IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

IRANIAN AMERICAN LEGAL DEFENSE FUND, Plaintiff, vs. MARCO A. RUBIO, et al., Defendant.	CIVIL NO.: 26-2375-ACR October 15, 2026 Washington, D.C. 2:00 p.m.

Transcript of Pre-Motion Conference
Before the Honorable Ana C. Reyes
United States District Judge

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P R O C E E D I N G S

THE CLERK: This is civil action 26-2375, Iranian American Legal Defense Fund versus Marco A. Rubio, et al.

Will the parties please identify themselves for the record, beginning with plaintiff's counsel.

MR. KIRKPATRICK: Good afternoon, Your Honor. Michael Kirkpatrick for the plaintiff. With me at counsel table is Becca Steinberg and Ali Rahnama.

THE COURT: All right. Hello.

MR. GEORGIEV: Good afternoon, Your Honor. Dimitar Georgiev for the United States. With me at counsel table a AUSA Dhruman Sampat.

THE COURT: Hello. Can both of you just give me a short intro on what you plan to do today. Let's start with the plaintiffs.

MR. KIRKPATRICK: Yes, Your Honor. So we think that we're here mostly today to try to prove the existence of the policy.

THE COURT: Uh-huh.

MR. KIRKPATRICK: And towards that end, we have submitted seven new declarations from detainees. Obviously, they're not here. But we can talk about what's in their declarations. They are from four different facilities and they do span November of 2025 all the way to June 2026. So that tells us something about how widespread this is, that

it's in four different facilities at least.

THE COURT: I'm sorry, from November of 2025 to --

MR. KIRKPATRICK: To June of 2026.

THE COURT: Okay.

MR. KIRKPATRICK: And so that one, which came in late, we just got that filed yesterday, couldn't be helped. That individual was detained by ICE on June 12th. And on June 19th, two individuals from the Interest Section, including the senior official, showed up there in California and interrogated him, and told him that they had his asylum related information.

THE COURT: This was while we were at war with Iran?

MR. KIRKPATRICK: I'm sorry?

THE COURT: This was while we were at war?

MR. KIRKPATRICK: In ICE detention in California.

THE COURT: But it was June 2026, we're at war with the country?

MR. KIRKPATRICK: That's right. That's right. So I think that's the important thing is that this has continued. When we were last here, we didn't have any evidence that it had continued after the hostilities began. Now we know that it did continue all the way at least through June of 2026.

So we have that information that's been submitted. Obviously, we don't have those witnesses. We do have with us today, though Cyrus Mehria, who gave the declaration

originally about the senior official and the two meetings at that point that he had had. He has submitted a further declaration, which parts of it are under seal, where he identifies the senior official and the senior official's role. And also describes two further telephone conversations in which the senior official refused to testify and said that he was going to stand on his diplomatic immunity and couldn't be compelled to come in.

So we think that that's important. I know Your Honor had questions before about a pseudonymous, you know, person. Well, now we have revealed the identity of that person. So I think we've checked that box. I know that you asked that we try to get him to come in and testify. We did. He won't. But Mr. Mehria is here and so to the extent any testimony from Mr. Mehria would be helpful to the Court, he certainly is here and can be called.

We also have Ali Rahnama, who is one of the counsel, who there was a question before about the baseline with respect to ILDF, you know, we're relying on organizational standing, relying on OA. We're on all -- you know, four corners of OA apply here. There was a question last time there about, well, what's the baseline, because if there's, you know, five to ten additional attorney hours a week, does that really make a big difference depending on the size of the organization. Mr. Rahnama has filled in that gap by

explaining that there's only two full time lawyers. And so, yes, it is a significant burden on the organization.

THE COURT: And that's in a declaration too; right?

MR. KIRKPATRICK: Yes. So should there be any questions, obviously, he's here and available to testify.

And then I guess the main reason we're here is to hear more from the government witnesses about what happened at the May 2025 meeting at the State Department about the transmission of information, about the meetings, whether they've continued, whether flights were planned that were canceled, whether there's been a third party removal --

THE COURT: Okay. I got it. So who are the government witness who is are going to testify?

