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**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

**DECLARATION OF JAMES  
CLEAVENGER IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO  
MOTION TO DISMISS**

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The undersigned, James Cleavenger, states as follows:

1. I am the plaintiff in this action.
2. Attached hereto and incorporated by this reference as Exhibit 1 is a true and correct copy of tort claim notices dated November 16, 2013, and December 10, 2014, as well as a sample standard tort claim form taken from the Department of Administrative Services website.

3. On or about October or November, 2013 I submitted the online form from the Department of Administrative Services website. I did not keep a copy. I can recall filling out the form with the same basic information as contained in the letters sent to all the original defendants as described in paragraph 2 (See Exhibit 1).

4. Attached hereto and incorporated by this reference as Exhibit 2 are true and correct copies of the 4 Official Statement of Grievance Forms dated June 17, 2012; November 7, 2012; and February 13, 2013 (2).

5. Attached hereto and incorporated by this reference as Exhibit 3 is a true and correct copy of the excerpted pages from the deposition of Brian Caufield dated November 7, 2014.

6. Attached hereto and incorporated by this reference as Exhibit 4 is a true and correct copy of Brian Caufield's notes, provided by the defense in this case, bates numbers 016612-13.

7. Attached hereto and incorporated by this reference as Exhibit 5 is a true and correct copy of the excerpted pages from the deposition of Ryan J. Hagemann dated November 20, 2014.

8. Attached hereto and incorporated by this reference as Exhibit 6 is a true and correct copy of the arbitration award dated February 24, 2014.

9. Attached hereto and incorporated by this reference as Exhibit 7 is a true and correct copy of the settlement agreement that was executed on September 4, 2014, between the University of Oregon; the SEIU 503, OPEU; and James Cleavenger. Although the attached Exhibit 7 is unsigned, the agreement was fully executed by the parties.

10. Attached hereto and incorporated by this reference as Exhibit 8 are true and correct copies of email communications between Andrea Coit and Marc Stefan dated March 25, 2014, and March 7, 2014.

11. Attached hereto and incorporated by this reference as Exhibit 9 is a true and correct copy of an email communication between Carolyn McDermed and Doug Tripp dated May 14, 2012.

12. Attached hereto and incorporated by this reference as Exhibit 10 is a true and correct copy of the Letter of Investigation & Reassignment received by James Cleavenger on May 18, 2012.

13. Attached hereto and incorporated by this reference as Exhibit 11 is a true and correct copy of SEIU Steward John Ahlen's notes from the April 3, 2013 hearing with Brian Caufield, as an emailed communication dated April 4, 2014.

14. Attached hereto and incorporated by this reference as Exhibit 12 is a true and correct copy of my notes from the April 3, 2013 hearing with Brian Caufield, that I drafted on the same day (4/3/13).

15. Attached hereto and incorporated by this reference as Exhibit 13 are true and correct copies of email communications between Brian Caufield and John Ahlen following the April 3, 2013 hearing.

16. Attached hereto and incorporated by this reference as Exhibit 14 is a true and correct copy of UOPD's "Brady Disclosure Policy" #612.

17. Attached hereto and incorporated by this reference as Exhibit 15 are true and correct copies of email communications between UOPD Supervisors dated March 10, 2014.

18. Attached hereto and incorporated by this reference as Exhibit 16 is a true and correct copy of the excerpted pages from the deposition of James Cleavenger dated November 7, 2014.

19. I swear or affirm that the meeting dates described and listed on page 3 of Plaintiff's Response to Defendants' Motion to Dismiss and within the Second Amended Complaint are true and accurate. I further swear or affirm that I discussed one or more of my potential legal claims with the individuals listed on pages 3 and 4 of Plaintiff's Response to Defendants' Motion to Dismiss and within the Second Amended Complaint.

20. I swear or affirm that I discussed the claims within my SEIU Grievances and the Grievances themselves, with the individuals described on page 4 of Plaintiff's Response to Defendants' Motion to Dismiss and within the Second Amended Complaint.

21. I swear or affirm that my direct supervisors at UOPD (Brandon Lebrecht and Scott Cameron) told me verbally that they believed I would be filing a lawsuit, as described on pages 4 and 5 of Plaintiff's Response to Defendants' Motion to Dismiss.

22. I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED April 30, 2015.

*/s/ James Cleavenger*  
**James Cleavenger, Plaintiff**

**CERTIFICATE OF SERVICE**

I certify that on April 30, 2015, I served or caused to be served a true and complete copy of the foregoing **DECLARATION OF JAMES CLEAVENGER IN SUPPORT OF PLAINTIFF'S RESPONSE TO MOTION TO DISMISS** on the party or parties listed below as follows:

Via CM / ECF Filing

*/s/ Mark McDougal*

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**Mark McDougal (OSB #890869)**  
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