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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KARELLEN STEPHENS, an individual,
RENEE STEPHENS, an individual, and
QADIRA STEPHENS, an individual

Plaintiffs,

v.

STATE OF OREGON, a sovereign state,
MULTNOMAH COUNTY, a political
subdivision of the State of Oregon, CITY OF
PORTLAND, an Oregon municipal
corporation, MAYOR TED WHEELER, an
individual and in his official capacity as
Portland Oregon's former Mayor,

Case No.: **3:24-cv-02050-SI**

SECOND AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

COMMANDER JACOB JENSEN, an individual, and in his official capacity as Commander of the Portland Police Bureau, PROVIDENCE ST. VINCENT MEDICAL CENTER, a healthcare provider, MULTNOMAH VILLAGE BUSINESS ASSOCIATION, an Oregon non-profit corporation, PETER TOLIN-BAKER, an individual, JP GENERAL LLC, an Oregon domestic limited liability company, PETREL FARKAS, an individual, PEACHTREE GIFTS, INC., an Oregon domestic business corporation, JOAN STEINBACH, an individual, THINKER TOYS OREGON, INC., an Oregon domestic business corporation, SCOTT KOCHER, an individual; AMBER KINNEY, an individual; JOHN CASALINO, an individual; ANDREA ZAFERES, an individual, LIFEGUARD SYSTEMS, INC., a New York based corporation, and JOHN DOES 1–10 and JANE DOES 1–10, individuals whose identities are currently unknown.

Defendants.

The Plaintiffs alleges as follows:

INTRODUCTION

1. This action is brought exactly eighteen years after eight-year-old Qadira Stephens suffered a severe scald injury on April 12, 2007, an event that triggered a cascade of institutional failures, concealment, and retaliation.

2. Plaintiffs seek redress for coordinated misconduct by state, local, medical, and private actors who obstructed justice and violated their rights under the First and Fourteenth Amendments, 42 U.S.C. §§ 1983 and 1985, Title VI, RICO, and the Oregon Tort Claims Act.

PARTIES

3. Plaintiff Qadira Stephens is a Black woman and lifelong resident of Portland, Oregon. She was eight years old at the time of the original incident in 2007.

4. Plaintiffs Karellen Stephens and Renee Stephens are Qadira's biological parents and advocates. They reside in Portland and have continuously pursued justice on her behalf.

5. The State of Oregon, through ODHS, OHSU, and ODOJ, oversaw child protection and public health. Though immune from § 1983 damages, its officials are liable in their individual capacities for First and Fourteenth Amendment violations. The State is liable under Title VI, ORS 419B.010, and the Oregon Tort Claims Act for race discrimination, negligence, and failure to report abuse.

6. The City of Portland is responsible for the Portland Police Bureau and municipal enforcement, as well as Portland Public Schools. It employed Defendants Wheeler, Jensen, and others, and is liable under 42 U.S.C. § 1983 for constitutional violations, including retaliation, race and viewpoint discrimination, and Monell liability for policy-driven misconduct.

7. Ted Wheeler, former Mayor of Portland, is sued in his individual and official capacities for directing and condoning race discrimination and viewpoint-based retaliation against Plaintiffs, in violation of the First and Fourteenth Amendments.

8. Amber Kinney and John Casalino, former MCDA prosecutors, are sued in their individual capacities for creating and circulating the mis-leading "Crimes Fact Sheet" to suppress Plaintiffs' advocacy. Their extrajudicial conduct was retaliatory, defamatory, and intended to chill advocacy and punish Plaintiffs for their viewpoint. This constitutes race and viewpoint discrimination and is actionable under 42 U.S.C. §§ 1983, 1985(3), and Oregon tort law.

9. Jacob Jensen, a Commander in the Portland Police Bureau (PPB), participated in, supervised, and authorized retaliatory enforcement against Plaintiffs based on the content of their

speech. His conduct constitutes race/viewpoint discrimination, retaliation, and abuse of authority in violation of the First and Fourteenth Amendments and is actionable under 42 U.S.C. § 1983.

10. Multnomah County is liable under 42 U.S.C. § 1983 and *Monell* for MCDA policies and practices, including actions by Kinney and Casalino, that enabled retaliation, race and viewpoint discrimination, and the dissemination of false information to suppress Plaintiffs' protected advocacy.

11. Providence St. Vincent Medical Center failed to report suspected abuse or provide appropriate care during Qadira's 2007 visit, violating ORS 419B.010, ORS 677.095, and CAPTA (42 U.S.C. § 5106a). It also obstructed correction of false records, contributing to race discrimination, viewpoint-based retaliation, and denial of services.

12. The Multnomah Village Business Association (MVBA) coordinated with City and County officials to suppress Plaintiffs' protected protest activity and advocated for criminal prosecution based on the content and viewpoint of Plaintiffs' speech. This conduct constitutes race and viewpoint discrimination and retaliation in violation of 42 U.S.C. §§ 1983, 1985(3), and Oregon tort law.

13. Peter Tolin-Baker, JP General LLC, Petrel Farkas, Peachtree Gifts, Inc., Joan Steinbach, and Thinker Toys Oregon, Inc. participated in coordinated efforts to silence Plaintiffs through harassment, false complaints, and collaboration with City and County officials. Their actions were motivated by opposition to Plaintiffs' viewpoint and constitute retaliation, race/viewpoint discrimination, and civil conspiracy, actionable under federal and state law.

14. Scott Kocher, former legal counsel to Qadira Stephens, committed legal malpractice by omitting key abuse-based and civil rights claims, failing to report suspected child abuse, and withdrawing without securing successor counsel. His conduct obstructed access to

justice and contributed to the suppression of Plaintiffs' advocacy, constituting deliberate indifference, race and viewpoint discrimination, actionable under 42 U.S.C. § 1983 and Oregon tort law.

15. Lifeguard Systems, Inc., through VP Andrea Zaferes and in coordination with Tiffany Lee Consulting, agreed to assess Qadira's injuries but failed to act after accessing sensitive evidence. This breach obstructed Plaintiffs' pursuit of justice and reflected viewpoint-based indifference and race discrimination. The company is liable for negligence, breach of duty, and civil rights violations under 42 U.S.C. § 1983.

16. Defendants John and Jane Does 1–10 are individuals not yet identified who were involved in the incidents and causes of action described herein.

JURISDICTION AND VENUE

17. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343(a)(3), and supplemental jurisdiction under § 1367(a). Plaintiffs seek declaratory and equitable relief under 28 U.S.C. §§ 2201–2202 and 42 U.S.C. §§ 1983 and 1985(3).

18. Venue is proper in the District of Oregon, Portland Division under 28 U.S.C. § 1391(b), as a substantial part of the acts and omissions occurred in Multnomah County. Defendants Lifeguard Systems, Inc. and Andrea Zaferes, though based in New York, purposefully directed conduct toward Oregon residents, formed agreements related to Oregon-based abuse claims, and are properly subject to jurisdiction in this forum under FRCP 4(k)(1)(A).

19. Plaintiffs assert tort claims under the Oregon Tort Claims Act (ORS 30.260–30.300) against the State of Oregon via ODHS, OHSU, and the ODOJ. All state actors acted within the scope of public employment. Notice under ORS 30.275 was timely or excused by continuing violations and Qadira's minority at the time of injury.

FACTS

The April 2007 Burn Injury and Initial Neglect

20. On April 12, 2007, while under the supervision of Todd Burkholder and Aimee McQuiston, Qadira Stephens sustained a scald burn on her left leg when boiling water from a tea kettle was poured on her while she was in a bathtub, causing immediate pain, blistering, and loss of mobility.

21. Neither Burkholder nor McQuiston called 9-1-1 or sought immediate medical care for Qadira. Qadira remained untreated for hours until her mother, Karellen Stephens, arrived and transported her to Providence St. Vincent Medical Center. Their failure to seek care constitutes child neglect under ORS 163.545 and abuse under ORS 419B.005.

22. At Providence, staff failed to stabilize Qadira, consult a pediatric burn specialist, or follow national pediatric care standards. She was given codeine despite known risks and not screened for sexual assault. These omissions violated ORS 419B.010, Karly's Law (ORS 419B.022-.024), ORS 677.095, ORS 676.150, CAPTA (42 U.S.C. § 5106a), and Title VI (42 U.S.C. § 2000d) due to racially disparate treatment.

