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United States District Court
Southern District of Texas
FILED

AUG 25 2014

David J. Bradley, Clerk of Court

US DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

TAITZ,) Case # 14-cv-00119
V) HONORABLE ANDREW S. HANEN PRESIDING
JOHNSON, ET AL)

MOTION FOR THE COURT TO SIGN ON 08.25.2014 SUBPOENAS FOR
FOUR BORDER PATROL OFFICERS TO APPEAR IN COURT AT
08.27.2014 HEARING AND PROVIDE ESSENTIAL INFORMATION IN
REGARDS TO DEFENDANTS BEING ENGAGED IN CRIMINAL
ACTIVITY OF TRAFFICKING INDIVIDUALS WITH INFECTIOUS
DISEASES, INDIVIDUALS FROM HOSTILE COUNTRIES AND

**THREATENING OFFICERS WITH CRIMINAL AND CIVIL
PROSECUTION IF THEY SPEAK UP**

SUMMARY OF THE ARGUMENT

Four border patrol officers would like to testify at the August 27, 2014 hearing in this case. They are prepared to testify that the defendants are trafficking multiple illegal aliens with infectious diseases and 11 officers have been infected while processing these illegal aliens. Additionally, they are prepared to testify in regards to multiple individuals from hostile radical Muslim countries crossing the border and being allowed to fly all over the country without any IDs. Officers are currently under a gag order coming from their superiors. The officers believe the gag order comes down from the Secretary of DHS. An emergency subpoena signed by this court to be signed by Honorable Judge Hanen on Monday, August 25, 2014, and posted on PACER the same day, will allow the officers to overcome the gag order and get a permission to take time from their duty, get on the plane on Tuesday and appear before this court and testify on Wednesday, August 27, 2014.

ARGUMENT

"U.S. Customs and Border Protection

Office of Public Affairs

Roles, Function and Responsibilities" and an attached cover e-mail are true and correct documents received by me from Pacheco.

All of the above is true and correct to the best of my knowledge and informed consent.



/s/ Dr. Orly Taitz, ESQ

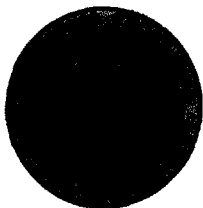
Saturday, 08.23.2014

PROOF OF SERVICE

I, Orly Taitz, attest that I served the defense with the attached pleadings and exhibits on 08.23.2014 via first class mail. Additionally defense will be served on via ECF.



/s/ Orly Taitz



National Border Patrol Council

LOCAL 1613 (San Diego, CA)

Ronald Zermeno • Health & Safety Director
35585 Desert Rose Way • Lake Elsinore, CA 92532
Office/Fax: 800-620-1613 • Email: RZermeno@nbpc1613.org



July 4, 2014

Paul Beeson, Chief Patrol Agent
United States Border Patrol
2411 Boswell Road
Chula Vista, CA 91914

RE: Health Alert

Chief Beeson:

This morning I received a report from one of our agents what I have been fearing to hear. Two Agents from Brown Field station in Otay Mesa California developed a rash yesterday after processing detainees from Texas. One of the Agents sent me this picture of the rash and advised me he was diagnosed with Scabies by his doctor and had to apply pesticide cream all over his body and leave it on overnight. When the Agent got home he change in his garage and put his cloths in the washer, he immediately went to bed the next morning he saw the rash. The Agent is married with two small children. On top of that, the Agent carpools with another Agent who now is possibly exposed. To make matters worse, the Agent put his uniform shirt in the back seat of the vehicle and now the other Agent's daughter has sat there before they were aware of the infection. Agents were told to trust the medical screenings.

I spoke to the Agent who advised me that the duties he was performing at the time he thinks he was exposed was that he was asked to do the medical screening of all detainees, prior to releasing them to ICE. He is not a trained medical professional but did the best he could do. He completed the questionnaire on all the detainees and documented what he saw. He observed several people with open sores and which he recorded on the questionnaire. He was not told about any precautions to take such as decontamination of himself and uniform. This demonstrates that we are not properly trained to identify infectious disease and to properly respond when we suspect a disease.

Chief Beeson you have stated that all the detainees underwent health screening by FEMA personnel and were declared medically sound for transportation to California. Our EMT Agents did an initial medical screening of the detainees upon their arrival and identified several with active scabies and other illnesses. Those that past the screening were sent to other stations in San Diego for processing, one of those stations being the Brown Field station. We do not know exactly which detainee was infected and processed at Brown Field that resulted in the agent contracting this disease. We suspect that they could have been already transferred to ICE custody and may have already been released in the surrounding communities.

I am again asking that all detainees be medically screened by doctors and decontaminated prior to transportation to California. That Agents are provided training to identify these diseases and how to report and respond to when the Agents suspect an illness. That Agents who are involved with the transport, processing and medical screening be provided protective disposable overalls to ensure that they do not contract scabies and other infectious diseases. Provide a facility that the Agents can decontaminate prior to departing the processing area. Provide laundry facility for the Agents so that they can decontaminate their uniforms. Recognize that the time spent by the Agents decontaminating themselves and their uniforms is compensable.

In addition that you please provide assistance to the infected Agent for his losses to include his bedding and clothing. That assistance be provided to the agent car pool partner for the decontamination of his vehicle and for both agents to have their families checked for possible exposure.

We do not encourage releasing the detainees, they should be held for deportation hearings. If ICE is going to release them then they should be quarantined prior to Ice releasing them into the communities to ensure that they will not transfer infectious diseases such as scabies into our communities.

