

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO HEADLINE CLUB, BLOCK) Case No. 25 C 12173
CLUB CHICAGO, CHICAGO NEWSPAPER)
GUILD LOCAL 34071, NABET-CWA)
LOCAL 54041, ILLINOIS PRESS)
ASSOCIATION, RAVEN GEARY,)
CHARLES THRUSH, STEPHEN HELD,)
DAVID BLACK, WILLIAM PAULSON,)
AUTUMN REIDY-HAMER, and LEIGH)
KUNKEL,)

Plaintiffs,)

v.)

KRISTI NOEM, Secretary, U.S.)
Department of Homeland Security)
(DHS); TODD LYONS, Acting)
Director, U.S. Immigration and)
Customs Enforcement (ICE);)
MARCOS CHARLES, Acting Executive)
Associate Director, Enforcement)
and Removal Operations, ICE;)
RUSSELL HOTT, Chicago Field)
Office Director, ICE; RODNEY S.)
SCOTT, Commissioner, U.S.)
Customs and Border Protection)
(CBP); GREGORY BOVINO, Chief)
Border Patrol Agent, CBP; DANIEL)
DRISCOLL, Director of the Bureau)
of Alcohol, Tobacco, Firearms)
and Explosives (ATF); WILLIAM K.)
MARSHALL III, Director of the)
Federal Bureau of Prisons (BOP);)
PAMELA BONDI, Attorney General)
of the United States; U.S.)
DEPARTMENT OF HOMELAND SECURITY;)
U.S. DEPARTMENT OF JUSTICE;)
UNIDENTIFIED FEDERAL OFFICER)
DEFENDANTS; UNIDENTIFIED FEDERAL)
AGENCY DEFENDANTS; and DONALD J.)
TRUMP, President of the)
United States,)

Defendants.)

Chicago, Illinois
November 5, 2025
9:16 a.m.

TRANSCRIPT OF PROCEEDINGS - PRELIMINARY INJUNCTION HEARING
BEFORE THE HONORABLE SARA L. ELLIS

APPEARANCES:

For the Plaintiffs: LOEVY & LOEVY

BY: MR. JONATHAN I. LOEVY
MR. STEVEN E. ART
MS. HEATHER LEWIS DONNELL
MS. THERESA KLEINHAUS
MR. SCOTT R. RAUSCHER
MR. DAVID B. OWENS
MS. LINDSAY HAGY
MR. LOCKE E. BOWMAN, III
MR. JUSTIN HILL
MS. DOMINIQUE GILBERT
MR. AARON M. TUCEK
MR. ISAAC M. GREEN
MS. ALEXANDRA WOLFSON
311 N. Aberdeen Street, Third Floor
Chicago, Illinois 60607

LOEVY & LOEVY

BY: MS. ELIZABETH C. WANG
2060 Broadway, Suite 460
Boulder, Colorado 80302

MANDEL LEGAL AID CLINIC

BY: MR. CRAIG B. FUTTERMAN
6020 S. University Avenue
Chicago, Illinois 60637

NORTHWESTERN PRITZKER SCHOOL OF LAW -
COMMUNITY JUSTICE AND CIVIL RIGHTS CLINIC

BY: MR. WALLACE B. HILKE
375 E. Chicago Avenue, 8th Floor
Chicago, Illinois 60611

FIRST DEFENSE LEGAL AID

BY: MR. DANIEL MASSOGLIA
601 S. California Avenue
Chicago, Illinois 60612

For the Defendants:

U.S. DEPARTMENT OF JUSTICE
BY: MR. SARMA M. KHOJASTEH
MS. ELIZABETH T. HEDGES
950 Pennsylvania Avenue, NW
Washington, DC 20530

1 APPEARANCES: (Continued)

2

3

For the Defendants: U.S. DEPARTMENT OF JUSTICE
BY: MR. ANDREW I. WARDEN
MR. JEREMY S. NEWMAN
MR. PETER R. GOLDSTONE
1100 L Street NW
Washington, DC 20005

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Court Reporter: KELLY M. FITZGERALD, RPR, RMR, CRR
Official Court Reporter
United States District Court
219 S. Dearborn Street, Room 1412
Chicago, Illinois 60604
312-818-6626
kmftranscripts@gmail.com

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PROCEEDINGS REPORTED BY STENOTYPE
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1 (Proceedings heard in open court:)

2 THE CLERK: Case 25 CV 12173, Chicago Headline Club,
3 et al. v. Noem, et al.

4 Counsel, please state your name for the record.

5 Everyone else, please be seated and come to order.

6 MR. FUTTERMAN: Your Honor, Craig Futterman for
7 plaintiffs.

8 MR. BOWMAN: Locke Bowman for plaintiffs.

9 MR. HILKE: Wally Hilke for the plaintiffs.

10 MR. ART: Steve Art for the plaintiffs.

11 MS. WANG: Elizabeth Wang for the plaintiffs, and
12 David B. Owens for the plaintiff.

13 MR. LOEVY: Jon Loevy for the plaintiffs.

14 MS. KLEINHAUS: Good morning, Your Honor. Theresa
15 Kleinhaus for the plaintiffs. And if I may, I'd like to list a
16 lot of attorneys who are putting on witnesses today.

17 THE COURT: That's fine. Go ahead.

18 MS. KLEINHAUS: Okay. We have Isaac Green, Alexandra
19 Wolfson, Justin Hill, Daniel Massoglia, Dominique Gilbert,
20 Aaron Tucek, Lindsay Hagy.

21 THE COURT: Okay.

22 All right. For the defense?

23 MR. KHOJASTEH: Good morning, Your Honor. Sarmad
24 Khojasteh for the government.

25 MR. HOLT: Samuel Holt for the government.

1 MR. WARDEN: Andrew Warden for the government.

2 MR. NEWMAN: Jeremy Newman for the government.

3 MR. GOLDSTONE: P.R. Goldstone for the government.

4 THE COURT: All right.

5 All right. As requested, we got the chess clock. So
6 as we start evidence, my understanding is that the parties have
7 agreed that each side gets two hours and 15 minutes.

8 Is that correct?

9 MR. FUTTERMAN: Yes, Your Honor.

10 MR. KHOJASTEH: Yes, Your Honor.

11 THE COURT: Okay. All right. So I will do my best to
12 keep track of the time.

13 All right. Mr. Futterman.

14 OPENING STATEMENT ON BEHALF OF THE PLAINTIFFS

15 MR. FUTTERMAN: If someone strays into a PepperBall,
16 that's on them. Don't protest. You don't want to get
17 tear-gassed, don't protest.

18 Your Honor, this case is about defendants' common set
19 of unconstitutional practices, practices directed from above,
20 practices that target ordinary people who have the courage to
21 observe, document, and speak out against what defendants are
22 doing. Journalists simply working their hardest to accurately
23 report what's going on, and clergy and lay people engaged in
24 religious exercise. Targeting folks with brutal violence.

25 We've got common practices, part of a common

1 operation, so-called Midway Blitz, for a common purpose. That
2 purpose, to suppress and retaliate against people for
3 exercising their most American freedoms and causing a massive
4 amount of harm.

5 We're talking about, as Your Honor saw, tear-gassing
6 babies in their homes, outside their homes, children at a
7 Halloween parade, pregnant women, families, journalists;
8 pointing loaded rifles and brutalizing senior citizens;
9 shooting members of the clergy with PepperBalls; shoot,
10 shooting even a father in his neck trying to rescue his
11 4-year-old daughter from their pepper, from their tear gas,
12 wreaking so much terror.

13 You want to talk about irreparable harm? We have
14 children, parents, and grandparents who will forever be afraid
15 to exercise the very rights and freedoms that make this country
16 great, assaulted by the very people sworn to protect those
17 freedoms.

18 Defendant Bovino's own words, Your Honor, his
19 unmistakable message to everybody in the Northern District,
20 right here: Someone strays into a PepperBall, that's on them.
21 Just don't protest.

22 Your Honor, this record is replete. It's replete with
23 un rebutted evidence of people engaged in protected activities
24 and then assaulted by defendants because of those very
25 protected activities. That's what this case is about: Freedom

1 of the press, freedom of speech, freedom of assembly, freedom
2 of religion. Brutal acts of retaliatory violence both outside
3 the Broadview facility and in residential communities
4 throughout this entire district.

5 According to defendants -- you got the moms with that
6 Starbucks coffee klatch in one hand and a labradoodle on a
7 leash in the other hand. Children dressed in those Halloween
8 costumes. Senior citizens just out there looking out for their
9 neighborhoods. Journalists with their notebooks, their
10 cameras. Clergy, wearing their collars, in residential
11 communities like Old Irving Park, Lakeview, historical Little
12 Village, Evanston, Gurnee, Broadview.

13 Those moms with that coffee klatch, according to
14 defendants, rioters, mobs, Antifa, people who hate America, the
15 enemy who has got to be crushed.

16 Defendants Noem and Bovino have made clear, clear,
17 that they and their agents just aren't going to stop,
18 Your Honor. Their plan is to escalate, to hammer people. The
19 more they protest, the harder we come.

20 President Trump himself just Sunday night, just last
21 Sunday night, when asked about all the violence and the tear
22 gas that his agents have inflicted throughout the Northern
23 District of Illinois, the President told the entire nation on
24 60 Minutes: I think they haven't gone far enough. They
25 haven't gone hard enough.

1 Defendants' own promotional videos and social media
2 posts, We're coming for ya. And defendants have done just
3 that.

4 Defendant Bovino, after all that talk with Your Honor
5 about defendants' widespread use of tear gas and "yes,
6 ma'am" Your Honor, what's the first thing he does as he
7 leaves the courthouse? What's the first thing he does on
8 camera for everyone to see? You'll see it. He grabs a tear
9 gas canister and places it in his front window on top of his
10 front dashboard. He couldn't even wait to leave 219 South
11 Dearborn, Your Honor.

12 Without an injunction, defendants are going to
13 continue to trample on plaintiffs' rights and inflict that
14 irreparable harm.

15 So, Your Honor, I'm not going to waste your time
16 today. I'm not going to waste your time this morning to tell
17 you about everything we're going to present because, as Your
18 Honor is well aware, we've produced nearly 80 independent sworn
19 declarations, wide range of ordinary people, different walks of
20 life, different neighborhoods, towns throughout this entire
21 district, with one thing in common. All of them have been met
22 with absolute violence by the defendants when they dare to
23 exercise their First Amendment rights. All the video,
24 photographs Your Honor will see and has seen with its own eyes.

25 But I got to mention this because it is important.

1 You'll hear directly from representatives of those nearly 80
2 witnesses today who offered those sworn declarations because,
3 Your Honor, so that Your Honor can judge their credibility for
4 the Court's self.

5 You'll hear from people like Father Brendan,
6 Father Curran, who for years has been called by faith to
7 minister outside the Broadview facility, a place where fellow
8 human beings are subject to the most inhumane conditions; Emily
9 Steelhammer, the executive director of the Chicago News Guild;
10 Alderwoman Julia Ramirez from Brighton Park, who was forced to
11 run from defendants' tear gas while she's
12 eight-and-a-half-months pregnant, terrified about losing her
13 baby.

14 I urge you -- we urge you, Your Honor, to read
15 Dr. Rohini Haar's sworn declaration about that tear gas and the
16 harm that it causes.

17 This case isn't about a few one-off incidents, as
18 defendants claim. It's also not about a few individuals who
19 slashed some of defendants' tires or threw some stuff. It's
20 about their common practices targeting journalists, clergy,
21 ordinary people peacefully, peacefully, exercising their First
22 Amendment rights, the right to protest, observe, report what
23 defendants are doing right here in the Northern District of
24 Illinois, Operation Blitz, and retaliating against them for
25 exercising those rights. It's about retaliating -- this case

1 is about retaliating against people because defendants don't
2 like what they have to say.

3 You don't want to get tear-gassed, then don't protest.

4 Your Honor, this case cries out for a preliminary
5 injunction.

6 THE COURT: All right. Thank you, Mr. Futterman.

7 And for the government.

8 And if you can hold on one second.

9 (The Court and court reporter conferring.)

10 THE COURT: All right. Never a good sign when the
11 screen goes blank.

12 Okay. Go ahead.

13 OPENING STATEMENT ON BEHALF OF THE DEFENDANTS

14 MR. KHOJASTEH: Good morning, Your Honor. My name is
15 Sarmad Khojasteh. I have the honor and privilege of
16 representing the government.

17 Your Honor, notwithstanding what the media and
18 plaintiffs would have this Court believe, the merits of this
19 case do not turn on whether Your Honor sympathizes with the
20 current administration's immigration policies or prefers the
21 immigration policies of the prior administration. The case,
22 likewise, does not turn on whether you agree with the federal
23 government's immigration enforcement efforts in Chicago or
24 whether you believe Chicago should be a sanctuary city. The
25 case does not turn on whether Your Honor abhors or embraces the

1 language President Trump or members of his administration have
2 used to describe the criminality and lawlessness that has
3 gripped parts of Chicago or the illegal immigrants residing
4 here.

5 This case, too, does not require the Court to settle a
6 dispute as to whether individuals objecting to this
7 administration's immigration enforcement policies should be
8 permitted to exercise their free speech rights. There is no
9 dispute that every individual has the right to vocally and
10 forcefully express their objections, whether those objections
11 take the form of demonstrations, marches, loud chants, or even
12 profanity-laced screams.

13 And there's no dispute that, first, many Chicagoans
14 have done just that, engaging in peaceful protests and letting
15 federal law enforcement officers know, in no uncertain terms,
16 that they do not approve of their presence in the City of
17 Chicago and, second, that notwithstanding the cherry-picked
18 language or incomplete snapshots in time offered by plaintiffs,
19 federal law enforcement officers have honored and protected
20 those Chicagoans' right to do so.

21 Instead, Your Honor, this -- this case addresses a
22 related but different question: The extent -- to what extent
23 does the freedom of speech protect individuals in obstructing
24 and/or threatening conduct, throwing rocks, bottles, fireworks,
25 surrounding and pinning down law enforcement officials,

1 trespassing, interfering with operations by preventing ICE
2 agents from leaving or entering a location, slashing tires,
3 wielding weapons, and threatening to kill ICE agents and
4 members of their family?

5 The answer, of course, is the freedom of speech does
6 not offer protection to individuals engaged in such conduct.
7 Because, as my 9-year-old aptly pointed out when I explained to
8 him and his little sister what Daddy was doing in Chicago, what
9 these folks are doing is not speech. And the response of our
10 law enforcement officers, who they themselves are dads, moms,
11 sons, daughters, brothers, and sisters, to such conduct in no
12 way infringes upon or implicates those freedoms.

13 Now, Your Honor, what you'll hear from plaintiffs is
14 that what -- that the folks filing the lawsuit today, the
15 journalists, the media organizations, and other peaceful
16 protesters, did not participate in any such conduct. That may
17 be true. However, unfortunately, the individuals who did
18 engage in such conduct at the protests in which plaintiffs
19 participated not only placed the safety of federal law
20 enforcement officials in jeopardy but also placed the safety of
21 peaceful protests, such as perhaps plaintiffs', in jeopardy.

22 The heckler's veto wielded by violent protesters is
23 designed to do just that, eliminate peaceful discourse, prevent
24 federal law enforcement officers from doing their jobs and, of
25 course, escalate violent confrontation. Such conduct must be

1 rejected as it itself poses the greatest risk to our First
2 Amendment freedoms.

3 Instead of rejecting such conduct, however,
4 Your Honor, plaintiffs would have Your Honor extend the
5 protections of the First Amendment to protect it. Plaintiffs
6 asked this Court to accept that threatening to kill law
7 enforcement officials while impeding their movement is peaceful
8 protests, that outnumbering and surrounding and pinning down
9 law enforcement officials while threatening their safety is
10 civil disobedience, that throwing rocks and other objects at
11 federal law enforcement officers and their vehicles is a form
12 of nonviolent resistance. This, of course, is nonsense. My
13 9-year-old knows that much.

14 And, again, federal law enforcement officers'
15 response, whether it be crowd dispersal tactics or arrests, are
16 entirely lawful and appropriate.

17 Indeed, plaintiffs' position that such conduct is, in
18 fact, speech requires its own form of viewpoint discrimination
19 whereby plainly violent conduct by individuals with which
20 plaintiffs agree is lawful but the response to such violent --
21 violence by federal law enforcement agents seek ing to protect
22 themselves and the public is unlawful for no reason other than
23 the fact that plaintiffs disagree with the Trump
24 Administration's immigration policies.

25 That position cannot stand. Whether violence is

1 speech does not turn on whether you agree with the aims of that
2 violence. To find otherwise would legitimize the extremely
3 dangerous idea that the ends justify the means. This is a
4 language of extremists and terrorists, Your Honor.

5 We implore Your Honor to review the record before this
6 Court and enter an order stating plainly, for the country,
7 where peaceful protest begins and ends and rejecting the notion
8 that the First -- First Amendment sanitizes the violent conduct
9 that federal law enforcement agents have encountered repeatedly
10 in Chicago over the course of the last few weeks.

11 Thank you, Your Honor.

12 THE COURT: All right. Thank you.

13 All right. Give me a minute to get this squared away.

14 Okay. All right. You can call your first witness.

15 MS. KLEINHAUS: Your Honor, plaintiffs call

16 Father Brendan Curran.

17 (Witness sworn.)

18 BRENDAN CURRAN, PLAINTIFFS' WITNESS, DULY SWORN,

19 DIRECT EXAMINATION

20 BY MS. KLEINHAUS:

21 Q. Good morning, Father Curran.

22 A. Good morning.

23 Q. Please state your name and spell it for the record.

24 A. Father Brendan Curran, B-r-e-n-d-a-n, C-u-r-r-a-n.

25 Q. And, Father Curran, you are a priest; is that right?

1 A. I'm a Catholic priest.

2 Q. And what order do you belong to?

3 A. I belong to the Dominicans. I serve in the Central
4 Province of the Dominicans. It's a religious order like the
5 Franciscans, Jesuits.

6 Q. And what is your current role in the Dominicans?

7 A. My current role in the Dominicans, I'm a regional promoter
8 for justice and peace for North America, Canada, and the United
9 States.

10 Q. And what issues have been your focus in that role and
11 throughout your time in the order?

12 A. A number of issues that we've dealt with have to do with
13 world conflicts, so the reality of Ukraine, the reality of the
14 plight of different folks who have been fleeing different
15 countries around the world, exile zones, one of those principal
16 areas, and obviously the movement of migrants, the issues of
17 immigrants and their respect and dignity around the world.

18 Q. And as part of that ministry, have you been to the
19 Broadview detention facility?

20 A. Yes. I have -- I'm 24 years a Catholic priest. I was, for
21 a long time, a pastor at St. Pius the Fifth Church in Chicago's
22 Pilsen neighborhood. I now serve, for the last eight or so
23 years, at The Resurrection Project. It's a nonprofit
24 organization founded by six Catholic parishes. And I serve in
25 connecting different faith leaders across different traditions

1 in support of solidarity for different causes.

2 Q. And --

3 A. And Broadview detention center has been a center of a focus
4 of a group of us. I'm a cofounder of the Priests for Justice
5 for Immigrants of the Archdiocese of Chicago, its religious
6 priests. And a sister organization, Sisters and Brothers of
7 Immigrants, were founded at the same time.

8 In the year 2007, supportive efforts, awareness in
9 parishes, and presence in different detention centers around
10 the country, one of which in the state of Illinois, the
11 Broadview detention center, has been a place where since -- two
12 Mercy sisters founded the idea of offering prayer, rosary, at
13 the Broadview detention center. Sister JoAnn Persch and
14 Sister Pat Murphy cofounded the idea of having a faith presence
15 at Broadview detention center where we would pray the Rosary on
16 Fridays and where we had been doing that for over 19 years.

17 Q. And why do you consider it important to go to that specific
18 place in order to -- to pray for people?

19 A. Just like -- and there -- these comparisons obviously are
20 very different in their own space. But just like we have
21 chaplains who are assigned to different places, like our
22 institutions of hospitals, prisons, jails, so too do we have an
23 effort of pastoral care, Catholic presence, at detention
24 centers around the country, one of which obviously is the
25 Broadview detention center where for a number of years we used

1 to pray the Rosary, as I mentioned, for 19 years and counting,
2 every single Friday, 7:15 a.m. in the morning, bright and
3 early, but we also would provide kind of humanitarian care.

4 So if a family member or loved one of someone detained
5 at Broadview would be bringing a belonging, a coat or other
6 personal items, we would accompany them and give them access
7 connecting to the staff at the front door of the Broadview
8 detention center. And we used to, myself, we were in a
9 rotation of two priests every week would actually board the
10 buses heading for -- deportees heading for the airport, as a
11 prayer of solidarity for the immigrants who are in a dramatic
12 and traumatic moment of their lives. And so we have been doing
13 that for a long time, boarding the buses, offering a simple
14 prayer, recognizing not just them, also the staff, for all
15 people involved in the situation.

16 Q. And over those many years, up until September of this year,
17 where specifically at Broadview did you assemble to pray?

18 A. So for -- for a very long time what we would do is check in
19 at the door, Broadview main entrance right on Beach Street. I
20 have known it for years, been out there for years. What we
21 would do is assemble early, around 7:00 in the morning, on
22 Fridays, and simply check in, let them know that we're out
23 front. And we literally would stand at the front. There's
24 like an accessible ramp there at the front entrance of the
25 Broadview detention center. And just at the foot of the ramp,

1 we would conduct the prayer on the sidewalk for 19 years,
2 offering prayer in solidarity and support.

3 And obviously, no surprise to anyone, our Catholic
4 values remind us of care for the migrant and a reminder to us
5 for the plight of immigrants worldwide and certainly the sense
6 of urging our government for comprehensive immigration reform.

7 Q. Why was it important to you --

8 THE COURT: Sorry to interrupt.

9 So, Father Curran, when, at least before September,
10 you said that you would gather on the sidewalk --

11 THE WITNESS: Mm-hmm. Sure.

12 THE COURT: -- can you specifically just describe for
13 me where?

14 THE WITNESS: The description? Yeah.

15 THE COURT: Yeah.

16 THE WITNESS: So the front entrance of Broadview
17 detention center has a number of steps and then an accessible
18 ramp. Where we would be situated, and we were in that very
19 same place for 19 years, would be literally at the front of it
20 on the sidewalk right below that ramp.

21 For those who have been at Broadview, that's a very
22 commonly described spot or situation. It's literally the main
23 entrance of the Broadview detention center. We were literally
24 in the foot of the front door, in the shadow of the front door
25 right behind us. And so that would be where we gather on the

1 sidewalk.

2 The weather would be -- we're in the Chicago area,
3 right? So that would be a major factor in how many of us would
4 be praying the Rosary on a given week. So we would have as few
5 as, say, a half dozen of folks, and sometimes we have 30, 40
6 people. I coordinated with our Catholic high schools and our
7 Catholic universities, and our campus ministry students and
8 faculty would regularly be a part of this from the fall to the
9 spring in an academic year as a student service experience. So
10 the students would gather with us. The teachers, faculty,
11 professors would join us in prayer right there in the foot on
12 the -- on the sidewalk. And then there's like in the front
13 grass where the curb is between the -- if we were --

14 BY MS. KLEINHAUS:

15 Q. And, Father --

16 A. -- 30, 40 -- yeah.

17 Q. Sorry.

18 Why was it important for you to be so close to the
19 facility?

20 A. It was very important because what we would do is -- we
21 would often, very regularly, hear back feedback and comments
22 from loved ones of those who are detained at Broadview
23 reminding us of their gratitude to us for offering prayer
24 there. The detainees would hear us. Our Rosary would be
25 heard. Many of them are Catholic, and so this was a way to

1 offer that important symbol of recognizing their faith in the
2 midst of a traumatic experience they're going through in their
3 lives.

4 So that's what we would do. We would pray the Rosary.
5 We'd have a small little bullhorn just so we could be heard
6 with our group. And then we would often get that feedback
7 weeks later, months later, from different loved ones, either in
8 a parish or somewhere else, where they would thank us
9 personally for having offered the prayer.

10 We would also be a go-between, right? So like I said,
11 personal belongings, medicines, you know, folks needed to take,
12 we would very regularly just make sure that folks realize this
13 is not a threat. They would -- we would accompany them to the
14 front door, just let them know we're out here in prayer.

15 And the staff and us, we would know each other. We
16 would have done this for a long time.

17 And two by two, two of us would board the bus,
18 standing inside the threshold of the door, waiting for the
19 signal from the staff. And they would accompany us, one of
20 them, to board the bus at the front steps inside the bus, and
21 we would conduct a prayer with all of those who are on the bus
22 heading to the airport.

23 Q. And what changed --

24 THE COURT: Sorry.

25 And when you're gathered outside on the sidewalk,

1 where you are is a public space --

2 THE WITNESS: Mm-hmm.

3 THE COURT: -- that anyone could stand --

4 THE WITNESS: Right.

5 THE COURT: -- correct?

6 THE WITNESS: Absolutely. It's a public pathway, yep.

7 THE COURT: Okay.

8 THE WITNESS: So it would be the sidewalk and then, of
9 course, over to the curb, which I believe is public property
10 space. And, you know, we would get a nudge from the staff if
11 our group was a little big.

12 And we would coordinate so that everyone recognized
13 what we're doing, we're not a surprise. We just wanted to let
14 them know we were there. We usually checked in with the staff
15 before we began prayer. That was a little bit of a regular
16 resonance that we had with their staff so that they knew who we
17 were, oh, we're back this week, you know, just to check in, a
18 courtesy we decided to do for a number of years.

19 BY MS. KLEINHAUS:

20 Q. And what changed in September?

21 A. What was very heartbreaking in September, just because it's
22 a prominent moment in my memory -- by the way, part of a whole
23 team of different folks who would go out to Broadview, rotating
24 on that ongoing, solidarity rosary each and every week all
25 through these times.

1 In September, what was really heartbreaking to me was
2 to see an utterly militarized zone. When I say that, to be --
3 it was shocking to my eyesight to see the windows boarded up.
4 Now, by the way, before you could not see in or out. That's
5 not my point. But I was just seeing physically a huge change.
6 The doors were boarded up with wood. The windows were boarded
7 up with wood. There were snipers on the corners of the roof.

8 I'm -- I have many loved ones around the country.
9 They still don't believe what I'm describing.

10 That was my experience in September. Instead of a
11 prayerful rosary of solidarity for immigrants, recognizing our
12 own space to express our own experience, we recognized this
13 experience that was quite different.

14 Q. And did --

15 A. It was --

16 Q. I'm sorry.

17 Did you change anything about your practice as a
18 result of the increasing militarization?

19 A. Absolutely.

20 So what we immediately realized in September was this
21 was -- number one, this was no longer a safe place to have high
22 school -- usually they're the seniors in the high schools or
23 juniors, the upper-class, yeah, students, and then college
24 students. We realized quite quickly this was not the tone of a
25 space that was safe for them. We did not feel that they

1 were -- their safety was guaranteed from federal agents at that
2 site and stopped the practice, which we have suspended to date
3 because of the conditions of the Broadview detention center
4 exterior.

5 Q. And then, finally, did you have to move the location of
6 where you practice your faith at Broadview?

7 A. Yeah, we absolutely had to move because one week we're
8 there in front of the door -- just describing with you the
9 board-up situation, the soldiers unmarked, camouflaged on the
10 roof, pointing their weapon -- I'm not an expert, I don't know
11 military weapons, but pointing whatever they had right at us
12 while we were offering prayer there.

13 When I came back to the scene in this situation, days
14 later, there was a fence in the middle of the street. So we
15 had to forcibly move our prayer over to a corner outside of
16 that area but absolutely against what was the point of us doing
17 the prayer. It was to be in solidarity with those who are
18 detained inside to remind them of their faith experience and to
19 remind them of their faith, a reassurance of them, and for any
20 of the staff, that our God is with us, as those who practice in
21 that way.

22 Q. Okay. Thank you, Father Curran.

23 MS. KLEINHAUS: No further questions right now.

24 THE COURT: All right.

25 Cross. Oh, hold on one second.

1 Okay.

2 CROSS-EXAMINATION

3 BY MR. KHOJASTEH:

4 Q. Good morning, Father Curran. My name is --

5 THE COURT: Hold on one second. Sorry.

6 (Pause.)

7 THE COURT: Okay. Go ahead.

8 BY MR. KHOJASTEH:

9 Q. Good morning, Father Curran. My name is Sarmad Khojasteh.

10 I'm going to ask you a few questions.

11 A. Sure.

12 Q. Before we get started, just as a Christian and an
13 immigrant, I want to just thank you for your service and your
14 compassion.

15 A. Sure.

16 Q. Father Curran, you submitted a declaration in this case,
17 correct?

18 A. That is correct.

19 Q. And in your declaration you discuss events on September 26,
20 2025, right?

21 A. That is correct.

22 Q. And I believe it's between paragraphs 29 and 32, you
23 described seeing protesters and other religious leaders walking
24 down Lexington Street, right?

25 A. Yes.

1 Q. And you observed that they were coughing and had appeared
2 to be -- had been sprayed by something?

3 A. Yes.

4 Q. You didn't personally observe federal law enforcement
5 officers deploy a spray on those protesters and religious
6 leaders that morning, correct?

7 A. Yes, I did.

8 Q. You did see them that morning?

9 A. Absolutely.

10 Q. But you didn't write it in your declaration, right?

11 A. I don't remember the wording of how I specifically placed
12 it in my declaration, but I know what shooting at people is.
13 That's what I witnessed.

14 Q. I hear ya. I'm just asking about your declaration that you
15 submitted under oath in this case.

16 A. No worry.

17 Q. Right? So I'm just saying in your declaration.

18 A. Yes. I observed federal agents launching projectiles from
19 the corner of the roofs at the people who were unarmed and were
20 not violent in any way. That's what I observed.

21 Q. So what you wrote in your declaration was incorrect then?

22 MS. KLEINHAUS: Objection, Your Honor.

23 BY THE WITNESS:

24 A. What I observed --

25 THE COURT: Hold -- hold on, Father Curran.

1 Go ahead.

2 MS. KLEINHAUS: Objection to form.

3 THE COURT: No.

4 Overruled.

5 Go ahead. So you can answer, Father Curran.

6 BY THE WITNESS:

7 A. What I clearly observed was federal agents -- I'm not sure
8 who they are -- in camouflage, unbadged, completely covered-up
9 people -- I'm assuming they're federal agents -- hurling
10 projectiles at people.

11 I myself received tear gas or what I think is tear gas
12 because I was coughing, my eyes were watering, and my nose was
13 draining from the chemicals that federal agents I witnessed put
14 on the crowd.

15 BY MR. KHOJASTEH:

16 Q. Okay. And you just chose not to include those facts in
17 your declaration? Just it's a yes-or-no --

18 A. I --

19 Q. -- question, sir.

20 Your declaration states --

21 A. I think you know what I'm expressing.

22 THE COURT: Sorry. Sorry.

23 MR. KHOJASTEH: Go ahead. I'm sorry.

24 THE COURT: Hold on. And I'll even stop the clock for
25 this.

1 So it's going to be a long day, folks. And it will be
2 even longer if people can't follow simple rules that we have
3 all learned when we were young.

4 My court reporter cannot take down multiple people
5 speaking at once. She is amazing and one of the best court
6 reporters that I have ever worked with. And that says nothing
7 about my prior court reporter who retired, but she is
8 fantastic. But she can only take down one person at a time.

9 Moreover, we all know it's important that we treat
10 each other with respect.

11 So you cannot interrupt people, cannot talk over
12 people.

13 If you ask a question and the witness is answering the
14 question, the witness gets to answer the question. If there is
15 an objection, then I'm going to hear the objection, and
16 everybody stops, and I deal with the objection.

17 I will say this once. I'm not going to say it again.
18 If I have to say it again, then I'm going to start sanctioning
19 people. Real simple.

20 So, Father Curran, the last question was -- let's see.
21 You were asked that you chose not to include those facts in
22 your declaration. And then you can either say "yes," "no," or
23 "I can't answer that yes or no." So go ahead.

24 BY THE WITNESS:

25 A. I can't answer that yes or no because I don't recall every

1 line of my statement.

2 BY MR. KHOJASTEH:

3 Q. Okay. You -- Father Curran, when was the last time you
4 held a vigil at Broadview?

5 A. Saturday.

6 Q. Okay. And you're aware that Illinois State Police have
7 been handling security outside of Broadview since October 3rd?

8 A. Yes.

9 Q. Okay. And have you also participated in other
10 demonstrations, separate and apart from those outside of
11 Broadview, concerning the current administration's federal
12 law -- federal immigration enforcement policies?

13 A. Yes.

14 Q. All right. And you've -- during those --

15 A. And vigils, yep.

16 Q. And during those demonstrations, you've expressed your
17 opposition to federal immigration enforcement efforts in
18 Chicago?

19 A. Yes.

20 Q. All right. And you've only submitted a declaration
21 concerning the events on September 26th, correct?

22 A. And September 12.

23 MR. KHOJASTEH: Okay. Thank you.

24 No further questions, Your Honor.

25 THE COURT: All right.

1 MS. KLEINHAUS: Nothing further, Your Honor.

2 THE COURT: All right.

3 MS. KLEINHAUS: Your Honor, could Father Curran be
4 permitted to remain in the courtroom?

5 THE COURT: Yes, if he's -- if there's no objection.
6 He's already testified. If he would like to remain, he can
7 remain.

8 THE WITNESS: Okay.

9 THE COURT: Okay. You can step down.

10 MS. KLEINHAUS: Your Honor, plaintiffs call Emily
11 Steelhammer, and Attorney Isaac Green will be doing the
12 examination.

13 EMILY STEELHAMMER, PLAINTIFFS' WITNESS, DULY SWORN,
14 DIRECT EXAMINATION

15 BY MR. GREEN:

16 Q. Good morning. Would you please state your name for the
17 Court and the record.

18 A. Yes. My name is Emily Steelhammer.

19 Q. And what is your job?

20 A. I'm the executive director of the Chicago Newspaper Guild.

21 Q. And what is the Chicago Newspaper Guild?

22 A. The Chicago News Guild is a labor union. We represent
23 media units. We also represent staff unions and nonprofit
24 staff, as well as court interpreters.

25 And our mission is to advocate for the working

1 conditions, pay, and benefits of all of our members.

2 Q. And what has the Chicago News Guild done in response to
3 Operation Midway Blitz?

4 A. We have been talking to our members about what they've been
5 experiencing and how the use of federal agents' force has been
6 impacting their lives at work.

7 Q. Why have you been doing that?

8 A. Well, as I mentioned, our mission is to ensure better
9 working conditions, pay, and benefits. And so safe working
10 conditions is one of the things that we help our members
11 advocate for.

12 So we want to make sure that they have the appropriate
13 training and equipment to be able to show up to cover these
14 kinds of protests and demonstrations in a way that's safe and
15 that they feel comfortable and that they have the skills and
16 tools needed to do their job.

17 Q. And so what -- what have you done? How have you spent your
18 time to ensure that they have those tools and training?

19 A. I've been meeting with our members from our media units,
20 either talking to them on the phone or having video calls. And
21 so I've just been reaching out to all of them and checking in
22 with individual members and the leadership from the different
23 media units that we represent.

24 Q. And is that how you normally spend your time?

25 A. I normally spend my time doing a lot of things, collective

1 bargaining, organizing, those things, but I've had to spend a
2 significant amount of time reaching out to folks and reaching
3 out to them repeatedly to see how they have been impacted and
4 to make sure that they are comfortable asking their employer
5 for what they need and those kinds of things.

6 Q. And why are you doing all of this now? Don't your members
7 regularly cover law enforcement and protests?

8 A. They do regularly cover protests, but the amount of force
9 that they're seeing and the indiscriminate use of force is
10 really quite unusual from what they would normally experience
11 at sort of like a crowd control protest.

12 Q. How many members have you spoken to about their experience
13 with federal officers' uses of force?

14 A. I have spoken to at least 15 of our members.

15 Q. All in -- all since the beginning of September?

16 A. Yes, that's correct.

17 Q. And, in general, what have your members reported to you
18 that they've been experiencing covering federal law
19 enforcement?

20 MR. KHOJASTEH: Objection, Your Honor. This is
21 hearsay testimony.

22 MR. GREEN: As Your Honor is well aware, at a
23 preliminary injunction hearing, hearsay testimony is allowed.

24 THE COURT: It is allowed.

25 MR. KHOJASTEH: Just noting it, Your Honor.

1 THE COURT: So overruled.

2 Go ahead.

3 BY THE WITNESS:

4 A. Our members have experienced a variety of different things,
5 including being hit with rubber bullets, PepperBalls, different
6 projectiles. They have experienced the effects of chemical
7 weapons, such as those pepper bullets and tear gas as well.

8 BY MR. GREEN:

9 Q. And where have your members experienced these things?

10 A. They have experienced mostly things that have been
11 happening at Broadview, but our members cover the news, so they
12 go wherever there have been protests and demonstrations. So
13 throughout the entire Chicagoland area our members have been
14 affected.

15 Q. And you've talked directly to all of these members about
16 their experiences?

17 A. I have talked to at least 15 members directly about their
18 experiences, and I have additionally followed up with
19 leadership as well who have had continuing conversations with
20 those members.

21 Q. And how have you been keeping track of what you're hearing
22 from your members?

23 A. Some of our units have Google Sheets that they've created
24 where they're updating and documenting the incidents that our
25 members are experiencing. And then I also have my own records

1 where I have been keeping track of the conversations that I
2 have been having as well.

3 Q. And have you been able to corroborate what you've heard
4 from one member from others?

5 A. Yes. On many instances, there are multiple members that
6 are at the same location on the same date. We represent
7 journalists at the Sun-Times, at the Chicago Tribune, at the
8 Reader. And so many journalists are sending multiple people
9 out to cover that, and they're corroborating what they have
10 experienced.

11 Q. And has what you've heard from all of your members been
12 similar in terms of the tactics that federal law enforcement
13 officers are using?

14 A. Yes, I would say it's been very similar.

15 Q. You said that the -- a majority of your members have
16 reported uses of force at Broadview. Are there any incidents
17 that stand out in your mind from Broadview that you've heard
18 about?

19 A. There are two specific incidents that really stand out to
20 me and to our members, and they've raised these concerns to us.

21 The first is on September 19th. This is one of our
22 photographers who was standing off to the side with a group of
23 other journalists and photographers. She was not around the
24 group of protesters. Protesters had kind of dispersed earlier.
25 And she recognized some of the federal agents because she had

1 actually been taking pictures of them earlier that week as they
2 had been conducting arrests. So she recognized their -- them
3 from her earlier work. And she was shot in her rib cage with a
4 PepperBall. When she turned her back after being shot, she was
5 shot again on her back. None of the other journalists that she
6 was standing with were shot in that specific incident.

7 Q. And you said she was standing in a group of only
8 journalists?

9 A. Yeah, she was standing with a group of only journalists on
10 public property off to the side.

11 Q. What was the other event from Broadview that you wanted to
12 tell the Court about?

13 A. There was another incident on September 26th that actually
14 involved two of our journalists from two different media units,
15 the Chicago Tribune and the Chicago Sun-Times. These were two
16 photographers who were filming an arrest that was taking place
17 at Broadview late at night. There were not a lot of protesters
18 around. They clearly had their press badges visible, and they
19 also had their cameras out. The press cameras are -- often
20 have large zoom lenses and things like that. So they feel like
21 they were clearly identified as members of the press, yet they
22 were both hit at pretty close range multiple times in their
23 legs with PepperBalls.

24 Q. And how many other reporters have you talked to who
25 reported being targeted or subjected to crowd control tactics

1 at Broadview?

2 A. I would say at least 12.

3 Q. So that's --

4 A. So -- so I would say about 15 total if you take those three
5 from those two incidents.

6 Q. And have any of your members reported disobeying any
7 federal law enforcement commands?

8 A. No, our members have not reported disobeying law
9 enforcement commands, but they have expressed concerns that
10 there have been no warnings to clear the area or that there was
11 going to be any show of force or chemical weapons that were
12 going to be deployed.

13 Q. And have you asked them if they followed law enforcement
14 commands --

15 A. Yes.

16 Q. -- if they heard dispersal orders?

17 A. They -- I have asked them, and they have not heard
18 dispersal orders.

19 Q. You -- there -- your members have also covered federal
20 agents using force outside of Broadview.

21 Where else have your members encountered federal uses
22 of force?

23 A. They have covered it all over the Chicago area. A couple
24 of incidents that come to mind are Albany Park. They've -- I
25 know they've been at Brighton Park, Little Village, those kinds

1 of neighborhoods, Lakeview as well.

