

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.**

DEPONENT:

GREGORY BOVINO, VOL II

DATE:

November 03, 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

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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
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DIRECTOR OF THE FEDERAL BUREAU OF PRISONS (BOP); PAMELA
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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, VOL II
DATE: NOVEMBER 3, 2025
REPORTER: MEGAN WEINER

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U.S. DEPARTMENT OF JUSTICE; UNIDENTIFIED FEDERAL
OFFICER DEFENDANTS; UNIDENTIFIED FEDERAL AGENCY
DEFENDANTS; AND DONALD J. TRUMP, PRESIDENT OF THE
UNITED STATES:

Sarmad Khojasteh, Esquire
Elizabeth Hedges, Esquire
Philip Hiscock, Esquire
U.S. Department of Justice

Also Present: Sydney Little, Videographer; Valerie
Barajas, Loevy & Loevy Paralegal

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STIPULATION

The VIDEO deposition of GREGORY BOVINO, VOL II was taken
at the [REDACTED]

[REDACTED] CHICAGO, ILLINOIS [REDACTED] on MONDAY the
3rd day of NOVEMBER 2025 at 3:24 p.m. (CT); said
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 3rd day of November 2025, and the time is 3:24 p.m. Central. We're at the [REDACTED] [REDACTED] Chicago, Illinois, to take the deposition of Gregory Bovino, volume II, 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, Northern District of Illinois, Eastern Division. Will the counsel please identify themselves for the record?

MR. BOWMAN: Locke Bowman for Plaintiffs.

MS. HAGY: Lindsay Hagy for Plaintiffs.

MR. KHOJASTEH: Sarmad Khojasteh for Defendants.

MS. HEDGES: Elizabeth Hedges for Defendants.

MR. HISCOCK: Philip Hiscock for the defendants.

MR. BOWMAN: And there are other lawyers on behalf of Plaintiffs for Zoom. I don't think there's any need to identify them.

MR. KHOJASTEH: We're good.

MR. BOWMAN: Okay.

THE VIDEOGRAPHER: Sorry. One second.

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: Yes.

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

MR. BOWMAN: Thank you.

CONTINUED DIRECT EXAMINATION

BY MR. BOWMAN:

Q. Good afternoon, Mr. Bovino. The president of the United States gave an interview on 60 Minutes last night. He was asked if, in light of some videos that have been shared widely, he believed that agents in Chicago under your command had gone too far, and here was his response. "No. I think they haven't gone far enough because we've been held back by judges -- by the liberal judges that were put in by Biden and by Obama." Closed quote on the president. Did you have the opportunity to listen in as the president was interviewed?

A. No.

1 Q. Has anyone communicated to you from the Trump
2 administration this proposition that you've not gone far
3 enough and you need to go further?

4 MR. KHOJASTEH: I'm going to object to form,
5 and I'm going to instruct the witness not to answer
6 to the extent that doing so would reveal
7 communications between you and any White House
8 officials, on the basis of executive privilege.

9 BY MR. BOWMAN:

10 Q. Can you --

11 A. No.

12 Q. I -- I'm sorry. I didn't understand your
13 answer.

14 A. No.

15 Q. And what are you signifying by no? No, you
16 won't answer, or no, there have been no such
17 communications?

18 A. No, I won't answer.

19 Q. No, you won't answer. Okay. Very good. Has
20 anyone from the White House or elsewhere in the Trump
21 administration communicated to you that you should keep
22 going hard at protestors, journalists, observers, and
23 clergy who are advocating for violence?

24 MR. KHOJASTEH: Same objection. To the extent
25 that doing so -- answering the question -- to the

1 extent that answering the question would reveal
2 communications with anyone at the White House,
3 I'm going to instruct you not to answer based on
4 executive privilege.

5 BY MR. BOWMAN:

6 Q. Are you refusing to answer?

7 A. Yes.

8 Q. Has anyone communicated the opposite to you,
9 that you should tone things down going forward and rein
10 your officers in? And it's the same issue, those within
11 the Trump administration or the White House.

