



December 29, 2025

Via email

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RE: *M-J-M-A- v. Hermosillo*, 25-cv-02011-MTK
Demand for Production of Documents

Petitioner demands that Respondents supplement their inadequate November 15, 2025 production because it failed to include numerous responsive documents, including electronically stored information, and failed to produce any information about documents that Respondents destroyed. Petitioner requests that Respondents produce the supplement on or before January 6, 2026.

A. Requests for Production 1-3

On October 31, 2025, the Court ordered discovery. ECF 13 ¶ 6 (“Petitioner is entitled to file Requests for Production by November 1, 2025 at 11:59pm. Respondents’ Responses are due by November 15, 2025 at 11:59pm.”). On November 1, 2025, Petitioner served Respondents with three Requests for Production.¹ *See* Petitioner’s First Set of Requests for Production to All Respondents (“RFPs”), ECF 36-1 at 6. Importantly, the Respondents were required to produce electronically stored information, *id.* at 2 (defining “Document(s)”), and to follow specific disclosures with respect to any document “that has been destroyed, lost or otherwise disposed of”,

¹ During the hearing on November 4, 2025, Petitioner’s counsel summarized these Requests for Production for the Court:

[Petitioner] made three requests. So, one, just the documents relied on by the respondents or pertaining to the petitioner that led to her stop and arrest on Thursday, October 30th, including, but not limited to, a manifest, muster, or daily agenda issued by the respondents for that day.

The second request were all documents involved in the detention and processing of the petitioner in the course of her detention, and since October 30th -- and we particularly asked for -- these are immigration forms -- a form called an I-213; an I-200 warrant for arrest, if any; any documents the petitioner signed, was requested to sign, or was presented to her; any documents related to a transfer decision; any notice to appear, which is also an immigration document; and any further booking records related to that -- related to her.

And then the third request was what is called her A-file or her complete immigration file.

Transcript of Nov. 4 Motion Hearing, ECF 29, at 30-31.

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.

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. Plaintiffs’ Motion identified a number of missing documents, including

- Any manifest, muster, or daily agenda issued by or to the Respondents for October 30, 2025;
- Any relevant instructions to or communication with or from “Arrest Team #7”, referenced in Respondents’ initial discovery response as responsible for Petitioner’s October 30 arrest; and
- All documents pertaining to “Operation Fortifying the Border” and its implementation in Oregon, referenced in Respondents’ initial discovery response as the operation that led to Petitioner’s October 30 arrest.

Id. at 2. On November 28, 2025, Defendants produced a very limited set of additional pages of discovery.

B. Evidentiary Hearing

On December 2 and 3, 2025, several agents working for Respondents testified under oath at an evidentiary hearing about numerous responsive documents that were not produced, including responsive documents that were destroyed *after* the litigation commenced and discovery requests were served.

Agent D-R- testified extensively about numerous responsive documents that were not produced. Transcript of December 2 & 3, 2025 Evidentiary Hearing, ECF 55-57 (“Tr.”) at 121-65. He testified about “some intelligence” his arrest team was provided. Tr. 124. He explained that the team “began running license plates” searching for a “target” provided in a “target package.” Tr. 122-128. In the target package was the “intelligence” that would “connect an individual with a license plate.” Tr. 128. At one point, the team “discovered that [a] van was registered to somebody who had both an immigration nexus and a criminal history.” Tr. 130. He explained that he reviewed an “ICE policy regarding vehicle stops and detention of aliens.” Tr. 145. He explained that “[a]nything that I reviewed, I would’ve handed over in discovery.” He testified that “[s]omebody on our team” ran “checks” to confirm the identity of the driver of the van. Tr. 157. He testified that a “database” connected to an electronic application “Mobile Fortify” and “optical” fingerprinting systems were used on site. Tr. 159. He testified that “multiple license plates” were identified in

the “target rich” area and, while he did not know the “exact number”, it was “multiple.” Tr. 164-65.

Agent C-M- testified about “Operation Portland Safe.” Tr. 200. He explained that “ICE” was “generating” the “target packages” that were used. Tr. 212.

Agent J-B- testified that he came to Portland “in mid to late October as part of an enforcement operation.” Tr. 221. He testified that prior to October 30, 2025, “when we first got to Oregon, we started looking at our enforcement application and start trying to...find targets.” Tr. 222. On the morning of October 30, 2025, he testified that “some of us had...pre-knowledge of [] other targets that were in the area.” Tr. 222. He explained that he obtained this knowledge “[t]hrough system checks”. He testified to several system checks he made to develop a target for October 30. He testified that “I had [] a list” of the “targets that I had at the time.” Tr. 223. It was a “printout” and that he had “pictures in my phone of either driver’s license or the last time they were encountered by immigration[.]” Tr. 223. He explained that he was “making all your checks and double-checking all your work[.]” Tr. 227. He explained that he was using an “Elite lead” to identify targets. Tr. 228. It is “like Google Maps” that “identifies people with immigration connections.” Tr. 228-29. From the data generated from Elite, he testified that he would “zoom in or zoom out to identify the potential [target].” Tr. 229. He testified that the Elite lead provided a “percentage likelihood” of accuracy. Tr. 229-30. He testified that he checked more than one system. Tr. 231. He testified that the generated “informal targets.” Tr. 232-32. He explained that he had “about a page and a half of photos with names.” Tr. 232. He explained that a particular license plate tag was run and said “I think I have that guy on my—on my list.” Tr. 236. He testified that “there’s the picture...[i]t matches the same description and the photo.” Tr. 236. He testified that more “checks are still being completed[.]” Tr. 236. The checks revealed that the “registered owner of the white van” had an immigration nexus. Tr. 236. He testified that “[t]here was a rap sheet[.]” Tr. 237. He testified that “[o]ne of my colleagues” confirmed the identity of the driver of the van. Tr. 263-64. He testified that he developed the target package on his own. Tr. 276. However, he also testified that he destroyed portions of the evidence. Tr. 232-233. This exchange occurred between Respondents’ counsel and agent J-B:

- Q. ... Did you keep those—that—that paper or the papers that you generated during your time working in Oregon?
- A. I did have it while working in Oregon. But when I left, no.
- Q. When you went back to Denver?
- A. I tossed it because I work in Denver. I don’t work in Oregon.

Tr. 232-33.

Agent B-W- testified that he received an email with instructions to include specific language in the paperwork for the Petitioner. Tr. 277-278. He testified that he accessed a database called “EAGLE” and then reviewed “other databases, immigration databases[.]” Tr. 280. He testified that in order to produce the documents in Petitioner’s case, he accessed the “software system called EAGLE, which multiple individuals had input.” Tr. 285.

Agent C-S-W- testified that she received emails from officers processing cases. Tr. 323-24. She testified that another individual, S-S-, also received emails. Tr. 323-24. “[T]he encounter portion of the narrative” was sent to them. Tr. 324. There were “multiples” of the encounters forwarded to them. Tr. 325. She testified that she could not recall the number of encounter narratives she received for the Petitioner. Tr. 331. She testified that she received “additional e-mails regarding Operation Portland Sweep.” Tr. 334. She testified that Operation Portland Sweep is ongoing. Tr. 337.

Agent K-K- testified that the ongoing Oregon operations are also called “Operation Black Rose.” Tr. 347. He testified that he received emails and instructions about this operation. Tr. 348.

Agent A-A- testified that there was a contract or contracts governing the timing of Petitioner’s transport. Tr. 376, 383.

Agent R-F- testified that “targets” were uploaded to a Microsoft Teams folder. Tr. 390, 406. She testified that she created an email. Tr. 397. She testified that she emailed the encounter narrative to a “Black Rose e-mail address.” Tr. 410. She testified that information was produced when a plate was run and that many plates were run. Tr. 413-415.

Agent M-K- testified that she obtained “at least” “two results” from the “mobile application” she was using on the Petitioner. Tr. 432.

C. Respondents’ Inadequate Production

Petitioner demands that Respondents remedy their inadequate production as described below. Petitioner’s “discovery Requests are deemed continuing so as to require further and supplemental production[.]” RFPs at 5. Respondents’ production obligation includes electronically stored information. Respondents must supplement their production, at the minimum, with the following:

1. Documents providing information about temporary duty details for each member of Arrest Team 7 and each individual who processed the Petitioner after her arrest. *See, e.g.*, Transcript of December 2 & 3, 2025 Evidentiary Hearing, ECF 55-57,
 - a. Tr. 122 (Agent D.R.),
 - b. Tr. 170 (Agent C.M.),
 - c. Tr. 259 (Agent J.B.),
 - d. Tr. 272 (Agent B.W.),
 - e. Tr. 348 (Agent K.K.),
 - f. Tr. 388 (Agent R.F.).
2. Documents related to “some intelligence to go to various addresses throughout Woodburn that had an immigration nexus.” Tr. 124. This includes electronically stored information.
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, 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. 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;²
 - j. Emails related to the Portland detail, Tr. 348;
 - k. Guidance documents related to the Portland detail, Tr. 348; and
 - l. 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.
 5. Documents related to the transport of petitioner, including the transport contract with ICE, Tr. 384.
 6. Documents related to the ICE policy regarding vehicle stops and detention of aliens, Tr. 145.
 7. Documents related to or generated for³
 - 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;⁴

² In a few instances, a 7-day period is specified. The 7-day period is provided because Agent J.B. 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).

³ 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.

⁴ Respondents are required to produce responses related to the destruction of this document. If other documents were destroyed, Respondents are required to produce responsive information. Petitioner reserves her right to pursue her remedies where evidence is spoiled such as was plainly

- 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;
 - 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;
8. Documents related to the ICE policy regarding vehicle stops and detention of aliens, Tr. 145.
 9. Instructions by management referenced at Tr. 291-292.
 10. 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.

This request is made pursuant to the parties’ representation before the Court to attempt to resolve the discovery disputes informally before requesting the Court’s involvement. To comply with the Court’s order to provide a statement of stipulated and disputed facts by January 16, 2026, your prompt compliance is requested.

Sincerely,
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done here. “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.

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