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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

<p>Mei: Wong; Dana: Hindman-Allen</p> <p style="text-align: center;">Plaintiff(s) Individual(s)</p> <p style="text-align: center;">v.</p> <p>SHEMIA FAGAN, DEBRA SCROGGIN, ALMA WHALEN, BOB ROBERTS, SHERRY HALL, REBEKAH DOLL, CLACKAMAS COUNTY CLERK'S OFFICE and THE OFFICE OF THE SECRETARY OF THE STATE OF OREGON</p> <p style="text-align: center;">Defendant(s)</p>	<p>Case No. <u>3:22-cv-1714-SB</u></p> <p>CIVIL RIGHTS CLAIM/COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND DAMAGES</p> <ol style="list-style-type: none"> 1. Conspiracy against rights 2. Deprivation of rights under color of law 3. Conspiracy to interfere with civil rights 4. Discrimination 5. Deprivation of due process 6. Supervisory liability 7. Deprivation of due process and equal protection 8. Failure to prevent deprivation of constitutional rights. 9. Deprivation of substantive due process 10. Deprivation of free exercise of religion <p style="text-align: center;">JURY TRIAL DEMANDED</p>

Statement of Claim/Complaint

Plaintiff(s) Mei Wong and Dana Hindman-Allen, for their complaint against Defendants Shemia Fagan, Debra Scroggin, Alma Whalen, Bob Roberts, Sherry Hall, Rebekah Doll, Clackamas County Clerk's Office, and Oregon Secretary of State's Office as follows:

100227

STATUS AND STANDING

Declaration of Independence

IN CONGRESS, July 4, 1776.

The Unanimous Declaration of the Thirteen United States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain un-alienable Rights, that among these are Life, Liberty and the pursuit of Happiness.— That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,— That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us: For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world: For imposing Taxes on us without our Consent: For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us. He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

[The 56 signatures on the Declaration were arranged in six columns:]

[Column 1]

Georgia: Button Gwinnett Lyman Hall George Walton X

[Column 2]

North Carolina: William Hooper Joseph Hewes John Penn

South Carolina: Edward Rutledge Thomas Heyward, Jr. Thomas Lynch, Jr. Arthur Middleton

[Column 3]

Massachusetts: John Hancock Maryland: Samuel Chase William Paca Thomas Stone Charles Carroll of Carrollton

Virginia: George Wythe Richard Henry Lee Thomas Jefferson Benjamin Harrison Thomas Nelson, Jr. Francis Lightfoot Lee Carter Braxton

[Column 4]

Pennsylvania: Robert Morris Benjamin Rush Benjamin Franklin John Morton George Clymer James Smith George Taylor James Wilson George Ross **Delaware:** Caesar Rodney George Read Thomas McKean

[Column 5]

New York: William Floyd Philip Livingston Francis Lewis Lewis Morris

New Jersey: Richard Stockton John Witherspoon Francis Hopkinson John Hart Abraham Clark

[Column 6]

New Hampshire: Josiah Bartlett William Whipple

Massachusetts: Samuel Adams John Adams Robert Treat Paine Elbridge Gerry **Rhode Island:** Stephen Hopkins William Ellery

Connecticut: Roger Sherman Samuel Huntington William Williams Oliver Wolcott

New Hampshire: Matthew Thornton

INTRODUCTION

1. This is an action for money damages, declaratory, and injunctive relief brought pursuant to 18 U.S.C. § 241 & § 242, 42 U.S.C. § 1985, 42 USC § 1983, The Civil Rights Act of 1964, the First, Ninth, And Fourteenth Amendments to the United States Constitution, and under the law of the State of Oregon against Shemia Fagan, Debra Scroggin, Alma Whalen, Bob

Roberts, Sherry Hall and Rebekah Doll, as officers of the public body of Secretary of State's Elections Office, and Clackamas County Clerk's Elections Office, in their individual and official capacities, and against the Secretary of State Elections Office, and the Clackamas County Elections Office.

2. Plaintiffs Mei Wong and Dana Hindman-Allen alleges that Defendants Fagan, Scroggin, Whalen, Roberts, Hall, and Doll denied requests to open a complaint, and provide a risk limiting audit and/or full hand recount of original ballots during the May 17, 2022, primary elections, as candidates for Metro District 2 and Clackamas County Commissioner. Plaintiffs alleges that these constitutional violations were committed as a result of the policies and customs of the Secretary of State's Elections Office and Clackamas County Elections Office, and that the Secretary of State and Clackamas County is liable under the theory of respondeat superior for the torts committed by Defendants Fagan, Scroggin, Whalen, Roberts, Hall, and Doll. Clackamas County is an unincorporated county with no charter or home rule.

