

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

CHICAGO HEADLINE CLUB, et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

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No. 25-cv-12173

Hon. Sara L. Ellis,
District Judge

**PLAINTIFFS' NOTICE OF VIOLATIONS
OF THE TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs Chicago Headline Club, et al, by their attorneys, respectfully request that the Court take notice of apparent violations of the Court's Preliminary Injunction (Dkt. 66), which took place in this District on several dates since entry of the Preliminary Injunction:¹

A. Apparent Violation on November 6, 2025

1. As this Court was issuing the Preliminary Injunction on Thursday, November 6, 2025, federal agents shot pepper balls at a moving car; then at the driver of that car, who posed no threat to them, as he was getting out of his car; then at other people who were exercising their constitutional right to protest by honking their car horns and recording the agents' conduct. See:

https://www.facebook.com/story.php?story_fbid=10237336600891715&id=1149038862&mibextid=wwXIfr&rdid=C1jRSHtZ7g9PVKkY#

¹ Pursuant to the Court's order requiring conferral, Plaintiffs and Defendants conferred about these incidents on November 10, 2025. Defendants stated that they would provide Plaintiffs with reports and any available BWC within 24 hours of finalization of the reports. To date, Plaintiffs have not been provided with BWC or reports for the incidents discussed herein.

2. The parties conferred about this violation and the government is investigating whether it has more information. Plaintiffs have not received reports or video evidence relating to this incident.

B. Apparent Violation on November 8, 2025, on Western Avenue

3. On November 8, 2025, DHS again shot pepper balls into a moving car on Western Avenue, as depicted around the 1:04:05 – 1:04:20 mark of this video: <https://www.facebook.com/share/v/1AgNiiZqqr/>.
4. As the video shows, there was no threat to the officers at the time and the actions appear to be in retaliation for the recording of Defendants' actions in this District.
5. The government has not provided Plaintiffs with any reports or footage of this incident.

C. Apparent Violation on November 8, 2025, in Little Village:

6. As this Court is aware, Little Village has been a focus of Defendants' misconduct in this District. *See* Dkt. 90, 94 (Plaintiff's prior notice of violations concerning Little Village). Defendant Bovino deployed tear gas without justification there last month, made up a false story to support that action, lied about that story under oath, and then changed his testimony during the final session of his deposition. *See* Dkt. 224 (Motion to Supplement Plaintiffs' Reply in Support of Motion for Preliminary Injunction). This event played a role at the evidentiary hearing and in this Court's ruling. Dkt. 256, Tr. at 9.
7. On November 8, 2025, in Little Village, around 25th/26th and Pulaski, Defendants deployed flash bangs and tear gas. Other chemical munitions may have been deployed.

This all took place as people protested Defendants' actions in the area, observed them, and recorded them. Some descriptions can be found here:

- a. <https://bsky.app/profile/djbyrnes1.bsky.social/post/3m555ellzmc2a>
- b. <https://www.facebook.com/share/p/1CNAa1gzU6/?mibextid=wwXIf>
- c. <https://www.chicagotribune.com/2025/11/08/community-members-confront-bovino/>

8. As with other incidents, the chemical munitions were deployed in response to protected speech and meted out against civilians without cause, apparently in direct defiance of this Court's order).²
9. Witnesses, including a City alderman, present during the deployment of these munitions say they did not witness any gunshots or other violence that would have justified the deployment of flash bangs and tear gas, as reported on by one of the press plaintiffs, Charles Thrush, from Block Club Chicago. *See* Charles Thrush, *Feds Pepper-Spray 1-Year-Old In Cicero, Use Tear Gas On Little Village Neighbors*, Block Club Chicago (Nov. 9, 2025), <https://blockclubchicago.org/2025/11/09/feds-again-use-tear-gas-in-little-village-after-clash-with-protesters-neighbors/>; *see also* <https://www.youtube.com/watch?v=QHPk-J4eYUI>.³

² On Sunday, November 8, Defendant Bovino and his agents gathered for a photo opportunity at the Cloud Gate sculpture in Millennium Park (also known as the Bean). Instead of saying the traditional "cheese," they did a call and response of "Little Village." *See* Colin Boyle, *Border Patrol Agents Pose At The Bean For Apparent Photo Op*, BLOCK CLUB CHICAGO (Nov. 10, 2025), <https://blockclubchicago.org/2025/11/10/border-patrol-agents-pose-at-the-bean-for-apparent-photo-op/>.

