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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 Pedro VASQUEZ PERDOMO; Carlos
22 Alexander OSORTO; and Isaac VILLEGAS
23 MOLINA; Jorge HERNANDEZ
24 VIRAMONTES; Jason Brian GAVIDIA; LOS
25 ANGELES WORKER CENTER NETWORK;
26 UNITED FARM WORKERS; COALITION
27 FOR HUMANE IMMIGRANT RIGHTS;
28 IMMIGRANT DEFENDERS LAW CENTER,

Plaintiffs,

v.

Kristi NOEM, in her official capacity as
Secretary, Department of Homeland Security;

Case No.: 2:25-cv-05605-MEMF-SPx

DISCOVERY MATTER

**JOINT STIPULATION RE:
PLAINTIFFS' MOTION TO COMPEL
DISCOVERY**

Hon. Maame Ewusi-Mensah Frimpong

Referred to Hon. Sheri Pym
United States Magistrate Judge

1 Todd M. LYONS, in his official capacity as
2 Acting Director, U.S. Immigration and Customs
3 Enforcement;
4 Rodney S. SCOTT, in his official capacity as
5 Commissioner, U.S. Customs and Border Patrol;
6 Michael W. BANKS, in his official capacity as
7 Chief of U.S. Border Patrol; Kash PATEL, in his
8 official capacity as Director, Federal Bureau of
9 Investigation; Pam BONDI, in her official
10 capacity as U.S. Attorney General; Ernesto
11 SANTACRUZ JR., in his official capacity as
12 Acting Field Office Director for Los Angeles,
13 U.S. Immigration and Customs Enforcement;
14 Eddy WANG, Special Agent in Charge for Los
15 Angeles, Homeland Security Investigations, U.S.
16 Immigration and Customs Enforcement; Gregory
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18 Patrol Agent for El Centro Sector of the U.S.
19 Border Patrol; Jeffrey D. STALNAKER, in his
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21 San Diego Sector of the U.S. Border Patrol; Akil
22 DAVIS, in his official capacity as Assistant
23 Director in Charge, Los Angeles Office, Federal
24 Bureau of Investigation; Bilal A. ESSAYLI, in
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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on January 6, 2026, at 11:00 a.m., or as soon thereafter as
3 this matter may be heard in Courtroom 4, 3rd Floor, of the above-captioned Court, located at 3470
4 Twelfth Street, Riverside, California 92501, Plaintiff CHIRLA will and hereby does move for an
5 order compelling Defendants Rodney S. Scott, in his official capacity as Commissioner, U.S.
6 Customs and Border Protection, Michael W. Banks, in his official capacity as Chief of U.S.
7 Border Patrol, Gregory K. Bovino, in his official capacity as Chief Patrol Agent for El Centro
8 Sector of the U.S. Border Patrol, and Jeffrey D. Stalnaker, in his official capacity as Acting Chief
9 Patrol Agent, San Diego Sector of the U.S. Border Patrol, Todd M. Lyons, in his official capacity
10 as Acting Director of U. S. Immigration and Customs Enforcement (ICE), Ernesto Santacruz, Jr.,
11 in his official capacity as Acting Field Office Director for the Los Angeles Field Office of ICE,
12 and Eddy Wang, in his official capacity as the U.S. Homeland Security Investigations Special
13 Agent in Charge for Los Angeles, and Kristi Noem, in her official capacity as Secretary,
14 Department of Homeland Security respond fully and completely to Plaintiff CHIRLA's Expedited
15 Requests for Production of Documents, Set One.

16 Pursuant to Federal Rule of Civil Procedure 37(a) and Local Rule 37-1, counsel for
17 Plaintiffs and Defendants have met and conferred via a mixed in-person and telephonic conference
18 and written correspondence. Plaintiffs sent Defendants a letter outlining certain deficiencies in
19 Defendants' document production on December 5, 2025. The parties held a conference on
20 December 10, 2025, at which some counsel for each side were present in person and other counsel
21 joined by teleconference, to discuss the issues raised in Plaintiffs' December 5, 2025 letter. The
22 parties have been unable to reach agreement regarding the subject matter of this Motion. This
23 Motion is based upon this Notice of Motion, the Joint Stipulation, the Declaration of Henry D.

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1 Shreffler and exhibits thereto, and any other papers or argument of counsel that may be filed or
2 submitted in connection with this Motion.

3
4 DATED: December 23, 2025

MUNGER, TOLLES & OLSON LLP

5
6 By: /s/ Jacob S. Kreilkamp
7 JACOB S. KREILKAMP
8 Counsel for Stop/Arrest Plaintiffs

9 DATED: December 23, 2025

UC IRVINE IMMIGRANT AND RACIAL JUSTICE
SOLIDARITY CLINIC

10
11 By: /s/ Anne Lai
12 ANNE LAI
13 Counsel for Stop/Arrest Plaintiffs
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1 **I. PLAINTIFFS' INTRODUCTORY STATEMENT**

2 Plaintiff CHIRLA's Expedited Request for Production No. 2 ("RFP 2") seeks "All
3 DOCUMENTS RELATING TO the operations below ..." and then lists 15 operations conducted
4 by Defendants. Request for Production No. 3 ("RFP 3") seeks "COMMUNICATIONS of any
5 kind" from or to specific agents and officers who made the determination to stop Plaintiffs and
6 declarants. As the Court has already found, Defendants improperly withheld all documents as to
7 three of the operations listed in RFP 2. ECF 305 at 7. But Defendants withheld the bulk of the
8 responsive documents relating to the other 12 operations, as well.

9 Although RFP 2 unambiguously seeks documents relating to "the *operations* below,"
10 Defendants have instead construed it to request documents relating to *encounters* with specific
11 individuals named in the request. Defendants' reading cannot be reconciled with either the
12 language of the request or Defendants' own use of the term "operation" in papers they have filed
13 in this case. Exacerbating the issue, Defendants did not disclose this "interpretation" of the
14 request in their written responses, so Plaintiffs had to review all of the documents Defendants did
15 produce to figure out what Defendants had done.

