

## SECTION 8. BASIS OF THE CLAIM

### FACTS AND CIRCUMSTANCES ATTENDING THE INJURY

1. The facts and circumstances attending the injury arose in Virginia, Massachusetts, Washington, D.C., and U.S.-controlled territory in Guantanamo Bay, Cuba, based on the acts and omissions of employees and officers of the Department of Defense and its component the Office of the Military Commissions.

2. The claimant is Stephen D. Gill, a citizen of the United States and resident of Marshfield, Massachusetts.

3. The federal agency tortfeasor in this claim is:

a. The Department of Defense, and its components the Office of the Military Commissions, the Office of the Chief Prosecutor, and the Military Commissions Trial Judiciary.

4. On September 28, 2011, Mr. Bruce MacDonald convened a Military Commission for investigating the United States' capital charges against Abd al-Rahim Al-Nashiri in relation to the October 12, 2000 attack on the USS COLE.

5. The U.S. Military Commissions are not Article III courts under the U.S. Constitution, but Article I tribunals created by Congress. *See Military Commissions Act, as amended*, 10 U.S.C. §§ 948, *et seq.*, Pub. L. 111-84, 123 Stat. 2574 (Oct. 28, 2009).

6. On or about March 4, 2015, in the *Al-Nashiri* case, Military Commission Judge Vance Spath entered a Disqualification Order removing the Convening Authority and several workers in the Office of Convening Authority from the case.

7. After March 4, 2015, while mobilized from the U.S. Navy Reserves with duty at the Office of the Convening Authority for the Office of the Military Commissions, Mr. Gill was made to serve as "Legal Advisor pro tempore" for the *Al-Nashiri* case.

8. During March through April 2015, Mr. Gill reported multiple times to superiors in the Office of the Convening Authority that certain federal employees were violating the terms of Military Commission Judge Spath's Disqualification Order.

9. On or about May 4, 2015, Mr. Gill received orders to demobilize from active duty, and he returned to civilian status on or about May 30, 2015. He thereafter returned to his home in Massachusetts to resume his civilian career.

10. On May 8, 2015, defense counsel for Mr. al-Nashiri filed a Defense Renewed Motion to Dismiss for Unlawful Influence and noticed Mr. Gill as a witness at a requested evidentiary hearing.

11. Mr. Gill requested to give video testimony at either the Naval War College in Newport, Rhode Island or be placed on military orders to appear in Guantanamo Bay, Cuba.

12. The prosecution's victim witness coordinators, including Ms. Kimberly Goebelbecker and Ms. Karen Loftus, informed Mr. Gill that he could give his testimony, without military orders, by video teleconference ("VTC") from the Naval War College in Newport, Rhode Island.

13. In early September 2016, Mr. Gill and the prosecution made arrangements for Mr. Gill to testify by VTC at the Naval War College in Newport, Rhode Island on September 7, 2016.

14. On or about September 6, 2016, the prosecution's victim witness coordinators told Mr. Gill he must come to Washington, D.C. on September 7, 2016 to testify, but Mr. Gill was not issued a subpoena.

15. On September 7, 2016, Mr. Gill voluntarily traveled from Massachusetts to the Mark Center, 4800 Mark Center Drive, Alexandria, Virginia 22311, pursuant to invitational travel orders.

16. On September 7, 2016, Mr. Gill gave testimony via VTC from the Mark Center in the *Al-Nashiri* case, and he returned to Massachusetts that evening.

17. On September 7, 2016, Mr. Gill left Massachusetts at approximately 5:00 am and he returned home at approximately 11:00 pm.

18. After the prosecutor's cross-examination, the military commission instructed Mr. Gill that he would testify again at another time and set the date from 17 to 21 October 2016.

19. Military Commissions Judge Spath then asked Mr. Gill if he would prefer to give VTC testimony from the Boston area instead of the D.C. area. Mr. Gill informed the military commission he had planned to give the September testimony at the War College in Newport, Rhode Island, but that he was instructed to make travel plans for the Mark Center in Virginia the next day.