I request that your staff not down play this incident and call it an isolated incident.

The Center for Disease Control and Prevention states the following for prevention and control of scabies:

Prevention & Control

When a person is infested with scabies mites the first time, symptoms may not appear for up to two months after being infested. However, an infested person can transmit scabies, even if they do not have symptoms. Scabies usually is passed by direct, prolonged skin-to-skin contact with an infested person. However, a person with crusted (Norwegian) scabies can spread the infestation by brief skin-to-skin contact or by exposure to bedding, clothing, or even furniture that he/she has used.

Scabies is prevented by avoiding direct skin-to-skin contact with an infested person or with items such as clothing or bedding used by an infested person. Scabies treatment usually is recommended for members of the same household, particularly for those who have had prolonged skin-to-skin contact. All household members and other potentially exposed persons should be treated at the same time as the infested person to prevent possible reexposure and reinfestation. Bedding and clothing worn or used next to the skin anytime during the 3 days before treatment should be machine washed and dried using the hot water and hot dryer cycles or be dry-cleaned. Items that cannot be dry-cleaned or laundered can be disinfested by storing in a closed plastic bag for several days to a week. Scabies mites generally do not survive more than 2 to 3 days away

from human skin. Children and adults usually can return to child care, school, or work the day after treatment.

Persons with crusted scabies and their close contacts, including household members, should be treated rapidly and aggressively to avoid outbreaks. Institutional outbreaks can be difficult to control and require a rapid, aggressive, and sustained response.

Rooms used by a patient with crusted scabies should be thoroughly cleaned and vacuumed after use. Environmental disinfestation using pesticide sprays or fogs generally is unnecessary and is discouraged.

As I highlighted Institutional outbreaks can be difficult to control and require rapid, aggressive and sustained response. All processing facilities should be thoroughly cleaned and vacuumed after use with proper High-efficiency particulate air (HEPA) type vacuums. Cleaning contract personnel should be wearing protective clothing and respirators. All equipment used should be thoroughly cleaned and disinfected after use. All waste should be properly disposed of as biological hazardous waste. We are requesting that "CaviCide" brand disinfectant be provide for the agents to use for decontamination of work areas, equipment and transport vehicles This product comes highly recommended by medical and emergency response personnel. This is the product that they use to decontaminate their ambulances and equipment.

As you see in the attached picture which depicts contaminated bedding being placed in paper bags stored outside Chula Vista station. Border Patrol management is aware of the scabies outbreak but continue to ignore recommendations. The contaminated bedding should be placed in closed plastic bags not paper bags as recommended by CDC. We strongly recommend to control the spread of Scabies that disposable blankets be used instead of the wool blankets.

Sincerely,



Ronald Zermeno
Health and Safety Director
National Border Patrol Council
Local 1613





To Compel

From **Gabe Pacheco** [REDACTED]
To **Orly Taitz** [REDACTED]
Sent Friday, August 22, 2014 at 4:32 PM
Replied Yes
Encrypted No
Signed No

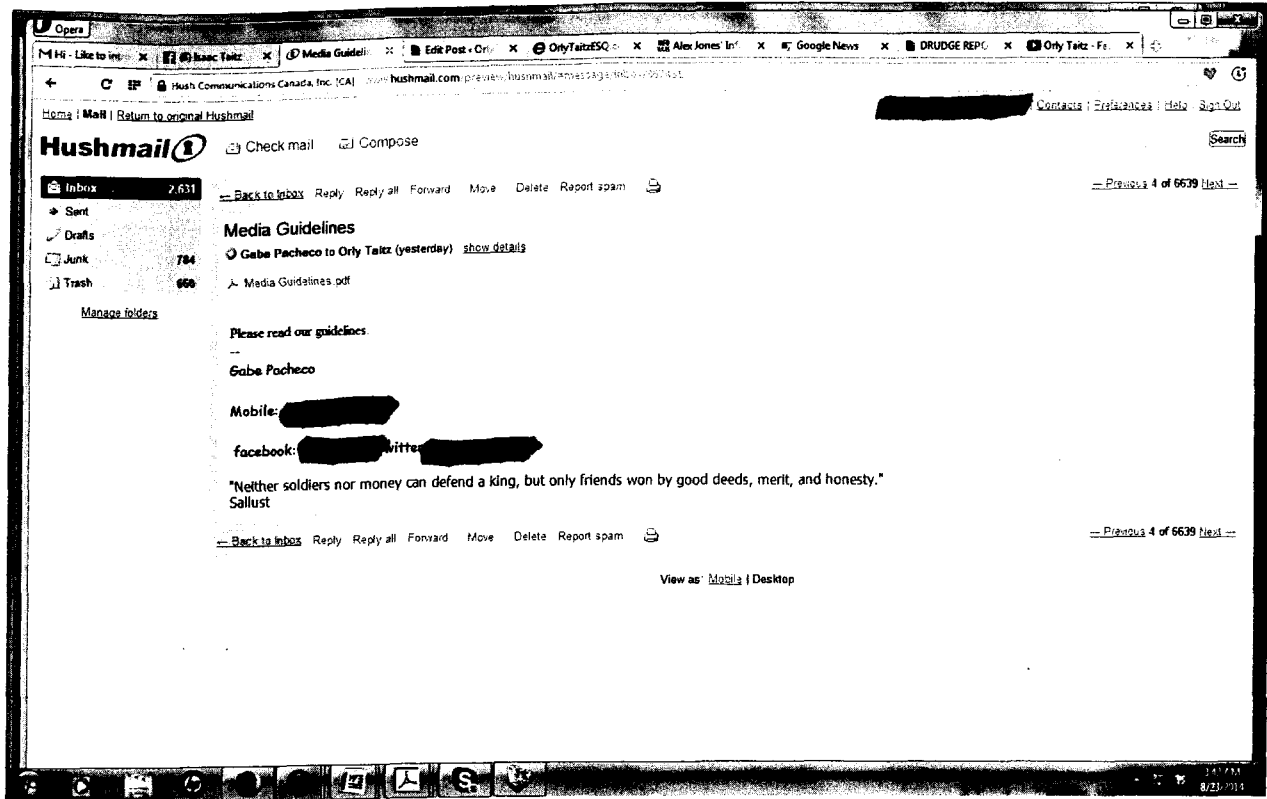
Here are the names and addresses of those to be given a subpoena.

