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

JUAN ANTHONY SANCHO,

Plaintiff,

v.

THE CITY OF ASHLAND, OREGON, an Oregon municipal corporation; and, in their individual capacities: TIGHE O’MEARA, Ashland Chief of Police, TY RIDOUT, SCOTT WENZEL, and BRIAN GREIDANUS, Patrol Officers in the Ashland Police Department; and ROBERT LEONARD, a sergeant in the Ashland Police Department,

Defendants.

Case No.

PLAINTIFF’S COMPLAINT

(Civil action for damages for false arrest pursuant to the Oregon Tort Claims Act against Ashland and for damages for violation of Plaintiff’s civil rights, and for attorney fees, against the individual defendants)

Prayer: \$2,000,000.00

Fee authority: ORS 21.160(1)(d);  
Filing fee: \$884

Plaintiff Juan Anthony Sancho (“Plaintiff”) alleges:

**INTRODUCTION**

1.

This case presents a poignant example of the problem with police tactics that promote blind adherence to a policy of intensifying coercion and force – and the importance of re-thinking that approach, particularly when racial dynamics are in play. In this case, the defendant white officers ignored numerous opportunities to de-escalate the non-criminal interaction with Plaintiff Juan Anthony Sancho (“Plaintiff”), who has brown skin. At the time of the incident, Plaintiff was an actor employed by the Oregon Shakespeare Festival (the “Festival”), was not committing a crime, and was increasingly

1 terrified by the officers' escalation of force. Plaintiff's night went from an enjoyable  
2 evening with his colleagues from the Festival to a horrifyingly tragic interaction with  
3 Ashland's Police Department that ended in his improper arrest and tortuous detainment.  
4 The defendants' escalation-of-force tactics violated Plaintiff's civil rights and exposed the  
5 need to change the Ashland Police Department's policies and training from those that  
6 prioritize coercion to those that prioritize compassion. Plaintiff is not the only person of  
7 color who has been mistreated by the Ashland Police Department; consequently, in  
8 addition to monetary damages for the severe emotional distress that Plaintiff suffered,  
9 Plaintiff seeks to compel the Ashland Police Department to re-think its use-of-force tactics  
10 and build compassion, rather than blind coercion, into *genuine* community-oriented  
11 training and tactics around civilian interactions arising from non-criminal and/or non-  
12 violent conduct.

13 **PARTIES**

14 2.

15 Plaintiff is an individual, born in 1976 in Illinois. He is presently a resident of South  
16 Pasadena, California. He is a person of color. At the material time of this case, Plaintiff  
17 was residing in Ashland, Oregon, and employed as an actor with the Oregon Shakespeare  
18 Festival.

19 3.

20 The defendants are:

21 (a) The City of Ashland, which is an Oregon municipal corporation. One of its  
22 departments is the Ashland Police Department. Within the police department, the City of  
23 Ashland maintains an operations division consisting of all uniformed patrol personnel.

1 According to the City of Ashland’s official website, “Community Oriented Policing and  
2 Problem Solving is the cornerstone of the Ashland Police Department’s organizational  
3 philosophy.”

4 (b) Tighe O’Meara is the Ashland Chief of Police. In his role, he is responsible to  
5 ensuring officers are trained to act in accordance with law.

6 (c) The following individuals:

- 7 (1) Ty Ridout;
- 8 (2) Scott Wenzel;
- 9 (3) Robert Leonard; and
- 10 (4) Brian Greidanus.

11 On April 18, 2019, defendants Ty Ridout, Scott Wenzel, and Brian Greidanus were  
12 employed as patrol officers and defendant Robert Leonard was employed as a sergeant in  
13 the City of Ashland Police Department Operations Division.

14 **FACTS**

15 4.

