

Notice of Appeal, 171 Transmittal Letter from USCA. The Court today entered the following order in the above-entitled case: The motion of respondent for leave to file a brief in opposition under seal with redacted copies for the public record is granted. The petition for a writ of certiorari is granted limited to Questions 1 and 2 presented by the petition.(RE) (Entered: 11/09/2021)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

No. 2:17-CV-00106-RSM

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

Filed September 6, 2017

AMENDED COMPLAINT FOR DAMAGES

Comes now Plaintiff Robert Boule, by and through his attorneys and complains and alleges as follows:

1. Plaintiff Robert “Bob” Boule at all times material to this action resided in Whatcom County, within the Western District of Washington.
2. At all times material hereto, Defendant Erik Egbert was an agent and employee of the United States, who, at the time of the events complained of herein, was acting within the course and scope of his employment by the federal government and under the color of federal law.
3. At all times material hereto, Defendants Erik Egbert and Jane Doe Egbert constituted a marital community under the laws of the State of Washington. All acts alleged by Defendant Erik

Egbert herein were made on behalf of and for the benefit of the Egbert marital community and thus the marital community is liable for those acts.

4. All acts complained of occurred in the Western District of Washington State.
5. Venue is proper in the United States District Court for the Western District of Washington.
6. Jurisdiction is proper in the United States District Court pursuant to, but not limited to, Title 42, United States Code §§ 1983 & 1988; and, Title 28 USC §1331 and §1367.
7. This court has personal and subject matter jurisdiction.
8. On March 20, 2014, Defendant Erik Egbert acting under color of law on behalf of the United States Customs and Border Protection (“Border Patrol”) forcibly stopped, detained, or otherwise intercepted two of Plaintiff’s vehicles within Plaintiff’s private property while Plaintiff and his employees were transporting the vehicles and a passenger on a private driveway towards Plaintiff’s residence.
9. Upon belief, previous to March 20, 2014, Defendant Egbert had been instructed by his superiors not to enter Plaintiff’s property without specific permission except in an emergency.
10. Defendant’s entry onto the property was made without explicit or implied permission, without a warrant or probable cause and without articulable reasonable suspicion of criminal activity, or other legal authority. Nor did Defendant

articulate an emergency that would overcome the previous instruction by his superiors not to enter the property.

11. Defendant's temporary seizure of Plaintiff's two vehicles was made without a warrant or probable cause and without articulable reasonable suspicion of criminal activity, or other legal authority.
12. After Defendant pulled into Plaintiff's driveway to stop, detain, or otherwise intercept Plaintiff, his employees, his vehicles and/or his guest, Plaintiff explained to Defendant that he was transporting a guest who had cleared United States Customs at John F. Kennedy International Airport and further requested that Defendant contact his supervisor.
13. Defendant demanded that Plaintiff's guest leave the vehicle and allow it to be searched. Plaintiff refused the request.
14. Defendant shoved Plaintiff into the side of the vehicle and onto the ground; Plaintiff rose to his feet and called 911 at which time Defendant shoved Plaintiff onto the hood of the vehicle. Defendant's actions caused Plaintiff serious bodily injury. Plaintiff's injuries included right shoulder and back injuries that caused symptoms of left arm and left leg numbness, back pain, left hip displacement, lack of mobility, pain and suffering, emotional distress and loss of enjoyment of life.
15. Defendant seized Plaintiff's guest from the vehicle and examined the guest's passport before allowing Plaintiff and his guest to proceed to Plaintiff's residence, which also operated as a bed and breakfast.

16. Plaintiff complained to Defendant's superiors at the Border Patrol and upon belief Defendant was investigated and disciplined for misconduct. Subsequent to Plaintiff filing his complaint against Defendant, Plaintiff suffered retaliation, which upon belief was instigated by Defendant.
17. Upon belief, the retaliation instigated by Defendant included but was not limited to intimidation and slander to potential guests causing them to refrain from staying at the bed and breakfast, unsubstantiated complaints to the Internal Revenue Service that Plaintiff had not properly accounted for income received, intentionally parking marked enforcement vehicles near the bed and breakfast for no legitimate purpose in order to discourage business, unjustified complaints to other regulatory agencies, and detaining Mr. Boule's employees for questioning without legal justification.
18. Defendant's actions deprived Plaintiff of his federally protected rights under the Fourth, First and Fourteenth Amendments of the United States Constitution to be free from unlawful entry onto his property, unlawful seizure of his person and property, excessive force, and retaliation for free expression and petitioning his government for redress of grievances.
19. Defendant's unconstitutional acts against Plaintiff were made under color of federal law related to Defendant's service in the United States Border Patrol.
20. Pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S.

388 (1971), Plaintiff is entitled to a monetary remedy for the deprivation of his federal constitutional rights made under color of federal law as set out in this complaint similar to damages under 42 U.S.C. Section 1983 for deprivation of federal rights under color of state law.

21. Defendant's actions in depriving Plaintiff of his federal civil rights set forth above were done intentionally, maliciously, wantonly, oppressively, and/or with reckless indifference, subjecting the Defendant to liability for punitive damages in an amount to be proven at trial.
22. In the alternative, Defendant Egbert's actions in injuring Plaintiff and damaging his business interests were conducted negligently and unreasonably in breach of his duty of reasonable care owed to Plaintiff under state law.
23. As a direct and proximate result of Defendants' unreasonable and unconstitutional conduct, Plaintiff sustained injuries and damages in an amount to be proven at trial.
24. As a direct and proximate result of the facts and illegal acts of Defendant as alleged herein, Plaintiff sustained personal injuries described above in an amount to be proven at trial.
25. As a direct and proximate result of the facts and illegal acts of Defendant as alleged herein, Plaintiff has suffered and may in the future continue to suffer the loss of enjoyment of life, pain, mental anguish, mental injury and suffering and a loss of reputation in an amount to be proven at trial.
26. As a direct and proximate result of the facts and illegal acts of Defendant as alleged herein,

Plaintiff has suffered and may in the future continue to suffer the loss of income in an amount to be proven at trial.

27. As a direct and proximate result of the facts and illegal acts of Defendant as alleged herein, Plaintiff has incurred and may incur in the future medical treatment costs in an amount to be proven at trial.
28. As a direct and proximate result of the facts and illegal acts of Defendant as alleged herein, Plaintiff has incurred consequential damages in an amount to be proven at trial, including but not limited to accounting services to respond to the complaint to the Internal Revenue Service.

PRAYER FOR RELIEF

Plaintiff, Robert Boule, requests a judgment against Defendants, and each of them, jointly and severally, as follows:

- A. General damages in an amount to be determined at trial.
- B. Special damages in an amount to be determined at trial.
- C. Punitive and exemplary damages in an amount deemed just and reasonable as provided by law.
- D. Plaintiff's reasonable attorney fees and costs, pursuant to 42 USC §1988 and/or 28 USC §2412(b), or as otherwise provided by law.
- E. For such other and further relief as the court deems just and equitable.

DATED this 6th day of September, 2017.

PAUKERT & TROPPEMANN, PLLC

s/ BREEAN L. BEGGS, WSBA #20795

BREEAN L. BEGGS, WSBA #20795

CASCADIA CROSS-BORDER LAW

s/ GREG BOOS, WSBA #8331

GREG BOOS, WSBA #8331

S/ W. SCOTT RAILTON, WSBA #28413

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

No. 2:17-CV-00106-RSM

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

HONORABLE RICARDO S MARTINEZ

**DECLARATION (WITH EXHIBITS)
OF ROBERT BOULE**

Robert Boule declares under penalty of perjury under the laws of Washington:

1. I am over 18 and competent to make this declaration, which is based on my personal knowledge.
2. I am the Plaintiff in the lawsuit in which this declaration is filed. I make this declaration to assist the Court in adjudicating my motion for summary judgment.
3. As detailed in paragraphs 10 through 15, on March 20, 2014, Defendant Erik Egbert, a US Border Patrol Agent, entered the portion of my driveway that is immediately adjacent to my home without my permission, refused to leave the premises when I asked him to do so, and

assaulted me before performing a forcible search of one of the my vehicles parked in the driveway which resulted in the detention and search of a guest in that vehicle.

4. My home and its driveway are located in Blaine, Washington, immediately adjacent to the US/Canada border. I operate a bed and breakfast called Smuggler's Inn from my home.
5. There is no public access to my home or driveway; to access it, one travels down a paved public street in Blaine, and then turns left to travel approximately 500 to 600 feet down a one-lane private dirt road¹ to a U-shaped concrete driveway immediately adjacent to my home. To even approach my concrete driveway where Agent Egbert confronted me, a person would first have to pass a large sign that states "No Trespassing" guarding the entrance to the private dirt road. (Please see **Exhibit 5** for an image of the "No Trespassing" sign.) Only after traveling down that private road, would a person be able to enter my short U-shaped concrete driveway that is immediately adjacent to my home. The dirt road dead-ends shortly after it passes my U-shaped driveway.
6. I attach an aerial view to illustrate the above as **Exhibit 3**. This aerial view is a true and accurate

¹ The dirt road runs more or less down the center of a private easement that provides access to my home. I attach as **Exhibit 1** a copy of this easement. Attached as **Exhibit 2** is a survey of the property upon which my home is situated and its immediate vicinity; the property upon which my home sits is highlighted in yellow. As Exhibit 2 illustrates, the centerline of the referenced easement runs through the southern border of the property upon which my house is situated.

representation of my home and the immediate vicinity. The US/Canada border is clearly designated. I have circled my home and I have placed a square to show the intersection of the paved public street and the private one-lane dirt road through which my home is accessed. The private one-lane dirt road is marked as 99th St. W on **Exhibit 3**² and, as illustrated by **Exhibit 3**, it dead-ends shortly after passing my house. As part of the area circled to identify my home, one can easily see my U-shaped concrete driveway departing from the dirt road to provide private access to my home.

