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July 16, 2012

**VIA FIRST CLASS MAIL**

Clerk  
Clackamas County Circuit Court  
807 Main Street  
Oregon City, OR 97045

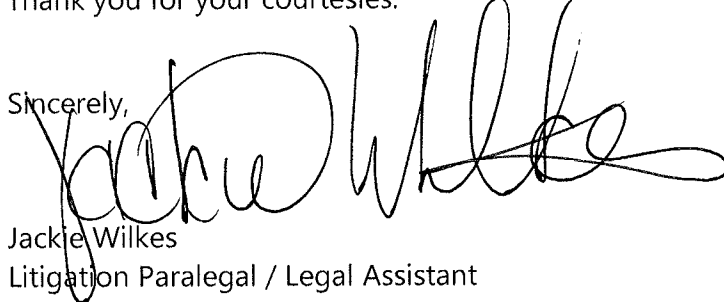
Re: *Tim Reeves, et al v. Libertarian Party of Oregon, et al*  
*Clackamas County Circuit Court Case No. CV12010345*

Dear Clerk:

Enclosed for filing please find the original Defendant Libertarian Party of Oregon's Answer, Affirmative Defenses and Counter Claims.

Thank you for your courtesies.

Sincerely,



Jackie Wilkes  
Litigation Paralegal / Legal Assistant

/jw  
Encl.

c: All Counsel and Parties (w/ encl.)  
Libertarian Party of Oregon (w/ encl.)

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CLACKAMAS

**TIM REEVES, ERIC SAUB, GREG BURNETT, CARLA PEALER, as the LIBERTARIAN PARTY OF OREGON, and DAVID TERRY, M CARLING, and RICHARD BURKE, as Members of the LIBERTARIAN PARTY OF OREGON,**

Plaintiffs,

vs.

**WES WAGNER, HARRY JOE TABOR, MARK VETANEN, BRUCE KNIGHT, JEFF WESTON, JIM KARLOCK, RICHARD SKYBA, JOSEPH SHELLEY, individuals and LIBERTARIAN PARTY OF OREGON,**

Defendants.

Case No. CV 12010345

**DEFENDANT LIBERTARIAN PARTY OF OREGON'S ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS**

Defendant Libertarian Party of Oregon ("LPO") answers plaintiffs' Second Amended Complaint as follows:

1.

LPO admits that Plaintiffs Reeves and Burnett were registered voters affiliated with the Libertarian Party at certain times, denies that Plaintiffs Reeves and Burnett were members of the LPO under the 2009 Bylaws at all relevant times but admits that Plaintiffs Reeves and Burnett were at certain times members of the LPO under the LPO Bylaws adopted by the LPO State Committee on March 31,

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1 2011, and subsequently ratified by a vote of Libertarian Party voters (the “2011  
2 Bylaws”). LPO otherwise denies the allegations in paragraph 1. LPO  
3 affirmatively alleges for the sake of clarity that Plaintiffs Reeves’ and Burnett’s  
4 status as dues-paying members of the LPO had lapsed prior to their  
5 commencement of this action.

6 2.

7 LPO admits that Plaintiff Reeves was a registered voter affiliated with the  
8 Libertarian Party at certain times and a resident of Oregon at all relevant times,  
9 denies that Plaintiff Reeves was a member of the LPO under either the 2009 or  
10 2011 Bylaws at all relevant times, and otherwise denies the allegations in  
11 paragraph 2.

12 3.

13 LPO admits that Plaintiff Terry attended the LPO State Committee meeting  
14 held on March 31, 2011, denies that Plaintiff Terry was a member of the LPO  
15 under either the 2009 Bylaws or the 2011 Bylaws at all relevant times, and  
16 otherwise denies the allegations in paragraph 3. LPO affirmatively alleges for the  
17 sake of clarity that Plaintiff Terry objected to the nature of the business being  
18 considered at the meeting held on March 31, 2011, but left the meeting before  
19 making any formal objection to the adoption of the 2011 Bylaws. LPO further  
20 affirmatively alleges for the sake of clarity that Plaintiff Terry’s status as a dues-  
21 paying member of the LPO had lapsed and was not renewed prior to the March 31,  
22 2011, LPO State Committee meeting and before his commencement of this action.

