

1
2
3
4
5
6 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
7 **FOR THE COUNTY OF MULTNOMAH**

8 LINDSAY K. HUNT,

9 Plaintiff,

10 v.

11 CITY OF PORTLAND, an Oregon municipal
12 corporation; WILLIAM HUBNER, an
13 individual; JOSEPH SCHILLING, an individual,
14 ERIC HENDRICKS; an individual, BRYAN
15 PARMAN, an individual; JUDY BRUMFIELD,
16 an individual; LESLIE PINTARICH, an
17 individual; and QUENCY HO, an individual.

18 Defendants.

Case No. **0805-07554**

COMPLAINT

**ORS 659A.230, ORS 659A.030, ORS
659A.203, Wrongful Discharge,
Negligence, 42 U.S.C. § 1983
(Conspiracy; Violations of the Due
Process Clause and Equal Protection
Clause of the Fourteenth Amendment;
Violations of the First Amendment)**

Jury Trial Demanded

**NOT SUBJECT TO MANDATORY
ARBITRATION**

18 **INTRODUCTION**

19 Officer Lindsay Hunt, a Portland police officer in her first year on the force, witnessed
20 fellow officers commit egregious violations of law and Portland police policy. These violations
21 included her training officer ordering citizens to destroy deadly evidence, ordering Officer Hunt
22 to falsify police reports, using unauthorized, excessive and unreasonable force on civilians,
23 refusing to fill out "use of force" reports and repeatedly taking goods without paying from a
24 convenience store.

25 Officer Hunt reported the above incidents, as well as others, up her chain of command in
26 accordance with Portland police policy. Officer Hunt was consistently told to "look the other

1 way” and warned to keep quiet. Officer Hunt was told that she could “have all the integrity”
2 when she became a fully-tenured police officer. When Officer Hunt refused to abide by the
3 Portland police code of silence, she was told that she was no longer safe and would not get “back
4 up” from fellow officers and was ultimately terminated. Officer Hunt lost her career as a Portland
5 police officer because she insisted on practicing the Portland police’s own motto; “Integrity.
6 Compassion. Accountability. Respect. Excellence. Service.”

7
8 Plaintiff alleges:

9 1.

10 Plaintiff Lindsay K. Hunt is a female resident of the state of Oregon.

11 2.

12 Defendant City of Portland is a duly organized, municipal corporation under Oregon law
13 that operates the Portland Police Bureau in Multnomah County, Oregon.

14 3.

15 At all material times, Defendants William Hubner, Joseph Schilling, Eric Hendricks,
16 Bryan Parman, Judy Brumfield, Leslie Pintarich and Quency Ho were all employed by
17 Defendant City of Portland in the Portland Police Bureau in Multnomah County, Oregon.

18 4.

19 Defendant City of Portland is a political subdivision of the State of Oregon and a public
20 body liable for tortious conduct of its agents and employees pursuant to ORS 30.260(4) and
21 30.265(1).

22 5.

23 From approximately July 24, 2006 until approximately June 4, 2007, Plaintiff was
24 employed by the City of Portland as a police officer in the Portland Police Bureau.

25 6.

26 At all times during Plaintiff’s employment with Defendant City of Portland, Plaintiff was

1 in her 18-month "probationary period," as that term is defined by the 2006 Labor Agreement
2 between the City of Portland and the Portland Police Association.

3 7.

4 On approximately July 24, 2006, Plaintiff was hired as a Portland police officer and met
5 with Training Coordinator, Defendant Officer Joseph Schilling. At this meeting, Defendant
6 Schilling told Plaintiff that, while she was on probation, "whatever you do, don't stand on a table
7 and raise a flag. If no one knows who you are at the end of eighteen months, that's a good
8 thing."

9 8.

10 From approximately July 30, 2006 through October 2006, Plaintiff underwent basic state
11 police training in Salem, Oregon. This training included, but was not limited to, learning the
12 procedures for reporting potential wrongdoing by fellow officers, substantial training on ethics
13 and proper report writing. The training also included, but was not limited to, when it is
14 appropriate to use force to break down doors, when to use "lethal force" as opposed to "less than
15 lethal force" and other forms of "use of force" training.

16 9.

17 In October 2006, Plaintiff completed basic police training and began training in the field
18 with Defendant Field Training Officer ("FTO") Leslie Pinarich. Throughout Plaintiff's training
19 with Defendant Pinarich, Defendant Pinarich told Plaintiff, "For now it's in your best interest to
20 be quiet about anything you see, so keep your head low and once you are off probation, then you
21 can be a good person."

22 10.

23 Plaintiff completed training with Defendant Pinarich in approximately January 2007, and
24 began seventeen weeks of advanced Portland police training.

25 11.