23. Qadira's severe injury was misclassified as "accidental" without forensic evaluation, investigation, multidisciplinary review, or photographic documentation, violating Karly's Law (ORS 419B.022), ORS 419B.010, OAR 413-015-0420 to -0485, and CAPTA (42 U.S.C. § 5106a). These omissions constitute deliberate indifference, race discrimination, and denial of due process under 42 U.S.C. § 1983.

24. Providence's treatment violated American Burn Association standards by failing to consult a specialist, provide fluid resuscitation, appropriate pain management, or child

protection screening. This constitutes medical malpractice under ORS 677.095 and violates Karly's Law, CAPTA, ORS 419B.010, and Joint Commission standards.

25. Providence refused to remove false or unverified records, obstructing Qadira's care and a potential investigation. As Qadira was a minor, the statute of limitations is tolled under ORS 12.160 and 12.115(4). This ongoing harm supports claims under ORS 677.190, ORS 676.150, and 42 U.S.C. § 1983 for interference with access to care and legal remedy.

OHSU's Continued Negligence and Reporting Failures

26. Between 2007 and 2011, OHSU providers noted Qadira's scald injury but failed to stabilize her, report suspected abuse or refer her for appropriate care while she was enrolled in the Oregon Health Plan (Medicaid). These omissions violated ORS 419B.010, Karly's Law, ORS 677.095, ORS 676.150, EPSDT requirements (42 U.S.C. § 1396d(r)), 42 C.F.R. § 438.206, Title VI (42 U.S.C. § 2000d), Section 1557 of the ACA, and CAPTA, reflecting systemic medical neglect and discrimination in a federally funded program.

27. No forensic evaluation, multidisciplinary review, or photographic documentation occurred. The injury was misclassified as "accidental" despite no investigation and clear abuse indicators. These failures violated Karly's Law, ORS 419B.010, OAR 413-015-0420 to -0485, and CAPTA, and supports liability under 42 U.S.C. § 1983 for race discrimination, deliberate indifference, and denial of due process.

28. OHSU's treatment violated American Burn Association standards by failing to provide specialist evaluation, fluid resuscitation, pediatric pain control, or child protection screening. These omissions constitute medical malpractice under ORS 677.095 and violations of Karly's Law, ORS 419B.010, CAPTA, and Joint Commission standards.

29. OHSU has refused to amend false or unverified records, obstructing Qadira's care and a law enforcement investigation. Because she was a minor and the obstruction is ongoing, tolling applies under ORS 12.160, ORS 12.115(4), and the continuing violation doctrine. These acts support claims under ORS 677.190, ORS 676.150, and 42 U.S.C. § 1983 for interference with access to care and legal remedy.

30. From 2007 to the present, Qadira has suffered ongoing harm including pain, anxiety, inflammation, osteopenia, and juvenile-onset Type 1 diabetes exacerbated by the failure to provide follow-up care and trauma-informed support. These failures violate ORS 677.095, 419B.010, 676.150, Karly's Law, ORS Chapter 414, and federal mandates under EPSDT, CAPTA, Title VI, and ACA § 1557.

Law Enforcement and Prosecutorial Inaction

31. In a civil proceeding, Todd Burkholder and Aimee McQuiston testified that Qadira was burned during a game called "Little House on the Prairie," while Sophie Burkholder testified that McQuiston routinely poured boiling water into the tub while Sophie was inside. These admissions support violations of ORS 163.545 (child neglect), ORS 419B.005-.010, and provide evidence of non-accidental trauma under Karly's Law, CAPTA, and 42 U.S.C. § 1983.

32. Despite multiple disclosures of non-accidental injury, the jury did not find McQuiston negligent. This outcome disregarded mandatory child protection standards under ORS 419B.010, ORS 419B.005, Karly's Law, and CAPTA, which, while not privately enforceable, establish duties that were violated.

33. On August 16, 2008, nine-year-old Qadira told PPB Officer Herbert Miller (Case No. 08-80238) that Aimee McQuiston poured scalding water on her leg. PPB, ODHS, and medical providers failed to investigate, report, or refer her for forensic evaluation, violating ORS

419B.010, Karly's Law, ORS 677.095, ORS 676.150, and federal mandates under CAPTA, EPSDT, and 42 C.F.R. § 438.206. These omissions reflect race discrimination, deliberate indifference, and a state-created danger under the Fourteenth Amendment, actionable under 42 U.S.C. § 1983.

34. Officer Miller intentionally misclassified the injury as a "home accident" and failed to investigate, in violation of ORS 419B.015–.028 and Karly's Law. His actions violated Qadira's Equal Protection and Due Process rights and reflect the City's failure to train PPB officers, supporting Monell liability under 42 U.S.C. § 1983.

35. Staff at Hayhurst Elementary, including Principal Robin Morrison, failed to report suspected abuse or offer support, causing emotional harm and obstructing justice. These omissions constitute race discrimination and violate ORS 419B.010, Title IX, and Qadira's Fourteenth Amendment rights, actionable under 42 U.S.C. § 1983.

36. PPS unlawfully disclosed Odyssey Program materials including photos and video of Qadira without consent in defense of Aimee McQuiston. This violated FERPA (20 U.S.C. § 1232g), OAR 581-021-0220, and Oregon student privacy laws, and supports claims for retaliation under 42 U.S.C. § 1983 and for racial and viewpoint discrimination under Title VI and ORS 659A.403.

37. PPS Principal Robin Morrison and administrators urged Plaintiffs to leave the Odyssey Program, exhibiting racial bias and denying equal access in violation of ORS 659A.403, Title VI, and the Equal Protection Clause, actionable under 42 U.S.C. § 1983.

38. PPS caused severe emotional distress by allowing Burkholder and McQuiston to volunteer at Hayhurst Elementary during Qadira's enrollment, showing deliberate indifference in

violation of Title IX and the Fourteenth Amendment. This conduct also constitutes negligence and IIED under Oregon law, as defined in *McGanty v. Staudenraus*, 321 Or 532 (1995).

39. ODHS Case HT30342 caused severe emotional distress to Plaintiffs by falsely targeting Karellen Stephens for abuse and misrepresenting her as Qadira's sole caretaker, despite Qadira living with both parents and siblings. ODHS failed to gather required family data, interview witnesses, or obtain relevant evidence, violating ORS 419B.015-.028, Karly's Law, and ORS 659A.403. These failures reflect race discrimination, family-status bias, and deliberate indifference, violating Plaintiffs' rights to due process, equal protection, and familial association under the First and Fourteenth Amendments, actionable under 42 U.S.C. § 1983.

40. The case was closed as "unable to determine" despite clear evidence and investigative failures. Combined with racial bias, the ODHS report and civil trial led to continued discrimination in school and the community, in violation of Karly's Law, ORS 659A.403, Title VI, CAPTA, and constitutional protections under 42 U.S.C. § 1983.

41. On October 14, 2008, Karellen requested a child abuse investigation from PPB Chief Rosie Sizer. Officer Kristy Galvan confirmed the request in a May 2009 letter, but stated the case was closed by Commander Eckhart based on a memo finding no criminal violation. This response violated ORS 419B.010, Karly's Law, and reflected retaliation, deliberate indifference, and denial of due process, actionable under 42 U.S.C. § 1983.

42. In a letter on March 14, 2011, ODHS refused to reopen the investigation, causing severe emotional distress to Plaintiffs. This reflected race discrimination, deliberate indifference, and denial of due process under the Fourteenth Amendment, in violation of Karly's Law and ORS 419B.015-.028, and supports a claim under 42 U.S.C. § 1983 and Oregon common law for intentional infliction of emotional distress.

43. ODHS also refused to correct unverified records, obstructing Qadira's care and impeding law enforcement. These acts violated ORS 419B.010, 419B.015, 192.431, and 676.150, and constitute negligence and deliberate indifference under 42 U.S.C. § 1983. As Qadira was a minor and harm is ongoing, tolling applies under ORS 12.160 and 12.115(4).

