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STATE OF OREGON
CLACKAMAS COUNTY COURTS
FILED

2022 FEB 22 PM 1:22

ENTERED

FEB 22 2022

By: ARS

IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF CLACKAMAS

22CV06174

JANE DOE, an individual,

Plaintiff,

v.

OREGON CITY SCHOOL DISTRICT, an
Oregon corporate body by and through the
OREGON CITY SCHOOL DISTRICT
BOARD,

Defendant.

) Case No.
)
) **COMPLAINT**
) (IIED, Negligence Infliction of Emotional
) Distress, Invasion of Privacy, and
) Negligence)
)
) Fee Authority: ORS 21.160(1)(e)
) Prayer: \$832,000.00
)
) NOT SUBJECT TO MANDATORY
) ARBITRATION (Claim exceeds \$50,000)
)
) DEMAND FOR JURY TRIAL

Plaintiff alleges as follows:

1.

At all material times, Plaintiff Jane Doe is an 18 year-old high school senior and is a resident and domiciliary within Clackamas County, Oregon.

2.

Plaintiff attends high school within Oregon City School District ("OCSD") pursuant to Board Policy JEA, and ORS 339.010 and 339.020.

3.

At all material times OCSD, by and through its Board, is and was an Oregon public corporate entity doing business in Clackamas County, Oregon pursuant to District Policy BBA.

At all material times, OCSD is and was a public school district, providing public school



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1 education from kindergarten through the twelfth grade pursuant to ORS 332.072 and ORS
2 339.115, and is and was responsible for and operates schools and education related programs
3 including Oregon City High School. Oregon City High School serves approximately 2,100
4 students.

5 4.

6 OCSD has the burden and responsibility of keeping their students safe and are in a
7 special relationship with a heightened duty to assure for their students' safety and wellbeing
8 including Plaintiff. OCSD's licensed employees are required to adhere and meet minimum
9 competency and ethical standards. OCSD adopted policies concerning the safety, protection,
10 and wellbeing of their students (e.g. Board Policy ACB, IB, JF/JFA, and JFCF et seq.) including
11 Plaintiff.

12 5.

13 On or about February 2, 2022 Oregon City High School held a school-wide Voices
14 Assembly which featured a male student John Doe, videoed in silhouette but without masking
15 or altering his voice, confessing that "I took my romantic partner captive in probably one of the
16 most vile relationships I could've ever been a part of." John Doe was immediately recognized
17 by numerous students who also immediately recognized that it was Plaintiff to whom John Doe
18 was admitting he abused and assaulted.

19 6.

20 Prior to the Voices Assembly, student members of the Unity Committee at Oregon City
21 High School, which sponsored the Voices Assembly, told multiple administrators not to allow
22 the sharing of John Doe's story. Oregon City High School administrators ignored and
23 disregarded the student members of the Unity Committee protestations about sharing John
24 Doe's story. Oregon High School Administrators broadcast John Doe's video confession of
25 abuse and assault of Plaintiff over the objections of the Unity Committee members.

26 ////

7.

Plaintiff kept the emotional, physical, and sexual abuse and assaults by John Doe private and her experiences are not the subject of any public record.

8.

Plaintiff timely filed this action within the time period of Oregon’s Tort Claim Act.

FIRST CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress)

9.

Plaintiff realleges and incorporates by reference paragraphs 1 through 8 above.

10.

OCSD and Plaintiff are in a special relationship and OCSD and its administrators acted intentionally and purposefully in broadcasting John Doe’s admission of abuse and assault knowing John Doe’s victim and the entire high school student body would observe and see and hear John Doe’s statements and that it would cause Plaintiff severe emotional distress.

11.

OCSD’s actions caused Plaintiff severe emotional distress including anxiety, stress, worry, and emotional distress.

12.

OCSD’s callous broadcasting of John Doe’s admission of abuse and assault upon Plaintiff without notice to or consent from Plaintiff was an extraordinary transgression of the bounds of socially tolerable behavior and her right to privacy.

13.

As a result of OCSD’s actions in purposefully causing Plaintiff severe emotional distress, Plaintiff suffers worry, anxiety, stress, and emotional distress. As a result of these injuries, Plaintiff has and continues to suffer non-economic damages in the amount of \$782,000.00.

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14.

As a result of OCSD's actions in purposefully causing Plaintiff severe emotional distress, Plaintiff suffers economic injury, and has incurred expenses in the approximate amount to be proved at trial, but presently does not exceed \$50,000.00.

SECOND CLAIM FOR RELIEF

(Negligent Infliction of Emotional Distress)

15.

Plaintiff realleges and incorporates by reference paragraphs 1 through 14 above.

16.

OCSD and Plaintiff are in a special relationship and OCSD and its administrators acted negligently or with reckless disregard in broadcasting John Doe's admission of abuse and assault knowing John Doe's victim and the entire high school student body would observe and see and hear John Doe's statements and that it would cause Plaintiff severe emotional distress.

