UNITED STATES FEDERAL COURT

DISTRICT OF OREGON

CHAL MCCOLLOUGH, ) Civil Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Plaintiff )

v. ) FIRST AMENDMENT COMPLAINT AND

PORTLAND STATE ) COMPENSATION DEMAND

UNIVERSITY )

c/o Stephen Percy, )

ERICA GELLER of )

PORTLAND STATE )

UNIVERSITY , and )

SUSAN JEFFORDS of )

PORTLAND STATE )

UNIVERSITY )

Defendants, )

# Plaintiff’s Draft Petition

TO PORTLAND STATE UNIVERSITY c/o Stephen Percy, ERICA GELLER of PORTLAND STATE UNIVERSITY, SUSAN JEFFORDS of PORTLAND STATE UNIVERSITY:

Plaintiff CHAL MCCOLLOUGH (“Plaintiff”) complains and for causes of action alleges as follows.

1. The action arises under the First Amendment of US Constitution of the United States; the Oregon Tort Claims Act, ORS 30.275.

# Parties

2. Plaintiff Chal McCollough (hereinafter “Chal”) is residing Eugene Oregon.

3. Defendant, PORTLAND STATE UNIVERSITY (hereinafter “PSU”) is a recipient of federal funds subject to the First Amendment; and a government entity authorized under the laws of Oregon.

4. Defendant ERICA GELLER (hereinafter “ERICA GELLER”) is employed as a Investigator in the Conduct office at PSU.

5. Defendant SUSAN JEFFORDS is the Provost & Vice President for Academic Affairs at PSU and supervised ERICA GELLER.

## Claims for Relief

6. Plaintiff realleges paragraphs 2 through 5.

7. Plaintiff was a student in the Computer Science program at PSU working towards a Bachelor of Computer Science degree.

8. In 2021 PSU issued an unlawful vaccine mandate to students to get the experimental COVID mRNA vaccine (hereinafter referred to as “the Mark of the Beast”).

9. On October 7, 2021 Plaintiff submitted by email a Vaccine Mandate waiver to [vaccines@pdx.edu](mailto:vaccines@pdx.edu) in which Plaintiff wrote in the email “You can go fuck yourself you piece of shit scumbag Democrat mother fuckers. Vaccine mandates are illegal. Suck my fucking dick punk. Fuck Joe Beijing Biden and Hyena Harris.”.

10. Vaccines Service Account ([vaccines@pdx.edu](mailto:vaccines@pdx.edu)) responded with the following message.

Mr. Mccullough,

While we appreciate you sending in your paperwork, your email and the language used are extremely inappropriate and disruptive to our work environment, which is why we will be referring this email to the Student Conduct & Community Standards and Dean of Student Life for conduct review.

You should expect outreach from their office soon. We ask that if you need to communicate with our department in the future, you do not use profanity or insults. If you fail to abide by these boundaries, you will be reported to Student Conduct & Community Standards for failing to comply with our reasonable request.

Best,

Susan

11. On October 11, 2021 at 10:47 AM ERICA GELLER, who had She/Her in her title, which is a political statement meaning you’re Leftist, gave Plaintiff a Student Code of Conduct violation alleging that Plaintiff had “disrupted the work of the employees at the University’s Student Health and Counseling Center (SHAC), and ERICA GELLER sent Plaintiff an email with an invitation for a meeting for a kangaroo court trial.

12. Plaintiff responded by Email with the response “I'm requesting to meet with someone who doesn't have She/They in their title. You're on of those Democrats that are causing nightmares for people. I don't want to talk to you or anyone who is in the #woke mob.  You want to stick and needle in my arm, you can kiss my ass.”

