



HARRANG LONG
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ATTORNEYS AT LAW

JACKIE WILKES
Appellate Paralegal / Legal Assistant
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Portland, OR 97204
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503.241.1458 (fax)

June 5, 2013

HAND-DELIVERED

The Honorable Henry C. Breithaupt
OREGON TAX COURT
1163 State Street
Salem, OR 97301

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

Dear Judge Breithaupt:

Enclosed please find Judge's Copies of the following documents:

1. Defendants' Motion for Findings Under ORS 20.105(1); and
2. Declaration of C. Robert Steringer in Support of Defendants' Motion for Findings Under ORS 20.105(1).

Thank you.

Sincerely,

Jackie Wilkes
Appellate Paralegal / Legal Assistant

Encls.

- c: All Counsel (w/ encls.)
Libertarian Party of Oregon (w/ encls.)



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503.241.1458 (FAX)

June 5, 2013

VIA HAND-DELIVERY

Clerk
CLACKAMAS COUNTY CIRCUIT COURT
Civil Case Unit
Room 104
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 following original documents:

1. Defendants' Motion for Findings Under ORS 20.105(1); and
2. Declaration of C. Robert Steringer in Support of Defendants' Motion for Findings Under ORS 20.105(1).

Thank you for your courtesies.

Sincerely

Jackie Wilkes
Appellate Paralegal / Legal Assistant

/jw
Encls.

c: All Counsel (w/ encls.)
The Honorable Henry C. Breithaupt (w/encls.)
Libertarian Party of Oregon (w/ encls.)

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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, individuals and LIBERTARIAN PARTY OF OREGON,

Defendants.

Case No. CV 12010345

DEFENDANTS' MOTION FOR FINDINGS UNDER ORS 20.105(1)

(ORAL ARGUMENT REQUESTED)

Time required for argument:	30 minutes
Telecommunication requested:	No
Office more than 25 miles from Courthouse:	No
Court reporting services requested:	Yes

Plaintiffs are represented by Tyler Smith and Nathan Goin of TYLER SMITH & ASSOCIATES, P.C., 181 N. Grant Street, Suite 212, Canby, OR 97013.
Defendant Wes Wagner is represented by James E. Leuenberger PC, ATTORNEY AND COUNSELOR AT LAW, P.O. Box 1684, 5200 SW Meadows Road, Suite 150, Lake Oswego, OR 97035. Defendants Harry Joe Tabor, Mark Vetanen, Bruce

1 Knight, Jeff Weston, Jim Karlock, and Richard Skyba are represented by Colin
2 Andries, ANDRIES LAW OFFICES, 1001 SW 5th Avenue, Suite 1100, Portland, OR
3 97204. Defendant Libertarian Party of Oregon is represented by C. Robert
4 Steringer and John C. Rake of HARRANG LONG GARY RUDNICK P.C., 1001 SW
5 Fifth Avenue, 16th Floor, Portland, OR 97204.

6 **MOTION**

7 Defendants move the Court for an order pursuant to ORS 20.105(1) making
8 the following findings of fact and conclusions of law:

9 1. Plaintiffs' claims lacked an objectively reasonable basis at the time
10 they were filed because it was well established that the First Amendment to the
11 United States Constitution, applied to the states through the Fourteenth
12 Amendment, precludes courts from deciding intraparty disputes of the nature
13 alleged;

14 2. Plaintiffs' claims lacked an objectively reasonable basis at the time
15 they were filed because the Washington County Circuit Court had previously
16 ruled, in *Wagner v. Libertarian Party of Oregon et al.*, case no. C064544 CV, that
17 a circuit court lacked the authority to decide intraparty disputes regarding bylaws;

18 3. Plaintiff Richard P. Burke directed the LPO's participation in the
19 Washington County Circuit Court case, in which the LPO argued that the First and
20 Fourteenth Amendments precluded judicial involvement in intraparty disputes
21 regarding bylaws;

22 4. Plaintiff Richard P. Burke claimed to speak for all plaintiffs in the
23 course of this litigation, without objection by the other plaintiffs;

24 5. Plaintiffs' refusal to dismiss their claims when challenged lacked an
25 objectively reasonable basis;

26 6. Defendants are the prevailing parties in this case;

**Page 2 – DEFENDANTS' MOTION FOR FINDINGS UNDER ORS
20.105(1)**

1 the ensuing vacuum. Defendants moved for summary judgment dismissing
2 plaintiffs' claims on numerous grounds, but primarily on the grounds of issue
3 preclusion and unconstitutionality.