MR. KIRKPATRICK: I'm sorry?

THE COURT: Who are the government witnesses that are going to testify?

MR. KIRKPATRICK: Well, we don't know because they didn't provide us with a witness list. We know that you asked Mr. Adams be here, so we assume he is. We don't know if there are any other witnesses for the Government.

THE COURT: Okay.

MR. KIRKPATRICK: Thank you.

THE COURT: Are there any declarant -- is there any declarant who is here today, filed a declaration that you all want to ask questions of.

MR. GEORGIEV: We are not prepared to do that. Our understanding of what today was happening is that Your Honor had very specific questions related to the declaration that we submitted. We have gone through the transcript from the last hearing and that's what we're prepared to do. We're not prepared to ask any questions of any of the witnesses that the plaintiffs might proffer or have proffered today. We're just not prepared to do that. We didn't understand that that was where the Court was going. We went by the transcript from last hearing --

THE COURT: I mean, I had -- I mean, I don't remember, I thought I just said I wanted an evidentiary hearing on the motion. Did I say something more specific?

MR. GEORGIEV: Yes you did, Your Honor.

THE COURT: Okay.

MR. GEORGIEV: You identified what -- grouped three buckets; communications with the Iranian Interest Section, information about removals, and the investigation that the declarant undertook to prepare the declaration. That's what we're prepared to do. That's what we have witnesses to testify about.

THE COURT: Okay. Let's at least get that done. We can -- let's at least get that done and then we can deal -- I mean -- let's at least get that done. So how many witnesses are prepared to testify about that?

MR. GEORGIEV: We have two witnesses. Deputy Assistant Direct Noah Adams, who is the declarant from the declaration we submitted. And we have DIDO Gerald Adams (sic). So just to set the stage, Your Honor, Mr. Adams will testify to the overwhelming majority of the questions that the Court has identified. And Mr. Edwards will testify specifically to the meeting that has been alleged occurred between the State Department, DHS, and the Iranian Interest Section, which allegedly produced and agreement between the two countries.

THE COURT: All right. Well, call one of them up.

MR. GEORGIEV: And before we begin, Your Honor, there's one matter the government would like to discuss with Your Honor --

THE COURT: Okay.

MR. GEORGIEV: -- in an ex parte sealed setting.

THE COURT: All right. Everyone go.

(Sealed ex parte session.)

THE COURT: All right. Gentleman you've got my interest piqued. I'm not about to get another like -- well, I'll just keep that thought to myself, go ahead.

MR. GEORGIEV: Your Honor, one of the questions that you had asked is whether there are any planned removals to Iran. The answer in August was no. Today that answer has changed and it is yes. Because of operational security,

because of implications to foreign policy and national security, the government, we are not authorized to provide details about specific plans for that removal --

THE COURT: I'm sorry, I just want to make sure I understand this correctly. We are going to remove people in our custody to a country with which we are at war?

MR. GEORGIEV: That is my understanding, Your Honor, that there's -- there are plans in works, there are no specific -- nothing has been finalized yet. There's no specific date. But there is a -- DHS is working on a plan for that. My understanding is that the removal will be similar to what occurred previously, that is it's going to be through a third country, but it's not a third-country removal, it is still a removal to Iran.

THE COURT: What does that mean?

MR. GEORGIEV: It means the United States will facilitate the travel to the third country, and the government of Iran will facilitate the travel from the third country into Iran. Those are in --

THE COURT: These are people who applied for asylum in this country?

MR. GEORGIEV: These are individuals who have final orders of removal and they're --

THE COURT: Did they apply for asylum in this country?

MR. GEORGIEV: I don't know because I don't have the list of people who would be removed.

THE COURT: If they're people who applied for asylum in this country, making allegations as to how they would get treated there, they're going to get killed.

