

KENTUCKIANA
— COURT REPORTERS —

NO. 25-CV-12173

**CHICAGO HEADLINE CLUB, BLOCK CLUB CHICAGO, CHICAGO
NEWSPAPER GUILD LOCAL 34071, NABET-CWA LOCAL 54041,
RAVEN GEARY, CHARLES THRUSH, STEPHEN HELD, DAVID BLACK,
WILLIAM PAULSON, AUTUMN REIDY-HAMER, and LEIGH KUNKEL,**

on behalf of themselves and others similarly situated

V.

KRISTI NOEM, Secretary, ET AL.

[REDACTED]

DEPONENT: GREGORY BOVINO

DATE: October 30, 2025



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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
HONORABLE SARA L. ELLIS, DISTRICT JUDGE
NO. 25-CV-12173

CHICAGO HEADLINE CLUB, BLOCK CLUB CHICAGO, CHICAGO
NEWSPAPER GUILD LOCAL 34071, NABET-CWA LOCAL 54041,
RAVEN GEARY, CHARLES THRUSH, STEPHEN HELD, DAVID BLACK,
WILLIAM PAULSON, AUTUMN REIDY-HAMER, and LEIGH KUNKEL,
on behalf of themselves and others similarly situated,
Plaintiffs

V.

KRISTI NOEM, Secretary, U.S. Department of Homeland
Security (DHS); TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement (ICE); MARCOS
CHARLES, Acting Executive Associate Director,
Enforcement and Removal Operations, ICE; RUSSELL HOTT,
Chicago Field Office Director, ICE; RODNEY S. SCOTT,
Commissioner, U.S. Customs and Border Protection (CBP);
GREGORY BOVINO, Chief Border Patrol Agent, CBP; DANIEL
DRISCOLL, Director of the Bureau of Alcohol, Tobacco,
Firearms and Explosives (ATF); WILLIAM K. MARSHALL III,
Director of the Federal Bureau of Prisons (BOP); PAMELA
BONDI, Attorney General of the United States; U.S.
DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF
JUSTICE; UNIDENTIFIED FEDERAL OFFICER DEFENDANTS;
UNIDENTIFIED FEDERAL AGENCY DEFENDANTS; and DONALD J.
TRUMP, President of the United States,
Defendants

DEPONENT: GREGORY BOVINO
DATE: OCTOBER 30, 2025
REPORTER: MEGAN WEINER

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BLOCK CLUB CHICAGO, CHICAGO NEWSPAPER GUILD LOCAL
34071, NABET-CWA LOCAL 54041, RAVEN GEARY, CHARLES
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ICE; RUSSELL HOTT, Chicago Field Office Director, ICE;
RODNEY S. SCOTT, Commissioner, U.S. Customs and Border
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Customs and Border Protection (Appeared via
videoconference); Rachel McDonald, U.S. Customs and
Border Protection (Appeared via videoconference); Sarah
F. Terman; Kaitlyn Jackson, Chief of Staff for Joseph
N. Mazzara

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STIPULATION

The VIDEO deposition of GREGORY BOVINO was taken at the DIRKSEN FEDERAL BUILDING, 219 SOUTH DEARBORN STREET, FIFTH FLOOR, CONFERENCE ROOM 9038, CHICAGO, ILLINOIS 60604 on THURSDAY the 30TH day of OCTOBER, 2025 at approximately 10:29 a.m. (CT); said VIDEO deposition was taken pursuant to the FEDERAL Rules of Civil Procedure.

It is agreed that MEGAN WEINER, being a Notary Public and Digital Reporter for the State of ILLINOIS, may swear the witness.

PROCEEDINGS

THE VIDEOGRAPHER: We are now on the record.

My name is Sydney Little. I'm the videographer today, and Megan Weiner is the court reporter. Today is the 30th day of October, 2025. The time is 10:29 a.m. Central. We are at Everett McKinley Dirksen U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois to take the deposition of Gregory Bovino in the matter of Chicago Headline Club, et al. v. Kristi Noem, et al., Case number 25-CV-12173, pending in the United States District Court for the Northern District of Illinois, Eastern Division. Will the Counsel please identify themselves for the record?

MR. BOWMAN: We'll start with Plaintiffs' counsel, including both those present here physically and on Zoom. My name is Locke Bowman.

I am one of the lawyers for the plaintiffs.

MR. GAFFNEY: I'm Conor Gaffney, lawyer for the plaintiffs.

MR. HILKE: Wally Hilke for the plaintiffs.

MS. HAGY: Lindsay Hagy for the plaintiffs.

MS. GILBERT: Dominique Gilbert for the plaintiffs.

1 MS. MARTINEZ: Alyssa Martinez also for the
2 plaintiffs.

3 MR. BOWMAN: And now the folks on Zoom for the
4 plaintiff.

5 MR. ART: Steve Art, David Owens, Tara
6 Thompson, Aaron Tucek, Julia Rickert, Hayden
7 Johnson, and Craig Futterman are on Zoom for the
8 plaintiffs.

9 MR. KHOJASTEH: For Defendants -- Sarmad
10 Khojasteh for the defendants.

11 MS. HEDGES: Elizabeth Hedges for the
12 defendants.

13 MR. MAZZARA: Joseph Mazzara for the
14 defendants.

15 MS. JACKSON: Kaitlyn Jackson for the
16 defendants.

17 MR. PISCOPO: Philip Piscopo for the
18 defendants.

19 THE VIDEOGRAPHER: Thank you. And --

20 MR. BOWMAN: And I think -- are there any are
21 defense lawyers on Zoom -- other persons on Zoom
22 listening in?

23 MR. SKEDZIELEWSKI: Yes. Sean Skedzielewski
24 for defendants.

25 MS. JENKINS: Brooke Jenkins for defendants.

MR. ADAMS: Anthony Adams with CBP OCC.

MS. MCDONALD: Rachel McDonald with CBP OCC.

THE VIDEOGRAPHER: Okay. And with that, Mr. Bovino, can you please raise your right hand for the court reporter to swear you in?

THE REPORTER: Do you solemnly swear, or affirm, that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

THE REPORTER: All right. Counsel, you may begin.

MR. BOWMAN: In addition to the lawyers who've identified themselves, we're also joined by a paralegal at Loevy & Loevy, Valerie Barajas, who will assist with technical matters during the dep.

DIRECT EXAMINATION

BY MR. BOWMAN:

Q. Will you state your name, sir, please?

A. My name is Gregory Bovino.

Q. And your title?

A. Chief patrol agent.

Q. Where do you work?

A. I work at U.S. Border Patrol.

Q. What is your role in Operation Midway Blitz?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I'm the Commander of Operation Midway Blitz, Customs and Border Protection assets.

BY MR. BOWMAN:

Q. Does that mean that you are in charge of the operations being conducted in the Northern District of Illinois by various federal agencies in relation to the operation?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: No.

BY MR. BOWMAN:

Q. Why not?

A. I don't understand what agencies you're talking about.

Q. Okay. So the answer is no because you don't understand the agencies, or is it no because, in fact, you are not in charge?

MR. KHOJASTEH: Object to form. Asked and answered.

MR. BOWMAN: Wow. All day this is how it's going to be?

MR. KHOJASTEH: It's early for me to be --

MR. BOWMAN: Okay. All right.

MR. KHOJASTEH: Locke -- Counsel,
respectfully, I'm doing my -- this is -- I'm -- you
have to ask sharp questions, like appropriate
questions. I've looked you up. You're an all star
in the Northern District of Illinois.

MS. BOWMAN: Uh-huh.

MR. KHOJASTEH: You know how to ask questions.

MR. BOWMAN: So I trust you know how to make
objections. Asked and answered is not a proper
objection in a deposition, and we're going to play
by the rules here. I'm going to do my best to
frame my questions, and I know you have a
responsibility to make objections. No unnecessary
interruptions.

BY MR. BOWMAN:

**Q. So let me re-ask the question because of the
distractions, sir. I asked if you are -- maybe the best
way to put it is: the commanding officer of all of the
federal agents who are engaged in the operation of
Midway Blitz in the Northern District of Illinois.**

Is that a confusing question for you?

A. No.

Q. Okay. Can you answer it?

A. Yes.

Q. Okay. And what is the answer to the question?

1 A. The answer is: I am the Commander of CBP
2 assets in Operation Midway Blitz.

3 Q. Okay. Are others in charge of other agencies?

4 MR. KHOJASTEH: Object to form. Lacks
5 foundation.

6 THE WITNESS: I don't know.

7 BY MR. BOWMAN:

8 Q. You don't know?

9 A. No.

10 Q. So what are the federal agencies engaged in
11 Operation Midway Blitz?

12 A. I don't know all the federal agencies engaged
13 in that operation.

14 Q. Do you know some of them?

15 A. Yes.

16 Q. What are the ones you know?

17 A. FBI, DEA, ATO. That's all I can remember.

18 Q. CBP?

19 A. I already -- I already said that.

20 Q. Got it. How about ICE?

21 A. ICE?

22 Q. ICE.

23 A. ICE.

24 Q. ICE. Okay. Do you believe that there are
25 other federal agencies participating in Operation Blitz

1 that -- Operation Midway Blitz that are unknown to you?

2 A. I don't know.

3 MR. KHOJASTEH: And, Counsel, just for the
4 record, my understanding is this deposition -- and
5 the judge is pretty clear about what this
6 deposition is about. Obviously, giving you
7 latitude about asking questions about Operation
8 Midway Blitz. But it's supposed to be -- she
9 specifically said foundational questions as to why
10 he knows about the specific instance at -- that I
11 presume you will be asking him about later today.
12 Just give me a heads-up. We're going to keep a
13 short leash on this.

14 MR. BOWMAN: I -- you know, really, this is
15 getting bizarre already. You know that these are
16 proper foundational questions, because we're going
17 to be asking about the activities of folks wearing
18 masks and not identifying themselves and behaving
19 crazy on the streets of Chicago. Either this man
20 is in charge of that, or he is not. It's a proper
21 foundational question. And I don't want you to
22 play with me.

23 MR. KHOJASTEH: I'm not playing with you. I
24 literally just said, I'm going to give you latitude
25 to ask the questions on --

MR. BOWMAN: Great. So do so and --

MR. KHOJASTEH: I think you should keep your composure.

MR. BOWMAN: Uh-huh.

MR. KHOJASTEH: It's a room full of people.

MR. BOWMAN: Yeah.

MR. KHOJASTEH: There's -- I'm not beating my chest trying to prove something to people on my side of the table.

MR. BOWMAN: You are wasting my time. Stop it.

MR. KHOJASTEH: That's rude. Let's treat each other with respect. You deserve it, right? I deserve the same. You didn't want to shake his hand when you walked into the room. That was noted. I get your position. This is like the hill you're going to die on here. That's fine. Treat him with respect. Treat me with respect. You're a professional.

MR. BOWMAN: Treat the process with respect, sir.

MR. KHOJASTEH: We are. We're here.

MR. BOWMAN: Treat the process with respect. Obey the rules. You don't need to give speeches.

MR. KHOJASTEH: If you're going to be rude,

Mr. Bowman --

MR. BOWMAN: Bowman. Right.

BY MR. BOWMAN:

Q. So I am struggling with the issue of which agencies are involved in Operation Midway Blitz. Are there some agencies participating that are unknown to you?

A. I've told you the agencies that I know --

Q. And do you believe --

A. -- that are operating in Operation Midway Blitz.

Q. And are there others, to your -- you -- do you believe that there are others that you don't know?

A. I don't know.

Q. Okay. So with respect to the agencies that you've listed, would I be correct to understand that certain agents -- within each agent's agency have been delegated, assigned, or otherwise directed to participate in the activities here in the Northern District of Illinois that are known as Operation Midway Blitz?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I don't know.

BY MR. BOWMAN:

1 Q. Don't know. Are you in command of the CBP
2 officers participating in Midway Blitz?

3 A. Yes.

4 Q. Are you in command of the ICE officers
5 participating in Midway Blitz?

6 MR. KHOJASTEH: Object to form.

7 THE WITNESS: Some -- some ICE officers.

8 BY MR. BOWMAN:

9 Q. Which ones?

10 A. I don't know who they are.

11 Q. I didn't ask for names. By category, which
12 ones?

13 MR. KHOJASTEH: Object to form. Lacks
14 foundation.

15 THE WITNESS: ICE officers.

16 BY MR. BOWMAN:

17 Q. ICE officers. You are in charge of the ICE
18 officers participating in Midway Blitz?

19 MR. KHOJASTEH: Object to form. Asked and
20 answered.

21 THE WITNESS: No.

22 BY MR. BOWMAN:

23 Q. Who is?

24 A. Already answered that.

25 Q. You don't know?

A. Is that -- is that a -- what's the next --

Q. That's a question. Do you not --

A. That's another question. I'm not --

Q. -- know who is in charge of the ICE officers participating in Operation Midway Blitz?

A. No.

Q. Okay. Did you tell Judge Ellis in court on Tuesday, that you are the commanding officer of Operation Midway Blitz, in substance?

MR. KHOJASTEH: Object to form.

THE WITNESS: No.

BY MR. BOWMAN:

Q. You didn't tell her that? Was the testimony that you gave under oath in front of Judge Ellis true?

A. Yes.

Q. Did you struggle with the answer to that question?

A. No.

Q. So how did you prepare to participate in this deposition today?

A. I got a good night's sleep.

Q. Did you speak with anyone about the deposition?

A. No.

Q. Did you speak with any of your lawyers?

MR. KHOJASTEH: I just want to make sure he's clear on this, because I think -- I just want to make sure -- he's not asking you -- when he's asking you that question, that you spoke with lawyers, for example, those are -- that is -- that's -- you can -- even though that -- the substance of those conversations are privileged, that's a --

THE WITNESS: Got you.

MR. KHOJASTEH: -- communication that he's asking about, and you should be disclosing it.

THE WITNESS: Excellent. That was unclear what you meant. I spoke to lawyers.

BY MR. BOWMAN:

Q. Okay. You did talk to lawyers?

A. (No verbal response.)

Q. That's a yes?

A. Yes.

Q. Okay. Which lawyers did you talk to?

A. I can't remember all their names, but I spoke to some of the lawyers in this room.

Q. Okay. Can you identify, by designating them, the lawyers in this room that you spoke with to prepare for your deposition?

A. All the lawyers here.

1 Q. All the lawyers here? Other than the
2 lawyer -- was this a meeting that you had yesterday?

3 A. Yes.

4 Q. Okay. Did the meeting take place here in this
5 building?

6 A. Yes.

7 Q. And in addition to the lawyers in this
8 room -- and when you say, "the lawyers in this room,"
9 I assume you're indicating those lawyers who are
10 appearing on behalf of the government in this case,
11 right?

12 A. You're assuming what? Excuse me.

13 The -- the --

14 Q. Assuming that you are referring to the lawyers
15 who are appearing on behalf of the government in this
16 case, when you say, "the lawyers in this room," right?

17 A. I'm referring to these lawyers in the room.

18 Q. Okay. Other than the lawyers in this room,
19 did anyone else participate in the meeting in which you
20 prepared for your testimony today?

21 A. I believe this was it.

22 Q. Did any of the defendants in this case
23 participate in the meeting in which you prepared for
24 your deposition --

25 MR. KHOJASTEH: Object to form.

BY MR. BOWMAN:

Q. -- other than you?

MR. KHOJASTEH: Object to form.

THE WITNESS: No.

BY MR. BOWMAN:

Q. When you were preparing, how long did that meeting last?

A. I can't remember.

Q. Well, can you approximate it?

A. No.

Q. Impossible to approximate?

A. No.

Q. It is impossible to approximate?

A. No, I just can't remember.

Q. Just can't recall. It's been a long time?

I mean, do you have difficulty remembering how long a meeting was yesterday?

MR. KHOJASTEH: Object to form.

THE WITNESS: Yes.

BY MR. BOWMAN:

Q. Okay. Did you review any documents in order to be prepared to testify here today?

A. No.

Q. Have you reviewed the temporary restraining order that Judge Ellis issued in this case, referring to

1 the modified one that was entered on October 17?

2 A. The modified -- well, so there's more
3 than -- which one are you saying --

4 Q. I'm saying there was one entered on October
5 17. I don't think anybody's going to disagree. Have
6 you read that?

7 A. Yes.

8 Q. Okay. When did you read it?

9 A. I can't remember.

10 Q. Okay. It was read to you in court on Monday,
11 yes?

12 A. I don't know if it was read in -- in its
13 entirety.

14 Q. Okay. Well, the contents of it were discussed
15 with you in court on Monday in detail, correct?

16 A. Contents of that temporary restraining order
17 were discussed.

18 Q. And my question is: Subsequent to discussing
19 the contents of the temporary restraining order with
20 Judge Ellis on Tuesday, I think it was, have you had
21 occasion to look over, in any degree, that document?

22 A. Yes.

23 Q. When did that happen?

24 A. I can't remember the date.

25 Q. Was it in the meeting yesterday?

A. Not that I recall.

Q. All right. Have you looked at any video of activities that occurred in Operation Midway Blitz?

MR. KHOJASTEH: Object to form. Lacks foundation. Vague.

THE WITNESS: Could you be more specific?
Videos of --

BY MR. BOWMAN:

Q. Sure.

A. -- of -- I don't know.

Q. Videos of the operations of federal agents during Midway Blitz, have you looked at any such videos?

MR. KHOJASTEH: Same objection.

THE WITNESS: Yes.

BY MR. BOWMAN:

Q. Would -- did you do that yesterday?

A. Not that I recall.

Q. Okay. Did you look at -- have you at any time looked at the body-worn camera videos that were taken during an incident at Little Village in which you threw a canister of tear gas?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I can't remember.

BY MR. BOWMAN:

1 Q. Don't recall. Have -- you said you had looked
2 at some video, you believed, unless I misunderstood you,
3 right?

4 A. Yes.

5 Q. What video have you looked at?

6 A. I can't remember the video.

7 Q. Can you describe it at all?

8 MR. KHOJASTEH: Object to form. Vague. Lacks
9 foundation.

10 BY MR. BOWMAN:

11 Q. Can you tell me anything about the video that
12 you looked at?

13 A. No. I can't recall the details of that video
14 that I looked at.

15 Q. Well, can you recall anything at a higher
16 level of generality -- not detail, but just in general,
17 what the video depicted?

18 MR. KHOJASTEH: Object to form. Lacks
19 foundation.

20 THE WITNESS: There were figures in the video.

21 BY MR. BOWMAN:

22 Q. Have you looked at video from the Broadview
23 ICE Facility?

24 MR. KHOJASTEH: Object to form. Lacks
25 foundation. Vague.

THE WITNESS: I can't remember.

BY MR. BOWMAN:

Q. Okay. Have you looked at video from Little Village? Any video?

A. Could you be more specific? In Little -- Little Village, I --

Q. Well, do you know what -- you know Little Village is a neighborhood in Chicago?

A. I do.

Q. You know that there has been some controversy in court, and out of court, about your actions in the Little Village neighborhood on October 23? You're aware of that, right?

A. No.

Q. You're unaware?

A. I didn't know there was controversy.

Q. Okay. Are you aware that there have been court filings related to your activities in Little Village on October 23?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: Yes.

BY MR. BOWMAN:

Q. Are you aware that a video of -- that appeared to be of you throwing a canister of tear gas was

submitted in court on October 23?

A. I didn't know it was submitted.

Q. Okay. Have you looked at it?

A. I don't know which video you're referring to.

Q. Have you looked at a -- have -- did you throw a can of tear -- canister of tear gas in Little Village on October 23?

MR. KHOJASTEH: Object to form.

THE WITNESS: I can't remember the date, but I did throw a handheld munition.

BY MR. BOWMAN:

Q. And when you say handheld munition, can you describe it more specifically?

A. That was a -- a munition -- chemical munition in a -- what appears to be a metal cylindrical container.

Q. Yes. And you are well familiar with this particular form of munition, correct?

MR. KHOJASTEH: Object to form.

THE WITNESS: Can you define "familiar"? What do you mean?

BY MR. BOWMAN:

Q. You use these kinds of munitions from time to time in your work, correct?

MR. KHOJASTEH: Object to form. Lacks

foundation. Vague.

THE WITNESS: I have used munitions.

BY MR. BOWMAN:

Q. Officers under your command use these munitions from time to time, carrying out activities that you have assigned to them; is that correct?

MR. KHOJASTEH: Object to form.

THE WITNESS: Board of patrol agents use munitions.

BY MR. BOWMAN:

Q. Correct. So my question is: You are familiar with these munitions based on your work activities, both your own and those of your subordinates. Is that a fair statement?

A. No. I've been trained in the use of munitions.

Q. So you have been trained in the use of this particular munition that you threw in Little Village on a date that you do not recall, correct?

A. Yes.

Q. Okay. And recognizing that you do not remember the date, you do not deny that you threw a canister of chemical, as you described this particular munition, correct?

MR. KHOJASTEH: Object to form.

THE WITNESS: I deployed a handheld munition.

BY MR. BOWMAN:

Q. Have you watched any video that showed you deploying a handheld munition in the Little village neighborhood on some date recently?

A. Yes.

Q. All right. Have you signed any declaration regarding your conduct since the filing of this lawsuit?

MR. KHOJASTEH: Object to form.

THE WITNESS: I don't understand the question.

BY MR. BOWMAN:

Q. Okay. Do you know what a declaration is?

A. Yes.

Q. Okay. My question is: Have you signed a declaration that relates in any way to the issues that bring us here today?

A. What -- what -- what issue -- what declaration and issues are you talking about? I don't -- I don't understand that --

Q. Well, I'm asking you, sir, if you've signed a declaration about your work in Operation Midway Blitz? Let's just leave it at that, at any point.

MR. KHOJASTEH: That's different than what you were asking. Can you rephrase the question, Counsel?

1 MR. BOWMAN: No, I can't.

2 THE WITNESS: Can you be more specific on what
3 declaration you're talking about?

4 BY MR. BOWMAN:

5 Q. I am asking you if you have. I'm not aware of
6 it. So since I don't know, I must ask you, have you
7 signed a declaration?

8 A. Not to my knowledge.

9 Q. Okay. Do you intend to submit a declaration
10 in this case?

11 MR. KHOJASTEH: Object to form. Lacks
12 foundation. In addition to that, to the -- at --
13 those types of communications plainly implicate
14 attorney work product and like. You can't get our
15 litigation strategy by asking a witness questions.
16 Move on. That's hard stop. Move on.

17 BY MR. BOWMAN:

18 Q. Okay. So there is an instruction not to
19 answer the question. Are you going to follow Counsel's
20 advice?

21 A. Yes.

22 MR. KHOJASTEH: Insane.

23 BY MR. BOWMAN:

24 Q. Have you reviewed any documents of Customs and
25 Border Patrol that constitute policies, rules, or

1 procedures with respect to the use of force,
2 specifically to prepare to testify today in this
3 deposition?

4 A. It's Customs and Border Protection, not
5 Customs and Border Patrol.

6 Q. Oh, sorry. Thank you. Appreciate that.

7 A. U.S. Customs and Border Protection.

8 Q. With that modification, could you answer my
9 question?

10 A. Could you please repeat the question?

11 Q. Happy to. Have you reviewed any documents
12 that constitute rules, orders, procedures, policies of
13 any sort, of Customs and Border Protection relating to
14 the use of force in preparation for your testimony
15 today?

16 MR. KHOJASTEH: Object to form. Asked and
17 answered.

18 THE WITNESS: Not to my knowledge.

19 BY MR. BOWMAN:

20 Q. Have you reviewed any of the documents that
21 have been filed in this case in order to be prepared to
22 testify today? And I mean the legal documents: the
23 briefs, the declarations, those sorts of things?

24 MR. KHOJASTEH: Object to form. Asked and
25 answered.

THE WITNESS: Can you repeat that again?

BY MR. BOWMAN:

Q. Sure. Have you, in order to be prepared to testify today, reviewed any of the documents that have been filed in the case? And by documents, I mean the legal briefs, the declarations of persons in the Northern District of Illinois, video, anything at all?

A. Not to my knowledge.

Q. You have a college degree and graduate degrees?

A. Yes.

Q. Before you joined Customs and Border Protection, were you employed in any way?

A. Yes.

Q. Where did you work?

A. Before I joined Customs and Border Protection, I worked as a reserve police officer in a place called Boone, North Carolina. That's up in the northwest section of our Southern Highlands, also known as the Appalachian Mountains. Not Appalachian. The Appalachian Mountains. I was a reserve police officer there from approximately 1993 till I joined the Border Patrol in 1996. That was a part-time position -- a part-time paid position there in Boone, North Carolina. Conducted all types of law enforcement duties there that

1 you would normally expect of a police officer. Wide
2 spectrum of duties. Received many hours of training on
3 many different subjects there --

4 **Q. Mr. Bovino, my question was merely: Have you**
5 **worked anywhere else? That just requires you to**
6 **identify an agency.**

7 A. Yeah. And then --

8 **Q. I appreciate that.**

9 MR. KHOJASTEH: Just let him answer --

10 THE WITNESS: Yeah, I'm not done yet, though.

11 BY MR. BOWMAN:

12 **Q. Oh, good.**

13 A. So that was the -- I was a reserve police
14 officer there in Boone, North Carolina. And then before
15 that -- or I'm sorry. Concurrently with that, I worked
16 for a registered land surveyor, Green and Associates
17 Land Surveying. Those are the folks that survey land,
18 like parcels of land, building construction projects,
19 and things like that. So that's a land surveyor. Then
20 before that, I was employed in -- at Western Carolina
21 University. And that was my undergraduate degree
22 at -- at Western Carolina University. So I was employed
23 there as a resident assistant at a dorm, for
24 approximately three years, as a residence assistant.
25 That was Harold Dorm, in particular. All three years at

Harold Dorm. Concurrently to that -- and then before that, and concurrently with that, I owned a landscaping business. And that was not just the landscaping, but also the lawn care. And then also, in conjunction with the landscaping business, it was some amateur arborist activities, the felling of trees.

Q. I'm not interested in your --

A. Oh, you -- you asked -- well, no. No, I was paid. And you asked me the question, so I'm going to answer your question. And you asked me --

Q. I think you've answered it.

A. Well, I -- I haven't yet.

Q. Mr. Bovino, I'm going to cut off the filibuster at this point --

A. But I'm not. I'm not --

Q. How old were you when you joined Customs and Border Patrol?

A. 26.

Q. Have you worked continuously at Customs and Border Protection? Excuse me. I make that mistake, no doubt, other times during our time together. Have you worked continuously at CBP since you joined the agency?

A. Well, no, because it wasn't CBP when I joined the -- I joined the U.S. Border Patrol. I didn't join CBP or INS or anything else. I joined the U.S. Border

Patrol.

Q. I see. Have you been continuously employed by the United States government in immigration enforcement since you embarked on that work?

A. I've been employed by the U.S. Border Patrol since -- since then.

Q. Thank you. You have risen through the ranks?

MR. KHOJASTEH: Object to form.

THE WITNESS: I've been promoted.

BY MR. BOWMAN:

Q. So is it true that your current assignment is delegated tactical commander of the agencies within the Department of Homeland Security engaged in Operation Midway Blitz? Is that a true statement?

A. Can you -- can you repeat that --

Q. Yes, sir.

A. -- please?

Q. Is it true that your current assignment is delegated tactical commander of all agencies within the Department of Homeland and Security engaged in Operation Midway Blitz?

MR. KHOJASTEH: Object to form.

