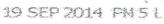


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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BEFORE

CONDUCT COMMIT 135-250 O.R.C. CODE WEAPOR

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#4.000000.0 Funded Grant Settlement

IN The UNITED STATES

DISTRICT COUNT

FOR THE DISTRICT OF MULTINOMAN

S.S. 540-96-9494

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Chase Bank.

Authorita

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Stephen J. Mathieu - OSB#98003
OREGON ADVOCACY CENTER
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ATTORNEYS FOR PLAINTIFFS

Millottes Ozkan

Department of Justice and Antistan

#2.000000.0

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ANDREA HARMON, REBECCA HERRERA, TONY COLLINS, LUCAS ROOSA, CYNTHIASTONER, DANIEL GARCIA, JOSHUA RAMSE TODD VAUGHN, and CHRISTINA HOGENSON, ) for and on behalf of themselves and all others similarly situated,

Plaintiffs,



MARVIN FICKLE, M.D., in his ormular capacity
as Superintendent and Chief Medical Officer of
Oregon State Hospital; BRUCE GOLDBERG, in his official capacity as Director of the Department of
Human Services; and 'HEODORE KULONGOSKI')
in his official capacity as Governor of the State of
Oregon,

Defendants

NikitA OZKAN NikitA OZKAN

Page 1 - CLASS ACTION CIVIL RIGHTS COMPLAINT

CLASSIA, SWIJA

CLASS ACTION ALLEGATION CIVIL RIGHTS COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (42.IJS.C. §1983)

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Treamement

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- (7) A program operated under subsection (6) of this section that fails to meet any of the listed requirements for a period longer than 30 consecutive days shall be dissolved and any unallocated reserves returned in proportional amounts based on the contributions of the public body to the public bodies that established the program within 90 days of the failure.
- (8) A local public body may bring an action against a program operated under subsection (6) of this section if the program fails to comply with the requirements listed in subsection (6) of this section. [1975 c.609 §19; 1977 c.428 §1; 1981 c.109 §4; 1985 c.731 §21; 2005 c.175 §2; 2009 c.67 §19]

30.285 Public body shall indemnify public efficers; procedure for requesting counsel; extent of duty of state; obligation for judgment and attorney fees. (1) The governing body of any public body shall defend, save harmless and indemnify any of its officers, employees and agents, whether elective or appointive, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.

- (2) The provisions of subsection (1) of this section do not apply in case of malfeasance in office or willful or wanton neglect of duty.
- (3) If any civil action, suit or proceeding is brought against any state officer, employee or agent which on its face falls within the provisions of subsection (1) of this section, or which the state officer, employee or agent asserts to be based in fact upon an alleged act or omission in the performance of duty, the state officer, employee or agent may, after consulting with the Oregon Department of Administrative Services file a written request for counsel with the Attorney General. The Attorney General shall thereupon appear and defend the officer, employee or agent unless after investigation the Attorney General finds that the claim or demand does not arise out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of amounted to malfeasance in office or willful or wanton neglect of duty, in which case the Attorney General shall reject defense of the claim.
- (4) Any officer, employee or agent of the state against whom a claim within the scope of this section is made shall cooperate fully with the Attorney General and the department in the defense of such claim. If the Attorney General after consulting with the department determines that such officer, employee or agent has not so cooperated or has otherwise acted to prejudice defense of the claim, the Attorney General may at any time reject the defense of the claim.

- (5) If the Attorney General rejects defense of a claim under subsection (3) of this section or this subsection, no public funds shall be paid in settlement of said claim or in payment of any judgment against such officer, employee or agent. Such action by the Attorney General shall not prejudice the right of the officer, employee or agent to assert and establish an appropriate proceedings that the claim or demand in fact arose out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of did not amount to malfeasance in office or willful or wanton neglect of duty, in which case the officer, employee or agent shall be indemnified against liability and reasonable costs of defending the claim, cost of such indemnification to be a charge against the Insurance Fund established by ORS 278.425.
- (6) Nothing in subsection (3), (4) or (5) of this section shall be deemed to increase the limits of liability of any public officer, agent or employee under ORS 30.260 to 30.300, or obviate the necessity of compliance with ORS 30.275 by any claimant, nor to affect the liability of the state itself or of any other public officer, agent or employee on any claim arising out of the same accident or occurrence.
- (7) As used in this section, "state officer, employee or agent" includes district attorneys and deputy district attorneys, special prosecutors and law clerks of the office of district attorney who act in a prosecutorial capacity, but does not include any other employee of the office of district attorney or any employee of the justice or circuit courts whose salary is paid wholly or in part by the county. [1967 c.627 §7; 1975 c.609 §16; 1981 c.109 §5; 1981 c.913 §2; 1985 c.731 §22; 1987 c.763 §1; 2009 c.67 §11]

