

1
2
3
4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MARION

6 BEVERLY CLARNO, GARY WILHELMS,
7 JAMES L. WILCOX, and LARRY
8 CAMPBELL,

9 Petitioners,

10 v.

11 SHEMIA FAGAN, in her official capacity as
12 Secretary of State of Oregon,

13 Respondent.

Case No. 21CV40180

**Senior Judge Mary M. James, Presiding Judge
of Special Judicial Panel
Senior Judge Henry C. Breithaupt, Special
Master to Special Judicial Panel**

DECLARATION OF BRIAN SIMMONDS
MARSHALL IN SUPPORT OF LEGISLATIVE
ASSEMBLY'S COMBINED MOTION TO
QUASH SUBPOENAS AND MOTION FOR
PROTECTIVE ORDER AND MEMORANDUM
IN SUPPORT

ORS 20.140 - State fees deferred at filing

14
15
16 I, Brian Simmonds Marshall, declare under penalty of perjury as follows:

- 17 1. I am employed as a Senior Assistant Attorney General with the Oregon
18 Department of Justice.
- 19 2. Attachment A to this declaration is a true and correct copy of a Deposition
20 Subpoena to Senate President Peter Courtney and Request for Production of Documents
- 21 3. Attachment B to this declaration is a true and correct copy of a Deposition
22 Subpoena to House Speaker Tina Kotek and Request for Production of Documents.
- 23 4. Attachment C to this declaration is a true and correct copy of a Deposition
24 Subpoena to Senator Rob Wagner and Request for Production of Documents.

25
26 DECLARATION OF BRIAN SIMMONDS MARSHALL IN SUPPORT OF
LEGISLATIVE ASSEMBLY'S COMBINED MOTION TO QUASH SUBPOENAS AND
Page 1 MOTION FOR PROTECTIVE ORDER AND MEMORANDUM IN SUPPORT

BM2/jl9/

1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MARION**

6 **BEVERLY CLARNO, GARY**
7 **WILHELMS, JAMES L. WILCOX, and**
8 **LARRY CAMPBELL,**

9
10
11
12 **Petitioners**

13 **v.**

14 **SHEMIA FAGAN, in her official capacity as**
15 **Secretary of State of Oregon,**

16
17
18
19 **Respondent.**

Case No. 21CV40180

**DEPOSITION SUBPOENA AND
REQUEST FOR PRODUCTION OF
DOCUMENTS**

20
21
22
23
24
25
26
TO: Senator Peter Courtney:

YOU ARE HEREBY COMMANDED to appear via Zoom or similar technology, on Friday, October 22, 2021 at 8:00 a.m., to testify as a witness in the above-entitled cause, at the taking of a deposition before a certified court reporter and videographer, and to remain until the testimony is closed, unless you are sooner discharged. At the end of each day's attendance, you may demand of the party or the party's attorney the payment of legal witness fees for the next following day and if not then paid you are not obligated to remain longer in attendance.

YOU ARE FURTHER COMMANDED to bring with you and to permit inspection and copying thereof the following:

1 1. All Documents pertaining to the Criteria You considered, reviewed, relied on, and/or
2 used related to the 2021 congressional redistricting. (As used throughout these
3 Requests for Production, the term “Document(s)” shall be construed in the broadest
4 sense allowable under the rules of civil procedure and other applicable law. They
5 include the original and all copies, unless identical in both form and content, regardless
6 of origin or location, of written, drawn, recorded, filmed, or graphic matter, however
7 produced or reproduced, including recorded communications of any kind or nature
8 whatsoever, and any other such documents and tangible things. The term “Documents”
9 shall also include, but is not limited to (i) analyses of any proposed or draft Oregon
10 congressional redistricting map or partial map, (ii) analyses of the expected,
11 anticipated, and/or hoped-for effect of any proposed or draft Oregon congressional
12 redistricting map or partial map, (iii) all data related to or relied on for (i) and/or (ii),
13 and (iv) all notes, drafts, memoranda, and reports related to (i), (ii), and/or (iii). The
14 term “Criteria” shall have its natural meaning, but shall also include, and is not limited
15 to, the criteria listed in Oregon Revised Statutes § 188.010 and also includes any
16 anticipated effects on voter turnout and election results in any election in Oregon in
17 2022 to 2030. The term “You” and “Your” shall include Senator Peter Courtney, his
18 employees, staff members, and agents.)
19
20
21
22
23
24
25
26

- 1 2. All Documents related to the 2021 congressional redistricting You provided to the
2 House Redistricting Committee, Senate Redistricting Committee, and/or Oregon
3 Democrat Leaders. (As used throughout these Requests for Production, the term
4 “House Redistricting Committee” shall mean any of Representative Andrea Salinas,
5 Representative Wlnsvey Campos, Representative Khanh Pham, and each of their
6 employees, staff members, and agents. The term “Senate Redistricting Committee”
7 shall mean any of Senator Kathleen Taylor, Senator Lee Beyer, and Senator Lew
8 Frederick, and each of their employees, staff members, and agents. The term “Oregon
9 Democrat Leaders” shall mean any of House Speaker Tina Kotek, Senator Peter
10 Courtney, Senator Rob Wagner, Representative Barbara Smith Warner, Representative
11 Paul Holvey, and each of their employees, staff members, and agents.)
- 12 3. All Communications related to the 2021 redistricting, including but not limited to the
13 Criteria considered, relied on, and/or used; analyses, memoranda, reports, and/or data;
14 expected effects on congressional races in 2022 to 2030; and the composition of the
15 House Redistricting Committee. (As used throughout these Requests for Production,
16 the term “Communications” includes all forms of written or recorded communication,
17 including emails, texts, mobile device messages, chats, collaborative platforms (e.g.,
18 Teams, Slack), voicemails, and recorded video content.)
- 19
20
21
22
23
24
25
26

