



# JACKSON COUNTY

Oregon

**Jackson County District  
Attorney's Office**

**Patrick Green**  
*District Attorney*

815 W. 10<sup>th</sup> St.  
Medford, OR 97501  
Phone: 541-774-8181

June 16, 2025

[Info4publicuse@protonmail.com](mailto:Info4publicuse@protonmail.com)

City of Medford  
Attention: David R. Schambach  
Senior Assistant City Attorney  
[David.Schambach@cityofmedford.org](mailto:David.Schambach@cityofmedford.org)

RE: Public Records Appeal Order – City of Medford Request: M012084-052625  
Sent via email to: [Info4publicuse@protonmail.com](mailto:Info4publicuse@protonmail.com); [David.Schambach@cityofmedford.org](mailto:David.Schambach@cityofmedford.org)

Dear Parties:

I have reviewed the public records appeal made by [Info4publicuse@protonmail.com](mailto:Info4publicuse@protonmail.com) (“Info4publicuse”) and received on June 10, 2025 in the above-referenced public records matter. I have also reviewed the response of the City of Medford (“the City”) received on June 16, 2025. The public records request at issue is for records concerning a Facebook account with the name “Jessica Taylor,” which was previously used covertly by the City. Initially, on May 26, 2025, Info4publicuse requested “a list of all Facebook groups joined or ‘followed’ by ‘Jessica Taylor’ on Facebook” and “a list of all the Facebook pages ‘liked’ and/or ‘followed’ by ‘Jessica Taylor’ on Facebook.” However, Info4publicuse then supplemented that initial request a few minutes later, stating that it would like these lists to be from different time periods in the past. Specifically, a copy of each of the lists as they would have appeared on June 1, 2021 versus August 1, 2024.

The City responded on June 2, 2025 that the requested records were part of a batch of records that are the subject of discovery in ongoing litigation the City is involved in. The City stated in its response that it was nevertheless willing to provide any responsive records, but it was currently waiting to receive a download from Meta for all of the data associated with the “Jessica Taylor” Facebook profile. On June 5, 2025, Info4publicuse replied with the suggestion that the City could “screenshot” the relevant portions of the Facebook profile and provide those to fulfill the request rather than continue to wait for the full download from Meta. On June 10, 2025, when the City refused to take that suggestion, Info4publicuse initiated this appeal.

When a public body cannot complete its response to a public records request within 15-business days of receipt, ORS 192.329(5) allows it to “[p]rovide a written statement that the public body is still processing the request and a reasonable estimated date by which the public body expects to complete its response based on the information currently available.” The City promptly notified Info4publicuse of the delay and provided an explanation for the extended timeline, citing factors beyond its control, such as waiting for Meta’s download process that is pending. The City maintains that it plans to provide any responsive non-exempt records to

Info4publicuse once it has received the download and has been able to review it. The City has explained why the records associated with this Facebook profile are sensitive in nature and why it would like to wait until it receives the full Meta download to ensure accuracy and completeness with both this public records request and with the discovery process in the civil litigation. I do not find that to be unreasonable under the circumstances.

Furthermore, I cannot figure out how – prior to it having received the full download from Meta – the City would be able to comply with Info4publicuse’s request for lists of “Facebook groups joined or ‘followed’” and “Facebook pages ‘liked’ and/or ‘followed’” by the Facebook profile as of two specific dates in the past, June 1, 2021 and August 1, 2024. I am unaware of any feature with Facebook that would allow a user to see what Facebook groups or pages it was a part of or “liked” as of a specific date in time. The feature that Info4publicuse references in his June 5, 2025 reply to the City (and in his appeal) would be the lists are they appear in the profile at the time the user views them – which is not the records that Info4publicuse requested.

Given all of the above, I find that the City of Medford has not engaged in undue delay or failed to respond to the request in a manner that would warrant granting the appeal at this time. Therefore, the appeal is denied.

The City is encouraged to continue its efforts to process the request promptly upon receipt of the Meta download and to maintain clear communication with Info4publicuse regarding the status of the request. In connection with that, it does not appear the City has provided Info4publicuse with any expected timeline of when the City hopes to receive the Meta download. If the City has, or later becomes aware of, any information in that regard, it should inform Info4publicuse of that expected timeline as soon as reasonably possible, pursuant to ORS 192.329(5).

Pursuant to ORS 192.431, Info4publicuse may appeal this decision by filing suit in the Jackson County Circuit Court. This order is effective June 16, 2025.

