

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**ARAB AMERICAN CIVIL RIGHTS
LEAGUE**, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

Case No. 2:17-cv-10310-VAR-SDD

Hon. Victoria A. Roberts

Mag. J. Stephanie D. Davis

**PLAINTIFFS' FIRST SET OF DOCUMENT REQUESTS
TO DEFENDANTS**

Plaintiffs hereby propound the following First Set of Document Requests to Defendants under Rule 34 of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. Definitions

As used herein, the identified terms or abbreviations have the following meanings:

1. **“DOCUMENT REQUEST”** refers to Plaintiffs’ First Set of Document Requests to Defendants in this action.
2. **“TRUMP CAMPAIGN”** means Donald J. Trump for President, Inc., Trump Make America Great Again Committee, and all of their affiliates,

parents, subsidiaries, predecessors, successors, partnerships, partners, and all related entities, as well as their officers, directors, employees, internal and outside counsel, agents, representatives, consultants, spokespeople, advisers, and any other person(s) acting under their control or on their behalf.

3. **“PROPOSED MUSLIM BAN / EXTREME VETTING / TRAVEL BAN”** means any and all proposals by or on behalf of Donald J. Trump involving any of the following: prohibitions or restrictions on entry into the United States by Muslims, enhanced vetting procedures for Muslims seeking to enter the United States, prohibitions or restrictions on entry into the United States by individuals from a list of countries to be identified, enhanced vetting procedures for individuals seeking to enter the United States from a list of countries to be identified, or the policy or policies reflected in Executive Order 13769 or Executive Order 13780.

4. **“EXECUTIVE ORDER 13769”** refers to Executive Order No. 13769, entitled “Protecting the Nation From Foreign Terrorist Entry Into the United States,” which was issued on January 27, 2017, and published at 82 Fed. Reg. 8977-82.

5. **“EXECUTIVE ORDER 13780”** refers to Executive Order No. 13780, entitled “Protecting the Nation From Foreign Terrorist Entry Into the

United States,” which was issued on March 6, 2017, and published at 82 Fed. Reg. 13209-19.

6. “**IDENTIFY**” means:

a. when used with respect to a natural person, provide his or her full name, last known business address and telephone number, and last known business position or title and affiliation;

b. when used with respect to a document or written communication, provide its date; the name and job title of the preparer(s), sender(s), and recipient(s) of the document or written communication; the name and job title of all persons to whom copies of the document or written communication were furnished; the subject matter of the document or written communication; and the present or last known location and custodian or custodians of the document or written communication; except that with respect to any document produced in response to Plaintiffs’ Document Requests, you need only identify such document by listing its date, the name of the sender and recipient of the document, or the stamped production number if any;

c. when used with respect to oral communications, provide the nature and substance of the communication, the date when and place where such oral communication occurred, each person who participated in the communication, and each person present when the communication occurred.

7. “**COMMUNICATION**” means any meeting, telephone conversation, facsimile, incoming or outgoing e-mail message, text message, face-to-face conversation, letter, or other written, oral, or electronic transmittal or exchange of information.

8. “**MEETING**” means any discussion or conversation involving two or more people, whether conducted in person, by telephone, or electronically, and whether held formally or informally, and whether or not scheduled in advance, including conferences, conference calls, online meetings, and videoconferences.

9. “**DOCUMENT**” means, without limitation, and whether or not they are publicly available, the originals, marked copies, drafts, regardless of origin, whether sent or received, whether made or used internally, and both sides thereof, of the following items, whether printed, recorded, taped, written by hand, or produced, reproduced, or stored by any mechanical or electronic process: agreements, brochures, communications, contracts, correspondence, diaries, electronic mail (“e-mail”) messages, letters, memoranda, manuals, handbooks, circulars, policy statements, minutes of meetings or conferences, notes, reports, summaries or records of personal conversations or interviews, summaries or records of telephone conversations, summaries or records of negotiations or investigations, computer printouts, computer tapes, computer programs, and any and all other electronically stored information (including available meta data),

tangible things, writings, drawings, graphs, charts, photographs, sound recordings, images, spreadsheets, or other data or data compilations in whatever form they exist. The term “DOCUMENT” also means every copy of a document where such copy is not an identical duplicate of the original. Any copy of a document bearing any comment or notation that is not a part of the original text is to be considered a separate “DOCUMENT.” Any draft or other preliminary form of any document is also to be considered a separate “DOCUMENT.”

