KAFOURY & MCDOUGAL

Lawyers for The People

2016 Newsletter

LARGEST VERDICT AGAINST PORTLAND POLICE

Page 3

JURY VINDICATES BLACKLISTED POLICEMAN

Page 4

LANDMARK VICTORY

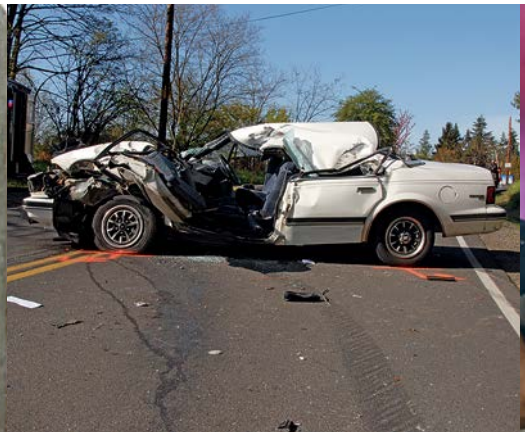
Brain-Damaged Mother, Child to Share $9.3 Million

Page 2

CHECK OUT OUR NEW WEBSITE
KAFOURYMCDOUGAL.COM

K&M: Landmark Settlement for Cayla Wilson

Brain-Damaged Mother, Child to Share $9.3 Million



Left: Cayla Wilson in the year before the accident. Center: Cayla Wilson's car at the scene. Right: Cayla and daughter, JaiKyla post-accident.

A bed-ridden young mother with an extensive brain injury and her daughter have financial security because of a record $9.3 million settlement from the City of Portland and Clackamas County.

Cayla Wilson was 19 and five months pregnant when Jack Dean Whiteaker, driving after injecting a near-lethal dose of meth, crossed into Wilson's lane and hit her car head-on.

At trial, Portland Police Officer Devonna Dick admitted to responding to two 911 calls about Whiteaker before noon on the day of the crash. But she did nothing, despite noting that he was "either manic or high."

Whiteaker, who has a criminal history spanning 35 years, had been on probation for nine months at the time of the crash for a felony drug conviction. But his Clackamas County probation officer, Dawn Penberthy, hadn't verified his home address, which turned out to be a store, and had failed to issue an arrest warrant even though he had blown off all five of his required drug evaluation appointments.

Penberthy finally issued a warrant for Whiteaker's arrest when Multnomah County notified her of Whiteaker's false address. The warrant appeared in the police computer system 12 minutes after Officer Dick left the "incoherent" Whiteaker in a neighbor's bushes. Wilson is now unable to speak, eats through a tube and needs 24-hour care.

Her daughter, JaiKyla, was taken by C-section one month later, and diagnosed with cerebral palsy in connection with her premature birth.

> *The parents' lives have been consumed by taking care of their daughter 24 hours a day. She needs to be rotated every two hours. She needs to be bathed. She needs to be fed five times a day. And it's a monumental effort. And it's taken a tremendous toll on them.*
> — Greg Kafoury

Officer Dick responded to a call on April 15, 2010, from Dennis Hanna, manager of a Blockbuster Video store in outer southeast Portland, who reported that Whiteaker was intimidating customers with weird and menacing behavior.

At trial, Hanna testified that Officer Dick pulled into the Blockbuster parking lot just as Whiteaker was driving away. She pulled him over and blocked him in, but ultimately let him go — even though she knew he had a suspended license, no insurance and was on probation.

Hanna's testimony contradicted Officer Dick's claim that she did not tow Whiteaker's car because she had not seen him driving.

Two hours later, Officer Dick responded to another call in a neighborhood where residents had complained about Whiteaker's running through people's backyards, staring in their windows. Officer Dick found Whiteaker hiding in bushes and raving incoherently. When he refused to come out, Officer Dick simply drove away.

Upon leaving, Officer Dick texted dispatch: "Probably get more calls on him today."

Three hours later, Whiteaker swerved his Jeep into Wilson's lane and crushed her car.

The settlement is believed to be the largest by any government agency — such as a city, county, or police department — in Oregon state history. The settlement came as jurors were deliberating at the end of a three-week trial.

The $9.3 million settlement is in a trust account for Wilson and her daughter, to be administered by a court-appointed conservator.

