

EXHIBIT G

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

ISABEL ZELAYA, et al.,

Plaintiffs,

v.

JERE MILES, et al.

Defendants.

Civil Action No. 3:19-cv-00062

CLASS ACTION

MOTION FOR LEAVE TO TAKE EXPEDITED DISCOVERY

Plaintiffs, on behalf of themselves and the proposed class, respectfully submit this Motion for Leave to Take Expedited Discovery for the limited purpose of obtaining the identities of the John and Jane Doe Defendants (Doe Defendants) named in Plaintiffs' Complaint. In support of this Motion, Plaintiffs state as follows:

1. The Doe Defendants are officers from U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and Enforcement Removal Operations (ERO)¹ who executed the raid at the Southeastern Provision meatpacking plant on April 5, 2018. Plaintiffs and the proposed class allege that these officers, as well as the named Defendants, conducted an unlawful, racially-motivated seizure of the Latino workforce in violation of their constitutional rights. Plaintiffs bring additional, individual claims of unlawful arrest and excessive force.

¹ HSI and ERO are two of three directorates within ICE. HSI, ERO, and ICE fall under the U.S. Department of Homeland Security ("DHS"). Throughout the Motion HSI, ERO, and ICE officers are referred to as the "federal officers" or "Defendants."

2. As set forth in Plaintiffs' brief and the exhibits supporting this Motion, Plaintiffs have exercised due diligence in attempting to obtain the names of the Doe Defendants, but, due in large part to DHS and ICE's refusal to disclose additional details about the raid, Plaintiffs' efforts have not yielded all the Doe Defendants' names.

3. As demonstrated in Plaintiffs' brief and the exhibits in support thereof, good cause exists for this Motion. Absent immediate discovery into the Doe Defendants' identities, Plaintiffs risk losing their class-wide and individual claims against those Defendants on April 5, 2019 when the one-year statute of limitations period applicable to their claims expires. Similarly, without the identities of the Doe Defendants, Plaintiffs cannot promptly effectuate service of process on those Defendants. These harms far outweigh any prejudice to the Defendants. Plaintiffs' discovery request, which consists of two narrowly-tailored interrogatories, attached to the Memorandum in Support of this Motion as Exhibit A, are not overly burdensome and will very likely yield the identities of the Doe Defendants. For these reasons, the Court has good cause to grant this Motion.

4. Finally, Plaintiffs' Counsel attempted to speak with an attorney in the U.S. Attorney's office for this district on Friday, February 22, 2019 about the requested discovery and this Motion. Plaintiffs' Counsel was informed by administrative personnel in the civil division that Civil Chief, Loretta Harber, declined to speak with the undersigned about the lawsuit or this Motion until service was complete and her Office represents the Defendants. Plaintiffs intend to effectuate service of process on the Defendants promptly after the clerk of court issues the summonses.

WHEREFORE, Plaintiffs respectfully request that this Court grant their Motion for

Expedited Discovery and order Defendant Miles to respond to Plaintiffs' interrogatories within 14 days of completion of service of process of this lawsuit on Defendant Miles and the U.S. Attorney's Office for this district.

Dated: February 25, 2019

Respectfully Submitted,

/s/ John L. Farringer

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**Pro hac vice motions
pending*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date the foregoing and accompanying documents were filed through the Court's CM/ECF filing system, and will be served on the defendants listed below with the summons. When service is complete a Proof of Service form will be filed with the Court, which Proof of Service will list the date, method, and documents served.

Jere Miles, Special Agent in Charge, HSI

[REDACTED]

Robert Hammer, Assistant Special Agent in Charge, HSI

[REDACTED]

David Vicente, Agent, ICE, ERO

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Dated: February 25, 2019

/s/ John L. Farringer

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ISABEL ZELAYA, et al.,

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Civil Action No. 3:19-cv-00062

CLASS ACTION

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO TAKE EXPEDITED
DISCOVERY**

Plaintiffs, on behalf of themselves and the proposed class, respectfully submit this memorandum in support of their Motion for Leave to Take Expedited Discovery for the limited purpose of obtaining the identities of the John and Jane Doe Defendants (“Doe Defendants”) named in Plaintiffs’ Complaint. The Doe Defendants are officers from U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO)¹ who executed the raid at the Southeastern Provision meatpacking plant on April 5, 2018. Plaintiffs allege that these officers, as well as the named Defendants, conducted an unlawful, racially-motivated seizure of the Latino workforce in violation of their

¹ HSI and ERO are two of three directorates within ICE. HSI, ERO and ICE all fall under the U.S. Department of Homeland Security (DHS). Throughout the Motion they are referred to as the “federal officers” or “Defendants.”

constitutional rights. Plaintiffs bring additional, individual claims of unlawful arrest and excessive force. Plaintiffs have exercised due diligence in attempting to obtain the names of the Doe Defendants, but, due in large part to DHS and ICE's refusal to disclose additional details about the raid, Plaintiffs' efforts have not yielded all the Doe Defendants' names.

Good cause exists for this Motion because, absent immediate discovery into the Doe Defendants' identities, Plaintiffs risk losing their class-wide and individual claims against those Defendants on April 5, 2019 when the one-year statute of limitations period applicable to their claims expires. Similarly, without the identities of the Doe Defendants, Plaintiffs cannot promptly effectuate service of process on those Defendants. These harms far outweigh any prejudice to the Defendants. Plaintiffs' discovery request consists of two narrowly-tailored interrogatories, attached hereto as Exhibit A, directed to the Special Agent in Charge of the raid – Defendant Jere Miles (Defendant Miles) at HSI. These requests are not overly burdensome as this information is readily available to Defendant Miles in the form of payroll records or other raids-related operation plans. Moreover, the interrogatories will very likely yield the identities of the Doe Defendants. For these reasons, the Court has good cause to grant this Motion.

FACTS

Plaintiffs and the putative class members are individuals of Latino ethnicity or race who were working in the Southeastern Provision meatpacking plant (Plant) on April 5, 2018. Compl., ECF No. 1, ¶ 7. On that day, dozens of ICE officers stormed the Plant, with the assistance of the Tennessee Highway Patrol (THP), ostensibly aiding in the execution of an IRS search warrant for documents related to crimes alleged against the Plant's owner. *Id.* ¶¶ 48-49, 65. However, the officers' operation that day was far more extensive than a search for documents and, ultimately, resulted in the largest workplace immigration raid in nearly a decade.

The officers surrounded the Plant, blocked the public road, took over the parking lot, and surveilled the premises from above with helicopters. *Id.* ¶¶ 65-67. While the THP officers guarded the perimeter, dozens of federal officers burst into the Plant unannounced. *Id.* ¶ 68. The officers – many with their firearms drawn – screamed at the workers to stop moving and forced them into line ups. *Id.* ¶ 71. The officers did not verbally identify themselves by name, nor did they wear visible badges with their names. *Id.* ¶ 70. Some workers saw that officers had “Police” or “ICE” written on their bullet-proof vests. But for most workers, the officers’ identity and presence was so baffling in the early moments of the raid that the workers thought the officers were terrorists or mass shooters. *Id.* ¶ 1.

The officers initiated this forcible and prolonged seizure of the entire Latino workforce before obtaining any information about each worker’s identity or immigration status and solely on the basis of their Latino race/ethnicity or appearance. *Id.* ¶ 5. During the raid, many of the Plaintiffs were berated by officers with racial slurs. *Id.* ¶ 91. One federal officer punched Plaintiff Geronimo Guerrero in the face without any provocation or justification. *Id.* ¶ 135. Another ICE officer pointed a gun at Plaintiff Luis Bautista Hernandez’s head while forcing him to relieve himself in public. *Id.* ¶ 155. Many other workers, including Plaintiffs Zelaya, Romulo Mendoza, Bautista Martinez, Guerrero, and Pulido, were not asked a single question about their identity or immigration status until *after* they were transported – in handcuffs – to an off-site Tennessee Army National Guard armory. *Id.* ¶¶ 113, 122, 132, 145, 162. Once at the armory, the federal officers continued to detain the Plaintiffs while they waited to be interrogated. *Id.* ¶ 87. Meanwhile, the white workers in the Plant were not subjected to the same intrusive tactics, forcibly detained, or transported to the armory. *Id.* ¶¶ 94-97.

Plaintiffs, on behalf of themselves and the proposed class, filed this lawsuit on February 21, 2019 against officers from the ICE, HSI and ERO, in their individual capacities. *See generally id.* Plaintiffs seek to vindicate their rights under the Fourth and Fifth Amendments to the U.S. Constitution. *Id.* ¶ 27. Plaintiffs’ lead counsel – the Southern Poverty Law Center and the National Immigration Law Center – are two non-profit organizations that, along with local counsel, Sherrard Roe Voigt & Harbison, are providing pro bono legal representation in this matter. Prior to filing the lawsuit, Plaintiffs’ counsel worked diligently to prepare this lawsuit as quickly as possible and to ascertain the identities of the officers involved in the raid. Those efforts yielded the names of nine defendants. However, due to the federal and state agencies’ opacity regarding details of the raid, Plaintiffs were unable to obtain the names of the Doe Defendants. Through this Motion, Plaintiffs seek authorization to serve expedited discovery to ascertain the identities of the remaining Doe Defendants.