16 In addition to adopting an unreasonable interpretation of RFP 2, Defendants plainly
17 conducted an inadequate search for documents responsive to RFP 2 and 3. While Plaintiffs cannot
18 know all of the documents omitted due to Defendants' inadequate search, the evidence that the
19 search was insufficient is clear. Defendants have in some instances conceded that their initial
20 search failed to locate responsive documents, but have not explained why. *See* ECF 293. In other
21 instances, deposition testimony or the record in this case demonstrate that both specific responsive
22 documents and categories of responsive documents exist, but were not produced. And Defendants
23 have now twice produced highly responsive text messages related to specific operations the night
24 before the deposition of an agent involved in that operation. Plaintiffs have requested that
25 Defendants provide a written explanation of the search they conducted, but Defendants have
26 elected not to do so. Accordingly, Plaintiffs cannot provide a detailed analysis of *why* Defendants'
27 search failed to identify so many responsive documents, but it is clear that the search was
28 inadequate and Defendants must conduct a further search.

1 Finally, as with their earlier productions, Defendants made sweeping redactions based on
2 unwarranted claims of law enforcement privilege. For the reasons Plaintiffs outlined in
3 connection with Defendants' earlier LEP assertions, these claims should be rejected and
4 Defendants should be ordered to produce all material previously withheld on that basis. *See* ECF
5 306.

6 **II. DEFENDANTS' INTRODUCTORY STATEMENT**

7 The Court authorized limited expedited discovery for Plaintiffs to test specific factual
8 assertions made in Defendants' oppositions, addressing the specific allegations Plaintiffs (and by
9 extension, their declarants) made in support of their request for preliminary injunctive relief. ECF
10 No. 223. Defendants complied with that order. They produced encounter-level facts, non-privileged
11 operational context, and documents Defendants relied on (subject to appropriate privileges) to
12 demonstrate proper legal training and to evaluate whether the specific challenged encounters—as
13 specifically identified in Plaintiffs' Request for Production (RFP)—were supported by reasonable
14 suspicion. Defendants' reading of Plaintiffs' RFP is reasonable in light of both the plain meaning of
15 Plaintiffs' request and the narrowly tailored purpose of this limited, expedited discovery.

16 Plaintiffs allege that certain documents were withheld, improperly redacted, or unduly
17 delayed; however, Defendants produced all responsive documents they located in their possession,
18 custody, and control; immediately supplemented productions as additional documents were
19 discovered; and asserted privileges—including attorney-client privilege, work product privilege,
20 and at issue here (and in Plaintiffs' pending, second motion to compel, ECF No. 306), the law
21 enforcement privilege (LEP)—as needed in line with governing authority allowing invocation of
22 such privilege.

23 Furthermore, against an expedited discovery timeline, Defendants have continuously
24 searched across multiple agency components to ensure that their productions were thorough and
25 responsive to Plaintiffs' specific requests as well as their inquiries after the November 21 deadline
26 lapsed. Plaintiffs' allegations of withheld or purposely delayed productions lack merit and the record
27 shows otherwise, particularly in light of Defendants' ongoing review and immediate
28 supplementation of its productions following Plaintiffs' inquiries. Contrary to Plaintiffs'

1 characterization, Defendants comprehensively reviewed evidence in their possession, custody, and
2 control (on the expedited timeline set out by the Court) and have acted in good faith to continue
3 complying with their obligations, producing discovered materials well past their November 21, 2025
4 production deadline, in response to Plaintiffs' inquiries. Altogether, Plaintiffs' allegations of non-
5 production simply indicate that Plaintiffs' desired information is not necessarily within Defendants
6 agency components' direct possession, custody, or control, or does not exist. However, Defendants
7 continue to re-review documents within their possession, custody, and control (or that of their
8 agents) to ensure that all responsive documents have been produced, subject to appropriate privilege
9 assertions.

10 **III. PLAINTIFFS' CONTENTIONS AND POINTS AND AUTHORITIES**

11 **A. Background**

12 Beginning June 6, 2025, Defendants launched massive operations in the Los Angeles area.
13 The Department of Homeland Security itself described the operations as "widescale" and claimed
14 that, between June 6 and August 14, DHS arrested 4,481 people for alleged immigration violations
15 in the Los Angeles area.¹ On December 11, DHS updated that number, claiming over 10,000
16 arrests since June.² Plaintiffs contend that federal agents have committed widespread
17 constitutional violations in connection with these operations, including conducting detentive stops
18 of individuals without reasonable suspicion.

19 As the Court is aware, Plaintiffs filed a motion for preliminary injunction and, on October
20 17, 2025, the District Court granted Plaintiffs' and Intervenors' Motion for Limited, Expedited
21 Discovery in connection with their motion for injunctive relief. ECF 223. The District Court
22 ordered that Plaintiffs should serve their proposed discovery, including four targeted requests for
23 production of documents, on Defendants. *Id.* at 10.

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26 ¹ <https://www.dhs.gov/news/2025/08/14/secretary-noem-makes-history-first-200-days-office> (last
visited Dec. 14, 2025).

27 ² [https://abc7.com/post/dhs-claims-10000-people-arrested-los-angeles-immigration-raids-](https://abc7.com/post/dhs-claims-10000-people-arrested-los-angeles-immigration-raids-began/18277237/)
28 [began/18277237/](https://abc7.com/post/dhs-claims-10000-people-arrested-los-angeles-immigration-raids-began/18277237/) (last visited Dec. 14, 2025).

Two of the four requests sought documents related to specific operations conducted by Defendants in the Los Angeles area, a tiny fraction of Defendants’ overall operations in this District. Declaration of Henry Shreffler (“Shreffler Decl.”), Ex. A at 6-8. Request No. 2 sought “All DOCUMENTS RELATING TO” 15 operations, and offered examples of the kinds of documents that would be related to them, including documents such as “operations plans,” “pre-operations briefings and/or intelligence reports,” and “targeting packages.” *Id.* at 6. Each operation was identified by the date, location, and—for the twelve operations that were discussed in the temporary restraining order or preliminary injunction briefing, a person referenced in the briefing who was present during the operation. *Id.* at 6-7. So, for example, the operation listed as 2.b. was described as “The June 12 operation at Yank Towing in Montebello, CA in which Plaintiff Gavidia and Javier Ramirez were encountered.” *Id.* at 6. The request did *not* ask for documents “RELATING TO” the encounters with Messrs. Gavidia and Ramirez, it asked for documents “RELATING TO” the *operation* in which they were encountered. And the last three operations on the list were not identified by reference to any person—only a date and location were identified. *Id.* at 7.