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4.

LPO admits that Plaintiffs Burnett, Saub and Pealer were registered voters affiliated with the Libertarian Party, denies that Plaintiffs Saub and Pealer were members of the LPO under the 2009 Bylaws at all relevant times but admits that Plaintiffs Reeves and Burnett were at certain times members of the LPO under the 2011 Bylaws, admits that Plaintiff Burnett has not been given control of the assets of the LPO, and otherwise denies the allegations in paragraph 4. LPO affirmatively alleges for the sake of clarity that Plaintiffs Saub's and Pealer's status as dues-paying members of the LPO had lapsed and was not renewed prior to the commencement of this action.

5.

LPO admits that Richard Burke was a registered voter affiliated with the Libertarian Party and a resident of Oregon, denies that Plaintiffs Burke and Carling were members of the LPO under the 2009 Bylaws at all relevant times but admits that Plaintiff Burke was at all relevant times a member of the LPO under the 2011 Bylaws, and otherwise denies the allegations of paragraph 5. LPO affirmatively alleges for the sake of clarity that Plaintiffs Burke's and Carling's status as dues-paying members of the LPO had lapsed and was not renewed prior to the commencement of this action.

6.

LPO admits that the Libertarian National Committee ("LNC") is a national political organization with state affiliates around the United States, that LNC claims a trademark on the words "Libertarian Party," and that the LPO is affiliated with the LNC. LPO denies the remaining allegations either on the facts or because they are conclusions of law not requiring an answer.

1 7.

2 LPO admits that Wes Wagner resides in Clackamas County, that Wagner is  
3 the chairperson of the LPO as recognized by the Oregon Secretary of State  
4 Elections Division, and that Wagner moved to dismiss earlier actions brought by  
5 some of plaintiffs against Wagner that failed to name other officers of the LPO.  
6 LPO denies the remaining allegations in paragraph 7 either on the facts or because  
7 they are conclusions of law not requiring an answer.

8 8.

9 LPO denies the allegations in paragraph 8 either on the facts or because  
10 they are conclusions of law not requiring an answer.

11 9.

12 LPO admits that its bylaws were amended at the 2009 State Convention in  
13 Newport, Oregon on March 4 and 15, 2009, that the document attached as Exhibit  
14 1 likely is an accurate reflection of relevant provisions of the 2009 Bylaws, and  
15 denies the allegations of paragraph 9. LPO affirmatively alleges for the sake of  
16 clarity that the document attached as Exhibit 1 is not consistent in all respects with  
17 the minutes from the 2009 State Convention in Newport and may not have been  
18 properly authenticated.

19 10.

20 In response to paragraph 10, LPO incorporates its answer to paragraph 9 of  
21 plaintiffs' Second Amended Complaint. LPO admits that Wagner served as an  
22 officer of the LPO under the 2009 Bylaws, admits that the 2009 Bylaws provide  
23 an amendment procedure in Article XVI as quoted in paragraph 10, and denies the  
24 remaining allegations either on the facts or because they are conclusions of law.

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11.

In response to paragraph 11, LPO incorporates its answer to paragraph 9 of plaintiffs' Second Amended Complaint.

12.

In response to paragraph 12, LPO incorporates its answer to paragraph 9 of plaintiffs' Second Amended Complaint.

13.

In response to paragraph 13, LPO incorporates its answer to paragraph 9 of plaintiffs' Second Amended Complaint. .

14.

LPO admits that the LPO convened for a properly-noticed annual convention on March 12, 2011, and that the attendants determined that they did not reach a quorum. LPO admits that then-Vice Chairperson Wes Wagner moved to continue the meeting to May 28, 2011, and Wagner's motion was approved after being amended to continue the meeting to May 21, 2011. LPO admits that then-Chairperson Jeff Weston explained at that convention that under the 2009 Bylaws if Mr. Wagner's motion to adjourn passed, the term of office of the existing officers would end "at the end of the convention in May." LPO affirmatively alleges for the sake of clarity that Weston's statement that existing officers' terms would end at the end of the convention was predicated on the occurrence of an election of new officers by the LPO membership at the convention in May. LPO admits that Weston resigned shortly after the March 12, 2011, meeting and Wagner assumed the position of Chairperson of the LPO, but LPO denies the remaining allegations either on the facts or because they are conclusions of law not requiring an answer.

