

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

A.H.

Plaintiff,

v.

**EUGENE-SPRINGFIELD FIRE  
DEPARTMENT**, an Oregon municipal  
corporation; **THE CITY OF EUGENE; THE  
CITY OF SPRINGFIELD;  
PEACEHEALTH**, dba **PEACEHEALTH  
SACRED HEART MEDICAL CENTER AT  
RIVERBEND**

Defendants.

) Case No.

) **COMPLAINT**

) Negligence – Sexual Battery (*Respondeat  
Superior*); Physical Abuse of a Vulnerable  
Person (*Respondeat Superior*); Intentional  
Infliction of Emotional Distress (*Respondeat  
Superior*)

) Fee Authority: ORS 21.160(1)(d)  
Amount in Controversy: \$6,000,000.00

) Demand for Jury Trial  
Not Subject to Mandatory Arbitration

Plaintiff alleges:

1.

At all material times:

- a) Plaintiff is an individual, appearing through a pseudonym, who was and currently is a resident of the State of Oregon, county of Lane, city of Springfield;

b) Defendant PeaceHealth (“PEACEHEALTH”) is a Washington non-profit organization which owns and operates hospitals providing health care in the state of Oregon. Defendant PeaceHealth owns and operates the Sacred Heart Medical Center at Riverbend (“SACRED HEART”) in Springfield, Lane County, Oregon.

c) Defendant City of Eugene and City of Springfield are municipalities in the state of Oregon, county of Lane both employing the personnel at the Eugene-Springfield Fire Department;

d) Defendant Eugene-Springfield Fire Department ("ESFD") is an intergovernmental agency/department of the City of Eugene and the City of Springfield. Eugene-Springfield Fire Department provides fire suppression and prevention, as well as emergency medical response throughout Lane County, Oregon. At all times material herein, Defendants City of Eugene and City of Springfield acted by and through the Eugene-Springfield Fire Department.;

e) Edward Augustus Blake (“BLAKE”) is an individual residing in the state of Oregon. At all times mentioned herein, BLAKE was employed by ESFD as a paramedic, acting within the course and scope of his employment with ESFD.

2.

In the course of their employment, ESFD paramedics had access to controlled substances to be used for patients while providing emergency medical services. Defendants City of Eugene, City of Springfield and ESFD had a contractual relationship with PeaceHealth in which PeaceHealth supplied ESFD's paramedics with such controlled substances.

3.

PeaceHealth authorized ESFD emergency medical services personnel, including BLAKE, to take and possess medications owned and maintained by PeaceHealth including

1 but not limited to the following controlled substances: Ketamine, Fentanyl, Midazolam,  
2 and Morphine. ESFD personnel obtained controlled substances from PeaceHealth by using  
3 biometric identification to log into an electronic medication dispensing system known as  
4 Pyxis. Pyxis maintained an inventory including detailed information on what substances  
5 were taken, how much, and by whom. Neither the Pyxis system nor PeaceHealth reported  
6 this information to ESFD without an express request by ESFD to do so.

7  
8 4.

9 ESFD paramedics were instructed by ESFD to record the name and amount of  
10 controlled substances they obtained from PeaceHealth in physical logbooks kept inside  
11 ESFD ambulances.

12 5.

13 Defendants never confirmed that the dispensed medication matched the number of  
14 controlled substances needed to restock the ambulance or to confirm that the dispensed  
15 medications matched the amount that was written into the ambulance logbook.

16 6.

17 Defendants never routinely audited the Pyxis dispensations to check that the  
18 amount dispensed matched the number of controlled substances actually provided to  
19 patients in the course of the paramedic's work and/or recorded in the logbook.

20 7.

21 ESFD failed to cross-check the physical logbook maintained on their ambulances  
22 against the electronic log maintained by the Pyxis system for discrepancies to uncover  
23 potential drug conversion by paramedics. PeaceHealth failed to compare electronic logs  
24

25 ///

1 kept by the Pyxis system with the records kept by ESFD on their ambulances to identify  
2 discrepancies.

3 8.

4 BLAKE had access to controlled substances including but not limited to Ketamine,  
5 Fentanyl, Midazolam, and Morphine from PeaceHealth's Pyxis machine pursuant to his  
6 employment as a ESFD paramedic.

