

Complaints and Petitions[3:20-cv-01161 v. John Does 1-10 et al](#)

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered by Potter, Sheila on 7/17/2020 at 10:39 PM PDT and filed on 7/17/2020

Case Name: v. John Does 1-10 et al
Case Number: [3:20-cv-01161-HZ](#)
Filer: Ellen F Rosenblum
Document Number: [1](#)
Judge(s) Assigned: Marco A. Hernandez (presiding)

Docket Text:

Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: AORDC-7002755 Jury Trial Requested: No. Filed by Ellen F Rosenblum against FEDERAL PROTECTIVE SERVICE, John Does 1-10, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, United States Customs and Border Protection Service, United States Marshals Service (Attachments: # (1) Attachment Declaration or Mark Pettibone, # (2) Proposed Summons United States Department of Homeland Security, # (3) Proposed Summons United States Customs and Border Protection, # (4) Proposed Summons United States Marshals Service, # (5) Proposed Summons Federal Protective Service, # (6) Civil Cover Sheet Civil Cover Sheet). (Potter, Sheila)

3:20-cv-01161-HZ Notice has been electronically mailed to:

Sheila H. Potter sheila.potter@doj.state.or.us, dorisdae.belford@doj.state.or.us, marianna.almasi@doj.state.or.us

3:20-cv-01161-HZ Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/17/2020] [FileNumber=7065157-0] [8b88fcc95f6bf4e2f69ed6b11ace64abf4919c49aeace76765b971078d6d04d782721b84598ddd6b943d23d16dfc4066735584cf18cf8f15644a16abc47d4965]]

Document description:Attachment Declaration or Mark Pettibone

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/17/2020] [FileNumber=7065157-1] [b3796ff6848c52f6359bf4b246e7958cdd48a66a816523e2677ea0596fcee61815e571c7ddb667132df1b03acaff04a397a421e5ad4a8a96d39446543f2d8f15]]

Document description:Proposed Summons United States Department of Homeland Security

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/17/2020] [FileNumber=7065157-2] [4ab21e8393215c188ceee1fde1ae4fd01c5519100f51eca0b8fef5c8b269f1d1518bb6949d6e6ce491e741179c166fdae53014d5d02aa858ed710b25793c6ca7]]

Document description:Proposed Summons United States Customs and Border Protection

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/17/2020] [FileNumber=7065157-3] [a1114f17da35010767a0555eec76991b57c50f5608bbba90632125e5864f759ab8ab2c1a1b8461eb3b95711b0165cecaa934ce0855642ea6fa028f3aecff4ee6]]

Document description:Proposed Summons United States Marshals Service

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/17/2020] [FileNumber=7065157-4] [b5892a7ba5f2b6d515c150deeb0db55e63b51c876f766204f746e73a5f624ae1ed48fc62acec4b6c1d5cb9d4045ed6eac25e2a9bc9c34a57bc0f154f07d9a1fc]]

Document description:Proposed Summons Federal Protective Service

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/17/2020] [FileNumber=7065157-5] [4a0bb3cf175446b1e8c68624f805766442902ae72e6591d7c3329c490c548acac2f8af827a5632149cdbc9c65268664b4c7bd1917b6f7082f427f767363ab589]]

Document description:Civil Cover Sheet Civil Cover Sheet

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=7/17/2020] [FileNumber=7065157-6] [09dbaa9eabb8ed5cda0d935f216bf94700b4d026dc8a215b560ec5bd29eb91038e7bc3179b625a695cb08db8af37e674cbd31580d619edf52213f0aed809f520]]

ELLEN F. ROSENBLUM
Attorney General
SHEILA H. POTTER #993485
Deputy Chief Trial Counsel
STEVEN M. LIPPOLD, OSB #903239
Chief Trial Counsel
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: (971) 673-1880
Fax: (971) 673-5000
Email: Sheila.Potter@doj.state.or.us
Steven.Lippold@doj.state.or.us

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELLEN ROSENBLUM, Oregon Attorney
General,

Plaintiff,

v.

