

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

6 ANDREW BANDSTRA,

7 Plaintiff,

8 v.

9 MULTNOMAH COUNTY,

10 Defendant.

Case No. 22CV42678

DECLARATION OF ANDREW POTTER
IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

11 1. I, Andrew Potter, under penalty of perjury, do declare and state as follows:

12 2. I have been employed with the Multnomah County Sheriff's Office (MCSO) since
13 August 1999 and have always been in an IT supervisory role. My current position is IT Manager
14 2 in the Sheriff's Business Services office.

15 3. MCSO emails are stored on a County server. These emails are stored as soon as an
16 email is sent or received via a cloud archive service, therefore creating the email records close in
17 time to when they were created. Email correspondence is kept by MCSO in the regular course of
18 business and pursuant to a regular record-making policy. Each of the following Exhibits were
19 pulled from the cloud archive service and are true and correct copies of the email exchanges as
20 preserved in the normal course of business by MCSO.

21 4. Attached as **Exhibit 1** is an email from Deputy Andrew Bandstra to Matt Ingram
22 on November 17, 2021.

1 5. Attached as **Exhibit 2** is an email forwarded from Deputy Andrew Bandstra to an
2 external email address containing email correspondence between Deputy Andrew Bandstra and
3 Sergeant Thomas Jacobs December 7, 2021.

4 6. Attached as **Exhibit 3** is email correspondence between Melissa Regehr and
5 Deputy Andrew Bandstra on December 10, 2021 and December 11, 2021.

6 7. Attached as **Exhibit 4** is email correspondence involving Deputy Andrew Bandstra,
7 Rebecca Sanchez, Matt Ingram, Julia Pass and Jennifer Grogan on December 7, 2021 and
8 December 8, 2021.

9 8. Attached as **Exhibit 5** is email correspondence involving Deputy Andrew Bandstra,
10 Rebecca Sanchez, and Matt Ingram on December 8, 2021.

11 9. Attached as **Exhibit 6** is email correspondence between Deputy Andrew Bandstra
12 and John Mullens on December 8, 2021.

13 10. Attached as **Exhibit 7** is email correspondence between Deputy Andrew Bandstra
14 and then-Sergeant Thomas Jacobs on December 7, 2021.

15 11. The information in this declaration is true and correct to the best of my knowledge.

16 **I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE**
17 **BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS**
18 **MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY**
19 **FOR PERJURY.**

20 DATED this 25th day of April, 2024.



Andrew Potter
IT Manager 2, CJIS Unit - MCSO Business Services

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 25, 2024, I arranged to be served the foregoing

3 **DECLARATION OF ANDY POTTER IN SUPPORT OF DEFENDANT’S MOTION FOR**
4 **SUMMARY JUDGMENT** on:

5 Carl Post
6 John Burgess
7 Law Office of Daniel Snyder
8 1000 SW Broadway, Suite 2400
9 Portland, Oregon 97205
10 Email: carlpost@lawofficeofdanielsnyder.com
11 Email: johnburgess@lawofficeofdansnyder.com
12 *Of Attorneys for Plaintiff*

13 by the following method or methods as indicated:

- 14 by **mailing** to said person(s) a true copy thereof, said copy placed in a sealed envelope,
15 postage prepaid and addressed to said person(s) at the last known address for said person(s)
16 as shown above, and deposited in the post office at Portland, Oregon, on the date set forth
17 above.
- 18 by causing a true copy thereof to be **hand delivered** to said person(s) at the last known
19 address for said person(s) as shown above, on the date set forth above.
- 20 by mailing via **certified mail, return receipt requested**, to said person(s) a true copy
21 thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said
22 person(s) at the last known address for said person(s) as shown above, and deposited in the
23 post office at Portland, Oregon, on the date set forth above.
- by **facsimile** to said person(s) a true copy thereof at the facsimile number shown above,
which is the last known facsimile number for said person(s) on the date set forth above. A
copy of the confirmation report is attached hereto.
- by **File & Serve** and **emailing** to said person(s) a true copy thereof at the email address
shown above, which is the last known email address for said person(s) on the date set forth
above.

21 */s/ Ashley Bannon Moore*
22 Ashley Bannon Moore, OSB No.
23 Senior Assistant County Attorney

From: BANDSTRA Andrew
Sent: Wednesday, November 17, 2021 10:12 PM PST
To: INGRAM Matt P
Subject: FW: ADA Process and Shields
Attachments: MCCDA COVID-19 Vaccine - MCCDA Counter 10-15-21MCCDA Counter.docx.pdf, Request_for_reasonable_accommodation.doc

This is what they sent me. Not sure why they sent me an accommodation form...

From: GROGAN Jennifer A
Sent: Wednesday, November 17, 2021 3:15 PM
To: BANDSTRA Andrew <andrew.bandstra@mcso.us>
Cc: CRUMPTON Robert <robert.crumpton@mcso.us>; ALEXANDER Steven <steve.alexander@mcso.us>
Subject: ADA Process and Shields

Hi Andy,

As I mentioned in our conversation today, I am sending you this email to recap what we discussed. Rob is cc'd here as well and is aware of the direction being taken at this time. Since you are unvaccinated and are only medically approved to wear a shield, and not a mask, we cannot continue to have you working in your sworn capacity in the jail. As I also mentioned, below are some existing accommodations to be considered to allow you to continue in your sworn role in the jail. These options include the following:

1. Get vaccinated
2. Wear an N95
3. Transfer or demote to a non-sworn position
4. Take a leave of absence

Because of the nature of your work and mask mandate, MCCDA has signed an agreement with the County on this topic, attached, which provides agreement with the direction the Sheriff's Office has for the mask mandate and working in the jails. While the options listed above are very likely the only options for accommodation, I have also attached the accommodation request form that you may fill out and/or take to your health care provider for discussion on other options that may be considered for you. However, please understand that continuing to work unvaccinated in a shield will not be an approved accommodation, but we are open to consideration of any additional ideas you and/or your health care provider may have.

I will be in touch in a couple of days to follow up on this and see if there are other options you may wish to offer for accommodation. Please let me know if you have additional questions and don't hesitate to reach out.

Thank you and take care,

Jennifer (*she/her*)
MCSO HR
503-793-5285

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.