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

5 ANDREW GREEN; and SAMIRA GREEN,

6 Plaintiff,

7 vs.

8 CITY OF PORTLAND,

9 Defendant

Case No.

COMPLAINT

Negligence,
Battery and Assault

Not Subject to Mandatory Arbitration
Amount in Controversy: \$200,000
Fee Authority: ORS 21.160(1)(c)
Jury Trial Requested

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12 **PLAINTIFFS ANDREW GREEN AND SAMIRA GREEN ALLEGE:**

13 1. On June 2, 2020, Plaintiffs Andrew Green and Samira Green (“Plaintiffs”), and their two
14 teenage kids went to the demonstrations in Downtown Portland. Despite not engaging in
15 unlawful conduct, Plaintiffs were subjected to mass punishment by the Portland Police Bureau.

16 **PARTIES**

17 2. Plaintiff Andrew Green is a resident of Multnomah County, Oregon. He believes that
18 Black Lives Matter.

19 3. Plaintiff Samira Green is a resident of Multnomah County, Oregon. She believes that
20 Black Lives Matter.

21 4. Defendant City of Portland is a municipal corporation and political subdivision of the
22 State of Oregon. Defendant City retains control of several bureaus, including the Portland Police
23 Bureau.

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25 COMPLAINT - 1

1 **FACTS**

2 5. Across the country, the murder of George Floyd by a Minneapolis Police Officer on
3 May 25, 2020 made clear to many Americans the ways structural racism and policing as an
4 institution are intrinsically tied. Demands for change erupted in all 50 states, united in anger and
5 anguish. Across the world, from Minneapolis to Pendleton to Berlin to Sydney, people declared
6 that:

7 6. Black lives matter.

8 7. Portlanders believe that is imperative for the community to affirm so in words and
9 deeds.
10

11 8. Before going to the demonstration on June 2, 2020, Plaintiff Andrew Green had a group
12 discussion with his kids that they were not going to the protest to cause harm, but to support the
13 Black Lives Matter movement and protest the recent police repression of protesters demanding
14 change.

15 9. As a Muslim family in America, the Greens thought it was important to be with their
16 Black neighbors in Portland, OR to protest the violence we all had witnessed on the news.
17 Plaintiff Samira Green is a Black woman who wears a hajib, and felt needed by her community.

18 10. Around 6:15 pm, the family arrived downtown and walked down to Pioneer Square in
19 Downtown Portland, Multnomah County, OR. The Green family listened to speeches, and
20 engaged in chanting.

21 11. At around 7:45 pm, the Green family heard that there was a march coming from over
22 one of the bridges. The atmosphere was one of celebration and community.

23 12. Around 8:45 pm, people started marching down SW Yamhill and turned right on SW
24 4th. Plaintiff Andrew Green said to the family, “let’s hang back but we can wait a couple
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1 minutes and then go see what they're doing.”

2 13. After waiting, the Green family went to the NW corner of SW 4th and Taylor and made
3 a decision to wait at least 100 feet behind the crowd who had approached a fence with some
4 police officers behind the fence. They waited next to a dumpster in front of the old bagel joint.
5 We were more than a full block behind the fence

6 14. Plaintiffs' kids went a little further in the crowd and met up with some other friends of
7 theirs, while staying in text communication. At 9:04 pm, Plaintiff Andrew Green texted a friend
8 that he would be waiting were going wait back by the dumpster. Plaintiff Andrew Green's friend
9 immediately responded that he and the kids were “keeping their distance.”
10

11 15. The police kept saying over the loudspeaker not to mess with the fence or they would
12 use physical force. Since they said specifically “don't touch the fence,” Plaintiff Andrew Green
13 purposefully watched the fence and saw no movement at all.

14 16. About 9:06 pm, the cops announced it was an unlawful assembly. It all of a sudden
15 appeared as if the cops were now also pushing the group at SW Yamhill towards Plaintiffs. Fear
16 spread through the crowd.

17 17. At 9:08, Plaintiff Andrew Green's friend texted him that he thought maybe tear gas.