4 Issue preclusion barred the relief sought by plaintiffs because the
5 Washington County Circuit Court ruled in *Wagner v. Libertarian Party of Oregon*
6 *et al.*, case no. C064544 CV (the "Washington County case"), that the First
7 Amendment to the United States Constitution, applicable to the states through the
8 Fourteenth Amendment, prevented the court from involving itself in a dispute over
9 party bylaws. *See* argument and evidence submitted in support of Defendant
10 LPO's Motion for Summary Judgment No. 1.

11 Regardless of whether issue preclusion applied, it was indisputable that the
12 same First Amendment issues prevented this Court from deciding the intraparty
13 dispute at the center of plaintiffs' claims. *See* argument and evidence submitted in
14 support of Defendant LPO's Motion for Summary Judgment No. 2.

15 The law of issue preclusion and constitutional principles cited in
16 defendants' motions are well established. Plaintiff Burke, the plaintiffs' ringleader
17 according to his declarations and plaintiffs' briefing in the summary judgment
18 proceedings, was well aware of the Washington County case because he directed
19 the LPO's defense in that case. Notably, the LPO under Plaintiff Burke cited the
20 same U.S. Supreme Court case relied upon by defendants in this case: *Eu v. San*
21 *Francisco County Democratic Central Committee*, 489 US 214 (1989). Plaintiffs'
22 counsel, who informed the Court at the hearing on the parties' summary judgment
23 motions that he also is legal counsel to the Oregon Republican Party, should have
24 been well aware of the constitutional limitations on state interference with political
25 parties.
26

1 Defendants raised these issues with plaintiffs early in the case. Defendant
2 LPO sought leave to plead its entitlement to attorney fees under ORS 20.105, but
3 this Court ruled that the issue should be raised by motion following the
4 determination of a prevailing party. Declaration of C. Robert Steringer in Support
5 of Motion for Findings Under ORS 20.105(1) (“Steringer Decl.”) Ex. 1. This
6 motion presents the issue in the manner directed by this Court’s order.

7 **C. Defendants are entitled to recover their attorney fees under ORS**
8 **20.105(1).**

9 Defendants have had to engage in expensive litigation over the course of
10 more than a year in response to plaintiffs’ objectively unreasonable claims. They
11 are entitled to recover their attorney fees under ORS 20.105(1). Although the bad
12 faith of a party does not inform the analysis of the objective reasonableness of the
13 party’s claims, *Hunt v. City of Eugene*, 249 Or App 410, 432, 278 P3d 70, 82
14 *review denied*, 353 Or 103 (2012), it bears noting that enforcement of ORS
15 20.105(1) is necessary to protect parties with limited resources from claims made
16 in bad faith.

17 As discussed in the summary judgment briefing, plaintiffs initiated this
18 lawsuit without first availing themselves of any remedial processes within the
19 LPO. *See* the discussion of plaintiffs’ failure to exhaust internal remedies in
20 Defendant Libertarian Party of Oregon’s Response in Opposition to Plaintiffs’
21 Motion for Partial Summary Judgment at 21-22, and evidence cited therein.
22 Plaintiffs’ avowed commitment to the 2009 Bylaws went no further than their
23 claim to party offices. On multiple occasions, they ignored the 2009 Bylaws when
24 they thought it was expedient to do so. *See* the discussion of plaintiffs’ *in pari*
25 *delicto* conduct in Defendant Libertarian Party of Oregon’s Response in
26

1 Opposition to Plaintiffs' Motion for Partial Summary Judgment at 22-27, and
2 evidence cited therein.

3 Additionally, Plaintiffs Burke and Burnett have a pecuniary interest in
4 seizing effective control of the LPO. From May to July 2012, Plaintiff Burke
5 received at least \$3,137.50 in consulting fees from Republican Party Attorney
6 General candidate James Buchal. Declaration of Wes Wagner in Support of
7 Defendant [LPO's] Response in Opposition to Plaintiffs' Motion for Partial
8 Summary Judgment (Docket #133) ¶ 8 and Ex. 2. During that same time period,
9 Mr. Buchal's campaign paid \$687.00 to Plaintiff Burnett, who has claimed to be
10 the LPO Treasurer in these proceedings. Steringer Decl. ¶¶ 3, 5 and 6, and Exs. 2,
11 4 and 5. In June 2012, the plaintiffs' group held a meeting in which they
12 purported to give Mr. Buchal the LPO nomination for Attorney General.
13 Declaration of John C. Rake in Support of Defendant [LPO's] Response in
14 Opposition to Plaintiffs' Motion for Partial Summary Judgment (Docket # 134) ¶ 3
15 and Ex. 2.

