

The document titled “**Defendants Williams and City of Phoenix’ Global Statement of Facts**” is a **150-page factual statement filed in federal court** in the case ***Ryder Collins and Bruce Franks, Jr. v. City of Phoenix, et al.*** in the U.S. District Court for the District of Arizona.

It was submitted by attorneys for **Phoenix Police Chief Jeri Williams and the City of Phoenix** in support of their **motion for summary judgment**. The purpose of the filing is to present the defendants’ version of the factual record regarding the **May–October 2020 protest events in downtown Phoenix** and the subsequent arrests of protesters.

The document compiles **hundreds of numbered factual assertions supported by evidence**, including:

- police body-camera footage
- aerial surveillance video
- security camera footage
- 911 call records
- CAD dispatch logs
- officer depositions and affidavits
- photographs and social-media posts
- media recordings

The statement describes how **initial peaceful protests following the death of George Floyd allegedly escalated into violence**, including:

- property damage and vandalism
- assaults on police officers
- fireworks and incendiary devices thrown at officers
- fires and arson
- attempts to breach government buildings
- protesters blocking streets and trapping vehicles

The filing also outlines **Phoenix Police crowd-control strategies**, including:

- use of Community Response Squad officers to facilitate peaceful protests
- deployment of Tactical Response Unit (TRU) skirmish lines
- LRAD announcements declaring unlawful assemblies
- use of chemical agents and crowd-control munitions when violence occurred

Overall, the document is designed to show that **police actions and arrests during the protests were justified responses to escalating criminal activity and public safety threats**, rather than unlawful suppression of protected protest activity.

1 Kathleen L. Wieneke, Bar #011139
 2 Christina Retts, Bar #023798
 3 Laura Van Buren, Bar #031669
 4 WIENEKE LAW GROUP, PLC
 5 1225 West Washington Street, Suite 313
 6 Tempe, Arizona 85288
 Telephone: (602) 715-1868
 Fax: (602) 455-1109
 Email: kwieneke@wienekelawgroup.com
 Email: cretts@wienekelawgroup.com
 Email: lvanburen@wienekelawgroup.com

7 *Attorneys for Defendant Jeri Williams*

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF ARIZONA**

10 Ryder Collins and Bruce Franks, Jr.,
11 individually,

12 Plaintiffs,

13 vs.

14 City of Phoenix, a municipal corporation; Jeri
 15 Williams; John Collins; Lawrence Hein;
 16 Gabriel Lopez; Dennis Orender; Edward
 17 DeCastro; Brian Lee; Benjamin Moore; Mark
 18 Schweikert; Bryan Knueppel; Douglas
 19 McBride; James Groat; Bryan Korus; Sean
 20 Burton; George Herr; James Hester; Jeffrey
 21 Howell; Mykel Moller; Derek Pulliam; Alex
 22 Volk and; Benjamin Zamora,

23 Defendants.

NO. 2:21-cv-01226-SMB-MTM

**DEFENDANTS WILLIAMS AND
 CITY OF PHOENIX' GLOBAL
 STATEMENT OF FACTS**

24 Defendants Williams and the City of Phoenix jointly submit the following Global
 25 Statement of Facts, in support of their separately filed Motion for Summary Judgment.

26 Given the breadth of the evidence in this case and the multiple protest days, the
 27 Statement of Facts starts with the protests in May of 2020, as these protests are included as
 28 the alleged beginning of the “conspiracy” to target Plaintiffs. *See* Plaintiff’s TAC, Doc. 329,
 ¶¶ 296-324.

1 The Statement of Facts in Paragraphs 1-231, is nearly identical to the Statement of
 2 Facts filed in *Jackson v. City of Phoenix*¹, 2:21-cv-000934-SMB-CDB, Docs. 209-215, with
 3 the exception of removal of facts and exhibits that are only pertinent to the individual
 4 plaintiffs in the *Jackson* case. For those facts that have been removed, the Paragraph
 5 numbering remains the same and will state “intentionally omitted.” Exhibits have not been
 6 renumbered. Those exhibits that have been removed will have a slip sheet that states
 7 “intentionally omitted.” Necessary clarifications to the *Jackson* SOF have been inserted in
 8 []. For example, in several places, Defendants have added [**the Jackson**] before
 9 “Plaintiffs,” to those prior *Jackson* SOF to make it clear that Defendants are not referring
 10 to the current “Plaintiffs” in the *Collins* case. Multiple of the SOF from *Jackson*, refer to
 11 former *Collins* Plaintiff Brittany Austin. Her involvement remains relevant to the October
 12 17, 2020 arrests and as a result Defendants have added [**former Collins Plaintiff**] before
 13 her name. Because this Court found the pertinent background facts undisputed in its ruling
 14 on Summary Judgment in *Jackson*, Doc. 257, Defendants have used the same numbering in
 15 an effort to help this Court quickly identify those facts that it previously found to be
 16 undisputed.

17 **New facts** related to protests occurring after May 30, 2020, begin at Paragraphs 232
 18 to 872.

19 **May 2020 Protest Evidence**

20 **Video and Audio Evidence:**

21 1. Video of the events occurring during the May 2020 protests was captured
 22 from multiple different sources. Civilian witness Rebekah Young (Exs. 1, testimony
 23 authenticating video; Exs. 1-9), Jennifer Harrison (Ex. 10), former putative class member [
 24 Graening (Ex. 11).

25 2. The media covered many of the events live and using a helicopter. (Exs. 13-
 26 16).

27 _____
 28 ¹ *Jackson* was previously named *Guerrero-Sanchez*. In the Plaintiff’s Third Amended Complaint, they refer to the *Jackson* case as *Guerrero-Sanchez*.

1 3. Security footage was provided to police by businesses that were damaged.
2 (Exs. 17-18).

3 4. At police headquarters, additional security cameras were placed on the
4 exterior of the building to monitor the crowds visually (no audio). (Ex. 19, Villarreal Supp;
5 Ex. 107, Villarreal Affidavit, at ¶¶5-7).

6 5. Footage from the multiple different camera views is called the Milestone
7 footage. (Ex. 20).

8 6. Still shots have been captured from the Milestone footage. (Ex. 21).

9 7. Mobile footage exists from the Strongwatch camera system (video no audio)
10 that was mounted in the back of a pickup truck operated by personnel from the Homeland
11 Defense Bureau, which followed protesters at various locations as they roved around
12 downtown. (May 28, Exs. 22-24; May 30, Exs. 25-40; Ex. 120, DeCoste deposition, p. 20-
13 21).

14 8. Several different aircraft—helicopter (Air 4 and 5) and fixed wing (Air 23)—
15 also assisted with the protest, including providing real-time information over the radio and
16 identifying groups and threats. (Exs. 41-43; Ex. 120, p. 7, 11-15, 34-35).

17 9. Aerial video from the fixed wing aircraft (Air 23), documenting the events
18 occurring on May 30-31, 2020, provides the best overview of the totality of the events in
19 the protests, individuals part of the groups, and what results in the culmination of the arrests.
20 (Exs. 44-45).

21 10. Police response was often driven by reports of criminal conduct through 911
22 calls. (Exs. 46-59).

23 11. TRU officers, grenadiers, and patrol officers deployed with body camera and
24 relevant camera is attached as Exs. 60-79.

25 12. Lt. Moore did not deploy with body camera due to his responsibilities in
26 standing behind the relative skirmish lines and giving directives, which are memorialized
27 on the radio transmissions (captured continuously as hour long segments) with relevant
28 segments attached as Exs. 80-84.

1 13. The Computer Aided Dispatch (CAD) records—attached as Ex. 86 and
2 available in real time on the mobile data terminals in the patrol vehicles—capture time
3 stamps and short-hand of some of the radio transmissions, but does not word-for-word
4 capture all communications. (Ex. 85, Moore Deposition, p. 128-129).

5 14. A timeline of the events is set forth in DR903339, Ex. 115, and is verified
6 below utilizing independent evidence.

7 **Plaintiff’s Deficient Disclosures and Discovery Responses**

8 15. Intentionally omitted.

9 16. Intentionally omitted.

10 17. Molony has little memory of his activities, yet produced photographs directly
11 contradicting his discovery responses and he is identified in multiple different areas he
12 failed to disclose. (Ex. 129, Cf. Ex. 98; Ex. 75, at 1:28-1:46; Ex. 101, BWC stills; Ex. 98,
13 Molony photographs, at PL00205-208; Ex. 10, Harrison SDT video; Ex. 16, 12News, at
14 1:17:00-1:31:19; Ex. 100, Screenshot, at 11:28:47).

15 18. Intentionally omitted.

16 19. Intentionally omitted.

17 20. Intentionally omitted.

18 21. Intentionally omitted.

19 22. Intentionally omitted.

20 23. **[Former Collins Plaintiff]** Ms. Austin is visible in multiple of the videos and
21 is identified by distinctive clothing and a sign. She wears a black full length hijab and carries
22 a black and white sign with the lettering: “Abolish the Police #FTP #ACAB.” (Ex. 98,
23 Molony photographs, at PL000180); United States District Court, 2:20-mb-08321-JSB,
24 Doc. 2².

25 24. After vandalism of the USDCT on May 30th, 2020, **[former Collins**
26 **Plaintiff]** Ms. Austin (sumayah.dawud) posted photographs of the “improvements made

27 _____
28 ²Ms. Brittany Austin was a former Plaintiff in this pending lawsuit and was arrested
on October 17, 2020. (Doc. 329, ¶¶ 29-37).

1 last night to the U.S. Federal Court and Phoenix City Court buildings...” (Ex. 108, Austin
2 deposition, at p. 6; United States District Court, 2:20-mb-08321-JSB, Doc. 2 (search
3 warrant)).

4 25. **[Former Collins Plaintiff]** Ms. Austin also made posts about utilizing traffic
5 cones to cover gas and obstruct officers attempts to disperse the crowd. *See* 2:20-mb-08321-
6 JSB, Doc. 2, at p. 16-17.

7 26. Intentionally omitted.

8 27. Testifying in a different case, **[former Collins Plaintiff]** Ms. Austin agreed
9 that all three nights of the May protest, people were setting off fireworks “some of them
10 were, like—like, God, I don’t want to get hit with one of these. Like, they were just going
11 off everywhere, like, everywhere. It was just, like, shit. I don’t want one blowing up in my
12 face you know.” (Ex. 108, Austin Deposition, p. 227-228).

13 28. **[Former Collins Plaintiff]** Ms. Austin was armed during the protests because
14 “there were a lot of---there were threats, things of that nature. You had the opposing side.
15 There were some people murdered in other cities at protests. There was just violence
16 happening in different places around the country, and you’d have groups, hate groups,
17 things like that that were making threats.” (*Id.* at 86-97).

18 29. **[Former Collins Plaintiff]** Ms. Austin filmed and photographed the
19 protesters engaged in property damage, vandalism, individuals throwing objects at police
20 headquarters and glass cracking, water bottles being thrown, concrete used to break
21 windows at the Federal Courthouse, protesters shattering glass and smashing things near
22 Comerica, smashing of police cars, breaking windows and using a fire extinguisher, and
23 lighting fires. (*Id.* at 222-227).

24 **May 28, 2020 Protests (First Night):**

25 30. In response to the death of George Floyd, protests began peacefully in the
26 City of Phoenix on May 28, 2020, with minimal police response by plain clothes
27
28

1 Community Response Squad (“CRS”) Detectives who attempted to facilitate peaceful First
2 Amendment activity.³ (Ex. 22, Strongwatch).

3 31. The CRS Detectives are the first-line “soft approach” response to protests to
4 coordinate and meet with organizers to facilitate the exercise of their First Amendment
5 rights, as long as it remains peaceful. (Ex. 109, Orender deposition, at p. 7-8, 15-18, 141-
6 145; Ex. 85, Moore deposition, at p. 278-279, 382-383).

7 32. The CRS Detectives take no role in enforcement and act strictly as
8 communicators to speak with the organizers. (Ex. 109, at p. 144-145).

9 33. As Lt. Moore explained, 95 percent of the responsibilities for crowd response
10 involve facilitation of First Amendment rights and that “I honestly don’t get too mixed up
11 in what they—what their beliefs are on things. It’s irrelevant to me most of the time. I just—
12 as long as they’re peaceful, that’s all I care about.” (Ex. 85, at p. 384-85, 393-94).

13 34. Once lack of peacefulness is established, the Field Force Commander/Alpha
14 Leader—in this case Lt. Moore—may deploy TRU officers to form skirmish lines, or if
15 necessary in response to violence, specially trained Grenadiers will deploy appropriate
16 munitions. (*Id.* at 70-73, 277).

17 35. TRU officers are staged out of sight and not used unless necessary. (*Id.* at p.
18 386-87).

19 36. Formal unlawful assembly orders, if given from the Long Range Acoustic
20 Device (“LRAD”) mounted on utility vehicles, use a prerecorded format approved by the
21 legal department, with ample time given to comply. (*Id.* at 74-75, 99-100, 104, 127-129).

22 37. The goal of such announcements is to obtain dispersal and to stop the
23 violence, without the necessity for arrests. (*Id.* at p. 271).

24 38. When darkness set in, the crowds changed and obstructed the streets of
25 downtown Phoenix, stopping in front of 620 W. Washington, with agitators dumping pieces
26 of rock/concrete from a bucket onto the street to use to assault officers. (Ex. 109, Orender

27 _____
28 ³ In radio transmissions, this group is interchangeably referred to as “CRB”—an
acronym for Community Relations Bureau.

1 deposition, p. 145-146; Ex. 1, Young deposition, p. 2-3, 37, 39-41; Ex. 2, Young Video,
2 10:42 pm; Ex. 89, Photos Headquarters Damage).

3 39. Only a small group of officers was stationed in front of PPD headquarters'
4 front doors to prevent unauthorized entry. (Ex. 2).

5 40. The crowds largely ignored informal dispersal orders repeated on the PA
6 system. (Ex. 1, p. 42-43; Ex. 3, Young Video, 10:48 pm).

7 41. As the night wore on, vehicles intermixed and supported protesters. (Ex. 23,
8 Strongwatch).

9 42. Protesters blocked streets and surrounded City buses—using them to shield
10 further criminal activity. (Ex. 24, at 13:00-18:42).

11 43. Protesters surrounded a police Tahoe and used a skateboard to violently break
12 out the back window. (Ex. 13, AZFamily footage).

13 44. The level of violence and crowd behavior that was witnessed had not been
14 anticipated to reach that level by the responding officers. (Ex. 109, Orender deposition, p.
15 148-149).

16 45. In no prior protests had officers experienced the “support vehicle” concept,
17 where vehicles were used for cover, protection, resources, and rehydration. (*Id.* at 149).

18 46. Prior protests, such as the 2017 Trump Protest, had been static and the roving
19 nature of the May protests, combined with the property damage, made them unprecedented
20 and much more difficult to respond to. (*Id.* at 150-152).

21 47. Vehicles presented unique challenges due to the danger presented when they
22 intermix with protestors, as Lt. Moore explained:

23 It's extremely dangerous...For many reasons. One, it's a multi-
24 ton avenue of hurting people, possibly. We don't know what's
25 in the vehicle. We don't know who's in the vehicle. We don't
26 know what their intent is. It can very easily injury bystanders,
27 protesters, or police officers. And it's very hard to stop them
28 when they gain momentum. It's a very difficult task for us to be
able to keep them from injuring someone when they're in close
formation with any type of crowd.

(Ex. 85, Moore deposition, p. 276-277).

1 48. During the May 2020 protests, multiple vehicles that were stopped were
2 found to have individuals armed with firearms. (*Id.*).

3 **May 29, 2020 Protests (Second Night):**

4 49. On May 29, 2020, protests again started peacefully with plain clothes
5 detectives monitoring, until a group in front of headquarters began shaking the fencing and
6 throwing water bottles. (Ex. 60, BWC535).

7 50. The protest devolved into widespread property damage, vandalism, and
8 assaults on officers (Ex. 61, BWC204; Ex. 62, BWC234; Ex. 63, BWC235; Exs. 91-95,
9 photos of property damage).

10 51. ABC15 documented protesters throwing water bottles at police, including one
11 that struck an officer in the face after he lifted his face shield to drink water. (Ex. 15, ABC15
12 video).

13 52. In front of police headquarters, LRAD dispersal orders were given after
14 multiple bottles were thrown at officers, a large firework wrapped in coins was shot at
15 officers, followed by more bottles, a large rock, and more fireworks and rocks. (Ex. 62,
16 BWC204, at 18:46-28:00; Ex. 63, at 12:52-13:34; Ex. 1, p. 48, 51; Ex. 106, Kurth Affidavit,
17 at ¶¶ 8, 11).

18 53. Officers were hit with multiple objects thrown by protesters. (Ex. 62,
19 BWC204, at 3:05-08, 13:00-13:45, 17:08-18:11; Ex. 63, at 3:08-19:10).

20 54. Fox10 Phoenix, from a helicopter, documented protesters running from the
21 front of police headquarters and roving through downtown obstructing the streets and
22 committing acts of property damage, vandalism, arson, and knocking down barricades.⁴
23 (Ex. 14, video Fox10, 8:30-10:11, 11:00-end).

24 55. On May 29, 2020, at 11:56 p.m., witness Young documented: (1) protesters
25 yelling and running toward the Federal Court to engage in criminal damage, including
26

27 ⁴ The media videos are being utilized for their visual depictions and the LRAD
28 dispersal Orders. Defendants object to any of the commentary as hearsay that should not be
considered.

1 breaking windows; (2) protesters trespassing on Federal Court property; (3) protesters
2 cheering as other protesters broke Federal Court windows; and (4) the unlawful assembly
3 announcement that immediately followed this unlawful criminal damage. (Ex. 1, p. 45, 51-
4 52-54; Ex. 4, 11:56 Young video).

5 56. At 12:16 a.m., on May 30, 2020, Ms. Young stated, “they are breaking things
6 left and fucking right” and cheered as protesters used a fence to block the police response.
7 (Ex. 1, at p. 64-65, 68-69; Ex. 5, 12:16 Young video).

8 57. Rioters forced their way into the City Court building and ignited fireworks
9 inside the building’s lobby. (Ex. 14, at 16:15-25; Ex. 92, at COP-GS2117-2124, 2303-
10 2355). As rioters moved east, they vandalized an entire line of police Tahoes, lighting a
11 firework inside and starting a fire in the back. (Ex. 63, BWC235, at 25:30-25:48; Ex. 94,
12 Photographs Vehicles).

13 58. A threat to “Burn Down the City Tomorrow Will Be Flames” was spray
14 painted on the Sandra Day O’Connor United States Courthouse (Ex. 92, at COP-GS2129-
15 2130, 028-2396).

16 **May 30-31, 2020 (Third Night of Protests and [the Jackson] Plaintiffs’ Arrests)**

17 59. On May 30, 2020, protests started out peacefully at approximately 1727
18 hours, with CRS Detectives making contact with the original protest organizer to assist with
19 facilitating a safe protest—free from counterprotests—that would occur largely out of the
20 street except in areas with pedestrian fencing. (Ex. 64, BWC704; Ex. 25, Strongwatch; Ex.
21 80, Radio, 1730 to 1827 hrs).

22 60. The initial protest started at Phoenix City Hall, proceeded to the State Capitol,
23 and ended back at City Hall where the group held for a significant period. (Ex. 80; Ex. 26,
24 Strongwatch; Ex. 65, BWC777, at 00-13:00).

25 61. Multiple individuals armed with long guns (AR-15) and body armor were
26 identified within the area of this group. (Ex. 86, CAD, at COP-GS003374-75).

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1 62. At 20:10:50, reports were broadcast that members of the group expressed
2 intended to destroy things and were reported to possess multiple cans of spray paint. (*Id.* at
3 COP-GS00003376).

4 63. CRS Detectives identified a male who expressed an intent to continue damage
5 and attempted identify him to make contact. (Ex. 86, COP-GS00003377; Ex. 65, BWC777).

6 64. Around this time, 911 dispatchers were fielding calls about reports of
7 potential violent protests at Fashion Square. (Ex. 46, 2042 911 call).

8 65. At approximately 20:49-51, two Air units begin providing reports about the
9 crowd movements (Ex. 86, COP-GS0003382-83; Ex. 41, Air 4 log; Ex. 43, Air 23 log).

10 66. At 20:52:36, it was reported that the protest group was taking the street and
11 proceeded toward 620 W. Washington. (Ex. 86, CAD-COP0003383; Ex. 26, Strongwatch;
12 Ex. 65, BWC777, at 14:20-15:49).

13 67. At 20:52:50, it was reported that the group was taking the street north bound
14 on 7th Avenue to the freeway. (Ex. 86; Ex. 1, Young deposition, at 54-58).

15 68. Young heard someone in the group “we’re going to burn this shit down, we’re
16 going to burn this down.” (Ex. 1, at 58).

17 69. Two massive groups met together, occupied the streets obstructing traffic, and
18 yelled repeatedly to “take the freeway” and “take the fucking freeway.” (Ex. 6, Young
19 video, 9:55 p.m.).

20 70. A large group looped around 620 W. Washington, with some gathered on
21 Adams, obstructing the entrance to the back parking lot and others continuing to march.
22 (Ex. 65, at 22:40-36:14; Ex. 27, Strongwatch, at 11:15-40).

23 71. Multiple officers attempted to negotiate with the crowd blocking Adams
24 Street asking them to keep moving, stay peaceful, and not block the parking lot. (Ex. 65,
25 BWC777 at 24:00-36:44; Ex. 105, Zamora Affidavit, at ¶ 11).

26 72. Lt. Schweikert addressed an individual with a megaphone and an individual
27 wearing brown body armor with a gun tucked into the shoulder asking for a “peaceful
28 demonstration”, “not to throw stuff at us.” (Ex. 65, BWC777 at 25:19-25:46).

1 73. Detective Davis repeatedly asked a protester wearing a black jacket with red
2 stripes “just keep it peaceful, that’s all we ask.” (*Id.* at 29:49-57).

3 74. [**Jackson**] Plaintiff Molony would later photograph this protester kicking a
4 smoke cannister back at the police line. (Ex. 98, Molony photographs, at PL000288-290).



19 75. At 20:56:15 hours, Lt. Moore requested that the Long Range Acoustic Device
20 “LRAD” unit (a bobcat vehicle with a LRAD attached to it) make informal announcements
21 for the crowd to disperse from the area immediately behind the parking lot at 7th and Adams.
22 (Ex. 86, at COP-GS00003383).

23 76. A TRU skirmish line of officers then pressed forward to clear the area behind
24 headquarters. (*Id.*)

25 77. At around the same time, another portion of the protest group moved north
26 taking over on 7th Avenue and moving in the direction of the freeway taking over the entire
27 street. (Ex. 27, Strongwatch 10, at 11:45-12:33, 15:46-end; Ex. 28, Strongwatch 11; Ex.
28 16, at 9:20-46:30).

1 78. An Arizona DPS line skirmish line moved up and deployed gas, which was
2 reported over the radio at 21:08:09 hours. (Ex. 86, at COP-GS00003387, 3389; Ex. 28,
3 Strongwatch 11, at 3:30-6:15).

4 79. At 21:11:56, it was broadcast that one of the protest groups tore down a PVC
5 pipe. (Ex. 86, at COP-GS00003388).

6 80. At 21:14:20, with only plain clothes CRS detectives deployed in front of
7 police headquarters, protesters began shaking the fence designed to keep them away from
8 the entrance, which had been damaged multiple times over the previous nights and the doors
9 would not lock. (Ex. 66, BWC647; Ex. 20, Milestone footage at 9:14 p.m.; Ex. 21,
10 Milestone screen shots, p. 1-7).

11 81. CRS detectives yelled at the crowd to stop shaking the fence, identified an
12 agitator within the crowd, and were brought inside due to the potential violence. (Ex. 66,
13 BWC647; Ex. 86, at COP-GS00003389).

14 82. The group did not succeed in breaching the fence and then left the area for
15 another location occupying and blocking the street. (Ex. 21, p. 9, at 9:35:52).

16 83. Strongwatch followed a huge group obstructing the streets intermixed with
17 cars. (Ex. 29, Strongwatch 12, at 0-9:41).

18 84. The group, including Ms. Young, sat down in the middle of the intersection
19 at 7th Avenue and Grand, intentionally obstructing traffic. (Ex. 1, at p. 60-62).

20 85. At 21:30:33, officers requested assistance at 7th Avenue and Van Buren as
21 multiple cars could not leave due to protesters blocking the street. (Ex. 86, at COP-
22 GS00003397; Ex. 29, Strongwatch 12, at 10:21-18:40; Ex. 16, at 9:20-46:30).

23 86. Approximately between 150-200 protesters were sitting in the street. (Exs.
24 86, 29, 16).

25 87. Officers were sent to 7th Avenue and Grand to clear the intersection as
26 approximately 25 vehicles were locked in by protesters and could not exit. (Ex. 86, at COP-
27 GS00003398; Ex. 29, Strongwatch 12, 10:21-18:40; Ex. 81, at 5:00-18:29).

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1 88. At 21:47:40, additional civilian vehicles were reported to be trapped at a
2 different location by protesters occupying the street. (CAD-COPGS00003400; Ex. 81, at
3 21:00-21:45).

4 89. Lt. Moore advised on the radio that the group was just “trying to spread us
5 out,” he was “watching” to see what they would do, and they “can walk around and sweat
6 all they want to.” (Ex. 81, at 22:48-23:38).

7 90. At 21:53:09, Lt. Moore requested an update on the group and gave a directive
8 that the group would not damage critical infrastructure. (Ex. 86, at COP-GS000003402; Ex.
9 81, at 26:30-53).

10 91. Lt. Moore advised that “unless they are damaging stuff. We are going to
11 monitor. I am going to move a few units closer to you and we will be staged in ready to go.”
12 (Ex. 81, at 28:43- 29:08).

13 92. Fully obstructing the street, the group intermixed with vehicles, caused a
14 traffic jam, and threw at least one object at officers. (Ex. 30, Strongwatch 13, at 0-6:36,
15 object thrown at 4:36-7).

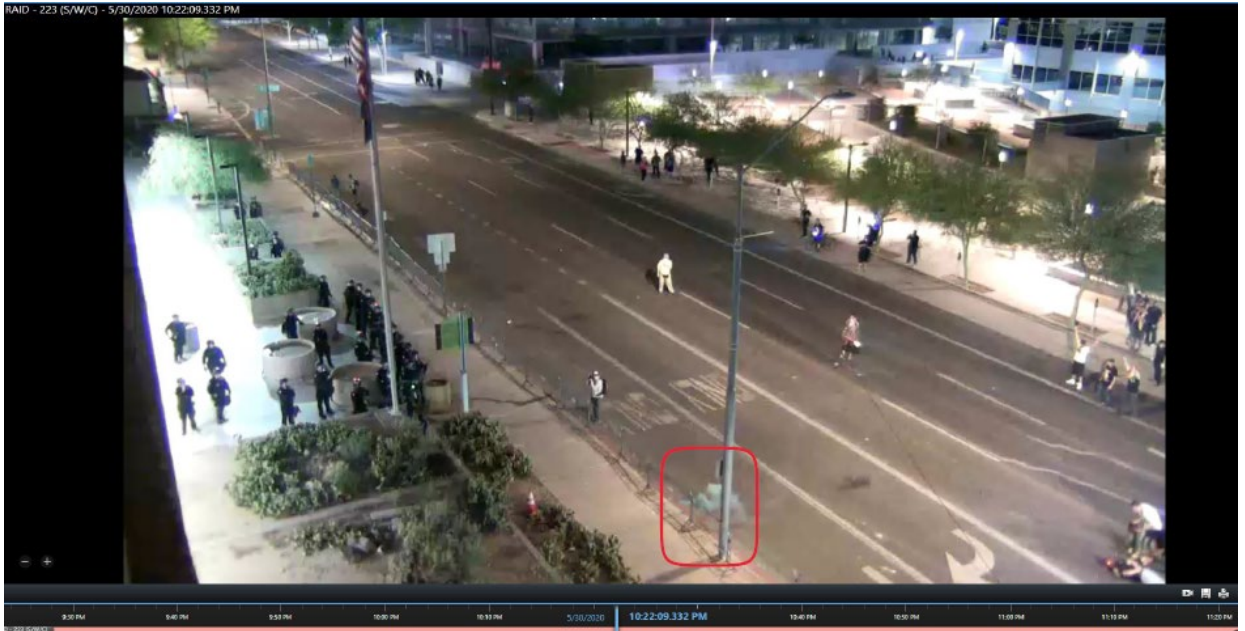
16 93. Hundreds of people continued to loop around downtown blocking the streets
17 and then making their way back toward police headquarters with some loitering on the
18 federal courthouse grounds. (*Id.* at 14:00-16:19, 17:43-end; Ex. 31, Strongwatch 14).
19 Multiple of the same vehicles reappear in the videos over time.

20 94. At around 22:18 p.m., a larger group of protesters made their way back to 620
21 W. Washington from 7th Avenue entirely obstructing the street—with reports that members
22 of the group spray painted the down ramp of the crime lab (621 W. Washington) and the
23 south side of the Federal Court building. (Ex. 20, Milestone at 10:18 p.m.; Ex. 21, Milestone
24 still shots, p. 10-11; Ex. 86, at COP-GS00003407; Ex. 32, Strongwatch 15, at 5:25-28; Ex.
25 81, at 52:08-24).

26 95. An agitator was trying to light something on fire on the courthouse grounds
27 and the building had been graffitied. (Ex. 32, Strongwatch 15, at 2:02-22, 5:27).

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1 96. At 22:22:07, an incendiary green gas device was launched at officers by
2 protesters (Ex. 20, at 10:22:07-10:22:13; Ex. 21, at p. 12-14).



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13 97. In response, at 22:22, Lt. Moore requested unlawful assembly
14 announcements, reported that rocks were being thrown, and explained that the gas grenade
15 changed the circumstances. (Ex. 86, COP-GS003407; Ex. 81, at 54:47-56:35).

16 98. Pre-recorded unlawful assembly orders were played repetitively, in English
17 and Spanish as the crowd did not disperse and engaged in violence. (Ex. 105, Zamora
18 Affidavit, at ¶¶ 13-14; Ex. 107, Villarreal Affidavit, at ¶7; Ex. 67, BWC1120, at 1:38-5:00;
19 Ex. 123, Webb Affidavit, at ¶¶8-10; Ex. 120, Decoste Deposition, p. 18).

20 99. Over the next several minutes, protesters on the south side of 620 W.
21 Washington launched numerous commercial grade incendiary devices at officers. (Ex. 20,
22 Milestone at 10:22-10:38; Ex. 21, Milestone screen shots, at 12-24; Ex. 32, Strongwatch
23 15, at 7:07-7:08, 7:37-49; Ex. 67, BWC1120; Ex. 16, 12News, at 1:09:29-1:11).

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1 100. At 22:23:12, Lt. Moore reported that someone in the crowd was launching
2 munitions at officers, some type of rubber ammunition. (Ex. 86, COP-GS0003408; Ex. 81,
3 at 56:43-59).



14 101. The police department does not utilize rubber munitions, and this came from
15 the crowd. (Ex. 85, Moore deposition, at p. 280-281, 285-286).

16 102. Milestone footage from this timeframe shows a person in the back of the
17 crowd with a long-barreled object pointed toward officers. (Ex. 21, p. 21-22, 24-27).



1 103. A large commercial grade firework was launched at officers, exploded, and
2 caused a fire in the planter box. (*Id.* at 22-30; Ex. 67, BWC1120).

3 104. Multiple objects were thrown at officers over an extended period of time. (Ex.
4 32, Strongwatch 15, at 7:09-11; Ex. 20, Milestone, at 10:22-10:38).



15 105. As the crowd dispersed, Lt. Moore advised that “We are going to hold. Let’s
16 see what they do. Standby;” and “We are going to hold. We got them to stop doing what
17 they are doing.” (Ex. 81, at 58:34-1:00:22).

18 106. Protesters gathered on the north side of the building formed their own
19 skirmish line at 7th Avenue and Adams, linking arms and advancing toward officers. (Ex.
20 20, Milestone, at 10:37-10:41 p.m.; Ex. 21, Milestone, p. 42-48; Ex. 16, 12News, at 1:17:17-
21 1:30:24).

22 107. Protesters at this location ignored LRAD dispersal orders and hurled water
23 bottles, glass, rocks, and multiple fireworks at officers. (Ex. 21, at p. 49-51; Ex. 86, at COP-
24 GS00003411-3412; Ex. 69, BWC1056, at 00-17:00; Ex. 68, BWC1124, at 11:00-31:00; Ex.
25 76, BWC1164, 00-30 min; Ex. 124, Callison Affidavit, at ¶7).

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108. One of the individuals depicted in this video kicking a cannister back at officers was arrested as part of the final group that *[the Jackson]* Plaintiffs were gathered with and that Molony photographed. (Ex. 98, at PL00070, 225).

109. Smoke cannisters were kicked and thrown back at officers. (Ex. 20, Milestone, at 10:37-10:41 p.m.; Ex. 21, at p. 52-59; Ex. 15, at 2:46:18-2:46:50; Ex. 76, at 00-30:00).



1 110. An officer was hit in the head with a rock thrown by this group. (Ex. 68,
2 BWC1124, at 19:30-20:34).