12 MR. KHOJASTEH: Same instruction as to
13 the -- any -- as to any communications with anyone
14 in the White House.

15 BY MR. BOWMAN:

16 Q. Will you refuse to answer the question?

17 A. I do refuse to answer the question.

18 Q. I'm going to hand you next -- I'm changing
19 subjects and turning to the topic of Little Village,
20 which we were discussing at the conclusion of your
21 deposition session that we had last week.

22 I'm going to hand you what I am marking for
23 identification as Bovino deposition Exhibit number 16.
24 Exhibit 16 is a still video from a woman whose last name
25 is Sotelo that she took in Little Village on October 23

of this year. Do you recognize yourself in the exhibit?

(Exhibit 16 was marked for identification.)

MR. KHOJASTEH: Object to form. Lacks foundation. Are you making those representations to the witness concerning who took it and when it was taken, Mr. Bowman?

MR. BOWMAN: I am.

MR. KHOJASTEH: Same objection. Lacks foundation. You can answer the question.

THE WITNESS: I see myself in the -- in the -- in this picture.

BY MR. BOWMAN:

Q. All right. There is an officer standing to your right who has his arm across his chest covering a pouch of some kind. Do you see -- and we have him circled in red. Do you see him?

A. I see this, yes.

Q. Does it appear to you that he is wearing a body-worn camera?

A. I can't tell.

Q. Okay. I showed you some video at the conclusion of our last session and asked you some questions about it. In general, do you recall being shown that video?

A. I was shown a lot of videos. Which -- which

one in particular? You'll have to dial that in for me.

Q. Sure. The one that I showed you toward the end of the deposition relating to Little Village, your throwing of a canister. Do you recall that video?

A. No. I mean, not all of it. Not in its entirety, no.

Q. I was just asking you in general, do you recall being shown that video?

A. No.

Q. Let's play at this time now, if we could, what I'll designate for identification as Exhibit 17 to your deposition. It is a video clip of the body-worn camera video that was produced to us as video REL 148. And this clip runs, according to the timestamps on it, from 11:01:20 a.m. on October 23 until 11:01:48. And my question of you, sir, is if you could please look at the video. And I'm going to come around behind you so that I can see it simultaneously. Again, no invasion of your personal space is intended.

(Exhibit 17 was marked for identification.)

MR. KHOJASTEH: It's going to show here, Mr. Bowman, or is she going to show --

MR. BOWMAN: No.

MR. KHOJASTEH: Oh, got you.

(Video recording played.)

UNIDENTIFIED MALE OFFICER: Get back to the vehicle.

UNIDENTIFIED FEMALE SPEAKER: Get the fuck up.

UNIDENTIFIED MALE OFFICER: Back it up.
Get them back.

(Video recording stopped.)

BY MR. BOWMAN:

Q. My representation to you, sir, is that that is body-worn camera video from Little Village on October 23, shortly after 11:00 that morning. Do you acknowledge that the video shows a perspective of you tossing a munitions canister?

A. I didn't see myself in the video tossing a canister.

Q. Did you see the canister fly?

A. I -- I did not. Not in the video.

Q. Okay. Let me mark for identification now, as Exhibit 18 to your deposition, a still image from the video. This image is timestamped 11:01:38 a.m., and it is from that video that I just showed you. Do you see it?

(Exhibit 18 was marked for identification.)

MR. KHOJASTEH: Thank you.

THE WITNESS: I see the image.

BY MR. BOWMAN:

1 Q. And do you see the munitions canister in the
2 air?

3 A. I -- I see what appears to be a munitions
4 canister in the air.

5 Q. All right. And then I'm going to show you
6 next what we will mark for identification as Exhibit 19
7 to your deposition. Exhibit 19 is also an image
8 of -- is a still image from the same video that I showed
9 you a few minutes ago. This one bears a timestamp
10 11:01:48 a.m. So this is just about ten seconds
11 subsequent to the image of the canister flying in the
12 air that you just looked at, correct?

13 (Exhibit 19 was marked for identification.)

14 MR. KHOJASTEH: Object to form.

15 THE WITNESS: Yeah. I don't -- I don't know if
16 it -- if it's -- what it is. I don't know.

17 BY MR. BOWMAN:

18 Q. Do you agree with me that 11:01:48 is ten
19 seconds after 11:01:38? That was my question.

20 A. Yeah. 11:01:48 is ten seconds past 11:01:38.

21 Q. Okay. And do you see in this still image two
22 pieces of apparent white rock on the pavement in the
23 lower left-hand corner?