10. **“PERSON”** means any natural person, firm, corporation, partnership, proprietorship, cooperative, association, joint venture, organization, governmental body, committee, commission, group, or other entity, and any agent or employee of any of those individual entities.

11. **“RELATE OR REFER”** or **“RELATING OR REFERRING”** shall be construed broadly and shall mean, for example, pertaining to, containing, describing, reflecting, regarding, illustrating, mentioning, evidencing, embodying, constituting, supporting, discussing, or having any logical or factual connection whatsoever with the subject matter in question.

12. **“YOU”** and **“YOUR”** refer to the Defendants in this action, including all of their departments, agencies, employees and agents, and any other person or entity acting or purporting to act on their behalf, at their direction, or under their supervision.

13. All uses of the conjunctive herein include the disjunctive and vice versa. Words in the singular form include the plural form and vice versa.

B. Instructions

1. Produce all documents in your possession, custody, or control, or otherwise available to your employees, agents, consultants, attorneys, and accountants, whether past or present.

2. Produce in their entirety all documents that respond, in whole or in part, to any portion of the production requests, including any and all attachments and enclosures. Produce all electronically stored information in native form, with all meta data intact.

3. Produce all drafts, marked-up versions, preliminary versions, or other non-identical copies of documents requested, and produce all documents with all hand-written notations, marginalia, and interlineations intact.

4. If any information is withheld by you under a claim of privilege, please set forth in your written response for each document or information for which a claim of privilege is made:

(a) Principals. The name and title of the author(s), sender(s), addressee(s), and recipient(s) of the document.

(b) Date. The date of the document.

(c) Publications. The date and title of each person to whom the contents of the document has been disclosed by copy, exhibition, reading, summarization, or otherwise.

(d) Descriptions. A description of the nature and subject matter of the document.

(e) Privilege. A statement of the privilege(s) and the basis or bases upon which the privilege(s) is or are asserted.

5. If any document is withheld under a claim that only part of a document is exempt from production by reason of a privilege or privileges, produce the part(s) of the document that are not claimed to be exempt from production by reason of a privilege or privileges.

6. If you cannot produce a requested document for any reason, identify the document as fully and accurately as possible and state the reason(s) that the document cannot be produced.

7. Affix Bates numbers to all documents produced.

8. These Requests are continuing in nature. Therefore, you are obligated to provide, by way of supplemental responses and documents, whatever information may hereafter be obtained by you, or by anyone on your behalf, that will supplement this request.

DOCUMENT REQUESTS

1. A copy of the “memorandum” (or “white paper”) that Rudolph Giuliani and others provided to Donald J. Trump or others working for or on behalf of the Trump Campaign in approximately May to July 2016, which was discussed extensively by Mr. Giuliani during public appearances on or about July 8, 2016, November 13, 2016 and January 28, 2017, by Rep. Michael McCaul in public appearances in late January and early February 2017, and by Susan Phelan, Spokeswoman for the House Committee on Homeland Security, on or about January 30, 2017.¹

RESPONSE:

¹http://www.nj.com/politics/index.ssf/2016/07/exclusive_giuliani_source_of_trump_shift_on_muslim.html; www.cnn.com/TRANSCRIPTS/1611/13/sotu.01.html); https://www.washingtonpost.com/news/the-fix/wp/2017/01/29/trump-asked-for-a-muslim-ban-giuliani-says-and-ordered-a-commission-to-do-it-legally/?utm_term=.75466c390ef0; <http://www.mcclatchydc.com/news/politics-government/white-house/article129703344.html>; <https://www.texastribune.org/2017/02/07/michael-mccaul-calls-trumps-travel-ban-rollout-problematic/>.

2. All documents or communications created after May 10, 2016 and prior to July 10, 2016 referring or relating to the Proposed Muslim Ban / Extreme Vetting / Travel Ban, and which involve the “commission” or “group” discussed extensively by Rudolph Giuliani, Rep. Michael McCaul and Susan Phelan in the public appearances referenced in Document Request No. 1. This request includes but is not limited to drafts of the document requested in Document Request No. 1, and any responses to that document (or drafts of that document) by Donald J. Trump or others working for or on behalf of the Trump Campaign.