JOHN DOES 1-10; the UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES CUSTOMS
AND BORDER PROTECTION; the UNITED
STATES MARSHALS SERVICE and the
FEDERAL PROTECTIVE SERVICE,

Defendants.

Case No.

COMPLAINT

Plaintiff Ellen Rosenblum, Oregon Attorney General, alleges the following facts and
claim for relief:

PARTIES, JURISDICTION, AND VENUE

1.

Ellen Rosenblum is the Attorney General for the State of Oregon and has the power to appear for the State of Oregon and its agencies, pursuant to ORS 180.060 and common law, and for its citizens under the doctrine of *parens patriae*.

2.

On information and belief, John Does 1-10 are employed by the United States government in a law enforcement capacity. They have made it impossible for them to be individually identified by carrying out law enforcement actions without wearing any identifying information, even so much as the agency that employs them.

3.

The United States Department of Homeland Security is a Cabinet-level department of the U.S. government. Its stated missions involve anti-terrorism, border security, immigration and customs. It was created in 2002, combining 22 different federal departments and agencies into a single Cabinet agency.

4.

United States Customs and Border Protection is an agency within the Department of Homeland Security. Its stated mission statement is “To safeguard America's borders thereby protecting the public from dangerous people and materials while enhancing the Nation's global economic competitiveness by enabling legitimate trade and travel.”

5.

The United States Marshals Service is an agency within and under the control of the United States Department of Justice. According to a Fact Sheet on its website, “it is the enforcement arm of the federal courts, involved in virtually every federal law enforcement initiative.”

6.

The Federal Protective Service is another agency within and under the control of the Department of Homeland Security. Its stated mission on its website is “To prevent, protect, respond to and recover from terrorism, criminal acts, and other hazards threatening the U.S. Government’s critical infrastructure, services, and the people who provide or receive them.”

7.

This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1367, and the U.S. Constitution, First, Fourth, and Fifth Amendments, and under 28 U.S.C. § 2201.

8.

Declaratory and injunctive relief is sought as authorized in 28 U.S.C. §§ 2201 and 2202.

9.

Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)(2) and (e)(1). Defendants are United States agencies or officers sued in their official capacities. Plaintiff Ellen Rosenblum is a resident of the State of Oregon, and the events giving rise to this complaint occurred and are likely to continue occurring in the State of Oregon, within the City of Portland.

ALLEGATIONS

10.

On information and belief, federal law enforcement officers including John Does 1-10 have been using unmarked vehicles to drive around downtown Portland, detain protesters, and place them into the officers’ unmarked vehicles, removing them from public without either arresting them or stating the basis for an arrest, since at least Tuesday, July 14.

11.

The identity of the officers is not known, nor is their agency affiliation, according to videos and reports that the officers in question wear military fatigues with patches simply reading “POLICE,” with no other identifying information.

12.

In one widely reported incident, in the early hours of Wednesday, July 15, Mark Pettibone alleges that he was confronted by armed men dressed in camouflage who took him off the street, pushed him into a van, and drove him through downtown until unloading him into a building, which is believed to have been the Mark O. Hatfield United States Courthouse.

13.

Pettibone alleges that he was put into a cell and read his Miranda rights, but was not told why he was arrested, nor was he provided with a lawyer. He alleges that he was released without any paperwork, citation, or record of his arrest.

14.

U.S. Customs and Border Protection has been reported by the Washington Post to have taken responsibility for pulling Mr. Pettibone off the streets of Portland and detaining him.

15.

On information and belief, unidentified federal officers including John Does 1-10 have likewise detained other citizens off the Portland streets, without warning or explanation, without a warrant, and without providing any way to determine who is directing this action. There is no way of knowing, in the absence of those officers identifying themselves, whether only U.S. Customs and Border Protection is engaging in these actions. The Marshals Service and other Homeland Security agencies reportedly have been sent to Portland to respond to the protests against racial inequality.

