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

REX CAPRI,

Plaintiff,

v.

DANA W. JENKINS, LINCOLN COUNTY,

Defendants.

Case No. 17CV23360

**STIPULATED PRELIMINARY  
INJUNCTION**

**(Appeal under ORS 246.910, Declaratory  
Judgment)**

Based on ORCP 79 C and the stipulation of the parties, it is hereby

ORDERED that the application of the following provision of Lincoln County Ballot Measure 21-177, which authorized an Ordinance entitled "Freedom of Lincoln County From Aerially Sprayed Pesticides,"<sup>1</sup> is enjoined until entry of a judgment that determines the validity of the provision:

If the County Government fails to enforce or defend this law, or a court fails to uphold this law's limitations on corporate power, this law shall not be affected by the failure to enforce or defend, or by the failure to uphold the limitations on corporate power, and any person may then enforce the rights and prohibitions of this law through direct action. If enforcement through direct action is commenced, this law shall prohibit any private or public actor from filing a civil or criminal action against those participating in direct action. If filed, in violation of this provision, the applicable court must dismiss the action promptly, without further filings

<sup>1</sup> This is Section 5(d) of the Ordinance.

1 being required of direct action participants. "Direct action" as  
2 used by this provision shall mean any activities or actions carried  
3 out to directly enforce the rights and prohibitions contained within  
4 this law.

Signed: 6/14/2017 02:22 PM

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8 **Circuit Court Judge Sheryl Bachart**

9  
10 IT IS SO STIPULATED:

11 DAVIS WRIGHT TREMAINE LLP

12 By:   
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20 Attorneys for Plaintiff

21 Dated: June 12, 2017

22 

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Attorney for Defendants

Dated: June 12, 2017