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VICTOR CALZARETTA
                                                        93 DEC 17 AM 11: 04
    ATTORNEY AT LAW
   621 SW Morrison, Suite 440
                                                       CLERK U.S. DISTRICT COURT
    Portland, Oregon 97205
                                                         DISTRICT OF URLGUN
PORTLAND, OREGON
                                                             ICT OF OREGON
   (503) 241-9360
    OSB 82213
                                                       SY_Cw
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         Attorney for Plaintiff
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                    IN THE UNITED STATES DISTRICT COURT
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                        FOR THE DISTRICT OF OREGON
10
    KAY EARLINE WILLIAMS,
                                        No. 93-1568-JE
11
              Plaintiff,
                                        COMPLAINT - Personal Injury-
12
                                        Civil Rights, 42 USC § 1983,
         v.
                                        Battery, Intentional Infliction
13
                                        of Emotional Distress -
    WASHINGTON COUNTY, a political)
   subdivision of the State of
                                        Negligence
14
    Oregon, and DARRYL WAYNE
   WRISLEY,
15
                                        JURY TRIAL DEMANDED
              Defendant.
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              Plaintiff Kay Earline Williams alleges:
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              This is an action for damages by a female. Plaintiff
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   alleges she was sexually assaulted and battered by an on-duty
19
   deputy sheriff of Washington County, State of Oregon.
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              This is an action for damages for emotional anguish and
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   physical injury and arises under the Fourth and Fourteenth
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23 Amendments to the United States Constitution, 42 USC § 1983, 1988,
   and pendent state claims.
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VICTOR CALZARETTA ATTORNEY AT LAW 440 AMERICAN BANK BUILDING 621 S.W. MORRISON PORTLAND, OREGON 97205

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JURISDICTION

- 2 Jurisdiction in this court is invoked under and pursuant 3 to Title 28 USC § 1343(1), (2), and (4). This is an action for damages authorized and instituted under Title 42 § 1983 and 1988, 4 5 and is filed to redress the deprivation of plaintiff's rights under the United States constitution and in particular the Fourth and 6 Fourteenth Amendments. Plaintiff seeks damages for her injuries out of the denial of the full and equal benefit of all laws and 8 proceedings of the United States and the State of Oregon, and 9 arising out of the deprivation of said rights. 10 pendent and ancillary jurisdiction is invoked over applicable state 11 law claims, particularly over the Oregon law related to the torts 12 of battery, intentional infliction of emotional distress and 13 negligence. 14
- 15 PARTIES
- 1. Plaintiff is an adult female who at all material times herein resided in Hillsboro, Washington County, State of Oregon.
- 2. Defendant Washington County was and is now a political subdivision of the State of Oregon, and was acting through its appointed and elected officials, officers, agents, employees, and representatives under the color of law.
- 3. At all times mentioned herein the Washington County
 Sheriff's Department was an entity, division or department of
 defendant Washington County under the direction and control of an
 elected sheriff.

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- 4. At all times material herein, defendant Darryl
- 2 Wrisley was on duty as an employee, agent, representative and
- 3 deputy sheriff of defendant Washington County and was assigned to
- 4 the Sheriff's Department and he is sued in his official and
- 5 individual capacity.

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6 NON-DEFENDANT PARTIES

- At all times material herein, William Probstfield
- 8 was the duly elected Sheriff of Washington County and was the Chief
- 9 Executive officer of the Washington County Sheriff's Department.

