

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

BECCA UHERBELAU, an individual, and
EMILY MCLAIN, an individual,

Plaintiffs,

v.

BEV CLARNO, Oregon Secretary of State,

Respondent.

Case No. 20CV13939
COMPLAINT

(ORS 246.910 – Act or Failure to Act by
Secretary of State; ORS 28.010 – Declaratory
Judgment)

Statutory Fee: ORS 21.135(2)(a), (f)

Plaintiffs allege as follows:

OVERVIEW OF THE CASE

1.

This case arises from the Secretary of State’s January 30, 2020 erroneous determinations that Initiative Petition 57 (“IP 57”), Initiative Petition 58 (“IP 58”) and Initiative Petition 59 (“IP 59”) for the November 3, 2020 General Election comply with the procedural requirements of the Oregon Constitution. Each of the sweeping initiatives violates the “separate-vote” provision of Article XVII, section 1 of the Oregon Constitution. Plaintiffs are entitled to a declaration that each of the initiatives does not comply with the procedural requirements of the Oregon Constitution. Plaintiffs also are entitled to an injunction prohibiting the Secretary of State from taking any further action on the initiatives, including: allowing circulation of the initiatives; receiving or verifying signatures on the initiatives; making a determination as to whether the initiatives’ chief petitioners have obtained sufficient signatures for any of the initiatives to appear on the November 3, 2020 ballot; and, certifying or canvassing votes on any of the initiatives.

1 2.

2 The initiative power is a core tenet of democracy in Oregon. In order to protect the
3 integrity of the initiative system, the Oregon Constitution and statutes enacted by the Oregon
4 Legislature establish certain safeguards regarding proper use of the initiative.

5 3.

6 Article XVII, section 1 of the Oregon Constitution sets out procedural and other
7 requirements that apply to constitutional amendments submitted by initiative petition. Article
8 XVII, section 1 provides, as relevant: “When two or more amendments shall be submitted * * *
9 to the voters of this state at the same election, they shall be so submitted that each amendment
10 shall be voted on separately.” The separate-vote requirement is strictly construed. The Oregon
11 Supreme Court frequently has rejected initiative petitions that run afoul of that provision.

12 4.

13 An initiative petition to amend the Oregon Constitution violates the separate-vote
14 requirement if the initiative explicitly or implicitly makes substantive amendments to multiple
15 provisions of the Oregon Constitution that are not closely related. An initiative petition that
16 violates the separate-vote requirement may not receive a certified ballot title, may not be
17 circulated for signature collection, and may not appear on the ballot.

18 5.

19 Oregon law requires that individuals who propose a statewide initiative petition, known
20 as the “chief petitioners,” file with the Secretary of State a “prospective petition.” The
21 “prospective petition” consists of the text of the proposed initiative, along with the sponsorship
22 signatures of at least 1,000 electors.

23 6.

24 Once the Secretary of State has received a prospective petition and verified the
25 sponsorship signatures, the Secretary of State forwards the prospective petition to the Attorney
26 General. The Attorney General then has five days to prepare a draft ballot title. Once the ballot

1 title is drafted, the Secretary of State then provides notice of the public’s right to submit written
2 comments regarding the draft ballot title. The Secretary of State forwards any written comments
3 received regarding the draft ballot title to the Attorney General. The Attorney General considers
4 those comments and certifies either the original draft ballot title or a revised ballot title.

5
6 7.

6 The Secretary of State also has an obligation to review a prospective petition to determine
7 whether it complies with the procedural requirements of the Oregon Constitution. Accordingly,
8 concurrently with the ballot title certification process, the Secretary of State must assess whether
9 a proposed initiative petition complies with the separate-vote provision and may be circulated for
10 signature collection.

11
12 8.

12 As the Supreme Court recently explained:

13 “During the ballot title process, the Secretary of State reviews the prospective
14 petition for compliance with the requirements of Article IV, section 1, and Article
15 XVII, section 1, including that a proposed measure does not contain more than
16 one amendment. OAR 165-014-0028(1). The secretary solicits comments from
17 the public on those [procedural compliance] issues at the same time that the
18 Attorney General is drafting the ballot title. OAR 165-014-0028(2), (3). Those
19 comments are submitted during the same time for submitting comments on the
20 Attorney General’s draft ballot title. OAR 165-014-0028(3). After reviewing the
21 comments, the secretary notifies the chief petitioners of the results of his or her
22 review. OAR 165-014-0028(4). If the secretary determines that a proposed
23 initiative measure does not satisfy constitutional requirements, he or she will not
24 approve the cover and signature sheet that contains the certified ballot title and
25 that enables chief petitioners to collect signatures in support of the proposed
26 measure. OAR 165-014-0028(5). If an elector is dissatisfied with the secretary’s
27 determination, judicial review is available in Marion County Circuit Court. ORS
28 246.910; OAR 165-014-0028(6).”

