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## LAWSUIT

continued from page 1

comment further about the incident because the lawsuit is still open.

According to the complaint, former EPD officer Roger Eugene Magaña and current officer Melvin Thompson knocked on Piper and Dickenson's door at 2:30 a.m. on Nov. 26, 2002. Piper awoke, went to the door and attempted to look through the peephole, but one of the officers obscured it. Unaware of who was outside, Piper refused to open the door.

Thompson and Magaña, who has since been indicted on kidnapping, rape and misconduct charges in separate incidents, then identified themselves as Eugene police officers, but "given the officers' prior actions, Piper did not believe them and refused to open the door without a warrant and identification," according to the complaint.

Magaña said in a police report that he contacted Sgt. William Harris to ask permission to enter the residence to perform a welfare check. During a welfare check, officers may enter a residence without a warrant to locate a missing person, prevent injury or help an injured person.

Harris, who is also being sued, authorized entry "despite the lack of circumstances warranting a welfare check," the complaint states.

Magaña stated in his report that he had been called to the residence because of a noise violation; however, the only audible noise outside the

residence was a "radio that was not playing loudly," according to the complaint. The officers cited Piper and Dickenson for noise violations, but they were later acquitted in Eugene Municipal Court.

Magaña and Thompson contacted apartment tenant Eric Bradley, who was working part time in maintenance and cleaning, asking him for a key to the apartment. Bradley initially refused but provided a key after officers "illegally threatened" the man with arrest, according to the complaint.

Magaña and Thompson entered the home and ordered Piper, Dickenson and two houseguests out of their beds and onto the living room couch. They were not allowed the use of the bathroom while officers searched the apartment, combing through private dresser drawers and garbage cans.

"I had no clue who was pounding on the door until the Eugene Police stormed into our home and aggressively ransacked our personal belongings without any reason," Piper said in a March 18 press release. "We had no clue why they were in our home and were very afraid of what they might do to us."

Piper and Dickenson are also suing the city to ensure that it "institutes and follows the policies and procedures designed to prevent other Eugene residents from being harmed in a similar manner," according to the press release.

"The following allegation is likely to have evidentiary support after a reasonable opportunity for further

investigation or discovery: The City of Eugene has made or allowed numerous other similar incidents of unreasonable search and seizure, and money damages are therefore inadequate to remedy the injury, making injunctive relief necessary and appropriate," the complaint stated.

University senior Patrick McEachern faced three charges relating to a party he hosted in late 2002 after Eugene Police climbed onto a balcony and entered his apartment. Similar to Piper and Dickenson's case, however, a municipal judge dropped the charges against the business administration major after finding that EPD illegally entered the residence.

EPD Spokeswoman Kerry Delf said the department has received complaints about welfare checks in the past, but exact numbers have not been compiled.

In the press release, Piper said the failed police review process could have prevented Magaña's other crimes. Magaña has been indicted on 51 charges, ranging from rape to kidnapping and official misconduct, and will appear for trial in June.

Olshanski said the illegal entry lawsuit and Magaña's arrest aren't related in any way.

"The other officer that was named in this had nothing to do with the ongoing Magaña investigation related to the sex crimes," she said.

**Contact the campus/federal politics reporter at jaredpaben@dailymerald.com.**

## BIKES

continued from page 1

at the scene until a DPS officer arrives.

Bicyclists who ride on a sidewalk and don't give an audible warning to a pedestrian they approach and pass may receive an \$89 fine. Bike riders may also receive an \$89 fine for riding their bike in areas not permitted for bike use.

Although there are many hefty fines tacked on to breaking these rules, Hicks said DPS doesn't go after every bike rider who disregards them.

"(DPS) enforces flagrant violations," Hicks said. "It is expected that everybody uses common sense when riding a bike. Everybody is expected to obey the rules of the road."

But University journalism Professor Debra Merskin said DPS should enforce the rules more strictly.

"Many of us want to trust Public Safety to keep us safe," she said.

"Given the regularity with which (a bike accident) happens it seems in (DPS)' best interest to monitor the walk ways."

Merskin had a run-in with a bicyclist in front of the Knight Library March 10. She said classes had just gotten out right before noon, so the area was crowded. She saw a man hop onto his bike and kick off to get going, and he ran right into her.

Merskin said she was hit on her right cheek bone, by what she determined to be an arm or hand, and she said the impact sent her flying backward several feet. She landed on her right elbow, which was badly bruised and scraped, and her face and jaw hurt for several days.

"I don't believe bicyclists should be riding on the sidewalks," Merskin said. "I understand the urgency of getting places, but 13th (Avenue) and some of the driveways permit bike access."

She added that bikes and skateboards

should be used on the streets.

Merskin said she is concerned that collisions with bike riders are becoming a problem, and she said she knows of other faculty who have had similar incidents. She said there have been many times when she has had to jump out of the way of bicyclists or they have come up behind her asking her to move out of the way, which she considers "rude" and "dangerous."

Hicks said the Public Safety Advisory Group has created a sub-committee to look into bicycle safety on campus. Hicks said he hopes it will provide him with guidance to improve bike use and possibly create a bike-use educational campaign followed with a plan to enforce regulations.

The committee will examine bicycle use at other universities and how those universities enforce their rules, he said.

**Contact the crime/health/safety reporter at lisacatto@dailymerald.com.**

## Student Groups

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## NEWS BRIEF

### Campus Glenwood closes for renovations

The Campus Glenwood Restaurant, located at 1340 Alder St., is closed for renovations this week as it celebrates its 25th anniversary.

The improvements include a larger cooking surface and new cooking equipment in the kitchen, along with a new climate control system and repairs to the building's structure, owner Jacqui Monninger said.

"We're painting inside, refinishing the hardwood floors," she said. "The new hood over the stove is going to be a big improvement because before when we burned a piece of toast, it smoked up the whole dining room."

Monninger said the repairs will not affect the price of food at the restaurant.

"We've been saving for years here," she said. "I think it's going to make it a better place to work, but in terms of a customer's point of view, the number of tables we have versus the size of the kitchen will be a better fit. There won't be those times where there is a half an hour wait for your food because we're too busy."

The restaurant's original location on Franklin Boulevard opened in 1976. Monninger bought the company in 1978 and the business moved to 2588 Willamette St. In 1982, she opened the campus location. Before the Glenwood moved in, the building had been home to another restaurant, a bookstore, and, originally, apartments.

"I really like the old building, little by little it's getting to where it should be," Monninger said. "It got neglected for a long time."

— Steven Neuman

## Oregon Daily Emerald

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