

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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AFL-CIO, et al., :
 : plaintiffs, :
v. : CASE NO.
DEPARTMENT OF LABOR, : 1:25-cv-00339-JDB
et al., :
 : Defendant. :
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30(b)(6) Deposition of
DEPARTMENT OF HEALTH AND HUMAN SERVICES
through GAREY RICE
Tuesday, April 8, 2025
1:46 p.m.

BEFORE: Cassandra E. Ellis, RMR, RDR, CRR,
RSA, CA-CSR 14448, WA-CCR, HI-CSR

Job No.: 10519

1 The 30(b)(6) Deposition of
2 DEPARTMENT OF HEALTH AND HUMAN SERVICES
3 through GAREY RICE, taken before CASSANDRA
4 E. ELLIS, Registered Professional Reporter,
5 Registered Merit Reporter, Registered
6 Diplomate Reporter, Certified Realtime
7 Reporter, Realtime Systems Administrator;
8 California Certified Shorthand Reporter;
9 Washington State Certified Court Reporter;
10 Hawaii Certified Shorthand Reporter; Notary
11 Public, held in Washington, D.C., on
12 Tuesday, April 8, 2025, commencing at 1:46
13 p.m. and concluding at 2:53 p.m.

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16 INFORMATION REQUESTED

17 None

19 WITNESS INSTRUCTED NOT TO ANSWER

20 None

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1 P R O C E E D I N G S
2 30(b)(6) Deposition of
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES
4 through GAREY RICE
5 having been sworn, testified as follows:

6 EXAMINATION

7 BY MS. HINSON:

8 Q Mr. Rice, can you state and
9 spell your name, for the record, please?

10 A My name is Garey Rice, spelled
11 G-a-r-e-y, last name R-i-c-e.

12 Q And do you understand that
13 today you are testifying on behalf of the
14 Department of Labor about topics listed
15 in the deposition notice?

16 A Department of Labor?

17 Q Sorry, Department of Health and
18 Human Services.

19 Apologies, it's been a long
20 day.

21 A HHS.

22 Q Yeah. So I've got a couple of
23 ground rules to hopefully make things go
24 as smoothly as possible today.

25 First, please continue to give

1 verbal answers instead of shaking or
2 nodding your head, that just makes it
3 easier for the court reporter to get a
4 clear transcript; can you do that?

5 A Yes.

6 Q It's important we don't speak
7 over each other. So I will try to let
8 you finish and if you can try and let me
9 finish that would be great; can you do
10 that?

11 A Yes.

12 Q Are you represented by counsel
13 today?

14 A My HHS counsel.

15 Q And DOJ, as well?

16 A Yes.

17 Q Your counsel might object to a
18 question, that's fine, he's making an
19 objection for the record, but unless he
20 specifically instructs you not to answer
21 you should just go ahead and answer; can
22 we agree to that?

23 A Yes.

24 Q And if at any time you need a
25 break, just let me know. I ask, though,

1 if you do want to take a break, you just
2 answer any question that's pending at the
3 time you ask for it; can we agree to
4 that?

5 A Yes.

6 Q If you don't understand a
7 question, just let me know and I'll try
8 to rephrase it, but if you don't let me
9 know I'm going to assume that means you
10 understand it; is that fair?

11 A Yes.

12 Q Along the same lines, if at any
13 point during the deposition you remember
14 that you forgot to say something earlier
15 or you want to give a more complete
16 answer, please just let me know and we
17 can put it on the record, so not a
18 problem, but please just let me know;
19 does that work?

20 A Yes.

21 Q Do you understand that you're
22 testifying under penalty of perjury
23 today?

24 A Yes.

25 Q Any reason that you cannot give

1 complete and truthful testimony today?

2 A No.

3 Q Did you speak to anyone in
4 preparation for your deposition today?

5 A Yes.

6 Q And who was that?

7 A My attorneys.

8 Q Did you speak to anyone besides
9 your attorney?

10 A No.

11 Q Did you review anything to
12 prepare for this deposition?

13 A Yes.

14 Q And did you bring any documents
15 with you today?

16 A The only document I brought was
17 the -- the actual response to the
18 Court -- the supplemental response to
19 the, I guess, the plaintiff's --

20 Q Interrogatories?

21 A Yes -- interrogatories, that is
22 it.

23 Q And are you familiar with this
24 lawsuit?

25 A Yes.

1 Q And without revealing any
2 communications you may have had with your
3 attorneys, what do you know about this
4 lawsuit?

