

1 MORGAN, LEWIS & BOCKIUS LLP
2 Stephen Scotch-Marmo (admitted *pro hac vice*)
3 stephen.scotch-marmo@morganlewis.com
4 Michael James Ableson (admitted *pro hac vice*)
5 michael.ableson@morganlewis.com
6 101 Park Avenue
7 New York, NY 10178
8 Telephone: (212) 309-6000; Facsimile: (212) 309-6001

6 AMERICAN CIVIL LIBERTIES UNION
7 FOUNDATION OF NORTHERN CALIFORNIA
8 Linda Lye (SBN 215584), llye@aclunc.org
9 Julia Harumi Mass (SBN 189649), jmass@aclunc.org
10 39 Drumm Street
11 San Francisco, CA 94111
12 Telephone: (415) 621-2493; Facsimile: (415) 255-8437

10 ASIAN AMERICANS ADVANCING
11 JUSTICE - ASIAN LAW CAUCUS
12 Christina Sinha (SBN 278893), christinas@advancingjustice-alc.org
13 55 Columbus Avenue
14 San Francisco, CA 94111
15 Telephone: (415) 848-7711; Facsimile: (415) 896-1702

13 *Attorneys for Plaintiffs*

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 WILEY GILL; JAMES PRIGOFF; TARIQ
18 RAZAK; KHALID IBRAHIM; and AARON
19 CONKLIN,

19 Plaintiffs,

20 v.

20 DEPARTMENT OF JUSTICE; LORETTA
21 LYNCH, in her official capacity as the
22 Attorney General of the United States;
23 PROGRAM MANAGER – INFORMATION
24 SHARING ENVIRONMENT;
25 KSHMEMENDRA PAUL, in his official
26 capacity as the Program Manager of the
27 Information Sharing Environment,

25 Defendants.

Case No. 3:14-cv-03120-RS-KAW

**DECLARATION OF KHALED
IBRAHIM IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: December 8, 2016
Time: 1:30 pm
Judge: Hon. Richard Seeborg
Courtroom: 3, 17th Floor
Date of Filing: July 10, 2014
Trial Date: None Set

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I, Khaled Ibrahim, declare as follows:

1. I am one of the Plaintiffs in the above-titled action. I submit this declaration in support of Plaintiffs’ Motion for Summary Judgment and Plaintiffs’ Opposition to Defendants’ Motion for Summary Judgment. I have personal knowledge of each fact stated in this declaration and, if called as a witness, I could and would competently and truthfully testify hereto.

2. I am a U.S. citizen of Egyptian descent. I reside in San Jose, California.

3. On and off from 2009 to 2015, I worked in the accounting and purchasing departments for Nordix Computer Corporation (“Nordix”), a computer network consulting and service company located in Santa Clara, California.

4. I worked in the accounting department from 2013 to 2015. Before that, I worked for two-and-a-half years as a purchasing agent for Nordix, from 2009 to 2012. As part of my job as purchasing agent, I bought computers in bulk from retail stores in the San Francisco Bay Area such as Best Buy, Circuit City, and Micro Center. Nordix would then resell the computers in the Middle East for a profit. In my role as purchasing agent, I estimate that I purchased between 2,000 and 3,000 laptops for Nordix.

5. I was particularly successful buying computers from Best Buy stores. I built connections over time with Best Buy employees and managers who would help me locate particular stores with excess stock of computers. I would then travel to those individual stores and buy the computers in bulk. When successful, I was able to purchase between 40 and 80 computers at a time.

6. I had particular success purchasing computers from the Best Buy store in Dublin, California, until late-2010, when I had a dispute with the manager regarding some computers I purchased that were not delivered. Out of frustration with the manager, I did not attempt to purchase computers at that Best Buy for several months.

