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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MASON LAKE,

Plaintiff,

v.

CITY OF PORTLAND,

Defendant.

Case No. 20CV19838

DEFENDANT CITY OF PORTLAND'S
RESPONSE TO REQUEST FOR
ADMISSIONS

GENERAL OBJECTIONS

Defendant further objects to the admissibility of any request and response without resolution of the objections herein, and specifically objects that requests and responses that are not relevant should not be admitted into evidence. Defendant City of Portland (“Defendant”) objects to the requests to the extent they fail to conform to the Oregon Rules of Civil Procedure, including any attempt to obtain pretrial discovery of expert opinion, and/or privileged information, or to the extent any request is an interrogatory, which is not authorized under Oregon discovery rules. Defendant objects to the extent that any request is vague, meaning it is not set forth with reasonable particularity. Defendant objects to the requests to the extent they are not relevant, nor reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to the admissibility of any request and response without resolution of the objections herein and specifically objects that requests and responses that are not relevant should not be admitted into evidence. Each of these General Objections is incorporated into each of the City’s specific responses as if they were set forth in full below. Defendant reserves the right to amend or modify its responses as discovery proceeds.

1 Subject to and without waiving those objections, Defendant answers Plaintiff's
2 requests as follows:

3 **REQUEST NO. 1:** The policy of the City of Portland did not permit defendant to use
4 military-style weapons to injure peaceful protestors at the time and place of the battery
5 described in the complaint.

6 **RESPONSE:** Objection. Plaintiff's Complaint does not specify the time or location
7 of the alleged incident, nor does it describe the individuals involved in the events alleged.
8 Therefore, this request is vague. Defendant further objects as it is unclear what "policy" is
9 being referred to and Defendant objects to the term "military-style weapons" as an improper
10 characterization. Without waiving the foregoing objections, Defendant responds that the
11 Portland Police Manual of Policy and Procedures governs the Portland Police Bureau's use
12 of force and crowd control and crowd management during protests, civil disturbances, riots,
13 and other similar events. In light of the vague allegations in Plaintiff's Complaint, and
14 despite Defendant's reasonable inquiry, Defendant lacks knowledge and information
15 sufficient at this time to enable Defendant to admit or deny the remainder of this request.
16 Defendant will supplement its response after discovery has occurred, if necessary.

17 **REQUEST NO. 2:** Defendant has accepted full responsibility for causing the battery
18 described in the Complaint.

19 **RESPONSE:** Objection. Plaintiff's Complaint does not specify the time or location
20 of the alleged incident, nor does it describe the individuals involved in the events alleged.
21 Therefore, this request is vague. Without waiving the foregoing objection, Defendant denies
22 that it is liable for the alleged battery or any alleged damages and otherwise denies the
23 remainder of this request.

24 **REQUEST NO. 3:** Black lives matter.

25 **RESPONSE:** Admit.

1 **REQUEST NO. 4:** Defendant preserved any and all video of the battery described in
2 the complaint.

3 **RESPONSE:** Objection. Plaintiff’s Complaint does not specify the time or location
4 of the alleged incident, nor does it describe the individuals involved in the events alleged.
5 Plaintiff has not provided information for Defendants to determine at this time whether video
6 evidence of the alleged incident exists, if in fact the alleged incident occurred. Therefore, this
7 request is vague, and Defendant does not have sufficient information at this early stage to
8 admit or deny this request. Defendant will supplement its response after discovery has
9 occurred, if necessary.

10 **REQUEST NO. 5:** At the time and place of the battery described in the complaint,
11 plaintiff had the Constitutional right to peacefully protest the wrongful death of George
12 Floyd at the hands of the Minneapolis police.

13 **RESPONSE:** Objection. Plaintiff’s Complaint does not specify the time or location
14 of the alleged incident, nor does it describe the individuals involved in the events alleged.
15 Therefore, this request is vague. Without waiving the foregoing objection, Defendant admits
16 that U.S. citizens have the rights granted to them under the U.S. Constitution and Oregon
17 Constitution; however, such rights are not absolute and may be subject to reasonable
18 restrictions. In light of the vague allegations in Plaintiff’s Complaint, and despite
19 Defendant’s reasonable inquiry, Defendant lacks knowledge and information sufficient at
20 this time to enable Defendant to admit or deny the remainder of this request. Defendant will
21 supplement its response after discovery has occurred, if necessary.

