

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

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:
NATIONAL DAY LABORER ORGANIZING :
NETWORK; CENTER FOR CONSTITUTIONAL :
RIGHTS; and IMMIGRATION JUSTICE :
CLINIC OF THE BENJAMIN N. CARDOZO :
SCHOOL OF LAW, :
:
Plaintiffs, :
:
v. :
:
UNITED STATES IMMIGRATION :
AND CUSTOMS ENFORCEMENT AGENCY; :
UNITED STATES DEPARTMENT OF :
HOMELAND SECURITY; FEDERAL BUREAU :
OF INVESTIGATION; and OFFICE OF :
LEGAL COUNSEL, :
:
Defendants. :
:
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No. 10 Civ. 3488 (SAS)

[Rel. No. 10 Civ. 2705]

**SONIA R. LIN DECLARATION IN SUPPORT OF
PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ RENEWED MOTION FOR
SUMMARY JUDGMENT AND PLAINTIFFS’ RENEWED CROSS-MOTION FOR
SUMMARY JUDGMENT OR DISCOVERY PURSUANT TO FED. R. Civ. P. 56(d)**

I, Sonia R. Lin, declare, pursuant to 28 U.S.C. 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am a licensed attorney in the Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin N. Cardozo School of Law, one of the three co-Plaintiffs in the above-captioned matter.
2. I submit this declaration (a) in support of Plaintiffs’ Opposition to the Renewed Motion for Summary Judgment on Withholdings Pursuant to Exemption (b)(5) and the Attorney-Client Privilege submitted by Defendant United States Immigration and

- Customs Enforcement (“ICE”), and (b) in support of Plaintiffs’ Renewed Cross-Motion for Summary Judgment on the Inapplicability of Exemption (b)(5) to Withheld Information in the October 2 Memorandum, or for Discovery Pursuant to Fed. R. Civ. P. 56(d).
3. Attached hereto as **Exhibit A** is a true and correct copy of a draft ICE memorandum dated March 17, 2010 to be sent from Assistant Director of Secure Communities Marc Rapp (“Rapp”) to ICE Director John Morton. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0011425-11426.
 4. Attached hereto as **Exhibit B** is a true and correct copy of an email exchange dated August 2, 2010 between Randi L. Greenberg (“Greenberg”) and redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0013173-13174.
 5. Attached hereto as **Exhibit C** is a true and correct copy of an email exchange dated August 11, 2010 between redacted senders and recipients at the Maryland Department of Public Safety and Correctional Services and redacted senders and recipients at the Interoperability Initiatives Unit of the Federal Bureau of Investigation’s (“FBI”) Criminal Justice Information Services. It was produced by the FBI and Bates stamped FBI-SC-FPL-334-335.
 6. Attached hereto as **Exhibit D** is a true and correct copy of a letter dated August 16, 2010, from Miguel Marquez, County Counsel for Santa Clara County, to David Venturella (“Venturella”).
 7. Attached hereto as **Exhibit E** is a true and correct copy of an email dated August 24, 2010 sent from Rapp to redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0007508-7509.

8. Attached hereto as **Exhibit F** is a true and correct copy of an email dated September 9, 2010 with redacted senders and recipients. It was produced by ICE and Bates stamped ICE-FOIA 10-2674.0003192.
9. Attached hereto as **Exhibit G** is a true and correct copy of an email dated September 21, 2010 sent from ICE Chief Public Engagement Officer Andrew Lorenzen-Strait to the Department of Homeland Security's ("DHS") Officer for Civil Rights and Civil Liberties Margo Schlanger ("Schlanger"). It was produced by DHS and Bates stamped DHS 0000284.
10. Attached hereto as **Exhibit H** is a true and correct copy of an email dated September 22, 2010 sent from ICE Assistant Deputy Director Beth Gibson ("Gibson") to Schlanger. It was produced by DHS and Bates stamped DHS 0000272.
11. Attached hereto as **Exhibit I** is a true and correct copy of an email exchange September 30, 2010 amongst Rapp, Venturella, Tadgh A. Smith, Secure Communities, Greenberg, Rachel E. Canty, and a redacted recipient. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0003393-3395.
12. Attached hereto as **Exhibit J** is a true and correct copy of an email dated September 9, 2010 sent from Gibson to ICE Principle Legal Advisor Peter S. Vincent ("Vincent") and Venturella. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0002999-3000.
13. Attached hereto as **Exhibit K** is a true and correct copy of an email dated September 29, 2010 sent from Gibson to Vincent and Venturella. It was produced by ICE and Bates stamped ICE FOIA 10-2674.00002998-2999.