7 9.

8  
9 In the period between January 2016 to September 2019, BLAKE obtained  
10 controlled substances from the Pyxis machine and did not note the withdrawals in the  
11 ESFD ambulance logbook. The controlled substances taken included but were not limited  
12 to: 181 vials of 100mcg/2ml Fentanyl; 24 vials of 10mg/1ml Morphine; 10 vials of  
13 500mg/5ml Ketamine; and 128 vials of 5mg/5ml Midazolam.

14 10.

15  
16 Between 2016 to the end of 2019, BLAKE victimized and sexually battered  
17 numerous women after administering controlled substances to them. He obtained the  
18 controlled substances through PeaceHealth's Pyxis machine and his employment with  
19 ESFD. BLAKE used these substances, especially Midazolam which is known to induce  
20 amnesia, to incapacitate his victims and subject them to nonconsensual sexual activity.

21 11.

22  
23 In early 2017, BLAKE posted a Craigslist advertisement on the website's page  
24 titled "party and play", which is a term suggesting a transaction of drugs in exchange for  
25 sexual favors. Plaintiff was in the throes of a drug addiction which she did not have the  
26 means to treat. Plaintiff responded to the advertisement, and in July of 2017, she met in

1 person with BLAKE at a bridge in Springfield, Oregon. During this initial encounter,  
2 BLAKE administered Morphine to Plaintiff intravenously ("IV"), in exchange for him  
3 inserting his penis in A.H.'s mouth.

4 12.

5 From July 2017 to May 2019, Plaintiff and BLAKE met many times, sometimes  
6 once a week or twice a week depending on BLAKE's ability to get away from his wife. At  
7 each of these encounters, BLAKE would administer drugs intravenously to Plaintiff in  
8 exchange for various sexual acts. Initially, BLAKE would show Plaintiff the controlled  
9 substances and dosage he was administering to her through the IV. Later, BLAKE became  
10 secretive and turned his back to Plaintiff when administering the substances, rendering her  
11 unable to see what or how much he was administering to her.

13 13.

14 BLAKE told plaintiff that he was obtaining the controlled substances from his  
15 employment with ESFD as a paramedic. BLAKE had a black bag from which he would  
16 take out the vials of controlled substances and IV leads, as well as another bag for all of  
17 his garbage. BLAKE ensured that no packaging or containers were ever left behind because  
18 he maintained that it could be traced back to him. The controlled substances that BLAKE  
19 procured from ESFD and PeaceHealth included but is not limited to: Morphine, Ketamine,  
20 Fentanyl, and Midazolam.

22 14.

23 At some point between July 2017 to May 2019, BLAKE began to administer the  
24 intravenous controlled substances to the point of causing Plaintiff to become unconscious.  
25 Plaintiff informed BLAKE numerous times that she did not like to be rendered unconscious  
26

1 and did not consent to being dosed so heavily and/or being dosed with substances that she  
2 did not request, such as Midazolam, a drug which induces unconsciousness and amnesia.  
3 Despite being informed that Plaintiff did not want to become unconscious during their  
4 meetings, BLAKE continued to dose Plaintiff to the point of unconsciousness on several  
5 occasions. The vast majority of encounters where Plaintiff was drugged to unconsciousness  
6 occurred at the Regency Inn, a motel located in Springfield, Oregon.  
7

8 15.

9 When rendered unconscious, Plaintiff was unable to consent to any sexual activity,  
10 and did not consent to any sexual activity which followed her incapacitation.

11 16.

12 Every time that Plaintiff was incapacitated, BLAKE proceeded to rape, sodomize,  
13 and abuse Plaintiff inside the motel room. On a couple of occasions, BLAKE tied up and/or  
14 otherwise physically restrained Plaintiff without her consent. When she returned to  
15 consciousness Plaintiff knew she had been subjected to nonconsensual sexual activity  
16 because of the various physical signs of forced sexual activity. Plaintiff continued to meet  
17 with BLAKE because of her addiction to the controlled substances he provided to her.  
18

19 17.

20 By May 2019 Plaintiff discontinued contact with BLAKE, and in September of that  
21 same year BLAKE appeared at Plaintiff's house uninvited claiming that his life was ruined  
22 because he was under investigation by the police. BLAKE asked Plaintiff to move into his  
23 house with him, which she refused.  
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18.

