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5 Attorney for Plaintiff LAURA LEIGH

6 **IN THE UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 LAURA LEIGH,

9 Plaintiff,

10 Case No. 3:10-cv-00417-LRH-VPC

11 vs.

12 KEN SALAZAR, in his official capacity as  
Secretary of the U.S. DEPARTMENT OF  
THE INTERIOR, BOB ABBEY, in his official  
13 capacity as Director of the BUREAU OF  
LAND MANAGEMENT; RON WENKER in his  
14 official capacity as Nevada State Director of  
the BUREAU OF LAND MANAGEMENT, *et*  
15 *al.*,

16 Defendants.

17 \_\_\_\_\_ /  
18 **SUPPLEMENTAL DECLARATION OF LAURA LEIGH IN SUPPORT OF**  
**REPLY BRIEF TO MOTION TO RECONSIDER DENIAL OF MOTION FOR**  
19 **ORDER TO SHOW CAUSE (Doc. 45)**

20 I, LAURA LEIGH, do hereby swear, under penalty of perjury under the laws of  
21 the State of Nevada and of the United States of America, that the foregoing is true and  
22 correct:

23 1. I am the Plaintiff in the above-captioned matter. I am personally familiar  
24 with the facts set forth herein except for those facts stated on information and belief and  
25 as to those facts, I believe them to be true. I submit this Declaration concurrently with  
26 Plaintiff's Reply Brief to Motion to Reconsider Denial of Motion for Order to Show  
27 Cause (Doc 45).

28 **EXHIBIT "F"**

1           2.     For the sake of brevity I refer the court to my Declarations supporting this  
2 Motion (Doc. 45-1) and in support of the original motion for order to show cause (Doc  
3 19-2).

4           3.     Attached and filed concurrently with this Declaration are the following:

5           a.     A 'link" to a recorded video clip saved on the internet which is  
6 viewable at the following site:

7                     <http://www.youtube.com/watch?v=GwPQIe-5VSo> . I am informed  
8 and believe the DVD of this video clip will be lodged with the court  
9 and served on the U.S. Attorney' Office the first court business day  
10 following the weekend, as **EXHIBIT "F"**;

11           b.     Official map produced by the BLM and received by my me from Mr.  
12 David Overcast who I am informed and believe is the BLM's  
13 Tuscarora Field Office Manager. This map was received by me  
14 approximately July 23 or 24, 2010, six or seven days following the  
15 events occurring July 17 which are described in depth, herein. This  
16 map is attached to my Motion as **EXHIBIT "G"**. BLM's Mr.  
17 Overcast stated at the time he gave this map to me, that the map  
18 had been newly prepared and printed by the BLM. I had never  
19 seen this map previously;

20           4.     Regarding the link to the video clip:

21           a.     I hereby incorporate its contents;

22           b.     All events recorded in the video clip occurred July 17, 2010. All  
23 events in the video clip occurred in Elko County, Nevada. All  
24 events depicting the interior of an office (at the beginning of the  
25 clip) were filmed within the BLM's Elko District office located in  
26 Elko, Nevada;

27           c.     I am now aware and am informed and believe all events on the  
28 video clip recorded on the range, were recorded while on public

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roads and on public lands. The events depicted in the video clip were recorded and occurred July 17, 2010 which was the day following the date when the court issued its July 16, 2010 Order;

d. I am informed and believe the court's July 16, 2010 Order granted Plaintiff's Motion for a temporary restraining order insofar as that Motion addressed the BLM's conduct having imposed a prior restraint on both my First Amendment rights and the First Amendment rights of the public; and I am informed and believe the court's July 16, 2010 Order required the federal Defendants to lift its closure which kept the public from viewing the BLM's Owyhee roundup activities;

e. I am informed and believe the BLM was, nearly immediately following its issuance, aware of the court's Order, based on the BLM's commencement of helicopter roundup activities occurring that same day (July 16, 2010);

f. I was present in all recorded sections of the attached video clip. I have personal, first-hand knowledge of the events depicted in each and every section recorded in the attached video clip; and my testimony herein is based on those first-hand observations;

g. The attached video clip is edited by me personally. The attached video clip is edited solely for the purpose of saving the court's time, for judicial economy and for the court's convenience. The full, unedited, raw footage of the video clip I have preserved and can make available to the court on its request;

h. Each recorded section contained in the video clip accurately portrays and depicts the events therein described and recorded;

i. Each recorded section contained in the attached video clip accurately records, portrays and depicts the spoken words of those

