

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

**FIRST AMENDED
COMPLAINT FOR
DECLARATORY &
INJUNCTIVE RELIEF
AND MONETARY DAMAGES**

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiff John Parks is an experienced and distinguished track and field coach who has coached high school, college, professional, and Olympic athletes.

2. Most recently, Parks was the head track and field coach at Lake Oswego High School (“LOHS”), a public school located in Lake Oswego, Oregon.

3. LOHS is within the Lake Oswego School District (the “District”), which is overseen and governed by the Lake Oswego School Board (the “Board”).

4. In mid-May 2024, Parks sent an email-letter to the Oregon School Activities Association (“OSAA”), a non-profit organization that regulates high school athletics in Oregon.

5. In his letter to the OSAA in advance of the Oregon state track and field championship later in May, Parks expressed his personal opinion on OSAA’s policies regarding transgender athletic participation, based on his decades of experience as a track coach at the Olympic, college, and professional ranks.

6. In Parks’s view, as he expressed in his letter, OSAA’s current policies on transgender athletes—particularly those that relate to athletes born as biological males who are allowed to compete as females—were flawed and posed a threat to the ongoing existence and integrity of female athletics.

7. Specifically, Parks suggested in his letter an “open” division in which transgender athletes could participate against each other. Parks noted that he believed that the open division could be a solution to the transgender athletic public debate, and would allow transgender athletes to compete in their own division while also preserving the integrity of female athletic competition.

8. He further noted in his letter that he fully supported transgender athletes competing and participating in an open division and shared that he has two transgender extended family members.

9. Shortly after sending his letter to the OSAA, officials with LOHS, the District, and Board commenced an investigation against Parks for expressing his personal views on OSAA’s transgender athletic policies.

10. The investigation was prompted in part by a complaint filed with Lake Oswego School District and a letter sent on May 24th by Marshall Haskins, the Senior Director of Athletics for Portland Public Schools (“PPS”) and Diversity, Equity and Inclusion Committee Representative for OSAA.

11. The letter was sent to Larry Ramirez, Director of High School Education in the Salem-Keizer School District, and Louis Bailey, Executive Director of Secondary Programs at Lake Oswego School District.

12. Haskins stated in his letter that he was writing “[a]s a representative of Senior leadership for Portland Public Schools and as a member of the OSAA Executive board, who has been appointed as the state representative for Equity, Diversity, and Inclusion.”

13. Haskins’s letter contained patently false allegations about John Parks’s actions which Haskins had reason to know and should have known were untrue.

14. Later in June, before the end of the LOHS school year, officials informed Coach Parks that he was being terminated from his coaching and teaching positions at LOHS based on his letter that he sent to the OSAA.

15. In terminating Parks for expressing his private and personal views on transgender athletes participating against female athletes, the District and Board engaged in an unlawful retaliatory termination, depriving Coach Parks of his First Amendment free speech rights.

16. This lawsuit seeks to vindicate Coach Parks's Free Speech and Due Process rights under the First and Fourteenth Amendments of the U.S. Constitution.

17. In writing a letter to OSAA Executive Directors and filing a complaint with Lake Oswego School District containing several false allegations made with actual malice, Marshall Haskins defamed John Parks.

18. Haskins's letter was explicitly written in his capacity as a representative of OSAA and PPS, rendering them liable under ORS § 30.265.

19. This lawsuit also seeks compensatory damages for common law defamation against Marshall Haskins, PPS, and OSAA.

PARTIES

20. Plaintiff John Parks is the former head coach of track and field, the former head coach of cross-country, and a former teaching assistant at Lake Oswego High School. He lives in West Linn, Oregon, in Clackamas County.

21. Defendant Lake Oswego School District is a school district located in Lake Oswego in Clackamas County.

22. Defendant Lake Oswego School Board is the elected governing body that oversees and promulgates policies for the District and LOHS.¹

¹ See <https://www.losdschools.org/lake-oswego-school-board>.

23. Defendant Oregon School Activities Association is a non-profit, board-governed organization that regulates high school athletics and competitive activities in the state of Oregon.

24. Defendant Portland Public Schools is a public school district located in Portland, Oregon.

25. Defendant Marshall Haskins is the Senior Director of Athletics for Portland Public Schools and Diversity, Equity and Inclusion Committee Representative for OSAA.

JURISDICTION AND VENUE

26. The Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367. This case raises federal claims arising under 42 U.S.C. § 1983 and the First and Fourteenth Amendments of the U.S. Constitution. Plaintiff brings his claims for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, Federal Rules of Civil Procedure 57 and 65, and the general legal and equitable powers of this Court.

27. The Court has jurisdiction under 28 U.S.C. §§ 1367 over the Plaintiff's common law claims of defamation and governmental liability under ORS § 30.265.

28. Venue is proper in this Court because all Defendants have their offices located in the District of Oregon, 28 U.S.C. § 1391(b)(1), and a substantial part of the events and omissions giving rise to the claims occurred in Clackamas County in the Portland Division, 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

The Board’s Policy on Nondiscrimination and Bullying

29. The Board promulgates and publishes policy for the District and LOHS.²

30. The Board’s policy on nondiscrimination, “AC—Nondiscrimination,” adopted in 2008 and readopted in 2015, 2017, and 2022,³ states:

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to . . . sex, sexual orientation, gender identity

31. The Board’s policy on harassment and intimidation, entitled “GBNA—Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying—Staff,” adopted in 2009, and readopted or revised in 2010, 2013, 2015, 2016, and 2019,⁴ states:

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by staff, students, or third parties is strictly prohibited and shall not be tolerated in the district Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal.

² See <https://www.losdschools.org/lake-oswego-school-board/losd-policies>.

³ See <https://www.losdschools.org/lake-oswego-school-board/losd-policies/losd-policies-details-2/~board/policies/post/nondiscrimination>.

⁴ See <https://www.losdschools.org/lake-oswego-school-board/losd-policies/losd-policies-details-2/~board/policies/post/gbna-ar-hazing-harassment-intimidation-bullying-menacing-or-cyberbullying-reporting-procedures-staff>.

32. The Board’s policy on nondiscrimination makes it clear that it prohibits discrimination, “on any basis protected by law.”

33. A staff member’s expression of concern for the welfare of both transgender and non-transgender athletes in a letter to a third party and conversations with third parties does not constitute discrimination prohibited by law.

34. The Board’s policy on hazing and harassment, even construed liberally, would not preclude conversations, emails, and letters by staff to third parties where the primary concern is the welfare of all student athletes.

Parks’s Communication with OSAA and its “Asserted Gender” Policies

35. OSAA’s policy on Gender Identity Participation is contained within OSAA’s 2023-2024 Handbook, which may be found on its public website.⁵

36. The OSAA policy “allow[s] students to participate for the athletic or activity program of their consistently asserted gender identity while providing a fair and safe environment for all students.”⁶

37. In other words, a student athlete may participate in either the boys or girls division based on the gender the student “asserts.”

38. In mid-May on his own time away from his duties at LOHS, Parks sent an email-letter to Peter Weber, Executive Director of OSAA and Kelly Foster,

⁵ See chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://osaa.org/docs/handbooks/osaa-handbook.pdf at p. 80-82, ¶ 32.

⁶ *Id.* at p. 80.

OSAA Assistant Executive Director, expressing his personal opinion on the potential creation of a separate track league or “open” division for transgender athletes. Attached as **Exhibit 1** is a true and correct copy of the letter.

39. In the letter, Parks opined that the inconsistency between OSAA policies allowing certain transgender women born as biological males, such as a specific athlete attending the Portland Public Schools, to compete against biological women contravened the International Olympic Committee standards and other athletic organizations’ standards and rules.

40. He further stated that the OSAA’s “asserted gender” policy placed too much national media attention on transgender athletes, and overall he expressed concern for all track athletes, transgender and non-transgender alike.

41. On July 2, 2024, OSAA Executive Director Weber confirmed in an email to Fox News Correspondent Dan Springer that, “The email that John Parks sent our office didn’t violate either the Gender Identity Participation policy or Rule 3 in our Handbook.” Attached as **Exhibit 2** is a true and correct copy of Weber’s email.

42. Moreover, although he was not required to do so, Parks advised his principal and athletic director of his **Exhibit 1** letter to the OSAA, and they did not object.

43. Parks sent the letter as a private citizen to express his opinion based on his decades-long experience as a track and field coach.

44. Parks spoke out in his letter on a matter of public concern and importance: whether transgender athletes born as biological males should compete against athletes born as biological females in athletic competitions.

45. Coach Parks's official duties at LOHS did not require him to communicate with OSAA officials to recommend proposed changes in policies.

Marshall Haskins's Letter and Complaint Against Parks

46. On May 24, 2024, Marshall Haskins, OSAA representative on Diversity, Equity and Inclusion, and District Athletic Director at Portland Public Schools, wrote a letter about Parks to Larry Ramirez, Director of High School Education in the Salem-Keizer School District, and Louis Bailey, Executive Director of Secondary Programs at Lake Oswego School District.

47. In his letter, Haskins represented that he was writing, "As a representative of Senior leadership for Portland Public Schools and as a member of the OSAA Executive Board."

48. Haskins described Parks's email to OSAA and his actions "throughout the 23-24 track season and at the OSAA 6A State Championships" as "premeditated, calculated and discriminatory in an effort to deny our [transgender] student's participation at the state tournament and to create a hostile environment to shame our student." Attached as **Exhibit 3** is a true and correct copy of Haskins's letter.

49. Haskins's **Exhibit 3** letter listed eight examples of what he claimed were Parks's "harassing discriminatory behavior" (quoted verbatim here):

- A. Sent an email to OSAA in an effort to stop our student from participating at the state track meet.
- B. Contacted coaches from other schools prior to the state tournament asking them to submit letters, emails, and call OSAA office to deny our student an opportunity to participate in the OSAA state tournament.
- C. Contacted coaches from other schools telling them to boycott medal presentation at state tournament.
- D. Coordinating phone calls with coaches to contact our families of student athletes related to the state tournament participation.
- E. Harassing our student athletes and their families prior and during the state tournament, forcing them to participate in his personal agenda through calls, email and on-site inquiries.
- F. Speaking negatively to our transgender student athlete on the podium at the medal presentation for the 200 M race.
- G. 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.
- H. 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.

50. These allegations in Haskin’s letter were false.

51. On the same day Haskins sent the letter to Ramirez and Bailey,

Haskins also filed a complaint with Lake Oswego School District alleging that Parks violated the Lake Oswego School District Policy “AC-Nondiscrimination” by discriminating against a McDaniel High School transgender athlete.

The District's Investigation and Termination

52. On June 12, 2024, Kristen Colyer, Principal of Lake Oswego High School, sent a letter to Parks stating that, following an investigation from Haskins's complaint, there was a preponderance of the evidence that Parks violated the Board's AC-Nondiscrimination and "JFCF—Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence" policies. Attached as **Exhibit 4** is a true and correct copy of Colyer's letter.

53. There is no "JFCF" policy listed in the Lake Oswego School District policy page, only a "GBNA" policy with the same name.

54. Principal Colyer sent another letter to Parks terminating his employment at LOHS. Attached as **Exhibit 5** is a true and correct copy of Colyer's second letter.

55. A reasonable person of ordinary firmness in Parks's position would refrain from speaking out in the future on transgender athletic participation as a result of the District, LOHS, and Board's (1) investigation and (2) eventual termination of Parks and non-renewal of his contract.

56. On June 25, 2024, Parks appealed the findings of the investigation and the termination of his contract by denying all factual allegation found by LOHS except for the fact he sent a letter on May 15 to OSAA officials regarding his opinion on OSAA's policy on transgender participation. Attached as **Exhibit 6** is Parks's appeal letter.

57. In addition to sending a letter to the OSAA, Parks also sent a letter as a private citizen to Oregon State Senator Rob Wagner, attached hereto as **Exhibit 7**.

