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*Of Attorneys for Defendants
Lake Oswego School District
and Lake Oswego School Board*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

JOHN PARKS,

Case No. 3:24-CV-01198-JR

Plaintiff,

v.

**DEFENDANTS LAKE OSWEGO
SCHOOL DISTRICT AND LAKE
OSWEGO SCHOOL BOARD'S ANSWER
TO FIRST AMENDED COMPLAINT**

LAKE OSWEGO SCHOOL DISTRICT;
LAKE OSWEGO SCHOOL BOARD;
OREGON SCHOOL ACTIVITIES
ASSOCIATION; PORTLAND PUBLIC
SCHOOLS; and MARSHALL HASKINS,
individually and *in his representative capacity*
for OREGON SCHOOL ACTIVITIES
ASSOCIATION and PORTLAND PUBLIC
SCHOOLS,

JURY TRIAL DEMAND

Defendants.

In answer to plaintiff's First Amended Complaint for Declaratory and Injunctive Relief
and Monetary Damages, defendants Lake Oswego School District and Lake Oswego School

Board, hereinafter referred to collectively as the “school defendants,” admit, deny, and allege as follows:

INTRODUCTION

1. Plaintiff’s introductory remarks contain characterizations and legal conclusions to which a response is not required. To the extent a response is required, the school defendants deny all characterizations of the school defendants, their motivations, and their actions.

2. The exhibits attached to the First Amended Complaint are not “written instruments” for purposes of FRCP 10 and a response is not required. To the extent a response is required, the school defendants deny all of plaintiff’s characterizations of the exhibits, which speak for themselves. The school defendants reserve the right to challenge the evidentiary sufficiency of the exhibits.

PARTIES

3. The school defendants admit that plaintiff previously worked as the head track and field coach and the head cross-county coach at Lake Oswego High School.

4. The school defendants admit that Lake Oswego School District (the “District”) is a school district located in Clackamas County, Oregon, and that Lake Oswego High School is one of the District’s member schools.

5. The school defendants admit that the Lake Oswego School Board (the “Board”) is a school board consisting of elected board members that create and review the District’s policies.

JURISDICTION AND VENUE

6. The school defendants admit the Court has jurisdiction over this matter and that venue is proper.

FACTUAL ALLEGATIONS

7. The school defendants admit that the Board created and published policies that apply to the District, and its member schools, including nondiscrimination policies and policies regarding harassment and intimidation. Those policies speak for themselves.

8. The school defendants admit that in May of 2024, plaintiff sent an email to certain Oregon School Activities Association (“OSAA”) executive board members about transgender student participation in high school athletics. The school defendants deny that Exhibit 1 to plaintiff’s First Amended Complaint is a true and accurate copy of the email plaintiff sent.

9. The school defendants admit that the principal and athletic director of Lake Oswego High School were made aware that plaintiff sent the email referenced in paragraph 8 and admit that the school defendants did not discipline plaintiff for sending the email.

10. The school defendants admit that on or about May 24, 2024, the District received a complaint from Marshall Haskins, the Athletic Director for Portland Public Schools and a member of the OSAA Executive Board, regarding plaintiff’s behavior during the 2023-2024 track and field season and during the OSAA 6A State Championship in Eugene, Oregon. Haskins’ complaint speaks for itself.

11. The school defendants admit that certain District employees, including Lake Oswego High School Principal, Kristen Colyer, investigated Haskins’ complaint and found that plaintiff was insubordinate and discriminated against a transgender athlete from McDaniel High School, in violation of the Board’s policies. The school defendants deny taking any adverse employment actions against plaintiff.

12. Except as expressly admitted above in paragraphs 1 through 11, the school defendants deny each and every remaining allegation in the First Amended Complaint, and the whole thereof.

FIRST DEFENSE

(Failure to State a Claim)

13. Plaintiff fails to state any claim on which relief may be granted.

SECOND DEFENSE

(No Constitutional Violation)

14. The school defendants’ actions did not violate any constitutional right of plaintiff.

THIRD DEFENSE

(Pickering Balancing Test)

15. The school defendants had an adequate justification for any adverse action taken against plaintiff.

FOURTH DEFENSE

(Same Decision)

16. The school defendants would have reached any adverse decision even in the absence of the speech at issue.

FIFTH DEFENSE

(Qualified Immunity)

17. To the extent any claim for relief under 42 U.S.C. § 1983 is stated against the individual members of the Board and/or the District, those individuals are entitled to qualified immunity.

SIXTH DEFENSE

(No 42 U.S.C. § 1983 Claim Against Entities)

18. Plaintiff fails to state any *Monell* claim under 42 U.S.C. § 1983 against the District or the Board.

SEVENTH DEFENSE

(Good Faith Compliance with State Policy)

19. The school defendants acted in compliance with the OSAA's Gender Identity Participation policy.

EIGHTH DEFENSE

(Additional Defenses)

20. The school defendants reserve the right to raise additional defenses that may become apparent during the course of discovery.

WHEREFORE, having fully answered plaintiff's First Amended Complaint, the school defendants pray for judgment in their favor, including an award of costs, disbursements, and fees pursuant to 42 U.S.C. § 1988.

DATED this 4th day of March, 2025.

HART WAGNER, LLP

By: /s/ Taylor B. Lewis

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School defendants herein request trial by jury on those issues properly submitted to a jury.

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Board*

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of March, 2025, I served the foregoing
**DEFENDANTS LAKE OSWEGO SCHOOL DISTRICT AND LAKE OSWEGO
SCHOOL BOARD'S ANSWER TO FIRST AMENDED COMPLAINT** on the following
party at the following address:

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and Marshall Haskins*

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Taylor B. Lewis

Taylor B. Lewis