

12/12/23, 2:11 PM

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REGISTER OF ACTIONS

CASE NO. 22CV21650

Mason Lake vs City of Portland, John Doe

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Case Type: **Tort - General**
Date Filed: **06/27/2022**
Location: **Multnomah**

PARTY INFORMATION

Defendant	City of Portland	Attorneys CAROLINE KINCAID TURCO <i>Retained</i> 503 823-4047(W)
Defendant	Doe, John	
Plaintiff	Lake, Mason	Drake Aehegma <i>Retained</i> 503 208-5717(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS			
10/25/2022	Judgment - Limited Dismissal (Judicial Officer: Matarazzo, Judith H) Party(Doe, John) *Vacated 9/21/23* Rule 7 Created: 10/25/2022 11:02 AM		
OTHER EVENTS AND HEARINGS			
06/27/2022	Complaint <i>Assault and Battery; NOT SUBJECT TO MANDATORY ARBITRATION</i> Created: 06/29/2022 1:16 PM		
06/27/2022	Service City of Portland	Served Returned Unserved	08/25/2022 09/22/2022
	Doe, John Created: 06/29/2022 1:16 PM		
06/27/2022	Exhibit Created: 06/29/2022 1:16 PM		
08/22/2022	Complaint - Amended <i>1st - **Added John Doe 1 and John Doe 2**</i> Created: 08/23/2022 7:11 AM		
09/12/2022	Notice - Rule 7 - 63 Day Created: 09/12/2022 12:04 PM		
09/22/2022	Proof - Service Created: 09/27/2022 12:17 PM		
10/05/2022	Notice - Rule 7 - 91 Day Created: 10/05/2022 1:31 PM		
10/21/2022	Notice - Intent Take Default Created: 10/21/2022 2:56 PM		
10/25/2022	Digitized Judgment Document (Judicial Officer: Matarazzo, Judith H) *Vacated 9/21/23* Lmt Jgm Dismissal Rule 7 Signed Date: 10/25/2022 Created: 10/25/2022 11:03 AM		
10/25/2022	Notice - Judgment Entry Created: 10/25/2022 11:03 AM		
10/28/2022	Answer - Affirmative Defense Created: 10/28/2022 2:26 PM		
11/01/2022	Notice <i>Appointment of Judge</i> Created: 11/01/2022 8:42 AM		
11/01/2022	Order (Judicial Officer: Marshall, Christopher J) <i>Appointing Judge Beth Allen as Motions Judge</i> Signed: 11/01/2022 Created: 11/01/2022 8:42 AM		
02/22/2023	Notice - Compliance Created: 02/22/2023 4:15 PM		
03/29/2023	Order (Judicial Officer: Matarazzo, Judith H) <i>TRC- Call 10/20/23, Trial 10/23/23, 5 days</i> Signed: 03/29/2023 Created: 03/30/2023 2:02 PM		
04/03/2023	Order - Protected (Judicial Officer: Allen, Beth A) <i>Stipulated; All protected documents designated as confidential</i>		

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Signed: 04/03/2023
Created: 04/05/2023 3:03 PM

08/11/2023 [Request - Admission](#)
First request
Created: 08/11/2023 3:59 PM

08/30/2023 [Motion - Compel Production](#)
Created: 08/31/2023 11:07 AM

08/30/2023 [Declaration](#)
of Caroline Turco
Created: 08/31/2023 11:08 AM

09/07/2023 [Request - Admission](#)
First
Created: 09/07/2023 4:43 PM

09/13/2023 [Response](#)
to City of Portland's motion to compel
Created: 09/19/2023 11:23 AM

09/13/2023 [Declaration](#)
of Ptf's counsel iso Response
Created: 09/19/2023 11:23 AM

09/15/2023 [Motion - File Amended Complaint](#)
Created: 09/21/2023 8:22 AM

09/15/2023 [Declaration](#)
Created: 09/21/2023 8:22 AM

09/20/2023 **Hearing - Case Management** (2:20 PM) (Judicial Officer Matarazzo, Judith H)
Result: Held
Created: 09/11/2023 10:53 AM

09/20/2023 [Order](#) (Judicial Officer: Matarazzo, Judith H)
Postponing Trial - NEW TRC - Call 4.19.24; Trial 4.22.24; 5 Days
Signed: 09/20/2023
Created: 09/20/2023 4:49 PM

09/20/2023 [Reply](#)
in support of motion to compel
Created: 09/22/2023 11:51 AM