- 1 4. All 2021 Oregon congressional redistricting maps and partial maps, including all
2 related analyses and data, You proposed, suggested, drafted, drew, considered, and/or
3 sent to House Democrats, Senate Democrats, Oregon Congressional Democrats, the
4 Governor, the Secretary of State, and/or SEIU. (As used throughout these requests for
5 Production, the term “Governor” shall mean Governor Kate Brown, her employees,
6 staff members, and agents. The term “Secretary of State” shall mean Secretary of State
7 Shemia Fagan, her employees, staff members, and agents. The term SEIU shall
8 include, but is not limited to Melissa Unger, Courtney Graham, Len Norwitz, and
9 Benjamin Morris, their employees, staff members, and agents, Service Employees
10 International Union 503, its employees, staff members, and agents, and Service
11 Employees International Union 49, its employees, staff members, and agents.)
- 12 5. All Communications relating to the change in composition of the House Redistricting
13 Committee, including but not limited to House Speaker Tina Kotek, on April 14, 2021,
14 changing the composition of the House Redistricting Committee from three Democrats
15 and two Republicans to three Republicans and three Democrats; and Speaker Kotek,
16 on September 24, 2021, changing the composition of the House Redistricting
17 Committee from three Democrats and Three Republicans to two Democrats and one
18 Republican.
- 19 6. All contracts relating to the redistricting of Oregon’s congressional districts in 2021,
20 including but not limited to (i) draft or proposed Oregon congressional redistricting
21 maps; (ii) analyses of any proposed or draft Oregon congressional redistricting map or
22 partial map, and (iii) analyses of the expected, anticipated, and/or hoped-for effect of
23 any proposed or draft Oregon congressional redistricting map or partial map.
- 24 7. All Documents, including all data, analyses, memoranda and reports, including all
25 drafts, pertaining to the expected effects of Oregon Senate Bill 881-A on the 2022,
26 2024, 2026, 2028, and 2030 Oregon congressional races.

- 1 8. All Documents, including Communications, relating to Representative Andrea Salinas
2 running for Congress, including, but not limited to running in the 2022 election.
- 3 9. All Communications from January 1, 2021 to the present that contain any of the
4 following terms: “reapportionment,” “redistricting,” “congressional district,”
5 “congressional districts,” “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate
6 Bill 881,” “SB 259,” “Senate Bill 259,” “Census,” “Suzanne Bonamici,” “Earl
7 Blumenauer,” “Peter DeFazio,” and/or “Kurt Schrader.” (For purposes of this Request,
8 “reapportionment,” “redistricting,” “congressional district,” “congressional districts,”
9 “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate Bill 881,” “SB 259,”
10 “Senate Bill 259,” “Census,” must be searched in the subject line, the body, and any
11 attachments. “Suzanne Bonamici,” “Earl Blumenauer,” “Peter DeFazio,” and/or “Kurt
12 Schrader” must be searched in “to,” “from,” “cc,” and “bcc,” fields, the subject line,
13 the body, and any attachments.)
14

15 DATED this 15th day of October 2021.

16 **HARRIS BERNE CHRISTENSEN LLP**

17 By: /s/ Shawn M. Lindsay
18 Shawn M. Lindsay, OSB # 020695
19 Of Attorneys for Petitioners

20 Trial Attorney:
21 Shawn M. Lindsay, OSB # 020695
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing is a complete and exact copy of the original subpoena in
3 the above-entitled cause as the same appears in my hands for service.

4 Witness Fee \$ 30.00

5 Mileage (25 miles) \$ 5.00

6 Total \$ 35.00

7
8 I further certify that I am a competent person over the age of 18 years and I served the
9 within subpoena on October 15, 2021, on the within named individual by delivering a copy thereof
10 through their attorney by email and giving or offering to their attorney at the same time the fees
11 and mileage to which they are entitled for travel to and from the place designated in said subpoena
12 and one day's attendance.

13 /s/ Shawn Lindsay
14 Shawn M. Lindsay, OSB # 020695
 shawn@hbclawyers.com

15 DATED this 15th day of October 2021.

1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MARION**

6 **BEVERLY CLARNO, GARY**
7 **WILHELMS, JAMES L. WILCOX, and**
8 **LARRY CAMPBELL,**

9
10
11
12 **Petitioners**

13 **v.**

14 **SHEMIA FAGAN, in her official capacity as**
15 **Secretary of State of Oregon,**

16
17
18
19 **Respondent.**

20 Case No. 21CV40180

21 **DEPOSITION SUBPOENA AND**
22 **REQUEST FOR PRODUCTION OF**
23 **DOCUMENTS**

24 **TO: House Speaker Tina Kotek**

25 **YOU ARE HEREBY COMMANDED** to appear via Zoom or similar technology, on
26 Thursday, October 21, 2021 at 8:00 a.m., to testify as a witness in the above-entitled cause, at the
taking of a deposition before a certified court reporter and videographer, and to remain until the
testimony is closed, unless you are sooner discharged. At the end of each day's attendance, you
may demand of the party or the party's attorney the payment of legal witness fees for the next
following day and if not then paid you are not obligated to remain longer in attendance.

YOU ARE FURTHER COMMANDED to bring with you and to permit inspection and
copying thereof the following:

1 1. All Documents pertaining to the Criteria You considered, reviewed, relied on, and/or
2 used related to the 2021 congressional redistricting. (As used throughout these
3 Requests for Production, the term “Document(s)” shall be construed in the broadest
4 sense allowable under the rules of civil procedure and other applicable law. They
5 include the original and all copies, unless identical in both form and content, regardless
6 of origin or location, of written, drawn, recorded, filmed, or graphic matter, however
7 produced or reproduced, including recorded communications of any kind or nature
8 whatsoever, and any other such documents and tangible things. The term “Documents”
9 shall also include, but is not limited to (i) analyses of any proposed or draft Oregon
10 congressional redistricting map or partial map, (ii) analyses of the expected,
11 anticipated, and/or hoped-for effect of any proposed or draft Oregon congressional
12 redistricting map or partial map, (iii) all data related to or relied on for (i) and/or (ii),
13 and (iv) all notes, drafts, memoranda, and reports related to (i), (ii), and/or (iii). The
14 term “Criteria” shall have its natural meaning, but shall also include, and is not limited
15 to, the criteria listed in Oregon Revised Statutes § 188.010 and also includes any
16 anticipated effects on voter turnout and election results in any election in Oregon in
17 2022 to 2030. The term “You” and “Your” shall include House Speaker Tina Kotek,
18 her employees, staff members, and agents.)
19
20
21
22
23
24
25
26

- 1 2. All Documents related to the 2021 congressional redistricting You provided to the
2 House Redistricting Committee, Senate Redistricting Committee, and/or Oregon
3 Democrat Leaders. (As used throughout these Requests for Production, the term
4 “Senate Redistricting Committee” shall mean any of Senator Kathleen Taylor, Senator
5 Lee Beyer, and Senator Lew Frederick, and each of their employees, staff members,
6 and agents. The term “Oregon Democrat Leaders” shall mean any of House Speaker
7 Tina Kotek, Senator Peter Courtney, Senator Rob Wagner, Representative Barbara
8 Smith Warner, Representative Paul Holvey, and each of their employees, staff
9 members, and agents.)
- 10 3. All Communications related to the 2021 redistricting, including but not limited to the
11 Criteria considered, relied on, and/or used; analyses, memoranda, reports, and/or data;
12 expected effects on congressional races in 2022 to 2030; and the composition of the
13 House Redistricting Committee. (As used throughout these Requests for Production,
14 the term “Communications” includes all forms of written or recorded communication,
15 including emails, texts, mobile device messages, chats, collaborative platforms (e.g.,
16 Teams, Slack), voicemails, and recorded video content.)