30.287 Counsel for public officer; when public funds not to be paid in settlement; effect on liability limit; defense by insurer. (1) If any civil action, suit or proceeding is brought against any officer, employee or agent of a local public body which on its face falls within the provisions of ORS 30.285 (1), or which the officer, employee or agent asserts to be based in fact upon an alleged act or omission in the performance of duty, the officer, employee or agent may file a written request for counsel with the governing body of the public body. The governing body shall thereupon engage counsel to appear and defend the officer, employee or agent unless after investigation it is determined that the claim or demand does not arise out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of amounted to malfeasance in office or willful or wanton neglect of duty, in which case the

# LIMITATIONS OF ACTIONS

12.440 Application of statutes and rules governing conflict of laws. If the statute of limitations of another state applies to the assertion of a claim in this state, the other state's relevant statutes and other rules of law governing tolling and accrual apply in computing the limitation period, but its statutes and other rules of law governing conflict of laws do not apply. [1987 c.536 §3]

Note: See note under 12.410.

12.450 When limitation period of another state not applicable. If the court determines that the limitation period of another state applicable under ORS 12.430 and 12.440 is substantially different from the limitation period of this state and has not afforded a fair opportunity to sue upon, or imposes an unfair burden in defending against the claim, the limitation period of this state applies. [1987 c.536 §4]

Note: See note under 12.410.

12.460 Claims to which statutes apply. ORS 12.410 to 12.480 apply to claims:

(1) Accruing after January 1, 1988; or

(2) Asserted in a civil action or proceeding more than one year after January 1, 1988, but it does not revive a claim barred before January 1, 1988. [1987 c.536 §5]

Note: See note under 12.410.

12.470 Severability. If any provision of ORS 12.410 to 12.480 or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ORS 12.410 to 12.480 which can be given effect without the invalid provision or application, and to this end the provisions of ORS 12.410 to 12.480 are severable. [1987 c.536 §8]

Note: See note under 12.410.

12.480 Short title. ORS 12.410 to 12.480 may be cited as the Uniform Conflict of Laws-Limitations Act. [1987 c.536 §7]

Note: See note under 12.410.



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COMPLAINTS § 1610

gross negligence pursuant to statute (12 U.S.C. § 1821(k)) and common law, in that such acts, errors, and omissions manifested a reckless disregard for and indifference to their duties to Bank.

WHEREFORE, the FDIC demands that judgment be entered in its favor against each of the defendants, jointly and severally, for compensatory damages, interest, costs of suit, attorney fees, and for such other relief as the court deems just and equitable.

Dated 5-4-2014

[signature etc.]

#### NOTES TO FORM

♦ Comment: This form is adapted from the complaint in FDIC v. White, 828 F.Supp. 304 (D.N.J.1993). The complaint was furnished courtesy of Susan L. Hall, Attorney at Law, Wayne, New Jersey.

#### Research References

West's Key Number Digest Civil Rights \$\sim 235(1)\$ to (7)

Legal Encyclopedias C.J.S., Civil Rights §§ 299, 300

> i. Civil Rights; Unconstitutional Deprivation of Miscellaneous Rights

# § 1610 Introduction

Actions for deprivation of federal civil rights are authorized by 42 U.S.C.A. § 1983. Suits for damages for conspiracies to interfere with civil rights are authorized by 42 U.S.C.A. § 1985. Other types of individual suits are authorized by statutory provisions including 42 U.S.C.A. §§ 1986, 2000a-3, and 2000e-5.¹ A suit alleging that a municipality is liable under 42 U.S.C.A. § 1983 is not subject to a heightened standard of pleading, but is governed by the notice pleading standard in Federal Rule of Civil Procedure 8(a).²

A plaintiff must allege facts sufficient to show that defen-

#### [Section 1610]

<sup>1</sup>See also 42 U.S.C.A. §§ 1971, 2000b-3 and 2000c-8.