22 *Unger v. Rosenblum*, 362 Or 210, 214-215, 407 P3d 817 (2017).

23
24 9.

24 Plaintiffs challenge the Secretary of State’s determination that IP 57, IP 58 and IP 59
25 comply with the procedural requirements of the Oregon Constitution. Through this action,
26 Plaintiffs seek a determination that IP 57, IP 58 and IP 59 each violate the separate-vote

1 requirement in Article XVII, section 1. Plaintiffs further seek an injunction to prevent any
2 further action from the Secretary of State allowing circulation for signatures, verification of any
3 signatures for any of the initiatives, and certifying or canvassing votes on any of the initiatives.

4 **THE PARTIES**

5 10.

6 Plaintiff Becca Uherbelau resides in Multnomah County, Oregon. She is an Oregon
7 elector who is registered to vote in Oregon. Ms. Uherbelau also is the Executive Director of Our
8 Oregon. Ms. Uherbelau filed timely comments with the Oregon Secretary of State setting forth
9 why IP 57, IP 58 and IP 59 do not comply with the procedural requirements of the Oregon
10 Constitution.

11 11.

12 Plaintiff Emily McLain resides in Multnomah County, Oregon. She is an Oregon elector
13 who is registered to vote in Oregon. Ms. McLain also is the Executive Director of Planned
14 Parenthood Advocates of Oregon.

15 12.

16 Defendant Bev Clarno is the Secretary of State for the State of Oregon.

17 **STANDING, JURISDICTION AND VENUE**

18 13.

19 Plaintiffs have standing pursuant to ORS 246.910(1). That statute provides:

20 “A person adversely affected by any act or failure to act by the Secretary
21 of State, a county clerk, a city elections officer or any other county, city or district
22 official under any election law, or by any order, rule, directive or instruction made
23 by the Secretary of State, a county clerk, a city elections officer or any other
24 county, city or district official under any election law, may appeal therefrom to
25 the circuit court for the county in which the act or failure to act occurred or in
26 which the order, rule, directive or instruction was made.”

1 14.

2 As Oregonians and registered Oregon voters, Ms. Uherbelau and Ms. McLain are
3 adversely affected by the Secretary of State’s determination that IP 57, IP 58 and IP 59 comply
4 with the procedural requirements of the Oregon Constitution, because the Secretary of State’s
5 determination was in error. The Secretary of State should have determined that IP 57, IP 58 and
6 IP 59 each violate the separate-vote requirement and should have rejected the initiative petitions.

7 15.

8 The Court has jurisdiction pursuant to ORS 249.910(1).

9 16.

10 Plaintiffs’ complaint is timely. ORS 246.910(2) provides:

11 “An appeal described in subsection (1) of this section of an order of the
12 Secretary of State approving or disapproving a state initiative petition for
13 circulation for the purpose of obtaining signatures of electors must be filed within
60 days following the date the order is served.”

14 17.

15 The Secretary of State made her determinations that IP 57, IP 58 and IP 59 comply with
16 the procedural requirements of the Oregon Constitution on January 30, 2020. Plaintiffs filed
17 their Complaint, appealing from that determination, within 60 days of that determination.

18 18.

19 Plaintiffs also have standing, and the Court has jurisdiction, under ORS 28.010, *et seq.*,
20 Oregon’s Declaratory Judgment Act. Each plaintiff will sustain injury or some other impact on a
21 legally recognized interest beyond the correct application or validity of the law. Each would
22 suffer a deprivation of established constitutional rights. In addition, Ms. McLain would suffer a
23 particularized injury if IP 57, IP 58 or IP 59 becomes law, because each initiative would prohibit
24 her from participating as a member of the redistricting committees created by each initiative.

1 19.