JURISDICTION AND VENUE

3. This Court has original jurisdiction pursuant to 28 U.S.C §§ 1331 and §§ 1343 over Plaintiff's cause of action arising from the Constitution of the United States and 18 U.S.C. § 241, 18 U.S.C. § 242, 42 U.S.C. § 1985, 42 U.S.C § 1983, 42 U.S.C § 1964, the First, Ninth, and Fourteenth Amendments, and pursuant to the Declaratory Judgment Act, 28 U.S.C §§ 2201 and 2202. This Court has supplemental jurisdiction over Plaintiff's causes of action arising under Oregon State Law pursuant to 28 U.S.C § 1367.
4. Venue lies in the United States District Court for the Portland Division of Oregon because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Clackamas County, Oregon. 28 U.S.C. § 1391(b)(2).
5. Divisional Venue is in the Portland Division because the events leading to the claim for relief arose in Clackamas County.

PARTIES

6. Plaintiff **Mei Wong** is a resident of Clackamas County Oregon, is a citizen of the United States of America, is a registered voter in the State of Oregon, and was a candidate for Metro District 2 public office in the May 2022 primary election. Metro District 2 encompasses Clackamas, Multnomah, and Washington Counties.
7. Plaintiff **Dana Hindman-Allen** is a resident of Clackamas County Oregon, is a citizen of the United States of America, is a registered voter in the State of Oregon, and was a candidate for Clackamas County Commissioner.
8. Defendant, **Shemia Fagan**, is the Secretary of State of Oregon. Oregon's Secretary of State is Oregon's chief elections officer pursuant to ORS 246.110 and ORS 246.120. As an independent constitutional officer, the Secretary of State answers directly and solely to the people of Oregon.
9. Defendant, **Debra Scroggin** is a Director of Elections Division for the State of Oregon. The Director of Elections Division is responsible for the administration of Oregon's vote by mail elections system by working closely with state agencies, 36 counties throughout Oregon, and the division's staff. The director oversees the state initiative, referendum and candidate processes, as well as campaign finance regulations and state voting resources.
10. Defendant, **Alma Whalen** is an Elections Program Manager for the State of Oregon. An Elections Program Manager is responsible for ensuring all voting equipment is maintained for registered voters in compliance with Federal, State and Local statutes. The Elections Program Manager directs Voting System and support staff to complete all tasks in an accurate and efficient manner and is responsible for the full level of information technology support to staff members. The Elections Program Manager also coordinates maintenance and troubleshooting of election information systems and works in conjunction with State Board of Elections information technology staff, local government information technology staff, software vendors and contracts to resolve microcomputer hardware and software problems.
11. Defendant, **Bob Roberts** is an Investigations and Legal Specialist for the State of Oregon. An investigations and legal specialist is responsible for overseeing investigations involving

criminal allegations, which includes, but not limited to the safety of resources, properties and facilities regarding elections and elections procedures.

12. Defendant, **Sherry Hall** is a Clackamas County Clerk. As the chief election official of the County, the Clerk's Office must check ballot measures for timeliness and see that the measures are worded to meet legal requirements. The Clerk's Office oversees the planning, coordination and conduction of elections, and ensures that elections are conducted according to statute and other related requirements. It directs the preparation and maintenance of records related to voting activities, precinct designation, mailing, voter and candidate services. The Clerk's Office assures the fair and unbiased application, operation, and interpretation of election laws, providing the public with complete and accurate information.
13. Defendant, **Rebekah Doll** is a Clackamas County Elections Manager. The duties of an elections manager, under general direction, directs, manages, supervises, and coordinates the activities and operations of a departmental division focused on planning and implementing election and voter registration activities; and coordinates assigned activities with other divisions, departments, outside agencies, and the general public.
14. Defendant, **CLACKAMAS COUNTY CLERK'S OFFICE** is located in the State of Oregon. It is a municipal corporation and public employer of Defendants Hall and Doll and has all of the statutory duties and constitutional obligations of a county in Oregon.
15. Defendant, **SECRETARY OF STATE** is located in the State of Oregon. It is a Municipal Government and the employer of Defendants Fagan, Scroggin, Whalen, and Roberts and has all of the statutory duties and constitutional obligations of a government body in Oregon.