16 On or about 01:37 hours on April 18, 2019, defendant Ridout was on patrol in  
17 Ashland. He observed Plaintiff leaving O’Ryan’s Irish Pub, a downtown bar, on foot.  
18 Defendant Ridout stopped to conduct what he characterized as a “welfare check” on  
19 Plaintiff because he believed that Plaintiff was intoxicated.

20 5.

21 Defendant Ridout stopped Plaintiff from walking across East Main Street near the  
22 intersection of South Pioneer Street and walked Plaintiff back to the sidewalk near the bar.  
23 Plaintiff complied with Defendant Ridout’s request.

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6.

Even though Plaintiff was cooperative and had not committed any crime nor was he suspected of committing any crime, Defendants Wenzel and Leonard, who also were on patrol, decided to stop and join defendant Ridout in his interaction with Plaintiff. Plaintiff was seated and calmly talking with officers when those officers arrived. However, they moved into a position surrounding Plaintiff.

7.

In the presence of defendants Wenzel and Leonard, defendant Ridout told Plaintiff that he was going to take Plaintiff to a detox center and informed Plaintiff that he was not in trouble.

8.

At this point, Plaintiff told defendants that he had only recently come to the City of Ashland, and only lived a couple blocks away. One defendant officer questioned the truth of his statements. Plaintiff also told them that he worked with the Festival. Plaintiff was obviously noticeably scared and confused about why the officers had surrounded him while he was calm and seated.

9.

The officers then told Plaintiff that, while he was not in trouble, they were going to handcuff him. As the officers moved in and put their hands on Plaintiff, he froze. While Plaintiff was clutching his hands together, the officers became increasingly aggressive, including telling Plaintiff he was “going to get [himself] in trouble.” Not surprisingly, Plaintiff’s fear also increased, which he attempted to explain to the officers by, among other things, identifying the racial dynamics between himself and the officers. In so doing,

1 Plaintiff invited de-escalation, asking the officers to “hold on,” his voice quivering with  
2 fear and anxiety. But the officers did not hold on; instead, they raised their voice and told  
3 him to “shut up!”

4 10.

5 Plaintiff remained terrified and frozen. At that point, Plaintiff began repeatedly  
6 asking the officers, as white men, not to tell him to shut up. He was pleading, not violent  
7 or acting in a physically aggressive manner. Plaintiff repeatedly said “don’t do this,” and  
8 one defendant officer responded by telling him “you’re going to go to jail.”

9 11.

10 The defendant officers immediately became more aggressive and violently  
11 handcuffed Plaintiff and forced him into a police car – all while Plaintiff was repeating  
12 “please” and “don’t do this.”

13 12.

14 After the defendant officers’ unnecessary escalation of a non-criminal incident into  
15 a violent arrest, Defendants cited Plaintiff on the charge of “Resisting Arrest,” a crime  
16 defined in ORS 162.315. There was no additional charge or citation.

17 13.

18 Defendant Ridout drove Plaintiff in an Ashland City Police patrol car to the Jackson  
19 County Jail in Medford where Plaintiff was lodged at approximately 03:20 hours on the  
20 charge of Resisting Arrest. He was not released from jail until approximately 12:45 hours  
21 that day.

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14.

When Plaintiff was handcuffed and forcibly restrained by the defendant officers, he had not committed a crime or arrestable offense, nor had he engaged in any physically threatening behavior toward the defendant officers.

15.

ORS 430.402 provides as follows:

**Prohibitions on local governments as to crimes involving use of alcohol, cannabis or drugs.**

(1) A political subdivision in this state shall not adopt or enforce any local law or regulation that makes any of the following an offence, a violation, or the subject of criminal or civil penalties or sanctions of any kind:

(a) Public Intoxication.

\*\*\*\*

(c) Drunk and Disorderly Conduct.

The foregoing does not affect the authority of Oregon political subdivisions to prosecute driving under the influence of alcohol as a crime, but Plaintiff was not operating a motor vehicle.

16.

