The Honorable Richard A. Jones 1 2 3 4 5 6 7 IN THE UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 9 10 ABDIQAFAR WAGAFE, et al., on behalf of CASE NO. 2:17-cv-00094-RAJ himself and other similarly situated, 11 **DECLARATION OF LEON B.** Plaintiffs. TARANTO IN SUPPORT OF 12 **DEFENDANTS' REPLY TO** PLAINTIFFS' OPPOSITION TO v. 13 **DEFENDANTS' MOTION TO** JOSPEH R. BIDEN, President of the United EXCLUDE TESTIMONY OF MR. 14 States, et al., SEAN M. KRUSKOL 15 Defendants. 16 17 18 19 I, Leon B. Taranto, do declare and say: 1. I am a duly appointed Trial Attorney for the U.S. Department of Justice, Civil Division, 20 Torts Branch in Washington, D.C., and I am one of the attorneys assigned to represent Defendants in 21 this action. 22 2. Marked as "Exhibit 1" and filed separately under seal is a true and correct copy of 23 excerpts from the transcript of the January 10, 2020 Deposition of Mr. Daniel Renaud; 24 3. Attached hereto and marked as "Exhibit 2" is a true and correct copy of excerpts from the 25 transcript of the August 31, 2020 Deposition of Mr. Kevin Shinaberry. A true and correct copy of 26 27 the unredacted excerpts is marked as "Exhibit 2 – Filed Under Seal" and filed separately under seal; 28 UNITED STATES DEPARTMENT OF JUSTICE

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4. Attached hereto and marked as "Exhibit 3" is a true and correct copy of excerpts from the
transcript of the October 20, 2020 Deposition of Mr. Sean Kruskol. A true and correct copy of the
unredacted excerpts is marked as "Exhibit 3 – Filed Under Seal" and filed separately under seal.
I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 9th day of April 2021, at Washington, D.C.
/s/ Leon B. Taranto LEON B. TARANTO

DECLARATION OF LEON B. TARANTO IN SUPPORT OF DEFENDANTS' REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO EXCLUDE TESTIMONY OF MR. SEAN M. KRUSKOL - 2 (Case No. 2:17-cv-00094-RAJ)

EXHIBIT 1 - FILED UNDER SEAL -

EXHIBIT 2 - UNREDACTED VERSION FILED UNDER SEAL -

Page 1

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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

Plaintiffs,) No.

v.) 17-cv-00094 RAJ

DONALD TRUMP, President of the)
United States, et al.,)

Defendants.)

CONFIDENTIAL UNDER THE PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF KEVIN MARK SHINABERRY

Monday, August 31, 2020; 10:24 a.m. EST

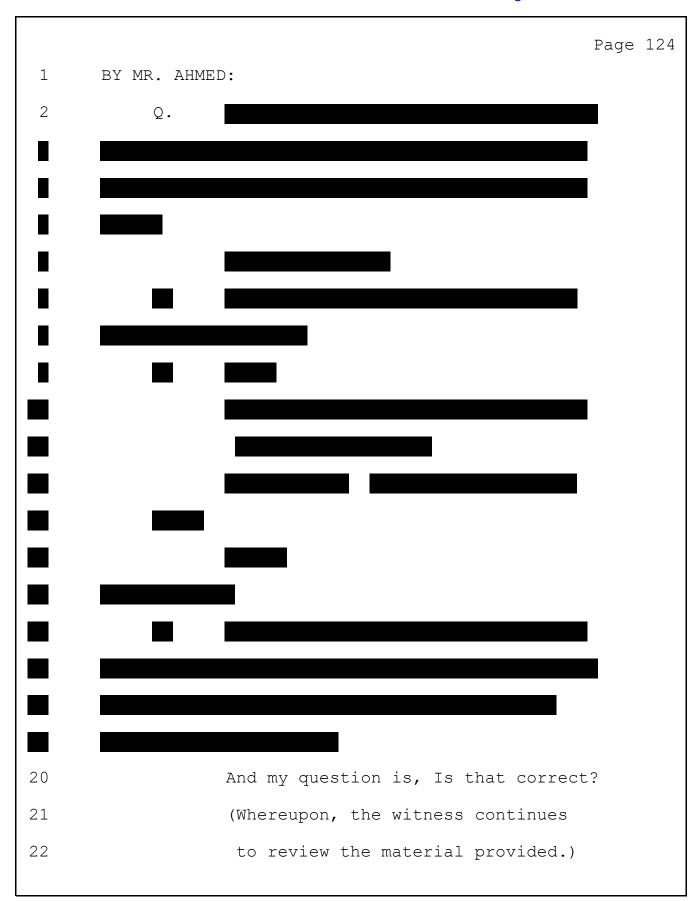
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Pgs. 1 - 221

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR, CLR, RSA, Remote Counsel Reporter, LiveDeposition Authorized Reporter

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Page 125 BY MR. AHMED: 1 2 Q. We can go off the record if you want more time. 3 MR. TARANTO: We will stay on the 5 record. But I would object to asking 6 questions as to the particular document. 7 The guide is also beyond the -- the scope of the witness' designation. So the 9 answers that the witness is giving would 10 be in his personal capacity and based on 11 his personal knowledge. 12 MR. AHMED: And just to respond to 13 that, all these questions are directly relevant to Subtopic Number 8 and how he 14 15 defines CME in his own data dictionary 16 that he created. That is also, I believe, Topic Number 9 or 10. 17 18 MR. TARANTO: And if you ask that 19 question, he will answer it, but this 20 goes --21 MR. AHMED: I'm --22 MR. TARANTO: -- beyond that.



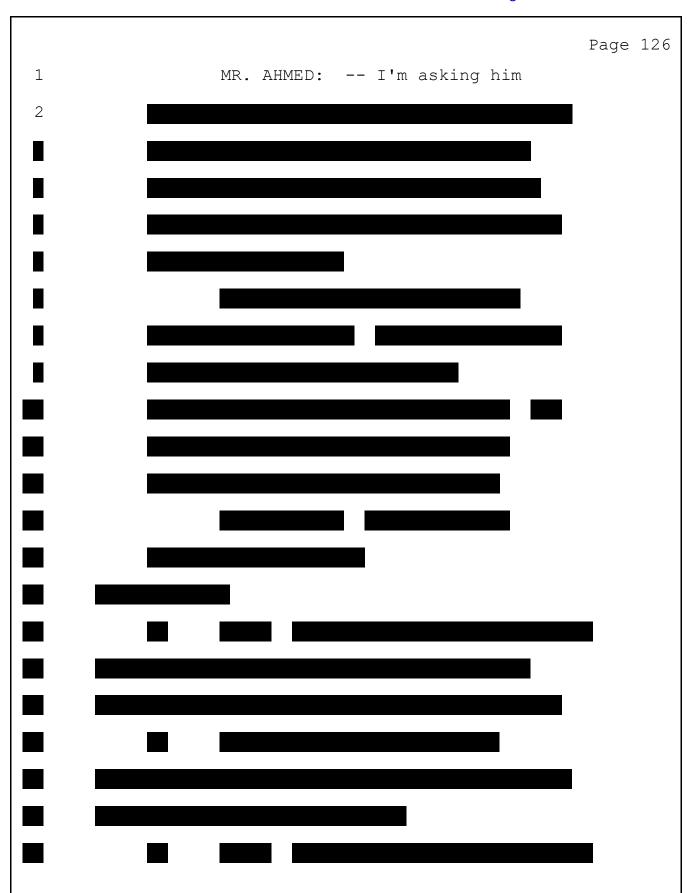
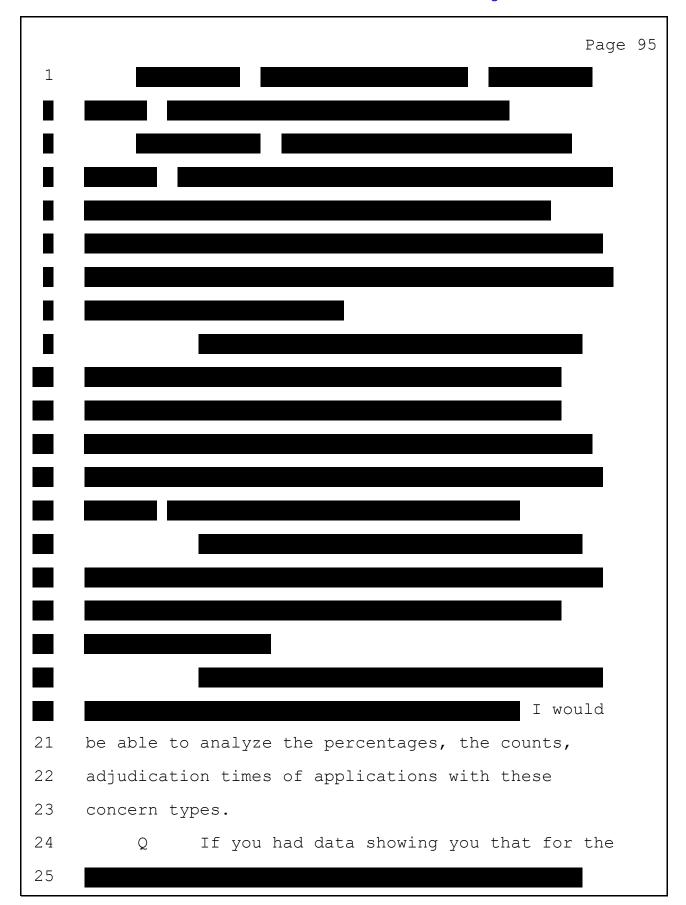




