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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,
an Oregon public benefit corporation; BRAD
LOHREY, Sherman County Sheriff; CODY
BOWEN, Union County Sheriff; BRIAN
WOLFE, Malheur County Sheriff; HAROLD
RICHARD HADEN, JR., an individual; and
ADAM JOHNSON, an individual,

Plaintiffs,

v.

KATE BROWN, GOVERNOR OF THE
STATE OF OREGON, and ELLEN
ROSENBLUM, ATTORNEY GENERAL OF
THE STATE OF OREGON, in both their
official and personal capacities,

Defendants.

Civil No.: 2:22-cv-01815-IM

OPPOSED MOTION FOR LEAVE TO
FILE BRIEF OF AMICUS CURIAE
SILENT MAJORITY FOUNDATION

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES

Consistent with Local Rule 7-1, Silent Majority Foundation and its counsel of record
certify that it has conferred with counsel of all Parties, as follows: on November 29, 2022,

Mr. Serrano corresponded with Plaintiffs' Counsel, inquiring of the benefit of an Amicus brief. Counsel confirmed Plaintiffs' support. Counsel subsequently fulfilled obligations to "meet and confer" with Defendants' counsel via email on November 29, 2022, wherein Defendants' counsel confirmed that if Amicus brief is filed by 5 PM PST on November 29, 2022, Defendants do not oppose the Motion; however, Defendants would oppose a motion if filed after that time. As Amicus has filed this Motion within the requested time frame, Amicus files this motion unopposed.

COMES NOW Silent Majority Foundation, by and through its attorneys, Simon P. Serrano, Austin F. Hatcher, and Karen L. Osborne, and requests permission to file a brief as *amicus curiae*.

A. Identity and Interest of Amicus Curiae.

The Silent Majority Foundation ("SMF") is a Nonprofit Organization focused on protecting the United States Constitution and the God-given rights it protects. Since its founding in 2021, Amicus has advocated for individual liberty and freedom through education and litigation. Its mission is the prevention of degradation of Constitutional rights such as the right to bear arms as implicated in the instant case. Over the past two years, Amicus has been at the forefront of efforts to advocate for and protect free speech rights and the fundamental principles of self-defense and autonomy granted by the United States Constitution. Presently, Amicus has a motion seeking injunctive relief pending in the United States District Court for the Eastern District of Washington, challenging Washington's "large capacity magazine" ban enacted through Engrossed Substitute Senate Bill 5078 (2022), *Brumback v. Ferguson*, 1:22-cv-03093-MKD.

Amicus is familiar with the briefing submitted by the Plaintiffs. Amicus is familiar with the scope of the argument presented by the parties and will not unduly repeat arguments raised by the parties. The Court's decision on the issues in this case will significantly impact the law on the right of citizens of Oregon to bear arms. The parties are naturally most interested in the establishment of rules that address the particular facts of this case and that provides a favorable result to their clients; Amicus can provide a wider perspective, helping in the establishment of a rule that goes beyond the needs of the specific parties in this case. Amicus also has specific expertise in the area of the right to bear arms and is currently litigating a similar case in the state of Washington.

Silent Majority Foundation is a 501 (c)(3) Washington Non-profit Corporation and has no parent corporation. No counsel for a party authored this brief in whole or in part, and no person other than amici and its counsel made a monetary contribution to this brief's preparation and submission.

Simon Pete "Pete" Serrano is an attorney licensed to practice law in the states of Washington, California, and Florida. Mr. Serrano is one of the founders of Silent Majority Foundation as he saw a need to strengthen the protection of all constitutional rights. In creating SMF, SMF's founders created an "organization centered on protecting America's constitution and theological foundation" with the intent to "support, protect and defend the constitution of our United States through education, advocacy, and litigation efforts. SMF will always focus on God and Country as the core of our mission."

Austin F. Hatcher is an attorney licensed to practice law in the state of Washington and resided for a time in the state of Oregon as a student at the University of Portland, which he attended as a freshman in college, and continues to recreate in Oregon multiple times a

year camping with his family and hunting bear and elk. At the age of 13, he received a perfect score on his hunter education exam and was asked to compete in the Juniors Division at the Spokane Rifle Club and has hunted and handled firearms ever since. After completing his undergraduate degree, he commissioned as an officer in the United States Marine Corps with a military occupational specialty of military police. In that capacity, he served around the country and the world, in Virginia, Missouri, California, and Georgia, as well as Okinawa, Japan, the Republic of the Philippines, and the Republic of Korea. While stationed in Japan, he held an auxiliary billet as the battalion Arms, Ammunition, and Explosives (AA&E) officer, charged with overseeing and auditing armory procedures, tracking inventory and condition of stored weapons, and ensuring compliance with the Marine Corps serialized small arms/light weapons accountability program. During his time in this billet, his unit received a mission-capable assessment of the AA&E functional area during the Inspector General of the Marine Corps Inspection Program.

Karen L. Osborne is an attorney licensed in Oregon and Washington. She received a Master of Arts Degree at Multnomah University in Portland, Oregon. She continued her schooling at William and Mary Law School in Virginia. She now resides with her husband who is a Federal Firearms Licensee and developing a revolutionary concealed carry pistol emphasizing safety, reliability, and functionality for those who would otherwise hesitate to carry for personal protection.

B. Argument.

Although the Federal Rules of Appellate Procedure do not explicitly contain provisions addressing the filing of *amicus curiae* briefs in trial court proceedings, “[d]istrict courts have inherent authority to appoint or deny amici which is derived from Rule 29 of the

Federal Rules of Appellate Procedure.” *Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008) [internal quotations omitted]. *See also, Stuart v. Huff*, 706 F.3d 345 (4th Cir. 2013) (noting that non-parties and prospective intervenors have the option to file amicus briefs in district court proceedings and that such amici “often make useful contributions to litigation”).

Under Fed. R. App. Pro. 29, the court should grant SMF’s request to file a brief of *amicus curiae* as the proposed brief will assist the court in understanding why 2022 Ballot Measure 114 infringes on the right of citizens of Oregon to bear arms without a constitutionally supported historical tradition of such regulation.

C. Conclusion.

For the foregoing reasons, the court should grant the motion of SMF to file a brief of *amicus curiae*.

Dated this 30th of November, 2022.

/s/ Karen L. Osborne

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2022, I caused to be electronically filed the foregoing paper with the Clerk of the Court by using the CM/ECF system. The following participant in the case who is a registered CM/ECF user will be served by the CM/ECF system.

Brian Marshall
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OREGON DEPARTMENT OF JUSTICE
Attorney for Defendants

John Kaempf
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Attorney for Plaintiffs

DATED: November 30, 2022.

/s/ Simon Peter Serrano
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