Request No. 3 sought, specifically, “COMMUNICATIONS through messaging of any kind (including text messaging, chats, or messaging through a mobile application) from or to” agents or officers who were responsible for initiating encounters with Plaintiffs and declarants in a subset of 10 operations identified in Plaintiff CHIRLA’s Expedited Interrogatory No. 1. *Id.* at 8.

On November 10, 2025, Defendants served their written response to the document requests. Shreffler Decl., Ex. B. Defendants asserted various objections to Request No. 2, including claiming that certain terms used in the request were vague and ambiguous, but Defendants did not object that the term “operation” was ambiguous or that any of the descriptions of the operations was ambiguous. *Id.* at 10-11. Defendants stated that they would conduct a reasonable search and produce the documents responsive to RFPs 2 and 3 that they located, subject to their privilege objections. *Id.* at 11.

After Defendants began to produce documents, it became apparent that they were not producing all documents relating to the listed operations. For instance, when Defendants

1 produced body camera footage, it was possible to see that there were agents at the operations who
2 were wearing body cameras, but whose body camera footage was not produced. Shreffler Decl.
3 ¶ 8. For one operation, among other documents, Defendants produced only one string of messages
4 from a WhatsApp group—which would be completely implausible in any event, but which was
5 demonstrably deficient because body camera footage showed an agent telling another agent that he
6 would text a photo only to the second agent and Defendants produced no messages that involved
7 just those two agents. *Id.* Defendants also failed to produce any arrest narratives or other
8 documents for encounters with individuals who were not Plaintiffs and declarants. Instead, as
9 Defendants have now confirmed in their December 12, 2025 correspondence, Defendants went so
10 far as to withhold email attachments they deemed unresponsive to their narrowed construction of
11 RFP 2. *See* Shreffler Decl., Ex. I at 4 (confirming that Defendants withheld email attachments that
12 did not relate to the individuals referenced in Plaintiffs’ discovery request). As for Plaintiffs and
13 declarants, Defendants still have not produced some official reports, specifically Form I-213s, that
14 concern individuals identified by name in the Request as having been present at one of the listed
15 operations, *which reports Defendants should know exist because they were filed by Plaintiffs in*
16 *support of the temporary restraining order and preliminary injunction motion in this case. Id.;*
17 *ECF 81-1 at 9; ECF 128-1 at 7.*

18 Plaintiffs were able to identify from the documents Defendants did produce a number of
19 other categories of documents that were missing from the production but, of course, Plaintiffs
20 cannot know all of the documents that were missed in an inadequate search or intentionally
21 omitted due to Defendants’ unreasonable interpretation of the discovery requests.

22 Defendants have twice produced text messages relating to a particular agent’s encounter
23 with an individual referenced in Plaintiffs’ preliminary injunction papers the *night* before that
24 agent’s deposition. Defendants first did so at 11:56 P.M. on December 7, producing text messages
25 from the agent set for deposition at 9:00 A.M. the next morning. *See* Shreffler Decl., Ex. C.
26 While Defendants had previously produced some of these messages in plain text form,
27 Defendants’ eleventh-hour production included images that had previously never been produced.
28 *See* Shreffler Decl., Ex. D. Defendants again, on December 15, produced documents the night

1 before an agent's deposition, producing a never-before-seen set of text messages relating to that
2 agent's participation in a specific operation in June 2025. *See* Shreffler Decl., Ex. E; *id.*, Ex. F.

3 On December 5, 2025, Plaintiffs sent Defendants a seven-page letter outlining identified
4 deficiencies in Defendants' document production. Shreffler Decl., Ex. G. The parties met (with
5 some counsel from both sides in person and others joining telephonically) and conferred on
6 December 10 regarding the issues raised in Plaintiffs' letter. Shreffler Decl. ¶ 10. Defendants sent
7 a letter on December 12 responding to Plaintiffs' December 5 letter and the discussion during the
8 December 10 conference. *Id.*, Ex. I.

9 During the December 10 conference, Defendants specified that they had construed Request
10 2 as seeking documents concerning only the interaction with the individual named as having been
11 encountered in the operation, not the entire operation. *Id.* ¶ 10. So they did not, for instance,
12 produce any documents concerning other persons arrested on the same day, in the same parking
13 lot, at essentially the same time. *Id.* And they did not produce body camera footage from agents
14 other than the specific agent who stopped or arrested the identified individual. *Id.*; *see also id.*,
15 Ex. I at 4 (confirming that Defendants have not produced body camera video from agents other
16 than arresting agents even if the video showed an agent encounter with the person named in the
17 document request).

18 Defendants reiterated this position in their December 12 letter, characterizing their
19 interpretation as being based on the "plain language of Plaintiffs' RFP." *Id.*, Ex. I at 3.
20 Defendants further asserted in their letter that producing documents concerning any individuals
21 not identified in the RFPs would be "outside the scope of this Court's limited, expedited
22 discovery." *Id.* The letter acknowledged the Court's order requiring production as to the three
23 operations, in RFP 2(m)-(o), as to which no person is identified, but offered no explanation of how
24 that order could be reconciled with their position that they are required to produce documents only
25 concerning identified individuals. *Id.*

26 With respect to the nature of the search conducted, Defendants indicated during the
27 conference that they utilized a combination of term searches and more targeted searches (body
28 camera footage was specifically identified as having been gathered by a more targeted search).

Shreffler Decl. ¶ 11. Defendants indicated that the mobile phones of agents had not been imaged and made reference to the “proportionality” standard under Rule 26 to justify the omission of this step. *Id.* They also claimed that agents do not use the native texting function of their mobile phones as part of their jobs as a justification for the fact that zero texts were produced. *Id.* Defendants also acknowledged that while Zello, a platform used for push-to-talk messaging, preserved audio files, Defendants had not produced those audio or video files and had instead prepared “redacted” transcripts of those files. *See* Shreffler Decl., Ex. I at 3. Defendants did not further elaborate on the manner in which the search for responsive documents was conducted. *Id.* In response to Plaintiffs’ request that Defendants provide a written explanation of their search methodology, Defendants stated that they would consider doing so. *Id.* To date, Defendants have not provided such an explanation. *Id.*

B. Scope Dispute: Defendants Have Adopted an Unreasonably Narrow Construction of RFP No. 2, Leading Them to Withhold Most of the Responsive Documents.

