

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHICAGO HEADLINE CLUB <i>et al.</i>	)	
	)	
Plaintiffs,	)	No. 25-cv-12173
	)	
v.	)	Hon. Sara L. Ellis,
	)	District Judge
KRISTI NOEM, Secretary of U.S.	)	
Department of Homeland Security, in her	)	
official capacity, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MOTION TO SUPPLEMENT PLAINTIFFS'  
REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs respectfully seek leave to supplement their Reply in Support of Motion for Preliminary Injunction as follows:

1. As this Court was apprised earlier today, the parties reached an agreement with respect to conducting additional deposition inquiry of Defendant Bovino in lieu of Plaintiffs filing a motion to compel him to testify live at the hearing tomorrow. Bovino's deposition was completed today, November 4, 2025, at the same time that this Court held a hearing in this matter. By this motion, Plaintiffs seek leave to file additional factual support for their request for a preliminary injunction based upon the deposition testimony of Mr. Bovino. As explained, Plaintiffs believe there is uncontroverted evidence that Defendant DHS and Defendant Bovino have provided false evidence in this case, providing a strong basis for this Court to doubt Defendants' credibility.

2. Plaintiffs' Reply in Support of Motion for Preliminary Injunction discusses a factual dispute related to Defendant Bovino's use of tear gas and pepper balls on October 23,

2025, in the Little Village neighborhood of Chicago. Dkt. 196 at 3. Plaintiffs contend that the evidence shows that Defendant Bovino deployed tear gas, after the Court's entry of the TRO, without any justification. *Id.*; see also Dkts. 88, 89, 94.

3. The government, Defendant DHS, and Defendant Bovino initially justified Bovino's use of tear gas in this incident—and argued they had been compliant with the Court's TRO—by asserting that Bovino deployed tear gas only after he was hit in the head by a rock thrown by protestors. Over the last 10 days, Plaintiffs have pressed the issue, asking the government to provide evidence supporting their justification. [REDACTED]

[REDACTED]

[REDACTED]

4. But it turned out the justification was a fabrication. Today, before and during the continued deposition of Defendant Bovino, the government admitted that the video of the Little Village incident [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Here are the relevant facts:

- a. Defendant Bovino deployed tear gas in Little Village on October 23, 2025.  
See Dkts. 88, 89, 94.

- b. Shortly after the deployment of gas on October 23, 2025, the Department of Homeland Security released a public statement claiming Bovino used tear gas after being hit in the head by a rock. See Dkt. 94 ¶ 7.<sup>1</sup>
- c. The DHS followed this up with a social media post on X, with spliced together and curated video, purporting to show a rock being thrown at Bovino (even though that video does not include Bovino deploying tear gas at all, let alone in relation a rock being thrown), at [https://twitter.com/triciaohio/status/1983211655015043187?s=46&t=4rUXTBt\\_W24m-uWR74DQ5A](https://twitter.com/triciaohio/status/1983211655015043187?s=46&t=4rUXTBt_W24m-uWR74DQ5A).
- d. On the same day, Bovino gave an interview saying he had thrown tear gas after being hit in the head by a rock. Ex. 104 (Telemundo Interview) at 1.
- e. Reports produced by the government later include a narrative by Bovino  
[REDACTED]  
[REDACTED]
- f. Bovino sat for the first part of his deposition on October 30, 2025. During that examination, Bovino testified that [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>1</sup> The statement is reported, among other places, at: Michelle Gallardo, et al., *Judge Orders CBP Chief Bovino to Meet with her Every Day on Immigration Operations in Chicago*, ABC7 (Oct. 28, 2025 10:18pm), available at <https://abc7chicago.com/post/ice-chicago-news-border-patrol-chief-greg-bovino-appear-federal-court-immigration-operations/18079810/>.

[REDACTED]

[REDACTED]

- g. Bovino’s deposition continued on November 3, 2025. There, Plaintiffs’ counsel [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- h. The dispute about whether Bovino had any justification for using tear gas on protestors in Little Village was addressed in Plaintiff’s Reply Brief.

Dkt. 196 at 3, 3 n.2.

- i. At the same time, Plaintiffs’ counsel scoured the records produced by the government for any video showing Defendant Bovino being hit by a rock or any video showing a rock being thrown at Defendant Bovino prior to him deploying tear gas on the Little Village crowd. They could identify no such video. Plaintiff’s counsel then asked the government’s counsel to

identify any video that would support Defendant Bovino's contention that a rock was thrown at him before deploying tear gas on October 25, 2025.

In particular, Plaintiff's counsel asked the government to identify the video that [REDACTED]

[REDACTED] Ex. A, Email from Steve Art to Andrew Warden (Nov. 3, 2025).

- j. Shortly before the final part of Defendant Bovino's deposition, Defendants confirmed that the video Defendant Bovino had testified about,

[REDACTED] was, in fact, *the same video* Plaintiffs [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- k. Bovino's deposition was completed on November 4. In that testimony, for the first time, Bovino [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. Defendant DHS and Defendant Bovino have made up a false story to justify misconduct committed in violation of this Court's TRO. Defendant Bovino has lied under oath

about the issue. This Court should doubt Defendants' credibility as a result, and it should make findings about credibility in this case. Doubting Defendant Bovino's credibility is particularly warranted when the Court considers his other claimed justifications for use of force that are contradicted in the record. *E.g.*, Dkt. 196 at 2-3 (discussing the takedown of Scott Blackburn); *Quan Jiang v. Holder*, 545 Fed. App'x 548, 551 (7th Cir. 2013) (affirming adverse credibility finding where petitioner changed his testimony after confronted with a discrepancy).

7. Accordingly, Plaintiffs seek leave to supplement their Reply in Support of Preliminary Injunction to reflect the evidence set out above.

Respectfully submitted,

/s/ Steve Art  
*One of Plaintiff's Attorneys*

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