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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

KARI NELSON, individually and
KIONO NELSON, as the Personal
Representative of the ESTATE OF
FREDDY, NELSON, JR,

Plaintiffs,

v.

TMT DEVELOPMENT CO., LLC, an
Oregon corporation; D. PARK
CORPORATION, and Oregon
corporation, dba HAYDEN MEADOWS;
MATTHEW CADY, dba
CORNERSTONE SECURITY GROUP;
JEFFREY JAMES, dba CORNERSTONE
SECURITY GROUP; TJ LATHROM, dba
CORNERSTONE SECURITY GROUP;
and LOGAN GIMBEL

Defendant.

No.: 21CV40742

CORNERSTONE SECURITY
GROUP'S RESPONSE TO
PLAINTIFFS' MOTION TO PERMIT
FILING OF AMENDED COMPLAINT
AND TO ADD CLAIM FOR
PUNITIVE DAMAGES

Motions Judge: The Honorable Leslie
G. Bottomly

Request for Telephonic Participation
By Attorney Steve Wraith (UTCR
5.05-(2)(b)

Counsel located more than 25 miles
from the court.

OPPOSITION

Defendant Cornerstone Security Group, Matthew Cady, TJ Lathrom, and
Jeffrey James ("Cornerstone") opposes the Motion of Plaintiffs Kari Nelson and the
Estate of Freddy Nelson for Leave to Amend the Complaint to add a claim for
punitive damages, waive claims for economic damages, and increase damage claims
for emotional distress. This opposition is supported by the Declaration of attorney
CJ Martin, the following points and authorities, and the Court's own file.

1 **INTRODUCTION**

2 Defendants Cornerstone seek to provide professional security services
3 responsive to the needs of clients like the Delta Park Center, its management
4 company, TMT, as well as Tenants such as Lowe’s Home Center. Cornerstone’s
5 security services include trained security officers observing the requirements set out
6 by the Department of Public Safety Standards and Training (DPSST) and open
7 dialogue with management regarding the client’s changing security needs.

8 Cornerstone hired experienced officers to serve as armed security for clients
9 such as Defendants Delta Park and TMT. Cornerstone provided training consistent
10 with the requirements of the DPSST with an emphasis on de-escalating any
11 confrontation. Officer Logan Gimbel was no exception to this approach.

12 The May 29, 2021 shooting of plaintiff Freddy Nelson by Defendant Gimbel
13 at the Delta Park Center occurred after a string of confrontations between
14 Cornerstone officers and Mr. Nelson. He was clearly on notice that he was not
15 permitted on the Delta Park property, that he had been “trespassed,” and a notice
16 circulated that he was not permitted on the property and subject to arrest as a
17 trespasser if he did. At some point previously, Nelson was involved in a fist fight
18 over pallets discarded by Lowe’s and had unlawfully taken pallets from the Lowe’s
19 loading area without permission. He then scorned Cornerstone personnel at each
20 encounter, refusing to leave the property despite demands that he do so.

21 However, Cornerstone received conflicting instructions and directions from
22 Lowe’s Home Centers, LLC and TMT management about Mr. Nelson and
23 Cornerstone’s duties at the property. Nelson repeatedly trespassed at Delta Park,
24 mocking and harassing security when officers confronted him about his trespassing,
25 claiming that Lowe’s had given him permission to take discarded pallets from its
26 loading area. In fact, Lowe’s shipping manager had allowed him permission to take
pallets. However, TMT clearly approved the trespass notice and confirmed with

1 Lowe's corporate management that Nelson was not authorized to take pallets from
2 Lowe's loading area at the Delta Park Center.

3 TMT further complicated Cornerstone's job at Delta Park by insisting on a
4 "zero tolerance" policy for any activity on the property that violated TMT rules, no
5 matter how minor the infraction. This included trespass. By zero tolerance,
6 Cornerstone was expected to remove these violators from the property. Meanwhile,
7 TMT opted to reduce security on the Delta Park property to a single officer after 6
8 p.m., with responsibility for the entire complex. On May 29, 2021, Gimbel had no
9 backup when he confronted Mr. Nelson.

