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**U.S. District Court
District of Oregon (Eugene (6))
CIVIL DOCKET FOR CASE #: 6:20-cv-01053-MC**

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People Not Politicians Oregon et al v. Clarno
Assigned to: Judge Michael J. McShane
Case in other court: 9th Circuit, 20-35630
Cause: 42:1983 Civil Rights Act

Date Filed: 06/30/2020
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

People Not Politicians Oregon

represented by **Daniel W. Meek**
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TERMINATED: 10/23/2020

Plaintiff

Common Cause

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Stephen Elzinga
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TERMINATED: 10/23/2020

Plaintiff

League of Women Voters of Oregon

represented by **Daniel W. Meek**
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Stephen Elzinga
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TERMINATED: 10/23/2020

Plaintiff**NAACP of Eugene/Springfield**

represented by **Daniel W. Meek**
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Stephen Elzinga
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TERMINATED: 10/23/2020

Plaintiff**Independent Party of Oregon**

represented by **Daniel W. Meek**
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LEAD ATTORNEY
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Stephen Elzinga
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TERMINATED: 10/23/2020

Plaintiff**C. Norman Turrill**

represented by **Daniel W. Meek**
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LEAD ATTORNEY
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Stephen Elzinga
(See above for address)
TERMINATED: 10/23/2020

V.

Defendant

Beverly Clarno
Oregon Secretary of State

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Amicus**Our Oregon**

represented by **Steven C. Berman**
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Lydia Anderson-Dana

(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/30/2020	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: AORDC-

		6919967 Jury Trial Requested: No. Filed by People Not Politicians Oregon, C. Norman Turrill, Common Cause, NAACP of Eugene/Springfield, Independent Party of Oregon, League of Women Voters of Oregon against Bev Clarno. (Elzinga, Stephen) (Entered: 06/30/2020)
06/30/2020	2	Motion for Preliminary Injunction . Expedited Hearing requested. Filed by All Plaintiffs. (Elzinga, Stephen) Modified on 7/2/2020 per order 12 (cp). (Entered: 06/30/2020)
06/30/2020	3	Declaration of Ted Blaszak <i>in Support of Plaintiff's Motion for a Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 2 .) (Elzinga, Stephen) (Entered: 06/30/2020)
06/30/2020	4	Declaration of Candalynn Johnson <i>in Support of Plaintiff's Motion for a Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 2 .) (Elzinga, Stephen) (Entered: 06/30/2020)
06/30/2020	5	Declaration of C. Norman Turrill <i>in Support of Plaintiff's Motion for a Temporary Restraining Order</i> . Filed by All Plaintiffs. (Related document(s): Motion for Temporary Restraining Order 2 .) (Elzinga, Stephen) (Entered: 06/30/2020)
07/01/2020	6	Civil Cover Sheet regarding Complaint, 1 . Filed by All Plaintiffs. (Elzinga, Stephen) (Entered: 07/01/2020)
07/01/2020	7	Notice of Case Assignment to Judge Michael J. McShane and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 10/29/2020. Joint Alternate Dispute Resolution Report is due by 11/30/2020. Pretrial Order is due by 11/30/2020. Ordered by Judge Michael J. McShane. (bd) (Entered: 07/01/2020)
07/01/2020	8	Waiver of Service of Summons Returned Executed by All Defendants. Filed by All Plaintiffs. (Elzinga, Stephen) (Entered: 07/01/2020)
07/01/2020	9	Waiver of Service of Summons Returned Executed by All Defendants. Filed by All Plaintiffs. (Elzinga, Stephen) (Entered: 07/01/2020)
07/01/2020	10 	Notice of Appearance of Christina L. Beatty-Walters appearing on behalf of Beverly Clarno Filed by on behalf of Beverly Clarno. (Beatty-Walters, Christina) (Entered: 07/01/2020)
07/01/2020	11	Notice of Appearance of Brian Simmonds Marshall appearing on behalf of Beverly Clarno Filed by on behalf of Beverly Clarno. (Marshall, Brian) (Entered: 07/01/2020)
07/02/2020	12	Scheduling Order by Judge Michael J. McShane regarding Motion for Preliminary Injunction 2 . Based upon the communications from the parties, the Court will treat the pending motion 2 as a Motion for Preliminary Injunction. The Court also adopts the parties proposed briefing schedule. Defendant's Response is due by 01:00PM on 7/8/2020. The Court will hold Oral Argument on 7/9/2020 at 03:00PM in Eugene by telephone before Judge Michael J. McShane. The Court will provide the parties with the conference call-in number by separate email. Ordered by Judge Michael J. McShane. (cp) (Entered: 07/02/2020)
07/07/2020	13	Scheduling Order by Judge Michael J. McShane: Based upon the request of the parties, the Oral Argument set for 7/9/2020 regarding Motion for Preliminary Injunction 2 is reset for 7/10/2020 at 02:00PM in Eugene by telephone before Judge Michael J. McShane. Sur-Response is due by 7/9/2020. The parties are to use the previously emailed conference call-in number. Ordered by Judge Michael J. McShane. (cp) (Entered: 07/07/2020)

