

Jason L. Kafoury (OSB #091200)
Mark McDougal (OSB #890869)
Kafoury & McDougal
411 SW Second Avenue, Suite 200
Portland, OR 97204
(503) 224-2647
Fax: (503) 224-2673
jkafoury@kafourymcdougal.com
mcdougal@kafourymcdougal.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

JAMES M. CLEAVENGER,

Plaintiff,

vs.

**UNIVERSITY OF OREGON (an Agency and
Instrumentality of the State of Oregon), et al.,**

Defendants.

Case No. 6:13-cv-01908-DOC

PLAINTIFF'S EXHIBIT LIST

No.	Description	Offered	Received
1	Written reprimand by Cameron, 5/18/12		
2	Temporary reassignment and investigation letter by McDermed & Lebrecht, 5/18/12		
3	Clarification of expectations letter by Lebrecht, 11/18/11		
4	Annual Performance Evaluation (For 3/7/11 – 3/7/12), 1st Draft, initially signed/dated 5/31/12		

5	Annual Performance Evaluation, 2nd Draft, written 7/1/12		
6	Annual Performance Evaluation, 3 rd /Final Draft, signed 8/3/12		
7	CAD Report from Spencer View on 4/1/12		
8	Officer Hermens' Dash-Cam (ICV) video from Spencer View on 4/1/12		
9	Officer Cleavenger's Dash-Cam (ICV) video from Spencer View on 4/1/12		
10	Audio Recording of Radio Traffic from Spencer View on 4/1/12 ("condensed time")		
11	RESERVED		
12	List of all Calls for Service at Spencer View 6/16/11-6/15/12		
13	UODPS "21 Standards of Conduct" Policy		
14	SEIU Collective Bargaining Agreement (OUS Union Contract 2011-2013)		
15	ORS 236.350 and 236.360 and 236.370 (Disciplinary Actions)		
16	List of 33 Training Requests		
17	Descriptions of Trainings Requested		
18	Emails from Cleavenger requesting trainings		
19	Emails to and from Lt. Morrow on 2/20/12		
20	Email to Lt. Lebrecht on 6/12/12 - regarding Standard 11/Dishonesty		
21	Video of DPS Computer on 6/8/12 Showing Removal of 2 Dash-cam Videos from Account/Access #73, 74		
22	Video Reenactment showing Line of Sight <i>from</i> Spencer View Apartments to Officers' vehicles (6/13/12)		
23	Video - Reenactment showing Line of Sight <i>from Officers' Vehicles</i> to Spencer View Apartments (6/13/12)		
24	Photos (Reconstructions) on 6/13/12 at Spencer		

25	Photo Reconstruction and measurement of Hermens' vehicle		
26	Picture Photo Snap-Shots from Cleavenger's Dash-Cam video on 4/1/12		
27	Transcript Summary of Radio Call at Spencer View Apartments on 4/1/12 with time marks		
28	Case Report 12-684 (4/1/12 – Cleavenger's Report from Main Spencer View Apts. Incident)		
29	Case Report 12-448 (2/24/12 – Hermens & Phillips at SV for "Harassment")		
30	Case Report 12-786 (4/16/12 – LeRoy at SV for "Noise Complaint")		
31	Cleavenger's "Weekly Evaluation Summaries" by Lebrecht, 11/18/11 – 12/17/12		
32	Written statement/summary from 6/18/12 meeting with Lt. Morrow (2 nd half of interview)		
33	UODPS' Officer Performance Stats and Summary Charts		
34	CAD Log of 359 "Outside Agency Assists" (154 Off Campus) between 8/1/10 to 8/31/12		
35	Cleavenger's Original Grievance Form for Letter of Reprimand, dated 6/18/12		
36	List of Cleavenger's Cases		
37	UODPS Radio Policy & Procedures (from UODPS Policy Manual)		
38	Puma Audio Recorders Policy		
39	ORS 165.540 (Audio Recordings – "Obtaining Contents of Communications")		
40	ORS 133.726(11) (Interception of Communications)		
41	CAD Report from Spencer View on 6/4/12		
42	Cleavenger's Job Description (2010 Public Safety Officer Position)		
43	Weapons Policy – Letter from Jamie Moffitt		