10 On May 8, 2023, a jury convicted Gimbel of the killing of Nelson, as well as
11 the unlawful use of pepper spray on Mr. Nelson and his wife Kari Nelson.
12 Nonetheless, Nelson in this civil matter must also have his actions scrutinized.
13 Nelson clearly knew he was not permitted on the property but parked in the
14 parking lot in any case. Video of the shooting shows him grabbing a canister of
15 pepper spray when Gimbel confronted him. He then attempted to drive his pick-up
16 into Gimbel, then reversed the vehicle before placing it in drive again and turning
17 the wheels towards Gimbel with apparent intent to speed the vehicle towards
18 Gimbel for a second time.

19 Cornerstone has not been charged with any criminal conduct regarding the
20 incident.

21 Considering these circumstances, Cornerstone maintains that it committed
22 no negligent act, let alone a reckless or intentional act, that led to Mr. Gimbel's
23 deployment of pepper spray or the shooting of Mr. Nelson, and plaintiffs provide no
24 relevant evidence to the contrary. Cornerstone therefore opposes the motion for
25 leave to amend the complaint to add punitive damages and to increase the amount
26 claimed for general damages.

///

1 The court should also consider the prejudice caused by the timing of this
2 motion in relation to the current trial date of November 8, 2023. The Defendants
3 have, to date, been denied records of the police investigation due to the pending
4 criminal trial. There have been no depositions taken in the case. Moreover, as
5 plaintiffs seek to add Lowe's as a party, Cornerstone counsel anticipates that Lowe's
6 counsel will seek a continuance given the limited time available before the trial.

8 FACTS

9 **A. Cornerstone sought to provide professional security service as governed by the DPSST and Oregon law.**

10 Defendants Cornerstone's mission statement is instructive of Cornerstone's
11 mission plan from its founding:

12 Cornerstone Security Group was founded in 2017 on the principle of
13 reinventing the security industry in the State of Oregon and abroad.
14 Our founding principles are based on raising the security industry
15 standard. We bring professionalism, honesty, integrity, loyalty, and
combined 25 years of experience to the table.

16 Declaration of CJ Martin in Support of Response to Motion to Amend, Ex. 1,
17 TMT/Cornerstone Email Exchange, TMT 1001. Security services include trained
18 security officers observing the requirements set out by the Department of Public
19 Safety Standards and Training (DPSST) and open dialogue with management
20 regarding the client's changing security needs. *Id.*, Ex. 2, Cornerstone Offer Letter,
TMT 1166-1170.

21 In their motion, plaintiffs file selective correspondence from Cornerstone to
22 argue that Cornerstone management advocated violence even murder by its officers
23 (Plaintiffs' Motion to Amend Complaint, pp. 13-14). The reality is Cornerstone
24 management stressed non-violent de-escalation of confrontation, including Delta
25
26

1 Park that experienced more crime than other areas around Portland. *Id.* Ex. 3,¹
2 Cornerstone Policy Notice, December 4, 2020 (Redacted) Def.
3 1337. In the face of increasing attacks on law enforcement and security by
4 potentially armed subjects, Cornerstone management cautioned against escalating
5 confrontations with subjects, emphasizing the need to confirm that the subject was
6 armed and dangerous. Otherwise, a side arm was not to be un-holstered. The
7 directive states:

8 AT NO TIME SHOULD AN OFFICER(S) DRAW THEIR FIREARM AND
9 USE IT AS A COMPLIANCE TOOL. THIS HAS BEEN HAPPENING AND
10 IT NEEDS TO CEASE IMMEDIATELY. LOUD AND CLEAR VERBAL
11 COMMANDS, OC APPLICATION AND IF THAT IS INEFFECTIVE
12 VERBAL WARNING OF BATON STRIKES AND BATON STRIKES UNTIL
13 THE SUBJECT COMPLIES.

