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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

East Bay Sanctuary Covenant, *et al.*,

Plaintiffs,

v.

William Barr, *et al.*,

Defendants.

Civil Action No. 4:19-cv-4073-JST
**DECLARATION OF
EREZ REUVENI**

1 I, Erez Reuveni, declare:

2 1. I am an Assistant Director at the Office of Immigration Litigation, District Court
3 Section, of the United States Department of Justice, and represent Defendants in this action. The
4 facts set forth in this declaration are within my personal knowledge or based on documents and
5 information I have received in the course of this litigation in this case.

6 2. Plaintiffs in this lawsuit are challenging the Interim Final Rule titled “Asylum
7 Eligibility and Procedural Modifications,” 84 Fed. Reg. 33,829 (July 16, 2019) (“Rule”). *See* ECF
8 Nos. 1, 3.

9 3. As part of their opposition to Plaintiffs’ renewed motion for a nationwide injunction
10 (ECF No. 63), Defendants attached as exhibits guidance documents issued by the Executive
11 Office of Immigration Review (“EOIR”), United States Immigration and Citizenship Service
12 (“USCIS”) and Immigration and Customs Enforcement (“ICE”), illustrating how each agency is
13 implementing this Court’s injunction, as modified by the Ninth Circuit.

14 4. Two of the guidance documents, issued by EOIR and ICE, respectively, contain
15 privileged attorney-client communications that occurred in connection with this case. Those
16 documents presently appear on the docket at ECF Nos. 65-1 (EOIR) and 65-3 (ICE).

17 5. Those same two documents also contain privileged work-product information and
18 personal identifying information, as these documents were explicitly prepared in connection with
19 the pending litigation and in response to the preliminary injunction issued by this Court, as
20 modified by the Ninth Circuit.

21 6. In addition, the guidance documents contain third party personal identifying
22 information, including third party attorney names.

23 7. On September 3, 2019, I contacted Counsel for Plaintiffs, Lee Gelernt, via email to
24 ascertain Plaintiffs’ position on this motion. Plaintiffs’ Counsel indicates they take no position as
25 to whether the aforementioned guidance documents should be filed partially under seal.

26 I declare under penalty of perjury that the following declaration is true and correct.

27 Executed at Washington, D.C. on September 3, 2019.

28 /s/ Erez Reuveni
EREZ REUVENI