44	UODPS Field Training Manual		
45	JCPD Field Training Manual		
46	Cleavenger's DPSST Training Record as of 4/2/13		
47	Cleavenger's Map of Spencer View Apartments		
48	List and CAD Logs for 240 traffic "stops," "offenses," etc. from 8/22/11 to 5/14/12		
49	Traffic Stop Documents and Information in DPS Policy, Website, Press Releases		
50	Lt. Lebrecht's Supervisory Files/Notes		
51	CAD Activities for all UODPS Officers on 3/9/12		
52	CAD Activities for all UODPS Officers on 4/23/12		
53	Emails with Cameron on 6/29 Re: Annual Performance Evaluation and audio recording request		
54	Donna Laue's email request to Morrow to see his investigation report		
55	Emails to/from Morrow on 6/26/12 re: other traffic stops		
56	Letters of Recommendation from Previous Employers		
57	Emails regarding new duties imposed on 9/7/12		
58	Emails from 9/10/12 Outlining Cleavenger's Response to Wardlow, and Wardlow's response		
59	Video of DPS Computer on 6/16/12 Showing Denial of <i>all</i> access to Dash-Cam Videos		
60	Video of DPS Computer on 9/14/12 showing the removal of the 3 rd 4/1/12 video and 4/2/12 video		
61	Email from Wardlow on 8/30 describing how Cleavenger "lied" in the Letter of Reprimand		
62	Photos of Reagan picture in UODPS East Office		
63	Field Interview (FI) Card example		

64	List of crimes Cleavenger witnessed but was not allowed to report, since prohibition 9/7/12 - 9/17/12		
65	Letters of Reprimand/Discipline of Other Officers		
66	Interview Transcripts of Other Officers, drafted by SEIU Steward Donna Laue		
67	Respectful Workplace Memo 2012 (1/31/12) by UO HR		
68	Email from Morrow describing why Cleavenger's access to videos are blocked		
69	Radio Traffic Audio Recording 6/4/12 (Perimeter set at SV for "verbal dispute")		
70	Radio Traffic Audio Recording 2/24/12 (Phillips & Hermens at SV)		
71	Dash-Cam Video from 2/24/12 (Phillips & Hermens at SV)		
72	Audio Recording of 6/29/12 Meeting with Cameron & Bechdolt regarding Annual Review		
73	Audio Recording of 8/13/12 Meeting with Lebrecht & Wardlow & Lois regarding Videos		
74	Map of UO Campus		
75	Department Work Schedules March 2011 - October 2012		
76	Video - View of Parking Space and Apt. #60 within view from the street at SV		
77	Lebrecht to Morrow 5/16/12 email/memo and 5/6/12 "Customer Concern" (CIC) Form regarding Hermens incident on 5/6/12		
78	Donna Lau's Notes from 6/18/12 Interview re traffic stops with Morrow		
79	9/25/12 Letter - regarding 3 new allegations		
80	10/2/12 Letter - Notice of Unpaid Admin Leave and Pre-Dismissal Hearing		
81	Step-2 Grievance Decision/Denial (by Brian Smith) dated 10/4/12		

82	ORS 352.385 (Special Campus Public Safety Officers)		
83	Cleavenger's TPO Monthly & Quarterly Reports includes; 12/10 report on "failure to stop at stop sign tickets"		
84	Law Enforcement Code of Ethics		
85	Cleavenger's Doctor's Note for Sensitive Skin (for Letter of Clarification Response)		
86	Termination Letter (dated: 10/25/12, received: 10/26/2012)		
87	2 nd Grievance Form (of Termination) filed 11/07/2012		
88	7/10/11 DOR of Cleavenger by FTO Chris Phillips regarding checking expired license plates		
89	Cleavenger's Complete Field Training Evaluation Program (FTEP) DOR files		
90	FTEP "End of Phase 3 Report" signed by FTO Drake and Sgt. Bechdolt on 7/4/11		
91	FTEP "End of Phase 5 Report" signed by FTO Drake and Sgt. Bechdolt on 8/22/11		
92	6-Month "Trial Service Appraisal" Evaluation by Lt. Lebrecht on 12/7/11		
93	JCPD Letter of Support and Recommendation		
94	Email from FTO Michael Drake on 4/2/13 – Explanation of DOR's and Overall FTEP Performance		
95	DPS Case Reports for non-citable offenses		
96	Additional DPS Case Summaries describing incidents/cases for non-citable crimes		
97	List of Citable Municipal Offenses by DPS Officers (into Eugene Municipal Court)		
98	CAD Report of Felony Reports (non-citable) Per Officer between 8/22/11-3/5/12		
99	Email from Donna Laue on 4/3/13 regarding Morrow's refusal to accept evidence on 7/6/12		