18 18. CS Gas, more commonly known as “tear gas,” is the aerosolized chemical agent CS (2-
19 (o)-chlorobenzalmalononitrile) and CN (2-chloroacetophenone). This chemical is the most potent
20 pain-inducing agents we know activating these receptors in the lungs. CS tear gas agents can
21 trigger lung inflammation, and has been linked to causing respiratory damage and chemical
22 injury. Ongoing studies focus on the toxicological effects of tear gas agents, especially in the
23 skin where CS agent can cause burns and blistering. Studies by US military epidemiologists
24 revealed that recruits who were routinely exposed to tear gas in training suffered lung injuries,
25

1 and were more likely to develop respiratory illnesses after the training exposure, following
2 screening for influenza, pneumonia, bronchitis and other conditions, many of which are caused
3 by viruses. The US military also found that the burning of CS tear gas agent can produce long-
4 lived toxic chlorinated chemicals that may pose a threat to the environment and need to be
5 studied further. CS gas can also lead to miscarriages of pregnancies.

6 19. Plaintiffs did not see gas at this time. The group met and said goodbye to each other.
7 The Green family thought the smartest exit was to head up SW Taylor and to the west towards
8 their car.

9 20. It was then that they started hearing bangs, and everyone in the crowd took off running.
10

11 21. Plaintiffs saw their kids running. Plaintiff Andrew Green waited with Plaintiff Samira
12 Green, as she could not move very fast because she is pregnant.

13 22. The gas got closer and closer to the Plaintiffs.

14 23. Then, the police began launching it in beyond the Plaintiffs, trapping them between two
15 clouds of tear gas and giving them no choice but to run through the cloud.

16 24. It was painful and terrifying. A canister whizzed by Plaintiff Andrew Green's head and
17 land less than a few feet from him.

18 25. Near SW Broadway and SW Taylor, Plaintiff Samira Green could not run any more due
19 to heavy coughing. A group stopped and helped them to flush their eyes. Plaintiff Samira Green
20 continued to cough, had to sit down and ultimately vomited. The family feared she was coughing
21 so hard it was going to start contractions.

22 26. A friend ran forward to get the car and ultimately picked the family up at SW Taylor and
23 10th.

24 27. Plaintiff Samira Green is now too scared to go back downtown, but also wants to show
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1 her support for the need for change. Defendants' unprovoked gas attack caused her pain, anxiety,
2 fear, and emotional anguish. Since the gas attack, Plaintiff Samira Green continues to suffer from
3 respiratory pain.

4 28. Plaintiff Andrew Green suffers from migraines from previous injuries, and suffered
5 migraine symptoms and coughing from the gassing. He too suffered pain, anxiety, fear, and
6 emotional anguish from Defendants' gas attack. Since the gas attack, Plaintiff Andrew Green
7 continues to suffer from respiratory pain.

8 **CLAIM 1: NEGLIGENCE**

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10 29. Plaintiffs restate and incorporate Paragraphs 1-27.

11 30. By taking the actions they did on June 2, 2020, Defendant City of Portland created an
12 unnecessary and unreasonable risk of harm against all present. It was foreseeable that Plaintiffs
13 would be injured in the fashion described above. Despite knowledge of this risk, and the
14 foreseeability of this injury, Defendant breached their duty owed to Plaintiffs, damaging them.

15 31. Defendant City's negligence was the direct and proximate cause of their pain, anxiety,
16 fear, and emotional anguish. Plaintiffs are entitled to all of their damages in an amount no greater
17 than \$100,000.

18 **CLAIM 2: BATTERY AND ASSAULT**

19 32. Plaintiffs restate and incorporate Paragraphs 1-30.

20 33. CS Gas was intentionally launched by Defendant at the crowd that included Plaintiffs.
21 Coming into contact with this chemical was offensive and caused injury to Plaintiffs.

22 34. Defendant City's negligence was the direct and proximate cause of their pain, anxiety,
23 fear, and emotional anguish. Plaintiffs are entitled to all of their damages in an amount no greater
24 than \$100,000.

1 **PRAYER FOR RELIEF**

2 35. Plaintiffs respectfully requests relief as sought above, and maximum interest, attorney
3 fees, costs, disbursements, expenses, and any other relief the Court deems appropriate.

4 **DEMAND FOR JURY TRIAL**

5 36. Plaintiffs respectfully requests a jury trial.

6 RESPECTFULLY SUBMITTED: June 8, 2020.

7 */s/ Juan C. Chavez*

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