Gabriel Pacheco [REDACTED] CA 92020

James Harlan [REDACTED] CA 91902

Chris Harris [REDACTED] CA 92111

Ronald Zermeno [REDACTED] CA 92532



U.S. CUSTOMS AND BORDER PROTECTION

CBP DIRECTIVE NO. 5410-001B

DATE: March 18, 2009

ORIGINATING OFFICE: C:PP

SUPERSEDES: CBPD 5410-001A, 9/8/05

REVIEW DATE: March 2012

U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF PUBLIC AFFAIRS ROLES, FUNCTIONS AND RESPONSIBILITIES

1. **PURPOSE.** To define guidelines relating to the disclosure of official U.S. Customs and Border Protection (CBP) information to accredited news organizations, mass media, published professional journals, and stakeholder groups. In addition, this directive establishes policy and assigns responsibility for the management of public affairs activities in CBP.

2. DEFINITIONS

2.1 **Office of Public Affairs (OPA)** – In this document, the term Office of Public Affairs or OPA refers to the functional office as a whole which includes Headquarters Office of Public Affairs, Field Public Affairs Specialists, and uniformed personnel who perform public affairs functions as a collateral duty. Uniformed public affairs personnel report to their permanent offices' chain of command for operational and administrative supervision.

2.2 **Public Affairs Specialists (GS-1035) – PAS**, whether assigned to Headquarters or to field locations, disseminate timely and accurate information to the public and to CBP employees through the media and other communication outlets while protecting sensitive, proprietary or personal information. In addition, Public Affairs Specialists serve as subject matter experts to CBP leadership regarding communications, community relations, media relations and crisis communications. PAS report to the Headquarters PAO for functional and administrative supervision, guidance, and overarching administrative support.

3. POLICY.

3.1 **CBP shall cooperate with accredited local, national, and foreign news organizations, without favoritism, in the dissemination of official information while not compromising the DHS/CBP mission.** Through its authorized spokespersons, the CBP Office of Public Affairs (OPA) shall provide timely and sufficient responses to news organizations and individuals to establish and maintain the public trust. Authorized individuals who release information shall exercise due care to preserve privileged information, protect the rights of individuals, and comply with applicable laws, including the Freedom of Information and Privacy Acts. Additionally, responses to news organizations and individuals shall be tempered by concerns for on-going investigations; sensitive foreign activities; operational factors; detection, targeting and selectivity

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factors; techniques and capabilities; exchange of intelligence; and matters in litigation.

3.2 Unless otherwise delegated, official spokespersons for CBP are the Commissioner, Deputy Commissioner, Assistant Commissioners, (which includes the Chief of the Office of Border Patrol), the OPA and others appointed by the OPA. In matters involving statements on behalf of the Administration, the only spokesperson shall be the Commissioner.

3.3 The OPA shall serve as the news media's principal point of contact for CBP. The OPA shall coordinate with the Office of Training and Development to create and provide media/crisis communications training to official spokespersons and full-time and collateral public affairs specialists.

3.4 The issuance of all headquarters press statements, news releases and interviews, and journal articles and the scheduling of telephone and in-person interviews shall be coordinated in advance through the OPA. All media requests and releases of information in the field shall be coordinated with the appropriate field public affairs specialists (GS-1035 series employees).

3.5 CBP personnel who participate in events that may generate national media interest or have policy implications, such as delivering speeches, participating in panel discussions, writing for an outside journal or publication, shall notify the appropriate OPA specialist for guidance and resource materials. The field public affairs specialists shall be responsible for advising the Headquarters OPA as well as senior field leadership.

3.6 The OPA ensures consistency of messaging and compliance with appropriate branding standards of materials that will be used to represent the agency through external journal articles by employees, brochures, pamphlets, content and placement of specific information on the CBP website, public speaking engagements such as panel discussions, conferences, trade shows, and local and regional organization meetings. This does not include any materials related to litigation or ongoing legal matters, negotiations with government organizations, union negotiations, or internal office communications.

3.7 The OPA shall prepare and disseminate timely and accurate public information for internal and external use, and shall research, develop, and produce internal communication plans and tools to improve CBP operations. The OPA may provide access to writers, communications specialists, and others to assist with various communication needs. The OPA will also serve as a conduit to external events planning to ensure a consistent message is relayed between internal and external audiences.

3.8 CBP media and public affairs policy must be executed with discretion and the use of sound judgment, as every possibility cannot be predicted and covered by a written policy statement. However, the unauthorized disclosure of official information to the media may be the basis for criminal and civil sanctions, and administrative disciplinary action.

