

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

DECLARATION OF CAROLINE TURCO

(In Support of Defendant's Motion to Compel
Production of Documents)

I, Caroline Turco, Deputy City Attorney, declare as follows:

1. I am the attorney for Defendant City of Portland in the above-entitled matter. I make this declaration in support of Defendant City of Portland's ORCP 46 Motion to Compel. The following is true to the best of my knowledge, information and belief.

2. Attached to this declaration as Exhibit 1 is a true and accurate copy of Defendant City's First Request for Production of Documents, dated July 13, 2020.

3. Attached to this declaration as Exhibit 2 is a true and accurate copy of Plaintiff's Response to Defendant City of Portland's Requests for Production, dated August 12, 2020.

4. Attached to this declaration as Exhibits 3, 4, and 5 are true and accurate copies of Defendant's letters dated September 3, 2020, October 21, 2020, and December 7, 2020, to which no reply was received.

5. On December 17, 2020, I left a voicemail for Plaintiff's counsel to discuss the status of his production and I received no response.

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6. On February 2, 2021, I again called Plaintiff's counsel to discuss the status of his production, as shown in attached Exhibit 6.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: February 8, 2021.

/s/ Caroline Turco
Caroline Turco

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

6 MASON LAKE,

7 Plaintiff,

8 v.

9 CITY OF PORTLAND,

10 Defendant.

Case No. 20CV19838

DEFENDANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

11 TO: PLAINTIFF MASON LAKE, THROUGH PLAINTIFF'S ATTORNEYS, MICHAEL
12 FULLER, OLSEN DAINES, US BANCORP TOWER, 111 SW 5TH AVENUE, SUITE
13 3150, PORTLAND, OREGON 97204 AND KELLY JONES, THE LAW OFFICE OF
KELLY JONES

14 Pursuant to ORCP 36(B) and 43, Defendant requests Plaintiff produce the following
15 documents within thirty (30) days of the date of this request, separately in response to each
16 numbered request. The documents shall be grouped and labeled with a designation of the
17 request to which they are responsive.

18 This request for production is a continuing request for additional documents received
19 from the date of service up to and including the date of trial in this matter.

20 The documents requested, as the word "document" is used in ORCP 36 (B) and 43,
21 are as follows:

22 **DEFINITIONS**

23 1. The term "document or documents" includes all information of any kind
24 stored in any medium, including the originals and non-identical copies, whether different
25 from the original by reason of any notation made on such copy or otherwise, including
26 without limitation: any and all documents, notes, memoranda, correspondence, diaries,

1 statistics, letters, telegrams, minutes, transcripts including statements by any individuals
2 including plaintiff, contracts, reports, studies, checks, statements, receipts, returns,
3 summaries, pamphlets, books, interoffice and intra-office communications, any writings,
4 drawings, graphs, charts, photographs, phone records, transcripts, recordings by audio tapes
5 or any other means, videotapes, computerized records, emails, electronic communications to
6 include text messages, IM, chat rooms, blogs, social media (Facebook, Twitter), virtual
7 worlds, etc. and “electronic devices” to include hardware like cell/smart phones, flash drives,
8 iPods, e-readers, etc. and other data compilations from which information can be obtained,
9 and translated, if necessary, by the respondent through detection devices into reasonably
10 usable form, notations of any sort of conversations, telephone calls, meetings or other
11 communications, bulletins, printed matter, invoices, work-sheets and all drafts, alterations,
12 modifications, changes, and amendments of any foregoing graphic and oral records or
13 representations of any kind, including without limitation photographs, charts, microfilm and
14 electronic recordings such as tapes, discs, cassettes, memory chips and sticks, computer files,
15 word processing documents, calendars, backup media or on-line storage, hard discs, litigation
16 databases or Post-it type notations, drafts and non-identical copies.

17 2. The term “Complaint” shall mean and refer to Plaintiff’s Complaint and any
18 and all Amended Complaints in the present action.

19 3. The term “person” includes not only natural persons, but corporations,
20 unincorporated associations, or any other entity, as well as employees and agents of the
21 foregoing, and shall be comprehensive, whether used in the plural or singular form.

