

BENEDICT GOEKJIAN



RR DSCS

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June 19, 2025

Risk Management Division

City of Portland

1120 SW 5th Ave, Room 709

Portland, OR 97204

Subject: Tort Claim Notice - Retaliation Against Constitutionally Protected Activity (Healing Arts Studio Project)

To Whom It May Concern,

Pursuant to ORS 30.275, this letter serves as formal notice of my intent to bring a tort action against the City of Portland for retaliation and interference with constitutionally protected activities, including community engagement and speech.

I am a 100% service-connected disabled Marine Corps veteran and PTSD survivor who has devoted considerable time and resources toward building community spaces that support vulnerable populations,

including veterans and low-income musicians. One such project, a new healing arts studio at a location unrelated to any past or ongoing litigation, was developed in response to the suicide of a fellow Marine on my 40th birthday. The project includes free recording services for struggling musicians, and a mission of healing through music.

On June 18, 2025, I received written notice from the office of Councilor Sameer Kanal, stating that a scheduled meeting regarding this entirely unrelated healing arts studio project was canceled due to an existing lawsuit I filed regarding a separate development dispute. The email (attached) makes clear this meeting was canceled solely at the direction of the City Attorney, effectively barring my right to engage with elected officials about a new community project unrelated to prior claims.

This action constitutes retaliation under the First Amendment and state protections for free speech, access to public officials, and the right to petition the government. It has resulted in lost opportunity and direct harm to both myself and the community I serve. The project has no permitting issues and is located at a different site from the previous litigation.

Claim Summary:

- Tort basis: Retaliation, violation of constitutional rights, interference with prospective economic advantage.
- Event date: June 18, 2025 (cancellation email).
- Location: Communication with Councilor Kanal's office.
- Claimed damages: Loss of opportunity to present community studio proposal, interference with speech and association, emotional distress, reputational harm.
- Amount sought: TBD (will match damages in forthcoming suit, likely exceeding \$500,000).
- Supporting evidence: June 18 cancellation email, personal documentation of the studio project's mission, details of previous interactions.

Please consider this a timely and proper tort claim notice under ORS 30.275.

Sincerely,

Benedict Goekjian

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

BENEDICT GOEKJIAN,)

)

Plaintiff,)

)

v.) Case No. TBD

)

CITY OF PORTLAND, and)

TRUNG TU, in his individual and)

official capacities,)

)

Defendants.)

_____)

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

(First Amendment Retaliation - 42 U.S.C. § 1983)

INTRODUCTION

1. Plaintiff Benedict Goekjian is a 100% service-connected disabled United States Marine Corps veteran who

has dedicated his life to building safe, healing community spaces for underserved populations in Portland, Oregon.

2. After filing a federal civil rights lawsuit in 2024 against the City of Portland for disability-based discrimination in a permitting dispute, Plaintiff began developing a completely unrelated project: a healing arts studio at a separate address. This initiative, focused on providing free recording services and emotional support to low-income artists and veterans, is rooted in personal trauma and service to the community.

3. On or about June 18, 2025, Plaintiff was informed via email that a meeting scheduled with Councilor Sameer Kanal's office about this new studio project was canceled at the direction of Defendant Trung Tu, an attorney for the City of Portland, because of Plaintiff's existing lawsuit against the City.

4. This retaliatory interference with Plaintiff's right to engage elected representatives about unrelated matters violates the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

5. This action arises under 42 U.S.C. § 1983. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343.

6. Venue is proper in the District of Oregon under 28 U.S.C. § 1391(b), as the events giving rise to the claims occurred in Portland, Oregon.

PARTIES

7. Plaintiff Benedict Goekjian is a resident of Multnomah County, Oregon.

8. Defendant City of Portland is a municipal entity organized under the laws of Oregon.

9. Defendant Trung Tu is an attorney employed by the City of Portland. He is sued in both his individual and official capacities.

FACTUAL ALLEGATIONS

10. Plaintiff's healing arts studio project is not related in any way to his prior legal dispute with the City.

11. Plaintiff scheduled a meeting with Councilor Kanal's office in good faith to discuss a non-permitting-related arts initiative for public benefit.

12. On June 18, 2025, Councilor Kanal's office informed Plaintiff the meeting was canceled specifically due to interference by City Attorney Trung Tu, who is also representing the City in Plaintiff's unrelated civil rights lawsuit.

13. Plaintiff was thereby barred from petitioning a public official about a separate and constitutionally protected civic effort.

14. The cancellation was not based on any public policy, safety, or scheduling concern, but solely on the Plaintiff's litigation history - an act of retaliation.

15. Plaintiff has suffered emotional distress, reputational harm, and loss of opportunity to advance a healing

arts space for the Portland community.

CLAIM FOR RELIEF

(42 U.S.C. § 1983 - First Amendment Retaliation)

16. Defendants, acting under color of state law, violated Plaintiff's rights under the First Amendment by retaliating against him for engaging in protected activity (filing a civil rights lawsuit).

17. The retaliatory cancellation of Plaintiff's scheduled civic meeting constitutes a chilling of protected speech and access to public officials.

18. These actions were intentional and malicious, and caused Plaintiff damages including lost opportunity, mental distress, and public humiliation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

- a. Compensatory damages in an amount to be proven at trial;
- b. Punitive damages against Defendant Trung Tu in his individual capacity;
- c. Declaratory relief stating that Defendants' conduct violated Plaintiff's First Amendment rights;
- d. Injunctive relief prohibiting the City from blocking public engagement with Plaintiff due to protected litigation activity;
- e. Costs and attorneys' fees under 42 U.S.C. § 1988;

f. Any other relief the Court deems just and proper.

DATED this ____ day of _____, 2025.

Respectfully submitted,

Benedict Goekjian

Pro Se Plaintiff

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Portland, OR 97218