INNOVATION LAW LAB

January 16, 2026

Via email to Courtroom Deputy
THE HONORABLE MUSTAFA KASUBHAI
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
1000 SW Third Avenue
Portland Oregon 97204

RE: *M-J-M-A- v. Hermosillo*, 25-cv-02011-MTK
Discovery Dispute

After attempts to resolve issues involving discovery, a dispute has arisen regarding the production of several responsive documents in this matter. The attached Discovery Table outlines the discovery requests and the documents Petitioner has identified that should be, but have not been, produced.

On October 31, 2025, the Court ordered discovery. ECF 13 ¶ 6. On November 1, 2025, Petitioner served Respondents with three Requests for Production. ECF 36-1 at 6.[1] On November 15, 2025, Respondents produced 46 pages of discovery. Respondents' Response to Petitioner's First Request for Production, ECF 36-2. On November 18, 2025, Plaintiffs filed a Motion to Compel discovery, based on their awareness of a number of "relevant responsive documents" not yet provided in discovery. Petitioner's Motion to Compel Discovery and Supporting Memorandum, ECF 35 at 1.

On November 28, 2925, Defendants produced a very limited set of additional pages of discovery. On December 3, 2025, Petitioner advised the Court they would pursue the dispute informally according to the Court's preference. On December 10, 2025, the Court denied as moot the Petitioner's motion to compel. ECF 54.

On December 29, 2025, Petitioner served a demand for production of responsive documents. On January 6, 2026, Respondents replied without producing additional responsive documents. On January 15, 2026, the undersigned emailed counsel for Respondents to inquire if additional production would be made before 9am on January 16, 2026; counsel for Respondents replied that they are working with agency counsel to collect materials, and that they will advise us by "lunchtime" on January 16 what they are able to produce.

[1] Importantly, the Respondents were required to produce electronically stored information, ECF 36-1 at 2 (defining "Document(s)"), and to follow specific disclosures with respect to any document "that has been destroyed, lost or otherwise disposed of", *id.* at 4-5. "Document" as defined in the RFPs "includes, but is not limited to, any…electronically-created or other graphic matter of any kind or nature held or produced or reproduced" and means "emails, records, drawings…comparisons,…surveys, charts, graphs…printouts, computer generated reports and printouts, other data compilations from which information can be obtained[.]" *Id.* at 2. Documents should "be produced by an electronic database" and must include "the source, date, and any other applicable metadata of each document." *Id.* at 3. For "destroyed, lost or otherwise disposed of" documents, Respondents must produce additional information about the destruction. *Id.* at 4-5.

Petitioners' counsel will supplement the attached tables if additional production is provided that narrows the dispute.

Sincerely,
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Discovery Tables

Requests for Production		
Request for Production	**Response**	**Current Production**
RFP 1: All documents relied on by Respondent or pertaining to Petitioner, that led to her stop and arrest on Thursday, October 30, 2025, including but not limited to any manifest, muster, or daily agenda issued by Respondent for the October 30, 2025 action by DHS.	Respondents object to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Respondents further object to this Request to the extent it seeks information not relevant to any party's claims or defenses and to the extent it seeks privileged information or information that is otherwise protected from disclosure. Respondents further object to this Request as vague and ambiguous, particularly as to the terms "relied on by Respondent . . . that led to her stop and arrest." Based on Respondents' understanding of the Request, there are no documents that mention Petitioner that led Respondents to stop and arrest her on October 30, 2025.	• Body camera footage of arrest, • 5 separate text threads of officers' communications during the day of the arrest, • One email with instructions for logistics for lodging and point of contact for out-of-state officers.
RFP 2: All documents involved in the detention and processing of Petitioner in the course of her detention on and since October 30, 2025, including but not limited to: • Any Form I-213 determination; • Any I-200 Warrant for Arrest; • Any documents Petitioner signed, was requested to sign, or were presented to her; • Any transfer determination made; • Any Notice to Appear issued;	Respondents object to this Request as vague and ambiguous, particularly as to the terms "transfer determination made" and "further booking records and/or processing documents." Additionally, Request No. 2 is duplicative of Request No. 3 because Request No. 2 seeks documents contained in Petitioner's A-file. Petitioner's Form I-213; Form I-200; documents Petitioner signed, was requested to sign, or were presented to her; and Petitioner's booking records and processing documents will be produced as a part of her A-file. In regard to Petitioner's request for documents relating to "any transfer determination made," no transfer determination was made because the Portland ICE	Within A-file: • Form I-213 • Form I-200 • Form I-826 • hand-written redacted notes on Petitioner • ICE/EAGLE Transaction details.

• Any further booking records and/or processing documents.	facility is not a detention facility. Additionally, as Respondents have previously indicated, no NTA was issued or generated.	
RFP 3: Petitioner's complete A-file.	Respondents object to this Request to the extent it seeks information that is law enforcement sensitive otherwise protected from disclosure. Subject to the above objections, ICE will produce Petitioner's A-file	Redacted Records part of Petitioner's A-file

