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

PUBLIC RESOURCE ORG INC,  
  
Plaintiff,  
  
v.  
  
OREGON DEPARTMENT OF CONSUMER  
AND BUSINESS SERVICES,  
  
Defendant.

Case No. 24CV30573  
Hon. Natasha A. Zimmerman  
  
DEFENDANT'S MOTION TO DISMISS  
AMENDED COMPLAINT  
  
**ORS 20.140 - State fees deferred at filing**

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1 **I. UTCR MATTERS**

2 Pursuant to UTCR 5.050, Defendant requests oral argument on this motion. Defendant  
3 estimates 30 minutes will be required for argument and requests official court reporting services.

4 **II. MOTION TO DISMISS**

5 Pursuant to ORCP 21 A(1)(a) and ORCP 21 A(1)(h), Defendant Oregon Department of  
6 Consumer and Business Services (“DCBS”) moves for an order dismissing Plaintiff Public  
7 Resource Organization, Inc.’s (“Plaintiff”) Amended Complaint for Declaratory Relief  
8 (“Amended Complaint”) in its entirety for lack of jurisdiction over the subject matter and failure  
9 to state ultimate facts sufficient to constitute a claim.<sup>1</sup> This motion is supported by the Amended  
10 Complaint, the exhibits attached thereto, and the following points and authorities.

11 **III. POINTS AND AUTHORITIES**

12 **A. Introduction**

13 Plaintiff filed the original Complaint in this case on June 24, 2024, challenging the fact  
14 that DCBS does not possess or provide free access to “integrated digital versions”<sup>2</sup> of model  
15 building codes incorporated into the agency’s administrative rules by reference and challenging  
16 DCBS’ contracts with the private companies that create and maintain those model codes. On  
17 January 9, 2025, this Court issued an order dismissing the Complaint for failure to state a claim  
18 and Plaintiff filed the Amended Complaint on January 24, 2025.

19 Plaintiff seeks relief for three claims in the Amended Complaint. The First and Third  
20 Claims, brought under the Uniform Declaratory Judgments Act (“UDJA”), allege, respectively,

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22 <sup>1</sup> The Amended Complaint refers to “BCD” throughout, which Defendant understands as a  
23 reference to the agency’s “Building Codes Division.”

24 <sup>2</sup> Defendant understands Plaintiff’s reference to “integrated digital codes” to mean the unofficial  
25 and privately compiled versions of the codes that include the full text of the base model code  
26 with the Oregon amendments and that are published by, and available for purchase from, various  
private entities that develop and copyright model codes. Plaintiff acknowledges the existence of  
the free versions, *see* Am. Compl. ¶¶ 13-14, and Defendant therefore understands Plaintiff’s  
Complaint to be referring to *paid* versions of the integrated codes which provide additional  
features such as downloading.

1 that (1) the lack of free access to integrated digital version of the model codes violates Article I,  
2 section 8 of the Oregon Constitution and (2) DCBS's contracts are void and unenforceable for  
3 constitutional and public policy reasons. (*See* Am. Compl. ¶¶ 16-21, 34-44.) The Second Claim,  
4 brought under the Public Records Law ("PRL"), alleges that DCBS violated the PRL by failing  
5 to provide Plaintiff with the integrated digital copies of the model codes upon request. (*See id.* ¶  
6 ¶ 22-33.)

7 The Court lacks jurisdiction over the First and Third Claims because the Amended  
8 Complaint fails to raise a justiciable controversy. The declaratory relief Plaintiff seeks will have  
9 no practical effect on its rights and merely asks the Court to issue an impermissible advisory  
10 opinion. Plaintiff also lacks standing to bring the First and Third Claims under the UDJA  
11 because the Amended Complaint does not identify a concrete injury that a decision from this  
12 Court would remedy. The Second Claim fails to state a claim upon which relief can be granted  
13 because DCBS has completed its response to Plaintiff's public records request by making a  
14 written statement that it is not custodian of the records Plaintiff seeks and also directing Plaintiff  
15 to the form in which the integrated codes are maintained and available for public inspection.  
16 Therefore, the Court should dismiss the Amended Complaint.