26 As part of Plaintiff's advanced training, Plaintiff received specific training from District

1 Attorney Wayne Pearson and members of the Independent Review Board on police officers'
2 duties to report wrongdoing within the force. The specific training set forth a procedure whereby
3 officers should address matters first with their coaches or fellow officers, but then to let their
4 sergeant know immediately if the matter was not resolved. The training also included, but was
5 not limited to, learning when and how to fill out "use of force" reports.

6 12.

7 In May 2007, Plaintiff completed advanced Portland police training and continued her
8 field training with Defendant Officer Quency Ho in the Northeast Precinct of Portland.

9 13.

10 Throughout Plaintiff's training with Defendant Ho, Defendant Ho blamed Plaintiff for
11 not being aggressive or "manly" enough. Defendant Ho made comments to Plaintiff including,
12 but not limited to, "You've got to leave those girl emotions on the side;" "You've got to play
13 like a boy out here;" and "It's a boy's world and this is a boy's club. You've got to act like a boy
14 if you're going to survive."

15 14.

16 On the second night of training with Defendant Ho, Defendant Ho entered a convenience
17 store in Northeast Portland. Defendant Ho returned to the car with goods from the store and told
18 Plaintiff, "If you want anything from the store, you can just go in and take it. No one cares."
19 Plaintiff told Defendant Ho that she would not participate in taking goods from the store.
20 Defendant Ho responded, "Come on. We're the fucking police. Nobody cares. It's fine. These
21 scrote-bags don't care."

22 15.

23 On every night that Plaintiff worked with Defendant Ho, except for the first night,
24 Defendant Ho and numerous other officers from the Northeast Precinct entered the same
25 convenience store and took goods without payment.
26

1 16.

2 On approximately May 24, 2007, between midnight and 4:00 a.m., Plaintiff and
3 Defendant Ho were driving in Northeast Portland when they responded to a call to assist Officer
4 Thoman, who had responded to a 911 report of an altercation at a residence in Northeast
5 Portland. Plaintiff joined Officer Thoman and spoke to the suspect's son, who was outside the
6 residence. The son reported that there was an altercation between his father and his father's
7 roommate and that a window had been broken. The son told Officers Thoman and Hunt that the
8 roommate had left and that his father was now alone in the apartment, intoxicated. Officer
9 Thoman and Plaintiff then spoke to some neighbors, including the woman who called 911 and
10 confirmed the son's story.

11 17.

12 Officers Thoman and Hunt approached the residence to talk to the father. The father told
13 Officers Thoman and Hunt about the disagreement with the roommate, that the roommate had
14 left and would not return and that everything was now under control. Officer Thoman
15 determined that there was no need for further police involvement, thanked the suspect for his
16 time and began to shut the door.

17 18.

18 As the door shut, Defendant Ho ran to the front steps and forcefully kicked his foot at the
19 door. Unable to kick down the door, Defendant Ho proceeded to ram his body against the door.
20 Plaintiff and Officer Thoman tried to calm Defendant Ho, stating "He's alone. It's no big deal.
21 It's fine."

22 19.

23 Defendant Ho drew his firearm and ran to the side of the apartment, where the broken
24 window was. Defendant Ho pointed his gun at the father, who was no more than ten feet away
25 through the broken window, and ordered him to "open the fucking door you piece of shit." The
26 father rushed to the front door to open it as Defendant Ho sprinted back to the front door. As the

1 father began to open the door, Defendant Ho forced open the door, attacked the father by
2 slamming him against the wall and then put him in a choke hold. Defendant Ho put the father in
3 handcuffs, roughed him up for a while, and then left. Officer Thoman then took the father into
4 custody on an outstanding warrant.

5 20.

6 Plaintiff joined Defendant Ho in his patrol car and asked him to explain how his actions
7 were appropriate and why he chose to draw his firearm. Defendant Ho responded, "Look, if no
8 one knows about this we won't get caught. You've got to learn to look the other way to survive
9 out here." Plaintiff further challenged Defendant Ho and asked him to explain how his actions
10 conformed to Portland police policy. Defendant Ho was indignant and he stated that he didn't
11 care what the "official" policy was, because "who are they going to believe, us or these scrote-
12 bags? Come on, we're the fucking police!"

13 21.

14 The next night, on May 25, 2007 at 2:48 a.m., Defendant Ho and Plaintiff responded to a
15 "Code 3" call reporting that a tall African-American male wearing a striped rugby shirt was
16 armed with a knife in the parking lot of an apartment building on NE Schuyler Street. Plaintiff
17 was designated the lead on the call and made the decision to use "less than lethal" force.
18 Plaintiff called for back-up, including an officer with an "AR Rifle" who could provide adequate
19 protection if the situation turned too difficult to handle with "less than lethal" force.

20 22.

