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Of Attorneys for Sheriff Hunter

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

CYNTHIA LADD; GUN OWNERS OF AMERICA, INC.; and GUN OWNERS FOUNDATION,

Plaintiffs,

v.

NICK HUNTER, in his official capacity as Sheriff of Marion County, Oregon; and CITY OF SALEM, an Orgon Municipal corporation,

Defendants.

Case No. 6:26-cv-01883

SHERIFF NICK HUNTER'S ANSWER TO COMPLAINT

Defendant Nick Hunter, in his official capacity as Sheriff of Marion County ("Sheriff Hunter"), hereby answers the Complaint, ECF No. 1. Sheriff Hunter denies all allegations not specifically admitted, except to the extent those allegations contain conclusions of law, as no response is required. Section headings are included solely for organizational convenience and do

not constitute allegations.

INTRODUCTION

1.

Plaintiff's' Paragraphs 1-6 of their complaint call for legal conclusions rather than the admittance or denial of a fact, and as such no response is required.

2.

Sheriff Hunter admits Plaintiff's Paragraph 7.

3.

Plaintiffs' Paragraphs 8-13 of their complaint call for legal conclusions rather than the admittance or denial of a fact, and as such no response is required.

PARTIES

4.

Sheriff Hunter lacks sufficient knowledge as to Plaintiff Ladd or her residency to admit or deny the allegations of Plaintiffs' Paragraphs 14-18 and therefore denies the same.

5.

Plaintiffs' Paragraphs 19-22 call for legal conclusions rather than the admittance or denial of a fact, and as such no response is required.

6.

Sheriff Hunter lacks sufficient knowledge as to Plaintiff Ladd's intentions or her background to admit or deny the allegations of Plaintiff's Paragraph 23-26, and therefore denies the same.

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7.

Plaintiffs' Paragraphs 27-28 call for legal conclusions rather than the admittance or denial of a fact, and as such no response is required.

8.

Sheriff Hunter lacks sufficient knowledge as to Plaintiff Ladd's actions to admit or deny the allegations of Plaintiffs' Paragraphs 29-35, and therefore denies the same.

9.

Plaintiff's Paragraph 36 calls for legal conclusions rather than the admittance or denial of a fact, and as such no response is required.

10.

Sheriff Hunter lacks sufficient knowledge as to Plaintiff Gun Owners of America, Inc, its members, or Plaintiff Gun Owners Foundation to admit or deny the allegations of Plaintiffs' Paragraphs 37-39, and therefore denies the same.

11.

Sheriff Hunter admits he is the Sheriff of Marion County, Oregon. Most of Plaintiffs' Paragraph 40 calls for legal conclusions and interpretations of law and do not require admittance or denial of a fact, and therefore no response is required. Oregon law speaks for itself. Sheriff Hunter lacks sufficient knowledge as to interactions with Plaintiff Ladd via a phone call to admit or deny and therefore denies the same. Sheriff Hunter admits Sheriff's Office staff do their best to follow both federal and state law.

12.

Sheriff Hunter Admits that Defendant City of Salem is and at all times herein has been a municipal corporation in the State of Oregon. Salem's city code and Oregon law speak for

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themselves and require no response. Sheriff Hunter lacks sufficient knowledge as to Plaintiffs and therefore denies the last sentence of Plaintiff's Paragraph 41.

JURISDICTION AND VENUE

13.

Sheriff Hunter admits Plaintiff's Paragraph 42 and 43 and its assertions relating to subject matter jurisdiction and venue.

STATEMENT OF FACTS

14.

Plaintiff's Paragraphs 44 though 61 all call for legal conclusions and do not require admittance or denial of a fact, and therefore no response is required.

COUNT 1
U.S. CONST. AMENDS. II, XIV
RIGHT TO KEEP AND BEAR ARMS
42 U.S.C. § 1983

15.

Plaintiffs' paragraph 62 reincorporates previous paragraphs, and as such, responses to previous paragraphs are reincorporated herein.

16.

Plaintiff's Paragraphs 63 through 71 call for legal conclusions and advance legal arguments rather than assert facts, therefore, no response is required.

17.

Sheriff Hunter agrees that Plaintiffs' Second Amendment rights are violated by Oregon law if Plaintiffs are unable to carry a firearm in Salem for self-defense (neither open carry nor

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concealed carry) due to a combination of (1) ORS 166.173 and Salem's prohibition on the open carrying of firearms in public and (2) ORS 166.291, Oregon's Concealed Handgun License (CHL) statute, which prohibits concealed carry without an Oregon CHL and also prevents issuing an Oregon CHL to a non-resident who is from a state that is not contiguous to Oregon.

18.

Sheriff Hunter agrees that Oregon laws in this situation violate the Second Amendment under established United States Supreme Court precedent and that there is no legitimate justification under the standards set by the Supreme Court to deny a CHL permit to someone solely because they live in a noncontiguous state like Arizona instead of a contiguous state like Nevada.

AFFIRMATIVE DEFENSES

19.

There is no basis for Plaintiffs to seek attorney fees from Sheriff Hunter due to the position stated in this answer.

WHEREFORE, Sheriff Hunter respectfully requests the Court: (1) enter an order declaring that the restriction in ORS 166.291(8) prohibiting Oregon Sheriffs from issuing a Concealed Handgun License (CHL) to a resident of a noncontiguous state is unconstitutional as applied to such residents (although all other CHL requirements still apply) as Plaintiffs have

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requested; (2) deny any claim of costs or attorney fees against Sheriff Hunter; and (3) grant such further relief as the Court deems just and proper.

Dated this 13th day of November, 2026

Respectfully submitted,

MARION COUNTY LEGAL COUNSEL

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