

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OLUSHOLA ODUNEYE,
Plaintiff,
v.
OFFICER CERAY BURNS *et al.*,
Defendants.

Civil Action No. 1:25-cv-02475

**DECLARATION OF OLUSHOLA ODUNEYE IN SUPPORT OF
PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Olushola Oduneye, declare as follows:

1. My name is Olushola Oduneye. I am 40 years old and live in Maryland with my wife and infant son. I am originally from Nigeria and have resided in the United States for several years.
2. Since 2021, I have used a ridesharing application called Empower to earn a living and support my family. I chose Empower because it allows me to operate independently, set my own rates, and retain 100% of the fares paid by passengers. Empower is a subscription-based platform used by thousands of drivers in the D.C. metro area.
3. On May 4, 2025, I was completing a drop-off of four passengers on M Street NW in Washington, D.C. The weather was rainy, and the area was busy due to a nearby event.
4. As I completed the drop-off and remained seated in my vehicle, a uniformed officer approached my driver's side window on foot. I later identified him as Officer Ceray Burns.

5. Officer Burns asked, “You dropping [them/them passengers] off?” I replied “Yes.” Officer Burns then asked, “You do Empower?” I answered truthfully, “Yes.”

6. Without asking for my consent, without providing a warrant, and without any legal justification, Officer Burns reached into my vehicle and seized my smartphone.

7. Officer Burns instructed me to “wait” and walked away with my unlocked phone. I did not feel safe or free to leave.

8. Roughly twenty five minutes later, Officer Burns returned and informed me that he had searched my smartphone, opened the Empower app, and taken photographs of its contents.

9. He then issued me two civil infractions:

- \$500 for using an app associated with an unregistered business; and
- \$250 for failing to display DFHV-approved trade dress.

10. Officer Burns ordered that my vehicle be towed and impounded, leaving me stranded in the rain without transportation. I had to walk and find other means to return home. I later paid fees to recover my vehicle.

11. These events caused me significant financial hardship, including lost income, towing and impound costs, and vehicle repair expenses. I also suffered emotional distress, humiliation, and fear during and after the incident.

12. Since that day, I have been too afraid to drive in the District of Columbia. I avoid entering D.C. altogether because I fear being stopped, searched, cited, and having my vehicle towed again—even if I am not breaking any laws.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September ^{7th}____, 2025.



Olushola Oduneye

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OLUSHOLA ODUNEYE,
Plaintiff,
v.
OFFICER CERAY BURNS *et al.*,
Defendants.

Civil Action No. 1:25-cv-02475

**DECLARATION OF BERTRAND KEPTCHOUANG DEYE IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Bertrand Keptchouang Deye, declare as follows:

1. My name is Bertrand Keptchouang Deye. I am 41 years old. I immigrated to the United States in July 2023. I live in Maryland. I support myself by driving and have used the Empower app.

2. On Friday, March 28, 2025, at approximately 7:54 p.m., I was driving in Washington, D.C., near Half Street SW and R Street SW. I was in traffic and driving with two passengers. I was making a turn and about to drop off passengers when two uniformed officers with the D.C. Department of For-Hire Vehicles (“DFHV”) stopped me.

3. One officer—whom I later understood to be Officer Ceray Burns—approached, signaled for me to stop, and immediately asked if I use Empower. I answered “yes.” The officers then ordered me to hand over my phone and said that if I did not cooperate they would take me to jail.

4. Under this threat of arrest, I handed over my iPhone 14. The phone remained unlocked. While holding my phone, the officer opened the Empower app, navigated to my information, and took photographs of the app's contents.

5. The officers also demanded my car key and told me that if I did not hand over the key they would take me to jail. I surrendered the key. I did not feel free to leave, and the officers did not tell me I could refuse to answer questions.

6. I did not have any Empower decals on my vehicle and did not have Uber or Lyft decals displayed.

7. The officers issued me two citations: \$500 for "using app while business is unregistered" and \$250 for "driver fail to display Empower trade dress." They then towed and impounded my vehicle. I later paid about \$180 in towing/impound fees to recover my car. I did not pay the citations at that time.

