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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 HALEY NICHOLSON REGARDING EVENTS OF JULY 24-25, 2020

I, Haley Nicholson, declare:

1. I am an California resident who is attending law school in the City of Portland. I am a legal observer with the National Lawyers' Guild. I have attended the protests in Portland for the purpose of observing them. If called as a witness, I could and would testify competently to the facts below.

2. I attended the protests in downtown Portland as a legal observer on the night of July 24, 2020. It was my second night serving as a legal observer. I was wearing a green NLG hat, which this Court's temporary restraining order against federal agents specifies is a sufficient indicium of being a legal observer. For this reason, I thought I was safe from federal agents.

3. At around 11:50 p.m., I was observing and recording events on SW 3rd Avenue, near the intersection with SW Salmon Street. I recorded the following events on video, a true and correct copy of which can be viewed here: <https://tinyurl.com/FedShootsLO>.

4. At the time video begins, I was facing northeast. I rotated around to face east-southeast, where a federal agent had me in his sights with a 40mm shotgun. As soon as I saw him, he shot me.

5. The federal agent shot me from a distance of about 4 feet. My understanding is that 40mm bullets should not be used at a distance of less than 15 feet. He also shot me in the chest, directly above the heart. Again, my understanding is that 40mm bullets should be aimed at large muscle groups, not at major organs where they can cause severe injury or death.

6. This is a true and correct copy of a photograph of my chest where the agent shot me, taken 24 hours later:



7. Another legal observer who was with me also captured the above events on camera, and a true and correct copy of that video can be viewed here: <https://tinyurl.com/FedShootsLO2>. This video shows that the federal agent waited for me to turn and fully face him before he shot at my heart.

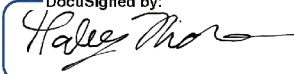
8. I thought that I was safe because of the Court's TRO. After the federal agent shot me, I was utterly in shock that he felt free to violate this Court's order so brazenly.

9. I returned to downtown to serve as a legal observer on the night of July 25. I saw federal agents point their guns at me and a group of legal observers several times. Between that and my experience the previous night, I left early.

10. I no longer feel safe serving as a legal observer. I want and intend to continue to serve, but because federal agents do not seem to care about this Court's order, I am purchasing protective equipment to help keep me safe.

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

Dated: July 26, 2020

DocuSigned by:

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Haley Nicholson