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2
3 IN THE CIRCUIT COURT OF THE STATE OF OREGON.
4 FOR THE COUNTY OF

5
6 Plaintiff,
7 vs.
8 , a municipal
corporation; , a
municipal corporation;
9 and , individuals,
10 Defendants.
11

Case No. _____
COMPLAINT – Defamation, False Light
Invasion of Privacy
Prayer Amount: \$750,000
NOT SUBJECT TO MANDATORY
ARBITRATION ORS 21.160 (1) (c)
Jury Demand

12 The allegations set forth herein are intended to apply to all times relevant,
13 whether stated in the past, present, or future tense. Plaintiff demands a jury trial.

14 Plaintiff alleges:

15 JURISDICTION AND VENUE

16 1.

17 The plaintiff, ("Mr. ") is a resident of County,
18 Oregon.

19 2.

20 Upon information and belief, the individual defendants are each a resident of
21 County, Oregon. The City of Forest Grove ("Forest Grove") is a
22 municipality/municipal corporation incorporated within Washington County, Oregon.

1 The City of Cornelius ("Cornelius") is a municipality/municipal corporation incorporated
2 within Washington County, Oregon. Forest Grove and Cornelius are political
3 subdivisions of Washington County, Oregon, and the State of Oregon.

4 3.

5 The Circuit Court of Washington County has jurisdiction over the parties and this
6 action.

7 4.

8 Washington County is a proper venue for this action.

9 **FACTUAL ALLEGATIONS**

10 5.

11 was employed by the City of Forest Grove as a police officer. At the
12 time of his voluntary separation from employment there in May 20 , Mr.
13 occupied the position of of the Forest Grove Police Department.

14 6.

15 Defendant. (" ") was employed as a police officer with
16 the City of Forest Grove. At all times relevant, acted within the course and
17 scope of his employment as a police officer with the City of Forest Grove.

18 7.

19 Defendants (" "), (" "),
20 (" "), and (" ") (hereinafter collectively referred to as
21 " ") were each employed as a police officer with the City of Cornelius.

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1 At all times relevant, , , and each acted within the course
2 and scope of his employment as a police officer with the City of Cornelius.

3 B.

4 Starting on or about July 15, 20 , made false and defamatory
5 statements regarding Mr. . More specifically, falsely stated that he
6 was directed by Mr. to engage in a "cover up" of potentially damaging
7 information regarding the police chief of Cornelius, Oregon -- a neighboring municipality.
8 falsely stated that he was directed by Mr. to delete references to the
9 Cornelius police chief when submitting a report to the Narcotics
10 Team (WIN), an interagency narcotics team comprised of members of several local,
11 state, and federal law enforcement agencies. More particularly, falsely
12 asserted that he was directed to delete all allegations that the Cornelius police chief had
13 been observed associating with places and/or persons involved in the unlawful use
14 and/or delivery of controlled substances. statements were made with
15 knowledge or reckless disregard of their falsity.

16 9.

17 false and defamatory statements were published to the above-
18 referenced interagency narcotics team (WIN), the Oregon Department of Public Safety
19 Standards and Training (DPSST), the Washington County District Attorney's Office, and
20 (upon information and belief) numerous members of the law enforcement community
21 within the State of Oregon.

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1 10.

2 false and defamatory statements were made in the course and
3 scope of his employment with the City of Forest Grove. These statements resulted in
4 harm to and damage to his reputation. The City of Forest Grove is subject
5 to vicarious liability for the harm suffered by and the damage inflicted upon
6 his reputation.

7 11.

8 false and defamatory statements formed the basis for subsequent
9 false and defamatory statements published by
10 , and (hereinafter collectively referred to as "Cornelius Officers").
11 These latter statements were of a similar character as those made by , and
12 were disseminated via written memo on or about October , 20 . This memorandum
13 was published on or about that date to the City of Cornelius' City Manager
14 Mayor , and City Council Members. Upon information and belief, these
15 statements were further published to members of the law enforcement community within
16 the State of Oregon.

17 12.

