

1
2
3
4 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
5
6 FOR MULTNOMAH COUNTY
7

8 **PATRICIA ANSELMO**
9 as personal representative for
10 the estate of Jeffrey Buckmeyer

11 Plaintiff

12 vs

13 **TARGET CORPORATION**
14 **JOHN DOE #1**
15 **JOHN DOE #2**

16 Defendants
17

Case No.

COMPLAINT

Negligence
False Arrest
IIED

Filing Fee Authority: ORS 21.160(1)(d)
Not Subject to Mandatory Arbitration
Amount in Controversy: \$1 million
Jury Trial Requested

18 **FACTUAL ALLEGATIONS**

19 **1.**

20
21 On April 22, 2019 Jeffrey Buckmeyer (“plaintiff”) died of a heart attack. Prior
22 to his death, plaintiff was a citizen of Oregon. Defendant Target Corporation is a
23 Minnesota corporation with its principal place of business in Minnesota. Target
24 Corporation maintains regular and sustained business in Multnomah County and
25 maintained ownership and control over its store at 9009 SW Hall Blvd. in Tigard,
26 Oregon. John Doe #1 is a citizen of Oregon and an employee of Target Corporation.
27 John Doe #2 is a citizen of Oregon and an employee of Target Corporation.
28

2.

On or around July 24, 2019, defendants intentionally instigated the FBI to detain plaintiff and to search plaintiff's home based on false information defendants provided to law enforcement. Specifically, defendants intentionally, knowingly, and falsely reported to law enforcement that defendants saw child abuse or child pornography materials on plaintiff's mobile phone. Plaintiff never had child abuse or child pornography materials on his mobile phone. Defendants never saw child abuse or child pornography materials on plaintiff's mobile phone. Defendants knew they never saw child abuse or child pornography materials on plaintiff's mobile phone. Solely as a result of defendants' false reporting, on the morning of August 2, 2018, plaintiff was detained, handcuffed, and interrogated in the back of a police vehicle by state and federal law enforcement agents. The FBI seized various electronics from plaintiff and examined them over the course of several months. Plaintiff's neighbors were made aware of the search warrant and plaintiff was limited in his ability to spend time with his own child while the FBI completed its investigation. Ultimately the FBI concluded that plaintiff did not have any child abuse or child pornography materials and returned plaintiff's electronics. An independent forensics expert reviewed plaintiff's mobile phone and determined that plaintiff did not have any child abuse or child pornography materials. Defendants' behavior as alleged in this complaint caused plaintiff severe ongoing anguish and harm to his reputation.

1
2 **CAUSES OF ACTION**

3 **Claim One – Negligence against Target Corporation**

4
5 **3.**

6 Target Corporation had a duty to properly train, hire, and supervise its
7 employees who make reports about customers to law enforcement. Target
8 Corporation knew and should have known that its failure to properly train, hire, and
9 supervise its employees who make reports about customers to law enforcement could
10 result in foreseeable harm to customers who were falsely accused of crimes they did
11 not commit. Target Corporation had a duty to maintain and follow adequate policies
12 pertaining to when, how, and why its employees are to make reports about customers
13 to law enforcement. Target Corporation knew and should have known that its failure
14 to maintain and follow adequate policies pertaining to when, how, and why its
15 employees are to make reports about customers to law enforcement could result in
16 foreseeable harm to customers who were falsely accused of crimes they did not
17 commit. Plaintiff's injuries as alleged in this complaint were due in whole or in part
18 to the acts and omissions of Target Corporation, which was negligent in one or more
19 respects:
20
21
22

- 23 **a.** In failing to exercise reasonable care over its employees
24
25 **b.** In failing to properly hire its employees
26
27 **c.** In failing to properly train its employees
28
d. In failing to properly supervise its employees
e. In failing to adopt policies necessary to protect plaintiff from false reports

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4.

Target Corporation is liable for the behavior of John Does #1 and #2 as alleged in this complaint. John Does #1 and #2's behavior as alleged in this complaint was in an effort to serve Target Corporation as employees or agents of Target Corporation and within the scope of their employment or agency with Target Corporation. As a direct result of Target Corporation's negligent acts and omissions as alleged in this complaint, plaintiff experienced injuries and harm, all of which were reasonably foreseeable, including severe ongoing anguish and harm to his reputation. Plaintiff requests fair compensation in an amount to be determined by the jury to be reasonable, but not to exceed \$1 million. Plaintiff also requests an order declaring that the behavior of Target Corporation as alleged in this complaint was negligent in one or more regards, costs and disbursements, and maximum pre and post judgment interest. Plaintiff reserves the right to amend this complaint to adjust the request for compensation as well as to add additional defendants and new claims, including a claim for punitive damages, as new information is learned in discovery.

5.

Claim Two – Negligence against John Does #1 and #2

John Does #1 and #2 are the individual Target Corporation employees who instigated the FBI to detain plaintiff and to search plaintiff's home based on false information they provided to law enforcement. John Does #1 and #2 had a duty to behave professionally while at work and to use reasonable care when informing law enforcement of crimes allegedly committed by Target Corporation customers.

