

EXHIBIT 12

JAMES D. NEALON - 08/14/2018

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

- - - - - x
CRISTA RAMOS, et al., :
Plaintiffs, : Case No.
v. : 3:18-cv-1554-EMC
KIRSTJEN NIELSEN, et al., :
Defendants. :
- - - - - x

VIDEOTAPED DEPOSITION OF JAMES D. NEALON
Tuesday, August 14, 2018
Boston, Massachusetts

Job No.: LA-187775
Pages 1 - 276
Reported By: Dana Welch, CSR, RPR, CRR

1 include the talking points for public consumption 11:19:03
2 related to a specific issue. 11:19:07

3 Q. Who produces the public affairs guidance 11:19:09
4 for the Department? 11:19:15

5 A. The Assistant Secretary of public affairs 11:19:15
6 would be ultimately responsible for those talking 11:19:21
7 points. 11:19:23

8 Q. Okay. And the next line, number 2, says, 11:19:23
9 "State is notifying our embassy in Haiti." I think 11:19:31
10 that's fairly self-explanatory. 11:19:35

11 Number 3 says, "I notified NSC at their 11:19:37
12 request." What does NSC refer to? 11:19:41

13 A. That refers to the National Security 11:19:44
14 Council. 11:19:48

15 Q. Is that the National Security Council at 11:19:48
16 the White House -- 11:19:50

17 A. Yes. 11:19:50

18 Q. -- or is there a different National 11:19:51
19 Security Council? Yes. 11:19:54

20 Do you recall the National Security 11:19:55
21 Council requesting notification about the TPS 11:19:58
22 termination for Haiti? 11:20:00

23 A. You know, I don't specifically remember, 11:20:01
24 but, in general, the White House was keenly 11:20:05
25 interested in the Secretary's decisions related to 11:20:08

1 TPS. So it was a standard practice that we would 11:20:11
2 notify them as soon as she had made a decision. 11:20:16

3 Q. How did you know that the White House was 11:20:18
4 keenly interested in TPS decisions? 11:20:21

5 MR. KIRSCHNER: Objection. To the extent 11:20:23
6 that this is calling for internal government 11:20:26
7 deliberations, I would request that you not answer. 11:20:29
8 To the extent that you can give a general answer, 11:20:32
9 then feel free to go ahead. 11:20:34

10 A. They would tell us directly that they 11:20:40
11 would like to know as soon as the Secretary made a 11:20:42
12 decision. 11:20:46

13 Q. When you say "they," who would let you 11:20:49
14 know that they were interested in knowing what the 11:20:51
15 TPS decision was likely to be? 11:20:54

16 A. It would be at the staff level of the 11:20:56
17 National Security Council. I see the name has been 11:20:59
18 redacted here. It looks like I listed the name in 11:21:05
19 the e-mail and it's been redacted. 11:21:07

20 Q. Do you recall the name but are withholding 11:21:09
21 it because of the deliberative process privilege? 11:21:14

22 MR. KIRSCHNER: Objection, that is a 11:21:16
23 misrepresentation of the withholding listed in this 11:21:18
24 document. 11:21:20

25 MS. MacLEAN: Sorry. B6. 11:21:22

1 Q. Do you recall the name of who the person 11:21:24
2 is that you would have been in communication with? 11:21:25

3 A. I don't specifically recall, but I -- I 11:21:27
4 can imagine who that person was, yes. 11:21:30

5 Q. Were there others besides the staff person 11:21:32
6 that you're describing at the National Security 11:21:42
7 Council who are at the White House who expressed 11:21:45
8 interest in the TPS decisions? 11:21:48

9 A. Not to me. 11:21:50

10 Q. So when you were engaged with the White 11:21:52
11 House in communications around TPS, is it fair to 11:21:55
12 say that was with the National Security Council in 11:21:57
13 particular? 11:22:00