20. After his September 7, 2016 testimony, Mr. Gill filed a claim for travel reimbursement but there were significant delays in the Office of the Military Commission's processing of the reimbursement.

21. In preparation for the resumption of his testimony for sometime between 17 to 21 October 2016, on or about October 12, 2016, Mr. Gill spoke with U.S. Marshal Kate Wilson about arranging service of a military commission subpoena at his attorney's office in Marshfield, Massachusetts.

22. On or about October 13, 2016, Mr. Gill received a military commission subpoena, and associated papers, including a money order, at his attorney's office in Marshfield, Massachusetts.

23. Domini S. McDonald, Office of the Chief Prosecutor of Military Commission, delivered some of the papers, including a money order, and Alison Hodgkins of the U.S. Marshal's Service for the District of Massachusetts delivered some as well.

24. Among the papers was a one-page document, Military Commission Form 453, entitled "SUBPOENA" "subscribed at Guantanamo Bay, Cuba this 11<sup>th</sup> day of October 16" and bearing a type-written "signature" of Mark Steven Martins, Brigadier General, Office of the Chief Prosecutor of Military Commissions. The "SUBPOENA" purported to require Mr. Gill to appear on October 17, 2016, at the Mark Center, Alexandria, Virginia.

25. After receiving the "subpoena," on October 16, 2016, Mr. Gill sent to the Military Commission, via the Chief Prosecutor, via certified mail/return receipt requested and e-mail, an application for relief from the "subpoena" under applicable military commissions rules, which consisted of a five-page memorandum of law with several exhibits, including the original military commission subpoena, all original associated papers, and the original money order which Mr. Gill had marked: "VOID."

26. On or prior to October 17, 2016, the Prosecution filed an *ex parte* request to arrest Mr. Gill for failing to respond to the "subpoena." In sum and substance, the Prosecution claimed to the Military Commission Judge that the Department of Defense and U.S. Marshals Service possessed the authority to seize and detain a U.S. citizen to compel testimony at a military commission under Rule for Military Commission 703(e)(2) through issuance of a warrant of attachment.

27. Concerning the use of force, the Prosecution asserted that “[R.M.C. 703(e)(2)(G)(iv)] specifies that only non-deadly force as may be necessary to bring Mr. Gill before a commission may be used and that Mr. Gill shall be brought before a military commission without delay and shall testify as soon as practicable and be released.” (AE 332PP at 2).

28. On October 17, 2016, Mr. Gill did not appear in Alexandria, Virginia because he did not receive any response to his application to quash the subpoena issued by a military commission.

29. On October 17, 2016, Military Commission Judge Spath failed and refused to afford Mr. Gill notice and opportunity to be heard on his application to quash the subpoena, and issued a “warrant of attachment” to the U.S. Marshals Service to enforce the “subpoena” pursuant to Rule for Military Commission 703(e)(2)(G) requiring Mr. Gill’s attendance at the Mark Center. Military Commission Judge Spath wrote:

NOW, THEREFORE, by virtue of the power vested in me, the undersigned as military judge of said Military Commission, by Military Commissions Act 10 U.S.C. § 949j(a)(2), Articles 46 and 47 of the Uniform Code of Military Justice, and Rule for Military Commission 703(e)(2)(G), you are hereby commanded and empowered to apprehend and attach the said Stephen Dennis Gill wherever he may be found within the United States, its territories and possessions, and forthwith bring him before this said Military Commission at the Mark Center, 4800 Mark Center Drive, Alexandria, Virginia 22350 between the date to 19 October 2016 to testify as required by said subpoena.

30. On October 18, 2016, at approximately 1:00 pm, approximately 15 U.S. Marshals in riot gear and five uniformed municipal police officers from the Town of Marshfield, Massachusetts stormed Mr. Gill at his home to execute the warrant of attachment issued by Military Commission Judge Spath. Upon information and belief, these actions were coordinated,

ordered and/or approved by Department of Justice, U.S. Marshal and/or Department of Defense officials located within Washington, D.C.

31. When Mr. Gill opened the door, he observed that the Marshals closest to the door had blast shields and were pointing handguns at Mr. Gill, and the Marshals behind them were pointing military grade assault rifles at Mr. Gill.