2 Q. And when your -- when your reporters are outside of
3 Broadview, are they still doing things to identify themselves
4 as journalists?

5 A. Yes. Our journalists have been very careful about making
6 sure that they have been identified as members of the press.
7 This is one of the things that we talked to them about early on
8 when we were talking about training and equipment.

9 So they wear their CPD-issued press identification at
10 all times. And, as I mentioned, many of the photographers or
11 photojournalists have their cameras. Journalists will have
12 notebooks or other recording devices, things like that, that
13 make them clearly identifiable as members of the press.

14 Q. And have your members been able to protect themselves by,
15 you know, having those indicia or standing off to the side?

16 A. Often our members haven't had the chance to be able to --
17 to stand off to the side because there haven't been those
18 dispersal warnings. You know, they're taught in their training
19 to remove themselves from unsafe situations, but many times
20 they've communicated to me that they're caught in the mix and
21 there haven't been warnings that they have been able to use.
22 So they are -- feel like they're in unsafe situations quite
23 often.

24 Q. And you said you've spoken to like 15 members.

25 Have any of your members been exposed to tear gas

1 multiple times?

2 A. At least a handful.

3 Q. Are there any that, you know -- what's the -- what reporter
4 have you spoken to who's been exposed the most?

5 A. There is two that I can think of. One was exposed at
6 Brighton Park, at Little Village, and has been at Broadview as
7 well multiple times.

8 Another reporter that I talked to told me it's been at
9 least half a dozen times that she's been exposed to tear gas.
10 And she's actually gotten so -- she's been around it so much
11 that she doesn't, like, panic to put her tear -- her mask on
12 anymore because she can kind of, like, sense which direction
13 it's going to go in the wind and if she's, like, in immediate
14 danger.

15 Q. Do members you've talked to expect to be subjected to these
16 types of uses of force when they go into the field to report on
17 federal agents now?

18 A. They do, and they make sure that they bring their equipment
19 with them every time they go now.

20 Q. And how have these uses of force affected your members and
21 their ability and willingness to report on federal officers?

22 A. One of our members, who I spoke to on Halloween, told me
23 that -- she's one of our younger members; she's in her
24 twenties -- said that, you know, she never -- this wasn't what
25 she signed up for when she was taking a job to work for the

1 Chicago Tribune. Instead of going out and partying on
2 Halloween night with her friends, she was going to be grabbing
3 her tear mask and going to cover potential agents and the
4 actions that were going to be happening.

5 Some of our members have also said the repeated, you
6 know, exposure to potential harm has been stressful for them.

7 Q. Thank you, Ms. Steelhammer.

8 MR. GREEN: I don't have any more questions right now.

9 THE COURT: All right.

10 Cross.

11 CROSS-EXAMINATION

12 BY MR. KHOJASTEH:

13 Q. Good morning, Ms. Steelhammer. Am I pronouncing that
14 right?

15 A. That's correct.

16 Q. My name is Sarmad Khojasteh. I'm going to ask you a few
17 questions.

18 A. Okay.

19 Q. You testified just now about a series of episodes that you
20 had been -- that had been reported to you by your members,
21 right?

22 A. That's correct.

23 Q. And so the testimony you're providing to the Court today,
24 it's based on what you've heard reported to you by the members
25 of your organization, right?

1 A. That is correct.

2 Q. So whether there were dispersal -- you don't -- you don't
3 personally have knowledge as to whether there were dispersal
4 warnings given in any given incident, correct?

5 A. I was not onsite, so that is correct. I did talk to the
6 members who said for this incident there was not a dispersal
7 warning given.

8 Q. And you don't have any personal knowledge as to whether
9 there were any violent protesters present at any of these
10 episodes that your members reported to you, right?

11 A. That is correct.

12 Q. And you don't have any personal knowledge as to whether
13 any -- any protesters present at the demonstrations or protests
14 that your members were present at were refusing to follow
15 orders from law enforcement officers, right? You don't have
16 personal knowledge on that?

17 A. I was not present, so I do not have personal knowledge.

18 MR. KHOJASTEH: No further questions. Thank you.

19 MR. GREEN: Nothing from plaintiffs.

20 THE COURT: Okay.

21 All right. You can step down. Thanks.

22 MS. KLEINHAUS: Your Honor, plaintiffs call Julia
23 Ramirez, and Alexandra Wolfson will be doing the exam.

24 (Witness sworn.)

25 JULIA RAMIREZ, PLAINTIFFS' WITNESS, DULY SWORN,

1 DIRECT EXAMINATION

2 BY MS. WOLFSON:

3 Q. Good morning, ma'am. Could you please state and spell your
4 name for the record.

5 A. Yes. My name is Julia Ramirez, J-u-l-i-a, R-a-m-i-r-e-z.

6 Q. And where do you live?

7 A. I live at 3949 South Rockwell.

8 Q. What neighborhood is that in?

9 A. That's in the Brighton Park neighborhood.

10 Q. And what do you do professionally?

11 A. I am an alderwoman of the 12th Ward in the city of Chicago.

12 Q. How long have you been an alderwoman for the 12th Ward?

13 A. For two and a half years.

14 Q. And what do you do as an alderwoman?

15 A. Yeah. We pass laws and policy down in City Hall, and then
16 we conduct city services down in the ward level.

17 Q. And why did you choose to become an alderwoman?

18 A. I've been civically engaged since very young. My family
19 has been in the Southwest Side, Brighton Park, for 50-plus
20 years. So really grateful to be able to serve where I was born
21 and raised.

22 Q. And what areas of the city are within your district?

23 A. I -- the 12th Ward consists of Brighton Park, McKinley
24 Park, and Back of the Yards.

25 Q. And you are currently expecting a child; is that right?

1 A. I am nine months pregnant.

2 Q. Is this your first child?

3 A. It's my first baby.

4 Q. Well, congratulations.

5 A. Thank you.

6 Q. And I want to ask you a few questions about October 4,
7 2025.

8 So where were you that morning?

9 A. That morning I was at my house.

10 Q. And did you hear anything that morning that alarmed you in
11 any way?

12 A. Yeah, I started receiving text messages from various
13 community members that morning. The text messages consisted of
14 information that there was a multicar crash and possibly shots
15 fired in Brighton Park on Kedzie and Pershing.

16 Q. Around what time was that?

17 A. It was around 10:00 a.m.

18 Q. So after you heard that, what did you do?

19 A. Yeah, I immediately called the 9th District, Chicago Police
20 Department. I called my commander. Have a really good
21 relationship with him.

22 Really with all the recent activity in the
23 neighborhood, I called the Chicago Police Department because
24 it's important for us to know whether it's a police case or
25 police involvement or, you know, federal agents.

1 Q. And what did you learn from the call that you made to the
2 Chicago Police Department?

3 A. Yeah, my commander did answer. I gave him the information
4 that I was obtaining via text. He had gotten some similar
5 information, but he had given me an intersection that was 47th
6 and Kedzie, which was actually pretty far from Pershing and
7 Kedzie, and so I thought it was possibly different incidents.

8 So at that moment I did feel like I needed to be out
9 to see for myself.

10 Q. Why did you feel like you needed to see for yourself?

11 A. Yeah, it was -- it was important for me just to make sure
12 that people were safe, especially given all the information
13 that I had obtained, especially with shots fired, you know,
14 just -- I believe it was like a week or two weeks prior to
15 October 4th, somebody had gotten killed outside of city limits.
16 So I was really concerned. I was worried somebody was badly
17 hurt.

18 Q. So did you go to the scene at this time?

19 A. I did. I did. I got there, you know, 15, 20 minutes after
20 my initial call with the commander.

21 Q. And what did you see when you arrived?

22 A. I had arrived, and the scene was actually really calm. A
23 lot of the information that I had gotten wasn't what I was
24 witnessing at the time. There wasn't a multicar crash from
25 what I had seen.

1 I only seen one specific car with an individual in it
2 on 40th and Kedzie at a gas station.

3 And then there were federal agents that were occupying
4 Kedzie Avenue, mostly standing on the west side of the street.

5 CPD was actually onsite when I had arrived. They were
6 both on 39th Place and 40th.

7 And a small group also at the gas station at that
8 point.

9 Q. So you say there were federal agents.

10 How could you tell they were federal agents?

11 A. The federal agents were in -- they were mostly in like that
12 dark green wear, and most had their guns sort of on them drawn.

13 Q. Did you see any identification on the agents?

14 A. Not that I can remember, no.

15 Q. Were they in masks?

16 A. Yes, all of them were masked.

17 Q. And you said the CPD there -- was there as well?

18 A. Yes, that's correct. They were both on 39th Place and 40th
19 sort of, you know, making sure that traffic wasn't coming
20 through that particular intersection.

21 Q. And you said there was a small group as well.

22 Was that a group of bystanders?

23 A. Mostly bystanders, community members, folks that were
24 alerted right away and came onto the scene. Probably 15 folks
25 or so.

1 Q. And what were they doing?

2 A. Mostly around that truck.

3 The truck, I do want to mention, it had like a small
4 dent in the back, what looked like a fender bender, so I
5 figured maybe that was part of the accident.

6 The young man was sitting in his -- in his car in the
7 driver's seat. His mother was there as well.

8 So folks were just there sort of in support of those
9 two individuals around the truck.

10 Q. And how long did you stay there, approximately?

11 A. I had sort of clear access throughout Kedzie Avenue. The
12 commander came onsite; was speaking with him. And, you know, I
13 was there possibly another 20 minutes.

14 Things were, you know, again, pretty calm. Nothing
15 was really happening. Nobody was really engaging one another.

16 And then after about 20 minutes, federal agents did
17 approach that -- that truck that was over at the gas station.

18 Q. And what did they do when they approached the truck?

19 A. They approached the truck, and they grabbed the young man
20 that was sitting in the driver's seat, which really riled up
21 folks, distressed the mother. You know, she kept yelling out,
22 He's a U.S. citizen, didn't know why he was being grabbed.

23 The agents grabbed him, and then they also got in the
24 car to move the car as well.

25 Q. And at this point did the CPD leave?

1 A. Actually, yes. It kind of all happened simultaneously. As
2 I was having conversations with the commander, other officers
3 onsite, they had told me that this was going to be a federal
4 agent case, this was their scene. And so they had left, yes.

5 Q. Did the federal agents leave?

6 A. No. They ended up moving. They were occupying sort of
7 like this half block on Kedzie Avenue in between 39th Place and
8 40th. So they had their small area. They moved the young man
9 and the truck to this -- to this area. And then they just
10 stayed there.

11 Q. And what did they do next?

12 A. Nothing happened thereafter. Most folks were in this
13 specific area. CPD had left. And then most folks that were
14 there, you know, began chanting in protest. Folks had moved
15 over to Kedzie Avenue onto the street, which was right off the
16 gas station.

17 Q. So you said they were chanting in protest.

18 Were they doing anything else?

19 A. Yeah, I mean, mostly organized. There was, you know,
20 really good leaders on the ground at that point in time. They
21 were chanting things like, Don't take the bait. And they
22 had -- a lot of folks had, you know, American flags with them.
23 And a lot of community members just standing in protest, really
24 questioning why folks were there and why that individual was
25 taken.

1 Q. And how did the federal agents respond to the group that
2 was there?

3 A. Yeah. So the agents, there were a good amount of them.
4 There were probably 15 and 20 of them occupying the space. And
5 it was sort of just a standstill for many minutes.

6 And then about ten, 15 minutes later, as we're all
7 just sort of standing around -- as I had mentioned, CPD had
8 left, so people had clear access. The traffic had clear access
9 to that intersection that we were in. And there was like an
10 agent that came -- came flying down Kedzie Avenue northbound
11 right into the protesters, trying to go into that occupied
12 space by the agents.

13 Q. You said he was "flying down."

14 Was he in a car?

15 A. He was in a car. And we were really worried at that point
16 about sort of traffic having access and, you know, as you see
17 in other cities, like really worried about sort of the safety
18 of others. But he -- that agent was flying down in his vehicle
19 and trying to move so quickly to, you know, try to disrupt the
20 organized group and trying to get them to move.

21 And folks, as they were trying to move, were then
22 proceeded to be hit with PepperBall sprays from the agents that
23 were in that occupied space to move them.

24 Q. And did you hear the agents ask people to move before
25 firing PepperBalls?

1 A. No, I did not.

2 Q. Did you hear any dispersal orders before PepperBalls were
3 fired?

4 A. No, I did not.

5 Q. Did you see anyone attack agents before PepperBalls were
6 fired?

7 A. No, I did not.

8 Q. And what happened next?

9 A. So then, you know, again, it was a lot of sort of standing
10 around for a very long time. I think at that point I was
11 really curious as to what we were even doing at that point in
12 time.

13 And then I started to realize that there were -- about
14 every ten minutes they were sending another group of agents in
15 a car sort of zooming through, riling up people, shooting them
16 with PepperBalls. And so it felt like a very organized forum
17 to sort of like work up the people that were in protest. And
18 this went on, I mean, probably near an hour.

19 Q. And during this time when they're coming through and
20 shooting PepperBalls, did you ever hear any dispersal orders?

21 A. No, no, not at all. I mean, it really concerned me that it
22 was sort of this space that was sort of created that they
23 wanted people almost to gather to create more chaos.

24 Q. And did any unusual car show up?

25 A. Mostly -- most of the vehicles were black vehicles, tinted

1 windows.

2 And then after that long period of time that we were
3 sort of, you know, dealing with all these cars coming through,
4 and then we had gotten more information that there were more
5 troops sort of in the surrounding area, so I didn't know when
6 it was going to end.

7 And it wasn't just cars coming through anymore. There
8 was a point in time where it looked like a tank. Senator
9 Duckworth says it's not a tank, it's an armored vehicle. But
10 an armored vehicle that looked very much like a tank came
11 rolling down Kedzie Avenue.

12 And the scarier part about it is an agent was on top
13 of that vehicle pointing their gun down at the community.

14 Q. Did you ever expect to see anything that looked like a tank
15 in the middle of Chicago?

16 A. No. I mean, that was like the most distressing part. I
17 couldn't even believe that I was living that.

18 I was really worked up. I felt very emotional at the
19 time and helpless because there were a lot of families that
20 were there. There were moms, parents, kids, people of all
21 ages, I mean, grandmothers as well, that were there and that
22 they were, you know, seeing this vehicle come down but, more
23 than anything, just seeing an agent just, you know, show their
24 arm towards them.

25 Q. And what happened next?

1 A. So then most folks started moving sort of westward, but,
2 you know, then I started realizing more people were actually
3 coming to the scene because, you know, it had been a span of,
4 you know, possibly a couple of hours at this point. And so it
5 was really difficult sort of like controlling the amount of
6 people that had access to this intersection. But a lot of
7 folks kept convening in protest because, again, they were sort
8 of questioning what was even happening, why they were there.

9 And then at a later point tear gas was also imploded
10 in the -- in the area.

11 Q. Was there any warning before the tear gas was deployed?

12 A. No.

13 Q. How did people react to the tear gas?

14 A. It was, again, scary. People running from the scene,
15 really distressed. People crying. Kids on the scene as well.
16 You know, people trying to clear their face and their eyes.

17 Q. And how did you feel?

18 A. A lot of folks had wanted me to leave. I had put myself in
19 a very vulnerable position for a long period of time.

20 At that point in time, I did make myself, you know,
21 pretty far west to try to just keep having conversations with
22 folks at the city to figure out how we can safeguard this
23 location after so many hours.

24 But, yeah, pretty terrifying overall.

25 Q. Thank you.

1 MS. WOLFSON: No further questions.

2 THE WITNESS: Thank you.

3 THE COURT: All right.

4 Cross.

5 CROSS-EXAMINATION

6 BY MR. KHOJASTEH:

7 Q. Good morning, Alderwoman Ramirez.

8 A. Good morning.

9 Q. My name is Sarmad Khojasteh. I'm going to ask you a few
10 questions.

11 Before doing so, I just want to thank you for your
12 service. Tremendous sacrifice and a privilege to serve. I'm
13 sure you agree.

14 A. Thank you. Yes.

15 Q. And I'm hopeful that your neighbors and your family and
16 your community are thankful and grateful for the service you
17 do.

18 A. Thank you.

19 Q. Alderwoman Ramirez, you oppose the Administration's
20 enforcement efforts in Chicago, correct?

21 A. Oppose the enforcement of -- what is that?

22 Q. Immigration -- the immigration enforcement efforts in
23 Chicago?

24 A. Generally, I would say yes.

25 Q. And have you participated -- strike that.

1 You have participated in demonstration and protests
2 opposing the immigration enforcement efforts in Chicago?

3 A. I have, a very limited capacity because being pregnant.

4 Q. God bless you on the pregnancy.

5 A. Yeah.

6 Q. Well wishes.

7 At those protests, you have expressed your opposition
8 to federal immigration enforcement efforts in Chicago, correct?

9 A. Yes, generally, because of the tactics used, yes.

10 Q. And you're only submitting -- you've only submitted a
11 declaration in this case concerning the events of October 4th,
12 correct?

13 A. That's correct.

14 MR. KHOJASTEH: Okay. No further questions.

15 THE COURT: All right. Anything further?

16 MS. WOLFSON: No further questions, Your Honor.

17 THE COURT: All right.

18 Sorry. Wait. I've got one. Just have a seat.

19 THE WITNESS: Sorry.

20 THE COURT: You're fine. You're fine.

21 EXAMINATION

22 BY THE COURT:

23 Q. And, Alderman Ramirez, when you were at the incident in
24 Brighton Park, you -- throughout that period of time --

25 A. Mm-hmm.

1 Q. You didn't observe people around you being violent towards
2 any of the agents; is that correct?

3 A. That's correct, yes.

4 Q. Okay.

5 A. No aggressive behavior.

6 Q. Okay. And if you -- whether you agree with how the
7 Administration's enforcing the immigration laws, whether you
8 agree or disagree, does that impact the testimony that you're
9 giving here today?

10 A. No, not necessarily. I think what's most important for me
11 is just documentation to be able to provide service thereafter
12 because most folks are very vulnerable, you know, after any
13 activity with a federal agent.

14 Q. Okay. And in terms of the -- your constituents, have you
15 talked to any of your constituents after this incident?

16 A. Yes, we have.

17 Q. And what, if anything, have your constituents told you
18 about their willingness to go out and peacefully protest after
19 this experience?

20 A. Yeah, I mean, you know, just this Saturday we held a
21 protest in Brighton Park, not necessarily on Kedzie, but very
22 close by, to just create a safe space for people.

23 I think a lot of people question, you know, their
24 experience being there and some of the things that are possibly
25 online or coverage that has been given that opposes maybe some

1 of the things that they've actually experienced.

2 Q. And has anyone told you that they are afraid to come out
3 and protest?

4 A. Yes. I mean, we're seeing -- even just speaking for
5 myself, like as a representative, you know, I didn't feel safe
6 enough to even approach a federal agent to have a conversation
7 about how we can move things forward in that October 4th
8 incident.

9 And so being myself as a representative, someone that
10 I know that I live in a form of privilege, I know that my
11 residents feel less safe in doing so. And it's really
12 handicapped people's ability to go to school, go to work, shop.
13 And -- and -- and we've been feeling the chilling effects of
14 that in our neighborhood.

15 Q. Okay. And you yourself have felt the chilling effects
16 after this incident. Is that --

17 A. I mean --

18 Q. -- what you're telling me?

19 A. Yes, 100 percent. Like, I carry my passport around. I --
20 you know, my grandmother who is also a U.S. citizen doesn't
21 leave the house. I have to go out for her. I think we're all
22 making these changes in considering of going out and being
23 subjected or profiled and not just wanting to have to go
24 through some of that trauma that we're seeing consistently.

25 Q. And specifically, though, about protesting, right --

1 A. Mm-hmm.

2 Q. -- is that -- are you telling me that the chilling effect
3 goes to your willingness to go out and protest or your
4 willingness to represent --

5 A. Oh, yes.

6 Q. -- your ward when they are peacefully protesting?

7 A. Yeah. I -- I would say that for myself on a very personal
8 level. And I know that I'm more vulnerable being pregnant.
9 But I actually haven't participated in any protests downtown.
10 I just feel like it's too much of a risk for myself.

11 Even participating on Saturday, you know, I have a
12 great community that built out a plan for me and I know that
13 other folks don't have that opportunity to sort of build out a
14 plan. But I -- I do question my participation and the
15 vulnerable spaces that I put myself in.

16 Q. Okay. And that is based on your experience in Brighton
17 Park on October 4th seeing the use of force by those agents; is
18 that correct?

19 A. That's correct. Based off of my experience, particularly
20 on October 4th and, you know, just days prior to that protest,
21 an -- an alderperson was actually grabbed by an agent and, you
22 know, I had to have these conversations with my family about,
23 you know, putting myself in a very similar situation.

24 I still decided to be out there and so I knew I ran
25 that risk. But, yeah, it -- it definitely crossed my mind.

1 THE COURT: Okay. Any follow-up questions based on
2 the additional questions I asked?

3 MR. KHOJASTEH: No, Your Honor.

4 MS. WOLFSON: No, Your Honor.

5 THE COURT: All right.

6 Thank you. You can step down.

7 We're going to take a quick five-minute break, and
8 then we'll pick back up in five minutes.

9 (Recess at 10:27 a.m., until 10:40 a.m.)

10 THE COURT: All right. You can all be seated.

11 And call your next witness.

12 MS. KLEINHAUS: Plaintiffs call Juan Muñoz, who will
13 be examined by Justin Hill.

14 (Witness sworn.)

15 JUAN MUÑOZ, PLAINTIFFS' WITNESS, DULY SWORN

16 DIRECT EXAMINATION

17 BY MR. HILL:

18 Q. Good morning.

19 Can you please state and spell your name for the
20 record.

21 A. Juan Muñoz, J-u-a-n, M-u-n-o-z.

22 Q. And what do you do for work, Mr. Muñoz?

23 A. I a -- am a trustee for the Oak Park Township. I am also a
24 local business owner and board president for a national
25 nonprofit.

1 Q. In your role as trustee, do you have constituents in that
2 position?

3 A. I do. The residents of Oak Park are my constituents.

4 Q. Okay. So I'd like to spend most of our time today focusing
5 on your activity at protests.

6 Have you attended any protests in the past few months
7 against the federal government's immigration operations in
8 Chicago?

9 A. I have.

10 Q. Okay. And what was the reason that you went to those
11 protests?

12 A. I attended in solidarity with those standing up for folks
13 that can't speak for themselves. Growing up in mixed status
14 communities around the U.S. has made me sensitive to the
15 silence that I witnessed when other immigration activity had
16 happened to community members. And I was proud of those
17 standing up now, and I was there in solidarity and as witness
18 and observer as an elected official.

19 Q. How -- how many protests have you attended in the past few
20 months?

21 A. Three outside of Broadview.

22 Q. What was the first one?

23 A. On Tuesday, September 23rd.

24 Q. Okay. What did you see at that first protest?

25 A. That one was fairly uneventful. There were a few folks at

1 the entrance of the parking lot leading to the detention
2 center. Vehicles were coming in and out; people were taking
3 pictures. But generally, yeah, uneventful.

4 Q. Now, when was the second protest that you went to?

5 A. That was Friday September 26th.

6 Q. Okay. And I -- I think in your declaration, you put Friday
7 September 28th.

8 Was that a typo?

9 A. That was a typo, yes.

10 Q. Okay. So what did you witness at that second protest?

11 A. That second protest was -- I witnessed federal agents
12 deploy different chemical weapons, PepperBalls, tear gas,
13 rubber bullets against protesters.

14 Q. Did you see any protesters throw a brick at any officers?

15 A. No.

16 Q. Did you see anything that in your opinion would have
17 justified that sort of use of force against them?

18 A. No.

19 Q. Okay. Now, when was the third protest that you attended at
20 Broadview?

21 A. That was Friday, October 3rd.

22 Q. Okay. And can you tell me about what happened to you that
23 day?

24 A. Shortly after I arrived at 8:30, I saw the State Police
25 holding a fire lane for vehicles to come in and out and saw

1 federal agents near the gate start to form, with a military
2 vehicle behind them march towards the protesters. Once they
3 arrived at the protesters, the state officers either put on
4 masks or fell back through the crowd.

5 Shortly thereafter, I witnessed Gregory Bovino make an
6 announcement to the crowd, said I'm -- something along the
7 lines of, "I'm going to give you one warning, move back," and a
8 few seconds later turned back to the federal agents and said,
9 "Okay, arrest them." And the federal agents began to detain
10 people.

11 Q. Okay. I'd like to -- I'd like to play you a clip.

12 MR. HILL: Lilia, could you pull up Exhibit 45?

13 BY MR. HILL:

14 Q. Mr. Muñoz, can you see something on your screen there?

15 A. Yes.

16 Q. Okay.

17 MR. HILL: Lilia, can you start that at 10 seconds,
18 please.

19 (Video played in open court.)

20 MR. HILL: Lilia, can you pause that?

21 BY MR. HILL:

22 Q. Mr. Muñoz, I'm going to ask you to take a look at the still
23 frame.

24 Do you see yourself in this image?

25 A. Yes. I'm wearing the blue shirt with the white stripe.

1 Q. Okay. Do you have a gas mask on?

2 A. I do.

3 Q. Are you approximately in the middle of the screen standing
4 up?

5 A. Yes.

6 Q. Okay. What is that you're holding in your hand?

7 A. It's a cell phone.

8 Q. And why are you holding it?

9 A. I am recording the federal agents inside of the parking
10 lot. I had seen how quickly things had escalated at prior
11 protests so I wanted to document what was happening.

12 Q. Okay. Now, you're -- you're standing there. Why -- why
13 are you standing in that particular location?

14 A. Prior to this, I was in the parking lot when the agents
15 said to move back. I moved -- kept moving back further until
16 federal agents said to move beyond the guardrail. Once I did,
17 he said, "Thank you," and so I believe that was an area I was
18 allowed to be in.

19 Q. Okay.

20 MR. HILL: Lilia, you can go ahead and keep playing.

21 (Video played in open court.)

22 MR. HILL: Lilia, you can pause it.

23 BY MR. HILL:

24 Q. Does that video accurately depict your experience on that
25 day?

1 A. Yes.

2 Q. Okay. Now, I think we saw in that video someone push you
3 down.

4 Do you know who that was?

5 A. It was Gregory -- Gregory Bovino.

6 Q. Okay. Were you arrested on that day?

7 A. I was.

8 Q. For how many hours were you detained?

9 A. I was detained for eight hours inside the detention center
10 at Broadview.

11 Q. Okay. What -- how were you released after those eight
12 hours had passed?

13 A. At the -- near the end of the day, they asked us to leave
14 the cell and line up against the wall. At that point, we
15 weren't sure what was happening. The agents started to talk
16 amongst themselves saying that we -- asking how many people fit
17 inside the van. So we were being -- going to be transported,
18 but we didn't know to another facility or to be released.

19 We were not informed until we were walking towards the
20 van that we would be dropped off at a gas station about --
21 about a mile and a half away. We were loaded onto the van and
22 transported there, left with our belongings, and asked to hand
23 back the evidence bags and given no explanation or statements
24 of, you know, what was going to be happening from there.

25 Q. Were you given any resources to get home after you were

1 dropped off at the gas station?

2 A. No.

3 Q. Mr. Muñoz, how has your experience getting arrested on
4 October 3rd affected you personally?

5 A. I have not been back to the detention center to protest in
6 solidarity. I have changed how I operate in the world. I
7 carry a copy of my passport. Now I'm concerned for my safety,
8 my family's safety, because of the propaganda and the
9 narratives that are being spread online. So I'm a lot more
10 cautious. I'm concerned of being targeted or rearrested. So I
11 began to use that copy of the -- the passport as -- as a
12 shield. And that's informed how I -- how I live; how I lead my
13 community; how I protect others.

14 EXAMINATION

15 BY THE COURT:

16 Q. And just to follow up on what you had just said previously.
17 So you were arrested here, correct?

18 A. Correct.

19 Q. Okay. And when you were arrested, did you -- did anybody
20 tell you what you were being arrested for?

21 A. No. I felt somebody pull me down from my shoulder. When I
22 fell onto my back, I saw it was Gregory Bovino. He smacked the
23 phone out of my hand and said, "You're under arrest, roll onto
24 your stomach," which I did. And I informed him that I was an
25 elected official, but there was no response.

1 Q. All right. And at any time while you were being
2 arrested -- and you were handcuffed, correct?

3 A. Correct.

4 Q. And then walked into the Broadview facility, correct?

5 A. No. Well, eventually, yes. We were held in the parking
6 lot for about half an hour, and then, yes, led into the
7 detention center.

8 Q. All right. And when you were in the parking lot, at any
9 time, did you feel like you were free to leave?

10 A. No, we -- the agents spoke amongst themselves but did not
11 tell us that we were being charged with anything or if we would
12 be released. But there were many cameras of the individuals
13 that looked like they were with the federal agents taking
14 pictures, video. And eventually Kristi Noem came to -- through
15 the parking lot and stopped and -- and looked at us and were
16 taking pictures and video.

17 Q. And nobody told you that you were free to leave at that
18 time?

19 A. Correct.

20 Q. Okay. And then from the parking lot, you went into the
21 Broadview facility; is that right?

22 A. Correct.

23 Q. And once you got inside the Broadview facility, nobody told
24 you that you were free to leave, correct?

25 A. Correct.

1 Q. And while you were there, and it says you were there about
2 eight hours -- is that right?

3 A. Correct.

4 Q. During that eight-hour time period, did anybody tell you
5 what you had been arrested for?

6 A. No. I was interviewed by two FBI agents and processed by
7 an immigration agent, pictures, photo, fingerprints, and
8 information, name, phone number, address, and processed, but
9 through none of those -- neither of those interactions did they
10 inform me if I was being investigated or being processed
11 through the immigration system.

12 Q. All right. And what was your belief that was happening?
13 You know, what was -- what did you think was happening to you,
14 for example, when you were being interviewed by the immigration
15 agent?

16 A. I believed that I might be processed through the
17 immigration system, either mistaken for somebody else with the
18 same common name, Juan Muñoz. So detained and separated and
19 kept for longer was a possibility.

20 There was no information, so we -- we sat in the cell,
21 six gentleman that were detained with me, and given no other
22 information.

23 Q. All right. And then at some point you learned that you
24 were being released, right?

25 A. Correct.

1 Q. And as you sit here today, do you know why you were
2 arrested?

3 A. No, I have been given no other information or received
4 any -- any further information.

5 THE COURT: All right.

6 Go ahead.

7 MR. HILL: No further questions, Mr. Muñoz. Thank
8 you.

9 THE WITNESS: Thank you.

10 THE COURT: All right.

11 CROSS-EXAMINATION

12 BY MR. KHOJASTEH:

13 Q. Good morn- -- I'm sorry. Good morning, Mr. Muñoz. My name
14 is Sarmad Khojasteh. I'm just going to ask you a few
15 questions.

16 First, I want to thank you for serving, being an
17 elected official. And it's a privilege and a sacrifice, and
18 thank you for your service.

19 Mr. Muñoz, you testified that you have not visited
20 Broadview since the incident about which you testified in your
21 declaration; is that correct?

22 A. Correct.

23 Q. You have participated, though, in other demonstrations or
24 other protests in opposition to the Administration's
25 immigration enforcement policies in Chicago since that date?

1 A. One, yes.

2 Q. And you did not submit a declaration -- but you're only
3 submitting a declaration about the events that took place on
4 September 26th and October 3rd, correct?

5 A. Correct. The one I mentioned was a No Kings walk with my
6 family in my neighborhood.

7 MR. KHOJASTEH: Thank you, Mr. Muñoz. I have no
8 further questions.

9 THE WITNESS: Thank you.

10 MR. HILL: No further questions from plaintiff. Thank
11 you.

12 THE COURT: All right. Thank you. You can step down.
13 Call your next witness.

14 MS. KLEINHAUS: Your Honor, can Mr. Muñoz stay if he
15 wants to stay?

16 THE COURT: He can, yep.

17 MS. KLEINHAUS: Plaintiffs call Leslie Cortez, and
18 Wallace Hilke will be doing the exam.

19 (Witness sworn.)

20 LESLIE CORTEZ, PLAINTIFFS' WITNESS, DULY SWORN,

21 DIRECT EXAMINATION

22 BY MR. HILKE:

23 Q. Please state and spell your name for the record.

24 A. My name is Leslie, L-e-s-l-i-e, last name Cortez,
25 C-o-r-t-e-z.

1 Q. Where do you live?

2 A. I live in Cicero, Illinois.

3 Q. What do you do for work?

4 A. I am a youth organizer at an environmental justice
5 organization.

6 Q. All right. Do you remember where you were on October 1,
7 2025?

8 A. Yes.

9 Q. Did you encounter any federal immigration agents on that
10 day?

11 A. I did.

12 Q. And what led to that? How did you come in contact with
13 them?

14 A. I was on my way home for lunch, and I had gotten a tip that
15 ICE was at the Home Depot on 29th and Cicero Avenue. I drove
16 there hoping they weren't there, but they were. When I got
17 there, they were arresting day laborers.

18 Q. All right. And when you got there -- you drove to the Home
19 Depot; is that right?

20 A. That's correct.

21 Q. And when you got there, did you park, or what did you do?

22 A. I parked.

23 Q. How -- and you said you saw day laborers being arrested.

24 How close did you park to that arrest?

25 A. About 40 to 50 feet away.

1 Q. What did you do next?

2 A. I started recording, and I started to let them know their
3 rights in Spanish.

4 Q. Who were you telling their rights to?

5 A. To the day laborers being arrested.

6 Q. Did you get any response when you did that?

7 A. I got a response from the ICE agents that they already knew
8 their rights.

9 And while I was saying their rights, a vehicle of ICE
10 agents pulled up next to me, and then I saw another vehicle
11 pull up in front of me.

12 Q. All right. I'll ask about that in a second, but, first,
13 the agents who you saw conducting the arrest in the first
14 place, what were they wearing?

15 A. They were wearing the green uniform. They had vests on
16 with yellow font that said Border Patrol.

17 Q. Okay. And you mentioned that after the agents said, you
18 know, they already know their rights, a vehicle pulled up in
19 front of you.

20 Can you tell me where the vehicle was positioned
21 relative to you and the agents?

22 A. Yes, it was on my left. They drove up next to me to block
23 my view and -- that's what they did.

24 Q. And did you see who was in that vehicle?

25 A. ICE agents.

1 Q. And when you say "ICE agents," were they wearing the same
2 kind of uniform you saw from the original agents?

3 A. They were.

4 Q. Okay. So then after that vehicle pulled up in front of
5 you, what did you do next?

6 A. I -- since my view was obstructed, I got out of my vehicle.
7 And I wanted to make sure I can continue witnessing and
8 documenting. And I was -- witnessed the ICE agents escorting
9 the day laborers into the vehicle and starting to roll, drive
10 away.

11 Q. Did you get very close to the agents?

12 A. When they were pulling out, then I proceeded to walk over,
13 but they were already pulling out.

14 Q. Okay. After they pulled out, where did you go next?

15 A. I went back to my car, distraught.

16 Q. Okay. And when you got back to your car, what happened
17 next?

18 A. What happened next was I saw another SUV pull up. They got
19 out of their vehicle, ICE agents. They were wearing the same
20 green uniform. I couldn't see their vests. A person on the
21 right side took out a weapon. They drew it at me.

22 Q. And when you say they drew it at you, did they specifically
23 aim it at -- or where specifically did that agent aim the
24 weapon?

25 A. They aimed it right at me because I could see inside the

1 barrel.

2 Q. And how did you feel when you saw the weapon pointed at
3 you?

4 A. My heart accelerated. I was nervous they were going to
5 shoot. I froze.

6 Q. What happened next?

7 A. I, out of protection, noticed they weren't putting the
8 weapon down, and so I spoke up. And I said, I have the right
9 to document law enforcement. We have the right to assemble.

10 Because people were on my -- people were starting to
11 come up.

12 And when I said my rights out loud, the ICE agent
13 brought down the weapon that was being aimed at me, and he
14 brought it down, and he went inside the car and left.

15 Q. And it sounds like -- were -- were there other people in
16 the parking lot who were also trying to observe the agents?

17 A. Yes.

18 Q. And about how many would you say were there?

19 A. Less than ten. Like eight people.

20 Q. Did you see anyone at any time you were in that Home Depot
21 parking lot do anything that would justify pointing a weapon or
22 another use of force against someone?

23 A. No.

24 Q. The officer who pointed the weapon at you, did you do
25 anything to photograph or record that officer?

1 A. I didn't want to make any sudden movements, so no.

2 Q. And was -- October 1st, was that the first time you've
3 reported to reports of immigration enforce -- you've -- strike
4 that.

5 Was that the first time you've responded to reports of
6 immigration enforcement?

7 A. It was not.

8 Q. How many times do you think you had done so in the past?

9 A. At least once or twice a week for a couple of months.

10 Q. And how did that incident on October 1, 2025, make you feel
11 about recording and observing agents in the future?

12 A. It -- it was a traumatizing experience because I never had
13 a weapon drew at me, especially for documenting and for
14 witnessing. And so it made me really reconsider if this is
15 something that's safe to do, even though I wasn't doing
16 anything to obstruct.

17 Q. One second.

18 MR. HILKE: Okay. No further questions.

19 THE COURT: Okay.

20 Cross.

21 CROSS-EXAMINATION

22 BY MR. KHOJASTEH:

23 Q. Good morning, Ms. Cortez. My name is Sarmad Khojasteh.
24 I'm just going to ask you a few questions.

25 In your declar- -- you submitted a declaration in this

1 case, correct?

2 A. Yes.

3 Q. And in the last paragraph of the declaration, you state
4 that: I intend to continue to observe and record immigration
5 enforcement in my community.

6 A. Yes.

7 Q. That's truthful testimony?

8 A. It's truthful.

9 Q. And that was -- you executed this on October 19, 2025,
10 right?

11 Correct?

12 A. Can you say it louder? I'm sorry.

13 Q. I apologize.

14 You executed your declaration, it states here, on
15 October 19, 2025, right?

16 A. Wallace Hilke wrote it for me.

17 Q. Excuse me?

18 A. Wallace Hilke.

19 Q. Wrote the declaration for you?

20 A. They -- they wrote it up, but it's my testimony.

21 Q. Understood. So you worked -- I'm not trying to get at who
22 did what and with respect to.

23 But the lawyers drafted this, not you?

24 A. That's correct.

25 Q. Okay. And this was all concerning events on October 1,

1 2025, right?

2 A. Yes.

3 Q. And since October 20 -- you state that you -- in paragraph
4 6, I intend to continue to observe and record immigration
5 enforcement.

6 Between October 1, 2025, and the execution of this
7 declaration on October 19, 2025, you continued to observe and
8 record immigration enforcement in your community, correct?

9 A. Yes.

10 Q. Okay. And since executing this, you've continued to
11 observe and record immigration enforcement in your community,
12 correct?

13 A. Yes.

14 MR. KHOJASTEH: All right. No further questions, Your
15 Honor.

16 THE COURT: All right.

17 Any recross -- or --

18 MR. HILKE: No --

19 THE COURT: -- any redirect?

20 MR. HILKE: Nothing further. No redirect.

21 THE COURT: Then I just have a question or two.

22 EXAMINATION

23 BY THE COURT:

24 Q. So, Ms. Cortez, the declaration that you provided, that was
25 all -- those were all your words and somebody else typed it up.

1 Is that fair?

2 A. Yes.

3 Q. Okay. And you -- tell me more about your thought process
4 before you go out to any protest. Are -- is it -- has it
5 changed from before this incident on October 1st? And if it
6 has, tell me what the change is.

7 A. It has changed. I'm more fearful now to document and
8 witness. I love my community and I do this out of care. And
9 also having a weapon brandished at me is traumatizing. I'm
10 nervous. And all I'm doing is documenting. And now I just --
11 I feel like I have to draw even more distance from when I
12 document and witness, even though when I had the weapon
13 brandished at me, I was -- they had already left.

14 Q. And when -- and when this happened to you, if I'm right as
15 to what you said, the timing is the agents -- those first
16 agents that you were documenting had already driven away; is
17 that right?

18 A. Yes.

19 Q. Okay. And then a second group of agents came up to you,
20 right?

21 A. Yes.

22 Q. And at that point you were getting ready to leave; is that
23 right?

24 A. I was processing. These day laborers are -- are community
25 members. I was distraught.

1 Q. But you -- at that point you were -- you know, everything
2 had finished. Is that fair?

3 A. Yes.

4 Q. Okay. And then an agent brandished a gun and pointed it in
5 your face; is that right?

6 A. They were about 30, 40 feet away.

7 Q. Okay. But pointed it at you?

8 A. Yes, it was at me.

9 Q. At you directly?

10 A. I was staring at the barrel of it.

11 Q. Okay. And tell me, if you can, how that affected you in
12 that moment and how it has affected you today going forward.