Whiteaker is serving an 11-year prison sentence.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

Largest Police Brutality Verdict in Portland History

Jury Orders City to Pay for Beating Ironworker

A Portland ironworker whose injuries from a police beating cost him his career now has a cushion: $562,000 awarded by a Multnomah County jury.

On June 18, 2011, police pulled over Jason Matthew Cox on suspicion of drunk driving. They asked him to walk a straight line heel to toe. When Cox asked how to do that, Portland Police Officers Jeffrey Elias, Robert Burders and Sarah Kerwin responded with an epic beating.

The police threw Cox to the ground, punched him seven times in the face and shocked him with a Taser four times in 33 seconds. They wrenched his shoulder and caused a muscle tear that required surgery, and killed his career.

Cox, who was 37 at the time, told the *Willamette Week* he thought the police were going to kill him.

But what the police didn't know was that the whole incident was recorded on the video surveillance camera of a nearby business.

Police claimed Cox was argumentative and appeared to want to fight.

But the video shows that Cox merely talked with officers and gestured with his open hands before police forced him to the ground. And it shows that Cox did not swing at police.

When an investigating officer from the Fire Department asked the police how Cox had been hurt, the officers refused to answer. During the trial, Cox and experts testified that police had irreparably torn his shoulder muscle, which meant he had to give up his $33 per hour career as an ironworker.

Cox said he asked officers to take it easy on his shoulder because of a previous injury. Instead, he said police yanked it up behind him.

Greg Kafoury, Mark McDougal, Jason Cox, and Jason Kafoury. Cox was savagely beaten by Portland Police after a DUI traffic stop. The officers did not realize they were being videotaped by a security camera. The video is available on our Youtube page, where it has had more than 33,000 views.

In a 9-3 split, the jury decided to give Cox the full amount he asked for, finding that the police had committed battery. They awarded $129,000 for lost wages and future earning capacity, $33,000 for medical bills and $400,000 for pain and suffering.

> *The Portland police are a law unto themselves. These officers will not be disciplined. In the past 50 years, no Portland police officer has ever lost their job for physically abusing a citizen."*
> — Greg Kafoury

Jurors said they relied heavily on the video of the incident. "He had his hands behind his back," Justin Browning told *The Oregonian*. "They could have just cuffed him there and sat him in their car.

Cox told *The Oregonian* he hoped the verdict would prompt Portland to require officers to wear body cameras. He said that would make them more accountable.

As jurors left the courtroom, they shook Cox's hand, according to *The Oregonian*. "Sorry this happened to you," Browning reportedly told Cox. "It must be vindication. I know you've been through a lot."

"The Portland police are a law unto themselves," Greg Kafoury said. "These officers will not be disciplined. In the past 50 years, no Portland police officer has ever lost their job for physically abusing a citizen."

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

Jury Hands Huge Win to Blacklisted Police Officer

Police Officer's First Amendment Rights Vindicated by Jury

Jason Kafoury, James Cleavenger, and Mark McDougal celebrate their victory against the University of Oregon Police Department.

A federal jury awarded $755,000 to a former University of Oregon public safety officer after finding that his bosses fired him for exposing the department's ineptitude and juvenile antics. Mark McDougal and Jason Kafoury represented the officer. The award with attorney fees was more than $1.25 million.

In 2008, James Cleavenger was a student in the university's law school. He spoke out against the arming of the school's public safety department with Tasers. Cleavenger took issue with what he said was a lack of proper training to use the devices and lack of community dialogue in creating the policy.

After graduating, Cleavenger took a job in 2010 with the university's public safety department, quickly becoming one of its most productive officers. He also worked as a reserve police officer with the City of Junction City and the City of Coburg.

But Cleavenger's bosses could not accept that the department had hired him after his critical Taser comments in 2008.

The jury found that Cleavenger's supervisor, Scott Cameron, wrote Cleavenger up because of his public opposition to tasers. (Carolyn McDermed, the school's police chief, later fired Cameron for sexually harassing another employee, which was the third such complaint made against Cameron, made by three different female officers.)

In 2012, McDermed fired Cleavenger for an incident that an arbitrator later found warranted only a three-day suspension. The arbitrator ordered Cleavenger reinstated with back-pay in early 2014, shortly after Cleavenger also filed the federal lawsuit against the department.

Outraged at the arbitrator's decision and the filing of the lawsuit, McDermed got Cleavenger placed on the Lane County district attorney's "Brady List," which designates a person as too dishonest to testify in court, and effectively ends a career in law enforcement. Interestingly, the information given to the DA did not include the arbitrator's specific finding that Cleavenger had not been dishonest.

