

Marianne Dugan, OSB # 932563  
Email: mdugan@cldc.org  
Lauren C. Regan, OSB # 970878  
Email: lregan@cldc.org  
CIVIL LIBERTIES DEFENSE CENTER  
1430 Willamette Street No. 359  
Eugene, OR 97402  
Telephone: 541.687.9180

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

AMANDA BECKER-HENSKE,

Case No. 6:23-cv-915

Plaintiff,

COMPLAINT

v.

Civil Rights -- 42 U.S.C. § 1983 - 1st, 4th  
and 14th Amendments -

BRIAN K. BRAGG; and CITY OF  
SPRINGFIELD, a municipal  
corporation,

Excessive Force, Deliberate Indifference  
and First Amendment Retaliation

Defendants.

**DEMAND FOR JURY TRIAL**

Plaintiff Amanda Becker-Henske, by and through her attorneys, for her Complaint  
against defendants, alleges:

**I. INTRODUCTION**

1. This is a civil rights action arising under Title 42 of the United States Code, Section 1983. Ms. Becker-Henske brings this action for compensatory damages, including punitive damages against defendant Brian Bragg, for violating the civil rights guaranteed to her through the First, Fourth, and Fourteenth Amendments to the U.S. Constitution, namely the rights to freedom from excessive force, deliberate indifference to health and safety, and First Amendment retaliation.

## II. JURISDICTION AND VENUE

2. This civil action arises under the Constitution and laws of the United States and this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1342(a).

3. Venue is properly vested in the Court pursuant to 28 U.S.C. § 1391(b) because the actions giving rise to this complaint took place in the City of Eugene, Oregon, which is in this District, and defendants are subject to personal jurisdiction in this District.

## III. PARTIES

4. Plaintiff Becker-Henske is a medic, and at all material times was a resident of Lane County.

5. Defendant City of Springfield is a political subdivision of the State of Oregon. The Springfield Police Department is a department or division of the City.

6. Defendant Brian K. Bragg was, at the time of the events alleged herein, a sworn law enforcement officer who committed the acts and omissions set forth in this Complaint as an agent or employee of defendant City of Springfield. Defendant Bragg is legally responsible and liable for, and proximately caused, the incidents, injuries, and damages herein set forth. In doing the acts and/or omissions alleged herein, defendant Bragg acted within the course and scope of his employment, and acted under color of authority and/or under color of law.

## IV. FACTUAL ALLEGATIONS

7. On June 24, 2022, defendant Bragg physically assaulted Ms. Becker-Henske, by pushing her, hitting her with his baton, and kicking a container at her.

8. Amanda Becker-Henske is 42 years old and has been a medical worker half of her life.

9. On June 24, 2022, Ms. Becker-Henske was serving as a medic and observer

during a protest that arose in Eugene on the day the Supreme Court's *Dobbs* decision was announced, striking down *Roe v. Wade*.

10. The protest ended up outside of a religious organization at the intersection of 11th Avenue and Ferry Street in Eugene, Oregon, whose mission includes trying to convince pregnant people not to have abortions.

11. Eugene Police Department (EPD) called in for help from the Springfield Police Department.

12. Before choosing where to stand to observe and stand by for medical assistance on June 24, Ms. Becker-Henske spoke with an EPD sergeant, who directed her where to stand, and she complied.

13. She was kitty-corner from the anti-abortion center that was the subject of the protest. She was wearing a green cross patch and a shirt that said "Medic." The pack on her back also said "Medic."

14. Her water container (with a wand for spraying) said "Eyewash" and "H2O" in large letters. It was simply water, for use if the police used teargas. When an officer pointed to it and said "We don't know what that is!" she drank from it conspicuously and told them what it was.

15. As soon as Springfield Police showed up, they started shoving people off the sidewalks, despite the fact that EPD had insisted people stay on the sidewalks.

16. SPD officers began tossing people over short fences onto private property.

17. Ms. Becker-Henske and others who were across the street from the protest had their hands up.

18. Defendant Bragg began screaming at Ms. Becker-Henske and a few other people

nearby, with conflicting orders -- “Get off the sidewalk!” “Get on the sidewalk!”

19. Ms. Becker-Henske told Defendant Bragg that the EPD incident commander had told her she could stand where she was standing.

20. Defendant Bragg said, “I don’t care – move!”

21. People who were filming said “She’s a medic!” Defendant Bragg said “I don’t give a fuck!” He pushed her with his baton crosswise. At this time Ms. Becker-Henske was still standing on the sidewalk.

22. She pointed at the EPD commander and said “He told me . . . !”

23. Defendant Bragg then shoved his baton into Ms. Becker-Henske’s sternum, hard, and also hit her lip.

24. He then kicked the eyewash container into her and then kicked it 15 feet back into someone else, breaking it.

25. Defendant Bragg took these aggressive tactics, despite the fact that Ms. Becker-Henske was standing far apart from the protesters, observing peacefully and standing by for medical care.

