



# GENERAL LIABILITY CLAIM AGAINST THE CITY OF PORTLAND

*\* for damages to persons or property \**



File Number: **2025000661EL**

*A claim must be filed with City of Portland Risk Management within 180 days after the occurrence of the incident or event.*

Normal business hours: Monday through Friday, 8:00am to 5:00pm. Closed on official holidays.

Claims received during regular business hours will be recorded on the date received.

Faxed or emailed claims received after business hours will be recorded on the next working day.

**Please be sure your claim is against the City of Portland, not another public entity.**

*Where space is insufficient, please use additional paper and identify information by section number and letter.*

*Completed forms may be mailed, emailed, faxed, or hand-delivered to:*

Risk Management/Liability, 1120 S.W. 5<sup>th</sup> Ave., Suite 1040, Portland, OR 97204-1912, Ph: 503-823-5101,

Fax: 503-823-6120 LiabilityClaims@portlandoregon.gov

**1. Claimant** (Circle: Mr. Mrs. Ms. Miss) Fallon Niedrist de Guzman Date of Birth [REDACTED]

a. Address [REDACTED] City [REDACTED] State OR Zip [REDACTED]

b. Home Phone [REDACTED] Business Telephone [REDACTED] Cell Phone [REDACTED]

c. Occupation Attorney d. Marital Status: Single ( ) Married ( ) Divorced or Widowed ( )

If married, name of spouse [REDACTED]

d. E-mail address [REDACTED]

**2. If claim involves a vehicle:** a. Year, make and model [REDACTED]

b. License Plate Number [REDACTED] Driver's License Number [REDACTED] State [REDACTED]

c. At time of accident, were you (check all that apply) Owner: [REDACTED] Driver [REDACTED] Passenger [REDACTED] N/A [REDACTED]

d. Name and address of owner if different from claimant (1. Above) [REDACTED]

**3. Occurrence or event from which the claim arises:**

a. Date [REDACTED] Time [REDACTED] Circle AM / PM

b. Place (exact and specific location) Please see attached statement of claim

c. Specify the particular occurrence, event, act, or omission by the City that you believe caused the injury or damage (use additional paper if necessary): Please see attached statement of claim

d. State how the City of Portland or its employees were at fault: Please see attached statement of claim

e. Were you on the job at the time of the accident? Yes X No [REDACTED]

If yes, what is the name / phone number of employer I am a City employee.

4. **Description:** Describe the injury, property damage or loss so far as is known at the time of this claim. \_\_\_\_\_  
Please see attached statement of claim.

5. **\*We are required to report all claims for injuries to Medicare/Medicaid Services\***

If you were injured please provide the following: Social Security #: \_\_\_\_\_

Medicare/Medicaid Beneficiary? Yes \_\_\_\_\_ No \_\_\_\_\_

6. **Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury** \_\_\_\_\_  
Unknown BHR employees within the Classification and Compensation team.

7. **Name and address of any other person injured** \_\_\_\_\_

8. **Name and address of the owner of any damaged property if different from claimant** \_\_\_\_\_

9. **Damages claimed:**

a. Amount claimed as of this date: \$ \$42,848

b. Estimated amount of future costs: \$ \_\_\_\_\_

c. Total amount claimed: \$ \$42,848

d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): \_\_\_\_\_

Please see statement of claim

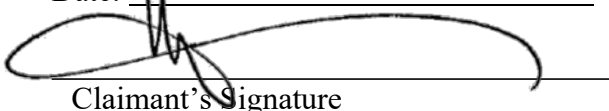
10. **Names, addresses / phone #s of all witnesses** \_\_\_\_\_

11. **Any additional information that might be helpful in considering your claim** \_\_\_\_\_

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (ORS 162.085)**

I have carefully read the statements made in this claim, including any attached sheets, and I know them to be true of my own knowledge, except as to those matters stated upon information or belief and to such matters I believe the same to be true. I understand and acknowledge that all statements made in this claim are made to a public servant of the City of Portland, and that the statements are in connection with an application for a benefit from the City of Portland.

Date: April 19, 2025

  
Claimant's Signature

Fallon Niedrist de Guzman

Print Name

April 19, 2025

### **Tort Claim Notice**

This letter serves as a tort claim notice under ORS 30.275 on behalf of Fallon Niedrist de Guzman, a City of Portland employee, to the City of Portland. Correspondence about this claim can be sent to:

Fallon Niedrist de Guzman

Personal Contact Info:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Work Contact Info:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Statement of Claim**

1. Fallon Niedrist de Guzman was hired as a Deputy City Attorney on August 1, 2019. At the time of hire, Niedrist de Guzman was told that wages were determined exclusively by the number of years of experience as a lawyer with no other factors considered, and wages were non-negotiable due to the requirements of Oregon Pay Equity Law. Niedrist de Guzman was licensed to practice law in 2014, and accepted a starting salary offer of approximately \$120,000 per year.
2. Niedrist de Guzman is presently 36 years old, identifies as female, and identifies as having a disability.
3. On or around November 12, 2024, the City of Portland's Classification and Compensation team sent an email announcing it would be performing a pay survey for attorneys in the City Attorney's Office, focused on "external, non-City of Portland experience" obtained prior to working for the City. Niedrist de Guzman provided a resume in response to the survey detailing her legal experience.
4. On March 31, 2025, Niedrist de Guzman received an email notification from Classification and Compensation stating that, as a result of the pay survey, Niedrist de Guzman's pay would be increased from \$72.45 per hour to \$82.75 per hour, and that pay would be retroactive to March 1, 2025. Niedrist de Guzman first

received the pay increase in the paycheck received on April 17, 2025, but at the time of filing this claim, has not received any retroactive pay.

