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DEPARTMENT OF JUSTICE
TRIAL DIVISION

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

CLATSOP COUNTY DISTRICT)	
ATTORNEY,)	
)	Case No. 11-2430
Plaintiff,)	
)	MOTIONS TO DISMISS
vs.)	
)	Oral Argument Requested
CITY OF ASTORIA,)	
Defendant.)	

1.

Prior to filing this motion, defendant made a good faith effort to confer with plaintiff concerning the issues raised. Defendant estimates that 60 minutes will be required for oral argument. Court reporting services are requested.

2.

The City of Astoria moves for an order:

- (a) Dismissing this action pursuant to ORCP 21 A(6) because the Clatsop County District Attorney is not the real party in interest;
- (b) Dismissing this action pursuant to ORCP 21 A(1) and A(8) for lack jurisdiction over the subject matter, because plaintiff's complaint fails to allege a justiciable controversy; and
- (c) Dismissing this action pursuant to ORCP 21 A(1) and A(7) for lack jurisdiction over the subject matter, because plaintiff's complaint fails to name as defendants other cities that would be affected by the declarations requested in the complaint.

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POINTS AND AUTHORITIES

Introduction

3.

This case involves the question of whether misdemeanor charges of Driving Under the Influence of Intoxicants, charged pursuant to ORS 813.010 (DUII), arising in the City of Astoria should be prosecuted in circuit court or in municipal court. Because plaintiff lacks standing to raise this issue and is not the real party in interest, and because the complaint fails to cite authority for its prayer, the City of Astoria asks that the case be dismissed.

4.

In the City of Astoria, a city police officer having probable cause to believe a person has committed a DUII may cite the offender for a violation of ORS 813.010 or Astoria Traffic Code 6.005. The officer also has a choice to cite the person into municipal court or circuit court¹. Circuit courts and municipal courts have concurrent jurisdiction over these cases. ORS 221.339 (2). This means that circuit and municipal courts have the same authority over these cases. 20 Op Atty Gen 28 (1940). When a DUII is filed in circuit court, the district attorney and his appointed deputies act as trial counsel for the state. ORS 8.650, 8.660 and 8.780. When a violation of ORS 813.010 is filed in municipal court, the judge exercises the authority of a justice of the peace, *Henderson v Smith*, 282 Or 109, 577 P2d 504 (1978) and the city attorney is trial counsel for the state. *City of Pendleton v Elk*, 137 Or App 513, 522, 905 P2d 237 (1995) (holding that service of notice of appeal from DUII conviction on city attorney is service on State of Oregon). In

¹ The officer's choice of court is controlled by department policy.

1 municipal court, the city attorney has all the powers of the elected district
2 attorney. ORS 221.339(5).
3

4 5.

5 A district attorney is a state officer, a prosecutor for the executive branch.
6 *State v Coleman*, 131 Or App 386, 886 P2d 28 (1995). The duties of that office are
7 assigned by the state legislature. Or Const, Art VII, §17 (Original), ORS 8.610 *et*
8 *seq.* The district attorney's function as a prosecutor also is subject to control by
9 the governor. ORS 180.070.
10

11 Real Party in Interest

12 6.

13 ORCP 21 A(6) provides that a complaint may be dismissed when the
14 party asserting the claim is not the real party in interest. The rule flows from
15 ORCP 26 A, which requires that:

16 "[e]very action shall be prosecuted in the name of the real party in
17 interest. An executor, administrator, guardian, conservator, bailee,
18 trustee of an express trust, a party with whom or in whose name a
19 contract has been made for the benefit of another, or a party
authorized by statute may sue in that party's own name without
joining the party for whose benefit the action is brought."
20

21 7.

22 Case law describes the rule as recognizing two classes of persons who
23 may be regarded as real parties in interest under ORCP 26 A. First, there is the
24 class of parties who will benefit or will be injured by the judgment in the case.
25 *Association of Unit Owners v. Dunning*, 187 Or App 595, 607, 69 P3d 788 (2003);
26 *Pulkrabek v Banker's Mortgage Corp.*, 379 Or 379, 385, 238 P 347 (1925); *State Land*
27 *Board v Lee*, 84 Or 431, 165 P 372 (1917) (If a suit is for the benefit of the state, the
28 state is the real party in interest). Second, there is the class of persons who are

1 statutorily authorized to bring an action. *State by Haglund ex rel Security Savings v*
2 *School Board*, 148 Or 273, 31 P2d 751 (1934) (When district attorney, as a law
3 officer of the state, files a *quo warranto* action, the state is real party in interest);
4 *State Land Board v Campbell*, 140 Or 196, 197, 13 P2d 346 (1932) (State is the real
5 party in interest when state department is the plaintiff); *Allen v Craig*, 102 Or 254,
6 201 P 1079 (1921) (County assessor may not sue in his own name if suit is filed
7 for benefit of the county); *Hannah v Wells*, 4 Or 249 (1872) (District attorney may
8 bring action in his own name only when authorized by statute).
9

10 8.