22 4. The term “incident” refers to the incident described in Paragraph 1 of the
23 Complaint.

24 5. The term “Plaintiff” shall mean the individual Plaintiff to whom the request is
25 directed.

26 6. The term “Defendant” shall mean the City of Portland.

1 7. The term “City” shall mean the City of Portland.

2 8. The phrase “relating to” shall mean in any way, directly or indirectly:
3 concerning, constituting, considering, modifying, amending, confirming, endorsing,
4 representing, showing, supporting, qualifying, referencing, terminating, revoking, canceling,
5 derived from, based upon or negating.

6 9. The terms “and” and “or” shall be construed either disjunctively or
7 conjunctively as necessary to bring within the scope of this request any documents or objects
8 which might otherwise be construed to be outside its scope.

9 10. The term “medical record” shall mean a written, recorded or transcribed
10 document containing health and/or medical information, including, but not limited to, mental
11 health assessments and/or diagnoses, psychological, psychiatric, alcohol and drug abuse
12 treatment, history and physical reports, clinician charts notes, hospital reports, emergency
13 room records, urgent care records, evaluations, orders, referrals, progress notes, laboratory
14 reports, consultations, clinical reports, x-rays, diagnostic tests, images, films, pathology
15 slides and/or reports, assessments, diagnoses, referrals, bills, computerized records,
16 correspondence, prescriptions, medications, pharmaceutical records, ambulatory records,
17 therapy records or billing statements.

18 **INSTRUCTIONS**

19 1. This request for documents is continuing in character so as to require Plaintiff
20 to file supplementary documents if Plaintiff obtains further or different information before
21 trial.

22 2. The documents shall be grouped and labeled with a designation of the request
23 to which they are responsive.

24 3. To the extent any object or document is furnished in response to any
25 numbered request, it may be omitted from the response to any subsequent request. All
26 requests made herein shall be construed to include any supplemental documents or objects

responsive to these requests which are later discovered or created by you and which are required to be produced by Rule 43 (a) of the Oregon Rules of Civil Procedure.

4. If a document responsive to this Request exists or existed in your custody, possession or control, but is no longer in your custody, possession or control, set forth, if possible, (i) its date and general type or category (e.g., letter, contract, memorandum, etc.); (ii) the identity of the author, addressee, and any copies; (iii) its subject matter and substance; (iv) the circumstances under which the document left Plaintiff's custody, possession or control; and (v) the person authorizing its disposal or removal from custody, possession or control.

5. Where a request literally would require production of only a part of a document or object, Defendant requests that the entire document or object be provided.

6. Each paragraph and subparagraph herein should be construed independently and not with reference to any other paragraph or subparagraph for the purpose of limitation.

REQUESTS

REQUEST NO. 1: All documents containing names and addresses of witnesses to the incident.

RESPONSE:

REQUEST NO. 2: All photographs, videotapes, or digital images of Plaintiff's alleged injuries, Plaintiff's clothing, or the incident scene from any time, or of Plaintiff anytime within twenty-four (24) hours prior to the incident, or within twenty-four (24) hours after the incident that is the subject matter of the Complaint.

RESPONSE:

REQUEST NO. 3: All documents relating to Plaintiff's planning of, coordination of, or anticipated attendance at the incident protest on May 31, 2020.

RESPONSE:

///

1 **REQUEST NO. 4:** All documents, including without limitation, photographs, video
2 recordings, audio recordings, digital images, calendars, journals, diaries, logs, notes, letters,
3 public statements, emails, text messages, news articles, or any other writings or images
4 relating to the incident, whether authored or created by Plaintiff, or authored or created by
5 other persons.

6 **RESPONSE:**

7 **REQUEST NO. 5:** Complete copies of any and all posts, including photographs and
8 videos, placed on any and all message boards, social media networks, websites, blogs,
9 bulletin boards, and any and all other internet based pages or sites in which Plaintiff or others
10 acting on behalf of Plaintiff communicated any information relating to the incident, the City
11 or City employees, agents, or police officers involved in the incident, or any damages
12 allegedly sustained by Plaintiff.