24 A. I see what appear to be two white images
25 there.

1 Q. Okay. Can you identify them as white rocks
2 that were thrown in your direction?

3 A. Not from -- not from this.

4 Q. Showing you next a second image from this same
5 moment in time, also from the body-worn camera that
6 we've been looking at and that we saw an excerpt from.
7 This will be for designate -- this will be designated
8 for the record as Exhibit 20. Do you see yourself in
9 the still image that I just shared with you?

10 (Exhibit 20 was marked for identification.)

11 A. I -- yes.

12 BY MR. BOWMAN:

13 Q. And do you see that white rock in this image?

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

16 THE WITNESS: I see a -- a white -- something
17 white there.

18 BY MR. BOWMAN:

19 Q. Okay. And do you note that the timestamp is
20 identical to the timestamp on the prior exhibit,
21 11:01:48?

22 A. Seems to be the same timestamp.

23 Q. I'm showing you -- let me --

24 MR. KHOJASTEH: Just to -- just -- I apologize,
25 Mr. Bowman. Which white are you -- which white one

are you referring to here?

MR. BOWMAN: The white one that's right there.

MR. KHOJASTEH: That just single one? Okay.

MR. BOWMAN: Yeah.

MR. KHOJASTEH: Just want to know -- okay.

Thank you. Go ahead.

BY MR. BOWMAN:

Q. So here's my question. You said yesterday -- or sorry, last week that you believed a white rock had been thrown at you -- had not struck you, but had been thrown in your direction prior to your releasing the canister of of CS gas. Do you recall that testimony?

A. Yes.

Q. Do you have any video evidence that you can point to that supports your assertion that the white rock was thrown before you released the canister?

A. Yes.

Q. And what is that?

A. It's a video.

Q. What video is that?

A. A video. I don't know -- what -- what do you mean what video? A video is a video.

Q. Can you identify who -- how the video was taken?

A. No.

Q. Do you know who -- was it body-worn camera video?

A. I don't know.

Q. Was it video that was produced by one of your agents?

A. I can't remember.

Q. Was it video -- when did you see this video?

A. I can't remember.

Q. Is there anything that you can tell me about this video to help me to identify it, or to help Judge Ellis to identify it?

A. Yes. That there was a rock thrown at me in the video.

Q. Okay. My question is, is there anything about the video, an identification number, evidence tag, a location, that would assist a person who wanted to see the video that supports your account of the events?

A. I don't have an evidence number memorized in -- in my head here.

Q. Okay. Well, is it documented in a report somewhere?

A. I can't remember.

Q. Can you -- okay.

A. I can't remember any identification number for

the video.

Q. All right. Anything that I would ask you about how to identify this video, you would tell me you can't -- you can't help me out; is that fair?

A. No, that's not fair.

Q. Okay.

A. I would tell you.

Q. All right. So what would help me out? You tell me.

A. There's a video there that shows a white rock thrown at me.

Q. Okay. Is there anything else you can tell me about this video?

A. No.

Q. Okay. I wanted to ask you about maroon hoodies. You made mention in our last session of the fact that maroon is a color associated with the Latin Kings street gang?

A. No.

Q. So if I got the impression that you believe maroon to be associated with the Latin Kings street gang, I would misunderstand your testimony?

A. I'm not sure what you would think about it. I -- I don't know what you were thinking.

Q. Okay. But you didn't testify to that effect

1 last time?

2 A. To -- to what effect?

3 Q. To the effect that maroon is associated with
4 the Latin Kings street gang?

5 A. I testified to the fact that there were
6 several individuals that were potentially associated
7 with the Latin Kings street gang that were taking
8 weapons out of the back of a car. All of them had
9 maroon hoodies, and that -- to that effect, that they
10 had maroon hoodies.

11 Q. Okay. So it was just coincidence that they
12 had maroon hoodies?

13 MR. KHOJASTEH: Object to form.

14 BY MR. BOWMAN:

15 Q. There's a question.

16 A. What was that again? It was what?

17 Q. Just coincidence that they were wearing maroon
18 hoodies?

19 A. No -- no, definitely not coincidence.
20 Certainly in keeping with the fact that gang members
21 often dress alike.