21 When Plaintiff and Defendant Ho arrived at the apartment building, the suspect was
22 present and attempting to flee on a bicycle. Plaintiff left the car and drew her firearm. Plaintiff
23 apprehended the suspect with her firearm drawn, brought him to the ground and handcuffed him
24 without incident. Plaintiff searched the suspect, did not find a knife on his person, and prepared
25 the suspect to be brought into custody. Plaintiff ordered a team of officers who had arrived at the
26 scene to take the suspect into custody so she could focus on interviewing the witnesses.

1 23.

2 Numerous witnesses were present as well but the victim had fled, leaving his bicycle
3 behind. Plaintiff spoke to the witness who had called 911 to report the incident and who also
4 knew both the suspect and the victim. Plaintiff determined that she had probable cause to charge
5 the suspect with a crime.

6 24.

7 While conducting the interview, Defendant Ho told Plaintiff that they had found the knife
8 in the bushes against the side of the building. Plaintiff asked Defendant Ho to bag the knife as
9 evidence. Defendant Ho refused, stating "They're just a bunch of Section 8 crack head scrote-
10 bags. No victim, no crime. We're taking him to the 'drunk tank' and that's it."

11 25.

12 Plaintiff strongly disagreed with Defendant Ho's statement that there was no crime.
13 Plaintiff insisted they at least address the knife and bicycle left at the scene in accordance with
14 Portland police policy. Defendant Ho ordered Plaintiff to leave the bicycle at the scene and told
15 Plaintiff that he would "ask one of the scrote-bags over there to get rid of the knife."

16 26.

17 Defendant Ho then approached a witness and ordered the witness to dispose of the knife
18 after they had left the scene. The witness refused. Defendant Ho then turned to two other
19 witnesses and ordered them to dispose of the knife. Defendant Ho then took the bicycle to the
20 building's bicycle rack and left it unattended.

21 27.

22 Defendant Ho and Plaintiff drove the suspect to the Hooper Detoxification Center
23 ("Hooper Detox"). While in the car, Plaintiff began drafting a report that accurately reflected the
24 incident, including that a knife was found in the bushes and that Defendant Ho had left it at the
25 scene and ordered witnesses to destroy it. At Hooper Detox, Defendant Ho looked over
26 Plaintiff's report and demanded that she "make it vaguer so we're not liable . Say the knife

1 wasn't found on the subject and that the bike was left with the victim's friend and leave it at
2 that." Plaintiff told Defendant Ho that she would not lie on the police report. Defendant Ho
3 ordered Plaintiff to rewrite the report.

4 28.

5 On approximately May 28, 2007, Plaintiff reported to Defendant William Hubner and
6 Defendant Schilling, the FTO Coordinators in the Training Department at Central Precinct, that
7 Defendant Ho had attempted to break down a door without probable cause, drew a firearm on a
8 cooperative citizen without reasonable suspicion or probable cause, refused to fill out a use of
9 force report after both drawing his weapon and attacking a citizen, ordered citizens to destroy a
10 potential deadly weapon that was evidence of a crime, ordered Plaintiff to falsify a police report
11 and left abandoned property at a crime scene. Plaintiff also complained of being ridiculed and
12 demeaned on account of her gender and that Defendant Ho and other officers routinely abused
13 their position of authority by taking goods from a convenience store.

14 29.

15 Defendants Hubner and Schilling told Plaintiff that they knew that there was a recurring
16 problem in the Northeast Precinct because a disproportionate number of female officers either
17 quit or were fired very soon after joining the precinct. They stated that they "had not got around
18 to addressing the problem." Defendant Hubner and Schilling called Defendant Sergeant Bryan
19 Parman in to hear Plaintiff's allegations.

20 30.

21 Plaintiff met with Defendants Hubner, Schilling and Parman, and again reported her
22 concerns stated in paragraph 28.

23 31.

24 In response to Plaintiff's reporting of her concerns, Defendants Hubner, Schilling and
25 Parman told Plaintiff to "look the other way" regarding any police misconduct until she was off
26 of probationary status and that she should "not make waves." Defendant Parman told Plaintiff

1 that her concerns “were not a big deal” and to “pick her battles” and “keep your mouth shut if
2 you want to keep your job.” Defendants Hubner, Schilling and Parman told Plaintiff that she
3 would be transferred to Central Precinct.

4 32.

5 Immediately after reporting Defendant Ho’s actions, Plaintiff was inundated with
6 telephone calls from Defendant Pinarich. Defendant Pinarich told Plaintiff that Officer Hubner
7 was concerned that she was reporting things that she should know to keep quiet about.
8 Defendant Pinarich told Plaintiff, “It’s not your job to police the police. If you see anything just
9 keep your mouth shut.” Plaintiff was also contacted by numerous other officers who told her
10 that they had heard that she was a “snitch.” These officers largely supported Plaintiff for
11 reporting her concerns, telling her “it’s not worth it to be an officer if we have to cover
12 everything up.”