8. The stop and towing occurred on a Friday night, when I normally work late to earn weekend income. Because my car was impounded until Monday, I lost earnings for the rest of Friday and the weekend.

9. The encounter left me frightened and anxious. Being forced to hand over my phone, threatened with jail if I did not comply, and having my car towed has made me fearful of driving in D.C. because I worry that the same thing will happen again.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 8, 2025.



[Bertrand keptchouang deye \(Sep 8, 2025 18:22:19 EDT\)](#)

Bertrand Keptchouang Deye

EXHIBIT C

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OLUSHOLA ODUNEYE,
Plaintiff,
v.
OFFICER CERAY BURNS *et al.*,
Defendants.

Civil Action No. 1:25-cv-02475

**DECLARATION OF MICHAEL YAO IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Michael Yao, declare as follows:

1. My name is Michael Yao. I am 53 years old. I live in Baltimore, Maryland. I immigrated to the United States from Ghana and I am planning to become a U.S. citizen.
2. I am married. I work full-time as a footwear designer. I also drive for-hire as a second job. I began using Empower last year. On the day of the incident I was working on Uber, not using Empower.
3. On or about Friday, August 9, 2025, at approximately 8:00 a.m., I completed an Uber drop-off at Union Station.
4. A uniformed officer, Officer C. Burns, approached my driver's side and immediately asked if I dropped off a passenger who had just exited my car. I said yes. He then asked if I drive for Lyft or Uber. I told him I use Uber. He then demanded to see my phone.
5. I felt I had to comply because he was an officer and was authoritative in asking for my phone.

6. The officer took my phone from my hand. He began scrolling through my phone for more than ten minutes.

7. While scrolling through my phone, the officer said “oh, you have quite a lot of them,” or words to that effect. I understood him to be referring to apps. He then asked me about the Empower app on my phone and insisted that I was using Empower at the moment. I said I was not. He insisted that I was online. I pointed him to the Empower app screen, which indicated I was offline. I explained that the light-blue “go online” button meant the app was off and that I could not be on Empower and Uber at the same time. He stood at my door and continued to scroll through my phone.

8. He then asked me for my registration and license. He walked away with my phone to the rear of my car. He remained there with it for approximately another 10 to 15 minutes. He kept my phone for close to 25 minutes in total.

9. While the officer had my phone, I became upset because I knew the officer had no right to go through my phone, so I got out of my car to ask for it back. He angrily ordered me to return to the driver’s seat and did not allow me to speak. I complied. I did not feel free to leave at any time. I could not leave while he had my phone.

10. My consent to allowing the officer to see my phone was limited to showing the phone to the officer while I was holding it to confirm that I was using Uber. I did not consent to him scrolling generally through my phone or taking it away from me, and I did not consent to him using it out of my presence. I did not see whether he took photographs of the screen while he was behind my car.

11. The officer returned to my window, handed me a slip of paper, and told me to take a photo of it and send it to Empower. He did not tell me it was a ticket. Later I received an email

stating I owed a fine of more than \$500. Only then did I realize it was a citation; I filed a dispute and requested a hearing.

12. In particular, I received two citations: one for “using app while bus[iness] unregistered” and another for “fail to display Empower trade dress.”

13. While he was at my window, the officer told me Empower was illegal in Washington, D.C. He told me that I should delete the app and never use it in D.C., though he said I could use it in Maryland. He also stated that “normally” he would have towed my car. He did not tow my car.

14. The officer’s request for my phone came before any explanation of a legal basis for stopping me. I had committed no traffic violation. There were many other cars dropping off passengers in the same area, but the officer came to me.

15. From the moment the officer approached and especially once he took my phone, I believed I was obligated to stay and comply. I did not feel I could simply roll up my window or drive away without breaking the law. I remained until he gave back my phone and allowed me to leave.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 10, 2025.

Michael Yao

Michael Yao (Sep 10, 2025 09:52:11 EDT)

Michael Yao

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OLUSHOLA ODUNEYE,

Plaintiff,
v.
OFFICER CERAY BURNS *et al.*,

Defendants.

