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

JOSHUA MOULIN,)	Case No.
)	
Plaintiff,)	COMPLAINT FOR MALICIOUS
)	PROSECUTION AND CIVIL RIGHTS
v.)	VIOLATIONS
)	
CITY OF CENTRAL POINT;)	NOT SUBJECT TO MANDATORY
KRISTINE ALLISON;)	ARBITRATION
MICHAEL ANDERSON;)	
BRIAN DAY; DARIN LUX; and)	PRAYER AMOUNT: \$2,000,000
DARIN TWEEDT,)	ORS 21.160(1)(d): \$793
)	
Defendants.)	DEMAND FOR JURY TRIAL

INTRODUCTION

1.

Plaintiff Joshua Moulin brings this action to remedy the Defendants’ malicious pursuit of an unfounded, politically motivated criminal investigation that ended his distinguished career in law enforcement, forever damaged his reputation and caused untold damage, pain and suffering to him and his family.

2.

Motivated by office politics and rivalries, concerned by Moulin’s achievements in law enforcement, and eager to find a scapegoat for partner agencies’ concern over a still-unsolved murder in Ashland, Defendant Kristine Allison—in her first act as the new Chief of the Central Point Police Department (CPPD)—and her associates schemed to oust Moulin

1 from his position as leader of the Southern Oregon High-Tech Crimes Task Force
2 (SOHTCTF or “Task Force”), a groundbreaking forensic unit that Moulin founded, built and
3 guided for years. Along with her colleagues at CPPD, including Defendants Brian Day and
4 Task Force member Michael Anderson, Allison then orchestrated a groundless criminal
5 investigation against Moulin—an investigation of which they publicly (and falsely) claimed
6 ignorance—to cover their tracks, deny Moulin any semblance of due process, and ensure his
7 permanent ouster from City employment. Throughout their frivolous investigation, including
8 during sworn testimony, these Defendants consistently lied about their knowledge of the
9 supposed allegations against Moulin—even disregarding legal advice to apprise Moulin of
10 the nature of their “investigation”—thereby preventing him from defending his employment
11 or his reputation, which Allison repeatedly attacked in the media.

12 3.

13 Despite repeated opportunities to put an end to their baseless investigation, Allison
14 and the remaining Defendants persisted, inventing new legal theories, destroying and
15 withholding evidence, misrepresenting the facts, and disregarding official protocols in order
16 to ensure Moulin’s ouster and eventual indictment. Allison first referred Moulin to the
17 Oregon State Police (OSP) for a frivolous case of “tampering with public records”—a case
18 that even OSP rejected in a matter of days—then escalated her campaign by lobbying and
19 encouraging OSP and the Oregon Department of Justice (DOJ) to pursue equally frivolous
20 charges against Moulin that stemmed entirely from Moulin’s routine act of deleting personal
21 passwords from a laptop he returned to CPPD. Unfortunately, despite clear evidence that
22 Moulin had committed no crime, OSP and DOJ—through OSP Lieutenant Darin Lux and
23 DOJ attorney Darin Tweedt, respectively—acceded to Allison’s demands by filing
24 groundless felony and misdemeanor charges against Moulin in the spring of 2014.

1 4.

2 Moulin successfully defended himself from the Defendants’ groundless, years-long
3 criminal investigation—but only at significant cost to himself, his family, and his finances.
4 Among the other substantial injuries he suffered, Moulin was forced to liquidate his PERS
5 retirement account in order to pay for his legal defense. After years of unjustly pursuing
6 Moulin, the Defendants’ crusade ended only when the Jackson County Circuit Court granted
7 Moulin’s motion to dismiss all criminal charges with prejudice in May 2015, a full three
8 years after Allison placed Moulin on non-disciplinary paid administrative leave without any
9 explanation, eventually prompting Moulin to obtain other employment after months of
10 silence and disinformation from Defendants.

11 **THE PARTIES**

12 5.

13 Plaintiff Joshua Moulin (“Moulin” or “Plaintiff”) served the Oregon public for 20
14 years as a firefighter, emergency medical technician and, ultimately, a sworn law
15 enforcement officer and Lieutenant of the CPPD. Moulin proudly served in law enforcement
16 until 2012, when Defendants’ unlawful conduct forced him to seek other employment. He
17 currently resides and works in Nevada.

18 6.

19 Defendant City of Central Point (“Central Point”) is a municipality located in
20 Jackson County. The CPPD is an agency of Central Point. The SOHTCTF operated as an
21 agency of Central Point at the time of Moulin’s ouster.

22 7.

23 Defendant Kristine Allison worked as a Captain, Acting Chief and Chief for the
24 CPPD in Central Point at all relevant times. On information and belief, she resides in
Jackson County.

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8.

Defendant Michael Anderson was employed as a Detective by the City of Klamath Falls Police Department, but was assigned to the Task Force in Central Point at the time the Defendants orchestrated Moulin’s ouster in 2012. Anderson subsequently was hired by Allison and CPPD in 2013 to replace Moulin, in whose investigation he continued to actively participate. Anderson was hired by DOJ in 2015 and continued participating in Moulin’s criminal investigation and prosecution while a DOJ employee. On information and belief, he resides in Idaho.

9.

Defendant Brian Day was employed by at all relevant times, variously holding positions including Captain and Lieutenant. On information and belief, he resides in Jackson County.

10.

Defendant Darin Tweedt was employed as chief counsel in DOJ’s criminal division at all relevant times, and actively supervised and directed the activities of the Assistant Attorneys General who prosecuted Moulin. On information and belief, he resides in Marion County.

11.

Defendant Lieutenant Darin Lux was employed by OSP at all relevant times, and actively supervised and directed the activities of the detectives conducting the investigation of Moulin. On information and belief, he resides in Jackson County.

JURISDICTION AND VENUE

12.

Venue is proper in this court because Moulin’s causes of action arose in part in Jackson County.

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13.

On October 25, 2015, Moulin timely served a Tort Claim Notice on the Defendants pursuant to ORS 30.275.

MOULIN’S LONG RECORD OF PUBLIC SERVICE

14.

Moulin is an exemplary public servant with an unblemished record of outstanding performance spanning more than 20 years.

15.

He began his career as a firefighter and emergency medical technician, then transitioned to a career in law enforcement after being hired in 2001 by the City of Ashland, Oregon. While working for the City of Ashland, he received exceptional performance evaluations, several commendations and recommendations, and quickly took responsibility for a wide range of important duties.

16.

In 2003, Moulin was recruited by CPPD as a patrol officer. Within his first year on the Central Point force, Moulin had risen to the top of the department for productivity, and he was often commended for his exceptional handling of complex and stressful situations.

A RISING STAR IN THE CENTRAL POINT POLICE DEPARTMENT

17.

