

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CLACKAMAS

KA'MAR BENBO, a minor child, by )	
and through his Guardian Ad Litem, )	Case No.:
JARENA McDAVID )	
	COMPLAINT FOR BATTERY
Plaintiff, )	
	NOT SUBJECT TO MANDATORY
v. )	ARBITRATION
CLACKAMAS COUNTY, a subdivision )	JURY TRIAL DEMANDED
of the State of Oregon, )	
	PRAYER: \$300,000
Defendant. )	ORS 21.160(c) - \$594
)	
)	

FOR A CLAIM FOR RELIEF FOR BATTERY, plaintiff demands a jury trial and alleges:

1.

Jarena McDavid is the duly-appointed guardian ad litem of her minor son, Ka'Mar Benbo.

2.

Clackamas County is an Oregon county and a subdivision of the State of Oregon. All agents and employees of Clackamas County mentioned herein were at all times mentioned herein acting within the course and scope of their agency and employment, including Deputy Tyler Simpkins, Deputy Rob Watts, Deputy Thomas Broomfield, Deputy Clint Pierce and Deputy Angela Church.

1 3.

2 Notice of this claim was properly given to defendant within 180 days of  
3 the incident.

4 4.

5 On or about August 5, 2019, at Clackamas Town Center mall at 12000  
6 SE 82<sup>nd</sup> Avenue, Happy Valley, Oregon, plaintiff was arrested by officers of the  
7 Clackamas County Sheriff's Office. At the time of the arrest, plaintiff was  
8 twelve years old.

9 5.

10 At the above time and place, one officer elbowed plaintiff in the face,  
11 officers forced plaintiff face-first to the ground, and several officers held  
12 plaintiff with one officer putting his knee on plaintiff's neck and using his  
13 weight to pin the child to the ground. The pressure made it difficult for Ka'Mar  
14 to breath. Throughout, plaintiff and other children with him repeatedly told  
15 the officers that Ka'Mar was only twelve years old.

16 6.

17 As a result of the above-described battery, plaintiff suffered impaired  
18 ability to breath and wrenching, stretching, twisting, and tearing of the soft  
19 tissues about the cervical spine and lumbar spine, contusions and abrasions of  
20 the face, headaches, pain, discomfort, fear of injury and death, and suffered,  
21 continues to suffer and may permanently suffer from feelings of racial  
22 stigmatization, vulnerability and humiliation, loss of sleep, and fear of police,  
23 all to plaintiff's noneconomic damages not to exceed \$300,000. These numbers

1 may change, depending on whether plaintiff's condition resolves, persists, or  
2 worsens.

3 WHEREFORE, plaintiff prays for judgment against the defendant in the  
4 amount of \$300,000 in noneconomic damages, and for his costs and  
5 disbursements necessarily incurred herein.

6 Dated: June 18, 2020.

7  
8 /s/ Gregory Kafoury

9 \_\_\_\_\_  
10 Gregory Kafoury, OSB #741663  
11 Kafoury@kafourymcdougal.com  
12 Mark McDougal, OSB #890869  
13 mcdougal@kafourymcdougal.com  
14 Jason Kafoury, OSB #091200  
15 jkafoury@kafourymcdougal.com  
16 Attorneys for Plaintiff  
17  
18  
19  
20  
21  
22  
23