THE WITNESS: No.

BY MR. BOWMAN:

Q. Okay. Do you have a different assignment?

A. No.

Q. Do you have an assignment at this time?

MR. KHOJASTEH: Object to form.

THE WITNESS: Yes.

BY MR. BOWMAN:

Q. Is that a yes?

A. Yes.

Q. What is your assignment?

A. My assignment is commander of CBP assets at Operation Midway Blitz, and Operation At Large.

Q. Could you please define CBP assets for me?

What are CBP assets?

A. Yes, sir. In CBP, which is Customs and Border Protection, there are three main components within Customs -- within CBP. The first of those components is: the U.S. Border Patrol, which is the uniformed part of Customs and Border Protection. One of the uniformed agencies of Customs and Border Protection. After that, we have something called OFO -- OFO stands for Office of Field Operations. Those are the individuals that work at parts of entry. The third component of CBP is the Office of Air and Marine. Office of Air and Marine. And the Office of Air and Marine are our pilots and our boat drivers.

Q. Okay. There are other -- you listed some

1 other agencies earlier in my questioning that you know
2 to be also involved in Operation Midway Blitz,
3 specifically the FBI, the DEA, ATF, and ICE. And can we
4 agree that federal agents from those agencies are also
5 participating in Operation Midway Blitz?

6 A. Yes.

7 Q. Yes. So do you -- with respect to the federal
8 agents from those agencies that I just listed, do you
9 have any command responsibility?

10 MR. KHOJASTEH: Object to form.

11 THE WITNESS: I have command responsibility of
12 all assets under me for Operation Midway Blitz that
13 are assigned to Customs and Border Protection.

14 BY MR. BOWMAN:

15 Q. Okay. Are agents from the FBI, the DEA, the
16 ATF, and ICE assigned to Border Protection, for purposes
17 of this operation?

18 A. Occasionally.

19 Q. Occasionally. Have they been, within the
20 past -- since September 2, have federal agents from the
21 FBI, DEA, ATF, and ICE been assigned to CBP for the
22 purpose of conducting the operations of Midway Blitz?

23 A. Yes.

24 Q. And those agents are under your command?

25 A. If they're assigned to me.

1 Q. If they're assigned to you. Got it. Are
2 there any federal agents from the FBI, the DEA, the ATF,
3 and ICE, who are participating in Operation Midway Blitz
4 but are not assigned to you?

5 A. Yes.

6 Q. Who are they, by category? I don't want
7 names.

8 A. FBI, ICE, DEA.

9 Q. No. I'm going to cut you off. You've
10 misunderstood my question. It's my fault.

11 I sometimes --

12 A. Oh, you want the individual agents' names?
13 I -- I don't know.

14 Q. No. That's what I said I don't want.

15 A. Oh.

16 Q. I want you to clarify for me. You said that
17 there are indeed federal agencies of -- sorry, federal
18 agents from the agencies other than CBP, who are
19 assigned to you for the purposes of this operation.
20 We can agree about that, right?

21 A. On occasion.

22 Q. On occasion. And my question was: Are there
23 agents from those agencies -- I'm not going to list them
24 all again, but the ones participating, other than CBP,
25 who are not assigned to you and yet are still

1 participating in Midway Blitz? And I think your answer
2 was yes, there are.

3 A. Yeah -- yeah.

4 Q. Okay, great. So I don't want names. I just
5 want you to explain to me, if you can, maybe this is
6 more than you can do, by category who those federal
7 agents are, who are working on the Midway Blitz
8 Operation, but are not assigned to you?

9 MR. KHOJASTEH: Object to form. Lacks
10 foundation.

11 THE WITNESS: What -- what category are you
12 talking about? I didn't know there was a category.

13 BY MR. BOWMAN:

14 Q. Well --

15 A. What -- what category? What's -- what is
16 that?

17 Q. Okay. Why don't we do it this way? Can you
18 confirm for me that on occasion, agents from the FBI,
19 DEA, ATF, and ICE are assigned to your command and are
20 participating on the ground in immigration enforcement
21 activities in the Northern District of Illinois pursuant
22 to the operation?

23 MR. KHOJASTEH: Object to form. Asked and
24 answered.

25 THE WITNESS: Yeah. As I already said, on

occasion.

BY MR. BOWMAN:

Q. Yes. Are there any federal agents from the FBI, DEA, ATF, ICE, who are on the ground, participating in immigration enforcement activities in the Northern District of Illinois but are not assigned to your command?

MR. KHOJASTEH: Object to form. Asked and answered.

THE WITNESS: Yes.

BY MR. BOWMAN:

Q. Okay. Can you describe for me by however it would be -- you know this. I don't. However it would be simplest and clearest for somebody who wanted to understand what your job is, can you explain to me who these folks are who are working on Midway Blitz, engaged in immigration enforcement activity in the Northern District of Illinois, but are not assigned to CBP and don't work for you?

MR. KHOJASTEH: Object to form. Lacks foundation. Vague. Calls for speculation.

THE WITNESS: Those individuals conduct Title 8 immigration enforcement activities.

BY MR. BOWMAN:

Q. Well, so you, right?

1 A. I -- I didn't say me. You didn't say me.
2 You said those people.

3 Q. Yeah. Can you tell me, are they doing
4 something different from what you do? Why is it that
5 they're not assigned to you, if you can tell me?

6 A. They're conducting Title 8 immigration
7 enforcement.

8 Q. Are you conducting Title 8 immigration
9 enforcement?

10 A. Yes.

11 Q. Okay. So is there anything different about
12 the Title 8 immigration enforcement that the agents from
13 the other agencies who are not assigned to you are
14 conducting versus what you're doing?

15 A. I don't know.

16 Q. Don't know. With respect to the CBP agents
17 and the outside agency agents who are assigned to you,
18 you are in full command and, bottom line, in charge of
19 their actions; is that fair?

20 MR. KHOJASTEH: Object to form. Lacks
21 foundation.

22 THE WITNESS: I am in command of the agents
23 that are put under me.

24 BY MR. BOWMAN:

25 Q. Okay. You are responsible for ensuring that

1 they complied with law, right?

2 MR. KHOJASTEH: Object to form. Lacks
3 foundation.

4 THE WITNESS: Yeah. Can you -- can you -- I'm
5 -- I'm responsible for them to do what now?

6 BY MR. BOWMAN:

7 Q. Does the expression "legal, moral, ethical"
8 mean anything to you?

9 MR. KHOJASTEH: Object to form. Lacks
10 foundation.

11 THE WITNESS: Yes.

12 BY MR. BOWMAN:

13 Q. Yes. You use that expression a lot, right?

14 A. On occasion.

15 Q. And that's how you exhort your folks to live
16 up to the expectations of your agency and your command,
17 right? Let's be legal, moral, ethical.

18 A. I admonish them to do that.

19 Q. You admonish them.

20 A. I don't exhort them to do that. I admonish.

21 Q. You insist that they behave in that fashion?

22 A. I didn't say that.

23 Q. Okay, admonish. Do you admonish the folks
24 under you to conform their actions to the law?

25 MR. KHOJASTEH: Object to form. Lacks

foundation.

THE WITNESS: I tell them to follow the law on
occasion.

BY MR. BOWMAN:

Q. On occasion. Meaning, on occasion, you tell
them to follow the law, or you tell them to follow the
law but only on occasion?

MR. KHOJASTEH: Object to form.
Mischaracterizes the testimony.

THE WITNESS: I said I tell them to follow the
law.

BY MR. BOWMAN:

Q. Okay. And my next question was: With respect
to those agents, who you admonish to follow the law, it
is your bottom line responsibility to ensure that they
adhere to your admonition and do follow the law, right?

MR. KHOJASTEH: Object to form. Lacks
foundation.

MR. BOWMAN: Oh, really?

THE WITNESS: It's incumbent upon law
enforcement officers to follow the law.

BY MR. BOWMAN:

Q. It is your responsibility, with respect to the
agents under your command, to ensure, to the best of
your ability, that they follow the law, right?

A. I admonish them to follow the law.

Q. Can you not answer the question I asked?

A. I did.

MR. KHOJASTEH: He's answering it.

BY MR. BOWMAN:

Q. Okay. That's the best you can do answering the question?

A. It's what the best I can do?

Q. Your answer? Let me ask you this. If an agent --

MR. KHOJASTEH: Better question: Is that the best way you can ask a question?

MR. BOWMAN: Stop it.

BY MR. BOWMAN:

Q. If an agent under your command fails to adhere to the law, do you believe that it is your responsibility as the commanding officer that -- that has happened?

MR. KHOJASTEH: Object to form. Calls for legal conclusion. Lacks foundation. Go ahead.

THE WITNESS: I don't know what the specific example you're talking about is.

BY MR. BOWMAN:

Q. I'm not talking about an example. I'm talking about a generality, a proposition. As the commanding

1 officer, does the buck stop with you?

2 MR. KHOJASTEH: Object to form. Lacks
3 foundation. Vague.

4 THE WITNESS: I tell my agents to follow the
5 law.

6 BY MR. BOWMAN:

7 Q. All right. And that is the most complete
8 answer that you can give to my question?

9 A. Is that a question?

10 Q. It is.

11 A. And what -- what's that question again? Is
12 that the most --

13 Q. Is it true that that is the most complete
14 answer that you can give to the question I just asked
15 you?

16 A. That is my answer.

17 Q. All right. Do you have a chain of command
18 that reports up to you, and could you please describe
19 it?

20 MR. KHOJASTEH: Object to form. Compound.
21 Lacks foundation. Vague.

22 THE WITNESS: I have subordinates that report
23 to me.

24 BY MR. BOWMAN:

25 Q. And who are they, by title?

A. Titles would be --

Q. And to be clear before you start your answer. I was vague in my question. So let me specify. I'm talking about those under your command for purposes of this operation. We're only here to talk about that. So that's what my question is about.

MR. KHOJASTEH: I may hold you to that, Counsel.

THE WITNESS: Titles would include deputy chief patrol agents, patrol agent in charge, special operations supervisors, supervisory board of patrol agents, deputy patrol agents in charge. And that's all I can think of right now.

BY MR. BOWMAN:

Q. Who among that group are direct reports to you?

A. All.

Q. All direct reports to you. How many direct reports do you have in this operation?

A. I -- I don't understand. Are you talking how many supervisors do I have in this operation?

Q. No. I'm talking about you said that basically all the supervisors are direct reports to you. They -- if they have an issue, they come to you. They don't come immediately to somebody else. They go

1 straight to you. That's what I'm talking about.

2 MR. KHOJASTEH: Object to form. Lacks
3 foundation. Vague as to direct report. I think if
4 you established that, you'll understand the
5 question better.

6 THE WITNESS: I -- I didn't say that. You
7 asked me who the people are that --

8 BY MR. BOWMAN:

9 Q. I asked you who your direct reports are, okay?

10 A. Yes.

11 Q. Do you understand that question?

12 A. Yes.

13 Q. Can you answer it, please?

14 A. I -- I did.

15 Q. Okay. So how many direct reports do you have?

16 MR. KHOJASTEH: Same objection. Lacks
17 foundation.

18 THE WITNESS: There are approximately 220
19 agents in the Customs and Border Protection on this
20 operation.

21 BY MR. BOWMAN:

22 Q. And do they all report directly to you?

23 A. Yes.

24 Q. Okay. Do you anticipate, and maybe you can't
25 tell me this, but do you anticipate in the ongoing

1 operation of Midway Blitz that there will be additional
2 agents assigned?

3 MR. KHOJASTEH: Object to form. I instruct
4 you not to answer to the extent that doing so would
5 reveal law enforcement privileges.

6 BY MR. BOWMAN:

7 Q. Okay. So there has been an invocation,
8 Mr. Bovino, of a privilege called the law enforcement
9 privilege, and an instruction to you not to answer the
10 question. Do you intend to follow your counsel's advice
11 and not answer that question?

12 A. Yes.

13 Q. To whom do you report in regards to Operation
14 Midway Blitz?

15 A. Secretary Kristi Noem.

16 Q. And you are a direct report to the Secretary?

17 A. Yes.

18 Q. How often do you speak with Secretary Noem
19 regarding the operations of Midway Blitz?

20 MR. KHOJASTEH: We're going to -- I'm going to
21 instruct you not to answer. This is beyond the
22 scope of this deposition as your way -- there's no
23 foundation -- nothing foundational about this. You
24 want to make an argument? Make an argument to the
25 judge about it. I'm happy to do that. We're not

1 doing that. You can keep moving.

2 BY MR. BOWMAN:

3 Q. So there has been an instruction not to answer
4 the question, how often you speak with Secretary Noem,
5 your direct report, about the operations of Midway Blitz
6 on the basis that it is beyond the scope of the
7 deposition. And so I gather, Mr. Bovino, you are going
8 to refuse to answer that question?

9 A. I'm not going to answer that question.

10 Q. Okay. How often do you speak to Steven Miller
11 regarding the operations of Midway Blitz, if at all?

12 MR. KHOJASTEH: Same objection. Move on,
13 Counsel.

14 MR. BOWMAN: The objection is what?

15 MR. KHOJASTEH: Same object -- it has nothing
16 to do with this deposition.

17 MR. BOWMAN: It has nothing to do with the
18 deposition. Okay. So on the basis --

19 MR. KHOJASTEH: You -- listen. We have the
20 transcript. If you want to point to me, because
21 you want to make a record here, just point to me
22 where in the judge's transcript she says you should
23 be asking questions here today about his
24 conversations with the White House, which is
25 subject to executive privilege, or the plans for

1 Operation Midway in -- for the future. Show me
2 where in the transcript does that. Do your job.
3 Lay the foundation. Great.

4 MR. BOWMAN: Tell you what we're going to do
5 at this point. We're going to take a short break.
6 Our court reporter will indicate -- or our
7 videographer will indicate the elapsed time, and
8 we'll reconvene in ten minutes.

9 MR. KHOJASTEH: On what basis are we taking
10 the break?

11 MR. BOWMAN: Because it's time to take a
12 break, and I need to confer with my colleagues
13 about your issue. I didn't anticipate it.

14 MR. KHOJASTEH: Okay.

15 THE VIDEOGRAPHER: All right. With that,
16 we're going to go off the record. The time is
17 11:15.

18 (A recess was taken.)

19 THE VIDEOGRAPHER: Okay. We're back on the
20 record, and the time is 11:34.

21 MR. BOWMAN: So I want to state on the record
22 that after the -- during the break, Counsel for the
23 Government indicated that I am a petulant old man.
24 And I'm sorry to hear that, and I didn't think
25 that -- that was an appropriate thing to say to me.

1 And --

2 MR. KHOJASTEH: I'd like -- sorry, go ahead.

3 MR. BOWMAN: -- also indicated that they would
4 not meet and confer with me but would meet and
5 confer with others on our team. So with
6 that --

7 MR. KHOJASTEH: For the record, if you're
8 going to tell a story, tell a complete story,
9 Counsel. When we went off the record, because
10 Plaintiffs' Counsel expressed concerns regarding
11 our objections or our instructions relating to the
12 scope of this deposition. I offered to meet and
13 confer regarding any concerns they had. Before I
14 can complete extending that offer, Mr. Bowman,
15 which is par for the course today, disrespectfully
16 turned his back on me and interrupted me and turned
17 to his team. And unfortunately, I don't believe he
18 and I can engage in good faith on a meeting to
19 confer because of his conduct today.

20 Happy -- we -- I'm happy to take that, renege on
21 that. Happy to meet and confer with you on
22 anything you want to meet and confer on. I would
23 just ask that everyone in the room understand that
24 we are all professionals. We may have different
25 views of a legal issue. We may have different

1 views of a public policy issue. We may have
2 different views of politics. It does not excuse one
3 another from treating each other poorly, not
4 shaking the witness' hand when he walks into the
5 room and walks around the table to greet you,
6 Mr. Bowman. That's less than you are.

7 MR. BOWMAN: Sorry?

8 MR. KHOJASTEH: That's less than you are.
9 You are better than that.

10 MR. BOWMAN: Well, I don't know how good or
11 bad I am, but it --

12 MR. KHOJASTEH: My understanding is you're a
13 good dude.

14 MR. BOWMAN: I will say this. I will say this
15 so that we're clear. I have taken many depositions
16 of defendant witnesses over the course of the
17 career that you know, has gone on long enough for
18 me to become an old man. And my practice is not to
19 shake the hand of a person, and Mr. Bovino, you are
20 a person, and this is not personal, despite the
21 intensity of our disagreements here. I want you to
22 understand that, but it's not my practice to shake
23 the hands of defendants when I am sitting in the
24 role of advocate for persons who believe that they
25 have been deeply injured by the defendant. That's

1 just a standard practice of mine. So I was startled
2 when Mr. Bovino, at the beginning of the
3 deposition, elaborately introduced himself to all
4 the folks on his side of the table and indicated
5 that he wanted to shake our hands. It's just not
6 my practice. No disrespect to you, sir.
7 All right.

8 MR. KHOJASTEH: But you could appreciate
9 without knowing -- the benefit of your practice,
10 how that would have landed for Chief Bovino and how
11 I would have viewed it, right?

12 MR. BOWMAN: Okay.

13 MR. KHOJASTEH: Because you and I, when I
14 walked in, you shook the hands of everyone in the
15 room, and it seemed very pleasant.

16 MR. BOWMAN: It's not personal --

17 MR. KHOJASTEH: Right?

18 MR. BOWMAN: -- between the lawyers. That's
19 for sure. And I agree with you, Sarmad, that we
20 should treat each other with respect, and I'm going
21 to do my best, and let's move forward. If we need
22 to meet and confer as things go on, and we might
23 well, given your understanding as to scope, I'm
24 going to designate Steve Art to handle that. He's
25 online and ready to deal with that issue if we have

to, but I'm going to move on for now.

MR. KHOJASTEH: Okay. Thank you for --

MR. BOWMAN: Here comes --

MR. KHOJASTEH: Thank you for that,

Mr. Bowman.

BY MR. BOWMAN:

Q. -- my next question, sir. Do you report to Secretary Noem to receive direction as to the use of force in the course of Operation Midway Blitz?

A. Are you asking if -- if she gives me direction --

Q. Yes, sir.

A. -- to use force?

Q. Yes. If she gives you direction as to how and when to employ force?

A. No.

Q. Have you spoken with Secretary Noem about your procedures, policies, and practices with respect to the use of force in Operation Midway Blitz?

A. No.

Q. Have you spoken with her about the issue of crowd control? Again --

A. Not to my knowledge.

Q. Not to your -- well, you would know.
I mean, have you don't recall it?

A. Not to my knowledge.

Q. All right. How about Mr. Miller, have you spoken with Mr. Miller on the subject of the employment of force and the issues of crowd control that you were facing in Operation Midway Blitz?

MR. KHOJASTEH: Object to form. I'm going to instruct the witness not to answer to the extent that it -- doing so would implicate executive privilege.

BY MR. BOWMAN:

Q. Okay. So there has been an invocation of privilege, and you are not answering the question based on that invocation, correct, sir?

A. That's correct.

Q. I will ask the same question generally. Other than the two individuals I have mentioned, have you spoken with any of your superiors in the executive branch with respect to the issue of crowd control and the application of force in the course of Operation Midway Blitz?

MR. KHOJASTEH: Object to form. Lacks foundation. Vague as to superiors in the executive branch.

BY MR. BOWMAN:

Q. I'll stand on the question. Could you answer,

1 please?

2 A. Sir, could you be more specific, please?

3 Q. In what respect?

4 A. Who in the executive branch?

5 Q. I'm asking anyone in the executive branch.

6 MR. KHOJASTEH: Then I'm -- if you're going to
7 be that vague about it, Counsel, I'm going to
8 instruct the witness not to answer to the -- that
9 to the extent that doing so would reveal executive
10 communications.

11 BY MR. BOWMAN:

12 Q. All right. Without revealing executive
13 communications, and my question doesn't ask for the
14 revelation of communications, can you answer, please?

15 A. Based on the advice of my lawyer, no.

16 Q. I'm not sure -- was there an instruction not
17 to answer as to that last question that I propounded?

18 MR. KHOJASTEH: I'm not even sure I understood
19 the last question you propounded.

20 BY MR. BOWMAN:

21 Q. Well, so there was no instruction?

22 MR. KHOJASTEH: Well, I think -- I thought it
23 was the same question that I had --

24 BY MR. BOWMAN:

25 Q. Okay.

MR. KHOJASTEH: -- given the instructions.

THE WITNESS: That's what I thought. That's the way I thought.

BY MR. BOWMAN:

Q. Okay. All right. So is it true, with respect to the application of force and crowd control, that you take your orders from the executive branch, whether that's President Trump or Secretary Noem?

MR. KHOJASTEH: Object to form. Lacks foundation. Asked and answered.

THE WITNESS: Can you repeat that, please?

BY MR. BOWMAN:

Q. Yes. Is it true, with respect to the application of force and the manner of crowd control during the course of Operation Midway Blitz, that you take your orders from the executive branch, whether that's President Trump or Secretary Noem?

MR. KHOJASTEH: I'm going to instruct the witness not to answer to the extent that doing so would reveal communications between he and the President.

BY MR. BOWMAN:

Q. I didn't ask to reveal communications. I asked if what I just read is a true statement.

MR. KHOJASTEH: Yeah, but embedded in your

question is the substance of the communication
you're asking, right?

BY MR. BOWMAN:

**Q. This calls for a yes or no. Can you answer
it, yes or no?**

MR. KHOJASTEH: I'm going to instruct you not
to answer as with -- as it relates to
communications with President Trump or anyone in
the White House.

BY MR. BOWMAN:

**Q. Have you said publicly on television that with
respect to Operation Midway Blitz, you take your orders
from the executive branch, whether that's President
Trump or Secretary Noem?**

A. Is -- are you asking me a -- a -- a line by
line -- a -- I'm sorry, a quote? Are you quoting what I
said? I don't -- I don't understand the question here.

**Q. I believe that I am quoting what you said.
This is --**

A. You believe that or -- or not? I don't -- I
don't understand the question, if you believe it or if
it is or not. I don't know.

**Q. I am representing to you that during a
television interview with an NBC reporter, you said the
following, and I quote, "Well, definitely. I mean, I**

1 take my orders from the executive branch, yes, whether
2 that's President Trump or Secretary Noem," closed quote.
3 Did you say that on television?

4 MR. KHOJASTEH: I'm going to object to form
5 insofar as it sounds like you're -- he's responding
6 to something, and I just don't know whether he has
7 the context of what he's responding to here.

8 MR. BOWMAN: Do you have his quote?

9 MR. KHOJASTEH: I'm not trying to be
10 difficult. I'm actually trying to help you, like,
11 I want to move it along. I'm with you.

12 BY MR. BOWMAN:

13 Q. Well, are you unable to answer that question
14 without context?

15 A. I don't know.

16 Q. Okay. You don't know whether you said that or
17 not?

18 A. Yeah, I don't remember.

19 Q. Do you have any recollection of saying
20 something to that effect?

21 A. I just said I don't remember.

22 Q. Okay. All right. So with that as the
23 foundation, I'm going to ask you the question again. Do
24 you take direction from Secretary Noem with respect to
25 the issues of crowd control and application of force

1 that arise from time to time in your duties as the
2 commander of Operation Midway Blitz?

3 MR. KHOJASTEH: Object to form. Asked and
4 answered.

5 THE WITNESS: I'll let my former answer --
6 stand on the same answer.

7 BY MR. BOWMAN:

8 Q. Well, I -- my transcript will bear one of us
9 out, but my recollection is that you have an answer to
10 that question.

11 MR. KHOJASTEH: My recollection is he said he
12 doesn't speak to her about that.

13 MR. BOWMAN: And I --

14 MR. KHOJASTEH: I think you're just trying to
15 trick a witness.

16 MR. BOWMAN: I --

17 MR. KHOJASTEH: I think you're better than
18 that.

19 MR. BOWMAN: That is the furthest thing from
20 my intention.

21 BY MR. BOWMAN:

22 Q. So I want you to answer my question. Would
23 you like the court reporter to read it back?

24 A. Yes.

25 MR. BOWMAN: All right. Could you do that for

1 us?

2 THE REPORTER: Yes.

3 MR. BOWMAN: Thank you, Megan.

4 THE REPORTER: I have the question: "How often
5 do you speak with Secretary Noem?" "Regularly."
6 Was that the proper --

7 BY MR. BOWMAN:

8 Q. All right. I'm going to ask the --

9 A. I said I don't even know.

10 MR. KHOJASTEH: Yeah.

11 BY MR. BOWMAN:

12 Q. Here comes the question again. The court
13 reporter is having difficulty finding it. Here it
14 comes. Listen to my question. Is it true that with
15 respect to the use of force and the issues of crowd
16 control that arise from time to time in executing your
17 responsibilities as the commander of Operation Midway
18 Blitz, that you take direction from Secretary Noem?

19 MR. KHOJASTEH: Same objection. Asked and
20 answered.

21 THE WITNESS: Not to my knowledge.

22 BY MR. BOWMAN:

23 Q. Not to your knowledge. Okay. I think we
24 found a video clip of your interview. If you could pull
25 that up for us.

1 MR. KHOJASTEH: Is this an exhibit? Like how
2 are we doing this?

3 MR. BOWMAN: Well, that's a good question. I
4 think what we'll do is we'll designate this for the
5 record as Clip 1. And at the end of the
6 deposition, you have my word that we will sort
7 through exactly what's what, and we will provide
8 you with the videos that were played during the
9 deposition, so we're all dealing with the same
10 stuff.

11 MR. KHOJASTEH: Yeah. And if it's a
12 hyperlink, that's fine. You could just share that
13 with us.

14 MR. BOWMAN: That's what I think we'll do.

15 MR. KHOJASTEH: Yeah.

16 (Video recording played.)

17 UNIDENTIFIED SPEAKER: Bovino who is leading
18 immigration operations in Chicago spoke with
19 Telemundo's national anchor explaining where his
20 order came from.

21 MR. BOVINO: Well, definitely. I mean, I take
22 my orders from the executive branch.

23 UNIDENTIFIED SPEAKER: Yes.

24 MR. BOVINO: Whether that's President Trump or
25 Secretary Noem.

THE WITNESS: I can't see it.

MR. KHOJASTEH: He can't see it.

(Video recording stopped.)

MR. BOWMAN: Hang on just a second. We're going to --

THE REPORTER: I'm trying --

MR. BOWMAN: We're going to help you out so that you can see yourself and the reporter. This is actually -- it turns out a Telemundo reporter with whom you --

MR. KHOJASTEH: Is this the full clip? Like just -- are we looking at -- again --

MR. BOWMAN: I'm not going to play the whole interview. That would waste our time.

MR. KHOJASTEH: I'm not asking for the whole --

MR. BOWMAN: Yeah.

MR. KHOJASTEH: I'm just asking the run-up to what she's saying, just what she just started playing.

MR. BOWMAN: Yes.

MR. KHOJASTEH: So -- because it sounds like there's something that he's responding to.

MR. BOWMAN: Yes. We're going to play the question and the answer.

1 MR. KHOJASTEH: Okay. Yeah.

2 MR. BOWMAN: Do you have that? All right. So
3 we're going to get the -- we're going to get you
4 the context you need, Mr. Bovino. We're going to
5 get you the question you were asked and your
6 response, and then we're going to go back over this
7 again when you have that context.

8 (Video recording played.)