4. AUTHORITIES.

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- 4.1 DHS MD 2000 Organization of the Office of Public Affairs
 - 4.2 DHS MD 2010 Public Affairs Guidance and Designated Spokesperson
 - 4.3 DHS MD 2020 Providing Information to Call Centers
 - 4.4 DHS MD 2220 Embarkation of Media on Aircraft, Vessels, and Vehicles
 - 4.5 DHS MD 2230 Public Affairs Management Structure
 - 4.6 DHS MD 2250 Press Release Coordination and Approval Process
 - 4.7 DHS MD 2260.1 Review of External Publications
 - 4.8 DHS MD 2270 Public Speaking Opportunities
 - 4.9 DHS MD 2290 Coordination with U.S. Attorneys' Offices For Release of Information
 - 4.10 DHS MD 2510 Review of DHS Internal Publications
 - 4.11 DHS MD 0020 Management and Use of DHS Aircraft
 - 4.12 OMB Circular A-126 Improving Management and Use of Government Aircraft
 - 4.13 5 U.S.C. §§ 552 Freedom of Information Act
 - 4.14 5 U.S.C. §§ 552a Privacy Act
 - 4.15 6 C.F.R. Part 5 DHS disclosure regulations
 - 4.16 19 C.F.R. Part 103 CBP disclosure regulations
 - 4.17 CBP Directive No. 5410-001A (September 8, 2005)
 - 4.18 The Homeland Security Act of 2002, as amended, Pub. L. 107-296 (November 25, 2002), codified in Title 6, U.S. Code
 - 4.19 Delegation of Authority to the Commissioner of U.S. Customs and Border Protection, Department of Homeland Security Delegation 7010.3 (May 11, 2006)
 - 4.20 CBP Memorandum "Integrating as One Agency: CBP Office Roles, Responsibilities, and Coordination" (September 29, 2008)
5. RESPONSIBILITIES.

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5.1 The Assistant Commissioner, OPA, is responsible for the operations of the office, has overall responsibility for CBP interactions with media and other public affairs programs and products, and reports directly to the Commissioner, CBP.

5.1.2 The OPA ensures that the Commissioner's public affairs programs are run properly and efficiently. The OPA is responsible for advising and assisting the Commissioner, Deputy Commissioner, and other CBP leaders on issues related to disseminating CBP information to the news media, the public, CBP workforce, and other government agencies.

5.1.3 The OPA (See definition section 2.2 - Headquarters, Field PAS, and uniformed Public Affairs Liaisons) is the single point of contact for all news media matters throughout CBP and is responsible for initiating and coordinating all CBP contact with the media.

5.1.4 The Headquarters OPA provides guidance to, and coordinates the activities of, field public affairs specialists and serves as CBP's coordinator with the Department of Homeland Security (DHS) public affairs office.

5.2 CBP personnel, including uniformed officers and agents assigned to conduct public affairs activity, will comply with guidance issued by OPA.

5.2.1 CBP offices with personnel performing public affairs duties shall ensure that those individuals receive OPA approved training, adhere to OPA Guidance, and conduct all public affairs related business in full coordination with the CBP OPA.

5.3 The OPA public affairs specialists will support the communication needs of their respective field leadership and report to the Assistant Commissioner for OPA.

5.3.1 No office within CBP or employee outside of the OPA should initiate contact with members of the media or press for reasons of official business without prior approval by the OPA. In the event that notification to the OPA cannot be made in advance, of the media contact, the OPA will be notified as soon as possible.

5.4 No office within CBP shall employ personnel with the purpose of communicating or working with the media or press, nor plan or execute any public affairs outreach without the approval of the Assistant Commissioner, OPA, or his delegee.

5.4.1 The OPA is responsible for the coordination, approval and dissemination of all official information to the public via the media and public affairs outreach activity (with the exception of Congress, state governors, state and local officials, and other governments). Public Affairs personnel are responsible for the disclosure of official information regarding CBP activities within their area of responsibility. Matters potentially involving national media attention must promptly be reported to and coordinated through OPA.

5.4.2 The OPA manages and oversees the Publications Review Board and agency branding to ensure accurate and relevant information is released to public entities. The Board reviews any printed material intended for external distribution. Field public affairs specialists are responsible

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for reviewing all materials that will be used regarding CBP activities within their area of responsibility. External information sharing to the media involving CBP policy must be coordinated with the OPA.

5.4.3 The OPA is responsible for the creation of agency magazines, newsletters, and other agency-wide distribution of public information to the internal audience via established channels, including informational television programming.

5.4.4 The OPA manages and plans for appropriate public affairs activities related to operational plans; accordingly, all CBP operational and program offices will coordinate with OPA in the course of operational planning, as appropriate (i.e., hurricanes, tabletops, enforcement operations).

5.4.5 In developing agency operations, the OPA will ensure that CBP is prepared to respond accordingly.

5.4.6 Public Affairs personnel are responsible for the public affairs annex, when one is required to Operations Orders during operational planning.

5.5 It is the responsibility of the OPA to inform the public of the identity of CBP and its missions and goals.

5.6 All offices within CBP must coordinate with the OPA on all external contracts that support public affairs activities.

5.7 The OPA ensures that the office will not release to the public any material that is classified, law enforcement sensitive, private or proprietary information or information relating to matters in litigation or ongoing legal matters as directed in the Freedom of Information Act, Privacy Act, and other relevant law, regulation, or policy. Where there are restrictions on release or dissemination of information, offices providing such information shall advise OPA of these restrictions and ensure that documents are appropriately marked.

