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TERMINATED

**U.S. District Court
District of Oregon (Eugene (6))
CIVIL DOCKET FOR CASE #: 6:20-cv-01048-MC**

McCarter v. Brown et al
Assigned to: Judge Michael J. McShane
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 06/30/2020
Date Terminated: 09/17/2020
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Michael R. McCarter
*in his official capacity as president of Move
Oregon's Border*

represented by **Michael R. McCarter**
Move Oregon's Border
53161 Bridge Dr
La Pine, OR 97739
503-339-5654
Email: cascadecarry@outlook.com
PRO SE

V.

Defendant

Kate Brown
*in her official capacity as Governor of
Oregon*

represented by **Christina L. Beatty-Walters**
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
(971) 673-1880
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian Simmonds Marshall
Oregon Department of Justice
Trial Division, Special Litigation Unit
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971-673-1880
Email: brian.s.marshall@doj.state.or.us
ATTORNEY TO BE NOTICED

Defendant

Bev Clarno
*in her official capacity as Secretary of State
of Oregon*

represented by **Christina L. Beatty-Walters**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brian Simmonds Marshall
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Stefanie Kirby
*in her official capacity as Baker County
Clerk*

Defendant

Cheryl Seely
*in her official capacity as Crook County
Clerk*

represented by **John Eisler**
Crook County Counsel
300 NE Third Street
Prineville, OR 97754
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ATTORNEY TO BE NOTICED

Defendant

Renee Kolen
*in her official capacity as Curry County
Clerk*

represented by **John R. Huttli**
Curry County
County Counsel
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Loomis
*in his official capacity as Douglas County
Clerk*

represented by **Paul E. Meyer**
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ATTORNEY TO BE NOTICED

Defendant

Brenda Percy
*in her official capacity as Grant County
Clerk*

represented by **Dominic M. Carollo**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Derrin Robinson
in his official capacity as Harney County Clerk

represented by **Dominic M. Carollo**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Chris Walker
in her official capacity as Jackson County Clerk

represented by **Joel C Benton**
Jackson County Counsel
10 South Oakdale
Medford, OR 97501
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

Katherine Zemke
In her official capacity as Jefferson County Clerk

Defendant

Rhiannon Henkels
in her official capacity as Josephine County Clerk

represented by **Matthew W. Hicks**
Josephine County Legal Counsel
500 NW 6th St
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Email: whicks@co.josephine.or.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Rochelle Long
in her official capacity as Klamath County Clerk

Defendant

Stacie Geaney
in her official capacity as Lake County

represented by **James Edwin Bailey , III**
Bailey & Yarmo LLP

Clerk

780 NW York Dr
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ATTORNEY TO BE NOTICED

Defendant

Gayle Trotter
*in her official capacity as Malheur County
Clerk*

Defendant

Bobbi Childers
*in her official capacity as Morrow County
Clerk*

Defendant

Jenine McDermid
*in her official capacity as Sherman County
Clerk*

represented by **William Francis Cloran**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

Kim Lindell
*in her official capacity as Chief Elections
Officer of Umatilla County*

