

**IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
**FOR THE COUNTY OF MARION**

**ANNE MONTGOMERY and**  
**ADRIANNA MARTIN-WYATT,**

Plaintiffs,

v.

**STATE OF OREGON, LEGISLATIVE**  
**ASSEMBLY and STATE OF OREGON**  
**LEGISLATIVE ADMINISTRATION**  
**COMMITTEE, JEFF KRUSE, PETER**  
**COURTNEY, DEXTER JOHNSON, and**  
**LORE CHRISTOPHER,** each in their  
individual and official capacities,

Defendants.

Case No.: 19CV07520

**COMPLAINT**

**(42 U.S.C. Section 1983 – Violations of Equal Protection – Sexual Harassment and Gender Discrimination; Negligence; Negligent Supervision; Negligent Retention and ORS 659A.030(b) and 659A.403(1) and (3))**

**PRAYER: \$6,700,000**  
ORS 21.160(1)(d)

**JURY TRIAL REQUESTED**

**(Not subject to mandatory arbitration)**

**NATURE OF THE CASE**

1. This is an action under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution, which grants individuals the right to sue government employees and others acting under color of state law for civil rights violations. Plaintiffs seek money damages to redress the constitutional violations that resulted from sexual harassment at the Oregon State Capitol. This is also an action for common law claims and state statutory claims as well as for declaratory and injunctive relief.

2. Legislative interns in Oregon have a clearly established constitutional right to work at the state’s Capitol building free from sexual harassment by state legislators and staff. Former Senator Jeff Kruse routinely sexually harassed women at the Capitol and created a sexually hostile work environment for many years, beginning well before the time period when

1 he sexually harassed plaintiffs. Not a single member of legislative leadership, human resource  
2 management, or a single senator can likely claim ignorance to that history. The longevity and  
3 visibility of Kruse's conduct, and the large number of accusers point to the knowledge and  
4 reckless disregard of the defendants, who failed to take action to prevent plaintiffs from  
5 experiencing harassment by Kruse that so many had previously suffered. Senior leaders and  
6 their advisers charged with protecting the Capitol work environment failed to prevent or remedy  
7 Kruse's conduct despite it being well-known for years, and despite the foreseeability of what  
8 happened to the plaintiffs. Defendants expressed callous indifference to reports of Kruse's  
9 misconduct, and fostered an environment wherein complaints were discouraged with threats of  
10 retaliation, legal exposure, and negative career implications. While defendants now wish to  
11 focus solely on the future, justice requires that defendants be held accountable for what they  
12 knowingly allowed to happen to Anne Montgomery and Adrianna Martin-Wyatt, as well as to  
13 take meaningful action to prevent future sexual harassment and eliminate the culture of silence  
14 and retaliation for reporting.

### 17 **JURISDICTION AND VENUE**

18  
19 3. This court has jurisdiction over the parties, who at all material times were  
20 residents and/or conducting regular, sustained business activity within the County of Marion, in  
21 the state of Oregon. Venue is proper in the Circuit Court for the County of Marion, pursuant to  
22 ORS 14.080, as Defendants maintained their principal place of business in Marion County, and  
23 the civil rights violations alleged herein were committed in the County of Marion.

24  
25 4. With respect to the tortious conduct under state law claims, defendants had actual  
26 notice as set forth in ORS 30.275(6) within 180 days, and to the extent a formal tort claims

1 notice was not received within 180 days, defendants are estopped from claiming any statute of  
2 limitations defenses, the purpose of which is to timely preserve evidence and allow for an  
3 investigation. The State did so and two extensive investigations occurred.

4  
5 5. No tort claims notice is required for plaintiff's federal claims, which are timely  
6 filed.

### 7 **PARTIES**

8 6. Plaintiff **ANNE MONTGOMERY** is a resident of Lane County, Oregon, and is a  
9 former law student intern with the Legislature at the Oregon State Capitol.

10 7. Plaintiff **ADRIANNA MARTIN-WYATT** is a resident of Maricopa County,  
11 Arizona, and is a former law student intern with the Legislature at the Oregon State Capitol.

12 8. Defendants the **STATE OF OREGON, LEGISLATIVE ASSEMBLY AND**  
13 **LEGISLATIVE ADMINISTRATION COMMITTEE** operate the Oregon State Capitol  
14 ("Capitol"), a place of public accommodation. The Legislative Administration Committee  
15 provides administrative services to the Legislative Assembly, its support staff, and the public.

16 9. Defendant **JEFF KRUSE** was at all material times an Oregon State Senator and  
17 member of the Oregon Legislative Assembly. Kruse resigned from his position as State Senator  
18 effective March 15, 2018.

19 10. Defendant **PETER COURTNEY** is and was at all material times the President of  
20 the Oregon State Senate and member of the Oregon Legislative Assembly.

21 11. Defendant **DEXTER JOHNSON** is employed by the State of Oregon and was at  
22 all material times Legislative Counsel.

1            12.     Defendant **LORE CHRISTOPHER** is employed by the State of Oregon and was  
2 at all material times employed by the Legislative Administration Committee (“LAC”). The LAC  
3 appoints an administrator to serve as an executive officer over Employee Services, Facility  
4 Services, Financial Services, Information Services, Legislative Media and Visitor Services.  
5 Christopher was the head administrator as the Employee Services Manager and Human  
6 Resources Director  
7

8    **FACTUAL ALLEGATIONS**

9            13.     At all material times, Defendant Senate President Peter Courtney was a co-chair  
10 of the Legislative Administration Committee, which controls all space and facilities within the  
11 Capitol and performs administrative functions for the Legislative Assembly, including but not  
12 limited to personnel administration.  
13

14           14.     At all material times, Defendant Dexter Johnson was Legislative Counsel for the  
15 Oregon State Legislative Assembly. As Legislative Counsel, Johnson has numerous  
16 responsibilities, including advising on relevant administrative and employment laws. Among  
17 other tasks, Johnson, as Legislative Counsel, assists the Legislative Assembly, Legislative  
18 Administration Committee, and the Oregon Law Commission.  
19

20           15.     Defendant Dexter Johnson has been employed by the State Legislative’s Branch  
21 Office of Legislative Counsel for over 20 years and served as the Legislative Counsel, the head  
22 of the office, for approximately ten years.

23           16.     Defendant Dexter Johnson has significant influence over employment practices at  
24 the Capitol.  
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1           17. Defendant Dexter Johnson offers advice to administrators, including to Lore  
2 Christopher, manager of the Office of Employee Services and Human Resources Director,  
3 regarding human resources, personnel matters and related laws.

4           18. Defendant Dexter Johnson offers advice and counsel to individuals who work in  
5 the Capitol regarding their rights surrounding reports and complaints of discrimination,  
6 harassment and other misconduct.

7           19. Defendant Lore Christopher has been employed for over 22 years by the  
8 Legislative Administration Committee as Employee Services Manager and Human Resources  
9 Director. Her duties include managing personnel and human resources matters such as  
10 processing reports and complaints of discrimination, harassment and other misconduct.  
11

12           20. The Legislative Branch Personnel Rules (PRs) apply to all members, staff and  
13 employees of the Legislative Assembly and the Legislative Counsel Office.

