

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN, *et al.*,

Plaintiffs,

v.

JAMES COMEY, *et al.*,

Defendants.

Case No: 17-cv-1074

**AMENDED AFFIDAVIT OF LARRY KLAYMAN IN SUPPORT OF  
MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

1. My name is Larry Klayman, I am over 18 years old. I am an adult citizen of the United States and I am a Plaintiff in the above stated case. I have personal knowledge of the facts stated in this declaration.
2. I am an attorney licensed to practice in Florida and in the District of Columbia. I am also the Founder, Chairman and General Counsel of Freedom Watch, a public interest organization dedicated to preserving civil and individual liberties and freedoms. Such advocacy includes pursuing matters related to national security, government transparency, addressing constitutional violations by the government including issues related to freedom of speech, freedom of religion, voting rights, due process rights, and other protected liberties.
3. I have been a subscriber and user of Verizon Wireless for my cellular phone service for many years and have been a subscriber and user of Verizon Wireless at all material times. I am also a user of internet services by Apple, Microsoft, YouTube, Yahoo, Google, Facebook, AT&T, and Skype and have been a user of these services at all material times. I routinely communicate with

members of the public, as well as journalists, clients, and associates by telephonic communications and electronic messages through Facebook, Google, Apple, and Skype.

4. I have gained public exposure and recognition by bringing numerous high profile lawsuits as a strong public advocate for matters involving public concern and public interest. *See* [www.freedomwatchusa.org](http://www.freedomwatchusa.org).

5. As part of my work, and as part of Freedom Watch, I routinely communicate by telephone with existing and potential clients, whistleblowers, and other confidential sources of government abuse and corruption about their legal and other representation and discuss confidential issues, which constitute legally privileged attorney–client and other privileged communications regarding ongoing legal and other proceedings and potential proceedings.

6. I have previously filed several lawsuits against the National Security Agency (“NSA”), seeking to prevent it from pursuing its unconstitutional surveillance of the American people.

7. I have met and communicated with the House Intelligence Committee, the Senate Intelligence Committee, the House Judiciary Committee and the Senate Judiciary Committee, and their members and staffs regarding the illegal and unconstitutional spying and surveillance at issue, and on behalf of my client, Plaintiff Montgomery, and myself, asked these committees and staffs to investigate Defendant Comey and the Federal Bureau of Investigation’s (“FBI”) cover-up of matters involving Defendants’ illegal and unconstitutional surveillance.

7. Because of these actions and my previous lawsuits against the NSA, I have become a prime target for the NSA and FBI.

8. I do not pose any threat to national security, nor do I have any ties to terrorism. I am a former U.S. Department of Justice attorney and an officer of the court. Defendants do not have any probable cause to continue to illegally surveille Plaintiffs my phone and internet activity.

9. Since I began representing Plaintiff Montgomery in his whistleblowing attempts, I have noticed objectively verifiable signals that I have been the subject of ongoing illegal surveillance.

10. I received a purported “software update” on my Samsung Galaxy S7 Edge Verizon cellular phone.

11. After installing the software update, my cellular phone began acting abnormally, including but not limited to the battery draining at an exponential rate as well as numerous other abnormalities.

12. I took my phone into two different Verizon Wireless stores, where technicians confirmed to me that the effects from the purported “software update” were not normal and not the result of either the phone or normal software.

13. I contacted Verizon Wireless and confirmed that they had not initiated the “software update”.

14. I have been informed by Plaintiff Montgomery that this is one way Defendants install malware used in spying in the phones of surveilled persons.

15. Plaintiff Montgomery confirmed that battery drainage is a tell-tale sign that the Defendants have successfully hacked into a cellular phone and that Defendants often insert malware onto recipients’ phones using fake “software updates”.

16. As a result of Defendants’ multiple hacking attempts, I was forced to purchase a new Samsung Galaxy S8 phone.

17. As recent as May 2017, my new Verizon Wireless Samsung Galaxy S8 phone began acting abnormally again, including but not limited to the battery draining at an exponential rate, as well as erasing and downloading files on its own and without my consent.

18. I took my phone into another Verizon Wireless store where technicians confirmed that the phone was not acting normally.

19. I have, at all material times, made international phone calls and exchanged correspondence with individuals located in foreign nations within the past two years.

20. Defendants' illegal activity at issue in this case poses a substantial threat to my ability as a lawyer, as well as the ability of Freedom Watch to do its work, which includes legal advocacy on controversial issues.

21. Defendants' illegal spying has directly and significantly impacted me and my ability to communicate via telephone, email, and otherwise, given the concerns that confidential, private, and legally privileged communications will be overheard or obtained by Defendants' illegal spying, and used against me, my clients, whistleblowers, and contacts concerning government abuses and corruption.

22. These coercive tactics are designed to compromise me, my family, and my friends' security and relationship with clients, whistleblowers, and other sources of government abuse and corruption, silence me and my legal advocacy, and put me in fear of the government and its unconstitutional surveillance that my client, Plaintiff Montgomery, is trying to stop.

Sworn under penalty of perjury

Dated: June 23, 2017

/s/ Larry Klayman  
Larry Klayman

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties on June 23, 2017 and that a true and correct of the copy of the foregoing was sent through U.S. Mail to the following:

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/s/ Larry Klayman  
Attorney