32. There were a number of black SUVs, grey SUVs, unmarked cars, and police cars on his front yard, in the street, and the driveway.

33. The Marshals yelled at Mr. Gill to put his hands up and to turn around and to get on his knees.

34. Mr. Gill, fearing for his life and safety, peacefully complied and was handcuffed.

35. These event caused Mr. Gill to suffer extreme shock, fear, emotional distress, and mental trauma.

36. Three to four Marshals went through Mr. Gill's house searching every room.

37. Mr. Gill's person was searched. He was put in waist shackles and ankle shackles in addition to the handcuffs.

38. Mr. Gill was given a shirt, shoes, and his eyeglasses upon request, but was denied his mobile phone, wallet and medication.

39. The Marshals went through Mr. Gill's wallet and removed his driver's license but refused to give him the wallet. The Marshals also took Mr. Gill's house keys.

40. The time of the arrest was approximately 1:03 p.m. on October 18, 2016.

41. U.S. Marshal Kate Wilson was one of the Federal Marshals present at Mr. Gill's house and a Marshal referred to as "Tall Paul."

42. Mr. Gill was loaded in a vehicle and driven to the U.S. District Court in Boston, Massachusetts at 1 Courthouse Way, Boston Massachusetts 02210, by U.S. Marshal Kate Wilson and the U.S. Marshal identified only as “Tall Paul”.

43. At no time during his arrest did the officers show Mr. Gill any warrant of attachment.

44. After his seizure, the U.S. Marshals detained Mr. Gill inside a holding cell in the basement of the U.S. District Court in Boston.

45. After a period of detention, believed to be between one to three hours, an unnamed U.S. Marshal drove Mr. Gill in handcuffs with U.S. Marshal Kate Wilson, and another U.S. Marshal identified only as “Tall Paul,” to Logan Airport in Boston, where Kate Wilson and “Tall Paul” flew with Mr. Gill in handcuffs to Reagan National Airport, Arlington County, Virginia.

46. After arriving in Virginia at Reagan National Airport, U.S. Marshals Kate Wilson and “Tall Paul,” turned Mr. Gill over to two U.S. Marshals in Virginia who put him in handcuffs, waste shackles, and ankle shackles, and brought him to the Alexandria Detention Center at 2001 Mill Road, Alexandria, Virginia 22314 around 10:00 p.m. or 11:00 p.m.

47. Mr. Gill spent the night in the Alexandria Detention Center.

48. The cell was kept cold and the lights were left on all night by Alexandria Detention Center personnel.

49. No law enforcement personnel provided Mr. Gill with any food from his arrest at 1:03 pm until, upon his request, Alexandria Detention Center personnel provided Mr. Gill with a few slices of bologna and two slices of white bread to eat around midnight.

50. On Wednesday, October 19, 2016, Mr. Gill was transported in handcuffs, waist shackles, and ankle shackles to the Mark Center in Alexandria, Virginia, by two other U.S. Marshals and was turned over to three other U.S. Marshals.

51. These three U.S. Marshals, accompanied by a DoD police officer, took Mr. Gill and placed him into a locked conference room with a video teleconference capabilities.

52. The U.S. Marshals did not remove Mr. Gill's restraints until moments before his testimony.

53. Samantha Chen, from the Office of the Military Commissions, remained with, and observed Mr. Gill, in the locked conference room prior to his testimony.

54. While on the video teleconference with the military commission and before he began his testimony, Mr. Gill described his arrest and detention and told Military Commission Judge Spath that his testimony was inherently unreliable because he was "not well" and under "extreme duress." Mr. Gill told the judge about Federal officials forcibly removing him from his home with deadly force and forcing him to travel hundreds of miles in shackles and spending all night in a cold jail cell with the lights on and without his medication.