14 *Id.*

15 Plaintiffs’ counsel’s brief is misleading in citing to exaggerated language
16 within intra-company communications of Cornerstone. Plaintiffs’ Motion, pp. 13-14.
17 In fact, these internal communications simply track instructions contained within
18 DPSST training manuals. Plaintiffs’ quotation of “Have a Plan to Kill Everyone
19 you Meet . . . “ fails to put that statement in the context of language adopted in
20 DPSST training manuals:

21 **You Must Answer These Questions:**

22 **Before (not after) you accept the responsibility of carrying a gun as**
23 **an armed private security officer, you must examine the following**
24 **questions and decided if you are willing to shoot and, if necessary,**
25 **kill if the situation demands it. If you have doubts or a sense of**
26 **indecision, then you are not prepared to carry the gun in the**
 performance of your job.

Are you willing to shoot and possibly kill someone who threatens

¹ Exhibit 3 is subject to the Court’s Protective Order and is therefore no filed with this motion. Cornerstone has contemporaneously filed a motion to file Exhibit 3 under seal.

1 **your life or the life of another person?**

2 This decision is critical to your ability to safely and effectively carry out your
3 role as an armed officer. You must think about and resolve this question
4 before accepting the responsibility of carrying a gun and potentially using it.
5 You must be willing to shoot and, if necessary, kill if the situation demands
6 it. When the confrontation occurs, it will be too late to decide whether you
7 can or cannot shoot. Failing to make this decision now will place you and the
8 people you work with in danger. You must decide now. Your employee
9 cannot do it for you. Neither can family, friends or advisors. This is your
10 decision and yours alone.

11 *Id.*, Ex. 4, DPPST Training Manual Excerpts, p. 11 (emphasis in original).

12 Both Cornerstone and the DPPST give the same instruction, in short: “Be
13 prepared!” Cornerstone is not advocating murder but is emphasizing in exact
14 accordance with DPPST instruction the tremendous responsibility of carrying a
15 weapon.

16 Note also that the DPPST instruction emphasizes the responsibility for use of
17 a side arm does not lie with the employer but with the security officer and his
18 decision whether or not to use the weapon.

19 **B. Logan Gimbel had completed the course work to become an
20 armed security guard.**

21 In hiring Logan Gimbel, Cornerstone learned that he was not yet licensed as
22 an armed security guard. However, they specifically required him to complete the
23 training and obtain his certification, which he completed prior to May 29, 2021.
24 Plaintiffs’ Motion, Ex. 14, Request for Production to Cady No. 3, p. 4. The delay in
25 obtaining the physical certificate was due entirely to the failure of DPSST’s
26 processing of the application and was only a clerical matter. There is no question
 raised that Mr. Gimbel had not qualified for the certificate.

 Given this circumstance, Cornerstone’s conduct does not rise to malicious and
 reckless conduct required under ORS 31.730(1).

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1 **C. Cornerstone was given conflicting policy instructions from**
2 **TMT and Delta Park.**

3 Cornerstone was given conflicting instructions and information by TMT and
4 Delta Park that placed Cornerstone in the difficult, if not nearly impossible,
5 position when enforcing TMT rules. First, TMT demanded a zero-tolerance policy
6 requiring Cornerstone to enforce every infraction, no matter how inconsequential.
7 CJ Martin Declaration, Ex. 3 TMT 1167-1170. Meanwhile, TMT insisted on
8 limiting the number of man-hours TMT was willing to pay Cornerstone to patrol the
9 property.

10 Much of Cornerstone officer time was spent patrolling the lines of patrons
11 returning bottles to the “BottleDrop,” or the Oregon Beverage Recycling Cooperative
12 (“OBRC”), a non-profit corporation that administers the State’s recycle law. But the
13 BottleDrop operation at Delta Park was problematic in that the patrons returning
14 bottles would line up on property belonging to other tenants, requiring Cornerstone
15 to police the line so that it did not encroach on other businesses. Moreover, patrons
16 were often unruly, creating repeated confrontations between Cornerstone officers
17 and BottleDrop patrons. This situation led to Cornerstone officers having to spend
18 disproportionate resources on supervising the BottleDrop patron line at the expense
19 of patrolling elsewhere at the property.

