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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

J.M.,

Plaintiff,

v.

OREGON YOUTH AUTHORITY, a state agency; RICHARD HILL, individually; GARY LAWHEAD, individually; and FRANK JAMES MILLIGAN, individually,

Defendants.

Case No. 14C15773

COMPLAINT

(Sexual Battery of a Child;
42 U.S.C. § 1983)

Fee Authority: ORS 21.160(1)(d)
Amount of Claim: \$5,500.00

Claim More Than \$50,000; Not
Subject To Mandatory Arbitration

JURY TRIAL REQUESTED

Plaintiff alleges:

INTRODUCTION

When Plaintiff got into trouble as a teenager, he was placed within the custody and care of the Oregon Youth Authority ("Defendant OYA"). Although Defendant OYA is charged with protecting the minor children in its custody, it had for years turned a blind eye to the rampant sexual abuse of the children under its supervision and care. In failing to respond to or investigate reports of suspected abuse, failing to supervise OYA employees and agents, and failing to institute policies and procedures that would effectively safeguard children from abuse, Defendant

1 OYA and the individuals in positions of power within the agency engaged in a pattern and
2 practice of failing to protect the vulnerable minors in OYA custody from sexual abuse.

3 Plaintiff is one victim of this institutional indifference to the pervasive sexual abuse of
4 minors. Shortly after being placed in OYA custody, he was sexually abused on multiple
5 occasions by an OYA employee who is an admitted pedophile and who is currently in prison for
6 convictions related to the kidnapping, sexual molestation, and attempted murder of young boys.
7 While this employee was the individual who sexually abused Plaintiff, he was only able to do so
8 because he worked within a culture fostered by Defendant OYA and its officials in which the
9 sexual abuse of juveniles was ignored and allowed to be done with impunity.

10 GENERAL ALLEGATIONS

11 1.

12 At all times relevant to the liability allegations of this Complaint, Plaintiff was an
13 unemancipated minor male, date of birth October 28, 1983, and a resident of the State of Oregon.

14 2.

15 At all times relevant to this Complaint, Defendant OYA was an agency of the State of
16 Oregon responsible for the operation of the state's juvenile justice facilities, including MacLaren
17 Youth Correctional Facility ("MacLaren"). MacLaren houses only male youths. Defendant
18 OYA is responsible for creating, enacting, and enforcing policies and procedures related to all
19 aspects of Oregon's juvenile justice facilities, including those related to the safety of the juvenile
20 offenders housed at Defendant OYA's facilities. At all times mentioned herein, Defendant OYA
21 was located in Marion County, Oregon.

22 3.

23 At all times relevant to the liability allegations of this Complaint, Defendant Richard Hill
24 ("Defendant Hill") was a resident of the State of Oregon and employed as the Director of
25 Defendant OYA. As Director of Defendant OYA, Defendant Hill was directly responsible for
26 ensuring that Defendant OYA's facilities were operated in compliance with federal law and state

1 law, and for the development of department policy and administrative oversight of Defendant
2 OYA's facilities, including policy at MacLaren. Defendant Hill was directly involved in the
3 oversight of MacLaren, met frequently with facility superintendents, and had the authority to
4 discipline and/or fire anyone in a management position within Defendant OYA and MacLaren.

5 4.

6 At all times relevant to the liability allegations of this Complaint, Defendant Gary
7 Lawhead ("Defendant Lawhead") was a resident of the State of Oregon and employed by
8 Defendant OYA as the Superintendent of MacLaren. In his position as Superintendent of
9 MacLaren, Defendant Lawhead was responsible for overseeing the treatment of juvenile
10 offenders housed at MacLaren and supervising employees of MacLaren. He was also
11 responsible for developing, implementing, and enforcing MacLaren's policies and procedures,
12 and had the authority to hire, discipline, and fire any MacLaren employee. He received regular
13 reports from management staff and had direct knowledge of the manner in which MacLaren
14 treated the juvenile offenders housed there.

