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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

JOHN PARKS,

*Plaintiff,*

v.

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*

*Defendants*

Case No. 3:24-cv-1198-JR

**PLAINTIFF’S RESPONSE TO DEFENDANT OREGON SCHOOL ACTIVITIES ASSOCIATION’S MOTION FOR SUMMARY JUDGMENT (ECF No. 80)**

**Request for Oral Argument**

## **LR 7-1 CERTIFICATION**

Pursuant to LR 7-1, the undersigned certifies that counsel for plaintiff John Parks conferred via video conference with counsel for defendant Oregon School Activities Association regarding this dispute and the parties are unable to resolve this matter.

## **RESPONSE**

Plaintiff Coach John Parks opposes Defendant Oregon School Activities Association's (OSAA) Motion for Summary Judgment. OSAA fails to meet its burden because the record contains ample evidence from which a reasonable jury could find OSAA vicariously liable for the defamation of Coach Parks. Specifically, Marshall Haskins—an OSAA Executive Board member—sent the defamatory communication at the express direction of OSAA Associate Director Kelly Foster. Because OSAA's own leadership initiated and authorized the conduct, OSAA cannot escape liability as a matter of law.

## **STATEMENT OF FACTS**

In May of 2024, Plaintiff, John Parks served as the head track coach at Lake Oswego High School. (Compl. 3, ECF No. 7). The day before the 2024 OSAA Track and Field State Championships, held in Eugene, Oregon on May 16–18, 2024, Coach Parks emailed OSAA Executive Director Peter Weber and Associate Director Kelly Foster advocating for changes to OSAA's transgender participation policy in girls track events.<sup>1</sup> (Compl. 4, Exh.1, ECF No. 7)

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<sup>1</sup> The OSAA permitted transgender student athletes born as males to compete in girls track events.

## The 2024 Oregon State Track Championships

Coach Parks attended the 2024 Oregon State Track and Field State Championships, as Lake Oswego High School had numerous athletes competing. Also present were OSAA Associate Director, Kelly Foster and Defendant Marshall Haskins—the athletic director for Portland Public Schools and an OSAA Executive Board Member who sits on OSAA’s Diversity, Equity, and Inclusion Committee. (Foster Dep. 6, 28; Haskins Dep. 6–8, 20). On May 18, 2024, the Girls’ 400m finals featured both J.D., a Lake Oswego athlete, and A.G., a transgender student from McDaniel High School.<sup>2</sup>

J.D. won the 400m event while setting a new state record time, while A.G. placed second. As the winning coach, Coach Parks was responsible for presenting medals to all eight participants in the Girls 6A 400-meter final. (Foster Dep. 35:18). From his vantage point in the bleachers, Haskins could not see or hear anything happening at the podium. (Haskins Dep. 21:21 – 22:5). OSAA Associate Director Foster escorted the eight student athletes to the podium and remained there for the duration of the medal ceremony. (Foster Dep. 35–36). Prior to the awarding of the medals, Coach Parks again spoke with Foster to advocate for policy changes regarding transgender participation. (Foster Dep. 36).

During the ceremony, Foster observed that when McDaniel athlete “A.G. bent down to get her medal [Coach Parks] appeared to be talking to her while she—holding onto her medal while she was bent over and kept talking to her longer than he did for

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<sup>2</sup> McDaniel High School is part of the Portland Public School system.

anybody else, and then eventually he gave her the medal and then moved on to [race winner J.D.].” (Foster Dep. 37:15–20). Although Foster could not hear the exchange between Coach Parks and A.G., she claimed A.G. “seemed upset.” (Foster Dep. 37:24–38:1). Following the ceremony, A.G. told Foster that Parks said “something about it being unfair,” though she did not provide a verbatim account. (Foster Dep. 38:6 –14).