During his tenure at Central Point, Moulin was promoted rapidly from patrol officer to detective (in 2005), to sergeant (in 2007), and to lieutenant (in 2011).

18.

In 2007, Moulin was promoted to sergeant and given the role of Technical Services Bureau (TSB) Manager. In that capacity, he created and oversaw a High-Tech Crimes Unit,

1 the Crime Analysis function (another program he created) and also information technology
2 (IT) operations for the entire City of Central Point.

3 19.

4 In a 2008 performance evaluation, then-CPPD Chief Jon Zelif stated that: “For
5 those ‘truly in the know,’ it is simply not possible for me to list all of the
6 tasks/projects/investigations/emergency Josh has successfully and proficiently finished
7 during his tenure as TSB Manager.” Zelif described Moulin as “a true ‘workhorse’ for the
8 entire City organization,” a “protégé,” and someone who “can adeptly get done anything that
9 he sets his mind to.” Zelif openly stated that he “fully support[ed] [Moulin’s] goal to one
10 day compete to be the Chief of the CPPD.”

11 20.

12 Moulin also received dozens of commendations, recommendations, and awards
13 during his time with Central Point, including the Core Values Award, recognizing his
14 attributes of, “Honor, Integrity, Character, Trust, Courage, and Accountability.”

15 21.

16 Throughout his career at Central Point, Moulin often was the “go to” person for
17 technology-related issues or sensitive investigations. Due to his reputation for honesty and
18 integrity, Moulin frequently assisted with high profile and complex investigations, including
19 those involving public officials.

20 **MOULIN CREATES A HIGH-TECH CRIMES UNIT**

21 22.

22 In 2005, Moulin created the CPPD High-Tech Crimes Unit (HTCU) and obtained his
23 Certified Forensic Computer Examiner (CFCE) credentials. Despite minimal funding or
24 administrative support, the technical unit enjoyed significant success, becoming an

1 indispensable part of the department's work, and Moulin began providing expertise and
2 forensic support to law enforcement agencies across Southern Oregon.

3 23.

4 Moulin went above and beyond to seek outside funding for the HTCUC, which
5 ultimately received over \$700,000 in private and federal grant funding under his leadership.
6 Moulin also succeeded in obtaining the American Society of Crime Laboratory Directors /
7 Laboratory Accreditation Board (ASCLD/LAB) accreditation in 2009 for the HTCUC, which
8 made it the only non-federal standalone digital forensic laboratory accredited in the world at
9 that time.

10 24.

11 By 2011, Moulin had grown what began as the one-person HTCUC into a regional,
12 multijurisdictional task force that covered nine Oregon counties. The task force, which
13 became known as the Southern Oregon High-Tech Crimes Task Force (SOHTCTF),
14 remained housed at CPPD and led by Moulin.

15 25.

16 Moulin was so successful in growing the SOHTCTF that the FBI approached him to
17 develop a partnership, recognizing that his team offered unique capabilities in Southern
18 Oregon. The FBI designated the SOHTCTF as a federally qualified Cyber Crimes Task
19 Force and began providing SOHTCTF members with vehicles, fuel, and paid overtime.

20 26.

21 Moulin also established a Law Enforcement Advisory Board (LEAB) comprising a
22 representative from each of the participating agencies of the SOHTCTF. The LEAB met
23 quarterly and provided oversight for the task force's operations.

24

1 **MOULIN THRIVES DESPITE UNFAIR TREATMENT**

2 27.

3 Despite demonstrating his capability—or perhaps precisely because he was so
4 capable—Moulin faced unjustified criticism throughout his tenure at CPPD from employees
5 and supervisors who were threatened by his accomplishments.

6 28.

7 Early in Moulin’s tenure, for example, his supervisor disparaged him as a “golden
8 child” and told him to “cut the umbilical cord,” falsely implying that Moulin had benefitted
9 from the fact that his father-in-law had served in CPPD for 30 years. (In fact, Moulin’s
10 father-in-law never had any supervisory authority over Moulin.)

11 29.

12 On another occasion, Moulin’s patrol supervisor sent an email to a Department-wide
13 bulletin board falsely alleging that Moulin had benefited from favoritism.

14 30.

15 Then-Chief Zelifff expressly recognized that Moulin had been subjected to unfair
16 treatment, writing in a 2008 performance evaluation that, despite Moulin’s exceptional
17 performance, “Josh has for some time been treated as least ‘unfairly’ by a segment of the
18 City organization.” Zelifff noted that Moulin had handled the unfair treatment well by
19 “us[ing] these often hurtful experiences to better himself, further proof of his developing
20 personal and professional maturity.”

21 31.

22 In 2008, Moulin was required to work significant amounts of overtime because he
23 was handling such a wide range of tasks for the Department and the City—as evidenced by
24 Chief Zelifff’s description of Moulin as a “workhorse”—and he was unable to schedule
vacation time.

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32.

Although Chief Zeliff had approved Moulin’s overtime, the City began taking Moulin’s vacation days away, claiming that he had reached the limit of allowable time off.

33.

To recoup the vacation time he had earned, Moulin was forced to file a grievance with the union against Central Point City Manager Phil Messina. Moulin prevailed in that grievance, and the City was forced to pay Moulin back for his lost vacation time.

DEFENDANT ALLISON’S AMBITION TAKES OVER

34.

In 2009, then-Chief Zeliff began demonstrating that he favored Defendant Kristine Allison, who was then a detective in the Department. (Moulin outranked Allison, having already been promoted to sergeant in 2007.)

35.

After an outgoing lieutenant announced his retirement in 2010, Zeliff quickly announced to the Department via email that Allison had been “appointed” as the next lieutenant in a closed, non-competitive process, although she lacked the experience and qualifications for that position. Allison’s “appointment” to the position resulted in her being promoted over four corporals and five sergeants, including Moulin, many of whom had substantially more training, experience, and tenure than she did and who—unlike Allison—would actually have met the minimum qualifications of the position.

36.

Just a few months later, Allison was promoted a second time from lieutenant to captain, again in a closed, non-competitive process.

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37.

At the same time, Zeliff attempted to remove all of the Department’s sergeants (including Moulin) from the union. When the union opposed that change, Zeliff instead eliminated all of the sergeant positions and required them to reapply for new positions. The former sergeants were (unlike Allison) subjected to an intensive promotion examination process, and Moulin (fortunately) earned a promotion to Lieutenant.

ALLISON CONFIRMS MOULIN’S EXCEPTIONAL PERFORMANCE

38.

Ironically, despite her lack of supervisory experience, Allison became Moulin’s immediate supervisor following her non-competitive “appointment” to the position of Captain. In that capacity, she was responsible for preparing his performance evaluations. She prepared two such evaluations of Moulin during her tenure as his direct supervisor.

39.