ARGUMENT

A. Legal Standard

A court may permit “a party to take discovery before conducting a Rule 26(f) conference in the interests of justice.” *Vision Films Inc. v. Does 1-16*, No. 3:12-CV-644, 2013 WL 1385206, at *1–2 (E.D. Tenn. Apr. 3, 2013); *see also* Fed. R. Civ. P. 26(d) (a party may seek discovery prior to the Rule 26(f) conference “when authorized . . . by court order . . .”).² When evaluating whether to permit expedited discovery, “[c]ourts within the Sixth Circuit require a showing of good cause.” *Vision Films Inc.*, 2013 WL 1385206, at *1–2. Good cause exists when the “the plaintiff’s need for expedited discovery outweighs the possible prejudice or

² Federal Rules of Civil Procedure 30(a), 33(b), 34(b) and 36 also permit the Court to adjust the timing requirements imposed under Rule 26(d) and to expedite the time for responding to discovery requests.

hardship to the defendant.” *USEC Inc. v. Everitt*, No. 3:09-CV-4, 2009 WL 152479, at *3 (E.D. Tenn. Jan. 22, 2009) (citing *In re Paradise Valley Holdings, Inc.*, No. 03-34704, 2005 WL 3841866, at *2 (Bankr. E.D. Tenn. Dec. 29, 2005)).

This Court has found good cause to grant expedited discovery “where the litigation cannot proceed without the identities of the unknown defendants” *Zomba Recording LLC v. Does 1-24*, No. 3:07-CV-448, 2008 WL 123839, at *1 (E.D. Tenn. Jan. 10, 2008). In cases such as this, the plaintiff’s need for discovery “far outweighs any prejudice to the Doe Defendants.” *See id.* This Court has further found good cause to grant expedited discovery where the plaintiff has identified the doe defendants with specificity, described the steps taken to obtain the names, and where the discovery is “likely to lead to identifying information that will allow the Plaintiff to effectuate service of process on the Doe Defendants.” *See Vision Films Inc.*, 2013 WL 1385206, at *1–2. Finally, good cause has been found in civil rights cases where, like here, plaintiffs seek to obtain the identities of law enforcement agents. *See, e.g., Loeffler v. City of Anoka*, No. 13-CV-2060, 2015 WL 12977338, at *1 (D. Minn. Dec. 16, 2015) (allowing plaintiff to serve expedited discovery to secure the identity of the doe defendant, a law enforcement officer); *Ibarra v. City of Chicago*, 816 F. Supp. 2d 541, 555 (N.D. Ill. 2011) (same). Plaintiffs can show good cause for the limited discovery they request here.

B. Plaintiffs Will Suffer Irreparable Harm Absent the Requested Discovery

Plaintiffs and the proposed class risk losing their claims against the Doe Defendants if they are not permitted to discover their identities prior to April 5, 2019. Plaintiffs bring constitutional claims pursuant to *Bivens* against the individual Doe Defendants. These claims have a one-year statute of limitations period. *See Zundel v. Holder*, 687 F.3d 271, 281 (6th Cir. 2012) (stating that Tennessee’s one-year statute of limitations for personal tort actions applies to

Bivens claims that sound in tort). The alleged violations occurred on April 5, 2018; therefore, the statute of limitations period applicable to Plaintiffs' claims expires on April 5, 2019. If Plaintiffs do not name the Doe Defendants before that date, they risk losing their claims. Given the gravity of Plaintiffs' allegations – and the fact that some of their claims are alleged on a class-wide basis – this risk provides good cause to grant Plaintiffs' Motion.³ See *USEC Inc.*, 2009 WL 152479, at *3 (holding that courts frequently find good cause to authorize expedited discovery “in cases involving . . . class actions . . .”).

C. Plaintiffs Have Diligently Tried to Identify Each Defendant

Plaintiffs have diligently tried to identify the Doe Defendants involved in the raid. Large-scale immigration raids, like the one at issue here, typically complicate a plaintiff's ability to obtain the potential defendants' names. The April 5th raid involved dozens of officers from multiple agencies. Those officers did not identify themselves during or after the raid. If they did identify themselves, it was only as “police” or “ICE.” This conduct is typical of large-scale immigration raids. See, e.g., *Argueta v. U.S. Immigration & Customs Enf't*, 643 F.3d 60, 65 (3d Cir. 2011) (suing multiple John Doe ICE agents and alleging that the agents only identified themselves as “police” during the raid); *Diaz-Bernal v. Myers*, 758 F. Supp. 2d 106, 113 (D. Conn. 2010) (suing multiple unnamed ICE agents involved in immigration raid).

³ Plaintiffs intend to assert their entitlement to the relation-back provision of Federal Rule of Civil Procedure 15 and to the state and federal equitable tolling doctrines to preserve their claims against the Doe Defendants. See *Pike v. United States*, 868 F. Supp. 2d 667, 684 (M.D. Tenn. 2012) (analyzing the applicability of those three doctrines to *Bivens* claims). However, even under the most generous interpretation of those doctrines, Plaintiffs would need to serve or notify the Doe Defendants of this lawsuit within the period provide for in Federal Rule of Civil Procedure 4. Given the difficulties of obtaining the Doe Defendants' identities to date, see *infra*, Plaintiffs do not anticipate being able to serve those Defendants within the required 90 days absent the expedited discovery.

Despite the above challenges, Plaintiffs have successfully identified nine federal officers who participated in the raid. *See* Compl., ECF No. 1. Plaintiffs have pursued multiple avenues to obtain the identities of the remaining Doe Defendants. Those efforts include the following:

- Plaintiffs' counsel sent two separate requests for documents to DHS and ICE related to the raid under the Freedom of Information Act (FOIA). On April 10, 2018, Plaintiffs' counsel filed a FOIA request with DHS and ICE requesting documents related to the raid. Ex. B (Apr. 10, 2018 FOIA Request to DHS/ICE). ICE denied the first request in its entirety, claiming it was withholding the information due to ongoing law enforcement investigations. Ex. C (ICE's Response to Apr. 10, 2018 FOIA). On December 7, 2018, Plaintiffs filed a second narrowly-tailored request seeking only the names and locations of the ICE agents involved in the raid. Ex. D (Dec. 7, 2018 FOIA Request to DHS/ICE). To date, Plaintiffs have not received any response to that request.⁴
- The Tennessee Immigrant & Refugee Rights Coalition (TIRRC), a non-profit organization involved in the humanitarian response to the raid, sent a Tennessee Open Records Act Request (ORA) to the THP on April 11, 2018. *See* Ex. E (Apr. 11, 2018 PRA request to THP). The documents the THP provided are heavily redacted. Every apparent mention of a federal agent involved in the raid is redacted. Ex. F (excerpt from THP's response to ORA request).

⁴ Plaintiffs intend to exercise their right to sue ICE for its failure to respond to this FOIA when that claim becomes ripe. However, the law is not clear that Plaintiffs will prevail in any litigation regarding their second FOIA request for agent names. Courts, citing FOIA's privacy exemption, have found that agent names are not subject to disclosure under the statute. *Long v. Immigration & Customs Enf't*, 279 F. Supp. 3d 226, 244 (D.D.C. 2017) (denying release of agent names under FOIA); *James v. Drug Enf't Admin.*, 657 F. Supp. 2d 202, 208 (D.D.C. 2009) (ruling disclosure of ICE and DEA agent names under FOIA not appropriate).

- Members of the U.S. Congress sent a letter to the U.S. Department Homeland of Security (DHS) on June 5, 2018 requesting information related to the raid. Ex. G. DHS' one-paragraph letter in response did not provide detailed answers to their questions about the raid, nor did it provide any names of the federal agents involved in the raid. *See* Ex. H.

- Plaintiffs' counsel reviewed the documents that ICE provided to the Plaintiffs at the end of the raid. These documents include only very limited information related to agent identities, and, in most cases, those names are redacted.

- Plaintiffs' counsel reviewed extensive media accounts of the raid searching for any mention of the identity of the agents involved. That review did not reveal a complete list of agent names. Ex. I (Feb. 22, 2019 Declaration of Jessica Hahn).

- Finally, Plaintiffs' Counsel attempted to speak with an attorney in the U.S. Attorney's office for this district on Friday, February 22, 2019 about the requested discovery and this Motion. Plaintiffs' Counsel was informed by administrative personnel in the civil division, that Civil Chief, Loretta Harber, declined to speak with the undersigned about the lawsuit or this Motion until service was complete and her Office represents the Defendants. Plaintiffs intend to effectuate service of process on the Defendants promptly after the clerk of court issues the summonses.

Plaintiffs have done their due diligence to obtain the Doe Defendants' identities, but due to circumstances beyond their control, they have not obtained the information they need to pursue their claims against all Doe Defendants. This information is solely in ICE's possession, and ICE is declining to provide the Plaintiffs, interested organizations, members of Congress, and the public any information related to the identities of the individuals who executed the raid.

In these instances, good cause exists to allow Plaintiffs to take expedited discovery to gather officer names. *See McCluskey v. Belford High Sch.*, No. 2:09-14345, 2010 WL 2696599, at *2 (E.D. Mich. June 24, 2010) (ordering expedited discovery to allow the plaintiffs to discover defendants' information where "plaintiffs made diligent attempts to identify and locate each Defendant").