58. In his letter to senator Wagner, Parks expressed his opinion on transgender athletic eligibility.

59. Later, Principal Colyer verbally advised Parks that “he had no right to send the letter to Senator Wagner,” and it was “illegal” for him to do so.

60. A reasonable person of ordinary firmness in Parks’s position would refrain from sending elected representatives letters in the future to speak out on transgender athletic participation as a result of Principal Colyer’s verbal comments to Parks.

Coach Parks’s Injury

61. Parks has coached 9 Olympic and World Championship medalists and 16 NFL football players in his storied coaching career. He has coached at least one participant in the U.S. Olympic Track and Field Trials each meet since 1988. Attached as **Exhibit 8** is a copy of his resume.

62. Parks was the head track and field and cross-country coach and a special education teaching assistant for the 2023-2024 season and for the foreseeable future at LOHS.

63. The termination and revocation of Parks’s coaching and teaching contract caused economic injury and prevented him from assisting students and athletes he has worked with through previous seasons and school years.

64. The investigation and termination of Parks's contract was based on his letter that he sent to the OSAA and the complaint filed by Marshall Haskins.

65. And his letter that he sent to Senator Wagner factored into his termination based upon Principal Colyer's verbal comments to him.

66. The investigation by the District did not provide Parks with the evidence that allegedly supported the District's finding.

67. No name-clearing hearing was provided Parks.

68. Derogatory and false statements about his conduct were placed in his personnel file.

69. But for his letter to the OSAA, and Haskins's complaint, he would still be a teacher and coach at LOHS.

70. The District and Board have provided no protection or due process for Parks to protect his liberty interest in his good name and reputation, and his property interest in maintaining future employment with LOHS. Nor did the District provide him with evidence regarding his alleged violation of policies.

71. Since his contract was terminated, Parks has applied to return to both his cross-country and track and field positions, which the District opened up to anyone. But the District denied his applications.

72. Upon information and belief, the LOHS head track and field coaching position has yet to be filled and is posted online seeking applicants.

73. Parks has also been denied his special education teaching assistant position, for which he also applied.

74. Parks did not violate any Board or District policies, or even the broader OSAA policies on discrimination.

75. The letter and complaint made by Marshall Haskins were part of the primary causes of the investigation and dismissal of Parks from his position at LOHS.

76. The investigation of Parks and his subsequent dismissal from LOHS therefore can only be categorized as retaliatory adverse actions arising from his letter to OSAA and the exercise of his free speech rights.

77. Parks's letter to OSAA did not cause any disruption at LOHS of the normal and usual school functions.

78. Parks's dismissal from LOHS can also be categorized as a retaliatory adverse action arising from his letter to Senator Wagner and the exercise of his free speech rights.

79. Parks's letter did not cause any disruption at LOHS of the normal and usual school functions.

80. Defendants Portland Public Schools, and Oregon School Activities Association were properly notified under ORS § 30.275. Attached as **Exhibit 9** are the Notification Letters.

81. Pursuant to LR 15-1, attached as **Exhibit 10** is a highlighted version of the original complaint.

CLAIMS FOR RELIEF

COUNT ONE

**(Against Lake Oswego School District
and Lake Oswego School Board)**

42 U.S.C. § 1983 – First Amendment Retaliation

82. Parks incorporates the preceding paragraphs by reference.

83. In *Pickering v. Bd. Of Educ.*, 391 U.S. 563, 574 (1968), the U.S. Supreme Court held that, “absent proof of false statements knowingly or recklessly made by him, a teacher’s exercise of his right to speak on issues of public importance may not furnish the basis for his dismissal from public employment.”

84. Specifically, in that case the Court held that a teacher's letter to a local newspaper about a school’s budget and resources devoted to the athletic programs was a matter of public concern. *Id.*, at 571.

85. *Pickering* requires courts to balance the interests of the employee, as a citizen, in commenting on matters of public concern against the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees. *Id.*, at 568.

86. Further, the “non-renewal of a nontenured public school teacher's one-year contract may not be predicated on his exercise of First and Fourteenth Amendment rights.” *Branti v. Finkel*, 445 U.S. 507, 515 (1980).

87. Here, at all relevant points Parks was engaged via his letter to the OSAA in speaking on a matter of public concern and not engaged in speech,

“ordinarily within the scope” of his duties as a coach and teacher at LOHS. *Lane v. Franks*, 573 U.S. 228, 240 (2014).

88. Parks was also not speaking according to a government policy nor was he intending to convey a government created message on behalf of LOHS, the District, or Board. See *Id.*

89. The adverse actions against him by the District and Board’s investigation and eventual termination and non-renewal of his contract would cause a reasonable person of ordinary firmness from not exercising in the future his protected right to speak out on a matter of public concern as a private citizen.

90. Parks did not violate any of the District or Board’s policies with his letter to the OSAA.

91. Nor did his letter violate OSAA’s policies as confirmed by the OSAA Executive Director Weber.

92. Further, his letter to Senator Wagner as a private citizens speaking out on a matter of public concern was likewise protected by the First Amendment.

93. Because the District and Board deprived Parks of his First Amendment right to free speech, he is entitled to a preliminary and permanent injunction ordering the District and Board to remove the derogatory comments related to the investigation and termination from his employment record and personnel file.

94. He is further entitled to a preliminary and permanent injunction ordering the District and Board to restore him to his position as head coach of the track and field and cross-country teams and to his special education teacher assistant position.

95. Parks is further entitled to a declaratory judgment declaring that the District and Board violated his First Amendment free speech rights under the *Pickering* framework.

96. Parks is also entitled to monetary damages against the District and Board for the deprivation of his First Amendment free speech rights.

COUNT TWO
(Against Lake Oswego School District
and Lake Oswego School Board)
42 U.S.C. § 1983 – Fourteenth Amendment Procedural Due Process

97. Parks incorporates the preceding paragraphs by reference.

98. The Fourteenth Amendment guarantees that no State shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1.

99. Procedural due process under the Fourteenth Amendment requires that, “when a State seeks to terminate an interest . . . it must afford notice and an opportunity for hearing appropriate to the nature of the case before the termination becomes effective.” *Bell v. Burson*, 402 U.S. 535, 542 (1971).

100. In order for the Fourteenth Amendment procedural due process requirements to apply, the interest being deprived must involve life, liberty, or property.

101. A property interest in a benefit requires more than an abstract need or desire and more than a unilateral expectation. Instead, there must be a legitimate claim of entitlement to it. *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 756 (2005).

102. The Supreme Court further articulated that “[a] person's interest in a benefit is a ‘property’ interest for due process purposes if there are such rules or mutually explicit understandings that support his claim of entitlement to the benefit and that he may invoke at a hearing.” *Perry v. Sindermann*, 408 U.S. 593, 601 (1972).

103. Here, Parks had a protected property interest in continued employment due to a mutually explicit understanding that coaches would be routinely rehired as he had in the past.

104. Here, Parks had a protected property interest in continued employment due to a mutually explicit understanding that coaches would be routinely rehired as he had in the past.

105. As Parks noted in his appeal letter, the investigation into him falsely stated that his coaching contract required yearly applications, but that such applications were not required prior to the 2024 track season and are not required for any other coaches at LOHS.

106. Despite this, Parks still applied to his open track and field, cross-country, and teacher assistant positions and was denied those positions, even though he is well qualified.

107. Because LOHS has never before required Parks or coaches for any sport, including track and cross country, to apply yearly, there was a mutually explicit understanding that Parks would enjoy continued employment in his coaching and teaching positions at LOHS.

108. Moreover, a person has a protected liberty interest in his good name, reputation, honor, or integrity because of what the government is doing to him in which case, “notice and an opportunity to be heard are essential.” *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971).

109. Therefore, Parks has a protected liberty interest because his honor and integrity are at stake.

110. The false allegations that Parks engaged in discrimination as a result of his letter to the OSAA impinges on his good name, reputation, honor, and integrity.

111. Falsely claiming Coach Parks acted in a discriminatory manner when he made all efforts to comply with the OSAA’s own policies besmirches his reputation and character as a highly accomplished and elite track and field coach and a compassionate coach and teacher.

112. This contravenes that character shown by Parks in the treatment of his own transgender athletes at LOHS, and the concern mentioned in his letter to OSAA officials.

113. Because Parks has both a protected property interest in continual employment at LOHS and a liberty interest in protecting his good name,

reputation, honor, and integrity, he was entitled to procedural due process, including notice, a name clearing hearing, and a meaningful opportunity to respond to the false allegations levied against him, prior to the investigation and termination becoming effective.

114. For example, Parks was presented with no evidence that he communicated with student athletes to recommend they not participate in the medal ceremony in the transgender student won.

115. Without giving Parks the evidence to which he could respond, the chance of erroneous deprivation of his interest was extremely high. Lacking such information, Parks did not have notice and an opportunity to be heard on the false allegations levied against him.

116. The fiscal and administrative burdens on the District and Board to give Parks the evidence to which he could respond would be exceptionally low.

117. Because the District and Board deprived Parks of his Due Process rights under the Fourteenth Amendment, he is entitled to a preliminary and permanent injunction ordering the District and Board to remove the derogatory comments related to the investigation and termination from his employment record and personnel file.

118. He is further entitled to a preliminary and permanent injunction ordering the District and Board to restore him to his position as head coach of the track and field and cross-country teams and to his special education teacher assistant position.

119. Parks is further entitled to a declaratory judgment declaring that the District and Board violated his Fourteenth Amendment Due Process rights.

120. Parks is also entitled to monetary damages against the District and Board for the deprivation of his Fourteenth Amendment Due Process rights.

COUNT THREE

(Against Marshall Haskins)

Common Law Defamation - Marshall Haskins' letter and complaint were libelous statements made with negligence as to their truth or falsity.

121. John Parks incorporates the preceding paragraphs by reference.

122. To establish a common law defamation claim in Oregon, a private individual must prove three elements: the making of a defamatory statement; the publication of that statement; and, unless the statement is defamatory per se, resulting special harm. *Wingard v. Or. Family Council, Inc.*, 290 Ore. App 518 (Or. Ct. App., 2018).

123. A statement is considered published when it is communicated to a third party. *Downs v. Waremart, Inc.*, 324 Ore. 307, 311 (1996); *Wallulis v. Dymowski*, 323 Ore. 337 (1996).

124. "Libel, that is, defamation by written or printed words, is actionable per se." *Neumann v. Liles*, 358 Ore. 706, 712 (2016).

125. In cases involving private individuals, the plaintiff must prove that the defendant acted negligently in determining whether the defamatory statement was true or false. *Bank of Oregon v. Independent News*, 65 Ore. App. 29 (1983).

126. Haskins's letter and complaint were both publications because they were made to third parties, namely OSAA Executive Directors Ramirez and Bailey and Lake Oswego School District, respectively.

127. Haskins's letter and complaint were further made with negligence as to whether his statements were true or false.

128. Haskins's letter and complaint made allegations about John Parks that were demonstrably incorrect, such as their statements John Parks talked to transgender athletes during the meet's medal ceremonies, and that he riled up the crowd at the meet to boo transgender athletes.

129. Even the investigation into John Parks by Lake Oswego School District concluded that these accusations by Haskins were incorrect.

130. Marshall Haskins' letter to OSAA Directors and the complaint filed were written words, thereby making them libel and actionable per se. See *Neumann*, at 712.

131. Since Haskins's letter and complaint were defamatory per se and made with negligence as to their truth or falsity, John Parks is entitled to compensatory damages against Haskins.

132. Haskins received proper notice of this complaint under ORS § 30.260.

COUNT FOUR

(Against Portland Public Schools and Oregon School Activities Association)

Liability for Haskins' Actions Under ORS § 30.265 – Haskins represented he wrote his defamatory letter in his representative capacity for PPS and OSAA, rendering PPS and OSAA liable under ORS § 30.265.

133. John Parks incorporates the preceding paragraphs by reference.

134. Under ORS § 30.265, “every public body is subject to civil action for its torts and those of its officers, employees and agents acting within the scope of their employment or duties.”