McDermed claimed on the stand that she had noble motivations for trying to get Cleavenger declared too dishonest to testify in court, two years after the incident and right after an arbitrator had ruled she was wrong to fire him, and after Cleavenger filed suit against her.

However, McDermed did not submit other employees for the Brady list, including one who stole money out of parking meters, another who lied about his background, and a third who created a fraudulent parking pass to get years of free parking. McDermed testified that was because she did not believe that fraud and theft were the same as dishonesty.

But the jury found that McDermed retaliated against Cleavenger because she didn't want to reinstate him and because his whistleblowing actions and the allegations in the lawsuit — including the infamous "Bowl of Dicks List" — made her department look ridiculous and inept.

The list was comprised of more than 200 people and things the department hated, including Oprah Winfrey, Eugene Mayor Kitty Piercy, campus bicyclists, and various specific university students and staff.

> *It's a disgrace that the attorneys for the university were in on the decision to Brady list and ruin Cleavenger's career while defending UO against a lawsuit alleging retribution for whistleblowing.*
> *This is a victory for every honest police officer. The jury today honored and enforced an officer's right to speak freely on matters of public concern, regardless whether their superiors approve."*
> — Jason Kafoury

"For hours and hours, we had to sit there and listen to this crap instead of doing our work," Cleavenger told *The Oregonian*.

Cleavenger's allegations went viral, with *Gawker* and *The Huffington Post* reporting on the department's sophomoric behavior.

The jury deliberated for a day and a half before awarding Cleavenger $650,000 in economic damages for the loss of his actual and potential law enforcement career and $105,000 in punitive damages.

In his closing arguments, Jason Kafoury told the jurors they needed to decide "the right of a public safety officer to be critical of things in their department versus just shutting up and falling in line."

"Which is healthier for our society?" Kafoury asked.

Cleavenger now works as law clerk for U.S. District Judge Michael McShane.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

A Predator in the E-Room: Hospital Agrees to Settle

Legacy Emanuel's Own Documents Show They Provided Cover for a Sex Criminal

Kafoury & McDougal settled a series of lawsuits they brought against Legacy Emanuel Hospital, claiming that emergency room nurse Jeffrey McAllister was allowed to keep his job in the face of repeated claims that he was sexually abusing helpless women in Emanuel's emergency room.

McAllister is serving a 15-year sentence for sexually abusing ten women at work.

"We are pleased that all these McAllister cases have been resolved," attorney Greg Kafoury said. "Sadly, sex abuse by medical providers is a national problem. Constant vigilance is required because the intimacy of medical care is an attraction to sexual predators."

Kafoury & McDougal represented many of McAllister's victims. One woman accused McAllister of injecting her with Fentanyl before shutting her in a room and raping her. McAllister gave another woman pain medication in order to coerce her into giving him oral sex. A third woman said he straddled her while she lay in a hospital bed wearing only a paper gown. He also fondled two women's breasts under the guise of performing an exam.

The women sought at least $10 million in damages from the hospital for negligence, breach of duty and battery.

A female co-worker of McAllister at Legacy Emanuel said he sexually assaulted her in a supply closet. And when she told her boss, the woman said the supervisor "shunned and ignored" her.

Another lawsuit detailed the claims of a homeless woman who said McAllister injected her with morphine and molested her while she was suffering a miscarriage.

One of McAllister's accusers claimed he fondled her breasts when she was admitted to the hospital for an asthma attack and a strained muscle in her ribcage. When she complained, hospital security accused her of making up the attack.

Internal Legacy documents show that nurses were ordered not to contact the police regarding sexual assaults by ER nurse Jeffrey McAllister. **For in-depth coverage of this story, see our website for links to the news coverage.**

The hospital fired McAllister in April 2014, but it knew about his abuse far earlier, and did nothing to stop it.

> *The victims' real beef is with Legacy. Legacy did not protect them. McAllister was called out numerous times. There were red flags all over the place.*
> — Mark McDougal

At least six women complained to Legacy about the assaults, but the hospital allowed McAllister to keep his job. Furthermore, nurses who were mandatory reporters were ordered not to call the police, and told this was a matter "to be settled at the corporate level."

