

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 FOR THE STATE OF OREGON
FOR THE COUNTY OF JOSEPHINE

ROBERT A. WHITE, JR. and SHELLEY
ANN WHITE,

Plaintiffs,

v.

JOSEPHINE COUNTY,

Defendant,

SISKIYOU SEEDS, LLC and OREGONIANS
FOR SAFE FARMS AND FAMILIES,

Intervenor-Defendants.

Case No. 15CV23592

GENERAL JUDGMENT

This matter came before this Court for hearing on April 14, 2016, before the Honorable Pat Wolke. Plaintiffs appeared through their attorney, John DiLorenzo. Defendant appeared through its attorney, Wally Hicks. Intervenor-Defendants appeared by and through Stephanie Dolan and Melissa Wischerath of their attorneys. The Court, having heard the arguments of counsel and having reviewed the pleadings and evidence submitted herein by plaintiffs and defendant-intervenors, and good cause appearing therefor,

IT IS HEREBY ADJUDGED by the Court that Plaintiffs have JUDGMENT against Defendant and Defendant-Intervenors:

- 1. Declaring that Josephine County ordinance No. 2014-007 (“Ordinance”) is invalid and unenforceable because it is pre-empted by ORS 633.738(2); and
- ///

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

2. Enjoining defendant Josephine County from taking any action to enforce the Ordinance.



Submitted by:

John DiLorenzo, Jr., OSB #802040
Email: johndilorenzo@dwt.com
Chris Swift, OSB #154291
Email: christopherswift@dwt.com
Telephone: (503) 241-2300
Facsimile: (503) 778-5299
Davis Wright Tremaine LLP
Of Attorneys for Plaintiff

CERTIFICATE OF COMPLIANCE WITH UTCR 5.100

I hereby certify that I served a copy of the foregoing **GENERAL JUDGMENT** on:

Matthew Walter Hicks
Josephine County Legal Counsel
500 NW 6th Street, Dept. 13
Grants Pass, OR 97526
Telephone (541) 474-5226
Facsimile (541) 474-5223
Email whicks@co.josephine.or.us

Of Attorneys for Defendant

Melissa D. Wischerath
Center for Sustainability Law
PO Box 12263
Eugene, OR 97440
Telephone (646) 765-0035
Email melissa@sustainabilitylaw.info

Of Attorneys for Intervenor-Defendants

Stephanie Dolan
Center for Sustainability Law
PO Box 466
Talent, OR 97540
Telephone (530) 575-5818
Email stephjd@mac.com

Of Attorneys for Intervenor-Defendants

On May 25, 2016, which is not less than 3 days prior to submission to the court for a represented party or which is not less than 7 days prior to submission to the court for a self-represented party and was accompanied by notice of the time period to object, by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said attorney, to be sent by the following method(s):

by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorney's last-known address and deposited in the U.S. mail at Portland, Oregon on the date set forth below;

by emailing a copy thereof to said attorney at his/her last-known email address as set forth above.

by using electronic transmission of a notice of filing by the electronic filing system provided by the Oregon Judicial Department, Odyssey File and Serve.

This proposed order or judgment is ready for judicial signature because:

1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.

2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me or by an accompanying stipulation by opposing counsel that no objection exists as to the judgment or order.

3. I have served a copy of this order or judgment on all parties entitled to service and:

a. No objection has been served on me.

b. I received objections that I could not resolve with opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

c. After conferring about objections, plaintiff agreed to independently file any remaining objections.

4. The relief sought is against an opposing party who has been found in default.

5. An order of default is being requested with this proposed judgment.

6. Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or

otherwise.

///

///

///

///

///

7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by UTCR 5.100(4).

Dated this 25th day of May 2016.

DAVIS WRIGHT TREMAINE LLP

By: s/ John DiLorenzo, Jr.

John DiLorenzo, Jr., OSB #802040
Email: johndilorenzo@dwt.com
Chris Swift, OSB #154291
Email: christopherswift@dwt.com
Telephone: (503) 241-2300
Facsimile: (503) 778-5299

Of Attorneys for Plaintiff

1 CERTIFICATE OF SERVICE

2 I hereby certify that I served a copy of the foregoing **GENERAL JUDGMENT** on:

3 Matthew Walter Hicks
4 Josephine County Legal Counsel
5 500 NW 6th Street, Dept. 13
6 Grants Pass, OR 97526
7 Telephone (541) 474-5226
8 Facsimile (541) 474-5223
9 Email whicks@co.josephine.or.us

Stephanie Dolan
Center for Sustainability Law
PO Box 466
Talent, OR 97540
Telephone (530) 575-5818
Email stephjd@mac.com

10 Of Attorneys for Defendant

Of Attorneys for Intervenor-Defendants

11 Melissa D. Wischerath
12 Center for Sustainability Law
13 PO Box 12263
14 Eugene, OR 97440
15 Telephone (646) 765-0035
16 Email melissa@sustainabilitylaw.info

Of Attorneys for Intervenor-Defendants

17 by mailing a copy thereof in a sealed, first-class postage prepaid envelope,
18 addressed to said attorney's last-known address and deposited in the U.S. mail at Portland,

19 by using the Court's efilng system; or

20 by emailing a copy thereof to said attorney at his/her last-known email address as
21 set forth above.

22 Dated this 25th day of May, 2016

23 DAVIS WRIGHT TREMAINE LLP

24 By: s/ John DiLorenzo, Jr.
25 John DiLorenzo, Jr., OSB #802040
26 Of Attorneys for Plaintiffs