

Daily Journal

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Top Verdicts of 2014

The Largest and most significant verdicts and appellate reversals handed down in California in 2014

TOP PLAINTIFFS' VERDICTS BY IMPACT

Ibrahim v. Department of Homeland Security et al.

case INFO

Civil rights

Northern District of California

U.S. District Judge William Alsup

Plaintiff's attorneys: McManis Faulkner, James McManis, Elizabeth Pipkin, Christine Peek, Ruby Kazi, Jennifer Murakami

Defense attorneys: U.S. Department of Justice, Karen S. Bloom, John K. Theis, Diane Kelleher, John R. Tyler, Lily S. Farel, Paul G. Freeborne, Sharon Swingle, Mark Stern, Josh Waldman



Photo courtesy of Yukevich Cavanaugh

FROM LEFT, ELIZABETH PIPKIN, RUBY KAZI, JAMES MCMANIS AND CHRISTINE PEEK

The first trial challenging the government's watchlist system after 9/11 was an unusual one. The government defendants, who had tried to invoke state secrets privileges throughout the eight-year case, repeatedly asked to have the courtroom cleared to present classified information.

The attorneys for plaintiff Rahinah Ibrahim knew her status on terrorist watchlists, but couldn't tell her.

In the end, U.S. District Judge William Alsup cleared Ibrahim, a former Stanford University Ph.D. student from Malaysia, from terrorist watchlists that prohibited her from being in the country since 2005. The full decision was made public in April 2014.

The case revealed that an FBI agent made a mistake and inadvertently checked the wrong box on a form involving Ibrahim.

"The Ibrahim case I think made it really clear that there are some people who are being unjustly hurt by the system," lead attorney Eliza-

beth Pipkin said. "The egregiousness of the error, the length of time the government fought to hide its mistake, and the impact it had on this innocent person spoke volumes."

It was a lengthy battle for the San Jose-based McManis Faulkner law firm. They took on Ibrahim's case after she was stopped and handcuffed at San Francisco International Airport in January 2005, and had her visa revoked without explanation.

The firm twice won at the 9th U.S. Circuit Court of Appeals in precedential victories that determined Ibrahim could have her day in court despite not being a U.S. citizen.

Weeks before trial, the government attempted once more to stop the case, saying the infor-

mation that could be revealed was too secret. Alsup went ahead with it in a five-day bench trial. *Ibrahim v. Department of Homeland Security et al.*, CV06-545 (N.D. Cal., filed Jan. 27, 2006).

The Department of Justice declined to comment on the litigation because an issue involving attorney fees is still pending appeal.

Several other cases throughout the country involving the government's terrorist watchlists are being litigated, and Pipkin said she thinks Ibrahim's case will have an impact.

"This case is a call to action for other lawyers to stand up for the rights of the people caught up in this system," she said.

— Hadley Robinson