135. Under *S.V. v. Sherwood Sch. Dist.*, 254 F.3d 877 (9th Cir. 2001), a school district is a “public body” within the scope of ORS § 30.260.

136. Therefore, PPS is a public body within the meaning of ORS § 30.265.

137. Under *Brentwood Acad. v. Tenn. Secondary Sch. Ath. Ass’n.*, 531 U.S. 288, 298 (2001), an athletic association can be considered a state actor.

138. State action exists with respect to an athletic association when “[t]he nominally private character of the Association is overborne by the pervasive entwinement of public institutions and public officials in its compositions and workings, and there is no substantial reason to claim unfairness in applying constitutional standards to it.” *Id.*

139. Here, 299 schools in Oregon belong to OSAA.

140. Further, under Article 4 of the OSAA handbook, a member of the OSAA delegate assembly must have been “employed at a 0.49 FTE level or greater position that has at least some responsibility for secondary education

and is at least equal in rank to the position of high school assistant principal at a school district of a full member school, or at a high school which is a full member of the Association.”

141. The same standards as in Article 4 for the delegate assembly apply for members of the Executive Board under Article 5.2.

142. Therefore, OSAA falls within the scope of ORS § 30.265.

143. Marshall Haskins represented in his letter that he was writing “as a representative of Senior leadership for Portland Public Schools and as a member of the OSAA Executive Board.”

144. Haskins was therefore working within the scope of his duties for PPS and OSAA when he wrote the letter.

145. PPS and OSAA are therefore liable for Haskins’ common law defamation under ORS § 30.265.

146. Since Haskins’ defamatory letter and complaint were published with negligence as to the truth or falsity of the statements therein, John Parks is entitled to compensatory damages against OSAA and PPS.

147. OSAA and PPS received proper notice of this complaint under ORS § 30.260.

PRAYER FOR RELIEF

Plaintiff John Parks respectfully requests that this Court provide the following relief:

A. Under Counts I and II, preliminary and permanent injunctions ordering the District and Board to remove the derogatory comments related to the investigation and termination from his employment record and personnel file;

B. Under Counts I and II, a preliminary and permanent injunction ordering the District and Board to restore him to his position at LOHS as head coach of the track and field and cross-country teams and to his special education teacher assistant position;

C. Under Counts I and II, a declaratory judgment declaring that the District and Board violated his rights under the First and Fourteenth Amendments;

D. Under Counts I and II, monetary damages against the District and Board in an amount to be determined at trial;

E. Under Counts III and IV, compensatory damages in an amount to be determined at trial against Marshall Haskins, PPS, and OSAA.

F. A jury to be empaneled;

G. Attorney's fees and costs as a prevailing party under Counts I and II pursuant to 42 U.S.C. § 1988; and

H. All further relief that the Court deems just, proper, or equitable.

Dated: October 7, 2024

Respectfully submitted,

s/ Luke D. Miller

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Attorneys for Plaintiff John Parks

CERTIFICATE OF SERVICE

I certify that the foregoing document and attachments were 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. Moreover, I certify that the foregoing document and attachments were served via electronic mail upon counsel for the Lake Oswego Defendants:

Taylor B. Lewis
Hart Wagner LLP
1000 SW Broadway, 20th Floor
Portland, Oregon 97205
TBL@hartwagner.com

Counsel for Lake Oswego Defendants

The 7th day of October 2024.

s/ Luke D. Miller
Luke D. Miller

Exhibit 1

Sent: Wednesday, May 15, 2024 1:31 AM
To: peterw@osaa.org <peterw@osaa.org>
Cc: Kelly Foster <kellyf@osaa.org>
Subject: OSAA policy on transgender athletes ramifications

Peter,

I am writing first as the Lake Oswego HS head track coach but secondarily as coach in the sport at Olympic, NCAA and professional ranks for decades prior to my current position. The impending competition of a high level transgender athlete for McDaniel HS has placed the OSAA policy in national and world eyes and is going to serve as a major distraction for all the athletes attending to compete and celebrate the culmination of their sport. The current policy has major flaws that are inviting the discrediting of the entire existence and value of female athletics. Personally, it will impact my athletes in the 400 meters directly and play a role in who qualifies for finals and is awarded team trophies.

Having watched the McDaniel athlete at the Sherwood Invitational and Dean Nice Invitational I can assure you that this athlete has significant improvement to gain and could do so quickly enough to win not just the 200 meters they are state leader in but the 400 meters where my 2-time defending state champion Josie Donelson looks to lower her personal best which is a state record that she broke earlier this year that had stood for 20 years. Many coaches observing have felt the McDaniel athlete has been holding back, fearing that running too fast will bring a reversal in the rule. Being only a second off my athlete who ranks 7th in the nation in HS in the 400 meters is inviting heightened national attention to the issue. In the PIL district meet the athlete competing caused the other top athletes to lose focus and break down technically, physically and emotionally. The damage to all the natural born female competitors is real and devastating. I coached professionally when Caster Semenya was competing legally for 3 years as an intersex athlete before scientific studies proved the obvious and her and 3 other world-level intersex athletes were forced to consume hormone therapy drugs in able to compete. Once they did they were not competitive. But until then for 3 years my athletes and others had to compete with these athletes and it caused more injuries or eventually more athletes to exit the sport in exasperation and frustration at competing in an uneven playing surface. That is the case with the McDaniel athlete. You are robbing these girls of a podium spot, a spot in the finals, altering race plans and making all the female athletes question why are their rights being ignored? Its plainly clear to every track coach in the Portland metro area I have spoken with that by next year if allowed this athlete will break Mia Brahe-Pedersen's state records and her NFHS national record. Allowing this travesty to be carried out is making a complete mockery of the meet this weekend and in the future until the rules are altered to protect natural born females.

If Josie runs an Olympic Trials performance as is possible but the McDaniel athlete also does so, then Josie can go to the Olympic Trials but the McDaniel athlete is ineligible due to IOC and WA and USATF regulations. The existence of this world-wide policy is based on scientific evidence that also exists for teen athletes. [USATF Statement Regarding Transgender/Transsexual Policy |](#)

[USA Track & Field](#). This addresses the overriding concern when conflicting individuals' rights are being considered. [Transgender track athletes can't compete with women: World Athletics Council : NPR](#)

(Edit note: Original letter had my commenting on 2 transgender athletes on my team but to not bring added focus to them I am omitting this brief comment)The policy is subjecting these adolescent children to too much politicization of their competition. When the McDaniel athlete wins the condemnation by the vast majority of media is going to overwhelm all other aspects of the meet for not just 6A girls in the 200 and 400 but for all athletes at the meet. This weekend's meet is going to be the focus of US and international media only because of the failure of the OSAA to consider in their competition rules the impact on natural born girls.

The OSAA already has state meet events for para athletes in wheelchair and Unified competition. The solution to trans athletes is to have an open category like a gender neutral bathroom. Allows competition opportunities but doesn't make a mockery of the reason females compete in their own category. As a social studies educator for 30 years I 100% support transgender students in every educational, academic and societal situation except in athletics where their bodies have a major physical and hormonal advantage. The McDaniel athlete admitted a month ago in a newstory that they wanted to take the hormone adjusting drugs so they didn't have this advantage. When the individual is admitting this then it's the administrators that are failing. I have 2 trans extended family members and neither support male to female trans athletes competing in female divisions because they said it draws only negative attention to the trans community, alienating too many in society they wish to gain the support of in other transgender legal efforts.

Friday in the 200 and 400 a 9th athlete should be advanced to the final should in the future the rules be altered to disallow trans athletes from competing so as to allow no female athlete to suffer from this erroneous decision any more than is possible. There will be shining moments crossing finish lines and standing atop podiums that will be forever lost however, even if retroactively the natural born female athlete are later given their proper medals. They will never get back the moments they earned.

Sincerely,

John Parks
Lake Oswego HS

Exhibit 2

From: Peter Weber <peterw@osaa.org>

Sent: Tuesday, July 2, 2024 8:34 PM

To: Springer, Dan <Dan.Springer@FOX.COM>; Steve Walker <steve@osaa.org>

Subject: [EXTERNAL] RE: Transgender Policy: Fox News Inquiry

Thanks Dan. The email that John Parks sent our office didn't violate either the Gender Identity Participation policy or Rule 3 in our Handbook. The OSAA shared his email with the school's athletic department shortly after it had been received in mid-May, as we typically loop in a school's athletic director when a coach reaches out to our office directly. We became aware of an investigation when contacted by Lake Oswego HS in late May/early June.

Be well,

Peter



PETER WEBER

EXECUTIVE DIRECTOR

☎ 503.682.6722 X231

[PETERW@OSAA.ORG](mailto:peterw@osaa.org)



25200 SW PARKWAY AVE. STE. 1, WILSONVILLE, OR 97070

From: Springer, Dan <Dan.Springer@FOX.COM>

Sent: Tuesday, July 2, 2024 2:10 PM

To: Peter Weber <peterw@osaa.org>; Steve Walker <steve@osaa.org>

Subject: RE: Transgender Policy: Fox News Inquiry

Peter,

In your opinion, did John Parks' letter/email to you regarding his desire to see changes to the transgender participation policy violate either of these highlighted OSAA policies? Did you share his letter to you with officials at Lake Oswego HS? Were you aware that John Parks was under investigation at Lake Oswego HS for possible violations of school policy?

Thanks,

Dan

From: Peter Weber <peterw@osaa.org>
Sent: Tuesday, July 2, 2024 3:11 PM
To: Springer, Dan <Dan.Springer@FOX.COM>; Steve Walker <stevew@osaa.org>
Subject: [EXTERNAL] RE: Transgender Policy: Fox News Inquiry

Thanks Dan. Out of the office at a conference and vacation, sorry for the delay in responding.

Here is a link to the OSAA's Gender Identity Participation policy:
<https://www.osaa.org/docs/handbooks/osaahandbook.pdf#page=80>.

We have no new rules prohibiting criticism of any OSAA policy. We do have rules regarding sportsmanship and spectator conduct in our Handbook that were updated back in 2019 following legislative directives that required procedures for addressing harassment and intimidation at interscholastic contests (HB 3409):
<https://www.osaa.org/docs/handbooks/osaahandbook.pdf#page=30>. The STAR initiative was introduced following that legislation taking effect. Public address announcements promoting the STAR initiative are read at nearly all high school events in Oregon, regular season and state championships.

Let me know if you have other questions.

Be well,

Peter



PETER WEBER

EXECUTIVE DIRECTOR

☎ 503.682.6722 X231

[PETERW@OSAA.ORG](mailto:peterw@osaa.org)



25200 SW PARKWAY AVE. STE. 1, WILSONVILLE, OR 97070

From: Springer, Dan <Dan.Springer@FOX.COM>
Sent: Tuesday, July 2, 2024 11:14 AM
To: Steve Walker <steview@osaa.org>
Cc: Peter Weber <peterw@osaa.org>
Subject: RE: Transgender Policy: Fox News Inquiry

Peter,

If you have replied I missed it. I have since obtained the letter John Parks sent to you on May 15 regarding the OSAA policy on transgender athletes. I need to discuss for my story.

Thanks,

Dan

From: Steve Walker <steview@osaa.org>
Sent: Monday, July 1, 2024 2:34 PM
To: Springer, Dan <Dan.Springer@FOX.COM>
Cc: Peter Weber <peterw@osaa.org>
Subject: [EXTERNAL] Re: Transgender Policy: Fox News Inquiry

Hi Dan. I cced OSAA Executive Director Peter Weber. His phone number is 503-682-6722 ext 231.

Pete - please below and reply all.

Thank you.

Steve Walker

Oregon School Activities Association

steview@osaa.org

503-860-7683

From: Springer, Dan <Dan.Springer@FOX.COM>

Sent: Monday, July 1, 2024 1:58:54 PM

To: Steve Walker <steve@osaa.org>

Subject: Transgender Policy: Fox News Inquiry

Hi Steve,

I'm with Fox News Channel and currently looking into the firing of John Parks. Can you send me the OSAA policy regarding transgender athlete participation? Also, I heard on the radio this morning that OSAA has some new rules pertaining to student athletes and their criticism of the transgender policy. If there is something new there can you send me that as well. The report I heard made it sound like students could not voice opposition to the OSAA policy on allowing transgender athletes to participate even when there is a clear competitive advantage. If I'm getting that wrong, please let me know.

