EXHIBIT A

Sunday, June 8, 2025 at 9:17:28 PM Eastern Daylight Time

Subject:	RE: [EXTERNAL] RE: AAUP v. Rubio: Protective Order, Stipulation to Official Statements, Clawback Agrt, and Priv Log
Date:	Thursday, June 5, 2025 at 1:01:25 PM Eastern Daylight Time
From:	Murphy, Lindsay M. (CIV)
To:	Noam Biale, Courtney Gans
CC:	Alexandra Conlon, Michael Tremonte, Ramya Krishnan, Jameel Jaffer, Alexander A Abdo, Scott Wilkens, Busen, Jesse (CIV), Hennes, Stefanie (CIV), Kanellis, William G. (CIV), Kanter, Ethan (CIV), Moss, Benjamin M. (CIV), Santora, Victoria M (CIV), Stone, Paul (CIV), Strokus, Jessica D. (CIV), Yen, Shawna (USAMA)
Attachments:	image005.jpg, image006.jpg, image007.jpg, image008.jpg, image009.jpg

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Hi Noam,

We can confirm that we will be producing Andre Watson and John Armstrong for depositions as noticed. However, we do not agree with your position regarding the invocation of the deliberative process privilege at these depositions. The information that you claim does not fall within the deliberative process privilege in this case falls squarely within information that Judge Young has determined is subject to the privilege.

Your request also indicates to us that you plan, at these depositions, to extensively question the witnesses about information underlying the enforcement actions against the five allegedly targeted noncitizens. This goes beyond the scope of discovery Judge Young has sanctioned in this case. As such, we will seek protective order limiting the scope of these depositions and we will instruct our witnesses not to respond because it goes outside the scope of permissible discovery. Because we have a disagreement, we believe that our obligations under Local Rules 7.1 and 37.1(a) are satisfied here. Let us know if you think otherwise.

Thanks,
Lindsay

From: Noam Biale <NBiale@shertremonte.com>
Sent: Wednesday, June 4, 2025 5:55 PM
To: Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>; Courtney Gans <CGans@shertremonte.com>
Cc: Alexandra Conlon <Aconlon@shertremonte.com>; Michael Tremonte <MTremonte@shertremonte.com>; Ramya Krishnan <ramya.krishnan@knightcolumbia.org>; jameel.jaffer <jameel.jaffer@knightcolumbia.org>; Alexander A Abdo <alex.abdo@knightcolumbia.org>; scott.wilkens <scott.wilkens@knightcolumbia.org>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Hennes, Stefanie (CIV) <Stefanie.Hennes@usdoj.gov>; Kanellis, William G. (CIV) <William.G.Kanellis@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Moss, Benjamin M.

(CIV) <Benjamin.M.Moss2@usdoj.gov>; Santora, Victoria M (CIV) <Victoria.M.Santora@usdoj.gov>; Stone, Paul (CIV) <Paul.F.Stone@usdoj.gov>; Strokus, Jessica D. (CIV) <Jessica.D.Strokus@usdoj.gov>; Yen, Shawna (USAMA) <Shawna.Yen@usdoj.gov>
Subject: Re: [EXTERNAL] RE: AAUP v. Rubio: Protective Order, Stipulation to Official Statements, Clawback Agrt, and Priv Log

Dear Lindsay,

I am writing to confirm that Defendants will be producing Andre Watson and John Armstrong for the depositions we noticed for june 11 and 12 and to raise an important issue regarding the deliberative process privilege that needs to be resolved before their depositions. If we cannot reach a resolution by tomorrow at 3 pm, Plaintiffs intend to seek the Court's intervention.

It is our position that the deliberative process privilege cannot be invoked at the depositions to prevent the witnesses from answering questions about agency deliberations that culminated in the decisions to revoke the visas or green cards of, or to arrest, detain, or deport noncitizen students or faculty based on their speech. Additionally, we do not think that the deliberative process privilege can be invoked to prevent the witnesses from answering questions about agency deliberations that culminated in the agencies' threats to take such actions. The deliberative process privilege does not apply in cases where, as here, "the plaintiff's cause of action is directed at the government's intent." *In re Subpoena Duces Tecum Served on Off. of Comptroller of Currency*, 145 F.3d 1422, 1424 (D.C. Cir. 1998); *see also Williams v. City of Boston*, 213 F.R.D. 99, 102 (D. Mass. 2003) (holding that the deliberative process privilege cannot be used as a shield where "the decision-making process itself is the subject of the litigation"). In this case, Plaintiffs' First Amendment claims place Defendants' intent and decision-making process directly at issue.

Please let us know by 3 pm tomorrow whether or not Defendants will agree not to use the deliberative process privilege to prevent the witnesses from answering questions about the deliberations referenced above so that we can get clarity on this issue in sufficient time before the depositions

thank you,

Noam

SHER TREMONTE

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From: Noam Biale
Sent: Tuesday, June 3, 2025 6:18:05 PM
To: 'Murphy, Lindsay M. (CIV)' <Lindsay.M.Murphy@usdoj.gov>; Courtney Gans <CGans@shertremonte.com>
Cc: Alexandra Conlon <Aconlon@shertremonte.com>; Michael Tremonte <MTremonte@shertremonte.com>; Ramya Krishnan; jameel.jaffer; Alexander A Abdo; scott.wilkens; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Hennes, Stefanie (CIV) <Stefanie.Hennes@usdoj.gov>; Kanellis, William G. (CIV) <William.G.Kanellis@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Moss, Benjamin M. (CIV) <Benjamin.M.Moss2@usdoj.gov>; Santora, Victoria M (CIV) <Victoria.M.Santora@usdoj.gov>; Stone, Paul (CIV) <Paul.F.Stone@usdoj.gov>; Strokus, Jessica D. (CIV) <Jessica.D.Strokus@usdoj.gov>; Yen, Shawna (USAMA) <Shawna.Yen@usdoj.gov>
Subject: RE: [EXTERNAL] RE: AAUP v. Rubio: Protective Order, Stipulation to Official Statements, Clawback Agrt, and Priv Log

Here is a version of the protective order that accepts the changes you made and makes additional changes. We will discuss what to do about the record-keeping and PII provisions about which we currently do not agree.