3 111. Intentionally omitted.

4 112. Intentionally omitted.

5 113. Intentionally omitted.

6 114. Eventually, protesters left this location regrouping as they roved through other
7 parts of the City, with a large group returning back to the area of headquarters and
8 occupying 7th Avenue. (Ex. 32, Strongwatch 15, 9:02-11:08, 17:48-end; Ex. 33,
9 Strongwatch 16).

10 115. Reports of criminal damage, near the crime lab, continued during this time.
11 (Ex. 86, COP-GS00003413; Ex. 98, Molony photos, PL00072-73, 303; Ex. 97, at p. 11-
12 108).

13 116. Given the repeated objects being hurled at officers, at 22:43:53, Lt. Moore
14 advised that grenadiers had authorization to deploy munitions as the crowd was in “full
15 riot mode.” (Ex. 86, at COP-GS0003413).

16 117. 911 call-takers were fielding calls unusual behavior of a man in a trench coat
17 with a backpack full of stuff who was “excited about shooting starting;” a fire started at 11th
18 Street and Taylor and requesting officers remove protesters illegally parking in the
19 neighborhood; and groups in cars engaging in harassing behavior with a citizen caller
20 demanding arrests. (Ex. 47, 911-2234; Ex. 48, 911-2237; Ex. 49, 911-2304).

21 118. At 22:59:59, after receiving reports about criminal damage occurring at the
22 federal court building, the USMS reported that there was a group on the ledge with a
23 backpack ducked behind the wall plotting something, with cannisters and mirrors. (Ex. 86,
24 at COP-GS0003415-16).

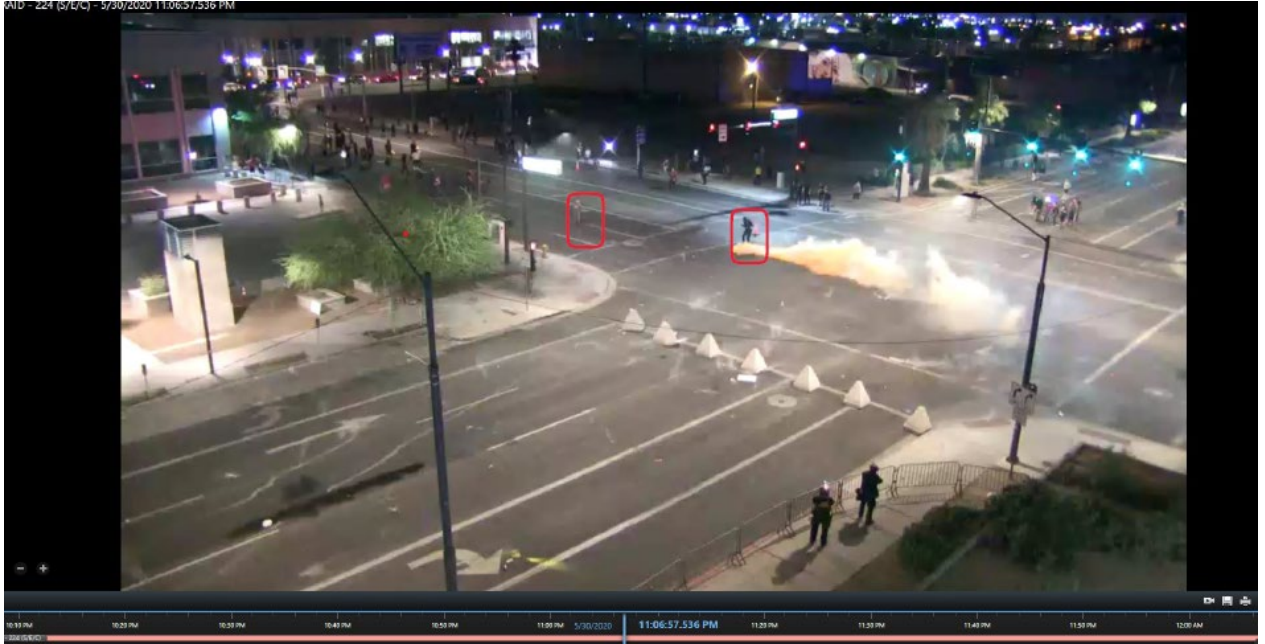
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1 119. [Jackson] Plaintiff Molony (circled in red) photographed a protester kicking
2 back an orange smoke cannister at the police line. (Ex. 21, Milestone stills, at p. 61-71; Ex.
3 98, Molony photos at PL000286, 288-290; Ex. 34, Strongwatch 17, 13:34-47).



15 120. Intentionally omitted.

16 121. Intentionally omitted.

17 122. At this same location, [Jackson] Plaintiff Molony took photographs of
18 Diamond Martinez, who was arrested later that night in the midst of the protest after
19 attacking a pregnant woman because she claimed that the baby was the spawn of the devil.
20 (Ex. 98, PL000296; Maricopa County Superior Court, CR2020-121754;
21 [https://www.fox4news.com/news/police-arizona-woman-kicks-pregnant-woman-in-the-](https://www.fox4news.com/news/police-arizona-woman-kicks-pregnant-woman-in-the-stomach-calls-the-unborn-child-demon-baby)
22 [stomach-calls-the-unborn-child-demon-baby](https://www.fox4news.com/news/police-arizona-woman-kicks-pregnant-woman-in-the-stomach-calls-the-unborn-child-demon-baby)).

23 123. At 23:07:50, it was reported that 15 people on ATVs were blocking Central.
24 (Ex. 86, COP-GS003418). Continued reports came in of a “huge crowd” that had taken the
25 whole street. (*Id.* at COP-GS003419).

26 124. As one of the Air Units was tracking the crowd, individuals on Fourth Avenue
27 and Washington tried to hit it with a green laser. (*Id.*)
28

1 125. At 23:14:33, an alley fire was reported at Grand and Van Buren. (*Id.* at COP-
2 GS003420).

3 126. At 23:19:31, USMS reported that a group of five to six individuals were
4 advancing with rocks near the guard shack, who were later arrested and confirmed as the
5 suspects in one-on-one identifications with the USMS officer who watched them throw the
6 rocks. (Ex. 86, at COP-GS00003421-3422; Ex. 70, 00-6:00, 17:02-20:37).

7 127. An Air Unit identified an individual that was trying to break the fencing and
8 swinging at it, ultimately using it to strike the windows of the crime lab. (Ex. 86, at COP-
9 GS00003417; Ex. 44, Air Unit, at 5:07-6:09; Ex. 15, at 1:52:42-1:53:34).

10 128. **[Jackson]** Plaintiff Molony, standing in direct proximity to the perpetrator,
11 photographed it as it occurred. (Ex. 98, at PL00274-278).



25 129. As Lt. Moore recognized, attempts to breach the crime lab presented
26 particularized dangers relating to destroying evidence for cases and access to hazardous and
27 dangerous materials stored there. (Ex. 85, at p. 283).

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1 130. A large group gathered on Washington, in the middle of the street, and an
2 incendiary device was thrown at officers. (Ex. 44, Air Unit, at 10:06-10:17).

3 131. At 23:22:58, the fencing in front of City Hall, which had been vandalized the
4 night before, was reported to have been knocked down. (Ex. 86, COP-GS00003422).

5 132. 911 was receiving calls of a massive protest group in the intersection of
6 Central and Jefferson, with a group riding ATVs up and down the road and knocking down
7 street signs. (Ex. 50, 911- 2326; Ex. 7, May 30, 11:15(2) Young; Ex. 8, May 30, 11:35
8 Young; Ex. 44, Air Unit, at 20:00-22:23; 27:40-34:00).

9 133. The group was also lighting off fireworks. (Ex. 44, at 22:23-22:49).

10 134. At 23:45:04, Lt. Moore left 620 W. Washington with a group of skirmish line
11 officers to respond to multiple reports of criminal activity near Talking Stick Arena—
12 received via 911 calls—reporting that a group of protesters was breaking down the fence of
13 the construction area, were looting, and that a fire had been started. (Ex. 86, at COP-
14 GS00003426; Ex. 51, 911-2337; Ex. 52, 911-2234; Ex. 53, 911-2347; Ex. 35, Strongwatch
15 19 at 15:14-end; Ex. 44, Air Unit 38:50-53:13).

16 135. Reports were being received that vehicles were trapped in the crowd and there
17 were people hanging off of a moving Jeep and it was unknown what they were doing. (Ex.
18 86, COP-GS00003426; Ex. 44, at 49:45-50:42).

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1 136. In full riot mode, the protesters were cheering on acts of violence and arson
2 as a fire raged in a construction zone with a security guard trapped behind the fencing and
3 in a trash can. (Ex. 9, 11:50 p.m. Young; Ex. 86, at COP-GS00003427; Ex. 1, p. 63; Ex. 36,
4 Strongwatch 20, at 00 to 9:00; Ex. 120, Decoste deposition, 35-39).

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137. Rioters broke windows, threw construction signs, lit off fireworks, and moved construction barricades to impede the TRU officers’ attempts to respond to the emergency created. (Ex. 85, Moore Deposition, p. 281-282; Ex. 36, Strongwatch 20, 00-9:00, 13:34-37; Ex. 97, at p. 153-198; Ex. 44, Air Unit, 49:45-53:45).

138. One of the many vehicles following the protesters had a “flame thrower” mounted to it that was launching fire into the air and attempting to light buildings on fire. (Ex. 85, p. 282-283; Ex. 86, at COP-GS00003427; Ex. 106, at ¶ 9-10; Ex. 120, at 35-39; Ex. 44, Air Unit, at 54:15-55: 17, 56:39 –56:48, 57:13-57:36).

139. The group was reported to have “all sorts” of pyrotechnics, which could be seen exploding from the Air Unit. (*Id.*)

140. Fires were being lit as the crowd continued to move away from officers seeking to contain the criminal behavior and protest groups fractured in different areas of

1 the city, continuing to obstruct traffic at multiple different places. (Ex. 106, ¶9; Ex. 44, at
2 1:00-1:57).

3 141. Protesters lit off fireworks in the middle of the streets. (Ex. 44, at 1:08:20-
4 40).

5 142. At 23:56:52, Lt. Moore advised over the radio that the protesters would not
6 be allowed near the entrance of any buildings due to the fact that they had already lit a
7 structure on fire. (Ex. 86, COP-GS0003428).

8 143. At 23:59:51, the flame thrower was reported at 7th Street and Washington.
9 (Ex. 86, COP-GS0003428; Ex. 44, Air Unit, at 54:15-55:17, 56:39–56:48, 57:13-57:36).

10 144. At 0:02:56 a.m., on May 31, 2020, 911 was contacted after Chase Field was
11 reported to have been breached and multiple alarms were tripped. (Ex. 86, at COP-
12 GS00003429; Ex. 55, 911-0020).

13 145. Protesters continued to split into different large groups using vehicles as
14 support, driving with their doors open as if the driver might bail at any moment, and
15 sometimes driving the wrong way. (Ex. 37, Strongwatch 21; Ex. 15, 3:00:48-3:2:33).

16 146. Shortly thereafter, security at 201 N. Central, Chase Tower, reported that
17 protesters threw a rock smashing the bank window, that they needed an officer at the
18 location, and rocks could be heard hitting the windows as call continued. (Ex. 56, 911-0029;
19 Ex. 96, Photographs of damage).

20 147. Protesters continued engaging in criminal damage, breaking windows, as they
21 roved downtown at One N. Central. (Ex. 17, Security Input1; Ex. 19, SecuritySWPillarE;
22 Ex. 102, Summary of Repairs; Ex. 103, Protest Damage Report).

23 148. Intentionally omitted.

24 149. At 12:05 a.m., calls came in from Fox12 news, at 200 E. Van Buren,
25 requesting police presence to help protect the occupants of the building after an “ugly
26 altercation” the night before and protesters were currently “banging on the windows.” (Ex.
27 54, 911-0005).

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1 150. Approximately 30 minutes later, Fox12 called again reporting that the group
2 was approaching the building again and “are pretty pissed at us...you guys understand
3 that?” (Ex. 57, 911-0032).

4 151. A 0034, a 911 call was placed from 201 N. Central, reporting a large group
5 of protesters on Van Buren that continued to throw rocks at the building and break glass.
6 (Ex. 58, 911-0034).

7 152. At 12:45 a.m., a 911 call was placed by security at the transportation building,
8 302 1st Avenue, reporting that several people threw rocks through the front lobby. (Ex. 59,
9 at 911-45).

10 153. Two palm trees were set on fire. (Ex. 71, BWC301, at 9:28-15:25; Ex. 44, at
11 1:54:23-1:55:05).



25 154. Officers evacuated a man, not part of the protest, who reported he was
26 attacked by protesters who launched a rock at him and then assisted other protesters who
27 were leaving by walking them to their car. (Ex. 72, BWC93339-351 at 7:50-18:17, 22:43-
28 27:47).

1 155. Shortly before 1:20 a.m., a large group of protesters continued to Van Buren,
2 blocking the entirety of the street, blocking traffic, and letting off smoke bombs. (Ex. 82, at
3 56:00-56:20).

4 156. A fire was reported at 5th Street and Monroe. (*Id.* at 57:49-52).

5 157. This protest group continued, linked with another, and occupied the entire
6 road. (*Id.* at 58:00-59:02).

7 158. At another location at approximately 1:30 a.m., protesters verbally assaulted
8 officers, screaming and cussing at officers—calling them “fucking pigs” and “fat fucking
9 monkey.” (Ex. 73, BWC318).

10 159. Intentionally omitted.

11 160. When officers verbally advised that the entire area was declared an unlawful
12 assembly and that they needed to leave, one set of protesters responded by yelling “I don’t
13 give a fuck. Fucking hoes and I hope that you die.” (*Id.* at 1:34-2:25).

14 161. Intentionally omitted.

15 162. Having marched around downtown responding to criminal conduct, Lt.
16 Moore advised that his group would be moving to City Hall, stopping there, and obtaining
17 medical treatment for dehydrated and injured officers. (Ex. 83, 00-0:28, 3:36-5:18).

18 163. Protesters, including **[Jackson]** Plaintiffs, ultimately made their way toward
19 the Capitol, blocking traffic, and trailed by support vehicles. (*Id.* at 1:50-57; Ex. 45, 2:47-
20 14:31).

21 164. In response to communications from DPS, Lt. Moore reported that the officers
22 would continue to hold the intersections “and maintain the calm and hold it for a while...to
23 make sure that nothing pops up again.” (*Id.* at 2:29-3:06).

24 165. An Air unit reported that the group of about 50 individuals at Van Buren near
25 15th Avenue was being trailed by 30 cars. (*Id.* at 7:08-7:30).

26 166. Continued reports were provided about the location of the protest group and
27 the status of the support vehicles. (*Id.* at 11:55-12:00).

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1 167. At approximately 1:45 a.m., Officer Zamora and his partner, in a marked
2 patrol unit, responded to assist DPS with the large group who were converging near the
3 Capitol grounds. (Ex. 104, Zamora Supplement; Ex. 105, Zamora Affidavit).

4 168. Multiple vehicles were witnessed supporting the group of protesters while
5 DPS was broadcasting unlawful assembly announcements in English and Spanish. (*Id.*).

6 169. PPD officers received information that DPS was requesting patrol officers as
7 “marked support” to make traffic stops near the Capitol. (Ex. 83, at 15:48-15:57).

8 170. Over the radio, DPS reported that a group of 50 was utilizing fire
9 extinguishers at DPS on the grounds. (Ex. 83, at 16:10- 16:40).

10 171. **[Former Collins Plaintiff]** Brittany Austin, travelling in the group with
11 **[Jackson]** Plaintiffs, verified this occurred. (Ex. 108, p. 222-227).

12 172. Air 4 advised that the group near the Capitol had arrived and was launching
13 fireworks, supported by around 30 cars, were flanking the building, and the cars were
14 stopped at Adams and 17th Ave. (Ex. 83, at 17:37-18:16).

15 173. Lt. Moore requested units to move toward the Capitol to provide support. (*Id.*
16 at 18:55-19:04).

17 174. Air 4 continued to advise that the group of 50 was in the middle of the street
18 and that the support vehicles had moved to Jefferson and were parked along 17th and 16th
19 Avenue. (*Id.* at 20:48-21:04; Ex. 45, 20:00-38:23).

20 175. Officers Zamora and Gallegos followed the group as they departed on
21 Jefferson, when 5-10 rocks were thrown at the Tahoe. (Ex. 79, Zamora BWC; Ex. 83, at
22 22:02-22:05).

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176. A rock, approximately 3 inches in diameter, was thrown through the rear driver side prisoner area window, causing it to completely shatter. (Exs. 79, 104-105).

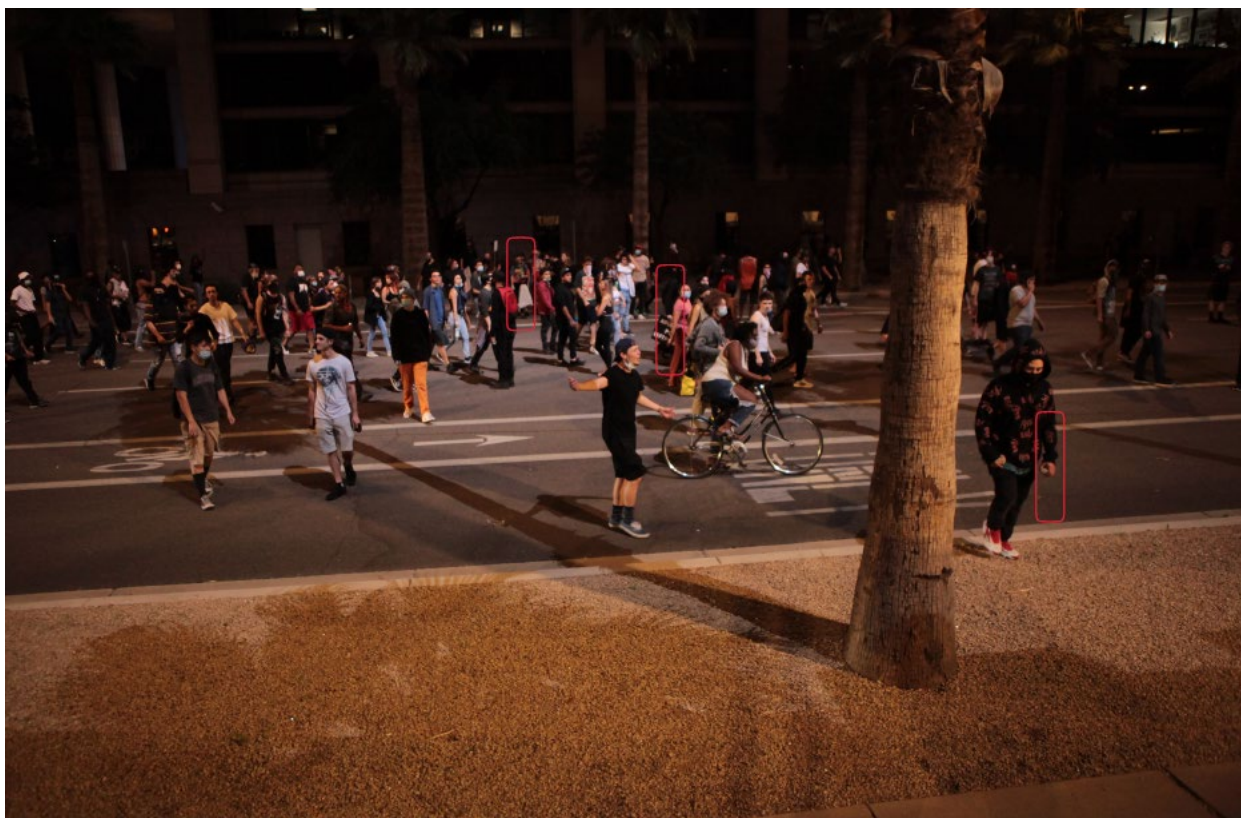
177. The officers reported over the radio that the vehicle had been hit by a large rock at 17th Avenue and Jefferson, causing significant damage. (Ex. 83, at 23:55-24:04; Exs. 79, 104-105).

178. As the officers kept following the group, subjects threw approximately 15-20 river rocks at the Tahoe. (*Id.*).

179. **[Jackson]** Plaintiff Molony, part of this group, took photographs as they (including **[Jackson]** Plaintiff McMartin and **[former Collins Plaintiff]** Brittany Austin both circled in red) walked past the Arizona Supreme Court obstructing the roadway. (Ex. 98, at PL00179-180, 183-186).

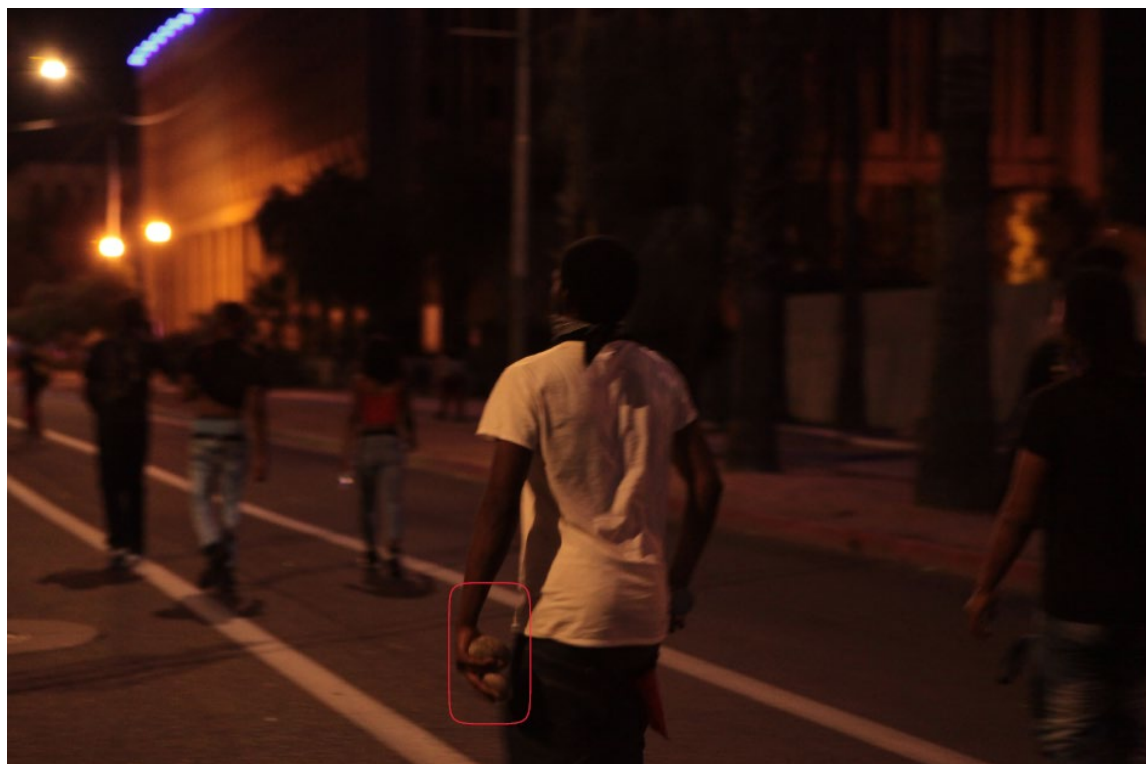
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PL000179

180. He photographed individuals armed with river rocks. (*Id.* at PL00176-77, 179).



PL000178

1 181. Officers Zamora and saw approximately 20 support vehicles following this
2 crowd. (Exs. 103-104).

3 182. An Air Unit reported that there were now 10-15 cars trailing the group on
4 foot. (Ex. 83, at 25:02- 27:18; Ex. 45, 35:00-38:23).

5 183. Lt. Moore advised to “watch and keep giving updates. If we need to deploy,
6 we will be deploy.” (*Id.* at 27:19-27:25).

7 184. An Air Unit reported that the crowd was through 16th Avenue, with cars now
8 trailing, instead of being parked. (*Id.* at 28:49-28:57).

9 185. The vehicles continued to trail as the crowd moved through Jefferson and the
10 Air Unit reported that stops of the vehicles were being coordinated on radio channel G5.
11 (*Id.* at 32:07-33:35).

12 186. At around 2:00 hours on May 31, 2020, the Strongwatch vehicle proceeded
13 to Jefferson near 11th Avenue, as the group headed back downtown still supported by
14 multiple vehicles. (Ex. 38, Strongwatch 26, 15:37-end; Ex. 45, 37:20-38:42).

15 187. **[Jackson]** Plaintiff Molony stood on Jefferson photographed a protester firing
16 an incendiary device at officers (Ex. 45, at 38:20-22) and smoke being deployed. (Ex. 98,
17 at PL000200-205, 215).



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1 188. The Medical Examiner’s Office sits directly East of this location—a building
2 of critical infrastructure containing live people, hazardous chemicals, and the deceased
3 (numbers higher than usual due to COVID). (Ex. 85, p. 284-285).

4 189. As a small group of officers, led by Lt. Mark Schweikert and greatly
5 outnumbered by the crowd and the vehicles, approached and multiple objects were thrown
6 at them. (Ex. 39, Strongwatch 27, 2:10-2:42; Ex. 83, 39:33-40:46; Ex. 45, 37:20-38:42).

7 190. Lt. Schweikert reported over the radio that the group was throwing rocks and
8 then moving northbound. (Ex. 83, at 40:54-42:00).

9 191. Radio broadcasts confirmed that the group was the same that had come from
10 the Capitol and DPS had their drone up watching. (*Id.* at 43:10 -43:43).

11 192. After being advised that there were still 50-60 in the group, the following
12 exchange occurred over radio:

13 Lt. Moore: Alpha Leader to Command. We are not going to
14 chase them far on 7th Avenue. What we really need is if there is
15 any patrol left in staging or not assigned to go up and support if
we can arrest them great, if not, push them. We can’t keep
pushing them on foot.

16 Command: We copy. They are completely tapped, uh, with
17 traffic stops already.

18 Alpha Leader: Copy. Mark, I wouldn’t chase them far. Just
address it and then hold up at 620.

19 Lt. Schweikert: We are holding fast up at 8th Avenue and
20 Washington. We just took a nice walk.

21 Lt. Moore: Copy. Yeah. Let’s just make sure we regroup and
uh stay close to home to 620.

22 Lt. Schweikert: Alright, we are getting some incoming rocks.
23 We’ve got some rocks thrown at us at 8th Avenue and
Washington so we are doing some area denial.

24 Lt. Moore: I have more grenadiers headed your way.

25 Lt. Schweikert: We are good, they are moving. We are okay.

26 Lt. Moore: Alpha Leader, to the officers that responded from
27 City wide that are staffing intersections from Adams and
Monroe. The officers that responded that are on Adams and
28 Monroe down to Jefferson from Fourth Avenue...Fourth Street,
sorry. All the way to 7th Street, we are going to release you from

1 those intersections. I want you to head over to the North side of
2 620 W. Washington to support the units that are operating right
there. Air Unit, if you can double-check and cover them over-
3 head.

4 (Ex. 83, at 44:45-48:12).

5 193. As the group turned away from Lt. Schweikert's location, members yelled to
6 "stick together, y'all" as they walked through the street (Plaintiff McMartin with her trash
7 bag is in this video). (Ex. 11, former putative class member Graening video; Ex. 45, at
38:42-40:42).

8 194. Patrol officers started making stops of support vehicles following the group.
9 (Ex. 75, BWC106).

10 195. Intentionally omitted.

11 196. Individuals with this group screamed profanity at officers, threw rocks, and
12 cars drove dangerously over the curb intermixed with protesters. (Ex. 75, at 00-4:00; Ex.
13 45, 41:00-41:48).

14 197. Intentionally omitted.

15 198. More rocks continued to be thrown and officers gave verbal orders to "leave"
16 and "go." (*Id.* 1:53-2:06).

17 199. One vehicle refused to stop for police, feloniously racing off into the crowd
18 as McMartin followed behind with her trash bag, with the group still obstructing the street
19 (Ex. 75, at 2:51-3:38; Ex.101, BWC still, p. 7).

20 200. An individual departing with this group was observed hurling a rock. (Ex. 45,
21 Air Unit, at 42:42-46).

22 201. A DPS officer approached minutes later asking about the group and if "the
23 big FUBAR shit" had gone leaving this last pocket. (Ex. 75, at 8:45-9:00).

24 202. The police helicopters continued identifying vehicles and individuals still
25 involved with the group, Lt. Moore advised that the individuals still part of the group
26 engaging in violence would be arrested because "we can't keep this going. We are going to
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1 arrest as many as we can and disperse the rest.” (Ex. 83, 48:34-48:55; Ex. 45, at 42:00-
2 44:52).

3 203. At approximately 0230 hours, a patrol vehicle transporting a suspect, was
4 attacked by a group of 20-30 people standing in the roadway, who threw rocks—one the
5 size of a baseball—that shattered the windshield causing glass to go into the officer’s eye.
6 (Ex. 111, Assault Supplement; Ex. 112- photographs; Ex. 122, Scott Affidavit, ¶15).



20
21 204. The Strongwatch vehicle made its way to 8th Avenue and Adams to intercept
22 this remaining group that formed in front of the Grace Court School obstructing the street.
23 (Strongwatch 27, 8:26-end; Ex. 99, Strongwatch still, p. 6; Ex. 124, ¶¶ 8-11; Ex. 45, at
24 47:18-52:52).

25 205. Intentionally omitted.

26 206. Intentionally omitted.

27 207. Intentionally omitted.

28 208. Intentionally omitted.

1 209. Intentionally omitted.

2 210. Intentionally omitted.

3 211. Intentionally omitted.

4 212. Intentionally omitted.

5 213. Intentionally omitted.

6 214. As the skirmish line moved in to make arrests, McMartin, Jackson, and
7 Molony had fled the scene, with the Air Unit calling out to officers which individuals had
8 been part of the original group and should be arrested. (Ex. 83, 49:45-end; Ex. 84, at 00-
9 10:00; Ex. 45, at 56:20-1:02:17).

10 215. An officer responded that one detained prisoner slammed the door in his face
11 and continued to run from him. (Ex. 84, at 6:49-53).

12 216. Officers Olszewski and Grant responded downtown, after a city-wide call for
13 assistance from patrol officers.

14 217. **[Jackson]** Plaintiff McMartin was arrested by Officers Olszewski and Grant
15 after the Air Unit identified her group as having broken off from the prior rioting group that
16 had been seen throwing rocks, lighting up fireworks, and causing destruction. (*Id.* at p. 17-
17 18, 22-23, 26-28, 31, 43-47, 50-51; Ex. 78, Olszewski BWC, at 00-5:00).

18 218. Intentionally omitted.

19 219. Intentionally omitted.

20 220. Intentionally omitted.

21 221. Intentionally omitted.

22 222. Intentionally omitted.

23 223. Intentionally omitted.

24 224. Intentionally omitted.

25 225. **[Jackson]** Plaintiff Molony told another officer that “I had no desire to be
26 part of that riot,” and “we were trying to get out of there because of the rocks and shit.” (Ex.
27 87).

28 226. Intentionally omitted.

1 227. Lt. Moore did not draft any supplement or booking paperwork as TRU
2 officers assigned to the line are not responsible for those duties. (Ex. 85, at 182-185).

3 228. Detectives involved with the Violent Crimes Bureau and Property Crimes
4 Bureau are responsible for assisting with the paperwork. (*Id.*)

5 229. Aggressive and criminal elements in the crowd caused significant property
6 damage and destruction from May 30-31, 2020, including threats of death to police officers.
7 (Ex. 96; Ex. 97, Vandalism Photographs).

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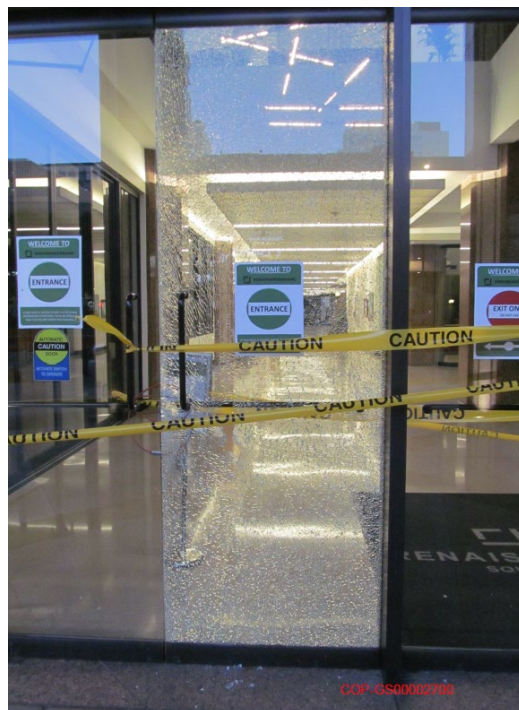
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1 230. Commander Orender explained:

2 So I observed officers getting assaulted with what I would call
 3 improvised explosive devices. I saw, like M-80-s or some type
 4 of firework with metal or quarters attached to them thrown at
 5 us; several went off above my head. Whiskey bottles. Sex toys.
 6 Fireworks. Flamethrowers. Windows being shattered out from
 7 people picking up ped fencing. Graffiti being spray painted on
 8 buildings. You name it; we saw it...So I remember one specific
 9 occasion with me. I was standing in front of 620, and was
 10 nearly hit in the face or hit in the head. Thankfully I had my riot
 11 helmet on. I was almost struck with a—I believe it was like a
 12 Jack Daniels or some type of whiskey bottle. Luckily it hit me
 13 behind the wall of 620. My administrative sergeant, who was
 14 always with me at protests, was struck with—initially we
 15 thought it was maybe a .22 caliber bullet in the elbow, but it
 16 may have been a rock. We don't know for sure, but there was
 17 significant bruising and swelling to his arm. A lot of
 18 dehydration issues. I mean, it's hard to describe other than those
 19 for days to me—and this is just my description—was like—it
 20 was like a war zone. There were officers who were, for several
 21 days in a row, taking IVs in the back of a city bus, taking
 22 whatever they could to stay hydrated just to try to keep up with
 23 what was happening. There was injuries. There were people that
 24 were struck with—anything that people could throw at us, they
 25 were being thrown.