44. In 2012, Plaintiffs filed a pro se federal complaint seeking protection and counsel for Qadira. The case was dismissed with a pre-filing order labeling them vexatious litigants, causing reputational and emotional harm. While the court acted within its authority, Defendants' prior failures and retaliation contributed to the outcome and denied meaningful access to justice, violating Plaintiffs' First and Fourteenth Amendment rights. The lack of representation also impaired Qadira's due process protections under CAPTA.

45. On March 4, 2018, 20-year-old Qadira Stephens reported new abuse disclosures to PPB Officers Garrison and J. Miller (Case No. 18-73330), including forced nudity, scalding, and confinement. PPB failed to investigate, violating ORS 419B.010–.015, and showing race discrimination, deliberate indifference, and denial of equal protection and due process, actionable under 42 U.S.C. § 1983.

46. Between March and November 2018, DDAs Amber Kinney and John Casalino, along with PPB supervisors, ignored key evidence including a March 22, 2018, interview in which Qadira described the abuse, they continued to label the incident an "accident." They refused to reopen the case and circulated emails spreading misinformation and personal animus. These acts violated ORS 419B.010–.028 and constituted race discrimination, deliberate indifference, retaliation, and negligence under the First and Fourteenth Amendments, actionable under 42 U.S.C. § 1983 and Oregon tort law.

47. On March 19, 2021, Mia Bonadonna reported that unidentified individuals (John and Jane Does) were privately contacting others to deter support for Plaintiffs. This targeted harassment violated ORS 166.065, ORS 163.732, and supports claims for retaliation, race /viewpoint discrimination under the First and Fourteenth Amendments, actionable under 42 U.S.C. § 1983.

48. On May 17, 2021, Andre Miller, Justice Organizer for Commissioner Jo Ann Hardesty, informed Plaintiffs by text that the city would not investigate further due to past civil litigation. This response, made under color of state law, caused emotional harm and reflects discriminatory and retaliatory denial of services. It supports claims for intentional infliction of emotional distress under Oregon law and violations of the First and Fourteenth Amendments under 42 U.S.C. § 1983.

49. On November 19, 2021, Sam Adams, former Mayor of Portland, falsely stated to Plaintiffs that the city could not release police report 08-80238, causing emotional harm to Plaintiffs. This violated Oregon Public Records Law (ORS 192.311 et seq.), supports IIED, and is actionable under 42 U.S.C. § 1983 for retaliatory denial of access to public records.

50. Between April and June 2022, Richard Smith, CEO of Con10gency, and Robert King, a City of Portland public safety advisor, acknowledged Qadira's case as a "miscarriage of justice," "horrible," and reflective of a "broken" system. Smith apologized for the DA's handling, and King disclosed that pages from the ODHS file were missing, and the case remained technically open.

51. After acknowledging systemic failures, Richard Smith and City official Robert King ended contact without resolution. Their coordinated withdrawal amid ongoing harm

supports claims for deliberate indifference and state-created danger under 42 U.S.C. § 1983, violates ORS 419B.010, and gives rise to IIED under Oregon law.

52. Lisa Broderick and Cheryl Epps of Police2Peace initially agreed to assist Qadira but abruptly ended contact in coordination with City officials. Their withdrawal, facilitated by the city, reflects state-enabled neglect of a vulnerable adult and supports claims against the City of Portland for deliberate indifference and equal protection violations under 42 U.S.C. § 1983, and neglect under ORS 124.105.

53. Between May 2021 and January 2022, Christina Burkholder, Todd Burkholder's wife, contacted Karellen Stephens via Nextdoor and Facebook. She alleged abuse by Todd Burkholder and Aimee McQuiston, then sent disturbing content, including a child pornography image that she claimed was Sophie Burkholder and a photo of her own bruises from Todd. On or about February 10, 2023, Plaintiffs reported this to the FBI and PPB Officer Cipriano-Guzman (Case No. 23-37835), but no investigation followed violating ORS 419B.010, federal child exploitation laws, and Plaintiffs' due process rights under 42 U.S.C. § 1983.

54. On February 16, 2023, Qadira disclosed additional abuse and medical misconduct to PPB Officer Green-Mitchell (Case No. 23-43475). No investigation followed, in violation of Karly's Law, ORS 419B.010, and her due process rights under the Fourteenth Amendment and 42 U.S.C. § 1983.

55. On December 2, 2023, aquatic abuse expert Andrea Zaferes caused severe emotional distress when she told Karellen by phone that sexual assault was highly likely in cases like Qadira's, constituting intentional or negligent infliction of emotional distress under *McGanty v. Staudenraus*, 321 Or 532 (1995).

56. On December 7, 2023, Andrea Zaferes, working with Tiffany Lee Consulting, agreed to provide expert support to substantiate Qadira's injuries and involved Tiffany Lee in the case. Plaintiffs relied on this commitment and suffered harm when Zaferes failed to follow through. She acknowledged systemic failures, describing the case as a "cascading, spiraling series of disastrous decisions," but later falsely claimed to feel threatened and unilaterally terminated contact. This conduct constitutes professional abandonment under ORS 163.535 and supports claims for breach of contract, promissory estoppel, and intentional infliction of emotional distress under *McGanty v. Staudenraus*, 321 Or 532 (1995).

57. PPB, MCDA, and City officials knowingly concealed and refused to correct critical records including reports 08-80238, 18-73330, 23-37835, 23-43475, the Crimes Fact Sheet, the Eckhart memo, and unverified entries violating ORS 419B.010, 419B.035(1), 192.311 et seq., and Article I, Section 42 of the Oregon Constitution. This obstruction violated Plaintiffs' rights to due process and court access under the Fourteenth Amendment and 42 U.S.C. § 1983 and constitutes fraudulent concealment under Oregon law. Plaintiffs relied on false or missing records, which delayed discovery and blocked access to care and justice. Tolling applies under ORS 12.160, 12.115(4), the discovery rule, and the continuing violation doctrine.

58. On October 1 and December 19, 2024, the Oregon DOJ denied Qadira Crime Victims' Services despite clear evidence of abuse, violating ORS 180.220, the Fourteenth Amendment, and Title VI. This supports claims for race discrimination, IIED, and civil rights violations under 42 U.S.C. § 1983.

59. The City of Portland, PPB, and MCDA failed to enforce child abuse reporting duties under ORS 419B.010-.024 and ignored Qadira's adult disclosures. These omissions

caused emotional harm and denied redress, reflecting racial bias and deliberate indifference in violation of the Fourteenth Amendment and 42 U.S.C. § 1983.

60. In *Estate of Jhorden Clay v. State of Oregon* (2023), PPB ignored clear abuse disclosures before the child's death mirroring the inaction in Qadira's case. In contrast, *State v. Bigelow* (2008) shows prompt intervention for a White child. This racial disparity in enforcement supports Plaintiffs' Monell claim under § 1983 and the Equal Protection Clause.

61. Plaintiffs sought help from elected officials, law enforcement, attorneys, and private citizens, all of whom refused evidencing a coordinated defamation campaign in violation of Oregon defamation law and systemic race discrimination in violation of Plaintiffs' Fourteenth Amendment rights, actionable under 42 U.S.C. § 1983.

Legal Malpractice and Professional Misconduct

62. In 2007, Plaintiffs retained Attorney Scott Kocher to represent Qadira. He obstructed justice by filing only a negligence claim in Multnomah County Circuit Court, omitting intentional torts, civil rights violations, and claims under ORS 419B.010. He failed to consult a medical expert or challenge the injury's misclassification, violating duties under ORS 677.095 and professional standards.

63. Defendant Kocher also failed to report suspected child abuse as required by ORS 419B.010 and did not disclose a conflict of interest, his prior committee service with Rex Burkholder, Todd Burkholder's brother in violation of ORS 244.120 and Oregon ethics guidelines.

64. He petitioned to appoint Karellen Stephens as Qadira's guardian ad litem despite her lack of qualifications, breaching fiduciary duties under ORS 13.305 and ORCP 27. He then withdrew without explanation, constituting professional abandonment under ORS 163.535.

65. Kocher's withdrawal obstructed access to legal records and investigation. Tolling applies under ORS 12.160, ORS 12.115(4), and the continuing violation doctrine due to Qadira's minority and ongoing harm. His conduct constitutes malpractice, breach of fiduciary duty, race discrimination, and deliberate indifference under Oregon law and 42 U.S.C. § 1983.

