Family files a wrongful death tort claim

Oregon man killed by Clark County deputy in 2025

By TYLER BROWN
The Columbian

Attorneys for the family of an Oregon man stabbed to death by a Clark County sheriff's deputy in May 2025 during a struggle over the deputy's gun filed a wrongful death tort claim Thursday against the county seeking $27 million.

The tort claim, a precursor to a lawsuit, alleges Deputy Bryson Layton used excessive force when he fatally stabbed Marc Fogle, 54, of Clackamas in the back with a personal knife 17 times inside the Washington State Patrol weigh station in Ridgefield.

The tort claim also alleges that Layton and fellow deputies intentionally muted critical conversations during Fogle's death investigation, so no record of the audio exists.

Attorneys Angus Lee and Mark Lindquist requested the county investigate in a July 14 letter to Clark County Sheriff John Horch and Prosecutor Tony Golik. The sheriff's office said at the time that it is committed to openness, transparency and maintaining public trust.



Screenshot of Clark County Sheriff's Office video

Marc Fogle, 54, of Clackamas, Ore., is pictured May 7, 2025, in body camera video released May 15, 2025, by the Clark County Sheriff's Office, minutes before a deputy fatally stabbed him during a struggle over the deputy's gun.

The tort claim alleges that after a supervisor instructed Layton to keep his camera rolling, another deputy suggested they mute their audio. Multiple deputies then muted their recording devices while Layton gestured and appeared to demonstrate portions of the fatal struggle. Deputies continued to mute their cameras during supervisory discussions, scene-security duties and witness interactions.

"Body cameras have been highly important evidence in use-of-force cases. Video often shows whether a killing was justified or not," Lindquist said in a news release. "Here, the muting or shutting down of body cameras raises serious questions that need to be answered."

A security camera in the breath-test observation room reportedly was nonoperable, which the attorneys called "especially suspicious and problematic."

A spokesperson for the sheriff's office declined to comment on the tort claim Thursday, citing potential legal proceedings.

A video summary of the incident released by the sheriff's office showed deputies responded at 10:58 p.m. May 7, 2025, to a crash near Northeast 14th Court and Minnehaha Street, where Fogle had struck two parked cars.

Fogle told deputies at the

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COMMUNITY FUNDED JOURNALISM

PeaceHealth Layoffs

Health system to cut 150 jobs

119 employees in Clark County to lose IT positions

By KIMBERLY CORTEZ
The Columbian

Vancouver-based PeaceHealth will lay off 150 employees statewide, 119 of them in Clark County, by Nov. 20 as it transitions information technology support services to the Indian company Tech Mahindra and its U.S.-based healthcare subsidiary, the HCI Group.

Elizabeth Lagler, chief human resources officer for PeaceHealth, announced the layoffs in a Thursday letter submitted to the Washington Employment Security Department.

The state's Worker Adjustment Retraining and Notification Act requires employers with 50 or more employees to provide a written notice before a mass layoff, closure or relocation.

No direct patient-care roles are being eliminated.

PeaceHealth spokesperson Jim Murez said the final number of affected employees across the nonprofit hospital system to be less than 1.5 percent of the total PeaceHealth workforce.

"All that are directly affected by this transition have been notified and will be receiving support and resources," Murez said. "We are truly grateful for their contributions and the important role they have played in supporting our caregivers, patients and communities."

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B.G. schools prep for 'perfect home'



Photos by AMANDA COWAN/The Columbian

Battle Ground Public Schools hosts a groundbreaking for a new construction trades building at Battle Ground High School, as seen on Thursday afternoon. At top, a rendering of the new trades building is on display at the groundbreaking.

District breaks ground on $2.5M construction trades building at Battle Ground High School



Shelly Whitten, superintendent of Battle Ground Public Schools, speaks to the crowd during a groundbreaking for a new construction trades building at Battle Ground High School on Thursday afternoon.

By WILL DENNER
The Columbian

BATTLE GROUND — "If you build it, they will come."

Drawing on the famous line from the 1989 movie "Field of Dreams," Battle Ground Public Schools Superintendent Shelly Whitten sees the groundbreaking of a new construction trades building as an important step in advancing the district's career and technical education programs.

District leaders and community partners gathered Thursday at Battle Ground High School to break ground on a building that will provide a year-round, indoor space for students to do construction, woodworking, plumbing, electrical and HVAC projects. Currently, most of those projects take place in a school parking lot or classroom setting.

"When you have a facility that matches the outcomes that you want for your students," Whitten said, "you will get better outcomes, and you will get more students participating."

The $2.5 million project came to fruition after voters approved a capital levy in 2024, the first of its kind in Battle Ground, Whitten said. Upcoming capital levy projects include upgrades to the culinary arts and health

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Former B.G. city manager accuses mayor of discrimination

Swanson's concerns about police chief led to retaliation, she says

By DOUG FLANAGAN
The Columbian

Former Battle Ground City Manager Kristina Swanson has accused Mayor Eric Overholser and a majority of the Battle Ground City Council of retaliating against her after she raised concerns about Battle Ground Police Chief Dennis Flynn. She alleges her Aug. 5 firing violated employment, open-meetings and discrimination laws.

An Aug. 28 letter from her Portland-based attorney Sue-Del McCulloch argues that the city council interfered with Swanson's authority over the Battle Ground Police Department after she raised concerns about Flynn's administration and record-keeping.

"The city council has no other personnel powers or responsibilities and is not permitted under the code to interfere in the management of city personnel," the letter states.

The notice does not specify a dollar amount for damages or formally initiate a lawsuit but serves as notice of potential litigation.

