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P L L C**

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WREST COLLECTIVE

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Boise, Idaho 83702
208-742-6789
ritchiew@wrest.coop

August 21, 2023

United States Department of Justice
Federal Tort Claims Act Section
Torts Branch, Civil Division
PO Box 888
Benjamin Franklin Station
Washington DC 20044
FTCA.Section@usdoj.gov

Office of the General Counsel
U.S. Department of Agriculture
Room 107W. Whitten Building
1400 Independence Avenue SW
Washington, DC 20250-1400
david.grahn@ogc.usda.gov

United States Forest Service
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-0003

U.S. Department of the Interior
Bureau of Land Management
1849 C Street NW
Washington, DC 20240-0001

United States Forest Service
Intermountain Region
Federal Building
324 25th Street
Ogden, UT 84401-2310

Office of the Solicitor
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240-0001
robert.anderson@sol.doi.gov

**Re: Notice of Claims Under the Federal Tort Claims Act –
Brooks Dubois Roberts**

Our offices represent Brooks Roberts in claims against United States government agencies for the extreme suffering, permanent disability, and egregiously wrongful shooting that United States Forest Service officers perpetrated against Mr. Roberts. Forest Service officers, in conjunction with the Bureau of Land Management, needlessly and recklessly shot Mr. Roberts repeatedly on May 19, 2023, as part of a pointless and wildly dangerous ruse operation that needlessly jeopardized the lives and safety of the public, law enforcement officers, and Mr. Roberts and his family.

Worse, not only were the ruse and shooting needless, but they consummated months of the federal government's counterproductive harassment, criminalization, and prosecution of an Idaho family eking out survival while enduring homelessness brought on by their eviction at the onset of the COVID-19 pandemic.

The government knew Mr. Roberts and his family would help a stranger. Exploiting the family's kindness and charity, the Forest Service sent two plainclothes officers to the Robertses' door to ask for a jump for their truck. Not long after Mr. Roberts' brother came out to help get the truck started, the plainclothes officers forcibly took him to the ground.

Mr. Roberts, hearing his brother's cries for help, wheeled out in his wheelchair to find what appeared to be his brother being carjacked or robbed. As he approached his brother to save him, officers saw the .22 revolver Mr. Roberts carried and opened fire on him.

Over five long seconds, at least two officers repeatedly shot Mr. Roberts. They shot him in the back when he was defenseless and immobile. Indeed, even after Mr. Roberts lie prostrate and bleeding into the dirt, his hands empty after he dropped his gun several feet away from him once he realized police were present, law enforcement continued to fire at Mr. Roberts' broken body. While still bleeding in the mud, among Mr. Roberts' first words with the officers after the shooting stopped was to apologize, explaining that he did not know they were the police when he came out to protect his kin.

Pursuant to 28 USC § 2675(a) and 28 CFR § 14.2(a), with this letter we send a notice of tort claim and demand for monetary damages of \$50 million, including a Standard Form 95 Claim for Damage, Injury, or Death, an attachment detailing the information requested on that form, and Mr. Roberts' claim authorization. We submit these claims with only limited and as yet incomplete discovery, and we reserve the right to amend and supplement the claims as we gather additional information. Under 28 CFR § 14.2(b), please contact all other agencies that may be involved in the events giving rise to this claim.

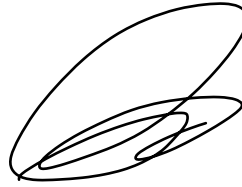
We look forward to hearing from the responsible government attorneys about early resolution of Mr. Roberts' claims. Upon request, we will provide medical records regarding his extensive and permanently disabling injuries. If we cannot settle Mr.

Roberts' claims, we will pursue litigation against the United States government and other parties liable for his tragic and senseless shooting.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Craig Durham". The signature is fluid and cursive, with the first name "Craig" written in a larger, more prominent script than the last name "Durham".

Craig Durham
Ferguson Durham, PLLC

A handwritten signature in black ink, appearing to read "Ritchie Eppink". The signature is highly stylized and cursive, with the first name "Ritchie" written in a larger, more prominent script than the last name "Eppink".