22 Q. Okay. So what do you believe the color maroon
23 signifies, if not association with the Latin Kings
24 street gang?

25 A. I think the -- the color -- the maroon hoodies

1 in the maroon color would -- would signify a potential
2 assailant or street gang member that was making their
3 way to the location that I was present, and given the
4 violence, that one had already taken place there, and
5 also due to the prior intelligence that violent street
6 gang -- street gangs, such as the Latin Kings, would
7 place themselves on rooftops to try to collect bounties
8 and things like that on federal agents' heads. So there
9 did begin to appear, in that crowd, maroon hoodies, both
10 on top of buildings and in the crowd.

11 Q. Okay. Is -- can you identify a street gang
12 that is associated with maroon -- the color of maroon?

13 A. Not that I can -- no.

14 Q. You have prepared a report in this case
15 relating to your actions in Little Village, yes, sir?

16 A. Yes.

17 Q. Okay. I'm marking an excerpt from that report
18 for identification as Exhibit 21 to your deposition.
19 This is just an excerpt. It's the first page of a
20 44-page report, as well as the portion of the report
21 that includes your narrative. I've marked it for
22 identification as Exhibit 21. The report that I just
23 handed you describes, among other things, the situation
24 that you were facing in Little Village on October 23,
25 does it not?

(Exhibit 21 was marked for identification.)

A. Yes.

BY MR. BOWMAN:

Q. It says, among other things, that you were faced with violent crowds, correct?

A. I don't -- you'll have to show me where I said that. I can't just see that here.

Q. The end of the first paragraph of your narrative, "Violent crowds throwing rocks, bottles, and commercial artillery shell fireworks at federal agents"?

A. Hold on a second here. I'm not seeing that. The end of the first paragraph says, "Additionally, a transport van carrying detainees was surrounded and attacked before making secure with a protected perimeter." Yes.

MR. KHOJASTEH: I believe it was the sentence before he's referring to.

THE WITNESS: Hold on a second.

BY MR. BOWMAN:

Q. Here comes another --

A. I didn't see that.

Q. Here comes another question, since you're struggling with that one. Did you describe the people who were facing you as a violent crowd, yes or no?

A. Hold on a second. I'm looking now to see if

there -- it says violent crowd. Oh, I see it there.

Violent crowds. Yes, I did -- I did do that.

Q. Did you describe those people as rioters?

A. Yes.

Q. Mobs?

A. I can't -- I don't see -- I'll have to read through this thing to see if I said that.

Q. Third paragraph, second line. "We were met with a violent crowd who began approaching aggressively at agents. Supervisory Border Patrol Agent Christian Velez gave the mob a warning to get back"?

A. It says "mob." You said "violent mob." It says "mob" here. I said "mob."

Q. Okay. Well, how about the very last paragraph? Did you use the expression "violent mob"?

First sentence of the last paragraph reads as follows: "I deployed the first chemical munition, and it landed approximately 50 feet away in the middle of the violent mob"?

A. Yes.

Q. Your language. I'm going to show you now -- show you now a group exhibit, which we'll mark for identification as Exhibit 22 to your deposition. This is aerial footage of the scene at Little Village in the street where you threw the canister.

(Exhibit 22 was marked for identification.)

MR. KHOJASTEH: Mr. Bowman, can I just have a copy, please?

MR. BOWMAN: Oh, sure. I'm sorry.

MR. KHOJASTEH: No worries. Thank you so much.

MR. BOWMAN: You're welcome.

BY MR. BOWMAN:

Q. And it shows you -- if you look at the third page of the group exhibit, we've put a circle around you throwing your canister. Do you see -- do you see yourself throwing the canister in this?

A. Well, it looks like me.

Q. Yes. Does this photograph show the violent mob that you were facing when you threw your canister?

A. Yes.

Q. And next --

MR. KHOJASTEH: Mr. Bowman, I -- I'm just going to ask you, are you representing that this is the -- that these still frames are taken from the same time as the --

MR. BOWMAN: I am, yes.

MR. KHOJASTEH: Because the timestamps on them are different.

MR. BOWMAN: Yeah, that can happen.

MR. KHOJASTEH: I'm just asking. So I'm just

1 saying -- so your representation holds?

