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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

JEHOSHAPHAT COMMANDEST,	)	Civil No. 6:26-CV-01831-AP
	)	
Plaintiff,	)	DEFENDANT LAHM’S ANSWER,
	)	AFFIRMATIVE DEFENSES AND CROSS-
vs.	)	CLAIM TO PLAINTIFF’S COMPLAINT
	)	
CITY OF EUGENE, a municipal corporation	)	JURY TRIAL DEMANDED
that operates EUGENE POLICE	)	
DEPARTMENT, STEPHEN LAHM, an	)	
individual; and LINDSEY COLLIER, an	)	
individual,	)	
	)	
Defendants.	)	
	)	

For answer to plaintiff’s complaint, defendant Stephen Lahm admits, denies, and alleges as follows:

1.

Paragraphs 1, 2, and 3 of the complaint do not pertain to defendant Lahm and no response to the allegations contained in those paragraphs is needed.

2.

In response to the allegations contained in paragraph 4 of the complaint, defendant Lahm admits that he was a police officer employed by the City of Eugene and that he is a citizen of the State of Oregon. The remaining allegations contained in paragraph 4 of the complaint state legal conclusions for which no response is needed. To the extent a response is required, deny remaining allegations contained in paragraph 4.

3.

Paragraph 5 of the complaint does not pertain to defendant Lahm and no response to the allegations contained in that paragraph is needed.

4.

Admit the allegations contained in paragraph 6 of the complaint.

5.

In response to the allegations contained in paragraph 7 of the complaint, defendant Lahm admits that plaintiff filed a complaint claiming that plaintiff had been subjected to excessive force. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraph 7 of the complaint and, therefore, denies those additional allegations.

6.

Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the allegations contained in paragraphs 8, 9, 10, 11, and 12 of the complaint and, therefore, denies the allegations contained in those paragraphs.

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7.

The allegations contained in paragraphs 13 and 14 of the complaint state legal conclusions for which no response is needed. To the extent a response is required, defendant Lahm denies the allegations contained in paragraphs 13 and 14 of the complaint.

8.

In response to the allegations contained in paragraph 15 of the complaint, defendant Lahm admits that the home and garage, located at 3036 River Road in Eugene, Oregon, were vacant and were awaiting demolition by their owner. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraph 15 of the complaint and, therefore, denies those additional allegations.

9.

Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the allegations contained in paragraphs 16, 17, and 18 of the complaint and, therefore, denies the allegations contained in those paragraphs.

10.

In response to the allegations contained in paragraph 19 of the complaint, defendant Lahm admits that plaintiff entered the property located at 3036 River Road on January 11, 2025. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraph 19 of the complaint and, therefore, denies those additional allegations.

11.

In response to the allegations contained in paragraph 20 of the complaint, defendant Lahm admits that plaintiff has brown skin color and black hair. Despite a reasonable investigation, defendant

Lahm lacks sufficient information to respond to the additional allegations contained in paragraph 20 of the complaint and, therefore, denies those additional allegations.

12.

Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the allegations contained in paragraph 21 of the complaint and, therefore, denies the allegations contained in that paragraph.

13.

In response to the allegations contained in paragraph 22 of the complaint, defendant Lahm admits that, at about noon, the owner of 3036 River Road called 911 and reported that plaintiff was trespassing on the property and stealing items from the property. Further admit that plaintiff was present at the property during daylight hours. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraph 22 of the complaint and, therefore, denies those additional allegations.

14.

Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the allegations contained in paragraph 23 of the complaint and, therefore, denies the allegations contained in that paragraph.

15.

Admit the allegations contained in paragraph 24 of the complaint.

16.

In response to the allegations contained in paragraph 25 of the complaint, defendant Lahm admits that defendant Collier responded to and arrived at the 3036 River Road property. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional

allegations contained in paragraph 25 of the complaint and, therefore, denies those additional allegations.

17.

Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the allegations contained in paragraphs 26, 27, and 28 of the complaint and, therefore, denies the allegations contained in those paragraphs.

18.

Admit the allegations contained in paragraphs 29, 30, and 31 of the complaint.

19.

In response to the allegations contained in paragraph 32 of the complaint, defendant Lahm admits that he grabbed plaintiff's arm and handcuffed plaintiff. Further admit that plaintiff did not resist or struggle at that point. Defendant Lahm denies the additional allegations contained in paragraph 32 of the complaint.

20.

Admit the allegations contained in paragraphs 33 and 34 of the complaint.

21.

Defendant Lahm denies the allegations contained in paragraphs 35 and 36 of the complaint.

22.

In response to the allegations contained in paragraph 37 of the complaint, defendant Lahm admits that plaintiff began resisting arrest and attempted to escape from police custody. Further admit that defendant Lahm punched plaintiff in the face and retrieved his Taser to prevent plaintiff from resisting and escaping. Defendant Lahm denies the additional allegations contained in paragraph 37 of the complaint.

23.

