

JAMES McMANIS (40958)
MARWA ELZANKALY (206658)
McMANIS, FAULKNER & MORGAN
A Professional Corporation
50 W. San Fernando, 10th Floor
San Jose, CA 95113
Telephone: (408) 279-8700
Facsimile: (408) 279-3244

Attorneys for Plaintiff, Rahinah Ibrahim

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAHINAH IBRAHIM, an individual,
Plaintiff,

v.

DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

CASE NO. C 06 0545 WHA

**DECLARATION OF MARWA
ELZANKALY IN SUPPORT OF
PLAINTIFF'S MOTION TO AMEND
COMPLAINT TO ADD NEW PARTIES**

Date: July 13, 2006
Time: 8:00 a.m.
Judge: The Hon. William Alsup
Ctroom: 9, 19th Floor

I, Marwa Elzankaly, declare:

1. I am an attorney at law duly licensed to practice before the United States District Court for the Northern District of California. I am an associate attorney at McManis Faulkner & Morgan, attorneys of record for plaintiff, Rahinah Ibrahim, in the above-entitled action. I submit this declaration in support of Plaintiff's Motion To Amend Complaint To Add New Parties. This declaration is based upon my own personal knowledge, except where stated as based upon information and belief. If called as a witness to testify to the matters asserted herein, I could testify competently.

1 2. On January 27, 2006, plaintiff filed the above-entitled action in the San Francisco
2 Division for the United States District Court for the Northern District of California. Plaintiff's
3 action is based, in part, on her arrest and detention at San Francisco Airport, on January 2, 2005,
4 without probable cause, as a result of the implementation of the No-Fly. Plaintiff named
5 approximately twenty five defendants in her complaint.

6 3. Before filing this action, our office obtained a copy of the incident report that was
7 prepared by the San Francisco Police – Airport Bureau, in connection with plaintiff's arrest that
8 occurred on January 2, 2005. Attached hereto as Exhibit A is a true and correct copy of the
9 Incident Report, dated January 2, 2005, Case No. 05-00250.

10 4. The report provides as follows: "Sgt. Pate called the TSIS in Washington D.C.
11 and spoke to Agent John Bondanella. Agent Bondanella told Sgt. Pate to deny the flight to
12 Ibrahim, contact the F.B.I. and to detain her for further questioning." (Exh. A, pg. 2.)

13 5. Prior to filing the complaint, plaintiff was not able to determine what agency was
14 referenced in the police report as the "TSIS." As such, plaintiff named Mr. Bondanella in the
15 complaint, on information and belief, as an employee of the "TSIS." Since then, plaintiff has
16 been able to determine that the TSIS appears to be the Transportation Security Intelligence
17 Service. On information and belief, the TSIS appears to be an intelligence agency within the
18 Transportation Security Administration, that serves as a liaison between the TSA and other
19 agencies, including the FBI and the CIA. Attached hereto as Exhibit B is a true and correct copy
20 of pertinent portions of the TSA's website, located at
21 <http://www.tsa.gov/public/display?theme=46&content=0900051980003917>, which provides that
22 "TSA's Transportation Security Intelligence Service (TSIS) maintains full-time liaison officers at
23 FBI Headquarters the CIA Counterterrorism Center and Diplomatic Security's Office of
24 Intelligence and Threat Analysis at DOS."

25 6. Attached hereto as Exhibit C is a true and correct copy of pertinent portions of a
26 report, which appears to be prepared by the United States Government Accountability Office,
27 dated September, 2005, located at <http://www.gao.gov/new.items/d05935.pdf>. The report
28 purports to address the roles and responsibilities of Federal Security Directors ("FSDs"), officials

1 of the TSA, who lead and coordinate security activities at the 440 commercial airports in the
 2 United States. (Exh. C., pg. 1.) The report further provides as follows:

3 **The Transportation Security Operations Center serves as a single point of contact**
 4 **for security-related operations, incidents, or crisis in aviation and all surface modes**
 5 **of transportation.** FSDs are to report any security incident at their airport immediately
 6 to the center, which is to provide guidance, if needed, as well as look for patterns among
 7 all incidents that occur throughout the country. **The center provides FSDs daily**
 8 **intelligence briefings based on incident information from FSDs and information**
 9 **from TSAs Transportation Security Intelligence Service.** The Transportation Security
 10 Intelligence Service provides FSDs, Deputy FSDs, and Assistant SDs with a classified
 11 Daily Intelligence Summary containing the most current threat information from the
 12 intelligence community, law enforcement agencies, and stakeholders and provides the
 13 FSD staff with an unclassified TSA Field Intelligence Summary to be used in briefing
 14 screeners and screening management about current threats and other issues related to
 15 aviation security.

16 (Exh. C, pgs. 7-8.) (Emphasis added.)

17 7. On May 22, 2006, defendant, John Bondanella, served and filed a motion to
 18 dismiss plaintiff's complaint. Mr. Bondanella included his own declaration in support of his
 19 motion. In his declaration, Mr. Bondanella states as follows:

20 From June 2004 through May 2005, I was an employee of **US Investigations Services,**
 21 **Inc. ("USIS")**, a Virginia corporation that provides certain services to the United States
 22 government under contract. On January 2, 2005, I was a watch officer in the
 23 **Transportation Security Operations Center**, Transportation Security Administration,
 24 Department of Homeland Security.

25 (See Declaration of John Bondanella In Support Of Motion To Dismiss, filed May 22, 2006, ¶4.)
 26 (Emphasis added.)

27 8. Plaintiff was not aware, at any time prior to receiving Mr. Bondanella's motion,
 28 that Mr. Bondanella was an employee of USIS or that he was acting as a watch officer for the
 Transportation Security Operations Center.

9. On May 18, 2006, this Court issued its Case Management Order And Reference
 To Magistrate Judge For Mediation/Settlement. In the Order, the Court set this action for trial on
 September 10, 2007. Moreover, the Court provided that "[l]eave to add any new parties or
 pleading amendments must be sought by **May 31, 2006.**" (Order, pg. 2:5-6.) (Emphasis in
 Original.)