Defendant

Robin A. Church
*in her official capacity as Union County
Clerk*

Defendant

Sandy Lathrop
*in her official capacity as Wallowa County
Clerk*

Date Filed	#	Docket Text

06/30/2020	1 R	Complaint. (No Filing Fee Paid or IFP Application Filed) Jury Trial Requested: No. Filed by Michael R. McCarter against All Defendants. (plb) (Entered: 06/30/2020)
06/30/2020	2	Notice of Case Assignment: This case is assigned to Judge Michael J. McShane. (Mailed to Pro Se party on 6/30/2020.) (plb) (Entered: 06/30/2020)
07/02/2020	3	Notice of Appearance of Christina L. Beatty-Walters appearing on behalf of Kate Brown, Bev Clarno Filed by on behalf of Kate Brown, Bev Clarno. (Beatty-Walters, Christina) (Entered: 07/02/2020)
07/02/2020	4	Notice of Appearance of Brian Simmonds Marshall appearing on behalf of Kate Brown, Bev Clarno Filed by on behalf of Kate Brown, Bev Clarno. (Marshall, Brian) (Entered: 07/02/2020)
07/06/2020	5	Application for CM/ECF Registration as a Self-Represented Party. Filed by Michael R. McCarter. (ck) (Entered: 07/06/2020)
07/06/2020	6	Fee in amount of \$400 collected; Receipt No. ORX600013445 issued. (Mailed to Pro Se party on 07/06/2020.) (jw) (Entered: 07/06/2020)
07/06/2020	7	Motion for Preliminary Injunction. Filed by Michael R. McCarter. (Attachment: # 1 Proposed Order) (plb) (Entered: 07/07/2020)
07/08/2020	8	Notice of Appearance of Paul E. Meyer appearing on behalf of Daniel Loomis Filed by on behalf of Daniel Loomis. (Meyer, Paul) (Entered: 07/08/2020)
07/08/2020	9	ORDER: Granting 5 Application for CM/ECF Registration as a Self-Represented Party. Signed on 7/8/2020 by Judge Michael J. McShane. (cp) (Entered: 07/08/2020)
07/08/2020	10	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 11/5/2020. Joint Alternate Dispute Resolution Report is due by 12/7/2020. Pretrial Order is due by 12/7/2020. Ordered by Judge Michael J. McShane. (cp) (Entered: 07/08/2020)
07/10/2020	11	Scheduling Order by Judge Michael J. McShane: Oral Argument regarding Motion for Preliminary Injunction 7 is set for 7/20/2020 at 02:00PM in Eugene by telephone before Judge Michael J. McShane. Response is due by 7/16/2020. The Court will provide the parties with the conference call-in number by separate email. Ordered by Judge Michael J. McShane. (cp) (Entered: 07/10/2020)
07/14/2020	12	Summons Issued Electronically as to Kate Brown, Bobbi Childers, Robin A. Church, Bev Clarno, Stacie Geaney, Rhiannon Henkels, Stefanie Kirby, Renee Kolen, Sandy Lathrop, Kim Lindell, Rochelle Long, Daniel Loomis, Jenine McDermid, Brenda Percy, Derrin Robinson, Cheryl Seely, Gayle Trotter, Katherine Zemke. 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. (Attachments - Summons: # 1 Brenda Percy Grant County, # 2 Cheryl Seely Crook County, # 3 Daniel Loomis Douglas County, # 4 Derrin Robinson Harney County, # 5 Gayle Trotter Malheur County, # 6 Gov. Kate Brown, # 7 Jenine McDermid Sherman County, # 8 Katherine Zemke Jefferson County, # 9 Renee Kolen Curry County, # 10 Rhiannon Henkels Josephine County, # 11 Rochelle Long Klamath County, # 12 Stacie Geaney Lake County, # 13 Stefanie Kirby Baker County, # 14 Bev Clarno Secretary of State, # 15 Kim Lindell Umatilla County, # 16 Robin Church Union County, # 17 Sandy Lathrop Wallowa County) (jw) (Entered: 07/14/2020)
07/15/2020	13	Notice of Appearance of Matthew W. Hicks appearing on behalf of Rhiannon Henkels Filed by on behalf of Rhiannon Henkels. (Hicks, Matthew) (Entered: 07/15/2020)

