

3. Pastor Benjamin Squires was volunteering as a greeter outside Warren that day, wanting students to know that their community cared about them.

4. Seeing federal immigration agents, Pastor Squires reflected on his spiritual duty to care for immigrants. Confronted with a quick decision—and condemnation in mind—he began recording the agents’ rough handling of the apprehended men.

5. Others joined, detesting the agents’ reckless behavior near a school, with some recording too.

6. In response to being recorded, a single federal agent threatened to pepper spray Pastor Squires and the group of teachers, teachers’ aides, and other WTHS staff.³ The other federal agents present did nothing, nor disavowed those threats.

7. Pastor Squires and company were not trespassing. They were at work or volunteering. They did not interfere with the arrests or other duties of those federal agents. Nor did Pastor Squires and the crowd inhibit, impede, or otherwise stop the federal agents from leaving.

8. Pastor Squires and this crowd were threatened for their speech and for recording federal agents carrying out immigration enforcement operations.

9. Those threats “dissuaded” Pastor Squires “from recording,” as his declaration notes. Ex. 135 (Squires Decl. at 2, para. 19.)

10. As his declaration also notes, the threat to pepper spray was not made once but multiple times toward Pastor Squires and other similarly situated individuals. *Id.* at 2.

II. The Foregoing Incidents Constitute Violations of the TRO

11. This Court’s TRO is clear. Section 1(d) prohibits Defendants and their agents from “[u]sing riot control weapons—including...Oleoresin Capsicum (OC) Spray” on “members of the

³ Plaintiffs note that the O’Plaine campus’s first classes start at 8:25, so students entering the school to start their day were likely nearby as well. See <https://www.d121.org/students/bell-schedules>.

press, protestors, or religious practitioners” “not posing an immediate threat to the safety of a law enforcement officer or others.” *See* TRO, Dkt. 66 at 2.

12. Equally unambiguous, section 1(e) prohibits Defendants’ agents from “[u]sing riot control weapons at identified targets, if it is reasonably foreseeable that doing so could result in injury” to putative class members. *Id.* at 2.

13. Once again, Defendants’ agents simply ignored this Court’s TRO. By threatening to pepper spray those recording or protesting, Defendants’ agents chilled basic First Amendment protections to deliver information about government actions.

14. Defendants’ agents already made their arrests and could have left WTHS property without incident.

15. There was no “immediate threat to the safety of law enforcement” as the pictures in Pastor Squires’s declaration confirm. *See* Ex. 135 (Squires Decl. at 3–5)

16. Instead, Defendants’ agents threatened to pepper spray a pastor, teachers, and other public school staff—while students as young as thirteen filed into the building—all because they spoke up against the agents.

III. Good Faith Attempts to Meet and Confer

Per this Court’s order, Plaintiffs emailed Defendants about this incident on November 2, 2025, around 10:45 PM CST. Defendants have not responded. Plaintiffs provide this submission to improve the evidentiary record considering the upcoming preliminary injunction hearing set for November 5. Plaintiffs continue to request that the Court enter any relief it deems just and proper.

Respectfully submitted,

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