Testimony revealed that the hospital's chief administrator, Dr. Lori J. Morgan, wanted to fire McAllister in February 2013, after accusations of sexual assault surfaced. Nonetheless, McAllister stayed on the job, which opened the door to more assaults.

Internal records also showed that shortly before his arrest, McAllister applied for work at another hospital. Legacy officials discussed whether or not the hospital which was considering hiring him should be told about the string of criminal sexual allegations that patients had made against McAllister, and they documented their decision to keep silent.

The settlements reflect Legacy's desire to avoid having a jury consider a request for massive punitive damages.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

Woman Prevails in "Shopping While Black" Case

Kafoury & McDougal secured a $105,000 verdict for a dignified black woman falsely accused of shoplifting by security guards who told her she looked "like a common criminal."

Brenda Moaning's attorney, Greg Kafoury, said the settlement would send a message to Sweden-based H&M, which has 3,200 stores worldwide.

Kafoury said, "How do we get that message all the way back to Stockholm, Sweden? They may be in 54 different countries, but I'm sure there's one language they understand. The language of money."

The verdict was reported by national and international news services.

Brenda Moaning bought two cardigans at the grand opening of H&M's Clackamas Town Center location.

But when she left, security guards grabbed her, called her a thief and wrenched her arms behind her back.

Since the 2011 incident, she no longer takes in foster children, has given up singing in her church choir and is reluctant to go shopping.

"Now, when I do go into stores it makes me wonder, 'Is a code being called because a black woman has entered the store?'" Moaning said.

Injury at School: $800K Verdict for Child's Loss of Ability to Walk

Trial attorney Greg Kafoury, Foster Smith and mother, Margo Smith, celebrate verdict.

A Portland jury awarded a Reynolds School District student $800,000 after he fell and broke his leg while an educational assistant was supposed to be helping him.

Foster Smith, 10, suffers from Duchenne muscular dystrophy. His individual education plan (IEP) specified that he should have adult assistance whenever he was moving from one place to another. Evidence at trial showed that the rule was frequently ignored.

Smith had been on an experimental drug that doctors hoped might allow him to walk until the age of 20. Instead, Smith will be in a wheelchair for the rest of his life.

Smith's mother, Margo Smith, told *The Oregonian* she hadn't considered suing the school until she asked it to cover her son's ambulance bill and the principal responded by trying to force her to sign a document stating she wouldn't sue.

A unanimous jury awarded Smith $800,000, but because of a legislative cap on damages, the school district was only required to pay $600,000.

The child's attorney, Greg Kafoury, pointed out to the jury that reports written by the teacher and by the educational assistant both acknowledged that the child was unattended at the time he fell, but their descriptions of what happened were radically different, and both statements contradicted the formal incident report signed by the school principal and school secretary, neither of whom witnessed the event. Their official incident report falsely indicated that the injury was entirely the fault of the child. After the September verdict, jurors said they were convinced that the school had engaged in a cover-up of the true cause of the injury.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

Cases and Legal Issues to Watch

PlayDate PDX: Dangers of a Theme-Park; Damages Capped in Wrongful Death Cases

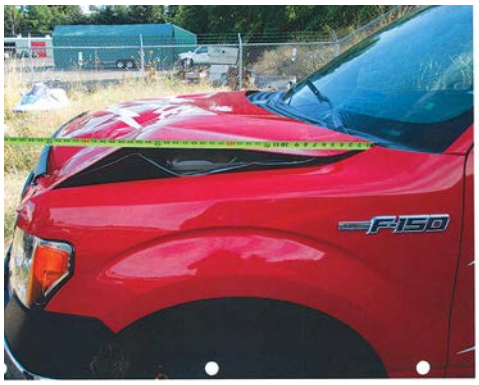
PlayDate PDX invited mothers and children to use their slide. Unlike other recreational slides, PlayDate's slide routinely sent people airborne, causing a stunning number of injuries.

PLAYDATE PDX

Our firm represents 17 people, a combination of children and parents, who were injured while going down a slide at PlayDate PDX. The lawsuit alleges that the slide was designed in such a fashion that persons would become airborne while going down the slide. Slides should be designed so your body never loses contact with the slide, since once your body loses contact with the slide, you can no longer control your movement.