³ Block Club and Mr. Thrush are Plaintiffs in this suit who have reported on Defendants' actions. Defendant Bovino specifically targeted Block Club for attack after the events in Little Village, calling them the "Chicago Liars Club" and complaining about their reporting. *See* Boyle, *supra*, n.1

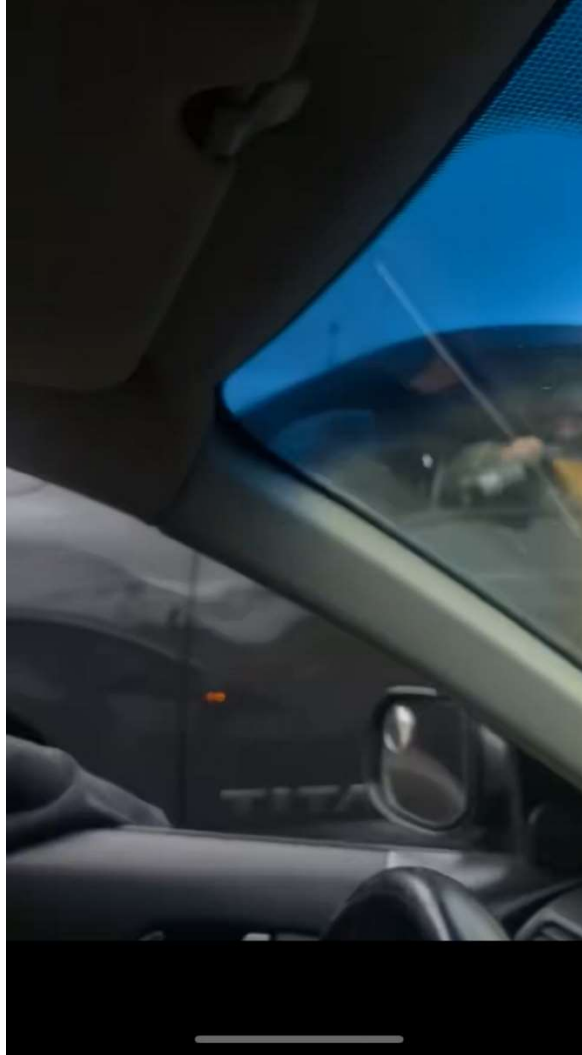
10. Defendants and their attorneys contend that these uses of force were justified. Starting immediately after this incident, Defendants said that they were shot at by a person in a black Jeep and that people had thrown bricks and paint cans at them.
11. Defendant DHS publicly stated that agents were shot at on Twitter/X: https://twitter.com/dhsgov/status/1987240542833680566?s=46&t=4rUXTBt_W24m-uWR74DQ5A. Defendant Bovino did as well, <https://x.com/cmdropatlargeca/status/1987296054438469761?s=46>.
12. The parties conferred about this incident, and Defendants' counsel provided the following information:
- a. At approximately 9:25 a.m., an unknown Latino male in a black Jeep shot five times at federal agents and sped away. Around the same time, a paint can was thrown through an agent's car window. Bricks were thrown at CBP car from a rooftop.
 - b. At approximately 9:37 a.m., a Chicago Police officer was struck by a vehicle.
 - c. Shortly thereafter, agents began to leave, and more bricks were thrown at them from buildings.
 - d. Agents deployed a controlled tire deflation device at a car driving toward them as they left and proceeded to the FBI field office.
 - e. Another driver tried to drive their car at agents, and that person was arrested.
 - f. Later that morning, the Chicago Police Department found 2 shell casings near the intersection of 25th and Kedzie. A person has been arrested who matches the description of the shooter, and that person was in possession of a weapon.

- g. There should be body worn camera footage for these incidents, and at least one E-Star report is being completed.

13. Plaintiffs have asked the Defendants repeatedly to provide documentary or video evidence regarding supporting their account and have not received any documents as of the time of this filing.

D. Additional Violation on November 8, 2025, in Cicero

14. Defendants shot some a chemical or pepper spray into a moving car on November 8, 2025, striking a 1-year old baby and others. *See Thrush, supra* n.2. There is video footage of the incident which depicts Defendants shooting into the driver's side of a window of a car moving into the opposite direction, putting the occupants of the car and the public in danger, as depicted here:



15. These videos are publicly available, <https://www.youtube.com/watch?v=fUN0g1z2NIY>, but also available as Exhibits 409 and 410, here: <https://spaces.hightail.com/space/vgaX5HsuV5>.

16. And, as the videos show, the family in this car was recording Defendants' actions as they were constitutionally entitled to do.

E. These Incidents Appear to Violate the Preliminary Injunction

5. Defendants or their agents appear to have violated the following provisions of the Court's Preliminary Injunction during these incidents:

- 1(c) – using riot control weapons on any Class member, unless such force is objectively necessary to stop the person from causing an immediate threat of physical harm to another person;
- 1(d) – using riot control weapons at identified targets if it is reasonably foreseeable that doing so could result in injury to any Class member, unless such force is objectively necessary to stop the person from causing an immediate threat of physical harm to another person;
- 1(e) – deploying CS or CN gas canisters, OC spray, or other chemical irritants into a group of people or in residential or commercial areas in a manner that poses a reasonably foreseeable risk of injuring any Class member who is not causing an immediate threat of physical harm to another person;
- 1(l) – using any riot control weapons against any Class member, without first giving at least two separate warnings at a sound level where the targeted individual(s) can reasonably hear it, unless justified by exigent circumstances when immediate action is necessary in order to preserve life or prevent catastrophic outcomes.
- 3 – agents failed to wear and activate body-worn cameras during these incidents. (Plaintiffs have not yet received any BWC for these incidents.)

Respectfully submitted,

/s/ Elizabeth Wang
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