In her first evaluation of Moulin, in January 2011, Allison concluded that Moulin’s performance “exceeds expectations.” Among her many positive comments, she wrote that he “understands and demonstrates leadership on a daily basis,” that he was “effective in taking direction and managing conflict,” and that he “exceeds and exhibits the quality of a leader for the Central Point Police Department.”

40.

In her second and final evaluation of Moulin, in September 2011, Allison again concluded that his performance was “exceptional.” She wrote that he was “always seeking to improve his work performance” and that he “seems to continually find new ways to astound his supervisors and peers on what he has accomplished.”

1 APD repeatedly demanded that Moulin and SOHTCTF drop all other tasks in order to fish
2 through a seized laptop—or even “clone” the laptop’s hard drive in a forensically unsound
3 manner so that APD could fish through it themselves—in hopes of finding something of
4 relevance. (The APD sergeant who submitted the laptop to SOHTCTF expressly described it
5 as a “fishing expedition.” Indeed, APD initially failed to provide any of the required
6 paperwork—such as a search warrant or consent to search—that was required for the task
7 force to search the device.) Having already examined a dozen items of digital evidence, and
8 with the APD unable to articulate any reason to prioritize this additional laptop, Moulin had
9 no choice but to continue his forensic work on other serious cases with defendants who were
10 being held in pre-trial confinement.

11 46.

12 The Deputy Chief of APD called Allison, and both the Chief and Deputy Chief of
13 APD then threatened to withdraw their agency from the SOHTCTF, in an attempt to
14 pressure Moulin to prioritize this additional laptop over other cases. (CPPD documents later
15 revealed that the Chief of APD had told Allison that his agency would continue to
16 participate in SOHTCTF only if Moulin were no longer involved.) Moulin declined to bend
17 to this pressure, explaining that, unless APD could articulate a basis for needing a rush
18 processing of the laptop, it would be processed in accordance with normal procedures.

19 47.

20 In fact, Allison herself had instructed Moulin to prioritize a separate homicide case
21 (the Huddleston case) in which a defendant was already in custody and there was
22 information suggesting another suspect remained at large. While she concealed this
23 information from APD officers at the time, letting Moulin take the blame for complaints
24 about the Grubbs case, Allison later admitted to investigators that she had instructed Moulin
to prioritize the Huddleston homicide case—in which there were dozens of items of

1 evidence still needing examination—over the single, apparently unimportant laptop in the
2 Grubbs case.

3 48.

4 The political pressure brought to bear by APD leadership—who played no regular
5 role in the SOHTCTF and had no particular knowledge of its operations—contrasted starkly
6 with the views of the APD officer actually assigned to the SOHTCTF, Detective Mike
7 Vanderlip, who confirmed in later interviews that he agreed with Moulin’s refusal to take
8 the shortcuts that APD leadership was demanding.

9 49.

10 On April 20, 2012, the APD formally withdrew from the SOHTCTF. On April 23,
11 Allison called Moulin to inform him of the withdrawal. At the time, Allison told Moulin that
12 it was probably better that APD was leaving the task force due to how difficult it had been to
13 work with that agency. In fact, however, after she later forced Moulin out of CPPD, Allison
14 paid the City of Ashland some \$50,000—federal money that was earmarked for other
15 purposes—to have APD detective Vanderlip return to the task force.

16 **ALLISON BECOMES CHIEF IN A FAIT ACCOMPLI**

17 50.

18 In February 2012, then-Chief Zelif announced that he planned to retire in the
19 coming months. Moulin hoped to apply for the position upon Zelif’s retirement.

20 51.

21 Because it was apparent—due to Zelif’s repeated, non-competitive promotions of
22 Allison—that Zelif preferred Allison as his successor, Moulin decided to approach
23 Assistant City Manager Chris Clayton to express interest in the position of Chief and to ask
24 for Clayton’s guidance. Moulin met with Clayton for that purpose and, because he feared
potential retaliation, expressly asked Clayton not to disclose the conversation to Zelif.

PAGE 13 – COMPLAINT FOR MALICIOUS PROSECUTION AND CIVIL RIGHTS
VIOLATIONS

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52.

Instead, Clayton promptly informed City Manager Phil Messina—against whom Moulin had previously (and successfully) filed a union grievance—of Moulin’s desire to apply for the position of Chief. Clayton told Messina that he had promised not to tell Zeliff, but that he thought Zeliff should know. Unsurprisingly, Messina then immediately informed both Zeliff and Allison herself that Moulin intended to seek the position of Chief.

53.

Clayton later admitted to employment investigators that “It was 100% ... we knew we were going to appoint Kris Allison as the acting chief the moment that Jon Zeliff announced his retirement.”

54.

On March 21, 2012, just 20 days after Moulin’s meeting with Clayton, Chief Zeliff and City Manager Messina announced that Allison would become the acting police chief and that Defendant Brian Day would be promoted to the rank of Captain. Allison’s first act as Acting Chief—she was on a 90-day probationary period in that role—would be to place Moulin on administrative leave without explanation, as described further below.

MOULIN DISCOVERS EVIDENCE OF MEDFORD POLICE OFFICERS’ ASSOCIATION WITH HUDDLESTON

55.

On April 30, 2012, Moulin began the forensic analysis of digital evidence recovered in the Huddleston murder case. During the course of his review, and while sitting next to Medford Police Department (MPD) Detective Brandon Bloomfield, Moulin discovered photographs of other MPD detectives—friends and close personal associates of Bloomfield’s—socializing at a party with the murder defendant, Bourne Huddleston.

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56.

Despite Moulin’s express instructions to the contrary—Moulin wanted to preserve the integrity of the ongoing investigation—Bloomfield, who had seen the photos while Moulin reviewed them, then alerted one of the pictured MPD detectives that Moulin had discovered photographs of him with Huddleston.

CPPD LAUNCHES A PERSONNEL INVESTIGATION AT ALLISON’S BEHEST

57.

Just two days later, on May 2, Bloomfield approached Allison and alleged that Moulin had been dishonest (a month earlier) regarding the length of time it would have taken to examine the laptop in the Grubbs case. In fact, however, Bloomfield had agreed at the time with Moulin’s cited turnaround time of two months, which was accurate. In explaining his change of heart, Bloomfield claimed he had been “internalizing” the issue for a month.

58.

On May 2, MPD leadership also suddenly asked for a meeting with Moulin regarding their supposed concern over APD’s exit from the SOHTCTF. During that meeting, MPD Chief Tim George questioned whether Moulin had done everything possible to help APD in the Grubbs investigation.

59.

Upon hearing Bloomfield’s change of heart regarding Moulin’s handling of the Grubbs case, and despite knowing that she herself had ordered Moulin to prioritize the Huddleston case instead, Allison—who now had been tapped, over Moulin, to succeed Zelif as chief—then approached Zelif and asked to initiate an investigation into Moulin.

