

**Matthew Borden**, *pro hac vice* application pending  
borden@braunhagey.com

**J. Noah Hagey**, *pro hac vice* application pending  
hagey@braunhagey.com

**Athul K. Acharya**, OSB No. 152436  
acharya@braunhagey.com

**Gunnar K. Martz**, *pro hac vice* application pending  
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP  
351 California Street, Tenth Floor  
San Francisco, CA 94104  
Telephone: (415) 599-0210  
Facsimile: (415) 276-1808

**Kelly K. Simon**, OSB No. 154213  
ksimon@aclu-or.org  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON  
P.O. Box 40585  
Portland, OR 97240  
Telephone: (503) 227-6928

Attorneys for Plaintiffs

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-SI

**SUPPLEMENTAL 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 serve as an unpaid legal observer. 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. I am a plaintiff in this case. I submitted a declaration in support of Plaintiffs' motion for a temporary restraining order that was submitted to the Court yesterday.

3. Last night, I attended the protests in North Portland as a legal observer. I wore my blue ACLU vest that clearly identifies me as a legal observer. It says "ACLU LEGAL OBSERVER" in big block letters across the back, and smaller lettering on the front.

4. I did not break any laws. Nor did I intercede on behalf of protesters or anyone else who was attacked by the police. I only observed.

5. I had not intended to attend the protests last night, but another legal observer who was present texted me to let me know that they were the only ACLU observer there, and that based on the police's actions, more might be necessary.

6. I arrived at the intersection of N Lombard Street and N Denver Avenue a little before 9:30 p.m. When I arrived, the police had already declared an unlawful assembly and were pushing the crowd east.

7. Within minutes of my arrival, the police began firing pepper balls indiscriminately into the crowd. I began coughing and choking, and was forced to seek medical

treatment. The following image is a true and correct copy of a photograph another legal observer took of a medic treating me:



8. After I recovered from the pepper spray, I returned to continue observing. At one point, officers began running toward my location yelling “MOVE!” Because there was a dense crowd in front of me, including a man on crutches whom several other protesters were helping, I could not get out of the way in time.

9. One officer slammed me in the back with a truncheon. He struck diagonally from the base of my right shoulder blade to my lower left side, across my spine and ribcage. Another officer ran up to me, yelled “MOVE,” and shoved me so hard I stumbled into a protester and had to be helped to my feet.

10. Again, I was wearing my blue ACLU legal observer vest. Both officers could plainly see the words “ACLU LEGAL OBSERVER” when they beat me and shoved me.

11. This morning, my back is extremely painful. I am unable to rotate my torso or sit up for periods of time without pain. It sometimes hurts to breathe.

12. What I saw last night shocked me. The police used CS gas, CN gas, pepper spray, flash-bang grenades, rubber bullets, and other projectiles—all in a residential neighborhood. People were on their porches. People were in the street—not to protest, but to go about their business. The police indiscriminately fired at, beat, and shoved everyone.


13. I saw the police chase and attempt to beat two other legal observers who were clearly marked as legal observers.

14. I saw the police tear-gas a crowd containing children.

15. I have served as a legal observer since 2017. I have attended numerous protests during that time. Last night was the worst night of police violence I have seen in the entire time I have served as a legal observer.

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

Dated: July 1, 2020

DocuSigned by:  
  
C65E3388AA13457...  
Kat Mahoney