

Matthew Borden, *pro hac vice* application pending
borden@braunhagey.com

J. Noah Hagey, *pro hac vice* application pending
hagey@braunhagey.com

Athul K. Acharya, OSB No. 152436
acharya@braunhagey.com

Gunnar K. Martz, *pro hac vice* application pending
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP
351 California Street, Tenth Floor
San Francisco, CA 94104
Telephone: (415) 599-0210
Facsimile: (415) 276-1808

Kelly K. Simon, OSB No. 154213
ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON
P.O. Box 40585
Portland, OR 97240
Telephone: (503) 227-6928

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**TUCK WOODSTOCK; DOUG BROWN;
SAM GEHRKE; MATHIEU LEWIS-
ROLLAND; KAT MAHONEY; JOHN
RUDOFF**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal
corporation; and **JOHN DOES 1-60**,
individual and supervisory officers of Portland
Police Bureau and other agencies working in
concert,

Defendants.

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

**SUPPLEMENTAL DECLARATION OF
ALEX MILAN TRACY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Alex Milan Tracy, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a photojournalist contributing to the Associated Press, among others, and have my master's degree in photojournalism. I have covered a great deal of the recent protests over George Floyd and police brutality in Portland. If called as a witness, I could, and would, testify competently to the facts below.

2. Yesterday, I submitted a declaration to the Court in support of Plaintiffs' motion for a temporary restraining order because I have been targeted and dispersed by police at protests.

3. Based on the several protests I have attended, it appears that last night, police violence against journalists and neutral observers escalated considerably.

4. In my capacity as a journalist and newsgatherer, I documented yesterday's protests in Portland on the night of June 30 and morning of July 1.

5. Last night, June 30, I was documenting near N Lombard Street and Concord Avenue when the police declared an unlawful assembly and charged at the crowd towards the east (away from the police union building).

6. Having seen these tactics play out repeatedly over the past few weeks, I ran from the police charge in fear of getting assaulted or arrested.

7. During the police charge, a GoPro Hero 8 camera that I use for newsgathering purposes fell out from a pouch on my waist. One officer told me that it would be seized "as evidence" because it was behind the police line at this point. I tried to communicate with officers to be able to look for and retrieve my camera, but they prevented me from doing so.

8. In the early hours of July 1, I witnessed photojournalist Justin Yau being arrested on N Killingsworth Street by Mallory Avenue. When I discovered him, he was positioned face down on the ground in obvious discomfort. "PRESS" was clearly visible on white lettering on his black helmet. I filmed the arrest and questioned the officers as to why he was being arrested before asking Justin himself. Here is a true and correct copy of the original video documenting

this portion of the July 1 incident:

<https://twitter.com/AlexMilanTracy/status/1278239345065877504>.

9. Officers then placed Justin in the back of a police van and bagged up his newsgathering equipment and other belongings. Here is a true and correct copy of the original video documenting this portion of this incident:

<https://twitter.com/AlexMilanTracy/status/1278256810516819968>.

10. It is my understanding that journalist Cory Elia was arrested last night. Video of him being assaulted by the police was featured prominently in Plaintiffs' complaint. In the video posted of the arrest, it is apparent that Mr. Elia was doing nothing that would pose any type of threat to the public or law enforcement. The video of his arrest is here:

<https://twitter.com/therealcoryelia/status/1278210455652061184>.

11. I am also aware that the police then retaliated against and arrested Mr. Elia's colleague and fellow journalist, Lesley McLay, later last night. I am aware that Ms. McLay documented Mr. Elia's arrest and the immediate aftermath, including her telling the police that she and Mr. Elia were credentialed members of the press, that he repeatedly told them as much, and that they were violating the U.S. Constitution by seizing the property of a member of the press. The video of the aftermath is here:

<https://twitter.com/Human42LM/status/1278207589151473667>.

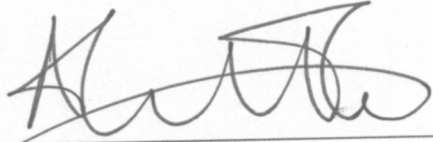
12. In response, the police directly targeted Ms. McLay for retaliation. During her arrest, the police removed Ms. McLay's press badge and cash from her pockets while she was vomiting from exposure to riot control agents. The video of her arrest is here:

<https://twitter.com/mayorofbabytown/status/1278240587095785472>.

13. Last night, the Portland police acted as violently towards journalists as they have at any point in the past weeks I've spent documenting the protests. It seemed to me that the police were specifically targeting and retaliating against reporters for seeking to enforce our First Amendment protections.

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

Dated: July 1, 2020



Alex Milan Tracy