16 This year, campaign finance records show \$9,375 in payments and money
17 owed by Republican Party gubernatorial candidate Jon Justesen to Plaintiff
18 Burnett, as well as a \$4,000 "in-kind contribution" of "consulting services" by
19 Plaintiff Burke. Steringer Decl. ¶¶ 4, 5 and 6 and Exs. 3, 4 and 5. The LPO
20 nomination is valuable to Republican Party candidates, and plaintiffs have
21 demonstrated a willingness to provide it.

22 Meanwhile, Plaintiff Burke was very aware of the financial strain that
23 litigation would cause the defendants. In August 2011, his group discussed ways
24 in which they could create a party website with a new domain name without
25 violating trademark laws. Plaintiff Burke concluded that discussion by observing,
26 "I don't know if Jim is correct about the possible outcome of trademark dispute,

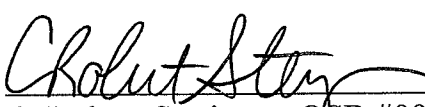
1 but I doubt Wagner's crew have the financial resources to push the case so far
2 against the LNC's retained lawyers that the trademark gets thrown out." Steringer
3 Decl. ¶ 7 and Ex. 6.

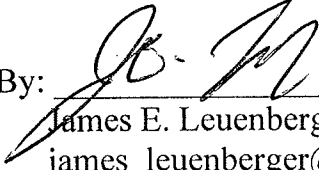
4 Plaintiffs might have underestimated the defendants' wherewithal to mount
5 a defense to their claims. But the expense of that defense should not be borne by
6 them. Defendants respectfully request that the Court enter the requested findings,
7 concluding with defendants' right to recover their attorney fees under ORS
8 20.105(1).

9 DATED this 5th day of June, 2013.

11 HARRANG LONG GARY RUDNICK P.C.

JAMES E. LEUENBERGER PC

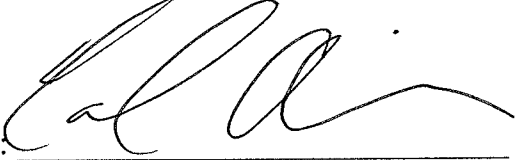
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13 By: 
14 C. Robert Steringer, OSB #983514
15 bob.steringer@harrang.com
16 John C. Rake, OSB #105808
john.rake@harrang.com

13 By: 
14 James E. Leuenberger, OSB #891542
15 james.leuenberger@mac.com

16 Of Attorneys for Defendant Wes
17 Wagner

17 Of Attorneys for Defendant
18 Libertarian Party of Oregon

19 ANDRIES LAW OFFICES, LLC

20
21 By: 
22 Colin Andries, OSB #051892
23 colin.andries@andrieslaw.com

24 Of Attorneys for Defendants Harry
25 Joe Tabor, Mark Vetanen. Bruce
26 Knight, Jeff Weston, Jim Karlock,
and Richard Skyba

1 **CERTIFICATE OF SERVICE**

2 I certify that on June 5, 2013, I served or caused to be served a true and
3 complete copy of the foregoing **DEFENDANTS' MOTION FOR FINDINGS**
4 **UNDER ORS 20.105(1)** on the party or parties listed below as follows:

5 Via First Class Mail. Postage Prepaid

6 Via Email Transmission

7 **VIA EMAIL AND**
8 **FIRST CLASS MAIL**

9 Tyler Smith
10 Nathan Goin
11 TYLER SMITH & ASSOCIATES, P.C.
12 181 N. Grant Street, Suite 212
13 Canby, OR 97013

14 Attorneys for Plaintiffs

15 **VIA EMAIL**

16 Colin Andries
17 Andries Law Offices
18 1001 SW 5th Avenue, Suite 1100
19 Portland, OR 97204

20 Attorneys for Defendants Harry Joe
21 Tabor, Mark Vetanen. Bruce Knight,
22 Jeff Weston, Jim Karlock, and Richard
23 Skyba

VIA EMAIL

James E. Leuenberger PC
ATTORNEY AND COUNSELOR AT LAW
5200 SW Meadows Road, Suite 150
Lake Oswego, OR 97035

Attorneys for Defendant Wes Wagner

VIA HAND-DELIVERY

The Honorable Henry C. Breithaupt
OREGON TAX COURT
1163 State Street
Salem, OR 97301-2563

HARRANG LONG GARY RUDNICK P.C.

