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17  
18 UNITED STATES DISTRICT COURT  
19 CENTRAL DISTRICT OF CALIFORNIA  
20 EASTERN DIVISION

21 IN THE MATTER OF THE  
22 SEARCH OF AN APPLE IPHONE  
23 SEIZED DURING THE  
24 EXECUTION OF A SEARCH  
WARRANT ON A BLACK LEXUS  
IS300, CALIFORNIA LICENSE  
PLATE 35KGD203

ED No. CM 16-10 (SP)

**SUPPLEMENTAL DECLARATION OF  
NICOLA T. HANNA IN SUPPORT OF  
APPLE INC.'S REPLY TO  
GOVERNMENT'S OPPOSITION TO  
APPLE INC.'S MOTION TO VACATE  
ORDER COMPELLING APPLE INC.  
TO ASSIST AGENTS IN SEARCH**

**Hearing:**

Date: March 22, 2016  
Time: 1:00 p.m.  
Place: Courtroom 3 or 4  
Judge: Hon. Sheri Pym

1                    **SUPPLEMENTAL DECLARATION OF NICOLA T. HANNA**

2            I, Nicola T. Hanna, declare as follows:

3            1.        I am an attorney licensed to practice law before this Court. I am a partner  
4 in the law firm of Gibson, Dunn & Crutcher LLP, and am one of the attorneys  
5 responsible for representing Apple Inc. in the above-captioned matter. I submit this  
6 declaration in support of Apple Inc.'s Reply to Government's Opposition to Apple  
7 Inc.'s Motion to Vacate Order Compelling Apple Inc. to Assist Agents in Search. The  
8 following facts are true to the best of my knowledge and belief and, if called and sworn  
9 as a witness, I could and would testify competently to them.

10           2.        Attached hereto as **Exhibit EE** is a true and correct copy of the transcript  
11 of Testimony at the House Judiciary Committee Hearing on Encryption Security and  
12 Privacy, Panel 1, *Encryption Tightrope: Balancing Americans' Security and Privacy*,  
13 on March 1, 2016. The transcript was printed from Congressional Quarterly on  
14 March 14, 2016.

15           3.        Attached hereto as **Exhibit FF** is a true and correct copy of the Guardian  
16 article, *US Defense Chief Tells Silicon Valley: 'Encryption Is Essential,'* by Spencer  
17 Ackerman and Danny Yadron, originally published on March 2, 2016, available at  
18 [http://www.theguardian.com/technology/2016/mar/02/apple-fbi-fight-silicon-valley-](http://www.theguardian.com/technology/2016/mar/02/apple-fbi-fight-silicon-valley-ashton-carter)  
19 [ashton-carter](http://www.theguardian.com/technology/2016/mar/02/apple-fbi-fight-silicon-valley-ashton-carter). The article was printed on March 2, 2016.

20           4.        Attached hereto as **Exhibit GG** is a true and correct copy of the New  
21 York Times article, *Competing Interests on Encryption Divide Top Obama Officials*,  
22 by Michael Shear and David Sanger, originally published on March 5, 2016, available  
23 at [http://www.nytimes.com/2016/03/06/us/politics/competing-interests-on-encryption-](http://www.nytimes.com/2016/03/06/us/politics/competing-interests-on-encryption-divide-top-obama-officials.html)  
24 [divide-top-obama-officials.html](http://www.nytimes.com/2016/03/06/us/politics/competing-interests-on-encryption-divide-top-obama-officials.html). The article was printed on March 13, 2016.

25           5.        Attached hereto as **Exhibit HH** is a true and correct copy of the CNBC  
26 article, *US Safer with Fully Encrypted Phones: Former NSA/CIA Chief*, by Tom  
27 DiChristopher, originally published on February 23, 2016, available at  
28

1 <http://www.cnbc.com/2016/02/23/us-safer-with-fully-encrypted-phones-former-nsa->  
2 [cia-chief-michael-hayden.html](http://www.cnbc.com/2016/02/23/us-safer-with-fully-encrypted-phones-former-nsa-cia-chief-michael-hayden.html). The article was printed on March 7, 2016.

