

The Honorable Richard A. Jones

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

ABDIQAFAR WAGAFE, *et al.*, on behalf of
himself and other similarly situated,

Plaintiffs,

v.

JOSPEH R. BIDEN, President of the United
States, *et al.*,

Defendants.

CASE NO. 2:17-cv-00094-RAJ

**DECLARATION OF W. MANNING
EVANS IN SUPPORT OF
DEFENDANTS’ CONSOLIDATED
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION
TO PLAINTIFFS’ MOTION FOR
SUMMARY JUDGMENT AND IN
SUPPORT OF DEFENDANTS’
CROSS-MOTION FOR SUMMARY
JUDGMENT**

I, W. Manning Evans, do declare and say:

1. I am a duly appointed Trial Attorney for the U.S. Department of Justice, Civil
Division, Office of Immigration Litigation in Washington, D.C., and I am one of the attorneys
assigned to represent Defendants in this action.

2. Attached hereto and marked as “Exhibit 1” is a true and correct copy of CAR000001-
07, “Memorandum: Policy for Vetting and Adjudicating Cases with National Security Concerns”;

DECLARATION OF W. MANNING EVANS IN SUPPORT OF DEFENDANTS’
CONSOLIDATED MEMORANDUM OF POINTS AND AUTHORITIES IN
OPPOSITION TO PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT AND
IN SUPPORT OF DEFENDANTS’ CROSS-MOTION FOR SUMMARY
JUDGMENT - 1

(Case No. 2:17-cv-00094-RAJ)

UNITED STATES DEPARTMENT OF JUSTICE
CIVIL DIVISION, OFFICE OF IMMIGRATION LITIGATION
Ben Franklin Station, P.O. Box 878
Washington, D.C. 20044
(202) 616-4900

1 3. Marked as “Exhibit 2” is a highly sensitive document (“HSD”), filed separately;

2 4. Marked as “Exhibit 3” is a true and correct copy of the March 1, 2018 Declaration of
3 Mr. Matthew Emrich;

4 5. Marked as “Exhibit 4” and filed separately under seal is a true and correct copy of
5 DEF-00431062, 2020 CARRP Training Module 2;

6 6. Marked as “Exhibit 5” and filed separately under seal is a true and correct copy of
7 DEF-00431307, 2020 CARRP Training Module 3;

8 7. Marked as “Exhibit 6” is a true and correct copy of CAR000084-92, “Attachment A –
9 Guidance for Identifying National Security Concerns”;

10 8. Marked as “Exhibit 7” and filed separately under seal is a true and correct copy of
11 DEF-00429575, 2017 CARRP Training Module 4;

12 9. Marked as “Exhibit 8” and filed separately under seal is a true and correct copy of
13 DEF-00429688, 2017 CARRP Training Module 5;

14 10. Marked as “Exhibit 9” is a true and correct copy of excerpts from the transcript of the
15 August 26, 2020 Deposition of Mr. Jeffrey Danik. A true and correct copy of the unredacted
16 excerpts is marked as “Exhibit 9 – Filed Under Seal” and filed separately under seal;

17 11. Marked as “Exhibit 10” and filed separately under seal is the expert report of Kelli
18 Ann Burriesci;

19 12. Marked as “Exhibit 11” is a true and correct copy of the July 17, 2020 Amended
20 Report of Dr. Bernard Siskin. A true and correct copy of the unredacted Amended Report is marked
21 as “Exhibit 11 – Filed Under Seal” and filed separately under seal;

22 13. Marked as “Exhibit 12 and filed separately under seal is a true and correct copy of
23 DEF-0095247;

24 14. Marked as “Exhibit 13” is a true and correct copy of excerpts transcript of the from
25 the February 11, 2020 Deposition of Mr. Alexander Cook;

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28 DECLARATION OF W. MANNING EVANS IN SUPPORT OF DEFENDANTS’
CONSOLIDATED MEMORANDUM OF POINTS AND AUTHORITIES IN
OPPOSITION TO PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT AND
IN SUPPORT OF DEFENDANTS’ CROSS-MOTION FOR SUMMARY
JUDGMENT - 2

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1 15. Marked as “Exhibit 14” and filed separately under seal is a true and correct copy of
2 DEF-00432000, 2020 CARRP Training Module 5;

3 16. Marked as “Exhibit 15” is a true and correct copy of excerpts from the transcript of
4 the September 18, 2020 Deposition of Mr. Thomas Ragland;

5 17. Marked as “Exhibit 16” is a true and correct copy of excerpts transcript of the from
6 the December 11, 2020 Deposition of Ms. Kristin Averill;

7 18. Marked as “Exhibit 17” and filed separately under seal is a true and correct copy of
8 excerpts from the transcript of the September 23, 2020 Deposition of Ms. Kelley Costello;

9 19. Marked as “Exhibit 18” is a true and correct copy of excerpts transcript of the from
10 the September 30, 2020 Deposition of Mr. Anthony Negrut-Calinescu;

11 20. Marked as “Exhibit 19” and filed separately under seal is a true and correct copy of
12 DEF-00431842, 2020 CARRP Training Module 4;

13 21. Marked as “Exhibit 20” is a true and correct copy of excerpts from the transcript of
14 the August 31, 2020 Deposition of Mr. Kevin Shinaberry, appearing pursuant to F.R.Civ.P. 30(b)(6);