FACTS

16. On Memorial weekend, May 29, 2022, at 4:36am and 4:44am., Plaintiff Mei Wong took screenshots of the Secretary of State's Elections website in the Metro District 2 race where votes decreased by 6371. The same day, May 29, 2022, Plaintiff Mei Wong took screenshots of Clackamas County Elections website at 8:32pm and Secretary of State's Elections website at 8:36pm where votes decreased by 3855. On Saturday, June 4, 2022,

at 5:44am and 5:45am., Plaintiff Mei Wong took screenshots of the Secretary of State's Elections website in the Metro District 2 race where votes decreased by 6376. On Friday, June 10, 2022, at 4:57am and 4:58am., Plaintiff Mei Wong took screenshots of the Secretary of State's Elections website in the Metro District 2 race where votes decreased by 6390.

17. Questions of irregularities and security violations arose, whereas on June 9, 2022, requests were made to the Secretary of State's Elections Office and Clackamas County Elections Office for a risk-limiting audit prior to certification. Irregularities and security violations include and not limited to:

- a. Misprint of over 60% of ballots in Clackamas County.
- b. Observers in Clackamas County Elections Office prior to office hours.
- c. Manually inputting wrong results from Clackamas County Elections Office to the Secretary of State's Elections website.
- d. Vote counts dropping by thousands, within minutes, during early morning hours on a holiday weekend on the Secretary of State's website.

18. According to the Directive of Oregon Secretary of State Post Election Audits 2021-2, as Oregon's chief elections officer, the Secretary of State is responsible for maintaining uniformity in elections procedures statewide. (ORS 246.110 and ORS 246.120.) Pursuant to that authority and given laws governing Oregon's current robust and transparent post-election audit process, the Elections Division is issuing this directive prohibiting alternative post-election audit procedures. County clerks must comply with this directive. (ORS 246.120 and ORS 246.410.)

19. Oregon law already requires post-election audit procedures, transparency in vote counting, and robust security measures. ORS 254.529 (1) provides county clerks with a choice of post-election audit procedures: either a hand count of ballots which is compared to vote tally system results, or a risk-limiting audit. Procedures for a hand count are described in ORS 254.529 (2)-(9).

20. Procedures for a risk-limiting audit are described in ORS 254.532. ORS 258.150-.300 also

describe additional procedures for automatic or demand recounts, such as for races that come within a specific margin or can be requested by a campaign.

21. The request to open a complaint was approved for one candidate and not opened for other candidates, one a minority candidate, resulting in discrimination.
22. After two months of communications with Oregon Secretary of State Elections Office and Clackamas County Elections Office. Requests for a Risk Limiting Audit and Full Hand Recount of original ballots were denied prior to certification, where remedies could have been cured, resulting in irreparable harm done.
23. As a direct and proximate result of the acts of the Defendants, Plaintiffs suffered the following injuries and damages:
 - e. Violation of Plaintiffs' constitutional rights under the First, Ninth, and Fourteenth Amendments to the United States Constitution.
 - f. Right to petition the Government for a redress of grievances.
 - g. To deny or disparage others retained by the people.
 - h. To deprive life, liberty, or property, without due process of law, deny the equal protection of the laws.

24. The actions of the Defendants violated the following clearly established and well settled federal constitutional rights of the Plaintiffs.
25. At all relevant times, Defendants Fagan, Scroggin, Whalen, Roberts, Hall, and Doll were acting under color of law and under color of authority as officers, employees, and agents or servants of the County of Clackamas and State of Oregon and as agents of the State of Oregon.

GENERAL ALLEGATIONS

26. Defendant, Shemia Fagan, Secretary of State of Oregon, failed to take reasonable steps to end the unlawful conduct alleged in this complaint. She is sued in her individual and official capacities.