13 A. I -- I get really nervous because it just feels like I'm
14 not safe. And I question my safety when I go out. And I also
15 recognize how important the work is, because my community also
16 deserves to have -- to know that presence isn't around, and so
17 I think twice about it every single day. And I do worry that
18 something will happen to me.

19 Q. And when you say you worry that something will happen to
20 you, what -- what is it specifically that you're worried about?

21 A. I'm -- I'm worried that they'll fire their weapon.

22 Q. And shoot you?

23 A. Yes.

24 Q. Maybe kill you?

25 A. I think hurt me. At -- hopefully at worst, and hopefully

1 it won't terminate my life.

2 Q. But that's something that you think about every time before
3 you decide to go out and document; is that right?

4 A. Yes.

5 Q. Okay. And that is because of what happened to you on
6 October 1st?

7 A. Yes.

8 Q. Okay.

9 THE COURT: Anything else based on those follow-up
10 questions?

11 MR. KHOJASTEH: Just one, Your Honor.

12 THE COURT: Sure.

13 MR. KHOJASTEH: If I may.

14 RECROSS-EXAMINATION

15 BY MR. KHOJASTEH:

16 Q. Ms. Muñoz, without -- without question, I'm -- I'm sorry
17 for the experience. It sounds traumatic.

18 In -- in the testimony that the judge elicited
19 regarding your fear of being shot if you go out again, correct,
20 notwithstanding that fear, you've continued to go out, correct?

21 Yeah, you -- for the record, you have to --

22 A. Yes.

23 Q. And do you have any awareness of anyone in the Chicagoland
24 area that has been shot and killed by a federal law enforcement
25 officer for recording and observing federal immigration

1 enforcement akin to the activity that you've been participating
2 in?

3 A. Can you say it one more time?

4 Q. Do you know anyone in the Chicagoland area -- are you aware
5 of anyone in the Chicagoland area that's been shot and killed
6 by a federal law enforcement officer for participating or
7 engaging in the observing and recording of federal immigration
8 enforcement akin to the activities in which you participate?

9 A. Shot and killed, no.

10 Q. Okay. Thank you.

11 THE COURT: All right. Anything else?

12 MR. HILKE: Nothing else.

13 THE COURT: All right.

14 Thank you. You can step down.

15 THE WITNESS: Thank you.

16 Thank you.

17 MS. KLEINHAUS: Your Honor, may Ms. Cortez stay in the
18 courtroom?

19 THE COURT: It's --

20 MS. KLEINHAUS: I'll stop asking.

21 THE COURT: Yeah, everybody can stay.

22 MS. KLEINHAUS: Everybody?

23 THE COURT: Yep.

24 MS. KLEINHAUS: Sorry about that.

25 THE COURT: After they have testified, they can stay.

1 MS. KLEINHAUS: Okay. Plaintiffs call John Bodett,
2 and Daniel Massoglia will be asking questions.

3 (Witness sworn.)

4 JOHN BODETT, PLAINTIFFS' WITNESS, DULY SWORN,

5 DIRECT EXAMINATION

6 BY MR. MASSOGLIA:

7 Q. Good morning, Mr. Bodett.

8 Could you please state and spell your name for the
9 record?

10 A. John Bodett, J-o-h-n, B-o-d-e-t-t.

11 Q. And where do you live, John?

12 A. Little Village in Chicago.

13 Q. And since Operation Midway Blitz, has there been a heavy
14 federal immigration presence in Little Village?

15 A. There has been.

16 Q. Has the neighborhood been fearful?

17 A. Yes.

18 Q. And tense?

19 A. Yes.

20 Q. What do you do for work, John?

21 A. I'm a structural engineer.

22 Q. And were you present at a situation on October 23rd of this
23 year where federal agents and community members interacted on
24 27th Street?

25 A. I was.

1 Q. How did you become alerted to events at that location?

2 A. So I was working from home. I got a notification on a
3 neighborhood app saying that ICE was at the Home Depot on
4 Cicero, which is the same thing they had done before -- or they
5 had done the same thing the day before going into Little
6 Village. And then I heard a helicopter flying low, doing laps
7 over my house.

8 Q. And at that point you -- you left your home to -- to see
9 what was going on. Is that fair to say?

10 A. Correct, yes.

11 Q. Why did you -- why did you want to go?

12 A. I had seen videos and heard a lot of reports of ICE's use
13 of force and wanted to go and document and also hope that my
14 presence at a scene would prevent that from happening.

15 Q. So you were looking for accountability; is that right?

16 A. Correct.

17 MR. MASSOGLIA: Your Honor, I have a still from a
18 Google Maps at a section of 27th Street as a demonstrative
19 exhibit. This is P406.

20 THE COURT: All right.

21 MR. MASSOGLIA: Lilia, could you publish that?

22 MS. MARTINEZ: Can you repeat that, Daniel? Can you
23 repeat that?

24 MR. MASSOGLIA: Would you -- would you put that on the
25 screen? Publish it. Sorry.

1 BY MR. MASSOGLIA:

2 Q. John, can you see a map in front of you?

3 A. I do, yes.

4 Q. And do you recognize this?

5 A. I do.

6 Q. What does it show?

7 A. It shows 27th Street and the Discount Mall above it.

8 Q. And does it show the general area you were located in that
9 day?

10 A. It does.

11 Q. So using sort of cardinal directions and landmarks on this
12 map, where did you go when you arrived in this general area?

13 A. So I arrived at 20- -- 27th Street and Troy and walked east
14 on 27th Street, stopping at the exit of the Discount Mall onto
15 27th Street.

16 Q. And by exiting the discount mall, that's that vertical line
17 that runs through where it says "Discount Mall" on the map; is
18 that right?

19 A. Yeah. Between that and the Starbucks, correct.

20 Q. Okay. And were there a group of community members gathered
21 at that time?

22 A. There was -- there were, yes.

23 Q. And were they making threats or violence towards the
24 agents?

25 A. No. It was kind of a hodgepodge group of people. A lot of

1 people recording, a guy walking his dog, somebody honking,
2 another person blowing a whistle, a couple of people yelling at
3 ICE to leave, and a couple of people cussing them out.

4 Q. And what did you do then after you sort of gauged the
5 scene?

6 A. So I stood there and kind of waited. I was curious to see
7 what was happening, and all of the agents were standing partly
8 in the exit to the -- to the mall and on 27th Street, and there
9 was no action that I could see.

10 Q. And at this point -- at some point, do you go a little bit
11 to the east, to the corner of 27th Street and that alley?

12 A. Yeah. So at a certain point, all of the agents kind of in
13 unison backed up to the point where that diagonal alley
14 intersects West 27th Street.

15 Q. And did you witness any threats or violence from the
16 protesters towards federal agents at that point?

17 A. I did not. The group had also grown a good bit by this
18 point.

19 Q. And at some point did you hear tear gas?

20 A. Yeah. So I was standing just on the shoulder north of --
21 of the road of 27th Street, just north of it, and I heard tear
22 gas thrown behind me.

23 Q. Did you hear a warning prior to the deployment of tear gas?

24 A. I did not.

25 Q. And at the time of tear -- of the tear gas, were the agents

1 issuing commands to the crowd?

2 A. I did not hear any.

3 Q. Were there any threats of violence to protesters or agents
4 besides the tear gas?

5 A. None that I saw.

6 Q. And did you see any rocks thrown prior to the deployment of
7 the gas?

8 A. I did not.

9 Q. And you took a video that day, correct?

10 A. I did.

11 Q. I'm going to show you a brief portion of that video. This
12 is Plaintiff's Exhibit 83-B.

13 We're going to I think rotate it very quickly. Or --
14 or else we'll just -- we -- we can watch it vertically.

15 MR. MASSOGLIA: Everybody just use your imagination.

16 BY MR. MASSOGLIA:

17 Q. So do you recognize this video that you see right there?

18 A. I do.

19 Q. And we're going to -- is this the video you captured that
20 day on 27th Street?

21 A. Yes.

22 Q. Has it been altered in any way?

23 A. No.

24 MR. MASSOGLIA: So if we could play the first two
25 seconds of the video.

1 (Video played in open court.)

2 BY MR. MASSOGLIA:

3 Q. All right. What did we just witness?

4 A. So on the middle of the screen you can see Commander Bovino
5 preparing a tear gas canister. And then you see an agent shoot
6 a very large projectile at head height. If there's audio,
7 you -- audio, you also hear someone yell, "Get 'em."

8 MR. MASSOGLIA: Let's watch those two seconds one more
9 time, and pause it at two.

10 (Video played in open court.)

11 BY MR. MASSOGLIA:

12 Q. So what did you do when you saw this happen?

13 A. As soon as the large projectile was fired, I took off.

14 Q. And which direction did you take off?

15 A. I ran up the diagonal alley.

16 Q. Okay. So did you see anything once you were able to look
17 back towards 27th Street?

18 A. So, yeah, I mean, the agents started moving around, but --

19 Q. Let me rephrase.

20 Did you see any tear gas?

21 A. Oh, yeah, after I had turned back around, there was much
22 more tear gas than before.

23 MR. MASSOGLIA: Okay. So if we could publish the
24 Google Maps screenshot, Exhibit 406, again, please.

25 BY MR. MASSOGLIA:

1 Q. And so you -- I believe you stated you -- you ran up that
2 diagonal alley sort of in the middle of this image. Is that
3 accurate?

4 A. Correct.

5 Q. And were the agents blocked in at this time?

6 A. They were not. So as I went up the diagonal alley, there
7 were multiple cars and agents on the alley. And then I -- when
8 I got up to Whipple Street there was at least one, potentially
9 two cars of agents at that intersection. And then looking down
10 to 27th and Whipple, there was a lot of agents and vehicles
11 down there, and that intersection to me felt kind of like their
12 home base.

13 Q. And was there -- were the agents blocked in at 27th and
14 Whipple?

15 A. No.

16 Q. Where --

17 A. They controlled all four sides of that intersection.

18 Q. Was there pandemonium at that intersection?

19 A. No. And at the diagonal of Whipple and the alley, there
20 was me and two other people had been flushed that way.

21 Q. And at that time did you see or hear any threats or
22 violence towards officers?

23 A. I did not.

24 Q. Did you ever see any fireworks?

25 A. So when I was at the intersection of 27th and the -- Street

1 and the diagonal alley, I saw a single firework shot straight
2 in the air that to me looked like it came from the alley or one
3 of the backyards, like the alley that's parallel to Sacramento
4 and Whipple just south -- a few houses south of 27th Street.

5 Q. So to the west; is that right? Or, sorry, to the east?

6 A. To the east of everything that was happening.

7 Q. And not thrown at agents?

8 A. Yes. And that's also something that happens every day in
9 Little Village.

10 Q. How long have you lived in Little Village?

11 A. Over six years.

12 Q. What street gang is active in the area pictured in this
13 Google Maps image?

14 A. The Latin Kings.

15 Q. And what colors do you associate with the Latin Kings?

16 A. It's my understanding that they -- that their colors are
17 black and gold.

18 Q. Did the incident change how you would document law
19 enforcement activity in the future?

20 A. It did. I'd say particularly seeing the projectile shot at
21 head height would make me much more fearful of -- of
22 documenting in the future.

23 Q. And did you see anything by protesters that would justify
24 the agents' use of force?

25 A. I did not.

1 MR. MOSSOGLIA: Thank you. No further questions.

2 THE COURT: All right.

3 Cross.

4 CROSS-EXAMINATION

5 BY MR. KHOJASTEH:

6 Q. Mr. Bodett, my name is Sarmad Khojasteh. Good morning.

7 Pleasure to meet you.

8 A. Good morning.

9 Q. Thank you for taking the time to testify this morning.

10 A. For sure.

11 Q. Mr. Bodett, a few questions.

12 You testified just now a lot about what you heard,
13 what you saw, and what you felt on October 23rd in and around
14 the area of 27th and Whipple, right?

15 A. Right.

16 Q. Right. You're not here testifying as to what the agents
17 heard, saw, or felt, correct?

18 A. Correct.

19 Q. Right.

20 You couldn't?

21 A. Correct.

22 Q. Right.

23 Since October 23rd -- well, let's just -- you
24 mentioned an app that you use to identify when and where ICE
25 enforcement operations may be occurring.

1 Do you remember that --

2 A. Yes.

3 Q. -- in your testimony a moment ago?

4 What area does that cover?

5 A. It's the whole -- it's -- it's not an ICE-specific app.

6 It's just any activity in the neighborhood app.

7 Q. Any law enforcement activity or like any activity?

8 A. Like there's a stray dog, here's -- you know, there's a
9 helicopter over here. You know, it's just like a typical
10 neighborhood app.

11 Q. What's the name of the app?

12 A. Citizen app.

13 Q. Citizen app.

14 And the idea behind it is that neighbors can let
15 neighbors know what's happening in their vicinity?

16 A. Right.

17 Q. Understood. Noted.

18 Since the events of October 23rd, are you still using
19 that app?

20 A. I am, yes.

21 Q. Have you still went to -- strike that.

22 Have you still used the app to identify when and where
23 an ICE operation may be occurring?

24 A. I don't believe since then I've ever seen a notification of
25 ICE on that app.

1 Q. So ICE hasn't been -- it hasn't shown up on your app since
2 October 23rd that ICE is conducting an operation in your
3 neighborhood?

4 A. No, at least not a notification pop-up.

5 Q. Right. Understood.

6 Have you participated in any -- strike that.

7 Do you oppose the Administration's immigration
8 enforcement efforts in Chicago?

9 A. Since Operation Midway Blitz, there have been a lot of
10 things that I've seen that have been pretty troubling.

11 Q. Have you participated in any demonstrations or protests
12 opposing the immigration enforcement efforts?

13 A. I was at a No Kings protest, but that was not necessarily
14 about immigration specifically.

15 Q. Right.

16 Have you expressed your opposition to federal
17 immigration enforcement efforts in Chicago publicly, in
18 protests or otherwise?

19 A. Yes.

20 Q. Okay.

21 A. Like nothing crazy, yeah.

22 Q. And -- and the -- and the declaration that you provided in
23 this case only concerns the events of October 23rd, correct?

24 A. Correct.

25 Q. Okay.

1 MR. KHOJASTEH: I have no further questions.

2 THE COURT: All right.

3 MR. MOSSOGLIA: Nothing further.

4 THE COURT: Okay. You can step down. Thanks.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: Oh, actually, bring him back up.

7 Sorry, Mr. Bodett. I had one -- sorry. Sorry, sorry.

8 One question.

9 THE WITNESS: Oh.

10 THE COURT: You're fine.

11 EXAMINATION

12 BY THE COURT:

13 Q. The -- so you were right there when you saw the large
14 projectile get fired?

15 A. Correct.

16 Q. And before that projectile -- before the agent fired that
17 projectile, you didn't hear a warning that somebody was going
18 to fire the projectile, did you?

19 A. Not for the warning or for the tear gas.

20 Q. Okay. So you didn't hear a -- you didn't hear an order to
21 leave, correct?

22 A. Correct. If I had been given an order, I would have left.

23 Q. Okay. So you didn't hear an order to leave, and you didn't
24 hear a warning that the projectile, which turned out to be tear
25 gas, was going to be used?

1 A. Correct.

2 Q. Okay.

3 THE COURT: Anything else based on that?

4 MR. KHOJASTEH: Just one question, Your Honor.

5 THE COURT: Go ahead.

6 RECROSS-EXAMINATION

7 BY MR. KHOJASTEH:

8 Q. Mr. Bodett, in connection with the testimony Your Honor
9 just elicited, you were not standing in the direction in which
10 the projectile was fired, correct?

11 A. So I was just north of 27th right on the shoulder talking
12 to two agents who were right in front of me. So the action --
13 I would say I was 25 to 30 feet from Commander Bovino where
14 kind of the center of the action took place.

15 Q. And the -- the projectile that was fired, I believe you
16 said it was tear gas, wasn't sent in your direction, but based
17 on the video it seemed like it was sent perpendicular to you?

18 A. Correct, but I did inhale tear gas. It --

19 Q. Understood.

20 A. -- was everywhere.

21 Q. Understood. And I -- that's regrettable. And I very
22 much -- I'm sorry to hear that.

23 But if a warning was given, it wouldn't have been in
24 your direction. It would have been the direction of where the
25 projectile was being sent, correct?

1 MR. MASSOGLIA: Objection. Form. Calls for
2 speculation.

3 THE COURT: Overruled as to form. If he can answer.
4 BY THE WITNESS:

5 A. Yes, but I also could hear them yell, "Get them." And --
6 and the agents in front of me could also have informed me that
7 tear gas was about to be thrown everywhere.

8 BY MR. KHOJASTEH:

9 Q. Understood. I'm just trying to understand how you're
10 situated 25 and 30 --

11 A. Yes.

12 Q. -- feet --

13 A. I was not directly standing in -- I'm not the person
14 standing in front of Commander Bovino --

15 Q. Yeah.

16 A. -- that's correct.

17 Q. And you're 25 to 30 feet away. You testified there was
18 whistles, there was a hodgepodge, right? So I'm just -- I'm
19 just trying to understand the situation.

20 MR. KHOJASTEH: No further questions, Your Honor.
21 Thank you.

22 THE COURT: All right.

23 EXAMINATION

24 BY THE COURT:

25 Q. All right. But you did hear somebody yell, "Get them"?

1 A. Correct.

2 Q. And the person that yelled "Get them" was one of the agents
3 close to whoever it was that fired the projectile --

4 A. Correct.

5 Q. -- is that right?

6 A. Correct.

7 Q. Okay. And so had one of those agents yelled, I'm going to
8 fire -- I'm going to disperse tear gas, do you think you would
9 have been able to hear it?

10 A. I think that if I wasn't able to hear it, a large
11 percentage of the crowd there would not have been able to hear
12 it.

13 Q. Okay.

14 A. But if they said it in a lower voice, then obviously only
15 the few people standing in front would be able to hear.

16 Q. Okay. But you --

17 A. I also didn't see any, like, hand gestures of officers
18 trying to get us off the road. There was no direction given to
19 people there what they wanted us to do.

20 Q. And you were able to hear somebody yell "Get them"?

21 A. Correct.

22 Q. Okay. And so given that you were able to hear that, if
23 somebody had yelled --

24 A. If someone had yelled, I would have heard it.

25 Q. You would have heard, "I'm about to deploy tear gas"? You

1 would have heard that?

2 A. Correct.

3 THE COURT: Okay.

4 Anything else?

5 MR. MOSSOGLIA: Nothing from plaintiffs.

6 MR. KHOJASTEH: No, Your Honor.

7 THE COURT: All right.

8 You're excused.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: Thank you.

11 MS. KLEINHAUS: Your Honor, plaintiffs call Jo-Elle

12 Munchak. And Dominique Gilbert will be doing the exam.

13 (Witness sworn.)

14 JO-ELLE MUNCHAK, PLAINTIFFS' WITNESS, DULY SWORN,

15 DIRECT EXAMINATION

16 BY MS. GILBERT:

17 Q. Good morning.

18 A. Good morning.

19 Q. Please state and spell your name for the record.

20 A. My name is Jo-Elle Munchak. It's spelled J-o, hyphen,
21 capital E-l-l-e; last name is Munchak, M, as in Mary, u-n, as
22 in Nancy, c-h-a-k.

23 Q. Thank you, Ms. Munchak.

24 Where do you live?

25 A. I live in the Edgewater neighborhood of Chicago, north side

1 of Chicago near the lake.

2 Q. Great.

3 And what is the name of your street?

4 A. I live on Catalpa Avenue.

5 Q. What do you do professionally?

6 A. I am a licensed lawyer by trade. I am currently a privacy
7 compliance manager at a major health insurance company.

8 Q. Are you admitted to practice?

9 A. Yes, I am, in Illinois, and in -- in good standing.

10 Q. Thank you.

11 I'd like to ask you a few questions about the morning
12 of October 10, 2025.

13 What were you doing around 9:00 a.m. that day?

14 A. I was driving home from getting a cup of coffee at
15 McDonald's and going north on Sheridan, which is a street near
16 my home, and going to find parking from there.

17 Q. Okay. Was there anything of note when you were looking for
18 parking?

19 A. Sure.

20 As I was traveling north on Sheridan, middle of the
21 block between Balmoral and Catalpa, which is about the 5400
22 block of Sheridan, the landscaping truck was parked there. But
23 also, there was a black SUV with federal agents parked behind
24 the landscaping truck. And then there was also a gray SUV
25 parked ahead of the landscaping truck.

1 So I thought that that was probably -- something was
2 happening, so I decided to pull over ahead -- a few feet ahead
3 of the gray SUV that was parked in front of the landscaping
4 truck and wanted to record the incident.

5 Q. Okay. How long was the recording that you made?

6 A. The recording was about five and a half minutes.

7 Q. Okay. I'd like to show you what's marked as Exhibit 77-B.

8 MS. GILBERT: Lilia, could you please pull that up to
9 3 minutes and 43 seconds?

10 Could you start the video? Thank you.

11 (Video played in open court.)

12 MS. GILBERT: Thank you, Lilia. You can stop it.

13 Thank you.

14 BY MS. GILBERT:

15 Q. Ms. Munchak, is this the video recording that you took?

16 A. Yes, that's part of it.

17 Q. Okay. And is this clip representative of where you stood
18 during the recording?

19 A. It is. But I did use a zoom lens on my camera. So I was
20 basically -- or camera, my phone --

21 Q. Uh-huh.

22 A. -- and I was basically located near my car. I was situated
23 either in the parkway, which is the grass between the curb and
24 the sidewalk, or maybe right at the sidewalk, but I was -- I
25 was pretty far back, at least two and a half, three car lengths

1 from where the actual action was taking place.

2 Q. Okay. And you never got any closer than that?

3 A. No, I did not.

4 Q. And we heard you make a few comments on the video.

5 Can you tell us why you made those comments?

6 A. Well, I was responding -- the storm trooper comment was
7 responding to someone who was passing by and made a comment.

8 And so, yes, I said that. I explained that. That was rather
9 loud.

10 And the Hague, well, it's because I think that the
11 draconian measures that are happening and the lack of due
12 process and the conditions of detention centers probably do
13 constitute human rights violations if anyone else were to -- to
14 do them.

15 Q. Thanks for explaining.

16 Would you -- did you see anything in that encounter
17 that justified use of force?

18 A. No. It was actually rather uneventful. The gentleman in
19 the neon yellow seemed to be a supervisor. He came to talk
20 with the -- with the agents and the person being detained and
21 someone else. And after they were talking, the person who
22 ended up being detained was handcuffed and escorted to the car,
23 the -- the black SUV that was behind the landscaping truck.
24 Again, without incident. So it was pretty -- luckily
25 uneventful and not violent.

1 Q. Okay. And then what happened next?

2 A. What happened next was I got back in my car to proceed onto
3 my day, which was basically trying to find parking on my
4 street, which was a half a block away.

5 And the gray SUV pulled out and went to the corner of
6 Sheridan and Catalpa to make a left-hand turn. I pulled out,
7 but the -- the black SUV was coming north as well. I signal
8 him to go ahead, because I was pulling out at the same time
9 they were coming up. And so they proceeded. And they were
10 behind the gray SUV at the corner of Catalpa and Sheridan to
11 make a left. And, again, because I live on Catalpa, not that
12 far away from Sheridan, I also made a left -- I was signaling
13 to make a left-hand turn.

14 Q. Okay. And did you find parking on your drive home?

15 A. Not immediately. The gray SUV was parked mid-block in such
16 a way that I could not go around the black SUV on Catalpa to
17 just proceed and go about my business.

18 I looked to see if I can back up and go down the alley
19 that was nearby. But before I could do that, the gray SUV who
20 had parked when they turned left, it parked at the corner. And
21 so basically they came up behind my back bumper, and I was
22 basically blocked in.

23 Q. Okay. You -- what happened now -- then when you were
24 blocked in?

25 A. Well, yeah, I was blocked in and agents then rushed my --

1 my car. I -- at least three of them, I don't know if there
2 were more. But there was an agent on the right-hand side,
3 there was an agent on the driver's side, agent on the front
4 passenger side pounding on my windows. And then an agent was
5 in front of my car aiming a gun at my head. It was a long gun.
6 I don't know what kind it is. I never had a gun pointed at me
7 ever, so -- yeah.

8 And, anyway, the -- the agents on both sides were
9 pounding on my windows, demanding that I either roll down my
10 window, get out of the car, or unlock my door. And at the same
11 time, they were trying to get into my car, but it was locked
12 so -- and -- yeah, so I shook my head no and -- yeah, so that's
13 what was happening.

14 Q. Okay. The -- you had a gun pointed at your head while you
15 were sitting in a stationary car?

16 A. That's correct.

17 Q. Did the officers explain why they stopped you?

18 A. No. They were just shouting for me to follow their orders.
19 I was shouting back, "I live on this street. My house is right
20 over there. I'm finding parking." So I do not recall them
21 saying anything about why they stopped me.

22 Q. Did you see anything during that encounter that justified a
23 use of force?

24 A. No, absolutely not. I was just trying to drive down my
25 street and get parking.

1 Q. How did this encounter impact you?

2 A. It's been -- it's actually been a little bit tough. It --
3 it -- it really shook me up. I never had, again, a gun pointed
4 at me. I -- I didn't understand why I was being stopped. And,
5 yeah, it -- it -- it just really was shocking to me to and --
6 yeah, like.

7 Q. Are you inclined to hesitate recording officers or
8 protesting?

9 A. Absolutely. I was about a week and a half out of some
10 major, major back surgery. And when the adrenalin went out and
11 I calmed down, I just -- I realized that if they had been able
12 to pull me out of the car, they, you know, would have probably
13 detained me. That was their threat before they let me go.

14 They said, "We'll let you go this time, but next time
15 you'll be detained." And, you know, they could have put a -- a
16 knee in my back and I would have -- you know, who knows what
17 would have happened. So I am very hesitant right now to even
18 observe or record anymore because I fear for my personal
19 physical safety.

20 MS. GILBERT: Thank you, Ms. Munchak, for sharing your
21 story with us.

22 I have no further questions, Your Honor.

23 THE COURT: All right.

24 EXAMINATION

25 BY THE COURT:

1 Q. And before the cross, Ms. Munchak, you talked about
2 physically what you would be worried about, that you'd get
3 pulled out of your car and somebody put a knee on your back.
4 And you said that you were shook up.

5 Has this affected you in any other way,
6 psychologically or emotionally?

7 A. Well, I will tell you it's been a topic of my weekly
8 therapy sessions with my therapist for several weeks now. So,
9 yes, it has. It's -- I'm still processing what happened.

10 Q. Okay. And -- and I know that it's difficult, and I'm not
11 trying to --

12 A. I understand.

13 Q. -- have you run through things --

14 A. Sure, of course.

15 Q. -- unnecessarily, but can you tell me a little bit more,
16 just about emotionally or psychologically, how this has
17 affected you going forward?

18 A. I am fearful. I -- again, it's more of a fear and worry.
19 I -- I'm not saying -- you see, I -- I can't tell you with all
20 certainty that it made me lose sleep, because, again, I'm in
21 recovery for a physical condition. I don't know if that is
22 because of that or not, but it certainly has -- it -- it's been
23 in my thoughts. I just feel, again, more fearful.

24 And even coming into this building, feeling very
25 nervous not only having to testify for the first time in such a

1 proceeding, but there are people with guns around. So I
2 just -- I'm -- yeah, I'm just nervous and not feeling safe.

3 Q. All right. And so it would be fair to say that you're
4 scared?

5 A. Yes, I -- I -- I would say that would be fair.

6 Q. And it would -- would it be fair to say that part of your
7 fear is because someone pointed a gun at your head and banged
8 on your car and tried to get in your car and essentially
9 blocked you in right where you live?

10 A. That's exactly right. I mean, again, it's -- I -- if I
11 couldn't be safe in my neighborhood, in my own little world,
12 I -- I -- again, this was shocking to me. So, yes, I -- I do
13 not feel safe, and I'm scared.

14 Q. And where you were where this originally happened where the
15 landscaper was arrested, you were standing, if I'm -- if my
16 notes are right, about three car lengths away from what was
17 happening?

18 A. Between two -- between two and a half and three car lengths
19 ahead. There was definitely a lot of room between me and the
20 front SUV with federal agents.

21 And, in fact, the federal -- that particular car was
22 not parked at the curb. It was parked more toward the center
23 line, so -- and I was parked right at the curb, so even if I
24 was closer, they would have been able to get out anyway, but I
25 was -- I made sure I was parked far enough ahead.

1 Q. All right. So you -- you weren't obstructing anybody's
2 ability to leave -- any of the agents' ability to leave that
3 area; is that right?

4 A. Absolutely not. I mean, I think the gray SUV pulled away
5 before I even got to my car.

6 Q. Okay.

7 A. So --

8 Q. All right.

9 THE COURT: Cross?

10 CROSS-EXAMINATION

11 BY MR. KHOJASTEH:

12 Q. Good morning, Ms. Munchak.

13 A. Good morning.

14 Q. Do you need to take a minute?

15 A. No, I'm fine.

16 Q. I understand testifying is stressful. And irrespective,
17 the -- the nature of the proceedings here, credit to you for
18 coming forward, testifying. I understand it's stressful.

19 Ms. Munchak, my name is Sarmad Khojasteh. I'm going
20 to ask you a few questions.

21 In the video, I heard two things. Actually, I didn't
22 hear the storm trooper comment, but that was a comment that
23 you -- I -- I believe you testified that was not directed at
24 the federal law enforcement officers?

25 A. No. It was someone who was coming up -- who was walking on

1 the sidewalk. It was an older woman. And I believe she had
2 her camera out too, and she made a comment to me, and then I --
3 I responded to her.

4 Q. You called her a storm trooper?

5 A. No. I called the agents storm troopers.

6 Q. Okay. And then you said that -- then you put the camera up
7 and told them to, like, pose for the Hague or something --

8 A. That's correct.

9 Q. -- like that, right?

10 And so do you believe that the -- the federal law
11 enforcement officers conducting immigration enforcement
12 operations in the City of Chicago are akin to war criminals?

13 A. Their draconian methods are. I am an officer of the court.
14 I understand the necessity of upholding the laws of this
15 country, but to do it with such cruelty and wanton draconian
16 methods, I think that steps over the line. There's been no due
17 process. Federal -- or I'm sorry -- elected officials can't
18 get into these detention centers to see for themselves what's
19 going on. So, yeah.

20 Q. So you think that they're like war criminals.

21 A. I --

22 Q. How about Nazis?

23 A. -- wouldn't -- I wouldn't say war criminals because I don't
24 know the exact definition, so I have to caveat that. However,
25 it certainly is human rights abuses.

1 Q. Sure.

2 Do you think they're like Nazis?

3 A. I don't know. I don't know enough about the parties and
4 Nazis.

5 Q. Well, you called them storm troopers.

6 A. Right. I was thinking more Star Wars. Sorry.

7 Q. Understood.

8 A. Sorry about that.

9 Q. Do you think the folks acting on behalf of the Trump
10 Administration in this case are war criminals?

11 A. Again, I think that the -- and, again, I'm not saying "war
12 criminals." I'm saying that there's been human rights abuses
13 that if any other country were participating in we would take
14 issue with.

15 Q. Right.

16 So me and my counsel here, we are -- are we looped
17 into this members -- people that are going to be before the
18 Hague in the future?

19 MS. GILBERT: Objection, Your Honor.

20 THE COURT: All right.

21 MS. GILBERT: Form.

22 THE COURT: Well, it's not as to form. So if that's
23 your objection, that's overruled.

24 If you've got a different one, you can try again.

25 MS. GILBERT: Relevance.

1 THE COURT: There you go.

2 MR. KHOJASTEH: Subject to connection, Your Honor.
3 Just as a state of mind and their credibility and their biases.
4 I just want to understand the nature of how --

5 THE COURT: I --

6 MR. KHOJASTEH: -- what she's stating here on the
7 record.

8 THE COURT: I don't think it is relevant whether she
9 thinks you or anyone else sitting at counsel table, as
10 attorneys who are questioning her, believe that you belong
11 before the Hague or you belong anywhere else. It's not
12 relevant.

13 MR. KHOJASTEH: With respect, Your Honor, I'll move
14 on, but a witness's motivations in coming before the Court and
15 making serious accusations against law enforcement officers is
16 relevant. But I will move on.

17 THE COURT: Counsel, I said it wasn't relevant. I
18 allowed you to ask questions about what she thought of the
19 agents. I allowed you to ask questions about what she thinks
20 of the Administration's enforcement of its immigration laws.
21 Totally within the bounds of determining her credibility.

22 What she thinks about you at this moment in time is
23 absolutely and utterly irrelevant.

24 MR. KHOJASTEH: Agree to disagree, Your Honor.

25 THE COURT: Move on.

1 MR. KHOJASTEH: Moving on.

2 BY MR. KHOJASTEH:

3 Q. Ms. Munchak, did you participate in the No Kings protests?

4 A. I'm not physically able to, and I was fearful to do so
5 because I didn't know what was going to happen.

6 Q. Understood.

7 And have you participated in any demonstrations since
8 October 10th?

9 A. Absolutely not. I am not physically able to, and I am
10 scared to do so.

11 Q. And when you say you're not physically able to, you're
12 referring to the back surgery that you're recently recovering
13 from?

14 A. That is correct.

15 Q. Understood. All right.

16 MR. KHOJASTEH: Thank you, Ms. Munchak. I appreciate
17 your time.

18 THE WITNESS: Thank you.

19 THE COURT: Anything else?

20 MS. GILBERT: No, nothing further, Your Honor.

21 THE COURT: All right. You can step down.

22 THE WITNESS: Thank you.

23 MS. KLEINHAUS: Plaintiffs call Autumn Reidy-Hamer.

24 And Lindsay Hagy will be doing the exam.

25 (Witness sworn.)

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1 Q. And what did you intend to do there?

2 A. I wanted to gather with other members of my community, you
3 know, other parents, people that I have -- I have known for a
4 while just to -- to lend our voice and -- and say that we don't
5 agree with what's happening there.

6 Q. And when you arrived there, were there other protesters?

7 A. There were. There was an interfaith prayer service going
8 on, and there were other protesters there as well.

9 Q. And about how long were you there on the 26th?

10 A. It was a few, maybe two hours.

11 Q. When you were there, did you ever see any other protester
12 commit any act of violence?

13 A. I did not, no.

14 Q. Did you ever see any other protester throw anything?

15 A. I did not.

16 Q. Did you throw anything?

17 A. No.

18 Q. Did you -- was your speech ever interrupted?

19 A. It was interrupted by a full force of violence, of
20 flash-bang grenades. One exploded next to me, and for days I
21 had ringing and hearing loss in my right ear. There were
22 projectiles being shot from the rooftop, PepperBalls being shot
23 at us, tear gas. And eventually it was just too -- too much
24 to -- to deal with. I -- I had to leave.

25 Q. Did you hear any warnings from the agents before any of

1 that force was used?

2 A. I never heard a single warning.

3 Q. Were you ever told by the federal agents to disperse?

4 A. I was not.

5 Q. Were you ever afraid of any of the protesters around you?

6 A. Afraid of other protesters? No.

7 Q. Were you afraid of the agents?

8 A. Absolutely.

9 Q. Did -- have you ever returned to the Broadview detention
10 center since that time?

11 A. So I did end up returning the following day. My parents
12 heard about what had happened. I was obviously very shaken and
13 upset. And when I expressed to them what I had experienced,
14 they felt like they wanted to see for themselves. And I -- the
15 only way I was going to let that happen, you know, they're
16 senior citizens, is that if I chaperoned them. So I did return
17 the next day with them.

18 Q. Where do they live?

19 A. They live in Berwyn.

20 Q. And when you went to the detention facility on the 27th,
21 did you -- what did you plan to do there?

22 A. So we wanted to, you know, chant and join other people in
23 the community. I know a few other people from my neighborhood
24 that were showing up as well. And we wanted to just let
25 everybody know that what had happened the day before is not

1 acceptable and that we have a right to -- to express concern
2 with this facility and we were going to show up and -- and
3 express that.

4 Q. Did you observe other protesters when you arrived?

5 A. Yes.

6 Q. What were they doing?

7 A. There were people playing music from a speaker. There were
8 people chanting. There were people just gathering and talking.

9 Q. And at that point -- at -- on that night, was there any
10 point that you were afraid of the other protesters?

11 A. No.

12 Q. Did you ever see any fireworks among the protesters?

13 A. No, never.

14 Q. Did you see any of the other protesters commit violence?

15 A. No.

16 Q. Did you commit any violence?

17 A. No.

18 Q. Did you see any other protester throw anything?

19 A. No.

20 Q. Did you throw anything?

21 A. No.

22 Q. At any point were you afraid of the agents?

23 A. Yes.

24 Q. At what point was that?

25 A. It was almost immediately after we arrived. They -- this

1 is when the fence was erected on Beach, and they pretty much
2 opened the fence, and a large pickup truck filled with heavily
3 armed and riot-gearred agents came out. And they were using
4 PepperBalls just kind of intermittently to disperse people
5 throughout the crowd. They were very aggressive.

6 Again, my parents were with me. And they were pushing
7 the crowd back. And my mother -- she was obviously disturbed
8 by what was happening and tried to express to an agent that she
9 was a grandparent and she was being peaceful. And another
10 agent came over and shoved her. And thankfully the first agent
11 intervened and prevented him from pushing her to the ground,
12 but she said to me afterward, "That was the most terrifying
13 thing I've ever experienced."

14 Q. And that night did the agents use any of the tools that you
15 described before against the protesters?

16 A. So after that happened, I sent my parents away. I didn't
17 want them to have any other risks.

18 I ended up staying with a friend because I didn't want
19 them to be alone. And, you know, for the -- the next maybe
20 hour the agents would come out, kind of repeat that behavior.
21 They would, seemed like, intermittently pick people out of the
22 crowd, chase them down, very aggressively tackle them and
23 detain them, go back in the fence until, it seemed like, maybe
24 they just got bored, and they opened the gate again and just,
25 without any warning or any, you know -- any warning at all,

1 they just started deploying flash-bangs and PepperBalls and
2 tear gas.

3 Q. Let me ask you a question about that. Where were you
4 standing when they started to deploy those tools or munitions?

5 A. So at that point in the evening, we had kind of settled at
6 the back of the crowd. So I was on the corner of Lexington and
7 Beach. So that's about a block away from -- from this
8 facility.

9 And there were tear gas canisters that were being
10 shot, and then one exploded over my head and kind of rained
11 chemicals down on us. And, you know, we were about a block
12 away at that point.

13 Q. And were there protesters in front of you at that time?

14 A. Yes, most of them were there. We were kind of the tail
15 end.

16 Q. And at any time on that night did you hear any dispersal
17 orders?

18 A. I didn't hear a single dispersal order.

19 Q. Any warnings that force was going to be used?

20 A. No warnings.

21 Q. When -- just before the tear gas exploded before your head,
22 did you see the crowd do anything violent?

23 A. I did not.

24 Q. Did anybody throw anything?

25 A. I did not see anything.

1 Q. Was there a firework?

2 A. I didn't see any fireworks.

3 Q. Since that time, have you wanted to observe federal agents
4 again?

5 A. So I did come across -- I was driving in Berwyn, where I
6 grew up, with a friend, and we did kind of come across an
7 incident where a caravan of federal agents had gotten out of a
8 car and appeared to be pulling someone out of their vehicle to
9 detain her.

10 And at the time we were going back and forth about
11 whether or not we should even get out of the car to record this
12 because we didn't know what was going to happen to us if we had
13 gotten out of the car.

14 Q. Why were you afraid of getting out of the car?

15 A. Because I -- I mean, I see what's happening on the news,
16 and they're going into neighborhoods and deploying tear gas,
17 and I don't want to experience that again. It's not pleasant.

18 Q. Okay.

19 MS. HAGY: Thank you.

20 THE COURT: All right.

21 Cross.

22 CROSS-EXAMINATION

23 BY MR. KHOJASTEH:

24 Q. Good morning, Ms. Reidy -- am I pronouncing -- Reidy-Hamer?

25 A. Reidy-Hamer.

1 Q. Reidy-Hamer.

2 My name is Sarmad Khojasteh, harder than Reidy-Hamer
3 actually. I am going to ask you a few questions.

4 Ms. Reidy-Hamer, you testified that you visited
5 Broadview for protests on September 26th, September 27th, and
6 then again on October 3rd with a friend?