7. The land adjacent to the border near my home is a hotspot for cross-border smuggling of people, drugs, illicit money, and items of significance to criminal organizations. The smuggling activities that occur near my home go both north and south i.e. from Canada to the US, and vice versa.

8. **REDACTED**

² The actual address of my home is 2480 Canada View Drive, Blaine WA. The aerial view mistakenly lists it as being on 99th Street. In reality 99th Street runs east from the intersection marked by the box on Exhibit 2, while the dirt lane running west from the box is Canada View Drive.

REDACTED

9. REDACTED

10. On the morning of March 20, 2014, on two separate occasions Agent Egbert stopped and searched an automobile I was driving while tending to various tasks in town. He asked me about guests at Smuggler's Inn and I advised him of a guest who had booked a room at my home for that evening. I told him the guest had arrived in New York via air from Turkey a day before, and had flown to SEA-TAC airport that day. I further told him that two of my employees were enroute to SEA-TAC airport in one of my vehicles to pick up the guest and transport him back to my home. The entire situation was very strange-Defendant Egbert had never stopped my car to search it before and he had never made inquiries regarding my guests, but he did so twice that morning.

11. Later that day my vehicle returned with the guest as a passenger, driving down my private dirt road then entering my U-shaped driveway beside my home where it came to a stop and parked. I attach a photo of my home and my driveway as **Exhibit 4**. The vehicle with the passenger parked approximately where the red vehicle in **Exhibit 4** is parked. [**Exhibit 3** also shows a birds-eye view of the red vehicle also parked in this same spot; for ease of viewing, in **Exhibit 3**, I have placed a triangle around the red vehicle.]
12. Defendant Egbert slowly followed in his Border Patrol vehicle, no lights flashing and no sirens activated, and entered the portion of my concrete driveway immediately adjacent to my home, then parked immediately behind the vehicle carrying the guest.
13. The driver exited while the guest remained seated in the vehicle. I was on a nearby porch at the front of my house (See **Exhibit 4**). I instructed Defendant that he was trespassing and asked him to leave my property. The Defendant refused to go and advised me that he was there to inspect the guest. I moved off my porch, took a position between Defendant and the vehicle in which the guest was seated, told Defendant that he did not have permission to inspect the guest and again requested that he quit my premises.
14. Defendant proceeded toward me and the vehicle in which the guest was seated, and shoved me against the vehicle containing the passenger and onto the ground. Defendant then opened the door to search the vehicle and examined the

seated guest, asking the guest for his passport, and reviewed it and the valid visa within before allowing me to escort the guest into my home.

15. Defendant Egbert did not have my permission or any other legal basis for entering my driveway within the curtilage of my home or remaining there after I advised him to leave.
16. I have made it clear that I expect my privacy to be honored. I have posted a clearly visible sign at the intersection of the public roadway and the dirt lane that leads to my home and the paved public street that reads:

Welcome to Smuggler's Inn
Guests Only
Private Property
No Trespassing

17. A photo of this sign is provided as **Exhibit 5** to this declaration.
18. Despite this sign, drivers occasionally drive down the dirt road that leads to my house—Accordingly, I have posted a sign on that portion of the dirt road immediately in front of my home with instructions where those traveling on the dirt road should turn their vehicles around instead of using the U-shaped driveway for this purpose. The sign reads “Turn Around for Smuggler's Inn” and contains an arrow that points to an area further down the dirt highway where drivers can easily turnaround to return to paved public streets. A photo of this sign is attached as **Exhibit 6**. A photo of the placement of this sign in relationship to my driveway (I have circled the sign) is attached as **Exhibit 7**.

19. **Exhibits 1 and 2** are true and accurate copies of the document granting an easement to access my home and a survey of the property upon which my home sits. **Exhibits 3 through 7** are true and accurate representations of my property and surrounding area as specifically described in this declaration.

Robert Boule
Bellingham WA
June 29, 2018

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT BOULE, Plaintiff,	No. 2:17-cv-00106-RSM
v.	DECLARATION OF AGENT EGBERT
ERIK EGBERT and JANE DOE EGBERT and their marital community, DEFENDANTS	NOTED ON MOTION CALENDAR: July 27, 2018
ERIK EGBERT, Counterclaimant,	
v.	
ROBERT BOULE, Counterdefendant.	

I declare under penalty of perjury under the laws of the United States that I am over the age of 18 and otherwise competent to testify, and that the following is true and based on my personal knowledge.

My background

1. I am a Border Patrol Agent with U.S. Customs and Border Protection, a component of the Department of Homeland Security. I was hired in August 2009.

2. I graduated from the Border Patrol Academy in January 2010. The Academy teaches the basic knowledge and skills necessary for safe, proper, and effective service as a Border Patrol Agent. I received training in the law, communication skills, firearms, patrol procedures, report writing, defensive tactics, and other subjects. The legal training I received at the Academy covered a Border Patrol Agent's authority to enter property, search vehicles, and detain, search, and investigate aliens, among other topics. (I realize the term "alien" sounds strange, but I don't mean any disrespect. That's the legal term CBP and federal statutes use to describe any foreign national in the United States.)

3. After finishing the Academy, I was assigned to patrol the southern border near Welton, Arizona. Like other new Border Patrol Agents, I initially worked under the close supervision of experienced agents who had been designated field-training officers or journeymen. These experienced agents provided on-the-job training, closely observed my performance, and gave daily feedback. During this portion of my training, I conducted numerous immigration checks and investigative stops near the border under their supervision.

4. After I completed the field-training program and began working independently as a Border Patrol Agent, I continued receiving ongoing training from CBP. Each quarter, for example, I receive refresher training on a variety of topics, including updates on the law and when and how to use force.

5. I have been assigned to CBP's Blaine Station since September 2010. The Blaine Station is responsible for patrolling REDACTED of the U.S.-Canada border. We monitor the international border for anyone crossing outside of an official port of entry. We are focused on counterterrorism and are on the lookout for cross-border crime, including human-trafficking and drug-trafficking.

Background on Mr. Boule

6. Robert Boule, the plaintiff in this matter, owns and operates a bed-and-breakfast in Blaine on property that abuts the U.S.-Canada border. He calls the bed-and-breakfast "Smuggler's Inn." He also owns numerous vehicles, including SUVs and a limousine that he uses to transport people to and from Smuggler's Inn.

7. Until recently, Mr. Boule REDACTED

. Until discovery in this litigation, I didn't know much detail about REDACTED REDACTED. On the date of the incident, however, I already knew that Mr. Boule REDACTED

. I also knew that Mr. Boule REDACTED

8. Sometimes REDACTED

9. A handful of times over the years, CBP management advised us Border Patrol Agents that REDACTED

REDACTED

. The rest of the time, we monitored the area and took enforcement action at Smuggler's Inn just like we would anywhere else along the border.

Background on Smuggler's Inn

10. I am very familiar with Smuggler's Inn. It's a notorious site of illegal border crossing, both north into Canada and south into the United States. Persons cross the border at Smuggler's Inn on a near-daily basis. Prior to March 2014, I'd been to Smuggler's Inn hundreds of times while on patrol, and I had personally apprehended persons who had illegally crossed the border there. On other occasions, I participated in arresting persons Mr. Boule was transporting from Smuggler's Inn.

11. Attached as **Exhibit A** is a satellite image from Google Maps that fairly and accurately depicts Smuggler's Inn. Labels have been added to orient the Court. Smuggler's Inn consists of two main buildings: a large house with guest rooms and a "carriage house" with additional guest quarters.

12. Smuggler's Inn is an easy place to cross the border. Posing as a "guest" provides cover to be in the area, and there is no fence along the border. On the Canadian side of the border is a public road named 0 ("Zero") Avenue running east-west along the border. It's only a few steps from Mr. Boule's backyard to 0 Avenue in Canada, or vice versa. Many of the people who cross the border are picked up or dropped off by an accomplice driving a car down 0 Avenue.

13. For years, drug-traffickers have also used Smuggler's Inn to get drugs across the border. Cocaine and methamphetamine are trafficked north into Canada, while ecstasy and an opiate called "doda" are trafficked

south into the United States. Large shipments of all four drugs have been seized at Smuggler's Inn or from Mr. Boule's vehicles.

Human-Trafficking

14. Mr. Boule was arrested a couple months ago by Canadian authorities, and I understand he's been charged with multiple counts of human-trafficking. This did not surprise me, because Mr. Boule has long been facilitating and profiting from the steady flow of persons crossing the border at his property.

15. Mr. Boule has made it easy for border crossers to identify his property. He flies U.S. and Canadian flags from twin flagpoles in his backyard, and he posted a sign along 0 Avenue that reads "Slow: Smuggler's Crossing." Below is a screenshot from Google Maps showing a view of Smuggler's Inn from 0 Avenue in Canada.