2 Venue is proper in Marion County because it is the county where the Secretary of State
3 maintains her office and is the county in which the Secretary of State’s acts occurred.

4 **INITIATIVE PETITIONS 57, 58 AND 59**

5 20.

6 IP 57, IP 58 and IP 59 each address the broad subject of redistricting. Each initiative has
7 the same chief petitioners.

8 21.

9 IP 57 would repeal Article IV, section 6 of the Oregon Constitution (which addresses
10 legislative redistricting) and Article IV, section 7 of the Oregon Constitution (which addresses
11 legislative districts). IP 57 would then enact a new Article IV, section 6 and a new Article IV,
12 section 7. Those provisions would create a commission to conduct redistricting of the Oregon
13 Legislature as well as redistricting of federal congressional seats, pursuant to extensive
14 requirements set forth in IP 57.

15 22.

16 IP 58 also would repeal Article IV, section 6 and Article IV, section 7. IP 58 also would
17 enact a new Article IV, section 6 and a new Article IV, section 7. Those provisions are identical
18 to the provisions of IP 57, except the newly created redistricting commission would conduct
19 legislative redistricting but would not conduct redistricting of federal congressional seats. IP 58
20 would add an additional provision to the Oregon Constitution – Article IV, section 7a – linking
21 IP 58 to IP 59.

22 23.

23 IP 59 would add three new provisions to Article IV. The first two provisions – Article
24 IV, section 7a and Article IV, section 7b – are identical to provisions contained in IP 57 and IP
25 58, except that the newly created redistricting commission would conduct redistricting of federal
26

1 congressional seats, and not seats in the Oregon Legislature. The third provision, Article IV,
2 section 7c, would link IP 59 to IP 58.

3 24.

4 On or about November 12, 2019, the chief petitioners filed a prospective petition for IP
5 57 with the Secretary of State. On or about November 13, 2019, the chief petitioners filed
6 prospective petitions for IP 58 and IP 59 with the Secretary of State.

7 25.

8 On or about December 5, 2019, the chief petitioners filed sponsorship signatures for
9 verification for IP 57 with the Secretary of State. On or about December 6, 2019, the chief
10 petitioners filed sponsorship signatures for verification for IP 58 and IP 59 with the Secretary of
11 State.

12 26.

13 On or about December 20, 2019, the Secretary of State confirmed that IP 57 had
14 sufficient sponsorship signatures to proceed through the ballot title certification process. She
15 forwarded IP 57 to the Attorney General for a draft ballot title. On or about December 23, 2019,
16 the Secretary of State confirmed that IP 58 and IP 59 both had sufficient sponsorship signatures
17 to proceed through the ballot title certification process. She forwarded IP 58 and IP 59 to the
18 Attorney General for a draft ballot title.

19 27.

20 On or about December 30, 2019, the Secretary of State received from the Attorney
21 General a draft ballot title for IP 57. On or about December 31, 2019, the Secretary of State
22 received from the Attorney General draft ballot titles for IP 58 and IP 59. The Secretary of State
23 provided public notices of those draft ballot titles. Those notices provided, as relevant, that any
24 Oregon elector could comment on whether the draft ballot titles comply with the statutory
25 requirements and also whether the initiatives comply with the procedural requirements of the
26 Oregon Constitution.

1 28.

2 Plaintiff Uherbelau filed timely comments setting forth why IP 57, IP 58 and IP 59 each
3 do not comply with the procedural requirements of the Oregon Constitution; specifically, she
4 asserted that each initiative violates the separate-vote requirement in Article XVII, section 1 of
5 the Oregon Constitution.

6 29.

7 On or about January 30, 2020, the Secretary of State determined that IP 57, IP 58 and IP
8 59 each comply with the procedural requirements of the Oregon Constitution. The Secretary of
9 State provided public notice of her determination regarding IP 57 on January 30, 2020. The
10 Secretary of State provided public notice of her determination regarding IP 58 and IP 59 on
11 January 31, 2020.

12 30.

13 On or about January 30, 2020, the Secretary of State issued a certified ballot title for IP
14 57. On or about January 31, 2020, the Secretary of State issued certified ballot titles for IP 58
15 and IP 59.

16 **FIRST CLAIM FOR RELIEF**

17 **(ORS 246.910 – Act or Failure to Act by Secretary of State)**

18 31.

19 Plaintiffs reallege and incorporate by reference paragraphs 1-30 as if fully stated herein.
20

21 32.