9 UNIDENTIFIED SPEAKER: Bovino who is leading
10 immigration operations in Chicago spoke with
11 Telemundo's national anchor explaining where his
12 order came from.

13 MR. BOVINO: Well, definitely. I mean, I take
14 my orders from the executive branch.

15 UNIDENTIFIED SPEAKER: Yes.

16 MR. BOVINO: Whether that's President Trump or
17 Secretary Noem.

18 (Video recording stopped.)

19 BY MR. BOWMAN:

20 Q. Okay. Were you able to hear what we just --

21 A. No, I was too busy looking at -- it was
22 chopped up.

23 Q. Oh, okay.

24 A. That on the video there.

25 Q. Well, we're going to do our --

1 A. So I can --

2 (Video recording played.)

3 UNIDENTIFIED SPEAKER: Bovino who is leading
4 immigration operations in Chicago spoke with
5 Telemundo's national anchor explaining where his
6 order came from.

7 MR. BOVINO: Well, definitely. I mean, I take
8 my orders from the executive branch.

9 UNIDENTIFIED SPEAKER: Yes.

10 MR. BOVINO: Whether that's President Trump or
11 Secretary Noem.

12 (Video recording stopped.)

13 BY MR. BOWMAN:

14 Q. All right. So that's the context that we
15 have. There is not a precise question, but there is an
16 indication in the interview that you were asked about
17 where you get direction from. So that's what we have.

18 And my question is: Did you say that?

19 MR. KHOJASTEH: Counsel, just for the -- to
20 keep the record clean. Do you have a date for when
21 that interview was given? I'm sure you do, but
22 just I think it's going to be helpful. In terms of
23 organizing transcript --

24 MR. BOWMAN: Yes. The date is October 23,
25 2025. Telemundo interview. And as we just

discussed, we'll make that excerpt which we played,
available. So --

MR. KHOJASTEH: Appreciate you.

MR. BOWMAN: -- so everybody will have the
same record.

BY MR. BOWMAN:

**Q. You've heard it several times. Can you
confirm that you stated that you take direction from the
executive branch, whether it's the President or
Secretary Noem?**

A. Although I don't know the question that was
asked to me there, it appears I said that.

**Q. Okay. Is it true that you take direction,
with respect to the Operation of Midway Blitz, from
Secretary Noem?**

MR. KHOJASTEH: Object to form.

THE WITNESS: I take orders from Secretary
Noem.

BY MR. BOWMAN:

**Q. With respect, in particular, to the use of
force and the issues of crowd control among other
things; is that true?**

MR. KHOJASTEH: Object to form. Asked and
answered.

THE WITNESS: As per my prior answer. Same

1 thing. Not to my knowledge.

2 BY MR. BOWMAN:

3 Q. So is it not to your knowledge, or yes, to
4 your knowledge?

5 MR. KHOJASTEH: Not to.

6 THE WITNESS: I just said not.

7 BY MR. BOWMAN:

8 Q. Not to your knowledge?

9 A. Not to my knowledge.

10 Q. Okay. Well, in what respect do you take
11 direction from Secretary Noem?

12 MR. KHOJASTEH: Object to form. I'm going to
13 give you latitude here, but, Bowman, we're bumping
14 up against that scope issue again.

15 MR. BOWMAN: I don't want to be. I thought
16 this would be easy, but here we are.

17 MR. KHOJASTEH: I know.

18 THE WITNESS: Can you repeat that?

19 BY MR. BOWMAN:

20 Q. In what respect do you take direction from
21 Secretary Noem with regard to Operation Midway Blitz,
22 what is the direction that you received, or what
23 subjects does it cover?

24 MR. KHOJASTEH: Object to form. Lacks
25 foundation.

THE WITNESS: I can't remember the subjects
that -- that I've discussed.

BY MR. BOWMAN:

**Q. Can you tell us how often you speak to the
secretary about Midway Blitz?**

MR. KHOJASTEH: Object to form. I'm going
to -- I gave this instruction before the break.
We're not going to go down this path. So I'm going
to instruct him not to answer. Outside the scope
of the deposition.

MR. BOWMAN: Okay. Well, I want to make a
record on this point.

MR. KHOJASTEH: Okay.

MR. BOWMAN: I think that -- and if you
believe that a conference, a meet and confer, would
be helpful to address this issue, as I indicated
before, we will do it. But most likely it's
something we will take up directly with the judge.
And I do want to make my position clear. The issue
of how this operation is being conducted, and
specifically whether there is direction of force to
suppress dissent, is part of this case. With
respect to issues like the politics of it. And the
justifications that the administration has
politically or it's a matter of policy for

1 Operation Midway Blitz, that's off limits. And it
2 is not my desire or intention to stray into the off
3 limits matter. But I think that latitude in light
4 of the series of answers that we've gotten,
5 including most recently, that the witness does not
6 recall his conversations with the secretary, does
7 not recall, as I interpret the testimony, whether
8 Secretary Noem talks with him about how he's using
9 force --

10 MR. KHOJASTEH: Mischaracterizes his
11 testimony, Counsel.

12 MR. BOWMAN: Well, it is what it is.

13 MR. KHOJASTEH: He says, not to my knowledge.

14 MR. BOWMAN: I -- I'm just --

15 MR. KHOJASTEH: He said, "not to my
16 knowledge." Not, to my recall.

17 MR. BOWMAN: Not to my knowledge.

18 MR. KHOJASTEH: That's different. You
19 understand that's different?

20 MR. BOWMAN: Yeah. Well he's the guy having
21 the conversation. So whatever. My position is, I
22 am entitled to test the veracity of the answers.
23 And the question I have asked is legitimate probing
24 of his answers. I mean if -- and I think I'll stop
25 with that.

MR. KHOJASTEH: But so --

MR. BOWMAN: That's my position. And I think therefore that the instruction is improper.

MR. KHOJASTEH: Appreciate that, Counsel. I'll just state our position. That this is what the Court wrote -- or said, with respect to the depositions. "Limited to the events that are identified in the Motion for Preliminary Injunction." And you can talk, you know -- you can ask questions briefly about the scope of responsibilities and, you know, foundationally how do they know what they know?

But we're not getting into a long chapter and verse about things that are not relevant to the preliminary injunction hearing. For example, questions about the administration's goals." And you can see the goals objectives. What the politics to your point, right, are of scope. I think if you want -- and the benefit of the meet and confer here, for example, if you want to ask him as you go through the preliminary injunction events that she's permitted you to ask of: Did you speak to Secretary Noem about this incident? That's about the use of force in this incident. That would be a way to test the veracity of what

1 you believe is -- which I guess you're
2 thinking -- you're -- maybe you're thinking it'll
3 refresh his recollection or whatever. I'm -- I
4 don't think you think he's a liar. He's saying not
5 to my knowledge, he hasn't had conversations about
6 crowd control or use of force with the secretary.
7 Right now you're asking about how many times he
8 speaks with the secretary, how many times he talks
9 to the White House, who he takes his orders from.
10 I'm saying that's off limits. There is a way to do
11 your work tied and tethered to what the Court
12 permitted this deposition to be about. I hope that
13 I just gave you an avenue for being able to pursue
14 a line of inquiry that gets at what you want to get
15 at. But I do think that is the benefit of a meet
16 and infer. And having a -- having a mind -- a view
17 in mind that we need judicial intervention when we
18 have a bunch of smart lawyers in the room that can
19 come to a resolution here, that's amenable to
20 everyone, I think that's -- I think that's the
21 benefit of working together.

22 MR. BOWMAN: You just need to state your
23 position. You've done so. Is there anything else
24 that you need to say in order to make your position
25 clear?

MR. KHOJASTEH: We're good.

MR. BOWMAN: Okay. All right. So the instruction not to answer stands?

MR. KHOJASTEH: Yeah. Based on the scope.

MR. BOWMAN: All right.

BY MR. BOWMAN:

Q. So you're not going to answer the question, right, sir?

A. That's correct.

Q. All right. Prior to the rollout of Operation Midway Blitz, did you have meetings or other conversations with other individuals in the Executive Branch about Operation Midway Blitz? And that's a foundational question. I'm just asking, did you?

MR. KHOJASTEH: We're not going to answer those questions. Go ahead.

MR. BOWMAN: Based on the --

MR. KHOJASTEH: I's an objection. Out of the scope.

MR. BOWMAN: Based on scope. All right.

MR. KHOJASTEH: I don't know how conversations about --

MR. BOWMAN: It's -- I --

MR. KHOJASTEH: If you could explain it to me --

MR. BOWMAN: We've stated all --

MR. KHOJASTEH: -- I'm happy to give you latitude.

MR. BOWMAN: We've stated our positions, I'm just going to ask --

MR. KHOJASTEH: Well I'm just going to make the record clear because I don't want to be misrepresented.

MR. BOWMAN: Yeah.

MR. KHOJASTEH: Again, conversations that took place prior to Midway Blitz, how they would be tied to events that are listed in the preliminary injunction hearing. I don't know how they would be because those events hadn't occurred, unless he's a time traveler. But you go ahead and ask your questions that are plainly outside the scope.

BY MR. BOWMAN:

Q. Okay, there is an instruction not to answer. You will not answer that question. Correct, sir?

A. That's correct.

Q. Okay. Next question: Did you, prior to the rollout of Midway Blitz, meet with any representatives of the City of Chicago regarding coordination of your operation with the operations of the Chicago Police Department?

1 MR. KHOJASTEH: Same objection. Same
2 instruction.

3 BY MR. BOWMAN:

4 Q. You will not answer that question?

5 A. That's correct.

6 MR. BOWMAN: And the objection is, scope?

7 MR. KHOJASTEH: Yes.

8 BY MR. BOWMAN:

9 Q. Did you meet with or converse with the
10 superintendent of the Chicago Police Department on that
11 subject, prior to or during Operation Midway Blitz?

12 MR. KHOJASTEH: Same objection. For the same
13 reasons I stated previously.

14 MR. BOWMAN: And same instruction?

15 MR. KHOJASTEH: Yeah.

16 BY MR. BOWMAN:

17 Q. Did you meet with the mayor of Chicago or
18 speak with him regarding your operation and coordination
19 with law enforcement here in Chicago?

20 MR. KHOJASTEH: Same objection. Same
21 instruction.

22 MR. BOWMAN: Okay.

23 BY MR. BOWMAN:

24 Q. Next question: Are you aware of any assessment
25 by the Trump administration, prior to the start of

1 Operation Midway Blitz, that found that there is a
2 danger to federal employees or to federal property that
3 required deployment of additional federal agents to the
4 Northern District of Illinois?

5 MR. KHOJASTEH: Same objection. Same
6 instruction.

7 BY MR. BOWMAN:

8 Q. You won't answer that question?

9 A. No.

10 Q. What orders, if any, has anyone in the
11 Executive Branch issued to the Department of Homeland
12 Security, or any of its components, regarding the
13 objectives or permissible tactics to be used in
14 Operation Midway Blitz?

15 MR. KHOJASTEH: I'm going to object. I would
16 request Counsel break up that question. There may
17 be -- I'm going to object. And give the same
18 instruction. But I will note, Counsel, there's a
19 way for you to drill the -- there's a way to be
20 more specific with that question that I would give
21 you latitude on. Though there might be another
22 privilege asserted because of it. But just it
23 might be -- there's a way to ask that question that
24 might be within the scope here.

25 MR. BOWMAN: Well, let's not play a guessing

1 game. What do you think it's permissible to ask?

2 MR. KHOJASTEH: If you were going to ask
3 whether there was an order issued regarding the
4 permissible use of force.

5 MR. BOWMAN: Oh, okay. I'll ask that
6 question.

7 MR. KHOJASTEH: As opposed to clinical tactics
8 or objectives. Which actually by their terms are
9 prohibited by her order. So just --

10 MR. BOWMAN: And it's okay. You made your
11 point.

12 BY MR. BOWMAN:

13 Q. Let me ask you this question. Did you
14 receive -- strike that. Let me start over. What orders
15 has any Trump administration official issued to the
16 Department of Homeland Security or any of its components
17 regarding the use of force and what tactics are
18 permissible in Operation Midway Blitz?

19 MR. KHOJASTEH: I'm going to instruct the
20 witness not to answer based on executive privilege
21 to the extent that those instructions or orders
22 that would've come from the White House.

23 MR. BOWMAN: All right.

24 BY MR. BOWMAN:

25 Q. Can you answer the question without intruding

1 on the privilege that has just been inserted, sir?

2 A. No.

3 Q. Okay. Can you tell me, based on the
4 jurisdiction of Customs and Border Protection, what the
5 legal basis is for CBPs operations in Chicago?

6 MR. KHOJASTEH: Outside the scope. Instruction
7 not to answer. Go for it. You can keep moving.

8 BY MR. BOWMAN:

9 Q. Does Customs and Border Patrol customarily
10 conduct interior Title 8 enforcement?

11 MR. KHOJASTEH: Not answering it. Beyond the
12 scope.

13 BY MR. BOWMAN:

14 Q. Is there a particular statute that allows you
15 to conduct roving patrols in the City of Chicago?

16 MR. KHOJASTEH: Same objection. Same
17 instruction.

18 BY MR. BOWMAN:

19 Q. Do you believe that Chicago is within the
20 border zone?

21 MR. KHOJASTEH: I'm going to make the same
22 objection. And same instruction. And I'm also
23 going to caution Counsel, that at this point, if
24 you're going to spend the next two hours asking
25 questions that you know are plainly outside the

scope, that's harassing.

MR. BOWMAN: Well, I don't know that these are plainly outside the scope. We have a disagreement. I need to make my record.

MR. KHOJASTEH: Okay.

BY MR. BOWMAN:

Q. What is the external boundary that Chicago is within 100 miles of?

MR. KHOJASTEH: Object to form. Not answering it. Outside the scope.

BY MR. BOWMAN:

Q. What is a roving patrol?

MR. KHOJASTEH: Object to form. Outside the scope.

BY MR. BOWMAN:

Q. How does a roving patrol differ from a --

MR. KHOJASTEH: Actually, you know what, strike that. I'm just going -- I'm -- you're just asking what a roving patrol is?

MR. BOWMAN: That's what I'm just asking.

MR. KHOJASTEH: Lacks -- object to form. Lacks foundation. But go ahead if you can answer.

MR. BOWMAN: Okay.

BY MR. BOWMAN:

Q. What is a roving patrol?

1 A. A roving patrol is a patrol in which officers
2 or agents enforce a method to enforce Title 8
3 immigration law.

4 Q. How does a roving patrol differ from other
5 kinds of enforcement missions?

6 MR. KHOJASTEH: Object to form. Lacks
7 foundation.

8 THE WITNESS: I don't think it does.
9 BY MR. BOWMAN:

10 Q. On a roving patrol, are you acting on specific
11 intelligence?

12 MR. KHOJASTEH: Object to form. I'm going to
13 also instruct the witness not to answer to the
14 extent that doing so would reveal law enforcement
15 privilege in so far as I don't want the source of
16 any -- to the extent that intelligence is used or
17 informs those patrols. I don't want the source of
18 that intelligence disclosed in your answer.

19 MR. BOWMAN: I'm not looking for the source of
20 any information.

21 MR. KHOJASTEH: You obviously understand this
22 is highly sensitive. I have to give the
23 instruction to the witness.

24 MR. BOWMAN: Okay.
25 BY MR. BOWMAN:

1 Q. So without revealing any specific
2 intelligence, just yes or no. When you conduct a roving
3 control, are you acting on specific intelligence?

4 A. That's not a yes or no answer.

5 Q. Okay. Please answer the question.

6 A. At times.

7 Q. Okay. And can you explain?

8 MR. KHOJASTEH: Objective to form.

9 THE WITNESS: At times when intelligence is
10 received, a roving patrol will act on that
11 intelligence.

12 BY MR. BOWMAN:

13 Q. So the idea is that you may not know
14 specifically where a subject is, you have intelligence
15 about that subject, and so you survey or rove
16 neighborhoods looking for the subject; is that fair?

17 MR. KHOJASTEH: Object to form.

18 Mischaracterizes his testimony.

19 BY MR. BOWMAN:

20 Q. I'm asking the question; is that fair?

21 A. No.

22 Q. Okay. What's wrong about what I asked?

23 A. A roving patrol can act on intelligence and
24 apprehend individuals based on Title 8 immigration law.

25 Q. Right. Would you, in your work, distinguish

1 between a roving patrol and a targeted operation?

2 MR. KHOJASTEH: Object to form.

3 BY MR. BOWMAN:

4 Q. Meaning, an operation where you know that a
5 subject is in a particular location and you're directing
6 your officers to proceed to that location and apprehend
7 the individual?

8 A. I would not.

9 Q. You would not. So a roving patrol can be
10 that?

11 A. It can be.

12 Q. Is a roving patrol anything -- any Title 8
13 enforcement that you do with a vehicle?

14 A. No.

15 Q. Okay. What's the limits on what constitutes a
16 roving patrol?

17 A. I don't believe there are limits --

18 Q. All right.

19 A. -- on -- on that.

20 Q. Okay. How do you select the areas where you
21 may encounter people who are in violation of the
22 immigration laws here in the Northern District of
23 Illinois?

24 MR. KHOJASTEH: Object to form. We're
25 not -- we're -- I'm going to instruct him not to

answer based on law enforcement privilege.

MR. BOWMAN: You know, we do have an issue in this case about probable cause for arrests. You want reconsider to that instruction?

MR. KHOJASTEH: We also have an issue in this case that this deposition is for a particular purpose. So you may want to reconsider your position.

MR. BOWMAN: Okay. So the answer is, no, you don't?

MR. KHOJASTEH: The instruction stands as the answer.

MR. BOWMAN: All right.

BY MR. BOWMAN:

Q. How -- well --

MR. KHOJASTEH: The fact that you just gave up that you're trying to take a merits' deposition in a -- on a deposition for the preliminary injunction --

MR. BOWMAN: I don't want to argue with you.

MR. KHOJASTEH: -- unbelievable.

MR. BOWMAN: I don't want to argue with you.

BY MR. BOWMAN:

Q. Have the federal agents under your command, whether CBP agents or agents from other agencies

1 assigned to you, had training specifically on the
2 subject of how to perform crowd control in an urban
3 setting?

4 A. I can't speak to all agents there in
5 the -- the other agencies.

6 Q. Okay. So limiting yourself to the customs and
7 border protection agents, have they had specific
8 training on how to perform crowd control in an urban
9 setting?

10 A. Yes.

11 Q. What is that training?

12 A. Mobile field force training.

13 Q. Okay. And is that the standard training that
14 all CBP agents receive?

15 MR. KHOJASTEH: Object to form.

16 BY MR. BOWMAN:

17 Q. If they're going to be in a mobile field
18 force?

19 A. To my knowledge, CBP agents receive that
20 training.

21 Q. Yes. Is that part of their basic training,
22 orienting them to the agency?

23 A. I don't know.

24 Q. Okay. Can you specify a training module
25 within the CBP training process that is directed

1 specifically on how to perform crowd control in an urban
2 setting?

3 MR. KHOJASTEH: Object to form. Asked and
4 answered.

5 THE WITNESS: Mobile field force training.
6 BY MR. BOWMAN:

7 Q. Okay. Typically, when in his career or her
8 career or their career, does an agent receive mobile
9 force training?

10 A. I don't know.

11 Q. When did you receive mobile force training?

12 A. Approximately 1998.

13 Q. Okay. Specifically prior to the rollout of
14 Operation Midway Blitz, did any CBP officers receive
15 training on crowd control in an urban setting?

16 MR. KHOJASTEH: Object to form. Lacks
17 foundation.

18 THE WITNESS: To my knowledge, yes.
19 BY MR. BOWMAN:

20 Q. What training was that?

21 A. Mobile field force training.

22 Q. Okay. You received yours in 1998, right?

23 A. Yes.

24 Q. Okay. I'm asking, was there a specific
25 designated training, relating and designed for the

benefit of folks participating in Operation Midway Blitz, that focused on crowd control in an urban setting?

MR. KHOJASTEH: Object to form. Asked and --
BY MR. BOWMAN:

Q. Apart from the general mobile force training?

A. I'm sorry. Apart from -- from what?

Q. Apart from the general mobile force training.

A. Could you repeat the question please?

Q. Yes. Specifically close in time, and with the intention of training officers for this particular operation, did the federal agents at CBP receive training specifically on how to perform crowd control in an urban setting?

A. Yes.

Q. What was that training?

A. Mobile field force training.

Q. When did it take place?

A. I can't remember the specific date.

Q. Can you state approximately?

A. I would -- approximately September.

Q. September of 2025?

A. Yes.

Q. Where did the training take place?

A. I can't -- I don't know.

Q. Who all participated?

A. CBP agents.

Q. Those being assigned to this operation?

A. Yes.

Q. And you don't know where it took place?

A. I do not.

Q. Do you know who led that training?

A. I do not.

Q. Do you know what the subject of that training was, what the curriculum was?

A. I don't know the exact curriculum.

Q. Okay. Have you reviewed any curriculum on that subject that's provided to CBP officers assigned to Midway Blitz?

A. No.

Q. All right. Have the officers assigned to Operation Midway Blitz had any training on how to exercise crowd control while respecting the First Amendment protections for speech and protest?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: Yes.

BY MR. BOWMAN:

Q. Was that the same September training that you just referred to in your prior answer?

A. Yes.

Q. Did all agents under your command receive that training in September?

A. To my knowledge, yes.

Q. Okay. And if we were to ask, we could be provided with a copy of the curriculum for the September training?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: I don't know.

BY MR. BOWMAN:

Q. That's another way of -- I'm asking you, does a curriculum for that training exist, to your knowledge?

A. Yes.

Q. Have officers working on Operation Midway Blitz received any training on the use of tear gas in residential areas?

MR. KHOJASTEH: Object to form. Asked and answered.

THE WITNESS: Agents and officers have received training on less lethal devices' employment.

BY MR. BOWMAN:

Q. My question was specifically the use of tear gas, the use of toxic gas in residential areas.

1 Have your folks received training on that?

2 MR. KHOJASTEH: Object to form. Lacks
3 foundation. Vague as to time.

4 THE WITNESS: Yes.

5 BY MR. BOWMAN:

6 Q. Okay. Was that the September training that
7 you've been referring to?

8 A. I don't know.

9 Q. Okay. Do you know what training it was?

10 A. Less lethal munitions training.

11 Q. When did it take place?

12 MR. KHOJASTEH: Object to form. Asked and
13 answered.

14 THE WITNESS: Approximately August.

15 BY MR. BOWMAN:

16 Q. August of 2025?

17 A. Yes.

18 Q. Okay. Is there a curriculum for that?

19 A. Yes.

20 Q. Was it expected that all federal agents
21 participating in Operation Midway Blitz would have the
22 munitions training that took place in August, as well as
23 the crowd control training that took place in September?

24 MR. KHOJASTEH: Object to form.

25 Vague to -- as to federal agents.

1 BY MR. BOWMAN:

2 Q. Federal agents under your command. That's
3 what I'm asking about.

4 A. If they deploy less lethal munitions, they
5 have to have the training.

6 Q. And then same question with respect to the
7 crowd control training that took place in September of
8 this year. Was that a required training for all agents
9 participating in Operation Midway Blitz under your
10 command?

11 A. No.

12 Q. Was that just training in the ordinary course
13 of CBPs operations? Or was that training that was
14 specifically targeted to educate the agents who would be
15 coming to Chicago in the Northern District of Illinois
16 to work on this operation?

17 MR. KHOJASTEH: Object to form. Lacks
18 foundation.

19 THE WITNESS: Agents were given mobile field
20 force training in September to prepare them for the
21 field.

22 BY MR. BOWMAN:

23 Q. These are basically new recruits coming in.
24 Is that the idea? Was this new recruits training in
25 September?

A. No.

Q. Was it training generally speaking for agents working anywhere in the field for CBP?

A. It was training for Customs and Border Protection agents.

Q. Got it. My question, I'm struggling with, and I want to be able to communicate with you. And so here comes my question. Was this training in September targeted for the benefit of those specific CBP agents who would be coming to the Northern District of Illinois for Operation Midway Blitz?

A. No, it was targeting agents that were assigned to Operation Midway Blitz.

Q. It was? And do you know how long this training was for, was it a day, a week?

A. I can't remember.

Q. Okay. You are familiar with the Los Angeles Press Club case challenging the First Amendment issues in the rollout of ICE and other -- ICE and CBP and other agencies, to Los Angeles for immigration enforcement? I am not going to quiz you on the details, but you're generally familiar with that?

A. If you would refresh me on -- on that.

Q. You know, this is the case in Los Angeles similar to this case here in Chicago. That raises

1 issues about whether the actions of the federal agents
2 engaged in immigration enforcement in Los Angeles,
3 similar to the allegations here with respect to their
4 work in Operation Midway Blitz, whether those actions
5 are violating the First Amendment. That's the subject
6 of the case. Does that refresh your recollection?

7 MR. KHOJASTEH: I'm going to let him answer
8 this yes or no as to whether he remembers this
9 case.

10 MR. BOWMAN: Yeah.

11 MR. KHOJASTEH: We're not going to have any
12 questions about it.

13 BY MR. BOWMAN:

14 Q. It's just a yes or no, I'm not going to
15 belabor it.

16 A. Yes.

17 Q. Okay. And you're aware that an injunction was
18 issued in that case, right?

19 A. Yes.

20 Q. Okay. After the issuance of that injunction
21 in the Los Angeles Press Club case, did ICE -- sorry.
22 Did CBP provide any training to its agents who would be
23 in the field in Los Angeles, or elsewhere in urban
24 settings, conducting Title 8 enforcement, as to the
25 meaning of the injunction and how to conform their

1 actions to the injunctions' requirement? It's just a
2 yes or no question.

3 MR. KHOJASTEH: I'm just going -- I'm going to
4 instruct him not to answer. It's a separate case,
5 a separate injunction. This one's tied to this
6 injunction. There will be an opportunity if you
7 want, like, about this. Like, I'm sure you'll make
8 an application to take his deposition in the
9 future. It just that's not what the Court ordered
10 here.

11 BY MR. BOWMAN:

12 Q. Is it -- just out of curiosity, is it -- well,
13 never mind. In your judgment is it -- has it been easy
14 and straightforward for you and the agents operating
15 under your command to continue the work of Operation
16 Midway Blitz under the temporary restraining orders that
17 Judge Ellis has issued in this case?

18 MR. KHOJASTEH: Object to form. Lacks
19 foundation and vague. And vague specifically as to
20 which parts -- which portion of --

21 MR. BOWMAN: My question is what it is.

22 MR. KHOJASTEH: I know. I'm just making sure
23 the record is clear.

24 THE WITNESS: Yeah.

25 MR. KHOJASTEH: Vague as to which portion of

the order to which you're referring.

BY MR. BOWMAN:

Q. Is there any respect in which the injunctions -- sorry. The temporary restraining orders issued by Judge Ellis has hindered or impaired the work of Operation Midway Blitz?

A. Yes.

Q. In what ways?

A. The -- there were some orders there to appear in front of Judge Ellis. That was -- that's a -- that's -- that degrades the mission, the time that I can spend on mission that I would otherwise be meeting with the judge. Same thing with the other orders that take people out of the field instead of doing the valuable work of taking the vile criminals that we apprehend by the hundreds every week. And you know, every time that we're answering a -- a question or meeting with a judge is time away from that all-encompassing -- the important work that's not been done before, especially in light of the millions of illegal aliens that were allowed to pour across the border, and many of whom have ended up here in Chicago, including child rapists, terrorists, murderers, aggravated felons, and those types of -- of individuals, again, that we apprehend by -- well, by the thousands now. We're well over 3,000

1 now. So anything that takes away from the all-important
2 mission of apprehending individuals that are allowed to
3 roam free with impunity on the streets of Chicago on a
4 daily basis does take away from that.