Respectfully,



Patrick Green  
Jackson County District Attorney

*Attachments:*

- (1) Info4publicuse Email with PRR Appeal*
- (2) City of Medford Letter Response to PRR Appeal*
- (3) Exhibit 1 to City of Medford Letter Response PRR Appeal*
- (4) Exhibit 2 to City of Medford Letter Response PRR Appeal*

**From:** [Tifini Bottoms](#)  
**To:** [DAAdmin](#)  
**Subject:** FW: EXTERNAL: Appeal - City Records Request :: M012084-052625  
**Date:** Tuesday, June 10, 2025 2:21:04 PM

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**From:** DistrictAttorney <[DistrictAttorney@jacksoncountyor.gov](mailto:DistrictAttorney@jacksoncountyor.gov)>  
**Sent:** Tuesday, June 10, 2025 1:32 PM  
**To:** Tifini Bottoms <[BottomTJ@jacksoncountyor.gov](mailto:BottomTJ@jacksoncountyor.gov)>  
**Subject:** FW: EXTERNAL: Appeal - City Records Request :: M012084-052625

**From:** Information For Public Use <[info4publicuse@protonmail.com](mailto:info4publicuse@protonmail.com)>  
**Sent:** Tuesday, June 10, 2025 12:54 PM  
**To:** DistrictAttorney <[DistrictAttorney@jacksoncountyor.gov](mailto:DistrictAttorney@jacksoncountyor.gov)>  
**Subject:** EXTERNAL: Appeal - City Records Request :: M012084-052625

**EXTERNAL EMAIL CAUTION:** Do not click links or open attachments unless you know the content is safe.

Hello DA Green,

I submitted a public records request to the City of Medford, case number M012084-052625. This records request follows ORS 192.001 to 192.990, and it is under these same laws including ORS 192.407 that I am petitioning you to kindly review this request.

At the bottom of this email, you will find our original records request, and the chain of emails involved in our replies with the City. We also have 2 similar requests, M012085-052625 and M012083-052625, which I intend to appeal as well. However, because the arguments for appeal are nearly identical, I will submit this single appeal for now; if the City wishes to reconsider its position on M012085-052625 and M012083-052625 after the appeal of M012084-052625 is resolved, than we may not need to fill additional appeals at this time. I understand that appeals take significant time and resources from all of us, and I endeavor to reduce the number of unnecessary appeals.

This request is centers on requesting Medford to produce public records related to its "sock puppet" account. This is a Facebook account with the name "Jessica Taylor," which is used by the Medford police officers and staff. The City of Medford previously acknowledged the existence and use of this account, and provided records related to it, as part of another recent public records request we submitted, M011718-042925.

In M012084-052625, the request which we are currently appealing, we requested "--A list of all the Facebook groups joined and/or "followed" by "Jessica Taylor" on Facebook. For reference, "Jessica Taylor" is the sock puppet account maintained by the Medford police department, per Medford's response to M011718-042925. The City of Medford has

responded that they are awaiting a export of data from Meta (the company that owns Facebook) related to the Jessica Taylor Facebook account, implying that they require this third-party to provide information to the City before they can fulfill our M012084-052625 request.

Because the ORS for public records requires responses without undue delay, I offered suggestions as to ways that the City could complete this request at this time (and in a manner similar to the way M011718-042925 was fulfilled). The City of Medford has responded that "The information subject to this request is not in the possession of the City... Furthermore, Oregon Public Records law does not require the 'creation' of documents in order to respond to a request."

ORS 192.005(5) defines a public record as: "(a)... any information that: (A) Is prepared, owned, used or retained by a state agency or political subdivision; (B) Relates to an activity, transaction or function of a state agency or political subdivision; **and** (C) Is necessary to satisfy the legal, administrative, fiscal, tribal cultural or historical policies, requirements or needs of the state agency or political subdivision."

For the City to state that they are not currently in "possession" of these records is a very concerning claim, as it suggests the Medford police may be operating a Facebook account to conduct official activities but are not keeping public records regarding this activity. Oregon revised statues, including ORS 162.305, are very clear that it is the responsible of public bodies to retain and not evade public records laws.

In the City of Medford's reply, they stated another reasonable for not being able to fulfill our request at this time is that they are not responsible for "creating" public records. We have not requested that the City create any records. The City is using a software - Facebook - for its activities, and we are simply requesting records that related to the use of this software. For example, part of request asks for a list of all the Facebook "likes" on Jessica Taylor's account. It is very easy to see where this record is stored, as this information is actually publicly viewable on the Jessica Taylor account: <https://www.facebook.com/profile.php?id=100010749937512&sk=likes>. Other elements of the request, such as the groups that Jessica Taylor is a part of, are lists that are compiled automatically by the Facebook software, and viewable to the user when they are logged in to the account. Here are instructions on how to view that: <https://www.facebook.com/help/185391984843735>.