RESPONSE:

3. All documents or communications created after July 8, 2016 and prior to November 8, 2016 which refer or relate to the Proposed Muslim Ban / Extreme Vetting / Travel Ban, and which were created by, sent by, or received by any of the following individuals: (i) Donald J. Trump, (ii) Rudolph Giuliani, (iii) Senator Jeff Sessions, (iv) Kansas Secretary of State Kris Kobach, (v) Stephen Bannon, or (vi) Stephen Miller.

RESPONSE:

4. All documents, communications, or analyses created after November 8, 2016 and prior to January 20, 2017 which refer or relate to the Proposed Muslim Ban / Extreme Vetting / Travel Ban, and which were created or transmitted by any of the “several” Congressional employees or staff members referenced in news articles published in late January or early February 2017.² This request includes but is not limited to the nondisclosure agreements reportedly signed by the Congressional employees or staff members at issue in this request.

RESPONSE:

² <http://www.politico.com/story/2017/01/trump-immigration-congress-order-234392>;
<http://www.cnn.com/2017/01/31/politics/house-staff-worked-on-trump-executive-orders/>;
<https://www.msn.com/en-us/lifestyle/family-relationships/capitol-hill-staff-secretly-wrote-trump%E2%80%99s-travel-ban-order/vp-AAmrcKo>.

Dated: April 6, 2017

Respectfully submitted,

/s/ Jason C. Raofield

Jason C. Raofield (D.C. Bar #463877)

Covington & Burling LLP

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Washington, D.C. 20001

(202) 662-5072

Email: jraofield@cov.com

Counsel for Plaintiffs American Civil Liberties Union of Michigan, Arab American and Chaldean Council, Arab American Studies Association, Adeeb Saleh, Sofana Bella, Hilal Alkateeb and S.A., a minor through her Parent and Next Friend, Hilal Alkatteeb

CERTIFICATE OF SERVICE

On April 6, 2017, I caused to be served PLAINTIFFS' FIRST SET OF DOCUMENT REQUESTS TO DEFENDANTS on all Parties to this action in the following manner:

- (1) On counsel for Plaintiffs by electronic mail
- (2) On counsel for Defendants by hand delivery and electronic mail to the following:

Joshua S. Press (Joshua.Press@usdoj.gov)
Briana Yuh (Briana.Yuh@usdoj.gov)
Gisela Westwater (Gisela.Westwater@usdoj.gov)
U.S. Department of Justice
Civil Division, Office of Immigration Litigation
450 5th Street, NW
Washington, DC 20530

/s/ Jason C. Raofield
Jason C. Raofield (D.C. Bar #463877)

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Hon. Victoria A. Roberts

Mag. J. Stephanie D. Davis

**PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANTS**

Plaintiffs hereby propound the following First Set of Interrogatories to Defendants, to be answered separately and under oath under Rule 33 of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. Definitions

As used herein, the identified terms or abbreviations have the following meanings:

1. **“DOCUMENT REQUEST”** refers to Plaintiffs’ First Set of Document Requests to Defendants in this action.

2. **“INTERROGATORY”** refers to Plaintiffs’ First Set of Interrogatories to Defendants in this action.

3. **“TRUMP CAMPAIGN”** means Donald J. Trump for President, Inc., Trump Make America Great Again Committee, and all of their affiliates, parents, subsidiaries, predecessors, successors, partnerships, partners, and all related entities, as well as their officers, directors, employees, internal and outside counsel, agents, representatives, consultants, spokespeople, advisers, and any other person(s) acting under their control or on their behalf.

4. **“CANDIDATE TRUMP”** means Mr. Donald J. Trump, prior to January 20, 2017.

5. **“PROPOSED MUSLIM BAN / EXTREME VETTING / TRAVEL BAN”** means any and all proposals by or on behalf of Donald J. Trump involving any of the following: prohibitions or restrictions on entry into the United States by Muslims, enhanced vetting procedures for Muslims seeking to enter the United States, prohibitions or restrictions on entry into the United States by individuals from a list of countries to be identified, enhanced vetting procedures for individuals seeking to enter the United States from a list of countries to be identified, or the policy or policies reflected in Executive Order 13769 or Executive Order 13780.

