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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-01198-JR

DEFENDANTS PORTLAND PUBLIC SCHOOLS AND MARSHALL HASKINS' MOTION FOR SUMMARY JUDGMENT

ORAL ARGUMENT REQUESTED

LR 7-1

Pursuant to Local Rule 7-1(a), counsel for defendants Portland Public Schools and Marshall Haskins certify that the parties conferred but were unable to resolve their disputes.

INTRODUCTION

Plaintiff John Parks brings a defamation claim against defendants Marshall Haskins (“Haskins”) and Portland Public Schools (“PPS”). PPS and Haskins are referred to collectively

as “PPS defendants.” Parks’s claim against PPS defendants arises out of a complaint Haskins submitted about Parks to co-defendants OSAA and Lake Oswego School District related to Parks’s actions towards PPS students during a track meet. Absolute immunity and the qualified privilege both bar Parks’s defamation claim against PPS defendants. Regardless, Parks cannot establish the elements of his defamation claim. Summary judgment should be granted in favor of PPS defendants.

MOTION

Pursuant to Federal Rule of Civil Procedure 56, PPS defendants move this Court for its order granting summary judgment in their favor and against Parks’s First Amended Complaint, docket number 7 (“Complaint”) in its entirety. The ground for this motion is that there is no genuine dispute as to any material fact and PPS defendants are entitled to judgment as a matter of law. PPS defendants’ motion is supported by the argument and authorities below and the Declaration of Karen M. Vickers and attached exhibits.

STANDARDS

Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56. The initial burden is for the moving party to point out the absence of any genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once that initial burden is satisfied, the burden shifts to the non-movant to demonstrate through the production of probative evidence that there remains an issue of fact to be tried. *Id.*

“Rule 56(c) mandates the entry of summary judgment, after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Id.* at 322. To defeat summary judgment, a non-moving party must do more “than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). Rather, “where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.” *Id.* at 587 (quotation marks omitted).

FACTUAL BACKGROUND

John Parks was the track coach at Lake Oswego High School during the 2024 track season. Complaint ¶ 3. Marshall Haskins was and is the Senior Director of Athletics, a position he has held for 14 years. Declaration of Karen M. Vickers¹, Ex. 1 (Haskins Depo 6:16-24). Haskins oversees the athletic programs for PPS students in sixth through twelfth grades. *Id.*

During the 2024 track season, AG, a transgender female student at McDaniel High School (a high school within PPS), competed in the 200-meter and 400-meter dashes. Per Oregon School Activities Association (“OSAA”) rules, AG competed against other female runners. Complaint ¶ 36. Parks disagreed (and disagrees) with allowing transgender female runners to compete against cisgender females. *See* Complaint ¶ 39; 40. Parks was particularly concerned about AG’s participation because Lake Oswego High School had a strong female 400-meter runner during the 2024 season and he wanted to see her succeed. Complaint, Exhibit 1.

¹ All deposition excerpts are attached as exhibits to the Vickers declaration.

Parks first learned that AG was a transgender athlete from a former PPS track coach named Ben Salisbury, at a meet during the 2024 track season. *See* Ex. 2 (Parks Depo 84:3-6); 84:22:85:2). At some point later in the season, Parks learned that Lake Oswego High School parents wanted to prevent AG from competing against cisgender female track athletes. As part of these efforts, he wanted to connect Lake Oswego High School parents with parents at other schools who might be interested in joining their cause. Parks asked Salisbury to reach out to PPS families on his behalf about this issue. Salisbury complied and reported back that the PPS families were not interested. Ex. 2 (Parks Depo 92:12-93:12); Ex. 3 (Vann Depo 25:10-27:20). In his own words, Parks was doing all he could do “to assist our parents like [LOHS athlete’s] mom get legal help & potentially seek an injunction.” Ex. 4 (Parks Depo Ex. 124).

Just prior to the 2024 OSAA Track and Field Championships (“State Championship”), Parks wrote to OSAA to express concerns about AG competing against Lake Oswego High School athletes during the state meet and to try to prevent AG’s participation. Complaint, Exhibit 1. Lake Oswego School District officials were clear with Parks that he was not to discuss the transgender participation issue during the meet in his role as Lake Oswego High School coach. Dkt. 15, Declaration of Chris Coleman ¶¶ 3-4.