The letter alleges Overholser solicited complaints about Swanson from two police lieutenants, Jason Perdue and Jim Keller, and that the council reviewed those complaints during its Aug. 5 executive session without giving Swanson notice or an opportunity to respond.

"The council removed Ms. Swanson after secretly reviewing undisclosed personnel complaints while labeling the removal 'without cause' to avoid the process it owed her," the letter states. "Her removal was not in fact, a removal 'without cause' … but a wrongful discharge in retaliation for Ms. Swanson performing her job responsibility of overseeing the police chief."

The letter also notes that the council had rated her performance above average and awarded her a merit increase just two days before voting 4-3



Kristina Swanson
Former Battle Ground city manager

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Photos by AMANDA COWAN/The Columbian

Jon Girod of Quail Homes, from left, joins Shelly Whitten, superintendent of Battle Ground Public Schools, center, and Derek Huegel of Wolf Industries Inc., during a groundbreaking for a new construction trades building at Battle Ground High School on Thursday afternoon.

Trades

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sciences spaces at Prairie and Battle Ground high schools, district spokesperson Amanda Richter said.

These upgrades are part of a vision developed by the district's career and technical education team and advisory board over several years. Based on the needs of Clark County's workforce, they identified a few career and technical education programs to be prioritized for upgrades: health sciences, culinary arts and construction trades.

"The classes that we're offering, they're in high demand," said Cindy Arnold, the district's career and technical education director. "The actual community in Southwest Washington came to me for some of these classes and said, 'Hey, we really have a need that needs to be filled.' … We have people going into retirement, and we don't have enough people coming in to take their place. That's considered high demand, and that's really what career and technical education is all about."



Shelly Whitten, superintendent of Battle Ground Public Schools, center, speaks to the crowd during a groundbreaking for a new construction trades building at Battle Ground High School on Thursday afternoon.

Arnold said the building will allow the construction trades program to expand, while helping students get internships and preapprenticeships in their specific area of focus.

The district also has a framework in place to submit to the Office of Superintendent of Public Instruction for an advanced construction class in which students would build tiny homes.

Bradley Scott, who teaches geometry in construction at Battle Ground High School, said the building will better allow students to take theoretical concepts from the classroom and apply them to the real world.

"We have been limited in what we can do outside because of the weather," Scott said. "This trades building is going to be a perfect home for us. We're going to be able to work all year long and have kids work in the classroom, step out of the classroom into the construction area and build the stuff that we want them to build."

The district is also attempting to pass an educational programs and operations levy in the November general election, which would help fund teaching positions and curriculum for programs including career and technical education, Whitten said.

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Tort claim

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scene of the crash that he had been drinking. Layton arrested Fogle for driving under the influence and transported him to the weigh station for a breath-alcohol test.

Footage from Layton's body camera showed Fogle in distress in the processing room. While uncuffed for the breath test, Fogle kept repeating to Layton that his life was over because the arrest would affect his commercial driver's license. Just before midnight, Fogle refused the breath test after consulting with an attorney.

Fogle made comments like "You don't know who you're dealing with" and "You know what's crazy is it's just you and me in this (expletive) room." Layton became concerned with Fogle's comments and instructed Fogle to turn around to be re-handcuffed.

As Layton moved to secure the cuffs, Fogle reached for Layton's gun at his waist, and a struggle ensued.

In the footage, Layton repeatedly warned Fogle he would be shot. Fogle responded "I'm not looking to shoot you; I want you to shoot me" as the two men went to the floor. The camera view became obscured and eventually shut off.

Layton turned the camera back on to reveal Fogle had suffered several stab wounds to his back. Layton and responding medics attempted life-saving measures, but Fogle was pronounced dead at the scene at 12:39 a.m.

The Washington State Office of Independent Investigations concluded in March that Layton resorted to using a fixed-blade knife because Fogle had pinned the deputy on his back and was actively trying to take his firearm. The investigation was forwarded to the Clark County Prosecuting Attorney's Office for review to determine if Layton's use of deadly force was justified.

The prosecutor's office did not immediately respond Thursday to an inquiry about the status of the review.

Layton joined the sheriff's office in May 2023 and has since returned to full duty.

The tort claim alleges the fatal encounter resulted from unjustified escalation and poor tactics. The attorneys argue Layton pulled Fogle close during the physical altercation, violating common law enforcement distance rules, before killing him.

The tort claim also alleges Layton used an unauthorized, double-edged personal dagger rather than his department-approved Taser.

Additionally, the tort claim asserts that Fogle should have been taken to a hospital for medical aid after the crash rather than to the weigh station for a breath-alcohol test.

Lindquist and Lee previously sued Clark County three times in cases alleging wrongful death and excessive force.

In March, the county agreed to pay $7.5 million to the widow of Vancouver police Officer Donald Sahota, who was mistakenly shot and killed by a deputy at his home near Battle Ground during a manhunt for an armed robbery suspect.

In May 2025, the county agreed to pay $3.5 million to the family of Jenoah Donald, a Black motorist killed by a deputy in February 2021 in Hazel Dell.

And in October 2024, the county announced it had agreed to pay $1.25 million to the family of Kevin Peterson Jr., a 21-year-old Black man who was shot and killed by deputies during a drug sting in October 2020 in Hazel Dell.

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To be included, submit your information by October 30, 2026.
Each listing is $5 and includes up to 5 lines!
Need more space? $5 per 5 additional lines.
You can include your listing in as many categories as you choose at $5 each (plus additional if you need more space.)

LISTINGS FROM LAST YEAR WILL NOT BE INCLUDED. PLEASE SEND US YOUR CURRENT INFORMATION.

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To submit the information, scan the QR code or use the following link: bit.ly/2026ResourceGuide

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For questions, contact: ResourceGuide@columbian.com or call 360-735-4572.