17.

OCSD's actions caused Plaintiff severe emotional distress including anxiety, stress, worry, and emotional distress.

18.

OCSD's callous broadcasting of John Doe's admission of abuse and assault upon Plaintiff without notice to or consent from Plaintiff was an extraordinary transgression of the bounds of socially tolerable behavior and her right to privacy.

19.

As a result of OCSD's actions, Plaintiff suffers worry, anxiety, stress, and emotional distress. As a result of these injuries, Plaintiff has and continues to suffer non-economic damages in the amount of \$782,000.00.

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20.

As a result of OCSD's actions, Plaintiff suffers economic injury, and has incurred expenses in the approximate amount to be proved at trial, but presently does not exceed \$50,000.00.

THIRD CLAIM FOR RELIEF

(Invasion of Privacy – Publication of Private Facts)

21.

Plaintiff realleges and incorporates by reference paragraphs 1 through 20 above.

22.

Plaintiff has a privacy right in keeping the abuse and assaults she suffered private and not publicly shared with Oregon City High School's approximately 2,100 students and OCSD's 150 employees.

23.

Plaintiff's privacy rights were assured through Oregon Constitution Article I, Section 8 and Section 10, as well as the special relationship between public school educators and students, ORS 339.351 et seq., and Board Policies ACB, IB, JFCF, and JF/JFA.

24.

OCSD broadcast John Doe's admission of abuse and assaults of Plaintiff over the objection of fellow students and in violation of the Oregon Constitution, Article I, Section 8 and Section 10.

25.

OCSD broadcast John Doe's admission of abuse and assaults of Plaintiff over the objection of fellow students and with reckless disregard of Plaintiff's privacy in violation of Board Policies ACB, IB, JFCF, and JF/JFA.

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26.

OCSD broadcast John Doe’s admission of abuse and assaults of Plaintiff over the objection of fellow students and in such a manner as to violate ORS 339.351 et seq.

27.

As a result of OCSD’s actions, Plaintiff suffers worry, anxiety, stress, and emotional distress. As a result of these injuries, Plaintiff has and continues to suffer non-economic damages in the amount of \$782,000.00.

28.

As a result of OCSD’s actions, Plaintiff suffers economic injury, and has incurred expenses in the approximate amount to be proved at trial, but presently does not exceed \$50,000.00.

FOURTH CLAIM FOR RELIEF

(Negligence)

29.

Plaintiff realleges and incorporates by reference paragraphs 1 through 28 above.

30.

OCSD and Plaintiff are in a special relationship of educators to student. OCSD has a special duty to Plaintiff’s right to privacy (Board Policy JF/JFA), provide a safe, positive, and productive learning environment (Board Policy JFCF), not harass, intimidate, bully its students (ORS 339.351 et seq.), and protect Plaintiff from students exercising their right to expression in a non-disruptive manner (Board Policy IB), among others.

31.

OCSD breached its duties of care and supervision to Plaintiff which caused her injuries. Plaintiff was harmed and injured when OCSD broadcast her abuser and his admissions of abuse and assaults to its 2,100 students and OCSD’s 150 employees without notifying or asking Plaintiff for her input or consent.

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32.

OCSD was negligent and breached its standards of care in one or more of the following particulars:

- a. In creating a hostile education environment, including interfering with the psychological well-being of Plaintiff (ORS 339.351);
- b. In substantially interfering with Plaintiff's educational benefits, opportunities or performance (ORS 339.351);
- c. In failing to afford Plaintiff her right to privacy (Board Policy JF/JFA);
- d. In failing to provide a safe, positive, and productive learning environment (Board Policy JFCF);
- e. In failing to protect Plaintiff from students exercising their right to expression in a non-disruptive manner (Board Policy IB);
- f. In failing to supervise John Doe and providing him a platform and broadcast to further harass, menace, intimidate, and bully Plaintiff without consequence and in violation of Board Policies JFCF;
- g. In taking action that negatively impacted Plaintiff (Board Policy ACB);
- h. In failing to act as competent educators pursuant to OAR 584-20-0010; and
- i. In failing to act as ethical educators pursuant to OAR 584-20-0035.

33.

As a result of OCSD's negligence as described above, Plaintiff suffers physical and mental pain and suffering (anxiety, stress, worry, and emotional distress), as well as loss of educational opportunities and damage to her name and reputation. Plaintiff seeks an award of damages in a reasonable amount to be determined by a jury at trial but not expected to exceed the amount of \$50,000.00 in economic damages and \$782,000.00 in noneconomic damages.

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WHEREFORE, Plaintiffs prays for the following relief:

For Plaintiff's economic damages in an amount not to exceed \$50,000.00, or such other amount to be proved at trial;

For Plaintiff's noneconomic damages in the amount of \$782,000.00, or such other amount to be proved at trial;

For Plaintiff's costs and disbursements; and

For such other relief as the court deems just.

DATED this 22nd day of February, 2022.

THE BRAGUE LAW FIRM

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