100	Cleavenger's DOR from FTO Drake on 7/1-2/11 regarding a welfare check for prohibited camping (a non-citable offense) that turned into an Assault case (UODPS case #11-1383)		
101	UO Daily Emerald newspaper article from 3/11/13 (PSO & Police officers have same authorities)		
102	Arbitration Panel Request Letter 4/8/13		
103	Email to Ryan Hagemann on 10/31/12 offering any additional documents and confirming prior receipt of others		
104	Exhibits List presented to Brian Caufield at Step-3 Hearing on 4/3/13		
105	UOPD (UODPS) and UO VPFA Organizational Management Charts (as of 2/7/13 and 8/6/13) and contact list		
106	UODPS 2012 Annual Report (Crimes stats) and Clery Statistics		
107	Email from Lt. David Beatty, DPSST Instructor, regarding dash-cams training request		
108	Emails from Lt. Morrow on 8/18/11 confirming receipt of final TPO report		
109	Texts from 5/8/2013 between Cleavenger and Eric Leroy		
110	UO Website Article regarding "Traffic Safety Day"		
111	Cleavenger Employment Rejection Letters from EPD and Canby PD		
112	Emails from Donna & Lois regarding Wardlow's response to allegation he ordered the Letter of Reprimand (6/13/12)		
113	SEIU Arbitration Request Letters from 4/8/13, 5/31/13 and 6/5/13		
114	SEIU Arbitration notice letter to Cleavenger 7/31/13		
115	Picture of UOPD Public Information Officer Kelly McIver		
116	2012 Olympic Trials Security Credentials for Cleavenger		
117	University of Oregon sheet re: citable traffic violations		
118	AIRS information for a wanted subject identified but unable to		

	arrest		
119	Casey Boyd Rebuttal Letter 6/28/12		
120	Marc Boyd trespass notice 10/28/13		
121	List of statutes of PSO's and Police Officer's authority		
122	Clery Act Memo from Chief Carolyn McDermed to all UO faculty & staff 11/4/13		
123	Clery Act – 20 U.S.C. 1092 (f)		
124	UO Staff "Crime Reporting Guidelines" from UOPD website		
125	UOPD 2013 Annual Report & Clery Crime Stats (w/ PSO authorities & Clery requirements)		
126	Safety Escort Ride document from UOPD		
127	Amanda William's video from 9/10/12 Knife Incident		
128	Zach Hermens' video from 9/10/12 Knife Incident		
129	Video from stop of Dean Nicole Commissioning incident on 4/1/12		
130	UOPD Radio traffic from 9/10/12 - Knife Incident		
131	UOPD Radio Traffic from 9/3/12 (first "Problematic Call-Out" incident)		
132	UOPD Radio Traffic from 9/6/12 (second "Problematic Call-Out" incident)		
133	DUII Incidents from UOPD from 8/1/2010 to 8/31/2012 (from CAD)		
134	Ofc. Williams' Case Report from case 12-1843 (9/10/12 knife incident)		
135	Examples of bike stops "BIKEQ" and "BIKEST" in CAD		
136	CAD report from 2 nd call-out to Spencer View on 4/1/12 (noise complaint)		
137	Sean Riddell's 1/8/14 Preservation Letter regarding Marc Boyd's case		

138	Emails Re settlement negotiations for the arbitration between Coit and Stefan		
139	Around The O response article by UO about the Bowl of Dicks List on 7/16/14 by Julie Brown		
140	Joint Statement of Support for Cleavenger by former UODPS Officers		
141	Marc Boyd's Letter Of Trespass issued by UOPD		
142	Cleavenger's concealed carry permit issued by LCSO 12/10/2012		
143	Mobile Video Tactics DPSST Course registration and information (3/10/15)		
144	Puma Training Memo for LeRoy & Parker 2009 (also see #41) used in Davis' Depo (Ex 73)		
145	Photo picture of UODPS officers' jackets fleece and hats during arrest		
146	Email from Lebrecht regarding Cleavenger wearing equipment and polo uniform		
147	6/18/12 email from Wardlow, Lebrecht, McDermed discussing plan to terminate Cleavenger		
148	2011 DPSST Brady List Memo from monthly Ethics Bulletin		
149	4/23/2013 UOPD Police Officer job posting listing Brady List eligibility as a qualification		
150	"Brady v. Maryland Disqualifier Review" memo from Lebrecht to DA Alex Gardner dated 6/17/2014		
151	DPSST Field Training and Evaluation Program (FTEP) Field Training Officer (FTO) Training Certificate from 5/7/2015		
152	Declaration of Daniel M. Pearce (UO Cricket Club President) w/passport, dated 8/2/2015		
153	9/9/14 email from US Dept. Of Education federal investigator Wendell Brantley re: federal investigation of UOPD for violations of the Clery Act		
154	5/12/14 email from Marc Stefan confirming Cleavenger's files will		