At some point during the State Championship, Parks spoke with the Tualatin High School Coach about athletes potentially protesting the medal ceremonies of AG’s events. Following a preliminary heat of the 400-meters, Parks spoke with the mother of a runner on the Newberg High School track team. They discussed filing a protest and runners protesting the medal ceremony. Parks stated that he could not lead the protest but asked the parent to let him know if the Newberg runners planned to protest so he could share the information with Lake Oswego

High School runners, who, he told her, were also considering a protest. Ex. 2 (Parks Depo 59:10-65:5).

Immediately after this discussion, Parks encountered a female runner, EH, from Roosevelt High School. *Id.* Parks he told EH that some students were planning on protesting on the medal stand following the 400-meter final and that EH could do it too. Parks told EH that he could not be seen as leading the protest. *Id.*; Ex. 2 (Parks Depo 154:17-155:23; 157:15-158:15). EH's recollection of the interaction is different. According to EH, Parks called her name to get her attention and proceeded to discuss and advise EH of how to protest the medal ceremony. Exs. 5-6 (Williams Depo 35:21-36:20 & Depo Ex. 3).

EH immediately reported Parks' conduct to her coach, Roosevelt High School head track coach Jonquil Vann. *Id.*; Ex. 3 (Vann Depo 7:21-8:10; 41:5-11). EH and another PPS student, AJ, and their parents had previously reported to Vann that Parks had reached out to them through Salisbury asking them to join his fight against AG running in the State Championships. Ex. 3 (Vann Depo 25:10-27:20). Vann later relayed this information to her supervisors at Roosevelt, and the issue was ultimately elevated to Haskins. Ex. 3 (Vann Depo 43:8-48:4).

Lake Oswego High School athlete JD won the 400-meter final. AG finished second. Parks, as coach of the winning athlete, was tasked with handing out medals. This occurred very soon after the race itself. Parks had been fired up during the race; he was captured on audio shouting "how bad do you fucking want it" at JD. Ex. 2 (Parks Depo 66:13-67:20). A PPS parent reported that during the race, Parks shouted out referring to AG as a "dude." Ex 3 (Vann Depo 37:20-38:11). Parks's agitation continued as he waited to hand out the medals. He was standing next to Peter Weber and Kelly Foster from OSAA and engaged them in conversation

over transgender student participation. Ex. 2 (Parks Depo 87:12-89:7). Parks spoke to Foster about his view that allowing transgender athletes to compete “could not continue.” He was so animated that an OSAA volunteer stepped in and told Parks “that’s enough” to get him to stop. Ex. 2 (Parks Depo 167:23-168:16; 184:16-25); Ex. 7 (Foster Depo 35:7-36:24; 49:4-19).

Parks then handed out the medals. When he got to AG, he stopped and talked to her for longer than he spoke to any of the athletes. Ex. 7 (Foster Depo 37:10-38:14). AG reported to Foster that Parks told her something about her participation being “unfair.” *Id.* According to Parks, he stated, “I want to congratulate you on what you’re doing for transgender rights. Your efforts will make this better for everybody.” Ex. 2 (Parks Depo 68:3-20). Regardless of the specific words that were said, Parks understands how someone could have misinterpreted his comments. Ex. 2 (Parks Depo 177:2-22).

