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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 for the ESTATE OF
FREDDY NELSON, JR.,

Plaintiffs,

vs.

TMT DEVELOPMENT CO., LLC, an
Oregon Corporation; D. PARK
CORPORATION, an 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.

Defendants.

Case No. 21CV40742

DECLARATION OF BEN TURNER IN
SUPPORT OF PLAINTIFFS' MOTION
FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT INCLUDING
CLAIM FOR PUNITIVE DAMAGES

I, Ben Turner, hereby declare as follows:

1. My name is Ben Turner, and I am one of the attorneys for Plaintiffs Kari Nelson and Estate of Freddy Nelson. I submit this declaration in support of Plaintiffs' Motion for Leave to File Second Amended Complaint Including Claim for Punitive Damages.

2. I am competent to testify to the matters contained in this declaration, which is based on my own personal knowledge.

1 3. Certain exhibits supporting this motion are subject to a stipulated protective order.
2 Pursuant to that protective order, those exhibits will be filed following resolution of the motion
3 to seal the documents if one is made. If no such motion is filed, Plaintiffs will supplement their
4 Motion for Leave to File Second Amended Complaint Including Claim for Punitive Damages
5 with the documents.

6 4. Attached as Exhibit 1 is a true and correct copy of materials CONFIDENTIAL
7 DEF.1478, subject to Protective Order and will be produced under seal or filed if no timely
8 motion to seal the documents is made.

9 5. Attached as Exhibit 2 is a true and correct copy of CONFIDENTIAL DEF. 1479
10 – DEF. 1482, subject to Protective order and will be produced under seal or filed if no timely
11 motion to seal the documents is made.

12 6. Attached as Exhibit 3 is a true and correct copy of correspondence dated
13 September 30, 2020, between counsel for Oregon Beverage Recycling Cooperative and TMT
14 referencing reasonableness of charges for security billing. (*OBRC 000748 – OBRC 000754*).

15 7. Attached as Exhibit 4 is a true and correct copy of correspondence dated
16 December 31, 2020, between counsel for Oregon Beverage Recycling Cooperative and TMT
17 referencing issues related to Delta Park Redemption Center.

18 8. Attached as Exhibit 5 is a true and correct copy of a true and correct copy of
19 CONFIDENTIAL TMT 1167, subject to Protective Order and will be produced under seal or
20 filed if no timely motion to seal the documents is made.

21 9. Attached as Exhibit 6 is a true and correct copy of correspondence dated March 2,
22 2021, between counsel for TMT and Oregon Beverage Recycling Cooperative related to Delta
23 Park Redemption Center. (*OBRC 001007 – OBRC 001010*).

1 10. Attached as Exhibit 7 is a true and correct copy of CONFIDENTIAL DEF. 1019,
2 subject to Protective Order and will be produced under seal or filed if no timely motion to seal
3 the documents is made.

4 11. Attached as Exhibit 8 is a true and correct copy of CONFIDENTIAL DEF. 1021,
5 subject to Protective Order and will be produced under seal or filed if no timely motion to seal
6 the documents is made.

7 12. Attached as Exhibit 9 is a true and correct copy of CONFIDENTIAL DEF. 1016,
8 subject to Protective Order and will be produced under seal or filed if no timely motion to seal
9 the documents is made.

10 13. Attached as Exhibit 10 is a true and correct copy of the criminal Indictment in the
11 matter of *State v. Logan Gimbel*, Multnomah County Circuit Court, Case No. 21CR58706.

12 14. Attached as Exhibit 11 is a true and correct copy of the Verdict form in the matter
13 of *State v. Logan Gimbel*, Multnomah County Circuit Court, Case No. 21CR58706.

14 15. Attached as Exhibit 12 is a true and correct copy of the Department of Public
15 Safety Standards and Training Professional Standards Division Notice of Violation of the
16 Private Security Services Providers Act issued to Logan C. Gimbel on September 15, 2021.

17 16. Attached as Exhibit 13 is a true and correct copy of Defendant Matthew Cady's
18 Response to Plaintiffs' First Request For Production dated September 1, 2022.

19 17. Attached as Exhibit 14 is a true and correct copy of Defendant Jeffrey James'
20 Response to Plaintiffs' First Request For Production dated September 1, 2022.

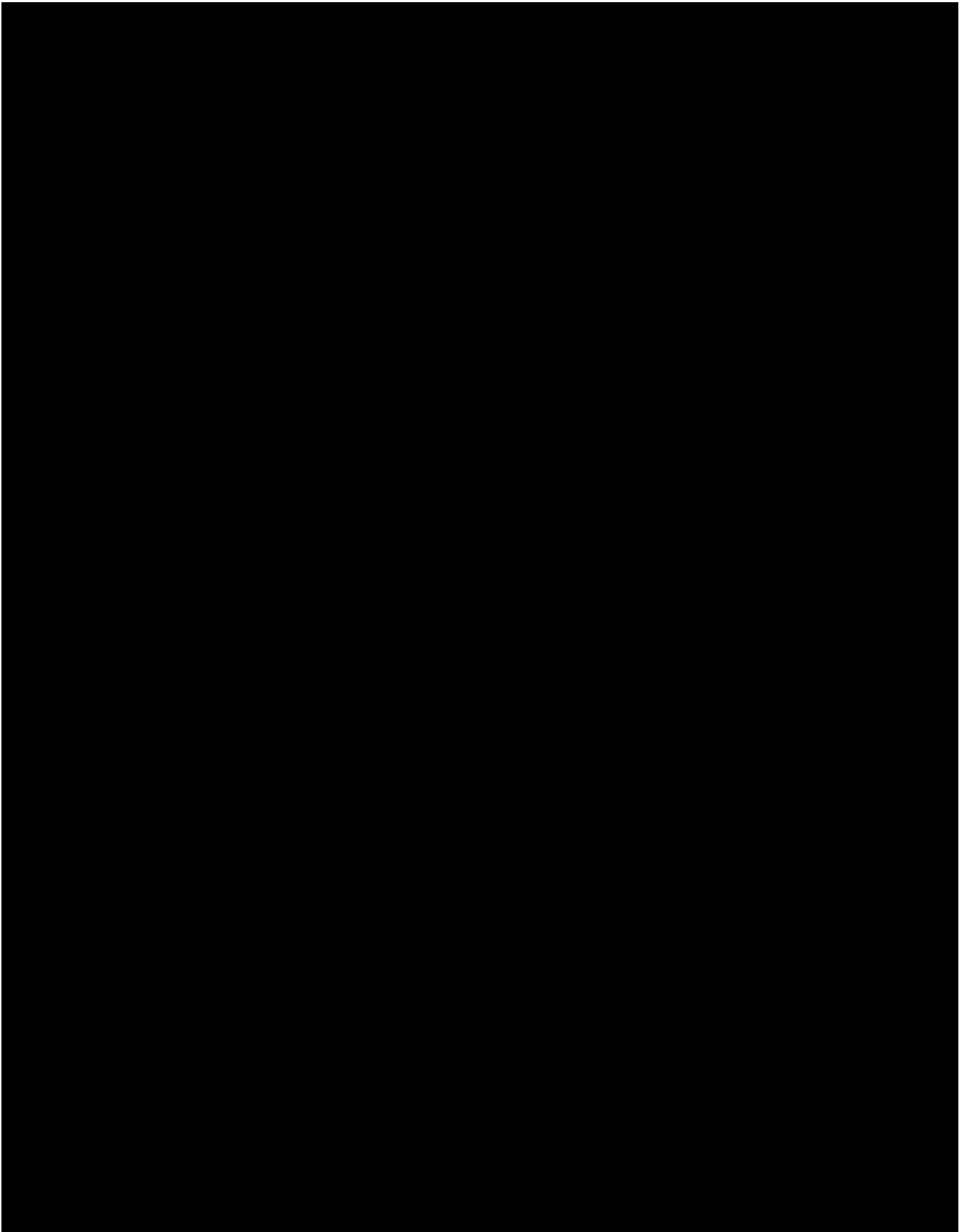
21 18. Attached as Exhibit 15 is a true and correct copy of Defendant TJ Lathrom's
22 Response to Plaintiffs' First Request For Production dated September 1, 2022.

1 19. Attached as Exhibit 16 is a true and correct copy of CONFIDENTIAL DEF. 1313
2 – DEF. 1314 subject to Protective Order and will be produced under seal or filed if no timely
3 motion to seal the documents is made.

4 **I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE**
5 **BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY**
6 **ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO**
7 **PENALTY FOR PERJURY.**

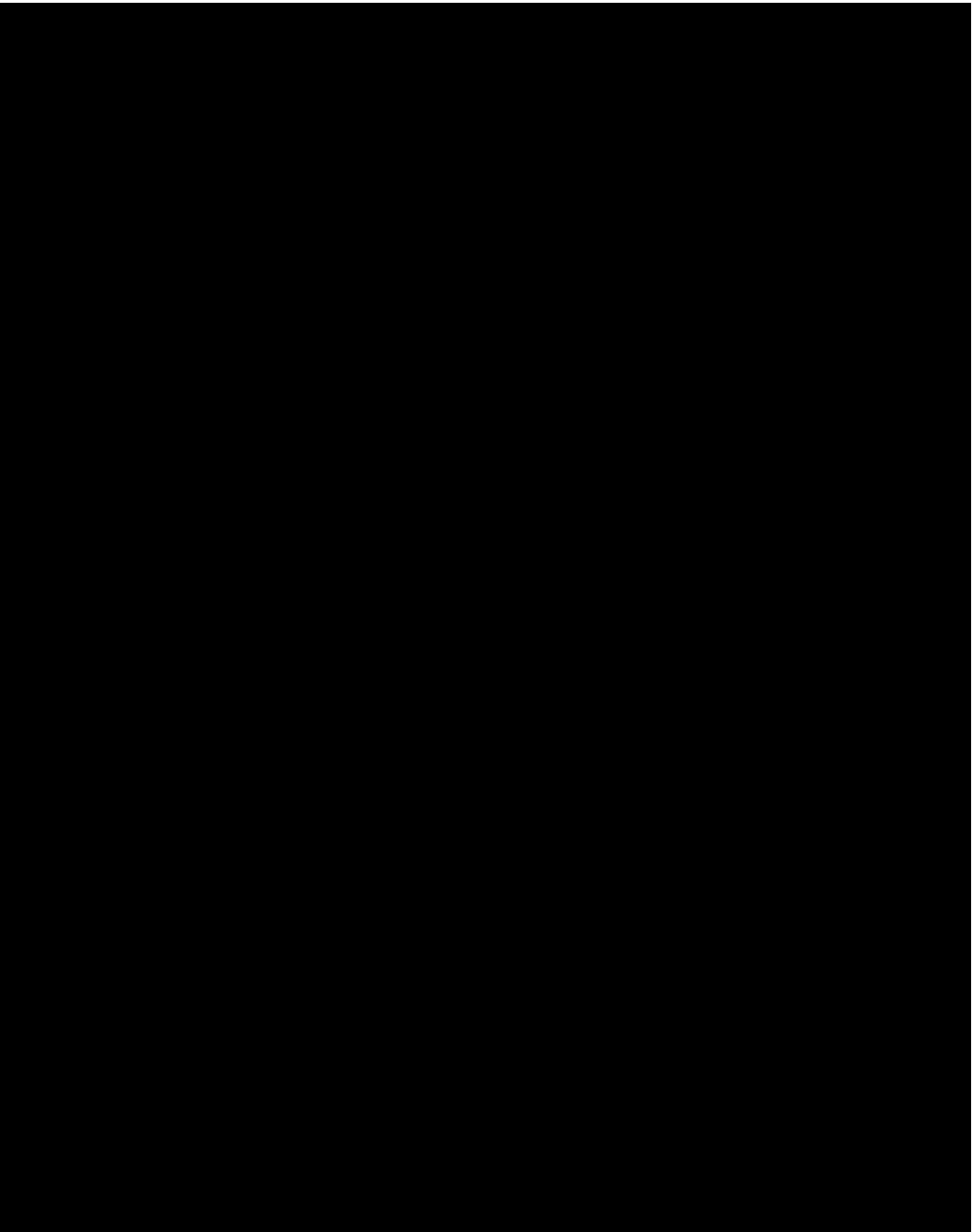
8 DATED this 26th day of May, 2023.

9 By: s/ Ben Turner
10 Ben Turner, OSB No. 144503
11 Email: ben@damorelaw.com
12 4230 Galewood Street, Suite 200
13 Lake Oswego, OR 97035
14 Telephone: 503-222-6333
15 *Of Attorneys for Plaintiffs*



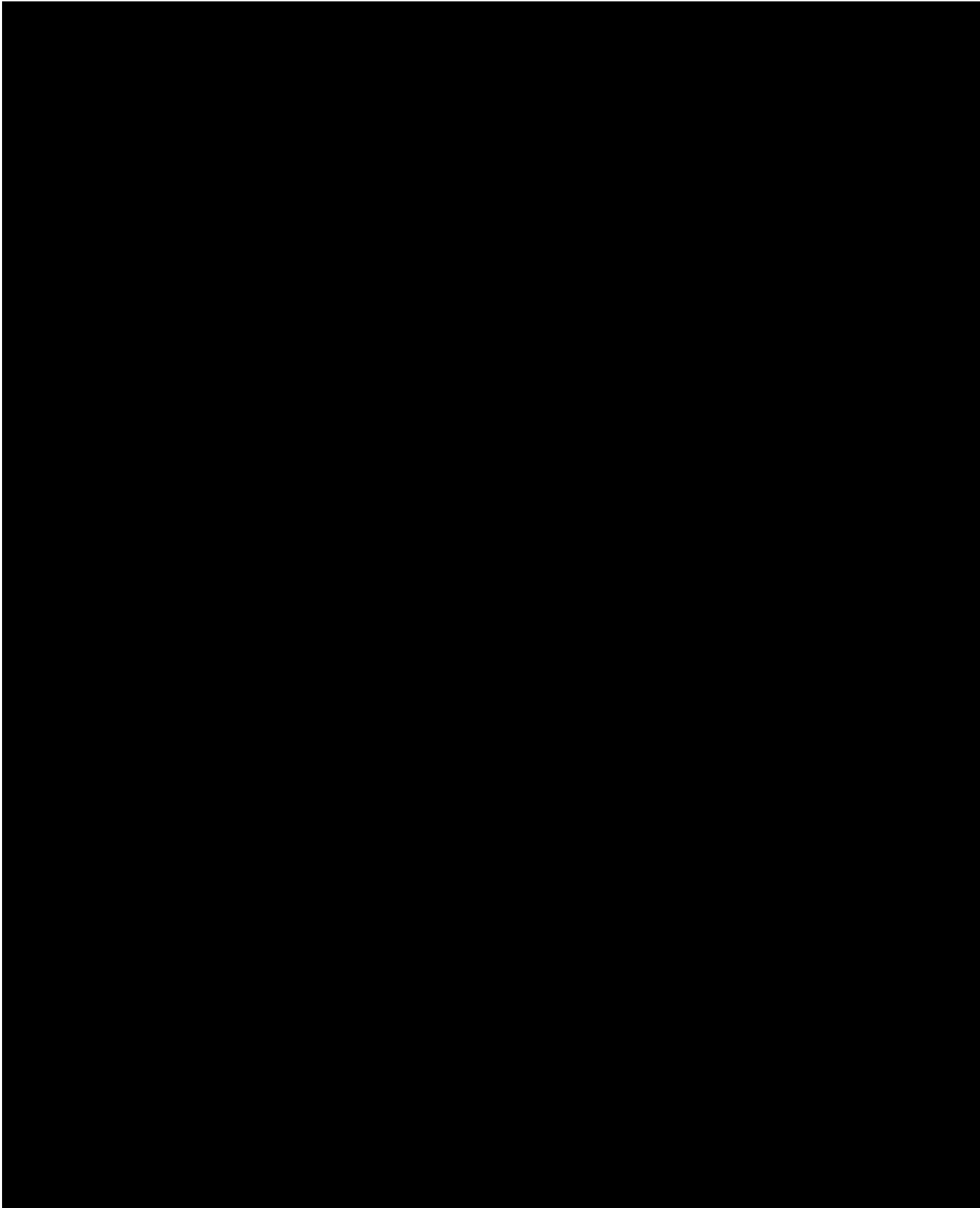
CONFIDENTIAL

DEF. 1478



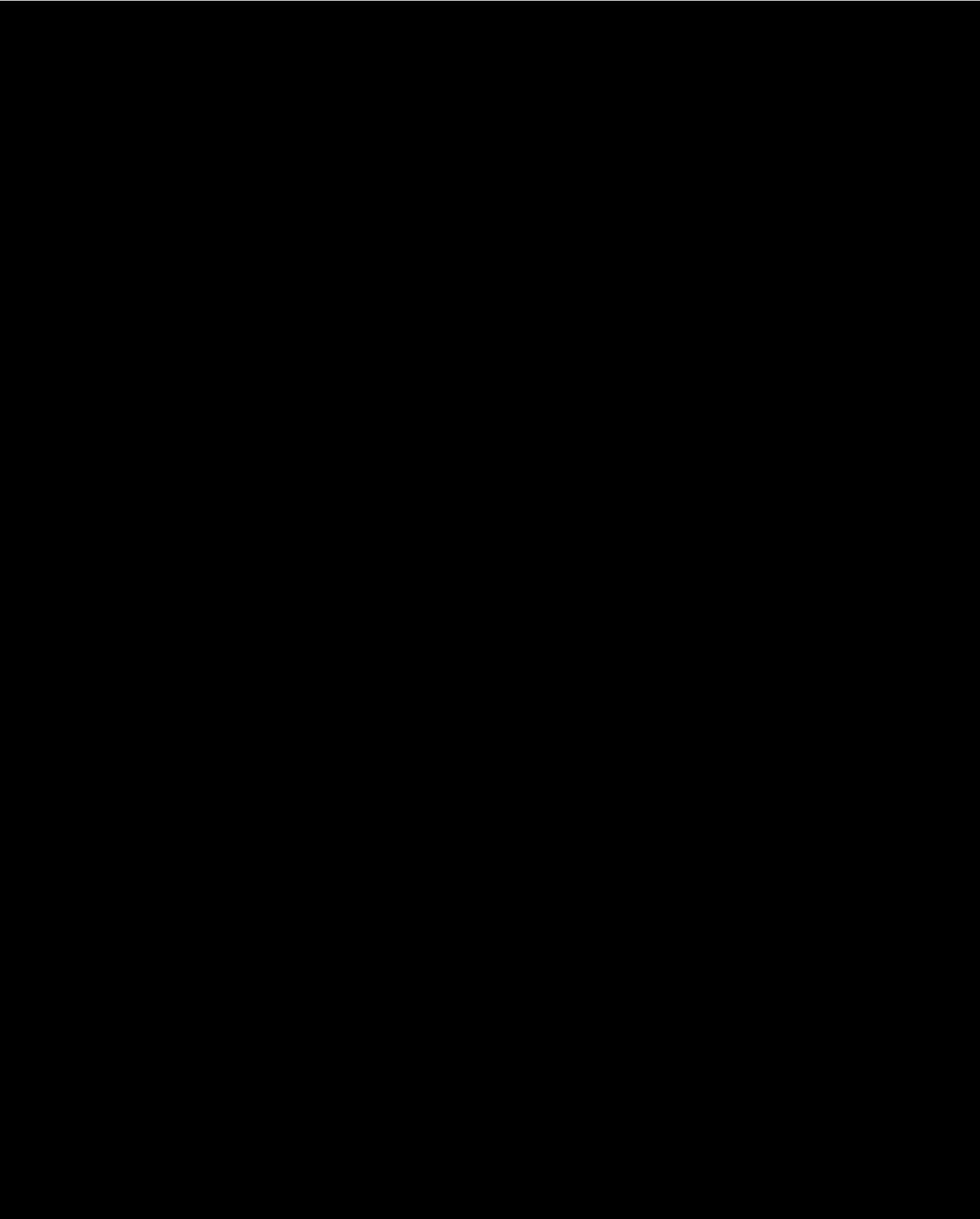
CONFIDENTIAL

DEF. 1479



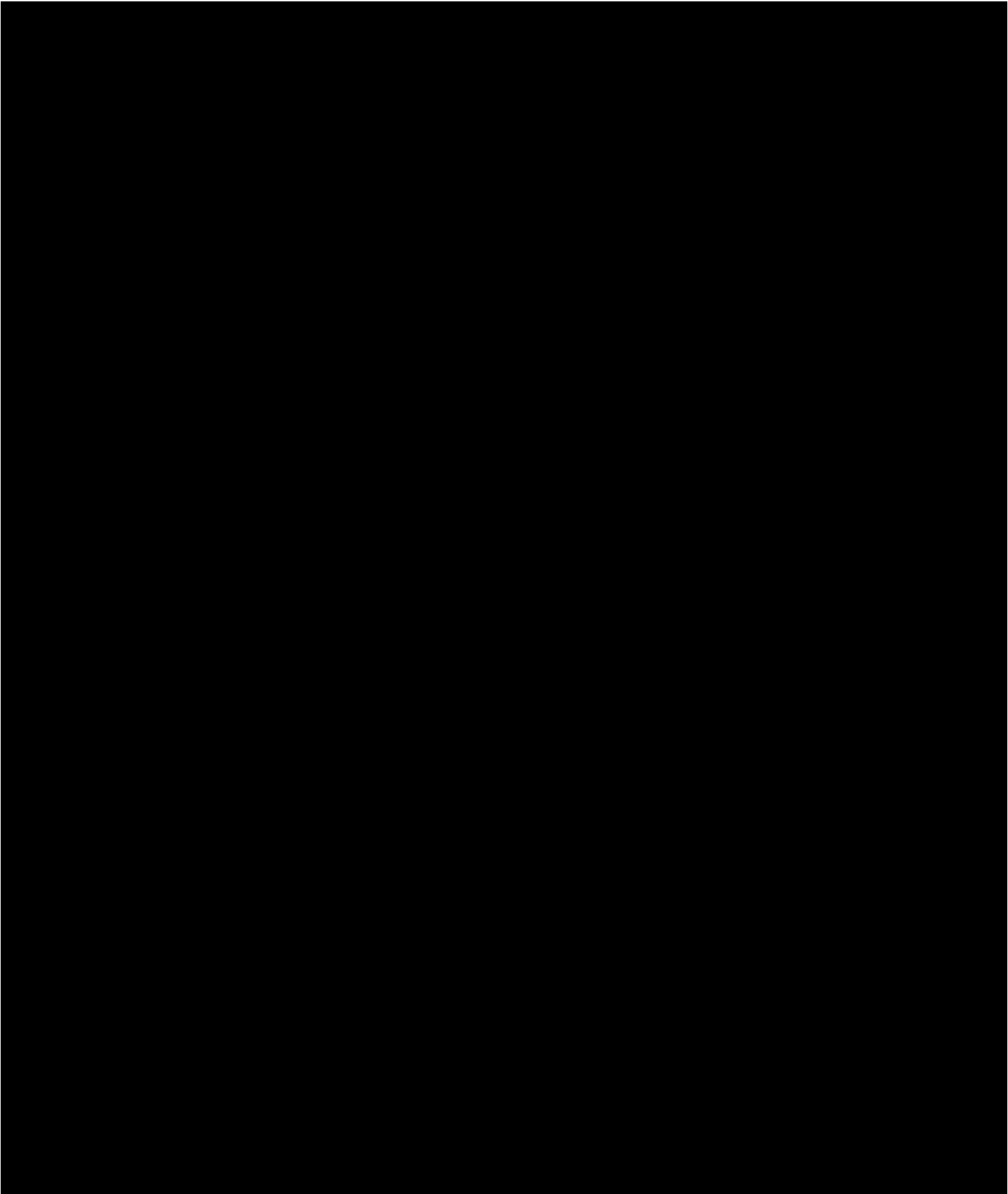
CONFIDENTIAL

DEF. 1480



CONFIDENTIAL

DEF. 1481



CONFIDENTIAL

DEF. 1482

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September 30, 2020

Advance copy via email: bonnie@richardsonwright.com

Ms. Bonnie Richardson
805 SW Broadway
Fox Tower, Suite 470
Portland, OR 97205

Re: TMT Security Bill to Oregon Beverage Recycling Cooperative ("OBRC")

Dear Bonnie:

As I believe you are aware, OBRC paid the April, May and June security bill assessed by TMT under protest and with a reservation of all rights. OBRC will not pay the most recent security bill from TMT for the reasons outlined in this letter.

