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2
3 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
4 FOR MULTNOMAH COUNTY
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8 **JENNIFER CLINCHY**
9 **EVANS CLINCHY**

10 Plaintiffs

11 vs

12 **DAVID KOENIG**

13
14 Defendant
15
16

Case No.

Related to Multnomah County Circuit
Court Case No. 23CV15424

**COMPLAINT FOR
REMEDIAL CONTEMPT**

Not Subject to Mandatory Arbitration
Filing Fee Authority: ORS 21.135

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18 **UTCR 19.050 STATEMENT**

19 This contempt proceeding arises from and is related to Multnomah County
20 Circuit Court Case No. 23CV15424, *David Koenig vs Jennifer Clinchy, Evans*
21 *Clinchy, & Brianna (Lola) McKissen*.
22

23 On April 14, 2023, David Koenig filed a legally baseless complaint in Case No.
24 23CV15424 against Jennifer and Evans Clinchy. The complaint sought \$485,000 in
25 purported damages based on statements made by Jennifer and Evans Clinchy in a
26 disciplinary proceeding with the North American Scrabble Players Association
27 concerning David Koenig's conduct.
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2 On September 5, 2023, this Court granted Jennifer and Evans Clinchy's
3 special motion to strike and dismissed David Koenig's legally baseless complaint in
4 its entirety.

5
6 On March 19, 2024, this Court entered a supplemental judgment and money
7 award in favor of Jennifer and Evans Clinchy against David Koenig. On June 26,
8 2024, this Court entered an order requiring David Koenig to attend a debtor's exam
9 and to answer written interrogatories pertaining to his financial condition by July
10 16, 2024.
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13 **UTCR 5.050 STATEMENT**

14 Jennifer and Evans Clinchy do not expect the evidentiary hearing and oral
15 argument will exceed 30 minutes. Jennifer and Evans Clinchy request official court
16 reporting services.
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20 **PRAYER FOR RELIEF**

21 Under ORS 33.055 and this Court's inherent authority, Jennifer and Evans
22 Clinchy respectfully move for an order requiring David Koenig to appear at a
23 proceeding to show cause why the Court should not impose remedial sanctions for
24 David Koenig's alleged contempt of this Court's June 26, 2024 order.
25

26 Under UTCR 19.020, the maximum remedial sanction sought is a per diem
27 fine of \$50.00 per day until David Koenig complies with this Court's June 26, 2024
28 order. Jennifer and Evans Clinchy do not seek a sanction of confinement at this time.

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2 Under ORS 33.055(2)(a), Jennifer and Evans Clinchy may initiate and
3 participate in this proceeding because they are parties aggrieved by David Koenig's
4 alleged contempt of Court.

5
6 The attached documentation and following facts are sufficient to give David
7 Koenig notice of the specific acts alleged to constitute his contempt under ORS
8 33.055(4), specifically:

- 9
10 **(a)** David Koenig's disobedience of and resistance to this Court's June
11 26, 2024 order by David Koenig's refusal as a witness to answer
12 questions at his debtor's exam under ORS 33.015(2)(b) and (c); and
13
14 **(b)** David Koenig's disobedience of and resistance to this Court's June
15 26, 2024 order by David Koenig's refusal to produce interrogatory
16 responses under ORS 33.015(2)(b) and (d).

17 After David Koenig is served with an order directing him to appear under ORS
18 33.055(5)(a), and after affording David Koenig an opportunity for a hearing tried to
19 the Court under ORS 33.055(6), and after informing David Koenig of the right to
20 counsel under ORS 33.055(9), and after David Koenig's contempt is proved by clear
21 and convincing evidence under ORS 33.055(11), Jennifer and Evans Clinchy
22 respectfully request an order holding David Koenig in contempt of this Court's June
23 26, 2024 order, and an order imposing a "remedial sanction" under ORS 33.015(4) of
24 a per diem "fine" of \$50.00 per day as permitted by ORS 33.045(3)(b) and (4) payable
25 to Jennifer and Evans Clinchy until David Koenig complies with the Court's June
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2 26, 2024 order by answering questions at a debtor’s exam pertaining to his financial
3 condition and producing written interrogatory responses.

4 At evidentiary hearing, Jennifer and Evans Clinchy, through counsel, will
5 prove with clear and convincing evidence that David Koenig refused to answer
6 questions at his debtor’s exam on July 8, 2024, and instead read from a prepared
7 statement from his blog, in violation of this Court’s June 26, 2024 order. *See* Exhibit
8
9 1.

10
11 Clear and convincing evidence will also show that David Koenig has refused
12 to answer written interrogatories, in violation of this Court’s June 26, 2024 order.
13 *Id.*

14
15 Clear and convincing evidence will also establish that David Koenig’s
16 violations of this Court’s June 26, 2024 order are knowing and willful. In a blog
17 posted on the Internet dated July 8, 2024, David Koenig acknowledged that Jennifer
18 and Evans Clinchy had filed a “motion to the court to compel me to come in for a
19 hearing to answer questions about my assets and income.” *See* Exhibit 1.

20
21 David Koenig’s blog post continued his disparagement of Judge Kelly Skye,
22 his prior counsel, and Jennifer and Evans Clinchy’s counsel, and directly challenged
23 this Court’s authority, stating: “I am not willing to do that, regardless of whatever
24 punishment the court might put on me for refusing to comply.” *Id.*

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2 **CONCLUSION**

3 Under these circumstances, Jennifer and Evans Clinchy respectfully request
4 that the Court issue an order requiring David Koenig to appear at a proceeding to
5 impose remedial sanctions for contempt, and after David Koenig's contempt is
6 proved by clear and convincing evidence, an order holding David Koenig in contempt,
7 and imposing a per diem fine of \$50.00 per day until David Koenig complies with
8 this Court's June 26, 2024 order, in addition to any other equitable relief the Court
9 may determine is fair and just under the circumstances.
10
11

12 August 21, 2024

13 **RESPECTFULLY FILED,**

14 /s/ Michael Fuller

15 **Michael Fuller, OSB No. 09357**

16 Attorney for Jennifer and Evans Clinchy

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