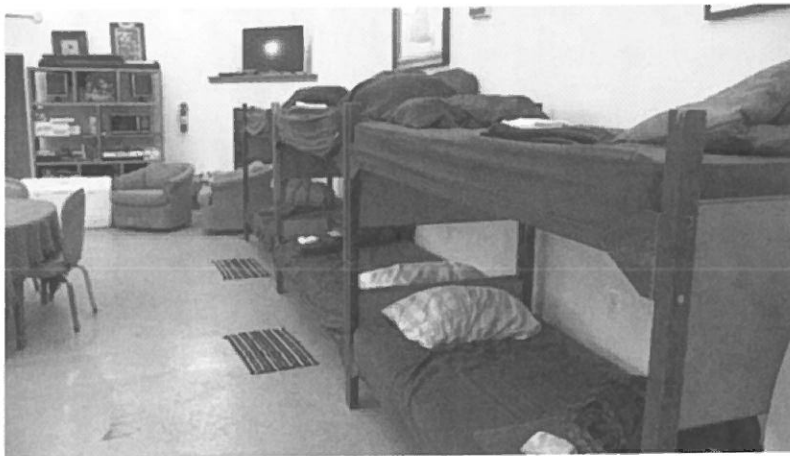
16. As shown below, Mr. Boule sometimes even had a sign posted along 0 Avenue that read "Smuggler's Inn" and had an arrow pointing to the main house.



17. Mr. Boule routinely keeps his back door unlocked to facilitate entry by persons who have crossed the border. On numerous occasions, Border Patrol Agents have observed persons come south across the border and walk into Smuggler's Inn through the back door.

18. When I first began working at the Blaine Station about eight years ago, I occasionally observed what appeared to be legitimate guests staying at Smuggler's Inn. These guests arrived in their own cars, came and went, and generally acted like vacationers. Over time, however, the legitimate business dwindled. By around 2013, most "guests" arrived in one of Mr. Boule's vehicles, checked into the inn, and then illegally crossed the border that same night. Other "guests" were persons who crossed the border into the United States and paid Mr. Boule to drive them to an airport or a bus station further south.

19. I've been inside Smuggler's Inn on official business, and it did not look like a place where legitimate guests would choose to stay. It was dirty and run down. For example, below is a photograph of one of the "guest rooms." This photograph was downloaded from the internet, but I recognize the room. It looked even worse when I saw it.



20. Despite the poor conditions inside Smuggler's Inn, Mr. Boule charges rates comparable to Semiahmoo, a luxury resort just eight miles away. The only reason he can charge such high rates is because his "guests" want to sneak across the border via his property.

21. Mr. Boule routinely defrauds aliens by charging them for services he never provides. When someone crosses the border onto his property and asks for a ride further south, he charges above-market rates for both lodging and transportation. He charges for lodging, even if the person just wants transportation. REDACTED

After these arrests—REDACTED —Mr. Boule refuses to refund the amounts he charged for "lodging" and "transportation." REDACTED after charging them for services is a well-known method of exploiting these vulnerable persons. I was trained to try to obtain refunds for aliens I arrest. Mr. Boule refuses to issue

refunds, however, and claims that REDACTED

The Incident

22. On March 20, 2014, I was working my regular day shift as a Border Patrol Agent. I was assigned to patrol an area along the U.S.-Canada border that included Smuggler's Inn. I wore my uniform and drove a marked patrol vehicle (a Chevy Tahoe).

23. That morning, I encountered Mr. Boule while I was patrolling the area near Smuggler's Inn. We engaged in small talk, and then he told me that a Turkish national—now known to me as Fikret Kaya—would be coming to Smuggler's Inn later that day. Mr. Boule said Border Patrol might be interested in Mr. Kaya and perhaps I should speak with him. Mr. Boule expressed annoyance with a miscommunication about Mr. Kaya's time of arrival. The person coordinating with Mr. Boule on behalf of Mr. Kaya apparently got "a.m." and "p.m." mixed up. As a result, Mr. Boule's employee had made an unnecessary trip down to Seattle-Tacoma International Airport the night before, when Mr. Kaya wasn't arriving until morning. The employee had driven back down to Sea-Tac that morning, and Mr. Boule estimated that Mr. Kaya would be arriving at Smuggler's Inn early in the afternoon.

24. REDACTED

25. REDACTED

REDACTED In this case, he had personal knowledge that a Turkish citizen who had just flown into Sea-Tac was coming to Smuggler's Inn that day. I was aware of no legitimate reason a person would travel from Turkey to stay at a rundown bed-and-breakfast on the border in Blaine. It was probable, therefore, that this gentleman was planning either to cross the border himself or meet up with persons coming south into the United States. REDACTED

26. I told Mr. Boule that I would come back to his property once Mr. Kaya had arrived, and Mr. Boule didn't object. I had the impression this was what he expected to hear and, in fact, was the reason he shared REDACTED.

27. REDACTED

I told Agent Andersen that I would return to Smuggler's Inn that afternoon to investigate Mr. Kaya's immigration status, and he concurred with this plan.

28. For the remainder of the morning, I continued performing my patrol duties, which included monitoring

REDACTED

the border near Smuggler's Inn. I intentionally stayed nearby, so I would see when Mr. Kaya arrived.

29. In the early afternoon, I saw a black SUV with a personalized license plate that read "SMUGLER" return to the inn. I recognized this vehicle as one belonging to Mr. Boule, and I followed it into the driveway. My intent was to contact Mr. Kaya, check his immigration status, and see what I could learn about whether he was engaged in criminal activity.

30. The SUV parked in the horseshoe driveway between the main house and carriage house, in the approximate position indicated by an arrow on Exhibit A. I parked my patrol vehicle at an angle behind it.

31. I understand Mr. Boule contends in this litigation that his driveway is within the "curtilage" of his home. But it never appeared to me that he intended this to be a private area. There's no gate, and the area is in plain view of the public road. You walk through the driveway to enter the main building, which Mr. Boule holds out as a place of public accommodation. It's also used by any guests moving between the main house and the carriage house, as well as long-term tenants residing in the carriage house. In other words, it was both open to the public and a common area shared by tenants and guests staying the inn. In my mind, this area was like the parking lot of a motel. More importantly, other Border Patrol Agents and I had entered that driveway area on a near-daily basis for many years, and Mr. Boule hadn't ever suggested we weren't welcome there.

32. The driver got out of the car, and I recognized him as Jason, one of Mr. Boule's employees. I now know his full name is Jason Surowiecki. I got out of my patrol vehicle and, because the SUV's tinted windows made it hard

to see inside, I asked Mr. Surowiecki if he had any passengers in the backseat. He said he did. I then asked Mr. Surowiecki if I could speak to the passenger, and he said yes.

33. As I was walking toward the passenger door on the right side of the SUV, Mr. Boule came over in a hurry. He was very animated and began yelling at me. He told me not to talk to the passenger and accused me of trespassing.

34. Mr. Boule stepped between me and car door, preventing me from opening it. He had his hands up in front of him and touched my vest, but I felt that was just incidental contact as he was just trying to block my access to the SUV. I backed up a little, so we could talk, but Mr. Boule just kept shouting that I was harassing his customers. I calmly explained that I wanted to speak to Mr. Kaya to confirm his immigration status, and I reminded Mr. Boule that he was the one who told me I might want to do that. I asked him to step aside so I could do my job, but he refused.

35. I was puzzled by Mr. Boule's behavior.

REDACTED

In hindsight, he was probably worried I was going to arrest Mr. Kaya before he had paid for his transportation and lodging. That's the only explanation that makes sense to me. At the time, however, Mr. Boule's attempts to impede my investigation made me even more suspicious that Mr. Kaya was unlawfully in the country or engaged in illegal activity.

36. Based on my training from CBP, I knew I was authorized to be on Mr. Boule's property to conduct an immigration check. I was taught that, near the international

border, federal law empowers Border Patrol Agents to search without a warrant for aliens in cars and on private land, and to ask a person about his or her right to be in the United States.

37. Eventually, Mr. Boule gave me enough room to open one of the vehicle doors. I vaguely recall that it was the front door on the passenger side, but I'm not sure about that. It could have been the rear door on the passenger side. Either way, Mr. Boule was still very close to me, and it's possible that my arm brushed against him as I reached for the handle. It's also possible that the door touched him as it swung open, but that wasn't my intention.

38. I understand Mr. Boule contends in this litigation that I picked him up off the ground, threw him into the car door, and then threw him to the ground. That is utterly false. I did not use any force against him whatsoever, even though I believe I lawfully could have done so, since he was physically obstructing my investigation. Mr. Boule weighs approximately 80 pounds more than I do, and I doubt I could pick him up if I tried. There's no way I could throw him through the air as he alleges. His claim that he was knocked to the ground is also false. He remained standing on his feet throughout this encounter.

39. Mr. Kaya handed me his passport and visa, and then I contacted Dispatch over the radio to check his status. As I was running these immigration checks, Mr. Boule was on his cell phone calling CBP to request a supervisor. Once I provided Dispatch with Mr. Kaya's identifying information, I called Agent Andersen over the radio and told him that Mr. Boule was requesting a supervisor.

40. Within a few minutes, Supervisory Agent Andersen and Border Patrol Agent Phillip Olson arrived at Smuggler's Inn. Mr. Boule walked over and talked to Agent Andersen for about five minutes. During that time, I finished Mr. Kaya's immigration checks. Mr. Kaya's visa was valid, so no further action was taken.

41. Afterward, Mr. Boule walked back to the SUV, picked up Mr. Kaya's luggage, and carried it into Smuggler's Inn with Mr. Kaya. I observed Mr. Boule walk normally while carrying the luggage, without any sign of injury or distress.

42. I then got in my patrol vehicle and left Smuggler's Inn. Agents Andersen and Olson left, too. I went back to the station and wrote a memorandum about what happened. My investigation of Mr. Kaya at Smuggler's Inn lasted about twenty minutes.