Foster immediately sought out Haskins in the stands. (Foster Dep. 40:6 –11). She told Haskins that Coach Parks “had just talked to his athlete while they were on the medal stand,” relayed A.G.’s vague account, and informed Haskins of Parks’s earlier critical email to OSAA. (Foster Dep. 40:12 –23). Foster then pointed Parks out in the crowd, speculating—without having heard the conversation—that he was “trying to rile up his fans about A.G.’s participation.” (Foster Dep. 41–42). Crucially, Foster then directed Haskins, in his capacity as an OSAA Executive Board Member, to “communicate with Lake Oswego” regarding Parks’s “inappropriate” actions. (Foster Dep. 43) Haskins agreed to do so, despite not knowing what Coach Parks even looked like. (Foster Dep. 44:14 –16; Haskins Dep. 24:14–20)

### **The Haskins Complaint**

On May 24, 2024, Haskins followed Foster’s directive by sending a complaint to Lake Oswego School District. (“Haskins Complaint”). He explicitly wrote “as a representative of senior leadership at Portland Public Schools and as a member of the OSAA Executive Board.” (Haskins Dep. Ex. P2 at 4). The Haskins Complaint listed eight alleged actions by Coach Parks that Mr. Haskins characterized as “harassing discriminatory behavior” (Haskins Dep. Ex. P2 at 4-5) and listed OSAA Executive Director Peter Weber and OSAA Associate Director Kelly Foster as recipients.

(Haskins Dep. Ex. P2 at 6).

The complaint was riddled with inaccuracies and hearsay. Haskins characterized Coach Parks’s email to OSAA as an attempt to block A.G. from competing at the 2024 Oregon State Track Championships, (Haskins Dep. Ex. P2 at 4), despite never having read the email himself—he’d only heard about it from OSAA Associate Director Foster and another track coach.<sup>3</sup> (Haskins Dep. 45:9–13). He also alleged that Coach Parks spoke “negatively” to A.G. on the podium, (Haskins Dep. Ex. P2 at 4), and attempted to rile up spectators to “boo” her, (Haskins Dep. Ex. P2 at 5)—claims he adopted wholesale from Foster despite not witnessing the interaction.<sup>4</sup> (Haskins Dep. 21:16–22:18). Haskins also falsely alleged that Coach Parks harassed student athletes and their families, including advocating boycotts for the medal ceremonies. (Haskins Dep. Ex. P2 at 4) By asserting that Coach Parks violated “state law [and] OSAA policy,” (Haskins Dep. Ex. P2 at 6), in the course of his duties as educator and coach, Haskins’s defamatory complaint triggered an investigation into Coach Parks by Lake Oswego, resulting in the adverse actions that precipitated this lawsuit.

### STANDARD OF REVIEW

Federal Rule of Civil Procedure 56(a) permits summary judgment when no issue of material fact exists. The moving party carries the burden to show absence of an issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The court must “not weigh the evidence or determine the truth of the matter, but only determine whether

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<sup>3</sup> As of his deposition date of December 18, 2025, Haskins still had not bothered to obtain Parks’ email to OSAA. (Haskins Dep. 19:19 –20:2; Haskins Dep. Ex. P3).

<sup>4</sup> Later in his deposition, Haskins provided contradictory answers, claiming the accusation that Parks riled up spectators to “boo” A.G. after the 400-meter final were based on his “own eyes.” (Haskins Dep. 62:7–64:1).

there is a genuine issue for trial.” *Balint v. Carson City*, 180 F.3d 1047, 1054 (9th Cir. 1999). “The evidence of the non-movant is to be believed, and all justifiable inferences are to be drawn in his favor.” *Allen v. Scribner*, 812 F.2d 426, 430 (9th Cir. 1987) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986))

## LEGAL ARGUMENT

OSAA Associate Director Foster specifically directed Marshall Haskins to contact Lake Oswego regarding Coach Parks’s alleged actions at the 2024 OSAA Track and Field Championship. (Foster Dep. 43). Haskins complied, expressly invoking his authority as an OSAA Board Member in his defamatory communication sent to Lake Oswego and other parties. (Haskins Dep. Ex. P2 at 4). These facts, coupled with Haskins’s official position within OSAA, create a triable question of fact for a jury regarding OSAA’s liability.

### **I. OSAA is vicariously liable as Marshall Haskins’s employer.**

As a threshold matter, Haskins’s volunteer status grants OSAA no shelter from liability. “It is well established” that a volunteer may be considered a servant of the organization for purposes of vicarious liability. *Lourim v. Swensen*, 977 P.2d 1157, 1160–61 (Or. 1999) (finding a complaint sufficient to state a vicarious liability claim against the Boy Scouts organization for tortious acts of a volunteer troop leader).