PPS Senior Director of Athletics Haskins attended the State Championships on the date of the 400-M and 200-M finals. *See* Ex. 2 (Haskins Depo 20:3-5). Foster alerted Haskins to the interaction between Parks and AG immediately after the medal ceremony, specifically that Parks had said something inappropriate to AG. Ex. 1 (Haskins Depo 21:21-23:16); Ex. 7 (Foster Depo 40:1-23). Foster also relayed that Parks had contacted OSAA prior to the meet to complain about AG’s participation. Ex. 1 (Haskins 45:9-46:1); Ex. 7 (Foster Depo 41:12-43:1). During their conversation, someone pointed out Parks to Haskins. Ex. 1 (Haskins Depo 24:13-20); Ex. 7 (Foster Depo 41:12-43:1). They noticed that Parks walked into the stands in the Lake Oswego High School section and was pointing down in the direction of AG and appearing to rile up the crowd in opposition to her. Ex. 1 (Haskins Depo 26:1-18). Haskins considered confronting Parks on the spot but ultimately thought better of it. *See id.* Foster suggested that Haskins

follow up with the athletic director at Lake Oswego High School regarding Parks. Ex. 9 (Foster Depo 43:12-44:8).

On May 21, 2024, Roosevelt High School track and field coach Jonquil Vann emailed Roosevelt Athletic Director Willie Williams about her team's concerns about how Parks treated them at the State Championship and beforehand. Exs. 5 and 8 (Williams Depo 26:23-29:5 & Depo Ex. 2). The students asked for support from PPS. *Id.* Thereafter, Haskins had conversations with the principal and athletic director at McDaniel High School, where AG attended, and at Roosevelt High School, where AH attended. He also spoke with track athletes, including EH, at Roosevelt High School. Ex. 1 (Haskins Depo 33:1-34:23; 35:8-37:2; 44:23-48:23); Ex. 3 (Vann Depo 51:7-52:15).

On May 24, 2024, Haskins submitted a written complaint to OSAA and Lake Oswego High School about Parks's conduct. His complaint was based on the discussions he had with PPS administrators, students, Foster, and his own observations. Haskins had no reason to doubt the information he was given, and filed a complaint so that the matter would be investigated. Ex. 1 (Haskins Depo 44:23-79:6; 82:17-83:3). Foster received and reviewed the email. She believes it is likely that Haskins relied, at least in part, on her statements as a basis for the complaint. And she believes the allegations contained therein substantially true. *See* Ex. 7 and 9 (Foster Depo 52:6-21; 55:22-69:17 & Depo Ex. 1). The Lake Oswego School District conducted an investigation. *See* Complaint ¶ 9. Following the school district's investigation, they decided not to bring Parks back to coach track. *See* Complaint ¶ 14.

ARGUMENT

Parks makes a single claim for defamation against Haskins. He alleges that Haskins’s May 24, 2024 letter/complaint was defamatory. Complaint ¶¶ 122-132. Parks also alleges that PPS is vicariously liable for Haskins’s statements.² *Id.* at 133-147.

To prevail on his defamation claim, Parks must prove that Haskins made defamatory statements about him and published those statements to a third party. *Neumann v. Liles (Neumann II)*, 358 Or. 706, 711 (2016). “A defamatory statement is one that would subject the plaintiff to hatred, contempt or ridicule or tend to diminish the esteem, respect, goodwill or confidence in which the plaintiff is held or to excite adverse, derogatory or unpleasant feelings against the plaintiff.” *Id.* (citation omitted).

Not all defamatory statements are actionable. Because Parks is a limited purpose public figure, he must prove that the claimed defamatory statements were made with actual malice. *Planet Aid, Inc. v. Reveal*, 44 F.4th 918, 924 (9th Cir. 2002). Truth is a complete defense to a defamation claim. Statements of opinion on a matter of public concern, even if defamatory are protected by the First Amendment. *See Neumann II*, 358 Or. at 712.

Moreover, Oregon law provides that otherwise-defamatory statements are shielded by either an absolute or conditional privilege. Absolute privilege applies to statements made by public officials acting “in the performance of [their] official duties.” *Shearer v. Lambert*, 274 Or. 449, 455 (1976). Oregon law also recognizes a qualified privilege for statements made in good faith to advance of a legally protected interest, even when those statements would otherwise be

² PPS admits that Haskins was acting in the course and scope of his employment with PPS when he sent the May 24, 2024 letter.

defamatory. *DeLong v. Yu Enterprises*, 334 Or. 166, 171 (2002).