09/20/2023 [Declaration](#)
of Caroline Turco
Created: 09/22/2023 11:51 AM

09/21/2023 [Motion - Relief from Judgment](#)
Created: 09/22/2023 1:49 PM

09/21/2023 [Declaration](#)
of Counsel ISO Motion
Created: 09/22/2023 1:50 PM

09/21/2023 **Order - Rule 7 Service Postponement Granted** (Judicial Officer: Matarazzo, Judith H)
Order for Relief As To John Doe-Continue 30 days
Signed Date: 09/21/2023
Created: 09/22/2023 2:23 PM

09/29/2023 [Response](#)
to motion to amend
Created: 10/02/2023 3:45 PM

09/29/2023 [Declaration](#)
of Caroline Turco
Created: 10/02/2023 3:45 PM

10/02/2023 [Response](#)
to 1st Request for Admissions
Created: 10/02/2023 4:06 PM

10/04/2023 [Response](#)
to 1st Request for Admissions
Created: 10/04/2023 2:49 PM

10/06/2023 [Reply](#)
to motion to allow second amended complaint
Created: 10/09/2023 11:16 AM

10/18/2023 [Motion - Continuance](#)
as to John Doe Defs
Created: 10/19/2023 8:30 AM

10/18/2023 [Declaration](#)
in Support of Motion
Created: 10/19/2023 8:33 AM

10/18/2023 **Order - Rule 7 Service Postponement Granted** (Judicial Officer: Souede, Benjamin)
Signed Date: 10/18/2023
Created: 10/19/2023 8:34 AM

10/18/2023 [Request - Admission](#)
2nd Request for Admissions
Created: 10/19/2023 8:53 AM

10/20/2023 **CANCELED Call** (9:00 AM) (Judicial Officer Matarazzo, Judith H)
Continued
5 days
Created: 03/30/2023 2:03 PM

11/15/2023 **Hearing - Motion** (9:00 AM) (Judicial Officer Allen, Beth A)
MTC and Motion for leave to amend
Result: Held
Created: 10/30/2023 3:08 PM

11/15/2023 [Order](#) (Judicial Officer: Allen, Beth A)
Re: Hearing On Discovery
Signed: 11/15/2023
Created: 11/17/2023 1:30 PM

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- 11/16/2023 [Order](#) (Judicial Officer: Allen, Beth A)
Re: Medical Records of Summer Hica
 Signed: 11/16/2023
 Created: 11/17/2023 1:44 PM
- 11/28/2023 [Notice](#)
Of Unavailability of counsel
 Created: 11/28/2023 4:22 PM
- 12/08/2023 [Order - File Amended Complaint](#) (Judicial Officer: Allen, Beth A)
Granting; Motion for Leave to Amend Second Complaint
 Signed: 12/08/2023
 Created: 12/11/2023 11:59 AM
- 12/12/2023 [Complaint - Amended](#)
 Created: 12/12/2023 11:49 AM
- 04/19/2024 [Call](#) (9:00 AM) (Judicial Officer Matarazzo, Judith H)
 5 Days
 Created: 09/20/2023 4:52 PM

FINANCIAL INFORMATION

	Plaintiff Lake, Mason	
	Total Financial Assessment	594.00
	Total Payments and Credits	594.00
	Balance Due as of 12/12/2023	0.00
06/29/2022	Transaction Assessment	594.00
06/29/2022	xWeb Accessed eFile Receipt # 2022-428187 Lake, Mason	(594.00)

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

MASON LAKE
Plaintiff,

v.

CITY OF PORTLAND, A MUNICIPAL
CORPORATION, AND JOHN DOE 1,
AN INDIVIDUAL, AND JOHN DOE 2,
AN INDIVIDUAL
Defendants.

Case No. 22CV21650

ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO AMEND
SECOND COMPLAINT

The matter before the court is Plaintiff's Motion for Leave to Amend Second Complaint. On November 15, 2023 court heard oral argument. Drake Aehegma appeared on behalf of Plaintiff Mason Lake. Caroline Turco appeared on behalf of Defendants City Of Portland, A Municipal Corporation, And John Doe 1, An Individual, And John Doe 2, An Individual. The court, having reviewed the provided memoranda and related materials, having heard the parties' arguments during the hearing, and having analyzed the pertinent statutes and case law, rules as follows.

Plaintiff's Motion for Leave to Amend Second Complaint is hereby

GRANTED.

