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

RYAN COLEMAN, an individual,

Plaintiff,

v.

DAHLED UP CONSTRUCTION, INC., an
Oregon corporation,

Defendant.

Case No. 18CV37222

**COMPLAINT (Religious Discrimination
under the Oregon Workplace Religious
Freedom Act (ORS §659A.030);
Whistleblower Retaliation (ORS
§659A.199); Wrongful Termination -
Common Law)**

**PRAYER: \$800,000
Fee Authority: ORS 21.160(1)(c)**

**NOT SUBJECT TO MANDATORY
ARBITRATION**

JURY TRIAL DEMANDED

For his complaint against Defendant Dahled Up Construction, Inc. (“Defendant” or
“Dahled Up”), Plaintiff Ryan Coleman (“Mr. Coleman”) alleges as follows:

PARTIES

1.

Mr. Coleman is a resident of Albany, Linn County, Oregon.

2.

Defendant Dahled Up is an Oregon corporation with its principal place of business in
Albany, Linn County, Oregon.

VENUE

3.

Venue is appropriate in Linn County because Defendant Dahled Up has an office for the
transaction of business in Linn County, conducts regular and sustained business activities in Linn

1 County, and much of the alleged wrongful conduct giving rise to the causes of action in this
2 complaint took place in Linn County.

3 **FACTUAL ALLEGATIONS**

4 4.

5 At all material times, Defendant Dahled Up was Mr. Coleman’s employer, Mr. Coleman
6 was supervised by Defendant Dahled Up’s employees or agents and Mr. Coleman relied on the
7 actual or apparent authority of Defendant Dahled Up’s employees, supervisors and management.

8 5.

9 At all material times Joel Dahl (“Owner/Supervisor Dahl”) was Mr. Coleman’s
10 supervisor and the owner of Defendant Dahled Up, and was an agent acting on behalf of
11 Defendant Dahled Up.

12 6.

13 Defendant Dahled Up is vicariously liable for the actions of Owner/Supervisor Dahl.

14 7.

15 Mr. Coleman was hired by Defendant Dahled Up on or about October 5, 2017 as a
16 painter.

17 8.

18 Mr. Coleman was a hard-working employee and dedicated to his job.

19 9.

20 Dahled Up is a construction company that provides primarily residential remodeling and
21 renovations.

22 10.

23 Soon after Mr. Coleman began working at Dahled Up, he discovered that
24 Owner/Supervisor Dahl required his employees to attend Christian-based Christian Bible study
25 during work time.

26 ///

1 11.

2 Mr. Coleman is not a practicing Christian.

3 12.

4 Mr. Coleman repeatedly told Owner/Supervisor Dahl that he was not comfortable
5 attending Christian Bible study and that it was illegal for Owner/Supervisor Dahl to require his
6 employees to do so.

7 13.

8 Despite Mr. Coleman's protests, Owner/Supervisor Dahl continued to insist that Mr.
9 Coleman attend Christian Bible study as a condition of continuing employment. In order to keep
10 his job and believing he had no other choice, Mr. Coleman attended the required Christian Bible
11 study.

12 14.

13 On April 12, 2018, in a telephone conversation with Owner/Supervisor Dahl, Mr.
14 Coleman once again asserted his right not to attend Christian Bible study.

15 15.

16 On or about April 12, 2018, Defendant Dahled Up terminated Mr. Coleman's
17 employment because Mr. Coleman refused to attend, and complained about being required to
18 attend, Christian Bible study.

19 **CLAIMS FOR RELIEF**

20 **FIRST CLAIM FOR RELIEF**

21 **(Religious Discrimination Under the Oregon Workplace**

22 **Religious Freedom Act - ORS 659A.030)**

23 16.

24 Mr. Coleman realleges and incorporates paragraphs 1 through 15 as though fully set forth
25 herein.

26 ///

1 17.

2 Defendant Dahled Up discriminated against Mr. Coleman in the terms, conditions and/or
3 privileges of employment due to Mr. Coleman's religion, or lack thereof.

4 18.

5 Defendant Dahled Up's actions through its agents and employees acting within the course
6 and scope of their duties, as set forth above and incorporated into this paragraph, violated Mr.
7 Coleman's rights under ORS 659A.030.

8 19.

9 Mr. Coleman's religion and complaints about religious discrimination were motivating
10 factors for the above described retaliatory actions and decisions made by Defendant Dahled Up,
11 including but not limited to Mr. Coleman's termination.

12 20.

13 As a direct and proximate result of Defendant Dahled Up's unlawful conduct, Mr.
14 Coleman has incurred and continues to incur lost income in an amount to be proven at trial,
15 which is alleged to be \$50,000.

16 21.

17 As a direct and proximate result of Defendant Dahled Up's conduct, Mr. Coleman has
18 suffered and will continue to suffer mental stress, humiliation, inconvenience and loss of
19 enjoyment of life all due to his non-economic loss in an amount to be determined at trial, which
20 is alleged to be \$750,000.

21 22.

22 Mr. Coleman is entitled to recover his reasonable attorney fees and costs pursuant to ORS
23 659A.885.

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1 **SECOND CLAIM FOR RELIEF**

2 **(Whistleblower Retaliation - ORS 659A.199)**

3 23.

