UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

ELINOR HILTON, COLLEEN FAGAN, POLYXENIA PANTOS, and CARLYN WILLIAMS, on behalf of themselves and all others similarly situated, Plaintiffs, v. MARKWAYNE MULLIN, Secretary of Homeland Security; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; JOHN A. CONDON, Acting Executive Director, Homeland Security Investigations; RODNEY SCOTT, Commissioner, U.S. Customs and Border Protection; MICHAEL BANKS, Chief, U.S. Border Patrol; THE U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; HOMELAND SECURITY INVESTIGATIONS; U.S. CUSTOMS AND BORDER PROTECTION; U.S. BORDER PATROL; UNIDENTIFIED FEDERAL AGENCIES; and UNIDENTIFIED FEDERAL AGENTS, Defendants.	Case No. 2:26-cv-00092-JAW

DECLARATION OF [redacted]

I, [redacted], pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a current resident of Westbrook, Maine, where I have lived for about seven years.

2. During Operation Catch of the Day in January 2026, ICE was very active in Westbrook and throughout the Greater Portland area. For the weeks leading up to the surge, I watched heightened enforcement operations in other states culminate in the detention of American citizens, the extrajudicial killing of an unarmed civilian, and unlawful conduct by federal law enforcement that put the health and safety of the public in jeopardy. When the operation in Maine began, ICE appeared to be stationed on virtually every corner between the city in which I live and the city in which I work. I wanted to be a good neighbor. I observed for accountability, and like many others for fear of what would happen if I didn't.

3. I recently became aware that the government in this lawsuit described my interactions with ICE agents on January 21, 2026 and January 23, 2026 in their Opposition to Plaintiffs' Motion for a Preliminary Injunction. Based on what I am able to read, I believe I am the person whose name is redacted on page 8. The government's description of what happened on both days is wrong.

4. On January 21, 2026, I recorded a video of an encounter I had with ICE agents in a residential neighborhood in Westbrook. A true and correct copy of that video is being provided with this declaration.

5. I did not engage in "threatening or obstructive conduct" during the January 21 encounter, as the government alleges. For context, ICE agents had just led me and my friend Elizabeth McLellan—the woman seated in her car in my video—back to her home after we had observed them at a local school bus stop. Liz and I had gone to a school bus stop in Westbrook to observe and record ICE, and when we arrived, we noticed what we thought was an ICE agent in a vehicle camped out at the bus stop. Liz and I each parked on the curb, separated from the agent's vehicle by a few driveways and another car, and got out and protested ICE. My protest

included shouting at the agent and observing and taking a photo of her. Over the course of a few minutes, other people who were near or passing that intersection also saw what was happening and participated in protesting ICE.

6. Soon after we arrived, a school bus arrived at the bus stop. Someone told the bus driver that ICE was in the area, and the school bus drove away. After the bus left, I saw the agent who had been parked near the bus stop drive away. Liz and I decided to continue observing the agent from our cars, and I began to drive behind Liz. I obeyed all traffic laws and soon lost sight of both Liz and the agent.

7. At some point, I called Liz on the drive and asked her what was going on. A few minutes into this call, she told me she thought the agent was leading her back to her house. I remember her saying "they're taking me to my house" and sounding very scared and freaked out.

8. When I arrived at Liz's house, I parked across the street, right behind Liz, and got out of my car. Liz stayed in her car, I think because she was terrified. The ICE agent was still in her car and parked in front of Liz's house. I approached the vehicle, intending to yell at the agent because she had just led my friend back to her house, which I took to be an intentional intimidation tactic. I yelled at the agent while she sat in her vehicle.

9. I did not position my vehicle so that any agents could not leave. I parked my Ford Maverick right behind Liz's car on the curb across from her house. I was not blocking anyone from coming or going. In fact, after I yelled at the first agent, other ICE vehicles pulled up, and I stood back. When the other vehicles arrived, I felt that *I was the one who was not free to leave*. By the way they positioned their vehicles, I felt they were trying to impede our ability to get into Liz's house, which was across the street.

10. Before the other agents even got out of their cars, the female agent was able to get out of her car and approach Liz's vehicle. I heard her say "This is a warning. We know you live right here, Elizabeth." I took this to be a threat that scared me. I took it as a threat that they were abusing access to people's personal information to look up a protestor's home address and then let us know that they could bring harm to us at our homes. I don't know why else would they demonstrate that they knew where Liz lived. I found out later that Liz called 911 at this time because she was so scared.

11. I did not carry a radio at any point in January, nor during this interaction. I do not and have never owned a two-way radio. I did carry a noisemaker that I would occasionally blow into as a form of protest. I would be surprised if it could be confused with a radio, especially because I used it right in front of an agent to create noise. The agent who testified that I was carrying a radio to coordinate rapid responses to ICE operations was mistaken.