It should be noted that in the case of M012085-052625, we asked Mr. Schambach for an estimate timeline on when the records would be produced, and he replied "No, I do not know how long it will take for a third party to produce them." Again, it is unclear why cooperation from a third party -- who is a private entity -- would be required to produce these public records. Is the City no longer able to login to its own Facebook account? Or is there some other explanation the City has for why they are no longer in possession of these records, despite having fulfilled a similar request, M011718-042925, earlier this year?

In the case of M012084-052625, we believe that the City of Medford has failed to produce the records, including without undue delay. We would also ask you to instruct Medford to provide these records within 7 days and waive the fee for the cost of producing these record, per ORS 192.407. If you agree that the City of Medford has causes an undue delay and/or failed to respond to the request, we would ask that the City pays the \$200 fine described in 192.407(3b).

Thank you for your attention to this matter. Please let us know if you have any questions or require additional information.

Information for Public Use.

----- Forwarded Message -----

From: MEDFORDOR Support <[medfordor@govqa.us](mailto:medfordor@govqa.us)>

Date: On Monday, May 26th, 2025 at 11:06 PM

Subject: City Records Request :: M012084-052625

To: [info4publicuse@protonmail.com](mailto:info4publicuse@protonmail.com) <[info4publicuse@protonmail.com](mailto:info4publicuse@protonmail.com)>




Dear Information For Public Use Southern Oregon:

Thank you for your interest in public records of City of Medford. Your request has been received and is being processed in accordance with the Oregon Public Records Law. Your request was received in this office on 5/26/2025 and given the reference number M012084-052625 for tracking purposes.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Oregon Public Records Law does not require a governmental body to create new information, to do legal research, or to answer questions.

**Records Requested:** Dear Public Records Officer, This is a public records request under Oregon's open record laws (ORS 192.001 to 192.990). I am requesting copies of the following records: --A list of all the Facebook groups joined and/or "followed" by "Jessica Taylor" on Facebook. For reference, "Jessica Taylor" is the sock puppet account maintained by the Medford police department, per Medford's response to M011718-042925. --A list of all the Facebook pages "liked" and/or "followed" by "Jessica Taylor" on Facebook. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25. This information is being requested for non-commercial purposes. The Oregon open records law requires a response to this request within five (5) business days per ORS 192.324. If your office does not maintain these public records, please let me know who does and include the proper custodian's name and address. If you choose to deny any part of this request,

please provide a written explanation for the denial(s), including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material per ORS 192.338, and please "black out" any exempt material rather than "white out." Please note that any denials to this public records request may be appealed and/or result in litigation per ORS 192.407 and ORS 192.431(3).  Please let me know if you have require any additional information or need further clarification regarding this request. Thank you. Information for Public Use

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

Thank you,  
City of Medford

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To monitor the progress or update this request please log into the [Public Records Center](#)



On June 2, 2025, the City sent the following update:

Dear IPUSO:

As you are aware, the City is involved in litigation with the Rogue Valley Pepper Shakers, Melissa Jones, and the Stabbin' Wagon. The materials you have requested are tied up in a Meta process the City has initiated for civil discovery purposes in this case. We are awaiting receipt of a download from Meta that should contain materials responsive to your request. However, until we receive that download we will be unable to ascertain if the City possesses materials responsive to your request. Accordingly, we will follow up at a later time once the download from Meta is received and we have been able to review.

Sincerely,

David R. Schambach  
Senior Assistant City Attorney

On June 6, 2025, we replied:

Thank you for the response, David. Is there a reason the City needs to wait until after the Meta process is completed to complete this records request? For example, M011718-042925 was completed, I assume through Medford staff screenshotting the Facebook profile rather than needing a response from Meta to complete. Our preference would be to resolve these open requests related to "Jessica Taylor" as soon as possible.

On June 10, 2025, the City replied:

Dear IPUSO:

The information subject to this request is not in the possession of the City. As stated previously, the City has requested this information from Meta and is awaiting its production. Furthermore, Oregon Public Records law does not require the "creation" of documents in order to respond to a request.

Sincerely,

David R. Schambach  
Senior Assistant City Attorney



# MEDFORD

CITY ATTORNEY'S OFFICE

June 16, 2025

Patrick Green  
District Attorney  
Jackson County District Attorney's Office

RE: Public Records Appeal: M012084-052625  
Sent via email only to: GreenPP@jacksoncounty.org

Dear Mr. Green,

Thank you for the opportunity to respond to this petition for review under ORS 192.411(1) & 192.415 (1)(a) by Information for Public Use Southern Oregon (IPUSO). The City would like to provide some background on our relationship with this requestor, then provide our statutory analysis as to the petition for review and requested relief.