Protest Activity and Government Retaliation

66. On August 11, 2020, MCDA adopted a policy declining most protest-related prosecutions but selectively enforced it against Plaintiffs based on their message. This race and viewpoint discrimination violated their rights under the First and Fourteenth Amendments and is actionable under 42 U.S.C. § 1983 and ORS 659A.403.

67. Beginning December 21, 2020, Karellen and Renee peacefully protested weekly in Pioneer Square and Multnomah Village, using a PA system averaging 71.85 dB, well below harmful noise thresholds and without property damage, theft, or violence.

68. Despite no complaint until June 13, 2022, PPB and City officials cited and threatened Plaintiffs under local ordinances, without probable cause, in retaliation for protected speech. These acts were viewpoint-based and constitute malicious prosecution, abuse of process, and violations of the First and Fourth Amendments, actionable under 42 U.S.C. § 1983.

69. On May 6, 2021, Defendant Jacob Jensen stated in a recorded call that Qadira's case would not be reopened and warned Plaintiffs to reduce protest volume or face charges. Plaintiffs were later cited and charged, confirming retaliation. His conduct reflects viewpoint-based enforcement and abuse of authority, violating the First, Fourth, and Fourteenth Amendments, actionable under 42 U.S.C. § 1983 and Oregon tort law.

70. Plaintiffs documented over 240 protest videos showing racially biased enforcement and retaliation by PPB and private citizens. These patterns reflect systemic

race/viewpoint discrimination, violating ORS 659A.403 and Plaintiffs' constitutional rights under the First and Fourteenth Amendments, actionable under 42 U.S.C. §§ 1983 and 1985(3).

71. Plaintiffs were subjected to hate-based attacks, including explicit racist threats in Multnomah Village and coordinated intimidation by MVBA affiliates Peter Tolin-Baker representing JP General LLC, Petrel Farkas representing Peachtree Gifts Inc., Joan Steinbach representing Thinker Toys LLC, and Tom Moore. On June 29, 2022, Defendant Tolin-Baker attempted to disable Plaintiffs' equipment. These acts were intended to silence their message and constitute hate crimes, race/viewpoint discrimination, and violations of ORS 659A.403 and the First and Fourteenth Amendments, actionable under §§ 1983 and 1985(3).

72. Between July 6, 2022, and March 15, 2023, individuals including Abigail L. Reisman, Kristi A. Jamison, Carl Ward, Maria Gonzales, Will Darden, Foinah Jameson, Leela Coleman, Derek Lindbloom, Dana Manning, and others publicly coordinated on the Multnomah Village Facebook page to discredit Plaintiffs' advocacy. Though not named defendants, their actions including viewpoint-targeted complaints, false statements, and public calls for enforcement reflect and reinforce the broader campaign of retaliation. Plaintiffs continue to face online harassment, intimidation, and suppression of their message. These acts contributed to the state-enabled pattern of race/viewpoint discrimination, defamation, and intentional infliction of emotional distress, in violation of ORS 659A.403, Oregon tort law, and Plaintiffs' rights under the First and Fourteenth Amendments, actionable under 42 U.S.C. §§ 1983 and 1985(3).

73. On July 6 and October 10, 2022, Defendant Joan Steinbach and Tye Steinbach representing Thinker Toys Inc. filed complaints objecting not to volume, but to the content of Plaintiffs' speech calling it "combative" and "inappropriate." Joan specifically opposed Plaintiffs' references to racism and corruption. The Steinbach's acknowledged that officials

viewed enforcement as “political,” confirming that government action was driven by race/viewpoint discrimination, in violation of the First and Fourteenth Amendments, ORS 659A.403, and actionable under 42 U.S.C. §§ 1983 and 1985(3).

74. Attorneys Anthony Zarrella, Alice Baker, and Matthew Bohrer published public posts on Quora falsely blaming Qadira for her injuries, misrepresenting legal outcomes, and labeling Karellen a vexatious litigant. While not named defendants, their statements mirrored the City’s narrative and fueled public retaliation, reinforcing state-enabled race/viewpoint discrimination and reputational harm that supports Plaintiffs’ broader claims under Oregon defamation law and 42 U.S.C. § 1983.

75. On March 3, 2023, Officer Cipriano-Guzman, who had received Plaintiffs’ report involving child pornography, issued Karellen and Renee a criminal citation. This retaliatory action followed protected disclosures and was aimed at suppressing their advocacy. It constituted viewpoint-based retaliation and violated Plaintiffs’ rights to free speech, due process, and equal protection, actionable under 42 U.S.C. § 1983 and supports IIED under Oregon tort law.

76. On March 4, 2023, DDA Adam Gibbs advised DDA Jeffrey Clayson to remove the word “protest” from an affidavit describing the “Stephens Noise Complaints,” deliberately reframing protected speech as a neutral code violation. This misrepresentation reflects race/viewpoint discrimination and retaliatory prosecution, in violation of Plaintiffs’ rights under the First and Fourteenth Amendments, actionable under 42 U.S.C. § 1983, and discriminatory enforcement under ORS 659A.403.

77. On April 19, 2023, Defendant Peter Tolin-Baker, representing JP General LLC and the MVBA, testified before Portland City Council that he and other business owners spent two years filing complaints and meeting with officials to stop Plaintiffs’ protest, which he called

“hateful commentary” and “intimidating language.” His admitted effort to influence prosecutions and block citation dismissals targeted Plaintiffs’ viewpoint, constituting retaliation, race/viewpoint discrimination, and IIED, in violation of ORS 659A.403, the First and Fourteenth Amendments, and actionable under 42 U.S.C. §§ 1983 and 1985(3).

78. Defendant Joan Steinbach, representing Thinker Toys Inc., testified at the same hearing that she pressured officials to act against Plaintiffs, filed complaints objecting to their protest content and imagery, and declared that the community was “aghast” their speech had been tolerated. She urged the city to “put an end” to Plaintiffs’ advocacy confirming retaliatory intent and race/viewpoint discrimination under ORS 659A.403 and the U.S. Constitution.

79. Defendant Petrel Farkas, representing Peachtree Gifts Inc., testified that Plaintiffs’ speech was “harsh,” “toxic,” and harmful to local businesses. Warning it could set a precedent for other groups; she called for prosecution and suppression of their message. Her testimony reveals intent to silence Plaintiffs based on viewpoint, supporting claims for retaliation, IIED, and civil rights violations under 42 U.S.C. §§ 1983 and 1985(3).

80. On April 19, 2023, during that same City Council meeting with the Multnomah Village Business Association, Mayor Ted Wheeler publicly accused Plaintiffs of “hiding behind their First Amendment rights” and “causing harm,” while admitting their speech was legally protected. His statements spread false information, inflicted emotional distress, and reflected race and viewpoint discrimination, supporting claims under ORS 659A.403, Oregon tort law, and 42 U.S.C. § 1983 for retaliation and race discrimination.

81. Defendant Wheeler admitted the city coordinated with prosecutors to pursue criminal penalties instead of treating Plaintiffs’ protests as noise violations. His claim that Plaintiffs were “daring” the city to act shows intent to suppress protected speech, constituting

viewpoint discrimination, abuse of process, and violations of the First and Fourteenth Amendments, actionable under 42 U.S.C. § 1983 and Oregon common law.

82. Defendant Wheeler’s remarks calling Plaintiffs “jerks,” referencing staff “babysitting,” and pledging to “stop it” show retaliation driven by personal animus, not neutral policy. His admission that enforcement “touches on First Amendment issues” confirms knowing race/viewpoint discrimination, violating ORS 659A.403 and Plaintiffs’ rights under the First and Fourteenth Amendments, actionable under 42 U.S.C. §§ 1983 and 1985(3).

83. On April 19, 2023, Deputy City Attorney Victor Mercado-Negro sent a letter to the MCDA’s office falsely characterizing Plaintiffs’ protest and causing severe emotional distress (when Plaintiffs discovered the information). He acknowledged the protest stemmed from the city’s failure to investigate Qadira’s injuries, then stated that PPB, specifically Officer Jacob Jensen and the child abuse team, had reviewed the case and found “no basis to reopen it.” This response disregarded prior misconduct, reinforced deliberate indifference, and violated Plaintiffs’ Fourteenth Amendment rights, actionable under 42 U.S.C. § 1983.