22 **REQUEST NO. 6:** Defendant has no documents, information, or things that would
23 tend to suggest that plaintiff ever acted physically aggressive towards anyone at the time and
24 place of the battery described in the complaint.

25 **RESPONSE:** Objection. Plaintiff’s Complaint does not specify the time or location
26 of the alleged incident, nor does it describe the individuals involved in the events alleged.

1 Therefore, this request is vague. In light of the vague allegations in Plaintiff's Complaint, and
2 despite Defendant's reasonable inquiry, Defendant lacks knowledge and information
3 sufficient at this time to enable Defendant to admit or deny this request. Defendant will
4 supplement its response after discovery has occurred, if necessary. To the extent any further
5 response is required, it is denied.

6 **REQUEST NO. 7:** Defendant has accepted full responsibility to pay for any medical
7 bills or expenses determined by the jury to have been caused by the battery described in
8 plaintiff's complaint.

9 **RESPONSE:** Objection. This request vague and not relevant or reasonably
10 calculated to the lead to the discovery of admissible evidence. Plaintiff is not seeking
11 economic damages according to the Complaint and communication received from Plaintiff's
12 counsel and no specific economic damages are plead in the Complaint. Defendant further
13 objects as this request suggests that the jury has already determined liability and damages,
14 which is an improper characterization. No determination by the jury has been made. In
15 addition, Defendant objects as the alleged battery is not described with reasonable
16 particularity in the Complaint. Without waiving the foregoing objections, Defendant denies
17 that it is liable for the alleged battery or any alleged damages and otherwise denies the
18 remainder of this request.

19 **REQUEST NO. 8:** Defendant has accepted full responsibility to pay for any pain,
20 discomfort, or distress determined by the jury to have been caused by the battery described in
21 plaintiff's complaint.

22 **RESPONSE:** Objection. This request vague and not relevant or reasonably
23 calculated to the lead to the discovery of admissible evidence. This request suggests that the
24 jury has already determined liability and damages, which is an improper characterization. No
25 determination by the jury has been made. In addition, Defendant also objects as the alleged
26 battery is not described with reasonable particularity in the Complaint. Without waiving the

1 foregoing objections, Defendant denies that it is liable for the alleged battery or any alleged
2 damages and otherwise denies the remainder of this request.

3 **REQUEST NO. 9:** At no time has plaintiff faked or exaggerated the injuries alleged
4 in the complaint.

5 **RESPONSE:** Objection. Plaintiff's Complaint does not specify the time or location
6 of the alleged incident, nor does it describe the individuals involved in the events alleged.
7 Therefore, this request is vague. In light of the vague allegations in Plaintiff's Complaint, and
8 despite Defendant's reasonable inquiry, Defendant lacks knowledge and information
9 sufficient at this time to enable Defendant to admit or deny this request. Defendant will
10 supplement its response after discovery has occurred, if necessary. To the extent any further
11 response is required, denied.

12 DATED: July 22, 2020.

13 Respectfully submitted,

14 */s/ Caroline Turco*

15

Caroline Turco
16 Deputy City Attorney
17 Portland Office of the City Attorney
18 1221 SW Fourth Avenue, Room 430
19 Portland, OR 97204
20 Phone: 503-823-3025
21 Fax: 503-832-3089

22 *Of Attorneys for Defendant*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing DEFENDANT’S RESPONSE TO REQUEST
3 FOR ADMISSIONS on:

4
5 Michael Fuller
6 Olsen Daines
7 US Bancorp Tower
8 111 SW 5th Avenue, Suite 3150
9 Portland, OR 97204
10 Email: michael@underdoglawyer.com
11 Email: team@underdoglawyer.com

12 Kelly Jones
13 The Law Office of Kelly Jones
14 Email: kellydonovanjones@gmail.com

15 *Of Attorneys for Plaintiff*

16 on July 22, 2020, by causing a full, true and correct copy thereof, addressed to the last-known
17 address (or fax number) of said attorney, to be sent by the following method(s):

- 18 by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal
19 Service in Portland, Oregon.
- 20 by **hand delivery**.
- 21 by **facsimile transmission**.
- 22 by **email**.

23 */s/ Caroline Turco*

24

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26 Portland Office of the City Attorney
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Of Attorneys for Defendant