20 Second, Lowe’s and TMT failed to adequately communicate regarding
21 Nelson’s authority to take discarded pallets. Nelson repeatedly trespassed at the
22 property, mocking and harassing security when officers confronted him about his
23 trespassing, claiming that Lowe’s had given him permission to take discarded
24 pallets from its loading area. In fact, Lowe’s local management had allowed him
25 permission to take pallets. However, TMT clearly approved the trespass notice
26 against Nelson and confirmed with Lowe’s corporate management that Nelson was
 not authorized to take pallets from Lowe’s at the Delta Park Center. *Id.*, Ex. 4, Def.

1 1303-1305. But by this point, Nelson and Cornerstone security officers had had
2 multiple encounters.

3 The litany of minor infractions that TMT wanted enforced under its zero-
4 tolerance policy included trespass. *Id.*, Ex. 3, 1167-1170. By zero-tolerance,
5 Cornerstone was expected to remove these violators from the property. Meanwhile,
6 TMT opted to reduce security at Delta Park to a single officer with responsibility for
7 the entire complex after 6:00 p.m. This was the case on May 29, 2021, as Gimbel
8 had no backup when he confronted Mr. Nelson.

9 **D. Defendants will be prejudiced in their preparation for trial.**

10 Trial in this matter is currently set for November 8, 2023. At this point in
11 the litigation, defendants still have not been given access to all relevant documents
12 from the police due to the criminal investigation and trial. There have been no
13 depositions. Meanwhile, plaintiffs seek to add claims for punitive damages and
14 increased non-economic damages totaling \$150,000,000. Moreover, the
15 amendments seek to add Lowe’s Home Center as a defendant. Lowe’s has not
16 participated in the case, and it is expected that it will take time for plaintiffs to
17 serve Lowe’s, and for Lowe’s to appear and answer the complaint.

18 It will be months before all that is concluded and only then can the parties
19 pursue depositions permitted under Oregon law. There simply is inadequate time
20 to complete preparation given the current trial date.

21 **LEGAL STANDARD**

22 **A. Plaintiffs have failed to show specific facts supporting a claim
23 for punitive damages against Cornerstone by admissible
24 evidence.**

25 After a responsive pleading has been filed, “a party may amend the pleading
26 only by leave of court or by written consent of the adverse party.” ORCP 23 A.
Although leave shall be freely given when justice so requires, “the court retains
discretion to deny the motion.” *C.O. Homes, LLC v. Cleveland*, 366 Or 207, 215, 460

1 P3d 494, 499 (2020); ORCP 23 A. The court may deny the motion based on factors
2 such as prejudice to the opposing party or whether the proposed amendment is
3 futile. *Eklof v. Persson*, 369 Or 531, 533, 543-44, 508 P3d 468 (2022).

4 As for punitive damages, a party may amend the pleading to assert a claim
5 only upon motion to the court. ORS 31.725(2). The court “shall deny” the motion if:

6 (a) The court determines that the affidavits and supporting documentation
7 submitted by the party seeking punitive damages **fail to set forth specific**
8 **facts supported by admissible evidence** adequate to avoid the granting of a
9 motion for a directed verdict to the party opposing the motion on the issue of
10 punitive damages in a trial of the matter; or

11 b) The party opposing the motion establishes that the timing of the motion to
12 amend prejudices the party’s ability to defend against the claim for punitive
13 damages.

13 ORS 31.725(3) (emphasis added).

14 Plaintiffs cite to no specific fact that would implicate Cornerstone in the
15 shooting of May 29, 2021. ORS 31.730(1) states:

17 Punitive damages are not recoverable in a civil action unless it is
18 proven by clear and convincing evidence that the party against whom
19 punitive damages are sought has acted with malice or has shown a
20 reckless and outrageous indifference to a highly unreasonable risk of
21 harm and has acted with a conscious indifference to the health, safety
22 and welfare of others.

21 Cornerstone did not instruct Logan Gimbel to pull the trigger under
22 the circumstances he faced at the time of the shooting. Cornerstone did not
23 compel Mr. Nelson in the actions he took when facing an armed security
24 guard. At worst, Cornerstone did nothing but attempt to enforce the policies
25 of TMT.

