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

**Trevor DeHart, Renee Powell,
Brian Shannon, and Dave Brown,**

Plaintiffs,

v.

**Debbie Tofte, Katherine Barnett,
A.J. Schwanz, and Tamara Brookfield,**

Defendants.

Case No: 21YAM0001CV

**Defendant Tamara Brookfield’s Special
Motion to Strike Under ORS 31.150
and Joinder in Defendant Katherine
Barnett’s Special Motion to Strike**

Defendant Tamara Brookfield joins in Defendant Katherine Barnett’s request for a 90-minute hearing. Official reporting services are not requested.

CONFERRAL STATEMENT

There is no conferral requirement for anti-SLAPP motions. *Bryant v. Recall for Lowell’s Future Comm.*, 286 Or App 691, 696 (2017). Still, counsel conferred on the substance of this motion by telephone on October 29, 2021, and were unable to reach agreement.

JOINDER

Brookfield joins Barnett’s Special Motion to Strike filed on October 28, 2021, and incorporates the arguments and evidence in that motion. This motion presents additional argument and evidence specific to Brookfield.

1 **MOTION**

2 Brookfield moves under ORS 31.150(1) to strike Plaintiffs’ claim for relief under
3 HB 3047. Plaintiffs’ undifferentiated claim against all Defendants is subject to Oregon’s
4 anti-SLAPP statute, ORS 31.150 to 31.155, because that claim arises from statements
5 made in a public forum in connection with a public issue or an issue of public interest, ORS
6 31.150(2)(c), and in furtherance of the exercise of the constitutional right of free speech in
7 connection with a public issue or an issue of public interest, ORS 31.150(2)(d).

8 Because the anti-SLAPP statute applies, Plaintiffs must present admissible,
9 substantial evidence supporting a prima facie case for relief. ORS 31.150(3) (evidentiary
10 burden shifts to plaintiff). If Plaintiffs fail to do so—and they will—then this Court must
11 dismiss the claim and award Defendants their attorney fees and costs. ORS 31.150(1);
12 ORS 31.152(3). Defendants also intend to seek fees under ORS 20.105.

13 **MEMORANDUM**

14 Plaintiffs are elected government officials, Directors of the Newberg School Board.
15 Brookfield is a Newberg parent. She has a right as the Directors’ constituent to hold them
16 accountable for their conduct in office. She also has a right under the federal and Oregon
17 constitutions to speak out against their conduct. But in return for her exercising those
18 rights, the Directors have sued her under HB 3047, Oregon’s new anti-doxxing law.

19 This suit is a classic SLAPP action—a strategic lawsuit against public participation.
20 Like SLAPP actions generally, its primary purpose is “to deter people from exercising their
21 political or legal rights or to punish them for doing so.”¹ So it is subject to Oregon’s robust
22 anti-SLAPP law, *see* ORS 31.150–31.155, under which the Directors’ complaint must be
23 dismissed. Their allegations fail to state a claim under HB 3047, and if they did state a
24 claim, HB 3047 is unconstitutional as applied to Brookfield’s speech.

25
26

¹ *Matson v. Dvorak*, 40 Cal App 4th 539, 542 n1 (1995).

1 **I. Factual Background**

2 Brookfield’s two children go to Newberg public schools. Brookfield Decl. ¶ 1. In
3 August 2021, the Newberg School Board banned expressions of support for Black Lives
4 Matter and LGBTQ+ people. *Id.* ¶ 4; Davidson Decl., Ex. 13. Director Brian Shannon, a
5 plaintiff in this action, voted in favor of that policy. Brookfield Decl. ¶ 4. Brookfield
6 opposed the policy. In the fallout surrounding its enactment, she joined a Facebook group
7 called Newberg Equity in Education (“NEEd”), where parents and teachers discussed how
8 to respond to the new policy and support students and teachers harmed by it. *Id.* ¶ 5.

9 A week after the policy was enacted, another member of the group posted that
10 Shannon worked at a local tech company, Selectron Technologies. *Id.* ¶ 6. She’d gotten
11 that information from Shannon’s own website, <http://votebrianshannon.com>, where he’d
12 publicly touted his employment as part of his successful school-board campaign. *Id.*
13 “Today, I am a Senior Project Manager at Selectron Technologies,” he wrote, “where I
14 work to implement software solutions that provide citizens better access to their local and
15 state governments.” *Id.* & Ex. 1.

