

EXHIBIT C

From: [Warden, Andrew \(CIV\)](#)
To: [Paszamant, Brian](#)
Cc: [Smith, James](#); [Schuelke III, Henry F.](#); [Chris Tompkins](#); [Rosenthal, Jeffrey](#); [Querns, Ann E.](#)
Subject: RE: Salim/Mitchell (Ltr. re: Cotsana Deposition)
Date: Tuesday, January 10, 2017 4:15:55 PM
Attachments: [Declaration of James Cotsana \(Jan. 10, 2017\).pdf](#)
[Govt Objections to Cotsana Questions \(Jan. 10, 2017\).pdf](#)

Brian:

Following up on our exchange of letters and emails last week, please find attached the Government's objections to the questions and topics you propose to ask Mr. Cotsana. We have interlined our objections on your outline and highlighted our objections in yellow. We have also attached a declaration from Mr. Cotsana that provides his unclassified and non-privileged responses to the questions and topics posed in Section I of your outline.

All of the remaining questions and topics in Sections II-VII relate to Mr. Cotsana's alleged involvement in, or knowledge of, the CIA's former detention and interrogation program. Because answers to these questions would require Mr. Cotsana to confirm or deny whether or not he had a role in the CIA's former detention and interrogation program or otherwise would call for information that would tend to confirm or deny such a role, the Government objects to those questions and would instruct Mr. Cotsana not to answer on the grounds that to disclose information that would tend to confirm or deny such an alleged fact would disclose classified information subject to the assertion of the state secrets privilege or protected from disclosure by the National Security Act, 50 U.S.C. § 3024, and the CIA Act, 50 U.S.C. § 3507.

Regardless of Mr. Cotsana's particular status, we also note that answers to many of the questions and subjects listed in Sections II-VII even from persons who have been officially acknowledged by the Government to have had a role in the CIA's former detention and interrogation program, would likely call for the objectionable disclosure of privileged information protected by, among other things, the National Security Act, 50 U.S.C. § 3024; the CIA Act, 50 U.S.C. § 3507; the state secrets privilege; the deliberative process privilege; the attorney-client privilege; the attorney work product doctrine; the confidential informant privilege; or law enforcement privilege, among others.

Best,
Andrew

Andrew I. Warden
U.S. Department of Justice
Civil Division, Federal Programs Branch
Tel: (202) 616-5084

From: Paszamant, Brian [mailto:Paszamant@BlankRome.com]
Sent: Wednesday, January 04, 2017 3:07 PM
To: Warden, Andrew (CIV) <AWarden@CIV.USDOJ.GOV>
Cc: Smith, James <Smith-jt@BlankRome.com>; Schuelke III, Henry F. <HSchuelke@BlankRome.com>; Chris Tompkins <ctompkins@bpmlaw.com>; Rosenthal, Jeffrey <Rosenthal-J@BlankRome.com>; Querns, Ann E. <AQuerns@blankrome.com>
Subject: RE: Salim/Mitchell (Ltr. re: Cotsana Deposition)

Andrew,

We are fine with your sharing with Plaintiffs' counsel.

BP

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From: Warden, Andrew (CIV) [mailto:Andrew.Warden@usdoj.gov]
Sent: Wednesday, January 4, 2017 2:40 PM
To: Paszamant, Brian <Paszamant@BlankRome.com>
Cc: Smith, James <Smith-jt@BlankRome.com>; Schuelke III, Henry F. <HSchuelke@BlankRome.com>; Chris Tompkins <ctompkins@bpmlaw.com>; Rosenthal, Jeffrey <Rosenthal-J@BlankRome.com>; Querns, Ann E. <AQuerns@blankrome.com>
Subject: RE: Salim/Mitchell (Ltr. re: Cotsana Deposition)

Brian:

Thanks very much. We have reviewed your January 4 letter and we agree with your proposal. To confirm, on or before January 10, we will provide our objections, including the legal basis for those objections, within the framework of your outline as well as a declaration from Mr. Cotsana on the topics he is permitted to answer.

With your consent, I'll forward this exchange to the ACLU folks so they know not to attend the deposition.

Best,
Andrew

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From: Paszamant, Brian [<mailto:Paszamant@BlankRome.com>]
Sent: Wednesday, January 04, 2017 12:24 PM
To: Warden, Andrew (CIV) <AWarden@CIV.USDOJ.GOV>
Cc: Smith, James <Smith-jt@BlankRome.com>; Schuelke III, Henry F. <HSchuelke@BlankRome.com>; Chris Tompkins <ctompkins@bpmlaw.com>; Rosenthal, Jeffrey <Rosenthal-J@BlankRome.com>; Querns, Ann E. <AQuerns@blankrome.com>
Subject: Salim/Mitchell (Ltr. re: Cotsana Deposition)
Importance: High

Andrew,

A letter responding to your January 2, 2017 letter re: Cotsana's deposition is attached. Please have a look and get back to me as soon as you are able confirming that we have an agreement, preferably today. Thank you in advance.

BP

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