## 17 **B. Background**

### 18 **1. Oregon Building Codes**

19 The State's building codes include "structural standards; standards for the installation and  
20 use of mechanical, heating and ventilation devices and equipment; and standards for  
21 prefabricated structures..." ORS 455.020. DCBS "adopts model building codes, standards and  
22 other publications by reference, as necessary, through administrative rule to create the state  
23 building code." OAR 918-008-0000(1). DCBS is authorized to adopt "specialty codes," which  
24 are defined by rule as published collections of standards governing particular fields of  
25 construction which are generally accepted and used in the United States ("model codes") and  
26 combined with Oregon-specific amendments. *See* OAR 918-008-0010(3).

1           **2.       Plaintiff’s Amended Complaint**

2           Plaintiff “hosts copies of safety codes that various government entities have incorporated  
3 into law, such as building codes, fire safety codes, pipeline safety standards, and food safety  
4 standards” on its websites. (Am. Compl. ¶ 6.) In 2023, Plaintiff filed requests under the PRL for  
5 “integrated digital copies” of specialty codes from DCBS. (*Id.* ¶¶12, 26.) DCBS and the Oregon  
6 Department of Justice (“DOJ”) denied Plaintiff’s request, noting that DCBS did not “possess[]  
7 such integrated digital versions of the codes.” (*Id.* Ex. 2 at 2.) DOJ further explained that the  
8 official versions of Oregon’s building codes are codified in Oregon Administrative Rules  
9 Chapter 918, which are freely available for the public to download from the Secretary of State’s  
10 website and noted, however, that DCBS “maintain[ed] physical copies of [the] integrated  
11 versions in [its] offices for inspection...” (*Id.* Ex. 2 at 2 at n 3.) Plaintiff sought reconsideration  
12 of DOJ’s decision and DCBS again denied Plaintiff’s request, noting that the agency is not  
13 custodian of the integrated digital versions of the codes but that the integrated versions are  
14 available for public inspection in hard copy. (*Id.* Ex. 3.)

15           Plaintiff subsequently initiated this litigation, contending that the lack of free access to  
16 the integrated digital version of the codes violates the Oregon Constitution, that DCBS’s  
17 contracts with the private companies who maintain those digital versions are unenforceable, and  
18 that DCBS’s denial of its public records request violates the PRL.

19       **C.       Legal Standards**

20           **1.       Lack of jurisdiction over the subject matter—ORCP 21 A(1)(a)**

21           ORCP 21A(1) provides for dismissal of a complaint for lack of subject matter  
22 jurisdiction. “In ruling on a motion to dismiss for lack of subject matter jurisdiction, the court  
23 may consider facts drawn both from the complaint and “matters outside the pleading, including  
24 affidavits, declarations and other evidence.” *Black v. Arizala*, 337 Or 250, 265 (2004). When  
25 considering a motion to dismiss for lack of subject matter jurisdiction, the court may decide  
26 disputed jurisdictional facts based on evidence submitted by the parties, so long as it does not, at

1 that stage, decide disputed facts that go to the merits of the underlying claim. *Munson v. Valley*  
2 *Energy Inv. Fund, U.S., LP*, 264 Or App 679, 695 (2014) (citing *Black*, 337 Or at 265).

