1	BETTS, PATTERSON & MINES P.S.		
2	Christopher W. Tompkins (WSBA #11686)		
3	CTompkins@bpmlaw.com 701 Pike Street, Suite 1400		
4	Seattle, WA 98101-3927		
5			
6	BLANK ROME LLP James T. Smith (admitted <i>pro hac vice</i>)		
7	Smith-jt@blankrome.com		
8	Brian S. Paszamant (admitted <i>pro hac vice</i>) Paszamant@blankrome.com		
9	One Logan Square 130 N 18th Street		
	Philadelphia, PA 19103		
10	Attorneys for Defendants Mitchell and Jessen		
11	•		
12	UNITED STATES I	DISTRICT COURT	
13	FOR THE EASTERN DIST		
14	AT SPC	OKANE	
15	JAMES ELMER MITCHELL and	NO. 16 MG 00026 H O	
16	JOHN "BRUCE" JESSEN,	NO. 16-MC-00036-JLQ	
17	Petitioners,	DECLARATION OF JEFFREY N. ROSENTHAL IN SUPPORT	
18	VS.	OF PETITIONERS' MOTION FOR RECONSIDERATION OF	
19	UNITED STATES OF AMERICA,	COURT'S OCTOBER 4, 2016 ORDER RE: MOTION TO	
20	UNITED STATES OF AMERICA,	COMPEL [ECF No. 31]	
21	Respondent.	Without Oral Argument November 18, 2016	
22		Expedited Hearing Requested	
23			
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25			
	DECLARATION OF JEFFREY N.	Betts Patterson	
	ROSENTHAL IN SUPPORT OF PETITIONERS' MOTION FOR	Mines - 1 - One Convention Place Suite 1400	

701 Pike Street Seattle, Washington 98101-3927 (206) 292-9988

NO. 16-MC-00036-JLQ 1089360/101916 1429/8360-0001

RECONSIDERATION

1

Related Case:

SULEIMAN ABDULLAH SALIM, et al.,

NO. CV-15-0286-JLQ

vs.

JAMES E. MITCHELL and JOHN JESSEN,

Defendants.

Plaintiffs,

I, Jeffrey N. Rosenthal, hereby certify under penalty of perjury, that the following is true and correct and within my personal knowledge:

- 1. I am over the age of 18, have personal knowledge of all facts contained in this declaration, and am competent to testify as a witness to those facts.
- 2. I am one of the attorneys representing Petitioners James Elmer Mitchell ("Dr. Mitchell") and John "Bruce" Jessen (collectively, "Defendants") in this action.
- 3. I have facilitated and been involved in the collection, review, and production of documents in connection with this action.
- 4. **Exhibit 1** to this declaration is a true and correct copy of a document created on June 22, 2007, that was produced by the Government on September 29, 2016, bearing the identifier "United States Bates #001175-77."
- 5. **Exhibit 2** to this declaration is a true and correct copy of a document created on April 11, 2007, that was produced by the Government on September

DECLARATION OF JEFFREY N.
ROSENTHAL IN SUPPORT OF
PETITIONERS' MOTION FOR
RECONSIDERATION
NO. 16-MC-00036-JLQ
1089360/101916 1429/8360-0001

Betts
Patterson
Mines
One Convention Place
Suite 1400
701 Pike Street
Seattle, Washington 98101-3927
(206) 292-9988

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16, 2016, bearing the identifier "United States Bates #001099-100."

- Exhibit 3 to this declaration is a true and correct copy of a portion of 6. an email chain dated October 9-10, 2016, between counsel for Defendants and counsel for the Government generated during the meet and confer process preceding this motion.
- 7. Exhibit 4 to this declaration is a true and correct copy of a document that was produced by the Government on September 26, 2016, bearing the identifier "United States Bates #001162-66."
- Exhibit 5 to this declaration is a true and correct copy of a document 8. that was produced by the Government on September 26, 2016, bearing the identifier "United States Bates #001158-61."
- In an email exchange between counsel for Defendants and counsel 9. for the Government on or after October 11, 2016, Andrew Warden, counsel to the Government, made the following representation:

The Government has no objection to expedited consideration of the motion and will file its opposition [five] business days after the motion is filed. The Government requests oral argument if the Court believes oral argument would be helpful to resolution of the motion.

Executed this 19th day of October, 2016 at Philadelphia, PA.

DECLARATION OF JEFFREY N. ROSENTHAL IN SUPPORT OF PETITIONERS' MOTION FOR RECONSIDERATION NO. 16-MC-00036-JLQ 1089360/101916 1429/8360-0001

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CERTIFICATE OF SERVICE

the foregoing document with the Clerk of Court using the CM/ECF system which

will send notification of such filing to the following:

I hereby certify that on the 19th day of October, 2016, I electronically filed

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Andrew L. Warden

Emily Chiang

echiang@aclu-wa.org

Seattle, WA 98164

901 Fifth Ave, Suite 630

Andrew.Warden@usdoj.gov

20 Massachusetts Ave NW

Washington, D.C. 20530

United States Department of Justice

ACLU of Washington Foundation

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Hina Shamsi, admitted pro hac vice

hshamsi@aclu.org

Steven M. Watt, admitted pro hac vice

swatt@aclu.org

Dror Ladin, admitted pro hac vice

dladin@aclu.org
ACLU Foundation
125 Broad Street, 18th Floor
New York, NY 10007

Kate E. Janukowicz, admitted pro hac vice

kjanukowicz@gibbonslaw.com

Lawrence S. Lustberg, admitted pro hac vice

llustberg@gibbonslaw.com

Gibbons PC

One Gateway Center Newark, NJ 07102

By s/Shane Kangas

Shane Kangas

 $\underline{skang as @bpmlaw.com}$

Betts, Patterson & Mines, P.S.

DECLARATION OF JEFFREY N. ROSENTHAL IN SUPPORT OF PETITIONERS' MOTION FOR RECONSIDERATION NO. 16-MC-00036-JLQ 1089360/101916 1429/8360-0001

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Betts
Patterson
Mines
One Convention Place
Suite 1400
701 Pike Street
Seattle, Washington 98101-3927
(206) 292-9988