11 Plaintiff has asked this court to declare that his office, rather than the city
12 attorney, should represent the State of Oregon in DUII cases arising in Astoria.
13 The benefit to or injury from any such decision would flow to the mutual client
14 of these two prosecutors, the State of Oregon. The State of Oregon is the real
15 party in interest. This conclusion is further highlighted by the fact that the
16 Attorney General has filed the complaint. That office may only commence a
17 lawsuit on behalf of a state officer as necessary or advisable to protect the interest
18 of the state. ORS 180.060; see *People v Debt Reducers*, 5 Or App 322, 330-331, 484
19 P2d 869 (1971) (the attorney general has common-law authority to protect the
20 public interest in a variety of situations in civil matters except where they are
21 limited by statute).
22

23 9.

24 Because the duties of a district attorney are assigned by the legislature, it
25 would be possible for the legislature to give the district attorney authority to file
26 this suit in his own name or in the name of his office, in order to protect an
27 interest of the state. That was the situation in *Hannah v Wells*, 4 Or 249 (1872). In
28

1 *Hannah*, a suit to recover a bail bond was brought in the name of the district
2 attorney. It was argued on appeal that the state, rather than the district attorney,
3 was the real party in interest. The court found that "although not the real parties
4 in interest," a statute allowed the district attorney to sue in his own name, *Hanna*,
5 *supra* at 250. Plaintiff has alleged no statutory authority to bring this action in the
6 name of the district attorney.
7

8 Justiciable Claims

9 10.

10 Plaintiff's complaint must allege a justiciable controversy in order to
11 invoke the jurisdiction of the court. *Meyer v. Joseph*, 295 Or 588, 668 P.2d 1228
12 (1983). To be entitled to declaratory relief, plaintiff "must present a state of facts
13 from which he has present legal rights against those he names as defendants."
14 *Cummings Construction Co. v School Dist. No. 9*, 242 Or 106, 110, 408 P2d 80 (1965).
15

16 11.

17 Plaintiff's complaint seeks a declaration under ORS 28.010-28.160, the
18 Uniform Declaratory Judgments Act. To allege a justiciable controversy under
19 that act, a plaintiff must allege three things:
20 1) plaintiff has standing; 2) plaintiff's rights, status or other legal relations are
21 affected; and 3) the rights arise from a particular law or enactment at issue. ORS
22 28.020, *League of Oregon Cities v State*, 334 Or 645, 56 P3d 892 (2002).
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12.

Standing is a legal term that identifies whether a party possesses a status or qualification needed for the adjudication of legal rights. *Kellas v Department of Corrections*, 341 Or 471, 476-477, 145 P3d 139 (2006). ORS Ch 28 grants standing to “[a]ny person” whose “. . . status or other legal relations are affected by a constitution, statute, municipal charter, ordinance, contract or franchise. . .”²

ORS 28.130 defines person as follows:

“Person” defined. The word “person,” wherever used in this chapter, shall be construed to mean any person, partnership, joint stock company, unincorporated association or society, or municipal or other corporation of any character whatsoever.

This case is brought in the name of the Clatsop County District Attorney, an officer of the state executive branch. State offices and officers are nowhere granted standing to seek declarations under Chapter 28.

13.

When interpreting a statute, a court should attempt to determine and apply the intent of the legislature in enacting the statutory provision. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610, 859 P2d 1143 (1993). The first level of analysis involves examination of the text and context of the statutory wording. If the legislative intent is clear from that examination, the inquiry is at an end. *Id.* at 611. The definition of “person” in ORS 28.130 includes municipal corporations but does not include other public bodies or their offices³. The office of the

² ORS 28.040 also grants standing to persons interested in estate proceedings. Presumably plaintiff does not rely on this statute.

³ This conclusion is consistent with the attorney general’s opinion concerning the definition of “person” in the Oregon Public Records Law. Because the definition of person in ORS 192.410(2) does not mention a public body, the attorney general has

1 Clatsop County District Attorney is not a person authorized by ORS 28.130 to
2 seek a declaration of rights. This plaintiff has failed to state facts that grant him
3 standing. *See e.g., Gortmaker v Seaton*, 252 Or 440, 450 P2d 547 (1969) (District
4 attorney failed to allege facts giving him standing to sue).
5

6 14.

