

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

SARAH STILES,

Case No. 24CV17013

Plaintiff.

**COMPLAINT
(FALSE ARREST; NEGLIGENCE)**

1

(PRAYER AMOUNT: \$803,300)

COUNTY OF BENTON, OREGON, a public body; and DEPUTY COLIN TOMINEY, an individual.

**CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION (UTCR
13.060)**

Defendants.

Jury trial requested.

Filing Fee: \$594 (ORS 21.160)

Plaintiff, Sarah Stiles, hereby alleges as follows:

PARTIES

1

At all material times, the County of Benton (the County) was and is a body politic and corporate for the purpose of being sued. Benton County is subject to the laws of the State of Oregon.

2

At all material times, Defendant Colin Tominey (Dep. Tominey), was and is a deputy sheriff for the County of Benton, Oregon.

111

111

111

COMPLAINT - 1

JARVIS BRIDGE HALTTUNEN & WEYER
ATTORNEYS AT LAW
484 NE BOVARD AVE • DALLAS, OR 97338
TELEPHONE (503) 623-6676 • FAX (503) 714-8727

3.

At all material times, Plaintiff Sarah Stiles (Ms. Stiles) was and is a United States citizen and is a resident domiciled in the State of Washington.

4.

VENUE

Benton county is the appropriate venue for this action because the initial injury occurred at 1820 SW 3rd St (HWY 99), Corvallis and continued to occur in Corvallis, Oregon, within Benton County, Oregon.

5.

TIMELINESS

The injury complained of occurred on or about November 18-19, 2023. The County and Dep. Tominey were served with a Tort Claim notice in February 2023. In any event, this Complaint has been filed within 180 days of the date of injury. ORS 30.275.

6.

ALLEGATIONS COMMON TO ALL CLAIMS

Unless stated otherwise, the below allegations occurred on or about November 18-19, 2023, at the Corvallis, Benton County, Oregon.

7.

At all times material, Defendant, County was and is a body politic and corporate for the purpose of being sued.

8.

At all material times, Dep. Tominey was and is an employee of the County.

9.

At all material times, Dep. Tominey acted as an agent, servant, and employee of the County.

10.

2 Dep. Tominey was acting in the scope and course of his employment for the
3 County at the time Dep. Tominey falsely and negligently arrested Ms. Stiles.

11.

5 Dep. Tominey arrested Ms. Stiles in furtherance of, or in service of, the County.

6 12.

7 Dep. Tominey, as a sworn peace officer, owed a duty of care to Plaintiff.

8 13.

9 The County, as the employer of sworn sheriff's deputies, owed a duty of care to
10 Plaintiff.

11 14.

12 The County is responsible for the injuries to Plaintiff because Dep. Tominey was
13 acting furtherance of, or in service of, the County when he arrested Ms. Stiles.

14 15.

15 The County was aware, or should have been aware, that Dep. Tominey has made
16 a number of questionable DUII arrests.

17 16.

18 The County was aware, or should have been aware, that it should be on the
19 lookout for questionable DUII arrests in light of Ofc. Cox's, from the Corvallis Police,
20 history of false DUII arrests.

21 17.

22 On November 18, 2023, Dep. Tominey was on duty as a deputy sheriff for the
23 County.

24 18.

25 On November 18, 2023, Ms. Stiles was in the process of travelling to California
26 to see her terminally ill father during his dying days.

1 19.

2 Ms. Stiles' father in fact died within weeks of this incident.

3 20.

4 During the drive to California, Ms. Stiles stopped in Corvallis, Oregon to have
5 dinner with a longtime friend.

6 21.

7 That friend saw Ms. Stiles shortly before Ms. Stiles was arrested.

8 22.

9 That friend saw Ms. Stiles shortly after Ms. Stiles was arrested.

10 23.

11 After concluding her visit with the friend, Ms. Stiles continued on her journey and
12 was trying to get to Eugene, Oregon to stay the night.

13 24.

14 Ms. Stiles, who does not live in Corvallis, became lost and found herself on 3rd
15 St (Hwy 99) despite trying to navigate to Interstate 5.