10 <u>FACTUAL ALLEGATIONS</u>

- 11 6. On or about December 10, 1992, plaintiff was a
- 12 volunteer hostess for the joint conference of the Oregon Narcotics
- 13 Investigators Association (ONEA) and the Washington State Narcotics
- 14 Investigators Association (WSNIA) held at Beaverton, Oregon.
- 7. At said time and place defendant Wrisley was
- 16 attending said conference as a representative of the Washington
- 17 County Sheriff's Department, was in the course and scope of his
- 18 employment and had his conference fees paid by Washington County.
- 19 8. At said time and place defendant Wrisley engaged
- 20 plaintiff to purchase a ticket for a conference raffle and advised
- 21 plaintiff to write her phone number on the back of the ticket so
- 22 she could be contacted if she won. Plaintiff purchased a ticket.
- 9. On the following day, December 11, 1992, defendant
- 24 Wrisley, while on duty, called plaintiff at her Hillsboro home from
- 25 his Washington County mobile phone and told plaintiff she had won
- 26 / /

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- 1 the raffle and that he had her prize and wanted to bring it over.
- 2 He requested her address which she provided.
- 3 10. Just prior to making the phone call, defendant
- 4 Wrisley specifically told his supervising sergeant that he was en
- 5 route to drop off the prize at plaintiff's residence and his
- 6 supervising sergeant approved this action and Wrisley continued on
- 7 duty.
- 8 11. Defendant Wrisley arrived at plaintiff's Hillsboro
- g residence, gave plaintiff her prize (a sweatshirt) and requested
- 10 to and was allowed to use the restroom.
- 11 12. Defendant Wrisley then made inquiries about the
- construction of plaintiff's house and asked to look at the upstairs
- 13 rooms. Plaintiff agreed.
- 14 13. While showing defendant Wrisley an upstairs room,
- 15 defendant Wrisley attacked plaintiff, began to kiss her, attempted
- 16 to remove her pants, placed his hands upon her breasts, shoved her
- 17 down on a bed, got on top of her, put his mouth on her breasts, and
- 18 forced her hand onto his crotch area. Plaintiff resisted the
- 19 attack but defendant undid his pants, removed his penis and tried
- 20 to force it into plaintiff's mouth. Plaintiff refused to open her
- 21 mouth, continued to fight and defendant relented. Plaintiff made
- $_{
 m 22}$ her way out of the room and downstairs followed by defendant.
- 23 14. Plaintiff demanded that defendant leave and directed
- 24 defendant to the front door. While at the front door, defendant
- 25 again attacked plaintiff, grabbed her breasts and crotch.
- 26 Plaintiff fought back and defendant relented and opened the front

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- 1 door complaining about his (defendant's) hormones. Defendant then 2 departed. 3 At all times during the attack, defendant was 15. 4 visibly armed with a firearm. 5 FIRST CAUSE OF ACTION 6 (42 USC § 1983) 7 Plaintiff incorporates herein paragraphs 1 through 16. 8 15, supra. 9 17. The attack by defendant Wrisley deliberately and 10 purposefully violated 42 USC §1983, denied plaintiff equal 11 protection and due process of law and said conduct violates the 12 Fourth and Fourteenth Amendments to the United States Constitution. 13 Washington County is liable to plaintiff for general damages in the 14 amount of \$1,000,000 for emotional distress, anguish and physical 15 injury. 16 18. Defendant Wrisley is liable to plaintiff for general 17 damages in the amount of \$1,000,000 for emotional distress, anguish 18 and physical injury. 19 Defendant Wrisley is individually liable 20 plaintiff for punitive damages in the amount of \$1,000,000.00. 21 20. Defendant Washington County is liable for the 22 conduct of defendant Wrisley in that Wrisley was on duty and acting 23 under the color of his office at the time of the incident. 24 Defendant Washington County is liable for the 21.
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conduct of defendant Wrisley because it was the custom and policy

of the Sheriff's Department Administration and the Sheriff to allow

1	sexual attacks/harassment of women, both on and off duty, was a
2	practice engaged in by the elected Sheriff in the private homes of
3	women, resulted in some women obtaining alarm systems in their
4	homes out of fear of the sheriff, was conduct ratified by the
5	sheriff by his acquiescence and participation in similar conduct
6	and said conduct became a pattern, custom, practice and policy of
-	the Sheriff's Administration.

22. Defendant Washington County should be enjoined from any further similar conduct toward women, instructed to conduct a complete examination of its history and policies toward women and be required to respond periodically to this court regarding correction activities to prevent similar attacks.