16 After Brookfield saw that post, she searched for “Selectron Technologies” on
17 Google. *Id.* ¶ 7. Google search results often include a “knowledge panel” in the top right
18 that collates publicly available information about the subject of the search. When
19 Brookfield searched for “Selectron Technologies,” this is what she saw:

20
21 **Selectron Technologies** 

22 Website Directions Save

23 4.9  7 Google reviews

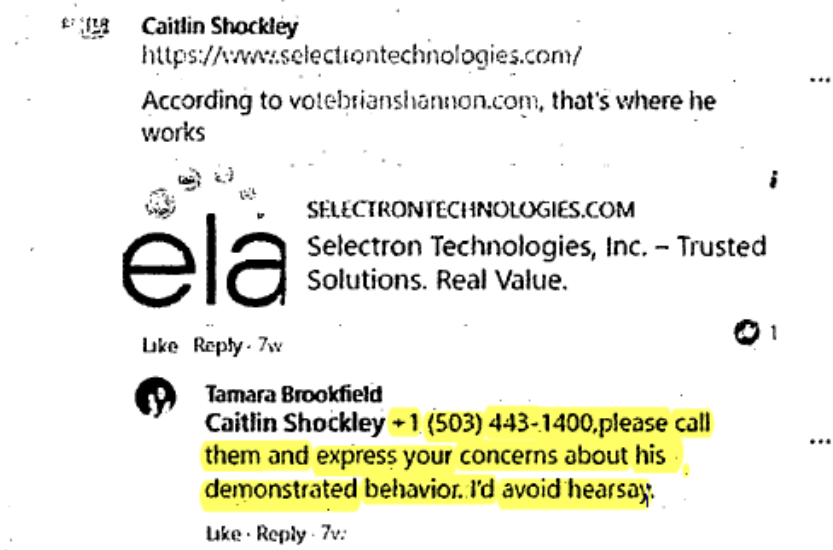
Corporate office

24 **Address:** 12323 SW 66th Ave, Portland, OR 97223

25 **Hours:** Open · Closes 5PM ▾

26 **Phone:** (503) 443-1400

1 *Id.*, Ex. 2. Selectron’s phone number was right there in the knowledge panel at the top of
2 the page. *Id.* ¶ 7. So she copied and pasted it into Facebook, suggested that people call
3 and “express [their] concerns” about Shannon’s “demonstrated behavior,” asked that they
4 “avoid hearsay,” and hit “Send.” *Id.* ¶ 8; Compl. ¶ 13. This was her post:



14 Thenell Decl., Ex. 6. All Brookfield did was take publicly available information from
15 Shannon’s own website, enter it into a publicly available search engine, review the publicly
16 available search results, and post them into a forum for public discussion.

17 Brookfield’s concerns about the Board’s conduct continued. In her view, the Board
18 continued to enact policies that harmed protected classes of students and teachers.
19 Brookfield Decl., Ex. 3 at 3–4. So she decided to file a complaint with the Oregon
20 Department of Education—and sent the Board a letter outlining her allegations as a
21 prelude to that complaint. *Id.* She included specific allegations about the conduct of
22 Director Shannon. *Id.* Two weeks after she sent that letter—and months after her post to
23 NEED—Shannon named her as a defendant in this action. Brookfield Decl. ¶¶ 13–14.

24 **II. Legal Standard**

25 Brookfield adopts and incorporates Barnett’s explanation of the two prongs of
26 Oregon’s anti-SLAPP statute, ORS 31.150(2) and (3), set forth at pages 3–4 of Barnett’s

1 brief. First, Brookfield must show that the Directors’ claim against her “arises out of a
2 statement, document or conduct described in” ORS 31.150(2)(a)–(d); then, the burden
3 shifts to the Directors to establish with “substantial evidence” that they will prevail on their
4 claim. ORS 31.150(3).

5 **III. Argument**

6 The Directors’ claim against Brookfield is based on her posting Shannon’s
7 employer’s phone number to the NEED Facebook page. So it arises out of a statement
8 made in a public forum or other protected speech “in connection with an issue of public
9 interest,” ORS 31.150(2)(c), (2)(d), satisfying the first prong of the anti-SLAPP statute.
10 And under the second prong, the Directors cannot meet their burden. The anti-doxxing
11 bill does not cover Brookfield’s speech, and if it does, it is unconstitutional as applied to
12 her.