6. PROCEDURES.

6.1 CRIMINAL PROCEEDINGS:

6.1.1 The disclosure of official enforcement information to the news media will be fully coordinated with the appropriate office or agencies.

6.1.1.1 In matters involving post-complaint or post-indictment arrests and seizures, all statements, comments and news releases will be coordinated with the appropriate U.S. Attorney prior to release.

6.1.1.2 No information shall be disclosed which details grand jury proceedings or prejudices

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either potential or on-going criminal actions.

6.1.1.3 At no time shall any CBP personnel furnish any statement or information to influence the outcome of a trial. Spokespersons may, however, make public the following information after coordinating with the appropriate entities (except for minors):

6.1.1.3.1 the name, age, residence, employment, marital status, and similar background information of the defendant(s); for minors only name and age may be released.

6.1.1.3.2 the substance or text of the charge, if not sealed, such as a complaint, indictment or information;

6.1.1.3.3 the identity of the investigating and/or arresting agency(s); and

6.1.1.3.4 the circumstances immediately surrounding an arrest or seizure, including the time and place of the incident, resistance, pursuit, possession and use of weapons, and, if deemed appropriate, a description of physical items seized at the time of arrest.

6.1.2 CBP will refrain from making available the following information:

6.1.2.1 observations about a defendant's character;

6.1.2.2 statements, admissions, confessions, or alibis attributable to a defendant;

6.1.2.3 details of investigative techniques and intelligence information or of the refusal by the defendant to submit to such techniques;

6.1.2.4 statements concerning the identity, credibility, or testimony of prospective witnesses; and

6.1.2.5 statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial (however, this generally does not include quantities or types of contraband seized);

6.1.2.6 any opinion as to the accused's guilt, or as to the possibility of a plea of guilty to the offense charged, or as to the possibility of a plea to a lesser offense;

6.1.2.7 names of juvenile offenders; and

6.1.2.8 staffing levels of specific enforcement units.

6.1.3 There may be situations in which these proscriptions will limit the release of information which would not be prejudicial under the particular circumstances. If a CBP official believes that in the interest of the fair administration of justice, the law enforcement process, or the homeland security needs of the United States, information beyond these guidelines should be released in a particular case, he or she shall request the permission of the Commissioner or

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designee and, if the matter is to be referred or has been referred for prosecution, he or she will coordinate with the appropriate Department of Justice officials to do so. CBP officials may also consult with the Office of Chief Counsel for legal advice in such circumstances.

6.2 MEDIA REQUESTS TO PHOTOGRAPH SUSPECTS

6.2.1 Photographing of suspects /detainees by news organizations in public places or in transit is neither encouraged nor discouraged, but the individuals in CBP custody shall not be posed. Upon request of the media, mug shots of individuals in CBP custody may be provided in the interest of public safety, (i.e. to assist in the apprehension fugitives, developing investigative leads, crime deterrence, etc.) To ensure the integrity of investigations and judicial process, requests for mug shots should be coordinated with the appropriate law enforcement agency.

6.2.2 When news organizations arrive at the scene of an enforcement action in progress without prior CBP knowledge, CBP personnel shall not interfere with photographing suspects in public places or in transport. Generally, other than by reasons of judicial order or the specific need to take reasonable steps to limit activity of the news media if such activity will endanger the safety of CBP personnel or the public, or reveal CBP law enforcement techniques. CBP personnel should not prevent the lawful efforts of the news media to photograph, tape, record, or televise an enforcement action from outside a designated perimeter as long as the CBP-controlled area has not been breached.

6.2.3 Decisions to allow any photographing, videotaping or filming by the media at CBP facilities shall be made in consultation with the appropriate Public Affairs Specialist and with the concurrence and control of the appropriate CBP supervisor.

6.2.4 Detention of persons or media and/or the detention of recording equipment, film or notes are prohibited unless the owner or operator of such materials has violated federal law, unlawfully breached the security of a CBP facility, or has endangered the safety of CBP personnel.

6.3 CUSTOMS AND BORDER PROTECTION ENFORCEMENT ACTIONS – ARRESTS, SEIZURES, SEARCH WARRANTS, SURVEILLANCE

6.3.1 In cases in which a search warrant is to be executed, no advance information shall be provided to the news media about actions to be taken by law enforcement personnel, nor shall media representatives be invited to be present.

6.3.2 If the media arrive at the scene of enforcement actions, the officer in charge (or designee) or the OPA representative shall be the only authorized spokespersons within the previously stated guidelines. Authorized spokespersons may provide public information after safeguarding the integrity of the enforcement action and ensuring the safety and protecting the identity of participating law enforcement officers.

6.4 CIVIL PROCEEDINGS

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6.4.1 Guidelines for civil cases (information concerning fines, penalties, and forfeitures cases) in 19 C.F.R. 103.32 (and, to the extent the matter has been referred and is handled by the Department of Justice, in coordination with the appropriate Justice Department officials acting pursuant to 28 C.F.R. 50.2 (c) or successor regulations) shall be followed.

6.4.2 It is the policy of CBP to seek to deter violations of 19 USC §1592 and other customs and immigration laws by making known, when appropriate, general information about penalty and forfeiture actions taken by the agency.

6.4.3 After the assessment of a civil penalty, payment of a mitigated amount or judicial action, the identity of the violator; the section of the law violated and the nature of the violation; the amount of the penalty assessed; the loss of government revenue; the mitigated amount (if applicable); the amount of money paid; the alleged violator's right to seek mitigation; judicial review or appeal from a penalty assessed; and other information available under FOIA or other laws may be disclosed to the public after consulting the operational office involved and in accordance with existing CBP protocol regarding the release of information under FOIA by the appropriate OPA personnel or field manager.