4 Mr. Coleman realleges and incorporates paragraphs 1 through 22 as though fully set forth
5 herein.

6 24.

7 Mr. Coleman reported information that he believed to be evidence of a violation of a state
8 or federal law, rule, or regulation, including but not limited to Defendant Dahled Up's
9 requirement that all employees attend Christian Bible study as a condition of employment.

10 25.

11 Mr. Coleman acted in good faith in reporting the above information.

12 26.

13 Defendant Dahled Up discriminated against Mr. Coleman in the terms, conditions and/or
14 privileges of employment due to Mr. Coleman's reporting of the above information.

15 27.

16 Defendant Dahled Up's actions, its agents and employees acting within the course and
17 scope of their duties as set forth above and incorporated into this paragraph, violated Mr.
18 Coleman's right to protection as a whistleblower.

19 28.

20 Mr. Coleman's protected activity was a substantial and motivating factor for the above
21 described retaliatory actions and decisions made by Defendant Dahled Up, including but not
22 limited to his termination.

23 29.

24 As a direct and proximate result of Defendant Dahled Up's unlawful conduct, Mr.
25 Coleman has incurred and continues to incur lost income in an amount to be proven at trial,
26 which is alleged to be \$50,000.

1 30.

2 As a direct and proximate result of Defendant Dahled Up's conduct, Mr. Coleman has
3 suffered and will continue to suffer mental stress, humiliation, inconvenience and loss of
4 enjoyment of life all due to his non-economic loss in an amount to be determined at trial, which
5 is alleged to be \$750,000.

6 31.

7 Mr. Coleman is entitled to recover his reasonable attorney fees and costs pursuant to ORS
8 659A.885(a).

9 **THIRD CLAIM FOR RELIEF**
10 **(Wrongful Termination - Common Law)**

11 32.

12 Mr. Coleman realleges and incorporates paragraphs 1 through 31 as though fully set forth
13 herein.

14 33.

15 Defendant Dahled Up retaliated and discriminated against Mr. Coleman, thereby
16 interfering with an important societal obligation and/or terminated Mr. Coleman while he
17 pursued important rights related to his role as an employee, including but not limited to asserting
18 his right to not attend Christian Bible study as a condition of his employment and reporting the
19 illegality of requiring all employees to attend Christian Bible study as a condition of
20 employment.

21 34.

22 Mr. Coleman's statutory claims do not provide adequate remedies for relief. Therefore,
23 he is entitled to such remedies as exceed those awarded under other claims.

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1 35.

2 As a direct and proximate result of Defendant Dahled Up's unlawful conduct, Mr.
3 Coleman has incurred and continues to incur lost income in an amount to be proven at trial,
4 which is alleged to be \$50,000.

5 36.

6 As a direct and proximate result of Defendant Dahled Up's conduct, Mr. Coleman has
7 suffered and will continue to suffer mental stress, humiliation, inconvenience and loss of
8 enjoyment of life all due to his non-economic loss in an amount to be determined at trial, which
9 is alleged to be \$750,000.

10 **JURY TRIAL DEMAND**

11 37.

12 Mr. Coleman demands a jury trial on all questions of fact or combined questions of law
13 and fact raised by this complaint.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Mr. Coleman requests the court to: comp

- 16 1. Assume jurisdiction over each of the causes set forth herein.
- 17 2. Issue a declaration that Defendant Dahled Up has violated Mr. Coleman's legally
18 protected rights and an order-requiring Defendant Dahled Up to correct this deficiency.
- 19 3. Grant a permanent injunction enjoining Defendant Dahled Up, its owners,
20 officers, management personnel, employees, agents, successors, assigns and all persons in active
21 concert or participation with Defendant Dahled Up, from engaging in any employment practice
22 which retaliates against employees who request or exercise legally protected rights.
- 23 4. Order Defendant Dahled Up to create, implement and carry out policies, practices
24 and programs providing for equal employment opportunities which affirmatively eradicate the
25 effects of past and present unlawful employment practices, on such terms as the court may direct.
- 26 5. Order Defendant Dahled Up to make Mr. Coleman whole by compensating Mr.

1 Coleman for past and future pecuniary losses, including expenses, impairment of earning
2 capacity, lost past and future earnings and benefits of employment, and such other losses as are
3 awarded by a jury or otherwise established at trial, which is alleged to be \$50,000.

4 6. Order Defendant Dahled Up to pay Mr. Coleman an award of compensatory
5 damages for non-economic losses, including but not limited to severe emotional distress,
6 anguish, humiliation, anger, shame, and anxiety in an amount to be proven at trial, which is
7 alleged to be \$750,000.

8 7. Award Mr. Coleman his costs of suit and his reasonable attorney fees, costs and
9 expert witness fees.

10 8. Order Defendant Dahled Up to pay prejudgment and post judgment interest, as
11 appropriate, on all amounts due to Mr. Coleman as a result of this action.

12
13 DATED: August 22, 2018.

14 **HKM EMPLOYMENT ATTORNEYS LLP**

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16 By: s/ Corinne Schram

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20 Attorneys for Plaintiff Ryan Coleman
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