43. That night, Mr. Kaya illegally crossed the border into Canada from Mr. Boule's property.

44. Enclosed with my declaration as Exhibit B is video taken REDACTED at the time of the incident. Based on my own recollection of that day, the video fairly and accurately depicts the events it captured. Unfortunately, the carriage house blocked the camera's view of my interaction with Mr. Boule. Beginning at 14 minutes, 5 seconds into the video (time-stamp 13:11:29), however, you see Mr. Boule walk over to talk with Agent Andersen when he arrives. Mr. Boule is clearly uninjured. His hat and sunglasses are still in place, and his clothing is neither scuffed nor dirty like it would be if he had been thrown down onto the concrete driveway as he alleges. He says I lifted him off the ground by grabbing his sweatshirt in the chest area, but the video shows the fabric isn't stretched or torn.

45. Beginning at 21 minutes, 18 seconds into the video (time-stamp 13:18:42), you see Mr. Boule carry Mr. Kaya's luggage into the main house. Again, this shows that he was not injured.

New instruction to Border Patrol Agents

46. A week or so after my encounter with Mr. Boule, CBP management issued new guidelines regarding Border Patrol activity on Mr. Boule's property.

REDACTED

47. When these new guidelines were issued, CBP managers told us that

REDACTED

My good-faith reporting to government agencies

48. A couple months after the incident, I read a news article online in which Mr. Boule openly discussed illegal border crossings on his property. I believe the article also referenced his “SMUGLER” license plate. The article frustrated me, because it appeared Mr. Boule was flaunting his involvement in criminal activity. The fact Mr. Boule was defrauding vulnerable individuals REDACTED also didn’t sit well with me or my fellow Border Patrol Agents. I also questioned whether Mr. Boule was reporting this income. And I didn’t see how he could have a license plate so blatantly referencing the criminal activity that constantly occurred at his property.

49. On June 5, 2014, I called some government agencies to alert them to this news article. I don’t specifically recall which agencies I called other than the Washington State Department of Licensing, but I believe one of the others was the Internal Revenue Service. My purpose was to alert the agencies of possible criminal conduct that I thought would be of concern to them. For example, I understood that the Department of Licensing could revoke personalized plates referencing illegal activities. I did not convey any information other than telling the agencies they might be interested in this news article.

50. I made these calls in the good-faith belief that Mr. Boule was probably breaking the law. I did not make the calls in retaliation for the incident or any of Mr. Boule’s behavior afterward, including his decision to submit a tort-claim form. In fact, Mr. Boule hadn’t submitted a claim when I made these calls, and I didn’t know he was going to a week later on June 11, 2014. And I don’t think this was even the first time I reported Mr. Boule’s “SMUGLER” plate to the Department of Licensing. A

couple years earlier, when I first learned license plates referencing criminal activity weren't allowed, I believe I reported the plate. It wasn't revoked at that time, but I thought the result might be different this time, because the news article clarified how the plate was associated with illegal smuggling across the border.

51. I understand Mr. Boule contends that I am responsible for other retaliation against him, including intimidating potential guests, slandering Mr. Boule's name, parking patrol vehicles near his property to discourage business, and detaining his employees without legal justification. None of this is true. I didn't do any of these things or engage in any retaliation against Mr. Boule. I'm also not aware of any Border Patrol Agent doing these things, and I certainly didn't ask my agents to engage in such behavior.

Signed this 2nd day of July 2018 at Blaine, Washington.

By: Erik Egbert
U.S. Border Patrol Agent Erik Egbert



Exhibit A

* * *

[161]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

No. 2:17-CV-00106-RSM

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

REPORTED BY:
LESLIE POST, CCR No. 2378
May 31, 2018 - 10:40 A.M.
CASCADIA CROSS-BORDER LAW
1305 11th Street, Suite 301
BELLINGHAM, WASHINGTON

**DEPOSITION UPON ORAL EXAMINATION OF
ROBERT BOULE
VOLUME 2
(CONTAINS CONFIDENTIAL TESTIMONY)**

**SUBJECT TO PROTECTIVE ORDER AND
FOR ATTORNEYS' EYES ONLY)**

* * *

[168] Q. (By Mr. Grindeland) Have you been formally charged up in Canada?

A. I have been charged with crimes for allegedly organizing entry of nine refugee claimants into Canada.

Q. Is that the title of the charge, or is it human trafficking?

A. I have been charged with a crime or crimes for allegedly organizing the entry of nine refugee claimants into Canada.

* * *

[171] Q. Did you tell me that these charges relate to nine individuals? Is that what you said?

A. Yes.

Q. And those are nine individuals who allegedly crossed the border from the United States into Canada?

A. They are nine refugee claimants into Canada.

Q. Do you know who those individuals are?

A. I do not.

Q. You don't know their names?

A. I do not recall.

Q. What time period are you accused of having helped these people enter Canada?

A. I do not recall.

Q. Did it allegedly occur within the past year?

A. I don't recall the time period.

Q. You don't recall the events or you don't recall what you've been told about the charges against you?

A. Both.

Q. Have you helped people enter Canada outside of official ports of entry?

A. Based on advice of counsel, I'm exercising my right under the Fifth Amendment not to answer that [172] question.

Q. Have you been paid by people who know you were trying to enter Canada outside of an official point of entry?

A. Based on the advice of counsel, I'm exercising my right under the Fifth Amendment not to answer that question.

Q. Have you assisted anyone traveling the other direction, coming from Canada into the United States, outside of an official point of entry?

A. No.

Q. Have you ever had someone cross the border at your property from Canada into the United States and then given them a ride somewhere?

A. We have had guests that got rides in our vehicle that were stopped by Border Patrol and the people were arrested, yes.

Q. You've actually had people who have walked across the border onto your property and then you have given them a ride in your vehicle off your property, correct?

A. Yes.

Q. You were paid for that?

A. They paid for the night stay and the shuttle service to the airport, yes.

[173] Q. Sometimes you would charge them for a night stay even if they didn't stay the night, correct?

A. That — there's clarification on that. To be in our vehicle as a shuttle, they have to be guests of the Smuggler's Inn, otherwise I can't take them anywhere. So the answer is yes. Everyone that rides in our shuttle is a guest of the Smuggler's Inn.

Q. So for instance, there have been individuals who have crossed the border illegally from Canada into the United States to your property and then you charged them for a night stay and gave them a ride somewhere, even though they might have only been on your property for a couple of hours at most?

A. Restate the question.

Q. You have had individuals cross the border illegally from Canada to the United States to your property, right?

A. Yes.

Q. You already told me some of those people you have given rides further south to the airport or other locations, right?

A. Yes.

Q. When you do that, you charge those individuals both for a night stay at the Inn and for the price of the ride, correct?

[174] A. Yes.

Q. You charge them for a night stay even if they're only on your property for an hour or two?

A. This is anyone that signs our register has to have a room before they go in our vehicles.

Q. So you charge them for that?

A. Of course.

Q. Even if they're only on your property for an hour?

A. It doesn't matter the amount of time. If somebody gets a room, they have it for a 24-hour period of time. How long they stay in it is their business, not mine.

REDACTED

REDACTED

Q. Did you refund the money that you've charged [176] the border crosser?

A. We do not. Once they have had a room, it still has to be cleaned. We don't know if the people aren't coming back to use that room. Once they have a room that is registered, we have to hold it for or have a room available for them.

Q. What about for the ride itself?

A. What's that?

Q. Do you refund the charge for the transportation?

A. We don't refund anything if someone has been arrested.

Q. So you charge hundreds of dollars for transportation, right?

A. We charge rates on the limousine, on vehicles at \$100 an hour, yes.

Q. You sometimes charge more than \$100 an hour?

A. Sometimes it's \$150.

Q. Does it depend on how many people you're giving a ride to?

A. Or where you're going. Sometimes it's considerably less. It just depends on the activity of the vehicles.

* * *

[177] Q. Sometimes you charge people who have illegally crossed the border coming south for a ride to the Greyhound Bus Station in Bellingham, right?

A. Yes.

Q. And every time you do that.

REDACTED

Q. How much do you charge someone when you tell them you're taking them to the Greyhound Bus Station in Bellingham?

A. Eighty to \$100.

Q. Sometimes more?

A. Probably not very often.

Q. How much —

A. Sometimes it's just the price of the room.

Q. Then REDACTED ,
the border crosser gets apprehended within a few blocks
of the Smuggler's Inn?

[178] A. That's correct.

Q. And nevertheless you keep the money you
charge them for a ride?

A. We have been told not to give money back.

Q. Who told you that?

A. We are a business. Any time somebody is at
the business and asks for services, that is what they are
paying for, nothing more. If — we still have to — if you go
to a motel and you pay and you decide you don't want to
stay, you are still charged for that room. If you make a
reservation for Semiahmoo and do not show up, they take
a 50 percent deposit and they charge your credit card. We
do nothing any different than normal policies of any ho-
tel/motel.

Q. Has any federal agent told you that's okay
what you're doing; "Go ahead and do that, keep the money
you charged"?

A. It's — we have been — it's not keeping the
money that we've charged. It's the rulings that the money
is ours for the evening stay.

Q. Let me ask it this way, Mr. Boule; have any Border Patrol agents ever asked you to refund the money to the person who's being arrested?

A. They have.

[179] REDACTED
REDACTED

* * *

[180]
REDACTED

Q. And one of the things was the reason you didn't want Border Patrol on your property back on March 20th, 2014, the day of the incident with Agent Egbert.

A. That's correct.

Q. So you told me before that you did not want Border Patrol on your property, correct?

A. That's correct.

Q. Why is that?

A. REDACTED

There have been times that Border Patrol agents have not been extremely clean as an agency. There are times that there is drug crossings, there is drug activity, there is arrest activity at the Smug-
gler's Inn. What they were doing was encouraging drug situations and getting information for any drug activity or talk of activity on the property.