## 3           **2.       Justiciability and standing under the UDJA**

4           Courts do not have jurisdiction to entertain claims where no justiciable controversy  
5 exists. *Cummings Constr. v. Sch. Dist. No. 9*, 242 Or 106, 113 (1965). Under the UDJA, Oregon  
6 courts have the “power to declare rights, status, and other legal relations, whether or not further  
7 relief is or could be claimed...[and] such declarations shall have the force and effect of a  
8 judgement.” ORS 28.010. However, a claim is entitled to declaratory relief only if it presents a  
9 justiciable controversy “where there is an actual and substantial controversy between parties  
10 having adverse legal interests.” *See Brown v. Oregon State Bar*, 293 Or 446, 449 (1982)  
11 (internal citation omitted); *see also Barcik v. Kubiacyk*, 321 Or 174, 188 (1995) (“declaratory  
12 relief is available only when it can affect *in the present* some rights between the parties...”)  
13 (emphasis in original). That declaratory relief is tethered to the present rights of the parties  
14 “applies with particular force when issues involve questions of constitutional importance.” *See*  
15 *TVKO v. Howland*, 335 Or 527, 535 (2003). “Where the rights of the plaintiff are contingent on  
16 the happening of some event that cannot be forecast and that may never take place, the dispute is  
17 not justiciable.” *Berg v. Hirschy*, 206 Or App 472, 475 (2006) (internal citation omitted).

18           Standing is an aspect of justiciability. *Poddar v. Clatsop Cnty.*, 167 Or App 162, 168  
19 (2000); *see also Advanced Drainage Sys, Inc.*, 214 Or App 534, 538 (2007) (“‘standing’ as an  
20 aspect of justiciability refers to the question whether the plaintiff will be substantially and  
21 practically affected by a decision in the case...”). Standing under Oregon law is generally  
22 conferred by statute. *See MT & M Gaming, Inc. v. City of Portland*, 360 Or 544, 553 (2016)  
23 (“...standing is not a generic concept but largely depends on the statute under which the plaintiff  
24 seeks relief.”). To be entitled to relief under the UDJA, plaintiffs must establish that: (1) they  
25 have suffered “some injury or other impact upon a legally recognized interest beyond an abstract  
26 interest in the correct application or the validity of a law”; (2) the aforementioned injury “must

1 be real or probable, not hypothetical or speculative”; and (3) “the court’s decision must have a  
2 practical effect on the rights that the plaintiff[s] [are] seeking to vindicate.” *Morgan v. Sisters*  
3 *Sch. Dist. No. 6*, 353 Or 189, 195, 197 (2013) (internal citation omitted).

4 **3. Failure to state a claim—ORCP 21 (A)(1)(h)**

5 The Oregon Rules of Civil Procedure require a “plain and concise statement of the  
6 ultimate facts constituting a claim for relief.” ORCP 18 A. In determining the sufficiency of a  
7 complaint under ORCP 21A(1)(h), courts accept as true all well-pleaded factual allegations in  
8 the complaint and give the plaintiff the benefit of all favorable inferences that may be reasonably  
9 drawn from the well pleaded allegations. *See Bailey v. Lewis Farm, Inc.*, 343 Or 276, 278  
10 (2007). A complaint must allege facts that would, if true, entitle a plaintiff to relief; merely  
11 reciting legal conclusions is not enough. *See Fearing v. Bucher*, 328 Or 367, 371 (1999); *see*  
12 *also Tydeman v. Flaherty*, 126 Or App 180, 182 (1994) (“We disregard allegations that are  
13 conclusions of law.”).

14 **D. Argument**

15 **1. Plaintiff does not present justiciable claims under the UDJA (First and Third**  
16 **Claims).**

17 The First and Third Claims in the Amended Complaint fail to raise a justiciable  
18 controversy. *See Oregon AFSCME v. DAS*, 150 Or App 87, 92 (1997) (“Without an actual  
19 controversy, a court is called on to render an advisory opinion, which courts cannot do in the  
20 absence of constitutional authority...” (internal citation omitted). Under the First Claim,  
21 Plaintiff seeks a declaration “(1) that the entire text of Codes, as adopted, are officially the law of  
22 the State of Oregon; and (2) that BCD or any other Oregon administrative agency cannot restrict  
23 free public access to the Codes...” (Am. Compl. ¶ 21.) Similarly, the Third Claim seeks a  
24 declaration “that BCD’s contracts with [third-party companies] are void to the extent that they  
25 restrict, impede, or outright prevent BCD from complying with its obligations to produce public  
26 records under the PRL.” (*Id.* ¶ 44.).