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participating in the video clip;

j. The first individual we met and the first individual depicted in the video behind a counter top is BLM's Mr. David Overcast;

k. Mr. Overcast states, July 17, 2010, paraphrased, that they (BLM) (*sic*) "respect" the Order of the court (referring to that part of the court's Order requiring the BLM to dissolve its closure of public lands); then Mr. Overcast states he needs to bring in "counsel," indicating that he would call BLM's legal counsel. I am informed and believe at this point the BLM called the Elko County Sheriff rather than "counsel" since a Sheriff's Deputy arrived at the BLM office moments later, specifically to talk with us, to warn us of trespassing on private lands and that we could be arrested;

l. Later in the day when we were traveling the edge of the Owyhee HMA, we stopped at Desert Ranch Reservoir to take photos. From that location both I and my traveling companions could see what appeared to be two BLM vehicles parked approximately one-quarter mile in the distance in our intended direction of travel. Markings of BLM official vehicles are distinct, at least to me, making such official vehicles noticeable from a significant distance. We spent approximately 20 minutes at the Desert Ranch Reservoir taking photos and canvassing the area before proceeding onward in the same direction, toward the two parked BLM vehicles. This road is an unimproved dirt road and has room in width for no more than one car. As we approached the BLM vehicles it became clear these two BLM vehicles took up the bulk of the roadway such that it was not possible to pass them without significantly leaving the roadway to do so. It was my clear impression and that of my traveling companions this was a roadblock and we accordingly

1 were required to stop. BLM Rangers Reader and Vanderpool (BLM  
2 Law Enforcement) were standing ready, near their parked vehicles,  
3 appearing to be awaiting our arrival. When we stopped our car  
4 (approximately 30 feet from their vehicles), BLM Ranger Reader  
5 and Vanderpool approached our car while we remained in the  
6 vehicle. Ranger Reader stepped to the driver's side of the car.  
7 Both Ranger Reader and Vanderpool were in official uniforms and  
8 both were armed with handguns in belt holsters. None of us  
9 women carried weapons of any sort. There were no weapons in  
10 our vehicle. We carried cameras, instead;

11 m. At this point, Ranger Reader (BLM Law Enforcement) advises that  
12 a Sheriff Deputy is coming up the road to, "talk to you;" (Video clip  
13 at 3:30 min). At this point, no Deputy Sheriff was in sight or coming  
14 our way from any direction. No Sheriff's Deputy was present. It  
15 was accordingly, my impression at this point that Ranger Reader  
16 (BLM Law Enforcement) remained in radio or telephone contact  
17 with the Elko County Sheriff's Office or the Sheriff's Deputy who  
18 was to arrive; and that BLM officials had requested or directed the  
19 Elko County Sheriff's office to come out to talk to us;

20 n. Ranger Reader (BLM Law Enforcement) then pushes back the  
21 camera of my traveling companion, Ms. Deniz Bolbol, who was  
22 filming Ranger Reader's conversation at that point. (Video clip at  
23 3:38 min). This conduct of pushing back a camera lens was  
24 unexpected and intimidating at least to me; and, I am informed  
25 and believe my traveling companions likewise felt intimidated by  
26 both the presence of a road block, by armed officials awaiting our  
27 arrival, and by a law enforcement BLM official who indiscretely  
28 pushed back a camera;