14 A. Yes. 11:22:01

15 Q. And exclusively with the National Security 11:22:02
16 Council in particular? 11:22:16

17 A. So my recollection is that when I 11:22:13
18 communicated TPS decisions to the White House, I 11:22:15
19 communicated them to the National Security Council, 11:22:19
20 yes. 11:22:23

21 Q. Did anyone from the White House 11:22:24
22 communicate with you or your team regarding TPS 11:22:26
23 outside of the person that you're thinking of at 11:22:31
24 the National Security Council? 11:22:34

25 A. Not with me directly. Whether they 11:22:36

1 communicated with my team, I wasn't aware of. 11:22:43

2 Q. So number 3 says, "I notified NSC" -- the 11:22:49
3 name is redacted -- "at their request." 11:22:56

4 Is it fair to say that you're representing 11:23:00
5 that NSC had a general request for information 11:23:03
6 about TPS decisions, not a specific request here 11:23:06
7 about the TPS decision with regard to Haiti? 11:23:10

8 MR. KIRSCHNER: Objection, confusing, no 11:23:14
9 foundation. 11:23:18

10 A. I think I can answer. I recall on a 11:23:18
11 number of TPS decisions, there was an individual at 11:23:24
12 the National Security Council, who was sort of my 11:23:27
13 natural counterpart, with whom I would communicate 11:23:30
14 and who was keenly interested in knowing when a 11:23:34
15 decision had been made and what that decision was 11:23:39
16 so that he could then communicate that decision up 11:23:42
17 his chain of command. 11:23:45

18 Q. And who was that person? 11:23:46

19 A. Gary Tomasulo. 11:23:49

20 Q. Gary -- what's his last name? 11:23:53

21 A. Tomasulo. T-o-m-a-s-u-l-o. 11:23:54

22 Q. Do you know his title? 11:24:00

23 A. I believe he was the director of 11:24:02
24 trans-border affairs at the NSC. 11:24:05

25 Q. Do you know what his responsibilities 11:24:13

1 Security, but obviously, it has to be in a timely 11:27:20
2 way so that the Secretary of Homeland Security has 11:27:23
3 time to consider that input before rendering her 11:27:26
4 decision. 11:27:28

5 Q. So you started off by saying the way that 11:27:30
6 it's supposed to work and then outlined the 11:27:33
7 process. 11:27:36

8 A. (Nodding head up and down.) 11:27:37

9 Q. Is it your recollection that it generally 11:27:38
10 worked in the way that you described? 11:27:40

11 A. It's my recollection that the State 11:27:41
12 Department was often very slow and late in getting 11:27:44
13 their materials to the Secretary so that she had 11:27:49
14 sufficient time to consider those materials before 11:27:53
15 making her decision. 11:27:55

16 Q. Do you recall sort of approximately at 11:27:57
17 what stage of the process the Secretary of State or 11:28:02
18 the Deputy Secretary of State engaged with the DHS 11:28:06
19 Secretary or DHS with the recommendations? 11:28:09

20 MR. KIRSCHNER: Objection, vague. It's 11:28:11
21 general in the context of the questions at issue in 11:28:16
22 this case. 11:28:21

23 A. So for example, in the case of Sudan, I 11:28:22
24 believe the Department of State's paperwork was 11:28:31
25 very late in arriving at Homeland Security and I 11:28:35

1 recall that being an issue. 11:28:43

2 Q. In what way was it an issue? 11:28:44

3 A. It was an issue in that the Secretary's 11:28:46
4 office -- Secretary of homeland security's office 11:28:50
5 was clamoring for that input so that she would have 11:28:54
6 sufficient time to read it, process it, before 11:28:58
7 having to make her decision. 11:29:00

8 Q. You had described at the outset your role 11:29:01
9 as engaging with the State Department and as one of 11:29:04
10 the key entities within the Department of Homeland 11:29:07
11 Security that was engaged with the State 11:29:10
12 Department. Had you engaged with the State 11:29:12
13 Department in your recollection in the -- in 11:29:14
14 connection with the particular case of the TPS 11:29:18
15 determination of Sudan? 11:29:22

