

PREET BHARARA

United States Attorney for the
Southern District of New York

By: CHRISTOPHER CONNOLLY

JOSEPH N. CORDARO

CHRISTOPHER B. HARWOOD

Assistant United States Attorneys

86 Chambers Street, 3rd Floor

New York, New York 10007

Telephone: (212) 637-2761 / 2745 /2728

Facsimile: (212) 637-2786 / 2686

Email: christopher.connolly@usdoj.gov

joseph.cordaro@usdoj.gov

christopher.harwood@usdoj.gov

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL DAY LABORER ORGANIZING
NETWORK; CENTER FOR CONSTITUTIONAL
RIGHTS; and IMMIGRATION JUSTICE CLINIC OF
THE BENJAMIN N. CARDOZO SCHOOL OF LAW,

Plaintiffs,

- against -

UNITED STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY; UNITED STATES
DEPARTMENT OF HOMELAND SECURITY;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;
FEDERAL BUREAU OF INVESTIGATION; and
OFFICE OF LEGAL COUNSEL,

Defendants.

No. 10 Civ. 3488 (SAS)
ECF Case

**DECLARATION OF
JOSEPH N. CORDARO**

I, JOSEPH N. CORDARO, pursuant to 28 U.S.C. § 1746, declare under penalty of
perjury as follows:

1. I am one of the Assistant United States Attorneys assigned to handle this case and
am fully familiar with all of the facts stated herein. I make this declaration in support of the

motion by defendants United States Immigration and Customs Enforcement, United States Department of Homeland Security, Federal Bureau of Investigation, Executive Office for Immigration Review, and Office of Legal Counsel for (i) an interim stay of this Court's Opinion and Order dated February 7, 2011, and this Court's Supplemental Order dated February 14, 2011 (collectively, the "Orders") pending the disposition of this motion for a stay pending appeal, (ii) a stay of the Orders pending the disposition of defendants' appeal to the United States Court of Appeals for the Second Circuit from the Orders, and (iii) if this motion is denied, a stay pending defendants' motion in the United States Court of Appeals for the Second Circuit for a stay of the Orders.

2. Attached hereto as Exhibit A is a true and correct copy of an e-mail from Bridget Kessler, Benjamin N. Cardozo School of Law Immigration Justice Clinic ("Cardozo"), to Assistant United States Attorney ("AUSA") Christopher Connolly, dated July 23, 2010.

3. Attached hereto as Exhibit B is a true and correct copy of the transcript from the hearing before the Court on December 9, 2010.

4. Attached hereto as Exhibit C is a true and correct copy of a letter from Norman R. Cerullo, Mayer Brown LLP ("Mayer Brown"), to AUSA Christopher Connolly, dated December 22, 2010.

5. Attached hereto as Exhibit D is a true and correct copy of an e-mail from AUSA Christopher Connolly to Bridget Kessler, Cardozo, dated January 4, 2011.

6. Attached hereto as Exhibit E is a true and correct copy of a letter from Norman R. Cerullo, Mayer Brown, to the Court, dated January 6, 2011.

7. Attached hereto as Exhibit F is a partially redacted copy of an e-mail from Norman R. Cerullo, Mayer Brown, to Lisa Plush, Mayer Brown, AUSA Christopher Connolly and Bridget Kessler, Cardozo, dated January 7, 2011.

8. Attached hereto as Exhibit G is a true and correct copy of a letter from AUSA Joseph N. Cordaro to the Court, dated January 11, 2011.

9. Attached hereto as Exhibit H is a true and correct copy of the transcript of the pre-motion hearing before the Court on January 12, 2011.

10. Attached hereto as Exhibit I is a true and correct copy of a letter from Norman R. Cerullo, Mayer Brown, to the Court, dated January 14, 2011.

11. Attached hereto as Exhibit J is a true and correct copy of a letter from AUSA Joseph N. Cordaro to the Court, dated February 14, 2011.

12. Attached hereto as Exhibit K is a true and correct copy of the transcript of the conference before the Court on February 14, 2011.

13. Attached hereto as Exhibit L is a true and correct copy of defendants' Notice of Appeal, filed on February 21, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 21, 2011

s/ Joseph N. Cordaro
JOSEPH N. CORDARO
Assistant United States Attorney