15 5.

16 At all times relevant to the liability allegations of the Complaint, Frank James Milligan
17 ("Defendant Milligan") was a resident of the State of Oregon. In August 2000, Defendant
18 Milligan was convicted of various crimes related to sexual abuse in Clatsop County, Oregon, and
19 Marion County, Oregon, described in further detail below, and sentenced to 36 years in prison.
20 On information and belief, Defendant Milligan was transferred to a prison in Kansas due to
21 safety concerns. In 2013, a grand jury indicted Defendant Milligan and the District Attorney
22 filed charges based upon the criminal acts committed against Plaintiff, whereupon Defendant
23 Milligan was transferred back to Oregon to stand trial.

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6.

In 1994, Defendant Milligan was hired by the Oregon Department of Human Services ("DHS"), an agency of the State of Oregon, to work as a psychiatric aide in the youth ward at the Oregon State Hospital.

7.

Defendant Milligan has since admitted to sexually abusing at least one 10-year-old boy in the youth ward while employed at the hospital. In a letter he wrote to a newspaper in 2012, Defendant Milligan admitted that he groomed the boy by "plying him with things such as extra privileges, compliments and a soda pop." He also stated that he found it "disturbing" that he "worked side-by-side with psychiatrists, psychologists and social workers and not one of them ever suspected that a man who, since the age of 13, had gruesome fantasies about kidnapping, raping, mutilating and murdering young boys, was standing right next to them. One would think at least one of them might have detected something."

8.

On information and belief, there were several other instances of sexual abuse of children at the hospital during this period and Oregon State Hospital was aware that the sexual abuse of children was an ongoing problem. The manner in which the hospital was operated at the time has been described as a "pedophile's dream." However, hospital officials and their supervisors did little to stop sexual abuse of patients and failed to investigate or report suspected sexual abuse.

9.

In May 1997, immediately following his employment with the Oregon State Hospital, Defendant Milligan was hired by Defendant OYA, another agency of the State of Oregon, to work as a group life coordinator at MacLaren. In this position, he essentially served as a corrections officer and worked one-on-one with male juvenile offenders. On information and belief, Defendant OYA failed to investigate Defendant Milligan's work history at the Oregon

1 State Hospital or, alternatively, learned of information that would have indicated his danger to
2 minors under his control and care.

3 10.

4 An employee in Oregon State Hospital's youth ward introduced Defendant Milligan to an
5 11-year-old boy. On or about August 24, 1997, Defendant Milligan sexually molested the boy in
6 Seaside, Oregon.

7 11.

8 Defendant Milligan continued to work at MacLaren when, in December 1998, Plaintiff
9 was found within the jurisdiction of the juvenile court and sent to MacLaren. Plaintiff was 15
10 years old and one of the youngest individuals at MacLaren when he arrived. Plaintiff was
11 housed in Tent C, the area in which Defendant Milligan worked at MacLaren.

12 12.

13 For the purposes of furthering his assigned duties as a group life coordinator, Defendant
14 Milligan sought the respect of the juvenile residents, such as Plaintiff, by treating them in a
15 demanding and authoritarian manner.

16 13.

17 Within two weeks of Plaintiff's arrival at MacLaren, Defendant Milligan confronted
18 Plaintiff and told Plaintiff to accompany him to the laundry room in Tent C. Once in the laundry
19 room, Defendant Milligan ordered Plaintiff to pick up a t-shirt off of the floor. As Plaintiff bent
20 over, Defendant Milligan grabbed Plaintiff's throat and told Plaintiff to keep his mouth shut.
21 Defendant Milligan then forced Plaintiff to perform a sex act on him. After it was over,
22 Defendant Milligan told Plaintiff that no one would believe him if he reported what happened
23 and that, if he did, Defendant Milligan would make sure that Plaintiff would not be able to have
24 visitation time with his family.

