

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE DISTRICT
OF COLUMBIA**

Allan Douglas Wilson

PLAINTIFF (pro se)

CIVIL ACTION NO.
23-CV-216-CJN

v.

Department of State et al

DEFENDANT

MOTION TO PRESERVE EVIDENCE

Pursuant to 28 U.S.C. § 1782 the Plaintiff requests the Court to order preservation of any of personal information held in relation to the Plaintiff's Privacy Act request to the Central Intelligence Agency (CIA) dated May 13, 2024 for:

‘All records and metadata of any format and any security designation including unclassified and publicly available information including: activity and intelligence reports, investigative and operational records, indices, logs, memoranda, correspondence, transcripts, and other records of communicated information; whether active, inactive, dormant, archived, or deleted; and under custody and control of the Central Intelligence Agency or otherwise accessed by Agency contractors, analysts, and employees for which a record exists of the corresponding date ranges or with no date, including those held in on-site and off-site storage, and containing any elements of the following personally identifiable information...’

RECEIVED

AUG 01 2024

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

28 U.S.C. § 1782(a) provides that:

‘The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court...’.

Exemplified by a prior U.S. Supreme Court ruling, ‘a U.S. district court has discretion to grant assistance in aid of a foreign interested party if (i) the evidence is sought from a person residing in the court's district; (ii) the applicant is an interested person; and (iii) the testimony or document sought are for use in a foreign proceeding’ (Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 2004).

The CIA is an agency known to be within the jurisdiction of the Court, and the Plaintiff is further identified as an ‘interested person’ relative to the administration of justice in a Canadian Court. The preservation and disclosure of any information pertaining to the Plaintiff is material to pending proceedings in Canada, and is consistent with the principle of good faith preservation of evidence, the Canada and Ontario Evidence Acts, U.S. and Canadian Privacy Acts, PIPEDA, and The Patriot Act; and with no known applicable exemptions that would preclude release of the requested information.

Absent a Court Order, there is significant risk that relevant evidence will be lost or destroyed according to procedures described in Government Surveillance Reform Act (2023):

Sec. 105. Data Retention Limits for Information Collected Under Section 702 of the Foreign Intelligence Surveillance Act of 1978.

This section requires that the Attorney General develop and entities of the Intelligence Community implement procedures for destroying within five years of collection:

1. Any information, including an encrypted communication, to, from, or pertaining to a United States person or person reasonably believed to be located in the United States if it is not specifically known to contain foreign intelligence information... ’.

The requested records pertaining to the Plaintiff are related to a pending Ontario Superior Court case filing by the same Plaintiff and are related to previous filings in DC District Court case 23-cv-00216-CJN.

Existing evidence strongly suggests a degree of cooperation between Canadian and U.S. agencies for the purpose of unlawful surveillance and the warrantless disclosure of information contained in police reports.

It may also be demonstrated that the request is not unduly burdensome as the Plaintiff is amenable to receiving the requested information within the approximate time frame indicated in the letter of response received from the CIA Office of the Information and Privacy Coordinator dated July 24, 2024.

The request is made without intent to malign or cause unnecessary delays or administrative costs and is in the interest of justice.

I declare under penalty of perjury that the foregoing is true and correct.

Plaintiff: Allan Douglas Wilson

A handwritten signature in cursive script, appearing to read "Allan Wilson", written in black ink.

, Date: 08/02/2024

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ALLAN DOUGLAS WILSON,

Plaintiff (pro se),

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 1:23-cv-03826 (CJN)

[PROPOSED] ORDER GRANTING PRESERVATION OF EVIDENCE

UPON review of Plaintiff's Motion to Preserve Evidence, by authority of 28 U.S.C. § 1782;
it is hereby ORDERED that Plaintiff's motion is GRANTED;

Ordering the Central Intelligence Agency (CIA), non-party to the current case filing, to
preserve all documents containing personal information described in the Plaintiff's Privacy
Act request prior to disclosure which may constitute evidence in a subsequent Ontario
Superior Court civil action.

SO ORDERED:

Date

CARL J. NICHOLS,
United States District Judge