7. In February 2011, I returned to the Dublin, California Best Buy store to purchase more laptops. That store was my best store, where I had the most luck purchasing computers. Because of new policies concerning bulk purchases, I had to purchase fewer laptops each visit,

1 but I still had some success. There were a few times, however, when I was turned away. On one
2 occasion, I was told that management does not allow such bulk purchases, and I was unable to
3 purchase any computers that day. On another occasion, in early November, which was one of the
4 last times I tried to purchase computers from the Dublin, California Best Buy, an employee asked
5 what I planned to do with the computers. I explained that the company I work for resells
6 computers in the Middle East. The employee asked if I was Middle Eastern and I told him I was
7 Egyptian. I was unable to purchase any computers that day, too. I do not know if there was a
8 correlation between my race and my inability to purchase computers.

9
10 8. Through my attorneys I learned that the government created a Suspicious Activity
11 Report (“SAR”) of my attempts to purchase computers from the Dublin, California Best Buy
12 store. Through my attorneys, I submitted a request for records under the California Public
13 Records Act and received a copy of the SAR in response. A true and correct copy of that SAR is
14 attached as Exhibit 1. It is entitled “Suspicious attempt to purchase large number of computers,”
15 and relates to attempted purchases I made the week of November 6, 2011. It is my understanding
16 based on reviewing Defendants’ Answer in this matter, that two incident reports containing
17 information in the Suspicious Activity Report about me were uploaded to the eGuardian system,
18 which I understand to be a national database to which thousands of law enforcement agencies
19 have access.

20 9. I believe that the defendants in this case would have benefited from input from the
21 public on the standard for suspicious activity reporting. I would have wanted the defendants to
22 know when they adopted their standard for suspicious activity reporting that a standard that does
23 not require reasonable suspicion of criminal activity harms innocent people, like me, who have
24 not engaged in any wrongdoing: It makes us the targets of law enforcement scrutiny, puts our
25 information in government databases, and adversely affects our reputations by identifying us as
26 individuals who have engaged in conduct with a potential nexus to terrorism. I would also have
27 wanted defendants to know the specific facts of my case so that they could understand the factual
28 basis for my concerns. I would have specifically wanted defendants to understand, based on what

1 happened to me, that their standard for suspicious activity reporting encourages religious
2 profiling. I was not aware that defendants sought input on the standard for suspicious activity
3 reporting. As a result, I did not have an opportunity to share my perspective or the factual basis
4 for my concerns.

5 10. As a result of the SAR about me, and the inclusion of information from the SAR
6 about me in a national database, my reputation has been injured because I have been branded as a
7 person engaged in activity with a potential nexus to terrorism, even though I was simply doing
8 my job.

9 11. As a result of the SAR about me, and the inclusion of information from the SAR
10 about me in a national database, my privacy has been invaded because any person with access to
11 the database has access to information about me, even though I was simply doing my job.

12 12. I am deeply troubled by what may result from the collection, maintenance, and
13 dissemination in a national database of a report describing me as engaging in suspicious activity
14 with a potential nexus to terrorism.

15 13. Since learning about the SAR, I have felt despair. The knowledge that people are
16 watching me and documenting my activities, even those activities that are entirely lawful and
17 related to my work, has affected my confidence and created paranoia. I worry that anything I do
18 could be misconstrued or manipulated to be used against me. I am constantly watching my
19 actions and careful not to step out of line for fear of the consequences.

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14. Since learning of the SAR, I have changed my behavior in many ways, big and small. For instance, I have shied away from interaction with my peers and built emotional walls. I have also not taken many leadership roles or other opportunities that were presented to me because I did not want to be open to further scrutiny. I was worried that my membership in a Muslim student group would garner further attention from the government and authorities.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of September 2016 in San Jose, California.

By:  _____
Khaled Ibrahim

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FILER’S ATTESTATION

I, Phillip J. Wiese, am the ECF user whose identification and password are being used to file this DECLARATION OF KHALED IBRAHIM IN SUPPORT OF PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT. Pursuant to L.R. 5-1(i)(3), I hereby attest that concurrence in the electronic filing of this document has been obtained from each of the other signatories.