### **Background - Timeline of Request**

The timeline on this public records request is important context. This records request was submitted on Monday, May 26, 2025 (Memorial Day) at 4:06 pm. In this request, IPUSO asked for:

A list of all the Facebook groups joined and/or "followed" by "Jessica Taylor" on Facebook. For reference, "Jessica Taylor" is the sock puppet account maintained by the Medford police department, per Medford's response to M011718-042925. --A list of all the Facebook pages "liked" and/or "followed" by "Jessica Taylor" on Facebook.

Six (6) minutes later at 4:12 pm, IPUSO modified its original request, stating:

I realized I did not include a date range. Are you able to provide me copies of these "lists" from different time periods? I.e. a copy of the list as of June 1, 2021 versus August 1, 2024? Also, to clarify, I am not expecting Medford to produce new records for this. Facebook has functions where one can "view" the list of groups a user is in, screenshots would suffice.

Twenty-six (26) hours later, IPUSO again modified its original request stating:



## MEDFORD CITY ATTORNEY'S OFFICE

Ah, and one more clarification. Please include any individuals that are "followed" by Jessica Taylor, not just pages.

On Friday, May 30, 2025, I responded to IPUSO's request stating:

Due to the nature and volume of your requests, the City requires additional time to process your request.

On Monday, June 2, 2025, upon completing a preliminary investigation into the status of the records requested, I followed up with IPUSO stating:

As you are aware, the City is involved in litigation with the Rogue Valley Pepper Shakers, Melissa Jones, and the Stabbin' Wagon. The materials you have requested are tied up in a Meta process the City has initiated for civil discovery purposes in this case. We are awaiting receipt of a download from Meta that should contain materials responsive to your request. However, until we receive that download we will be unable to ascertain if the City possesses materials responsive to your request. Accordingly, we will follow up at a later time once the download from Meta is received and we have been able to review.

On Thursday, June 5, 2025, at 6:21pm, IPUSO responded, stating:

Thank you for the response, David. Is there a reason the City needs to wait until after the Meta process is completed to complete this records request? For example, M011718-042925 was completed, I assume through Medford staff screenshotting the Facebook profile rather than needing a response from Meta to complete. Our preference would be to resolve these open requests related to "Jessica Taylor" as soon as possible.

I was out of the office on Friday, June 6, 2025 and Monday, June 9, 2025. Accordingly, on Tuesday, June 10, 2025 at 10:04am, I responded, stating:

The information subject to this request is not in the possession of the City. As stated previously, the City has requested this information from Meta and is



## MEDFORD CITY ATTORNEY'S OFFICE

awaiting its production. Furthermore, Oregon Public Records law does not require the "creation" of documents in order to respond to a request.

That same day, just two (2) hours and forty-nine (49) minutes later, IPUSO appealed this matter to you on June 10, 2025 at 12:54pm claiming that the estimated time frame for the response is unreasonably long and will result in undue delay of disclosure under ORS 192.407(1)(b).

It should be noted that the timeline between IPUSO's original request, its two (2) subsequent modifications to the request, and its submission of this appeal to your office took merely fifteen (15) days with no real allowance for the City to attempt to comply with the request.

Furthermore, it should be noted that IPUSO inundates our office with public records requests. Recently, IPUSO's requests have been primarily associated with the aforementioned civil litigation. In this regard, the City has been working with this requestor since March of 2021. In the last four (4) years, IPUSO has submitted approximately 144 public records requests. These are typically extensive requests and require attorney review due to the nature of the material request. IPUSO has filed over twenty appeals with the District Attorney's office. I provide this information for context, as each of these represents significant time and effort. Around the date of May 26, 2025, when the records were requested, the City had ten (10) open requests with this requestor. IPUSO also filed two (2) more requests on May 26, 2025 for a total of three (3) requests that day, and five (5) more requests on May 28, 2025, bringing the total number of IPUSO requests for 2025 to twenty-three (23) requests.

The City works hard to comply with its requirements under the public records statutes and is committed to the goals of transparency in line with the State of Oregon. However, logistically there are times when the number of requests simply outnumber the available resources and the City, during those times, does its best to keep up.

### **Background - Substance of Request**

The materials IPUSO requests have been repeatedly addressed in the aforementioned civil litigation that is currently pending between the City and the Rogue Valley Pepper Shakers, Melissa Jones, and the Stabbin' Wagon (hereinafter "Plaintiffs"). In fact, IPUSO has worked closely with Plaintiffs in this case both before, and during its pendency.



In this litigation, Plaintiffs filed a motion to compel the production of all posts by this Facebook account. At the end of March 2025, after a 90-minute hearing on the issue before Judge Kochlacs, the Circuit Court ordered that Plaintiffs could only get certain specific documents, not all account activity.<sup>1</sup> Around that same time, IPUSO began sending requests for documents related to this Facebook account that fall outside of what the Court ordered the City to produce in this litigation.