EXHIBIT 3 - UNREDACTED VERSION FILED UNDER SEAL -

Page 1 IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE Abdigafar Wagafe, et al., on behalf of himself and others similarly situated, Plaintiffs,)2:17-CV-00094-RAJ VS. DONALD TRUMP, President of the) United States, et al., Defendants. The virtual videotaped deposition via Webex of SEAN KRUSKOL, called by the Defendants, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before PEGGY CURRAN, CSR, CRR, RPR, CSR License No. 084-002016, a notary public within and for the County of DuPage and State of Illinois, taken at Chicago, Illinois on Tuesday, October 20, 2020, commencing at the hour of 9:07 a.m. CT ***CONFIDENTIAL DUE TO PROTECTIVE ORDER*** REPORTED BY: Peggy Curran, CSR, CRR, CMR CSR No. 084-002016 Magna Legal Services 866-624-6221 www.MagnaLS.com

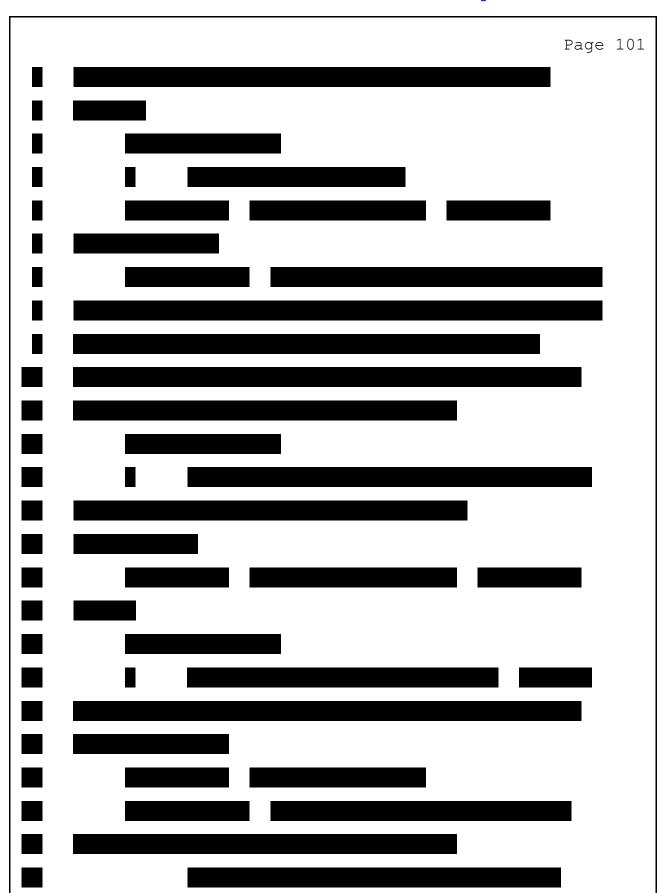






	Page 96
1	would that change any of your flagging or
2	cause you to say any of the flags were incorrect?
3	MR. AHMED: Objection, compound. Objection,
4	vague. Objection, calls for speculation.
5	THE WITNESS: In this hypothetical example,
6	without knowledge of what the data would show, I'm
7	unable to conclude one way or another whether any
8	of the flags or fields that identify applications
9	as subject to CARRP would either change or need
10	additional scrutiny.
11	By Mr. Taranto:
12	