6.4.4 Public disclosure of any other item of information concerning such cases, whether open or closed, shall only be made in conformance with the procedures provided in the Freedom of Information Act and other laws, as appropriate.

6.5 WHISTLEBLOWER ACT

6.5.1 CBP officials designated as spokespersons may comment on allegations made by declared whistleblowers. However, the quantity and type of information for potential release will be determined on a case-by-case basis by OPA personnel. This policy requires employees not to disclose information protected by the Privacy Act in personnel or investigative files.

6.6 RIDE-ALONG REQUESTS

6.6.1 All requests by the media to ride along in CBP aircraft and vessels must be approved in advance by the operational office HQ leadership.

6.6.1.1 Media ride-alongs on CBP conveyances are prohibited during the execution of arrest and search warrants. All other ride-along requests shall be handled on a case-by-case basis. Media related requests shall be coordinated in advance with the appropriate Public Affairs personnel. All ride-along requests shall include a signed "hold harmless" agreement. Approval of ride-along requests on CBP aircraft is contingent on applicable federal regulations regarding non-essential passengers on government law enforcement aircraft.

6.6.3 Approval of a ride-along request must take into consideration the following criteria:

6.6.3.1 safety consideration regarding individuals and activities involved;

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6.6.3.2 protection of sensitive law enforcement information, investigative techniques, and the identity of law enforcement personnel involved; and

6.6.3.3 media consent to embargo publication or broadcast pending completion of appropriate investigative matters resulting from a law enforcement action occurring during the ride-along.

6.7 CRISIS COMMUNICATIONS

6.7.1 Each CBP office, in creating their incident/emergency response plans and continuation of operations plan should ensure that their appropriate public affairs specialists is aware of the plan and understands his/her role as the communicators to the media during a crisis. Operational managers and public affairs specialists shall report incidents to their respective chains of command as quickly as possible.

6.7.2 Crises may include, but are not limited to: terrorist attacks; incidents that could be construed as terrorist-related; shooting incidents; the use or threatened use of explosives; mass deaths of illegal immigrants; ambush killings and assassinations; taking of hostages; kidnapping; hijacking; theft of weapons; mass demonstrations; sabotage; other forms of violence; and natural disasters.

6.7.3 In the event of a crisis or incident, and in accordance with the Incident Command System, it is essential to identify a local spokesperson as soon as possible and that Headquarters officials, the designated local spokesperson and the principal field officer/public affairs specialist are distributing the same information (speaking with one voice). Proposed responses to media queries shall be coordinated as soon as possible with the appropriate public affairs specialist and Headquarters. The OPA is responsible for coordinating release of information with the DHS Office of Public Affairs. Overseas, host governments and the U.S. Department of State have primary responsibility for managing incidents that involve U.S. citizens or property, including possible attacks on U.S. Government agencies or installations.

6.7.4 Further coordination should be affected with appropriate state/local entities that have a jurisdictional interest in the incident.

6.7.5 Principal field officers/public affairs specialists should consider establishing a joint information center near the scene, consistent with safety requirements.

6.8 ACCIDENTS AND INCIDENTS

6.8.1 Principal field officers and/or public affairs specialists shall ensure the timely coordination and release of accurate information released to the media as soon as possible after an accident involving CBP aircraft or vessels; or after serious vehicle accidents involving CBP personnel. This is to prevent or dispel rumors that could promote misinformation in media reports.

6.8.2 The names of all injured or deceased accident victims will be withheld pending

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notification of next of kin. Depending on the nature of the incident, and unless there are exigent circumstances to the contrary, following notification of next of kin, names of CBP employees may be released along with job title and duty station. Such release will be coordinated with impacted operational offices.

6.8.3 If news media arrive at the scene of an accident, the officer in charge or OPA personnel shall be the only official(s) authorized to release official information. The integrity of the incident site must be preserved and any exposed classified or law enforcement sensitive material immediately will be removed prior to permitting news media photography.

6.8.4 The following information may be released unless otherwise deemed law enforcement sensitive:

6.8.4.1 a general description of the type of accident (crash, mid-air collision, etc.);

6.8.4.2 the time and general location;

6.8.4.3 the aircraft's or vessel's departure point and destination (unless classified or foreign country sensitivities precludes release);

6.8.4.4 the number of crew members and passengers on board or persons in vehicle(s);

6.8.4.5 the type of aircraft, vessel or vehicle and its general purpose;

6.8.4.6 unclassified facts about the mission of the vehicle, aircraft or vessel when the accident occurred, such as training flight, patrol, surveillance, etc.; and

6.8.4.7 the fact that a board of officials, including local CBP representatives, will investigate the accident. No speculation about the cause of the accident shall be released, even if it appears obvious. Release of information concerning aircraft accidents, during and following a field investigation, shall be made only by the lead investigative agency or the investigator-in-charge.

6.8.4.8 Information that could reveal law enforcement tactics, eliminate the element of surprise, or endanger lives may not be released.

6.9 INTERNATIONAL OPERATIONS

6.9.1 The Office of International Affairs (INA) and other CBP offices with employees abroad or conducting international training programs abroad may, at their discretion and with the concurrence of appropriate U.S. embassy personnel, provide information about such programs and training to the media. When such events occur, CBP personnel abroad will inform the OPA prior to the disclosure of information, when possible. In the event that notification to the OPA cannot be made in advance, the Office of International Affairs will notify the OPA as soon as possible of any such media event.