	be confidential and not disclosed in the Settlement Agreement		
155	7/23/14 emails from Andrea Coit confirming the terms of the Settlement Agreement		
156	John Ahlen's email to Brian Caufield on 4/4/13 re: 4/3/13 Step-3 Termination Grievance Hearing		
157	Map of Spencer View Apts marked by Cameron during his Deposition		
158	UOPD Policy #612 "Brady List Disclosure"		
159	Bowl of Dicks List ("The List") from Officer Eric LeRoy's cell phone		
160	Eric LeRoy's Letter of Reprimand		
161	2/28/11 email from Cleaveger to Morrow re: cricket team English accent		
162	Email to Ryan Hagemann on 11/15/12 offering any additional documents and confirming prior receipt of others		
163	Emails to Hagemann trying to set-up a Step-3 hearing		
164	Emails to Wardlow in 2013 requesting to view special files		
165	McDermed and Moffitt Email from 7/11/14 re: professionalism after media released "The List"		
166	"Rough Draft" version of Cleavenger's Annual Performance Evaluation and email from Cameron dated 4/1/12.		
167	2010 email from Doug Tripp encouraging officers, but not command staff, to review their audio		
168	3/10/14 email from McDermed announcing the arbitration decision and following discussion about trying to block Cleavenger from returning.		
169	9/13/12 Draft Re-Training Program memo and email by Lebrecht to McDermed		
170	6/30/14 Letter from DA Alex Gardner to McDermed re: Brady List submission		

171	7/7/14 Letter from DA Alex Gardner to McDermed re: Brady List submission		
172	8/13/14 JCPD Response Letter and attached exhibits sent by Mertz, Nicol, and Markell to Alex Gardner re Brady List allegations		
173	7/28/14 Letter from McDermed to Alex Gardner responding to his 7/7/12 letter		
174	Map of Spencer View Apts marked by Hermens during his Deposition		
175	1/6/15 email from Bill Anderson to Lebrecht re computers being “replaced” and “wiped”		
176	11/4/11 text to email of text sent to Lebrecht by Cleavenger re: forthcoming Letter of 11/18/11		
177	Garrity Notification from 4/7/12 interview re Spencer View incident.		
178	Arbitration Decision by Rich Ahearn, dated 2/24/14		
179	Anonymous Letter sent on 8/21/14 to DA’s Office and UO President’s office re: Eric LeRoy and other officers who should not have been hired.		
180	Declaration of James Cleavenger dated 4/30/15		
181	Brian Caufield’s handwritten notes from 4/3/2013 Step-3 Hearing		
182	Emails re: Settlement Offers from Andrea Coit 3/7/14 & 3/25/14		
183	Email from McDermed to Doug Tripp on 5/14/12 re: plan to try to fire Cleavenger		
184	Plaintiff’s and Defendants’ Statement of Genuine Disputes of Material Facts for Motion for Summary Judgment		
185	Declaration of Brandon Lebrecht in support of Defendants’ Motion for Summary Judgment		
186	“Garrity Interview Follow Up” Memo by Lebrecht re: 4/7/12 interview of Cleavenger about Spencer View incident		
187	Declaration of Carolyn McDermed in support of Defendants’ Motion for Summary Judgment		