Please bear in mind that this Facebook account was also used for Medford Police Department (“MPD”) purposes, such as drug-and-gang investigations, and the City has never taken the position that anyone can see everything that the account was up to. Judge Kochlacs agreed with the City’s position on that. Now that the identity of this Facebook account has been burned, it’s clear that Plaintiff’s counsel told IPUSO the name of the account.<sup>2</sup>

In order to comply with the Court order, the City has requested a complete download of this Facebook account’s activity from Meta. The City is willing to provide IPUSO responsive and non-exempt records responsive to this request when it receives that download. Unfortunately, the City does not know when it will receive the download because it does not control Meta and their download system. The City has been abundantly transparent about this matter with IPUSO. Furthermore, as IPUSO is aware, Plaintiff’s counsel was the person who directed the City to utilize the Meta download function for this Facebook account in order to comply with the Court’s Order on Plaintiff’s Motion to Compel. See Exhibit 2.

### **Legal Analysis and Argument**

A public body unable to meet the 15 business-day deadline must notify the requester in writing that the request is still being processed and provide the requester with a reasonable estimated date of completion. ORS 192.329(5). The estimated date should be based on the information available to the public body at the time it provides this estimate. *Id.*

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<sup>1</sup> See RFP 9 in the Order on Plaintiff’s Motion to Compel attached hereto as Exhibit 1.

<sup>2</sup> Plaintiff’s counsel told the City that he figured out from documents not provided by the City that Jessica Taylor was an MPD account. Furthermore, Plaintiff’s counsel told us in writing that he would not follow the protective order about that identity because he had discovered it through his own investigation and not documents produced to him by the City. See email from Plaintiff’s Counsel attached hereto as Exhibit 2.



## MEDFORD CITY ATTORNEY'S OFFICE

As mentioned above, one week after receiving the request, I notified the requestor that the City was “awaiting receipt of a download from Meta that should contain materials responsive to your request” and that the City would “follow up at a later time once the download from Meta is received and we have been able to review.” Ten (10) days after the request was made, IPUSO responded, indicating that [Plaintiffs’] “preference would be to resolve these open requests related to ‘Jessica Taylor’ as soon as possible.”

Merely failing to comply with a timeframe set by the requester does not constitute a denial entitling the requester to petition for release of the records. *Morse Bros., Inc. v. ODED*, 103 Or App 619 (1990). Furthermore, the other records request (M011718-042925) referenced in IPUSO’s desired “ASAP” timeframe message, was for copies “of all messages (posts and replies) made by Medford Police and/or its staff, and in posted in the ‘Black lives matter Southern Oregon (Medford/Grants Pass/Ashland)’ Facebook group.” The information requested in M011718-042925 was unrelated to ongoing MPD drug-and-gang investigations and was not subject to the Court’s Order on Plaintiff’s Motion to Compel in the civil litigation. Accordingly, the City provided screenshots to the requestor for that request as a courtesy and for the sake of transparency.

However, this request is for “lists [from different time periods] of all the Facebook groups [liked], joined, and/or ‘followed,’ [as well as any individuals ‘followed’] by ‘Jessica Taylor’ on Facebook,” is vastly different because the City must determine which groups or individuals may be subject to various criminal investigations or which are not required to be disclosed pursuant to the Court’s Order on Plaintiff’s Motion to Compel in the civil litigation. Therefore, [and at the suggestion of Plaintiffs’ Counsel], the City requested the full profile download from Meta so that it could analyze all of the data related to the profile and produce with complete accuracy everything it is required to by both the Court’s Order on Plaintiff’s Motion to Compel in the civil litigation, as well as IPUSO’s records request(s). The City’s goal with releasing records responsive to this request is to be complete and accurate without duplication of effort. Essentially, to “do it once, and do it right.”

Furthermore, IPUSO is asking for records he may himself be able to access by viewing Jessica Taylor’s Facebook profile. Since the identity of this account was burned, MPD has stopped using it, but that doesn’t mean that all the recent criminal cases where the City has used it are resolved. Nonetheless, the account still exists and presumably Plaintiffs’, IPUSO, or one of their cohorts would be “friends” with the account such that they could view the same information requested. As to any requested information that IPUSO may be unable to view



themselves by browsing the profile, there may still be open investigations or open criminal prosecutions where the City has an interest in not publishing everything about the account to the general public. In addition, without the Meta file download, the City is uncertain if it can indeed produce "lists [from different time periods] of all the Facebook groups [liked], joined, and/or 'followed,' [as well as any individuals 'followed'] by 'Jessica Taylor' on Facebook."