OBRC believes the charges are unreasonable; the lease only allows reasonable charges to be levied against OBRC. OBRC believes both the amounts of the charges and the processes and procedures followed by TMT are unreasonable. In addition, these burdensome bills in fact use the pretext of the charges for security measures as a cloak for their actual intent, which is to constructively evict OBRC.

We agree with our client and suggest that the parties meet to try and resolve these issues, or enter into mediation to try and resolve the issues without litigation.

The limitation to "reasonable charges" introduces an objective standard in the contract. The term reasonable places a limit on discretionary power or the effect of overly strict obligations. Where it limits the exercise of discretionary power, it requires that a party is able to explain its performance (or failure to perform as expected). Accordingly, we believe TMT has the burden of proof to show that its actions and charges are reasonable.

Where the term reasonable is included with the aim of reducing the 'harshness' of strict contract clause, it introduces a commonsense approach to the interpretation of what may normally be expected from a party's performance. The standard of

OBRC 000748

'reasonableness' is one that is usually determined by reference to a well-informed third party with the same expertise acting under the same circumstances.

"Reasonableness" is meant to be vague, because what is reasonable in one case or contract or industry is not always reasonable in another. Generally, though, courts interpreting reasonableness take into account normal practices in the geographic area, in the subject industry, and between similarly situated parties.

If one party looks like they are trying to unjustly enrich themselves, ask for something that is not fair, moderate and sensible, or undermine the relationship and the contract itself, the action is most likely going to be unreasonable.

The term "reasonable" is necessarily subjective. What is considered reasonable depends on the surrounding circumstances, especially whether quick action is essential. As one court observed, "The term ['reasonableness'] embodies a concept, not a constant. It cannot be usefully defined in order to evolve some detailed formula for judging cases."

These legal standards hint at what reasonable means, but do not define it, except by reference to "good faith and fair dealing." "Good faith" is defined in the Uniform Commercial Code as "honesty in fact." So, reasonable is generally understood to be action or conduct that is guided by honesty, fairness and the facts and circumstances of the particular situation. It also means that TMT may not foster negative behaviors that undermine the relationship and the contract itself.

In that regard, it is clear that the enormously expensive security measures are a sham and that TMT is trying to constructively evict OBRC in violation of TMT's duty of good faith and fair dealing. Simply stated, "constructive eviction" is often connected with the abandonment of a premises due to a landlord's act or failure to act that substantially interferes with or permanently deprives a tenant from using its leased premises. It is also used with respect to actions by a landlord which appear intended to drive out a tenant. In this case the unreasonable security measures are a landlord's actions, in breach of the lease, these actions are egregious, violate TMT's duties and obligations, and have a significant effect on a OBRC's ability to use and enjoy its premises.

Since these pretextual charges are a breach of the lease terms of good faith and fair dealing, and the true issue is the breach of the lease by TMT, the purported Dispute Limitations of Section 5.4 are not applicable to this matter. Section 5.4 only applies to a charge that is for a legitimate good faith purpose, not to a charge that is being used by TMT to force a legal tenant to leave the premises. A landlord cannot do something indirectly that they are not permitted to do directly.

OBRC 000749

In this case OBRC is entitled to have quiet enjoyment and possession of the premises during the continuation of its term, and the unreasonable conduct of TMT is specifically intended to force OBRC to leave – something that TMT has previously attempted.

TMT's actions constitute substantial interferences with the OBRC's possession of the premises and both renders the premises unfit for the purpose for which OBRC entered into the lease and deprives OBRC of the beneficial enjoyment of the property. TMT's harassment culminated in its wrongful declaration of default earlier this year and since that time TMT has expanded and enlarged its unreasonable demands, threats, and insults, which courts have held can form the basis for a constructive eviction claim.

TMT's hostility and attempt to evict OBRC have continued for years. That hostility led to the 2017 unsuccessful lawsuit by TMT to evict OBRC and continues in connection with the current attempted constructive eviction.

The hostility and other indications show that TMT is actually using the unreasonable armed security charges merely as a pretext for the real intent: constructive eviction. This is demonstrated in numerous written and oral communications.

By way of example, the email from Vanessa Sturgeon of TMT sent Friday, March 27, 2020 2:29 PM demanding armed security contains several inaccurate and misleading statements (emphasized below):

Unfortunately, this situation is beyond the pale in terms of the other types of impacts we are seeing with Covid. It is creating a dangerous situation for the entirety of the shopping center.

We suggest that you immediate deploy armed security to manage this situation (we have a team but your store needs its own team as some of your customers are armed).If you need a referral please let us know. We would also suggest that you employ your own cleaning team.

In the meantime, we are exploring legal remedies to shut down this store. This situation has become combustible, it is only a matter of time before someone is hurt or killed here.

Additional evidence is contained in an email sent by Henry Hornecker with TMT, Tuesday, July 7, 2020 3:14 PM which includes the following inaccurate and misleading statement:

"The crowds specific to Bottle Drop were a consequence of OLCC's closure of various retail redemption centers further compounded by OBRC's decision to continue operating at this location despite its lack of capacity to do so."

OBRC 000750

In fact, our client, had, and still has, the capacity to operate in accord with the law, and the lease. In response to TMT's unreasonable bad faith demands, our client proposed numerous reasonable alternatives but TMT refused to even discuss them.

TMT has unilaterally instituted security measures that are clearly unreasonable and are actually intended to force OBRC to vacate the premises.

The following is an outline of the issues that we believe exist.

First, we read the Governor's Executive Orders to apply to TMT as an entity in control of indoor and outdoor space. Accordingly, TMT has an affirmative duty to reasonably set and enforce its own rules for social distancing. Because TMT is bound by the Governor's Executive Orders, TMT also cannot interfere with a tenant's reasonable efforts to comply with the social distancing requirements of the Governor's Executive Orders. We point out that TMT's actions are further required to not be discriminatory or target a vulnerable population either intentionally or in effect.

Second, it is our understanding that TMT hired its own armed guards and then also required OBRC to hire an armed guard. Subsequently and without discussion with OBRC, TMT billed OBRC. We do not believe that armed guards are reasonable, and in fact they are counterproductive. It is our understanding that TMT specifically asked OBRC to pay for one armed security person. OBRC reluctantly agreed and has been paying that cost. That cost is apparently not included in the bill sent by TMT, but it is the only amount that was discussed. Without notice, TMT began sending exorbitant bills to OBRC for unneeded security services.

OBRC does not use armed guards at any of its other locations, some of which have similar customer profiles to the location owned by TMT. Unarmed security officers can be less threatening to visitors and become more of an ambassador for the property while still offering a proactive security solution. An unarmed security guard can still provide a similar level of deterrence as an armed guard, but it avoids the escalatory effect of an "intimidation" factor that results from armed guards.

If the purpose, or the result, of using armed guards is to intimidate the patrons of OBRC it is prima facie unreasonable and shows that the actual intent of TMT is to dispossess OBRC from its lawful tenancy

The goal of using unarmed guards is deterrence and apprehension. The unarmed guards remove the risk of extreme force but provide substantially the same level of services. They can observe and report issues to local law enforcement and property managers as necessary. An unarmed guard is a friendlier and more approachable authority figure that can provide assistance and protection of patrons as well as security of property.

OBRC 000751

By having an unarmed authority figure on-site, it's possible to deter illicit or unwanted activities without unnecessary risk, intimidation, or liability. Settings that are almost always handled by unarmed security guards include shopping plazas, malls, department stores, and public plazas. In general, it is much more common for businesses to have unarmed guards than armed guards. In addition, public sentiment against armed guards has increased dramatically in the past months.

Accordingly, TMT's insistence on armed guards is unreasonable both in terms of a response to issues and in light of the vastly increased cost of armed guards. OBRC asserts that all of the guards should be unarmed.

Third, OBRC believes all reasonably needed security guards required to be there solely for OBRC operations should be directly paid for and controlled by OBRC without interference from TMT security. It is our understanding that there have been several instances of conflict between TMT's Cornerstone security guards and OBRC.

Examples include, but are not limited to:

-- April 30, 2020 line confusion - Cornerstone lets people in who weren't following line protocol resulting in conflict and confusion.

-- May 5, 2020, when Cornerstone rushed into the OBRC facility and demanded they open the bathroom. It is our understanding that this involved very aggressive behavior. OBRC has an email chain about this incident and how Cornerstone's actions were not appropriate.

-- May 18, 2020 Cornerstone overriding BottleDrop policies - lines and maintaining. Told customers to see if they could get in and had a rush at the door. Cornerstone ends up shoving customer and twists arm of another customer.

OBRC believes that Cornerstone's antagonism and use of unwarranted force are problematic and unreasonable, and actually intended to discomfit, annoy and interfere with OBRC's operations. OBRC further believes that coordinated security is more reasonable than the current use of two different companies. OBRC believes all reasonably needed security guards should be directly selected, paid for and controlled by OBRC.

Finally, OBRC believes that all of TMT's actions outlined in this letter are contrary to the lease, that the processes and procedures followed by TMT in separating the lines and requiring marches across the parking lot are not reasonable and in fact are intended to intimidate both OBRC's patrons and OBRC staff.

Attached to this email are three videos of incidents that were recorded that demonstrate that Cornerstone's officers are using excessive force and interfering with OBRC's lawful use of the premises.

OBRC 000752

On its face TMT's policy appears to interfere with reasonable solutions to social distancing problems by targeting OBRC in order to force OBRC to move.

The problems at Delta Park are not unique. The majority of shopping centers in Oregon and throughout the country have adopted procedures to deal with social distancing requirements. They have not resorted to armed guards, and forced marches across the parking lot for the patrons of their tenants. In the majority of cases the shopping center management has encouraged and allowed the use of common area for use of the lines. We believe the procedures enacted by TMT are unreasonable and intended to be both intimidating and burdensome to OBRC's patrons.

We have all seen numerous photographs that evidence the fact that well before masks were required ordered lines were found to be reasonable, and often exceeded the length of the store front of a tenant and went on to sidewalks of other businesses, and even into parking structures for example. The use of chalk and tape, signage and distance markers to delineate social distancing points has been almost universally adopted as acceptable in shopping plazas acting under the same circumstances. TMT's adamant refusal to adopt reasonable policies indicates that their actions are not a legitimate, nondiscriminatory reasonable policy, but a pretext for pressuring OBRC to leave its premise.

TMT made the demands that OBRC change its operational practices in a way that is detrimental to OBRC customers and costly for OBRC. Because there was no immediate safety issue and out of concern for its customers, OBRC declined to follow that operational demand, but instead offered alternative ideas to alleviate any genuine safety issues and the unsightliness with which TMT was concerned.

Rather than accept any of these reasonable suggestions, TMT made an operational decision for OBRC and forced customers to line up across the parking lot in a place that is inconvenient for customers and is costly to manage. TMT is now billing OBRC for the cost of that management through expensive, armed security. TMT should not have the ability to make de facto operational decisions for OBRC, and to execute those decisions in a manner that is not cost effective.

By way of example, it is our understanding that OBRC suggested that the line be snaked around behind the Recycling Center and the empty space beside the Recycling Center so that the line would not be in the parking lot, or require walking across the parking lot. This also would allow fewer security guards to manage the line while hiding the majority of the line from view from the parking lot and other tenants. It is our understanding that TMT refused. Given the facts and circumstances we do not believe TMT's refusal to that proposal was reasonable and TMT intended to deprive OBRC of the use and enjoyment of the leased premises. As you are aware, the evidence of this intent need not always be overt and direct. Courts have held that the requisite intent

OBRC 000753

September 30, 2020
Page 7

may be inferred from the character of the landlord's acts if their natural and probable consequences are such as to deprive the tenant of the use and enjoyment of the leased premises.

In summary, OBRC is refusing to pay the most current bill for security for all of the above reasons.

We look forward to resolving these issues.

Yours truly,



DOUGLAS R. GRIM

DRG:seb

c. John Andersen
Troy Ballew
Jules Bailey
Stephanie Marcus

OBRC 000754

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December 31, 2020

Advance copy via email: bonnie@richardsonwright.com

Ms. Bonnie Richardson
805 SW Broadway
Fox Tower, Suite 470
Portland, OR 97205

Re: Issues related to Delta Park Redemption Center

Dear Bonnie:

We have reviewed your letter of October 22, 2020. We appreciate that your letter ends with a request for proposals that Oregon Beverage Recycling Cooperative ("OBRC") may have.

You are undoubtedly aware that tension has escalated again between our clients. It is our understanding that on or about Tuesday December 22, 2020 TMT changed its policies in handling the overflow line queuing at Hayden Meadows Drive.

On or about that date Cornerstone told OBRC guards and staff that it was OBRC's responsibility to handle the line and began taking pictures of the line forming towards Lowe's. As you know, OBRC has no duty to enforce what it believes to be an inhumane unreasonable policy with respect to its customers.

No one from TMT had reached out to OBRC with any notice of the changes and this caused confusion onsite. On Tuesday morning, Stephanie Marcus of OBRC was notified by OBRC's Loss Prevention Manager about the confusion and questions on changes with line queuing.

As could be easily foreseen, without Cornerstone managing the line along the street, OBRC customers lined up along the sidewalk area and towards the Lowe's.

Stephanie reached out to TMT Property Manager, Marc via email and the exchange printed on the attached EMAIL EXHIBIT occurred over the next few days.

It is our understanding that the actions of Cornerstone differ from what TMT is telling OBRC.

For example, on December 23, 2020 Jeremy Grahn, Corporate Manager of Loss Prevention for OBRC/BottleDrop, received a call from Kenny Kaster, Area Loss Prevention Supervisor at 11:45AM. Kaster told Mr. Grahn he was on his way to the Delta Park Redemption Center (RC) because of an incident involving a customer and Cornerstone Security which was reported to him by OBRC Security Guard Damian Schexnayder.

Damian reported that a female customer attempted to enter the RC and was stopped by Cornerstone Security because she was trespassed from the property. Damian reported that the female became verbally aggressive and pushed her way past the Cornerstone Officers to get into the building.

Damian then said a female RC staff member also told the female that she couldn't be there because she had been excluded by BottleDrop also.

The female reportedly used more foul and aggressive language (it was not reported what she said) and allegedly spit at one of the Cornerstone Officers, at which point they took her to the ground and detained her.

The Cornerstone Officers directed Damian to call 911, which he did. Damian also told Kaster that Portland Police had requested a supervisor present; at the time, it was not clear if they were requesting a supervisor from Cornerstone or OBRC.

Kaster called Grahn back at 12:17PM and informed Grahn that Kaster arrived at the RC while police were still on the scene. Kaster interacted with a Portland Police Officer who clarified that they wanted to speak with a Cornerstone supervisor, not someone from BottleDrop.

Kaster inquired as to why that was, and was told by the Officer that they (Portland Police) have had several incidents with Cornerstone Security where Cornerstone had unnecessarily escalated the situation.

The Portland Police Officer said Cornerstone will often be escorting someone to the edge of the Delta Park complex and will react when that person says something to incite them.

Per the Officer, Cornerstone will react aggressively and then call Portland Police resolve the situation they helped to create.

Apparently either Portland Police and/or its Officers have called the Department of Public Safety Standards and Training (DPSST) on Cornerstone's behavior and practices more than once. The Officer then said Portland Police have begun asking for a Cornerstone supervisor any time apparent excess use of force is used so they can explain and justify why that level of force was used.

On December 29, 2020 the OBRC Guard on shift at Delta Park also reported there were issues with the line. Cornerstone was again not managing the line on Hayden Meadows which was causing long disruptions and unhappy customers when they finally got to the OBRC building.

Cornerstone's actions in neglecting TMT's imposed rule about the line went on much of the day, and became very disruptive when OBRC got busier late morning. The Guard said Cornerstone will show up at Hayden Meadows to send some people to the RC, then leave and show back up later at either Hayden Meadows or near the RC. It appears that today TMT did not have a person effectively controlling line management that TMT implemented against the express request of OBRC. As noted above, OBRC has no duty to enforce what it believes to be an inhumane unreasonable policy with respect to its customers. OBRC guards need to stay in front of the building in our designated area.

First, I would like to talk with you and have a telephone discussion. There were several emails after my letter dated September 30, 2020 that indicated that such a discussion might happen, but it did not take place. I believe it could be beneficial for the two of us to explore some proposals, including, but not limited to, non-binding mediation.

Second, given the current back up in the courts, we suggest that if mediation does not resolve these matters the parties arrange for arbitration.

As I believe you are aware, OBRC paid the first bill from TMT for dedicated armed security guards under protest. Since that time OBRC has not paid any of those bills and OBRC has advised TMT that OBRC will not be paying any more towards the security bills until and unless these matters are resolved. That includes, but is not limited to, the most recent security bill.

In addition, we believe you are aware that OBRC released the armed guard, which it hired only because of TMT's insistence on having one, effective December 1, 2020. OBRC will still have at least one unarmed guard on-site during all business hours and at peak times, OBRC may have two unarmed guards on-site.

The most recent billing from TMT to OBRC includes one 24/7 guard, and 2 guards from 8 am to 6 pm and demands payment of \$49,200.00 for that month. In contrast, the 2 unarmed security guards that OBRC has cost less than \$10,000.00 per month.

As you are aware, OBRC is not just concerned about the great expense of numerous armed guards, but is disturbed by the fact that the armed guards presently on site cause matters to escalate as they interact with those who use OBRC's facilities.

As indicated in the videos we sent you with the September 30, 2020 letter, the interventions appear to immediately use excessive force and rather than resolving issues this use of force intensifies conflicts. Even highly trained police officers often overreact as has been repeatedly demonstrated in the prolonged protests in Portland.

This is supported by the above reported incident of excessive force on December 23, 2020 and the information from the Police Officer that the Department of Public Safety Standards and Training (DPSST) has been called by them on Cornerstone's behavior and practices more than once.

There is considerable evidence that the presence of a firearm also may escalate a situation. Studies show that the likelihood of a violent event occurring during an incident increases greatly when an armed guard is present. (See e.g. Duncan, B. "Five Ways the Armed Guard Industry Is out of Control." Revealnews.org, posted May 4, 2015. <https://www.revealnews.org/article/heres-whats-wrong-with-the-us-armed-security-industry/>) The risk of having a gun taken from an armed security guard is also quite high. Twenty-three percent of shootings in emergency rooms involve someone taking a gun from a security guard, according to The New York Times, which cited a study by Gabor Kelen, MD, director of emergency medicine at Johns Hopkins Medical School.

Simply giving a security officer a firearm and putting him or her out there is a recipe for disaster. It also appears as if some of the current security officers are attempting to provoke a response rather than resolve incidents.

Defusing tension and conflict is critical to avoid violence. It is critical that force be the absolute last resort, and that does not seem to be the case at this time. Resolving conflict through verbal and non-verbal communication is an approach that has proven effective in managing threats and reducing the threat of violence.

OBRC disputes the need for armed officers at all, disagrees with the policies and procedures that TMT has implemented, as well as the performance of the current guards.

The treatment of the OBRC customers by TMT and its agents has also received the attention of concerned citizens. Sam Adams has reached out to OBRC to express his concern for the people who are being forced to wait on the public sidewalk to return bottles and cans at Delta Park and offered to assist OBRC in working to resolve this treatment which Sam Adams labels as inhumane.

OBRC does not believe, and has never believed, that using armed security to force people to line up on the public sidewalk, over 450 feet away from the entrance to the

BottleDrop and across a busy parking lot, is a humane and logistically workable solution.

Even with better weather, it makes social distancing nearly impossible, and requires OBRC customers, many of whom are disabled or elderly, to carry heavy bags across the parking lot.

OBRC has received numerous complaints from customers. OBRC also expressed these concerns to TMT before they implemented this process and told them it would make the situation worse, which it has.

OBRC has several other busy centers, including those OBRC leases at 122nd and Glisan and its Milwaukie locations, where the landlords have not insisted on undermining the efforts to accommodate the special conditions of the pandemic. At those locations OBRC is able to offer amenities to waiting customers including port-a-potties, wash stations, and limited shelter.

These are important for many OBRC customers who have no choice but to wait given the challenges of retail closure and COVID demand. OBRC used to offer some amenities at the Delta Park location, but OBRC is no longer able to do so because people aren't allowed to line up next to the facility because of TMT's unreasonable actions.

If OBRC customers were allowed to line up at its facility and into the unused grass area adjacent to its leased area, as they have done for years, OBRC would be able to offer them much more during this difficult time. OBRC has repeatedly advocated for winding the line around behind the RC and TMT has unreasonably refused. If OBRC could use the area behind its RC then most issues related to alleged unsightliness of waiting persons would be resolved and control of the line would be greatly enhanced.

We agree with Sam Adams that this current situation is inhumane. As we have advised you before, we read the Governor's Executive Orders to apply to TMT as an entity in control of indoor and outdoor space. Accordingly, TMT has an affirmative duty to reasonably enforce the rules and practices contained in those orders. Because TMT is bound by the Governor's Executive Orders TMT also cannot interfere with a tenant's reasonable efforts to comply with the social distancing requirements of the Governor's Executive Orders. We point out that TMT's actions are further required to not be discriminatory or target a vulnerable population either intentionally or in effect.

In its further efforts to resolve issues, OBRC is working with Trash for Peace to have additional redemption options in Portland. OBRC just funded a project to double their capacity for 8 weeks to get through retail redemption closure.

It is our understanding that Trash for Peace provides bulk container return service by the Steel Bridge and in the Central Eastside, which prevents many people from having to come to Delta Park in the first place.

Page | 6
December 31, 2020

We look forward to a non-judicial alternative to resolving these issues.

Yours truly,



DOUGLAS R. GRIM

DRG:seb

c. John Andersen
Troy Ballew
Jules Bailey
Stephanie Marcus

EMAIL EXHIBIT

From: Stephanie Marcus <SMarcus@obrc.com>
Sent: Tuesday, December 22, 2020 10:30 AM
To: Marc Wilkins <Marc@tmtdevelopment.com>
Subject: Cornerstone- Coverage

Good Morning Marc,

I received a call from our Corporate Manager of Loss Prevention this morning with questions on changes that were happening at Delta Park. OBRC security guards had reached out with questions on what was happening with Cornerstone and line management at Delta Park. They reported that Cornerstone guards were no longer at Hayden Meadows Drive queuing the line which was past request/expectation of TMT. All employees onsite were unsure of what changes happened and if there was any communication about a change in line queuing. I thought it would be best that I check in with you on any decisions or changes that may have been decided by TMT. Please let me know, so I can communicate with my team on expectations and how to make any transitions and changes as smooth as possible for our customers and other tenants in the building complex. Unless OBRC hears differently, we will allow and manage line to form on sidewalk located near our building entrance.

Thank you,

Stephanie Marcus
Director of BottleDrop Operations
[Oregon Beverage Recycling Cooperative](http://OregonBeverageRecyclingCooperative.com)
3900 NW Yeon Ave. Portland, OR 97210
O: (503) 542-0756 | M: (971) 258-5515

From: Marc Wilkins
Sent: Tuesday, December 22, 2020 11:07 AM
To: Stephanie Marcus <SMarcus@obrc.com>
Subject: RE: Cornerstone- Coverage

Hi Stephanie,

Thank you for bringing this to my attention and I can confirm the following:

- We have gone from two (2) Cornerstone security officers to one (1) Cornerstone security officers
- This one (1) security officer is still responsible for the Bottle Drop overflow line. Their should be no change to where the line forms, etc.. The only change is going from two (2) security officers to one (1)

However, after speaking with Cornerstone today, they indicated that yesterday your security guards had the line formed near your entrance, is that correct? Again, where the line forms should not have

Page | 8
December 31, 2020

changed and the one (1) Cornerstone security officer is still responsible for the overflow line. Can you ensure your security guards are allowing Cornerstone to manage the overflow line as before?