12/6/2023 11:40:27 AM



Circuit Court Judge Beth A. Allen
Page | 1 - ORDER

12/12/2023 10:42 AM
22CV21650

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

MASON LAKE,)	
)	Case No.: 22CV21650
Plaintiff,)	
)	SECOND AMENDED COMPLAINT FOR
v.)	ASSAULT AND BATTERY, VIOLATION
)	OF CIVIL RIGHTS, 42 U.S.C. §1983
CITY OF PORTLAND, a municipal)	
corporation, and)	CLAIM NOT SUBJECT TO MANDATORY
JOHN DOE 1, an individual, and)	ARBITRATION
JOHN DOE 2, an individual)	
)	JURY TRIAL REQUESTED
Defendants.)	
)	PRAYER: \$200,000.00
)	Filing Fee: \$594 ORS 21.160(c)

Plaintiff demands a jury trial and alleges:

1.

Defendant City of Portland is and at all times mentioned herein has been a municipal corporation in the State of Oregon. All police officers mentioned herein were at all times mentioned members of the Portland Police Bureau, and were agents and employees of the City of Portland, and were acting within the course and scope of such agency and employment.

///
///
///

PAGE 1 – SECOND AMENDED COMPLAINT FOR ASSAULT AND BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C. §1983

1 ///

2 2.

3 Based on information and belief, John Doe 1 was a Portland police department officer
4 who was operating in tandem with other Portland police officers and was wearing the regalia of
5 the Portland police bureau with his name tag either removed or blacked out and was operating
6 under the color of law and with the authority of the city of Portland. John Doe is the designated
7 name for this officer pursuant to ORCP 20H. John Doe is the individual represented in Exhibit 1.

8 3.

9 On or about the evening of June 27, 2020, plaintiff was working in his capacity as a
10 member of the press in downtown Portland.

11 4.

12 In his capacity as a member of the press plaintiff was filming protestors and events in the
13 vicinity of SW 4th & Main in Portland, Oregon.

14 5.

15 Throughout the night, plaintiff was in the vicinity of other members of the press who
16 were clearly marked as such.

17 6.

18 Prior to the incident in question, law enforcement officers were instructing the crowd of
19 protestors to move to the west.

20 7.

21 Plaintiff complied with the law enforcement orders and was moving the direction
22 instructed while filming the crowds as he went.

23 8.

24 PAGE 2 – SECOND AMENDED COMPLAINT FOR ASSAULT AND
BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C.
§1983

1 When plaintiff attempted to help a fallen individual to their feet, Portland police officer
2 John Doe, physically grabbed and pushed plaintiff. John Doe then aimed and released OC spray
3 directly in plaintiff's face causing injury to plaintiff.

4 9.

5 As a result of the assault, and battery, plaintiff suffered physical injuries including pain,
6 burning sensations, as well as fear and embarrassment.

7 10.

8 All officers mentioned or referred to herein were at all times acting within the course and
9 scope of their agency and employment.

10 11.

11 Written notice of this claim was provided to Multnomah County and the City of Portland.

12 12.

13
14 Further, on or about the night of August 21, 2020 and the morning of August 22, 2020
15 plaintiff was operating as a member of the press in the area of Portland Police Precinct at 449 NE
16 Emerson St, Portland, OR 97211

17 13.

18 In his capacity as a member of the press plaintiff was filming protestors and events in the
19 vicinity of SW 4th & Main in Portland, Oregon.

20 14.

21 Throughout the night, plaintiff was in the vicinity of other members of the press who
22 were clearly marked as such.

23 15.

24 PAGE 3 – SECOND AMENDED COMPLAINT FOR ASSAULT AND
BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C.
§1983

1 On or about 1 am in the morning of August 22, 2020 Plaintiff was physically shoved by
2 an apparent Portland police officer with the DPSST Badge 577770 on the Officer's chest. This
3 Officer is represented in Exhibit 2.

4 16.

5 Based on information and belief, John Doe 2 was a Portland police department officer
6 who was operating in tandem with other Portland police officers and was wearing the regalia of
7 the Portland police bureau with Badge number 577770 on his chest and was operating under the
8 color of law and with the authority of the city of Portland. No DPSST number is associated with
9 the number 577770. John Doe 2 is the designated name for this officer pursuant to ORCP 20H.
10 John Doe 2 is the individual represented in Exhibit 2.

11 17.

12 On or about October 2nd 2020 – a Portland Police Officer threatened and shoved Mr. Lake
13 and some of the pepper spray from the Portland Police Officer hit Mr. Lake

14 18. F

15 On or about October 10th 2020 –a Portland Police Officer grabbed Mr. Lake and physically
16 moved him to the sidewalk away from filming a mass arrest.