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15.

LPO admits that Jeff Weston resigned from his position as Chairperson and Wagner, as Vice Chair, automatically assumed the role of Chairperson. LPO denies the remaining allegations either on the facts or because they are conclusions of law not requiring an answer.

16.

In response to paragraph 16, LPO incorporates its answer to paragraph 9 of plaintiffs' Second Amended Complaint. LPO admits that Wagner held a properly-noticed meeting of the LPO State Committee on March 31, 2011; that meeting minutes indicate thirteen individuals attended; and that the State Committee adopted a new constitution and bylaws (the "2011 Bylaws") and appointed Angela Grover, Richard Skyba, Harry Joe Tabor, Ron Bream, Mark Vetanen, Wes Wagner, Jim Karlock, Joe Shelley and Herb Booth to the Board of Directors contemplated by the new bylaws. LPO denies that the State Committee appointed Wes Wagner as Chair, Harry Joe Tabor as Vice Chair, Mark Vetanen as Treasurer, and Bruce Knight as Secretary at that time; but admits they were appointed by the Board of Directors at a later date. LPO denies the remaining allegations either on the facts or because they are conclusions of law not requiring an answer.

17.

In response to paragraph 17, LPO incorporates its answer to paragraph 9 of plaintiffs' Second Amended Complaint. LPO denies that Wagner acknowledged that a 2/3 vote at a convention was required to change the 2009 bylaws but admits the remainder of the allegations in paragraph 17.

18.

LPO denies the allegations of paragraph 18 either on the facts or because they are conclusions of law not requiring an answer.

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19.

LPO admits that Wagner filed the newly adopted bylaws and reported new Officers to the Oregon Secretary of State in April, but LPO denies the remainder of allegations in paragraph 19 on the facts or because they are conclusions of law not requiring an answer.

20.

LPO admits that Wes Wagner filed with the Oregon Secretary of State the new constitution and bylaws and admits that the Secretary of State accepted the bylaws as legitimate and that Wes Wagner was on the Oregon Secretary of State's list of officers of the LPO at the referenced time, but otherwise denies the remainder of allegations in paragraph 20 on the facts or because they are conclusions of law not requiring an answer.

21.

LPO admits that some registered voters affiliated with the Libertarian Party met on May 21, 2011, and that Wagner, Tabor, Knight, and Vetanen did not attend this meeting. LPO denies the remaining allegations in paragraph 21, and affirmatively alleges for the sake of clarity that the adoption of the 2011 Bylaws resulted in a cancellation of the continuation of the March 12, 2011 convention meeting.

22.

In response to paragraph 22, LPO incorporates its answer to paragraph 9 of plaintiffs' Second Amended Complaint. LPO admits that Article V of the 2009 Bylaws states that "terms of office of all elected officers and directors shall begin immediately upon the close of convention."

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23.

LPO denies the allegations of paragraph 23 and affirmatively alleges for the sake of clarity that the alleged convention meeting was cancelled as a result of the adoption of the 2011 Bylaws.

24.

LPO denies the allegation of paragraph 24 and affirmatively alleges for the sake of clarity that even under the 2009 Bylaws, which were no longer operative, Wagner’s term as Chairperson, which started after the beginning of the 2011 annual convention, would end at the close of the next annual convention in March 2012, after a successor was elected by a proper quorum.

25.

In response to paragraph 25, LPO incorporates its answer to paragraph 9 of plaintiffs' Second Amended Complaint. LPO denies the allegations of paragraph 25 either on the facts or as conclusions of law not requiring an answer.

26.

LPO denies the allegations of paragraph 26 either on the facts or as conclusions of law not requiring an answer.

27.