* * *

[218]

REDACTED

Q. So what did you say to Agent Egbert?

A. He said that he wanted to search the vehicle and he wanted to talk to our guest. I told him — I stood in front of the door and I told him that he needed to call a supervisor and I would allow him to search the vehicle at that time. We also — you know, [219] whether it was a supervisor or what. But I told him that until the supervisor got there, he would have to have a warrant to search the vehicle.

Q. This is not the first time that you have told a Border Patrol agent “You don’t search my vehicle until you get a supervisor out here,” right?

A. That’s correct.

Q. You’ve done that before?

A. I've done that before. That was the first time that I had asked for a warrant.

REDACTED

* * *

[223] A. (cont'd) He took action, then, into his own hands. There was not a second officer there. There was officers up the street that could have been there. The Yukon was blocked in. It wasn't going anywhere. The guest wasn't going anywhere. There wasn't any reason for him to touch me or to throw me to the ground, none at all.

* * *

[230] Q. And you tallied up over a three-month period you had 163 guests, correct?

A. That's correct.

[231] Q. And 47 of them were from Afghanistan?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Thirty-one from Pakistan?

A. Yes.

Q. Thirteen from Yemen?

A. Yes.

Q. You had ten from the United States, right?

A. Yes.

Q. And how many of these 163 guests over that three-month period crossed the border north into Canada?

A. Based on the advice of counsel, I'm exercising my right under the Fifth Amendment not to answer that question.

* * *

[1]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

No. 2:17-CV-00106-RSM

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

REPORTED BY:
LESLIE POST, CCR No. 2378
June 1, 2018 - 10:14 A.M.
1431 Sunset Avenue
FERNDALE, WASHINGTON

**VIDEOTRAPED DEPOSITION UPON ORAL
EXAMINATION OF KENNETH ANDERSEN**

* * *

[17] Q. Do you know Mr. Boule?

A. I know who he is. I — I'm not — I've met him. I don't think I've ever formally introduced myself. I might have. But I know who he is.

Q. Do you remember about when you became familiar with who he was?

A. Probably the first day I was at Blaine Station.

Q. And that was — when did you start at the [18] Blaine Station?

A. April 2008.

Q. Why would you have become familiar with him the first day on the job?

A. His area was an irritant, the hotel itself was a constant source of aggravation with the aliens being hidden in there and running back and forth. Just the activity in the area.

Q. Did you use the word "irritant"?

A. Yes, I did.

Q. What did you mean by that?

A. Well, because the aliens would go — would run — either — either he would pick them up from the airport and drop them off and take them to his hotel, they would stay in there. So they're kind of hiding in his — in his hotel. We weren't sure all the time of their citizenship. And without — without enough cause, you can't do a knock-and-talk and go in and through the house and question everybody in there, you know, due to the Fourth Amendment.

But then later on in the night sometime, usually at midnight hours, late at night they would run into Canada.

And the same the other way. They would get dropped off in Canada and run into his hotel in the middle of the night, 2:00 in the morning. He [19] lived there, too, so it was — I mean, who leaves their back door open in the middle of the night? You know, but aliens would run in there and a lot of times we would go in and find the aliens hiding in the house. But it was just — it's just a — that's what I mean by "irritant." It was a constant, you know, there's aliens in the hotel again, there's — you know, we don't know their citizenship. Then they go south or north that day. It was a constant irritant. It might have not — not have been as aggravating to some people as it was me, but it was aggravating to me.

* * *

[20] Q. What was Mr. Boule's involvement in the alien trafficking at Smuggler's Inn?

A. Well, I can't speak to it, I mean, exactly what he was doing, because I wasn't a witness, I wasn't participating.

But I mean, the aliens would come into his Inn at night from Canada and hide in there and then — then his shuttle would leave in the morning, sometime during the day, and they'd be in the — they'd be in the shuttle going to the airport. Or they would come from the United States, either just arrive there by car or he would pick them up from the airport, either Seattle or Bellingham, and take them to the Inn. And these usually had visitors' visas. So they entered [21] the United States legally, and we all believed and it was proven that they entered the United States through — with visitors' visas to go into Canada to claim asylum.

But anyway, he would house them there, and we believed that he was — you know, he'd get the money for

the aliens, for the hotel stays and the rides and all that, and then I'm not sure if he was being paid by smugglers or a combination of smugglers and the aliens. But he was — he was making money from that.

And then also this is true with other smugglers, too, the aliens would come into the — to his hotel from Canada, he would be paid for rides to the airport,
REDACTED

and then we would arrest them before they got a ride down to the airport.

That's a common tactic with alien smugglers, people that are harboring, they get the money from the aliens and REDACTED so they don't have to continue with their furtherance. That's what I think. It's a common belief, and I'm sure there's reports out there in Blaine and other stations in the country that [22] substantiate this through witness interviews and stuff.

Q. About Mr. Boule?

A. Yes.

Q. So am I understanding correctly that you suspected or the Border Patrol in general — agents in general suspected that he would be paid by aliens for transportation to the airport, for example, REDACTED, but he wouldn't — he would keep the money —

A. Yes.

Q. — that they paid him?

A. Yes.

Q. Even though he didn't render the services?

A. Absolutely, yes.

* * *

[31] Q And what would — what would Mr. Boule do to not be helpful for Border Patrol when Border Patrol showed up to do the apprehensions?

A. He would try to mainly run the aliens into the hotel before we got there or just try to stop us from questioning them.

I did a lot of vehicle stops where he would not protest at all. But we knew the alien was illegal coming out of the hotel, and he would leave and not want us to stop the — not want us to apprehend the alien at the hotel,
REDACTED

[32] REDACTED

do a vehicle stop, grab the alien and take off without any question at all. Those are the instances we believe he's already paid by the alien or smuggler or whoever, so he didn't care. He was supposed to take them to Seattle or Bellingham, so he didn't have to drive there and he still got his money.

Q. Why do you think he wasn't helpful when Border Patrol was trying to do the apprehensions at the hotel?

A. Because — probably because he hadn't been paid yet.

* * *

[45] REDACTED

I know that the day that Egbert and him got in their little argument, that he had told Egbert that a person he was picking up from the airport either had questionable immigration status or something. That's why Egbert was down there questioning the alien.

REDACTED

Q. And that would be a reason for Agent Egbert to investigate ^{REDACTED}?

A. Absolutely, yes. If Boule told him that the alien — he believed the alien could have been illegal [46] and said, "Come on down and question him," then, yeah, of course. I mean, you're invited on the property. Absolutely.

Q. And you would have expected one of your Border Patrol agents to do that?

A. Yes. Egbert and I talked beforehand, he came down and talked to me and said, "Boule told me there was a guy that he's picking up at the airport that could possibly be illegal." And he was very cordial when he was talking to Egbert.

And then he said that Boule was going to call him when he went there — or Egbert was going to go there and when Boule showed back up he was going to question the alien, they already talked about it, him and Boule.

I said all right. So I was in the area waiting and then — then Egbert called me down there.

* * *

[49] Q. Do you agree that Agent Egbert had a duty to investigate the information that Mr. Boule provided?

A. Yes, he did.

* * *

[56] Q. Did it appear like there had been an altercation between Mr. Boule and Agent Egbert?

A. I didn't see any evidence of any injuries on Mr. Boule. I didn't inspect his skin or anything. I just looked at his clothes. I didn't see any dirt on him or any evidence there had been a scuffle or anything like that. There was no sign to be cut because it was — there was no — it was concrete, so I couldn't tell if anybody had a fall and then made any scuffs on the ground or anything. It didn't appear like he was just breathing hard and like he was — he was upset, that's about all I could get from it.

* * *

[59] Q. Did you reach any conclusions about whether Mr. Boule's accusation that Agent Egbert pushed him was true?

A. I didn't believe it was true based on what I [60] saw at the — at the hotel. I mean, no injuries to Mr. Boule. I mean, he's an older guy and not in very good shape, so I think if he would have been pushed down on the ground or if there had been a — any type of confrontation, that he would shown some type of injury or something, or shown me.

I've complained to — I've responded to citizen complaints before of agents putting their hands on them for one reason or another and, you know, people show

injuries and you document it and take them into the office and stuff like that and, you know, we go through a process, the FBI is called, agent assault, and stuff like that. He didn't provide anything like that, any evidence of any injuries.

[1]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

No. 2:17-CV-00106-RSM

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

REPORTED BY:
LESLIE POST, CCR No. 2378
April 5, 2018 - 10:56 A.M.
1580 H Street
BLAINE, WASHINGTON

**VIDEOTAPED DEPOSITION UPON ORAL
EXAMINATION OF PHILIP OLSON**

* * *

[75] Q. Was there any evidence that you had seen that an altercation had happened between Mr. Boule and Agent Egbert?

A. No, no evidence of a serious altercation, no. I mean, beyond the possibility of what I described to you earlier, if Mr. Boule had stood in the way and tried to block Mr. Egbert, Mr. Egbert [76] could have touched him in trying to get the passport from the passenger. But no, no — no obvious evidence of even that happening.

Q. That's just your after the fact —

A. Right, because I wasn't there during that time period.

Q. Was Mr. Boule disheveled at all?

A. Can you — what do you mean by “disheveled”?

Q. Was there dirt on his clothes to suggest that he had been on the ground?

A. I don't remember noticing anything like that.

Q. Was his hat like not straight on his head?

A. I don't remember that.

Q. Did you see any bruises or scrapes on him?

A. No.

Q. Did Mr. Boule complain of any injuries?

A. No, I don't remember him complaining about being hurt.

Q. Did he appear injured to you?

A. No, he didn't.

Q. What happened with the — what do — what do you know about what happened with the guest after the records check came back?

