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

KENNETH R. PARK

Plaintiff,

vs.

LANEE DANFORTH, an individual; and  
ROBIN LYNN HOWARD, an individual,

Defendants.

Case No.:

COMPLAINT

Whistleblowing Retaliation by Public  
Employer (ORS 659A.203); Whistleblowing  
Retaliation (ORS 659A.199); Unlawful  
Employer Discrimination (ORS 659A.030(a-  
b); Unlawful Employer Retaliation (ORS  
659A.030(f); False Light; Wrongful  
Termination

CLAIMS NOT SUBJECT  
TO MANDATORY  
ARBITRATION

DEMAND FOR JURY TRIAL

Prayer Amount: \$ 3,000,000

Filing Fee: \$884 ORS 21.160(1)(d)

Plaintiff KENNETH R. PARK (Hereinafter “Mr. Park”) alleges:

**I. INTRODUCTION**

1.

This is an action for declaratory, injunctive, and monetary relief, including economic damages and non-economic damages, attorney fees and costs, and, following amendment, punitive damages, to redress defendants’ discriminatory and retaliatory unlawful employment practices in violation of Mr. Park’s statutory rights.

1 **II. JURISDICTION**

2 2.

3 This Court has jurisdiction over Mr. Park’s claims for relief under Article VII, section 9  
4 of the Oregon Constitution and because the claims arose out of defendants’ acts and omissions  
5 within the State of Oregon.

6 3.

7 On May 6, 2022, Mr. Park provided an Oregon Tort Claim Act Notice as required by  
8 ORS 30.275 for all claims for which notice is required except for certain claims of which  
9 Defendants have actual notice. On December 13, 2022, Mr. Park provided a supplemental  
10 Oregon Tort Claim Act Notice.

11 4.

12 Mr. Park filed claims with the Bureau of Labor and Industries (BOLI) relating to the  
13 same acts alleged above and received a right to sue letter from BOLI authorizing him to proceed  
14 on his claims. Mr. Park has filed his complaint within 90 days of receipt of the right to sue letter.

15 **III. VENUE**

16 5.

17 Venue is proper in Lincoln County pursuant to *ORS 14.080 (2)* and ORS 14.060 as the causes  
18 of action arose in Lincoln City, Newport, Oregon, and because Defendants are located in the  
19 county.

20 **IV. THE PARTIES**

21 6.

22 At all material times alleged herein, Mr. Park was a Citizen of the United States and the  
23 State of Oregon. During the relevant period, Plaintiff was an employee of the Lincoln County  
24 District Attorney’s Office in Newport, Oregon. He currently resides in Sherwood, Oregon.

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1 7.

2 At all material times alleged herein, Defendant Lanee Danforth (“Danforth”) is a legal  
3 resident of the State of Oregon. Danforth was sworn in as the Lincoln County District Attorney  
4 on Monday January 4, 2021. She was elected to her position on May 19, 2020. The Lincoln  
5 County District Attorney’s Office is located in Newport, Lincoln County, Oregon.

6 8.

7 At all material times, Defendant Robin Lynn Howard (“Howard”) is a legal resident of  
8 the State of Oregon. Howard is the Chief Deputy District Attorney in the Lincoln County District  
9 Attorney’s Office.

10 **V. FACTUAL ALLEGATIONS**

11 9.

12 Park, a 55-year-old male, was appointed by District Attorney Michelle Branam (Branam)  
13 as a Deputy District Attorney 3 for Lincoln County on November 23, 2015. His position was  
14 represented by the Lincoln County Employees Association (Hereinafter LCEA).

15 10.

16 At the time of Park’s employment, he had completed over 25 years in law enforcement  
17 including 15 years as an undercover narcotics agent and 5 years as a criminal prosecutor. Prior to  
18 his appointment, Park had prosecuted over 750 jury trials and hundreds of non-jury trials  
19 involving felonies and misdemeanors.

20 11.

21 On January 17, 2020, following the resignation of Branum, Governor Kate Brown  
22 appointed Attorney Jonathan Cable (Cable) to serve as District Attorney until the next general  
23 election. The position was up for election in the May 19, 2020, primary.

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1 12.

2 Cable, as the incumbent filed to run for District Attorney. Park had previously filed to run  
3 for the position before Cable's appointment. Danforth also filed to run for the position. At the  
4 time, Danforth was also a Deputy District Attorney with Lincoln County.

5 13.