2 MR. BOWMAN: You're interrupting me.

3 MR. KHOJASTEH: Okay. Then I'll ask
4 afterwards, but the objection stands on that.
5 I'll note that the -- the -- the timestamp appears
6 to be four hours after the video that you showed us
7 earlier.

8 MR. BOWMAN: I'll mark for identification now
9 as Exhibit 23 a still image from the body-worn
10 camera --

11 (Exhibit 23 was marked for identification.)

12 MR. KHOJASTEH: Can you just do a time check,
13 please?

14 MR. BOWMAN: That reads 21 minutes and
15 counting.

16 THE REPORTER: So I started it right when we
17 went on record. He started his a little bit later.
18 I have 23 minutes. I don't know what you have for
19 yours.

20 MR. KHOJASTEH: We'll let this be the last
21 question here.

22 BY MR. BOWMAN:

23 Q. I am going to show you Exhibit 23.

24 My question is, this is from that same video camera that
25 we were looking at at the beginning of this segment of

1 your deposition. My question is, does this also show
2 the violent mob you were facing when you discharged your
3 canister?

4 MR. KHOJASTEH: Last question here. Go ahead,
5 Mr. Bovino.

6 THE WITNESS: Yes.

7 MR. BOWMAN: All right. We have gotten to the
8 point of 23 minutes having expired. I am going to
9 state for the record at this time that I have a
10 number of additional questions to ask Commander
11 Bovino, and we have come to the end of the allotted
12 time, and I am unable to ask them. In my view, the
13 reason for this circumstance is the extraordinary
14 acts of obstruction that the counsel defending this
15 deposition engaged in through a wide chunk of the
16 time that we had available to us last week. I
17 object to all of that, again, and state for the
18 record that I am unable to complete the deposition
19 because I have been impeded.

20 MR. KHOJASTEH: And, Counsel, I would note that
21 to the extent you want to -- if you want to give me
22 an -- I understand that your co-counsel earlier this
23 morning let us know that you intend to call
24 Mr. Bovino to testify at the preliminary injunction
25 hearing based on insufficiencies with the deposition

1 today. If you could articulate for me what areas of
2 examination you'd like to continue with, I can work
3 with you to allot you an additional amount of time
4 right now, but you have the opportunity to do so.
5 Go ahead. Let me know what you'd like to -- and
6 I'll consider it.

7 MR. BOWMAN: Oh, if there -- I'll take
8 additional time if I can have it, sure.

9 MR. KHOJASTEH: Yeah, but what's -- what are
10 the -- what are the areas of exam -- you just said
11 that there's other areas of examination you'd like
12 to ask questions about.

13 MR. BOWMAN: I have --

14 MR. KHOJASTEH: I'm asking you on the record to
15 articulate those for me so I can take them under
16 advisement.

17 MR. BOWMAN: I have more questions about this
18 Little Village incident.

19 MR. KHOJASTEH: About the Little Village
20 incident?

21 MR. BOWMAN: Yes. And I have questions about
22 some tweets.

23 MR. KHOJASTEH: So how much time do you think
24 you -- what -- you would like?

25 MR. BOWMAN: I -- I -- I don't know.

1 A reasonable period of time to cover these things.

2 MR. KHOJASTEH: But could you --

3 MR. BOWMAN: 15, 20 minutes, something like
4 that.

5 MR. KHOJASTEH: Okay.

6 MR. BOWMAN: Maybe not that long.

7 MR. KHOJASTEH: Could we take a quick break,
8 and then --

9 MR. BOWMAN: Sure.

10 MR. KHOJASTEH: -- I'll come back to you and
11 advise you on our position?

12 MR. BOWMAN: Sure.

13 MR. KHOJASTEH: Sure.

14 THE VIDEOGRAPHER: Okay. With that, we'll go
15 off the record, and the time is 3:50 p.m.

16 (A recess was taken.)

17 THE VIDEOGRAPHER: Okay. We're back on the
18 record. The time is 3:51.

19 MR. KHOJASTEH: Mr. Bowman, to the extent that
20 we are able to grant you an additional 20, 25
21 minutes as you requested, would that obviate the
22 need for motion practice regarding your request to
23 bring back Mr. Bovino to testify at the preliminary
24 injunction hearing on Wednesday?