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- o. Ranger Vanderpool (BLM Law Enforcement) then steps alongside the driver’s side of our vehicle. I and my traveling companions remain in our vehicle. Ranger Vanderpool (BLM Law Enforcement) states, “everything beyond this point is private property,” indicating we are at the boundary of where the public road ends and private road begins (Video clip at 4:10 min.). He repeats this geographical instruction. (Video clip at 4:18 min.). At this point Ranger Vanderpool (BLM Law Enforcement) leaves us with the clear impression we are stopped at the very location in the road where the public road ends and private road begins; that their vehicles in front of us are on private lands and that our vehicle is at the boundary between public and private land;
- p. The position of BLM vehicles and width of the road are accurately depicted (Video clip at 4:30 min.). The videoed scene clearly contradicts BLM Ranger Reader’s and BLM Ranger Vanderpool’s earlier Declarations which indicate, paraphrased, that their vehicles took up two-thirds of this road, “with sufficient room for another vehicle to pass in the opposite direction” (Vanderpool Declaration, para. 5, Doc. 30) and Reader’s Declaration, para. 10, Doc 29). These statements and all implications therefrom are false as is evident by the situation depicted on the video clip. Rather, the road was blocked by BLM vehicles. There was no room on the road to pass. Law enforcement types were waiting by their vehicles, clearly awaiting our arrival to stop us and to give us instruction, to wait for the Sheriff to arrive;
- q. When Ranger Reader finally moves his truck to leave the scene, the road continues to remain blocked by both Ranger Reader’s truck and the approaching Deputy Sheriff’s vehicle who finally

1 arrives at the scene. It turns out the approaching Deputy Sheriff is  
2 Deputy Ames whom we encountered earlier in the day while we  
3 were traveling the unimproved roads on the range. Deputy Sheriff  
4 Ames then drives his official Sheriff's vehicle near where Ranger  
5 Vanderpool's vehicle is parked. Deputy Ames arrives on scene as  
6 was promised moments earlier by BLM Ranger Reader. See Video  
7 clip at 4:55 min.);

8 r. Deputy Ames then approaches the driver's side of our vehicle and  
9 confirms all that BLM Ranger Vanderpool had stated moments  
10 earlier. Deputy Ames states, "right here is the edge of private  
11 property," pointing to the edge of the driver's side door of our  
12 vehicle. (Video clip at 4:55 min.). Again, this statement confirms  
13 what Ranger Vanderpool (BLM Law Enforcement) advises  
14 moments previously, (Video clip at 4:10 min.). We now have been  
15 advised by two separate official policing authorities, the BLM  
16 included, that the private property boundary was either at the front  
17 of our vehicle or that the front of our vehicle had just passed  
18 beyond the private property boundary;

19 s. Deputy Ames is the same Deputy who advised earlier that, "I have  
20 never been out there." (Video clip at 2:40 min.). And, "I don't know  
21 if they're out this way or out that way" (pointing in varying and  
22 opposition directions and referencing where he was to meet BLM  
23 personnel to learn how to deal with us), and implying or leaving the  
24 impression on me that he, Deputy Ames, was not familiar with the  
25 area. (Video clip at 2:48 min.). And, when he was asked how *he*  
26 (Deputy Ames) would know where "private property" boundaries  
27 would commence or end, or where they are located so as to  
28 determine when he might arrest us, Deputy Ames states, "I'm

1                   gonna meet with the people from the BLM. They're gonna contact  
2                   the land owner. Then we'll know." (Video clip at 3:23 min.). But  
3                   now, on his arrival at the roadblock when joining up with BLM  
4                   Rangers Reader and Vanderpool and a third BLM individual who  
5                   remained hidden in his official vehicle, Deputy Ames appears to  
6                   have become well versed in short order on boundaries where  
7                   private lands start and public lands end, when he states with  
8                   authority and conviction, "right here is the edge of private property,"  
9                   pointing to the edge of the driver's side door of our vehicle. (Video  
10                  clip at 4:55 min.);

11                t.       This statement of Deputy Ames which confirms the statement of  
12                BLM Ranger Vanderpool as to our location on the border of public  
13                versus private properties (which subjects us to arrest), gave me the  
14                clear impression that, irrespective of whether occurring on public or  
15                private lands, the BLM was in charge of, and in control of what was  
16                occurring there at this time relative to keeping us at bay and away  
17                from the wild horse trap area. This statement also gave me the  
18                additional clear impression that private property owners were not  
19                dictating how we were to be dealt with. These statements by  
20                BLM's Reader and Vanderpool and by Deputy Ames together with  
21                developments of the day also gave me the additional clear  
22                impression that the BLM rather than private property owners were  
23                making decisions relative to our potential detention or arrest. This  
24                situation scared me and also scared my companions. We were in  
25                a remote region, on a desolate single lane, dirt road and somehow  
26                causing several law enforcement officials, BLM included, to keep  
27                track of our whereabouts, to push cameras back, to tell us to wait  
28                for the Sheriff, to tell us we are on private property boundaries, to