1 60.

2 Unknown to Moulin, at Allison’s behest, CPPD then launched a full-scale
3 investigation into his conduct with the SOHTCTF. Neither Allison nor CPPD ever
4 interviewed Moulin or apprised him of the allegations against him. Allison and CPPD set
5 out on this course despite knowing that the alleged conduct would have been completely
6 uncharacteristic of Moulin and contrary to his long record of distinguished public service—
7 and despite knowing that Moulin was much more experienced and better equipped than
8 Allison, Anderson, or anyone else at CPPD to know how long a forensic examination might
9 take in light of SOHTCTF’s many competing priorities.

10 61.

11 During the course of the investigation, CPPD personnel—and specifically Day—
12 conducted interviews, but—contrary to department policy—never made audio recordings of
13 those interviews or wrote official reports documenting their contents.

14 62.

15 Day’s interviewees included Defendant Anderson, at that time still a detective in
16 Klamath Falls and the newest member of the SOHTCTF. Although Anderson had
17 absolutely no involvement in or knowledge of the Grubbs murder case, he asserted that the
18 laptop could have been, “Done in two weeks”, and “Image[d] in two days”—the first of
19 many such false, politically motivated accusations against Moulin made by individuals who
20 lacked the forensic experience or knowledge to make such judgments.

21 63.

22 On May 9, 2012, Allison was informed by Central Point’s Human Resources
23 manager that the City’s insurance counsel recommended that CPPD provide Moulin with
24 written notice of the nature of the investigation. City documents reveal that Allison
disregarded that advice, claiming that informing Moulin would be “premature” and that,

1 “She hadn’t even talked to Josh yet about any of this since it’s become the ‘issue’ that it
2 has.” The documents indicate that Allison claimed she would talk to Moulin “next week.”

3 **ALLISON ORCHESTRATES (AND DENIES) A CRIMINAL INVESTIGATION**

4 64.

5 Contrary to Allison’s claims, neither she nor anyone else at CPPD ever talked to
6 Moulin, much less apprised him of the nature of their “investigation” into him. Instead,
7 within a week, and without warning, Allison would place Moulin on non-disciplinary, paid
8 administrative leave, without apprising him of the reason for (much less providing him an
9 opportunity to contest) her decision.

10 65.

11 Allison and her acolytes began working hard—and in total secrecy from Moulin—to
12 build some type of “case” against him. During the week of May 14, 2012, Allison, Day,
13 Zelif and City Manager Messina met frequently to discuss Moulin’s “investigation.” On
14 May 14, city management met with outside counsel to discuss how to handle Moulin’s
15 investigation and on May 15, the draft of an administrative leave memo began circulating
16 via email between Day and that outside attorney. That same day, Messina signed a
17 Personnel Action Form in preparation of placing Moulin on paid administrative leave.

18 66.

19 On May 15, also unbeknownst to Moulin, Allison referred Moulin to OSP—and
20 specifically to the Central Point office of OSP, where Allison’s husband, Jeff Allison, was a
21 sergeant—for the alleged crime of Tampering with Public Records. (Defendants Allison and
22 Day apparently contended that Moulin had committed a crime by the mundane, innocent act
23 of correcting meeting minutes from the LEAB, the advisory board that oversaw the
24 SOHTCTF.) Within two days, the OSP would decline to pursue an investigation, stating that
no crime had been committed.

PAGE 17 – COMPLAINT FOR MALICIOUS PROSECUTION AND CIVIL RIGHTS
VIOLATIONS

1 67.

2 The following day, on May 16, Allison called Moulin to her office, where Moulin
3 found her waiting with several Central Point and CPPD employees, including Anderson and
4 Assistant City Manager Clayton. (Anderson was still employed by Klamath Falls, and was
5 Moulin’s subordinate on the Task Force, making it especially inappropriate for Allison to
6 involve him in a personnel matter regarding Moulin.) Allison handed Moulin a memo titled
7 “Paid Administrative Leave” notifying him, for the first time, that he was being placed on
8 leave from CPPD. Moulin had no opportunity to read or digest the administrative leave
9 memo, much less to discuss it with the entourage of CPPD and City employees Allison had
10 assembled. Allison expressly refused to tell Moulin why he was being placed on leave;
11 indeed, she refused to answer any of his questions at all.

12 68.

13 Allison told Moulin that he could keep the copy of the administrative leave memo
14 she had given him. While that memo included signature lines for Allison, Assistant Central
15 Point City Manager Chris Clayton, and Moulin himself, no one—including Moulin—
16 actually signed the memo. The memo bore the statement “Signature acknowledges receipt
17 and understanding of requirements,” but none of the defendants ever sought or obtained
18 Moulin’s signature on that memo, and they were fully aware he had not signed it.

19 69.

20 After collecting Moulin’s gun, badge, and holster, Allison told Moulin that “OSP
21 will be in contact with you soon,” but then refused to answer when Moulin asked whether he
22 was under criminal investigation. In fact, Allison knew full well that she had initiated at
23 least one criminal investigation against Moulin by that time. Defendants’ conduct on May
24 16 was only the first of many times they refused to provide Moulin any of the procedural

1 protections afforded by law to public employees, and particularly to sworn law enforcement
2 officers like Moulin.

3 70.

4 Allison and Anderson then escorted Moulin to his office, where they and Day asked
5 for information about SOHTCTF operations, including passwords, which Moulin provided.
6 In full view of these other CPPD officers, Moulin accessed his computer to create an out-of-
7 office response for his email accounts. He then collected a few personal belongings before
8 being escorted outside to the parking lot, still unaware of any basis for the leave that CPPD
9 was imposing on him.

10 **MOULIN RETURNS AN ADDITIONAL LAPTOP**

11 71.

12 Upon arriving at home, Moulin realized he had an older MacBook Pro laptop, which
13 he intended to set up for SOHTCTF use, at his house. Moulin had previously taken the
14 laptop home to set it up after work, which was allowed by policy and not uncommon given
15 the hours he worked for SOHTCTF. (The laptop had been offered to SOHTCTF by MPD,
16 which had seized it in a drug raid, because MPD did not use Macs.)

17 72.

18 Consistent with City policy and regular practice, Moulin opened the laptop to
19 remove his personal information before turning the laptop in to the Task Force. He had a
20 free program on the computer called KeePassX, which was an application that he used to
21 maintain his personal passwords—including passwords for his bank accounts, healthcare
22 providers, and even the security codes to enter his own home. To eliminate this personal
23 information, Moulin deleted the KeePassX program and then securely erased the free space
24 on the computer's hard drive.

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73.