55. Military Commission Judge Spath questioned Mr. Gill to determine whether he was competent to testify. During questioning, Mr. Gill referred to his legal brief and attempted to argue that the warrant of attachment was unlawful, but Military Commission Judge Spath refused to hear argument. Military Commission Judge Spath stated that Mr. Gill was going to have to testify, against his will and without hearing counter-argument if necessary, citing his promise to Mr. Al Nashiri's defense counsel of a redirect examination of Mr. Gill. Military Commission Judge Spath stated that if he was not able to compel Mr. Gill to testify, Mr. Al Nashiri's defense counsel would not be able to conduct his redirect, and that that "wouldn't be very fair."



56. Military Commission Judge Spath disconnected the VTC link and took Mr. Gill off VTC while he discussed Mr. Gill's competency issue with counsel for the parties in the litigation.

57. After Mr. Gill returned on VTC, Military Commission Judge Spath administered a competency exam to Mr. Gill, which Mr. Gill passed. Then, Mr. Richard Kammen, defense counsel for Mr. Al Nashiri, began redirect examination

58. On or about October 19, 2016, Federal Public Defender for the U.S. District Court for the Eastern District of Virginia, Jeremy Kamens, wrote a letter to Mr. Gill, for delivery through the U.S. military commissions, citing *Ex parte Merryman*, [17 F.Cas. 144, 149 (C.C.D. Md. 1861)] advising Mr. Gill of his right to counsel based on the military detention of a U.S. citizen during a time of peace.

59. During redirect examination, Military Commission Judge Spath learned of Mr. Kamens' letter to Mr. Gill, paused Mr. Gill's testimony, and blacked-out the VTC feed preventing Mr. Gill from hearing or seeing anything happening in the military commission court room.

60. Military Commission Judge Spath denied Mr. Gill access to counsel.

61. Military Commission Judge Spath explicitly instructed Mr. Kammen not to advise Mr. Gill of Mr. Kamens' letter until after Mr. Gill finished his testimony.

62. After Mr. Gill finished providing testimony, Military Commission Judge Spath informed Mr. Gill of Mr. Kamens' letter and electronically transmitted to Mr. Gill a warrant of release and a copy of Mr. Kamens' letter.

63. That same day, October 19, 2016, Military Commission Judge Spath verbally issued a legal opinion addressing, in his view, why a military commission has the authority to

seize and detain a U.S. citizen to compel their testimony. Military Commission Judge Spath, again, relied the provisions of the Rules for Military Commission (a regulation promulgated by the Department of Defense) and the Military Commissions Act, which gave the Armed Forces the jurisdiction to try non-citizens for law of war violations pursuant to Article I of the U.S. Constitution.

64. After his testimony, Mr. Gill remained detained in the locked conference room for approximately 15-30 minutes, which was under guard by approximately two DoD police officers. Thereafter, under armed guard, the officers escorted Mr. Gill to the Mark Center's security office.

65. The U.S. Marshals did not offer Mr. Gill any assistance in returning to his home in Massachusetts.

66. At approximately 11:30 a.m., when Mr. Gill was finished providing testimony, he only had in his possession his driver's license, but no wallet, no mobile phone and no medication.

67. At this point, around 11:30 a.m., he was still in Alexandria, Virginia, hundreds of miles from his home in Marshfield, Massachusetts, with no apparent means of return. He was not provided with any means to contact anybody, or with food and drink for that day other than a cup of coffee. For more than two hours, while being detained in the custody of DoD police officers in the Mark Center security office, Mr. Gill repeatedly requested that the officials who detained him provide him with a meal, a plane ticket back to Boston, transportation to Regan National Airport and funds for transportation from Boston Logan Airport to Marshfield, Massachusetts.

68. The prosecution's victim witness coordinator, Mr. Josiel Uc, booked a flight for Mr. Gill that was scheduled to depart from Regan National Airport at about 3:30 p.m. and

scheduled to arrive at Logan Airport in Boston, Massachusetts at about 5:00 p.m. on October 19, 2016.

69. While remaining detained in the custody of the DoD police officers in the Mark Center security office, Mr. Gill continued to request that Mr. Uc provide him a meal, transportation to Regan National Airport, and funds for transportation from Boston Logan Airport to Marshfield, Massachusetts. Eventually, Mr. Uc provided Mr. Gill with \$300 cash and he was escorted out of the Mark Center by Mr. Uc and a DoD police officer.