D. Plaintiffs' Limited Discovery Is Likely to Yield the Defendants' Names and Is Not Burdensome.

Plaintiffs propose serving Defendant Miles with narrowly-tailored discovery for the exclusive purpose of identifying the Doe Defendants. The identities of the federal agents present at the raid on April 5th is a closed universe of information. The Doe Defendants "are real persons whose identities could be discovered." *Robinson v. Doe*, No. C-1-07-729, 2008 WL 5069249, at *2 (S.D. Ohio Nov. 24, 2008) (denying motion to dismiss the complaint and allowing the plaintiff to conduct discovery into doe defendants' identities), *report and recommendation adopted*, No. C-1-07-729, 2009 WL 650383 (S.D. Ohio Mar. 10, 2009). For that reason, "it [is] very likely that the answers to the interrogatories [will] disclose[] the identities of the 'John Doe' defendants." *Gillespie v. Civiletti*, 629 F.2d 637, 643 (9th Cir. 1980) (reversing the district court's denial of plaintiff's request to serve expedited discovery to obtain law enforcement doe defendants' identities sued in *Bivens* action). When such discovery is likely to be fruitful, it should be allowed. *See Vision Films Inc.*, 2013 WL 1385206, at *1-2.

Finally, Plaintiffs' proposed discovery request will not burden or prejudice the Defendants. Plaintiffs seek to serve two interrogatories to ascertain the identities of the Doe Defendants. These interrogatories will not be difficult to answer as the federal government is required to keep payroll records for its employees. Indeed, an identical expedited discovery request was granted in *Ibarra v. City of Chicago*, 816 F. Supp. 2d 541, 555 (N.D. Ill. 2011), a

civil rights case that sought redress for law enforcement overreach. There, like here, the identities of the officers being sued were solely in the control of the law enforcement agency (the City of Chicago). *See id.* The court found that the interrogatories to the City of Chicago were acceptable because they were “narrowly tailored in scope” and would allow the plaintiff “to determine the identities of those officers and supervisors who were involved in the incident.” *Id.* *See also Loeffler v. City of Anoka*, No. 13-CV-2060, 2015 WL 12977338, at *1 (D. Minn. Dec. 16, 2015) (allowing plaintiff to serve expedited discovery to secure the identity of the doe defendant, a law enforcement officer). Like in *Ibarra*, this Court should permit Plaintiffs to serve the proposed interrogatories.

CONCLUSION

For all the foregoing reasons, Plaintiffs respectfully request the Court grant their motion for leave to serve the expedited interrogatories attached as Ex. A on Defendant Miles and require Defendant Miles to respond within 14 days of completion of service of process of this lawsuit on him and the U.S. Attorney’s Office for this district.

Dated: February 25, 2019

Respectfully Submitted,

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/s/ John L. Farringer

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Defendants.

Civil Action No. 3:19-cv-00062

CLASS ACTION

**PLAINTIFF CATARINO ZAPOTE HERNANDEZ’S FIRST SET OF
INTERROGATORIES TO DEFENDANT JERE MILES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff Catarino Zapote Hernandez, on behalf of himself and all others similarly situated (“Plaintiffs”), through undersigned counsel, propounds the following Interrogatories upon Defendant Jere Miles (“Defendant”). A written response to this request under oath must be served upon counsel of record for Plaintiffs within fourteen (14) days from the date of service, as provided by Court order.

The following Definitions and Instructions shall apply to each and every part of this First Set of Interrogatories.

DEFINITIONS

1. With respect to a person, the word “IDENTIFY,” or any version thereof, shall mean to specify the person’s:

- (1) Full name;
- (2) Title;
- (3) Agency/Department;

- (3) All known telephone numbers; and
 - (4) All known addresses.
2. “DHS” refers to the following Department of Homeland Security subcomponents: Immigration and Customs Enforcement, Homeland Security Investigations, and Enforcement and Removal Operations.
 3. “OFFICER AND/OR EMPLOYEE” refers to any individual, in his official capacity; employed by DHS or acting on its behalf.
 4. “SUPERVISOR” refers to any DHS OFFICER AND/OR EMPLOYEE with supervisory duties.
 5. The singular includes the plural and vice versa; “any” or “each” should be understood to include and encompass “all”; “or” should be understood to include and encompass “and”; “and” should be understood to include and encompass “or”; and “any” should be understood to include and encompass “any” and “every.”
 6. The term “relating to,” “relate to,” or “related to” means all matters or things, which in any way discuss, support, are connected to, arise from, reflect, summarize, evaluate or comment on the subject in question.
 7. The terms “and” as well as “or” shall be construed either disjunctively or conjunctively in order to bring within the scope of the specifications stated in a Request all responses that might otherwise be deemed outside the scope.
 8. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, whenever necessary to bring into the scope of the specification all responses which might otherwise be construed outside the scope.
 9. The use of any masculine or feminine pronoun includes both the masculine and feminine.

INSTRUCTIONS

10. In answering these interrogatories, furnish all information, including but not limited to, information contained in or on any document that is known or available to you, including all information in the possession of your attorneys, agents, co-workers, partners, officers, directors, employees, joint ventures, bookkeepers, accountants, and other persons acting on your behalf or under your attorney's employment or direction.

11. To the extent any objection is made to any of these interrogatories, you must respond to the portions of each such interrogatory as to which no objection is made. State in full the part of the interrogatory objected to and set forth the grounds for each objection. If any objection is made on the grounds of vagueness, overbreadth, or any similar ground, you must respond to the interrogatory as narrowed to conform to your objection. If you contend that any of the requested information is protected by the attorney-client privilege, work-product doctrine, or any other privilege, please provide a concise statement of the grounds upon which you assert the claim of privilege for the particular interrogatory.

12. You may not give lack of information or knowledge as a reason for any failure to answer any of these interrogatories unless you state that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to allow you to answer the interrogatory or interrogatories. If you cannot answer any interrogatory fully and completely after exercising such diligence, so state and (a) answer each such interrogatory to the extent you deem possible, (b) specify the portion of the interrogatory that you claim you cannot answer fully and completely, (c) state the facts on which you rely to support your contention that you are unable to answer such interrogatory fully and completely, and (d) state what knowledge, information, and belief you have concerning the unanswered portion of each such interrogatory.

13. Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

14. The following interrogatories shall be continuing to the full extent permitted under the applicable provisions of the Federal Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1

Please IDENTIFY all OFFICERS AND/OR EMPLOYEES of DHS who participated in and/or were present during the execution of an Internal Revenue Service (“IRS”) search warrant on April 5, 2018 at the Southeastern Provision meat packing plant in Bean Station, Tennessee.

RESPONSE

INTERROGATORY NO. 2

Please IDENTIFY all SUPERVISORS at DHS who participated in any manner in planning and/or approving any of the DHS OFFICERS AND/OR EMPLOYEES’s actions during the execution of an IRS search warrant on April 5, 2018 at the Southeastern Provision meat packing plant in Bean Station, Tennessee.

RESPONSE

Dated: February ___, 2019

Respectfully Submitted,

/s/

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**Pro hac vice motions pending*

Melissa S. Keaney*
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rebert@nilc.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date the foregoing and accompanying documents were filed through the Court's CM/ECF filing system, and will be served on the Defendants via certified mail.

Dated: February __, 2019

/s/ _____
Counsel for Plaintiffs

EXHIBIT B

Apr. 10, 2018 FOIA Request to
DHS/ICE



April 10, 2018

Sent via Email and U.P.S. Overnight

Nicole Barksdale-Perry
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655
foia@hq.dhs.gov

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
ICE-FOIA@dhs.gov

Re: Expedited Request for Information under Freedom of Information Act (FOIA)

Dear FOIA Officer:

The National Immigration Law Center, the Tennessee Immigrant and Refugee Rights Coalition (TIRRC), and the Southern Poverty Law Center (SPLC) (collectively, "Requestors") make this request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, for records related to a worksite enforcement operation conducted on April 5, 2018 by U.S. Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) at Southeastern Provision located at 1617 Helton Road, Bean Station, Tennessee.

Requestors seek through this FOIA request all records¹ that were prepared, received, transmitted, collected, and/or maintained by ICE or the Department of Homeland Security

¹ The term "records" as used in this request includes, but is not limited to all records or communications preserved in electronic or written form, including but not limited to correspondence, documents, data, videotapes, audio tapes, faxes, filed, e-mails, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, training manuals, or studies.

(DHS)² relating or referring to the law enforcement action conducted at Southeastern Provision in Bean Station, Tennessee on April 5, 2018, including but not limited to the following:

1. All records, including pre-operation plans, worksite enforcement operation plans, and pre-operation briefings related to the worksite operation conducted at Southeastern Provision in Bean Station, Tennessee on April 5, 2018;
2. All records, including but not limited to documents, correspondence, memoranda, and communications, between DHS or ICE or HSI and any Tennessee state or local governmental agency or Tennessee state or local law enforcement agency, including but not limited to the Tennessee Highway Patrol, related to the worksite enforcement operation conducted at Southeastern Provision;
3. All records, including but not limited to documents, correspondence, memoranda, and communications, between DHS or ICE or HSI and agents of the Internal Revenue Service related to the worksite enforcement operation conducted at Southeastern Provision;
4. All records, including but not limited to documents, correspondence, memoranda, and communications, between DHS or ICE or HSI and personnel at Southeastern Provision, including managers, supervisors, employees and/or agents;
5. All records, including but not limited to documents, correspondence, memoranda, and communications related to the inspection or audit of Southeastern Provision's I-9 or other employment forms;
6. Copies of all administrative warrants issued and served on an agent of Southeastern Provision related to the worksite enforcement operation;
7. Copies of all criminal warrants issued and served on an agent of Southeastern Provision related to the worksite enforcement operation;
8. All records, including but not limited to documents, correspondence, memoranda, communications, and guidelines related to the manner in which agents were to conduct the worksite enforcement operation at Southeastern Provision, including:
 - a. the manner by which employees would be selected for questioning;
 - b. the manner of questioning of employees;
 - c. the circumstances under which and manner by which employees would be restrained during the operation;

² This includes DHS sub-agency Homeland Security Investigations.