5 **Q. Are you stating the justification or need**
6 **provided for Operation Midway Blitz?**

7 MR. KHOJASTEH: Object to form. We're not
8 discussing that.

9 MR. BOWMAN: Well, I know that. And it's a
10 little frustrating to me to hear the witness engage
11 in political speeches. Other --

12 MR. KHOJASTEH: Move to strike it, then,
13 right?

14 MR. BOWMAN: It's just frustrating.

15 MR. KHOJASTEH: No, no, no. I'm saying you
16 can move to strike -- I just think -- you said
17 earlier to me, which I respect -- "respect the
18 process." There's, like, a -- there's actually
19 something built into the process.

20 BY MR. BOWMAN:

21 **Q. Yeah. Okay. So other than being called to**
22 **court and having to answer my questions today and**
23 **various other reporting requirements that have been**
24 **imposed on you, is there any other respect in which the**
25 **temporary restraining orders that the judge has issued**

1 in this case are interfering with the work of Operation
2 Midway Blitz?

3 MR. KHOJASTEH: Same objection as to
4 vagueness.

5 THE WITNESS: I'll answer the -- the --
6 the -- it does -- as I said, affects many aspects
7 of the operation. The encumbrances of that order
8 certainly does hurt the good conduct of the
9 operation that seeks to make our communities a
10 safer place.

11 BY MR. BOWMAN:

12 Q. Right. Is there any specific provision of the
13 orders that Judge Ellis has issued in this case that you
14 can specify are impeding the objective that you just
15 stated?

16 A. I just said all -- I already answered that.
17 I already told you all of them.

18 Q. Okay. So you've given the most complete
19 answer that you can give to my question?

20 A. Is that --

21 MR. KHOJASTEH: Object to the --

22 THE WITNESS: Was that a question?

23 BY MR. BOWMAN:

24 Q. Yes.

25 MR. KHOJASTEH: Same objection.

THE WITNESS: Oh, what's your question?

BY MR. BOWMAN:

Q. My question is: Have you fully and completely, to the best of your information and ability, answered my question about the ways, if any, in which Judge Ellis's orders have interfered with the operations of Midway Blitz?

MR. KHOJASTEH: I'm going to object to form as to vagueness again.

THE WITNESS: To my knowledge.

BY MR. BOWMAN:

Q. On a Fox News show that I think is called the Faulkner Report on October 29, 2025, did you make the following statement in response to a question that was asked of you as to whether you can still do your job in spite of Judge Ellis's orders? And I quote: "First and foremost, those operations continue. They continue unabated. The temporary restraining order and the meetings with the judge and all the other accoutrements that comes with what her orders are will have no effect on Operation Midway Blitz, the border patrol, ICE, and those allied law enforcement teams. Our legal, ethical, and moral, and we have always been, so we've never been in violation of any TRO, any law, or regulation. We're going to go out there and we're going

1 to accomplish the mission." Did you say that?

2 A. I believe so.

3 Q. Is it true?

4 A. What -- what I said is true?

5 Q. Yes. Is it true?

6 A. Yes.

7 Q. Okay. You have -- well, let me ask the
8 question this way: We have received information -- the
9 public has received information that you have a concern
10 that there is a bounty on your head; is that correct?

11 MR. KHOJASTEH: Object to form. Lacks
12 foundation.

13 MR. BOWMAN: May well.

14 THE WITNESS: I understand there are bounties
15 on my head.

16 MR. BOWMAN: Can I have this? Do you have
17 exhibit stickers or do --

18 THE REPORTER: I do.

19 MR. BOWMAN: All right. Thanks.

20 BY MR. BOWMAN:

21 Q. I'm going to mark the first document as
22 Exhibit 2. Exhibit 1, for the record, will be the short
23 clip of the Telemundo interview that we played for
24 Mr. Bovino a little bit earlier. While we're searching
25 for copies I'm going to give you that to read and pass

on to the witness, please.

(Exhibit 1 was marked for
identification.)

(Exhibit 2 was marked for
identification.)

MR. KHOJASTEH: Could we get a copy for
ourselves?

MR. BOWMAN: Yes.

MR. KHOJASTEH: Oh, yeah.

MR. BOWMAN: We're looking for it.

MR. KHOJASTEH: Thanks.

BY MR. BOWMAN:

**Q. So Exhibit 2 -- we're looking for it still. My
best here. Exhibit 2, for identification, is a press
release that was issued by the Department of Homeland
Security relating to bounties that have been placed on
the heads of various border patrol officials and agents.
Are you familiar with that issue?**

A. I'm -- I'm sorry. I was reading this.
Can you --

Q. Yeah. No. That's fine.

A. Can you -- can you say that --

Q. Take all the time you need.

A. Yeah. Hold on a second. Let me finish
reading this.

MR. BOWMAN: Looks like we have an electronic copy of it that we can e-mail to you right now. I don't seem to have --

MR. KHOJASTEH: Unless you're doing line by line with this --

MR. BOWMAN: I'm not doing the --

MR. KHOJASTEH: -- I'm okay with you proceeding --

MR. BOWMAN: Oh, here we go. Heidi found it.

MR. KHOJASTEH: Victory.

MR. BOWMAN: Handing you this.

BY MR. BOWMAN:

Q. So are you familiar -- is this a concern for you? These -- the document refers to bounties imposed on you by the Mexican cartels -- the drug cartels?

A. You're asking me if it's a concern?

Q. I'm asking you if this is a concern for you as you engage in the operations of Midway Blitz?

A. Yes.

Q. Okay. What do you know about who, within the Mexican cartels, has imposed a bounty on your head?

MR. KHOJASTEH: Well, I'm going to object to form and instruct the witness not to answer that to the extent that doing so would reveal classified information. For the record, the same issue came

up yesterday at the deposition. This --

MR. BOWMAN: Yeah. I understand that the same issue has come up repeatedly, and my only intention here is to make a record.

BY MR. BOWMAN:

Q. Mr. Bovino, any questions that I ask you about the foundation for these assertions in the Department of Homeland Security press release regarding cartel bounties on the heads of yourself and others, you're not going to answer based on your counsel's invocation of the executive privilege; is that correct?

MR. KHOJASTEH: No. I would -- it's not --

MR. BOWMAN: Or should I ask the individual questions? I can --

MR. KHOJASTEH: I think, number one, we should lay a foundation, see whether he does know something, yes or no, right?

MR. BOWMAN: Well --

MR. KHOJASTEH: And then number two, then I will assert the privilege if you want to go -- because, look, if you noted, on the scope stuff, I wasn't just saying, no -- no -- no. I was listening carefully and giving you avenues for asking the questions. So it's your recall whether you want to do it all on --

MR. BOWMAN: I want --

MR. KHOJASTEH: -- like, together or --

MR. BOWMAN: I want to have a clear record as to where --

MR. KHOJASTEH: That's okay.

MR. BOWMAN: -- can and cannot go with this.

MR. KHOJASTEH: That's okay, then -- but --

MR. BOWMAN: So what I --

MR. KHOJASTEH: -- but the -- for the record, the objection was that I'm not -- I'm going to instruct him not to answer to the extent that doing so we reveal classified information.

BY MR. BOWMAN:

Q. Okay. What can you tell me, sir, about who has placed a bounty on your head within the cartel or within a Chicago street gang, as alleged in this document?

MR. KHOJASTEH: I'm going to object to form. Lacks foundation. And I'm also going to instruct him not to answer it to the extent that doing so would reveal classified information or law enforcement privilege, meaning identities of --

BY MR. BOWMAN:

Q. Can you --

MR. KHOJASTEH: -- confidential informants,
the like.

BY MR. BOWMAN:

**Q. Can you please answer the question without
revealing protected information?**

MR. KHOJASTEH: If you can.

THE WITNESS: Know bounties have been placed
on my head by gangs and cartels.

BY MR. BOWMAN:

Q. Okay. Who are the gangs?

MR. KHOJASTEH: Same objection. Same
instruction. Objection being lack of foundation.

BY MR. BOWMAN:

Q. Who are the gangs?

A. Oh, the --

MR. KHOJASTEH: If you can -- if you know them
independent from classified information or law
enforcement privileges, you can answer that
question. But if you don't -- if it's because
it's -- if it's derived from there, then you can't.

THE WITNESS: No. That -- it's derived from
there. I'm not going to answer it.

BY MR. BOWMAN:

**Q. Okay. How do you know that gangs and cartels
have placed a bounty on your head?**

MR. KHOJASTEH: Same objection. Same instruction. I think we can -- oh, well, just -- the instruction is going to be: Do not answer unless you can do so independently. I'm not going to waste your time with the same -- like, the lengthy one every time. Same objection as the previous objection with the same instruction.

BY MR. BOWMAN:

Q. Would you answer my questions?

A. No.

Q. All right. Based on the instruction?

A. Yes.

Q. Now, is there anyone in Chicago who is involved in this bounty on your head that's associated with the cartels?

MR. KHOJASTEH: I'm going to give the same objection, same instruction. I'm also going to add an objection on scope here. Again, we are outside the list of events identified in your Motion for Preliminary Injunction and any foundational questions regarding how he knows of what he knows about those events.

MR. BOWMAN: Okay.

MR. KHOJASTEH: And I still haven't heard any articulation from Counsel, on the record or off the

record, as to why these questions, which we've --
candidly, in two hours on the record, have taken up
90 minutes of our time -- why these questions are
appropriate, given Your Honor's explicit order.

BY MR. BOWMAN:

Q. You're not answering that question?

A. Can you repeat the question?

MR. BOWMAN: Could you do it?

THE REPORTER: Yeah.

MR. BOWMAN: All right.

(The requested question was read back.)

MR. KHOJASTEH: Same objections. I'm going to
instruct you not to answer.

THE WITNESS: I'm not answering the question.

BY MR. BOWMAN:

**Q. Okay. Has anyone taken any specific step to
endanger your life and with the intention of securing
compensation in the form of the bounty?**

MR. KHOJASTEH: Object to form. Lacks
foundation, calls for speculation, and also outside
the scope.

MR. BOWMAN: Is there an instruction?

MR. KHOJASTEH: I'm going to instruct him not
to answer to the --

MR. BOWMAN: Okay.

MR. KHOJASTEH: I'm going to -- I'm --

MR. BOWMAN: I -- you should instruct him that. Okay.

MR. KHOJASTEH: I'm going to instruct him not to answer to the extent that doing so is outside the scope. However, if you want -- there's a way you can formulate that question about whether people have taken steps to harm him, and he can answer that question, but to secure the bounty and the like, that, again, outside the -- outside the scope. If it's in relation to use of force and the like, like in a particular setting --

MR. BOWMAN: I just --

MR. KHOJASTEH: -- or one of the events --

MR. BOWMAN: I'm just -- I don't need your help on how to --

MR. KHOJASTEH: I'm speaking. I don't -- I --

MR. BOWMAN: Go ahead.

MR. KHOJASTEH: Guys, am -- is my voice gone, because sometimes I just keep on getting interrupted? And it's funny. I don't do that to people, and people that I respect don't do that to me, so I don't appreciate getting interrupted repeatedly today. I assure you you're someone to a

1 lot of people. That doesn't entitle you treat me
2 poorly today. There's a way you can ask the
3 question if you're getting at the issue of use of
4 force and whether a particular response was
5 appropriate, but if you're asking it with respect
6 to intelligence gathered in connection with Mexican
7 cartel bounties, we are far afield. And again,
8 Counsel has failed, when given the opportunity
9 repeatedly, to articulate any basis for why this
10 fits into the contours that were clearly set forth
11 by Judge Ellis. So instruction stands, unless
12 Counsel wants to reformulate the question.

13 MR. BOWMAN: I don't.

14 MR. KHOJASTEH: Great.

15 MR. BOWMAN: And --

16 MR. KHOJASTEH: Let's move on then.

17 MR. BOWMAN: If we could kind of move this
18 thing along. I am assuming, based on the course of
19 the past several minutes, that any question that I
20 ask of the witness with respect to the press
21 release about cartel bounties and the specifics of
22 the information, as to what they are and so forth,
23 there's going to be a similar instruction?

24 MR. KHOJASTEH: Yes, sir.

25 MR. BOWMAN: Okay. Thank you.

1 MR. KHOJASTEH: We've been going for a little
2 over an hour. If you want to take a break right
3 now or offer to the witness, I think that would be
4 appropriate, but your call.

5 MR. BOWMAN: I think that's a nice idea. I
6 would love a comfort break. So why don't we take a
7 break? If the videographer --

8 THE VIDEOGRAPHER: I'm going to take us off
9 the record, and the time is 12:41.

10 (A recess was taken.)

11 THE VIDEOGRAPHER: We're back on the record
12 and the time is 1:09.

13 BY MR. BOWMAN:

14 Q. Okay. Mr. Bovino, I'm going to hand you next
15 what I've marked for identification as Exhibit 3 to your
16 deposition. It's a Criminal Complaint against someone
17 named Juan Espinosa Martinez. Was recently filed.

18 (Exhibit 3 was marked for
19 identification.)

20 MR. BOWMAN: And here's --

21 MR. KHOJASTEH: You take it. I got -- he's
22 going to give me a copy.

23 BY MR. BOWMAN:

24 Q. I'm not going to ask you to read the whole
25 thing. I just wanted you to have this available to

1 orient yourself for a couple of questions that I'm going
2 to have for you in relation to it. You are familiar
3 with the criminal case against Mr. Martinez?

4 A. Let me -- let me look at this here for just a
5 second here.

6 Q. Sure.

7 A. Yeah. Sorry. We -- we've apprehended so many
8 criminals. It's hard to keep them -- keep the names
9 apart from each other, so I'm going to -- I'm going to
10 familiarize myself with this and make sure it's the
11 right criminal out of the hundreds.

12 MR. KHOJASTEH: Just for -- so I know,
13 Counsel -- and I'm sure it's subject to
14 continuation, so I'm just -- but I'm asking for my
15 information. No objection yet. Is this -- is
16 Mr. Espinosa Martinez related to one of the events
17 listed in your Preliminary Injunction Motion?

18 MR. BOWMAN: It has come up in the context of
19 Mr. Bovino's discussion of the circumstances he
20 faces and the justification for his actions.

21 MR. KHOJASTEH: But in connection with one of
22 those events?

23 MR. BOWMAN: In connection, I think, with more
24 than one.

25 MR. KHOJASTEH: But one of the events inside

1 the -- I just want a straight answer.

2 MR. BOWMAN: The -- I thought that was a
3 straight answer.

4 MR. KHOJASTEH: Sorry. I'm just trying --

5 MR. BOWMAN: The matter is referred to in our
6 Motion for Preliminary Injunction, and Mr. Bovino
7 has commented publicly on this circumstance by way
8 of explanation for the tactics that he has employed
9 and his agents have employed in Chicago and
10 elsewhere in the Northern District of Illinois over
11 the past weeks, most recently on Fox News on
12 October 29th, yesterday. It does not, that said, in
13 our judgment and in our understanding, have
14 anything whatsoever to do with any specific
15 incident that is -- relates to constitutional
16 violations in the context of the Preliminary
17 Injunction.

18 MR. KHOJASTEH: So just so you -- give you an
19 idea of where my head is at -- and I'm not making
20 any objections right now. Subject to you
21 connecting this exhibit, the -- this Criminal
22 Complaint to a specific event or specific statement
23 he made in response to one of the events listed in
24 the Preliminary Injunction, I'm not going to be
25 instructing him not to witness. I'm going to

understand that, like, fairly liberally as within the scope, but I -- it's just subject to that connection being made and that foundation being established. Trying to be helpful.

BY MR. BOWMAN:

Q. Have you had an opportunity to review this?

A. Do you mean prior to this or now?

Q. No. I just -- are you ready for me to ask you questions about this?

A. I just reviewed this.

Q. Okay. Thank you. So there -- this is an indictment of the named individual for murder-for-hire in violation of Section 1958(a) of the United States Criminal Code, right?

A. That appears so.

Q. Yes. And the indictment identifies a victim just as victim A. Is that you?

MR. KHOJASTEH: Object to form. To the extent that that's been precluded from public filings, I'm going to instruct the witness -- how do we handle this? Is it attorneys' -- this is all attorneys' eyes only, correct?

MR. BOWMAN: No. I don't think so. It's a publicly filed document.

MR. KHOJASTEH: I was referring to the

deposition, sir.

MR. BOWMAN: Pardon me?

MR. KHOJASTEH: I was referring to the deposition.

MR. BOWMAN: Oh, the deposition is attorneys' eyes only.

MR. KHOJASTEH: So I'm trying -- if --

MR. BOWMAN: Sorry. Go ahead.

MR. KHOJASTEH: Why don't you lay a foundation and ask him whether he knows who victim A is?

MR. BOWMAN: I just asked him if --

MR. KHOJASTEH: You asked him --

MR. BOWMAN: -- if he's victim A.

MR. KHOJASTEH: Then -- if you don't want to ask good questions, instruction is going to be, don't answer. We haven't -- you haven't established that this has anything to do with the events listed in the Preliminary Injunction. I don't see even in here. If you want to point to a page, that would be great. I'm trying to be helpful and you're, again, being rude.

BY MR. BOWMAN:

Q. Okay. So I am a little confused about where we stand now. So my question was -- I'll just restate the question so we have a clean record. My question

1 was: Are you victim A?

2 MR. KHOJASTEH: Don't answer that question.

3 MR. BOWMAN: And what is the basis for the
4 instruction, please?

5 MR. KHOJASTEH: There's a law enforcement
6 basis for keeping that name redacted and not
7 in a public filing. I just asked you whether this
8 was -- this deposition -- this portion of the
9 deposition transcript would be attorneys' client
10 only -- attorneys' eyes only. I'm not -- I didn't
11 get a clear answer on that.

12 MR. BOWMAN: Of course it is. That's what the
13 confidentiality order requires. I thought we
14 already talked about that.

15 MR. KHOJASTEH: With respect, I need to -- and
16 we can get you an answer to that question
17 when we're there, but I'm going to need to confer
18 with -- I'm not a criminal guy. Like, I don't do
19 criminal law, so I don't know what the -- I don't
20 know who that is and I don't want to divulge stuff
21 I'm not supposed to, right? So I can come back to
22 you during a -- after our next break, after I
23 confer, but that -- I'm going to instruct the
24 witness not to answer until then --

25 MR. BOWMAN: Okay.

MR. KHOJASTEH: -- if that's okay with
you --

MR. BOWMAN: I don't --

MR. KHOJASTEH: -- that approach.

MR. BOWMAN: -- get veto power over what you
do. So what I'm understanding, correct me if I'm
wrong, is that there is an assertion of privilege,
law enforcement privilege with respect to my
question, that the assertion is provisional,
subject to you potentially withdrawing it after
inquiry with somebody in the criminal division?

MR. KHOJASTEH: Yes.

BY MR. BOWMAN:

Q. Okay. Can you tell me --

MR. KHOJASTEH: And also, the -- I need you to
connect this to one of the events. Otherwise,
we're outside the scope and I'm going to instruct
him not to answer.

MR. BOWMAN: Okay.

MR. KHOJASTEH: So I'll give you some
latitude. The next few questions, if you want to
connect it to a particular event, great.
Otherwise, until you do so, I'm going to instruct
him not to answer.

BY MR. BOWMAN:

1 Q. All right. What is the source of the \$10,000
2 that is allegedly put up as a reward for the murder of
3 the person identified as victim A?

4 MR. KHOJASTEH: I'm going to instruct the
5 witness not to answer.

6 MR. BOWMAN: On the basis of law enforcement
7 privilege?

8 MR. KHOJASTEH: On the basis of outside the
9 scope, law enforcement privilege, and I'm also
10 going to object because the question lacks
11 foundation.

12 MR. BOWMAN: All right.

13 MR. KHOJASTEH: And to the extent that it
14 would reveal classified information, I would also
15 instruct him not to answer. If he knew that based
16 on -- number one, don't know if he knows it because
17 we haven't laid foundation. Number two, if he does
18 know and it's based on classified information, I'm
19 going to instruct him not to answer. Number three,
20 law enforcement privilege. Number four, outside
21 the scope.

22 MR. BOWMAN: Okay.

23 MR. KHOJASTEH: Subject to you connecting it
24 to one of the matters listed in the Preliminary
25 Injunction Motion.

MR. BOWMAN: Okay. Can we just agree at this point that any further questions that I ask the witness with respect to the allegations in this indictment will be subject to the same objections and the same instruction so that I can please move on?

MR. KHOJASTEH: I haven't reviewed this in full. I don't know what allegations you're going to be asking about. If some of these allegations relate to events set -- that occurred in the -- in -- that you've listed in your Preliminary Injunction Motion, then --

MR. BOWMAN: Well, all right. So let --

MR. KHOJASTEH: -- I'm not going to object and I'm not going to give that instruction.

MR. BOWMAN: All right. So --

MR. KHOJASTEH: But if -- but that's -- I just -- I'm -- I've asked, like, four times now, like, just ask the question that connects it and then we can go.

MR. BOWMAN: I thought I said quite clearly that this doesn't have anything to do with any of the incidents that is the subject --

MR. KHOJASTEH: So then --

MR. BOWMAN: -- of this case.

1 MR. KHOJASTEH: So then we're going to
2 instruct them not to answer. Outside the scope.

3 MR. BOWMAN: Okay.

4 MR. KHOJASTEH: Based on your representation
5 of this, this has nothing to do with the incidents
6 in your case.

7 MR. BOWMAN: Yeah, but I mean, I -- Mr. Bovino
8 in his public statements has brought it up as I
9 said, as something that is influencing him or
10 requiring hard tactics or the like, so that's the
11 connection, so you understand. It's the only
12 connection I can offer you. And I assume --

13 MR. KHOJASTEH: I think you should go --

14 MR. BOWMAN: -- that, having heard that
15 connection, you persist in your instruction;
16 is that correct?

17 MR. KHOJASTEH: I think the way to do this is
18 to start going through the incidents and asking
19 Mr. Bovino, number one, whether he has personal
20 knowledge of them, and number two, whether these
21 things inform his view of it one way or the other,
22 but that's -- there's a way to do this that's
23 proper and tied and tethered to the Court's order.
24 Repeatedly today, I've given you avenues to do so.
25 No one is trying to obstruct your ability to get

1 information, but need -- you need to lay proper
2 foundation.

3 MR. BOWMAN: Tell you what, to the extent you
4 have a scope objection, as opposed to the other
5 bases for your instruction, I'm going to offer you
6 the opportunity to speak with Steve Art on break,
7 who's prepared to confer with you about it.

8 MR. KHOJASTEH: That's great. But we do have
9 a scope of objection, so yeah, we can talk to him
10 in the next break.

11 BY MR. BOWMAN:

12 Q. So turning to another topic, Mr. Bovino, I'm
13 going to play for you what we'll identify as Exhibit 4
14 to your deposition, which is a recording that was taken
15 from a body-worn camera in Los Angeles on June 7th of
16 this year. And I'd like you to listen to the -- to the
17 clip, and I'm going to have some questions for you about
18 it.

19 (Exhibit 4 was marked for
20 identification.)

21 MR. KHOJASTEH: We're not going to talk about
22 that. We're going to instruct him not to answer.
23 You can move on. I'll talk to Steve --

24 MR. BOWMAN: He hasn't seen the clip.

25 MR. KHOJASTEH: I know that's a clip from Los

1 Angeles in June. Again, unless the body cam -- you
2 tell me, did the guy wearing the body camera have a
3 time machine, like a DeLorean? Were they, like,
4 zipping towards a clock tower and they woke up in
5 October in Chicago? Because if they didn't, this
6 is again plainly outside the scope. This is -- now
7 we're on -- into your second hour on this -- third
8 hour. Third hour. Order -- the judge ordered --
9 ordered depositions on particular issues.

10 MR. BOWMAN: So -- all right. We're going to
11 take a break at this point, in light of the
12 objections that have been made. So let's go off
13 the record at this point.

14 THE VIDEOGRAPHER: Okay. We're going to go
15 off the record, and the time is 1:42.

16 (A recess was taken.)

17 THE VIDEOGRAPHER: We are back on the record,
18 and the time is 1:50.

19 MR. KHOJASTEH: Before we get going, just on
20 the issue of the criminal indictment, we're
21 prepared to allow you to ask Chief Bovino yes or no
22 whether he knows the identity of the victim
23 referenced, but prior to doing so, we just -- I
24 have the Motion for Preliminary Injunction here.
25 You had represented to me on the record that this

1 criminal indictment is referenced in this document.
2 If you can just point me to where it is,
3 that's -- that'll be helpful.

4 MR. BOWMAN: Okay. So with respect to the
5 scope issue, I'm going to defer to Steve Art,
6 who's on the Zoom with us remotely. Steve?

7 MR. KHOJASTEH: Hi, Steve.

8 MR. ART: Hey there. So for the Latin Kings
9 incident in particular, that is part of the defense
10 raised by the government to the Motion for
11 Injunctive Relief in this case, it's on page 8 of
12 the declarations submitted by the government in
13 support of its opposition, which is Docket 35-1.
14 And so you know, to the extent the government
15 intends to rely on that incident as part of the
16 defense of the case, we're going to ask questions
17 about it.

18 MR. KHOJASTEH: Is --

19 MR. ART: If the government --

20 MR. KHOJASTEH: I apologize. Go ahead, Steve.
21 My bad.

22 MR. ART: I was just going to say, if the
23 government wants to disclaim that it's relying on
24 that incident in the defense of these proceedings,
25 we can take that representation and not ask about

1 it.

2 MR. KHOJASTEH: All right. Just two
3 questions. So is it the case that the reference to
4 the -- when you say "Latin Kings incident," that's
5 what this criminal indictment is?

6 MR. ART: Correct.

7 MR. KHOJASTEH: So that's the thing we were
8 asking you to connect prior to the call. We were
9 just asking for the connection to one of the --
10 something in our Preliminary -- in the Preliminary
11 Injunction papers. And what you're saying is that
12 based on a representation and declaration made in
13 opposition by the government, you'd like to ask
14 questions about this indictment?

15 MR. ART: Correct. And so that takes care of
16 scope, but obviously you'll have your other
17 objections.

18 MR. KHOJASTEH: Right. And the other -- and
19 just based on that representation, and I appreciate
20 you guys making the connection for us, as we have
21 requested, I'm happy to allow Chief Bovino to --
22 for you to ask questions laying proper foundation
23 regarding the criminal complaint.

24 MR. BOWMAN: Okay.

25 MR. KHOJASTEH: Yeah. We would just note that

1 that declaration is a declaration of a different
2 individual, Mr. Hott.

3 MR. BOWMAN: Correct.

4 MR. KHOJASTEH: Okay. And so if we're going
5 to ask questions about -- of mister -- if we're
6 connect it, I'd ask that you put that into the
7 record so we understand the context in which it's
8 raised. Because candidly, you represented to me
9 prior to the break that it was in -- it was
10 referenced in your motion, and it's not. And so I
11 just want to see the Hott declaration myself to
12 confirm that this is actually what's being
13 referenced in there. We can go off the record so
14 we don't waste your time.

