

DECLARATION
of
ROBERT A. McNEIL

Comes now Robert A. McNeil, over the age of 21, of sound mind and with personal knowledge of the facts related herein, swearing under the pains and penalty of perjury that the following facts are true and correct to the best of my knowledge and belief:

I declare that:

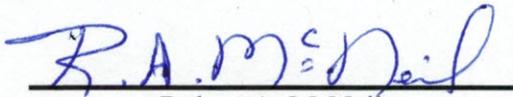
- On December 31, 2016, U.S. District Judge Christopher R. Cooper dismissed the following cases on his docket for lack of subject matter jurisdiction:
 - 16-0420 Dwaileebe v. Martineau et al
 - 16-1053 Crumpacker v. Ciraolo-Klepper et al
 - 16-1384 Morris v. McMonagle et al
 - 16-1458 McGarvin v. McMonagle et al
 - 16-1768 Podgorny v. McMonagle et al
 - 16-2089 DeOrio v. Ciraolo-Klepper et al
- I contacted each of the Plaintiffs and requested a copy of Judge Cooper's Order and received them by mail or email on the following dates:
 - 16-0420 Dwaileebe v. Martineau et al – January 7, 2017
 - 16-1053 Crumpacker v. Ciraolo-Klepper et al – January 7, 2017
 - 16-1384 Morris v. McMonagle et al – January 18, 2017
 - 16-1458 McGarvin v. McMonagle et al – January 18, 2017
 - 16-1768 Podgorny v. McMonagle et al – January 9, 2017
- I reviewed each Order and noticed each was only one page and consisted of two sentences that read: ***“ORDER dismissing case for lack of subject matter jurisdiction. Signed by Judge Christopher R. Cooper on 12/31/2016. (lccrc3)***
- Although Norma DeOrio's case 16-2089 was filed on October 17, 2016, no Government response had been filed in the record. On January 10, 2017, I called the Clerk's office for

the U.S. District Court in D.C. to inquire about the status of the case and was told that, on December 8, 2016, Ms. DeOrio's case was consolidated with the above-referenced cases and assigned to Judge Christopher Cooper. I was also told the case had been dismissed on December 31, 2016. Believing that the dismissal would be in the same form as the others, I then asked if there would be a Memorandum Opinion issued, stating the reason for the dismissal. The Clerk's office transferred my call to Ms. Davis, Judge Cooper's Case Administrator. I asked Ms. Davis if there would be a Memorandum Opinion issued, stating the reason for the dismissal and her response was "No, that is the only order that will be issued."

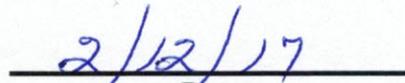
- On January 18, 2017, I sent an email to Keith DeOrio, M.D. (Norma DeOrio's son) requesting a copy of Judge Cooper's December 31, 2016 Order dismissing Norma's case. Dr. DeOrio responded that Norma "never got it".
- Immediately thereafter, on January 18, 2017, I called and talked to Judge Cooper's Court Deputy (Ms. Lauren Jenkins) who confirmed that Judge Cooper issued the Order of Dismissal on December 31, 2016. She was not in the office during that time, however, and the Court records she reviewed did not show the date the Order was mailed to Norma. She said it would have been sent First Class mail, however, which does not have a tracking number. I informed her that Ms. DeOrio had not received the Order and asked if she would mail it again. Ms. Jenkins agreed to do so.
- I then emailed Dr. DeOrio to alert him that the Order was being mailed and asked him to scan and email a copy to me when he received it.
- On January 27, 2017, Dr. DeOrio emailed Norma DeOrio's copy of Judge Cooper's Order to me.

- When I opened the document, however, I was shocked to see a five-page “**Opinion and Order**”, signed by Judge Cooper on December 31, 2016, with case cites and a full explanation of the reasons he dismissed the case. **Note:** Beginning on the first page and continuing to the second, the Opinion and Order listed the following six Plaintiffs and case numbers:
 - 16-0420 Dwaileebe v. Martineau et al – January 7, 2017
 - 16-1053 Crumpacker v. Ciraolo-Klepper et al – January 7, 2017
 - 16-1384 Morris v. McMonagle et al – January 18, 2017
 - 16-1458 McGarvin v. McMonagle et al – January 18, 2017
 - 16-1768 Podgorny v. McMonagle et al – January 9, 2017
 - 16-2089 DeOrio v. Ciraolo-Klepper et al
- On February 1, 2017; I called and talked to Judge Cooper's Court Deputy (Ms. Lauren Jenkins) to discuss the Opinion and Order issued by Judge Cooper. I asked her why Ms. DeOrio received the 5-page document and the other Plaintiffs did not. She replied that Ms. DeOrio was the only Plaintiff in the case, which, didn't make sense when the other five Plaintiffs were listed on the Opinion and Order.
- At bottom, Ms. DeOrio is the only Plaintiff who received, and will receive, a copy of the 5-page Opinion and Order.

I hereby swear that the information presented in this Declaration is true and correct to the very best of my knowledge, so help me God.



Robert A. McNeil



Date