13. ERICA GELLER responded October 14, 2021, at 12:24 PM “Unfortunately, that is not an appropriate reason for requesting an alternate hearing officer. Additionally, we require at least 24 hours notice to reschedule or alter the hearing in any way, and unfortunately we are within 24 hours of the hearing time. If you are not interested in meeting via zoom for the hearing, you are welcome to submit a written statement in lieu of your attendance. The written statement should address the charges, whether you believe you are responsible/not responsible for the alleged violation in your hearing letter, and your reasoning. For your convenience, I've attached the hearing letter with the charge information included.”

14. Plaintiff responded on October 14, 2021, 12:46 PM

“Your vaccine mandate is 100% illegal. You should know better, but Democrats like Kate Brown, Joe Biden, Hyena Harris, Pelosi, AOC are scum bag pieces of shit who can suck the shit out of my asshole. A US Federal Court this month ruled in favor of the Western Michigan University athletes citing that the school must take into account religious exemptions. Proof here

<https://www.natlawreview.com/article/university-policy-mandating-covid-19-vaccines-student-athletes-blocked-sixth-circuit>

You're harassing me with the intent to assault me with a needle with some dangerous experimental vaccine. Shit-bag punk Democrats used to force-sterilize people, most non-white, stupid, retarded, and poor people. They claimed they had the right to sterilize because it was in the interest of public health. This is exactly what the scum-sucking shit-bag Democrats are claiming now. This is a deeply held offense that PSU has mandated vaccines that provokes rage and vitriol.

Democrats regularly think it doesn't matter to fuck over people for not complying with their authoritarianism. Democrats have been targeting my class with hatred, hostility, violence, targeted firing, canceling, bullying, harassment.  We're not taking it anymore. We're not going to be nice to you, I'll just sue you.

You're the one who is trying to assault me by sticking a needle in my arm to inject me with some experimental vaccine. The problem is you haven't specified which vaccine, there are three of them plus the Chinese one. Some vaccines have more health problems than others. The rate of myocarditis hospitalizations from the COVID vaccines is higher than the rate of hospitalizations in my age group. You're trying to force me to take a vaccine that gives people heart problems that has killed over 15K people and permanently disabled over 25K people. You can expect a vitriolic response from students who have a spin. That's a religious's held moral objection. You can expect people to cuss you out and tell them to suck your dick and kick your ass.

The COVID vaccine is completely ineffective against the Delta variant. In fact, the vaccines killed off all the varieties of COVID strands that typically act as natural vaccines. If you do get a COVID vaccine, it will not introduce you to the proteins in the inside of the COVID virus. You're supposed to still get natural infected with COVID when you have the antibodies, and not trying a failed zero-COVID policy so you inevitably get infected after your antibodies wane. That's stupid.

By forcing students to wear masks, you've deprived us of our right to free association. We have a right to associate with people with COVID so we can get infected and infect others. The Government is incompetent. The people best able to make their own medical decisions. By trying to prevent me from making my medical decisions, then you have assaulted me and you can prepare for a vitriolic response as you have deeply offended me.“

15. On October 19th ERICA GELLER emailed Plaintiff informing him that she had denied his Petition, and blocked Plaintiff’s ability to register for classes.

16. On October 19, 2021 Plaintiff appealed the ERICA GELLER’s decision with the following claim “My name is Chal (pronounced Cale) McCollough student number. I was falsely accused of violating the bullshit Code of Conduct while I was engaging in a political protest Portland State University’s (PSU) unlawful vaccine mandate on October 7, 2021 and Portland State University unlawfully violated my free speech without use of Clear and Convincing Evidence as required under US Supreme Court ruling Troxel V. Granville. Now I’m also engaging in a protest your BS Code of Conduct and unlawful use of Preponderance of the Evidence to deprive students of their fundamental federally protect rights.” The appeal also contained a long political protest available in the Appendix but the top paragraph is the most relevant.

17. Plaintiff emailed Defendants multiple times to check up on the appeal process over many months but did not receive the appeal denial until PSU emailed it on February 11, 2:31 PM, and Plaintiff logged in to check the email a couple of weeks later stating

“On October 19, you filed an appeal of Ms. Geller’s decision. On your appeal form you indicated that an appeal should be granted because there was an error in the conduct process, because there is relevant information available now that was not available at the time of the hearing, and because the sanction was outside the authority of the University. In arriving at the decision below, I have reviewed the student conduct appeal form and the narrative statement you submitted with the form. I have also reviewed

information from the student conduct file.