84. Mercado-Negro further recommended escalating enforcement from noise citations to criminal charges and seizure of Plaintiffs’ amplification equipment. He described coordination with police and noise officers to “negotiate” an end to the protest revealing intent to suppress Plaintiffs’ message rather than enforce neutral laws. These actions constituted race and viewpoint discrimination, retaliation, and intentional infliction of emotional distress, in violation of ORS 659A.403 and the First and Fourteenth Amendments, enforceable under 42 U.S.C. §§ 1983 and 1985(3).

85. On May 24, 2023, PPB victim advocate Jessica Irvine texted Plaintiff Karellen Stephens, stating that Officer G. Mitchell and the Sex Crimes sergeant were arranging a meeting.

This acknowledgment of active coordination, followed by continued inaction, supports claims of deliberate indifference and denial of access to protective services, in violation of ORS 419B.015 and Plaintiffs' due process rights under the Fourteenth Amendment, actionable under 42 U.S.C. § 1983.

86. On May 31, 2023, Christina Lindquist-Burkholder was arrested and charged with felony crimes against Todd Burkholder and remains incarcerated. Her arrest is relevant to Plaintiffs' claims, as prior disclosures implicating Todd were not investigated, reflecting a pattern of selective enforcement, failure to protect, and deliberate indifference in violation of ORS 419B.015 and Plaintiffs' Fourteenth Amendment rights, actionable under 42 U.S.C. § 1983.

87. On June 22, 2023, Plaintiffs Karellen and Renee Stephens were charged with 19 counts of Disorderly Conduct II. At arraignment, they were banned from amplification, barred from Multnomah Village and Pioneer Square, threatened with up to 10 years in prison and \$96,000 in fines, and placed under monthly police check-ins. On October 27, 2023, their Motion to Dismiss for Vindictive Prosecution was denied, though the court acknowledged evidence of disparate treatment. These conditions and charges, initiated and pursued by Defendants, reflect race and viewpoint discrimination, retaliation, and malicious prosecution in violation of Plaintiffs' rights under the First and Fourteenth Amendments, and are actionable under 42 U.S.C. § 1983, ORS 659A.403, and state and federal law.

88. On December 21, 2023, Chief Deputy District Attorney Glen Banfield stated in a recorded meeting that jail was not warranted for Plaintiffs' protest-related charges, acknowledged their allegations of racial discrimination by the City, DA's Office, and PPB, and suggested pursuing civil rights counsel or a federal investigation. However, Banfield also dismissed Plaintiffs' use of the term "abusers," minimized their trauma by citing his own

family's practices, and warned they would likely be convicted while offering a plea deal. His remarks caused severe emotional distress to Plaintiffs, reinforced the City's refusal to investigate the original abuse, and constituted retaliation, race and viewpoint discrimination, and deliberate indifference, in violation of ORS 659A.403 and Plaintiffs' constitutional rights under 42 U.S.C. §§ 1983 and 1985(3).

89. On April 22, 2024, Plaintiff Qadira discovered that Defendant MVBA distributed a notice bearing the official seal of the MCDA announcing a public meeting about Plaintiffs' criminal case and urging attendees to help ensure their protests "were not repeated." Plaintiffs were neither informed nor invited. This exclusion, paired with the use of prosecutorial authority to suppress their message, constituted race and viewpoint discrimination, retaliation, and due process violations under the First and Fourteenth Amendments, actionable under 42 U.S.C. §§ 1983 and 1985(3) and ORS 659A.403.

90. During the April 2024 meeting, Chief Deputy District Attorney Glen Banfield and Deputy DA Emily Korte misrepresented Plaintiffs' protest activities and falsely claimed that the child abuse case had been fully investigated. Banfield stated, "We can't quash their First Amendment rights, but we can stop them from amplifying," revealing intent to suppress not just volume, but the manner and viewpoint of protected speech. These actions caused severe emotional distress to Plaintiffs and support claims for race and viewpoint discrimination, retaliation, and due process violations under 42 U.S.C. § 1983, § 1985(3), and ORS 659A.403.

91. Community members, including Defendant Peter Tolin-Baker, Defendant Petrel Farkas and other Multnomah Village business owners, urged prosecutors to prevent dismissal of charges and ensure future enforcement. Banfield responded that the community had "taken the steps" to justify prosecution and promised faster action. These coordinated efforts to suppress

Plaintiffs' speech based on its content and perceived offensiveness constituted race/viewpoint discrimination, retaliation, and intentional infliction of emotional distress, in violation of the First and Fourteenth Amendments, 42 U.S.C. §§ 1983 and 1985(3), and ORS 659A.403.

92. Comparable majority white-led protests in the same district including those by JFPK, BLM, teachers, pro-Palestinian, and anti-Trump groups did not result in similar enforcement, surveillance, or prosecution. This disparate treatment demonstrated racially selective and viewpoint-based enforcement, constituting abuse of process, retaliation, and equal protection violations under the First and Fourteenth Amendments, actionable under §§ 1983 and 1985(3), and ORS 659A.403.

93. On May 6, 2024, Judge Lucero dismissed all charges against Plaintiffs Karellen and Renee Stephens, demonstrating the lack of legal or factual basis for the prosecution.

94. A public petition on Change.org calling for an FBI investigation into Qadira Stephens' case has garnered 2,390 signatures, reflecting broad public concern over the systemic failures and lack of accountability.

CAUSES OF ACTIONS

COUNT I: 42 U.S.C. § 1983 – First Amendment: Failure to Protect Free Speech

(Against City of Portland and Multnomah County)

95. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

96. Plaintiffs engaged in constitutionally protected speech, protest, and advocacy within Defendants' jurisdiction, addressing matters of public concern including systemic racism, child abuse, and institutional accountability.

97. Defendants, acting under color of state law, had an affirmative duty to uphold Plaintiffs' First Amendment rights and to protect them from targeted retaliation, intimidation,

and suppression, whether by state actors or emboldened private individuals. Despite actual and repeated notice of ongoing harassment, Defendants failed to intervene, selectively enforced ordinances, and coordinated punitive responses intended to suppress the content and viewpoint of Plaintiffs' expression.

98. These actions and omissions including deliberate indifference, unequal application of law, and retaliation against protected speech chilled Plaintiffs' expression, caused severe emotional distress, and imposed an unconstitutional burden on their participation in public discourse. Defendants' conduct violated the First Amendment rights to free speech, assembly, and protection from viewpoint discrimination, and is actionable under 42 U.S.C. § 1983 pursuant to *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

COUNT II: 42 U.S.C. § 1983 – Retaliation in Violation of the First Amendment
(Against the City of Portland, Ted Wheeler, Jacob Jensen, Amber Kinney John Casalino, and
MVBA-affiliated private actors)

99. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

100. Plaintiffs engaged in constitutionally protected expression including peaceful protest, leafletting, and public advocacy addressing matters of public concern such as racial justice, child abuse, and government accountability.

101. Defendants, acting under color of state law or in concert with public officials, took adverse actions against Plaintiffs in retaliation for their protected speech. These retaliatory acts included surveillance, citations, public misrepresentation, exclusion from public forums, referrals for prosecution, and intentional suppression of Plaintiffs' message.

102. Defendants Amber Kinney and John Casalino, while employed by the Multnomah County District Attorney's Office, engaged in extrajudicial conduct including the creation and

circulation of a misleading “Crimes Fact Sheet” intended to discredit Plaintiffs and reinforce a false narrative. These actions were undertaken outside any judicial proceeding, with the purpose and effect of chilling Plaintiffs’ constitutionally protected speech and advocacy. Their conduct was motivated by animus toward Plaintiffs’ viewpoint and was not protected by prosecutorial immunity. See *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993).

103. These retaliatory actions were not justified by any compelling or content-neutral government interest and instead targeted Plaintiffs based on the substance and viewpoint of their advocacy. This constitutes viewpoint discrimination and impermissible retaliation under the First Amendment.

104. Government officials may not retaliate against individuals for protected speech, nor may they coordinate with private actors to achieve unlawful suppression. See *Nieves v. Bartlett*, 139 S. Ct. 1715 (2019); *Hartman v. Moore*, 547 U.S. 250 (2006); *White v. Lee*, 227 F.3d 1214 (9th Cir. 2000).

