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

CASHNITA MATHIESON,

Plaintiff,

vs.

OREGON HEALTH & SCIENCE
UNIVERSITY dba OHSU,

Defendant.

Case No. 21CV03594

DEFENDANT OREGON HEALTH &
SCIENCE UNIVERSITY'S ANSWER
TO PLAINTIFF'S COMPLAINT

Jury Trial Demanded

Prayer: \$300,000

In answer to plaintiff's Complaint, defendant Oregon Health & Science (OHSU), admits, denies, and alleges as follows:

1.

Defendant admits that plaintiff is a Black woman. Defendant further admits that at all times material to plaintiff's complaint, plaintiff is and was a resident of Multnomah County in the State of Oregon.

2.

Defendant admits that OHSU is a public university located in Portland, Oregon. Defendant further admits that OHSU has employed plaintiff from 2011 to the present as a phlebotomist in the Hatfield Lab.

3.

Defendant admits that Michael Pitts was a phlebotomist supervisor in the Hatfield Lab beginning in 2015. Defendant further admits that Michael Pitts was a phlebotomy manager in the Hatfield Lab beginning in 2019.

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4.

Defendant admits that plaintiff was the subject of disciplinary action in 2020, including verbal and written warnings, and placement on a Last Chance Agreement in May of 2020.

5.

Defendant admits that plaintiff has made complaints to OHSU’s Affirmative Action and Equal Opportunity Office about alleged harassment and discrimination. Defendant further admits that plaintiff filed a complaint with the Oregon Bureau of Labor and Industries in 2016.

6.

Defendant admits that plaintiff sent a Tort Claims Notice (“TCN”) to OHSU dated June 19, 2020.

7.

Except as specifically admitted herein, Defendants deny each and every remaining allegation in plaintiff’s Complaint and the whole thereof.

8.

FIRST DEFENSE

(Failure to State a Claim)

Plaintiff’s Complaint fails to allege facts sufficient to state a claim or claims upon which relief can be granted.

9.

SECOND DEFENSE

(Tort Claims Act)

Plaintiff’s claims are subject to the requirements and limitations of the Oregon Tort Claims Act (ORS 30.260 *et seq.*).

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1 10.

2 **THIRD DEFENSE**

3 (Damages Limitation)

4 Plaintiff is barred from seeking damages in excess of those provided by the Oregon Tort
5 Claims Act, and those specifically identified under ORS 30.269 and ORS 30.271.

6 11.

7 **FOURTH DEFENSE**

8 (Additional Defenses)

9 Defendant reserves the right to amend this answer to allege additional defenses that may
10 become apparent during the course of discovery.

11
12 WHEREFORE, having fully answered plaintiff’s Complaint, Defendant prays that the
13 Complaint be dismissed with prejudice, that judgment be entered in favor of Defendant, for costs
14 and disbursements incurred herein, and for such other relief the court may deem just and
15 equitable.

16 DATED this 4th day of March, 2021.

17 HART WAGNER LLP

18
19 By: /s/ Karen O’Kasey

Karen O’Kasey, OSB No. 870696

kok@hartwagner.com

Andrew Weiner, OSB No. 115485

atw@hartwagner.com

Of Attorneys for Defendant

22
23 Trial Attorney: Karen O’Kasey, OSB No. 870696

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 4th day of March, 2021, I served the foregoing DEFENDANT
3 OREGON HEALTH & SCIENCE UNIVERSITY’S ANSWER TO PLAINTIFF’S
4 COMPLAINT on the following party:

5 Kyann Kalin
6 Stutheit Kalin LLC
7 1 SW Columbia Street, Suite 1850
8 Portland, OR 97204
9 *Attorney for Plaintiff*

10 by eservice/emailing and mailing a true and correct copy thereof, certified by me as such, placed
11 in a sealed envelope addressed to the address set forth above, and deposited in the U.S. Post
12 Office at Portland, Oregon on said day with postage prepaid.

13 */s/ Karen O’Kasey*
14 Karen O’Kasey