3 6. Attached hereto as **Exhibit II** is a true and correct copy of a portion of the  
4 transcript of Joint Hearings on HR. 4922 and S. 2375, 103rd Cong. 11, *Digital*  
5 *Telephony and Law Enforcement Access to Advanced Telecommunications*  
6 *Technologies and Services*, on March 18, 1994, and August 11, 1994. The transcript  
7 was printed from HeinOnline on March 14, 2016.

8 7. Attached hereto as **Exhibit JJ** is a true and correct copy of the  
9 Washington Post article, *Obama Faces Growing Momentum to Support Widespread*  
10 *Encryption*, by Ellen Nakashima and Andrea Peterson, originally published on  
11 September 16, 2015, available at [https://www.washingtonpost.com/world/national-](https://www.washingtonpost.com/world/national-security/tech-trade-agencies-push-to-disavow-law-requiring-decryption-of-phones/2015/09/16/1fca5f72-5adf-11e5-b38e-06883aacba64_story.html)  
12 [security/tech-trade-agencies-push-to-disavow-law-requiring-decryption-of-](https://www.washingtonpost.com/world/national-security/tech-trade-agencies-push-to-disavow-law-requiring-decryption-of-phones/2015/09/16/1fca5f72-5adf-11e5-b38e-06883aacba64_story.html)  
13 [phones/2015/09/16/1fca5f72-5adf-11e5-b38e-06883aacba64\\_story.html](https://www.washingtonpost.com/world/national-security/tech-trade-agencies-push-to-disavow-law-requiring-decryption-of-phones/2015/09/16/1fca5f72-5adf-11e5-b38e-06883aacba64_story.html). The article  
14 was printed on March 13, 2016.

15 8. Attached hereto as **Exhibit KK** is a true and correct copy of the opening  
16 brief on behalf of the United States in *United States v. Mountain States Tel. & Tel.*  
17 *Co.*, 616 F.2d 1122 (9th Cir. 1980), submitted to the court on September 21, 1978.

18 9. Attached hereto as **Exhibit LL** is a true and correct copy of the transcript  
19 of Testimony at the House Judiciary Committee Hearing on Encryption Security and  
20 Privacy, Panel 2, *Encryption Tightrope: Balancing Americans' Security and Privacy*,  
21 on March 1, 2016. The transcript was printed from Congressional Quarterly on  
22 March 14, 2016.

23 10. Attached hereto as **Exhibit MM** is a true and correct copy of the NPR  
24 interview transcript, *Encryption, Privacy Are Larger Issues Than Fighting Terrorism,*  
25 *Clarke Says*, by David Greene, originally published on March 14, 2016, available at  
26 [http://www.npr.org/2016/03/14/470347719/encryption-and-privacy-are-larger-issues-](http://www.npr.org/2016/03/14/470347719/encryption-and-privacy-are-larger-issues-than-fighting-terrorism-clarke-says)  
27 [than-fighting-terrorism-clarke-says](http://www.npr.org/2016/03/14/470347719/encryption-and-privacy-are-larger-issues-than-fighting-terrorism-clarke-says). The transcript was printed on March 15, 2016.

1           11. Attached hereto as **Exhibit NN** is a true and correct copy of the BGR  
2 article, *Former CIA Director Calls Out the FBI for Wanting to Fundamentally Change*  
3 *the iPhone*, by Yoni Heisler, originally published on March 11, 2016, available at  
4 <https://bgr.com/2016/03/11/apple-vs-fbi-james-woolsey-cia-director/>. The article was  
5 printed on March 13, 2016.

6           12. Attached hereto as **Exhibit OO** is a true and correct copy of the Chicago  
7 Tribune article, *Experts: The FBI's iPhone-unlocking Plan for Apple Is Risky*, by  
8 Tribune News Services, originally published on February 22, 2016, available at  
9 [http://www.chicagotribune.com/business/ct-apple-ceo-tim-cook-fbi-iphone-20160222-](http://www.chicagotribune.com/business/ct-apple-ceo-tim-cook-fbi-iphone-20160222-story.html)  
10 [story.html](http://www.chicagotribune.com/business/ct-apple-ceo-tim-cook-fbi-iphone-20160222-story.html). The article was printed on March 13, 2016.