105. Defendants’ actions would deter a person of ordinary firmness from continuing to engage in protected expression. Plaintiffs suffered emotional distress, reputational harm, criminal charges, and exclusion from public spaces and legal forums as a direct result.

COUNT III: 42 U.S.C. § 1983 – Fourteenth Amendment: Denial of Equal Protection

(Against the City of Portland, Multnomah County, State of Oregon)

106. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

107. Defendants, including the Oregon DOJ, Multnomah County, and the Portland Police Bureau, denied Qadira Stephens equal protection by treating her differently than similarly situated white children in the reporting, investigation, and prosecution of child abuse. Despite

evidence of non-accidental injury, Defendants failed to act, while comparable white victims received immediate intervention.

108. The Oregon DOJ's denial of victim services occurred amid a broader pattern of racial disparities affecting Black victims. These failures caused ongoing harm and reflected deliberate indifference or intentional discrimination.

109. Defendants also treated Karellen and Renee Stephens differently from white protestors engaged in comparable or louder advocacy, who were not cited, surveilled, or prosecuted. Plaintiffs were targeted based on race and viewpoint.

110. These actions lacked a legitimate state interest and violated the Equal Protection Clause of the Fourteenth Amendment, actionable under 42 U.S.C. § 1983. See *Washington v. Davis*, 426 U.S. 229 (1976); *Village of Arlington Heights v. Metropolitan Hous. Dev. Corp.*, 429 U.S. 252 (1977); *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

**COUNT IV: 42 U.S.C. § 1983 – Fourteenth Amendment: Substantive Due Process /
Deliberate Indifference (Against City of Portland, Multnomah County, Providence, Amber
Kinney, and John Casalino)**

111. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

112. Defendants had a constitutional duty not to affirmatively create or increase the danger to Qadira Stephens. See *DeShaney v. Winnebago Cty.*, 489 U.S. 189 (1989); *Penilla v. Huntington Park*, 115 F.3d 707 (9th Cir. 1997).

113. Defendants Kinney and Casalino, while acting outside the scope of prosecutorial immunity, authored and circulated a “Crimes Fact Sheet” falsely stating Qadira’s injury was accidental and attributing exculpatory statements to Plaintiffs. These knowingly false assertions obstructed legal remedies, discouraged reinvestigation, and were made with deliberate

indifference to Qadira's safety and Plaintiffs' rights violating substantive due process under the Fourteenth Amendment. See *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993).

114. Defendants including Providence, MCDA, Kinney, and Casalino through failures to report, investigate, treat, or disclose abuse, and through the suppression or distortion of evidence, affirmatively increased Qadira's exposure to harm and denied her protection in violation of her constitutional rights.

115. Defendants' conduct, through direct action and conscious inaction, shocks the conscience, caused severe emotional and physical harm, and constitutes a violation of the Fourteenth Amendment, actionable under 42 U.S.C. § 1983. See *County of Sacramento v. Lewis*, 523 U.S. 833 (1998).

COUNT V: 42 U.S.C. § 1983 – Failure to Train, Supervise, or Discipline (Monell Liability)

(Against City of Portland and Multnomah County)

116. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

117. Defendants maintained official customs, policies, and systemic failures in training and supervision of police, prosecutors, and public employees that enabled retaliation against protected speech and the mishandling of child abuse reports involving Black victims.

118. These failures amounted to deliberate indifference to known risks of constitutional violations and reflect ongoing inaction despite repeated opportunities for corrective oversight. See *City of Canton v. Harris*, 489 U.S. 378 (1989); *Connick v. Thompson*, 563 U.S. 51 (2011).

119. These municipal deficiencies were the moving force behind violations of Plaintiffs' First and Fourteenth Amendment rights, resulting in ongoing emotional, psychological, and physical harm. See *Monell v. Dept. of Soc. Servs.*, 436 U.S. 658 (1978).

COUNT VI: Violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)

(Against Providence St. Vincent Medical Center and the State of Oregon via ODOJ, OHSU,

ODHS, Multnomah County (MCDA), and City of Portland (PPB and PPS))

120. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

121. Under Title VI, recipients of federal financial assistance may not discriminate based on race, color, or national origin in any program or activity. 42 U.S.C. § 2000d.

122. Defendants including Providence, the State of Oregon via OHSU, ODHS, ODOJ, Multnomah County (MCDA), City of Portland via Portland Public Schools, and the Portland Police Bureau receive federal funds and operate covered programs subject to Title VI.

123. These entities failed to investigate, report, or respond adequately to Qadira's abuse, denied her victim services, and withheld care, protection, or redress provided to similarly situated white families reflecting intentional racial discrimination.

124. Defendants' actions and omissions caused unequal access to medical, legal, and public safety services in violation of Title VI, resulting in severe emotional distress and long-term harm. See *Alexander v. Sandoval*, 532 U.S. 275 (2001).

COUNT VII: Violation of Oregon Public Accommodations Law (ORS § 659A.403)

(Against Providence, State of Oregon, City of Portland, Multnomah County, Business

Defendants, MVBA, Lifeguard Systems, Inc., and Scott Kocher)

125. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

126. ORS § 659A.403 prohibits public accommodations including hospitals, legal and government services, and retail businesses from discriminating based on race, color, or national origin. This applies to public and private entities offering goods or services to the public.

127. Defendants including Providence, OHSU, the City of Portland, Multnomah County (MCDA), Lifeguard Systems, Inc. (via Andrea Zaferes), Scott Kocher (acting through the now-dissolved Vangelisti Kocher LLP), MVBA, JP General LLC (via Peter Tolin-Baker), Thinker Toys Inc. (via Joan Steinbach), and Peachtree Gifts Inc. (via Petrel Farkas) operated places of public accommodation and denied Plaintiffs equal access to medical care, legal services, civic programs, and retail/public spaces through racial profiling, viewpoint discrimination, harassment, disparate treatment, and retaliation for protected advocacy concerning race, child abuse, and institutional accountability.

128. These actions violated ORS § 659A.403. To the extent such conduct involved government entities or recipients of federal funding, it also implicated parallel protections under Title VI and the Equal Protection Clause. Plaintiffs seek relief under ORS § 659A.885 for intentional discrimination, including compensatory damages for emotional distress, reputational harm, and exclusion from essential services.

COUNT VIII: Failure to Report Child Abuse (ORS § 419B.010) (*Against City of Portland (PPS, PPB), Multnomah County (MCDA), Providence Medical Center, State of Oregon (OHSU), Scott Kocher, and Lifeguard Systems Inc.*)

129. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

130. ORS § 419B.010 imposes a legal duty on designated professionals including medical providers, attorneys, law enforcement officers, educators, and forensic consultants to report suspected child abuse to ODHS or law enforcement when they have reasonable cause to believe abuse has occurred.

131. Defendants including the City of Portland (via PPS and PPB), Multnomah County (via the MCDA), Providence St. Vincent Medical Center, the State of Oregon (via OHSU),

attorney Scott Kocher, and Lifeguard Systems, Inc. (via Andrea Zaferes) each operated in a professional capacity subject to mandatory reporting laws. Deputy District Attorneys Amber Kinney and John Casalino had access to victim disclosures and documentary evidence, including a 2018 interview in which Qadira Stephens described facts indicating non-accidental abuse. Despite this, Kinney and Casalino failed to initiate or refer the matter for mandatory reporting or reinvestigation, enabling further harm.

132. Each Defendant failed to fulfill their statutory duty under ORS § 419B.010, permitting the abuse and systemic neglect to persist without intervention. These omissions constitute actionable violations of Oregon law and, where applicable, support liability under 42 U.S.C. § 1983 for deliberate indifference and deprivation of substantive due process.

COUNT IX: Intentional Infliction of Emotional Distress (IIED) (*Against all defendants*)

133. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

134. Defendants including the State of Oregon, Multnomah County, City of Portland, Ted Wheeler, Jake Jensen, Amber Kinney, John Casalino, Providence, Andrea Zaferes /Lifeguard Systems, Inc., Scott Kocher, the MVBA, Peter Tolin-Baker/JP General LLC, Joan Steinbach/Thinker Toys Inc., and Petrel Farkas/Peachtree Gifts Inc. engaged in extreme and outrageous conduct beyond the bounds of socially tolerable behavior. This includes failure to report abuse, misclassification of injuries, retaliatory prosecution, defamation, obstruction, professional abandonment, and denial of victim services.

