

The Honorable Marsha J. Pechman

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

RYAN KARNOSKI, et al.,

*Plaintiffs, and*

STATE OF WASHINGTON,

*Plaintiff-Intervenor,*

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, et al.,

*Defendants.*

Case No. 2:17-cv-01297-MJP

**DECLARATION OF VANESSA  
BARSANTI IN SUPPORT OF LCR 37  
JOINT SUBMISSION REGARDING THE  
GOVERNMENT’S RESPONSES TO  
INTERROGATORIES WITHHELD  
UNDER DELIBERATIVE PROCESS  
PRIVILEGE**

NOTE ON MOTION CALENDAR:  
February 28, 2020

1 I, Vanessa Barsanti, swear under penalty of perjury under the laws of the United States to  
2 the following:

3 1. I am counsel of record for Plaintiffs in this action, am over the age of 18, and am  
4 competent to be a witness. I make this declaration in support of the LCR 37 Joint Submission  
5 Regarding the Government's Responses to Interrogatories Withheld Under Deliberative Process  
6 Privilege based on facts within my personal knowledge.

7 2. Attached hereto as Exhibit 1 is a September 27, 2019 letter from counsel for  
8 Plaintiffs, Jordan Heinz, to counsel for the Government, Andrew Carmichael.

9 3. Attached hereto as Exhibit 2 is an unredacted copy of AR002821, the minutes to an  
10 October 13, 2017 meeting of what the Government has termed the "Panel of Experts," and an  
11 example of one of the documents identified in the Government's Rule 33(d) response to  
12 Plaintiffs' Interrogatory No. 18. The document provides some information about the meeting, but  
13 does not sufficiently describe which Panel attendees or visiting commanders provided what  
14 opinion or input.

15 4. Attached hereto as Exhibit 3 is an unredacted copy of AR002825, the minutes to an  
16 October 19, 2017 meeting of what the Government has termed the "Panel of Experts," and an  
17 example of one of the documents identified in the Government's Rule 33(d) response to  
18 Plaintiffs' Interrogatory No. 18. The document provides some information about the meeting, but  
19 does not sufficiently describe which Panel attendees or visiting service members provided what  
20 opinion or input.

21 5. Attached hereto as Exhibit 4 is USDOE000286981, the minutes to a November 30,  
22 2017 meeting of what the Government has termed the "Panel of Experts." These minutes are  
23 absent from the documents pointed to in the Government's Response to Plaintiffs' Interrogatory  
24 No. 18. The minutes contain some information about the November 30, 2017 meeting, but like  
25 other minutes do not sufficiently specify which individuals provided that information. For  
26 example, although some attendees appear to have indicated that "[a] human being that meets all  
27 standards (military and mental health) for accession should be afforded the opportunity to  
28 access," the document does not identify which attendees provided that input, or whether that was

1 all the input those attendees provided.

2 6. Attached hereto as Exhibit 5 is USDOE00080433, an October 19, 2017 email chain  
3 between Thomas Dee, SES and Anthony M. Kurta, SES.

4 7. Attached hereto as Exhibit 6 are the Government’s Corrected Supplemental  
5 Responses to Plaintiffs’ Interrogatories 16 and 17, dated February 27, 2020.

6  
7 I declare under the penalty of perjury that the foregoing is true and correct.

8  
9 DATED: February 28, 2020 /s/ Vanessa Barsanti  
10 Vanessa Barsanti

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on February 28, 2020.

s/ Rachel Horvitz  
Rachel Horvitz, WSBA No. 52987  
*rachel@newmanlaw.com*  
2101 Fourth Ave., Ste. 1500  
Seattle, WA 98121  
(206) 274-2800

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT 1**

**FILED UNDER SEAL**

# **EXHIBIT 2**

**FILED UNDER SEAL**

# **EXHIBIT 3**

**FILED UNDER SEAL**

# **EXHIBIT 4**

**FILED UNDER SEAL**

# **EXHIBIT 5**

**FILED UNDER SEAL**

# **EXHIBIT 6**

**FILED UNDER SEAL**