- d. the circumstances under which employees would be provided telephone access at any time during or after the operation;
 - e. the manner by which ICE agents would determine the existence of humanitarian grounds in order to release employees involved in the worksite enforcement operation;
9. All records, including but not limited to documents, correspondence, memoranda, communications, and guidelines relating to the conditions of release for individuals released on humanitarian grounds, including but not limited to the use of electronic monitoring devices;
 10. All records, including but not limited to documents, correspondence, memoranda, and communications, between the ICE Supervisory Agent, Special Agent in Charge, or other ICE or HSI officer leading the worksite enforcement operation at Southeastern Provision and ICE Enforcement and Removal Operations relating to the detention space and transportation of detained individuals;
 11. All records, including but not limited to documents, correspondence, memoranda, and communications, between the ICE Supervisory Agent, Special Agent in Charge, or other ICE or HSI officer leading the worksite enforcement operation at Southeastern Provision and agents of the Tennessee National Guard, including all records relating to the temporary housing of individuals detained as result of the worksite enforcement operation;
 12. All records compiled or prepared by ICE or HSI, including but not limited to reports, pertaining to the worksite enforcement operation conducted at Southeastern Provision;
 13. All records, including but not limited to documents or communications, listing the names, country of origin, and/or A-numbers of individuals detained at the worksite enforcement operation conducted at Southeastern Provision; and
 14. All FOIA Search Staffing Sheets related to the instant FOIA request.

Fee Waiver Request

Requestors respectfully request a waiver of all costs associated with a response to this FOIA pursuant to the public interest/benefit fee waiver available under 5 U.S.C. § 552(a)(4)(A)(iii) (“Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requester.”). The public interest/benefit fee waiver provisions of the FOIA are to be “liberally construed” and are “consistently associated with requests

from journalists, scholars, and non-profit interest groups who it was intended to benefit.” See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed’ in favor of fee waivers for noncommercial requesters.”) (citation omitted).

Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government regarding high-visibility worksite enforcement actions. Already this worksite enforcement action has garnered national attention. See, e.g., “ICE Raids Meatpacking Plant in Rural Tennessee; 97 Immigrants Arrested,” *Washington Post* (Apr. 6, 2018), https://www.washingtonpost.com/local/immigration/ice-raids-meatpacking-plant-in-rural-tennessee-more-than-95-immigrants-arrested/2018/04/06/4955a79a-39a6-11e8-8fd2-49fe3c675a89_story.html?utm_term=.35870ae9c91a.

NILC is a nonprofit national legal advocacy organization that engages in policy analysis, advocacy, education, and litigation to promote and advance the rights of low-income immigrants and their families. NILC serves as an important resource to a broad range of immigrant advocacy groups, community organizations, legal service organizations, and the general public. As a part of its work, NILC disseminates information to the public through electronic newsletters, news alerts, issue briefs, trainings, and other educational and informational materials. In addition, NILC disseminates information to individuals, tax-exempt organizations, not-for-profit groups, and members through its website (<http://www.nilc.org>). NILC’s website receives nearly 6,500 visits per day, our email listserv has about 19,000 subscribers, and many visitors to our website actively download our reports, brochures, and fact sheets. Moreover, the National Immigration Law Center is routinely granted fee waivers by government agencies. Some of the fee waivers granted by DHS include FOIA Requests 2016-HQFO-00400, 2013-HQFO-00730 and 2013-HQFO-00907.

TIRRC is a statewide, immigrant and refugee-led collaboration whose mission is to empower immigrants and refugees throughout Tennessee to develop a unified voice, defend their rights, and create an atmosphere in which they are recognized as positive contributors to the state. TIRRC is well-known as a model coalition for immigrant rights organizations in the Southeast and throughout the United States, nationally recognized for its multigenerational coalition building, effective legislative advocacy, creative communications initiatives, and development of both individuals and organizations that serve immigrant and refugee communities. TIRRC serves as an important resource to various local and national immigrant advocacy groups, community organizations, legal service organizations, and the general public. As a part of its educational campaign, TIRRC disseminates information to the public through electronic newsletters, news alerts, trainings, and workshops. Lastly, TIRRC also disseminates information to individuals, tax-exempt organizations, not-for-profit groups, and members through its website

(<https://www.tnimmigrant.org/>). TIRRC is thus the type of organization that Congress envisioned as a beneficiary of the public interest/benefit fee waiver provisions of the FOIA.

The SPLC provides free legal representation to immigrant detainees who have suffered violations of their civil rights. The SPLC also engages in disseminating information and regularly participating in public forums regarding civil rights and immigration. Further, SPLC qualifies as a representative of the news media pursuant to the OPEN Government Acts of 2007. Pursuant to that statute, a representative of the news media is “any person or entity that gathers information of potential interest or a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). The SPLC gathers information through research and FOIA requests on emerging and on-going civil rights and immigration issues. That information is used to create and publish unique reports and public education materials, which are published in print and/or on the internet at www.splcenter.org. The information SPLC seeks out and the publications it creates are to educate and inform the public of policies, events, and news that affects their civil rights. The intended audience is elected officials and policy makers, the general public, interest groups, and various stakeholders nationwide.

Requestors have no commercial interest in these records, are requesting them for educational and advocacy-related purposes, and will disseminate any information they obtain to the public free of charge. *See* 6 C.F.R. § 5.11(k). Any information related to the worksite enforcement operation at Southeastern Provisions contributes significantly to public understanding and may help dispel some of the fear and panic currently felt in immigrant communities across the countries as a result of this enforcement operation. The information sought in this FOIA request is of great value to the public, and cannot otherwise be obtained through public searches.

Requestors reserve the right to appeal a decision on its fee waiver request should the request be denied. In the case of a denial, Requestors will pay up to \$50 in fees while reserving its right to appeal. Please notify us at your earliest convenience should fees be expected to surpass \$50.

Expedited Processing

Requestors also requests expedited processing because there is “an urgency to inform the public about an actual or alleged federal government activity” occurring in Tennessee by an organization “primarily engaged in disseminating information.” 5 U.S.C. § 552(a)(6)(E)(v)(II). This request implicates a matter of urgent public concern: namely, government policies and practices related to immigration raids, which often impact workers with employment authorization and citizens as well.

In addition, expedited processing is warranted because the information sought is needed to prevent “the loss of substantial due process rights.” 28 C.F.R. §16.5(d)(1)(iii). There are reports that, if accurate, raise serious questions about the manner in which the worksite enforcement operation was conducted and whether due process was afforded to individuals detained in the operation. Requests for information bearing upon possible Constitutional violations require an immediate response to cease present violations and prevent future violations.

Expedited processing is also warranted because the information sought relates to “a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affects public confidence.” 28 C.F.R. §16.5(d)(1)(iv). This request relates to possible violations of ICE’s internal procedures and possible violations of the statutory and Constitutional rights.

The exceptional media interest in the conduct of ICE worksite enforcement operations is demonstrated by the widespread news coverage at both the local and national level.³

At minimum, should you decide that expedited processing is not warranted, Requestors reserve their right to appeal that decision and expects a response within the twenty-day time limit set forth under 5 U.S.C. § 552(a)(6)(A)(ii).

Conclusion

The requested records are not exempt from disclosure under the FOIA. We expect that all records will be provided in complete form. For any records produced in redacted form, we request that only necessary portions are redacted with non-redacted content disclosed and

3 See “ICE Raids Meatpacking Plant in Rural Tennessee; 97 Immigrants Arrested,” Washington Post (Apr. 6, 2018), https://www.washingtonpost.com/local/immigration/ice-raids-meatpacking-plant-in-rural-tennessee-more-than-95-immigrants-arrested/2018/04/06/4955a79a-39a6-11e8-8fd2-49fe3c675a89_story.html?utm_term=.35870ae9c91a; “Families Wait for Answers After ICE Raid in Grainger County,” WBIR (Apr. 6, 2018), <https://www.wbir.com/article/news/local/families-wait-for-answers-after-ice-raid-in-grainger-county/51-536062125>; “Affidavit Details Alleged Worker Exploitation, Tax Fraud at Grainger Plant,” WBIR (Apr. 6, 2018), <https://www.wbir.com/article/news/crime/affidavit-details-alleged-worker-exploitation-tax-fraud-at-grainger-co-plant/51-535625793>; “Large Cash Withdrawals Led Federal Authorities to Grainger County Slaughterhouse,” ABC 6/WATE (Apr. 6, 2018), <http://www.wate.com/news/local-news/97-detained-at-grainger-co-slaughterhouse-following-ice-raid/1104512258>; “IRS, ICE Officials Raid Grainger County Meat Packing Plant,” Citizen Tribune (Apr. 6, 2018), http://www.citizentribune.com/news/local/irs-i-c-e-officials-raid-grainger-county-meat-packing/article_214bbe7e-39ba-11e8-b62c-bb1f2d394701.html; “ICE raids Grainger County meatpacking plant amid charges owners avoided \$2.5M in payroll taxes,” Knox News (Apr. 5, 2018), <https://www.knoxnews.com/story/news/crime/2018/04/05/ice-raids-meatpacking-plant-grainger-county/490673002/>; “97 Arrested in Immigration Raid at TN Beef Plant,” Ag Web (Apr. 6, 2018), <https://www.agweb.com/article/97-arrested-in-immigration-raid-at-tn-beef-plant/>; “At least 50 detained in Tennessee Immigration Raid,” Mountain News/WYMT (Apr. 6, 2018), <http://www.wyvt.com/content/news/478993163.html>.

that the specific statutory grounds justifying the redaction is provided. If you deny this request in whole or in part, we request you provide a written explanation justifying the denial, including references to the application statutory provisions that support the denial. Finally, should any records be withheld, please also provide the exemption that permits the withholding and provide a list of the records being withheld.