The Oregon Supreme Court has consistently held that whether a servant of the organization acted within the scope of employment is typically a factual issue for the jury, unless the facts permit only one reasonable conclusion. *See, e.g., Stanfield v. Laccoarce*, 588 P.2d 1271, 1274 (Or. 1978). Whether an act falls within the scope of employment is determined through three factors: “(1) the conduct occurred

substantially within the time and space limits authorized by the employment; (2) the employee was motivated, at least in part, by a purpose to serve the employer; and (3) the act was of a kind that the he was authorized or hired to perform.” *Coney v. Fagan*, 97 P.3d 1252, 1254 (Or. Ct. App. 2004) (citing *Lourim* 977 P.2d at 1160). The facts in this matter permit multiple conclusions on each of these factors.

**A. The Haskins Complaint occurred within the time and space authorized by OSAA.**

While an employer’s right to control informs the analysis of time and space limits, it is not dispositive. *Stanfield* 588 P.2d at 1275 (“In reality, the question of whether the employer had a right to control the employee is merely another way of asking whether the activity in question occurred within the authorized limits of time and space.”).

Haskins was directed to communicate with Lake Oswego by the OSAA Associate Director. While at the 2024 Oregon State Track and Field Championships, Haskins was informed of the allegations that formed the basis of his complaint by OSAA Associate Director Kelly Foster. (Foster Dep. 40). Foster then directed Haskins to “communicate with Lake Oswego” regarding Coach Parks’s alleged actions at the meet.”<sup>5</sup> (Foster Dep. 43). Foster’s direct role in instigating the Haskins Complaint demonstrates that Haskins was acting within the authorized “space” of his OSAA duties. Because the conduct was born out of a discussion between two OSAA officials at an OSAA-sanctioned event regarding OSAA policy, a jury could easily conclude it occurred within the scope of Haskins’s service.

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<sup>5</sup> While Haskins sent his complaint from his Portland Public Schools email address, he confirmed that he uses that email address when doing work for the OSAA Executive Board. (Haskins Dep. 37:10–13).

**B. Haskins was motivated to serve OSAA in sending the defamatory complaint.**

Plaintiffs need not show it was worker’s sole or primary motivation to serve the employer. *Lourim* 977 P.2d at 1160. Questions of mixed motivation are matters for a jury. *Id.* In his complaint, Haskins identifies himself as a member of the OSAA Executive Board. (Haskins Dep. Ex. P2 at 4) Haskins copied the OSAA executive director and associate director.<sup>6</sup> (Haskins Dep. Ex. P2 at 6) Mr. Haskins based his complaint in part upon information received from the OSAA. (Haskins Dep. 54–56). Haskins states that “[Coach Parks] should be following state law, *OSAA policy* while adhering to his responsibilities as a licensed educator and role model for student athletes teaching sportsmanship.” (Haskins Dep. Ex. P2 at 6) (emphasis added). Haskins is an OSAA Executive Board Member and sits on the Diversity, Equity, and Inclusion Committee. In that position, Haskins’s self-described purpose is to “see that there’s fairness and application of our policies, or procedures.” (Haskins Dep. 8:2 –23). His Complaint shows he attempted to do just that.

Haskins’s own words and actions confirm a motivation to serve OSAA. As a member of the DEI Committee, his role was to ensure the “fairness and application” of OSAA policies. His complaint explicitly cited OSAA policy and was sent at the behest of an OSAA Director. These facts lead to one conclusion: that Haskins acted to protect OSAA’s policy interests and reputation.

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<sup>6</sup> Haskins claims that he included OSAA Executive and Associate Directors only because the alleged actions of Coach Parks occurred at their event. (Haskins Dep. 89:4-16). However, Haskins was also directed to send this communication by the OSAA Associate Director. (Foster Dep. 43).

**C. Haskins was authorized by OSAA as a board member to file the complaint with Lake Oswego.**

“An employee’s intentional tort rarely, if ever, will have been authorized expressly by the employer.” *Fearing v. Bucher*, 977 P.2d 1163, 1166 n.4 (Or. 1999). Thus, it is “necessary to look to the acts that led to the injury to determine if those acts were within the scope of employment.” *Id.* An enumerated authority of the OSAA Executive Board is to “[m]ake investigations relative to the violation of the regulations” by member schools. (*OSAA Handbook* – Constitution 5.3.1(k)). The OSAA Executive Board is authorized to treat unsportsmanlike and discriminatory harassing conduct by a coach as a violation by the coach’s school. (*OSAA Handbook* – Rule 3.6). Haskins, an OSAA Executive Board Member, sent his complaint because he “wanted there to be an investigation.” (Haskins Dep. 45:6). In the context of discussing OSAA policy, Haskins reiterated his desire for an investigation. (Haskins Dep. 68: 4–16). Seeking an investigation by Lake Oswego was the first step to building a case against Coach Parks at the OSAA.