Parks cannot establish a fact question on his defamation claim because: (1) the absolute privilege bars his defamation claim; (2) in the alternative, the qualified privilege shields PPS defendants from liability; (3) Haskins did not act with actual malice; (4) Haskins’s factual statements were true; and (5) Haskins’s remaining statements were expressions of opinion.

1. THE ABSOLUTE PRIVILEGE BARS PARKS’S DEFAMATION CLAIM.

The absolute privilege bars Parks’s defamation claim against PPS defendants in its entirety.

Oregon law recognizes an absolute privilege for statements made by public officials in the course of their official duties, on “the assumption that to permit suits against public officers would inhibit courageous and independent official action[.]” *Shearer*, 274 Or. at 452. “When defamatory matter is absolutely privileged no cause of action exists even though the defamatory matter is uttered maliciously, as well as falsely.” *Moore v. W. Lawn Mem’l Park, Inc.*, 266 Or. 244, 249 (1973).

In *Shearer*, the Court held that the absolute privilege applied to “lesser executive or administrative officers,” including, in that case, “the head of a department of a [public] university.” *Id.* at 454. The absolute privilege does not extend to “all public employees,” but the Oregon Supreme Court recently confirmed that it applies to “officers equivalent to the university department head in *Shearer*.” *Lowell v. Medford Sch. Dist. 549C*, 370 Or. 79, 91, 95-96 (2022).

Here, Haskins is the Senior Director of Athletics at PPS, a public school district. He oversees athletic programs for all of Oregon’s largest school district’s students in grades six

through twelve. Haskins is equivalent to the department head in *Shearer*. Additionally, Parks cannot dispute Haskins made the statements in the course and scope of his official duties. Indeed, Parks alleges that he did so. As Haskins explained, his job is to make sure that PPS athletes compete in safe environments. In his informed view, the situation with PPS track athletes had become unsafe and they requested support. Ex. 1 (Haskins Depo 81:19-82:9). It was Haskins's responsibility and he was authorized to communicate with others about Parks's behavior in an attempt to protect PPS students.

The absolute privilege completely bars Parks's defamation claim against Haskins and by extension, PPS. ORS 30.265(5) ("Every public body is immune from liability for any claim or injury to or death of any person or injury to property resulting from an act or omission of an...employee...of a public body when such...employee...is immune from liability.") Summary judgment should be granted in favor of PPS defendants.

2. ALTERNATIVELY, THE QUALIFIED PRIVILEGE BARS PARKS'S DEFAMATION CLAIM.

Oregon law recognizes that statements made in good faith (that is, without malicious intent) to promote a legally protected interest, even if defamatory, are subject to a qualified privilege against defamation claims. A statement is protected by the qualified privilege if "(1) it was made to protect the interests of defendants; (2) it was made to protect the interests of plaintiff's employer; or (3) it was on a subject of mutual concern to defendants and the persons to whom the statement was made." *Wattenburg v. United Med. Lab'ys, Inc.*, 269 Or. 377, 380 (1974). The privilege can only be overcome by a showing of "actual malice." *Christianson v. State*, 239 Or. App. 451, 459 (2010) (citation omitted).

Here, the qualified privilege applies because Haskins’s letter falls into categories one and three. His complaint about Parks was made to protect the interests of PPS students. The statements concerned a subject of mutual concern to PPS, OSAA, and the Lake Oswego School District, the persons with whom Haskins was communicating. Additionally, for the reasons stated in section 3.a.ii., *infra*, Haskins did not speak with actual malice. The qualified privilege therefore shields PPS defendants from liability, even if the Court finds that the absolute privilege does not apply.

3. PARKS CANNOT ESTABLISH A VIABLE DEFAMATION CLAIM ON THE MERITS.

a. Parks is a public figure who cannot establish actual malice.

The First Amendment mandates that public figures prove by clear and convincing evidence that allegedly defamatory statements were made with “actual malice,” meaning “with knowledge of [their] falsity or with reckless disregard for the truth. *Makaeff v. Trump Univ., LLC*, 715 F.3d 254, 265 (9th Cir. 2013). Parks is a public figure for purposes of this case, and the evidence does not show actual malice.

i. Parks is a limited-purpose public figure.