15 MR. BOWMAN: Why don't we do that? Let's do
16 that because I'd like to get this done.

17 THE VIDEOGRAPHER: Okay. With that, we'll go
18 off the record the time is 1:53.

19 (A recess was taken.)

20 THE VIDEOGRAPHER: We are back on the record.
21 The time is 1:57.

22 MR. BOWMAN: All right. So we were off the
23 record so that counsel for the government could
24 have the opportunity to review the Hott affidavit.
25 We took a paragraph of that affidavit that

1 describes circumstances in -- here in the Northern
2 District of Illinois that the Midway Blitz folks
3 take into account allegedly in order to justify
4 their uses of force.

5 MR. KHOJASTEH: So I -- if you're -- are
6 you -- can I go, Counsel? Just to --

7 MR. BOWMAN: Yeah.

8 MR. KHOJASTEH: -- to say our position?
9 So the -- this is a declaration written by someone
10 else, not Chief Bovino. It does reference in the
11 last sentence of Paragraph 23, "Cartels and the
12 Latin Kings again have placed 10,000 bounties --
13 \$10,000 bounties on the murder of any immigration
14 officer." I don't know if that is -- what's
15 referenced in the declaration is the criminal
16 complaint about which you'd like to ask questions.
17 I remain -- the government -- the position of the
18 government remains that if you want to ask
19 questions about specific incidents, the ones
20 listed in your Preliminary Injunction Motion, and
21 ask whether cartels or Latin King gangs played a
22 role -- or the concern about cartels and Latin
23 Kings played a role in the use of force in a
24 particular incident, we are -- I think that's
25 completely within the confines of what the Court

ordered. But I think an open-ended investigation not explicitly tethered to a particular incident would be contrary to the Court's order. So I'm giving you a way to do it, but that's our position. That said, if you want to ask, I -- we're happy to -- I think that's the best way to handle it.

MR. BOWMAN: Well, I --

MR. KHOJASTEH: And so otherwise the instruction is going to stand.

MR. BOWMAN: Okay. Well, I think what we should do is talk to Judge Ellis about this.

MR. KHOJASTEH: Sure.

MR. BOWMAN: All right. So why don't we go off the record and see if we can get Judge Ellis on the phone?

THE VIDEOGRAPHER: Okay. We'll go off the record, and the time is 1:59.

(A recess was taken.)

THE VIDEOGRAPHER: We're back on the record, and the time is 2:01.

BY MR. BOWMAN:

Q. Okay. So -- okay. So Mr. Bovino, do you have concerns as you go about your business in the Northern District of Illinois that the Latin Kings have a bounty on your head, and is that affecting your actions here?

MR. KHOJASTEH: Object to form. Lacks foundation. And vague as to "actions here."

BY MR. BOWMAN:

Q. Your immigration enforcement actions?

MR. KHOJASTEH: Again, same objection.

Which ones?

BY MR. BOWMAN:

Q. Any of the immigration enforcement actions that have been the subject of discussion in the papers filed in this case, including all of the declarations, all of the video, all of the papers filed by the government, and all of the papers filed by us. That's my question. Is it clear to you, sir?

A. And what's the question again?

Q. The question again is: Does -- do you have a fear that is affecting your actions and your enforcement operations in the Northern District of Illinois of a bounty placed on your head by the Latin Kings or someone affiliated by -- with the Latin Kings, and is that affecting your judgment as to appropriate uses of force, appropriate responses to the protestors that you encounter?

MR. KHOJASTEH: Object to form.

Lacks foundation. Vague as to the actions you're referring to. He's asking about the

1 specific -- I'm just helping you. He's asking
2 about the specific actions that are listed in the
3 Preliminary Injunction Motion about which you have
4 personal knowledge. How, if at all, did the bounty
5 placed on your head by Mexican cartels or anyone
6 else impact your view of the use of force or
7 dealing with protestors; is that fair?

8 MR. BOWMAN: That is not the question.

9 MR. KHOJASTEH: Okay. So fix it. Fix it.

10 I'm with you. I was -- I was trying to be helpful.

11 BY MR. BOWMAN:

12 Q. Okay. Do you hold the view that a bounty
13 allegedly on your head by the Latin King street gangs or
14 someone affiliated with the Latin Kings is relevant and
15 requires consideration as you make judgments about your
16 enforcement response and your interactions with
17 protestors here in the Northern District of Illinois in
18 regards to those matters that we've been talking about
19 in this litigation?

20 MR. KHOJASTEH: Object to form. Lacks
21 foundation. Vague as to "those matters in this
22 litigation." You can't just say specific -- the
23 specific events listed in the Preliminary
24 Injunction Motion? You want to have some, like,
25 broad --

MR. BOWMAN: I --

MR. KHOJASTEH: -- thing that's not going to be useful?

MR. BOWMAN: I think that there are other events other than those listed --

MR. KHOJASTEH: Yeah, but that's not what the --

MR. BOWMAN: -- in the Preliminary Injunction Motion before the --

MR. KHOJASTEH: That's not what the order is about.

MR. BOWMAN: But for the sake of --

MR. ART: Let's -- Locke, can I interject?

MR. BOWMAN: Sure.

MR. ART: I think that --

MR. KHOJASTEH: Steve, please.

MR. ART: I think we need to call the judge at this point because the obstruction has been going on all day long and there is no limitation that Counsel is referencing to the scope of this deposition --

MR. KHOJASTEH: Except the one in the -- in her order?

MR. BOWMAN: I don't think that there's any point in arguing further about it.

1 MR. KHOJASTEH: No, but --

2 MR. BOWMAN: I agree with Mr. Art's
3 suggestion. I'm going to try and get Judge Ellis
4 on the line. Let's go --

5 MR. KHOJASTEH: We're not going off the
6 record.

7 MR. ART: That's great.

8 MR. BOWMAN: Okay.

9 MR. KHOJASTEH: Both parties have to agree to
10 that. Mr. Art, just so I understand it, correct me
11 where -- and I've asked for this, like, four or
12 five times today, someone to articulate under --
13 tell me where I'm wrong here, but my understanding
14 is that she said, "The depositions are limited to
15 the events that are identified in the Motion for
16 Preliminary Injunction. And you can talk -- you
17 know, you can ask questions briefly about the scope
18 of the responsibilities and, you know,
19 foundationally, how do they know what they know."
20 I'm just asking, why are we -- on what basis
21 are -- is lines of examination allowed to go beyond
22 this -- what she said, which was the specific
23 events listed in the Preliminary Injunction Motion.
24 And if you can articulate that for me --

25 MR. ART: So let me --

1 MR. KHOJASTEH: -- I'm happy to work with you.

2 MR. ART: Let me know when you're ready for a
3 response.

4 MR. KHOJASTEH: Ready.

5 MR. ART: Okay. She ruled in the transcript
6 that you're reading, starting at Page 106, that
7 there would be no questions about the motivations
8 for Operation Midway Blitz at the highest levels of
9 government. We understand that limitation. She
10 said that all theories and issues in the First
11 Amended Complaint and in the Preliminary Injunction
12 Motion are at issue in this deposition. We are
13 asking questions currently about the government's
14 defense to those theories and allegations. So
15 let's call the judge and get clarification about
16 whether we can ask --

17 MR. KHOJASTEH: Can I respond just so I
18 understand your position? Because my reading was
19 that as to those specific events, you can ask these
20 questions about what they're doing implicating
21 First Amendment, Fourth amendment, religious
22 freedom. Like, wouldn't that -- would -- like,
23 that's what I understand this to be.

24 MR. ART: Okay.

25 MR. BOWMAN: So I think that we're

1 just -- have a different view of the world,
2 and --

3 MR. KHOJASTEH: Okay.

4 MR. BOWMAN: -- make sure that Judge Ellis can
5 set us all straight. So I have her number queued
6 up on my phone. Obviously when the judge comes on
7 the line, we'll need to go back on the record, but
8 the mechanics of getting her -- get -- getting the
9 call placed to her, you don't need to record, okay?

10 THE VIDEOGRAPHER: Okay. So do all parties
11 agree to go off the record?

12 MR. KHOJASTEH: Yeah, we agree to go off the
13 record.

14 THE VIDEOGRAPHER: Okay. We're off the
15 record. The time is 2:07.

16 (A recess was taken.)

17 MR. BOWMAN: One of the lawyers in the --

18 MS. HUTCHENS: Okay.

19 MR. BOWMAN: And we are in the deposition of
20 Mr. Bovino, and there is --

21 MS. HUTCHENS: There is an issue.

22 MR. BOWMAN: Yes.

23 MS. HUTCHENS: Okay. Let me put you on hold.
24 Judge Ellis is just walking at the door.

25 MR. BOWMAN: Okay. Thank you.

MS. HUTCHENS: You're welcome.

MR. BOWMAN: Steve, are you able to participate in this call? Hello?

MR. ART: Yes.

MR. BOWMAN: Okay. I'm going to put the phone over near where you're coming in, so.

MS. HUTCHENS: Hello?

MR. BOWMAN: Hello.

MS. HUTCHENS: One moment.

MR. BOWMAN: Yes.

MS. HUTCHENS: Hi. The judge asked if you could come upstairs in five minutes into the courtroom.

MR. BOWMAN: We can -- yes, we can come up in -- upstairs in five minutes. I need to warn you that I'm not fit to be seen. I didn't expect to be in court, but I'll be there.

MS. HUTCHENS: Okay. And the other side, too, obviously.

MR. BOWMAN: Oh, absolutely. Yes.

MS. HUTCHENS: Okay.

MR. BOWMAN: Thanks.

MS. HUTCHENS: Thank you.

MR. BOWMAN: Bye.

MS. HUTCHENS: Bye.

(A recess was taken.)

THE VIDEOGRAPHER: We are back on the record.

The time is 3:19.

MR. KHOJASTEH: So -- it just turned on.

THE WITNESS: Is it muted?

MR. KHOJASTEH: Go ahead.

MR. BOWMAN: We having a technical issue?

MR. KHOJASTEH: No, we're good.

MR. BOWMAN: Okay, all right. So I want to make sure I understand one thing. Objections to my questioning of Mr. Bovino regarding the Cartel press release, the DHS press release that we identified as Exhibit 2, I believe, for the deposition. And now that we've cleared up the issue of scope, I assume it's still off limits to me because of the law enforcement privilege that you were also asserting; is that correct?

MR. KHOJASTEH: To the extent that he knows anything about that press release, and it's not derived from classified information, we're not going to instruct him not to answer.

MR. BOWMAN: Okay.

BY MR. BOWMAN:

Q. So Mr. Bovino, I have some questions for you about what information you have regarding a bounty being

1 placed on your head by Mexican cartels. Can you tell me
2 which Mexican cartels have a bounty on your head?

3 MR. KHOJASTEH: Object. And I'm going to
4 instruct you not to answer to the extent that doing
5 so would reveal classified information.

6 BY MR. BOWMAN:

7 Q. Okay. Please answer my question to the extent
8 you can.

9 A. I'm not going to answer that.

10 Q. All right. Do you have -- what information do
11 you have that the Mexican cartels have an interest in
12 monitoring the operations of Midway Blitz in the
13 neighborhoods of Pilsen and Little Village here in
14 Chicago?

15 MR. KHOJASTEH: Same objection.

16 MR. BOWMAN: Okay.

17 MR. KHOJASTEH: Same objection. And same
18 instruction.

19 BY MR. BOWMAN:

20 Q. And will you answer my question, sir?

21 A. No, sir.

22 Q. You're following your counsel's instruction,
23 correct?

24 A. Yes.

25 Q. All right. There is an allegation here that

1 cartels have disseminated a structured bounty program to
2 incentivize violence against federal personnel.

3 Is your information that that includes you?

4 MR. KHOJASTEH: Object to form. Lacks
5 foundation.

6 MR. BOWMAN: Okay.

7 BY MR. BOWMAN:

8 Q. Answer please.

9 THE WITNESS: I'm sorry. What -- what did you
10 say?

11 MR. KHOJASTEH: I said lacks foundation.
12 You can answer.

13 THE WITNESS: Okay.

14 MR. KHOJASTEH: Just not the source of the
15 information, but you can answer the question he
16 asked, which is -- go ahead.

17 THE WITNESS: Yes.

18 BY MR. BOWMAN:

19 Q. Okay. What information do you have?

20 A. That there's a bounty on my head.

21 Q. Okay. Can you tell me how you acquired that
22 information?

23 MR. KHOJASTEH: Object to form. And I'm going
24 to instruct him not to answer to the extent that
25 doing so would reveal classified information.

1 BY MR. BOWMAN:

2 Q. You'll follow that instruction and not answer?

3 A. I am following that instruction.

4 Q. Okay. Which cartels have established this
5 structured incentive -- sorry, let me start over. It's
6 been a long day. Which cartels have placed this
7 structured bounty on your head and the heads of others?

8 MR. KHOJASTEH: Object to form. I'm going
9 to -- asked and answered. And I'm also going to
10 instruct him not to answer if to the extent doing
11 so reveals classified information.

12 MR. BOWMAN: Okay.

13 BY MR. BOWMAN:

14 Q. Will you answer the question, please?

15 A. No.

16 Q. What information do you have that the Mexican
17 cartels have any -- maybe I asked this question already.
18 If I did, I apologize. What information do you have
19 that the Mexican cartels have any interest in the
20 operations of Midway Blitz in Chicago?

21 MR. KHOJASTEH: Same objection. Same
22 instruction.

23 BY MR. BOWMAN:

24 Q. Will you answer that question?

25 A. No.

1 Q. The statement here is that Antifa groups have
2 provided logistical support for protests here in Chicago
3 as well as in Portland. Is that correct information?

4 MR. KHOJASTEH: Object to form. Lacks
5 foundation. Calls for speculation.

6 THE WITNESS: I don't know what statement
7 you're talking about.

8 BY MR. BOWMAN:

9 Q. It says here in -- let's see. Do you have the
10 exhibit in front of you? I think I have your copy of it
11 here. Let me hand you Exhibit 2 for identification.

12 It says in the third paragraph from the
13 bottom: "In Portland and Chicago, Antifa Groups have
14 provided logistical support, such as pre-staged protest
15 supplies, doxxing of agent identities, on the ground
16 interference to shield cartel-linked individuals from
17 deportation." What information do you have, sir, to
18 support that statement?

19 MR. KHOJASTEH: Object to form. Lacks
20 foundation. You can answer if you know.

21 THE WITNESS: I understand that groups have
22 provided logistical support, such as pre-stage
23 supplies and doxxing of agents.

24 BY MR. BOWMAN:

25 Q. Okay. What groups are these?

A. I don't know.

Q. Okay. What individuals in these groups?

A. I don't know.

Q. What information do you have that those -- that that logistical support has in fact been provided?

MR. KHOJASTEH: Object to form. Lacks foundation. I'm going to instruct you not to answer to the extent that doing so would reveal law enforcement privilege or classified material -- implicate classified materials. But otherwise, you can answer.

BY MR. BOWMAN:

Q. Could you answer my question, please?

A. No.

Q. What specifically is the logistical support that has been provided -- or actually strike that question. Was logistical support provided by Antifa for any of the incidents that have been the subject of discussion in this case?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: Groups have provided support.

BY MR. BOWMAN:

Q. Yes. Which groups? What support?

1 A. I don't know.

2 Q. What incidents? Support from what? What
3 specific events have been supported by groups?

4 MR. KHOJASTEH: Just which question are you
5 asking there?

6 MR. BOWMAN: The last one.

7 MR. KHOJASTEH: Okay.

8 THE WITNESS: And you're asking me which
9 groups or what, I don't -- you -- you asked a
10 couple of things there.

11 BY MR. BOWMAN:

12 Q. Yeah. Which groups have provided the support
13 that you are indicating they've provided?

14 A. I don't --

15 Q. Identified they --

16 A. I don't know who they are.

17 Q. You don't know who groups are?

18 A. I -- I already answered that.

19 Q. What is the support that they provide?

20 MR. KHOJASTEH: Object to form. Lacks
21 foundation.

22 THE WITNESS: I've seen riot shields with
23 spikes, several stacks of those.

24 BY MR. BOWMAN:

25 Q. Okay. And what does --

1 A. And I'm not done yet. I'm not done yet.

2 Q. Go ahead.

3 A. I've seen riot shields with spikes driven
4 through them. I've seen piles of bricks, piles of
5 chopped up pavements. I've seen blocks and chains. I've
6 also seen unidentified liquids with dispersal mechanisms
7 that appear to be able to disperse some type of a
8 chemical -- some type of a chemical at a -- at a long
9 distance.

10 Q. Okay. Have you seen -- where have you seen
11 these things?

12 A. I saw these at Broadview ICE Detention
13 Facility.

14 Q. When?

15 A. I don't remember the exact date.

16 Q. Approximately when?

17 A. It's approximately September of 2025.

18 Q. On how many occasions did you see that?

19 A. I saw that on -- I can't remember.

20 Q. Have you seen -- have you identified the
21 source of these materials that you've just described?

22 A. I have not.

23 Q. Okay. Has anyone else, to your knowledge?

24 A. I don't know.

25 Q. Is that what's being referred to in this press

1 **release?**

2 MR. KHOJASTEH: Object to form. Lacks
3 foundation. Calls for speculation.

4 THE WITNESS: I don't know if that's what this
5 press release is referring to.

6 BY MR. BOWMAN:

7 Q. What information do you have, if any, that
8 criminal networks are impeding the operations of
9 immigration enforcement in the course of Midway Blitz?

10 A. Could you repeat that one please?

11 Q. Yes. What information do you have that
12 criminal networks are impeding the work of Operation
13 Midway Blitz?

14 A. Can you define criminal networks? What are
15 you --

16 Q. No, I can't. I'm reading from this statement
17 that Secretary Noem makes here.

18 A. I don't know.

19 Q. I don't either. So you have no such
20 information?

21 MR. KHOJASTEH: Object to form.
22 Mischaracterizes. Lacks foundation. You haven't
23 even established whether he had any involvement
24 creating this press release.

25 MR. BOWMAN: Don't start.

1 MR. KHOJASTEH: Just saying.

2 MR. BOWMAN: Don't start.

3 THE WITNESS: I don't know what the press
4 release is referring to.

5 BY MR. BOWMAN:

6 Q. Okay. Do you believe that criminal networks
7 are impeding your enforcement responsibilities here in
8 the Northern District of Illinois?

9 A. Yes.

10 Q. What criminal networks?

11 A. I believe that several criminal networks are
12 impeding our ability here in the Northern District. Such
13 as transnational street gangs like the Latin Kings and
14 potentially others.

15 Q. What information do you have to support that
16 assertion?

17 MR. KHOJASTEH: Object to form. I'm going to
18 instruct him not to answer to the extent that it
19 reveals law enforcement privilege or implicates
20 classified information.

21 BY MR. BOWMAN:

22 Q. Okay. Will you answer my question, please?

23 A. No.

24 Q. What have the criminal networks done to impede
25 your progress in operation Midway Blitz?

A. Criminal networks have utilized dangerous tactics to assault border patrol agents in the performance of their duties.

Q. What dangerous tactics?

A. Those dangerous tactics include the ramming, or attempted ramming of border patrol vehicles, while they are conducting -- while they are in the performance of their duties. Those networks include -- that -- that also includes the use of spotters on rooftops and other tactics.

Q. And what information do you have to connect these events to criminal networks?

MR. KHOJASTEH: Object to form. Going to instruct him not to answer to the extent it reveals law enforcement privilege or --

BY MR. BOWMAN:

Q. Okay. Will you answer my question?

A. No.

Q. Okay.

MR. KHOJASTEH: -- or classified information.

BY MR. BOWMAN:

Q. So I want to turn next to what we marked for identification as Exhibit 3. This is the criminal complaint that I hope you still have in front of you, relating to Mr. Espinosa Martinez.

A. Got it. Yeah.

Q. So I had some questions for you about this criminal complaint. Who is Victim A referred to in the Probable Cause Affidavit?

A. I don't know.

Q. And do you have any reason to believe it's yourself?

A. I -- I don't know.

Q. Do you have any reason to believe it's anyone connected to your work in Midway Blitz?

A. I -- I don't know.

Q. Okay. Do you know what Mr. Espinosa Martinez's connection is to the Latin King street gangs, if any?

MR. KHOJASTEH: Object to form. I'm going to instruct him not to answer, to the extent that doing so would reveal law enforcement privilege or classified information.

BY MR. BOWMAN:

Q. Okay. Will you answer my question, sir?

A. No.

Q. Okay. What information do you have as to the source, if any, for the money that is referred to in Paragraph 4 of the Probable Cause Affidavit --

MR. KHOJASTEH: Same --

1 BY MR. BOWMAN:

2 Q. -- the so-called \$10,000 reward?

3 MR. KHOJASTEH: Same objection. Same
4 instruction.

5 BY MR. BOWMAN:

6 Q. Will you answer my question?

7 A. No.

8 Q. What information do you have, if any, that any
9 single concrete step was taken in furtherance of this
10 murder, other than the Snapchat post that's referred to
11 in the affidavit?

12 MR. KHOJASTEH: I'm going to object to form.
13 Lacks foundation. You haven't established he has
14 anything to do with this investigation or anything.
15 So I'm just --

16 MR. BOWMAN: Don't -- you --

17 MR. KHOJASTEH: Okay. I'm just telling --

18 MR. BOWMAN: -- object to the form. You
19 object to the foundation. You have done your job.

20 MR. KHOJASTEH: And I'll instruct you not to
21 answer to the extent that doing so would reveal
22 law -- if you have any information, doing so would
23 reveal law enforcement privilege or classified
24 information.

25 MR. BOWMAN: Understood.

BY MR. BOWMAN:

Q. And will you answer my question please, sir?

A. No.

Q. Okay. Thank you. Okay. I would like to play for you next, a video tape that was captured by a body-worn camera that is, I believe, recording you admonishing the federal agents under your command on June 7th of this year in Los Angeles. And so we'll listen to this tape, and then I'll have some questions for you about it.

MR. KHOJASTEH: Object to the characterization, but go for it.

(Video recording played.)

MR. BOVINO: Arrest as many people, that touch you, as you want to. Those are the general orders, all the way to the top, everybody fucking gets it if they touch you. You hear what I'm saying?

UNIDENTIFIED SPEAKER: Yes sir.

MR. BOVINO: Less lethals, we're going to look at shipping a tractor trailer release of that shit in here. So you catch what I'm -- it's all about us now. It ain't about them. Professional, legal, ethical, moral. You know what we're talking about? Legal, ethical, moral. You're on camera. But other than that, it's what we do.

UNIDENTIFIED SPEAKER: Whose city is it chief?

MR. BOVINO: Fucking ours --

(Video recording stopped.)

MR. KHOJASTEH: The last part is stopping.

THE WITNESS: Mine's not working.

MR. BOWMAN: Yeah. So --

MR. KHOJASTEH: If it's relevant to the questioning, fine. If it's not, then don't worry --

MR. BOWMAN: Yeah. It's -- it is relevant. Is there --

THE REPORTER: There -- it didn't play that whole time?

MR. KHOJASTEH: No, just the last part that --

MR. BOWMAN: The last part we didn't hear. It got clipped out.

(Video recording played.)

MR. BOVINO: Arrest as many people, that touch you, as you want to. Those are the general -- it's what we do.

UNIDENTIFIED SPEAKER: Whose city is it chief?

MR. BOVINO: Fucking ours -- it's our fucking city.

(Video recording stopped.)

THE WITNESS: It's all broken up here.

MR. KHOJASTEH: Was the end of it just, "it's our fucking city"?

MR. BOWMAN: Yeah.

MR. KHOJASTEH: There was nothing else -- if there's nothing else after that, then we've got it.

MR. BOWMAN: I don't -- I'm not sure that the witness has heard everything. Let's play it one more time. If we can -- I don't know if there's another source for this that might be better?

MR. KHOJASTEH: If you want to represent what it says at the end, that's okay.

MR. BOWMAN: Okay. Let's do this then. Let's move on.

BY MR. BOWMAN:

Q. So first question for you, sir, is -- is that you in the video, and did you say these things to the agents under your command on June 7th in Los Angeles?

A. That -- that appears to be me and -- and it appears to be what I said there on -- sometime. I don't know what the date of that -- of that was.

Q. Do you recall saying those things?

A. I don't recall everything. I don't -- I don't recall everything. No.

Q. But you have no doubt that you said that?

1 A. I believe that I said what was on -- on the
2 video there.

3 Q. All right. So the instruction that you gave
4 to your officers was that they had full reign to arrest
5 anyone who so much as touched them. That, in essence,
6 was what you said to the officers, right?

7 A. No.

8 Q. Well, should we interpret you as saying
9 something different?

10 A. I don't know how you want to interpret me, but
11 that -- that's not -- not what I said.

12 Q. Okay. Well, is that what you meant?

13 A. No.

14 Q. What did you mean?

15 A. When someone impedes, delays, obstructs, or
16 assaults a federal officer, then those Border Patrol
17 agents have a right to, and should, arrest them.

18 Q. Okay. If they touch the agent, right? Those
19 were your words?

20 MR. KHOJASTEH: Object to form as --

21 BY MR. BOWMAN:

22 Q. If anybody touches you, you have -- you can
23 arrest them?

24 A. Yeah, assaults an agent.

25 Q. Yes.

1 A. Assaults an agent.

2 Q. Anybody who touches you, you can arrest?

3 A. Well, assault an agent is -- yes.

4 Q. Okay. Now, does that statement, "anybody who
5 touches you, you can arrest," does that apply in Chicago
6 equally as it did in Los Angeles?

7 MR. KHOJASTEH: Object to form.

8 Mischaracterizes the testimony.

9 THE WITNESS: As I said in there, touches you
10 legally, ethically, and morally, it applies
11 anywhere.

12 BY MR. BOWMAN:

13 Q. Okay. Including here in Chicago?

14 A. Yeah. Legally, ethically, and morally. Yes.

15 Q. Okay. You talked about the availability of
16 munitions to your officers, and you indicated to them
17 that large quantities of munitions were going to be
18 supplied to them and -- you said that, right?

19 A. I -- I said that more munitions would be
20 coming.

21 Q. Be coming. And was that encouragement in
22 effect to your officers that they should not hesitate to
23 consume their supply of munitions because more would be
24 coming?

25 A. No.

1 Q. What did you mean by telling them that more
2 munitions would be coming?

3 A. At the time that I said that, there were
4 approximately 1,000 violent protestors outside the gates
5 of that facility that were assaulting our agents to the
6 tune of several assaults an hour, and trying to get into
7 the gate to that facility. And -- and I was letting the
8 officers know that utilizing the less lethal was
9 permitted, but we were going to get more because, at
10 that point, there had been so many assaults on federal
11 officers that we were -- our inventory was running low.
12 So I actually had to call for more due to that vast
13 amount of assaults that was occurring, actually,
14 every -- almost every minute.

15 Q. Okay. And has that situation also been a
16 problem here in Chicago, that so many assaults are
17 recurring and so many uses are required for the munition
18 supply, that you've had to call for more?

19 A. No.

20 Q. At the end of this little speech, you say
21 words to the effect of, these are our fucking streets.
22 Did you heard yourself say that, right?

23 A. I can't remember exactly what that was.

24 Q. Something to that effect. Yes?

25 A. Yes.

1 Q. What did you mean by that?

2 A. As violent protestors overran the actual
3 streets in front of that ICE -- that ICE facility, that
4 government facility, as they actually overran the
5 streets by the thousands and assaulted Border Patrol
6 agents, and other federal officers as well, that those
7 streets belong to America, the public, and that is, it's
8 upon us to ensure that we open the streets legally,
9 ethically, and morally.