The principal “scope” issue in this motion is that Defendants have construed the “operation[s]” listed in RFP 2 to be *solely* the interaction between the agent who arrested or otherwise interacted with the individual named as having been present at the operation, rather than the operation in its entirety. But that is not a reasonable reading of the language of the RFP. Defendants know perfectly well that the term “operation” in this context refers not to an interaction with one person, but instead to one or more teams of agents arriving at a site and engaging in immigration enforcement activities that typically involve interactions with more than one member of the public. Defendants’ papers filed in opposition to the Motion for Preliminary Injunction demonstrate that they share this understanding:

See ECF 45-9. Importantly, Gavidia was present during a law enforcement operation at a tow yard when “a crowd of approximately 10 people” approached the officers on scene and yelled various curse words

DEFENDANTS’ OPPOSITION TO PI (4TH AMENDMENT)

22

ECF 170 at 22.

3 All of Plaintiffs' evidence reflects encounters that fall into these constitutional buckets. To start,
4 on August 6, 2025, the Border Patrol ran a targeted operation at the Westlake Home Depot based on
5 intelligence, resulting in several encounters. Molina Decl., ¶ 12. Miguel Angel Tijerino Garmendia

ECF 178 at 5.

15 On August 7, 2025, CBP conducted a targeted operation at the San Bernardino Home Depot based
16 on actionable intelligence about specific individuals and their immigration status associated with that
17 location. Molina Decl., ¶ 13. Juan Francisco Aparicio Saldana, who was at that location, acknowledges

ECF 178 at 5.

19 On August 3, 2025, Border Patrol Agents conducted an immigration enforcement operation at
20 Paramount Home Depot. Molina Decl., ¶ 9. S.C.C.H. reports that he encountered the agents. S.C.C.H.

ECF 178 at 6.

By contrast, Defendants referred to detentions of specific individuals as “stops,” sometimes even
referring to “operations and stops” in the same sentence, making absolutely clear that, contrary to
the way they have construed the RFPs, they do not believe that an “operation” is the same thing as
a “stop.”

15 would risk unintended operational consequences and officer/public-safety concerns. Indeed, as shown by
16 Plaintiffs' supplemental preliminary injunction order, such an injunction would inject the judiciary into
17 micromanaging every operation and stop conducted in a district of 20 million people. That is untenable

ECF 170 at 25.

Defendants similarly distinguished between an operation and an “investigative detention” by describing such a detention as something that might occur *during* an operation:

27 Decl., ¶ 16 (corroborating the stop and the fact that Mr. Santiago was released after a short stop). A short
28 investigative detention to confirm identity and immigration status during an active operation is

DEFENDANTS' SUPPLEMENTAL OPPOSITION TO PI (4TH AMENDMENT)

5

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1 permissible when supported by articulable facts and promptly terminated upon verification. *See Hiibel v.*

ECF 178 at 5-6.

Defendants not only adopted a construction of RFP 2 that they knew to be unreasonable, but they concealed the fact that they were adopting that reading by not objecting to that aspect of the language of the request in the written responses and not disclosing the narrow interpretation of the request that they intended to apply when producing documents. Defendants’ failure to timely object has also prejudiced Plaintiffs: Defendants have delayed Plaintiffs’ ability to move to compel a proper production because Defendants did not disclose their narrowed interpretation of the request until well after the document production began.

Defendants should be compelled to produce all responsive documents—applying a proper understanding of RFP 2—not later than January 12, 2026.

RFP 3 also seeks communications from a subset of operations. It is less clear how Defendants’ unreasonable interpretation of the list of operations affected their production in response to RFP 3, but to the extent it did, they should be ordered to produce by the same date any documents that were withheld from production in response to RFP 3 due to any narrowing interpretation they applied to that list.

1 C. **Search Dispute: Even Setting Aside Their Extremely Narrow Construction of**
2 **the Requests, Defendants' Search Was Inadequate.**

3 In addition to construing Plaintiffs' requests in unreasonable ways, Defendants conducted
4 a plainly inadequate search for documents. Because Defendants have not disclosed the steps they
5 have taken to gather responsive documents, Plaintiffs cannot know all the ways in which the
6 process was deficient, but there are several indications that it was far less than a reasonable search.

7 *First*, since the November 21 production deadline, Defendants have repeatedly produced
8 documents that they concede should have been produced earlier. Defendants filed an errata
9 admitting that they had not produced some body camera footage.³ ECF 293. And Defendants
10 have now twice produced responsive WhatsApp messages involving a specific operation the night
11 before the deposition of an agent involved in that operation. *Second*, Defendants have not
12 produced text messages that body camera video clearly establishes were sent. Shreffler Decl. ¶ 8.
13 Defendants concede they have not imaged the devices of any of the agents. *Id.* at 11. *Third*, there
14 are official documents, such as Form I-213s and EARM encounter reports, that are clearly
15 responsive even under Defendants' unreasonably narrow understanding of the requests—including
16 reports that Plaintiffs have submitted to the District Court in this case—that Defendants have not
17 produced.⁴ *Id.* at 8. *Fourth*, Defendants have confirmed that they withheld attachments to
18 responsive documents when they have determined that the attachment is not itself responsive to
19 the request (using their unreasonable interpretation of the requests). Shreffler Decl., Ex. I at 4; *see*
20 *Doe v. Trump*, 329 F.R.D. 262, 276 (W.D. Wash. 2018) ("Parties should not unilaterally decide
21 what nonresponsive portions of a document are necessary for context and what portions are not.").

22 ³ Of course, even that was misleading because Defendants still have not produced any video for the
23 three "additional" operations (*see* RFP 2(m)-(o)) that they unilaterally decided should not have been
24 included in the request, nor have they produced the body camera footage from the many agents who
25 were at the listed operations but were not the agent who happened to stop or arrest the person
 identified as having been present.

26 ⁴ In their December 12 letter, Defendants assert that those forms "already form part of this matter's
27 record," (Shreffler Decl., Ex. I at 2), but the point is that, if they missed those documents, their
28 search must have been inadequate. Defendants did not assert either on the December 10 call or in
 their December 12 letter that they intentionally omitted the forms from their production because
 Plaintiffs already had some of them.