Moulin called Day and notified him that he had some equipment still at his house—no one at CPPD was even aware that Moulin had this laptop, which had come from MPD—and Day drove to Moulin’s home that evening to pick up the laptop and a few other items, including Moulin’s FBI credentials. Day asked for additional passwords to Moulin’s FBI Blackberry and his SOHTCTF email account, which Moulin provided him. Day refused, though, to tell Moulin why he had been placed on leave.

74.

Over the succeeding weeks, Moulin contacted Day frequently to ask for updates and to inquire whether he could return to work. Day refused to provide any information.

THE “INVESTIGATION” EVOLVES, LEADING TO UNLAWFUL SEARCHES AND MASSIVE SPOILIATION OF EVIDENCE

75.

On May 17, in a meeting between Allison, Day, and OSP detectives (including Defendant Lux) the OSP declined to pursue Allison’s first suggested criminal investigation against Moulin—namely, tampering with public records—because no crime had been committed. Neither CPPD nor OSP informed Moulin that he had been the target of this abortive criminal investigation.

76.

Despite this development, Allison and CPPD kept Moulin on paid leave without explanation. Indeed, in the days and weeks following Moulin’s placement on paid leave, Allison and CPPD began escalating their “administrative” investigation, searching for any other angles they might pursue to develop some type of criminal case against Moulin.

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77.

In particular, CPPD searched Moulin’s office, laboratory space, department vehicle, and locker, and demanded he turn over passwords to various systems, despite CPPD policy that prohibited using “administrative” proceedings to gather evidence for a criminal investigation. Moulin complied, given that he could have been terminated for refusing to comply, and that he had not been provided with any notice of a criminal investigation. CPPD would later provide the information it obtained through using these passwords to OSP in its criminal investigation of Moulin.

78.

Moulin was never read his Miranda rights, nor told he was under criminal investigation, even though Allison, Day, Anderson and Central Point knew full well that he was. In simultaneously pursuing a dual administrative and criminal investigation against Moulin, and refusing even to provide Moulin with notice of the allegations against him, these defendants engaged in a clear, ongoing violation of CPPD policies designed to protect public employees’ due process rights.

79.

As it evolved, CPPD’s aimless “investigation” of Moulin also led to the massive spoliation and destruction of evidence as CPPD—including Allison and Anderson, a trained forensic expert—mishandled, inappropriately accessed, or altered every digital device that Moulin had returned upon being placed on administrative leave. Moulin’s task force email account was accessed multiple times by an unknown individual, and a cellular phone that Moulin turned in to Day was accessed several times. Incredibly, someone even used that cell phone *to place a call* on May 22, nearly a week after Moulin had been placed on leave and turned in the phone amidst CPPD’s ever-shifting “investigation.”

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80.

On May 23, with Moulin still on leave, an unknown individual turned on a computer on Moulin’s desk at work and used it to connect to the internet, contrary to all forensic policies and procedures. Once connected to the internet from Moulin’s computer, that unknown person accessed Moulin’s personal Dropbox account—all without a search warrant. Moulin’s personal Dropbox account was later accessed a second time from a separate computer that was assigned to Moulin. Forensic evidence reveals that these unlawful searches originated from the City of Central Point’s Internet Protocol (IP) address.

81.

On May 31, the MacBook Pro—the laptop returned from Moulin’s home—was powered on and accessed while inside of Allison’s office. (After receiving the MacBook Pro from Moulin on May 16, Day apparently took it to CPPD and placed it on Allison’s desk.)

82.

Despite realizing that Moulin had deleted information from the laptop—which CPPD apparently considered improper, without even asking Moulin what had been removed—Anderson and CPPD continued browsing through the MacBook Pro in a forensically unsound manner, causing the destruction and alteration of access logs and other digital evidence on the laptop. In fact, forensic evidence shows that the laptop was inappropriately accessed on May 31, June 1, June 4, and June 7, all in a forensically unsound manner that altered or destroyed its contents.

83.

On June 4, Allison asked Central Point IT Director Jason Richmond, who lacked any forensic experience or equipment, to review the MacBook Pro laptop from Moulin’s residence. Richmond powered on the laptop computer on June 4 and browsed through its contents in a forensically unsound manner. Day instructed Richmond to preserve his

1 findings, stating that “We need to have something that we can show.” Nonetheless,
2 Richmond failed to preserve his findings.

3 84.

4 Subsequent forensic analysis of the MacBook Pro indicates that, on May 31, a
5 critical log file went missing from that laptop. Specifically, the laptop is missing the log file
6 (called the “daily.out” file) for May 31 that shows how much data was on its hard drive at
7 that point—and thus would have shown how much data existed on the laptop on May 16,
8 when Moulin was placed on leave, versus May 31, when Anderson accessed the laptop. The
9 forensic evidence shows that May 31, the day on which Anderson accessed the laptop, was
10 the only day for which this log file was missing.

11 85.

12 CPPD also repeatedly attempted to hack into Moulin’s personal GoDaddy website
13 account. (Moulin had founded the SOHTCTF and created the website for the task force on
14 his own time and using his own GoDaddy account, initially paying for web hosting with his
15 own funds.) CPPD wanted to renew the task force’s domain name (hightechcops.com),
16 which was about to expire. Although Day knew that this account was Moulin’s personal
17 account, he made multiple attempts to access the online account; indeed, Day made so many
18 attempts to access Moulin’s personal account by guessing his password that GoDaddy
19 locked the account. Day even went so far as trying to impersonate Moulin by using Moulin’s
20 FBI identification credentials to attempt to access the GoDaddy account.

21 **ALLISON LAUNCHES A SECOND CRIMINAL INVESTIGATION**

22 86.

23 On June 9, in a letter to Defendant Lux, CPPD requested that OSP open another
24 investigation into Moulin based on their belief—about which they still had never asked
Moulin—that he had deleted files from the MacBook Pro he voluntarily returned from his

1 home, supposedly in violation of the terms of his administrative leave memo. This was the
2 same laptop that, by June 9, Anderson and others had been inappropriately and regularly
3 accessing for more than a week in violation of even the most basic forensic standards.

4 87.

5 On June 12, OSP opened an investigation based on CPPD's claims that Moulin had
6 deleted information from the MacBook Pro in violation of the terms of his administrative
7 leave memo. In fact, CPPD knew that Moulin had never fully read or discussed, much less
8 agreed to, the terms of that memo. CPPD also knew, at minimum, that Moulin had never
9 signed that memo. (Indeed, at the time it was presented to Moulin on May 12, not even
10 CPPD or Central Point itself had signed that memo.)

11 88.

12 CPPD's concealment of this information infected numerous aspects of the
13 investigation. For example, in a search warrant application seeking the contents of Moulin's
14 personal Dropbox account—the same account CPPD had illegally accessed on two prior
15 occasions—an OSP detective informed the Jackson County Circuit Court of the
16 administrative leave memo, but failed to apprise the Court that no one, including Moulin,
17 had ever signed the memo or otherwise agreed to its contents.