1           The declarations Plaintiff seeks would have no effect on its rights “in the present.” *See*  
2   *Barcik*, 321 Or at 188. Plaintiff alleges that it “hosts copies of safety codes” on various websites  
3   and “reformats some of the laws it publishes, including some public safety codes, in order to  
4   make them easier to find, searchable, copyable, and accessible.” (Am. Compl. ¶ 6, 8.)  
5   Declarations from this Court will have no affect on this work presently or in the future. The  
6   third-party companies with which DCBS has executed contracts that are central to Plaintiff’s  
7   claims are not parties to this action and the Court therefore lacks jurisdiction to alter or dissolve  
8   the terms of the contracts or bind those parties in any way. *See Hale v. State*, 259 Or App 379,  
9   386 (2013) (“‘Because plaintiffs’ neighbors are not parties to this case, a declaratory judgment  
10   against the State cannot bind them and will not provide plaintiffs with the relief they seek—the  
11   ability to sue their neighbors.’”) (internal citation omitted).

12           The Amended Complaint fails to articulate what, if any, effect the requested relief would  
13   have on Plaintiff’s rights. *See Oregon AFSCME*, 150 Or App at 92 (“Jurisdiction is determined  
14   in the first instance from the complaint.”). Plaintiff alleges that DCBS’s contracts with third  
15   party companies “ha[ve] vitiated [its] (and the public’s) right to view and speak [the Codes]  
16   freely.” (Am. Compl. ¶ 20.) Declarations from this Court that the contracts violate Article I,  
17   Section 8 of the Oregon Constitution (First Claim) or are void for public policy reasons (Third  
18   Claim) will have no “actual concrete impact on [Plaintiff’s] rights...” *See Hale*, 259 Or App at  
19   386. Plaintiff makes no allegations that the rescission of the contracts would, by itself, result in  
20   Plaintiff being able to view or speak the codes as it desires to do. The Court is therefore left to  
21   speculate as to how declaratory relief in this case would have any practical effect on Plaintiff’s  
22   “right to view, copy, comment upon, and share the Codes...” (Am. Compl. ¶ 20); *see also Berg*,  
23   206 Or App at 475 (finding no justiciable controversy because “[p]laintiffs’ claims...depend on  
24   the occurrence of future events that may or may not happen.”). Plaintiff has therefore failed to  
25   allege a justiciable controversy and the Court lacks jurisdiction to consider the First and Third  
26   Claims.



1           **2.       Plaintiff lacks standing under the UDJA (First and Third Claims).**

2           Plaintiff has also failed to satisfy any of the requirements to establish standing under the  
3 UDJA for the First and Third Claims. As noted above, Plaintiff must establish that: (1) it has  
4 suffered “some injury or other impact upon a legally recognized interest beyond an abstract  
5 interest in the correct application or the validity of a law”; (2) the aforementioned injury “must  
6 be real or probable, not hypothetical or speculative”; and (3) “the court’s decision must have a  
7 practical effect on the rights that the plaintiff is seeking to vindicate.” *Morgan*, 353 Or at 195-97  
8 (internal citations omitted).