6 On April 6, 2020, Park suspended his May primary campaign and threw his support  
7 behind Cable. In a statement to the news media, Park said he was suspending his campaign after  
8 observing Cable's work ethic, changes Cable had made to counteract the scheduling issues of the  
9 Circuit Court, and Cable's positive, hard-working attitude he had brought to the District  
10 Attorney's Office. Park stated Cable had dramatically improved the morale of the office given  
11 his appointment of a new chief deputy and hiring a new office manager.

12 14.

13 In the same April 6, 2020, statement Park was critical of Danforth noting she had very  
14 little experience in the practice of law; even less experience prosecuting cases; and no observable  
15 management qualities. Park was also critical of Danforth misleading political advertising.

16 15.

17 Park would continue to openly endorse Cable in the media and community. Although  
18 Park withdrew from the race, he remained on the ballot securing 1,253 votes.

19 16.

20 Danforth prevailed in the race and took office on Monday January 4, 2021. Upon  
21 assuming her office, she immediately removed the existing chief deputy, installing Howard who  
22 had supported Danforth in her campaign. Danforth removed the office manager.

23 17.

24 On or between June 1, 2021, and June 30,2021, Danforth and Howard filed an allegation  
25 with Lincoln County HR, that Park had filed a false motion to the Lincoln County Circuit Court.

26

1 Park was interviewed by Lincoln County HR and Danforth. Park never heard anything further  
2 about the issue.

3 18.

4 On the weekend of October 9-10, 2021, Deputy Chief Counsel Stephanie J. Tuttle  
5 (hereinafter Tuttle) on behalf of the Attorney General Ellen Rosenbaum contacted Park by  
6 telephone stating that she would be making a formal written offer of employment as an Assistant  
7 Attorney General (Wildlife Resource Prosecutor) in the Criminal Justice Division at the Oregon  
8 Department of Justice (Hereinafter DOJ). On Monday October 11, 2021, Tuttle emailed the  
9 offer. The position was at a Step 7 which at the time was \$12,334 (non-PERS rate) per month  
10 (\$148,008 a year) plus State Benefits. Park accepted the offer on that same day. Tuttle advised  
11 Park that she would follow-up with start dates. Park was prepared to start immediately.

12 19.

13 On or between Monday October 11, 2021, and October 15, 2021, Park advised Danforth  
14 that he was offered, and had accepted a position at the DOJ, and would give his two weeks'  
15 notice as soon as he was advised of the start date. Based on information and belief, Howard also  
16 became aware of this information during this time.

17 20.

18 On Wednesday November 24, 2021, Danforth sent an email to all Deputy District  
19 Attorneys with a new set of rules for the office. Deputy District Attorneys were ordered to sign  
20 the new rules or resign by 5:00 pm that day.

21 21.

22 Park openly opposed these new office rules as he believed they violated the Oregon  
23 Public Employees Collective Bargaining Act (PECBA) and the contract between LCEA and  
24 Lincoln County. While he complied with Danforth's order, he communicated on behalf of the  
25 other Assistant District Attorneys, his concerns to the then Union President Dave Wood and  
26 County Counsel Kristin Yuille. Danforth and Howard became aware of Park's concerns.

1 22.

2 Based on information and belief, Danforth, or Howard directly or through an  
3 intermediary who supported Danforth's election campaign provided negative information to DOJ  
4 about Park.

5 23.

6 Not hearing anything further from Tuttle or DOJ, Park emailed Tuttle on Monday  
7 November 29, 2021, requesting an update on his start date at DOJ. On Friday December 2, 2021,  
8 Tuttle called Park by phone telling him that DOJ withdrew their offer of employment.

9 24.

10 On January 1, 2022, Park became President of the LCEA. As the President of the LCEA  
11 Park dealt with the issue of whether the November 24, 2021, directive from the District Attorney  
12 violated the PECBA. Park worked with the attorney for LCEA and the Lincoln County Counsel  
13 to obtain a retraction of the November 24, 2021, order from Danforth.

14 25.

15 Danforth ultimately retracted the order, but in doing so, advised the Deputy District  
16 Attorneys that they were not to work more than eight hours per day, were not to receive any  
17 more comp time and were removed from special assignments such as the Major Crime Team and  
18 Crash Team. Park and others viewed these changes as retaliation against the Deputies for having  
19 opposed Danforth's November 24, 2021, order.

20 26.