ORS 430.399 provides as follows:

**When person must be taken to treatment facility or sobering facility; admission or referral; when jail custody may be used; confidentiality of record.**

(1) Any person who is intoxicated or under the influence of controlled substances in a public place may be sent home or taken to a sobering facility or to a treatment facility by a police officer. If the person is incapacitated, the person shall be taken by the police officer to an appropriate treatment facility or sobering facility. If the health of the person appears to be in immediate danger, or the police officer has reasonable cause to believe the person is dangerous to himself or to

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any other person, the person shall be taken by the police officer to an appropriate treatment facility or sobering facility. A person shall be deemed incapacitated when in the opinion of the police officer, the person is unable to make a rational decision as to acceptance of assistance.

(2) When a person is taken to a treatment facility, the director of the treatment facility shall determine whether the person shall be admitted as a patient, referred to another treatment facility or a sobering facility or denied referral or admission. If the person is incapacitated or the health of the person appears to be in immediate danger, or if the director has reasonable cause to believe the person is dangerous to self or to any other person, the person must be admitted...

(3) When a person is taken to a sobering facility, the staff of the sobering facility shall, consistent with the facility’s comprehensive written policies and procedures, determine whether or not the person shall be admitted into the sobering facility...

(4) In the absence of any appropriate treatment facility or sobering facility, or if a sobering facility determines that a person should not be admitted to the sobering facility, an intoxicated person or a person under the influence of controlled substances who would otherwise be taken by the police officer to a treatment facility or a sobering facility may be taken to the city or county jail where the person may be held until no longer intoxicated...

17.

On April 18, 2019, Plaintiff had a home in Ashland, and an appropriate treatment facility or sobering facility – the William H. Moore Center located at 338 N. Front St., Medford, OR 97501 – was open.

18.

Plaintiff was not intoxicated to a level that triggered defendants’ obligations under ORS 430.339. However, even if defendants’ obligations were triggered under ORS 430.399, defendants Ridout, Wenzel, Greidanus, and Leonard did not send or take Plaintiff

1 home or to a sobering facility or treatment facility as required by law. Instead, as explained  
2 above, these defendants chose to put Plaintiff in jail.

3 19.

4 The unlawful pretext for taking Plaintiff to jail was that defendant “resisted arrest;”  
5 however Defendants never had authority to arrest Plaintiff because he had committed no  
6 crime and was, in fact, told he was “not in trouble.”

7 20.

8 Under ORS 162.315, there can be no “resisting arrest” unless there is an “arrest” as  
9 defined in ORS 133.005. Under ORS 133.005, an arrest occurs when police take a person  
10 into custody “for the purpose of charging that person with an offense.” ORS 161.505  
11 defines “offense” as “conduct for which a sentence to a term of imprisonment or to a fine”  
12 may be imposed. Drunkenness, because it cannot be subject to criminal penalties or  
13 sanctions of any kind under ORS 430.402, is not an “offense.” In other words, Plaintiff  
14 was arrested in the sense that he was not free to leave the four police officers and go on his  
15 own way, but he was not under arrest for purposes of ORS 162.315.

16 21.

17 Plaintiff was never prosecuted for any crime or offense on account of his April 18,  
18 2019 arrest.

19 22.

20 When defendants Ridout, Wenzel, Greidanus, and Leonard arrested Plaintiff by  
21 putting him in defendant Ridout’s police car in handcuffs, and when defendant Ridout took  
22 Plaintiff to the Jackson County Jail:

23



1 (a) There was no evidence that would lead a prudent law enforcement officer  
2 to reasonably believe that Plaintiff had violated ORS 162.315, the statute that prohibits  
3 resisting arrest; and

4 (b) Said defendants' subjective belief that Plaintiff had violated ORS 162.315  
5 was not objectively reasonable under any circumstances regardless of their subjective  
6 belief; none of the individual defendants knew facts and circumstances, or had reasonably  
7 trustworthy information, that would lead them to conclude that it was fairly probable that  
8 Plaintiff had violated said statute.