25 MR. BOWMAN: It would not. The -- I indicated

1 a moment ago that what I had specifically prepared
2 for today includes some additional questioning of
3 Mr. Bovino with respect to the Little Village
4 matter, as well as some questioning regarding some
5 tweets on an account that is apparently managed by
6 others on Mr. Bovino's behalf.

7 What I didn't indicate is that there were many
8 areas that were obstructed during the original
9 session of the deposition that I'm not prepared to
10 cover today because I went into this session with
11 only 22 minutes available to me and no suggestion
12 that there might be an offer of additional time.

13 So as a practical matter, to go back and
14 resurrect those issues and go over them again,
15 presumably in -- in -- in a non-obstructive
16 environment, as a practical matter, I can't do that.
17 As a practical matter, the -- our review of the
18 transcript indicates that a very significant
19 fraction of the total deposition transcript reflects
20 the commentary of counsel on me and my questions and
21 instructions not to answer stuff, to the point where
22 to correct that would require, assuming I could do
23 it as a practical matter, not just the 15 to 20
24 minutes that I just mentioned with respect to what
25 I've prepared for today, but, you know, an

1 additional hour to recover what was lost to me last
2 week.

3 MR. KHOJASTEH: So just so I'm clear, two
4 questions, Mr. Bowman. Are you able to articulate
5 for me the other areas of examination you feel --
6 without conceding that -- your characterization of
7 the transcript and the deposition, are you able to
8 identify for me, so I can take them -- take it under
9 advisement right now, the additional areas of
10 examination you'd like to cover today in order to
11 avoid having to bring Mr. Bovino to testify on
12 Wednesday?

13 And can -- are you able -- is it -- am I
14 correct in understanding that in addition to the 20
15 to 25 minutes you'd need today to cover the Little
16 Village incident and the tweets regarding -- the
17 tweets that you've referred to, there are -- you'd
18 need an additional hour to cover the -- to -- I
19 think you used the language "resurrect" the other
20 areas of your examination. So in total, you'd like
21 another hour and 20 minutes on the record this
22 afternoon?

23 MR. BOWMAN: To answer your question, and as a
24 practical matter, I can't do it for the reasons that
25 I stated, but --

1 MR. KHOJASTEH: I note that Mr. Bowman is
2 reading from a phone right now. Go ahead.

3 MR. BOWMAN: Those areas include a number
4 of --

5 THE REPORTER: Mr. Bowman, can you clip your
6 lapel mic? I'm sorry.

7 MR. BOWMAN: Oh, sorry. Those areas include a
8 number of incidents that I had prepared to cover
9 with Mr. Bovino that are the subject of declarations
10 and filings in Court that I had to skip over. There
11 were a number of opportunities to -- that I wished
12 to pursue and had to skip over to discuss with
13 Mr. Bovino the issue of statements that he has made
14 and how they relate to what we view as viewpoint
15 discrimination. I skipped over -- I had the Hott
16 declaration identified as an exhibit, had questions
17 for him about that.

18 I had a number of questions regarding the chain
19 of command, specifically communications between Mr.
20 Bovino and Secretary Noem and others in the White
21 House. That was altogether shut down. I had a
22 number of questions about general tactics, including
23 the use of roving patrols that I had to curtail and
24 shorten, and I have additional questions about that.

25 My opportunity to question Mr. Bovino about

1 training was limited, again, because I was
2 struggling with the press of time in the light of
3 Mr. Bovino's approach to answering questions, as
4 well as the commentary of counsel. And, you know,
5 that's where I am.

6 MR. KHOJASTEH: So I would note that at last
7 Thursday's deposition when the issue of Mr. Hott's
8 declaration came in, neither you nor anyone at your
9 table had a copy of it. We actually had to look
10 through it on our phone. You had no intention of
11 using it as a declaration. If you had, there
12 would've been a hard copy there. Number two --

13 MR. BOWMAN: No, there was a --

14 MR. KHOJASTEH: Number two, the transcript --

15 MR. BOWMAN: No, that's not true.

16 MR. KHOJASTEH: Number two, the transcript
17 speaks for itself. The questions that you were
18 asked -- that you were asked regarding the chain of
19 command were permitted, set aside for executive --
20 the issue of executive privilege with respect to
21 communications with the White House. They were
22 permitted to the extent that they related to the use
23 of force or specific incidents. Number -- and
24 again -- look, this is -- we're all making our
25 record here. I'm just correcting it, right?