26. At no time was Ms. Becker-Henske arrested, told she was under arrest, or charged with a crime.

**FIRST CAUSE OF ACTION  
(Fourth and Fourteenth Amendment –  
Excessive Force, 42 U.S.C. § 1983)**

**Count 1  
Against Defendant Bragg**

27. Plaintiff restates and realleges each and every paragraph of this Complaint as if fully set forth here.

28. By his actions as described herein, defendant Bragg, under color of statute, ordinance, regulation, custom, or order, subjected plaintiff to the deprivation of rights, privileges, or immunities secured by the Constitution; namely, plaintiff's right to be free from unreasonable seizure by the use of excessive force.

29. Defendant Bragg violated rights held by plaintiff which were clearly established, and no reasonable official similarly situated as defendant Bragg could have believed that his conduct was lawful or within the bounds of reasonable discretion. Defendant Bragg lacks qualified immunity from suit or liability.

30. As a direct and proximate cause of the actions described herein, plaintiff sustained non-economic damages, including physical pain and suffering; loss of liberty; and damage to personal property; in an amount to be ascertained according to proof at trial.

31. The actions of the defendant Bragg, as described in this Complaint, were malicious, deliberate, intentional, and embarked upon with the knowledge of, or in conscious disregard of, the harm that would be inflicted against plaintiff. As a result of this intentional conduct, plaintiff is entitled to punitive damages against defendant Bragg, in an amount sufficient to punish him and to deter others from like conduct.

32. Plaintiff was required to hire attorneys to represent her in this matter and is entitled to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

**Count 2**  
***Monell Claim Against City Defendant -***  
**Unlawful Practice or Policy Allowing Indiscriminate Use of Force as a Tactic to**  
**Disperse Crowds in Violation of Fourth and Fourteenth Amendments**

33. Plaintiff realleges each and every paragraph in this Complaint as if fully set forth here.

34. The City of Springfield has an official policy, practice, or custom allowing or encouraging its Police Department to use physical force against crowds or protestors in situations where such force is not warranted by clearly established law, and in violation of the Fourth and Fourteenth Amendment.

35. Even if the City's stated policies regarding civil disturbances are constitutional, the actual practice and custom of the City and the Springfield Police Department is to allow the use of excessive force against a crowd or person even when the crowd (or a majority of the crowd) or person have not committed a crime and do not pose a physical threat to law enforcement or others.

36. On June 24, 2022, defendant Bragg used excessive force against plaintiff and others, applying the written and/or unwritten policies of the defendant City.

37. Defendant City of Springfield has failed to properly train its officers, agents, and employees in how to address the rights of people present at and near protests, and has failed to properly train officers to use an appropriate level of force; and/or has allowed numerous other similar incidents; and/or has a policy or practice of allowing that level of force; and/or has encouraged or acquiesced in this unlawful behavior, and/or tacitly encouraged or acquiesced in it by failing to train, supervise, or discipline its officers, and/or has ratified such behavior. These behaviors evince deliberate indifference to plaintiff's constitutional rights, sufficient to support a finding that those policies, customs, or practices caused the use of excessive force against plaintiff.

38. As a direct and proximate cause of the actions described herein, plaintiff sustained non-economic damages, including physical pain and suffering; loss of liberty; and damage to personal property; in an amount to be ascertained according to proof at trial.

39. As a direct and proximate result of the actions and omissions described in this complaint, plaintiff incurred the damages alleged herein, and was required to hire attorneys to represent her in this matter and is entitled to an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**SECOND CLAIM FOR RELIEF  
(Fourth and Fourteenth Amendment –  
Deliberate Indifference, 42 U.S.C. § 1983)**

**Count 1  
Against Defendant Bragg**

40. Plaintiff restates and realleges each and every paragraph of this Complaint as if fully set forth here.

41. By his actions as described herein, defendant Bragg, under color of statute, ordinance, regulation, custom, or order, subjected plaintiff to the deprivation of rights, privileges, or immunities secured by the Constitution; namely, plaintiff's right to be free from deliberate indifference to her health and safety.

42. In particular, defendant Bragg caused injury to plaintiff, in violation of the Fourth and Fourteenth Amendment, because Bragg 1) had time to deliberate and acted with deliberate indifference to a known or obvious danger and created or increased such danger facing plaintiff; or, 2) in the alternative, acted with a purpose to harm plaintiff, unrelated to legitimate law enforcement objectives.

43. Defendant Bragg violated rights held by plaintiff which were clearly established, and no reasonable official similarly situated as defendant Bragg could have believed that his conduct was lawful or within the bounds of reasonable discretion. Defendant Bragg lacks qualified immunity from suit or liability.

44. As a direct and proximate cause of the actions described herein, plaintiff sustained non-economic damages, including physical pain and suffering; loss of liberty; and damage to personal property; in an amount to be ascertained according to proof at trial.

45. The actions of the defendant Bragg, as described in this Complaint, were malicious, deliberate, intentional, and embarked upon with the knowledge of, or in conscious disregard of, the harm that would be inflicted against plaintiff. As a result of this intentional conduct, plaintiff is entitled to punitive damages against defendant Bragg, in an amount sufficient to punish him and to deter others from like conduct.