Please feel free to contact me directly if you have any questions.

Sincerely,

MARC WILKINS | Property Manager
760 SW 9th Avenue, Suite 2250, Portland, OR 97205
D: 503.577.6898 | O: 503.241.1111

OREGON BUSINESS 100 BEST COMPANIES TO WORK FOR IN OREGON 2019
A PORTLAND BUSINESS JOURNAL'S MOST ADMIRER COMPANY 2019

From: Marc Wilkins <Marc@tmtdevelopment.com>
Date: December 28, 2020 at 12:30:36 PM PST
To: Stephanie Marcus <SMarcus@obr.com>
Cc: Gail Gill <GGill@obr.com>
Subject: RE: Cornerstone- Coverage

Hi Stephanie,

I hope you had a great holiday weekend.

Regarding the e-mail below, was this addressed on your end?

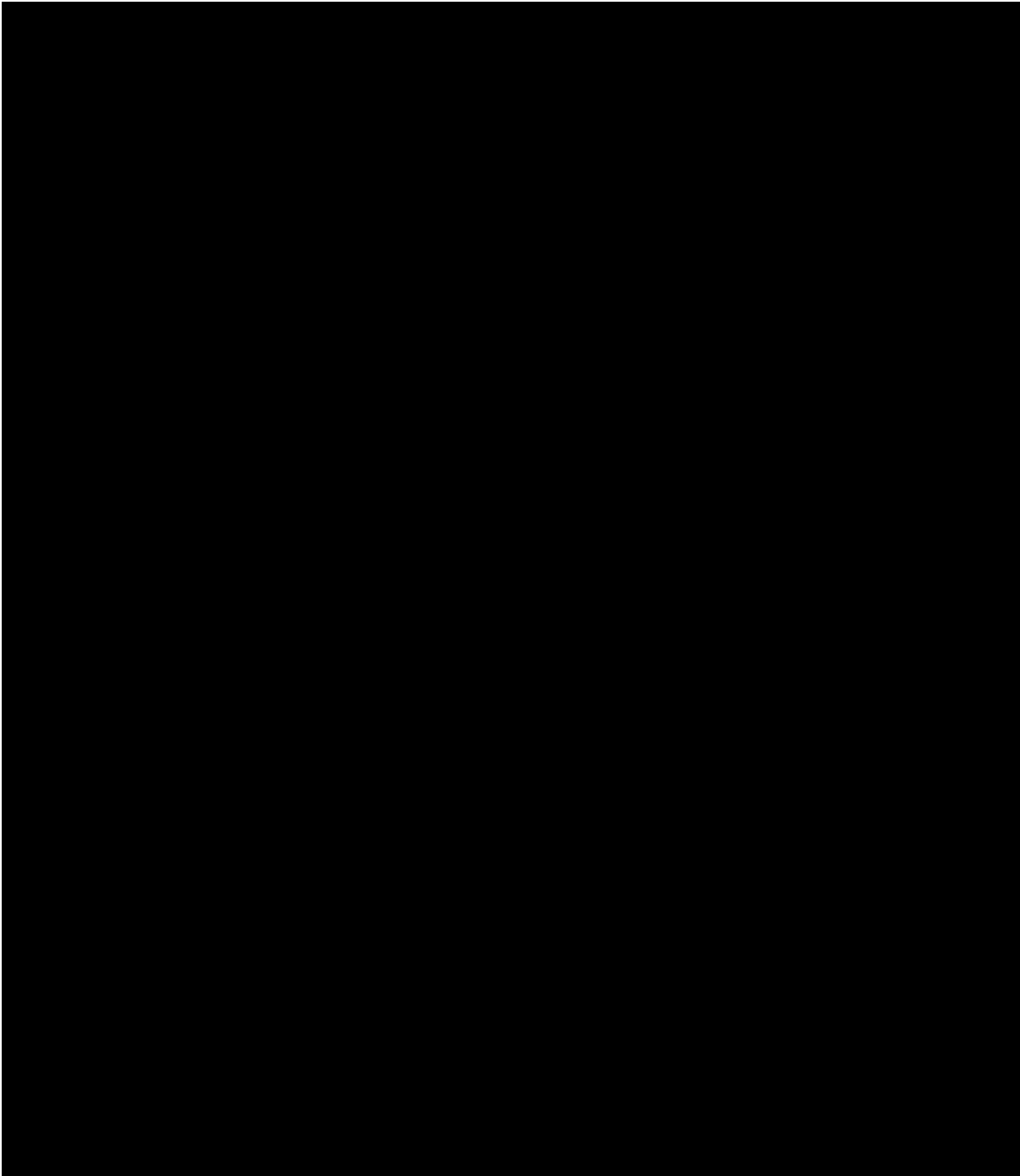
Also, my understanding is that our Maintenance Manager, Brian, is in regular contact with your Store Manager, is this correct? I believe he's talked to her about the trash left on the premises by your patrons and the prompt removal of shopping carts.

As an example, attached is a photo of trash that was left on-site today at around 9AM and was removed by your security guard I believe.

Please let me know if this is not accurate or if information from the Store Manager is not filtering back to you.

MARC WILKINS | Property Manager
760 SW 9th Avenue, Suite 2250, Portland, OR 97205
D: 503.577.6898 | O: 503.241.1111

OREGON BUSINESS 100 BEST COMPANIES TO WORK FOR IN OREGON 2019
A PORTLAND BUSINESS JOURNAL'S MOST ADMIRER COMPANY 2019



TMT 1167



March 2, 2021

VIA EMAIL AND FIRST-CLASS MAIL

Douglas Grim
Brownstein Rask LLP
1200 Main St.
Portland, OR 97205
dgrim@brownsteinrask.com

Re: Oregon Beverage Recycling Cooperative: Delta Park Redemption Center

Dear Doug:

I am in receipt of your letter dated December 31, 2020. Due to the serious nature of several allegations set forth in your letter, it required some time to investigate. Although I appreciate your response to my October letter and prior email seeking continued discussion, I would respectfully request that you cease the use of unnecessary and unjustified inflammatory language throughout your letters. As has been the case since the outset of the COVID-19 pandemic, TMT Development and Hayden Meadows have sought solutions that prioritize both the safety of visitors to the center and Oregon Beverage Recycling Cooperative's ("OBRC") continued ability to operate its Delta Park location. Your continued description of asking people to stand in a line as "inhumane" and allegations of excessive force are wholly without merit.

The pandemic has resulted in many creative, imperfect solutions, which involve queuing people in lines to minimize the number of persons in a retail location and prevent the risk of spreading the novel coronavirus. For the last approximately nine months the queuing of Bottle Drop visitors in the right of way has provided for continued operation of your client's Delta Park location with limited impact on the surrounding businesses and maintained proper social distancing measures while also managing the significant crowds that gather daily to use the Bottle Drop. As with many businesses during the pandemic, it may not be exactly how your client wishes to operate, but it has been effective to manage risk given the circumstances.

I will not spend the time to walk through all your allegations regarding the recent events at the Bottle Drop, as we clearly have many disagreements regarding the characterization of what has transpired and the effectiveness of Cornerstone Security in managing the area. However, I must address your unsupported allegations regarding an unnamed Portland Police Bureau ("Portland Police") officer providing comments about Cornerstone Security's conduct. We have found no evidence to support these claims. Your letter went so far as to claim that the Portland Police had reported Cornerstone Security to the Department of Public Safety Standards & Training ("DPSST") on multiple occasions. If that were the case, DPSST would be required to open an investigation and would thereafter notify both the security

Douglas Grim
March 2, 2021
Page 2 of 4

guard and Cornerstone Security as his or her employer. Additionally, Portland Police would be required to fill out an incident report. Neither the Portland Police or DPSST have any records to corroborate your serious claims.

If you have any actual evidence of these alleged incidents beyond hearsay and conjecture by unidentifiable persons, I ask that you please provide it immediately and Hayden Meadows/TMT Development will investigate accordingly.

Hayden Meadows and TMT Development have always been and continue to be open to reasonable alternative solutions. However, to date, OBRC has only proposed a single option focused solely on OBRC's convenience—allowing its customers to congregate in the area outside of the Bottle Drop. This proposal amounts to a “business as usual” approach which was shown to be unsustainable and fraught with unreasonable risk when OBRC attempted to operate the Delta Park Bottle Drop location in such a way for during the first two months of the pandemic. Each day, large, unmanaged crowds continually gathered outside of Bottle Drop, causing consistent disruptions to neighboring businesses, generating significant amounts of trash and debris (including dangerous objects), and presenting significant risk of the spread of the novel coronavirus.

In response, OBRC was presented with multiple options that could address the risks it was creating by continued operation of the Delta Park Bottle Drop, including hiring additional security to queue its overflow customer line in the right of way (as Cornerstone Security has successfully done for approximately nine months) and/or implementing an appointment-based system. OBRC flatly rejected both options. Now, after choosing to do nothing to address the risks OBRC created, OBRC objects to paying the costs associated with the Cornerstone Security guards that have effectively managed their lines and aided in their smooth operation for the last nine months.

THE CURRENT LINE QUEUING SYSTEM

As you are aware, Hayden Meadows and TMT Development suggested back in April 2020 that OBRC queue an overflow line of customers in the public right of way and not allow congregation in the common areas next to other businesses.¹ OBRC's inability to manage the influx of customers and continued decision to operate created significant risks that needed to be addressed. Queuing the line in the right of way presented a reasonable compromise that reduced risk while also allowing OBRC to continue to provide redemption services at the Delta Park location.

After OBRC refused to take any action to modify its line management procedures to address its significant impact on other businesses and the safety of its customers, Hayden Meadows was forced to step in. Hayden Meadows hired additional security from Cornerstone Security specifically to manage social distancing measures and risks related to Bottle Drop and ensure that when the number of customers became too many for Bottle Drop to manage, an additional line would be formed in the public right of

¹ Also, in April 2020, TMT Development and Hayden Meadows suggested that OBRC institute an appointment-based system that could provide significant reduction in the size of crowds gathering outside of the Bottle Drop. This could have been done through a combination of online or kiosk check-ins that would allow people to have prearranged time windows to show up and use the redemption center. Rather than show up and wait in line for 1-2 hours, people could check in online or grab a ticket at the kiosk and then return (or arrive) at a predetermined check-in time. This type of system could have been in place for the last nine months, allowing for customers to get used to the new process, but instead OBRC refused this proposal without any substantive explanation, simply stating it was “unworkable.”



Douglas Grim
March 2, 2021
Page 3 of 4

way where proper social distancing could be maintained without imposing on other businesses and driving up the risks related to visitors coming to the center.

Once the line outside of the Bottle Drop storefront diminishes, people from the overflow line are directed to fill in those spaces in the line that forms in front of the storefront. There is one guard posted at the overflow line and another that has managed the storefront area. This system has worked with success since it was first implemented in May 2020. This is the exact same line queuing procedure that Hayden Meadows had suggested to OBRC as a method to reduce risk and continue its operations.

OBRC had the opportunity back in April 2020 to implement this system on its own and cover the cost directly, but refused to do so. To date, OBRC and its Bottle Drop employees have been continually resistant to this system, providing no oversight or management, while reaping the benefits through the continued use of Cornerstone Security to manage both the line and dangerous incidents that arise due to the increased clientele. In fact, your recent letter included complaints when the number of Cornerstone Security officers was reduced, asserting that it had negative impacts on line management.

UNARMED SECURITY

Your recent communication spends a significant amount of time promoting the use of unarmed security to manage the crowds of Bottle Drop customers. Unfortunately, the area is considered high risk and the use of unarmed security has been rejected by Cornerstone Security. In the time that Cornerstone Security has been involved in providing protective services to the area surrounding the Delta Park Bottle Drop they have been subject to assault, threats of harm from improvised weapons, use of infected needles during an attack, and even had one officer rammed with a car causing significant injury and three months to recover. Due to the significant risk of harm to the officers in and around the Delta Park Bottle Drop, the proposed use of unarmed security has been rejected.

This is not to say that Hayden Meadows and TMT Development would not be open to OBRC seeking out and hiring unarmed security at its own expense to take over and manage the current line queuing process so long as it did not result in increased occurrences of violence and major incidents.

DISCUSSION

TMT Development and Hayden Meadows has continually pushed for the consideration of creative, alternative solutions to the risks caused by OBRC's continued operation. Unfortunately, most of these solutions require OBRC to be an equal or primary participant in the process. Given OBRC's prior rejection of all of Hayden Meadows' proposals, the current line queuing process was implemented. OBRC has benefited from the onsite security presence, often asking Cornerstone to step in and manage unruly customers or de-escalate various situations. It is unfortunate that OBRC continues to reap the benefits of the security while refusing to pay for the services that have been required by its inability to manage its customers in a safe and effective way.

I wholeheartedly agree that we should have a conversation and seek to explore meaningful proposals that address the concerns of both Hayden Meadows and OBRC while maintaining the safety and security of the area during the pandemic. In fact, that was my intent back in October when I reached out to you. Mediation may be a good route moving forward.



Douglas Grim
March 2, 2021
Page 4 of 4

Please feel free to send an email at the address below with your availability or just try to give me a call when you have an opportunity. I can be reached at 503-227-2022.

Sincerely,

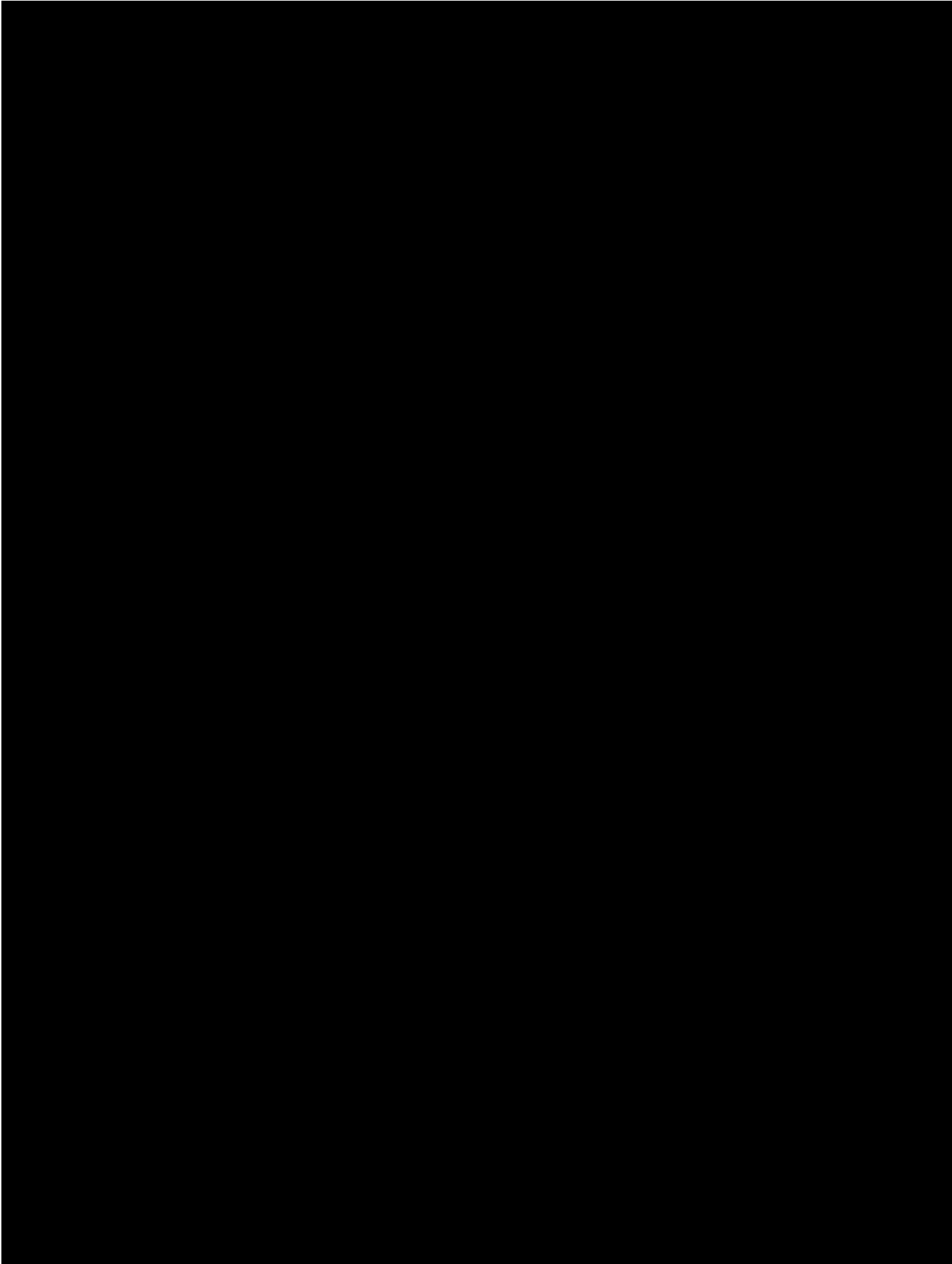
RICHARDSON WRIGHT LLP

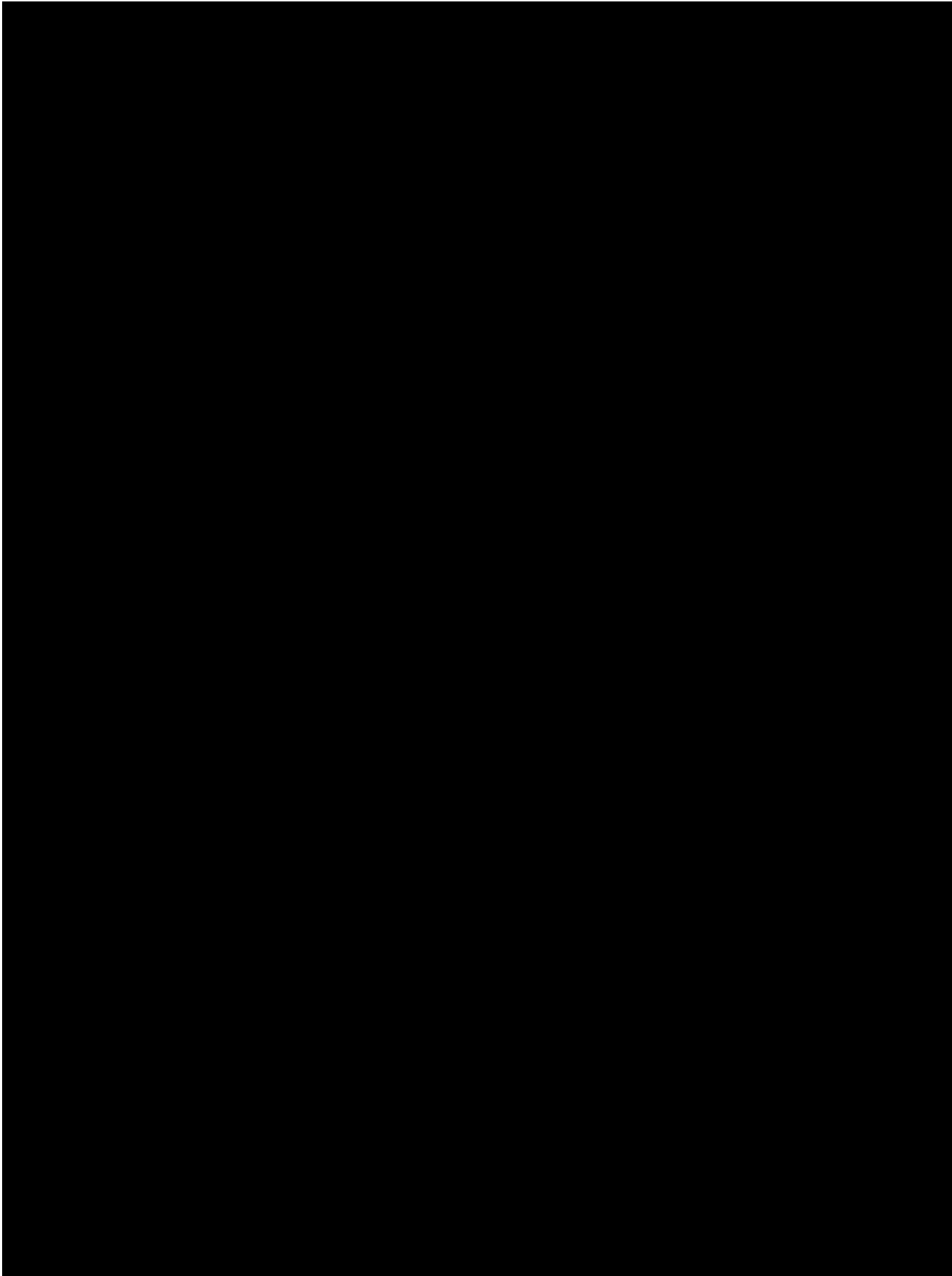


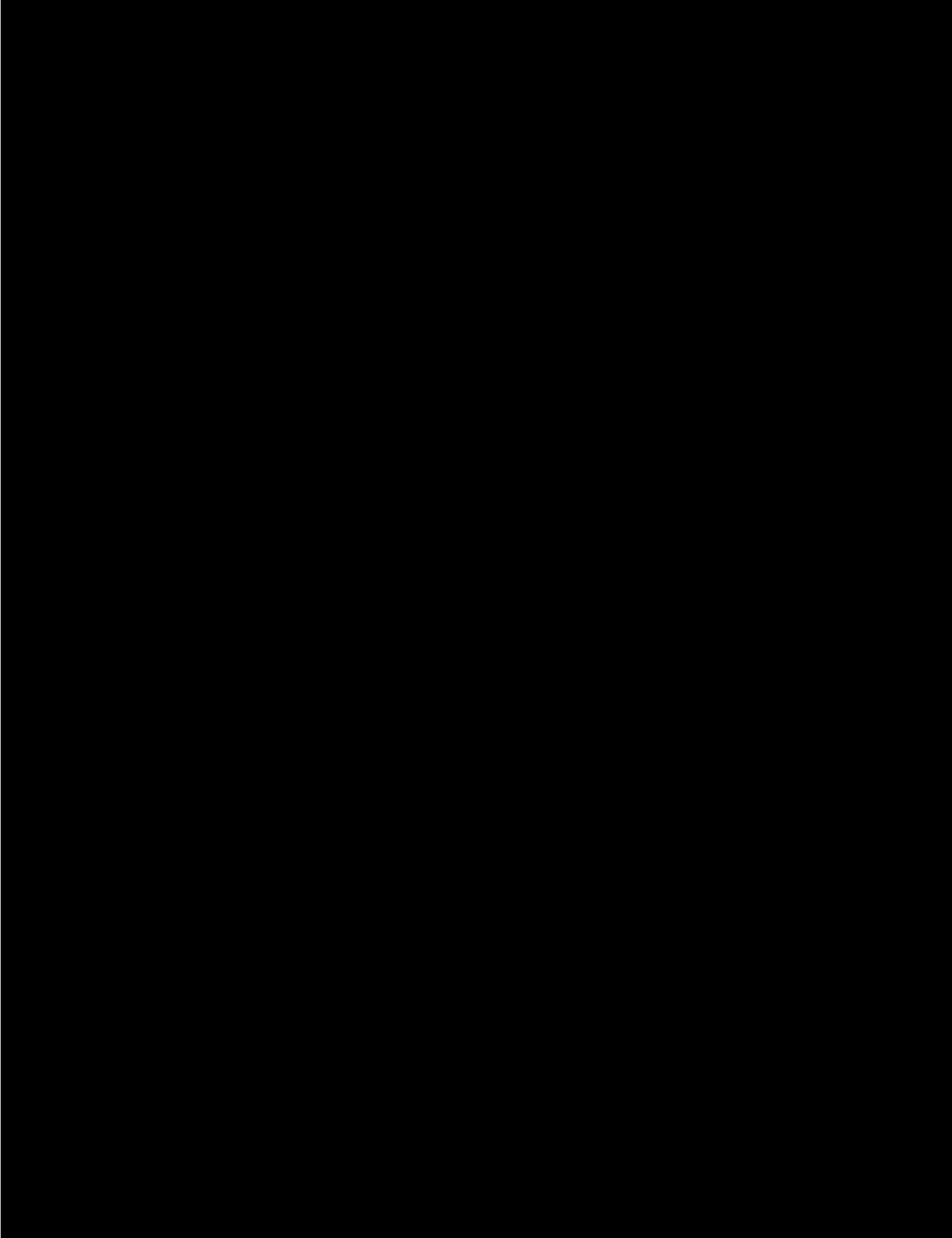
Bonnie Richardson
bonnie@richardsonwright.com

KTE:kte









CONFIDENTIAL

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

21CR58706

Verified Correct Copy of Original 12/2/2021

STATE OF OREGON

Plaintiff,

v.