7 A. Mm-hmm.

8 Q. All right. So --

9 A. No. Oh, was it October? Yes, October 3rd.

10 Q. I believe, just based on your declaration.

11 A. Yes, the dates, I -- yes.

12 Q. I'm not trying to trick you with dates.

13 So the events of September 26th, they transpired. It
14 made you -- I think you believe -- you testified it was -- it
15 was -- it caused you some fear.

16 Correct?

17 A. Absolutely.

18 Q. But not so much so that you didn't visit the next day with
19 your elderly parents, correct?

20 A. I think the fear influenced the decision to visit because I
21 was protective of them, and I didn't want them -- any harm to
22 come to them.

23 Q. But it wasn't so much fear that you prevented your elderly
24 parents from going?

25 A. Well, they're adults, so I couldn't have --

1 Q. Right.

2 A. -- prevented them to go.

3 Q. Right.

4 And they went?

5 A. They went.

6 Q. And you went with them?

7 A. I did.

8 Q. Okay. And then the events of the 27th also caused you
9 fear, correct?

10 A. Yes.

11 Q. But not so much fear that you didn't end up going back on
12 October 3rd, right?

13 A. It gave me pause and hesitation, but I did end up going
14 back.

15 Q. You did end up going back.

16 And have you partic- -- since October 3rd have you
17 participated in any -- well, I'd like to take one step.

18 Do you have a -- do you oppose the current
19 Administration's immigration enforcement policies in the
20 Chicagoland area?

21 A. The way that they're being carried out currently, yes.

22 Q. Yeah.

23 And have you participated in any protests or
24 demonstrations to voice your opposition or your objections?

25 A. Yes.

1 Q. Okay. And when did those occur?

2 A. I attended the No Kings rally, and I had one other visit to
3 the Broadview facility.

4 Q. So you visited Broadview since October 3rd?

5 A. Correct.

6 Q. Okay. So you visited Broadview since October 3rd; you
7 participated in the No Kings rally.

8 Any other demonstrations, marches, or gatherings to
9 voice your objections to the Administration's immigration
10 enforcement policies since October 3rd?

11 A. I don't think so.

12 Q. Okay.

13 A. Off the top of my head, I -- I don't think so.

14 Q. Could be?

15 A. Probably not, but I can't say 100 percent.

16 Q. Okay. Are you posting anything on social media in
17 opposition to --

18 A. I don't have social media -- active social media accounts.

19 Q. God bless you. That's a good decision.

20 MR. KHOJASTEH: All right. Thank you. Appreciate
21 you.

22 EXAMINATION

23 BY THE COURT:

24 Q. All right. And -- so just to be clear, you've attend -- so
25 you went back to Broadview at least --

1 A. I've been there a total of four times.

2 Q. A total of four times?

3 A. Yes.

4 Q. Okay. And you attended the No Kings rally?

5 A. Correct.

6 Q. All right. And after the first time you went to Broadview
7 on the 26th --

8 A. Yes.

9 Q. -- that what you experienced there impacted your decision
10 to go back each time?

11 A. Yes, it did.

12 Q. Okay. And that -- if I'm -- and so you -- I just want to
13 make sure I understand --

14 A. Mm-hmm.

15 Q. -- your thought process, is that although you did go back,
16 you were afraid each time you went back?

17 A. Yes.

18 Q. And tell me what were you afraid of.

19 A. I was afraid of, you know, any excessive force that was
20 used the first time. I didn't want to be tear-gassed again. I
21 didn't want to be -- you know, the -- the flash-bang was an
22 incredibly jarring experience. I was jittery around loud
23 noises for probably a -- a week afterward. And I -- I was
24 afraid that I would be detained because it seemed like they
25 were just arbitrarily picking people out and detaining them for

1 not doing anything.

2 Q. Okay. And that -- while you were there on the 26th and on
3 the 27th, you did not see anybody being violent or threatening
4 in terms of the other protesters that you observed; is that
5 right?

6 A. I did not observe any violent or threatening behavior at
7 all.

8 Q. Okay. And you didn't hear any warnings to disperse,
9 correct?

10 A. I didn't hear any dispersal warnings.

11 Q. And you didn't hear any warnings that agents were going to
12 be deploying PepperBalls, tear gas, or grenades; is that right?

13 A. No, I didn't hear any warnings before the deployment of any
14 of those.

15 Q. Okay.

16 THE COURT: All right. Anything further from anybody
17 else?

18 MR. KHOJASTEH: No, Your Honor.

19 MS. HAGY: No, Your Honor.

20 THE COURT: Okay.

21 You can step down. Thank you.

22 All right. Then, ladies and gentlemen, what we'll do
23 is take our lunch break, because I need to do an arraignment.
24 And we will be back -- pick back up at 1:00.

25 Okay. Thanks.

1 MR. KHOJASTEH: Thank you, Your Honor.

2 (Recess at 11:59 a.m., until 1:08 p.m.)

3 (Proceedings heard in open court:)

4 THE COURT: Call your next witness.

5 MR. ART: Judge, if -- if it's okay, I would like to
6 raise an issue before we call our next witness --

7 THE COURT: Sure.

8 MR. ART: -- about the remainder of the schedule.

9 THE COURT: Yeah.

10 MR. ART: We intend to call Reverend Black next, and
11 then we're going to play the designations of Defendant Bovino.
12 And then we intend to call Hewson, who is the officer they
13 disclosed yesterday at 5:00, in our case-in-chief --

14 THE COURT: Okay.

15 MR. ART: -- and cross him as an adverse witness. And
16 we just want to make sure he's in the building and ready to go
17 when we get there in 30 to 40 minutes.

18 MR. KHOJASTEH: Your Honor, if I may.

19 THE COURT: Go ahead.

20 MR. KHOJASTEH: He is in the building, and he is ready
21 to go, though we do believe it's inappropriate to allow
22 plaintiffs to call him as a part of their case-in-chief. They
23 didn't dis- -- we -- they had the opportunity to modify their
24 witness list between yesterday when we met with Your Honor and
25 today -- and when we spoke this morning. They haven't. I

1 believe it's an attempt to game the system.

2 That said, we're a thousand percent okay with calling
3 him in our -- as -- in our direct -- as a part of our
4 case-in-chief and allowing them to cross without any limitation
5 to the scope of the cross. But we think he should go up first
6 with us, which is going to happen next either way. It's just a
7 question of whether we put him on first or they put him on
8 first.

9 And with respect, Your Honor, I think it would be
10 appropriate for the government, who disclosed this witness, put
11 him on a witness list and -- to be the one who gets to
12 introduce him to the Court and walk him through his testimony,
13 as opposed to get crossed right off the bat so that they can do
14 a redirect.

15 MR. ART: The problem with that, there's no basis in
16 the rules for that approach. We can call an adverse witness in
17 their case. They've disclosed the witness. There's nothing
18 stopping us from calling him.

19 In this case, it's particularly within our right to do
20 that because they waited until 5:00 p.m. yesterday to tell us
21 about this witness's existence. So the idea that we, you know,
22 sat on our hands and didn't put him on our witness list is not
23 consistent with what's happened in the last 24 hours.

24 THE COURT: Okay.

25 MR. KHOJASTEH: With respect, the witness was

1 disclosed as a part of our PI opposition papers. Everyone knew
2 he existed.

3 THE COURT: Well --

4 MR. KHOJASTEH: It's just --

5 THE COURT: All right. I -- you weren't -- I don't
6 remember at this point whether you were here or not --

7 MR. KHOJASTEH: I was.

8 THE COURT: -- when we discussed this yesterday.

9 Okay. So you know what my position was yesterday,
10 having sat here, that I found it somewhat incredible that the
11 government had no idea who they were going to call as a witness
12 until 5:00 p.m. yesterday.

13 So you listed him as a witness. There's no prejudice
14 and no surprise.

15 He's prepared to go, correct?

16 MR. KHOJASTEH: He is.

17 THE COURT: Okay. Then the plaintiffs, if they want
18 to call him as an adverse witness, they get to do that. It's
19 their case. They get to drive the bus.

20 All right. Call your next witness.

21 MR. KHOJASTEH: Thank you, Your Honor.

22 MR. ART: Thank you, Judge.

23 MR. KHOJASTEH: Appreciate you.

24 MS. KLEINHAUS: Your Honor, plaintiffs call
25 Reverend David Black. And Aaron Tucek will be doing the exam.

1 THE COURT: Okay.

2 (Witness sworn.)

3 DAVID BLACK, PLAINTIFFS' WITNESS, DULY SWORN,

4 DIRECT EXAMINATION

5 BY MR. TUCEK:

6 Q. Good afternoon, Reverend Black. Can you please state and
7 spell your name for the record.

8 A. Good afternoon. It's Reverend David Black, D-a-v-i-d,
9 B-l-a-c-k.

10 Q. And you are a minister; that is correct?

11 A. Yes, it is.

12 Q. Where are you employed?

13 A. I'm the senior pastor of the First Presbyterian Church of
14 Chicago.

15 Q. Where is that church located?

16 A. In Woodlawn in the south side of Chicago.

17 Q. And how long have you worked in ministry?

18 A. About nine years, and five years in this position.

19 Q. In your capacity as a minister, have you ever attended
20 protests in Broadview, Illinois?

21 A. Yes, I have.

22 Q. Where in Broadview?

23 A. At 1930 Beach Street and the vicinity.

24 Q. What's located there?

25 A. Oh, at the ICE detention center in Broadview.

1 Q. Could you please describe how attending these protests is
2 related to your religious beliefs and your ministry?

3 A. It's very clear to me from scripture that Jesus has called
4 his ministers and his followers to be where people are being
5 persecuted and to bring the good news, the gospel, to both the
6 oppressed and their oppressors. And that's what I've been in
7 Broadview to do.

8 Q. And why is it important for you to engage in that ministry
9 at the Broadview facility in particular?

10 A. I believe that the gospel is a message of liberation for
11 all peoples. And I see those in bondage within the detention
12 center who are being persecuted by these ICE activities and
13 also the ICE agents themselves who I believe are under a great
14 spiritual oppression. So my ministry is a ministry of gospel
15 proclamation and blessing to both.

16 Q. While you've been at Broadview, have you observed other
17 clergy present?

18 A. Yes, many.

19 Q. Could you -- do you know anything about their -- the faiths
20 that they practice or how many have been there?

21 A. There have been clergy from many faith backgrounds, many
22 Christian traditions. I was at Broadview for a Yom Kippur
23 service hosted by my Jewish siblings. And as far as I know,
24 there have been other faiths represented as well.

25 Q. And what kinds of activities do these religious leaders,

1 practitioners, clergy people engage in when they're at
2 Broadview?

3 A. The activities are prayer, singing, voicing their concern,
4 holding hands, giving -- offering chaplaincy to the protesters
5 who are there, offering spiritual and moral consolation and
6 emotional support.

7 Q. Have you observed federal agents at Broadview?

8 A. Yes, I have.

9 Q. What kind of equipment were they wearing when you observed
10 them?

11 A. They were wearing -- it appeared to be body armor. They
12 were wearing masks. They were not wearing any identification.
13 Yeah, tactical gear, I would say.

14 Q. Were they armed?

15 A. Yes, many -- yes, many, if not all of them, have been
16 armed.

17 Q. Did you ever observe --

18 THE COURT: And -- sorry, Counsel.

19 THE WITNESS: Yes.

20 THE COURT: Just in terms of foundation, is this all
21 the time? How long has he been going to Broadview? Just set
22 that up for me, please.

23 MR. TUCEK: Thank you, Judge.

24 BY MR. TUCEK:

25 Q. Reverend Black, when did you begin going to Broadview?

1 A. My first time there was August 29th.

2 Q. And did you continue there throughout the month of
3 September?

4 A. Yes, I did.

5 THE COURT: And that's this year --

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: -- 2025?

8 Okay.

9 BY MR. TUCEK:

10 Q. Reverend Black, did you ever observe or are you aware of
11 federal agents using any force or violence against other clergy
12 present at Broadview?

13 A. Yes.

14 Q. Could you please describe what you're aware of.

15 A. Many of my clergy colleagues have been hit with PepperBalls
16 and tear-gassed, also shoved and, yeah, excessive use of force
17 in general.

18 Q. And how do you know that?

19 A. I -- I have witnessed it first person. I have also seen
20 video and also heard the testimony of my colleagues.

21 Q. And by "testimony," are you referring to testimony in the
22 religious connotation?

23 A. Yeah. I'm referring to their sharing their experience with
24 me.

25 Q. Have federal agents ever used violence against you?

1 A. Yes.

2 Q. Do you recall what date that was on?

3 A. September 19th.

4 Q. Do you recall when you arrived at the Broadview facility on
5 September 19th?

6 A. I arrived near sunset with a clergy colleague.

7 Q. Okay.

8 MR. TUCEK: At this point we're going to display
9 Exhibit 139. And I'm going to ask that we advance the video to
10 timestamp 11 minutes, 4 seconds.

11 (Video played in open court.)

12 MR. TUCEK: Lilia, you can stop it.

13 BY MR. TUCEK:

14 Q. Reverend Black, do you see yourself in this video?

15 A. Yes, I do.

16 Q. What does this video depict?

17 A. It depicts the moment that I stepped up towards the ICE
18 officers who were standing on the roof so that I could directly
19 address them.

20 Q. And just to be clear, this is at the Broadview facility?

21 A. Yes, it is.

22 Q. And do you recall the date that this would be?

23 A. This was September 19th.

24 MR. TUCEK: Lilia, you can resume the video, please.

25 (Video played in open court.)

1 MR. TUCEK: Lilia, you can pause it again, please.

2 BY MR. TUCEK:

3 Q. Now, Reverend Black, there's no audio in this video, but it
4 appeared that you were saying something.

5 Do you recall what you were saying at that time?

6 A. In the tradition of the prophets of the Old Testament, I
7 was warning the ICE officers of the spiritual consequences of
8 their actions and calling them to repentance in the words that
9 Jesus used and taught us to use.

10 Q. And then I believe there was a moment that you ducked.

11 Could you explain why you ducked?

12 A. I forget if that first shot was the one that hit me in the
13 face or if we just heard a PepperBall deployed at that moment
14 and flinched.

15 MR. TUCEK: Lilia, can you please resume the video.

16 (Video played in open court.)

17 MR. TUCEK: Can you pause it again, please.

18 BY MR. TUCEK:

19 Q. Now, at this moment is there any significance to the way
20 you're standing?

21 A. It's a posture of prayer.

22 Q. And, Reverend Black, is there anything special about the
23 clothing that you're wearing?

24 A. Yes. I'm wearing clergy attire and traditional black that
25 goes with the collar that I'm wearing now as well.

1 MR. TUCEK: Lilia, you may please resume the video.

2 (Video played in open court.)

3 MR. TUCEK: Pause it, please.

4 BY MR. TUCEK:

5 Q. Reverend Black, what did we just see?

6 A. I was shot several times with PepperBalls. The last
7 instance was in my head.

8 Q. And in the moments before that, what were you saying to the
9 ICE agents?

10 A. I was continuing to minister to them in the idiom of my
11 tradition.

12 Q. Had you engaged in any violent acts?

13 A. No.

14 Q. Had anyone around you, to your knowledge, engaged in any
15 violent acts?

16 A. No.

17 Q. It -- do you recall where you were standing at that time?

18 A. It appears in the video that I -- I was standing on or near
19 the sidewalk. I don't remember -- I wasn't looking down and
20 wasn't exactly aware of where my feet were.

21 Q. Now, in the video --

22 MR. TUCEK: Lilia, can you rewind it perhaps
23 10 seconds.

24 (Video played in open court.)

25 MR. TUCEK: Pause it again, please.

1 BY MR. TUCEK:

2 Q. Now, Reverend Black, did you notice in that video that
3 there were at times puffs of white appearing on the screen?

4 A. Yes.

5 Q. Do you know what those were?

6 A. I believe that they're PepperBalls manufactured by -- I
7 think the company is called UTS, but that's partially
8 speculative, yeah.

9 Q. Thank you.

10 MR. TUCEK: Lilia, you may resume the video, please.

11 (Video played in open court.)

12 MR. TUCEK: Thank you, Lilia. Let's pause it again.

13 BY MR. TUCEK:

14 Q. Now, Reverend Black, you once again appear to be saying
15 something at this moment.

16 Do you recall what you were saying?

17 A. I was using imprecatorial language that, again, echoes the
18 words of scripture and the mandate given to the followers of
19 Christ. I believe my words were "God damn you."

20 Q. Fair enough.

21 And I'm sorry. And I think you said what kind of --
22 ecumatorial language? I'm sorry.

23 A. Imprecatorial language.

24 Q. Thank you.

25 A. Which comes from the Psalms and also Jesus's directive that

1 those in his ministry have the power of -- to -- yeah, that
2 those that are loosed in -- on earth will be loosed in heaven.

3 Q. Now, Reverend Black, do you recall what happened at this
4 point?

5 A. I was led away by people who were on the ground nearby,
6 where medics helped flush out my eyes and --

7 Q. Okay.

8 A. -- treat me, yeah.

9 Q. Let me just stop you there.

10 MR. TUCEK: Lilia, can you keep playing.

11 (Video played in open court.)

12 BY MR. TUCEK:

13 Q. So would this be the process of you getting led away?

14 A. Yes.

15 Q. Okay.

16 MR. TUCEK: Lilia, could you pause it, please.

17 Now, Lilia, I'd ask you to advance the video to
18 14 minutes, 10 seconds.

19 (Video played in open court.)

20 MR. TUCEK: You can pause it again, please.

21 BY MR. TUCEK:

22 Q. Reverend Black, do you see yourself on the video?

23 A. Yes, I do.

24 Q. And what are you doing?

25 A. I -- I am speaking into a megaphone.

1 Q. It's fair to say you've walked back towards the facility?

2 A. Yes.

3 Q. Do you recall what you were speaking into the megaphone at
4 that point?

5 A. In this particular instance, I don't recall my exact words.
6 It was consistent with what I was saying before.

7 MR. TUCEK: Lilia, can you please resume the video.

8 (Video played in open court.)

9 MR. TUCEK: And pause it -- pause it again, please.

10 BY MR. TUCEK:

11 Q. Reverend Black, do you know what just happened in -- in
12 that little video clip we played?

13 A. Yeah. I was mistaken initially. This was the instance
14 where I was shot in the face.

15 Q. And did you see white puffs on the screen again?

16 A. Yes, I did.

17 Q. And what do you believe those to be?

18 A. PepperBalls.

19 Q. Reverend Black, how many times were you shot at Broadview
20 that day?

21 A. I believe at least seven times.

22 Q. How many times were you shot in the head?

23 A. Twice.

24 Q. At any time, were you engaged in any violent activity?

25 A. No.

1 Q. At any time, did you hear any warning to change your
2 behavior?

3 A. No.

4 Q. At any time, to your knowledge, was anyone around you
5 engaged in any violent activity?

6 A. No.

7 Q. Reverend Black, did you see protesters doing anything that
8 would justify use of force?

9 A. No.

10 Q. Reverend Black, how have you been impacted by the violence
11 you experienced that day?

12 A. It was a couple of weeks before I could go back to
13 Broadview because given the arbitrary escalations of violence
14 by ICE against peaceful protesters, I -- I assumed that those
15 escalations would continue and I -- I was very afraid.

16 And I ended up returning because my -- my Bible tells
17 me 365 times to not be afraid and to step out beyond the face
18 of fear. That's the ministry that I see and -- and what Jesus
19 did. And throughout the scriptures, I see the heroes of
20 scripture doing exactly that. And so I felt like it's my
21 obligation to be back in solidarity with those who are
22 protesting and in ministry towards those who are inside the
23 facility and ICE officers as well.

24 Q. Since the events of September 19th, do you feel more at
25 risk?

1 A. Yes.

2 Q. Do you take any additional precautions?

3 A. Yes.

4 Q. What may those be?

5 A. There are many. When I'm out of my house in Chicago, I
6 carry a GPS tracker because I don't know if ICE might stop me
7 or try and abduct me, as they've done to others.

8 My church has a safety plan specifically for if the
9 church is invaded by ICE during a Sunday worship service or
10 sometime during the week.

11 For myself and many others, it's had a profoundly
12 chilling effect and made me afraid to minister in public. I
13 believe that I was targeted in this moment because of my
14 ministry, not despite it. There was no -- nothing else I was
15 doing in that moment, except visible ministry.

16 MR. TUCEK: Thank you.

17 I have no further questions, Your Honor.

18 THE COURT: Cross?

19 MR. KHOJASTEH: Could you put the video back up,
20 please, Lilia.

21 And if you can take us back to 11:50, I'd appreciate
22 it. I very much appreciate you.

23 CROSS-EXAMINATION

24 BY MR. KHOJASTEH:

25 Q. Good morning, Reverend Black.

1 A. Good morning.

2 Q. My name is Sarmad Khojasteh. I'm going to ask you a few
3 questions.

4 Before I get started, I just want to ask, have you
5 been in the courtroom this morning during other witnesses'
6 testimony?

7 A. I was in the courtroom earlier, yes.

8 Q. Whose wit- -- whose testimony did you witness?

9 A. I don't recall their names.

10 Q. Did you discuss that with your counsel about the propriety
11 of you sitting in -- sitting in the courtroom during other
12 witnesses' testimony?

13 MR. TUCEK: I'm going to object to that, Your Honor,
14 as going to privileged attorney-client communications.

15 THE COURT: Ask -- ask it a different way. So you
16 could --

17 MR. TUCEK: And, Your Honor -- I'm sorry. Your Honor,
18 Reverend Black is also a party to this case.

19 THE COURT: I understand.

20 Ask it a different way.

21 BY MR. KHOJASTEH:

22 Q. Do you have any understanding as to whether it's proper for
23 a witness who's going to testify in a court proceeding to
24 observe the -- the direct examinations and cross-examinations
25 of other witnesses testifying in the same proceeding?

1 A. When I arrived this morning, I came directly inside, as I
2 did the last time that I came to a court appearance. I'm a
3 community pastor. I don't know all the ins and outs here.

4 Q. Understood. I appreciate that. Candidly, it's not -- it
5 wasn't your job to know whether you should be in the courtroom
6 or not. It was your counsel's job, which they've noted
7 repeatedly on the record today asking about other witnesses and
8 whether it was proper for them to be in the room. And now,
9 unfortunately, you have been in the room --

10 THE COURT: So -- so I get it, right?

11 MR. KHOJASTEH: Yeah.

12 THE COURT: And you can certainly cross-examine him on
13 whether that impacted any of the testimony that he's given here
14 today. That's totally fair game.

15 As for plaintiffs' counsel, right, you've got eyes and
16 you can look and see who's in the courtroom and who's not in
17 the courtroom, right? And if you've got somebody who's going
18 to testify, and obviously you knew that anybody that was going
19 to testify shouldn't be sitting here, because you expressly
20 asked me multiple times whether folks can stay afterwards.

21 MR. TUCEK: Your Honor, I --

22 THE COURT: So -- hold on. I'm not done. And I don't
23 even know that I want a response.

24 My point is, right, what's good for one side is good
25 for both sides. And it doesn't take a genius to look around

1 the room and see if the witness that you are putting on is
2 here. All you had to do was say, Reverend Black, can't be
3 here. We'll put you out in the hallway, and we'll call you
4 when you're ready.

5 And I'm sure that had the lawyers said that to you,
6 you would have gone out in the hallway, correct?

7 THE WITNESS: Yes, Your Honor.

8 THE COURT: So super simple and easy way to deal with
9 it, right?

10 MR. TUCEK: Your Honor --

11 THE COURT: So I don't -- I'm not really interested in
12 any excuses of why it happened, how it happened. I know it did
13 happen, and I do not want it to happen again.

14 MR. TUCEK: Yes, Your Honor. If I may, I just
15 apologize. We meant no disrespect to the Court or opposing
16 counsel. And we apologize.

17 THE COURT: So next time and going forward, pull it
18 together. I -- I expect both sides to follow the rules.

19 MR. TUCEK: Thank you, Your Honor.

20 THE COURT: So you're free to ask him questions about
21 whether having observed the others' testimony, that it impacts
22 his own testimony here today.

23 So go ahead.

24 MR. KHOJASTEH: Thank you, Your Honor.

25 BY MR. KHOJASTEH:

1 Q. Reverend Black, and I don't mean any respect -- disrespect
2 by these questions. I have to ask them.

3 A. I understand.

4 Q. Were you in the courtroom when you heard your counsel on a
5 number of occasions ask Your Honor permission to allow
6 witnesses to remain in the courtroom after they had testified?

7 A. Yes.

8 Q. Okay. And so what did you think -- strike that.

9 Why did you think you were special relative to the
10 other witnesses that you got to remain in the courtroom, but
11 they -- but your counsel was so concerned about the propriety
12 of them remaining in the courtroom that they sought the
13 explicit permission of Judge Ellis?

14 A. I understand your question. To be honest, my -- my mind is
15 in many places, and so it wasn't examined.

16 Q. So you just didn't give any thought to the fact that your
17 very able counsel was making the explicit request on Your Honor
18 in -- on multiple occasions this morning regarding the
19 propriety of your fellow witnesses to remain in the courtroom
20 after they had testified? You just didn't think anything of
21 it?

22 A. Well, I was sitting behind your counsel and made eye
23 contact with many people at your table as well, so I assumed
24 that if it was improper, you would have objected much earlier.

25 Q. Well, you understand that -- we -- all we understood about

1 today's testimony is you may be called. We had a list that
2 said you may be called.

3 In fact, there was an expert that they were supposed
4 to bring today that up until 20 minutes ago I understood was
5 getting called after you, because you were on a "may be called"
6 list.

7 Does that impact your thinking on this?

8 THE COURT: Well, and I guess what I will say is this,
9 and we can then move on, because what -- what I was going to
10 allow you to do, right, is ask about whether it impacts -- what
11 he saw or heard in here impacts his testimony.

12 The nuance to this, as opposed to some of the other
13 individuals, is that he is a party. And as a party, he
14 certainly has a right to be at any and all proceedings. And
15 just as during the trial, he has a right to sit at the table
16 and listen to all the testimony and then testify himself, which
17 happens all the time in civil cases.

18 So given that we do have that nuance with this
19 particular witness, ask -- you know, if you want to ask the
20 specific question of whether it influenced his testimony or
21 not, you can ask that.

22 MR. KHOJASTEH: Sure.

23 THE COURT: And then let's move on.

24 MR. KHOJASTEH: Thank you, Your Honor.

25 BY MR. KHOJASTEH:

1 Q. Reverend Black, whose -- whose testimony did you observe
2 this morning?

3 A. I don't recall their names.

4 Q. Can -- you don't recall any of them?

5 A. I -- I don't recall their names.

6 Q. Did you -- were you here for Father Curran's testimony?

7 A. No, I was not.

8 Q. Were you here for Alderman Ramirez's testimony?

9 A. Yes, I was.

10 Q. Okay. Did anything -- what did you observe regarding my
11 cross-examination of Alderman Ramirez?

12 A. Honestly, sir, I don't recall. As I said, my mind is in
13 many places. I -- I don't remember any specifics about your
14 cross-examination.

15 Q. Okay. How about Mr. Bodett, were you here for that?

16 A. Honestly, I'm not sure.

17 Q. How about Ms. Munchak, were you there for that?

18 A. I -- I don't recall names. I'm sorry.

19 Q. She was the one who testified that she had a back injury
20 and thought that the ICE agents were storm troopers from
21 Star Wars?

22 A. No, I was not here --

23 Q. You weren't there for that one?

24 A. -- present for that.

25 Q. How about Ms. Reidy-Hamer?

1 A. I -- I don't recall.

2 Q. She had visited the Broadview facility on a multi -- on
3 multiple occasions, including with her parents on one occasion.

4 Were you here for that?

5 A. I don't believe so.

6 Q. How about Ms. Cortez?

7 A. I don't recall.

8 Q. She was the one who videotaped and observed ICE enforcement
9 operations?

10 A. And said that she looked down the barrel of a gun?

11 Q. Yes, and that she continued -- that she's been continuing
12 to do so since?

13 A. I remembered that very stark image of the gun being pointed
14 at her, not much else from the testimony.

15 Q. So you don't remember much else of that -- from that
16 testimony? Okay.

17 A. No, not in particular.

18 Q. We did -- okay.

19 And how about Ms. Steelhammer?

20 A. I don't recall.

21 Q. She was the one who was here testifying about what other
22 people told her about events.

23 A. I -- I don't specifically recall.

24 Q. Okay. Well, thank you.

25 A. Of course.

1 Q. Reverend Black, in this video image -- do you see it here?

2 A. Yes.

3 Q. Okay. So what's immediately in front of you in this image?

4 Like when you're -- I can't see that --

5 A. Yeah.

6 Q. -- what you're looking at, but, like, what's -- what is in

7 front of you?

8 A. The corner of the Broadview ICE facility.

9 Q. Okay. So where you're standing, where you move off the
10 sidewalk and where you're standing here, this is actually a
11 part of the Broadview facility property, correct?

12 A. Honestly, I'm not sure how these things work. I wasn't
13 told that I was crossing any lines. And as you can see in the
14 video, I was looking up and not looking down.

15 Q. The video has no sound --

16 A. Yeah.

17 Q. -- so there's no way for us to tell whether anyone was
18 telling you one way or the other that you're trespassing,
19 right? Based on the video.

20 A. Based on the video.

21 Q. Right?

22 And so I'll represent to you, we -- and we went
23 through this, every time you cross from that sidewalk into this
24 area where you're standing, the PepperBall shots begin.

25 Does that sound consistent to you?

1 A. I would have to view the video several more times to be
2 sure of that.

3 MR. KHOJASTEH: Can we, Lilia, just go back to the --
4 I think you had shown a couple of clips, 11:50 being one of
5 them.

6 And the second clip, if you guys could help me out,
7 what was the second clip? You don't know?

8 MS. MARTINEZ: I don't know.

9 MR. KHOJASTEH: Okay.

10 BY MR. KHOJASTEH:

11 Q. Well, I'll represent to the Court, and they can -- maybe
12 they'll do a redirect and show us where -- where you're
13 standing anywhere but Broadview facility property getting shot
14 at.

15 But you were -- you had crossed over onto Broadview --
16 you are getting -- you are standing off the sidewalk here,
17 correct?

18 A. May I ask a question of counsel? I -- that might be
19 improper. I don't -- I apologize.

20 THE COURT: No.

21 THE WITNESS: Okay.

22 THE COURT: No. They'll -- they will follow up with
23 you afterwards. Okay.

24 THE WITNESS: Okay.

25 BY THE WITNESS:

1 A. I -- it's not immediately obvious to me what is -- like
2 where the property lines are here. I'm wondering if maybe you
3 can be clearer, but I apologize for -- for --

4 BY MR. KHOJASTEH:

5 Q. I'm just asking you whether you're standing on the sidewalk
6 or not here, where you're getting shot at?

7 A. If by side -- if by "sidewalk" you mean the square blocks
8 of concrete, I mean, I don't know. It's all contiguous
9 concrete --

10 Q. So --

11 A. -- so I'm not exactly sure, yeah, where one ends and the
12 other begins.

13 Q. So you see that there's -- to your point, there's square
14 blocks of concrete?

15 A. Yes.

16 Q. And then there's pavement that's underneath your feet?

17 A. Yeah, there are two types of pavement.

18 Q. Right. But that's different than the square concrete?

19 A. I -- that seems accurate.

20 Q. Right?

21 So I think -- do you think most people would consider
22 when I say "sidewalk" I'm referring to the square con- --
23 square box of concrete?

24 A. Perhaps a professional city planner would assume that, but
25 that's not who I am.

1 Q. I am not either, candidly. I'm just a guy who understands
2 "sidewalks" to mean these square blocks of concrete.

3 A. You have a good knowledge of the law, and I admire that.

4 Q. But so we -- but you'll -- you'll concede that you're not
5 standing on the -- on what I'm calling the sidewalk?

6 A. I'm not standing on the square blocks of con- -- I assume,
7 concrete, yes.

8 Q. And, in fact, everyone else that's standing behind you and
9 not being shot at is also not standing beyond the sidewalk,
10 correct?

11 A. Could -- could you repeat that question, please? Yes.

12 Q. If you look at, for example, there's a -- there's a few
13 people right to your left in the video.

14 A. Yes.

15 Q. Right?

16 They're holding signs. One guy's got a mask on for
17 some reason. There's another person standing directly behind
18 you.

19 They're all standing on what I call "sidewalk." Do
20 you see that?

21 A. Yes, I do.

22 Q. And they're not getting shot at?

23 A. I would have to view the video again. I'm not sure where
24 the PepperBalls were fired, but you can see the tracks of white
25 dust that go all the way into the street as well as over the

1 concrete to my right in that still.

2 Q. Well, I'm -- I'm -- well, I can't speak to when those were,
3 when those shots were fired. I'm just talking about the ones
4 that were directly around your feet that your lawyers just
5 showed the Court.

6 A. I can see beside my left foot there on the concrete there's
7 a stain from a PepperBall on the square block of concrete you
8 refer to as sidewalk.

9 Q. I see that too.

10 A. Yeah.

11 Q. But around the feet of the other people standing on the --
12 on what I call "sidewalk," the one with the yellow sign, the
13 person with the mask looking at you, the female holding her
14 hands up saying "Fuck ICE," none of them have the white balls
15 underneath their feet, right?

16 A. Not visible to me.

17 Q. And so they're -- I mean, saying "Fuck ICE" is pretty
18 explicit free speech, right?

19 A. I would assume.

20 Q. Right?

21 And I -- other guys -- there's a couple of people with
22 bullhorns in their hands, right?

23 A. Yes.

24 Q. Do you think that they were there saying something
25 supportive of ICE, like "Great works, guys"?

1 A. I doubt it.

2 Q. Like "Keep them in there"?

3 A. No.

4 Q. "Go get 'em"?

5 A. No.

6 Q. Right?

7 So they're probably protesting against immigration
8 enforcement operations too, right?

9 A. I believe so.

10 Q. And they're not getting shot at in this video, correct?

11 A. That's correct.

12 Q. All right.

13 So Mr. -- Reverend Black, since October 3rd -- strike
14 that.

15 First, I just want to credit the fact, I very much
16 appreciate your faith in forming your courage.

17 A. Thank you.

18 Q. All right. It's important, and I share it.

19 Since October 3rd, have you visited Broadview again?

20 A. Yes, I have.

21 Q. Okay. And -- but you're -- since -- since your
22 time -- strike that.

23 As a general matter, in September and October, have
24 you participated in demonstrations or protests in opposition to
25 the Administration's immigration enforcement policies in the

1 city of Chicago?

2 A. I've shown up in those protests in the role of a minister,
3 yes.

4 Q. Okay. And have you expressed your opposition to the
5 federal immigration enforcement efforts in the city of Chicago
6 at those protests?

7 A. In so many words.

8 Q. But you're only submitting a declaration concerning the
9 events of September 19th here, right?

10 A. That's correct.

11 Q. You also mentioned during your direct testimony that you
12 have fears regarding raids at -- on your church or you being
13 abducted, right?

14 A. Yes.

15 Q. And that's -- it's -- it sounded from the testimony -- I'm
16 just trying to flush this out. So I don't want to put words in
17 your mouth.

18 A. I understand.

19 Q. But it sounded from the testimony that that was based on
20 stuff you read in the newspaper or heard on TV.

21 Is that right?

22 A. No.

23 Q. That's based on what event -- what happened at Broadview?

24 A. That's based on the consistent pattern of escalations and
25 the pattern of abductions throughout the city that I am aware

1 of and that many in my community have suffered.

2 Q. But you're not testifying that what happened at Broadview
3 on September 19th with the PepperBalls being fired at you when
4 you crossed over from the sidewalk to the pavement is a reason
5 why you have a fear of abduction, are you?

6 A. Oh, it absolutely is because of the publicity of the video
7 and my anticipation that I would suffer retaliation from ICE
8 and the government.

9 Q. Understood.

10 So your -- you believe -- your testimony is that your
11 church is going to be -- you have a fear that your church is
12 going to be raided or you -- you personally will be abducted
13 because you brought this lawsuit or you're in this video?

14 A. And a fear of further violence against myself and others,
15 yes.

16 Q. Okay. Have you heard of any -- anyone in any other place
17 in the United States who filed lawsuits against DHS or the
18 Trump Administration being abducted and disappeared as a result
19 of their -- them -- as a result of them filing a lawsuit?

20 A. I have heard of measures that seem retaliatory. I have not
21 specifically heard of an abduction so far. But, again, seeing
22 the pattern of arbitrary and vicious escalations from ICE and
23 their pattern of abducting people regardless of their
24 citizenship status, I have -- I have been -- yeah, I believe
25 it's a credible fear.

1 Q. I appreciate that you have views on -- and how you're
2 describing these things. Again, I'm not trying to cut you off
3 in any way.

4 A. I understand.

5 Q. But I just want a yes-or-no answer to the question. Right?

6 Have you seen anything -- have you seen -- do you know
7 of one instance anywhere in the United States where someone
8 similarly situated to you who has filed a lawsuit against the
9 Trump Administration or agencies of the Trump Administration in
10 connection with immigration enforcement has been abducted and
11 disappeared?

12 Can you just tell me that single instance right now?

13 A. Respectfully, I'm trying not to be the first, Counsel.

14 Q. That's fair.

15 So you're -- you'll concede there are no others that
16 you're aware of?

17 A. It's consistent with the pattern that I've seen of ICE's
18 activities in the city and throughout the country.

19 To answer your question directly, I'm not aware of a
20 specific instance.

21 Q. I appreciate you answering the question directly.

22 A. Yes, sir.

23 MR. KHOJASTEH: I have no further questions.

24 THE WITNESS: Thank you.

25 MR. KHOJASTEH: Thank you, Mr. -- thank you, Reverend

1 Black.

2 THE COURT: Redirect?

3 MR. TUCEK: Briefly, Your Honor.

4 THE COURT: Mm-hmm.

5 REDIRECT EXAMINATION

6 BY MR. TUCEK:

7 Q. Thank you, Reverend Black.

8 Turning back to the -- the video. Counsel pointed out
9 that there's no audio, correct?

10 A. Yes.

11 Q. Did anyone ever tell you that you were trespassing?

12 A. No.

13 Q. Do you have any knowledge of where the property lines are?

14 A. No. I still don't.

15 Q. Did -- were you ever warned while you were there that you
16 could be shot for where you were standing?

17 A. No.

18 Q. Did you think you could be shot for where you were
19 standing?

20 A. No.

21 Q. I believe you and opposing counsel had a conversation about
22 residue on the sidewalk.

23 Is that correct?

24 A. Yes.

25 Q. Are there other places in this video where you see residue

1 on the sidewalk?

2 A. Yes, many.

3 Q. Could you describe them?

4 A. There's a -- a track to my right in the video, on the
5 left-hand side of the video, with, I don't know, maybe a dozen
6 places.

7 Around my feet on the sidewalk, under my arm, and to
8 the left of my left foot, it's visible there too, and in other
9 places as well, yeah.

10 Q. Do any of those locations appear to go out into the street?

11 A. Yes.

12 Q. Reverend Black, when you have -- sorry. Strike that.

13 Reverend Black, do you have any specific fears about
14 ICE immigration policy?

15 A. Yes.

16 Q. Do any of those fears relate to El Salvador?

17 A. Yes.

18 Q. Could you explain what those are?

19 A. There's a -- an in- -- what -- what I think could be
20 described as an interment camp for deportees from the United
21 States, which has been described by independent observers as a
22 death camp and to which people are disappeared and not tracked
23 and have no counsel or advocacy supporting or protecting them.

24 Q. And how have you heard about this location?

25 A. I -- I've read news reports about it.

1 MR. TUCEK: Thank you. No further questions.

2 MR. KHOJASTEH: Your Honor, if I may.

3 THE COURT: Go ahead.

4 MR. KHOJASTEH: Could we have the image back up,
5 please.

6 RECROSS-EXAMINATION

7 BY MR. KHOJASTEH:

8 Q. Reverend Black, I'm not going to take too much more --

9 A. That's okay.

10 Q. -- of your time, I promise.

11 These white marks that extend into the street, do you
12 see that?

13 A. Yes, I do.

14 Q. Right?

15 You have no personal knowledge as to when -- to the --
16 number one, do you have any personal knowledge as to whether
17 those are pepper -- PepperBalls being -- markings?