Ritchie Eppink
Wrest Collective

Attorneys for Brooks Roberts

CLAIM AUTHORIZATION

I, Brooks Dubois Roberts, authorize Craig Durham of Ferguson Durham, PLLC, and Richard Eppink of Wrest Collective to submit a claim under the Federal Tort Claims Act on my behalf, to the United States Department of Agriculture, including the United States Forest Service, to the United States Department of the Interior, including the Bureau of Land Management, and any other government agency, seeking compensation for unlawful actions of their employees or agents against me.

8/11/23
Dated

Brooks D. Roberts
Brooks Dubois Roberts

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: <div style="text-align: center;"> United States Forest Service ASC Claims Branch, 101B Sun Avenue NE, Albuquerque, NM 87109 </div>			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. <div style="display: flex; justify-content: space-between;"> <div> Mr. Brooks Dubois Roberts c/o Craig H. Durham Ferguson Durham, PLLC 223 N. 6th Street, Suite 325 Boise ID 83702 </div> <div> Richard Eppink Wrest Collective 812 W Franklin, Boise ID 83702 </div> </div>		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 10/23/1984	5. MARITAL STATUS S	6. DATE AND DAY OF ACCIDENT Friday, May 19, 2023	7. TIME (A.M. OR P.M.) about 8:45 am MDT	
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). <div style="text-align: center; padding: 20px;">Please see attached.</div>					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). 					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). 					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. <div style="text-align: center; padding: 20px;">Please see attached.</div>					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
Please see attached.		Please see attached.			
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY <div style="text-align: center; font-weight: bold;">\$50,000,000</div>	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause for nullity of your rights) <div style="text-align: center; font-weight: bold;">\$50,000,000</div>		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 			13b. PHONE NUMBER OF PERSON SIGNING FORM <div style="text-align: center; font-size: 1.2em;">208 4403946</div>	14. DATE OF SIGNATURE <div style="text-align: center; font-size: 1.2em;">8/11/23</div>	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
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12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE		12b. PERSONAL INJURY <div style="text-align: center; padding: 5px;">\$50,000,000</div>		12c. WRONGFUL DEATH	
				12d. TOTAL (Failure to specify may cause forfeiture of your rights) <div style="text-align: center; padding: 5px;">\$50,000,000</div>	
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). <div style="text-align: center; padding: 10px;"> </div>			13b. PHONE NUMBER OF PERSON SIGNING FORM <div style="text-align: center; padding: 10px;">208 440 3946</div>		14. DATE OF SIGNATURE <div style="text-align: center; padding: 10px;">8/11/23</div>
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Attorneys for Brooks Dubois Roberts

**ADDITIONAL PAGES TO STANDARD FORM 95:
CLAIM FOR DAMAGE, INJURY, OR DEATH**

Section 8: Basis of Claim

Federal government agents needlessly and repeatedly shot Brooks Roberts because he was homeless. It is a miracle that he survived. A 39-year old man with disabilities, he is now permanently paralyzed below his waist because of the government's egregious attack on him. He gives notice of his claims against the United States Forest Service and Bureau of Land Management based on its law enforcement agents' reckless planning, execution, and infliction of excessive force when they counterproductively arrested Mr. Roberts on minor regulatory offenses for being homeless and in poverty.

The plan to arrest Ms. Roberts and his family was ridiculous in itself – creating a deadly risk not just to Mr. Roberts, but to the general public and the government's own law enforcement officers – but its execution was tragic.

Deploying over a dozen law federal and state law enforcement officers from multiple agencies, including plainclothes officers, was beyond overkill. The choice to use overwhelming police force was entirely out of proportion to the charged offenses. There was, after all, no need to arrest Mr. Roberts or his family at all. Their only real “crime,” if any, was surviving in the face of poverty and homelessness.

Yet, the government prosecuted them for it, wasting taxpayer funds to hale the family into federal court on federal misdemeanors months before. Mr. Roberts had two appointed attorneys, his brother had two others, and his mom had another. The Court funded a social worker to assist the family with locating stable housing so they would no longer have to bake during summers and freeze in winters in the travel campers they had huddled in since their 2020 eviction.

No humane government would have turned to forcible and violent arrest to punish a family like the Robertses for trying to survive and stay together. Yet, rather than work with the Robertses and their social worker and attorneys to help them recover from the hardship the pandemic had wrought on their lives, the Forest Service and BLM collaborated to trick the family. The massive force they marshaled to arrest Mr. Roberts for “camping for a period longer than allowed” and “occupying a developed recreation site for other than recreation purposes” was an outrageous and reckless violation of human rights and common sense.

