

1 Ranch ("Ranch") located in Deschutes County at 13895 Bishops Cap, Black
2 Butte Ranch, Oregon. At all times mentioned, BBRC engaged in the business of
3 providing recreational activities, meeting places, and restaurants for its Ranch
4 residents and to the public.

5 2.

6 Defendant Black Butte Ranch Association ("BBRA") is an Oregon
7 corporation doing business in Deschutes County, Oregon. At all times
8 mentioned, BBRA owned and managed the Ranch and was engaged in the
9 business of providing rules and regulations for BBRC and its residents and
10 visitors to the Ranch.

11 3.

12 Defendants BBRA and/or BBRC owned and operated Robert's Pub, a pub
13 located on the Ranch that served food and alcohol to residents and members of
14 the public.

15 4.

16 Defendant Georgio Milan Glinsky at all times mentioned herein was an
17 employee of BBRC and/or BBRA, as Manager at Robert's Pub, and was acting in
18 the course and scope of his employment.

19 5.

20 Defendant Patti L. Ribb at all times mentioned herein was an employee of
21 BBRC and/or BBRA, as Human Resources Director, and was acting in the course
22 and scope of her employment.

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1 6.

2 Defendant Shawn McCance at all times mentioned herein was an employee
3 of BBRC and/or BBRA, as Chief Executive Officer, and was acting in the course
4 and scope of his employment.

5 7.

6 Defendant Susan Pasquetti at all times mentioned herein was an employee
7 of BBRC and/or BBRA, as Food and Beverage Assistant Manager, and was acting
8 in the course and scope of her employment.

9 8.

10 Defendant Charles “Chip” Carter at all times mentioned herein was an
11 employee of BBRC and/or BBRA, as General Manager at Robert’s Pub, and was
12 acting in the course and scope of his employment.

13 9.

14 Defendant Glenn Michael Woosley (aka Michael Woosley) at all times
15 mentioned herein was an employee of BBRC and/or BBRA, as a supervisor and
16 server and was acting in the course and scope of his employment.

17 10.

18 Defendant Woosley was employed by BBRC and/or BBRA for over 30 years
19 and was known as “Mr. Black Butte” by owners, managers, agents, and
20 employees of BBRC and/or BBRA. Their adoption and allowance of defendant
21 Woosley empowered and elevated Woosley to a special status which he exploited.
22 Woosley was extremely popular amongst those dining at the Ranch’s Lodge and
23 Robert’s Pub, which included Black Butte Ranch homeowners, their families and

1 guests, and members of the public.

2 11.

3 All agents and employees of BBRC and BBRA mentioned herein were at all
4 times mentioned herein acting within the course and scope of such agency and
5 employment.

6 12.

7 Plaintiffs did not discover the causal connection between the injury and
8 the above harassment and abuse, nor in the exercise of reasonable care should
9 they have discovered the causal connection between the injury and the
10 harassment and abuse, prior to filing this action.

11 13.

12 Plaintiff Brody Anderson worked for defendants at Robert's Pub as a
13 busser between October 2021-February 2022. During his employment, plaintiff
14 Anderson satisfactorily performed the required duties as an employee of the
15 defendants and performed his duties in a professional manner.

16 14.

17 Plaintiff Isaiah Cervantes worked for defendants at Robert's Pub as a head
18 chef between October 2021-June 2022. During his employment, plaintiff
19 Cervantes satisfactorily performed the required duties as an employee of the
20 defendants and performed his duties in a professional manner.

21 15.

22 Plaintiff Bryant Davis worked for defendants at Robert's Pub as a
23 dishwasher between December 2021-March 2022. During his employment,

1 plaintiff Davis satisfactorily performed the required duties as an employee of the
2 defendants and performed his duties in a professional manner.

3 16.

4 Plaintiff Miguel Gaona, Jr. worked for defendants at Robert's Pub as a
5 busser between December 2021-May 2022. During his employment, plaintiff
6 Gaona satisfactorily performed the required duties as an employee of the
7 defendants and performed his duties in a professional manner.

8 17.

9 Plaintiff Parker Miller worked for defendants at Robert's Pub as a
10 dishwasher between November 2021-April 2022. During his employment,
11 plaintiff Miller satisfactorily performed the required duties as an employee of the
12 defendants and performed his duties in a professional manner.

13 18.

