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Of Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

GREGG SCHUMACHER and LINDA)	
SCHUMACHER, individually and as)	No.
husband and wife, and GREGG)	
SCHUMACHER FURS LLC dba)	COMPLAINT
SCHUMACHER FURS & OUTERWEAR,)	
)	Civil Rights – 42 USC § 1983
Plaintiffs)	Pendent State Law Claims
)	Monetary and Equitable Relief
v.)	
)	Jury Trial Requested
CITY OF PORTLAND, a municipal)	
corporation; IN DEFENSE OF ANIMALS,)	
a foreign nonprofit corporation; ANIMAL)	
LIBERATION FRONT, an unincorporated)	
association; PEOPLE FOR THE ETHICAL)	
TREATMENT OF ANIMALS, INC., a)	
foreign nonprofit corporation; MATT)	
ROSSELL; KEVIN MEIRAS aka “Bluejay”;))	
CONNIE DURKEE; ALEX LILLI; JOHN)	
DOES 1-10; and JANE DOES 1-10)	
)	
Defendants.)	

I. INTRODUCTION

1. Plaintiffs GREGG SCHUMACHER and LINDA SCHUMACHER, individually and as husband and wife, and GREGG SCHUMACHER FURS LLC dba SCHUMACHER FURS & OUTERWEAR (hereinfter "SFO"), have been the subject of persistent daily and weekly protests by animal rights activists in and around the Schumacher Furs and Outerwear store in downtown Portland, Oregon from November 12, 2005 to the present. In addition, plaintiffs GREGG SCHUMACHER and LINDA SCHUMACHER have been the subjects of repeated death threats through U.S. Mail and internet messages, as well as experienced unwanted communications and contacts with one or more individual animal rights activists at their personal residence from February 2006 to the present.

2. Plaintiffs seek relief pursuant to 42 USC § 1983 in the form of preliminary and permanent injunctions, declaratory relief and money damages in an amount to be proved at trial. Plaintiffs further seek monetary damages under Oregon state law for intentional infliction of emotional distress, interference with business relations, interference with contract, trespass and nuisance.

II. JURISDICTION

3. Federal jurisdiction exists pursuant to 28 USC §§ 1331 and 1343.

4. Pendent jurisdiction over Oregon state law claims exists pursuant to 28 USC §1367.

5. Venue is proper pursuant to 28 USC § 1391(b) in that one or more of the defendants reside in the District of Oregon, and plaintiffs' claims arose in this district.

III. PARTIES

6. Plaintiffs GREGG SCHUMACHER and LINDA SCHUMACHER are husband and wife and the primary owners and management of GREGG SCHUMACHER FURS LLC dba SCHUMACHER FURS & OUTERWEAR (SFO).

7. Plaintiff GREGG SCHUMACHER FURS LLC is an Oregon LLC and is authorized to and conducting business under the assumed business name of SCHUMACHER FURS & OUTERWEAR at a retail store at 811 SW Morrison Street, Portland, Multnomah County, Oregon. Plaintiffs' primary products and services include the manufacture, sale, servicing and storage of fur clothing. SFO is an animal enterprise within the meaning of the Animal Enterprise Terrorism Act, 18 USC § 43.

8. Defendant CITY OF PORTLAND is a municipal corporation formed under the laws of the State of Oregon and is the owner of the locations where the events of this case took place, all of which are publicly dedicated streets and sidewalks in the City of Portland.

9. Defendant IN DEFENSE OF ANIMALS (IDA) is a foreign nonprofit corporation registered to conduct business in the state of Oregon, with its principal place of business in San Rafael, California.

10. Defendant ANIMAL LIBERATION FRONT (ALF) is an unincorporated association of individuals which exists for the purpose of opposing use of animals in the manufacture of clothing and other goods and protesting against those involved in the manufacturing process. ALF has been identified as a terrorist organization by the Federal Bureau of Investigation (FBI) due to its well-documented history of violence against persons and property.

11. Defendant PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS, INC. (PETA) is a foreign nonprofit corporation registered to conduct business in the state of Oregon, with its principal place of business in Norfolk, Virginia.

12. Defendant MATT ROSSELL is a resident of the state of Oregon, the Director of Primate Research for defendant IDA, and a regular leader and participant in the protests and demonstrations at or near plaintiffs' retail store.