**II. Alternatively, OSAA is vicariously liable as Marshall Haskins’s principal.**

A question of fact also persists under the theory of liability that Mr. Haskins was OSAA’s agent. A principal may be held liable when an agent’s acts “are within the actual or apparent authorization of the principal.” *Jensen v. Medley*, 82 P.3d 149, 154 (Or. 2003). Express authority to act is conferred upon the agent from the principal in express terms. *Wiggins v. Barrett & Assocs., Inc.*, 669 P.2d 1132, 1138 (Or. 1983). “The express authority to do a certain thing carries with it the implied authority to do such other things as are reasonably necessary for carrying out the given task.” *Id.* OSAA

Associate Director Kelly Foster is a 10-year employee of OSAA. (Foster Dep. 6) “[T]he OSAA acts through its management employees.” (*Def. OSAA Mot. Summ. J.* 4, ECF No. 80 (filed Feb. 3, 2026)). In the course of discussing Coach Parks’s alleged actions at the state track meet, OSAA Associate Director Foster “told [Haskins] he should communicate with Lake Oswego.” (Foster Dep. 43:15). During the subsequent investigation by Lake Oswego, Foster reiterated that she “told Marshall [Haskins] to reach out to Lake Oswego ASAP” regarding Coach Parks’s alleged behavior. (Foster Dep. 83:10–14). OSAA Associate Director Foster also lauded that “[Haskins] pulled the pertinent details,” something implicitly necessary to complete his letter. (Foster Dep. 82).

The record establishes a classic principal-agent relationship. Foster, acting for OSAA, gave Haskins an express directive: communicate with Lake Oswego ASAP. Haskins carried out that directive. Foster later ratified the act by lauding Haskins for “pulling the pertinent details.” This express conferral of authority, followed by management’s approval, creates a triable issue of fact under agency law.

### **III. OSAA received a benefit through the Haskins Complaint.**

An organization is liable for the torts of its servant under the theory of *respondeat superior* when actions occurred in the scope of his employment. *Stanfield* 588 P.2d at 1274. The scope of employment requirement ensures that “employers will be held liable only for harm resulting from activity from which they were receiving the benefit.” *Id.* at 1274. OSAA derived a clear benefit from Haskins’s defamatory actions. Coach Parks was a vocal opponent of OSAA’s transgender participation policies. By leveraging a defamatory complaint to trigger an investigation into Coach Parks, Haskins effectively

silenced a prominent opponent of OSAA’s policies. Defending and enforcing organizational policy through the removal of a vocal critic constitutes a significant benefit to OSAA.

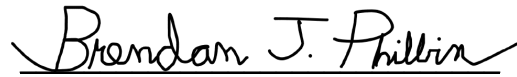
### CONCLUSION

The facts of Haskins’s authority, motivation, and scope of employment vis-à-vis OSAA escape “one reasonable conclusion” required for summary judgment at this stage. *Stanfield v. Laccoarce*, 588 P.2d 1271, 1274 (Or. 1978). Haskins was authorized to act by OSAA Associate Director Foster when she “told him he should communicate with Lake Oswego” regarding Coach Parks’s alleged actions. Haskins followed that directive and wrote “as a member of the OSAA Executive Board, who has been appointed as the state representative for Equity, Diversity and Inclusion.” (Haskins Dep. Ex. P2 at 4). And Haskins received at least some information that formed his complaint from OSAA, including from the same OSAA Associate Director who directed him to communicate with Lake Oswego.

Because the evidence shows that OSAA leadership directed, informed, and later praised the conduct that defamed Coach Parks, OSAA cannot establish as a matter of law that it bears no responsibility. Myriad questions of fact remain regarding Haskins’s authority and scope of employment. Accordingly, OSAA’s Motion for Summary Judgment should be denied.

Dated: February 24, 2026

Respectfully submitted,



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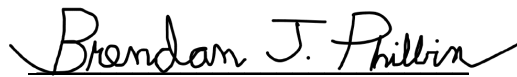
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**CERTIFICATE OF SERVICE**

I certify that the foregoing document was filed electronically with the Court's Case Management/Electronic Case Filing (CM/ECF) system. The Court and/or Clerk of Court may serve and give notice to counsel by CM/ECF electronic transmission.

The 24th day of February 2026.



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