

JACOBS WILSON CALLAHAN

2024-015188-20

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RECEIVED

APR 29 2024

April 24, 2024

SENT VIA CERTIFIED MAILCITY OF PORTLAND
RISK MANAGEMENT

Jenny M. Madkour
Multnomah County Attorney
501 SE Hawthorne Boulevard
Suite 500
Portland, OR 97214

Office of the Attorney General
Oregon Department of Justice
1162 Court Street
Salem, OR 97301

Oregon Department of Administrative Services
Executive Building
155 Cottage Street BE
Salem, OR 97301

City of Portland, Risk Management
1120 SW 5th Avenue, Suite 1040
Portland, OR 97204

Federal Tort Claims Act Section
Torts Branch, Civil Division
PO Box 888
Benjamin Franklin Station
Washington, DC 20044

RE: Our clients : Glen Mackey, Sally Mackey, and Shannon Stott
Date of Incident : On or about 02/28/2024

NOTICE OF CLAIM**Spoliation Notice and Notice to Prevent Automatic Data Purge**

Greetings:

On behalf of Glen Mackey, Sally Mackey, and Shannon Stott, notice is hereby given of their tort claims against you relative to the [REDACTED] of Brendan Mackey.

Brendan Mackey was referred to transitional parole housing at the Shoreline Building by the Multnomah County Department of Community Justice Adult Services Division on December 22, 2023. Glen Mackey, Sally Mackey, and Brendan Mackey's sister, Shannon Stott, placed telephone calls to Brendan repeatedly from December 2023 through February 2024 looking for their loved one. Many calls were placed by my clients to Central City Concern requesting the status of Brendan's daily "check-ins" and requesting a welfare check by Central City Concern employees. My clients' requests were ignored or dismissed and they were discouraged from making in-person visits. On January 15, 2024 my clients filed a missing person report with the Multnomah County Sheriff's Office. The Multnomah County Sheriff's deputy made no apparent efforts to contact Central City Concern, and Mr. Mackey's parole officer made no apparent efforts to follow up with Central City Concern after Brendan Mackey missed his appointment on January 4, 2024. My clients continued to search for and to attempt contact with their son and brother at the Shoreline facility to no avail in the weeks that followed.

Brendan Mackey's body was discovered in his room at the Shoreline Building on February 28, 2024 during a routine smoke detector test. His body was [REDACTED] with the exception of a portion of a remaining tattoo used by the Medical Examiner to confirm Brendan Mackey's identity. On information and belief, Brendan Mackey's [REDACTED] in his room for an approximate [REDACTED]. The cause and time of death have not yet been confirmed by the Medical Examiner.

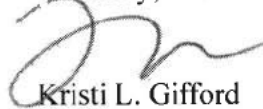
This hereby revokes all prior authorizations to obtain information concerning my clients. Please direct all calls and further correspondence to this office.

You are hereby advised that you are under a legal duty to maintain, preserve, retain, protect, and not to destroy all documents and data, both electronic and hard copy, which may be relevant to my clients' claims, including but not limited to witness identities and contact information, employee, resident and member contact information, surveillance video, photographs, correspondence, e-mails, and all documents specified above. Failure to preserve and retain these materials could be deemed a spoliation of evidence which may be subject to legal claims for damages and/or evidentiary sanctions. Please also take the necessary steps to preserve all electronic and hard copy data relating to this claim. This includes taking action to preserve all video footage and other data which may subject to any automatic data purges.

For purposes of this notice, electronic data or electronic evidence shall include, but is not be limited to, each of the above listed items, all text files (including word processing documents), video footage, photographs, financial data, spread sheets, e-mail files and information concerning e-mail files (including logs of e-mail history and usage, header information, and deleted files), internet history files and preferences, graphical files in any format, databases, calendar and scheduling information, task lists, voice mail, instant messaging and other electronic communications, telephone logs, contact managers, computer system activity logs, and all file fragments, internet usage files, offline storage or information stored on removable media or storage media, information contained on laptops, or other portable devices, network access information and backup files containing electronic data or electronic evidence.

Please feel free to contact me if you would like to discuss this matter further. I would appreciate receiving acknowledgement of our representation within seven (7) days of the date of this letter.

Sincerely,



Kristi L. Gifford
Attorney

KLG:bt