Thanks,

Dan Springer

National Correspondent

Fox news Channel

Seattle Bureau

(206) 770-9642

Exhibit 3

May 24, 2024

Dear Mr. Bailey and Mr. Ramirez,

As a representative of Senior leadership for Portland Public Schools and as a member of the OSAA Executive Board, who has been appointed as the state representative for Equity, Diversity and Inclusion, I was appalled, disappointed and embarrassed for Lake Oswego and Salem Keizer School districts because of the behavior of one of your employees.

All students deserve the ability to compete in interscholastic events without feeling discriminated against or fearful of how they will be treated at an event. Unfortunately, one of your educators, John Parks, went out of his way to make a PPS African American Transgender track athlete feel unwelcome and discriminated against throughout the 23-24 track season and at the OSAA 6A State Championships in Eugene.

Park's behaviors were premeditated, calculated and discriminatory in an effort to deny our student's participation at the state tournament and to create a hostile environment to shame our student. Here are specific examples of the harassing discriminatory behavior:

- Yes A. Sent email to OSAA in an effort to stop our student from participating at the state track meet.
- B. Contacted coaches from other schools prior to the state tournament asking them to submit letters, emails and call OSAA office to deny our student an opportunity to participate in the OSAA state tournament
- No C. Contacted coaches from other schools telling them to boycott medal presentation at state tournament
- No D. Coordinating phone calls with coaches to contact our families of student athletes related to state tournament participation
- No E. Harassing our student athletes and their families prior and during the state tournament forcing them to participate in his personal agenda through calls, email and on site inquires
- No F. Speaking negatively to our transgender student athlete on the podium at the medal presentation for the 200 M race.
- No G. 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
- No H. 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

As a TSPC licensed educator Mr. Parks behaviors (which are highlighted) are in direct contradiction to TSPC Standards of both an Component Educator and Ethical Educator.

Exhibit 4

To: John Parks, Track Coach

Teri@OSEA.ORG

From: Kristen Colyer, Principal

Cc: Chris Coleman, Athletic Director/Assistant Principal
Donna Watson, Executive Director, Human Resources
Lou Bailey, Executive Director, Secondary Schools

RE: Complaint Findings and Summary

Date: June 12, 2024

Introduction

This investigation is to determine if district policies and procedures were followed prior to the OSAA State Track meet and during the OSAA State Track meet.

Allegations:

- On Friday, May 24, 2024, Marshall Haskins Senior Director- PIL Athletics/ PPS, filed a complaint that Coach John Parks violated the Lake Oswego School District policy *AC - Nondiscrimination* by discriminating against a McDaniel High School transgender athlete.

Findings:

The findings are based on interviews with Coach John Parks, student-athletes and coaches.

- There is evidence that Athletic Director, Chris Coleman, directed Coach Parks not to discuss issues related to transgender athlete participation in athletic events, specifically at the OSAA state track meet.
- There is evidence that John Parks sent an email to OSAA as a representative of Lake Oswego High School in an effort to stop the transgender student-athlete from McDaniel High School from participating in the state track meet. This is a violation of school board policies: *AC - Nondiscrimination and JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence.*
- There is evidence that he contacted coaches from other schools as the Lake Oswego High School track coach prior to the state tournament asking them to submit letters and emails and call the OSAA office to deny the transgender student-athlete from McDaniel High School an opportunity to participate in the OSAA state track meet. This is a violation of school board policies: *AC - Nondiscrimination and JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence.*
- There is evidence that John Parks communicated with student-athletes at the state meet, recommending they not participate in medal presentation if transgender student-athletes from McDaniel High School won either the 200 M or 400 M race. This is a violation of school board policies: *AC - Nondiscrimination and JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence.*
- There is evidence that Coach John Parks spoke with coaches, student-athletes, and their families before and during the state meet regarding what their athletes' plans were if the

transgender student were to win and be on the medal stand. This is a violation of school board policies: *AC - Nondiscrimination and JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence.*

- There is no evidence that John Parks spoke directly to the McDaniel transgender student-athlete on the podium at the medal presentation for the 200 M race.
- There is evidence that Coach John Parks spoke to the McDaniel transgender student-athlete on the podium during the medal presentation for the 400 M race. However, there is no evidence that this interaction was positive or negative.
- There is no evidence that John Parks was riling up state tournament spectators in stands, including a large contingent from the Lake Oswego community to "boo" the transgender student-athlete from McDaniel High School athlete during the medal presentation.
- There is evidence that Coach John Parks was insubordinate to the directive given by the Athletic Director not to discuss issues related to transgender athlete participation in athletic events, specifically the OSAA state track meet.

Summary

After reviewing all of the information and circumstances around this incident, there is a preponderance of the evidence that indicates that Coach John Parks was insubordinate and discriminated against the McDaniel High School transgender athlete. This violates board policies *AC - Nondiscrimination and JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence.*

Follow-up with Coach John Parks is necessary. As personnel issues are not discussed, specific information regarding the follow-up will not be available to the complainant.

If this internal review does not solve the complaint, within 10 working days of the written response from the supervisor, the complainant may file a written, signed complaint with Mr. Lou Bailey, Executive Director, Secondary Schools, clearly stating the nature of the complaint and a suggested remedy.

A written copy of these findings was sent to all involved parties on Wednesday, June 12, 2024. You will have 10 working days after receiving these findings and the summary to appeal.

Exhibit 5



Lake Oswego High School

June 12, 2024

Dear Mr. Parks,

Following a thorough investigation into the events that transpired during the past track season, the preponderance of the evidence is that your actions and behaviors displayed towards a transgender athlete were in violation of the Lake Oswego School District School Board Policies AC - Nondiscrimination and FCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence.

As an educational institution, we are committed to providing a safe and inclusive environment for all students. In light of these findings, the Lake Oswego School District has decided that the District cannot support your actions and behaviors. The length of any coaching contract is for the current season only. Consequently, we will open the cross country and track coach positions for Lake Oswego High School for the 2024-25 school year.

Thank you for your understanding and cooperation.

Sincerely,

Kristen Colyer
Principal

Exhibit 6

To: Kristen Colyer, Principal

CC: Chris Coleman, Athletic Director/Assistant Principal
Donna Watson, Executive Director, Human Resources
Lou Bailey, Executive Director, Secondary Schools

From: John Parks, Head Track Coach

Date: June 25, 2024

This is official notice of my appeal of the termination of my position as Head Coach for Track & Field and Head Coach for Cross Country. You note the positions require applying yearly but that was not required prior to the 2024 track season nor has the process been done for all the other coaches at LOHS.

The basis of the appeal is that the findings in the letter I was given on June 12, 2024, are not based on fact. Furthermore, the school has violated my First Amendment rights by terminating me for expressing my personal beliefs in support of Title IX. (*Pickering v. Board of Education AND Kennedy v. Bremerton*) In addition, the school has also acted illegally as there is no evidence that the school has silenced all discussions on this topic, just that they have attempted to silence my position, which is in violation of the law. (*Tinker v. Des Moines Independent Community School District*)

The *Kennedy v Bremerton* case is very important to this appeal, in this recent decision by the United States Supreme Court in that case, coach Kennedy was a high school football coach in Washington who who was instructed to stop leading prayers on football field. After he refused to follow these directives he was terminated. The US Supreme Court found that Bremerton Schools violated his First Amendment protections. The *Kennedy* ruling establishes that even though coaches are at-will employees retain First Amendment rights and can not suffer adverse consequences for exercising their First Amendment rights. Due to statements protected by the First Amendment, you actions violate the US Supreme Court's holdings in *Kennedy*.

I am prepared to pursue all legal remedies for this violation of my rights and the defamatory statements made by the PPS Athletic Director that your own findings report noted as not factual yet you still included in part his accusations despite the loss of credibility. The district has failed to respond to requests for evidence and facts of the investigation so as to provide a fair and full rebuttal.

Factual Inaccuracies:

1. The finding that I violated a directive by Athletic Director Chris Coleman not to discuss issues related to transgender athletic performance in athletic events, specifically at the OSAA state track meet is inaccurate. The only direction I received from AD Coleman prior to State meet was to insure I not advocate for our students to protest and speak on the issue in a

positive manner. The next directive from Coleman came at 3:09pm on day one of the meet, May 17 (I have text messages and phone records that prove this). I did not have discussions with any student or coach at the meet on this topic after this directive. I have witnesses available who were with me throughout the meet that can support these facts including 2 students that shadowed me in all areas of the stadium to film LO athlete's performances as well as coaching staff that were not interviewed as part of this investigation.

Prior to this directive, I did have one conversation with an athlete from Roosevelt HS who was expressing her frustration over having to compete versus the transgender athlete. I told her we had some athletes that wanted to protest as well. I did not in that discussion advocate for a protest nor was there any further discussion of this matter with her or any other athlete or coach from any other school.. I also talked to one other coach at the meet to ask his opinion on the subject. At no time did I organize or attempt to advocated for a protest with him.

2. The finding that my email to the OSAA was a violation of board policy is without merit. I wrote the email with the prior approval of Coleman that I received in his office on May 9 when he shared a story of 2 West Linn HS boys that approached their AD last year to discuss transitioning to play football, then girls basketball and track as a protest to the transgender competition rule. Following my sending the email, it was forwarded by Kelly Foster, to Coleman and he told me "She wanted you to know that she can't respond but she is in agreement with you." He said he also concurred on the issue and never said anything to warn me that writing the letter would be a violation of Board Policy.

As you are aware, I also spoke to you on May 15th to bring you up to speed on my having written the letter with the intent of having you advocate for future change in support of our students' Title IX rights. You concurred with my views and only warned me to say nothing that would reflect poorly on LO, which I did not. I have several individuals who can testify to my receiving support from Foster, Coleman and yourself via discussions I had in the hours and days after before the state meet with coaching staff and some parents of LO athletes as well electronic messages confirming this as well.

To say the that this letter which was written to protect our female athletes' Title IX rights was somehow discriminatory or harassing is without merit. I was writing my personal opinion and asking for consideration of a rule change. At no time does the letter state I am advocating on behalf of Lake Oswego Schools or representing the school. I did identify myself as the coach, but also identified my other coaching positions I'd held in my long coaching history and made it clear I was advocating on behalf of the sport I have spent my career coaching.

During the termination discussion you said my letter was advocating to exclude the transgender PPS student from participating. I have consistently advocated for participation for all athletes including transgender athletes. I merely asked for the intent of Title IX to be honored so as not to exclude fair competition. I advocated for a future change in support of female athletes' rights to fair competition with some form of an open division. The science here is without question. There is ZERO controversy surrounding trans-male athletes competing in the male category. This is because they do not have an unfair physical advantage and so are not impacting the cis-male athletes scholarship and competitive opportunities. This fact alone should cause some reflection.

As we agree in the summary hearing, at no time either in the letter or any conversation, have I ever advocated that transgender athletes should be stopped or prevented from competing. I support 100% competitive opportunities for transgender students but in a fashion that encourages more transgender student participation where they are not subjected to the boos we witnessed at State and are not forced to choose between competing with physical advantages versus their cis-female classmates and teammates and instead can be celebrated for their own efforts. A just comparison is the OSAA not compelling wheelchair athletes into able bodied races of either gender as a chair athlete has a similar competitive advantage over able bodied runners hence separate divisions in road and track races worldwide.

At no time does the letter include any hate or discriminatory language. If my suggestion of the proposed rule consideration is considered discriminatory then why is this the standard adopted at the national and international level and the majority of states? Athletes participating at the Nike HS Outdoor Nationals in Eugene, are not eligible to compete if they haven't undergone a minimum of one year of hormone treatment. Is Lake Oswego suggesting that the esteemed international and national sports bodies and the majority of state high school associations are discriminating?