13 **RESPONSE:**

14 **REQUEST NO. 6:** All City documents in Plaintiff's possession and/or Plaintiff's
15 attorneys' possession relating to the incident or Plaintiff's claims against Defendant that were
16 not received from Risk Management or the City Attorney's Office.

17 **RESPONSE:**

18 **REQUEST NO. 7:** All documents relating to any statements relating to the incident
19 previously made by the City or its employees or agents, including all transcripts of recorded
20 conversations.

21 **RESPONSE:**

22 **REQUEST NO. 8:** All documents relating to any interaction Plaintiff has had with a
23 Portland Police Officer or any other law enforcement officer since May 31, 2020, including
24 but not limited to notes, emails, correspondence, video, or audio records.

25 **RESPONSE:**

26 ///

1 **REQUEST NO. 9:** All documents relating to any protest or march for which
2 Plaintiff was involved since 2010, including but not limited to notes, emails, correspondence,
3 video, audio records, photographs and social media posts.

4 **RESPONSE:**

5 **REQUEST NO. 10:** Copies of all medical reports, medical records, medical charts,
6 hospital records, medical imaging, or medical documentation relating to the incident,
7 including but not limited to records related to any claim that Plaintiff sustained physical
8 injury, emotional distress and/or physical pain and suffering.

9 **RESPONSE:**

10 **REQUEST NO. 11:** Copies of all medical bills, medical billing statements, medical
11 invoices, medical bill summaries relating to the incident, including but not limited to records
12 relating to any claim that Plaintiff sustained physical injury, emotional distress and/or
13 physical pain and suffering.

14 **RESPONSE:**

15 **REQUEST NO. 12:** Copies of all pre-incident medical records, reports and chart
16 notes relating to the examination or treatment of any part of the body which Plaintiff claims
17 was injured as a result of the incident.

18 **RESPONSE:**

19 **REQUEST NO. 13:** Complete copies of Plaintiff's social media accounts, including
20 but not limited to all posts, messages, photographs, videos, and message boards, whether
21 posted by Plaintiff or not, from Twitter, Facebook, Instagram, and any other social media
22 account of Plaintiff from the date of the incident referenced in Paragraph 1 of the Complaint
23 to the present.

24 **RESPONSE:**

25 **REQUEST NO. 14:** All documents Plaintiff completed regarding the incident,
26 including any report to Plaintiff's insurance carrier, or any medical provider.

1 **RESPONSE:**

2

3 **REQUEST NO. 15:** All documents relating to collateral benefits applied for or
4 received by Plaintiff, including medical, disability, and loss of income benefits from all
5 sources for damages alleged in the Complaint, including any statements of physical condition
6 submitted by Plaintiff.

7 **RESPONSE:**

8 **REQUEST NO. 16:** Copies of all reports, records and chart notes relating to any
9 psychological or psychiatric examination of Plaintiff, treatment or consultation of Plaintiff,
10 whether before or after the incident, by any psychiatrist, psychologist, counselor or mental
11 health practitioner from the last 10 years.

12 **RESPONSE:**

13 **REQUEST NO. 17:** Copies of all records relating to any time Plaintiff missed from
14 work as a result of the incident described in the Complaint, including any records related to
15 wages lost by Plaintiff due to such missed work.

16 **RESPONSE:**

17 **REQUEST NO. 18:** All documents containing names, descriptions, or that otherwise
18 identify any law enforcement officers present during the incident.

19 **RESPONSE:**

20 **REQUEST NO. 19:** All documents depicting, documenting or showing the time and
21 location of the incident.

22 **RESPONSE:**

23 **REQUEST NO. 20:** All documents relating to any projectile(s) that allegedly hit
24 Plaintiff, including all photographs, videos, and written notes about the same.

25 **RESPONSE:**

26 ///

1 **REQUEST NO. 21:** All documents relating to any alleged weapons, projectiles,
2 and/or explosive devices that were allegedly used by Defendant's police officers during the
3 incident, including all photographs, videos, and written notes about the same.

4 **RESPONSE:**

5 **REQUEST NO. 22:** All documents relating to Plaintiff's claim as referenced in
6 Paragraph 1 of the Complaint that he was specifically targeted by City police officers
7 because he was allegedly documenting police brutality.

