

1  
2 IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
3  
4 FOR MULTNOMAH COUNTY  
5

6  
7 **JOSHUA SMITH**

8 Plaintiff

9 vs  
10

11 **AXFORD LANE, LLC**  
12 **DEVON ANDRADE**

13 Defendants  
14  
15

Case No.

**COMPLAINT**

Intentional Infliction of Emotional Harm  
Unlawful Entry  
Negligence

Amount in Controversy: \$250,000  
Fee Authority: ORS 21.160(1)(c)  
Not Subject to Mandatory Arbitration  
Jury Trial Requested



1  
2 **1.**

3 **FACTUAL ALLEGATIONS**

4 Plaintiff is a residential tenant living at 232 SE 119th Ave, Portland, Oregon  
5 97216 in a home owned and managed by defendants. On April 29, 2019 defendants  
6 entered plaintiff's home without giving proper notice and intentionally took  
7 plaintiff's pet cat Frank out of the home. As of the date of this complaint plaintiff  
8 does not know Frank's whereabouts. Plaintiff rescued Frank as a kitten in the  
9 parking lot of the Alano Club. Frank is plaintiff's best friend and life companion.  
10  
11 Losing Frank has caused plaintiff severe ongoing worry and anxiety.  
12

13 **2.**

14 **CAUSES OF ACTION**

15 **Claim One – Intentional Infliction of Emotional Distress**

16 Defendants' behavior, including but not limited to, unlawfully entering  
17 plaintiff's home and intentionally taking plaintiff's pet cat Frank, was intended to  
18 inflict severe emotional distress on plaintiff, and severe distress was certain or  
19 substantially certain to result from defendants' behavior. Defendants' intentional,  
20 outrageous and extreme behavior was an extraordinary transgression of the bounds  
21 of socially tolerable conduct and exceeded any reasonable limit of social toleration,  
22 and caused plaintiff to suffer distress including, but not limited to, severe ongoing  
23 worry and anxiety.  
24  
25  
26  
27  
28

1  
2 **3.**

3 Defendants' special relationship with plaintiff as his landlord made plaintiff  
4 even more vulnerable and makes defendants' behavior even more outrageous. Due  
5 to the extreme and outrageous nature of defendants' behavior, defendants'  
6 intentional nature in seeking to cause distress to plaintiff, the special landlord-  
7 tenant relationship involved, defendants' knowledge of plaintiff's love and affection  
8 for his pet cat Frank, and the particularly aggravated disregard of plaintiff's rights,  
9 plaintiff is entitled to fair compensation in an amount to be decided by the jury not  
10 to exceed \$250,000.  
11  
12

13 **4.**

14 **Claim Two – Unlawful Entry**

15  
16 Defendants made an unlawful entry into plaintiff's home without proper  
17 notice or excuse and plaintiff is entitled to damages equal to one month's rent under  
18 ORS 90.322(8) as well as reimbursed fees and costs under ORS 90.255.  
19

20 **5.**

21 **Claim Three – Negligence**

22 As alleged in this complaint, defendants were negligent in failing to exercise  
23 reasonable care as plaintiff's landlord, and plaintiff was harmed due to the acts and  
24 omissions of defendants, who were negligent in one or more respects: in failing to act  
25 as a reasonably prudent person and in failing to refrain from taking plaintiff's pet  
26 cat Frank out of plaintiff's home.  
27  
28

1  
2 **6.**

3 As a direct result of defendants' negligent acts and omissions as alleged in this  
4 complaint, plaintiff experienced injuries and harm, all of which were reasonably  
5 foreseeable, including the loss of his pet cat Frank and severe ongoing worry and  
6 anxiety, in an amount to be decided by the jury not to exceed \$250,000.  
7

8 **7.**

9 **REQUEST FOR JURY TRIAL**

10 Plaintiff respectfully requests trial by jury.  
11

12 **8.**

13 **PRAYER FOR RELIEF**

14 Plaintiff requests entry of judgment against defendants for fair compensation  
15 not to exceed \$250,000, reimbursed fees and costs, and any other relief this Court  
16 deems just and proper. Plaintiff may intend to bring additional claims including new  
17 claims against additional defendants, and a claim for punitive damages.  
18  
19

20 May 2, 2019  
21

22 **RESPECTFULLY FILED,**

23 /s/ Michael Fuller  
24 **Michael Fuller, OSB No. 09357**  
25 Lead Trial Attorney for Plaintiff  
26 OlsenDaines  
27 US Bancorp Tower  
28 111 SW 5th Ave., Suite 3150  
Portland, Oregon 97204  
[michael@underdoglawyer.com](mailto:michael@underdoglawyer.com)  
Direct 503-222-2000