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4 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
5 FOR THE COUNTY OF MULTNOMAH

6 AMERICAN CIVIL LIBERTIES UNION
7 OF OREGON, INC., an Oregon non-profit
8 public benefit corporation, and
9 PROTESTER #1, an individual,

10 Plaintiffs,

11 v.

12 CITY OF PORTLAND, an Oregon
13 municipal corporation,

Defendant.

Case No. *5*

**~~PROPOSED~~ TEMPORARY
RESTRAININIG ORDER**

14 This matter came before the Court on the motion of Plaintiffs American Civil Liberties
15 Union of Oregon, Inc. ("ACLU") and Protester #1 (together, "Plaintiffs") for a temporary
16 restraining order and order to show cause why a preliminary injunction should not issue (the
17 "Motion"). Attorneys Edward Piper, Ursula Lalović, and Alan Kessler appeared on behalf of
18 Plaintiffs. Attorneys *Ryan Bailey* appeared on behalf of Defendant City of Portland
19 (the "City").

20 Having considered the Motion, the arguments of counsel, and the other pleadings and
21 documents in the record, and being fully advised, the Court hereby FINDS as follows:

22 1. It appears on the record before the Court that Plaintiffs are entitled to *a TRO* the relief
23 demanded in their complaint, namely, an order prohibiting the City — including, but not limited
24 to, the Portland Police Bureau ("PPB") — from *collecting or maintaining* livestreaming or otherwise recording video or
25 audio of protesters demonstrating in public spaces, except where the video or audio relates to an

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1 investigation of criminal activities and there exist reasonable grounds to suspect the subjects of
2 the video or audio are involved in criminal conduct. Additionally, the commission or
3 continuance of such ~~livestreaming~~ ^{collecting or maintaining} during this litigation ~~would~~ ^{may} produce injury to Plaintiffs, who
4 have a statutory right under ORS 181A.250 (and, as to ACLU, under the August 3, 1988 letter
5 agreement attached to the complaint) to be free from such livestreaming, and who will continue
6 to attend the protests at which PPB's livestreaming has taken place and will continue to take
7 place.

8 2. By ~~livestreaming or otherwise recording~~ ^{collecting or maintaining} video or audio of protestors
9 demonstrating in public spaces in circumstances in which such video or audio does not relate to
10 an investigation of criminal activities, and in which there do not exist reasonable grounds to
11 suspect the subjects of the video or audio are or may be involved in criminal conduct, the City is
12 doing or threatening to do, or is about to do, an act ^{that may be} in violation of Plaintiffs' rights under ORS
13 181A.250 (and, as to ACLU, under the August 3, 1988 letter agreement attached to the
14 complaint) concerning the subject matter of the action, and tending to render the judgment
15 ineffectual.

16 Based on the foregoing findings and the record before the Court, and pursuant to ORCP
17 79A(1)(a)-(b), the Court hereby ORDERS as follows:

18 1. Plaintiffs' Motion is GRANTED.
19 2. The City and its employees, agents, and all others acting in concert with it or on
20 its behalf, including but not limited to the Portland Police Bureau ("PPB"), are temporarily
21 enjoined from ~~livestreaming or otherwise recording~~ ^{collecting or maintaining} audio or video of protestors demonstrating in
22 public spaces, except where the video or audio relates to an investigation of criminal activities
23 and there exist reasonable grounds to suspect the subjects of the videos are involved in criminal
24 conduct.

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3. For purposes of this Order, “criminal conduct” does not include failure to disperse following the issuance of an order by PPB or another law enforcement agency to do so or other forms of passive resistance.

4. In the interest of justice, Plaintiffs need not provide any security.

5. This Order shall expire at 5 [a.m.]/[p.m.] on ~~Wednesday~~, August 12, 2020, unless extended by further order of the Court.

6. At 9 [a.m.]/[p.m.] on August 7, 2020, or at such other date and time as the Court may order, the City shall appear to show cause, if any, why a preliminary injunction should not issue on the same terms as set forth above.

IT IS SO ORDERED.

Steph K. Bushy
BUSHTONLE 7/30/20