21 In his capacity as LCEA President, Park spoke out about Danforth's actions. Park also  
22 dealt with personnel issues including an issue of discipline by Danforth and Howard involving  
23 another Deputy District Attorney.

24 27.

25 On January 20, 2022, Park was summoned to Howard's office and placed on  
26 administrative leave for allegedly failing to disclose exculpatory evidence to the defense four

1 years earlier in the 2018 criminal case of *State v. Rexroad*. The *State v. Rexroad* case involved a  
2 drug charge against the defendant Rexroad. The defendant pleaded guilty to possession of a  
3 controlled substance and supplying contraband. However, the State Police Crime Lab later  
4 showed the item tested negative for controlled substances. The allegation was that Park failed to  
5 disclose this exculpatory evidence to the defense.

6 28.

7 Neither Danforth nor Howard ever discussed this matter with Park nor was Park given an  
8 opportunity to explain the circumstances before being summarily placed on administrative leave.

9 29.

10 Danforth notified the Oregon State Police to investigate Park's actions. In turn the  
11 Federal Bureau of Investigation and the US Attorney became involved in this investigation.

12 30.

13 The evidence clearly showed that Park did in fact disclose this exculpatory evidence to  
14 the defense as soon as he learned of it. Moreover, a subsequent review of the District Attorney's  
15 office records show that this information was disclosed to the defense even before Park himself  
16 learned of it.

17 31.

18 In January 2022 Lincoln County conducted an investigation into the District Attorney's  
19 allegations against Park. On January 28, Park was advised by the Human Resources Director that  
20 the County's investigation had been completed and that he was cleared of all allegations; he was  
21 told to return to work on January 31, 2022. After that point a struggle ensued between Lincoln  
22 County management and the District Attorney.

23 32.

24 When Park tried to return to work on January 31, he was given a letter from the District  
25 Attorney's office advising him that he was once again being placed on administrative leave by  
26

1 Danforth and Howard. Park was told that he was not to function as a Deputy District Attorney  
2 and that he could only be reinstated by Danforth.

3 33.

4 A short time later Park was advised by County Counsel and the HR Director that the  
5 January 31 letter placing Park on administrative leave (for a second time) was rescinded; Park  
6 was advised to telework from home. Park's computer was returned to him, but he was locked out  
7 of Prosecution by Karpel (aka PBK) - the District Attorney's computer program. The program is  
8 an essential tool for a deputy district attorney in carrying out their duties.

9 34.

10 On February 1, 2022, Park through his attorney Jonathan H. Cable (Cable), notified  
11 Danforth and Howard that their actions against Park were retaliatory. The letter was copied to  
12 Lincoln County HR.

13 35.

14 As the result of Cable's letter Lincoln County retained the law firm of Beery, Elsner &  
15 Hammond, LLP to conduct the investigation of Danforth and Howards actions. Park fully  
16 cooperated with the investigators.

17 36.

18 On February 10, 2022, Park learned that Danforth had filed a bar complaint against him  
19 regarding the *State v. Rexroad* matter.

20 37.

21 On March 25, 2022, Danforth sent an email to the entire District Attorney's office staff  
22 about her problems with Lincoln County management and her concerns about Park. While Park  
23 was not identified by name, the letter clearly accused Park of misconduct, and everyone in the  
24 office knew who she was referring to.

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26 ///



1 38.

2 On April 4, 2022, without consulting Park or advising him of the opportunity for a name  
3 clearing hearing, Danforth made public allegations against Park by posting a message on the  
4 District Attorney's Facebook page. In the post the District Attorney described the feud between  
5 she and the Lincoln County Commissioners regarding the hiring of a detective within the DA's  
6 office. The District Attorney made extensive comments regarding the investigation of and  
7 allegations against Park (although, once again, not specifically using his name). Many of the  
8 allegations raised by Danforth against Park were republished to the public two days later in an  
9 article "DA sought investigation of deputy prosecutor" published in the April 6, 2022, edition of  
10 the Newport News Times and on April 7, 2022, in the YachatsNews where Park is identified by  
11 name.

12 39.

13 On Friday, April 15, 2022, at 8:50 pm Danforth emailed a letter to Park advising him that  
14 she was revoking his appointment as a Deputy District Attorney pursuant to ORS 8.780. In the  
15 letter Danforth advised Park that the investigation of him "is still pending," but that she would  
16 "reconsider this decision" after she reviewed the completed investigation, and he would "have an  
17 opportunity to discuss this matter" with her before she makes a "final decision" regarding his  
18 appointment and employment as a Deputy District Attorney. Park was notified on this same day  
19 that all his personal items in his office had been packed.