14           21. Since at least 2016, the Legislative Counsel and the Director of Human Resources  
15 were tasked with keeping information related to discrimination and harassment and were part of  
16 the reporting chain for matters involving discrimination and harassment in the workplace.  
17

18           22. Over the course of many years, before and throughout the 2017 legislative  
19 session, then-Senator Jeff Kruse engaged in a pattern of sexual harassment, including frequent  
20 unwelcome physical contact, of numerous female senators, staff, lobbyists, and interns working  
21 at the Capitol.  
22

23           23. At all material times, Senator Kruse's inappropriate conduct of harassment  
24 directed at women was well known to fellow legislators, legislative leadership, and legislative  
25 staff, including each defendant named in this Complaint.  
26

1           24.     Sexual harassment is an issue of inequality in the workplace. Defendant Kruse's  
2 actions were part of a long-standing custom, practice and pattern of severe and pervasive sexual  
3 harassment in the Capitol, which is perpetuated by a custom and practice, and pattern of  
4 deliberate indifference to the unlawful behavior, including silencing and discouraging reporters.  
5

6           25.     Senator Kruse, specifically, between 1996 until the time of his resignation in  
7 March 2018, engaged in a well-known pattern of unwelcome verbal and physical conduct toward  
8 females. Evidence of defendants having notice of that unlawful behavior includes, but is not  
9 limited to the following:

10           a.     Senator Kruse's conduct of physically touching female senators and staff over a  
11 period of years was known and/or observed by other Senators and their staff,  
12 including by defendants Senate President Courtney, Dexter Johnson and Lore  
13 Christopher. This includes numerous incidents of unwanted physical contact  
14 toward women, which negatively impacted the terms and conditions of their  
15 working conditions compared to male colleagues.  
16

17           b.     Senator Sara Gelser, during her time as a State Representative and continuing and  
18 escalating when she became a member of the Senate, experienced unwanted  
19 sexual conduct by Senator Kruse. Some of this contact occurred on the Senate  
20 floor, during committee hearings, and in other public, easily observable locations.  
21 Senator Gelser's discomfort was so apparent that members on occasion intervened  
22 to assist her in escaping from Senator Kruse.  
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- 1 c. Legislative members, their staff, and other employees frequently discussed and  
2 joked about Senator Kruse's reputation for inappropriate and sexual conduct  
3 toward females.
- 4 d. In 2011, on one occasion, Senator Kruse came up behind Senator Gelser's desk  
5 on the House floor, put his arms around her and ran his hands crosswise down her  
6 body.
- 7 e. In 2013, Senator Ginny Burdick observed Senator Kruse standing behind her staff  
8 member with his hands on her shoulders. Senator Burdick told him "get your  
9 hands off my staff." A male staff member who observed the exchange stated that  
10 Senator Burdick had to tell Senator Kruse to stop two or more times before he  
11 complied.
- 12 f. In 2013, Senator Gelser was working on a bill in the House regarding domestic  
13 workers' rights. Senator Kruse called her and said he could help her get the bill  
14 passed. He asked her to come to his office, and she worried about being alone  
15 with him because it was his practice to shut the door of his inner office, thereby  
16 interfering with the terms and conditions of work as compared with male  
17 colleagues.
- 18 g. In 2015, when Senator Gelser joined the Senate she told the Chair of the  
19 Judiciary Committee that she did not want to sit next to Senator Kruse.
- 20 h. In 2016, Senator Kruse was sitting at Senator Gelser's desk on the Senate floor,  
21 and reached his right arm across her chest, along her cleavage line, placing his  
22 right hand on her left shoulder. He still had his hand there when a male Senator  
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1 came up and pretended that he needed to talk to her. Senator Gelser also described  
2 “side hugs” from Senator Kruse, pulling her in tight, and sometimes dragging his  
3 hand down her back and across her buttocks when he broke the embrace.

4  
5 i. In February or March of 2016, during a caucus meeting, Senator Gelser told her  
6 colleagues that she wanted Senator Kruse to stop touching her. State Senator  
7 Elizabeth Steiner Hayward was present and said that she was having the same  
8 issue with Senator Kruse. President Courtney’s Chief of Staff was present for that  
9 conversation and the “informal report” complaint process was discussed.

10 j. In June 2017, (approx. one month before session ended) Senator Kruse sat next to  
11 Senator Gelser, put his hand on her shoulder, then moved it down below her waist  
12 and onto her posterior. Senator Burdick witnessed this inappropriate conduct and  
13 exclaimed that he should take his hands off Senator Gelser.  
14

15 26. Prior to plaintiffs working as interns, Senator Kruse engaged in unwanted  
16 physical contact toward female members of the Legislature and staff, including extended, full  
17 body hugs, wrapping his arms tightly around a female legislator, kissing her cheek, and  
18 whispering in her ear so closely he left her ear wet.  
19

20 27. In March 2016, complaints were made to Senate President Courtney’s Chief of  
21 Staff, Betsy Imholt, as well as Defendants Dexter Johnson and Lore Christopher, about Senator  
22 Kruse’s inappropriate conduct towards women in the Capitol, including the following:

23 a. On or about March 3, 2016, Senator Sara Gelser and Senator Elizabeth Steiner  
24 Hayward reported to Defendants Johnson and Christopher that they had  
25 experienced unwelcome sexual conduct, including inappropriate closeness and  
26



1 touching by Senator Kruse. Senator Steiner Hayward also made an “informal  
2 report” about Senator Kruse’s inappropriate conduct.

- 3 b. At this time, Senator Gelser reported the behavior to Senate President Courtney’s  
4 Chief of Staff, Betsy Imholt. During that meeting Senator Gelser told Imholt that  
5 she wanted the unwelcome, sexual behavior by Kruse to stop. Imholt referred  
6 Senator Gelser to Defendants Dexter Johnson and Lore Christopher in Employee  
7 Services to use the complaint process. Senator Gelser filed a complaint. At least  
8 one other female senator had made a similar complaint against Kruse.

9  
10 28. By no later than March 2016, defendants knew of Senator Kruse’s pattern of  
11 inappropriate conduct towards women at the Capitol.

12  
13 29. Despite defendants’ knowledge and because of defendants’ reckless disregard of  
14 Senator Kruse’s pattern of inappropriate conduct towards women, little meaningful action was  
15 taken to protect women in the Capitol from experiencing sexual harassment.

- 16 a. In approximately March 2016, Defendants Johnson and Christopher initiated a  
17 conversation with Senator Kruse primarily about his smoking inside the Capitol,  
18 and then briefing mentioned the complaints of unwanted, offensive sexual  
19 behavior by him.

- 20  
21 b. There was no meaningful remedial action taken, and no follow-up investigation  
22 occurred to determine whether their conversation had resulted in improved  
23 behavior by Senator Kruse.

24  
25 30. During the remainder of 2016 and the 2017 session, Senator Kruse’s pattern of  
26 inappropriate, demeaning and sexual comments, and the touching of women continued and in

1 reportedly escalated, including incidents occurring on the Senate floor and in other public, easily  
2 observable locations.

3           31.     During the 2017 session, Senator Gelser made additional attempts to get  
4 assistance to stop Senator Kruse’s harassment, including speaking again to President Courtney’s  
5 Chief of Staff, Betsy Imholt. This time Gelser expressed her concern about Kruse’s behavior as a  
6 liability to the institution and about the institution’s failure in its duty to provide a harassment  
7 free workplace. Again, Imholt merely pointed Gelser to Legislative Branch Professional Rule 27  
8 to file a complaint.

9  
10           32.     Even as Senator Gelser’s complaints began receiving public attention and media  
11 coverage in October 2017, little meaningful action was taken against Senator Kruse by any of the  
12 defendants.

13  
14           33.     The Legislative Counsel’s office has at all material times engaged in a pattern of  
15 discouraging open communication about the sexually hostile work environment at the Capitol,  
16 warning victims that if they communicate about harassment they could be exposed to claims of  
17 retaliation and/or defamation.

18  
19           34.     Female employees were discouraged or explicitly told by Defendant Dexter  
20 Johnson to refrain from discussing their complaints about Senator Kruse and other harassers,  
21 inappropriately chilling women from reporting.

22           35.     These actions by Defendant Johnson and his subordinates contributed to allowing  
23 and sustaining a sexually hostile work environment in the Capitol, including by increasing  
24 female employees’ feelings of powerlessness and fears of retaliation, and reducing female  
25 employees’ reports of harassment.  
26

1           36. Defendants Johnson and Christopher failed to adequately investigate and respond  
2 to incidents of harassment and discrimination by Senator Kruse and others in the Capitol.

