



## PRESS RELEASE

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### **Black Lives Matter Activists File Motion for Summary Judgment In Civil Rights Lawsuit Challenging the City of Eugene's Response to May 2020 George Floyd Protests**

On Tuesday, February 7, 2023, Civil Liberties Defense Center filed a [Motion for Summary Judgment](#) in a lawsuit filed in the U.S. District Court of Oregon, on behalf of five Black Lives Matter activists who were victims of Eugene police misconduct on May 31, 2020, six days after the murder of George Floyd.

Represented by CLDC, the plaintiffs [filed a federal civil rights suit against the City of Eugene and members of the Eugene Police Department \(EPD\) for violating their rights](#). In the words of our clients, "We did this not for ourselves, but for all of those who were brutalized or have had their rights violated by the police state -- or may in the future -- but cannot or do not feel safe enough to come forward and sue the cops. We also do this on behalf of our community at-large, in the hope that such violent oppression will not deter future change-makers from engaging in protesting unjust systems."

CLDC has now gathered the evidence and is asking the Court to rule that the City Manager and the Eugene Police Department violated the United States Constitution when they issued and enforced a citywide curfew on the night of May 31, 2020. This curfew gave people less than ten minutes warning of its imposition, and then immediately enforced it with a militarized police presence that arrested and shot projectile weapons at people as they walked away from the downtown area. Tank-like "light armored vehicles" marauded the streets of Eugene with cops hanging onto the sides with large weapons in their arms as if they were a combat zone. This type of militarized overreaction has no place in civic society and must be checked.

One of the plaintiffs was actually on the porch of his home (the Campbell Club) shortly after the curfew went citywide when Eugene police shot at him and the residence with 40 mm "rubber bullets," other projectiles, and tear gas. Two other plaintiffs were arrested while walking on the sidewalk, headed away from downtown, alone or in groups of two or three. Another plaintiff was a jail support volunteer who had tried to get contact information from the arrestees but was arrested when she was half a block away attempting to comply with the police order.

“The imposition of State curfew power like this is extreme. Minor property damage in a small area of downtown, by a small number of people, does not justify forbidding the entire city from being out of their homes. If we do not challenge this widespread abuse of power, what is to stop a city manager and the chief of police from imposing martial law upon the citizenry in the future for other pretext reasons?” said Lauren Regan, CLDC Director and one of the attorneys for the plaintiffs.

The CLDC court documents assert that such blanket curfews are clearly illegal under *Nunez v. City of San Diego*, binding Ninth Circuit court precedent from more than 25 years ago. As in *Nunez*, “the City did not create a robust, or even minimal, First Amendment exception to permit [people] to express themselves during curfew hours . . . , apparently preferring instead to have no First Amendment exception at all.”

The City of Eugene’s implementation of the curfew also runs afoul of *Collins v. Jordan*, a Ninth Circuit case that came out of the uprisings in Los Angeles after the acquittal of three cops that beat Rodney King over 30 years ago. As the Court noted in *Collins*, “Demonstrations can be expected when the government acts in highly controversial ways, or other events occur that excite or arouse the passions of the citizenry.” The Court held, “as a matter of law, it was clear at that time, as it is today, that the occurrence of limited violence and disorder on one day is not a justification for banning all demonstrations, peaceful and otherwise, on the immediately following day (or for an indefinite period thereafter).”

Using broad curfews to quell the exercise of free speech is not only a violation of protester’s rights; it also violates the rights of everyone who lives in the city. The city-wide curfew was issued with insufficient notice to the public, did not include an exception for people who were simply returning to their homes or cars after leaving downtown; and shut down all First Amendment activity in public in a city of 175,000.

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