14 Plaintiff Colin Palmer worked for defendants at Robert's Pub as a line cook
15 between 2020-June 2022. During his employment, plaintiff Palmer satisfactorily
16 performed the required duties as an employee of the defendants and performed
17 his duties in a professional manner.

18 19.

19 Plaintiff Shelby Sager worked for defendants at Robert's Pub as a host and
20 server between December 2021-July 2022. During her employment, plaintiff
21 Sager satisfactorily performed the required duties as an employee of the
22 defendants and performed her duties in a professional manner.

23 ///

1 20.

2 Plaintiff Hayden Young worked for defendants at Robert’s Pub as a busser
3 during December 2021. During his employment, plaintiff Young satisfactorily
4 performed the required duties as an employee of the defendants and performed
5 his duties in a professional manner.

6 21.

7 Plaintiff Michael Zoomajian, Jr. worked for defendants at Robert’s Pub as
8 a busser and line cook between May 2022-June 2022. During his employment,
9 plaintiff Zoomajian satisfactorily performed the required duties as an employee
10 of the defendants and performed his duties in a professional manner.

11 22.

12 During October 2021 through February 2022, plaintiff Brody Anderson
13 was repeatedly sexually assaulted and harassed by defendant Woosley while
14 working at Robert’s Pub. This occurred when Anderson was 18 years old. During
15 this time, Woosley reached out and rubbed Anderson’s penis over his work apron
16 that had a white-colored food stain near Anderson’s groin area. Woosley grabbed
17 and slapped Anderson’s buttocks multiple times and repeatedly questioned
18 Anderson about Anderson’s sexuality inferring that Anderson was gay. Woosley
19 told Anderson that Woosley was gay and that Anderson “should give guys a try.”
20 Woosley also told Anderson that “I’d love to go down on” Zoomajian, a plaintiff
21 herein.

22 ///

23 ///

1 23.

2 As a result of the above-described conduct, plaintiff Anderson suffered and
3 continues to suffer from anxiety, emotional distress, a sense of helplessness, loss
4 of control, personal violation, emotional upset, anger, humiliation,
5 embarrassment, fear, and a heightened sense of vulnerability, all to his
6 noneconomic damage in the amount of \$1,500,000.00.

7 24.

8 During October 2021-June 2022, plaintiff Isaiah Cervantes was repeatedly
9 sexually assaulted and harassed by defendant Woosley while working at Robert's
10 Pub. This occurred when Cervantes was 24-25 years old. During this time,
11 Woosley grabbed Cervantes' buttocks multiple times. While Cervantes worked as
12 head chef, Woosley walked up behind Cervantes, touched him on the back and
13 arms, and whispered in his ear. Cervantes lurched forward and moved away from
14 Woosley telling him to "Knock it off!"

15 25.

16 As a result of the above-described conduct, plaintiff Cervantes suffered
17 and continues to suffer from anxiety, emotional distress, a sense of helplessness,
18 loss of control, personal violation, emotional upset, anger, humiliation,
19 embarrassment, fear, and a heightened sense of vulnerability, all to his
20 noneconomic damage in the amount of \$1,500,000.

21 26.

22 During December 2021 through April 2022, plaintiff Bryant Davis was
23 repeatedly sexually assaulted and harassed by defendant Woosley while working

1 at Robert's Pub. This occurred when Davis was 15 years old. During this time,
2 Woosley grabbed Davis's buttocks multiple times. While Davis worked washing
3 dishes, Woosley would walk up close to Davis and touch Davis's nose with
4 Woosley's nose. Davis shoved Woosley away and told Woosley to leave him alone.

5 27.

6 As a result of the above-described conduct, plaintiff Davis suffered and
7 continues to suffer from anxiety, emotional distress, a sense of helplessness, loss
8 of control, personal violation, emotional upset, anger, humiliation,
9 embarrassment, fear, and a heightened sense of vulnerability, all to his
10 noneconomic damage in the amount of \$1,500,000.

11 28.

12 During December 2021 through May 2022, plaintiff Miguel Gaona, Jr. was
13 repeatedly sexually assaulted and harassed by defendant Woosley while working
14 at Robert's Pub. This occurred when Gaona was 19 years old. During this time,
15 Woosley reached down and fondled Gaona's buttocks multiple times. Woosley
16 also kissed Gaona on his facial cheek while standing near the host stand at the
17 front of Robert's Pub.

