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**Admitted Pro Hac Vice*

Attorneys for Petitioner

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Eugene Division**

M-J-M-A-; VICTOR CRUZ GAMEZ,
Plaintiffs,

v.

JULIO HERNANDEZ, Seattle Field Office
Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"); TODD LYONS, Acting
Director of Immigration Customs Enforcement
("ICE"); U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;
MARKWAYNE MULLIN, Secretary of the
Department of Homeland Security ("DHS");
U.S. DEPARTMENT OF HOMELAND
SECURITY; and TODD BLANCHE, Attorney
General of the United States,
Defendants.

Case No. 6:25-cv-02011-MTK

**DECLARATION OF COUNSEL IN
SUPPORT OF PETITIONER'S
MOTION TO COMPEL
DISCOVERY**

**DECLARATION OF COUNSEL IN SUPPORT OF PETITIONER'S MOTION TO
COMPEL DISCOVERY**

I, Nelly Garcia Orjuela, under penalty of perjury, do solemnly declare:

1. I am an attorney licensed and in good standing to practice in the State of Oregon. I am a staff attorney at Innovation Law Lab and am a member of the American Immigration Lawyers Association. I am over 18 years of age and have personal knowledge of the facts described herein. The documents attached as exhibits are true copies of the documents that Petitioner has served upon Respondents and the documents provided to my office by Respondents' counsel in the course of the discovery process.
2. Following the Court's Order on October 31, 2025, my co-counsel Stephen Manning served Respondents' counsel by e-mail with Petitioner's First Set of Requests for Production on Saturday, November 1, 2025, which reflected the scope of discovery allowed by the Court's Order, and that production was due November 15, 2025. *See* Ex. A, Petitioner's First Set of Requests for Production. Respondents' counsel did not raise any questions as to the scope or meaning of Petitioner's discovery requests.
3. On Saturday, November 15, 2025, Petitioner's counsel received Respondents' Response to Petitioners' Requests for Production. *See* Ex. B, Respondents' Response to Petitioners' Requests for Production.
4. Notwithstanding Respondents' objections, they provided 46 pages of discovery. Respondents' counsel explained via e-mail that the information redacted was "from a CBP database that ICE is not able to disclose without authorization from CBP and is considered law enforcement sensitive." Respondents' discovery indicated that Petitioner's October 30

arrest was conducted by “Arrest Team #7” and part of Respondents’ “Operation Fortifying the Border.”

5. We corresponded with Respondents’ counsel regarding a Motion to Compel and a joint proposal for a Protective Order. The parties submitted a joint proposed order and the Court signed the order on November 26, 2025. This order covers all documentation produced by the parties marked as confidential, which prevents it from any disclosure outside of the parties and for the purpose of this litigation. *See* ECF 42 at 2.
6. On December 2, 2025, at the evidentiary hearing, Petitioner indicated that in view of the Court’s preference to handle discovery disputes informally, they would attempt to do so, so the Court denied the Motion to Compel as moot on December 10, 2025.
7. On December 29, 2025, Petitioner served Respondents with a demand for production of specific responsive documents. Respondents did not respond with additional documents. On January 9, 2026, Petitioner filed a motion to reset the briefing schedule, and a scheduling conference was set for January 12, 2026. *See* Ex. C, Petitioner’s Letter Request December 29, 2025.
8. During the January 12, 2026 hearing, Petitioner surfaced the ongoing discovery dispute and requested a separate discovery conference, which was scheduled for January 22, 2026. In preparation for the discovery conference, on January 16, 2026, Petitioner submitted a letter to the Court which contained a table that categorized the additional items identified after the December evidentiary hearing. *See* Ex. D, Petitioner’s First Letter to the Court regarding Discovery.
9. On January 22, 2026, the Court ordered the Respondents to produce specific items within 30 days of the order. *See* ECF 69.