1 As outlined in the parties' meet and confer correspondence, Plaintiffs have concerns about
2 various specific categories of responsive documents that do not appear in Defendants' production,
3 such as various forms, reports, and spreadsheets that should exist. *See, e.g.,* Shreffler Decl., Ex. G
4 at 2-3, Ex. I at 2-4. It is not entirely clear the extent to which the absence of those documents is a
5 product of Defendants' unreasonably narrow construction of the RFPs and how much is a product
6 of an inadequate search.

7 Defendants should be ordered to conduct an adequate search for responsive documents and
8 complete their production by January 12, 2026. Plaintiffs have already identified for Defendants
9 some ways that they can conduct centralized searches for documents or utilize other methods to
10 ensure their productions are more complete. At a minimum, Defendants should collect
11 standardized documentation, including any targeting information or slide presentations given to
12 agents from all relevant operations and produce them to Plaintiffs. *See* Shreffler Decl., Ex. H at
13 90-92. All persons who were arrested during any of these operations should be identified and all
14 documentation concerning their arrests should be gathered. Further, every agent present at the 15
15 operations should also be asked to collect documents, including any reports or notes they
16 generated and any communications they exchanged relating to the operation. Defendants should
17 also produce all body camera footage recorded by any agent present at any of the 15 operations
18 listed in RFP 2. Finally, Defendants should be required to forensically image any cell phone used
19 by an agent present at any of the 15 operations and review these devices for material responsive to
20 RFPs 2 and 3.

21 Plaintiffs cannot—and should not be expected to—tell Defendants where they can find all
22 responsive documents. Nevertheless, Defendants should also be ordered to provide a detailed
23 written description of their document collection process in order to give Plaintiffs at least the
24 opportunity to identify ways in which the collection process could be made more effective.

25 **D. Defendants Continue to Make Redactions Based on Improper Claims of Law**
26 **Enforcement Privilege.**

27 Defendants have continued to assert law enforcement privilege and make redactions
28 premised solely on that assertion in their document productions. Defendants' LEP claims are

1 sweeping and indefensible. For instance, Defendants assert in their December 12 letter that LEP
2 can properly be applied to video recordings of events that have occurred in public places.
3 Shreffler Decl., Ex. I at 5 (arguing that Plaintiffs’ “assertion that ‘no privilege could apply’ to
4 video recorded in public is incorrect. LEP applies to protect law enforcement techniques,
5 personnel identities, and methods regardless of whether a portion of footage occurs in a public
6 setting.”). The LEP dispute has been briefed to the Court in the context of certain of Defendants’
7 productions and Plaintiffs will not repeat their arguments here, but simply state that those
8 arguments also apply to the LEP assertions made by Defendants in connection with subsequent
9 productions. *See* ECF 306.

10 The meet and confer process has revealed that Defendants’ determination to make
11 unwarranted LEP redactions is having collateral consequences on the document production. For
12 instance, Defendants have withheld audio files that they concede are responsive (providing
13 transcripts instead) because audio files are difficult to redact. Shreffler Decl., Ex. I at 3. They
14 have also limited their production of video because they contend reviewing video for LEP is
15 burdensome. *Id.* at 4 (explaining that Defendants have not produced video from all officers
16 present even at encounters with individuals named in the requests because “this is outside the
17 scope of Plaintiff’s request and *highly burdensome and not proportional where Defendants must*
18 *review for any applicable privileges*”) (emphasis added). In short, Defendants’ improper
19 assertions of LEP are causing them to fail to meet their obligations to produce all responsive
20 documents, to do so timely, and to do so completely.

21 **IV. DEFENDANTS’ CONTENTIONS AND POINTS AND AUTHORITIES**

22 **A. Defendants’ Construction of RFP No. 2 is Reasonable Under Its Plain Meaning**
23 **and the Court’s Limited Grant of Narrowly Tailored Preliminary Injunction**
24 **Motion Discovery.**

25 Defendants’ construction of Plaintiffs RFP No. 2—as seeking documents concerning only
26 interactions between the agent who arrested or otherwise interacted with the identified individuals,
27 as opposed to documents concerning all agents and individuals present during listed operations in
28 said RFP—is reasonable in light of both the plain meaning of Plaintiffs’ request and the narrowly
tailored purpose of this limited, expedited discovery. Both Plaintiffs and the Court have

1 acknowledged that the purpose of this limited discovery is to test Defendants’ factual assertions in
2 opposition to Plaintiffs’ injunction briefing, ECF No. 223 at 5; ECF No. 276, Nov. 25, 2025 Tr.
3 5:15-18 (recognizing that the “purpose is to test defendants’ factual assertions” specifically made in
4 “opposing a preliminary injunction”), which addresses the specific allegations Plaintiffs and other
5 declarants made, as specifically identified in RFP 2. Moreover, Defendants properly and timely
6 objected to Plaintiffs’ definitions forming RFP No. 2’s language in their written responses, noting
7 their objection of definitions such as “DOCUMENTS” as “overbroad, unduly burdensome, [and]
8 not proportional to the scope of Plaintiffs’ lawsuit or the scope of the Court’s order granting limited
9 discovery for the purpose of the preliminary injunction proceedings[.]” Defs.’ Objections and
10 Responses to RFP (Set One) at 4. These disputes ultimately formed the basis of Plaintiffs’ motions
11 to compel, including the instant motion, which have sought additional and/or unredacted documents
12 that Plaintiffs believe they are entitled to obtain. Defendants’ objections were made timely and are
13 justified by the narrowly tailored purpose of this limited, expedited discovery. However, to the
14 extent Plaintiffs scrutinize our objections, Plaintiffs’ RFPs do not define the term “operation” which
15 forms the basis of this dispute, and thus Defendants could not have more specifically objected.