17
18 On or about November 4th 2020 – Portland Police Officers created a dangerous situation in
19 which Mr. Lake and other press while they were pinned between two lines of Officers.

20 19.

21 Further, on or about February 28th, 2021 a Portland police officer biked into plaintiff and then
22 punched and pushed him.

23 20.

24 PAGE 4 – SECOND AMENDED COMPLAINT FOR ASSAULT AND
BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C.
§1983

1 Further, on or about June 24th, 2021 a Portland police officer shoved plaintiff with a baton
2 and damaged plaintiff's camera microphone.

3 21.

4 As a result of these Assaults and Batterys plaintiff suffered physical injury as well as fear.

5 22.

6 At all listed incidents plaintiff was working in his capacity as a member of the press in
7 downtown Portland.

8 23.

9 All previously listed Portland Police Officers were wearing the uniforms of the Portland
10 Police Officers and operating under the color of law and with the authority of the city of
11 Portland.

12
13 FOR A FIRST CLAIM FOR RELIEF FOR ASSAULT, plaintiff alleges:

14 24.

15 Plaintiff re-alleges and incorporates by reference all previous paragraphs.

16 25.

17 As a result of the actions taken by Portland Police Officers, plaintiff was placed in
18 apprehension of an immediate harmful and offensive contact. Plaintiff was placed into fear for
19 his safety. Plaintiff suffered from fear and humiliation.

20
21 FOR A SECOND CLAIM FOR RELIEF FOR BATTERY

22 26.

23 Plaintiff re-alleges and incorporates by reference all previous paragraphs.

24 PAGE 5 – SECOND AMENDED COMPLAINT FOR ASSAULT AND
BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C.
§1983

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27.

Portland Police officers acted, intending to cause harmful and/or offensive contact with plaintiff.

28.

The officers' actions caused offensive contact with plaintiff.

29.

The officer's offensive and/or harmful contact was unlawful and utilized excessive force.

30.

Plaintiff suffered pain, and humiliation as a result of the contact.

FOR A THIRD CLAIM FOR RELIEF FOR CIVIL RIGHTS VIOLATIONS (1983)

42 U.S.C. § 1983 – Fourth Amendment Violation - Monell

Unconstitutional Policy, Custom, or Practice

Defendant City of Portland

31.

Notice of these claims were properly given to the City of Portland within 180 days of this incident pursuant to ORS 30.275.

32.

33.

Plaintiff realleges all previous paragraphs as if fully set forth herein.

34.

At all times material Plaintiff had a protected liberty interest under the Fourth

PAGE 6 – SECOND AMENDED COMPLAINT FOR ASSAULT AND BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C. §1983

1 Amendment not to be subjected to an unreasonable seizure of her person through the application
2 of undue, unnecessary, and excessive force. The Doe Defendants violated each of these Fourth
3 Amendment Rights.

4 35.

5 The City of Portland has a custom, practice, or unofficial policy of the following:

6 A. Allowing police officers to use excessive force against members of the press working
7 at the protests;

8 B. Allowing police officers to use excessive force against individuals more broadly;

9 C. Validating the use of force against members of the press at the protests with no
10 discussion of the reasonableness of the force used; Failing to properly train officers in the
11 application of force against peaceful protesters;

12 E. Failing to properly train officers in the application of force generally;

13 F. Failing to comply with court orders restricting the use of force against members of the
14 press; and

15 G. Failing to effectively discipline police officers who use excessive force.

16 36.

17 These customs, practices, or unofficial policies were the moving forces that resulted in
18 the unconstitutional, excessive force, and battery of Plaintiff. As a direct result of these
19 constitutional violations, Plaintiff was placed in fear for his life, and suffered physical injury and
20 mental harms, outrage, betrayal, offense, indignity and insult causing damage in amounts to be
21 proven at trial.

22 37.

23 Pursuant to 42 U.S.C. § 1988, Plaintiff is entitled to recover his attorney fees and costs.

24 PAGE 7 – SECOND AMENDED COMPLAINT FOR ASSAULT AND
BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C.
§1983

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38.

WHEREFORE, plaintiff prays for judgment against the defendants, City of Portland and John Doe's, in the amount of \$200,000.00 in noneconomic damages and for his attorney fees, costs and disbursements necessarily incurred herein.

Dated: 12/12/2023

/s DRAKE AEHEGMA

Drake Aehegma, OSB #132905
drake@aehegmalaw.com
Attorney for Plaintiff

PAGE 8 – SECOND AMENDED COMPLAINT FOR ASSAULT AND BATTERY, VIOLATION OF CIVIL RIGHTS, 42 U.S.C. §1983