

JOHNSON, JOHNSON, LUCAS & MIDDLETON, P.C.

Attorneys and Counselors at Law

DEREK C. JOHNSON*
SCOTT C. LUCAS
JENNIFER MIDDLETON**
MARILYN A. HEIKEN
KEITH SEMPLE
CAITLIN MITCHELL
SHANE P. DAVIS
KEVIN A. YOLKEN***

975 OAK STREET, SUITE 1050
EUGENE, OREGON 97401-3124
(541)484-2434

FAX (541)484-0882
WEBSITE: www.justicelawyers.com
E-MAIL ADDRESS: info@justicelawyers.com

ANNA NIBBLETT, PARALEGAL
KATHY WILLIAMS, PARALEGAL
JACLYN HAYES, PARALEGAL
ISRAEL ECHEVERRIA, PARALEGAL
SARA HAAS, INTAKE SPECIALIST

* Also Member California and Washington Bars
** Also Member California and New York Bars
*** Also Member Hawaii Bar

3/4/2025

OREGON TORT CLAIMS ACT NOTICE

Lane County Office of Legal Counsel
Attn: Rob Bovett
125 East 8th Avenue
Eugene, Oregon 97401
lcriskmg@lanecountyor.gov

Re: Claims of Rhonda Proctor on behalf of
the Estate of Tyler Holloway

Date of Incident: December 27, 2024
Address: 95528 E Five Rivers Road
Tidewater, Oregon 97390

Dear Mr. Bovett:

This firm represents Claimant Rhonda Proctor. This letter is notice pursuant to ORS 30.275 that Ms. Proctor, on behalf of the Estate of Tyler Holloway, intends to pursue claims for damages against Lane County and/or its officers, employees, or agents arising from the police killing of Tyler Holloway.

On the evening of December 26, 2024, Tyler Holloway called for police assistance after witnessing a shooting at Prindel Creek Farm, the property where he lived. Holloway and the two other witnesses, Christine Fuller and Amy Jewett, waited in the shop for police to arrive with the body of the shooting victim, Chris "Bubba" Clark, Jr. The trio waited for hours throughout the night, joined for much of the time by another resident on the property, Dannie Jones. Mr. Jones had also reported the shooting to law enforcement and was in communication throughout the evening with responding police officers on scene, providing them detailed information about the victims and the location where they were awaiting police contact.

Oregon State Police, Lane County Sheriff's Department, Benton County Sheriff's Department, Lincoln County Sheriff's Department, and Springfield Police Department all responded to an area approximately one mile north of Prindel Creek Farm where they set up a command post. At

Rob Bovett
Lane County Counsel

March 4, 2025
Page 2 of 3

approximately 12:30 a.m., Chris Clark Sr.—the shooting victim’s father—stopped at the command post to speak with the officers already on scene. Chris Clark Sr. had just left the shop where the victims were waiting with his son’s body. He offered to escort law enforcement to the shop, but the officers declined and told him to leave. Over the course of several hours, officers obtained detailed information from multiple sources, including from Chris Clark Sr. who was detained by Benton County Sheriff’s shortly after leaving the location of the command post. Officers knew where the three victims were located, the route to access their location, and that Tyler Holloway had a handgun.

At 5:35 a.m. Tyler Holloway exited the shop in the darkness to fill a water bottle as Amy stood watch in the doorway. He was carrying a handgun with him. It had been over six-and-a-half hours since the police were called, and Tyler, Amy, and Christine were still waiting for help to arrive. They were completely unaware that dozens of officers had been less than a mile away since sometime shortly after midnight. They were also completely unaware that a team of heavily armed SWAT officers had covertly approached in the darkness on foot and were surrounding the shop where Tyler and the two women were waiting. As Tyler exited the shop, the SWAT team confirmed that Tyler was not the homicide suspect, and also saw that he was carrying a gun. Moments later, chaos erupted and Tyler was shot dead in a hail of bullets from the darkness. In total, three officers fired 29 rounds, killing Tyler and narrowly missing the two women inside the shop. The tactical assault took place over the course of an hour, but there is no video capturing the killing or the events leading up to it because the shooting officers failed to activate their body worn cameras until well after Tyler had been killed.

Minutes later, Christine and Amy exited the shop while the SWAT team trained their weapons on them. Christine initially hid in fear behind a tractor tire upon exiting the doorway, and was fired on by an officer with a 40mm less-lethal round. The two women were directed to walk alongside a large SWAT truck where they were then detained. Despite law enforcement justifying a covert approach with claims that vehicle access was impeded, when the women exited the shop several SWAT vehicles and marked police cars had already arrived from a covert staging position where they were waiting with lights off just behind the 7-person SWAT team that approached on foot. Amy pleaded with law enforcement to render aid to Tyler who was lying bleeding on the shop floor, but law enforcement refused.

Law enforcement knew that Tyler was armed, that he was not the suspect, and that he and the other victims—unaware of their presence—were fearful of the assailant returning. Nonetheless, they made the deliberate and blatantly unsound tactical decision to advance covertly on foot rather than announcing their presence from a position of safety. This reckless tactical choice is contrary to standard protocol, and needlessly placed both the officers and the victims at risk of harm, escalating a call for help into a tragic and entirely preventable deadly encounter. Under the totality of the circumstances, the officers’ use of force and pre-use of force tactics were objectively unreasonable and violated Claimant’s Fourth Amendment rights. Claimant intends to pursue a civil action for damages asserting claims under 42 U.S.C. § 1983 for excessive force, as well as claims for wrongful death, negligence, and other state law claims. Claimant will seek economic, non-economic, and punitive damages and recovery of any costs and attorney’s fees as permitted by law.

Rob Bovett
Lane County Counsel

March 4, 2025
Page 3 of 3

The above-described facts and claims are set forth for purposes of providing notice only, and are not intended to be an exhaustive list of the facts or claims that may be asserted in any legal proceedings after further investigation.

Please send all correspondence relating to this claim to Johnson Johnson Lucas & Middleton, PC, 975 Oak Street, Suite 1050, Eugene, OR 97405.

Sincerely,



Kevin A. Yolken
kyolken@justicelawyers.com