A. So the records checks came back all clear. [77] The guest from Turkey, he was in status in the United States, so there was nothing else that — as border patrol agents, there's nothing else we needed to do. Agent Egbert gave his passport back and we left. And then that — the following night, then, he entered Canada illegally from the Smuggler's Inn.

Q. Do you know, do you remember how you received the information about the guest illegally crossing the border?

A. I was working day shift that day when this happened, so I would have found out about it, I'm assuming, at our morning briefing the next morning at the beginning of my shift.

Q. Did you see any evidence to suggest that Agent Egbert was harassing Mr. Boule's guest?

A. No, no. My — how I interpreted the whole interaction beginning was based on Mr. Boule telling Agent Egbert that he was going to pick up somebody from the airport and it seemed reasonable that Agent Egbert was going to follow up on that and try and talk to the person.

Q. So do you know why Mr. Boule then reported that Agent Egbert was harassing his guest?

A. No, I don't understand that.

* * *

REDACTED

REDACTED

REDACTED

[CONFIDENTIAL]

January 28, 2015

AFFIDAVIT

* * *

[6]

REDACTED

REDACTED

[7]

REDACTED

* * *

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

No. 2:17-CV-00106-RSM

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

REPORTED BY:
JUDY BONICELLI, RPR, CCR 2322
March 9, 2018 - 10:30 A.M.
CASCADIA CROSS-BORDER LAW
1305 11th Street, Suite 301
BELLINGHAM, WASHINGTON

**DEPOSITION UPON ORAL EXAMINATION OF
ROBERT JOSEPH JOHN BOULE
(CONTAINS CONFIDENTIAL TESTIMONY
SUBJECT TO PROTECTIVE ORDER AND
FOR ATTORNEYS' EYES ONLY)**

140

* * *

REDACTED

REDACTED

* * *

[14] Q. All right, I need to back up a little bit just so I can make sure I understand things. When did you first buy the property where the Smuggler's Inn is located?

A. In August of 2000.

Q. Who did you buy the property from?

A. It was through an auction, and it was in a foreclosure of the Surowiecki family. But it was bank-owned at that point.

Q. All right, that's the Surowieckis. That's the same family as the fellow that my colleague Nikki Carsley deposed the other day, right?

A. That's correct.

Q. A witness in this case.

A. Yes. He was raised in the home. And then they own adjoining property, and he's been on that property for—back and forth for—since 1994.

Q. All right, so what is your address there at the Smuggler's Inn?

A. Today it's 2480 Canada View Drive.

Q. And that's where you live, right?

A. That's correct.

Q. And you've lived there since you bought the [15] place in 2000?

A. When we bought the home, the address was 9910 Canada View Drive.

Q. Why did the address change?

A. Because of when Blaine took over the area, they changed a whole lot of the addresses in the area.

Q. What year did that change occur?

A. 2007 or 'eight. But again, I'm not accurate on—I'm giving an approximate.

Q. Okay, I appreciate you clarifying when you're approximating. That's very helpful.

So you moved into the home when you bought it in the summer of 2000, right?

A. Yes.

Q. Did you immediately start running it as a business?

A. No. No, the—we remodeled on the home. We did not physically—we were on the property in a motor home and did not move into the home until October 31st of 2000.

Q. And when did you first begin operating the property as a bed and breakfast?

A. It had to be 2001 to 2002. And it was over a period of time. We were remodeling, and we started out with one bedroom and then went on to paint and fix and [16] clean up to the amount of rooms it is licensed for today.

Q. And you've been the sole owner of the property since you bought it in 2000?

A. Yes, yes.

Q. And you call your business the Smuggler's Inn, correct?

A. Smuggler's Inn Bed and Breakfast.

Q. Is the business incorporated?

A. No. It's a sole proprietor.

Q. So it's your sole proprietorship doing business as Smuggler's Inn Bed and Breakfast?

A. That's correct.

Q. When did you first notice people crossing the border via your property?

A. Probably within the first 90 days, and again, it was not them crossing the property. It was people in the yard, on the property; and we would question them, you know, "Can we help you? What are you doing in our yard?" That type of thing.

Q. And what—do you recall the first person you found in your yard?

A. I do not.

Q. Do you recall why they said they were in your yard?

[17] A. A lot of people were just—at that point we were fixing up the yard, fixing up the house, and they said that they were curious on what was going on in the house. Some of them were neighbors. Some of them did not identify themselves. When we bought the house, blackberries were up, the lawn was waist high, and so any time that anything is done, you have people, looky-loos, coming to see what was going on.

Q. But within the first 90 days of owning the property, you became aware that there were sometimes people crossing the border via the property, right?

A. Yes.

Q. Both directions north and south?

A. North and south.

Q. And you're aware that became a much bigger deal after the terrorist attacks in September of 2001, right?

A. Dramatically. We had a driveway that went both ways when I bought the property. They had a Canadian vehicle that they parked on the Canadian side, and he worked—the previous owner worked in downtown Vancouver, and they had an American car on the U.S. side. And we used to walk and have coffee with the neighbors across the street. 911 hit, and that no longer was something that we could do.

[18] Q. And you understood that was because both countries, Canada and United States were concerned about terrorists crossing the border?

A. That's correct.

REDACTED

[19]
REDACTED

* * *

[23] REDACTED

[24]

REDACTED

REDACTED

[27] REDACTED

[28]

REDACTED

REDACTED

REDACTED

* * *

[35]

REDACTED

[36]

REDACTED

Q. Okay, so let me back up. You just said a lot, and I have some follow-up questions.

[37] A. Okay.

REDACTED

If I pick up somebody at Bellingham airport, and he has come from Turkey to New York City, has got on an airplane, the Visas have been checked, I pick him up at

Bellingham airport or Seattle airport, I assume that the passport has gone through three major [38] checkpoints before I get him.

And so when I pick him up at the airport, I'm assuming that somebody who is more expert than I has looked at that Visa and that it is truly a passport and a Visa that is correct.

Q. Well, it's not your job anyway to check whether a guest is—

A. That's correct.

Q. —legally in the country—

A. Right.

Q. —correct?

A. Right. But if somebody is obviously—doesn't have ID or doesn't—I can't have them staying there. I have turned people away.

Q. You've turned people away why?

A. Because they didn't have identification, Visas, passports.

Q. What if someone—have you ever had a guest who had a Washington State ID but no Visa or passport?

A. I've had Washington State IDs, yes, but that is a form of ID.

Q. So what you're looking for is a valid form of ID?

A. That's correct.

* * *

[130] Q. Let's see if that happens. I'm interested—if we can't talk about anything else, I'm interested in the

interaction between you and Mr. Egbert, what you said to each other and what occurred. So let's talk about that.

A. Okay, and from the moment he got there, he wanted to inspect the vehicle and talk to the guest.

REDACTED

[131]

Q. Okay. At some point—well, let me ask you this. Did you tell Agent Egbert no, he can't talk to your guest?

A. Yes. Not without a warrant.

Q. And did you physically position yourself in between Agent Egbert and the Yukon?

A. Yes.

Q. To prevent him from contacting Mr. Fikert?

A. Or searching the vehicle.

Q. And if you can't tell me what was said, what did Agent Egbert do?

A. At that point he picked me up, threw me against the vehicle, and then from that point I came back. He picked me up again and threw me to the ground.

Q. I want to focus on the first time he picked you up. Where on your body did he place his hands?

A. He grabbed me here and here (indicating), picked me up on my feet and threw me into the vehicle.

Q. Okay, I want to make sure, because we've got a [132] written record here, that it's clear what your testimony is.

A. He grabbed me on the chest, picked me up off the ground about an inch or two and threw me into the vehicle.

Q. He used his two hands to grab your shirt or your jacket in your chest area; is that right?

A. Yes.

Q. And lifted you off the ground?

A. And threw me into the vehicle.

Q. How far away from the vehicle were you when he picked you up off the ground?

A. Probably six to eight inches.

Q. Was he—was Agent Egbert saying anything to you when he lifted you off the ground?

A. We were having a discussion that he was not—you know, I had been on the cell phone. We had called 911. I had told him that he was to have a supervisor here before he did anything further.

Q. Wait a sec. Am I understanding you correctly? Are you saying you called 911 before Agent Egbert picked you up?

A. Yes.

Q. Okay. How long was—how long were you talking to Agent Egbert before you called 911?

[133] A. When I saw him on the property. When he came in.

Q. I don't understand that. The question is how long were you speaking with Agent Egbert before you called 911.

A. You're not understanding. You asked me when I called 911 the first time.

Q. Right.

A. And it was when he came on the property.

Q. This third time?

A. The third time.

Q. At around one o'clock in the afternoon?

A. Whatever the time was, yes.

Q. As soon as he came onto the property, you called 911?

A. Yes.

Q. Did you call 911 more than once that day?

A. Yes.

Q. Okay. So around one o'clock in the afternoon when Mr. Fikert arrived on the property, you saw Agent Egbert pull in to your driveway behind the Yukon. You immediately called 911?

A. Yes.

REDACTED

[134] REDACTED

Q. Okay. You ended the 911 call, right?

A. Yes.

Q. Before you go over to talk to Agent Egbert?

A. No. I was standing in front of the vehicle.

Q. You were already in front of the vehicle the first time you called 911?

A. Yes.

Q. Okay. Then you hang up the phone and start having a conversation with Agent Egbert?

A. Yes.

Q. Who—

A. He was having a conversation with me.

Q. What was Agent Egbert telling you?

A. He wanted to talk to the gentleman. He wanted to search the vehicle.

Q. Did he ask you to step out of the way so he could do that?

A. Yes.

Q. And you told him no, he couldn't do that?

A. I told him that he needed a warrant to search the vehicle and to talk to the guest. I told him that the guest had been through security at the airport, had come from New York to Seattle. We had picked him up at an airport and was a guest.