3           37. At all material times, Defendants Courtney, Johnson and Christopher had the  
4 authority and ability to engage in further administrative and personnel actions to address Senator  
5 Kruse's behavior, that they failed to do, including but not limited to the following:  
6

- 7           a. Setting explicit expectations with Kruse relating to his conduct;
- 8           b. Reducing Kruse's access to victims through adjusting desk placements and  
9           committee seating assignments;
- 10           c. Reporting his behavior to Kruse's Republican caucus leader;
- 11           d. Setting up cameras in his office area;
- 12           e. Ensuring no interns were assigned to work with Kruse;
- 13           f. Initiating appropriate complaints on their own about his behavior to the Employee  
14           Services department;
- 15           g. Engaging in earlier and more thorough investigations into the systemic nature of  
16           Kruse's harassing and sexual misconduct; and  
17           h. Involving appropriate state investigatory and enforcement agencies such as the  
18           Bureau of Labor and Industries to assist in investigating and taking meaningful  
19           action.  
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22           38. During the same time period that Senator Kruse continued to engage in rampant  
23 sexual harassment of female Legislators and employees in the Capitol, defendants knew that he  
24 also failed to comply with other Capitol Building rules and policies regarding the prohibition  
25 against smoking indoors.  
26

- 1 a. To address Kruse’s violation of smoking policies, in stark contrast to their failure  
2 to take meaningful efforts to address Kruse’s unlawful conduct toward women,  
3 Defendants Courtney, Johnson, and Christopher took a number of actions,  
4 including addressing the issue with him repeatedly, removing the door to Senator  
5 Kruse’s office, and making and encouraging repeated complaints to the agency in  
6 charge of investigation and enforcing workplace safety laws.
- 8 b. Defendant Johnson initiated multiple (approximately five) complaints on his own  
9 with the Oregon Health Authority (OHA) regarding smoking, and Defendants  
10 Johnson and Christopher met with OHA regarding the smoking violation  
11 advocating that civil penalties be imposed on Kruse; yet, at no time did those  
12 same defendants take any similar action to protect women from Kruse, nor initiate  
13 any similar advocacy with the state agency (i.e. BOLI) that had the authority to  
14 investigate and impose civil penalties regarding sexually harassment or hostile  
15 work environment he created.
- 17 c. Defendants Courtney, Johnson and Christopher failed to take any meaningfully  
18 equivalent actions to address Kruse’s sexual harassment, demonstrating their  
19 reckless disregard for the importance of maintaining equal terms and conditions  
20 for women working at the Capitol.

22 39. Senator Kruse had a history of openly resisting any oral reprimand or direction  
23 that he stop physically touching female staffers, yet defendants failed to initiate more meaningful  
24 action.  
25  
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1           40.    The history of sexual harassment and hostile work environment at the Capitol  
2 includes, but is not limited to, the following actions, causing deprivation of plaintiffs’ rights:  
3

- 4           a. Defendants for years knew of women subjected to unwanted touching or  
5           harassment by Senator Kruse;
- 6           b. Defendants for years were responsible for allowing and sustaining a sexually  
7           hostile work environment for its female employees,
- 8           c. Defendants for years allowed a culture of sexual harassment and took no  
9           meaningful remedial action;
- 10          d. Defendants failed to adequately investigate complaints by women who were  
11          sexually harassed, thereby perpetuating it, further leading to a failure of any  
12          meaningful remedial measures to stop the culture and pattern of behavior;
- 13          e. Defendants were negligent in their affirmative duty to prevent sexual harassment  
14          and discrimination in the workplace through proper training, staffing of  
15          supervisors and other management;
- 16          f. Defendants were negligent in controlling working conditions and ensuring  
17          workplace health and safety for its female employees and interns;
- 18          g. Defendants created and maintained unequal terms and conditions for women  
19          working at the Capitol;
- 20          h. Defendants had an ineffective and inadequate complaint process for “informal  
21          reports” and “formal reports” that made it difficult for even female legislators to  
22          come forward with complaints of harassment;
- 23          i. Defendants had an ineffective and inadequate complaint process for “informal  
24          reports” and “formal reports” that made it difficult for even female legislators to  
25          come forward with complaints of harassment;
- 26          i. Defendants had an ineffective and inadequate complaint process for “informal

1 reports” and “formal reports” and rather than create a transparent and effective  
2 complaint process that resulted in hiding and ignoring open and notorious  
3 workplace sexual harassment;

- 4  
5 j. Defendants knew of specific discrimination and harassment by Senator Kruse, yet  
6 defendants failed to take prompt, meaningful, and appropriate corrective action  
7 against Senator Kruse to prevent further harassment of employees and interns.

8 41. Defendants were not only aware of a sexually harassing pattern of unlawful  
9 behavior by Senator Kruse, and unwilling to intervene to stop Kruse’s blatant refusal to change  
10 his unlawful behavior, defendants further allowed the placement of plaintiffs as young interns in  
11 Kruse’s office, knowing they would eventually be sexually harassed.

12  
13 42. Defendants knew or should have known that their actions and failures to act  
14 violated clearly established statutory or constitutional rights against gender discrimination and  
15 the right to be free of sexual harassment and a sexually hostile work environment.

16 43. Defendants, individually, each had a duty to act consistent with the United States  
17 Constitution, here specifically the Equal Protection Clause, which requires equal terms,  
18 conditions and benefits of employment to both all, regardless of gender. Each defendant failed in  
19 their duty.  
20

21 44. Defendants, individually, each had a duty pursuant to Legislative Branch  
22 Personnel Rules to report or make complaints and provide a safe workplace free of sexual  
23 harassment. Each defendant failed in their duty.  
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1           45.     Defendants each had a duty pursuant to anti-discrimination laws protecting  
2 women from being free of sexual harassment in the work place. Each defendant failed in their  
3 duty.

4           46.     At all material times, Defendant former Senator Jeff Kruse acted under color of  
5 state law and affirmatively acted in a manner that resulted in the deprivation of plaintiffs'  
6 constitutional and federal protected rights.

7           47.     At all material times, Defendant Peter Courtney acted under color of state law,  
8 and personally participated through having knowledge of Kruse's unlawful behavior and  
9 recklessly disregarding the unlawful behavior, failing to prevent, failing to take meaningful  
10 action and/or acquiescing to the constitutional deprivation of plaintiffs' rights.

11           48.     At all material times, Defendant Dexter Johnson acted under color of state law,  
12 and personally participated through having knowledge of Kruse's unlawful behavior, and  
13 recklessly disregarding the unlawful behavior, failing to prevent, failing to take meaningful  
14 action, and/or acquiescing to the constitutional deprivation of plaintiffs' rights.

15           49.     At all material times, Defendant Lore Christopher acted under color of state law,  
16 and personally participated through having knowledge of Kruse's unlawful behavior, recklessly  
17 disregarding the unlawful behavior, failing to prevent, failing to take meaningful action and/or  
18 acquiescing to the constitutional deprivation of plaintiffs' rights.

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22                           **Facts Specific to Plaintiff Anne Montgomery**

23           50.     In early fall 2016 Anne Montgomery was selected to receive the Oregon Sea  
24 Grant and to staff the Oregon Legislature's Coastal Caucus as a legislative fellowship intern. As  
25

1 a recipient of the internship, she was assigned to Senator Kruse, who was then Chair of the  
2 Coastal Caucus, one of only three senators who served on the Coastal Caucus.

3 51. At the time, Anne Montgomery was a third-year law student at the University of  
4 Oregon Law School. As a fulltime student, Ms. Montgomery was not able to be employed full  
5 time and continue as a student. . Therefore, she took time off from law school to participate in  
6 the fellowship.  
7

8 52. During her employment with the legislature, Ms. Montgomery received  
9 approximately \$3,000 per month in remuneration for her work as a legislative intern fellow  
10 during the 2016-2017 session.  
11

12 53. Anne Montgomery was excited about this opportunity for many reasons, but  
13 principally because of the significant benefits in helping her realize her aspiration to secure a  
14 career working in the Legislature on coastal environmental issues, as well as in networking,  
15 legislative and policy experience. Ms. Montgomery's decision to take time off from school was  
16 based on the knowledge that often interns secure future regular employment in legislature or  
17 politics.  
18

19 54. It is common for individuals who served as interns to secure regular employment  
20 with the legislature or in related politics after their internship.

