

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ISABEL G. ANDRADE, <i>et al.</i>	§	CIVIL ACTION NO. W-96-CA-139
	§	JUDGE WALTER S. SMITH
Plaintiffs,	§	
	§	and consolidated actions:
V.	§	<i>Holub v. Reno</i> W-96-CA-140
	§	<i>Ferguson v. Reno</i> W-96-CA-141
PHILLIP J. CHOJNACKI, <i>et al.</i>	§	<i>Brown v. U.S.</i> W-96-CA-142
	§	<i>Riddle v. Reno</i> W-96-CA-143
Defendants.	§	<i>Gyarfas v. U.S.</i> W-96-CA-144
	§	<i>Martin v. U.S.</i> W-96-CA-145
	§	<i>Holub v. U.S.</i> W-96-CA-146
	§	<i>Brown v. U.S.</i> W-96-CA-147
	§	<i>Sylvia v. U.S.</i> W-96-CA-373

**ANDRADE PLAINTIFFS' SUPPLEMENTAL APPLICATION
TO RECONSIDER DISMISSAL OF *BIVENS* CLAIMS
AGAINST DEFENDANTS JEFFREY JAMAR
AND RICHARD ROGERS**

1. The *Andrade* Plaintiffs are continuing to wade through the dozens of boxes of documents dumped on Plaintiffs by the Government after the document production deadline of January 15, 2000.¹ After completion of Plaintiffs' application for reinstatement of the *Bivens* claims against Defendants Jeffrey Jamar and Richard Rogers, two additional documents have come to the attention of Plaintiffs' counsel which have a significant bearing on this issue. These are action summaries supporting recommendations of the "FBI Shield of Bravery" and

¹ Plaintiffs will supplement later this week their motion for sanctions in connection with this production.

“substantial cash incentive awards” for HRT members involved in the April 19, 1993 assault.

2. The action summaries for the driver and passenger in CEV-2 on April 19, 1993, describe their activities as follows:

SA XXXXX began a systematic destruction of the black side of the compound at 6:00 a.m., April 19, 1993. Through skillful maneuvering of his CEV, SA XXXXX was able to remove the entire black side of the compound.

Attached to this supplemental application are copies of the original action summaries submitted under seal.²

3. These action summaries — each of which contains the language concerning “**systematic destruction of the black side**” and “able to **remove the entire black side**” — are glaring admissions of the HRT’s departure from the plan of operation approved by the Attorney General of the United States for April 19, 1993, at Mt. Carmel. It is absolutely clear that the orders given to CEV-2 on April 19, 1993, by Defendants Jamar and Rogers were **not** to “create escape openings,” “clear a path to the tower,” or “probe for openings in which to insert gas,” some of the various conflicting explanations they and others have given for the activities of CEV-2 on the black side of Mt. Carmel on April 19.

² Simultaneously with filing this supplemental application, Plaintiffs are submitting redacted copies of these action summaries to counsel for the Government and requesting their approval of the redaction of all personal identifying information, so that these can be publicly released.

4. The Plaintiffs' application for reinstatement of *Bivens* claims against Defendants Jeffrey Jamar and Richard Rogers should be granted.

Respectfully submitted,

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Lead Counsel for the *Holub* cases

CERTIFICATE OF SERVICE

I certify that on February 2, 2000, I have served a true copy of the foregoing to the following by fax:

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