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14 Attorneys for Defendants

15 UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF WASHINGTON
17 AT SPOKANE

18 SULEIMAN ABDULLAH SALIM,
19 MOHAMED AHMED BEN SOUD,
20 OBAID ULLAH (as personal
representative of GUL RAHMAN),

21 Plaintiffs,

22 vs.

23 JAMES ELMER MITCHELL and
24 JOHN "BRUCE" JESSEN,

25 Defendants.

NO. 2:15-CV-286-JLQ

DECLARATION OF JEFFREY N.
ROSENTHAL IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

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One Convention Place
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(206) 292-9988

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

3 1. I am over the age of 18, have personal knowledge of all facts
4 contained in this declaration, and am competent to testify as a witness to those
5 facts.
6

7 2. I am one of the attorneys representing Defendants James Elmer
8 Mitchell and John “Bruce” Jessen (collectively, “Defendants”) in the above-
9 captioned action.

10 3. Attached hereto as **Exhibit 1** is a true and correct copy of testimony
11 excerpts taken from the deposition of John “Bruce” Jessen dated January 20, 2017.

12 4. Attached hereto as **Exhibit 2** is a true and correct copy of testimony
13 excerpts taken from the deposition of Jose Rodriguez dated March 7, 2017.

14 5. Attached hereto as **Exhibit 3** is a true and correct copy of Section FM
15 2-22.3 of the current Army Field Manual dated September 2006.

16 6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts
17 from the draft manuscript of Dr. Mitchell, bates labeled as MJ00022625-31.

18 7. Attached hereto as **Exhibit 5** is a true and correct copy of testimony
19 excerpts taken from the deposition of Obaid Ullah dated January 31, 2017.

20 8. Attached are true and correct copies of documents produced by the
21 CIA in response to subpoenas issued by Defendants pursuant to 5 U.S.C. § 301 and
22 the procedures outlined in *United States ex rel. Touhy v. Ragen*, 340 U.S. 462
23 1951):
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25

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Exhibit 6. US Bates 000024-85 (07/01/16)

Exhibit 7. US Bates 000086-127 (07/01/16)

Exhibit 8. US Bates 001109-11 (09/20/16)

Exhibit 9. US Bates 001656-62 (reprocessed 04/14/17)

Exhibit 10. US Bates 001839-40 (reprocessed 06/09/17)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 26th day of June, 2017, at Philadelphia, Pennsylvania.

s/ Jeffrey N. Rosenthal
Jeffrey N. Rosenthal

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of June, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

<p>Emily Chiang echiang@aclu-wa.org ACLU of Washington Foundation 901 Fifth Ave, Suite 630 Seattle, WA 98164</p>	<p>Paul Hoffman hoffpaul@aol.com Schonbrun Seplow Harris & Hoffman, LLP 723 Ocean Front Walk, Suite 100 Venice, CA 90291</p>
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By s/ Shane Kangas
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