22 Each of the initiatives violates the separate-vote requirement in Article XVII, section 1 of
23 the Oregon Constitution, because each initiative makes multiple substantive amendments to the
24 Oregon Constitution that are not closely related.
25
26

33.

IP 57 makes four explicit changes to the Oregon Constitution, by repealing Article IV, section 6 and Article IV, section 7, and then enacting a new Article IV, section 6 and a new Article IV, section 7. IP 57 also implicitly amends multiple provisions of the Oregon Constitution including, but not limited to:

- Article I, section 8, by restricting speech and expression rights by disqualifying from redistricting commission participation individuals based on their political activity and speech;
- Article I, section 20, by denying privileges by disqualifying from redistricting commission participation individuals based on age, citizenship, residency and other criteria;
- Article I, section 26, regarding rights of association and participation by disqualifying from redistricting commission participation individuals based on their activities and relationships with others;
- Article IV, section 1, by limiting the legislature’s authority to pass laws;
- Article IV, section 18, by limiting the legislature’s authority to pass laws;
- Article VI, section 2, by amending the duties and responsibilities of the Secretary of State;
- Expanding constitutional redistricting authority to encompass federal congressional districts; and,
- Article XVII, section 1, by seeking to allow multiple amendments to the Oregon Constitution in a single initiative.

Those changes are substantive and are not closely related.

34.

IP 58 makes five explicit changes to the Oregon Constitution, by repealing Article IV, section 6 and Article IV, section 7, and then enacting a new Article IV, section 6, a new Article IV, section 7, and a new Article IV, section 7a. IP 58 also implicitly amends multiple provisions of the Oregon Constitution including, but not limited to:

- Article I, section 8, by restricting speech and expression rights by disqualifying from redistricting commission participation individuals based on their political activity and speech;

- 1 • Article I, section 20, by denying privileges by disqualifying from redistricting
2 commission participation individuals based on age, citizenship, residency and other
3 criteria;
- 3 • Article I, section 26, regarding rights of association and participation by disqualifying
4 from redistricting commission participation individuals based on their activities and
5 relationships with others;
- 5 • Article IV, section 1, by limiting the legislature’s authority to pass laws;
- 6 • Article IV, section 18, by limiting the legislature’s authority to pass laws;
- 7 • Article VI, section 2, by amending the duties and responsibilities of the Secretary of
8 State; and,
- 9 • Article XVII, section 1, by seeking to allow multiple amendments to the Oregon
10 Constitution in a single initiative.

10 Those changes are substantive and are not closely related.

11 35.

12 IP 59 makes three explicit changes to the Oregon Constitution, by enacting a new Article
13 IV, section 7a, a new Article IV, section 7b, and a new Article IV, section 7c. IP 59 also
14 implicitly amends multiple provisions of the Oregon Constitution including, but not limited to:

- 15 • Article I, section 8, by restricting speech and expression rights by disqualifying from
16 redistricting commission participation individuals based on their political activity and
17 speech;
- 17 • Article I, section 20, by denying privileges by disqualifying form redistricting
18 commission participation individuals based on age, citizenship, residency and other
19 criteria;
- 19 • Article I, section 26, regarding rights of association and participation by disqualifying
20 from redistricting commission participation individuals based on their activities and
21 relationships with others;
- 21 • Article IV, section 1, by limiting the legislature’s authority to pass laws;
- 22 • Article IV, section 18, by limiting the legislature’s authority to pass laws;
- 23 • Article VI, section 2, by amending the duties and responsibilities of the Secretary of
24 State; and,
- 25 • Article XVII, section 1, by seeking to allow multiple amendments to the Oregon
26 Constitution in a single initiative.

26 Those changes are substantive and are not closely related.

1 36.

2 Under the Oregon Constitution, an initiative petition must be rejected if it violates the
3 separate-vote requirement. For an initiative petition that violates the separate-vote requirement,
4 the Oregon Secretary of State cannot: issue a certified ballot title; allow circulation of the
5 initiative petition for signature collection; verify signatures on the initiative petition; certify the
6 initiative petition for the ballot; canvass votes or certify election results on the initiative; or take
7 any other action regarding the initiative petition. For an initiative petition that violates the
8 separate-vote requirement, the Secretary of State must declare that the initiative petition does not
9 comply with the procedural requirements of the Oregon Constitution, reject the initiative petition
10 and take all reasonable and necessary steps to ensure that the petition is not circulated or
11 distributed.