9 23.

10 When they put Plaintiff in defendant Ridout's patrol car in handcuffs, and when  
11 defendant Ridout took Plaintiff to the Jackson County Jail, defendants Ridout, Wenzel,  
12 Greidanus, and Leonard intended to act as they did.

13 24.

14 When defendants Ridout, Wenzel, Greidanus, and Leonard put Plaintiff in  
15 defendant Ridout's patrol car in handcuffs, and when defendant Ridout took Plaintiff to the  
16 Jackson County Jail, Plaintiff knew he was being confined. Such confinement was against  
17 Plaintiff's will.

18 25.

19 Plaintiff is protected against unreasonable searches and seizures by Article I,  
20 Section 9 of the Oregon Constitution and the Fourth Amendment of the United States  
21 Constitution. Once in custody of law enforcement, Plaintiff is also protected against  
22 "unnecessary rigor" by Article 1, section 13 of the Oregon Constitution.  
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26.

Although they did not personally drive Plaintiff to the Jackson County Jail, defendants Wenzel, Greidanus and Leonard could observe and hear that defendant Ridout was doing so. Defendants Wenzel, Greidanus and Leonard had ample opportunity to intercede, but none of them interceded to protect or defend Plaintiff by insisting that Plaintiff be taken home or to a treatment or sobering facility.

27.

Section 300.1.2 of the Ashland Police Department policy manual is headed "Duty to Intercede." It requires that any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force; and it requires such officers to promptly report their observations to a supervisor.

28.

As a sergeant, defendant Leonard was in a position to command defendants Ridout, Wenzel, and Greidanus to comply with ORS 430.399 by ensuring that Plaintiff would be taken home or to a treatment facility or sobering facility, but he failed to do so.

**FIRST CLAIM FOR RELIEF:**  
**AGAINST DEFENDANT CITY OF ASHLAND**  
**FOR FALSE ARREST**

29.

Paragraphs 1 - 28 above are fully incorporated herein by reference.

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30.

Within 180 days after being arrested on April 18, 2019, Plaintiff notified defendant City of Ashland of his intention to bring this claim against said defendant. The notice was written by Plaintiff's attorney and given by personal delivery to Ashland City Attorney David H. Lohman at the principal administrative office of the Ashland Mayor and City Attorney at 20 East Main Street in Ashland.

31.

The law enforcement officers whose conduct is described above were acting within the course and scope of their official duties. Defendant City of Ashland is liable for false arrest.

32.

As a result of the actions of the individual defendants explained above, Plaintiff has suffered damages for physical and emotional pain and suffering and physical injury, for which Plaintiff is entitled to an award of \$706,000.00.

**SECOND CLAIM FOR RELIEF:**  
**AGAINST DEFENDANT RIDOUT FOR CIVIL RIGHTS**  
**VIOLATIONS UNDER 42 USC §1983**

33.

Paragraphs 1 – 32 above are incorporated herein by reference as though fully set forth.

34.

Defendant Ridout, for purposes of this claim for relief, acted:  
(a) Under color of state law; but

1 (b) Outside the course of his public employment or duties (i.e., he was acting  
2 in his individual capacity).

3 35.

4 In arresting Plaintiff:

5 (a) Defendant Ridout lacked probable cause, as explained above, to arrest  
6 Plaintiff for a crime or offense, and by his actions explained herein, defendant Ridout  
7 deprived Plaintiff of federal constitutional rights, including:

8 (1) The right to be free from unreasonable search and seizure under the  
9 Fourth Amendment;

10 (2) The right, under the Due Process Clause of the Fourteenth  
11 Amendment, to liberty and to be free from arbitrary and capricious punishment;

12 36.

13 As a result of defendant Ridout's deprivation of Plaintiff's constitutional rights,  
14 Plaintiff was damaged in an amount not exceeding \$2,000,000.00. Plaintiff may allege  
15 additional damages at trial.