16 A. Yes, I believe so. And the reason I say I 11:29:23
17 believe so is because it's sometimes difficult for 11:29:26
18 me to separate in my mind which TPS decision, a 11:29:29
19 particular phone call, or conversation took place 11:29:33
20 regarding. But I do recall talking to the State 11:29:36
21 Department about the Sudan paperwork and expressing 11:29:44
22 the Secretary of Homeland Security's displeasure 11:29:49
23 with the lateness of that paperwork. 11:29:53

24 Q. Do you recall what the response was from 11:30:04
25 the -- 11:30:04

1 Q. So you then described your communications 12:14:17
2 with Mr. Merten as essentially having the backdrop 12:14:29
3 of an expected termination of TPS for Haiti? 12:14:33

4 A. That's my recollection. 12:14:36

5 Q. Is it your recollection that that general 12:14:37
6 feeling around the likely imminent end of TPS for 12:14:38
7 Haiti was from the very beginning of your tenure at 12:14:45
8 DHS? 12:14:48

9 A. I do recall that, because I recall that -- 12:14:48
10 that I got that sense from General Kelly. 12:14:54

11 Q. Did you have specific communications with 12:14:56
12 General Kelly about that? 12:14:59

13 MR. KIRSCHNER: Object. I mean, to the 12:15:00
14 extent this is getting into internal government 12:15:02
15 deliberations of your communications, I would 12:15:06
16 instruct you not to answer. 12:15:15

17 MS. MacLEAN: You can identify whether 12:15:15
18 this is a question that you would instruct him not 12:15:15
19 to answer or not. 12:15:15

20 Q. But did you have specific communications 12:15:19
21 that you recall with General Kelly concerning the 12:15:21
22 expected termination of TPS for Haiti? 12:15:26

23 A. I believe I had one conversation with him 12:15:29
24 about Haiti and TPS. 12:15:32

25 Q. And was that communication before he left 12:15:34

1 answer to this question. 13:34:31

2 Q. So to the extent that you can answer based 13:34:32
3 on what your attorney has advised, are you aware of 13:34:34
4 whether there was any reply from the Secretary of 13:34:38
5 State or his staff to the embassy cables that were 13:34:41
6 received regarding TPS? 13:34:44

7 MR. KIRSCHNER: Again, objection, this is 13:34:45
8 like foundational. Like, this is characterizing 13:34:47
9 kind of a sentence in an article that without 13:34:51
10 context I think provides a difficulty in 13:34:55
11 responding, and it's a characterization of how the 13:35:01
12 sentence is stated within the article. 13:35:04

13 Q. If you understand the question, you can 13:35:07
14 answer the question. 13:35:11

15 A. So I'm not aware one way or the other that 13:35:11
16 the -- that the cables were answered or that they 13:35:13
17 were not answered. 13:35:15

18 Q. So the following sentence reads, "In the 13:35:17
19 ensuing weeks, Trump Senior Advisor and Immigration 13:35:29
20 Hardliner Stephen Miller placed phone calls to DHS 13:35:33
21 Chief of Staff Chad Wolf and top Tillerson 13:35:36
22 advisors, telling them to end TPS anyway, according 13:35:39
23 to current and former administration officials who 13:35:41
24 like others spoke on the condition of anonymity." 13:35:44

25 Are you aware of whether Trump Senior 13:35:47

1 Advisor and Immigration -- well, we won't -- we 13:35:50
2 won't characterize his position, but that Trump 13:35:53
3 Senior Advisor Stephen Miller placed phone calls to 13:35:56
4 DHS Chief of Staff Chad Wolf concerning TPS? 13:36:00