18 89.

19 CPPD provided other false information to OSP to generate this second investigation.
20 Day, for example, told an OSP detective that the MacBook Pro had been "Purchased by the
21 City of Central Point" and that "purchase orders from the High Tech Crimes Task Force
22 indicate the 13" MacBook was purchased by Mr. Moulin for the Task Force and is the
23 property of the City of Central Point." Both statements were and are false.

1 90.

2 Allison was intimately involved in pushing the OSP’s investigation into Moulin,
3 meeting directly with the assigned OSP detective, Bryan Scott, on several occasions.
4 (Despite Allison’s intimate involvement in the case, including her numerous meetings with
5 him, Scott curiously omitted any mention of her from his 31-page report on the
6 investigation.) Other senior Central Point managers also were intimately involved; on June
7 12, for example, outgoing Chief Zeliff emailed City Manager Messina to state that he had
8 “been talking/e-mailing/texting regularly about this [Moulin’s investigation] with Kris and
9 even when I dig deep into my ‘bag of tricks’ about something to consider and/or do with the
10 investigation, she has already done it.” Zeliff also expressed his hope that, after Messina
11 weighed in with the investigators, “we can finally give Jimmy Hoffa a ‘proper’ burial.”

12 91.

13 On July 12, 2012, after nearly two months of silence from CPPD regarding the
14 reasons for his administrative leave, and still unaware of any criminal investigation, Moulin
15 provided written notice and resigned his position with CPPD in order to accept new
16 employment working in cybersecurity for the federal government.

17 92.

18 On August 1, CPPD issued a press release in conjunction with the Jackson County
19 District Attorney’s Office. The press release stated that Moulin was under investigation for
20 potential criminal wrongdoing and that OSP and DOJ were conducting the investigation.

21 93.

22 Moulin first learned that he was still under investigation—and that it was a criminal
23 investigation—when he received an email with a link to the Mail Tribune newspaper article
24 based on this press release. Neither OSP nor DOJ would respond to Moulin’s inquiries about
the reported criminal investigation. Allison told Moulin’s wife only that she should “take

1 care of the kids, your dad and mom”—implying that she was encouraging Moulin’s wife to
2 reconsider her marriage.

3 94.

4 The press release falsely implied that Moulin resigned due to wrongdoing, when in
5 fact he had obtained other employment without any knowledge of the frivolous criminal
6 investigation, which had been concealed from him. Moulin had already moved to Nevada
7 for his new job, and was forced to disclose this newly revealed investigation to his new
8 employer, causing him embarrassment and worry about ongoing employment.

9 95.

10 During the week of August 2, Anderson placed a phone call to one of Moulin’s new
11 co-workers in Nevada in an attempt to get Moulin fired. This co-worker was also a Certified
12 Forensic Computer Examiner and had just been hired to work for the same federal
13 contractor as Moulin.

14 96.

15 In an interview published on August 8, Allison falsely told the Rogue River Press
16 newspaper that she did not know the status of the investigation into Moulin and implied that
17 she had no special knowledge of the allegations against him. In fact, Allison already had
18 been interviewed several times in the investigation; indeed, OSP listed Allison herself as the
19 complainant who had initiated the serial investigations they conducted at her request.

20 97.

21 Similarly, in an interview with the Mail Tribune newspaper published on August 12,
22 Allison again falsely claimed that she had been “left in the dark” regarding the OSP
23 investigation, when in fact she was intimately involved in promoting every aspect of it.
24

1 MacBook Pro laptop. DOJ requested copies of Moulin’s polygraph charts, and records show
2 that DOJ and OSP had a conference call, in which Defendant Lux participated, regarding the
3 forensic memo and polygraph results.

4 102.

5 On March 17, 2013, Payne authored a supplemental memorandum about KeePass.
6 In his memo, Payne admitted that the defense’s evidence showed that KeePass had been
7 installed on the MacBook Pro, as Moulin’s forensic expert—a former FBI forensic
8 examiner—had concluded in a report.

9 103.

10 After 8 months of inaction, on November 15, 2013, a DOJ Assistant Attorney
11 General (AAG) under Defendant Tweedt’s supervision suddenly informed Moulin’s
12 attorneys by email that DOJ intended to charge Moulin with computer crime and official
13 misconduct. In that email, the AAG noted that he could “understand why you might have
14 thought that this case was going away.” The AAG conceded in his email that there was no
15 evidence Moulin had deleted anything more than his personal passwords and data. He
16 falsely asserted—despite there being no evidence to support the assertion—that Moulin
17 admitted he had received notice he was not supposed to access any department computers
18 while on administrative leave. In fact, as DOJ well knew—as evidenced by its own
19 witnesses’ testimony—Moulin never admitted to receiving such notice, and in fact never did
20 receive such notice.

21 104.

22 On December 6, 2013, Moulin voluntarily submitted to two additional polygraph
23 examinations with retired OSP detective Bryant, which extensively covered all of the
24 allegations regarding the supposedly improper deletion of information from the MacBook

1 Pro laptop. Moulin passed both of these examinations, and those results were duly submitted
2 to DOJ. DOJ never responded to these polygraph results.

3 **THE DEFENDANTS RECOGNIZE THE PROSECUTION IS GROUNDLESS, BUT**
4 **CONTINUE TO CHARGE MOULIN NONETHELESS**

5 105.

6 By no later than January 2014, all of the Defendants knew they lacked a critical
7 piece of evidence in their frivolous case against Moulin: namely, a signed copy of the
8 administrative leave memo, which would have been the only evidence that Moulin had
9 agreed to CPPD and Central Point’s terms of his administrative leave, and therefore the only
10 evidence that Moulin had agreed to refrain from accessing computers such as the MacBook
11 Pro. The Defendants also realized that the reason they lacked this evidence was because *it*
12 *did not exist*. (Allison and Anderson also had personally witnessed, and did not object to,
13 Moulin accessing his work computer while he was being escorted out of CPPD on May 16,
14 2012, which—by their flawed reasoning—should also have violated the terms of the memo.)

15 106.

16 On January 7, 2014, for example, OSP detective Bryan Scott sent an email to the
17 assigned DOJ prosecutor, informing him that “I spoke with Capt. Day regarding getting a
18 copy of the signed memorandum Mr. Moulin was given when he was placed on
19 administrative leave. He said they are still trying to track it down, but he’s reasonably
20 certain Mr. Moulin did not sign the letter when it was given to him.”

21 107.