By: 

C. Robert Steringer, OSB #983514

bob.steringer@harrang.com

John C. Rake, OSB #105808

john.rake@harrang.com

Telephone: 503.242.0000

Facsimile: 503.241.1458

Of Attorneys for Defendant
Libertarian Party of Oregon

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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, individuals and LIBERTARIAN PARTY OF OREGON,

Defendants.

Case No. CV 12010345

DECLARATION OF C. ROBERT STERINGER IN SUPPORT OF DEFENDANTS' MOTION FOR FINDINGS UNDER ORS 20.105

I, C. Robert Steringer, declare under penalty of perjury that:

1. I am an attorney with Harrang Long Gary Rudnick P.C., counsel for the Libertarian Party of Oregon ("Defendant LPO"), a defendant in this action. I have personal knowledge of and am competent to testify concerning the information set forth in this declaration.

2. Attached as Exhibit 1 is a true and accurate copy of Judge Roderick A. Boutin's Letter Decision dated May 6, 2013, on Defendant LPO's Motion for Leave to File Second Amended Answer, Affirmative Defenses and Counterclaims.

1 3. Attached as Exhibit 2 are printouts from the Oregon Secretary of
2 State's ORESTAR online campaign finance database showing certain
3 expenditures by and in-kind contributions to the Buchal for Attorney General
4 campaign. I personally accessed the records and printed them.

5 4. Attached as Exhibit 3 are printouts from the Oregon Secretary of
6 State's ORESTAR online campaign finance database showing certain
7 expenditures by and in-kind contributions to the Justesen for Oregon campaign. I
8 personally accessed the records and printed them.

9 5. Attached as Exhibit 4 is a printout from the Oregon Secretary of
10 State's online database of business entities showing that Burnett Media Group
11 LLC is affiliated with Plaintiff Burnett. I personally accessed the record and
12 printed it.


13 6. Attached as Exhibit 5 is a printout from the Oregon Secretary of
14 State online database of business entities showing that Prime One Political
15 Consulting is affiliated with Plaintiff Burke. I personally accessed the record and
16 printed it.

17 7. Attached as Exhibit 6 is a true and accurate copy of a document
18 received from J. Steve Dodds pursuant to a subpoena issued by Defendant LPO in
19 connection with this case.

20 I declare that the above statements are true to the best of my knowledge and
21 belief, and that I understand it is made for use as evidence in this proceeding and
22 is subject to penalty for perjury.

23 DATED this 5th day of June, 2013.

24
25
26

By: 
C. Robert Steringer, OSB #983514



FIFTH JUDICIAL DISTRICT
COUNTY OF CLACKAMAS
COUNTY COURTHOUSE, OREGON CITY, OREGON 97045

May 6, 2013

Tyler Smith
Tyler Smith & Associates, PC
181 N Grant Street, Suite 212
Canby, Oregon 97013

James E. Leuenberger PC
Attorney at Law
5200 Meadows Road, Suite 150
Lake Oswego, Oregon 97035

Colin Andries
Andries Law Office
1001 SW Fifth Avenue, Suite 1100
Portland, Oregon 97204

C. Robert Steringer
Harrang Long Gary Rudnick
1001 SW Fifth Av., 16th Floor
Portland, Oregon 97204

Re: *Tim Reeves, et al. v. Wes Wagner, et al.*
Case No. CV12010345

Counselors -

The motion by Defendant Libertarian Party of Oregon for leave to file a SECOND AMENDED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS has come before me in the ordinary course. No party requested oral argument. The motion is decided on the written record.