- 1 4. All 2021 Oregon congressional redistricting maps and partial maps, including all
2 related analyses and data, You proposed, suggested, drafted, drew, considered, and/or
3 sent to House Democrats, Senate Democrats, Oregon Congressional Democrats, the
4 Governor, the Secretary of State, and/or SEIU. (As used throughout these requests for
5 Production, the term “Governor” shall mean Governor Kate Brown, her employees,
6 staff members, and agents. The term “Secretary of State” shall mean Secretary of State
7 Shemia Fagan, her employees, staff members, and agents. The term SEIU shall
8 include, but is not limited to Melissa Unger, Courtney Graham, Len Norwitz, and
9 Benjamin Morris, their employees, staff members, and agents, Service Employees
10 International Union 503, its employees, staff members, and agents, and Service
11 Employees International Union 49, its employees, staff members, and agents.)
- 12 5. All Communications relating to the change in composition of the House Redistricting
13 Committee, including but not limited to House Speaker Tina Kotek, on April 14, 2021,
14 changing the composition of the House Redistricting Committee from three Democrats
15 and two Republicans to three Republicans and three Democrats; and Speaker Kotek,
16 on September 24, 2021, changing the composition of the House Redistricting
17 Committee from three Democrats and Three Republicans to two Democrats and one
18 Republican.
- 19 6. All contracts relating to the redistricting of Oregon’s congressional districts in 2021,
20 including but not limited to (i) draft or proposed Oregon congressional redistricting
21 maps; (ii) analyses of any proposed or draft Oregon congressional redistricting map or
22 partial map, and (iii) analyses of the expected, anticipated, and/or hoped-for effect of
23 any proposed or draft Oregon congressional redistricting map or partial map.
- 24 7. All Documents, including all data, analyses, memoranda and reports, including all
25 drafts, pertaining to the expected effects of Oregon Senate Bill 881-A on the 2022,
26 2024, 2026, 2028, and 2030 Oregon congressional races.

- 1 8. All Documents, including Communications, relating to Representative Andrea Salinas
2 running for Congress, including, but not limited to running in the 2022 election.
- 3 9. All Communications from January 1, 2021 to the present that contain any of the
4 following terms: “reapportionment,” “redistricting,” “congressional district,”
5 “congressional districts,” “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate
6 Bill 881,” “SB 259,” “Senate Bill 259,” “Census,” “Suzanne Bonamici,” “Earl
7 Blumenauer,” “Peter DeFazio,” and/or “Kurt Schrader.” (For purposes of this Request,
8 “reapportionment,” “redistricting,” “congressional district,” “congressional districts,”
9 “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate Bill 881,” “SB 259,”
10 “Senate Bill 259,” “Census,” must be searched in the subject line, the body, and any
11 attachments. “Suzanne Bonamici,” “Earl Blumenauer,” “Peter DeFazio,” and/or “Kurt
12 Schrader” must be searched in “to,” “from,” “cc,” and “bcc,” fields, the subject line,
13 the body, and any attachments.)
14

15 DATED this 15th day of October 2021.

16 **HARRIS BERNE CHRISTENSEN LLP**

17 By: /s/ Shawn M. Lindsay
18 Shawn M. Lindsay, OSB # 020695
19 Of Attorneys for Petitioners

20 Trial Attorney:
21 Shawn M. Lindsay, OSB # 020695
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing is a complete and exact copy of the original subpoena in
3 the above-entitled cause as the same appears in my hands for service.

4 Witness Fee \$ 30.00

5 Mileage (25 miles) \$ 5.00

6 Total \$ 35.00

7
8 I further certify that I am a competent person over the age of 18 years and I served the
9 within subpoena on October 15, 2021, on the within named individual by delivering a copy thereof
10 through their attorney by email and giving or offering to their attorney at the same time the fees
11 and mileage to which they are entitled for travel to and from the place designated in said subpoena
12 and one day's attendance.

13 /s/ Shawn Lindsay
14 Shawn M. Lindsay, OSB # 020695
 shawn@hbclawyers.com

15 DATED this 15th day of October 2021.

1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MARION**

6 **BEVERLY CLARNO, GARY**
7 **WILHELMS, JAMES L. WILCOX, and**
8 **LARRY CAMPBELL,**

9
10
11
12 **Petitioners**

13 **v.**

14 **SHEMIA FAGAN, in her official capacity as**
15 **Secretary of State of Oregon,**

16
17
18
19 **Respondent.**

Case No. 21CV40180

**DEPOSITION SUBPOENA AND
REQUEST FOR PRODUCTION OF
DOCUMENTS**

20 **TO: Senator Rob Wagner:**

21
22 **YOU ARE HEREBY COMMANDED** to appear via Zoom or similar technology, on
23 Friday, October 22, 2021 at 4:00 p.m., to testify as a witness in the above-entitled cause, at the
24 taking of a deposition before a certified court reporter and videographer, and to remain until the
25 testimony is closed, unless you are sooner discharged. At the end of each day's attendance, you
26 may demand of the party or the party's attorney the payment of legal witness fees for the next
following day and if not then paid you are not obligated to remain longer in attendance.