16 First, Defendants reasonably read RFP No. 2 to pertain to uniquely specified operations
17 involving distinct dates, locations, and/or individuals. By listing specific facts about each operation,
18 which align with the specific allegations Plaintiffs and their declarants raised in their injunction
19 briefing and which Defendants specifically addressed in their opposition briefing, Plaintiffs
20 narrowed the scope of their requests to pertain to those specific facts. For example, where Plaintiffs
21 requested documents pertaining to an encounter with one individual at a certain location on a
22 specified date, but later requested documents that only related to encounters at certain locations on
23 specified days, *compare* RFP No. 2 (a)-(l) (identifying specific Plaintiffs and declarants who had
24 encounters during the specific operations) *with* (m)-(o) (generally identifying operations by date
25 without identifying specific encounters), Defendants gave full effect to each identifying
26 characteristic and guided their production in line with each of Plaintiffs’ specific requests. This
27 construction in no way conflicts with the meaning of the term “operation” as (defined by Plaintiffs
28 above) “one or more teams of agents arriving at a site and engaging in immigration enforcement

1 activities that typically involve interactions with more than one member of the public.” Rather,
2 Defendants reasonably construed Plaintiffs’ RFP No. 2 as intentionally requesting specific
3 information pertinent to each identified operation.

4 Second, RFP No. 2 corresponds to limited discovery pertaining to Plaintiffs’ preliminary
5 injunction motion, including Defendants’ opposition briefing, which does not address the overall
6 merits of Plaintiffs’ Fourth Amendment claims that will be addressed in subsequent briefing
7 following a decision on Plaintiffs’ motion for a preliminary injunction.⁵ See *Arce v. Douglas*, 793
8 F.3d 968, 976 (9th Cir. 2015) (citing *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981) for the
9 proposition “it is generally inappropriate for a court to issue . . . a final judgment on the merits of a
10 claim at the preliminary injunction stage, because it is unlikely that the merits of a claim will be
11 fully ventilated at the early stage of a litigation . . .”). While Defendants generally addressed
12 Operation at Large in their briefing, their precise factual assertions addressed Plaintiffs’ (and their
13 declarants’) specific allegations that form the basis of Plaintiffs’ injunction request, as named in the
14 RFP. As such, against the narrowly tailored purpose of this Court’s order requiring limited,
15 expedited discovery, ECF No. 223, Defendants reasonably interpreted RFP No. 2 based on the plain
16 meaning of the RFP to encompass the individuals and encounters that, together, provided Plaintiffs’
17 basis for their Fourth Amendment injunction request. For example, in a declaration when responding
18 about the arrest for SCCH Defendants relied on that narrative, ECF No. 178-1 at ¶ 9; but narratives
19 related to others were generally not reviewed explicitly in that context. Defendants’ construction of
20 the scope of discovery pertains to the sources of these claims and not issues that are not before the
21 Court at this stage of proceedings but that will eventually be litigated during merits briefing.

22 Third, Defendants could not previously further object to Plaintiffs’ interpretation of their
23 RFP No. 2 language because Plaintiffs did not explicitly define their interpretation of the terms
24 currently at issue. Specifically, Plaintiffs’ RFP (Set One) did not define the term “operation,” and
25

26 ⁵ Defendants also note this Court has tabled Plaintiffs’ motion for class certification, ECF Nos. 140,
27 199, pending completion of expedited discovery and the parties’ re-briefing of Plaintiffs’ Fourth
28 Amendment preliminary injunction motion. Therefore, their claims—which Defendants directly
responded to—are limited to those specifically raised by Plaintiffs (and by extension, their
declarants). *Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1501-02 (9th Cir. 1996)

1 therefore, Defendants had no basis from which to indicate any additional objections and reasonably
2 construed the term based on the narrowly tailored purpose of this limited, expedited discovery.
3 Defendants reasonably provided information pertaining to the uniquely identified aspects of each
4 operation that Plaintiffs expressly included in RFP No. 2.

5 **B. Defendants Continuously Conducted Searches Across Multiple Agency**
6 **Components to Ensure Their Productions' Thoroughness and Responsiveness.**

7 Against an expedited discovery timeline, Defendants have continuously searched across
8 multiple agency components to ensure that their productions were thorough and responsive to
9 Plaintiffs' specific requests. Contrary to Plaintiffs' repeated insinuations, the non-production of
10 information that Plaintiffs believe Defendants possess does not prove or otherwise suggest that
11 Defendants are withholding information. *See Boston v. Clubcorp USA, Inc.*, No. CV 18-3746 PSG
12 (SS), 2019 U.S. Dist. LEXIS 72975, at *21-22 (C.D. Cal. Mar. 11, 2019) ("A plaintiff's mere
13 suspicion that additional documents must exist does not warrant an order compelling production.");
14 *Hubbard v. Potter*, 247 F.R.D. 27, 29 (D.D.C. 2008) ("Courts supervising discovery are often
15 confronted by the claim that the production made is so paltry that there must be more that has not
16 been produced or that was destroyed. Speculation that there is more will not suffice; if theoretical
17 possibility that more documents exist sufficed to justify additional discovery, discovery would never
18 end."). Such allegations lack merit and the record shows otherwise, particularly in light of
19 Defendants' ongoing review and supplementation of their productions following Plaintiffs' inquiries
20 and allegations of deficiencies in Defendants' production. Contrary to Plaintiffs' characterization,
21 Defendants comprehensively reviewed evidence in their possession, custody, and control (on the
22 expedited timeline set out by the Court) and have acted in good faith to continue complying with
23 their obligations to produce discovered materials well past their November 21, 2025 production
24 deadline, in response to Plaintiffs' inquiries. Altogether, Plaintiffs' allegations of non-production
25 simply indicate that Plaintiffs' desired information is not necessarily within Defendants agency
26 components' direct possession, custody, or control, or may not exist.

27 Nevertheless, Plaintiffs provide four examples of Defendants' productions that they deem
28 "inadequate." But as discussed below, Defendants produced these responsive documents in as

1 timely a manner as possible within the expedited timeline proscribed by the Court's limited
2 discovery order.

3 First, Plaintiffs address the timing of Defendants' productions, particularly two productions
4 of U.S. Customs and Border Protection agents' WhatsApp messages, which happened to take place
5 the night before their scheduled depositions. The Court's expedited discovery schedule did not
6 provide adequate time for multiple agency components to collect and ensure all responsive materials
7 from numerous sources and individuals was produced any sooner. With respect to CBP, in addition
8 to entrusting officers to provide any relevant materials based on their own review, there were
9 numerous offices and individuals involved in collection of potentially responsive documents. In
10 addition, a substantial amount of responsive materials required review for privileges and
11 corresponding redactions, the location of some of that privileged information on video made
12 redactions time-consuming, and systems are not available that automatically produce the appropriate
13 privilege logs, thus requiring the agency components to manually prepare a log for each production.