LOGAN CONRAD GIMBEL
DOB: 05/01/1993

Defendant(s).

Court Nbr DA 2436438-1
Crime Report PP 21-145339

BALLOT MEASURE 11

Indictment for Violation of

ORS 163.115 (1)
ORS 166.220 (2)
ORS 163.212 (3,4)
ORS 163.195 (5)

FILED
DEC 02 2021
CIRCUIT COURT
MULTNOMAH COUNTY OREGON

The above-named defendant(s) are accused by the Grand Jury of Multnomah County, State of Oregon, by this indictment of crime(s) of COUNT 1 - MURDER IN THE SECOND DEGREE WITH A FIREARM, COUNT 2 - UNLAWFUL USE OF A WEAPON WITH A FIREARM, COUNT 3,4 - UNLAWFUL USE OF MACE IN THE SECOND DEGREE, COUNT 5 - RECKLESSLY ENDANGERING ANOTHER PERSON, committed as follows:

COUNT 1

MURDER IN THE SECOND DEGREE WITH A FIREARM

The said Defendant(s), **LOGAN CONRAD GIMBEL**, on or about May 29, 2021, in the County of Multnomah, State of Oregon, did unlawfully and intentionally cause the death of **FREDDY THEODORE NELSON**, another human being, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

The state further alleges that during the commission of this felony, the defendant used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 2

UNLAWFUL USE OF A WEAPON WITH A FIREARM

The said Defendant(s), **LOGAN CONRAD GIMBEL**, on or about May 29, 2021, in the County of Multnomah, State of Oregon, did unlawfully attempt to use, carry with intent to use and possess with intent to use unlawfully against **FREDDY THEODORE NELSON**, a firearm, a dangerous and deadly weapon, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

The state further alleges that during the commission of this felony, the defendant(s) used and threatened the use of a firearm.

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 3

UNLAWFUL USE OF MACE IN THE SECOND DEGREE

The said Defendant(s), **LOGAN CONRAD GIMBEL**, on or about May 29, 2021, in the County of Multnomah, State of Oregon, did unlawfully and recklessly discharge mace against **FREDDY THEODORE NELSON**, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 4

UNLAWFUL USE OF MACE IN THE SECOND DEGREE

21CR58706
IN
Indictment
14624860



INDICTMENT Dist: Original: Court - Copies: Defendant, Def. Attorney, DA, Data Entry

Verified Correct Copy of Original 12/2/2021

The said Defendant(s), LOGAN CONRAD GIMBEL, on or about May 29, 2021, in the County of Multnomah, State of Oregon, did unlawfully and recklessly discharge mace against KARI NELSON, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

COUNT 5 RECKLESSLY ENDANGERING ANOTHER PERSON

The said Defendant(s), LOGAN CONRAD GIMBEL, on or about May 29, 2021, in the County of Multnomah, State of Oregon, did unlawfully and recklessly create a substantial risk of serious physical injury to KARI NELSON, contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon,

This count is a part of the same act or transaction as the conduct alleged in the other counts of this charging instrument. This count is of the same and similar character as the conduct alleged in the other counts of this charging instrument.

Dated at Portland, Oregon, in the county aforesaid, on DECEMBER 02, 2021.

Witnesses

- Examined Before the Grand Jury in person (unless noted)
Lena Dahl
John Fiedler
Justin Igl
Leo Igl
Danelle Heikkila
Jennifer Inouye
Jacquelyn Cameron
Ryan Foote
Kari G Nelson
Julie Jenson (By Simultaneous Television Transmission)
Jeff Erwin (By Simultaneous Television Transmission)
Logan Gimbel
Rebecca Millius (By Report)
Magdalena Juan-Dean
Viktoria Talovskaya
Kenneth Duilio

- Grand Jury Proceedings on:
November 18, 2021
November 19, 2021
November 22, 2021
November 23, 2021
November 24, 2021
December 01, 2021

A TRUE BILL
Cindy Marker
/S/ Cindy Marker
Foreperson of the Grand Jury
MIKE SCHMIDT (084679)
District Attorney
Multnomah County, Oregon

By Amanda Nadell Deputy

Security Amount (Def - GIMBEL) NO BAIL + \$5,000 + \$2,500 + \$2,500 + \$2,500

AFFIRMATIVE DECLARATION

The District Attorney hereby affirmatively declares for the record, as required by ORS 161 566, upon the date scheduled for the first appearance of the defendant, and before the court asks under ORS 135 020 how the defendant pleads to the charge(s), the State's intention that any misdemeanor charged herein proceed as a misdemeanor TODD T JACKSON OSB 114240 //jf

Pursuant to 2005 Or Laws ch. 463 sections 1 to 7, 20(1) and 21 to 23, the State hereby provides written notice of the State's intention to rely at sentencing on enhancement facts for any statutory ground for the imposition of consecutive sentences codified under ORS 137 123 on these counts or to any other sentence which has been previously imposed or is simultaneously imposed upon this defendant

INDICTMENT Dist: Original: Court-- Copies: Defendant, Def. Attorney, DA, Data Entry

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

Verified Correct Copy of Original 5/9/2023

THE STATE OF OREGON,

Plaintiff,

v.

LOGAN GIMBEL,

Defendant.

No. C 21CR58706

DA 2436438-1

VERDICT

FILED
23 MAY - 9 AM 10:13
CIRCUIT COURT
FOR MULTNOMAH COUNTY

We the jury, duly empaneled and sworn in the above-entitled cause, do find our verdicts upon the count(s) submitted to us as follows:

Count 1 – MURDER IN THE SECOND DEGREE

NOT GUILTY GUILTY

If you find the defendant guilty of the above count, please answer the additional question:

Did the defendant use or threaten the use of a firearm during the commission of this crime?

YES NO

Count 2 – UNLAWFUL USE OF A WEAPON

NOT GUILTY GUILTY

If you find the defendant guilty of the above count, please answer the additional question:

Did the defendant use or threaten the use of a firearm during the commission of this crime?

YES NO

**Count 3 – UNLAWFUL USE OF MACE IN THE SECOND DEGREE (ALLEGED VICTIM
FREDDY NELSON)**

NOT GUILTY GUILTY

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Verified Correct Copy of Original 5/9/2023.

Count 4 – UNLAWFUL USE OF MACE IN THE SECOND DEGREE (ALLEGED VICTIM KARI NELSON)

 NOT GUILTY GUILTY

Count 5 – RECKLESSLY ENDANGERING ANOTHER PERSON (ALLEGED VICTIM KARI NELSON)

NOT GUILTY GUILTY

Dated: May 8, 2023 Juror Three
PRESIDING JUROR

State of Oregon
Department of Public Safety Standards and Training
Professional Standards Division

NOTICE OF VIOLATION OF THE PRIVATE SECURITY SERVICES PROVIDERS ACT

In the Matter of Violation of the provisions of the) Notice of Opportunity for Mitigation or
Private Security Services Providers Act.) Resolution by Stipulation

TO: Logan C. Gimbel

Reason for Notice:

In accordance with Oregon Revised Statute (ORS) 181A.995(2) and Oregon Administrative Rule (OAR) 259-060-0450(5)(b), the Department of Public Safety Standards and Training (Department) proposes the assessment of a \$2,250 civil penalty against you for a violation of the Private Security Services Providers Act. The Department may cause administrative proceedings to be initiated to enforce compliance with this Act.

Facts of the Case:

1. Logan C. Gimbel ("Gimbel" or "Respondent") was issued an Unarmed Professional certification on April 10, 2020.

2. Logan C. Gimbel was employed by Cornerstone Security Group to provide armed private security services without the proper certification starting September 10, 2020 through May 29, 2021.

Department Proposed Action:

In accordance with OAR 259-060-0450(9)(a) and (e), a penalty is charged of not less than \$250, for each 30 day period in violation of the same statute or rule. The Department recommends assessment of a civil penalty in the amount of \$2,250 for providing armed private security services without a valid armed certification.

The Department is authorized to seek resolution by stipulation under the following conditions:

- a. The matter is resolved before entry of a final order assessing penalty;
- b. The respondent satisfies all terms set for by the Department within the time allowed; and
- c. Any stipulated penalty amount is received by the Department.

The enclosed Stipulated Agreement, between the Respondent and the Department, will reduce this proposed penalty to \$1,125 as described below.

The Department intends to present the facts of this violation, the proposed civil amount of \$2,250 and any mitigation you provide to the Board on Public Safety Standards and Training (Board), through the Private Security and Investigator Policy Committee, at their next scheduled meeting.

Upon approval to proceed by the Board, the Department will file a Notice of Intent to Impose Civil Penalty for \$2,250. This notice will contain a statement of your right to be heard and instructions on how to request a hearing.

Opportunity to Provide Mitigation:

If you do not agree with the facts of the case, you have the opportunity for mitigation. To submit mitigation for consideration, you must provide it to **Department within 10 days of the mailing of this notice**. Your mitigation must be received in writing and provide mitigating information to prove you were not in violation in regards to the information described above.

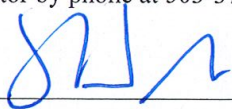
Resolution by Stipulation:

If you agree with the Department's findings, you may resolve this issue through stipulation, waiving your right to a hearing. To do so, sign and return to the Department the enclosed Stipulated Agreement and you may pay a **reduced penalty** in the amount of \$1,125.

Your signature on the Stipulated Agreement, included with this notice, indicates that you agree to comply with all of the terms contained in the Stipulated Agreement. Your penalty will then be reduced to \$1,125.

The signed agreement and payment must be received by the Department within 10 days of the mailing of this notice.

If you have questions about any part of this notice, please contact Carissa White, Private Security Investigator by phone at 503-378-2581 or by email at carissa.white@dpsst.oregon.gov.



9/15/2021

Jeff Henderson, Manager

Private Security/Investigator's Licensing Program
Department of Public Safety Standards and Training
4190 Aumsville Hwy SE
Salem, OR 97317

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**THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
STATE OF OREGON**

In the Matter of Violations of the provisions of the
Private Security Services Providers Act.

STIPULATED AGREEMENT

Logan C. Gimbel
PSID No. 097475

Logan C. Gimbel and the Department of Public Safety Standards and Training (Department) stipulate to the following matters:

1. Logan C. Gimbel was issued an Unarmed Professional certification on April 10, 2020.
2. Logan C. Gimbel was employed by Cornerstone Security Group to provide armed private security services without the proper certification starting September 10, 2020 through May 29, 2021.
3. Logan C. Gimbel provided private security services while not certified, this is a violation of OAR 259-060-0450(2)(a) which states: Violations. The Department may find violation and recommend assessment of civil penalties upon finding that a private security provider, individual, or employer has previously engaged in or is currently engaging in any of the following acts: (a) providing private security services without valid certification or licensure or Temporary Work Permit.
4. Logan C. Gimbel stipulates and agrees that he is waiving his right to a hearing or appeal under OAR 259-060-0450 and paying the stipulated penalty amount of \$1,125.
5. Logan C. Gimbel can contact the Department regarding payment plan options.
6. Logan C. Gimbel understands any further founded violations of the Private Security Services Providers Act could be grounds for revocation or denial of all certificates and licenses the Department has issued to him.

1 7. Logan C. Gimbel understands any further founded violation of this type would be considered
2 flagrant and subjects him to a civil penalty in the amount of \$1,500 for each flagrant violation.

3 8. Logan C. Gimbel understands DPSST may conduct further audits and /or check to ensure
4 compliance with the Stipulated Agreement. Failure to comply with all of the above conditions
5 will result in additional assessments of civil penalties.

6 IT IS SO STIPULATED this _____ day of _____, 2021.

7
8 _____
9 Logan C. Gimbel, PSID 097475

10 IT IS SO STIPULATED this _____ day of _____, 2021.

11 _____
12 Jerry Granderson, Director
13 Department of Public Safety Standards and Training
14 STATE OF OREGON

15
16 **Payment of Penalty in Stipulation**

17 Submit enclosed payment with business check, cashier's check, money order, or credit card authorization
18 form.

19 Checks made payable to: DPSST (make sure to include your PSID number on your payment.)

20 Remit business check, cashier check, credit card authorization form or money order to:

21 Private Security/Investigator's Licensing Program
22 DPSST
23 4190 Aumsville Hwy SE
Salem, Or 97317

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

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

Plaintiffs,

vs.

TMT DEVELOPMENT CO., LLC, an
Oregon Corporation; D. PARK
CORPORATION, an 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.

Defendants.

Case No. 21CV40742

DEFENDANT MATTHEW CADY'S
RESPONSE TO PLAINTIFFS' FIRST
REQUEST FOR PRODUCTION

Pursuant to ORCP 36 and ORCP 45, Defendant Matthew Cady, herein after
referred to as "Defendant," responds to Plaintiffs' First Request for Production of
Documents as follows:

PRELIMINARY OBJECTIONS

Defendant makes the following Preliminary Objections, whether or not such
objections are separately set forth in response to each request.

PAGE 1 – DEFENDANT MATTHEW CADY'S RESPONSE TO PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION

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1. Defendant objects to the extent that Plaintiffs seek to impose any obligation other than those contained the Oregon Rules of Civil Procedure.

2. Defendant objects to each definition, instruction and request to the extent that it calls for production of documents and information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Defendant does not intend to produce any such documents or information except as ordered by the Court and does not waive any applicable privileges with respect to any such documents or information that are inadvertently produced.

3. Defendant also reserves the right to redact documents that it produces to limit the disclosure of such information.

4. Defendant objects to each definition, instruction, and request to the extent that it calls for Defendant to search or produce documents not in the direct possession, custody or control of Defendant, his agents, employees or representatives.

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RESPONSES TO REQUESTS

REQUEST FOR PRODUCTION NO. 1. All documents evidencing any fictitious names or other names Matthew Cady or Cornerstone Security Group have used in the past ten (10) years.

RESPONSE: Defendant is not in possession of any responsive documents.

REQUEST FOR PRODUCTION NO. 2. Any and all documents relating to insurance coverage, including each insurance policy or agreement that may satisfy part or all of a judgment entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, including, but not limited to the complete insurance policy contract and declaration page for each.

RESPONSE: Attached are copies of the policies responsive to this Request (Def. 0001-Def. 0186).

REQUEST FOR PRODUCTION NO. 3. A list of all employees of Cornerstone who were at Delta Park on May 29, 2021 and a description of each person’s (a) duties; (b) hours during which the person was present at the premises; (c) whether the person had any responsibility for providing security on the property; (d) whether or not the person was armed with a weapon and what if any certification that person had to carry said weapon; (e) whether that person had any responsibility for excluding or ejecting persons from the premises, and if so, what that person’s responsibility was in that regard.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in

1 anticipation of litigation and/or trial. Without waiving this objection, attached is a
2 Cornerstone Security Group (CSG) Roster as of 5/29/21 (Def. 0187-Def. 0190). The
3 Cornerstone employees on duty at Delta Park at the time of the incident on May 29,
4 2021 were:

5 (1) Logan Gimbel, Midnight to 3 AM, 4 PM to midnight.

- 6 a. Security officer at Delta Park
- 7 b. Midnight to 3 AM, 4 PM to Midnight
- 8 c. Yes, he was responsible for providing security
- 9 d. Yes, he was armed with a weapon and had taken the required
10 certification trained to carry said weapon.
- 11 e. Yes, he had responsibility for excluding or ejecting persons from the
12 premises.

13 (2) Annafaye Simonson, Midnight to 8 AM

- 14 a. Security officer at Delta Park
- 15 b. Midnight to 8 AM
- 16 c. Yes, she was responsible for providing security
- 17 d. Yes, she was armed with a weapon and had taken the required
18 certification trained to carry said weapon.
- 19 e. Yes, she had responsibility for excluding or ejecting persons from
20 the premises.

21 (3) Killian Kuhn

- 22 a. Security officer at Delta Park
- 23 b. 8 AM to 6 PM
- 24 c. Yes, he was responsible for providing security
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- d. Yes, he was armed with a weapon and had taken the required certification trained to carry said weapon.
- e. Yes, he had responsibility for excluding or ejecting persons from the premises

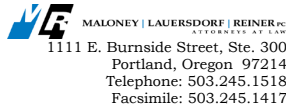
(4) Benito Mata

- a. Security officer at Delta Park assigned to Bottle Drop Line Management
- b. 8 AM to 4 PM
- c. Yes, he was responsible for providing security
- d. Yes, he was armed with a weapon and had taken the required certification trains to carry said weapon.
- e. Yes, he had responsibility for excluding or ejecting persons from the premises

REQUEST FOR PRODUCTION NO. 4. Any and all written or recorded statements made by witnesses pertaining to the subject of this lawsuit.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in anticipation of litigation and/or trial. Without waiving this objection, Defendant is not in possession of any responsive documents.

REQUEST FOR PRODUCTION NO. 5. Any and all investigation reports, charts, or diagrams made by any state agency pertaining to the incident, which gives rise to this lawsuit.



1 **RESPONSE:** Objection, seeks documents that are or would be subject to the
2 attorney-client privilege, work-product doctrine, and/or were created in anticipation
3 of litigation. Without waiving said objections, defendant is not in possession of any
4 discoverable responsive documents.

5
6 **REQUEST FOR PRODUCTION NO. 6.** Any and all investigation reports,
7 charts, or diagrams made by Cornerstone pertaining to the incident, which gives
8 rise to this lawsuit.

9 **RESPONSE:** Objection, seeks documents that are or would be subject to the
10 attorney-client privilege, work-product doctrine, and/or were created in anticipation
11 of litigation. This request seeks proprietary information and confidential
12 information. Public disclosure of such information may subject individuals to
13 oppression, annoyance, undue burden or expense. Without waiving said objections,
14 responsive documents will be produced if a protective order is in place.

15
16 **REQUEST FOR PRODUCTION NO. 7.** Any and all investigation reports,
17 charts, or diagrams made by you pertaining to the incident, which gives rise to this
18 lawsuit.

19 **RESPONSE:** Objection, seeks documents that are or would be subject to the
20 attorney-client privilege, work-product doctrine, and/or were created in anticipation
21 of litigation. Without waiving said objections, defendant is not in possession of any
22 discoverable responsive documents.

23
24 **REQUEST FOR PRODUCTION NO. 8.** Any and all state safety audits of
25 Cornerstone for the year of this incident and the three years prior.
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1 **RESPONSE:** Objection, this request is overbroad and responding would be
2 unduly burdensome, and seeks confidential and proprietary information.

3 Without waiving said objections, Defendant is not in possession of any
4 responsive documents.

5
6 **REQUEST FOR PRODUCTION NO. 9.** Any and all federal Occupational
7 Safety and Health Administration (OSHA) investigations, inspections, reviews,
8 reports, concerning Cornerstone for the year of this incident and the three years
9 prior.

10 **RESPONSE:** Objection, this request is overbroad and responding would be
11 unduly burdensome, and seeks confidential and proprietary information. Without
12 waiving said objections, Defendant is not in possession of any responsive
13 documents.

14
15 **REQUEST FOR PRODUCTION NO. 10.** Any and all Oregon Occupational
16 Safety and Health Administration (OSHA) investigations, inspections, reviews,
17 reports, concerning Cornerstone for the year of this incident and the three years
18 prior.

19 **RESPONSE:** Objection, this request is overbroad and responding would be
20 unduly burdensome, and seeks confidential and proprietary information. Without
21 waiving said objections, Defendant is not in possession of any responsive
22 documents.

23
24 **REQUEST FOR PRODUCTION NO. 11.** Any and all citations or warnings
25 Cornerstone has received in the last five (5) years from the Oregon Occupational
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1 Safety and Health Division (OR-OSHA), or the federal Occupational Safety and
2 Health Administration (OSHA).

3 **RESPONSE:** Objection, this request is overbroad and responding would be
4 unduly burdensome, and seeks confidential and proprietary information. Without
5 waiving said objections, Defendant is not in possession of any responsive
6 documents.

7
8 **REQUEST FOR PRODUCTION NO. 12.** Any and all Oregon Department
9 of Public Safety Standards and Training (DPSST) investigations, inspections,
10 reviews, reports, concerning Cornerstone for the year of this incident and the three
11 years prior.

12 **RESPONSE:** Objection. Plaintiffs request documents protected by the
13 attorney-client privilege and work product doctrine and prepared or collected in
14 anticipation of litigation and/or trial. Without waiving this objection, see attached
15 responsive documents. The redactions in this document were made by DPSST, not
16 Defendants (Def. 0191-Def. 0422).

17
18 **REQUEST FOR PRODUCTION NO. 13.** Any and all citations or warnings
19 Cornerstone has received in the last five (5) years from the Oregon Department of
20 Public Safety Standards and Training (DPSST).

21 **RESPONSE:** See Response to Request No. 12.

22
23 **REQUEST FOR PRODUCTION NO. 14.** Copies of all cell phone records
24 on the date of this incident for any telephone call, messaging or text concerning the
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1 incident between Defendant and any employee, manager, supervisor or company
2 officer of Cornerstone.

3 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
4 It seeks information for employees not at the site or in any way connected to the
5 claim. This request seeks confidential and private information. Without waiving
6 this objection, see attached responsive documents for May 29, 2021 (Def. 0423-Def.
7 0485).

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9 **REQUEST FOR PRODUCTION NO. 15.** Copies of all cell phone records
10 on the date of this incident for any telephone call, messaging or text concerning the
11 incident between Defendant and any employee, manager, supervisor or company
12 officer of Defendant TMT Development Co., LLC and/or Defendant D. Park
13 Corporation.

14 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
15 It seeks information for employees not at the site or in any way connected to the
16 claim. This request seeks confidential and private information. Without waiving
17 this objection, see Response to Request No. 14.
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19 **REQUEST FOR PRODUCTION NO. 16.** Copies of all cell phone records
20 on the date of this incident for any telephone call, messaging or text concerning the
21 incident between any employee, manager, supervisor or company officer of
22 Cornerstone and any employee, manager, supervisor or company officer or
23 Defendant TMT Development Co., LLC and/or Defendant D. Park Corporation.
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25 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
26 It seeks information for employees not at the site or in any way connected to the

1 claim. This request seeks confidential and private information. Without waiving
2 this objection, see Response to Request No. 14.

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4 **REQUEST FOR PRODUCTION NO. 17.** Copies of all communications
5 between Cornerstone and Defendant TMT Development Co., LLC and/or Defendant
6 D. Park Corporation relating to this incident or this lawsuit.