YOU ARE FURTHER COMMANDED to bring with you and to permit inspection and
copying thereof the following:

1 1. All Documents pertaining to the Criteria You considered, reviewed, relied on, and/or
2 used related to the 2021 congressional redistricting. (As used throughout these
3 Requests for Production, the term “Document(s)” shall be construed in the broadest
4 sense allowable under the rules of civil procedure and other applicable law. They
5 include the original and all copies, unless identical in both form and content, regardless
6 of origin or location, of written, drawn, recorded, filmed, or graphic matter, however
7 produced or reproduced, including recorded communications of any kind or nature
8 whatsoever, and any other such documents and tangible things. The term “Documents”
9 shall also include, but is not limited to (i) analyses of any proposed or draft Oregon
10 congressional redistricting map or partial map, (ii) analyses of the expected,
11 anticipated, and/or hoped-for effect of any proposed or draft Oregon congressional
12 redistricting map or partial map, (iii) all data related to or relied on for (i) and/or (ii),
13 and (iv) all notes, drafts, memoranda, and reports related to (i), (ii), and/or (iii). The
14 term “Criteria” shall have its natural meaning, but shall also include, and is not limited
15 to, the criteria listed in Oregon Revised Statutes § 188.010 and also includes any
16 anticipated effects on voter turnout and election results in any election in Oregon in
17 2022 to 2030. The term “You” and “Your” shall include Senator Rob Wagner, his
18 employees, staff members, and agents.)
19
20
21
22
23
24
25
26

- 1 2. All Documents related to the 2021 congressional redistricting You provided to the
2 House Redistricting Committee, Senate Redistricting Committee, and/or Oregon
3 Democrat Leaders. (As used throughout these Requests for Production, the term
4 “House Redistricting Committee” shall mean any of Representative Andrea Salinas,
5 Representative Wlnsvey Campos, Representative Khanh Pham, and each of their
6 employees, staff members, and agents. The term “Senate Redistricting Committee”
7 shall mean any of Senator Kathleen Taylor, Senator Lee Beyer, and Senator Lew
8 Frederick, and each of their employees, staff members, and agents. The term “Oregon
9 Democrat Leaders” shall mean any of House Speaker Tina Kotek, Senator Peter
10 Courtney, Senator Rob Wagner, Representative Barbara Smith Warner, Representative
11 Paul Holvey, and each of their employees, staff members, and agents.)
- 12 3. All Communications related to the 2021 redistricting, including but not limited to the
13 Criteria considered, relied on, and/or used; analyses, memoranda, reports, and/or data;
14 expected effects on congressional races in 2022 to 2030; and the composition of the
15 House Redistricting Committee. (As used throughout these Requests for Production,
16 the term “Communications” includes all forms of written or recorded communication,
17 including emails, texts, mobile device messages, chats, collaborative platforms (e.g.,
18 Teams, Slack), voicemails, and recorded video content.)
- 19
20
21
22
23
24
25
26

- 1 4. All 2021 Oregon congressional redistricting maps and partial maps, including all
2 related analyses and data, You proposed, suggested, drafted, drew, considered, and/or
3 sent to House Democrats, Senate Democrats, Oregon Congressional Democrats, the
4 Governor, the Secretary of State, and/or SEIU. (As used throughout these requests for
5 Production, the term “Governor” shall mean Governor Kate Brown, her employees,
6 staff members, and agents. The term “Secretary of State” shall mean Secretary of State
7 Shemia Fagan, her employees, staff members, and agents. The term SEIU shall
8 include, but is not limited to Melissa Unger, Courtney Graham, Len Norwitz, and
9 Benjamin Morris, their employees, staff members, and agents, Service Employees
10 International Union 503, its employees, staff members, and agents, and Service
11 Employees International Union 49, its employees, staff members, and agents.)
- 12 5. All Communications relating to the change in composition of the House Redistricting
13 Committee, including but not limited to House Speaker Tina Kotek, on April 14, 2021,
14 changing the composition of the House Redistricting Committee from three Democrats
15 and two Republicans to three Republicans and three Democrats; and Speaker Kotek,
16 on September 24, 2021, changing the composition of the House Redistricting
17 Committee from three Democrats and Three Republicans to two Democrats and one
18 Republican.
- 19 6. All contracts relating to the redistricting of Oregon’s congressional districts in 2021,
20 including but not limited to (i) draft or proposed Oregon congressional redistricting
21 maps; (ii) analyses of any proposed or draft Oregon congressional redistricting map or
22 partial map, and (iii) analyses of the expected, anticipated, and/or hoped-for effect of
23 any proposed or draft Oregon congressional redistricting map or partial map.
- 24 7. All Documents, including all data, analyses, memoranda and reports, including all
25 drafts, pertaining to the expected effects of Oregon Senate Bill 881-A on the 2022,
26 2024, 2026, 2028, and 2030 Oregon congressional races.

- 1 8. All Documents, including Communications, relating to Representative Andrea Salinas
2 running for Congress, including, but not limited to running in the 2022 election.
- 3 9. All Communications from January 1, 2021 to the present that contain any of the
4 following terms: “reapportionment,” “redistricting,” “congressional district,”
5 “congressional districts,” “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate
6 Bill 881,” “SB 259,” “Senate Bill 259,” “Census,” “Suzanne Bonamici,” “Earl
7 Blumenauer,” “Peter DeFazio,” and/or “Kurt Schrader.” (For purposes of this Request,
8 “reapportionment,” “redistricting,” “congressional district,” “congressional districts,”
9 “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate Bill 881,” “SB 259,”
10 “Senate Bill 259,” “Census,” must be searched in the subject line, the body, and any
11 attachments. “Suzanne Bonamici,” “Earl Blumenauer,” “Peter DeFazio,” and/or “Kurt
12 Schrader” must be searched in “to,” “from,” “cc,” and “bcc,” fields, the subject line,
13 the body, and any attachments.)
14

15 DATED this 15th day of October 2021.

16 **HARRIS BERNE CHRISTENSEN LLP**

17 By: /s/ Shawn M. Lindsay
18 Shawn M. Lindsay, OSB # 020695
19 Of Attorneys for Petitioners

20 Trial Attorney:
21 Shawn M. Lindsay, OSB # 020695
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing is a complete and exact copy of the original subpoena in
3 the above-entitled cause as the same appears in my hands for service.

4 Witness Fee \$ 30.00

5 Mileage (25 miles) \$ 5.00

6 Total \$ 35.00

7
8 I further certify that I am a competent person over the age of 18 years and I served the
9 within subpoena on October 15, 2021, on the within named individual by delivering a copy thereof
10 through their attorney by email and giving or offering to their attorney at the same time the fees
11 and mileage to which they are entitled for travel to and from the place designated in said subpoena
12 and one day's attendance.

