

THE LAW OFFICE OF

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----- PLEASE FORWARD TO COUNSEL-----
----- PLEASE FORWARD TO INSUROR IMMEDIATELY-----

May 14, 2018

Via Facsimile, First Class Mail, and Electronic Mail

City of Portland
Attn: Risk Management
111 SW Columbia St., Ste. 550
Portland, OR 97201

Re: Tort Claim Notice

To Whom It May Concern:

My office represents Jeremy Ibarra. Mr. Ibarra has several potential federal and state law claims against the City of Portland, the State of Oregon, and Multnomah County (both cross-copied) and yours and their employees. His claims are based on the tortious actions resulting in the false arrest and battery on June 4, 2017.

Pursuant to ORS 30.275 please consider this formal notice of Mr. Ibarra intent to file a civil claim for monetary damages and injunctive relief against the City of Portland, including but not limited to its employees for these tortious actions.

Mr. Ibarra participated in the counter-protest of Patriot Prayer, a right-wing group, whom had gathered at Terry Shrunken Park in Downtown Portland. In the week prior, a participant in a prior Patriot Prayer rally stabbed and killed two persons and seriously injured another on a MAX train in May 2017. Mr. Ibarra wished to demonstrate his opposition to this group, and its right-wing fringe beliefs.

The City of Portland, as well as other to-be-identified Federal, State, County, and City entities, provided law enforcement support. The City of Portland (hereinafter, "City") ordered the counter-protesters to leave Chapman Square and head north on SW Fourth Avenue. Mr. Ibarra complied and headed north. While heading north for four city blocks, Mr. Ibarra attempted to leave SW Fourth Avenue, but could not because the City had blocked those streets with deployed officers. Mr. Ibarra had no choice but to continue traveling north on SW Fourth with a group of about 200 people.

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The City then trapped that group of counter-protesters and by-standers on SW Fourth Ave between SW Alder or SW Morrison. At first, the City ordered Mr. Ibarra and the group to disperse, but there was nowhere to go because the City had barricaded the group. Mr. Ibarra had already been attacked by the City with pepperballs, deafening LRAD announcements, explosions, and chemical weapons.

The intent to detain people on this City block was not premised on constitutional grounds. As Chief Mike Marshman said at the time, the purpose was “to separate them from the free speech rally that they were protesting against.”¹ The City clearly based their mass detention not on probable cause, but the prerogatives of picking and choosing which side of a free speech debate to single out for negative treatment. The City detained people whom had not been marching, nor participating in any protest activity, such as journalists.

Mr. Ibarra felt he no choice but to disperse, as he was ordered. Mr. Ibarra ran towards the parking garage on the eastern edge of SW Fourth Avenue. When Mr. Ibarra ran towards the exit, the City’s employees shot him in the head and the chest with pepperballs, deploying chemical agents on him. He was detained in that mass arrest, and charged with Disorderly Conduct in the Second Degree, which he was acquitted of on May 10, 2018.

The overbreadth of the detention caused the illegal arrest of Mr. Ibarra, and the subsequent treatment he received. The City deploys these tactics and chemical munitions for the purpose of chilling First Amendment rights to seek redress from their government.

Because of these tortious acts, Mr. Ibarra intends to file a civil action against the City of Portland, and its actors if no settlement can be reached. Her claims include but are not limited to negligence, battery, false arrest, false imprisonment, intentional infliction of emotional distress, retaliation against First Amendment protected speech, unlawful infringement of First Amendment protected speech, unlawful search and seizure, and unlawful violation of the due process clause.

Settling with Mr. Ibarra would be a productive first step in rectifying public trust in the City of Portland. My office is continuing to investigate this issue, and Mr. Ibarra retains the right to additional claims as they come to light. The above facts and claims are to be construed as broadly as possible.

At your earliest convenience please forward notice of receipt of this notice. Thank you for your anticipated cooperation in this matter.

Sincerely,

Juan C. Chavez
Attorney at Law



Crystal S. Maloney
Attorney at Law

¹ Maxine Bernstein, Portland police chief defends riot gear, clearing park during June 4 protests, *The Oregonian* (June 23, 2017)

http://www.oregonlive.com/portland/index.ssf/2017/06/portland_police_chief_defends.html