The proffered SECOND AMENDED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS is the same as the AMENDED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS with the exception that it would plead, as a claim in the case, that said defendant should be awarded judgment against the plaintiffs pursuant to ORS 20.105. To decide this motion, it is necessary to determine whether it is appropriate, or even possible, to plead an award of attorney fees under ORS 20.105 as a claim in a case. It is not. The statute creates a remedial remedy to be invoked by motion after a claim or

EXHIBIT 1
PAGE 1 OF 2

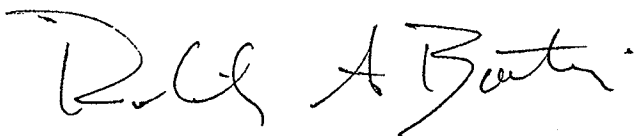
Case No. CV12010345

May 6, 2013

Page 2

other matter in the case is settled and is then subject to a determination that the opposing party has asserted a claim or other legal position with no objectively reasonable basis to have done so. However, the statute does not create a claim for relief in the first instance. Because the statute does not create a claim for relief, it does not proper in a Complaint or a Counterclaim. The motion is denied.

Very truly yours,



Roderick A. Boutin, Judge *pro tem*

EXHIBIT

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Home	Executive	Archives	Audits	Corporation	Elections
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Elections Division
 255 Capitol St NE, Ste 501, Salem, OR 97310
 503.986.1518 or 1.866.673.VOTE

May 24, 2013 (Version: v3.6.3.3)

Buchal for Attorney General (15806)

Public Search

- [Committees by Name](#)
- [Committees by Election](#)
- [Committees by Measure/Petition](#)
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- [Campaign Finance Certificates](#)
- [Candidate Filings](#)
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Transaction Detail

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Transaction Information (Original)

Transaction ID :	1278720	Transaction Date :	07/10/2012
Transaction Type :	Expenditure/Account Payable	Due Date :	08/09/2012 11:59:00 PM
Transaction Sub Type :	Personal Expenditure for Reimbursement	Filed Date :	07/13/2012 01:41:36 PM
Payment Method :		Check :	
Amount :	\$387.50	Aggregate :	\$687.50
Interest Rate :		Repayment Schedule :	
Description :		Exam Letter Date :	07/16/2012
Agent :		Process Status :	Complete
Payer of Personal Expenditure :	Prime One Consulting		
Purpose :	Other Advertising (yard signs, buttons, etc.)		

Address Book Information

Address Book Type :	Business Entity	
Name :	Burnett Media Group LLC	
Address :	7100 SW Hampton Street, Suite 202 Tigard OR 97223	
Occupation :		Occupation Letter Date :
Employer Name :		

Other Information

Associations :
In-Kind/Independent Expenditures :
CoSigner Obligations :

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- [Elections History](#)
- [Initiative, Referendum & Referral](#)
- [Publications & Forms](#)

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EXHIBIT 2
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Elections Division
255 Capitol St NE, Ste 501, Salem, OR 97310
503.986.1518 or 1.866.673.VOTE

May 24, 2013 (Version: v3.6.3.3)

Buchal for Attorney General (15806)

Public Search

- Committees by Name
Committees by Election
Committees by Measure/Petition
Campaign Finance Transactions
Campaign Finance Certificates
Candidate Filings
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Publications & Forms

Transaction Detail

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Transaction Information (Original)

Transaction ID : 1278724
Transaction Date : 07/03/2012
Transaction Type : Expenditure/Account Payable
Due Date : 08/02/2012 11:59:00 PM
Transaction Sub Type : Personal Expenditure for Reimbursement
Filed Date : 07/13/2012 01:41:36 PM
Payment Method :
Check :
Amount : \$300.00
Aggregate : \$300.00
Interest Rate :
Repayment Schedule :
Description : Vinyl Banner
Exam Letter Date : 07/16/2012
Agent :
Process Status : Complete
Payer of Personal Expenditure : Prime One Consulting
Purpose : Other Advertising (yard signs, buttons, etc.)

Address Book Information

Address Book Type : Business Entity
Name : Burnett Media Group LLC
Address : 7100 SW Hampton Street, Suite 202 Tigard OR 97223
Occupation :
Employer Name :

Occupation Letter Date :

Other Information

Associations :
In-Kind/Independent Expenditures :
CoSigner Obligations :

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EXHIBIT 2
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Elections Division
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May 24, 2013 (Version: v3.6.3.3)

Justesen For Oregon (16112)

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Transaction Information (Original)

Transaction ID : 1497843
Transaction Type : Expenditure/Account Payable
Transaction Date : 05/05/2013
Transaction Sub Type : Cash Expenditure
Due Date : 06/04/2013 11:59:00 PM
Payment Method : Check
Filed Date : 05/05/2013 11:32:55 AM
Amount : \$2,000.00
Check : 1002
Interest Rate :
Aggregate : \$9,375.00
Description : Website
Repayment Schedule :
Agent :
Exam Letter Date : 05/06/2013
Payer of Personal Expenditure :
Process Status : Complete
Purpose : Other Advertising (yard signs, buttons, etc.)