1 Number three, the other areas that you're
2 referring to right now, I'm assuming whatever you
3 want to ask him about is sometime between the first
4 minute of the deposition and minute 2:20. You
5 attempted to cover in your position that because I
6 refused to permit you to answer those questions or
7 instructed him otherwise you are not -- you are
8 going to need to take that time on Wednesday to ask
9 him questions. There's not going to be new areas of
10 examination.

11 For example, you didn't ask him anything about
12 viewpoint discrimination last week. You're now
13 introducing that as an area of examination that you
14 would've liked to -- you would've liked to ask him
15 for, but for time constraints. And I'm saying
16 you -- I'm asking you right now whether you --
17 you're prepared to do so today. We've never heard
18 anything about it from you. I don't know how it
19 relates to preliminary injunction -- injunctive
20 relief.

21 But I just want to understand, what are the
22 areas of examination that you'd like to probe with
23 Mr. Bovino on Wednesday for the benefit of the
24 Court? Are the areas of examination that you had
25 the -- that you covered during the first

1 two-and-a-half hours of the deposition last
2 week -- and I -- and your position is that I
3 instructed him not to answer?

4 MR. BOWMAN: I -- I've just listed the areas
5 that I did not have the opportunity to cover or did
6 not have the opportunity to cover sufficiently or
7 was literally blocked from going into.

8 MR. KHOJASTEH: I'm noting for the record that
9 we are willing to have Mr. Bovino sit additional
10 time today. You're refusing to take that time.
11 That's okay.

12 MR. BOWMAN: Well, that --

13 MR. KHOJASTEH: We can come -- let's take under
14 advisement -- we'll talk about -- you want to do the
15 20, 25 minutes. Let me go talk to -- talk to him
16 and see whether we're going to do that. I was happy
17 to make a compromise. Last week, you insinuated
18 you'd be asking us for more time. I expected to
19 receive an e-mail from you all weekend saying that
20 you were going to ask for more time. You never did.
21 I was surprised.

22 Candidly, I thought you would've asked for more
23 time because you said you were going to ask for more
24 time. You never did. Yeah -- no one refused it.
25 I'm -- actually came here with the idea that

1 we -- there's no way you brought us here just sit
2 for 22 minutes. But that said, let me -- we'll talk
3 to the client. Your position's you don't want
4 to -- you don't want to go any further than 20
5 minutes today?

6 MR. BOWMAN: No. I'll consider -- if you'll
7 offer me 90 minutes, I'll consider it, but...

8 MR. KHOJASTEH: And then he doesn't go on
9 Wednesday?

10 MR. BOWMAN: No.

11 MR. KHOJASTEH: Okay. Well, then let --
12 let's -- because you can't articulate for me what
13 you're going call him about on Wednesday, then. If
14 I'm giving you the extra time, I'm asking you what
15 you're going to ask him about on Wednesday that
16 wasn't covered in the deposition?

17 MR. BOWMAN: I just listed those things.

18 MR. KHOJASTEH: The only -- so you pointed
19 to the deposition as the reason why you're not going
20 to -- that you need to take him on Wednesday. I'm
21 saying, if I give you extra time -- Mr. Bowman, I'm
22 not trying to be contentious with you. I don't want
23 us to be speaking past one another. If I'm giving
24 you extra time to cover the things you believe that
25 my objections prevented you from asking him or

1 examining, I'm asking you what, in addition to that,
2 are you planning on asking him on Wednesday?

3 MR. BOWMAN: I just gave you my list.

4 MR. KHOJASTEH: The viewpoint discrimination is
5 the only thing I heard that you didn't cover last
6 week, which wasn't -- you didn't cover it at all,
7 but just, is that the -- is that the position, that
8 viewpoint -- the questions regarding viewpoint
9 discrimination?

10 MR. BOWMAN: I gave you my list.

11 MR. KHOJASTEH: Do you mind just identifying
12 them for me again, separate from -- separate and
13 apart from what you wanted to spend the next 90
14 minutes on?