22 On January 16, 2014, following an exchange of text messages between Scott and
23 Day, Scott emailed the AAG to state that “CPPD does not think the memo presented to
24 Moulin when he was placed on Admin Leave was ever signed by anyone, including the
people noted on the signature lines on the second page. They said when Moulin was given

1 the letter they got distracted by how he reacted and never got around to having everyone
2 sign it.” That same day, the AAG acknowledged to Moulin’s attorneys that he was aware of
3 this “new” information but again suggested that Moulin plead guilty without going to trial.
4 Moulin reiterated his refusal to plead guilty to the groundless charges.

5 108.

6 On February 6, 2014, Moulin’s attorneys submitted a memorandum to Oregon
7 Attorney General Ellen Rosenblum asserting that “This is not a prosecution that serves a
8 public interest” and expressly noted that “It is not a prosecution likely to survive a pretrial
9 challenge.” The memo requested that DOJ participate in a judicial settlement conference
10 before filing any charges. DOJ never responded to that request.

11 109.

12 On February 12, 2014, Scott interviewed Central Point Assistant City Manager Chris
13 Clayton, who had been present for the meeting at which Moulin was placed on leave.
14 Consistent with every other witness’s recollection, Clayton admitted during this interview
15 that no specifics about the administrative leave memo had been discussed when Moulin was
16 placed on leave, that the memo was never read to Moulin, and that he could not say that
17 Moulin had read the entire memo.

18 110.

19 That same day, February 12, Scott interviewed Central Point IT director Richmond,
20 who also had been present for the meeting at which Moulin was placed on leave. Like
21 Clayton, Richmond stated that the administrative leave memo had never been read to
22 Moulin and that Allison had refused to answer Moulin’s questions as to why he was being
23 placed on leave.

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111.

Despite their clear exculpatory content, these interviews were not shared with Moulin’s defense attorneys until April 2015, more than a year later, by which time (as discussed below) CPPD had mysteriously “discovered” a copy of the memo bearing Allison’s and Clayton’s signatures. (In January 2014, CPPD told Scott that no one had signed the memo.)

112.

Moulin’s attorneys sent a follow-up email to DOJ on February 19, 2014, asking (for a second time) that Moulin be allowed to testify to the Grand Jury on his own behalf. While the Jackson County District Attorney’s Office has a long-standing protocol that allows public servants accused of criminal activity to testify to the Grand Jury if they wish, DOJ refused to allow Moulin to do so, and also refused to engage in a settlement conference.

113.

Later that same day, February 19, the AAG sent an email to Moulin’s attorneys advising that a secret indictment had been secured against Moulin. That indictment charged Moulin with three criminal counts—one felony count of “computer crime” as well as misdemeanor counts of both “computer crime” and “official misconduct”—based solely on the false allegation that he deleted personal passwords from the MacBook laptop without authorization to do so.

THE DEFENDANTS REFUSE TO DISMISS THE BASELESS CRIMINAL CHARGES AND FABRICATE EVIDENCE TO CONTINUE THE CASE

114.

In advance of his arraignment in April 2014, Moulin issued a press release of his own in order to combat the false narrative that the Defendants had generated about his

1 investigation—a narrative they had perpetuated in spite of their knowledge that Moulin had
2 never signed the administrative leave memo at the heart of their “case.”

3 115.

4 The Defendants, through DOJ—and specifically the division headed by Tweedt—
5 responded by filing a motion asking the Court to prohibit Moulin from contacting the media,
6 which the Court promptly denied as unconstitutional.

7 116.

8 Not satisfied with charging Moulin criminally for the non-criminal act of having
9 deleted his personal passwords, DOJ then filed notice of its “intent to rely on enhancement
10 facts,” alleging that Moulin deserved harsher punishment than a typical defendant because,
11 among other false accusations, they claimed he had violated the public’s trust and that he
12 showed no remorse for his conduct.

13 117.

14 On August 28, 2014, DOJ and Moulin participated in a judicial settlement
15 conference in the criminal case. Defendant Tweedt attended that conference along with the
16 AAG that he supervised. Phone records reveal that, just minutes before that settlement
17 conference, Defendant Day sent a text message to OSP detective Scott including a never-
18 before-seen image of an administrative leave memo bearing Allison and Clayton’s
19 signatures (but still not signed by Moulin). This “signed” memo had never been seen in the
20 more than two years since Moulin was placed on leave on May 16, 2012.

21 118.

22 Forensic evidence indicates that the picture of the “signed” memo sent by Day was
23 taken with his iPhone at the CPPD offices on 1:11pm on August 28, just 19 minutes before
24 that day’s 1:30pm judicial settlement conference. The signatures on this newly discovered
version of the memo purported to be dated May 16, 2012, and included time notations

1 purporting that they were signed during the meeting with Moulin that day, even though no
2 attendee at the May 16 meeting ever testified that *anyone* had signed the memo before or
3 during the meeting. (Indeed, CPPD had consistently told OSP, including as recently as
4 January 2014, that *no one* had ever signed the memo.) This newly discovered, “signed” copy
5 of the memo was never seen by anyone prior to the settlement conference, never noted in
6 any DOJ or OSP report, and certainly never produced to the defense in discovery.

7 119.

8 As the case progressed, Central Point attempted to prevent Moulin from receiving
9 the discovery to which he was entitled by law. On September 11, Central Point filed a
10 motion to quash subpoenas Moulin’s attorneys had issued in an effort to obtain the evidence
11 described above. Central Point argued that Moulin should be charged more than \$10,000 if
12 the Court required it to produce these records necessary to his defense. The Court denied
13 Central Point’s motion.

14 120.

15 Despite the Court’s issuance of subpoenas, the Defendants continued to withhold
16 critical discovery from Moulin as the case progressed. They produced enormous amounts of
17 exculpatory discovery—including handwritten notes and audio recordings of interviews
18 conducted by OSP acknowledging the spoliation of the MacBook evidence— only on April
19 13, 2015, the evening before the omnibus motions hearing in the criminal case. Indeed, the
20 Defendants (through DOJ and Tweedt) produced some of this exculpatory discovery only at
21 11:00pm that night.

22 121.

23 As a result of the Defendants’ discovery delays, the Court postponed the motions
24 hearing—at which Moulin’s motions to dismiss the case would be considered—until April
27. Nonetheless, the Defendants still failed to provide important discovery—including a 20-

1 page set of notes from Day regarding the investigation of Moulin—until the day of that
2 rescheduled hearing.

3 THE DEFENDANTS' CASE COLLAPSES

4 122.

5 At the motions hearing, the Defendants' case began to collapse under the weight of
6 their misconduct, lies and tainted evidence.

7 123.

8 During the motions hearing, Allison, Anderson and Day all stated—incredibly, given
9 that they personally had ensured Moulin's investigation and prosecution over the course of
10 three years—that they did not think the deletion of personal passwords constituted a crime.

11 124.

