

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACK LIVES MATTER SEATTLE-
KING COUNTY, ABIE EKENEZAR,
SHARON SAKAMOTO, MURACO
KYASHNA-TOCHA, ALEXANDER
WOLDEAB, NATHALIE GRAHAM,
AND ALEXANDRA CHEN,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

No. 2:20-cv-00887-RAJ

DECLARATION OF SETH KRAMER IN
SUPPORT OF PLAINTIFFS' MOTION FOR
CONTEMPT

I, Seth Kramer, declare and state as follows:

1. The information contained in this declaration is true and correct to the best of my knowledge, and I am of majority age and competent to testify about the matters set forth herein.

2. I live in the Capitol Hill area of Seattle where I have lived for two and a half years. Before that, I lived in the Beacon Hill area of Seattle for five years.

3. I am a graduate student in the School of Social Work and recently completed a Master's in Public Health at the University of Washington in Seattle. I do research on the effects of violence in social protests and the effect on health outcomes. I have received approval from the Institutional Review Board at the University of Washington to conduct a study of the formal

1 and informal ways that protests are organized to include security for the safety of protesters and
2 the provision of medical care for injured protesters. It is accepted, as a matter of methodology in
3 anthropological, sociology, and other disciplines, for data collection to be conducted by
4 participant observers and key informant interviews.¹

5 4. Before Saturday, July 25, 2020, I participated in and observed protests against
6 police violence in Capitol Hill on numerous occasions. But the police violence I experienced and
7 observed on July 25, 2020, was the most I have ever seen and experienced in all the protests I
8 have ever attended. I had never seen or experienced anything like what the SPD did that day.

9 5. Beginning at roughly 4 p.m., Seattle Police Department (SPD) began throwing
10 different forms of incendiary devices (grenades with pepper spray, flash-bangs) into the crowd of
11 people indiscriminately. I began on 11th Ave, just north of the intersection, where a smaller
12 group of protesters were facing the police. I remember the chaos of what appeared to be over a
13 hundred police arrive quickly and aggressively begin assaulting protesters. I left the location due
14 to the larger group of protesters being pushed back on Pine towards Broadway. I was concerned
15 for my own safety in a smaller group with such a large police presence and their reputation for
16 violence.

17 6. When I arrived at Pine and Broadway, police began indiscriminately tossing
18 different forms of incendiary devices at the crowd. The first volley lasted for roughly 5 minutes
19 of consecutive tossing of different types of grenades. To my recollection, everything thrown at
20 the protesters were circular grenades which explode. I do not recall seeing anything thrown at
21 protesters that was designed to remain intact.

22 7. After the first 5-minute round of grenades, the police officers walked back
23 towards the East Precinct on Pine. Protesters followed from a quarter of a block distance. As the
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26 ¹ See, e.g., Barbara B. Kawulich, Participant Observation as a Data Collection Method, Forum: Qualitative
Social Research, 6:2 (May 2005), <https://www.qualitative-research.net/index.php/fqs/article/view/466/996>
(discussing long history of data collection by participant observers).

1 cops were at the intersection of 11th and Pine, SPD again began to throw incendiary devices into
2 the crowd indiscriminately, one after another. Protesters had pulled a dumpster into the street for
3 protection against rubber bullets that SPD began firing in their direction and a few protesters
4 began throwing plastic water bottles at the police.

5
6 8. For what felt like 10 minutes, SPD sent volley after volley of grenades at the
7 protesters. I witnessed SPD officers conversing with each other about where they would be
8 sending each grenade, pointing at individual protesters in the middle of dense crowds. I saw
9 other times when it felt as if SPD officers threw grenades at random due to the consistent volley
10 simultaneously thrown at protesters. Rarely were the grenades thrown in front of the crowd of
11 protesters. SPD threw grenades into densely packed areas that were already well blanketed in gas
12 or smoke. I could not tell what kind of chemical irritant was being used.

13
14 9. **Due to the massive crowd of individuals (roughly 750), every grenade thrown**
15 **at protesters exploded near hundreds of people, with shrapnel hitting any protester in the**
16 **vicinity. I was personally hit more than 10 times in the legs, hand, chest, and head. I also**
17 **witnessed journalists hit by the explosions.**

18 10. **Police would then shoot rubber bullets into the crowd.**

19 11. As police came closer to protesters, they would then fire industrial pepper spray at
20 protesters. This was sometimes targeted, but more often it appeared to be sprayed
21 indiscriminately back and forth across the crowd.
22

23 12. For the next 2 hours, as I recall, the pattern continued of SPD marching forward,
24 sending volleys of grenades for 5-10 minutes, retreating, then resuming volleys of grenades 15
25 minutes later. Protesters antagonized police with words, plastic water bottles, trash, occasional
26

1 firework, and unexploded grenades that SPD had previously thrown at the protesters (i.e.,
2 throwing back to SPD the very devices they had thrown at protesters).