26 (Ex. 109, Orender deposition, p. 147-148; Ex. 110, Supplement Flannagan Assault; Ex. 106,
 27 Kurth Affidavit, ¶¶ 8-10, 22; Ex. 107, Villareal Affidavit, ¶¶ 8-11; Ex. 98, Molony
 28 photographs; Ex. 90, News Photographs; Ex. 102, 1 N. Central Property Damage Estimates;
 Ex. 103, Damage Spreadsheet; Ex. 120, at p. 36-42).

231. Although the level of violence was something that had not been seen
 previously, the goal was to provide a safe place to protest for those engaging in lawful
 protests and, where there was evidence of violence, a substantial period of time was given
 for individuals to leave and cease the criminal activity. (Ex. 123, at ¶¶ 20-21).

**Email Exchanged between PPD and Prosecutor April Sponsel Regarding Probable
 Cause Statement for May 30-31, 2020, Protest USMS Identified Rock Throwing
 Arrests**

230. Prosecutor April Sponsel did not have any input into the Probable Cause
 statements for the October 17, 2020 protests, and instead exchanged an email with Officer
 Howell about the May 30-31, 2020 arrests, where U.S. Marshall Chuck Rowland had done
 a one-on-one identification of suspects. (Ex. 131, Sponsel depo, p. 84-86; Exs. 86, 70; Ex,
 132, Howell depo, 151-152).

1 231. The Form IV for those specific May arrests needed to be redone and, as a result,
2 Ms. Sponsel provided Officer Howell with a fill-in-the-blank example. (Ex. 131, at 86-87).

3 232. This format, requiring the officer to fill in the respective information for the
4 arrest, was not a format that was suggested or advised by Prosecutor Sponsel, but was
5 actually a format that had originally come from Sgt. Newton at the Phoenix Police
6 Department. (*Id.* at 87).

7 **May 31-June 1, 2020 Protest (Fourth Night of Protests in May—Curfew**
8 **Violations)**

9 232. Following three days of “civil unrest,” Governor Ducey signed a Declaration
10 of State of Emergency imposing a daily curfew effective Sunday, May 31, 2020, and
11 continuing through June 8, 2020, beginning at 8:00 p.m. on Sunday, May 31, 2020, and
12 continuing each day from 8:00 p.m. until 5:00 a.m. (Ex. 133, Deposition of Eric Gomez in
13 *Saccoccio v. City of Phoenix*, at 327-328; Ex. 134, May 31, 2020 Declaration of State of
14 Emergency).

15 233. On May 31, 2020, at 8:39 p.m.—after expiration of the state-wide curfew—
16 Ms. Young posted a video of hundreds of protesters obstructing a thoroughfare and acting
17 as a unit to attempt to access the freeway, she admitted to seeing protesters lighting
18 fireworks and smoke bombs, she documented a conflict between protesters, one of whom
19 was armed with a bat, and she admitted that individuals were “throwing shit at police”
20 before gas was dispersed. (Ex. 135, Rebekah Young Video, May 31, 2020 8:30 p.m.)

21 234. Officer Gomez, who witnessed this, described it as “a riot at Seventh Street
22 and Roosevelt...where officers were assaulted [and] property was damaged. They were
23 ‘trying to gain access to the freeway.’ (Ex. 133, p. 121).

24 235. Officers received several reports from Homeland Defense, that individuals on
25 message boards, were making threats about plans to break into residences and commit acts
26 of sexual violence during the May 2020 protests. (Ex. 133, p. 287-288).

27 236. The Air Unit reported to the TRU officers on the ground that a “group
28 southbound behind the Circle K, just east of Seventh Street [was] headed down towards

1 Garfield. And then a large group just east of the Circle K on Roosevelt.” (Ex. 137, radio
2 transmissions on May 31, 2020, at 20:59-21:59).

3 237. At 8:59 p.m., Grenadiers were called to Seventh Street and Roosevelt after
4 police units reported that the “crowd’s getting crazy.” (Id. at 2059-21:59).

5 238. Young commented on video that, “it always starts out peaceful, then someone
6 fucks it up,” as protestors jumped over fences. (Ex. 135, at 22:20-23:00).

7 239. Officer Gomez described what he had observed over the three nights leading
8 up to May 31, 2020 as “very dangerous” and unlike anything he had seen “throughout [his]
9 whole career.” (Ex. 133, p. 160-161, 182).

10 **Meetings in May of 2020 with PPD and MCAO**

11 240. April Sponsel attended one meeting in May of 2020, with multiple different
12 law enforcement agencies, which she described as an informational meeting about the
13 violence that occurred in the days prior. (Ex. 131, Sponsel deposition, 80-83).

14 241. ACAB was not mentioned during the May 2020 multi-agency informational
15 meeting. (*Id.* at 83).

16 242. Ms. Sponsel did not offer any input regarding criminal charges or any
17 information about how to prosecute protesters at this meeting because “nobody knew what
18 was going to happen. Nobody knew who was going to be there. Nobody knew anything.”
19 (*Id.*).

20 243. Ms. Sponsel did not speak at the May 2020 meeting. (*Id.*).

21 244. Ms. Sponsel did not participate in any manner in providing any input for the
22 press conference that was held with Chief Williams and members of the community on May
23 30, 2020: “I don’t even recall a press conference, so no. No. I tried to stay away from press
24 conferences throughout my career.” (*Id.* at 83-84).

25 245. Ms. Sponsel never, in May or after, had any communication with Chief Jeri
26 Williams. (*Id.* at 80-81).

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Intelligence after May 2020

246. [Redacted]

[Redacted]

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(Ex. 139, at PRR4-000282)

248. [Redacted]

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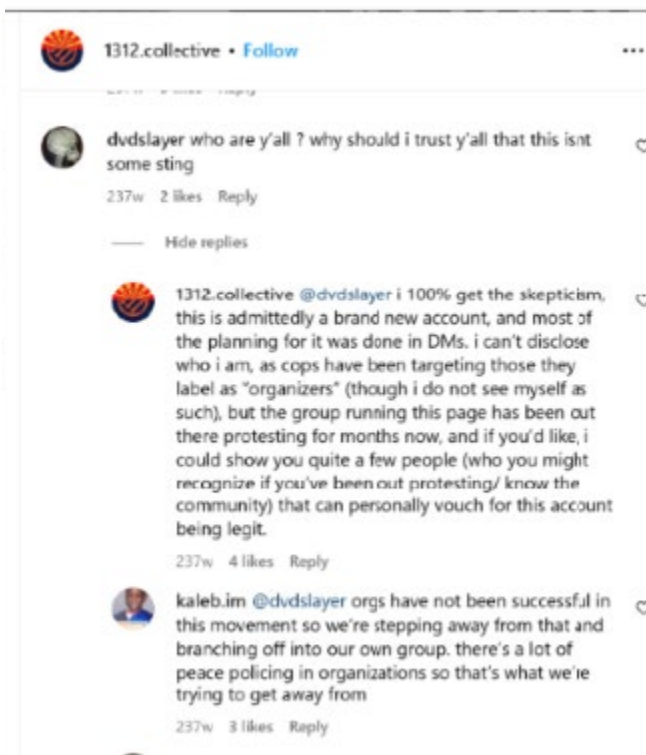
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⁵ Where an attached Exhibit was also utilized in a deposition and testimony is cited in the SOF that includes reference to the deposition exhibit number, the numbering of the deposition Exhibit will appear in (). For example, (Cumulative Depo Ex. 239).

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[REDACTED] Ex. 149-
(Cumulative Depo Exhibit 235)- Screenshot 1312.Collective Comment).

255. [REDACTED]

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256. [REDACTED]

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258. Former Plaintiff and October 17, 2020 arrestee Kalixta Villasaez posted ACAB artwork on her social media that included an image of a Molotov cocktail describing it as “something fun for my acab homies.” (Ex. 150-(Cumulative Depo Ex. 118), PLF002658).

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264. [REDACTED]

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267. [REDACTED]

Involved Individuals and Riley Behrens⁶

270. In the late summer of 2020, informant Riley Behrens met with Gilbert Police Department gang Detective Burchett to discuss an assault that was perpetrated on him and others at a protest in Gilbert. (Ex. 152-COP.032367, Riley Behrens Burchett recorded interview).

271. [REDACTED]

⁶ Chronologically, the meeting with Riley Behrens occurred after a number of events that are outlined later in the Statement of Facts. Riley Behrens is introduced earlier in the timeline to assist with the organization of information, particularly as it relates to the connections between individuals and identification of the same in other documents (text messages, Cellebrite extractions, etc.). The identity of participants in protest events that occur later is important to address Plaintiffs’ contention that the participants in the October 17, 2020 protest were unconnected to one another.

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16 278. The PPD police report from the September 24, 2020 protest, documents the
17 arrest of Darrien Barret for obstructing a public thoroughfare, that he had a baseball bat and
18 a megaphone, and had a 1312 tattoo on his fingers. (Ex. 158, redacted arrest police report
19 Darrien Barrett; Ex. 159, Darrien Barrett arrest photographs; Ex. 160, COP_ACTON
20 010339 Moller, Mykel BWC identification of Darrien Barrett).

21 279. The PPD report also documents “Sue,” Sushil Rao, and Brittany Austin as
22 participating and/or present during this event where individuals obstructed the roadways
23 and were dressed in black block using umbrellas. (Ex. 158, at COP.023760-023775).

24 280. Video footage from this September 24, 2020, protest documents multiple
25 individuals dressed in black bloc clothing, with umbrellas, who obstructed vehicular traffic
26 on the public roadway and ignored police commands to exit the roadway, tore down
27 barricades and pedestrian fencing and moved these objects into the roadway. (Ex. 161,
28 COP_ACTON011117; Exhibit 162, COP_ACTON 011095; Ex. 163, COP_ACTON

1 11137; Ex. 164, COP_ACTON 011138; Ex. 165- COP_0010340, Moller, Mykel BWC
2 Video).

3 281. ACAB graffiti was spraypainted during this event. (Ex. 166- COP_ACTON
4 011158).

5 282. Former Plaintiff and October 17, 2020 arrestee, Jacob Wise, attended this
6 event on September 24, 2020, posting a photograph on his Facebook page that depicted a
7 line of individuals in black bloc clothing holding umbrellas that he captioned “True
8 Revolutionaries.”⁷ (Ex. 167 (Cumulative Depo. Ex. Ex. 224) Wise Facebook Post at
9 COP_ACTON 015905; Ex. 168, Wise Deposition, 161-162; Cf. Ex. 162, COP_ACTON
10 011137).

11 283. [REDACTED]
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19 285. [REDACTED]
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27 ⁷ Jacob Wise’s participation in other protests and association with other October 17,
28 2020 arrestees is separately set forth in DSOF416-441. During the Bruce Franks August 9,
2020 protest, Wise committed unlawful assembly, rioting, and aggravated assault when he
threw a rock, baseball pitch style at officers striking an officer’s shield. (DSOF489).

1 286. [REDACTED]

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11 288. [REDACTED]

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20 289. Camille Johnson would later be arrested on October 3, 2020, carrying two
21 guns. (Ex. 174- Johnson Arrest Photos guns; Ex. 170, ACTON_PLTF 0004341, at 15:30-
22 16:10).

23 290. [REDACTED]

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28 ⁸ Red boxes and names have been added.

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291. [REDACTED]

295. James Lee Carr was arrested for shooting a federal court security officer on September 15, 2020. See <https://www.fox10phoenix.com/news/courthouse-shooting-suspect-appears-in-court-as-accusations-of-blm-involvement-swirls>; 4:20-cr-01915-RCC-MSA.

296. [REDACTED]

⁹ This information is independently verified in signal communications from the Tice and Ivy Cellebrite extractions discussed below.

1 297. As set forth in the Discord 1312 server (additional facts provided below),
2 “Elisabeth” inquired about gun training for the “civil war” that was hopefully coming. (Ex.
3 176, ACTON-PLTF_004321).

4 298. [REDACTED]
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19 301. Behrens also provided first-hand evidence of communications with Kaleb
20 Martin (Kaleb.im)—who was later arrested on October 17, 2020— regarding the October
21 17 plan: “We got some stuff we’re planning on doing. Just know it’s not peaceful at all.”
22 (*Id.* at 189-190, 192).

23 302. The communications continued with Martin suggesting that Behrens “should
24 most likely bring a gas mask or a respirator, then some goggles and stuff, yk, the basics”
25

26
27 ¹⁰ As documented in DSOF 409, Ashley would later correspond on Signal with Ryan
28 Tice describing Suvarna Ratnam as “bat shit crazy” and discussing a separate Signal group
that advocated burning all businesses down that were not demonstrably anti-racist.

1 and “bloc as well in case you do end up fucking stuff up.” (*Id.* at 190-191; Ex. 155, at
2 COP.024106).

3 303. Behrens also produced a screen shot from Kaleb Martin’s Instagram, where
4 he wrote: “Got a protest this weekend, Saturday, October 17. Y’all come out and support.
5 Just letting you know it’s not going to be peaceful. So if you expected peace, then don’t go.
6 We don’t want to mislead anyone. Bring an umbrella, come prepared and come in bloc.
7 More information on @1312.collective.” (Ex. 151, at p. 191-192; Ex. 155, at COP.024106).

8 304. Behrens and Martin also discussed other protests that they had previously
9 been a part of, showing prior association, and they discussed using umbrellas to hide from
10 cameras. (Ex. 151, at p. 193).

11 305. On October 16, 2017 and then again on October 17, 2017, Steve Denney
12 forwarded this information via email to PPD Officer Jeffrey Howell, explaining that Kaleb
13 Martin was working with Jacob Wise, and that the protest on October 17, 2020, would be
14 violent and the protesters would be using umbrellas. (Ex. 177- (Denney Depo Ex. 2), Email
15 re Oct. 17 protest; Ex. 155, at COP.024106).

16 306. It was Steve Denney’s expectation that MCAO would cross-compare the
17 information provided by Behrens to other evidence, such as the Ivy and Tice Cellebrite
18 extractions. (Ex. 151, Denney Deposition, p. 201-202). Had he been investigating he would
19 have done the same. (*Id.*).

20 307. On September 28, 2020, MCAO Prosecutor Vince Goddard contacted MCAO
21 Investigator Karl Martin for a “priority project” of looking at protesters arrested to
22 determine if there were grounds for a criminal syndicate or gang charges. (Ex. 132, Howell,
23 p. 38-40).

24 308. Karl Martin scheduled a meeting with PPD Detective Howell and provided
25 information on intelligence including the flyers/bulletins that had been circulated,
26 information on upcoming protests, and official police reports on past protests. (*Id.*, p. 40-
27 42).

28

1 Governor Ducey lived, protesting and surrounding a civilian vehicle to prevent it from
2 leaving and throwing objects at it. (Ex. 180, Acton-PLTF_000419_confidential, Protesters
3 Surrounding Vehicle¹¹; Ex. 173, Camille Johnson Photographs at ACTON-PLTF_000445-
4 450; Cf. Ex. 181, Booking Photographs, COP_ACTON 009078-009114; Ex. 182, screen-
5 capture Fox 12 Ducey Protest, from: [https://www.12news.com/article/news/crime/tense-
6 moments-erupt-as-protesters-march-in-paradise-valley/75-ace5f9ec-0d6d-4b09-a76e-
7 e990664cbbf1](https://www.12news.com/article/news/crime/tense-moments-erupt-as-protesters-march-in-paradise-valley/75-ace5f9ec-0d6d-4b09-a76e-e990664cbbf1)).

8 317. In the Ducey’s chat, “P”, referring to former Plaintiff Lee Percy Christian,
9 provided the names of officers who were involved in taking an arrestee Muhammad
10 Muhaymin into custody. (Ex. 179, at IVY000040).

11 318. Storm Storm suggested checking home deeds on the recorders office and
12 stated that “Jeri [Williams] lives on the south side of PHX where we grew up. If we
13 protested their [sic] we would need permission.” (*Id.* at IVY000041)

14 319. Referring to gangs that operated within Phoenix, Storm Storm continued:
15 “The police and south side have a treaty. They are not allowed to travel there with less than
16 3 officers in a patrol. It’s tricky business.” (*Id.*).

17 320. When someone asked if the “permission” was needed from the “community,”
18 Suvarna Ratnam responded “no, permission from the south side.” (*Id.*).

19 321. Storm Storm stated: “basically if we protest in south side that give police
20 reason to go down there in riot gear. Putting all black men in that community in danger.
21 Just living there makes you a ‘suspected gang member.’ Basically gives police the right to
22 harass anyone they see.” (*Id.* at IVY000042).

23 322. Suvarna Ratnam provided Chief Williams’ personal home address and
24 protesters had previously shown up at her house. (*Id.*; Ex. 183, Williams deposition p. 62-
25 63).

26
27
28 ¹¹ Plaintiffs improperly designated this video as “confidential.” This is a news
segment, is not confidential, and will not be sealed.

1 323. Storm stated: “The Nina’s run that area by dobbins. I’ll call ahead. What day
2 do you guys want to go?” (Ex. 179, at IVY000043).

3 324. In a separate chat with Ryan Tice, Jonah Ivy, Lee Percy Christian, and the
4 “The Poet Chris” aka Kristen Byrd, Lee Percy Christian asked “If is Raeshauna [Storm
5 Storm] talking about we gotta get permission...From the south side to pull up on Jerri [sic].”
6 (*Id.* at IVY000134, 140).

7 325. “The Poet Kris” responded: “And I agree we want permission from the hood
8 to do ish because it’s a black hood they won’t give a fuck about tearing ish up. We do what
9 [sic] safety measures in place such as keep your babies inside and all of it. I agree with her,
10 we always want permission from the gang members and heads of that community so they
11 don’t feel disrespected.” (*Id.* at 000145)

12 326. The Ducey’s group continued to discuss Chief Williams husband, a Judge,
13 and her son, and whether they would be home, and referring to Chief Williams as “the
14 bitch.” (*Id.* at IVY000044-50).

15 327. Suvarna Ratnam also provided the address for Mayor Gallego. (*Id.* at
16 IVY000050-51).

17 328. The Group Chat name was then changed from “Duceys” to “Fuck Jeri.” (*Id.*
18 at IVY000051).

19 329. As Ratnam continued to provide addresses of individuals, Lee Percy Christian
20 suggested starting a “google doc for research,”¹² to which Storm suggested “not on google,
21 they turn people in. You can make files in signal.” (*Id.* at IVY000054-55).

22 330. Angeles responded that the group could use “our offices as well...I’m down
23 to go to the officers houses or jerri or kate, also don’t mind getting arrested, also husband
24 is willing to support on the legal front and willing to answer any civil disobedience legality
25 questions, both of us big proponents of civil disobedience.” (*Id.* at IVY000055).

26 _____
27 ¹² During discovery in this case, no Signal communications were produced by any
28 of the Plaintiffs while they remained in this litigation. The document containing personal
information for officers and Kate Gallego/Jerri Williams was not produced either. (Ex. 178,
Ivy0000065).

1 331. Ratnam then suggested setting up a Discord server: “Sorry, this is a bit of a
2 tangent, but for anything that isn’t sensitive information, how do you all feel about putting
3 it on a Discord server? That would solve the issue with disorganized text threads.” (*Id.* at
4 IVY000063).

5 332. Ratnam then posted: “I made the server. Just don’t post anything sensitive in
6 it, it’s not as secure as signal, but we can use it to organize information though. It’s
7 encrypted. However, unlike Signal, discord explicitly complies with subpoenas:
8 <https://discord.gg/WvdUqNy>.” (*Id.* at IVY00064).

9 333. The Discord server was named “1312,” standing for ACAB. (Ex. 175,
10 ACTON-PLTF_0004321; Ex. 184, Discord Server (Cumulative Depo. Ex. 232) ACTON-
11 PLTF-0004320).

12 334. On the 1312 Discord server, one member—Elisabeth— asked for information
13 about “gun safety/shooting trainings” because “I need to get prepared for the civil war that
14 is hopefully coming.” (Ex. 176, ACTON_PLTF004321). After a member suggested
15 looking at the Phoenix Socialist Rifle Association at www.phoenixsra.org¹³ Suvarna
16 Ratman (“lotusflowerroots”) identified “Communist Bimbo” as connected to the Tucson
17 SRA and “Communist Bimbo” responded acknowledging and confirming that she helped
18 to run the organization. (*Id.*; Ex. 185, Wayback Machine Capture for the Phoenix Socialist
19 Rifle Association).

20 335. Within the “Fuck Jeri” chat, Ratnam circulated a word document: “Here’s the
21 list with addresses for those cops and Kate Gallego/Jerri Williams. It is incomplete, and the
22 addresses need to be confirmed.” (Ex. 179, at IVY000065).

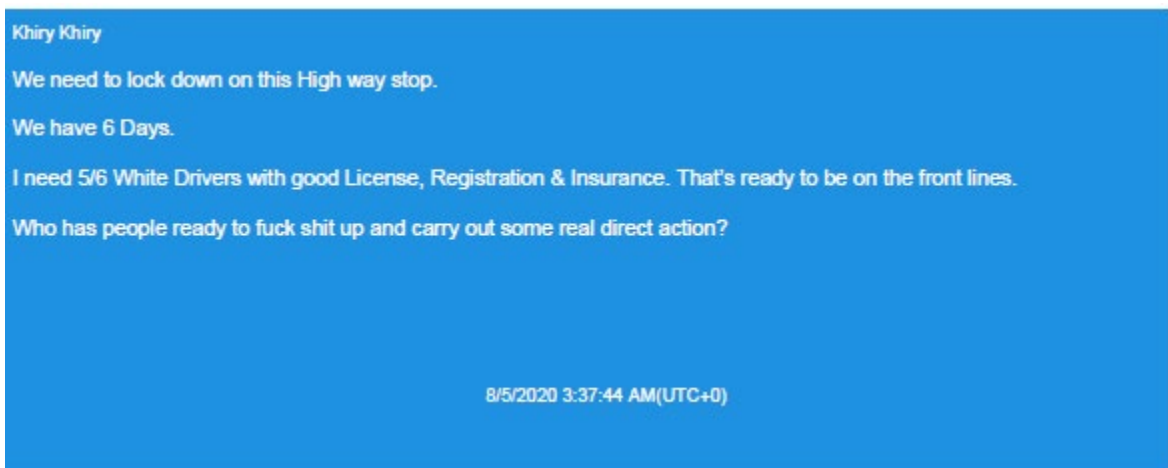
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25 ¹³ This website is no longer active. The internet archive, the Wayback Machine,
26 captured some of the contents on October 3, 2020.
27 <https://web.archive.org/web/20201003010041/https://www.phoenixsra.org/>; Ex.185;
28 World Nutrition Inc. v. Advanced Enzymes United States, 2019 U.S. Dixt. LEXIS 193615,
*5 (D.Ariz. Nov. 8, 2019) (discussing judicial notice of the materials from the wayback
machine). The Phoenix SRA site states: “We are the Central Arizona Chapter (“CAC”) of
the Socialist Rifle Association (“SRA”).”

1 assault on a police officer and resisting arrest, which occurred during the Trump Rally on
2 June 23, 2020. (Ex. 186 (Cumulative Depo Ex. 111), Tice Cellebrite; Ex. 178, Tice search
3 warrant, at TVD Long 000692-00706; Ex. 187- COP_ACTON 009789, Branum Body
4 Camera, at 23:30:36-23:31:14).

5 344. The Cellebrite download information from Tice and Ivy’s phone was used by
6 MCAO investigator Karl Martin and prosecutor April Sponsel as a basis for the gang
7 charges for the later October 17, 2020 arrests. (Ex. 188, PRR5- 000801-803, Martin email
8 Ratnam Charging; Ex. 189- PRR5-00012-16, Email Martin/Sponsel/Goddard cellebrite;
9 Ex. 190- PRR5-000819-822, Email Sponsel to Goddard Signal Summary).

10 345. Beginning on August 3, 2020, participants former Plaintiff Lee Percy
11 Christian (“P”), Khiry Wilson (arrested August 9), former Plaintiff Makayla Shively
12 (“Masadi”), Plaintiff Bruce Franks (“Superman”), former Plaintiff Brendan Valentine
13 (BVal or sometimes “Jerri Williams”), and others, circulated the flyer for August 9, 2020
14 Blue Silence March and asked that it be shared on social media. (Ex. 186, TICE000001,
15 000006, 000665).

16 346. On August 5, 2020, Kiry sent the following message to the group, discussing
17 a plan to “fuck shit up” using drivers to stop the highway:



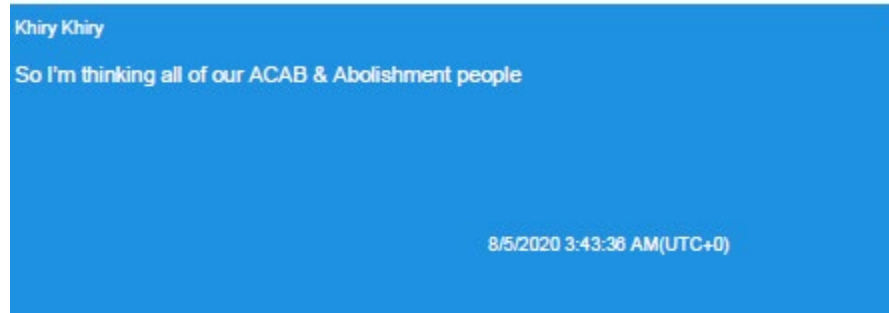
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26 (Id. at TICE000052).

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1 347. On August 5, 2020, Bruce Franks/Superman, responded that he was going out
2 of town and to “push the action back until “next Thursday” and to “have all drivers locked
3 in by Monday. (*Id.* at TICE000053).

4 348. After discussing who would be “drivers,” recruiting individuals via word of
5 mouth who were the “trust worth of the trust worthy,” Khiry stated that this was a “call to
6 action for the Majority of our ‘White Allies’ that are with the shits and ready to use their
7 privilege to be the front line.” (*Id.* at TICE000054-57)

8 349. As of August 5, 2020, Khiry identified ACAB as a group and suggested using
9 them:



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15 (*Id.* at TICE000058).

16 350. In response, BVAL suggested “dropping” the information “in one of those
17 chats and possibly n [sic] have someone dm for details” or “is that too much spread of info?”
18 confirming that the “ACAB people” were organized and receiving communication on a
19 separate messaging “chat.” (*Id.* at TICE000058-59).

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1 351. Khiry responded suggesting that they pick each person carefully, based upon
2 what they had seen that person do in prior situations and asking “if they want to be apart
3 (sic) of a serious action:”

4
5 Khiry Khiry
6 Doing that can even cause us to choose the wrong one.
7 I think us sitting back, analyzing and making our choices keeps the power in our hands without influence of someone
8 saying their down.
9 Naw choose someone you SEEN was done and then just ask them if they want to be apart of a serious action
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11 They just need they're license clean
12 Registration
13 And insurance and then from there we could continue with filling them in. Ya know.
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8/5/2020 3:47:01 AM(UTC+0)

(*Id.* at TICE0000060).

352. Former Plaintiff Shively aka “Masadi” responded suggesting that “all of my white friends are scary AF (“as fuck”) but I’m sure I can find 1 or 2.” (*Id.* at TICE000061).

353. Khiry provided specific information about the date, rush hour (for maximum effect) and the plan:

18
19 Khiry Khiry
20 4 reg lanes
21 1 Hov
22 1 exit.
23 Destination exit right b4 Talking stick.
24 We'll come up with a meet up location.
25 Most likely undemeath fashion square in scottsdale
26
27
28
8/5/2020 4:17:22 AM(UTC+0)

(*Id.* at TICE000063-64).

354. On August 13, 2020, Sgt. Newton provided a copy of these Signal communications to Lt. Westover (from the Homeland Defense Bureau, Intelligence Unit,

1 ACTIC), requesting that the information be passed along to Scottsdale PD. (Ex. 191, PRR4-
2 000254-266).

3 355. This exchange (including the messages themselves) was forwarded to
4 prosecutor Sponsel the same day. (*Id.*).

5 356. On August 14, 2020, MCAO investigator Martin also separately emailed
6 prosecutor Sponsel these Cellebrite excerpts as “conversation between Khiry and the
7 group.” (Ex. 192, PRR-000786-795, email Martin Khiry Cellebrite).

8 357. That same day, investigator Martin also forwarded prosecutor Sponsel a
9 charging document for Khiry Wilson, identifying relevant Signal communications, phone
10 numbers, identity of individuals involved, and discussing the August 9, 2020 Blue Silence
11 March where Wilson hindered prosecution of Bruce Franks by “‘de-arresting’ by
12 bearhugging Bruce and pulling him away from arresting officers. Khiry has entered a guilty
13 plea for rioting...” (Ex. 193, PRR5-000796-800, email Martin Khiry Charging).

14 358. This information would also later form the basis for MCAO investigator
15 Martin’s search warrant, on August 20, 2020, for cell phone information to investigate
16 criminal syndicate and the A.C.A.B. gang. (DSOF620-622).

17 359. On August 3, 2020, in a different Signal chat, Bruce Franks discussed the
18 August 9, 2020 Blue Silence March as a “direct action attached and a destination with a
19 common goal,” its origins coming from Ferguson, Missouri related to Michael Brown

20
21 48823224 Bruce Franks Jr
22 So as you all know Mike Brown is who bought me to the fight. The murder of Mike brown happened the same day my
23 son turned 1 for the past 6 years I have spent. Half the day celebrating my sons life and mourning Mike browns along
24 with his Father who is a great friend of mind. Only thing he has ever asked me is that nobody forget his son. In the
25 wake of the Prosecutor saying he will not re open the case, it is important that we not only protest in solidarity but uplift
26 his name. Sunday is a very sentimental day and this is personal for me. The Blue Silence March and Rally is something
27 we did in Ferguson and St Louis that sparked fear in the PD. i will onlymarch when there is a direct action attached
28 and destination with a common goal. This Sunday will be our first action and I just wanted to give a preface and say
thank you.
8/3/2020 7:03:20 PM

1 where Franks previously participated in protests, and the past rallies that “sparked fear in
2 the PD:”

3 (Ex. 186, TICE000070, 74).

4 360. Because the MCAO search warrant was executed on August 5, 2020, there
5 were no further communications captured and Bruce Franks, who was a participant to
6 multiple signal chats, did not produce or preserve all communications (even though it is
7 clear that the Blue Silence March and highway stop were discussed). (*Id.* at TICE000067,
8 68-69).

9 361. Bruce Franks served a Notice of Claim with the City on September 9, 2020,
10 only thirty days after his August 9, 2020, arrest. (Ex. 194, Bruce Franks Notice of Claim).

11 362. On August 2, 2020, another Signal chat, including Suvarna Ratnam (“lotus”),
12 discussed protesting outside the courthouse, with the discussion about whether the purpose
13 is “get on they nerves or start some shit,” or “support and then start shit if they don’t come
14 at them like they got some sense in that courtroom,” asking if anyone knew who the judges
15 were and to read of their records at the event. (Ex. 186, at TICE000083-85).

16 363. On August 1, 2020, a Signal chat called “side chat,” including many of the
17 individuals on Riley Behrens’ list, was created with messaging set to disappear after 43200
18 seconds (12 hours). (*Id.* at TICE0000103-00106, Cf. Ex. 157, Bookclub list).

19 364. Messages were sent, but were blank, due to the timer and only appear for
20 August 5, 2020 (the date of the search warrant execution). (Ex. 186, at TICE0000106-127).

21 365. On August 5, 2020, Jip expressed “Just my 2 cents. I love America. But I
22 think “every 100 years a people must overthrow the government and replace with new to
23 avoid corruption.” (*Id.* at TICE000145).

24 366. Suvarna Ratnam discussed communicating with a colleague in jail and stated:
25 “Just be exceedingly careful with it, don’t say anything dumb to him. They are reading and
26 editing everything you send.” (*Id.* at TICE 0000151).