MR. GEORGIEV: I --

THE COURT: I mean --

MR. GEORGIEV: I understand Your Honor's concern, but those are individuals, people who are subject to final removal orders can be removed. And DHS is working on a plan to enforce the law in that setting. The reason why --

THE COURT: Do you understand -- I just want to make sure I fully understand what you're telling me. We are at war with a country, where the president of the United States has said as recently as two or three days ago, if not yesterday, that it is essentially lawless. That we killed their first level of leadership. We killed the second level of leadership. And now they don't have much leadership that they can talk to. A country that is an enemy of the United States, according to the current president. A country that, according to the -- our president, murdered tens of thousands of protesters.

And what you're telling me is that the United States of America is going to send individuals back to that region facing what you and I and everyone who would ever look at this

would know would be at a minimum a serious threat of certain death.

MR. GEORGIEV: Yes, Your Honor. It is -- the government is executing lawful orders of removal.

THE COURT: Are any of them plaintiffs in this action?

MR. GEORGIEV: There's only one plaintiff in this action and that's the organization. In terms of if your question is whether any of them are the declarants, we don't know because we have not been provided the names. We don't know who those declarants are.

THE COURT: Okay. If this had been -- well --

MR. GEORGIEV: So as you can appreciate, Your Honor, the sensitivity around foreign policy and national security implications about --

THE COURT: I appreciate that there's sensitivity to how this would be perceived in the public, yes. I appreciate that there would be strong sensitivity as to how this would be perceived in the public. What's the national security implication?

MR. GEORGIEV: It is -- it involves discussions with foreign governments and potentially discussions with, as Your Honor stated, the hostile power.

THE COURT: Yeah, but the hostile power we're sending -- we are coordinating with them already to send them

back. The hostile power knows that this is happening. So that's not going to be news. So what's the national security implication?

MR. GEORGIEV: It again, Your Honor, the communications between the United States and those countries --

THE COURT: -- home country, well, I guess the third party countries and Iran.

MR. GEORGIEV: There will be third party countries involved --

THE COURT: What's the national security implication?

MR. GEORGIEV: So, at minimum there's an operational security, when these plans are still in development, if it becomes known that it would -- that those plans would come to fruition on a particular date or a particular time, that raises the risk to the flights, to the individuals --

THE COURT: Okay. But, obviously, I'm not going to allow that to get out. But what's the national security implication of just being honest with the American public about the fact that this country is going to send individuals back to another country with which we are at war.

MR. GEORGIEV: So that is the national security --

THE COURT: What is it? What's the problem?

MR. SAMPAT: Your Honor, the problem will be

disclosing some of these conversations and sort of how these -- how these conversations are going forward about these removals. I --

THE COURT: But what about just the fact of it.

MR. SAMPAT: Your Honor, I -- we're learning this pretty quickly as well, so --

THE COURT: Okay.

MR. GEORGIEV: -- if Your Honor --

THE COURT: Let me say this: First of all, you know I hold you two in very high regard, okay. Notwithstanding that, given the events of these various days, I can't just say let me know if there's a final plan. So I'm going to order that I receive at least -- well, I'm going to order that I receive notification within 24 hours of a final plan, and/or the three days, at least three -- at least five days before anyone gets put on a plane. That is an order.

I just want to be as clear as humanly possible about what that order is. If there is a final plan, at 5:00 o'clock on a Monday, by 5:00 o'clock on Tuesday I want to know about it. If there is a plan to put a single individual on any kind of machine that can transport people, I don't care if it's an airplane, I don't care if it's a horse and buggy, I don't care if it's a scooter, if there is a plan to put a single individual on anything that moves, if there is a plan to walk an individual from California to the east coast and swim them

across the ocean, I want to know about it, five days notice.

That means that if it is -- happens at Friday at 5:00 p.m. is when they're going to leave the removal site, I want to know about it Monday beforehand, at the latest by 5:00 p.m. The previous Monday, obviously.

If anything happens that violates either of those two orders, I will hold every single person associated with violating it -- I will start contempt proceedings. We are talking about sending individuals in our care and custody to a country that we have bombed and we may continue bombing, and is a declared enemy of this country. It is like saying we have individuals in 1942 in this country that we are going to send back to Nazi Germany. That is the equivalent of what you are telling me.