3 **13.** At roughly 6:30 p.m., the police then began pushing protesters through residential
4 neighborhoods. Starting at Pine St. and Broadway, police began chasing protesters on Broadway
5 towards E. Howell St., then down Boylston Ave., up Pike St., back down Broadway Ave., and
6 then up Denny Way. Police chased protesters down these streets, with police occasionally
7 stopping and both sides regrouping, then returning chasing protesters. **As this occurred, police**
8 **indiscriminately threw grenades into the crowd. As most protesters were *running away***
9 **from the police, I cannot think of any legitimate reason for using force other than**
10 **intentionally trying to scare and harm protesters who were trying, at this point, to get away**
11 **from police.**

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13
14 **14.** I was hit roughly 10 times by grenade fragments. Lasting effects include a small
15 laceration on my lower right shin, a large purple bruise on my upper thigh, a burn and swelling
16 on my left-hand knuckles, and consistent ringing and pain in my right hand ear. The ear pain is
17 the result of a number of grenades exploding within an arm's reach from my ear.

18 **15.** On Sunday, July 26, I awoke with pain in both legs, left hand, and right ear. I
19 received an informal phone consult from a friend (licensed MD, general practitioner) who
20 advised me to seek medical attention. I saw Dr. Yvette May Mabasa at UW Neighborhood Clinic
21 Ravenna Urgent Care on July 26 at roughly 3:30 p.m. Dr. Mabasa documented my bruising, first
22 degree burns on my hand, and referred me to see an audiologist at Harborview Clinic. I was
23 prescribed silver sulfadiazine topical cream for the 1st degree burn on my left hand.

24 **16.** The Harborview Clinic was not open for scheduling on Sunday, July 26. I was
25 able to get an appointment for Wednesday, July 29, with Dr. Holly Bridges. Dr. Bridges
26

1 administered a comprehensive hearing test, concluding a “moderate sensorineural hearing loss
2 notch centered at 4kHz in the right ear” and “mild sensorineural hearing loss threshold at .5 and
3 4kHz in the left ear.” I was told that there was a “sudden change in hearing following noise
4 exposure, and slight asymmetry between ears R>L.” I was told that I needed a follow up
5 assessment and care.
6

7 17. On July 31, I saw Dr. Gavriel Kohlberg (Otolaryngology). Dr. Kohlberg
8 prescribed prednisone (60m daily x 7 days) and pepcid (for acid reflux resulting from
9 prednisone) in the hope of repairing some range of hearing. Dr. Kohlberg informed me that there
10 is some evidence that prednisone can repair acute hearing loss, but it is not a certainty. I began
11 medications on Saturday, August 1.
12

13 18. As of Saturday, August 1, the pain in my right ear has continued. I am unable to
14 sit in a room without some form of sound (fan, music) due to tinnitus and pain in my right ear. It
15 has made schoolwork (I am currently taking an intensive Arabic language course through the
16 University of Washington) incredible difficult and has deeply impacted my ability for continuous
17 focus.
18

19 19. The pain in my ear makes it difficult if not impossible for me to conduct my
20 approved research as a participant observer, at least until my ear is sufficiently healed.
21

22 20. True and correct photos taken on July 25, 2020, and on July 28, 2020, of my calf
23 injury is attached hereto, respectively, as **Exhibits A – B**.

24 21. A true and correct photo taken of report by audiologist on July 29, 2020, is
25 attached hereto as **Exhibit C**.
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Executed this 3rd day of August 2020 at Seattle, Washington.

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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

By: 

