

In the Circuit Court of the State of Oregon  
For the County of Multnomah

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Nguyen Cao,

Plaintiff,

v.

Fisherman’s Marine Supply, Inc., Talon  
Protection Group LLC, and Ryan Burroughs,

Defendants.

Case No.

Complaint for Public Accommodation  
Discrimination under ORS 659A.403 and  
Negligence

Not Subject to Mandatory Arbitration

Prayer Amount: No More Than \$250,000

Filing Fee: \$594, per ORS 21.160(1)(c)

Plaintiff alleges:

1.

Plaintiff, an American of Vietnamese ancestry, resides in Clark County,  
Washington.

2.

Defendant Fisherman’s Marine Supply, Inc. (Fisherman’s Marine) is an Oregon  
corporation with its principal place of business in Multnomah County, where it conducts  
regular and sustained business operations at its Delta Park store at 1120 N. Hayden  
Meadows Drive.

3.

Defendant Talon Protection Group LLC (Talon Group) is an Oregon security  
services corporation that conducts regular and sustained activities for clients in  
Multnomah County. This includes, upon information and belief, Fisherman’s Marine at  
its Delta Park store.

4.

On the date at issue, Talon Group employed Ryan Burroughs, who is, upon  
information and belief, a resident of Clark County, Washington.

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5.

Nguyen Cao is an avid angler and a regular customer of Fisherman’s Marine.

6.

Before the pandemic, Mr. Cao bought goods from Fisherman’s Marine on twenty-one separate days in 2019.

7.

After the pandemic eased, records show at least eleven visits in 2021 and five visits in 2022. In the weeks of 2023 before the incident at issue, Mr. Cao was a customer on January 3 (\$58.51) and January 11 (\$27.54).

8.

All of Mr. Cao’s past patronage and purchases meant nothing on January 19. On that evening at the Delta Park store, a store manager ran up to Mr. Cao and accused him: “Did you steal something and put it in your pocket?” As a regular customer, Mr. Cao was extremely offended. He offered to let the manager search him, he offered to turn out his pockets, and he requested to stay in the store until the police arrived to decide the matter. The manager refused to agree and chose to kick Mr. Cao out of the store rather than try to recover the store property that the manager had originally claimed to care about.

9.

The store manager summoned a Talon Group security guard (Mr. Burroughs, upon information and belief) to remove Mr. Cao from the store. Without any reasonable basis, Mr. Burroughs threatened to arrest Mr. Cao, pushed him through the front doors, threw him to the ground, and then pointed a weapon at Mr. Cao as Mr. Cao got into his car to leave.

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10.

Mr. Cao is far from the first person to be treated this way at Fisherman’s Marine.

Past Google reviews for the Delta Park store include:

- A. “If you [are a] Colored person, please do NOT visit this business [...] Colored people are stereotyped, staff constantly monitor, follow color people walking in the aisles.”
- B. A Hawaiian customer writes, “very uncomfortable to walk around and get the workers watching and following you around.”
- C. “I was discriminated against for being black and felt very uncomfortable.”

11.

As a result of being accosted in the store, marched outside, thrown to the ground, and menaced with a weapon, Mr. Cao suffered humiliation and emotional distress, as well as a back injury. At the time of filing, all of these are continuing problems. For his noneconomic damages he seeks a reasonable amount to be assessed by a jury, not to exceed \$250,000.

**First Claim for Relief – Against Fisherman’s Marine**  
**Public Accommodation Discrimination**

12.

Fisherman’s Marine’s Delta Park store is a place of public accommodation within the meaning of ORS 659A.400(1). It is a commercial enterprise offering goods and services to the public, and not in its nature distinctly private per ORS 659A.400(2)(e).

13.

ORS 659A.403 prohibits any person from denying full and equal public accommodations by discriminating on account of race or national origin.

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1 14.

2 Animus toward Mr. Cao's race and/or national origin motivated the store  
3 manager's conduct.

4 15.

5 At all relevant times, the store manager was acting within the course and scope  
6 of his employment.

7 16.

8 The violation of ORS 659A.403 caused the damages described above.

9 17.

10 Pursuant to ORS 659A.885 and ORS 20.107, Plaintiff is entitled to his  
11 reasonable attorney fees, costs, expert witness fees, and disbursements incurred in  
12 prosecuting this claim.

13 **Second Claim for Relief – Against Fisherman's Marine**

14 **Negligence**

15 18.

16 Fisherman's Marine owed a duty to its patrons to treat them reasonably, and not  
17 cause force (or threats of force) to be used against them unless truly warranted.

18 19.

19 Fisherman's Marine was on notice of frequent discriminatory actions alleged  
20 against its staff, including, upon information and belief, the store manager at issue.

21 20.

22 Upon information and belief, Fisherman's Marine breached its duties to Plaintiff,  
23 its customer, in some or all of the following particulars:

- 24 a. In failing to adequately train its employees concerning discriminatory practices  
25 and proper loss-prevention procedures;  
26 b. In failing to adequately supervise its employees; and

1 c. In retaining its employees despite regular complaints of discriminatory conduct.

2 21.

3 Any of these breached duties caused Plaintiff's damages described above.

4 **Third Claim for Relief – Against Ryan Burroughs**

5 **Public Accommodation Discrimination**

6 22.

7 ORS 659A.403 prohibits any person from denying full and equal public  
8 accommodations by discriminating on account of race or national origin. ORS 659A.406  
9 prohibits anyone from aiding or abetting such discrimination.

10 23.

11 Animus toward Mr. Cao's race and/or national origin motivated Mr. Burroughs'  
12 above-described conduct. Mr. Burroughs also aided and abetted the store manager,  
13 who acted from the same animus.

14 24.

15 This discriminatory conduct caused the damages described above.

16 25.

17 Pursuant to ORS 659A.885 and ORS 20.107, Plaintiff is entitled to his  
18 reasonable attorney fees, costs, expert witness fees, and disbursements incurred in  
19 prosecuting this claim.

20 **Fourth Claim for Relief – Against Talon Protection Group LLC**

21 **Public Accommodation Discrimination**

22 26.

23 At all relevant times, Mr. Burroughs was acting with the course and scope of his  
24 employment with Talon Protection Group LLC. It is accordingly liable for his acts.

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27.

Pursuant to ORS 659A.885 and ORS 20.107, Plaintiff is entitled to his reasonable attorney fees, costs, expert witness fees, and disbursements incurred in prosecuting this claim.

**Fifth Claim for Relief - Against Talon Protection Group LLC**  
**Negligence**

28.

Talon Protection Group LLC owed a duty of care to members of the public before threatening or using force upon them.

29.

Talon Protection Group LLC breached that duty by, upon information and belief, negligently training Mr. Burroughs on the reasonable use of force or threats of force.

30.

This negligence caused Plaintiff's damages described above.

**Prayer**

31.

Plaintiff seeks the following relief in a judgment against the Defendants, and each of them:

- 1. Noneconomic damages not to exceed \$250,000;
- 2. Reasonable attorney's fees, costs, expert witness fees, and disbursements pursuant to ORS 659A.885 and ORS 20.107;
- 3. Any additional costs and disbursements incurred herein; and
- 4. Any other relief the Court may find appropriate.

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Date: May 17, 2023

BENJAMIN COX, LLC

By: s/ Benjamin Cox

Benjamin Cox, OSB No. 080601

Trial Attorney for Plaintiff