13 /s/ Shawn Lindsay
14 Shawn M. Lindsay, OSB # 020695
shawn@hbclawyers.com

15 DATED this 15th day of October 2021.

1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MARION**

6 **BEVERLY CLARNO, GARY**
7 **WILHELMS, JAMES L. WILCOX, and**
8 **LARRY CAMPBELL,**

9
10
11
12 **Petitioners**

13 **v.**

14 **SHEMIA FAGAN, in her official capacity as**
15 **Secretary of State of Oregon,**

16
17
18
19 **Respondent.**

Case No. 21CV40180

**DEPOSITION SUBPOENA AND
REQUEST FOR PRODUCTION OF
DOCUMENTS**

20 **TO: Representative Andrea Salinas:**

21
22 **YOU ARE HEREBY COMMANDED** to appear via Zoom or similar technology, on
23 Thursday, October 21, 2021 at 4:00 p.m., to testify as a witness in the above-entitled cause, at the
24 taking of a deposition before a certified court reporter and videographer, and to remain until the
25 testimony is closed, unless you are sooner discharged. At the end of each day's attendance, you
26 may demand of the party or the party's attorney the payment of legal witness fees for the next
following day and if not then paid you are not obligated to remain longer in attendance.

YOU ARE FURTHER COMMANDED to bring with you and to permit inspection and
copying thereof the following:

1 1. All Documents pertaining to the Criteria You considered, reviewed, relied on, and/or
2 used related to the 2021 congressional redistricting. (As used throughout these
3 Requests for Production, the term “Document(s)” shall be construed in the broadest
4 sense allowable under the rules of civil procedure and other applicable law. They
5 include the original and all copies, unless identical in both form and content, regardless
6 of origin or location, of written, drawn, recorded, filmed, or graphic matter, however
7 produced or reproduced, including recorded communications of any kind or nature
8 whatsoever, and any other such documents and tangible things. The term “Documents”
9 shall also include, but is not limited to (i) analyses of any proposed or draft Oregon
10 congressional redistricting map or partial map, (ii) analyses of the expected,
11 anticipated, and/or hoped-for effect of any proposed or draft Oregon congressional
12 redistricting map or partial map, (iii) all data related to or relied on for (i) and/or (ii),
13 and (iv) all notes, drafts, memoranda, and reports related to (i), (ii), and/or (iii). The
14 term “Criteria” shall have its natural meaning, but shall also include, and is not limited
15 to, the criteria listed in Oregon Revised Statutes § 188.010 and also includes any
16 anticipated effects on voter turnout and election results in any election in Oregon in
17 2022 to 2030. The term “You” and “Your” shall include Representative Andrea
18 Salinas, her employees, staff members, and agents.)
19
20
21
22
23
24
25
26

- 1 2. All Documents related to the 2021 congressional redistricting You provided to the
2 House Redistricting Committee, Senate Redistricting Committee, and/or Oregon
3 Democrat Leaders. (As used throughout these Requests for Production, the term “2021
4 Oregon Congressional Redistricting Process” shall mean all steps taken to draft any
5 congressional redistricting map and enact Senate Bill 881-A. The term “Senate
6 Redistricting Committee” shall mean any of Senator Kathleen Taylor, Senator Lee
7 Beyer, and Senator Lew Frederick, and each of their employees, staff members, and
8 agents. The term “Oregon Democrat Leaders” shall mean any of House Speaker Tina
9 Kotek, Senator Peter Courtney, Senator Rob Wagner, Representative Barbara Smith
10 Warner, Representative Paul Holvey, and each of their employees, staff members, and
11 agents.)
- 12 3. All Communications related to the 2021 redistricting, including but not limited to the
13 Criteria considered, relied on, and/or used; analyses, memoranda, reports, and/or data;
14 expected effects on congressional races in 2022 to 2030; and the composition of the
15 House Redistricting Committee. (As used throughout these Requests for Production,
16 the term “Communications” includes all forms of written or recorded communication,
17 including emails, texts, mobile device messages, chats, collaborative platforms (e.g.,
18 Teams, Slack), voicemails, and recorded video content.)

- 1 4. All 2021 Oregon congressional redistricting maps and partial maps, including all
2 related analyses and data, You proposed, suggested, drafted, drew, considered, and/or
3 sent to House Democrats, Senate Democrats, Oregon Congressional Democrats, the
4 Governor, the Secretary of State, and/or SEIU. (As used throughout these requests for
5 Production, the term “Governor” shall mean Governor Kate Brown, her employees,
6 staff members, and agents. The term “Secretary of State” shall mean Secretary of State
7 Shemia Fagan, her employees, staff members, and agents. The term SEIU shall
8 include, but is not limited to Melissa Unger, Courtney Graham, Len Norwitz, and
9 Benjamin Morris, their employees, staff members, and agents, Service Employees
10 International Union 503, its employees, staff members, and agents, and Service
11 Employees International Union 49, its employees, staff members, and agents.)
- 12 5. All Communications relating to the change in composition of the House Redistricting
13 Committee, including but not limited to House Speaker Tina Kotek, on April 14, 2021,
14 changing the composition of the House Redistricting Committee from three Democrats
15 and two Republicans to three Republicans and three Democrats; and Speaker Kotek,
16 on September 24, 2021, changing the composition of the House Redistricting
17 Committee from three Democrats and Three Republicans to two Democrats and one
18 Republican.
- 19 6. All contracts relating to the redistricting of Oregon’s congressional districts in 2021,
20 including but not limited to (i) draft or proposed Oregon congressional redistricting
21 maps; (ii) analyses of any proposed or draft Oregon congressional redistricting map or
22 partial map, and (iii) analyses of the expected, anticipated, and/or hoped-for effect of
23 any proposed or draft Oregon congressional redistricting map or partial map.
- 24 7. All Documents, including all data, analyses, memoranda and reports, including all
25 drafts, pertaining to the expected effects of Oregon Senate Bill 881-A on the 2022,
26 2024, 2026, 2028, and 2030 Oregon congressional races.