LPO admits that the Oregon Secretary of State has refused to get involved in an internal political organization dispute and has stated that it requires a court order to recognize someone other than the officers currently on file with the Secretary of State’s Office, denies the remaining allegations in paragraph 27 either on the facts or as conclusions of law not requiring an answer, and affirmatively alleges for the sake of clarity that Wagner (1) serves as chairperson at the pleasure of the Board of Directors, who can choose another chairperson at any meeting, and

1 (2) LPO members will choose a new Board of Directors in biennial elections to be  
2 held in 2013 in accordance with the 2011 Bylaws.

3 28.

4 Paragraph 28 alleges a conclusion of law not requiring an answer and an  
5 incorrect one, at that, and therefore is denied.

6 29.

7 Paragraph 29 alleges a conclusion of law not requiring an answer, but is  
8 denied. LPO affirmatively alleges for the sake of clarity that under ORS 248.004,  
9 officers of a political party are treated as officers of a nonprofit corporation for  
10 purposes of liability.

11 30.

12 Paragraph 30 alleges a conclusion of law not requiring an answer.

13 31.

14 LPO denies the allegations in paragraph 31 either on the facts or as  
15 conclusions of law not requiring an answer and affirmatively alleges for the sake  
16 of clarity that under ORS 248.004, members of a political party are treated as  
17 Directors of a nonprofit corporation for purposes of liability.

18 32.

19 Paragraph 32 alleges conclusions of law not requiring an answer, but is  
20 denied to the extent an answer is required. LPO notes in particular that plaintiffs  
21 have failed to comply with this Court's order granting LPO's motion to strike the  
22 reference to "attorney fees," and have not repleaded in a way that complies with  
23 ORCP 68. Rather than cause delay by initiating another round of ORCP 21  
24 motions, LPO will address plaintiffs' lack of entitlement to attorney fees through a  
25 different procedural mechanism at a later time.

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33.

In response to paragraph 33, which does not contain any new allegations, LPO admits and denies as set forth above.

34.

LPO denies the allegations in paragraph 34 either on the facts or as conclusions of law not requiring an answer.

35.

LPO admits that the March 31, 2011, meeting was not a convention, and otherwise denies the allegations in paragraph 35 either on the facts or as conclusions of law not requiring an answer.

36.

LPO denies the allegations in paragraph 36 either on the facts or as conclusions of law not requiring an answer.

37.

In response to paragraph 37, which does not contain any new allegations, LPO admits and denies as set forth above.

38.

LPO denies the allegations in paragraph 38 either on the facts or as conclusions of law not requiring an answer.

39.

In response to paragraph 39, which does not contain any new allegations, LPO admits and denies as set forth above.

40.

LPO denies the allegations in paragraph 40 either on the facts or as conclusions of law not requiring an answer.

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41.

LPO denies each allegation that is not expressly admitted herein.

**FIRST AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

42.

Plaintiffs' causes of action fail to state claims upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

**(Standing)**

43.

Plaintiffs Reeves, Saub, Burnett and Pealer lack standing to bring claims on behalf of the LPO because they were not properly elected LPO officers under either the 2009 Bylaws or the 2011 Bylaws at the time they commenced this action.

44.

Plaintiffs lack standing to bring claims on their own behalf or on behalf of the LPO because their claim is entirely premised on the allegation that the 2011 Bylaws are not valid and the 2009 Bylaws have remained in effect. Under the 2009 Bylaws, no plaintiff was a member of the LPO at the time they commenced this lawsuit.

**THIRD AFFIRMATIVE DEFENSE**

**(Unconstitutionality)**

45.

The relief plaintiffs seek may not be granted by this Court without violating the free assembly clauses of the First Amendment to the United States Constitution and Article I, section 26, of the Oregon Constitution.

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**FOURTH AFFIRMATIVE DEFENSE**

**(Issue Preclusion)**

46.

The Washington County Circuit Court entered a final judgment in *Wagner v. Libertarian Party of Oregon*, case no. C064544CV, determining that the First Amendment to the United States Constitution bars courts from ordering leaders of the Libertarian Party of Oregon to comply with party bylaws.

**FIFTH AFFIRMATIVE DEFENSE**

**(Illegality)**

47.

The 2009 Bylaws fail to comply with ORS 248.005 and therefore may not be enforced by the Court.

**(Notice of Additional Affirmative Defenses)**

48.

