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CLERK, U.S. DISTRICT COURT
DISTRICT OF OREGON
PORTLAND, OREGON

BY 

Attorney for Plaintiff

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF OREGON

11 DOUGLAS TAYLOR and JOYCE TAYLOR)

12 Plaintiffs,)

13 v.)

14 ERIK KAMMERER,)
15 SHAWNDA WYNTER and)
16 THE CITY OF PORTLAND)

Defendants,)

No. CV'01-293 BR

COMPLAINT: Violation
of Civil Rights and Pendent
State Claims

17 INTRODUCTION

18 1.1 On January 3, 2001, defendants Kammerer and Wynter, officers of the Portland
19 Police Bureau, unlawfully and forcibly entered plaintiffs' home to arrest a person who
20 was visiting them. Defendant Kammerer forcibly entered the house by kicking in their
21 door in retaliation for plaintiff Doug Taylor not giving him consent to enter, and
22 defendant Wynter unlawfully conducted a search within the house. When plaintiff Doug
23 Taylor called 911 and requested assistance, defendant Kammerer retaliated against him
24 by placing him under arrest without probable cause.

25 1.2 Plaintiffs seek compensatory and punitive damages pursuant to 42 U.S.C. §
26 1983 for the violation of their rights under the First and Fourth Amendments to the

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1 United States Constitution.

2 1.3 Plaintiffs further seek compensatory damages against defendant City of Portland
3 pursuant to ORS 30.265, for the individual defendants' acts of trespass, battery and false
4 imprisonment.

5 II. JURISDICTION

6 2.1 Jurisdiction exists for plaintiffs' federal claims pursuant to 28 U.S.C. § 1331 and
7 1343.

8 2.2 Supplemental jurisdiction exists for plaintiffs' supplemental pendent state claims
9 pursuant to 28 U.S.C. § 1367.

10 III. PARTIES

11 3.1 Plaintiffs are a married couple who reside in their home at 2320 SE Morrison #2,
12 in the city of Portland.

13 3.2 Defendants Kammerer and Wynter are officers of the Portland Police Bureau,
14 who were at all times acting under the color of state law, and within the course and scope
15 of their employment.

16 3.3 Defendant City of Portland is a municipality in the state of Oregon.

17 IV. FACTUAL ALLEGATIONS

18 4.1 On January 3, 2001, plaintiffs were in their home, with guests Jennifer Beckel,
19 Roger Clooten and their three year-old son.

20 4.2 At approximately 11:00 a.m., defendants Kammerer and Wynter broke the lock
21 on a gate, attached to a fence surrounding plaintiffs' property, and went to the door of
22 plaintiffs' house for the purpose of arresting Roger Clooten.

23 4.3 Plaintiff's house door was a Dutch door, the top half of which plaintiff Doug
24 Taylor opened as defendants approached the house. Defendant Kammerer asked plaintiff
25 Doug Taylor if he could come in the house. Plaintiff Doug Taylor declined.

26 4.4 Kammerer told plaintiff Doug Taylor to open the door and plaintiff responded

1 that he did not need to open the door unless Kammerer had a search warrant.

2 4.5 In response, defendant Kammerer became angry and told plaintiff again to
3 open the door, turned the doorknob, and kicked the door.

4 4.6 Defendant Kammerer angrily told plaintiff to unlock the door. Plaintiff
5 became alarmed at defendant Kammerer's conduct, and told him the door was unlocked.

6 4.7 Defendant Kammerer then kicked in the door to plaintiffs' home, and both
7 defendants entered the home. Defendant Wynter searched plaintiffs' home, including the
8 room in which plaintiff Joyce Taylor was lying in bed, while defendant Kammerer
9 arrested Roger Clooten.

10 4.8 Plaintiff Doug Taylor was alarmed and frightened at defendant Kammerer's
11 conduct, and called 911 for assistance.

12 4.9 In retaliation for calling 911, defendant Kammerer arrested plaintiff Doug
13 Taylor, and handcuffed him in an unreasonable manner, causing him physical pain.

14 4.10 Criminal charges were not pursued against plaintiff, and his citation for
15 misuse of 911 was dismissed.

16 4.11 As a result of defendants' conduct, plaintiffs suffered emotional distress,
17 humiliation, property damage, and plaintiff Doug Taylor suffered physical harm and pain.

18 V. CLAIMS FOR RELIEF

19 5.1 Defendants' conduct violated plaintiffs' right under the Fourth Amendment to
20 the United States Constitution to be free from unreasonable searches of their home, for
21 which they are entitled to compensation pursuant to 42 U.S.C. § 1983.

22 5.2 Defendants' conduct violated plaintiff Doug Taylor's right under the Fourth
23 Amendment to the United States Constitution to be free from unreasonable seizure of his
24 person, for which he seeks compensation pursuant to 42 U.S.C. § 1983.

25 5.3 Defendants' conduct violated plaintiff Doug Taylor's right under the First
26 Amendment to the United States Constitution to free speech, for which he seeks

1 compensation pursuant to 42 U.S.C. § 1983.

2 5.4 Defendants' conduct constitutes trespass, and defendant Kammerer's conduct
3 constitutes battery and false imprisonment, for which plaintiffs seek compensation
4 pursuant to ORS 30.265.

5 VI. PRAYER FOR RELIEF

6 6.1 Plaintiffs pray for judgment against defendants Kammerer and Wynter for
7 compensatory and punitive damages in an amount to be determined at trial for the
8 violations of their constitutional rights.

9 6.2 Plaintiffs further pray for judgment against defendant City of Portland for
10 compensatory damages in an amount to be determined at trial for the individual
11 defendants' acts of trespass, battery and false imprisonment.

12 6.3 Plaintiffs further pray for reasonable attorney fees, and their costs incurred
13 herein.

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