3. The finding that I contacted other coaches and encouraged them to write letters prior to the OSAA state meet is patently false as I contacted no coaches prior to the State meet. My due process rights entitle me to confront all evidence against me and I have been provided no evidence to support this allegation
4. The finding that I communicated with student athletes from other schools at the State meet recommending they not participate in the medal ceremony if the transgender student won an event is patently false. As noted above, I had one discussion, with one student from another school, prior to Coleman's directive,. At no time did I instruct or engage in a conversation recommending anyone not attend the medal ceremony. Similar to the

allegation in paragraph above, I was presented with no evidence of my advocating for a protest to support this allegation.

5. The allegation that I spoke to coaches and student athletes asking what they planned to do if the transgender student won any events is patently false. I had two conversations as noted above, and this was not discussed. I would like all the evidence that the school gathered in regard to this allegation and conclusion. Similar to the allegation in paragraph above, I was presented with no evidence of my advocating for a protest to support this allegation.
6. The allegation that I was insubordinate of Coleman's directive to not discuss issues related to transgender athlete participation in athletic events specifically the OSAA State track meet is false. As noted above, I was not given any specific directive by Coleman regarding not discussing or trying to organize any type of protest until after I had two conversations (one with a student and one with a coach). These conversations did not recommend protest or attempt to organize any protest; they were simple conversations about a topic that was a main concern at the meet for anyone participating.

Even if I had received Coleman's directive prior to these conversations, I would not have violated what he actually told me. What I was to advocate for protest which I never did. (again, his text messages indicate his failure to be any more specific than his original comments of keep discussions positive and not advocate for protest)

The basis of this finding was a complaint filed by PPS Athletic Director Marshall Haskins. He lacked the professional integrity to identify my role beyond serving as coach at LOHS, notifying my former school district that I departed over a year ago and sacrifice at great financial loss on coaching the athletes and also serving the students at LOHS in the Access program as an instructional assistant. This should've been a tip off to the lack of ethical veracity in his complaint. Your own investigation found no credibility to his claim of my riling up the crowd, of leading the booing or of speaking to the student on the award stand inappropriately. Further, Haskins alleged that I spoke with an athlete on award stand after the 200 meters despite not even in the stadium at the time because I was on the warmup field as you found in your findings. The numerous inaccuracies of Haskins' allegations causes his entire complaint to lack credibility including sending the complaint to a school I haven't worked at in over a year. I strongly suspect that you have only spoken to one LO track and field student in conducting your investigation. This investigation is woefully lacking.

You stated at the end of our summary meeting when my status was questioned by the OSEA representative, you said "John did a terrific job in our Access program." I was informed by your

staff member yesterday that I wouldn't be rehired in our Access program and he made clear he was unable to provide a reason why despite full support from the staff members Todd Morgan and Lindsey Ludington for my work.

All conclusions that I was being discriminatory, or harassing are false. In fact, quite the opposite, my request of the OSAA was to consider how the current rule violates our female athletes' Title IX rights. This is why rules have been adopted at the national level and the majority of other states. Further, the school has made zero efforts to silence discussion advocating for trans females to participate in female sports. The School cannot pick sides and silence only one side of a debate of public concern without violating my First Amendment rights, especially when my speech is protected as I was advocating for Title IX, NOT engaging in any discriminatory or harassing behavior.

In addition, in the meeting where you informed me of my termination, you stated that I could not write to my Senator as a private citizen seeking a rule or law change. This is a direct violation of my First Amendment rights as further established in *Pickering*. I find it interesting that this directive was not included in the written response but you felt the need to bring my letter into the meeting for discussion.

For all of the reasons above, I request immediate reinstatement to my positions as Head Coach of Track and Field, Head Coach of Cross Country, and restoration of my position in the Access program as an Instructional Assistant.

John Parks

Exhibit 7

John Parks
19065 Nixon Avenue
West Linn, OR 97068

May 31, 2024

Dear Senator Wagner,

We met 5 years ago when you took a meeting with me on pushing legislation to mandate financial literacy and civics be required courses for graduation. Happy to see my proposals come to fruition since then. I am now the head track coach at Lake Oswego HS and wanted to address a big concern of mine that I understand you spoke to one of my team parents, Shelley Prael, 2 weeks ago on. She said you felt the OSAA was misinterpreting ORS 659A.030 by allowing transgender athletes to compete in girl's varsity sports. In particular in the 6A state track meet the issue became an unfortunate controversy with absolutely no winners.

Your leadership on this issue is critical. I have taught social studies for nearly 3 decades and vigorously fought to teach and support transgender rights in all areas of society except in athletics where they have a superior advantage athletically. This issue is not a political issue! It is a scientific issue! A biological and anatomical issue! It is a major affront to Title IX's intent and continued existence. Those on the right that are transphobic are using this to attack the trans community. Those on the left are aghast that the exception is being made for such competition because of the inequality of the competition and because it undermines support for the transgender community. The result on May 18 in Eugene was a loud crowd booing when the trans athlete was awarded the winning medal in the 200. Most weren't booing the athlete; they were booing the OSAA for allowing this situation to develop. A solution is needed and needed fast.

In the meet the trans athlete, a sophomore from McDaniel HS, was awarded the girls 200 title in a time that if it were recognized by national authorities that rank track athletes, would place them in top 10 in nation. This athlete was 2nd in the 400 meters, nearly defeating my athlete who is the fastest in Oregon history but had to run .34 seconds faster to win on her previous best mark in the event. She broke the all-time record in the 400 earlier this year that was set 25 years ago. The trans athlete was only a tenth of a second behind with less-than-ideal running technique having just started the sport 2 months ago. My athlete has trained hard for nearly a decade and is ranked 6th in the US. If the trans sprinter were competing with their birth gender, they would not qualify for the finals in their district track meet in the PIL boys 200 and 400. But by simply declaring their gender identity change they are destroying the dreams of girls who are forced to compete against athletes that biologically are at a huge advantage. We start splitting genders in sport at around ages 10 to 12 because puberty and adolescence bring these changes that are not debatable.

Most states do not allow this. The International Olympic Committee has not allowed transgender participation in female sports since 1968 and requires testing and hormone treatment of those that wish to identify as female and compete before they are allowed to compete. The next high school competition at Hayward Field will be the NSAF Nike HS Outdoor Track & Field Championship on June 12-15. Here is their policy on transgender competition: [Nike Outdoor Nationals - Meet Info - NSAF Transgender Policy \(runnerspace.com\)](#). It states that all transgender athletes must meet the scientific threshold that are used internationally. My athlete qualified to compete in the meet and will be among the contenders to win a national individual and relay championship. The transgender athlete is ineligible due not because their times are insufficient but because of this policy. Same venue, different rules. Same for the USA Track & Field Under 20 National Championships that my athlete will enter with strong possibility of qualifying for the World Under 20 Championships at the end of August. The transgender athlete is not eligible. The OSAA competition rules need to be aligned with what the rest of the world competes under.

My proposal to encourage transgender participation is to offer an open division that is so named so it doesn't identify or discriminate but offers an opportunity to participate. The OSAA already offers competition for wheelchair athletes, para-athletes and special ed students with Unified sports. I have 2 wonderful trans athletes that I know of on my own team. One won our girls league junior varsity cross country championship race in October. Standing atop the awards podium was traumatic for her to the point she was heavily crying as tears ran down her face. She hasn't had the same desire to compete since because she knew she was stealing a moment from another girl who didn't have the advantages she had as a boy just 4 months earlier as a freshman in track. We should offer the open competition and when there is insufficient competition allow it in non-championship junior varsity with other athletes they identify with.

If something is not done to change the OSAA policy that national record that another of my athletes, Mia Brahe-Pedersen set last year in the 100 meters will be broken as the athlete from McDaniel is just a sophomore and easily will accomplish this. 6 weeks after her record run last year Mia was a finalist in the USA National Championships (and that qualified her for the same level of event this summer, the Olympic Trials) where she became the first high school junior class or younger athlete to EVER qualify for the finals of 2 events in track's overall nationals that includes almost exclusively professional and collegiate athletes.

OR659A.030 prohibits discrimination in employment on the basis of protected classes, including gender identity. This is an employment law. There's a regulation that provides that discrimination against students based on gender identity is prohibited. The regulation further states that a school district shall not refuse participation on any discriminatory basis. OAR 581-021-0046. The reg continues to state that this does not prohibit grouping students "by ability." If this were followed, then the OSAA would rightly offer a separate category of competition "by ability" as trans athletes have superior ability. The issue was similar in Washington last week where the 2A 400-meter girls title

was awarded to a trans athlete. Oregon needs to quickly act on this as if we don't what was asked by 2 West Linn boys last year looking to protest will take over female athletics. These 2 boys asked their AD if they could become girls and still play football then play girls basketball and track. They want to demonstrate the rule is unfair to girls. They chose not to do so but its only a matter of time.

Some of my team parents are legal consultation to change these laws as Shelley may have revealed. I was accused of discrimination in a letter by the Portland Public Schools athletic director merely for writing a letter my AD approved of, discussing the issue and proposing a change like I have proposed here and for having discussions with others on the issue. I am far from the only coach concerned with the policy. Why should my defense of female athletics cause me to be targeted?

I am happy to meet with you in person to discuss this further, but I mostly urge you to take leadership on this issue this summer and get the current law properly interpreted or get the law changed so all can be winners and we don't have booing of our state champions in track and field. The law should be titled "We Cheer For All Athletes."

Sincerely,

John Parks

Exhibit 8

JOHN D PARKS

19065 Nixon Avenue, West Linn, Or – john.parks.pdx@live.com 503-930-4307

My coaching career has been a mix of Olympic, professional, collegiate & high school track and field specializing in sprints, hurdles, distance and jump events. I have coached 9 Olympic and World Championship medalists and 16 NFL players and have coached at least one participant in the US Olympic Track and Field Trials each meet since 1988. Also have had dual career in education, 28 years as HS educator in teaching social studies with majority in Economics and Government.

PROFESSIONAL EXPERIENCE – TEACHING AND COACHING (PROFESSIONAL, COLLEGIATE & HIGH SCHOOL

LAKE OSWEGO HIGH SCHOOL – 2023 to present. Head coach track and cross country.

- 2-time 6A Girls team champions 2023 & 2024, Coached all-time National 100m record-holder in HS only competition. Coached all-time Oregon record-holders in girls 100, 200, 400, 300 hurdles, 4x200, 4x400. Oregon HS coach of the year - USTFCCA & OACA. 13 Oregon individual and relay state titles.

ULTIMATE SPEED ATHLETICS – 2009 to present & SPORT SPEED DEVELOPMENT 1992 - 1994

Director & Founder – Head coach of sports training business of NFL & Olympic level athletes and developmental speed training for athletes in all sports

- Coach of 6 Olympic medal winning athletes including former World Record holder of 21 and under 100m record
- Trained or coached 9 current or recent (since 2017) NFL players including 1st round draft choices Marlon Humphrey & Brandin Cooks.
- Train Mia Brahe-Pedersen, US leader in 100 & 200 in 2022. Trained 9 Lake Oswego HS athletes over past 4 years including Casey Filkens, Lake Oswego (2018-21). Privately coached HS athletes that earned athletic scholarships to Stanford, U of Oregon, Boise State, Auburn, Florida State, LSU, Oregon State from 2017-2021

OREGON STATE UNIVERSITY Corvallis, Oregon, 2010-2014

Assistant coach

- Responsible for the coaching of women's track team members in sprints, hurdles, relays and horizontal jumps as well as football team members in sprints, relays, hurdles and high jump and triple jump.
- Guided first 4x100 relay team at Oregon State in 24 years to All-Pac 12 honors in 2012. Coached 3 OSU 60 meter record setters Markus Wheaton, Keynan Parker & Brandin Cooks, all 3 ranking in the top 5 in the Pac12 in the event each year.