13. Defendant KEVIN MEIRAS, aka "BLUEJAY", is a resident of the state of Oregon with known ties to defendant ANIMAL LIBERATION FRONT and a regular leader and participant in the protests and demonstrations at or near plaintiffs' retail store.

14. Defendant CONNIE DURKEE is a resident of the state of Oregon, the Northwest Regional Assistant for defendant IDA, and a regular leader and participant in the protests and demonstrations at or near plaintiffs' retail store.

15. Defendant ALEX LILLI is believed to be a resident of Oregon and a regular leader and participant in the protests and demonstrations at or near plaintiffs' retail store.

IV. FACTUAL ALLEGATIONS

16. Defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE, LILLI, JOHN DOES 1-10 and JANE DOES 1-10 have been involved in protests and demonstrations in and around plaintiffs' store location from November 12, 2005 to the present on at least a weekly basis, and sometimes on a daily basis. Some of the protests and demonstrations involve a few individuals, but often they have involved scores of people on Saturdays and at other times.

17. The protests and demonstrations generally involve (among other things) public nudity, obscene gestures, picketing, posting signs, playing animal rights videotapes, chanting and other expressions of anti-fur slogans, and directing oral and written threats of death or serious bodily injury and insults such as “fucking torturer”, “murderer” and “fur hag” toward plaintiffs, plaintiffs’ employees, plaintiffs’ customers and other members of the public. Some of these activities have continued while protestors follow plaintiffs, plaintiffs’ employees, plaintiffs’ customers and other members of the public for several blocks. In addition, the protests and demonstrations have included throwing or dispersing fecal matter, urine, chalk and red paint on or around the building and adjoining sidewalks at plaintiffs’ store. On numerous occasions in the course of their protests and demonstrations, defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE and LILLI and their associates have also blocked public sidewalks with their bodies, signs and displays, stopped or distracted vehicular traffic on SW Morrison and SW Park Street, and periodically entered plaintiffs’ store without permission to insert anti-fur materials surreptitiously in the pockets of clothing available for sale in the store.

18. Despite the nature, extent and duration of the protests and demonstrations, plaintiffs’ repeated requests for the assistance of the Portland Police Bureau have met with statements by uniformed officers and others that Portland police will not respond to emergency or non-emergency calls to plaintiffs’ store.

19. Uniformed Portland Police Bureau officers have observed many of the events described herein, but have taken no action for the protection of persons or property, including plaintiffs’.

20. The actions and inactions of members of the Portland Police Bureau are based on policies, customs or practices established by or at the direction of CITY OF PORTLAND officials with authority to determine policies, customs and practices on behalf of the City, all of which have been undertaken under color of law. Those policies, customs and practices include, but are not limited to:

a) Instructing police officers not to enforce federal, state or local criminal laws governing conduct in public places in the City of Portland when plaintiffs report or complain of such activity;

b) Instructing police officers not to arrest protestors and demonstrators who violate federal, state or local criminal laws in the course of protests and demonstrations against plaintiffs;

c) Failing to protect plaintiffs by enforcing federal, state and local laws differently than it does for others similarly situated in the City of Portland;

d) Failing to require permits or variances for parades, demonstrations, displays and noise amplification required under the Portland City Code;

e) Encouraging and facilitating efforts by plaintiffs' lessor to terminate the tenancy of plaintiffs' business without cause prior to the expiration date of the lease; and

f) Aiding and abetting the protests and demonstrations by making public statements derogatory about plaintiffs and encouraging plaintiffs, among other things, to relocate their store outside the City, to close on Saturdays and to cover their window displays.

21. The policies, customs and practices referenced herein are based upon bad faith and ill will toward plaintiffs, with no rational basis or substantial governmental interest for treating plaintiffs differently from any other persons or retailers similarly situated.

V. IRREPARABLE INJURY

22. Unless restrained by the Court, defendants have and will continue to violate plaintiffs' constitutional and statutory rights to be secure in their personal safety and liberty and to operate their lawful business without interference in the manner described in this complaint. Plaintiffs now face eviction from their current store location and not being able to relocate their business to another location because of the nature, extent and duration of the protests and demonstrations, including protestor interference with efforts to relocate. Finally, plaintiffs GREGG SCHUMACHER and LINDA SCHUMACHER are reasonably fearful for their own personal safety because some of the defendants are known terrorist organizations, or known affiliates of such organizations, and the City has repeatedly expressed its intention not to intervene or otherwise respond to any requests for assistance from Portland police.