8 **RESPONSE:**

9 **INSPECTION**

10 **REQUEST NO. 23:** Provide for inspection all clothing worn by Plaintiff at the time
11 of the incident, including, but not limited to, shirts, vests, shorts, pants, gloves, hats, helmets,
12 and bags. This request does not include undergarments.

13 DATED: July 13, 2020.

14 Respectfully submitted,

15
16 /s/ Caroline Turco

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

24 *Of Attorneys for Defendant*
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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS on:

Michael Fuller
Olsen Daines
US Bancorp Tower
111 SW 5th Avenue, Suite 3150
Portland, OR 97204
Email: michael@underdoglawyer.com
Email: team@underdoglawyer.com

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

Of Attorneys for Plaintiff

on July 13, 2020, by causing a full, true and correct copy thereof, addressed to the last-known
address (or fax number) of said attorney, to be sent by the following method(s):

- ☐ by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal
Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **facsimile transmission**.
- ☒ by **email**.

/s/ Caroline Turco

Caroline Turco
Deputy City Attorney
Portland Office of the City Attorney
1221 SW Fourth Avenue, Room 430
Portland, OR 97204
Phone: 503-823-3097
Fax: 503-832-3089

Of Attorneys for Defendant

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6 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
7 FOR MULTNOMAH COUNTY
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10 **MASON LAKE**

11 Plaintiff

12 vs
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14 **CITY OF PORTLAND**

15 Defendant
16

Case No. 20CV19838

**REQUESTS FOR
PRODUCTION
RESPONSE**

17 **INTRODUCTION**
18

19 Except as specifically objected to, any requested item within plaintiff's
20 possession or custody or control will be made available within the time allowed and
21 at the place and in the manner specified, or as soon as defendant provides all
22 documents responsive to plaintiff's requests, whichever is later, with the exception
23 of documents already available to or in the possession of defendant. Except as
24 specifically objected to, a reasonable effort has been made to obtain any requested
25 item not in plaintiff's possession or custody or control. Except as specifically objected
26 to, and to the extent requested, entry will be permitted to any land or other
27 property.
28

RESPONSES TO SPECIFIC REQUESTS

1. Plaintiff objects because this request is vague and very broad and overly burdensome and seeks documents that are not relevant. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.
2. Please see attached documents. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.
3. Please see attached documents. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.
4. Please see attached documents. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and

1
2 respectfully will not produce information that is privileged or work
3 product.

4
5 **5.** Please see attached documents. Plaintiff continues to search for
6 responsive documents and will supplement production as additional
7 documents are found. To the extent these requests seek information that
8 is privileged or work product, plaintiff respectfully objects and
9 respectfully will not produce information that is privileged or work
10 product.

11
12 **6.** Please see attached documents. Plaintiff continues to search for
13 responsive documents and will supplement production as additional
14 documents are found. To the extent these requests seek information that
15 is privileged or work product, plaintiff respectfully objects and
16 respectfully will not produce information that is privileged or work
17 product.

18
19
20 **7.** Please see attached documents. Plaintiff continues to search for
21 responsive documents and will supplement production as additional
22 documents are found. To the extent these requests seek information that
23 is privileged or work product, plaintiff respectfully objects and
24 respectfully will not produce information that is privileged or work
25 product.

26
27 **8.** Plaintiff objects because this request is vague and very broad and overly
28 burdensome and an undue invasion of privacy and seeks documents that

1
2 are not relevant and plaintiff will produce responsive documents that
3 are relevant to a claim or defense in this case. Notwithstanding the
4 objections, please see attached documents. Plaintiff continues to search
5 for responsive documents and will supplement production as additional
6 documents are found. To the extent these requests seek information that
7 is privileged or work product, plaintiff respectfully objects and
8 respectfully will not produce information that is privileged or work
9 product.
10
11

12 **9.** Plaintiff objects because this request is vague and very broad and overly
13 burdensome and an undue invasion of privacy and seeks documents that
14 are not relevant. To the extent these requests seek information that is
15 privileged or work product, plaintiff respectfully objects and respectfully
16 will not produce information that is privileged or work product.
17