[135] Q. And was it clear to you that Agent Egbert had told you to get out of his way so he could talk to Mr. Fikert?

A. Yes.

Q. And you clearly told him no?

A. No.

Q. "I'm not getting out of your way"?

A. Right.

Q. Then he grabbed you by your chest, by the clothing on your chest?

A. Yes.

Q. Lifted you up off the ground and threw you into the Yukon?

A. Yes.

Q. Threw you against the side of the Yukon?

A. Yes.

Q. Like the passenger door, is that what you're saying?

A. That's where we were standing, yes.

Q. I'm sorry, I think I asked this, but I don't remember what your answer was. How far away from the Yukon were you standing when he picked you up?

A. Six to eight inches.

Q. So less than a foot?

A. Less than a foot.

[136] Q. And when he threw you against the Yukon, did he let go of you, or did he still hold onto you when you were pressed up against the Yukon?

A. He let go of me. Then stepped back, and then we stood there. And then he again—you know, by that time I was yelling at him trying to get a supervisor, told him that he needed a warrant, he could not search the vehicle without a supervisor present.

Q. You said you were yelling. You raised your voice?

A. I was—anybody that touches you and does things like that—and there is a whole lot more that I can't say right now on what went on. There was reasons why I was raising my voice and questioning what was going on.

Q. Were you angry?

A. Sure.

Q. When you said that he picked you up off the ground and threw you against the side of the Yukon, do you mean you flew through the air that six to eight inches?

A. He picked me up off the ground one to two inches and threw me into the vehicle.

Q. So your feet were not touching the ground when you hit the Yukon?

[137] A. That's correct.

Q. But you hit the Yukon, he had let go of you, and so you came down and landed on your feet at that time?

A. At that time.

Q. And you yelled at Agent Egbert?

A. Yes.

Q. And you can't tell me what you yelled at him right now, right? We'll do that next time REDACTED

A. That's fine.

Q. I'm just making sure that is right.

A. Yes.

Q. Did you say Agent Egbert grabbed you and lifted you off the ground again?

A. No. He threw me to the right, to the ground.

Q. To your right or his right? Because you're facing each other, correct?

A. As you're looking at the vehicle from the passenger door to the passenger front fender. He threw me to the ground.

Q. So you're on the passenger side of the car?

A. Yes.

Q. And he threw you towards the front of the car, the front bumper?

[138] A. Yes.

Q. So your left—

A. Yes.

Q. And his right?

A. Yes.

Q. Where did he grab you when he threw you to your left?

A. The same location on my shoulder—

Q. Chest again?

A. Chest again.

Q. Did he lift you up off the ground that time or just to the side?

A. I don't think he did. He threw me to the ground.

Q. Did you have the impression that he was trying to knock you to the ground or move you to the side?

A. I have no idea what was going on in his mind. I knew that he was out of line. He had asked earlier in the day about my health. He knew that I had had surgery,

and all of a sudden he went rogue and was all over me. And no one should have the right to do that. Period.

Q. What was the surface like where you were parked?

A. Concrete.

[139] Q. So you fell down on the concrete?

A. I fell to the concrete.

Q. What part of your body contacted the concrete?

A. The hip hit the concrete first, then my shoulders and then my head.

Q. Left side of your body? Left hip?

A. It would be the left, yes.

Q. Do you think you recall hitting your head on the concrete? Is that what you said?

A. When I got up, my head was on the ground.

Q. When Agent Egbert threw you to your left—I'm sorry, shoved you to your left? What did you say?

A. He threw us to the ground.

Q. Your left hip contacted the concrete first?

A. Yes.

Q. Then did you say your left shoulder?

A. The left shoulder.

Q. And at some point you ended up laying on the ground, including your head was now touching the ground?

A. Right.

Q. Did you strike your head against the ground?

A. I don't know if I struck my head or if we were just on the ground, and then, you know, adrenaline kicked in again, and then we got up.

* * *

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
WASHINGTON AT SEATTLE

ROBERT BOULE, Plaintiff,	No. 2:17-cv-00106-RSM
v.	SECOND DECLARA- TION OF AGENT EG- BERT
ERIK EGBERT and JANE DOE EGBERT and their marital community, DEFENDANTS.	NOTED ON MOTION CALENDAR: July 27, 2018
ERIK EGBERT, Counterclaimant,	
v.	
ROBERT BOULE, Counterdefendant.	

I declare under penalty of perjury under the laws of the United States that I am over the age of 18 and otherwise competent to testify, and that the following is true and based on my personal knowledge.

No retaliation

1. I have never retaliated in any way against Mr. Boule. I didn't even know until the end of January 2015 that he had submitted a tort-claim form, and my calls to government agencies and the incident where his housekeeper was stopped by Border Patrol—both of which he alleges were retaliation—occurred before then. In fact, both things occurred before he submitted his June 11, 2014, tort-claim form. If anything, his submission of the tort-claim form was done in retaliation for my good-faith reports to government agencies and the good-faith performance of my job.

My good-faith reporting to government agencies

2. I understand Mr. Boule contends in this litigation that REDACTED that I can't remember whether I contacted government agencies about him or what information I shared with the agencies. (*See* Dkt. 97 at 8:6–10.) His contention is misleading, because it's only partially true.

3. On June 11, 2014, Mr. Boule submitted a tort-claim form for injuries he alleges he sustained during my encounter with him on March 20, 2014. As explained in my prior declaration, this encounter occurred during my investigation of an alien on his property and is the subject of this litigation. In response to Mr. Boule's claim form, Customs and Border Protection conducted an internal-affairs investigation.

REDACTED

REDACTED

REDACTED

7. Although I have never disclosed any information about Mr. Boule to any government agencies, I did Google phone numbers that I then used to call some government agencies on June 5, 2014, to alert them to a news article I read online in which Mr. Boule openly discussed illegal border crossings on his property. I believe the article also referenced Mr. Boule's "SMUGLER" vanity plate. I was frustrated when I read the article online, because it appeared Mr. Boule was flaunting his involvement in criminal activity. The fact Mr. Boule was defrauding vulnerable individuals REDACTED didn't sit well with me or my fellow Border Patrol Agents. I also questioned whether REDACTED . And I didn't see how he could have a license plate so blatantly referencing the criminal activity that constantly occurred at his property.

8.

REDACTED

REDACTED Since well before the incident, I had been uncomfortable with Mr. Boule's facilitation of and profit from the steady flow of persons illegally crossing the border at his property. His scheme is antithetical to Border Patrol's mission, and he gets away with routinely defrauding and exploiting vulnerable aliens

REDACTED

9. In addition, REDACTED, I believe I had previously reported Mr. Boule's "SMUGLER" vanity plate to the Department of Licensing. (*See id.* at 29:9–24.) I think I reported the plate a couple years earlier when I first learned that license plates referencing criminal activity weren't allowed. (*See also* Dkt. 103 ¶ 50.)

REDACTED

REDACTED

11. REDACTED

12. REDACTED

13. REDACTED

14. REDACTED

. As explained in my Counterclaim, (Dkt. 23 at 7–8), my Responses to Mr. Boule’s First Set of Requests for Admission (which are attached as **Exhibit**

A), and my first declaration, (Dkt. 103 ¶¶ 48–50), I now recall calling some government agencies to alert them to the news article in which Mr. Boule openly discussed illegal border crossings on his property. I don't remember which agencies I called other than the Washington State Department of Licensing, but I believe one of the others was the IRS. My purpose was to alert the agencies of possible criminal conduct that I thought would be of concern to them. I did not convey any information other than telling the agencies they might be interested in this news article. See paragraphs 48–50 of my first declaration, (Dkt. 103), for additional information about my good-faith reporting.

June 2014 REDACTED

15. I understand Mr. Boule might contend that my participation in responding REDACTED his property in June 2014 was in retaliation against him. This allegation is completely false.

16. I can't remember the exact date we responded REDACTED , but it was sometime between June 1 and June 10, 2014. While on duty, I heard Dispatch report over the radio REDACTED

a female walking south from the international border REDACTED . I now know this woman was Ms. Dermendziev, but I didn't know who she was at the time. Dispatch asked Agents to respond, and I was one of three Agents who did.

17. Before we arrived, however, Ms. Dermendziev left Mr. Boule's property in a green Ford Taurus, which was driven by one of his employees. This vehicle belongs to Mr. Boule and is one of the vehicles he had used in the past to transport persons who crossed the border illegally.

18. Border Patrol Agents Bob Gremes and Casey Miller stopped the car and had completed most of the questioning before I even arrived on scene, so my role was mostly backup. The car was pulled over within a few blocks of Smuggler's Inn. The Agents asked me to check Ms. Dermendziew's immigration status with Dispatch, REDACTED

Ms. Dermendziew didn't have identification and couldn't speak English very well, so it took a little extra time to get her name and to piece together what happened. We have poor radio reception near Smuggler's Inn, so there was also a bit of delay with Dispatch verifying her immigration status.

19. In talking to Ms. Dermendziew, I figured out that she apparently worked as a housekeeper for Mr. Boule REDACTED

I had never seen Ms. Dermendziew before, and I didn't think the other Agents had either. I was surprised to hear she was Mr. Boule's housekeeper, because I thought I was familiar with most of his employees. She gave me her home address, and I think she told me she was permanent resident from Central or South America.

20. Dispatch wasn't able to confirm Ms. Dermendziew's immigration status. I think she gave me the wrong spelling of her name. Nonetheless, it became clear that she hadn't just crossed the border, so we let her go.