13 **A. This anti-SLAPP motion is proper because Brookfield’s statement was**
14 **protected speech, made in a public forum, and in connection with a**
15 **public issue or an issue of public interest.**

16 Subsections (2)(c) and (2)(d) of ORS 31.150 each have two elements. The first
17 element of (2)(c) encompasses statements made “in a place open to the public or a public
18 forum”; the first element of (2)(d), a catchall provision, encompasses all other “conduct in
19 furtherance of the exercise of the constitutional right of petition or the constitutional right
20 of free speech.” Brookfield made a true factual statement on a Facebook page. For the
21 reasons set forth in Barnett’s brief at pages 7–8, Facebook pages are public fora. And true
22 factual statements about public officials are “clearly” constitutionally protected. *See New*
23 *York Times Co. v. Sullivan*, 376 US 254, 270–71 (1964). So Brookfield’s statement
24 satisfies the first element of both ORS 31.150(2)(c) and (2)(d).

25 The second element of both subsections requires that the speech have been made in
26 connection with an “issue of public interest.” (In addition, subsection (2)(d) covers speech

1 made in connection with a “public issue.”) Brookfield’s statement was made in connection
2 with a school-board vote enacting a new district-wide policy. Government actions are
3 inherently public issues. *Damon v. Ocean Hills Journalism Club*, 85 Cal App 4th 468, 479
4 (2000).² The Newberg School Board and its Directors were “person[s] or entit[ies] in the
5 public eye” and its actions were “a topic of widespread public interest.” *Wilbanks v. Wolk*,
6 121 Cal App 4th 883, 898 (2004); *see* Davidson Decl., Ex. 2 to 4 (news articles). Indeed,
7 even the specific subject of Brookfield’s statement—Director Shannon’s employment—was
8 a topic of public interest because Shannon had leveraged his employer’s good name in his
9 successful school-board campaign. Brookfield Decl. ¶¶ 6, 10–12 & Ex. 1. For all these
10 reasons, as well as those given in Barnett’s brief at pages 8–10, “information concerning a
11 public official and [his] involvement in enacting a school district policy surely is a matter of
12 public interest.” Barnett Brief at 9. Thus, Brookfield satisfies the second element of both
13 ORS 31.150(2)(c) and (2)(d).

14 In sum, Brookfield has satisfied both elements of both ORS 31.150(2)(c) and
15 (2)(d), and thus has twice over met her initial burden of showing that this lawsuit is
16 properly the subject of an anti-SLAPP motion. ORS 31.150(3). The burden now shifts to
17 the Directors to show with “substantial evidence” that they are likely to prevail on their
18 claim. *Id.*

19 **B. The Directors cannot prevail under HB 3047 and their claims are**
20 **constitutionally defective to boot.**

21 The Directors cannot prevail under HB 3047 because (1) Brookfield could not
22 “disclose” what Shannon himself had first disclosed; (2) Brookfield did not know and could
23 not reasonably have known that Shannon objected to her republishing information that he
24

25 ² Because Oregon “modeled its anti-SLAPP statute on California’s,” California anti-SLAPP
26 cases from 2001 or earlier are binding authority in Oregon, and later cases retain persuasive
value. *Handy v. Lane Cty.*, 360 Or 605, 618, 623 n12 (2016).

1 himself had first disclosed; (3) Brookfield lacked any intent to “stalk, harass, or injure”
2 Shannon; and (4) if the Directors have stated a claim under HB 3047, it is unconstitutional
3 as applied to Brookfield—and, indeed, as to all Defendants.

4 1. *Brookfield did not “disclose” anything under HB 3047.*

5 HB 3047 provides a cause of action “for improper *disclosure* of private information.”
6 HB 3047 § 1(2) (emphasis added). The essential predicate is a “disclosure”: If nothing is
7 disclosed, the statute is silent. Brookfield disclosed nothing because Shannon himself
8 disclosed on his campaign website that he was employed by Selectron Technologies, and
9 Selectron Technologies disclosed its phone number on the internet for all to see.

10 In interpreting a statute, Oregon courts “give primary weight to the text and
11 context of the disputed statutory terms.” *Citizens for Responsible Devel. in The Dalles v.*
12 *Wal-Mart Stores, Inc.*, 366 Or 272, 277 (2020). Courts consult dictionaries for the
13 ordinary meanings of words in statutes, with a preference for *Webster’s Third New*
14 *International Dictionary*, but also giving weight to definitions in other dictionaries. *In re*
15 *Hollister*, 305 Or App 368, 373 (2020).