As this Court has already found, Parks is a “limited-purpose public figure,” because he voluntarily injected himself into the public controversy surrounding transgender students’ participation in athletics. *See Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351 (1974) (citing standards for limited purpose public figures). To safeguard robust public debate, “the First Amendment demands more stringent proof of wrongdoing when [public figures] sue their detractors.” *Flowers v. Carville*, 310 F.3d 1118, 1129 (9th Cir. 2002). Courts determining

whether a plaintiff is a limited-purpose public figure consider:

whether (i) a public controversy existed when the statements were made, (ii) whether the alleged defamation is related to the plaintiff's participation in the controversy, and (iii) whether the plaintiff voluntarily injected [him]self into the controversy for the purpose of influencing the controversy's ultimate resolution.

Makaeff, 715 F.3d at 266.

Here, this Court has already found that Parks is a limited-purpose public figure based on the allegations in his own Complaint. Dkt. 40, Findings & Recommendation ("F&R") at 12.

That is the law of this case. *U.S. v. Lummi Indian Tribe*, 235 F.3d 443, 452 (9th Cir. 2000).

Regardless, there is a public controversy involving transgender participation in athletics. Haskins's complaint is related to Parks's participation in this controversy. Finally, Parks voluntarily injected himself into the controversy for purposes of influencing the controversy's ultimate resolution by contacting OSAA, rallying other coaches and parents, contacting students, and contacting his local senator. Parks is a limited purpose public figure.

ii. Parks cannot establish actual malice.

Parks's status as a public figure means he must show that Haskins's statements were made with "actual malice." Actual malice "is a subjective standard testing the publisher's good faith belief in the truth of his or her statements." *United States Dist. Court v. Sandlin*, 12 F.3d 861, 867 (9th Cir. 1993) (citation omitted). To prove actual malice, a plaintiff must demonstrate that the defendant subjectively believed at the time of publication that the challenged statements were false or made them despite having a "high degree of awareness of their probable falsity." *Garrison v. Louisiana*, 379 U.S. 64, 74 (1964); *see also St. Amant v. Thompson*, 390 U.S. 727, 731 (1968).

“Mere negligence does not suffice.” *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 510 (1991). Actual malice “is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing.” *St. Amant*, 390 U.S. at 730-31. Instead, “[t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of [the] publication.” *Id.* Neither the “departure from reasonably prudent conduct,” nor a “failure to investigate” standing alone constitutes actual malice. *Harte-Hanks Commc’ns, Inc. v. Connaughton*, 491 U.S. 657, 667-688, 688 (1989).

Here, there is no evidence that would allow the Court to draw the reasonable inference that Haskins made his complaint with actual malice. Haskins had no reason to, nor did he doubt the truthfulness of the OSAA representatives, PPS coaches, parents, and students whose statements he relied upon when drafting his complaint. Ex. 1 (Haskins Depo 58:16-60:8). Parks cannot establish actual malice. His defamation claim fails.

b. The statements Parks challenges are true and/or are non-actionable statements of opinion.

Parks cannot establish the falsity of several of the challenged statements, rendering them non-defamatory as a matter of law. The remaining statements are non-actionable expressions of opinion.

To determine whether a statement is an expression of fact or opinion, the court considers “(1) whether the general tenor of the entire publication negates the impression that the defendant is asserting an objective fact; (2) whether the defendant used figurative or hyperbolic language that negates that impression; and (3) whether the statement in question is susceptible of being proved true or false.” *Neumann II*, 358 Or. at 719. The question is whether a reasonable fact finder could conclude that the statements “imply a false assertion of objective fact” rather than

the speaker's perspective. *Id.*

Parks cannot show that the statements Haskins's complaint letter are false statements of fact:

- *"Sent email [sic] to OSAA in an effort to stop our student from participating at the state track meet."*

This statement is true. In mid-May, Parks emailed OSAA expressing his opinion that PPS student AG should not participate in the state track meet against cisgender female runners. In fact, when Haskins's complaint came in, Parks wrote "Yes" to that allegation. Ex. 2 (Parks Depo 204:4-204:25). The truth of this statement is a complete defense.