13 33.

14 On or about May 30, 2007, Defendant Hubner called Plaintiff and asked to meet with her
15 in person to talk about her concerns. Plaintiff said she would be happy to meet with him and
16 offered to come down to his office at Central Precinct. Defendant Hubner stated that it would be
17 more appropriate to meet away from the office. They set up a time later that day to meet at a
18 coffee shop on Sylvan Ridge.

19 34.

20 Defendant Hubner arrived at the coffee shop in police uniform for his meeting with
21 Plaintiff. Defendant Hubner told Plaintiff, “You’re a coward. You pissed a lot of people off.”
22 Defendant Hubner told Plaintiff that the officers were no longer permitted to take goods from
23 convenience stores and that she had “started a rebellion in Northeast.”

24 35.

25 Defendant Hubner then reminded Plaintiff to “be quiet about these incidents. You’ve got
26 a lot of potential and you are exactly what the Bureau needs.” Plaintiff replied, “I didn’t become

1 a cop because I wanted to be a cowboy. I wanted to help people.” Defendant Hubner responded,
2 “Well then don’t be surprised if you don’t have a job. You’re not even safe anymore. If you
3 need back-up, you’re just not going to get it.”

4 36.

5 On or about May 31, 2007, Plaintiff reported to work for the first time at Central
6 Precinct. Plaintiff, on account of Defendant Hubner’s warnings, felt it was not safe to report to
7 work and told Defendant Schilling, “I don’t think I can do this.” Defendant Schilling responded
8 by saying “turn in your gear,” terminating Plaintiff. Defendant Schilling told Plaintiff that she
9 would need to resign to “make things official” but that she would first have to speak with
10 Defendant Captain Greg Hendricks.

11 37.

12 Plaintiff met with Defendant Hendricks and described her concerns stated in paragraph
13 28. Plaintiff also told Defendant Hendricks that she did not feel she could work in the Bureau if
14 she was no longer safe, and if her continued working there was conditioned on not reporting
15 violations of federal and state law, as well as Portland police policy. Defendant Hendricks said
16 he agreed with the Training Department’s point of view and that she was welcome to have her
17 job back if she would agree to not report misconduct. Defendant Hendricks told Plaintiff to
18 “keep a low profile for six months. Then you can be as good of a cop as you want.”

19 38.

20 After meeting with Defendant Hendricks, Defendant Schilling took Plaintiff to Personnel
21 to sign resignation paperwork. Upon handing in the paperwork, Plaintiff was told she could not
22 leave without first talking to Defendant Sergeant Judy Brumfield. Plaintiff met with Defendant
23 Brumfield and told her about her concerns laid out in paragraph 28. Plaintiff also told Defendant
24 Brumfield that Defendant Hubner had told her that she was “not even safe anymore,” had
25 “started a rebellion” and that she would not get back-up any more.
26

1 39.

2 Defendant Brumfield told Plaintiff that she had a lot of potential, but that she first needed
3 to learn to “pick your battles, look the other way and not make waves.” Defendant Brumfield
4 informed Plaintiff that she would not accept her “resignation” unless she took three days to think
5 things over, and made it clear that any future employment was conditioned on keeping quiet
6 about violations of the law and Portland police policy.

7 40.

8 Over the next three days, Plaintiff received seven to eight telephone calls per day from
9 various officers in the precinct. Defendant Pintarich continued to call Plaintiff several times a
10 day, leaving messages asking her to reconsider her insistence on reporting misconduct within the
11 Portland Police Bureau, and again begging her to “look the other way” until she was off
12 probationary status. Plaintiff did not return her calls.

13 41.

14 On or about Monday June 4, 2007, Plaintiff left a telephone message for Defendant
15 Brumfield and asked that Defendant Brumfield return her call. When Defendant Brumfield
16 returned her call later that day, Plaintiff told Defendant Brumfield that she did not feel she could
17 safely work for the Portland police if she was forced to lie about serious instances of past officer
18 misconduct, and if her continued employment was conditioned on keeping quiet about any
19 concerns or misconduct that may come up in the future. Unwilling to live by the Portland Police
20 Bureau’s and the City of Portland’s code of silence, and unwilling to work in an already
21 dangerous job where she would now no longer get back up, Plaintiff went to Central Precinct and
22 signed the documents to process her termination on or about June 4, 2007.

23 42.

24 Plaintiff gave timely notice of her tort claim to Linda Meng, City Attorney for Defendant
25 City of Portland, on October 24, 2007.

26 ///

1 event less than economic damages in excess of \$100,000 and non-economic damages in excess
2 of \$750,000.

3 48.

4 Plaintiff has hired legal counsel to bring these claims and is entitled to the costs incurred
5 and attorney fees pursuant to ORS 659A.885.