70. Mr. Gill ultimately was able to return home between 10:00 p.m. or 11:00 p.m. on October 19, 2016, having been forced to be away from his home for more than 24 hours.

71. That same day, October 19, 2016, Military Commission Judge Spath issued an order discharging the U.S. Marshals from their services attendant to the warrant of attachment.

## SECTION 10. PERSONAL INJURY

### *NATURE AND EXTENT OF INJURY WHICH FORMS THE BASIS OF THE CLAIM*

72. A military commission, an Article I tribunal, does not have authority to issue a warrant of attachment to seize, detain, imprison, and otherwise compel the appearance of U.S. civilian citizens.

73. Congress, in 10 U.S.C. § 949(j)(2), did not grant to the U.S. military commissions the power to seize, with deadly force, detain and imprison civilians to compel their testimony before a military commission.

74. The Recalcitrant Witness statute, 28 U.S.C § 1826, does not apply to military commissions because they are not “courts of the United States.” *Al Bahlul v. United States*, 767 F.3d. 1, 19 (2014).

75. 10 U.S.C. § 847, [Article 47, Uniform Code of Military Justice], provides the exclusive remedy for a recalcitrant civilian witness before a military commission. The exclusive remedy for a recalcitrant civilian witness before a military commission is to refer the matter to the U.S. Attorney.

76. Under the non-detention act, “[n]o citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.” 18 U.S.C. 4001(a).

77. The Rules for Military Commission, a regulation of the Department of Defense, which authorizing a warrant of attachment at Rule 703(e), is not an Act of Congress.

### *Trespass*

78. On October 18, 2016, U.S. Marshals, acting on purported orders from the U.S. military commissions, entered Mr. Gill’s property without authorization. They entered his home

and multiple rooms without having secured or shown Mr. Gill a valid warrant for a search of his property. They also search Mr. Gill's person without a valid warrant.

*False Arrest*

79. On October 18, 2016, U.S. Marshals, in riot gear, pointed more than 15 handguns and assault rifles at Mr. Gill as he exited the door of his home. His home was located in a peaceful neighborhood with low crime rates, and there was no suspicious activity or probable cause for Mr. Gill to have committed a crime. These military-grade weapons pointed at Mr. Gill severely restricted his freedom of movement and threatened his life. U.S. Marshals seized Mr. Gill, handcuffed him, and searched his person and his home.

*False Imprisonment*

80. On October 18, 2016, the U.S. Marshals confined Mr. Gill in a cell in the basement of the U.S. federal courthouse in Boston, Massachusetts, transported him against his will, handcuffed and shackled, to Virginia, and facilitated his overnight imprisonment at the Alexandria Detention Center at the request of the Department of Defense until releasing Mr. Gill in Virginia on October 19, 2016.

*Abuse of Process – Law Enforcement and Military Authority*

81. From October 18 to October 19, 2016, the Department of Defense and the U.S. Marshals Service abused law enforcement power by seizing, detaining, transporting, and imprisoning a U.S. citizen under military authority without color of law.

*Abuse of Process – Deadly Force*

82. On October 18, 2016, even assuming the Department of Defense and the U.S. Marshals Service held the law enforcement power to execute a warrant of attachment on a U.S.

citizen to compel his testimony, the U.S Marshals Services further abused process by using deadly force in connection with warrant of attachment.

*Abuse of Process – Denial of Right to Counsel*

83. On October 19, 2016, the military commissions, during Mr. Gill's compelled examination and detention, denied Mr. Gill to access to the Federal Public Defender for the U.S. District Court for the Eastern District of Virginia.

*Intentional Infliction of Emotional Distress*

84. The Department of Defense engaged in, instigated, and directed a course of extreme and outrageous conduct with the intention of causing, or reckless disregard of the probability of causing, emotional distress to Mr. Gill. As a proximate result of the acts alleged herein Mr. Gill suffered severe or extreme emotional distress.