5 MR. KIRSCHNER: And on this question, 13:36:05
6 Ambassador Nealon, you can answer the question as 13:36:07
7 asked about whether you're aware of any phone calls 13:36:09
8 between Stephen Miller and Chad Wolf. To the 13:36:11
9 extent the question calls for the nature of those 13:36:15
10 communications, I would instruct you not to answer. 13:36:17

11 A. So I was told that such phone calls took 13:36:21
12 place, but I didn't and don't have any firsthand 13:36:25
13 knowledge of those phone calls. 13:36:28

14 Q. Who told you that the phone calls took 13:36:35
15 place? 13:36:37

16 MR. KIRSCHNER: You can answer. 13:36:37

17 A. Chad Wolf and others. 13:36:38

18 Q. Did Mr. Wolf describe to you without -- 13:36:42
19 it's a yes-or-no question -- the content of those 13:36:47
20 phone calls? 13:36:50

21 A. No, only in the broadest terms, only that 13:36:51
22 the phone calls had taken place. 13:36:56

23 Q. The second portion of that sentence reads 13:36:58
24 that Mr. Miller also communicated with top 13:37:07
25 Tillerson advisors concerning TPS. 13:37:11

1 "Tillerson told Homeland Security Acting Secretary 13:38:55
2 Elaine Duke that conditions in Central America and 13:38:58
3 Haiti had improved" -- 13:39:05

4 (Interruption by the reporter.) 13:39:05

5 Q. "Tillerson told Homeland Security's Acting 13:39:08
6 Secretary Elaine Duke that conditions in Central 13:39:08
7 America and Haiti had improved and that TPS 13:39:15
8 protections were no longer warranted. When the two 13:39:17
9 spoke by phone, Tillerson told Duke ending TPS 'was 13:39:20
10 just something she had to do?'" 13:39:25

11 Are you aware of any conversation like the 13:39:28
12 conversation that is described in this paragraph? 13:39:34

13 MR. KIRSCHNER: Objection. Ambassador 13:39:36
14 Nealon can answer the question if he's aware of any 13:39:40
15 conversations between Elaine Duke and Secretary 13:39:43
16 Tillerson about TPS. I instruct Ambassador Nealon 13:39:47
17 not to answer about the nature of the deliberations 13:39:51
18 between Secretary of State Tillerson and Acting 13:39:54
19 Secretary Duke. 13:39:58

20 A. Yes. 13:39:59

21 MR. KIRSCHNER: Sorry. I -- like the 13:40:00
22 record is not clear, the question of yes, I just 13:40:02
23 want to make it clear in your words what you're 13:40:06
24 referring to as yes so that we're not -- have a 13:40:09
25 lack of clarity on the record. 13:40:14

1 THE WITNESS: Thank you. 13:40:16

2 A. Yes, I'm aware that such a conversation 13:40:17

3 took place in that I was told that such a 13:40:21

4 conversation took place. I wasn't present for it 13:40:25

5 and had no direct knowledge of it. 13:40:28

6 Q. And who communicated to you that such a 13:40:30

7 conversation took place? 13:40:32

8 A. I don't recall. 13:40:33

9 MR. KIRSCHNER: Again, I think the record 13:40:38

10 is not clear when you say "such a conversation took 13:40:39

11 place." Again, you're -- it's okay for you to 13:40:43

12 answer questions about whether Secretary of State 13:40:49

13 Tillerson and Acting Secretary Duke had 13:40:51

14 conversations about TPS. 13:40:54

15 The nature of those conversations, I 13:40:56

16 instruct you not to answer. So when you say "such 13:40:57

17 a conversation took place," I want to make sure the 13:41:00

18 record is clear what you're referring to. 13:41:02

19 A. So I was told that there was a 13:41:05

20 conversation between Secretary Tillerson and Acting 13:41:12

21 Secretary Duke regarding the TPS decision. 13:41:18

22 Q. And that conversation happened around 13:41:25

23 October 31st, 2017, in your recollection? 13:41:29

24 A. So I don't recall the date. My 13:41:39

25 recollection is that it happened at the time of the 13:41:40

1 TPS decision. 13:41:43

2 Q. Okay. So the last full paragraph of that 13:41:48
3 page reads, "White House Chief of Staff John 13:41:55
4 F. Kelly, who had run DHS from January until July, 13:42:00
5 called Duke from Asia where he was traveling with 13:42:04
6 the President to convey his frustration." 13:42:07