7 **RESPONSE:** Objection. This request is overly broad, encompasses
8 documents protected by the attorney-client privilege, work product doctrine and
9 encompasses documents that may have been made in anticipation of litigation.
10 Public disclosure of such information may subject individuals to oppression,
11 annoyance, undue burden or expense. Without waiving said objections, responsive
12 documents will be produced if a protective order is in place.

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14 **REQUEST FOR PRODUCTION NO. 18.** Copies of all reports,
15 correspondence or investigations provided to Defendant TMT Development Co.,
16 LLC and/or Defendant D. Park Corporation concerning the incident.

17 **RESPONSE:** Objection. This request is overly broad, encompasses
18 documents protected by the attorney-client privilege, work product doctrine and
19 encompasses documents that may have been made in anticipation of litigation.
20 Without waiving said objections, see Response to Request No. 17.

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22 **REQUEST FOR PRODUCTION NO. 19.** Any and all documents and
23 correspondence between any employee, manager, supervisor or company officer of
24 Cornerstone and any employee, manager, supervisor or company officer of Lowe's
25 Home Improvement regarding Freddy Nelson.
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1 **RESPONSE:** Objection. This request is overly broad, encompasses
2 documents protected by the attorney-client privilege, work product doctrine and
3 encompasses documents that may have been made in anticipation of litigation.
4 Without waiving these objections, see Response to Request No. 17.

6 **REQUEST FOR PRODUCTION NO. 20.** Any and all documents and
7 correspondence between any employee, manager, supervisor or company officer of
8 Cornerstone and any employee, manager, supervisor or company officer of Lowe’s
9 Home Improvement regarding Plaintiff Kari Nelson.

10 **RESPONSE:** Objection. This request is overly broad, encompasses
11 documents protected by the attorney-client privilege, work product doctrine and
12 encompasses documents that may have been made in anticipation of litigation.
13 Without waiving these objections, Defendant is not in possession of any responsive
14 documents.

16 **REQUEST FOR PRODUCTION NO. 21.** Any and all documents referring
17 to Freddy Nelson by you prior to the “incident.”

18 **RESPONSE:** Objection. This request is overly broad, encompasses
19 documents protected by the attorney-client privilege, work product doctrine and
20 encompasses documents that may have been made in anticipation of litigation.
21 Without waiving said objections, see Response to Request No. 17.

24 **REQUEST FOR PRODUCTION NO. 22.** Any and all documents
25 (including emails and company publications) referring to Freddy Nelson by
26 Cornerstone and its employees prior to the “incident.”

1 **RESPONSE:** Objection. This request is overly broad, encompasses
2 documents protected by the attorney-client privilege, work product doctrine and
3 encompasses documents that may have been made in anticipation of litigation.
4 Without waiving said objections, see attached responsive documents as well as
5 Response to Request No. 17 (Def. 0486-Def. 0510).

6
7 **REQUEST FOR PRODUCTION NO. 23.** Any and all documents referring
8 to Kari Nelson by you prior to the “incident.”

9 **RESPONSE:** Objection. This request seeks information that is proprietary
10 or confidential in nature. Without waiving any objection, Defendant is not in
11 possess of any responsive documents.

12
13 **REQUEST FOR PRODUCTION NO. 24.** Any and all documents
14 (including emails and company publications) referring to Kari Nelson by
15 Cornerstone and its employees prior to the “incident.”

16 **RESPONSE:** See Response to Request No. 23.

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18 **REQUEST FOR PRODUCTION NO. 25.** Any and all documents
19 concerning “BOLO,” “Be On The Lookout,” “Trespass Orders,” “Excluded Orders” or
20 any other means employed by Cornerstone to exclude individuals from the premises
21 its employees patrolled.

22 **RESPONSE:** Objection. Plaintiffs request documents protected by the
23 attorney-client privilege and work product doctrine and prepared or collected in
24 anticipation of litigation and/or trial. This request is overbroad and unduly
25 burdensome and seeks documents not relevant to any claim or defense. Public
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1 disclosure of such information may subject individuals to oppression, annoyance,
2 undue burden or expense. Without waiving said objections, responsive documents
3 regarding Delta Park will be produced if a protective order is in place.
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5 **REQUEST FOR PRODUCTION NO. 26.** Any and all documents that
6 reference or were used in the creation of the “Excluded 1 year” document created
7 Monday, April 12th, 2021, at 4:46 p.m. by Patrick Storms, including the original
8 document itself.

9 **RESPONSE:** Objection. Plaintiffs request documents protected by the
10 attorney-client privilege and work product doctrine and prepared or collected in
11 anticipation of litigation and/or trial. This request seeks information that is
12 proprietary and confidential. Without waiving this objection, see Responses to
13 Requests No. 17, 22 and 25.
14

15 **REQUEST FOR PRODUCTION NO. 27.** Any and all documents
16 evidencing the true identity of the individual referred to as “Patrick Storms” in the
17 document created Monday, April 12th, 2021, at 4:46 p.m. by Patrick Storms,
18 including his legal name, addresses, telephone numbers, date of birth, social
19 security number, and places of employment.

20 **RESPONSE:** Defendant objects to this request on the grounds that it is
21 neither relevant nor reasonably calculated to lead to the discovery of admissible
22 evidence. This request is also overly intrusive, seeks private and confidential
23 information and is irrelevant to any claim or defense. See also Response to Request
24 No. 38.
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1 **REQUEST FOR PRODUCTION NO. 28.** Any and all training materials,
2 safety manuals and/or policy documents provided to your managers, assistant
3 managers, employees, agents, and/or independent contractors during the five-year
4 period before the “incident” that pertain to the safety standards and protocol for
5 security of the premises.

6 **RESPONSE:** Defendant objects to this request on the grounds that it is
7 neither relevant nor reasonably calculated to lead to the discovery of admissible
8 evidence. This request is overbroad and unduly burdensome. Plaintiffs request
9 documents protected by the attorney-client privilege and work product doctrine and
10 prepared or collected in anticipation of litigation. Without waiving said objections,
11 Responsive documents are enclosed (Def. 0511-Def. 1012).

12
13 **REQUEST FOR PRODUCTION NO. 29.** Any and all documents provided
14 to your managers, assistant managers, employees, agents, and/or independent
15 contractors during the five-year period before the “incident” that reference the
16 Oregon Armed Officer’s Training Manual.

17 **RESPONSE:** See Response to Request No. 28.

18
19 **REQUEST FOR PRODUCTION NO. 30.** Any and all marketing materials
20 or advertisements published for the purpose of soliciting Cornerstone Security
21 Group’s services.

22 **RESPONSE:** Defendant objects to this request on the grounds that it is
23 neither relevant nor reasonably calculated to lead to the discovery of admissible
24 evidence. This request is overbroad and unduly burdensome. Plaintiffs request
25 documents protected by the attorney-client privilege and work product doctrine and
26 prepared or collected in anticipation of litigation. Without waiving said objections,

1 Defendants' only advertisements are the company's website
2 at www.cornerstonesecurity.net

3
4 **REQUEST FOR PRODUCTION NO. 31.** All documents, instructions, or
5 training materials given to Cornerstone's agents or employees who worked at the
6 premises regarding de-escalation training.

7 **RESPONSE:** See Response to Request No. 28.

8
9 **REQUEST FOR PRODUCTION NO. 32.** All documents, instructions, or
10 training materials given to Cornerstone's agents or employees who worked at the
11 premises regarding the use of firearms.

12 **RESPONSE:** See Response to Request No. 28.

13
14 **REQUEST FOR PRODUCTION NO. 33.** All documents, instructions, or
15 training materials given to Cornerstone's agents or employees who worked at the
16 premises regarding the use of pepper spray.

17 **RESPONSE:** See Response to Request No. 28.

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19
20 **REQUEST FOR PRODUCTION NO. 34.** Any and all documents relating
21 to Logan Gimbel's entire course of employment.

22 **RESPONSE:** Objection. Plaintiffs request documents protected by the
23 attorney-client privilege and work product doctrine and prepared or collected in
24 anticipation of litigation and/or trial. This request seeks private, confidential, or
25 other personal information. Public disclosure of such information may subject
26 individuals to oppression, annoyance, undue burden or expense. Without waiving

1 said objections, responsive documents will be produced if a protective order is in
2 place.

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4 **REQUEST FOR PRODUCTION NO. 35.** Any and all documents relating
5 to Robert Steele’s entire course of employment.

6 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
7 to the claim or defense of any party. This request seeks documents that are private
8 and confidential. This request seeks private, confidential, or other personal
9 information. This request is overbroad and unduly burdensome.
10 Public disclosure of such information may subject individuals to oppression,
11 annoyance, undue burden or expense. Without waiving said objections, responsive
12 documents will be produced if a protective order is in place.

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14 **REQUEST FOR PRODUCTION NO. 36.** Any and all documents relating
15 to John Harris’ entire course of employment.

16 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
17 to the claim or defense of any party. This request seeks documents that are private
18 and confidential. This request seeks private, confidential, or other personal
19 information. This request is overbroad and unduly burdensome.
20 Public disclosure of such information may subject individuals to oppression,
21 annoyance, undue burden or expense. Without waiving said objections, responsive
22 documents will be produced if a protective order is in place.

23
24 **REQUEST FOR PRODUCTION NO. 37.** Any and all documents relating
25 to Patrick Cottman’s entire course of employment.

26 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant

1 to the claim or defense of any party. This request seeks documents that are private
2 and confidential. This request seeks private, confidential, or other personal
3 information. This request is overbroad and unduly burdensome. Public disclosure of
4 such information may subject individuals to oppression, annoyance, undue burden
5 or expense. Without waiving said objections, responsive documents will be
6 produced if a protective order is in place.

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8 **REQUEST FOR PRODUCTION NO. 38.** Any and all documents relating
9 to Patrick Storm's entire course of employment.

10 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
11 to the claim or defense of any party. This request seeks documents that are private
12 and confidential. This request seeks private, confidential, or other personal
13 information. This request is overbroad and unduly burdensome. Public disclosure of
14 such information may subject individuals to oppression, annoyance, undue burden
15 or expense. Without waiving said objections, responsive documents will be
16 produced if a protective order is in place.

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18 **REQUEST FOR PRODUCTION NO. 39.** Any and all documents relating
19 to Jennifer Voigt's entire course of employment.

20 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
21 to the claim or defense of any party. This request is not likely to lead to the
22 discovery of admissible evidence. This request seeks documents that are private and
23 confidential. This request is overbroad and unduly burdensome.

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25 **REQUEST FOR PRODUCTION NO. 40.** Any and all documents relating
26 to the use of AR-15-style rifles by Defendant's employees.

PAGE 17 – DEFENDANT MATTHEW CADY'S RESPONSE TO PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION

1 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
2 to the claim or defense of any party and not likely to lead to the discovery of any
3 admissible evidence.

4 **REQUEST FOR PRODUCTION NO. 41.** Any and all documents and
5 correspondences relating to the contractual relationship between Cornerstone
6 Security Group, D. Park, and/or TMT Development Co.

7 **RESPONSE:** Objection. Plaintiffs request documents protected by the
8 attorney-client privilege and work product doctrine and prepared or collected in
9 anticipation of litigation and/or trial. This request seeks information that is
10 proprietary, trade secret information, or is otherwise confidential. Without waiving
11 said objections, responsive documents will be produced if a protective order is in
12 place.

13
14 **REQUEST FOR PRODUCTION NO. 42.** Any and all documents and
15 correspondence between Cornerstone Security Group and D. Park or TMT
16 Development Co and their agents or employees concerning the use of security.

17 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
18 to the claim or defense of any party. This request seeks documents that are private
19 and confidential. This request is overbroad and unduly burdensome.
20 Without waiving this objection, Defendants have produced correspondence related
21 to Freddy Nelson, Kari Nelson, the incident, and relevant contracts.

22
23 **REQUEST FOR PRODUCTION NO. 43.** Any and all documents and
24 correspondence between Cornerstone Security Group, BottleDrop, BottleDrop
25 Oregon Redemption Center, BottleDrop Give, BottleDrop Refill, BottleDrop Plastic,
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1 BottleDrop Express, and/or the Oregon Beverage Recycling Cooperative and their
2 agents or employees concerning the use of security at the Delta Park Complex.

3 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
4 to the claim or defense of any party and not likely to lead to admissible evidence.
5 This request seeks documents that are private and confidential. This request is
6 overbroad and unduly burdensome.

7
8 **REQUEST FOR PRODUCTION NO. 44.** Any and all documents and
9 correspondence between Cornerstone Security Group, Lowe’s Companies, Inc.
10 Lowe’s Home Centers, Inc., Lowe’s Home Centers, LLC, and their agents or
11 employees concerning the use of security at the Delta Park Complex.

12 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
13 to the claim or defense of any party. This request seeks documents that are private
14 and confidential. This request is overbroad and unduly burdensome.
15 Without waiving this objection, Defendants have produced correspondence related
16 to Freddy Nelson, Kari Nelson, and the incident – see Responses to Requests No. 17
17 and 25.

18
19 **REQUEST FOR PRODUCTION NO. 45.** Any and all documents and
20 correspondence between Cornerstone Security Group, Dick’s Sporting Goods, Inc.,
21 and their agents or employees concerning the use of security at the Delta Park
22 Complex.

23 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
24 to the claim or defense of any party and unlikely to lead to the discovery of
25 admissible evidence. This request seeks documents that are private and
26 confidential. This request is overbroad and unduly burdensome.

1 **REQUEST FOR PRODUCTION NO. 46.** All Documents related to any
2 firearm certification, permits, and training courses obtained/funded by Cornerstone
3 Security Group and any of its employees, agents, and/or independent contractors.

4 **RESPONSE:** Objection. Plaintiffs request documents protected by the
5 attorney-client privilege and work product doctrine and prepared or collected in
6 anticipation of litigation and/or trial. Without waiving this objection, see attached
7 responsive documents as well as Response to Request No. 28 (Def. 1013-Def. 1014).

8
9 **REQUEST FOR PRODUCTION NO. 47.** All Documents reflecting steps
10 taken or policies implemented by Cornerstone Security Group to ensure its
11 employees, agents, and/or independent contractors were licensed to work as armed
12 private security professionals.

13 **RESPONSE:** Objection. Plaintiffs request documents protected by the
14 attorney-client privilege and work product doctrine and prepared or collected in
15 anticipation of litigation and/or trial. Without waiving this objection, see Responses
16 to Requests No. 28 and 46.

17
18 **REQUEST FOR PRODUCTION NO. 48.** Any and all documents
19 (including e-mails) generated prior to May 29, 2021 discussing Logan Gimbel's
20 training or certification to work as an armed security professional.

21 **RESPONSE:** Objection. Plaintiffs request documents protected by the
22 attorney-client privilege and work product doctrine and prepared or collected in
23 anticipation of litigation and/or trial. Without waiving said objections, see
24 Responses to Requests No. 34 and 46.

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REQUEST FOR PRODUCTION NO. 49. Any and all documents

(including e-mails) generated after May 29, 2021 discussing Logan Gimbel’s training or certification to work as an armed security professional.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in anticipation of litigation and/or trial. Without waiving this objection, Defendant is not in possession of any responsive documents other than those produced in Responses to Requests No. 34 and 46.

REQUEST FOR PRODUCTION NO. 50. Any and all documents

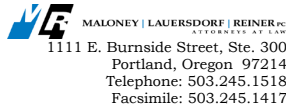
(including e-mails) generated prior to May 29, 2021 discussing Logan Gimbel’s training or certification to work as an unarmed security professional.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in anticipation of litigation and/or trial. Without waiving this objection, Defendant does not have any responsive documents.

REQUEST FOR PRODUCTION NO. 51. Any and all documents

(including e-mails) generated after May 29, 2021 discussing Logan Gimbel’s training or certification to work as an unarmed security professional.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in anticipation of litigation and/or trial. Without waiving this objection, Defendant does not have any responsive documents.



1 **REQUEST FOR PRODUCTION NO. 52.** All documents related to any
2 reprimands, discharge, or other punishment of any agent or employee of
3 Cornerstone Security prior to May 29, 2021 for misconduct while on duty as a
4 security guard, and if so, state (a) the identity of the person(s) reprimanded,
5 discharged.

6 **RESPONSE:** Objection. Plaintiffs request documents protected by the
7 attorney-client privilege and work product doctrine and prepared or collected in
8 anticipation of litigation and/or trial. Plaintiffs request documents that are not
9 relevant to the claim or defense of any party. This request seeks documents that
10 are private and confidential. This request is overbroad and unduly burdensome.
11 Without waiving this objection, see Response to Request No. 12.

12
13 **REQUEST FOR PRODUCTION NO. 53.** All video or photos taken at the
14 site of the incident, specifically in the Lowe's Home Improvement Store lot.

15 **RESPONSE:** Defendant is not in possession of any responsive documents.
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17 **REQUEST FOR PRODUCTION NO. 54.** All videos that depict Freddy
18 Nelson.

19 **RESPONSE:** Objection. This request encompasses documents protected by
20 the attorney/client privilege, work product doctrine and encompasses documents
21 that may have been made in anticipation of litigation. Without waiving said
22 objections, see attached responsive video (Def. 1015).

23
24 **REQUEST FOR PRODUCTION NO. 55.** A copy of all video footage
25 recorded at Delta Park on May 29, 2021.

26 **RESPONSE:** Defendant is not in possession of any responsive documents.

1 **REQUEST FOR PRODUCTION NO. 56.** Any and all documents
2 (including e-mails) written from May 29, 2021, to the present referring to,
3 concerning, or describing the incident.

4 **RESPONSE:** Defendant objects to this request on the grounds that it is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible
6 evidence. Further, this request seeks documents that are or would be subject to
7 attorney-client privilege, work product doctrine, and/or were created in anticipated
8 of litigation.

9
10 **REQUEST FOR PRODUCTION NO. 57.** A list of or any and all
11 documents reflecting the names, addresses, and/or phone numbers of those who
12 have experienced physical altercations involving Cornerstone Security Group
13 employees in the past ten (10) years.

14 **RESPONSE:** Defendant objects to this request on the grounds that it is
15 neither relevant nor reasonably calculated to lead to the discovery of admissible
16 evidence. This request seeks documents that are private and confidential. This
17 request is overbroad and unduly burdensome. Without waiving said objections, see
18 Response to Request No. 25.

19
20 **REQUEST FOR PRODUCTION NO. 58.** Copies of all documents,
21 including, but not limited to, all reports, citations, warnings, correspondence,
22 emails, and notes concerning the actions of Cornerstone Security Group's services
23 on the premises by any private company or local, state or federal agency in the ten
24 year period prior to this request.

25 **RESPONSE:** Defendant objects to this request on the grounds that it is
26 neither relevant nor reasonably calculated to lead to the discovery of admissible

1 evidence. This request seeks documents that are private and confidential. This
2 request is overbroad and unduly burdensome.

3
4 **REQUEST FOR PRODUCTION NO. 59.** Any and all documents
5 (including correspondence) written to, from, or by Plaintiff, decedent Freddy Nelson,
6 or their family members.

7 **RESPONSE:** Defendant is not in possession of any responsive documents.

8
9 **REQUEST FOR PRODUCTION NO. 60.** A list of and/or all documents
10 reflecting the names, addresses, and/or phone numbers of all other witnesses and/or
11 potential witnesses to the incident or its aftermath.

12 **RESPONSE:** Objection. Plaintiffs request documents protected by the
13 attorney-client privilege and work product doctrine and prepared or collected in
14 anticipation of litigation and/or trial. Without waiving this objection, Defendant is
15 not in possession of any responsive documents.

16
17 **REQUEST FOR PRODUCTION NO. 61.** All documents reflecting your
18 location and activities on January 6, 2021.

19 **RESPONSE:** Defendant objects to this request on the grounds that it is
20 neither relevant nor reasonably calculated to lead to the discovery of admissible
21 evidence. This request is overbroad and unduly burdensome. This request is
22 intended to annoy, embarrass, or oppress defendant.

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DATED this 1st day of September, 2022

MALONEY LAUERSDORF REINER, PC



By: _____
Katie D. Buxman, OSB #061452
Email: kb@mlrlegalteam.com
Candice J. Martin, OSB #106141
Email: cjm@mlrlegalteam.com
Of Attorneys for Defendants Matthew Cady, Jeffrey James, TJ Lathrom, dba Cornerstone Security Group

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing ***DEFENDANT MATTHEW CADY'S***
RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION on:

Thomas D'Amore
Ben Turner
D'Amore Law Group
4230 Galewood St Ste 200
Lake Oswego OR 97035
tom@damorelaw.com
ben@damorelaw.com
Of Attorneys for Plaintiffs

Mr. Carey Caldwell
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1000 SW Broadway Ste 2000
Portland OR 97205
cpc@hartwagner.com
Of Attorneys for Defendants TMT & D. Park

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Shayna Rogers
Cosgrave Vergeer Kester LLP
900 SW 5th Ave Fl 24
Portland OR 97204
aburns@cosgravelaw.com
srogers@cosgravelaw.com
along@cosgravelaw.com

Kirsten L. Curtis
Thenell Law Group
12909 SW 68th Pkwy Ste 290
Portland OR 97223
kirsten@thenelllawgroup.com
Of Attorneys for Logan Gimbel

by the following indicated method or methods:

by mailing to the foregoing a copy (or original) thereof, placed in a sealed envelope addressed as listed above and deposited in the United States mail at Portland, Oregon, and that postage thereon was fully prepaid.

by email transmission to the foregoing of a copy thereof.

DATED this 1st day of September, 2022.

MALONEY LAUERSDORF REINER, PC

By: _____
Katie D. Buxman, OSB #061452
Candice J. Martin, OSB #106141
Of Attorneys for Defendants Matthew Cady, Jeffrey James, TJ Lathrom, dba Cornerstone Security Group

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

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

Plaintiffs,

vs.

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

Defendants.

Case No. 21CV40742

DEFENDANT JEFFREY JAMES'
RESPONSE TO PLAINTIFF'S FIRST
REQUEST FOR PRODUCTION

Pursuant to ORCP 36 and ORCP 45, Defendant Jeffrey James herein after
referred to as "Defendant" responds to Plaintiff's First Request for Production of
Documents as follows:

PRELIMINARY OBJECTIONS

Defendant makes the following Preliminary Objections, whether or not such
objections are separately set forth in response to each request.

1. Defendant objects to the extent that Plaintiff seeks to impose any

1 obligation other than those contained the Oregon Rules of Civil Procedure.

2 2. Defendant objects to each definition, instruction and request to the
3 extent that it calls for production of documents and information protected by the
4 attorney-client privilege, the work product doctrine or any other applicable privilege.
5 Defendant does not intend to produce any such documents or information except as
6 ordered by the Court and does not waive any applicable privileges with respect to any
7 such documents or information that are inadvertently produced.
8

9 3. Defendant also reserves the right to redact documents that it produces to
10 limit the disclosure of such information.
11

12 4. Defendant objects to each definition, instruction, and request to the
13 extent that it calls for Defendants to search or produce documents not in the direct
14 possession, custody or control of Defendant, his agents, employees or representatives.
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RESPONSES TO REQUESTS

REQUEST FOR PRODUCTION NO. 1. All documents evidencing any fictitious names or other names Jeffrey James or Cornerstone Security Group have used in the past ten (10) years.

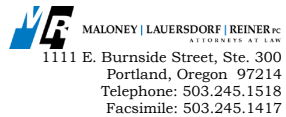
RESPONSE: Defendant is not in possession of any responsive documents.

REQUEST FOR PRODUCTION NO. 2. Any and all documents relating to insurance coverage, including each insurance policy or agreement that may satisfy part or all of a judgment entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, including, but not limited to the complete insurance policy contract and declaration page for each.

RESPONSE: Attached are copies of the policies responsive to this Request (Def. 0001-Def. 0186).