As a direct and proximate result of the sexual battery and abuse Plaintiff experienced, Plaintiff suffered and will continue to suffer psychological injuries including but not limited to emotional trauma, shame, embarrassment, anxiety, avoidance, difficulty with concentration, diminished self-esteem and sense of security, disruption of life, depression, inability to leave the house by herself, inability to form close relationships, PTSD triggers related to the assaults, panic attacks, difficulty sleeping, and mistrust in the intentions of others, all to her damage in a reasonable amount the jury determines in accordance with the law and the facts, not to exceed the sum of \$2,000,000.00.

19.

A tort claim notice was timely filed on Plaintiff's behalf on or about February 24, 2022, within 180 days of when Plaintiff discovered her legally cognizable injuries.

20.

Plaintiff reserves the right to amend this Complaint at the time of trial to conform to proof offered at trial or through the course of discovery.

21.

Plaintiff hereby demands a jury trial.

**FIRST CLAIM FOR RELIEF  
(Negligence)  
(Against all Defendants)**

22.

Plaintiff realleges and incorporates by reference ¶1 through 21 above.

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23.

Defendants acted negligently and created a foreseeable risk of harm to Plaintiff and other victims, in one or more of the following particulars:

- 1) In failing to routinely check or examine, account for or otherwise audit the electronic dispensing records of the Pyxis system and the ambulance logbook maintained by ESFD for any discrepancies and/or conversion of controlled substances by employees;
- 2) In failing to supervise the dispensing of controlled substances from through the Pyxis machine and in allowing paramedics to log the obtained controlled substances into the ambulance logbook without any supervision or review;
- 3) In failing to have policies and procedures which required the supervision and auditing of the medication administration system for foreseeable abuses including the one described in paragraph 2 through 9 above.

24.

Defendants ESFD and PeaceHealth's negligence, as detailed in ¶23 above, was unreasonable and these failures were a direct and foreseeable cause of the sexual battery and abuse which Plaintiff suffered as alleged in ¶¶10 through 17, and Plaintiff has incurred injuries and damages as alleged in ¶18.

**SECOND CLAIM FOR RELIEF**  
**(Sexual Battery – *Respondeat Superior*)**  
**(Against Defendant City of Eugene, City of Springfield, and ESFD)**

25.

Plaintiff realleges and incorporates by reference ¶¶1 through 21 above.



26.

BLAKE's sexual battery and abuse of Plaintiff, as alleged in ¶¶14 through 16, was harmful and offensive to her, and she did not, and as an incapacitated person could not, consent to it.

27.

BLAKE's sexual battery of Plaintiff resulted from the employment-related activity of BLAKE in his capacity as a paramedic for City of Eugene, City of Springfield and ESFD. BLAKE used his status as a paramedic to obtain controlled substances, which he used to perpetuate multiple incidents of sexual battery to Plaintiff. The acts of converting the controlled substances for his use were (1) committed in direct connection with, and for the purposes of fulfilling BLAKE's employment relationship with Defendant ESFD, (2) were committed within the time and space for his employment relationship as a paramedic, (3) were done directly in the performance of his required duties as a paramedic, (4) were done pursuant to the power vested in BLAKE by City of Eugene, City of Springfield and ESFD, and (5) in obtaining the controlled substances BLAKE was motivated by a desire, at least partially and initially, to fulfill his employment duties. BLAKE's performance of his duties as a paramedic, in obtaining the controlled substances, was a necessary precursor to him committing sexual battery, and therefore engendered by conduct that was within the scope of BLAKE's employment.

28.

Plaintiff has suffered damages, as alleged in ¶18, as a direct and proximate result of BLAKE's conduct as alleged herein, and City of Eugene, City of Springfield, and ESFD is liable for such conduct pursuant to the doctrine of *respondeat superior*.

**THIRD CLAIM FOR RELIEF**  
**(Abuse of a Vulnerable Person – ORS 124.105 – *Respondeat Superior*)**  
**(Against Defendant ESFD)**

29.

Plaintiff realleges and incorporates ¶¶ 1 through 28.

30.

