

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COOK COUNTY, ILLINOIS,

et al.,

Plaintiffs,

v.

CHAD F. WOLF, in his official capacity as
Acting Secretary of U.S. Department of
Homeland Security,

et al.,

Defendants.

Civil Action No. 1:19-cv-06334

Hon. Gary S. Feinerman

DECLARATION OF JOSHUA M. KOLSKY

I, Joshua M. Kolsky, state the following:

1. I am a Trial Attorney at the Department of Justice, Civil Division, Federal Programs Branch and counsel for the Defendants. I declare that the following statements are true and correct to the best of my knowledge, and are based on my personal knowledge, information acquired by me in the course of performing my duties, and information supplied to me by current Department of Justice employees. This declaration is filed in opposition to Plaintiff's Motion for Expedited Discovery on Equal Protection Claim.
2. Over the past several weeks, I have been working with information technology ("IT") personnel at the Department of Justice ("DOJ") who are processing documents provided by the Department of Homeland Security ("DHS") and U.S. Citizenship and Immigration Services ("USCIS") in connection with the requirement to prepare a privilege log for the administrative record in *Washington v. DHS*, No. 19-5210 (E.D. Wash.). Although that process is continuing,

DOJ now has some electronic documents for certain DHS and USCIS custodians loaded to a review platform.

3. After receiving Plaintiff's Motion for Expedited Discovery on Equal Protection Claim, I asked DOJ's IT personnel to perform an electronic search against some of the data that had been collected from DHS for the *Washington* litigation. Specifically, I asked IT to run a search using the search terms that Plaintiff proposed, *see* Dkt. No. 157-2 at 9-11, for one of Plaintiff's proposed DHS custodians. That search yielded 1,879 documents, including document families.

4. The 1,879 number understates the quantity of documents for this custodian because the emails DOJ currently has for this custodian cover a narrower time period than Plaintiff's requests.¹ Expanding the relevant time period, as Plaintiffs demand, would further increase the number of documents to be reviewed. Also, DOJ currently only has emails, but Plaintiff seeks additional types of documents as well. In addition, this number is for one custodian, whereas Plaintiff's requests cover numerous custodians. Indeed, in one of Plaintiff's requests (request number three), Plaintiff appears to request Defendants to search all agency emails *without any limitations on custodians*.

Pursuant to 28 U.S.C. § 1746, I hereby affirm under penalty of perjury that the forgoing declaration is true and correct to the best of my knowledge.

Executed June 16, 2020.

/s/ Joshua M. Kolsky

Joshua M. Kolsky

¹ The data for this custodian currently at DOJ extends until August 14, 2019, whereas Plaintiff seeks documents dating to the present.