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1 VICTOR CALZARETTA  
ATTORNEY AT LAW  
2 621 SW Morrison, Suite 440  
Portland, Oregon 97205  
3 (503) 241-9360  
OSB 82213

93 DEC 17 AM 11:04  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND, OREGON  
BY CW

4 Attorney for Plaintiff  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF OREGON

10 KAY EARLINE WILLIAMS, )  
11 Plaintiff, )  
12 v. )  
13 WASHINGTON COUNTY, a political )  
14 subdivision of the State of )  
Oregon, and DARRYL WAYNE )  
15 WRISLEY, )  
16 Defendant. )

No. 93-1568-JE  
COMPLAINT - Personal Injury-  
Civil Rights, 42 USC § 1983,  
Battery, Intentional Infliction  
of Emotional Distress -  
Negligence  
JURY TRIAL DEMANDED

17 Plaintiff Kay Earline Williams alleges:  
18 This is an action for damages by a female. Plaintiff  
19 alleges she was sexually assaulted and battered by an on-duty  
20 deputy sheriff of Washington County, State of Oregon.

21 This is an action for damages for emotional anguish and  
22 physical injury and arises under the Fourth and Fourteenth  
23 Amendments to the United States Constitution, 42 USC § 1983, 1988,  
24 and pendent state claims.

25 / /  
26 / /

# 81793



1           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.

6                           NON-DEFENDANT PARTIES

7           5. 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                           FACTUAL ALLEGATIONS

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.

15           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.

23           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 / /

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  
9 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  
12 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  
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

1 door complaining about his (defendant's) hormones. Defendant then  
2 departed.

3 15. At all times during the attack, defendant was  
4 visibly armed with a firearm.

5  
6 FIRST CAUSE OF ACTION  
(42 USC § 1983)

7 16. Plaintiff incorporates herein paragraphs 1 through  
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 19. Defendant Wrisley is individually liable to  
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 21. Defendant Washington County is liable for the  
25 conduct of defendant Wrisley because it was the custom and policy  
26 of the Sheriff's Department Administration and the Sheriff to allow

Page

5 - COMPLAINT

VICTOR CALZARETTA  
ATTORNEY AT LAW

440 AMERICAN BANK BUILDING  
621 S.W. MORRISON  
PORTLAND, OREGON 97205

(503) 241-9360

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  
7 the Sheriff's Administration.

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

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

15  
16 PENDENT CLAIMS  
SECOND CAUSE OF ACTION  
(Battery)

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

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

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

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7                           THIRD CAUSE OF ACTION  
8                           (Intentional Infliction of Emotional Distress)

9           29. Plaintiff incorporates paragraphs 1 through 21,  
10 supra.

11           30. The conduct of defendant Wrisley was intended to and  
12 did inflict severe emotional distress upon plaintiff and plaintiff  
13 is entitled to general damages in the amount of \$500,000.00.

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

17           32. For the reasons set forth in paragraphs 1 through  
18 21 herein, defendant Washington County is liable to plaintiff for  
19 general damages in the amount of \$500,000.00.

20           33. On April 29, 1993, plaintiff filed a statutory tort  
21 claim notice with defendants.

22                           FOURTH CAUSE OF ACTION  
23                           (Negligence)

24           34. Plaintiff incorporates paragraphs 1 through 21,  
25 supra.

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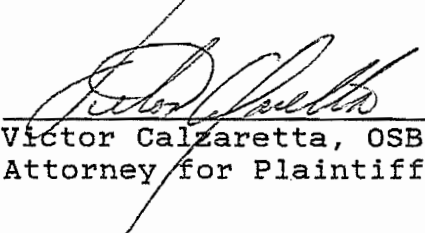
1 general damages, \$500,000.00 punitive damages, and her costs and  
2 disbursements incurred herein.

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,

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16 Victor Calzaretta, OSB 82213  
17 Attorney for Plaintiff  
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