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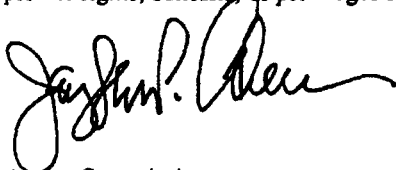
6.9.2 The Office of International Affairs, will ensure timely coordination of major international events. News releases by OPA will be coordinated with the State Department, foreign country administrations, and the Office of International Affairs.

7. MEASUREMENT

7.1 The OPA will accurately and efficiently provide information regarding CBP policies and activities to the public through interaction with accredited media, production of brochures, pamphlets, and other internal and external publications, and operation and review of interactions with the public and other stakeholders. Effective communication begins with effective planning and continues throughout the project. Some of the following methods will be used to track effectiveness of communications: web tracking; user surveys and questionnaires; telephone surveys; user observation; focus group feedback; and feedback cards.

8. NO PRIVATE RIGHTS CREATED

8.1 The procedures set forth in this directive are for CBP internal use only and create no private rights, benefits, or privileges for any private person or party.

A handwritten signature in black ink, appearing to read "Jay S. Allen". The signature is fluid and cursive, with a large initial "J" and "A".

Acting Commissioner
U.S. Customs and Border Protection

National Border Patrol Council,
Union,

and

U.S. Customs and Border Protection,
Agency.

Office of Public Affairs Directive
Arbitration

FMCS No. 090926-61285-A

SETTLEMENT AGREEMENT

In settlement of the National Border Patrol Council's September 10, 2009, and October 14, 2009, grievances regarding the Office of Public Affairs Directive, 5410-001B, issued March 18, 2009, the National Border Patrol Council, AFGE, (NBPC or the Union) and U.S. Customs and Border Protection (the Agency) hereby agree that:

1. The Union's right to publicize matters affecting employees' terms and conditions of employment is protected consistent with the Federal Service Labor-Management Relations Statute and Federal Labor Relations case law.
2. Communications made by a Union representative acting in the capacity of a Union representative are protected consistent with the Federal Labor Relations case law.
3. The Office of Public Affairs Directive does not change past practices relating to Union representatives speaking on behalf of the bargaining unit.
4. There are limits to the protections afforded speech in a representational capacity. Those limits would include, but are not limited to, breaches of operational security, disclosure of protected information (e.g., classified, critical infrastructure, sensitive security information, law enforcement sensitive, personally identifiable, sensitive but unclassified, for official use only, information), or statements that are maliciously untrue.

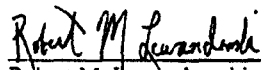
NBPC and CBP – Office of Public Affairs Directive
Grievance Settlement


2


5. Based upon the above agreement, the Union withdraws the grievances and the arbitration scheduled for June 15, 2011, is hereby cancelled. The parties will share equally in any cancellation costs.

For the Agency:

For the Union:


Robert M. Lewandowski 7/20/11
Chief of Staff Date
U.S. Border Patrol


George E. McCubbin III 6/10/2011
President Date
National Border Patrol Council


Thomas J. Walters 6-10-2011
Acting Assistant Commissioner Date
Office of Public Affairs

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS

Taitz
Plaintiff
v.
Johnson et al
Defendant
Civil Action No. 14-CV-00119 So District TX

SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTION

To: Ronald Zermeno, [REDACTED] CA 92532

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Table with 2 columns: Place (US DISTRICT COURT SOUTHERN DISTRICT OF TX 600 E HARRISON, BROWNSVILLE, TX 92688) and Courtroom No. (6) / Date and Time (08/27/2014 1:30 pm)

You must also bring with you the following documents, electronically stored information, or objects (leave blank if not applicable): please, provide any and all documents relating to the order attached below

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/25/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Civil Action No. 14-CV-00119 So District TX

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Attachment to Subpoena

Information requested by Judge Andrew S. Hanen, Southern District of Texas for August 27, 2014 hearing

Case 1:14-cv-00119 Document 23 Filed in TXSD on 08/13/14 Page 1 of 2 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION DR. ORLY TAITZ, § Plaintiff, §

§

VS. § CIVIL ACTION

NO. B-14-119

§ JEH JOHNSON, Secretary of the Department § of Homeland Security, et al.,

§ Defendants. §

ORDER

The Court will hold a hearing on all pending motions on August 27, 2014 at 1:30 p.m. Counsel and/or their witnesses should be prepared to address all topics raised either by the motions or the Government's response. These topics include: (1) the standing of the Plaintiff (either individually or as a class representative); (2) the ability of an individual citizen, even with standing, to question executive authority over immigration matters; (3) the Defendants' past and current efforts to secure the southern border of the United States (including the efforts to stop the influx of illegal aliens, minors and adults in 2014); (4) all aspects of the apprehension, processing and subsequent placement of the illegal minors in 2014 included specifically the recent influx from Mexico and Central America; (5) the Defendants' efforts to comply with the Flores settlement in conjunction with the recent influx of minors; (6) the application, if any, of the Deferred Action for Childhood Arrivals to this case; and (7) the examination, diagnosis and treatment of any illegal alien minors with any medical conditions in 2014; and (8) the detention and/or all other means to house illegal alien minors who have entered the country in 2014.

Case 1:14-cv-00119 Document 23 Filed in TXSD on 08/13/14 Page 2 of 2

The Court will rule as quickly as it can after the hearing given the emergency nature of the motion.