Specific Damages

85. Mr. Gill has suffered from extreme emotional trauma as a result of the actions of the Department of Defense.

86. The Department of Defense's treatment of Mr. Gill has caused a reputational loss to Mr. Gill, an attorney in private practice, which has caused him difficulty in securing new clients and/or seeking gainful employment.

87. The Department of Defense's treatment of Mr. Gill adversely affected Mr. Gill's performance as a candidate for public office in Massachusetts.

88. The Department of Defense's treatment of Mr. Gill has caused the U.S. Navy Reserve to exclude Mr. Gill from performing Navy funeral honors detail drills for the U.S. Navy Reserve, which has caused Mr. Gill to suffer economic damages in the forms of lost wages and loss of retirement point credits.

89. The Department of Defense's treatment of Mr. Gill has caused the U.S. Navy Reserve to exclude Mr. Gill from performing Navy active duty mobilizations through the U.S. Navy Reserve, which has caused Mr. Gill to suffer economic damages in the forms of lost wages and loss of retirement point credits.

90. The Department of Defense's treatment of Mr. Gill has caused the U.S. Navy Reserve to no longer recommend Mr. Gill for retention in the U.S. Navy Reserve.

## SECTION 11. WITNESSES

91. The witnesses from the Department of Defense and its components are:

a. Brigadier General Mark Martins, Office of Military Commissions, Office of the Prosecutor, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

b. Domini S. McDonald, Office of Military Commissions, Office of the Prosecutor, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

c. Military Commission Judge Vance Spath, Office of Military Commissions, the Military Commissions Trial Judiciary, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

d. Karen Loftus, Office of Military Commissions, the Military Commissions Trial Judiciary, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

e. Kimberly Goebelbecker, Office of Military Commissions, the Military Commissions Trial Judiciary, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

f. Unknown DoD Police Officers, who held Mr. Gill in custody at the Mark Center on October 19, 2016 after he testified, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

g. Josiel Uc, Mark Center Security Office, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

h. Samantha Chen, Office of the Military Commissions, 4800 Mark Center Drive, Suite 11F09-02, Alexandria, VA 22350-2100;

### *DoD Damages Witnesses*

i. Captain George Honeycutt, U.S. Navy, Navy Region Mid-Atlantic Reserve Component Command Norfolk, 521 Park Crescent, Norfolk, VA 23511;

j. Commander B. Eric Vandiver, U.S. Navy, (last known address) Navy Operational Support Center Quincy, 85 Sea Street, Quincy, MA 02169;

k. Petty Officer George Boudreau, U.S. Navy, Navy Operational Support Center Quincy, 85 Sea Street, Quincy, MA 02169;

l. Commander Paul Annexstad, U.S. Navy, Navy Operational Support Center Quincy, 85 Sea Street, Quincy, MA 02169;



- m. Captain A. Marc Orgain, U.S. Navy, Navy Operational Support Center Norfolk, 1 Navy Drive, Virginia Beach, VA 23459;
- n. Captain William J. Morrison, III, JAG Corps, U.S. Navy, U.S. Fleet Forces Command, Navy Reserve Forces Command, 7899-7901 Mitscher Avenue, Norfolk, VA 23505;
- o. Commander Timothy P. Jennings, JAG Corps, U.S. Navy, (last known address) U.S. Fleet Forces Command, Navy Reserve Forces Command, 7899-7901 Mitscher Avenue, Norfolk, VA 23505;
- p. Commander Matthew Hawkins, JAG Corps, U.S. Navy, U.S. Navy, U.S. Fleet Forces Command, Navy Reserve Forces Command, 7899-7901 Mitscher Avenue, Norfolk, VA 23505;
- q. Commander John Martinez, U.S. Navy (retired), (last known address) Virginia Beach, VA;
- r. Rear Admiral (Upper Half) Janet Donovan, JAG Corps, U.S. Navy (retired) (last address unknown);
- s. Rear Admiral (Lower Half) Carol Lynch, JAG Corps, U.S. Navy, 420 W. Moreno Street, Pensacola, FL 32501;
- t. Commander Dustin Smiley, U.S. Navy, (last known address) Navy Operational Support Center Newport, 345 Easton Street, Newport, RI 02841; and
- u. Petty Officer Jacob Garanito, U.S. Navy, Navy Operational Support Center Newport, 345 Easton Street, Newport, RI 02841;
- v. Captain David Killian, U.S. Navy, Navy Operational Support Center Newport, 345 Easton Street, Newport, RI 02841;
- w. Lt. Commander Richard Linnell, U.S. Navy, (last known address) Navy Operational Support Center Manchester, 64 Harvey Road, Londonderry, NH 03053;
- x. Petty Officer Connor Marfongelli, U.S. Navy, Navy Operational Support Center Manchester, 64 Harvey Road, Londonderry, NH 03053; and,
- y. Captain Thomas Lambert, JAG Corps, U.S. Navy, 11100 Waldens Pond Lane, Hanover, VA 23069.