21 55. Her duties in the legislative fellowship position for Senator Kruse included  
22 working closely with Senator Kruse, organizing the weekly meetings of the Caucus, researching  
23 legislation that affected marine resources and the Oregon Coast, reporting on the progress and  
24 outcomes of marine and coastal policy issues. The fellowship was designed and sought out by  
25 Anne Montgomery as a position that would enhance her understanding of the legislative process  
26



1 in Oregon related to coastal, environmental issues, and to enhance her opportunities for a future  
2 professional career.

3           56. In December 2016, Anne Montgomery began working at the Capitol as an intern  
4 for Senator Kruse. When she met Senator Kruse for the first time, she was subjected to an  
5 unwanted hug.  
6

7           57. Anne Montgomery heard comments by staff and/or legislators confirming that  
8 Senator Kruse was a well-known sexual harasser and his inappropriate treatment of women was  
9 tolerated and accepted at the Capitol. For example, during early training, there were multiple  
10 remarks by staff as well as elected officials during the sexual harassment training that Senator  
11 Kruse must be out for a smoke break during that part of the training.  
12

13           58. During the course of her internship at the Capitol, from approximately November  
14 2016 through August 2017, Anne Montgomery was subjected to a continuous pattern of  
15 unwelcome conduct of a sexual nature by Senator Kruse, including but not limited to:

- 16           a. Calling her “little girl,” “my baby lawyer,” and “sexy” multiple times;
- 17           b. Saying her husband was really lucky and asking about her sex life at home;
- 18           c. Placing his hands on her thighs despite her telling him to stop;
- 19           d. Placing his head on top of hers as she sat at her desk, with his hands on her  
20           shoulders, and resting his weight on her head, multiple times;
- 21           e. Subjecting her to sexual banter;
- 22           f. Subjecting her to frequent hugs, often lingering with his hand around her waist;
- 23           and  
24           and  
25           and  
26

1 g. Harassing and engaging in sexually inappropriate conduct toward her co-worker  
2 Ms. Martin-Wyatt, in front of Ms. Montgomery.

3 59. Despite the power differential and fear of reprisal, Anne Montgomery  
4 communicated to Kruse that his behavior was unwelcome, such as by removing his hand from  
5 parts of her body, by walking away from him, by wiggling out of his grasp, and by other  
6 behavior such as moving her desk to another Senator's office area.

8 60. Anne Montgomery did her best to avoid Kruse's unwanted touching, as much as  
9 possible and to limit meetings with him to group settings. She stopped wearing makeup, wore  
10 baggy clothes, and trained herself to listen for Kruse's footsteps so that she could position herself  
11 in the best possible way to be protected from his sexual advances.

13 61. Anne Montgomery discussed her discomfort with Senator Kruse's conduct with  
14 other staff members. Senator Betsy Johnson's assistant suggested that Ms. Montgomery move  
15 her desk to Senator Johnson's office. Although that move reduced some direct contact with  
16 Kruse, the hostile work environment continued.

17 62. Many of the incidents of harassment directed at Ms. Montgomery were known by  
18 legislators and/or their staff, including Senator Betsy Johnson.

20 63. Shortly before the Commissioner's complaint was going to be public, the day it  
21 was filed, Ms. Montgomery reached out to talk with Senator Betsy Johnson to give her a heads-  
22 up that she was proceeding with the complaint process, but that she was trying to keep out the  
23 Coastal Caucus, and did not believe it would interfere with future employment. Senator Johnson  
24 was curt during that call, and quickly hung up. Since that conversation, Ms. Montgomery called  
25 back multiple times and dropped by the Senator's office, on each occasion since Senator Johnson  
26 declined to talk with or meet with Ms. Montgomery.

1           64. Anne Montgomery reasonably believed that complaining about Kruse’s conduct  
2 would be ineffective.

3           65. As a result of defendants’ unlawful conduct, Plaintiff Montgomery had to seek  
4 medical care and appropriate medication, because she suffered and continues to suffer emotional  
5 distress, post-traumatic stress, and an exacerbation of a previous infirm condition. Her losses  
6 include but are not limited to severe anxiety, fear, new onset of panic attacks, significantly  
7 impaired ability to think and concentrate, sleeplessness, irritability, jaw clenching resulting in  
8 headaches, tearfulness, loss of self-esteem, humiliation, loss of reputation, malaise and other  
9 related distress, some of which continues to the present. She has suffered severe emotional  
10 distress, mental pain and anguish, and other non-economic compensatory damages affecting loss  
11 of enjoyment of life, loss of a career in politics and anguish related to the loss of her goals and  
12 opportunities all contributing to her emotional pain and sufferings for which she is entitled to  
13 compensation in an amount pled in the prayer.  
14  
15

16           66. As a result of defendants’ unlawful conduct, Plaintiff Montgomery incurred  
17 economic damages related to medical expenses, lost wages and impaired earning capacity.  
18

19                                   **Facts Specific to Plaintiff Adrianna Martin-Wyatt**

20           67. From January through late April 2017, Plaintiff Adrianna Martin-Wyatt also  
21 worked as an intern in Senator Kruse’s office. At the time Ms. Martin-Wyatt was a second-year  
22 law student, participating in a course at the University of Oregon Law School called Legislative  
23 Issues.  
24

25           68. Ms. Martin-Wyatt worked with an adjunct professor to secure placement in the  
26 legislature working with Senator Kruse to secure valuable experience that could support her

1 future career in politics. Senator Kruse's Chief of Staff contacted Ms. Martin-Wyatt to begin  
2 working for the benefit of law school credit and other significant education benefits. There were  
3 only three students who participated in the class when Ms. Martin-Wyatt did.

4  
5 69. Ms. Martin-Wyatt received significant benefits related to her work at the  
6 legislature as it assisted with her career goals, because individuals who served as interns secured  
7 regular employment with the legislature. The other two interns in Ms. Martin-Wyatt's class  
8 secured employment in politics after the class, one in the Oregon legislature and one in  
9 Washington, D.C.

10  
11 70. As early as her orientation in January 2017, Ms. Martin-Wyatt heard other new  
12 staffers make jokes about Senator Kruse missing the sexual harassment training because he was  
13 on a smoke break.

14  
15 71. On or about January 30, 2017, was Ms. Martin-Wyatt first day of work. She was  
16 introduced on the Senate floor on February 1, 2017, when Kruse for the first time, whispered  
17 inappropriately in her ear.

18  
19 72. From February through late April 2017, Ms. Martin Wyatt was subjected to a  
20 continuous pattern of unwelcome conduct of a sexual nature by Senator Kruse, including but not  
21 limited to:

- 22 a. Asking about her sex life;
- 23 b. Asking to be invited to her home late in the evening;
- 24 c. Wrapping his arms around her and sliding his arms cross-wise down the front of  
25 her body across her breasts;
- 26 d. Touching her hips;

- e. Hugging her and squeezing tightly so that she could not move as he gave her a work assignment;
- f. Putting his hands on her shoulders and talking to her nose-to-nose; and
- g. Subjecting her to sexual banter;
- h. Discussing accusations against him regarding his daughter;
- i. Discussing that he had been accused of getting too close to women, as he wrapped his arms around her and positioned his nose next to hers;
- j. Massaging her shoulders as she worked on the computer; and
- k. Harassing and engaging in sexually inappropriate conduct toward her co-worker Ms. Montgomery, in front of Ms. Martin-Wyatt.

73. Adrianna Martin-Wyatt communicated to Kruse that his behavior was unwelcome.

74. When Adrianna Martin-Wyatt and Anne Montgomery described the unwelcome conduct to multiple staff members in both the House and Senate, all of whom did not take it seriously and stated that it had been happening for years. Some of the staff members just laughed about it, stating it was not surprising.

75. Given this response from other staff members, as well as Senator Kruse's own comments regarding accusations that had been made against him, Ms. Martin-Wyatt reasonably believed complaining about Senator Kruse would be ineffective.

76. Many of the incidents of harassment directed at Ms. Martin-Wyatt were known by legislators and/or their staff.

1           77.     Ms. Martin-Wyatt tried to protect herself from Senator Kruse. For example, she  
2 stopped filing bills when he was in the vicinity so as not to be standing near him, in order to  
3 minimize his ability to touch her.