07/09/2020	14	Scheduling Order by Judge Michael J. McShane: The Oral Argument regarding Motion for Preliminary Injunction 2 set for 7/10/2020 at 02:00PM will be by videoconference before Judge Michael J. McShane. The Court will provide the parties the videoconference information by separate email. Ordered by Judge Michael J. McShane. (cp) (Entered: 07/09/2020)
07/09/2020	15 R	Response to Motion for Preliminary Injunction 2 . Filed by Beverly Clarno. (Beatty-Walters, Christina) (Entered: 07/09/2020)
07/09/2020	16	Declaration of Summer S. Davis <i>in Opposition to Motion for Preliminary Injunction</i> . Filed by Beverly Clarno. (Related document(s): Motion for Preliminary Injunction 2 .) (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H) (Beatty-Walters, Christina) (Entered: 07/09/2020)
07/09/2020	17 R	Motion to Intervene <i>or in the Alternative Appear as Amici Curiae</i> . Oral Argument requested. Filed by Becca Uherbelau, Our Oregon. (Attachments: # 1 R Exhibit A - Becca Uherbelau and Our Oregon's Opposition to Plaintiffs Motion for a Temporary Restraining Order or Preliminary Injunction, # 2 R Exhibit B - Declaration of Becca Uherbelau, # 3 R Exhibit C - Declaration of Ben Unger, # 4 R Exhibit D - Declaration of Elizabeth Kaufman) (Anderson-Dana, Lydia) (Entered: 07/09/2020)
07/09/2020	18 R	Corrected Response (<i>with Table of Authorities Added</i>) to Motion for Preliminary Injunction 2 . Filed by Beverly Clarno. (Beatty-Walters, Christina) (Entered: 07/09/2020)
07/09/2020	19	Motion for Leave <i>to File Reply in Support of Plaintiff's Motion for Preliminary Injunction</i> . Filed by All Plaintiffs. (Attachments: # 1 Plaintiff's Reply in Support of Its Motion for Preliminary Injunction) (Elzinga, Stephen) (Entered: 07/09/2020)
07/09/2020	20	Supplemental Declaration of Ted Blaszak <i>in Support of Plaintiff's Motion for Preliminary Injunction</i> . Filed by All Plaintiffs. (Related document(s): Motion for Leave 19 .) (Elzinga, Stephen) (Entered: 07/09/2020)
07/10/2020	21	Corrected Motion for Leave <i>File Reply in Support of Plaintiff's Motion for Preliminary Injunction</i> . Filed by All Plaintiffs. (Attachments: # 1 Plaintiff's Reply in Support of Its Motion for Preliminary Injunction) (Elzinga, Stephen) (Entered: 07/10/2020)
07/10/2020	22	MINUTES of Proceedings: Video Motion Hearing Held. Witnesses sworn and evidence adduced. Witnesses: Edward Blaszak; Normal Turrill; Candalynn Johnson; Elizabeth Kaufman; Summer Davis. Order Granting Motion for a Preliminary Injunction 2 as stated on the record. Formal order in writing to follow. Order Granting in Part and Denying in Part Motion to Intervene or in the Alternative Appear as Amici Curiae 17 R to the extent that movants are allowed to appear as amici curiae. Order Denying defendant's oral Motion for Stay. Stephen Elzinga present as counsel for plaintiffs. Christina Beatty-Walters; Brian Marshall present as counsel for defendant. Steven Berman; Lydia Anderson-Dana present as counsel for amici curiae. (Court Reporter Deborah Cook.) Judge Michael J. McShane presiding. (plb) (Entered: 07/10/2020)
07/13/2020	23 R	Opinion and Order: The Secretary of State has a vital interest in regulating the petition processes. <i>Purcell v. Gonzalez</i> , 549 U.S. 1, 4 (2006). It is also important that the federal courts not take it upon themselves to rewrite state election rules, particularly on the eve of an election. <i>Republican Natl Comm.</i> , 140 S. Ct at 1207. But when these rules collide with unprecedented conditions that burden First Amendment access to the ballot box, their application must temper in favor of the Constitution. Because the right to petition the government is at the core of First Amendment protections, which includes the right