Now, I need to figure out -- I need you guys -- I mean -- this is got to be the craziest week I've had on this job. You can -- I had the TRO hearing on Monday. I had trans military yesterday. I had the Storch inspector generals yesterday. And now I'm with this. What else has happened this week that I'm missing. Oh, well, yeah, putting aside my routine cases.

MR. SAMPAT: Your Honor, what I'm hearing it's been a pretty easy week.

IF I may make a couple points just to make our record. One, if Your Honor orders it, obviously, we will

convey that order, we will do those things. We ask for one thing is that there a minute order accompanying the order. We're not asking a disclosure of the order, given the national security and the fact that that is under seal, but something that we have that we can take back to our clients and take back to say here's -- we have an order, this is a court order, even if it's a minute order I think is one.

THE COURT: Okay. Can we enter an ex parte minute order?

MR. SAMPAT: I'm outside of my depth right now.

THE COURT: No, I hear you. Chashawn, can we do a sealed ex parte order? There must be a way --

THE CLERK: We can do a sealed ex parte order, but it has to be the PDF. Remember in a sealed case, it's like a partial --

THE COURT: Okay. Well, we will figure out a way to get you a sealed order.

Now, obviously -- look, I'm not sure what my jurisdiction is here. I mean, especially if we have -- I mean this is a policy issue about releasing information. I mean certainly there's no question I would have jurisdiction if any of the individuals to be removed are declarants, I mean, I guess.

MR. SAMPAT: Your Honor, I would disagree. I don't think you would have jurisdiction, because Your Honor's order,

whatever it may be about individuals, those are individuals who are not party to this lawsuit. Putting -- so I think that's a fundamental question of jurisdiction already. But I think the secondary part is 1252(g) that says there's no jurisdiction to bar the execution -- sorry, to review the execution of removal orders. As Mr. Georgiev said --

THE COURT: Well, I mean, that's fair. Look, I agree with you. So, I mean, but -- look, right now I want the notice requirement, because I'm not just going to sit here and say go on your merry way. That's just not going to happen after the events of last week.

Now, if you want to brief for me to reconsider that, because you haven't had a chance to brief it, you can do all that ex parte. And if you tell me that I just don't have the jurisdiction, or it's not relevant, or for whatever reason I'm not -- the notice order is not valid, I will let you brief that.

MR. SAMPAT: That's exactly what I -- that was going to be the second point, which --

THE COURT: And you won't have to meet the motion for reconsideration standard, right, just I'm giving you the right to move to reconsider.

MR. SAMPAT: Okay.

THE COURT: But as of this moment, that's going to be the order and we'll put something on the record, on the ex

parte record, sealed order today, okay.

Now -- I mean, I am not going to be shocked if I get motions from somebody to unseal this, right. I mean, I may well. So I'm going to need briefing on why actually releasing this information is actually -- would harm national security and would harm formal relations. And when I say I need briefing on it, I don't mean -- the word national security is not like a get out of jail free card; right?

MR. SAMPAT: Understood.

THE COURT: I know you guys understand that. I'm not sure everybody understands that. So just saying national security ain't going to do it. Now, if at any point in time I make a decision this information should not be kept secret, I will of course give you plenty of opportunity to file an emergency appeal. I'm not going to release the information without giving you all the opportunity to appeal, okay.

MR. SAMPAT: We certainly appreciate that.

THE COURT: All right. So right now the order is in place as of this moment. We will get something out today, ex parte. How long -- I will give you, I don't know how far along these plans are, so I don't know how much time you want for the briefing.

MR. SAMPAT: So our understanding, and Mr. Georgiev can correct me if I'm wrong, is there are no set dates yet, but because Your Honor had inquired, we wanted to make sure

that we were forthcoming with the information, and Your Honor had adequate time to consider it, and have it at your finger tips.