23. Pursuant to 42 USC § 1988, plaintiff is entitled to reasonable attorney fees in bringing this action.

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PENDENT CLAIMS SECOND CAUSE OF ACTION (Battery)

24. Plaintiff incorporates by reference paragraphs 1 through 15, supra.

25. The conduct of defendant Wrisley was an unpermitted and offensive touching of plaintiff amounting to battery and defendant Wrisley is liable to plaintiff for general damages in the amount of \$500,000.00.

26. The conduct of defendant Wrisley was intentional and
wanton and plaintiff is entitled to punitive damages in the amount
of \$500,000.00.

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(503) 241-9360

1	27. For the reasons set forth in paragraphs 1 through
2	21 herein, defendant Washington County is liable to plaintiff for
3	general damages in the amount of \$500,000.00.
4	28. On April 29, 1993, plaintiff filed a statutory tort
5	claim notice with defendants.
6	THIRD CAUSE OF ACTION
7	(Intentional Infliction of Emotional Distress)
8	29. Plaintiff incorporates paragraphs 1 through 21,
9	supra.
10	30. The conduct of defendant Wrisley was intended to and
11	did inflict severe emotional distress upon plaintiff and plaintiff
12	is entitled to general damages in the amount of \$500,000.00.
13	31. The conduct of defendant Wrisley was intentional and
14	wanton and plaintiff is entitled to punitive damages in the amount
15	of \$500,000.00.
16	32. For the reasons set forth in paragraphs 1 through
17	21 herein, defendant Washington County is liable to plaintiff for
18	general damages in the amount of \$500,000.00.
19	33. On April 29, 1993, plaintiff filed a statutory tort
20	claim notice with defendants.
21	FOURTH CAUSE OF ACTION
22	(Negligence)
23	34. Plaintiff incorporates paragraphs 1 through 21,
24	supra.
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- 1 35. Defendant Washington County, through its Sheriff's
- 2 Department, by their deliberate acts and gross and reckless
- 3 negligence in failing to adequately screen, test, train, supervise,
- 4 and discipline individual officers including defendant Wrisley, by
- 5 retaining individual officers including defendant Wrisley, and by
- 6 setting a standard through the Sheriff's conduct directly caused
- 7 the injuries and harm suffered by the plaintiff.
- g 36. For the reasons set forth in paragraphs 1 through
- g 21 herein, defendant Washington County is liable to plaintiff for
- 10 general damages in the amount of \$500,000.00.
- 11 37. On April 29, 1993, plaintiff filed a statutory tort
- 12 claim notice with defendants.
- 13 RELIEF
- 14 WHEREFORE, plaintiff demands the following relief,
- jointly and severally, against all the defendants:
- Assume jurisdiction in this matter.
- 17 2. On her First Cause of Action, enter judgment against
- 18 Washington County in the amount of \$1,000,000.00, general damages,
- injunctive relief and reasonable attorney fees and costs, against
- defendant Wrisley in the amount of \$1,000,000.00, general damages,
- \$1,000,000.00, punitive damages and reasonable attorney fees and
- 22 costs.
- 3. On her Second Cause of Action, enter judgment
- 24 against Washington County in the amount of \$500,000.00 general
- 25 damages, against defendant Wrisley in the amount of \$500,000.00
- 26 / /

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1	general damages, \$500,000.00 punitive damages, and her costs and
2	disbursements incurred herein.
3	4. On her Third Cause of Action, enter judgment against
4	Washington County in the amount of \$500,000.00 general damages,
5	against defendant Wrisley in the amount of \$500,000.00 general
6	damages, \$500,000.00 punitive damages, and her costs and
7	disbursements incurred herein.
8	5. On her Fourth Cause of Action, enter judgment
9	against Washington County in the amount of \$500,000.00 general
10	damages and her costs and disbursements incurred herein.
11	6. Such further relief as the court deems appropriate.
12	Respectfully submitted,
13	FRM 11
14	Victor Calzaretta, OSB 82213
15	Attorney for Plaintiff
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