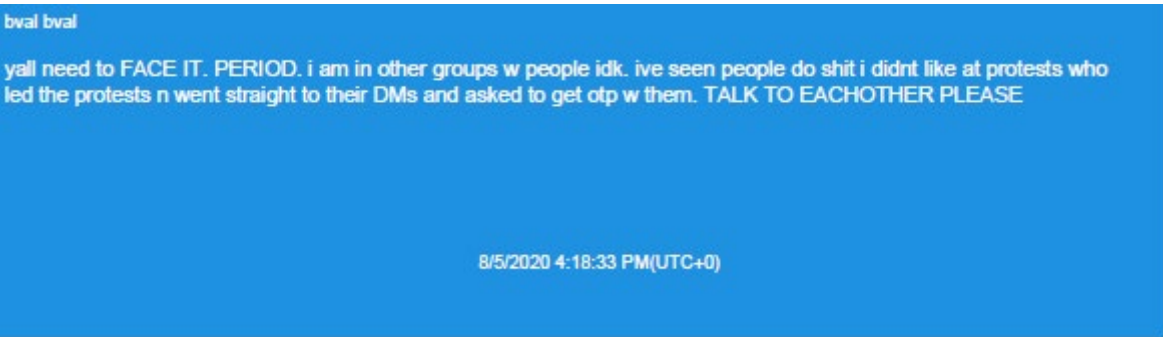
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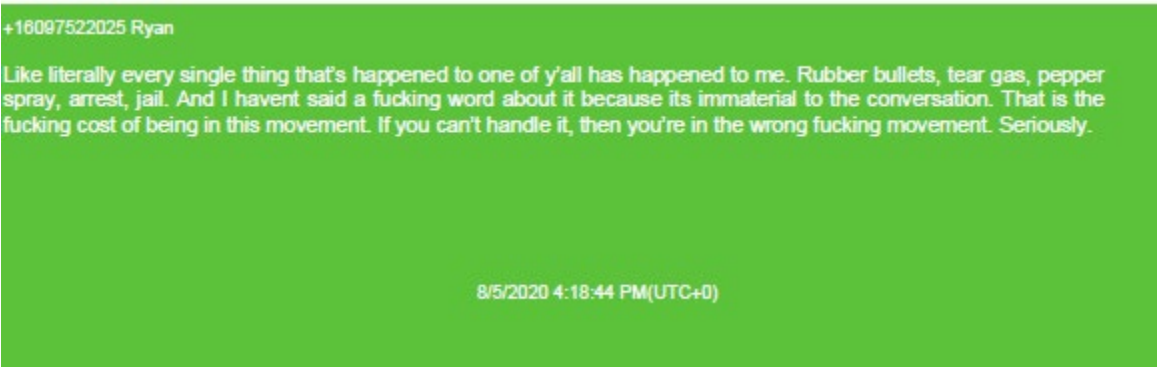
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1 367. The chats discussed concerns about individuals in the group and making sure
2 that people know one another and Suvarna expressing her concern that “I thought half of
3 y’all were cops at one point... We are all paranoid af.” (*Id.* at TICE000163-165, 172).

4 368. Former Plaintiff Brandon Valentin “bval” expressed sharing common goals,
5 including trying to get arrested, “but we are all her to say fuck the police and the same end
6 goal WE ALL HAVE will solve EVERY UNIQUE PROBLEM YOU HAD.” (*Id.* at
7 TICE0000170, 172).

8 369. Former Plaintiffs Bval and Ryan Tice shared the following:

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22 (*Id.* at TICE0000173-174).

23 370. On August 1, 2020, In a different signal chat, again involving multiple
24 individuals on Behrens “ACAB Book Club List” and also containing a disappearing timer,
25 the following was posted:
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-16025412908 Tyraid
at the same time its important to note reserving that "same energy" til after the main demonstration. since most of those folks wont be with the shits. hope everyone gets back in safely.
8/1/2020 5:11:57 AM(UTC+0)

(*Id.* at TICE000212-214, 232).

371. On August 1, 2020, Lil Bit wrote:

+13132884059 Lil bit
I think what was done Mon should be done. A show of hands of who is willing to stay and go ALL THE WAY and let people know that ALL THE WAY means possible arrest/injury and if youre not 100% with it then please go home where it is safe
8/1/2020 5:14:14 AM(UTC+0)

(*Id.* at TICE0000234).

372. Tyraid suggested that the group get "active" after the main demonstration, because they are "a collective of multiple orgs who don't get down like we do:"

+16025412908 Tyraid
its not "our demonstration" its a collective of multiple orgs who dont get down like how we do. trust me .
lets pick things up after the event.
last time it happened people had a "my names paul and thats between yall" energy.
it'll be straight. we can get active afterwards . should only be a couple hours at absolute max
8/1/2020 5:16:06 AM(UTC+0)

(*Id.* at TICE0000235).

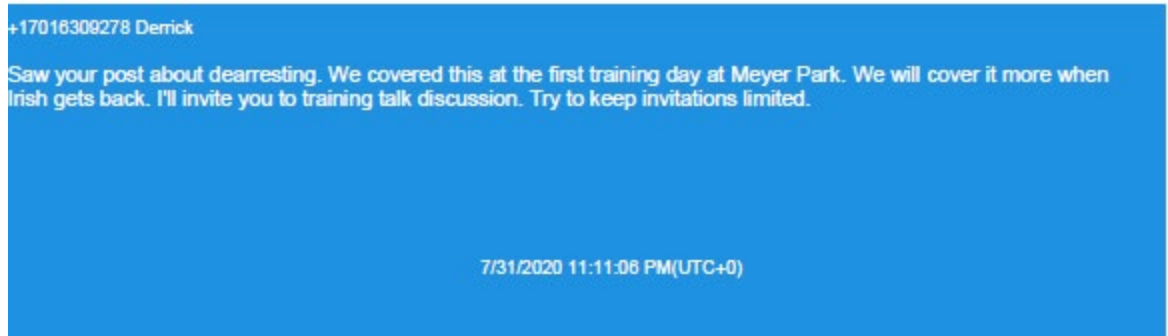
1 373. On July 31, 2020, a separate Signal group, including Suvarna Ratnam, was
2 set up for “training talk” with a disappearing message timer of 86400 seconds. (*Id.* at
3 TICE0000247-249, 264).

4 374. Suvarna discussed: a self-defense training that was planned with Irish (who
5 had been in Portland) but did not previously occur; getting together to discuss “training
6 ideas;” and scheduling a meeting to discuss a training schedule. (*Id.* at TICE000253-61).

7 375. Irish discussed having the “medics,” that had gone with him to Portland, join
8 a “combatives training that I will be teaching.” (*Id.* at TICE0000262).

9 376. A Signal group with disappearing messages, where Suvarna Ratnam was a
10 member, was created for “announcements,” including providing tips for “security culture”
11 on signal communications. (*Id.* at TICE0000266-269, 273).

12 377. On July 31, 2020, “Derrick” exchanged messages with Ryan Tice, where he
13 discussed de-arrest training (a tactic later seen at the August 9, 2020 and October 17, 2020
14 protests):



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21 (*Id.* at TICE000275; Ex. 195, COP_ACTON 005424, Body Camera August 9, 2020).

22 378. Lee Percy Christian appeared on the Phoenix Frontlines Podcast, Episode 9,
23 and described training and tactics:

24 57:11 Maryvale was so emotionally tense – it was so
25 meaningful. We really came together and we sought out for
26 what was needed, and that was direct action. That shit felt good
man, it felt good. As soon as I saw the video of James Garcia¹⁴,
you know like, I said put it out. We were still part of We Rising.

27 _____
28 ¹⁴ Summary Judgment was granted related to the shooting of James Garcia in _____.

1 And we, learned, we had been studying tactics... You don't hear
2 any talk about China and what's going on in the protest
3 movement. But when you really start doing your research and
4 digging in and you see that, oh, they know how to protest. You
5 start picking up on their tactics. We are not going to go
6 downtown. We are going to go where James Garcia was killed.
7 We're studying and trying to develop ways to become more
8 effective... Put that type of pressure on them. Play a better game
9 – a stronger game. It just came from really researching and
10 pulling up and doing like, watching documentaries on what was
11 happening in Hong Kong – seeing their methods, seeing their
12 tactics. Shout out Hong Kong. Anybody in the protest world
13 across the entire world we stand with you 100%. And, keep
14 fighting. We're learning from one another. We are truly
15 learning from one another.

16
17 1:00:00 Personally, watching what happened in Minneapolis, I
18 know that that took a lot. As much chaos as we saw, like I know
19 for a fact that a lot of it was probably coordinated, organized,
20 planned and that's what it took for them to dismantle the system
21 out there, and show what an example of really what dismantling
22 the system is. It's a beautiful thing. We took our time and we
23 were like we were going to go out there. Those couple days are
24 full of emotion. Our emotion died down and we let some things
25 get the best of us. We could have been out there.


26
27 1:01:44- Its not marching marching and little flags and signs.
28 No we are going to be out there all night. We are going to keep
your people up. I was a part of leadership... I am on the
frontlines at all times.

(Ex. 196, COP.032141- Phoenix Frontlines Podcast, Ep. 009, Percy Christian, Pt. 1).


379. On October 22, 2022, PPD Detective Jeffrey Howell provided MCAO with a link to this and other Frontlines podcasts. (Ex. 132, Howell deposition at 85; Ex. 197, Howell Deposition Ex. 31, Email).

380. Steve Denney believed that this information would have been significant, in terms of investigating a group organizing to potentially threaten law enforcement officers, because “it shows a concerted effort to use tactics that are used in other—not only here locally, and not only here in the United States, but around the world, so they can bring those tactics into their, into their protests. It shows a planning.” (Ex. 151, Denney depo., p. 203-205).

1 381. In a two-part message on July 31, 2020, in a different Signal thread with
2 several individuals from the Behrens "ACAB Book Club" list including Suvarna Ratnam,
3 the aspirations of Phoenix becoming the next Minneapolis or Portland was discussed:

4  Roqy Tyraid
5 I put this in the side chat so dont mind the copy pasting here, fams :
6 Unpopular but prudent insight:
7 were going to have to figure out demonstration tactics and proper methods for holding vigil. Theres specific ways to
8 hold space without providing "justification" for unjustified arrests which burns through resources. Even if the resources
9 are valuable legal assets' time.
10 so in the meantime, when showing up today, im asking people refrain from further pushing the envelope due to them
11 arresting our brother. this is what they do.
12 the actions we manifest on the street are being watched by national platforms who are interested in supporting our
13 cause. lets not become our own agitators and push assistance away. we can be the next minneapolis / portland.
14 we are winning the long game, trust .
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7/31/2020 10:10:03 PM(UTC+0)

 Roqy Tyraid
2/2
Legitimately . Hope the family took time to go over my advice. Yall are grown folks but theres a little semi-old head
experience behind my words up there.
We're going to see action and a lot of it. Lets move with a little more strategy rather than knee jerk.. thats what they
want.
Tellin yall lol... ive been in some interesting conversations with interesting people as of late.. we've made a LOT of
noise in short time. lets keep it up.
honored to walk along side yall
❤️🙏🏻🕊️
7/31/2020 10:10:44 PM(UTC+0)

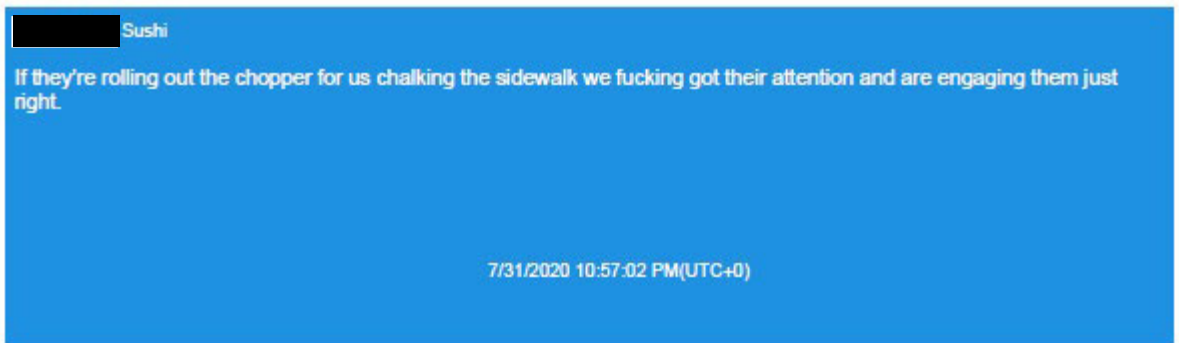
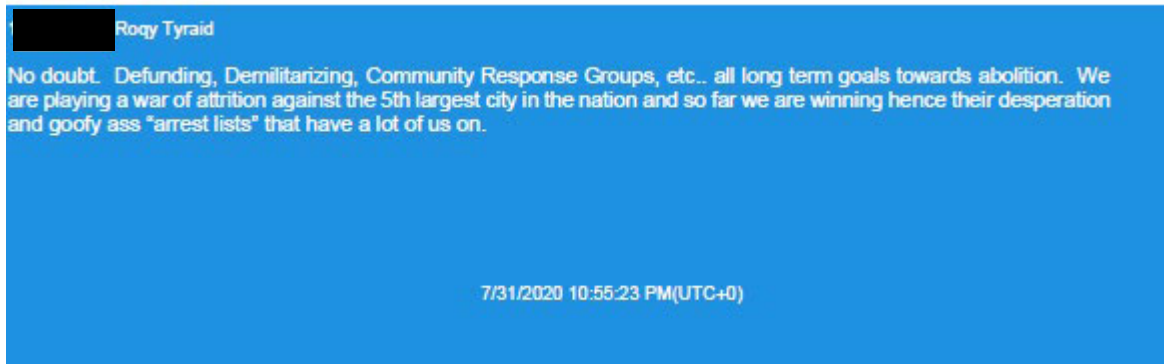
(Ex. 186, at TICE000288).

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1 382. In this chat, Ryan Tice provided links to “de-arrest” tactics and training for
2 protesters to use to prevent officers from making arrests. (*Id.* at TICE000313;
3 https://www.instagram.com/tv/CBNh-nipe_G/?igshid=1wg92oif5zrp5).

4 383. Roqy Tyraid responded by asserting that they were playing a war of attrition
5 with the police:



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18 (*Id.* at TICE000314).

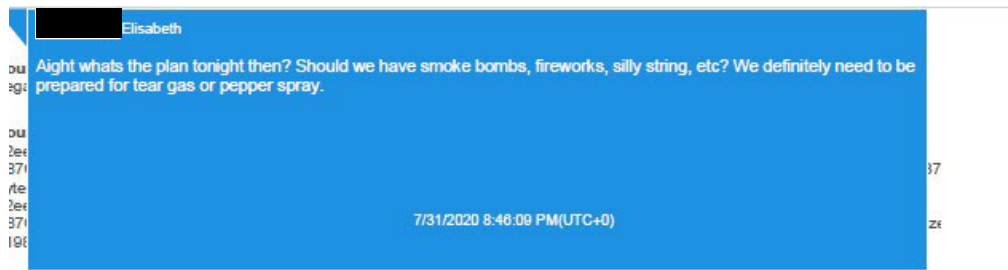
19 384. The Signal chats contain additional discussions regarding security of
20 messages and whether or not the police could read them and information being leaked. (*Id.*
21 at TICE000505-506, 510, 514).

22 385. In a chat with Suvarna Ratnam and multiple other “ACAB Book Club
23 members,” discussing a protest on July 31, 2020, Ryan Tice wrote: “Bval wants to know if
24 someone grab cheap knives from like a lowes or homedepot to slash tires,” and received the
25 response from “Jeri Williams”: “also fireworks. Went to the store and couldn’t find
26 anything.” (*Id.* at TICE000332-334, 516).

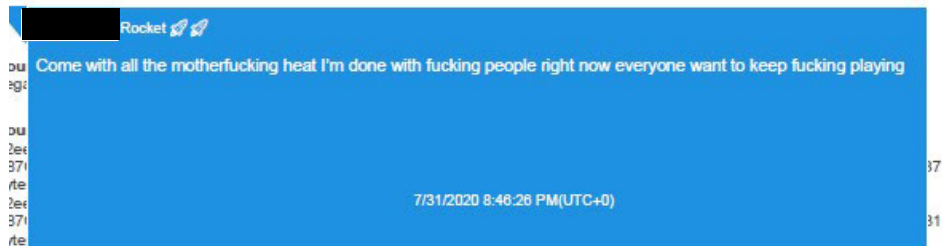
1 386. The discussion then turned to the types of knives, including circulating a
2 photograph of suggestion with “Derrick,” cautioning the participants “Guys this is not
3 secure!” (*Id.* at TICE000517-518).

4 387. And when the group discussion continued with “raising a little hell,” Derrick
5 again cautioned “[t]hese messages on telegram can be intercepted, please do not say shit”
6 and “you are putting yourselves at risk,” with members pointing to “amber included that
7 hong Kong protesters recommended telegram as one of the apps of communication” with
8 continued focus on security. (*Id.* at TICE000523-528, 532, 539, 565).

9 388. In a different chat group with Suvarna Ratnam and other “ACAB book club
10 members” on July 31, 2020, regarding the “plan for a protest,” the participants discussed
11 bringing smoke bombs, fireworks, silly string, and guns:

12  A screenshot of a Telegram chat message. The sender's name is Elisabeth. The message text reads: "Aight whats the plan tonight then? Should we have smoke bombs, fireworks, silly string, etc? We definitely need to be prepared for tear gas or pepper spray." The message is timestamped "7/31/2020 8:46:09 PM(UTC+0)".

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18  A screenshot of a Telegram chat message. The sender's name is Darien Barrett. The message text reads: "I'm packing tonight." The message is timestamped "7/31/2020 8:46:22 PM(UTC+0)". Below the message, there is a file path: "3AF8D81F09B/telegram-data/account-9015246117942336047/postbox/db/db_sqlite-wal : (12A7B1 (Size: 4198312 bytes))".

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24  A screenshot of a Telegram chat message. The sender's name is Rocket. The message text reads: "Come with all the motherfucking heat I'm done with fucking people right now everyone want to keep fucking playing". The message is timestamped "7/31/2020 8:46:26 PM(UTC+0)".

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[REDACTED] Jeri Williams

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Leg: im keeping the strap in the car, probably wont have the vest, but i might be fully covered up tonight.

Sou
52ee
A87f
byte
52ee
A87f
4198

7/31/2020 8:47:16 PM(UTC+0)

[REDACTED] Jeri Williams

Sou ALEXA PLAY BRING THE RUCKUS BY WU TANG

Sou
52ee
afu.:
C3A
0xF8
52ee
afu.:

7/31/2020 8:47:30 PM(UTC+0)

C3AF6D81F09B/telegram-data/account-9915246117942336047/postbox/db/db_sqlite-wal :
0x1315A0 (Size: 4198312 bytes)

[REDACTED] nuckles/Rilez

Sou THEY DONT KNOW THE SHIT THEY JUST FUCKIN STARTED

Sou
52ee
afu.:
C3A
(Size
52ee
afu.:

7/31/2020 8:53:07 PM(UTC+0)

C3AF6D81F09B/telegram-data/account-9915246117942336047/postbox/db/db_sqlite-wal :
0x12FB9F (Size: 4198312 bytes)

(*Id.* at TICE000656-657)

389. When someone suggested “don’t make it look like a protest,” Elisabeth responded: “Its (sic) not a protest. Its (sic) fucking war.” (*Id.* at TICE000658).

390. Nadia/Lil Bit stated: “They need to think they can pull that shit again until we bust them in the ass” and suggesting bringing “smoke bombs maybe even fireworks.” (*Id.* at TICE000659-660).

1 391. Rocket commented “buying new bullets today In case the mutherfuckers (sic)
2 in the truck come back,” with Jmel commenting “sooo...leaf blowers & paint balls * BB
3 Guns it is?” (*Id.* at TICE0000661).

4 392. Lil Bit requested that: “Bval grab me some silly string PLEASE like 2 cans
5 ill (sic) give you the cash.” (*Id.* at TICE000662).

6 393. Jmel suggested: “Damn, if we going out like this, I say we go all night. Not
7 just 10Pm [sic] & go home.” (*Id.* at TICE000664).

8 394. Additional supplies discussed, which mirror the supplies discussed as
9 problematic in the prior FBI and ACTIC bulletins, included gloves, a cone, loudspeakers
10 and flash lights, medics, and an air horn. (*Id.* at TICE000669, 679-80).

11 395. Jmel stated: “Everyone please stay safe, look out for each other, and GEAR
12 THE FUCK UP.” (*Id.* at TICE000677).

13 396. A separate chat group “Fists Up V.3”, on July 28, 2020, again including
14 Suvarna Ratnam and multiple of the individuals on the “ACAB Book Club” list, discussed
15 arrests at a protest in Tempe, where there were multiple arrests with caution to not “add any
16 compromised family members” referring to those arrested. (*Id.* at TICE000755-758, 760;
17 ACTON-PLF000508; Ex. 198, Sarra Tekola deposition, p. 191-192, 207-208).

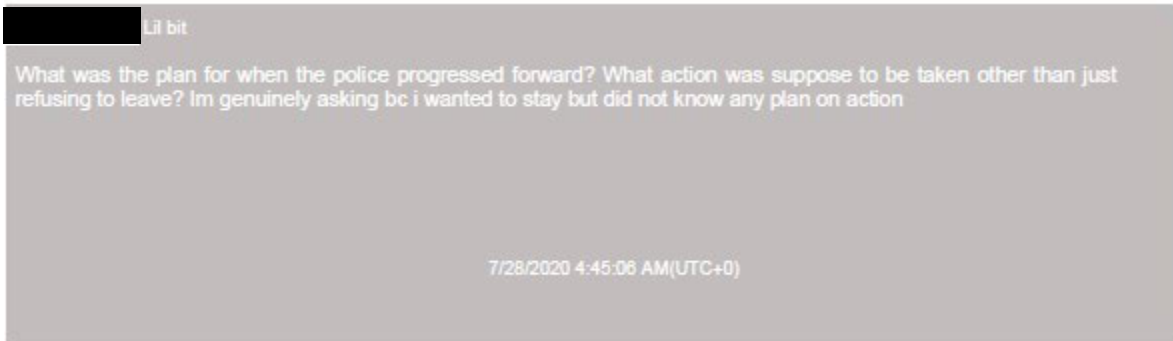
18 397. Former Plaintiff Richard Villa was arrested in Tempe at the July 27, 2020
19 protest and produced video footage of the same in discovery. (Ex. 153, ACTON_PLTF
20 000815; Ex. 199, ACTON_PLTF 000508, video produced by Richard Villa of his arrest;
21 Ex. 154, PLTF Prod 1-4 Metadata; Ex. 245, Interrogatories, p. 36)

22 398. On August 9, 2020, during the Bruce Franks Blue Silence March, Villa would
23 don a football helmet and commit aggravated assault by violently shoving fencing back
24 toward officers, hitting them, after they were trying to stand up the fencing that had been
25 knocked down. (Ex. 200, COP_ACTON 005452 Crowley, Joseph-
26 AXON_Body_2_Video_2020-08-09_1907-4, at 02:08:12).

27

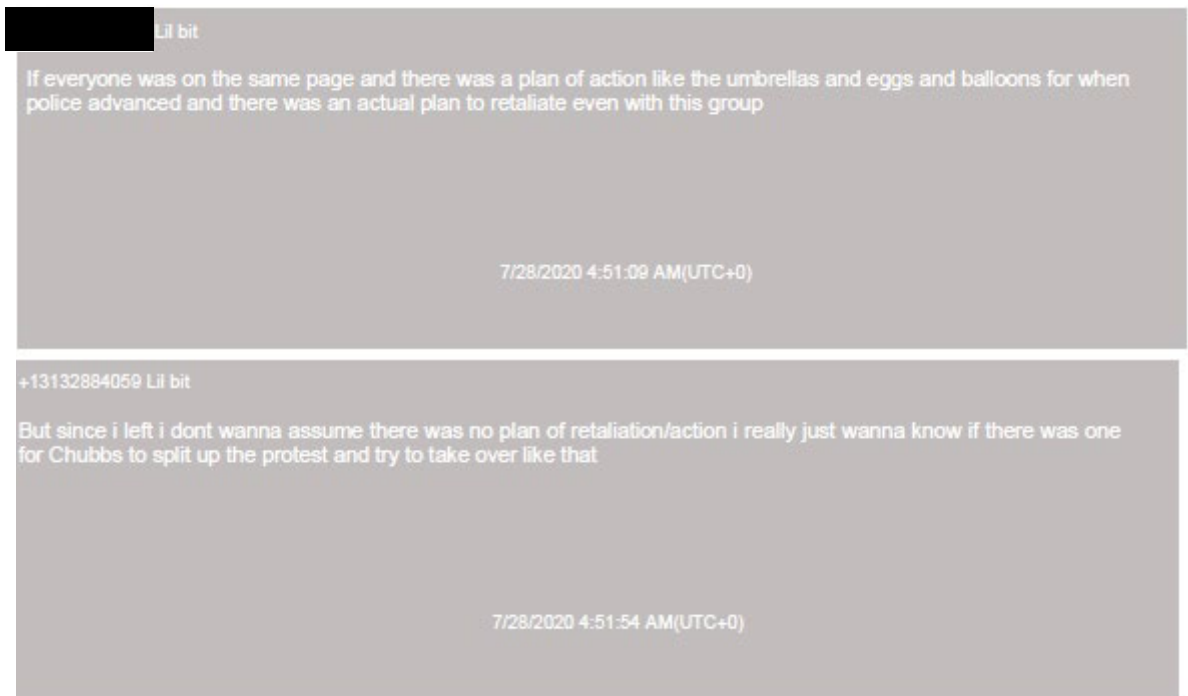
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1 399. The Fists Up V. 3 chat continued to discuss the July 27, 2020 Tempe protest,
2 members of the chat questioned what the plan was when Tempe police asked people to
3 leave:



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10 (Ex. 186, at TICE00000763).

11 400. Lil Bit continued with suggestions of retaliating against the police with
12 umbrellas and eggs and balloons and questioning why there was no plan about retaliation:



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23 (Id. at TICE000755-756, 771)

24 401. JMEL responded: "I'm sorry but next meet up, I'ma do what must be done.
25 Portland out here fighting the fight and & AZ doing what? Leaving." (Id. at TICE000769).
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1 402. JMEL later added: “Need 6 frontliners willing to use leaf blowers & paint
2 balloons. Got a plan for retaliation if threatened. It will be saved for a bigger protest coming
3 close to elections. Let me know” and “Yes. Just a plan that will be saved in the books in
4 preparation for bigger events, I assume it will eventually get worse across states.” (*Id.* at
5 TICE0 00792-93).

6 403. After reviewing video, BVAL responded “that would have NEVER
7 HAPPENED IF EVERYONE WAS IN THE FUCKING STREET.” (*Id.* at TICE000798-
8 99).

9 404. Lil bit added; “Dawg we need a plan of retaliation for the next time off the
10 bases of I wanna fuck them cops up for all 8 of them.” (*Id.* at TICE000809).

11 405. In another chat, Elisabeth Carpenter circulated a flyer for a protest on
12 Saturday July 25, for “Solidarity with Portland. (*Id.* at TICE0 001282, 1293).

13 406. Messages were exchanged regarding medics and supplies, wearing ski masks,
14 and Bval bringing a gun. (*Id.* at TICE001292-93, 96, 1303-1305).

15 407. During the “Solidarity with Portland” event on July 25, 2020, promoted by
16 Elisabeth Carpenter, a large group wearing black bloc, with some carrying umbrellas,
17 obstructed streets, ignored commands, knocked barricades down, and drug pedestrian
18 fencing into the street to prevent officers from following. (Ex. 201, COP.032417, LRAD
19 BWC, July 25, 2020; Ex. 202, (Cumulative Depo Ex. 159) Jason White Photo, July 25,
20 Darrien Barrett; Ex. 203, (Cumulative Depo Ex. 160) Jason White Photo, July 25, Rebekah
21 Mills; Ex. 204, (Cumulative Depo Ex. 161) Jason White Photo, July 25, Ex. 205,
22 COP.032434, Groat BWC, July 25, 2020; Ex. 206, COP.03246, Second Segment LRAD
23 BWC, July 25, 2020).

24 408. The group had some kind of “paint bombs” that they were throwing that “look
25 like water balloons filled with some kind of paint substance.” (Ex 205, Groat BWC, at
26 02:32:18-2:32:44; Ex. 206, Second LRAD BWC, at 24 minutes).

27

28

1 409. Darrien Barrett was photographed by Jason White holding a microphone
2 during this protest. (Ex. 202, (Cumulative Depo Ex. 159) Jason White Photo, July 25,
3 Darrien Barrett; Ex. 208, Jacob Wise Deposition, p. 44-45).

4 410. In a separate exchange between only Ashley (Medic) and Ryan Tice, on July
5 24, 2020, Ashley explained that she was in the “fists up group but trying to keep a low
6 profile because it’s a bit too volatile. Sue R [Suvarna Ratnam] will likely comment that
7 she’s coming as a medic. She has no fucking training and she’s bat shit crazy.” (Ex. 186, at
8 TICE0001372).

9 411. Ashley is listed as a member of the “Fists Up V.3” group that appears on
10 TICE0000755-820.

11 412. Ashley explained to Tice that, yesterday, “they talked about torching
12 businesses and some of them wanted to torch even small businesses unless they were
13 explicitly anti-racist or black owned.” (*Id.* at TICE0001373).

14 413. Tice responded that he was against torching small businesses, but was not
15 “entirely against torching corporations.” (*Id.*).

16 414. When discussing concerns about arson, Tice explained: “I mean I hope it
17 doesn’t get to that but it’s a possibility you know? I was in the riots in the end of May and
18 tha shit was nuts, I don’t know if I can handle that again” “I didn’t partake in the
19 looting/destruction but its traumatic to see that in person.” (*Id.* at TICE001374).

20 415. Ashley recounted being present in May when someone threw a rock at the
21 Wells Fargo glass and it hit her in the leg: “its like people went a little feral and mob
22 mentality and emotions overtook people.” (*Id.* at TICE0001376).

23 **Former Plaintiff and October 17, 2020 Arrestee Jacob Wise**

24 416. Jacob Wise was arrested on October 17, 2020, but was not charged. He was
25 a minor at the time In the Third Amended Complaint, Plaintiffs’ counsel falsely alleged that
26 Jacob Wise was arrested on October 3, 2020. (Ex. 208, Wise Deposition, p. 30-35).

27 417. Wise uses the social media profiles “Jacob 1312” and “Jacob_Wise1,” and
28 acknowledged that he knows 1312 refers to ACAB. (*Id.* at 17, 42, 43-44).

1 418. Wise often wears a yellow hat when he protests. (*Id.* at 19, 20, Ex. 154-155,
2 156).

3 419. Wise and October 17, 2020, arrestee Brenda Diaz started dating on August
4 21, 2020, and protested on numerous occasions together before October 17, 2020. (*Id.* at
5 15).

6 420. Wise knew former Plaintiff and October 17, 2020, arrestee Rebekah Mills,
7 who also goes by the name Lucy, before October 17, 2020. (*Id.* at 37).

8 421. Jacob Wise protested with Rebekah Mills on August 23, 2020. (*Id.* at 121;
9 Ex. 208, (Cumulative Depo Ex. 192) Screenshot 2025-04-03 Jason White August 23).

10 422. Jacob Wise also knew fellow arrestee Brittany Austin, aka Sumayyah Daud,
11 before October 17, 2020. (Ex. 168, at 97).

12 423. Jacob Wise knew and protested with Riley Behrens in Tempe prior to the
13 October 17, 2020, arrests. (*Id.* at 141-142).

14 424. Wise protested with former Plaintiff and October 17, 2020, arrestee Kalixta
15 Villasaez, who he knew as Kal, before October 17, 2020. (*Id.* at 40-41).

16 425. Wise was aware that at protests there were frequently one, or more,
17 photographers who would take photographs and post them, including an individual named
18 Jason White. (*Id.* at 19).

19 426. Jacob Wise and Brenda Diaz protested together on August 1, 2020, as
20 documented by photographer Jason White. (*Id.* at 87, 89; Ex. 209, (Cumulative Depo Ex.
21 177) Jason White Photo, August 1; Ex. 210, (Cumulative Depo Ex. 178) Jason White Photo,
22 August 1).

23 427. Jason White photographed the August 9, 2020 Blue Silence March, that
24 Wise—wearing a yellow hat that he frequently wore to protests—attended with Brenda
25 Diaz and others. (Ex. 168, Wise Deposition, at 19, 21; Ex. 211- (Cumulative Depo Ex. 154)
26 Jason White Photo, August 9, Diaz and Wise; Ex. 212- (Cumulative Depo Ex. 155) Jason
27 White Photo, August 9, Camille Johnson and Kaleb Martin; Ex. 213- (Cumulative Depo
28 Ex. 156) Jason White Photo, August 9, Diaz and Wise).

1 428. On August 23, 2020, Wise protested with Rebekah Mills, Suvarna Ratnam,
2 Marysa Lleyva, and Brendan Valentin (who was arrested on this date and had a ballistic
3 vest and two firearms in his vehicle) and others. (Ex. 208; Ex. 214, (Cumulative Depo Ex.
4 193) Jason White Photo, August 23; Ex. 215, COP_RATNAM 000055, Volk BWC, August
5 23.

6 429. The group, including Wise (red shorts yellow hat) and individuals in black
7 block and with umbrellas, obstructed a public thoroughfare, and did not comply with
8 commands to exit the street. (Ex. 216, COP_RATNAM 000047, Groat BWC).

