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2 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
3 FOR MULTNOMAH COUNTY
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6 **MASON LAKE**

7 Plaintiff

8 vs

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10 **CITY OF PORTLAND**

11 Defendant

Case No. 20CV19838

**COMPLAINT
FIRST AMENDED**

Battery

Not Subject to Mandatory Arbitration
Amount in Controversy: \$450,000
Fee Authority: ORS 21.160(1)(c)
Jury Trial Requested

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15 **FACTUAL ALLEGATIONS**

16 Plaintiff is a professional photographer. On May 31, 2020 while plaintiff was
17 peacefully filming a protest in downtown Portland, officers working for the City of
18 Portland opened fire on plaintiff with military-style weapons including chemical
19 weapons and explosive devices, and intentionally launched a projectile into
20 plaintiff's arm, resulting in an instant loss of feeling in their arm and swelling and
21 broken skin, causing them pain, discomfort and distress. A week after being
22 assaulted by the officers, plaintiff continued to experience pain and limited range of
23 movement of their hand and arm. At no time during the protest did plaintiff ever act
24 physically aggressive toward anyone. Plaintiff believes they were specifically
25 targeted by officers because they were a photographer documenting police brutality.
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3 Specifically, Plaintiff was peacefully protesting on SW 3rd and SW Main at
4 approximately 8:10 pm when they were struck in the arm by a projectile launched
5 from the direction of the Justice Center. Plaintiff was wearing a blue long sleeve and
6 no mask. Plaintiff is not familiar with military-style weapons and has no further
7 details about the projectiles that injured them at this time. Plaintiff was unable to
8 identify the officer who shot the projectile. Unfortunately, many officers covered their
9 badges or otherwise refused to identify themselves. Most officers wore similar dark
10 uniforms and many wore face coverings. Projectiles were often fired at protesters
11 from a distance. Under these circumstances, plaintiff has no further details about
12 the officers involved in the incident at this time. At no time was plaintiff connected
13 with or engaged in a riot or civil commotion or mob action.
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3 **CLAIM FOR RELIEF**

4 **Battery**

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6 The City of Portland is a municipal corporation and public body within the
7 State of Oregon located in Multnomah County. The officer who launched a projectile
8 into plaintiff was working under the authority and scope of their employment for the
9 City of Portland, and so the City of Portland is legally responsible for the officer's
10 behavior. As alleged in this complaint, the officer intentionally launched a projectile
11 into plaintiff and attempted to and did cause harmful, offensive physical contact with
12 plaintiff, causing plaintiff pain, discomfort and distress. Plaintiff requests fair
13 compensation for their non-economic damages in an amount to be determined by the
14 jury to be reasonable, ranging from \$1, all the way up to \$450,000, whatever the jury
15 decides is fair. Plaintiff reserves the right to amend this complaint to adjust the
16 request for compensation to conform to the evidence as well as to add additional
17 defendants and new claims, as new information is learned in discovery.
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3 **PRAYER FOR RELIEF**

4 Plaintiff respectfully requests relief as sought above, and maximum interest,
5 attorney fees, costs, disbursements, expenses, and any other relief the Court deems
6 appropriate.
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9 **REQUEST FOR JURY TRIAL**

10 Plaintiff respectfully requests a trial by a jury.
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12
13 December 28, 2020
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15 **RESPECTFULLY FILED,**

16 /s/ Michael Fuller

17 **Michael Fuller, OSB No. 09357**

18 Lead Trial Attorney for Plaintiff

19 OlsenDaines

20 US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-222-2000
21
22

Kelly Jones, OSB No. 074217

23 Of Attorneys for Plaintiff

24 The Law Office of Kelly Jones

kellydonovanjones@gmail.com
25
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27
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