THE COURT: Okay. And this is why I like you guys so much. And I appreciate it and thank you. You guys tell me when you want to have the briefing in by, or if you -- you know, and if you want to come and just do it orally, if you want to do it -- whatever you guys want, I will let you do, you know, but I feel uncomfortable just saying okay, this should be kept secret. Because I don't -- I mean, I'm not sure that I see the national security risk, but obviously, I'm not a national security expert anymore than I'm a golf expert.

So you guys tell me when you want to have the briefing in by, you know, just -- you don't have to tell me right now. You guys can go back to your clients. You guy cans figure it out. You know, we're going to need a document. I guess you guys just send my chambers an email with respect to the date that you want to get stuff in to me by. And then before you file it, we'll figure out a way for you all the file it ex parte and under seal. Does that make sense?

MR. SAMPAT: That makes perfect sense. The only thing I was going to say is that because there are no dates planned as of yet, that is our understanding, that it may not be the emergency it needs to be, so if we could avoid that then that would be great.

THE COURT: You know there aren't dates until there are. As I learned over the weekend.

MR. SAMPAT: Understood, Your Honor. But again, like we said, we wanted to be absolutely candid.

THE COURT: Look, this is why I hold you guys in high record, because I know you're above-the-board shooters. So thank you. Anything else?

MR. GEORGIEV: Yes, Your Honor, we have a proposal on how to proceed today, because we do have the two witnesses here and everybody's here, we would like to proceed with the evidentiary hearing. If --

THE COURT: Obviously, I'm not going to ask about that.

MR. GEORGIEV: Thank you for that.

THE COURT: If they ask and you object, then everyone's going to know what we were just talking about how. So how do you want to deal with that.

MR. GEORGIEV: I think we'll just raise the foreign policy/national security objection and we'll ask that it be sustained. The basis for --

THE COURT: I mean, I can do that, sure. But if they ask, are there any current plans to send people back to Iran? And you all say, objection. And I sustain it. Everyone's going to know what we all just talked about.

MR. GEORGIEV: I under- --

THE COURT: So how, I mean -- how --

MR. SAMPAT: It seems like we're in sort of the Glomar world, if I may, is that --

THE COURT: You need to be at the mike.

MR. SAMPAT: It seems as though we're in the Glomar world in that if we confirm or deny the plans, we just have to be in that -- we have to just operate in that, I think.

THE COURT: Well, I mean, another option is -- another option is I can call the plaintiff -- one plaintiff lawyer in and say to him, I'm not going to allow you to inquire about any removal of -- any removal of these witnesses at all. So just don't -- like everything is going -- I mean, I could just do that in open court. I could just say, for purposes of today's testimony, I only want to hear evidence as to the policy in terms of sharing information and I don't want to take any evidence on anything else relating to these individuals or to individuals.

MR. SAMPAT: I think that's -- I think that may be the best course. And especially in light of the fact that we have a -- I think we have a relevance objection, like the removals themselves are not at issue, it's the sharing of information.

THE COURT: Well, why don't we do this, you -- we'll come back. You tell me who you're going to have. And you guys say we understand that these individuals are going to

talk about the policy and the meetings and what not. We have a relevance objection to anything relating to removals. I'll hear from plaintiffs. And then -- I mean, I'll hear from them. And then assuming that I continue to agree with you guys I will sustain the objection and we treat it as the normal back and forth. How's that?

MR. GEORGIEV: That works. Yes, Your Honor. Thank you.

THE COURT: All right. Ms. White, why don't you bring everyone back. I'm going to go back for five minutes and I'll be right back.

(A recess was taken from 2:29 p.m. to 2:34 p.m.)

(The following proceedings were had in open court.)

MR. GEORGIEV: The Court had identified three buckets of questions that it wanted to hear from government witnesses. Those are communications with the Iranian Interest Section in Washington D.C. Questions about planned removals. And the investigation that the declarant, Mr. Adams, had undertaken before -- in preparation of his declaration.

Before we proceed in calling our witnesses we wanted to raise an objection to one of the buckets, specifically about removals and planned removals. We do not. We object on relevance. Those are not relevant questions, whether there exists a policy as alleged in the complaint. And, therefore, those questions are not pertinent to the inquiry.