7 Were you aware of whether White House 13:42:10
8 Chief of Staff John Kelly called Acting Secretary 13:42:13
9 Duke concerning TPS? 13:42:17

10 MR. KIRSCHNER: Again, I will instruct 13:42:18
11 Ambassador Nealon that he can answer the question 13:42:21
12 of whether he's aware of a phone call between 13:42:23
13 General Kelly and Acting Secretary Duke. 13:42:26

14 To the extent the question calls for 13:42:30
15 deliberations during that phone call, I would 13:42:33
16 instruct Ambassador Nealon not to answer. 13:42:35

17 A. Similarly, I was told that a phone 13:42:38
18 conversation took place between Chief of Staff 13:42:42
19 Kelly and Acting Secretary Duke at the time of 13:42:46
20 the -- of that particular TPS decision. 13:42:51

21 Q. And who communicated to you that there was 13:42:54
22 such a phone call? 13:43:01

23 A. I don't recall. 13:43:02

24 Q. Do you recall whether it was one of the 13:43:03
25 participants of the phone call? 13:43:09

1 I said was that I felt obligated to leave as a 15:25:54
2 political appointee who felt he couldn't fully 15:25:58
3 represent all of the administration's policies. 15:26:04

4 Q. Are there certain policies that led you to 15:26:07
5 feel obligated to leave? 15:26:12

6 THE WITNESS: Do I have to go into this? 15:26:30

7 I mean -- 15:26:32

8 A. I'll ask you. So I feel like I gave you 15:26:34
9 an honest and heartfelt answer -- 15:26:38

10 Q. I appreciate it. 15:26:41

11 A. -- to the question. And I don't really 15:26:42
12 have more to say than that. I think if we go back 15:26:45
13 and look at what I said, it stands on its own and 15:26:51
14 that's why I left. 15:26:54

15 Q. Let me ask just maybe one other question 15:26:55
16 more specifically related to this. And I 15:26:58
17 apologize, I understand that this is after a career 15:27:00
18 of service to the country, I imagine it was an 15:27:03
19 intense decision without putting words in your 15:27:06
20 mouth and a difficult one, and I appreciate that 15:27:10
21 it's a heartfelt answer, and it's on the record, 15:27:12
22 and I understand that there are complications with 15:27:14
23 that. 15:27:16

24 Were the discussions around TPS -- did the 15:27:17
25 discussions around TPS and the administration's 15:27:21

1 decisions with regard to TPS inform your decision 15:27:24
2 to leave? 15:27:26

3 A. You know, I think I said in my original 15:27:27
4 answer that in 34 years in government, I won and 15:27:30
5 lost hundreds of policy battles, and so I'm not a 15:27:33
6 guy who would, you know, get up and take his 15:27:37
7 checkerboard with him because he lost a policy 15:27:40
8 fight, right? So that's really not why I left. 15:27:43

9 I left really because I didn't feel like I 15:27:49
10 could represent the administration, and so I felt 15:27:53
11 obligated to leave. I didn't leave in anger, I 15:27:56
12 left in sorrow. 15:27:59

13 Q. I really appreciate that, and I apologize 15:28:02
14 for the probing questions on I'm sure a difficult 15:28:05
15 topic. 15:28:10

16 If I could turn to the op-ed that you 15:28:12
17 wrote. What led you to write the op-ed that you 15:28:14
18 wrote here? 15:28:18

19 A. So after 34 years in government, I was 15:28:19
20 suddenly unleashed and able to express my opinion 15:28:30
21 openly and publicly. And so I've been doing that 15:28:36
22 since I left government, and this is an example of 15:28:42
23 that. 15:28:44

24 Q. Were you particularly concerned around the 15:28:44
25 decision to terminate TPS for Honduras, has that 15:28:54

1 paragraphs.