26 ///

1 **B. Cornerstone’s defense is not limited by Gimbel’s criminal**
2 **conviction.**

3 Cornerstone’s defense in this civil matter is not compromised by Mr. Gimbel’s
4 convictions in the criminal case as argued in plaintiffs’ motion (Plaintiffs’ Motion, p.
5 9). Cornerstone was not a party to the action, and the jury verdict is inadmissible
6 evidence here. *Underwood v. City of Portland*, 319 Or App 648, 510 P3d 918 (2022).

7 Issue preclusion arises in subsequent proceedings when an “issue of ultimate
8 fact has been determined by a valid and final determination in a prior proceeding.”
9 *Nelson v. Emerald People’s Utility Dist.*, 318 Or 99, 103, 862 P2d 1293 (1993). If a
10 tribunal has decided an issue,

11 “the decision on that issue may preclude relitigation of the issue in another
12 proceeding if five requirements are met:

13 “1. The issue in the two proceedings is identical.

14 “2. The issue was actually litigated and was essential to a final decision on
15 the merits in the prior proceeding.

16 “3. **The party sought to be precluded has had a full and fair**
17 **opportunity to be heard on that issue.**

18 “4. **The party sought to be precluded was a party or was in privity**
19 **with a party to the prior proceeding.**

20 “5. The prior proceeding was the type of proceeding to which this court will
21 give preclusive effect.”

22 *Id.* at 654-55 (emphasis added).

23 Cornerstone is free to contest the factual basis of the May 19, 2021 shooting,
24 and plaintiffs’ citing to the conviction as a basis to allow claims for punitive
25 damages in the civil matter is therefore improper. The conviction is irrelevant to
26 the court’s consideration of the evidence of allegedly malicious conduct by
Cornerstone.

1 **C. Cornerstone would be highly prejudiced by the Amendments.**

2 Pursuant to both ORS 31.725(3) and ORCP 23, courts must consider the
3 prejudice to the opposing party from allowing proposed amendments. *See also*
4 *Eklof*, 369 Or at 533, 508 P3d 468. Cornerstone would be highly prejudiced by the
5 proposed amendments at this late date as they would substantially alter the case.

6 Courts have discretion to deny a proposed amendment where it would
7 “substantially change the cause of action or interject an entire new element of
8 damage.” *Cutsforth v. Kinzua Corp.*, 267 Or 423, 434, 517 P2d 640, 645 (1973). For
9 instance, in *Sanford v. Hampton Res., Inc.*, 298 Or App 555, 577, 447 P3d 1192,
10 1204–05 (2019), plaintiff sought to amend the complaint to “substantially increase
11 the amount of damages sought and to add new specifications of negligence.” The
12 trial court denied the amendments and the appellate court affirmed. It held,
13 “allowing those amendments would be unfairly prejudicial to defendants under the
14 circumstances.” *Id.* The parties had already prepared their case and conducted
15 discovery based on previous allegations, and the new allegations would have
16 required additional discovery and expert analysis. *Id.*; see also *Deep Photonics*
17 *Corp. v. LaChapelle*, 368 Or 274, 302, 491 P3d 60, 76 (2021) (trial court did not
18 abuse discretion in denying late request for amendment when it would have been
19 prejudicial to defendants).

20 Like in *Sanford*, plaintiffs’ proposed amendments substantially change the
21 cause of action and interject a huge new element of damages. Courts are well
22 within their discretion to deny proposed amendments under these circumstances.

23 Further, the court should consider “whether the movant knew or reasonably
24 should have known earlier in the case of the need to amend their pleadings.”
25 *Cutsforth, supra*, 267 Or at 434. The documentation on which plaintiffs rely here
26 has been available to plaintiffs for months. Yet, plaintiffs unreasonably delayed the
filing of this motion until June. Trial is now approaching on November 6, 2023.