9           First, the Amended Complaint demonstrates that the wrong Plaintiff complains of is  
10 “public in character” and not specific to itself. *See id.* at 195. The First Claim alleges that  
11 “[Plaintiff] and *Oregonians* have a constitutional right to view, copy, comment upon, and share  
12 the Codes under Article I, § 8[,]” and seeks a declaration that DCBS “cannot restrict public  
13 access to the Codes, as adopted and enforced against *Oregonians*.” (*See* Am. Compl. ¶¶ 20, 21)  
14 (emphases added). Similarly, the Third Claim seeks a general declaration that DCBS’s contracts  
15 with third parties are “void to the extent that they restrict, impede, or outright prevent [DCBS]  
16 from complying with its obligations to produce public records under the PRL.” (*Id.* ¶ 44.)  
17 Plaintiff’s “abstract interest in the correct application or the validity” of DCBS’s operations has  
18 been rejected as a basis for demonstrating an injury for purposes of the UDJA. *See League of*  
19 *Oregon Cities v. State of Oregon*, 334 Or 645, 658 (2002). As the Oregon Supreme Court has  
20 noted, “[t]here is no case for declaratory relief...where the plaintiff seeks merely to vindicate a  
21 public right to have the laws of the state properly enforced and administered.” *See Morgan*, 215  
22 Or at 195 (internal quotation marks and citation omitted).

23           Second, Plaintiff has failed to demonstrate that it has suffered a real or probable injury.  
24 To do so, it must show that the Court is being asked to “resolve an actual or justiciable  
25 controversy...based on present facts rather than on contingent or hypothetical events.” *See id.* at  
26 196 (internal quotation marks and citation omitted). And, as discussed above, Plaintiff has not

1 done so in this case. *See supra* at 6. The Amended Complaint lacks any allegations as to what  
2 present facts or present harms declaratory relief might remedy. For example, the challenged  
3 contracts with third parties have long been executed and Plaintiff fails to allege what the Court  
4 might do *today* that would undo any alleged harmful effects. (*See e.g.*, Am. Compl. Ex. 1 at 1-2  
5 (2021 contract between DCBS and the International Association of Plumbing and Mechanical  
6 Officials).)

7 Finally, Plaintiff has failed to establish “a connection...between the rights that [it] seeks  
8 to vindicate and the relief requested.” *See Morgan*, 353 Or at 197. As discussed above, the First  
9 Amended Complaint lacks any specific allegations as to what practical effect declaratory relief  
10 would have on Plaintiff’s rights. The electronic versions of the integrated codes that are  
11 currently only available for purchase—which Plaintiff alleges prohibits it from “speak[ing]” the  
12 codes—will not be made available through this Court’s declaration. (*See* Am. Compl. ¶ 20.) In  
13 other words, Plaintiff has failed to demonstrate that it will be in materially different  
14 circumstances if it succeeds in this lawsuit. Plaintiff therefore lacks standing under the UDJA  
15 and the Court must dismiss the First and Third Claims.

16 **3. Plaintiff fails to state a claim under Public Records Law (Second Claim).**

17 The PRL provides that “[e]very person has a right to inspect any public record of a public  
18 body in this state, except as otherwise expressly provided by [specific exemptions].” ORS  
19 192.314(1). A public body must complete its response to a written public records request as  
20 soon as practicable, and there are specific conditions which, if met, constitute a complete  
21 response. ORS 192.329(1), (2). One such condition is invoking an exemption from disclosure  
22 that the public body believes applies to the requested records. ORS 192.329(2)(b), (f). Another  
23 such condition is “[t]o the extent that the public body is not the custodian of records that have  
24 been requested, provides a written statement to that effect.” ORS 192.329(2)(d). If the public  
25 body denies the request, the requestor may petition the Attorney General for review. ORS  
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1 192.411(1). If the Attorney General denies the petition, the requestor may appeal that decision  
2 by seeking injunctive or declaratory relief from the circuit court. ORS 192.411(2).

3 Under the Second Claim, Plaintiff seeks such relief, asking this Court for a declaration  
4 “(1) that the Codes are ‘public records’ under the PRL, (2) that [DCBS] is the custodian of the  
5 Codes, (3) that [DCBS] is not exempt from producing the codes,” and (4) an order “directing  
6 [DCBS] to make the Codes available to [Plaintiff] pursuant to its valid request under the PRL.”  
7 (Am. Compl. ¶ 33.) Plaintiff uses the term “the Codes” to refer to “the entirety of the Oregon  
8 Electrical, Plumbing, Structural, Mechanical, and Residential Specialty Codes, and the Fire  
9 Code,” (*id.* ¶ 1), including not only the official Oregon Administrative Rules but also the  
10 portions of base model codes purchased by DCBS from private standards companies and  
11 incorporated into the rules by reference as amended by the agency (*id.* ¶ 11).

