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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

Terrence Bressi,

Plaintiff,

Case No. 4:18-cv-00186-DCB

PLAINTIFF’S INITIAL MIDP
DISCLOSURE STATEMENT

vs.

- (1) Pima County Sheriff Mark Napier, in his individual and official capacities;
- (2) Pima County Board of Supervisors;
- (3) Former Pima County Sheriff Christopher Nanos, in his individual capacity;
- (4) Pima County Deputy Sheriff Ryan Roher, in his individual capacity;
- (5) Pima County Deputy Sheriff Brian Kunze, in his individual capacity;
- (6) United States Department of Homeland Security;
- (7) United States Customs & Border Protection;
- (8) United States Office of Border Patrol;

(9) Kevin K. McAleenan, Acting Secretary, United States Department of Homeland Security, in his official capacity;
(10) John P. Sanders, Acting Commissioner, United States Customs & Border Protection, in his official capacity;
(11) Carla L. Provost, Chief, United States Border Patrol, in her official capacity;
(12) Rodolfo Karisch, Chief Patrol Agent-Tucson Sector, in his official capacity; and
(13) United States of America,

Defendants.

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Plaintiff, by and through counsel undersigned, pursuant to the Court’s Mandatory Initial Discovery Pilot Project, effective May 1, 2017, and Rule 26(a)(1), *Federal Rules of Civil Procedure*,

This Initial Disclosure Statement and its content represent the product of the investigation to date. This matter is only in the initial phase of discovery and further investigation and discovery may bring to light additional information that may have a bearing on Plaintiff’s cause of action. Accordingly, this Initial Disclosure Statement is not now intended to represent Plaintiff’s complete case but is merely the Initial Disclosure Statement until further information is obtained regarding the Defendants specific defenses and is subject to additional supplementation. Therefore, if any part of this Initial

1 Disclosure Statement is ever read to a jury, fairness would require that this
2 preliminary statement also be read indicating that at the time it was filed there
3 was only limited access to information. Accordingly, Plaintiffs disclose the
4 following information pursuant to the Court's Mandatory Initial Discovery
5 Pilot Project:

6 **A. State the names and, if known, the addresses and telephone**
7 **numbers of all persons believed likely to have discoverable**
8 **information relevant to any party's claims or defenses, and provide**
9 **a fair description of the nature of the information each such person**
10 **is believed to possess.**

- 11
12 1. Terrence Bressi
13 c/o Ralph E. Ellinwood, Esq.
14 PO Box 40158
15 Tucson, AZ 85717
16 (520) 413-2323
17

18 Mr. Bressi will testify regarding his continuing stops, extended and
19 unlawful detentions, constitutional violations committed against him, assaults,
20 and arrests by Pima County Deputy Sheriffs and United States Customs and
21 Border Protection Agents at the SR-86 roadblock. Mr. Bressi will also testify
22 concerning his knowledge of the Stonegarden Grant Program, it's purpose,
23 the multi-jurisdictional teamwork by local law enforcement, state law
24 enforcement, and federal law enforcement. Mr. Bressi will provide incidents
25 that have occurred since 2002 to establish an intentional pattern of
26 harassment, blatant disregard of his constitutional rights, and the reckless and
27 callous indifference of those law enforcement officials at each incident. He
28 will provide documentation that proves the local, state, and federal officials
29 retaliated against him personally, that they knew who he was, they had
30 established he was a United States citizen, and they knew his vehicle on sight.
31 Mr. Bressi will testify and show that supervisors knew and/or should have
32 known that their subordinates would cause Mr. Bressi deprivation of his rights
33 and did not stop them, but rather acquiesced to the subordinate's
34 unconstitutional conduct toward him. Mr. Bressi will also testify and provide
35 documentation regarding how CBP agents and others posted personal

1 information regarding him, including his address, his work place, and the time
2 he spent in the Coast Guard; information not readily available to the general
3 public.

- 4
5 2. Sheriff Mark Napier
6 Pima County Sheriff's Department
7 1750 E. Benson Highway
8 Tucson, AZ 85714
9

10 It is anticipated that Sheriff Napier will testify regarding any official
11 training, policies, and procedures in place or created to facilitate participation
12 of Pima County Sheriff's Deputies in the Stonegarden Grant Program together
13 with United States Customs and Border Protection Agents. He may also
14 testify regarding his knowledge of the policies, procedures, and customs of
15 the Pima County Sheriff's Department, and the training provided to the Pima
16 County Deputies regarding possible constitutional violations of travelers
17 through the SR-86 roadblock.

- 18
19 3. Representative of the Pima County Board of Supervisors
20 Will Supplement
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22 It is anticipated that a representative of the Pima County Board of
23 Supervisors who has knowledge of the policies, procedures, training, customs,
24 and conduct of the Pima County Sheriff's Department will testify regarding
25 their knowledge and experience with the Operation Stonegarden Grant
26 Program. This person will also testify regarding any written policies
27 specifically designed for the Pima County Sheriff's Deputies participation in
28 Operation Stonegarden, if any exist. It is also anticipated that a representative
29 of the Pima County Board of Supervisors will testify regarding public
30 meetings held between February and September 2018 to decide whether or
31 not to continue accepting funds for the Operation Stonegarden Grant Program.
32

- 33 4. Former Pima County Sheriff Christopher Nanos
34 Will Supplement
35

36 Former Pima County Sheriff Christopher Nanos will testify regarding
37 any policies, procedures, training, and customs in existence, or lack thereof,
38 during his tenure as Pima County Sheriff, particularly any participation by
39 Pima County Sheriff's Deputies in Operation Stonegarden. He will also testify
40 regarding any disciplinary action necessary for any deputies whose behavior

1 fell short of those policies, procedures, customs, and conduct, during an
2 Operation Stonegarden deployment.

- 3
4 5. Deputy Ryan Roher
5 Pima County Sheriff's Department
6 1750 E. Benson Highway
7 Tucson, AZ 85714
8

9 It is anticipated that Deputy Roher will testify regarding his encounters
10 with Plaintiff, including the arrest of April 10, 2017. Deputy Roher may also
11 testify regarding his training, or lack thereof, and participation, in the
12 Stonegarden Grant Program, and his knowledge of the policies, procedures,
13 and customs of the Pima County Sheriff's Department. He may also testify
14 regarding the lack of supervision of Pima County Deputies at the federal
15 roadblock located at SR-86 during his deployments. Deputy Roher may also
16 testify regarding the training, or lack thereof, that he received regarding
17 possible constitutional violations of travelers through the SR-86 roadblock.
18

- 19 6. Deputy Sergeant Brian Kunze
20 Pima County Sheriff's Department
21 1750 E. Benson Highway
22 Tucson, AZ 85714
23

24 It is anticipated that Sergeant Kunze will testify regarding his
25 encounters with Plaintiff, including the arrest of April 10, 2017. Sergeant
26 Kunze may also testify regarding his training, or lack thereof, and
27 participation, in the Stonegarden Grant Program, and his knowledge of the
28 policies, procedures, and customs of the Pima County Sheriff's Department.
29 He may also testify regarding the lack of supervision of Pima County
30 Deputies at the federal roadblock located at SR-86 during his deployments.
31 Sergeant Kunze may also testify regarding the training, or lack thereof, that he
32 received regarding possible constitutional violations of travelers through the
33 SR-86 roadblock.
34

- 35 7. Captain Deanna Johnson
36 OPSG Coordinator
37 Pima County Sheriff's Department
38 1750 E. Benson Highway
39 Tucson, AZ 85714

1 It is anticipated that Captain Johnson will testify regarding her duties as
2 PCSD OPSG Coordinator along with any official training, policies, and
3 procedures in place or created to facilitate participation of Pima County
4 Sheriff's Deputies in the Operation Stonegarden Grant Program together with
5 the United States Customs and Border Protection. She may also testify
6 regarding her knowledge of the policies, procedures, and customs of the Pima
7 County Sheriff's Department, and the training provided to the Pima County
8 Deputies regarding their participation in the Operation Stonegarden Grant
9 Program.

- 10
11 8. Kevin K. McAleenan, Acting Secretary, or,
12 Representative of the Department of Homeland Security
13 c/o Dennis Bastron, Esq.
14 United States Attorney, Arizona
15 405 W. Congress, Suite 4800
16 Tucson, AZ 85701
17

18 The representative will testify regarding the policies and procedures of
19 those departments under its jurisdiction, including the United States Customs
20 & Border Protection, and the United States Border Patrol. The representative
21 will also testify regarding any federal programs, *e.g.*, Operation Stonegarden,
22 and its intended function.

- 23
24 9. John P. Sanders, Acting Commissioner, or,
25 Representative of the United States Customs & Border Protection
26 c/o Dennis Bastron, Esq.
27 United States Attorney, Arizona
28 405 W. Congress, Suite 4800
29 Tucson, AZ 85701
30

31 The representative will testify regarding the policies and procedures of
32 the United States Customs & Border Protection, its training and supervision
33 policies in Arizona, and the deployment process of other law enforcement
34 agencies to assist in the duties of the United States Customs & Border
35 Protection at designated checkpoints within the United States, more
36 specifically the SR-86 checkpoint. The representative will also testify as to
37 the names, ranks, and work schedules of certain United States Customs &
38 Border Protection personnel involved in the instant case.
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1 10. Carla Provost, Chief, or,
2 Representative of the United States Office of Border Patrol
3 c/o Dennis Bastron, Esq.
4 United States Attorney, Arizona
5 405 W. Congress, Suite 4800
6 Tucson, AZ 85701
7

8 This representative will testify regarding the policies and procedures of
9 the United States Border Patrol at various checkpoints within Arizona, more
10 specifically, the checkpoint located along SR-86, their training and
11 supervision policies in Arizona, the primary purpose of the United States
12 Border Patrol, and the deployment process of other law enforcement agencies
13 to assist the United States Border Patrol at the SR-86 checkpoint. The
14 representative will also testify as to the Operation Stonegarden grant program
15 and how the supplemental state law enforcement agencies were used in
16 assisting the United States Border Patrol at the SR-86 checkpoint.
17

18 11. Rodolfo Karisch, Chief Patrol Agent, Tucson Sector, or,
19 Representative of United States Border Patrol, Tucson Sector
20 c/o Dennis Bastron, Esq.
21 United States Attorney, Arizona
22 405 W. Congress, Suite 4800
23 Tucson, AZ 85701
24

25 The representative of the United States Border Patrol, Tucson Sector,
26 will testify regarding knowledge of the policies, procedures, training, and
27 supervision of all agents in the Tucson Sector. The representative will also
28 testify regarding the SR-86 checkpoint; the funding of other law enforcement
29 agencies within Arizona, more specifically the Operation Stonegarden grant
30 program; the familiarity of the agents located at the SR-86 checkpoint with
31 the Plaintiff in this action; any and all confrontations with the Plaintiff in this
32 action; any and all citations, arrests, detainments, and occurrences of a similar
33 type related to the Plaintiff in this action. The representative will also testify
34 regarding the videos taken of Plaintiff while stopped at the primary stop of the
35 SR-86 checkpoint.
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1 12. CBP Agent R. McKnight
2 Tucson Sector Border Patrol
3 c/o Dennis Bastron, Esq.
4 United States Attorney
5 405 W. Congress, Suite 4800
6 Tucson, AZ 85701
7

8 It is anticipated that Agent McKnight will testify regarding his many
9 encounters with Plaintiff dating back to 2013, including his detention of
10 Plaintiff on March 29, 2013. Agent McKnight may also testify regarding his
11 knowledge of the Stonegarden program, policies, procedures, and customs of
12 the United States Border Patrol and his training, or lack thereof, regarding
13 possible constitutional violations of travelers through the SR-86 checkpoint.
14

15 13. CBP Agent Grayson
16 Tucson Sector Border Patrol
17 c/o Dennis Bastron, Esq.
18 United States Attorney
19 405 W. Congress, Suite 4800
20 Tucson, AZ 85701
21

22 It is anticipated that Agent Grayson will testify regarding his many
23 encounters with Plaintiff dating back to 2009, including his detention of
24 Plaintiff on March 29, 2013. Agent Grayson may also testify regarding his
25 knowledge of the Stonegarden program, policies, procedures, and customs of
26 the United States Border Patrol and his training, or lack thereof, regarding
27 possible constitution violations of travelers through the SR-86 checkpoint.
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29 14. CBP Field Supervisor Brandon
30 Tucson Sector Border Patrol
31 c/o Dennis Bastron, Esq.
32 United States Attorney
33 405 W. Congress, Suite 4800
34 Tucson, AZ 85701
35

36 It is anticipated that FS Brandon will testify regarding his encounters
37 with Plaintiff dating back to at least 2013, including his detention of Plaintiff
38 on March 29, 2013. FS Brandon may also testify regarding his knowledge of
39 the Stonegarden program, polices, procedures, and customs of the United

1 States Border Patrol and his training, or lack thereof, regarding possible
2 constitutional violations of travelers through the SR-86 checkpoint.

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4 15. CBP Field Supervisor Potter
5 Tucson Sector Border Patrol
6 c/o Dennis Bastron, Esq.
7 United States Attorney
8 405 W. Congress, Suite 4800
9 Tucson, AZ 85701

10
11 It is anticipated that FS Potter will testify regarding his detention of
12 Plaintiff on March 26, 2016. FS Potter may also testify regarding his
13 knowledge of the Stonegarden program, policies, procedures, and customs of
14 the United States Border Patrol and his training, or lack thereof, regarding
15 possible constitutional violations of travelers through the SR-86 checkpoint.

16
17 16. CBP Agent T. Frye
18 Tucson Sector Border Patrol
19 c/o Dennis Bastron, Esq.
20 United States Attorney
21 405 W. Congress, Suite 4800
22 Tucson, AZ 85701

23
24 It is anticipated that Agent Frye will testify regarding his encounters
25 with Plaintiff dating back to at least 2017, including his detention of Plaintiff
26 on April 10, 2017. Agent Frye may also testify regarding his knowledge of
27 the Stonegarden program, policies, procedures, and customs of the United
28 States Border Patrol and his training, or lack thereof, regarding possible
29 constitutional violations of travelers through the SR-86 checkpoint.

30
31 17. CBP Field Supervisor Fuentes
32 Tucson Sector Border Patrol
33 c/o Dennis Bastron, Esq.
34 United States Attorney
35 405 W. Congress, Suite 4800
36 Tucson, AZ 85701

37
38 It is anticipated that FS Fuentes will testify regarding his encounters
39 with Plaintiff dating back to at least 2017, including his detention of Plaintiff
40 on April 10, 2017. FS Fuentes may also testify regarding his knowledge of

1 the Stonegarden program, policies, procedures, and customs of the United
2 States Border Patrol and his training, or lack thereof, regarding possible
3 constitutional violations of travelers through the SR-86 checkpoint.
4

5 **B. State the names and, if known, the addresses and telephone**
6 **numbers of all persons who you believe have given written or**
7 **recorded statements relevant to any party's claim or defenses.**
8 **Unless you assert a privilege or work product protection against**
9 **disclosure under applicable law, attach a copy of each such**
10 **statement if it is in your possession, custody or control. If not in**
11 **your possession, custody or control, state the name and, if known,**
12 **the address and telephone number of each person who you believe**
13 **has custody of a copy.**
14

- 15 1. Terrence Bressi
16 c/o Ralph E. Ellinwood, Esq.
17 PO Box 40158
18 Tucson, AZ 85717
19 (520) 413-2323
20

21 Excerpts from deposition transcript of Plaintiff taken on April 27, 2005,
22 in the possession, custody, and control of Plaintiff. The full deposition
23 transcript was not transcribed at the time due to cost concerns. We checked
24 with the court reporting firm who scribed the deposition and discovered the
25 court reporter has died and the notes are not available for transcription.
26 Excerpt Bates Nos. BRE 3841-60.
27

- 28 2. Deputy Ryan Roher
29 Pima County Sheriff's Department
30 1750 E. Benson Highway
31 Tucson, AZ 85714
32

33 Rule 15 transcript taken January 25, 2018, of PCSD Roher, and
34 Incident Reports in Plaintiff's possession being disclosed at this time.
35 Plaintiff personally transcribed the encounter of April 10, 2017. Bates Nos.
36 3398-3580.
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1 3. Sergeant Brian Kunze
2 Pima County Sheriff's Department
3 1750 E. Benson Highway
4 Tucson, AZ 85714
5

6 Incident Reports in Plaintiff's possession being disclosed at this time.
7 Transcript of April 10, 2017, arrest of Plaintiff documenting Sergeant
8 Kunze's participation. Plaintiff personally transcribed the encounter of April
9 10, 2017. Bates Nos. 3398-3580.
10

11 4. United States Office of Border Patrol
12 Tucson Sector
13 c/o Dennis Bastron, Esq.
14 United States Attorney, Arizona
15 405 W. Congress, Suite 4800
16 Tucson, AZ 85701
17

18 Videos were taken by several Border Patrol agents of the Tucson Sector
19 as well as videos taken by Plaintiff at each encounter at the SR-86 checkpoint.
20 It is also believed that multiple Border Patrol agents who have had encounters
21 with Plaintiff at the SR-86 checkpoint dating back to 2005 have filed reports
22 regarding these encounters. All videos recorded by Plaintiff prior to March
23 2018 are being provided with this initial disclosure along with several
24 additional videos from 2018 and 2019.
25

26 **C. List the documents, electronically stored information ("ESI"),**
27 **tangible things, land, or other property known by you to exist,**
28 **whether or not in your possession, custody or control, that you**
29 **believe may be relevant to any party's claims or defenses. To the**
30 **extent the volume of any such materials makes listing them**
31 **individually impracticable, you may group similar documents or**
32 **ESI into categories and describe the specific categories with**
33 **particularity. Include in your response the names and, if known,**
34 **the addresses and telephone numbers of the custodians of the**
35 **documents, ESI, or tangible things, land, or other property that are**
36 **not in your possession, custody or control. For documents and**
37 **tangible things in your possession, custody or control, you may**
38 **produce them with your response, or make them available for**
39 **inspection on the date of the response, instead of listing them.**
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1. Videos of Plaintiff’s encounters with law enforcement at the SR-86 roadblock; Bates Nos. BRE 00001-423;
2. Pattern of Violations; Bates Nos. BRE 00424-500;
3. CBP FOIA Request Acknowledgment 2008; Bates Nos. 501-04;
4. Tucson CBP FOIA Request, Response, Clarification; Bates Nos. 505-10;
5. United States Customs FOIA Request of April 6, 2013; Bates Nos. 511-12;
6. DOJ FOIA Request of May 9, 2013, Acknowledgement, Appeal, and Denial; Bates Nos. 513-21;
7. Documents received by Plaintiff that are responsive to prior FOIA requests or otherwise acquired by Plaintiff through online resources:
 - a. GAO Report to Congressional Requesters dated July 2005 Regarding Border Patrol, Available Data on Interior Checkpoints Suggest Differences in Sector Performance; Bates Nos. 522-612;
 - b. GAO Report to Congressional Requesters dated August 2009 Regarding Border Patrol, Checkpoints Contribute to Border Patrol’s Missions but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness; Bates Nos. 613-759;
 - c. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D. Ariz.), CBP related documents dated August 8, 2014; Bates Nos. BRE 0760-836;
 - d. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D. Ariz.), CBP related documents dated August 13, 2014; Bates Nos. BRE 0837-1020;
 - e. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D. Ariz.), CBP related documents dated September 24, 2014; Bates Nos. BRE 1021-97;

- 1 f. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
2 Ariz.), CBP related documents dated October 10, 2014;
3 Bates Nos. BRE 1098-1156;
4 g. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
5 Ariz.), CBP related documents dated December 15, 2014;
6 Bates Nos. BRE 1157-1318;
7 h. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
8 Ariz.), CBP related documents dated December 19, 2014;
9 Bates Nos. BRE 1319-1527;
10 i. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
11 Ariz.), CBP related documents dated January 6, 2015;
12 Bates Nos. BRE 1528-1677;
13 j. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
14 Ariz.), CBP related documents dated February 20, 2015;
15 Bates Nos. BRE 1678-1720;
16 k. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
17 Ariz.), CBP related documents dated March 12, 2015;
18 Bates Nos. BRE 1721-1866;
19 l. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
20 Ariz.), CBP related documents dated March 17, 2015;
21 Bates Nos. BRE 1867-1973;
22 m. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
23 Ariz.), CBP related documents dated April 3, 2015; Bates
24 Nos. BRE 1974-2019;
25 n. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
26 Ariz.), CBP related documents dated April 14, 2015; Bates
27 Nos. BRE 2020-2205;
28 o. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.
29 Ariz.), CBP related documents dated May 21, 2015; Bates
30 Nos. BRE 2206-375;
31 p. GAO Report to Congressional Requesters dated November
32 2017 Regarding Border Patrol, Issues Related to Agent
33 Deployment Strategy and Immigration Checkpoints; Bates
34 Nos. BRE 2376-467;
35 q. 2008 Field Inspector Manual; Bates Nos. BRE 2468-821;
36 r. ACLU Complaint dated October 9, 2013, regarding
37 Roving Patrols; Bates Nos. BRE 2822-35;
38 s. ACLU Complaint dated January 15, 2014, regarding
39 Investigation of Abuses; Bates Nos. BRE 2836-55;

- 1 t. ACLU article Record of Abuse dated April 28, 2014;
2 Bates Nos. BRE 2856-87;
- 3 u. ACLU Complaint regarding Border Patrol Unlawful
4 Search and Seizure dated June 28, 2016; Bates Nos. BRE
5 2888-906;
- 6 v. DEA LPR Permit dated January 11, 2011; Bates Nos. BRE
7 2907-35;
- 8 w. DEA LPR Permit dated July 16, 2011; Bates Nos. BRE
9 2936-46;
- 10 x. CBP Power Permit, SR82, dated July 8, 2011; Bates Nos.
11 BRE 2947-87;
- 12 y. CBP Canopy Permit, SR85, dated July 15, 2011; Bates
13 Nos. BRE 2988-3020;
- 14 z. CBP Checkpoint Permit, SR85B, dated July 15, 2011;
15 Bates Nos. BRE 3021-30;
- 16 aa. CBP Tower Permit, I-19, dated August 22, 2012; Bates
17 Nos. BRE 3031-41;
- 18 bb. CBP Checkpoint Permit, SR77, dated October 4, 2012;
19 Bates Nos. BRE 3042-49;
- 20 cc. CBP Checkpoint Permit, SR83, dated February 13, 2012;
21 Bates Nos. BRE 3050-56;
- 22 dd. CBP Checkpoint Permit, SR85, dated August 21, 2012;
23 Bates Nos. BRE 3057-65;
- 24 ee. CBP Checkpoint Permit, SR82, dated March 15, 2012;
25 Bates Nos. BRE 3066-72;
- 26 ff. CBP Checkpoint Permit, SR87, dated October 4, 2012;
27 Bates Nos. BRE 3073-80;
- 28 gg. CBP Checkpoint Permit, SR347, dated October 4, 2012;
29 Bates Nos. BRE 3081-90;
- 30 hh. CBP Checkpoint Permit, I-19, dated February 5, 2013;
31 Bates Nos. 3091-108;
- 32 ii. CBP Checkpoint Permit, SR82, dated March 8, 2013;
33 Bates Nos. BRE 3109-16;
- 34 jj. CBP Checkpoint Permit, SR83, dated March 8, 2013;
35 Bates Nos. BRE 3117-124;
- 36 kk. CBP Checkpoint Permit, SR286, dated November 30,
37 2011; Bates Nos. BRE 3125-35;
- 38 ll. CBP Checkpoint Permit, SR86, dated February 5, 2015;
39 Bates Nos. BRE 3136-44;

- 1 mm. CBP Checkpoint Permit, SR86, dated February 4, 2016;
2 Bates Nos. BRE 3145-52;
3 nn. CBP Checkpoint Permit, SR86, dated April 21, 2017;
4 Bates Nos. BRE 3153-62;
5 oo. PCSD Loan Agreement regarding radios, dated October 1,
6 2017; Bates Nos. BRE 3163-65;
7 pp. Border Patrol telling PCSD how to fill out forms, dated
8 November 15, 2017; Bates Nos. BRE 3166-68;
9 qq. PCSD assisting Border Patrol with canines, dated
10 December 1, 2017; Bates No. BRE 3169;
11 rr. PCSD suspension of Stonegarden, dated December 5,
12 2017; Bates Nos. BRE 3170-71;
13 ss. Special radios for Stonegarden, dated December 7, 2017;
14 Bates No. BRE 3172;
15 tt. Internal Concerns regarding excessive overtime, dated
16 December 19, 2017; Bates Nos. BRE 3173-74;
17 uu. Briefing regarding DUI checkpoints, dated January 4,
18 2018; Bates Nos. BRE 3175-76;
19 vv. Identifying PCSD point people, dated January 17, 2018;
20 Bates Nos. BRE 3177-82;
21 ww. Announcing March 2018 meeting regarding Stonegarden,
22 dated January 17, 2018; Bates Nos. BRE 3183-85;
23 xx. E-mail regarding working closely regarding Stonegarden,
24 dated January 18, 2017; Bates Nos. BRE 3186-89;
25 yy. E-mail between Border Patrol and Ajo Sheriff, dated
26 January 25, 2018; Bates No. BRE 3190;
27 zz. Using Stonegarden money for DUI checkpoints, dated
28 January 25, 2018; Bates No. BRE 3191;
29 aaa. E-mail regarding Stonegarden Power Point, dated January
30 29, 2018; Bates Nos. BRE 3192-93;
31 bbb. PCSD/Border Patrol collaboration at special events; Bates
32 Nos. BRE 3194-95;
33 ccc. E-mail regarding regular breakfasts; Bates No. BRE 3196;
34 ddd. Fiscal year 2018 overtime summary; Bates Nos. BRE
35 3197-99;
36 eee. PCSD Strategic Plan 2018-2021; Bates Nos. 3200-215;
37 fff. Delphi Forum, dated June 2, 2008; Bates Nos. BRE 3296-
38 98;
39 ggg. Delphi Forum, dated April 9, 2009; Bates Nos. BRE 3299-
40 3317;

- 1 hhh. Delphi Forum, dated April 9, 2009; Bates Nos. BRE 3318-
2 337;
3 iii. Delphi Forum, dated September 9, 2009; Bates Nos. BRE
4 3338-45;
5 jjj. Delphi Forum, edited June 16, 2008; Bates Nos. BRE
6 3346-51;
7 kkk. Stonegarden Subrecipient Award 2018; Bates Nos. BRE
8 3354-78;
9 ll. Tuffly Complaint to University of Arizona, dated January
10 28, 2008; Bates Nos. BRE 3379-383;
11 mmm. Tuffly follow-up Complaint to University of
12 Arizona, dated January 29, 2008; Bates Nos. BRE 3384-
13 89;
14 nnn. Tuffly follow-up to University of Arizona Complaint,
15 dated February 12, 2008; Bates Nos. BRE 3390-91;
16 ooo. Attorney Calle Public Records Request to University of
17 Arizona, dated February 13, 2008; Bates Nos. BRE 3392-
18 93;
19 ppp. Plaintiff's FOIA request to University of Arizona, dated
20 February 21, 2008; Bates Nos. BRE 3394-95;
21 qqq. University of Arizona response to Plaintiff's request, dated
22 April 10, 2008; Bates Nos. BRE 3396-97
23 rrr. PCSD Note, dated August 2, 2017; Bates No. BRE 3352;
24 sss. Stonegarden statistics 2012-2017; Bates No. BRE 3353;
25 ttt. Excerpts of Plaintiff's Deposition taken April 27, 2005;
26 Bates Nos. 3841-60.
27

28 8. Articles:
29

- 30 a. Border Patrol Videos Go Viral, dated March 29, 2013;
31 Bates Nos. BRE 3216-18;
32 b. What Happens if You Don't Cooperate at Inland
33 Checkpoints?; Bates Nos. BRE 3219-23;
34 c. Border Patrol Takes No for an Answer at Internal
35 Checkpoints, dated March 7, 2013; Bates Nos. BRE 3224-
36 25;
37 d. The Road to Nowhere (Near the Border), dated September
38 20, 2013; Bates Nos. BRE 3226-29;
39 e. Border Patrol Checkpoints Stir Public Backlash, dated
40 June 7, 2014; Bates Nos. BRE 3230-33;

- f. Arizona's Checkpoint Rebellion, dated July 20, 2014; Bates Nos. BRE 3234-47;
- g. The Border Between America and America, dated November 21, 2014; Bates Nos. BRE 3248-67;
- h. Checkpoints Push Buttons, Boundaries, dated December 13, 2014; Bates Nos. BRE 3268-71;
- i. Border Backlash, dated February 23, 2015; Bates Nos. BRE 3272-73;
- j. Recording Abusive Border Patrol Conduct Becomes A Thing Among Fed-Up Americans, dated April 1, 2015; Bates Nos. BRE 3274-75;
- k. Over the Line, Border Patrol's Obscure, Omnipresent 100-Mile Zone; Bates Nos. BRE 3276-95;
- l. Arizona's Checkpoint Wars, dated July 17, 2018; Bates Nos. BRE 3798-3800.

9. Documents regarding PCSD Ryan Roher:

- a. Transcript of April 10, 2017, arrest transcribed by Plaintiff; Bates Nos. BRE 3398-413;
- b. Transcript of Deposition of Ryan Roher taken on January 25, 2018; Bates Nos. BRE 3414-499;
- c. Incident Reports of PCSD Roher; Bates Nos. BRE 3500-571;
- d. Incident Reports of PCSD Roher dated April 10, 2017; Bates Nos. BRE 3572-380;
- e. Handwritten PCSD note regarding no training materials; Bates No. BRE 3798.

10. Documents regarding Stonegarden:

- a. Stonegarden Arrests; Bates Nos. BRE 3581-617;
- b. 2015 Stonegarden contract for equipment; Bates Nos. 3618-36;
- c. 2016 Stonegarden contract for equipment; Bates Nos. 3637-57;
- d. 2016 Stonegarden contract for equipment, second half of year; Bates Nos. 3658-82;
- e. 2017 Stonegarden contract for equipment; Bates Nos. 3683-707;

- 1 f. 2015 Stonegarden contract for overtime; Bates Nos. 3708-
2 26;
3 g. 2016 Stonegarden contract for overtime; Bates Nos. 3727-
4 47;
5 h. 2016 Stonegarden contract for overtime, second half of
6 year; Bates Nos. 3748-72;
7 g. 2018 Stonegarden contract for overtime; Bates Nos. 3773-
8 97;
9 h. Board of Supervisor's Memorandum dated August 8,
10 2018, regarding Fiscal Year 2018; Bates Nos. 3801-40.
11 i. Board of Supervisor's Memorandums (Parts 1 and 2) dated
12 February 12, 2018, regarding Operation Stonegarden;
13 Bates Nos. BRE 3861-98;
14 j. Pima County Sheriff's Department Memorandum dated
15 February 15, 2018, regarding Operation Stonegarden;
16 Bates Nos. BRE 3899-944;
17 k. County Administrator Memorandum dated June 15, 2018,
18 regarding Stonegarden and HIDTA grants; Bates Nos.
19 BRE 3945-56;
20 l. County Administrator Memorandum dated August 27,
21 2018, regarding the Operation Stonegarden status; Bates
22 Nos. BRE 3957-59;
23 m. Pima County Sheriff's Department Memorandum dated
24 August 31, 2018, regarding Stonegarden funding
25 redistribution; Bates No. BRE 3960;
26 n. Board of Supervisor's Meeting Agenda for September 4,
27 2018; Bates Nos. BRE 3961-77;
28 o. Board of Supervisor's Meeting Minutes for September 4,
29 2018; Bates Nos. BRE 3978-90;
30 p. Video of Sheriff Napier's opening remarks at Board of
31 Supervisor's meeting on February 20, 2018; Bates No.
32 BRE 3991;
33 q. Video of Sheriff Napier's response to questions regarding
34 deputies stationed at Border Patrol checkpoints at Board of
35 Supervisor's meeting on February 20, 2018; Bates No.
36 BRE 3992;
37 r. Partial transcript of Sheriff Napier's response to questions
38 regarding deputies stationed at Border Patrol checkpoints
39 at Board of Supervisor's meeting on February 20, 2018;
40 Bates No. BRE 3993;

1 s. Partial transcript of Deputy McMillan's detention of
2 Plaintiff on March 26, 2016; Bates No. BRE 3994.
3

4 11. Additional Videos and Documents:
5

- 6 a. Additional videos of Plaintiff's encounters with law
7 enforcement at the SR-86 checkpoint from 2018 and 2019;
8 Bates Nos. BRE 3995-4015;
9 b. Excerpt from United States Customs and Border
10 Protection Patrol Agents San Diego Sector 2012; Bates
11 Nos. 4016-17;
12 b. Border Patrol Overview/United States Customs and
13 Border Protection Mission Statement and Operations
14 Overview; Bates Nos. BRE 4018-21;
15 c. DHS/United States Customs and Border Protection
16 Request for Information Regarding Body-Worn Cameras
17 in Support of Incident-Driven Video Recording System;
18 Bates Nos. BRE 4022-39;
19 d. United States Customs and Border Protection Enforcement
20 Law Course, Fifteenth Edition, 2012; BRE 4040-5172;
21 e. Supervisory Border Patrol Agent TTC Legal Update
22 Training; Bates Nos. BRE 5173-277;
23 f. Traffic Control Plan Details and Provisions for United
24 States Border Patrol Checkpoints on Highways in the
25 United States, Exhibit 38_2 in *Jacobson, et al. v. United*
26 *States Department of Homeland Security, et al*, 4:14-cv-
27 02485-BGM; Bates Nos. BRE 5278-85;
28 g. Memoranda for All Sector Chief Patrol Agents, Exhibit
29 38_3 in *Jacobson, et al. v. United States Department of*
30 *Homeland Security, et al.*, 4:14-cv-02485-BGM; Bates
31 Nos. BRE 5286-5300;
32 h. Plaintiff's OpEd in the *Arizona Daily Star* regarding
33 Stonegarden dated September 16, 2018; Bates Nos. BRE
34 5301-07;
35 i. Photograph of Plaintiff's truck cab; Bates No. BRE 5308.
36

37 **D. For each of your claims or defenses, state the facts relevant to**
38 **it and the legal theories upon which it is based.**
39

40 Plaintiff makes the following claims against Defendants:

1
2 1. Count I, Violations of First and Fourteenth Amendment Rights
3 (Free Speech) Against All County and Federal Defendants
4

5 The actions of County and Federal Defendants violated Plaintiff's right
6 to freedom of speech guaranteed by the First Amendment to the Constitution
7 and applicable to the County Defendants through the Fourteenth Amendment
8 to the Constitution. Defendants acted to eliminate and chill Plaintiff's
9 exercise of his right to speak, and by extension, his right not to speak.

10 Plaintiff's choice not to speak on April 10, 2017, was a deliberate
11 choice not to express an ideological viewpoint with which Plaintiff disagrees.
12 Plaintiff's decision not to speak at the SR-86 checkpoint was a decision to not
13 acknowledge or bear witness to a government activity with which Plaintiff
14 disagrees—the maintenance and operation of unlawful interior checkpoints.
15 His silence was a pointed expression of anguish about the current domestic
16 affairs of his government. Plaintiff continues to exercise his First and
17 Fourteenth Amendment rights at the SR-86 checkpoint.

18 The First and Fourteenth Amendment right not to speak in this
19 particular context was clearly established as of April 10, 2017. Plaintiff
20 reasonably fears that all Defendants are likely to continue to chill Plaintiff's
21 First Amendment rights at the SR-86 checkpoint. The Federal Defendants

1 have truncated and attempted to chill Plaintiff's First Amendment rights since
2 April 10, 2017, at the SR-86 checkpoint.

3 2. Count II, Violation of Fourth and Fourteenth Amendment Rights
4 Within the Checkpoint Primary Inspection Lane (*City of*
5 *Indianapolis v. Edmond*) Against All County and Federal
6 Defendants
7

8 The United States Supreme Court has clarified the lawful scope and
9 purpose of interior checkpoints in *United States v. Martinez-Fuerte*, 428 U.S.
10 543 (1976) and *City of Indianapolis v. Edmond*, 531 U.S. 32, 121 S. Ct. 447
11 (2000). Checkpoints operated with the primary purpose of detecting illegal
12 narcotics and/or ordinary criminal wrongdoing, and which result in the
13 temporary seizure of motorists absent individualized suspicion, are violative
14 of the Fourth Amendment. Consistent with the Fourth Amendment, the
15 Federal Defendants have the legal authority to maintain the SR-86 checkpoint
16 for the primary purpose of detecting and apprehending individuals unlawfully
17 present in the United States.

18 The Federal Defendants have the legal authority to briefly seize
19 motorists passing through the SR-86 checkpoint to allow federal agents to ask
20 one or two questions intended to confirm that the vehicle contains no
21 unlawfully present aliens. Such legal authority exists; however, only if the
22 checkpoint conforms with the Fourth Amendment requirements articulated in

1 *Martinez-Fuerte* and *City of Indianapolis v. Edmond*. The SR-86 checkpoint
2 does not conform to those requirements.

3 The Federal Defendants' lawful authority to briefly seize motorists at
4 the SR-86 checkpoint without individualized suspicion is contingent upon the
5 Federal Defendants' maintaining such checkpoint for the primary purpose of
6 enforcing the nation's immigration laws. The Federal Defendants' primary
7 purpose for operating the SR-86 checkpoint is not to detect and apprehend
8 aliens who are unlawfully present in the United States, or to otherwise enforce
9 the nation's immigration laws.

10 On April 10, 2017, the Federal Defendants operated the SR-86
11 checkpoint in such a manner that the checkpoint's primary purpose was to
12 detect general criminal wrongdoing. On April 10, 2017, the County
13 Defendants collaborated with the Federal Defendants in such a way that the
14 primary purpose of the SR-86 checkpoint was not the enforcement of federal
15 immigration laws but rather the detection of general criminal wrongdoing.

16 The County Defendants, independent of their Federal Defendant
17 partners, possess an independent legal obligation to conduct their state-law
18 law enforcement duties in such a manner that does not run afoul of the
19 principles of *City of Indianapolis v. Edmond*. On April 10, 2017, and on many
20 occasions since that date, Plaintiff was unlawfully seized by Defendants at the

1 primary inspection lane of the SR-86 checkpoint. These unlawful seizures in
2 the primary inspection lane resulted from Defendants' operation of the
3 checkpoint for a primary purpose not countenanced by the Fourth
4 Amendment. The unlawful conditions of the SR-86 checkpoint, as they
5 existed on April 10, 2017, continue to exist at the SR-86 checkpoint today. To
6 the extent that certain conditions existing on April 10, 2017, at the SR-86
7 checkpoint are no longer present, both County and Federal Defendants are
8 capable of resuming such conditions at a moment's notice and without the
9 rigors of legislative or administrative rulemaking processes. Absent
10 intervention by this Court, it is likely that Plaintiff will continue to be
11 unlawfully seized by County and Federal Defendants within the primary
12 inspection lane of the SR-86 checkpoint, in violation of the principles of
13 *Martinez-Fuerte* and *City of Indianapolis v. Edmond*.

14 3. Count III, Violation of Fourth and Fourteenth Amendment
15 Rights for Arrest Absent Probable Cause Against Defendants
16 Roher and Kunze
17

18 On April 10, 2017, Defendant Roher, aware that agents with the U.S.
19 Border Patrol had found no particularized suspicion to continue the detention
20 of or to arrest Plaintiff, effectuated an arrest of Plaintiff purportedly under the
21 state law authority granted to him as an Arizona peace officer. Leading up to,
22 during, and after the arrest, Defendant Roher was unable to articulate any

1 reasonable suspicion or probable cause to believe that Plaintiff had committed
2 or was committing a state misdemeanor, felony, or petty offense.

3 Defendant Roher arrested Plaintiff for allegedly violating A.R.S. § 13-
4 2906 (Obstructing a highway or other public thoroughfare), despite the fact
5 that Defendant Roher had no probable cause to believe that Plaintiff
6 committed or was committing such crime. Defendant Kunze ratified
7 Defendant Roher's actions and further prolonged the length of Plaintiff's
8 arrest, despite the fact that neither Defendant Kunze nor Defendant Roher had
9 probable cause to believe that Plaintiff committed any crime. At all relevant
10 times, Defendants Roher and Kunze were acting under color of state law.

11 Plaintiff's right to be free from arrest absent probable cause to believe
12 that he committed or was committing a crime was clearly established as of
13 April 10, 2017.

14 4. Count IV, Violation of Constitutional Rights Pursuant to *Monell*
15 *v. New York City Department of Social Services* Against
16 Defendant Napier, in his Official Capacity
17

18 As Sheriff, Defendant Napier is a final policymaker over the County's
19 law enforcement matters. Defendant Napier created a custom and practice of
20 routinely permitting PCSD deputies, including Defendant Roher, to serve
21 entire work shifts while stationed at the SR-86 checkpoint. This custom and
22 practice routinely put PCSD in a position of depriving motorists of their

1 constitutional rights under the Fourth and Fourteenth Amendments, by
2 converting an already-questionable Border Patrol checkpoint devoted
3 primarily to general law enforcement purposes into a checkpoint
4 unquestionably tipping into the unconstitutional zone, in clear violation of
5 *City of Indianapolis v. Edmond*. Defendant Napier's actions, creating a
6 custom and practice related to operations at the SR-86 checkpoint, amounted
7 to deliberate indifference of Plaintiff's constitutional rights.

8 5. Count V, Failure to Train, 42 U.S.C. § 1983 Against Defendant
9 Napier in his Individual Capacity, and Against Defendants
10 Nanos, Kunze, and Pima County Board of Supervisors
11

12 Prior to April 10, 2017, there existed a pattern of similar constitutional
13 violations by similarly untrained employees of PCSD performing law
14 enforcement duties at the SR-86 checkpoint and at other checkpoints operated
15 by the Border Patrol within the unincorporated portions of Pima County.

16 Defendant Pima County Supervisors failed to enforce or otherwise
17 encourage proper training of the Pima County Sheriff's Department deputies
18 and, therefore, failed to adequately train their deputies to handle usual and
19 recurring situations. Defendants failed to train their deputies to handle usual
20 and recurring situations. Defendants were indifferent to the substantial risk of
21 inadequate training to prevent violations of law by its deputies. Defendants'
22 failure to train was the proximate cause of the deprivation of Plaintiff's

1 constitutional rights. Defendants could have prevented the constitutional
2 violation of Plaintiff with an appropriate training.

3 6. Count VI, Failure to Supervise, 42 U.S.C. § 1983 Against
4 Defendant Napier in his Individual Capacity, and Against
5 Defendants Nanos, Kunze, and Pima County Board of
6 Supervisors

7
8 Defendants Napier, Nanos, Kunze, and Pima County Board of
9 Supervisors were acting under the color of state law at all times relevant
10 herein. Defendants failed to properly supervise their deputies, thereby
11 depriving Plaintiff of his constitutional rights. Defendants knew or
12 reasonably should have known that their subordinates were engaging in acts
13 that deprived Plaintiff (and other motorists) of their constitutional rights.

14 Defendants knew or reasonably should have known that the
15 subordinates' conduct would deprive Plaintiff of his constitutional rights.
16 Defendants failed to act to prevent their subordinates from engaging in such
17 conduct. Defendants disregarded the known or obvious consequences that a
18 deficiency in adequate supervision would cause the subordinates to violate
19 Plaintiff's constitutional rights.

20 Such deficiency did actually cause the subordinates to deprive Plaintiff
21 of his constitutional rights. Defendants engaged in conduct that showed a
22 reckless disregard to the deprivation by the subordinates of the rights of
23 people such as Plaintiff. The Defendants' conduct was so closely related to

1 the deprivation of Plaintiff's rights as to be the moving force that caused the
2 ultimate injury.

3 7. Count VII, False Imprisonment, Arizona State Law Against
4 Defendants Roher and Kunze
5

6 On April 10, 2017, Plaintiff was falsely imprisoned by Defendant
7 Roher when he was handcuffed and prevented from leaving his location
8 outside of the SR-86 checkpoint. The necessary elements of false
9 imprisonment under Arizona law are: (1) the defendant acted with intent to
10 confine another person within boundaries fixed by the defendant; (2) the
11 defendant's act resulted in such confinement, either directly or indirectly; and
12 (3) the other person was conscious of the confinement or was harmed by it.
13 *See Hart v. Raynor*, 190 Ariz. 272 (App. 1997); *Boies v. Raynor*, 89 Ariz. 257
14 (1961).

15 Defendant Roher acted with intent and confined Plaintiff within a fixed
16 boundary, at the side of State Route 86. Plaintiff did not consent to such
17 confinement. Defendant Roher's conduct resulted in the confinement of
18 Plaintiff, without probable suspicion of any crime or state traffic violation
19 committed by Plaintiff. In confining Plaintiff without Plaintiff's consent,
20 Defendant Roher acted outside the scope of the warrantless arrest authority
21 conferred upon him by Title 13 and Title 41 of Arizona Revised Statutes.

1 Plaintiff was conscious of the confinement inflicted upon him by
2 Defendant Roher on April 10, 2017. Defendant Kunze ratified and
3 acquiesced to the actions that Defendant Roher took in confining Plaintiff.
4 Defendant Kunze had the authority and ability to reverse or otherwise halt the
5 unlawful actions of Defendant Roher.

6 8. Count VIII, False Imprisonment (FTCA), 28 U.S.C. § 1346(b),
7 Against the United States of America
8

9 Through the actions described herein on April 10, 2017, employees of
10 Defendant United States of America, during the course of their work duties at
11 the SR-86 checkpoint, intentionally confined Plaintiff within the boundaries
12 of the checkpoint. Additionally, through the actions described herein on April
13 10, 2017, employees of Defendant United States of America, during the
14 course of their work duties, induced and/or encouraged Defendant Roher to
15 confine Plaintiff in handcuffs after leaving the boundaries of the SR-86
16 checkpoint. Plaintiff did not consent to such confinement.

17 Employees of Defendant United States of America acted with intent in
18 encouraging and/or inducing Defendant Roher to confine Plaintiff at the side
19 of State Route 86. Additionally, employees of Defendant United States of
20 America acted with intent in confining Plaintiff within the boundaries of the
21 SR-86 checkpoint prior to Defendant Roher's placing Plaintiff into handcuffs.
22 The conduct of employees of Defendant United States of America resulted in

1 the confinement of Plaintiff, without probable suspicion of any crime, state
2 traffic violation, or civil immigration violation under federal law. Plaintiff
3 was conscious of the confinement inflicted upon him on April 10, 2017.

4 **D. Provide a computation of each category of damages claimed by**
5 **you, and a description of the documents or other evidentiary**
6 **material on which it is based, including materials bearing on the**
7 **nature and extent of the injuries suffered. You may produce the**
8 **documents or other evidentiary materials with your response**
9 **instead of describing them.**

10
11 Plaintiff has endured being needlessly stopped, detained, arrested, and
12 prosecuted. Plaintiff has successfully defended the prior prosecution against
13 him. Plaintiff estimates that he has been stopped approximately 423 times by
14 Border Patrol agents and 4 times by Pima County Sheriff Deputies conducting
15 Stonegarden deployments for the Border Patrol as of February 2018, resulting
16 in needless delays of approximately 40 hours. Additionally, Plaintiff has had
17 to spend countless hours defending himself against trumped up charges by
18 Pima County Sheriff Deputies on 3 occasions since 2013 and has spent
19 thousands of dollars to do so. He now has a false arrest record created by law
20 enforcement while retaliating against Plaintiff for protecting his First and
21 Fourth Amendment rights. As a result of the pernicious harassment that has
22 been ongoing for years, Plaintiff never knows what to expect while driving
23 along SR86 and has suffered significant emotional distress.

1 **E. Specifically identify and describe any insurance or other agreement**
2 **under which an insurance business or other person or entity may**
3 **be liable to satisfy all or part of a possible judgment in the action or**
4 **to indemnify or reimburse a party for payments made by the party**
5 **to satisfy the judgment. You may produce a copy of the agreement**
6 **with your response instead of describing it.**

7
8 Plaintiff is not aware of any personal insurance plan that would cover
9 his damages in this matter.

10 **F. A party receiving the list described in Paragraph 3, the description**
11 **of materials identified in Paragraph 5, or a description of**
12 **agreements referred to in Paragraph 6 may request more detailed**
13 **or thorough responses to these mandatory discovery requests if it**
14 **believes the responses are deficient. A party may also serve**
15 **requests pursuant to Rule 34 to inspect, copy, test or sample any or**
16 **all of the listed or described items, to the extent not already**
17 **produced in response to these mandatory discovery requests, or to**
18 **enter onto designated land or other property identified or**
19 **described.**

20
21 Plaintiff will be serving a Rule 34 Request for Production upon all
22 Defendants in this action following receipt and review of Defendants' MIDP.

23 Dated this 31st day of October 2019.

24
25 Ralph E. Ellinwood, Attorney at Law, PLLC

26
27 /s/ Ralph E. Ellinwood

28 Ralph E. Ellinwood

29 Attorney for Plaintiff

30
31 Copy e-mailed on the 31st day of
32 October 2019 to:

33
34 Nancy Davis, Esq.

35 Nancy.Davis@pcao.pima.gov

36 Copy of additional documents/videos mailed

- 1 Dennis Bastron, Esq.
- 2 Dennis.Bastron@usdoj.gov
- 3 Copy of documents/videos mailed