11           13. Attached hereto as **Exhibit PP** is a true and correct copy of the Forbes  
12 article, *Why the Apple Versus FBI Debate Matters in a Globalized World*, by Kalev  
13 Leetaru, originally published on March 2, 2016, available at [http://www.forbes.com](http://www.forbes.com/sites/kalevleetaru/2016/03/02/why-the-apple-versus-fbi-debate-matters-in-a-globalized-world/#5a76ae9c2639)  
14 [/sites/kalevleetaru/2016/03/02/why-the-apple-versus-fbi-debate-matters-in-a-](http://www.forbes.com/sites/kalevleetaru/2016/03/02/why-the-apple-versus-fbi-debate-matters-in-a-globalized-world/#5a76ae9c2639)  
15 [globalized-world/#5a76ae9c2639](http://www.forbes.com/sites/kalevleetaru/2016/03/02/why-the-apple-versus-fbi-debate-matters-in-a-globalized-world/#5a76ae9c2639). The article was printed on March 13, 2016.

16           14. Attached hereto as **Exhibit QQ** is a true and correct copy of the USA  
17 Today article, *Chertoff: iPhone Override Is Software Equivalent of Biological*  
18 *Weapon*, by Elizabeth Weise, originally published on March 4, 2016, available at  
19 [http://www.usatoday.com/story/tech/news/2016/03/04/fbi-apple-code-software-](http://www.usatoday.com/story/tech/news/2016/03/04/fbi-apple-code-software-biological-weapon-michael-chertoff/81291524/)  
20 [biological-weapon-michael-chertoff/81291524/](http://www.usatoday.com/story/tech/news/2016/03/04/fbi-apple-code-software-biological-weapon-michael-chertoff/81291524/). The article was printed on  
21 March 5, 2016.

22           15. Attached hereto as **Exhibit RR** is a true and correct copy of the written  
23 testimony of Susan Landau for the House Judiciary Committee Hearing on Encryption  
24 Security and Privacy, Panel 2, *Encryption Tightrope: Balancing Americans' Security*  
25 *and Privacy*, on March 1, 2016. The testimony was printed on March 6, 2016.

26           16. Attached hereto as **Exhibit SS** is a true and correct copy of the Reuters  
27 article, *Mac Ransomware Caught Before Large Number of Computers Infected*, by Jim  
28 Finkle, originally published on March 7, 2016, available at <http://www.reuters.com>

1 [/article/us-apple-ransomware-idUSKCN0W80VX](#). The article was printed on  
2 March 13, 2016.

3 17. Attached hereto as **Exhibit TT** is a true and correct copy of the NPR  
4 article, *San Bernardino Police Chief Sees Chance Nothing of Value on Shooter's*  
5 *iPhone*, by NPR Staff, originally published on February 26, 2016, available at  
6 [http://www.npr.org/2016/02/26/468216198/san-bernardino-police-chief-weighs-in-on-](http://www.npr.org/2016/02/26/468216198/san-bernardino-police-chief-weighs-in-on-whether-apple-should-unlock-shooter-s-p)  
7 [whether-apple-should-unlock-shooter-s-p](http://www.npr.org/2016/02/26/468216198/san-bernardino-police-chief-weighs-in-on-whether-apple-should-unlock-shooter-s-p). The article was printed on March 13, 2016.

8 18. Attached hereto as **Exhibit UU** is a true and correct copy of the Wired  
9 article, *Code Isn't Just Functional, It's Poetic*, by Jonathan Keats, originally published  
10 on April 16, 2013, available at <http://www.wired.com/2013/04/code/>. The article was  
11 printed on March 13, 2016.

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13 I declare under penalty of perjury of the laws of the United States that the  
14 foregoing is true and correct. Executed at Irvine, California on March 15, 2016.

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18 Nicola T. Hanna  
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