4           78.     When Ms. Martin-Wyatt had accepted the internship, she had committed to and  
5 intended to serve through the end of the legislative session in July.

6           79.     In early March 2017, Ms. Martin-Wyatt began considering quitting and losing out  
7 on obtaining course credits for internship work. She became fearful that people would begin to  
8 think she was sleeping with Senator Kruse or at the very least having some type of romantic  
9 relationship with him and that her reputation would be damaged as a result.

10           80.     During the week of March 15, 2017, Ms. Martin-Wyatt obtained additional work  
11 in Senator Herman Baertschiger's office as a way to leave Kruse's office for half of each day.  
12 Though this reduced her exposure to Senator Kruse slightly, it did not eliminate the hostile work  
13 environment.

14           81.     Even after she began working with Senator Beartschiger, Kruse would trap Ms.  
15 Martin-Wyatt in side hugs, put his face close to hers, and discuss projects for which he needed  
16 information while holding her hip so tightly as to convey that she was not free to leave the  
17 embrace until he released her.

18           82.     In late April, 2017, the working conditions were so unbearable, that Ms. Martin-  
19 Wyatt felt that she had no choice but to leave her position before the end of the session due to the  
20 hostile work environment.

21           83.     On April 26, 2017, Ms. Martin-Wyatt's last day, Senator Kruse's assistant was  
22 not in her office; to avoid being alone with Senator Kruse, Ms. Martin-Wyatt left work early.  
23  
24  
25  
26

1 84. On or about April 29, 2017, Ms. Martin-Wyatt encountered Senator Kruse again  
2 at a funeral in which several state legislators were in attendance in Grants Pass, and Kruse again  
3 tightly embraced her in front of legislators, capitol employees and others.

4  
5 85. As a result of defendants' unlawful conduct, Ms. Martin-Wyatt suffered and  
6 continues to suffered emotional distress. Her losses include but are not limited to heightened  
7 emotional state and fragility, depression, tearfulness, irritability, loss of self-esteem, humiliation,  
8 loss of reputation and stress related weight gain. She has suffered emotional distress, mental pain  
9 and anguish, distress related to the loss of a career in politics and anguish related to the loss of  
10 her goals in public service work, and other non-economic compensatory damages affecting loss  
11 of enjoyment of life and loss of opportunities all contributing to her emotional pain and  
12 sufferings for which she in entitled to compensation in an amount pled in the prayer.

13  
14 **Facts Common to Both Plaintiffs and**

15 **Relating to Actual Notice to Defendants of Plaintiffs' Claims**

16 86. On October 23, 2017, after reading the media reports on Senator Gelser's tweet  
17 which publicly asked Republicans to ensure members of their caucus refrain from  
18 inappropriately touching or groping female staff or members, Ms. Martin-Wyatt emailed  
19 Defendant, Dexter Johnson stating that she had worked for Senator Kruse and that he was  
20 sexually inappropriate toward her while she was an intern.

21  
22 87. On or about October 28, 2017, after learning that Senator Gelser was public with  
23 outing Senator Kruse, Ms. Montgomery met with the Coastal Caucus to discuss the sexually  
24 inappropriate workplace behavior of Senator Kruse.

1           88.     On or about mid to late November, the State hires attorney Dian Rubanoff to  
2 investigate “formal complaints” against Senator Kruse by Senator Sara Gelser and Senator  
3 Elizabeth Steiner Hayward. Both plaintiffs participated in this investigation.

4           89.     In December 2017, a fellow staffer from the Capitol contacted Ms. Martin-Wyatt  
5 and told her that several Republicans at the Capitol felt she was a traitor for coming forward  
6 about Kruse’s sexually inappropriate conduct because it created the possibility of losing a  
7 Republican Senator for votes.

8           90.     Defendants had sufficient notice within 180 days of the pattern of bad acts toward  
9 plaintiffs, in which to sufficiently conduct an investigation.

10           91.     On October 23, 2017, Ms. Martin-Wyatt emailed Defendant, legislative counsel,  
11 Dexter Johnson stating that she worked for Senator Kruse and he was sexually inappropriate  
12 toward her while an intern. At the latest, defendants had actual notice of her claims through their  
13 legislative counsel, Johnson on October 23, 2017.

14           92.     Between approximately December 2017 to February 2018, attorney Dian  
15 Rubanoff, as an agent of the State, interviewed Anne Montgomery and Adrianna Martin-Wyatt  
16 during an investigation into Senator Kruse’s conduct.

17           93.     During those interviews, Rubanoff told plaintiffs that based on their status as  
18 interns that they had no legal right to file a suit against defendants, adding that she just did not  
19 see how plaintiffs could even a join a civil suit if there was one.

- 20           a.     This was false, and a misrepresentation of the law. Since at least 2013, interns in  
21 Oregon have been statutorily protected from sexual harassment, retaliation, and  
22 various other unlawful employment practices pursuant to ORS 659A.001(4)(b), ORS  
23  
24  
25  
26



1 659A.350, and citations therein, including ORS 659A.030, and have the right to file  
2 complaints with BOLI and in the courts;

- 3 b. The representation was made by Rubanoff with knowledge of the facts;
- 4
- 5 c. Plaintiffs were both unaware of the truth;
- 6
- 7 d. Rubanoff made the statement with the intention that it would be relied upon; and
- 8
- 9 e. As a result, plaintiffs took no further action, until they were informed of their rights  
and received the letter finally forwarded to them by Commissioner Avakian as  
described below in paragraphs 100 and 104.

10 94. Plaintiffs as interns are protected by federal laws against sexual harassment and  
11 gender discrimination.

12

13 95. Plaintiffs Montgomery and Martin-Wyatt relied in part on Rubanoff's stated  
14 representation in their decisions not to immediately pursue claims against Defendants.

15 96. In or about March or April 2018, the Legislative Counsel's office called Adrianna  
16 Martin-Wyatt to inform her of the possibility that her identity might be made public because of  
17 the statements she had given in the course of the investigation into Senator Kruse's misconduct.  
18 During that call, the Legislative Counsel's office staff member acknowledged Ms. Martin-  
19 Wyatt's career at the Capitol was over and offered sympathy for that fact.

20

21 97. On or about May 15, 2018, BOLI Commissioner Brad Avakian sent a letter to  
22 each of the plaintiffs related to their rights, it was mailed to and in care of the defendants.  
23 Because at that time only the state defendants and investigator Rubanoff knew of plaintiffs'  
24 identities. Commissioner asked the defendants to forward the letters to plaintiffs. Plaintiffs were  
25

1 known as “Students A and B” to Commissioner Avakian at that time. The Commissioner hoped  
2 that the legislature would forward the letters to plaintiffs, which they did not.

3 98. On or about June 1, 2018 the investigator for the State Legislature, Rubanoff  
4 contacted plaintiffs and stated that BOLI was concerned that some of the participants in her  
5 investigation may not be aware of their legal rights, she asked if plaintiffs wanted to receive the  
6 letters and asked for their addresses if they wanted to receive a letter. Both plaintiffs  
7 communicated they wanted to know their rights, providing their addresses to Rubanoff.  
8

9 99. It was not until June 8, 2018, that defendants, through Dian Rubanoff sent a letter  
10 to Ms. Montgomery and Ms. Martin-Wyatt stating that they could contact BOLI or the Equal  
11 Employment Opportunity Commission ("EEOC") for information regarding their rights. The  
12 letter also explained the statutes of limitation for filing complaints with those agencies but  
13 provided no information about the shorter timeline for filing a Tort Claim Notice to preserve  
14 claims against public bodies. The letter was mailed after the statutes of limitation for filing a  
15 claim with BOLI, the EEOC and a Tort Claim Notice had all expired for the student interns.  
16

17 100. Ms. Martin-Wyatt responded that she was under the impression she did not have  
18 rights, and provided her address to receive the letter.  
19

20 101. The last week of June 2018, the May 15, 2018 letter from Commissioner Avakian  
21 was finally received by both Ms. Montgomery and Ms. Martin-Wyatt stating what happened to  
22 them could be unlawful conduct toward them, could constitute harassment, and that generally  
23 people have a one year deadline from the date of the last harm to file complaints.  
24

25 102. Within days of receiving the letter from BOLI, both plaintiffs immediately  
26 contacted Commissioner Avakian to discuss their rights and what happened.