Signed this 13th day of August, 2014.

Andrew S. Hanen

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS

Taitz
Plaintiff
v.
Johnson et al
Defendant
Civil Action No. 14-CV-00119 So District TX

SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTION

To: Gabriel Pacheco, [redacted] El Cajon, CA 92020

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Table with 2 columns: Place (US DISTRICT COURT SOUTHERN DISTRICT OF TX 600 E HARRISON, BROWNSVILLE, TX 92688) and Courtroom No.: 6, Date and Time: 08/27/2014 1:30 pm

You must also bring with you the following documents, electronically stored information, or objects (leave blank if not applicable): please, provide any and all documents relating to the order attached below

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/25/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) , who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Civil Action No. 14-CV-00119 So District TX

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

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 - (i) is a party or a party's officer; or
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- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

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(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment to Subpoena

Information requested by Judge Andrew S. Hanen, Southern District of Texas for August 27, 2014 hearing

Case 1:14-cv-00119 Document 23 Filed in TXSD on 08/13/14 Page 1 of 2 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION DR. ORLY TAITZ, § Plaintiff, §

§

VS. § CIVIL ACTION

NO. B-14-119

§ JEH JOHNSON, Secretary of the Department § of Homeland Security, et al.,

§ Defendants. §

ORDER

The Court will hold a hearing on all pending motions on August 27, 2014 at 1:30 p.m. Counsel and/or their witnesses should be prepared to address all topics raised either by the motions or the Government's response. These topics include: (1) the standing of the Plaintiff (either individually or as a class representative); (2) the ability of an individual citizen, even with standing, to question executive authority over immigration matters; (3) the Defendants' past and current efforts to secure the southern border of the United States (including the efforts to stop the influx of illegal aliens, minors and adults in 2014); (4) all aspects of the apprehension, processing and subsequent placement of the illegal minors in 2014 including specifically the recent influx from Mexico and Central America; (5) the Defendants' efforts to comply with the Flores settlement in conjunction with the recent influx of minors; (6) the application, if any, of the Deferred Action for Childhood Arrivals to this case; and (7) the examination, diagnosis and treatment of any illegal alien minors with any medical conditions in 2014; and (8) the detention and/or all other means to house illegal alien minors who have entered the country in 2014.

Case 1:14-cv-00119 Document 23 Filed in TXSD on 08/13/14 Page 2 of 2

The Court will rule as quickly as it can after the hearing given the emergency nature of the motion.

Signed this 13th day of August, 2014.

Andrew S. Hanen

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS

Taitz
Plaintiff
v.
Johnson et al
Defendant
Civil Action No. 14-CV-00119 So District TX

SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTION

To: James Harlan, [redacted] Bonita, CA 91902

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Table with 2 columns: Place (US DISTRICT COURT SOUTHERN DISTRICT OF TX 600 E HARRISON, BROWNSVILLE, TX 92688) and Courtroom No.: 6, Date and Time: 08/27/2014 1:30 pm

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Date: 08/25/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) [redacted], who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Civil Action No. 14-CV-00119 So District TX

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I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

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Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

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(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment to Subpoena

Information requested by Judge Andrew S. Hanen, Southern District of Texas for August 27, 2014 hearing

Case 1:14-cv-00119 Document 23 Filed in TXSD on 08/13/14 Page 1 of 2 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION DR. ORLY TAITZ, § Plaintiff, §

§

VS. § CIVIL ACTION

NO. B-14-119

§ JEH JOHNSON, Secretary of the Department § of Homeland Security, et al.,

§ Defendants. §

ORDER

The Court will hold a hearing on all pending motions on August 27, 2014 at 1:30 p.m. Counsel and/or their witnesses should be prepared to address all topics raised either by the motions or the Government's response. These topics include: (1) the standing of the Plaintiff (either individually or as a class representative); (2) the ability of an individual citizen, even with standing, to question executive authority over immigration matters; (3) the Defendants' past and current efforts to secure the southern border of the United States (including the efforts to stop the influx of illegal aliens, minors and adults in 2014); (4) all aspects of the apprehension, processing and subsequent placement of the illegal minors in 2014 including specifically the recent influx from Mexico and Central America; (5) the Defendants' efforts to comply with the Flores settlement in conjunction with the recent influx of minors; (6) the application, if any, of the Deferred Action for Childhood Arrivals to this case; and (7) the examination, diagnosis and treatment of any illegal alien minors with any medical conditions in 2014; and (8) the detention and/or all other means to house illegal alien minors who have entered the country in 2014.

Case 1:14-cv-00119 Document 23 Filed in TXSD on 08/13/14 Page 2 of 2

The Court will rule as quickly as it can after the hearing given the emergency nature of the motion.

Signed this 13th day of August, 2014.

Andrew S. Hanen

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS

Taitz
Plaintiff
v.
Johnson et al
Defendant
Civil Action No. 14-CV-00119 So District TX

SUBPOENA TO APPEAR AND TESTIFY
AT A HEARING OR TRIAL IN A CIVIL ACTION

To: Chris Harris, [redacted] San Diego, CA 92111

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Table with 2 columns: Place (US DISTRICT COURT, SOUTHERN DISTRICT OF TX, 600 E HARRISON, BROWNSVILLE, TX 92688) and Courtroom No./Date and Time (6, 08/27/2014 1:30 pm)

You must also bring with you the following documents, electronically stored information, or objects (leave blank if not applicable): please, provide any and all documents relating to the order attached below

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/25/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).