5 A Basically what I read in the
6 documents, the concern is basically
7 understanding what the DOGE role at HHS
8 was for the work that we're doing there
9 for government efficiencies.

10 Q I wanted to just, like,
11 identify a couple of terms that I'm going
12 to use today.

13 First, if I refer to DOGE I'm
14 talking about the US DOGE Service and the
15 USDS Temporary Organization,
16 collectively; does that work?

17 A Yes.

18 Q And when I'm talking about the
19 DOGE team affiliates, that's people hired
20 by or detailed to HHS since January 19th,
21 2025; does that work?

22 A Yes.

23 Q And I'm sorry, that's not even
24 complete.

25 Since January 19th, 2025 to

1 work as part of the DOGE team; is that
2 clear?

3 A Yes.

4 Q Okay. Great.

5 MS. HINSON: Can we mark
6 this as Exhibit 1.

7 (Exhibit No. 1 was marked
8 for identification.)

9 BY MS. HINSON:

10 Q All right. So you've just been
11 handed what's been marked as Exhibit 1,
12 which is the deposition notice for
13 today's deposition.

14 And do you want to look at page
15 5 of that? And are you prepared to
16 testify about topic two, except for
17 access to and use of HHS sensitive
18 systems?

19 A Yes.

20 Q Great.

21 So we spoke a moment ago about
22 the DOGE team affiliates, and I'm just
23 going to read a list of names to make
24 sure we're talking about the same people,
25 those are Amy Gleason, Brad Smith, Luke

1 Farritor, Edward Coristine, Marko Elez,
2 Kyle Schutt, Conor Fennessy, Zach
3 Terrell, Rachel Riley, and Jeremy Lewin;
4 are you familiar with those names?

5 A Yes.

6 Q And given the -- based on the
7 definition I gave earlier, are those
8 people all DOGE team affiliates?

9 A Yes.

10 Q Since January 19, 2025, has
11 anyone else worked at DOL as an
12 employee -- or, gosh, sorry -- HHS as an
13 employee or detailee while simultaneously
14 being employed at DOGE?

15 A So simultaneously employed?

16 Q At DOGE?

17 A -- at DOGE? So what I'm saying
18 is that a lot of those employees are
19 detailed from other agencies to HHS.

20 Q Mm-hmm?

21 A So not necessarily employees of
22 DOGE.

23 So I know, like, Amy Gleason
24 and Brad Smith are dual appointees at
25 DOGE and HHS.

1 Q So aside from the people that I
2 already listed, is there anyone else
3 working at HHS who's also employed at
4 DOGE?

5 A No.

6 Q And aside from the people I
7 listed, is there anyone who's been
8 detailed to DOGE while simultaneously
9 working or being detailed to HHS?

10 A No.

11 Q And aside from the people I
12 listed, is there anyone else whose worked
13 on the DOGE team while simultaneously
14 being employed by another federal agency?

15 A So that's where I -- I think I
16 need to understand what you mean,
17 employed by another agency.

18 So, like -- like, Luke and a
19 lot of the names that you gave are
20 employed by other agencies that are
21 detailed to HHS.

22 Q Mm-hmm.

23 A So I'm not sure I'm tracking
24 what you mean when you say simultaneously
25 employed by the DOGE, so -- the DOGE

1 affiliated HHS?

2 Q So what I'm trying to ask is
3 just setting aside the people that I
4 already named, is there anyone else who
5 was employed at another agency and either
6 has been detailed to or is employed by
7 HHS?

8 A No.

9 Q Okay. And since January 19th,
10 2025, has anyone, besides the people I
11 already listed, been hired at HHS to work
12 on the DOGE team?

13 A No.

14 MS. HINSON: Can I have this
15 marked as exhibits 2.

16 (Exhibit No. 2 was marked
17 for identification.)

18 BY MS. HINSON:

19 Q So you've been handed what's
20 been labeled Exhibit 2, and this is your
21 declaration filed in this case on
22 February 13th; do you recognize this?

23 A Yes.

24 Q Okay. And if you look at
25 paragraph five, it says: I understand

1 that at least one USDS employee and one
2 employee from another federal agency have
3 been detailed to HHS within the last
4 three weeks in furtherance of the EO.

5 Who are these two people you
6 identified here?

7 A So this is in reference to Brad
8 Smith and Luke Farritor.

9 Q And was Brad Smith the USDS
10 employee?

11 A Yes.

12 Q And so Luke Farritor was the
13 one detailed from another federal agency?

14 A Yes.

15 Q And then, in the next sentence,
16 it says: I'm aware of at least one HHS
17 employee not detailed from another agency
18 is also involved in implementing the
19 president's EO; who is that?