188	9/19/12 email from Bechdolt to Morrow re beer can incident		
189	Declaration of Mike Morrow in support of Defendants' Motion for Summary Judgment		
190	Transcript of phone complaint received on 4/11/12		
191	Transcript of 4/2/12 traffic stop of UO student		
192	Transcript of 4/1/12 traffic stop of law school Dean Commissiong		
193	Transcript of 6/18/12 interview of Cleavenger by Morrow (1 st half only)		
194	Declaration of Andrea Coit in support of Defendants' Motion for Summary Judgment		
195	Memo from Bechdolt to Wardlow dated 9/25/12 re: problematic call outs		
196	2 nd Declaration of Andrea Coit in support of Defendants' Motion for Summary Judgment		
197	New UOPD Policies #1011 and #1060		
198	Draft Settlement Agreement email by Andrea Coit from 3/7/14		
199	Draft Settlement Agreement email by Andrea Coit from 5/22/14		
200	Draft Settlement Agreement email Cleavenger from 6/4/14		
201	Additional Draft Settlement Agreement and emails from 2014		
202	Cleavenger's 6/15/15 pay raise		
203	Declaration of Michael Drake in support of Plaintiff's Response		
204	Michael Drake's 2015 Annual Evaluation		
205	Declaration of Amanda Hayles in support of Plaintiff's Response		
206	Declaration of Corey Mertz in support of Plaintiff's Response		
207	Declaration of James Cleavenger in support of Plaintiff's Response		
208	10/5/12 email to Brian Smith by Cleavenger with Royce Myers' 8/22/12 Written Statement		

209	3/31/14 "Best Practices for Navigating Brady v. Maryland in Oregon" memo (by Gardner)		
210	6/30/14 Letter from DA Gardner to Coburg Police Chief Larry Larson re: Brady		
211	Emails from Andrea Coit on 7/24/14 and 7/25/14 announcing UOPD's Brady List disclosure to the Lane County DA on 6/17/14		
212	Emails between Cleavenger and Lane County DA Alex Gardner and Patty Perlow, etc. between 7/29/14 and 8/25/14		
213	Email from Andrea Coit re: appeal of the arbitration decision if Cleavenger seeks to be reinstated		
214	Email from Andrea Coit to Marc Stefan on 4/18/14 re: Cleavenger special assessment period		
215	3/5/12 email from DA Alex Gardner to Carolyn McDermed and all other area police chiefs explaining the Brady List requirements and process		
216	Articles from The Daily Emerald, September 30, 2013		
217	Excerpt from The Register-Guard, July 11, 2014		
218	UODPS "21 Standards of Conduct" Policy		
219	APSO Radio Training Handout		
220	JCPD Timesheets		
221	Mike Morrow's Internal Investigation Report dated 7/27/12		
222	Press Releases describing PSO Authorities and name change to UOPD		
223	CAD "Officer Activity Log" for Cleavenger from 5/18/2012 to 9/18/2012		
224	Cleavenger's Case Report #12-1844 (9/10/12)		
225	Cleavenger Case Report # 12-693 regarding possible theft of bike lights from the UOPD barn 8/6/12		
226	Emails between Marc Stefan and Andrea Coit discussing what job position Cleavenger would be able to return to after reinstatement		

227	Audio recording from 6/18/12 meeting with Lt. Morrow (1 st half of interview only)		
228	Tactical Pens Receipts and page 59 from Field Patrol Notebook (list of purchasers)		
229	04/02/2012 Draft of Letter of Reprimand (final on 5/18) written by Scott Cameron		
230	Email chain dated July 11, 2014 regarding Brady documents		
231	Jennifer Parker's BOLI Complaint and Investigation File		

DATED August 10, 2015.

/s/ Mark McDougal

Jason L. Kafoury (OSB#091200)
Mark McDougal (OSB #890869)
Kafoury & McDougal
411 SW Second Ave., Ste. 200
Portland, OR 97204
(503) 224-2647
Fax: (503) 224-2673
jkafoury@kafourymcdougal.com
mcdougal@kafourymcdougal.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on August 10, 2015, I served or caused to be served a true and complete copy of the foregoing **PLAINTIFF'S EXHIBIT LIST** on the party or parties listed below as follows:

Andrea Coit
Andrea.coit@harrang.com
Harrang Long Gary Rudnick P.C.
360 E 10th Ave, Ste 300
Eugene OR 97401-3273

Via CM / ECF Filing

/s/ Mark McDougal

Jason L. Kafoury (OSB#091200)
Mark McDougal (OSB #890869)
Kafoury & McDougal
411 SW Second Ave., Ste. 200
Portland, OR 97204
(503) 224-2647
Fax: (503) 224-2673
jkafoury@kafourymcdougal.com
mcdougal@kafourymcdougal.com
Attorney for Plaintiff