Address Book Information

Address Book Type : Business Entity
Name : Burnett Media Group LLC
Address : 7100 SW Hampton Street, Suite 202 Tigard OR 97223
Occupation :
Employer Name :
Occupation Letter Date :

Other Information

Associations :
In-Kind/Independent Expenditures :
CoSigner Obligations :

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EXHIBIT

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PAGE

1 OF 4

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May 24, 2013 (Version: v3.6.3.3)

Justesen For Oregon (16112)

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Transaction Information (Original)

Transaction ID : 1505820	Transaction Date : 05/01/2013
Transaction Type : Expenditure/Account Payable	Due Date : 05/31/2013 11:59:00 PM
Transaction Sub Type : Account Payable	Filed Date : 05/21/2013 01:13:54 PM
Payment Method :	Check :
Amount : \$5,000.00	Aggregate : \$7,375.00
Interest Rate :	Repayment Schedule :
Description :	Exam Letter Date : 05/24/2013
Agent :	Process Status : Complete
Payer of Personal Expenditure :	
Purpose : Literature, Brochures, Printing; Other Advertising (yard signs, buttons, etc.)	

Address Book Information

Address Book Type : Business Entity	
Name : Burnett Media Group LLC	
Address : 7100 SW Hampton Street, Suite 202 Tigard OR 97223	
Occupation :	Occupation Letter Date :
Employer Name :	

Other Information

Associations :
In-Kind/Independent Expenditures :
CoSigner Obligations :

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EXHIBIT 3
PAGE 2 OF 4

Home	Executive	Archives	Audits	Corporation	Elections
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Elections Division
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 503.986.1518 or 1.866.673.VOTE

May 24, 2013 (Version: v3.6.3.3)

Justesen For Oregon (18112)

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Transaction Detail

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Transaction Information (Original)

Transaction ID :	1491332	Transaction Date :	04/22/2013
Transaction Type :	Expenditure/Account Payable	Due Date :	05/22/2013 11:59:00 PM
Transaction Sub Type :	Cash Expenditure	Filed Date :	04/22/2013 03:41:00 PM
Payment Method :	Check	Check :	3003
Amount :	\$2,375.00	Aggregate :	\$2,375.00
Interest Rate :		Repayment Schedule :	
Description :	Mileage	Exam Letter Date :	04/23/2013
Agent :		Process Status :	Complete
Payer of Personal Expenditure :			
Purpose :	Literature, Brochures, Printing; Travel Expenses (need description)		

Address Book Information

Address Book Type :	Business Entity	
Name :	Burnett Media Group LLC	
Address :	7100 SW Hampton Street, Suite 202 Tigard OR 97223	
Occupation :		Occupation Letter Date :
Employer Name :		

Other Information

Associations :
In-Kind/Independent Expenditures :
CoSigner Obligations :

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EXHIBIT 3
 PAGE 3 OF 4

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Elections Division
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May 24, 2013 (Version: v3.6.3.3)

Justesen For Oregon (16112)

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Publications & Forms

Transaction Information (Original)

Transaction ID : 1487622
Transaction Type : Contribution/Pledge
Transaction Sub Type : In-Kind Contribution
Payment Method :
Amount : \$4,000.00
Interest Rate :
Description : Campaign Plan
Agent :
Payer of Personal Expenditure :
Purpose : Management Services

Transaction Date : 04/14/2013
Due Date : 04/16/2013 11:59:00 PM
Filed Date : 04/14/2013 02:58:29 PM
Check :
Aggregate : \$4,000.00
Repayment Schedule :
Exam Letter Date : 04/15/2013
Process Status : Complete

Address Book Information

Address Book Type : Business Entity
Name : Prime One Political Consulting
Address : 1700 SW Hampton, Suite 201
Tigard OR 97223
Occupation :
Employer Name :

Occupation Letter Date :

Other Information

Associations :
In-Kind/Independent Expenditures :
CoSigner Obligations :