27. Defendant, Debra Scroggin, Director of Elections Division for the State of Oregon, failed to take reasonable steps to end the unlawful conduct alleged in this complaint. She is sued in her individual and official capacities.
28. Defendant, Alma Whalen, Elections Program Manager for the State of Oregon, failed to take reasonable steps to end the unlawful conduct alleged in this complaint. She is sued in her individual and official capacities.
29. Defendant, Bob Roberts, Investigations and Legal Specialist for the State of Oregon, failed to take reasonable steps to end the unlawful conduct alleged in this complaint. He is sued in his individual and official capacities.
30. Defendant, Sherry Hall, a Clackamas County Clerk, failed to take reasonable steps to end the unlawful conduct alleged in this complaint. She is sued in her individual and official capacities.
31. Defendant, Rebekah Doll, a Clackamas County Elections Manager, failed to take reasonable steps to end the unlawful conduct alleged in this complaint. She is sued in her individual and official capacities.

COUNT I

18 U.S.C. § 241 and 18 U.S.C. § 242 Against Defendants Fagan, Scroggin, Whalen, Roberts, Hall and Doll

32. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–31.
33. Plaintiffs claim damages under 18 U.S.C. § 241 and 18 U.S.C. § 242 for the injuries set forth above against Defendant(s) Fagan, Scroggin, Whalen, Roberts, Hall, and Doll for violations of Plaintiff(s) constitutional rights under color of law.

COUNT II

42 U.S.C. § 1985 Against Defendants Fagan, Scroggin, Whalen, Roberts, Hall and Doll

34. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–33.
35. Plaintiffs claim damages under 42 U.S.C. § 1985 for the injuries set forth above against for violations of Plaintiff(s) constitutional rights under color of law.

COUNT III

42 U.S.C. § 1983 Against Defendants Fagan, Scroggin, Whalen, Roberts, Hall and Doll

36. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–35.
37. Plaintiffs claim damages under 42 U.S.C. § 1983 for the injuries set forth above against for violations of Plaintiff(s) constitutional rights under color of law.

COUNT IV

Title VII of the Civil Rights Act of 1964 Against Defendants Fagan, Scroggin, Whalen, Roberts, Hall and Doll

38. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–37.
39. Plaintiffs claim damages under Title VII of the Civil Rights Act of 1964 for the injuries set forth above against for violations of Plaintiff(s) constitutional rights under color of law.

COUNT V

42 U.S.C. § 1983 Against Clackamas County Elections Office

40. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–39.
41. Prior to May 17, 2022, the Clackamas County Elections Office developed and maintained policies and/or customs exhibiting deliberate indifference to the constitutional rights of persons in the County of Clackamas, which thus caused violations of the Plaintiff's rights.
42. It was the policy and/or custom of Clackamas County Election's Office to fail to exercise reasonable care in hiring staff, and the administration of Clackamas County Elections; including Defendants Doll, and Hall as elected representative of the County, thereby failing to adequately prevent constitutional violations on the part of officers of the public body.
43. It was the policy and/or custom of the Clackamas County Election's Office to inadequately supervise and train its staff including Defendants Doll, thereby failing to adequately discourage further constitutional violations on the part of its staff.
44. As a result of the above-described policies and customs, officers of the public body of the Clackamas County Election's Office, including Defendants Hall and Doll, believed that

their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

45. The above-described policies and customs demonstrate a deliberate indifference on the part of the Clackamas County Election's Office to the constitutional rights of persons within the County of Clackamas, and were the cause of the violations of Plaintiffs' rights alleged herein.

COUNT VI

Respondeat Superior of Clackamas County Elections Office

46. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–45.
47. Defendant Clackamas County Clerk Elections Office is liable for the injury and damages committed against Plaintiffs by Defendants Hall and Doll. The Clackamas County Elections Office employed officers and elected officials, who violated constitutional rights while acting in the scope of their employment.

COUNT VII

42 U.S.C. § 1983 Against Oregon Secretary of State Elections Office

48. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–47.
49. Prior to May 17, 2022, the Oregon Secretary of State Elections Office developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in the State of Oregon, which caused the violations of Plaintiff's rights.
50. It was the policy and/or custom of Oregon Secretary of State Election's Office to fail to exercise reasonable care in hiring staff, and the administration of Secretary of State's Elections; including Defendants Scroggin, Whalen, Roberts, and Fagan as elected representative of the State, thereby failing to adequately prevent constitutional violations on the part of officers of the public body.
51. It was the policy and/or custom of the Oregon Secretary of State's Election's Office to inadequately supervise and train its staff including Defendants Scroggin, Whalen, Roberts, thereby failing to adequately discourage further constitutional violations on the part of its staff.