12 Plaintiff alleges that DCBS has violated the PRL by failing to invoke an exemption to  
13 producing the digital integrated version of the codes Plaintiff requested or otherwise completing  
14 Plaintiff’s public records request. (*See id.* ¶¶ 31-32.) However, Plaintiff does not—and  
15 cannot—allege facts sufficient to establish that DCBS did not otherwise complete its response to  
16 Plaintiff’s request as required under the PRL. Instead, Plaintiff’s Amended Complaint and  
17 attached exhibits show that DCBS provided a complete response under ORS 192.329(2)(d) by  
18 providing a written statement to the effect that it is not custodian of the digital records that  
19 Plaintiff requested. (*See id.* ¶¶ 28-29, Exs. 2-3.)

20 Although Plaintiff asserts that the violation of PRL is DCBS’s alleged failure to complete  
21 its response to Plaintiff’s request, Plaintiff does not ask that this Court compel DCBS to  
22 complete the response. (*See id.* ¶ 33.) Instead, Plaintiff asks that this Court declare that the  
23 Codes are public records, DCBS is the custodian of the Codes, and no exemption applies to  
24 disclosure of the Codes, and that this Court compel DCBS to “make the Codes available” to  
25 Plaintiff as it requested. (*Id.*)

1 Because Plaintiff acknowledges that there is a free version of the digital integrated codes  
2 available online (*id.* ¶ 13) and includes documentation that it was informed that DCBS maintains  
3 hard copies of the integrated codes that are available for public inspection (*id.* Ex. 3 at 2), it  
4 appears that Plaintiff uses “the Codes” in its request for relief to mean specifically the paid  
5 version of the integrated digital codes. However, Plaintiff does not allege that only the paid  
6 digital forms of the integrated codes are “the Codes,” nor does it allege that the free online  
7 versions or the hard copy versions are not “the Codes.”<sup>3</sup> Consequently, Plaintiff seeks  
8 declarations of principles that are not in dispute and an order for production of records already  
9 available for public inspection.

10 In its response to Plaintiff’s public records request, DCBS did not dispute that the  
11 integrated codes are public records, nor did it assert that an exemption applied to their disclosure.  
12 (*See id.* at Exs. 2-3.) Furthermore, DCBS did not contend that it is not a custodian of the  
13 integrated codes at all, only that it is not a custodian of the *digital* version of the integrated code.  
14 (*See id.* at Ex. 3.) Regarding custodianship, Plaintiff alleges only that DCBS “adopts the codes  
15 as law, therefore they should be considered the ‘custodian’ of the codes.” (*See id.* ¶ 27.) As  
16 noted above, however, Plaintiff does not allege that the paid versions of the digital integrated  
17 codes are the law while the free digital versions or the hard copy versions are not.

18 ORS 192.324(3) provides that “[i]f the public record is not available in the form  
19 requested, the public body shall make the public record available in the form in which the public  
20 body maintains the public record.” To the extent that Plaintiff seeks access to the integrated  
21 codes in *only its preferred format*—the paid digital version—DCBS has completed its response  
22 to that request by stating that it is not a custodian of the records in that form. And to the extent  
23 that Plaintiff seeks disclosure of the integrated codes as a public record generally, DCBS has  
24 completed its response by explaining where the records are available, both the free digital

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25 <sup>3</sup> Plaintiff does not appear to acknowledge the existence of hard copies of the integrated codes in  
26 its Amended Complaint, despite attaching exhibits that reference their availability for public  
inspection.