18 29.

19 As a result of the above-described conduct, plaintiff Gaona suffered and
20 continues to suffer from anxiety, emotional distress, a sense of helplessness, loss
21 of control, personal violation, emotional upset, anger, humiliation,
22 embarrassment, fear, and a heightened sense of vulnerability, all his
23 noneconomic damage in the amount of \$1,500,000.

1 30.

2 During October 2021 through April 2022, plaintiff Parker Miller was
3 sexually assaulted and harassed by defendant Woosley while working at Robert's
4 Pub. This occurred when Miller was 16 years old. During this time, Woosley
5 reached down and grabbed Miller's buttocks at least once while Miller was
6 working in the dishwashing area. Woosley would also walk up behind Miller and
7 sniff Miller's neck. In one incident where Miller and plaintiff Palmer were working
8 together, Woosley walked by some discarded mayonnaise on top of a baguette,
9 tasted it, and said that "it doesn't taste like Colin's [plaintiff Palmer] cum, it
10 tastes like" some other young employees cum. In another incident, Woosley
11 grabbed a wooden spoon and tried to spank Miller's and Palmer's buttocks;
12 Woosley's spoon struck Miller's buttocks. In a separate incident, Woosley asked
13 Miller and Palmer to carry boxes containing discarded food from Robert's Pub
14 out to Woosley's car to feed Woosley's chickens. Defendant Carter, a general
15 manager at Robert's Pub, said to Woosley, "That's not their job, I can help you."
16 Woosley replied to Carter, "Oh, it's okay, I give them really good head so I can
17 have them do whatever I want." Carter said nothing in response and walked away
18 laughing.

19 31.

20 As a result of the above-described conduct, plaintiff Miller suffered and
21 continues to suffer from anxiety, emotional distress, a sense of helplessness, loss
22 of control, personal violation, emotional upset, anger, humiliation,
23 embarrassment, fear, and a heightened sense of vulnerability, all to his

1 noneconomic damage in the amount of \$1,500,000.

2 32.

3 During August 2021 through June 2022, plaintiff Colin Palmer was
4 repeatedly sexually assaulted and harassed by defendant Woosley while working
5 at Robert's Pub. This occurred when Palmer was 17 years old. During this time,
6 Woosley and reached down and fondled Palmer's penis twice while Palmer
7 worked at the salad station. Woosley later told Palmer that Woosley "wanted his
8 [Palmer's] warm young cum" on a brownie that Woosley was having for dessert.
9 In another incident, Woosley came up behind Palmer while Palmer worked in the
10 kitchen area washing dishes, grabbed Palmer's chest area, slid his hands down
11 to Palmer's buttocks and fondled them, and said "Hi, how are you?" Woosley also
12 made repeated sexually inappropriate statements about Palmer or Palmer's co-
13 workers.

14 33.

15 As a result of the above-described conduct, plaintiff Palmer suffered and
16 continues to suffer from anxiety, emotional distress, a sense of helplessness, loss
17 of control, personal violation, emotional upset, anger, humiliation,
18 embarrassment, fear, and a heightened sense of vulnerability, all to his
19 noneconomic damage in the amount of \$1,500,000.

20 34.

21 On July 10, 2022, plaintiff Shelby Sager was sexually assaulted by
22 defendant Woosley while working at Robert's Pub. This occurred when Sager was
23 18 years old. While working the night shift as a server, Woosley walked over to

1 the server's station where Sager worked, reached out and fondled her left breast
2 with his hand. Sager immediately stepped back in shock. Woosley advanced
3 towards Sager with his right hand out and attempted to fondle her breast again.
4 Another young co-worker, Braden Burgess, was present and witnessed this
5 sexual assault on Sager. Burgess immediately stepped in and interrupted
6 Woosley from advancing further on Sager. Sager reported this sexual assault the
7 same night to defendant Georgio Glinsky, a manager at Robert's Pub. Glinsky
8 asked Sager if she thought that Woosley had accidentally fondled her breast.
9 Sager replied that it was not an accident and that she wanted to report it to the
10 police. Glinsky tried to persuade her not to report it to the police. As a result of
11 Woosley's sexual assault, Sager became disoriented and had trouble focusing on
12 her work for the rest of her shift. Sager asked Glinsky for permission to work the
13 rest of the evening in the back area, telling Glinsky that Woosley's fondling of
14 her breast had a major effect on her and that it upset her. Glinsky became angry
15 with Sager and asked her why she needed to take a break at that moment. Sager
16 told Glinsky that she was shaken up by what happened with Woosley and needed
17 to process what Woosley had done to her. Glinsky threw his hands up into the
18 air in anger and frustration with Sager and walked away. When Sager returned
19 to work on another day for her normal shift at Robert's Pub, she was contacted
20 in the rear kitchen area by defendant Susan Pasquetti, the Black Butte Ranch
21 Food and Beverage Assistant Manager. While in the presence of other bussing,
22 serving, and cooking staff, Pasquetti told Sager that she was aware of Woosley
23 fondling Sager's breast and asked Sager if Sager she was okay with it now. Sager

