

EXHIBIT 12

~~FILED UNDER SEAL~~

Benavides, Jaime L.

December 10, 2019

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, et al., on :

behalf of themselves and others : Case No.:

Similarly situated, : 17-CV-00094 RAJ

Plaintiffs, :

VS. :

DONALD TRUMP, President of the :

United States, et al., :

Defendants. :

Washington, DC

Tuesday, December 10, 2019

Videotaped Deposition of JAIME L.

BENAVIDES held at U.S. Department of Justice, 450 5th Street, NW, Washington, DC 20530, commencing at 10:08 a.m., before Sherry L. Brooks, Certified LiveNote Reporter and Notary Public, in and for the District of Columbia.

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16 ALSO PRESENT:

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3 ALSO PRESENT:

4 Other Government Attorneys:

5 Kathryn Davis, Esq.

6 Lindsay Murphy, Esq.

7 Jesse Busen, Esq.

8 Victoria Braga, Esq.

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1 C O N T E N T S

2 THE WITNESS:

3 JAIME L. BENAVIDES

4 By Mr. Perez 9, 294, 299

5 By Mr. Moore 289, 299, 300

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(EXHIBITS ATTACHED TO THE TRANSCRIPT.)

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1 P R O C E E D I N G S

2 * * * * *

3 THE VIDEOGRAPHER: We're on the record.

4 This is video Number 1 in the video recorded
5 deposition of Jaime L. Benavides in the matter of
6 Abdiqafar Wagafe, et al., defendants versus Donald
7 Trump, President of the United States, et al.,
8 defendant, pending before the United States District
9 Court, Western District of Washington at Seattle,
10 Case No. 2:17-CV-94.

11 This deposition is being held at 450 5th
12 Street, Northwest, Washington, DC on December 10th,
13 2019. The time is 10:08 a.m.

14 My name is Nancy Holmstock, video
15 operator, representing the firm of Henderson Legal
16 Services. The court reporter today is Sherry Brooks
17 in association with Henderson Legal Services located
18 at 1560 Wilson Boulevard, Arlington, Virginia.

19 For the record, will counsel now please
20 introduce themselves and whom they represent?

21 MR. MOORE: I'm Brendan Moore and I
22 represent the defendants in this case and all the

1 parties that are being sued, and I'm a trial attorney
2 at the USDOJ.

3 MR. PEREZ: Anyone else on your side?

4 MR. MOORE: I think we'll just add Leon
5 when he comes in.

6 MR. PEREZ: You got it. David Perez,
7 Perkins Coie, representing the plaintiffs.

8 MR. HYATT: Heath Hyatt, Perkins Coie,
9 representing the plaintiffs.

10 MS. PASQUARELLA: Jennie Pasquarella
11 representing the plaintiffs.

12 MS. SEPE: Cristina Sepe, also
13 representing the plaintiffs.

14 THE VIDEOGRAPHER: Will the court reporter
15 please administer the oath?

16 * * * * *

17 Whereupon,

18 JAIME L. BENAVIDES

19 called for examination by counsel

20 for Plaintiffs and having been duly

21 sworn by the Notary Public, was examined

22 and testified as follows:

1 - - -

2 EXAMINATION BY COUNSEL FOR PLAINTIFFS

3 BY MR. PEREZ:

4 Q. Thank you for joining us this morning, Mr.
5 Benavides. You understand the oath you just took?

6 A. Yes.

7 Q. -- the same oath you take in a courtroom?

8 A. Yes.

9 Q. Please let me finish my questions before
10 you answer them. Okay?

11 A. Okay.

12 Q. What's CARRP?

13 MR. MOORE: David, could I just jump in
14 with one final preliminary just for a clean record?
15 We just wanted to get on the record that the
16 deposition today is being taken subject to the
17 protective order and the AEO order as well. Thank
18 you.

19 MR. PEREZ: And our understanding is that
20 portions of any deposition can be designated pursuant
21 to that order, but, of course, the order does not
22 allow en masse designations. But with that -- and

1 want to approve a KST.

2 BY MR. PEREZ:

3 Q. So they're instructed -- they're trained
4 to find a way to not have to approve?

5 A. That's what it looks like, yes, according
6 to that bullet.

7 Q. Earlier in the chart you see in the chart
8 itself after the first diamond it's already
9 determined that, quote, no ineligibilities found.

10 Do you see that?

11 A. Yes.

12 Q. So when no -- in a normal course if there
13 are no ineligibilities found, set aside CARRP, the
14 application is granted, right? That's what you
15 testified earlier?

16 A. Yes.

17 Q. But under CARRP, we have to find a way to
18 not have to approve, right?

19 MR. MOORE: Objection to foundation.

20 You can answer.

21 BY MR. PEREZ:

22 Q. I'm just reading the training, Mr.

1 Benavides.

2 A. Yeah. We have to first resolve the
3 national securities concern.

4 Q. I'm asking you -- right here, did I read
5 that right?

6 A. Yes.

7 Q. You told me without CARRP ineligibility
8 found, you're approved. But in CARRP, you're trained
9 to find a way to not have to approve.

10 A. It looks like that's what they did back in
11 2015.

12 Q. And you're saying -- is it your testimony
13 that's not what you're doing in 2019?

14 A. I haven't seen that recently.

15 Q. So you don't know, one way or another?

16 A. Right.

17 Q. So why don't you read for me this last
18 bullet, "So the rest"?

19 A. "So the rest of our vetting section is
20 going to look at some of the ways that we can use
21 vetting not just for collecting information, but
22 towards the specific end of not approving a national

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ACKNOWLEDGMENT OF DEPONENT

I, Jaime L. BENAVIDES, do hereby

acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any corrections appear on the attached Errata Sheet signed by me.

January 24, 2020

(DATE)

(SIGNATURE)

NOTARIZATION (If Required)

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____, by _____, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature: _____

(Seal)

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Benavides, Jaime L.

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1 UNITED STATES OF AMERICA)

2 ss:

3 DISTRICT OF COLUMBIA)

4 I, SHERRY L. BROOKS, a Notary Public
5 within and for the District of Columbia, do hereby
6 certify that the witness whose deposition is
7 hereinbefore set forth was duly sworn and that the
8 within transcript is a true record of the testimony
9 given by such witness.

10 I further certify that I am not related to
11 any of the parties to this action by blood or
12 marriage and that I am in no way interested in the
13 outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this _____ day of _____, 20____.

16

17

18

19

Notary Public in and for

20

the District of Columbia

21 My Commission Expires:

22 November 14, 2020