After PlayDate PDX had learned of the numerous injuries, they put up signs saying such ridiculous things as: "This slide has no brain . . . use your own," and "Warning: Do not use these slides unless you are familiar with how to slide and brake." What kind of a slide needs a warning sign? Most of the children using the slide are too young to read. PlayDate PDX denied the slides were dangerous — but they're closed now. Some of our clients received life-long injuries, including fractured tailbones and herniated disks. Interestingly, PlayDate PDX is owned by an emergency room doctor who continued to keep the slides open and posted such signs after he learned of numerous injuries.

WRONGFUL DEATH CASES



Red truck that hit cyclist.

Just this February, the Oregon legislature considered and rejected raising the cap on noneconomic damages for wrongful death. The current cap of $500,000 was enacted in 1987, and has not been raised since. The legislative proposal to increase the wrongful death cap to $1.5 million passed the Oregon House but lost in the Senate 18-12 (Five Democrats joined the Republicans to vote the bill down).

There is absolutely no reason for a wrongful death cap. There is no cap on injuries, so why should the greater injury of death be subject to a cap? Our current clients who are facing this illogical cap on damages include the estate of a same-sex marriage volunteer firefighter who was riding her bike in preparation for a triathlon. She was hit by a corporate truck after the driver had first veered off the road and hit a guard rail and then hit her.

Mug-Shot of Isabel McDaniel who recently pled guilty to drunk driving and assault for carrying a pedestrian 11 blocks on the hood of her car.

Another claim subject to the cap involves a drunk driver in Eugene who hit a father and son who were pedestrians. She then carried the father on her car for 11 blocks before stopping. He died from his injuries. The driver then went home, where she and her husband attempted to hide evidence of the impact. Yes, this drunk driver gets the benefit of the wrongful death cap that the legislature believes is warranted.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

Left: Founders of the Tort Museum include Greg & Judy Kafoury and Mark & Natalie McDougal. Right: Jason, Greg and Judy Kafoury with Ralph Nader.

Ralph Nader's American Museum of Tort Law opened with dedication ceremonies in Winsted, Connecticut, on September 25 and 26, 2015. Mark McDougal and Greg Kafoury provided considerable financial support to the creation of the museum, and, along with their wives, Natalie McDougal and Judy Kafoury, have been designated as "founders." The list of founders is on a large plaque at the entrance to the museum.

Mark had to miss the ceremonies because he was waiting for the verdict in Cleavenger v. McDermed. Jason Kafoury attended in his place.

The Museum is the first museum of law to be opened in the United States, and perhaps in the world. The displays and narratives are in response to the insurance-funded effort of the last several decades to denigrate trial lawyers and the role of juries in holding wrongdoers, large corporations, and government agencies accountable for harms they have inflicted on people.

At Mr. Nader's invitation, Jason spoke to the founders and dignitaries at the Friday night dinner, and Greg spoke at the dedication ceremony the next day. Winsted, Connecticut, is Nader's home town, and was the scene of famous working class struggles in the last century.

Double Your Insurance Coverage – For Free

A new law passed by the Oregon legislature allows persons injured in vehicle accidents to collect additional money under their UM/UIM policy, but it only applies to policies activated or re-issued on or after January 1, 2016.

Before, if a driver with $25,000 in liability insurance wrecked your car and injured you, and you had a $25,000 policy for underinsured drivers, your own insurance company would have denied your claim for underinsured motorist benefits—even though you had been paying premiums all along for underinsured motorist coverage, and even if your medical bills were much higher.

The new law, SB411, prevents insurance companies from subtracting the amount of liability insurance another driver has from the amount of underinsured coverage stated in your own insurance policy.

SB411 makes sure that underinsured motorist coverage you paid for benefits you, instead of lining the pockets of insurance companies.

The change in the law only applies to policies first obtained or reissued after January 1, 2016. Be sure to get your existing policy reissued in order to take advantage of this new law.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

Medical Sex Abuse Victims Awarded $2.4 Million; K&M Prove Negligence against The Dalles Hospital

Based on excerpts from *The Dalles Chronicle* By RaeLynn Ricarte

After a nearly month-long trial in The Dalles, Oregon, a Wasco County jury returned a verdict of $2.4 million for three women who were sexually molested during surgery at Mid-Columbia Medical Center. Court observers said it was the largest Wasco County verdict in memory. Anesthesiologist Frederick Field was sentenced in 2012 to 23 years in prison for molesting a dozen women while they were in varying states of consciousness after having been sedated (nineteen total victims eventually came forward). Field concealed his crimes behind a standard surgical screen, often placing a female patient's hand on his genitals, offering them reassuring words whenever he detected signs of struggle or resistance.