- 1 8. All Documents, including Communications, relating to You running for Congress,
2 including, but not limited to running in the 2022 election.
- 3 9. All Communications from January 1, 2021 to the present that contain any of the
4 following terms: “reapportionment,” “redistricting,” “congressional district,”
5 “congressional districts,” “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate
6 Bill 881,” “SB 259,” “Senate Bill 259,” “Census,” “Suzanne Bonamici,” “Earl
7 Blumenauer,” “Peter DeFazio,” and/or “Kurt Schrader.” (For purposes of this Request,
8 “reapportionment,” “redistricting,” “congressional district,” “congressional districts,”
9 “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate Bill 881,” “SB 259,”
10 “Senate Bill 259,” “Census,” must be searched in the subject line, the body, and any
11 attachments. “Suzanne Bonamici,” “Earl Blumenauer,” “Peter DeFazio,” and/or “Kurt
12 Schrader” must be searched in “to,” “from,” “cc,” and “bcc,” fields, the subject line,
13 the body, and any attachments.)
14

15 DATED this 15th day of October 2021.

16 **HARRIS BERNE CHRISTENSEN LLP**

17 By: /s/ Shawn M. Lindsay
18 Shawn M. Lindsay, OSB # 020695
19 Of Attorneys for Petitioners

20 Trial Attorney:
21 Shawn M. Lindsay, OSB # 020695
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing is a complete and exact copy of the original subpoena in
3 the above-entitled cause as the same appears in my hands for service.

4 Witness Fee \$ 30.00

5 Mileage (25 miles) \$ 5.00

6 Total \$ 35.00

7
8 I further certify that I am a competent person over the age of 18 years and I served the
9 within subpoena on October 15, 2021, on the within named individual by delivering a copy thereof
10 through their attorney by email and giving or offering to their attorney at the same time the fees
11 and mileage to which they are entitled for travel to and from the place designated in said subpoena
12 and one day's attendance.

13 /s/ Shawn Lindsay
14 Shawn M. Lindsay, OSB # 020695
 shawn@hbclawyers.com

15 DATED this 15th day of October 2021.

1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MARION**

6 **BEVERLY CLARNO, GARY**
7 **WILHELMS, JAMES L. WILCOX, and**
8 **LARRY CAMPBELL,**

9
10
11
12 **Petitioners**

13 **v.**

14 **SHEMIA FAGAN, in her official capacity as**
15 **Secretary of State of Oregon,**

16
17
18
19 **Respondent.**

Case No. 21CV40180

**DEPOSITION SUBPOENA AND
REQUEST FOR PRODUCTION OF
DOCUMENTS**

20 **TO: Representative Wlnsvey Campos:**

21
22 **YOU ARE HEREBY COMMANDED** to appear via Zoom or similar technology, on
23 Thursday, October 21, 2021 at 8:00 a.m., to testify as a witness in the above-entitled cause, at the
24 taking of a deposition before a certified court reporter and videographer, and to remain until the
25 testimony is closed, unless you are sooner discharged. At the end of each day's attendance, you
26 may demand of the party or the party's attorney the payment of legal witness fees for the next
following day and if not then paid you are not obligated to remain longer in attendance.

YOU ARE FURTHER COMMANDED to bring with you and to permit inspection and
copying thereof the following:

1 1. All Documents pertaining to the Criteria You considered, reviewed, relied on, and/or
2 used related to the 2021 congressional redistricting. (As used throughout these
3 Requests for Production, the term “Document(s)” shall be construed in the broadest
4 sense allowable under the rules of civil procedure and other applicable law. They
5 include the original and all copies, unless identical in both form and content, regardless
6 of origin or location, of written, drawn, recorded, filmed, or graphic matter, however
7 produced or reproduced, including recorded communications of any kind or nature
8 whatsoever, and any other such documents and tangible things. The term “Documents”
9 shall also include, but is not limited to (i) analyses of any proposed or draft Oregon
10 congressional redistricting map or partial map, (ii) analyses of the expected,
11 anticipated, and/or hoped-for effect of any proposed or draft Oregon congressional
12 redistricting map or partial map, (iii) all data related to or relied on for (i) and/or (ii),
13 and (iv) all notes, drafts, memoranda, and reports related to (i), (ii), and/or (iii). The
14 term “Criteria” shall have its natural meaning, but shall also include, and is not limited
15 to, the criteria listed in Oregon Revised Statutes § 188.010 and also includes any
16 anticipated effects on voter turnout and election results in any election in Oregon in
17 2022 to 2030. The term “You” and “Your” shall include Representative Wlnsvey
18 Campos, her employees, staff members, and agents.)
19
20
21
22
23
24
25
26

- 1 2. All Documents related to the 2021 congressional redistricting You provided to the
2 House Redistricting Committee, Senate Redistricting Committee, and/or Oregon
3 Democrat Leaders. (As used throughout these Requests for Production, the term
4 “House Redistricting Committee” shall mean any of Representative Andrea Salinas,
5 Representative Wlnsvey Campos, Representative Khanh Pham, and each of their
6 employees, staff members, and agents. The term “Senate Redistricting Committee”
7 shall mean any of Senator Kathleen Taylor, Senator Lee Beyer, and Senator Lew
8 Frederick, and each of their employees, staff members, and agents. The term “Oregon
9 Democrat Leaders” shall mean any of House Speaker Tina Kotek, Senator Peter
10 Courtney, Senator Rob Wagner, Representative Barbara Smith Warner, Representative
11 Paul Holvey, and each of their employees, staff members, and agents.)
- 12 3. All Communications related to the 2021 redistricting, including but not limited to the
13 Criteria considered, relied on, and/or used; analyses, memoranda, reports, and/or data;
14 expected effects on congressional races in 2022 to 2030; and the composition of the
15 House Redistricting Committee. (As used throughout these Requests for Production,
16 the term “Communications” includes all forms of written or recorded communication,
17 including emails, texts, mobile device messages, chats, collaborative platforms (e.g.,
18 Teams, Slack), voicemails, and recorded video content.)

- 1 4. All 2021 Oregon congressional redistricting maps and partial maps, including all
2 related analyses and data, You proposed, suggested, drafted, drew, considered, and/or
3 sent to House Democrats, Senate Democrats, Oregon Congressional Democrats, the
4 Governor, the Secretary of State, and/or SEIU. (As used throughout these requests for
5 Production, the term “Governor” shall mean Governor Kate Brown, her employees,
6 staff members, and agents. The term “Secretary of State” shall mean Secretary of State
7 Shemia Fagan, her employees, staff members, and agents. The term SEIU shall
8 include, but is not limited to Melissa Unger, Courtney Graham, Len Norwitz, and
9 Benjamin Morris, their employees, staff members, and agents, Service Employees
10 International Union 503, its employees, staff members, and agents, and Service
11 Employees International Union 49, its employees, staff members, and agents.)
- 12 5. All Communications relating to the change in composition of the House Redistricting
13 Committee, including but not limited to House Speaker Tina Kotek, on April 14, 2021,
14 changing the composition of the House Redistricting Committee from three Democrats
15 and two Republicans to three Republicans and three Democrats; and Speaker Kotek,
16 on September 24, 2021, changing the composition of the House Redistricting
17 Committee from three Democrats and Three Republicans to two Democrats and one
18 Republican.
- 19 6. All contracts relating to the redistricting of Oregon’s congressional districts in 2021,
20 including but not limited to (i) draft or proposed Oregon congressional redistricting
21 maps; (ii) analyses of any proposed or draft Oregon congressional redistricting map or
22 partial map, and (iii) analyses of the expected, anticipated, and/or hoped-for effect of
23 any proposed or draft Oregon congressional redistricting map or partial map.
- 24 7. All Documents, including all data, analyses, memoranda and reports, including all
25 drafts, pertaining to the expected effects of Oregon Senate Bill 881-A on the 2022,
26 2024, 2026, 2028, and 2030 Oregon congressional races.