20 A That was Amy Gleason.

21 Q When did Amy Gleason begin
22 working at HHS?

23 A Amy's worked at HHS for awhile,
24 she -- before the start of the
25 administration, I don't know the exact

1 dates she started. I knew she was with
2 CMS under the US digital services.

3 Q Okay. And was she employed by
4 HHS or was she detailed to HHS?

5 A Detailed -- employed.

6 MS. HINSON: Okay. Can this
7 be Exhibit 3.

8 (Exhibit No. 3 was marked
9 for identification.)

10 BY MS. HINSON:

11 Q Okay. So this is your
12 declaration filed in this case, and on
13 March 11th, 2025, can you look at
14 paragraph seven, and it references to
15 another USDS employee who is detailed for
16 the Centers for Medicare/Medicaid
17 services in furtherance of the EO in the
18 same February 2025 timeframe; who is
19 that?

20 A That was Amy.

21 Q All right. This is also Amy?

22 A Yes.

23 Q Okay. We spoke a few minutes
24 ago about the fact that there are people
25 who are employed at or detailed to HHS

1 while being employed by or detailed to
2 other federal agencies; right?

3 A (Nodding.)

4 Q Is that a yes?

5 A Yes.

6 Q Okay. Is it the normal
7 practice of HHS to have employees who are
8 also detailed to other federal agencies?

9 A Yes. HHS details -- received
10 details in and details people out to
11 other agencies for all kinds of
12 cost-cutting work across the government.

13 Q When HHS does that -- let me
14 rephrase -- when HHS details an employee
15 to another federal agency do they
16 typically continue to work at HHS while
17 being detailed?

18 A The -- the temp- -- depends on
19 the terms of the detail. I mean,
20 sometimes, if it's cost-cutting work,
21 it's necessary for them to stay in tune
22 with what they do at HHS while they're at
23 another department, so -- so the answer
24 is, is it just depends on the nature of
25 the agreement.

1 Q Okay. And is it the normal
2 practice for HHS to have employees from
3 other federal agencies detailed at HHS
4 who are performing work for both agencies
5 at the same time?

6 A Yes, it happens.

7 Q Okay. What policies typically
8 govern those relationships?

9 A So the policies that permit the
10 detail in between agencies, generally, so
11 it just depends, basically, on need and,
12 again, like, were there cost-cutting
13 activities. It's just general
14 collaboration that we typically do
15 details for.

16 Q In a normal course, how do
17 you -- how does HHS coordinate work with
18 the other agency that someone is being
19 detailed from or to?

20 A Yeah.

21 MR. HUMPHREYS: Objection,
22 foundation.

23 THE WITNESS: So I could
24 answer?

25 ///

1 BY MS. HINSON:

2 Q You can answer.

3 MR. HUMPHREYS: You can
4 answer. I'll tell you if you
5 can't.

6 A Okay. Okay. So it's a
7 collaboration, so depending upon what is
8 needed, you know, generally there's an
9 agreement that comes out, and there's
10 some description of what will or will not
11 be done, what the need is that we're
12 trying to solve by hiring generally what
13 is, you know, some kind of a specialist
14 that we have at HHS, or if it's something
15 that we do where we have these kind of
16 cost-cutting things where we're
17 collaborating for a joint goal for the
18 overall good of the government.

19 I -- it just really depends on
20 what the need is at the time, how those
21 ground rules are laid, and it's generally
22 a collaborative process.

23 Q Okay. Why did HHS decide to
24 enter into these cross-detailing
25 arrangements with respect to the DOGE

1 team affiliates?

2 A I -- I think the -- the point
3 was to kind of create the government
4 efficiencies that we're looking for as
5 part of the executive orders that have
6 established DOGE.

7 So there were some expertise
8 that was recommended and HHS accepted
9 those experts to help us perform these
10 tasks.

11 Q And who made that
12 recommendation?

13 A I think Brad Smith made most of
14 the recommendations, that I'm aware of.

15 Q And did he recommend that he be
16 detailed to HHS?

17 MR. HUMPHREYS: Objection as
18 to scope, but you can answer.

19 A I -- I think so, yes.

20 Q Who decided -- who at HHS made
21 the decision to enter into these
22 arrangements?

23 A Scott Rowell is the deputy
24 chief of staff for operations.

25 Q And why did he decide to enter

1 into these arrangements?