7
8 The complaint also fails to allege that any right of the district attorney has
9 been affected. It is alleged that the mayor and city council declined offers to
10 allow the district attorney to take over prosecution of certain cases, that the
11 police chief did not follow the district attorney's direction to cite cases into circuit
12 court, and that the Astoria city attorney did not obey the district attorney's order
13 to dismiss municipal court cases. But the complaint includes no allegation that
14 the district attorney had authority to issue such commands or that the mayor and
15 city council were obliged in any way to accept the district attorney's offer to
16 prosecute DUII cases in circuit court.
17

18 15.

19 The functions of a district attorney are assigned by the legislature.
20 Pursuant to ORS 8.650, a district attorney is authorized to prosecute certain
21 municipal violations in circuit court, and, pursuant to ORS 8.660, must prosecute
22 on behalf of the state public offenses that have been filed in circuit court. The
23 complaint does not allege that these functions of the district attorney have been
24 affected in any way.
25

26
27 _____
28 concluded that a public body may not use the Public Records Law to obtain public
records from another public body. John R. Kroger, *Attorney General's Public Records
and Meetings Manual*, p. 1 (2011)

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16.

The power to transfer cases from municipal court to circuit court is not given to the district attorney but rather to the person charged with an offense. ORS 51.050(2). If the legislature wanted the district attorney to have authority to transfer cases or to direct prosecutions in municipal court, it would have said so. It has not⁴.

17.

The Uniform Declaratory Judgments Act allows a person affected by a statute the opportunity to seek a declaration concerning the person's own rights under that statute. The act does not allow for the determination of the rights of others or some public right. *See Oregon Taxpayers United PAC v. Keisling*, 143 Or App 537, 924 P2d 853 (1996) (ORS 28.020 does not allow an organization to assert the rights of its members); *Eacret et ux v. Holmes*, 215 Or 121, 125, 333 P2d 741 (1958) (there is no case for declaratory relief where a plaintiff seeks merely to vindicate a public right). The complaint describes no statute or constitutional provision that gives the Clatsop County district attorney any right to direct the mayor, city council, police chief or city attorney in the conduct of municipal court.

⁴ The Clatsop County district attorney, in apparent recognition of his lack of authority, secured the introduction of HB 3025 in the last legislative session. The bill was intended to give district attorneys authority over municipal prosecutions. The bill was not adopted. See attached Exhibit "A."

1 Failure to Join Affected Parties

2 18.

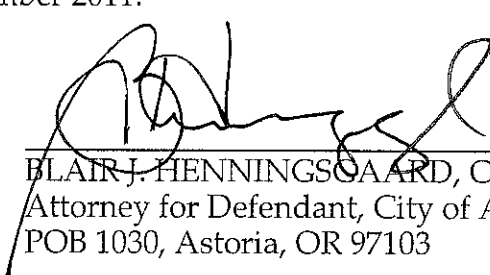
3
4 ORS 28.110 requires that all persons who would be affected by the court's
5 declaration be made parties to a declaratory judgment suit. This requirement has
6 been held to be jurisdictional, and courts do not have authority to make a
7 declaration unless all such persons are parties. *Smith v Truck Insurance Exchange*,
8 242 Or App 202, 255 P3d 614 (2011). The Oregon Judicial Department recognizes
9 144 municipal courts in the State of Oregon including four municipal courts in
10 Clatsop County⁵. See attached Exhibit "B." The declaration sought in this case
11 would likely affect the municipal authority of each of those cities. This case
12 should not proceed until each affected municipality is allowed to participate.

13 Conclusion

14 19.

15 For the reasons detailed above, plaintiff's complaint should be dismissed.

16 DATED this 4 day of November 2011.

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22 BLAIR J. HENNINGSGAARD, OSB# 78240
23 Attorney for Defendant, City of Astoria
24 POB 1030, Astoria, OR 97103

25
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27 _____
28 ⁵ The City of Warrenton also operates a municipal court in Clatsop County but is not included in the Judicial Department's listing.

House Bill 3025

Sponsored by Representative BOONE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Clarifies that district attorney may take control of investigation and prosecution of any misdemeanor committed in county served by district attorney.