18 **10.** No documents exist.
19

20 **11.** No documents exist.
21

22 **12.** No documents exist.
23

24 **13.** Plaintiff objects because this request is vague and very broad and overly
25 burdensome and an undue invasion of privacy and seeks documents that
26 are not relevant and plaintiff will produce responsive documents that
27 are relevant to a claim or defense in this case. Notwithstanding the
28 objections, please see attached documents. Plaintiff continues to search
for responsive documents and will supplement production as additional

documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

14. No documents exist.

15. No documents exist.

16. Plaintiff objects because this request is vague and very broad and overly burdensome and an undue invasion of privacy and seeks documents that are not relevant. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

17. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

18. The law enforcement officers were permitted to conceal their names and identifies from plaintiff so plaintiff is aware of no responsive documents in their possession, custody or control at this time. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully

objects and respectfully will not produce information that is privileged or work product.

19. Please see attached documents. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

20. Please see attached documents. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

21. Please see attached documents. Plaintiff continues to search for responsive documents and will supplement production as additional documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

22. Please see attached documents. Plaintiff continues to search for responsive documents and will supplement production as additional

documents are found. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

23. Plaintiff will allow inspection to the extent possible. To the extent these requests seek information that is privileged or work product, plaintiff respectfully objects and respectfully will not produce information that is privileged or work product.

August 12, 2020

RESPECTFULLY SERVED,

/s/ Michael Fuller

Michael Fuller, OSB No. 09357

Lead Trial Attorney for Plaintiff

OlsenDaines

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-222-2000

Kelly Jones, OSB No. 074217

Of Attorneys for Plaintiff

The Law Office of Kelly Jones

kellydonovanjones@gmail.com

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CERTIFICATE OF SERVICE

I caused this document to be served on:

City of Portland
c/o Deputy City Attorney Caroline Turco
Portland Office of the City Attorney
caroline.turco@portlandoregon.gov

August 12, 2020

/s/ Michael Fuller

Michael Fuller, OSB No. 09357

Lead Trial Attorney for Plaintiff

OlsenDaines

US Bancorp Tower

111 SW 5th Ave., Suite 3150

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-222-2000



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

Tracy Reeve, City Attorney
1221 S.W. 4th Avenue, Suite 430
Portland, Oregon 97204
Telephone: (503) 823-4047
Fax: (503) 823-3089

September 3, 2020

VIA EMAIL ONLY

Michael@underdoglawyer.com
kellydonavanjones@gmail.com

Michael Fuller
Underdog Lawyer

Kelly Donovan Jones
Law Office of Kelly D. Jones

Re: Mason Lake v. City of Portland
MCCC Case No. 20CV19838
Risk Mgmt. No. 2020-009631-28

Dear Counsel:

Thank you for conferring today on the discovery items in my letter dated August 26, 2020. To follow up on our conversation, I have noted as follows:

1. For Requests 2-15 and 17-22, you have produced everything, and there was no medical treatment.
2. For witness names, you asked that I send a proposal, as you have produced all non-privileged documents. I would like the names and contact information of the persons your client attended the protest with on the date alleged, under the Multnomah County Motion Judges Consensus Statement.
3. For Requests 8 and 9, you will discuss with your clients and see if any documents exist. We discussed that my request is narrowed to communications regarding your client's protest activity before and after this event, and I am not interested in other interactions with police such as a speeding ticket. I had mentioned I do not want all of your client's photographs, however, I am going to edit that to say: if the photographs were published online or transmitted to any third party, I would like to see them, along with any accompanying narrative by your client.
4. For Request #13, you said you have produced everything you can get without the aid of an outside vendor.

Michael Fuller and Kelly Donovan Jones
September 3, 2020
Page 2 of 2

5. For Request #16, your client is not making a claim for psychological injury, so these documents are not discoverable.

As for the Compliant, you are currently working on amending. Please let me know if you would like to discuss. Thank you.