Finally, the City has not issued a denial such that IPUSO is entitled to petition for the release of these records.<sup>3</sup> Accordingly, the only perceivable motive behind IPUSO's request is to gather evidence for Plaintiff's counsel in attempt to support an argument for Discovery sanctions in the pending civil litigation. This kind of request is impermissible and responsive materials are exempt from disclosure pursuant to ORS 192.345.

### **Penalties**

If the petition is granted, the requestor is asking for statutory penalties against the City under ORS 192.407(3)(c). This code provision allows the District Attorney to include in their order a \$200 penalty against the City if they find there was an undue delay or the City failed to respond to their request. The City respectfully requests that you uphold its request for additional time so that it can review the Meta download when received and deny the petition. The City appreciates your considered and thoughtful review, especially on the statutorily swift timeline.

Sincerely,

*/s/ David R. Schambach*

David R. Schambach  
Senior Assistant City Attorney

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<sup>3</sup> October 27, 2008, William Harbaugh. Petition denied where the public body had not yet issued any denial. Regardless of whether the public body had complied with the requirement to acknowledge public records requests "as soon as practicable and without unreasonable delay," a lapse of approximately two weeks did not support a finding of constructive denial.

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

ROGUE VALLEY PEPPER SHAKERS, an  
unincorporated association; STABBIN’ WAGON,  
a nonprofit public benefit corporation; and  
MELISSA JONES, an individual,  
  
Plaintiffs,  
  
v.  
  
CITY OF MEDFORD, a municipal corporation,  
  
Defendant.

Case No. 24CV39962

**ORDER ON PLAINTIFFS’ MOTION  
TO COMPEL**

This matter came before the Court on March 12, 2025, on *Plaintiffs’ Motion to Compel* (“Plaintiffs’ Motion”). Plaintiffs appeared through counsel Colin Hunter of BRADLEY BERNSTEIN SANDS LLP. Defendant appeared through counsel Stephanie C. Kucera of HART WAGNER LLP.

Plaintiffs moved to compel production responsive to *Plaintiffs’ First Requests for Production of Documents* numbers 2-5, 7-10, 11, 13, and 15-16. Having considered the pleadings and briefing on file including briefing related to *Defendant City of Medford’s Rule 21 Motions Against Plaintiffs’ Complaint* (“Defendant’s Rule 21 Motions”) along with argument from counsel, and in light of this Court’s ruling on Defendant’s Rule 21 Motions, the Court granted Plaintiffs’ Motion in part, and denied the Motion in part, as follows:

REQUEST FOR PRODUCTION 2: DENIED.

REQUEST FOR PRODUCTION 3: GRANTED IN PART. Defendant must produce documents and communications to, from or within Medford Police Department (“MPD”) dated from January 1, 2020, to present referencing or relating to Plaintiffs, including criminal investigative file materials regarding Plaintiffs.

1           REQUEST FOR PRODUCTION 4: DENIED.

2           REQUEST FOR PRODUCTION 5: GRANTED IN PART. Defendant shall produce  
3 documents and communications to, from, or within MPD relating to protest activity in Medford  
4 either planned or attended by Plaintiffs since January 1, 2020.<sup>1</sup> To assist the City in searching for  
5 responsive documents, counsel for Plaintiffs shall make a good-faith effort to provide counsel for  
6 the City with a list of protest activities planned or attended by Plaintiffs from January 1, 2020, to  
7 present.

8           REQUEST FOR PRODUCTION 7: GRANTED IN PART. Defendant shall produce  
9 MPD policies and training materials related to Article 1, Section 8 of the Oregon Constitution  
10 and First Amendment of the US Constitution dated from January 1, 2020, to present.

11           REQUEST FOR PRODUCTION 8: GRANTED IN PART. Defendant shall produce  
12 MPD policies and training materials related to document preservation or retention and  
13 communications by MPD personnel re same dated from January 1, 2020, to present.

14           REQUEST FOR PRODUCTION 9: GRANTED IN PART. Marked confidential pursuant  
15 to the Stipulated Protective Order and to be produced for review by Plaintiffs’ counsel only  
16 (documents to be marked *Attorney’s Eyes Only*), Defendants will produce screen shots of the  
17 social media profile page for the pseudonymous profile(s) used since January 1, 2020, to view  
18 social media posts by Plaintiffs or the following groups: Black Lives Matter; Housing Justice  
19 Alliance; Indivisible; Rogue Climate; Siskiyou Abolition Project; Siskiyou Rising Tide; Siskiyou  
20 Street News; SO Equity; and Southern Oregon Rising Tide showing the identity (name) of the  
21 profile and that profile’s “friends” and the groups / individuals it is “following” with all identities  
22 of all profiles for “friends” and / or “following” redacted except, if applicable, Stabbin’ Wagon;  
23 Rogue Valley Pepper Shakers; plaintiff Melissa Jones; Black Lives Matter; Housing Justice

24 \_\_\_\_\_  
25           <sup>1</sup> For the purpose of framing the scope of responsive materials identified in this Order, the parties agree to  
26 define the term “protest activity” to mean a gathering of individuals or groups to openly assemble, rally,  
demonstrate, protest or otherwise express their views and opinions, with such expression made verbally or in  
writing, whether that writing be on posters and the like or through distribution of printed materials.