Civil Action No. 1:25-cv-02475

**DECLARATION OF ALI SHIR IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Ali Shir, declare as follows:

1. My name is Ali Shir. I am originally from Afghanistan. I am single and have a son who lives in Germany. I immigrated to the United States in 2014. I currently work full-time as an electrician and I also drive part-time using rideshare platforms.
2. I have driven using rideshare services since about 2017. Because I have a full-time job, my rideshare driving is part-time. Over roughly the past year I have occasionally used Empower.
3. On March 5, 2024, at around 8:35 p.m., I was driving in Washington, D.C. There was a checkpoint that was slowing and funneling traffic, with officers selectively stopping vehicles and directing some drivers to pull to the side.
4. I did not have a passenger in my vehicle at that time. Earlier that day I had completed a couple of rides elsewhere, but at the checkpoint my rideshare apps were closed or minimized.

5. Officers in uniform—including an officer I later learned was Officer Ceray Burns of the D.C. Department of For-Hire Vehicles (“DFHV”)—waved me over to the shoulder. One officer approached my driver’s window and asked, “Are you doing Empower, Uber, or Lyft ” I responded, “none.” After a brief exchange, he again asked, “you working Empower, Uber, or Lyft ” I again responded, “none.”

6. The officer then demanded my phone. I asked if he had a warrant for it. He did not answer my question, but again demanded my phone and directed me to pull over. I pulled over.

7. I did not consent to a search of my phone and did not hand over my phone. The officer did not tell me that I had a right not to answer questions, and I did not feel free to leave.

8. The officers then proceeded to issue citations and impound my vehicle. I was told that Empower is illegal in D.C. and that I was being cited for refusing to hand over my phone and for Empower-related violations.

9. I was assessed multiple citations: one for \$500 for “unlicensed non-DC operator,” another for “unlicensed vehicle non-DC resident,” and \$100 for “failed to obey sic vehicle inspections officer.” My vehicle was towed, and I later paid about \$190 in towing/impound fees to retrieve it.

10. Because my car was towed, I had to obtain a ride home to Ashland, Virginia, which cost about \$60. Being without my car also interfered with my ability to work and travel for personal obligations.

11. Throughout the checkpoint, I observed that officers were selectively stopping drivers. In my view, they appeared to be profiling drivers who looked like immigrants or Hispanic, while waving through many other drivers.

12. I have never previously been stopped by D.C. officers for alleged rideshare driving. The encounter left me anxious and distressed, and I continue to feel fearful about driving in D.C. because I worry I could be stopped and have my car towed again even when I am not carrying a passenger and have no app active.

13. I regularly video record my vehicle as part of my standard operating procedure when operating my vehicle. As a result, during the interaction with the officers on March 5, 2024, I recorded the initial stop of my vehicle. I am the person who initiated, operated, and preserved that recording, and I have continuously maintained possession of it since the recording was made. I have submitted herewith a true and authentic copy of that recording as **Shir Exhibit 1** to this declaration, and it is incorporated by reference as though set forth in full. Shir Exhibit 1 accurately records the initial stop of my vehicle.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 08, 2025.


Ali Shir (Signed, 2025 21:57:37 EDT)

Ali Shir

EXHIBIT 1

Pursuant to Local Rule 5.4(e) this electronic media is maintained in the possession of Mr. Oduneye's attorney responsible for filing.

EXHIBIT E

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OLUSHOLA ODUNEYE,
Plaintiff,
v.
OFFICER CERAY BURNS *et al.*,
Defendants.

Civil Action No. 1:25-cv-02475

**DECLARATION OF ABDUL WALIZAI IN SUPPORT OF
PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Abdul Walizai, declare as follows:

1. My name is Abdul Walizai. I am 42 years old and live in Fredericksburg, Virginia with my wife and our three children. I immigrated to the United States in August 2019 through the Special Immigrant Visa program after working as a translator and interpreter with U.S. government entities in Afghanistan, including the Department of Defense and U.S. Embassy. I am a lawful permanent resident (green card holder) and have an N-400 naturalization application pending.

2. Before losing my IT job a few months prior to the events described below, I worked as an IT systems analyst/data analyst. To support my family, I also drive using rideshare-related platforms. I primarily use Lyft or Uber (about 85–90% of my rides), and I have used Empower occasionally (about 10–15%) when the other apps are slow.