12 During the same hearing, the Defendants repeatedly gave false and conflicting
13 testimony regarding the timing and reasons for their repeated accessing of the MacBook Pro
14 laptop—the laptop that ostensibly formed the entire basis for their criminal investigation and
15 prosecution of Moulin. For example, while Anderson had previously claimed he accessed
16 the laptop to turn off its wireless card, in his sworn testimony he falsely asserted that he was
17 looking for “forms” that were needed to “continue the day-to-day operations of the lab.”
18 Testimony at the hearing further established that Anderson had misled the OSP forensic
19 examiner regarding who—Moulin or the investigators themselves—had run certain
20 processes on the laptop, and that Anderson had selectively provided OSP with only certain
21 snippets of forensic information in order to perpetuate the case against Moulin.

22 125.

23 By contrast, Central Point's IT director testified that the purpose of accessing the
24 laptop was to determine “whether it had been altered.” The Court later concluded that the

1 Defendants’ true purpose in accessing the laptop was “pursuing criminal charges,” rejecting
2 the Defendants’ argument that they were engaged only in an “administrative” investigation.

3 126.

4 For her part, Allison falsely testified that she “never saw anyone access the computer
5 [the MacBook Pro] in her presence,” contrary to numerous earlier statements she and other
6 witnesses had made, leading the Court to later find that her testimony was “not credible.”

7 127.

8 On May 8, 2015, following two days of hearings on Moulin’s motions to dismiss the
9 case, the Court dismissed all charges against Moulin with prejudice, holding that “Mr.
10 Moulin was deprived of due process when forensic investigators failed to preserve the 13
11 inch Macbook and potentially destroyed exculpatory evidence.” The Court found that the
12 Defendants, despite including “trained forensic examiners,” had “blatantly disregarded all
13 protocols and training and went on a fishing expedition in a forensically unsound manner on
14 the 13 inch Macbook.” The Court further found that the exculpatory value of the evidence
15 on that MacBook was apparent before it was destroyed by the Defendants, and that their
16 destruction of the evidence had been done in “bad faith.”

17 128.

18 By the time it concluded, the Defendants’ years-long pursuit of their frivolous
19 investigation had caused Moulin substantial damage, including significant financial losses,
20 attorneys’ fees and litigation costs, and severe reputational and emotional harm. In
21 particular, with his liberty, career and reputation at stake, Moulin had been forced to
22 liquidate his PERS retirement account to pay for his legal defense, resulting in the loss of
23 that retirement account and the decades of returns he would have enjoyed. (As a law
24 enforcement officer, Moulin was eligible for—and had purchased—PERS “accelerator”
units that would have made his retirement savings even more valuable over time.)

PAGE 35 – COMPLAINT FOR MALICIOUS PROSECUTION AND CIVIL RIGHTS
VIOLATIONS

1 129.

2 In addition, when the leave occasioned by Defendants’ secret “administrative”
3 investigation caused him to obtain new employment, Moulin and his family were forced to
4 sell their home earlier than they intended, at far below the price they could have received
5 had they not left Southern Oregon.

6 130.

7 Moulin also suffered, and continues to suffer, severe reputational and emotional
8 harm as a result of the Defendants’ intentional, bad-faith pursuit of this investigation over a
9 3-year period. Their investigation resulted in his resigning from CPPD, and leaving the
10 Southern Oregon community he had served honorably for 20 years, under an unjust cloud
11 created by the Defendants’ malicious investigation and prosecution and exacerbated by their
12 false public statements disavowing any knowledge of the basis for Moulin’s leave.

13 **FIRST CLAIM FOR RELIEF**
14 **(Malicious Prosecution)**
15 *Against All Defendants*

16 131.

17 Moulin incorporates the allegations contained in paragraphs 1 through 130 above as
18 if fully set forth herein.

19 132.

20 The Defendants initiated, maintained, and continued to prosecute Moulin on criminal
21 charges that were not supported by probable cause.

22 133.

23 The Defendants participated actively in initiating, continuing, and/or insisting on the
24 initiation or continuance of the criminal proceeding against Moulin.

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134.

The Defendants acted with malice in initiating, continuing, and/or insisting on the initiation or continuance of the criminal proceeding against Moulin.

135.

The underlying criminal proceeding terminated in Moulin’s favor when the Jackson County Circuit Court dismissed all charges with prejudice on May 8, 2015.

136.

Defendants’ conduct caused substantial injury to Moulin in the form of lost employment, lost income and irretrievable retirement benefits, the attorneys’ fees and costs incurred in defending himself, irreparable harm to Moulin’s reputation in the community, and significant emotional distress.

SECOND CLAIM FOR RELIEF
(Civil Rights Violations - 42 U.S.C. § 1983)
Against All Defendants

137.

Moulin incorporates the allegations contained in paragraphs 1 to 136 above as if fully set forth herein.

138.

Defendants initiated, maintained and continued a malicious prosecution against Moulin under color of state law with malice, without probable cause, and with reckless, conscious, and outrageous indifference to a highly unreasonable risk of harm to Moulin’s welfare.

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139.

Defendants pursued this malicious prosecution against Moulin in retaliation for and in order to deprive Moulin of his rights to free speech and political participation, to equal protection of the laws, and/or to due process, as guaranteed by the Fourteenth Amendment to the United States Constitution, all in violation of 42 U.S.C. § 1983.

140.

The underlying criminal proceeding terminated in Moulin’s favor when the Jackson County Circuit Court dismissed all charges with prejudice on May 8, 2015.

141.

Defendants’ conduct caused substantial injury to Moulin in the form of lost employment, lost income and irretrievable retirement benefits, the attorneys’ fees and costs incurred in defending himself, irreparable harm to Moulin’s reputation in the community, and significant emotional distress.

142.

Moulin is entitled to his reasonable attorneys’ fees pursuant to 42 U.S.C. § 1988.

WHEREFORE, Plaintiff prays for judgment as follows:

1. On his First Claim for Relief, for judgment against Defendants in the amount of \$2,000,000.00, including economic and noneconomic damages, or in an amount to be proven at trial.
2. On his Second Claim for Relief, for judgment against Defendants in the amount of \$2,000,000.00, including economic and noneconomic damages, or in an amount

1 to be proven at trial, as well as reasonable attorneys' fees and costs pursuant to 42 U.S.C. §
2 1988. Plaintiff reserves the right to seek punitive damages on his Second Claim for Relief.

3 3. For such other relief as the Court deems just and proper.

4 DATED this 5th day of May, 2017.

5
6 s/ Colin H. Hunter

KRISTEN L. WINEMILLER, OSB No. 863177

klwinemiller@pacificnwlaw.com

LISA A. MAXFIELD, OSB No. 844337

lamaxfield@pacificnwlaw.com

9 DAVID H. ANGELI, OSB No. 020244

david@angelilaw.com

10 COLIN H. HUNTER, OSB No. 131161

colin@angelilaw.com

11 Attorneys for Plaintiff