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- instruct us not to trespass, and to tell us arrest was possible;
- u. Deputy Ames states at this point, "I'm just letting you know this is the edge of private property." (Video clip at 5:14 min.). And he states, "You can't trespass on somebody else's property." (Video clip at 5:16 min.). Again, Deputy Ames, when making these statements, points toward the front door jamb of the vehicle in which we were traveling, leaving us with the clear impression that our vehicle either was at the boundary of public versus private lands, or that it had already traveled beyond the boundary of public versus private lands. This caused me concern that, based on statements by BLM policing authority (Ranger Vanderpool) and Elko County policing authority (Deputy Ames) that we were either at or on the boundary of private property, that I was about to be arrested at any moment. I am informed and believe these developing events and statements also caused my traveling companions concern, particularly since Deputy Ames confirmed what Ranger Reader (BLM Law Enforcement) told us just moments earlier that we were at the boundary of private property; and that BLM Ranger Reader advised us the Sheriff was on his way to talk to us;
  - v. After Deputy Ames advises us of the location of the private property boundary, he walks away, leaving me with the impression that we may or may not already be in violation of trespass laws and that we may be arrested at a moment's notice. We ask if he would talk with us further but he refuses;
  - w. Deputy Ames tells us and confirms the landowner had not contacted him. Rather, he states, the landowner is in contact with the BLM. (Video clip at 5:09 min.). My impression again at this

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point, is the BLM remains in charge of whether I and my traveling companions would be arrested or not, that day; and it's my further impression that the BLM is in charge and not the Sheriff's Department or the land owner, of our destiny on the Owyhee range relative to being detained or arrested, should we inadvertently venture onto private lands;

x. Only after further inquiry by my traveling colleagues to clarify the specific or exact location of where public roads end and private roads begin, does BLM Ranger Vanderpool come up with a new statement which contradicts his prior statement. He now states the private property line is about 500 yards further down the road. (Video clip at 5:42 min.);

y. At this point in time, we had been advised repeatedly since about 4:30 a.m. that same morning (See, Video clip at 1:21 min. and again. Video clip at 1:30 min.), that we were subject to arrest whenever or wherever we crossed onto private property. We were never provided specific or truthful guidance despite our requests for assistance, of where private boundaries were located either by BLM officials or by the additional policing agency they called in to assist them in dealing with us. We were left with vague and undefined notions of where those property boundaries *might* be located; and we were left with the impression we were walking the fine line of probable arrest should we inadvertently venture onto private lands, wherever those boundaries may be located. We asked for assistance on the subject from both BLM and Sheriff's office personnel, all of whom declined, or ignored, or rejected our pleas for assistance. We asked for assistance so we could obey and not break laws;

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z. At this point it was my clear impression we were being “set-up” for arrest and the BLM was the driving force to that end. It was my clear impression at that point that the unsettled location of property boundaries, the probability of arrest, the lack of assistance or guidance, would be sufficient to put in motion an actual arrest or detention of our persons; and that there were sufficient warnings by multiple persons throughout the day to cause such an arrest to be warranted even though neither I nor my traveling companions knew where public lands ended or where private lands began during our travels on the Owyhee range, except as advised by BLM Ranger Vanderpool and Deputy Ames.

- 5. At this point in the day, it was my clear impression that:
  - a. Deputy Ames was there at the request of the BLM, not a property owner;
  - b. Deputy Amens was responding at the instance of BLM officials, not private property owners; and,
  - c. Our arrest or detention was imminent.

6. Accordingly, both I and my companions chose to retreat from the BLM range, fearful of arrest due to undefined property boundaries, and from reluctance or refusals by officials to help us with geographical locations of property boundaries, and from repeated threats of detention by law enforcement officials, and from what I perceived as arrangements made by the BLM with the Sheriff’s Department in advance of our arrival, to keep us at bay, and from the uncharacteristic conduct of a peace officer when he (BLM Ranger Reader) shoved back the camera of a citizen who merely sought his assistance.