Requestors reserve all rights to appeal available under federal law, including appeal of a denial in whole or part of this request, or a constructive denial. Additionally, we reserve the right to challenge the adequacy of the search for responsive documents, the withholding of any documents, redactions in the responsive records produced, as well as decisions to deny expedited processing, to withhold any information, or to deny a waiver or limitation of fees.

I certify that the information contained in this request is true and correct to the best of my knowledge. *See* 6 C.F.R. § 5.5(d)(3).

Please contact me should you have any questions regarding this request. You may reach me directly at (213) 674-2820 or Keaney@nilc.org. Thank you in advance for your time and consideration of this request.

Sincerely,

s/Melissa Keaney

Melissa Keaney

Staff Attorney

National Immigration Law Center

3450 Wilshire Blvd., #108-62

Los Angeles, CA 90010

213-674-2820

Keaney@nilc.org

EXHIBIT C

ICE's Response to Apr. 10, 2018 FOIA

Office of Information Governance and Privacy

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

June 05, 2018

Melissa Keaney
NATIONAL IMMIGRATION LAW CENTER
3450 Wilshire Boulevard, #108-62
Los Angeles, CA 90010

RE: ICE FOIA Case Number 2018-ICFO-34183

Dear Ms. Keaney:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated May 08, 2018. You have requested all records that were prepared, received, transmitted, collected, and/or maintained by ICE or DHS relating or referring to the law enforcement action conducted at Southeastern Provision in Bean Station, Tennessee on April 5, 2018. See attached request for more details..

Due to the open status of ongoing Law Enforcement Investigations, ICE has determined that the information you are requesting is withholdable in its entirety pursuant to Title 5 U.S.C. § 552 (b)(7)(A). FOIA Exemption 7(A) protects from disclosure records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. ICE has determined that the information you are seeking relates to ongoing criminal law enforcement investigations. Therefore, ICE is withholding all records, documents, and/or other material, which if disclosed prior to completion, could reasonably be expected to interfere with law enforcement proceedings and final agency actions related to those proceedings. Please be advised that once all pending matters are resolved and FOIA Exemption 7(A) is no longer applicable, there may be other exemptions which could protect certain information from disclosure, such as FOIA Exemptions 6, 7(C), 7(D), 7(E) and/or 7(F).

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8, to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street,, S.W., Mail Stop 5900

www.ice.gov

Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2018-ICFO-34183**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katrina M. Pavlik-Keenan", with a small "for" written below the first few letters.

Catrina M. Pavlik-Keenan
FOIA Officer

EXHIBIT D

Dec. 7, 2018 FOIA Request to DHS/ICE



December 7, 2018

Sent via fax and U.P.S. Overnight

Sam Kaplan, Chief FOIA Officer
U.S. Department of Homeland Security
The Privacy Office
245 Murray Lane SW, Stop-0655
Washington, D.C. 20528-0655
foia@hq.dhs.gov

Catrina Pavlik-Keenan
U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
ICE-FOIA@dhs.gov

Re: Expedited Request for Information under Freedom of Information Act (FOIA)

Dear FOIA Officers:

The National Immigration Law Center (NILC) makes this request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, for records related to the worksite enforcement operation conducted on April 5, 2018 by U.S. Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) at Southeastern Provision located at 1617 Helton Road, Bean Station, Tennessee.

Requestor seeks through this FOIA request the identities of all ICE, HSI or other Department of Homeland Security personnel physically present during the above-referenced raid, including, but not limited to:

- a. Full name;
- b. Rank or official title; and
- c. Office location.

Fee Waiver Request

NILC respectfully request a waiver of all costs associated with a response to this FOIA pursuant to the public interest/benefit fee waiver available under 5 U.S.C. § 552(a)(4)(A)(iii) (“Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requester.”). The public interest/benefit fee waiver provisions of the FOIA are to be “liberally construed” and are “consistently associated with requests from journalists, scholars, and non-profit interest groups who it was intended to benefit.” *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed’ in favor of fee waivers for noncommercial requesters.”) (citation omitted); *see also Carney v. U.S. Dept. of Justice*, 19 F.3d 807, 814 (2d Cir. 1994) (reversing a fee waiver denial that was based on an “unduly restrictive construction [of] the public interest fee waiver provision”). Moreover, the National Immigration Law Center is routinely granted fee waivers by government agencies. Some of the fee waivers granted by DHS include FOIA Requests 2018-HQFO-01161, 2017-HQFO-01398; 2017-HQFO-00779, 2017-HQFO-01101, and 2016-HQFO-00400.

Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government regarding high-visibility worksite enforcement actions. Already this worksite enforcement action has garnered national attention. *See, e.g.*, “ICE Raids Meatpacking Plant in Rural Tennessee; 97 Immigrants Arrested,” *Washington Post* (Apr. 6, 2018), https://www.washingtonpost.com/local/immigration/ice-raids-meatpacking-plant-in-rural-tennessee-more-than-95-immigrants-arrested/2018/04/06/4955a79a-39a6-11e8-8fd2-49fe3c675a89_story.html?utm_term=.35870ae9c91a.

NILC is a nonprofit national legal advocacy organization that engages in policy analysis, advocacy, education, and litigation to promote and advance the rights of low-income immigrants and their families. NILC serves as an important resource to a broad range of immigrant advocacy groups, community organizations, legal service organizations, and the general public. As a part of its work, NILC disseminates information to the public through electronic newsletters, news alerts, issue briefs, trainings, and other educational and informational materials. In addition, NILC disseminates information to individuals, tax-exempt organizations, not-for-profit groups, and members through its website (<http://www.nilc.org>). NILC’s website receives approximately 3,632 visits per day, and many visitors actively download NILC’s reports, brochures and fact sheets. NILC’s email listserv has about 110,000 subscribers. NILC’s Twitter account has over 71,800 followers, and NILC’s Facebook account has over 51,000 followers.

Requestor has no commercial interest in these records, is requesting them for educational and advocacy-related purposes and will disseminate any information it obtains to the public free of charge. *See* 6 C.F.R. § 5.11(k). Any information related to the worksite enforcement operation at Southeastern Provision contributes significantly to public understanding and may help dispel

some of the fear and panic currently felt in immigrant communities across the country because of this enforcement operation. The information sought in this FOIA request is of great value to the public and cannot otherwise be obtained through public searches.

In the alternative, we request a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II). (“[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by ... a representative of the news media.”). *See also* 6 C.F.R. § 5.11(d). If the fee waiver request is denied, while reserving our right to appeal the denial, NILC agrees to pay fees up to \$50. If fees are estimated to exceed this limit, please inform us to obtain consent to incur additional fees.

Expedited Processing

NILC also requests expedited processing because there is “an urgency to inform the public about an actual or alleged federal government activity” occurring in Tennessee by an organization “primarily engaged in disseminating information.” 5 U.S.C. § 552(a)(6)(E)(v)(II). This request implicates a matter of urgent public concern: namely, government policies and practices related to immigration raids, which often impact workers with employment authorization and citizens as well.

In addition, expedited processing is warranted because the information sought is needed to prevent “the loss of substantial due process rights.” 28 C.F.R. § 16.5(d)(1)(iii). There are reports that, if accurate, raise serious questions about the manner in which the worksite enforcement operation was conducted. Requests for information bearing upon possible Constitutional violations require an immediate response to cease present violations and prevent future violations.

Expedited processing is also warranted because the information sought relates to “a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affects public confidence.” 28 C.F.R. § 16.5(d)(1)(iv). This request relates to possible violations of statutory and Constitutional rights.