15:35:42

2 A. Okay.

15:35:56

3 Q. You say here, "The justifications for

15:35:56

4 termination are two-fold. The administration

15:36:06

5 reminds us that temporary protected status was

15:36:08

6 always meant to be temporary. It also argues that

15:36:12

7 the original conditions for which TPS was granted:

15:36:12

8 The devastating Hurricane Mitch in 1998 that killed

15:36:16

9 more than 7,000 people in Honduras alone no longer

15:36:20

10 exists." Beginning of the next paragraph, "We

15:36:23

11 understand how such arguments would make sense

15:36:25

12 under a strict constructionist view."

15:36:28

13 We spoke about this a bit earlier today.

15:36:31

14 But was it your understanding at the time that you

15:36:34

15 wrote this op-ed that the strict constructionist

15:36:37

16 view of the TPS statute essentially won out in DHS?

15:36:43

17 MR. KIRSCHNER: Objection, calls for

15:36:49

18 speculation.

15:37:00

19 A. So whether the strict constructionist view

15:37:00

20 is the ultimate reason why the secretaries made

15:37:03

21 their decisions about TPS, I don't know. But to

15:37:07

22 answer your question, I believe that a strict

15:37:10

23 interpretation of the statute was an important

15:37:17

24 element in those decisions.

15:37:20

25 Q. Do you believe that that was the only way

15:37:22

1 that TPS -- the TPS statute could have been 15:37:26
2 interpreted? 15:37:31

3 MR. KIRSCHNER: Objection, calls for a 15:37:31
4 legal conclusion and calls for speculation, and 15:37:34
5 also it's vague and confusing what you mean by that 15:37:40
6 question. 15:37:44

7 Q. If you understand the question, you can 15:37:44
8 answer it. 15:37:45

9 A. So my understanding was that successive 15:37:49
10 administrations had renewed TPS for Honduras long 15:37:54
11 after the conditions that resulted from Hurricane 15:38:04
12 Mitch had begun to dissipate or had dissipated. 15:38:08

13 Q. So is it your understanding that there was 15:38:15
14 a new interpretation of the TPS statute that didn't 15:38:17
15 allow that under this administration? 15:38:20

16 MR. KIRSCHNER: Objection, calls for 15:38:22
17 speculation. 15:38:26

18 A. So my understanding, and this is a 15:38:26
19 personal opinion, is that, again, I believe this 15:38:32
20 viewpoint was one of the elements that went into 15:38:37
21 those decisions. But, yes, I believe that -- that 15:38:39
22 there was a belief among many people in the 15:38:46
23 administration that their hands were tied and that 15:38:49
24 because the statute says that -- that TPS should be 15:38:53
25 based on the existing conditions, that there was no 15:39:00

1 DHS about TPS and about the termination of TPS. I 15:45:52
2 want to be very careful about -- about stating 15:45:57
3 unequivocally that those conversations spoke 15:46:03
4 directly about the -- a new interpretation of the 15:46:07
5 statute, because I'm trying to think if I -- if I 15:46:12
6 heard that specifically or not. 15:46:16

7 So I'm just going to be very careful here. 15:46:20
8 And I don't remember specifically being told that. 15:46:25

9 Q. Okay. And you've mentioned in the course 15:46:27
10 of the deposition a few different ways in which the 15:46:34
11 White House had been involved in communications 15:46:39
12 around TPS. I just want to be very clear, you said 15:46:41
13 that there are people in the White House who were 15:46:47
14 involved in conversations around the termination of 15:46:51
15 TPS. Who are the people that you know of directly 15:46:53
16 or indirectly from the White House who were 15:46:57
17 involved in those conversations? 15:46:59