14 With respect to the training materials, those were held by several different OCC's Assistant
15 Chief Counsel (Training) offices located in Georgia, New Mexico, and West Virginia, as well as
16 local OCC offices in Long Beach and San Diego, California. The other materials responsive to
17 discovery were largely held by United States Border Patrol. A number of different personnel at
18 United States Border Patrol needed to be contacted to check for documents, videos, and/or other
19 materials. Further, each of the incidents and each one of the people named with respect to each
20 incident is akin to collecting documents for an individual lawsuit. Accordingly, CBP worked on
21 collecting responsive documents for approximately twelve matters (as well as three additional
22 operations as ordered by the Court, ECF No. 305). Due to the expedited pace of the collection and
23 review, there were inadvertent, human errors in collecting and processing documents for the
24 incidents identified in Plaintiffs' requests. In some cases, these errors were not corrected until after
25 production, resulting in supplemental production. Notably, collecting responsive communications
26 from agents' devices required contacting each agent and having them manually search their device
27 (and all possible applications that were used), and then processing any responsive information for
28 production. Unfortunately, the scope of the requests and the expedited pace of the discovery was

1 not conducive to the type of careful measured approach to the collection and review of material the
2 agency would normally undertake in merits discovery on a normal time frame.

3 Thus, rather than delay its production, agency components advised that they provided
4 responsive materials as they became available, resulting in Defendants serving multiple rolling
5 batches of productions containing responsive documents as well as ongoing productions as
6 additional, responsive documents were discovered. For example, Plaintiffs indicate Defendants
7 produced some deponents' WhatsApp messages on the day before their depositions; contrary to
8 Plaintiffs' characterization, however, this was not as an intentional delay in production but instead
9 the agency carrying out its duty to produce/supplement as soon as reasonably possible upon
10 discovery, collection, and proper redaction of those messages. To obtain communications from
11 government agents' cell phones, agency components advise that they had to contact each agent
12 individually to ask them if they were in possession of responsive communications, and subsequently
13 have each agent independently review their own records to locate and transmit any responsive
14 messages to Defendants that needed to be produced. Thus, in ensuring comprehensive searches and
15 responding to Plaintiffs' inquiries as to possible additional documents responsive to their requests,
16 Defendants' (and agency component agents') diligent, repeated efforts to ensure a complete
17 production of responsive materials ultimately resulted in responsive productions on a rolling basis
18 based on when collection and review were completed, sometimes the day before those agents'
19 depositions. Defendants regret the need for supplementation past the Court's November 21
20 production deadline⁶ but acknowledge that, under the expedited discovery timeline set forth by the
21 Court, ongoing review of responsive documents was necessary and Defendants immediately
22 investigated and, where warranted, complied with Plaintiffs' requests to supplement the record as
23 soon as additional, responsive documents were discovered.

24
25 ⁶ Defendant U.S. Immigration and Customs Enforcement (ICE) completed its production by the
26 November 21 production deadline and November 25 privilege log deadline, *see* ECF No. 227. ICE
27 did re-produce one training (Fourth Amendment Refresher training) without redactions after the
28 production deadline in response to Plaintiffs' request based on the unredacted versions of the
trainings produced in other litigation. However, this reproduction was for a document that ICE had
produced by the deadline set by the Court.

1 Second, Plaintiffs claim text messages “that body camera video clearly establishes were
2 sent” have not been produced. However, responsive messages were produced on December 7, 2025,
3 as GOV-P7-0001 to GOV-P7-035 (Defendants’ Production 7). CBP advises that the deponent
4 whose body camera captured this exchange confirmed that this production reflects the messages
5 Plaintiffs’ identified and corresponds with what was said in the body worn camera footage.

6 Third, Plaintiffs claim that Defendants have not produced “official documents, such as
7 Forms I-213 and EARM encounter reports.” However, ICE advises that they have produced all
8 Forms I-213 and EARM reports relating to responsive encounters based on Defendants’ reasonable
9 interpretation of Plaintiffs’ requests. To the extent that any named individual’s documents were not
10 produced—specifically, Plaintiff Perdomo’s and Osorto’s Forms I-213—those documents were
11 previously filed by Plaintiffs, ECF No. 81-1, Ex. A (Perdomo); ECF No. 128-1, Ex. A (Osorto), and
12 thus already form part of this matter’s record. Although re-production of those documents would be
13 duplicative, Defendants offered during the parties’ December 10, 2025 meet and confer to re-
14 produce those forms if Plaintiffs would like. Plaintiffs did not respond to this offer but nevertheless
15 noted this in their position statement to make the sweeping, unsubstantiated allegation of non-
16 production. However, Plaintiffs’ “mere suspicion that additional documents must exist does not
17 warrant an order compelling production” absent an actual showing of missing documentation.
18 *Clubcorp USA, Inc.*, 2019 U.S. Dist. LEXIS 72975, at *21-22.

19 Fourth, Plaintiffs claim that Defendants “withheld attachments to responsive documents
20 when they have determined that the attachment is not itself responsive to the request.” However,
21 ICE advises that it neither removed attachments from responsive documents nor withheld
22 attachments from responsive documents. CBP advises that the withholdings in question fell within
23 its reasonable interpretation of the scope of RFP No. 2, as described above, *supra* § IV.A. Any
24 attachments pertaining to individuals not explicitly identified in RFP No. 2 were properly withheld
25 based on Defendant agency components’ reasonable interpretation of Plaintiffs’ request in light of
26 the narrowly tailored purpose of their discovery requests (ECF No. 223 at 5).