REQUEST FOR PRODUCTION NO. 3. A list of all employees of Cornerstone who were at Delta Park on May 29, 2021 and a description of each person's (a) duties; (b) hours during which the person was present at the premises; (c) whether the person had any responsibility for providing security on the property; (d) whether or not the person was armed with a weapon and what if any certification that person had to carry said weapon; (e) whether that person had any responsibility for excluding or ejecting persons from the premises, and if so, what that person's responsibility was in that regard.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in



1 anticipation of litigation and/or trial. Without waiving this objection, attached is a
2 Cornerstone Security Group (CSG) Roster as of 5/29/21 (Def. 0187-Def. 0190). The
3 Cornerstone employees on duty at Delta Park at the time of the incident on May 29,
4 2021 were:

5 (1) Logan Gimbel, Midnight to 3 AM, 4 PM to midnight.

- 6 a. Security officer at Delta Park
- 7 b. Midnight to 3 AM, 4 PM to Midnight
- 8 c. Yes, he was responsible for providing security
- 9 d. Yes, he was armed with a weapon and had taken the required
10 certification trained to carry said weapon.
- 11 e. Yes, he had responsibility for excluding or ejecting persons from the
12 premises.

13 (2) Annafaye Simonson, Midnight to 8 AM

- 14 a. Security officer at Delta Park
- 15 b. Midnight to 8 AM
- 16 c. Yes, she was responsible for providing security
- 17 d. Yes, she was armed with a weapon and had taken the required
18 certification trained to carry said weapon.
- 19 e. Yes, she had responsibility for excluding or ejecting persons from
20 the premises.

21 (3) Killian Kuhn

- 22 a. Security officer at Delta Park
- 23 b. 8 AM to 6 PM
- 24 c. Yes, he was responsible for providing security
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- d. Yes, he was armed with a weapon and had taken the required certification trained to carry said weapon.
- e. Yes, he had responsibility for excluding or ejecting persons from the premises

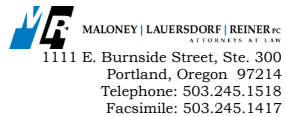
(4) Benito Mata

- a. Security officer at Delta Park assigned to Bottle Drop Line Management
- b. 8 AM to 4 PM
- c. Yes, he was responsible for providing security
- d. Yes, he was armed with a weapon and had taken the required certification trains to carry said weapon.
- e. Yes, he had responsibility for excluding or ejecting persons from the premises

REQUEST FOR PRODUCTION NO. 4. Any and all written or recorded statements made by witnesses pertaining to the subject of this lawsuit.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in anticipation of litigation and/or trial. Without waiving this objection, Defendant is not in possession of any responsive documents.

REQUEST FOR PRODUCTION NO. 5. Any and all investigation reports, charts, or diagrams made by any state agency pertaining to the incident, which gives rise to this lawsuit.



1 **RESPONSE:** Objection, seeks documents that are or would be subject to the
2 attorney-client privilege, work-product doctrine, and/or were created in anticipation
3 of litigation. Without waiving said objections, defendant is not in possession of any
4 discoverable responsive documents.

5
6 **REQUEST FOR PRODUCTION NO. 6.** Any and all investigation reports,
7 charts, or diagrams made by Cornerstone pertaining to the incident, which gives
8 rise to this lawsuit.

9 **RESPONSE:** Objection, seeks documents that are or would be subject to the
10 attorney-client privilege, work-product doctrine, and/or were created in anticipation
11 of litigation. This request seeks proprietary information and confidential
12 information. Public disclosure of such information may subject individuals to
13 oppression, annoyance, undue burden or expense. Without waiving said objections,
14 responsive documents will be produced if a protective order is in place.

15
16 **REQUEST FOR PRODUCTION NO. 7.** Any and all investigation reports,
17 charts, or diagrams made by you pertaining to the incident, which gives rise to this
18 lawsuit.

19 **RESPONSE:** Objection, seeks documents that are or would be subject to the
20 attorney-client privilege, work-product doctrine, and/or were created in anticipation
21 of litigation. Without waiving said objections, defendant is not in possession of any
22 discoverable responsive documents.

23
24 **REQUEST FOR PRODUCTION NO. 8.** Any and all state safety audits of
25 Cornerstone for the year of this incident and the three years prior.
26

1 **RESPONSE:** Objection, this request is overbroad and responding would be
2 unduly burdensome, and seeks confidential and proprietary information.

3 Without waiving said objections, Defendant is not in possession of any
4 responsive documents.

5
6 **REQUEST FOR PRODUCTION NO. 9.** Any and all federal Occupational
7 Safety and Health Administration (OSHA) investigations, inspections, reviews,
8 reports, concerning Cornerstone for the year of this incident and the three years
9 prior.

10 **RESPONSE:** Objection, this request is overbroad and responding would be
11 unduly burdensome, and seeks confidential and proprietary information. Without
12 waiving said objections, Defendant is not in possession of any responsive
13 documents.

14
15 **REQUEST FOR PRODUCTION NO. 10.** Any and all Oregon Occupational
16 Safety and Health Administration (OSHA) investigations, inspections, reviews,
17 reports, concerning Cornerstone for the year of this incident and the three years
18 prior.

19 **RESPONSE:** Objection, this request is overbroad and responding would be
20 unduly burdensome, and seeks confidential and proprietary information. Without
21 waiving said objections, Defendant is not in possession of any responsive
22 documents.

23
24 **REQUEST FOR PRODUCTION NO. 11.** Any and all citations or warnings
25 Cornerstone has received in the last five (5) years from the Oregon Occupational
26

1 Safety and Health Division (OR-OSHA), or the federal Occupational Safety and
2 Health Administration (OSHA).

3 **RESPONSE:** Objection, this request is overbroad and responding would be
4 unduly burdensome, and seeks confidential and proprietary information. Without
5 waiving said objections, Defendant is not in possession of any responsive
6 documents.

7
8 **REQUEST FOR PRODUCTION NO. 12.** Any and all Oregon Department
9 of Public Safety Standards and Training (DPSST) investigations, inspections,
10 reviews, reports, concerning Cornerstone for the year of this incident and the three
11 years prior.

12 **RESPONSE:** Objection. Plaintiffs request documents protected by the
13 attorney-client privilege and work product doctrine and prepared or collected in
14 anticipation of litigation and/or trial. Without waiving this objection, see attached
15 responsive documents. The redactions in this document were made by DPSST, not
16 Defendants (Def. 0191-Def. 0422).

17
18 **REQUEST FOR PRODUCTION NO. 13.** Any and all citations or warnings
19 Cornerstone has received in the last five (5) years from the Oregon Department of
20 Public Safety Standards and Training (DPSST).

21 **RESPONSE:** See Response to Request No. 12.

22
23 **REQUEST FOR PRODUCTION NO. 14.** Copies of all cell phone records
24 on the date of this incident for any telephone call, messaging or text concerning the
25
26

1 incident between Defendant and any employee, manager, supervisor or company
2 officer of Cornerstone.

3 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
4 It seeks information for employees not at the site or in any way connected to the
5 claim. This request seeks confidential and private information. Without waiving
6 this objection, see attached responsive documents for May 29, 2021 (Def. 0423-Def.
7 0485).

8
9 **REQUEST FOR PRODUCTION NO. 15.** Copies of all cell phone records
10 on the date of this incident for any telephone call, messaging or text concerning the
11 incident between Defendant and any employee, manager, supervisor or company
12 officer of Defendant TMT Development Co., LLC and/or Defendant D. Park
13 Corporation.

14 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
15 It seeks information for employees not at the site or in any way connected to the
16 claim. This request seeks confidential and private information. Without waiving
17 this objection, see Response to Request No. 14.
18

19
20 **REQUEST FOR PRODUCTION NO. 16.** Copies of all cell phone records
21 on the date of this incident for any telephone call, messaging or text concerning the
22 incident between any employee, manager, supervisor or company officer of
23 Cornerstone and any employee, manager, supervisor or company officer or
24 Defendant TMT Development Co., LLC and/or Defendant D. Park Corporation.

25 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
26 It seeks information for employees not at the site or in any way connected to the

1 claim. This request seeks confidential and private information. Without waiving
2 this objection, see Response to Request No. 14.

3
4 **REQUEST FOR PRODUCTION NO. 17.** Copies of all communications
5 between Cornerstone and Defendant TMT Development Co., LLC and/or Defendant
6 D. Park Corporation relating to this incident or this lawsuit.

7 **RESPONSE:** Objection. This request is overly broad, encompasses
8 documents protected by the attorney-client privilege, work product doctrine and
9 encompasses documents that may have been made in anticipation of litigation.
10 Public disclosure of such information may subject individuals to oppression,
11 annoyance, undue burden or expense. Without waiving said objections, responsive
12 documents will be produced if a protective order is in place.

13
14 **REQUEST FOR PRODUCTION NO. 18.** Copies of all reports,
15 correspondence or investigations provided to Defendant TMT Development Co.,
16 LLC and/or Defendant D. Park Corporation concerning the incident.

17 **RESPONSE:** Objection. This request is overly broad, encompasses
18 documents protected by the attorney-client privilege, work product doctrine and
19 encompasses documents that may have been made in anticipation of litigation.
20 Without waiving said objections, see Response to Request No. 17.

21
22 **REQUEST FOR PRODUCTION NO. 19.** Any and all documents and
23 correspondence between any employee, manager, supervisor or company officer of
24 Cornerstone and any employee, manager, supervisor or company officer of Lowe's
25 Home Improvement regarding Freddy Nelson.
26

1 **RESPONSE:** Objection. This request is overly broad, encompasses
2 documents protected by the attorney-client privilege, work product doctrine and
3 encompasses documents that may have been made in anticipation of litigation.
4 Without waiving these objections, see Response to Request No. 17.

6 **REQUEST FOR PRODUCTION NO. 20.** Any and all documents and
7 correspondence between any employee, manager, supervisor or company officer of
8 Cornerstone and any employee, manager, supervisor or company officer of Lowe’s
9 Home Improvement regarding Plaintiff Kari Nelson.

10 **RESPONSE:** Objection. This request is overly broad, encompasses
11 documents protected by the attorney-client privilege, work product doctrine and
12 encompasses documents that may have been made in anticipation of litigation.
13 Without waiving these objections, Defendant is not in possession of any responsive
14 documents.

16 **REQUEST FOR PRODUCTION NO. 21.** Any and all documents referring
17 to Freddy Nelson by you prior to the “incident.”

18 **RESPONSE:** Objection. This request is overly broad, encompasses
19 documents protected by the attorney-client privilege, work product doctrine and
20 encompasses documents that may have been made in anticipation of litigation.
21 Without waiving said objections, see Response to Request No. 17.

24 **REQUEST FOR PRODUCTION NO. 22.** Any and all documents
25 (including emails and company publications) referring to Freddy Nelson by
26 Cornerstone and its employees prior to the “incident.”

1 **RESPONSE:** Objection. This request is overly broad, encompasses
2 documents protected by the attorney-client privilege, work product doctrine and
3 encompasses documents that may have been made in anticipation of litigation.
4 Without waiving said objections, see attached responsive documents as well as
5 Response to Request No. 17 (Def. 0486-Def. 0510).

6
7 **REQUEST FOR PRODUCTION NO. 23.** Any and all documents referring
8 to Kari Nelson by you prior to the “incident.”

9 **RESPONSE:** Objection. This request seeks information that is proprietary
10 or confidential in nature. Without waiving any objection, Defendant is not in
11 possess of any responsive documents.

12
13 **REQUEST FOR PRODUCTION NO. 24.** Any and all documents
14 (including emails and company publications) referring to Kari Nelson by
15 Cornerstone and its employees prior to the “incident.”

16 **RESPONSE:** See Response to Request No. 23.

17
18 **REQUEST FOR PRODUCTION NO. 25.** Any and all documents
19 concerning “BOLO,” “Be On The Lookout,” “Trespass Orders,” “Excluded Orders” or
20 any other means employed by Cornerstone to exclude individuals from the premises
21 its employees patrolled.

22 **RESPONSE:** Objection. Plaintiffs request documents protected by the
23 attorney-client privilege and work product doctrine and prepared or collected in
24 anticipation of litigation and/or trial. This request is overbroad and unduly
25 burdensome and seeks documents not relevant to any claim or defense. Public
26

1 disclosure of such information may subject individuals to oppression, annoyance,
2 undue burden or expense. Without waiving said objections, responsive documents
3 regarding Delta Park will be produced if a protective order is in place.
4

5 **REQUEST FOR PRODUCTION NO. 26.** Any and all documents that
6 reference or were used in the creation of the “Excluded 1 year” document created
7 Monday, April 12th, 2021, at 4:46 p.m. by Patrick Storms, including the original
8 document itself.

9 **RESPONSE:** Objection. Plaintiffs request documents protected by the
10 attorney-client privilege and work product doctrine and prepared or collected in
11 anticipation of litigation and/or trial. This request seeks information that is
12 proprietary and confidential. Without waiving this objection, see Responses to
13 Requests No. 17, 22 and 25.
14

15 **REQUEST FOR PRODUCTION NO. 27.** Any and all documents
16 evidencing the true identity of the individual referred to as “Patrick Storms” in the
17 document created Monday, April 12th, 2021, at 4:46 p.m. by Patrick Storms,
18 including his legal name, addresses, telephone numbers, date of birth, social
19 security number, and places of employment.

20 **RESPONSE:** Defendant objects to this request on the grounds that it is
21 neither relevant nor reasonably calculated to lead to the discovery of admissible
22 evidence. This request is also overly intrusive, seeks private and confidential
23 information and is irrelevant to any claim or defense. See also Response to Request
24 No. 38.
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1 **REQUEST FOR PRODUCTION NO. 28.** Any and all training materials,
2 safety manuals and/or policy documents provided to your managers, assistant
3 managers, employees, agents, and/or independent contractors during the five-year
4 period before the “incident” that pertain to the safety standards and protocol for
5 security of the premises.

6 **RESPONSE:** Defendant objects to this request on the grounds that it is
7 neither relevant nor reasonably calculated to lead to the discovery of admissible
8 evidence. This request is overbroad and unduly burdensome. Plaintiffs request
9 documents protected by the attorney-client privilege and work product doctrine and
10 prepared or collected in anticipation of litigation. Without waiving said objections,
11 Responsive documents are enclosed (Def. 0511-Def. 1012).

12
13 **REQUEST FOR PRODUCTION NO. 29.** Any and all documents provided
14 to your managers, assistant managers, employees, agents, and/or independent
15 contractors during the five-year period before the “incident” that reference the
16 Oregon Armed Officer’s Training Manual.

17 **RESPONSE:** See Response to Request No. 28.

18
19 **REQUEST FOR PRODUCTION NO. 30.** Any and all marketing materials
20 or advertisements published for the purpose of soliciting Cornerstone Security
21 Group’s services.

22 **RESPONSE:** Defendant objects to this request on the grounds that it is
23 neither relevant nor reasonably calculated to lead to the discovery of admissible
24 evidence. This request is overbroad and unduly burdensome. Plaintiffs request
25 documents protected by the attorney-client privilege and work product doctrine and
26 prepared or collected in anticipation of litigation. Without waiving said objections,

1 Defendants' only advertisements are the company's website at
2 www.cornerstonesecurity.net

3
4 **REQUEST FOR PRODUCTION NO. 31.** All documents, instructions, or
5 training materials given to Cornerstone's agents or employees who worked at the
6 premises regarding de-escalation training.

7 **RESPONSE:** See Response to Request No. 28.

8
9 **REQUEST FOR PRODUCTION NO. 32.** All documents, instructions, or
10 training materials given to Cornerstone's agents or employees who worked at the
11 premises regarding the use of firearms.

12 **RESPONSE:** See Response to Request No. 28.

13
14 **REQUEST FOR PRODUCTION NO. 33.** All documents, instructions, or
15 training materials given to Cornerstone's agents or employees who worked at the
16 premises regarding the use of pepper spray.

17 **RESPONSE:** See Response to Request No. 28.

18
19
20 **REQUEST FOR PRODUCTION NO. 34.** Any and all documents relating
21 to Logan Gimbel's entire course of employment.

22 **RESPONSE:** Objection. Plaintiffs request documents protected by the
23 attorney-client privilege and work product doctrine and prepared or collected in
24 anticipation of litigation and/or trial. This request seeks private, confidential, or
25 other personal information. Public disclosure of such information may subject
26 individuals to oppression, annoyance, undue burden or expense. Without waiving

1 said objections, responsive documents will be produced if a protective order is in
2 place.

3
4 **REQUEST FOR PRODUCTION NO. 35.** Any and all documents relating
5 to Robert Steele’s entire course of employment.

6 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
7 to the claim or defense of any party. This request seeks documents that are private
8 and confidential. This request seeks private, confidential, or other personal
9 information. This request is overbroad and unduly burdensome.
10 Public disclosure of such information may subject individuals to oppression,
11 annoyance, undue burden or expense. Without waiving said objections, responsive
12 documents will be produced if a protective order is in place.

13
14 **REQUEST FOR PRODUCTION NO. 36.** Any and all documents relating
15 to John Harris’ entire course of employment.

16 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
17 to the claim or defense of any party. This request seeks documents that are private
18 and confidential. This request seeks private, confidential, or other personal
19 information. This request is overbroad and unduly burdensome.
20 Public disclosure of such information may subject individuals to oppression,
21 annoyance, undue burden or expense. Without waiving said objections, responsive
22 documents will be produced if a protective order is in place.

23
24 **REQUEST FOR PRODUCTION NO. 37.** Any and all documents relating
25 to Patrick Cottman’s entire course of employment.

26 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant

1 to the claim or defense of any party. This request seeks documents that are private
2 and confidential. This request seeks private, confidential, or other personal
3 information. This request is overbroad and unduly burdensome. Public disclosure of
4 such information may subject individuals to oppression, annoyance, undue burden
5 or expense. Without waiving said objections, responsive documents will be
6 produced if a protective order is in place.

7
8 **REQUEST FOR PRODUCTION NO. 38.** Any and all documents relating
9 to Patrick Storm's entire course of employment.

10 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
11 to the claim or defense of any party. This request seeks documents that are private
12 and confidential. This request seeks private, confidential, or other personal
13 information. This request is overbroad and unduly burdensome. Public disclosure of
14 such information may subject individuals to oppression, annoyance, undue burden
15 or expense. Without waiving said objections, responsive documents will be
16 produced if a protective order is in place.

17
18 **REQUEST FOR PRODUCTION NO. 39.** Any and all documents relating
19 to Jennifer Voigt's entire course of employment.

20 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
21 to the claim or defense of any party. This request is not likely to lead to the
22 discovery of admissible evidence. This request seeks documents that are private and
23 confidential. This request is overbroad and unduly burdensome.

24
25 **REQUEST FOR PRODUCTION NO. 40.** Any and all documents relating
26 to the use of AR-15-style rifles by Defendant's employees.

PAGE 17 – DEFENDANT JEFFREY JAMES' RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION

1 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
2 to the claim or defense of any party and not likely to lead to the discovery of any
3 admissible evidence.

4
5 **REQUEST FOR PRODUCTION NO. 41.** Any and all documents and
6 correspondences relating to the contractual relationship between Cornerstone
7 Security Group, D. Park, and/or TMT Development Co.

8 **RESPONSE:** Objection. Plaintiffs request documents protected by the
9 attorney-client privilege and work product doctrine and prepared or collected in
10 anticipation of litigation and/or trial. This request seeks information that is
11 proprietary, trade secret information, or is otherwise confidential. Without waiving
12 said objections, responsive documents will be produced if a protective order is in
13 place.

14
15 **REQUEST FOR PRODUCTION NO. 42.** Any and all documents and
16 correspondence between Cornerstone Security Group and D. Park or TMT
17 Development Co and their agents or employees concerning the use of security.

18 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
19 to the claim or defense of any party. This request seeks documents that are private
20 and confidential. This request is overbroad and unduly burdensome.
21 Without waiving this objection, Defendants have produced correspondence related
22 to Freddy Nelson, Kari Nelson, the incident, and relevant contracts.

23
24 **REQUEST FOR PRODUCTION NO. 43.** Any and all documents and
25 correspondence between Cornerstone Security Group, BottleDrop, BottleDrop
26 Oregon Redemption Center, BottleDrop Give, BottleDrop Refill, BottleDrop Plastic,

1 BottleDrop Express, and/or the Oregon Beverage Recycling Cooperative and their
2 agents or employees concerning the use of security at the Delta Park Complex.

3 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
4 to the claim or defense of any party and not likely to lead to admissible evidence.
5 This request seeks documents that are private and confidential. This request is
6 overbroad and unduly burdensome.

7
8 **REQUEST FOR PRODUCTION NO. 44.** Any and all documents and
9 correspondence between Cornerstone Security Group, Lowe’s Companies, Inc.
10 Lowe’s Home Centers, Inc., Lowe’s Home Centers, LLC, and their agents or
11 employees concerning the use of security at the Delta Park Complex.

12 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
13 to the claim or defense of any party. This request seeks documents that are private
14 and confidential. This request is overbroad and unduly burdensome.
15 Without waiving this objection, Defendants have produced correspondence related
16 to Freddy Nelson, Kari Nelson, and the incident – see Responses to Requests No. 17
17 and 25.

18
19 **REQUEST FOR PRODUCTION NO. 45.** Any and all documents and
20 correspondence between Cornerstone Security Group, Dick’s Sporting Goods, Inc.,
21 and their agents or employees concerning the use of security at the Delta Park
22 Complex.

23 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
24 to the claim or defense of any party and unlikely to lead to the discovery of
25 admissible evidence. This request seeks documents that are private and
26 confidential. This request is overbroad and unduly burdensome.

1 **REQUEST FOR PRODUCTION NO. 46.** All Documents related to any
2 firearm certification, permits, and training courses obtained/funded by Cornerstone
3 Security Group and any of its employees, agents, and/or independent contractors.

4 **RESPONSE:** Objection. Plaintiffs request documents protected by the
5 attorney-client privilege and work product doctrine and prepared or collected in
6 anticipation of litigation and/or trial. Without waiving this objection, see attached
7 responsive documents as well as Response to Request No. 28 (Def. 1013-Def. 1014).

8
9 **REQUEST FOR PRODUCTION NO. 47.** All Documents reflecting steps
10 taken or policies implemented by Cornerstone Security Group to ensure its
11 employees, agents, and/or independent contractors were licensed to work as armed
12 private security professionals.

13 **RESPONSE:** Objection. Plaintiffs request documents protected by the
14 attorney-client privilege and work product doctrine and prepared or collected in
15 anticipation of litigation and/or trial. Without waiving this objection, see Responses
16 to Requests No. 28 and 46.

17
18 **REQUEST FOR PRODUCTION NO. 48.** Any and all documents
19 (including e-mails) generated prior to May 29, 2021 discussing Logan Gimbel's
20 training or certification to work as an armed security professional.

21 **RESPONSE:** Objection. Plaintiffs request documents protected by the
22 attorney-client privilege and work product doctrine and prepared or collected in
23 anticipation of litigation and/or trial. Without waiving said objections, see
24 Responses to Requests No. 34 and 46.

25
26
PAGE 20 – DEFENDANT JEFFREY JAMES' RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION

1 **REQUEST FOR PRODUCTION NO. 49.** Any and all documents
2 (including e-mails) generated after May 29, 2021 discussing Logan Gimbel’s
3 training or certification to work as an armed security professional.

4 **RESPONSE:** Objection. Plaintiffs request documents protected by the
5 attorney-client privilege and work product doctrine and prepared or collected in
6 anticipation of litigation and/or trial. Without waiving this objection, Defendant is
7 not in possession of any responsive documents other than those produced in
8 Responses to Requests No. 34 and 46.

9
10 **REQUEST FOR PRODUCTION NO. 50.** Any and all documents
11 (including e-mails) generated prior to May 29, 2021 discussing Logan Gimbel’s
12 training or certification to work as an unarmed security professional.