25 ///

26 ///

1 14.

2 Less than one week later, Defendant Milligan, who regularly watched the male juvenile
3 residents shower, approached Plaintiff in the shower. He again ordered Plaintiff to accompany
4 him to the laundry room. Once there, Defendant Milligan told Plaintiff, "You know why I'm
5 here." When Plaintiff initially resisted, Defendant Milligan told him, "This is what happens to
6 kids in places like this." Defendant Milligan told Plaintiff that he would be able to get Plaintiff
7 additional visits with his family if he complied with him. Defendant Milligan then proceeded to
8 sexually assault Plaintiff and, while sexually assaulting Plaintiff, performed a sex act on himself.
9 When Plaintiff threatened to scream, Defendant Milligan said that he would break Plaintiff's
10 neck and no one would know what happened.

11 15.

12 While Plaintiff was at MacLaren, he learned that Defendant Milligan also sexually
13 abused another young boy in Plaintiff's residence at MacLaren who was mentally disabled.
14 Plaintiff lived in fear that Defendant Milligan would sexually assault him again during the time
15 that Plaintiff was at MacLaren.

16 16.

17 Because of Defendant Milligan's threats of formal punishment that he was authorized to
18 impose on Plaintiff, and Plaintiff's reasonable fear of unauthorized physical reprisal such as
19 being killed by Milligan, Plaintiff did not report Defendant Milligan's abuse of him or the other
20 young boy to anyone at MacLaren. Instead, Plaintiff repressed all thoughts about the abuse that
21 he had suffered.

22 17.

23 In early 1999, Defendant OYA placed Defendant Milligan on leave. On or about July 2,
24 1999, Defendant Milligan was arrested for the 1997 molestation of the 11-year-old boy in
25 Seaside, Oregon. On or about July 27, 1999, Defendant Milligan was released on bail.
26

1 18.

2 In September 1999, Plaintiff was released from MacLaren and returned home to live with
3 his parents.

4 19.

5 On or about March 16, 2000, the District Attorney for Clatsop County attempted to have
6 Defendant Milligan's release revoked after it was discovered that he had been playing with
7 children at a local park. However, the District Attorney's motion was denied on April 7, 2000.

8 20.

9 On July 11, 2000, one week before he was to appear in the Clatsop County Courthouse to
10 enter a plea, Defendant Milligan abducted a 10-year-old boy in Dallas, Oregon. Defendant
11 Milligan sexually assaulted the boy and, when the boy resisted, Defendant Milligan choked the
12 boy and shoved his face into the dirt until the boy lost consciousness. Defendant Milligan then
13 slit the boy's throat and left him for dead. The boy survived and reported the assault.

14 21.

15 Defendant Milligan pled guilty to the charges related to the 1997 crime and, while
16 awaiting sentencing in Clatsop County Jail, Defendant Milligan was arrested on charges related
17 to the July 2000 kidnapping and assault on the 10-year-old Dallas boy.

18 22.

19 In August 2000, Defendant Milligan was sentenced to 6 years and 3 months in prison for
20 the 1997 crime.

21 23.

22 On July 9, 2001, Defendant Milligan pled guilty to charges of attempted aggravated
23 murder, sodomy, kidnapping, and sex abuse arising out of the 2000 crime. On August 27, 2001,
24 Defendant Milligan was sentenced on these crimes to 30 years in prison.

1 24.

2 Following his release from MacLaren, Plaintiff continued to repress the abuse that he had
3 experienced at the facility. In June 2012, the news surrounding a high profile scandal involving
4 the sexual abuse of young boys at Penn State University triggered in Plaintiff memories of the
5 abuse that he had suffered at the hands of Defendant Milligan.

6 25.