46. Plaintiff was required to hire attorneys to represent her in this matter and is entitled to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

**Count 2**  
***Monell Claim Against City Defendant -***  
**Unlawful Practice or Policy Allowing Deliberate Indifference to Health and Safety**  
**When Dispersing Crowds, in Violation of Fourth and Fourteenth Amendments**

47. Plaintiff realleges each and every paragraph in this Complaint as if fully set forth here.

48. The City of Springfield has an official policy, practice, or custom allowing or encouraging its Police Department to cause injury to people in or near crowds or protests in situations where such injury is not warranted by clearly established law, and in violation of the Fourth and Fourteenth Amendment; where the officer 1) had time to deliberate and acted with deliberate indifference to a known or obvious danger and created or increased such danger facing the person; or, 2) in the alternative, acted with a purpose to harm unrelated to legitimate law enforcement objectives.

49. Even if the City's stated policies regarding civil disturbances are constitutional,



the actual practice and custom of the City and the Springfield Police Department is to allow deliberate indifference to the health and safety of people in and near crowds and protests.

50. On June 24, 2022, defendant Bragg was deliberately indifferent to plaintiff's health and safety, applying the written and/or unwritten policies of the defendant City.

51. Defendant City of Springfield has failed to properly train its officers, agents, and employees in how to address the rights of people present at and near protests, and has failed to properly train officers to avoid needless injury to people in those situations; and/or has allowed numerous other similar incidents; and/or has a policy or practice of allowing such behavior; and/or has encouraged or acquiesced in this unlawful behavior, and/or tacitly encouraged or acquiesced in it by failing to train, supervise, or discipline its officers, and/or has ratified such behavior. These behaviors evince deliberate indifference to plaintiff's constitutional rights, sufficient to support a finding that those policies, customs, or practices caused the use of excessive force against plaintiff.

52. As a direct and proximate cause of the actions described herein, plaintiff sustained non-economic damages, including physical pain and suffering; loss of liberty; and damage to personal property; in an amount to be ascertained according to proof at trial.

53. As a direct and proximate result of the actions and omissions described in this complaint, plaintiff incurred the damages alleged herein, and was required to hire attorneys to represent her in this matter and is entitled to an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**THIRD CLAIM FOR RELIEF**  
**(First, Fourth, and Fourteenth Amendments to the U.S. Constitution –**  
**Retaliation, 42 U.S.C. § 1983 against Defendant Bragg)**

54. Plaintiff restates and realleges each and every paragraph of this Complaint as if

fully set forth here.

55. Plaintiff was engaged in constitutionally protected activity (acting in a support role for the protesters) when defendant Bragg, acting or purporting to act in the performance of his official duties as a law enforcement officer and pursuant to the orders and policies of the City defendant, caused plaintiff to suffer injuries that would chill a person of ordinary firmness from continuing to engage in that activity, and defendant Bragg's adverse actions was substantially motivated by a desire to retaliate against plaintiff's exercise of constitutionally-protected conduct as well as a desire to retaliate against plaintiff for the actions of others and to chill and shut down the right of the public to speak out against government actions.

56. Defendant Bragg violated rights held by plaintiff which were clearly established, and no reasonable official similarly situated as defendant Bragg could have believed that his conduct was lawful or within the bounds of reasonable discretion. Defendant Bragg lacks qualified immunity from suit or liability.

57. As a direct and proximate cause of the actions described herein, plaintiff sustained non-economic damages, including physical pain and suffering; loss of liberty; and damage to personal property; in an amount to be ascertained according to proof at trial.

58. The actions of the defendant Bragg, as described in this Complaint, were malicious, deliberate, intentional, and embarked upon with the knowledge of, or in conscious disregard of, the harm that would be inflicted against plaintiff. As a result of this intentional conduct, plaintiff is entitled to punitive damages against defendant Bragg, in an amount sufficient to punish him and to deter others from like conduct.

59. Plaintiff was required to hire attorneys to represent her in this matter and is entitled to an award of reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

**RELIEF REQUESTED**

Plaintiff respectfully requests that this Court:

- a) Exercise jurisdiction over plaintiff's claims and grant her a jury trial;
- b) Award plaintiff non-economic damages in an amount to be ascertained according to proof;
- c) Award plaintiff punitive damages against defendant Bragg in an amount sufficient to punish him and deter others from like conduct;
- d) Award plaintiff's reasonable attorney's fees and costs as provided by 42 U.S.C. § 1988; and
- e) Grant plaintiff such other and further relief as this Court deems just and appropriate (including, for example, declaratory and injunctive relief against the City's policies if the City resumes the use of the behaviors described herein).

DATED: June 23, 2023.

/s/ Marianne Dugan  
Marianne Dugan, OSB # 932563  
Email: mdugan@cldc.org

/s/ Lauren Regan  
Lauren Regan, OSB # 970878  
Email: lregan@cldc.org

CIVIL LIBERTIES DEFENSE CENTER  
1430 Willamette Street No. 359  
Eugene, OR 97402  
Telephone: 541.687.9180  
Fax: 541.804.7391