- *"Coordinating phone calls with coaches to contact our families related to state tournament participation."; "Harassing our student athletes and their families prior and during the state tournament forcing them to participate in his personal agenda though [sic] calls, email and on site inquiries."; "Communicating with student athletes at the state tournament, recommending they not participate in medal presentation if our student won either the 200 M or 400 M race."*

These statements are also substantially true. Parks reached out to Salisbury, a former track coach at Roosevelt High School, and asked him to contact Roosevelt athletes to find out whether they were interested in participating in efforts by Lake Oswego High School parents to obtain an injunction to prohibit AG's participation at the state meet. At the state meet, Haskins spoke with EH about his athletes potentially protesting the medal ceremony and suggested that EH should participate as well. PPS students felt harassed and uncomfortable because of Parks's conduct.

- *Spoke "negatively to our transgender athlete on the podium at the presentation for the 200 M race."*

This statement is substantially true and/or a statement of opinion. There is no dispute that Haskins spoke with PPS student AG on the podium during the presentation of medals following

the 400-M race. Citing the wrong race does not transform the statement into defamation because the gist of Haskins’s allegation was true: Parks spoke negatively to a PPS student while the student was on the podium after a race. *See Masson v. New Yorker Magazine*, 501 U.S. 496, 516-17 (1991).

Parks understands that his comments to AG on the podium could be “misinterpreted” as negative. Of course they could: An adult man telling a minor student, whom the crowd is booing and who has just place second in a race, that their achievement will force a change in the rules, is negative. But regardless, Haskins’s statement is non-actionable opinion because it conveys his subjective judgment of Parks’s comment rather than a verifiable false statement of fact.

- *Riling up state tournament spectators in stands, including a large contingent from the Lake Oswego community to “boo” our student athlete during the medal presentation.*

This statement is also substantially true. Following a medal presentation, Parks – who was admittedly fired up – walked towards the Lake Oswego section in the stands. He appeared to be “riling up” spectators in opposition to AG. Ex. 1 (Haskins Depo 62:5-24).

- *“Parks, went out of his way to make a PPS African American Transgender track athlete feel unwelcome and discriminated against”; Parks’ “behaviors were premeditated, calculated and discriminatory in an effort to deny our student’s participation at the state tournament and deny our student’s participation at the state tournament and to create a hostile environment and shame our student”*

Haskins’s allegation that Parks “went out of his way” to make a PPS student “feel unwelcome and discriminated against” are true. They are also non-actionable because the statements express a subjective evaluation of Parks’ conduct rather than provably false factual statements. *See Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 18 (1990). Likewise, his allegations that Parks’s behaviors were “premeditated, calculated, and discriminatory” are non-

actionable because they express a subjective judgment about Parks’ motives, not verifiable fact.

See id.; *see also Dossett v. Ho-Chunk, Inc.*, 472 F. Supp. 3d 900, 914 (D. Or. 2020).

- *Parks’ actions “were in direct contradiction of TSPC standards of both an Competent Educator and Ethical Educator”; Parks was not “obeying or respecting the law.”*

The above statements are non-actionable opinion. *See Coastal Abstract Service, Inc. v. First American Title Ins. Co.*, 173 F.3d 725, 731 (9th Cir. 1999). Here, Haskins, a lay person, provided relevant authority and then asserted that certain of Parks’s conduct was in direct contradiction of TSPC standards and unlawful and that Parks was not obeying or respecting. His lay interpretation of the law was not a false statement of fact.

Parks’s defamation claim fails because Haskins’s statements are subject to the absolute and qualified privileges. Even if not, the claim fails on the merits because the complained of statements are true and non-actionable opinion.

CONCLUSION

Parks has sued his former employer for violating his First Amendment rights, while simultaneously suing PPS defendants for reporting and opining on the conduct that cost him his job. This is a striking contradiction and one that, thankfully, is not countenanced by Oregon law or the First Amendment. Summary judgment should be granted in favor of PPS defendants.

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DATED: February 3, 2026.

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s/ Karen M. Vickers

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