18 A. They seem consistent with other PepperBall markings.

19 Q. Okay. So let's assume it is pepper mark -- PepperBall
20 markings.

21 You have no personal knowledge as to when those
22 PepperBall markings were made on this street or the sidewalks,
23 correct?

24 A. I arrived about five minutes before this video was taken,
25 and I didn't personally witness them, no.

1 Q. Okay. So whether the use of force was justified in that
2 instance or not, you just can't say?

3 We -- and I'm speaking to the pepper mark -- to the
4 PepperBall markings not at your feet, but the ones that you
5 don't have personal knowledge as to?

6 A. I can say with confidence that all protests that day were
7 completely peaceful, so I would doubt that they were a
8 justified use of force, but I suppose that's speculation.

9 Q. It is speculation. I appreciate you conceding that.

10 My question: It could have happened the night before,
11 for example?

12 A. All of the protests at Broadview, to my knowledge, have
13 been peaceful.

14 Q. Understood.

15 I'm just saying the -- the markings on the street
16 could've been from the night before, for example?

17 A. I don't know. I suppose it's possible.

18 Q. I just --

19 MR. KHOJASTEH: Thank --

20 THE WITNESS: Okay.

21 MR. KHOJASTEH: Thank you.

22 No further questions, Your Honor. Thank you.

23 THE COURT: All right.

24 EXAMINATION

25 BY THE COURT:

1 Q. So, Reverend Black, just to be clear and tie it up for
2 me --

3 A. Yes.

4 Q. -- when you got to Broadview that day and you were praying
5 in that image, you're -- you were the only clergy around you;
6 is that right?

7 A. Yes. I -- I haven't fully surveyed the video, but I
8 believe that's true.

9 Q. Okay. And as far as you can tell looking at the video,
10 you're the only one that was wearing a collar at that time?

11 A. Yes.

12 Q. Okay. And you were also the only one -- were you the only
13 one who was praying out loud?

14 A. May I amend that last answer?

15 Q. Sure.

16 A. Behind me, there's a gentleman with a tripod who is the --
17 a rabbi.

18 Q. Okay.

19 A. So he is standing nearby, yes.

20 Q. Okay. And the man -- so the man behind you wearing a mask,
21 is that the person?

22 A. Yes.

23 Q. Okay. And it's a little hard for me to tell just from the
24 distance. But was that individual wearing anything that
25 identified himself as a clergyperson?

1 A. Yeah. In -- sorry, Your Honor.

2 Q. Yeah, no, go ahead.

3 A. In my memory, and I think in the video, he's -- he's
4 wearing a traditional kind of skullcap and also something like
5 a stole -- I forget what the word is in Jewish tradition -- but
6 he was definitely garbed in religious --

7 Q. Okay.

8 A. -- attire, yes.

9 Q. Okay. Thanks. Because I can't see that far --

10 A. Yes, ma'am.

11 Q. -- in this video.

12 All right. And then you are wearing a collar.

13 So you're dressed similarly as you are today --

14 A. Yes, ma'am.

15 Q. -- is that right?

16 Okay. And was anybody else praying out loud at the
17 time that you were shot in this video?

18 A. No.

19 Q. And right before -- so you were -- you said that you had
20 been shot seven times, twice in the head, correct, on this day?

21 A. I -- I believe it was seven times. It's hard to say for
22 sure --

23 Q. But --

24 A. -- but twice on the head, yes.

25 Q. Okay. And it was in two different time periods. So you

1 were shot once in the head and maybe sometimes in the body, you
2 went away, washed the pepper spray out of your eyes, and came
3 back, and then you were shot in the head again?

4 A. To be honest, Your Honor, the sequence of events is a
5 little bit blurry. I was under -- in a lot of pain, and I -- I
6 can't say for certain. But that sounds like, yeah, consistent
7 with my memory such as it is.

8 Q. Okay. And it seems consistent with the video.

9 So to go back to the first time, before you were shot,
10 you were praying and talking to the agents up on the roof; is
11 that right?

12 A. I -- I would characterize it as ministering to them, yes.

13 Q. Okay.

14 A. Proclaiming the gospel.

15 Q. All right. And before you were shot, did you hear any
16 warnings to leave or back away?

17 A. None at all.

18 Q. And before you were shot, did you hear any warnings saying,
19 "We will shoot you with PepperBalls"?

20 A. No.

21 Q. Or that we will shoot you with anything?

22 A. No.

23 Q. And then you came back, right?

24 You have to say yes.

25 A. Yes, I did.

1 Q. Okay.

2 A. Yes.

3 Q. And then you were ministering or praying again --

4 A. Yes.

5 Q. -- correct?

6 And it was directed towards the same people that were
7 up on top of the roof; is that right?

8 A. That's correct.

9 Q. Before you were shot, then, the second time in the second
10 incident, did you hear any warnings to leave?

11 A. No.

12 Q. And did you hear any warnings before you were shot that we
13 will -- we're going to shoot you with PepperBalls?

14 A. No.

15 Q. Or shoot -- or shoot you with tear gas?

16 A. No, Your Honor.

17 Q. Okay. Flash-bang grenades?

18 A. There were no warnings whatsoever.

19 Q. No warnings whatsoever. Okay.

20 And then tell me a little bit more about -- you said
21 that this created a chilling effect because you were afraid.

22 So can you just tell me a little bit more about,
23 practically, how that impacted your life going forward from
24 this incident?

25 A. Yeah. I -- I've had a lot of anxiety, particularly going

1 back to Broadview and being on the ground there. The -- the
2 first time that I went after this was to attend a Yom Kippur
3 service that some Jewish colleagues were putting on, and I -- I
4 had a lot of terror in my body about what might happen. I --
5 as I stated earlier, I -- I think it's an important discipline
6 of my faith to continue pushing out beyond fear, so I was still
7 honored to be there and to provide the ministry that I have to
8 provide. But I -- I've -- I've been very afraid, not just at
9 Broadview, but also just out and about in Chicago, yeah.

10 And also say, I'm -- I'm also afraid because of what
11 Gregory Bovino has said directly about this case of me being
12 shot by his officers. He -- he said in a -- an interview with
13 ABC Nightline that I had stepped in the way of PepperBalls,
14 indicating that I -- that ICE were just passively doing what
15 they do and that I -- I'm at fault for getting shot.

16 And later in the interview, he said that it's his
17 mandate to exceed the threat, as he put it, which, again,
18 indicates to me that there's a -- a baked-in tactic here of
19 escalating violence far beyond the -- the threat that is seen
20 on the ground.

21 So while we've continued to protest peacefully,
22 praying, dancing, singing, we have expected, given Bovino's own
23 words, that we will be met with increasing violence and
24 repression of our free speech.

25 And to the credit of these protesters, they continue

1 to go anyway. And so I feel moved to be with them in
2 solidarity and to, again, offer that ministry that I have.

3 Q. And how has this experience impacted your faith?

4 A. I -- I feel very deeply in touch with -- with my faith in
5 this experience and what Jesus counseled his followers about
6 the consequences of preaching the gospel. We see in His own
7 ministry that He put His body in the way of evil and was harmed
8 and, in fact, destroyed by that evil.

9 And I -- I've seen -- like, it's -- it's been a
10 profound experience for my faith and also for the faith of many
11 others who I've seen kind of witness the -- this is the
12 consequence of preaching the gospel in the face of a government
13 that is not unlike the empire of Rome, in that its intent on
14 repressing all those who stand in solidarity with the
15 oppressed.

16 And so I've seen it be extremely galvanizing, and I've
17 in some ways felt that, too, that what -- what I -- what I'm
18 experiencing in my faith in some ways is because of the
19 brutality that I faced. And -- and yet, it's -- it's a --
20 quite a burden to understand that when Jesus said, pick up your
21 cross and follow me, that he might have meant it very
22 literally.

23 And I -- I -- I don't doubt that given the opportunity
24 and opportunity to do it without cameras present, ICE would
25 escalate their use of force even more. And I -- I am in fear

1 of that, not only for myself, but for my community, for the
2 church I lead, and for -- for many in my community who are much
3 more at risk than I am, given that I have this platform and
4 some institutional security. But many people are invisibly
5 being, yeah, persecuted by this operation. And even bystanders
6 who have no relevance at all to immigration enforcement have
7 been met with real brutality, so -- I -- I'm sorry if I'm going
8 on too long, Your Honor.

9 Q. No, that's all right.

10 So would it be fair to say that this experience has
11 placed a burden on your faith?

12 A. Absolutely, yes. I -- as I said earlier, I believe that I
13 was targeted because of my visible act of ministry in that
14 moment. Not despite it, but because of it.

15 THE COURT: Okay. Anything further based on that line
16 of questioning?

17 MR. KHOJASTEH: I would like to just ask a few
18 questions. I'm sorry, Your Honor.

19 THE COURT: Go ahead.

20 FURTHER CROSS-EXAMINATION

21 BY MR. KHOJASTEH:

22 Q. I want to understand. You testified that you are still
23 attending protests in the capacity of a minister, correct?

24 A. Yes.

25 Q. You are still actually -- you even have visited Broadview

1 as a minister, right?

2 A. Yes.

3 Q. And you still have a church that you are the pastor for?

4 Is that the correct term?

5 A. Yeah, that's true.

6 Q. Right?

7 And you said to the -- in response to Your Honor's --
8 the testimony she elicited, you actually feel in deep
9 connection with your faith, correct?

10 A. Yes. Yeah.

11 Q. So just help me understand what the -- without using the
12 word "burden," what is the specific burden on your exercise of
13 religion today as a result of what happened on September 19th?

14 A. You know, we have the story of Jesus the night before his
15 crucifixion being afraid in the garden of Gethsemane and yet
16 going out to face it and David, before he was king, being
17 afraid of facing Goliath and yet going out to face Goliath.

18 So I feel a similar kind -- apologies, you said not to
19 use the word "burden" -- a similar form of unction that there
20 will be consequences for my witness of faith in -- in and
21 around ICE activities in places where ICE is operating.

22 Q. Sure.

23 And notwithstanding the -- the unction that you feel,
24 you, tapping into the courage your faith gives you, have
25 continued to practice your faith, correct?

1 A. Honestly, I would say that it's God's courage and my
2 weakness.

3 Q. But you've continued to practice your faith, correct?

4 A. By God's grace, yes.

5 Q. Thank you.

6 A. Thank you.

7 MR. KHOJASTEH: No further questions.

8 MR. TUCEK: Nothing further, Your Honor.

9 THE COURT: All right. Thank you. You can step down.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: Okay. And then I think that this was our
12 last witness and then the video deposition of Mr. Bovino,
13 correct?

14 MR. BOWMAN: Your Honor, at this time we have a
15 designated portion of Mr. Bovino's deposition to present to the
16 Court.

17 I should say, by way of clarification, that the
18 portion is a combined effort of the defense and us. So you're
19 seeing everything from both sides all in chronological order.

20 THE COURT: Okay. All right. Then you can go ahead
21 and play that.

22 (Video deposition of Gregory Bovino played in open court.)

23 MR. ART: Judge, we're having a technical issue that
24 we're going to try to resolve right now.

25 THE COURT: Okay. Let's get this squared away.

1 MR. ART: Judge, we may need a short break to resolve
2 this, if that's acceptable. I'm sorry.

3 MR. KHOJASTEH: I'm sorry. You can get the other
4 witness ready as well. We can try to work on our technology
5 during the same break.

6 THE COURT: That's fine. How long do you need?

7 MR. BOWMAN: Mr. Loevy informs me we can do that.
8 He's making a trip down at the hall -- down the hall just at
9 the minute, but that -- that's possible -- that's possible so
10 we can keep things moving along.

11 THE COURT: So just flip the order --

12 MR. BOWMAN: Yeah.

13 MR. KHOJASTEH: Well, I --

14 THE COURT: -- and do the live witness?

15 MR. KHOJASTEH: I was going to do a check -- we -- I
16 was going to do a check on --

17 MR. BOWMAN: He's not here?

18 THE COURT: Oh, we're good. It looks like everybody
19 is good.

20 MR. ART: We're goo.

21 THE COURT: Everything is fixed. Let's -- let's keep
22 it rolling then.

23 MR. KHOJASTEH: Sorry about that.

24 (Video deposition of Gregory Bovino resumed in open court.)

25 MR. BOWMAN: Judge, at -- to continue the excerpting

1 of the deposition and for clarity, we're going to play now
2 Exhibit 258 in the record, which is a videotape that was played
3 for Mr. Bovino, and then the questioning follows with respect
4 to that --

5 THE COURT: Okay.

6 MR. BOWMAN: -- videotape.

7 THE COURT: Thanks for the clarification.

8 (Video played in open court.)

9 (Video deposition of Gregory Bovino resumed in open court.)

10 MR. BOWMAN: Once again, we're going to play you a
11 videotape which was shown to Mr. Bovino. The videotape is
12 Exhibit 44 in the record. It is a videotape of September 19th
13 at Broadview relating to Reverend Black, who just testified.

14 THE COURT: And I -- nope, this must -- I think it's a
15 transcript of an interview.

16 MR. BOWMAN: Oh, I -- I misspoke.

17 THE COURT: That's okay.

18 MR. BOWMAN: Ms. Martinez is on top of this.

19 THE COURT: That's all right.

20 MR. BOWMAN: That comes up later.

21 THE COURT: That's next.

22 MR. BOWMAN: Forget what I just said.

23 THE COURT: I will.

24 (Video deposition of Gregory Bovino resume in open court.)

25 THE COURT: And this is --

1 MR. BOWMAN: It is at this point, Your Honor --

2 THE COURT: Gotcha.

3 MR. BOWMAN: -- that Mr. Bovino was showed the video
4 that I described --

5 THE COURT: Okay.

6 MR. BOWMAN: -- a minute ago.

7 THE COURT: All right. So I will now remember what
8 you said.

9 (Video played in open court.)

10 (Video deposition of Gregory Bovino resume in open court.)

11 MR. BOWMAN: In the next section of the designated
12 portion, Mr. Bovino is shown Exhibit 45. It is a video that
13 involved Mr. Muñoz, who testified earlier today, as well as
14 another person.

15 (Video played in open court.)

16 (Video deposition of Gregory Bovino resumes in open court.)

17 MR. BOWMAN: Mr. Bovino was shown an excerpt from
18 Exhibit 242, which became a designated exhibit within the
19 deposition transcript. It is some videotape of statements of
20 Secretary Noem. And then the witness was questioned about
21 that -- about those statements. So we'll play that next.

22 (Video played in open court.)

23 (Video deposition of Gregory Bovino resume in open court.)

24 MR. BOWMAN: Judge, at this point we need just a
25 couple of minutes to reorganize our technology. The remaining

1 designations are from another volume of the deposition.

2 MR. KHOJASTEH: There was counterdesignations to that
3 section.

4 COURT REPORTER: Will you please use the microphone.

5 MR. KHOJASTEH: I apologize.

6 There were -- there were counterdesignations to that
7 section provided to you, Mr. Bowman, last -- a
8 thousand percent. You know exactly what I'm talking about.

9 THE COURT: Gentlemen.

10 All right. So we will take a break. I trust that
11 you'll talk to each other. If there have been
12 counterdesignations that were provided, they'll get played,
13 right?

14 MR. KHOJASTEH: Right.

15 THE COURT: Nobody's hair needs to be fired. They'll
16 get played. Let's take a ten-minute break. Everybody can put
17 their ducks in a row, and we'll keep going. So sound good?

18 MR. BOWMAN: Sounds good.

19 THE COURT: Great.

20 (Recess at 2:39 p.m., until 2:56 p.m.)

21 THE COURT: All right. You can all be seated.

22 Okay. Everybody work out the issues on the
23 counterdesignations?

24 MR. BOWMAN: We -- we do have everything worked out.
25 Through inadvertence, we omitted some of Mr. Khojasteh's

1 designations. We're all set to play the omitted portion now.

2 And --

3 THE COURT: And then we'll switch --

4 MR. BOWMAN: -- Ms. Martinez, she's a magician, she's
5 going to have us -- have us roll straight through.

6 THE COURT: Okay. Sounds good.

7 (Video deposition of Gregory Bovino resumes in open court.)

8 (Counsel conferring.)

9 MR. KHOJASTEH: Your Honor, I can continue to read
10 it --

11 THE COURT: That's fine.

12 MR. KHOJASTEH: -- if that's okay with you.

13 THE COURT: Yeah. Go ahead.

14 MR. KHOJASTEH: I'll do my best Chief Bovino
15 impression.

16 THE COURT: Go ahead.

17 MR. KHOJASTEH: I think this is where we left off.

18 THE COURT: The last word was "obstruct."

19 MR. KHOJASTEH: "Obstruct." Okay.

20 Okay. So he says: "Potentially take a closer look at
21 that individual because not following instruction is certainly
22 one indication of someone that's -- that's already ready to
23 break the law, be where they're not supposed to be, and/or,
24 more importantly, obstruct and/or impede the law enforcement
25 mission."

1 Mr. Khojasteh says: "Right. And just -- can you give
2 me an example of what you would consider a lawful order that --
3 that -- look, that -- that you're describing that would impede
4 a law enforcement mission?"

5 Mr. Bovino: "Sure."

6 Mr. Bowman: "Objection, form and foundation."

7 Mr. Khojasteh: "You can go ahead."

8 Mr. Bovino: "Sure. For instance, we could go back
9 to -- to the violent crowd that we just looked at at the plaza
10 there and in the -- the -- the -- the picture that we looked
11 at, asking someone to clear the road, clear the roadway so we
12 can depart from the area, which is what we were trying to do in
13 that situation, and then those individuals saying, No, I am not
14 going to depart the area. Let's trap them in here. Let's --
15 let's get them trapped in here, and then calling for other
16 people to come in and, say, Trap us mor calling for vehicles to
17 block our exits, things like -- it is that type of language
18 that I believe that we're -- that we're talking about here.
19 That certainly does raise my suspicion and certainly amps up
20 the -- the level of threat by their language and then resulting
21 actions. If there's a resulting -- if there's resulting
22 actions. That -- that would be concern -- that would concern
23 me to. A vast gulf of experience" -- I'm sorry. Strike that.
24 "A vast gulf of difference between those individuals
25 doing that and an individual exercising their First Amendment

1 rights by telling me they hate me or they don't -- they want me
2 to get out of the area or 'F you.' A vast gulf of difference
3 there.

4 Mr. Khojasteh: "All right. Thank you, Mr. Bovino. I
5 have no further questions."

6 THE COURT: All right. Anything left to play?

7 MR. BOWMAN: Nothing is left. That's the end of
8 Mr. Bovino.

9 THE COURT: Okay. All right.

10 Call your next witness.

11 MR. LOEVY: Your Honor, at this time the plaintiffs
12 call Kristopher Hewson.

13 And we need the government's cooperation to bring him
14 to court.

15 Is he on his way?

16 MR. KHOJASTEH: Yes.

17 MR. LOEVY: Okay. Thank you.

18 THE COURT: All right. Is he coming in?

19 MR. KHOJASTEH: Yes, they just went down the hall to
20 get him.

21 THE COURT: Okay.

22 MR. KHOJASTEH: Your Honor, before -- before we get
23 started, could we just get a sense of the clock?

24 THE COURT: The plaintiffs are at approximately 1:50,
25 somewhere around there, and the defendants are approximately

1 about 45 minutes.

2 MR. KHOJASTEH: And does that include Mr. Bovino's
3 testimony just now?

4 THE COURT: In a general sort of way. I wasn't --
5 because there was a lot of stopping and starting, I'm keeping
6 track generally.

7 MR. KHOJASTEH: Understood.

8 MR. LOEVY: And this is our last witness, so I think
9 we're in pretty good shape on time.

10 THE COURT: I think, right, we can keep going.
11 Everybody is good. I'm not going to --

12 MR. KHOJASTEH: Just wanted to check.

13 THE COURT: -- cut folks off at the knees.

14 MR. LOEVY: Thank you, Your Honor.

15 THE COURT: Okay.

16 MR. LOEVY: May I proceed, Your Honor?

17 THE COURT: You may.

18 KRISTOPHER MARTIN HEWSON, DEFENDANTS' WITNESS, DULY SWORN

19 DIRECT EXAMINATION

20 BY MR. LOEVY:

21 Q. All right. If you would introduce yourself for the Court,
22 please.

23 A. Yeah, I am Supervisory Border Patrol Agent Kristopher
24 Martin Hewson.

25 Q. And as a Border Patrol agent, are you in a supervisory

1 capacity?

2 A. I am.

3 Q. Can you explain?

4 A. Explain a supervisory role?

5 Q. Yeah.

6 A. So I am in charge of a group of agents. I do Border Patrol
7 enforcement operations and immigration enforcement operations
8 and stuff like that.

9 Q. And you've been assigned to Operation Midway Blitz?

10 A. I have.

11 Q. And you've been disclosed, as I understand it, as the
12 witness who is going to testify on behalf of the government on
13 three topics, right?

14 A. I'm not sure on how many topics, but I have been asked to
15 be a government witness, yes.

16 Q. And you're here to testify, according to the disclosure, on
17 Operation Midway Blitz; an incident on September 27th at
18 Broadview; and an incident on the 23rd at Little Village.

19 Does that sound like your understanding of what you're
20 here to talk about?

21 A. Yes, sir.

22 Q. Let's start with Midway Blitz.

23 Would it be a fair definition to call Midway Blitz an
24 effort to arrest undocumented immigrants with criminal records,
25 violent criminals, rapists, murderers, kidnappers, drug

1 dealers?

2 A. Among other immi- -- illegal immigrants, yes.

3 Q. That's how it was sold to the world politically was that
4 Operation Midway Blitz was going to be about catching the worst
5 of the worst, the drug dealers, the killers, the rapists,
6 right?

7 MS. HEDGES: Your Honor, if I may. I just want to
8 make sure this stays within the scope of what we agreed the
9 testimony would be . The goals of the operation are not what
10 this witness is here to testify about. That's not what this PI
11 hearing is about. So I want to make sure we stay to the topics
12 that Mr. Hewson is here to address.

13 MR. LOEVY: Your Honor, I'm trying to lay a foundation
14 for why crowds would be angry. And if it was sold to the world
15 as one thing and then they're experiencing it different in
16 their community, then people in the witness's shoes would have
17 to understand that they may confront antagonism.

18 MS. HEDGES: Your Honor --

19 THE COURT: So I -- I'll -- so let's keep it limited.
20 I see the relevance simply as it relates to why people may
21 gather. But as to going further into what the
22 Administration -- what its policy is with -- regarding
23 immigration enforcement and its priorities, that's just not
24 relevant here.

25 MR. LOEVY: I hadn't intended --

1 THE COURT: So you -- you've got a short leash, and I
2 need you to tie it up.

3 MR. LOEVY: Fair enough.

4 MS. HEDGES: And, Your Honor, if I may, if he's
5 asked --

6 COURT REPORTER: If you can speak into your
7 microphone. I'm having a hard time hearing you.

8 MS. HEDGES: I apologize.

9 Just if I may, two things. If I can just ask, one, an
10 objection to the extent he's being asked to speculate about
11 other people's feelings or why they do things.

12 Secondly, just to request that if counsel would -- I'm
13 having trouble hearing you. Whatever you need to do, speak
14 slower or speak up, that would be really helpful.

15 So thank you.

16 THE COURT: Okay.

17 So as to the speculation objection, give me one
18 second.

19 Okay. So he hasn't yet been asked what's in other
20 people's minds yet. So -- right? He can't speculate as to
21 what's in other people's minds.

22 But go ahead. So let's keep it limited --

23 MR. LOEVY: All right.

24 THE COURT: -- and tie it up.

25 BY MR. LOEVY:

1 Q. In practice, the way Operation Midway Blitz is played out
2 is that federal agents are accosting people and interrogating
3 them at bus stops, workplaces, outside schools, Home Depot
4 parking lots? That's how it's played in practice, right?

5 MS. HEDGES: And, Your Honor -- and I don't want to
6 belabor this -- but to the extent it's outside his personal
7 knowledge, I will object to it.

8 THE COURT: Right. If he can't answer, obviously, and
9 he doesn't know, he can say, I don't know.

10 MR. LOEVY: And, Your Honor --

11 THE COURT: And I would --

12 MR. LOEVY: Sorry, Your Honor.

13 THE COURT: Hold on, Mr. Loevy.

14 MR. LOEVY: Yeah.

15 THE COURT: And I would expect that witnesses are only
16 going to testify as to what's within their personal knowledge,
17 unless they've been designated as a 30(b)(6) witness, which I
18 don't believe he has.

19 MS. HEDGES: He hasn't, Your Honor. If -- if I can
20 have a standing objection to any question that calls for him to
21 opine on something that's not within his personal knowledge or
22 a foundation hasn't been laid, that would be -- that would be
23 my objection.

24 THE COURT: Consider it done --

25 MS. HEDGES: Thank you, Your Honor.

1 THE COURT: -- Ms. Hedges.

2 BY MR. LOEVY:

3 Q. All right. Help us understand in practice how it works
4 here.

5 In your car, you're doing Operation Midway Blitz,
6 you're driving around, you're looking for undocumented
7 murderers and rapists?

8 A. I am in my car with my team, driving around, and engaging
9 people in conversation.

10 Q. Well, you gotta get out of your car before you can engage
11 them, right?

12 A. Not necessarily. You can roll down and have a conversation
13 with people with the window down.

14 Q. All right. And you're driving into communities. And if
15 we're going to be honest about it, you're looking for people
16 with brown skin, right?

17 MS. HEDGES: I object, Your Honor. This was --

18 THE COURT: It's --

19 MS. HEDGES: -- this isn't based on, again, his --
20 what his testimony is, and the foundation hasn't been laid for
21 this.

22 THE COURT: All right. So overruled.

23 He can answer. And if it's no, it's no; if it's yes,
24 it's yes. And you can -- you're going to be able to direct
25 him --

1 MS. HEDGES: Understood, Your Honor.

2 THE COURT: -- and clean it up.

3 All right.

4 BY MR. LOEVY:

5 Q. Do you remember --

6 THE COURT: So the question was: And you're driving
7 into communities. And if we're going to be honest, you're
8 looking for people with brown skin, right?

9 THE WITNESS: No. I have arrested many people of all
10 skin colors.

11 BY MR. LOEVY:

12 Q. Well, I'm talking about Operation Midway Blitz, you're
13 looking for undocumented rapists and murderers.

14 Would you agree with me that your focus is on people
15 with brown skin?

16 MS. HEDGES: And, Your Honor, I'm sorry, one more
17 thing.

18 To the extent this line of questioning -- and it
19 sounds like it's entirely unrelated to uses of force, which is
20 what this entire PI hearing is about, I am objecting to it on
21 the basis of it being outside of the scope of what's relevant
22 in this matter.

23 THE COURT: All right. So we can be here all day or
24 not.

25 I'm going to give you some leeway, Mr. Loevy, to set

1 up what I assume you're trying to set up, which is the reason
2 why people are gathering when they see either ICE agents or
3 Border Patrol agents in their community.

4 Is that where you're going?

5 MR. LOEVY: That, as well as why people are angry and
6 that he would anticipate people are going to be angry if people
7 are being treated this way. So that is for part of his crowd
8 control duties, he has to understand or anticipate that there's
9 going to be hostility.

10 THE COURT: Only if --

11 MS. HEDGES: Your Honor --

12 THE COURT: And that -- hold on, Ms. Hedges.

13 So now we may be getting into areas of speculation,
14 right? And areas where it's much more appropriate for you to
15 argue it at the end, right, as opposed to trying to get it out
16 of this agent.

17 So you can -- I will give you leeway to ask questions
18 of what -- about why people might gather, right? You can
19 certainly ask questions about whether this agent would
20 anticipate that crowd control measures may be necessary, and if
21 so, what crowd control measures would be appropriate and under
22 what circumstances it's appropriate to use particular crowd
23 control measures.

24 As to what's in the head of a particular person
25 standing on the street, we're getting far afield.

1 MR. LOEVY: I'm really trying to keep it in his head
2 as to him having a reasonable expectation that he's going to
3 encourage hostility. But I -- you know, I haven't asked a
4 question without there being an objection. I can't get any
5 kind of thing established here.

6 THE COURT: Well, Ms. Hedges has a right to object
7 when she believes that a question's not proper. I have now
8 said where the area is that you can ask questions --

9 MR. LOEVY: All right.

10 THE COURT: -- right?

11 So ask your questions. I think that there's a pretty
12 straightforward way to get to this. But, again, I can be here
13 all day. I would prefer not to be. So let's get going.

14 BY MR. LOEVY:

15 Q. So when you are driving --

16 MS. HEDGES: Your Honor, I'm -- I'm sorry. I -- I --

17 THE COURT: Yes, Ms. Hedges.

18 MS. HEDGES: -- I want to make sure I do this before
19 he gets into his question to avoid interrupting. But to --
20 again, to the extent Your Honor's direction regarding scope
21 extends to matters outside his personal knowledge as to whether
22 people might gather, why people might gather, what might
23 motivate them to do certain things in the future
24 hypothetically, I -- I would like a standing objection to that,
25 even though I understand Your Honor has -- has said that.

1 THE COURT: All right. So your standing objection,
2 Ms. Hedges, is obviously about how this agent thinks about
3 other people and what's going on in their head. It's called
4 speculation. We went through that, and I said, yes, you've got
5 a standing objection as to speculation.

6 I don't want him to speculate. That makes no sense.
7 It doesn't help me, it doesn't help the record, and it
8 certainly won't help the Seventh Circuit. Nobody is to
9 speculate about anything. They are to answer questions within
10 their personal knowledge.

11 We've been here and going at this since 8:00 a.m.
12 You're both professionals. You understand, I hope, at this
13 point what the scope of the examination is. We have spent, I
14 don't know, I haven't even kept track of the time, and we've
15 basically got his name out, and that's it.

16 So I understand you have a standing objection --

17 MS. HEDGES: Thank you, Your Honor.

18 THE COURT: -- as to speculation.

19 I don't need any additional objections on the same
20 thing.

21 MS. HEDGES: Understood.

22 THE COURT: I've got it, right?

23 Mr. Loevy, let's keep it contained into the area that
24 I said. Let's avoid asking him to speculate on what's going on
25 in other people's minds or about questions for which he's got

1 no personal knowledge. He's not a 30(b)(6) witness.

2 Everybody on the same page?

3 MS. HEDGES: Thank you, Your Honor.

4 MR. LOEVY: I believe so, Your Honor.

5 THE COURT: Yes? Yes.

6 MR. LOEVY: I -- to the extent I understand it. I'm
7 doing the best I can, Your Honor. And I've only asked three
8 questions.

9 THE COURT: But my answer is: Are we on the same
10 page? Yes?

11 MR. LOEVY: Yes.

12 THE COURT: Yes?

13 MS. HEDGES: Yes, Your Honor.

14 THE COURT: Let's go.

15 BY MR. LOEVY:

16 Q. All right. Sir, when you're driving around looking for
17 undocumented rapists and murderers and you approach a
18 brown-skinned guy walking his kids to school and you want to
19 approach him, do you in your mind -- not anybody else's mind --
20 in your mind, have an understanding that that might attract a
21 crowd?

22 A. I have not approached any people with brown skin walking
23 their kids to school.

24 Q. All right. You have approached people with brown skin in
25 communities that they live, right?

1 A. I've approached all sorts of people with skin color --
2 different skin colors.

3 Q. All right. You're approaching white people and ask --
4 trying to see if they're undocumented rapists and murderers?

5 A. Yes.

6 Q. All right. Would you say you're mostly focused on
7 brown-skinned people?

8 A. I -- like I said, I encounter all sorts of people.

9 Q. You said that. But I said, were you mostly focused on
10 trying to find undocumented rapists and murderers by looking
11 for Spanish-speaking people?

12 MS. HEDGES: Again, Your Honor, I'm sorry. This isn't
13 speculation. This is an objection to the scope. The scope of
14 this PI hearing is about uses of force. It is not about
15 immigration enforcement.

16 THE COURT: I understand that it's not about
17 immigration enforcement. However, as I have said not even five
18 minutes ago, Mr. Loevy is allowed to lay a foundation with this
19 witness as to why there might be people who would gather and
20 protest during enforcement activities.

21 So I'm allowing him to do that. That's what I've
22 said. I know that you have objected. You've objected to it
23 previously. You're objecting to it again. This is what I am
24 allowing him to do.

25 MS. HEDGES: Understood, Your Honor. May I have a

1 standing objection --

2 MR. LOEVY: You already have one.

3 MS. HEDGES: -- to questions about immigration
4 enforcement?

5 THE COURT: Sure.

6 MS. HEDGES: Thank you.

7 THE COURT: Go on, Mr. Loevy.

8 MR. LOEVY: Thank you.

9 BY MR. LOEVY:

10 Q. In your head, do you have any idea why crowds might gather
11 when you approach people trying to find out if they're
12 undocumented murderers and rapists?

13 A. I have no clue why crowds would gather around me.

14 Q. No clue at all?

15 A. Nope.

16 Q. All right. Might it be, in your mind, that people are
17 concerned that you're approaching people with brown skin, who
18 have maybe been here for 20 years, who are part of the fabric
19 of their communities, who have children, who patronize
20 businesses, and that you're terrorizing their communities?
21 That never has crossed your mind?

22 A. Like I said, I approach all people of all colors.

23 Q. All right. As it turns out, when you do approach people to
24 find out if they're undocumented murderers and rapists, you
25 have attracted crowds, right?

1 A. I have on occasions, yes.

2 Q. And people gather and tell you "Leave them alone," "We
3 don't want this," "Go away," right?

4 A. Some of those have been shouted, yes.

5 Q. In fact, some people in Chicago, do they support what
6 you're doing?

7 A. We don't have a -- sometimes we don't have supporters,
8 you're right.

9 Q. All right. But some people really don't support what
10 you're doing, right?

11 A. It has been -- I have encountered people that really don't
12 support us, yes.

13 Q. And they have a right to not support what you're doing,
14 right?

15 A. I mean, they have their First Amendment right, yes.

16 Q. That's where I'm going next.

17 You do understand the Constitution, right?

18 A. Correct.

19 Q. What is your understanding of their First Amendment
20 rights -- what rights do they have to tell you about what they
21 think of what you're doing?

22 MS. HEDGES: And an objection because it calls for a
23 legal conclusion, Your Honor. This is not a -- a lawyer.

24 THE COURT: It's -- the question was what his
25 understanding is of the First Amendment rights and not asking

1 for a legal conclusion but simply what his understanding is.

2 So the objection is overruled.

3 Go ahead. You can answer.

4 BY THE WITNESS:

5 A. First Amendment right, the freedom of speech and the right
6 to gather and protest.

7 Q. Right to assemble?

8 A. Yep.

9 Q. Free expression?

10 A. Yes.

11 Q. The right of the press to report and observe?

12 A. Yep.

13 Q. That's all protected, right?

14 A. Correct.

15 Q. And you are sworn to uphold the Constitution, right?

16 A. I am.

17 Q. And even if people are saying things you don't like, you're
18 supposed to tolerate that, right?

19 A. And I do.

20 Q. All right. People are allowed to yell at the law
21 enforcement, right?

22 A. To an extent, yes.

23 Q. If they yell at you and call you names, you're not allowed
24 to use force, right?

25 MS. HEDGES: Ob- -- sorry.

1 THE WITNESS: Can you repeat the question, please.

2 MR. LOEVY: May I, Your Honor?

3 THE COURT: Yes.

4 BY MR. LOEVY:

5 Q. If people are yelling at you, calling you names, "Get out
6 of here," "We don't want you here," you can't on that basis use
7 force against them, right?

8 A. Solely on that basis? If they're passive and just sitting
9 there yelling, no.

10 Q. They're saying -- they're swearing at you, they're saying
11 "Go home, go home." You can't tear gas them for that, right?

12 A. If they're impeding our efforts, possibly.

13 Q. Well, I didn't say anything about impeding. I said they're
14 yelling at you, they're screaming obscenities at you, and
15 they're really testing your patience.

16 That doesn't justify you to use tear gas, for example,
17 right?

18 A. As I said, if they are sitting there shouting at us,
19 impeding our efforts to leave or conduct enforcement actions,
20 we can. But if they're not, then we don't use any force.

21 Q. In fact, law enforcement officers are trained they're
22 supposed to keep a cool head with people yelling at them,
23 right?

24 A. And we do.

25 Q. That's an important part of law enforcement is that you --

1 you have to take the high road. If people are swearing at you
2 and yelling at you, that doesn't mean you can retaliate against
3 them, right?

4 A. And we don't.

5 Q. Speaking of -- of your training in crowd control, as a
6 Border Patrol agent, that's a different job than looking for
7 rapists and murderers who are not documented in an urban city,
8 right?

9 A. So you're talking about crowd control training?

10 Q. Yeah.

11 A. Yeah, we are trained in crowd control as well.

12 Q. Your primary function, Border Patrol, is down at the
13 border, your mentality is you're trying to repel an invasion,
14 right?

15 MS. HEDGES: Again, Your Honor, to the extent it's
16 about the goals of the mission. Objection.

17 THE COURT: No, it's not about the goals of the
18 mission. Your objection is overruled. It was asking about his
19 training --

20 THE WITNESS: So --

21 THE COURT: -- relate -- sorry.

22 THE WITNESS: Sorry, Your Honor.

23 THE COURT: No, you're fine.

24 -- and relating to crowd control. So it's perfectly
25 relevant, and the objection is overruled.

1 So you can answer.

2 So the question, just to keep us going, is that: Your
3 primary function as a Border Patrol officer down at the border
4 is that you are trying to repel an invasion.

5 BY THE WITNESS:

6 A. So my primary job as a Border Patrol agent down at the
7 border is to detect illegal entrants and to thwart terrorists,
8 smugglers, and illegal entrants.

9 BY MR. LOEVY:

10 Q. All right. That's a very different function than trying to
11 find rapists and murderers on the streets of a city and then
12 confronting crowds who are very angry about what you're doing.
13 Those are different kinds of experiences, right?

14 A. Well, down where I'm from, I do work in the urban
15 environment as well, and I have dealt with crowds down there as
16 well in protest situations.

17 Q. All right. Let's talk about tear gas.

18 You would agree that most of the people that you've
19 encountered that have expressed displeasure with what you are
20 doing, they are protesting peacefully. Would you agree with
21 that?

22 A. You said most of the people are protesting peaceful?

23 Q. I said "most of the people." Did you understand the
24 question?

25 A. Yeah, you said most of the people are protesting

1 peacefully, right? And I can't agree that most of the people
2 are protesting peacefully.

3 Q. All right. So all the people you've seen in Chicago pissed
4 off about what ICE is doing and -- maybe I'm not defining it
5 good -- maybe they're yelling at you and calling you names.
6 That's protesting peacefully, right?

7 A. To an extent, yes.

8 Q. All right. Because they're not actively resisting or
9 impeding. They're just telling you what they think, right?

10 A. Correct.

11 Q. That's protected by the First Amendment, right?

12 A. Yes.

13 Q. And you can't agree that most of the people you've
14 encountered are at least, while being maybe loud and vocal, are
15 being peaceful in their protests?

16 A. Most of the gatherings that we have been there, there have
17 been a lot that were peaceful as far as just yelling and
18 screaming and not getting agitated and being, like, assaultive
19 or stuff like that, yes.

20 Q. All right. So back to my question.

21 Then you would agree with me that most of the
22 protesters you've encountered have been peaceful?

23 A. Yeah, a large portion, they have been just stander-bys
24 doing their First Amendment speech, yes.

25 Q. Okay. Tear gas is a serious weapon. Would you agree?

1 A. No.

2 Q. What's the chemical that is tear gas?

3 A. I do not remember the specific word of it.

4 Q. It's okay if you --

5 A. It's kind of a weird word. It's like -- I forget. It's
6 like chloresium something, you know, something along those
7 lines.

8 Q. You don't agree that anything that interferes with
9 someone's breathing is a serious weapon?

10 A. No.

11 Q. Is it dangerous?

12 A. No.

13 Q. Is it dangerous if you have trouble -- respiratory
14 problems?

15 A. No.

16 Q. Did you know that tear gas has been banned in warfare?

17 A. I do not know that.

18 Q. Did you know there's an international treaty, signed by
19 most nations after World War I, the International Chemical
20 Weapons Convention, that bans the use of tear gas in war?