18 At the time the Cornelius Officers' false and defamatory statements were
19 published, , , and were each employed as police officers
20 within the City of Cornelius' police department. Moreover, those false and defamatory
21 statements were made within the course and scope of the Cornelius Officers'

22 ///

1 employment. The City of Cornelius is subject to vicarious liability for the harm suffered
2 by Mr. and the damage inflicted upon his reputation.

3 13.

4 The Cornelius Officers' false and defamatory statements were made with
5 knowledge or reckless disregard of their falsity. The publication of the Cornelius
6 Officers' false and defamatory statements resulted in harm to Mr. and damage
7 to his reputation.

8 **FIRST CLAIM FOR RELIEF – DEFAMATION**

9 **(AGAINST ALL DEFENDANTS)**

10 14.

11 Plaintiff realleges paragraphs 1 through 13. Defendants Cornelius and Forest
12 Grove, each through one or more of their employees, as well as and the
13 Cornelius officers each individually, published false statements either expressly or
14 impliedly ascribing to plaintiff misconduct and dishonesty in the performance of his job
15 and incompatible with the proper conduct of his profession as a law enforcement officer.
16 These statements were made with either knowledge that they were false or reckless
17 disregard for their truth or falsity.

18 15.

19 The defamatory statements made about plaintiff tended to so harm his reputation
20 as to lower him in the estimation of the community and deter others from associating or
21 dealing with him. These statements tended to diminish the esteem, respect, goodwill or
22 confidence in which plaintiff is held. Moreover, these statements tended to injure

1 plaintiff in his profession. Defendant's false allegations of criminal conduct (including
2 official misconduct) falsely imputed to plaintiff a state of moral turpitude.

3 16.

4 As the result of defendants' actions, plaintiff has suffered mental anguish,
5 emotional distress, embarrassment, harm to his reputation, and impairment of his ability
6 to advance in his chosen profession. Plaintiff has suffered non-economic and economic
7 damages in the amount of \$750,000. Plaintiff seeks appropriate equitable relief and
8 recovery of all compensatory and punitive damages provided by law. Plaintiff further
9 seeks costs and disbursements pursuant to ORCP 68B.

10 **SECOND CLAIM – FALSE LIGHT INVASION OF PRIVACY**

11 **(AGAINST ALL DEFENDANTS)**

12 17.

13 Plaintiff realleges paragraphs 1 through 16. Defendants Cornelius and Forest
14 Grove, each through one or more of their employees, as well as and the
15 Cornelius officers each individually, published statements regarding plaintiff's
16 performance of his job duties that placed him in a false light. The false light in which
17 plaintiff was placed would be highly offensive to a reasonable person. Moreover, these
18 statements were published with knowledge or reckless disregard as to the truth or falsity
19 of the publicized matter and the false light in which plaintiff would be placed.

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22 ///

As the result of defendants' actions, plaintiff has suffered mental anguish, emotional distress, embarrassment, harm to his reputation, and impairment of his ability to advance in his chosen profession, as a result of the false light in which he was placed. Plaintiff has suffered non-economic damages and economic damages in the amount of \$750,000. Plaintiff seeks appropriate equitable relief and recovery of all compensatory and punitive damages provided by law. Plaintiff further seeks costs and disbursements pursuant to ORCP 68B.

PRAYER FOR RELIEF

WHEREFORE the plaintiff prays for relief as follows:

1. For plaintiff's First Claim for Relief against City of Cornelius, City of Forest Grove,

, and

, individuals, non-economic and economic damages in the amount of \$750,000, as well as any equitable relief deemed appropriate by the court.

Plaintiff gives notice of his intent to seek punitive damages and further seeks costs and disbursements pursuant to ORCP 68B.

2. For plaintiff's Second Claim for Relief against City of Cornelius, City of Forest

Grove, , and

, individuals, non-economic and economic damages in the amount of \$750,000, as well as any equitable relief deemed appropriate by the court.

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1 Plaintiff gives notice of his intent to seek punitive damages and further seeks
2 costs and disbursements pursuant to ORCP 68B.

3
4 DATED this ___ day of July 20 .
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8 Of Attorneys for Plaintiff
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