LPO hereby gives notice that it intends to rely upon such other affirmative defenses as may become available or apparent during the course of discovery and thus reserves the right to amend its Answer to assert such defenses.

**COUNTERCLAIMS**

**Common Factual Allegations**

49.

Prior to March 2011, the LPO had been operating under the 2009 Bylaws, despite questions regarding whether those bylaws accurately reflected the action of the LPO's 2009 State Convention. Among the provisions of the 2009 Bylaws is one that limits full voting membership in the LPO to those who submit a completed application and pay dues equal to the Oregon Political Tax Credit as set

1 for an individual. The 2009 Bylaws did not make all Oregon voters affiliated with  
2 the Libertarian Party members of the LPO and did not limit membership to  
3 Oregon voters affiliated with the Libertarian Party (in other words, people who  
4 were not members of the Libertarian Party and were not residents of Oregon could  
5 pay to become members of the LPO, but actual Oregon residents registered as  
6 Libertarian Party voters could not be members of the LPO unless they paid dues).  
7 At all relevant times, the annual dues pursuant to the 2009 Bylaws were \$50.

8 50.

9 The 2009 Bylaws provided that “[o]nly LPO members who pay dues and  
10 keep them current may hold LPO office.”

11 51.

12 At all relevant times, ORS 248.005 provided: “Each political party by rule  
13 shall insure the widest and fairest representation of party members in the party  
14 organization and activities. Rules shall be adopted by procedures that assure the  
15 fair and open participation of all interested party members.” “Member” was  
16 defined as: “an individual who is registered as being affiliated with the political  
17 party.” ORS 248.002(4).

18 52.

19 The LPO adopted a Reformation Plan at its 2010 Annual Convention.  
20 Among the provisions of the Reformation Plan were amendments to the LPO  
21 bylaws making all registered Libertarian Party voters members of the LPO,  
22 terminating the requirement to pay dues in order to be a member of the LPO, and  
23 restructuring the leadership of the LPO organization.

24 53.

25 A special convention of the LPO was properly called for November 2010 to  
26 implement the Reformation Plan. At the instigation of some of the plaintiffs, the

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1 body was convinced that it lacked a quorum to take action and therefore did not  
2 take action on the Reformation Plan.

3 54.

4 The annual meeting of the LPO was properly called for March 13, 2011.  
5 Again, some of the plaintiffs convinced the body that it lacked a quorum to take  
6 action and the meeting was adjourned to May 21, 2011. After the meeting, LPO  
7 Chairperson Jeff Weston resigned, such that former Vice-Chairperson Wes  
8 Wagner became Chairperson of the LPO.

9 55.

10 The LPO State Committee met at a properly called meeting on March 31,  
11 2011. Recognizing that the position taken by certain plaintiffs regarding quorum  
12 would prevent the LPO from ever taking action as a convention in the future, the  
13 State Committee adopted the 2011 Bylaws and referred them to the voters of the  
14 Libertarian Party for ratification. The 2011 Bylaws implement the Reformation  
15 Plan adopted by the LPO in 2010, including: (a) the expansion of LPO  
16 membership to all Libertarian Party voters; (b) the elimination of dues as a  
17 requirement for membership; and (c) reformation of the leadership structure. The  
18 State Committee appointed an initial Board of Directors pursuant to the 2011  
19 Bylaws and officers were selected by the Board of Directors at a subsequent  
20 meeting.

21 56.

22 The initial Board of Directors under the 2011 Bylaws included Defendants  
23 Jim Karlock and Richard Skyba. Defendant Jeff Weston was subsequently  
24 appointed to fill a vacancy on the Board of Directors.

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57.

The initial officers of the LPO under the 2011 Bylaws, appointed by the Board of Directors at its first meeting after March 31, 2011, were Wes Wagner, chairperson; Harry Joe Tabor, vice-chairperson; Mark Vetanen, treasurer, and Bruce Knight, secretary.

58.

In a vote held by mail during June 2012, Libertarian Party voters in Oregon overwhelmingly ratified the 2011 Bylaws.

59.

