

DANIEL MEEK
OSB No. 791242
10266 SW Lancaster Road
Portland, OR 97219
503-293-9021 voice
855-280-0488 fax
dan@mEEK.net

Attorney for Plaintiffs:
PEOPLE NOT POLITICIANS OREGON,
COMMON CAUSE, LEAGUE OF WOMEN
VOTERS OF OREGON, NAACP OF
EUGENE/SPRINGFIELD, INDEPENDENT
PARTY OF OREGON, and C. NORMAN
TURRILL

ELLEN F. ROSENBLUM
Attorney General
CHRISTINA L. BEATTY-WALTERS
#981634
BRIAN SIMMONDS MARSHALL
#196129
Senior Assistant Attorneys General
SHAUNEE MORGAN #194256
Assistant Attorney General
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: (971) 673-1880
Fax: (971) 673-5000
Email: Tina.BeattyWalters@doj.state.or.us
Brian.S.Marshall@doj.state.or.us
Shaunee.Morgan@doj.state.or.us

Attorneys for Defendant Oregon Secretary of
State

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PEOPLE NOT POLITICIANS OREGON,
COMMON CAUSE, LEAGUE OF WOMEN
VOTERS OF OREGON, NAACP OF
EUGENE/SPRINGFIELD, INDEPENDENT
PARTY OF OREGON, and C. NORMAN
TURRILL,

Plaintiffs,

v.

BEVERLY CLARNO, OREGON
SECRETARY OF STATE,

Defendant.

Case No. 6:20-cv-01053-MC

JOINT MOTION TO STAY DISCOVERY

MOTION

People Not Politicians Oregon, Common Cause, League of Women Voters of Oregon, NAACP of Eugene/Springfield, Independent Party of Oregon, C. Norman Turrill, and the Oregon Secretary of State (collectively, “Parties”) jointly move the Court to order that:

1. All discovery is stayed pending resolution of the Defendant’s Motion to Dismiss (ECF No. 44).
2. If the Defendant’s Motion to Dismiss (ECF No. 44) is denied, the Parties are ordered to file a Joint Case Management Plan within 14 days of the Court’s order proposing a schedule to allow the Parties to complete discovery before Defendant responds to Plaintiffs’ Motion for Summary Judgment (ECF No. 41).

This motion is supported by the following Memorandum.

MEMORANDUM

This Court has “wide discretion in controlling discovery” and a decision to stay discovery “will not be overturned unless there is a clear abuse of discretion.” *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). In *Little*, the Ninth Circuit upheld a decision to stay discovery because the stay “furthers the goal of efficiency for the court and litigants” and because “discovery could not have affected” the issue the Court determined during the stay. *Id.*; *see also Alaska Cargo Transp., Inc. v. Alaska R.R. Corp.*, 5 F.3d 378, 383 (9th Cir. 1993) (affirming a stay of discovery when there was no indication that “the discovery sought was relevant to whether or not the court ha[d] subject matter jurisdiction”).

Here, the parties agree a stay of discovery is warranted. The Secretary of State’s pending motion to dismiss challenges the Court’s jurisdiction to adjudicate Plaintiffs’ claims. *See* ECF No. 44. That motion challenges the legal, not the factual, sufficiency of Plaintiffs’ allegations and, if granted, would dismiss Plaintiffs’ claims in their entirety. The Court has already stayed briefing on Plaintiffs’ pending motion for summary judgment to first resolve the jurisdictional issues raised in the Secretary’s motion. Staying discovery pending the resolution of the motion

to dismiss would promote judicial efficiency and efficiency for the litigants. Discovery is not necessary for the Court's resolution of the Secretary's motion. Under the circumstances, a stay of discovery is appropriate at this time and would promote the efficient resolution of this case. For these reasons, the parties jointly request their motion be granted.

DATED March 12, 2021.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Daniel Meek
Daniel Meek
Attorneys for Plaintiffs
PEOPLE NOT POLITICIANS OREGON;
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WOMEN
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s/ Christina L. Beatty-Walters
CHRISTINA L. BEATTY-WALTERS
#981634
BRIAN SIMMONDS MARSHALL
#196129
Senior Assistant Attorneys General
SHAUNEE MORGAN #194256
Assistant Attorney General
Trial Attorneys
Tel (971) 673-1880
Fax (971) 673-5000
Tina.BeattyWalters@doj.state.or.us
Brian.S.Marshall@doj.state.or.us
Shaunee.Morgan@doj.state.or.us
Attorneys for Defendant Oregon Secretary
of State