20 40.

21 On May 6, 2022, Park served through his then attorney Loren W. Collins (Collins), a  
22 Notice of Tort Claim on Danforth notifying her of his intent to pursue claims against her.

23 41.

24 The independent investigation by Beery, Elsner & Hammond, LLP (investigators) was  
25 completed in June 2022. In a June 16, 2022, supplemental report, the investigators were highly  
26 critical of Danforth's behavior towards Park.

1 42.

2 The investigators concluded that Danforth's actions toward Park were bullying, and  
3 constituted repeated unreasonable actions towards Park, which were intended to intimidate  
4 creating a risk to the health and safety of Park. The investigators also sustained nine (9) other  
5 allegations related to Danforth's actions toward Park.

6 43.

7 Based on information and belief Danforth and Howard knew or had reason to know that  
8 the investigation they had requested by OSP in conjunction with the FBI, and the US Attorney's  
9 Office had been completed, and they determined no action against Park was warranted. Neither  
10 Danforth nor Howard ever told Park, Lincoln County HR, or the Oregon State Bar of this  
11 significant development.

12 44.

13 On or between June 16, 2022, and July 28, 2022, Danforth became aware that a public  
14 records request had been made encompassing the June 16, 2022, supplemental report by Beery,  
15 Elsner & Hammond, LLP highly critical of Danforth's behavior toward Park.

16 45.

17 On July 28, 2022, Danforth ask LCEA representative Kevin Keaney (hereinafter Keaney)  
18 to ask Park if he wished to resign.

19 46.

20 On August 3, 2022, the County released the June 16, 2022, report to the news media. It  
21 would later be reported extensively in the Newport News Times.

22 47.

23 On that same day, Danforth informed Park that she had no intention of reinstating him as  
24 a Deputy District Attorney. As a consequence, Park was forced to try to find new employment.  
25 On October 1, 2022, Park was forced to take a position at the Benton County District Attorney's  
26 Office.

1 48.

2 On January 30, 2023, the Oregon State Bar formally cleared Park of all allegations by  
3 Danforth.

4 49.

5 On June 2, 2023, Park through his attorney Shawn M. O’Neil filed a Complaint for  
6 Deprivation of Civil Rights Under 42 U.S.C. § 1983 against Danforth and Howard for violations  
7 of his First Amendment Rights of Free Speech and Right of Association. This case is currently  
8 pending in the United States District Court for the District of Oregon, Eugene Division, Case No.  
9 6:23-CV-805-MC. To preserve Park’s statutory and common law remedies under Oregon law  
10 this action has been initiated in State Court anticipating defendants will assert Eleventh  
11 Amendment Immunity barring these claims in the federal proceeding.

12 **VI. CLAIMS FOR RELIEF**

13 **FIRST CLAIM FOR RELIEF**

14 **Whistleblowing Retaliation Against Defendants Danforth and Howard – ORS 659A.203**

15 50.

16 Park realleges paragraphs 1 through 49 and though fully set forth herein.

17 51.

18 Park engaged in protected activity as alleged above and by:

19 a. Voicing his concerns that Danforth’s November 24, 2021, directive to  
20 Deputy District Attorneys violated the PECBA.

21 b. Voicing his concerns when Danforth failed to follow long established HR  
22 policies and procedures that governed the Deputy District Attorneys and staff of the  
23 District Attorney’s Office.

24 c. Voicing his concerns over how Danforth handled discipline of Deputy  
25 District Attorneys.  
26

1 d. Voicing his concerns with the Lincoln County Human Resources Department who  
2 historically handled all HR matters for the District Attorney's Office.

3 e. Voicing his concerns directly and through counsel that Danforth and Howard  
4 were violating Oregon and Federal law with respect to Park's civil rights to be free from  
5 discrimination, his freedom of speech and association, and due process rights, their retaliation of  
6 him in exercising those rights creating a hostile work environment.

7 52.

8 After Park engaged in this protected activity, Danforth and Howard unlawfully  
9 discriminated and retaliated against Park by further impacting the terms and conditions of his  
10 employment and ultimately terminating his employment in violation of ORS 659A.203 *et. seq.*

11 53.

12 Park is entitled to injunctive relief, including but not limited to reinstatement.

13 54.