- 1 8. All Documents, including Communications, relating to Representative Andrea Salinas
2 running for Congress, including, but not limited to running in the 2022 election.
- 3 9. All Communications from January 1, 2021 to the present that contain any of the
4 following terms: “reapportionment,” “redistricting,” “congressional district,”
5 “congressional districts,” “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate
6 Bill 881,” “SB 259,” “Senate Bill 259,” “Census,” “Suzanne Bonamici,” “Earl
7 Blumenauer,” “Peter DeFazio,” and/or “Kurt Schrader.” (For purposes of this Request,
8 “reapportionment,” “redistricting,” “congressional district,” “congressional districts,”
9 “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate Bill 881,” “SB 259,”
10 “Senate Bill 259,” “Census,” must be searched in the subject line, the body, and any
11 attachments. “Suzanne Bonamici,” “Earl Blumenauer,” “Peter DeFazio,” and/or “Kurt
12 Schrader” must be searched in “to,” “from,” “cc,” and “bcc,” fields, the subject line,
13 the body, and any attachments.)
14

15 DATED this 15th day of October 2021.

16 **HARRIS BERNE CHRISTENSEN LLP**

17 By: /s/ Shawn M. Lindsay
18 Shawn M. Lindsay, OSB # 020695
19 Of Attorneys for Petitioners

20 Trial Attorney:
21 Shawn M. Lindsay, OSB # 020695
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing is a complete and exact copy of the original subpoena in
3 the above-entitled cause as the same appears in my hands for service.

4 Witness Fee \$ 30.00

5 Mileage (25 miles) \$ 5.00

6 Total \$ 35.00

7
8 I further certify that I am a competent person over the age of 18 years and I served the
9 within subpoena on October 15, 2021, on the within named individual by delivering a copy thereof
10 through their attorney by email and giving or offering to their attorney at the same time the fees
11 and mileage to which they are entitled for travel to and from the place designated in said subpoena
12 and one day's attendance.

13 /s/ Shawn Lindsay
14 Shawn M. Lindsay, OSB # 020695
 shawn@hbclawyers.com

15 DATED this 15th day of October 2021.

1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MARION**

6 **BEVERLY CLARNO, GARY**
7 **WILHELMS, JAMES L. WILCOX, and**
8 **LARRY CAMPBELL,**

9
10
11
12 **Petitioners**

13 **v.**

14 **SHEMIA FAGAN, in her official capacity as**
15 **Secretary of State of Oregon,**

16
17
18
19 **Respondent.**

Case No. 21CV40180

**DEPOSITION SUBPOENA AND
REQUEST FOR PRODUCTION OF
DOCUMENTS**

20
21
22
23
24
25
26
TO: Representative Khanh Pham:

YOU ARE HEREBY COMMANDED to appear via Zoom or similar technology, on Friday, October 22, 2021 at 4:00 p.m., to testify as a witness in the above-entitled cause, at the taking of a deposition before a certified court reporter and videographer, and to remain until the testimony is closed, unless you are sooner discharged. At the end of each day's attendance, you may demand of the party or the party's attorney the payment of legal witness fees for the next following day and if not then paid you are not obligated to remain longer in attendance.

YOU ARE FURTHER COMMANDED to bring with you and to permit inspection and copying thereof the following:

1 1. All Documents pertaining to the Criteria You considered, reviewed, relied on, and/or
2 used related to the 2021 congressional redistricting. (As used throughout these
3 Requests for Production, the term “Document(s)” shall be construed in the broadest
4 sense allowable under the rules of civil procedure and other applicable law. They
5 include the original and all copies, unless identical in both form and content, regardless
6 of origin or location, of written, drawn, recorded, filmed, or graphic matter, however
7 produced or reproduced, including recorded communications of any kind or nature
8 whatsoever, and any other such documents and tangible things. The term “Documents”
9 shall also include, but is not limited to (i) analyses of any proposed or draft Oregon
10 congressional redistricting map or partial map, (ii) analyses of the expected,
11 anticipated, and/or hoped-for effect of any proposed or draft Oregon congressional
12 redistricting map or partial map, (iii) all data related to or relied on for (i) and/or (ii),
13 and (iv) all notes, drafts, memoranda, and reports related to (i), (ii), and/or (iii). The
14 term “Criteria” shall have its natural meaning, but shall also include, and is not limited
15 to, the criteria listed in Oregon Revised Statutes § 188.010 and also includes any
16 anticipated effects on voter turnout and election results in any election in Oregon in
17 2022 to 2030. The term “You” and “Your” shall include Representative Khanh Pham,
18 her employees, staff members, and agents.)
19
20
21
22
23
24
25
26

- 1 2. All Documents related to the 2021 congressional redistricting You provided to the
2 House Redistricting Committee, Senate Redistricting Committee, and/or Oregon
3 Democrat Leaders. (As used throughout these Requests for Production, the term
4 “House Redistricting Committee” shall mean any of Representative Andrea Salinas,
5 Representative Wlnsvey Campos, Representative Khanh Pham, and each of their
6 employees, staff members, and agents. The term “Senate Redistricting Committee”
7 shall mean any of Senator Kathleen Taylor, Senator Lee Beyer, and Senator Lew
8 Frederick, and each of their employees, staff members, and agents. The term “Oregon
9 Democrat Leaders” shall mean any of House Speaker Tina Kotek, Senator Peter
10 Courtney, Senator Rob Wagner, Representative Barbara Smith Warner, Representative
11 Paul Holvey, and each of their employees, staff members, and agents.)
- 12 3. All Communications related to the 2021 redistricting, including but not limited to the
13 Criteria considered, relied on, and/or used; analyses, memoranda, reports, and/or data;
14 expected effects on congressional races in 2022 to 2030; and the composition of the
15 House Redistricting Committee. (As used throughout these Requests for Production,
16 the term “Communications” includes all forms of written or recorded communication,
17 including emails, texts, mobile device messages, chats, collaborative platforms (e.g.,
18 Teams, Slack), voicemails, and recorded video content.)