10. After obtaining an extension for the production, on February 23, 2026, Respondents produced the first set of documents. The production consisted of 179 files containing different levels of redacted information. The documents were Bates stamped with two acronyms, which Petitioner understood to be documentation from Respondent U.S. Customs and Border Patrol (“CBP”) and from Respondent Immigration and Customs Enforcement (“ICE”). Respondents did not label their production into the RFP categories identified in the Court’s order to allow Petitioner to assess the completeness of the production and did not provide a privilege log nor an explanation for most of the redactions. Respondents counsel noted on an email sent by their Legal Administrative Specialist that all documents produced were labeled confidential and that “CBP is asserting law enforcement privilege for all redactions in the CBP bates-stamped documents, except the Excel spreadsheet titled ‘Operation Black Rose.’ CBP asserts the redactions in that spreadsheet are law enforcement sensitive.”
11. After various email communications between the parties’ counsel regarding questions the current production, including Petitioner’s request to include an agency representative to help resolve some of the questions to minimize the back and forth, on March 4, 2026, Petitioner’s counsel requested a conferral with Respondents to resolve the issues with the production and to request a privilege log. During this call, Respondents’ counsel explained that any redactions were due to the law enforcement privilege or because the documents contained “personally identifiable information.” Respondents’ counsel indicated they would provide a privilege log and a categorization of documents at a later time. Additionally, Respondents’ counsel requested an extension of time to produce a limited number of records, and Petitioner agreed to receive those documents on March 11.

12. After producing a couple of additional documents, on March 11, 2026, Respondents counsel sent a letter to Petitioner's counsel explaining that they were unable to produce the totality of documents referenced in the call and would produce some specific subcategories of documents the following day. In response, Petitioner's counsel renewed their request for a production categorization of the documents since the heavy redaction made it impossible to discern which documents corresponded to each request. *See* Ex. E, Letter on Update of Production.
13. On March 19, 2026, counsel for Petitioner contacted Respondents' counsel to inquire about the state of the missing production. Respondents' counsel replied on March 23, 2026 acknowledging that they had missed their production deadlines and that indeed the production was incomplete. *See* Ex. F, Discovery update emails.
14. On March 30, 2026, Respondents reproduced a series of documents that contained improperly redacted information and provided a "categorization table," which did not include any of sub-categories, and signaled the reason for the redactions, including law enforcement privilege. *See* Ex. G, Categorization Table.
15. On April 27, 2026, Petitioner requested to confer with Respondents with regards to their recent production and attempt to resolve some of the deficiencies. On May 4, 2026, the parties held a second videoconference and attempted to once more resolve the lingering discovery issues but were unable to resolve all the disputes.
16. Pursuant to Petitioner's request, on June 5, 2026, the Court held a status conference and set deadlines for the parties to file letters regarding the ongoing discovery disputes and a second discovery conference was scheduled for June 25, 2026.

17. On June 9, 2026, Petitioner filed a letter to the Court detailing the main issues with Respondents' discovery production. *See* Ex. H, Petitioner's Second Letter to the Court.
18. On June 12, 2026, Respondents submitted their letter setting out their position regarding the discovery dispute where they suggested that they had fully complied with their discovery obligations. *See* Ex. I, Respondents' Letter to the Court.
19. During the June 25, 2026 discovery conference, both parties presented oral arguments and the Court took their arguments under advisement pending the full briefing of Respondents' Motion to Dismiss.
20. On July 21, 2026, the Court issued an order explaining that additional briefing would be beneficial, and indicated Petitioner could file the present motion to compel before August 4, 2026. ECF 115.

I HEREBY DECLARE UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746 THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated this 4th of August, 2026, in Portland, Oregon.

/s/ Nelly Garcia Orjuela

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TABLE OF EXHIBITS

EXHIBIT	DOCUMENT
A	Petitioner's First Set of Requests for Production to All Respondents
B	Respondents' Response to Petitioners' First Requests for Production
C	Petitioner's Letter Request December 29, 2025
D	Petitioner's First Letter to the Court regarding Discovery
E	Letter on Update of Production
F	Discovery update emails
G	Categorization Table
H	Petitioner's Second Letter to the Court
I	Respondents' Letter to the Court