

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF OREGON
5 PORTLAND DIVISION
6

7 Matthew John Helmut Klug,
8 Plaintiff,

9 vs.

10 City of Portland, Charles Andrew
11 Hales, Peter Helzer (41782), Bradley
12 Nutting (45920), Tony Passadore
13 (33482), Jennifer Thompson (43484),
14 Eric Weber (32070), Multnomah
15 County Sheriff's Office, Multnomah
16 County Fire & Emergency,
17 Defendants

) Case No.: 3:2015-CV-413-ST

) COMPLAINT

) Civil Rights Violations

) False Arrest

) Malicious Prosecution

) Abuse of a Vulnerable Person

) (42 U.S.C. § 1983)

) Jury Trial Demanded

18
19
20
21
22 Dated this 13th day of March, 2015

23
24 Pro se

25 P.O. Box 2246

26 Portland, Oregon 97208
27
28

1 United States District Court
2 District of Oregon
3

4 Plaintiff Matthew John Helmut Klug hereby alleges that:

5 **NATURE OF ACTION**

6 1.

7 This is a civil rights action brought pursuant to 42 U.S.C. § 1983, ORS
8 124.100, and ORS 30.265 by Matthew John Helmut Klug (Plaintiff). Defendants
9 arrested and unlawfully assaulted Plaintiff, subsequently detaining Plaintiff in
10 jail without probable cause that Plaintiff committed any crime. Defendants have
11 given Judges and Prosecutors false and misleading information which caused
12 Plaintiff to be prosecuted without probable cause. The acts and omissions of
13 Defendants violated Plaintiff's rights under the Fourth, Fifth, Eighth, and
14 Fourteenth Amendments to the United States Constitution. As a result of
15 Defendants' acts and omissions, Plaintiff suffered economic and noneconomic
16 damages. Plaintiff is entitled to damages and an award of attorney's fees and
17 costs.

18 **JURISDICTION AND VENUE**

19 2.

20 This court has subject matter jurisdiction over Plaintiff's claims of violation of
21 federal constitutional rights pursuant to 28 U.S.C. §§ 1331(a) and 1343 because
22 the causes of action arise under 42 U.S.C. § 1983. This court has jurisdiction
23 over Plaintiff's pendant state law claims under 28 U.S.C. § 1367.

24 3.

25 Venue is proper in the District of Oregon pursuant to 28 U.S.C. § 1391(b)
26 because a substantial part of the acts or omissions giving rise to Plaintiff's claims
27 occurred in the District of Oregon and because Defendants are subject to
28 personal jurisdiction in the District of Oregon.

1 11.

2 At all material times, Charles Andrew Hales was employed as the Police
3 Bureau Commissioner for the City of Portland, Oregon, and was working under
4 color of state law. He is sued in his individual capacity.

5 12.

6 At all material times the City of Portland was a political subdivision of the
7 State of Oregon. As a local government entity, the City of Portland is a suable
8 person under 42 U.S.C. § 1983. At all material times, the City of Portland
9 employed Defendants Helzer, Passadore, Nutting, Weber, Thompson, and Hales.
10 At all material times, defendants Helzer, Passadore, Nutting, Weber, Thompson,
11 and Hales were acting pursuant to City of Portland's laws, customs, and/or
12 policies.

13 13.

14 At all material times Multnomah County Sheriff's Office was an entity of
15 Multnomah County, a political subdivision of the State of Oregon. As a local
16 government entity, Multnomah County is a suable person under 42 U.S.C. §
17 1983. At all material times, Multnomah County Sheriff's Office employed
18 unknown medical personnel. Defendant Multnomah County Sheriff's Office was
19 acting pursuant to Multnomah County Sheriff's Office laws, customs, and/or
20 policies.

21 14.

22 At all material times Multnomah County Fire & Emergency was an entity of
23 Multnomah County, a political subdivision of the State of Oregon. As a local
24 government entity, Multnomah County is a suable person under 42 U.S.C. §
25 1983. At all material times, Multnomah County Fire & Emergency employed
26 unknown medical personnel. Defendant Multnomah County Fire & Emergency
27 was acting pursuant to Multnomah County Fire & Emergency laws, customs,
28 and/or policies.

1 21.

2 Plaintiff did not consent to a search of the bicycle, papers, effects, and the
3 saddle-bag which was attached. Plaintiff was not read Miranda rights. The
4 search of the bicycle bag did take place, but the search revealed no
5 instrumentalities of any suspected crime. The only fruits of the search were the
6 discovery of a current version of the Oregon Driver's Manual, a bicycle lock, and
7 some fruit leather snack food.

8 **FIRST CLAIM FOR RELIEF**

9 **(Excessive Use of Force - Violation of the Fourth, Eighth, and Fourteenth**
10 **Amendments)**

11 22.

12 Each individual officer Defendant's acts and omissions caused Plaintiff to be
13 arrested and assaulted without probable cause in violation of the Fourth, Eighth,
14 and Fourteenth Amendments to the United States Constitution.

15 23.

16 Defendant City of Portland's training program and curriculum was inadequate
17 for the tasks that the individual Defendants performed; this inadequacy of
18 training is a result of the Defendant City of Portland's deliberate indifference;
19 and the inadequacy in training the officers caused the Plaintiff's harm by
20 depriving Plaintiff rights, privileges or immunities secured by the Constitution.