Additional Identified Responsive Documents	
Document	**Responsive to RFP**
(1) Emails providing information about temporary duty details for each member of Arrest Team 7 and each individual who processed the Petitioner after her arrest. Tr. 122 (Agent D.R.), Tr. 170 (Agent C.M.), Tr. 259 (Agent J.B.), Tr. 272 (Agent B.W.), Tr. 348 (Agent K.K.), Tr. 388 (Agent R.F.)	RFP 1 (parameters of DHS operation that led to stop and arrest)
(2) Documents related to "some intelligence to go to various addresses throughout Woodburn that had an immigration nexus." This includes electronically stored information. Tr. 124.	RFP 1 (parameters of DHS operation that led to stop and arrest)
(3) Documents related to the plate running, including all the results, logs, electronic searches, database searches, search results that were relied on by Respondents leading up to and including the October 30, 2025 stop,	RFP 1 (documents relied on by DHS in operation that led to stop and arrest) RFP 2 (documents involved in the detention and processing)

apprehension and detention. This includes, at a minimum, documents relied on or generated (including electronically stored information): a. to determine that Woodburn was "target rich", Tr. 412-413; b. when "somebody in our team ran the plates, and at that point we discovered that the van was registered to somebody who had both an immigration nexus and a criminal history", Tr. 130; c. the results from the tag run, Tr. 236; d. the vehicle registration of the target and the related immigration nexus, Tr. 236; and e. where "immigration nexus" appears, Tr. 130.	
(4) Documents related to or generated for or providing information for: a. Operation Fortifying the Border, Tr. 134-136; b. Operation Black Rose, Tr. 347; c. Operation Portland Safe, Tr. 200-201; d. Operation Portland Sweep, Tr. 333; e. All other "at large operation" in Portland or Oregon, Tr. 258-259; f. Emails referenced at Tr. 273, 278-279; g. Emails referenced at Tr. 333, 337; h. Emails related to operations associated with Operation Portland Sweep, Tr. 337; i. Emails related to the Portland detail, Tr. 348; j. Guidance documents related to the Portland detail, Tr. 348	RFP 1 (parameters of DHS operation that led to stop and arrest) RFP 1 (documents relied on by DHS in operation that led to stop and arrest) RFP 2 (documents involved in the detention and processing)
(5) Documents forwarded to Agents C.S.W. or S.S. for the 7-day period ending on October 31, 2025 related to field arrests, Tr. 324.	RFP 1 (implementation of DHS operation that led to stop and arrest) RFP 2 (documents involved in the detention and processing) RFP 3 (A-file)

	Note: The 7-day period is provided because Agent J.B. testified that he intentionally destroyed evidence in this case. The period of time will enable Petitioner to ascertain whether other responsive documents were destroyed and to recreate or extrapolate the information that could have been in the destroyed document(s)
(6) All emails sent to or transmitted from the "Black Rose" email address referenced at Tr. 410, for the 7-day period ending October 31, 2025	RFP 1 (implementation of DHS operation that led to stop and arrest) RFP 2 (documents involved in the detention and processing) Note: The 7-day period is provided because Agent J.B. testified that he intentionally destroyed evidence in this case. The period of time will enable Petitioner to ascertain whether other responsive documents were destroyed and to recreate or extrapolate the information that could have been in the destroyed document(s)
(7) Documents related to the transport of petitioner, including the transport contract with ICE, Tr. 384.	RFP 2 (documents involved in the detention and processing of Petitioner in the course of her detention)
(8) Documents related to the ICE policy regarding vehicle stops and detention of aliens, Tr. 145	RFP 1 (implementation of DHS operation that led to stop and arrest)
(9) Documents related to or generated for a. the "target packet" or "target package," Tr. 124; b. the geographic area of Woodburn as a target, Tr. 412-413; c. target folders, Tr. 390, 406; d. protocols for developing the target package, Tr. 138; e. the list referred to at Tr. 223; f. all the "pictures in [Agent J.B.'s] phone" uploaded during the 7-day period ending on October 31, 2025, Tr. 223; g. the results referenced at Tr. 227 and generated by ELITE for the 7-day period ending on October 31, 2025;	RFP 1 (implementation of DHS operation that led to stop and arrest) RFP 1 (documents relied on by DHS in operation that led to stop and arrest) RFP 3 (A-file) Per his sworn testimony, agent J-B- intentionally destroyed a responsive document. The underlying data, search terms, logs related to the generation of the destroyed document, and any other responsive electronically-stored information must be produced.

h. Photos with names referenced at Tr. 232, including reproducing the photos with names using search terms, Tr. 233; i. The immigration history of the registered owner of the van referenced at Tr. 236; j. The registration information of the owner of the white van referenced at Tr. 236; k. The rap sheet referenced at Tr. 237; l. The Mobile Fortify results referenced at Tr. 158, 253, 254; m. The facial recognition system matches referred to at Tr. 432; n. The UPAX record referenced at Tr. 158; o. The map referenced at Tr. 228; and p. The "Elite Lead" referenced at Tr. 228-229	Respondents are required to produce responses related to the destruction of this document. "As soon as a potential claim is identified, a litigant is under a duty to preserve evidence which it knows or reasonably should know is relevant to the action." *In re Napster, Inc. Copyright Litigation*, 462 F.Supp.2d 1060, 1067 (N.D. Cal. 2006). Here, the action was brought on October 30, 2025, while agent J-B- was in Oregon where the *actual* claim of unlawful arrest was identified and, on October 31, 2025, this claim was additionally described at a hearing with Respondents' counsel. Discovery requests were served on November 1, 2025 seeking the very document Respondents' agent destroyed afterwards. That is, agent J-B- was on notice of an actual lawsuit with claims arising from the arrest of the Petitioner and agent J-B- was on notice that the document that he had was the subject of a discovery request. Only then did agent J-B- intentionally destroy the document.
(10) Instructions by management referenced at Tr. 291-292	RFP 2 (documents involved in the detention and processing of Petitioner in the course of her detention)
(11) All documents relied on to form the basis of the "detaining everyone we arrested" testimony at Tr. 357 and the instructions to detain, Tr. 361.	RFP 2 (documents involved in the detention and processing of Petitioner in the course of her detention)

"Tr." references the Transcript of December 2 & 3, 2025 Evidentiary Hearing, ECF 55-57