Your appeal is DENIED for the following reasons:

• The first basis of your appeal is that that you claim there was an error in the conduct process. You have not identified what that error is nor why any such error was material to the decision and process. Accordingly, this is not a basis that would support granting your appeal.

• Regarding the next basis of your appeal concerning new information, you have not offered or identified any new information that was not available to you at the time of the hearing. The only information you provide in your appeal is information about your personal and political beliefs about

vaccines and the legal rights and responsibilities as you understand them. This is not new information, and had you chosen to attend the hearing, you could have presented this information about your perspective. Thus, this is also not a basis to support granting the appeal.

• And, finally, you allege that the sanction was outside the authority of the University. I do not concur. The University has the authority to issue the sanctions it issued here, which include probation and an educational essay. Code section XIV, para. (4) and (6).”

18. Defendants unlawfully abridged Plaintiff’s fundamental Federally right to Free Speech on public property by convicting him using a preponderance of the evidence. The State is required to Clear and Convincing evidence to deprive citizens of their right to free speech under the Substantive due process clause of the Fourteenth Amendment. At the far-Left University you only get free speech when the Democrats aren’t offended.

19. Based on Defendant PSU’s intentional acts, by and through ERICA GELLER and SUSAN JEFFORDS, plaintiff is entitled to **$10 million** in compensation for damages from the unlawful deprivation of First and Fourteenth Amendment rights and subsequent banning from PSU.

20. Defendants caused financial damages, psychological and emotional suffering, to Plaintiff by kicking him out of PSU for exercising Plaintiff’s right to free speech, causing Plaintiff to be unable to finish his degree, causing losses in wages and psychologic and emotion harm.

## Cases

21. In **Spokeo, 578 U. S., at 338**, no federal court has jurisdiction to enter a judgment unless it provides a remedy that can redress the plaintiff ’s injury.

22. In **Uzuegbunam v. Preczewski, 392 U.S. \_\_\_\_ (2021)**, the Supreme Court decreed that you can sue schools for violating your right to free speech holding that a request for nominal damages satisfies the redressability element necessary for Article III standing where a plaintiff’s claim is based on a completed violation of a legal right.

23. In **New York Times v. Sullivan (1964)**, The Supreme Court decreed “against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”

24. In **Troxel v. Granville, 530 U.S. 57 (2000)**, the Supreme Court decreed that in order for the State to abridge citizens First Amendment rights the State or third-party is required to show clear and convincing evidence under the Fourteenth Amendment, Substantive due process, that there are extraordinary detrimental circumstance that exists and will exist in the future that justifies the State’s interest in intervening to preserve other party’s fundamental Federally Protected Rights; and that State is required to use the minimum intervention possible to eliminate the detrimental circumstance.

## Statement of Points and Authorities

25. The **First Amendment** to the US Constitution commands "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

26. The **Fourteenth Amendment** provides citizens right to use of a substantive due process to deprive citizens of their rights with use of clear and convincing evidence where the State has the burden of proof to show that the State has a compelling interest in abridging the Constitutional rights and that the intervention is absolutely necessary to prevent injury to another’s rights.

27. **ORS 30.275(5)** defines the procedure to sue the State and State employees for tort offenses by serving a formal Notice of Claim shall be given by mail or personal delivery: (a)If the claim is against the state or an officer, employee or agent thereof, to the office of the Director of the Oregon Department of Administrative Services.”

## Discovery

28. Plaintiff respectfully requests Discovery in this case be conducted under Oregon Rules of Civil Procedure (hereby referred to as ORCP) Rule 36(A).