6 **SECOND CLAIM FOR RELIEF**
7 **(Violation of ORS 659A.030 / Gender Discrimination)**
8 **(Against Defendant City of Portland)**

9 49.

10 Plaintiff realleges paragraphs 1 through 41.

11 50.

12 Defendant Ho's conduct was unwanted, offensive, severe and pervasive and created a
13 hostile, intimidating and offensive work environment which unreasonably interfered with
14 Plaintiff's ability to work and earn a living, and altered the terms and conditions of her
15 employment.

16 51.

17 Defendant City of Portland's maintenance of a hostile work environment as alleged
18 herein constitutes a disparate treatment gender discrimination and an unlawful employment
19 practice pursuant to ORS 659A.030.

20 52.

21 Plaintiff's gender was a substantial and motivating factor for Defendant City of
22 Portland's initiating disciplinary action against Plaintiff and, ultimately, terminating Plaintiff.

23 53.

24 As a direct and proximate result of Defendant City of Portland's actions, Plaintiff has
25 suffered loss of employment, substantial emotional distress, mental anguish, injury to her
26 personal and professional reputation, loss of self-esteem and dignity. As compensation, Plaintiff
should be awarded damages against in an amount to be determined at trial, but in no event less

1 than economic damages in excess of \$100,000 and non-economic damages in excess of
2 \$750,000.

3 54.

4 Plaintiff has hired legal counsel to bring these claims and is entitled to the costs incurred
5 and attorney fees pursuant to ORS 659A.885.

6 **THIRD CLAIM FOR RELIEF**
7 **(Violation of ORS 659A.203 / Whistleblower Law)**
8 **(Against Defendant City of Portland)**

9 55.

10 Plaintiff realleges paragraphs 1-42.

11 56.

12 At all times, Defendant City of Portland was a public employer, as defined by ORS
13 659A.200(3)(a).

14 57.

15 At all times, Plaintiff was Defendant City of Portland's employee, as defined by ORS
16 659A.200(2)(a).

17 58.

18 Plaintiff had an objectively reasonable belief that Defendant City of Portland's agents
19 violated federal law, state law, City of Portland rules and regulations, committed abuse of
20 authority and committed other acts that caused a substantial and specific danger to public health
21 and safety. Plaintiff disclosed her beliefs to Defendant City of Portland.

22 59.

23 In retaliation for Plaintiff's disclosures, Defendant City of Portland threatened to take and
24 then did take adverse employment actions against Plaintiff in the form of reassignment, warning
25 Plaintiff of possible termination, threatening Plaintiff's physical safety and ultimately
26 terminating Plaintiff.

1 60.

2 Defendant City of Portland discouraged, restrained, dissuaded, coerced, prevented or
3 interfered with disclosure or discussions protected by ORS 659A.203(1)(b)(A) and (B), in
4 violation of ORS 659A.203(d).

5 61.

6 As a direct and proximate result of Defendant City of Portland's actions, Plaintiff has
7 suffered loss of employment, substantial emotional distress, mental anguish, injury to her
8 personal and professional reputation, loss of self-esteem and dignity. As compensation, Plaintiff
9 should be awarded relief against Defendant City of Portland in an amount to be determined at
10 trial, but in no event less than \$100,000 for lost wages and benefits.

11 62.

12 Plaintiff has hired legal counsel to bring these claims and is entitled to the costs incurred
13 and attorney fees pursuant to ORS 659A.885.

14 **FOURTH CLAIM FOR RELIEF**
15 **(Wrongful Discharge)**
16 **(Against Defendant City of Portland)**

17 63.

18 Plaintiff realleges paragraphs 1 through 42 and 56 through 62.

19 64.

20 Defendant City of Portland actually or constructively terminated Plaintiff for fulfilling an
21 important societal obligation to report unlawful and criminal acts by government agents, which
22 plaintiff reported out of a sense of duty to the public that she was hired to protect.

23 65.

24 Plaintiff's reporting discriminatory, unlawful and criminal acts by government agents is
25 an employment related right of public importance, as evidenced by ORS 659A.203, and her
26 insistence on engaging in this reporting was a substantial factor in Defendant City of Portland's
decision to terminate Plaintiff.

1 66.

2 Pursuant to Plaintiff's ongoing reporting of unlawful acts, Defendant City of Portland
3 subjected Plaintiff to intolerable working conditions that no reasonable person would tolerate,
4 including but not limited to being told that she was no longer safe and would not get back-up.

5 67.

6 Defendant City of Portland's actions as alleged herein thwart the clearly articulated
7 public policy against government corruption, as evidenced in ORS 659A.203.

8 68.

9 Because ORS 659A.203 does not provide an adequate remedy at law, Plaintiff is entitled
10 to relief under the tort of wrongful discharge.

11 69.