As a direct and proximate cause of Forest Service officers’ tortious conduct, Mr. Roberts was shot repeatedly, some of the government’s bullets tearing into his body while he lay prostrate and defenseless in mud. He is now paralyzed from the waist down,

remains in a rehabilitation hospital, and will have life-long complications. He seeks \$50,000,000 in compensation.



Brooks Roberts, bleeding from multiple gunshot wounds, including in his back

1. Struggling to Survive Amid an Unforgiving Economy

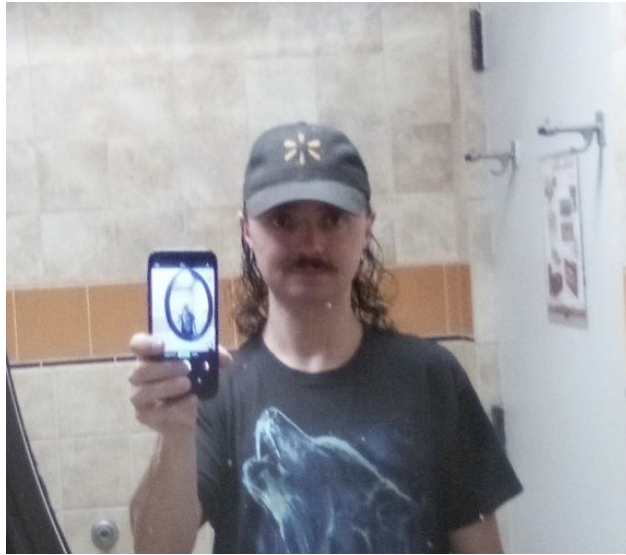
Mr. Roberts, together with his mom Judy and brother Timber, were a proud Idaho family hailing from Emmet, Idaho, until COVID-19 struck in spring 2020. Judy had worked in a manufacturing plant for 13 years. Then, in May that year she was T-boned in her car going to work by another vehicle that blew through a four-way stop. She lost her job. A few months later, the family was evicted from their longtime rental in downtown Emmett.



Judy Roberts

The family desperately searched for housing during an unprecedented public health emergency and a housing market in the Treasure Valley that was nearly impossible for renters. But with nowhere else to go, and an airborne pandemic raging, they were forced to gather what they could of their belongings into their two camp trailers and try to survive that way for the time being. They tried to find emergency shelter but were told it was all full. For months they moved from place to place across southwest Idaho, encountering law enforcement who told them, again and again, to move on. They tried their best to comply. Mr. Roberts got a job a Walmart in Boise working the night shift, driving sometimes for an hour or more each way to raise money for the

family and try to save up for the first months' rent and a security deposit—if they could ever find an available rental they could afford.



Brooks Roberts, before his injuries

They eventually landed on desolate BLM land outside of Boise, Idaho. The high desert is an inhospitable place, and over the winter of 2021–2022 Judy Roberts suffered severe frostbite. Lacking adequate heat, her feet eventually froze to the floor of an old school bus. Hallucinating, she was rushed to the hospital, but doctors could not save her feet. After a double amputation, she spent several months in physical therapy learning how to walk with prosthetics.

The climate in the summer of 2022 was equally brutal in the BLM desert, just in the opposite direction. The Robertses had no air conditioning or even running water. Lacking necessities, they struggled, often hungry and baking in the tin cans that were their shelter. A local non-profit, CATCH of Boise, began assisting them by providing them with food and water.

Then, in June of 2022, Brooks Roberts was seriously hurt during one of his overnight shifts at Walmart. He has since needed a wheelchair for mobility, though he retained some feeling in his legs and had command of his bodily functions. After his injury, CATCH assisted Mr. Roberts in signing up for permanent supportive housing, which is safe and stable housing for homeless people who are disabled.

Despite CATCH's progress with this family, BLM continued to pressure the family. BLM issued an ultimatum: they had to leave by late October 2022, but with no place to go.

They complied as best as they could with that directive, moving further north to the West Face trailhead on U.S. Forest Service land near McCall, Idaho. But, again, they had no running water, and maintaining good sanitation was still difficult. On top of that, the winter of 2022–2023 dumped nearly 26 feet of snow at nearby Brundage Mountain. The Robertses were snowed in.

By February of 2023, the Government had charged Judy, Timber, and Brooks with multiple misdemeanor counts related to staying on federal lands longer than allowed. The Government indicated it would seek jail time, and lawyers were appointed for all three.