21 **SECOND CLAIM FOR RELIEF**

22 **(Malicious Prosecution – Violation of the Fourth and Fourteenth**
23 **Amendments)**

24 24.

25 Defendant City of Portland's acts and omissions mislead the prosecuting
26 attorney as to the existence of probable cause, which left Plaintiff to be jailed
27 and prosecuted without probable cause in violation of the Forth and Fourteenth
28 Amendments to the Constitution.

1 25.

2 Defendant City of Portland's training program and curriculum was inadequate
3 for the tasks that Defendant City of Portland performed; this inadequacy of
4 training is a result of the Defendant City of Portland's deliberate indifference;
5 and the inadequacy in training caused the Plaintiff's harm by depriving Plaintiff
6 rights, privileges or immunities secured by the Constitution. Defendant City of
7 Portland performed pursuant to City of Portland's laws, customs, and/or policies.

8 **THIRD CLAIM FOR RELIEF**

9 **(False Arrest – Oregon State Law Claim)**

10 26.

11 Each individual officer Defendant's individual acts did intentionally confine
12 the Plaintiff unlawfully, which caused Plaintiff to be aware of the confinement.
13 The conduct interfered with the basic principles and concepts of Plaintiff's
14 personal freedom, health and safety.

15 27.

16 Defendant City of Portland's training program and curriculum was inadequate
17 for the tasks that the individual Defendants performed; this inadequacy of
18 training is a result of the Defendant City of Portland's deliberate indifference;
19 and the inadequacy in training the officers caused the Plaintiff's harm by
20 depriving Plaintiff rights, privileges or immunities secured by the Constitution.

21 **FOURTH CLAIM FOR RELIEF**

22 **(Malicious Prosecution – Oregon State Law Claim)**

23 28.

24 Defendant City of Portland's individual acts and omissions initiated, caused,
25 and have had an active roll in bringing criminal proceedings without probable
26 cause against Plaintiff. The Plaintiff has sustained damage and continues to
27 suffer damage because of the repeated, and ongoing prosecution.

1 29.

2 Defendant City of Portland's training program and curriculum was inadequate
3 for the tasks that Defendant City of Portland performed; this inadequacy of
4 training is a result of the Defendant City of Portland's deliberate indifference;
5 and the inadequacy in training caused the Plaintiff's harm by depriving Plaintiff
6 rights, privileges or immunities secured by the Constitution. Defendant City of
7 Portland performed pursuant to City of Portland's laws, customs, and/or policies.

8 **FIFTH CLAIM FOR RELIEF**

9 **(Cruel and Unusual Punishment - Violation of the Eighth Amendment)**

10 30.

11 Defendant Multnomah County Sheriff's Office individual acts and omissions
12 actively ignored the necessary prescription medication Plaintiff requires, created
13 conflict, and caused the violation of the Eighth Amendment to the Constitution.

14 31.

15 Defendant Multnomah County Sheriff's Office training program and
16 curriculum was inadequate for the tasks that the individual Defendants
17 performed; this inadequacy of training is a result of the Defendant Multnomah
18 County Sheriff's Office deliberate indifference; and the inadequacy in training
19 the officers caused the Plaintiff's harm by depriving Plaintiff rights, privileges or
20 immunities secured by the Constitution.

21 **SIXTH CLAIM FOR RELIEF**

22 **(Abuse of a Vulnerable Person – Oregon State Law Claim)**

23 32.

24 Defendant Multnomah County Fire & Emergency's individual acts and
25 omissions actively ignored the requirement to independently determine the
26 appropriate disposition of a vulnerable person following an abuse accusation.
27 Plaintiff expected to receive medical attention and was withheld treatment and
28 medicine by “mandatory abuse reporters” E.M.T. personnel following the abuse.

1 33.

2 Defendant Multnomah County Fire & Emergency's training program and
3 curriculum was inadequate for the tasks that the individual Defendants
4 performed; this inadequacy of training is a result of the Defendant Multnomah
5 County Fire & Emergency's deliberate indifference; and the inadequacy in
6 appropriate education and training of the medics caused the Plaintiff's harm by
7 depriving Plaintiff rights, privileges or immunities secured by the Constitution.

8 **DAMAGES**

9 34.

10 As a direct an proximate result of the conduct of the Defendants, Plaintiff has
11 sustained severe psychiatric injury and emotional distress, including, but not
12 limited to depression, loss of sleep, loss of self-esteem, a fear of those in
13 authority or positions of power, fear of law enforcement, severe isolation from
14 family and friends, personal humiliation and embarrassment as well as a loss of
15 opportunity for future employment and economic earning capacity due to an
16 extensive list of pending criminal charges surrounding this unfortunate event.
17 Due to the assault and detention Plaintiff experiences anxiety, sleeplessness,
18 and has experienced severe damage to personal, professional, and family
19 relationships. These damages are permanent, other physical damages such as
20 Methicillin-resistant Staphylococcus aureus (MRSA), and the taser wounds, have
21 lasted nearly six months in duration thus far. Plaintiff seeks \$5,000,000. in
22 noneconomic damages and prays for relief.

23 35.

24 As a direct and proximate result of the conduct of Defendants, Plaintiff will
25 expect to incur attorney fees and medical expenses for ongoing representation,
26 treatment and care. The Plaintiff is expected to require continued legal help and
27 medical care into the future. Plaintiff seeks economic damages in an amount to
28 be determined at trial. These expenses are continuing.