Dated: September 22, 2016

By /s/ Phillip J. Wiese
Phillip J. Wiese

Exhibit 1



Central California Intelligence Center

www.sacrtac.org ♦ (916) 808-8383 or (888) 884-8383 ♦ Fax (916) 874-6180

February 25, 2014

Mr. Yaman Salahi
Staff Attorney
Asian Americans Advancing Justice
Asian Law Caucus
55 Columbus Ave.
San Francisco, CA 94111
(415) 896-1701

Dear Mr. Salahi:

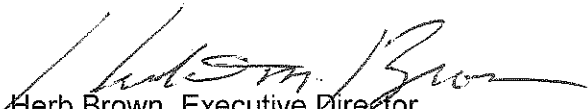
This letter is in response to the Public Records Act request received from the Asian Law Caucus dated January 22, 2014.

After reviewing your Public Records Act request it appears you have specifically requested the following:

"This letter constitutes a request under the California Public Records Act, Cal. Gov. Code 6250, et seq., and Article I s 3(b) of the California Constitution on behalf of Mr. Khaled Ibrahim for all records, including but not limited to Suspicious Activity Reports, pertaining to or referencing Mr. Ibrahim."

The CCIC/RTAC has located only one (1) Suspicious Activity Report (SAR) related to Mr. Ibrahim. Please see the attached redacted SAR (enclosure 1). After a thorough review of our records, there is no further information available regarding Mr. Khaled Ibrahim.

Respectfully,


Herb Brown, Executive Director
Central California Intelligence Center
(916) 874-1287

Enclosures (1)

ENCLOSURE 1

Memorandum Number	Date Created	Activity Date	Title	Disposition	Activity
CCSA00001881	11/14/2011	11/6/2011	Suspicious attempt to purchase large number of computers	eGuardian Entry	<p>Contact was made with [REDACTED] by [REDACTED] during the week of 11-6-11 through 11-12-11 at the same [REDACTED] located in [REDACTED] Ca. [REDACTED] wanted to buy a large amount of computers from [REDACTED]. [REDACTED] told him to leave and did not sell any computers to [REDACTED]. This is the [REDACTED] [REDACTED] has made with [REDACTED].</p> <p>The second contact with [REDACTED] occurred in [REDACTED].</p> <p>Thank you for your time.</p> <p>I have since [REDACTED] and work as a [REDACTED].</p> <p>Information submitted to [REDACTED] on [REDACTED] For [REDACTED] Located [REDACTED] Ca. I received a follow up from the [REDACTED] Located in [REDACTED] regarding the incident.</p> <p>I am a [REDACTED] located at [REDACTED] located at [REDACTED]. I have a friend whose name is named [REDACTED] and works as a [REDACTED] Located at [REDACTED].</p> <p>A customer [REDACTED] looking to buy merchandise [REDACTED] to be shipped to [REDACTED] old me that [REDACTED] bought over [REDACTED] to be [REDACTED] at that time.</p> <p>[REDACTED] said it would be OK for you to contact him for additional information [REDACTED] from [REDACTED] said he cannot provide certain info because of customer privacy laws. Here is some additional information listed below:</p> <p>[REDACTED] said that the guy's name is [REDACTED] of [REDACTED]. The [REDACTED] provided [REDACTED] is: [REDACTED]. [REDACTED] is [REDACTED] won't divulge [REDACTED] that the purchased all of the computers are shipped to the [REDACTED].</p> <p>When [REDACTED] asked [REDACTED] why he doesn't [REDACTED] or [REDACTED] responded and said that those companies [REDACTED] and because the [REDACTED].</p>

					<p> ██████████ they can't sell to him directly. ██████████ requests ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ continues to contact him to see if ██████████ ██████████ has ██████████ Please feel free to contact me at ██████████ ██████████ Thank you for your time. ██████████ ██████████ ██████████ ██████████ </p>
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