1           103. In July 2018, plaintiffs communicated with the Bureau of Labor and Industries  
2 regarding allegations against the Legislative Assembly, Legislative Administration Committee,  
3 and Senator Kruse, related to Senator Kruse’s sexual harassment and misconduct toward them in  
4 the Capitol.  
5

6           104. During the summer of 2018, both Ms. Montgomery and Ms. Martin-Wyatt  
7 provided significant information to assist in BOLI’s investigation, and on August 1, 2018, BOLI  
8 Commissioner Brad Avakian filed a Commissioner’s Complaint with the Bureau of Labor &  
9 Industries against Respondents, State of Oregon, Legislative Assembly; State of Oregon,  
10 Legislative Administration Committee; and aider and abetter, Jeff Kruse including Ms.  
11 Montgomery and Ms. Martin-Wyatt’s allegations.  
12

13           105. The Commissioner’s (BOLI) Complaint was filed in order to protect the interests  
14 of individuals in proximity to others who hold positions of power who have been subjected to  
15 harassing or discriminatory conduct, which included plaintiffs.  
16

17           106. On January 3, 2019, BOLI released its findings in a Notice of Substantial  
18 Evidence Determination summarizing factual findings and determinations of violations of law.  
19

20           107. BOLI’s Notice of Substantial Evidence Determination issued on January 3, 2019  
21 concluded among other findings:

- 22           a. That the sexual harassment in the Capitol was severe and pervasive;
- 23           b. That Respondents knew or should have known of the culture by at least 2015 at  
24 the latest given there were many allegations of sexual harassment in the Capitol  
25 involving multiple actors;  
26

- 1 c. That Respondents knew or should have known yet they accepted the conduct over  
2 the years;
- 3 d. That Defendant Christopher advised employees to not speak about their  
4 complaints even at the conclusion of the investigation, because of the concern that  
5 defendants Christopher and Johnson had about the potential for retaliation claims;  
6
- 7 e. That the processes for addressing harassment complaints were and continue to be  
8 not well understood;
- 9 f. That at least during the period between 2013-2015, Respondents received reports  
10 of sexual harassment related to allegations against three different people including  
11 Senator Kruse;
- 12
- 13 g. That people in many levels of legislative leadership and administration also  
14 experienced unwanted touching or misconduct by former Senator Kruse, and in  
15 the absence of appropriate institutional intervention, many offices had protocols  
16 to attempting to protect female staff from him prior to plaintiff's employment;
- 17
- 18 h. That Respondents knew of the misconduct by Senator Kruse at least by 2016, but  
19 knew or should have known for years prior due to the prevalence of his  
20 misconduct toward multiple people and in front of multiple people;
- 21
- 22 i. That Respondents took far more serious steps to curb the former Senator Kruse's  
23 disregard for the smoking rules, than to address his flagrant disregard for rules  
24 against sexual harassment and unlawful conduct toward women;
- 25
- 26 j. That people had a fear of retaliation for coming forward;

- 1 k. That Respondents consciously relied on processes that kept reports of harassment  
2 undocumented, including the use of the “intermediary process” or informal  
3 complaints, which results in ineffective or non-responses and discourages people  
4 from bringing forward complaints;  
5
- 6 l. That there was substantial evidence that Respondents failed to take immediate and  
7 appropriate corrective action, or in many cases any action, in response to  
8 complaints of incidents of sexual harassment that they knew or should have  
9 known about, in particular related to Senator Kruse;
- 10 m. That Respondents possess a unique degree of power influence and power, and that  
11 when senators raised concerns or made reports of sexual harassment nothing  
12 meaningful happened, therefore BOLI further found that other victims of sexual  
13 harassment could observe the same and reasonably conclude that the risk of  
14 reporting harassment was too great;  
15
- 16 n. That Respondents were aware of the inherent chilling effect created by the power  
17 imbalance between legislators and those whose careers can be significantly  
18 hindered by the Respondents; and
- 19 o. That Respondents knew or should have known of the high probability that female  
20 employees and interns, such as Ms. Montgomery and Ms. Martin-Wyatt would be  
21 vulnerable to the known sexually offensive conduct of Senator Kruse; and not  
22 report for fear of retaliation.

23 108. BOLI determined that there was substantial evidence of unlawful practices based  
24 on gender, discrimination in terms and conditions of employment related to gender in violation  
25 of ORS 659A.030(1)(b); substantial evidence that Senator Kruse aided and abetted in the  
26

1 discrimination based upon sex in violation of ORS 659A.030(1)(g); that as a place of  
2 accommodation that the Capitol denied the full and equal accommodations, advantages and  
3 privileges of a place of public accommodation without discrimination based upon gender in  
4 violation of ORS 659A.403; and that Senator Kruse further aided and abetted in gender  
5 discrimination in a place of public accommodation in violation of ORS 659A.406.  
6

7 109. Within days of BOLI's Notice of Substantial Evidence issued on January 3, 2019,  
8 plaintiffs discovered that they had protected rights, and learned information about their rights  
9 that contrasted what they had been told by state agent Dian Rubanoff. At that point they  
10 immediately sought legal counsel to further protect their rights.  
11

12 **FIRST CLAIM FOR RELIEF**

13 **Plaintiff Anne Montgomery Against Defendant Jeff Kruse in his Individual Capacity**

14 **(Violations of 42 U.S.C. § 1983–Hostile Work Environment)**

15 110. Plaintiff realleges and incorporates by reference paragraphs 1 through 108.

16 111. Defendant Kruse, acting under color of state law, and pursuant to custom and  
17 practice at the Capitol, violated plaintiff's right to be free from sexual harassment, which is a  
18 clearly established federal right.  
19

20 112. At all material times Defendant Kruse engaged in a pattern of unwanted sexual  
21 harassment directed toward women, including Ms. Montgomery and Ms. Martin-Wyatt.

22 113. The conduct of Defendant Kruse towards Ms. Montgomery constitutes  
23 unwelcome sexual harassment that was severe and/or pervasive.  
24  
25  
26



1           121. The conduct of Senator Kruse towards Ms. Martin-Wyatt constitutes unwelcome  
2 sexual harassment that was severe and/or pervasive.

3           122. As a direct and proximate result of Jeff Kruse’s unlawful conduct, Ms. Martin-  
4 Wyatt has incurred economic damages due to lost work opportunities in the amount set forth in  
5 the prayer herein, plus prejudgment interest in an amount to be determined at trial.  
6

7           123. As a direct and proximate result of Senator Kruse’s unlawful conduct, Ms.  
8 Martin-Wyatt has been subjected to pain, suffering, humiliation and impairment to her  
9 reputation. Plaintiff Martin-Wyatt is entitled to non-economic compensatory damages sufficient  
10 to compensate her for her emotional pain and suffering, embarrassment, loss of self-esteem, loss  
11 of dignity, and loss of opportunities and is entitled to an award of compensatory damages in the  
12 amount to be determined at trial, against Jeff Kruse in his individual capacity. Ms. Martin-Wyatt  
13 is further entitled to an award of attorney fees pursuant to 42 U.S.C. § 1988.  
14

15                               **THIRD CLAIM FOR RELIEF**

16           **Both Plaintiffs Against Defendants Kruse, Courtney, Johnson and Christopher**  
17                               **in their individual capacities**  
18                               **(Violations of 42 U.S.C. § 1983 – Equal Protection – Gender Discrimination)**

19           124. Plaintiff realleges and incorporates paragraphs 1-122 as though set forth herein.  
20