13 **RESPONSE:** Objection. Plaintiffs request documents protected by the
14 attorney-client privilege and work product doctrine and prepared or collected in
15 anticipation of litigation and/or trial. Without waiving this objection, Defendant
16 does not have any responsive documents.

17
18 **REQUEST FOR PRODUCTION NO. 51.** Any and all documents
19 (including e-mails) generated after May 29, 2021 discussing Logan Gimbel’s
20 training or certification to work as an unarmed security professional.

21 **RESPONSE:** Objection. Plaintiffs request documents protected by the
22 attorney-client privilege and work product doctrine and prepared or collected in
23 anticipation of litigation and/or trial. Without waiving this objection, Defendant
24 does not have any responsive documents.
25
26

1 **REQUEST FOR PRODUCTION NO. 52.** All documents related to any
2 reprimands, discharge, or other punishment of any agent or employee of
3 Cornerstone Security prior to May 29, 2021 for misconduct while on duty as a
4 security guard, and if so, state (a) the identity of the person(s) reprimanded,
5 discharged.

6 **RESPONSE:** Objection. Plaintiffs request documents protected by the
7 attorney-client privilege and work product doctrine and prepared or collected in
8 anticipation of litigation and/or trial. Plaintiffs request documents that are not
9 relevant to the claim or defense of any party. This request seeks documents that
10 are private and confidential. This request is overbroad and unduly burdensome.
11 Without waiving this objection, see Response to Request No. 12.

12
13 **REQUEST FOR PRODUCTION NO. 53.** All video or photos taken at the
14 site of the incident, specifically in the Lowe's Home Improvement Store lot.

15 **RESPONSE:** Defendant is not in possession of any responsive documents.
16

17 **REQUEST FOR PRODUCTION NO. 54.** All videos that depict Freddy
18 Nelson.

19 **RESPONSE:** Objection. This request encompasses documents protected by
20 the attorney/client privilege, work product doctrine and encompasses documents
21 that may have been made in anticipation of litigation. Without waiving said
22 objections, see attached responsive video (Def. 1015).
23

24 **REQUEST FOR PRODUCTION NO. 55.** A copy of all video footage
25 recorded at Delta Park on May 29, 2021.

26 **RESPONSE:** Defendant is not in possession of any responsive documents.

PAGE 22 – DEFENDANT JEFFREY JAMES' RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION

1 **REQUEST FOR PRODUCTION NO. 56.** Any and all documents
2 (including e-mails) written from May 29, 2021, to the present referring to,
3 concerning, or describing the incident.

4 **RESPONSE:** Defendant objects to this request on the grounds that it is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible
6 evidence. Further, this request seeks documents that are or would be subject to
7 attorney-client privilege, work product doctrine, and/or were created in anticipated
8 of litigation.

9
10 **REQUEST FOR PRODUCTION NO. 57.** A list of or any and all
11 documents reflecting the names, addresses, and/or phone numbers of those who
12 have experienced physical altercations involving Cornerstone Security Group
13 employees in the past ten (10) years.

14 **RESPONSE:** Defendant objects to this request on the grounds that it is
15 neither relevant nor reasonably calculated to lead to the discovery of admissible
16 evidence. This request seeks documents that are private and confidential. This
17 request is overbroad and unduly burdensome. Without waiving said objections, see
18 Response to Request No. 25.

19
20 **REQUEST FOR PRODUCTION NO. 58.** Copies of all documents,
21 including, but not limited to, all reports, citations, warnings, correspondence,
22 emails, and notes concerning the actions of Cornerstone Security Group's services
23 on the premises by any private company or local, state or federal agency in the ten
24 year period prior to this request.

25 **RESPONSE:** Defendant objects to this request on the grounds that it is
26 neither relevant nor reasonably calculated to lead to the discovery of admissible

1 evidence. This request seeks documents that are private and confidential. This
2 request is overbroad and unduly burdensome.

3
4 **REQUEST FOR PRODUCTION NO. 59.** Any and all documents
5 (including correspondence) written to, from, or by Plaintiff, decedent Freddy Nelson,
6 or their family members.

7 **RESPONSE:** Defendant is not in possession of any responsive documents.

8
9 **REQUEST FOR PRODUCTION NO. 60.** A list of and/or all documents
10 reflecting the names, addresses, and/or phone numbers of all other witnesses and/or
11 potential witnesses to the incident or its aftermath.

12 **RESPONSE:** Objection. Plaintiffs request documents protected by the
13 attorney-client privilege and work product doctrine and prepared or collected in
14 anticipation of litigation and/or trial. Without waiving this objection, Defendant is
15 not in possession of any responsive documents.


16
17 DATED this 1st day of September, 2022

18 MALONEY LAUERSDORF REINER, PC

19
20 

21
22 By: _____
23 Katie D. Buxman, OSB #061452
24 Email: kb@mlrlegalteam.com
25 Candice J. Martin, OSB #106141
26 Email: cjm@mlrlegalteam.com
*Of Attorneys for Defendants Matthew
Cady, Jeffrey James, TJ Lathrom, dba
Cornerstone Security Group*

PAGE 24 – DEFENDANT JEFFREY JAMES’ RESPONSE TO PLAINTIFF’S FIRST REQUEST FOR PRODUCTION

 MALONEY | LAUERSDORF | REINER PC
ATTORNEYS AT LAW
1111 E. Burnside Street, Ste. 300
Portland, Oregon 97214
Telephone: 503.245.1518
Facsimile: 503.245.1417

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing ***DEFENDANT JEFFREY JAMES'***
RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION on:

Thomas D'Amore
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Portland OR 97223
kirsten@thenelllawgroup.com
Of Attorneys for Logan Gimbel

by the following indicated method or methods:

by mailing to the foregoing a copy (or original) thereof, placed in a sealed envelope addressed as listed above and deposited in the United States mail at Portland, Oregon, and that postage thereon was fully prepaid.

by email transmission to the foregoing of a copy thereof.

DATED this 1st day of September, 2022.

MALONEY LAUERSDORF REINER, PC

By: _____
Katie D. Buxman, OSB #061452
Candice J. Martin, OSB #106141
Of Attorneys for Defendants Matthew Cady, Jeffrey James, TJ Lathrom, dba Cornerstone Security Group

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

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

Plaintiffs,

vs.

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

Defendants.

Case No. 21CV40742

DEFENDANT TJ LATHROM'S
RESPONSE TO PLAINTIFF'S FIRST
REQUEST FOR PRODUCTION

Pursuant to ORCP 36 and ORCP 45, Defendant TJ Lathrom herein after
referred to as "Defendant" responds to Plaintiff's First Request for Production of
Documents as follows:

PRELIMINARY OBJECTIONS

Defendant makes the following Preliminary Objections, whether or not such
objections are separately set forth in response to each request.

1. Defendant objects to the extent that Plaintiff seeks to impose any

1 obligation other than those contained the Oregon Rules of Civil Procedure.

2 2. Defendant objects to each definition, instruction and request to the
3 extent that it calls for production of documents and information protected by the
4 attorney-client privilege, the work product doctrine or any other applicable privilege.
5 Defendant does not intend to produce any such documents or information except as
6 ordered by the Court and does not waive any applicable privileges with respect to any
7 such documents or information that are inadvertently produced.
8

9 3. Defendant also reserves the right to redact documents that it produces to
10 limit the disclosure of such information.
11

12 4. Defendant objects to each definition, instruction, and request to the
13 extent that it calls for Defendants to search or produce documents not in the direct
14 possession, custody or control of Defendant, his agents, employees or representatives.
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RESPONSES TO REQUESTS

REQUEST FOR PRODUCTION NO. 1. All documents evidencing any fictitious names or other names TJ Lathrom or Cornerstone Security Group have used in the past ten (10) years.

RESPONSE: Defendant is not in possession of any responsive documents.

REQUEST FOR PRODUCTION NO. 2. Any and all documents relating to insurance coverage, including each insurance policy or agreement that may satisfy part or all of a judgment entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, including, but not limited to the complete insurance policy contract and declaration page for each.

RESPONSE: Attached are copies of the policies responsive to this Request (Def. 0001-Def. 0186).

REQUEST FOR PRODUCTION NO. 3. A list of all employees of Cornerstone who were at Delta Park on May 29, 2021 and a description of each person’s (a) duties; (b) hours during which the person was present at the premises; (c) whether the person had any responsibility for providing security on the property; (d) whether or not the person was armed with a weapon and what if any certification that person had to carry said weapon; (e) whether that person had any responsibility for excluding or ejecting persons from the premises, and if so, what that person’s responsibility was in that regard.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in anticipation of litigation and/or trial. Without waiving this objection, attached is a

1 Cornerstone Security Group (CSG) Roster as of 5/29/21 (Def. 0187-Def. 0190). The
2 Cornerstone employees on duty at Delta Park at the time of the incident on May 29,
3 2021 were:

4 (1) Logan Gimbel, Midnight to 3 AM, 4 PM to midnight.

- 5 a. Security officer at Delta Park
- 6 b. Midnight to 3 AM, 4 PM to Midnight
- 7 c. Yes, he was responsible for providing security
- 8 d. Yes, he was armed with a weapon and had taken the required
9 certification trained to carry said weapon.
- 10 e. Yes, he had responsibility for excluding or ejecting persons from the
11 premises.

12 (2) Annafaye Simonson, Midnight to 8 AM

- 13 a. Security officer at Delta Park
- 14 b. Midnight to 8 AM
- 15 c. Yes, she was responsible for providing security
- 16 d. Yes, she was armed with a weapon and had taken the required
17 certification trained to carry said weapon.
- 18 e. Yes, she had responsibility for excluding or ejecting persons from
19 the premises.

20 (3) Killian Kuhn

- 21 a. Security officer at Delta Park
- 22 b. 8 AM to 6 PM
- 23 c. Yes, he was responsible for providing security
- 24 d. Yes, he was armed with a weapon and had taken the required
25 certification trained to carry said weapon.
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e. Yes, he had responsibility for excluding or ejecting persons from the premises

(4) Benito Mata

- a. Security officer at Delta Park assigned to Bottle Drop Line Management
- b. 8 AM to 4 PM
- c. Yes, he was responsible for providing security
- d. Yes, he was armed with a weapon and had taken the required certification trains to carry said weapon.
- e. Yes, he had responsibility for excluding or ejecting persons from the premises

REQUEST FOR PRODUCTION NO. 4. Any and all written or recorded statements made by witnesses pertaining to the subject of this lawsuit.

RESPONSE: Objection. Plaintiffs request documents protected by the attorney-client privilege and work product doctrine and prepared or collected in anticipation of litigation and/or trial. Without waiving this objection, Defendant is not in possession of any responsive documents.

REQUEST FOR PRODUCTION NO. 5. Any and all investigation reports, charts, or diagrams made by any state agency pertaining to the incident, which gives rise to this lawsuit.

RESPONSE: Objection, seeks documents that are or would be subject to the attorney-client privilege, work-product doctrine, and/or were created in anticipation

1 of litigation. Without waiving said objections, defendant is not in possession of any
2 discoverable responsive documents.

3
4 **REQUEST FOR PRODUCTION NO. 6.** Any and all investigation reports,
5 charts, or diagrams made by Cornerstone pertaining to the incident, which gives
6 rise to this lawsuit.

7 **RESPONSE:** Objection, seeks documents that are or would be subject to the
8 attorney-client privilege, work-product doctrine, and/or were created in anticipation
9 of litigation. This request seeks proprietary information and confidential
10 information. Public disclosure of such information may subject individuals to
11 oppression, annoyance, undue burden or expense. Without waiving said objections,
12 responsive documents will be produced if a protective order is in place.

13
14 **REQUEST FOR PRODUCTION NO. 7.** Any and all investigation reports,
15 charts, or diagrams made by you pertaining to the incident, which gives rise to this
16 lawsuit.

17 **RESPONSE:** Objection, seeks documents that are or would be subject to the
18 attorney-client privilege, work-product doctrine, and/or were created in anticipation
19 of litigation. Without waiving said objections, defendant is not in possession of any
20 discoverable responsive documents.

21
22 **REQUEST FOR PRODUCTION NO. 8.** Any and all state safety audits of
23 Cornerstone for the year of this incident and the three years prior.

24 **RESPONSE:** Objection, this request is overbroad and responding would be
25 unduly burdensome, and seeks confidential and proprietary information.
26

PAGE 6 – DEFENDANT TJ LATHROM’S RESPONSE TO PLAINTIFF’S FIRST REQUEST FOR
PRODUCTION

1 Without waiving said objections, Defendant is not in possession of any
2 responsive documents.

3
4 **REQUEST FOR PRODUCTION NO. 9.** Any and all federal Occupational
5 Safety and Health Administration (OSHA) investigations, inspections, reviews,
6 reports, concerning Cornerstone for the year of this incident and the three years
7 prior.

8 **RESPONSE:** Objection, this request is overbroad and responding would be
9 unduly burdensome, and seeks confidential and proprietary information. Without
10 waiving said objections, Defendant is not in possession of any responsive
11 documents.

12
13 **REQUEST FOR PRODUCTION NO. 10.** Any and all Oregon Occupational
14 Safety and Health Administration (OSHA) investigations, inspections, reviews,
15 reports, concerning Cornerstone for the year of this incident and the three years
16 prior.

17 **RESPONSE:** Objection, this request is overbroad and responding would be
18 unduly burdensome, and seeks confidential and proprietary information. Without
19 waiving said objections, Defendant is not in possession of any responsive
20 documents.

21
22 **REQUEST FOR PRODUCTION NO. 11.** Any and all citations or warnings
23 Cornerstone has received in the last five (5) years from the Oregon Occupational
24 Safety and Health Division (OR-OSHA), or the federal Occupational Safety and
25 Health Administration (OSHA).
26

1 **RESPONSE:** Objection, this request is overbroad and responding would be
2 unduly burdensome, and seeks confidential and proprietary information. Without
3 waiving said objections, Defendant is not in possession of any responsive
4 documents.

5
6 **REQUEST FOR PRODUCTION NO. 12.** Any and all Oregon Department
7 of Public Safety Standards and Training (DPSST) investigations, inspections,
8 reviews, reports, concerning Cornerstone for the year of this incident and the three
9 years prior.

10 **RESPONSE:** Objection. Plaintiffs request documents protected by the
11 attorney-client privilege and work product doctrine and prepared or collected in
12 anticipation of litigation and/or trial. Without waiving this objection, see attached
13 responsive documents. The redactions in this document were made by DPSST, not
14 Defendants (Def. 0191-Def. 0422).

15
16 **REQUEST FOR PRODUCTION NO. 13.** Any and all citations or warnings
17 Cornerstone has received in the last five (5) years from the Oregon Department of
18 Public Safety Standards and Training (DPSST).

19 **RESPONSE:** See Response to Request No. 12.

20
21 **REQUEST FOR PRODUCTION NO. 14.** Copies of all cell phone records
22 on the date of this incident for any telephone call, messaging or text concerning the
23 incident between Defendant and any employee, manager, supervisor or company
24 officer of Cornerstone.
25
26

1 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
2 It seeks information for employees not at the site or in any way connected to the
3 claim. This request seeks confidential and private information. Without waiving
4 this objection, see attached responsive documents for May 29, 2021 (Def. 0423-Def.
5 0485).

6
7 **REQUEST FOR PRODUCTION NO. 15.** Copies of all cell phone records
8 on the date of this incident for any telephone call, messaging or text concerning the
9 incident between Defendant and any employee, manager, supervisor or company
10 officer of Defendant TMT Development Co., LLC and/or Defendant D. Park
11 Corporation.

12 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
13 It seeks information for employees not at the site or in any way connected to the
14 claim. This request seeks confidential and private information. Without waiving
15 this objection, see Response to Request No. 14.
16

17 **REQUEST FOR PRODUCTION NO. 16.** Copies of all cell phone records
18 on the date of this incident for any telephone call, messaging or text concerning the
19 incident between any employee, manager, supervisor or company officer of
20 Cornerstone and any employee, manager, supervisor or company officer or
21 Defendant TMT Development Co., LLC and/or Defendant D. Park Corporation.
22

23 **RESPONSE:** Objection, this request is overbroad and unduly burdensome.
24 It seeks information for employees not at the site or in any way connected to the
25 claim. This request seeks confidential and private information. Without waiving
26 this objection, see Response to Request No. 14.

1 **REQUEST FOR PRODUCTION NO. 17.** Copies of all communications
2 between Cornerstone and Defendant TMT Development Co., LLC and/or Defendant
3 D. Park Corporation relating to this incident or this lawsuit.

4 **RESPONSE:** Objection. This request is overly broad, encompasses
5 documents protected by the attorney-client privilege, work product doctrine and
6 encompasses documents that may have been made in anticipation of litigation.
7 Public disclosure of such information may subject individuals to oppression,
8 annoyance, undue burden or expense. Without waiving said objections, responsive
9 documents will be produced if a protective order is in place.

10
11 **REQUEST FOR PRODUCTION NO. 18.** Copies of all reports,
12 correspondence or investigations provided to Defendant TMT Development Co.,
13 LLC and/or Defendant D. Park Corporation concerning the incident.

14 **RESPONSE:** Objection. This request is overly broad, encompasses
15 documents protected by the attorney-client privilege, work product doctrine and
16 encompasses documents that may have been made in anticipation of litigation.
17 Without waiving said objections, see Response to Request No. 17.

18
19 **REQUEST FOR PRODUCTION NO. 19.** Any and all documents and
20 correspondence between any employee, manager, supervisor or company officer of
21 Cornerstone and any employee, manager, supervisor or company officer of Lowe's
22 Home Improvement regarding Freddy Nelson.

23 **RESPONSE:** Objection. This request is overly broad, encompasses
24 documents protected by the attorney-client privilege, work product doctrine and
25
26

1 encompasses documents that may have been made in anticipation of litigation.

2 Without waiving these objections, see Response to Request No. 17.

3
4 **REQUEST FOR PRODUCTION NO. 20.** Any and all documents and
5 correspondence between any employee, manager, supervisor or company officer of
6 Cornerstone and any employee, manager, supervisor or company officer of Lowe’s
7 Home Improvement regarding Plaintiff Kari Nelson.

8 **RESPONSE:** Objection. This request is overly broad, encompasses
9 documents protected by the attorney-client privilege, work product doctrine and
10 encompasses documents that may have been made in anticipation of litigation.
11 Without waiving these objections, Defendant is not in possession of any responsive
12 documents.

13
14 **REQUEST FOR PRODUCTION NO. 21.** Any and all documents referring
15 to Freddy Nelson by you prior to the “incident.”

16 **RESPONSE:** Objection. This request is overly broad, encompasses
17 documents protected by the attorney-client privilege, work product doctrine and
18 encompasses documents that may have been made in anticipation of litigation.
19 Without waiving said objections, see Response to Request No. 17.

20
21 **REQUEST FOR PRODUCTION NO. 22.** Any and all documents
22 (including emails and company publications) referring to Freddy Nelson by
23 Cornerstone and its employees prior to the “incident.”

24 **RESPONSE:** Objection. This request is overly broad, encompasses
25 documents protected by the attorney-client privilege, work product doctrine and
26

1 encompasses documents that may have been made in anticipation of litigation.
2 Without waiving said objections, see attached responsive documents as well as
3 Response to Request No. 17 (Def. 0486-Def. 0510).

4
5 **REQUEST FOR PRODUCTION NO. 23.** Any and all documents referring
6 to Kari Nelson by you prior to the “incident.”

7 **RESPONSE:** Objection. This request seeks information that is proprietary
8 or confidential in nature. Without waiving any objection, Defendant is not in
9 possess of any responsive documents.

10
11 **REQUEST FOR PRODUCTION NO. 24.** Any and all documents
12 (including emails and company publications) referring to Kari Nelson by
13 Cornerstone and its employees prior to the “incident.”

14 **RESPONSE:** See Response to Request No. 23.

15
16 **REQUEST FOR PRODUCTION NO. 25.** Any and all documents
17 concerning “BOLO,” “Be On The Lookout,” “Trespass Orders,” “Excluded Orders” or
18 any other means employed by Cornerstone to exclude individuals from the premises
19 its employees patrolled.

20 **RESPONSE:** Objection. Plaintiffs request documents protected by the
21 attorney-client privilege and work product doctrine and prepared or collected in
22 anticipation of litigation and/or trial. This request is overbroad and unduly
23 burdensome and seeks documents not relevant to any claim or defense. Public
24 disclosure of such information may subject individuals to oppression, annoyance,
25 undue burden or expense. Without waiving said objections, responsive documents
26

1 regarding Delta Park will be produced if a protective order is in place.

2
3 **REQUEST FOR PRODUCTION NO. 26.** Any and all documents that
4 reference or were used in the creation of the “Excluded 1 year” document created
5 Monday, April 12th, 2021, at 4:46 p.m. by Patrick Storms, including the original
6 document itself.

7 **RESPONSE:** Objection. Plaintiffs request documents protected by the
8 attorney-client privilege and work product doctrine and prepared or collected in
9 anticipation of litigation and/or trial. This request seeks information that is
10 proprietary and confidential. Without waiving this objection, see Responses to
11 Requests No. 17, 22 and 25.

12
13 **REQUEST FOR PRODUCTION NO. 27.** Any and all documents
14 evidencing the true identity of the individual referred to as “Patrick Storms” in the
15 document created Monday, April 12th, 2021, at 4:46 p.m. by Patrick Storms,
16 including his legal name, addresses, telephone numbers, date of birth, social
17 security number, and places of employment.

18 **RESPONSE:** Defendant objects to this request on the grounds that it is
19 neither relevant nor reasonably calculated to lead to the discovery of admissible
20 evidence. This request is also overly intrusive, seeks private and confidential
21 information and is irrelevant to any claim or defense. See also Response to Request
22 No. 38.

23
24 **REQUEST FOR PRODUCTION NO. 28.** Any and all training materials,
25 safety manuals and/or policy documents provided to your managers, assistant
26 managers, employees, agents, and/or independent contractors during the five-year

PAGE 13 – DEFENDANT TJ LATHROM’S RESPONSE TO PLAINTIFF’S FIRST REQUEST FOR
PRODUCTION

1 period before the “incident” that pertain to the safety standards and protocol for
2 security of the premises.

3 **RESPONSE:** Defendant objects to this request on the grounds that it is
4 neither relevant nor reasonably calculated to lead to the discovery of admissible
5 evidence. This request is overbroad and unduly burdensome. Plaintiffs request
6 documents protected by the attorney-client privilege and work product doctrine and
7 prepared or collected in anticipation of litigation. Without waiving said objections,
8 Responsive documents are enclosed (Def. 0511-Def. 1012).

9
10 **REQUEST FOR PRODUCTION NO. 29.** Any and all documents provided
11 to your managers, assistant managers, employees, agents, and/or independent
12 contractors during the five-year period before the “incident” that reference the
13 Oregon Armed Officer’s Training Manual.

14 **RESPONSE:** See Response to Request No. 28.

15
16 **REQUEST FOR PRODUCTION NO. 30.** Any and all marketing materials
17 or advertisements published for the purpose of soliciting Cornerstone Security
18 Group’s services.

19 **RESPONSE:** Defendant objects to this request on the grounds that it is
20 neither relevant nor reasonably calculated to lead to the discovery of admissible
21 evidence. This request is overbroad and unduly burdensome. Plaintiffs request
22 documents protected by the attorney-client privilege and work product doctrine and
23 prepared or collected in anticipation of litigation. Without waiving said objections,
24 Defendants’ only advertisements are the company’s website at
25 www.cornerstonesecurity.net
26

1 **REQUEST FOR PRODUCTION NO. 31.** All documents, instructions, or
2 training materials given to Cornerstone’s agents or employees who worked at the
3 premises regarding de-escalation training.

4 **RESPONSE:** See Response to Request No. 28.