1
2 **6.**

3 John Does #1 and #2 knew and should have known that failing to behave
4 professionally while at work and failing to use reasonable care when informing law
5 enforcement of crimes allegedly committed by Target Corporation customers could
6 result in foreseeable harm to customers who were falsely accused of crimes they did
7 not commit. Plaintiff's injuries as alleged in this complaint were due in whole or in
8 part to the acts and omissions of John Does #1 and #2, who were negligent in one or
9 more respects:
10
11

- 12 **a.** In failing to act reasonably towards plaintiff
- 13 **b.** In failing to file an accurate report about plaintiff with law enforcement
- 14 **c.** In failing to file an honest report about plaintiff with law enforcement
- 15 **d.** In failing to refrain from unreasonably causing plaintiff distress

16
17 As a direct result of John Does #1 and #2's negligent acts and omissions as
18 alleged in this complaint, plaintiff experienced injuries and harm, all of which were
19 reasonably foreseeable, including severe ongoing anguish and harm to his
20 reputation. Plaintiff requests fair compensation in an amount to be determined by
21 the jury to be reasonable, but not to exceed \$1 million. Plaintiff also requests an
22 order declaring that the behavior of John Does #1 and #2 as alleged in this complaint
23 was negligent in one or more regards, costs and disbursements, and maximum pre
24 and post judgment interest.
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7.

Claim #3 – False Arrest against John Does #1 and #2

As alleged in this complaint, John Does #1 and #2 intentionally instigated the FBI to detain plaintiff and to search plaintiff's home based on false information they provided to law enforcement. Law enforcement did in fact detain plaintiff based on the false information provided by John Does #1 and #2, and plaintiff was aware of the detention, and the detention was unlawfully instigated under the circumstances, causing plaintiff injuries and harm, all of which were reasonably foreseeable, including severe ongoing anguish and harm to his reputation. Plaintiff requests fair compensation in an amount to be determined by the jury to be reasonable, but not to exceed \$1 million. Plaintiff also requests an order declaring that the behavior of John Does #1 and #2 as alleged in this complaint constituted false arrest in one or more regards, costs and disbursements, and maximum pre and post judgment interest.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8.

Claim #4 – IIED against John Does #1 and #2

John Does #1 and #2's behavior as alleged in this complaint was intended to inflict severe emotional distress on plaintiff, and severe distress was certain and substantially certain to result from their behavior. John Does #1 and #2's intentional, outrageous and extreme decision to falsely accuse plaintiff of possessing child abuse or child pornography materials was an extraordinary transgression of the bounds of socially tolerable conduct and exceeded any reasonable limit of social toleration, and caused plaintiff to suffer emotional distress. Plaintiff requests fair compensation for his harm in an amount to be determined by the jury to be reasonable, but not to exceed \$1 million. Plaintiff also requests an order declaring that John Does #1 and #2's behavior as alleged in this complaint constituted intentional infliction of emotional harm, costs and disbursements, and maximum pre and post judgment interest.

1
2 **9.**

3 **Claim #5 – False Arrest against Target Corporation**

4 While behaving under Target Corporation’s employ as alleged in this
5 complaint, John Does #1 and #2 intentionally instigated the FBI to detain plaintiff
6 and to search plaintiff’s home based on false information they provided to law
7 enforcement. Law enforcement did in fact detain plaintiff based on the false
8 information provided by John Does #1 and #2, and plaintiff was aware of the
9 detention, and the detention was unlawfully instigated under the circumstances,
10 causing plaintiff injuries and harm, all of which were reasonably foreseeable,
11 including severe ongoing anguish and harm to his reputation. Plaintiff requests fair
12 compensation in an amount to be determined by the jury to be reasonable, but not
13 to exceed \$1 million. Plaintiff also requests an order declaring that the behavior of
14 Target Corporation as alleged in this complaint constituted false arrest in one or
15 more regards, costs and disbursements, and maximum pre and post judgment
16 interest.
17
18
19
20
21
22
23
24
25
26
27
28

1
2 **10.**

3 **Claim #6 – IIED against Target Corporation**

4 While behaving under Target Corporation’s employ as alleged in this
5 complaint, John Does #1 and #2 intended to inflict severe emotional distress on
6 plaintiff, and severe distress was certain and substantially certain to result from
7 their behavior. John Does #1 and #2’s intentional, outrageous and extreme decision
8 to falsely accuse plaintiff of possessing child abuse or child pornography materials
9 was an extraordinary transgression of the bounds of socially tolerable conduct and
10 exceeded any reasonable limit of social toleration, and caused plaintiff to suffer
11 emotional distress. Plaintiff requests fair compensation for his harm in an amount
12 to be determined by the jury to be reasonable, but not to exceed \$1 million. Plaintiff
13 also requests an order declaring that Target Corporation’s behavior as alleged in this
14 complaint constituted intentional infliction of emotional harm, costs and
15 disbursements, and maximum pre and post judgment interest.
16
17
18
19

20 **11.**

21 **REQUEST FOR JURY TRIAL**

22 Plaintiff respectfully requests a trial by a jury.
23
24
25
26
27
28

1
2 **12.**

3 **PRAYER FOR RELIEF**

4 Plaintiff respectfully requests relief as sought in paragraphs 4 through 10,
5 and any other relief the Court may deem appropriate.
6

7
8
9 August 29, 2019

10 **RESPECTFULLY FILED,**

11 /s/ Michael Fuller

12 **Michael Fuller, OSB No. 09357**

13 Lead Trial Attorney for Plaintiff

14 OlsenDaines

15 US Bancorp Tower

16 111 SW 5th Ave., Suite 3150

17 Portland, Oregon 97204

18 michael@underdoglawyer.com

19 Direct 503-222-2000

20 **Kelly D. Jones, OSB No. 074217**

21 Of Attorneys for Plaintiff

22 819 SE Morrison St Ste 255

23 Portland, Oregon 97214

24 kellydonovanjones@gmail.com

25 Phone 503-847-4329
26
27
28