PORTLAND STATE UNIVERSITY Portland, Oregon, 2008 – 2009

Assistant coach track and field and head cross country coach

- Responsible for team travel & recruiting, for the men and women's distance and cross country team. Meet director for Big Sky Conference Cross Country Championship meet. Six school record setters and seven All-Big Sky Conference performers as well as US Junior 800 meter All-American

WILLAMETTE UNIVERSITY Salem, Oregon, 1999 – 2002

Assistant coach for multi-events, hurdles and high jump

- 2 NCAA Division III National Champions in decathlon and high jump. Athletes set 4 school records

AUBURN UNIVERSITY Auburn, Alabama, 1988 – 1992

Assistant Men's and Women's Track Coach

- Directed coaching in multi-events and throws and assisted in sprints, hurdles and jumps. Director of team strength program. Directed award winning sports media for track team.
- Coached 1 World Champion, 1 NCAA champion, 15 SEC Champions and 38 NCAA National meet qualifiers
- Coached Alexander Wright, winner in NFL Fastest Man competition 3 years in a row. Coached 7 other NFL players at Auburn. Coached 2 future Olympic medalist and 14 US Olympic Trials qualifiers.
- Director of all home meets including SEC and USATF national meets. Director of summer HS camps.

UNIVERSITY OF ALABAMA-BIRMINGHAM Birmingham, Alabama, 1985 - 1988

Head Women's Track and Field and Cross Country Head Coach. Founded program from scratch.

- Responsible for entire program recruiting, coaching and administrative duties and overseeing and recruitment of volunteer only assistant coaches. Had NCAA All-American & Olympic Trials qualifier in heptathlon
- Defeated defending NCAA champion Alabama in a 4-way meet in just 3rd year of program's existence
- 1986 Sun Belt Conference Coach of the Year & 1988 Conference team champions in track and field

PROFESSIONAL EXPERIENCE – HIGH SCHOOL COACHING - TRACK & FOOTBALL

STAYTON HIGH SCHOOL Stayton, Oregon, 2007 & 2008

Assistant coach for sprints, hurdles, relays and jumps

- Had 1 state champion in 100 hurdles, 6 All-State performers and 8 league champions and 11 state qualifiers
- Four athletes received scholarships to compete in college. Both years team finished highest ever in league boys and girls

MCKAY HIGH SCHOOL Salem, Oregon, 2000–06

Head coach for both track and cross country teams.

- Coached all-time Oregon HS state record setters in 100 & 200 meters & 4x100 and 4x200 meters. Six HS All-American performances, 4 state champion and athletes set total of 29 school records.
- Six-time league champions & 2001 and 2002 teams ranked in top 20 in US national team rankings. Cross country team qualified to state 2 times, only times in school history still to present 32 athletes received college scholarships. 8 US Junior National qualifiers.
- Fund-raised over \$200,000 during tenure in a low socio-economic school

PELHAM HIGH SCHOOL Pelham, Alabama, 1996-99

Head coach for both track and cross country teams.

- 4 state 6A team champions in indoor and outdoor track and cross country. 1998 & 1999 teams in top 10 in US national team rankings. Coached all-time Alabama HS state record setters in 800, 1600, 3000 and 3200 meters
- 25 HS All-American performances. Athletes set total of 21 school records. 38 athletes received athletic scholarships to compete in college track and cross country including Oregon, Auburn, LSU, Oklahoma, Florida, Virginia, Alabama and Clemson. 3 state Gatorade Athlete of the Year award winners.
- Head freshman football coach on team that went unbeaten with QB who went on to start 3 years at Alabama
- Led fund-raising of \$425,000 for new track facility and team travel

HEWITT-TRUSSVILLE HIGH SCHOOL Trussville, Alabama, 1995-96

Assistant coach for track and field and head coach for middle school football team

- Track athletes earned 5 state individual titles and 4 earned SEC scholarships with Alabama, LSU, Georgia and Kentucky
- Football team went unbeaten & would later produce 4 SEC scholarship players and a starting QB at Auburn

MOUNTAIN BROOK HIGH SCHOOL Mountain Brook, Alabama, 1992-94

Assistant coach for both track and cross country teams coaching in all event areas

- Coached all-time Alabama HS state record setter in 800m, 2 HS All-American performances. Athletes set total of 7 school records and 2 state all-time records with 15 earning college scholarships. Teams won 10 Alabama 6A state titles.

HIGH SCHOOL TEACHER – 1995 to present

Social Studies teacher with 27 years experience teaching Economics, Government and US and World history.

- Lake Oswego HS, Lake Oswego, Oregon – 2023 to present
- West Salem HS, Salem, Oregon – 2009 to 2023
- McKay HS, Salem, Oregon – 1999 to 2009
- Pelham HS, Pelham, Alabama – 1996 to 1999
- Hewitt-Trussville JH, Trussville, Alabama – 1995 to 1996

PROFESSIONAL EXPERIENCE – PUBLISHING & MEET DIRECTOR

PUBLISHER & EDITOR

- Collegiate Track Weekly – national newsletter of all levels of college track – 1990-1994
- The Harrier, national cross country magazine – 1988-1990
- Southern Track – regional newsletter for HS & college track and field – 1986-1989
- Collegiate Track Annual – year-end summary book of college track – 1991-1993
- Inside Track – newsletter covering track and cross country – 1981-1995
- Track & Field News – contributing writer and correspondent – 1981 – 2002

MEET DIRECTOR – In addition to college conference meets noted above:

- Vulcan Classic, Birmingham, Alabama, 1983 to 1999 - HS and college meet developed from scratch into what USA Today called in 1995 “nation’s best cross country meet” with teams from over 20 states annually attending.
 - 1995 World Cross Country Trials, Birmingham, Alabama
 - 1992 USATF Youth National Championships, Auburn, Alabama
 - 1986 and 1992 AAU National Cross Country Championships, Birmingham, Alabama
-

EDUCATION: B.A. Communication (Broadcast & Journalism) – AUBURN UNIVERSITY – Auburn, Alabama
M.A. Secondary Education in Teaching – UNIVERSITY OF MONTEVALLO – Montevallo, Alabama

Exhibit 9

**LIBERTY
JUSTICE CENTER**

October 7, 2024

Oregon School Activities Association
Attn.: Peter Weber, Executive Director
25200 SW Parkway Avenue, Suite 1
Wilsonville, OR 97070

Dear Mr. Weber:

Pursuant to ORS Section 30.275, you are hereby given notice that John Parks intends to commence a lawsuit against Oregon School Activities Association (“OSAA”) for damages.

The claim to be made against OSAA is common law defamation based on a letter Marshal Haskins sent to Lake Oswego High School officials Louis Bailey and Larry Ramirez, on May 24, 2024, as well as a subsequent complaint filed by Mr. Haskins with the Lake Oswego School District containing malicious and false statements about John Parks’s conduct surrounding transgender athletes.

Specifically, Mr. Haskins’s letter and complaint involved an email that Mr. Parks sent to OSAA in his personal capacity as a private citizen regarding OSAA’s transgender athletic policies.

John Parks is represented by Liberty Justice Center in association with Oregon local counsel, Miller Bradley Law, LLC. A response to this pre-suit letter may be sent to Luke D. Miller, Miller Bradley Law, LLC, 1576 Edgewater St. Nw., PMB 43, Salem, OR 97304.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



M.E. Buck Dougherty III*

cc: Luke D. Miller (via email)

*Licensed in Tennessee

**LIBERTY
JUSTICE CENTER**

October 7, 2024

Portland Public Schools
Attn.: Rosanne Powell, Senior Manager Bd. of Education
501 N. Dixon St.
Portland, OR 97227

Dear Ms. Powell:

Pursuant to ORS Section 30.275, you are hereby given notice that John Parks intends to commence a lawsuit against Portland Public Schools (“PPS”) for damages.

The claim to be made against PPS is common law defamation based on a letter Marshal Haskins sent to Lake Oswego High School officials Louis Bailey and Larry Ramirez, on May 24, 2024, as well as a subsequent complaint filed by Mr. Haskins with the Lake Oswego School District containing malicious and false statements about John Parks’s conduct surrounding transgender athletes.

Specifically, Mr. Haskins’s letter and complaint involved an email that Mr. Parks sent to the Oregon School Activities Association (“OSAA”) in his personal capacity as a private citizen regarding OSAA’s transgender athletic policies.

John Parks is represented by Liberty Justice Center in association with Oregon local counsel, Miller Bradley Law, LLC. A response to this pre-suit letter may be sent to Luke D. Miller, Miller Bradley Law, LLC, 1576 Edgewater St. Nw., PMB 43, Salem, OR 97304.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,



M.E. Buck Dougherty III*

cc: Luke D. Miller (via email)

*Licensed in Tennessee

Exhibit 10

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

**FIRST AMENDED
COMPLAINT FOR
DECLARATORY &
INJUNCTIVE RELIEF
AND MONETARY DAMAGES**

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiff John Parks is an experienced and distinguished track and field coach who has coached high school, college, professional, and Olympic athletes.

2. Most recently, Parks was the head track and field coach at Lake Oswego High School (“LOHS”), a public school located in Lake Oswego, Oregon.

3. LOHS is within the Lake Oswego School District (the “District”), which is overseen and governed by the Lake Oswego School Board (the “Board”).

4. In mid-May 2024, Parks sent an email-letter to the Oregon School Activities Association (“OSAA”), a non-profit organization that regulates high school athletics in Oregon.

5. In his letter to the OSAA in advance of the Oregon state track and field championship later in May, Parks expressed his personal opinion on OSAA’s policies regarding transgender athletic participation, based on his decades of experience as a track coach at the Olympic, college, and professional ranks.

6. In Parks’s view, as he expressed in his letter, OSAA’s current policies on transgender athletes—particularly those that relate to athletes born as biological males who are allowed to compete as females—were flawed and posed a threat to the ongoing existence and integrity of female athletics.

7. Specifically, Parks suggested in his letter an “open” division in which transgender athletes could participate against each other. Parks noted that he believed that the open division could be a solution to the transgender athletic public debate, and would allow transgender athletes to compete in their own division while also preserving the integrity of female athletic competition.

8. He further noted in his letter that he fully supported transgender athletes competing and participating in an open division and shared that he has two transgender extended family members.

9. Shortly after sending his letter to the OSAA, officials with LOHS, the District, and Board commenced an investigation against Parks for expressing his personal views on OSAA’s transgender athletic policies.

10. The investigation was prompted in part by a complaint filed with Lake Oswego School District and a letter sent on May 24th by Marshall Haskins, the Senior Director of Athletics for Portland Public Schools (“PPS”) and Diversity, Equity and Inclusion Committee Representative for OSAA.

11. The letter was sent to Larry Ramirez, Director of High School Education in the Salem-Keizer School District, and Louis Bailey, Executive Director of Secondary Programs at Lake Oswego School District.

12. Haskins stated in his letter that he was writing “[a] a representative of Senior leadership for Portland Public Schools and as a member of the OSAA Executive board, who has been appointed as the state representative for Equity, Diversity, and Inclusion.”

13. Haskins’s letter contained patently false allegations about John Parks’s actions which Haskins had reason to know and should have known were untrue.

14. Later in June, before the end of the LOHS school year, officials informed Coach Parks that he was being terminated from his coaching and teaching positions at LOHS based on his letter that he sent to the OSAA.

15. In terminating Parks for expressing his private and personal views on transgender athletes participating against female athletes, the District and Board engaged in an unlawful retaliatory termination, depriving Coach Parks of his First Amendment free speech rights.

16. This lawsuit seeks to vindicate Coach Parks's Free Speech and Due Process rights under the First and Fourteenth Amendments of the U.S. Constitution.

17. In writing a letter to OSAA Executive Directors and filing a complaint with Lake Oswego School District containing several false allegations made with actual malice, Marshall Haskins defamed John Parks.

18. Haskins's letter was explicitly written in his capacity as a representative of OSAA and PPS, rendering them liable under ORS § 30.265.