VI. FEDERAL CLAIMS FOR RELIEF

For their First Claim for Relief (First Amendment Free Speech) against defendant CITY OF PORTLAND, plaintiffs allege:

23. The conduct of defendants as alleged herein constitutes viewpoint discrimination which has violated, and continues to violate, plaintiff's right to free speech as guaranteed by the first amendment to the United States Constitution, for which plaintiffs seek redress under 42 USC § 1983.

For their Second Claim for Relief (Fourteenth Amendment Equal Protection) against defendant CITY OF PORTLAND, plaintiffs allege:

24. The conduct of defendants as alleged herein has violated and continues to violate plaintiffs' right to equal protection of the laws as guaranteed by the fourteenth amendment to the United States Constitution, for which they seek redress under 42 USC § 1983.

For their Third Claim for Relief (Fourteenth Amendment Substantive Due Process) against defendant CITY OF PORTLAND, plaintiffs allege:

25. The conduct of defendants as alleged herein has violated, and continues to violate, plaintiffs' right to substantive due process as guaranteed by the fourteenth amendment to the United States Constitution, for which they seek redress under 42 USC § 1983.

26. Plaintiffs seek relief for the violations in their First, Second and Third claims for relief pursuant to 42 USC § 1983 in the form of preliminary and permanent injunctions, declaratory relief and money damages in an amount to be proved at trial.

27. Plaintiffs further seek an award of their reasonable attorney fees, costs and expenses from defendant CITY OF PORTLAND for redress of their grievances pursuant to 42 USC § 1988.

VII. OREGON STATE LAW CLAIMS FOR RELIEF

For their Fourth Claim for Relief (Intentional Infliction Of Emotional Distress) against all defendants, plaintiffs GREGG SCHUMACHER and LINDA SCHUMACHER allege:

28. Plaintiffs re-allege and incorporate by reference herein the allegations of paragraphs 6-22 above.

29. The conduct of the protestors and demonstrators as alleged herein constitutes an

extraordinary transgression of socially tolerable conduct.

30. The protestors' and demonstrators' conduct as alleged herein was intended to and has actually caused extreme fear, horror, anger and humiliation to plaintiffs GREGG SCHUMACHER and LINDA SCHUMACHER, all to their damage in an amount not less than \$ 500,000.

31. The conduct of the CITY OF PORTLAND as alleged herein constitutes an extraordinary transgression of socially tolerable conduct.

32. The CITY OF PORTLAND'S conduct as alleged herein was intended to and has actually caused extreme fear, horror, anger and humiliation to plaintiffs GREGG SCHUMACHER and LINDA SCHUMACHER, all to their damage in an amount not less than \$ 200,000.

For its Fifth Claim for Relief (Interference With Business Relations) against all defendants, plaintiff SFO alleges:

33. Plaintiffs re-allege and incorporate by reference herein the allegations of paragraphs 6-22 above.

34. At all times material herein, plaintiff SFO had professional economic relationships with customers, as well as prospective economic advantages with prospective customers.

35. Defendant CITY OF PORTLAND engaged in conduct intended to and actually interfering with plaintiff SFO's existing and potential economic relationships with its customers through improper means or for an improper purpose in one or more of the following particulars:

a) In failing to provide police protection against unlawful activity by protestors at or near plaintiff's business that unreasonably interfered with the operation of plaintiff's business;

b) In failing to respond to plaintiffs' complaints of criminal activity by protestors at

or near plaintiff's store that unreasonably interfered with the operation of plaintiffs' store;
and

c) In communicating to protestors, directly or indirectly, its intention not to intervene or enforce the law, thereby encouraging further unlawful activity by protestors at or near plaintiffs' business that unreasonably interfered with the operation of plaintiffs' business.

36. Defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE, LILLI, JOHN DOES 1-10 and JANE DOES 1-10 wrongfully engaged in conduct intended to and actually interfering with plaintiffs' existing and potential economic relationships with its customers through improper means or for an improper purpose in one or more of the following particulars:

a) Directing oral and written threats and insults to plaintiffs, plaintiffs' employees, plaintiffs' customers and other members of the public with the intention of discouraging patronage of plaintiffs' store and driving plaintiffs out of business, including those alleged in paragraphs 16-17 above;

b) Throwing or dispersing fecal matter, urine, chalk and red paint on or around the building and adjoining sidewalks at plaintiffs' store;

c) Blocking public sidewalks with their bodies, signs and displays, as well as stopping or distracting vehicular traffic on SW Morrison and SW Park Street;

d) Entering plaintiffs' store without permission to insert anti-fur materials surreptitiously in the pockets of clothing available for sale in the store; and

e) Engaging in public nudity.

37. The conduct of defendants has resulted in plaintiffs' customers' and prospective customers' inability or unwillingness to patronize plaintiffs' store so as not to be subjected to the harassment, intimidation and other unlawful and abusive conduct of protestors, and has further interfered with plaintiffs' ability to conduct business at their current store location or to relocate to another suitable location, all to plaintiffs' economic

damages in an amount not less than \$ 2 million.

For their Sixth Claim for Relief (Interference With Contract) against all defendants, plaintiff SFO alleges:

38. Plaintiffs re-allege and incorporate by reference herein the allegations of paragraphs 6-22 above.

39. Plaintiff SFO had a professional or business relationship with a lessor for the occupancy of the store at 811 SW Morrison Street, Portland, Oregon for a lease term that was not to expire until at least October 17, 2012, with an option for another five years.

40. Defendant CITY OF PORTLAND intentionally and wrongfully engaged in oral and written communications calculated to and actually interfering with the lessor/lessee relationship through improper means or for an improper purpose in one or more of the following particulars:

a) In actively encouraging plaintiff SFO's lessor to evict plaintiffs from the business premises;

b) In aiding, abetting and facilitating unlawful protests that created a business environment that caused plaintiff SFO's lessor to consider SFO an undesirable tenant and to terminate the existing lease and evict SFO;

c) In permitting a long-term protest environment that had the purpose or the effect of discouraging property managers, property owners and lessors of other potential retail locations from leasing to SFO;

41. Defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE and LILLI intentionally and wrongfully engaged in conduct calculated to and actually interfering with the lessor/lessee relationship through improper means or for an improper purpose in one or more of the following particulars:

a) In creating a business environment that caused plaintiff SFO's lessor to consider SFO an undesirable tenant and to terminate the existing lease and evict SFO;

b) In communicating with property managers, property owners and lessors of other potential retail locations in a manner that had the purpose or the effect of discouraging property managers, property owners and lessors of other potential retail locations from leasing to SFO.

42. The conduct of defendants has resulted in damage to plaintiff SFO's business reputation, the premature termination of its lease at its current location, as well as interfered with plaintiffs' ability to relocate their store to another suitable retail location all to plaintiffs' economic and non-economic damages in an amount not less than \$ 2 million.

For their Seventh Claim for Relief (Trespass) against defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE and LILLI, plaintiffs allege:

43. Plaintiffs re-allege and incorporate by reference herein the allegations of paragraphs 6-22 above.

44. Defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE and LILLI, or others acting in concert with them or at their direction, have entered or remained on plaintiffs' business premises without permission on multiple occasions for the purpose of interfering with plaintiffs' ability to conduct their business, thereby interfering with plaintiffs' possession of their store property.

45. As a result of defendants' conduct, plaintiffs have been damaged in an amount not less than \$ 100,000.

For their Eighth Claim for Relief (Public Nuisance) against all defendants, plaintiffs allege:

46. Plaintiffs re-allege and incorporate by reference herein the allegations of paragraphs 6-22 above.

47. Defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE and LILLI, or

others acting in concert with them or at their direction, including the CITY OF PORTLAND, have created a substantial and unreasonable interference with the public's use and enjoyment of the streets and sidewalks of Portland in one or more of the following particulars:

a) In blocking public sidewalks and the entrance to plaintiffs' entry without authority to do so in a manner prohibited by ORS 166.025, PCC 14A.50.030 and PCC 14A.50.035;

b) In blocking traffic and public streets and distracting drivers without authority to do so, thereby creating concerns for public safety, in a manner prohibited by ORS 166.025;

c) In creating unreasonable amplified noise without authority to do so in a manner prohibited by PCC 14A.30.010-14A.30.020;

d) In engaging in conduct directed at plaintiffs and members of the public prohibited by ORS 163.190 (menacing), ORS 166.025 (disorderly conduct) and PCC 14A.40.020 (offensive physical contact);

e) In engaging in conduct involving public nudity prohibited by PCC 14A.40.030 (indecent exposure);

f) In damaging and defacing plaintiffs' property with handwritten messages and other substances prohibited by ORS 164.383 (graffiti) and ORS 164.345 and 164.054 (criminal mischief);

g) In erecting temporary structures prohibited by PCC 14A.50.050; and

h) Other nuisance activities prohibited by PCC 14B.60.010(D).

