

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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

JOSEPH ARNOLD, CLIFF ASMUSSEN,  
GUN OWNERS OF AMERICA, INC., and  
GUN OWNERS FOUNDATION,

Plaintiffs,

v.

KATE BROWN, Governor of the State of  
Oregon, in her official capacity; and ELLEN  
ROSENBLUM, Attorney General of the  
State of Oregon, in her official capacity,  
TERRI DAVIE, Superintendent of the  
Oregon State Police, in her official capacity,

Defendants,.

Case No. 22CV41008

**ORDER GRANTING TEMPORARY  
RESTRAINING ORDER and ORDER  
TO SHOW CAUSE WHY  
PRELIMINARY INJUNCTION  
SHOULD NOT ENTER**

EX PARTE

**THIS MATTER** came before the Court on Plaintiffs' ORCP 79 MOTION FOR  
TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY  
PRELIMINARY INJUNCTION SHOULD NOT ENTER. This Court, having reviewed Plaintiffs'  
complaint, motion, and attached declarations, and being otherwise fully advised,

**IT IS THEREFORE ORDERED:** Pending the hearing on the motion for the preliminary  
injunction, Defendants and Defendants Agents are temporarily restrained from enforcing Ballot  
Measure 114 as of 12 : 01 **AM** PM on December 8, 2022. Absent entry of this Temporary  
Restraining Order, Plaintiffs will be deprived of their right to bear arms pursuant to Or. Const. Art.  
1, Sec. 27 by being made unable to lawfully purchase a firearm or bear a magazine capable of

\_ Verified Correct Copy of Original 12/5/2022.\_

1 holding more than 10 rounds of ammunition in the State of Oregon. Dep-ivation of fundamental  
2 constitutional rights for any period constitutes irreparable harm. ( based upon findings made on the record. under the Oregon Constitution Article I, Section 27.  
3  
4

5 **IT IS FURTHER ORDERED:** Defendants are ordered to Show Cause, if any, on  
6 December 13, 2022 at 9:00   AM/PM why a preliminary injunction should not  
7 enter and continue throughout the pendency of this action.  
8

9 **IT IS SO ORDERED:**  
10  
11

12 12/6/2022 12:02:19 PM

13 

14 Robert S. Raschio, Circuit Court Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23

UTCR 5.100 CERTIFICATE

I, Tony L. Aiello, Jr., hereby certify as follows that the attached proposed order or judgment:

- (1) [ ] Was served on opposing counsel not less than 3 days prior to submission to the court; or
[ ] Was stipulated by opposing counsel that no objection exists as to the judgment or order; or
[ ] Was served on a self-represented party not less than 7 days prior to submission to the court and accompanied by notice of the time period to object.

(2) This proposed order or judgment is ready for judicial signature because:

- 1. [ ] Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. [ ] Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. [ ] I have served a copy of this order or judgment on each party entitled to service and:
a. [ ] No objection has been served on me.
b. [ ] I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
c. [ ] After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
4. [X] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

5. [ ] This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.
6. [X] **OTHER: Ex Parte: Defendants were sent a copy of the motion, declarations and proposed order through E-mail to their presumptive counsel Brian Simmonds Marshall, Senior Assistant Attorney General, to inform him that this motion was forthcoming and of Plaintiffs' intent to appear Ex Parte on December 2, 2022. See Declaration of Tony Aiello, Jr.**