1 responded that she was not okay with what had happened and that it made her
2 feel extremely uncomfortable. Pasquetti laughed when she was asking Sager
3 about Woosley sexually inappropriately touching her. Sager told Pasquetti that
4 Sager did not think it was laughable. Sager felt that all the other staff in the
5 kitchen that walked in and out during this conversation were looking at Sager
6 and listening to Pasquetti talk about the sexual assault by Woosley. Pasquetti
7 told Sager that she would talk to Woosley about the incident. Sager thought that
8 Pasquetti would talk to Woosley after she had left work or on a day when Sager
9 was not working. That did not happen. That same day, Woosley confronted Sager
10 during Sager's shift about the incident. Later that evening, Sager learned from
11 speaking with plaintiff Zoormajian that Woosley had reached down Zoormajian's
12 pants and touched his penis while at work just a few weeks prior. Zoormajian
13 told Sager that he had reported this sexual assault to defendant Glinsky, and
14 nothing had been done by management at Robert's Pub to stop Woosley's
15 sexually assaultive conduct. Sager, Zoormajian, and Anderson decided that
16 night to report Woosley to the police. That next morning, July 11, 2022, plaintiffs
17 Sager, Zoormajian, Anderson, and Burgess went to the Black Butte Ranch Police
18 Department and reported Woosley's sexual assaults.

19 35.

20 As a result of the above-described conduct, plaintiff Sager suffered and
21 continues to suffer from anxiety, emotional distress, a sense of helplessness, loss
22 of control, personal violation, emotional upset, anger, humiliation,
23 embarrassment, fear, and a heightened sense of vulnerability, all to her

1 noneconomic damage in the amount of \$1,500,000.

2 36.

3 On or about December 22-23, 2022, plaintiff Hayden Young was sexually
4 assaulted by defendant Woosley while working at Robert's Pub. This occurred
5 when Young was 19 years old. Around that time, Young was temporarily moved
6 to Robert's Pub to work as a busser. On his first shift at Robert's Pub, Young
7 was working in the busser area getting coffee when he felt an unknown person
8 from behind place their hand on Young's right buttock and their left hand on
9 Young's left shoulder. Young turned around and saw that it was defendant
10 Woosley. Young immediately backed away from Woosley and tried to get out of
11 the busser area. Woosley told Young "Oh, you're not in my way." Young slid past
12 Woosley and got out of the small busser area. After that incident, Young avoided
13 Woosley by leaving the busser area as fast as possible when Woosley approached.

14 37.

15 As a result of the above-described conduct, plaintiff Young suffered and
16 continues to suffer from anxiety, emotional distress, a sense of helplessness, loss
17 of control, personal violation, emotional upset, anger, humiliation,
18 embarrassment, fear, and a heightened sense of vulnerability, all to his
19 noneconomic damage in the amount of \$1,500,000.

20 38.