52. As a result of the above-described policies and customs, officers of the public body of the Oregon Secretary of State's Election's Office, including Defendants Fagan, Scroggin, Whalen, and Roberts, believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.
53. The above-described policies and customs demonstrate a deliberate indifference on the part of the Oregon Secretary of State's Election's Office to the constitutional rights of persons within the State of Oregon, and were the cause of the violations of Plaintiffs' rights alleged herein.

COUNT VIII

Violation of the Civil Rights Act of 1964 Against Oregon Secretary of State Elections Office

54. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–53.
55. Prior to May 17, 2022, the Oregon Secretary of State Elections Office developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in the State of Oregon, which caused the violations of Plaintiffs' rights. The Oregon Secretary of State's Elections Office opened a complaint for one candidate and refused to open a complaint for Plaintiffs.
56. It was the policy and/or custom of Oregon Secretary of State Election's Office to fail to exercise reasonable care in hiring staff, and the administration of Secretary of State's Elections; including Defendants Scroggin, Whalen, Roberts, and Fagan as elected representative of the State, thereby failing to adequately prevent constitutional violations on the part of officers of the public body.
57. It was the policy and/or custom of the Oregon Secretary of State's Election's Office to inadequately supervise and train its staff including Defendants Scroggin, Whalen, Roberts, thereby failing to adequately discourage further constitutional violations on the part of its staff.
58. As a result of the above-described policies and customs, officers of the public body of the Oregon Secretary of State's Election's Office, including Defendants Fagan, Scroggin, Whalen, and Roberts, believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but

would be tolerated.

59. The above-described policies and customs demonstrate a deliberate indifference on the part of the Oregon Secretary of State's Election's Office to the constitutional rights of persons within the State of Oregon, and were the cause of the violations of Plaintiffs' rights alleged herein.

COUNT IX

Respondeat Superior of Oregon Secretary of State Elections Office

60. Plaintiffs re-alleges and incorporates by reference ¶¶ 1–59.
61. Defendant Oregon Secretary of State's Elections Office is liable for the injury and damages committed against Plaintiffs by Defendants Fagan, Scroggin, Whalen and Roberts. The Oregon Secretary of State's Elections Office employed officers and elected officials, who violated constitutional rights while acting in the scope of their employment.

CLOSING ARGUMENTS / CITATIONS

Often has it been a misfortune of due process of law where legitimate claimants have been denied justice where a malfeasance has occurred. In the recent wake of numerous claims and complaints of voter/elections fraud across the nation, it is clear that a certain pattern is becoming more and more apparent and distinguishable. The most apparent, yet shameful result of the grand majority of these cases, is that it is clear that a grand majority of the states, counties and municipalities are losing the "public trust" where accountability is concerned. Constitutional and Common Law appears to be taking an unfortunate back seat to corporate and/or public policy. This ought never be. For corporate and/or public policy has no authority and/or jurisdiction to supercede the legislature.

On Tuesday October 25, 2022, the State of Georgia's Supreme Court found and confirmed that Georgia citizens, including voters, "have standing" to sue government officials who violate Georgia law.

The decision came by and through the overturning of parts of lower court rulings in cases entitled

Sons of Confederate Veterans et al, vs. Henry County Board of Commissioners and Sons of Confederate Veterans et al, vs. Newton County Board of Commissioners. In the aforementioned cases, the organization was joined by individuals who sued the county boards for voting to remove statutes that are legally protected under O.C.G.A 50-3-1. The lower courts falsely claimed that the petitioners had “no standing” to sue.

The case that was initially impacted was *Favorito et al v. Cooney et al*. This case was dismissed on October 13, 2021 by Judge Brian Amero of Henry County Superior Court in Georgia. Judge Amero used the aforementioned case, as well as *Wood v. Raffensperger*. Judge Amero stated the following in his Order Granting Motion to Dismiss:

“Petitioners lack standing to pursue their state equal protection and state due process claims. Under both federal and Georgia law, the three requirements plaintiffs ‘must meet to have standing are “(1) an injury in fact; (2) a causal connection between the injury and the causal conduct; and (3) the likelihood that the injury will be redressed with a favorable decision.” (Sons of Confederate Veterans, 2021)

And

“Petitioners have failed to allege a particular injury. An injury is particularized when it ‘affects the plaintiff in a personal and individual way.’” (Wood v. Raffensperger, 11th Circuit, 2020)

At the time, the former of the above-stated was the opinion of the Georgia Court of Appeals. However, on Tuesday, October 25, 2022, the Georgia Supreme Court heard the *Sons of Confederate Veterans* case and opined:

“Because the Georgia Constitution is the source of the judicial power of state courts, **federal standing requirements do not control our analysis.**”

Such was a significant blow to the precedent used to dismiss Favorito’s case back in October of 2021 where Judge Amero cited the Appeals decision that implied federal and state law defined the requirements “for a plaintiff to bring a case.” The Georgia Supreme Court determined that the state requirements are not necessarily subject to the federal requirements because state law is subject to the Georgia Constitution.

