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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**TUCK WOODSTOCK; DOUG BROWN;
SAM GEHRKE; MATHIEU LEWIS-
ROLLAND; KAT MAHONEY; JOHN
RUDOFF**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal
corporation; and **JOHN DOES 1-60**,
individual and supervisory officers of Portland
Police Bureau and other agencies working in
concert,

Defendants.

Case No. 3:20-cv-1035-BR

**DECLARATION OF KAT MAHONEY IN
SUPPORT OF PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

I, Kat Mahoney, declare:

1. I am an Oregon resident who lives in the City of Portland. I am an independent attorney and unpaid legal observer, a role that I have served since 2017. I have attended the Portland protests nearly every night for the purpose of documenting police interaction with protesters. If called as a witness, I could, and would, testify competently to the facts below.

2. Nearly every night since they began, I have attended the protests to watch what is happening and observe how the police are treating peaceful protestors. I wear a blue vest that clearly identifies me as a legal observer.

3. On the nights I have gone to observe the protests, I have not broken any laws or done anything violent towards anyone.

4. I have not interceded as police have attacked, arrested, brutalized, and intimidated members of the public peacefully exercising their First Amendment rights.

5. I have only observed.

6. Nearly every night, from the beginning of the protests until this Court issued its injunction in *Don't Shoot Portland v. City of Portland*, I was a victim of police's tear gas.

7. On June 2, 2020, I noticed that the police had begun to use a new form of tear gas. I was on my motorcycle that night. To avoid getting tear gas inside my helmet, I remained on a side street near the edges of the crowd near the Justice Center. Nevertheless, the Portland Police shot tear gas from the rear and sides of the crowd, so the tear gas reached me. I sought to retreat.

8. My first indication that this was a new type of gas was that it smelled different and felt stronger. I managed to drive my motorcycle only two blocks before losing my vision. In addition to the usual effects—profuse tears, profusely runny nose—my throat began to close and I had trouble breathing. I quickly sought medical attention.

9. Once I felt it was safe, I attempted to return home on my motorcycle. On the way home, however, I began involuntarily convulsing, shaking, and twitching. I was unable to concentrate on basic tasks like shifting gears. Fortunately, I was able to arrive home safely.

10. Once home, however, I was disoriented and unable to function for several hours.

I was barely able to open my door. I was unable to count past six. I was unable to open a tube of toothpaste. I just lay on the floor convulsing for two hours.

11. Shortly after being exposed to the extra-strong tear gas, my menstrual cycle began a full week early. I understand that there may be a scientific correlation between exposure to certain types and concentrations of tear gas and menstrual irregularities. I know of no other factor that may have affected my menstrual cycle.

12. Although I have been the victim of Portland police's tear gas many times, I have never suffered such symptoms. The tear gas I experienced on June 2 was of a different formulation, or a stronger concentration, than any the Portland police have used before.

13. On the night of June 10, I was attending the protests near the Justice Center as a legal observer. I was wearing a blue vest that clearly identified me as a legal observer. At all relevant times, I was well-lit by police floodlights. No police officer could have been confused as to the role in which I was attending.

14. Shortly after midnight, a woman who appeared to be mentally unstable wandered into the fenced-off area near the Justice Center. She walked back and forth for a moment, exited my field of view, and then returned having shed all of her clothing. At this point, I moved to the front of the crowd, because I knew that legal observation might become crucial.

15. Portland police officers began running at the woman. She began running away, but became confused and was unable to find the exit. She panicked. As she ran alongside the fence, a protester entered the fenced-off area to assist her. Together, they began running away from the police and toward the exit.

16. Most people who were at the fence, including me, were recording the events unfolding on their cameras and smartphones. Even though the two individuals inside the fenced-off area were retreating, Portland police officers opened fire on them. And, in an attempt to minimize video evidence, Portland police also opened fire on people recording the event near the fence, including me.

17. A rubber bullet impacted a cement barrier a few inches from my face and

exploded. Shrapnel from the detonation hit my hands, phone, and shoulders. Had I not been recording the event, shrapnel would have hit me directly in the face. As it was, I suffered severe injuries to my left hand, including my left ring finger, which swelled up to three times its normal size and remained painful for two days.

18. The police targeted me, even though I was clearly marked as a neutral legal observer by my blue vest, because I was recording an altercation between police and protesters.

19. On June 19, police conducted an operation to arrest a protester inside the fence surrounding the Justice Center. During the operation, to provide “covering fire,” two police officers fired indiscriminately into the crowd surrounding the Justice Center. There was no need for “covering fire”—every other protester was on the other side of the fence.

20. Shortly afterwards, the officers saw another legal observer returning to my position from elsewhere in the crowd. One officer recognized him as a legal observer and issued a direct threat: “Text your little buddies and tell them—we’re coming.”

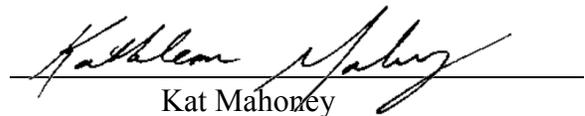
21. On June 25, the police again used tear gas on a crowd containing reporters and neutral observers.

22. In the last few days, the police have cut slits into boards surrounding the Justice Center area and have been indiscriminately firing into crowds through the slits, making it extremely likely that they will hit journalists and legal observers.

23. I intend to keep covering the protests, but am fearful for my safety.

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

Dated: June 28, 2020


Kat Mahoney