21 During May-June 2022, plaintiff Michael Zoormajian, Jr. was repeatedly
22 sexually assaulted and harassed by defendant Woosley while working at Robert's
23 Pub. This occurred when Zoormajian was 18 years old. During this time, Woosley

1 waited until Zoormajian was alone in the back of the bar/restaurant when
2 Woosley would then reach down and fondle Zoormajian’s penis with Woosley’s
3 hands over Zoormajian’s pants. This occurred on multiple occasions during work
4 hours. Woosley also sexually harassed Zoormajian by propositioning him to have
5 sex with him, offering to perform oral sex on Zoormajian, and making
6 inappropriate sexual comments. Woosley offered to furnish alcohol to
7 Zoormajian when Zoormajian was just 18 years old by inviting Zoormajian to
8 Woosley’s house where he said he had a full bar. Woosley repeatedly fondled
9 Zoormajian’s buttocks during work. During this time, Woosley repeatedly
10 touched Zoormajian’s legs, buttocks, and shoulders for Woosley’s own sexual
11 gratification and with impunity. Woosley took Zoormajian with him to customer’s
12 tables, put his arm around Zoormajian, saying “This is my protégé. He can’t
13 decide if he likes boys or girls. He’s not like me.” When Woosley found out that
14 Zoormajian was bi-sexual, Woosley began to focus on Zoormajian by repeatedly
15 asking him to have sex with Woosley. Woosley made repeated racist statements
16 to Zoormajian about Zoormajian “being Middle Eastern” and called him “a towel
17 head.” Woosley offered to let Zoormajian stay at his home anytime Zoormajian
18 needed and said he would “throw in a blow job with the room.” Zoormajian did
19 not report these incidents to Ranch management or human resources because
20 he knew of prior complaints against Woosley touching staff members and he was
21 aware they did not appear to hold Woosley accountable for his misconduct.

22 39.

23 Around June 10-25, 2022, plaintiff Michael Zoormajian, Jr. was again

1 sexually assaulted by defendant Woosley while working at Robert's Pub. At that
2 time, Zoomajian worked cutting bread in the food prep area. Woosley walked up
3 behind Zoomajian, wrapped his arms around Zoomajian's shoulders and arms,
4 taking Zoomajian by surprise. Zoomajian shrugged his shoulders to shake
5 Woosley off him to stop the unwanted contact. Woosley tightened his grip around
6 Zoomajian, pushed his hand inside Zoomajian's pants and grabbed and
7 stroked Zoomajian's penis. Zoomajian immediately broke free from Woosley
8 grasp and shouted, "Michael stop!" Zoomajian ran out of the room, hearing
9 Woosley say, "I'm just kidding!" That evening, Zoomajian told defendant
10 Glinsky, the Robert's Pub manager, that Woosley had touched him in a sexually
11 inappropriate way. Days later, Glinsky told Zoomajian that he [Glinsky] had
12 given Michael [Woosley] "a very stern warning" and he was going to "write it down
13 and then keep it in the building." Glinsky told Zoomajian not to report the
14 sexual assault incident to the police and said "It is very possible for them [police]
15 to turn it back on you, because it happened to me. Don't go to the police."

16 40.

17 After learning of Woosley's July 10, 2022, sexual assault against his co-
18 worker Shelby Sager -- which occurred just 3 weeks after Woosley's grabbed
19 Zoomajian's penis -- Zoomajian, Anderson, Sager, and Burgess decided to
20 report Woosley's conduct to the police to make sure that what happened to them
21 and other staff members did not happen to any other Robert's Pub staff
22 members.

23 ///

1 41.

2 As a result of the above-described conduct, plaintiff Zoomajian suffered
3 and continues to suffer from anxiety, emotional distress, a sense of helplessness,
4 loss of control, personal violation, emotional upset, anger, humiliation,
5 embarrassment, fear, and a heightened sense of vulnerability, all to his
6 noneconomic damage in the amount of \$1,500,000.

7 42.

8 At all times mentioned herein, Woosley knew that his repeated sexual
9 assaults and verbal sexual harassment of plaintiffs were unwanted and non-
10 consensual. Woosley's conduct was intentional and demonstrated a
11 discriminatory animus.

12 43.

13 Plaintiffs rejected Woosley's sexual advances and told him to stop the
14 abusive and offensive conduct. Woosley ignored the plaintiffs' objections and
15 continued the unwanted conduct.

16 44.