The exceptional media interest in the conduct of ICE’s involvement in this worksite enforcement operation is demonstrated by the widespread news coverage at both the local and national level.¹

1 *See* “ICE Raids Meatpacking Plant in Rural Tennessee; 97 Immigrants Arrested,” Washington Post (Apr. 6, 2018), https://www.washingtonpost.com/local/immigration/ice-raids-meatpacking-plant-in-rural-tennessee-more-than-95-immigrants-arrested/2018/04/06/4955a79a-39a6-11e8-8fd2-49fe3c675a89_story.html?utm_term=.35870ae9c91a; “Families Wait for Answers After ICE Raid in Grainger County,” WBIR (Apr. 6, 2018), <https://www.wbir.com/article/news/local/families-wait-for-answers-after-ice-raid-in-grainger-county/51-536062125>; “Affidavit Details Alleged Worker Exploitation, Tax Fraud at Grainger Plant,” WBIR (Apr. 6, 2018), <https://www.wbir.com/article/news/crime/affidavit-details-alleged-worker-exploitation-tax-fraud-at-grainger-co-plant/51-535625793>; “Large Cash Withdrawals Led Federal Authorities to Grainger County Slaughterhouse,” ABC 6/WATE (Apr. 6, 2018), <http://www.wate.com/news/local-news/97-detained-at-grainger-co-slaughterhouse-following-ice-raid/1104512258>; “IRS, ICE Officials Raid Grainger County Meat Packing Plant,” Citizen Tribune (Apr. 6, 2018), <http://www.citizentribune.com/news/local/irs-i-c-e->

At minimum, should you decide that expedited processing is not warranted, Requestor reserves its right to appeal that decision and expects a response within the twenty-day time limit set forth under 5 U.S.C. § 552(a)(6)(A)(ii).

Conclusion

The requested records are not exempt from disclosure under the FOIA. We expect that all records will be provided in complete form. For any records produced in redacted form, we request that only necessary portions are redacted with non-redacted content disclosed and that the specific statutory grounds justifying the redaction is provided. If you deny this request in whole or in part, we request you provide a written explanation justifying the denial, including references to the application statutory provisions that support the denial. Finally, should any records be withheld, please also provide the exemption that permits the withholding and provide a list of the records being withheld.

Requestor reserves all rights to appeal available under federal law, including appeal of a denial in whole or part of this request, or a constructive denial. Additionally, we reserve the right to challenge the adequacy of the search for responsive documents, the withholding of any documents, redactions in the responsive records produced, as well as decisions to deny expedited processing, to withhold any information, or to deny a waiver or limitation of fees.

I certify that the information contained in this request is true and correct to the best of my knowledge. *See* 6 C.F.R. § 5.5(d)(3).

Please contact me should you have any questions regarding this request. You may reach me directly at (213) 674-2820 or Keaney@nilc.org. Thank you in advance for your time and consideration of this request.

Sincerely,

s/Melissa Keaney

Melissa Keaney

Staff Attorney

National Immigration Law Center

[officials-raid-grainger-county-meat-packing/article_214bbe7e-39ba-11e8-b62c-bb1f2d394701.html](https://www.knoxnews.com/story/news/crime/2018/04/05/ice-raids-meatpacking-plant-grainger-county/490673002/); "ICE raids Grainger County meatpacking plant amid charges owners avoided \$2.5M in payroll taxes," Knox News (Apr. 5, 2018), <https://www.knoxnews.com/story/news/crime/2018/04/05/ice-raids-meatpacking-plant-grainger-county/490673002/>; "97 Arrested in Immigration Raid at TN Beef Plant," Ag Web (Apr. 6, 2018), <https://www.agweb.com/article/97-arrested-in-immigration-raid-at-tn-beef-plant/>; "At least 50 detained in Tennessee Immigration Raid," Mountain News/WYMT (Apr. 6, 2018), <http://www.wyml.com/content/news/478993163.html>.

3450 Wilshire Blvd., #108-62
Los Angeles, CA 90010
213-674-2820
Keaney@nilc.org

EXHIBIT E

Apr. 11, 2018 PRA Request to THP



**TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY
PUBLIC RECORDS REQUEST**

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Megan Buell
Public Records Request Coordinator, Tennessee Department of Safety & Homeland Security

From: Lindsey Harris [Requestor Name]
2195 Nolensville Pike Nashville TN, 37211 [Mailing Address]
(615) 833-0384 [Phone Number with Area Code]
lindsey@tnimmigrant.org [E-mail Address]

Please provide either a mailing address, phone number, or email address so we may contact you with any questions or responses to this request.

Is the requestor a Tennessee citizen? Yes No
Proof of Tennessee citizenship must be provided.

Request: **Inspection** (The TPRA does not permit fees or require a written request for inspection only – however information to comply with Tennessee Code Annotated (TCA) §10-7-503(g) must be provided to view law enforcement personnel or ISB files.)
 Copy/Duplicate - If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$50? If so, initial here: _____.

Delivery preference: On-Site Pick-Up USPS First Class Mail Electronic
 Other: _____

Records Requested: *Provide a detailed description below of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.*

Please see attached correspondence

/s Lindsey Harris (4/10/18)

Signature of Requestor/Date Submitted

Signature of Public Records Request Coordinator/Date Received



TENNESSEE
**Immigrant
& Refugee
Rights**
COALITION

Claudio Mosse
PRESIDENT
Vanderbilt University Medical Center
(Nashville)

Jazmin Ramirez
VICE PRESIDENT
JUMP (Nashville)

Jeger Ali
TREASURER
Metro Nashville Public Schools
(Nashville)

Molly Sehring
SECRETARY
Metro Nashville Public Schools
(Nashville)

Andrea Blackman
Nashville Public Library
(Nashville)

Cameron Chase
JUMP (Nashville)

Dania Cruz
Comite de Mujeres (Nashville)

Valeria Gomez
Volunteer Immigrant Defense
Advocates of East Tennessee
(Knoxville)

Mohamed-Shukri Hassan
Welcoming Tennessee (Nashville)

Daniel Heacok
HCA (Nashville)

Diana Montero
JUMP (La Vergne)

Ivette Ramos
Radio Ambiente (Memphis)

Arturo Salomon
JUMP (Murfreesboro)

Chay Sengkhounmany
Sengkhounmany Law (Nashville)

Fuad Suleman
Asurion (La Vergne)

Organizations are listed for
identification purposes only.

April 11, 2018

Sent via Email and U.S. Certified Mail/Return Receipt

Open Records Officer
312 Rosa L. Parks Avenue, 25th Floor
Nashville, TN 37243
Safety.OpenRecords@tn.gov

Re: Tennessee Open Records Act Request

Dear Open Records Officer:

This letter constitutes a request pursuant to the Tennessee Open Records Act, § 10-7-503 *et seq.* I am a Tennessee citizen and, through this letter, request copies of the various public records enumerated in the attached records request form. This request relates to the Tennessee Highway Patrol's involvement in a worksite enforcement operation conducted by federal immigration officials at Southeastern Provisions, located at 1617 Helton Road, Bean Station, Tennessee on April 5, 2018.

I request that any records that exist in electronic form be provided in electronic format. As available on a case by case basis, I also request a waiver of all fees that may result from responding to this request for records. A waiver of fees is justified because this request is made in the public interest to obtain vital information that will be used for educational purposes and shared freely with the public. The information obtained through this request will inform public debate and provide critical information regarding government operations. Should you deny the fee waiver request, I ask that you notify me of the denial and inform me at your earliest convenience if the fees associated with this request will exceed \$50. In the event that fees are assessed, I request a breakdown of the estimated cost.

I ask that you promptly respond to this request within seven days, pursuant to the Tennessee Open Records Act, § 10-7-503(1)(2)(B). If you require additional time to obtain and produce the records requested, I ask that you please notify me and provide an estimated

WWW.TNIMMIGRANT.ORG

2195 Nolensville Pike
Nashville, TN 37211
615.833.0384

Open Records Act Request

April 11, 2018

Page 2 of 2

date of completion. I also ask should you deny any part of this request, that you provide the specific exemption that authorizes the denial. I reserve the right to pursue any appeal that is available to me in the event that you deny any or all parts of the request, the fee waiver request, or fail to respond within the statutory timeframe.

Enclosed, you will find evidence of my Tennessee citizenship and my records request form. Please send all notifications and/or responsive documents to our Policy Director, Lisa Sherman-Nikolaus at lisa@tnimmigrant.org.

Please contact our Policy Director should you have any questions regarding this request. You may reach her at 615-833-0384 or lisa@tnimmigrant.org. Thank you in advance for your time and response to this request.

Sincerely,

/s/ Lindsey Harris

Lindsey Harris

Co-Executive Director

Tennessee Immigrant and Refugee Rights Coalition

2195 Nolensville Pike

Nashville, TN, 37211

615-969-4996

lindsey@tnimmigrant.org

**Tennessee Department of Safety and Homeland Security Public Records
Request April 11, 2018**

Request No.	Type of record(s) requested	Timeframe or date for the records sought	Subject matter or keywords related to the records
1	Documents	January 1, 2018 - present	All records*, including but not limited to, pre-operation plans, worksite enforcement operation plans, and pre-operation briefings related to the worksite enforcement operation conducted at Southeastern Provision.
2	Documents	January 1, 2018 - present	All records of any communications between the Tennessee Highway Patrol (THP) and any federal agencies, including but not limited to the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and the Internal Revenue Service (IRS), related to the worksite enforcement operation conducted at Southeastern Provision.
3	Documents	January 1, 2018 - present	All records of any communications between THP and personnel at Southeastern Provision, including managers, supervisors, employees and/or agents.
4	Documents	January 1, 2018 - present	Copies of all criminal warrants issued and served on an agent of Southeastern Provision related to the worksite enforcement operation.
5	Documents	January 1, 2018 - present	All records related to the manner in which THP agents were to conduct the worksite enforcement operation at Southeastern Provision.
6	Documents	January 1, 2018 - present	All records relating to the planning, coordination, execution of and follow-up on the worksite enforcement operation at Southeastern Provision.
7	Documents	January 1, 2018 - present	All records detailing total THP staff time and money spent planning, coordinating and executing the worksite enforcement operation at Southeastern Provision.