9 430. Suvarna Ratnam threw a water bottle at officers, as Marysa Lleyva, Jacob
10 Wise and others stood by watching/filming, and Suvarna Ratnam tried to run away and
11 resisted arrest. (Ex. 217, ACTON -PLTF_000618).

12 431. A bottle of acetone was found in Ratnam's backpack. (Ex. 218,
13 COP_ACTON 0009587, McNeal BWC 3:15:23-3:18:14).

14 432. Prosecutor Sponsel was advised of those arrested on August 24, 2020. (Ex.
15 219, PRR-000317-318, email arrest report).

16 433. On September 20, 2020, Jacob Wise, wearing black bloc clothing and holding
17 an umbrella, protested at an anti-ICE protest before October 17, 2020, with Brenda Diaz
18 and "others," who he believed included Kalixta Villasaez, Rebekah Mills, and Marysa
19 Lleyva. (Ex. 168, Wise Deposition, at 70-75; Ex. 220, (Cumulative Depo Ex. 165) Phoenix
20 Photo Collective Protest Photo September; Ex. 221, (Cumulative Depo Ex. 166) Phoenix
21 Photo Collective Protest Photo with Wise Like; Ex. 222, (Cumulative Depo Ex. 167) Jason
22 White Photo Sept 20, Wise Flag and Umbrellas; Ex. 223, (Cumulative Depo Ex. 168) Jason
23 White Photo Sept 20, Wise; Ex. 224, (Cumulative Depo Ex. 169) Jason White Photo
24 September 20, Wise, Diaz, Sparky, Liberty).

25 434. On September 21, 2020, Jacob Wise, again wearing black bloc clothing,
26 protested in downtown Phoenix. (Ex. 225, (Cumulative Depo Ex. 170) Jason White Photo
27 September 21 NALM Protest; Ex. 226, (Cumulative Depo Ex. 161) Jason White Photo
28 September 21, Wise like; Ex. 168, Wise Depo, at 77-79).

1 435. On September 23, 2020, Jacob Wise, Brenda Diaz, Kaleb Martin, Darien
2 Barrett, Brendan Valentin (BVal), Brittany Austin, and Ryan Tice—and other protesters
3 wearing black bloc and carrying umbrellas—protested at the Fourth Avenue Jail and then
4 in front of police headquarters. (Ex. 168, Wise Depo, at 78-84; Ex. 227- Cop.032750, Body
5 Camera September 23, 2020; Ex. 228, (Cumulative Depo Ex. 172) Jason White Photo
6 September 23, Umbrellas; Ex. 229, (Cumulative Depo Ex. 173) Jason White Photo
7 September 23, Umbrellas, Black Bloc, Fourth Avenue; Ex. 230, (Cumulative Depo Ex. 174)
8 Jason White Photo September 23, PPD Headquarters; Ex. 231, (Cumulative Depo Ex. 175)
9 Jason White Photo September 23, Darrien Barrett).

10 436. The protest group obstructed and blocked public roadways, including those
11 in black bloc and umbrellas who ignored repeated commands to exit the street. (Ex. 232,
12 COP.032732, Body Camera September 23, 2020; Ex. 233, COP.032733, Body Camera
13 September 23, 2020).

14 437. A group in black bloc and with umbrellas (including Ryan Tice and Brittany
15 Austin) used pig squeakers¹⁵ (documented on September 24, 2020 as well), and chanted
16 “you ain’t shit Ben,” and “fuck Ben Moore,” as Ryan Tice held up a large garbage bag that
17 appeared to represent a “body bag” as someone said: “hey, Ben Moore, come get in this
18 bag” and “fuck you Ben Moore, you fucking pig.” (Ex. 227, Cop.032750; Ex. 234, PRR 5-
19 000693-695, Email to Sponsel with Moller Supplement).

20 438. Wise, Diaz, and Kaleb Martin left the protest together and were travelling in
21 a vehicle stopped by PPD (Sgt. McBride and Lt. Moore arrived at the scene). (Ex. 235
22 (Cumulative Depo Ex. 163), at COP_ACTON 010932; Ex. 236, COP.032771, BWC
23 September 23, Traffic stop).

24 439. Well before this protest, Wise was photographed by Jason White protesting
25 with Kaleb Martin, Kalixta Villasaez, and Fe’la Inko, and commented that “We Won’t
26
27

28 ¹⁵ An object that squeaks like a pig when squeezed.

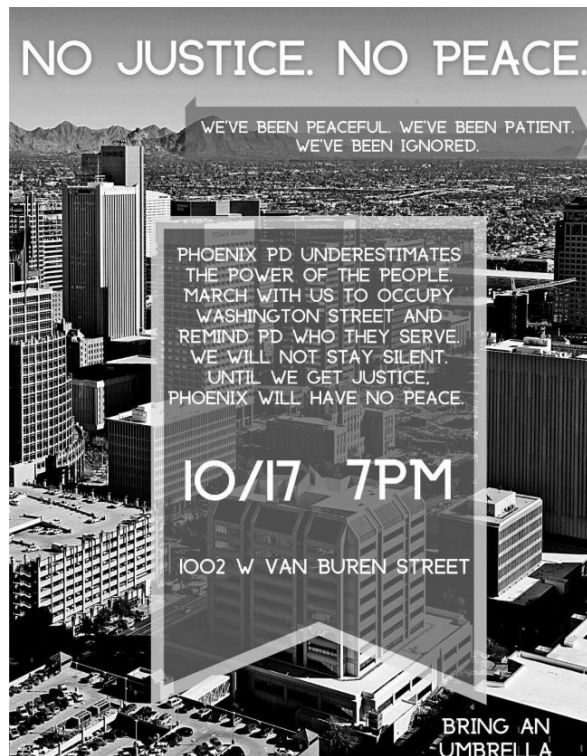
1 stop.” (Ex. 237, (Cumulative Depo Ex. 164) Jason White Post September 12, Wise
2 Comment; Ex. 168, Wise Deposition, at 68-69).

3 440. Sgt. McBride responded to the scene and identified that the occupants had
4 Zippo lighter fluid, gloves, milk, and goggles in backpacks. (Ex. 236, COP.032771,
5 06:21:44-6:22:26).

6 441. Lt. Moller’s supplement from September 23, 2020, documented that:
7 “individuals who were all wearing black outfits with dark face coverings and holding
8 opened umbrellas” was forwarded to prosecutor April Sponsel on September 24, 2020. (Ex.
9 234, PRR5-000693-694).

10 **1312.Collective**

11 442. The 1312.Collective is an Instagram site created by “a group” of protesters,
12 who had been “out there protesting for months now, ” and on September 27, 2020, they
13 posted a flyer for the October 17, 2020, Protest, which requested that protesters “bring
14 umbrellas” to “occupy the street” and hinting at violence:



1 (Ex. 149, 1312.Collective Comment; Ex. 238, (Cumulative Depo. Ex. 234)- Instagram -
2 Google Chrome 2025-04-03 14-13-40 (1312.Collective) ; Ex. 245, Interrogatoires, p. 29-
3 35).

4 443. The organizers, including October 17, 2020, arrestee Kaleb Martin
5 (“kaleb.im”) engaged with commenters who expressed concerns about the hints of violence,
6 setting themselves up for “people who are looking to instigate violence for violence’s sake
7 instead of using violence to begin social change,” stating that: “orgs have not been
8 successful in this movement so we’re stepping away from that and branching off into our
9 own group. There’s a lot of peace policing in organizations so that’s what we’re trying to
10 get away from.” (Ex. 149, 1312.Collective Comment 1; Ex. 239, (Cumulative Depo. Ex.
11 236)- Instagram – 1312.Collective Comment 2; Ex. 240, (Cumulative Depo. Ex. 237)-
12 Instagram – 1312.Collective Comment 3 ; Ex. 241, (Cumulative Depo. Ex. 238)- Instagram
13 – 1312.Collective Comment 4 ; Ex. 168, Wise Depo., p. 24, identifying Kaleb). Martin also
14 stated that they “really want the numbers so we can actually do something so we’re trying
15 to put it out as early as possible we were warned about this but are willing to accept whatever
16 comes our way.” (Ex. 240).

17 444. Former Plaintiff October 17, 2020 arrestee Brittany Austin/Sumayyah Dawud
18 previously echoed the sentiments of foregoing “peace policing” on a video she posted on
19 YouTube from the May 29, 2020 riot, using the hashtag #ACAB, where she documented
20 wide-scale property damage and repeatedly told individuals to “stop peace policing,” and
21 to “quit the respectability politics” and “stop pacifying people,” when protesters were
22 asking others to stay peaceful as violence and property damage was occurring.¹⁶ (Ex. 242,

23 _____
24 ¹⁶ Ms. Austin never produced any video during the litigation when she was a
25 Plaintiff. This video and others posted by Austin had not been discovered prior to the
26 Motion for Summary Judgment in the *Jackson* case and was not included as a result. In
27 arguing against the Motions to Dismiss filed in this case, Plaintiffs falsely claimed that there
28 was no evidence that any of them were at the May 2020 protests. This is not accurate.
During discovery, Ryan Tice produced videos of his participation and exchange Signal
communications with Ashley Cuber about the same. (Ex. 154, p. 7, May 29, 30, 2020
videos; DSOF 413). Despite the TAC’s allegations that PPD “fabricated” information that
the October 17, 2020 protests knew each other before their arrests, the discovery responses

1 Sumayah Dawud YouTube May 29, #ACAB screen shot; Ex. 243, Sumayah Dawud
2 YouTube May 29 Recording at 3:54-5:10, 6:00-7:44, 14:32-15:06, original posted at
3 <https://www.youtube.com/watch?v=g8j5897e6nk>).

4 445. When someone in the crowd on a bullhorn said that they did not want to burn
5 the City, Austin/Summayyah Dawud said “yeah we do” and continued to chastise those
6 who were suggesting peace “quit telling people what to fucking do.” (Ex. 243, video at
7 6:00-7:44).

8 446. Austin/Summayyah Dawud also posted a similar video on YouTube, of the
9 protests on May 30-31, 2020, documenting the violence, gas cannisters kicked/thrown,
10 fireworks, and widespread destruction, with text stating: “Notice how the ‘peace police’
11 start telling folx not to throw things at the cops and someone threatens to punch those who
12 do? This is a counter-insurgency tactic and is doing the work of the state.” (Ex. 244,
13 Sumayah Dawud Youtube May 30-31 recording at 10:24-48; posted at
14 <https://www.youtube.com/watch?v=a1GHxmEBCE0&t=17s>)

15 447. [REDACTED]
16 [REDACTED]
17 [REDACTED] violence and bringing
18 [REDACTED]

19 448. [REDACTED], 1312.collective
20 advocated phone usage of disabling location services, leaving a phone locked, and “you can
21 download the Signal app for encrypted messaging” to “keep yourselves and your fellow
22 protesters safe!” (Ex. 241).

23 449. [REDACTED]
24 [REDACTED]
25 [REDACTED]

26 _____
27 identify multiple days of overlapping protests before the October 17, 2020 arrests. (Ex. 245,
28 Initial Responses to NUI, p. 27-36). Former Plaintiff Mills protested in May as well.
(DSOF529).

1 450. The 1312.Collective advertised additional protests occurring in Mesa, on
2 October 10, 2020, and in Gilbert, encouraging protesters to “Be Water” and using
3 “#ACAB”. (Ex. 238).

4 451. In a PowerPoint Presentation prepared by Gilbert Police Department and
5 provided to Phoenix Police Department, individuals from the Gilbert Protests, including
6 October 17, 2020. arrestee Jacob Wise were documented as engaging in these advertised
7 protests. (Ex. 246- (Cumulative Depo Ex. 162)- COP_ACTON 010936-010947 Gilbert
8 Protest PPT).

9 452. Gilbert PD identified that “ACAB and NALM have been together for a couple
10 of months,” and “25 received ACAB tattoos in braille.” (*Id.* at COP_ACTON 010937).

11 453. The PowerPoint included photographs of an August 16, 2020, protest, where
12 Jacob Wise, Kaleb Martin, Brenda Diaz, and others participated (including former Plaintiff
13 Fe’la Inko/Milton Hasley). (*Id.* at COP_ACTON 010938-39; Ex. 168, Wise Deposition, at
14 56-58; Ex. 245, Interrogatories, p. 29-30).

15 454. In a second Power Point prepared by Gilbert PD, dated September 17, 2020,
16 multiple individuals connected to ACAB were identified, including Jacob Wise, who was
17 photographed attending a Gilbert Town Council meeting with Kaleb Martin. (Ex. 235, COP
18 ACTON, 010924, 010926; Ex. 168, Wise Deposition, at 62).

19 455. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 456. [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

28

1 457. Former Plaintiffs Nathaniel “Benji” Llanes and Amy Kaper learned about the
2 October 17, 2020, protest from the 1312.Collective. (Ex. 247, Llanes Deposition, p. 30-31,
3 44-45).

4 458. Llanes was aware that 1312 stood for ACAB. (*Id.* at 24-25).

5 **August 9, 2020- Blue Silence March**

6 459. Bruce Franks, Jr., organized the “Blue Silence March” for August 9, 2020,
7 advertising it through a social media post. (Ex. 248, Franks Dep. at 89:17–20, 111:20–22,
8 248:9–15.)

9 460. The flyer for the March contained images of violence from Ferguson,
10 including a protester throwing a Molotov cocktail. (Ex. 249, COP_ACTON 008397, Bruce
11 Franks Video Blue Silence).

12 461. In a video advertising the event, Franks explained that the march would end
13 at the police department so “that they not only can hear us but they can feel us.” (*Id.*).

14 462. The group met downtown and Franks had an initial discussion on their plan
15 for the March. (Ex. 248, Franks Deposition, at 111:23–112:9.)

16 463. The group included Jacob Wise, Riley Behrens, Brenda Diaz, Kaleb Martin,
17 Suvarna Ratnam, Marysa Lleyva, Richard Villa, Makayla Shively, Brendan Valentin, Jonah
18 Ivy, Lee Percy Christian, Camille Johnson, Ryan Tice, and others. (Ex. 250, COP_ACTON
19 005436 Canchola, Philip-BWC August 9, 2020; Cf. Ex. 181, booking photos; Ex. 251,
20 (Cumulative Depo Ex. 223)- Acton-PLTF_000588 Ratnam Martin Text Message Re
21 August 9; Exs. 211-213; Ex. 168, Wise Deposition, at 1; Ex. 173, Camille Johnson
22 Photographs, ACTON_PLTF at 000426-491; Ex. 245, Interrogatories, p. 29-35).

23 464. They intended to march in silence to the Phoenix Police Department
24 Headquarters, where they would hold a talk. (Ex. 248, Franks Deposition, at 248:18–
25 249:3.)

26 465. Although they knew it was a crime, the protestors intentionally walked in the
27 street because they did not believe that they would be arrested for it. (*Id.* at 249:4–20, 250:6–
28 14; Ex. 252, COP_ACTON 8613, Strongwatch at 00:00–1:00)

1 466. Franks acknowledged that the officers had probable cause to arrest him—and
2 the other protestors—for obstructing a public thoroughfare based on their march through
3 the streets. (Ex. 248, Franks Deposition, at 250:15–19.)

4 467. When the group arrived at Headquarters, they saw fencing set up outside to
5 keep people away from the windows and the doors. (*Id.* at 250:24–251:6.)

6 468. Once assembled, the group began yelling, chanting “we ready for you’all,”
7 and knocked over the pedestrian fencing.



20 (Ex. 248, Franks Deposition. at 89:22–90:7; Ex. 250, at 1:35–1:47; Ex. 173, at
21 ACTON_PLTF 00491)

22 469. Franks then stepped out over the knocked-over fence and proceeded to the
23 front of the group, facing Headquarters. (Ex. 248, Franks Deposition, at 90:9–14; Ex. 250,
24 COP Acton 5436, at 1:47–2:20.)
25
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1 470. Franks jumped around as the whole group moved towards the Phoenix Police
2 Department headquarters building.



Confidential

Acton-PLTF_000466

17 (Ex. 253, Acton 5539 at 03:30-03:44; Ex. 173, at Acton-PLTF_00466)

18 471. He turned towards the building and yelled at the Officers, jumping in the air.
19 (Ex. 253, Acton 5539 at 03:30-03:44.)

20 472. Other protestors also moved closer to the doors, including a protestor using a
21 cone to amplify yelling. (Ex. 254, COP_ACTON 007608, at 7:01:29-7:01-44)

22 473. Franks understood that it would be “problematic” and not safe if protestors
23 attempted to get into the building. (Ex. 248, Franks Deposition, at 254:10–24.)

24 474. Officers remained stationed inside the building until the group stepped over
25 the fencing, approached the building, and formed their own skirmish line. (Ex. 250, at 0—
26 3:30; Ex. 254, beginning to 7:02:29).

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1 475. Officers with shields formed a skirmish line and stood between the protestors
2 and the building, as Lt. Moore had instructed that protesters would “not break damage the
3 glass,” and officers repeatedly asked protesters them to leave the property and that they
4 were trespassing. (Ex. 250, COP Acton 005436 at 3:05–4:20; Ex. 255, COP_ACTON
5 007624-007663, at 7640)

6 476. After learning that individuals were obtaining body armor and grabbing items
7 out of backpacks, at 2:05:24 Zulu time, Lt. Moore advised the LRAD officer to give
8 announcements that the group needed to leave the property immediately.¹⁷ (*Id.* at 4:19-23;
9 Ex. 255, at COP_ACTON 007640).

10 477. Officers told the protestors that they had to leave the area, but the protestors
11 did not. (Ex. 248, Franks Dep. at 258:2–9; Ex. 256, COP_ACTON 005537, Alonso Lopez
12 BWC, at 0:11–00:39; Ex. 250, COP Acton 5436 at 4:43–4:48; Ex. 200, COP Acton 5452 at
13 0:47–1:02.)

14 478. Instead of leaving the property, Franks said: “make sure you all got your body
15 cameras on...I am Bruce Franks Jr. I know when your cameras are on.” (Ex. 250, COP
16 ACTON 5436, at 4:31-4:43).

17 479. Officers did not start moving until the protestors refused to get off of the
18 property. (Ex. 248, Franks Deposition, at 266:2–14; Ex. 253, COP_ACTON 005539, at
19 05:20–6:09; Ex 195, COP Acton 0005424.)

20 480. Although he was the leader of the protest, Franks claimed that he could not
21 just tell people to turn around and leave. (Ex. 248, Franks Deposition, at 271:17–272:3.)

22 481. Once the skirmish line started to push the protestors back using their shields,
23 the crowd began pushing and kicking the Officers in the skirmish line. (Ex 195, COP Acton
24 0005424, at 0:00–0:14.)

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¹⁷ AXON body camera’s “Zulu time” refers to the use of Coordinated Universal Time, which is a standardized 24-hour format with a “Z” to indicate a zero offset from UTC.

1 482. After repeatedly being told to move and back up, the group began chanting
2 “touch one, touch all.” (Ex. 257, (Cumulative Depo. Ex. 226)- COP_ACTON 005479
3 Gionet, Nicholas-AXON, at1:00-1:27).

4 483. The protestors continued to push back against the officers and engage in acts
5 of violence, including former Plaintiff Valentin balling his fist and advancing toward
6 officers in a striking movement. (Ex 195, COP_ACTON 0005424 at 0:14–0:35).

7 484. A protester in a mask, white t-shirt, and blue hat shoved an officer’s shield
8 and was told “don’t do that, you are going to go to jail.” (Depo Ex. 226, at 1:24-1:31).

9 485. A protester threw a water bottle at the Officers. (Ex. 168, Wise Dep. at
10 166:15–20.)

11 486. After the water bottle had been thrown at officers, Jacob Wise yelled to the
12 protesters to put on goggles. (Ex. 258, (Cumulative Depo Ex. 225) Acton-
13 PLTF_000634_Confidential; Ex. 168, Wise Deposition, at 165-66).

14 487. Wise put on goggles, of the same type that would later be found in his
15 backpack on October 17, 2020, as he stood in an area where the pedestrian fencing had been
16 knocked down and near Kaleb Martin. (Ex. 257, at 1:01-1:59; Ex. 168, Wise Deposition, at
17 167-19).

18 488. After being given multiple commands by officers to move back off the
19 property, at 2:06:43 Zulu time, a female next to Wise grabbed a handful of something from
20 the planter and threw it at officers. (Ex. 257, at 1:42-1:55; Ex. 168, Wise Deposition, at 170;
21 Ex. 259, Acton-PLTF_000638_Confidential August 9).

22 489. At 2:06:47 Zulu time, Wise then proceeded to grab a rock out of the planter,
23 cock his arm back baseball pitch style, and throw a rock directly at officers (which then
24 made an audible sound when it hit the shield), knowing that doing so constituted a riot under
25
26
27
28

1 the law.¹⁸ (Ex. 257, at 1:55-159; Ex. 168, Wise Deposition, at 181-182; Ex. 260
2 (Cumulative Deposition Ex. 228), Screenshot).

3 490. As officers moved up and tried to replace the downed fencing, former Plaintiff
4 Richard Villa, wearing a helmet and slamming his skateboard on the ground, shoved fencing
5 back at officers striking them. (Ex. 200, at 0:53–1:02.)

6 491. Several Officers, including Lt. Schweikert, Officer Pulliam, and Lt. Moller,
7 attempted to arrest Franks, but other members of his group held onto him, which interfered
8 with their ability to do so. (Ex. 248, Franks Dep. at 92:20–25; Ex 200, COP Acton 0005424
9 at 0:35–1:01).

10 492. Lt. Moore was in charge of the protest response that day, but he was not
11 responsible for every decision that was made. (Ex. 318, Moore Dep. at 96:14–97:18.)

12 493. After Lt. Moore repeated that the LRAD was to give multiple rounds of
13 unlawful assembly orders, it was advised that the officers were “getting projectiles,” that
14 individuals were retrieving things out of backpacks, they “are loading up stuff, throwables,
15 behind the stairwell,” and it appeared that individuals were behind a car unloading bags.
16 (Ex. 255, at COP_ACTON 007641-42).

17 494. Franks was never charged as a member of a gang. (Ex. 248, Franks Dep. at
18 127:22–25.)

19 495. After Officers had moved the protesters off of the property, a large group
20 continued to congregate in the middle Washington, ultimately gathering on the edge of the
21 Federal courthouse, linking arms, counterflowing down Washington (with Wise carrying
22 an open umbrella), and then knocking over barricades in the street. (Ex. 262, COP_ACTON
23 008614, Strongwatch August 9, 2020, Seg 02; Ex. 263, Strongwatch August 9, 2020,
24 Segment 00, at 6:51-12:53; Ex. 255, at COP_ACTON 007643 “they are dragging barricades
25 as they walk.”).

26 ¹⁸ During the deposition of Wise, when he refused to acknowledge his actions on
27 video, Plaintiff’s counsel attempted to improperly coach the witness and grossly misstate
28 the record by falsely claiming there were no officers in front of Wise. (Ex. 259; Ex. 168,
Wise Deposition, at 170-177).

1 point, no justice, no peace.” (*Id.*; Ex. 267, (Cumulative Depo Ex. 153) Lleyva Flyer and
2 Wise Comment).

3 503. Wise responded, under Jacob_Wise1: “Let’s show these cops we mean
4 business.” (Ex. 168, at Wise Deposition, p. 16-17; Ex. 267, (Cumulative Depo Ex. 153)
5 Lleyva Flyer and Wise Comment).

6 504. Wise and Marysa Lleyva had discussed the October 17 protest before it
7 occurred and they had protested together several times, including at the August 9, 2020,
8 Franks Blue Silence March. (Ex. 208, Wise Deposition, at 18).

9 **October 17, 2020- Protest and Arrests**

10 505. The October 17, 2020, protest started in University Park where pre-planned
11 route for the protest was discussed and then someone passed out umbrellas. (Ex. 247, Llanes
12 Deposition, at 32; Ex. 258, (Cumulative Depo Ex. 183)- Jason White October 17).

13 506. Former Plaintiff Llanes understood that the purpose of the umbrellas was to
14 protect against teargas. (Ex. 247, Llanes Deposition, at 35-36).

15 507. Jacob Wise was wearing all black with a blue cloth on his head underneath
16 his head covering. (Ex. 168, Wise Deposition, at 183-184; Ex. 269, (Cumulative Depo Ex.
17 79) Strongwatch video-20201017-201041-seg-000, at 8:21).

18 508. Arrestee Sumayah Dawud/Brittany Austin was openly carrying an AR-15
19 (Ex. 247, Llanes Deposition, at 76; Ex. 270, (Cumulative Depo Ex. 78) P1150736- Ryder
20 Collins Video).

21 509. At 19:11:09, police monitoring the group reported that “2nd one showed up
22 with a loud speaker and hes (sic)usually armed.” (Ex. 271, CAD History, at COP_Ratnam
23 00826).

24 510. At 19:41:28, Lt. Moore broadcast information that “it’s definitely ACAB anti
25 police group.” (*Id.*).

26 511. Officers also circulated information about the Arizona Patriots vehicle
27 information and watching them. (*Id.* at COP_Ratnam 00827).

28

1 512. Photographer White, who documented the group gathering at University Park,
2 described the events as follows and posted corresponding photographs on Instagram:

3 Protesters gathered at University park to March on Washington
4 St. The group quickly took to the street and was immediately
5 met with PPD announcement to get out of the road or be subject
6 to arrest. After passing City Hall protesters lit smoke bombs and
7 started to move construction barricades into the road blocking
8 the following PPD vehicles. Once the group got to the
9 intersection of 1st and Van Buren PPD moved in and arrested
10 the group.

11 (Ex. 268; Ex. 272, (Cumulative Ex. 184) Jason White October 17 2; Ex. 273,(Cumulative
12 Ex. 185) Jason White October 17 3; Ex. 274, (Cumulative Ex. 186) Jason White October
13 17 4; Ex. 275, (Cumulative Ex. 187) Jason White October 17 Barrier; Ex. 276, (Cumulative
14 Depo Ex. 188) October 17 Percy and Basil Likes; Ex. 277, (Cumulative Depo Ex. 189)
15 Jason White October 17 Wise)

16 513. Strongwatch video captured the protest. (Ex. 269; Ex. 278, (Cumulative Depo
17 Ex. 80), Strongwatch video-20201017-201041-seg-001; Ex. 279, (Cumulative Depo Ex.
18 132) Screenshot 2025-03-25 Barricade; Ex. 280, (Cumulative Depo Ex. 133) Screenshot
19 2025-03-25 barricade 2).

20 514. PPD Officers followed the group to address the obstruction of the streets and
21 repeatedly gave announcements to get out of the roadway. (Ex. 281- COP_RATNAM
22 000850-BWC Groat, James; Ex. 271, at RATNAM 000828-000829).

23 515. The group counter-flowed to traffic and obstructed civilian traffic. (Ex. 269,
24 at 4:57-5:09).

25 516. As the group was given multiple and repeated commands to move to the
26 sidewalk, they responded “Fuck you Ben Moore...All you fuckers; “come get me mother
27 fucker,” chanted all cops are bastards, “fuck 12,” pulled traffic signs into the middle of the
28 street to block police vehicles and traffic. (Ex. 281, Groat BWC, beginning to 13:33; Ex.
29 247, Llanes Deposition, at 5; Ex. 269, at 9:42 to end).

30 517. The group was led at multiple points, by Jacob Wise, holding a megaphone
31 and chanting and, pulling barricades into the street. (Ex. 272-77; Ex. 168, Wise Deposition,

1 at 183-186; Ex. 269, at 8:16-16:50; Ex. 282, (Cumulative Depo Ex. 144)- Acton-
2 PLTF_004342, at 1:43-5:11; Ex. 283, (Cumulative Depo Ex. 77) P1150735- Ryder Collins
3 Video; Ex. 270, at 04-06).

4 518. The purpose of moving barricades into the street was to impede the officers.
5 (Ex. 168, Wise, at 185).

6 519. At 20:12:01, Lt. Moore directed officers as follows: “don’t show force unless
7 we have to they are moving barricades into the roadway, laying them down in rd to block
8 the roadway.” (Ex. 271, at COP_RATNAM 000829).

9 520. At 20:17:02, Lt. Moore asked officers to remain in their cars: “don’t want you
10 out of cars they all have heavy backpacks appear to be handing stuff out as they move
11 along.” (*Id.*)

12 521. At 20:18:51, it was reported that the march was continuing to counterflow to
13 traffic and blocking the flow of all traffic despite numerous warnings. (*Id.*).

14 522. At 20:19:14, members of the group deployed two smoke bombs, to obstruct
15 officers and impede in their efforts to respond. (*Id.* at 00830; Ex. 269, at 8:17-8:48).

16 523. At 20:19:14, Lt. Moore advised: “grenadiers be ready we end up deploying if
17 they keep throwing things.” (Ex. 271, at 00830).

18 524. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

26 527. Strongwatch video documented the group occupying the public street,
27 counterflowing to traffic, shining lights at officers to obstruct their vision, deploying smoke
28 bombs, and pulling barricades and signs into the street. (Exs. 269, 278).

1 528. Former Plaintiff Rebekah Mills (aka Lucy and Dreg), marching with her sister
2 (former Plaintiff Kalixta Villasaez), brother-in-law (former Plaintiff Christopher
3 Roberson), and Suvarna Ratnam (who she knew before this protest), shone a flashlight at
4 police as the group occupied the street. (Ex. 285, Mills Deposition, at 17-18, 82-83, 239-
5 244).

6 529. Mills had previously protested during the May 2020 George Floyd protests
7 (*Id.* at 261-262).

8 530. Mills, Kalixta Villasaez, and Christopher Roberson had also previously
9 protested in Gilbert. (*Id.* at 264).

10 531. Mills knew the majority of the individuals in this protest who were not related
11 to her, including Caleb Martin, Marysa Lleyva, Brenda Diaz, Sumayah Dawud/Brittany
12 Austin, and Riley Behrens. (*Id.* at 82-83, 243, 252, 260).

13 532. Mills pulled sandwich style barricades into the street. (*Id.* at 253, 258-259;
14 Ex. 283, Ex. 269 at 20:45:14-20:25:22).

15 533. [REDACTED]
16 [REDACTED]

17 534. Former Plaintiff Amy Kaper, wearing black leggings and a green and white
18 sweatshirt, assisted the group in pulling a large orange jersey style barricade into the street
19 to block police.¹⁹ (Ex. 264, Kaper Deposition, p. 113-118, 138; Ex. 269, Strongwatch, at
20 10:29-10:25).

21 535. Kaper filmed the group using Facebook Live. (Ex. 264, Kaper Deposition, at
22 12-13, 118; Ex. 282 (Cumulative Deposition Exhibit 144)).

23 536. Kaper's video captured police giving multiple announcements that it was
24 unlawful to be in the roadway and to exit the same, with the group continuing to walk in
25 the roadway and stating they should "stay together and stay tight." (Ex. 264, Kaper
26 Deposition, at 119-122; Ex. 282).

27 _____
28 ¹⁹ Kaper's attorney, Shannon Peters, would falsely testify that Kaper had no such
involvement. (Ex. 287, (Cumulative Depo Ex. 138) Peters State Bar Testimony.

1 537. The group chose not to use the sidewalks, even though they were available.
2 (Ex. 264, Kaper Deposition, at 122-123).

3 538. After the group was given additional announcements to get out of the street,
4 they chanted “Fuck 12,” which means fuck the police, and “fuck cops. We don’t do what
5 they want.” (Ex. 264, Kaper Deposition, at 124-125; Ex. 282).

6 539. Announcements were again given that it was unlawful to obstruct a public
7 thoroughfare, and advised that if they did not exit the roadway they would be subject to
8 arrest, and in response the group yelled “fuck 12.” (Ex. 264, Kaper Deposition, at 125-26;
9 Ex. 282, at 1:37-1:47).

10 540. Individuals, including Rebekah Mills, picked up sandwich board-style
11 barricades and threw them. (*Id.*; DSOF532).

12 541. The group continued to use the street even though the sidewalks were
13 available, obstructed the street, pulled barricades into the street, and chanted “fuck cops.
14 We don’t do what they want.” (Ex. 264, Kaper Deposition, at 127-129; Ex. 282, at 2:10-
15 3:46).

16 542. The group yelled “fuck you, Jennifer,” addressing the woman from AZ
17 Patriots who was filming” as they continued to occupy the middle of the street. (Ex. 264,
18 Kaper Deposition, at 129).

19 543. The group yelled “burn it down.” (Ex. 282, at 3:14-4:02).

20 544. The group continued to chant “take it to the streets, fuck the police,” making
21 no attempt to move to the sidewalk. (Ex. 264, Kaper Deposition, 130; Ex. 282, at 4:38-
22 5:24).

23 545. While still in the street, the group chanted “No cops. No KKK. No fascist
24 USA,” and someone yelled at Jennifer “shut the fuck up you white slut and whore. Suck
25 your daddy Trump’s dick.” (Ex. 264, Kaper Deposition, at 131; Ex. 282, at 5:24-6:37).

26 546. During the entirety of Kaper’s seven-minute film, there was no attempt or
27 effort to get out of the street. (Ex. 264, Kaper Deposition, at 132).

