

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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,

Plaintiff-Appellant,

v.

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

Defendant-Respondent.

Clackamas County Circuit Court No.:
CV 12010345

NOTICE OF APPEAL

1.

Plaintiffs Tim Reeves, Eric Saub, Greg Burnett, the Libertarian Party of Oregon, M Carling, Richard Burke, and David Terry, hereby give notice of appeal from the judgment entered in this case on October 25, 2013, by the Honorable Henry C. Breithaupt, Circuit Court Judge Pro Tem in the Clackamas County Circuit Court.

2.

The parties to this appeal are:

Appellants: Tim Reeves, Eric Saub, Greg Burnett, Libertarian Party of Oregon, David Terry, M Carling, and Richard Burke.

Respondents: Wes Wagner, Harry Joe Tabor, Mark Vetanen, Bruce Knight, Jeff Weston, Jim Karlock, Richard Skyba, Libertarian Party of Oregon.

3.

The names, bar numbers, addresses, and telephone numbers of the parties' attorneys are as follows:

Attorney for Appellants:

Tyler Smith OSB No. 075287, Tyler Smith & Associates, P.C., 181 N. Grant St., Ste. 212, Canby, Oregon 97013, (503) 266-5590, Tyler@RuralBusinessAttorneys.com

Attorney for Respondent Libertarian Party:

C. Robert Steringer OSB No. 983515, Harrang Long Gary Rudnick P.C., 1001 SW Fifth Ave, Portland, Oregon 97204, (503) 242-0000, Bob.Steringer@harrang.com

Attorney for Respondent Wes Wagner:

James Leuenberger OSB No. 891542, James E. Leuenberger P.C., 5200 SW Meadows Rd, STE 150, Lake Oswego, OR 97035, (503) 542-7433, James_Leuenberger@mac.com

Attorney for Respondents Harry Joe Tabor, Mark Vetanen, Bruce Knight, Jeff Weston, Jim Karlock and Richard Skyba:

Colin Andries OSB No. 051892, Andries Law Offices, 1001 SW 5th Ave., STE 1100, Portland, OR 97204, (503) 206-6002, Colin.Andries@andrieslaw.com

4.

The Appellant designates the record in its entirety, including the trial court file, all exhibits, and the record of all oral proceedings.

5.

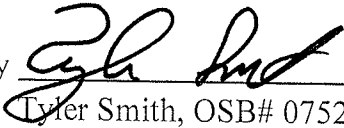
This appeal is timely and otherwise properly filed before the Court of Appeals because it is commenced within thirty days of October 25, 2013, the date of entry of the judgment being appealed.

6.

Attached to this Notice of Appeal is a copy of the judgment being appealed from.

DATED this 20 day of November, 2013.

Tyler Smith & Associates, P.C.

By 
Tyler Smith, OSB# 075287

Of Attorneys for Appellants

181 N. Grant St. STE 212

Canby, OR 97032

Phone: 503-266-5590, Fax: 503-212-6392

CERTIFICATE OF SERVICE

I certify that on the 20th day of November, 2013, I caused a true copy of the Notice of Appeal and attached Judgment to be served on the following parties at the addresses set forth below:

Attorney for Respondent Libertarian Party:

C. Robert Steringer OSB No. 983515, Harrang Long Gary Rudnick P.C., 1001 SW Fifth Ave, Portland, Oregon 97204

Attorney for Respondent Wes Wagner:

James Leuenberger OSB No. 891542, James E. Leuenberger P.C., 5200 SW Meadows Rd, STE 150, Lake Oswego, OR 97035

Attorney for Respondents Harry Joe Tabor, Mark Vetanen, Bruce Knight, Jeff Weston, Jim Karlock, and Richard Skyba:
Colin Andries OSB No. 051892, Andries Law Offices, 1001 SW 5th Ave., STE 1100, Portland, OR 97204

Trial Court Administrator:

Clackamas County Circuit Court, Office of the Trial Court Administrator, 807 Main Street, Room 310, Oregon City, OR 97045

Transcript Coordinator:

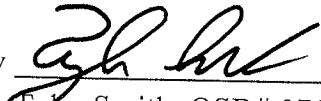
Clackamas County Circuit Court, Transcript Coordinator – Patricia Clark, 807 Main Street, Oregon City, OR 97045

Service was made by first class mail.

DATED this 20 day of November, 2013.

Tyler Smith & Associates, P.C.

By



Tyler Smith, OSB# 075287

Attorney for Appellant

181 N. Grant St. STE 212, Canby, OR 97032

Phone: 503-266-5590, Fax: 503-212-6392

CERTIFICATE OF FILING

I certify that on the 20th day of November, 2013, I filed the original of the Notice of Appeal with the Appellate Court Administrator at the following address:

Appellate Court Administrator
Supreme Court Building
Appellate Court Records Section
1163 State Street
Salem, OR 97301-2563

Filing was done by ✓ hand delivery, first class mail.

STATE OF OREGON
CLACKAMAS COUNTY COURTS
FILED

2013 OCT 24 PM 2: 25

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

ENTERED
OCT 25 2013
By: KLC

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,

Case No. CV 12010345

GENERAL JUDGMENT OF
DISMISSAL

Plaintiffs,

vs.

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

Defendants.

THIS MATTER having come before the Court on Defendant Libertarian
Party of Oregon's Motions for Summary Judgment, the Court having found in its
opinion letter dated May 21, 2013, either that plaintiffs' claims are nonjusticiable
or that it is within the Court's discretion to abstain from deciding plaintiffs'
claims, the Court having further clarified in its letter ruling dated June 4, 2013,
that a court should not insert itself into internal disputes of a political party, and

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Page 1 – GENERAL JUDGMENT OF DISMISSAL

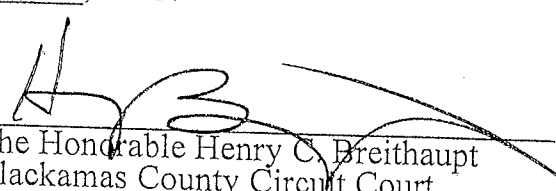
1 the parties having filed a Stipulated Dismissal of Counterclaims Without Prejudice
2 pursuant to ORCP 54A(1), it is hereby:

3 ADJUDGED that plaintiffs' claims are dismissed with prejudice.

4 It is further ADJUDGED that defendants' counterclaims against plaintiffs
5 are dismissed without prejudice pursuant to ORCP 54A(1).

6 It is further ADJUDGED that defendants are the prevailing parties and the
7 appropriate costs and disbursements to which defendants may be entitled shall be
8 determined pursuant to ORCP 68.

9 DATED this 24th day of October, 2013.

10
11 
12 The Honorable Henry C. Breithaupt
13 Clackamas County Circuit Court
14 Judge Pro Tem

15 Submitted By:

16 HARRANG LONG GARY RUDNICK P.C.
17 C. Robert Steringer, OSB #983514
18 John C. Rake, OSB #105808

19 Of Attorneys for Defendant,
20 Libertarian Party of Oregon
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