10 Q. Okay. Now, there are a number of incidents
11 that are in issue in this case that we have together
12 that occurred out at the Broadview ICE facility. And
13 you have that in focus, right?

14 A. Well, what -- what -- what incidents?

15 Q. At Broadview.

16 A. Yeah, I don't know which incidents you're
17 talking about.

18 Q. I'm not talking about any particular one.
19 I'm saying there have been a number of incidents in
20 which munitions have been deployed at Broadview, right?

21 A. Munitions have been --

22 Q. Deployed at Broadview.

23 A. -- deployed at Broadview?

24 Q. Yes. There are a number of incidents in which
25 take-downs have been employed at Broadview, right?

MR. KHOJASTEH: Object to form.

THE WITNESS: Individuals that were assaulting
Border Patrol agents and/or Allied Federal Law
Enforcement Partners were arrested for assault at
Broadview.

BY MR. BOWMAN:

**Q. Yes. And there have been a number of
incidents in which PepperBalls have been shot into
crowds of protestors, right?**

A. I don't know.

Q. You don't know about that?

A. I don't know.

Q. Okay.

A. There's a number of events.

**Q. It has been a problem keeping the streets
clear in front of the Broadview ICE facility. Can we
agree about that?**

MR. KHOJASTEH: Object to form.

THE WITNESS: The streets in front of
Broadview have been occluded by large numbers of
violent protestors at times.

BY MR. BOWMAN:

**Q. So would the same point that you made in Los
Angeles apply outside of Broadview, here in
Chicago -- or sorry, here in the Northern District of**

1 Illinois, these fucking streets are ours?

2 A. No.

3 Q. And why not?

4 A. Each case is specific and taken upon its own
5 merits. And that's a different case than Los Angeles,
6 and it's not to be confused with Los Angeles, which is a
7 different place, a different date, a different time, and
8 a different situation.

9 Q. Have you ever instructed your agents here in
10 Operation Midway Blitz that they should -- they should
11 recognize that these fucking streets are ours?

12 A. Are you asking if I've said that to them?

13 Q. Yes. Have you instructed them either with
14 those words or with words to that effect?

15 A. I have not told my agents that these fucking
16 streets are ours here at Broadview.

17 Q. Okay. Have you said words to that effect to
18 them?

19 A. Yeah, I don't recall.

20 Q. You may have, you may not. You don't
21 remember?

22 A. I just said I don't recall.

23 MR. BOWMAN: Okay. Can I have this?

24 THE REPORTER: Uh-huh.

25 MR. BOWMAN: Thank you.

BY MR. BOWMAN:

Q. I'm marking next, for identification as Exhibit 5, a transcript of an interview that you gave to a local reporter here in Chicago who works for the local CBS News affiliate. And I'll hand it to you and a copy to your Counsel. I've got an extra one that I'd love to get rid of.

(Exhibit 5 was marked for identification.)

THE REPORTER: Thank you.

BY MR. BOWMAN:

Q. So what we did, Mr. Bovino, is we took the television recording and we employed a court reporter, like Megan here, to listen to it and make a transcript. So I'm hoping we can agree that this is a reliable record of what you said in response to the questions you were asked. Take a minute to look at the transcript and I'll have some questions for you about it. It's quite short.

MR. KHOJASTEH: A quick question for you, Counsel. Is this the complete -- is this a transcript of the complete interview?

MR. BOWMAN: This is a transcript of the portion of a news segment in which Nicole Sganga interviewed --

THE WITNESS: It's not the entire interview.

MR. BOWMAN: -- Mr. Bovino. It is the entirety of that portion that aired.

BY MR. BOWMAN:

Q. So I'm sure she asked you other questions, Mr. Bovino, but this is what we were able to see on the news.

MR. KHOJASTEH: I'm just going to -- you can use -- obviously ask your question, but I'm just -- I have a standing objection to the fact that this is -- on the basis that this is an incomplete report. You can answer to the extent you remember any of this.

BY MR. BOWMAN:

Q. Let me know -- just look at me when you're ready for me to ask you questions. Is that --

A. I just looked at you.

Q. Okay. So one of the things that you say is that you have seen a number of uses of force in the Chicago land area over the course of Midway Blitz, right?

A. In -- in -- in -- in this I said that?

Q. No. I'm asking you --

A. No, I -- I didn't say that there.

Q. I'm asking you a question, sir. It's just a

1 simple question. You have seen a number of uses of
2 force over the course of your time here in the Chicago
3 area, correct?

4 A. I have seen use of force here.

5 Q. And you have participated --

6 MR. KHOJASTEH: Let him finish, please.

7 BY MR. BOWMAN:

8 Q. -- in uses of force, correct?

9 A. I have what? I have what?

10 Q. Participated in uses of force?

11 A. I have used force --

12 Q. Right.

13 A. -- here in Chicago.

14 Q. Okay. So I'm going to just read the entirety
15 of your answer to a question that the reporter asks you
16 about whether the uses of force have been proper. Here's
17 what you say, and I'm quoting from the exhibit, Page 3,
18 Lines 10 to 17, "The use of force that I've seen,
19 Nicole, and I've been here at the Broadview facility
20 during some of those riots in which extremists and
21 others did attack federal law enforcement agents, and
22 the use of force that I've seen has been exemplary. And
23 by exemplary, I would say the least amount of force
24 necessary to accomplish the mission." Do you recall
25 saying that to Ms. Sganga?

1 A. Yes.

2 Q. And is that true?

3 A. Yes.

4 Q. Okay. Now we have progressed, you know, in
5 time, several weeks past the date of this interview. If
6 I were to ask you today, is it true that all of the uses
7 of force that you are aware of, that you or any other
8 federal agent has -- in -- has applied in the course of
9 Midway Blitz, has, in your judgment, been, quote
10 unquote, "exemplary"? Would that still be the case,
11 sir?

12 MR. KHOJASTEH: Object to form. Do you -- can
13 you represent a date for this?

14 MR. BOWMAN: I cannot. I don't know exactly
15 what date it is. It's when stuff was hot and heavy
16 at Broadview.

17 BY MR. BOWMAN:

18 Q. Could you answer my question, sir?

19 A. Repeat the question, please, again?

20 Q. Yeah. Sure. If I'm asking you today about
21 Operation Midway Blitz, is it still true that in your
22 judgment, every use of force that you've seen has been
23 exemplary, meaning the least amount of force necessary
24 to accomplish the mission? Is that still true today?

25 MR. KHOJASTEH: Object to form.

Mischaracterizes the testimony and the report.

THE WITNESS: No.

BY MR. BOWMAN:

Q. Okay. Have there been uses of force that have been less than proper?

A. No. All uses of force have been more than exemplary.

Q. I see. So they have been actually -- what would be the word?

A. More than exemplary.

Q. Have been beyond perfect?

MR. KHOJASTEH: Object to form.

THE WITNESS: I -- I didn't say that.

BY MR. BOWMAN:

Q. Well, I'm asking. Beyond perfect?

A. More than exemplary.

Q. More than exemplary. Okay. Now, you were asked a question here about whether it's okay to fire less lethal munitions from an elevation. You see at the bottom of Page 3, the reporter asks you, "Firing from elevation is within DH policy?" And that's a question that's posed to you. And your answer, beginning at Line 23 on that page is, "It doesn't matter where you fire from. An elevation is not a violation of policy. That is a less lethal device for area saturation."

1 Absolutely. You bet." Did you say that?

2 A. Yes.

3 Q. And is that accurate? Is that true under DHS
4 policy?

5 A. That is true.

6 Q. And do you instruct the agents under your
7 command who are firing from elevation, that firing from
8 elevation is not a violation of policy, it's absolutely
9 okay to do so?

10 A. I have not instructed anyone. I'm not an
11 instructor.

12 Q. Okay. Well, you supervise, right?

13 A. I am a supervisor.

14 Q. Supervisor. Have you ever taken any agent
15 under your command aside and said, I see you firing
16 PepperBalls from a rooftop or other elevation. That is
17 a violation of policy. You shouldn't do that?

18 A. I have never said that.

19 Q. And when -- there's another question about
20 aiming PepperBalls above the waist. You were asked if
21 aiming PepperBalls above the waist is within policy.
22 Do you see where I am now on Page 4, Line 2?

23 A. Yes.

24 Q. Your answer is, and I quote, "It can be. If
25 someone strays into a PepperBall, then that's on them.

1 Don't protest and don't trespass." Did you say that?

2 A. Yes.

3 Q. In substance, what you're saying here is, is
4 if you have a problem getting hit with a PepperBall
5 that's fired above your waist, the solution would be not
6 to protest. Is that accurate?

7 MR. KHOJASTEH: Object to form.

8 Mischaracterizes and argumentative.

9 MR. BOWMAN: You know, I really would
10 appreciate it if you would adhere to the rules.

11 MR. KHOJASTEH: Those are -- I'm not doing
12 speaking objections. That's just --

13 MR. BOWMAN: That is a speaking objection.
14 And if you don't know it's a speaking objection, I
15 commend to you Rule 30 of the Federal Rules of
16 Civil Procedure that you should read.

17 BY MR. BOWMAN:

18 Q. All right. I'm going to ask you my question
19 again. Are you saying, in essence, that if somebody
20 doesn't want to be hit by a PepperBall fired at them
21 above their waist, the solution for that person is not
22 to protest? Is that the message you were attempting to
23 deliver by what you said?

24 MR. KHOJASTEH: Same objection.

25 THE WITNESS: No.

BY MR. BOWMAN:

Q. What are you trying to say?

A. PepperBalls can be fired above the waist.
I said it can be. And PepperBalls can be fired above
the waist.

**Q. What about if it hits a person who's lawfully
protesting? Is that a problem for you?**

A. You know, I -- I'm not -- that's situationally
specific. I don't know.

**Q. It could be a problem, and might not be a
problem?**

A. I -- I don't know. I won't -- I'm not going
to speculate on something that I've not seen with my own
eyes.

**Q. Okay. But the solution of the problem,
according to you, is just don't come out and protest,
and then you are not going to get hit by a PepperBall
that you might stray into the way of? Isn't that what
you're saying?**

MR. KHOJASTEH: Object to form.

THE WITNESS: No.

BY MR. BOWMAN:

Q. How am I misinterpreting what you're saying?

A. It says, "don't protest and don't trespass."
Those are both mutually inclusive. Protest and trespass

there, they're not mutually exclusive, therefore protesting and trespassing places that into a category where area -- area saturation with the PepperBall is within policy.

Q. Okay. Now you remember there was a Protestant clergyman by the name of David Black, who is actually one of the plaintiffs in our case. Do you remember the man's name?

A. No.

Q. Do you recall being on television not so long ago, and being asked -- and David Black was on the program, too, and you were asked some questions about Reverend Black and his experience at Broadview?

A. I -- I didn't know anything about his experience at Broadview. I was asked questions.

Q. Yes. And did you say to a reporter, I am sure God didn't tell that reverend to trespass on federal property? Do you remember making that observation?

MR. KHOJASTEH: Object to form.

THE WITNESS: I didn't say that.

BY MR. BOWMAN:

Q. Well, something like it?

A. I don't know if it was like what you're saying, because it doesn't sound like what you're saying, so --

1 Q. Well, what do you remember?

2 A. -- those were not my exact words, and I can't
3 remember what they are.

4 Q. Okay. Well, let's forget about exact words.
5 Did you make the point that nothing bad happened to
6 Reverend Black because when he got hit in the head with
7 a PepperBall, he was trespassing. Is that your
8 position?

9 A. I -- I didn't say that.

10 Q. I'm not asking you if you said it; I'm asking
11 you, is that your position?

12 A. What -- say that again, please?

13 Q. Is it your position that, when Reverend Black
14 got hit in the head with a PepperBall, that was on him
15 because he was trespassing on ICE property at the time?

16 A. I believe Reverend Black was trespassing on
17 ICE property.

18 Q. Okay. Do you believe that the force that was
19 applied to -- you recall the scenario, Reverend Black
20 is, you say, trespassing on ICE property, and he's also
21 praying, right? He's got his hands outstretched?

22 MR. KHOJASTEH: Are you referring to a picture
23 or something, Counsel?

24 MR. BOWMAN: Pardon me?

25 MR. KHOJASTEH: Are you referring to something

1 that's from that interview with him?

2 MR. BOWMAN: I'm just asking a question. Lord
3 have mercy.

4 MR. KHOJASTEH: Then object to form. Lacks
5 foundation. Vague.

6 MR. BOWMAN: There you go.

7 BY MR. BOWMAN:

8 Q. Do you have my question in mind or do
9 you know --

10 A. I don't know what Reverend -- if he was
11 praying.

12 Q. Okay.

13 A. I don't know what -- what -- what --

14 Q. Okay, well, there was --

15 A. -- that individual was doing.

16 Q. Do you remember that there was an assertion
17 that he was praying? That he was saying that he was
18 praying?

19 A. I don't remember any assertion that he was
20 doing anything.

21 Q. Okay. All right. I think we need to show
22 Mr. Bovino the video of David Black getting shot in the
23 head with a PepperBall. And we'll see if this refreshes
24 your recollection.

25 THE REPORTER: Do you want to mark this as an

1 exhibit?

2 MR. BOWMAN: Yes. This will be --

3 THE REPORTER: 6.

4 MR. BOWMAN: -- our next numbered of exhibit,
5 6. Thank you.

6 (Exhibit 6 was marked for
7 identification.)

8 (Video played for the record.)

9 THE WITNESS: It's -- it's not going here.

10 (Video played for the record.)

11 MR. BOWMAN: Yeah, we got to -- can we --
12 let's go off the record for a minute --

13 THE VIDEOGRAPHER: Okay.

14 MR. BOWMAN: And -- we need to straighten out
15 the --

16 THE VIDEOGRAPHER: We're off the record.
17 The time is 3:58.

18 (A recess was taken.)

19 THE VIDEOGRAPHER: We're back on the record
20 and the time is 4:00.

21 BY MR. BOWMAN:

22 Q. All right. So while we were off the record
23 and sorting out the technology issues, you also had an
24 opportunity to observe the video of this man dressed in
25 the garb of a preacher get hit with a PepperBall, right?

1 A. I saw someone in a -- that -- that was dressed
2 in black. I don't know what his -- I couldn't tell.

3 Q. Okay.

4 A. Don't know.

5 Q. All right. And you saw that his hands were
6 outstretched as he was saying something that none of us
7 was able to decipher, right?

8 A. Well, they were above his head. They weren't
9 outstretched -- outstretched would be in the front.

10 Q. Okay.

11 A. It didn't seem like that way to me.

12 Q. His hands were over his head and spread
13 somewhat to the side, correct?

14 A. I saw his hands over his head. I didn't see
15 them spread.

16 Q. Okay. And then you saw that he was not making
17 contact with any federal officer at any point in this
18 video, right?

19 A. I don't know.

20 Q. You can't tell from the video?

21 A. I -- I don't know.

22 Q. All right.

23 A. I don't know what's -- what's going on there.

24 Q. Did you see that he got hit by a PepperBall in
25 the head?

1 A. I didn't -- I didn't see what -- what --
2 what -- what -- what hit him in the head.

3 Q. Okay.

4 A. I don't know.

5 Q. Did you see that some projectile hit him in
6 the head?

7 A. No, I didn't see a projectile hit anyone.

8 Q. Okay. Did you notice that there was a little
9 puff that hit his head?

10 A. I saw some white -- a white swatch.

11 Q. Yes. And then did you see him fall or
12 collapse to the ground in pain after that happened?

13 A. I saw him on his knees or something on the
14 ground there.

15 Q. All right. Did you see him trespassing?

16 A. I wasn't there, so I -- I can't tell exactly
17 where he was in position there.

18 MR. KHOJASTEH: You're going to enter this as
19 one of the exhibits, one -- this clip, right?

20 MR. BOWMAN: It's 6.

21 MR. KHOJASTEH: Okay, great. Just wanted --
22 for housekeeping.

23 BY MR. BOWMAN:

24 Q. I'm going to mark for identification as Group
25 Exhibit 7, some photographs. Here you go.

(Exhibit 7 was marked for
identification.)

MR. KHOJASTEH: Thank you.

BY MR. BOWMAN:

Q. I will represent to you that Group Exhibit 7 consists of four photographs. Two appear to show a uniformed federal agent under your command shooting a spray at Reverend Black. And the second photograph was taken shortly after. It shows the same thing. It shows the spray ejecting from some kind of device in the officer's hand. Then the third photograph in this group exhibit shows -- stops right where that white puff appears above Reverend Black's head. And then the next and final photograph shows Reverend Black turning and in the act of falling to the ground. You'll see in the third and fourth photographs that I just described a group of what I assume are your agents on top of the Broadview ICE facility. So with -- these photographs all display a use of force deployed against Reverend Black; is that correct?

MR. KHOJASTEH: I'm going to object to form -- to the description of the photographs. They speak for themselves. Go ahead.

THE WITNESS: I don't believe these agents were under my command.

1 BY MR. BOWMAN:

2 Q. Okay. Well, whether they were under your
3 command or not, is the answer to my question that these
4 photographs display a use of force by federal agents
5 against Reverend Black?

6 A. I -- I don't know what -- what's taking place
7 here. I have no knowledge of this.

8 Q. Okay. So you can't decipher whether force is
9 being deployed against Black or not?

10 A. Not definitively, no.

11 Q. Okay. Do you see any that -- I want you to
12 look at the final two photographs that are in the group
13 exhibit. Those are the ones showing Reverend Black
14 standing when this puff of smoke emerges above his head
15 and then falling to the ground. Do you see in those
16 photographs any evidence that Reverend Black is
17 trespassing?

18 A. I -- I wasn't here at this, so I can't
19 speculate if he was or not.

20 Q. Do you see any evidence in the photograph that
21 Reverend Black was trespassing? That is a yes or no.

22 MR. KHOJASTEH: Object to form. Asked and
23 answered.

24 THE WITNESS: I don't know if he was
25 trespassing or not. I -- I can't -- I can't --

1 BY MR. BOWMAN:

2 Q. You can't tell from that photograph that he is
3 trespassing, right?

4 A. Yeah.

5 Q. Now, let's assume -- and I realize you can't
6 tell from the pictures, but let's assume,
7 hypothetically, that federal agents are striking --
8 you've seen the video, striking Reverend Black with
9 PepperBalls that are being fired from the top of the ICE
10 facility, okay? Just assume that with me, and that
11 Reverend Black is standing where he is standing. His
12 arms are outstretched, and he's saying something that we
13 can't hear. Do you have my assumptions in mind?

14 A. I understand what you're saying.

15 Q. Okay. In that circumstance, assuming that
16 everything I said is true, is the use of force that is
17 shown in the video and in these photographs, in terms of
18 the striking of the PepperBalls, is that exemplary?

19 MR. KHOJASTEH: Object to form. Calls for
20 speculation. Call -- and a hypothetical.

21 THE WITNESS: I won't make a -- a decision on
22 a hypothetical situation, a situation that either
23 I'm not involved in, nor do I have any direct
24 knowledge of. I don't know.

25 BY MR. BOWMAN:

1 Q. Okay. So you are not willing to say that
2 that's an exemplary use of force?

3 A. I -- I am unable to -- to comment on that use
4 of force.

5 Q. Okay. How about better than exemplary? Is
6 that a better than exemplary --

7 MR. KHOJASTEH: Same --

8 BY MR. BOWMAN:

9 Q. -- use of force?

10 MR. KHOJASTEH: Same objection.

11 THE WITNESS: I'm -- I'm unable to comment on
12 what that use of force is or anything else. I was
13 not there.

14 BY MR. BOWMAN:

15 Q. Next question: As the commander of the agents
16 on the ground in Operation Midway Blitz, can you look me
17 in the eye and acknowledge that the use of force applied
18 against Reverend Black that is depicted in the video and
19 in these photographs is unacceptable and inappropriate
20 and should not have happened?

21 MR. KHOJASTEH: Object --

22 BY MR. BOWMAN:

23 Q. Can you tell me that?

24 MR. KHOJASTEH: Object to form.

25 THE WITNESS: I can tell you that --

MR. KHOJASTEH: Object to form. Same objections.

THE WITNESS: I can tell that I don't know what the -- the use of force was here, and I can't make a -- a judgment either way because I don't know.

BY MR. BOWMAN:

Q. Can you get on national TV, sir, and say, Reverend Black got hit because he was trespassing and he shouldn't have been trespassing, and that's on him, and my guys didn't do anything wrong? Can you get on TV and make that statement or words to that effect; is that okay?

MR. KHOJASTEH: Object to form.

THE WITNESS: Did you ask me if I can get on TV, or if it's okay? There's several questions in there. Which one do you want me to answer?

BY MR. BOWMAN:

Q. I want you to answer the question that I asked. You say you can't make a decision about whether that use of force is unacceptable. You won't look me in the eye and stand up and say that use of force is just fine. I get it. How about, is it okay? Can you go out on a limb and get on TV and say that what happened to Reverend Black is his problem because he was trespassing

1 and he shouldn't have strayed in front of a PepperBall?

2 Can you do that?

3 MR. KHOJASTEH: Object to form.

4 THE WITNESS: I didn't know it was Reverend
5 Black. I don't know who that is.

6 BY MR. BOWMAN:

7 Q. Well, I'm going to represent to you that that
8 is Reverend Black. And so with that representation, can
9 you answer my question?

10 MR. KHOJASTEH: Same objection. This is
11 argumentative.

12 THE WITNESS: I can't make a decision on use
13 of force because I don't know the -- the situation,
14 nor the facts associated with this or any situation
15 that I'm not that apprised of.

16 BY MR. BOWMAN:

17 Q. All right. I am going to play you a video
18 clip of a situation that you were involved in, and we'll
19 talk about that next. This will be Exhibit 8 for the
20 record, and it was a video clip that relates to
21 Broadview.

22 (Exhibit 8 was marked for
23 identification.)

24 MR. BOWMAN: Do we have a date for this?

25 MR. HILKE: October 3rd?

1 MR. BOWMAN: Oh, okay. This is -- these are
2 events that happened the morning of October 3rd at
3 Broadview.

4 (Video played for the record.)

5 MR. BOWMAN: We're going to have to go off the
6 record again. We've got another technical issue.
7 Let's go off.

8 THE VIDEOGRAPHER: So we're off the record and
9 the time is 4:11.

10 (A recess was taken.)

11 THE VIDEOGRAPHER: Back on the record. The
12 time is 4:13.

13 MR. BOWMAN: All right. Back on the record.
14 We've made arrangements for Mr. Bovino to see and
15 hear the 36-second video clip that is identified as
16 Exhibit 8 for the purposes of this deposition.
17 Val, if you could play that video clip at this
18 time.

19 (Video recording played.)

20 UNIDENTIFIED SPEAKER: You do it for free
21 because you love it, don't you? You do it because
22 you love it. You do it because you love it. What
23 are you going to tell -- what are you going to tell
24 your family? What are you going to tell your family
25 ten years from now? Are you proud of yourself for

1 what you're doing? You answer. He wasn't doing
2 shit. He wasn't doing shit.

3 UNIDENTIFIED SPEAKER: You guys are a piece of
4 shit.

5 UNIDENTIFIED SPEAKER: You guys are fucking
6 fascists. What the fuck.

7 (Video recording stopped.)

8 BY MR. BOWMAN:

9 Q. All right. So Mr. Bovino, you've had an
10 opportunity to look at the video. Do you see yourself?

11 A. I did see myself.

12 Q. Okay. Do you recall the events that are
13 depicted in the video?

14 A. I -- I remember the events that took place in
15 the video.

16 Q. Okay. There is an older gentleman who
17 exchanges words with you, right?

18 A. It appears, yes.

19 Q. Yes. And in the beginning of that video clip,
20 he is expressing his disagreement with your presence in
21 Chicago, and he doesn't like the fact that you are
22 instructing him to move down, right?

23 A. No.

24 Q. I mean, am I right or wrong?

25 A. You're -- you're wrong.

Q. Okay. What do you think he's doing?

A. That individual is failing to follow instructions to vacate the area.

Q. I see. Now, the area in question is behind a guardrail, right?

A. There was a cement barrier. There's not a -- a guardrail.

Q. All right. It is behind a barrier of some stripe or another, right?

A. It appears so.

Q. Yes. He is standing behind that barrier, right?

A. It appears so.

Q. And your decision at the time was that you did not want anybody standing behind that barrier speaking or being present in any way, and you instructed them all to leave, right?

MR. KHOJASTEH: Object to form. Video speaks for itself.

THE WITNESS: No.

BY MR. BOWMAN:

Q. Not true? Well, did you see on the video that Mr. -- I'll tell you this older gentleman is named Scott Blackburn. This gentleman turned to complying with your directions, and he also expressed a vulgarity and

1 obscenity in your direction as he was compliant, right?

2 MR. KHOJASTEH: Object to form.

3 THE WITNESS: No.

4 BY MR. BOWMAN:

5 Q. That didn't happen? You didn't see that on
6 the video?

7 A. I didn't see what you said.

8 Q. Right. And then you got over the barrier,
9 tackled this man to the ground, and arrested him, right?

10 A. No.

11 Q. Did you not tackle him?

12 A. No.

13 Q. Okay. So if somebody were watching that video
14 and thought that you tackled the older gentleman whose
15 name is Scott Blackburn, you would say, don't believe
16 your lying eyes, that's not what happens on the video?

17 A. I wouldn't say that.

18 Q. Would you say that that is not what's depicted
19 on the video?

20 A. I wouldn't say that, either.

21 Q. Well, do you acknowledge that you're tackling
22 Mr. Blackburn on this video?

23 A. No.

24 Q. Okay. What do you think you're doing to
25 Mr. Blackburn?

1 A. I'm imploring Mr. Blackburn, or whoever that
2 individual was, to comply with leaving the area and to
3 comply with instructions.

4 Q. Okay. Are you making physical contact with
5 him?

6 A. There was physical contact.

7 Q. Are you applying force?

8 A. At that point, no.

9 Q. Did you at any point in this video apply any
10 force against Mr. Blackburn?

11 A. No.

12 Q. Okay. So if somebody thought that you were
13 applying force against Mr. Blackburn, they would be
14 sadly mistaken?

15 A. Yes.

16 Q. Okay. There is another individual who is
17 depicted in the video, and you don't take him down, but
18 one of your fellow officer does. He's a man named Juan
19 Munoz. And in the video, he is wearing a light-colored
20 blue shirt with two stripes on it. Do you recall seeing
21 that man in the video?

22 A. I saw a couple of other people in the video.

23 Q. Would you like to see the video again so that
24 you could focus on that individual? I'll have some
25 questions for you about him.

1 A. Yes.

2 MR. BOWMAN: Okay. Let's play it for
3 Mr. Bovino again. And as you watch it a second
4 time, I want you to focus your attention on the
5 younger man in the light blue shirt with two white
6 stripes who I've identified.

7 (Video recording played.)

8 UNIDENTIFIED SPEAKER: You do it for free
9 because you love it, don't you? You do it because
10 you love it. You do it because you love it. What
11 are you going to tell -- what are you going to tell
12 your family? What are you going to tell your family
13 ten years from now? Are you proud of yourself for
14 what you're doing? You answer. He wasn't doing
15 shit. He wasn't doing shit.