		of initiative, City of Cuyahoga Falls, 538 U.S. at 196, the current signature requirements in Oregon law are unconstitutional as applied to these specific Plaintiffs seeking to engage in direct democracy under these most unusual of times. The Court therefore GRANTS Plaintiffs' motion for emergency injunctive relief 2 . Signed on 7/13/2020 by Judge Michael J. McShane. (cp) (Entered: 07/13/2020)
07/13/2020	24 R	Notice re Opinion and Order,,,, 23 R in Response to Court Order Filed by Beverly Clarno. (Related document(s): Opinion and Order,,,, 23 R .) (Beatty-Walters, Christina) (Entered: 07/13/2020)
07/14/2020	25	Order: Based on the Defendant's Notice 24 R regarding the Court's Opinion and Order 23 R , the Court issues this Minute Order clarifying how it came to the reduced signature number. The Court adopts Plaintiffs' requested remedy of 58,789 signatures. 58,789 required signatures is equal to 50% of the number of signatures required for a constitutional initiative to qualify the 2018 General Election, rather than the 2020 General Election because of the large jump in voter turnout. <i>See Pl.'s Mot. for a Prelim. Inj.</i> 33-34 2 . Ordered by Judge Michael J. McShane. (cp) (Entered: 07/14/2020)
07/15/2020	26 R	Notice of Appeal to the 9th Circuit Filing fee \$505 collected; Agency Tracking ID: AORDC-6987259. Filed by Beverly Clarno. (Gutman, Benjamin) (Entered: 07/15/2020)
07/15/2020	27 R	Transcript Designation and Order Form for the hearing held on July 10, 2020 before Judge Michael J. McShane. Court Reporter: Deborah Cook. regarding Notice of Appeal - Preliminary Injunction 26 R Expedited. Filed by Beverly Clarno. Transcript is due by 8/14/2020. (Gutman, Benjamin) (Entered: 07/15/2020)
07/15/2020		USCA Case Number and Notice confirming Docketing Record on Appeal re Notice of Appeal - Preliminary Injunction 26 R . Case Appealed to 9th Circuit Case Number 20-35630 assigned. (bd) (Entered: 07/15/2020)
07/22/2020	28	Order from USCA for the 9th Circuit, USCA # 20-35630 re Notice of Appeal - Preliminary Injunction 26 R . We expedite this appeal. No streamlined extensions of time will be approved. No written motions for extensions of time will be granted absent extraordinary and compelling circumstances. The Clerk shall place this case on the calendar for August 2020. (bd) (Entered: 07/23/2020)
07/23/2020	29	Order from USCA for the 9th Circuit, USCA # 20-35630 re Notice of Appeal - Preliminary Injunction 26 R . Appellant's motion to stay the district court's July 13, 2020 order pending appeal is denied. (bd) (Entered: 07/23/2020)
07/30/2020	30	Joint Status Report . Filed by Beverly Clarno. (Beatty-Walters, Christina) (Entered: 07/30/2020)
08/11/2020	31	Order by the Supreme Court, SC Order No. 20A21, received by the 9th Circuit Court of Appeals, USCA # 20-35630 re Notice of Appeal - Preliminary Injunction 26 R . (bd) (Entered: 08/11/2020)
08/11/2020	32	Order from USCA for the 9th Circuit, USCA # 20-35630 re Notice of Appeal - Preliminary Injunction 26 R . (bd) (Entered: 08/12/2020)
08/31/2020	33	Answer to 1 Complaint, . Filed by Beverly Clarno. (Beatty-Walters, Christina) (Entered: 08/31/2020)
09/01/2020	34	USCA Memorandum for the 9th Circuit, USCA #20-35630, re Notice of Appeal - Preliminary Injunction 26 R . The decision of the District Court is: REMANDED with instructions. (bd) (Entered: 09/01/2020)
09/18/2020	35	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Oral Argument held

		on 7-10-2020 before Judge McShane, Court Reporter Deborah Cook, telephone number 503-550-8545. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter Deborah Cook, telephone number 503-550-8545 before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through PACER. See Policy at ord.uscourts.gov . Notice of Intent to Redact Transcript is due by 9/25/2020. Redaction Request due 10/9/2020. Redacted Transcript Deadline set for 10/19/2020. Release of Transcript Restriction set for 12/17/2020. (dc) (Entered: 09/18/2020)
09/23/2020	36	MANDATE Issued regarding <i>USCA Memorandum for the 9th Circuit</i> 34 , <i>USCA #20-35630, re Notice of Appeal - Preliminary Injunction</i> 26 R . <i>The decision of the District Court is: REMANDED with instructions.</i> (bd) (Entered: 09/23/2020)
09/28/2020	37	Scheduling Order by Judge Michael J. McShane: The parties are ordered to confer and file a joint status report by 10/5/2020 based on the 9th Circuit's Mandate 36 . Ordered by Judge Michael J. McShane. (cp) (Entered: 09/28/2020)
10/05/2020	38	Joint Status Report . Filed by Beverly Clarno. (Beatty-Walters, Christina) (Entered: 10/05/2020)
10/23/2020	39	Notice of Attorney Substitution: Attorney Daniel W. Meek is substituted as counsel of record in place of Attorney Stephen Elzinga Filed by All Plaintiffs. (Meek, Daniel) (Entered: 10/23/2020)
11/17/2020	40	Notice of Appearance of Shaunee Vanessa Morgan appearing on behalf of Beverly Clarno Filed by on behalf of Beverly Clarno. (Morgan, Shaunee) (Entered: 11/17/2020)