2 A As it was a collaboration to
3 make sure that we met the goals and the
4 requirements of the executive order, so
5 we were kind of building our scope and --
6 and team to get the accomplishments that
7 we wanted to get to meet the requirements
8 of the EO, executive order.

9 I said EO which is just a
10 jargon for executive order, sorry.

11 MS. HINSON: Okay. Are we
12 on 4 and 5?

13 (Exhibit No's. 4 and 5 were
14 marked for identification.)

15 BY MS. HINSON:

16 Q Okay. So you've been handed
17 two documents which have been labeled
18 Exhibits 4 and 5, one starts at HHS28,
19 and the other starts at HHS32, and
20 they're both labeled or titled:
21 Assignment Agreement Centers For Medicare
22 and Medicaid Services From the Executive
23 Offices of -- Executive Office of the
24 President US DOGE Service; right?

25 First, who are these agreements

1 for?

2 MR. HUMPHREYS: I'm sorry, I
3 may have missed what you said, but
4 there's a difference in the title,
5 one's HHS and one's CMS.

6 MS. HINSON: Thank you, that
7 was actually going to be one of my
8 questions.

9 A So the one for CMS, I believe,
10 is for Amy Gleason.

11 Q Mm-hmm.

12 A And the one for HHS probably
13 should be Brad.

14 Q Do you know if, aside from the
15 differences, the one is the CMS and one
16 is to HHS, do you know if these
17 agreements are the same?

18 A I'd have to read them to verify
19 that.

20 Q Oh, yeah, you don't need to do
21 that, I just wasn't sure if you maybe
22 knew.

23 A I mean, they -- it looks like a
24 standard agreement, so there may be
25 nuances within them that, you know, that

1 could change based on the two different
2 organization's requirements, but it looks
3 like a standard agreement.

4 Q Okay. If you look at Exhibit
5 4, on page HHS29, under USDS assignee, as
6 well, the first bullet point, it says:
7 Report to and be supervised by the CMS
8 administrator or her designee when
9 performing work under this agreement at
10 CMS facilities and on CMS systems.

11 USDS assignees shall,
12 however, report to and be supervised
13 by their USDS supervisor when at USDS
14 facilities and on USDS systems, even
15 when performing work within the scope
16 of the agreement.

17 Do you read this to mean
18 that when Ms. Gleason is working at
19 USDS or at DOGE, on DOGE systems, but
20 doing CMS work, she is supervised by
21 her DOGE supervisor?

22 MR. HUMPHREYS: Objection to
23 form.

24 A I mean, not necessarily. I
25 mean, when she's at USDS and working on

1 USDS systems, and doing USDS work, that's
2 fine, but she can be at another location
3 and work on CMS work.

4 Q Right. So this agreement says
5 that she supervised by the USDS
6 supervisor when at USDS facilities and on
7 USDS systems, right, even when performing
8 work within the scope of the agreement,
9 and work -- is work within the scope of
10 the agreement work for CMS?

11 A I mean -- I mean, I would say
12 work would be CMS work in concert with,
13 you know, the DOGE team goals to help us
14 support the executive orders.

15 Q So this agreement creates the
16 possibility that she can be doing CMS
17 work that's supervised by DOGE; correct?

18 MR. HUMPHREYS: Objection to
19 form.

20 A I -- I mean, I wouldn't say it
21 would be supervised by -- I -- I see
22 where you're going with this, but the
23 interpretation is, that I would say CMS
24 work is CMS work.

25 I mean, the way I would read it

1 is the -- when she's reporting to the US
2 supervisor, USDS supervisor, when at USDS
3 facilities, I mean, she could be working
4 on CMS work for CMS supervision at the
5 USDS facilities, if that's just where she
6 is, it doesn't mean she's being
7 supervised by them.

8 Q Doesn't the agreement say that
9 USDS assignment shall be supervised by
10 the USDS facility supervisors when at
11 USDS and on USDS systems?

12 MR. HUMPHREYS: Objection.

13 Go ahead.

14 Selective quotation, I
15 guess.

16 MS. HINSON: I can -- I'm
17 happy to read the whole sentence.

18 MR. HUMPHREYS: Sure.

19 A I mean, it does say that, but
20 if she's working -- it also says that end
21 on USDS systems, if she's working on a
22 CMS computer then I would say that she's
23 working on CMS work.