16 UNIDENTIFIED SPEAKER: You guys are a piece of
17 shit.

18 UNIDENTIFIED SPEAKER: You guys are fucking
19 fascists. What the fuck.

20 (Video recording stopped.)

21 BY MR. BOWMAN:

22 Q. So did you see the man that I was asking you
23 to focus on?

24 A. I saw two people there, yes.

25 Q. Well, I'm asking you about a particular man

1 who has a light blue shirt on with two white stripes.
2 It's, like, a Panama-style shirt.

3 A. I appear to -- to have seen him.

4 Q. Yes. And he is -- will you acknowledge that
5 one of your agents takes him down to the ground and
6 places him under arrest?

7 A. No.

8 Q. What would you say happened to that man as
9 shown in the video?

10 A. I don't know what was happening with that man
11 in the video because I wasn't involved with that
12 particular scene and I don't know what happened to him.

13 Q. Well, you were kind of involved, right?
14 I mean, you were 2 feet away, yes?

15 A. No.

16 Q. Would you say 10 feet away? Would you --
17 within 10 feet? Would you agree to that?

18 A. I was within a few feet of that individual.

19 Q. That's what I was trying to get at. So you
20 were kind of involved in what happened to that
21 individual, wouldn't you say?

22 A. No, I wouldn't say that.

23 Q. Would you say that you were the supervisor on
24 the scene when that man was taken down by an officer?

25 A. I was one of the many supervisors on the

1 scene.

2 Q. Well, you were the -- you are the boss of
3 federal agents working on Operation Midway Blitz, right?

4 A. I do supervise customs and border protection
5 agents --

6 Q. Were you --

7 A. -- on Operation Midway Blitz.

8 Q. Were you supervising on October 3rd when the
9 events shown in this video occurred?

10 A. Yes.

11 Q. Do you acknowledge that there were any uses of
12 force that were -- that were applied against either of
13 these individuals on that morning as shown in the video?

14 A. I've seen no reportable uses of force.

15 Q. Pardon me?

16 A. I've seen no reportable uses of force.

17 Q. When you say, "reportable uses of force," what
18 do you mean?

19 A. A use of force that would be reported.

20 Q. Yes. And what uses of force would be
21 reported?

22 A. Such as a -- a PepperBall launch or a less
23 lethal or open-handed strikes, deadly force, a shooting;
24 something like that. Anything that is a -- a reportable
25 use of force. An arrest is not.

1 Q. All right. So do you acknowledge -- I mean, I
2 just -- I don't want to play word games with you, okay?
3 Do you acknowledge that force can be applied in the
4 course of an arrest --

5 A. It's possible.

6 Q. -- just as a general matter?

7 A. It's possible.

8 Q. It's possible. Sometimes there's no need to
9 apply force and force is not applied in an arrest,
10 right?

11 A. It's possible.

12 Q. And sometimes it is necessary to apply force
13 to effectuate an arrest in your experience, correct?

14 A. It can happen that way.

15 Q. And you have been trained that that is the
16 case, right?

17 A. Yes.

18 Q. And you train -- when you are supervising
19 officers, that is your shared understanding, that
20 sometimes arrests will require the application of force?

21 A. It's possible.

22 Q. Now, these two arrests, will you agree -- skip
23 reportable. Will you agree that physical force was
24 applied to these two individuals in the course of
25 arresting them?

A. I will not agree to that.

Q. Okay. Can you explain why you won't agree to that?

A. That's not a reportable use of force. The use of force was against me.

Q. I see. This is the Kristi Noem transcript. I think, actually -- oh, I've got it. I'm all set. I'm going to mark for identification as Exhibit 9 another transcript.

(Exhibit 9 was marked for identification.)

MR. KHOJASTEH: I'm going to -- is it -- just out of care, is this stuff that you guys have been producing to us or no? In advance of today's deposition, have they been produced -- like, any of this stuff, produced in this action?

MR. BOWMAN: I don't think that this stuff is unknown. I don't know what the --

MR. KHOJASTEH: Just asking.

MR. BOWMAN: I don't know that it has been produced.

MR. KHOJASTEH: Okay. Well, so I just haven't -- I'm not going to -- obviously, you can keep asking your questions. I have an objection just standing to using materials with the witness

1 that you haven't produced to us. Do we have a date
2 on this?

3 MR. BOWMAN: Yes. This talk was given on a
4 date in late September, I believe. This was on
5 October 3rd of this year.

6 MR. KHOJASTEH: This is October -- and what is
7 this?

8 MR. BOWMAN: This is a transcript of a
9 video-recorded speech that Secretary Noem gave to
10 federal agents under Bovino's command in
11 presence -- in the presence of Bovino, and Bovino
12 also provided admonitions in the course of this
13 thing. And this was all recorded by a journalist
14 by the name of Benny Johnson and posted to the
15 internet.

16 MR. KHOJASTEH: Has this has been
17 authenticated by -- this is a certified transcript,
18 right?

19 MR. BOWMAN: It is a transcript that
20 was -- I'll tell you what. Let's -- why don't we
21 start here? We will identify as Exhibit 10 the
22 videotape posted to the internet that I just
23 described, and we'll play the videotape, and then
24 we'll use the transcript for the purpose of
25 questioning after everybody has had a chance to

1 listen to the videotape. The videotape will be
2 Exhibit 10. The transcript is 9.

3 (Exhibit 10 was marked for
4 identification.)

5 MR. KHOJASTEH: Hey, I'm just running -- you
6 guys can keep going. She's going to take over.
7 I'm just going to make a mad rush to the restroom.

8 (Video recording played.)

9 MS. NOEM: So today, when we leave here, we're
10 going to go hard. We're going to hammer these guys
11 that are advocating for violence against the
12 American people. What they are doing is advocating
13 to harm not just you and your colleagues but your
14 families, and they're doxxing your identities and
15 victimizing people every day by the way that
16 they're talking, speaking, who they're affiliated
17 with, who they're funded with, and what they're
18 talking about as far as consequences for what we're
19 doing by protecting this country.

20 (Video recording stopped.)

21 MR. BOWMAN: Okay. Do we have the full
22 videotape?

23 MS. BARAJAS: Yeah.

24 MR. BOWMAN: Let's play the full thing.
25 Okay. So we mistakenly played a portion of the

1 secretary's comments. We're going to give you the
2 benefit of listening to the entire speech.

3 (Video recording played.)

4 MS. NOEM: Everybody, I just want to thank you
5 for all the work that you're doing, and especially
6 what you're doing for the people of Chicago.

7 They're so grateful that you're here, but you're
8 setting an example for the rest of the country.

9 Everybody is watching how strong you are here, the
10 operations, and the professionalism in which you're
11 conducting this law enforcement and restoring some
12 safety back into this city. And it's rippling
13 across the country. Just know that, everywhere I
14 go, people are so grateful for the work that you're
15 doing. And, you know, it may seem like, right
16 here, when you're in the middle of this chaos, that
17 you're not necessarily sure of it, buy boy, the
18 American people are just thrilled to have you and
19 to have you on the job and on the -- on the task of
20 restoring and making America safe again. So today,
21 when we leave here, we're going to go hard. We're
22 going to hammer these guys that are advocating for
23 violence against the American people. What they
24 are doing is advocating to harm not just you and
25 your colleagues but your families, and they're

1 doxxing your identities and victimizing people
2 every day by the way that they're talking,
3 speaking, who they're affiliated with, who they're
4 funded with, and what they're talking about as far
5 as consequences for what we're doing by protecting
6 this country. So we're going to go out there and
7 we're going to make sure that there's consequences
8 for the way that they're behaving. And then we're
9 going to prosecute them and we're going to bring
10 them to justice. We're not taking this anymore,
11 all right? The president's sick of it, I'm sick of
12 it, and we're going to go out there and arrest
13 these individuals who are advocating for violence
14 against you. Does that sound all right?

15 ALL: Yeah.

16 MS. NOEM: So the chief is going to give you a
17 little bit of instruction on how today's going to
18 be a little bit different, but then also, we're
19 going to partner with our other agencies. We don't
20 just have border patrol and ICE and HIS here. The
21 FBI's here as well, and we've always got out DOJ
22 partners that are fantastic. And so, this is a
23 whole of government approach to restore law and
24 order. And I'm happy about it. And we're going to
25 try to buy that building today. So give you more

1 space, let you spread out and tell everybody --
2 send a message that we're not just here to stay and
3 we're expanding and we're going to make this city
4 safe again. Good?

5 ALL: Yes, ma'am.

6 MS. NOEM: All right. Where's the chief?

7 MR. BOVINO: Right here, ma'am.

8 MS. NOEM: All right, sir.

9 MR. BVINO: All right. All right, folks.

10 Well, you heard it. It's -- it's roll up time
11 here. All right? State instrument's a hard power.
12 You're going to be put into full effect. So what's
13 going to happen is, when we do decide to roll out,
14 I'll lead the way up front. That crowd there is an
15 unsafe crowd on either side. They're going
16 to -- we're going to roll them all the way out of
17 here. And when they resist, what happens?

18 ALL: They get arrested.

19 MR. BOVINO: They get arrested. So it's now
20 going to be a free arrest zone, and I'll give them
21 one warning, and that'll be for safety of us and
22 the secretary to leave. So they're it here as soon
23 as we leave. Everybody good with that?

24 ALL: Yes, sir.

25 MR. BOVINO: All right. Well --

MS. NOEM: We're going to do it in a way that keeps you safe with the force that can have your back, but make sure that these individuals aren't allowed to conduct this kind of activity anymore. Sound like a plan?

MR. BOVINO: Yes, ma'am.

MS. NOEM: Good.

MR. BOVINO: All right.

MS. NOEM: All right. Let's buckle up.

MR. BOVINO: All right. Boys, get ready.

MS. NOEM: All right.

(Video recording stopped.)

BY MR. BOWMAN:

Q. Okay. So do you remember when the secretary came out to give everybody some encouragement and to define the scope of the mission?

A. I remember when the secretary came out.

Q. And you were present when she said the things that are recorded in that video clip, correct?

A. Yes.

Q. And you agreed with them?

A. In the video, did I agree with that?

Q. Yes, what she said.

A. I said, "Yes, ma'am."

Q. Did you agree with what she said?

A. I agreed in the video.

Q. And do you agree today?

A. Yes.

Q. Do you agree that as part of your mission in the Northern District of Illinois, it is necessary, it is your mission, to go hard against those who are advocating for violence?

A. Yes.

Q. Do you agree that people who are advocating for violence by the way that they talk and the way that they speak and who they are associated with, that those people need to face consequences? Do you agree with that?

MR. KHOJASTEH: Object to form.

THE WITNESS: I don't agree.

BY MR. BOWMAN:

Q. What's wrong with what I just said?

A. I don't agree with what you say.

Q. Why not?

A. I think that I don't really understand who -- who you're talking about or exactly what you're talking about when you say that they advocate violence with other people. That's very confusing.

Q. Okay. Well, let me read something from the transcript that is Exhibit 9. And the transcript, I

1 think, you'll -- your counsel will hopefully stipulate
2 is faithful to the video itself. The secretary says,
3 starting on Page 3 of the transcript, at the bottom,
4 "What they," referring to the protestors at Broadview,
5 "What they are doing is advocating to harm not just you
6 and your colleagues, but your families, and they're
7 doxxing your identity."

8 A. What number are you at here, please?

9 Q. Page 3.

10 MR. KHOJASTEH: Can I help him?

11 MR. BOWMAN: Sure.

12 MR. KHOJASTEH: Yeah. It's the bottom of
13 Page 3.

14 THE WITNESS: Okay.

15 MR. KHOJASTEH: It's starting here.

16 THE WITNESS: Number 21?

17 MR. BOWMAN: Number --

18 MR. KHOJASTEH: Line -- it's actually --

19 MR. BOWMAN: Yeah. Actually, let's start at
20 Number 21. Let's do that.

21 MR. KHOJASTEH: Yeah. Where it says --

22 THE WITNESS: Okay.

23 MR. KHOJASTEH: -- "so today," that's
24 where --

25 THE WITNESS: We've got numbers there.

1 It makes it easier.

2 BY MR. BOWMAN:

3 Q. Okay. So here's what the secretary says.
4 She says, "Today, when we leave here, we're going to go
5 hard. We're going to hammer these guys that are
6 advocating for violence against the American people.
7 What they are doing is advocating to harm not just you
8 and your colleagues, but your families, and they're
9 doxxing your identities and victimizing people every day
10 by the way that they're talking, speaking, who they're
11 affiliated with, who they're funded with, and what
12 they're talking about as far as consequences for what we
13 are doing by protecting this country." Do you agree
14 with the sentiments that the secretary is expressing in
15 what I just read?

16 A. Yes.

17 Q. And do you agree that your mission is to
18 follow the secretary's instruction to go hard at people
19 who are advocating for violence against you, your
20 officers, and their families?

21 A. Yes.

22 Q. You agree that it is your mission to go after
23 them hard for those things that they are talking about,
24 saying, speaking, who they're affiliated and who they're
25 funded with, as the secretary says? You agree with

1 that?

2 MR. KHOJASTEH: Object --

3 BY MR. BOWMAN:

4 Q. Right?

5 MR. KHOJASTEH: Object to form.

6 Mischaracterizes the testimony.

7 Mischaracterizes --

8 MR. BOWMAN: Stop talking.

9 MR. KHOJASTEH: Mischaracterizes the
10 transcript. Lacks foundation.

11 MR. BOWMAN: Unbelievable.

12 MR. KHOJASTEH: What's unbelievable about it?
13 And don't yell at me --

14 MR. BOWMAN: I have a question.

15 MR. KHOJASTEH: Don't yell at me again.
16 That's --

17 MR. BOWMAN: Don't obstruct my deposition.

18 MR. KHOJASTEH: I'm not. I read Rule 30:
19 Concise objection. So object to form.
20 Mischaracterizes his transcript. If you want to
21 ask --

22 MR. BOWMAN: Now stop talking.

23 MR. KHOJASTEH: -- him a question, ask him
24 question.

25 MR. BOWMAN: Now stop talking.

1 BY MR. BOWMAN:

2 Q. Do you need my question back?

3 A. Yes.

4 Q. Okay. Do you agree with what the secretary is
5 saying here, that your mission as commander of Operation
6 Midway Blitz is to go hard against people who are
7 advocating for violence against you, your officers,
8 their families, and so forth in what they are talking,
9 in the way that they are speaking, in who they're
10 affiliated with, and who they're funded with and who are
11 talking about consequences for what you are doing by
12 protecting your country? Do you agree with the
13 secretary that that is part of your mission?

14 MR. KHOJASTEH: Same objection.

15 THE WITNESS: I agree that -- with the
16 secretary that we're going to hammer people that
17 advocate for violence.

18 BY MR. BOWMAN:

19 Q. Okay. And is that -- and that's your
20 understanding of what your job is, right?

21 A. Of what my job is, my --

22 Q. Yes, as commander of Operation Midway Blitz?

23 A. Well, my job is a lot more than that.

24 Q. Oh, it's more than that, but it includes this,
25 right?

A. Yes.

Q. And that is your instruction to your officers as well?

A. This -- this is not my instruction.

MR. KHOJASTEH: Object as to --
BY MR. BOWMAN:

Q. Is that an instruction that you would give to your officers, an instruction consistent with what the secretary has said here?

MR. KHOJASTEH: Object to form. Lacks foundation. Vague as to --

MR. BOWMAN: Stop talking.

MR. KHOJASTEH: These are objections.
Object to form. Lacks foundation. Vague.

MR. BOWMAN: Let's take a break.

THE VIDEOGRAPHER: Okay. We're off the record and the time is 4:38 [sic].

(A recess was taken.)

THE VIDEOGRAPHER: We're on the record and the time is 4:45 [sic].

BY MR. BOWMAN:

**Q. All right, Mr. Bovino, here we go.
So Mr. Bovino, my question for you when I decided we needed to take a break a few minutes ago, was this:
Have you communicated to the officers under your command**

1 that part of their responsibilities, not everyone, but
2 part of their responsibilities is to hammer guys who are
3 advocating for violence against the American people?

4 A. I have instructed my officers that when
5 threats are made, which is advocacy of violent threats
6 against law enforcement officers are made, that they
7 are -- that is arrestable.

8 Q. Okay. Have you instructed your officers that
9 they should go hard against people for the way that
10 they're talking, speaking, who they're affiliated with,
11 and who they're funded with?

12 MR. KHOJASTEH: Object to form.

13 THE WITNESS: I've told my officers to go hard
14 against people that are advocating threats,
15 violence, death against those, in the form of
16 threats.

17 BY MR. BOWMAN:

18 Q. Okay. Did you talk with your counsel about
19 how you should answer that question just now?

20 A. No.

21 Q. Were you aware on October 3rd that the
22 Illinois State Police had established a free protest
23 zone on the sides of the streets in front of the ICE
24 facility at Broadview?

25 A. I don't know which street. There's several

streets that go into Broadview.

Q. Broad Street.

A. I don't know what Broad Street is.

Q. You don't know Broad Street. Harvard Street?

A. No. Huh?

Q. Harvard Street. Do you know that one?

A. No, I don't.

Q. Okay. Are you -- can you name any street in front of the ICE facility?

A. No.

Q. Okay. So my question is: Not worrying about the names of the streets, are you aware that the Illinois State Police -- were you aware on October 3 that the Illinois State Police had established a free protest zone along the sides of those streets?

A. I didn't -- don't know.

Q. You don't know?

A. I didn't.

Q. You may have been, you may not have been?

A. I don't -- I don't know.

Q. You can't recall anymore?

A. I didn't say that.

Q. You just don't know. Had you, in the -- in the weeks since Secretary Noem spoke to you and the other officers on October 3, been doing your best to put

her words into effect?

MR. KHOJASTEH: Object to form.

THE WITNESS: When individuals advocate for violence --

BY MR. BOWMAN:

Q. Mr. Bovino, it's a yes or a no.

A. I'm not --

Q. You can answer --

A. It's not a yes or no answer.

MR. KHOJASTEH: You can answer the question.

THE WITNESS: Yeah, I'll answer it the way I'm going to answer it.

BY MR. BOWMAN:

Q. Okay.

A. When individuals advocate for violence, as she said here in -- in -- in this statement that you're talking about, which is making threats or death threats or threats against agents, then we will arrest them.

Q. Go hard against them?

A. We -- we'll arrest them.

Q. Well she says, "go hard against them."

A. We'll -- we'll -- we'll arrest them.

That -- that -- that's my -- that's what we do.

Q. That's your --

A. When they -- when they -- when they advocate

1 for violence and threaten agents and threaten agents'
2 lives in the weeks since this has happened, which
3 happens quite often, then we do arrest them.

4 Q. Okay. Are you aware of the circumstances of
5 the arrest of an alderperson in Chicago named Jessie
6 Fuentes? Took place on October 3.

7 A. No.

8 Q. So we have information that on October 3, in
9 the emergency room at the Humboldt Park Health facility
10 in the Humboldt Park neighborhood of Chicago, federal
11 agents shoved, cursed at, and arrested the alderperson
12 of the 26th ward, a woman named Jessie Fuentes. When
13 she inquired about a person with a broken leg who was
14 being detained by agents under your command. Were you
15 present during these events?

16 MR. KHOJASTEH: Object to form. Lacks
17 foundation.

18 THE WITNESS: Not to my knowledge.

19 BY MR. BOWMAN:

20 Q. Do you have personal knowledge of what
21 happened to Alderperson Fuentes?

22 A. No.

23 Q. Have you reviewed any use of force report,
24 arrest report, or other report about the agent's
25 response to Alder Fuentes inquiring about this arrested

1 person?

2 A. I can't remember.

3 Q. Have you reviewed any video, photograph,
4 or audio from this event?

5 A. Not to my knowledge.

6 Q. Do you have any opinion as to whether the
7 arrest of Alder Fuentes was justified or not?

8 A. I don't know about that arrest.

9 Q. Do you have any opinion as to whether force
10 that was applied to Alder Fuentes was proper or not?

11 A. I don't know.

12 Q. Do you have any opinion as to whether the
13 interactions with Alder Fuentes was justified by DHS
14 policies?

15 A. I don't know.

16 Q. Do you know whether this arrest was or what
17 not justified under the Court's temporary restraining
18 order?

19 A. No, I don't know.

20 Q. We have received information that on October 3
21 in the neighborhood of Logan Square here in Chicago,
22 a federal agent was driving down a busy street, and he
23 dropped a canister of tear gas outside of the window of
24 his SUV without warning. Were you present during these
25 events?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: Not to my knowledge.

BY MR. BOWMAN:

Q. Do you have personal knowledge of this particular event?

A. No.

Q. I'm going to show you what I will mark for identification as Exhibit 11 to your deposition. Exhibit 11 is a report from our local CBS affiliate regarding the circumstance that I'm referring to.

(Exhibit 11 was marked for identification.)

MR. KHOJASTEH: Thank you.

BY MR. BOWMAN:

Q. My only purpose for showing you Exhibit 11, Mr. Bovino, is to ask you if it helps you in any way to place this event. If it jogs any memories for you, either of personal participation or having reviewed the circumstances of this tear gas caster?

MR. KHOJASTEH: Read this and see if it refreshes your recollection.

THE WITNESS: Oh, okay. I've read it.

BY MR. BOWMAN:

Q. Does it refresh your recollection?

1 A. No.

2 Q. Okay. So I'm assuming you have reviewed no
3 reports, use of force, arrest reports, or anything
4 relating to the deployment of tear gas and other
5 applications of force at this location, Logan Square, on
6 October 3?

7 A. I don't remember any.

8 Q. Have you looked at any video, any photograph,
9 or any audio from the Logan Square incident?

10 A. I don't remember any.

11 Q. Do you have any opinion as to whether the
12 federal agent at Logan Square, on October 3, was
13 justified in deploying tear gas in the manner that he
14 did?

15 A. I don't know.

16 Q. Okay. Do you have an opinion as to whether
17 that deployment of tear gas and other uses of force
18 during this incident were justified by DHS policy?

19 A. I don't know.

20 Q. Do you have an opinion as to whether the use
21 of force in this particular instance was justified under
22 the Court's temporary restraining order?

23 A. I don't know.

24 Q. On September 24, 2025, there was a run-in
25 between protestors and federal agents that happened at

1 Broadview. September 24, 2025. And an individual named
2 Daniel Shouse, S-H-O-U-S-E, was -- encountered a
3 vehicle, and in his telling, almost got run over. Do
4 you have any information as to whether it was or was not
5 appropriate for this vehicle to touch Daniel Shouse
6 --

7 MR. KHOJASTEH: Object to form. Lacks
8 foundation.

9 BY MR. BOWMAN:

10 Q. -- on this particular day?

11 MR. KHOJASTEH: Apologies. Object to form.
12 Lacks foundation.

13 THE WITNESS: I don't know what you're talking
14 about.

15 BY MR. BOWMAN:

16 Q. Okay. On September 26 tear gas was employed
17 at the Broadview facility and a journalist by the name
18 of Charles Thrush was affected by the tear gas. He
19 believed that it was employed directly in his direction
20 because he was filming events at that location. Do you
21 have any information about that?

22 MR. KHOJASTEH: Object to form. Lacks
23 foundation.

24 THE WITNESS: No.

25 BY MR. BOWMAN:

1 Q. Have you reviewed any materials from that
2 incident? Any video, any reports, any audio, or the
3 like?

4 A. I don't remember.

5 Q. Have you conducted any investigation of any
6 officers who might have been involved in that deployment
7 of tear gas?

8 A. Not to my knowledge.

9 Q. I'm going to show you an affidavit that
10 was -- actually not an affidavit, a declaration that was
11 executed by Mr. Thrush, which we'll mark for
12 identification as Exhibit 12 to your deposition.
13 I'm showing this to you solely for the purpose of fixing
14 your attention on the particular incident that I'm
15 talking about, and asking you if this refreshes your
16 recollection at all. Mr. Bovino, have you completed
17 your review of the affidavit?

18 (Exhibit 12 was marked for
19 identification.)

20 A. I did.

21 BY MR. BOWMAN:

22 Q. Does it refresh your recollection at all about
23 what Mr. Thrush contends happened to him at Broadview in
24 the last few weeks?

25 A. No.

1 Q. You have no opinion as to whether the actions
2 taken against him that he describes were or were not
3 justified; is that fair?

4 A. I don't recall any actions taken against
5 anyone by that name.

6 Q. Okay. And you would not be in a position to
7 say whether the force that was applied against Mr.
8 Thrush was or was not compliant with DHS policy,
9 correct?

10 A. I -- I don't know. I don't know what the
11 situation is.

12 Q. And you have no ability to render an opinion
13 as to whether that force was or was not compliant with
14 the judge's temporary restraining order, correct?

15 A. I won't give an opinion on this because I
16 don't know what the situation is.

17 Q. There was some discussion on Tuesday between
18 you and Judge Ellis on the subject of events in the Old
19 Irving Park neighborhood of Chicago, on the north side
20 of our city. Do you remember the judge expressing her
21 concerns about the allegations as to what had happened
22 there?

23 A. Yes.

24 Q. Since Tuesday morning when Judge Ellis
25 expressed, I think it's fair to say, deep concern about

1 the impact of OC gas against children on their way to a
2 Halloween celebration. You remember that discussion
3 with the judge, right?

4 A. Well, it wasn't a discussion.

5 Q. It was her expressing her concerns to you.

6 A. Yes, but no -- no discussion there.

7 Q. Right. Do you -- are you in a position
8 today -- asking it another way. After you heard from
9 the judge about the concerns that she had, did you take
10 it upon yourself to go back and investigate the
11 circumstances of the deployment of tear gas in Old
12 Irving Park on the morning of Saturday, October 25?

13 A. No.

14 Q. So I believe you told Judge Ellis that
15 deployment of tear gas is always situation dependent.
16 You didn't know the full circumstances. And you
17 couldn't say whether it was justified or not, right?

18 A. I can't remember what I told her.

19 Q. Okay. Well, is that a fair statement?
20 That the use of teargas is situation dependent. And
21 knowing what you now know about the deployment of
22 teargas in the Old Irving Park neighborhood of Chicago,
23 you cannot say whether that deployment was or was not
24 justified?

25 MR. KHOJASTEH: Object to form. Lacks

1 foundation.

2 THE WITNESS: I believe that less lethal
3 deployments, or the deployment of less lethal is
4 situationally dependent.

5 BY MR. BOWMAN:

6 Q. Right. Therefore, are you in -- you were not
7 in a position, not having studied the matter, to express
8 a view as to whether your agents were or were not
9 justified in deploying tear gas in Old Irving Park on
10 Saturday morning, right?

11 A. I believe they were justified if that
12 happened.

13 Q. On what basis do you form that belief?

14 A. I've seen nothing to indicate a reason
15 otherwise.

16 Q. Have you reviewed video of the incident?

17 A. No.

18 Q. Have you asked to review the body camera of
19 the involved officers?

20 A. No.

21 Q. Have you reviewed any reports relating to the
22 incident?

23 A. I can't remember.

24 Q. Have you spoken with any of the officers about
25 their actions?

A. Not to my knowledge.

Q. Okay. And yet you maintain that their actions were justified. Is that just a general expression of confidence in the people under your command or do you have some factual basis for saying that?

A. I've not seen any evidence to indicate that any deployment of less lethal was not exemplary or more than exemplary.

Q. Okay. So your position, not having reviewed video, not having talked to the officers, not having looked at body cam, not having reviewed any reports that you recall, is that the use of force in that location was beyond exemplary; is that correct?