<sup>2</sup>Leatherman v. Tarrant County Narcotics Intell. & Coord. Unit, 507 U.S. 163, 113 S.Ct. 1160, 122 L.Ed.2d 517, on remand, 993 F.2d 1177 (5th Cir. 1993). See Evancho v. Fisher, 423 F.3d 347, 352-53 (3d Cir.2005) (complaint asserting a § 1983 claim must satisfy only liberal notice pleading standard and is not subject to height-

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IN THE UNITED STRIKS

FOR THE DISTRICT OF OLDGOOD

Right Action given mestered ton

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- (4) A civil penalty may not be imposed under this section until the notary public incurring the penalty has been given notice in writing from the Secretary of State specifying the violation. The notice is in addition to the notice required under ORS 183.745 and shall be served in the same manner as the notice required under ORS 183.745.
- (5)(a) After initial notice as provided in subsection (4) of this section, a civil penalty may be imposed in the manner provided in ORS 183.745.
- (b) The Secretary of State may delegate to a hearings officer appointed by the secretary, upon such conditions as deemed necessary, all or part of the authority to conduct hearings required under ORS 183.745.
- (6) Notwithstanding ORS 180.070 (3), expenses incurred by the Secretary of State or Attorney General under subsections (1) to (5) of this section or under ORS 194.405 (2) shall be paid from the Operating Account under ORS 56.041.
- (7) All civil penalties and costs recovered under this section shall be paid into the Operating Account under ORS 56.041. [1989 976 §28; 1991 c.734 §11; 1993 c.66 §12; 2013 c.219 §51]

194.985 Official Warning to Cease Violation. In lieu of a civil penalty imposed under ORS 194.980, the Secretary of State may deliver a written Official Warning to Cease Violation to any notary public whose actions are judged by the secretary to be a violation of any provision of this chapter or

any rule adopted by the secretary under this chapter. [1989 c.976 §27; 2013 c.219 §52]

- 194.990 Criminal penalties. (1)(a) A notary public who knowingly performs or fails to perform any act prohibited or mandated respectively by this chapter, or rules adopted by the Secretary of State under this chapter, is guilty of a Class B misdemeanor.
- (b) Any individual not a notary public who knowingly acts as or otherwise impersonates a notary public is guilty of a Class B misdemeanor.
- (c) Any person who knowingly obtains, conceals, defaces or destroys the official seal, journal or official records of a notary public is guilty of a Class B misdemeanor.
- (d) Any person who knowingly solicits, coerces or in any way influences a notary public to commit a violation of any provision of this chapter, or any rule adopted by the secretary under this chapter, is guilty of a Class B misdemeanor.
- (2) The penalties described in subsection (1) of this section are in addition to other remedies provided by law.
- (3) The clerk of the court in which a conviction under any provision of subsection (1) of this section is had shall transmit to the Secretary of State a duly certified copy of the judgment, which is sufficient grounds for revocation of the commission of the convicted notary public. [Amended by 1967 c.541 §21; 1989 c.976 §34; 2013 c.219 §53]

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solvent, reagent or precursor substance with intent to facilitate manufacture of controlled substance. (1) A person commits the crime of distribution of equipment, a solvent, a reagent or a precursor substance with intent to facilitate the manufacture of a controlled substance if the person sells or otherwise transfers equipment, a solvent, a reagent or a precursor substance with knowledge that the equipment, solvent, reagent or precursor substance is intended to be used in the manufacture of a controlled substance in violation of ORS 475.840.

(2) Distribution of equipment, a solvent, a reagent or a precursor substance with intent to facilitate the manufacture of a controlled substance is a Class B felony. [2005 c.706 §8]

Note: 475.962 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 475 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

475.965 Providing false information on precursor substances report or record. (1) A person commits the offense of providing false information on a precursor substances report or record if the person knowingly provides false information in any report or record required under ORS 475.950, 475.955, 475.975, 475.976 or 475.978.

