

Verified Correct Copy of Original 4/27/2020

CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY

20CV15978

ELIZABETH ELDER,
Plaintiff,
v.
COOPER DUBOIS,
Defendant.

Case No.
COMPLAINT
Battery, Assault; Intention Infliction of Emotional Distress
JURY TRIAL DEMANDED
Fee Authority: ORS 21.160(1)(a) \$170
Claim Subject to Mandatory Arbitration

FILED
2020 APR 22 PM 1:27
CIRCUIT COURT
MULTNOMAH COUNTY

Plaintiff alleges:

1.

Plaintiff Elizabeth Elder is a resident of Multnomah County.

2.

Defendant Cooper DuBois is a resident of Multnomah County.

3.

Beginning in 2015, Plaintiff Elizabeth Elder booked musical acts for The Liquor Store, a Portland bar in which Defendant Cooper DuBois maintains an ownership interest.

4.

On July 4, 2019, Defendant Cooper DuBois, without warning and without consent, intentionally and forcefully grabbed an intimate part of her body below her waist, with no warning, against her will and without her permission. Defendant did not merely brush his hand against Ms. Elder. Cooper DuBois groped Ms. Elder's body.

5.

Plaintiff Elizabeth Elder was surprised, upset, offended, and alarmed that Cooper DuBois groped her. This event caused her extreme anxiety because she did not know that Cooper DuBois, or anyone else, would grope her private and intimate body part.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Verified Correct Copy of Original 4/27/2020.

6.

Ms. Elder has suffered and continues to suffer harm and emotional distress from Cooper DuBois' conduct.

FIRST CLAIM FOR RELIEF
Battery

7.

Ms. Elder realleges and incorporates paragraphs 1 through 6 as though fully set forth herein.

8.

Defendant Cooper DuBois intended to cause harmful or offensive contact with Ms. Elder.

9.

Defendant Cooper DuBois' actions directly caused harmful and offensive contact with Ms. Elder.

10.

As a direct and proximate result of Defendant Cooper DuBois conduct, Ms. Elder has suffered physical harm and will continue to suffer mental stress, humiliation, inconvenience and loss of enjoyment of life all due to her non-economic loss. Plaintiff seeks \$1 in nominal damages.

11.

Pursuant to ORS 82.110, Ms. Elder is entitled to post-judgment interest at the rate of nine percent per annum.

12.

Defendant acted with malice, and his actions were intentional and willful. Defendant acted with reckless and outrageous indifference to a highly unreasonable risk of harm to Ms. Elder and a conscious indifference to the health, safety and welfare of others. Such conduct exceeds the bounds of social tolerance and is of the type that punitive damages deter.

1 Therefore, Ms. Elder anticipates amending this Complaint, and reserve the right to do so,
2 pursuant to ORS 31.725 to assert claims for punitive damages.

3
4 **SECOND CLAIM FOR RELIEF**
5 **ASSAULT**

6 13.

7 Ms. Elder realleges and incorporates paragraphs 1 through 12 as though fully set forth
8 herein.

9 14.

10 Defendant intended to, and did intentionally cause, offensive and harmful physical
11 contact.

12 15.

13 Defendant put Ms. Elder in apprehension of immediate physical contact.

14 16.

15 Ms. Elder did not consent to such contact.

16 17.

17 Plaintiff/Counterclaim Defendant's contact was both harmful and offensive.

18 18.

19 As a direct and proximate result of Defendant Cooper DuBois conduct, Ms. Elder
20 has suffered harm and will continue to suffer mental stress, humiliation, inconvenience and loss
21 of enjoyment of life all due to her non-economic loss. Plaintiff seeks \$1 in nominal damages.

22 19.

23 Pursuant to ORS 82.110, Ms. Elder is entitled to post-judgment interest at the
24 rate of nine percent per annum.

25 20.

26 Defendant acted with malice, and his actions were intentional and willful. Defendant
acted with reckless and outrageous indifference to a highly unreasonable risk of harm to Ms.
Elder and a conscious indifference to the health, safety and welfare of others. Such conduct

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Verified Correct Copy of Original 4/27/2020

exceeds the bounds of social tolerance and is of the type that punitive damages deter. Therefore, Ms. Elder anticipates amending this Complaint, and reserve the right to do so, pursuant to ORS 31.725 to assert claims for punitive damages.

THIRD CLAIM FOR RELIEF
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

21.

Ms. Elder realleges and incorporates paragraphs 1 through 12 as though fully set forth herein.

22.

In perpetrating the actions described in the above paragraphs 1 through 12, Defendant intended to cause Ms. Elder severe emotional distress.

23.

Defendant's conduct was an extraordinary transgression of the bounds of socially tolerable behavior.

24.

As a direct and proximate result of Defendants' conduct, Ms. Elder has suffered and will continue to suffer mental stress, humiliation, inconvenience and loss of enjoyment of life all due to her non-economic loss.

25.

Defendant acted with malice, and his actions were intentional and willful. Defendant acted with reckless and outrageous indifference to a highly unreasonable risk of harm to Ms. Elder and a conscious indifference to the health, safety and welfare of others. Such conduct exceeds the bounds of social tolerance and is of the type that punitive damages deter. Therefore, Ms. Elder anticipates amending this Complaint, and reserve the right to do so, pursuant to ORS 31.725 to assert claims for punitive damages.

Verified Correct Copy of Original 4/27/2020.

JURY TRIAL DEMAND

26.

Plaintiff demands a jury trial on all questions of fact or combined questions of law and fact raised by this complaint.

WHEREFORE, Plaintiff claims for relief against defendant, on each cause of action, as follows:

- a. \$1 in nominal damages;
- b. Costs and disbursements incurred advancing this lawsuit; and
- c. Other relief as the court deems just.

DATED : April 15, 2020.

Respectfully submitted,

LAW WORKS LLC

By: s/Lake James H. Perriguet

Lake James H. Perriguet, OSB # 983213

LAW WORKS LLC

1906 SW Madison Street, Ste 201

Portland, Oregon 97205

Phone: (503) 227.1928

Fax: (503) 334.2340

E-mail: lake@law-works.com

Attorneys for Plaintiff

Trial Attorney