17 During the ongoing sexual assaults and harassment described herein,
18 BBR and BBRA were aware that:

- 19 (a) Woosley had a reputation for sexual harassment and misconduct
20 against staff prior and during his agency and employment with
21 defendants prior to being assigned to Robert's Pub and thereafter;
- 22 (b) Woosley continuously subjected employees to pervasive and
23 offensive unwanted touching, and verbal and physical sexual abuse;

- 1 (c) Sexual harassment and misconduct against subordinate employees
2 in the workplace were characteristic of Woosley's method of
3 supervising and controlling these employees in the workplace;
- 4 (d) Employees had complained to agents and employees of BBRC and
5 BBRA about Woosley's sexually aggressive and assaultive behavior
6 towards employees;
- 7 (e) Management-level employees of defendants knew of Woosley's
8 sexual harassment and abusive conduct and condoned it;
- 9 (f) On July 11, 2022, Jason VanMeter, the Black Butte Ranch Police
10 Chief, personally met with defendant CEO Shawn McCance and told
11 McCance that his police department had initiated a criminal
12 investigation into employee Woosley based on allegations of sexual
13 misconduct during work hours that involved fellow employees of the
14 Ranch; and
- 15 (g) After the July 11, 2022, meeting between Chief VanMeter and CEO
16 McCance, defendants allowed Woosley to continue to work at
17 Robert's Pub for several days until Woosley was placed on
18 administrative leave and eventually fired.

19 45.

20 Despite knowledge of the above, defendants failed to take any corrective
21 action to prevent Woosley from continuing the abuse, failed to remove him from
22 the workplace, and retained him in a supervisory role of subordinate employees,
23 including plaintiffs. These acts and omissions authorized and empowered

1 Woosley to continue his duties training and supervising subordinate employees
2 while perpetrating his sexual assaults and harassment of Robert's Pub
3 employees, including plaintiffs.

4 46.

5 Defendants further knew that by their pattern and practice of failing to
6 discipline, reprimand, or fire Woosley that Woosley was certain to engage in
7 continued sexual abuse and harassment of their employees, including plaintiffs,
8 creating a continuing hostile work environment.

9 47.

10 By failing to take any remedial action against Woosley's continued verbal
11 and physical sexual abuse of its employees, including plaintiffs, defendants
12 allowed, condoned, and encouraged Woosley's unlawful and outrageous conduct
13 to continue.

14 **FIRST CLAIM FOR RELIEF**

15 **Gender and Sex Discrimination – ORS 659A.030**

16 **Hostile Work Environment**

17 **(Against Defendants BBRC and BBRA – *Respondeat Superior*)**

18 48.

19 Plaintiffs reallege and hereby incorporate by reference the allegations
20 contained in the paragraphs above.

21 49.

22 At all material times, defendants Woosley, Glinsky, Ribb, McCance,
23 Pasquetti, and Carter were acting within the course of scope of their employment

1 with defendants BBRC and BBRA. As such, defendants BBRC and BBRA are
2 vicariously liable for the acts and omissions of defendants Woosley, Glinsky,
3 Ribb, McCance, Pasquetti, and Carter as set forth in the paragraphs above.

4 50.

5 At all material times herein, BBRC and BBRA employed or had a right to
6 control defendants Woosley, Glinsky, Ribb, McCance, Pasquetti, and Carter at
7 Robert's Pub, all of whom were actual or apparent agents of BBRC and BBRA.

8 51.

9 Defendants BBRC and BBRA knew or should have known of the pattern
10 of sexual harassment and abuse perpetuated by Woosley and knew that
11 Woosley's conduct created a pervasive, hostile, and offensive work environment
12 which unreasonably interfered with plaintiffs' ability to perform their job duties.

13 52.

14 Defendants knew or should have known that defendants Glinsky, Ribb,
15 McCance, Pasquetti, and Carter were aware of the pattern of sexual harassment
16 and abuse perpetuated by Woosley; that Woosley's conduct created a pervasive,
17 hostile, and offensive work environment that unreasonably interfered with
18 plaintiffs' ability to perform their job duties; and that defendants Glinsky, Ribb,
19 McCance, Pasquetti, and Carter failed to take prompt and effective remedial
20 action against Woosley after they were aware that Woosley's sexual abuse of
21 employees had a disparate effect on employees, including plaintiffs, which
22 constitutes discrimination based on sex in violation of ORS 659A.030 and ORS
23 659A.029. Plaintiffs are entitled to attorney fees under ORS 659A.885.

1 53.

2 Defendants' failure to take prompt and effective remedial action against
3 Woosley after they were aware of Woosley's sexual abuse of employees had a
4 disparate effect on employees, including plaintiffs, which constitutes
5 discrimination based on sex in violation of ORS 659A.030 and ORS 659A.029.
6 Plaintiffs are entitled to attorney fees under ORS 659A.885.