28

1 547. “Jennifer,” from the Arizona Patriots, also filmed a portion of the protest
2 where the group was pulling barricades into the street and refusing to obey officer
3 commands. (Ex. 288, COP_ACTON 008708, AZ Patriots Video).

4 548. Jennifer and the woman who was with her did not pull any barricades or signs
5 into the street and instead helped remove barricades the group moved into the roadway from
6 officers’ paths. (*Id.* at 14:38-16:12).

7 549. Her video captured a patrol car running over and dragging one of the
8 barricades, which forced the vehicle to stop. (*Id.* at 18:03-18:30; Ex. 269 at 14:38-15:17).

9 550. At 20:27:09, Lt. Moore requested that someone pick him up because a
10 barricade in the street had damaged his vehicle, but then reported “I got it out of my wheel
11 well.” (Ex. 271, CAD at COP_Ratnam 00830, 831).

12 551. Jennifer came upon Ryder Collins, who had been filming and taking pictures
13 of the group. (Ex. 288, at 19:02-19:04).

14 552. In a separate Strongwatch video, Collins is visible on the light rail tracks,
15 walking in the roadway, and then crossing the road to the sidewalk. (Ex. 269, at 16:13-
16 16:20; Ex. 284, Collins Depositin, at 111, 119).

17 553. Jennifer also captured another photographer, whose identity was later
18 discovered to be Jason White. (Ex. 288, 19:10-15; Exs. 272-277).

19 554. As the group rounded the corner, Jennifer described the signs being thrown
20 into the street so that officers cannot get past and remarked “fuck, he is still dragging that
21 one.” (Ex. 288, at 19:20-36).

22 555. At 20:29:03 it was reported that “couple ppl blk clothing ws sb they have
23 cameras.” (Ex. 272, CAD at COP_RATNAM 000831).

24 556. At 20:30:35, it was reported “photographer in all blk is w/them he was at park
25 earlier.” (*Id.*)

26 557. [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 558. In response to a question off camera, Jennifer explained that this group was
2 ANTIFA and in response the person stated that “I came here from Prescott (inaudible) I saw
3 this group walking out and was (inaudible).²⁰ (Ex. 288, at 20:00-20:29)

4 559. [REDACTED]

5 560. Jennifer captured the unlawful assembly order being broadcast, with the
6 group continuing to march in the street and gathering more tightly together in the
7 intersection. (Ex. 288, at 25:31-26:00).

8 561. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 563. At 20:31:10, it was broadcast: “put arrest teams in place to take all 15 if
13 committing criminal acts.” (Ex. 271, CAD at COP_RATNAM 00831).

14 564. The group turned the corner as the announcements were continuing, did not
15 disperse, crossed through an intersection, and were given instructions to get on the ground.
16 (Ex. 288, at 26:00-28:01).

17 565. At 20:33:05, an order was given for the LRAD to give unlawful assembly
18 orders. (Ex. 271, CAD at COP_RATNAM 00831).

19 566. At 20:33:42, radio transmissions advised to “be ready hanbding (sic)
20 something out behind umbrella be prepared.” (*Id.*).

21 567. At 20:34:46, radio transmissions advised: “they are not complying with order
22 marching as a solid group flipping off everyone.” (*Id.*)

23 568. At 20:34:50, radio transmissions advised that they were holding the light rail
24 train at 1st Avenue. (*Id.*)

25 569. At 20:35:06, it was advised that the group arrived at 1st Avenue and VanBuren
26 and were continuing to counterflow. (*Id.*)

27 _____
28 ²⁰ It would later be learned, during the criminal proceeding, that this was Ryder
Collins.

1 570. Unlawful assembly orders were broadcast for two minutes and twenty
2 seconds before the group was given commands to get on the ground. (Ex. 288, Patriots
3 Video, at 25:32-27:52).

4 571. Jennifer was filming from the opposite corner, was given instructions to get
5 out of the road, responded “yes, sir,” backed up onto the sidewalk, was told “leave or go to
6 jail now,” and continued to back further away from the arrest location asking “where do I
7 go.” (*Id.* at 28:00-28:19).

8 572. Jennifer continued to move back further from the scene, explained that she
9 was “press,” but was still told to get back. (*Id.* at 28:19- 28:40).

10 573. When the officers moved in to make the arrests, Collins was catty-corner and
11 “couldn’t get a shot” so tried to cross the street to get closer and about thirty seconds later
12 got arrested after having heard and disregarded two unlawful assembly orders demanding
13 that he leave. (Ex. 264, Collins Deposition, at 128-130. 133-135).

14 574. Commands were being given for almost thirty minutes before an unlawful
15 assembly was declared. (Ex. 281, Groat BWC, beginning to 30:11; Ex. 247, Llanes
16 Deposition, at 67-71).

17 575. Prior to officers moving in to make arrests, at 20:35:49, officers were advised
18 to watch carefully as individuals were in their backpacks. (Ex. 271, CAD, COP_Ratnam at
19 00832).

20 576. After the unlawful assembly orders had been repeated and officers repeatedly
21 told the group to get on the ground, individuals interlocked arms and legs to interfere with
22 officers’ ability to take them into custody, refusing to disengage despite multiple commands
23 to do so. (Ex. 289. (Cumulative Depo Ex. 94) Screenshot McBride 638 linked arms; Ex.
24 286, Mills Deposition, at 257; Ex. 290, Protest Oct 17, 2020 Master Compilation, at 6:51-
25 7:18).

26 577. Sgt. McBride’s hand was cut trying to separate protesters. (Ex. 291,
27 (Cumulative Depo Ex. 129) COP_ACTON 008757-009077 Photos combined, at
28 COP_ACTON008818-8822).

1 578. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 580. Photographs were taken of the property of the arrested individuals on October
6 17, 2020, with the contents including umbrellas, goggles, gas masks, water bottles, walkie
7 talkies, a brick, and spray paint. (Ex. 291, at 008757-8815, 8850, 008977-008989, 009005-
8 009077).

9 581. Kaleb Martin had water bottles, a brick, gloves, river rock, goggles, and milk
10 in a spray bottle. (*Id.* at COP_ACTON 0009005-006).

11 582. Rebekah Mills had a small baseball bat and a megaphone. (*Id.* at
12 COP_ACTON 008782, 8788).

13 583. Austin was openly carrying an AR-15 and also had a knife, Taser, and a
14 handgun. (*Id.* at COP_ACTON 009018-9038).

15 584. Kalixta Villasaez had two pairs of goggles, gloves, a helmet, and an ANTIFA
16 bracelet. (*Id.* at COP_ACTON 009039-51).

17 585. Suvarna Ratnam had a can of spray paint and goggles. (*Id.* at COP_ACTON
18 009061-69).

19 586. Jacob Wise had two cans of spray paint, silly string, matches, goggles, and
20 cards with security tips for protesters. (*Id.* at COP_ACTON 08977-81).

21 587. A letter addressed to “Andrew” was found in Wise’s backpack. (Ex. 292-
22 (Cumulative Depo. Ex. 117) Dear Andrew Letter).

23 588. Wise also goes by the name “Andrew” and the letter was written to him. (Ex.
24 168, Wise Deposition, at 29, 109).

25 589. In the letter, an individual named Adam wrote: “First, I owe you an apology
26 about a very specific topic. While the group has no leader, you do have a certain amount of
27 respect and authority which you have earned through your actions and your consistency. In
28 a way, our smaller group, it was your group. Not in an authoritarian sense. You brought

1 people together and went out of your way to keep things together when conflicts arose...I'm
2 so very sorry for causing so much disharmony in your group.” (Ex. 292, at COP_ACTON
3 008989-90).

4 590. The author also wrote: “I am writing to you, Rose, Coyote, Marysa, Kal,
5 Lucy, Liberty, Sparky. I am very sorry, to everyone for showing self harm images and being
6 disruptive. But it was only you 9 who I truly know as family and cared about. Most of the
7 rest I’d had maybe 1 convo w/ and don’t even know what they look like.” (*Id.* at
8 COP_ACTON 008987).

9 591. Coyote is Kaleb Martin, Marysa is Marysa Lleyva, Lucy is Rebekah Mills,
10 Sparky is Christopher Roberson, and Kal is Kalixta Villasaez. (Ex. 168, Wise Deposition,
11 at 37, 40, 48-49, 160).

12 592. Riley Behrens was interviewed after his arrest and identified Suvarna Ratnam,
13 Martin, and Lleyva as having led the protest and having wanted to make it violent, including
14 the smoke bombs that were brought by Sue. (Ex. 293- COP_ACTON 005906, McCombs
15 BWC, at 43:29-46:00).

16 593. The purpose of the smoke bombs was to create a diversion so that the officers
17 could not drive through and Riley reported that she thought that Jacob Wise had one of the
18 smoke bombs. (*Id.* at 46:00-47:40).

19 594. The umbrellas were to block cameras and make it less likely for individuals
20 to be arrested and Sumayah/Austin always carries a firearm as a show of force. (*Id.* at 47:40-
21 48:40).

22 595. Riley asked if the officer could “see our chats” and stated that “they all have
23 nicknames in the chats” and that “Steve [Denney] has a copy of the chats.” (*Id.* at 48:40-
24 50:02).

25 596. Riley also reported that he was working with the FBI and then was cut off
26 because she told someone else that she was working with the FBI. (*Id.*)

27
28

1 597. When Phoenix officers submitted the Form IV forms for those arrested on
2 October 17, 2020, there were no gang charges or assisting a criminal street gang in those
3 submissions. (Ex. 131, Sponsel Deposition, at 121).

4 **Additional Connections Between the October 17, 2020 Arrestees**

5 598. Former Plaintiffs and Arrestees Nathan Aderholdt (Nicky) and Jessica Gibson
6 (Basil), were dating at the time of the arrests. (Ex. 247, Llanes deposition, at 46-49).

7 599. In discovery, Aderholdt produced an Instagram Message about “our group”
8 that was arrested on October 17, 2020, where another person advocated that he not continue
9 to protest due to pending felony charges:

10 What good will I be if I sit at home and let them destroy
11 everything we have been working for? Idk..i don’t like it at all.
12 I’m scared..But our group that was arrested together was the last
of us with any balls. That has been made clear to me by the lack
of momentum after we were hit.

13 (Ex. 294, Acton-PLF_00003-00004, Aderholdt Instagram Messages).

14 600. On October 20, 2020, October 17 arrestee Marysa Lleyva (“for surenotm”),
15 posted a photograph of herself and multiple of the other arrestees (Kaleb Martin, Brenda
16 Diaz, Rebekah Mills, Christopher Roberson, and Kalixta Villasaetz) on the steps of the jail,
17 with the caption: “Anarchist fam till the day I die. Many not pictured, but y’all mean the



1 world to me. I love you guys more than I can put into words. You can arrest us but you'll
2 never stop this movement. Fuck 12. Fuck 4th Ave. ACAB:"

3 (Ex. 295, (Cumulative Depo Ex. 115) COP_ACTON17595-17599 Lleyva Instagram
4 Anarchist Fam; Ex. 168, Wise Deposition, at 48-51, 145).

5 601. In response, Brenda Diaz ("brendadiazz") wrote: "put fuck 12 on my grave."
6 (Ex. 295)

7 602. Former Plaintiff Percy Lee Christian ("Percy4President"), wrote: "keep
8 fuckin em up." (*Id.*).

9 603. Former Plaintiff and October 17 arrestee Jacob Wise (Jacob_Wise1), wrote
10 "revolutionaries." (*Id.*)

11 604. Kaleb Martin ("Kaleb.im"), wrote: "fuck 4th ave all my homies hate fourth
12 ave." (*Id.*)

13 605. Former Plaintiff Nathan Aderholdt ("Wteffone"), also arrested on October 17,
14 commented: "Love all our fighters, bunch of strong MFers." (*Id.*)

15 606. Jacob Wise knew Jessica Gibson, aka JEXKINS or Basil, before October 17th,
16 and exchanged text messages with her three days after the arrest about planning something
17 "big" in the future and wishing that they had more people at October 17, 2020 to make the
18 officers "afraid." (Ex. 296- (Cumulative Depo Ex. 195)- Wise Gibson Texts; Ex. 168, Wise
19 Deposition, at 101, 127, 129-131).

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1 607. On November 2, 2020, Marysa Lleyva posted another photo of multiple of
2 the individuals from the October 17 protest (Mills, Lleyva, Wise, Villasaez,
3 Roberson/Sparky, Martin, Diaz), and others who had been at prior protests (Darrien Barrett,
4 Brandon Valentin/Bval) and Liberty (identified in the Dear Andrew Letter):



20 (Ex. 297, (Cumulative Depo Ex. 116) COP_ACTON 017656-659 Lleyva Instagram Group
21 Photo; Ex. 164, Wise Deposition, at 51-53). Brenda Diaz and Coyote/Kaleb Martin
22 commented on the post. (Id.).

23 608. Former gang investigator and JTTF Detective Steve Denney, explained that
24 as part of working gang investigations, photographs, such as this one in particular, would
25 be utilized to document associations and ongoing associations. (Ex. 151, Denney
26 Deposition, at 196).
27
28

1 609. Following her arrest, Suvarna Ratnam communicated by phone with October
2 17, 2020 arrestee Kalixta (“Kal”) Villasaez, where they discussed Kal obtaining shared
3 housing for Suvarna, Kal, Lucy (Rebekah Mills), and Kaleb Martin. (Ex. 298, Ratnam
4 Phone call- 1603218065_207_12_175_746 (Confidential)).

5 610. On his 1312 social media account, Jacob Wise continued to advocate for
6 protesting to “be water,” “if you were down in May through October, then you should be
7 down for now,” and to “bloc off and dust off those umbrellas,” as umbrellas can block from
8 filming and block police munitions. (Ex. 299, (Cumulative Depo. Ex. 206) Jacob Wise 1312
9 Post; Ex. 300, (Cumulative Deposition Ex. 211) Jacob Wise 1312 Post; Ex. 301,
10 (Cumulative Depo. Ex. 212); Ex. 168, Wise Deposition, at 149-153).

11 611. Mills continued to have contact with Brittany Austin/Sumayah Dawud,
12 speaking with her after July of 2024 about an incident where Austin shot and killed someone
13 following a protest. (Ex. 286, Mills Deposition, at 272-273).

14 **Events After October 17, 2020 Before the October 23, 2020 PPD Meeting**

15 612. On October 17, 2020 at 10:42:21 p.m., as directed by Lt. Moore, PPD
16 Detective Howell provided a list of arrested subjects who were arrested on that date to April
17 Sponsel. (Ex. 302, MCAO Email (Howell Ex. 33); Howell Ex. 33; Ex. 132, Howell
18 Deposition, at 92).

19 613. Detective Howell was present for and was deployed during the October 17,
20 2020 protest as a Grenadier. (Ex. 132, Howell Deposition, at 75-76).

21 614. Prosecutor Sponsel forwarded the list internally describing it as “a list of
22 individuals who will be booked in mainly for conspiracy to commit Agg Aslt, class 2 and
23 other offences for a riot tonight in PHX. These individuals, many of them, used smoke
24 bombs throwing them at officers.” (Ex. 302).

25 615. On October 18, 2020, at 12:20:47 p.m., MCAO attorneys exchanged email
26 correspondence regarding the outcome of the initial appearances including those charges
27 where the Court did not find probable cause, but the charges did not include gang charges.
28 (*Id.* at PRR113-000039).

1 616. In response, at 2:25:43 p.m., MCAO Prosecutors Leckrone and Sponsel
2 circulated emails regarding confirmation that there would be search warrants and seizing of
3 phones. (*Id.* at PRR113-000039).

4 617. On October 19, 2020, MCAO circulated a list of arrested persons for
5 “rioting” and assignment of the cases (no gang charges are identified). (Ex. 303- PRR5-
6 000274-275_redacted MCAO Case List Email PRR5-000274-275).

7 618. PPD officers created a compilation video of segments of Strongwatch
8 video body worn camera video, which prosecutor Sponsel reviewed prior to the Grand Jury
9 presentation. (Ex. 290, Master Compilation; Ex. 131, Sponsel Deposition, at 90-92).

10 619. After reviewing the compilation video and police report, and separate from
11 any gang charges, April Sponsel believed that there was a reasonable likelihood of
12 conviction for disorderly conduct, unlawful assembly, aggravated assault against Sgt.
13 McBride as the victim, and rioting. (Ex. 131, Sponsel Deposition, at 102-103).

14 620. Pursuant to Prosecutor Sponsel and Leckrone’s directive to obtain search
15 warrants for the cell phones, on October 20, 2020, at 9:04 a.m., MCAO investigating
16 detective Karl Martin received back a signed search warrant that he had authored—based
17 upon his own investigation—seeking evidence to further a criminal syndicate investigation,
18 including cell phones and cameras seized from prior arrestees Rilee Webb (on Riley
19 Behrens ACAB list), Lee Percy Christian, Milton Hasley (Fe’La Inko), and Ryan Tice,
20 identifying evidence from the Cellebrite extractions of Ryan Tice and referencing Suvarna
21 Ratnam as a member of “A.C.A.B.” (Ex. 304- TVD LONG000711-722, Search Warrant)

22 621. MCAO Detective Karl Martin also referenced the “Chill Chat,” that had been
23 provided to him by Detective Howell that had been obtained by Steve Denney from Riley
24 Behrens. (*Id.* at TVD LONG000719).

25 622. Karl Martin also based his search warrant affidavit on Ivy’s Cellebrite
26 communications, where “A.C.A.B. member ‘Sue’ Suvarna Ratnam looking up Phoenix
27 Police Chief Jeri Williams home address and husband Judge Cody Williams.” (*Id.* at TVD
28 LONG 000720).

1 623. PPD had released all of these cellphones back to their owners, not knowing
2 that MCAO wanted to search these items. (Ex. 305, Lt. James Hester Dep. 29:2–31:8).

3 624. On October 20, 2020, at 9:47 a.m., PPD Detective Howell sent to MCAO
4 a link of videos taken within the October 17, 2020 protest and posted to Antifawatch (Amy
5 Kaper’s videos). (Ex. 306, Email Antifa Watch Videos (Howell Depo. Ex. 30)).

6 625. On October 20, 2020, at 2:30 p.m., three days before the October 23, 2020
7 meeting at PPD, MCAO Investigator Martin sent April Sponsel a draft of the charging for
8 Suvarna Ratnam, which included gang charges and is the first time that an A.C.A.B. gang
9 is documented. (Ex. 188, PRR5-000801-803, Martin Email Ratnam Charging).

10 626. In the original reports for the October 17, 2020 arrest, none of the individuals
11 were arrested for gang charges or assisting a criminal street gang and A.C.A.B. is not
12 mentioned; Ryder Collins only involvement is noted to have been following the group to
13 take pictures, not dispersing and moving closer to the group after the unlawful assembly
14 orders were given, and he professed that he knew no one in the group. (Ex. 131, Sponsel
15 Deposition, at 105-106; Ex. 207, reports and supplements, at CoP_Ratnam 120-123, 224-
16 225).

17 627. In Karl Martin’s proposed charging document for Suvarna Ratnam, he wrote:

18 Tattoos: Dots on chest meaning “A.C.A.B.”

19 Organization: A.C.A.B.

20 ...

21 SP-1 Suvarna Ratnam exceeded her First Amendment rights
22 after participating in Rioting, Aggravated assault on police
23 officers, obstructing a thoroughfare, criminal trespass, resisting
24 arrest, hindering prosecution and unlawful assembly.

24

25 Suvarna participated in a riot at 1002 West Van Buren St. when
26 she and other ACAB members impeded traffic and business
27 access. Ignoring police commands to disperse, the group began
28 to huddle together, from the group 3 incendiary devices were
thrown toward police cars that were following behind.

...
...

1 During an interview with Co-defendant Jessica Behrens “Riley”
2 she told officer McCombs #9348 on video that the incendiary
3 devices were brought to the event and handed out by Suvarna
4 Ratnan (sic).

5 ...

6 Information obtained from Ryan Tice and Jonah Ivy cellular
7 phones. The group is using Signal App because of its capability
8 to encrypt and delete messages if set up properly. If not set to
9 delete the message will be retained on the phone. When Ryan
10 Tice and Jonah Ivy cellular phone was examined by
11 authorization of a search warrant several Signal App messages
12 were retained. To include the following: Lee Percy Christian
13 aka “Percy” provided Suvarna Ratnam the names of ten officers
14 names who were involved in an in-custody death of Muhammad
15 Muhaymin. Asking for her to look up their addresses. Jonah
16 Ivy is in conversation with an A.C.A.B. member “Sue” Suvarna
17 Ratnam looking up Phoenix Police Chief Jeri Williams home
18 address and husband Judge Cody Williams. The address was on
19 the tread/chat. There were also names and addresses of other
20 active members of Phoenix Police Department.

21 (Ex. 188, PRR5-000801-803).

22 628. In the afternoon of October 20, 2020, PPD submitted “addenda” to the Form
23 IV’s for the October 17, 2020 arrests, which still did not include gang charges.²¹ (Ex. 307-
24 Form IV Addendum Suvarna Ratnam).

25 629. On October 21, 2020 at 8:37:17 a.m., after he had already circulated his
26 proposed gang charging document for Suvarna Ratnam gang internally within MCAO, Karl
27 Martin emailed Prosecutors Sponsel, Goddard, and PPD Detective Howell with a draft
28 search warrant for Suvarna Ratnam and stated that she met the “criteria for qualifying as a
street gang member.” (Ex. 308, October 21 2020 Email from Karl Martin (Jeffrey Howell
Depo Ex 29)).

630. Consistent with Karl Martin having decided independently that Ratnam met
the criteria for a criminal street gang member, Detective Howell’s position was that MCAO
investigator Martin would have decided whether the facts supported criminal syndicate or
other charges: “so it was my understanding he was the expert in the matter, being his prior

²¹ All of the Addendum were identical and, as such, Defendants have included one
representative Form IV. Because the criminal filings for Ryder Collins are sealed, his Form
IV is not included but contains the same information.

1 history with Phoenix PD and dealing with that. So it would be the charging agency that
2 would be doing it, not myself.” (Ex. 132, Howell Deposition, at 158-159).

3 631. On October 22, 2020, at 2:24 p.m., after MCAO investigator Karl Martin had
4 already drafted the proposed gang charges for Suvarna Ratnam, Prosecutor Sponsel
5 introduced Martin to Sgt. McBride: “Doug meet Karl, Karl meet doug...emails that is...
6 (Ex. 309, BSPLD017202-CONFIDENTIAL).

7 632. Martin then emailed McBride a copy of a draft search warrant for Suvarna
8 Ratnam. (*Id.*)

9 633. As documented in an October 30, 2020, email from MCAO investigator
10 former gang detective Karl Martin to Prosecutors Sponsel and Goddard, regarding his
11 independent evaluation of the Cellebrite evidence and proposed Affidavit regarding the
12 same, Suvarna Ratnam’s cell phone number as identified in the Signal communication was
13 verified as belonging to her and her communications established: (1) former Plaintiff
14 Ratnam “looking up Phoenix Police Chief Jeri Williams’ home address and husband Judge
15 Cody Williams. The address was on the threat/chat. There were also names and addresses
16 of other active members of Phoenix Police Department and Mayor Gallego;” (2) “a clear
17 indication of her leadership role within the A.C.A.B. group;” (3) “booking photos of
18 Ratnam reveals a tattoo of her left upper chest of the A.C.A.B. identifier of one dot, three
19 dot, one dot, two dots, indicated in the numerical order of the alphabet. This is a common
20 practice of a criminal street gang;” and (4) Ratnam has met at least four of the criterial that
21 indicate she is part of a criminal street gang. (Ex. 189, Email re Cellebrite).

22 634. On November 2, 2020, investigator Martin continued to independently
23 investigate and highlighted key Signal communications from the Tice Cellebrite extraction,
24 which was circulated between prosecutors Sponsel and Goddard, some of which had been
25 previously included in investigator Martin’s October 20, 2020 search warrant affidavit. (Ex.
26 190, Sponsel to Goddard Signal Summary; Ex. 304, TVD LONG000711-722).

27 635. Following the indictment, Sponsel prepared a PowerPoint including this
28 evidence as a basis for the charging decisions. (Ex. 265, Sponsel Power Point).

1 out in my brain...I would—that’s not something I would have had a conversation about, at
2 least dictating what the charges were. That’s not –that’s not my role.” (*Id.* at 66-67).

3 645. Investigators work with charging authorities to present evidence, but PPD
4 does not dictate charges, and Chief Williams was not involved in the charging discussions.
5 (*Id.* at 68, 73-75).

6 646. The investigator and/or that person’s supervisor would be responsible for
7 turning evidence to the prosecutors. (*Id.* at 76).

8 647. Chief Williams was not aware of what evidence was being collected and was
9 not told what was going to be presented to the Grand Jury. (*Id.* at 75-76).

10 648. Chief Williams was not at the October 23, 2020 meeting, discussed below,
11 and Sponsel testified that she did not discuss the grand jury date or even that it was going
12 to a grand jury). (*Id.* at 77, 143; Ex. 131, Sponsel Deposition, at 112-113).

13 649. The Form IV probable cause statements for October 17, 2020 and the police
14 report for October 17, 2020, did not include gang charges and Prosecutor Sponsel exercised
15 her own independent prosecutorial discretion in selecting charges to be filed. (Ex. 131, at
16 106-108).

17 650. Prosecutor Sponsel did not even finalize the charging until the morning of the
18 grand jury. (*Id.* at 91).

19 **October 23, 2020 Meeting with PPD and MCAO**

20 651. Before the October 17, 2020 arrests, on October 16, 2020, at 12:52 p.m., PPD,
21 including Defendants Hester, Burton, and Lt. Moore, were advised that:

22 It came to my attention from DOU that cellphones that had been
23 impounded as evidence from recent arrests during a protest
24 have been released. The County Attorney is not happy about
25 this as they wanted to use evidence on these phones to assist in
26 the investigation. The ask from the CA [County Attorney] is
27 that all the phones that are impounded as evidence not be
28 released until approved by the CA to do so. The incident that
this stems from has been addressed, but the ask is for you to
inform all of your detectives that may have cases or will have
cases related to the protests to not release those items without
first getting the approval from the CA, or with the adjudicator
of the case.

1 (Ex. 311, BSPLD023125 October 16, 2020 email re cellphones).

2 652. On October 23, 2020, Commander Knueppel organized a meeting to try and
3 get everyone on the same page due to an issue that had arisen regarding the retention of
4 impounded cell phones. (Ex. 312, Knueppel Deposition, at 19:13–21, 30:22–32:10; Ex. 305
5 Hester Deposition, at 29:2–31:8; Ex. 131, Sponsel Deposition, at 79:24–80:11).

6 653. As set forth in DSOF620-622, on October 20, 2020, MCAO Investigator Karl
7 Martin obtained a search warrant for cell phones to facilitate his investigation into criminal
8 syndicate and gang charges.

9 654. Prior to the October 23, 2020 meeting, Sponsel and Martin had already
10 determined that they would file gang charges based upon their own independent review and
11 they had begun efforts to search cell phones even before the October 17, 2020 arrests. (Ex.
12 131, Sponsel Deposition, at 63:14–20; Ex. 311).

13 655. When issues such as these arise, meetings between agencies are common in
14 order to ensure that evidence is not lost. (Ex. 313, John Collins Deposition, at 19, 26; Ex.
15 312, Knueppel at 25:15–26:4).

16 656. Commander Knueppel's role with the Homeland Defense Bureau specifically
17 involved multi-agency coordination. (Ex. 312, Knueppel Deposition, at 19:16–22:4).

18 657. Several different units within the Phoenix Police Department were involved
19 in the protests, and because the federal courthouse had been damaged by protestors
20 previously, the FBI was also involved in dealing with the protest. (*Id.* at 20:12–21:17).

21 658. Commander Knueppel intended to coordinate with all involved in order to
22 connect the dots and make sure that the individuals all knew who the others were. (*Id.* at
23 21:18–4, 23:12–24:4).

24 659. Commander Knueppel coordinated with Commander DeCastro in the Violent
25 Crimes Bureau to hold the meeting there because of Hester's involvement. (*Id.* at 22:5–
26 23:11, 34:3–21.)

27 660. Commander Knueppel sent out an electronic invitation to Commander Lee,
28 Commander Lopez, Assistant Chief Hein, Assistant Chief Collins, Lt. Hester, Sgt. Burton,

1 Lt. Moore, Officer Howell, Commander DeCastro, Commander Orender, Sgt. Korus, Det.
2 Legere, Sponsel, and a member of the FBI. (Ex. 314, October 23, Meeting Invite).

3 661. Also present at the meeting was Sgt. McBride, Martin, and a member from
4 the Gilbert police department, among others. (Ex. 146, McBride Deposition, at 189:15–25;
5 Ex. 305, Hester Deposition, at 36:19–25; Ex. 313, John Collins Deposition, at 17:4–6).

6 662. Commander Knueppel had the understanding that there was no coordination
7 between the various PPD officers involved in the protest response. (Ex.312, Knueppel
8 Deposition, at 20:12–21:17, 23:12–18, 24:5–19, 26:13–27:3).

9 663. At the October 23, 2020 meeting, multiple people discussed whether to charge
10 the individual protestors as members of a gang, including whether the statute and its
11 elements fit. (Ex. 313, John Collins Deposition, at 18:12–20, 21:2–20; Ex. 305, Hester
12 Deposition, at 37:11–18, Ex. 146, McBride Deposition, at 73:19–74:21, Ex. 131, Sponsel
13 Deposition, at 78:15–79:23).

14 664. Sponsel was surprised that anyone else had thought about gang charges. (Ex.
15 131, Sponsel Deposition, at 77:11–25).

16 665. Lt. Hester had previously discussed this with Commander DeCastro, who told
17 him to raise the issue in the meeting. (Ex. 305, Hester Deposition, at 35:10–36:14).

18 666. Lt. Hester testified that it seemed like others, including Sponsel, Martin, and
19 McBride, had already separately come up with these ideas. (*Id.* at 45:14–23).

20 667. Commander Knueppel did not instruct them or try and tell anyone how to do
21 arrests or how to handle the investigation. (Ex. 312, Knueppel Deposition, at 26:17–27:13).

22 668. That discussion was only one small part of the meeting. (Ex. 131, Sponsel
23 Deposition, at 112:17–113:2).

24 669. Although it appeared that there was some agreement on whether gang charges
25 were appropriate, the group knew that there needed to be additional work in order to collect
26 the evidence. (Ex. 146, McBride Dep. at 74:17–21; Ex. 313, John Collins Deposition, at
27 21:21–22:19, 27:4–8).

28

1 670. Sgt. McBride was directed to write a supplemental historical report detailing
2 everything from the protests alongside the Violent Crimes Bureau. (Ex. 146, McBride
3 Deposition, at 74:22–75:15; Ex. 313, John Collins Deposition, at 22:20–23:6, 26:21–27:3).

4 671. The Gang Enforcement Unit was working on a gang war issue and could not
5 participate, but Sgt. McBride had previous experience with investigating gangs. (Ex. 146,
6 McBride Deposition, at 74:22–75:10; Ex. 131, Sponsel Deposition, at 73:3–21).

7 672. No one made a final decision about what to do at the meeting. (Ex. 312,
8 Knueppel Deposition, at 28:2–16, 30:1–5; Ex. 313, John Collins Deposition, at 21:21–
9 22:19).

10 673. The Officers did not plan any specific coordination as part of the meeting.
11 (Ex. 312, Knueppel Deposition, at 28:2–16).

12 674. Sponsel and MCAO investigator Martin spoke about next steps, and Martin
13 said he was working on an additional search warrant. (Ex. 305, Hester Deposition, at 39:8–
14 25).

15 675. Martin circulated a draft of the search warrant. (*Id.*)

16 676. Although Martin initially discussed working with Hester, Hester ultimately
17 declined to submit a search warrant because he was not happy with the way his detective
18 had drafted it. (Ex. 305, Hester Deposition, at 39:25–40:17, 51:3–10).

19 677. Commander Knueppel specifically testified that the meeting had no relation
20 to ideology. (Ex. 312, Knueppel Deposition, at 44:11–18).

21 678. Sponsel did not discuss her plan to go to the grand jury at the meeting. (Ex.
22 131, Sponsel Deposition, at 113:3–12).

23 **Sgt. McBride's Report**

24 679. Sgt. McBride then authored a historical report. (Ex. 146, McBride Deposition,
25 at 77:2–10; Ex. 316, McBride Report).

26 680. Sgt. McBride did not finish the report until after his testimony to the grand
27 jury. (Ex. 146, McBride Deposition, at 167:4–7).

28

1 681. Lt. Moore did not oversee this report, as Sgt. McBride was working directly
2 with the Violet Crimes Bureau. (Ex. 318, Lt. Moore Deposition, at 77:14–23).

3 682. Sgt. McBride did not consult with anyone regarding the seven gang criteria
4 while working on the report, he looked at the statute and the evidence. (Ex. 146, McBride
5 Deposition, at 78:10–79:4, 83:24–84:10).

6 683. Although he had known of information provided by Riley Behrens, his Report
7 involved documented evidence from the summer of protests that he had been working on.
8 (*Id.* at 79:6–15).

9 684. Sgt. McBride testified that he was not making any determinations in the
10 report; rather, he documented what he had observed. (*Id.* at 81:10–83:4).