12 37.

13 Pursuant to ORS 246.910, Plaintiffs are entitled to a determination that:

- 14 • IP 57, IP 58 and IP 59 violate the separate-vote requirement.
- 15 • The Secretary of State erred when she determined that IP 57, IP 58 and IP 59 comply
16 with the procedural requirements of the Oregon Constitution.
- 17 • The Secretary of State should have rejected IP 57, IP 58 and IP 59.
- 18 • IP 57, IP 58 and IP 59 cannot receive or should not have received certified or final ballot
19 titles.
- 20 • IP 57, IP 58 and IP 59 cannot be circulated for signature collection and cannot appear on
21 the November 3, 2020 General Election ballot.
- 22 • Any signatures collected on IP 57, IP 58 and IP 59 cannot be verified or counted towards
23 whether IP 57, IP 58 or IP 59 qualifies for the November 3, 2020 General Election ballot.
- 24 • The Secretary of State must take all reasonable and necessary actions to prevent
25 circulation of IP 57, IP 58 and IP 59.
- 26 • The Secretary of State may not canvass votes on IP 57, IP 58 or IP 59 and may not certify
any results if IP 57, IP 58 or IP 59 appear on the November 3, 2020 General Election
ballot.

1 38.

2 Pursuant to ORS 246.910, Plaintiffs also seek, and are entitled to, an injunction:

- 3 • Requiring the Secretary of State to take all reasonable and necessary actions to prevent
4 circulation of IP 57, IP 58 and/or IP 59.
- 5 • Preventing the Secretary of State from allowing any person or entity to circulate IP 57, IP
6 58 and/or IP 59 for signature collection.
- 7 • Preventing the Secretary of State from issuing any certified or final ballot title for IP 57,
8 IP 58 and/or IP 59 or, alternatively, requiring the Secretary of State to retract and
9 disallow any certified or final ballot title for IP 57, IP 58 and/or IP 59.
- 10 • Prohibiting the Secretary of State from verifying or counting any signatures collected on
11 IP 57, IP 58 and/or IP 59.
- 12 • Prohibiting the Secretary of State from authorizing or otherwise approving IP 57, IP 58
13 and/or IP 59 to appear on the November 3, 2020 General Election ballot.
- 14 • Prohibiting the Secretary of State from canvassing votes on IP 57, IP 58 and/or IP 59 and
15 certifying results if IP 57, IP 58 and/or IP 59 appear on the November 3, 2020 General
16 Election ballot.

17 **SECOND CLAIM FOR RELIEF**

18 **(ORS 28.010, *et seq.*– Declaratory Judgment)**

19 39.

20 Plaintiffs reallege and incorporate paragraphs 1-29 and 31-38 as if fully stated herein.

21 40.

22 Pursuant to Oregon’s Declaratory Judgment Act, ORS 28.010, *et seq.*, Plaintiffs are
23 entitled to a declaration providing that:

- 24 • IP 57, IP 58 and IP 59 violate the separate-vote requirement.
- 25 • The Secretary of State erred when she determined that IP 57, IP 58 and IP 59 comply
26 with the procedural requirements of the Oregon Constitution.
- The Secretary of State should have rejected IP 57, IP 58 and IP 59.
- IP 57, IP 58 and IP 59 cannot receive or should not have received certified or final ballot
titles.
- IP 57, IP 58 and IP 59 cannot be circulated for signature collection and cannot appear on
the November 3, 2020 General Election ballot.

- 1 • Any signatures collected on IP 57, IP 58 and IP 59 cannot be verified or counted towards
whether IP 57, IP 58 or IP 59 qualifies for the November 3, 2020 General Election ballot.
- 2
- 3 • The Secretary of State must take all reasonable and necessary actions to prevent
circulation of IP 57, IP 58 and IP 59.
- 4 • The Secretary of State may not canvass votes on IP 57, IP 58 or IP 59 and may not certify
any results if IP 57, IP 58 or IP 59 appear on the November 3, 2020 General Election
5 ballot.

6 41.