14 As a direct and proximate cause of Danforth and Howard's unlawful actions, Park has  
15 suffered economic losses in the form of back pay, front pay, lost benefits, expenses, losses in the  
16 joint family income, in selling the marital home, moving expenses, and out-of-pocket expenses  
17 including prejudgment interest, in an amount to be determined at trial, but currently estimated to  
18 be \$ 500,000 plus interest thereon at the statutory rate of 9%.

19 55.

20 As a direct and proximate result of Danforth and Howard's unlawful actions, Park has  
21 suffered embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, damage  
22 to his professional reputation as an attorney and prosecutor, loss of enjoyment of his life and is  
23 entitled to an award of non-economic damages in an amount that the jury determines to be  
24 reasonable under the circumstances, but not to exceed \$2,500,000.

25 ///

26 ///

1 56.

2 Park has hired legal counsel to prosecute his claims and is entitled to his reasonable  
3 attorney's fees and costs incurred, including expert witness fees, pursuant to *ORS 659A.885* and  
4 *ORS 20.107*.

5 57.

6 Danforth and Howard acted with malice, and their actions were intentional and willful.  
7 Danforth and Howard further acted with reckless and outrageous indifference to a highly  
8 unreasonable risk of harm to Park and a conscious indifference to his health, and welfare as an  
9 individual, and employee. Such conduct exceeds the bounds of social toleration and is of the type  
10 that punitive damages deter. Therefore, Park anticipates amending this Complaint, and reserves  
11 the right to do so pursuant to *ORS 31.725* to assert a claim for punitive damages.

12 **SECOND CLAIM FOR RELIEF**

13 **Whistleblowing Retaliation Against Defendants Danforth and Howard – ORS 659A.199**

14 58.

15 Park realleges paragraphs 1 through 49, and paragraphs 51 through 52 and though fully  
16 set forth herein.

17 59.

18 Park engaged in protected activity as alleged above including but not limited to his  
19 reporting to Danforth and Howard what he reasonably believed was in violation of state and  
20 federal law, the Lincoln County HR policies that had historically governed Deputy District  
21 Attorneys, and the Oregon Public Employees Collective Bargaining Act (PECBA) and the  
22 contract between LCEA and Lincoln County.

23 60.

24 After Park engaged in this protected activity, Danforth and Howard unlawfully  
25 discriminated and retaliated against Park further impacting the terms and conditions of his  
26 employment and ultimately terminating his employment in violation of ORS 659A.199.

///

1 61.

2 Park is entitled to injunctive relief, including but not limited to reinstatement.

3 62.

4 As a direct and proximate cause of Danforth and Howard's unlawful actions, Park has  
5 suffered economic losses in the form of back pay, front pay, lost benefits, expenses, losses in the  
6 joint family income, in selling the marital home, moving expenses, and out-of-pocket expenses  
7 including prejudgment interest, in an amount to be determined at trial, but currently estimated to  
8 be \$ 500,000 plus interest thereon at the statutory rate of 9%.

9 63.

10 As a direct and proximate result of Danforth and Howard's unlawful actions, Park has  
11 suffered embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, damage  
12 to his professional reputation as an attorney and prosecutor, loss of enjoyment of his life and is  
13 entitled to an award of non-economic damages in an amount that the jury determines to be  
14 reasonable under the circumstances, but not to exceed \$2,500,000.

15 64.

16 Park has hired legal counsel to prosecute his claims and is entitled to his reasonable  
17 attorney's fees and costs incurred, including expert witness fees, pursuant to ORS 659A.885 and  
18 ORS 20.107.

19 65.

20 Danforth and Howard acted with malice, and their actions were intentional and willful.  
21 Danforth and Howard further acted with reckless and outrageous indifference to a highly  
22 unreasonable risk of harm to Park and a conscious indifference to his health, and welfare as an  
23 individual, and employee. Such conduct exceeds the bounds of social toleration and is of the type  
24 that punitive damages deter. Therefore, Park anticipates amending this Complaint, and reserves  
25 the right to do so pursuant to ORS 31.725 to assert a claim for punitive damages.

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1  
2 **THIRD CLAIM FOR RELIEF**

3 **Unlawful Discrimination in Violation of ORS 659A.030 Against Danforth and Howard**

4 66.

5 Park realleges paragraphs 1 through 49, and paragraphs 51 through 52 and though fully  
6 set forth herein.

7 67.