12. Contrary to what the government has claimed, I did not "body check" any agents. As you can see in my video, an agent holding his phone up approached me, along with another agent who was clearly brandishing mace. I did not touch this agent or any other agent. In fact, when I saw the mace, I was particularly scared, and started backing out of the way. I told the agents I was not doing anything. The agent who was holding his phone up then got very close to me and threw his chest out at me, as if to elicit a reaction from me. I cannot recall if the agent with the phone actually touched me or if I thought he was about to—but either way, what I remember is he got very close to me, and that is why I told him not to touch me in the video. This whole time, with several agents approaching and standing in front of me, I felt that I was pinned in between them and my car and that I was not free to leave. I felt trapped until they told me to get in my car and leave.

13. As the agents stood near me, I stood still, told them to leave, and said things to protest them, because I was scared and frustrated. For example, as I got back in my car a few moments later, I said "see you tomorrow" off the cuff because agents had been seen all over Greater Portland during the surge.

14. I was angry at how ICE was acting toward members of my community and I criticized their actions during the January 21 encounter, including with some crude language. I was especially terrified and angry at how agents had led my friend Liz back to her home and tried to intimidate her. I filmed the agents throughout this encounter for the same reason. I did not intend to interfere with their actions, nor do I believe anything that I said or did could be considered obstruction.

15. On January 23, 2026, I took a video of ICE agents performing an arrest at the Market Basket grocery store in Westbrook. A true and correct copy of that video is being provided with this declaration.

16. I have also recently become aware of a video that someone posted to the social media site Reddit at the following URL: https://www.reddit.com/r/portlandme/comments/1ql8jst/ice_raid_at_market_basket_at_430pm_jan_23rd. I do not know who took or posted this video. I recognize myself as the individual in a dark jacket, brown pants, and green mask holding up my phone to record ICE beginning at 0:33 seconds of that video. I believe this video is a true and accurate depiction of the arrest I also recorded at Market Basket on January 23.

17. I was not monitoring ICE activity at the Westbrook Market Basket on January 23. In fact, after the January 21 incident, I was so worried that the agents had targeted Liz and might target me, that I stopped trying to record ICE during the surge. On January 23, I left work around

4 p.m. and stopped at the Market Basket to do some grocery shopping on my way home. As I drove into the Market Basket parking lot, I noticed there was a lot of traffic and saw what were clearly ICE vehicles. I also saw that there were agents escorting a man in handcuffs. I got out of my car and filmed what I was witnessing.

18. As soon as I walked up filming, I saw an agent pull mace out as he looked at me even though he was several feet away. I took this as a disproportionate use of force to respond to me just getting out and filming them. I also heard a female agent say "hey, you're already warned," which stuck out to me as especially concerning because it indicated that the government was cataloguing my behavior for protesting them earlier in the week.

19. I was in fact not physically present for the events described inside the store leading up to what was captured by video in the parking lot. Contrary to what the government has claimed, I did not yell about ICE's presence inside the store. I did not even ultimately go into the grocery store. I was shaken after seeing the arrest and how the agents were handling people observing them, and decided to just leave. I actually went to a different grocery store to do my grocery shopping after this. I was not inside the store at all, including at the same time ICE was in the store. I did not witness ICE pursue anyone inside the store.

20. I did not attempt to "take" any person that ICE was arresting. As you can see in the videos, I never got closer than several feet away from the man the agents were arresting. That man was put inside an ICE vehicle within a minute and a half of when I first walked up and recorded ICE. When an agent told me to back up as they were putting this man in the car, I backed up. All I did was record them and yell at them.

21. I have no idea why these agents would lie about me but I am angry and scared that they described my actions in this way.

22. Ever since my interactions with ICE during Operation Catch of the Day, I have been worried that ICE looked up my information and might retaliate against me for recording them and protesting them. I have talked to my partner about how I feared that I was being monitored because of what happened in the winter.

23. [redacted]

24. [redacted] I believe my fears of being retaliated against were well founded. When I was returning from a vacation in June, I was pulled aside after a routine facial scan at customs at Miami International Airport. After the facial scanner made a noise when scanning my face, the customs officer said "huh, weird," and told me to go to another desk. I provided my passport to that officer, who said they had to get their manager. The manager rescanned my passport several times, and then pulled out an orange slip, which he filled out and stuck to my passport. The agent then told me that I had been selected for an interview because I had been "flagged." He escorted me and my partner to another wing of the building. While I was walking along the route the officer told me to follow, another customs officer saw me, asked to look at my papers, and asked me a few questions. He then asked me to put my bags in an X-ray machine, took the paper and put it in a drawer, and told me I could go.

25. Between what happened in June, [redacted] and the government's recent description of my actions that lie about what happened, I feel like there has been a concerted effort to punish me for speaking out against ICE and recording what they did in Westbrook. I am now less likely to

speak out because I fear what will happen next if I do. I have been aware of this lawsuit but too afraid to speak out because of the retaliation I had heard happening to other people who recorded and protested against ICE in Maine. I am doing so now only because I believe it is important to address the government's lies about my actions.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 16, 2026.

/s/ [redacted]