1 **C. Defendants’ Assertions of the Law Enforcement Privilege are Procedurally and**
2 **Substantively Appropriate.**

3 As supported by Defendants’ recently filed privilege declarations, *see* ECF Nos. 310-12
4 (discussing the basis for asserting law enforcement privilege as to portions of documents produced
5 in this litigation), and as further discussed in Defendants’ position statement responding to
6 Plaintiffs’ second motion to compel, ECF No. 306 at 1, 17-23, Defendants have asserted law
7 enforcement privilege over precisely the types of information courts regularly protect: detailed
8 operational plans, target identification methods, surveillance locations, routes and timing, and
9 internal intelligence analysis that reflect law-enforcement tactics and legal strategy. *See id.* at 17-18
10 (collecting cases where district courts in this Circuit, including within this District, repeatedly
11 applied a qualified law enforcement or investigative privilege in civil litigation). Disclosure of such
12 materials would give future enforcement targets insight into law-enforcement techniques and enable
13 evasion. *See Novoa v. Geo Grp., Inc.*, 2020 WL 6694317, at *5 (C.D. Cal. Oct. 8, 2020); *Noble v.*
14 *City of Fresno*, 2017 WL 5665850, at *5 n.3 (E.D. Cal. Nov. 27, 2017); *In re City of New York*, 607
15 F.3d 923, 944 (2d Cir. 2010); *Conan v. City of Fontana*, 2017 WL 2874623, at *4 (C.D. Cal. July
16 4, 2017). Courts likewise protect training materials where disclosure would reveal operational
17 tactics. *See Nieves Martinez v. United States*, 2017 WL 10309002, at *3 (D. Ariz. Apr. 24, 2017);
18 *United States v. Rigmaiden*, 844 F. Supp. 2d 982, 999 (D. Ariz. 2012). Defendants did not produce,
19 and properly redacted, narrow categories of operationally sensitive law-enforcement information
20 whose disclosure would compromise officer safety, tactics, and/or future enforcement operations.

21 The Court has already recognized the significant and real importance of protecting law-
22 enforcement personnel and the integrity of law-enforcement operations in this case. *See, e.g.*, ECF
23 No. 223 at 9 (acknowledging Defendants’ “legitimate confidentiality concerns and privilege
24 assertions which prohibit the immediate and wholesale production of the requested material[s]” and
25 that Plaintiffs’ “timeline appears quite aggressive given the valid confidentiality and privilege
26 concerns.”). LEP exists precisely to allow courts to manage such risks while permitting discovery
27 necessary to litigate constitutional claims to occur in a timely manner.
28

District courts require three prerequisites: (1) a formal claim of privilege by the head of the department or an appropriate agency official;⁷ (2) personal consideration of the materials; and (3) a description sufficient to permit evaluation of the claim. *See U.S. ex rel. Burroughs v. DeNardi Corp.*, 167 F.R.D. 680, 687 (S.D. Cal. 1996); *Conan*, 2017 WL 2874623, at *4; *Roman v. Wolf*, 2020 WL 6588399, at *2 (C.D. Cal. July 16, 2020); *Noble*, 2017 WL 5665850, at *5; *Est. of Solis*, 2024 WL 4783819, at *8-9. Consistent with that framework, Defendants carefully identified sensitive categories of information on their privilege logs, including operational plans, target sheets, surveillance notes, routing diagrams, system identifiers, and law-enforcement-sensitive intelligence. Defendants explained the harms disclosure would cause, including compromising future operations, revealing techniques and protocols, and endangering agents, their families, or third parties.

Plaintiffs' characterize Defendants' redactions as evidence of non-compliance or overbreadth, but the record shows otherwise. The redactions reflect neither a failure to tailor redactions nor an effort to withhold entire documents; rather, these are documents that, despite appropriate privileges, Plaintiffs insist should nevertheless be produced. However, operational records are narratives that embed sensitive information concerning tactics, coordination, sources, and officer safety protocols throughout the document rather than in discreet sections. As a result, some documents require more substantial redactions, and the same categories of sensitive information appear repeatedly and must be redacted in multiple places. At bottom, Defendants personally considered the materials and provided a description sufficient to assert LEP over the following sensitive materials: law enforcement database information whose disclosure could reveal structural details of internal law enforcement systems, operational planning details whose disclosure could reveal how officers and agents communicate with one another in the field, methodology for choosing target locations, information about future operations, location details, identities of targeted individuals, operational logistics, planning, code names, and details, rally point locations,

⁷ Defendants explain in their response to Plaintiffs' second motion to compel that "Courts have made clear that the 'head of the department' requirement is not hyperformalistic. An appropriate agency official may invoke the privilege where that official has sufficient authority and personal knowledge." ECF No. 306 at 19 (collecting cases). In line with the Court's order, ECF No. 305, Defendants provided such declarations to the Court on December 16, 2025.

1 intelligence collection, agents' communications channels, and operational vulnerabilities. All of this
2 information implicates LEP and was redacted accordingly.

3 As it pertains to "video recordings of events that have occurred in public places," the
4 redacted portions of video recordings produced did not occur in public or in places where members
5 of the public would have been able to hear what was redacted. For example, many of the body worn
6 camera footage that had portions redacted pertained to conversations between officers discussing
7 operational details or details pertinent to future operations as well as routes officers took on their
8 way to an operation, all of which implicate LEP, as described in the corresponding privilege log.
9 Therefore, that information remains subject to LEP and was properly redacted prior to production.

10 **D. Conclusion**

11 Defendants reasonably construed Plaintiffs' requests based on the defined terms,
12 Defendants' objections, and Plaintiffs' narrowly tailored purpose of their requests, in order to
13 comply with the Court's expedited discovery order. Defendants produced the factual materials
14 necessary to evaluate and ultimately oppose Plaintiffs' specific allegations that formed the basis of
15 their preliminary injunction motion, and properly redacted privileged materials, including
16 operationally sensitive information protected by the qualified law-enforcement privileges as
17 described in Defendants' recently submitted privilege declarations, *see* ECF Nos. 310-12. For the
18 foregoing reasons, the Court should deny Plaintiffs' motion to compel.

1 DATED: December 23, 2025

MUNGER, TOLLES & OLSON LLP

2
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4 JACOB S. KREILKAMP
5 *Counsel for Stop/Arrest Plaintiffs*

6 DATED: December 23, 2025

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SOLIDARITY CLINIC

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12 DATED: December 23, 2025

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ATTESTATION OF FILER

I attest that the other signatories listed, and on whose behalf this filing is submitted, concur
in the filing's content and have authorized the filing.

Dated: December 23, 2025

/s/ Jacob S. Kreilkamp
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