7. About a week following the heretofore mentioned encounter with BLM law enforcement, BLM management and Elko Sheriff’s Department officials, I was provided

1 a map by BLM Field Office Manager David Overcast. This map is the BLM map  
2 attached to my Motion as **EXHIBIT "G"**. After having analyzed this map several days  
3 after having received it, I realized this map contained a section on its "legend" which  
4 identifies what roads are designated "public" roads and which roads are designated as  
5 "private" roads. When I revisited the issue and analyzed the map to determine where  
6 Rangers Ames and Vanderpool caused us to stop our forward progress on July 17, I  
7 discovered, at least according to this official BLM government map, that the BLM  
8 officials had in fact stopped us on public lands and on a public road; and further, the  
9 public road continued on nearly a mile beyond where BLM Ranger Vanderpool Deputy  
10 Ames advised it turned "private." And, that same public road continued on much closer  
11 to the area where I was informed and believe was near the wild horse trap zone the  
12 BLM set to trap Owyhee horses.

13 8. Shortly thereafter, I prepared my Declaration in support of this Motion.  
14 Later, I analyzed the map more carefully and determined this map (Exhibit "G") shows  
15 the public roads continuing well beyond *by many miles*, where Ranger Vanderpool and  
16 Sheriff Ames advised me July 17, that the same road turned "private." I am informed  
17 and believe the statements made to me by Rangers Reader and Vanderpool were and  
18 are entirely false and misleading. It is my personal impression at this point in time that  
19 the BLM's statements to me were intentionally false and made for the purpose as a  
20 scare tactic to discourage my further progress toward the horse trap site; that contrary  
21 to BLM and Sheriff personnel explicit statements and direction, the official BLM map  
22 confirms the road on which we traveled continues on several miles as a public road and  
23 specifically as a BLM public road.

24 9. The BLM roads indicated on the map confirm the road on which both I  
25 and my companions traveled July 17 is in fact, a public road, specifically a public BLM  
26 road, according to this official BLM map. I cannot fathom that officials of the BLM,  
27 particularly law enforcement Rangers who patrol BLM lands in this area and who are  
28 charged with familiarity of the geographical region, could not know the true boundaries

1 of BLM lands versus private lands.

2 10. The black arrow on the attached map (Exhibit "E") was placed there by  
3 me. This black arrow points to the specific location where we were stopped and  
4 detained by Rangers Reader and Vanderpool and where Sheriff Deputy Ames arrived,  
5 where the heretofore mentioned discussions took place;

6 11. The black arrow points to the specific location where Ranger Vanderpool  
7 and Deputy Ames advises the road becomes "private property" at that location.

8 12. I am informed and believe, based on this official BLM map (Exhibit "E")  
9 that the statements by BLM officials and by the Elko County Sheriff's Deputy  
10 concerning the location of private property boundaries, was false; and that the  
11 statements by BLM employees who either knew or should have known where their own  
12 public lands meet private land boundaries, was intentionally false when made;

13 13. The black arrow I placed on the attached map (Exhibit "E") is the location  
14 where Ranger Vanderpool changed his statement made about the location of public  
15 lands boundaries, when stating that private property starts and public road ends about  
16 500 yards further in the direction of our intended travel;

17 14. This official BLM map (Exhibit "E") clearly depicts at least to me, BLM  
18 public road 1232 which continues as a public road on public lands in the direction we  
19 intended to travel July 17, well beyond the black arrow and well beyond the location  
20 where Ranger Vanderpool and Sheriff Deputy Ames indicated that the road turned into  
21 private property.

22 15. To this day, I do not know whether I would have been able to have viewed  
23 the trap location from that public road which I now understand continues on past where  
24 the trap zone in Owyhee was located July 17. I do not know this because I was  
25 precluded that same day by BLM officials from traveling further on the very public road  
26 these same officials told me falsely, turned "private."

27 16. I was intimidated by the conduct of both BLM officials and the Sheriff's  
28 Department officials, described herein. This intimidation cause me and my companions

1 to retreat from the Owyhee HMA in fear of being arrested.

2 THIS DECLARATION under penalty of perjury under the laws of the State of  
3 Nevada and of the United States is made this 19<sup>th</sup> day of September 2010 in Reno,  
4 Nevada.

5 /S/

6 Laura Leigh, Declarant

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