A BILL FOR AN ACT

1
2 Relating to district attorneys; amending ORS 8.660.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 8.660 is amended to read:

5 8.660. (1) The district attorney shall attend the terms of all courts having jurisdiction of public
6 offenses within the district attorney's county, and, except as otherwise provided in this section,
7 conduct, on behalf of the state, all prosecutions for such offenses therein. **Notwithstanding any**
8 **provision of ORS chapter 221, a district attorney may take control of the investigation and**
9 **prosecution of any misdemeanor committed in the county served by the district attorney.**

10 (2) A district attorney shall not conduct prosecutions under this section when:

11 (a) A city attorney is prosecuting a violation under ORS chapter 153; or

12 (b) The district attorney is prohibited from appearing in a violation proceeding under the pro-
13 visions of ORS 153.076.

14

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in boldfaced type.

LC 3089

Exhibit "A"

	Court Name	Type	Phone No	Mailing Address	City	County	Zip
1	Albany Municipal Court	M	541-917-7740	PO Box 490	Albany	Linn	97321
2	Amity Municipal Court	M	503-835-3711	PO Box 159	Amity	Yamhill	97101
3	Ashland Municipal Court	M	541-482-5214	1175 East Main Street	Ashland	Jackson	97520
4	Astoria Municipal Court	M	503-325-3939	1095 Duane Street	Astoria	Clatsop	97103
5	Athens Municipal Court	M	541-566-3862	PO Box 686	Athens	Umatilla	97813
6	Aumsville Municipal	M	503-749-2189	PO Box 103	Aumsville	Marion	97325
7	Aurora, City of	M	503-678-1283	21420 Main Street NE	Aurora	Marion	97002
8	Baker City Municipal Court	M	541-523-8213	1995 Third	Baker City	Baker	97814
9	Baker County Justice Court District #1	M	541-523-8213	1995 3rd Street, Suite 170	Baker City	Baker	97814
10	Bandon Municipal Court	M	541-347-2437	PO Box 67	Bandon	Coos	97411
11	Beaverton Municipal Court	M	503-526-2290	PO Box 4755	Beaverton	Washington	97076
12	Bend Municipal Court	M	541-388-5572	PO Box 431	Bend	Deschutes	97709
13	Brookings Municipal	M	541-469-2183	898 Elk Drive	Brookings	Curry	97415
14	Brownsville Municipal Court	M	541-466-5666	PO Box 188	Brownsville	Linn	97327
15	Burns Municipal Court	M	541-573-5255	242 South Broadway	Burns	Harney	97720
16	Butte Falls	M	541-865-3262	PO Box 268	Butte Falls	Jackson	97522
17	Canby Municipal Court	M	503-266-4027	150 N. Holly Street	Canby	Clackamas	97013
18	Cannon Beach Municipal	M	503-436-2046	PO Box 368	Cannon Beach	Clatsop	97110
19	Canyonville Municipal Court	M	541-839-4389	PO Box 376	Canyonville	Douglas	97417
20	Carlton	M	503-852-7575	PO Box 458	Carlton	Yamhill	97111
21	Cascade Locks Municipal Court	M	541-374-8484	PO Box 308	Cascade Locks	Hood River	97014
22	Cave Junction, City of	M	541-592-2156	PO Box 1396	Cave Junction	Josephine	97523
23	Central Point Municipal Court	M	541-664-3321	155 S. Second Street	Central Point	Jackson	97502
24	Clatskanie Municipal Court	M	503-728-3011	PO Box 9	Clatskanie	Columbia	97016
25	Coburg Municipal Court	M	541-682-7859	PO Box 8146	Coburg	Lane	97408
26	Coos Bay Municipal Court, City of	M		500 Central Avenue	Coos Bay	Coos	97420
27	Coquille Municipal Court	M	541-396-2115	99 East Second Street	Coquille	Coos	97423
28	Cornelius Municipal Court	M	503-992-5398	1355 N. Barlow	Cornelius	Washington	97113
29	Corvallis Municipal Court	M	541-766-6948	PO Box 1083	Corvallis	Benton	97333
30	Cottage Grove Municipal Court	M	541-942-3346	400 E. Main Street	Cottage Grove	Lane	97424
31	Dallas Municipal, City of	M	503-831-3576	187 SE Court Street	Dallas	Polk	97338
32	Damascus Municipal Court	M	503-658-4800	19920 SE Hwy. 212	Damascus	Clackamas	97089
33	Dayton Municipal Court	M	503-864-2221	PO Box 339	Dayton	Yamhill	97114
34	Detroit Municipal Court	M	503-854-3496	PO Box 589	Detroit	Marion	97342
35	Donald, City of	M	503-578-5543	PO Box 388	Donald	Marion	97020-0388
36	Dundee, City of	M	503-538-3922	PO Box 220	Dundee	Yamhill	97115
37	Echo Municipal	M	541-376-8411	PO Box 9	Echo	Umatilla	97826
38	Elgin Municipal Court	M	541-437-2253	PO Box 128	Elgin	Union	97827
39	Enterprise Municipal	M	541-426-4196	108 NE First Street	Enterprise	Wallowa	97828
40	Estacada Municipal Court	M	503-630-8286	PO Box 958	Estacada	Clackamas	97023
41	Eugene Municipal Court	M	541-682-5400	777 Pearl Street #104	Eugene	Lane	97401
42	Fairview Municipal Court	M	503-674-6210	PO Box 337	Fairview	Multnomah	97024
43	Falls City Municipal Court	M	503-787-3631	PO Box 310	Falls City	Polk	97344
44	Florence Municipal Court	M	541-997-3123	900 Greenwood Street	Florence	Lane	97439
45	Forest Grove Municipal	M	503-892-3268	PO Box 326	Forest Grove	Washington	97116
46	Gaston Municipal Court	M	503-985-3340	PO Box 129	Gaston	Washington	97119
47	Gearhart, City of	M	503-738-5501	PO Box 2510	Gearhart	Clatsop	97138
48	Gladstone Municipal	M	503-656-5224	525 Portland NE	Gladstone	Clackamas	97027
49	Glendale Municipal Court	M	541-832-2101	PO Box 325	Glendale	Douglas	97442
50	Gold Beach Municipal Court	M	541-247-7029	29592 Ellensburg Avenue	Gold Beach	Curry	97444
51	Gold Hill Municipal Court	M	541-855-1525	PO Box 308	Gold Hill	Jackson	97525