In response to the allegations contained in paragraph 38 of the complaint, defendant Lahm admits that he applied the Taser's "stun drive" mode to plaintiff's body and instructed plaintiff to stop resisting arrest. Defendant Lahm denies the additional allegations contained in paragraph 38 of the complaint.

24.

In response to the allegations contained in paragraph 39 of the complaint, defendant Lahm admits that he applied the Taser's "stun drive" mode to plaintiff's body a second time to get plaintiff to stop resisting arrest. Defendant Lahm denies the additional allegations contained in paragraph 39 of the complaint.

25.

In response to the allegations contained in paragraph 40 of the complaint, defendant Lahm admits that plaintiff stopped resisting arrest after being Tased a second time. Additionally admit that plaintiff rested his head on the hood of the police vehicle while leaned over so that he could be searched for weapons. Further admit that plaintiff was transported to the Lane County Jail without further difficulty. Defendant Lahm denies the additional allegations contained in paragraph 40 of the complaint.

26.

In response to the allegations contained in paragraph 41 of the complaint, defendant Lahm admits that plaintiff sustained some injury in the incident. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraph 41 of the complaint and, therefore, denies those additional allegations.

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27.

Defendant Lahm has already responded to the allegations contained in paragraphs 1 through 41 of the complaint as set forth above, and no response to paragraph 42 is necessary. To the extent a response is required, deny.

28.

Defendant Lahm denies the allegations contained in paragraphs 43, 44, 45, 46, and 47 of the complaint.

29.

In response to the allegations contained in paragraph 48 of the complaint, defendant Lahm admits that he warned plaintiff to stop resisting prior to using force on plaintiff. Defendant Lahm denies the additional allegations contained in paragraph 48 of the complaint.

30.

Defendant Lahm denies the allegations contained in paragraphs 49, 50, and 51 of the complaint.

31.

In response to the allegations contained in paragraph 52 of the complaint, defendant Lahm admits that he lawfully used physical force on plaintiff to prevent plaintiff from resisting arrest and escaping police custody. Defendant Lahm denies the additional allegations contained in paragraph 52 of the complaint.

32.

Defendant Lahm denies the allegations contained in paragraph 53 of the complaint.

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33.

In response to the allegations contained in paragraph 54 of the complaint, defendant Lahm admits that plaintiff sustained some injury in the incident. Defendant Lahm denies the additional allegations contained in paragraph 54 of the complaint.

34.

In response to the allegations contained in paragraph 55 of the complaint, defendant Lahm admits that plaintiff sustained some injury in the incident. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraph 55 of the complaint and, therefore, denies those additional allegations.

35.

Defendant Lahm denies the allegations contained in paragraph 56 of the complaint.

36.

Defendant Lahm denies the allegations contained in paragraph 57 of the complaint.

37.

The allegations contained in paragraphs 58 and 59 of the complaint state legal conclusions for which no response is needed. To the extent a response is required, defendant Lahm denies the allegations contained in paragraphs 58 and 59 of the complaint.

38.

Defendant Lahm has already responded to the allegations contained in paragraphs 1 through 59 of the complaint as set forth above, and no response to paragraph 60 is necessary. To the extent a response is required, deny.

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39.

Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the allegations contained in paragraph 61 of the complaint and, therefore, denies the allegations contained in that paragraph.

40.

Defendant Lahm denies the allegations contained in paragraphs 62 and 63 of the complaint.

41.

In response to the allegations contained in paragraphs 64 and 65 of the complaint, defendant Lahm admits that plaintiff sustained some injury in the incident. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraphs 64 and 65 of the complaint and, therefore, denies those additional allegations.

42.

Defendant Lahm denies the allegations contained in paragraph 66 of the complaint.

43.

Defendant Lahm has already responded to the allegations contained in paragraphs 1 through 66 of the complaint as set forth above, and no response to paragraph 67 is necessary. To the extent a response is required, deny.

44.

In response to the allegations contained in paragraphs 68, 69, and 70 of the complaint, defendant Lahm admits that that he lawfully used physical force on plaintiff to prevent plaintiff from resisting arrest and escaping police custody. Defendant Lahm denies the additional allegations contained in paragraphs 68, 69, and 70 of the complaint.

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45.

In response to the allegations contained in paragraphs 71 and 72 of the complaint, defendant Lahm admits that plaintiff sustained some injury in the incident. Despite a reasonable investigation, defendant Lahm lacks sufficient information to respond to the additional allegations contained in paragraphs 71 and 72 of the complaint and, therefore, denies those additional allegations.

46.

Defendant Lahm denies the allegations contained in paragraph 73 of the complaint.

47.

Except as expressly admitted above, defendant Lahm denies each and every allegation contained in the complaint and the whole thereof.

48.

Defendant Lahm reserves the right to replead and plead further upon the completion of discovery.

* * * * *

For his further Answer and Affirmative Defenses, defendant Lahm alleges as follows:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

49.