* The term "records" as used in this Public Records Act request includes but is not limited to all records or communications preserved in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, faxes, files, e-mails, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, training manuals, or studies.

EXHIBIT F

Excerpt from THP's Response to ORA
Request



May 18, 2018

Lindsey Harris
2195 Nolensville Pike
Nashville, TN 37211

Dear Ms. Harris,

On April 11, 2018, the Tennessee Department of Safety & Homeland Security received your Public Records Act request for all information on the attached sheet.

Tennessee Code Annotated § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information.

This office has completed the process of retrieving, reviewing, and/or redacting the requested records. Your request has produced sixty-nine (69) pages of responsive documents. Please be advised that information protected under Tenn. Code Ann. § 10-7-504(a)(29), 10-7-504(i), and 10-7-504(a)(21) has been redacted. Also, any files that are part of an ongoing criminal investigation cannot be provided at this time under Rule 16 of the Rules of Criminal Procedure.

Please let me know if you have any questions.

Sincerely,
Kyle Turner
Staff Attorney

A handwritten signature in blue ink, appearing to read "Kyle Turner".

**Tennessee Department of Safety and Homeland Security Public Records
Request April 11, 2018**

Request No.	Type of record(s) requested	Timeframe or date for the records sought	Subject matter or keywords related to the records
1	Documents	January 1, 2018 - present	All records*, including but not limited to, pre-operation plans, worksite enforcement operation plans, and pre-operation briefings related to the worksite enforcement operation conducted at Southeastern Provision.
2	Documents	January 1, 2018 - present	All records of any communications between the Tennessee Highway Patrol (THP) and any federal agencies, including but not limited to the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and the Internal Revenue Service (IRS), related to the worksite enforcement operation conducted at Southeastern Provision.
3	Documents	January 1, 2018 - present	All records of any communications between THP and personnel at Southeastern Provision, including managers, supervisors, employees and/or agents.
4	Documents	January 1, 2018 - present	Copies of all criminal warrants issued and served on an agent of Southeastern Provision related to the worksite enforcement operation.
5	Documents	January 1, 2018 - present	All records related to the manner in which THP agents were to conduct the worksite enforcement operation at Southeastern Provision.
6	Documents	January 1, 2018 - present	All records relating to the planning, coordination, execution of and follow-up on the worksite enforcement operation at Southeastern Provision.
7	Documents	January 1, 2018 - present	All records detailing total THP staff time and money spent planning, coordinating and executing the worksite enforcement operation at Southeastern Provision.

* The term "records" as used in this Public Records Act request includes but is not limited to all records or communications preserved in written or electronic form, including but not limited to correspondence, documents, data, videotapes, audio tapes, faxes, files, e-mails, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, training manuals, or studies.

Timothy Ryan

From: Robert Greer
Sent: Friday, April 06, 2018 11:20 AM
To: Traci Barrett; Jerry Higgs
Cc: Brian X. Lawson; James Fillers; Jason Maxey; Andrew Marotta; John Woods; Tyler Hall; Michael Draine; Jason Andes
Subject: FW: Operation

Lieutenants,

I just wanted to commend your Troopers for assisting the STRIKE Team during the convoy movement yesterday. Without their help in controlling busy intersections, we would have never made our objective. I know for a fact that the over were impressed with our ability to move such a large contingent of personnel to the objective. Thank you again for your assistance.

Robby



Robert Greer | Lieutenant
Tennessee Highway Patrol/Fall Branch/Troop F
P.O. Box 186
Fall Branch, TN 37656

From: Timothy Ryan
Sent: Friday, April 6, 2018 1:07 AM
To: Daniel Morton; Tim Southerland; Jonathan Scott; Jimmy Barton; Joseph Walker; Kevin KimBrough; Erick Gordon; James Knipper; Robert Greer
Cc: Roy L. Brown; Michael McAlister; Stephen Street
Subject: Operation

Guys,

I just wanted to let you know that we just wrapped up at the armory

I am extremely proud of THP today and the professionalism and work ethic from you all. I received many positive comments from the Federal Agents involved today, especially those from out of the area. They told me that this operation was one of the best operations, logistically, they have been a part of and each praised our assistance. I want to thank each one of you for making this a huge success. I especially want to thank Lt. Greer and his team for their preparedness and dedication to today's operation.

and wanted me to make sure you all knew how much they appreciated THP's help today and that the operation was a successful because of our assistance. Thank you again and for everything you did for our division today.....Tim

Timothy Ryan

From: Tim Southerland
Sent: Monday, January 29, 2018 7:37 PM
To: Robert Greer
Subject: Fwd: Request

This is the request from [redacted] regarding the operational plan forthcoming. Let me know if you need further. I'll let you know the next date/time/location of our meeting.
Cheers!

Trp. Tim Southerland
SIB / Identity Crimes Unit

Begin forwarded message:

From:
Date: January 29, 2018 at 5:08:59 PM EST
To:
Subject: RE: Request

*** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. ***

EXHIBIT G

Jun. 5, 2018 U.S. Congress Letter to
DHS

Congress of the United States
Washington, DC 20515

June 5, 2018

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable David J. Kautter
Acting Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20224

Dear Secretary Nielsen and Commissioner Kautter:

We write to condemn the recent worksite immigration enforcement operation conducted in Bean Station, Tennessee—the largest workplace raid our nation has seen in nearly a decade. According to Immigration and Customs Enforcement (ICE), the raid conducted on April 5, 2018 at the Southeastern Provision meat-processing plant resulted in the arrest and detention of 97 individuals, 65 of whom remained in detention and 32 of whom were released while their cases are pending. As the facts surrounding this action in Tennessee continue to become public, we write to voice our serious concerns about the federal government's motives and tactics in executing this raid and other large-scale enforcement actions around the country and about the long-term trauma that local communities, including many children, will endure as a consequence of such aggressive enforcement actions.

It is our understanding that the April 5th action originated with the Internal Revenue Service (IRS), which obtained a search warrant for records as part of its investigation into Southeastern Provision for tax evasion and falsifying tax returns. While such investigations are routine for the IRS, what is not routine is the use of a search warrant for tax-related records as a justification for the entry of armed agents from other government agencies (ICE and the Tennessee Highway Patrol), who made arrests of employees unrelated to the tax investigation. It is reported that a helicopter flew overhead while roads were blocked and law enforcement agents stormed the plant and blocked the doors. In effectuating the raid, workers were racially profiled and detained according to their race or ethnicity and were generally not questioned about their identity or authorization to work before being arrested and taken away. For this reason, at least three Hispanic individuals were arrested who never should have been—at least one U.S. citizen, one DACA recipient, and one individual with a work permit based on an approved visa petition.

It has also been reported that the owner and managers of Southeastern Provision were targets of the warrant but none of them were arrested at the time of the raid nor have they been charged to date, and the plant continues to operate. This is especially disturbing when the tax investigation that led to the raid turned up information about exploitation of workers at the meatpacking plant in the form of wage theft and unsafe working conditions.¹

¹ Devereaux, Ryan, and Alice Speri. "The Day After Trump's ICE Raid in a Small Tennessee Town, 550 Kids Stayed Home From School," *The Intercept*, (April 10, 2018) accessible at www.theintercept.com/2018/04/10/ice-raids-tennessee-meatpacking-plant/.

With respect to the detention of the arrested individuals, we understand that they were transported to and detained at a National Guard armory nearby, but attorneys wishing to represent detained individuals were denied access. The reports of detention conditions are also concerning, as we have heard that individuals' requests for medical assistance were rejected by law enforcement. All of these reports raise serious questions about federal law enforcement's conduct—in conjunction with state and local law enforcement—and potential violations of due process and civil rights.

The largest worksite raid in recent history not only raises questions of due process and dignity, but also the human cost. The community of Morristown, TN, a town close to Bean Station where the majority of those arrested live, has been devastated by this raid. The most alarming and telling indicator of the pervasive fear felt in the community is that on the day following the workplace raid approximately 550 local children did not attend school. Teachers and administrators voiced concerns for the anxiety and fear expressed by their students, including those who lost loved ones in the raid and those who worry that the same will happen to their own family members. It is well-documented that immigration enforcement through detention and deportation has a profound impact on the well-being of children as they are torn apart from their parents or family members or are in constant fear of that separation.² Children—almost all of whom are U.S. citizens born and raised in this country—have been shown to suffer from severe anxiety and depression, eat and sleep poorly, and are unable to focus in school.³ We strongly condemn the use of such enforcement tactics by the federal government to provoke maximum fear in immigrant communities throughout the country.

We respectfully request your prompt response to the following questions raised by the April 5th workplace raid in Bean Station, TN:

- (1) Which law enforcement agencies participated in the raid? What were the roles of each agency during the raid? Were any National Guard personnel present during the raid?
- (2) Why did the IRS decide to involve ICE in this case? How does the IRS bringing ICE into the investigation serve any function in furtherance of the mission of the IRS? Is the IRS contemplating any future enforcement actions involving ICE personnel? If so, under what circumstances?
- (3) How did law enforcement agents participating in the raid determine which individuals to arrest? Was race or ethnicity a factor in deciding which individuals to arrest?
- (4) Did law enforcement determine whether each individual arrested had authorization to work prior to making the arrest?
- (5) Were attorneys and other advocates assisting detained individuals granted consistent and timely access to detainees while they were held at the National Guard Armory (the Armory)? If not, why not? If not, at what time were detained individuals first granted access to counsel?
- (6) How did law enforcement agents determine which individuals to release and which individuals to continue detaining?