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Business Name Search

[New Search](#) [Printer Friendly](#) **Business Entity Data** 05-24-2013
 13:23

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
741215-92	DLLC	ACT	OREGON	02-14-2011	02-14-2014	
Entity Name BURNETT MEDIA GROUP LLC						
Foreign Name						

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[New Search](#) [Printer Friendly](#) **Associated Names**

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	7100 SW HAMPTON ST				
Addr 2	SUITE 202				
CSZ	TIGARD	OR	97223	Country	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	02-14-2011	Resign Date	
Name	GREGORY BURNETT					
Addr 1	7100 SW HAMPTON ST					
Addr 2	SUITE 202					
CSZ	TIGARD	OR	97223	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	P O BOX 219157				
Addr 2					
CSZ	PORTLAND	OR	97225	Country	UNITED STATES OF AMERICA



Type	MEM	MEMBER		Resign Date	
Name	GREGORY BURNETT				
Addr 1	7100 SW HAMPTON ST				
Addr 2	SUITE 202				
CSZ	TIGARD	OR	97223	Country	UNITED STATES OF AMERICA

[New Search](#) [Printer Friendly](#) **Name History**

Business Entity Name	Name Type	Name Status	Start Date	End Date
BURNETT MEDIA GROUP LLC	EN	CUR	02-14-2011	

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	01-29-2013		FI		
	AMENDED ANNUAL REPORT	01-24-2012		FI		
	ARTICLES OF ORGANIZATION	02-14-2011		FI	Agent	

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Business Entity Data

05-24-2013

13:23

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
385357-95	ABN	INA		09-25-2006		
Entity Name	PRIMEONE POLITICAL CONSULTING					
Foreign Name						
Affidavit?	N					

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	18220 NW CORNELL #B				
Addr 2					
CSZ	BEAVERTON	OR	97006	Country	UNITED STATES OF AMERICA

The Authorized Representative address is the mailing address for this business.

Type	REP	AUTHORIZED REPRESENTATIVE		Start Date	09-25-2006	Resign Date	
Name	RICHARD	P	BURKE				
Addr 1	18220 NW CORNELL #B						
Addr 2							
CSZ	BEAVERTON	OR	97006	Country	UNITED STATES OF AMERICA		

Type	REG	REGISTRANT			
Name	RICHARD	P	BURKE		
Addr 1	18220 NW CORNELL #B				
Addr 2					
CSZ	BEAVERTON	OR	97006	Country	UNITED STATES OF AMERICA

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[New Search](#) [Printer Friendly](#) **Name History**

Business Entity Name	Name	Name	Start Date	End Date
	Type	Status		
PRIMEONE POLITICAL CONSULTING	EN	CUR	09-25-2006	

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	FAILURE TO RENEW	09-26-2010		SYS		
	AMENDMENT OF REGISTRATION	08-19-2008		FI		
	RENEWAL PAYMENT	08-18-2008	08-17-2008	SYS		
	APPLICATION FOR REGISTRATION	09-25-2006		FI	Representative	

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EXHIBIT 5
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J. Steve Dodds

From: "Richard Burke" <rpbcentral@gmail.com>
To: "Jim Casterline" <spotteddog@freedomnw.com>
Cc: <davet41@frontier.com>; <d.long@ix.netcom.com>; <timothy.reeves@tenthamendmentcenter.com>; <ericraub@live.com>; <cpealer99@msn.com>; <gregburnett@live.com>; <richwhitehead1@comcast.net>; <doddsengineer@frontier.com>
Sent: Wednesday, August 17, 2011 8:57 PM
Subject: Re: Party website/party name
 All,

It probably would not be necessary to change the name of the organization to secure a website domain that would be suitable. There is nothing magical about lporegon.org - it could easily become oregonlp.org, orlibertarianparty.org, or anything of that nature - and opponents could easily acquire similar domains. If we picked another domain, it would be listed as official by the national party and the Secretary of State. It would soon become known to anyone who cared what the official website is.

I don't know if Jim is correct about the possible outcome of trademark dispute, but I doubt Wagner's crew have the financial resources to push the case so far against the LNC's retained lawyers that the trademark gets thrown out.