07/15/2020	14	First Notice of Appearance of Jeffrey M. Wallace appearing on behalf of Jenine McDermid Filed by on behalf of Jenine McDermid. (Wallace, Jeffrey) (Entered: 07/15/2020)
07/16/2020	15	First Answer to 1 R Complaint 6:20-CV-01048-MC. Filed by Jenine McDermid. (Attachments: # 1 Memorandum in Support of Answer, # 2 Declaration in Support of Answer) (Wallace, Jeffrey) (Attachment 2 replaced on 7/22/2020) (cw). (Entered: 07/16/2020)
07/16/2020	16	Notice of Appearance of John Eisler appearing on behalf of Cheryl Seely Filed by on behalf of Cheryl Seely. (Eisler, John) (Entered: 07/16/2020)
07/16/2020	17	Response to Motion for Preliminary Injunction 7 . Filed by Rhiannon Henkels. (Hicks, Matthew) (Entered: 07/16/2020)
07/16/2020	18	Response in Opposition to Motion for Preliminary Injunction 7 Oral Argument requested. Filed by Cheryl Seely. (Attachments: # 1 Exhibit Exhibit A, # 2 Attachment Certificate) (Eisler, John) (Entered: 07/16/2020)
07/16/2020	19	Response to Motion for Preliminary Injunction 7 . Filed by Stacie Geaney. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit) (Bailey, James) (Main Document 19 replaced on 7/16/2020) (cw). (Attachment 1 replaced on 7/16/2020) (cw). (Attachment 2 replaced on 7/16/2020) (cw). (Entered: 07/16/2020)
07/16/2020	20	Response to <i>Plaintiff's</i> to Motion for Preliminary Injunction 7 . Filed by Chris Walker. (Benton, Joel) (Entered: 07/16/2020)
07/16/2020	21	Declaration of Chris Walker <i>in support of defendant's response to plaintiff's motion for preliminary injunction and/or temporary restraining order</i> . Filed by Chris Walker. (Related document(s): Response to Motion 20 .) (Benton, Joel) (Entered: 07/16/2020)
07/16/2020	22	Response to Motion for Preliminary Injunction 7 . Filed by Brenda Percy. (Carollo, Dominic) (Main Document 22 replaced on 7/17/2020) (cw). (Entered: 07/16/2020)
07/16/2020	23	Notice of Appearance of Madison T. Simmons appearing on behalf of Chris Walker Filed by on behalf of Chris Walker. (Simmons, Madison) (Entered: 07/16/2020)
07/16/2020	24	Notice of Correction by Clerk regarding 19 Response to Motion. A Clerical error has been discovered in the case record: The incorrect PDF was attached. The following corrections were made to the record: A corrected PDF has been uploaded and has replaced the incorrect attachment. (cw) (Entered: 07/16/2020)
07/16/2020	25	Response to Motion for Preliminary Injunction 7 . Filed by Derrin Robinson. (Carollo, Dominic) (Entered: 07/16/2020)
07/16/2020	26	Response in Opposition to Motion for Preliminary Injunction 7 . Filed by Kate Brown, Bev Clarno. (Marshall, Brian) (Entered: 07/16/2020)
07/16/2020	27	Declaration of Summer S. Davis <i>in Opposition to Motion for Preliminary Injunction and/or Temporary Restraining Order</i> . Filed by Kate Brown, Bev Clarno. (Related document(s): Motion for Preliminary Injunction 7 .) (Marshall, Brian) (Entered: 07/16/2020)
07/17/2020	28	Scheduling Order by Judge Michael J. McShane: Oral Argument set for 7/20/2020 regarding Motion for Preliminary Injunction 7 is vacated. The Court will rule on the pleadings. Ordered by Judge Michael J. McShane. (cp) (Entered: 07/17/2020)
07/17/2020	29	Notice of Appearance of John R. HuttI appearing on behalf of Renee Kolen Curry County Clerk Filed by on behalf of Renee Kolen. (HuttI, John) (Entered: 07/17/2020)