92. The witnesses from the Department of Justice, and its component, the U.S. Marshal Services are:
- a. Alison Hodgkins, U.S. Marshals Service, 1 Courthouse Way, Boston, MA 02210;
  - b. Kate Wilson, U.S. Marshals Service, 1 Courthouse Way, Boston, MA 02210;
  - c. Unknown "Tall Paul," U.S. Marshals Service, 1 Courthouse Way, Boston, MA 02210;
  - d. Unknown "Greg," U.S. Marshals Service, 1 Courthouse Way, Boston, MA 02210;
  - e. A number of unknown U.S. Marshal personnel who participated in the seizure of Mr. Gill in Marshfield, Massachusetts and delivery of Mr. Gill to John Joseph Moakley Courthouse, Boston, Massachusetts and Logan International Airport, Boston, Massachusetts, 1 Courthouse Way, Boston, MA, 02210; and,
  - f. Seven (7) unknown U.S. Marshal personnel who participated in the delivery of Mr. Gill from Reagan National Airport, Arlington County, Virginia, to the Alexandria Detention Center, Arlington, Virginia, and the Mark Center, Alexandria, Virginia, 1215 S. Clark Street, Arlington, VA, 22202.

93. Other Witnesses.
- a. Jeremy Kamens, Federal Defender for the U.S. District Court for the Eastern District of Virginia, 1650 King Street, Suite 500, Alexandria, VA 22314;
  - b. Rick Kammen, 135 N. Pennsylvania Street, Suite 1175, Indianapolis, IN 46204;
  - c. Cristin Caulfield, Town of Marshfield, Massachusetts Police Department personnel, 1639 Ocean Street, Marshfield, MA 02050;
  - d. Mark Donahue, Town of Marshfield, Massachusetts Police Department personnel, 1639 Ocean Street, Marshfield, MA 02050;
  - e. Kevin Morris, Town of Marshfield, Massachusetts Police Department personnel, 1639 Ocean Street, Marshfield, MA 02050; and,
  - f. Police Officer Toomey, Town of Marshfield, Massachusetts Police Department personnel, 1639 Ocean Street, Marshfield, MA 02050.

**AFFIDAVIT OF AUTHORITY TO ACT AS LEGAL REPRESENTATIVE**

I, the undersigned affiant and Federal Tort Claims Act (FTCA) claimant, Stephen D. Gill, hereby depose and state that I have authorized my attorney, Mark S. Zaid, Esq., of Mark S. Zaid, P.C., 1250 Connecticut Avenue, NW, Suite 200, Washington, DC 20036, to represent me and to act on my behalf attendant to the presentation and prosecution of any and all of my FTCA claims against the United States and any and all Agencies thereof, and that Attorney Zaid's authority to represent me and act on my behalf expressly includes, without limitation, the authority to sign and submit any and all documents, including Standard Form 95s (SF-95), on my behalf attendant to the presentation of my FTCA claims to United States and any and all of its Agencies.

Further affiant sayeth naught.

Signed under the pains and penalties of perjury this 20<sup>th</sup> day of November, 2017.

A handwritten signature in black ink, appearing to read 'Stephen D. Gill', with a stylized flourish at the end.

Stephen D. Gill, Affiant  
and FTCA Claimant