

1 STUART F. DELERY
Assistant Attorney General

2 MELINDA L. HAAG
3 United States Attorney

4 DIANE KELLEHER
5 Assistant Branch Director

6 PAUL G. FREEBORNE
Senior Trial Counsel
7 KAREN S. BLOOM
LILY S. FAREL
8 JOHN K. THEIS
Trial Attorneys
9 Civil Division, Federal Programs Branch
U.S. Department of Justice
10 P.O. Box 883
Washington, D.C. 20044
11 Telephone: (202) 353-0543
Facsimile: (202) 616-8460
12 E-mail: paul.freeborne@usdoj.gov

13 *Attorneys for Defendants*

14
15 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA

16
17 RAHINAH IBRAHIM,

18 Plaintiff,

19 v.

20 DEPARTMENT OF HOMELAND
21 SECURITY, *et al.*,

22 Defendants.
23

No. 3:06-cv-0545 (WHA)

**DECLARATION OF PAUL G.
FREEBORNE ATTESTING TO
TECHNICAL FAILURE OF THE
ELECTRONIC CASE FILING SYSTEM**

24
25
26
27
28

1 I, Paul G. Freeborne, declare as follows:

2 1. On Friday, January 24, 2014, the court's electronic filing system experienced a
3 technical failure and I was unable to file redacted versions of Defendants' December 13, 2013
4 proposed findings of fact and conclusions of law and Defendants' December 20, 2013 responses.

5 2. Pursuant to L.R. 5-1(e)(5), I submit this declaration attesting to my failed attempts
6 to electronically file these documents.

7 3. On January 24, my colleagues and I attempted several times to electronically file
8 the redacted pleadings. At least two of those occasions were separated by more than one hour.

9 4. The electronic case filing system was not operative and we were unable to file the
10 documents because of the system's inoperability.

11 5. The Clerk of the Court, pursuant to L.R. 5-1(e)(5), declared a technical failure of
12 the Northern District's CM/ECF system on January 24, 2014.

13 6. Notice of the Clerk's declaration was posted on the Court's website at
14 <http://www.cand.uscourts.gov/news/141>.

15 7. Pursuant to L.R. 5-1(e)(5), filings due on the day of a technical failure which were
16 not filed solely due to such technical failure shall be due the next court day.

17 8. As a result, redacted versions of Defendants' December 13, 2013 proposed
18 findings of fact and conclusions of law and Defendants' December 20, 2013 responses are filed
19 today, Monday, January 27, 2014.

20
21 I declare under penalty of perjury that the foregoing is true and correct. Executed in
22 Washington, D.C. on January 27, 2014.

23
24 /s/Paul G. Freeborne
25 Paul G. Freeborne
26
27
28