11 685. No one else reviewed the report prior to its submission, but his supervisors
12 ultimately approved of it. (*Id.* at 83:6–8, 171:3–7).

13 686. In the Report, he included the charges from the booking and investigative
14 team, which included the original report authored by Lt. Moller. (*Id.* at 182:4–184:7).

15 687. He did not check the gang box because the report was not the final submittal,
16 and he still needed to work on gang member identification forms and nothing had been
17 determined yet as to whether ACAB was in fact a gang. (*Id.* at 184:8–185:9).

18 688. After he wrote the report, he worked on gang member identification forms.
19 (*Id.* at 169:6–12.)

20 689. It was then that Sgt. McBride realized that Ryder Collins did not belong with
21 the ACAB group and he communicated this to Prosecutor Sponsel so that she could scratch
22 the gang charges. (Ex. 146, McBride Deposition, at 91-94, 98-99, 161:20–162:17, 169:13–
23 24.)

24 **Events Following the October 23, 2020 PPD Meeting**

25 690. Following the arrest and booking of a subject, the Phoenix Police Department
26 (“PPD”) case agent detective prepares a submittal package by gathering all available
27 evidence, recommending charges, and sending it to the Maricopa County Attorney’s Office
28 (“MCAO”) for review. (Ex. 131, Sponsel Deposition, at 8-10; Ex. 317, Lieutenant Hester’s

1 Deposition taken in *Williams v. City of Phoenix, et al.*, No. 2:20-CV-01367-PHX-SMB
2 (“*Williams*”),²² at 45:19-22).

3 691. During the fall of 2020, Deputy County Attorney April Sponsel (“DCA
4 Sponsel”) was assigned to the First Responders’ Bureau of MCAO, which prosecutes cases
5 of assaults on first responders, including police officers, ranging from resisting arrest to
6 homicide. (Ex. 131, Sponsel Deposition, at 6:24-7:3, 15:6-11, 19:7-12).

7 692. The submittal package that PPD submitted to MCAO for the October 17, 2020
8 arrests did not include any recommendations for gang charges or charges for assisting a
9 criminal street gang. (*Id.* at 105:20-106:4, 135:3-24; Ex. 168, PPD police report).

10 693. The charges PPD recommended for Plaintiff Collins were unlawful assembly,
11 obstruction of a public thoroughfare, and riot. (Ex. 319, MCAOPBK_AUSTIN 66-219, at
12 00045-00046).

13 694. When the individuals who were arrested on October 17, 2020 were booked
14 by PPD, PPD did not recommend gang-related charges for any of them. (Ex. 131, Sponsel
15 Deposition, at 105:20-106:4; Ex. 320, Plaintiff Franks’ Form IV [COP_ACTON 001477-
16 001498]).

17 695. Plaintiff Collins was released from police custody within hours after being
18 booked. (Ex. 146, McBride Deposition, at 92:10-16).

19 696. DCA Sponsel believed there was sufficient evidence to add gang charges,
20 including assisting a criminal street gang and conspiracy, as to the October 17 arrestees,
21 including Plaintiff Collins, and participating in a criminal street gang as to former Plaintiff
22

23
24 _____
25 ²² Pursuant to the Court’s January 4, 2024 Case Management Order (Doc. 389), the
26 parties were “precluded from taking duplicative depositions of Plaintiffs or Defendants, as
27 well as, 30(b)(6) witnesses who have already been deposed in [*Guerrero-Sanchez, Ellis,*
28 *Saccoccio, Williams, and Soria/Martinez*].” The parties agreed to adopt the prior transcripts
of individuals who were deposed in any of those other protest cases. (*See* Ex. 318,
Lieutenant Moore’s Deposition, at pp. 10:19-11:11).

1 Suvarna Ratnam for her known affiliation with ACAB. (Ex. 131, Sponsel Deposition, at
2 38:5-44:24, 110:15-111:9, 135:3-24).

3 697. DCA Sponsel was aware that former Plaintiff Ratnam had an ACAB tattoo.
4 (*Id.* at 53:21-22, 110:15-17).

5 698. At the time of her arrest for her involvement in the October 17 protest, former
6 Plaintiff Ratnam was out on release for aggravated assault on a police officer with a deadly
7 instrument and various other charges. (Ex. 146, McBride Deposition, at 25:6-13).

8 699. Because former Plaintiff Ratnam was a documented member of ACAB, DCA
9 Sponsel believed that the other individuals who were part of the group of rioters on October
10 17 met the definition under A.R.S. § 13-105 for assisting a criminal street gang. (Ex. 131,
11 Sponsel Deposition, at 42:2-25).

12 700. It was DCA Sponsel's practice to "always reach out to the officer or to the
13 case agent that submitted" a case if she wanted to pursue charges different than what PPD
14 had recommended. (*Id.* at 39:23-40:7).

15 701. Because she wanted to move forward with charges for participating in a
16 criminal street gang (as to former Plaintiff Ratnam only) and charges for assisting a criminal
17 street gang and conspiracy (as to the remaining October 17 arrestees, including Plaintiff
18 Collins), which were not recommended by PPD, DCA Sponsel called Sergeant McBride to
19 discuss the gang related charges. (*Id.* at 36:14-42:2-25).

20 702. DCA Sponsel came to her own independent conclusion regarding the gang
21 charges related to the October 17 arrests before reaching out to Sergeant McBride to discuss
22 those charges. (*Id.* at pp. 111:15-112:4).

23 703. After speaking to Sergeant McBride, DCA Sponsel called MCAO Division
24 Chief Vince Goddard and MCAO Bureau Chief Sherry Leckrone to discuss adding charges
25 that had not been recommended by PPD, including assisting a criminal street gang and
26 conspiracy. (*Id.* at 33:21-36:9).

27
28

1 704. Prior to finalizing charging decisions related to the October 17 arrests, DCA
2 Sponsel reviewed the original police report, all supplements available at the time, and a
3 compilation video put together by PPD. (*Id.* at 90:23-91:14).

4 705. The compilation video she reviewed corroborated what had been in the
5 reports she reviewed. (*Id.* at 91:11-93:4).

6 706. The fact that the rioters on October 17 were wearing black bloc clothing and
7 using umbrellas to shield their upper bodies made it difficult to single out what each of the
8 rioters was doing, which is why DCA Sponsel charged conspiracy and accomplice liability.
9 (*Id.* at 93:7-94:10).

10 707. DCA Sponsel observed on the videos from the October 17 protest that when
11 Plaintiff Collins was in the street, an unlawful assembly had already been declared. (*Id.* at
12 99:6-23).

13 708. DCA Sponsel’s charging decisions were not based upon the existence of
14 fingernails being sharpened. (*Id.* at 101:5-23).

15 709. Based upon DCA Sponsel’s review of the police reports and the compilation
16 of the body worn camera videos, she concluded there was a reasonable likelihood of
17 conviction for the crimes of riot, disorderly conduct, unlawful assembly, and aggravated
18 assault. (*Id.* at 103:7-105:3).

19 710. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 711. No PPD officer, detective, commander, or anyone else within PPD exerted
26 any pressure on DCA Sponsel to file charges against any of the individuals who were
27 arrested on October 17. (Ex. 131, Sponsel Deposition, at 131:13-17).

28

1 712. DCA Sponsel made the determination about what charges to submit to the
2 grand jury. (*Id.* at 114:2-4).

3 713. After reviewing the compilation video of the October 17, 2020 protest arrests,
4 Lieutenant James Hester believed that Sergeant Groat had identified Plaintiff Collins as an
5 individual to be arrested and directed officers to arrest him for his involvement in the
6 protest. (Ex. 305, Hester Deposition, at 52:11-21).

7 714. Lieutenant Hester asked Detective Adam Legere to interview Sergeant Groat
8 to confirm that he had ordered Plaintiff Collins' arrest and to prepare a supplement report
9 regarding the same. (*Id.* at 51:16–53:1).

10 715. During the interview, Sergeant Groat stated that Plaintiff Ryder was not the
11 person he had directed the officers to arrest. (*Id.* at 52:21–24).

12 716. Lieutenant Hester notified his chain of command that it was his belief based
13 on Sergeant Groat's statement to Detective Legere that Plaintiff Ryder was not the person
14 he had directed the officers to arrest and that Plaintiff Collins was not involved in the
15 protest. (*Id.* at 54:11-15, 55:6-9).

16 717. Lieutenant Hester was directed to contact MCAO and ask them to drop
17 Plaintiff Collins from the investigation. (*Id.* at 54:15-55:).

18 718. Lieutenant Hester notified DCA Sponsel that Plaintiff Ryder was not the
19 individual who Sergeant Groat had directed the officers to arrest and that Plaintiff Collins
20 should be dropped from the investigation. (*Id.* at 55:4-15).

21 719. DCA Sponsel told Lieutenant Hester that it had to go to grand jury with
22 Plaintiff Collins as part of an indictment but that after the grand jury, she could cut him
23 from the indictment. (*Id.* at 55:22-56:4).

24 720. Lieutenant Hester then notified his chain of command that DCA Sponsel had
25 informed him that there was a procedural issue that prevented her from dropping Plaintiff
26 Collins right away but that it's going to happen. (*Id.* at 55:22-56:4).

27 721. [REDACTED]
28 [REDACTED]

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[REDACTED]

722. Sergeant McBride and Officer Jeffrey Raymond were both called to testify before the grand jury regarding the October 17 arrests. (Ex. 146, McBride Deposition, at 96:23-97:6).

723. Sergeant McBride is the victim of an aggravated assault committed by former Plaintiff Dominic Bonelli during his arrest on October 17. (*Id.* at 55:25-56:10, 113:5-8; Ex. 319, at 000162).

724. Following the grand jury indictment on October 27, 2020, DCA Sponsel asked Sergeant McBride to “look at the photographs of the [October 17] rioters and compare them with what they’re wearing in the video so [they] could get them identified.” (Ex. 131, Sponsel Deposition, at 92:10-20).

725. [REDACTED]

1 728. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 729. [REDACTED]

5 [REDACTED]

6 730. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 731. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 732. Sergeant McBride was not part of any review meeting or evaluation regarding
13 the charges brought by MCAO against any of the October 17 protestors. (*Id.* at 101:17-22).

14 733. On February 12, 2021, MCAO dismissed without prejudice all charges
15 against all arrestees from the October 17 protest. (Ex. 322, Green Deposition, at 39:12-18).

16 734. On February 19, 2021, MCAO filed a motion to dismiss with prejudice all
17 charges [REDACTED]. (*Id.* at 84:13-15, 133:14-134:8).

18 735. The Court granted the motion to dismiss with prejudice as to all charges
19 [REDACTED].²³

20 736. On February 10, 2021, the City of Phoenix, through City Manager Ed
21 Zuercher, engaged the law firm of Ballard Spahr to conduct an independent investigation
22 into allegations that some Phoenix police officers created and distributed “challenge coins”
23 and memorabilia depicting a protestor being struck in the groin area by a less lethal munition
24 after having kicked a gas canister at police during an August 2017 protest of then-President

25

26

27 ²³ [REDACTED] criminal case was sealed on July 12, 2021, making the documents
28 unavailable to the public. *See* Maricopa County Superior Court Docket CR2020-139581.

1 Trump’s visit to Phoenix (the “Challenge Coin Matter”). (Ex. 324, City Manager Zuercher’s
2 Deposition, at pp. 23:6-27:23; Ex. 325, Challenge Coin Summary [PLF000737-000738]).

3 737. Ballard Spahr was asked to investigate the origin of and subsequent
4 circulation and knowledge of the challenge coin by PPD employees. (Ex. 324, Zurcher
5 Deposition, at 23:6-27:23; Ex. 325, Challenge Coin Summary).

6 738. In February 2021 there were media reports alleging collusion between
7 members of the PPD and MCAO stemming from allegedly fictional gang charges. (Ex. 324,
8 Zuercher Deposition, at 25:8-26:15).

9 739. Troubled by those allegations, on February 26, 2021, the City of Phoenix,
10 again through City Manager Zuercher, expanded Ballard Spahr’s role to include an
11 investigation of the PPD’s involvement in arresting the ACAB protestors on October 17,
12 2020 and the State’s subsequent prosecution of individuals as criminal street gang members
13 (the “Street Gang Matter”). (Ex. 326, Ballard Spahr Gang Report, at PLF000776-000778).

14 740. Ballard Spahr issued two reports – one on August 3, 2021 regarding the
15 Challenge Coin Matter and the other on August 5, 2021 regarding the Street Gang Matter.
16 (Exs. 325 and 326).

17 741. Ballard Spahr summarized its findings in the Challenge Coin Matter as
18 follows:

19 First, the Investigation Team determined that not only the
20 challenge coin, but other similar items – including patches, hats
21 and shirts similarly celebrating the protest incident – circulated
among dozens of Phoenix police officers.

22 ...

23 While it became clear who ordered coins and related
24 memorabilia, the Investigation Team uncovered no evidence of
25 the coin’s creator, who may be someone unrelated to PPD,
26 given the widespread internet posting of the coin’s images and
phrasing. While someone in PPD may have appropriated the
image for use on memorabilia, the Investigation Team did not
find any evidence that any PPD officer actually came up with
the idea for the image or accompanying text.

27 ...
28

1 Second, these items, including the challenge coin, were
2 routinely circulated during work hours and at work locations.
3 However, there is no evidence that City funds were used to
4 create or purchase any of these items.

...

5 Third, the Investigation Team did not find any evidence that any
6 officers knowingly associated the phrase “Good Night Left
7 Nut” with the neo-Nazi phrase “Good Night Left Side” or
8 intended any of the circulated memorabilia to associate with
9 far-right or fascist ideologies.

(Ex. 325, at PLF00741-742).

10 742. Ballard Spahr summarized its findings as to the Street Gang Matter as
11 follows:

12 We established that the decision to charge the Protestors under
13 the criminal street gang statute was made collaboratively
14 among officials of PPD and MCAO, and included consultation
15 with other law enforcement agencies, including the Federal
16 Bureau of Investigation (“FBI”) and the Gilbert Police
17 Department (“GPD”).

...

18 We further found that police and prosecutors ignored expert-
19 established criteria for identifying true criminal street gangs,
20 and similarly ignored established protocol for processing the
21 gang classifications.

...

22 Despite those problems, PPD attempted to classify ACAB as a
23 gang in “GangNet,” a statewide database of purportedly
24 verified gang members, even though no such gang existed and
25 in any case, PPD lacks the authority to classify new gangs into
26 GangNet”

(Ex. 326, at PLF000785-000787).

27 743. At the conclusion of its investigations, Ballard Spahr recommended that the
28 City obtain a separate law enforcement agency to conduct a thorough investigation that
includes the ability to compel documents and testimony to develop facts and circumstances.

(Ex. 327- August 11, 2021 Memorandum from Ballard Spahr to City Manager Zuercher
[BSPLD006004-6005 CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER]; Ex. 328,

1 July 19, 2021 Memorandum from Ballard Spahr to City Manager Zuercher
2 [BSPLD009089-9098 CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER]).

3 744. At the time Ballard Spahr reached its conclusions, this litigation had not yet
4 commenced, so Ballard Spahr did not have access to many of the relevant documents that
5 have been produced in the litigation, including social media posts and text messages, or the
6 information obtained in the numerous depositions that have been taken, including of the
7 current and former plaintiffs. (Ex. 324, Zurcher Deposition, at 132:20-133:3, 139:1-9,
8 141:6-18).

9 745. In fact, Ballard Spahr specifically stated the following:

10 It bears noting, however, that we reach these findings without
11 the benefit of all possible information. PPD did not provide
12 certain information we requested and, on multiple occasions,
13 certain relevant information was provided to the Investigation
14 Team several weeks after that information was known to PPD.
15 Additionally, due to the City's 90-day retention policy for
16 emails, we were unable to review certain materials relevant to
17 the Investigation. Had PPD provided us with certain
18 information in a timely manner, we likely would have identified
19 additional email and other relevant electronic documents.
20 Finally, we made several requests to MCAO for information,
21 interviews, and written responses to our questions. Those
22 requests were denied.

23 (Ex. 324, at 50:4-151:2; Ex. 326, Ballard Spahr Gang Report at PLF000787).

24 746. City Manager Zuercher took a number of actions in response to Ballard
25 Spahr's findings, which he outlined in two separate memoranda to the Mayor and City
26 Council dated August 12, 2021. (Ex. 325, Challenge Coin Summary, at PLF000737-
27 000738; Ex. 326, Gang Related Summary, at PLF000776-000778).

28 747. In response to the Challenge Coin investigation, City Manager Zuercher took
a number of actions, which he summarized in a Memorandum to the Mayor and City
Council as follows:

Individuals are being formally investigated by the Professional
Standards Bureau for their role in creating or distributing the
coin or other memorabilia in violation of existing Police
Department policy. The result of the PSB investigation which
will soon conclude, may be discipline issued to individual
employees based on PSB findings.

1 Chief Williams has received a written reprimand from the City
2 Manager in accordance with City policy.

3 In addition to their original tasks, the city's contracted external
4 review team, 21 CP Solutions, has been tasked to provide an
5 assessment of the Downtown Operations Unit and the Tactical
6 Response Unit and recommend to the City Manager and Police
7 Chief the appropriate reforms to these units. This information
8 will be presented to the City Council.

9 Any TRU personnel named in the report will no longer serve in
10 the TRU.

11 Chief Williams has been directed to write new policies or
12 strengthen existing policies to deter any future activity in the
13 following areas:

- 14 • Prohibiting hate speech
- 15 • Prohibiting disparaging images, slogans or statements about
16 residents, protestors or clients of the Police Department
- 17 • Prohibiting political speech while on duty
- 18 • Guidelines requiring specific approval from the Chief's office
19 for the creation and distribution of commemorative items,
20 including challenge coins
- 21 • Guidelines for gifting of items by supervisors to subordinates.

22 Chief Williams has been directed to create a new procedure for
23 department supervisors and executives for documenting
24 informal investigations to ensure transparency.

25 (Ex. 325, at PLF000737-000738).

26 58. In direct response to the Street Gang investigation, City Manager Zuercher
27 took a number of actions, which he summarized in a Memorandum to the Mayor and City
28 Council as follows:

At the recommendation of Ballard Spahr's investigators as well
as in follow-up to an April 19 letter to Chief Williams from the
Maricopa County Attorney's Office, I have asked the Arizona
Attorney General to conduct further investigation of potentially
criminal matters arising from this report. Ballard Spahr did not
have authority to recommend or institute specific discipline of
any City employees; they defined areas the City should follow-
up for further investigation. Appropriate discipline for involved
employees will be determined through the City Manager's
Office and Human Resources at the conclusion of their
investigation.

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At this point, the following immediate actions have been taken:

- Chief Williams has received a one-day suspension in accordance with City policy.
- Chief Williams has removed Assistant Chiefs Collins, Hein and Lopez from Assistant Chief assignments.
- Any commander named in the reports will not be considered for Assistant Chief.
- Any TRU personnel named in the report will no longer serve in the TRU.
- Sgt. McBride has been given a Notice of Investigation and is on administrative leave. He is also part of the criminal referral to the Attorney General.
- Administrative investigations have been opened on all staff having a role in the report.

In addition to their original tasks, the city's contracted external review team, 21 CP Solutions, has been tasked to provide an assessment of the Downtown Operations Unit and the Tactical Response Unit and recommend to the City Manager and Police Chief the appropriate reforms to these units. This information will be presented to the City Council.

In this case, Chief Williams was not informed by her staff of critical decisions. That can't happen again. She has taken action to re-organize her executive team. Chief Williams has been directed to develop a plan for establishing clear protocols to elevate significant issues to the Police Chief without the option to delegate, in areas including:

- Recommendations to deviate from Department policy or Operations Orders;
- Issues of significant employee misconduct;
- Issues that concern the offices of the City Manager, Mayor and City Council; and
- Any other issue of great significance to the City or Department.

Chief Williams has been directed to write new policies or strengthen existing policies to deter any future activity in the following areas:

- Gang charging protocols and standards;
- Protection of 1st Amendment rights of all protesters;

- 1 • Appropriate oversight and review of coordination with the
2 Maricopa County Attorney's Office on criminal charges for
3 protestors and all other charges; and
- 4 • Oversight to ensure appropriate review by the Special
5 Investigation Detail.

6 Despite PPD's assurances that Ballard Spahr would be provided
7 with whatever information it believed necessary, on various
8 occasions documents were either provided weeks or months
9 after Ballard Spahr's initial requests-on other occasions PPD
10 appears to have ignored requests for information altogether.
11 PPD provided no explanation whatsoever for such delays. I will
12 be communicating specific instances of such conduct to Chief
13 Williams, with the expectation that such conduct will be
14 addressed and corrected within the department.

15 (Ex. 326, at PLF000776-000778).

16 748. Based on the Ballard Spahr report and recommendations, City Manager
17 Zuercher directed now retired Chief Williams to reassign Assistant Chiefs John Collins,
18 Larry Hein and Gabriel Lopez, which she did, reassigning them to Commander
19 assignments. (Ex. 327, Zuercher Deposition, at 101:8-15; Ex. 183, Jerri Williams
20 Deposition, at 78-79).

21 749. In August of 2021, after the Ballard Spahr gang report had been authored and
22 the City Manager had made his decisions regarding reassignment, Chief Williams and the
23 Assistant Chiefs exchanged Signal messages about the result. (Ex. 329, August 2021 Signal
24 Communications Williams, Hein, Lopez).

25 750. Retired Chief Williams wrote: "Forewarning everyone report will go
26 tomorrow or Friday. It will not bode well for many of us on our floor. Don't know the
27 extent. The Gang Charges is the one." (*Id.* at 2).

28 751. She also wrote: "Collins. Don't act like we don't have culpability in some of
this. Collins should not have been arrested. We should have never sought gang charges.
Settle In that guys. A test we are not meant to pass. Settle into that also." (*Id.* at 3).

752. Mr. Zuercher retired from his City Manager position two months later in
October 2021. (Ex. 324, Zurcher Deposition, at 6:13).

1 **The Investigation of the Street Gang Matter**

2 753. On April 19, 2021, Maricopa County Attorney Allister Adel wrote to
3 Defendant retired Chief Williams requesting an investigation of Sergeant Groat, Sergeant
4 McBride, Officer Jeffrey Raymond, Officer Alexander Volk and Officer Joseph Crowley
5 regarding their involvement in Plaintiff Collins' arrest and subsequent indictment for gang-
6 related charges. (Ex. 330, Allister Adel Letter to Chief Williams dated April 19, 2021
7 [PRR86-000001-000006]).

8 754. PPD's Special Investigations Detail ("SID"), which investigates alleged
9 crimes by City of Phoenix employees, was tasked with conducting a criminal review of
10 perjury charges against Sergeant McBride pertaining to his grand jury testimony regarding
11 the October 17, 2020 arrests. (Ex 331, SID's Closing Memo [BSPLD014883-
12 BSPLD014889 CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER]).

13 755. SID investigators concluded there was no evidence to support criminal
14 charges for perjury against Sergeant McBride. (*Id.*).

15 756. In response to County Attorney Adel's letter and the recommendations
16 contained in the Ballard Spahr report, City Manager Zuercher reached out to the Chief
17 Deputy at the Arizona Attorney General's Office, the City of Tucson, and the Maricopa
18 County Sheriff's Office to request assistance with an independent investigation for possible
19 criminal charges regarding the Street Gang Matter. (Ex. 332- letter from Ed Zuercher to Joe
20 Kanefield dated August 12, 2021 [BSPLD013580-1351]; Ex. 324, Zurcher deposition, at
21 38:5-39:5, 83:1-19).

22 757. Both the Arizona Attorney General's Office and the City of Tucson turned
23 down the request for an investigation. (*Id.* at 82:16-83:13).

24 758. On September 26, 2024, the Pinal County Attorney issued a declination letter
25 regarding potential criminal charges stemming from the October 17 arrests and prosecution.
26 (Ex. 333, Letter from Pinal County Attorney Kent Volkmer to James E. Egelston
27 [COP.020830-COP.020831]).
28

1 759. The declination letter states in part as follows:

2 The Incident Review Board of the Pinal County Attorney’s
3 Office has reviewed the information and evidence relating to
4 the incident and subsequent prosecution that occurred on
5 October 17, 2020, in Phoenix, Arizona, involving Officer
6 Joseph Crowely, Sergeant James Groat, Sergeant George Herr,
7 Detective Adam Legere, Sergeant Douglas McBride, Officer
8 Christopher Turiano, and Officer Alex Volk of the Phoenix
9 Police Department, and Deputy County Attorney Sponsel of the
10 Maricopa County Attorney’s Office as documented in the
11 Phoenix Police Department’s IR # 2020-1703948 and Maricopa
12 County Superior Court Case CR2020-139581.

13 Based on the information submitted in your Investigative
14 Report dated June 10, 2023, as well as the evidence you
15 gathered since that date and shared with this office, it is the
16 opinion of this Board that none of the individuals listed above
17 committed any acts that warrant criminal prosecution.

18 (*Id.*)

19 **TRU Training and Certification**

20 760. The Tactical Response Unit (“TRU”) is a mobile field force within the City
21 of Phoenix Police Department that is deployed to conduct crowd control during civil unrest,
22 riots, and other large gatherings. (Lieutenant Moore’s 30(b)(6) Deposition taken in
23 *Saccoccio v. City of Phoenix, et al.*, Case No. 2:20-cv-1141-PHX-DJH (“*Saccoccio*”), at p.
24 12:23-25; Ex. 335, Sergeant McBride’s Deposition taken in *Saccoccio*, at p. 25:6-9).

25 761. All TRU officers are required to obtain a TRU certification, which consists of
26 a 20-hour block of training delivered over two days. (Ex. 336, Sergeant McBride’s
27 Deposition taken in *Martinez, et al. v. City of Phoenix, et al.*, Case No. 2:21-cv-01212-
28 DGC-MTM (“*Martinez*”), at 82:11-21).

762. TRU certification includes both classroom and field components. (*Id.* at
82:11-21).

763. In addition, all TRU officers obtain an annual re-certification on various
topics including tactical formations and tactics. (*Id.* at 138:3-9).

764. The training TRU receives includes instructions on making arrests at protests,
protecting the safety of protestors, obstruction of a public thoroughfare, unlawful assembly
and riot and training on legal issues surrounding the First and Fourth Amendments,

1 including trainings presented by attorneys regarding new case law and statutes in those
2 areas. (*Id.* at 82:5-15; 83:3-7; 116:24-117:10; Ex. 337, Lieutenant Gage’s Deposition
3 Transcript taken in *Martinez*, at 12:25-13:4; 15:1-18:6; Ex. 338, TRU Annual Training
4 Presentation re: Common Legal Issues presented by Ean White, attached as Exhibit __
5 [CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER] [COP-GS00009757-
6 00009810]; Lieutenant Moore’s 30(b)(6) Deposition taken in *Saccoccio*, at pp. 140:23-
7 143:6, 146:21-147:11, 177:22-180:3, 392:22-395:9).

8 **Final Policymakers for the City of Phoenix**

9 765. The Chief of Police (including now retired Chief Williams) is not the final
10 policymaker for the City. (*See Puente v. City of Phoenix*, No. CV-18-02778-PHX-JJT, 2022
11 WL 357351, at *16 (D. Ariz. Feb. 7, 2022), *aff’d* in part, *rev’d* in part and remanded, 123
12 F.4th 1035 (9th Cir. 2024)).

13 766. Under the Phoenix City Charter, the City Manager is the chief administrative
14 officer of the City and the final policymaker for the PPD, with the exception of matters
15 related to the budget. (Ex. 339, Declaration of City Manager Ed Zuercher).

16 767. The Phoenix City Council (as a whole) is the final policymaker as it relates
17 to budgetary matters. (*Id.*)

18 **Police Practices Expert Reports**

19 768. Plaintiffs’ police practices expert Charles Springer expresses the following
20 criticism of PPD policies:

21 Furthermore, it is my opinion that PPD’s policies related to
22 gang enforcement were wholly inadequate. The entire gang
23 procedures section defined in PPD’s Initial Response
24 Procedures spans just over one page. For a metropolitan police
25 department the size of Phoenix, and likely plagued with a
26 significant gang problem, a one-page guidance document for
27 PPD personnel is inadequate, leaving too many variables
subject to interpretation, which appears to have contributed the
officers’ actions in this case. Notably, PPD has since updated
its gang policy to require all PPD personnel to consult with the
GEU before submitting a case and/or when working with a
prosecuting agency to charge any individuals for any criminal
street gang related offenses.

28 (Ex. 340, Redacted Plaintiffs’ Expert Report, at 15-16).

1 769. PPD's Initial Response Procedures to which Mr. Springer refers is Operations
2 Order 4.12. Operations Order 4.12 governs patrol officers' field response procedures for a
3 variety of different types of calls, including calls related to gang activity. (Ex. 341,
4 Operations Order 4.2).

5 770. Neither Plaintiff was arrested on gang-related charges or identified as a gang
6 member at the time of his arrest. (Ex. 131, Sponsel Deposition, at 105:20-106:4; Ex. 320,
7 Bruce Franks Jr.'s Form IV).

8 771. In his report, Mr. Springer admits that all of the former plaintiffs who were
9 arrested on October 17 met the statutory criteria for being a member of a criminal street
10 gang:

11 The majority of the indicia that McBride's investigation cited
12 concerning the arrested protesters amounted to just self-
13 proclamation and clothing, barely meet[s] the statutory
requirements and [is] insufficient, in and of itself, to establish a
criminal street gang under the totality of the circumstances.

14 (Ex. 340, Redacted Expert Report).

15 Gang-Related Training

16 772. Sergeant McBride was a gang detective at PPD for five years between 2000
17 and 2005, during which his duties included patrolling problem areas throughout the city,
18 street enforcement, investigating gang activity, tracking gang membership, identifying
19 subjects, filling out GMIC forms, gathering intelligence, and working wires and syndicates.
20 (Ex. 146, McBride Deposition, at 5:23-7:5).

21 773. In 2000, Sergeant McBride underwent a week-long advanced gang training.
22 (*Id.* at 7:19-8:4; Ex. 342, Sergeant McBride's Training File at COP.012652).

23 774. Prior to becoming a police officer at PPD, Sergeant McBride spent two years
24 working at Adobe, a juvenile prison with a high concentration of gang members
25 incarcerated there. (Ex. 146, McBride Deposition, at 8:2-24).

26 775. In 2005, Sergeant McBride promoted to sergeant to the Maryvale Precinct, an
27 area known for having strong gang influences, drug trafficking and cartel work. (*Id.* at 12:1-
28 20).

Commander Gallagher

1
2 776. Commander James Gallagher was a commander for PPD’s Investigations
3 Division responsible for the Drug Enforcement Bureau during the relevant period of May
4 through October of 2020. (Ex. 343, Commander Gallagher Deposition, at 6:24-7:8).

5 777. Between May 2020 and October of 2020, Commander Gallagher was not
6 assigned any specific responsibilities for the ongoing protests other than to make the Gang
7 Unit available to the larger incident command for protest management. (*Id.* at 10:11-23).

8 778. Commander Gallagher never saw any body worn camera video from May to
9 October 2020 of the individuals who were believed to be part of the ACAB group. (*Id.* at
10 pp. 57:14-18).

11 779. Cellebrite downloads are “critically important” pieces of information to be
12 looked into in a gang investigation. (*Id.* at 57:24-58:2).

13 780. Commander Gallagher did not have the opportunity to review any Cellebrite
14 downloads or any other “technical evidence” from any of the individuals who were believed
15 to be part of the ACAB group. (*Id.* at 57:19-23).

16 781. Commander Gallagher was not aware that there was a Discord server that
17 members of the ACAB group were part of or that the Discord server was titled 1312 (the
18 numbers the correspond to the letters that spell “ACAB”). (*Id.* at 58:3-11).

19 782. Gangs and criminal syndicates often use numbers to represent letters. (*Id.* at
20 58:9-14).

21 783. Commander Gallagher was not aware of discussions on Cellebrite extractions
22 set up by former Plaintiff Suvarna Ratnam that the south side gangs would need to give
23 permission for protestors to show up at now retired Chief Williams’ house, and this was
24 information that would have been of interest to him as a gang investigator. (*Id.* at 58:24-
25 59:12-17).

26 784. Commander Gallagher was never provided photographs of ACAB graffiti that
27 had been spray-painted around the downtown area from the May through October 2020
28 time frame. (*Id.* at 59:18-22).

1 785. Commander Gallagher does not recall seeing ACAB graffiti that was on the
2 PPD Museum that said “ACAB kill cops, murder cops.” (*Id.* at 59:23-60:2).

3 786. Commander Gallagher never saw photographs of any tattoos from individuals
4 within the ACAB group. (*Id.* at 60:3-5).

5 787. New gangs evolve all the time and tattoos and graffiti are among the GMIC
6 criteria that are considered when determining whether a group or individual meets gang
7 criteria. (*Id.* at 60:9-19).