16 37.

17 Plaintiff is entitled to an award of attorney fees from defendant Ridout pursuant to  
18 42 USC § 1988.

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**THIRD CLAIM FOR RELIEF:**

**AGAINST DEFENDANT WENZEL FOR CIVIL RIGHTS**

**VIOLATIONS UNDER 42 USC §1983**

38.

Paragraphs 1 – 28 above are incorporated herein by reference as though fully set forth.

39.

Defendant Wenzel, for purposes of this claim for relief, acted:

(a) Under color of state law; but

(b) Outside the course of his public employment or duties (i.e., he was acting in his individual capacity).

40.

In arresting Plaintiff:

(a) Defendant Wenzel lacked probable cause, as explained above, to arrest Plaintiff for a crime or offense, and by his actions explained herein, defendant Wenzel deprived Plaintiff of federal constitutional rights, including:

(1) The right to be free from unreasonable search and seizure under the Fourth Amendment;

(2) The right, under the Due Process Clause of the Fourteenth Amendment, to liberty and to be free from arbitrary and capricious punishment;

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41.

As a result of defendant Wenzel’s deprivation of Plaintiff’s constitutional rights, Plaintiff was damaged in an amount not exceeding \$2,000,000.00. Plaintiff may allege additional damages at trial.

42.

Plaintiff is entitled to an award of attorney fees from defendant Wenzel pursuant to 42 USC § 1988.

**FOURTH CLAIM FOR RELIEF:**  
**AGAINST DEFENDANT GREIDANUS FOR CIVIL RIGHTS**  
**VIOLATIONS UNDER 42 USC §1983**

43.

Paragraphs 1 – 28 above are incorporated herein by reference as though fully set forth.

44.

Defendant Greidanus, for purposes of this claim for relief, acted:

- (a) Under color of state law; but
- (b) Outside the course of his public employment or duties (i.e., he was acting in his individual capacity).

45.

In arresting Plaintiff:

(a) Defendant Greidanus lacked probable cause, as explained above, to arrest Plaintiff for a crime or offense, and by his actions explained herein, defendant Greidanus deprived Plaintiff of federal constitutional rights, including:

1 (1) The right to be free from unreasonable search and seizure under the  
2 Fourth Amendment;

3 (2) The right, under the Due Process Clause of the Fourteenth  
4 Amendment, to liberty and to be free from arbitrary and capricious punishment;

5 46.

6 As a result of defendant Greidanus's deprivation of Plaintiff's constitutional rights,  
7 Plaintiff was damaged in an amount not exceeding \$2,000,000.00. Plaintiff may allege  
8 additional damages at trial.

9 47.

10 Plaintiff is entitled to an award of attorney fees from defendant Greidanus pursuant  
11 to 42 USC § 1988.

12 **FIFTH CLAIM FOR RELIEF:**

13 **AGAINST DEFENDANT LEONARD FOR CIVIL RIGHTS**

14 **VIOLATIONS UNDER 42 USC §1983**

15 48.

16 Paragraphs 1 – 28 above are incorporated herein by reference as though fully set  
17 forth.

18 49.

19 Defendant Leonard, for purposes of this claim for relief, acted:

20 (a) Under color of state law; but

21 (b) Outside the course of his public employment or duties (i.e., he was acting  
22 in his individual capacity).

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50.

In arresting Plaintiff:

(a) Defendant Leonard lacked probable cause, as explained above, to arrest Plaintiff for a crime or offense, and by his actions explained herein, defendant Leonard deprived Plaintiff of federal constitutional rights, including:

(1) The right to be free from unreasonable search and seizure under the Fourth Amendment;

(2) The right, under the Due Process Clause of the Fourteenth Amendment, to liberty and to be free from arbitrary and capricious punishment;

51.