## Request for Disclosure

29. Pursuant to Rule 36(A) of the Oregon rule of Civil Procedure, within thirty days of service of this request, the information and material described in Rule 36(A) of the Oregon Rules of Civil Procedure. Plaintiff specifically requests the responding parties to produce responsive documents at the undersigned law offices within 30 days of service of this request.

WHEREFORE, plaintiff seeks the following relief:

1. Injunctive relief, both preliminary and permanent, as described in paragraph 18.
2. Compensatory damages as set forth in paragraph 19.
3. Reasonable attorney fees pursuant to 29 USC 794a(b)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition was placed in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_, 2022.

Respectfully submitted \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.

Petitioner Chal McCollough  
Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022

## Appendix

#### Appeal

My name is Chal (pronounced Cale) McCollough student number 911866257. I was falsely accused of violating the bullshit Code of Conduct while I was engaging in a political protest Portland State University’s (PSU) unlawful vaccine mandate on October 7, 2021 and Portland State University unlawfully violated my free speech without use of Clear and Convincing Evidence as required under US Supreme Court ruling Troxel V. Granville. Now I’m also engaging in a protest your BS Code of Conduct and unlawful use of Preponderance of the Evidence to deprive students of their fundamental federally protect rights.

#### This is a Political Protest

Portland State University is enforcing a State-wide vaccine mandate by Kate Brown and Federal Vaccine Mandate by China Joe Biden, the one who’s crack head son Hunter Biden sells shitty paintings for $500K to mystery people no one knows who and takes millions from the Chinese to sell access to the White House. PSU is enforcing a State policy by elected individuals and is subject to the US Constitution and First, Fourth, and Fourteenth, and every other Amendment. It is my sincere belief that Democrats are scum-sucking pieces of shit dirt-bags and the vaccine mandate is completely illegal and infect, as well as the mask mandates.

#### Democrats are scum-sucking pieces of shit dirt-bags

Democrats opposed abolition of slavery and woman’s suffrage, the outlawed alcohol, they imposed Jim Crow, they forced sterilization hundreds of thousands of people to create a master race, Nazis modeled Nuremberg Laws after Democrat Jim Crow laws and Progressive Forced-sterilization programs, Lindon B Johnson started the War on Drugs and brought us into war in Vietnam of the false flag Gulf of Tonkin incident where a US ship was bombed by the US and pinned on the Vietnamese to drag us into war. Democrats were behind the weapons of mass destruction lies that brought us into the Iraq and Afghan wars. Democrats have controlled congress for hundreds of years and they are corrupt and a demonic party who push satanic abortion laws. They even used aborted fetal tissue to create COVID vaccines. It used to be black in Oregon until I after I graduated from high school. Democrats have a lot history of being completely scum-bag pieces of shit, and they are to this day scum.

#### Clear and Convincing Evidence hurdle to deprive students of First Amendment Rights

In the US Supreme Court Troxel v Granville the Court decreed that the State shall use Clear and Convincing Evidence deprive citizens of their right to free speech. PSU’s Code of Conduct (to be a shitbag) rule IX(5) claims states the school is using a preponderance of evidence hurdle, but this is unlawful and will result in a lawsuit against you.

Democrats commonly use what is called Evolutionism, where thy evolve the definitions of words to get the outcome they want in Court and society. This stands in stark contrast to the conservative, with a small c, ideology of Originalism invented by Antonin Scalia where they use the original meaning and intent of the law. When I sue PSU and the person who gave me the violation, I will claim my right to free speech and peaceful protest was violated, and the Court shall use Clear and Convincing Evidence because when I sue you I sue the State and they have the burden of proof.

#### The vaccine mandate is completely illegal

Up until I was a kid Democrats used to force sterilize hundreds of thousands of people citing it was in the public’s best health interests. It’s been common knowledge that vaccine mandates on adults are illegal, but trash democrats have been pushing the envelope using riots to intimidate Trump supporters, open boarders to engineer elections by packing the electorate and using ballot harvesting in Democrat counties in Swing States to ensure Democrats always win.