7 For the first time, Plaintiff spoke about the abuse he had suffered and revealed to his wife
8 what had happened. Plaintiff decided to do an internet search of Defendant Milligan's name and
9 discovered articles detailing Defendant Milligan's history of sexual abuse both before and after
10 his abuse of Plaintiff. Upon learning that Defendant Milligan had been hired to work at
11 MacLaren after sexually abusing a child while employed at Oregon State Hospital, and that
12 Defendant Milligan had been imprisoned for the sexual abuse of boys that occurred while
13 working at MacLaren, Plaintiff was shocked and became physically ill. Plaintiff realized at that
14 point that Defendant OYA and its officials had failed to protect him from a sexual predator who
15 was employed to guard him.

16 26.

17 Plaintiff subsequently learned that, in the years before and after the time period in which
18 he was housed at MacLaren, a number of juveniles were sexually abused at MacLaren while
19 under the supervision and care of Defendant OYA.

20 27.

21 Plaintiff thereafter learned that, in 2004, an OYA employee was arrested and charged
22 with 91 counts of sodomy, abuse, and misconduct relating to the sexual abuse of children in the
23 care of Defendant OYA that had occurred for over a decade, which included the time period that
24 Plaintiff was in Defendant OYA's custody and care. This abuse occurred in spite of the fact that,
25 beginning in 1995, one victim's grandmother wrote over a dozen letters to OYA officials,
26 including Defendant Lawhead, expressing her fear that the OYA employee had sexually abused

1 her grandson. Defendant OYA and Defendant Lawhead failed to investigate these allegations
2 and allowed the OYA employee to continue to work with and abuse minor children. In 2005, the
3 OYA employee was convicted on charges related to the sexual abuse and sentenced to 80 years
4 in prison.

5 28.

6 This pattern of abuse of children under the supervision and care of Defendant OYA was a
7 direct result of inadequate oversight of Defendant OYA's employees, the failure of Defendant
8 OYA to adopt policies and procedures adequate to protect the juveniles housed at its facilities,
9 the refusal of Defendant OYA to install sufficient security and monitoring equipment at its
10 facilities, the failure of Defendant OYA to respond to reports of suspected abuse, and a general
11 culture in which the abuse of juveniles was accepted. The abuse suffered by Plaintiff was merely
12 one instance in the pattern and practice of Defendant OYA and its officials of failing to protect
13 the minor children in Defendant OYA's care from sexual abuse.

14 **FIRST CLAIM FOR RELIEF**

15 **(Sexual Battery of a Child)**

16 **(Against Defendant OYA and Defendant Milligan)**

17 29.

18 Plaintiff realleges paragraphs 1 through 28 as though fully set forth herein.

19 30.

20 The abuse set forth in paragraphs 13 and 14 constitute a harmful and offensive touching
21 of Plaintiff to which Plaintiff did not and could not consent.

22 31.

23 Defendant Milligan's position as a group life coordinator at MacLaren was a necessary
24 precursor to the abuse and the abuse was a direct outgrowth of that work. Defendant Milligan's
25 conduct was within the course and scope of his employment with Defendant OYA. Defendant
26 OYA is vicariously liable for Defendant Milligan's actions.

1 32.

2 As a result of the sexual abuse, Plaintiff has suffered severe and debilitating emotional
3 injury, pain and suffering, emotional trauma, and permanent psychological damage. Plaintiff is
4 entitled to damages for these injuries in an amount to be determined at trial, but in no event less
5 than \$5,000,000.

6 33.

7 As an additional result and consequence of the sexual abuse, Plaintiff will incur costs for
8 counseling, psychiatric and psychological medical treatment, as well as lost earning capacity, in
9 the approximate amount of \$500,000.

10 **SECOND CLAIM FOR RELIEF**

11 **(42 U.S.C. § 1983)**

12 **(Against Defendant Milligan in His Individual Capacity)**

13 34.

14 Plaintiff realleges paragraphs 1 through 28 as though fully set forth herein.

15 35.

