

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

ERIKA KATRIN MEYER,

Plaintiff

vs.

CITY OF PORTLAND,

Defendant

Case No. **23CV20288**

PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

UTCR 5.050

Oral Argument Requested: Yes

Court Reporting Services Requested: Yes

MOTION

Pursuant to ORCP 79 A(1)(b) plaintiff moves the court for an order directing the Portland Police Bureau to

1. immediately take measures to protect the plaintiff and her cat, Roxy, from crimes of biomedical abuse
2. to investigate those crimes in such a way as to identify the perpetrator of the crimes, and
3. to take measures towards long term protection of the plaintiff, her cat, and her family members.

POINTS AND AUTHORITIES

ORS 161.095 states that "(1) The minimal requirement for criminal liability is the performance by a person of conduct which includes a voluntary act *or the omission to perform*

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1 *an act which the person is capable of performing*” (emphasis added) and “(2) Except as provided
2 in ORS 161.105 (Culpability requirement inapplicable to certain violations and offenses), a
3 person is not guilty of an offense unless the person acts with a culpable mental state with respect
4 to each material element of the offense that necessarily requires a culpable mental state.” In this
5 case, the City of Portland and the Portland Police Bureau, acting in concert with other entities,
6 and with a culpable mental state, have failed to perform statutory duties with regards to
7 preventing violent crime and protecting crime victims. Among the crime victims the police are
8 failing to protect are the plaintiff, and the plaintiff’s cat, Roxy. The plaintiff’s requests for aid
9 from the Portland Police Bureau and the City of Portland, and the City’s refusal to render aid, or
10 worse, to engage in acts of retaliation against the plaintiff, goes back to January 2014. The
11 plaintiff and her family members have suffered tremendously due to the City’s refusal to render
12 aid, and her husband has not only died, but was biomedically tortured as he was dying.

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16 ORS 161.155 (2)(b) and (2)(c) states that a person is criminally liable for the conduct of
17 another person constituting a crime if, with the intent to promote or facilitate the commission of
18 the crime the person aids or abets or agrees or attempts to aid or abet such other person in
19 planning or committing the crime; or having a legal duty to prevent the commission of the crime,
20 fails to make an effort the person is legally required to make. [1971 c.743 §13] Portland Police
21 Bureau is legally required to prevent the crimes detailed here. Under ORS 133.379 “It shall be
22 the duty of any peace officer to arrest and prosecute any violator” of Oregon’s animal cruelty
23 laws, including ORS 167.322 Aggravated animal abuse in the first degree. ORS 167.322 states
24 that a person commits the crime of aggravated animal abuse in the first degree if the person “(1)
25 Maliciously kills an animal; or (2) Intentionally or knowingly tortures an animal.” Roxy is, on a
26 daily basis, being intentionally tortured, and my other cat, Lion, was tortured, then killed, with
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1 biomedical weaponry The plaintiff is also experiencing biomedical torture, daily, as well as
2 emotional distress due to the torture that she continues to experience, and to witness.
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4 Furthermore, it is evident that these physical attacks worsen when the plaintiff
5 attempts to seek justice in the form of researching, writing, or filing court documents. This is a
6 violation of ORS 162.235 (1)(a) which states that a person commits the crime of obstructing
7 governmental or judicial administration if the person "Intentionally obstructs, impairs or hinders
8 the administration of law or other governmental or judicial function by means of intimidation,
9 force, physical or economic interference or obstacle." By increasing biomedical attacks in a
10 retaliatory manner, the perpetrators violate this statute, and to whatever degree the City of
11 Portland refuses to protect the plaintiff and Roxy from these assaults, it would seem that under
12 ORS 161.095(1), ORS 161.155 (2)(b) and ORS 161.155 (2)(c), the City of Portland is also
13 criminally liable for these actions, as well as other actions related to the use of wirelessly
14 accessible biomedical implants to manipulate, control, imprison, torture, disfigure, disable, and
15 murder.
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19 Under ORS 133.055 (2)(a) police have a mandatory duty to arrest an alleged assailant or
20 potential assailant in domestic abuse cases. While complaints made by this plaintiff do not fit
21 neatly into a traditional category of domestic abuse, due to the nature of the weaponry involved,
22 the situation is akin to a domestic violence situation in a material way, in that the plaintiff is
23 physically unable to leave the dangerous circumstances and escape the abuse. Under ORS
24 107.705 domestic abuse is defined as abuse occurring between "family or household members"
25 who are either related by blood, cohabiting, or sexually involved. In this case, the abuse is related
26 to a form of intrusive, nonconsensual surveillance which occurs in the plaintiff's personal living
27 space and appears to involve family members.
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TECHNOLOGICAL INVESTIGATION CAPABILITY

The police have, in the past, declined to investigate the plaintiff's crime reports due to an alleged technological incapacity. However, under the Code of Federal Regulations CFR 0.85(g) the Director of the Federal Bureau of Investigation "shall operate the Federal Bureau of Investigation Laboratory to serve not only the Federal Bureau of Investigation, but also to provide, without cost, technical and scientific assistance, including expert testimony in Federal or local courts, for all duly constituted law enforcement agencies, other organizational units of the Department of Justice, and other Federal agencies, which may desire to avail themselves of the service." In other words, the FBI has a mandatory duty to assist police departments with scientific crime investigation services. Abuse, torture, and murder via nonconsensual use of wirelessly accessible biomedical implants would appear to be exactly the sort of crime the FBI Laboratory was designed to address. Biomedical devices can be located and identified through wireless frequency scanning, radiographic imaging, and other forensic techniques, some of which the plaintiff has already employed to confirm the existence and use of this technology.