24 Q Okay. What if she's on a USDS
25 system and working on CMS work, is she

1 then supervised by her US CMS supervisor?

2 MR. HUMPHREYS: Objection to
3 form.

4 A I mean, I would -- I still kind
5 of feel like CMS work is CMS work.

6 Q I guess I don't understand what
7 you mean when you say that.

8 A Well, as an employee of CMS,
9 she's working on that work wherever she's
10 doing it is a CMS product.

11 Q Mm-hmm.

12 A Okay. So I mean, you know, to
13 say that the supervisors they're
14 supervising what she's doing if she's
15 doing something for CMS, I mean, it's
16 like, you know, we all do things that
17 involve other organizations and the
18 government.

19 So in my job I work on things
20 for FDA, and then I'm -- FDA and NIH and
21 CDC, but it doesn't mean that I'm under
22 their supervision.

23 So I guess that's why I'm
24 saying it's like it's a very literally
25 interpretation. It's not, you know, I

1 wouldn't necessarily say that the
2 supervisor, you know, the USDS supervisor
3 is standing there telling me what to do
4 for CMS.

5 Q Okay. Just so I'm clear, your
6 interpretation of the language that says:
7 USDS assignees shall, however, report to
8 and be supervised by their USDS
9 supervisor when at USDS facilities and on
10 USDS systems, even when performing work
11 within the scope of the agreement, is
12 that when Ms. Gleason is at USDS
13 facilities and on USDS systems performing
14 work within the scope of the agreement
15 she'll be supervised by CMS?

16 MR. HUMPHREYS: Objection to
17 form.

18 A I mean, if she's working for
19 CMS I would say she's under their
20 supervision. She should be taking the
21 direction from the CMS team.

22 Q Okay. What does it mean to be
23 on a USDS system versus a CMS system?

24 A To me, the CMS system would be
25 the systems owned and operated by CMS,

1 where she's using her CMS access and
2 computers to work there, and similarly
3 for USDS.

4 Q Okay. If you look a little
5 further down, it says: CMS will, and the
6 first bullet point is: Ascertain and
7 mitigate any conflicts of interest or
8 confidentiality protocols during the
9 assignment; do you see that?

10 A I do.

11 Q And if you look on -- on the
12 Exhibit 5, at 33, has the same language;
13 correct?

14 A Yes.

15 Q Did CMS or HHS identify any
16 conflicts of interest with respect to
17 Ms. Gleason or Mr. Smith?

18 MR. HUMPHREYS: Objection to
19 scope.

20 You can answer if you know.

21 A No.

22 Q And what would HHS consider a
23 relevant conflict of interest under the
24 agreement?

25 MR. HUMPHREYS: Same

1 objection.

2 A I mean, it's hard for me to
3 speculate, you know, what a conflict of
4 interest would be, I mean, we're working
5 on, you know, collaboration for the DOGE
6 executive order.

7 So I'm not sure, like, I mean,
8 what you mean by a conflict of interest.
9 I mean, I'm --

10 Q Well, I -- I'm actually just
11 wondering what the agency meant by
12 conflicts of interest when, you know, it
13 entered into this agreement.

14 A I mean, I think the conflict of
15 interest, if something came up and the
16 employee was telling us they were going
17 to do something that would not be in the
18 benefit of HHS for, you know, the
19 executive orders, then I think that would
20 be something that we would bring up and
21 we would discuss and mitigate, so if it's
22 something that we disagreed with.

23 Q If an employee or detailee were
24 doing something to present the executive
25 orders, themselves, and HHS disagreed

1 with it, would HHS consider that a
2 conflict of interest?

3 MR. HUMPHREYS: Objection,
4 vague.

5 BY MS. HINSON:

6 Q You can answer.

7 A Yes.

8 Q I want to switch gears a little
9 bit to talk about training, and
10 specifically about -- let me -- two
11 systems, the health care integrated
12 general ledger accounting system and the
13 integrated data repository.

14 What is the integrated data
15 repository?

16 MR. HUMPHREYS: Oh --

17 MS. HINSON: I'm trying to
18 ask about training for them.

19 MR. HUMPHREYS: Yeah, give
20 us a second. Do you want to go
21 off the record for a second?

22 MS. HINSON: Yeah, fine.

23 (Discussion held off the
24 record.)