Plaintiffs Willie Gmeinder and Erin Vance were awarded $900,000 and $700,000 in non-economic damages, respectively. They were represented by Mark McDougal and Greg and Jason Kafoury of Kafoury & McDougal. Plaintiff Sharon Hobbs was represented by Jan Wyers, and was awarded $800,000.

The jury unanimously found the hospital liable for negligence and battery. The key allegations were that hospital officials told the women who complained about Field that they had been imagining things, concealed documentary evidence, and made false and misleading statements to police once an investigation began, all in order to avoid scandal and liability for the hospital. Greg Kafoury and Mark McDougal compared their conduct to the sex abuse scandals of the Catholic Church and the Boy Scouts.

While the great bulk of evidence of misconduct was directed towards CEO Duane Francis and Vice President Dianne Storby, the jury found in their favor regarding their personal liability.

From left to right: Jason Kafoury, Erin Vance, Greg Kafoury, Willie Gmeinder, Sharon Hobbs, and Mark McDougal. **For in-depth coverage of the trial, see our website for links to the news coverage.**

A year before the trial, at Dr. Field's sentencing, Greg Kafoury publicly declared, "I want to promise the residents of this community that those who knew, those who were told and those who concealed will be brought to trial."

> *Institutional responsibility has been established for the historical record.*
> — Mark McDougal

McDougal hailed the verdict as a victory for the plaintiffs: "It is a finding of evidence against the hospital and may be usable in other cases," he said. "The plaintiffs got what they wanted with the finding that the hospital was liable for negligence and liable for battery in allowing use of force against both our clients."

"Institutional responsibility has been established for the historical record," he said. Hobbs said she was "thrilled" with having a $2.4 million judgment levied against the hospital because she said that payment of that money, and possibly more in the next trial, would bring about needed changes.

The hospital, Francis and Storby were defended by Robert Keating of Keating and Jones in Portland and Andrew Efaw from Colorado. The Dalles Chronicle provided daily coverage of the trial.

Kafoury & McDougal represent four more women who were molested by Field. Their cases are set for trial in September.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

A Washington County Jury Awards Nearly $1 Million to Educational Service District Whistleblower

Greg Kafoury, Mark McDougal, client Michael Wright, and Jason Kafoury.

In what may be the largest jury award in the previous 30 years of Washington County, jurors on August 1, 2012, awarded $970,000 to Michael Wright, a former employee of the Northwest Regional ESD. With an attorney fee petition pending, the case settled for $1.2 million.

Mr. Wright was represented at trial by Jason and Greg Kafoury. Mark McDougal conducted video depositions of the defense witnesses, which were used at trial to devastating effect.

The jury found that Wright was fired in retaliation for his advocacy for the rights of blind students. Wright, a highly specialized teacher of blind students, persistently maintained during the 2009-2010 academic year that the region was failing in its legal obligation to spend a $3 million dollar fund which had been set aside by the legislature to provide specialized teaching, equipment, and services to Oregon's blind students. The fund was created to assist in the transition of students from the Oregon School for the Blind, which was closed in 2009 after 130 years, and for the 850 other blind students across the state.

Jurors heard testimony that the $3 million fund was intended to be spent during the next two years, and that the fund was to be fully replenished every two years thereafter to provide continuing services for blind students. Joan Steiner, assistant superintendent at NWRESD, had secured the right to disburse the fund, and was in charge of spending the money during the two-year period. However, evidence showed that the actual expenditures were pitifully small, and in response, the next legislature refused to provide any new funds. As a result, the blind students throughout Oregon had been deprived of what was intended to be major funding for blind students in the future.

Jason Kafoury released the following statement: "When Michael Wright refused to back down from his advocacy for blind students who were being cheated by his bosses at ESD, they papered his file and fired him. This jury has delivered a great victory to all blind students, public employees, and whistleblowers."

Wright was written up by his superiors, including Joan Steiner, for what they termed his "advocacy," was told to curtail his volunteer involvement with blind students, and to refuse any requests for advice or assistance from parents of blind children. He was told that "We serve districts, not students." When his job was threatened in writing, and he was accused of a lack of "professionalism," he responded with a memorandum written to Jack Musser, Director of Human Resources, as follows:

"I was told that 'we are an Education Service District, that means we serve districts.' I objected to this ... I do not serve districts. I serve students. By doing my best to serve students, I fulfill my role as an ESD employee and the districts are served as well. I won't change. This is what you got when you hired me."