16.

Oregonians have the right to walk through downtown Portland at night, and in the early hours of the morning.

17.

Ordinarily, a person exercising his right to walk through the streets of Portland who is confronted by anonymous men in military-type fatigues and ordered into an unmarked van can reasonably assume that he is being kidnapped and is the victim of a crime.

18.

Defendants are injuring the occupants of Portland by taking away citizens' ability to determine whether they are being kidnapped by militia or other malfeasants dressed in paramilitary gear (such that they may engage in self-defense to the fullest extent permitted by law) or are being arrested (such that resisting might amount to a crime).

19.

State law enforcement officers are not being consulted or coordinated with on these federal detentions, and could expend unnecessary resources responding to reports of an abduction, when federal agents snatch people walking through downtown Portland without explanation or identification.

20.

Defendants' tactics violate the rights of all people detained without a warrant or a basis for arrest, and violate the state's sovereign interests in enforcing its laws and in protecting people within its borders from kidnap and false arrest, without serving any legitimate federal law enforcement purpose.

FIRST CLAIM FOR RELIEF

(Violation of First Amendment rights, against all defendants)

21.

The Attorney General restates and reincorporates all previous paragraphs of the complaint.

22.

Citizens peacefully gathering on the streets of Portland to protest racial inequality have the right to gather and express themselves under the First Amendment to the United States Constitution.

23.

Defendants' actions are undertaken with the intent of discouraging lawful protest and therefore constitute an illegal prior restraint on the First Amendment right of Oregonians to peacefully protest racial inequality. Citizens who are reasonably afraid of being picked up and shoved into unmarked vans—possibly by federal officers, possibly by individuals opposed to the protests—will feel compelled to stay away, for their own personal safety, and will therefore be unable to express themselves in the way that they have the right to do.

SECOND CLAIM FOR RELIEF

(Violation of citizens' Fourth and Fifth Amendment rights, against all defendants)

24.

The Attorney General restates and reincorporates all previous paragraphs of the complaint.

25.

The Fourth Amendment prohibits unreasonable seizures, and in particular prohibits federal officials from seizing a person without a warrant or an exception to the warrant requirement. And the State of Oregon has enacted laws that make it a crime to detain a person without authority.

26.

On information and belief, defendants did not have a warrant to seize Pettibone or the other citizens who have been detained, and will continue to seize individuals off the street without a warrant, in the absence of an injunction, and no exception to the warrant requirement justified or will justify those seizures.

27.

Defendants' conduct described above constitutes an unreasonable seizure of Pettibone and the other citizens who were or will be detained.

28.

The Fifth Amendment prohibits federal officers from depriving a person of life, liberty, or property without due process of law.

29.

On information and belief, defendants did not afford and will not afford Pettibone and the other citizens who were or will be detained due process of law.

THIRD CLAIM FOR RELIEF

(Declaration of rights pursuant to 28 U.S.C. § 2201, against all defendants)

30.

The Attorney General restates and reincorporates all previous paragraphs of the complaint.

31.

In a case of actual controversy within its jurisdiction, any court of the United States may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought, under 28 U.S.C. § 2201.

32.

There is an actual controversy within the jurisdiction of this Court, inasmuch as one or more federal defendants have engaged in actions endangering Oregon's citizens and the people walking Portland's streets. They have prevented the Attorney General from knowing which agencies and which officers are acting. No federal authority has agreed to stop this practice.

33.

Oregon's citizens are at risk of kidnapping by militias and other civilian "volunteers" taking it onto themselves to pull peaceful protesters into their cars, in a manner that resembles

the federal actions described above. And Oregon's own police agencies are therefore injured, by roving federal officers confusing citizens about whether they are obligated to comply with armed men ordering them into unmarked vans.

34.

The Attorney General is entitled to a declaration that the acts at issue are unlawful, and an injunction precluding defendants from continuing in them.

FOURTH CLAIM FOR RELIEF
(Public nuisance, against all defendants)

35.