16 *Webster’s Third* is clear that not every communication is a “disclosure.” To
17 “disclose” is to “expose to view,” to “lay open or uncover,” to “make known,” or to “open
18 up to general knowledge.” *Disclose, Webster’s Third New Int’l Dictionary Unabridged*
19 (2017). The subject of the disclosure must be “something that is secret or not generally
20 known”—something that has been “hidden from view.” *Id.* *Webster’s* offers as synonyms
21 the words “divulge” and “reveal”—again, actions that operate on facts and entities
22 previously hidden, not those already exposed. *See id.* Other dictionaries concur. *See, e.g.,*
23 *Disclose, Am. Heritage Dictionary* (5th ed. 2020) (“1. To expose to view, as by removing a
24 cover; uncover. 2. To make known (something heretofore kept secret).”).

25 Shannon did not keep his employer a secret. Far from it. He touted his
26 employment in the second paragraph of his campaign webpage. His message was clear:

1 *Vote for me, an upstanding citizen, gainfully employed by this well-regarded local employer.*

2 He ran “on the strength of [Selectron Technologies’] good name.” Brookfield Decl. ¶ 10.

3 Nor was Selectron’s phone number any kind of secret. It was available in the first page of
4 Google’s search results for the company. *Id.* ¶ 7 & Ex. 2. Brookfield “disclosed” nothing.

5 True, HB 3047 states that “disclose” “includes, but is not limited to, transfer,
6 publish, distribute, exhibit, advertise and offer.” § 1(1)(a). But these all relate to the
7 mechanisms of communication (transfer, publication, distribution, exhibition) or the
8 speech act effected by the communication (advertisements, offers). They don’t address the
9 separate requirement, inherent in the notion of “disclosing,” that the information disclosed
10 be “something that is secret or not generally known.” *Disclose, Webster’s Third New Int’l*
11 *Dictionary Unabridged* (2017).

12 The context of the statute confirms that communication of public information is not
13 a “disclosure.” *See Elkhorn Baptist Church v. Brown*, 366 Or 506, 522 (2020) (“To inform
14 our understanding of the text, we consider its context, which includes related statutes and
15 the statutory framework within which the statute was enacted.”). HB 3047 was passed to
16 address “doxxing,” the practice of publicly revealing private information to enable stalking
17 and harassment. *See* Barnett Brief at 11–13. One who makes his own private life public
18 cannot be “doxxed” by others. That is why the statute creates a cause of action only for
19 “improper disclosure of *private* information.” HB 3047 § 1(2) (emphasis added). That
20 requirement is vital: Without it, a person could be held liable for urging voters to contact
21 their elected representatives and providing their congressperson’s office phone number.

22 In the analogous context of common-law privacy torts, the Supreme Court of
23 Oregon has observed that “[o]ne’s preferred seclusion or anonymity may be lost in many
24 ways; the question remains who is legally bound to protect those interests at the risk of
25 liability.” *Humphers v. First Interstate Bank*, 298 Or 706, 713 (1985). Here, Shannon
26 affirmatively surrendered his anonymity and seclusion by entering public life. He

1 voluntarily told voters where he worked. He used his gainful employment to communicate
2 that he was fit for public office. If a disclosure was made, it was he who made it. He
3 cannot now seek to hold his constituents liable for the results.

4 2. *Brookfield did not know and could not reasonably have known that Shannon*
5 *objected to her republishing information that Shannon himself had disclosed.*

6 In addition to the fact of disclosure, HB 3047 also requires a plaintiff to prove that
7 the defendant “knew or reasonably should have known that the plaintiff did not consent to
8 the disclosure.” § 1(2)(b). Brookfield did not know, and could not have known, that
9 Shannon did not consent to her Facebook post. As she explains in her declaration:

10 He had listed his employer both on his campaign website and on his public
11 LinkedIn page. His employer publicly lists its phone number on Google. I
12 did not know, and could not have known, that he did not want such
13 information to be general knowledge, because he himself had made it general
14 knowledge.

15 Brookfield Decl. ¶ 12. Not only did Brookfield subjectively lack the required knowledge,
16 but no reasonable person could have inferred such knowledge, because Shannon himself
17 had broadcast the name of his employer on the internet. So the Directors’ claim against
18 Brookfield fails on this element as well.

19 3. *Brookfield’s intention was to inform and educate, not to stalk, harass, or injure*
20 *Shannon.*

21 HB 3047 also requires a plaintiff to prove that the defendant intended to “stalk,
22 harass or injure the plaintiff.” § 1(2)(a). The Directors offer only the conclusory allegation
23 that Defendants had “the intent to harass the Plaintiffs.” Compl. ¶ 17. For the reasons in
24 Barnett’s brief at pages 14–15, the Directors’ complaint fails entirely to satisfy this element
25 of the cause of action.

