

2024-015320-28

Occurrence 202-40871



TORT CLAIM NOTICE

May 29, 2024

City of Portland
c/o Mayor Ted Wheeler
1120 SW 5th Ave., Ste 1040
Portland, Oregon 97204

Portland State University
c/o President Ann Cudd
1825 SW Broadway
Portland, Oregon 97201

Claim: Unlawful Use of Force
Statute: ORS 161.233
Policy: PPB 1010.00
Date: May 23, 2024
Claimant: Makayla "Topaz" Arnold

We represent Makayla "Topaz" Arnold. During the late afternoon of May 23, 2024, our client was returning from biology class when they stopped to attend a peaceful assembly of students near the east garage on campus. Like many other PSU students, our client condemns acts of violence in Gaza, and has never participated in any acts of violence on campus.

While our client stood in solidarity with other peaceful assemblers, officers violated ORS 161.233 and PPB Policy 1010.00 by physically assaulting our client without first giving a verbal warning that physical force may be used, and without considering alternatives to physical force.

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Portland, Oregon 97204 • 503-222-2000

Contrary to initial reports by PPB's Strategic Communications Unit, officers used physical force against nonviolent students who were in no way involved with any purported attempts to delay medical services to Chief Halliburton. The attached video of the incident seemingly shows that Chief Halliburton initiated the use of physical force against peaceful assemblers, well in advance of any purported medical emergency. In any event, our client intends to enter the medical field upon graduation, and they wish Chief Halliburton a full and speedy recovery.

The Underdog Law Office has been retained to investigate and prosecute a claim of negligence, battery, assault, and related torts against you resulting from the unlawful use of force against our client near the Neuberger Center at Portland State University on May 23, 2024. As a result of your unlawful use of physical force, our client experienced medical bills, pain, mental suffering, emotional distress, and humiliation. Claimant may be contacted through their attorney Michael Fuller at 503-222-2000, michael@underdoglawyer.com, US Bancorp Tower, 111 SW 5th Ave., Suite 3150, Portland, Oregon 97204.

Attached please find all documentation of the claim reasonably available to our client at this time. We will continue to provide documentation as we receive it. Please share this letter with your insurers. Under ORS 20.080, to settle this claim, send a check for \$4,500.00 to OlsenDaines, 111 SW 5th Ave., Suite 3150, Portland, Oregon 97204.

Our law firm is representing Makayla "Topaz" Arnold pro bono, so you should make the check payable directly to them. Thank you.

Sincerely,

s/ Michael Fuller
Partner

cc City of Portland
 c/o Office of Risk Management
 1120 SW 5th Ave, 10th Floor
 Portland, Oregon 97204
 liabilityclaims@portlandoregon.gov

Portland State University
c/o Office of the General Counsel
PO Box 751
Portland, Oregon 97207

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