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CIRCUIT COURT OF OREGON
COUNTY OF MULTNOMAH

KATHRYN STEVENS, an individual,)	Case No.
)	
Plaintiff,)	COMPLAINT
)	
v.)	CLAIM SUBJECT TO MANDATORY
)	ARBITRATION
CITY OF PORTLAND, a municipal)	
corporation,)	PRAYER AMOUNT: \$10,000
)	
Defendant.)	FEE AUTHORITY: ORS 21.160(1)(a)

For her Complaint against Defendant City of Portland (“City”), Plaintiff

Kathryn Stevens (“Stevens”) alleges as follows:

INTRODUCTION

1.

On or about November 21, 2016, Stevens participated in a peaceful march from Holladay Park in Northeast Portland to downtown Portland. During the protest, Portland Police Bureau Officers (“PPB Officers”) intentionally used excessive force in arresting Stevens, including but not limited to, hitting her in the face while she was in handcuffs. Under the Oregon Tort Claims Act, the City of Portland is liable for the Portland Police Officers’ tortious battery.

THE PARTIES

2.

Stevens is a citizen and resident of Portland, Oregon.

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1 3.

2 Defendant City of Portland is a municipal corporation and public body within
3 the State of Oregon, located in Multnomah County.

4 4.

5 The Portland Police Bureau is an agency of the City. The acts that give rise to
6 Stevens's claims were committed by Portland Police Bureau Officers in the course and scope
7 of their duties on the public body's behalf. Under ORS 30.285(1), the City must indemnify
8 its officers and is therefore liable for the Portland Police Officers' torts against Stevens.

9 5.

10 Notice of this claim was properly given to the City within 180 days of the
11 incident.

12 **FACTUAL BACKGROUND**

13 6.

14 The City of Portland, Oregon, has a long history of an engaged citizenry and
15 is a hub for First Amendment activity, with numerous public marches and large public
16 gatherings each year. Public assemblies enrich the fabric of Portland by providing a means
17 of expression when people feel unheard through other methods, a beacon of solidarity and
18 connection for people impacted by the issues subject to protest, a vehicle to spark
19 conversations and debate about important issues, and an opportunity to form community and
20 connections, leading to constructive engagement, organizing, and action.

21 7.

22 Portland also has a history of its law enforcement agency—the Portland Police
23 Bureau (“PPB”)—clashing, often violently, with protesters. The PPB has become
24 increasingly militarized in its tactics, deploying droves of officers wearing tactical dress,
25 including helmets, carrying batons, and full-body riot shields (“riot gear”), and using
26 chemical agents as crowd-control weapons. These crowd-control weapons include tear gas,

1 | pepper-spray bullets, and flash-bangs (which create a loud explosion and a very bright flash
2 | of light). On multiple occasions, PPB Officers have, without warning, deployed chemical
3 | agents against protesters, as well as non-protesting bystanders, members of the press, and
4 | patrons of nearby businesses.

5 | 8.

6 | In response to the November presidential election, a group of high school
7 | students organized a demonstration in Holladay Park, followed by a march from the park to
8 | downtown Portland. The high school students were inspired by an organization called PDX
9 | Resistance, founded by Stevens and her partner, Greg McKelvey. Stevens attended the
10 | protest to voice her opposition to newly-elected president Donald Trump, and to support the
11 | high school students' efforts.

12 | 9.

13 | After a number of speeches in Holladay Park, the demonstrators began to
14 | march downtown by way of the Burnside Bridge. Stevens and McKelvey joined the
15 | demonstrators. There was a large presence of PPB Officers on bicycles, attempting to keep
16 | the students on the sidewalk, and when that effort failed, flanked the students and escorted
17 | them through traffic.

18 | 10.

19 | As the march proceeded in downtown after crossing the Burnside Bridge,
20 | Stevens and McKelvey were separated. Stevens scanned the crowd for McKelvey and saw
21 | him being escorted by police. Stevens believed that McKelvey had been injured and that the
22 | police were helping him get help. Concerned for McKelvey's safety and wellbeing, Stevens
23 | rushed to him and hugged him from behind. Only then did Stevens realize that McKelvey
24 | was not receiving help from the police, but was instead being arrested.

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11.

Then, without warning or announcement, PPB Officers pushed Stevens to the ground. A PPB Officer then pushed Stevens’s head in the ground, preventing her from moving. PPB Officers then lifted Stevens by her jacket, choking her. Officers let her hang there, and her vision went black and she could not breathe. The officer then dropped her to the ground. She was then handcuffed, and sat down on a curb.

12.

While Stevens was sitting handcuffed on the curb, another PPB Officer approached her and, without warning or explanation, grabbed her head and twisted it around, injuring her neck. He then began digging his fingertips into her face, causing Stevens severe pain. The PPB Officer then picked Stevens up by the jacket, and took her and McKelvey to a nearby alley.

13.

In the alley, while Stevens was still in handcuffs, PPB Officers threw Stevens to the ground. One PPB Officer held her down by her back, and the other officer continued to hit and push on her face as he had before, causing Stevens severe pain. The PPB Officer taunted her, asking “Do you like this? Are you enjoying things? You’re going to get arrested.” She was then arrested.

FIRST CLAIM FOR RELIEF

BATTERY

14.

When PPB Officers arrested Stevens, they intentionally used excessive force. As such, the City is liable for battery. Because the officers’ force was excessive, their actions were not privileged under ORS 161.235.

///
///

15.

The PPB Officers’ excessive use of force sprained Stevens arm and caused internal bleeding. As a result of these injuries, Stevens has suffered damages in an amount to be determined by a jury not to exceed \$10,000.

SECOND CLAIM FOR RELIEF

ATTORNEY FEES

16.

Stevens incorporates by reference the allegations above.

17.

More than thirty (30) days before filing this complaint, Stevens made a demand, accompanied by the requisite medical records, upon the City for payment of \$10,000 in damages. The City has failed and refused to pay the demand. Stevens is entitled to her reasonable attorney fees in the prosecution of this claim under ORS 20.080.

WHEREFORE, Plaintiff Stevens prays for judgment from this Court on her claims as follows:

1. For Plaintiff’s first claim for relief, a judgment against the City in a sum not more than \$10,000;

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2. For Plaintiff's second claim for relief, a judgment against the City for Plaintiff's reasonable attorney fees, costs, and disbursements; and

3. For such other and further relief as the Court deems just and equitable.

DATED this 8th day of March, 2018.

TONKON TORP LLP

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