21 A. The use of tear gas is a less-lethal device, sir, and it is
22 not anything to cause harm to a person.

23 Q. All right. Would you agree it shouldn't be used casually?

24 A. It should be used when it's objectively reasonable --

25 Q. All right.

1 A. -- and necessary.

2 Q. And I -- I skipped your last answer, but you said it can't
3 harm people?

4 A. It doesn't harm people.

5 Q. Okay. It causes burning and itching and extreme
6 discomfort, right?

7 A. And after you leave it, it stops those effects within
8 10 seconds of after getting out of the affected area.

9 Q. All right. It really should be a last resort. Would you
10 agree?

11 A. No.

12 Q. All right. The policy at the Border Patrol actually
13 requires active resistance before it can be used, right?

14 A. Correct.

15 Q. All right. So you can't use it casually. There has to --
16 you have to be encountering active resistance, right?

17 A. Correct.

18 Q. And let's talk about when you can't use tear gas.

19 If people are yelling at you, calling you names, can
20 you use tear gas?

21 A. If they are impeding our efforts, it's possible.

22 Q. All right. But I'm not talking about people who are
23 impeding you. I'm talking about you've -- you've -- here's the
24 hypothetical.

25 A. Okay.

1 Q. You've approached a brown-skinned man who is at the Home
2 Depot parking lot. And you say to yourself, I betcha that guy
3 might be an undocumented rapist and a murderer.

4 Are you with my hypothetical?

5 A. I wouldn't call him an undocumented rapist or murderer.
6 And, like I said, I approach all sorts of people everywhere.

7 Q. All right. But you are looking for undocumented rapists
8 and murderers, right?

9 A. I'm looking for all undocumented people. It's my job.

10 Q. All right. A lot of Latinos in the United States have a
11 right to be here, right?

12 A. I do not -- I mean, there are some that are allowed --

13 Q. Oh, there's --

14 A. -- to be here.

15 Q. -- a lot. There's a lot of Latinos that have a right to
16 live --

17 MS. HEDGES: Your Honor, this is argumentative.

18 THE COURT: Stop. Stop, stop, stop. Ms. Hedges, hold
19 on. I'm ahead of you. Just hold on.

20 Mr. Loevy, at this point we're getting far afield.

21 MR. LOEVY: All right.

22 THE COURT: Right? I gave you some latitude to
23 establish a foundation, but now we're getting far afield.

24 MR. LOEVY: I'll put it back on the path here.

25 THE COURT: Thank you.

1 MS. HEDGES: Your Honor --

2 BY MR. LOEVY:

3 Q. If people are yelling --

4 THE COURT: Yes, Ms. Hedges.

5 MS. HEDGES: Your Honor, we are at two hours and 15
6 minutes. I just wanted to note for the record, I -- my
7 understanding, from my team who has been here all day, is that
8 counsel for the other side has two hours and 15 minutes of
9 record time with witnesses.

10 MR. LOEVY: I think we should count the time she's
11 been talking because that used up most of it.

12 MS. HEDGES: Your Honor --

13 THE COURT: Okay. So --

14 MS. HEDGES: -- we're -- we -- I think to the extent
15 that this goes any more, we should be allowed additional time
16 to put on our witnesses.

17 And, Your Honor, and the other thing is, like, it's, I
18 think, 3:45 p.m. I'm conc- -- I am concerned that we're going
19 to run out of time to put on our witnesses because we have much
20 more time remaining on the clock than they do.

21 THE COURT: Who else are you putting on besides this
22 witness?

23 MS. HEDGES: Your Honor, this witness -- we have a
24 direct with this witness that will take a significant amount of
25 time, and then we have Mr. Harvick.

1 THE COURT: So what you're telling me is you have two
2 witnesses, including this one. Yes?

3 MS. HEDGES: That's right, Your Honor.

4 THE COURT: Okay. And what I have said at this point,
5 and said more than once now, is we will go until we are done.
6 And the more time we spend arguing back and forth is the later
7 we will be here.

8 So --

9 MS. HEDGES: Understood, Your Honor. I just wanted to
10 make the record clear that the -- we're at time for them, is my
11 understanding, and -- and I wanted to make -- make the record
12 clear. If we're going to go until we're done, we're -- I think
13 we're ready to go until we're done.

14 THE COURT: And that what is we're doing. We're going
15 to go until we're done. Because we've been going back and
16 forth. There has been objections and issues and arguing and
17 looking for videotape and all sorts of things that have just
18 spent a lot of extra time.

19 So we will go until we are finished.

20 Mr. Loevy.

21 MR. LOEVY: Thank you, Your Honor.

22 BY MR. LOEVY:

23 Q. If you're -- in my hypothetical, you've approached someone,
24 and maybe a crowd gathers, and they're angry at the fact that
25 you've done this, and they're yelling at you. And they're not

1 impeding you, and they're not interfering with you. They're
2 just angry and calling you names.

3 You can't use tear gas, right?

4 A. I would not use tear gas at that time, no.

5 Q. But you understand and your training is that you can't use
6 tear gas under those circumstances, right?

7 A. Correct.

8 Q. How about if they really hurt your feelings, they really
9 are mean to you? Can you use tear gas for that reason?

10 A. Just because they hurt your feelings? No.

11 Q. All right. How -- and what is your understanding of how
12 many warnings you're supposed to be giving?

13 A. According to this TR0, it is at least two and -- unless
14 it's unfeasible to do so.

15 Q. Do you know how many times during Operation Midway Blitz
16 that the officers have used tear gas on crowds?

17 A. I am not sure of the number of times tear gas has been used
18 on crowds.

19 Q. Would you say more than a dozen?

20 A. I do not know.

21 Q. You are the witness -- the government's primary witness at
22 this hearing, right?

23 A. I --

24 MS. HEDGES: I object to that, Your Honor.

25 Outside --

1 BY MR. LOEVY:

2 Q. Your understanding?

3 MS. HEDGES: Outside the scope of his knowledge.

4 THE COURT: If he doesn't know --

5 MR. LOEVY: I'm asking if he knows.

6 BY THE WITNESS:

7 A. I don't know if I'm their primary witness or not.

8 BY MR. LOEVY:

9 Q. All right. You spent quite a bit of time preparing?

10 A. Correct.

11 Q. And you went over all of the body cam that was available to
12 you, right?

13 MS. HEDGES: Objection, Your Honor, to the extent -- I
14 think this is starting to get into prep with attorneys, which
15 is all privileged. So I'm just objecting to any questions
16 about his prep because it's privileged.

17 MR. LOEVY: I'm not asking about his communications
18 with his counsel. I'm saying that he -- I'm asking what he had
19 access to to prepare.

20 THE COURT: So then ask him that.

21 MR. LOEVY: All right.

22 BY MR. LOEVY:

23 Q. In the process of preparing -- let me ask you this: You
24 understood that you're on the team government here trying to
25 show that the TRO is not necessary. That's your general gist,

1 right?

2 A. I do not understand -- I do not know why -- I know I am
3 here to testify that we are not violating the TRO, yes.

4 Q. All right. And you reviewed videotape that would try to
5 help you show that, right?

6 MS. HEDGES: Again, Your Honor, he's getting -- the
7 form of that question --

8 THE COURT: Okay. Ms. Hedges, he can ask about what
9 he -- what he viewed, what he reviewed, what he did to prepare
10 to come and testify here today.

11 Mr. Loevy, at this point you know how to ask that
12 question, right?

13 MR. LOEVY: I thought I asked it the right way, which
14 is: What did you review?

15 THE COURT: That's not what you asked.

16 MR. LOEVY: Sorry.

17 THE COURT: Right? So ask that question.

18 MR. LOEVY: All right.

19 THE COURT: And just simply ask him: Agent, what did
20 you review before you came here today? Tell me the categories.

21 BY MR. LOEVY:

22 Q. How about that question?

23 A. All right. On that, we reviewed, yeah, my personal body
24 cam footage of that day, the events in question, and other
25 reports.

1 Q. All right. And as the witness here on the stand, you're
2 here to talk about every single knucklehead that did anything
3 bad that you saw the entire time you've been in Chicago, right?

4 A. I'm only here to talk about what happened on the 23rd and
5 the 27th, is my understanding.

6 Q. And that is the worst of the worst examples you can think
7 of, right?

8 A. The worst of the worst I can think of those two days?

9 Q. Yeah.

10 A. They were pretty bad days.

11 Q. Yeah. And we're here to talk about them because you are
12 the government's witness, and this is the best you guys got is
13 these two dates, right?

14 THE COURT: I --

15 MS. HEDGES: I object to that, Your Honor.

16 THE COURT: I hear you.

17 MR. LOEVY: All right.

18 THE COURT: Mr. Loevy -- so I'm going to take the two
19 lawyers, and we're going out in the hallway.

20 MR. LOEVY: All right.

21 THE COURT: Now.

22 (Off the record.)

23 THE COURT: All right. You can all be seated.

24 MR. LOEVY: May I proceed, Your Honor?

25 THE COURT: You may.

1 BY MR. LOEVY:

2 Q. Your disclosure talks about two incidents, one on 9/27 and
3 one on 10/23. Let's talk about the incident on September 27th
4 first.

5 Where were you that day around 8:00 p.m.?

6 A. Around 8:00 p.m. I was at Broadview, the ERO ICE facility
7 at Broadview.

8 MR. LOEVY: All right. Justin, why don't we play that
9 video. And we start it at -- I think we said we're going to
10 start it around 2:38. That's fine.

11 (Video played in open court.)

12 THE WITNESS: Can we hold up a second?

13 MR. LOEVY: Stop that, please, Justin.

14 THE WITNESS: Could we just clarify something?

15 BY MR. LOEVY:

16 Q. Sure, please.

17 A. So on the body cam, it shows 8:00 p.m., and technically, it
18 was actually 7:00 p.m. because the body cam footage on the top
19 right shows Eastern Standard Time.

20 Q. Thank you for clarifying.

21 And then, as long as we got it stopped, this is your
22 body cam footage looking at your fellow officers?

23 A. Yes.

24 Q. And there's a fence there, right?

25 A. Yes.

1 Q. That fence was erected by the federal officers around
2 Broadview, right?

3 A. Yeah. I -- I know it was put up. I'm not sure who put it
4 up.

5 Q. All right. But eventually a court ordered it taken down,
6 right?

7 A. To my knowledge, yes.

8 Q. The people on the other side of the fence were protesting,
9 right?

10 A. Correct.

11 Q. What was your understanding of what they were protesting?

12 A. I'm not sure what they were protesting, but pretty much for
13 us not being -- to get out and not be there. So...

14 Q. All right. And they had a right to do that, right?

15 A. Correct.

16 Q. And, in fact, they were doing it the right way, right?
17 They were making their voices heard, standing back where
18 they're supposed to be standing, and exercising their
19 constitutional rights, right?

20 A. Some were, yes.

21 Q. All right.

22 MR. LOEVY: All right. Let's play it a little more,
23 Justin.

24 (Video played in open court.)

25 MR. LOEVY: Stop it there.

1 BY MR. LOEVY:

2 Q. All right. "Get off the road or you're going to be
3 arrested."

4 Was that your voice or somebody else's?

5 A. Somebody else's.

6 MR. LOEVY: All right. Continue.

7 (Video played in open court.)

8 MR. LOEVY: Stop it.

9 BY MR. LOEVY:

10 Q. Now, it looked like the agents were the ones who initiated
11 all the violence that's shown there, right? Or at least all
12 the physical contact?

13 A. Negative.

14 Q. It didn't look like they were pushing people and grabbing
15 their signs and walking up to them and pushing them?

16 A. They weren't grabbing their signs. We were grabbing their
17 shields.

18 Q. Their shields?

19 A. Yes.

20 Q. They were like, you know, like knights with shields, you're
21 saying?

22 A. They had shields with nails protruding from them to do
23 damage to us.

24 Q. All right. But you approached them, right?

25 A. Yeah, to grab the shields.

1 Q. Okay. They didn't approach you with their shields, right?

2 A. They were standing in our way and they brought shields and
3 weapons to us, so we went out there to confiscate those.

4 Q. All right. Can you see the shields on the video? Maybe
5 I'm missing it.

6 A. Yes.

7 MR. LOEVY: All right. Let's back it up a little bit,
8 Justin.

9 (Video played in open court.)

10 MR. LOEVY: Stop.

11 BY MR. LOEVY:

12 Q. If you wanted to avoid confrontation, you wouldn't have had
13 to approach these shields, right?

14 A. Our job is to make sure everyone is safe there. So when
15 people bring weapons there, we're going to go confiscate those
16 weapons like those shields.

17 Q. Okay. Although you don't usually think of a shield as a
18 weapon. You think of a shield as protection, right?

19 A. They had spikes protruding from them made from nails.

20 Q. Okay. So you're -- you're thinking in your mind, I gotta
21 go get that guy?

22 A. We have to get the shields.

23 Q. Okay.

24 MR. LOEVY: Keep going.

25 (Video played in open court.)

1 MR. LOEVY: All right. Stop.

2 BY MR. LOEVY:

3 Q. Have we seen the shield yet?

4 A. Yeah, go back.

5 MR. LOEVY: Go back, please, Justin.

6 (Video played in open court.)

7 THE WITNESS: All right. Stop.

8 BY THE WITNESS:

9 A. Those two black objects right there, about body length --

10 BY MR. LOEVY:

11 Q. Yeah.

12 A. -- those are the shields they're holding.

13 Q. All right. And did they have any reason to think that
14 maybe federal officers were going to attack them?

15 A. I do not know what they were thinking.

16 Q. All right. Have those shields been confiscated?

17 A. Yes, we took all their shields. We took approximately
18 20 shields that were brought with nails protruding from them.

19 Q. Okay. Where are they today?

20 A. I do not know.

21 Q. Were they inventoried?

22 A. No.

23 Q. If you wanted to prove that there were shields with nails,
24 could you?

25 A. Yeah, right here on body cam.

1 Q. All right. But you said you seized them, right? So
2 they're -- you could show us these shields with nails?

3 A. I didn't say I seized them. I said we took them.

4 Q. All right. What happened to them?

5 A. We threw them in the trash can.

6 Q. All right. So nobody can confirm what that thing is,
7 right?

8 A. You can see in the body cam it is a shield.

9 Q. Or -- or it's a piece of black cardboard?

10 A. It was a plywood painted black shield that had nails
11 protruding from it, like I said.

12 Q. And -- and it looked like a weapon to you?

13 A. It was a weapon.

14 Q. All right. Do you think there's a world where that could
15 be, like, someone putting up a defense in case a federal agent
16 came at them and attacked them?

17 A. If they didn't have nails protruding from them, possibly.

18 Q. All right.

19 MR. LOEVY: Let's continue, Justin.

20 (Video played in open court.)

21 MR. LOEVY: All right. Stop.

22 BY MR. LOEVY:

23 Q. Now, it looked like they used the shields defensively in
24 the video, didn't it?

25 A. They were holding the shields that we ordered them to drop

1 them and they didn't and so we took them from them.

2 Q. All right. But the simple question was: If you can use a
3 weapon offensively or defensively, it looked like they were
4 using it defensively, right?

5 MR. LOEVY: Play the video.

6 BY THE WITNESS:

7 A. Like I said, we were grabbing the shields from them.

8 BY MR. LOEVY:

9 Q. All right. Last time. I'll try again.

10 It looked on the video we just saw like they were
11 wielding them defensively, right?

12 A. They were holding them in front of them.

13 MR. LOEVY: Okay. Continue.

14 (Video played in open court.)

15 MR. LOEVY: All right. Stop.

16 BY MR. LOEVY:

17 Q. I mean, those -- the -- the law enforcement officers
18 initiated the contact, right?

19 A. Yes, because we ordered them to get back and they did not.

20 Q. All right. And so they pushed them?

21 A. We were directing them to the sidewalk there in the grassy
22 area and, yeah, they might have gotten pushed.

23 Q. All right. Because I -- I didn't see the part where you
24 directed them to the grassy area. I saw that guy walk up to
25 that woman and shove her.

1 A. We told them to get back multiple times.

2 Q. All right. Get back. Well -- all right. That's not the
3 same as, can you move to the grassy area, is it?

4 A. Well, we were directing them to that grassy area. We told
5 them to get back.

6 MR. LOEVY: All right. Continue.

7 (Video played in open court.)

8 MR. LOEVY: All right. Stop.

9 BY MR. LOEVY:

10 Q. Who's yelling, "Hit 'em, hit 'em, hit 'em"? Was that you
11 or someone else?

12 A. I did not say, "Hit 'em, hit 'em, hit 'em." I said, "Get
13 'em, get 'em, get 'em."

14 Q. "Get 'em, get 'em."

15 That sign -- what did the sign say?

16 A. I'm not sure.

17 Q. Is that a gas mask he's wearing?

18 A. He's wearing a respirator, it looks like.

19 Q. All right. He had a right to be there protesting, right?

20 A. Correct.

21 Q. All right.

22 MR. LOEVY: Continue.

23 (Video played in open court.)

24 MR. LOEVY: All right. Stop.

25 BY MR. LOEVY:

1 Q. That guy, what gun was he wielding there? Is that a real
2 lethal weapon or a less than lethal weapon?

3 A. Could you scroll back?

4 Q. Sure.

5 MR. LOEVY: Please do.

6 (Video played in open court.)

7 THE WITNESS: Right there?

8 BY MR. LOEVY:

9 Q. Yeah.

10 A. That looks like a PLS, a PepperBall launching system.

11 Q. Got it.

12 When you were telling the guy to get back, he did get
13 back, right?

14 A. I was telling the whole crowd to get back. And I also told
15 him to get off the road as well.

16 Q. Well, you were -- we heard you say "Get back," right?

17 A. And you also heard me say, "Get off the road."

18 Q. All right. When you said "get back," he got back, right?

19 A. Well, he didn't get off the road.

20 Q. He started moving backwards.

21 MR. LOEVY: Let's back it up, okay, Justin?

22 (Video played in open court.)

23 MR. LOEVY: Stop.

24 BY MR. LOEVY:

25 Q. All right. It sure sounded like "Hit 'em."

1 Are you sure you weren't saying "Hit 'em"?

2 A. No, I was saying "Get 'em."

3 Q. All right. Why were you saying "Get 'em"?

4 A. Because he was assaulting our agent I believe at that time.
5 I can't see it on my body cam because of the crowd of agents in
6 front of us. At that time, I believe he was assaulting our
7 agents.

8 Q. All right. That's your belief.

9 But would you agree with me for the purposes of this
10 record that there -- you can't see him doing any assaultive
11 behavior on that video?

12 A. Not on the body cam, no.

13 Q. All right. Then why did you yell "Get 'em" if you didn't
14 see it?

15 A. I saw with my eyes.

16 Q. Oh. What did you see him do?

17 A. I don't recall at that time, but --

18 Q. Okay.

19 A. -- I believe at that time because I don't rellect --
20 recollect those events at that time. But when I was saying
21 "get 'em," it's to make the arrest.

22 Q. All right. Did you prosecute him?

23 A. I don't believe we got that individual at that time.

24 Q. Well, that's a serious crime if he assaulted a federal
25 official, right?

1 A. It is.

2 Q. So was he placed under arrest and prosecuted?

3 A. I -- I don't think so.

4 MR. LOEVY: All right. Continue.

5 (Video played in open court.)

6 MR. LOEVY: All right. Stop.

7 BY MR. LOEVY:

8 Q. You told him get back.

9 He's going backwards, right?

10 A. Which subject are you referring to going backwards? The
11 guy in the white or which one?

12 Q. Yeah, the guy who was doubled over who you guys were trying
13 to get.

14 A. Right. But also that direction isn't necessarily
15 specific -- specific to him. It's specific to the whole group.

16 Q. All right. I'll just ask it again, though.

17 You said, "Get back, get back." And that's exactly
18 what he did, right?

19 A. That one individual, possibly.

20 MR. LOEVY: All right. Continue.

21 (Video played in open court.)

22 MR. LOEVY: Stop.

23 BY MR. LOEVY:

24 Q. You told him to get on the sidewalk and they got on the
25 sidewalk, right?

1 A. After having to have area saturation from the PepperBall
2 launching system because they ignored our commands.

3 Q. All right. Are you trained in de-escalation?

4 A. Yes.

5 Q. In other words, you don't have to use weapons and force,
6 right?

7 A. We have to use a reasonably objectable force and the least
8 amount of force possible to -- to accomplish our enforcement
9 efforts?

10 Q. Because to use actual force, weapons, PepperBalls,
11 et cetera, they have to be actively resisting, right?

12 A. Correct.

13 Q. And you can't see on this video anybody actively resisting.
14 Would you agree?

15 A. No.

16 Q. You would disagree with me?

17 A. Yes.

18 MR. LOEVY: All right. Continue the video.

19 (Video played in open court.)

20 MR. LOEVY: All right. That's good.

21 BY MR. LOEVY:

22 Q. It looks like pepper spray has been deployed there?

23 A. Not pepper spray. Just the PepperBall launching system on
24 the ground, it affects -- it's a PAVA powder, so the crowd --
25 the powder is now in the atmosphere.

1 Q. All right. Would you agree, then, on the video we've seen
2 so far that nobody -- nobody assaulted any officers or did
3 anything to justify force?

4 A. There was plenty that was use -- justifiable force on
5 there.

6 Q. All right. Let's go to 10:00 p.m. on the same day.

7 MR. LOEVY: Justin, if you could forward it to 2:10.

8 BY MR. LOEVY:

9 Q. By the way, this is -- you're here -- this is one of the
10 two worst things you saw people do in Broadview, right?

11 A. In Broadview?

12 Q. Yeah.

13 A. Two worst things as far as what?

14 Q. As far as what evidence you captured on body cam that
15 you -- that you're here to talk about, the two worst things you
16 got, right?

17 MS. HEDGES: Your Honor, I object to that.

18 THE COURT: Sustained.

19 MR. LOEVY: All right.

20 BY MR. LOEVY:

21 Q. Are you aware of -- I'm sorry.

22 Are you aware of other incidents that put the
23 protesters in a worse light than the two you're talking about
24 today?

25 MS. HEDGES: Again, I object, Your Honor. "Worse

1 light," this is vague. This is asking him --

2 THE COURT: I -- I -- sustained.

3 Right?

4 MR. LOEVY: Can I ask the second question?

5 BY MR. LOEVY:

6 Q. Are you aware of any other one that is worst than these
7 two?

8 MS. HEDGES: Again, Your Honor --

9 THE COURT: So ask a different question --

10 MR. LOEVY: I thought --

11 THE COURT: -- right?

12 MR. LOEVY: I'll try again.

13 BY MR. LOEVY:

14 Q. Are you aware, as you sit here today, of any videotaped
15 incident that puts the protesters in a worse light than these
16 two --

17 MS. HEDGES: I still --

18 BY MR. LOEVY:

19 Q. -- things we're talking about?

20 MS. HEDGES: -- object, Your Honor.

21 THE COURT: I -- I -- I know.

22 Mr. Loevy --

23 MR. LOEVY: Yeah.

24 THE COURT: -- what you want to get at, I think, is
25 whether there are any other instances of use of force where the

1 protesters are behaving in a way that is more violent than what
2 is seen here.

3 Is that your question?

4 MR. LOEVY: That's exactly what I'm trying to get at.

5 THE COURT: Then ask that question.

6 BY MR. LOEVY:

7 Q. Do you understand what we're getting at there?

8 A. Yeah, you're saying if there's any other incidents where
9 protesters are acting more violent than that previous video?

10 Q. Than these -- no, than the two incidents you're talking
11 about today, the 27th and the 23rd?

12 A. I have -- I know some incidents, yes.

13 Q. And they're on videotape?

14 A. That I don't know.

15 Q. All right. Well, have you seen videotape that's, in your
16 mind, showing protesters more violent?

17 A. I do not know. I haven't seen any videotape of it, but I'm
18 aware of incidents that have been worse.

19 Q. You wore a body camera, right?

20 A. I do wear a body camera every incident.

21 Q. Why was only three body cams videos disclosed to the
22 plaintiffs? Do you know?

23 MS. HEDGES: Your Honor, I object.

24 THE COURT: Mr. Loevy.

25 MR. LOEVY: I'm asking if he knows, Your Honor.

1 MR. KHOJASTEH: This is ridiculous.

2 MS. HEDGES: Your Honor, this is wasting the Court's
3 time.

4 THE COURT: Yeah, I -- I -- I hear you, Ms. Hedges.
5 Let me handle it.

6 Mr. Loevy, we had a discussion out in the hallway
7 about what is appropriate to ask and what is not appropriate to
8 ask.

9 MR. LOEVY: All right.

10 THE COURT: We did?

11 MR. LOEVY: We absolutely did, Your Honor.

12 THE COURT: Yes? Okay.

13 And when we left the hallway, you said you understood
14 what was appropriate to ask and would ask questions in a manner
15 that you are allowed to ask and are fair and that you wouldn't
16 ask questions that you shouldn't be asking.

17 Is that a fair understanding --

18 MR. LOEVY: Absolutely.

19 THE COURT: -- of what happened in the hallway?

20 MR. LOEVY: Yes, Your Honor.

21 THE COURT: All right.

22 MR. LOEVY: Can I try and ask a different question
23 then?

24 THE COURT: I am going to give you -- no.

25 MR. LOEVY: Okay.

1 THE COURT: Not -- not on this.

2 MR. LOEVY: Then let's move on.

3 THE COURT: And I will say that I will follow through
4 on what I promised out in the hallway if this happens again.

5 MR. LOEVY: Okay.

6 MS. HEDGES: Your Honor, this is separate. I don't
7 want to interrupt him, so I want to say it now.

8 We are going to object because we are well over time
9 now. And I've been pretty quiet for the last while, and we're
10 still way over time. And so we're going to object to the
11 plaintiffs getting more time with this witness.

12 THE COURT: Well, how much longer do you have?

13 MR. LOEVY: I'm going through one more --

14 MS. HEDGES: Yeah.

15 Your Honor, I'm sorry, one more thing.

16 So -- and to be clear, one of the reasons this is
17 prejudicing us is because we made strategic decisions about
18 what to do, what to -- what exhibits to use and what witnesses
19 to put on to fit into the time and how to cross and whom to
20 cross and when to cross. And if plaintiffs are getting more
21 time, that is prejudicing us because we made these decisions.

22 THE COURT: Well, except that you've got plenty of
23 time, and you still have plenty of time. And --

24 MS. HEDGES: Yeah, Your Honor, so --

25 THE COURT: I --

1 MS. HEDGES: -- if I may, just -- I understand that we
2 have more time remaining than they do, but we have this witness
3 to get through with a direct, and we have Mr. Harvick to get
4 through with a direct, and I don't know how long exactly we'll
5 need.

6 THE COURT: And -- and continuing back and forth,
7 right, and my having to stop and deal with what's going on is
8 stretching this out.

9 MS. HEDGES: Understood, Your Honor. And --

10 THE COURT: So I hear your objection. It's captured
11 on the record.

12 Mr. Loevy, I am going to give you at this point six
13 more minutes. So do what you need to do in six minutes.

14 MR. LOEVY: All right, Your Honor. I'm going to skip
15 to the end there.

16 BY MR. LOEVY:

17 Q. Have you seen any problematic uses of force during
18 Operation Midway Blitz?

19 A. I have not.

20 Q. Every single use of force you've seen in your time here in
21 Chicago has been appropriate, in your mind?

22 A. Every use of force I have seen, yes.

23 Q. Have you seen any examples of Judge Ellis's TR0 being
24 violated?

25 A. No.

1 MS. HEDGES: Object to the extent it calls for a legal
2 conclusion, Your Honor.

3 THE COURT: It -- he's answered.

4 BY MR. LOEVY:

5 Q. You have not seen anybody who was protesting peacefully
6 being pepper sprayed?

7 A. Pepper sprayed? No.

8 Q. You have not seen defendants shooting PepperBalls at
9 people?

10 A. At people? Yes.

11 Q. At -- well, as opposed to at their feet, but at people's
12 bodies?

13 A. I've seen it happen, yes.

14 Q. Have you seen that happen with peaceful protesters?

15 A. No.

16 Q. Have you seen any physical force without proper
17 justification?

18 A. Without proper justification, no.

19 Q. All right. When did you learn about Judge Ellis's TR0?

20 A. Right -- right when it was implemented.

21 Q. And how were you notified?

22 MS. HEDGES: Just let me instruct the witness: To the
23 extent this involves any communication with legal counsel,
24 attorneys, exclude that from your answer because it's
25 privileged. Otherwise, you can answer the question.

1 BY THE WITNESS:

2 A. Yeah, my bosses e-mailed it to us and had our team -- had
3 us inform our teams of the TR0 and to abide by it.

4 BY MR. LOEVY:

5 Q. All right. Did -- when you got notice of the TR0 and then
6 the later modification, did you and your fellow officers do
7 things differently?

8 A. No.

9 Q. Did you make any changes in the way things were going to be
10 done?

11 A. No, because we were already abiding by the TR0.

12 Q. All right. So did your bosses say, "Hey, we got to make a
13 change," or they said, "We don't got to make a change"?

14 A. They said, "Abide by the TR0."

15 And everything that I have done and my team has done
16 has abided by the TR0 from the get-go.

17 Q. Were you guys giving two warnings before the TR0?

18 A. When it was feasible, I was giving as many warnings as I
19 can.

20 Q. Okay. Were -- was everybody -- is your understanding the
21 practice was, before Judge Ellis entered the TR0, that officers
22 were giving at least two warnings before deploying gas?

23 A. To my knowledge, I was giving as many warnings as possible.

24 Q. Okay. I'm asking a different question.

25 Did you understand that the ground rules and the

1 protocol at Operation Midway Blitz required at least two
2 warnings before gas was used?

3 A. When -- policy and according to the TRO is to give warnings
4 when feasible.

5 Q. How about have you seen law enforcement officers not
6 wearing name tags?

7 A. Yes.

8 Q. All right. They're supposed to.

9 And, I'm sorry, not wearing identification badges.

10 Are they still wearing that?

11 A. So repeat your question. Are you referring to name tags or
12 identification numbers?

13 MS. HEDGES: And I --

14 BY MR. LOEVY:

15 Q. I said it wrong.

16 MS. HEDGES: I object -- I object to counsel's
17 statement. That was not a question, that "They're supposed
18 to," quote-unquote. I object to that because that's a
19 statement.

20 MR. LOEVY: I don't know. I think they're supposed
21 to.

22 THE COURT: It's --

23 MS. HEDGES: It calls for a legal conclusion.

24 THE COURT: And this is why we are going over time.

25 And if counsel has an issue with it and shaking his

1 head, you've got to just deal.

2 MR. KHOJASTEH: Of course, Your Honor.

3 THE COURT: So the question is: Have you -- Agent,
4 have you seen law enforcement, so CPB officers -- CBP officers,
5 wearing the identification which is the alphanumeric numbers?
6 Have you seen them wearing -- not wearing those?

7 THE WITNESS: To my knowledge, I have not seen anyone
8 not wearing those.

9 BY MR. LOEVY:

10 Q. All right. Has it been communicated to all your fellow
11 officers that it's required by Judge Ellis's order?

12 A. We have had our identifica- -- our identifiers on us at all
13 times. When I came from LA to here, we've always had them on.

14 Q. All right. Then last area, sir.

15 Would you agree that Judge Ellis's order, requiring
16 what it requires, actually protects people's rights?

17 MS. HEDGES: I object to that, Your Honor, because it
18 calls for a legal conclusion.

19 MR. LOEVY: From his lay perspective.

20 THE COURT: No, it's just from his -- he can answer
21 from his lay opinion. It's not a legal matter.

22 BY THE WITNESS:

23 A. So according -- from what I read from the TRO, it protects
24 people from unjustified uses of force. However, we haven't
25 been using unjustified uses of force.

1 BY MR. LOEVY:

2 Q. All right. Let's focus on the first part.

3 Does the TR0 actually require you to do something that
4 you weren't already otherwise doing?

5 A. No, we have already -- to my knowledge, we have already
6 been doing whatever was in the TR0.

7 Q. All right. So the TR0 is not impeding your ability to
8 exercise your law enforcement ability in any way, correct?

9 MS. HEDGES: Your Honor, may I have a standing
10 objection to questions asking him about the meaning of the TR0,
11 what the TR0 operates as, because that's inextricably
12 intertwined with a legal analysis. And I -- and I understand
13 he can testify about his knowledge of operations, but if he's
14 being asked about the meaning of the TR0, that is asking for a
15 legal analysis.

16 THE COURT: It's not asking for a legal analysis.
17 What he's being asked -- so I'll ask this question.

18 Agent, there are certain things in the TR0 that tell
19 the agents how to operate in the field.

20 Would that be fair?

21 THE WITNESS: There are certain things, yes.

22 THE COURT: Okay. And it, for example, says you need
23 to have your identifier on you at all times; is that right?

24 THE WITNESS: Correct.

25 THE COURT: Okay. And it also says this is when you

1 can use nonlethal weapons, and breaks them into categories, and
2 says this is when you can't use nonlethal weapons, and kind of
3 breaks those into categories.

4 Would you agree with me that's --

5 THE WITNESS: Correct.

6 THE COURT: -- in the TRO? That's your understanding
7 of what's in the TRO?

8 THE WITNESS: Right. And then you modified it with
9 the body cam usage at all times.

10 THE COURT: Yes.

11 So the question, then, is that these things in the TRO
12 that tell you what you can do in terms of enforcement, like how
13 you go about it, and what you can't do when you are essentially
14 dealing with crowd control, that -- at least from what you've
15 testified to, you were doing that before I entered the TRO. Is
16 that fair?

17 THE WITNESS: To my knowledge, everything that I have
18 encountered, it hasn't affected me. Your TRO has not affected
19 me.

20 THE COURT: Okay. And the reason that it hasn't
21 affected you is because you were already doing these things
22 before I entered the TRO; is that right?

23 THE WITNESS: Yeah, because it's according to our
24 policy, yes.

25 THE COURT: Okay.

1 BY MR. LOEVY:

2 Q. So there's nothing about the TR0 that impedes your
3 legitimate law enforcement ability that you know of?

4 A. That I know of, to my knowledge, no.

5 MR. LOEVY: All right. That's all I got. Thank you.

6 THE COURT: All right.

7 Ms. Hedges.

8 MS. HEDGES: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MS. HEDGES:

11 Q. Good afternoon again, Supervisor Hewson. How are you?

12 MR. LOEVY: I object.

13 Just kidding.

14 BY THE WITNESS:

15 A. Doing good.

16 THE COURT: You know, Mr. Loevy, my --

17 MR. LOEVY: I'm sorry.

18 THE COURT: At this point the ice is beyond thin.

19 All right. Ms. Hedges, go ahead.

20 BY MS. HEDGES:

21 Q. Supervisor Hewson, I'm just going to ask you some questions
22 now.

23 You're not here testifying on behalf of the entire
24 agency Customs and Border Protection, are you?

25 A. I am not.

1 Q. You're not here testifying on behalf of all Border Patrol
2 agents, are you?

3 A. I am not.

4 Q. Are you here testifying on behalf of ICE?

5 A. I am not.

6 Q. Are you here testifying about the legal effect of a
7 judicial order?

8 A. I am not.

9 Q. I want to give a proper introduction to you to the Court,
10 and I'm --

11 MS. HEDGES: Your Honor, I am going to ask the witness
12 some questions about himself --

13 THE COURT: That's fine.

14 MS. HEDGES: -- and start off.

15 THE COURT: That's fine.

16 BY MS. HEDGES:

17 Q. So can I call you Supervisor Hewson?

18 A. You can.

19 Q. So where do you work, Supervisor Hewson?

20 A. My normal duty station is Calexico, California.

21 Q. And where do you work at the present time?

22 A. At the present time, here in Chicago.

23 Q. Which agency do you work for?

24 A. United States Border Patrol.

25 Q. And why did you join the United States Border Patrol?

1 A. Sense of duty to my country and to protect this great
2 nation.

3 Q. And when you say a sense of duty to your country, could you
4 just give a little bit more context for what you mean?

5 A. Well, I was actually in the Pentagon for 9/11 when the
6 plane struck, and so I felt like I needed to do something for
7 my country. And my mom brought this up as a job opportunity,
8 and I decided it would be a good job opportunity to help
9 protect this country from terrorists and other foreign
10 invaders.

11 Q. And when was that?

12 A. So around 2006 is when I finally got into the Border
13 Patrol.

14 Q. So you've been with Border Patrol for roughly 19 years; is
15 that right?

16 A. Yeah, 19 years and a month.

17 Q. And -- and what is your formal position title now?

18 A. Supervisory Border Patrol agent.

19 Q. And you said that you're here in Chicago working for right
20 now.

21 Why did you come to Chicago?

22 A. So I started at Operation At Large in June of 2025, June 8,
23 2025, in Los Angeles. And I have been -- then I transitioned
24 over here to Chicago to do immigration enforcement duties.

25 Q. Around what date did you come to Chicago?

1 A. We arrived at Chicago September 5th.

2 Q. What is your role with respect to Operation Midway Blitz?

3 A. I am a team leader for one of the teams here in Chicago.

4 Q. Do you supervise anyone?

5 A. Yes, I supervise approximately six to seven other agents.

6 Q. And does your job involve -- I think we know the answer to
7 this, but does your job involve working in the field regularly?

8 A. Yes, every day, six days a week.

9 Q. Do you -- let me start with this.

10 Have you received use of force training in your job
11 with Border Patrol?

12 A. Yes, we do quarterly use of force training as well as other
13 advanced training, such as training on less-lethal devices such
14 as PepperBall launching systems, FN 303s, 40 mm grenades, and
15 then also hand-thrown munitions.

16 Q. Can we break that down for a second?

17 So you said PepperBall launchers, right?

18 A. Mm-hmm.

19 Q. And just briefly describe for us what that is.

20 A. So a PepperBall launching system, for the public knowledge,
21 is essentially a paintball gun that shoots about paintball-size
22 rounds containing a powder that's similar to the effects of OC
23 spray.

24 Q. And there was some questioning with opposing counsel about
25 PepperBalls being shot at people.

1 Let's explain a little bit about: How is a PepperBall
2 launching system generally used?

3 A. So we can use it in multiple applications, but generally
4 when we -- the least amount of force possible, we use the
5 PepperBall launching system in an area saturation type of
6 effect.

7 Q. Would it ever be appropriate -- under any circumstances,
8 would it ever be appropriate to shoot a PepperBall launching
9 system at a person?

10 A. Yes, when they are assaultive.

11 Q. And can you explain what you mean when you say
12 "assaulting"?

13 A. Assaultive is when they intend to do physical harm to an
14 agent or another person.

15 Q. How do you know that they intend to do physical harm?

16 A. Well, just by their mannerisms. If they're within reach to
17 execute a threat, so they're threatening us for bodily harm,
18 and then belayed themselves off in like a fighter stance, like
19 a boxer stance, hands up and stuff like that, those are
20 indicators they're about to assault us or they're actually
21 physically making contact with us.

22 Q. So just to be clear, when you say that you believe they
23 intend to harm you, you're not talking about just words; is
24 that fair?

25 A. Correct.

1 Q. And you -- you noted that there are also other types of
2 less-lethal munitions.

3 Are you certified to use any less-lethal munitions?

4 A. I am.

5 Q. Which ones?

6 A. I am certified using hand-thrown munitions, which are the
7 CS gas grenades and the tactical smoke, as well as stinger ball
8 grenades, and then also the 40 mm grenade launcher.

9 Q. When you use the word "grenade," I think that has a certain
10 meaning maybe to the layperson.

11 Can you explain what you mean by that?

12 A. So they're not necessarily grenades like the big explosion
13 type of grenades. They shoot out canisters of either CS gas as
14 well as other applications. Different canisters have different
15 things.

16 One of the canisters is an OC spray -- or OC blast,
17 which is a cloud of OC.

18 And then another canister that shoots out is a foam
19 projectile to make kinetic impact with its assaultive subjects.

20 Q. Are you familiar with Customs and Border Protection's use
21 of force policy?

22 A. I am.

23 Q. Are you trained in that policy?

24 A. Yes, every quarter we get refreshed.

25 Q. Under that policy, what's the standard that you use, as a

1 Border Patrol agent, to decide whether use of force would be
2 justified?

3 A. Well, we use like the Graham factors and totality of
4 circumstances. And then also we have a different -- like a
5 scale of like passive resistant, active resistant, assaultive,
6 and then deadly force.

7 Q. Are you familiar with the phrase "objectively reasonable"?

8 A. I am.

9 Q. Does that phrase have any relation to the standard that you
10 use when considering whether to use force?

11 A. Yeah, we use the least amount of force necessary to effect
12 our arrest and is objectively reasonable amongst all the other
13 agents in the totality of circumstances of the -- totality of
14 circumstances in that event.