- 1 4. All 2021 Oregon congressional redistricting maps and partial maps, including all
2 related analyses and data, You proposed, suggested, drafted, drew, considered, and/or
3 sent to House Democrats, Senate Democrats, Oregon Congressional Democrats, the
4 Governor, the Secretary of State, and/or SEIU. (As used throughout these requests for
5 Production, the term “Governor” shall mean Governor Kate Brown, her employees,
6 staff members, and agents. The term “Secretary of State” shall mean Secretary of State
7 Shemia Fagan, her employees, staff members, and agents. The term SEIU shall
8 include, but is not limited to Melissa Unger, Courtney Graham, Len Norwitz, and
9 Benjamin Morris, their employees, staff members, and agents, Service Employees
10 International Union 503, its employees, staff members, and agents, and Service
11 Employees International Union 49, its employees, staff members, and agents.)
- 12 5. All Communications relating to the change in composition of the House Redistricting
13 Committee, including but not limited to House Speaker Tina Kotek, on April 14, 2021,
14 changing the composition of the House Redistricting Committee from three Democrats
15 and two Republicans to three Republicans and three Democrats; and Speaker Kotek,
16 on September 24, 2021, changing the composition of the House Redistricting
17 Committee from three Democrats and Three Republicans to two Democrats and one
18 Republican.
- 19 6. All contracts relating to the redistricting of Oregon’s congressional districts in 2021,
20 including but not limited to (i) draft or proposed Oregon congressional redistricting
21 maps; (ii) analyses of any proposed or draft Oregon congressional redistricting map or
22 partial map, and (iii) analyses of the expected, anticipated, and/or hoped-for effect of
23 any proposed or draft Oregon congressional redistricting map or partial map.
- 24 7. All Documents, including all data, analyses, memoranda and reports, including all
25 drafts, pertaining to the expected effects of Oregon Senate Bill 881-A on the 2022,
26 2024, 2026, 2028, and 2030 Oregon congressional races.

- 1 8. All Documents, including Communications, relating to Representative Andrea Salinas
2 running for Congress, including, but not limited to running in the 2022 election.
- 3 9. All Communications from January 1, 2021 to the present that contain any of the
4 following terms: “reapportionment,” “redistricting,” “congressional district,”
5 “congressional districts,” “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate
6 Bill 881,” “SB 259,” “Senate Bill 259,” “Census,” “Suzanne Bonamici,” “Earl
7 Blumenauer,” “Peter DeFazio,” and/or “Kurt Schrader.” (For purposes of this Request,
8 “reapportionment,” “redistricting,” “congressional district,” “congressional districts,”
9 “gerrymander,” “188.010,” “Hartung,” “SB 881,” “Senate Bill 881,” “SB 259,”
10 “Senate Bill 259,” “Census,” must be searched in the subject line, the body, and any
11 attachments. “Suzanne Bonamici,” “Earl Blumenauer,” “Peter DeFazio,” and/or “Kurt
12 Schrader” must be searched in “to,” “from,” “cc,” and “bcc,” fields, the subject line,
13 the body, and any attachments.)
14

15 DATED this 15th day of October 2021.

16 **HARRIS BERNE CHRISTENSEN LLP**

17 By: /s/ Shawn M. Lindsay
18 Shawn M. Lindsay, OSB # 020695
19 Of Attorneys for Petitioners

20 Trial Attorney:
21 Shawn M. Lindsay, OSB # 020695
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing is a complete and exact copy of the original subpoena in
3 the above-entitled cause as the same appears in my hands for service.

4 Witness Fee \$ 30.00

5 Mileage (25 miles) \$ 5.00

6 Total \$ 35.00

7
8 I further certify that I am a competent person over the age of 18 years and I served the
9 within subpoena on October 15, 2021, on the within named individual by delivering a copy thereof
10 through their attorney by email and giving or offering to their attorney at the same time the fees
11 and mileage to which they are entitled for travel to and from the place designated in said subpoena
12 and one day's attendance.

13 /s/ Shawn Lindsay
14 Shawn M. Lindsay, OSB # 020695
 shawn@hbclawyers.com

15 DATED this 15th day of October 2021.

1 **CERTIFICATE OF SERVICE**

2 I certify that on October 18, 2021, I served the foregoing DECLARATION OF
3 BRIAN SIMMONDS MARSHALL IN SUPPORT OF LEGISLATIVE ASSEMBLY'S
4 COMBINED MOTION TO QUASH SUBPOENAS AND MOTION FOR PROTECTIVE
5 ORDER AND MEMORANDUM IN SUPPORT upon the parties hereto by the method indicated
6 below, and addressed to the following:

7 Shawn M. Lindsay
8 Harris Berne Christensen LLP
9 15350 SW Sequoia Parkway, Suite 250
10 Portland, OR 97224
Of Attorneys for Petitioners

 HAND DELIVERY
 X MAIL DELIVERY
 OVERNIGHT MAIL
 X E-MAIL
 X SERVED BY E-FILING

11 Misha Tseytlin
12 Troutman Pepper Hamilton Sanders LLP
13 227 W. Monroe Street, Ste. 3900
14 Chicago, IL 60606
Of Attorneys for Petitioners

 HAND DELIVERY
 X MAIL DELIVERY
 OVERNIGHT MAIL
 X E-MAIL
 X SERVED BY E-FILING

15 s/ Brian Simmonds Marshall
16 BRIAN SIMMONDS MARSHALL #196129
17 Senior Assistant Attorney General
18 SADIE FORZLEY #151025
19 ALEXANDER C. JONES #213898
20 Assistant Attorneys General
21 Trial Attorneys
22 Tel (971) 673-1880
23 Fax (971) 673-5000
24 Brian.S.Marshall@doj.state.or.us
25 Sadie.Forzley@doj.state.or.us
26 Alex.Jones@doj.state.or.us
Of Attorneys for Respondent and Legislative
Assembly