² Edwards, Haley Sweetland, "Bye Dad, I Love You: America's Immigration Policy is Splitting Families and Spreading Fear," *TIME Magazine* at 38 (March 19, 2018).

³ *Id.*

- (7) How many individuals were released from the Armory because they were determined to possess valid work authorization?
- (8) When were detained individuals first able to access medical assistance? Was access to medical assistance provided to detained individuals who needed such assistance at the Armory?
- (9) Why were the management personnel of Southeastern Provision not detained and questioned at the time of the raid, if they were named as targets in the search warrant authorizing the raid?
- (10) What is the status of any criminal case pending against Southeastern Provision, its owners, and its individual managers?

Finally, we urge you to take the following steps which would provide some measure of due process to the individual immigrant workers targeted during the raid:

- (1) We urge you to exercise prosecutorial discretion and immediately release those individuals who are still detained, so that they may pursue their options for immigration relief near their legal representatives, families, and local resources;
- (2) We urge you to provide detained individuals with meaningful access to the courts and legal counsel, including timely and confidential meetings with legal representatives and regular access to a legal library with updated legal materials;
- (3) We urge you to forego the removal of any individuals who have not had the opportunity to consult with an attorney and/or exhaust all potential legal claims relevant to the raid and their employer; and
- (4) We urge you to exercise prosecutorial discretion, by granting relief such as parole, continued presence, or deferred action, to those individuals whose rights were violated during their arrests, pursuant to the 2011 ICE Victim's Memo.

We look forward to your prompt response.


Sincerely,



LUIS V. GUTIÉRREZ
Member of Congress



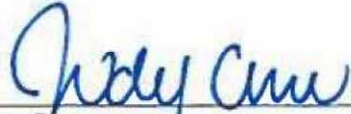
STEVE COHEN
Member of Congress



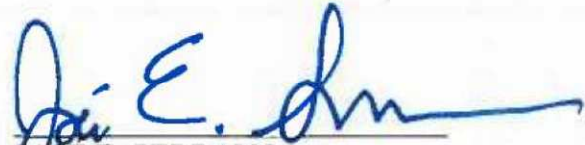
JERROLD NADLER
Member of Congress



MICHELLE LUJAN GRISHAM
Member of Congress



JUDY CHU
Member of Congress



JOSE E. SERRANO
Member of Congress



JAN SCHAKOWSKY
Member of Congress



NYDIA M. VELAZQUEZ
Member of Congress



TED DEUTCH
Member of Congress



MIKE QUIGLEY
Member of Congress



GENE GREEN
Member of Congress



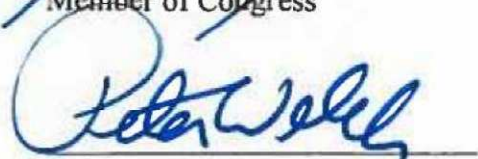
PAUL D. TONKO
Member of Congress



ALBIO SIRES
Member of Congress



BARBARA LEE
Member of Congress



PETER WELCH
Member of Congress



HENRY C. "HANK" JOHNSON, JR.
Member of Congress



GWEN MOORE
Member of Congress



ELEANOR HOLMES NORTON
Member of Congress



DANNY K. DAVIS
Member of Congress



YVETTE D. CLARKE
Member of Congress



HAKEEM S. JEFFRIES
Member of Congress



JIM COSTA
Member of Congress



JARED POLIS
Member of Congress



GRACE F. NAPOLITANO
Member of Congress



JUAN VARGAS
Member of Congress



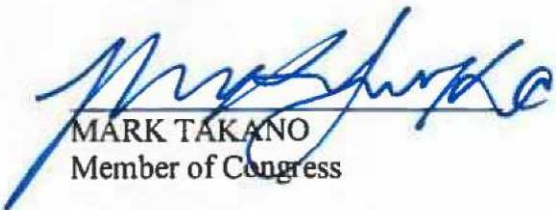
ADRIANO ESPAILLAT
Member of Congress



MARK POCAN
Member of Congress



RAUL M. GRIJALVA
Member of Congress



MARK TAKANO
Member of Congress



NANETTE DIAZ BARRAGAN
Member of Congress



DARREN SOTO
Member of Congress



GRACE MENG
Member of Congress



DWIGHT EVANS
Member of Congress



BILL FOSTER
Member of Congress



J. LUIS CORREA
Member of Congress



RUBEN GALLEGO
Member of Congress



JAMES P. MCGOVERN
Member of Congress



PRAMILA JAYAPAL
Member of Congress



TED W. LIEU
Member of Congress



JAMIE RASKIN
Member of Congress



ALMA S. ADAMS, PH.D.
Member of Congress



DONALD M. PAYNE, JR.
Member of Congress

EXHIBIT H

DHS Response to Jun. 5, 2018 U.S.
Congress Letter

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

JUL 16 2018

The Honorable Luis V. Gutiérrez
U.S. House of Representatives
Washington, DC 20515

Dear Representative Gutiérrez:

Thank you for your June 5, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) takes its obligation to enforce the nation's immigration laws very seriously, and the practices ICE HSI employs are intended to accomplish this in a fair, efficient, and professional manner. Interior enforcement is inherently tied to border security, and without a sustained and focused worksite enforcement effort that addresses the pull factor of illegal employment, our ability to change the paradigm of border security will be limited. ICE HSI's worksite enforcement strategy is designed to reduce the draw of illegal immigration and instill a culture of compliance among U.S. employers. This strategy consists of a three-pronged approach utilizing: enforcement (criminal arrests of employers and administrative arrests of employees); compliance (Form I-9 Employment Eligibility Verification inspections, civil fines, and suspension and debarment); and outreach (the ICE Mutual Agreement between Government and Employers program). As a matter of policy, ICE does not comment on investigations or operations because it could reveal investigative techniques, jeopardize ongoing investigations, or impact officer safety.

Thank you again for your letter. The cosigners of your letter will receive a separate, identical response.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Vitiello".

Ronald D. Vitiello
Acting Director

EXHIBIT I

Feb. 22, 2019 Declaration of Jessica
Hahn

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

ISABEL ZELAYA, et al.,

Plaintiffs,

v.

JERE MILES, et al.

Defendants.

Civil Action No. 3:19-cv-00062

CLASS ACTION

DECLARATION OF JESSICA HAHN

I, Jessica Hahn, do declare and say the following:

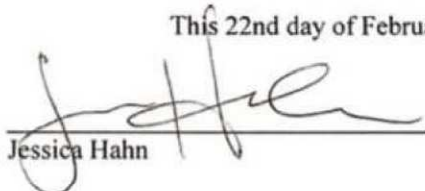
1. My name is Jessica Hahn. I am over the age of 18 years old and am competent to give this Declaration. I am a resident of Washington D.C.
2. I am an attorney with the National Immigration Law Center (NILC). I have worked for NILC since 2015.
3. I have conducted an extensive review of news media related to the April 5, 2018 immigration raid ("the raid") at Southeastern Provision meatpacking Plant. I read these articles to search for the names of Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI) agents who planned and/or participated in the raid.
4. As part of this review, which took me approximately three business days to complete, I gathered 108 news articles regarding the raid into a single document which totals 198 pages.
5. This media scan compilation contains all the articles published about the raid by the major U.S. news outlets of the Associated Press, Reuters, the New York Times, the Washington Post, CNN, Fox News, USA Today, NBC, CBS, ABC, PBS, and National Public

Radio. It also includes, but is not limited to, many articles published by local news media outlets, including the Knoxville News Sentinel, the Citizen Tribune, WATE, WBIR, WVLT, and WYMT.

6. Because ICE did not inform the public on the details of the raid, including how many and which agents participated in its execution, the media scan I conducted only uncovered the names of two agents involved in the raid.

Pursuant to 20 U.S.C. § 1746, I declare under penalty of perjury that each statement that I have made above is true and correct.

This 22nd day of February 2019



Jessica Hahn

EXHIBIT J

Feb. 25, 2019 Declaration of Julia
Solorzano

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

ISABEL ZELAYA, et al.,

Plaintiffs,

v.

JERE MILES, et al.

Defendants.

Civil Action No. 3:19-cv-00062

CLASS ACTION

Declaration of Julia Solórzano

I, Julia Solórzano, hereby declare and state as follows:


1. My name is Julia Solórzano. I am an attorney at the Southern Poverty Law Center.

2. True and accurate copies of the following exhibits are attached to Plaintiffs' Memorandum in support of their Motion for Leave to Take Expedited Discovery:

Exhibit	Description
A	Plaintiffs' First Set of Interrogatories
B	Apr. 10, 2018 FOIA Request to DHS/ICE
C	ICE's Response to Apr. 10, 2018 FOIA
D	Dec. 7, 2018 FOIA Request to DHS/ICE
E	Apr. 11, 2018 PRA Request to THP
F	Excerpt from THP's Response to PRA Request
G	Jun. 5, 2018 Letter from U.S. Congress to DHS
H	DHS Response to U.S. Congress
I	Feb. 22, 2019 Declaration of Jessica Hahn

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25th day of February, 2019 in Decatur, Georgia.



Julia Solórzano