25 ///

1 BY MS. HINSON:

2 Q What is the integrated data
3 repository or IDR?

4 A So I'm familiar with the system
5 name, but I don't really know what it
6 does.

7 Q Okay. Do you know what HIGLAS?

8 A That's the basic accounting
9 system that CMS uses.

10 Q Okay. What training does a new
11 user for IDR receive, typically?

12 A So they would -- would go
13 through the basic training for rules of
14 behavior, cyber security. They would
15 have basic training for, you know, how to
16 use the system, and they would also, you
17 know, probably have special training for
18 those two systems for the information
19 that's in them, because they're HIGLAS,
20 in particular financial systems.

21 We do a little higher level
22 training for some of that, because the
23 information that's in them is a little
24 more sensitive than just, like, network
25 access.

1 Q What kind of training do you do
2 for HIGLAS?

3 A Well, like I said, I mean,
4 there would be systems training that
5 would happen, you know, how to use the
6 system, be familiar with the system, all
7 that kind of stuff.

8 There would be, like, a rules
9 of behavior that just basically outlined
10 what you -- you know, when you get access
11 to the system what you can and cannot do
12 and how you should use it as a government
13 employee, that kind of stuff.

14 Cyber training is pretty
15 standard with all systems and stuff like
16 that.

17 Q Is there typically
18 documentation for the training with IDR?

19 A Yes.

20 Q And is there typically
21 documented training for HIGLAS?

22 A Yes.

23 Q If someone received training
24 for IDR and HIGLAS is there some reason
25 there wouldn't be documentation of it?

1 A No.

2 MS. HINSON: So you can take
3 a look at -- actually -- okay. I
4 think we're at Exhibit 6.

5 (Exhibit No. 6 was marked
6 for identification.)

7 BY MS. HINSON:

8 Q Okay. So you've been handed
9 exhibit -- I think it's Exhibit 6, and
10 it's the defendant's objection and
11 responses to the plaintiff's requests for
12 discovery including supplemental
13 responses.

14 And can you take a look at
15 page 8, please. So the responses,
16 here, says that, among other things,
17 Mr. Farritor received a security
18 briefing for HIGLAS and completed IDR
19 computer-based training; do you see
20 that, about the middle of the page?

21 A Where are we at, down here?

22 Q The second paragraph, before it
23 says -- I'm sorry, I think we're on the
24 wrong page. It's page 8.

25 A I've got page 8.

1 Q Did I hand you the wrong one?

2 Oh, you know what, I have the old one
3 here.

4 MS. MILTON: You just took
5 his.

6 MS. HINSON: I took your
7 copy but, yeah, I think that's the
8 wrong -- I'm realizing I think
9 that's the wrong one. My
10 apologies.

11 Oh, these are not the
12 supplementals, these are the
13 originals.

14 MS. MILTON: Oh.

15 MS. HINSON: Okay.

16 MS. MILTON: He had them.
17 He had a copy that he reviewed it.

18 MS. HINSON: Yes.
19 Apologies.

20 Can we make this an exhibit,
21 are you guys okay with that?

22 MR. HUMPHREYS: Yeah.

23 MS. HINSON: Yeah? And can
24 you make it, actually, Exhibit 7,
25 again, in that case? You can just

1 totally set that one aside.

2 Sorry, guys.

3 MR. HUMPHREYS: No problem.

4 MR. BERNIE: No problem.

5 (Exhibit No. 7 was marked
6 for identification.)

7 BY MS. HINSON:

8 Q All right. So we're talking
9 about Exhibit 7, which is actually the
10 supplemental responses.

11 A Page 8?

12 Q Yes, go to page 8, please.

13 A What was the --

14 Q Sure.

15 Do you see where it says that
16 Mr. Farritor completed a security
17 briefing for HIGLAS and completed IDR
18 computer-based training?

19 A Which paragraph?

20 Q Sure. It's, I think, right in
21 there.

22 A I'm just reading, it says:
23 Mr. Farritor acknowledged rules of
24 behavior for general users, the rules of
25 behavior for privileged users, security

1 briefing for HIGLAS, and completed IDR
2 computer-based training, that's what
3 you're talking about?

4 Q Yes.

5 A Okay. Yes.

6 Q Then, if you look at page 12,
7 they're talking about Mr. Moghaddassi in
8 here, and it says that he was granted
9 permission to access IDR and HIGLAS, and
10 that he did access IDR and HIGLAS, but if
11 you look at the training he completed, it
12 doesn't include that security training
13 for HIGLAS or the IDR computer-based
14 training.

15 A Users, yeah, security, yes, I
16 see that.

17 Q Okay. So does that mean that
18 Mr. Moghaddassi did not complete a
19 security briefing for HIGLAS or IDR
20 computer-based training?