8 **DOJ Report**

9 788. The United States Department of Justice (“DOJ”) issued a report on June 13,
10 2024 in which it made certain findings about the Phoenix Police Department. (*See* U.S.
11 Department of Justice Press Release dated Wednesday, May 21, 2025,
12 [https://www.justice.gov/opa/pr/us-department-justices-civil-rights-division-dismisses-](https://www.justice.gov/opa/pr/us-department-justices-civil-rights-division-dismisses-biden-era-police-investigations-and)
13 [biden-era-police-investigations-and](https://www.justice.gov/opa/pr/us-department-justices-civil-rights-division-dismisses-biden-era-police-investigations-and)).

14 789. DOJ retracted the findings on May 21, 2025. (Ex. 344, DOJ Press Release,
15 U.S. Department of Justice Press Release dated Wednesday, May 21, 2025,
16 [https://www.justice.gov/opa/pr/us-department-justices-civil-rights-division-dismisses-](https://www.justice.gov/opa/pr/us-department-justices-civil-rights-division-dismisses-biden-era-police-investigations-and)
17 [biden-era-police-investigations-and](https://www.justice.gov/opa/pr/us-department-justices-civil-rights-division-dismisses-biden-era-police-investigations-and)).

18 **Plaintiff Bruce Franks Jr.’s Claims**

19 790. In his notice of claim filed September 9, 2020, Plaintiff Franks alleges that
20 (1) an unnamed Phoenix Police Officer “deliberately misled the grand jury with inaccurate
21 hearsay statements from other officers claiming that Rep. Franks had committed a series of
22 criminal acts”, (2) he suffered injury to his “national reputation as a skilled non-violent
23 activist”, and (3) “his clean record has been tarnished by these felony charges, preventing
24 him from obtaining other employment.” (Ex. 194, Franks NOC).

25 791. The notice of claims contains no facts that would support a claim for
26 intentional infliction of emotional distress or gross negligence. (*Id.*).

27 792. Plaintiff Franks was arrested on August 9, 2020 for solicitation, trespassing,
28 riot, unlawful assembly, resisting arrest, and aggravated assault. (Ex. 320, Franks Form IV).

1 793. When Plaintiff Franks was marching his group to police headquarters on
2 August 9, 2020, he was intentionally walking in the middle of the roadway, not using
3 available sidewalks. (Ex. 248, Franks Deposition, at 249:4-11).

4 794. He knew at the time that he was violating the law, that his actions constituted
5 the crime of obstruction of a public thoroughfare and that there was a possibility he could
6 get arrested. (*Id.* at 249:12-20).

7 795. Plaintiff Franks admits that police had probable cause to arrest him on August
8 9, 2020 for the crime of obstructing a public thoroughfare. (*Id.* at 250:15-19).

9 796. Plaintiff Franks was neither booked nor prosecuted for gang-related charges.
10 (Ex. 320, Form IV; Ex. 345, Franks Direct Complaint, [COP.031721-031723]).

11 797. Body worn camera video taken during the booking process shows Plaintiff
12 Franks engaged in pleasant conversation throughout the booking process. He had a COVID
13 mask pulled down over his chin with the straps around his ears. He had a free hand the
14 entire time while seated on a bench (other arrestees were placed in holding cells) and could
15 have placed the mask over his mouth if he so desired. He elected not to do so. The following
16 exchanges took place:

17 **3:32:03 – 3:33:00**

18 Franks: Are you interning?

19 Officer: Yes.

20 Franks: That’s why they’re so nice.

21 Franks: Oh fuck that. Now I gotta go tell our world of protestors that
22 not all officers are bad.

23 Officer: I would appreciate that.

24 Franks: Believe it or not, we know that. Don’t take it personally.

25 Officer: I don’t. I get it.

26 Franks: Some y’all are fucked up.

27 Franks: It’s time to go pay Glendale a visit.

28 **4:29:47 – 4:30:00**

 Franks: Glendale ain’t gonna be as nice as y’all

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3:40:38 – 3:40:48

Franks: I was going to compliment you on your mustache but I didn't want you to take it the wrong way."

Officer: I appreciate it.

3:41:12 – 3:41:22

Franks: Oh shit - I'm too old for this shit.

3:44:15 – 3:44:44

Franks: Asking about his charges.

Officer: We're figuring everything out right now - I wasn't there so I can't give you a definitive answer on that yet. I appreciate your being cool.

4:11:10 – 4:11:50

Franks joking with police officers saying they should do a booking reality show – says "this shit's hilarious" – and says he will host the show.

(Ex. 346, BWC video [COP_ACTON 005586].

798. On September 20, 2024, Plaintiff Franks was charged with nine felony counts of forgery and one felony count of theft that are unrelated to this case. (Ex. 347, Pinal County Form IV, [COP.031724-031726]; Ex. 248, Franks Deposition, at 67).

799. Plaintiff Franks' criminal case was dismissed without prejudice on March 22, 2021. (Ex. 348, ME Re: Case Dismissed [COP_ACTON 002011]).

800. Plaintiff Franks was denied clearance for new employment as a result of a prior arrest in Berkley, Missouri, which is unrelated to this case. (Ex. 359, Text Messages Re: Clearance Denied [Acton-PLTF_005619-005625]).

801. Plaintiff Franks has a longstanding history of anxiety, depression and PTSD, which culminated in an attempted suicide in 2018, which predates his arrest at the Blue Silence march in August 2020. (Ex. 349, Cerebral Medical Records, at COP_ACTON 021042-021053; Ex. 248, Franks Deposition, at 128:25-129:132:17, 142:15-150:24; Ex. 350, Podcast Episode Re: Anxiety).

1 802. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 803. Plaintiff Franks’ claimed “severe anxiety” is not supported by any medical
6 documentation or expert opinion. (Ex. 268, Franks’ Deposition, at 145:7-149:4).

7 804. [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 805. [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 806. [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 807. On August 7, 2024 Defendant Williams served Plaintiffs with their First Set
17 of Non-Uniform Interrogatories, which Plaintiffs responded to on October 9, 2024. (Ex.
18 245, NUI Responses).

19 808. As to the first Interrogatory, which asks for “each and every injury, complaint,
20 and symptom, whether physical, mental, psychological, cognitive, or emotional, that you
21 have experienced since the alleged incident and/or that you claim to have been caused,
22 aggravated or otherwise contributed to by the incident, as well as the name and address of
23 each person or healthcare provider rendering treatment for each injury,” Plaintiff Franks
24 responded that he “did not seek treatment for any injury, complaint, or symptom” resulting
25 from his claim against Defendants. (*Id.* at p. 5).

26 809. On March 16, 2025, Plaintiff provided his First Supplemental Responses to
27 Defendant Williams’ Interrogatories, wherein he amended his response to state that after
28 his arrest in August of 2009, he fell into “deeper depression, heightened anxiety, relentless

1 insomnia, and symptoms of PTSD” for which he sought “professional help for the first
2 time” in 2021 and then “sought further treatment in 2023 for these same diagnoses.” (Ex.
3 353, Plaintiff Franks’ First Supplemental Responses to Defendant Williams’ First Set of
4 Non-Uniform Interrogatories to Defendants, at p. 5).

5 810. Plaintiff Franks’ responses to Defendant Williams’ Non-Uniform
6 Interrogatories have continued to change significantly throughout the litigation as it relates
7 to his mental health diagnosis, medical treatment, social media, and criminal history. (Ex.
8 354, Franks’ Second Supplemental Responses to NUI; Ex. 355, Franks’ Third Supplemental
9 Responses to NUI).

10 **Plaintiff Ryder Collins’ Claims**

11 811. Plaintiff Collins filed his first notice of claim on April 30, 2021, more than
12 180 days after his arrest on October 17, 2020. (Ex. 356, Collins Notice of Claim).

13 812. Plaintiff Collins alleges that (1) he was “targeted for arrest and unlawfully
14 arrested for his perceived participation in a non-violent protest against police brutality and
15 institutional racism in downtown Phoenix on October 17, 2020”, (2) “PPD Officers
16 fabricated evidence against [him] to support his unlawful arrest and malicious prosecution”,
17 and (3) he was maliciously prosecuted for “crimes he did not commit, including, but not
18 limited to, being a member of a fictional criminal street gang.” (See TAC at ¶¶ 57-66).

19 813. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 816. It is undisputed that there was probable cause to arrest Plaintiff Collins for at
2 least unlawful assembly and obstruction of a public thoroughfare. (Ex. 146, Sergeant
3 McBride Deposition, at 91:25-92:20; Ex. 131, Sponsel Deposition, at 64:22-65:16, 98:7-
4 23, 99:6-23; Ex. 284, Ryder Collins Deposition, at 97:7-20, 111:17-22, 122:2-123:8, 130:7-
5 12, 134:2-135:24).

6 817. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 **Plaintiffs’ Monell Claim**

11 818. In Count One of Plaintiffs’ Third Amended Complaint (“TAC”), Plaintiffs
12 allege that the City is liable under 42 U.S.C. § 1983 for alleged policies or customs that
13 violated Plaintiffs’ First, Fourth, and Fourteenth Amendment rights. (TAC at ¶¶ 589-633).

14 819. Specifically, Plaintiffs allege that (1) the City has developed an official policy
15 or custom of deploying TRU to oversee, manage, and implement responses to First
16 Amendment assemblies, (2) TRU has an established history of retaliating against BLM
17 protestors and leaders, (3) the City has engaged in deliberately indifferent training and
18 supervision, and (4) the decisions complained of in Plaintiffs’ Third Amended Complaint
19 have been ratified by a final policymaker. (TAC at ¶¶ 589-633).

20 820. Plaintiffs also allege that the City of Phoenix “has offered no, or substantially
21 no training to its TRU officers in (a) the First Amendment rights of citizens to assemble,
22 and the limitations those rights impose on law enforcement; (b) the proper identification
23 and declaration of an unlawful assembly; (c) the requirements of Arizona law with respect
24 to obstruction of a thoroughfare, unlawful assembly, and riot; (d) the appropriate and lawful
25 use of force, including escalation of force, on large assembled crowds; and (e) the human
26 factors and group dynamics of assembled crowds, including the escalatory impact of use of
27 force.” (TAC at ¶¶ 618-622).

28

1 821. Plaintiffs further allege that the policies or customs that allegedly violated
2 their constitutional rights were ratified by City Council member Sal DiCiccio as well as
3 retired Chief of Police Jeri Williams, who Plaintiffs allege was delegated City Council's
4 final policymaking authority. (TAC at ¶¶ 623-632).

5 **Plaintiffs' State Law Claims Against the City of Phoenix**

6 822. In Count Ten, Plaintiffs allege that the City of Phoenix is "vicariously liable
7 for the damages caused by their employees' tortious conduct" under the theory of
8 intentional infliction of emotional distress because "employees of...[the] City of
9 Phoenix...acting in the course and scope of their employment, engaged in a series of acts
10 than an average member of the community would regard as atrocious, intolerable in a
11 civilized community, and beyond all possible bounds of decency" when they: (1) "caused
12 Plaintiffs to be surveilled, followed, and monitored by police"; (2) "caused Plaintiffs to be
13 selectively unlawfully arrested for crimes they did not commit"; (3) "caused Plaintiffs [to
14 be] detained for hours in confined spaces, and booked into jail at the height of a global
15 pandemic"; (4) "caused Plaintiffs to be subject to criminal prosecution, initiated on the basis
16 of fictitious police narratives and fabricated evidence, for serious felony offenses they did
17 not commit"; and (5) "caused Plaintiffs to experience the stress and anxiety of fearing
18 wrongful conviction resulting in years-long...prison sentences, while under the pressure to
19 plead guilty to crimes the[y] did not commit." (TAC at ¶¶ 847-860).

20 823. In Count Eleven, Plaintiffs allege that the City is liable for a state law
21 malicious prosecution claim because "employees of PPD...colluded to cause fabricate
22 police reports that were used to initiate the criminal prosecutions of Plaintiffs." (TAC at ¶¶
23 861-866).

24 824. In Count Twelve, Plaintiffs allege that the City is liable for a state law gross
25 negligence claim because employees of the Phoenix Police Department breached their duty
26 to "take reasonable care to ensure that all criminal charges were based on actual evidence,
27 and not on misleading, false, or fabricated evidence...when they caused Plaintiffs to be
28 arrested for crimes they did not commit, charged with felonies based on false and fabricated

1 evidence, and prosecuted for months after they were actually aware that the charges were
2 legally meritless.” (TAC at ¶¶ 867-873).

3 825. Although not explicitly stated as to Plaintiffs’ state law claims against the
4 City for malicious prosecution and gross negligence, all of Plaintiffs’ state law claims
5 against the City are for vicarious liability only, as there are no direct acts of negligence or
6 wrongdoing alleged against the City. (TAC at ¶¶ 861-866, 867-873).

7 **Settlement Release with the County Defendants and MCAO**

8 826. On December 3, 2024, the Maricopa County Defendants and Plaintiffs
9 entered into a settlement and executed a release. (Ex. 358, Settlement Release).

10 827. As part of the agreement, the parties “have mutually agreed to compromise
11 and settle forever any claims which they may have against each other arising out of the facts
12 set forth above by executing this Mutual Release and Settlement Agreement). (*Id.* at ¶ 13).

13 828. The “facts” included were the allegations set forth in the various iterations of
14 the Complaint. (*Id.* at ¶ 7-11).

15 829. “They County agrees to pay Plaintiffs the sum of \$6,000,000.00 to settle all
16 claims between the Plaintiffs and the County Defendants that were, or could have been,
17 raised as a result of the facts set forth in any of the Notices of Claims or Initial or Amended
18 Complaints listed in the Recitals above (the ‘Settlement Payment’).” (*Id.* at p. 3, ¶ 2).

19 830. The “Settlement Payment consists of compensation for all alleged physical
20 injuries, emotional injuries, personal injuries, damage to goodwill/business reputation,
21 business loses, general tort damages and attorneys’ fees and costs.” (*Id.*).

22 831. Upon execution of the Agreement, the “Plaintiffs do hereby, for themselves,
23 and their respective legal predecessors in interest, legal successors and assigns, release and
24 absolutely forever discharge the County, and all of the entities and employees named in the
25 Complaints and their respective shareholders, officers, directors, employees, agents,
26 trustees, fiduciaries, beneficiaries, attorneys, legal successors, assigns, including its
27 insurers...from any and all claims, demands, damages, debt, liabilities, accounts,
28 obligations, costs, expenses, liens, actions and causes of action of every kind and nature

1 whatsoever, whether now known or unknown, suspected or unsuspected which these Parties
2 now have, own or hold, or any time heretofore have ever had owned or held or could, shall
3 or may hereafter have, own or hold against each other based upon or arising in any way out
4 of the transactions which have been described herein before.” (*Id.* at pp. 3-4, ¶ 5).

5 832. Plaintiffs further asserted that “any health care providers that provided any
6 medical care in relation to the Incident have been paid in full.” (*Id.* at p. 4, ¶ 7).

7 833. Plaintiffs agreed to satisfy all liens and other financial obligations arising out
8 of any “medical, dental, or mental health treatment obtained by the Claimant as a result of
9 or arising out of the Incident” and would satisfy any “bills, claims, and liens in any manner
10 arising in favor of any health care provider who has provided medical or health care of any
11 kind to the Plaintiffs; it being specifically recognized that said liens and obligations are the
12 sole responsibility of Plaintiffs.” (*Id.*).

13 834. Plaintiffs Franks and Collins’ share, after their counsels’ fees and costs, was
14 approximately [REDACTED] (Ex. 284, Collins Deposition, at 62; Ex. 248, Franks Deposition,
15 at 167).

16 Miscellaneous

17 835. All PPD officers receive training at the police academy as well as ongoing
18 training regarding use of force and probable cause. (Ex. 315, Ryan Junas’ 30(b)(6)
19 Deposition taken in *Saccoccio* at p. 46:2-12).

20 836. Plaintiff Franks was not engaging in a constitutionally protected activity
21 because he was not in a public forum when he was arrested. (Ex. 248, Franks Dep. at 258:2–
22 9; Ex. 256, COP_ ACTON 005537, Alonso Lopez BWC, at 0:11–00:39; Ex. 250, COP
23 Acton 5436 at 4:43–4:48; Ex. 200, COP Acton 5452 at 0:47–1:02.)

24 837. Plaintiff Franks was trespassing on City property that was fenced off. (Ex.
25 248, Franks Dep. at 258:2–9; Ex. 256, COP_ ACTON 005537, Alonso Lopez BWC, at
26 0:11–00:39; Ex. 250, COP Acton 5436 at 4:43–4:48; Ex. 200, COP Acton 5452 at 0:47–
27 1:02.)

28

1 838. Plaintiff Franks was advised he was trespassing multiple times, and he did not
2 leave. (Ex. 248, Franks Dep. at 258:2–9; Ex. 256, COP_ ACTON 005537, Alonso Lopez
3 BWC, at 0:11–00:39; Ex. 250, COP Acton 5436 at 4:43–4:48; Ex. 200, COP Acton 5452 at
4 0:47–1:02.)

5 839. An audit of Sgt. McBride’s reports prove that the supplemental historical
6 report was drafted after the October 17 arrests. (Ex. 360, RMS Audit Trail).

7 840. Body worn camera video of Plaintiff Franks at the Maricopa County Jail
8 shows that while others were placed in holding cells, Plaintiff Franks was permitted to sit
9 on a bench, was given water to drink, and he chitchatted with officers the entire time he was
10 there. (BWC video [COP_ ACTON 005586]).

11 841. Plaintiff Franks elected not to use an available mask and seemed eager to hold
12 conversations with officers who stood in close proximity to him. (BWC video
13 [COP_ ACTON 005586]).

14 **Puente v. City of Phoenix**

15 842. The August 22, 2017 Trump rally was a rally held for both pro-Trump
16 supporters and anti-Trump demonstrators such as Puente, a Phoenix grassroots organization
17 representing migrant communities and Poder in Action, a Phoenix grassroots organization
18 with a mission of empowering victims of injustice. (*Puente v. City of Phoenix*, No. CV-18-
19 02778-PHX-JJT, 2022 WL 357351, at *1 (D. Ariz. Feb. 7, 2022), aff’d in part, rev’d in part
20 and remanded, 123 F.4th 1035 (9th Cir. 2024).

21 843. The August 22, 2017 rally was not a Black Lives Matter event. (*Puente v.*
22 *City of Phoenix*, No. CV-18-02778-PHX-JJT, Doc. 1 at ¶ 28).

23 844. None of the individuals against whom force was used made any claims of
24 discrimination because of race. (*Puente v. City of Phoenix*, Case No. CV-18-02778-PHX-
25 JJT, Doc. 1 at ¶¶ 38-148).

26 **Martinez/Soria v. City of Phoenix**

27 845. The July 12, 2019 Lights for Liberty protest was a vigil to protest “the
28 inhuman conditions that migrants and refugees were being held in” along the United States’

1 Southern border. (*Martinez, et al., v. City of Phoenix, et al.*, Case No. 2:21-CV-01212-
2 PHX-DGC, Doc. 1 at 5 ¶ 20).

3 846. Martinez and Soria filed separate lawsuits against the City and unidentified
4 officers in Maricopa County Superior Court asserting claims arising out of their arrests at
5 the Lights for Liberty protest on July 12, 2019. (*Martinez, et al., v. City of Phoenix, et al.*,
6 Case No. 2:21-CV-01212-PHX-DGC, Doc. 13 at p. 2).

7 847. In both cases, the Superior Court granted a motion to dismiss filed by the City
8 of Phoenix and dismissed the lawsuits on the basis that notice of claim pursuant to A.R.S.
9 § 12-821.01(A) was not provided to the individual officers as required under Arizona law
10 and that vicarious liability could not attach to the City absent proven liability of the
11 individual officers. (*Martinez, et al., v. City of Phoenix, et al.*, Case No. 2:21-CV-01212-
12 PHX-DGC, Doc. 13 at pp. 2-3).

13 848. Martinez and Soria jointly filed a new lawsuit in federal court asserting
14 Section 1983 claims for alleged violations of their constitutional rights arising out of the
15 same “Lights for Liberty” protest that took place on the evening of July 12, 2019 against
16 the City, defendant officers, and Lt. Moore. (*Martinez, et al., v. City of Phoenix, et al.*, Case
17 No. 2:21-CV-01212-PHX-DGC, Doc. 54).

18 849. The specific claims they asserted were: (1) a Fourth Amendment claim for
19 unlawful arrest; and (2) a Fourth Amendment claim for excessive force; (3) a First
20 Amendment Retaliation claim; and (4) a *Monell* claim against the City of Phoenix in which
21 they allege the City has an “official policy” to suppress the constitutional expressions of
22 “the left” and that the City failed to train and supervise TRU officers. (*Martinez, et al., v.*
23 *City of Phoenix, et al.*, Case No. 2:21-CV-01212-PHX-DGC, Doc. 54).

24 850. Defendants filed a motion to dismiss asserting that claim preclusion (res
25 judicata) barred Plaintiffs-Appellants’ claims for unlawful arrest and excessive force.
26 (*Martinez, et al., v. City of Phoenix, et al.*, Case No. 2:21-CV-01212-PHX-DGC, Doc. 13).

27
28

1 851. The District Court granted Defendants' Motion to Dismiss as to the Fourth
2 Amendment unlawful arrest and excessive force claims. (*Martinez, et al., v. City of*
3 *Phoenix, et al.*, Case No. 2:21-CV-01212-PHX-DGC, Doc. 36 at pp. 18-19).

4 852. Defendants later filed a Motion for Summary Judgment as to all of Plaintiffs'
5 remaining claims: (1) First Amendment Retaliation claim against the Defendant Officers,
6 and (2) *Monell* claim against the City of Phoenix. (*Martinez, et al., v. City of Phoenix, et*
7 *al.*, Case No. 2:21-CV-01212-PHX-DGC, Docs. 145 and 153).

8 853. Plaintiffs' claim alleging retaliatory arrest was based on the alleged failure to
9 arrest a right leaning "counter-protestor." (*Martinez, et al., v. City of Phoenix, et al.*, Case
10 No. 2:21-CV-01212-PHX-DGC, Doc. 54 at ¶ 9).

11 854. That claim went to trial and the jury found in favor of Lt. Moore. (*Martinez,*
12 *et al., v. City of Phoenix, et al.*, Case No. 2:21-CV-01212-PHX-DGC, Doc. 320).

13 855. Martinez and Soria filed an appeal, currently pending before the Ninth Circuit
14 Court of Appeals, wherein they allege only that the District Court erred when it determined
15 that claim preclusion barred Plaintiffs' claims for unlawful arrest and excessive force
16 because the dismissal of the Superior Court was not a final judgment on the merits.
17 (*Martinez, et al., v. City of Phoenix, et al.*, Case No. 2:21-CV-01212-PHX-DGC, Doc. 321).

18 **Williams v. City of Phoenix**

19 856. The July 12, 2019 protest was not a Black Lives Matter event. (*Jamaar*
20 *Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-01367-PHX-SMB, Doc. 66 at ¶¶ 16-
21 23).

22 857. The defendant officers did not know Jamaar Williams prior to July 12, 2019
23 or know who he was. (*Jamaar Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-01367-
24 PHX-SMB, Doc. 184 at pp. 13-14, 19, 26, 34, 48, 50).

25 858. Williams did not make any claims (and there is no evidence) of discrimination
26 because of his race. (*Jamaar Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-01367-
27 PHX-SMB, Doc. 66 at ¶¶ 24-162).

28

1 859. As to the allegation that “the Chief of Police approved the August 2019
2 promotion of one of the architects of the false arrest and malicious prosecution (Defendant
3 McBride) to “full-time training sergeant,” and authorized a re-investigation into Mr.
4 Williams to attempt to further additional criminal charges against him,” the District Court
5 in *Williams* already ruled on that same issue and held that “failure to discipline [Sergeant
6 McBride] is not proof of ratification, the mere act of promoting him after the incident with
7 [Williams] does not mean that the City adopted his conduct as official policy.” (*Jamaar
8 Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-01367-PHX-SMB, Doc. 94 at p. 18).

9 860. Jamaar Williams filed a lawsuit against the TRU Officers involved in his
10 arrest and prosecution following his involvement in the Lights for Liberty protest, as well
11 as the City of Phoenix. (*Jamaar Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-
12 01367-PHX-SMB, Doc. 66).

13 861. The claims Williams alleged were (1) a Fourth Amendment claim for
14 unlawful arrest; (2) a Fourth Amendment malicious prosecution claim; (3) a First
15 Amendment retaliation claim; (4) a municipal liability claim under *Monell*; (5) a state law
16 malicious prosecution claim; (6) a state law invasion of privacy/false light claim; and (7)
17 an intentional infliction of emotional distress claim. (*Jamaar Williams v. City of Phoenix,
18 et al.*, Case No. 2:20-CV-01367-PHX-SMB, Doc. 66).

19 862. The City and the defendant officers filed a Motion to Dismiss Plaintiff’s
20 Second Amended Complaint, which the Court granted in part and denied in part. (*Jamaar
21 Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-01367-PHX-SMB, Doc. 94 at p. 24).

22 863. The District Court dismissed the following claims: (1) the Fourth Amendment
23 claim for unlawful arrest; (2) the First Amendment claim for retaliatory arrest; (3) the
24 *Monell* claim brought pursuant to 42 U.S.C. § 1983 against the City; and (4) the state law
25 malicious prosecution claim. (*Jamaar Williams v. City of Phoenix, et al.*, Case No. 2:20-
26 CV-01367-PHX-SMB, Doc. 94 at p. 24).

27 864. The District Court dismissed Williams’ unlawful arrest claim because it found
28 that the defendant officers had probable cause that he had committed the crime of

1 obstructing a public thoroughfare because “the allegations in the Second Amended
2 Complaint show that Plaintiff participated in the Lights for Liberty demonstration during
3 which he and other participants marched up Central Avenue in the downtown Phoenix area.
4 Plaintiff admits that he made multiple trips to deliver water to the individuals who were
5 sitting on the light rail, which is a public thoroughfare.” (*Jamaar Williams v. City of*
6 *Phoenix, et al.*, Case No. 2:20-CV-01367-PHX-SMB, Doc. 94 at p. 6).

7 865. The District Court went on to explain that “where the Defendant officers
8 knew or had reason to know that [Williams] was participating in a demonstration that, at
9 one point, blocked the light rail tracks, and where [Williams] was making trips back and
10 forth to bring water to the individuals who were blocking the light rail tracks without any
11 legal authority to do so, an officer in Defendants’ position could reasonably believe that
12 [Williams’] actions constituted a reckless obstruction of the light rail tracks, or at the least,
13 an unreasonable inconvenience or hazard.” (*Jamaar Williams v. City of Phoenix, et al.*,
14 Case No. 2:20-CV-01367-PHX-SMB, Doc. 94 at p. 7).

15 866. As for the *Monell* claim against the City, the District Court ruled that (1)
16 Williams’ allegations of other prior instances where individuals experienced excessive
17 force at the hands of PPD officers cannot form the basis of his *Monell* claim because he is
18 not bringing an excessive force claim; (2) Williams did not allege sufficient facts to support
19 that any inadequacy in training was so obvious that the City should have known that his
20 alleged constitutional violation was predictable; (3) Williams’ allegations do not show that
21 the constitutional violation would have been avoided had the TRU officers been properly
22 trained; (4) Williams’ allegations that Defendant Chief Williams ratified the alleged
23 unconstitutional policy that was the moving force behind his alleged constitutional
24 violations fails because under the City Code, Phoenix City Charter, Ch. III §§ 1, 2,
25 Defendant Chief Williams is not the final policymaker for the City of Phoenix; (5) a city’s
26 failure to discipline an officer, or its finding that an officer’s conduct did not violate policy,
27 does not amount to ratification; and (6) Williams did not alleged sufficient facts to show
28 that the City adopted the defendant officers’ conduct as official policy by promoting one of

1 the defendant officers. (*Jamaar Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-
2 01367-PHX-SMB, Doc. 94 at pp. 13-18).

3 867. The City and the defendant officers later moved for summary judgment and
4 the Court dismissed with prejudice (1) the First Amendment retaliatory excessive force
5 claim; (2) the false light invasion of privacy claim; and (3) the intentional infliction of
6 emotional distress claim. (*Jamaar Williams v. City of Phoenix, et al.*, Case No. 2:20-CV-
7 01367-PHX-SMB, Doc. 228 at pp. 45-46).

8 868. Williams' remaining two claims for First Amendment malicious prosecution
9 brought pursuant to 42 U.S.C. § 1983 and state law claim for malicious prosecution against
10 one officer (and the City as to the state claim based on vicarious liability) the District Court
11 ruled there are questions of fact that preclude summary judgment, and the trial for those
12 claims is set for March 31, 2026. (*Jamaar Williams v. City of Phoenix, et al.*, Case No.
13 2:20-CV-01367-PHX-SMB, Doc. 228 at pp. 45-46, Doc. 240).

14 **Guerrero-Sanchez v. City of Phoenix**

15 869. The *Guerrero-Sanchez* plaintiffs alleged that the Phoenix police officers
16 violated their rights under the First, Fourth, and Eighth Amendment by dispersing the
17 protestors through use of chemical weapons and munitions, and they asserted a 42 U.S.C.
18 § 1983 *Monell* claim against the City of Phoenix alleging unlawful arrest and excessive
19 force claims, as well as state law claims for gross negligence and intentional infliction of
20 emotional distress. (*Guerrero-Sanchez v. City of Phoenix, et al.*, No. 2:21-CV-00934-
21 SMB-CDB, at Doc. 49).

22 870. All claims (including the *Monell* claim against the City) were dismissed with
23 prejudice on the parties' Stipulation to Dismiss Defendants City of Phoenix, Williams,
24 Orender and McBride with Prejudice and Stipulation to Dismiss Claims for Relief Two,
25 Three, Five, Six, Seven, Eight, and Nine against Defendant Moore with Prejudice except
26 for four plaintiffs' individual claims for unlawful arrest against Lt. Moore brought pursuant
27 to the First and Fourth Amendments. (Docs. 204, 205).

28

1 871. Plaintiffs alleged that Lt. Moore “ordered the indiscriminate arrests of
2 everyone in the City of Phoenix due to their First Amendment activity or association with
3 that First Amendment activity and that [he] used dispersal orders that were unconstitutional
4 on their face and as applied to [p]laintiffs.” (*Guerrero-Sanchez v. City of Phoenix, et al.*,
5 No. 2:21-CV-00934-SMB-CDB, at Doc. 49 at pp. 106-109, 118-123).

6 872. On summary judgment, the District Court dismissed all remaining claims
7 against the Lt. Moore, ruling that (1) Lt. Moore cannot be liable under a theory of respondeat
8 superior for the information provided by the officers that led to the plaintiffs’ arrests; (2)
9 plaintiffs cannot maintain as-applied constitutional challenges to the dispersal orders; and
10 (3) Lt. Moore is entitled to qualified immunity to the extent it was his decision to use the
11 dispersal order in question. (*Guerrero-Sanchez v. City of Phoenix, et al.*, No. 2:21-CV-
12 00934-SMB-CDB, at Doc. 257 at pp. 21-26).

13
14
15 DATED this 14th day of November 2025.

16 WIENEKE LAW GROUP, PLC

17
18 By: /s/ Christina Retts

Kathleen L. Wieneke

Christina Retts

Laura Van Buren

1225 West Washington Street, Suite 313

Tempe, AZ 85288

Attorneys for Defendant Jeri Williams

22
23 BERKE LAW FIRM, PLLC

24 By: /s/ Lori V. Berke

Lori V. Berke

Anelisa Benavides

1601 North 7th Street, Suite 360

Phoenix, AZ 85006

Attorneys for Defendant City of Phoenix

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Stephen D. Benedetto
THE PEOPLE’S LAW FIRM, PLC
645 North 4th Avenue, Suite A
Phoenix, Arizona 85003
Attorneys for Plaintiffs

William Murphy, Jr.
Malcolm Ruff
MURPHY, FALCON & MURPHY
1 South Street, Suite 3000
Baltimore, Maryland 21202
Attorneys for Plaintiffs

Mart Harris
THE TRIAL LAW FIRM, LLC
428 Forbes Avenue, Suite 1700
Pittsburgh, Pennsylvania 15219
Attorneys for Plaintiffs

Robert DiCello
Kenneth Abbarno
Justin J. Hawal
Peter Soldato
DiCELLO LEVITT LLP
8160 Norton Parkway, Third Floor
Mentor, Ohio 44060
Attorneys for Plaintiffs

John T. Masterson
Christopher G. Stuart
Ashley E. Caballero-Daltrey
Melynda M. Meyrick
JONES, SKELTON & HOCHULI P.L.C.
40 N. Central Avenue, Suite 2700
Phoenix, Arizona 85004
*Attorneys for Defendants Dennis Orender;
Benjamin Moore; Mark Schweikert;
Douglas McBride; James Groat; Jeffrey
Howell; Benjamin Zamora; Christopher
Turiano; Joshua Ramos; Jacob Tinto;
Derek Pulliam; Carlos Velasquez; Jamie
Jesty; John Collins; Lawrence Hein;
Gabriel Lopez; Edward DeCastro; Bryan
Knueppel; Bryan Korus; Sean Burton;
James Hester*

Lori V. Berke
Anelisa Benavides
BERKE LAW FIRM, PLLC
1601 N. 7th Street, Suite 360
Phoenix, AZ 85006
Attorneys for Defendant City of Phoenix

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2
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I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:

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By: /s/ Mica Mahler