The Attorney General restates and reincorporates all previous paragraphs of the complaint.

36.

The Attorney General has authority under Oregon law to sue to abate a public nuisance.

37.

Defendants' actions described above constitute a public nuisance because they unreasonably interfere with the general public's right to public safety, public peace, public comfort, and public convenience.

PRAYER FOR RELIEF

WHEREFORE, Attorney General prays for a judgment and the following relief:

1. A declaration, pursuant to 28 U.S.C. § 2201, that the tactics described in this complaint violate the First Amendment rights of the State's citizens by restraining their ability to gather in peaceful protest, for fear of being thrown into a van by anonymous agents;
2. A declaration, pursuant to 28 U.S.C. § 2201, that the tactics described in this complaint violate the Fourth and Fifth Amendment rights of the State's citizens –

that it is unlawful for federal law enforcement to pull people off of the streets without probable cause, using unmarked cars and unidentified officers;

3. An injunction permanently restraining defendants from engaging in tactics described above, and specifically requiring that defendants and their officers and agents:
 - a) Identify themselves and their agency before detaining or arresting any person off the streets in Oregon;
 - b) Explain to any person detained or arrested that the person is being detained or arrested and explain the basis for that action;
 - c) Not arrest individuals without probable cause or a warrant.
4. Such other relief as this Court may deem proper.

DATED July 17, 2020.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Sheila H. Potter

SHEILA H. POTTER #993485
Deputy Chief Trial Counsel
STEVEN M. LIPPOLD #903239
Chief Trial Counsel
Trial Attorneys
Tel (971) 673-1880
Fax (971) 673-5000
Sheila.Potter@doj.state.or.us
Steven.Lippold@doj.state.or.us
Of Attorneys for Plaintiff

ELLEN F. ROSENBLUM
Attorney General
SHEILA H. POTTER #993485
Deputy Chief Trial Counsel
STEVEN M. LIPPOLD, OSB #903239
Chief Trial Counsel
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: (971) 673-1880
Fax: (971) 673-5000
Email: Sheila.Potter@doj.state.or.us
Steve.Lippold@doj.state.or.us

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELLEN ROSENBLUM, Oregon Attorney
General,

Plaintiff,

v.

JOHN DOES 1-10; the UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY;
UNITED STATES CUSTOMS AND
BORDER PROTECTION; the UNITED
STATES MARSHALS SERVICE and the
FEDERAL PROTECTIVE SERVICE,

Defendants.

Case No.

DECLARATION OF MARK PETTIBONE IN
SUPPORT OF ROSENBLUM'S MOTION
FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION

I, Mark Pettibone, declare:

1. I am a resident of Portland, Oregon and a citizen of the United States of America. I make this affidavit based on my own personal knowledge and I am competent to testify about the matters contained in this declaration.

2. In the early morning of July 15, 2020, around 2:00 a.m., I was walking home in downtown Portland after peacefully taking part in a demonstration in support of Black Lives Matter.

3. Without warning, men in green military fatigues and adorned with generic "police" patches, jumped out of an unmarked minivan and approached me.

4. I did not know whether the men were police or far-right extremists, who, in my experience, frequently don military-like outfits and harass left-leaning protesters in Portland. My first thought was to run. I made it about a half-block before I realized there would be no escape from them.

5. I sank to my knees and put my hands in the air

6. I was detained and searched by these men. One man asked me if I had any weapons. I did not. They drove me to the federal courthouse in Portland and placed me in a holding cell. Two officers read my Miranda rights to me and asked if I would waive those rights to answer a few questions. I refused to waive my rights.

7. No one told me why I had been detained, provided me with any record of an arrest, or explained what probable cause they had to detain me.

8. As far as I know, I have not been charged with any crimes.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on July 17, 2020.


MARK PETTIBONE

UNITED STATES DISTRICT COURT

for the

District of Oregon



ELLEN ROSENBLUM, Oregon Attorney General,

Plaintiff(s)

v.