12 As a direct and proximate result of Defendant City of Portland's actions, Plaintiff has
13 suffered loss of employment, substantial emotional distress, mental anguish, injury to her
14 personal and professional reputation, loss of self-esteem and dignity. As compensation, Plaintiff
15 should be awarded damages against Defendant City of Portland in an amount to be determined at
16 trial, but in no event less than economic damages in excess of \$100,000 and non-economic
17 damages in excess of \$750,000.

18 **FIFTH CLAIM FOR RELIEF**
19 **(Negligence)**
20 **(Against all Defendants)**

21 70.

22 Plaintiff reallages paragraphs 1 through 42.

23 71.

24 Defendant City of Portland owed Plaintiff a duty to operate its police force in manner
25 free from unlawful, discriminatory and criminal acts. Defendant City of Portland had a duty to
26 be aware of its obligations and duties under federal and state laws and to carry out its business in
a manner consistent with those laws. Defendant City of Portland owed Plaintiff a duty to hire,

1 train, supervise and discipline its employees in a fashion that assures Defendant City of
2 Portland's compliance with federal and state laws.

3 72.

4 Defendants Ho, Brumfield, Hubner, Schilling, Hendricks, Pinterich and Parman owed a
5 duty to Plaintiff to train and supervise Plaintiff in a manner consistent with state and federal anti-
6 discrimination laws, whistleblower laws, tort laws, criminal laws and U.S. Constitutional laws.

7 73.

8 Plaintiff has a legally protected interest in not being ordered to commit criminal acts and
9 in not being discriminated against on account of her gender, whistleblower status or for
10 exercising her U.S. Constitutional rights. Plaintiff's interest is protected by federal and state
11 laws.

12 74.

13 Defendants violated their duty to Plaintiff by discriminating against Plaintiff on account
14 of her gender, for reporting acts protected under the Oregon whistleblower laws and for
15 exercising her U.S. Constitutional rights. Defendants' violation of that duty is the result of their
16 failure to be familiar with or obey state and federal anti-discrimination laws, whistleblower laws,
17 tort laws and U.S. Constitutional laws. Defendant City of Portland's violation of that duty is also
18 the result of its failure to hire, train, supervise and discipline its employees in a fashion that
19 ensures that those laws are obeyed by its employees.

20 75.

21 It was foreseeable that Defendants' negligent conduct would cause Plaintiff to be
22 discriminated against on account of her gender, whistleblower status and for exercising her U.S.
23 Constitutional rights, and that Plaintiff would be terminated from employment and emotionally
24 injured as a result of Defendants' conduct.

25 76.

26 Defendants' conduct was unreasonable in light of the high risk that Plaintiff would be

1 discriminated against on account of her gender, whistleblower status and for exercising her U.S.
2 Constitutional rights and that Plaintiff would be emotionally injured as a result of Defendants'
3 conduct.

4 77.

5 Defendants' negligent conduct was a substantial factor in the discrimination suffered by
6 Plaintiff and Plaintiff's resulting loss of employment and emotional distress.

7 78.

8 As a direct result of Defendants' negligence, Plaintiff has suffered, and continues to
9 suffer, violations of Plaintiff's Constitutional rights, loss of employment, emotional distress
10 including, but not limited to substantial emotional distress, mental anguish, injury to her personal
11 and professional reputation, loss of self-esteem and dignity. As compensation, Plaintiff should
12 be awarded damages against all Defendants in an amount to be determined at trial, but in no
13 event less than economic damages in excess of \$100,000 and non-economic damages in excess
14 of \$750,000.

15 **SIXTH CLAIM FOR RELIEF**
16 **(42 U.S.C. § 1983: Deprivation of Right of Freedom of Speech)**
17 **(Against all Defendants)**

18 79.

19 Plaintiff reallages paragraphs 1 through 42.

20 80.

21 Defendant City of Portland is a "Person" for purposes of 42 U.S.C. § 1983.

22 81.

23 Defendant City of Portland has a policy and/or custom and practice of discouraging
24 whistleblower activities and covering up officer misconduct, including Constitutional and
25 criminal violations.
26

1 82.

2 Plaintiff's disclosures to all Defendants constituted speech that was a matter of public
3 concern because they related to corruption and abuse of power within the Portland Police
4 Department.

5 83.

6 Immediately after Plaintiff engaged in speech protected under the First Amendment,
7 Defendant City of Portland—pursuant to its policy and/or custom and practice of discouraging
8 whistleblower activities and covering up officer misconduct, including Constitutional and
9 criminal violations—and all other individual Defendants conspired to reassign Plaintiff, threaten
10 Plaintiff with termination, terminate Plaintiff and threaten Plaintiff's physical safety for arbitrary,
11 vindictive and malicious reasons lacking any rational basis in violation of the First Amendment
12 of the United States Constitution.

13 84.