26 In addition, Brookfield did not intend to harass Shannon, or to stalk or injure him.
She hoped that, upon hearing of his conduct as a member of the school board, his

1 employer would offer him some equal-opportunity training. Brookfield Decl. ¶ 9. She
2 simply “wanted him to understand how his policies were harming marginalized members of
3 [her] community.” *Id.* In addition, since Shannon had campaigned on the strength of
4 Selectron’s good name, she wanted to “ensure that they were aware of and able to
5 participate in the public discussion of which they had become a part.” *Id.* ¶ 10. In sum, as
6 she explains in her declaration:

7 My intent was to foster participation in a significant public discussion and to
8 help Shannon understand the harmful effects of the policies he was
9 promoting as a member of the Newberg School Board. My intent was not to
harass, stalk, or injure anyone.

10 Brookfield Decl. ¶ 11. The Directors’ claim against Brookfield fails on this element, too.

11 4. *If HB 3047 permits the Directors to hold Brookfield liable, it is unconstitutional*
12 *as applied to her speech.*

13 For the reasons above, the Directors’ HB 3047 claim fails. If there is any doubt
14 about the construction of the statute, the Court should construe it to avoid the
15 constitutional problems described below. *See* Barnett Brief at 11–13.

16 If the Court holds that the Directors can hold Brookfield liable under HB 3047,
17 then the statute is unconstitutional as applied to her speech. This conclusion follows from
18 *The Fla. Star v. B.J.F.*, in which Florida had attempted to impose civil liability for publishing
19 the name of a victim of a sexual offense. 491 US 524, 526 (1989). The *Florida Star*, in
20 violation of the statute, printed verbatim a police report containing B.J.F.’s first name. *Id.*
21 at 527. The Supreme Court held that a state may not prohibit the publication of lawfully
22 obtained truthful information unless necessary to “further a state interest of the highest
23 order.” *Id.* at 533 (quotation marks omitted). And it held that protecting victims of sexual
24 assault was not such an interest. *Id.* at 537–38.

25 This case is much easier than *Florida Star*. The Directors do not dispute that
26 Brookfield’s post was truthful or that she came by her information lawfully. And protecting

1 politicians from their constituents’ attempts to hold them accountable is a much less
2 important state interest than protecting victims of sexual assault. Political speech lies at the
3 “core of the protection afforded by the First Amendment.” *McIntyre v. Ohio Elections*
4 *Comm’n*, 514 US 334, 346 (1995). “One of the prerogatives of American citizenship is
5 the right to criticize public men and measures—and that means not only informed and
6 responsible criticism but the freedom to speak foolishly and without moderation.”
7 *Baumgartner v. United States*, 322 US 665, 673–74 (1944). The First Amendment
8 affords the “broadest protection” to such expression. *Buckley v. Valeo*, 424 US 1, 14–15
9 (1976) (per curiam). If the First Amendment protected the speech in *Florida Star*, it much
10 more obviously protects Brookfield’s speech—and indeed the speech of all Defendants.
11 And thus if HB 3047 prohibits Defendants’ speech, it is unconstitutional as applied here.

12 But the Court need not reach that conclusion. As Barnett argues at pages 11–13 of
13 her brief, the Court should “simply construe the statute narrowly to avoid
14 unconstitutionality, as the Oregon legislature intended, and, therefore, hold that it has no
15 application to plaintiffs’ claim.”

16 CONCLUSION

17 For all these reasons, the Court should dismiss the Directors’ claim under ORS
18 31.150 and award Brookfield her attorney fees under ORS 31.152(3) and ORS 20.105.

19
20 Dated: November 1, 2021

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL**

**Trevor DeHart, Renee Powell,
Brian Shannon, and Dave Brown,**

Plaintiffs,

v.

**Debbie Tofte, Katherine Barnett,
A.J. Schwanz, and Tamara Brookfield,**

Defendants.

Case No: 21YAM0001CV

Declaration of Tamara Brookfield

I, Tamara Brookfield, declare as follows:

1. I am over the age of 18 and a defendant in this action. Except as otherwise indicated, I make this declaration upon personal knowledge. If called upon to do so, I would testify truthfully as follows.

2. I am a parent of two children who attend school in the Newberg School District. I served in the military for 20 years: Fifteen in the Army Reserve and five in the 142nd Fighter Wing of the Oregon Air National Guard. While in the Air National Guard, I served as chief of its Equal Opportunity Office.

3. Plaintiff Brian Shannon is a member of the Newberg School Board.

4. The Newberg School Board recently enacted a policy banning expressions of support for Black Lives Matter and LGBTQ+ people. Shannon voted in favor of that policy.