19. This lawsuit also seeks compensatory damages for common law defamation against Marshall Haskins, PPS, and OSAA.

PARTIES

20. Plaintiff John Parks is the former head coach of track and field, the former head coach of cross-country, and a former teaching assistant at Lake Oswego High School. He lives in West Linn, Oregon, in Clackamas County.

21. Defendant Lake Oswego School District is a school district located in Lake Oswego in Clackamas County.

22. Defendant Lake Oswego School Board is the elected governing body that oversees and promulgates policies for the District and LOHS.¹

¹ See <https://www.losdschools.org/lake-oswego-school-board>.

23. Defendant Oregon School Activities Association is a non-profit, board-governed organization that regulates high school athletics and competitive activities in the state of Oregon.

24. Defendant Portland Public Schools is a public school district located in Portland, Oregon.

25. Defendant Marshall Haskins is the Senior Director of Athletics for Portland Public Schools and Diversity, Equity and Inclusion Committee Representative for OSAA.

JURISDICTION AND VENUE

26. The Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367. This case raises federal claims arising under 42 U.S.C. § 1983 and the First and Fourteenth Amendments of the U.S. Constitution. Plaintiff brings his claims for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, Federal Rules of Civil Procedure 57 and 65, and the general legal and equitable powers of this Court.

27. The Court has jurisdiction under 28 U.S.C. §§ 1367 over the Plaintiff's common law claims of defamation and governmental liability under ORS § 30.265.

28. Venue is proper in this Court because all Defendants have their offices located in the District of Oregon, 28 U.S.C. § 1391(b)(1), and a substantial part of the events and omissions giving rise to the claims occurred in Clackamas County in the Portland Division, 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

The Board’s Policy on Nondiscrimination and Bullying

29. The Board promulgates and publishes policy for the District and LOHS.²

30. The Board’s policy on nondiscrimination, “AC—Nondiscrimination,” adopted in 2008 and readopted in 2015, 2017, and 2022,³ states:

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to . . . sex, sexual orientation, gender identity

31. The Board’s policy on harassment and intimidation, entitled “GBNA—Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying—Staff,” adopted in 2009, and readopted or revised in 2010, 2013, 2015, 2016, and 2019,⁴ states:

Hazing, harassment, intimidation, bullying, menacing, and acts of cyberbullying of staff or third parties by staff, students, or third parties is strictly prohibited and shall not be tolerated in the district Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal.

² See <https://www.losdschools.org/lake-oswego-school-board/losd-policies>.

³ See <https://www.losdschools.org/lake-oswego-school-board/losd-policies/losd-policies-details-2/~board/policies/post/nondiscrimination>.

⁴ See <https://www.losdschools.org/lake-oswego-school-board/losd-policies/losd-policies-details-2/~board/policies/post/gbna-ar-hazing-harassment-intimidation-bullying-menacing-or-cyberbullying-reporting-procedures-staff>.

32. The Board's policy on nondiscrimination makes it clear that it prohibits discrimination, "on any basis protected by law."

33. A staff member's expression of concern for the welfare of both transgender and non-transgender athletes in a letter to a third party and conversations with third parties does not constitute discrimination prohibited by law.

34. The Board's policy on hazing and harassment, even construed liberally, would not preclude conversations, emails, and letters by staff to third parties where the primary concern is the welfare of all student athletes.

Parks's Communication with OSAA and its "Asserted Gender" Policies

35. OSAA's policy on Gender Identity Participation is contained within OSAA's 2023-2024 Handbook, which may be found on its public website.⁵

36. The OSAA policy "allow[s] students to participate for the athletic or activity program of their consistently asserted gender identity while providing a fair and safe environment for all students."⁶

37. In other words, a student athlete may participate in either the boys or girls division based on the gender the student "asserts."

38. In mid-May on his own time away from his duties at LOHS, Parks sent an email-letter to Peter Weber, Executive Director of OSAA and Kelly Foster,

⁵ See chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://osaa.org/docs/handbooks/osaa-handbook.pdf at p. 80-82, ¶ 32.

⁶ *Id.* at p. 80.

OSAA Assistant Executive Director, expressing his personal opinion on the potential creation of a separate track league or “open” division for transgender athletes. Attached as **Exhibit 1** is a true and correct copy of the letter.

39. In the letter, Parks opined that the inconsistency between OSAA policies allowing certain transgender women born as biological males, such as a specific athlete attending the Portland Public Schools, to compete against biological women contravened the International Olympic Committee standards and other athletic organizations’ standards and rules.

40. He further stated that the OSAA’s “asserted gender” policy placed too much national media attention on transgender athletes, and overall he expressed concern for all track athletes, transgender and non-transgender alike.

41. On July 2, 2024, OSAA Executive Director Weber confirmed in an email to Fox News Correspondent Dan Springer that, “The email that John Parks sent our office didn’t violate either the Gender Identity Participation policy or Rule 3 in our Handbook.” Attached as **Exhibit 2** is a true and correct copy of Weber’s email.

42. Moreover, although he was not required to do so, Parks advised his principal and athletic director of his **Exhibit 1** letter to the OSAA, **and they did not object.**

43. Parks sent the letter as a private citizen to express his opinion based on his decades-long experience as a track and field coach.

44. Parks spoke out in his letter on a matter of public concern and importance: whether transgender athletes born as biological males should compete against athletes born as biological females in athletic competitions.

45. Coach Parks's official duties at LOHS did not require him to communicate with OSAA officials to recommend proposed changes in policies.

Marshall Haskins's Letter and Complaint Against Parks

46. On May 24, 2024, Marshall Haskins, OSAA representative on Diversity, Equity and Inclusion, and District Athletic Director at Portland Public Schools, wrote a letter about Parks to Larry Ramirez, Director of High School Education in the Salem-Keizer School District, and Louis Bailey, Executive Director of Secondary Programs at Lake Oswego School District.

47. In his letter, Haskins represented that he was writing, "As a representative of Senior leadership for Portland Public Schools and as a member of the OSAA Executive Board."

48. Haskins described Parks's email to OSAA and his actions "throughout the 23-24 track season and at the OSAA 6A State Championships" as "premeditated, calculated and discriminatory in an effort to deny our [transgender] student's participation at the state tournament and to create a hostile environment to shame our student." Attached as **Exhibit 3** is a true and correct copy of Haskins's letter.

49. Haskins's **Exhibit 3** letter listed eight examples of what he claimed were Parks's "harassing discriminatory behavior" (quoted verbatim here):

- A. Sent an email to OSAA in an effort to stop our student from participating at the state track meet.
- B. Contacted coaches from other schools prior to the state tournament asking them to submit letters, emails, and call OSAA office to deny our student an opportunity to participate in the OSAA state tournament.
- C. Contacted coaches from other schools telling them to boycott medal presentation at state tournament.
- D. Coordinating phone calls with coaches to contact our families of student athletes related to the state tournament participation.
- E. Harassing our student athletes and their families prior and during the state tournament, forcing them to participate in his personal agenda through calls, email and on-site inquiries.
- F. Speaking negatively to our transgender student athlete on the podium at the medal presentation for the 200 M race.
- G. 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.
- H. 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.

50. These allegations in Haskin’s letter were false.

51. On the same day Haskins sent the letter to Ramirez and Bailey,

Haskins also filed a complaint with Lake Oswego School District alleging that Parks violated the Lake Oswego School District Policy “AC-Nondiscrimination” by discriminating against a McDaniel High School transgender athlete.

The District's Investigation and Termination

52. On June 12, 2024, Kristen Colyer, Principal of Lake Oswego High School, sent a letter to Parks stating that, following an investigation from Haskins's complaint, there was a preponderance of the evidence that Parks violated the Board's AC-Nondiscrimination and "JFCF—Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence or Domestic Violence" policies. Attached as **Exhibit 4** is a true and correct copy of Colyer's letter.

53. There is no "JFCF" policy listed in the Lake Oswego School District policy page, only a "GBNA" policy with the same name.

54. Principal Colyer sent another letter to Parks terminating his employment at LOHS. Attached as **Exhibit 5** is a true and correct copy of Colyer's second letter.

55. A reasonable person of ordinary firmness in Parks's position would refrain from speaking out in the future on transgender athletic participation as a result of the District, LOHS, and Board's (1) investigation and (2) eventual termination of Parks and non-renewal of his contract.

56. On June 25, 2024, Parks appealed the findings of the investigation and the termination of his contract by denying all factual allegation found by LOHS except for the fact he sent a letter on May 15 to OSAA officials regarding his opinion on OSAA's policy on transgender participation. Attached as **Exhibit 6** is Parks's appeal letter.

57. In addition to sending a letter to the OSAA, Parks also sent a letter as a private citizen to Oregon State Senator Rob Wagner, attached hereto as **Exhibit 7**.

58. In his letter to senator Wagner, Parks expressed his opinion on transgender athletic eligibility.

59. Later, Principal Colyer verbally advised Parks that “he had no right to send the letter to Senator Wagner,” and it was “illegal” for him to do so.

60. A reasonable person of ordinary firmness in Parks’s position would refrain from sending elected representatives letters in the future to speak out on transgender athletic participation as a result of Principal Colyer’s verbal comments to Parks.

Coach Parks’s Injury

61. Parks has coached 9 Olympic and World Championship medalists and 16 NFL football players in his storied coaching career. He has coached at least one participant in the U.S. Olympic Track and Field Trials each meet since 1988. Attached as **Exhibit 8** is a copy of his resume.

62. Parks was the head track and field and cross-country coach and a special education teaching assistant for the 2023-2024 season and for the foreseeable future at LOHS.

63. The termination and revocation of Parks’s coaching and teaching contract caused economic injury and prevented him from assisting students and athletes he has worked with through previous seasons and school years.

64. The investigation and termination of Parks's contract was based on his letter that he sent to the OSAA and the complaint filed by Marshall Haskins.

65. And his letter that he sent to Senator Wagner factored into his termination based upon Principal Colyer's verbal comments to him.

66. The investigation by the District did not provide Parks with the evidence that allegedly supported the District's finding.

67. No name-clearing hearing was provided Parks.

68. Derogatory and false statements about his conduct were placed in his personnel file.

69. But for his letter to the OSAA, and Haskins's complaint, he would still be a teacher and coach at LOHS.

70. The District and Board have provided no protection or due process for Parks to protect his liberty interest in his good name and reputation, and his property interest in maintaining future employment with LOHS. Nor did the District provide him with evidence regarding his alleged violation of policies.

71. Since his contract was terminated, Parks has applied to return to both his cross-country and track and field positions, which the District opened up to anyone. But the District denied his applications.

72. Upon information and belief, the LOHS head track and field coaching position has yet to be filled and is posted online seeking applicants.

73. Parks has also been denied his special education teaching assistant position, for which he also applied.

74. Parks did not violate any Board or District policies, or even the broader OSAA policies on discrimination.

75. The letter and complaint made by Marshall Haskins were part of the primary causes of the investigation and dismissal of Parks from his position at LOHS.

76. The investigation of Parks and his subsequent dismissal from LOHS therefore can only be categorized as retaliatory adverse actions arising from his letter to OSAA and the exercise of his free speech rights.

77. Parks's letter to OSAA did not cause any disruption at LOHS of the normal and usual school functions.

78. Parks's dismissal from LOHS can also be categorized as a retaliatory adverse action arising from his letter to Senator Wagner and the exercise of his free speech rights.

79. Parks's letter did not cause any disruption at LOHS of the normal and usual school functions.

80. Defendants Portland Public Schools, and Oregon School Activities Association were properly notified under ORS § 30.275. Attached as **Exhibit 9** are the Notification Letters.

81. Pursuant to LR 15-1, attached as **Exhibit 10** is a highlighted version of the original complaint.

CLAIMS FOR RELIEF

COUNT ONE

**(Against Lake Oswego School District
and Lake Oswego School Board)**

42 U.S.C. § 1983 – First Amendment Retaliation

82. Parks incorporates the preceding paragraphs by reference.

83. In *Pickering v. Bd. Of Educ.*, 391 U.S. 563, 574 (1968), the U.S. Supreme Court held that, “absent proof of false statements knowingly or recklessly made by him, a teacher’s exercise of his right to speak on issues of public importance may not furnish the basis for his dismissal from public employment.”

