

Matthew Borden, admitted *pro hac vice*
borden@braunhagey.com

J. Noah Hagey, admitted *pro hac vice*
hagey@braunhagey.com

Athul K. Acharya, OSB No. 152436
acharya@braunhagey.com

Gunnar K. Martz, admitted *pro hac vice*
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP

351 California Street, Tenth Floor

San Francisco, CA 94104

Telephone: (415) 599-0210

Kelly K. Simon, OSB No. 154213

ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON

P.O. Box 40585

Portland, OR 97240

Telephone: (503) 227-6928

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OL莫斯; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

STIPULATION IN LIEU OF CONTEMPT MOTION

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This agreement is between Plaintiffs Index Newspapers LLC, Doug Brown, Brian Conley, Sam Gehrke, Mathieu Lewis-Rolland, Kat Mahoney, Sergio Olmos, John Rudoff, Alex Milan Tracy, Tuck Woodstock, and Justin Yau (“Plaintiffs”) and Defendant City of Portland (collectively, the “Parties”), in the action styled *Index Newspapers LLC v. City of Portland*, No. 3:20-cv-1035-SI (D. Or.).

WHEREAS the Court has entered a preliminary injunction against the City of Portland, prohibiting the City and its police officers from “arresting, threatening to arrest, or using physical force directed against any person whom they know or reasonably should know is a Journalist or Legal Observer . . . , unless the Police have probable cause to believe that such individual has committed a crime” (Dkt. 185) (“Preliminary Injunction”);

WHEREAS Plaintiffs allege the following facts, which they contend violated the Preliminary Injunction:

- That [REDACTED] arrested ACLU Legal Observer Kat Mahoney on August 9, 2020, and dislocated her shoulder by picking her up by her handcuffs;
- That [REDACTED] threatened ACLU Legal Observer Bruce Knivila on August 8, 2020;
- That [REDACTED] assaulted journalist Maranie Staab by pushing her in the back when she was complying with his order to leave her location on August 10, 2020;
- That [REDACTED] again assaulted journalist Maranie Staab in retaliation for her filming him pepper-spraying a protestor on September 29, 2020;
- That [REDACTED] prevented ACLU Legal Observers Stasia Brownell and Rachelle Collins from filming [REDACTED] arrest of Ms. Mahoney and grabbed Ms. Brownell by the throat and threw her to the ground on August 9, 2020;
- That [REDACTED] assaulted journalist Maranie Staab in retaliation for her filming him assaulting a protester on August 16, 2020;

WHEREAS Plaintiffs have provided the City video evidence regarding the allegations set forth above;

WHEREAS Plaintiffs are prepared to seek a finding of contempt and sanctions against the City and the individual officers in connection with those allegations;

WHEREAS the City does not admit liability nor the truth of Plaintiffs' allegations and is in the process of investigating the above allegations;

WHEREAS the Parties wish to resolve their disputes, if possible, without going to Court;

THEREFORE, the Parties agree as follows:

1. The City will continue its investigation of the allegations against [REDACTED]

[REDACTED] and [REDACTED];

2. Pending the resolution of its investigations, the City will remove [REDACTED]

[REDACTED] and [REDACTED] from public-order policing duty involving contact with the public;

3. If the City seeks to reinstate either officer to public-order policing duty involving contact with the public before the completion of their respective disciplinary processes, the City will give Plaintiffs at least 3 days' notice before doing so, so that Plaintiffs can move the Court for contempt.

Dated: December 8, 2020

By: /s/ Matthew Borden

Matthew Borden, *pro hac vice*
J. Noah Hagey, *pro hac vice*
Athul K. Acharya, OSB No. 152436
Gunnar K. Martz, *pro hac vice*
BRAUNHAGEY & BORDEN LLP

Kelly K. Simon, OSB No. 154213
ACLU FOUNDATION OF OREGON

Attorneys for Plaintiffs

Dated: December 8, 2020

By: /s/ Denis M. Vannier

DENIS M. VANNIER, OSB# 044406

Senior Deputy City Attorney

NAOMI SHEFFIELD, OSB# 170601

Deputy City Attorney

RYAN C. BAILEY, OSB# 130788

Deputy City Attorney

YOUNGWOO JOH, OSB# 164105

Assistant Deputy City Attorney

Attorneys for Defendant City of Portland