14 Plaintiff's speech was a substantial or motivating factor for Defendants' adverse actions.

15 85.

16 Plaintiff's interest in her speech outweighs Defendant City of Portland's interest in
17 administrative efficiency.

18 86.

19 Plaintiff's speech was made as a citizen and not pursuant to her official job duties as an
20 employee of Defendant City of Portland.

21 87.

22 Defendants' actions were intentional or made in deliberate indifference to Plaintiff's
23 United States Constitutional rights, taken under color of state law and deprived Plaintiff of her
24 right to free speech under the United States Constitution.

25 88.

26 As a direct and proximate result of Defendants' violations of the United States

1 Constitution, Plaintiff has suffered loss of employment, substantial emotional distress, mental
2 anguish, injury to her personal and professional reputation, loss of self-esteem and dignity.

3 Plaintiff is entitled to economic damages in excess of \$100,000 and non-economic damages in
4 excess of \$750,000.

5 89.

6 Plaintiff is entitled to reasonable attorney fees and costs, pursuant to 42 U.S.C. § 1988.

7 90.

8 Plaintiff intends to amend this complaint to allow for punitive damages against all
9 Defendants named individually.

10 **SEVENTH CLAIM FOR RELIEF**
11 **(42 U.S.C. § 1983; Deprivation of Right to Equal Protection)**
12 **(Against all Defendants)**

13 91.

14 Plaintiff reallages paragraphs 1 through 42 and 80 through 81.

15 92.

16 All Defendant City of Portland police officers in the Portland Police Bureau who obey
17 Defendant City of Portland's policy and/or custom and practice of discouraging whistleblower
18 activities and covering up officer misconduct, including constitutional and criminal violations,
19 are not reassigned, threatened with termination, terminated Plaintiff and physically threatened.

20 93.

21 Because Plaintiff refused to abide by Defendant City of Portland's policy and/or custom
22 and practice of discouraging whistleblower activities and covering up officer misconduct,
23 including constitutional and criminal violations, Defendant City of Portland and all other
24 individual Defendants conspired to reassign Plaintiff, threaten Plaintiff with termination,
25 terminate Plaintiff and threaten Plaintiff's physical safety for arbitrary, vindictive and malicious
26 reasons lacking any rational basis in violation of the Equal Protection Clause of the Fourteenth
Amendment of the United States Constitution.

1 94.

2 All those employees who obey Defendant City of Portland's policy and/or custom and
3 practice of discouraging whistleblower activities and covering up officer misconduct, including
4 constitutional and criminal violations, are not reassigned, threatened with termination, terminated
5 Plaintiff and physically threatened.

6 95.

7 Defendants' actions were intentional or made in deliberate indifference to Plaintiff's
8 United States Constitutional rights, taken under color of state law and deprived Plaintiff of her
9 United States Constitutional rights to equal protection under the law.

10 96.

11 As a direct and proximate result of violations of the United States Constitution, Plaintiff
12 has suffered loss of employment, substantial emotional distress, mental anguish, injury to her
13 personal and professional reputation, loss of self-esteem and dignity. As compensation, Plaintiff
14 should be awarded damages against Defendants in an amount to be determined at trial, but in no
15 event less than economic damages in excess of \$100,000 and non-economic damages in excess
16 of \$750,000.

17 97.

18 Plaintiff is entitled to reasonable attorney fees and costs, pursuant to 42 U.S.C. § 1988.

19 98.

20 Plaintiff intends to amend this complaint to allow for punitive damages against all
21 Defendants named individually.

22 **EIGHTH CLAIM FOR RELIEF**
23 **(42 U.S.C. § 1983; Conspiracy)**
24 **(Against all Defendants)**

25 99.

26 Plaintiff reallages paragraphs 1 through 42 and 80 through 81.

100.

2 Defendant City of Portland—pursuant to its policy and/or custom and practice of
3 discouraging whistleblower activities and covering up officer misconduct, including
4 constitutional and criminal violations—and other individual Defendants acted in concert to cover
5 up Defendant Ho’s unlawful and criminal misconduct.

101.

7 As part of an agreement to cover up Defendant Ho’s misconduct, Defendants conspired
8 to reassign Plaintiff, threaten Plaintiff with termination, terminate Plaintiff and threaten
9 Plaintiff’s physical safety for arbitrary, vindictive and malicious reasons lacking any rational
10 basis in violation of Plaintiff’s rights under the First Amendment of the United States
11 Constitution and the equal protection clause and due process clause of the Fourteenth
12 Amendment of the United States Constitution.

102.

14 Defendants’ actions were intentional or made in deliberate indifference to Plaintiff’s
15 United States Constitutional rights, taken under color of state law and deprived Plaintiff of her
16 United States Constitutional rights to equal protection under the law.

103.