INJUNCTION STANDARDS

Per ORS 79, subject to the requirements of ORS 82 A(1), a temporary restraining order or preliminary injunction may be allowed:

"A(1)(a) When it appears that a party is entitled to relief demanded in a pleading, and such relief, or any part thereof, consists of restraining the commission or continuance of some act, the commission or continuance of which during the litigation would produce injury to the party seeking the relief; or

A(1)(b) When it appears that the party against whom a judgment is sought is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of a party seeking judgment concerning the subject matter of the action, and tending to render the judgment ineffectual."
(ORS 79)

1 ORS 82 A(1) concerns security and undertakings “in such sum as the court deems proper, for the
2 payment of such costs, damages, and attorney fees as may be incurred or suffered by any party
3 who is found to have been wrongfully enjoined or restrained.” However, the rule goes on to state
4 that

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6 “ A(1)(b) No security will be required under this subsection where:

7 A(1)(b)(i) A restraining order or preliminary injunction is sought to
8 protect a person from violent or threatening behavior; or

9 A(1)(b)(ii) A restraining order or preliminary injunction is sought to
10 prevent unlawful conduct when the effect of the injunction is to restrict the
11 enjoined party to available judicial remedies.” (ORS 82)

12 In this case, the plaintiff/applicant seeks to protect herself and Roxy from ongoing violent and
13 threatening behavior by enjoining the defendant to address the violent behaviors through already
14 available judicial remedies.

15 A prohibitory injunction “is self-executing and requires no affirmative action,
16 merely maintaining the status quo,” while a mandatory injunction is an order that “compels
17 affirmative action by the defendant instead of merely preserving the status quo.” *State ex rel.*
18 *McKinley Auto., Inc. v. Oldham*, 283 OR 511, 514, 584 P2d 741 (1978) (quoting *Helms Groover*
19 *& Dubber Co. v. Copenhagen*, 93 Or 410, 416, 177 P 935 (1919)). In a prohibitory injunction
20 “the status quo to be preserved should be the last undisputed state of affairs that existed before
21 the events that gave rise to the pending controversy occurred.” [*Id.*] This requested injunction is
22 arguably a prohibitory injunction, because although the plaintiff is requesting that the Portland
23 Police Bureau take specific actions with regards to investigating abuse, and protecting victims of
24 abuse, those actions are already either mandatory, near mandatory, or arguably mandatory under
25 existing Oregon statutes, “the last undisputed state of affairs.”
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1 The Ninth Circuit and the U.S. Supreme Court identified a four-part balancing test
2 for preliminary injunctions in *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008).

3 Under the traditional test, a plaintiff must show: (1) a strong likelihood of success
4 on the merits, (2) the possibility¹ of irreparable injury to plaintiff if preliminary
5 relief is not granted, (3) a *balance of hardships* favoring the plaintiff, and (4)
6 advancement of the *public interest* (in certain cases). The alternative test requires
7 that a plaintiff demonstrate either a combination of probable success on the merits
8 and the possibility of irreparable injury or that serious questions are raised and the
9 balance of hardships tips sharply in his favor. These two formulations represent
10 two points on a sliding scale in which the required degree of irreparable harm
11 increases as the probability of success decreases. They are not separate tests but
12 rather outer reaches of a single continuum. *Natural Resources Def. Council, Inc.*
13 *v. Winter*, 07-56157o, (9th Cir. Aug. 31, 2007)

14 In this case, there has already been a tremendous amount of irreparable harm done to the plaintiff
15 as a result of the Portland Police Bureau's decade-long refusal to address the plaintiff's evidence-
16 based claims of surveillance and biomedical abuse. The plaintiff has experienced, and can show
17 evidence of, ongoing physical injury, including physically disfiguring injuries as well as risk of
18 terminal illness such as heart attack or cancer. The plaintiff experiences near continuous
19 discernable assaults to her organ systems.

20 There is no question that these biomedical attacks are a large-scale public health risk as
21 well. There is virtually no chance that this plaintiff is the first or only person to have been
22 harmed in this way. In fact, beginning in 2018 the plaintiff began to identify disease and accident
23 patterns within certain communities almost likely associated with biomedical weapons. The
24 balance of hardships favors the plaintiff because the plaintiff has done nothing more than ask for

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27 ¹ The US Supreme Court altered the balance slightly with regards to irreparable harm. "The Ninth
28 Circuit erred in using a possibility standard for the irreparable harm element of the preliminary injunction standard.
This element should be more demanding to the point of being likely rather than merely possible." They also
emphasized the importance of public interest in the balancing test.

1 certain scientific tests to be preformed in order to locate and identify biomedical implants in her
2 body, and then to hold the owners and operators of these implants accountable for the harms they
3 have caused. If the police are not actively part of this conspiracy, with the mandated assistance of
4 the FBI, this should hardly be a difficult task. As for the likelihood of success based on the
5 merits of the case, the plaintiff is confident that as long as the proper scientific tests are
6 conducted in the proper manner, the case will succeed. The plaintiff has, over the years, gathered
7 more than enough admissible evidence to make a *prima facie* showing of both the necessity of
8 further scientific testing, and the likelihood that such testing, conducted in good faith, will reveal
9 the existence and use of wirelessly-accessible nonconsensual piezoelectrical biomedical implants
10 throughout her body, and also in her cat, Roxy.
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14 Dated this 2nd day of November 2023.

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16 /s/ Erika Meyer
17 Erika Meyer, Plaintiff
18 305 NE 61st Ave #D13
19 Portland, Oregon 97213
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