

No. 19-55517

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

E.J. D.-B., a Minor, Elad Dvash-Banks as the guardian ad litem, and ANDREW
MASON DVASH-BANKS,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF STATE and MICHAEL POMPEO,

Defendants-Appellants.

On Appeal from the United States District Court
for the Central District of California

FURTHER EXCERPTS OF RECORD

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Exhibit 21

(In Support of Defendants' Opposition to
Plaintiffs' Motion for Partial Summary Judgment)

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12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION

15 ANDREW MASON DVASH-
 16 BANKS, et al.,
 Plaintiffs,
 17
 v.
 18
 19 MICHAEL R. POMPEO, in his
 official capacity as U.S. Secretary of
 20 State, et al.,
 Defendants.
 21

No. CV 18-523-JFW-JC

**Additional Excerpts from the
 Deposition Testimony of Paul Peek,
 Supporting Defendants’ Motion for
 Partial Summary Judgment**

Hearing Date: Feb. 4, 2019

Honorable John F. Walter

22
 23 Pursuant to this Court’s Case Management Order (Dkt. No. 52), Defendants
 24 hereby file the instant document for deponent Paul Peek. This document contains “only
 25 those questions and answers, and any objections made at the time of the deposition to
 26 those questions, that Defendants are relying on to support their partial motion for
 27
 28

1 summary judgment, with a citation to the appropriate page(s) and line number(s) in the
2 deposition transcript.”

3 ***

4 Peek, Paul, (Pages 180:16 to 181:10)

5 180

6 16 Q Okay. So -- and just to close that
7 17 circle, if you go back to Plaintiffs' Deposition
8 18 Exhibit 4, which probably is in front of you, 7 FAM
9 19 1140, appendix E on page 4 -- tell me if you're
10 20 there. I know this gets confusing --

11 21 A The whole thing is 7 FAM appendix E --
12 22 1140 appendix E. Right.

13 23 Q Okay. And page 4. We're in the in
14 24 wedlock and of wedlock.

15 25 A Right.

16 181

17 1 Q Okay. Part (a), "The term 'birth in
18 2 wedlock' has consistently -- has been consistently
19 3 interpreted to mean birth during the marriage of the
20 4 biological parents to each other," correct?

21 5 A Yes.

22 6 Q And is that -- I'm trying to close off
23 7 this circle here. Is that what you mean in your
24 8 last answer when you talk about the requirement that
25 9 the biological parents be married to each other?

26 10 A Yes.

1 Peek, Paul, (Pages 234:22 to 234:24)

2 234

3 22 A Yes, the department is concerned about
4 23 fraud in the application for documentation of U.S.
5 24 citizenship.

7 Peek, Paul, (Pages 236:3 to 236:12)

8 236

9 3 BY MR. EDELMAN:

10 4 Q So do concerns about preventing fraud
11 5 have any relevance to the way that the State
12 6 Department interprets section 301 of the INA to
13 7 require a biological relationship between the U.S.
14 8 citizen parent and a child?

15 9 A The primary concern is to be compliant
16 10 with the law. The secondary concern is to make sure
17 11 that fraud is not taking place in how people are
18 12 applying under the law

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