

# **Exhibit A**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ADHAM AMIN HASSOUN,

Petitioner,

Case No. 1:19-cv-370-EAW

v.

JEFFREY SEARLS, in his official capacity  
as Acting Assistant Field Office Director and  
Administrator, Buffalo Federal Detention  
Center,

Respondent.

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**DECLARATION**

**STEVEN A. PLATT**, makes this declaration under penalties of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an attorney duly permitted to practice before this Court under Local Civil Rule 83.1(d), and am a trial attorney employed by the U.S. Department of Justice, Civil Division.
2. I am counsel for Respondent in this habeas action.
3. I have personal knowledge of the facts stated in this declaration, which is made in support of Respondent's motion to defer consideration of a possible state secrets privilege assertion.
4. Counsel for Petitioner and Counsel for Respondent have discussed Petitioner's discovery concerns multiple times. This includes a meet-and-confer telephone conference on the protective order and clawback agreement that the Court previously entered. This includes a meet-and-confer telephone conference on the deposition subpoena for Ahmed Abdelraouf. And this includes a meet-and-confer telephone conference on Petitioner's claim that Respondent has

produced an inadequate privilege log.

5. The parties have exchanged several emails on discovery issues.

6. Through these discussions, the parties have resolved many, but not all, of their discovery disputes.

7. One issue that Respondent has raised with Petitioner regards documents containing information potentially subject to the state secrets privilege.

8. The parties were able to partially resolve this dispute. They have reached agreement regarding the pages of classified materials in Petitioner's Alien Registration File, given Respondent's representation that (1) such documents date from prior to 2004 and concern only Petitioner's criminal convictions, and are thus not relevant to the issues currently before the Court; and (2) Respondent will not introduce them at the evidentiary hearing.

9. However, Petitioner still seeks documents, over which Respondent asserts privileges, including a preliminary assertion of the state secrets privilege. These documents are Bates-stamped DEF-00009275 to DEF-00009523. These documents have been marked by the Federal Bureau of Investigation as classified.

10. The parties continue to discuss other information implicating the privilege, and Respondent will promptly notify the Court concerning any agreements reached concerning same.

11. Respondent has represented that for the remaining classified documents that may be subject to the state secrets privilege, Respondent will not introduce them at the evidentiary hearing.

12. Respondent asked Petitioner for his position on the instant motion. Petitioner indicated that he "takes no position on the invocation of the state secrets privilege in any particular instance, but would oppose any tolling of the time to invoke the privilege."

DATED: Washington, D.C., February 28, 2020.

*/s/ Steven A. Platt*  
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STEVEN A. PLATT  
Counsel for National Security  
U.S. Department of Justice