1 5. In connection with the debate around, passage of, and fallout from that
2 policy, I joined a Facebook group called Newberg Equity in Education, which is
3 abbreviated ‘NEEd.’

4 6. Around August 17, 2021, another participant in the group, Caitlin Shockley,
5 posted that Shannon worked at Selectron Technologies, a local technology company. She
6 obtained that information from a website that Shannon created,
7 <http://votebrianshannon.com/>, to promote his school-board election campaign. A true
8 and correct copy of that website, as it appeared on October 26, 2021, is attached to this
9 declaration as **Exhibit 1**. The relevant portion of that website is excerpted below:

10 Financial Advisor behind, I decided to pursue a
11 career in technology, a field that I believe, more
12 than any other, has the potential for the
13 material improvement in the lives of mankind.
14 Today, I am a Senior Project Manager at
15 Selectron Technologies, where I work to
16 implement software solutions that provide
17
18
19

20 7. After I saw Ms. Shockley’s post, I searched for “Selectron Technologies” on
21 Google. A true and correct copy of the search responses as they appeared on October 27,
22 2021, is attached to this declaration as **Exhibit 2**. They are materially identical to the
23 results I saw when I searched after seeing Ms. Shockley’s post. In particular, the
24 “knowledge panel” in the top right of the page, excerpted below, was identical and
25 contained the telephone number for Selectron Technologies:
26

Selectron Technologies



Website

Directions

Save

4.9  7 Google reviews

Corporate office

Address: 12323 SW 66th Ave, Portland, OR 97223

Hours: Open · Closes 5PM ▼

Phone: (503) 443-1400

8. I copied the phone number from the Google search results, pasted it in the discussion on NEEd, and suggested that people call the number and “express [their] concerns about [Shannon’s] demonstrated behavior.” I asked that they “avoid hearsay.”

9. I posted Selectron Technologies’ phone number to the NEEd group for two reasons. First, I believed that Shannon would benefit from equal-opportunity training, and I hoped that his employer would provide it. I wanted him to understand how his policies were harming marginalized members of our community.

10. In addition, the Newberg School Board’s recent policies banning expressions of support for Black Lives Matter and LGBTQ+ people have garnered significant publicity at the local, state, and even national levels. Selectron Technologies is a significant local employer, and Shannon campaigned on the strength of their good name. I wanted to ensure that they were aware of and able to participate in the public discussion of which they had become a part.

1 11. My intent was to foster participation in a significant public discussion and to
2 help Shannon understand the harmful effects of the policies he was promoting as a member
3 of the Newberg School Board. My intent was not to harass, stalk, or injure anyone.

4 12. I did not know, and could not have known, that Shannon did not consent to
5 my post. He had listed his employer both on his campaign website and on his public
6 LinkedIn page. His employer publicly lists its phone number on Google. I did not know,
7 and could not have known, that he did not want such information to be general
8 knowledge, because he himself had made it general knowledge.

9 13. On October 1, 2021, I sent the Newberg School Board a letter informing
10 them that I intended to file an equal-opportunity complaint with the Oregon Department
11 of Education. A true and correct copy of that letter is attached to this declaration as
12 **Exhibit 3**. It specifically discussed Shannon’s discriminatory votes and statements as a
13 member of the School Board. It also discussed the discriminatory votes and statements of
14 each of the other plaintiffs.

15 14. Nearly nine weeks after my post—but only two weeks after I sent that
16 letter—Plaintiffs filed this lawsuit against me.

17 15. Since Plaintiffs filed this lawsuit, I have felt reluctant to publicly discuss their
18 conduct as School Board members. I have also felt reluctant to proceed with my complaint
19 to the Oregon Department of Education, because I do not want to provoke further
20 retaliatory actions from Plaintiffs.

21
22 I hereby declare that the above statement is true to the best of my knowledge and
23 belief, and that I understand it is made for use as evidence in court and is subject to penalty
24 for perjury.

25 Dated: October 27, 2021

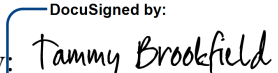
26 By: 
351278E1544543E
Tamara Brookfield

Exhibit 1

BRIAN

**SHANN
ON**

*for school
board*

I was born in 1982 in the small mountain town of Weed, CA, 45 minutes from the Oregon border. At 18 I attended the University of California, Davis, where I earned a Bachelor's Degree in History. It was also there that I met my beautiful wife, Samantha. While at school, I became active in politics, ultimately working my way up to serve as Director of the Team California Taxpayer's Voter Guide, a statewide election mailer which advocated on behalf of taxpayers. After graduation I worked as an Event and Distance Learning Coordinator at UC Davis before deciding to pursue a career as a Financial Advisor.