6. **“EXECUTIVE ORDER 13769”** refers to Executive Order No. 13769, entitled “Protecting the Nation From Foreign Terrorist Entry Into the United States,” which was issued on January 27, 2017, and published at 82 Fed. Reg. 8977-82.

7. **“EXECUTIVE ORDER 13780”** refers to Executive Order No. 13780, entitled “Protecting the Nation From Foreign Terrorist Entry Into the United States,” which was issued on March 6, 2017, and published at 82 Fed. Reg. 13209-19.

8. **“IDENTIFY”** means:

a. when used with respect to a natural person, provide his or her full name, last known business address and telephone number, and last known business position or title and affiliation;

b. when used with respect to a document or written communication, provide its date; the name and job title of the preparer(s), sender(s), and recipient(s) of the document or written communication; the name and job title of all persons to whom copies of the document or written communication were furnished; the subject matter of the document or written communication; and the present or last known location and custodian or custodians of the document or written communication; except that with respect to any document produced in response to Plaintiffs’ Document Requests, you need only

identify such document in response to these interrogatories by listing its date, the name of the sender and recipient of the document, or the stamped production number if any;

c. when used with respect to oral communications, provide the nature and substance of the communication, the date when and place where such oral communication occurred, each person who participated in the communication, and each person present when the communication occurred.

9. “**COMMUNICATION**” means any meeting, telephone conversation, facsimile, incoming or outgoing e-mail message, text message, face-to-face conversation, letter, or other written, oral, or electronic transmittal or exchange of information.

10. “**MEETING**” means any discussion or conversation involving two or more people, whether conducted in person, by telephone, or electronically, and whether held formally or informally, and whether or not scheduled in advance, including conferences, conference calls, online meetings, and videoconferences.

11. “**DOCUMENT**” means, without limitation, and whether or not they are publicly available, the originals, marked copies, drafts, regardless of origin, whether sent or received, whether made or used internally, and both sides thereof, of the following items, whether printed, recorded, taped, written by hand, or produced, reproduced, or stored by any mechanical or electronic process:

agreements, brochures, communications, contracts, correspondence, diaries, electronic mail (“e-mail”) messages, letters, memoranda, manuals, handbooks, circulars, policy statements, minutes of meetings or conferences, notes, reports, summaries or records of personal conversations or interviews, summaries or records of telephone conversations, summaries or records of negotiations or investigations, computer printouts, computer tapes, computer programs, and any and all other electronically stored information (including available meta data), tangible things, writings, drawings, graphs, charts, photographs, sound recordings, images, spreadsheets, or other data or data compilations in whatever form they exist. The term “DOCUMENT” also means every copy of a document where such copy is not an identical duplicate of the original. Any copy of a document bearing any comment or notation that is not a part of the original text is to be considered a separate “DOCUMENT.” Any draft or other preliminary form of any document is also to be considered a separate “DOCUMENT.”

12. **“PERSON”** means any natural person, firm, corporation, partnership, proprietorship, cooperative, association, joint venture, organization, governmental body, committee, commission, group, or other entity, and any agent or employee of any of those individual entities.

13. **“RELATE OR REFER”** or **“RELATING OR REFERRING”** shall be construed broadly and shall mean, for example, pertaining to, containing,

describing, reflecting, regarding, illustrating, mentioning, evidencing, embodying, constituting, supporting, discussing, or having any logical or factual connection whatsoever with the subject matter in question.

14. “**YOU**” and “**YOUR**” refer to the Defendants in this action, including all of their departments, agencies, employees and agents, and any other person or entity acting or purporting to act on their behalf, at their direction, or under their supervision.

15. All uses of the conjunctive herein include the disjunctive and vice versa. Words in the singular form include the plural form and vice versa.

B. Instructions

1. Answer each Interrogatory set forth below separately and completely in writing under oath. Your response hereto is to be signed and verified by the person making it, and the objections signed by the attorney making them, as required by Federal Rule of Civil Procedure 33(b).

2. In responding to these Interrogatories, furnish all information that is available to you, including information that is available to you or your counsel, or in the possession, custody or control of you or any agent of yours.