Richard

On Wed, Aug 17, 2011 at 8:46 PM, Jim Casterline <spotteddog@freedomnw.com> wrote:

The Oregon Libertarian Party was the name in the bylaws we adopted at our organizing convention in 1972. At the time I suggested changing to the current name as the acronym OLP sounds rude when pronounced, not as elegant as LPO if it were easily pronounced. In other words the Oregon party has gone by both names. My understanding of trademark law which isn't much is that the names are so similar that the new/old name probably wouldn't survive a serious challenge by the owner of the LPO site. I am not giving legal advice. I don't practice in this area of law.
 Jim Casterline

Sent from my iPad

On Aug 17, 2011, at 5:50 PM, "davet41@frontier.com" <davet41@frontier.com> wrote:

- > David Long's comment causes me to think.
- >
- > In a previous exchange, Richard Burke explained that the domain Libertarian Party of Oregon belongs to Vetanen and may not be salvagible to the us. I am
- > wondering if it might not be WISER, when we reconstitute this party we ALSO
- > change the name to Oregon Libertarian Party, in order to avoid any
- > confusion with another organization by the name of Libertarian Party of
- > Oregon.
- >
- > Comments, anyone?
- >

EXHIBIT 6
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> Dave Terry

>
>
>

> Original Message:

> -----

> From: David Long d.long@ix.netcom.com

> Date: Wed, 17 Aug 2011 17:09:20 -0700 (GMT-07:00)

> To: timothy.reeves@tenthamentmentcenter.com, ericraub@live.com,

> cpealer99@msn.com, gregburnett@live.com, richwhitehead1@comcast.net,

> davet41@frontier.com, doddsengineer@frontier.com, spotteddog@freedomnw.com,

> rpbcentral@gmail.com

> Subject: Re: LPO Executive committee meeting tonight

>
>

> <head><style>body{font-size:10pt;font-family:arial,sans-serif;background-col

> or:#ffffff;color:black;}p{margin:0px;}</style></head><body><font

> color="#000000">Greetings,

> all. Since I am still (at 5:10 pm) in downtown Portland earning a living,

> w/car out in Beaverton, I will be missing in inaction this

> evening.

In any case, this is starting make me to feel like a

> squirrel on an exercise wheel, wherein we are continually assured of a good

> outcome if only we do this one more thing, but there is <span

> style="font-style: italic;">always one more thing. Might be easier

> to start a new party.

Good luck. --dave long;

> [503.307.9360](tel:503.307.9360)

</body>

>
>
>

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>
>

Richard P. Burke
503-970-1876

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1 **CERTIFICATE OF SERVICE**

2 I certify that on June 5, 2013, I served or caused to be served a true and
3 complete copy of the foregoing **DECLARATION OF C. ROBERT**
4 **STERINGER IN SUPPORT OF DEFENDANTS' MOTION FOR FINDINGS**
5 **UNDER ORS 20.105** on the party or parties listed below as follows:

- 6 Via First Class Mail. Postage Prepaid
7 Via Email Transmission

8 **VIA EMAIL AND**
9 **FIRST CLASS MAIL**
10 Tyler Smith
11 Nathan Goin
12 TYLER SMITH & ASSOCIATES, P.C.
13 181 N. Grant Street, Suite 212
14 Canby, OR 97013

VIA EMAIL
James E. Leuenberger PC
ATTORNEY AND COUNSELOR AT LAW
5200 SW Meadows Road, Suite 150
Lake Oswego, OR 97035
Attorneys for Defendant Wes Wagner

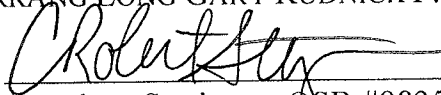
15 Attorneys for Plaintiffs

16 **VIA EMAIL**
17 Colin Andries
18 Andries Law Offices
19 1001 SW 5th Avenue, Suite 1100
20 Portland, OR 97204

VIA HAND-DELIVERY
The Honorable Henry C. Breithaupt
OREGON TAX COURT
1163 State Street
Salem, OR 97301-2563

21 Attorneys for Defendants Harry Joe
22 Tabor, Mark Vetanen. Bruce Knight,
23 Jeff Weston, Jim Karlock, and Richard
24 Skyba

HARRANG LONG GARY RUDNICK P.C.

25 By: 
26 C. Robert Steringer, OSB #983514
bob.steringer@harrang.com
John C. Rake, OSB #105808
john.rake@harrang.com
Telephone: 503.242.0000
Facsimile: 503.241.1458

Of Attorneys for Defendant,
Libertarian Party of Oregon