21 A Yes, that's what it says.

22 Q Okay. Does a user typically
23 have to complete those trainings before
24 accessing HIGLAS and IDR?

25 A I can't say definitively on

1 that, because I'm not a user of those
2 systems, but that's CMS so I know those
3 are, like, the general trainings are the
4 rules of behavior, the -- the privilege
5 rules of cyber security, that kind of
6 stuff. I don't know why there were --
7 the other trainings weren't done by him.

8 Q I guess I think I'm asking a
9 slightly different question, which is
10 just, in the normal course is a user
11 permitted to access IDR without going
12 through the IDR computer-based training?

13 MR. HUMPHREYS: Objection as
14 to scope. You can answer if you
15 know.

16 A I don't know.

17 Q And in the normal course is a
18 user of -- or would a user of HIGLAS
19 permitted to access HIGLAS without doing
20 the security briefing?

21 MR. HUMPHREYS: Same
22 objection.

23 A I don't know.

24 MS. HINSON: Okay. Can we
25 take a break?

1 MR. HUMPHREYS: Sure. Okay.

2 (Recess.)

3 BY MS. HINSON:

4 Q First of all, I did want to fix
5 something from earlier. I had read out a
6 list of DOGE team affiliates, and I
7 believe I missed someone, Aram
8 Moghaddassi, yes?

9 A That was, like, I paused when
10 you said it, it seemed like I was trying
11 to keep up with when you read it, it felt
12 like something was wrong, I knew the
13 names you read were right, but I couldn't
14 think who the other one was, yes.

15 Q Does it change -- does
16 including him on the list of DOGE
17 affiliates change any of your answers?

18 A No.

19 Q We also spoke a few minutes ago
20 about HHS's assessing conflicts of
21 interest for Ms. Gleason and Mr. Smith;
22 do you remember that?

23 A Yes.

24 Q Did HHS do anything to assess
25 conflicts of interest for Mr. Gleason --

1 or Ms. Gleason?

2 MR. HUMPHREYS: Objection as
3 to scope, but can you answer.

4 A No.

5 Q And did HHS do anything to
6 assess conflicts of interest for
7 Mr. Smith?

8 MR. HUMPHREYS: Same
9 objection.

10 A No. I'd just like to amplify
11 that I mean per my knowledge, no conflict
12 came up, so there was nothing to, you
13 know, deal with, so --

14 Q How would -- how do conflicts
15 typically come up?

16 A I mean, I -- I would say that
17 if there was a conflict somebody would
18 have a disagreement and we would sit down
19 and talk about it, a conflict of interest
20 based on, you know, what they were doing
21 with the work, you know?

22 So if they ask us to do
23 something that wasn't part of the DOGE
24 agreement or something that would be a
25 conflict.

1 Q So your understanding of
2 conflict of interest is that it would be
3 a disagreement about the work within the
4 scope of the DOGE executive order?

5 MR. HUMPHREYS: Objection as
6 to scope.

7 A Yeah, that's the way I took the
8 context of the question.

9 Q Did HHS do anything to assess
10 whether there -- whether Ms. Gleason or
11 Mr. Smith had a financial interest that
12 could be in conflict with the agency?

13 MR. HUMPHREYS: Same
14 objection.

15 A When they're employed as part
16 of the employment agreement they have to
17 provide ethics clearances, and that's --
18 so ethics document on-board, so long as
19 that's on-boarding of any employee.

20 Q And is that self-reporting?

21 MR. HUMPHREYS: Same
22 objection.

23 A Yes.

24 Q With -- regarding Mr. Smith, I
25 believe you testified earlier that he had

1 recommended that he be detailed to HHS;
2 is that correct?

3 A Yes.

4 Q Okay. In what capacity did he
5 make that recommendation?

6 MR. HUMPHREYS: Objection as
7 to scope.

8 You can answer if you know.

9 A Just working with HHS full time
10 that it made sense that he be detailed.

11 Q And I think I'm asking
12 something a little bit different.

13 When Mr. Smith made that
14 recommendation to HHS, what role was he
15 acting in?

16 MR. HUMPHREYS: Objection to
17 scope, but go ahead.

18 A He was acting as the HHS DOGE
19 lead for HHS, lead to HHS.

20 Q Lead to HHS from DOGE?

21 A Yes.

22 Q All right. Has Mr. Smith
23 continued to make recommendations in his
24 capacity as a DOGE employee and since he
25 has been detailed to HHS?