3. On the evening of March 14, 2025, I was completing a Lyft trip, dropping a female passenger at The Wharf in Washington, D.C. I lawfully pulled into the common drop-off lane adjacent to the active travel lanes where many cars stop briefly for drop-offs.

4. As the passenger exited from the rear door, a uniformed officer on foot approached my window. I later learned he was Officer Ceray Burns of the D.C. Department of For-Hire Vehicles (“DFHV”). I saw additional DFHV personnel in the vicinity.

5. My window was partially open. Without explaining any legal basis for a stop or search, Officer Burns demanded to know what app I was using and ordered me to hand over my phone. I said “what do you mean” and attempted to show that I was on Lyft. I also told him the phone was my private property and he does not need it. While my unlocked Android phone was in my hand, the officer reached through the window and took the phone from me without my consent. The officer ignored me when I told him that he could not just reach in and take my phone.

6. With my phone in his possession, Officer Burns scrolled through my device, navigating my apps until he found the Empower app. The app had been installed on my phone but was not open. He opened it and then ordered me to unlock the phone when it timed out. I did not consent, but I complied under pressure and because he was giving me commands in an aggressive manner. When I asked the officer what this was about, he repeatedly told me “I’ll tell you later.”

7. Officer Burns directed me to tap into my Empower profile while he continued to hold my phone. He then took photographs of the screen using a separate device he also used for ticketing.

8. After seizing and searching my phone, Officer Burns told me to get out of the car. He did not ask; he ordered me to exit. I stood with him for approximately 15-20 minutes while he continued handling my phone and looking around. During this period he did not tell me why I was stopped or what violation he was investigating. I did not feel free to leave.

9. At the time, my car had no rideshare decals because I had recently purchased the vehicle and was awaiting Lyft emblems. I had no Empower decals on the car.

10. Officer Burns ultimately stated that “Empower is illegal in D.C.” and issued me three citations: \$500 for “using app while business is unregistered,” \$250 for “driver fail to display Empower trade dress,” and \$100 for “fail to obey vehicle inspection officer.” He then ordered my vehicle to be towed and impounded. He removed my license plates and demanded my car key, telling me there would be additional charges if I did not comply. I talked to other officers nearby but they told me they could not do anything about it.

11. I called 911 during the encounter to report what was happening and to request assistance. I was told officers would come, but no one arrived.

12. Two other cars were also impounded by the same officer.

13. Because my car was towed, I was stranded at The Wharf that evening and had to take a taxi to Fredericksburg, which cost about \$100.

14. The following Monday, I went first to DFHV and then to the tow lot and paid \$180 to retrieve my car.

15. I had planned to work that Friday-Sunday (the busiest period for rideshare) and typically earn about \$1,500 over such a weekend. Because of the towing and loss of my vehicle, I lost those earnings, incurred towing and transportation costs, and had to borrow \$500 via Zelle to cover expenses. The incident also disrupted my family’s weekend plans and mobility.

16. I have never had any significant negative encounters with law enforcement in the United States. I strive to follow the law. This incident has left me fearful and anxious around police, and I continue to experience stress and humiliation from being forced out of my car, having my phone seized and searched, and being left without transportation.

17. At no point before seizing and searching my phone did Officer Burns advise me that I did not have to answer questions, and I did not feel free to refuse his commands. I believe I was targeted and treated aggressively in part due to my background and accent.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 10, 2025.

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Abdul ~~W~~alizai (Sep 10, 2025 12:06:15 EDT)

Abdul Walizai

EXHIBIT F

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

OLUSHOLA ODUNEYE,
Plaintiff,
v.
OFFICER CERAY BURNS *et al.*,
Defendants.

Civil Action No. 1:25-cv-02475

**DECLARATION OF MOHAMMAD WALLIZADEH IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Mohammad Wallizadeh, declare as follows:

1. My name is Mohammad Wallizadeh. I am a 44 year old U.S. citizen. I have lived here virtually my entire life. My family immigrated to the United States when I was six months old. I now live in the Washington, D.C. area. I drive to help support my family, including my daughter.