Mark Zuckerberg paid $500 million do a private takeover of county election offices in Democrat counties in Swing states. Zuckerberg paid for ballot harvesting boxes called Zuckerboxes which he placed ever 4 square miles in Delaware County and 11,000 square miles in Republican Counties. Zuckerberg ran a shadow campaign that ‘fortified Biden’ by suppressing Trump and censoring Trump supporters, including my news organization, with an AI powered unsupervised learning bot that defamed us and I’m suing them for it. There might not be ballot fraud, but Zuckerberg did take over the election offices to ensure Biden would win. Now Joe Biden, who I do not recognize as the Legitimate President of the US, has been mandating everyone get vaccines and the scum bag piece of shit scum-sucker Kate Brown followed suit with vaccine mandates followed by PSU implementing a vaccine mandate.

#### I am protesting the vaccine mandate, so my actions were protect under free speech.

I don’t need to take a vaccine for COVID, I’m not at risk of COVID. COVID is less deadly than the flu, only more contagious so more people get infected leading to more deaths. Vaccines might be based on science, but using vaccines on hundreds of millions of people is a science experiment I’m morally objecting to. If it was smallpox and 1/3 of people then I would be at risk and would get a vaccine, but 75% of people who were died or hospitalized from COVID were fat and 2/3 were over the average age of death. Those people have had 21 months to lose the weight. The number one indicator that someone will survive COVID is if they got early treatment like Monoclonal Antibodies for Treatment. I’m 39, I’m not fat, I’m strong, I have health insurance, I have no physical health problems, my risk of dying from COVID is very small.

PSU is trying to force me to get the Phizer vaccine, which is known to cause myocarditis, which is a heart problem that can kill you. The vaccine is completely ineffective against COVID, and it has killed off all the less deadly strands of COVID that serve as natural vaccines. PSU is demanding that I take an experimental vaccine that causes heart problems.

I built and open-source COVID ventilator and I had to learn how you die from COVID. The way you die is that your lungs get very heavy from swelling. People who are out of shape have a hard time breathing and their heart starts racing, causing most patients do die from heart failure. The use of COVID vaccines puts me at greater risk of death from COVID. I’m not going to get myocarditis to save some fat person who didn’t go to the hospital when they got too sick.

Being forced to wear a mask is completely unnecessary. You can breathe through your nose to absorb droplets in the air, which will localize the COVID infection in your nose and adds Nitrous Oxide to the air which helps your lungs fight off a lower lung infection. I can socially distance from people and go out less and my chance of spreading COVID is lower than going out a lot with a mask on. I don’t want to hang out with old and fat people anyways.

Being forced to wear masks and socially distance has resulted in a 4% birthrate reduction in 2020. Between 300,000 and 500,000 fewer babies were born in 2020 than 2019. I’m 39 and I have very few mating years to have a child left, and those have been taken from me from the COVID lockdowns isolating me. PSU is asking me to give up one of my children, causing my genetic line to die off, and get  myocarditis, to save a fat person who had 21 months to lose the weight. I’m not complying with your illegal policies.

You’ll notice that no animals have evolved a mask. This is because you can’t eat with one and evolution favors the path of fewer parasites, hence why we evolved an immune system. I have an immune system, and it’s perfectly functional. I don’t need to wear masks and take a vaccines when natural immunity is 30+ times more effective. The vaccines are ineffective against the Delta variant, making us dependent of Government vaccines into the future, putting me at risk of being targeted by politicians and admin for non-compliance. The side effects of the arbitrary and capricious policies are far too great and they have a detrimental impact on my family and children.

The issues above combined with my Christian and Republican values justify me saying that if you can to stick a needle with an experimental vaccine in my arm, you can suck my dick and suck the shit out of my asshole you punk piece of shit Democrat mother fuckers.  Fuck you. Don’t fuck with my Bible, my guns, or Constitution or I’ll come after you.