21           125. Plaintiffs, as female employees in the workplace, have the right to all the  
22 advantages of employment as men, including the right not to have to endure or protect  
23 themselves from unwanted sexual behavior, sexual advances or otherwise sexually harassing  
24 behavior. Plaintiffs had the right to a work environment that is gender neutral and equal in the  
25 terms and conditions of similarly situated male employees.  
26



1           126. Defendants while acting under color of state law, violated plaintiffs' rights to  
2 equal protection of the law, as guaranteed by the Fourteenth Amendment to the Constitution, by  
3 treating plaintiffs differently and holding plaintiffs to a disparate and unequal standard as  
4 compared to other male employees of equal rank and status, without rational basis and based  
5 upon illegitimate animus and ill will.  
6

7           127. Defendants acting under color of state law and pursuant to established custom and  
8 practice of being deliberately indifferent to unequal treatment of women at the Capitol, allowing  
9 them to feel unsafe and harassed, which violated plaintiffs' rights to be free from gender  
10 discrimination and sexual harassment, a clearly established right.  
11

12           128. As a direct and proximate result of defendants' unlawful conduct, Plaintiff Anne  
13 Montgomery has been subjected to pain, suffering, humiliation and impairment to her reputation.  
14 Plaintiff Montgomery is entitled to non-economic compensatory damages sufficient to  
15 compensate her for her emotional pain and suffering, embarrassment, loss of self-esteem, loss of  
16 dignity, and loss of opportunities and is entitled to an award of compensatory damages in the  
17 amount to be determined at trial.  
18

19           129. As a direct and proximate result of defendants' unlawful conduct, Adrianna  
20 Martin-Wyatt has been subjected to pain, suffering, humiliation and impairment to her  
21 reputation. Plaintiff Martin-Wyatt is entitled to non-economic compensatory damages sufficient  
22 to compensate her for her emotional pain and suffering, embarrassment, loss of self-esteem, loss  
23 of dignity, and loss of opportunities and is entitled to an award of compensatory damages in the  
24 amount to be determined at trial.  
25  
26

1 130. As a result of the events previously described, plaintiffs are entitled to an award  
2 of attorney fees and costs pursuant to 42 U.S.C. § 1988.

3 **FOURTH CLAIM FOR RELIEF**

4 **Both Plaintiffs Against Defendants Courtney, Johnson and Christopher**

5 **in their individual capacities**

6 **(Violations of 42 U.S.C. § 1983 –Hostile Work Environment)**

7  
8 131. Plaintiffs reallege and incorporate by reference paragraphs 1 through 129.

9 132. At all material times, Defendant Courtney, Johnson, and Christopher acted under  
10 color of state law in administering personnel decisions at the State Capitol.

11 133. Defendant Courtney, Johnson, and Christopher knew that Kruse was engaging in  
12 repeated acts of sexual harassment for months, if not years, before plaintiffs worked at the  
13 Capitol.

14 134. Defendant Courtney, Johnson, and Christopher knew or reasonably should have  
15 known that Kruse’s conduct would deprive plaintiffs of their rights to be free from sexual  
16 harassment and a sexually hostile work environment.

17 135. Defendant Courtney, Johnson, and Christopher failed to act to prevent Kruse from  
18 engaging in acts of sexual harassment, and/or engaged in conduct that showed a reckless or  
19 callous indifference to Kruse’s deprivation of plaintiffs’ clearly established constitutional rights.

20 136. Defendant Courtney, Johnson, and Christopher’s conduct was so closely related to  
21 the deprivation of plaintiffs’ rights as to be the moving force that created the ultimate injuries to  
22 plaintiffs.

23 137. As a direct and proximate result of defendants’ unlawful conduct, plaintiff  
24 Montgomery has been subjected to pain, suffering, humiliation and impairment to her reputation  
25 as described in paragraphs 64 as though set forth herein. Plaintiff Montgomery is therefore  
26

1 entitled to non-economic compensatory damages sufficient to compensate her for her emotional  
2 pain and suffering, embarrassment, loss of self-esteem, loss of dignity, and loss of opportunities  
3 and is entitled to an award of compensatory damages in the amount to be determined at trial.

4  
5 138. As a direct and proximate result of defendants' unlawful conduct, Adrianna  
6 Martin-Wyatt has been subjected to pain, suffering, humiliation and impairment to her reputation  
7 as set forth above in paragraph 83. Plaintiff Martin-Wyatt is entitled to non-economic  
8 compensatory damages sufficient to compensate her for her emotional pain and suffering,  
9 embarrassment, loss of self-esteem, loss of dignity, and loss of opportunities and is entitled to an  
10 award of compensatory damages in the amount to be determined at trial.

11  
12 139. As a result of the events previously described, plaintiffs are entitled to an award  
13 of attorney fees and costs pursuant to 42 U.S.C. § 1988.

#### 14 **FIFTH CLAIM FOR RELIEF**

15 **Both Plaintiffs Against Defendants State of Oregon, Legislative Assembly and**  
16 **State of Oregon, Legislative Administration Committee and**  
17 **Defendants Courtney, Johnson and Christopher, in their individual and official capacities**  
18 **(Negligence)**

19  
20 140. Plaintiffs reallege and incorporate by reference paragraphs 1 through 138.

21 141. As legislative interns, plaintiffs were not covered by worker's compensation laws.

22 142. Upon information and belief, defendants Peter Courtney, Dexter Johnson and  
23 Lore Christopher had actual notice of Kruse's conduct and plaintiffs' allegations of sexual  
24 harassment herein alleged. In the alternative, defendants were complicit in discouraging  
25 plaintiffs and other females working at the Capitol from reporting unlawful conduct, including  
26

1 sexual harassment and are thereby estopped from reliance on formal notice provisions of  
2 Oregon's tort claim statute.

3 143. Defendants, individually and/or collectively had a duty of care to plaintiffs and  
4 others to take reasonably appropriate steps to eradicate any known sexual harassment at the State  
5 Capitol.  
6

7 144. Defendants breached the standard of care by failing to adequately and  
8 appropriately address the unwanted sexual conduct of former Senator Kruse, in one or more of  
9 the following ways:

10 a. Failing to follow the procedures set forth in their personnel policies in  
11 response to reports of sexual harassment or unwanted touching;

12 b. Failing to protect plaintiffs from an environment in which they knew  
13 sexual harassment was reasonably certain to occur;

14 c. Discouraging complaints and reports of sexual harassment;

15 d. Providing legal advice warning victims of sexual harassment that talking  
16 about their experience could result in legal exposure and/or loss of job  
17 opportunities.

18 145. The negligent acts and omissions alleged herein caused or were a substantial  
19 factor in causing the hostile work environment at the Capitol to which plaintiffs were subjected.

20 146. As a result of defendants' negligent conduct, plaintiffs have suffered pain,  
21 humiliation, and impairment to their reputations and are entitled to an award of compensatory  
22 damages as against each defendant in the amount to be determined at trial as set forth above.

23 //

24 //

25 //

26

1 **SIXTH CLAIM FOR RELIEF**

2 **Both Plaintiffs Against Both Plaintiffs Against Defendants State Of Oregon, Legislative**  
3 **Assembly and State of Oregon, Legislative Administration Committee and**  
4 **Defendants Courtney, Johnson and Christopher,**  
5 **in their individual and official capacities**  
6 **(Negligent Supervision)**

7 147. Plaintiffs reallege and incorporate by reference paragraphs 1 through 145.