15 Q. Do you follow CBP's use of force policy?

16 A. All the time.

17 Q. And if I use CBP as a shorthand for Customs and Border
18 Protection, do we understand each other?

19 A. We do.

20 Q. To your knowledge, from what you've observed, do agents who
21 report to you follow CBP's use of force policy?

22 A. Yes.

23 Q. Does your training include information about the rights of
24 protesters?

25 A. It does.

1 Q. Do you follow that training?

2 A. I do.

3 Q. Do you and your agents wear body-worn cameras?

4 A. Yes.

5 Q. Can you explain to us where on your person is the body-worn
6 camera generally?

7 A. Generally, we wear it center mass of our torso, so around
8 the midline of our torso.

9 Q. Do you wear a body-worn camera anywhere else?

10 A. So I have an adapter, an extension that is a camera on my
11 shoulder, on my left lapel of my ballistic vest.

12 Q. Does a body-worn camera always show all the circumstances
13 that you're facing in the field?

14 A. Not always.

15 Q. Why not?

16 A. Let's say, for -- it only focuses on what -- where it's
17 mounted. So if it's on the frontal midline of your body, it's
18 focused straight ahead. So if there's something going on to my
19 left, right, or behind me, it won't capture that event.

20 Q. I want to talk about a couple of specific incidents.

21 Did you go to Little Village on October 23, 2025?

22 A. I was.

23 Q. Why did you go there, just briefly, so we understand?

24 A. So the night before we were instructed that's going to be
25 our area of operation, and that is why we went to Little

1 Village.

2 We went to Cicero and then Little Village right after.

3 Q. And did other agents -- so when you say "we," who are you
4 referring to?

5 A. So my team, and then there's another team involved. And
6 then also Chief Bovino and his team was there as well.

7 Q. Were there -- was there more than one vehicle involved in
8 your group going?

9 A. Yeah, there was approximately 15 vehicles in our group.

10 Q. Did your team make any detentions of illegal immigrants
11 during that visit to Little Village?

12 A. We did. We made some consensual encounters and ended up
13 arresting a couple individuals, yes.

14 Q. So what I primarily want to talk about now is I want to
15 talk about what happened after that.

16 So after you finished with those consensual encounters
17 and detentions that you made, did there come a point when your
18 officers faced a threat from gang members?

19 A. Yes, my sub -- my vehicle in particular, we were driving
20 eastbound on 26th Street when we came -- encountered a vehicle
21 that was blocking our path from going east or west. It was
22 like perpendicular to the road. And then these subjects were
23 throwing out LK gang signs.

24 Q. When you say "LK," what do you mean?

25 A. Latin King gang signs.

1 Q. Continue.

2 A. And then one of the subjects was holding his cell phone on
3 top of the roof in like a pointing a gun type of fashion, in
4 that way, but I could observe that it was a cell phone, so we
5 didn't take action.

6 To -- from blocking our view, my subject -- or not
7 blocking our view, but blocking our path, my two -- my driver
8 and my passenger exited their vehicles and ordered these
9 subjects to leave the area.

10 Q. Did they leave the area?

11 A. Yeah, they left in a -- in a rapid fashion.

12 Q. And just to give a little bit more context, without getting
13 into any information that might be law enforcement privileged
14 or sensitive, how did you tell that these were Latin Kings
15 members?

16 A. Well, we have intelligence briefs saying that -- showing us
17 the LK gang signs and what they would be displaying, as well as
18 their clothing and tattoo looks and stuff like that.

19 Q. So after the situation with the Latin Kings, after they
20 left, where did you go next, if anywhere?

21 A. So we ended up going into a -- on the road on 27th Street
22 eastbound, and we ended up at the intersection of Whipple and
23 27th Street.

24 Q. What happened then?

25 A. We ended up making a consensual encounter with a subject

1 and ended up arresting them for being present illegally in the
2 country.

3 And then that's when a riot happened, and we were
4 forced to stay at that intersection.

5 Q. So can we break that up just for a second.

6 So I realize I don't know if I asked you what you mean
7 when you say "consensual encounter." And we are not going to
8 dwell on it, but just for context, what do you mean?

9 A. Just basically approaching an individual and engaging them
10 in conversation.

11 Q. And then --

12 A. Yeah, throughout the conversation we'll end up at the route
13 of asking them their citizenship and determining that they're
14 here illegally and then place them under arrest.

15 Q. So after that, then what -- what did you do?

16 A. So after that, we were placing that subject under arrest,
17 and then at that time I noticed that a box truck came and
18 blocked one of my security teams in from exiting the road and
19 almost ramming one of them.

20 Q. When you say "a box truck," what do you mean?

21 A. It was approximately like a 20-foot truck, a large like
22 type of work truck, almost like a Penske rental truck if you
23 would put it in a public term.

24 Q. Were your agents able to get around that truck to leave the
25 area?

1 A. No, they were not.

2 Q. So after the truck blocked their path, what did you do?

3 A. So we approached the vehicle, me and other agents, and we
4 extracted the driver and the passenger of that vehicle.

5 Q. And what happened after you extracted the driver and the
6 passenger?

7 A. So we placed them under arrest for assaulting, due to the
8 fact they'd almost rammed our vehicle, and also impeding, you
9 know, for blocking us in --

10 Q. And when you say --

11 A. -- from leaving.

12 Q. -- "almost rammed" -- I apologize. I cut you off.

13 A. Mm-hmm.

14 Q. When I -- when you say "almost rammed," describe what that
15 looks like.

16 A. So one of our vehicles made a left turn onto Whipple
17 northbound, and that box truck almost T-boned them. They came
18 within six inches of hitting their vehicle.

19 Q. Does that sort of thing happen often to you and your agents
20 out in the field?

21 A. We have had zero days where we went without a vehicle
22 ramming here in Chicago.

23 Q. Did you have occasion to use less-lethal munitions --
24 munitions in the course of arresting either of those
25 individuals?

1 A. Yes, I had to end up using OC spray on the passenger of the
2 that box truck.

3 Q. And just -- just a refresher, what is OC spray?

4 A. Oleoresin capsicum spray is a base out of cayenne peppers,
5 and it's an irritant to the respiratory system.

6 Q. Do its -- how long do its effects last, in your experience?

7 A. It can last a while, but it -- the main effects of it -- we
8 are trained to ensure that the person doesn't suffer any
9 adverse effects after approximately 45 minutes.

10 Q. So after you used this OC spray with this individual, what
11 happened then?

12 A. So I ended up taking the individual over to one of our
13 vehicles, and then I started decontaminating them.

14 Q. What does that mean?

15 A. So we are trained to start pouring water on their face,
16 wiping off the OC spray, as well as like giving them air, like
17 just fanning them or something like that, wiping off the OC
18 spray, and reassuring them that they'll be okay.

19 Q. Did you ask the arrestee anything about the effect of the
20 OC spray on him?

21 A. Yeah, we -- I was ensuring that he was okay, and I was
22 asking if he needed any medical attention constantly.

23 Q. Do you remember what he said?

24 A. I mean, he was suffering the effects during that time, so
25 it takes some time for the initial burn to wear off, especially

1 after being decontaminated, so -- but he refused any further
2 medical attention.

3 Q. After you decontaminated the arrestee -- well, let me ask
4 you this. Well, yeah, let me ask you this.

5 After you decontaminated the arrestee, what happened
6 then?

7 A. Approximately 30 seconds to a minute after decontaminating
8 that arrestee, somebody shot a commercial-grade firework mortar
9 at us. And it exploded over our heads, and one of those
10 pellets from that mortar ended up striking one of my agents.

11 Q. How big was the mortar?

12 A. Like I said, it was a commercial grade like you would see
13 something like at a 4th of July parade. It was one of those
14 commercial-grade firework mortars that you shoot in the sky.
15 And it was a pretty large explosion. The explosion from that
16 assault was at least 10 to 15 feet in diameter.

17 Q. And your agents -- let me ask you this.

18 Did any of your agents shoot that mortar?

19 A. No.

20 Q. Does a mortar like that pose a threat to the bodily safety
21 of agents?

22 A. Absolutely. Something like that, that can explode around
23 your head, or something like that can kill somebody.

24 Q. Can you describe the scene at this point in time? So
25 around the time that this mortar exploded, can you describe

1 what you were seeing and hearing at the -- at the scene and
2 where you were at?

3 A. So there were multiple subjects getting out of their
4 vehicles and leaving them abandoned and impeding our path from
5 exiting, as well as there was a subject that approached us on a
6 scooter that was dressed in a black ski mask and all in black.
7 He kept flashing his waistband. He was lifting it up in a
8 manner to kind of indicate that he might have a pistol in his
9 waistband. However, I didn't see one due to the fact that I
10 could clearly see his bare skin all the way around his
11 waistband.

12 And then on the west side there was another group of
13 individuals accumulating, blocking our paths to leave the west
14 side.

15 And the north side was already blocked off from that
16 box truck.

17 Q. So at this time, given that there were exits blocked -- is
18 it fair to say there was more than one exit blocked?

19 A. Yes.

20 Q. And at this time did you receive a call to go to another
21 part of the area?

22 A. Yeah. After that mortar went off, one of my agents on the
23 radio radioed that -- it was a transport van. He was west of
24 our western perimeter. He radioed on there that his vehicle
25 was being surrounded.

1 Q. And what did you do after you got that report that the
2 vehicle was being surrounded?

3 A. So I sat there for a second because I saw my security team
4 kind of heading in that direction to where he was at. But then
5 about 30 seconds to a minute after I saw those people moving
6 that direction, he got on the radio again saying that now he
7 was under attack.

8 Q. Then what did you do?

9 A. I immediately ran to his location and ended up trying to
10 clear a path for him to get inside of our protective perimeter.

11 Q. Did anything happen while you were running over?

12 A. Yeah. So I ran through the crowd of my security team, and
13 then I ran through the actual crowd of protesters.

14 One subject attempted to trip me on the way to my --
15 my -- my partner and his van.

16 And then when I got there, I noticed a subject that
17 was beating on the side of the van.

18 Q. So can I break that down really quickly?

19 You said someone tried to trip you?

20 A. Correct.

21 Q. Did you interact with that individual as a result of that?

22 A. I did not.

23 Q. Why not?

24 A. Because the importance -- the safety was more important to
25 me of my partner than it was to me. And nothing -- he

1 didn't -- he had tripped me to cause me to stumble and impede
2 me. However, like I said, the safety of my partner was more
3 important, so I did not interact with him.

4 Q. How common is that, that an action occurs toward you or
5 your agents that there would be either an arrest or a use of
6 force justified, but you don't because of the constraints of
7 the situation and the limited resources?

8 A. That happens quite often.

9 Q. Could you just describe for me -- so at this point you've
10 run over.

11 And you mentioned somebody was banging on the side of
12 the transport van?

13 A. Correct.

14 Q. And -- and what do you mean when you say that?

15 A. So he was banging on the windows and stuff, so it possibly
16 can break the windows. So I immediately shoved him off of the
17 van due to fact that my partner called and said they were being
18 under attack. And so to prevent the escapees of the people
19 inside and the harm to my agents, I shoved him off the van.

20 Q. And you mentioned the word "protesters" a few questions
21 ago.

22 A. Mm-hmm.

23 Q. When you say "protesters," is -- are you using that word
24 differently than, like, for example, someone who assaults you?

25 A. Yeah. Somebody who assaults us is an assaultive subject.

1 The protesters, in my opinion, is somebody that's standing
2 there just expressing their freedom of speech and their First
3 Amendment right.

4 Q. And can you just describe for me of the people who at that
5 point in time were just protesting, what kind of things were
6 they saying?

7 A. They were yelling at us, like "Fuck ICE," "Get out of our
8 neighborhood." Somebody was yelling "Terrorist" at that time,
9 "Nazis," you know.

10 There was also a couple of subjects that told us that
11 they were going to -- the same subject that was lifting up his
12 waistband was telling us that he's going to get his homies to
13 bring the firearms and -- and shoot us. Another subject stated
14 that they're going to bring the rammers to come ram our vehicle
15 and stuff like that.

16 Q. On a scale of 1 to 10, how chaotic would you describe the
17 situation at that point in time?

18 A. So if chaotic is on the 10 side, it was about an 8 or a 9.

19 Q. And why was that?

20 A. Just due to all the loud screaming, the prior intelligence
21 briefs of threats of people being on roofs with firearms.

22 There were a couple of subjects on top of roofs. I do not know
23 if they had a firearm or not. I didn't see one, but it's
24 possible.

25 I mean, the scene was just hectic and crazy. I mean,

1 unable to get out, people being attacked, stuff like that.

2 Q. So setting aside people who were blocking the road, I want
3 to talk about the protesters who were just using words for a
4 second.

5 Did you and/or your agents arrest any people who were
6 just using words?

7 A. No.

8 Q. Did you arrest any people who were saying "Fuck ICE"?

9 A. No.

10 Q. Did you arrest people who were saying "I'm going to get my
11 homies and bring them here and bring the guns"?

12 A. No.

13 Q. Why not?

14 A. I gave a warning to the people that were talking about "I'm
15 going to get my homies and bring the guns" to tell them, "Hey,
16 if you keep on threatening us, we will arrest you" for, you
17 know, assaulting us, you know, so...

18 Q. And what is it about bringing guns that would be
19 assaultive?

20 A. Well, I mean, bringing -- it's a threat. It's a direct
21 threat, right? And so there's different levels of the charge,
22 18 U.S.C. 111. There's a felony charge all the way down to
23 like a misdemeanor-level charge.

24 Q. And you said a few minutes ago, I think, and I want to make
25 sure I -- I -- I heard correctly, that you didn't know who --

1 at that scene who had guns and who didn't; is that right?

2 A. Yeah, I have no clue who had guns and who didn't there.

3 Q. But just to be clear, did you or your agents arrest anyone
4 who was just using words and keeping their distance?

5 A. No.

6 Q. I want to skip ahead a few minutes later.

7 So did there come a point in this --

8 MS. HEDGES: Sorry.

9 THE COURT: And I'm sorry to interrupt you,
10 Ms. Hedges. I just want to ask a quick follow-up question
11 before I forget it.

12 Is -- you -- did you see anybody with a firearm while
13 you were out there?

14 THE WITNESS: So, ma'am, the -- there was information
15 put out to us from that previous vehicle that blocked us in
16 with the gang members. They went to an alley to remove their
17 vehicle plates, and they also were pulling items out of their
18 trunk. And this helicopter was following them the whole time
19 relaying that information to us. And to me, in my experience,
20 and also history with gang violence, that was them preparing
21 for firearms or a drive-by.

22 THE COURT: Okay. But you yourself didn't see anybody
23 with firearms in the crowd when you were there?

24 THE WITNESS: I did not, no, ma'am.

25 THE COURT: Okay. And the helicopter that was

1 following this car that they went into the alley, whoever was
2 in the helicopter didn't see them putting guns in the car or
3 taking guns out of the car?

4 THE WITNESS: They did.

5 THE COURT: They saw people putting guns in the car?

6 THE WITNESS: Yes. We reviewed footage later on in
7 the day, and there were guns taken out of the vehicle, out of
8 the trunk.

9 THE COURT: Okay. But that wasn't what was told to
10 you at the time?

11 THE WITNESS: It was relayed to us urgently that
12 somebody should check it out. And I was under the
13 understanding -- and in my experience, like I said, they most
14 likely were taking guns out of there.

15 THE COURT: Okay. But I'm asking you not what you
16 think was going to happen, right --

17 THE WITNESS: Okay.

18 THE COURT: -- but what you knew at the time.

19 THE WITNESS: That no one physically said that there
20 were guns being taken out, no, ma'am.

21 THE COURT: Okay. All right.

22 Go ahead, Ms. Hedges.

23 MS. HEDGES: Yes, Your Honor.

24 BY MS. HEDGES:

25 Q. So mindful of time, Supervisor Hewson, I want to ask you a

1 few more things about -- that are a little bit more general.

2 So we were just discussing when you will and will not
3 make an arrest, and you said that you and your agents didn't
4 arrest anyone who was just protesting just using their words.

5 Is that right?

6 A. Correct.

7 Q. And did there come a point when you made an arrest at
8 Little Village?

9 A. Yeah, I made an arrest of one of the persons that assaulted
10 me, yes.

11 Q. And when you say "assault," is that more than just words?

12 A. Yes.

13 Q. Had that individual at some point in time been just using
14 words?

15 A. Yes. She was around the transport van at that time. That
16 subject was calling me, or all of us, terrorists and stuff.
17 She was impeding the path of my transport van, so I had to kind
18 of grasp her and -- and then move her to the side. And I told
19 her to get away from the transport van so that he could get
20 inside of our protective bubble.

21 Q. And why is impeding the path of a van a problem?

22 A. Well, at the time he was calling -- saying already that he
23 was being attacked, so impeding him from getting into the
24 protective bubble is a problem because now you're preventing us
25 from doing our duties.

1 Q. When you say "protective bubble," what do you mean?

2 A. So when we set up a perimeter, inside that perimeter is our
3 protective bubble. It's a safety zone for us to be inside.

4 Q. And so you mentioned there had been an individual banging
5 on the side, right?

6 A. Correct.

7 Q. There were other people impeding, right?

8 A. Yes.

9 Q. What level of resistance would you characterize impeding,
10 blocking an exit, as?

11 A. On the active resistance side.

12 Q. And what types of use of force do you understand are
13 permissible under CBP -- CBP policy in that circumstance?

14 A. So at that point you can use OC spray. You can also use
15 the PepperBall launching system for area of saturation. You
16 can even use the CS gas or tear gas, as some people call it.
17 And also you can go back to your lesser forms of force of
18 grasping onto somebody like that.

19 Q. So before we switch gears, I want to just ask a couple of
20 general questions about arrests.

21 A. Mm-hmm.

22 Q. When you use an arrest -- or, I'm sorry, when you carry out
23 an arrest, does that always involve what you would consider as
24 a -- a use of force?

25 A. No.

1 Q. And why is that? You're putting your hands on someone,
2 right?

3 A. Right.

4 Q. So explain to us, please, why that is not always considered
5 a use of force?

6 A. Just putting your hands on somebody is not a use of force.
7 Just grabbing onto them and all that stuff, it's just effecting
8 an arrest. You're doing -- you're using the least amount of
9 force to make the arrest and whatever is objectively
10 reasonable.

11 Q. Does the least amount of force vary depending on the
12 subject who is being arrested?

13 A. Yes, depends on the resistance they are exhibiting.

14 Q. Are there ever circumstances in either using force,
15 less-lethal munitions, or effecting an arrest, where officers
16 are using profanity?

17 A. There are times when -- there are chaotic volatile
18 situations where officers do use profanity, yes.

19 Q. Can profanity be used -- well, let me ask it this way.

20 If -- in those situations would you say that a word
21 could be used against someone without a use of force being used
22 against them?

23 A. Yes.

24 Q. And would you say that, as a general matter -- well, let
25 me -- let me strike that question. Let me -- let me move on

1 because I -- I do want to keep -- you know, respect everyone's
2 time.

3 So just to sum up there, you said there were
4 protesters that you didn't arrest, right?

5 A. Correct.

6 Q. There were people actively resisting or impeding that you
7 did arrest, right?

8 A. Correct.

9 Q. And after all of that was done, were you eventually able to
10 leave the area?

11 A. So after we made arrests and stuff like that, Chicago PD
12 ended up arriving at the scene to assist us with providing a
13 route for exiting, yes.

14 Q. And would you -- would you say that anything that you and
15 your agents did there enabled you to be able to leave?

16 A. Yeah. We had to -- upon leaving, we had to dismount from
17 our vehicles to escort them out of the safety -- the safety
18 route that the Chicago PD officers had set up because there
19 were still people trying to impede our route of egress.

20 Q. So I want to talk about a different incident.

21 You spoke with counsel on the other side about
22 Broadview. Do you remember that?

23 A. Yes.

24 Q. And you looked at a video. Do you remember that?

25 A. Yes.

1 Q. I would like to revisit some parts of that video.

2 MS. HEDGES: If we could have -- if we could broadcast
3 from counsel table, please.

4 THE COURT: Sure.

5 MS. HEDGES: Okay. If we could go to about 2:40.

6 (Video played in open court.)

7 MS. HEDGES: Could you -- could you pause, please,
8 Andrew.

9 BY MS. HEDGES:

10 Q. So do you know who was yelling "Get off the road"?

11 A. So I -- at the very beginning, it was Jose Sanchez that he
12 gave the initial warning for everyone to get off the road or
13 they will be arrested.

14 And then I also mentioned "Get off the road" as well,
15 gave the warning to get off the road.

16 Q. Why were you saying "Get off the road"?

17 A. At that point we were just getting -- getting -- clearing a
18 path there because we were bringing a vehicle out to collect
19 the shields.

20 Q. Can you describe the shields?

21 A. Yeah. As you can see in this -- where this vehicle -- or
22 this video is paused, there's shields right there. There's
23 those two black shields. They also are approximately 4 to
24 5 feet long, about 3 feet wide or so. And they were having
25 nails and other items, sharp items, protruding from them.

1 Q. And how were you able to tell that that's what was
2 happening, that that's what they were made up of?

3 A. Because previously in the day we exited the gate to allow
4 DHS vehicles to leave. And when we did that, we were out
5 there, and we noticed these shields being collected and staged.

6 Q. And when you say "collected and staged," what do you mean?

7 A. Somebody that was not there was dropping them off in
8 vehicles, and then they were just piling them up in designated
9 areas.

10 Q. And there was some discussion with opposing counsel about
11 the use of a shield.

12 What about these shields -- well, let me ask it this
13 way.

14 I want to give you an opportunity to contextualize
15 some of the conclusions you drew about these shields.

16 Could you explain to me whether you viewed these
17 shields as posing a threat to anyone's safety?

18 A. Yeah, absolutely. These -- like I said, these shields had
19 nails protruding from them, approximately 2- to 3-inch-long
20 nails protruding from the outside of the shields.

21 And also these shields aren't normally used for
22 defense. You know, a normal shield for defense wouldn't have
23 these nails protruding from them and they would allow for
24 protection from something, you know.

25 These were meant to harm us.

1 MS. HEDGES: Could we play the video, please.

2 (Video played in open court.)

3 MS. HEDGES: Could we pause, please.

4 BY MS. HEDGES:

5 Q. Why are you -- why is -- why are people being instructed to
6 get back, if you know?

7 A. Yeah, we were just ordering them to get back and get off
8 the road. As you can see in that video, there was several
9 subjects defying our orders. That's why they ended up being
10 shoved because they were standing there with their arms
11 crossed, defiant of our orders.

12 Also we were bringing -- like I said, behind us, you
13 can't see it in this video, you might see it later, but there
14 was a truck coming in behind us to collect these shields.

15 Q. And -- and -- sorry. Could you say that -- could you
16 clarify?

17 So you said a truck coming in behind you; is that
18 right?

19 A. Correct.

20 Q. Was that your -- one of your agents' trucks?

21 A. Yeah, it was one of our unmarked pickup trucks that had a
22 bed so that we could stockpile the shields in it that we
23 collected out there.

24 Q. And just to be clear, why did you feel it was important to
25 collect the shields?

1 A. Like I said, with those nails and everything protruding
2 from them, it was a danger to us, and it could cause serious
3 bodily harm to us or anyone else in that crowd.

4 Q. Did it appear to you at that time that there were also
5 people present who were peacefully protesting?

6 A. Yeah, of course there was people peacefully protesting at
7 that time, yes.

8 Q. Did your officers use force against them that you know of?

9 A. No.

10 Q. Did you use force against them?

11 A. No.

12 Q. Why not?

13 A. Because they're peacefully protesting, exercising their
14 First Amendment right.

15 Q. Do you view a peaceful protestor as different from someone
16 who has a shield such as you've described?

17 A. Yes.

18 Q. Why?

19 A. That somebody that has a shield like that is on the verge
20 of being assaultive.

21 MS. HEDGES: Could we play the video, please.

22 (Video played in open court.)

23 MS. HEDGES: Could we pause, please.

24 BY MS. HEDGES:

25 Q. Do you know why people were being asked to get on the

1 sidewalk?

2 A. Yeah. Like I said, we were creating a buffer zone there so
3 that our vehicle can exit and collect these shields.

4 And as you can see here, we used force there on those
5 subjects by doing area saturation because they were standing
6 there actively resisting us, holding their arms in chain -- or
7 in a chain pattern, defi- -- actively defiant of our orders.

8 Q. And when you say "area saturation," could you just explain
9 what you mean?

10 A. Yeah. So area saturation is when we use PepperBall
11 launching system and effect rounds on the ground. Like you can
12 see in the video there, the rounds were impacting the ground.
13 And that creates the PAVA powder, which is essentially OC type
14 of concentrated powder that gets up into the atmosphere
15 affecting the respiratory system.

16 Q. And just to zoom out for a second. And this relates to the
17 video, but it's not the frame we're viewing right now.

18 I just -- how long were you at Broadview that day?

19 A. Approximately eight hours.

20 Q. Were there other points in time at which vehicles driven by
21 agents were entering or exiting the facility?

22 A. There were.

23 Q. Why is it important that they be able to do so without
24 being impeded?

25 A. Well, because they needed to go do their duties still

1 throughout the day. So for them to enter and leave, they need
2 to be able to enter and leave freely.

3 Q. At this point in time -- so I think you testified earlier
4 this is roughly around 7:00 p.m. Central; is that right?

5 A. Yes.

6 Q. This portion of the video that we're looking at, is that --
7 does that sound right?

8 A. Correct.

9 Q. So around this time, about how many of your agents were
10 present?

11 A. I believe it was about 30 to 40 of us.

12 Q. How many people were in the crowd?

13 A. At this time, probably close to a hundred.

14 Q. And of those people in the crowd, how many were either
15 impeding or carrying shields or doing something more than just
16 protesting with words?

17 A. I think at this time when we exited, we arrested at least
18 two individuals for impeding or making threats to Chief Bovino.

19 And there was also approximately 20 shields collected.
20 There was probably about ten or so people carrying those
21 shields.

22 Q. If there were ten or 12 people carrying the shields, where
23 did the other shields come from that you collected?

24 A. Like I said earlier, that they were staged in a designated
25 area on either side of the road.

1 Q. And when you say "staged," what do you mean?

2 A. So somebody dropped them off by -- like there was an office
3 building on our left-hand side, and it had like a little
4 alcove. So it was staged in an area where people knew where
5 they were to go collect them.

6 As well on the right-hand side, there was a gated
7 parking area that had like a way for our vehicles to sit, and
8 so they were staged right in the corner of that little gated
9 area.

10 Q. -- okay -- officer -- or Supervisor Hewson, I just want to
11 look at a couple of more pieces of this.

12 A. Mm-hmm.

13 MS. HEDGES: Could we skip to 14:20 on the video,
14 please.

15 (Video played in open court.)

16 MS. HEDGES: Could you pause, please.

17 BY MS. HEDGES:

18 Q. What's happening at this -- at this point in the video?

19 A. So somebody -- that person that -- we had arrested somebody
20 right there. He made a threat to Chief Bovino. We chased him
21 down probably about -- well, other agents chased him down about
22 a hundred yards, ended up making the apprehension and were
23 walking him back to Broadview.

24 Q. And when you say "a threat," is that something more than
25 protesting with words?

1 A. Yes.

2 Q. There's some ambient noise in this video of people yelling.

3 Did you hear that?

4 A. Yes.

5 Q. Is some of that people other than agents?

6 A. Yes.

7 Q. Would you consider -- well, instead of asking that
8 question, I think the video is more interesting.

9 MS. HEDGES: So let's play the video, please.

10 (Video played in open court.)

11 MS. HEDGES: Pause, please.

12 BY MS. HEDGES:

13 Q. Do you see the people standing sort of center of the screen
14 there?

15 A. Yes.

16 Q. Were those people -- those weren't agents, right?

17 A. No.

18 Q. What do you understand those people to be doing?

19 A. To me, they looked like some type of media or press.

20 Q. Why do you think that?

21 A. They're carrying large cameras or the extra equipment, like
22 lighting equipment, something along those lines, to make them
23 seem to be more than just a passerby with a camera.

24 Q. When someone films your officers, without more, do your
25 officers use force against them?

1 A. No.

2 Q. When someone films officers, without more, do your agents
3 arrest them?

4 A. No.

5 Q. Why not?

6 A. They have every right to be there. Freedom of the press.

7 Q. And were these individuals impeding at this time?

8 A. No, they were standing where they were directed and
9 recording us.

10 MS. HEDGES: Could we skip to 20, please, around 20
11 and 12 seconds.

12 (Video played in open court.)

13 MS. HEDGES: Pause, please.

14 BY MS. HEDGES:

15 Q. Can you hear shouting in that video?

16 A. Yes.

17 Q. Could you hear or do you remember, from being there, any of
18 what was being shouted?

19 A. There was some things, like, shouted, like "Fuck ICE," "Go
20 home," "It's a Saturday night, what are you guys doing here?"
21 Also there was another person that said -- called us Nazis, oh,
22 and then "Nazis deserve to die" type of thing.

23 Q. And if someone just says "Nazis deserve to die," do you
24 consider that a threat in and of itself?

25 A. Yeah, when they are identifying us as Nazis and then saying

1 that we deserve to die, yeah, it can be construed as a threat.

2 Q. But in this case when someone yelled "Nazis deserve to die"
3 and they weren't physically near you, did you place them under
4 arrest?

5 A. No, I did not.

6 Q. Why not?

7 A. Because it -- to me, it's just somebody that is blowing off
8 steam, and it -- they weren't really acting upon it, so there
9 was no need to arrest them.

10 Q. So in your view there's a difference between mere words and
11 acting on it?

12 A. Correct.

13 Q. Or threatening to act on it in an imminent fashion?

14 A. Correct.

15 MS. HEDGES: Could you fast forward -- one more,
16 please. Could you fast forward to 22:30.

17 (Video played in open court.)

18 MS. HEDGES: Could you pause, please. Go back like
19 2 or 3 seconds.

20 (Video played in open court.)

21 MS. HEDGES: Pause, please.

22 BY MS. HEDGES:

23 Q. Do you see the person kind of center left of the screen?

24 A. Yes.

25 Q. Do you remember what was happening at that time?

1 A. Well, like I said, we went out here to collect all the
2 shields or anything that could be used as shields. And it
3 looks like that person was utilizing that as a type of shield.

4 Q. And were -- are -- is -- are your agents audible in this
5 clip?

6 A. Yes, I am giving them orders to drop the shield and let go.

7 MS. HEDGES: You can play the video, please.

8 (Video played in open court.)

9 MS. HEDGES: You can pause, please.

10 BY MS. HEDGES:

11 Q. And why did you -- why did you feel it was important to
12 collect that?

13 A. Well, we were collecting all the shields. So, like I said,
14 the other shields had spikes and nails protruding from them, so
15 we went ahead and collected everybody's shields.

16 MS. HEDGES: Can you -- could you play, please.

17 (Video played in open court.)

18 MS. HEDGES: Can you pause, please.

19 BY MS. HEDGES:

20 Q. Do you hear chanting in the video?

21 A. Yes.

22 Q. Do you remember or do you -- can you tell what was being
23 said?

24 A. It sounds like "Go home."

25 Q. Were your agents chanting that?

1 A. No.

2 MS. HEDGES: Could you play, please.

3 (Video played in open court.)

4 MS. HEDGES: Okay. Pause, please.

5 BY MS. HEDGES:

6 Q. So do you hear continued chanting and yelling throughout
7 that clip?

8 A. I do.

9 Q. Were those your agents yelling?

10 A. No.

11 Q. Were those -- who was yelling, if you remember?

12 A. The protesters were there yelling.

13 Q. And, again, one more question.

14 Did you arrest anyone for just yelling?

15 A. No.

16 MS. HEDGES: Your Honor, can I have 30 seconds?

17 THE COURT: Sure.

18 MS. HEDGES: Thank you.

19 (Counsel conferring.)

20 MS. HEDGES: We can take the video down or -- we don't
21 have to, but we can.

22 BY MS. HEDGES:

23 Q. Supervisor Hewson, thank you for your time. I just want to
24 wrap up here.

25 So you talked, when you first -- when I first came up

1 here, you -- you mentioned your sense of duty to your country.

2 Do you remember that?

3 A. Yes.

4 Q. Did you have any hesitation about testifying here today
5 in -- as -- as a current agent of the Border Patrol?

6 A. Of course I did.

7 Q. Why did you have hesitation about testifying?

8 A. Well, for one, I'm continuing on this mission wherever it
9 goes. And, two, I have a family that I'm trying to protect.
10 And coming in here with my face exposed and my name exposed
11 could eventually lead to like a doxing event or a harm come to
12 my family.

13 Q. So if those sorts of harms are possible, why did -- what is
14 it that made you overcome your hesitation and testify here?

15 A. I believe coming here today from somebody that's actually
16 been in the field involved in these situations, this type of
17 story needs to be told and the facts of this story need to be
18 told.

19 MS. HEDGES: I don't have any other questions on
20 direct, Your Honor.

21 And I -- I would ask for five minutes to confer about
22 the next witness and whether and how to use him.

23 MR. LOEVY: We have some cross on things that were not
24 covered by me that she covered. I would ask the Court for
25 15 minutes of cross.

1 THE COURT: 15?

2 MS. HEDGES: Your Honor --

3 MR. LOEVY: She covered that I didn't.

4 MS. HEDGES: Your Honor, the -- the -- the other side
5 has had more time. Our crosses are all done. We used no more
6 than our allotted time with our crosses. This witness has been
7 on the stand for a long time. We don't believe that the other
8 side is entitled to cross him again. They got to start out by
9 crossing him.

10 THE COURT: Well, normally, you know, it would be a --
11 their cross is -- is adverse, right? So they'd get -- if
12 they're calling him in their case, they'd get to ask any
13 additional questions based on your direct.

14 MS. HEDGES: Your Honor --

15 THE COURT: Hold on.

16 But, you know, we're not going to go 15 minutes. I
17 mean, part of the reason, Mr. Loevy, is -- why you didn't get
18 to what you needed to get to was all of the stuff back and
19 forth.

20 So I will give you four minutes, whatever you can ask
21 in four minutes.

22 MR. LOEVY: Thank you.

23 MS. HEDGES: Your Honor, may I have brief redirect in
24 the event I feel it's necessary?

25 THE COURT: Absolutely.

1 MS. HEDGES: Thank you.

2 REDIRECT EXAMINATION

3 BY MR. LOEVY:

4 Q. All right. You described an arrest of a woman in Little
5 Village on 10/24.

6 And what was the reason you arrested her?

7 A. On 10/24?

8 MS. HEDGES: Objection, Your Honor. Misstates.

9 BY MR. LOEVY:

10 Q. In Little Village, right?

11 A. Yeah, but what date?

12 Q. Which date was that?

13 A. You tell me. What are you asking about?

14 Q. The woman you arrested in Little Village, what was the date
15 of that?

16 A. The date of the event was 10/23 when I arrested a woman in
17 Little Village.

18 Q. All right. That's what I'm talking about.

19 What did she do to you to arrest -- to get arrested?

20 A. She ended up kicking a can of CS gas canisters back at us.

21 And so, therefore, she assaulted us, and I arrested her.

22 Q. All right. So just -- you didn't -- we haven't seen that
23 video yet of the arrest. You described it but didn't watch the
24 video, right?

25 A. Yeah, we haven't played it, no.

1 MR. LOEVY: All right. Let's play it, 3:48.

2 We need to switch, Lilia says, but it's at 3:48,
3 Justin.

4 THE COURT: Give me one second.

5 (Video played in open court.)

6 BY MR. LOEVY:

7 Q. That's when the tear gas got thrown right there?

8 A. Correct.

9 MR. LOEVY: All right. Keep going.

10 (Video played in open court.)

11 MR. LOEVY: Stop.

12 BY MR. LOEVY:

13 Q. That's the woman you're arresting, right?

14 A. Yes.

15 Q. And, now, there's not a riot going on. Can we be clear?

16 You used the word "riot." There's no riot, right?

17 A. Well, when people start assaulting, it's getting to that
18 point of a riot.

19 Q. So if -- when you tear gas somebody who is videotaping and
20 they try to kick the tear gas canister away from them, that's
21 assaulting you?

22 A. Yes. A tear gas can -- a can of tear gas is getting
23 exposed to us and thrown at us or kicked is assaultive.

24 Q. All right. You said you were boxed in. I'm going to back
25 up a little bit, the box truck.

1 We'll look at the video, or the Judge can at her
2 leisure, but the fact is the agents boxed in the box truck, not
3 reverse, right?

4 A. Negative.

5 Q. So if the Judge was to look at that video at -- the
6 helicopter video at 35 seconds to 47 seconds, they would see --
7 they would not see the box truck surrounded by agent cars?

8 A. That is after the -- that video footage there is after the
9 fact that a vehicle was trying to make a left turn, one of the
10 agent vehicles, and that box truck cut them off. And that
11 vehicle right there that's in front of the box truck is the one
12 he almost rammed.

13 Q. All right. So which car was trying -- which car was trying
14 to make the turn?

15 A. I do not see it in this video.

16 Q. Well, because they drove away.

17 A. Well, you can --

18 Q. How can they --

19 A. -- drive east or west there.

20 MS. HEDGES: Wait. Let him -- let him, answer,
21 please.

22 MR. LOEVY: Sorry.

23 THE COURT: Stop talking over him.

24 BY THE WITNESS:

25 A. So he -- the vehicle trying to make a left turn northbound

1 on Whipple, this box truck blocked him in from going northbound
2 on the direct of travel, impeding him from going that route.

3 BY MR. LOEVY:

4 Q. Well, apparently not, because you said he drove out of the
5 scene. We can't see him anymore. So apparently he wasn't too
6 impeded.

7 Looks like -- doesn't -- isn't it true that it looks
8 like the agents surrounded the box truck?

9 A. After he almost rammed our vehicle and he blocked off that
10 vehicle from going the intended path he wanted to go.

11 Q. All right. You mentioned the gang member thing. You said
12 there was young Latino males who pointed a cell phone at you in
13 a car, right?

14 MS. HEDGES: Objection. Misstates.

15 MR. LOEVY: It's a question, Your Honor.

16 MS. HEDGES: That wasn't the testimony, Your Honor.

17 THE COURT: It's --

18 MS. HEDGES: I didn't hear him say "Latino." The
19 transcript will reflect, but I believe that the testimony has
20 been misstated.

21 BY MR. LOEVY:

22 Q. You called them Latin King gang members, right?

23 A. They were Latin King gang members, yes.

24 Q. Were they Latino?

25 A. I don't know.

1 Q. All right.

2 A. They're Latin King gang members.

3 Q. All right. And you saw them -- the sum total of what you
4 saw them do was point a cell phone at you. You told them to
5 move along, and they did. Right?

6 A. They were throwing up gang signs in a fashion, making
7 threats at us, and drove off.

8 Q. And Mr. Bovino identified them as Latin King members
9 because of their maroon hoodies.

10 Is it your understanding that Latin Kings wear maroon?

11 MS. HEDGES: Objection to the statement and asking
12 about another -- another individual's testimony, and misstates.

13 THE COURT: Overruled.

14 BY THE WITNESS:

15 A. I do not know what Mr. Bovino said about them.

16 BY MR. LOEVY:

17 Q. No, do you -- what's your understanding of what color
18 Latin Kings are?

19 A. They wear black, and they also can throw on maroon hoodies
20 as well.

21 Q. All right. So if they hadn't -- you say they threw signs.
22 But if they hadn't thrown signs, then you wouldn't
23 identify them as Latin --

24 MS. HEDGES: Your Honor, we're at four minutes.

25 MR. LOEVY: All right.

1 THE COURT: Ms. Hedges, honestly. Honestly, I can
2 keep time, and I am about to tell him that was his last
3 question.

4 MS. HEDGES: Understood, Your Honor.

5 THE COURT: I think I can do my job.

6 MS. HEDGES: Understood, Your Honor.

7 THE COURT: We might disagree, but I think I can get
8 it done.

9 MS. HEDGES: I understand, Your Honor.

10 THE COURT: So you do yours. I'm going to do mine.

11 That was your last question. And the question was --

12 MR. LOEVY: I'll withdraw it, Your Honor.

13 THE COURT: All right.

14 MR. LOEVY: Thank you.

15 THE COURT: Any redirect?

16 MS. HEDGES: No, Your Honor.

17 THE COURT: Thank you. You can step down.

18 THE WITNESS: Thank you.

19 THE COURT: Thank you, Mr. Hewson.

20 Call your next witness.

21 MS. HEDGES: Your Honor, can we have five minutes to
22 decide whether we need the witness and to get him?

23 THE COURT: Sure.

24 MS. HEDGES: Thank you, Judge.

25 THE COURT: And based on the building's needs, we're

1 going to need to be done today at 6:00. So then we will pick
2 back up in the morning.

