

1 BETTS, PATTERSON & MINES P.S.  
2 Christopher W. Tompkins (WSBA #11686)  
3 [CTompkins@bpmlaw.com](mailto:CTompkins@bpmlaw.com)  
4 701 Pike Street, Suite 1400  
Seattle, WA 98101-3927

5 BLANK ROME LLP  
6 Henry F. Schuelke III (admitted *pro hac vice*)  
7 [HSchuelke@blankrome.com](mailto:HSchuelke@blankrome.com)  
8 1825 Eye St., N.W.  
Washington, DC 20006

9 James T. Smith (admitted *pro hac vice*)  
10 [Smith-jt@blankrome.com](mailto:Smith-jt@blankrome.com)  
11 Brian S. Paszamant (admitted *pro hac vice*)  
12 [Paszamant@blankrome.com](mailto:Paszamant@blankrome.com)  
13 Jeffrey N. Rosenthal (admitted *pro hac vice*)  
14 [Rosenthal-j@blankrome.com](mailto:Rosenthal-j@blankrome.com)  
15 One Logan Square, 130 N. 18th Street  
16 Philadelphia, PA 19103  
17 *Attorneys for Defendants Mitchell and Jessen*

18 **UNITED STATES DISTRICT COURT**  
19 **FOR THE EASTERN DISTRICT OF WASHINGTON**  
20 **AT SPOKANE**

21 SULEIMAN ABDULLAH SALIM,  
22 MOHAMED AHMED BEN SOUD,  
23 OBAID ULLAH (as personal  
24 representative of GUL RAHMAN),

25 Plaintiffs,

vs.

JAMES ELMER MITCHELL and  
JOHN "BRUCE" JESSEN,

Defendants.

NO. 2:15-CV-286-JLQ

DECLARATION OF  
CHRISTOPHER W. TOMPKINS IN  
SUPPORT OF DEFENDANTS'  
MOTIONS IN LIMINE AND  
REQUEST FOR JUDICIAL NOTICE

DECLARATION OF  
CHRISTOPHER W. TOMPKINS IN  
SUPPORT OF DEFENDANTS' MOTIONS  
IN LIMINE AND REQUEST FOR  
JUDICIAL NOTICE  
NO. 2:15-CV-286-JLQ  
139114.00602/105864485v.1

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

1 I, Christopher W. Tompkins, 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. **Exhibit A** is a true and correct copy of the video clip titled  
11 “Flashback 9/11: As It Happened” produced by Fox News Network, LLC  
12 following a subpoena from Defendants.

13 4. Attached hereto as **Exhibit B** is a true and correct copy of the  
14 Declaration of Gregory Wilson, Custodian of Records for Fox News Network,  
15 LLC.

16 5. Attached hereto as **Exhibit C** is a true and correct copy of the  
17 subpoena sent to Fox News Network, LLC requesting the video clip titled  
18 “Flashback 9/11: As It Happened.”  
19

20 6. The Parties have agreed not to present expert testimony on the law  
21 applicable to this case or the definitions of “torture”, “cruel, inhuman, or degrading  
22 treatment”, “unauthorized human experimentation” or “war crimes”, or similar  
23 terms, except outside of the presence of the jury and for the benefit of the Court.  
24  
25



**CERTIFICATE OF SERVICE**

I hereby certify that on the 2nd day of August, 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  <a href="mailto:echiang@aclu-wa.org">echiang@aclu-wa.org</a>          ACLU of Washington Foundation          901 Fifth Ave, Suite 630          Seattle, WA 98164</p>	<p>Paul Hoffman  <a href="mailto:hoffpaul@aol.com">hoffpaul@aol.com</a>          Schonbrun Seplow Harris &amp; Hoffman, LLP          723 Ocean Front Walk, Suite 100          Venice, CA 90291</p>
<p>Andrew I. Warden  <a href="mailto:Andrew.Warden@usdoj.gov">Andrew.Warden@usdoj.gov</a>          Senior Trial Counsel          Timothy A. Johnson  <a href="mailto:Timothy.Johnson4@usdoj.gov">Timothy.Johnson4@usdoj.gov</a>          Trial Attorney          United States Department of Justice          Civil Division, Federal Programs Branch          20 Massachusetts Ave NW          Washington, DC 20530</p>	<p>Steven M. Watt, admitted <i>pro hac vice</i>  <a href="mailto:swatt@aclu.org">swatt@aclu.org</a>          Dror Ladin, admitted <i>pro hac vice</i>  <a href="mailto:dladin@aclu.org">dladin@aclu.org</a>          Hina Shamsi, admitted <i>pro hac vice</i>  <a href="mailto:hshamsi@aclu.org">hshamsi@aclu.org</a>          ACLU Foundation          125 Broad Street, 18th Floor          New York, NY 10007</p>
<p>Avram D. Frey, admitted <i>pro hac vice</i>  <a href="mailto:afrey@gibbonslaw.com">afrey@gibbonslaw.com</a>          Daniel J. McGrady, admitted <i>pro hac vice</i>  <a href="mailto:dmcgrady@gibbonslaw.com">dmcgrady@gibbonslaw.com</a>          Kate E. Janukowicz, admitted <i>pro hac vice</i>  <a href="mailto:kjanukowicz@gibbonslaw.com">kjanukowicz@gibbonslaw.com</a>          Lawrence S. Lustberg, admitted <i>pro hac vice</i>  <a href="mailto:llustberg@gibbonslaw.com">llustberg@gibbonslaw.com</a>          Gibbons PC          One Gateway Center          Newark, NJ 07102</p>	<p>Anthony DiCaprio, admitted <i>pro hac vice</i>  <a href="mailto:ad@humanrightslawyers.com">ad@humanrightslawyers.com</a>          Law Office of Anthony DiCaprio          64 Purchase Street          Rye, NY 10580</p>

By           s/ Karen L. Pritchard  
Karen L. Pritchard  
[kpritchard@bpmlaw.com](mailto:kpritchard@bpmlaw.com)  
Betts, Patterson & Mines, P.S.

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