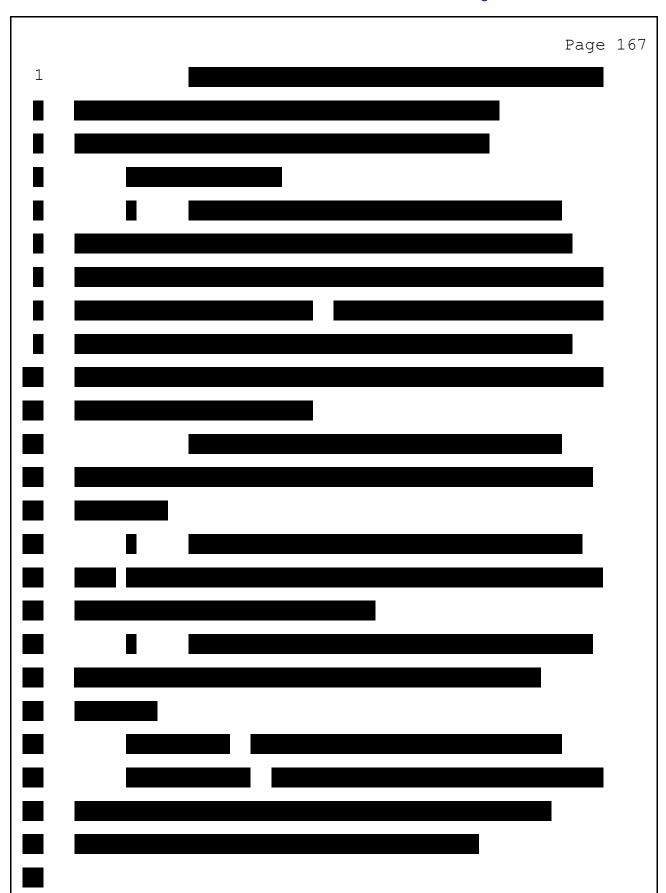






Page 103 THE WITNESS: I am not sure one way or another 1 2 whether or not such a data field exists. My 3 understanding of the way that the column or field within the June '20 data identified cases as CARRP 5 or not were based on algorithm created for the purposes of this litigation that are generally not 6 7 used in the normal course of business and are not verified with any single data field or underlying 8 application or A-File at any point in time. 9 10 By Mr. Taranto: 11







Page 168 1 5 Α That is correct. Bear with me for a moment. I am just 7 skipping over a few points. 8 If we can move now to -- well, your 9 Exhibit 1 at page 9. Here I want to go to 10 paragraph 20, your point two. 11 You say there -- and the document is on 12 the screen now. 13 That USCIS's algorithm for identifying 14 applications processed under CARRP, quote, fails to 15 differentiate between applications based on 16 sub-status and concern type fields in FDNS-DS, end 17 quote. 18 Do you believe you need to know the sub-status and concern type of a NS Concern case to 19 20 determine if it's in CARRP? 21 MR. AHMED: Objection, asked and answered. 22 Objection, compound. 23 THE WITNESS: As previously stated, I believe 24 that having the sub-status and concern type fields 25 in FDNS would allow me to perform additional data