At all relevant times, Plaintiff was a vulnerable person as defined in ORS 124.100(1)(e)(c) because she was incapacitated and rendered helpless as a result of BLAKE's use of controlled substances which induced unconsciousness. BLAKE's use of chemical restraints was without an order from a physician or naturopathic physician licensed in the State of Oregon and for purposes not consistent with ORS 124.105(3).

31.

BLAKE's conduct as alleged in ¶¶14 through 16 constituted physical abuse pursuant to ORS 124.105(a), (e), (f), (g), and (h). BLAKE's conduct constituted the crimes of forcible drugging, rape, sodomy, and others while Plaintiff was incapacitated by way of chemical restraint.

32.

As a result of Defendant's physical abuse of Plaintiff as alleged in ¶¶14 through 16, Plaintiff suffered harm and damages as alleged in ¶18 and is entitled to amounts equal to three times her damages, pursuant to ORS 124.100(2)(a) and (b); and her reasonable attorney fees pursuant to ORS 124.100(2)(c). Pursuant to the doctrine of *respondeat superior*, Defendant ESFD is liable for the conduct of BLAKE as herein alleged.

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33.

Plaintiff realleges ¶¶8 through 17. As a matter of law, ORS 124.140 prevents and legally estops Defendant from denying the conduct that gave rise to this cause of action.

34.

Less than seven years before the filing of this Complaint, Plaintiff discovered the conduct described in ORS 124.105 – the physical abuse – that gave rise to this cause of action. Accordingly, Plaintiff’s claims are timely pursuant to ORS 124.130.

**FOURTH CLAIM FOR RELIEF**  
**(Intentional Infliction of Emotional Distress – *Respondeat Superior*)**  
**(Against Defendants City of Eugene, City of Springfield, and ESFD)**

35.

Plaintiff realleges and incorporates by reference ¶¶1 through 34 above.

36.

BLAKE, an employee of the City of Eugene, City of Springfield, and ESFD, knowingly and intentionally caused severe emotional distress and physical injury to Plaintiff when he sexually abused and battered Plaintiff as alleged in ¶¶14 through 16. BLAKE intended to inflict severe mental or emotional distress upon Plaintiff, and in the alternative, Plaintiff’s severe mental and emotional distress was certain or substantially certain to result from BLAKE’s conduct.

37.

Plaintiff did in fact suffer severe emotional distress as a result of BLAKE’s sexual abuse and batteries. BLAKE’s actions, in subjecting Plaintiff to drugged incapacitation, rape, sodomy, and further sexual abuse, constituted extraordinary transgressions of the

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1 bounds of socially tolerable conduct. BLAKE's actions, as alleged in ¶14 through 16, were  
2 the direct and proximate cause of Plaintiff's severe emotional distress.

3 38.

4 As a direct result of BLAKE's intentional infliction of emotional distress upon  
5 Plaintiff, Plaintiff has suffered injuries and damages as detailed in ¶18. Pursuant to the  
6 doctrine of *respondeat superior*, ESFD is liable for the conduct of BLAKE.

7 39.

8  
9 In inflicting severe emotional distress upon Plaintiff, BLAKE acted with malice or  
10 a reckless and outrageous indifference to a highly unreasonable risk of harm with a  
11 conscious indifference to the health, safety, and welfare of Plaintiff. Punitive damages  
12 against an employee are attributable to a principal when conduct within the course and  
13 scope of employment leads to or results in the tort. Plaintiff hereby gives notice to  
14 Defendant of her intent to move to add punitive damages against Defendant at any time  
15 after the filing of this Complaint.

16  
17 **WHEREFORE** Plaintiff prays for judgment against each of the Defendants as follows:

- 18 (a) Non-economic damages of \$2,000,000.00;  
19 (b) Treble non-economic damages pursuant to ORS 124.100(2)(b);  
20 (c) Plaintiff's reasonable attorney fees pursuant to ORS 124.100(2)(c);  
21 (d) Plaintiff's costs and disbursements herein;  
22 (e) For such other relief as the court deems just and equitable.  
23

24 DATED this 21<sup>st</sup> day of September, 2022.

25 /s/ Megan Johnson

26 Megan Johnson, OSB#012819  
PICKETT DUMMIGAN MCCALL LLP  
of Attorneys for Plaintiff