In 2013, a year which saw the birth of my first son Jack, as well as a personal bout with cancer, my wife and I decided to move to Oregon to be closer to her family. Having left my career as a Financial Advisor behind, I decided to pursue a career in technology, a field that I believe, more than any other, has the potential for the material improvement in the lives of mankind. Today, I am a Senior Project Manager at Selectron Technologies, where I work to implement software solutions that provide citizens better access to their local and state governments.



Photo: Sarah Morace Photography

A VOICE FOR CHANGE

Our education system is broken, we all know it. State mandates and the absurd hyper-focus on standardized testing have tied the hands of well-meaning teachers and staff, preventing them from finding innovative ways to reach their students. Under the current system students are not children, they are commodities on an assembly line. They attend school not to learn, but to sit in a seat for the requisite number of hours so the District will get its tax dollars from the State. Meanwhile, our kids aren't even given adequate time to eat a proper lunch. We are better than this, and our schools can be better than this, but it will require all of us demanding bold, fundamental change to our school system.

We need to go back to the drawing board to design a humane, holistic approach to learning that puts the student at the center. There are other school systems across the country and around the world that have figured out approaches that deliver better results while costing less than we are spending now. Let's learn from these examples and implement reforms based on them to improve outcomes and

[HOME](#)

[NEWS](#)

[CONTACT](#)

demand the change that our children
deserve. It is long overdue.

POWERED BY



Exhibit 2

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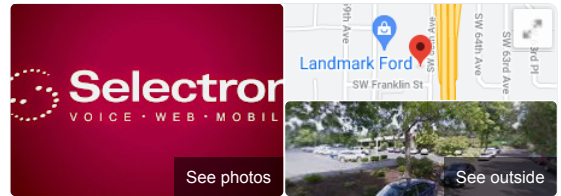
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Exhibit 3

October 1, 2021

Newberg School Board Members,

This letter is a follow up letter to my August 20th discrimination complaint letter sent to all the Newberg Board Members. I am starting a 2nd complaint letter to the Newberg School Board. The Equal Opportunity complaint letter dated August 20th to the Newberg School District Board was to start the complaint process. My complaint is that the Newberg School Board is intentionally instituting illegal policies with the purposes of discriminating against protected classes of individuals. The protected classes include race, color, gender, and sexual orientation. No one from the Newberg School Board contacted me to address my complaint in the required 30 days. This letter serves as my second complaint with a requirement to address my complaint in 30 days.

The Newberg School Board has acted in a manner with intentional discriminatory purpose towards students and teachers who have protected class populations of race, color, gender, and sexual orientation in the Newberg school by adopting policy "Ensuring Safe Environments" that Board Members Brown, Shannon, DeHart and Powell voted to approve on September 28, 2021. These decisions are in direct violation of:

1. The State of Oregon's anti-discrimination law (ORS 659.850)
2. Oregon Department of Education Rule (OAR [581-021-0045](#): Discrimination Prohibited)
3. Oregon Department of Education Black Lives Matter Resolution dated October 15, 2020

Additionally, the School Board Members voted to rescinded "All Students Belong/Every Student Belongs" which is a violation of the Oregon Educational state standards. The intent of this legislation was to protect students in the classroom from discrimination or harassment based on protected classes of race, color, gender, and sexual orientation. By rescinding it, the Newberg School Board leaves students, and staff vulnerable to further discrimination. Direct acts of discrimination have occurred recently at Newberg including a least one white student "trading" black students on Snapchat, racists slur and jokes on buses and most recently an instructional aid came in blackface to school.

These above discrimination violations occurred on 7/13/ 2021 and 8/10/2021 and 9/28/2201 during the Newberg School Board meetings when they voted to adopt a policy of no Black Lives Matter and Pride materials in schools, classroom, and staff clothing/accessories, including such items as flags, buttons etc. and later adopting "Ensuring Safe Schools" policy to try to get around legal prosecution by the NEA and ACLU of Oregon. They adopted "Ensuring Safe School" to continue to discriminate against marginalized students.

Summary of discriminatory behavior of the board in late August and September: Since that time the Newberg School Board has acted with discriminatory intent by banning pride and support items for marginalized groups they: Illegally hired a lawyer who specializes in discrimination cases, directed the Superintendent to enforce an illegal policy, prioritized people who share the same discriminatory views to speak early and more often at public comment opportunities, and created a policy to try to get the same outcome as their initial illegal policy and directive. While this new policy verbiage is semantically different, it still achieves their goal of intentional institutional discrimination.