48. In addition to the interference with the rights of the public alleged herein, plaintiffs have incurred economic damages for loss and disruption of business in an amount not less than \$ 2 million, together with non-economic damages for mental distress in the amount of \$ 500,000.

VIII. PRAYER FOR RELIEF

WHEREFORE, plaintiff asks the Court for the following relief:

a) To accept jurisdiction of this case and to grant plaintiffs a jury trial;

b) To issue preliminary and permanent injunctions governing the conduct of defendants PETA, IDA, ALF, ROSSELL, MEIRAS, DURKEE and LILLI, and any of their associates, affiliates or anyone else acting at their direction, in concert with them, or otherwise similarly situated by interest or objective with them, as follows:

1) Imposing reasonable time, place and manner restrictions on the size, duration, noise level and other conditions of protests and demonstrations at or near plaintiffs' business premises at 811 SW Morrison Street, Portland, Oregon, including but not limited to conditions relating to size, placement and number of signs, spacing of protestors and demonstrators to allow flow of pedestrian and vehicular traffic on the public streets and sidewalks at or near plaintiffs' business premises, the use of amplification without obtaining required city or county permits, distribution of leaflets or other literature, and following or approaching any member of the public approaching or leaving the vicinity of plaintiffs' business premises;

2) Prohibiting defendants from entering closer than five (5) feet to, or posting or writing any message on, any portion of plaintiffs' business premises;

3) Prohibiting defendants from blocking the entry to plaintiffs' business premises at any time during business hours;

4) Prohibiting defendants from placing, posting or dispersing any signs, solid or liquid substances on or around plaintiffs' business premises or the adjoining streets or sidewalks;

5) Prohibiting defendants from approaching plaintiffs GREGG SCHUMACHER, LINDA SCHUMACHER, or employees or customers of SFO closer than 100 feet, and further prohibiting them from following GREGG SCHUMACHER, LINDA SCHUMACHER or employees or customers of SFO as

they approach or leave the business premises;

6) Prohibiting defendants from entering or remaining upon residential property of GREGG SCHUMACHER, LINDA SCHUMACHER, or their employees or family members, or from engaging in oral or written communications with them, including any protest or demonstration activity, within 200 feet of their residential property;

7) Prohibiting defendants from creating, issuing, transmitting or disseminating any form of threat of death or serious bodily injury concerning GREGG SCHUMACHER, LINDA SCHUMACHER, employees or customers of SFO, or any family members of those persons, whether orally or in written or electronic form;

8) Prohibiting defendants from using, appropriating or in any way interfering with the schumacherfurs.com domain name, including derivations thereof, for defendants' own use or purposes; and

9) Prohibiting defendants from contacting or communicating in any way with current or prospective owners, sellers, lessors, property managers, brokers or others who are or may be involved in negotiations with plaintiffs for acquisition or leasing of space for plaintiffs' business operations, including but not limited to efforts to discourage or interfere with such negotiations;

c) To award plaintiffs compensatory damages against defendants in an amount to be determined at trial;

d) To award plaintiffs their costs and attorney fees under 42 USC § 1988 on their First, Second and Third Claims for Relief; and

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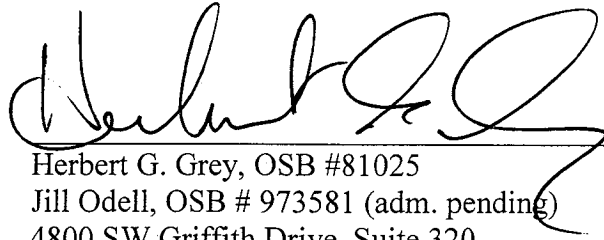
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5. To grant such other relief as the court deems just and appropriate.

DATED this 20th day of April, 2007.



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