1 A The recommendations that he
2 makes I interpret as his role as an HHS
3 detail. He's making recommendations to
4 HHS based on the work that we do, you
5 know, his role with USDS, because he's in
6 this dual appointment thing, that's -- I
7 don't have any visibility into what he
8 does with USDS.

9 Q How can you tell whether he's
10 making a recommendation in his USDS
11 capacity versus his HHS capacity?

12 A So I -- I don't know what his
13 functions are at USDS. All I can tell
14 you is he's making recommendations about
15 the contracts activities, grants, things
16 that we do at HHS to create efficiencies
17 that we have within HHS.

18 Q So is it that you understand
19 him to be acting in his capacity of HHS
20 because he's making recommendations about
21 HHS?

22 A Yes, he's -- yes.

23 Q Okay. Is there any other
24 reason you understand him to be working
25 in his capacity as an HHS employee when

1 he's making recommendations to HHS?

2 A Say that -- say that again?

3 I'm sorry, that was a bit of a tongue
4 twister.

5 Q Yeah, fair enough.

6 I'm trying to ask if that's the
7 only reason you understand him to be
8 acting in his HHS capacity versus his
9 DOGE capacity?

10 MR. HUMPHREYS: Objection as
11 to form.

12 A That's the only reason I have
13 to believe that, yes.

14 Q Okay. Was Mr. Smith the HHS
15 DOGE team lead before he was detailed to
16 HHS?

17 A Yes.

18 Q Is he the HHS DOGE team lead
19 now?

20 A Yes.

21 Q Has his -- has his
22 responsibilities functionally changed
23 since he was detailed to HHS?

24 A No.

25 MS. HINSON: All right. I

1 think that's it.

2 MR. HUMPHREYS: Great.

3 Give us two minutes to talk
4 to him.

5 MS. HINSON: Sure.

6 MR. HUMPHREYS: Maybe five.

7 (Recess.)

8 MR. HUMPHREYS: Back on the
9 record.

10 A I just wanted to clarify that
11 Brad Smith was detailed to HHS at the
12 start of the administration, so when he
13 came to work for Mr. Rowell, on the 21st
14 he introduced me to Brad that he was
15 going to be, you know, our DOGE team lead
16 here at HHS, and that's when I started
17 working with him, so not that he was a
18 DOGE employee at HHS but he was our HHS
19 DOGE lead.

20 Q So had he -- when you say the
21 21st, is that the 21st of what month?

22 A January. Sorry.

23 Q And had he already been
24 detailed to HHS on the 21st of January?

25 A Yes. Yes.

1 Q Do you know if he was detailed
2 on the 20th of January?

3 A I don't know, he -- if it was
4 the 20th or the 21st.

5 Q Okay. Are you able to make any
6 functional distinction between his work
7 as a -- actually, I think, never mind.

8 MS. HINSON: Okay. Thank
9 you.

10 THE WITNESS: Okay.

11 MR. HUMPHREYS: Thanks a lot
12 3.

13 MR. KURLAND: Now you're
14 done.

15 (Signature having not been
16 waived, the deposition of GAREY
17 RICE was concluded at 2:53 p.m.)

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1 ACKNOWLEDGMENT OF DEPONENT

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I, GAREY RICE, do hereby
acknowledge that I have read and examined
the foregoing testimony, and the same is a
true, correct and complete transcription of
the testimony given by me and any
corrections appear on the attached Errata
sheet signed by me.

(DATE)

(SIGNATURE)

1 CERTIFICATE OF SHORTHAND REPORTER

2 I, Cassandra E. Ellis, Registered
3 Professional Reporter, Registered Merit
4 Reporter, Registered Diplomate Reporter,
5 California Certified Shorthand Reporter, the
6 officer before whom the foregoing
7 proceedings were taken, do hereby certify
8 that the foregoing transcript is a true and
9 correct record of the proceedings; that said
10 proceedings were taken by me
11 stenographically and thereafter reduced to
12 typewriting under my supervision; and that I
13 am neither counsel for, related to, nor
14 employed by any of the parties to this case
15 and have no interest, financial or
16 otherwise, in its outcome.

17 IN WITNESS WHEREOF, I have
18 hereunto set my hand this 10th day of April
19 2025.

20
21
22 _____
23 Cassandra E. Ellis, CA, HI-CSR, WA-CCR, RMR,
24 RDR, CRR, Realtime Systems Administrator

1 E R R A T A S H E E T

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3 OF LABOR, et al.

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