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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**INDEX NEWSPAPERS LLC**, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

**CITY OF PORTLAND**, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

**DECLARATION OF JUSTIN YAU IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE**

I, Justin Yau, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a student at the University of Portland studying communications under the G.I. Bill, with a focus on journalism; before that, I served in the U.S. Army, where I was deployed to the Middle East in support of Operation Inherent Resolve. I have covered protests in Hong Kong and Portland. My work has been published in the *Daily Mail*, *Reuters*, *Yahoo! News*, *The Sun*, *Spectee* (a Japanese news outlet), and *msn.com*. I have attended the protests in Portland as a freelance and independent journalist for the purpose of documenting and reporting on them.

2. In the early morning of July 15, I was covering the protests in downtown Portland outside the Justice Center and Hatfield Courthouse. I was taking photographs with my Nikon D3100 DSLR camera with an 18-55mm lens. I was also filming with a gimbal camera and my cellphone. I was wearing a high-visibility vest that said "PRESS" in large block letters and a helmet that said "PRESS" in large block letters. I also had a press pass around my neck.

3. The following is a true and correct photograph of the helmet and vest I was wearing:



4. A few minutes before 4:00 a.m., I was filming and photographing a small crowd of protesters at the intersection of SW 3rd Avenue and SW Main Street being pushed north by

federal agents. The crowd was largely in the street, with a few members on the sidewalk. Federal agents were firing on them with flash-bang grenades, pepper balls, and tear gas.

5. I was standing as far from the crowd as was possible while still reporting effectively. The police and federal agents in Portland have made me very fearful for my safety, so I usually try to stand far away, both to remain out of the line of fire and to make clear that I am not one of the protesters. From the perspective of the officers, I was on their far left, in the park, about 40 feet away from the main crowd and 150 feet away from the federal agents.

6. Nevertheless, a federal agent fired a tear-gas canister from a grenade launcher directly at me. Two burning fragments of the canister struck me, one on my leg and one on my arm. At that point, I shook them off and ran away until I was sure I was alright.

7. I have covered protests in Hong Kong, where a totalitarian regime is suppressing protesters with brutal violence. Even Hong Kong police, however, were generally conscientious about differentiating between press and protesters—as opposed to police and federal agents in Portland.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 17, 2020

DocuSigned by:  
*Justin Yau*  
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Justin Yau