7 54.

8 By allowing, permitting, and maintaining a hostile work environment,
9 defendants acted with malice or a reckless and outrageous indifference to a
10 highly unreasonable risk of harm and with a conscious indifference to the health,
11 safety and welfare of plaintiffs. Punitive damages against an employee or against
12 an agent are attributable to the employer or principal when acts committed
13 within the course and scope of employment or agency led to or result in a tort.
14 Pursuant to ORS 31.725, plaintiffs hereby provide notice of their intent to move
15 to add allegations of punitive damages against defendants BBRA and BBRC at
16 any time after filing this Complaint.

17 **SECOND CLAIM FOR RELIEF**

18 **Sexual Assault/Battery**

19 **(Against Defendant Woosley)**

20 55.

21 Plaintiffs reallege and hereby incorporate by reference the allegations
22 contained in the paragraphs above.

23 ///

1 56.

2 While acting within the course and scope of his employment or agency for
3 defendants, Woosley repeatedly sexually assaulted plaintiffs by subjecting them
4 to sexual contact to which plaintiffs did not consent or could not consent by
5 reason of being under the age of 18 years, for the purpose of arousing or
6 gratifying defendant Woosley's own sexual desire. The sexual assaults/batteries
7 constituted harmful and offensive touching of plaintiffs.

8 57.

9 As a result and consequence of Woosley's sexual assaults/batteries,
10 plaintiffs have incurred economic and noneconomic damages as set forth herein.

11 58.

12 In sexually abusing plaintiffs, defendant Woosley acted with malice or a
13 reckless and outrageous indifference to a highly unreasonable risk of harm and
14 with a conscious indifference to the health, safety, and welfare of plaintiffs.
15 Pursuant to ORS 31.725, plaintiffs hereby provide notice of their intent to move
16 to add allegations of punitive damages against defendants BBRA and BBRC at
17 any time after filing this Complaint.

18 **THIRD CLAIM FOR RELIEF**

19 **Sexual Assault/Battery**

20 **(Against Defendants BBRA and BBRC - *Respondeat Superior*)**

21 59.

22 Plaintiffs reallege and hereby incorporate by reference the allegations
23 contained in the paragraphs above.

1 60.

2 At all material times, defendant Woosley was acting within the course of
3 scope of his employment with defendants BBRC and BBRA. As such, defendants
4 BBRC and BBRA are vicariously liable for the acts and omissions of defendant
5 as set forth in the paragraphs above.

6 61.

7 Defendants BBRA and/or BBRC aided and assisted Woosley's repeated
8 sexual assaults against plaintiffs by failing to take prompt and effective remedial
9 action against Woosley after they were aware of Woosley's sexual assaults
10 against employees.

11 62.

12 As a result and consequence of defendants aiding and assisting Woosley's
13 sexual assaults, plaintiffs have incurred economic and noneconomic damages as
14 set forth herein.

15 63.

16 In sexually abusing plaintiffs, defendant Woosley acted with malice or a
17 reckless and outrageous indifference to a highly unreasonable risk of harm and
18 with a conscious indifference to the health, safety, and welfare of plaintiffs.
19 Pursuant to ORS 31.725, plaintiffs hereby provide notice of their intent to move
20 to add allegations of punitive damages against defendants BBRA and BBRC at
21 any time after filing this Complaint.

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23 ///

1 **FOURTH CLAIM FOR RELIEF**

2 **Intentional Infliction of Emotional Distress**

3 **(Against Defendants BBRA and BBRC - *Respondeat Superior*)**

4 64.

5 Plaintiffs reallege and hereby incorporate by reference the allegations
6 contained in the paragraphs above.

7 65.

8 At all material times, defendants Woosley, Glinsky, Ribb, McCance,
9 Pasquetti, and Carter were acting within the course of scope of their employment
10 with defendants BBRC and BBRA. As such, defendants BBRC and BBRA are
11 vicariously liable for the acts and omissions of defendants Woosley, Glinsky,
12 Ribb, McCance, Pasquetti, and Carter, as set forth in the paragraphs above.

13 66.

14 While acting within the course and scope of their employment or agency
15 for defendants BBRA and/or BBRC, defendants Woosley, Glinsky, Ribb,
16 McCance, Pasquetti, and Carter intended to inflict severe emotional distress
17 upon plaintiffs or knew that severe emotional distress was substantially certain
18 to result from the above-described conduct of defendants Woosley, Glinsky,
19 Ribb, McCance, Pasquetti, and Carter

20 67.