1 Given the upcoming trial date and the fact that plaintiffs knew or should have
2 known earlier of the desire to amend the pleadings, taken together with the
3 prejudice that would result to Defendants from the amendments, this Court should
4 deny the motion to amend.

5 **D. The Amendments would be futile.**

6 This proposed amendment should be denied because it would be futile. “An
7 amendment is futile if the claim as amended ‘could not prevail on the merits due to
8 some failing in the pleadings or some unavoidable bar or obstacle.’” *Nationstar*
9 *Mortg., LLC v. Hinkle*, 321 Or App 300, 312, 516 P3d 718 (2022) (quoting *Slagle*,
10 *supra*, 176 Or App at 543-44). Plaintiffs’ allegations do not support claims for
11 punitive damages.

12 The Court “shall deny” a motion to add punitive damages if “[t]he court
13 determines that the affidavits and supporting documentation submitted by the
14 party seeking punitive damages fail to set forth specific facts supported by
15 admissible evidence adequate to avoid the granting of a motion for a directed
16 verdict to the party opposing the motion on the issue of punitive damages in a trial
17 of the matter.” ORS 31.725(3). Plaintiffs’ motion fails to set forth the facts
18 necessary to avoid the granting of a motion for directed verdict and thus must be
19 denied.

20 Plaintiffs cannot recover punitive damages unless they prove by clear and
21 convincing evidence that Defendants acted with malice or have shown a reckless
22 and outrageous indifference to a highly unreasonable risk of harm and have acted
23 with a conscious indifference to the health, safety and welfare of others. ORS
24 31.730. Plaintiffs’ complaint currently states a claim for negligence, which cannot
25 support punitive damages. “In Oregon, punitive damages cannot be awarded for
26 ordinary negligence.” *Wilson v. Tobiassen*, 97 Or App 527, 532, 777 P2d 1379, 1383
(1989); *Badger v. Paulson Inv. Co.*, 311 Or 14, 28, 803 P2d 1178, 1186 (1991) (“The

1 prerequisite for imposition of punitive damages is a degree of culpability greater
2 than inattention or simple negligence.”).

3 Plaintiffs’ attempt to add allegations of malice or reckless and outrageous
4 indifference to support punitive damages should be rejected for a second,
5 independent reason—there is no evidence to support them. “In civil cases malice
6 has been held to mean the intentional doing of [an] injurious act without
7 justification or excuse.” *Linkhart v. Savely*, 190 Or 484, 505–06, 227 P2d 187 (1951)
8 (emphasis added). Punitive damages are only authorized for torts “committed with
9 a bad motive or so recklessly as to be in disregard of social obligations, or an act
10 wantonly, maliciously or wickedly done.” *Id.*; *Johannesen v. Salem Hosp.*, 336 Or
11 211, 217–18, 82 P3d 139, 141–42 (2003) (approving of definition). Punitive damages
12 are not warranted here because Cornerstone’s actions were limited to enforcing the
13 rules and regulations of TMT and Delta Park and in the training of Gimbel. At
14 worst, Cornerstone’s actions amount to negligence rather than malice or
15 recklessness.

16 *Andor by Affatigato v. United Air Lines, Inc.*, 303 Or 505, 739 P2d 18 (1987)
17 is instructive. In that case, the Court of Appeals reversed a jury’s award of punitive
18 damages against United Airlines after an airline accident. A pilot heard a noise
19 when the landing gear extended, but the gear was in position and locked. The pilot
20 circled the airport while consulting with the control tower, who advised him to land.
21 While circling, the fuel ran out, the engines failed and the pilot had to crash-land
22 the plane. *Id.* at 507-508. The court reasoned that the pilot’s decision to not trust
23 that the landing gear was engaged, and instead circle the airport, “may show
24 negligence, misjudgment, even stubbornness on the pilot’s part, but there is no
25 evidence that the pilot or anyone else disregarded or was indifferent to the safety of
26 the plane and its passengers.” *Id.* at 515. As for United, the court held, “mere
failure to foresee the pilot’s reactions is not enough for punitive damages. If this

1 sufficed, it would support a claim for punitive damages whenever some persons
2 within an organization failed to anticipate foreseeable risks of substandard
3 performance by others in the organization.” *Id.* at 517.