15 22. Marked as “Exhibit 21” is a HSD filed separately;

16 23. Attached hereto and marked as “Exhibit 22” is a true and correct copy of excerpts
17 transcript of the from the September 25, 2020 Deposition of Mr. Jay Gairson;

18 24. Marked as “Exhibit 23” is a HSD filed separately;

19 25. Marked as “Exhibit 24” is a HSD filed separately;

20 26. Marked as “Exhibit 25” is a true and correct copy of ECF No. 343, “Stipulation to
21 Hold Otadhassan Deposition After Deadline for Depositions”;

22 27. Marked as “Exhibit 26” is a true and correct copy of ECF No. 466, “Declaration of
23 Mehdi Otadhassan in Support of Plaintiffs’ Motion for Summary Judgment”;

24 28. Marked as “Exhibit 27” is a HSD filed separately;

25 29. Marked as “Exhibit 28” is a HSD filed separately;

26 30. Marked as “Exhibit 29” is a HSD filed separately;

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28 DECLARATION OF W. MANNING EVANS IN SUPPORT OF DEFENDANTS’
CONSOLIDATED MEMORANDUM OF POINTS AND AUTHORITIES IN
OPPOSITION TO PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT AND
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- 1 31. Marked as “Exhibit 30” is a HSD filed separately;
- 2 32. Marked as “Exhibit 31” is a true and correct copy of ECF No. 69, “Certification
3 Order”;
- 4 33. Marked as “Exhibit 32” is a true and correct copy of ECF No. 127, “Plaintiffs’
5 Opposition to Defendants’ Motion for Protective Order Re Class List”;
- 6 34. Marked as “Exhibit 33” and filed separately under seal is a true and correct copy of
7 CAR000349-65;
- 8 35. Marked as “Exhibit 34” is a true and correct copy of “Memorandum: Revised
9 Guidance for Processing Cases Subject to Terrorism-Related Inadmissibility Grounds and Rescission
10 of the Prior Hold Policy for Such Cases”;
- 11 36. Marked as “Exhibit 35” and filed separately under seal is a true and correct copy of
12 CAR000303-41;
- 13 37. Marked as “Exhibit 36” and filed separately under seal is a true and correct copy of
14 DEF-00436897;
- 15 38. Marked as “Exhibit 37” and filed separately under seal is a true and correct copy of
16 excerpts from the transcript of the January 10, 2020 Deposition of Mr. Daniel Renaud;
- 17 39. Marked as “Exhibit 38” is a true and correct copy of excerpts from the transcript of
18 the January 8, 2020 Deposition of Mr. Matthew Emrich;
- 19 40. Marked as “Exhibit 39” is a true and correct copy of ECF No. 94-9, October 6, 2017
20 “Declaration of Julie Farnam”;
- 21 41. Attached hereto and marked as “Exhibit 40” is a true and correct copy of ECF No.
22 205, “Stipulated Motion for Entry of Proposed Amended Case Schedule and Trial Date”;
- 23 42. Marked as “Exhibit 41” is a true and correct copy excerpts from Plaintiffs’ Objections
24 and Answers to Defendants’ First Set of Requests for Admission”;
- 25 43. Marked as “Exhibit 42” and filed separately under seal is a true and correct copy of
26 CAR000075-83;

1 44. Marked as "Exhibit 43" is a true and correct copy of CAR000093-94, "Memorandum:
2 National Security Adjudication and Reporting Requirements-Update";

3 45. Marked as "Exhibit 44" is a true and correct copy of CAR000095-103,
4 "Memorandum: Clarification and Delineation of Vetting and Adjudication Responsibilities for
5 Controlled Application Review and Resolution Program (CARRP) Cases in Domestic Field
6 Offices";

7 46. Marked as "Exhibit 45" is a true and correct copy of CAR000342-44, "Policy
8 Memorandum: Revision of Responsibilities for CARRP Cases Involving Known or Suspected
9 Terrorists";

10 47. Marked as "Exhibit 46" and filed separately under seal is a true and correct copy of
11 CAR000345-48;

12 48. Marked as "Exhibit 47" and filed separately under seal is a true and correct copy of
13 CAR000010-55;

14 49. Marked as "Exhibit 48" is a true and correct copy of ECF No. 341-1, "Defendants'
15 Response to Plaintiffs' Motion to Compel Documents Withheld Under the Law Enforcement and
16 Deliberative Process Privileges";

17 50. Marked as "Exhibit 49" is a true and correct copy of ECF No. 341-1, "Produced
18 Duplicates of Documents in the Certified Administrative Record";

19 51. Marked as "Exhibit 50" and filed separately under seal is a true and correct copy of
20 CAR000008-09;

21 52. Marked as "Exhibit 51" is a true and correct copy of ECF No. 183, "Order Granting
22 Attorneys' Eyes Only Protective Order";

23 53. Marked as "Exhibit 52" is a true and correct copy of ECF No. 162, "Order to Produce
24 50 Random A-Files";

25 54. Marked as "Exhibit 53" is a true and correct copy of ECF No. 274, "Order on
26 Plaintiffs' Motion to Compel."

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28 DECLARATION OF W. MANNING EVANS IN SUPPORT OF DEFENDANTS'
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of May 2021, at Washington, D.C.

/s/ W. Manning Evans
W. MANNING EVANS