In the Supreme Court decision, Justice Peterson opined that “a plaintiff must have cognizable injury that can be redressed by a judicial decision.” However, Justice Peterson did clearly state that the injury does not need to be individualized (as cited by Judge Amero in his dismissal):

*“Courts are not vehicles for engaging in merely academic debates or deciding purely theoretical questions. We “say what the law is” only as needed to resolve an actual controversy. To that end, only plaintiffs with a cognizable injury can bring a suit in Georgia courts. Unlike federal law, however, **that injury need not always be individualized**; sometimes it can be **a generalized grievance shared by community members**, especially other residents, taxpayers, voters, or citizens.”*

Justice Peterson then goes on to state:

*“When a local government owes a legal duty to its citizens, residents, taxpayers, or voters (i.e., community stakeholders), the violation of that legal duty constitutes an injury that our case law has recognized as **conferring standing to those community stakeholders**, even if the plaintiff at issue suffered no individualized injury...”*

In the October 2021 dismissal of Favorito’s case, Judge Amero further stated that “Petitioners have failed to allege a particularized injury.” However, Judge Amero cited *Wood v. Raffensperger* from the 11th Circuit Court that stated, in contrary, to his foremost opinion:

*“An injury is particularized when it ‘affects the plaintiff **in a personal and individual way.**’”*

While it is a fact that this is a ruling affirmed in the Supreme Court of Georgia, being subject to the Georgia Constitution, it does not however denote or dilute the lawful, moral and ethical “carry-over” and/or “application” in regards to common matters in other states where violations of law and a breach of the peace has occurred. Often in many cases, Supreme Court rulings from both Federal and State Supreme Courts have had paramount effect in assisting in the rulings in State Courts be it Supreme, Superior and Municipal. Such was affirmed in the case of *Howlett v. Rose* as follows:

“Federal Law and Supreme Court Cases apply to State Court Cases.” - Howlett v. Rose (496 U.S. 356 (1990)).

It is clear that the aggrieved claimants (Plaintiffs) have suffered personal injuries and damages and have a right to a redress of grievances as a result of the evidenced malfeasance caused by the "Defendant" parties. However, those injuries do not stop at the individual level. The people, the communities and the public at large have vested interest in the process of elections being managed and carried out in a fair, just and righteous manner. Accountability is the key.

When a "trust" has been breached, it is the responsibility of the appointed and/or elected officials, who have a fiduciary duty and responsibility to the people, to correct any errors of any kind and do so with honor, integrity and an open accountability that maintains and preserves said trust intact.

CLAIM FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests this Court:

- A. Enter judgment in favor of Plaintiffs and against Defendants;
- B. Enter an order declaring Defendant's Fagan, Scroggin, Whalen, Roberts, Hall, and Doll's conduct unconstitutional;
- C. Award Plaintiffs) compensatory and punitive damages against Defendants;
- D. Award Plaintiff's counsel and/or attorney fees pursuant to 42 U.S.C. § 1988.
- E. Enter a permanent injunction, upon proper motion, requiring Defendants Clackamas County Elections Office and Oregon Secretary of State Elections Office to adopt appropriate policies related to hiring and supervision of its staff in regards to Complaints, Public Records Requests, Elections and Ballot Security, and recourse for Candidates rights; and
- F. Grant to Plaintiffs such other and further relief as may be just and proper under the circumstances, including but not limited to appropriate injunctive relief.

"Federal Law and Supreme Court Cases apply to State Court Cases."

- Howlett v. Rose (496 U.S. 356 (1990)).

"Inadequate training of subordinates may be basis for 1983 claim."

- Mandonado-Denis v. Castillo-Rodriguez. 23 F .3d 576 (1st Cir. 1994).

"Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law."

- Warnock v. Pecos County. Tex. 88 F .3d 341 (5th Cir. 1994).