8 148. Upon information and belief, defendants Peter Courtney, Dexter Johnson and  
9 Lore Christopher had actual notice of Kruse’s conduct and plaintiffs’ allegations of sexual  
10 harassment herein alleged. In the alternative, defendants were complicit in discouraging  
11 plaintiffs and other females working at the Capitol from reporting unlawful conduct, including  
12 sexual harassment and are thereby estopped from reliance on formal notice provisions of  
13 Oregon’s tort claim statute.  
14

15 149. Defendants, individually and/or collectively had a duty of care to plaintiffs and  
16 others to take reasonably appropriate steps to stop any known sexual harassment at the State  
17 Capitol from continuing.  
18

19 150. Defendants breached the standard of care by failing to adequately supervise Kruse  
20 and appropriately address his unwanted sexual conduct, in one or more of the following ways:

21 a. Failing to ensure that Kruse followed the procedures set forth in their  
22 personnel policies in response to reports of sexual harassment or unwanted  
23 touching;

24 b. Failing to take appropriate administrative action to formally investigate,  
25 and or remove him from the building for unsafe workplace misconduct;  
26

- 1 c. Failing to follow the law to provide a workplace free of sexual  
2 harassment;
- 3 d. Failing to protect plaintiffs from an environment in which they knew  
4 sexual harassment was reasonably certain to occur;
- 5 e. Failing to immediately administratively or publicly censure Senator Kruse  
6 when the sexual behavior was first identified
- 7 f. Discouraging complaints and reports of sexual harassment and  
8 encouraging a woman to delay filing complaints; and
- 9 g. Providing legal advice warning victims of sexual harassment that talking  
10 about how their experience could result in legal exposure and/or loss of job  
11 opportunities.

12 151. The negligent acts and omissions alleged herein caused or were a substantial  
13 factor in causing the hostile work environment at the Capitol to which plaintiffs were subjected.

14 152. As a result of defendants' negligent conduct, plaintiffs have suffered pain,  
15 humiliation, and impairment to their reputations and are entitled to an award of compensatory  
16 damages against each defendant in the amount to be determined at trial as set forth above.

#### 17 **SEVENTH CLAIM FOR RELIEF**

18 **Both Plaintiffs Against Defendants State Of Oregon, Legislative Assembly and State of**  
19 **Oregon, Legislative Administration Committee and**  
20 **Defendants Courtney, Johnson and Christopher in their individual and official capacities**  
21 **(Negligent Retention)**

22 153. Plaintiffs reallege and incorporate by reference paragraphs 1 through 151.

23 154. Upon information and belief, defendants Peter Courtney, Dexter Johnson and  
24 Lore Christopher had actual notice of Kruse's conduct and plaintiff's allegations of sexual  
25 harassment herein alleged. In the alternative, defendants were complicit in discouraging  
26 plaintiffs and other females working at the Capitol from reporting unlawful conduct, including

1 sexual harassment and are thereby estopped from reliance on formal notice provisions of  
2 Oregon's tort claim statute.

3 155. Defendants, individually and/or collectively had a duty of care to plaintiffs and  
4 others to take reasonably appropriate steps to eradicate any known sexual harassment at the state  
5 capitol.

6 156. Defendants breached the standard of care by failing to adequately supervise Kruse  
7 and appropriately address the unwanted sexual conduct of former Senator Kruse, in one or more  
8 of the following ways:

9 a. Failing to take appropriate administrative action to formally investigate,  
10 and or remove him from the building for unsafe workplace misconduct;

11 b. Failing to immediately administratively or publicly censure Senator Kruse  
12 when the sexual behavior was first identified;

13 c. Failing to follow the law to provide a workplace free of sexual  
14 harassment;

15 d. Failing to follow the procedures set forth in their personnel policies in  
16 response to reports of sexual harassment or unwanted touching;

17 e. Failing to immediately reprimand Defendant Kruse in a meaningful way in  
18 order to force his resignation and/or in other ways meaningfully protect plaintiffs  
19 from an environment in which defendants knew sexual harassment was  
20 reasonably certain to occur;

21 f. Failing to take administrative steps toward expulsion under the personnel  
22 rules, and/or stripping away Defendant Kruse's committee duties sooner, shortly  
23 after the behavior was identified;

24 g. Discouraging complaints and reports of sexual harassment and/or  
25 encouraging a woman to delay filing complaints;

26

1 h. Providing legal advice warning victims of sexual harassment that talking  
2 about their experience could result in legal exposure and/or loss of job  
3 opportunities.

4 157. The negligent acts and omissions alleged herein caused or were a substantial  
5 factor in causing the hostile work environment at the Capitol to which plaintiffs were subjected.

6 158. As a result of defendants' negligent conduct, plaintiffs have suffered pain,  
7 humiliation and impairment to their reputations and are entitled to an award of compensatory  
8 damages as against each defendant in the amounts to be determined at trial as set forth above.

9 **EIGHTH CLAIM FOR RELIEF**

10 **Both Plaintiffs Against State of Oregon**

11 **(ORS 659A.030(1)(b)—Gender Discrimination/Sexual Harassment)**

12 159. Plaintiffs incorporate by reference paragraphs 1-138.

13 160. Plaintiffs are females.

14 161. Defendant maintained a sexually hostile work environment as alleged above  
15 constituting unlawful employment practices.

16 162. Defendants discriminated in the terms and condition of employment because of  
17 plaintiffs' gender.

18 163. Plaintiffs suffered compensatory and economic damages as alleged above.

19 164. Plaintiffs are entitled to attorneys' fees and costs, including expert witness fees  
20 pursuant to ORS 20.107 and ORS 659A.885.

21 **NINTH CLAIM FOR RELIEF**

22 **Both Plaintiffs Against Defendant State of Oregon**

23 **(ORS 659A.403(1)(3) – Public Accommodation Discrimination)**

24 165. Plaintiffs incorporate by reference paragraphs 1 through 138 and 158-161.

25 166. Plaintiffs are females.





1 Seventh claims for relief: compensatory damages for non-pecuniary losses, including physical  
2 and emotional injury, pain and suffering, mental anguish, humiliation, and embarrassment, and  
3 loss of enjoyment of life, in an amount to be determined by a jury in an amount not to exceed  
4 \$1,300,000.

5 D. Order defendants to pay Plaintiff Adrianna Martin-Wyatt on her Second, Third  
6 and Fourth claims compensatory damages for non-pecuniary losses, including physical and  
7 emotional injury, pain and suffering, mental anguish, humiliation, and embarrassment, and loss  
8 of enjoyment of life, in an amount to be determined by a jury in an amount not to exceed  
9 \$1,700,000.

10 E. Order defendants to pay Plaintiff Adrianna Martin-Wyatt on her Fifth, Sixth and  
11 Seventh claims compensatory damages for non-pecuniary losses, including physical and  
12 emotional injury, pain and suffering, mental anguish, humiliation, and embarrassment, and loss  
13 of enjoyment of life, in an amount to be determined by a jury in an amount not to exceed  
14 \$1,000,000.

15 F. Plaintiffs hereby provide notice that they will seek to amend this Complaint to  
16 include a claim for punitive damages against individual defendants for federal claims, and the all  
17 defendants for state claims.

18 G. Award plaintiffs costs of suit and reasonable attorney fees, costs, and expert  
19 witness fees.

20 H. Order defendants to pay prejudgment and post judgment interest, as appropriate,  
21 on all amounts due to plaintiffs as a result of this action.

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1 **JURY TRIAL DEMAND**

2 Plaintiffs demand a jury trial on all questions of fact or combined questions of law and  
3 fact raised by this Complaint.

4 DATED this 18th day of February, 2019.

5 Respectfully submitted,

6 **ROHNY LAW**

7 *s/ Charese A. Rohny*

8 By: \_\_\_\_\_

9 Charese A. Rohny, OSB No. 953964

10 charese@rohnylaw.com

11 Of Attorneys for Plaintiffs

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2 **ATTORNEY CERTIFICATE OF SERVICE**

3 I hereby certify that on February 18, 2019, I have made service of the foregoing  
4 **COMPLAINT** on the party/ies listed below in the manner indicated:

5  
6 Edwin A. Harnden  
7 Barran Liebman, LLP  
8 601 SW 2<sup>nd</sup> Avenue, Suite 2300  
9 Portland, OR 97204  
10 [eharnden@barran.com](mailto:eharnden@barran.com)

U.S. Mail  
Facsimile  
Hand Delivery  
Overnight Courier  
 Email  
 Odyssey File & Serve™

11 *Attorneys for Defendants*

12 DATED February 18th, 2019.

13 *s/ Charese A. Rohny*  
14 By: \_\_\_\_\_  
15 Charese A. Rohny, OSB No. 953964  
16 [charese@rohnylaw.com](mailto:charese@rohnylaw.com)

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Of Attorneys for Plaintiff