8 Danforth and Howard violated ORS 659A.030(a)-(b) by subjecting Park to  
9 discriminatory terms and conditions of employment because of age and gender. The  
10 discriminatory terms and conditions of employment and hostile work environment were both  
11 because of Park's age and or gender. Ultimately, the age and gender-based discrimination by  
12 Danforth and Howard resulted in and caused Park's termination.

13 68.

14 Park is entitled to injunctive relief, including but not limited to reinstatement.

15 69.

16 As a direct and proximate cause of Danforth and Howard's unlawful actions, Park has  
17 suffered economic losses in the form of back pay, front pay, lost benefits, expenses, losses in the  
18 joint family income, in selling the marital home, moving expenses, and out-of-pocket expenses  
19 including prejudgment interest, in an amount to be determined at trial, but currently estimated to  
20 be \$ 500,000 plus interest thereon at the statutory rate of 9%

21 70.

22 As a direct and proximate result of Danforth and Howard's unlawful actions, Park has  
23 suffered embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, damage  
24 to his professional reputation as an attorney and prosecutor, loss of enjoyment of his life and is  
25 entitled to an award of non-economic damages in an amount that the jury determines to be  
26 reasonable under the circumstances, but not to exceed \$2,500,000.

1 71.

2 Park has hired legal counsel to prosecute his claims and is entitled to his reasonable  
3 attorney's fees and costs incurred, including expert witness fees, pursuant to ORS 659A.885 and  
4 ORS 20.107.

5 72.

6 Danforth and Howard acted with malice, and their actions were intentional and willful.  
7 Danforth and Howard further acted with reckless and outrageous indifference to a highly  
8 unreasonable risk of harm to Park and a conscious indifference to his health, and welfare as an  
9 individual, and employee. Such conduct exceeds the bounds of social toleration and is of the type  
10 that punitive damages deter. Therefore, Park anticipates amending this Complaint, and reserves  
11 the right to do so pursuant to ORS 31.725 to assert a claim for punitive damages.

12 **FOURTH CLAIM FOR RELIEF**

13 **Unlawful Retaliation in Violation of ORS 659A.030 (f) Against Danforth and Howard**

14 73.

15 Park realleges paragraphs 1 through 49, and paragraphs 51 through 52 and though fully  
16 set forth herein.

17 74.

18 Danforth and Howard violated ORS 659A.030 (f) by retaliating against Park creating a  
19 hostile work environment, because he resisted their discrimination, violations of his rights of free  
20 speech, freedom of association, and protective activity as alleged herein. Ultimately, Danforth  
21 and Howard's retaliatory actions lead to Park's termination.

22 75.

23 Park is entitled to injunctive relief, including but not limited to reinstatement.

24 76.

25 As a direct and proximate cause of Danforth and Howard's unlawful actions, Park  
26 has suffered economic losses in the form of back pay, front pay, lost benefits, expenses, losses in



1 the joint family income, in selling the marital home, moving expenses, and out-of-pocket  
2 expenses including prejudgment interest, in an amount to be determined at trial, but currently  
3 estimated to be \$ 500,000 plus interest thereon at the statutory rate of 9%

4 77.

5 As a direct and proximate result of Danforth and Howard’s unlawful actions, Park has  
6 suffered embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, damage  
7 to his professional reputation as an attorney and prosecutor, loss of enjoyment of his life and is  
8 entitled to an award of non-economic damages in an amount that the jury determines to be  
9 reasonable under the circumstances, but not to exceed \$2,500,000.

10 78.

11 Park has hired legal counsel to prosecute his claims and is entitled to his reasonable  
12 attorney’s fees and costs incurred, including expert witness fees, pursuant to ORS 659A.885 and  
13 ORS 20.107.

14 79.

15 Danforth and Howard acted with malice, and their actions were intentional and willful.  
16 Danforth and Howard further acted with reckless and outrageous indifference to a highly  
17 unreasonable risk of harm to Park and a conscious indifference to his health, and welfare as an  
18 individual, and employee. Such conduct exceeds the bounds of social toleration and is of the type  
19 that punitive damages deter. Therefore, Park anticipates amending this Complaint, and reserves  
20 the right to do so pursuant to ORS 31.725 to assert a claim for punitive damages.

21 **FIFTH CLAIM FOR RELIEF**  
22 **False Light Claim against Danforth**

23 80

24 Park realleges paragraphs 1 through 49, and paragraphs 51 through 52 and though fully  
25 set forth herein.

26 ///

1 81.

