

# EXHIBIT 1

FILED UNDER SEAL

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SABRINA DE SOUSA

Plaintiff

v.

Civil Action No. 09-896 (RMU)

DEPARTMENT OF STATE

et. al.

Defendants

\* \* \* \* \*

**MOTION TO SEAL DOCUMENT AND ACCOMPANYING FILINGS**

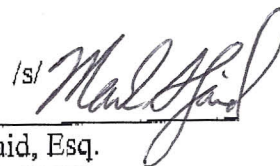
NOW COMES the plaintiff Sabrina de Sousa, by and through her undersigned counsel, to hereby respectfully request that this Court place this document and the accompanying filings identified as Exhibits "A" (Notice of Appearance) and "B" (Motion for *In Camera* Session and to Stay All Briefing Until Otherwise Determined), the contents of which are incorporated herein, under seal until such time as the Court determines otherwise.

Additionally, until such time as otherwise determined by the Court the specific undersigned's counsel's name should not be publicly identified with this litigation.

The need for this action can not be publicly disclosed due to classification concerns and will be explained in detail during the requested *in camera* session.

Date: November 8, 2010

**FILED UNDER SEAL**

/s/ 

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Counsel for Plaintiff

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**EXHIBIT "A"**  
**(NOTICE OF**  
**APPEARANCE)**

Ex. A

AO 458 (Rev. 06/09) Appearance of Counsel

UNITED STATES DISTRICT COURT

for the

Sabrina de Sousa  
Plaintiff  
v.  
Department of State et al.  
Defendant

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)  
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)

Case No. 09-cv-896 (RMU)

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

plaintiff Sabrina de Sousa

Date: 11/8/10

Mark S. Zaid  
Attorney's signature

Mark S. Zaid 440532  
Printed name and bar number

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EXHIBIT "B"  
(Motion for *In*  
*Camera* Session)

FILED UNDER SEAL

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SABRINA DE SOUSA

Plaintiff

v.

DEPARTMENT OF STATE

et. al.

Defendants

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Civil Action No. 09-896 (RMU)

\* \* \* \* \*

**MOTION FOR *IN CAMERA* SESSION  
TO DISCUSS PROCEDURAL MATTERS AND TO  
STAY ALL BRIEFING UNTIL OTHERWISE DETERMINED**

NOW COMES the plaintiff Sabrina de Sousa, by and through her undersigned counsel, to hereby respectfully request that this Court hold an *In Camera* session with both the undersigned as the sole representative of the plaintiff and counsel for the defendants in order to discuss certain procedural matters that will necessarily involve the disclosure of classified information and will include, but not be limited to, planned motions and scheduling. Such a session will necessarily require the presence of only cleared personnel.

The matters to be raised, which go to the heart of the plaintiff's case – factually and legally – can not, particularly because of the current espoused position of the defendants, be discussed in open court or in writing. All issues can, however, be discussed and clarified with the Court in the appropriate *in camera* classified session.

Although these specific filings now being submitted by the undersigned are not intended to contain classified information the nuances of the issues may lead the defendants to characterize parts or all of the documents as doing so. The undersigned is

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legally obligated by the terms of his own secrecy/non-disclosure agreement to refrain from creating classified documents on an unsecure computer. Thus, in order to ensure these documents were sufficiently protected from even inadvertent disclosure of classified information, the undersigned was required to make independent arrangements and direct coordination with the Department of Justice's Litigation Security Group (which oversees the handling of classified information in court proceedings) to create the documents in a secure location and have them submitted for proper classification review and filing following the defendants' refusal, as articulated through their counsel, to cooperate. The actions of the defendants, which is part of the discussion concerning a forthcoming motion that plaintiff intends to raise with the Court in the requested *in camera* session, violate the plaintiff's constitutional rights and is designed solely for the purposes of obtaining an improper litigation advantage for the Government.

In light of this Motion, the plaintiff respectfully asks the Court to stay the briefing of the pending Motions to Dismiss filed by the defendants, the response to which is due on or about December 3, 2010, until such time as articulated by the Court. Furthermore, due to the potential sensitivity of the undersigned being publicly identified with this case it is requested that the Court not reference counsel's name in the ECF system until the matter can be discussed and instead notify him of any scheduled *in camera* session via direct contact.<sup>1</sup>

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<sup>1</sup> Counsel apologizes for the cryptic nature of these filings but the undersigned is well aware of his legal inability to determine independently what may or may not be considered classified. Therefore, he must conduct himself in such a manner as to broadly protect information and relationships until such time as either the Government or this Court clarifies otherwise. Counsel assures this Court that an *in camera* session will allow for crystal clear clarification of all the issues.



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The undersigned has discussed these matters with defendants' counsel who has indicated the Government opposes the request and plans to respond in writing.

Date: November 8, 2010

*/s/ Mark Zaid*

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Counsel for Plaintiff

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SABRINA DE SOUSA

Plaintiff

v.

Civil Action No. 09-896 (RMU)

DEPARTMENT OF STATE  
et. al.

Defendants

\* \* \* \* \*

ORDER

Upon consideration of the plaintiff's Motion to Seal Document and Accompanying Filings, and it appearing that the relief prayed is just and appropriate, it is this \_\_\_\_\_ day of November 2010,

ORDERED, that plaintiff's Motion and its accompanying documents shall be filed under seal until such time as the Court determines otherwise; and

FURTHER ORDERED, that the Court will hold an *in camera* session with the appropriate counsel for the parties on \_\_\_\_\_, 2010, at \_\_\_\_\_ AM/PM in \_\_\_\_\_; and

FURTHER ORDERED, that plaintiff's counsel Mark S. Zaid, Esq. will not be identified in any public filings until determined otherwise and will be notified through direct contact by the Court of the contents of this Order; and

FURTHER ORDERED, that all briefing on the defendants' pending Motions shall be stayed until further ordered by the Court .

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE