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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
vs.	PLAINTIFF’S SUPPLEMENTAL DISCLOSURE STATEMENT
(1) Pima County Sheriff Mark Napier, in his individual capacity, <i>et</i> <i>al.</i> ,  Defendants.	

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*, hereby supplement their Initial  
Disclosure with the following information. All additions are in bold print.

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

1           1.     Terrence Bressi  
2                     c/o Ralph E. Ellinwood, Esq.  
3                     PO Box 40158  
4                     Tucson, AZ 85717  
5                     (520) 413-2323  
6

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

29           2.     Sheriff Mark Napier  
30                     Pima County Sheriff's Department  
31                     1750 E. Benson Highway  
32                     Tucson, AZ 85714  
33

34           It is anticipated that Sheriff Napier will testify regarding any official  
35 training, policies, and procedures in place or created to facilitate participation  
36 of Pima County Sheriff's Deputies in the Stonegarden Grant Program together  
37 with United States Customs and Border Protection Agents. He may also  
38 testify regarding his knowledge of the policies, procedures, and customs of  
39 the Pima County Sheriff's Department, and the training provided to the Pima

1 County Deputies regarding possible constitutional violations of travelers  
2 through the SR-86 roadblock.

3  
4 3. Representative of the Pima County Board of Supervisors  
5 Will Supplement  
6

7 It is anticipated that a representative of the Pima County Board of  
8 Supervisors who has knowledge of the policies, procedures, training, customs,  
9 and conduct of the Pima County Sheriff's Department will testify regarding  
10 their knowledge and experience with the Operation Stonegarden Grant  
11 Program. This person will also testify regarding any written policies  
12 specifically designed for the Pima County Sheriff's Deputies participation in  
13 Operation Stonegarden, if any exist. It is also anticipated that a representative  
14 of the Pima County Board of Supervisors will testify regarding public  
15 meetings held between February and September 2018 to decide whether or  
16 not to continue accepting funds for the Operation Stonegarden Grant Program.

17  
18 4. Former Pima County Sheriff Christopher Nanos  
19 Will Supplement  
20

21 Former Pima County Sheriff Christopher Nanos will testify regarding  
22 any policies, procedures, training, and customs in existence, or lack thereof,  
23 during his tenure as Pima County Sheriff, particularly any participation by  
24 Pima County Sheriff's Deputies in Operation Stonegarden. He will also testify  
25 regarding any disciplinary action necessary for any deputies whose behavior  
26 fell short of those policies, procedures, customs, and conduct, during an  
27 Operation Stonegarden deployment.

28  
29 5. Deputy Ryan Roher  
30 Pima County Sheriff's Department  
31 1750 E. Benson Highway  
32 Tucson, AZ 85714  
33

34 It is anticipated that Deputy Roher will testify regarding his encounters  
35 with Plaintiff, including the arrest of April 10, 2017. Deputy Roher may also  
36 testify regarding his training, or lack thereof, and participation, in the  
37 Stonegarden Grant Program, and his knowledge of the policies, procedures,  
38 and customs of the Pima County Sheriff's Department. He may also testify  
39 regarding the lack of supervision of Pima County Deputies at the federal  
40 roadblock located at SR-86 during his deployments. Deputy Roher may also

1 testify regarding the training, or lack thereof, that he received regarding  
2 possible constitutional violations of travelers through the SR-86 roadblock.

- 3  
4 6. Deputy Sergeant Brian Kunze  
5 Pima County Sheriff's Department  
6 1750 E. Benson Highway  
7 Tucson, AZ 85714

8  
9 It is anticipated that Sergeant Kunze will testify regarding his  
10 encounters with Plaintiff, including the arrest of April 10, 2017. Sergeant  
11 Kunze may also testify regarding his training, or lack thereof, and  
12 participation, in the Stonegarden Grant Program, and his knowledge of the  
13 policies, procedures, and customs of the Pima County Sheriff's Department.  
14 He may also testify regarding the lack of supervision of Pima County  
15 Deputies at the federal roadblock located at SR-86 during his deployments.  
16 Sergeant Kunze may also testify regarding the training, or lack thereof, that he  
17 received regarding possible constitutional violations of travelers through the  
18 SR-86 roadblock.

- 19  
20 7. Captain Deanna Johnson  
21 OPSG Coordinator  
22 Pima County Sheriff's Department  
23 1750 E. Benson Highway  
24 Tucson, AZ 85714

25  
26 It is anticipated that Captain Johnson will testify regarding her duties as  
27 PCSD OPSG Coordinator along with any official training, policies, and  
28 procedures in place or created to facilitate participation of Pima County  
29 Sheriff's Deputies in the Operation Stonegarden Grant Program together with  
30 the United States Customs and Border Protection. She may also testify  
31 regarding her knowledge of the policies, procedures, and customs of the Pima  
32 County Sheriff's Department, and the training provided to the Pima County  
33 Deputies regarding their participation in the Operation Stonegarden Grant  
34 Program.

- 35  
36 8. Kevin K. McAleenan, Acting Secretary, or,  
37 Representative of the Department of Homeland Security  
38 c/o Dennis Bastron, Esq.  
39 United States Attorney, Arizona  
40 405 W. Congress, Suite 4800

1 Tucson, AZ 85701

2  
3 The representative will testify regarding the policies and procedures of  
4 those departments under its jurisdiction, including the United States Customs  
5 & Border Protection, and the United States Border Patrol. The representative  
6 will also testify regarding any federal programs, *e.g.*, Operation Stonegarden,  
7 and its intended function.

8  
9 9. John P. Sanders, Acting Commissioner, or,  
10 Representative of the United States Customs & Border Protection  
11 c/o Dennis Bastron, Esq.  
12 United States Attorney, Arizona  
13 405 W. Congress, Suite 4800  
14 Tucson, AZ 85701  
15

16 The representative will testify regarding the policies and procedures of  
17 the United States Customs & Border Protection, its training and supervision  
18 policies in Arizona, and the deployment process of other law enforcement  
19 agencies to assist in the duties of the United States Customs & Border  
20 Protection at designated checkpoints within the United States, more  
21 specifically the SR-86 checkpoint. The representative will also testify as to  
22 the names, ranks, and work schedules of certain United States Customs &  
23 Border Protection personnel involved in the instant case.  
24

25 10. Carla Provost, Chief, or,  
26 Representative of the United States Office of Border Patrol  
27 c/o Dennis Bastron, Esq.  
28 United States Attorney, Arizona  
29 405 W. Congress, Suite 4800  
30 Tucson, AZ 85701  
31

32 This representative will testify regarding the policies and procedures of  
33 the United States Border Patrol at various checkpoints within Arizona, more  
34 specifically, the checkpoint located along SR-86, their training and  
35 supervision policies in Arizona, the primary purpose of the United States  
36 Border Patrol, and the deployment process of other law enforcement agencies  
37 to assist the United States Border Patrol at the SR-86 checkpoint. The  
38 representative will also testify as to the Operation Stonegarden grant program  
39 and how the supplemental state law enforcement agencies were used in  
40 assisting the United States Border Patrol at the SR-86 checkpoint.

1           11.   Rodolfo Karisch, Chief Patrol Agent, Tucson Sector, or,  
2           Representative of United States Border Patrol, Tucson Sector  
3           c/o Dennis Bastron, Esq.  
4           United States Attorney, Arizona  
5           405 W. Congress, Suite 4800  
6           Tucson, AZ 85701  
7

8           The representative of the United States Border Patrol, Tucson Sector,  
9           will testify regarding knowledge of the policies, procedures, training, and  
10          supervision of all agents in the Tucson Sector. The representative will also  
11          testify regarding the SR-86 checkpoint; the funding of other law enforcement  
12          agencies within Arizona, more specifically the Operation Stonegarden grant  
13          program; the familiarity of the agents located at the SR-86 checkpoint with  
14          the Plaintiff in this action; any and all confrontations with the Plaintiff in this  
15          action; any and all citations, arrests, detainments, and occurrences of a similar  
16          type related to the Plaintiff in this action. The representative will also testify  
17          regarding the videos taken of Plaintiff while stopped at the primary stop of the  
18          SR-86 checkpoint.  
19

20          12.   CBP Agent R. McKnight  
21          Tucson Sector Border Patrol  
22          c/o Dennis Bastron, Esq.  
23          United States Attorney  
24          405 W. Congress, Suite 4800  
25          Tucson, AZ 85701  
26

27          It is anticipated that Agent McKnight will testify regarding his many  
28          encounters with Plaintiff dating back to 2013, including his detention of  
29          Plaintiff on March 29, 2013. Agent McKnight may also testify regarding his  
30          knowledge of the Stonegarden program, policies, procedures, and customs of  
31          the United States Border Patrol and his training, or lack thereof, regarding  
32          possible constitutional violations of travelers through the SR-86 checkpoint.  
33

34          13.   CBP Agent Grayson  
35          Tucson Sector Border Patrol  
36          c/o Dennis Bastron, Esq.  
37          United States Attorney  
38          405 W. Congress, Suite 4800  
39          Tucson, AZ 85701  
40

1 It is anticipated that Agent Grayson will testify regarding his many  
2 encounters with Plaintiff dating back to 2009, including his detention of  
3 Plaintiff on March 29, 2013. Agent Grayson may also testify regarding his  
4 knowledge of the Stonegarden program, policies, procedures, and customs of  
5 the United States Border Patrol and his training, or lack thereof, regarding  
6 possible constitution violations of travelers through the SR-86 checkpoint.  
7

8 14. CBP Field Supervisor Brandon  
9 Tucson Sector Border Patrol  
10 c/o Dennis Bastron, Esq.  
11 United States Attorney  
12 405 W. Congress, Suite 4800  
13 Tucson, AZ 85701  
14

15 It is anticipated that FS Brandon will testify regarding his encounters  
16 with Plaintiff dating back to at least 2013, including his detention of Plaintiff  
17 on March 29, 2013. FS Brandon may also testify regarding his knowledge of  
18 the Stonegarden program, polices, procedures, and customs of the United  
19 States Border Patrol and his training, or lack thereof, regarding possible  
20 constitutional violations of travelers through the SR-86 checkpoint.  
21

22 15. CBP Field Supervisor Potter  
23 Tucson Sector Border Patrol  
24 c/o Dennis Bastron, Esq.  
25 United States Attorney  
26 405 W. Congress, Suite 4800  
27 Tucson, AZ 85701  
28

29 It is anticipated that FS Potter will testify regarding his detention of  
30 Plaintiff on March 26, 2016. FS Potter may also testify regarding his  
31 knowledge of the Stonegarden program, policies, procedures, and customs of  
32 the United States Border Patrol and his training, or lack thereof, regarding  
33 possible constitutional violations of travelers through the SR-86 checkpoint.  
34

35 16. CBP Agent T. Frye  
36 Tucson Sector Border Patrol  
37 c/o Dennis Bastron, Esq.  
38 United States Attorney  
39 405 W. Congress, Suite 4800  
40 Tucson, AZ 85701

1 It is anticipated that Agent Frye will testify regarding his encounters  
2 with Plaintiff dating back to at least 2017, including his detention of Plaintiff  
3 on April 10, 2017. Agent Frye may also testify regarding his knowledge of  
4 the Stonegarden program, policies, procedures, and customs of the United  
5 States Border Patrol and his training, or lack thereof, regarding possible  
6 constitutional violations of travelers through the SR-86 checkpoint.  
7

8 17. CBP Field Supervisor Fuentes  
9 Tucson Sector Border Patrol  
10 c/o Dennis Bastron, Esq.  
11 United States Attorney  
12 405 W. Congress, Suite 4800  
13 Tucson, AZ 85701  
14

15 It is anticipated that FS Fuentes will testify regarding his encounters  
16 with Plaintiff dating back to at least 2017, including his detention of Plaintiff  
17 on April 10, 2017. FS Fuentes may also testify regarding his knowledge of  
18 the Stonegarden program, policies, procedures, and customs of the United  
19 States Border Patrol and his training, or lack thereof, regarding possible  
20 constitutional violations of travelers through the SR-86 checkpoint.  
21

22 18. **CBP Agent Dunn**  
23 **Tucson Sector Border Patrol**  
24 **c/o Dennis Bastron, Esq.**  
25 **United States Attorney**  
26 **405 W. Congress, Suite 4800**  
27 **Tucson, AZ 85701**  
28

29 **It is anticipated that Agent Dunn will testify regarding his various**  
30 **encounters with Plaintiff and more specifically, the encounter of**  
31 **November 25, 2019. Agent Dunn may also testify regarding his**  
32 **knowledge of the Stonegarden program, policies, procedures, and**  
33 **customs of the United States Border Patrol and his training, or lack**  
34 **thereof, regarding possible constitutional violations of travelers through**  
35 **the SR-86 checkpoint.**  
36

37 **B. State the names and, if known, the addresses and telephone**  
38 **numbers of all persons who you believe have given written or**  
39 **recorded statements relevant to any party's claim or defenses.**  
40 **Unless you assert a privilege or work product protection against**



1           **disclosure under applicable law, attach a copy of each such**  
2           **statement if it is in your possession, custody or control. If not in**  
3           **your possession, custody or control, state the name and, if known,**  
4           **the address and telephone number of each person who you believe**  
5           **has custody of a copy.**

- 6  
7           1.     Terrence Bressi  
8                 c/o Ralph E. Ellinwood, Esq.  
9                 PO Box 40158  
10                Tucson, AZ 85717  
11                (520) 413-2323

12  
13           Excerpts from deposition transcript of Plaintiff taken on April 27, 2005,  
14           in the possession, custody, and control of Plaintiff. The full deposition  
15           transcript was not transcribed at the time due to cost concerns. We checked  
16           with the court reporting firm who scribed the deposition and discovered the  
17           court reporter has died and the notes are not available for transcription.  
18           Excerpt Bates Nos. BRE 3841-60.

- 19  
20           2.     Deputy Ryan Roher  
21                 Pima County Sheriff's Department  
22                 1750 E. Benson Highway  
23                 Tucson, AZ 85714

24  
25           Rule 15 transcript taken January 25, 2018, of PCSD Roher, and  
26           Incident Reports in Plaintiff's possession being disclosed at this time.  
27           Plaintiff personally transcribed the encounter of April 10, 2017. Bates Nos.  
28           3398-3580.

- 29  
30           3.     Sergeant Brian Kunze  
31                 Pima County Sheriff's Department  
32                 1750 E. Benson Highway  
33                 Tucson, AZ 85714

34           Incident Reports in Plaintiff's possession being disclosed at this time.  
35           Transcript of April 10, 2017, arrest of Plaintiff documenting Sergeant  
36           Kunze's participation. Plaintiff personally transcribed the encounter of April  
37           10, 2017. Bates Nos. 3398-3580.

- 38  
39           4.     United States Office of Border Patrol  
40                 Tucson Sector

1 c/o Dennis Bastron, Esq.  
2 United States Attorney, Arizona  
3 405 W. Congress, Suite 4800  
4 Tucson, AZ 85701  
5

6 Videos were taken by several Border Patrol agents of the Tucson Sector  
7 as well as videos taken by Plaintiff at each encounter at the SR-86 checkpoint.  
8 It is also believed that multiple Border Patrol agents who have had encounters  
9 with Plaintiff at the SR-86 checkpoint dating back to 2005 have filed reports  
10 regarding these encounters. All videos recorded by Plaintiff prior to March  
11 2018 are being provided with this initial disclosure along with several  
12 additional videos from 2018 and 2019.  
13

14 **C. List the documents, electronically stored information (“ESI”),**  
15 **tangible things, land, or other property known by you to exist,**  
16 **whether or not in your possession, custody or control, that you**  
17 **believe may be relevant to any party’s claims or defenses. To the**  
18 **extent the volume of any such materials makes listing them**  
19 **individually impracticable, you may group similar documents or**  
20 **ESI into categories and describe the specific categories with**  
21 **particularity. Include in your response the names and, if known,**  
22 **the addresses and telephone numbers of the custodians of the**  
23 **documents, ESI, or tangible things, land, or other property that are**  
24 **not in your possession, custody or control. For documents and**  
25 **tangible things in your possession, custody or control, you may**  
26 **produce them with your response, or make them available for**  
27 **inspection on the date of the response, instead of listing them.**  
28

- 29 1. Videos of Plaintiff’s encounters with law enforcement at the SR-  
30 86 roadblock; Bates Nos. BRE 00001-423;  
31
- 32 2. Pattern of Violations; Bates Nos. BRE 00424-500;  
33
- 34 3. CBP FOIA Request Acknowledgment 2008; Bates Nos. 501-04;  
35
- 36 4. Tucson CBP FOIA Request, Response, Clarification; Bates Nos.  
37 505-10;  
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- 39 5. United States Customs FOIA Request of April 6, 2013; Bates  
40 Nos. 511-12;

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- 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;
  - f. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D. Ariz.), CBP related documents dated October 10, 2014; Bates Nos. BRE 1098-1156;
  - g. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D. Ariz.), CBP related documents dated December 15, 2014; Bates Nos. BRE 1157-1318;
  - h. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D. Ariz.), CBP related documents dated December 19, 2014; Bates Nos. BRE 1319-1527;
  - i. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D. Ariz.), CBP related documents dated January 6, 2015; Bates Nos. BRE 1528-1677;

- 1 j. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.  
2 Ariz.), CBP related documents dated February 20, 2015;  
3 Bates Nos. BRE 1678-1720;
- 4 k. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.  
5 Ariz.), CBP related documents dated March 12, 2015;  
6 Bates Nos. BRE 1721-1866;
- 7 l. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.  
8 Ariz.), CBP related documents dated March 17, 2015;  
9 Bates Nos. BRE 1867-1973;
- 10 m. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.  
11 Ariz.), CBP related documents dated April 3, 2015; Bates  
12 Nos. BRE 1974-2019;
- 13 n. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.  
14 Ariz.), CBP related documents dated April 14, 2015; Bates  
15 Nos. BRE 2020-2205;
- 16 o. *ACLU Foundation of AZ v. DHS*, Case No. 14-2052 (D.  
17 Ariz.), CBP related documents dated May 21, 2015; Bates  
18 Nos. BRE 2206-375;
- 19 p. GAO Report to Congressional Requesters dated November  
20 2017 Regarding Border Patrol, Issues Related to Agent  
21 Deployment Strategy and Immigration Checkpoints; Bates  
22 Nos. BRE 2376-467;
- 23 q. 2008 Field Inspector Manual; Bates Nos. BRE 2468-821;
- 24 r. ACLU Complaint dated October 9, 2013, regarding  
25 Roving Patrols; Bates Nos. BRE 2822-35;
- 26 s. ACLU Complaint dated January 15, 2014, regarding  
27 Investigation of Abuses; Bates Nos. BRE 2836-55;
- 28 t. ACLU article Record of Abuse dated April 28, 2014;  
29 Bates Nos. BRE 2856-87;
- 30 u. ACLU Complaint regarding Border Patrol Unlawful  
31 Search and Seizure dated June 28, 2016; Bates Nos. BRE  
32 2888-906;
- 33 v. DEA LPR Permit dated January 11, 2011; Bates Nos. BRE  
34 2907-35;
- 35 w. DEA LPR Permit dated July 16, 2011; Bates Nos. BRE  
36 2936-46;
- 37 x. CBP Power Permit, SR82, dated July 8, 2011; Bates Nos.  
38 BRE 2947-87;
- 39 y. CBP Canopy Permit, SR85, dated July 15, 2011; Bates  
40 Nos. BRE 2988-3020;

- 1 z. CBP Checkpoint Permit, SR85B, dated July 15, 2011;  
2 Bates Nos. BRE 3021-30;  
3 aa. CBP Tower Permit, I-19, dated August 22, 2012; Bates  
4 Nos. BRE 3031-41;  
5 bb. CBP Checkpoint Permit, SR77, dated October 4, 2012;  
6 Bates Nos. BRE 3042-49;  
7 cc. CBP Checkpoint Permit, SR83, dated February 13, 2012;  
8 Bates Nos. BRE 3050-56;  
9 dd. CBP Checkpoint Permit, SR85, dated August 21, 2012;  
10 Bates Nos. BRE 3057-65;  
11 ee. CBP Checkpoint Permit, SR82, dated March 15, 2012;  
12 Bates Nos. BRE 3066-72;  
13 ff. CBP Checkpoint Permit, SR87, dated October 4, 2012;  
14 Bates Nos. BRE 3073-80;  
15 gg. CBP Checkpoint Permit, SR347, dated October 4, 2012;  
16 Bates Nos. BRE 3081-90;  
17 hh. CBP Checkpoint Permit, I-19, dated February 5, 2013;  
18 Bates Nos. 3091-108;  
19 ii. CBP Checkpoint Permit, SR82, dated March 8, 2013;  
20 Bates Nos. BRE 3109-16;  
21 jj. CBP Checkpoint Permit, SR83, dated March 8, 2013;  
22 Bates Nos. BRE 3117-124;  
23 kk. CBP Checkpoint Permit, SR286, dated November 30,  
24 2011; Bates Nos. BRE 3125-35;  
25 ll. CBP Checkpoint Permit, SR86, dated February 5, 2015;  
26 Bates Nos. BRE 3136-44;  
27 mm. CBP Checkpoint Permit, SR86, dated February 4, 2016;  
28 Bates Nos. BRE 3145-52;  
29 nn. CBP Checkpoint Permit, SR86, dated April 21, 2017;  
30 Bates Nos. BRE 3153-62;  
31 oo. PCSD Loan Agreement regarding radios, dated October 1,  
32 2017; Bates Nos. BRE 3163-65;  
33 pp. Border Patrol telling PCSD how to fill out forms, dated  
34 November 15, 2017; Bates Nos. BRE 3166-68;  
35 qq. PCSD assisting Border Patrol with canines, dated  
36 December 1, 2017; Bates No. BRE 3169;  
37 rr. PCSD suspension of Stonegarden, dated December 5,  
38 2017; Bates Nos. BRE 3170-71;  
39 ss. Special radios for Stonegarden, dated December 7, 2017;  
40 Bates No. BRE 3172;

- 1 tt. Internal Concerns regarding excessive overtime, dated  
2 December 19, 2017; Bates Nos. BRE 3173-74;  
3 uu. Briefing regarding DUI checkpoints, dated January 4,  
4 2018; Bates Nos. BRE 3175-76;  
5 vv. Identifying PCSD point people, dated January 17, 2018;  
6 Bates Nos. BRE 3177-82;  
7 ww. Announcing March 2018 meeting regarding Stonegarden,  
8 dated January 17, 2018; Bates Nos. BRE 3183-85;  
9 xx. E-mail regarding working closely regarding Stonegarden,  
10 dated January 18, 2017; Bates Nos. BRE 3186-89;  
11 yy. E-mail between Border Patrol and Ajo Sheriff, dated  
12 January 25, 2018; Bates No. BRE 3190;  
13 zz. Using Stonegarden money for DUI checkpoints, dated  
14 January 25, 2018; Bates No. BRE 3191;  
15 aaa. E-mail regarding Stonegarden Power Point, dated January  
16 29, 2018; Bates Nos. BRE 3192-93;  
17 bbb. PCSD/Border Patrol collaboration at special events; Bates  
18 Nos. BRE 3194-95;  
19 ccc. E-mail regarding regular breakfasts; Bates No. BRE 3196;  
20 ddd. Fiscal year 2018 overtime summary; Bates Nos. BRE  
21 3197-99;  
22 eee. PCSD Strategic Plan 2018-2021; Bates Nos. 3200-215;  
23 fff. Delphi Forum, dated June 2, 2008; Bates Nos. BRE 3296-  
24 98;  
25 ggg. Delphi Forum, dated April 9, 2009; Bates Nos. BRE 3299-  
26 3317;  
27 hhh. Delphi Forum, dated April 9, 2009; Bates Nos. BRE 3318-  
28 337;  
29 iii. Delphi Forum, dated September 9, 2009; Bates Nos. BRE  
30 3338-45;  
31 jjj. Delphi Forum, edited June 16, 2008; Bates Nos. BRE  
32 3346-51;  
33 kkk. Stonegarden Subrecipient Award 2018; Bates Nos. BRE  
34 3354-78;  
35 ll. Tuffly Complaint to University of Arizona, dated January  
36 28, 2008; Bates Nos. BRE 3379-383;  
37 mmm. Tuffly follow-up Complaint to University of  
38 Arizona, dated January 29, 2008; Bates Nos. BRE 3384-  
39 89;

- 1 nnn. Tuffly follow-up to University of Arizona Complaint,  
2 dated February 12, 2008; Bates Nos. BRE 3390-91;  
3 ooo. Attorney Calle Public Records Request to University of  
4 Arizona, dated February 13, 2008; Bates Nos. BRE 3392-  
5 93;  
6 ppp. Plaintiff's FOIA request to University of Arizona, dated  
7 February 21, 2008; Bates Nos. BRE 3394-95;  
8 qqq. University of Arizona response to Plaintiff's request, dated  
9 April 10, 2008; Bates Nos. BRE 3396-97  
10 rrr. PCSD Note, dated August 2, 2017; Bates No. BRE 3352;  
11 sss. Stonegarden statistics 2012-2017; Bates No. BRE 3353;  
12 ttt. Excerpts of Plaintiff's Deposition taken April 27, 2005;  
13 Bates Nos. 3841-60.

14  
15 8. Articles:

- 16  
17 a. Border Patrol Videos Go Viral, dated March 29, 2013;  
18 Bates Nos. BRE 3216-18;  
19 b. What Happens if You Don't Cooperate at Inland  
20 Checkpoints?; Bates Nos. BRE 3219-23;  
21 c. Border Patrol Takes No for an Answer at Internal  
22 Checkpoints, dated March 7, 2013; Bates Nos. BRE 3224-  
23 25;  
24 d. The Road to Nowhere (Near the Border), dated September  
25 20, 2013; Bates Nos. BRE 3226-29;  
26 e. Border Patrol Checkpoints Stir Public Backlash, dated  
27 June 7, 2014; Bates Nos. BRE 3230-33;  
28 f. Arizona's Checkpoint Rebellion, dated July 20, 2014;  
29 Bates Nos. BRE 3234-47;  
30 g. The Border Between America and America, dated  
31 November 21, 2014; Bates Nos. BRE 3248-67;  
32 h. Checkpoints Push Buttons, Boundaries, dated December  
33 13, 2014; Bates Nos. BRE 3268-71;  
34 i. Border Backlash, dated February 23, 2015; Bates Nos.  
35 BRE 3272-73;  
36 j. Recording Abusive Border Patrol Conduct Becomes A  
37 Thing Among Fed-Up Americans, dated April 1, 2015;  
38 Bates Nos. BRE 3274-75;  
39 k. Over the Line, Border Patrol's Obscure, Omnipresent 100-  
40 Mile Zone; Bates Nos. BRE 3276-95;

1 l. Arizona's Checkpoint Wars, dated July 17, 2018; Bates  
2 Nos. BRE 3798-3800.

3  
4 9. Documents regarding PCSD Ryan Roher:

- 5  
6 a. Transcript of April 10, 2017, arrest transcribed by  
7 Plaintiff; Bates Nos. BRE 3398-413;  
8 b. Transcript of Deposition of Ryan Roher taken on January  
9 25, 2018; Bates Nos. BRE 3414-499;  
10 c. Incident Reports of PCSD Roher; Bates Nos. BRE 3500-  
11 571;  
12 d. Incident Reports of PCSD Roher dated April 10, 2017;  
13 Bates Nos. BRE 3572-380;  
14 e. Handwritten PCSD note regarding no training materials;  
15 Bates No. BRE 3798.

16  
17 10. Documents regarding Stonegarden:

- 18  
19 a. Stonegarden Arrests; Bates Nos. BRE 3581-617;  
20 b. 2015 Stonegarden contract for equipment; Bates Nos.  
21 3618-36;  
22 c. 2016 Stonegarden contract for equipment; Bates Nos.  
23 3637-57;  
24 d. 2016 Stonegarden contract for equipment, second half of  
25 year; Bates Nos. 3658-82;  
26 e. 2017 Stonegarden contract for equipment; Bates Nos.  
27 3683-707;  
28 f. 2015 Stonegarden contract for overtime; Bates Nos. 3708-  
29 26;  
30 g. 2016 Stonegarden contract for overtime; Bates Nos. 3727-  
31 47;  
32 h. 2016 Stonegarden contract for overtime, second half of  
33 year; Bates Nos. 3748-72;  
34 g. 2018 Stonegarden contract for overtime; Bates Nos. 3773-  
35 97;  
36 h. Board of Supervisor's Memorandum dated August 8,  
37 2018, regarding Fiscal Year 2018; Bates Nos. 3801-40.  
38 i. Board of Supervisor's Memorandums (Parts 1 and 2) dated  
39 February 12, 2018, regarding Operation Stonegarden;  
40 Bates Nos. BRE 3861-98;



- 1 j. Pima County Sheriff's Department Memorandum dated  
2 February 15, 2018, regarding Operation Stonegarden;  
3 Bates Nos. BRE 3899-944;
- 4 k. County Administrator Memorandum dated June 15, 2018,  
5 regarding Stonegarden and HIDTA grants; Bates Nos.  
6 BRE 3945-56;
- 7 l. County Administrator Memorandum dated August 27,  
8 2018, regarding the Operation Stonegarden status; Bates  
9 Nos. BRE 3957-59;
- 10 m. Pima County Sheriff's Department Memorandum dated  
11 August 31, 2018, regarding Stonegarden funding  
12 redistribution; Bates No. BRE 3960;
- 13 n. Board of Supervisor's Meeting Agenda for September 4,  
14 2018; Bates Nos. BRE 3961-77;
- 15 o. Board of Supervisor's Meeting Minutes for September 4,  
16 2018; Bates Nos. BRE 3978-90;
- 17 p. Video of Sheriff Napier's opening remarks at Board of  
18 Supervisor's meeting on February 20, 2018; Bates No.  
19 BRE 3991;
- 20 q. Video of Sheriff Napier's response to questions regarding  
21 deputies stationed at Border Patrol checkpoints at Board of  
22 Supervisor's meeting on February 20, 2018; Bates No.  
23 BRE 3992;
- 24 r. Partial transcript of Sheriff Napier's response to questions  
25 regarding deputies stationed at Border Patrol checkpoints  
26 at Board of Supervisor's meeting on February 20, 2018;  
27 Bates No. BRE 3993;
- 28 s. Partial transcript of Deputy McMillan's detention of  
29 Plaintiff on March 26, 2016; Bates No. BRE 3994.

30  
31 11. Additional Videos and Documents:

- 32  
33 a. Additional videos of Plaintiff's encounters with law  
34 enforcement at the SR-86 checkpoint from 2018 and 2019;  
35 Bates Nos. BRE 3995-4015;
- 36 b. Excerpt from United States Customs and Border  
37 Protection Patrol Agents San Diego Sector 2012; Bates  
38 Nos. 4016-17;

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- b. Border Patrol Overview/United States Customs and Border Protection Mission Statement and Operations Overview; Bates Nos. BRE 4018-21;
  - c. DHS/United States Customs and Border Protection Request for Information Regarding Body-Worn Cameras in Support of Incident-Driven Video Recording System; Bates Nos. BRE 4022-39;
  - d. United States Customs and Border Protection Enforcement Law Course, Fifteenth Edition, 2012; BRE 4040-5172;
  - e. Supervisory Border Patrol Agent TTC Legal Update Training; Bates Nos. BRE 5173-277;
  - f. Traffic Control Plan Details and Provisions for United States Border Patrol Checkpoints on Highways in the United States, Exhibit 38\_2 in *Jacobson, et al. v. United States Department of Homeland Security, et al*, 4:14-cv-02485-BGM; Bates Nos. BRE 5278-85;
  - g. Memoranda for All Sector Chief Patrol Agents, Exhibit 38\_3 in *Jacobson, et al. v. United States Department of Homeland Security, et al.*, 4:14-cv-02485-BGM; Bates Nos. BRE 5286-5300;
  - h. Plaintiff's OpEd in the *Arizona Daily Star* regarding Stonegarden dated September 16, 2018; Bates Nos. BRE 5301-07;
  - i. Photograph of Plaintiff's truck cab; Bates No. BRE 5308.
  - j. Bressi citation of December 20, 2008; Bates No. BRE 5309;**
  - k. Bressi citation of March 29, 2013; Bates No. BRE 5310;**
  - l. Bressi citation of April 30, 2014; Bates No. BRE 5311;**
  - m. Bressi citation of April 10, 2017; Bates Nos. BRE 5312-13;**
  - n. Bressi dismissal of July 1, 2013; Bates No. BRE 5314;**
  - o. Bressi dismissal of July 15, 2014; Bates No. BRE 5315;**
  - p. Bressi dismissal of March 14, 2018; Bates No. BRE 5316;**
  - q. Border Patrol Traffic Checkpoint Policy of 2003; Bates Nos. BRE 5217-31;**
  - r. CBP-RFI Body Cams, October 2019; Bates Nos. BRE 5332-49;**
  - s. USCBP Radiation Detection Directive of 2011; Bates Nos. BRE 5350-68;**

- 1 t. SR-86 CBP Eastbound lighted sign, September 2016;  
2 Bates No. BRE 5369;
- 3 u. SR-86 CBP Eastbound signs on April 10, 2017; Bates  
4 Nos. 5370-71;
- 5 v. SR-86 CBP Westbound signs on April 10, 2017; Bates  
6 No. BRE 5372;
- 7 w. Non-Compliant Motorist Policy of 2012; Bates Nos.  
8 BRE 5373-76;
- 9 x. ELC Non-Compliant Motorist Protocol, January 25,  
10 2018; Bates Nos. BRE 5377-92;
- 11 y. OPSG Ops Order, February 2017; Bates Nos. BRE  
12 5393-417;
- 13 z. Privacy-PIA CBP 039 Situation Room, February 2017;  
14 Bates Nos. BRE 5418-38;
- 15 aa. Washington FOIA, May 14, 2017; Bates Nos. BRE  
16 5439-40;
- 17 bb. Tucson Sector Radiation Directive, 2013; Bates Nos.  
18 BRE 5441-44;
- 19 cc. PCSD Daily Activity Report, April 10, 2017; Bates Nos.  
20 BRE 5445-47;
- 21 dd. Tucson Sector FOIA, May 1, 2017; Bates nos. BRE  
22 5448-49;
- 23 ee. Tadeo Article, December 9, 2017; Bates Nos. BRE  
24 5450-58;
- 25 ff. Pollak citation, April 2, 2017; Bates No. BRE 5459;
- 26 gg. Local 2544 Newsletter, 2005; Bates Nos. BRE 5460-74;
- 27 hh. Video of Napier interview with Fox and Friends,  
28 September 12, 2018;
- 29 ii. Video of Napier interview with AZ 360, September 14,  
30 2018;
- 31 jj. Video of Pollak Roadblock Incident, April 2, 2017;
- 32 kk. Video of Plaintiff's encounter with BP Agent Dunn,  
33 November 25, 2019.

34  
35 **D. For each of your claims or defenses, state the facts relevant to**  
36 **it and the legal theories upon which it is based.**  
37

38 Plaintiff makes the following claims against Defendants:  
39

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

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

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

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

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

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

16           The Federal Defendants have the legal authority to briefly seize  
17    motorists passing through the SR-86 checkpoint to allow federal agents to ask  
18    one or two questions intended to confirm that the vehicle contains no  
19    unlawfully present aliens. Such legal authority exists; however, only if the  
20    checkpoint conforms with the Fourth Amendment requirements articulated in  
21    *Martinez-Fuerte* and *City of Indianapolis v. Edmond*. The SR-86 checkpoint  
22    does not conform to those requirements.

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

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

14           The County Defendants, independent of their Federal Defendant  
15 partners, possess an independent legal obligation to conduct their state-law  
16 law enforcement duties in such a manner that does not run afoul of the  
17 principles of *City of Indianapolis v. Edmond*. On April 10, 2017, and on many  
18 occasions since that date, Plaintiff was unlawfully seized by Defendants at the  
19 primary inspection lane of the SR-86 checkpoint. These unlawful seizures in  
20 the primary inspection lane resulted from Defendants’ operation of the

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

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

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

1 Defendant Roher arrested Plaintiff for allegedly violating A.R.S. § 13-  
2 2906 (Obstructing a highway or other public thoroughfare), despite the fact  
3 that Defendant Roher had no probable cause to believe that Plaintiff  
4 committed or was committing such crime. Defendant Kunze ratified  
5 Defendant Roher's actions and further prolonged the length of Plaintiff's  
6 arrest, despite the fact that neither Defendant Kunze nor Defendant Roher had  
7 probable cause to believe that Plaintiff committed any crime. At all relevant  
8 times, Defendants Roher and Kunze were acting under color of state law.

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

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

16 As Sheriff, Defendant Napier is a final policymaker over the County's  
17 law enforcement matters. Defendant Napier created a custom and practice of  
18 routinely permitting PCSD deputies, including Defendant Roher, to serve  
19 entire work shifts while stationed at the SR-86 checkpoint. This custom and  
20 practice routinely put PCSD in a position of depriving motorists of their  
21 constitutional rights under the Fourth and Fourteenth Amendments, by  
22 converting an already-questionable Border Patrol checkpoint devoted



1 primarily to general law enforcement purposes into a checkpoint  
2 unquestionably tipping into the unconstitutional zone, in clear violation of  
3 *City of Indianapolis v. Edmond*. Defendant Napier's actions, creating a  
4 custom and practice related to operations at the SR-86 checkpoint, amounted  
5 to deliberate indifference of Plaintiff's constitutional rights.

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

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

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

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

5  
6           Defendants Napier, Nanos, Kunze, and Pima County Board of  
7 Supervisors were acting under the color of state law at all times relevant  
8 herein. Defendants failed to properly supervise their deputies, thereby  
9 depriving Plaintiff of his constitutional rights. Defendants knew or  
10 reasonably should have known that their subordinates were engaging in acts  
11 that deprived Plaintiff (and other motorists) of their constitutional rights.

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

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

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

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

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

20           Plaintiff was conscious of the confinement inflicted upon him by  
21    Defendant Roher on April 10, 2017. Defendant Kunze ratified and  
22    acquiesced to the actions that Defendant Roher took in confining Plaintiff.

1 Defendant Kunze had the authority and ability to reverse or otherwise halt the  
2 unlawful actions of Defendant Roher.

3 8. Count VIII, False Imprisonment (FTCA), 28 U.S.C. § 1346(b),  
4 Against the United States of America  
5

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

14 Employees of Defendant United States of America acted with intent in  
15 encouraging and/or inducing Defendant Roher to confine Plaintiff at the side  
16 of State Route 86. Additionally, employees of Defendant United States of  
17 America acted with intent in confining Plaintiff within the boundaries of the  
18 SR-86 checkpoint prior to Defendant Roher's placing Plaintiff into handcuffs.  
19 The conduct of employees of Defendant United States of America resulted in  
20 the confinement of Plaintiff, without probable suspicion of any crime, state  
21 traffic violation, or civil immigration violation under federal law. Plaintiff  
22 was conscious of the confinement inflicted upon him on April 10, 2017.

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

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

21 **E. Specifically identify and describe any insurance or other agreement**  
22 **under which an insurance business or other person or entity may**  
23 **be liable to satisfy all or part of a possible judgment in the action or**  
24 **to indemnify or reimburse a party for payments made by the party**  
25 **to satisfy the judgment. You may produce a copy of the agreement**  
26 **with your response instead of describing it.**  
27

1 Plaintiff is not aware of any personal insurance plan that would cover  
2 his damages in this matter.

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

13  
14 Plaintiff will be serving a Rule 34 Request for Production upon all  
15 Defendants in this action following receipt and review of Defendants' MIDP.

16 Dated this 1<sup>st</sup> day of May 2020.

17  
18 Ralph E. Ellinwood, Attorney at Law, PLLC

19  
20 /s/ Ralph E. Ellinwood

21 Ralph E. Ellinwood  
22 Attorney for Plaintiff

23  
24 Copy e-mailed on the 1<sup>st</sup> day of  
25 May 2020 to:

26  
27 Nancy Davis, Esq.  
28 [Nancy.Davis@pcao.pima.gov](mailto:Nancy.Davis@pcao.pima.gov)

29  
30 Dennis Bastron, Esq.  
31 [Dennis.Bastron@usdoj.gov](mailto:Dennis.Bastron@usdoj.gov)

32  
33 Disc copy of documents/videos mailed  
34 this same date.