16 Plaintiff has a right under the Constitution of the United States to bodily integrity, to be
17 free from sexual abuse, and to be free from cruel and unusual punishment.

18 36.

19 At all times relevant to the liability allegations of this Complaint, Defendant Milligan was
20 acting under the color of law—under the constitutions, statutes, administrative rules, customs,
21 policies, and usages of the State of Oregon and the United States—and had assumed the
22 responsibilities, activities, and rights involved in exercising his role as a group life coordinator
23 for Defendant OYA.

24 37.

25 While Plaintiff was under his supervision and care, Defendant Milligan acted with
26 deliberate indifference to the known and recognized constitutional and legal rights of Plaintiff to

1 bodily integrity, to be free from sexual abuse, and to be free from cruel and unusual punishment,
2 and Defendant Milligan actively participated in the deprivation of Plaintiff's constitutional rights
3 by sexually molesting Plaintiff.

4 38.

5 The conduct of Defendant Milligan, within his duties as a group life coordinator under
6 color of state law, deprived Plaintiff of rights, privileges, and immunities secured by the United
7 States Constitution. Specifically, Plaintiff was deprived of his constitutional liberty interest in
8 bodily integrity and to be free from sexual abuse, under the Fourteenth Amendment of the U.S.
9 Constitution, and the right to be free from cruel and unusual punishment, under the Eighth
10 Amendment of the U.S. Constitution.

11 39.

12 As a result of Defendant Milligan's deprivation of Plaintiff's constitutional interests,
13 Plaintiff has suffered severe and debilitating emotional injury, pain and suffering, emotional
14 trauma, and permanent psychological damage. Plaintiff is entitled to damages for these injuries
15 in an amount to be determined at trial, but in no event less than \$5,000,000.

16 40.

17 As an additional result and consequence of Defendant Milligan's deprivation of
18 Plaintiff's constitutional interests, Plaintiff will incur costs for counseling, psychiatric and
19 psychological medical treatment, as well as lost earning capacity, in the approximate amount of
20 \$500,000.

21 41.

22 Plaintiff is entitled to attorney fees and costs pursuant to 42 U.S.C. § 1988.

23 42.

24 Plaintiff is entitled to punitive damages and intends to file a motion pursuant to ORS
25 31.725.

26

1 **THIRD CLAIM FOR RELIEF**

2 **(42 U.S.C. § 1983)**

3 **(Against Defendant Hill in His Individual Capacity)**

4 43.

5 Plaintiff realleges paragraphs 1 through 28 as though fully set forth herein.

6 44.

7 Plaintiff has a right under the Constitution of the United States to bodily integrity, to be
8 free from sexual abuse, and to be free from cruel and unusual punishment.

9 45.

10 At all times relevant to the liability allegations of this Complaint, Defendant Hill was
11 acting under the color of law—under the constitutions, statutes, administrative rules, customs,
12 policies, and usages of the State of Oregon and the United States—and had assumed the
13 responsibilities, activities, and rights involved in exercising his role as Director of Defendant
14 OYA.

15 46.

16 While Plaintiff was housed at MacLaren and under the supervision and care of Defendant
17 OYA, Defendant Hill, in spite of notice of the ongoing problem of sexual abuse of juveniles
18 housed at Defendant OYA's facilities and the foreseeable risk of harm to juveniles inherent in
19 that problem, acted with deliberate indifference to the known and recognized constitutional and
20 legal rights of Plaintiff to bodily integrity, to be free from sexual abuse, and to be free from cruel
21 and unusual punishment by:

22 (a) Failing to protect minors from sexual abuse when Defendant OYA had actual
23 knowledge that minors were sexually assaulted while at MacLaren;

24 (b) Failing to implement policies and procedures designed to prevent the abuse of
25 minors housed at Defendant OYA's facilities, and, instead, leaving in place policies and
26

1 procedures that Defendant Hill knew or should have known resulted in deprivations of minors'
2 constitutional rights;