Civil Action No.

JOHN DOES 1-10; the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES CUSTOMS AND BORDER PROTECTION; the UNITED STATES MARSHALS SERVICE and the FEDERAL PROTECTIVE SERVICE

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Federal Protective Service
Attn: Billy J. Williams
United States Attorney's office
1000 SW Third Ave Suite 600
Portland, Oregon 97204

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Sheila H. Potter, Deputy Chief Trial Counsel
Steven M. Lippold, Chief Trial Counsel
Oregon Department of Justice
100 SW Market Street
Portland OR 97201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of Oregon



ELLEN ROSENBLUM, Oregon Attorney General,

Plaintiff(s)

v.

Civil Action No.

JOHN DOES 1-10; the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES CUSTOMS AND BORDER PROTECTION; the UNITED STATES MARSHALS SERVICE and the FEDERAL PROTECTIVE SERVICE

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

United States Department of Homeland Security
Attn: Billy J. Williams
United States Attorney's office
1000 SW Third Ave Suite 600
Portland, Oregon 97204

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Sheila H. Potter, Deputy Chief Trial Counsel
Steven M. Lippold, Chief Trial Counsel
Oregon Department of Justice
100 SW Market Street
Portland OR 97201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of Oregon



ELLEN ROSENBLUM, Oregon Attorney General,

Plaintiff(s)

v.

Civil Action No.

JOHN DOES 1-10; the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES CUSTOMS AND BORDER PROTECTION; the UNITED STATES MARSHALS SERVICE and the FEDERAL PROTECTIVE SERVICE

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

United States Marshals Service
Attn: Billy J. Williams
United States Attorney's office
1000 SW Third Ave Suite 600
Portland, Oregon 97204

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Sheila H. Potter, Deputy Chief Trial Counsel
Steven M. Lippold, Chief Trial Counsel
Oregon Department of Justice
100 SW Market Street
Portland OR 97201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of Oregon



ELLEN ROSENBLUM, Oregon Attorney General,

Plaintiff(s)

v.

Civil Action No.

JOHN DOES 1-10; the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES CUSTOMS AND BORDER PROTECTION; the UNITED STATES MARSHALS SERVICE and the FEDERAL PROTECTIVE SERVICE

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) John Does 1 - 10 Attn: Billy J. Williams United States Attorney's office 1000 SW Third Ave Suite 600 Portland, Oregon 97204

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Sheila H. Potter, Deputy Chief Trial Counsel Steven M. Lippold, Chief Trial Counsel Oregon Department of Justice 100 SW Market Street Portland OR 97201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of Oregon



ELLEN ROSENBLUM, Oregon Attorney General,

Plaintiff(s)

v.

Civil Action No.

JOHN DOES 1-10; the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES CUSTOMS AND BORDER PROTECTION; the UNITED STATES MARSHALS SERVICE and the FEDERAL PROTECTIVE SERVICE

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

United States Customs and Border Protection
Attn: Billy J. Williams
United States Attorney's office
1000 SW Third Ave Suite 600
Portland, Oregon 97204

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Sheila H. Potter, Deputy Chief Trial Counsel
Steven M. Lippold, Chief Trial Counsel
Oregon Department of Justice
100 SW Market Street
Portland OR 97201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Ellen Rosenblum, Oregon Attorney General

(b) County of Residence of First Listed Plaintiff Marion
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Sheila Potter & Steve Lippold - Oregon Department of Justice
100 SW Market St., Portland, OR 97201

DEFENDANTS

John Does 1-10; the UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES CUSTOMS ET AL.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- 1 U.S. Government Plaintiff
- 3 Federal Question *(U.S. Government Not a Party)*
- 2 U.S. Government Defendant
- 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District *(specify)*
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
28 U.S.C. 2201

Brief description of cause:
Declaratory Judgment Regarding Violation of Oregon Citizen

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 07/17/2020 SIGNATURE OF ATTORNEY OF RECORD s/Sheila Potter

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.