"Pro Se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers."

- (Picking v. Pennsylvania R. Co. 151 Fed. @nd 240; Pucket v. Cox 456 @nd 233.)

"Additionally, pro se litigants are to be given reasonable opportunity to remedy the defects in their pleadings."

- Reynoldson v. Schilinger 907F .2d 124 126 (10th Circuit 1990; See also Jaxon v. Circle K. Corp. 773 F .2d 1138. 1140 (10th Cir. 1985(1))

"Each citizen acts as a private attorney general who takes on the mantel of sovereign."

- Title 42 U.S.C Sec. 1983, Wood v. Breier, 54 F.R.D 7, 10-11 (E.D. Wis. 1972). Frankenhauser v. Rizzo, 59 F.R.D. 339 (E.D. Pa. 1973).

JURY TRIAL DEMAND

Plaintiff(s) demand a jury trial, pursuant to the Seventh Amendment to the Constitution of the United States, as to all claims for damages.

Dated this 4th Day, in the month of November, in the Year of Our Lord Two-Thousand and Twenty-Two (2022).

Respectfully submitted,

Signatory: /s/ *Mei Wong* [L.S./SEAL]
Mei: Wong

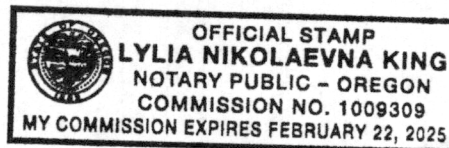
Without Recourse
Without Prejudice
All Rights Retained.

Signatory: /s/ *Dana Hindman-Allen* [L.S./SEAL]
Dana Hindman-Allen

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Without Prejudice
All Rights Retained.

BE IT REMEMBERED, that on this 4 day of the Month November in the year of our LORD, two thousand and twenty-two, **Mei Wong** and **Dana Hindman-Allen**, personally appeared before me, the Subscriber, a Notary Public for the State of Oregon, party to this Document, known me personally to be such, and she acknowledged this Document to be her act and deed. Given under my hand and seal of office, the day and year of aforesaid.

Lydia King
Notary Public Sitting in, and for, The State of Oregon



AFFIDAVIT IN VERIFICATION AND SWORN DECLARATION

I, **Mei Wong**, DO HEREBY STATE ALL HEREIN AS TRUTH SWORN UNDER PENALTY OF PERJURY UNDER THE OREGON STATE LAWS, THE LAWS OF THE UNITED STATES AND RECORD/CLAIMS ACCURACY LAWS [SEE ALSO 28 USC 1746].

1. I AM OVER AGE 18.
2. ALL SET FORTH HEREIN AND ABOVE AND ANNEXED ARE TRUTH AND TO THE EXTENT ANYTHING IS ON INFORMATION AND BELIEF IT IS BELIEVED TO BE TRUTH.
3. IF CALLED TO REPEAT ANY OF IT I WOULD.
4. I AM A FIRST-HAND WITNESS AND VICTIM OF ALL EXPLAINED.
5. THE foregoing averments ARE TRUE AND CORRECT COPIES FROM MY PERSONAL RECORDS.
6. I HAVE NEVER SEEN ANY PROOF OR EVIDENCE THAT AFFIDAVITS ARE NOT PRIMA FACIE PROOF OF THE TRUTH AND ACCEPTED AS SUCH IN THESE COURTS.

Signed: /s/  [L.S./SEAL]

Dated: 11/04/2022

Mei Wong
c/o 13203 SE 172nd Avenue, Suite 166, No. 749
(City of) Happy Valley,
The State of Oregon
Zip Code Excepted [97086]

Without Recourse
Without Prejudice
All Rights Retained.

AFFIDAVIT IN VERIFICATION AND SWORN DECLARATION

I, **Dana Hindman-Allen**, DO HEREBY STATE ALL HEREIN AS TRUTH SWORN UNDER PENALTY OF PERJURY UNDER THE OREGON STATE LAWS, THE LAWS OF THE UNITED STATES AND RECORD/CLAIMS ACCURACY LAWS [SEE ALSO 28 USC 1746].

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Signed: /s/ *Dana Hindman Allen* [L.S./SEAL]

Dated: *November 4th, 2022*

Dana Hindman-Allen
c/o 13203 SE 172nd Avenue, Suite 166, No. 749
(City of) Happy Valley,
The State of Oregon
Zip Code Excepted [97086]

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