16 25.

17 Ms. Stiles stopped on Crystal Lake Dr. near 3rd St to get her bearings.

18 26.

19 Ms. Stiles began driving southbound on 3rd St from Crystal Lake Dr..

20 27.

21 At the same time, Dep. Tominey was travelling northbound on 3rd St.

22 28.

23 Dep. Tominey reported he saw a vehicle travelling southbound at a speed of 37
24 MPH in a zone posted at 25 MPH.

25 ///

26 ///

1 29.

2 Dep. Tominey stopped the vehicle at 1820 SW 3rd St and learned that Ms. Stiles
3 was the driver and sole occupant of the vehicle.

4 30.

5 On March 28, 2024, the issue of Ms. Stiles' speed was litigated in the Benton
6 County Circuit Court.

7 31.

8 When it became clear the dispute was about whether Ms. Stiles was in a 25 MPH
9 or 30 MPH zone, Dep. Tominey testified that he first saw Ms. Stiles speeding and she
10 was north of Crystal Lake Dr..

11 32.

12 The dash cam video shows it was dark and there were multiple southbound
13 headlights.

14 33.

15 Ms. Stiles testified that she had stopped at Crystal Lake Dr. and then re-entered
16 the roadway southbound just before Dep. Tominey saw her.

17 34.

18 Ms. Stiles was convicted of travelling 37 MPH on a 30 MPH zone in spite of
19 Dep. Tominey's testimony.

20 35.

21 Upon information and belief, Dep. Tominey has engaged in a pattern of
22 questionable traffic stops.

23 ///

24 ///

25 ///

26 ///

1 36.

2 Once Dep. Tominey had Ms. Stiles stopped he reported:

3
4 While I was speaking with Stiles, I noticed her eyes were extremely watery
5 and bloodshot. Stiles' pupils were small and not responsive to light. There
6 was a mild odor of alcoholic beverages coming from inside the vehicle. I
saw random muscle spasms and twitching in the small muscles around
Stiles' eyes. Stiles gave long, rambling answers to simple questions and
appeared easily distracted.

7 37.

8 The body cam from this incident does not support Dep. Tominey's assertions
9 above.

10 38.

11 Dep. Tominey has not been trained to check pupils in the manner he reported.

12 39.

13 Dep. Tominey advised Ms. Stiles of her Miranda rights, and asked her to submit
14 to field sobriety tests; she acquiesced.

15 40.

16 Dep. Tominey reported that Ms. Stiles became upset and wrote in his report: I
17 "was shocked and surprised by Stiles' outburst. Stiles had been relatively calm to this
18 point, and her change of mood was sudden and intense."

19 41.

20 Dep. Tominey described these "mood swings" in an effort to claim Ms. Stiles
21 was impaired.

22 42.

23 Ms. Stiles was actually frustrated at Dep. Tominey's officious and overzealous
24 DUII investigation that occurred at a time she was completely sober.

25 ///

26 ///

1 43.

2 Dep. Tominey performed the horizontal gaze nystagmus test on Ms. Stiles with
3 no clues detected.

4 44.

5 The horizontal gaze nystagmus test is the most reliable test of the three
6 standardized field sobriety tests.

7 45.

8 The lack of clues on this test alerted, or should have alerted, Dep. Tominey that
9 Ms. Stiles was not impaired by alcohol.

10 46.

11 The odor of alcohol is the only sign of ingestion that Dep. Tominey noted in his
12 report. Dep. Tominey administered further field sobriety tests and eventually arrested
13 Ms. Stiles for DUII.

14 47.

15 No evidence of DUII was located in Ms. Stiles' car.

16 48.

17 Ms. Stiles submitted to a breath test with a .00 blood alcohol test result.

18 49.

19 Ms. Stiles submitted to a urine test and no impairing substances were located in
20 her urine.

21 50.

22 Requiring Ms. Stiles to submit to a urine test, in order to justify this false arrest,
23 was highly offensive conduct and invaded Ms. Stiles' personal privacy.