3. Each Interrogatory shall be answered fully unless it is objected to in good faith, in which event the reasons for your objection shall be stated in detail.

4. If an objection pertains to only a portion of an Interrogatory, or a word, phrase, or clause contained within it, you are required to state your objection to that portion only and to respond to the remainder of the Interrogatory, using your best efforts to do so.

5. If any Interrogatory cannot be responded to in full after exercising due diligence to secure the information, respond to the extent possible, specifying your inability to respond to the remainder and stating whatever information you have concerning the unanswered portions.

6. If any information is withheld by you under a claim of privilege, please set forth in your written response for each document or information for which a claim of privilege is made:

- (a) Principals. The name and title of the author(s), sender(s), addressee(s), and recipient(s) of the information.
- (b) Date. The date the document or information was created or transmitted.
- (c) Publications. The date and title of each person to whom the contents of the information has been disclosed by copy, exhibition, reading, summarization, or otherwise.
- (d) Descriptions. A description of the nature and subject matter of the information.

(e) Privilege. A statement of the privilege(s) and the basis or bases upon which the privilege(s) is or are asserted.

7. These Interrogatories are continuing in nature. Therefore, you are obligated to provide, by way of supplemental responses and documents, whatever information may hereafter be obtained by you, or by anyone on your behalf, that will supplement this request.

INTERROGATORIES

1. With respect to the “commission” referred to in Document Request No. 2, identify (i) each person who was a member of the commission or its staff, (ii) the dates and locations and attendees of any meetings of the commission or its staff, and (iii) for each individual identified your response, state whether, during the period covered by Document Request No. 2, such individual had a security clearance, whether the individual was an attorney, and whether the individual was formally retained to provide legal advice to Donald J. Trump or the Trump Campaign.

RESPONSE:

2. Identify each of the “several” Congressional employees or staff members that are referred to in Document Request No. 4, and for each such individual, state whether the individual entered into a nondisclosure agreement relating to their involvement in this issue, and identify the date on which the individual entered into the nondisclosure agreement.

RESPONSE:

3. Identify all foreign-born individuals from Iran, Libya, Somalia, Sudan, Syria or Yemen, who are among the “hundreds of persons” referred to in Section 1(h) of Executive Order 13780 (i.e., “Since 2001, hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States.”). For each such individual, identify the date of conviction, the court and docket number of the relevant case, the crime(s) with which the individual was convicted, the date the individual was admitted to the United States, and the nation(s) of origin and citizenship of the individual.

RESPONSE:

4. Identify all “foreign nationals” involved in the post-September 11, 2001 “attacks” referred to at the end of the first paragraph of Section 1 of Executive Order 13769 (i.e., “these measures did not stop attacks by foreign nationals who were admitted to the United States”). For each such individual, identify the date and location of the “attack,” the date the individual was admitted to the United States, and the nation(s) of origin and citizenship of the individual.

RESPONSE:

5. Identify every individual (i) whose nation of origin is Iran, Libya, Somalia, Sudan, Syria or Yemen, and (ii) who was involved in carrying out a terrorist attack in the United States involving at least one fatality since September 11, 2001. For each such individual, identify the date the individual was admitted to the United States.

RESPONSE:

Dated: April 6, 2017

Respectfully submitted,

/s/ Jason C. Raofield

Jason C. Raofield (D.C. Bar #463877)
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Counsel for Plaintiffs American Civil Liberties Union of Michigan, Arab American and Chaldean Council, Arab American Studies Association, Adeeb Saleh, Sofana Bella, Hilal Alkateeb and S.A., a minor through her Parent and Next Friend, Hilal Alkatteeb

CERTIFICATE OF SERVICE

On April 6, 2017, I caused to be served PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS on all Parties to this action in the following manner:

- (1) On counsel for Plaintiffs by electronic mail
- (2) On counsel for Defendants by hand delivery and electronic mail to the

following:

Joshua S. Press (Joshua.Press@usdoj.gov)
Briana Yuh (Briana.Yuh@usdoj.gov)
Gisela Westwater (Gisela.Westwater@usdoj.gov)
U.S. Department of Justice
Civil Division, Office of Immigration Litigation
450 5th Street, NW
Washington, DC 20530

/s/ Jason C. Raofield
Jason C. Raofield (D.C. Bar #463877)