2. The Needless and Tragic Planning, Arrest, and Shooting of Brooks Roberts

After they were charged, the Roberts family was still stuck at the trailhead, which continued to experience heavy late winter and early spring snow.

Over the next several weeks, the Forest Service allegedly received complaints that Timber Roberts had worried a few members of the public when they neared the family's makeshift home. After that, the Government made the fateful decision to forcibly arrest

not just Timber but the entire family, and to do it by surprise. Without informing even the Robertses' court-appointed attorneys, the government filed new misdemeanor charges and got secret arrest warrants for Judy, Brooks, and Timber.

Lead Forest Service Officer Stacie Lockner, together with Forest Service and BLM agents, Idaho Fish and Game officers, and the Adams County Sheriff's Office, planned to arrest and jail Judy, Timber, and Brooks on these low-level regulatory misdemeanors.

No agent contacted the Robertses' appointed attorneys. No agent reached out to see if they would surrender on these charges, as they had before. Instead, the government agents hatched an absurd, exploitative ruse to lure Timber Roberts out of the family fifth wheel on false pretenses so he could be taken into custody by physical force. There appears to have been no serious planning on what the next step would be to humanely arrest Judy and Brooks after Timber was in custody.

A little after 8:30 am MDT on May 19, 2023, with Officer Stacie Lockner hiding in the back seat, Forest Service Officer Noel Rupel and Forest Service Officer Erik Franke, both in flannel shirts and jeans, drove an unmarked pickup to the trailhead and parked near the fifth wheel. They lingered for a few moments, pretending to read the signboard. They then knocked on the RV and told Judy that they needed a jump because they had a dead battery. Timber quickly emerged to help them. He moved his mother's pickup to where the unmarked truck was parked with its hood up. Unknown to the Robertses, however, a backup force of many federal and state officers waited nearby, out of sight.

As Timber moved between his mother's truck and the unmarked police truck, the two plainclothes officers grabbed him. He had a broken arm that had just come out of a cast. He began to scream in pain, yelling for help, as the officers struggled to subdue him.

Hearing the screams of his brother, Brooks grabbed a small .22 revolver in the RV, opened the door, and jumped into his wheelchair. He wheeled toward where he heard the screaming. At the same time, the backup officers began speeding in their cars toward the same area, with their sirens on, from the other side of the parking lot.

As Brooks rounded the corner of Judy's truck, undercover officer Rupel, without warning or identifying himself, immediately opened fire on Brooks. As soon as Brooks realized law enforcement was present, he tossed the gun and fell out of his wheelchair.

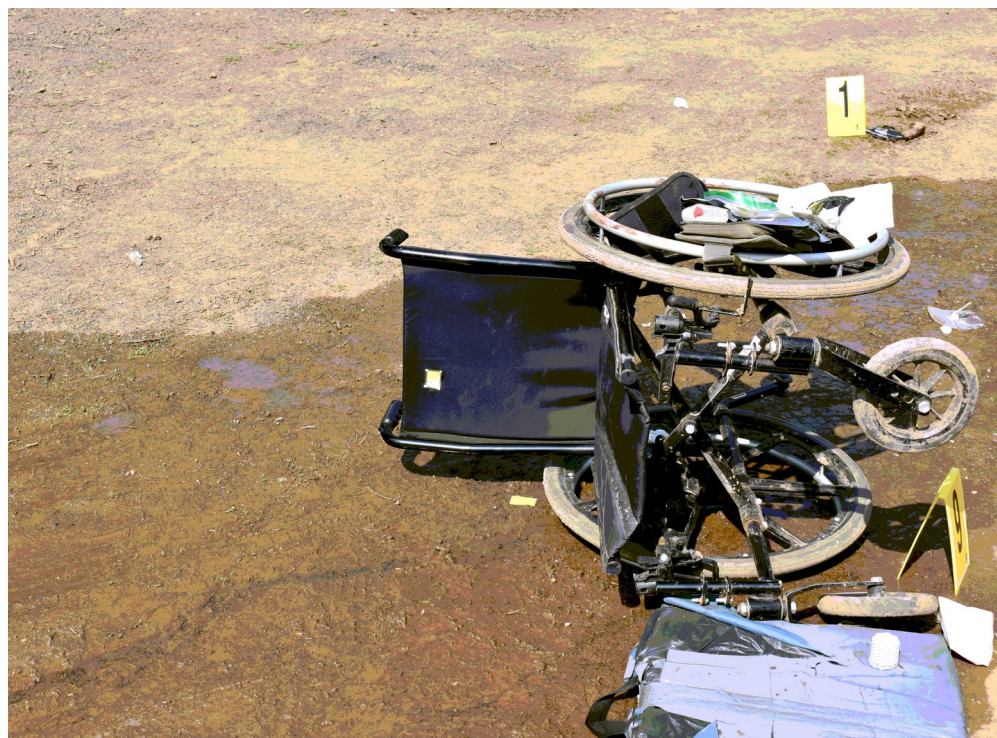
Waiting a few beats, Officer Lockner then fired repeatedly at Brooks, including while he lay helpless in the mud.