REDACTED

Agents Gremes and Miller didn't see any signs she had just crossed the border. We had her home address, so if subsequent investigation revealed a problem with her immigration status, we could follow up with her later. I think I was on scene for ten to fifteen minutes, which is

about how long most immigration checks take, especially when there are multiple communication barriers.

21. On June 10, I asked a Border Patrol Intelligence Agent to recheck Ms. Dermendziev's status. He found her in our system and reported that she was a naturalized U.S. citizen, which concluded the matter.

22. No part of stopping Ms. Dermendziev or checking her immigration status was in retaliation against Mr. Boule. In fact, he hadn't even submitted his tort-claim form at that time, so there wasn't anything to retaliate for. Moreover, I merely responded to a request from Dispatch for an agent response, and I wasn't the lead agent. I served as backup and followed the lead of Agents Gremes and Miller. And when I responded to Dispatch's request, the only information I had was that a female was seen walking south from the international border REDACTED on or near Mr. Boule's property. I had no idea who she was. I suspected she was one of the many people who illegally cross the border at Mr. Boule's property, not one of his employees. Even after I arrived on scene and saw what she looked like, I still had no idea she was Mr. Boule's employee. I had never seen her before. Finally, Mr. Boule hadn't even submitted a tort-claim form when this investigation happened, and I didn't know he was going to do so.

“No trespassing” sign

23. I understand Mr. Boule contends that his driveway is within the “curtilage” of his home because of a “no trespassing” sign he posted at the corner of West 99th Street and Jerome Street. I don't remember seeing this sign on or before March 20, 2014, and I believe it was probably placed there after the incident.

24. But even if I had seen the sign on the date of the incident, there are numerous reasons it wouldn't have prevented me from driving into Mr. Boule's driveway. To begin with, he had invited me to come to Smuggler's Inn to speak with Mr. Kaya. After I followed Mr. Boule's SUV into the driveway, I asked the driver—an employee of Mr. Boule's who lived on the property—if he had a passenger and if I could speak to him. The driver gave me permission to talk to Mr. Kaya, too.

25. Looking at the picture of the sign Mr. Boule has submitted to the Court, I don't understand what the sign is supposed to convey. It says both "welcome" and "no trespassing." I would interpret it as meaning he doesn't want persons loitering on his property if they don't have a reason to be there.

26. Furthermore, it never appeared to me that Mr. Boule intended the gravel road or his concrete driveway to be private. The entire area is visible from public roads on both sides of the border, REDACTED

. It is an area people walk through to approach the front door at Smuggler's Inn. Additionally, Mr. Boule holds the entire property out as a place of public accommodation. He allows all sorts of guests and "non-guests" to enter these areas of his property, including border crossers, employees, long-term tenants residing in the carriage house, taxi drivers, delivery persons, and presumably individuals who are inquiring about vacancy and rates. As shown in Exhibit 4 to Mr. Boule's declaration, (Dkt. 98-4), his mailbox is located beyond the "no trespassing" sign, so mail carriers must pass it every day, too. In addition, Mr. Boule frequently holds yard sales and invites members of the public onto his property for other events. *See, e.g.,* Stefanie Donahue, *Smuggler's Inn to host a second benefit*, The Northern

Light, (July 21, 2018), <http://www.thenorthernlight.com/2018/04/25/smugglers-inn-to-host-a-second-benefit/>.

27. More importantly, other Border Patrol Agents and I had driven down that gravel road or entered that driveway area on a near-daily basis for many years, and Mr. Boule never suggested we weren't welcome there. As a result, I understood this entire area of the property to be open to law enforcement and the public.

28. Finally, as a Border Patrol agent, I am authorized by federal law to enter onto private property along the border. A person can't exclude us from his property by posting a "no trespassing" sign. Otherwise, it would be impossible for us to patrol and secure the international border, because criminals would simply post "no trespassing" signs wherever they wanted to encourage people to cross the border.

No search or seizure of Mr. Boule

29. None of my actions on the date of the incident were directed at Mr. Boule. I was investigating Mr. Kaya, not Mr. Boule. I never detained Mr. Boule or searched him, his home, his papers, or his personal effects.

30. Although federal law authorizes me to enter private property, search vehicles, and contact aliens in that area without a warrant, I also had reasonable suspicion to believe that Mr. Kaya might be in the country illegally or engaged in criminal conduct. As explained in my first declaration, (see Dkt. 103 ¶¶ 10–13, 25, 35), I had information from a reliable source that Mr. Kaya was a Turkish citizen who had just traveled to Smuggler's Inn, which is a notorious site of illegal cross-border activity, including drug trafficking and human trafficking. Once I confirmed he was in the car—which was done with the express

permission of both Mr. Boule and his employee—I had authority and a duty to investigate further.

Signed this 22nd day of July 2018 at Blaine, Washington.

By: *Erik Egbert*
U.S. Border Patrol Agent Erik Egbert

DEPARTMENT OF HOMELAND SECURITY

Case No. REDACTED
Report Number ^{REDACTE}

[SENSITIVE]
Filed Under Seal-Confidential
Prepared By
REDACTED

REPORT OF INVESTIGATION CONTINUATION

* * *

10. NARRATIVE

REDACTED

[Redacted in original]

REDACTED

[redacted in original]

REDACTED

A copy of these records is EXHIBIT 17.

Mr. Boule provided CBP-IA/Bellingham with copies of billing records from his CPA related to the cost of defending his IRS audit in the amount of \$5,377.50. The IRS Audit found that Mr. Boule did not owe any taxes. A copy of the billing records is EXHIBIT 18.

REDACTED

[redacted in original]. A copy of the letter is EXHIBIT 19.

REDACTED

* * *

FILED UNDER SEAL
EXHIBIT C
[CONFIDENTIAL]

to Declaration of Greg Boos

From: smugglers1011@frontier.com
Sent: Tuesday, June 10, 2014 8:04 PM
To: REDACTED
Subject: Border Patrol/Bob Boule veicals on
Jerome St., Blaine Wa.
Follow Up Follow up
Flag
Flag Status Flagged

Thur June 5, 2014

Around 3:40 pm got call from REDACTED, housekeeper for past ten years. Needed ride home.

I Had her contact REDACTED

On way up driveway she contacted REDACTED who was also doing yard work. REDACTED went to get Ford Taurus with REDACTED continuing to walk.

Top of driveway REDACTED picked up REDACTED.

About 3:45 pm Border Patrol came down Jerome as REDACTED was driving Ford Taurus south just past Canada View. B/p Miller drove past REDACTED and motioned him over and B/p Ekert pulled in front of Taurus one of three SUV's of B/p blocking traffic.

Next 20 plus min. Ekert/Miller both ask for information from REDACTED. Both stated they knew who he was and where he lived.

Ekert then went to REDACTED for here information , got her name spelled wrong. One of the officers son was in school with REDACTED 's she had been in his home recently and he knew who she was.

For twenty min. the officers interrogated why they were at the Inn, what they were doing, ask if crossed boarder ect.

Sat. June 7th.

11:00 am Talked with REDACTED. He told me of episode with B/p and REDACTED.

11:15 am called Chief REDACTED and left phone message.

11:17 am called REDACTED and gave information.

Mon. June 9th

9:20 am. Called Chief REDACTED, ask if he had herd of Thur. incident. He stated a call had come in from a resident in area about strange car. I informed him that the Ford Taurus they stopped was mine with my housekeeper and yard person. He stated he would get back to me with more information, he also mentioned sugary and would be off.

9:35 am Called REDACTED reported conversation with Chief REDACTED

4:00 pm Talked with REDACTED about incident. He stated that everyone knows who the Taurus is owned by, that he has seen REDACTED of and on for many years and that he has seen REDACTED and REDACTED doing work on the Smugglers Inn property.

5:00 pm Talked with REDACTED the housekeeper about events of Thurs. She could not understand why she was treated that way especially when one of the officers knew her.

7:30 pm Talked with REDACTED who live above the inn on West 99th. He stated that he did not see the event but everyone who lives in area knows the Green Ford Taurus and the people who work at the Inn.

In further conversations he said that he had conversations in length with supervisors and officers about the incident on March 19th 2014 at the Smugglers Inn where I was slammed into the Yukon by B/p Ekert. He stated that all the supervisors told him that it did not happen but that were not allowed on the property unless it was e emer-gancy.

8:48 pm talked with REDACTED about Ekert telling REDACT witness of March 19th 2014 slamming he knew who he was, and where he lived. REDACT considering leaving area with B/p Ekerts threats. In talking with REDACTED she could not understand why she could be in the officers home, was known by him and they continued to interrogate what she was doing at the Inn for 20 more min. Also mentioned the Ekert was asked not to be on the property of the Smug-glars Inn he has violated the direct order from Chief REDACTED. In conclusion told REDACTED that I am more afraid of Ekert than the bad guys that have being arrested in the yard.

Bob Boule
2480 Canada View Drive
Blaine, Wa. 98230

182

REDACTED

[Filed Under Seal]
[Confidential Letter]

June 23, 2016

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

RECEIPT ACKNOWLEDGMENT

handwritten signature
Signature

6/29/16
Date

189

REDACTED

Filed Under Seal
Confidential

FACSIMILE
To: REDACTED
From: restricted
Date: January 26, 2017
Time: 11:15 AM

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Case No. C17-106 RSM

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT, ET AL.,

Defendants.

JUDGMENT IN A CIVIL CASE

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT: Defendant Egbert's Motion for Summary Judgment (Dkt. #102) is GRANTED and the remainder of Plaintiff's claims will be dismissed against Defendant Egbert in their entirety. This matter is now CLOSED.

Dated this 24th day of August 2018.

WILLIAM M. MCCOOL

Clerk

/s/ Paula McNabb

Deputy Clerk