21 Defendants' conduct was an extraordinary transgression of the bounds of
22 socially tolerable behavior.

23 ///

1 68.

2 As a direct result of defendants' conduct, plaintiffs have suffered severe
3 emotional distress.

4 69.

5 In causing severe emotional distress to plaintiffs, defendants acted with
6 malice or a reckless and outrageous indifference to a highly unreasonable risk
7 of harm and with a conscious indifference to the health, safety, and welfare of
8 plaintiffs. Pursuant to ORS 31.725, plaintiffs hereby provide notice of their intent
9 to move to add allegations of punitive damages against defendants at any time
10 after filing this Complaint.

11 **FIFTH CLAIM FOR RELIEF**

12 **Negligent Supervision, Retention, and Training**

13 **(Against Defendants BBRC and BBRA)**

14 70.

15 Plaintiffs reallege and hereby incorporate by reference the allegations
16 contained in the paragraphs above.

17 71.

18 The defendants were negligent in one or more of the following particulars:

- 19 1. In failing to have a strict zero tolerance policy for sexual harassment;
20 2. In failing to inform the employees and supervisors of a mechanism for
21 reporting sexual harassment;
22 3. In failing to provide clear guidelines and enforcement procedures
23 relating to complaints of sexual harassment;

1 4. In tolerating a workplace that allowed for open and obvious sexual
2 harassment;

3 5. In failing to respond to allegations of sexual harassment thereby
4 empowering the harasser to consider harassment and battery a benefit of
5 employment; and

6 6. In empowering Woosley (aka "Mr. Black Butte") by giving him a status
7 of which he was unworthy.

8 WHEREFORE, plaintiffs pray for judgment against defendants as follows:

9 a) Plaintiff Brody Anderson prays for noneconomic damages not to exceed
10 \$1,500,000 and for plaintiff's costs, disbursements, and attorney fees
11 necessarily incurred herein.

12 b) Plaintiff Isaiah Cervantes prays for noneconomic damages not to exceed
13 \$1,500,000 and for plaintiff's costs, disbursements, and attorney fees
14 necessarily incurred herein.

15 c) Plaintiff Bryant Davis, by and through Amy Davis, his Guardian *Ad*
16 *Litem*, prays for noneconomic damages not to exceed \$1,500,000 and
17 for plaintiff's costs, disbursements, and attorney fees necessarily
18 incurred herein.

19 d) Plaintiff Miguel Gaona, Jr. prays for noneconomic damages not to
20 exceed \$1,500,000 and for plaintiff's costs, disbursements, and
21 attorney fees necessarily incurred herein.

22 e) Plaintiff Parker Miller prays for noneconomic damages not to exceed
23 \$1,500,000 and for plaintiff's costs, disbursements, and attorney fees

1 necessarily incurred herein.

2 f) Plaintiff Colin Palmer prays for noneconomic damages not to exceed
3 \$1,500,000 and for plaintiff's costs, disbursements, and attorney fees
4 necessarily incurred herein.

5 g) Plaintiff Shelby Sager prays for noneconomic damages not to exceed
6 \$1,500,000 and for plaintiff's costs, disbursements, and attorney fees
7 necessarily incurred herein.

8 h) Plaintiff Hayden Young prays for noneconomic damages not to exceed
9 \$1,500,000 and for plaintiff's costs, disbursements, and attorney fees
10 necessarily incurred herein.

11 i) Plaintiff Michael Zoormajian, Jr. prays for noneconomic damages not
12 to exceed \$1,500,000 and for plaintiff's costs, disbursements, and
13 attorney fees necessarily incurred herein.

14 Dated: June 27, 2024.

15 *s/ Jason Kafoury*

16 _____
17 Gregory Kafoury, OSB #741663
18 Kafoury@kafourymcdougal.com
19 Mark McDougal, OSB #890869
20 mcdougal@kafourymcdougal.com
21 Jason Kafoury, OSB #091200
22 jkafoury@kafourymcdougal.com

23 *s/ Christopher A. Larsen*

Christopher A. Larsen, OSB #910679
chris@pdw.legal

Attorneys for Plaintiffs; Trial Attorneys