5. Upon information and belief, sometime in fiscal year 2022-2023, the City Attorney's Office hired Victor Mercado Negro as a Deputy City Attorney. Mercado Negro was licensed to practice law in Oregon in 2015, one year after Niedrist de Guzman was licensed to practice law, and was not previously barred in any other state. In fiscal year 2023-2024, Mercado Negro earned \$156,410 in base pay and \$1,836 in other compensation, for an annual compensation of \$158,245, per data published by *The Oregonian*. That same year, Niedrist de Guzman earned a total compensation of \$142,824, per data published by *The Oregonian*. Upon information and belief, Mercado Negro is older than Niedrist de Guzman and identifies as male.
6. Upon information and belief, sometime in fiscal year 2021-2022, the City Attorney's Office hired Sarah Ames as a Deputy City Attorney. Ames was licensed to practice law in 2016, two years after Niedrist de Guzman was licensed to practice law, and was not previously barred in any other state. In fiscal year 2023-2024, Ames earned a total compensation of \$165,395 per data published by *The Oregonian* (as opposed to Niedrist de Guzman's compensation of \$142,824). In fiscal year 2022-2023, Ames earned a total compensation of \$150,599 per the data published by *The Oregonian*. That same year, Niedrist de Guzman earned a total compensation of \$131,942 per the data published by *The Oregonian*. Upon information and belief, Ames is older than Niedrist de Guzman and identifies as female.
7. Upon information and belief, the City Attorney's Office does not rely on a seniority system that recognizes and compensates employees based on length of service with the employer. Regardless, Niedrist de Guzman has worked for the City longer than both Mercado Negro and Ames, and therefore has more seniority than either employee.
8. The City has in place a merit system which provides for merit-based pay increases up to a certain threshold set by City Council each year. Niedrist de Guzman has received the highest-available merit-based increase each year she has worked for the City. Thus, upon information and belief, neither Mercado Negro nor Ames could earn higher wages than Niedrist de Guzman on the basis of merit increases.

9. Upon information and belief, the City Attorney's Office does not measure earnings by quantity or quality of production.
10. Niedrist de Guzman, Ames, and Mercado Negro share the same workplace considerations, such as cost of living and minimum wage zones, as well as the same necessary and regular travel requirements.
11. Upon information and belief, Niedrist de Guzman, Ames, and Mercado Negro share the same terminal level of education: a *juris doctorate* degree.
12. Upon information and belief, the City does not take into consideration training, such as on-the-job training or training acquired through a formal training program, as a means of determining compensation.
13. Upon information and belief, Niedrist de Guzman has more years of experience in the legal profession than either Mercado Negro or Ames.
14. Niedrist de Guzman, Ames, and Mercado Negro all perform work of a comparable character, in that they perform the duties of, and are classified as, Deputy City Attorneys.
15. Upon information and belief, the City last conducted a pay equity study in about 2018 or 2019.
16. Under the Oregon Pay Equity Law, ORS 652.210 to 652.235, it is an unlawful employment practice to discriminate in compensation on the basis of protected class status when those employees perform work of a comparable character, unless those wage differences are based on a bona fide factor.
17. As described above, Niedrist de Guzman was paid substantially less than both Ames and Mercado Negro, and there is no bona fide reason for that pay disparity. The City confirmed that Niedrist de Guzman should be paid \$10.30 more per hour than she was being paid in its March 31, 2025 email and subsequent pay correction. Niedrist de Guzman is of a different protected class status than both Ames and Mercado Negro, in that she is younger than both Mercado Negro and

Ames, and is of a different sex than Mercado Negro. There may be other protected class statuses, such as disability, which are also potentially implicated, but unknown at this stage.

18. Per ORS 652.230, Niedrist de Guzman is entitled to the amount of unpaid wages as a result of the pay disparity described herein for one year preceding the commencement of any action, plus an additional, equal amount as liquidated damages, or approximately \$42,848.
19. Alternatively, per ORS 659A.885, Niedrist de Guzman is entitled to backpay for the two-year period immediately preceding the filing of a claim, which is also approximately \$42,848.
20. Pursuant to ORS 652.230, which provides for reasonable attorneys' fees for a prevailing plaintiff, and *Colby v. Gunderson*, 349 Or 1, 4 (2010), which holds that attorneys representing themselves *pro se* are permitted to recover their own reasonable attorney's fees, Niedrist de Guzman would also be entitled to recover for her reasonable fees in pursuing any action to recover unpaid wages. However, at this juncture, Niedrist de Guzman is more interested in receiving the amount due and owing for unpaid wages under the law, rather than pursuing litigation or fees.