135. Kocher exacerbated harm by filing inadequate pleadings, failing to report abuse, and withdrawing without successor counsel. Zaferes breached an express commitment to provide expert support and abruptly ceased communication without cause.

136. Kinney and Casalino circulated a false “Crimes Fact Sheet” portraying Plaintiffs as dishonest and dangerous, despite knowing the characterizations were false. This extrajudicial act was not protected by prosecutorial immunity and was intended to damage Plaintiffs’ credibility and chill protected speech and advocacy.

137. The Oregon DOJ’s refusal to provide Crime Victims’ Services despite clear evidence of abuse was outrageous given Qadira’s documented trauma, vulnerability, and foreseeably caused severe psychological harm.

138. Defendants acted intentionally or with reckless disregard for the emotional consequences to a child abuse survivor and her family. Their conduct meets the threshold for outrageousness under *McGanty v. Staudenraus*, 321 Or 532, 550–51 (1995).

139. As a direct result of Defendants’ conduct, Plaintiffs suffered severe emotional distress, including PTSD, anxiety, depression, humiliation, and loss of community trust.

COUNT X: Medical Negligence (*Against Providence and OHSU*)

140. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

141. As licensed health care providers, Providence and OHSU owed Qadira Stephens a duty to provide care consistent with accepted medical standards and Oregon’s statutory duty under ORS § 677.095, including appropriate trauma response protocols for pediatric burns and suspected abuse, and mandatory reporting obligations under ORS § 419B.010.

142. Both institutions breached this duty by failing to stabilize Qadira, misclassifying her injury, generating false or misleading medical records, administering contraindicated medication, failing to refer her to specialists, and failing to report suspected abuse. These acts and omissions directly undermined timely intervention, protection, and the initiation of appropriate legal or investigative remedies.

143. These statutory and clinical failures constitute both professional negligence and negligence per se. As a direct result, Qadira suffered physical pain, long-term complications, severe emotional harm, and loss of access to legal redress that could have prevented further injury and supported protective and restorative justice.

COUNT XI: Legal Malpractice and Breach of Fiduciary Duty (*Against Scott Kocher*)

144. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

145. Defendant Scott Kocher, acting as legal counsel for Plaintiffs in a matter arising from Qadira Stephens' injury, owed duties of care, loyalty, competence, full disclosure, and compliance with mandatory reporting laws.

146. Kocher breached these duties by filing a negligence-only claim despite evidence of intentional abuse, failing to investigate or preserve critical evidence, petitioning for a guardian ad litem without informed consent, and abandoning the case without securing successor counsel or advising Plaintiffs of remaining legal options.

147. These breaches directly caused the loss of viable legal claims, obstructed access to justice, and inflicted long-term harm. Kocher's conduct constitutes legal malpractice, breach of fiduciary duty, and failure to report suspected child abuse under ORS § 419B.010, supporting liability under Oregon common law and negligence per se principles.

COUNT XII: MALICIOUS PROSECUTION (*Under Oregon Law and 42 U.S.C. § 1983 – Against Multnomah County (MCDA), City of Portland, Amber Kinney, and John Casalino*)

148. Defendants Multnomah County (via the MCDA) and the City of Portland (via PPB and City Council) initiated and maintained criminal proceedings against Plaintiffs for Disorderly Conduct II without probable cause and with retaliatory intent to suppress protected

First Amendment activity. The charges were ultimately dismissed, satisfying the requirement of favorable termination under Oregon tort law and federal precedent.

149. This conduct constitutes malicious prosecution under Oregon common law and a retaliatory violation of Plaintiffs' rights under the First and Fourteenth Amendments, actionable under 42 U.S.C. § 1983. See *Hartman v. Moore*, 547 U.S. 250 (2006); *Lacey v. Maricopa County*, 693 F.3d 896 (9th Cir. 2012).

150. Although Kinney and Casalino did not file charges directly, they materially contributed to the prosecution by circulating a false "Crimes Fact Sheet" with retaliatory motive. Their extrajudicial actions fall outside the scope of prosecutorial immunity and support liability under both Oregon tort law and § 1983.

COUNT XIII: Fourteenth Amendment Race Discrimination and Conspiracy to Deprive Civil Rights (42 U.S.C. §§ 1983 and 1985(3) – Against All Defendants Acting Under Color of State Law or in Concert Therewith)

151. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

152. Defendants, including state, municipal, and private actors acting under color of state law or in concert with those so acting, intentionally subjected Plaintiffs to disparate treatment on the basis of race, in violation of the Equal Protection Clause of the Fourteenth Amendment.

153. Defendants' actions included the denial of medical, legal, and protective services; suppression of child abuse evidence; unequal enforcement of laws; and retaliation for advocacy, all of which treated similarly situated white individuals more favorably without any legitimate justification.

154. In furtherance of these acts, Defendants entered into an express or tacit agreement to obstruct investigations, falsify records, and suppress Plaintiffs' speech and legal rights, motivated by invidious racial animus and a shared intent to deprive civil rights secured by the Constitution.

155. This conduct constitutes intentional race discrimination actionable under 42 U.S.C. § 1983 and a civil conspiracy to interfere with constitutional rights under 42 U.S.C. § 1985(3). Plaintiffs suffered reputational harm, emotional distress, denial of services, and injury to legal and property interests as a result.

COUNT XIV: ABUSE OF PROCESS (*State Law – Against Multnomah County (MCDA) City of Portland, Ted Wheeler, Amber Kinney, John Casalino, Business Owners, MVBA*)

156. Defendants, including the City of Portland (via PPB and City Council), Multnomah County (via MCDA), Ted Wheeler, Amber Kinney, John Casalino, MVBA, Peter Tolin-Baker/JP General LLC, Joan Steinbach/Thinker Toys Inc., and Petrel Farkas/Peachtree Gifts Inc., willfully misused legal and criminal processes such as official complaints, citations, criminal charges, prosecutions, and enforcement actions for the ulterior purpose of silencing Plaintiffs' protected speech and advocacy.

157. These actions reflect a coordinated pattern of retaliatory enforcement, discriminatory prosecution, and suppression of public protest unrelated to any legitimate law enforcement goal. Plaintiffs suffered emotional distress, reputational injury, and economic loss.

158. Defendants' misuse of legal processes constitutes Abuse of Process under Oregon common law, entitling Plaintiffs to compensatory and punitive damages.

COUNT XV: DEFAMATION & FALSE LIGHT (*Against all defendants*)

159. Defendants including Scott Kocher, Ted Wheeler, Jake Jensen, Amber Kinney, John Casalino, Andrea Zaferes, the City of Portland (via PPB and Portland City Council), Multnomah County (via MCDA), the State of Oregon (via ODOJ/ODHS/OHSU), Providence, the MVBA, and affiliated individuals and business owners knowingly or recklessly made and amplified false statements portraying Qadira Stephens' injury as accidental and Plaintiffs as criminal, dishonest, and mentally unstable.

160. Kinney and Casalino placed Plaintiffs in a false light by publishing a "Crimes Fact Sheet" falsely asserting that no crime occurred, misrepresenting facts, and fabricating statements attributed to Plaintiffs. These actions, undertaken outside protected prosecutorial functions, served no legitimate purpose.

161. Falsehoods were disseminated via official records, agency memoranda, medical files, and public forums including Nextdoor, Facebook, and Quora. Public officials and private actors coordinated to defame Plaintiffs, suppress their advocacy, and shield misconduct from public scrutiny.

162. This conduct constitutes defamation and false light invasion of privacy under Oregon law. To the extent the false statements were made in concert with state actors and used to suppress protected speech or obstruct justice, they further support a civil conspiracy actionable under 42 U.S.C. §§ 1983 and 1985(3).