Regards,

/s/ Caroline Turco

Caroline Turco
Deputy City Attorney

CT/rr



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

Tracy Reeve, City Attorney
1221 S.W. 4th Avenue, Suite 430
Portland, Oregon 97204
Telephone: (503) 823-4047
Fax: (503) 823-3089

October 21, 2020

VIA EMAIL ONLY

Michael Fuller
Michael@underdoglawyer.com

Kelly Donovan Jones
kellydonavanjones@gmail.com

Re: Mason Lake v. City of Portland
MCCC Case No. 20CV19838
Risk Mgmt. No. 2020-009631-28

Dear Counsel:

I am writing to follow up on my letter dated September 3, 2020 regarding discovery and your amended complaint. Can you please let me know the status of the amendments, as well as the following items?

- Witness names; and
- Documents responsive to Requests 8 & 9

Please let me know if you would like to discuss further.

Thank you.

Regards,

/s/ Caroline Turco

Caroline Turco
Deputy City Attorney

CT/rr



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

Tracy Reeve, City Attorney
1221 S.W. 4th Avenue, Suite 430
Portland, Oregon 97204
Telephone: (503) 823-4047
Fax: (503) 823-3089

December 7, 2020

VIA EMAIL ONLY

Michael Fuller
Michael@underdoglawyer.com

Kelly Donovan Jones
kellydonavanjones@gmail.com

Re: Mason Lake v. City of Portland
MCCC Case No. 20CV19838
Risk Mgmt. No. 2020-009631-28

Dear Counsel:

I am writing to follow up on my letters dated September 3, 2020 and October 21, 2020 regarding discovery and your amended complaint. To date, I have not received a response to either letter.

Can you please let me know the status of the amendments, as well as the following items?

- Witness names; and
- Documents responsive to Requests 8 & 9

Thank you.

Regards,

/s/ Caroline Turco

Caroline Turco
Deputy City Attorney

CT/rr

From: [Michael Fuller](#)
To: [Turco, Caroline](#)
Cc: [Devin Higgins](#); [Kelly Jones](#)
Subject: Re: Lake v. City; Montgomery v. City
Date: Tuesday, February 2, 2021 3:27:34 PM

Thanks Caroline, as I said, as currently worded, we believe the requests are overly broad and overly burdensome, and simply providing the names of all witnesses would constitute an impermissible interrogatory. That being said, if the requests as worded are withdrawn as replaced with requests seeking at least one Facebook contact or phone contact screen print for each occurrence witness known to plaintiff, we would promptly respond and comply without objection.

Thanks,

Michael Fuller
Partner
OlsenDaines
503-222-2000
He/Him

On Tue, Feb 2, 2021 at 2:43 PM Turco, Caroline <Caroline.Turco@portlandoregon.gov> wrote:

Hi Michael,

Thank you for conferring again on these two cases. As we discussed, I will be filing my motion to compel next week. If you have additional discovery, please forward it. You said screenshots of a phone contact or facebook would satisfy for Request #1, and that is fine with me. I previously proposed names and contact info pursuant to the consensus statement, but I am flexible on whatever works for you. Lastly, I understand from the adjuster that she sent an offer for each of these cases a couple months ago, and there's been no response. Please let me know if your client has a position on that.

Thanks,

CAROLINE TURCO | Deputy City Attorney (She/Her)

PORTLAND OFFICE OF THE CITY ATTORNEY

1221 SW Fourth Avenue, Room 430

Portland, OR 97204

Voice: 503-823-3025 | Fax: 503-823-3089

Caroline.Turco@portlandoregon.gov

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF CAROLINE TURCO on the following parties by the method indicated:

Michael Fuller
Underdog Lawyer
US Bancorp Tower
111 SW Fifth Ave., Suite 3150
Portland, OR 97204

Kelly Donovan Jones
Law Office of Kelly D. Jones
819 SE Morrison Street, Suite 255
Portland, OR 97214
*Of Attorneys for Plaintiff and Of Attorneys
for Plaintiff*

- ☐ **Electronic service** - UTCR 21.100 (1)(a)
☐ **Mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service.
☐ **Hand delivery** ☐ **Facsimile transmission**
☒ Courtesy copy via **Email**

Dated: February 8, 2021

/s/ Caroline Turco
CAROLINE TURCO, OSB #083813
Deputy City Attorney
Email: caroline.turco@portlandoregon.gov
Fax: (503) 823-3089
Of Attorneys for Defendant City of Portland