24 ///

25 ///

26 ///

1 51.

2 Dep. Tominey knows, or should know, collection of urine requires a legal
3 justification. There was insufficient evidence to support a legal justification for the
4 collection of urine in this case.

5 52.

6 Dep. Tominey attended the Oregon Police Academy which is administrated by
7 the Oregon Department of Public Safety Standards and Training (DPSST) after being
8 hired as a peace officer. Dep. Tominey received training from DPSST on how to
9 determine if someone is impaired by either legal or illegal substances. Dep. Tominey
10 received DUII refresher training and attended the Drug Recognition Expert training in
11 2023.

12 53.

13 The risk of false arrest and negligence to Ms. Stiles was foreseeable to Dep.
14 Tominey, in part, because of the training Dep. Tominey received to prevent false arrests.

15 54.

16 The risk of false arrest and negligence to Ms. Stiles was foreseeable to the
17 County, in part, because of the training Dep. Tominey received to prevent false arrests.

18 55.

19 The risk of false arrest and negligence to Ms. Stiles was foreseeable to the
20 County, in part, because of the history of Ofc. Cox with the Corvallis Police Department.

21 56.

22 Dep. Tominey has failed to internalize and correctly apply his training.

23 57.

24 The County has failed to ensure that Dep. Tominey internalized and correctly
25 applied his training.

26 ///

1 58.

2 The false arrest of Ms. Stiles is not an isolated incident.

3 59.

4 Dep. Tominey has made more than one DUII arrest, where he formed an opinion
5 about alcohol and/or drug impairment, and that opinion was not supported by chemical
6 tests.

7 60.

8 Plaintiff does not know the full extent of false arrests by Dep. Tominey because
9 Dep. Tominey and other officers and agents of the County have acted to prevent the
10 release of that information.

11 61.

12 The County either knew, or should have known, that Dep. Tominey has made
13 DUII arrests that are not supported by the evidence.

14 62.

15 The County published Ms. Stiles' arrest on their Facebook page.

16 63.

17 At the time of the publication, the County knew, or should have known, Dep.
18 Tominey's arrests for DUII were not reliable enough to publish.

19 64.

20 After arresting Ms. Stiles, Dep. Tominey towed her car.

21 65.

22 During the course of processing Ms. Stiles, Dep. Tominey told Ms. Stiles she was
23 not allowed to drive for twelve (12) hours.

24 66.

25 Dep. Tominey's assertion that Ms. Stiles was not lawfully allowed to drive for
26 twelve (12) hours after her arrest was false.

1 67.

2 Dep. Tominey's actions caused Ms. Stiles to miss an entire day with her father
3 while he was dying.

4 68.

5 Dep. Tominey's actions caused Ms. Stiles to economic damages in the form of
6 her lodging for the night.

7 69.

8 Dep. Tominey's actions caused economic damages in the form of towing costs.

9 70.

10 Since this incident Ms. Stiles has suffered emotional distress including anxiety
11 when she sees police.

12 71.

13 Since this incident Ms. Stiles has suffered emotional distress including loss of
14 trust in the police.

15 72.

16 Ms. Stiles has suffered emotional distress at the loss of a holiday with her father
17 during his dying days.

18 73.

19 Ms. Stiles has suffered emotional distress because she had the black cloud of
20 this false arrest over her head when she finally made it to see her father.

21 74.

22 Ms. Stiles has suffered emotional distress because her false arrest was published
23 on social media.

24 75.

25 Ms. Stiles has suffered emotional distress as the result of the humiliation of being
26 subjected to a urine test.

76.

As the direct result of conduct, actions and omissions set forth above, Ms. Stiles:

1. Has suffered mental anguish and emotional distress including injury to feelings, fright, humiliation, shame, reputation, loss of companionship, and embarrassment.
2. Was otherwise hurt, injured, and caused to sustain losses including economic and non-economic damages in an amount greater than \$50,000, to be proven at trial but not to exceed \$803,300.