3 (c) Acting with deliberate or reckless indifference to the constitutional violations of
4 his subordinates;

5 (d) Supervising his subordinates in a grossly negligent manner that allowed the
6 deprivations of Plaintiff's constitutional rights to occur;

7 (e) Failing to install sufficient security and monitoring equipment at MacLaren to
8 deter the abuse of minors;

9 (f) Failing to implement policies and procedures to adequately investigate job
10 applicants, particularly for those positions requiring one-on-one interaction with juveniles, for a
11 history of, or proclivity to, child sex abuse;

12 (g) Failing to train Defendant OYA's employees to recognize warning signs and
13 dangers of child abuse, particularly in relation to the interactions between group life coordinators
14 and juvenile offenders;

15 (h) Failing to implement procedures to investigate signs of inappropriate behavior
16 and known inappropriate behavior of group life coordinators, such as Defendant Milligan; and

17 (i) Failing to terminate the employment of Defendant Milligan when Defendant Hill
18 knew or should have known of the abuse committed by Defendant Milligan.

19 47.

20 The conduct of Defendant Hill, within his duties as Director of Defendant OYA and
21 under color of state law, deprived Plaintiff of rights, privileges, and immunities secured by the
22 United States Constitution. Specifically, Plaintiff was deprived of his constitutional liberty
23 interest in bodily integrity and to be free from sexual abuse, under the Fourteenth Amendment of
24 the U.S. Constitution, and the right to be free from cruel and unusual punishment, under the
25 Eighth Amendment of the U.S. Constitution.
26

1 48.

2 As a result of Defendant Hill's deprivation of Plaintiff's constitutional interests, Plaintiff
3 has suffered severe and debilitating emotional injury, pain and suffering, emotional trauma, and
4 permanent psychological damage. Plaintiff is entitled to damages for these injuries in an amount
5 to be determined at trial, but in no event less than \$5,000,000.

6 49.

7 As an additional result and consequence of the sexual abuse, Plaintiff will incur costs for
8 counseling, psychiatric and psychological medical treatment, as well as lost earning capacity, in
9 the approximate amount of \$500,000.

10 50.

11 Plaintiff is entitled to attorneys fees and costs pursuant to 42 U.S.C. § 1988.

12 51.

13 Plaintiff is entitled to punitive damages and intends to file a motion pursuant to ORS
14 31.725.

15 **FOURTH CLAIM FOR RELIEF**

16 **(42 U.S.C. § 1983)**

17 **(Against Defendant Lawhead in His Individual Capacity)**

18 52.

19 Plaintiff realleges paragraphs 1 through 28 as though fully set forth herein.

20 53.

21 Plaintiff has a right under the Constitution of the United States to bodily integrity, to be
22 free from sexual abuse, and to be free from cruel and unusual punishment.

23 54.

24 At all times relevant to the liability allegations of this Complaint, Defendant Lawhead
25 was acting under the color of law—under the constitutions, statutes, administrative rules,
26 customs, policies, and usages of the State of Oregon and the United States—and had assumed the

1 responsibilities, activities, and rights involved in exercising his role as Superintendent of
2 MacLaren.

3 55.

4 While Plaintiff was housed at MacLaren and under the supervision and care of Defendant
5 OYA, Defendant Lawhead, in spite of notice of the ongoing problem of sexual abuse of juveniles
6 housed at MacLaren and the foreseeable risk of harm to juveniles inherent in that problem, acted
7 with deliberate indifference to the known and recognized constitutional and legal rights of
8 Plaintiff to bodily integrity, to be free from sexual abuse, and to be free from cruel and unusual
9 punishment by:

10 (a) Failing to protect minors from sexual abuse when Defendant OYA had actual
11 knowledge that minors were sexually assaulted while at MacLaren;