As a result of defendant Leonard’s deprivation of Plaintiff’s constitutional rights, Plaintiff was damaged in an amount not exceeding \$2,000,000.00. Plaintiff may allege additional damages at trial.

52.

Plaintiff is entitled to an award of attorney fees from defendant Leonard pursuant to 42 USC § 1988.

**SIXTH CLAIM FOR RELIEF:**  
**AGAINST DEFENDANT O’MEARA FOR**  
**VIOLATIONS UNDER 42 USC §1983**

53.

Paragraphs 1 – 28 above are incorporated herein by reference as though fully set forth.

\\



1 \\\

2 54.

3 Defendant O’Meara was at all relevant times the supervisor of the Ashland Police  
4 Department, including Defendant officers.

5 55.

6 Defendant O’Meara knew or reasonably should have known that his subordinate  
7 officers would encounter people of color.

8 56.

9 Defendant O’Meara knew or reasonably should have known that failing to ensure  
10 subordinate officers were trained to understand how bias of officers and the fear people  
11 of color have of police would lead to unlawful and escalated police responses.

12 57.

13 Defendant O’Meara knew or reasonably should have known that such escalated  
14 police responses cause severe injury, including death, including disproportionate harm to  
15 people of color.

16 58.

17 Defendant O’Meara knew or reasonably should have known that failing to ensure  
18 subordinate officers were trained to understand how bias of officers and the fear people  
19 of color have of police would lead to unlawful and escalated police responses.

20 59.

21 Despite the knowledge described above, Defendant O’Meara failed to train  
22 officers to understand their bias and de-escalate officer – civilian encounters.

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60.

Plaintiff suffered physical and emotional harm as a direct and foreseeable result of Defendant O’Meara’s failure to train his subordinates.

**SEVENTH CLAIM FOR RELIEF:**

**AGAINST DEFENDANT CITY OF ASHLAND FOR  
VIOLATIONS UNDER 42 USC §1983 AS APPLIED TO THE CITY THROUGH  
MONELL**

61.

Paragraphs 1 – 28 above are incorporated herein by reference as though fully set forth.

62.

Defendants Ridout, Wenzel, Greidanus, and Leonard, for purposes of this claim for relief, acted:

- (a) Under color of state law; and
- (b) In accordance with unlawful and unconstitutional policing practices adopted by the Ashland Police Department.

63.

Specifically, on information and belief, in performing the actions alleged in paragraphs 1 – 28, Defendants Ridout, Wenzel, Greidanus, and Leonard were acting in accordance with municipal policies that (a) did not require training that instructed officers on how to effectively de-escalate police and civilian encounters, particularly in situations involving persons of color engaged in non-criminal conduct and/or suspected or accused of non-violent criminal conduct and/or (b) promulgated by the Ashland Police Department

1 that, unlawfully and unconstitutionally, endorse the arrest and detention of people  
2 suspected of merely being drunk in public.

3 64.

4 The City of Ashland's failure to require training of its officers and/or flawed  
5 policing policies were confirmed when Defendant O'Meara sanctioned Defendants  
6 Ridout's, Wenzel's, Greidanus's, and Leonard's actions in statements to the media and the  
7 Ashland City Counsel in July and August 2020.

8 65.

9 As a direct and foreseeable result of defendant the City of Ashland's flawed training  
10 and/or police polices outlined above, Defendants Ridout, Wenzel, Greidanus, and Leonard  
11 deprived Plaintiff of his constitutional rights, as set forth herein, and Plaintiff was damaged  
12 in an amount not exceeding \$2,000,000.00. Plaintiff may allege additional damages at trial.

13 66.

14 Plaintiff is entitled to an award of attorney fees from defendant Leonard pursuant  
15 to 42 USC § 1988.

16 **EIGHTH CLAIM FOR RELIEF:**

17 **BASED ON COMMON LAW, AGAINST THE INDIVIDUAL DEFENDANTS**

18 **RIDOUT, WENZEL, GREIDANUS, AND LEONARD FOR ACTIONS OUTSIDE**

19 **THE COURSE AND SCOPE OF THEIR OFFICIAL DUTIES.**

20 67.

