raise a timeliness objection to that deposition even if it were not completed within a month of the Court modifying the protective order pursuant to Section (n) of the Stipulation and Order (Dkt. 371).

If you would like to discuss further, we are available for a meet and confer on Monday, 8/10, between 9 a.m. to 2 p.m. PST (12 to 5 p.m. EST).

Sincerely,
Sameer

Sameer Ahmed
Clinical Instructor
Harvard Immigration and Refugee Clinical Program
Harvard Law School
(617) 384-0088
sahmed@law.harvard.edu

From: Brinkman, Andrew (CIV) [<mailto:Andrew.Brinkman@usdoj.gov>]
Sent: Wednesday, August 5, 2020 4:50 PM
To: Ahmed, Sameer <sahmed@law.harvard.edu>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Slack, Michelle R (CIV) <Michelle.R.Slack@usdoj.gov>; Taranto, Leon B. (CIV) <Leon.B.Taranto@usdoj.gov>; Kipnis, Brian (USAWAW) <Brian.Kipnis@usdoj.gov>; Braga, Victoria M. (CIV) <Victoria.M.Braga@usdoj.gov>; Moore, Brendan T. (CIV) <Brendan.T.Moore@usdoj.gov>; Evans, Manning (CIV) <Manning.Evans@usdoj.gov>; Davis, Kathryn C (CIV) <Kathryn.C.Davis@usdoj.gov>; Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>
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Subject: RE: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Counsel,

Pursuant to Dkt. 371, section (f), we have no objection to plaintiffs' counsel having further contact with any interviewees identified below. However, we continue to reserve the right to object to your offering evidence from any or all of the interviewees. If you would like to file a stipulated motion to modify the protective order to permit you to contact any of these interviewees, please send us a draft to review.

Drew

From: Ahmed, Sameer <sahmed@law.harvard.edu>
Sent: Wednesday, July 15, 2020 8:03 PM
To: Busen, Jesse (CIV) <JBusen@civ.usdoj.gov>; Kanter, Ethan (CIV) <EKanter@CIV.USDOJ.GOV>; Brinkman, Andrew (CIV) <ABrinkma@civ.usdoj.gov>; Slack, Michelle R (CIV) <mislack@CIV.USDOJ.GOV>; Taranto, Leon B. (CIV) <LTaranto@civ.usdoj.gov>; Kipnis, Brian (USAWAW) <BKipnis@usa.doj.gov>; Braga, Victoria M. (CIV) <vbraga@CIV.USDOJ.GOV>; Moore, Brendan T. (CIV) <bremooore@CIV.USDOJ.GOV>; Evans, Manning (CIV) <maevans@CIV.USDOJ.GOV>; Davis, Kathryn C (CIV) <kathdavi@CIV.USDOJ.GOV>; Murphy, Lindsay M. (CIV)

<limurphy@CIV.USDOJ.GOV>

Cc: Gellert, Nicholas (Perkins Coie) <NGellert@perkinscoie.com>; Matt <matt@nwirp.org>; Whidbee, Paige (Perkins Coie) <PWhidbee@perkinscoie.com>; Minju Cho <MCho@aclusocal.org>; Hyatt, Heath (Perkins Coie) <HHyatt@perkinscoie.com>; 'Hugh Handeyside' <hhandeyside@aclu.org>; Jennie Pasquarella <jpasquarella@aclusocal.org>

Subject: Wagafe v. Trump: Dkt. 371 (Stipulation & Order Resolving Plaintiffs' Motion for Court Permission to Interview Limited Number of Persons)

Counsel,

Pursuant to Section (e) of the Stipulation and Order in Dkt. 371, below is a list of names and A-numbers of individuals whom Plaintiffs' counsel would like to contact further or act as a witness in this case:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sincerely,
Sameer

Sameer Ahmed
Clinical Instructor
Harvard Immigration and Refugee Clinical Program
Harvard Law School
(617) 384-0088
sahmed@law.harvard.edu

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