2 By her communications on Facebook, comments to the media, and to Lincoln County  
3 District Attorney staff, and the public at large, Danforth gave publicity to matters concerning  
4 Plaintiff that placed him before the public in a false light creating a false impression that Plaintiff  
5 was an unethical prosecutor and committed prosecutorial misconduct which ultimately were  
6 proven to be untrue.

7 82.

8 As a direct and proximate cause of Danforth and Howard's unlawful actions, Park has  
9 suffered economic losses in the form of back pay, front pay, lost benefits, expenses, losses in the  
10 joint family income, in selling the marital home, moving expenses, and out-of-pocket expenses  
11 including prejudgment interest, in an amount to be determined at trial, but currently estimated to  
12 be \$ 500,000 plus interest thereon at the statutory rate of 9%.

13 83.

14 As a direct and proximate result of Danforth unlawful actions, Park has suffered  
15 embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, damage to his  
16 professional reputation as an attorney and prosecutor, loss of enjoyment of his life and is entitled  
17 to an award of non-economic damages in an amount that the jury determines to be reasonable  
18 under the circumstances, but not to exceed \$2,500,000.

19 84.

20 Danforth acted with malice, and their actions were intentional and willful. Danforth  
21 further acted with reckless and outrageous indifference to a highly unreasonable risk of harm to  
22 Park and a conscious indifference to his health, and welfare as an individual, and employee. Such  
23 conduct exceeds the bounds of social toleration and is of the type that punitive damages deter.  
24 Therefore, Park anticipates amending this Complaint, and reserves the right to do so pursuant to  
25 ORS 31.725 to assert a claim for punitive damages.

26 ///

1 **SIXTH CLAIM FOR RELIEF**

2 **Wrongful Termination against Danforth**

3 85.

4 Park realleges paragraphs 1 through 49, and paragraphs 51 through 52 and though  
5 fully set forth herein.

6 86.

7 At all material times, the public policy of the State of Oregon is to prohibit an employer  
8 from discriminating and retaliating against employees for their reporting to the employer of  
9 unlawful employer actions including discrimination. This public policy embodies in common  
10 law, statutes, and regulations of the State of Oregon.

11 87.

12 At all material times, the public policy of the State of Oregon is to prohibit an employer  
13 from discriminating and retaliating against employees who report to the employer of unlawful  
14 behavior by the employer. This public policy embodies common law, statutes, and regulations of  
15 the State of Oregon.

16 88.

17 Defendant Danforth unlawfully discharged Park for pursuing one or more of these rights.

18 89.

19 Park's remedies under state and federal statutory law provide an inadequate remedy for  
20 the damage Danforth has inflicted on him.

21 90.

22 As a direct and proximate cause of Danforth and Howard's unlawful actions, Park has suffered  
23 economic losses in the form of back pay, front pay, lost benefits, expenses, losses in the joint  
24 family income, in selling the marital home, moving expenses, and out-of-pocket expenses  
25 including prejudgment interest, in an amount to be determined at trial, but currently estimated to  
26 be \$ 500,000 plus interest thereon at the statutory rate of 9%.

1 91.

2 As a direct and proximate result of Danforth unlawful actions, Park has suffered  
3 embarrassment, anxiety, humiliation, anger, emotional distress, inconvenience, damage to his  
4 professional reputation as an attorney and prosecutor, loss of enjoyment of his life and is entitled  
5 to an award of non-economic damages in an amount that the jury determines to be reasonable  
6 under the circumstances, but not to exceed \$2,500,000.

7 92.

8 Danforth acted with malice, and their actions were intentional and willful. Danforth  
9 further acted with reckless and outrageous indifference to a highly unreasonable risk of harm to  
10 Park and a conscious indifference to his health, and welfare as an individual, and employee. Such  
11 conduct exceeds the bounds of social toleration and is of the type that punitive damages deter.  
12 Therefore, Park anticipates amending this Complaint, and reserves the right to do so pursuant to  
13 ORS 31.725 to assert a claim for punitive damages.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff Kenneth R Park prays for judgment against Defendants Lanee Danforth  
16 and Robin Lynn Howard as follows:

17 1. On Plaintiff's First Claim for Relief:

- 18 a. A declaration that defendant violated plaintiff's statutorily protected right to be  
19 free from discrimination and retaliation for engaging in protective activity and  
20 opposing unlawful employment practices.
- 21 b. Injunctive relief, including reinstatement to his position;
- 22 c. An award of economic losses in the form of economic losses in the form of back  
23 pay, front pay, lost benefits, expenses, losses in the joint family income, losses in  
24 selling the marital home, moving expenses, and out-of-pocket expenses including  
25 prejudgment statutory 9 % interest, in an amount to be determined in trial, but  
26 currently estimated at \$500,000;

- 1           d. An award of non-economic damages in the amount of \$2,500,000.
- 2           e. Plaintiff's attorney's fees, expert fees, and costs incurred herein.
- 3       2. On Plaintiff's Second Claim for Relief:
- 4           a. A declaration that defendant violated plaintiff's statutorily protected right to be
- 5                 free from discrimination and retaliation for engaging in protective activity and
- 6                 opposing unlawful employment practices;
- 7           b. Injunctive relief, including reinstatement to his position;
- 8           c. An award of economic losses in the form of economic losses in the form of back
- 9                 pay, front pay, lost benefits, expenses, losses in the joint family income, losses in
- 10                selling the marital home, moving expenses, and out-of-pocket expenses including
- 11                prejudgment statutory 9 % interest, in an amount to be determined in trial, but
- 12                currently estimated at \$500,000;
- 13           d. An award of non-economic damages in the amount of \$2,500,000.
- 14           e. Plaintiff's attorney's fees, expert fees, and costs incurred herein.
- 15       3. On Plaintiff' Third Claim for Relief:
- 16           a. A declaration that defendant violated plaintiff's statutorily protected right to be
- 17                 free from discrimination and retaliation for engaging in protective activity and
- 18                 opposing unlawful employment practices;
- 19           b. Injunctive relief, including reinstatement to his position;
- 20           c.        An award of economic losses in the form of economic losses in the form
- 21                 of back pay, front pay, lost benefits, expenses, losses in the joint family income,
- 22                 losses in selling the marital home, moving expenses, and out-of-pocket expenses
- 23                 including prejudgment statutory 9 % interest, in an amount to be determined in
- 24                 trial, but currently estimated at \$500,000;
- 25           d. An award of non-economic damages in the amount of \$2,500,000.
- 26           e. Plaintiff's attorney's fees, expert fees, and costs incurred herein.

1 4. On Plaintiff's Fourth Claim for Relief:

- 2 a. A declaration that defendant violated plaintiff's statutorily protected right to be  
3 free from discrimination and retaliation for engaging in protective activity and  
4 opposing unlawful employment practices;
- 5 b. Injunctive relief, including reinstatement to his position;
- 6 c. c. An award of economic losses in the form of economic losses in the form  
7 of back pay, front pay, lost benefits, expenses, losses in the joint family income,  
8 losses in selling the marital home, moving expenses, and out-of-pocket expenses  
9 including prejudgment statutory 9 % interest, in an amount to be determined in  
10 trial, but currently estimated at \$500,000;
- 11 d. An award of non-economic damages in the amount of \$2,500,000.
- 12 e. Plaintiff's attorney's fees, expert fees, and costs incurred herein.

13 5. On Plaintiff's Fifth Claim for Relief:

- 14 a. c. An award of economic losses in the form of economic losses in the form  
15 of back pay, front pay, lost benefits, expenses, losses in the joint family income,  
16 losses in selling the marital home, moving expenses, and out-of-pocket expenses  
17 including prejudgment statutory 9 % interest, in an amount to be determined in  
18 trial, but currently estimated at \$500,000;
- 19 b. An award of non-economic damages in the amount of \$2,500,000.
- 20 c. For plaintiff's costs and disbursements incurred herein.

21 6. On Plaintiff's Sixth Claim for Relief:

- 22 a. An award of economic losses in the form of economic losses in the form of back  
23 pay, front pay, lost benefits, expenses, losses in the joint family income, losses in  
24 selling the marital home, moving expenses, and out-of-pocket expenses including  
25 prejudgment statutory 9 % interest, in an amount to be determined in trial, but  
26 currently estimated at \$500,000;

- 1           b. An award of non-economic damages in the amount of \$2,500,000.  
2           c. For plaintiff's costs and disbursements incurred herein.  
3         7. Any further or alternative relief in favor of plaintiff that the court deems appropriate.  
4         8. Plaintiff demands a jury trial.

5

6 DATED this 2<sup>nd</sup> of June 2023.

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O'Neil Law LLC

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/s/ Shawn M. O'Neil

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