Plaintiff has failed to state a claim upon which relief can be granted as to defendant Lahm. At all times relevant to Plaintiff's Complaint that Plaintiff has not been deprived of any right, privilege, or immunity secured by the United States Constitution, the laws of the United States, or the State of Oregon and therefore fails to state a claim under 42 U.S.C. § 1983. Plaintiff also fails to state any other viable claim for relief as to defendant Lahm.

SECOND AFFIRMATIVE DEFENSE

(Eleventh Amendment Immunity)

50.

Defendant Lahm, to the extent he is sued in his official capacity, is immune from suit in federal court and protected under Eleventh Amendment immunity.

THIRD AFFIRMATIVE DEFENSE

(Objective Basis)

51.

Defendant Lahm had valid, legitimate, objectively reasonable, non-discriminatory and non-retaliatory reasons for all actions taken with respect to Plaintiff, and such actions were not based upon any improper motive or taken for any improper purpose.

FOURTH AFFIRMATIVE DEFENSE

(Legal Justification)

52.

Defendant Lahm's actions toward plaintiff were legally justified and lawful, including under ORS 161.205, ORS 161.233, state law privileges, in good faith, in self-defense, in defense of others, and otherwise under the common law.

FIFTH AFFIRMATIVE DEFENSE

(Probable Cause to Arrest)

53.

Defendant Lahm had a legal basis to detain plaintiff and had probable cause to arrest plaintiff.

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SIXTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

54.

Plaintiff has failed to mitigate his damages and is not entitled to an award for any avoidable damages.

SEVENTH AFFIRMATIVE DEFENSE

(Comparative Fault)

55.

Any damage or injury sustained by Plaintiff was the result of Plaintiff's own negligence in one or more of the following ways:

- (a) Resisting arrest;
- (b) Failing to follow commands and lawful orders from arresting officers;
- (c) Attempting to escape police custody;
- (d) Interfering with the officers' lawful performance of their official duties; and
- (e) Attempting to engaged in physical combat with arresting officers.

EIGHTH AFFIRMATIVE DEFENSE

(Qualified Immunity)

56.

Defendant Lahm is entitled to the defense of qualified immunity on plaintiff's 42 USC § 1983 claims because defendant Lahm violated no clearly established statutory or constitutional rights held by plaintiff.

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NINTH AFFIRMATIVE DEFENSE

(Oregon Tort Claims Act)

57.

With respect to state or common law claims, Defendant asserts all provisions of the Oregon Tort Claims Act (“OTCA”) to such claims, including, but not limited to, the provisions requiring timely and proper tort claim notice.

TENTH AFFIRMATIVE DEFENSE

(Affirmative Defenses of Others)

58.

Defendant Lahm hereby realleges and reincorporates by this reference each and every one of the affirmative defenses alleged by any other defendants, and each of them, in each of their answers and affirmative defenses to the operative complaint(s) herein.

ELEVENTH AFFIRMATIVE DEFENSE

(Defenses Reserved)

59.

Defendant Lahm may not be able to fully anticipate all applicable affirmative defenses and reserves the right to assert additional affirmative defenses or to modify or withdraw any defenses stated here, as may be appropriate in light of information obtained in discovery and investigation in this action.

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For his further Cross-Claim against the City of Eugene, defendant Lahm alleges as follows:

CROSS-CLAIM AGAINST CITY OF EUGENE

(Declaratory Relief)

60.

Re-allege paragraphs 1 through 48 above.

61.

Defendant Lahm was employed as a police officer by the City of Eugene and was performing his official duties for the City of Eugene when he arrested plaintiff on January 11, 2025.

62.

Defendant Lahm has been sued by plaintiff in the present lawsuit for actions defendant Lahm took in the performance of his official duties.

63.

The City of Eugene owes defendant Lahm a duty to defend and a duty to indemnify in the present lawsuit.

64.

Defendant Lahm has requested that the City of Eugene provide him with a defense in the present lawsuit and indemnify him from any possible award. Thus far, the City of Eugene has refused to perform its obligations to defendant Lahm.

65.

By reason of the adverse contentions of the parties, a justiciable controversy exists.

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DEMAND FOR JURY TRIAL

Defendant Lahm hereby requests a trial by jury in the above-entitled action.

PRAYER FOR RELIEF

Defendant Lahm respectfully requests that judgment be entered in his favor and against plaintiff and grant the following relief to Defendant Lahm:

1. Dismissal of plaintiff's complaint in its entirety, with prejudice, with all costs taxed against plaintiff;
2. Enter judgment in favor of defendant Lahm and against plaintiff;
3. For a declaration that the City of Eugene owes defendant Lahm a duty to defend and a duty to defend in the present lawsuit;
4. Award such other relief to defendant as the Court deems just and proper.

DATED: September 14, 2026.

PARKS BAUER LLP

/s/Michael J. Walker

By:

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CERTIFICATE OF SERVICE

I hereby certify that I am one of the attorneys for the party stated below, and that I served the foregoing pleading or document on the following party by electronic means via email, through the Court's Case Management/Electronic Case File System, and/or by First Class Mail:

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DATED: September 14, 2026.

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/s/Michael J. Walker

By:

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