21 Paragraphs 1 – 28 are incorporated herein by reference as though fully set forth.

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68.

The individual defendants, above-named, acted outside the course and scope of their official duties.

69.

Said individual defendants, instead of defendant City of Ashland, are liable to Plaintiff for false arrest, whereby Plaintiff's damage is at least the amount alleged in Paragraph 19 above, which is fully incorporated herein by reference. Plaintiff may allege additional damages at trial.

WHEREFORE Plaintiff prays for judgment in his favor in accordance with the claims for relief set forth above, for damages as follows:

(a) Against Defendant City of Ashland:

(1) For damages in the amount of \$2,000,000.00, and additional amounts to be proven at trial, in accordance with 42 USC §1983; and

(2) For Plaintiff's attorney fees pursuant to 42 USC §1988;

(b) Against defendant Ridout:

(1) For damages in the amount of \$2,000,000.00, and additional amounts to be proven at trial, in accordance with 42 USC §1983;

(2) For Plaintiff's attorney fees pursuant to 42 USC §1988; or

(3) In the alternative to Paragraph (1) - (2) above, damages under common law in at least the amount of \$706,000.00 plus any additional amounts to be proven at trial;

(c) Against defendant Wenzel:

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(1) For damages in the amount of at least \$2,000,000.00, and additional amounts to be proven at trial, in accordance with 42 USC §1983;

(2) For Plaintiff's attorney fees pursuant to 42 USC §1988; or

(3) In the alternative to Paragraph (1) - (2) above, damages under common law in at least the amount of \$706,000.00 plus any additional amounts to be proven at trial;

(d) Against defendant Greidanus:

(1) For damages in the amount of at least \$2,000,000.00, and additional amounts to be proven at trial, in accordance with 42 USC §1983;

(2) For Plaintiff's attorney fees pursuant to 42 USC §1988; or

(3) In the alternative to Paragraph (1) - (2) above, damages under common law in at least the amount of \$706,000.00 plus any additional amounts to be proven at trial;

(e) Against defendant Leonard:

(1) For damages in the amount of at least \$2,000,000.00, and additional amounts to be proven at trial, in accordance with 42 USC §1983;

(2) For Plaintiff's attorney fees pursuant to 42 USC §1988; or

(3) In the alternative to Paragraph (1) - (2) above, damages under common law in at least the amount of \$706,000.00 plus any additional amounts to be proven at trial;

(e) Against defendant O'Meara:

(1) For damages in the amount of at least \$2,000,000.00, and additional amounts to be proven at trial, in accordance with 42 USC §1983;

(2) For Plaintiff's attorney fees pursuant to 42 USC §1988.

1 (f) Any other relief the court deems necessary or proper including, but not limited  
2 to, injunctive relief compelling the Ashland Police Department to change its unlawful and  
3 unconstitutional policing practices and procedures; and

4 (g) An award of his costs, disbursements, and prevailing party fees.

5 Dated this 16th day of April, 2021

6 Respectfully submitted,

7 **JACOBSON, THIEROLF & DICKEY, PC**

8 *Richard B. Thierolf, Jr.*

9 By: Richard B. Thierolf, Jr., OSB #763565

10 E-mail: rthierolf@jtdlegal.com

Of Attorneys for Plaintiff

11 **COLLINS ROWAN. LLP**

12 *Matthew A. Rowan*

13 By: Matthew A. Rowan, OSB #104927

14 E-mail: mrowan@collinsrowan.com

Of Attorneys for Plaintiff

15 TRIAL ATTORNEY

16 **ACLU OF OREGON**

17 /s/ Christopher Lundberg

18 By: Christopher Lundberg, OSB #941084

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