5
6 **REQUEST FOR PRODUCTION NO. 32.** All documents, instructions, or
7 training materials given to Cornerstone’s agents or employees who worked at the
8 premises regarding the use of firearms.

9 **RESPONSE:** See Response to Request No. 28.

10
11 **REQUEST FOR PRODUCTION NO. 33.** All documents, instructions, or
12 training materials given to Cornerstone’s agents or employees who worked at the
13 premises regarding the use of pepper spray.

14 **RESPONSE:** See Response to Request No. 28.

15
16
17 **REQUEST FOR PRODUCTION NO. 34.** Any and all documents relating
18 to Logan Gimbel’s entire course of employment.

19 **RESPONSE:** Objection. Plaintiffs request documents protected by the
20 attorney-client privilege and work product doctrine and prepared or collected in
21 anticipation of litigation and/or trial. This request seeks private, confidential, or
22 other personal information. Public disclosure of such information may subject
23 individuals to oppression, annoyance, undue burden or expense. Without waiving
24 said objections, responsive documents will be produced if a protective order is in
25 place.

1 **REQUEST FOR PRODUCTION NO. 35.** Any and all documents relating
2 to Robert Steele’s entire course of employment.

3 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
4 to the claim or defense of any party. This request seeks documents that are private
5 and confidential. This request seeks private, confidential, or other personal
6 information. This request is overbroad and unduly burdensome.
7 Public disclosure of such information may subject individuals to oppression,
8 annoyance, undue burden or expense. Without waiving said objections, responsive
9 documents will be produced if a protective order is in place.

10
11 **REQUEST FOR PRODUCTION NO. 36.** Any and all documents relating
12 to John Harris’ entire course of employment.

13 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
14 to the claim or defense of any party. This request seeks documents that are private
15 and confidential. This request seeks private, confidential, or other personal
16 information. This request is overbroad and unduly burdensome.
17 Public disclosure of such information may subject individuals to oppression,
18 annoyance, undue burden or expense. Without waiving said objections, responsive
19 documents will be produced if a protective order is in place.

20
21 **REQUEST FOR PRODUCTION NO. 37.** Any and all documents relating
22 to Patrick Cottman’s entire course of employment.

23 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
24 to the claim or defense of any party. This request seeks documents that are private
25 and confidential. This request seeks private, confidential, or other personal
26 information. This request is overbroad and unduly burdensome. Public disclosure of

1 such information may subject individuals to oppression, annoyance, undue burden
2 or expense. Without waiving said objections, responsive documents will be
3 produced if a protective order is in place.
4

5 **REQUEST FOR PRODUCTION NO. 38.** Any and all documents relating
6 to Patrick Storm's entire course of employment.

7 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
8 to the claim or defense of any party. This request seeks documents that are private
9 and confidential. This request seeks private, confidential, or other personal
10 information. This request is overbroad and unduly burdensome. Public disclosure of
11 such information may subject individuals to oppression, annoyance, undue burden
12 or expense. Without waiving said objections, responsive documents will be
13 produced if a protective order is in place.
14

15 **REQUEST FOR PRODUCTION NO. 39.** Any and all documents relating
16 to Jennifer Voigt's entire course of employment.

17 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
18 to the claim or defense of any party. This request is not likely to lead to the
19 discovery of admissible evidence. This request seeks documents that are private and
20 confidential. This request is overbroad and unduly burdensome.
21

22 **REQUEST FOR PRODUCTION NO. 40.** Any and all documents relating
23 to the use of AR-15-style rifles by Defendant's employees.

24 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
25 to the claim or defense of any party and not likely to lead to the discovery of any
26 admissible evidence.

PAGE 17 – DEFENDANT TJ LATHROM'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION

1 **REQUEST FOR PRODUCTION NO. 41.** Any and all documents and
2 correspondences relating to the contractual relationship between Cornerstone
3 Security Group, D. Park, and/or TMT Development Co.

4 **RESPONSE:** Objection. Plaintiffs request documents protected by the
5 attorney-client privilege and work product doctrine and prepared or collected in
6 anticipation of litigation and/or trial. This request seeks information that is
7 proprietary, trade secret information, or is otherwise confidential. Without waiving
8 said objections, responsive documents will be produced if a protective order is in
9 place.

10
11 **REQUEST FOR PRODUCTION NO. 42.** Any and all documents and
12 correspondence between Cornerstone Security Group and D. Park or TMT
13 Development Co and their agents or employees concerning the use of security.

14 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
15 to the claim or defense of any party. This request seeks documents that are private
16 and confidential. This request is overbroad and unduly burdensome.
17 Without waiving this objection, Defendants have produced correspondence related
18 to Freddy Nelson, Kari Nelson, the incident, and relevant contracts.

19
20 **REQUEST FOR PRODUCTION NO. 43.** Any and all documents and
21 correspondence between Cornerstone Security Group, BottleDrop, BottleDrop
22 Oregon Redemption Center, BottleDrop Give, BottleDrop Refill, BottleDrop Plastic,
23 BottleDrop Express, and/or the Oregon Beverage Recycling Cooperative and their
24 agents or employees concerning the use of security at the Delta Park Complex.

25 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
26 to the claim or defense of any party and not likely to lead to admissible evidence.

PAGE 18 – DEFENDANT TJ LATHROM’S RESPONSE TO PLAINTIFF’S FIRST REQUEST FOR
PRODUCTION

1 This request seeks documents that are private and confidential. This request is
2 overbroad and unduly burdensome.

3
4 **REQUEST FOR PRODUCTION NO. 44.** Any and all documents and
5 correspondence between Cornerstone Security Group, Lowe's Companies, Inc.
6 Lowe's Home Centers, Inc., Lowe's Home Centers, LLC, and their agents or
7 employees concerning the use of security at the Delta Park Complex.

8 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
9 to the claim or defense of any party. This request seeks documents that are private
10 and confidential. This request is overbroad and unduly burdensome.

11 Without waiving this objection, Defendants have produced correspondence related
12 to Freddy Nelson, Kari Nelson, and the incident – see Responses to Requests No. 17
13 and 25.

14
15 **REQUEST FOR PRODUCTION NO. 45.** Any and all documents and
16 correspondence between Cornerstone Security Group, Dick's Sporting Goods, Inc.,
17 and their agents or employees concerning the use of security at the Delta Park
18 Complex.

19 **RESPONSE:** Objection. Plaintiffs request documents that are not relevant
20 to the claim or defense of any party and unlikely to lead to the discovery of
21 admissible evidence. This request seeks documents that are private and
22 confidential. This request is overbroad and unduly burdensome.

23
24 **REQUEST FOR PRODUCTION NO. 46.** All Documents related to any
25 firearm certification, permits, and training courses obtained/funded by Cornerstone
26 Security Group and any of its employees, argents, and/or independent contractors.

PAGE 19 – DEFENDANT TJ LATHROM'S RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION

1 **RESPONSE:** Objection. Plaintiffs request documents protected by the
2 attorney-client privilege and work product doctrine and prepared or collected in
3 anticipation of litigation and/or trial. Without waiving this objection, see attached
4 responsive documents as well as Response to Request No. 28 (Def. 1013-Def. 1014).

5
6 **REQUEST FOR PRODUCTION NO. 47.** All Documents reflecting steps
7 taken or policies implemented by Cornerstone Security Group to ensure its
8 employees, agents, and/or independent contractors were licensed to work as armed
9 private security professionals.

10 **RESPONSE:** Objection. Plaintiffs request documents protected by the
11 attorney-client privilege and work product doctrine and prepared or collected in
12 anticipation of litigation and/or trial. Without waiving this objection, see Responses
13 to Requests No. 28 and 46.

14
15 **REQUEST FOR PRODUCTION NO. 48.** Any and all documents
16 (including e-mails) generated prior to May 29, 2021 discussing Logan Gimbel’s
17 training or certification to work as an armed security professional.

18 **RESPONSE:** Objection. Plaintiffs request documents protected by the
19 attorney-client privilege and work product doctrine and prepared or collected in
20 anticipation of litigation and/or trial. Without waiving said objections, see
21 Responses to Requests No. 34 and 46.

22
23 **REQUEST FOR PRODUCTION NO. 49.** Any and all documents
24 (including e-mails) generated after May 29, 2021 discussing Logan Gimbel’s
25 training or certification to work as an armed security professional.
26

PAGE 20 – DEFENDANT TJ LATHROM’S RESPONSE TO PLAINTIFF’S FIRST REQUEST FOR
PRODUCTION

1 **RESPONSE:** Objection. Plaintiffs request documents protected by the
2 attorney-client privilege and work product doctrine and prepared or collected in
3 anticipation of litigation and/or trial. Without waiving this objection, Defendant is
4 not in possession of any responsive documents other than those produced in
5 Responses to Requests No. 34 and 46.

6
7 **REQUEST FOR PRODUCTION NO. 50.** Any and all documents
8 (including e-mails) generated prior to May 29, 2021 discussing Logan Gimbel’s
9 training or certification to work as an unarmed security professional.

10
11 **RESPONSE:** Objection. Plaintiffs request documents protected by the
12 attorney-client privilege and work product doctrine and prepared or collected in
13 anticipation of litigation and/or trial. Without waiving this objection, Defendant
14 does not have any responsive documents.

15
16 **REQUEST FOR PRODUCTION NO. 51.** Any and all documents
17 (including e-mails) generated after May 29, 2021 discussing Logan Gimbel’s
18 training or certification to work as an unarmed security professional.

19 **RESPONSE:** Objection. Plaintiffs request documents protected by the
20 attorney-client privilege and work product doctrine and prepared or collected in
21 anticipation of litigation and/or trial. Without waiving this objection, Defendant
22 does not have any responsive documents.

23
24 **REQUEST FOR PRODUCTION NO. 52.** All documents related to any
25 reprimands, discharge, or other punishment of any agent or employee of
26 Cornerstone Security prior to May 29, 2021 for misconduct while on duty as a

1 security guard, and if so, state (a) the identity of the person(s) reprimanded,
2 discharged.

3 **RESPONSE:** Objection. Plaintiffs request documents protected by the
4 attorney-client privilege and work product doctrine and prepared or collected in
5 anticipation of litigation and/or trial. Plaintiffs request documents that are not
6 relevant to the claim or defense of any party. This request seeks documents that
7 are private and confidential. This request is overbroad and unduly burdensome.
8 Without waiving this objection, see Response to Request No. 12.

9
10 **REQUEST FOR PRODUCTION NO. 53.** All video or photos taken at the
11 site of the incident, specifically in the Lowe's Home Improvement Store lot.

12 **RESPONSE:** Defendant is not in possession of any responsive documents.

13
14 **REQUEST FOR PRODUCTION NO. 54.** All videos that depict Freddy
15 Nelson.

16 **RESPONSE:** Objection. This request encompasses documents protected by
17 the attorney/client privilege, work product doctrine and encompasses documents
18 that may have been made in anticipation of litigation. Without waiving said
19 objections, see attached responsive video (Def. 1015).

20
21 **REQUEST FOR PRODUCTION NO. 55.** A copy of all video footage
22 recorded at Delta Park on May 29, 2021.

23 **RESPONSE:** Defendant is not in possession of any responsive documents.

1 **REQUEST FOR PRODUCTION NO. 56.** Any and all documents
2 (including e-mails) written from May 29, 2021, to the present referring to,
3 concerning, or describing the incident.

4 **RESPONSE:** Defendant objects to this request on the grounds that it is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible
6 evidence. Further, this request seeks documents that are or would be subject to
7 attorney-client privilege, work product doctrine, and/or were created in anticipated
8 of litigation.

9
10 **REQUEST FOR PRODUCTION NO. 57.** A list of or any and all
11 documents reflecting the names, addresses, and/or phone numbers of those who
12 have experienced physical altercations involving Cornerstone Security Group
13 employees in the past ten (10) years.

14 **RESPONSE:** Defendant objects to this request on the grounds that it is
15 neither relevant nor reasonably calculated to lead to the discovery of admissible
16 evidence. This request seeks documents that are private and confidential. This
17 request is overbroad and unduly burdensome. Without waiving said objections, see
18 Response to Request No. 25.

19
20 **REQUEST FOR PRODUCTION NO. 58.** Copies of all documents,
21 including, but not limited to, all reports, citations, warnings, correspondence,
22 emails, and notes concerning the actions of Cornerstone Security Group's services
23 on the premises by any private company or local, state or federal agency in the ten
24 year period prior to this request.

25 **RESPONSE:** Defendant objects to this request on the grounds that it is
26 neither relevant nor reasonably calculated to lead to the discovery of admissible

1 evidence. This request seeks documents that are private and confidential. This
2 request is overbroad and unduly burdensome.

3
4 **REQUEST FOR PRODUCTION NO. 59.** Any and all documents
5 (including correspondence) written to, from, or by Plaintiff, decedent Freddy Nelson,
6 or their family members.

7 **RESPONSE:** Defendant is not in possession of any responsive documents.

8
9 **REQUEST FOR PRODUCTION NO. 60.** A list of and/or all documents
10 reflecting the names, addresses, and/or phone numbers of all other witnesses and/or
11 potential witnesses to the incident or its aftermath.

12 **RESPONSE:** Objection. Plaintiffs request documents protected by the
13 attorney-client privilege and work product doctrine and prepared or collected in
14 anticipation of litigation and/or trial. Without waiving this objection, Defendant is
15 not in possession of any responsive documents.

16
17 DATED this 1st day of September, 2022

18 MALONEY LAUERSDORF REINER, PC

19
20 

21
22 By: _____
23 Katie D. Buxman, OSB #061452
24 Email: kb@mlrlegalteam.com
25 Candice J. Martin, OSB #106141
26 Email: cjm@mlrlegalteam.com
*Of Attorneys for Defendants Matthew
Cady, Jeffrey James, TJ Lathrom, dba
Cornerstone Security Group*

PAGE 24 – DEFENDANT TJ LATHROM’S RESPONSE TO PLAINTIFF’S FIRST REQUEST FOR
PRODUCTION

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing ***DEFENDANT TJ LATHROM'S***
RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION on:

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Ben Turner
D'Amore Law Group
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Of Attorneys for Logan Gimbel

by the following indicated method or methods:

by mailing to the foregoing a copy (or original) thereof, placed in a sealed envelope addressed as listed above and deposited in the United States mail at Portland, Oregon, and that postage thereon was fully prepaid.

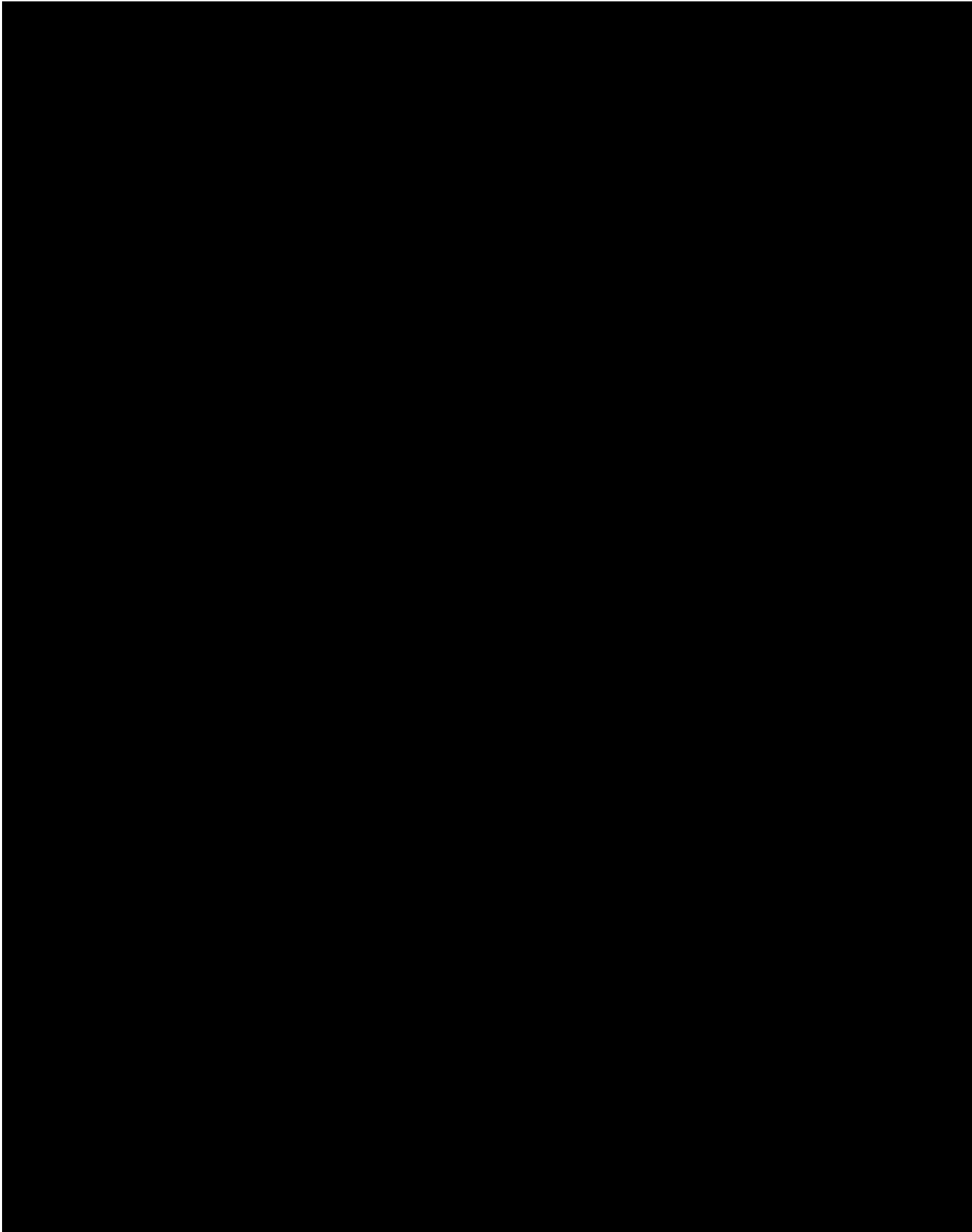
by email transmission to the foregoing of a copy thereof.

DATED this 1st day of September, 2022.

MALONEY LAUERSDORF REINER, PC



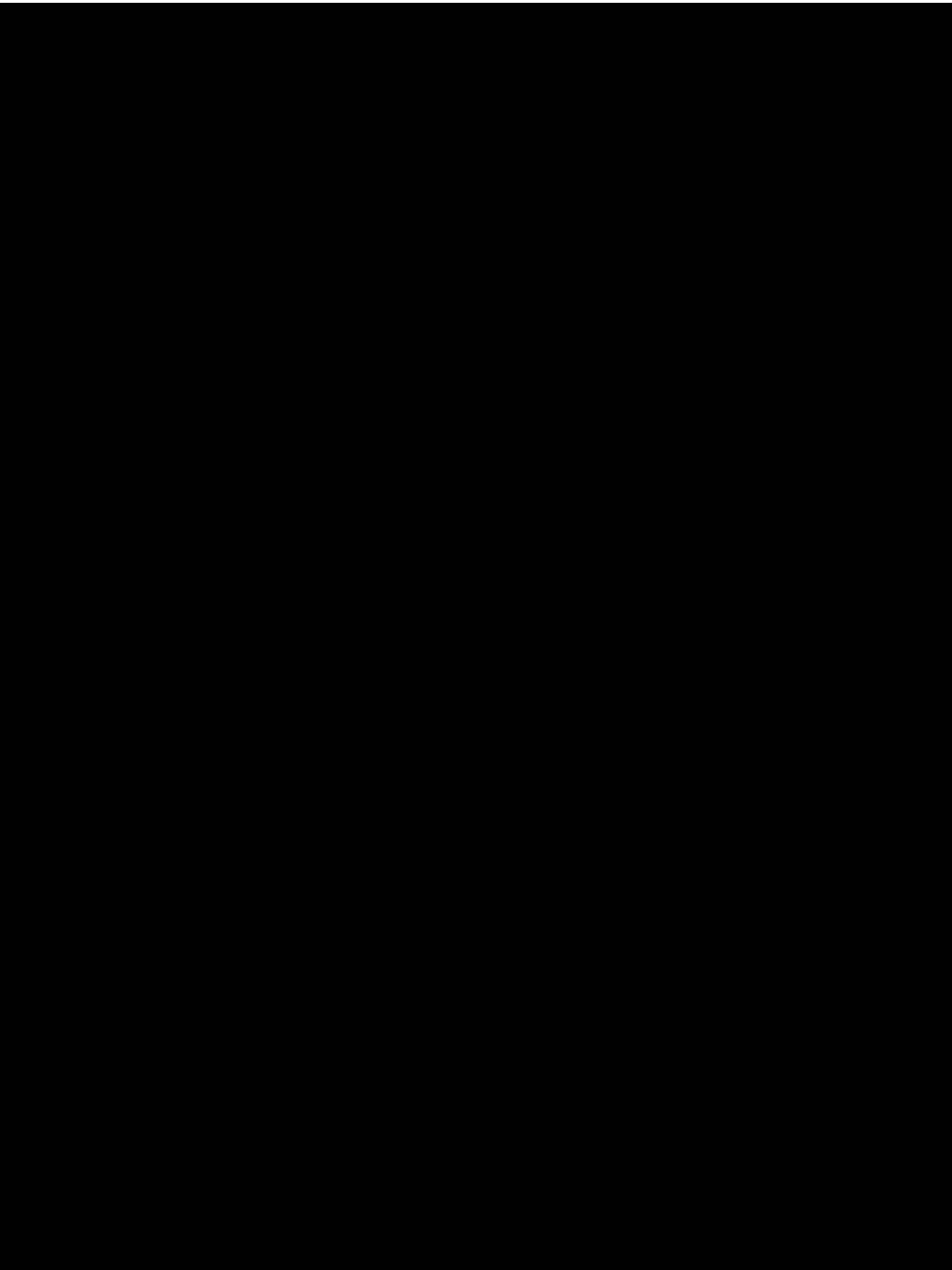
By: _____
Katie D. Buxman, OSB #061452
Candice J. Martin, OSB #106141
Of Attorneys for Defendants Matthew Cady, Jeffrey James, TJ Lathrom, dba Cornerstone Security Group



DEF. 1313

CONFIDENTIAL

Exhibit 16
Page 1 of 2



DEF. 1314

CONFIDENTIAL

Exhibit 16
Page 2 of 2

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the below date, I served a true and correct copy of the PLAINTIFFS’
3 MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT INCLUDING CLAIM
4 FOR PUNITIVE DAMAGES and DECLARATION OF BENJAMIN J. TURNER IN
5 SUPPORT OF PLAINTIFFS’ MOTION FOR LEAVE TO FILE SECOND AMENDED
6 COMPLAINT INCLUDING CLAIM FOR PUNITIVE DAMAGES on the following in the
7 manner(s) described below:

8 C.J. Martin Odyssey File and Serve
9 Email: cjm@mrlegalteam.com Email
10 Maloney, Laursdorf, Reiner P.C. First Class Mail
11 111 SW Fifth Ave., Ste. 4300 Facsimile
Portland, OR 97204 Hand Delivery
*Of Attorneys for Defendant Cornerstone
Security Group*

12 Kirsten L. Curtis Odyssey File and Serve
13 Email: kirsten@thenelllawgroup.com Email
14 Thenell Law Group First Class Mail
15 12909 SW 68th Pkwy, Ste 290 Facsimile
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Gimbel*

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18 Joe R. Traylor First Class Mail
19 Email: JRT@hartwagner.com Facsimile
20 Hart Wagner Hand Delivery
21 1000 SW Broadway
22 20th Floor
Portland, OR 97202
*Of Attorneys for Defendant TMT
Development Co., LLC*

23 DATED this 26th day of May, 2023.

24 D’AMORE LAW GROUP, P.C.

By: s/ Daniel C. Doede
Daniel C. Doede, Paralegal