A. I've not -- go ahead. Sorry.

MR. KHOJASTEH: Object to form. Asked and answered.

THE WITNESS: I've not seen any reason that would lead me to believe that any deployment of less lethal was a less than exemplary or less than more than exemplary.

BY MR. BOWMAN:

Q. Okay. I want to ask you some questions now about an incident in which a young woman, whose name is Leigh Kunkel, was shot in the face with a PepperBall at Broadview. And this occurred on September 26 of this

1 year. Are you familiar with this incident?

2 A. No.

3 Q. We'll mark next for identification as Exhibit
4 13 to your deposition, the declaration of Ms. Kunkel.
5 I'd like you to look it over, see what she describes.
6 And my question will be whether this jogs any memories
7 for you of having any information about this particular
8 event?

9 (Exhibit 13 was marked for
10 identification.)

11 A. I've reviewed it.

12 BY MR. BOWMAN:

13 Q. Okay. Does that help you remember, or in any
14 way put in focus for you, the allegations that Ms.
15 Kunkel makes regarding the force that was applied
16 against her at Broadview on September 26th?

17 A. No.

18 Q. Including being struck in the face by a
19 PepperBall?

20 A. No.

21 Q. I want to direct your attention to Paragraph
22 14. There's a photograph of Ms. Kunkel. This is on
23 Page 5 of 7. Did you notice that as you were going
24 through the materials? Yes, that one.

25 A. Yes.

1 Q. Ms. Kunkel alleges in the affidavit that at
2 the time she was struck by this PepperBall she was
3 standing behind a car, essentially attempting to
4 position herself out of the way of your people who were
5 present at the scene, when she was struck in this
6 manner. You see she's bleeding, right?

7 A. Yes.

8 Q. So are you in a position to say one way or
9 another whether the application of force to Ms. Kunkel,
10 that resulted in her left bleeding as depicted in the
11 photograph, was or was not justified?

12 MR. KHOJASTEH: Object to form. Lacks
13 foundation.

14 THE WITNESS: I don't know what use of force
15 it says here, that it -- she claims a PepperBall.
16 But it also says she was wearing a full respirator.
17 And what I see in this photo is very inconsistent -
18 - inconsistent with the application of the
19 PepperBall. Which is further backed up by this fact
20 that here on the next couple of pages, she said
21 that windows were broken with PepperBalls. That
22 doesn't seem consistent to me with the -- neither
23 the application nor the effects of a PepperBall
24 launching system. It doesn't seem accurate to me.

25 BY MR. BOWMAN:

1 Q. All right. So you question Ms. Kunkel's
2 credibility?

3 A. That -- what's that?

4 Q. You question Ms. Kunkel's credibility.

5 A. I question what I see in this photograph.

6 Q. All right. She says that force was used
7 against her, right?

8 A. She said a PepperBall was used against her.

9 Q. Right. And you doubt that that happened based
10 on the declaration that you've read?

11 A. It doesn't seem like -- as I said before, as I
12 answered before, it seems very inconsistent with the
13 application of a PepperBall.

14 Q. Okay.

15 A. I've never seen that before. So --

16 Q. You were not --

17 A. -- especially with a full respirator on.

18 Q. You were not present at the scene, right?

19 A. No.

20 Q. You have not looked at any video, right?

21 A. No.

22 Q. Your only familiarity with this is from
23 looking at the declaration that I handed to you,
24 correct?

25 A. Yes.

1 Q. You have not looked at any reports?

2 A. Not to my knowledge.

3 Q. Spoken with any officers who were involved in
4 this use of force?

5 A. Not to my knowledge.

6 Q. Now, are you in a position to say whether what
7 happened to Ms. Kunkel was or was not a justified
8 application of force?

9 MR. KHOJASTEH: Object to form. Lacks
10 foundation.

11 THE WITNESS: All I'm saying is, it appears,
12 to me, inconsistent with a PepperBall launcher, as
13 was stated in this -- whatever this thing is an
14 affidavit, or a report, or whatever -- whatever it
15 is. It doesn't look right to me.

16 BY MR. BOWMAN:

17 Q. Okay. Apart from what you've just testified
18 to, do you have any other opinions regarding this use of
19 force?

20 A. At this time --

21 MR. KHOJASTEH: Object to form. Lacks
22 foundation.

23 THE WITNESS: At this time, no.

24 BY MR. BOWMAN:

25 Q. One of the plaintiffs in this case, a woman

1 named Autumn Hamer-Reidy [sic], I hope I'm pronouncing
2 that correctly, states in a declaration, and I'm not
3 going to take time to show you. But what she says in
4 the declaration is that she was peacefully protesting at
5 the Broadview facility on a date in late September when
6 a federal agent threw a flash bang grenade and it landed
7 at her feet. Do you have any knowledge about the event
8 that Autumn Hamer-Reidy is talking about?

9 MR. KHOJASTEH: Object to form. Lacks
10 foundation.

11 THE WITNESS: I don't know of any event at
12 this -- that I can remember.

13 BY MR. BOWMAN:

14 Q. Okay. Have you at any point been shown any
15 reports relating to that?

16 A. Not to my knowledge.

17 Q. Have you looked at any video relating to that?

18 A. Not that I remember.

19 Q. Have you spoken to any federal agency --
20 agents who were involved in the response to protestors
21 in the evening of September 26th or September 27th when
22 Ms. Autumn Hamer-Reidy alleges that this occurred?

23 MR. KHOJASTEH: Lacks -- object to form. Lacks
24 foundation.

25 THE WITNESS: I can't remember.

BY MR. BOWMAN:

Q. Okay. So you're not in a position to say whether what happened to Ms. Hamer-Reidy was or was not appropriate, fair?

A. I'm saying I don't know anything about that, that I can remember.

Q. There is a declarant named Terrance Roche, whose declaration has been filed in this case, who says that he was shot in the head with a PepperBall. Similar scenario to Ms. Kunkel in that he was not touching or threatening or in any way harming any federal agent before this happened to him. Have you any information about what happened to Terrance Roche?

MR. KHOJASTEH: Object to form. Lacks foundation.

THE WITNESS: No.

BY MR. BOWMAN:

Q. Have you looked at any reports relating to the application of that use of force?

MR. KHOJASTEH: Same objection.

THE WITNESS: Not that I can remember.

BY MR. BOWMAN:

Q. Have you not looked at it video-wise?

A. Not that I can remember.

Q. You are in no position to say, one way or

1 another, whether what the agents under your command did
2 in applying force that resulted in this shot to Terrance
3 Roche's head was or was not justified; is that fair?

4 MR. KHOJASTEH: Object to form. Lacks
5 foundation.

6 THE WITNESS: I'm saying that I can't remember
7 this incident, nor it ever happening.

8 BY MR. BOWMAN:

9 Q. There was another declarant by the name of
10 Paul Goyette, G-O-Y-E-T-T-E, who says that he was
11 present at Broadview and observed federal agents
12 shooting OC spray at both protestor and at journalists
13 during a protest at Broadview in late September of this
14 year. Do you have any information about that incident?

15 MR. KHOJASTEH: Object to form. Lacks
16 foundation.

17 THE WITNESS: I can't remember that event, nor
18 if it even -- if it ever happened.

19 BY MR. BOWMAN:

20 Q. You have not looked at any videos?

21 A. Not to my knowledge.

22 Q. Not looked at any reports?

23 A. Not to my knowledge.

24 Q. On September 27, 2025, were you present at the
25 Broadview ICE facility, leading other officers as they

1 responded to protestors at that scene?

2 A. I can't remember the date.

3 Q. Okay. There were occasions when you were
4 present at the ICE facility at the Broadview location,
5 leading federal agents as they responded to protesters,
6 correct?

7 A. I've been at the Broadview facility and
8 responded to violent rioters and assaultive subjects.

9 Q. "Violent rioters" and "assaultive subjects,"
10 did you say?

11 A. Yes.

12 Q. Okay. Other than violent rioters and
13 assaultive subjects, have you responded to any other
14 protesters at the Broadview ICE facility?

15 MR. KHOJASTEH: Object to form. Lacks
16 foundation.

17 THE WITNESS: Same. I have responded to the
18 Broadview facility.

19 BY MR. BOWMAN:

20 Q. Okay. Are the protestors at the Broadview
21 facility, in your view, just a bunch of violent rioters?

22 MR. KHOJASTEH: Object to form.

23 THE WITNESS: What -- what's the question
24 again?

25 BY MR. BOWMAN:

1 Q. I'll ask it again. Are the protestors who
2 have -- who you've observed and have interacted with at
3 the Broadview ICE facility, categorically a bunch of
4 violent rioters?

5 MR. KHOJASTEH: Object to form.

6 THE WITNESS: I have interacted with many
7 violent rioters and individuals at the Broadview
8 facility.

9 BY MR. BOWMAN:

10 Q. Will you acknowledge that some of those at the
11 Broadview facility who came to that location to protest
12 are not violent rioters or assaulters?

13 A. I -- I don't know what -- what they are.

14 Q. Okay. So as far as you can tell, they were
15 all violent rioters and assaulters?

16 MR. KHOJASTEH: Object to form.

17 THE WITNESS: I've interacted with many
18 violent rioters and assaultive subjects there.

19 BY MR. BOWMAN:

20 Q. Have you ever interacted with anybody who
21 wasn't that?

22 A. I can't remember.

23 Q. Okay. There is, in the record of this case, a
24 declaration from a woman named Michelle Narvaez, N-A-R-
25 V-A-E-Z, who states under oath that when she was at the

1 Broadview ICE facility on September 22, 2025, she saw
2 federal agents who were stationed on the roof of the
3 facility shoot PepperBalls at a child. Are you aware of
4 whether this occurred or not?

5 MR. KHOJASTEH: Object to form. Lacks
6 foundation.

7 THE WITNESS: I don't know.

8 BY MR. BOWMAN:

9 Q. Have you ever undertaken to investigate an
10 allegation that agents under your command shot
11 PepperBalls at children?

12 A. I've never heard of this allegation before.

13 Q. You haven't looked at any video relating to
14 it?

15 A. No.

16 Q. And you don't have any opinion on whether it
17 occurred or not, and if it did occur, whether or whether
18 or not it was justified?

19 A. I -- I don't know anything about a situation
20 or if it even occurred.

21 Q. Okay. Can we agree that if PepperBalls were
22 shot from the roof of the Broadview ICE facility at a
23 child, that that is not an example of exemplary or a
24 more than exemplary use of force?

25 A. That's a hypothetical situation. And I'll

1 refrain -- refrain -- refrain from commenting on a
2 hypothetical situation that I have no direct knowledge
3 of.

4 MR. BOWMAN: Okay. Where are we time wise?

5 THE REPORTER: 4 hours, 17 minutes.

6 MR. BOWMAN: 4 hours, 17 minutes. Okay.

7 BY MR. BOWMAN:

8 Q. I want to ask you, Mr. Bovino, about the
9 events in the Little Village neighborhood on October 23.
10 Do you have a Twitter account?

11 A. I've got a government Twitter account.

12 Q. And do you manage that Twitter account
13 yourself?

14 A. I -- I do not manage it myself.
15 What -- well -- well, I'm sorry. Let me back up.

16 Q. Do you --

17 A. What do you mean by manage it?

18 Q. Do you post to that account yourself? Are you
19 responsible for the posts?

20 A. Yeah, I don't -- I don't post myself. I don't
21 know how to post on Twitter.

22 Q. Okay. What is your handle? Do you
23 have -- let me ask you this: Do you have a social media
24 account in which your handle is Commander Op At Large
25 CA?

1 A. Yes.

2 Q. Okay. And is that a Twitter account?

3 A. I can't remember if it's Twitter, Facebook, or
4 Instagram.

5 Q. Okay.

6 A. Or all three.

7 Q. Okay. And --

8 A. If it says that on one of them, two of them,
9 or all three of them.

10 Q. Okay. Is that the government account that you
11 were referring to, or is that something else?

12 A. Government account.

13 Q. Government account. And it has come up
14 already that I'm an old man. When you write something
15 out and put it up in response to somebody else, is that
16 not called posting, or is there a different word?

17 A. Well, I don't know what you would call it, but
18 I guess you can call it whatever -- whatever suits you.

19 Q. Okay. Well, when you do that thing, whatever
20 you call it, do you do it yourself or does somebody else
21 do it?

22 A. On -- on -- on Instagram or what are you
23 talking about?

24 Q. On Twitter, Instagram, Facebook, whatever that
25 damn account is.

1 A. Yeah. Other people do that.

2 Q. Other people do that for you?

3 A. Yes.

4 Q. Okay. All right. Who does that for you?

5 A. Several individuals do that, it's Public
6 Affairs.

7 Q. Public Affairs at the Department of Human --
8 Department of Homeland Security?

9 A. No, sir. Public Affairs U.S. Border Patrol.

10 Q. Public Affairs --

11 A. El Centro sector.

12 Q. Who are the individuals who make those posts
13 on your behalf?

14 A. They're Border Patrol agents.

15 Q. Are they part of Operation Midway Blitz?

16 A. Some -- some of those agents are and some are
17 not.

18 Q. Okay. So we touched on this earlier in the
19 deposition. There's been a lot of interests in this
20 case and in the media about you throwing a canister of
21 tear gas when -- on October the 23rd in Little Village
22 around 27th, Whipple, and Troy Streets. And you
23 acknowledged that you did do that, right?

24 A. I -- I do not acknowledge that I did that.

25 Q. Oh. I think we went around this before. I'm

going to mark next for identification as Exhibit 14 a still photograph that is taken from a video that a person made at the location we've been describing and on that date.

(Exhibit 14 was marked for identification.)

MR. KHOJASTEH: Thank you.

BY MR. BOWMAN:

Q. Is that you in the picture?

A. That is.

Q. What are you doing in that picture?

A. It -- it appears that I am deploying less lethal munitions.

Q. Okay. So if I were to have asked you, is it true that you deployed less lethal munitions at -- on 27th Street between Whipple and Troy, you'd tell me yes?

A. I did deploy munitions in that location.

Q. Pardon me?

A. I did deploy munitions in that location.

Q. Okay. That particular munition that -- you see it flying through the air after having left your hand, right?

A. Yeah. I guess that that's a munition.

Q. What is -- it's a canister, right?

A. Yes.

1 Q. Okay. So what is in that canister?

2 A. That canister appears to be CS gas.

3 Q. Is CS gas commonly known as tear gas?

4 A. I don't know. I -- I don't refer to it that
5 way.

6 Q. Okay. If I were to say -- to ask you a
7 question, did you throw a canister of CS gas in this
8 particular location on this particular day, you would
9 tell me yes to that question too?

10 A. I would not.

11 Q. Okay. Why not?

12 A. You said canister. I threw two.
13 That's -- that's plural.

14 Q. I thought canister was singular.

15 A. No. You said, did I throw this canister?
16 Canister. And then did you throw a canister? And no, I
17 threw two.

18 Q. Okay. All right. I'm not saying that this
19 shows you throwing any more than one canister, okay?

20 A. You said this --

21 Q. So let's get --

22 A. No.

23 Q. -- past that.

24 A. No, you -- you asked me if I threw a canister
25 of gas. That's -- that's inaccurate.

1 Q. Okay. It was not a canister; you threw more
2 than one canister?

3 A. Yes.

4 Q. Okay. Got you. So did you throw multiple
5 canisters of gas at this location on this day?

6 A. I threw two.

7 Q. Two canisters. Thank you for clarifying. I
8 appreciate it. This particular photo shows you throwing
9 just one canister, right?

10 A. Yes.

11 Q. Okay. You were throwing the canister in the
12 direction of protestors who were objecting to your
13 presence at -- in Little village; is that not true?

14 MR. KHOJASTEH: Object to form. Lacks
15 foundation.

16 THE WITNESS: That's not true.

17 BY MR. BOWMAN:

18 Q. Not true?

19 MR. BOWMAN: What I'm going to do now is ask
20 you, Val, to play first -- I think first the 1:52
21 segment helicopter. Do we have the timestamps
22 identified?

23 BY MR. BOWMAN:

24 Q. While we're looking for that video, I got a
25 couple of more questions to ask you about this

1 particular incident. Were you at some point hit in the
2 head with a rock?

3 A. Yes.

4 Q. How -- were you hit with a -- in the head with
5 a rock before you threw the canister of gas that's
6 depicted in Exhibit 14 or afterwards?

7 A. After.

8 Q. At the point when you threw this canister, you
9 had not been hit in the head with a rock?

10 A. I had received a projectile, a rock, but it
11 did not hit me in the head. But it did almost hit me.

12 Q. Okay. So it did -- it missed you; it didn't
13 hit you?

14 A. That's correct.

15 Q. Okay. So the answer to my question is: That's
16 correct? At the time that this canister was thrown by
17 you -- you had not yet been hit in the head with a rock?

18 A. I had not.

19 MR. KHOJASTEH: Object to form.

20 MR. BOWMAN: And --

21 MR. KHOJASTEH: Asked and answered.

22 BY MR. BOWMAN:

23 Q. Did you receive an injury as a result of being
24 hit in the head with a rock?

25 A. It hurt.

1 Q. Did you -- did it break the skin?

2 A. No.

3 Q. Did you seek medical attention?

4 A. No.

5 Q. Did you receive a bruise?

6 A. No.

7 Q. Okay. Describe the rock.

8 A. Which one? There were two thrown at me.

9 The -- the one before --

10 Q. Describe the one --

11 A. -- I threw the canister --

12 Q. Describe the one that hit you in the head.

13 A. Okay. That rock was a large, black rock.

14 It looked like it might have been a piece of pavement.

15 Q. How -- show us how big it was. Just with
16 your --

17 A. I would say it would be perhaps the size of
18 that, except a little wider on the sides.

19 MR. BOWMAN: Okay. Did you get that?

20 THE WITNESS: Approximately.

21 BY MR. BOWMAN:

22 Q. Okay. And how fast was it moving when it hit
23 your head?

24 MR. KHOJASTEH: Object to form. Lacks
25 foundation.

THE WITNESS: I don't know how many miles an hour it was moving exactly. It was moving very fast.

BY MR. BOWMAN:

Q. Very fast?

A. Well, I thought it was.

Q. Okay. All right. So we found the video, and Val is going to come and present it to you. And once again, I'm going to stand behind you, not to intrude on your space, but because I need to see the video, too. This video will be Exhibit 15 for the record.

(Exhibit 15 was marked for identification.)

MS. BARAJAS: Just tell me when to stop it.

(Video recording played.)

MR. BOVINO: Get the fuck away here.

UNIDENTIFIED SPEAKER 2: Don't touch me. Don't fucking touch me.

MR. BOVINO: Get the -- get out of here. Get off me. Get him up. Pull him up. Back up. Back up, I'm telling you. Back up. Back up. Back up, okay? Turn it off. Back up. Back up.

UNIDENTIFIED SPEAKER 2: He's scared. He's scared.

UNIDENTIFIED SPEAKER 3: Get the fuck out.

1 MR. BOVINO: Back it up. Get them back.

2 (Video recording stopped.)

3 BY MR. BOWMAN:

4 Q. We just looked at a video clip that we'll
5 properly describe and identify, for purposes of the
6 record its designation will be Exhibit 15. Does that
7 video depict the situation that you faced that was in
8 front of you in the seconds before you threw the
9 canister of gas?

10 A. No.

11 Q. How is that not so?

12 A. That video didn't depict many varying parts of
13 that situation that I was faced with, both in front and
14 around me. It didn't depict the first rock -- I'm
15 sorry, go ahead. What?

16 Q. I'm talking to Val.

17 MR. KHOJASTEH: Oh, well then you can wait. Go
18 ahead.

19 BY MR. BOWMAN:

20 Q. No, go ahead. I'm listening.

21 MR. KHOJASTEH: But then don't talk.

22 It's -- he's talking and you're talking.

23 It's, like, tough.

24 THE WITNESS: Clear to go?

25 BY MR. BOWMAN:

1 Q. Yeah, go ahead.

2 A. So it didn't depict many parts of the
3 situation that -- that we were facing. The first was a
4 large, white rock that was thrown -- that was thrown
5 that almost hit me before I deployed that canister of CS
6 gas. That was one thing. Another item or violent
7 protestors that -- sorry, violent rioters that began
8 throwing water bottles and other objects at Border
9 Patrol agents. Another situation that that video did
10 not depict were violent rioters that were assaulting
11 Border Patrol agents over to my left. Another thing
12 that it did not depict was the fact that a large box
13 truck had already blocked in agents, and the blocking in
14 of agents in a coordinated attack had taken place both
15 while that was -- while that situation was taking place,
16 as well as approximately 30 minutes before that was
17 happening. Another situation that -- that did not
18 depict, was a transport van just ahead of that video,
19 out of sight of the video, that was blocked in by a
20 coordinated effort -- by what appeared to be a
21 coordinated effort, and agents were asking for help.
22 Something else that video didn't do a good job of -- of
23 showing, you can see it a little bit, were two
24 individuals on the rooftops, which was consistent with
25 intelligence of Latin Kings being on the rooftops. There

1 were at least two individuals on the rooftops that were
2 in maroon hoodies, or one of them was in a maroon
3 hoodie. Which is very significant, because there's
4 another situation that that video didn't depict, and
5 that was only a couple of blocks away from there.
6 Potential gang members who had just flashed gang signs
7 and tried to block agents in were seen lifting what
8 appeared to be semi-automatic or fully automatic weapons
9 out of the trunk, bringing them into the front of the
10 car. And then that car departing towards that area
11 that -- that -- that I was at. So there were a lot of
12 situations going on simultaneously, and a lot of
13 situations that obviously were not depicted in the
14 narrow scope of that video that you see there.

15 **Q. Did you put --**

16 **A.** Oh, and then one more thing. The individuals
17 in that vehicle -- the individuals in that vehicle
18 all -- approximately four of them, had maroon hoodies
19 on. And one other thing that I forgot to mention, that
20 this video didn't depict, was someone over to my left
21 and in the front, appeared with a maroon hoodie.

22 **Q. Okay.**

23 **A.** All simultaneously.

24 **Q. Wow. So you had a lot on your mind that was**
25 **affecting your decision to deploy that less lethal**

1 munition, right?

2 A. There were a lot of events, violent events,
3 and events that had the potential for severe
4 violence --

5 Q. Right.

6 A. -- at that time there, leading up to the
7 deployment of that canister.

8 Q. And was it your belief that by deploying that
9 canister, you would be counteracting the gang members
10 several blocks away, the situation involving the truck,
11 the gang member to your left, the other ones on the
12 roof, and all of that? Is that all factoring into
13 deploying this less lethal munition?

14 A. I felt that this was an emergent situation.
15 An emergency situation that reached a crescendo to the
16 point that the immediate deployment of that canister and
17 the canister after that was -- was needed.

18 Q. Do you acknowledge that the people in whose
19 direction you deployed the canister were expressing
20 their viewpoint that they did not want you in their
21 neighborhood? Get out of here, in effect?

22 A. When I deployed the canister, I saw people
23 assaulting Border Patrol agents, assaulting me --

24 Q. No. I'm going to stop you. That -- that's
25 not what I asked you. I asked you a simple question.

1 A. What's that?

2 Q. When you -- do you acknowledge that the people
3 in front of you, shown on the video, were expressing
4 their viewpoint that they did not want you in their
5 neighborhood, get out of here, get out of our
6 neighborhood? Do you acknowledge that that was said to
7 you before you deployed the canister?

8 A. I don't acknowledge that.

9 Q. Okay. You're saying that didn't happen?

10 A. No, I'm not saying it didn't happen. I'm just
11 not acknowledging in the spirit that you apparently want
12 me to acknowledge that. And now I see people violently
13 -- violently rioting, and that's not what you said.
14 That's violently rioting with the potential for a lot
15 more extreme violence. Something I did forget to
16 mention, also, that was not depicted in your video were
17 the use of large, commercial-grade fireworks that in
18 themselves are already a deadly force situation.

19 Q. Okay. Just want to make sure I understand one
20 point. Are -- there are people that are going back and
21 forth with the agents in front of you in the video we
22 just looked at, right? People talking back and forth
23 with the agents. You did see that in the video?

24 A. I heard people yelling.

25 Q. Yes. Okay. That's what I'm talking about,

1 the people yelling. Are you telling us that those
2 people yelling are the violent rioters?

3 A. I didn't tell you that.

4 Q. Okay. Well, I'm asking: Are you saying that
5 those are violent rioters? Or are there violent rioters
6 somewhere else that aren't in the video?

7 A. Those violent rioters were -- were in front of
8 me.

9 Q. Okay. So the guys that --

10 A. I -- I --

11 Q. What we're looking at in the video is, as you
12 look at it, a bunch of violent rioters?

13 A. I saw violent rioters in front of me, is what
14 I'm saying.

15 Q. And I'm asking --

16 A. I was watching --

17 Q. -- are they depicted in the video?

18 A. No -- no -- no -- no. You asked me what I
19 saw. I said I saw violent rioters in front of me.
20 That -- that is what you asked me.

21 Q. I didn't ask you what you saw.

22 A. Okay.

23 Q. I asked you about the video. And my question
24 is: Are you telling us that violent rioters are depicted
25 in the video that we just looked at?

1 A. I don't know what those people were.

2 Q. Okay. So you wouldn't characterize them as
3 violent rioters, right?

4 A. I don't know what they are. I will --

5 Q. Because it wouldn't --

6 A. -- I'm not -- I'm not characterizing them.

7 Q. It wouldn't be proper to call them violent
8 rioters, would it?

9 MR. KHOJASTEH: Object to form. Argumentative.

10 THE WITNESS: I don't know.

11 BY MR. BOWMAN:

12 Q. Okay. Don't know. All right. Let's look at
13 one last video. We're going to need to wrap up here
14 pretty quickly.

15 MR. BOWMAN: Actually, let's not. It is
16 almost ten to 6:00. We need to get out of here by
17 6:00. So we're going to need to suspend the
18 deposition at this point. I suggest we go off the
19 record now.

20 THE VIDEOGRAPHER: Okay.

21 MR. BOWMAN: And we can talk about when --

22 MR. KHOJASTEH: Thank you.

23 MR. BOWMAN: -- and how to reconvene.

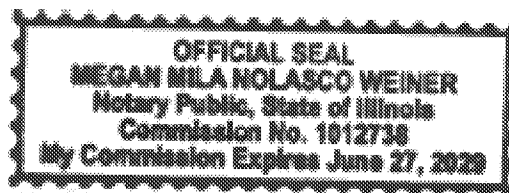
24 THE VIDEOGRAPHER: Okay. With that, we'll go
25 off the record, and the time is 5:48.

(Deposition was suspended at 5:48 p.m. CT)

1 CERTIFICATE OF DIGITAL REPORTER

2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Stipulation page hereof, by me
7 after first being duly sworn to testify the truth, the
8 whole truth, and nothing but the truth; and that the
9 said matter was recorded digitally by me and then
10 reduced to typewritten form under my direction, and
11 constitutes a true record of the transcript as taken,
12 all to the best of my skill and ability. I certify that
13 I am not a relative or employee of either counsel and
14 that I am in no way interested financially, directly or
15 indirectly, in this action.



20 *Megan Weiner*

21
22 MEGAN WEINER

23 DIGITAL REPORTER/NOTARY

24 MY COMMISSION EXPIRES: 06/27/2029

25 SUBMITTED ON: 11/01/2025

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