18 A. So the name that always came up is Stephen 15:47:03
19 Miller. 15:47:08

20 Q. And who was Stephen Miller communicating 15:47:08
21 with? 15:47:13

22 A. So, again, this is -- these are things 15:47:13
23 that were told to me. I don't have any direct 15:47:17
24 knowledge of these conversations. But he was 15:47:21
25 certainly speaking to the DHS Chief of Staff and he 15:47:25

1 was certainly speaking to Mr. Hamilton, and he may 15:47:32
2 have been speaking to others. 15:47:37

3 Q. How do you know that he was speaking to 15:47:39
4 the DHS Chief of Staff? First of all, which DHS 15:47:41
5 Chief of Staff are you referencing here? 15:47:46

6 A. Chad Wolf. 15:47:48

7 Q. And how do you know that he was speaking 15:47:49
8 to Chad Wolf? 15:47:52

9 A. Chad Wolf told me. 15:47:53

10 Q. Did he speak to Mr. Wolf more than once 15:47:55
11 about TPS? 15:47:58

12 MR. KIRSCHNER: Objection, foundation. 15:47:59

13 A. So I believe Mr. Wolf told me that he had 15:48:08
14 had numerous conversations with Stephen Miller 15:48:10
15 about TPS. 15:48:13

16 Q. Do you recall when those conversations 15:48:14
17 took place? 15:48:17

18 A. I don't. 15:48:18

19 Q. And how do you know that Mr. Miller was 15:48:20
20 having communications with Mr. Hamilton about TPS? 15:48:24

21 A. Again, I don't have direct knowledge of 15:48:28
22 these conversations, but reference would 15:48:30
23 occasionally be made to them in meetings. 15:48:34

24 Q. Did Mr. Wolfe elaborate to you the content 15:48:38
25 of the conversations he had with Mr. Miller 15:48:54

1 Q. I'll skip that. 16:52:49

2 Do you recall any concerns about whether 16:52:55
3 the Secretary would make a timely decision with 16:52:59
4 regard to the TPS determination of Sudan? 16:53:04

5 A. Yes, because as we've discussed 16:53:08
6 previously, there was this -- there was this delay 16:53:17
7 in getting the paperwork from the Department of 16:53:25
8 State, which she really wanted to see before she 16:53:28
9 made her decision. 16:53:31

10 Q. I'm going to give you what has previously 16:54:13
11 been marked as Exhibit 7. This does seem to start 16:54:15
12 at the end and go to the beginning. 16:54:25

13 A. Okay. 16:54:27

14 Okay. 16:55:31

15 Q. What do you understand this e-mail chain 16:55:31
16 to be referring to? 16:55:33

17 MR. KIRSCHNER: Objection, calls for 16:55:34
18 speculation. 16:55:39

19 A. This seems to be a back and forth about 16:55:39
20 USCIS's input into the Sudan TPS decision. 16:55:47

21 Q. So if I -- the first e-mail in the chain 16:55:53
22 from August 29th, 2017 at 9:52 p.m., the subject is 16:56:01
23 "Sudan TPS" and the author is Gene Hamilton. It's 16:56:08
24 obviously redacted in full. 16:56:16

25 The next e-mail is from Kathy Neubel 16:56:20

1 CERTIFICATE OF REPORTER

2 I, Dana Welch, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13 That before completion of the deposition,
14 review of the transcript [X] was [] was not
15 requested. If requested, any changes made by the
16 deponent (and provided to the reporter) during the
17 period allowed are appended hereto.

18 I further certify that I am not of counsel
19 or attorney for either or any of the parties to the
20 said deposition, nor in any way interested in the
21 event of this cause, and that I am not related to
22 any of the parties thereto.

23 Dated: August 15, 2018.

24

25



Dana Welch, CSR, RPR, CRR, CRC