07/17/2020	30	Motion for Extension of Time to File a Response/Reply to Motion for Preliminary Injunction 7 . Filed by Renee Kolen. (Huttl, John) (Entered: 07/17/2020)
07/17/2020	31	Response in Opposition to Motion for Preliminary Injunction 7 . Filed by Renee Kolen. (Huttl, John) (Entered: 07/17/2020)
07/17/2020	32	Notice of Correction by Clerk regarding 22 Response to Motion. A Clerical error has been discovered in the case record: The document was missing pages (Certificate of Service). The following corrections were made to the record: A corrected PDF has been uploaded and has replaced the incorrect attachment.The Notice of Electronic Filing will be regenerated to all parties. (cw) (Entered: 07/17/2020)
07/20/2020	33 R	ORDER: Based on this record, Plaintiff does not present any evidence indicating More Oregon's Border was reasonably diligent in collecting the required signatures, the Court denies Plaintiff's motion for emergency injunctive relief 7 . Signed on 7/20/2020 by Judge Michael J. McShane. (cp) (Entered: 07/20/2020)
07/22/2020	34	Notice of Correction by Clerk regarding 15 Answer to Complaint. A Clerical error has been discovered in the case record: The document (attachment #2, declaration) was missing pages (Exhibits). The following corrections were made to the record: A corrected PDF has been uploaded and has replaced the incorrect attachment.The Notice of Electronic Filing will be regenerated to all parties. (cw) (Entered: 07/22/2020)
07/22/2020	35	Motion for Preliminary Injunction. Filed by Michael R. McCarter. (Attachment: # 1 Proposed Order) (plb) (Entered: 07/22/2020)
07/22/2020	36	Declaration of Michael R. McCarter. Filed by Michael R. McCarter. (plb) (Entered: 07/22/2020)
07/27/2020	37	Response to Motion for Preliminary Injunction 35 . Filed by Stacie Geaney. (Attachments: # 1 Exhibit Ex. A, # 2 Exhibit Ex. B, # 3 Exhibit Ex. C) (Bailey, James) (Entered: 07/27/2020)
07/29/2020	38	First Memorandum in Opposition <i>6:20-CV-01048-MC</i> to Motion for Preliminary Injunction 35 . Filed by Jenine McDermid. (Attachments: # 1 Certificate of Service) (Wallace, Jeffrey) (Main Document 38 replaced on 7/29/2020) (cw). (Entered: 07/29/2020)
07/29/2020	39	Notice of Correction by Clerk regarding 38 Memorandum in Opposition. A Clerical error has been discovered in the case record: The incorrect PDF was attached. The following corrections were made to the record: A corrected PDF has been uploaded and has replaced the incorrect attachment.The Notice of Electronic Filing will be regenerated to all parties. (cw) (Entered: 07/29/2020)
08/05/2020	40	Motion to Dismiss . Filed by Kate Brown, Bev Clarno. (Beatty-Walters, Christina) (Entered: 08/05/2020)
08/05/2020	41	Response to Motion for Preliminary Injunction 35 . Filed by Kate Brown, Bev Clarno. (Beatty-Walters, Christina) (Entered: 08/05/2020)
08/07/2020	42	Response in Opposition <i>Curry County Clerk</i> to Motion for Preliminary Injunction 35 . Filed by Renee Kolen. (Attachments: # 1 Declaration of Kolen, # 2 Exhibit State election sched) (Huttl, John) (Entered: 08/07/2020)
08/07/2020	43	Motion to Dismiss for Failure to State a Claim . Filed by Renee Kolen. (Huttl, John) (Entered: 08/07/2020)
08/19/2020	44	Scheduling Order by Judge Michael J. McShane: Plaintiff appears pro se "in his official capacity as president of Move Oregon's Border." As the Court noted in the opinion

		denying Plaintiff's motion for injunctive relief, all of the requested relief concerns not Plaintiff individually, but the organization. Plaintiff does not appear to be an attorney and "artificial entities" such as Move Oregon's Border may appear in federal court only through the representation of a licensed attorney. Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993). Plaintiff may not appear pro se on behalf of the organization in an action demanding the organization's initiatives be placed on ballots. The organization is granted 14 days to file a notice of representation by a licensed attorney. Failure to file such a notice will result in a dismissal of this action, without prejudice. All briefings on the pending motion for preliminary injunction and motions to dismiss are stayed pending the filing of a notice of representation. Notice is due by 9/2/2020. Ordered by Judge Michael J. McShane. (cp) (Entered: 08/19/2020)
08/24/2020	45	Counter Response to Objections to Findings & Recommendation. Related document(s): 44 Scheduling,,,,. Filed by Michael R. McCarter. (Attachments: # 1 Proposed Document Representation) (McCarter, Michael) (Entered: 08/24/2020)
09/15/2020	46	Motion to Dismiss . Filed by Michael R. McCarter. (McCarter, Michael) (Entered: 09/15/2020)
09/17/2020	47	JUDGMENT: As the deadline for filing a notice of representation by a licensed attorney passed, this action is dismissed without prejudice. Signed on 9/17/2020 by Judge Michael J. McShane. (cp) (Entered: 09/17/2020)
09/17/2020	48	AMENDED JUDGMENT: Based on the record, this action is dismissed without prejudice. Signed on 9/17/2020 by Judge Michael J. McShane. (cp) (Entered: 09/17/2020)