While Musser and Steiner acknowledged receiving the four-page response, they denied reading it, and denied that Wright's refusal to respond to the pressure to curtail his advocacy played any role in his September 15, 2010, termination.

The termination was formally based on a brief lapse in Wright's teaching license. His license was restored on September 10, after only two days of school, and the defense acknowledged that the district could have requested a brief emergency license for him.

Musser acknowledged that he made no effort whatsoever to learn whether Wright was a good teacher, and even the defense witnesses agreed that he was a teacher of high quality.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

Oregon Agricultural Worker Awarded $6.2 Million for Hay Bale Machine Accident that Left Him Paralyzed

From ***The Oregonian***, June 21, 2013

A Multnomah County jury on June 21, 2013, awarded more than $6 million to a 21-year-old Oregon agricultural worker who was paralyzed from the waist down when his torso was crushed into an inch-wide space by a hay bale-cutting machine.

The jury found that Double Press Manufacturing, which makes the equipment in Madras, was 60 percent responsible for injuries suffered by Zeferino Vasquez in Junction City.

Vasquez was found 40 percent at fault. He didn't press a control-panel button that would have prevented the machine from moving while he was inside removing some jammed hay.

Greg Kafoury, whose law firm represented Vasquez, said his client is one of leagues of Latino workers who work some of the nation's most dangerous jobs for modest wages. The workers often won't complain about hazardous working conditions, he said.

> *If you had this kind of injury pattern with white college kids working summer jobs, this industry would have been cleaned up in a heartbeat.*
> — Greg Kafoury

"These guys don't have unions," Kafoury said. "They are incredibly vulnerable. A lot of them have immigration issues, so they really are at the mercy of the machine makers and the employers.

"If you had this kind of injury pattern with white college kids working summer jobs, this industry would have been cleaned up in a heartbeat."

Vasquez was injured in an OR/PAC warehouse, where he made $9.15 an hour. Vasquez's attorneys faulted Double Press for failing to keep records of people injured using that machinery, which was sold to 45 other companies.

They said they found through their own research that the injuries included three workers who lost fingers, broke a leg or mangled an arm while working with similar machines. They also acquired a Double Press memo referencing three serious accidents in 2000 —a decade before Vasquez was hurt.

In 2006, a man named Mateo Maldonado lost his arms in a hay-processing machine at Anderson Hay & Grain in Aurora.

A doctor testified that the squeeze of the machine essentially cut Vasquez in half, leaving him held together only by soft tissue. Five surgeries later, doctors have told him he'll never walk again.

"I felt a lot of pain," Vasquez said.

Jurors decided Vasquez's damages amounted to about $10 million — and because jurors decided he was 40 percent at fault, Judge David Rees reduced the award to $6.2 million.

Greg Kafoury, Zeferino Vasquez, and Mark McDougal.

For more information on this story, see our website for links to the news coverage.

At the request of OR/PAC, Double Press modified the machine that hurt Vasquez, but not the other machines, he said.

"The jury system is the only way these manufacturers can be held accountable," said Kafoury, who represented Vasquez along with Mark McDougal and Jason Kafoury.

Vasquez, now 24, plans to go to college to become a physical therapist who specializes in working with people with disabilities.

As jurors streamed out of the courtroom, most of them stopped to shake his hand and offer words of encouragement.

No trial results can ever be guaranteed. Any results set forth here were dependent on the facts of that particular case and the results will differ from case to case.

KAFOURY & MCDOUGAL
Lawyers for The People

411 SW Second Avenue, Suite 200
Portland, Oregon 97204

KAFOURY & MCDOUGAL TEAM From Left to Right: Dustin Hawkins, Adam Kiel, Jill Chickering, Linda Williams, Mark McDougal, Dana Jacobson, Heidi Bazille, Dennis Hall, Greg Kafoury, Natalie McDougal, David Hess, Jason Kafoury, Karina Brown, Donna Engelman

CHECK OUT OUR NEW WEBSITE
KAFOURYMCDOUGAL.COM

WE FOCUS IN CASES SUCH AS

Wrongful Death • Personal Injury • Medical Malpractice • Defective Products • Construction Injuries
Sexual Abuse • False Arrest • Auto Accidents • CALL US TO DISCUSS YOUR CASE TODAY 503.224.2647