4 Punitive damages are also not warranted because the evidence does not show
5 a causal relationship between Cornerstone’s acts and the May 29, 2021 incident. As
6 stated by one court considering whether punitive damages could be awarded
7 against the company for the acts of its driver, “the absence of a causal relationship
8 prevents an award of punitive damages.” *Williamson v. Munsen Paving, LLC*, No.
9 09-CV-736-AC, 2010 WL 4340473, at *7 (D Or Oct. 22, 2010). In that case, the
10 plaintiff made various allegations that the company failed to hold safety meetings
11 or document its safety plan. But there was no evidence that even with these acts,
12 the accident would not have occurred. Similarly, plaintiffs cite a variety of so-called
13 failings by Cornerstone, such as the language of its internal communications. But
14 there is no causal connection between these things and Gimbel’s actions. Plaintiffs
15 are merely attempting to paint Cornerstone as an unsavory business, hoping this
16 will suffice to claim punitive damages. But this approach has been forbidden by
17 United States Supreme Court case law. “A defendant should be punished for the
18 conduct that harmed the plaintiff, not for being an unsavory individual or business.”
19 *Id.* (quoting *State Farm Mutual Automobile Ins. Co. v. Campbell*, 538 US 408, 423
20 (2003)).

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2 **CONCLUSION**

3 For the foregoing reasons, Defendants Cornerstone requests that the court
4 deny Plaintiffs' Motion for Leave to Amend to add punitive damages and to increase
5 the amount claimed for general damages.
6

7 DATED: June 12, 2023

8 MALONEY LAUERSDORF REINER, PC

9
10 By /s/ CJ Martin
11 Katie D. Buxman OSB #061452
12 Email: kb@mlrlegalteam.com
13 Candice J. Martin, OSB #106141
14 Email: cjm@mlrlegalteam.com

15 Of Attorneys for Defendants Matthew Cady,
16 Jeffrey James, TJ Lathrom, dba Cornerstone
17 Security Group
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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2023, I served the foregoing
CORNERSTONE SECURITY GROUP'S RESPONSE TO PLAINTIFF'S MOTION
TO PERMIT FILING OF AMENDED COMPLAINT AND TO ADD CLAIM FOR
PUNITIVE DAMAGES on the following party at the following address:

Thomas D'Amore
Ben Turner
D'Amore Law Group
4230 Galewood St Ste 200
Lake Oswego OR 97035
P: 503-222-6333
F: 503-224-1895
tom@damorelaw.com
ben@damorelaw.com
Of Attorneys for Plaintiff

Mr. Carey Caldwell
Hart Wagner LLP
1000 SW Broadway Ste 2000
Portland OR 97205
P: 503-222-4499
F: 503-222-2301
cpc@hartwagner.com
*Of Attorneys for Defendants TMT & D.
Park*

Andrew Burns
Shayna Rogers
Cosgrave Vergeer Kester LLP
900 SW 5th Ave Fl 24
Portland OR 97204
P: 503-323-9000
F: 503-323-9019
aburns@cosgravelaw.com
srogers@cosgravelaw.com
along@cosgravelaw.com

Kirsten L. Curtis
Thenell Law Group
12909 SW 68th Pkwy Ste 290
Portland OR 97223
P: 503-372-6450
F: 503-372-6496
kirsten@thenelllawgroup.com
Of Attorneys for Logan Gimbel

Steven Wraith
Lee Smart PS Inc
701 Pike St Ste 1800
Seattle WA 98101
P: 206-624-7990
F: 206-624-5944
sgw@leesmart.com
*Of Attorneys for Cornerstone
Defendants*

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1 by emailing a true and correct copy thereof, certified by me as such, on said day.

2 MALONEY LAUERSDORF REINER PC

3
4 By /s/ CJ Martin
5 Katie D. Buxman OSB #061452
6 Email: kb@mlrlegalteam.com
7 Candice J. Martin, OSB #106141
8 Email: cjm@mlrlegalteam.com

9
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