Brooks was shot through his arm, in his armpit, through his back shoulder, the middle of his back, and several times in his legs. A bullet pierced his spine and lodged there. Excerpts from officers' on-body video of the ruse, the shooting, the Brooks's interaction with officers immediately after captured the shooting and its aftermath:

- [Excerpts from on-body video recorded by Officer Lockner](#)
- [Excerpts from on-body video recorded by Officer Brizzi](#)



Screen captures from Officer Lockner's on-body video, seconds after she shooting stopped



Mr. Roberts' toppled bullet-ridden wheelchair, with his revolver several feet away, where they rested after the shooting

Brooks did not fire a shot, and his gun was out of his reach on the ground, several feet away. This shooting was reckless and indiscriminate. One of the agents' bullets pierced the hood of Judy Roberts' truck. And a team of officers was in the nearby woods in the line of cross-fire.

Section 10: Personal Injury

Mr. Roberts is still in the hospital, paralyzed from the chest down and with limited use of his right arm. His prognosis is guarded. He likely will never recover the use of his lower body. He cannot control his bowels and requires a diaper. His recovery will be slow and difficult.

He has and will continue to suffer extreme physical pain and suffering, lost wages, loss of opportunities including likely permanent and substantial disability, loss of enjoyment of life, offense to his dignity and his human and constitutional rights, humiliation, trauma and related disorders, extraordinary fear and stress, and emotional distress. He will carry the harm done to him for the rest of his life. The government's conduct here is unconscionable, and it cannot be excused in a civil society.



Section II: Witnesses

Possible witnesses include, but are not limited to, the following:

- Stacie Lockner, United States Forest Service
- Noel Rupel, United States Forest Service
- Erik Franke, United States Forest Service
- David Robinson, United States Bureau of Land Management
- Kevin Brizzi, United States Forest Service
- Brian Hart, United States Forest Service
- Shane Barton, United States Department of the Interior
- Travis Book, United States Forest Service
- Fallon Higgins, United States Forest Service
- Dean Hickman, United States Forest Service
- Randy Martinez, Idaho Fish & Game
- Benjamin Hurd, Idaho Fish & Game
- Tucker Heap, Federal Bureau of Investigation
- Jonathan Riggs, Federal Bureau of Investigation
- Canepa Nicolo Antonio, Federal Bureau of Investigation
- Lance Roundy, Federal Bureau of Investigation
- Mike Douglass, Federal Bureau of Investigation
- Benjamin Dean, Federal Bureau of Investigation
- Logan Linnan, United States Forest Service
- Sarah Butler, United States Forest Service
- Michael Norton, United States Forest Service

- Tawny Myers, United States Forest Service
- Corporal Scott Tulleners, Idaho State Police
- Detective Jerry Tatum, McCall Police Department
- Detective Sean Moore, Adams County Sheriff
- Judy Roberts, c/o Randall Barnum, Barnum Law, PLLC, 380 S. 4th Street, Ste. 104, Boise, Idaho 83702
- Timber Roberts, c/o Federal Defender Services of Idaho, 702 W. Idaho Street, Ste. 1000, Boise, Idaho 83702
- Brooks Roberts, c/o Craig Durham, Ferguson Durham, PLLC, 223 N. 6th Street, Ste. 235, Boise, Idaho 83712

There are additional law enforcement agents and investigators involved in the aftermath of the shooting. There are also multiple health care providers that have assessed, diagnosed, and treated Mr. Roberts' extensive injuries from the shooting. Upon request, we will provide medical records that identify those providers, who are additional witnesses.