12 (b) Failing to implement policies and procedures at MacLaren to prevent the abuse of
13 minors, and, instead, leaving in place policies and procedures that Defendant Lawhead knew or
14 should have known resulted in deprivations of minors' constitutional rights;

15 (c) Acting with deliberate or reckless indifference to the constitutional violations of
16 his subordinates;

17 (d) Supervising his subordinates in a grossly negligent manner that allowed the
18 deprivations of Plaintiff's constitutional rights to occur;

19 (e) Failing to install sufficient security and monitoring equipment at MacLaren to
20 deter the abuse of minors;

21 (f) Failing to investigate job applicants, particularly for those positions at MacLaren
22 requiring one-on-one interaction with juveniles, for a history of, or proclivity to, child sex abuse;

23 (g) Failing to train employees at MacLaren to recognize warning signs and dangers of
24 child abuse, particularly in relation to the interactions between group life coordinators and
25 juvenile offenders;

26

1 (h) Failing to investigate signs of inappropriate behavior and known inappropriate
2 behavior of group life coordinators at MacLaren, such as Defendant Milligan;

3 (i) Failing to investigate reports of sexual abuse committed by OYA employees and
4 allowing employees against whom reports of sexual abuse had been made to continue working
5 with children; and

6 (j) Failing to terminate the employment of Defendant Milligan when Defendant
7 Lawhead knew or should have known of the abuse committed by Defendant Milligan.

8 56.

9 The conduct of Defendant Lawhead, within his duties as Superintendent of MacLaren
10 and under color of state law, deprived Plaintiff of rights, privileges, and immunities secured by
11 the United States Constitution. Specifically, Plaintiff was deprived of his constitutional liberty
12 interest in bodily integrity and to be free from sexual abuse, under the Fourteenth Amendment of
13 the U.S. Constitution, and the right to be free from cruel and unusual punishment, under the
14 Eighth Amendment of the U.S. Constitution.

15 57.

16 As a result of Defendant Lawhead's deprivation of Plaintiff's constitutional interests,
17 Plaintiff has suffered severe and debilitating emotional injury, pain and suffering, emotional
18 trauma, and permanent psychological damage. Plaintiff is entitled to damages for these injuries
19 in an amount to be determined at trial, but in no event less than \$5,000,000.

20 58.

21 As an additional result and consequence of the sexual abuse, Plaintiff will incur costs for
22 counseling, psychiatric and psychological medical treatment, as well as lost earning capacity, in
23 the approximate amount of \$500,000.

24 59.

25 Plaintiff is entitled to attorneys fees and costs pursuant to 42 U.S.C. § 1988.
26

Plaintiff is entitled to punitive damages and intends to file a motion pursuant to ORS 31.725.

WHEREFORE, Plaintiff prays for a jury trial and for a general judgment against Defendants as follows:

1. On Plaintiff's First Claim for Relief against Defendant OYA and Defendant Milligan, compensatory damages in an amount to be determined at trial but in no event less than \$5,500,000;

2. On Plaintiff's Second Claim for Relief against Defendant Milligan, compensatory damages in an amount to be determined at trial but in no event less than \$5,500,000, plus punitive damages, attorneys fees, costs and disbursements;

3. On Plaintiff's Third Claim for Relief against Defendant Hill, compensatory damages in an amount to be determined at trial but in no event less than \$5,500,000, plus punitive damages, attorneys fees, costs and disbursements

4. On Plaintiff's Fourth Claim for Relief against Defendant Lawhead, compensatory damages in an amount to be determined at trial, but in no event less than \$5,500,000, plus punitive damages, attorneys fees, costs and disbursements; and

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1 5. Such other and further relief as the Court may deem appropriate in the
2 circumstances.

3 Dated this 15th day of May, 2014.

4
5 KELL, ALTERMAN & RUNSTEIN, L.L.P.

6
7 By 

8 Dennis Steinman, OSB #954250

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16 Of Attorneys for Plaintiff

17 Trial Attorney: Dennis Steinman