SETH KRAMER

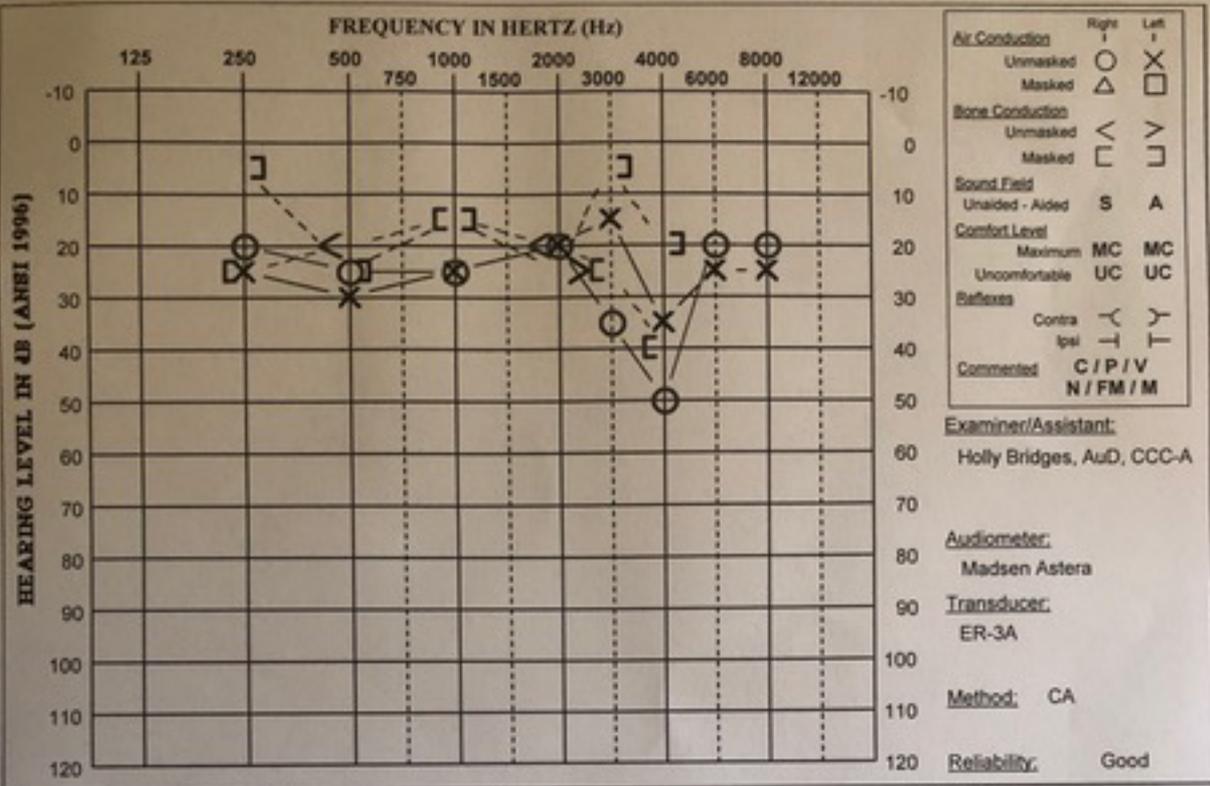
EXHIBIT A



EXHIBIT B



EXHIBIT C



Examiner/Assistant:
Holly Bridges, AuD, CCC-A

Audiometer:
Madsen Astera

Transducer:
ER-3A

Method: CA

Reliability: Good

MONAURAL		SOUNDFIELD	
RIGHT	LEFT	UNAIDED	AIDED
Pure Tone Average (PTA) [See key below]			
Air 23 dBHL [3a] Bone 18 dBHL [3a]	Air 25 dBHL [3a] Bone 22 dBHL [3a]		
Speech Reception Threshold		SndFld UNAIDED	SndFld AIDED, BILAT
Air 20 dB	Air 25 dB	SndFld AIDED, RIGHT	SndFld AIDED, LEFT
Word Recognition		SndFld, UNAIDED	SndFld AIDED, RIGHT
* 96% at 80 dB	* 96% at 65 dB		SndFld AIDED, LEFT

Patient is a 34 y/o man w/ c/o hearing loss, pressure, and pain of the right ear since exposure to explosive noise near his right ear at a protest on 7/25/2020.
 Pure tones: Right: WNL with SNHL notch centered at 4 kHz; Left: WNL with mild SNHL thresholds at .5 and 4 kHz (conductive overlay at 25 and 4 kHz left).
 WRS (recorded W-22): Excellent bilaterally.
 Tymps: ECV slightly above norms w/ pressure and compliance WNL bilaterally.

PTA codes: 2a-500/1000, 2b-500/2000, 2c-1000/2000, 3a-500/1000/2000 4a-500/1000/2000/3000. * - masked values

EXAMINER SIGNATURE _____ Date **07/29/2020**

Patient Identifier: [REDACTED]

NAME: **Kramer, Seth**

D.O.B.: [REDACTED] 1986

UNIVERSITY OF WASHINGTON MEDICAL CENTERS
 HARBORVIEW MEDICAL CENTER - UW MEDICAL CENTER
 SEATTLE, WASHINGTON
 AUDIOLOGIC EVALUATION

Testing Location: UWMC HMC ESC

4 0 0 1 2 9 *