On May 21, 2011, certain of the plaintiffs and others purported to hold an LPO State Committee meeting. That meeting was void for the following independently sufficient reasons: (a) it was conducted pursuant to the 2009 Bylaws, which had been replaced by the 2011 Bylaws at the State Committee meeting held on March 31, 2011; and (b) the meeting lacked the number of attendees required to constitute a quorum.

60.

The persons purporting to hold an LPO State Committee meeting on May 21, 2011, took the position that all LPO officer positions were vacated and purported to appoint new LPO officers: Plaintiff Reeves as Chair, Plaintiff Saub as Vice Chair, Plaintiff Burnett as Treasurer and Plaintiff Pealer as Secretary.

61.

The purported appointment of Plaintiff Reeves as LPO chairperson was invalid for the following independently sufficient reasons: (a) the May 21, 2011, meeting lacked a quorum; and (b) the office of chairperson had not been vacated under the 2009 Bylaws and would not be vacated under the 2009 Bylaws until the end of the LPO annual meeting in March 2012.

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62.

If the 2009 Bylaws are operative and if Plaintiff Reeves was validly appointed as LPO chairperson on May 21, 2011, the office of LPO chairperson was vacated on October 6, 2011, when Plaintiff Reeves' LPO membership expired without being renewed.

63.

The purported appointment of Plaintiff Saub as LPO vice-chairperson was invalid because the May 21, 2011, meeting lacked a quorum.

64.

If the 2009 Bylaws are operative and if Plaintiff Saub was validly appointed as LPO vice-chairperson on May 21, 2011, the office of LPO vice-chairperson was vacated on October 6, 2011, when Plaintiff Saub's LPO membership expired without being renewed.

65.

The purported appointments of Plaintiff Burnett as LPO treasurer and Plaintiff Pealer as LPO secretary were invalid for the following independently sufficient reasons: (a) the May 21, 2011, meeting lacked a quorum; and (b) the offices of LPO treasurer and LPO secretary had not been vacated under the 2009 Bylaws.

66.

If the 2009 Bylaws are operative and if Plaintiffs Burnett and Pealer were validly elected as LPO treasurer and secretary, respectively, on May 21, 2011, the offices of LPO treasurer and secretary were vacated on October 5, 2011, when Plaintiffs Burnett's and Pealer's LPO memberships expired without being renewed.

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67.

The Oregon Secretary of State Elections Division recognizes Wes Wagner as chairperson of the LPO.

68.

Since May 21, 2011, and continuing through the present, Plaintiff Reeves has held himself out as the chairperson of the LPO, although he was not lawfully elected or appointed to that position, he knows he is not recognized as such by the Oregon Secretary of State Elections Division, and his ability to continue serving as LPO chairperson under the 2009 Bylaws ended on October 6, 2011.

69.

Plaintiff Reeves has sent fundraising appeals and convention notices to individuals, purportedly on behalf of the LPO, in which he identifies himself as the chairperson of the LPO. If any funds were donated by individuals in response to the fundraising appeals of Plaintiff Reeves, they have not been delivered to the LPO treasurer, Defendant Vetanen.

70.

Defendant LPO does not waive its argument that constitutional rights to free assembly preclude this Court from adjudicating intraparty disputes over the enforcement of party bylaws or the status of party leaders, and reserves the right to make that argument again in the future. This Court denied Defendant LPO's motion to dismiss plaintiffs' claims on that ground, however.

**FIRST COUNTERCLAIM FOR RELIEF  
(Declaratory Judgment)**

71.

Plaintiffs incorporate the allegations in paragraphs 1 through 70, above.

///

72.

A present controversy exists between the plaintiffs and the defendants as to the operative bylaws of the LPO and the identity of the LPO's leaders. Based on the facts stated above and incorporated herein, Defendant LPO seeks the following declarations of this Court pursuant to ORS 28.010 to 28.160:

- a. The 2011 Bylaws are the presently operative bylaws of the LPO;
- b. Wes Wagner is chairperson of the LPO;
- c. Harry Joe Tabor is vice-chairperson of the LPO;
- d. Mark Vetanen is treasurer of the LPO;
- e. Bruce Knight is secretary of the LPO;
- f. Jeff Weston, Jim Karlock and Richard Skyba are members of the LPO Board of Directors;
- g. Tim Reeves is not and has not been chairperson of the LPO;
- h. Eric Saub is not and has not been vice-chairperson of the LPO;
- i. Greg Burnett is not and has not been treasurer of the LPO;
- j. Carla Pealer is not and has not been secretary of the LPO; and
- k. The membership provisions of the 2009 Bylaws are invalid under ORS 248.005.