COUNT XVI: Denial of Access to Courts / Obstruction of Justice (42 U.S.C. § 1983

– Against the City of Portland (PPB, PPS), Multnomah County (MCDA), Providence St. Vincent Medical Center, ODOJ attorneys, OHSU actors, ODHS officials, and Scott Kocher, Amber Kinney, and John Casalino)

163. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

164. The First and Fourteenth Amendments protect the right to access courts and seek legal redress. Defendants including the City of Portland (via PPB and PPS), Multnomah County (via MCDA, Kinney, and Casalino), Providence, OHSU actors, ODHS officials, ODOJ attorneys, and attorney Scott Kocher obstructed Plaintiffs' ability to pursue legal claims related to Qadira Stephens' abuse.

165. PPB withheld critical reports (e.g., 08-80238), PPS disclosed confidential records, and both ignored mandated reporting duties. MCDA personnel, including Kinney and Casalino, misrepresented evidence and disseminated false information. Providence and OHSU personnel misclassified injuries, suppressed referrals, and refused to correct false records. Attorney Kocher failed to preserve evidence, omitted key claims, and abandoned representation, all of which foreseeably obstructed Plaintiffs' access to legal remedies.

166. These coordinated acts foreseeably deprived Plaintiffs of viable legal causes of action and access to protective systems. This conduct constitutes denial of access to the courts and obstruction of justice in violation of 42 U.S.C. § 1983. See *Christopher v. Harbury*, 536 U.S. 403 (2002); *Delew v. Wagner*, 143 F.3d 1219 (9th Cir. 1998).

COUNT XVII: Fraudulent Concealment (*Against the State of Oregon (OHSU, ODHS, ODOJ), City of Portland, Providence, Andrea Zaferes/Lifeguard Systems Inc., Amber Kinney, John Casalino, Jake Jensen, and Scott Kocher, under the Oregon Tort Claims Act*)

167. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

168. Defendants including ODHS, OHSU, ODOJ, PPB, PPS, Providence, and the MCDA (via Kinney and Casalino) acted under color of state law and within the scope of public or institutional duties. Attorney Scott Kocher and consultant Andrea Zaferes (via Lifeguard Systems Inc.) acted under legal and contractual obligations. The State of Oregon and the City of

Portland are liable under ORS § 30.265. All defendants are liable under Oregon common law for fraudulent concealment.

169. These Defendants intentionally misclassified Qadira's injury as accidental, failed to report or investigate suspected abuse, and withheld material evidence including the 2008 PPB report. OHSU, ODHS, and Providence failed to initiate forensic protocols or correct known false records. Kinney, Casalino, and Jensen disseminated misleading official statements. Kocher omitted viable civil claims, failed to preserve key records, and withdrew without notice or successor counsel. Zaferes failed to act on known abuse despite a duty arising from her role as a forensic consultant.

170. Defendants had duties to disclose material facts under mandatory reporting laws, professional standards, and contractual relationships. Plaintiffs reasonably relied on the absence or distortion of this information, which delayed discovery and obstructed legal, medical, and protective remedies. Plaintiffs suffered emotional harm, legal prejudice, and denial of care. This claim is timely under ORS §§ 12.110(4) and 12.115(4) due to Qadira's minority and continuing concealment by Defendants.

COUNT XVIII: Civil RICO – 18 U.S.C. § 1962(c) and (d)

(Against Kinney, Casalino, Andrea Zaferes/Lifeguard Systems Inc., Scott Kocher, Ted Wheeler, Jacob Jensen, MVBA, Peter Tolin-Baker/JP General LLC, Joan Steinbach/Thinker Toys LLC, Petrel Farkas/Peachtree Gifts Inc., Providence, the City of Portland (PPB, PPS), and Multnomah County (MCDA))

172. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

173. Defendants formed an association-in-fact enterprise that coordinated to obstruct investigations, falsify records, retaliate against protected advocacy, and block access to legal

remedies, constituting a pattern of racketeering activity under 18 U.S.C. §§ 1961(1), 1962(c), and (d).

174. Predicate acts include obstruction of justice (18 U.S.C. § 1503), witness tampering (18 U.S.C. § 1512), mail and wire fraud (18 U.S.C. §§ 1341, 1343), and deprivation of rights under color of law (18 U.S.C. § 242).

175. Defendants engaged in these acts repeatedly over a period of years, using their positions in government, law enforcement, legal practice, and private organizations to perpetuate the concealment of child abuse, the defamation of Plaintiffs, and the suppression of protest activity.

176. These coordinated actions were not isolated incidents, but part of a continuing enterprise designed to protect institutional interests and silence dissent, inflicting ongoing economic, reputational, and emotional harm to Plaintiffs.

177. Defendants conspired to commit these acts in violation of 18 U.S.C. § 1962(d), and each played a knowing role in furthering the objectives of the unlawful enterprise.

178. As a result, Plaintiffs suffered injury to property and legal rights, including lost claims, costs of litigation, reputational damage, and denial of public services and remedies. Plaintiffs seek treble damages, legal fees, and injunctive relief as provided under 18 U.S.C. § 1964.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and grant the following relief:

A. A declaratory judgment that Defendants violated Plaintiffs' rights under the U.S. Constitution, Oregon Constitution, Title VI of the Civil Rights Act, 42 U.S.C. §§ 1983 and 1985(3), the Oregon Tort Claims Act, and Oregon common law;

B. Compensatory damages, including for emotional distress, economic loss, reputational harm, and loss of consortium, in an amount not less than \$25,000,000, with the precise amount to be determined at trial;

C. Punitive damages against Defendants whose actions were willful, malicious, or in reckless disregard of Plaintiffs' rights, in an amount not less than \$5,000,000, subject to proof at trial;

D. Injunctive relief, including but not limited to:

1. Prohibiting further retaliation or suppression of Plaintiffs' protected speech and protest activities;

2. Requiring an independent federal investigation into the abuse and concealment surrounding Qadira Stephens' injury, with enforcement of Karly's Law and federal child protection standards;

3. Compelling Defendants to correct or expunge all official records misclassifying Qadira's injuries or omitting abuse;

4. Vacating or reversing any decisions, fee awards, GAL appointments, or dismissals tainted by concealment, misrepresentation, or denial of due process;

5. Mandating anti-discrimination, trauma-informed care, and mandatory-reporting training within PPB, MCDA, PPS, and state agencies;

6. Requiring adoption of written policies ensuring equal protection and nondiscriminatory enforcement of child protection and civil rights laws;

7. Appointing a court-supervised monitor or special master to oversee compliance for a term set by the Court;

E. Damages under the Oregon Tort Claims Act in an amount not less than \$15,000,000, reflecting the actual injuries suffered by Plaintiffs, with acknowledgment that statutory caps under ORS §§ 30.271–30.272 may limit collectible amounts from public entities;

F. Treble damages under 18 U.S.C. § 1964(c) for injuries caused by racketeering activity, including but not limited to lost legal claims, litigation costs, and reputational harm, in an amount not less than \$25,000,000, subject to trebling as provided by statute;

G. Reasonable legal fees and litigation costs pursuant to 42 U.S.C. § 1988, ORS 20.105, and other applicable statutes;

H. Pre-judgment and post-judgment interest as provided by law;

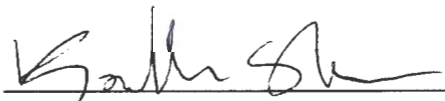
I. Such further relief as this Court deems just and necessary to prevent continued harm and restore Plaintiffs' rights and dignity.

DEMAND FOR JURY TRIAL

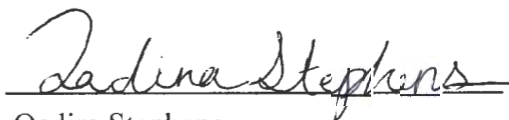
Plaintiffs demand a trial by jury as to all issues.

Dated: April 12, 2025

Respectfully submitted,



Karellen Stephens
Plaintiff, appearing Pro Se



Qadira Stephens
Plaintiff, appearing Pro Se



Renee Stephens
Plaintiff, appearing Pro Se

CERTIFICATE OF SERVICE

I certify that on April 12, 2025, I served the foregoing SECOND AMENDED COMPLAINT upon the parties hereto by the method indicated below, and addressed to the following:

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by emailing a full, true, and correct copy thereof addressed to persons listed above at the last known email addresses of the persons on the date set forth above.

Dated: 4/12/2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Renee Stephens', is written over a horizontal line.

Renee Stephens

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Plaintiff, appearing Pro Se