1 Alliance; Indivisible; Rogue Climate; Siskiyou Abolition Project; Siskiyou Rising Tide; Siskiyou  
2 Street News; SO Equity; and Southern Oregon Rising Tide.

3 Defendant will also agree to produce screenshots showing, if applicable, any protest  
4 activity event since January 1, 2020, that the pseudonymous social media account(s) indicated  
5 “interested in” attending for any event that was (1) posted by Plaintiffs on their social media and  
6 (2) planned or attended by Plaintiffs. Plaintiffs’ counsel will provide a list of protest activities  
7 planned or attended by Plaintiffs since January 1, 2020, that were posted by Plaintiffs on social  
8 media.

9 REQUEST FOR PRODUCTION 10: MOOT.

10 REQUEST FOR PRODUCTION 11: GRANTED IN PART. Defendant will produce  
11 video, audio, livestream or other recordings in its possession that depict protest activity in  
12 Medford taken at an event held since January 1, 2020, that was planned by or attended by  
13 Plaintiffs.. To assist the City in searching for responsive materials, Plaintiffs’ counsel must  
14 provide the date and event details including time and location of the event, and if possible, the  
15 identity of Plaintiff attendee(s).

16 REQUEST FOR PRODUCTION 13: GRANTED IN PART. Defendants shall produce  
17 documents dated from January 1, 2020, to present relating to MPD’s subscription to or  
18 membership in any email group or internet listserv, newsletter, “intelligence” or “threat”  
19 monitoring, or any similar service, in which information is shared relating to the political,  
20 religious or social views, associations or activities of Plaintiffs.

21 REQUEST FOR PRODUCTION 15: GRANTED IN PART. Defendants shall produce  
22 MPD communications dated from January 1, 2020, to present that relate to Plaintiffs and that  
23 include the search terms “Ryan Mallory,” “Jackson County Police Scanner Group,” or “Thief  
24 Hunter Labs.”

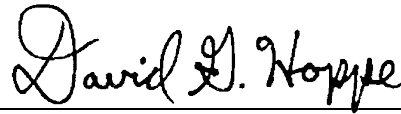
25 REQUEST FOR PRODUCTION 16: MOOT.

26

1 As to all of the Requests for Production, with respect to scope, Defendant is required to  
2 search MPD-employee emails and documents, including criminal investigative files related to  
3 Plaintiffs. Defendant is not required to search or produce non-MPD-employees' emails or  
4 documents.

5 IT IS HEREBY ORDERED.  
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11

3/26/2025 1:20:30 PM



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Circuit Court Judge David G. Hoppe

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14  
15  
16 **Submitted by:**  
17 HART WAGNER, LLP  
18 Stephanie C. Kucera, OSB 165509  
[sck@hartwagner.com](mailto:sck@hartwagner.com)  
*Of Attorneys for Defendant*  
19  
20  
21  
22  
23  
24  
25  
26

1 **CERTIFICATE OF COMPLIANCE WITH UTCR 5.100(1)**

2 I hereby certify that I complied with UTCR 5.100(1) and this proposed order or judgment  
3 is ready for judicial signature because:

4  1. Each opposing party affected by this order or judgment has stipulated to the order or  
5 judgment, as shown by each opposing party’s signature on the document being submitted.

6  2. Each opposing party affected by this order or judgment has approved the order or  
7 judgment, as shown by signature on the document being submitted or by written  
8 confirmation of approval sent to me.

9  3. I have served a copy of this order or judgment on all parties entitled to service and:

10  a. No objection has been served on me.

11  b. I received objections that I could not resolve with the opposing party despite  
12 reasonable efforts to do so. I have filed a copy of the objections I received and  
13 indicated which objections remain unresolved.

14  c. After conferring about objections, [role and name of opposing party] agreed to  
15 independently file any remaining objection.

16  4. The relief sought is against an opposing party who has been found in default.

17  5. An order of default is being requested with this proposed judgment.

18  6. Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or  
19 otherwise.

20  7. This is a proposed judgment that includes an award of punitive damages and notice has  
21 been served on the Director of the Crime Victims’ Assistance Section as required by  
22 subsection (4) of this rule.

