



Oregon

Kate Brown, Governor

Oregon Judicial Department
Columbia County Circuit Court
230 Strand Street
St. Helens, OR 97051
(503) 397-2327
Fax: (503) 397-3226
<http://courts.oregon.gov/Columbia>

July 29, 2021

Ms. Sarah Hanson
Columbia Co. Counsel
230 Strand Room 20
St. Helens OR 97051

Mr. Steven Berman
Stoll Berne PC
209 SW Oak St Ste 500
Portland OR 97204

Mr. Brian Marshall
Oregon Department of Justice
100 SW Market Street
Portland OR 97201

Mr. Tyler Smith
Tyler Smith & Associates PC
181 N. Grant St Ste 212
Canby OR 97013

Re: Columbia County vs. In Rem
Columbia County Circuit Court Case No. 21CV12796

Dear Ms. Hanson, Mr. Berman, Mr. Marshall, and Mr. Smith:

While a governing body may seek review of an ordinance, even one that incorporates initiative measures, judicial examination still requires a justiciable controversy. ORS 3.710(4). Petitioners have not demonstrated such a controversy.

Petitioners do not seek to defend their ordinance from a challenge or resolve some conflict between parties. They do not attempt to overcome resistance from the Sheriff or State Police, nor, as apparent from their pleadings, would they defend their ordinance at all even if challenged. Instead, Petitioners seek what amounts to an advisory opinion designed to invalidate their own newly passed ordinance.

This lack of controversy is not cured by the appearance of intervenors. *Teledyne Industries v. Paulus*, 279 Or 665, 670 (1984) (“Justiciability does not depend on the fortuitous appearance of an intervenor.”).

Ms. Hanson, Mr. Berman, Mr. Marshall, and Mr. Smith

Page 2

July 29, 2021

Petitioners do not have authority to seek, and the court does not have authority to grant, review of an ordinance without a justiciable controversy. Intervenors' request to dismiss the petition is granted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted E. Grove', with a long horizontal flourish extending to the right.

Ted E. Grove
Presiding Judge

TEG:cf

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF COLUMBIA
230 Strand St. St. Helens Oregon 97051

Columbia County

Plaintiff

v.

In Rem; Raven Brumbles; Larry Erickson; Keith
Forsythe; Ruth Nelson; Oregon Firearms
Federation; Gun Owners of America
Foundation; Gun Owners Foundation

Defendant

Case No: 21CV12796

**GENERAL JUDGMENT OF
DISMISSAL**

THIS CASE IS DISMISSED { with without } prejudice.

No costs and fees are awarded to any party.

7/29/2021



Ted E. Grove, Circuit Court Judge