1 version online and the hard copy version maintained by the agency. *See* ORS 192.329(2)(a)  
2 (providing that a public body's response is complete when it provides access to or copies of the  
3 requested records or "explains where the records are already publicly available").

4 Furthermore, if Plaintiff's request for injunctive relief on its Second Claim is asking this  
5 Court to require that DCBS produce a copy of the paid digital versions of the codes to Plaintiff,  
6 that relief is not available under the PRL. ORS 192.431(1) provides that "the court has  
7 jurisdiction to enjoin the public body from withholding records and to order the production of  
8 any records improperly withheld from the person seeking disclosure." However, as the  
9 Amended Complaint and its exhibits establish, DCBS does not possess the paid digital version of  
10 the codes, and therefore no relief can be granted. This Court cannot order DCBS to produce  
11 records it does not have, nor does any provision of the PRL confer on the Court the authority to  
12 order DCBS to purchase a copy of the paid version of the integrated codes to provide to Plaintiff.

13 Even assuming the truth of the allegations in the Amended Complaint and making all  
14 reasonable favorable inferences, the Amended Complaint and its exhibits establish only that  
15 DCBS does not maintain the integrated codes in Plaintiff's preferred form (digital) and has made  
16 available for public inspection the form in which it does maintain the integrated codes (hard  
17 copy). Those facts do not constitute a violation of the PRL for which relief is available, let alone  
18 the specific violation that Plaintiff alleges in its Amended Complaint, namely DCBS's purported  
19 failure to complete its response to Plaintiff's public records request. Furthermore, Plaintiff's  
20 requested relief appears to rely on the premise that the paid digital versions of the codes are the  
21 only acceptable format in which the codes can be provided as a public record, but that premise is  
22 in direct contradiction to ORS 192.324(3). Therefore, the Amended Complaint does not allege  
23 facts sufficient to support a claim for relief under ORS 192.411 and must be dismissed.

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For the reasons detailed above, this Court should dismiss the Amended Complaint in its

DATED March 28, 2025.

Respectfully submitted,

DAN RAYFIELD  
Attorney General

*s/ Shaunee Morgan*  
SHAUNEE MORGAN #194256  
JILL CONBERE #193430  
Assistant Attorneys General  
Trial Attorneys  
Tel (971) 673-1880  
Fax (971) 673-5000  
Shaunee.Morgan@doj.oregon.gov  
Jill.Conbere@doj.oregon.gov  
Of Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 I certify that on March 28, 2025, I served the foregoing **DEFENDANT'S MOTION TO**  
3 **DISMISS AMENDED COMPLAINT** upon the parties hereto by the method indicated below,  
4 and addressed to the following:

5 Mohammed Workicho  
6 Davis Kenneth Ray  
7 Ryan T. O'Hollaren  
8 Ballard Spahr LLP  
601 SW Second Avenue, Suite 2100  
Portland, OR 97204  
9 *Attorneys for Plaintiff*

\_\_\_ HAND DELIVERY  
\_\_\_ MAIL DELIVERY  
\_\_\_ OVERNIGHT MAIL  
X SERVED BY E-FILING  
X SERVED BY E-MAIL  
[WorkichoM@ballardspahr.com](mailto:WorkichoM@ballardspahr.com);  
[davisk@BallardSpahr.com](mailto:davisk@BallardSpahr.com);  
[ohollarenr@ballardspahr.com](mailto:ohollarenr@ballardspahr.com)

10  
11  
12 *s/ Shaunee Morgan*  
13 SHAUNEE MORGAN # 194256  
14 JILL CONBERE #193430  
Assistant Attorneys General  
Trial Attorneys  
Tel (971) 673-1880  
15 Fax (971) 673-5000  
16 Shaunee.Morgan@doj.oregon.gov  
jill.conbere@doj.oregon.gov  
17 Of Attorneys for Defendant  
18  
19  
20  
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23  
24  
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