(2) The offense described in this section, providing false information on a precursor substances report or record, is a Class A misdemeanor. [1987 c.657 §7; 2001 c.615 §14]

475.967 Possession of precursor substance with intent to manufacture controlled substance. (1) A person commits the crime of possession of a precursor substance with intent to manufacture a controlled substance if the person possesses one or more precursor substances with the intent to manufacture a controlled substance in violation of ORS 475.840 (1), 475.846, 475.848, 475.866, 475.868, 475.876, 475.878, 475.886 or 475.888.

(2) Possession of a precursor substance with intent to manufacture a controlled substance is a Class B felony. [2001 c.615 §10; 2005 c.708 §58]

**475.969** Unlawful possession of phosphorus. (1) Except as otherwise provided in subsection (2) of this section, a person commits the crime of unlawful possession of phosphorus if the person knowingly possesses any amount of phosphorus.

- (2) Subsection (1) of this section does not apply to:
- (a) A person who is conducting a licensed business that involves phosphorus in the manufacture of:

- (A) The striking surface used for lighting matches;
  - (B) Flame retardant polymers; or
- (C) Fireworks if the person possesses a federal license to manufacture explosives;
- (b) A person who possesses phosphorus in conjunction with experiments conducted in a chemistry or chemistry related laboratory maintained by a:
- (A) Regularly established public or private secondary school; or
- (B) Public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States Department of Education;
- (c) A retail distributor, wholesaler, manufacturer, warehouseman or common carrier or an agent of any of these persons, who possesses phosphorus in the regular course of lawful business activities;
- (d) The possession of phosphorus as a component of a commercially produced product including, but not limited to, matchbooks, fireworks and emergency flares; or
- (e) A person who possesses phosphorus in a chemical compound in the regular course of a lawful agricultural activity.
- (3) Unlawful possession of phosphorus is a Class A misdemeanor. [2001 c.615 §4]

475.971 Unlawful possession of anhydrous ammonia. (1) A person commits the crime of unlawful possession of anhydrous ammonia if the person knowingly possesses anhydrous ammonia in a container that is not approved by the United States Department of Transportation to hold anhydrous ammonia nor constructed to meet state and federal health and safety standards to hold anhydrous ammonia.

- (2) Unlawful possession of anhydrous ammonia is a Class A misdemeanor.
- (3) This section does not apply to a person who possesses anhydrous ammonia as part of a cleanup, as defined in ORS 466.605, of anhydrous ammonia by the Department of Environmental Quality under ORS 466.610. [2001 c.615 §5]

475.973 Rulemaking authority regarding products containing ephedrine, pseudoephedrine and phenylpropanolamine; records. (1)(a) Notwithstanding ORS 475.045, the State Board of Pharmacy may not adopt rules that exempt a product containing ephedrine or pseudoephedrine from classification as a controlled substance. Except as otherwise provided in this paragraph, the State Board of Pharmacy shall adopt rules to classify ephedrine, pseudoephedrine and phenylpropanolamine as Schedule III con-

- (a) A policy or certificate of insurance on life of the decedent.
- (b) A certificate of membership in any percent association or organization on the life of the decedent.
- (c) Rights of the decedent as survivor of light life policy.
- (d) Proceeds under any pension, profitwharing or other plan.
- (2) Proceeds payable under any of the instruments specified in subsection (1) of this section to or for the benefit of a slayer of a decedent or an abuser of a decedent as beneficiary or assignee of an heir or devisee of the decedent shall be paid to the slayer or abuser if the heir or devisee specifically provides for that payment by written instrument executed after the death of the decedent. [1069 c.591 §64; 2005 c.270 §7; 2005 c.535 §2a]

112.525 Proceeds of insurance on life of slayer or abuser. If a decedent is beneficiary or assignee of any policy or certificate of insurance on the life of a slayer of the decedent or an abuser of the decedent, the proceeds shall be paid to the personal representative of the decedent's estate unless:

- (1) The policy or certificate names some person other than the slayer or abuser, or the personal representative of the slayer or abuser, as the secondary beneficiary.
- (2) The slayer or abuser, by naming a new beneficiary or assignee, performs an act which would have deprived the decedent of the interest of the decedent if the decedent had been living. [1969 c.591 §65; 2005 c.270 §8]