23 DATED this 24th day of March, 2025.

24  
25 /s/ Stephanie C. Kucera  
Stephanie C. Kucera, OSB 165509

26  
**HART WAGNER LLP**  
Attorneys at Law  
15 SW Colorado Avenue, Suite 375  
Bend, Oregon 97702  
Telephone (541) 548-6044

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 24th day of March, 2025, I served the foregoing **ORDER ON**  
3 **PLAINTIFFS’ MOTION TO COMPEL** on the following parties at the following addresses:

4 Colin Hunter  
5 Gina Elliott  
6 Bradley Bernstein Sands LLP  
7 1425 SW 20<sup>th</sup> Avenue, Suite 201  
8 Portland, OR 97201  
9 [chunter@bradleybernstein.com](mailto:chunter@bradleybernstein.com)  
10 [gelliott@bradleybernstein.com](mailto:gelliott@bradleybernstein.com)

11 *Of Attorneys for Plaintiffs*

Kelly Simon  
Eri Andriola  
Alicia LeDuc Montgomery  
American Civil Liberties Union of  
Oregon  
Po Box 40585  
Portland, OR 97240  
[ksimon@aclu-or.org](mailto:ksimon@aclu-or.org)  
[eandriola@aclu-or.org](mailto:eandriola@aclu-or.org)  
[aleducmontgomery@aclu-or.org](mailto:aleducmontgomery@aclu-or.org)

12 *Of Attorneys for Plaintiffs*

13 [ ] by **mailing** a true and correct copy thereof, certified by me as such, placed in  
14 sealed envelopes addressed as set forth above, and deposited in the U.S. Post  
15 Office at Bend, Oregon on said day with postage prepaid.

16 [ ] by causing a true and correct copy thereof to be **hand delivered** in sealed  
17 envelopes to said attorneys on the date set forth above.

18 [X] by **Odyssey e-file and serve**.

19 [X] by submitting said document via **electronic mail**, a copy thereof was served on  
20 the parties above.

21 /s/ Stephanie C. Kucera  
22 Stephanie C. Kucera, OSB 165509  
23 *Of Attorneys for Defendant*

24  
25  
26  
HART WAGNER LLP  
Attorneys at Law  
15 SW Colorado Avenue, Suite 375  
Bend, Oregon 97702  
Telephone (541) 548-6044

**From:** Colin Hunter <[chunter@bradleybernstein.com](mailto:chunter@bradleybernstein.com)>

**Sent:** Wednesday, April 9, 2025 7:00 AM

**To:** Stephanie C. Kucera <[SCK@hartwagner.com](mailto:SCK@hartwagner.com)>

**Cc:** Sarah Herron <[SH@hartwagner.com](mailto:SH@hartwagner.com)>; [ksimon@aclu-or.org](mailto:ksimon@aclu-or.org); Eri Andriola <[EAndriola@aclu-or.org](mailto:EAndriola@aclu-or.org)>; Alicia LeDuc Montgomery <[alicia@leducmontgomery.com](mailto:alicia@leducmontgomery.com)>; Gina Elliott <[gelliott@bradleybernstein.com](mailto:gelliott@bradleybernstein.com)>

**Subject:** RVPS/Medford: Identification of Facebook account

Stephanie –

As you know, Plaintiffs allege in their Complaint that MPD has been surveilling them by means of one or more fake social media accounts, and the City has now confirmed that at least one such account exists.

In August, we served RFPs asking for all information relating to the use of fake/pseudonymous accounts to collect information on Plaintiffs. While we have been unsuccessful so far in obtaining such information from the City, we have continued independently investigating this question.

Based on that independent investigation, we believe we have identified the “Jessica Taylor” account depicted in the attached screenshot as one used by MPD to unlawfully collect information on Plaintiffs.

Our purpose in alerting you to our identification of this account is to make a record that we developed this information based on our own investigation, both independently of and prior to the City’s production of any such information. The City is still obligated to produce the information that is the subject of the Court’s order granting our motion to compel, of course, including responsive materials relating to *all* fake/pseudonymous social media accounts. While the City may do so on an AEO basis, the results of our independent investigation are not subject to any such restriction.

If and when the City complies with the Court order to produce social media account information, please ensure the City takes advantage of Facebook’s features allowing account owners to download all account information and activity (summarized [here](#)), which would presumably include the information the Court has ordered the City to produce with respect to all fake Facebook accounts. We assume a similar feature would be available for any fake/pseudonymous Instagram accounts as well.

Regards—

Colin

**Colin Hunter**

*(he/him)*

Bradley Bernstein Sands LLP

T 971-337-0190

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