84. Specifically, in that case the Court held that a teacher's letter to a local newspaper about a school’s budget and resources devoted to the athletic programs was a matter of public concern. *Id.*, at 571.

85. *Pickering* requires courts to balance the interests of the employee, as a citizen, in commenting on matters of public concern against the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees. *Id.*, at 568.

86. Further, the “non-renewal of a nontenured public school teacher's one-year contract may not be predicated on his exercise of First and Fourteenth Amendment rights.” *Branti v. Finkel*, 445 U.S. 507, 515 (1980).

87. Here, at all relevant points Parks was engaged via his letter to the OSAA in speaking on a matter of public concern and not engaged in speech,

“ordinarily within the scope” of his duties as a coach and teacher at LOHS. *Lane v. Franks*, 573 U.S. 228, 240 (2014).

88. Parks was also not speaking according to a government policy nor was he intending to convey a government created message on behalf of LOHS, the District, or Board. See *Id.*

89. The adverse actions against him by the District and Board’s investigation and eventual termination and non-renewal of his contract would cause a reasonable person of ordinary firmness from not exercising in the future his protected right to speak out on a matter of public concern as a private citizen.

90. Parks did not violate any of the District or Board’s policies with his letter to the OSAA.

91. Nor did his letter violate OSAA’s policies as confirmed by the OSAA Executive Director Weber.

92. Further, his letter to Senator Wagner as a private citizens speaking out on a matter of public concern was likewise protected by the First Amendment.

93. Because the District and Board deprived Parks of his First Amendment right to free speech, he is entitled to a preliminary and permanent injunction ordering the District and Board to remove the derogatory comments related to the investigation and termination from his employment record and personnel file.

94. He is further entitled to a preliminary and permanent injunction ordering the District and Board to restore him to his position as head coach of the track and field and cross-country teams and to his special education teacher assistant position.

95. Parks is further entitled to a declaratory judgment declaring that the District and Board violated his First Amendment free speech rights under the *Pickering* framework.

96. Parks is also entitled to monetary damages against the District and Board for the deprivation of his First Amendment free speech rights.

COUNT TWO
(Against Lake Oswego School District
and Lake Oswego School Board)
42 U.S.C. § 1983 – Fourteenth Amendment Procedural Due Process

97. Parks incorporates the preceding paragraphs by reference.

98. The Fourteenth Amendment guarantees that no State shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1.

99. Procedural due process under the Fourteenth Amendment requires that, “when a State seeks to terminate an interest . . . it must afford notice and an opportunity for hearing appropriate to the nature of the case before the termination becomes effective.” *Bell v. Burson*, 402 U.S. 535, 542 (1971).

100. In order for the Fourteenth Amendment procedural due process requirements to apply, the interest being deprived must involve life, liberty, or property.

101. A property interest in a benefit requires more than an abstract need or desire and more than a unilateral expectation. Instead, there must be a legitimate claim of entitlement to it. *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 756 (2005).

102. The Supreme Court further articulated that “[a] person's interest in a benefit is a ‘property’ interest for due process purposes if there are such rules or mutually explicit understandings that support his claim of entitlement to the benefit and that he may invoke at a hearing.” *Perry v. Sindermann*, 408 U.S. 593, 601 (1972).

103. Here, Parks had a protected property interest in continued employment due to a mutually explicit understanding that coaches would be routinely rehired as he had in the past.

104. Here, Parks had a protected property interest in continued employment due to a mutually explicit understanding that coaches would be routinely rehired as he had in the past.

105. As Parks noted in his appeal letter, the investigation into him falsely stated that his coaching contract required yearly applications, but that such applications were not required prior to the 2024 track season and are not required for any other coaches at LOHS.

106. Despite this, Parks still applied to his open track and field, cross-country, and teacher assistant positions and was denied those positions, even though he is well qualified.

107. Because LOHS has never before required Parks or coaches for any sport, including track and cross country, to apply yearly, there was a mutually explicit understanding that Parks would enjoy continued employment in his coaching and teaching positions at LOHS.

108. Moreover, a person has a protected liberty interest in his good name, reputation, honor, or integrity because of what the government is doing to him in which case, “notice and an opportunity to be heard are essential.” *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971).

109. Therefore, Parks has a protected liberty interest because his honor and integrity are at stake.

110. The false allegations that Parks engaged in discrimination as a result of his letter to the OSAA impinges on his good name, reputation, honor, and integrity.

111. Falsely claiming Coach Parks acted in a discriminatory manner when he made all efforts to comply with the OSAA’s own policies besmirches his reputation and character as a highly accomplished and elite track and field coach and a compassionate coach and teacher.

112. This contravenes that character shown by Parks in the treatment of his own transgender athletes at LOHS, and the concern mentioned in his letter to OSAA officials.

113. Because Parks has both a protected property interest in continual employment at LOHS and a liberty interest in protecting his good name,

reputation, honor, and integrity, he was entitled to procedural due process, including notice, a name clearing hearing, and a meaningful opportunity to respond to the false allegations levied against him, prior to the investigation and termination becoming effective.

114. For example, Parks was presented with no evidence that he communicated with student athletes to recommend they not participate in the medal ceremony in the transgender student won.

115. Without giving Parks the evidence to which he could respond, the chance of erroneous deprivation of his interest was extremely high. Lacking such information, Parks did not have notice and an opportunity to be heard on the false allegations levied against him.

116. The fiscal and administrative burdens on the District and Board to give Parks the evidence to which he could respond would be exceptionally low.

117. Because the District and Board deprived Parks of his Due Process rights under the Fourteenth Amendment, he is entitled to a preliminary and permanent injunction ordering the District and Board to remove the derogatory comments related to the investigation and termination from his employment record and personnel file.

118. He is further entitled to a preliminary and permanent injunction ordering the District and Board to restore him to his position as head coach of the track and field and cross-country teams and to his special education teacher assistant position.

119. Parks is further entitled to a declaratory judgment declaring that the District and Board violated his Fourteenth Amendment Due Process rights.

120. Parks is also entitled to monetary damages against the District and Board for the deprivation of his Fourteenth Amendment Due Process rights.

COUNT THREE

(Against Marshall Haskins)

Common Law Defamation - Marshall Haskins' letter and complaint were libelous statements made with negligence as to their truth or falsity.

121. John Parks incorporates the preceding paragraphs by reference.

122. To establish a common law defamation claim in Oregon, a private individual must prove three elements: the making of a defamatory statement; the publication of that statement; and, unless the statement is defamatory per se, resulting special harm. *Wingard v. Or. Family Council, Inc.*, 290 Ore. App. 518 (Or. Ct. App., 2018).

123. A statement is considered published when it is communicated to a third party. *Downs v. Waremart, Inc.*, 324 Ore. 307, 311 (1996); *Wallulis v. Dymowski*, 323 Ore. 337 (1996).

124. "Libel, that is, defamation by written or printed words, is actionable per se." *Neumann v. Liles*, 358 Ore. 706, 712 (2016).

125. In cases involving private individuals, the plaintiff must prove that the defendant acted negligently in determining whether the defamatory statement was true or false. *Bank of Oregon v. Independent News*, 65 Ore. App. 29 (1983).

126. Haskins's letter and complaint were both publications because they were made to third parties, namely OSAA Executive Directors Ramirez and Bailey and Lake Oswego School District, respectively.

127. Haskins's letter and complaint were further made with negligence as to whether his statements were true or false.

128. Haskins's letter and complaint made allegations about John Parks that were demonstrably incorrect, such as their statements John Parks talked to transgender athletes during the meet's medal ceremonies, and that he riled up the crowd at the meet to boo transgender athletes.

129. Even the investigation into John Parks by Lake Oswego School District concluded that these accusations by Haskins were incorrect.

130. Marshall Haskins' letter to OSAA Directors and the complaint filed were written words, thereby making them libel and actionable per se. See *Neumann*, at 712.

131. Since Haskins's letter and complaint were defamatory per se and made with negligence as to their truth or falsity, John Parks is entitled to compensatory damages against Haskins.

132. Haskins received proper notice of this complaint under ORS § 30.260.

COUNT FOUR

(Against Portland Public Schools and Oregon School Activities Association)

Liability for Haskins' Actions Under ORS § 30.265 – Haskins represented he wrote his defamatory letter in his representative capacity for PPS and OSAA, rendering PPS and OSAA liable under ORS § 30.265.

133. John Parks incorporates the preceding paragraphs by reference.

134. Under ORS § 30.265, “every public body is subject to civil action for its torts and those of its officers, employees and agents acting within the scope of their employment or duties.”

135. Under *S.V. v. Sherwood Sch. Dist.*, 254 F.3d 877 (9th Cir. 2001), a school district is a “public body” within the scope of ORS § 30.260.

136. Therefore, PPS is a public body within the meaning of ORS § 30.265.

137. Under *Brentwood Acad. v. Tenn. Secondary Sch. Ath. Ass’n.*, 531 U.S. 288, 298 (2001), an athletic association can be considered a state actor.

138. State action exists with respect to an athletic association when “[t]he nominally private character of the Association is overborne by the pervasive entwinement of public institutions and public officials in its compositions and workings, and there is no substantial reason to claim unfairness in applying constitutional standards to it.” *Id.*

139. Here, 299 schools in Oregon belong to OSAA.

140. Further, under Article 4 of the OSAA handbook, a member of the OSAA delegate assembly must have been “employed at a 0.49 FTE level or greater position that has at least some responsibility for secondary education

and is at least equal in rank to the position of high school assistant principal at a school district of a full member school, or at a high school which is a full member of the Association.”

141. The same standards as in Article 4 for the delegate assembly apply for members of the Executive Board under Article 5.2.

142. Therefore, OSAA falls within the scope of ORS § 30.265.

143. Marshall Haskins represented in his letter that he was writing “as a representative of Senior leadership for Portland Public Schools and as a member of the OSAA Executive Board.”

144. Haskins was therefore working within the scope of his duties for PPS and OSAA when he wrote the letter.

145. PPS and OSAA are therefore liable for Haskins’ common law defamation under ORS § 30.265.

146. Since Haskins’ defamatory letter and complaint were published with negligence as to the truth or falsity of the statements therein, John Parks is entitled to compensatory damages against OSAA and PPS.

147. OSAA and PPS received proper notice of this complaint under ORS § 30.260.

PRAYER FOR RELIEF

Plaintiff John Parks respectfully requests that this Court provide the following relief:

A. Under Counts I and II, preliminary and permanent injunctions ordering the District and Board to remove the derogatory comments related to the investigation and termination from his employment record and personnel file;

B. Under Counts I and II, a preliminary and permanent injunction ordering the District and Board to restore him to his position at LOHS as head coach of the track and field and cross-country teams and to his special education teacher assistant position;

C. Under Counts I and II, a declaratory judgment declaring that the District and Board violated his rights under the First and Fourteenth Amendments;

D. Under Counts I and II, monetary damages against the District and Board in an amount to be determined at trial;

E. Under Counts III and IV, compensatory damages in an amount to be determined at trial against Marshall Haskins, PPS, and OSAA.

F. A jury to be empaneled;

G. Attorney's fees and costs as a prevailing party under Counts I and II pursuant to 42 U.S.C. § 1988; and

H. All further relief that the Court deems just, proper, or equitable.

Dated: October 7, 2024

Respectfully submitted,

s/ Luke D. Miller

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Attorneys for Plaintiff John Parks

CERTIFICATE OF SERVICE

I certify that the foregoing document and attachments were 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. Moreover, I certify that the foregoing document and attachments were served via electronic mail upon counsel for the Lake Oswego Defendants:

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The 7th day of October 2024.

s/ Luke D. Miller
Luke D. Miller