7 Pursuant to Oregon’s Declaratory Judgment Act, ORS 28.010, *et seq.* Plaintiffs also seek,
8 and are entitled to, an injunction:

- 9 • Requiring the Secretary of State to take all reasonable and necessary actions to prevent
circulation of IP 57, IP 58 and/or IP 59.
- 10
- 11 • Preventing the Secretary of State from allowing any person or entity to circulate IP 57, IP
58 and/or IP 59 for signature collection.
- 12 • Preventing the Secretary of State from issuing any certified or final ballot title for IP 57,
IP 58 and/or IP 59 or, alternatively, requiring the Secretary of State to retract and
13 disallow any certified or final ballot title for IP 57, IP 58 and/or IP 59.
- 14 • Prohibiting the Secretary of State from verifying or counting any signatures collected on
IP 57, IP 58 and/or IP 59.
- 15
- 16 • Prohibiting the Secretary of State from authorizing or otherwise approving IP 57, IP 58
and/or IP 59 to appear on the November 3, 2020 General Election ballot.
- 17 • Prohibiting the Secretary of State from canvassing votes on IP 57, IP 58 and/or IP 59 and
certifying any results if IP 57, IP 58 and/or IP 59 appear on the November 3, 2020
18 General Election ballot.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiffs pray for relief as follows:

- 21 1. Pursuant to ORS 249.910 and ORS 28.010, *et seq.*, a determination and
22 declaration that:
- 23 a. IP 57, IP 58 and IP 59 violate the separate-vote requirement.
- 24 b. The Secretary of State erred when she determined that IP 57, IP 58 and IP
25 59 comply with the procedural requirements of the Oregon Constitution.
- 26 c. The Secretary of State should have rejected IP 57, IP 58 and IP 59.

- 1 d. IP 57, IP 58 and IP 59 cannot receive or should not have received certified
or final ballot titles.
- 2
- 3 e. IP 57, IP 58 and IP 59 cannot be circulated for signature collection and
cannot appear on the November 3, 2020 General Election ballot.
- 4
- 5 f. Any signatures collected on IP 57, IP 58 and IP 59 cannot be verified or
counted towards whether IP 57, IP 58 or IP 59 qualifies for the November
3, 2020 General Election ballot.
- 6
- 7 g. The Secretary of State must take all reasonable and necessary actions to
prevent circulation of IP 57, IP 58 and IP 59.
- 8
- 9 h. The Secretary of State may not canvass votes on IP 57, IP 58 or IP 59 and
may not certify any results if IP 57, IP 58 or IP 59 appear on the
November 3, 2020 General Election ballot
- 10 2. Pursuant to ORS 246.910 and ORS 28.010, *et seq.*, an injunction:
- 11 a. Requiring the Secretary of State to take all reasonable and necessary
actions to prevent circulation of IP 57, IP 58 and/or IP 59.
- 12
- 13 b. Preventing the Secretary of State from allowing any person or entity to
circulate IP 57, IP 58 and/or IP 59 for signature collection.
- 14
- 15 c. Preventing the Secretary of State from issuing any certified or final ballot
title for IP 57, IP 58 and/or IP 59 or, alternatively, requiring the Secretary
of State to retract and disallow any certified or final ballot title for IP 57,
IP 58 and/or IP 59.
- 16
- 17 d. Prohibiting the Secretary of State from verifying or counting any
signatures collected on IP 57, IP 58 and/or IP 59.
- 18
- 19 e. Prohibiting the Secretary of State from authorizing or otherwise approving
IP 57, IP 58 and/or IP 59 to appear on the November 3, 2020 General
Election ballot.
- 20
- 21 f. Prohibiting the Secretary of State from canvassing votes on IP 57, IP 58
and/or IP 59 and certifying any results if IP 57, IP 58 and/or IP 59 appear
on the November 3, 2020 General Election ballot
- 22 3. Such other relief as the Court deems just and proper.
- 23
- 24
- 25
- 26

1 DATED this 27th day of March, 2020.

2 STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

3
4 By: s/ Steven C. Berman

Steven C. Berman, OSB No. 951769

Lydia Anderson-Dana, OSB No. 166167

5 209 SW Oak Street, Suite 500

6 Portland, OR 97204

7 Telephone: (503) 227-1600

8 Facsimile: (503) 227-6840

9 Email: sberman@stollberne.com

10 *Attorneys for Plaintiffs Becca Uherbelau and Emily*
11 *McLain*

12 Trial Attorney: Steven C. Berman