15 MR. BOWMAN: It -- it's -- I mean --

16 MR. KHOJASTEH: It's like the same, right?

17 MR. BOWMAN: It's like the same. Yeah.

18 MR. KHOJASTEH: Okay. So you just want to
19 cover the same ground again with him that -- if we
20 give you another 90 --

21 MR. BOWMAN: If that's how you choose to
22 characterize it, that's fine. I'm not --

23 MR. KHOJASTEH: I was trying to understand it.
24 I want to know the overlap.

25 MR. BOWMAN: You interrupt me.

MR. KHOJASTEH: I apologize.

MR. BOWMAN: I am not here to argue with you. I have made my record. I have told you those things that I believe I was unable to pursue sufficiently for the benefit of everyone, and that's my position. I think what should happen now is we should go off the record, each of us, and go to our separate corners and decide what we're going to do.

MR. KHOJASTEH: All right. Just want to know. I've asked Mr. Bowman to identify for me what -- what -- what areas of examination he'd like to continue today's deposition for to take an additional 90 minutes to cover. I've also asked him to identify what areas of examination he would like to take -- he would like to pursue at the hearing Wednesday.

He's unable to identify for me which are going to be at the deposition today and which are going to be at the hearing on Wednesday. In fact, he concedes it's likely the same. We're all happy to go off the record. We'll come back and decide whether we're going to do the additional 25 minutes or 90 minutes, and we'll take it from there.

MR. BOWMAN: Okay. We're off the record?

THE VIDEOGRAPHER: Okay. We're off the record.

1 The time is 4:02.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: We're back on the record and
4 the time is 4:26.

5 MR. KHOJASTEH: Good afternoon. We are happy
6 to report that the parties have reached an agreement
7 whereby Defendants have agreed to produce Mr. Bovino
8 for an additional 90 minutes of deposition testimony
9 to be held tomorrow morning on November 4th.

10 In exchange, Plaintiffs have agreed to not call
11 Mr. -- not call, not make any application to call
12 Mr. Bovino as a witness at the preliminary
13 injunction hearing to be held on Wednesday.

14 MR. BOWMAN: All right, that's correct. And
15 this probably goes without saying, but as a live
16 witness, we will obviously make what use is
17 appropriate of the deposition itself.

18 MR. KHOJASTEH: Of course.

19 MR. BOWMAN: And --

20 MR. KHOJASTEH: As your -- as -- as your -- as
21 a -- as permitted by the very relevant Rules and the
22 like.

23 MR. BOWMAN: And before we go off the record,
24 I don't want to forget to formally request that, at
25 the outset of the deposition tomorrow morning, we be

provided with the video that Mr. Bovino referred to in his testimony, but couldn't --

MR. KHOJASTEH: Identify.

MR. BOWMAN: -- identify that he said shows the rock being thrown at him before he deployed the canister of CS gas.

MR. KHOJASTEH: I -- we are taking that request under advisement, and obviously, we'll work with -- we'll do everything we can to have that produced to you.

MR. BOWMAN: Thank you. I -- we -- to be clear, we'd like it so we can ask him about it.

MR. KHOJASTEH: Of course. Of course. Okay, man.

MR. BOWMAN: And we'll go off --

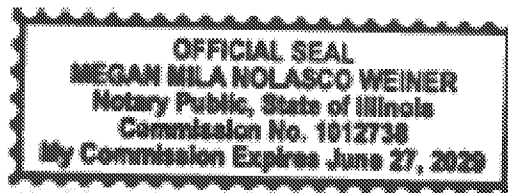
THE VIDEOGRAPHER: And with that, we'll go off the record. The time is 4:28.

(Deposition suspended at 4:28 p.m. CT)

CERTIFICATE OF DIGITAL REPORTER

STATE OF ILLINOIS

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page hereof, by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded digitally by me and then reduced to typewritten form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skill and ability. I certify that I am not a relative or employee of either counsel and that I am in no way interested financially, directly or indirectly, in this action.



Megan Weiner

MEGAN WEINER,

DIGITAL REPORTER/NOTARY

MY COMMISSION EXPIRES ON: 06/27/2029

SUBMITTED ON: 11/04/2025

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