14. Attached hereto as **Exhibit L** is a true and correct copy of an email dated September 29, 2010 sent from Gibson to Vincent and Venturella. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0002653.
15. Attached hereto as **Exhibit M** is a true and correct copy of an email dated September 29, 2010 sent from Gibson to Vincent and Venturella. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0003728.
16. Attached hereto as **Exhibit N** is a true and correct copy of an email dated September 29, 2010 sent from a Section Chief of the Enforcement Law Section (“ELS”) of the Office of the Principal Legal Advisor (“OPLA”) to redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0003726.
17. Attached hereto as **Exhibit O** is a true and correct copy of an email dated September 29, 2010 sent from an OPLA ELS Section Chief to Vincent and other redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0003708.
18. Attached hereto as **Exhibit P** is a true and correct copy of an email dated September 29, 2010 sent from an OPLA ELS Section Chief to redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0003487.
19. Attached hereto as **Exhibit Q** is a true and correct copy of an email dated October 1, 2010 sent from an OPLA ELS Section Chief to Vincent, Riah Ramlogan (“Ramlogan”), and other redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0002509.
20. Attached hereto as **Exhibit R** a true and correct copy of an email dated October 1, 2010, sent from an OPLA ELS Section Chief to Carl E. Perry, Andrea R. Rogers,


- Vincent, and Ramlogan. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0002977.
21. Attached hereto as **Exhibit S** is a true and correct copy of an email dated April 20, 2011 from opposing counsel.
 22. Attached hereto as **Exhibit T** is a true and correct copy of emails dated October 2, 2010 and October 4, 2010 between Vincent, Gibson and redacted senders and recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0013893-13894.
 23. Attached hereto as **Exhibit U** is a true and correct copy of an email dated October 4, 2010, sent from Ramlogan to redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0002997.
 24. Attached hereto as **Exhibit V** is a true and correct copy of emails dated October 8, 2010, including emails sent from Vincent to OPLA attorney(s)). It was produced by ICE and Bates stamped ICE FOIA 10-2674.0010794.
 25. Attached hereto as **Exhibit W** is a true and correct copy of a draft letter sent from Venturella to Arlington County Manager Barbara Donnellan. It was produced by ICE and Bates stamped ICE FOIA 10-2674.0003149-3153.
 26. Attached hereto as **Exhibit X** is a true and correct copy of an email dated October 25, 2010 sent from a redacted sender to Venturella, Gary Mead, Rapp, and Greenberg. It was produced by ICE and Bates stamped ICE FOIA 10-2674.020373-74.
 27. Attached hereto as **Exhibit Y** is a true and correct copy of a portion of a DHS Weekly Report, dated February 17, 2001. It was produced by DHS and Bates stamped DHS001811.

28. Attached hereto as **Exhibit Z** is a true and correct copy of an email with emails dated May 25, 2011, including emails from Stephen L. Morris to unknown recipients, an email to Robert C. Rudge, Jr. and other redacted recipients, and other emails with redacted senders and recipients. It was produced by the FBI and Bates stamped FBI-SC-FPL-00095-98.
29. Attached hereto as **Exhibit AA** is a true and correct copy of an email dated May 31, 2011 sent from the ICE Western Regional Communications Director/Spokesperson to Nancy Alcantar. It was produced by ICE and Bates stamped ICE 2010 FOIA 2674.0024257-58
30. Attached hereto as **Exhibit BB** is a true and correct copy of an email dated June 20, 2011 sent from Gibson to Gary Mead, Thomas Homan, and other redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 2674.0032912.
31. Attached hereto as **Exhibit CC** is a true and correct copy of an email dated July 13, 2011 sent from redacted senders to Greenberg and other redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 2674.0023243.
32. Attached hereto as **Exhibit DD** is a true and correct copy of emails dated July 13, 2011 and July 14, 2011 sent from redacted senders to redacted recipients. It was produced by ICE and Bates stamped ICE FOIA 2674.0023522-23525.
33. Attached hereto as **Exhibit EE** is a true and correct copy of undated Secure Communities Briefing Notes. It was produced by the FBI and Bates stamped FBI-SC-FPL-00170.

34. Attached hereto as **Exhibit FF** is a true and correct copy of an email dated March 24, 2010 from Amy Loudermilk to Matthew Bromeland, Metropolitan Police Department, Washington, D.C.
35. Attached hereto as **Exhibit GG** is a true and correct copy of an email dated March 30, 2010 from Matthew Bromeland to Amy Loudermilk.
36. Attached hereto as **Exhibit HH** is a true and correct copy of Defendants' Letter to the Court, dated August 16, 2010.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York
September 12, 2011



Sonia Lin