2. On Saturday, August 30, 2025, at approximately 9:00 a.m., I completed a Lyft drop-off at Union Station in Washington, D.C., after a trip that originated in Arlington, Virginia. After assisting the passengers with their bags, I returned to my vehicle. A Lyft decal was displayed on my windshield.

3. After dropping off the passengers, I parked for approximately 10-15 minutes before leaving Union Station.

4. As I began to depart the curb area and move into the traffic lanes in front of Union Station, a uniformed officer—whom I later understood to be Officer Ceray Burns of the D.C.

Department of For-Hire Vehicles (“DFHV”)—stepped directly into the lane in front of my moving vehicle, raised his hand like a crossing guard, and physically blocked my car. I had to brake to avoid striking him. From that moment I did not feel free to leave.

5. After stopping my vehicle by standing in front of it, the officer came to my driver’s side and immediately asked variations of, “Are you doing Uber, Lyft, or Empower?” I responded that I use multiple apps and had recently finished a Lyft trip; I did not have an Empower passenger and had not accepted any Empower request at that time. The officer did not identify any traffic violation or other reason for stopping me before questioning me about which app I used.

6. The officer then directed me to pull over. I complied. Once I was stopped at the shoulder, he continued questioning me about what “app” I was using, told me that what I was doing was “illegal,” and threatened that my car could be towed and held “until Tuesday” (it was Labor Day weekend).

7. Without a warrant and without my consent, the officer took my smartphone from my hand. I told him he could not take or search my private phone. He stated, in substance, that he had authority to do so, and that if I did not give him my phone, he would have my car towed and I would not get it back until Tuesday. He navigated through the device, including rideshare applications, used another device to take photographs of the screens he viewed, and walked away with my unlocked phone. I did not consent to any search or photographs.

8. When Officer Burns reached for my smartphone, I told him directly that he could not take or search my private phone. I made clear that I did not consent to any search of my device. Despite this, Officer Burns insisted that he had the authority to take my phone, grabbed it from my hand while it was unlocked, and walked away with it.

9. The officer issued me two citations—one for \$500 for “using app while bus[iness] unregistered,” and one for \$250 for “driver fail to display Empower trade dress.” He told me not to pay the tickets and to have Empower pay them. He did not tow or impound my car, but I was fearful he would do so based on his threats.

10. During the encounter, the officer wore what appeared to be a body-worn camera. At no point did he advise me that I could refuse to answer questions or decline a search.

11. The stop was not based on any traffic violation that I am aware of. The officer initiated the encounter by physically blocking my vehicle in the travel lane and then questioning me about rideshare apps. His conduct caused me to submit to his authority and I did not feel free to leave at any time.

12. The officer’s initial act of standing in front of my moving vehicle to stop me, his direction that I pull over, and his subsequent seizure and search of my phone occurred without a warrant, without my consent, and without any particularized reason given for suspecting me of wrongdoing beyond the general question about which app I used.

13. Officer Burns’ seizure of my phone and threat to tow my car was terrifying. Losing my car would be like somebody cutting my legs off, because my car is my livelihood and my way of seeing my daughter. I felt paralyzed in the moment when the officer threatened to tow my car, because my car is the only way I can work and support myself. When the officer grabbed my phone, I felt truly violated, as though my most private information had been taken from me without any ability to resist. The entire episode left me shaken and questioning where I was living and what kind of country this was, because what happened felt so contrary to the constitutional rights I believed were protected in the United States.

14. I am now fearful of driving in the District of Columbia. Since that day, I have experienced ongoing stress whenever I consider entering D.C. for work. Driving is my livelihood, and my car is essential not only to my income but also to my ability to see and care for my young daughter. The thought that an officer may again step in front of my car without cause, detain me, seize and search my phone without a warrant, and issue expensive citations or even impound my vehicle makes me fearful of returning to work in the District. I worry that I could lose critical income, be deprived of access to my car for days, and be unable to meet my financial and family obligations. The lack of any legal justification for the stop, and the officer's insistence that what I was doing was "illegal," has also shaken my trust in law enforcement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 11, 2025.



Wallizadeh (Sep 11, 2025 00:07:30 EDT)

Mohammad Wallizadeh