3 MR. ART: Thank you, Judge.

4 (Recess at 5:15 p.m., until 5:21 p.m.)

5 THE COURT: All right. You can all be seated.

6 Just heard from our Chief Judge. She talked to the
7 Marshal, allowed us to stay until 6:30 this evening, so we'll
8 be able to do that.

9 What are the -- what's the government's position? Are
10 you calling Mr. Harvick?

11 MS. HEDGES: Your Honor, at this point we are not
12 going to call Mr. Harvick to the stand.

13 We believe, with respect to legal argument, we would
14 be comfortable resting on the arguments in our papers, with the
15 proviso that we're happy for the next -- I guess it's about an
16 hour left now. We're happy to answer specific legal questions
17 the Court may have.

18 And I also believe that Mr. Holt and Mr. Newman each
19 has a housekeeping matter for Your Honor. One concerns the
20 evidentiary record, and Mr. Holt was going to address that.

21 THE COURT: All right.

22 Mr. Art.

23 MR. ART: Judge, we would like to argue, from our
24 perspective. We think argument about the facts in the record
25 is important. And obviously we have people ready to argue the

1 legal issues, which we think are quite extensive.

2 THE COURT: How long do you think your argument was?

3 MR. ART: I think we had allotted 45 minutes per side
4 in that schedule we submitted, but obviously that's not going
5 to work.

6 We could do something expedited now, if that's the
7 Court's preference, or we can come back in the morning and
8 argue then, if that's the Court's preference. I say that
9 having not talked to my team.

10 THE COURT: Yeah. I mean, as we're here and the
11 government wants to rest on its papers, that's fine.

12 So it would -- you know, to be expedited, because I am
13 very conscious of just the resources and strain that I'm
14 putting on our building security by going past 6:00, I would
15 want to keep it 20, 25 minutes, if you're going to argue, and
16 then we can get that done.

17 Because here's the other issue, is that the TRO
18 expires tomorrow at 11:00. And the government -- it's still
19 the government's position that you are not consenting to extend
20 the TRO, correct?

21 MR. HOLT: That's correct, Your Honor.

22 MR. NEWMAN: Yes, and one more point on that.
23 Plaintiffs have submitted a memorandum today --

24 THE COURT: All right.

25 MR. NEWMAN: And we actually --

1 THE COURT: So, Counsel --

2 MR. NEWMAN: -- agree with them on that point.

3 THE COURT: Counsel. Counsel.

4 MR. NEWMAN: Sorry.

5 THE COURT: The TRO expires tomorrow at 11:00.

6 MR. NEWMAN: Yes.

7 THE COURT: In saying that, obviously I am aware and
8 have done my own research that modifying the TRO and the
9 modification that was done without the government's consent
10 doesn't restart the clock.

11 MR. NEWMAN: That's our position as well. Thank you,
12 Your Honor.

13 THE COURT: You're welcome.

14 All right.

15 MR. HOLT: Your Honor.

16 THE COURT: Yes, Mr. Holt.

17 MR. HOLT: I'm sorry. There was just one thing I
18 wanted to address, if I could.

19 THE COURT: Sure.

20 MR. HOLT: So the government provided a list of
21 exhibits, of videos. We -- we have timestamps to aid the Court
22 in watching of that video that we would like to present.
23 Obviously, there's not time to watch all of that, but we have
24 that. We have -- we'll also publish it on the docket. But I
25 have that here, and I can also provide plaintiffs. But these

1 are all timestamps from videos listed on our exhibit list or
2 defendants' exhibit list.

3 THE COURT: Perfect.

4 MR. HOLT: And so --

5 THE COURT: Great.

6 MR. HOLT: -- I can provide that to the Court as well,
7 but we will also publish it on the docket. But these are also
8 timestamps and the videos themselves.

9 Our position is that the Court should watch all those
10 videos on our exhibit list, but these are just to aid in the
11 review of that. And so --

12 THE COURT: Great.

13 MR. HOLT: -- we're just providing that.

14 THE COURT: That sounds good. And actually, to
15 correct myself, it's 11:30. I'm just looking at the TR0, when
16 it was entered. It's 11:30 tomorrow morning.

17 The videos, however, we need to get those on the
18 docket. I had asked that folks upload those on the docket.
19 They need to be uploaded on the docket, the ones that you have
20 relied on.

21 MR. HOLT: Yes, Your Honor.

22 THE COURT: Okay? So I would ask that to happen. It
23 has not happened. It needs to happen because if I am relying
24 on things -- and this is something that we can take up
25 tomorrow, right --

1 MR. WARDEN: Yes.

2 THE COURT: -- is what I rely on in my opinion needs
3 to be public. And that is consistent with Seventh Circuit law.

4 So, you know, we need to figure out how to take care
5 of the redactions that need to be done, whether it's the videos
6 or any reports, right?

7 MR. WARDEN: So I think we're returning to the
8 conversation we had this morning about the time that we have to
9 do that. And obviously given --

10 THE COURT: Right.

11 MR. WARDEN: -- the volume --

12 THE COURT: And we're going to take that up, and we'll
13 take that up tomorrow, but my intention is this. Because it
14 expires at 11:30 tomorrow, I am going to give an oral ruling
15 tomorrow morning before the expiration of the TRO. I will give
16 reasons pursuant to Rule 65(d) should I decide to grant a
17 preliminary injunction. And either way I will then issue a
18 written opinion that fully explains my decision. But that's
19 what's going to happen tomorrow morning.

20 So if folks are here by 10:00 a.m., and I will issue
21 my ruling tomorrow morning at 10:00 a.m.

22 Okay. So that takes care of the housekeeping issues.

23 MR. HOLT: Yes, Your Honor.

24 THE COURT: Any other house keeping issues?

25 MR. HOLT: I don't think there's anything further from

1 the government, Your Honor.

2 THE COURT: Okay. Then if the plaintiffs want to
3 argue, I'm happy to hear it. If the government also wants to
4 jump in and argue, I'm happy to hear that, or you can rest on
5 what has been submitted.

6 All right.

7 All right. Mr. Art --

8 MR. ART: I think we're going to hear from --

9 THE COURT: -- you want, what, the -- do you want the
10 ELM0?

11 MR. ART: I think we're going to be good with the
12 computer, Your Honor.

13 THE COURT: All right. Are you -- is it up? Let's
14 see. It should be. Yes. Okay.

15 MR. ART: And you're going to hear from me and
16 Ms. Lewis Donnell. We're going to sort of split things in half
17 here, if that's okay with the Court.

18 THE COURT: Yep. Go ahead. Ready, steady, go.

19 CLOSING ARGUMENT ON BEHALF OF THE PLAINTIFFS

20 MS. LEWIS DONNELL: Good evening, Your Honor.

21 The Court should grant preliminary injunction and
22 certify the class.

23 Thanks to the Court for being a bulwark of protecting
24 liberal democracy and a free society. We're thankful to the
25 Court, your staff, your reporter, for the attention that you've

1 given to this matter and particularly on such an expedited
2 schedule too.

3 This isn't a complicated case, Your Honor. The
4 federal government is violently attacking people because of the
5 content of their speech, for dissenting, for reporting the
6 news, for engaging in religious practices in support of views
7 that the defendants disdain.

8 Plaintiffs have amassed a huge record, over 80
9 declarations from plaintiffs and others who found themselves in
10 this same situation. It spans across the Northern District of
11 Illinois. It documents incredible levels of violence. Federal
12 agents, masked, with camouflage, are bearing weapons of war,
13 and they're going into our neighborhoods and our communities,
14 and they are provoking violence.

15 We needed relief. We demonstrated that, and the Court
16 granted the temporary restraining order because there were
17 constitutional violations.

18 And since that has been entered, we have continued to
19 document additional violations of your TRO which you've seen
20 here in court and have in the record.

21 We're asking for the Court to grant the continuation
22 and enter a preliminary injunction.

23 Your Honor, the team that's gathered here on behalf of
24 plaintiffs are honored to represent members of the press,
25 protesters and observers, members of the clergy and lay people

1 who are expressing their religious beliefs. They are engaged
2 in a sacred right of our First Amendment rights. It's probably
3 our most cherished and perhaps essential right guaranteeing the
4 freedoms that we hold dear.

5 Plaintiffs and others similarly situated, they oppose
6 the Trump Administration's Operation Midway Blitz. They oppose
7 the way this Administration has decided to enforce immigration
8 laws. They oppose the presence of federal agents on their
9 streets, their blocks, provoking violence and kidnaping.

10 And these are ordinary, everyday people, engaged in
11 the very American tradition of speaking out and reporting and
12 practicing their religion.

13 And what are people doing? What are our plaintiffs
14 doing? They're gathered in peaceful protests. They're singing
15 songs and praying and chanting in solidarity and in liberation.
16 They're demonstrating with signs and posters and chanting.
17 They're raising voices of their dissent and their opposition.
18 And they're displaying views that are disfavored by this
19 Administration. They're there to observe and to record and to
20 report.

21 And sometimes it's just a community member who just
22 happens to come upon an immigration enforcement action, and
23 they bear witness and observe the horrible violence that they
24 see.

25 These are nonviolent and peaceful people. And while

1 they may shout and they may insult and even use obscenities,
2 none of their passion and this -- of their conduct is something
3 that the government can lawfully regulate.

4 Another group of our plaintiffs are the press. They
5 are documenting, photographing, videoing, and reporting out
6 what's happening in their community. And, again, this is a
7 protection that we hold dear because having a free press is --
8 who are being just attacked for doing their job is -- violates
9 their rights, their First Amendment rights.

10 And this is foundational. It's even sort of
11 pedestrian. And it's activity, speech that is protected by the
12 First Amendment.

13 Now, this is happening because the defendants do not
14 like plaintiffs, and they have animus towards them. They're
15 taking action precisely because they don't like what plaintiffs
16 have to say. They don't like the content of their speech.
17 They don't like their viewpoints. They don't like the
18 expression of religious beliefs that oppose immigration
19 enforcement. And they don't like that they oppose the
20 government themselves. And they have been very clear about
21 this hatred for plaintiffs' speech.

22 The government has planned it at the highest level,
23 starting from the top. President Trump made it abundantly
24 clear when this started, Operation Midway Blitz, that he
25 elected Chicago, Chipocalypse Now, for this operation.

1 Defendant Trump then ordered and directed the
2 Department of Homeland Security to commence this operation
3 here.

4 Defendant Kristi Noem was explicit in her
5 admonition --

6 Let's see. We could skip -- sorry -- to Defendant
7 Noem.

8 -- that it was the content of plaintiffs' speech that
9 is hated and cause for attack. When she showed up with
10 Defendant Bovino at Broadview on October 3rd, Ms. Noem told
11 them to go hard, to go hard. And for what? For talking about
12 what we are doing to protect the country.

13 It was the way that they're talking, the way
14 plaintiffs are speaking, who they're affiliated with, who
15 they're funded by, and what they're talking about that is
16 not -- that requires her to admonish the federal agents to go
17 harder.

18 In fact, Defendant Bovino has told you that what is
19 happening here is exemplary, more than exemplary, and if
20 our plaintiffs want to avoid getting shot by a PepperBall, it's
21 on them. They should stop protesting. That's what they should
22 do.

23 President Trump thinks the federal agents here haven't
24 gone far enough. He thinks that agents have been held back and
25 they should be able to do more.

1 The defendants' disdain for people protesting and
2 reporting on Operation Midway Blitz is, in their view,
3 anti-American.

4 MR. ART: And, Judge, in response to the plaintiffs'
5 constitutionally protected activities, because of those
6 activities, the Department of Homeland Security has unleashed
7 weapons of war in this region.

8 And I want to watch just a tiny part of the record
9 evidence that we have of the unspeakable violence that the
10 government has unleashed.

11 (Video played in open court.)

12 MR. ART: They shot Reverend Black in the face with a
13 PepperBall, while he was praying, from the roof of a building.

14 The next week, they turned Brighton Park into a war
15 zone --

16 And you can turn up the volume, if you have that.

17 (Video played in open court.)

18 MR. ART: -- releasing gas everywhere and driving cars
19 through the crowd.

20 In Albany Park, they gassed people standing arm in
21 arm, posing no threat at all. And they slammed a cyclist and a
22 person dressed in a costume to the ground for no reason.

23 (Video played in open court.)

24 MR. ART: I think you probably need to turn the volume
25 up.

1 MS. MARTINEZ: It doesn't have volume.

2 MR. ART: Okay.

3 They gassed a baby and parents on the east side.

4 (Video played in open court.)

5 MR. ART: And here you see the baby, and parents are
6 running from the gas.

7 (Video played in open court.)

8 MR. ART: When the Chicago Police Department showed up
9 at the scene, they gassed the Chicago Police Department as
10 well.

11 These scenes of chaos are playing out all over the
12 region.

13 After this Court's temporary restraining order was in
14 place, Defendant Bovino himself threw a tear gas canister or
15 two into a crowd for no reason at all. He testified he had no
16 regrets about doing that. He said that if he had had more tear
17 gas, he would have thrown more at the people who were present.

18 The next day, they gassed a crowd of observers in
19 Lakeview.

20 (Video played in open court.)

21 MR. ART: Body-worn camera of that same incident,
22 Judge, shows that the agents in the car said "Throw it for fun"
23 before throwing it at that crowd.

24 They gassed Old Irving Park next as families prepared,
25 as the Court has observed, for a Halloween parade.

1 (Video played in open court.)

2 MR. ART: Children and families in neighborhoods all
3 around the region are being victimized.

4 (Video played in open court.)

5 MR. ART: Here they are tackling a man wearing a
6 costume that same day for absolutely no reason at all.

7 The defendants' brutal tactics continue to this day.

8 (Video played in open court.)

9 MR. ART: Just last weekend in Evanston, defendants
10 were recorded bashing a young man's face into the ground and
11 then dragging it along the payment as observers screamed in
12 horror.

13 (Video played in open court.)

14 MR. ART: They are using gas that is banned even in
15 war. They are spraying chemicals and shooting PepperBalls.
16 They are firing at people with so-called less-lethal weapons at
17 point-blank range. They are inciting violence, and then they
18 are using the violence that they have created to justify even
19 more violence. They are hurting everyone, from young children
20 to senior citizens, plaintiffs of all different walks of life
21 from all different places of all different ages.

22 The defendants have deployed these tactics as part of
23 a unified plan that they call Operation Midway Blitz. They are
24 directed by a single commander, Gregory Bovino.

25 Judge, you have evidence from dozens of plaintiffs and

1 declarants, and it shows an unmistakable pattern. The
2 defendants are executing a program of using illegal force to
3 suppress speech and to stop the press from doing its work all
4 across this judicial district. And this map shows just those
5 incidents that we have reported in briefing to this Court and
6 that we have put evidence in the record about since this
7 lawsuit was filed.

8 The incidents stretch from the north to the South Side
9 of Chicago, to Aurora, Waukegan, the East Side, Evanston, and
10 Broadview. They've inflicted harm on plaintiffs all over the
11 region.

12 MS. LEWIS DONNELL: And the harm to plaintiffs has
13 been significant and severe. Plaintiffs have been shot with
14 PepperBalls and chemical weapons. We've seen Reverend David
15 Black who on September 19th at Broadview, without warning and
16 without any orders -- warning to disperse, he was fired upon
17 and shot seven times in his arms, face, and torso with chemical
18 agent exploding.

19 Plaintiff Raven Geary, a member of our press, was shot
20 in the face with a PepperBall on September 26th in the morning
21 at Broadview.

22 Reverend Beth Johnson on September 19th at Broadview
23 was subjected to PepperBalls and, due to her severe asthma, had
24 difficulty breathing that continued even after she left.

25 Nonviolent press and protesters have been tear-gassed

1 across the District.

2 Plaintiff Stephen Held, the journalist, at Brighton
3 Park on October 4th, a half hour after their initial deployment
4 of chemical gas, was again subjected to tear gas at Brighton
5 Park. He was exposed to the tear gas even though he had a mask
6 on, and 24 hours later he was still feeling the effects.

7 Plaintiff David Beale, in Logan Square, was subjected
8 to tear gas. And as he approached, the driver of the ICE
9 vehicle said, "We don't want anyone to get here" -- and
10 explained -- he said, "We don't want anyone to get hurt here,"
11 and explained that "We're all concerned about our neighbors."
12 And the agent told him, that seemed to be listening calmly.
13 And instead, the ICE agent threw the canister of tear gas at
14 them all.

15 John Bodett, who was here this morning testifying, in
16 Little Village he was subjected to tear gas with no audible
17 announcement that that was coming and no way to get away, no
18 dispersal order.

19 Kerry Littel, on October 31st in Evanston, who took
20 that video that you just saw, she got threatened with chemical
21 spray just to be there recording the violence that she was
22 observing.

23 And it's not just that. Our plaintiffs are -- we have
24 records that our -- that people have been threatened to be
25 shot. And this is not with less-lethal weapons but with guns.

1 For just observing and recording.

2 Leslie Cortez was in here this morning. In Cicero on
3 October 1st, well after she had recorded the -- the enforcement
4 action, then she was subjected to a gun barrel in her face
5 point-blank.

6 Jo-Elle Munchak told you, in Edgewater on
7 October 10th, she, standing way back in the public space by the
8 sidewalk, between the sidewalk and the street, not interfering
9 in any way, and then going back with her coffee home, is then
10 subjected to a gun in her face in her car, being ordered to get
11 out of her car.

12 Chris Gentry, a military vet, who was present at
13 Little Village, somebody who served our country, he was
14 threatened by a masked federal agent in camouflage who rolled
15 down his window as his car was going by, pointed a handgun in
16 his face. And here's what he said. He said, "Unlike the
17 former PepperBall gun, this was a real gun. And while holding
18 the gun pointed at my face, he said, 'Bang, bang,' followed by
19 words I could not -- I did not hear that went something like,
20 'You're dead,' and I clearly heard the word 'liberal.'"

21 Declarant David Brooks, again at Evanston on
22 October 31st, got a gun pointed in his face for filming what
23 they were doing.

24 They've targeted the press, who are just doing their
25 job, with violence. The testimony this morning from Emily

1 Steelhammer with the -- who works with our plaintiff the
2 Chicago Newspaper Guild, has spoken to at least 15 members of
3 that organization -- of that plaintiff organization about the
4 unusual level of violence that's happening when they're out
5 on -- doing their job reporting on what's happening in our
6 community.

7 At least two of their members from the Chicago -- one
8 from the Tribune and from the Sun-Times, who were documenting
9 an arrest at night at Broadview, were shot in their legs with
10 PepperBalls, clearly marked as the press.

11 Plaintiff Charles Thrush, on September 26 while he was
12 filming, was hit in -- he was also hit while he was holding his
13 camera up doing his job.

14 And it's not just the violence. It's they're being
15 arrested. And we heard that today. Juan Muñoz, a trustee from
16 Oak Park Board, on October 3rd, he was arrested for just being
17 there and held for eight hours, processed, and then let go a
18 mile and a half down the road.

19 Scott Blackburn, who we've seen the video from, was
20 tackled and arrested.

21 And more. We've cited in our record more who are
22 being -- essentially for nothing, for doing nothing.

23 And it has caused a deep impact. And you heard the
24 government asking witnesses on the stand today, you know, Well,
25 haven't you gone back? Haven't you protested? Haven't you

1 continued to report? And what they've told you is their
2 conviction, you know, Reverend Black's faith, Autumn's wanting
3 to go be there with her parents and continue to stand with her
4 community.

5 Yes, it has impacted them. They're going to continue,
6 some of them, to do what they're doing because of their
7 conviction and their courage, but they're doing it with a new
8 level of fear and trepidation about what might really happen to
9 them. So it has absolutely made an impact.

10 And there's others who aren't able to go back because
11 of the fear and the risk of the harm and the danger that they
12 face.

13 The record is overwhelming that there's a
14 constitutional harm here.

15 MR. ART: And, Judge, what is the government's
16 response to this huge amount of record evidence? Simply put,
17 the government has decided that its best defense is a
18 fabricated defense. The Trump Administration asserts Chicago
19 is a war zone. But the government hasn't mustered a single
20 piece of evidence that we live in a war zone. In fact, the
21 only evidence resembling a war zone in this case is evidence of
22 the harm and the violence inflicted by government agents.

23 You heard it in the opening this morning. The
24 defendants think that they are fighting terrorists. They say
25 that all of these incidents we have seen, they are fighting

1 people who are threatening to kill federal law enforcement and
2 their families.

3 I might have missed it, but I didn't hear any evidence
4 of that today. I haven't seen any evidence like that in the
5 record in this case in the month that we've been litigating it.
6 And there is certainly no evidence, and the government I don't
7 think has even suggested there is, that any of the plaintiffs
8 is engaged in anything like that behavior.

9 The government's justification for the use of force in
10 this case is made up.

11 What is happening, Your Honor, is that the government
12 is hearing speech it does not like. And instead of
13 understanding that that is free speech, the government is
14 calling it a riot. The government is calling it violence. The
15 government is calling it terrorism.

16 But this Court has to decide the motions before it on
17 actual, credible evidence that is in the record and not the
18 government's fever dream about what is going on.

19 The government's assertions are expressly contradicted
20 by the record. The government's arguments and evidence are not
21 credible.

22 And the defendants have lied throughout these
23 proceedings. And we know that's a big accusation. Bovino, the
24 commander of Operation Midway Blitz, has done more lying than
25 truth telling. He's lied repeatedly to justify his own uses of

1 force.

2 Take Little Village. After the Court entered a TR0,
3 we caught Bovino on video throwing gas canisters into a crowd
4 for no reason. DHS immediately issued a press release that
5 said, oh, he got hit in the head by a rock and so he threw the
6 gas canisters. Bovino adopted that story. He told it to the
7 news. He put it in a police report that's been produced in
8 this case. He sat for the first part of his deposition, and he
9 testified, "I got hit in the head with a rock, so I threw the
10 gas canister."

11 We pored over the evidence that the government was
12 producing, looking for any indication that Bovino had been hit
13 by a rock and that that's what provoked the gas canister. But
14 we didn't see it at all. And so we asked the government, Where
15 is this evidence? And they said, Well, we're producing you the
16 evidence.

17 Bovino sat for the second part of his deposition. In
18 that deposition as well, he said, "I got hit by a rock. I've
19 seen the evidence. It's in a video."

20 And here on your screen is the transcript pages from
21 Volume 2 of his deposition, pages 15 to 16. My colleague
22 Mr. Bowman is asking Bovino, Tell us about this video where you
23 get hit by the rock before you throw the gas canister.

24 And he's saying: "Yeah, I saw the video."

25 And -- and we're trying to identify what it is.

1 And he goes: "Well, you know, I watched the video."

2 "What video it -- is it?"

3 "I don't know. It's a video. A video is a video."

4 "Well, is it a body video -- body camera video?"

5 "I don't know."

6 "Is it produced by your agents?"

7 "I can't remember."

8 "When did you see the video?"

9 "I can't remember."

10 He's obstructing us from discovering this evidence
11 that he says he's watched that justifies his actions.

12 We asked the government after this testimony, Where's
13 the video? Give us the video he's talking about. And they
14 said, Oh, you already have it.

15 It's the one that shows no rock being thrown at him
16 before the gas.

17 And so he comes back for part three of his
18 deposition -- and you can take that down -- and he says, guess
19 what? Got it wrong. Lied the last two times. Never --
20 never -- "I threw the gas before a rock was ever thrown at me."

21 A government agent who is leading an operation can't
22 come into this court and make stories up about the use of force
23 and expect to be treated as a credible witness in these
24 proceedings.

25 And if it were one lie and if -- you know, the

1 government's going to get up and say, Oh, it's not a lie. It's
2 real complicated. There's a black rock. There's things in the
3 air. Who knows? You know, like we haven't seen all the video.
4 Maybe there's some overhead video that hasn't been produced.

5 If it was one lie, that would be one thing. But he's
6 lying over and over and over again.

7 You watched the video from Broadview today. Bovino
8 obviously tackles Scott Blackburn. Everybody in this courtroom
9 watched that video. He tackles him to the ground. But he
10 testified as -- at length he didn't use any force. Not just,
11 Oh, I think there's a dispute about who started it; I didn't
12 use any force at all against Scott Blackburn. The video shows
13 something totally opposite.

14 And then in his deposition he watched the video of
15 Reverend Black getting shot in the face, and he said, quote, he
16 didn't see a projectile hit anyone.

17 What are we doing here? That video shows smoke coming
18 off of a person's face after agents shoot from a roof, and the
19 commander of the operation is saying, "I don't see it."

20 These are not witnesses who can be believed, and they
21 shouldn't be believed by this Court, and this Court should make
22 a determination that they are not credible.

23 It is no surprise that Defendant Bovino's direct
24 reports lie routinely as well. The lies are replete throughout
25 the record.

1 In Albany Park, agents wrote a report saying they
2 threw gas because a protester threw their bicycle at an agent.
3 We just watched the video. They threw the gas first, and then
4 they ran up to the person with the bicycle, ripped it out of
5 their hand, the agent did. The agent threw the bicycle, and
6 then the agent threw the humans on the ground, all after the
7 gas. The report is a total fabrication.

8 In Lakeview, they said they used force because their
9 exit was blocked. But body cam videos produced after the
10 incident show agents mocking the nonviolent crowd, throwing
11 gas, and then saying, quote-unquote, "Have fun."

12 These are not credible government witnesses. It is a
13 massive departure from what we expect from government witnesses
14 in a United States courtroom. Things have changed.

15 But we have to decide the case based on actual
16 credible evidence, and it's not the evidence coming from the
17 government. The government's not believable, they're not
18 telling the truth, and this Court should make that
19 determination.

20 There's not much left -- two minutes -- to support the
21 government's case. The testimony of the defendants' own
22 witnesses helps the plaintiffs more than the -- the defendants.

23 Plaintiffs' evidence is largely un rebutted. The
24 stories you heard in court today and that my colleague just
25 talked about could be multiplied a thousand times over with

1 many, many citizens who would fill out declarations just like
2 the ones the Court has received.

3 There's nothing to impeach those plaintiffs. You
4 didn't hear anything to impeach them. There's nothing to
5 impeach the evidence that we have put in the record. The
6 government's case is as weak as it could be.

7 In conclusion, Judge, in the guise of making America
8 safe again, the defendants have put on the uniform of the U.S.
9 government and they have used that authority to terrorize
10 American people. They've brought weapons of war and violence
11 to peaceful neighborhoods.

12 In our opinion, these defendants should be ashamed of
13 themselves. In our opinion, it's a disgrace. And one of the
14 great things about our Constitution is if that's what we think,
15 we can say it, without fear of reprisal and violence from our
16 government.

17 The people in this community who think that Operation
18 Midway Blitz is a travesty are coming out to say that. They
19 are protesting and praying and observing and recording and
20 speaking out. And our press is documenting it and making it so
21 the public can see it all.

22 And what's the response? More violence. The federal
23 government is perpetuating an endless cycle of constitutional
24 violations in this district. The plaintiffs are entitled to
25 this Court's protection and entitled to the Constitution's

1 protection.

2 Thank you, Judge.

3 THE COURT: Okay. Thank you.

4 All right.

5 MR. KHOJASTEH: Your Honor, Mr. Holt is going to
6 address the legal argument. I just want to address a few
7 points briefly before.

8 THE COURT: Sure, go ahead.

9 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANTS

10 MR. KHOJASTEH: Your Honor, I go back to where we
11 began this morning. The evidence -- we're with the plaintiffs
12 here. We should be deciding this case on the evidence. We
13 shouldn't be deciding on speculation as to whether the customs
14 border and protection are a bunch of racists or were Nazis or
15 that we're -- there's just some -- that they're -- we don't
16 like the way President Trump says this; we don't like the way
17 Kristi Noem says that. Let's focus on the actual facts.

18 And what the facts were is there's no evidence that
19 suggests that plaintiffs have -- plaintiffs or anyone else has
20 been targeted for their viewpoint. What the evidence showed
21 with -- not only the videos that you saw with Supervisor
22 Hewson, but the videos throughout the day is that there is
23 countless protesters all over the City of Chicago.

24 I mean, Mr. Art said it himself. They're --
25 they're -- they're observing, they're recording. People are

1 protesting, voicing their disapproval of this Administration in
2 no uncertain terms.

3 And the Customs and Border Patrol, along with federal
4 law enforcement, have honored and protected their
5 constitutional rights to do so. What's at issue here is what I
6 went to at the beginning of this day, is whether there is a
7 point in time where speech, because of conduct, is no longer
8 protected by the First Amendment; and whether encroaching and
9 surrounding law enforcement officials can be simply sanitized
10 by saying, it's the free -- it's free speech.

11 I -- I can't get past thinking about the way, when I
12 was a younger guy, I would have treated a police officer in any
13 incident. If it was ever a circumstance where me and my
14 friends, whether we thought it was right or wrong that a police
15 officer was approaching us, would have ever turned around --
16 and maybe someone yells, "Fuck you, pig."

17 But could you even imagine a circumstance where we
18 surrounded a police officer, started encroaching upon them,
19 saying, "We're going to kill you"? Is there a world in which
20 anyone would say that's protected speech? Is there a world in
21 which anyone would remotely suggest the Constitution's being
22 implicated by that conduct?

23 You've referred me, because of my own shortcomings, to
24 the lack of respect by interrupting at times. That's the court
25 of law, right? What would -- at its basic, what's -- what

1 we're talking about here in terms of violating the
2 Constitution, we're not talking about language. We're not
3 talking about people saying rude things to one another. We're
4 not talking about people even making threats from a distance.

5 We're talking about situations where these law
6 enforcement officials, who are good law-abiding Americans,
7 public servants, notwithstanding how people want to
8 characterize them. They're away from their families. They're
9 serving their country.

10 And irrespective of the disagreements folks may have
11 with the policies of -- of this Administration, it is not an
12 excuse that we don't like what they're doing or we think why
13 they're doing is the wrong thing, that we surround them and we
14 threaten them and we throw things at them. That's not speech.

15 I'm going to turn it over now to -- the legal argument
16 to Mr. Holt.

17 Last thing I'd like to note to -- to the credit of the
18 plaintiffs who came here today to testify, each and every one
19 of them has stated on the record that they continue to go out
20 and exercise their free speech rights, notwithstanding what
21 they claim about our client. They are going out there, like
22 many other Chicagoans, exercising their freedom of speech.

23 THE COURT: Well --

24 MR. KHOJASTEH: That is the evidence that needs to be
25 credited, Your Honor.

1 THE COURT: Except what matters is whether it was
2 chilled. It doesn't matter that they got up the next day and
3 they went out. What matters is, is there a difference between
4 going out after something happens to them and going out before
5 something happens to them? If they have to think twice, if
6 they are making changes to what they do because they have been
7 tear-gassed, because they have been hit in the head with a
8 PepperBall twice, because they have been staring down the
9 barrel of a gun, then that is what matters. The fact that
10 people can be courageous is utterly irrelevant as to whether
11 there was a chilling effect.

12 MR. KHOJASTEH: And with respect, Your Honor, the
13 evidence, not the subjective "made for litigation" thoughts.
14 But the evidence, when they're going out to continue to
15 protest, the objective evidence that we can actually point to
16 and verify and test and challenge is that --

17 THE COURT: They're --

18 MR. KHOJASTEH: -- they're continuing to exercise
19 their First Amendment rights.

20 THE COURT: And you're never, ever, ever, ever going
21 to be able to look into somebody's head and see that it was
22 chilled. Because one -- on October 1st, they went out to
23 protest, something happens, and on October 2nd, even if they
24 went out, but they say, because I was hit in the head, I had to
25 think twice, and it took everything I had to get up and go,

1 that is evidence of a chilling effect.

2 MR. KHOJASTEH: Your -- Your Honor, I would just -- I
3 would say that their conduct and what's objection --
4 objectively observable, as opposed to, as you noted, something
5 we'll never be able to see, I would say that's what's
6 observable is their conduct and their actions. And they've
7 continued to protest and exercise their freedoms for -- freedom
8 of speech. God bless them.

9 I'm going to turn it over to Mr. Holt.

10 THE COURT: Mr. Holt.

11 MR. HOLT: Hello, Your Honor.

12 THE COURT: Hi.

13 MR. HOLT: I'm just going to make a few points. I
14 know we're running out of time.

15 I did want to address, though, what the Court just
16 mentioned about the chilling effect.

17 THE COURT: Sure.

18 MR. HOLT: I would direct the Court to *Laird v. Tatum*,
19 Supreme Court decision from 1972, where the Court said,
20 allegations of a subject -- subjective chill were not an
21 adequate substitute for claim of specific, present, objective
22 harm, or a threat of specific future harm.

23 And so I would say that what somebody subjectively
24 believes is not what -- is not the determination that this
25 Court should be looking at. It should be looking at what -- if

1 there is a present objective harm or threat of specific future
2 harm.

3 I would like to just mention a few things that I want
4 to make sure is clear for the record.

5 Plaintiffs provided a proposed preliminary injunction
6 in their reply brief. We didn't get the opportunity to respond
7 to that, so we would just make it very clear that we oppose
8 that. We would direct the Court to a lot of our papers in the
9 TR0 which addressed a similar -- the TR0 which is very similar,
10 and we'd -- we would direct the Court to that.

11 But I would just say generally this case has become a
12 lot about nonparties. Almost all plaintiffs' declarations
13 submitted in their TR0, not parties. Almost all the
14 declarations submitted in their preliminary injunction, not
15 parties. All of their allegations of TR0 violations, not
16 parties. Every per- -- almost every single person that
17 testified today, except three, were not parties.

18 And so I would say that our position is that if the
19 Court is going to find that any of the plaintiffs have
20 standing, which our view is the Court should not, that the
21 preliminary injunction should not go any further than providing
22 relief to those specific plaintiffs.

23 I believe those are the big points I wanted to make
24 sure that the Court was aware of.

25 Anything else from the government?

1 (Counsel conferring.)

2 MR. HOLT: And we would just assert that plaintiffs
3 don't have standing. I would say that the three plaintiffs
4 that did testify were all about Broadview. And as the evidence
5 shows, that Broadview has really changed. The situation in
6 Broadview has changed. There's not an imminent threat there.

7 And so -- and as my colleague also said, almost every
8 single one, if not every single one, of those who testified
9 talked about how they continue to protest, they continue to
10 talk about it, and they continue --

11 THE COURT: Well, Reverend Black said that it took him
12 days before he went back, which, again, is evidence of a
13 chilling effect.

14 MR. HOLT: I would just --

15 THE COURT: And it's not his thoughts or his beliefs.
16 It's what he actually did.

17 MR. HOLT: I would say two -- two responses to that.

18 I would say, first, I think Reverend Black -- I do
19 think his testimony is a little bit colored by the fact that he
20 was in the courtroom during hearing everybody else's testimony
21 and hearing how --

22 THE COURT: But again --

23 MR. HOLT: -- they described things.

24 THE COURT: But, Mr. Holt, he's a party, right?

25 MR. HOLT: Yes.

1 THE COURT: And as a party, he can be here.

2 MR. HOLT: Yes.

3 THE COURT: So...

4 MR. HOLT: Yes, I -- I understand, Your Honor. I just
5 would say, you know, he was hearing what everybody else was
6 saying; he was hearing the cross. I do think that that -- the
7 Court should take that into consideration when it considers his
8 credibility.

9 I would say, again, too, that he -- he said that it
10 took him a few days. But, again, according to the Supreme
11 Court, it's about an imminent threat right now; what are
12 plaintiffs experiencing now, not what happened weeks ago.

13 And so I would submit that plaintiffs have not
14 established standing for any of their individual plaintiffs or
15 any of their organizations.

16 THE COURT: Okay.

17 MR. HOLT: Thank you, Your Honor.

18 THE COURT: Anything else from anybody else?

19 MS. KLEINHAUS: Judge, if we could have just a few
20 minutes to address the standing issues that -- that --

21 THE COURT: That's fine. Go ahead.

22 MS. KLEINHAUS: Mr. Owens.

23 MR. OWENS: I'm the last man standing.

24 Thank you, Your Honor. Very briefly. David B. Owens,
25 for the plaintiffs.

1 Thank you so much for all of your time and patience
2 with us and my filings. So thank you, Your Honor.

3 As it relates to standing, the injury is ongoing; the
4 harm is ongoing. And that's what you heard from our clients
5 today. And that's what everybody in this district in their
6 hearts and minds knows to be true.

7 As long as Operation Midway Blitz continues, people
8 are afraid to walk outside. People are afraid to observe
9 agents. Whether you are an attorney just on your way home,
10 whether you are a person going to pick up your child in Logan
11 Square, people are afraid to exercise their constitutional
12 rights.

13 This is not speculative. It is not random. It is not
14 one-off. It is an ongoing thing. And so what this Court is
15 permitted to do is issue an injunction that prevents that
16 ongoing harm from continuing here. And that relates
17 specifically with respect to the issue that Mr. Holt just
18 mentioned about the chilling effect.

19 Of course, it couldn't be some subjective thing like
20 an eggshell plaintiff type of a thing. And they are right,
21 that the Supreme Court has enacted what would an objective
22 standard be; what would a reasonable person think. But every
23 reasonable human being in the world would have their speech
24 chilled when the gun is pointed in their face, when they're
25 subject to tear gas or false arrest. It's things like that.

1 So I think that this Court has already said that.
2 There's no changing that. But what we've heard and what we've
3 put forth today is that these injuries are ongoing. Standing
4 is proper, because there is a pattern.

5 And I just want to point this out. It was -- it was
6 in our reply brief. The President has indicated this week,
7 they aren't going anywhere. They want to do more.
8 Chief Bovino, we want to do more. We're going to continue.

9 When he walked out of this courtroom after testifying
10 here, he, you know, put his hands in the air and did a bunch of
11 things. The more important thing is the DHS, immediately after
12 that, produced a video with some bad techno music. But that
13 video said, we are going to continue to do this.

14 So by all indications, as this Court said in its
15 preliminary injunction order, there's no signs of stopping.
16 And, in fact, there's signs it's going to continue.

17 The harm is ever present. It is on our hearts and it
18 is on our minds. As we walk out of this courthouse, we remain
19 afraid to do what we can do to do this job, specifically. We
20 are at risk ourselves and so are our clients, so we ask you for
21 that relief.

22 THE COURT: All right.

23 Last chance. I know, Mr. Holt. Go ahead.

24 MR. HOLT: I'm going to give one -- just one more
25 sentence, Your Honor.

1 THE COURT: Sure.

2 MR. HOLT: Thank you for your patience.

3 I would just say that everything that my friend on the
4 other side -- side said sounds very much like what Mr. Lyons
5 would have said in the Lyons case, and so I would just say that
6 the evidence they've submitted is really no different when you
7 look at them individual plaintiffs. This is exactly like the
8 Lyons case.

9 Thank you, Your Honor.

10 THE COURT: All right. Thank you.

11 All right. So -- oh, I see you coming forward
12 Mr. Art. Is there something --

13 MR. ART: No, no, no.

14 THE COURT: Oh, okay.

15 MR. ART: I'm just coming forward if you want to tell
16 us to do something.

17 THE COURT: No. Go home is what I'm telling you to
18 do.

19 MR. ART: Very good, Judge.

20 THE COURT: All right. So here's the plan for
21 tomorrow. I think I've told everybody what I need from you,
22 which are these videos uploaded onto the docket of what was
23 referred to today. So the portions, right, for today up on the
24 docket.

25 MR. WARDEN: Yeah. Just to be clear, today, what was

1 played in open court, we will do that.

2 THE COURT: Yes.

3 MR. WARDEN: I think just our indulgence, you know, to
4 create snippets of that using video editing software may take a
5 little bit of time. We're here remotely. And we're in a
6 government shutdown and have some limited things. We will
7 endeavor to get that done as promptly as we can.

8 THE COURT: Okay. Because I'm going to be here, and
9 I'm ruling tomorrow. So let's get it up as soon as we can.

10 Okay?

11 MR. ART: Understood, Judge.

12 THE COURT: But I think other than that, I have asked
13 you to do everything else that I need.

14 So tomorrow morning at 10:00. Yeah, let's see. Yes.
15 And by everything, I do mean the videos.

16 So I'll see you here tomorrow morning at 10:00. I
17 will give an oral ruling, which will then be followed up by a
18 written opinion.

19 Okay?

20 MR. ART: Thank you, Judge.

21 THE COURT: All right. Thanks, everybody.

22 (Concluded at 6:12 p.m.)
23
24
25

* * * * *

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

/s/ KELLY M. FITZGERALD

November 7, 2025

KELLY M. FITZGERALD, RPR, RMR, CRR
Official Court Reporter

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