18 As a direct and proximate result of Defendants’ conspiracy, Plaintiff has suffered loss of
19 employment, substantial emotional distress, mental anguish, injury to her personal and
20 professional reputation, loss of self-esteem and dignity. As compensation, Plaintiff should be
21 awarded damages against Defendants in an amount to be determined at trial, but in no event less
22 than economic damages in excess of \$100,000 and non-economic damages in excess of
23 \$750,000.

104.

25 Plaintiff is entitled to reasonable attorney fees and costs, pursuant to 42 U.S.C. § 1988.
26

1 105.

2 Plaintiff intends to amend this complaint to allow for punitive damages against all
3 Defendants named individually.

4 **NINTH CLAIM FOR RELIEF**
5 **(42 U.S.C. § 1983: Deprivation of Right to Substantive Due Process)**
6 **(Against all Defendants)**

7 106.

8 Plaintiff reallages paragraphs 1 through 42 and 80 through 81.

9 107.

10 Defendant Ho's ordering Plaintiff to falsify a police report violated Plaintiff's liberty
11 interest in being free from being compelled to commit a crime, in not have her employment
12 conditioned on committing crimes and her right to be free from governmental conduct that
13 shocks the conscience, offends a reasonable person's sense of justice and runs counter to the
14 decencies of civilized conduct.

15 108.

16 In addition, Defendant Hubner's threatening Plaintiff's personal safety by telling Plaintiff
17 that she would no longer receive back-up on account of her reporting the allegations in paragraph
18 28 violated Plaintiff's life and liberty interest in having her employment not be subject to
19 governmental threats and conduct that shocks the conscience, offends a reasonable person's
20 sense of justice and runs counter to the decencies of civilized conduct.

21 109.

22 Defendant City of Portland—pursuant to its policy and/or custom and practice of
23 discouraging whistleblower activities and covering up officer misconduct, including
24 constitutional and criminal violations—and all other individual Defendants conspired to reassign
25 Plaintiff, threaten Plaintiff with termination, terminate Plaintiff and threaten Plaintiff's physical
26 safety for arbitrary, vindictive and malicious reasons lacking any rational basis in violation of the
due process clause of the Fourteenth Amendment of the United States Constitution.

1 110.

2 Defendants' actions were intentional or made in deliberate indifference to Plaintiff's
3 United States Constitutional rights, taken under color of state law and deprived Plaintiff of her
4 United States Constitutional rights to substantive due process.

5 111.

6 As a direct and proximate result of Defendants' acts, Plaintiff has suffered loss of
7 employment, substantial emotional distress, mental anguish, injury to her personal and
8 professional reputation, loss of self-esteem and dignity. As compensation, Plaintiff should be
9 awarded damages against Defendants in an amount to be determined at trial, but in no event less
10 than economic damages in excess of \$100,000 and non-economic damages in excess of
11 \$750,000.

12 112.

13 Plaintiff is entitled to reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

14 113.

15 Plaintiff intends to amend this Complaint to allow for punitive damages against all
16 Defendants named individually.

17
18 **WHEREFORE**, Plaintiff requests a trial by jury and requests the Court should grant
19 judgment in favor of Plaintiff Lindsay K. Hunt and against all Defendants and grant the
20 following relief:

21 1. On Plaintiff's First Claim for Relief, compensatory damages in an amount to be
22 determined at trial but in no event less than \$750,000, plus attorney fees, costs and
23 disbursements;

24 2. On Plaintiff's Second Claim for Relief, compensatory damages in an amount to
25 be determined at trial but in no event less than \$750,000, plus attorney fees, costs and
26 disbursements;

1 3. On Plaintiff's Third Claim for Relief, back pay, front pay and other equitable
2 relief in an amount to be determined at trial, but in no event less than \$100,000, attorney fees,
3 costs and disbursements;

4 4. On Plaintiff's Fourth Claim for Relief, compensatory damages in an amount to be
5 determined at trial, but in no event less than \$750,000;

6 5. On Plaintiff's Fifth Claim for Relief, compensatory damages in an amount to be
7 determined at trial, but in no event less than \$750,000;

8 6. On Plaintiff's Sixth Claim for Relief, compensatory damages in an amount to be
9 determined at trial, but in no event less than \$750,000, plus attorney fees, costs and
10 disbursements;

11 7. On Plaintiff's Seventh Claim for Relief, compensatory damages in an amount to
12 be determined at trial, but in no event less than \$750,000, plus attorney fees, costs and
13 disbursements;

14 8. On Plaintiff's Eighth Claim for Relief, compensatory damages in an amount to be
15 determined at trial, but in no event less than \$750,000, plus attorney fees, costs and
16 disbursements;

17 9. On Plaintiff's Ninth Claim for Relief, compensatory damages in an amount to be
18 determined at trial, but in no event less than \$750,000, plus attorney fees, costs and
19 disbursements;

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