**SECOND COUNTERCLAIM FOR RELIEF**

**(Money Had and Received)**

73.

Plaintiffs incorporate the allegations in paragraphs 1 through 70, above.

74.

Plaintiff Reeves has solicited funds from individuals on behalf of the LPO without the authority to do so and based on the false statement that he is the chairperson of the LPO. Plaintiff Reeves has not delivered any funds received in

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ANSWER, AFFIRMATIVE DEFENSES, AND  
COUNTERCLAIMS**

1 response to such solicitations to Mark Vetanen, the treasurer of the LPO.  
2 Plaintiffs cannot in equity and good conscience be permitted to keep any funds  
3 they have received pursuant to such solicitations.

4 WHEREFORE, Defendant LPO prays for judgment as follows:

5 1. Judgment in its favor and against plaintiffs on all of plaintiffs'  
6 claims for relief.

7 2. On its FIRST COUNTERCLAIM FOR RELIEF (Declaratory  
8 Judgment), a judgment pursuant to ORS 28.010 to 28.160 declaring that:

9 a. The 2011 Bylaws are the presently operative bylaws of the LPO;

10 b. Wes Wagner is chairperson of the LPO;

11 c. Harry Joe Tabor is vice-chairperson of the LPO;

12 d. Mark Vetanen is treasurer of the LPO;

13 e. Bruce Knight is secretary of the LPO;

14 f. Jeff Weston, Jim Karlock and Richard Skyba are members of the  
15 LPO Board of Directors;

16 g. Tim Reeves is not and has not been chairperson of the LPO;

17 h. Eric Saub is not and has not been vice-chairperson of the LPO;

18 i. Greg Burnett is not and has not been treasurer of the LPO;

19 j. Carla Pealer is not and has not been secretary of the LPO; and

20 k. The membership provisions of the 2009 Bylaws are invalid under  
21 ORS 248.005.

22 3. On its SECOND COUNTERCLAIM FOR RELIEF (Money Had  
23 and Received):

24 a. Judgment ordering the delivery to LPO treasurer Mark Vetanen all  
25 sums received by Plaintiff Reeves in response to his solicitations of  
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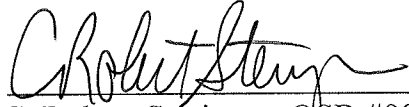
funds purportedly on behalf of the LPO in which he held himself out as the chairperson of the LPO; and

b. Imposition of a constructive trust in favor of Defendant LPO on all funds received by Plaintiff Reeves in response to his solicitations of funds purportedly on behalf of the LPO in which he held himself out as the chairperson of the LPO.

4. For such other and further relief as the Court may deem just and proper.

DATED this 16th day of July, 2012.

HARRANG LONG GARY RUDNICK P.C.

By:   
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Of Attorneys for Defendant, Libertarian Party of Oregon

Trial Attorney: C. Robert Steringer

1 **CERTIFICATE OF SERVICE**

2 I certify that on July 16, 2012, I served or caused to be served a true and  
3 complete copy of the foregoing **DEFENDANT LIBERTARIAN PARTY OF**  
4 **OREGON'S ANSWER, AFFIRMATIVE DEFENSES, AND**  
5 **COUNTERCLAIMS** on the party or parties listed below as follows:

6  Via First Class Mail, Postage  
7  Prepaid  
8  Via Email Transmission

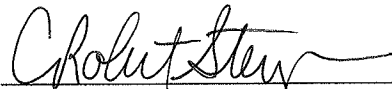
9 **VIA EMAIL**  
10 **AND FIRST CLASS MAIL**  
11 Tyler Smith  
12 Nathan Goin  
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14 181 N. Grant Street, Suite 212  
15 Canby, OR 97013  
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23 Jeff Weston and Richard Skyba

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18 Portland, OR 97212  
19 Defendant

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