112.535 Payment by insurance company, financial institution, trustee or obligor; no additional iiability. Any insurance company making payment according to the terms of its policy, or any financial institution, trustee or other person performing an obligation to a slayer of a decedent or an abuser of a decedent is not subject to additional liability because of ORS 112.455 to 112.555 if the payment or performance is made without written notice by a claimant of a claim arising under those sections. Upon receipt of written notice the person to whom it is directed may withhold any disposition of the property pending determination of the duties of the person. [1969 c.591 §66; 1997 c.631 §403; 2005 c.270 §9]

112.545 Rights of persons without notice dealing with slayer or abuser. ORS 112.455 to 112.555 do not affect the rights of any person who for value and without notice purchases or agrees to purchase property that a slayer of a decedent or an abuser of a decedent would have acquired except for ORS 112.455 to 112.555, but all proceeds received by the slayer or abuser from the sale

shall be held by the slayer or abuser in trust for the persons entitled to the property as provided in ORS 112.455 to 112.555. The slayer or abuser is liable for any portion of the proceeds of the sale that the slayer or abuser spends and for the difference, if any, between the amount received from the sale and the actual value of the property. [1962 c.591 §67; 2005 c.270 §10]

112.555 Evidence of felonious and intentional killing; conviction as conclusive. A final judgment of conviction of felonious and intentional killing is conclusive for purposes of ORS 112.455 to 112.555. In the absence of a conviction of felonious and intentional killing the court may determine by a preponderance of evidence whether the killing was felonious and intentional for purposes of ORS 112.455 to 112.555. [1969 c.591 §68; 1973 c.506 §18]

# UNIFORM SIMULTANEOUS DEATH ACT

112.570 Definitions for ORS 112.570 to 112.590. As used in ORS 112.570 to 112.590:

- (1) "Co-owners with right of survivorship" means joint tenants, tenants by the entirety and any other co-owners of property or accounts that are held in a manner that entitles one or more of the owners to ownership of the whole of the property or account upon the death of one or more of the other owners.
  - (2) "Governing instrument" means:
  - (a) A deed;
  - (b) A will;
- (c) A transfer on death deed under ORS 93.948 to 93.979;
  - (d) A trust;
- (e) An insurance or annuity policy account with a payable-on-death designation;
- (f) A pension, profit-sharing, retirement or similar benefit plan;
- (g) An instrument creating or exercising a power of appointment or a power of attorney; or
- (h) Any other dispositive, appointive or nominative instrument of a type similar to those instruments specified in this subsection.
- (3) "Payor" means a trustee, insurer, employer, governmental agency, political subdivision or any other person authorized or obligated by law or by a governing instrument to make payments. [1999 c.131 §1; 2011 c.212 §27]

Note: 112.570 to 112.590 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 112 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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# PORTLAND CITY COUNCIL COMMUNICATION REQUEST Wednesday Council Meeting 9:30 AM

Council Meeting Date:	AUD I TOR	08/27/14 pm	2:37
Today's Date 8-27-14			
Name Mikith Ozkan			
Address 13019 Betcheme Or	<u>JJ ć</u>	alling manates E	
Telephone Email			des-datamapa
Reason for the request:	Cf	154	Maryamani da Amerika
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(signed)			

- Give your request to the Council Clerk's office by Thursday at 5:00 pm to sign up for the following Wednesday Meeting. Holiday deadline schedule is Wednesday at 5:00 pm. (See contact information below.)
- You will be placed on the Wednesday Agenda as a "Communication."

  Communications are the first item on the Agenda and are taken promptly at 9:30

  a.m. A total of five Communications may be scheduled. Individuals must schedule their own Communication.
- You will have 3 minutes to speak and may also submit written testimony before or at the meeting. Communications allow the Council to hear issues that interest our citizens, but do not allow an opportunity for dialogue.

Thank you for being an active participant in your City government.

### **Contact Information:**

Karla Moore-Love, City Council Clerk 1221 SW 4th Ave, Room 140 Portland, OR 97204-1900 (503) 823-4086 Fax (503) 823-4571

email: Karla.Moore-

Love@portlandoregon.gov

Sue Parsons, Council Clerk Assistant 1221 SW 4th Ave., Room 140 Portland, OR 97204-1900 (503) 823-4085 Fax (503) 823-4571 email:

Susan.Parsons@portlandoregon.gov

Request of Nikita Ozkan to address Council regarding government corruption (Communication)

OCT 15 2014

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