Noam

SHER TREMONTE

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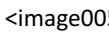
From: Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>
Sent: Monday, June 2, 2025 5:31 PM
To: Courtney Gans <CGans@shertremonte.com>
Cc: Noam Biale <NBiale@shertremonte.com>; Alexandra Conlon <Aconlon@shertremonte.com>; Michael Tremonte <MTremonte@shertremonte.com>; Ramya Krishnan <ramya.krishnan@knightcolumbia.org>; jameel.jaffer <jameel.jaffer@knightcolumbia.org>; Alexander A Abdo <alex.abdo@knightcolumbia.org>; scott.wilkens <scott.wilkens@knightcolumbia.org>; Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Hennes, Stefanie (CIV) <Stefanie.Hennes@usdoj.gov>; Kanellis, William G. (CIV) <William.G.Kanellis@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Moss, Benjamin M. (CIV) <Benjamin.M.Moss2@usdoj.gov>; Santora, Victoria M (CIV) <Victoria.M.Santora@usdoj.gov>; Stone, Paul (CIV) <Paul.F.Stone@usdoj.gov>; Strokus, Jessica D. (CIV) <Jessica.D.Strokus@usdoj.gov>; Yen, Shawna (USAMA) <Shawna.Yen@usdoj.gov>
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Hi Courtney,

Sure, 4:30pm tomorrow works fine. Would you mind sending out a meeting invite?

Thanks,
Lindsay

> On Jun 2, 2025, at 4:25 PM, Courtney Gans <CGans@shertremonte.com> wrote:
>
> Hi Lindsay,
>
> Following up on Noam's e-mail below, are you and/or your team free for a meet and confer tomorrow at 4:30 PM?
>
> Thank you,
>
> Courtney
>
> ---
>
> **From:** Noam Biale <NBiale@shertremonte.com>
> **Sent:** Friday, May 30, 2025 5:51 PM
> **To:** Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>; Alexandra Conlon <Aconlon@shertremonte.com>; Michael Tremonte <MTremonte@shertremonte.com>; Courtney Gans <CGans@shertremonte.com>; Ramya Krishnan <ramya.krishnan@knightcolumbia.org>; jameel.jaffer <jameel.jaffer@knightcolumbia.org>; Alexander A Abdo <alex.abdo@knightcolumbia.org>; scott.wilkens <scott.wilkens@knightcolumbia.org>
> **Cc:** Busen, Jesse (CIV) <Jesse.Busen@usdoj.gov>; Hennes, Stefanie (CIV) <Stefanie.Hennes@usdoj.gov>; Kanellis, William G. (CIV) <William.G.Kanellis@usdoj.gov>; Kanter, Ethan (CIV) <Ethan.Kanter@usdoj.gov>; Moss, Benjamin M. (CIV) <Benjamin.M.Moss2@usdoj.gov>; Santora, Victoria M (CIV) <Victoria.M.Santora@usdoj.gov>; Stone, Paul (CIV) <Paul.F.Stone@usdoj.gov>; Strokus, Jessica D. (CIV) <Jessica.D.Strokus@usdoj.gov>; Yen, Shawna (USAMA) <Shawna.Yen@usdoj.gov>
> **Subject:** Re: AAUP v. Rubio: Protective Order, Stipulation to Official Statements, Clawback Agrt, and Priv Log
>
> Thank you, Lindsay. We will review and would like to pencil in a meet and confer for Tuesday to discuss any issues.
>
> Could you please also provide a response to the email I sent yesterday afternoon?
>
> Thank you,



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From: Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>
Sent: Friday, May 30, 2025 4:22:20 PM
To: Noam Biale <NBiale@shertremonte.com>; Alexandra Conlon <Aconlon@shertremonte.com>; Michael Tremonte <MTremonte@shertremonte.com>; Courtney Gans <CGans@shertremonte.com>; Ramya Krishnan <ramya.krishnan@knightcolumbia.org>; jameel.jaffer <jameel.jaffer@knightcolumbia.org>; Alexander A Abdo <alex.abdo@knightcolumbia.org>; scott.wilkens <scott.wilkens@knightcolumbia.org>
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Counsel,

Attached, please find the following for your review:

1. Defendants' edits to the most recent version of the stipulated protective order,
2. Defendants' edits to Plaintiffs' proposed stipulation regarding certain statements by government officials,
3. A proposed 502(d) clawback agreement, and
4. A privilege log for the Certified Administrative Record (please note that this log covers the white-box LE privilege redactions to the document at CAR012-CAR017; the black-box redactions made throughout the rest of the record are to protect PII).

Defendants are still reviewing Plaintiffs' proposed witness protective order and will be back in touch about that soon.

Best,

Lindsay

Lindsay M. Murphy
Deputy Chief, National Security Unit
Office of Immigration Litigation – General Litigation and Appeals
Civil Division
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(202) 616-4018

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