Since my first complaint letter on August 20th, the Newberg School Board Members (specifically: Dave Brown, Trevor DeHart, Renee Powell and Brian Shannon) have continued to act with the intention to discriminate against protected classes of people by demonstrating the following behaviors:

- In numerous meetings, Board member Brian Shannon has intended to discriminate by banning support items for individuals of protected classes. He verbally stated numerous times specific requests to ban support items for Black and LGBTQ students.
- On 8/24 Newberg School Board members intentionally conspired to violate public meeting law by voting to bring on Tyler Smith, as their board lawyer. Tyler Smith is a lawyer who has expertise in representing those who act in intentionally discriminatory manners; he represented Sweet Cakes by Melissa, the bakery who refused to make a cake for a gay couple. This shows their intent to act in a discriminatory manner.
- On 9/9 policy meeting, Trevor DeHart and Brian Shannon are observed to try to immediately vote on the policy that discriminates against the BIPOC and LGBTQ students without getting input from students, teachers, the public and without the Legal Review recommended by the District Attorney during policy meeting.
- The Newberg School District Lawyers have continued to maintain that the policy is not legal. On 7/13/21, these four board members voted to direct the Superintendent to remove support items.
- Dave Brown, the Newberg School Board Chair acted intentionally to discriminate against protected classes of students and teachers by directing the Board Secretary in August to order his preferred speakers who are in favor of discriminating against protected classes of people the top of his list during public comment. Screen shots of his directives to the Secretary can be gained through FOIA. Many of the same people who have been against BLM and Pride support items have been allowed to speak numerous times, some of them live in other towns and states. This can be observed during a review of the several months of Newberg Public School Board Meetings which can be accessed online.

- In September the Chair met with the Secretary to organize the public speaker comments to make it look like there was balance between people supporting and against the support items. Most of the people not given the opportunity to speak were opposed to the ban of the pride items and discriminatory policy. This information can be gained by an FOIA.
- Around 9/13 it was brought to the attention of the Newberg School that at least one Newberg High School Student was participating in “slave trade” discussion. Additionally, an educational assistant came to student with Black Face. At no time, has Brown, Shannon, DeHart or Powell made a public statement to denounce these behaviors. In fact, during the 9/28 meeting DeHart intentionally expressed his concern for the mental health of the perpetrating student who was doing the “trading,” by saying he was concerned that student was suicidal. At no time did he express concern for the African American Students who were being “traded” or their mental health. Powell also mentioned her concern for the perpetrator.
- At the September 23rd meeting, all the students who spoke during public comments to the board said they wanted to keep support items for the protected classes. Teachers, Counselors and School Psychologist have all reported that the support items for the protected classes of people are helpful.
- On September 28, Ines Pina asked to be called by her pronouns of “she and her” and not “you guys”. Shannon said he was not going to play that “pronoun game” with her and was very disrespectful towards her and her request.
- Brown, Shannon, DeHart and Powell say they have had many exchanges with constituents regarding this topic. No one from the School Board has contacted me regarding my complaint that was dated August 20th until September 30th. I was made aware that the complaint letters had been forwarded to Tyler Smith. He has not contacted me.
- This is just a small list of the ways the Newberg School Board has deliberately and intentionally worked to discriminate against the protected classes in the Newberg Schools. A full investigation will undoubtedly find even more evidence of discriminatory actions of the of the Newberg School Board (specifically: Brown, Shannon, DeHart and Powell).
- Evidence of the actions listed in this letter can be found on the Newberg School Board meeting agenda and YouTube public videos, including agendas, meeting notes and public board videos from August 2020, February 2021, and July 2021 to current videos and through FOIA requests.
- I am requesting that you rescind “Ensuring Safe Environments” policy and implement a policy that includes “Diversity, Equity and Inclusion” in its place. It should also include

items of support that are helpful and validating to marginalized and protected classes students and staff. Failure to write a legal and inclusive policy to my complaint in 30 days will result in the filing of my equal opportunity complaint with the Oregon Department of Education.

Tamara Brookfield

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on November 1, 2021, I caused to be served a full and
3 exact copy of the above **Defendant Tamara Brookfield’s Special Motion to Strike**
4 **Under ORS 31.150 and Joinder in Defendant Katherine Barnett’s Special Motion to**
5 **Strike, and Declaration of Tamara Brookfield**, on the following:

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17
18 Dated: November 1, 2021

PUBLIC ACCOUNTABILITY

19 By: /s/Athul K. Acharya

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21 Attorney for Defendants