FIRST CLAIM FOR RELIEF

(Against Dep. Tominey)

(False Arrest/Imprisonment)

77.

Ms. Stiles realleges and incorporates by reference paragraphs 1 through 76 as though fully set forth herein.

78.

Dep. Tominey unlawfully imposed restraint on Ms. Stiles' freedom of movement.

79.

Dep. Tominey intended to arrest Ms. Stiles and thereby intended to impose restraint on Ms. Stiles' freedom of movement.

80.

Ms. Stiles was aware that restraint was placed on her freedom of movement

81.

The restraint placed on Ms. Stiles' freedom of movement was unlawful.

111

111

SECOND CLAIM FOR RELIEF

(Against the County)

(False Arrest/Imprisonment)

82.

Ms. Stiles realleges and incorporates by reference paragraphs 1 through 81 as though fully set forth herein.

83.

Dep. Tominey was acting in the scope and course of his employment for the County at the time Dep. Tominey falsely and negligently arrested Ms. Stiles.

84.

Dep. Tominey arrested Ms. Stiles in furtherance of, or in service of, the County.

85.

Dep. Tominey was acting furtherance of, or in service of, the County when he arrested Ms. Stiles.

86.

The County is vicariously liable for Dep. Tominey's conduct.

THIRD CLAIM FOR RELIEF

(Against Dep. Tominey)

(Negligence)

87.

Ms. Stiles realleges and incorporates by reference paragraphs 1 through 86 as though fully set forth herein.

88.

Dep. Tominey owed a duty of care to Ms. Stiles.

111

89.

Dep. Tominey breached his duty of care to Ms. Stiles by arresting her for DUII when she was not impaired within the meaning of Oregon law.

90.

Dep. Tominey's conduct in arresting Ms. Stiles for DUII when she was not impaired within the meaning of Oregon law, subjecting her to the humiliation of an unjustified search of her urine, and towing her car when she was in transit on a trip was the cause of Ms. Stiles' damages.

91.

Ms. Stiles in fact suffered damages as more fully described above.

FOURTH CLAIM FOR RELIEF

(Against the County)

(Negligence)

92.

Ms. Stiles realleges and incorporates by reference paragraphs 1 through 91 as though fully set forth herein.

93.

The County owed a duty of care to Ms. Stiles.

94.

Defendant Benton County breached that duty in following particulars:

- A. By failing to properly train Dep. Tominey in DUII enforcement.
- B. In the alternative, for failing to ensure Dep. Tominey internalized and correctly applied his training.
- C. By failing to properly re-train Dep. Tominey when they knew, or should have known, Dep. Tominey makes DUII arrest(s) that are not supported by chemical analysis.

D. By retaining Dep. Tominey after they knew, or should have known, Dep. Tominey makes DUII arrest(s) that are not supported by chemical analysis.

E. By allowing other improper DUII arrests to go unpunished and/or wrongly justified the arrests for an improper purpose; attempting to avoid liability.

95.

Benton County's above failures were the direct and proximate cause of Ms. Stiles' injuries more fully described above.

96.

As a result of the actions and inactions of Benton County, Ms. Stiles suffered mental anguish, emotional distress, and was otherwise hurt, injured, and caused to sustain losses, including economic and non-economic damages in an amount greater than \$50,000, to be proven at trial, but not to exceed \$803,300.

97.

As the result of Benton County's Negligence and False Arrest, Ms. Stiles is entitled to recover:

- A. Reasonable economic damages incurred for towing and lodging expenses not to exceed \$2,500.00.
- B. Compensation for emotional distress not to exceed a total award of more than \$803,300.

DATED April 10, 2024

JARVIS BRIDGE HALTTUNEN & WEYER, LLC
Attorneys for Plaintiff

Neil Halttunen, OSB No. 206806
halt@ibhwlaw.com

COMPLAINT - 14

JARVIS BRIDGE HALTTUNEN & WEYER
ATTORNEYS AT LAW
484 NE BOVARD AVE • DALLAS, OR 97338
TELEPHONE (503) 623-6676 • FAX (503) 714-8727