	Court Name	Type	Phone No	Mailing Address	City	County	Zip
52	Halfway Municipal	M	541-742-7171	PO Box 691	Halfway	Baker	97834
53	Richland Municipal	M	541-742-7171	PO Box 691	Halfway	Baker	97834
54	Halsey Municipal Court	M	541-369-2522	PO Box 10	Halsey	Linn	97348
55	Happy Valley Municipal Court	M	503-760-3325	12915 SE King Road	Happy Valley	Clackamas	97086
56	Harrisburg Municipal Court	M	541-995-8311	PO Box 286	Harrisburg	Linn	97446
57	Hermiston Municipal Court	M	541-567-6610	330 S. First Street	Hermiston	Umatilla	97838
58	Hillsboro Municipal Court	M	503-681-6157	150 E. Main Street	Hillsboro	Washington	97123
59	Hines Municipal	M	541-573-2251	PO Box 336	Hines	Hamey	97738
60	Hood River, Municipal Court of the City of	M	541-397-5250	PO Box 27	Hood River	Hood River	97031
61	Hubbard Municipal Court	M	503-981-9633	PO Box 380	Hubbard	Marion	97032
62	Huntington Municipal Court	M	541-869-2202	PO Box 369	Huntington	Baker	97907
63	Independence Municipal Court	M	503-638-1212	PO Box 7	Independence	Polk	97351
64	Jacksonville Municipal Court	M	541-899-1231	PO Box 7	Jacksonville	Jackson	97530
65	Jefferson Municipal Court	M	541-327-2766	PO Box 83	Jefferson	Marion	97352-0083
66	Johnson City Municipal Court	M	503-855-9710	16120 SE 81st	Johnson City	Clackamas	97267
67	Junction City Municipal	M	541-998-1113	PO Box 250	Junction City	Lane	97448
68	Keizer Municipal	M	503-390-3700	PO Box 21000	Keizer	Marion	97307-1000
69	King City Municipal Court	M	503-620-6444	15300 SW 116th Avenue	King City	Washington	97224
70	Klamath Falls Municipal Court, City of	M	541-883-5311	PO Box 237	Klamath Falls	Klamath	97601
71	La Grande Municipal Court	M	541-962-1314	PO Box 670	La Grande	Union	97850
72	Lafayette Municipal, City of	M	503-864-2451	PO Box 55	Lafayette	Yamhill	97127
73	Lake Oswego Municipal Court	M	503-635-0217	PO Box 369	Lake Oswego	Clackamas	97034
74	Lebanon Municipal Court	M	541-451-7485	30. E. Maple Street	Lebanon	Linn	97355
75	Lincoln City	M	541-996-1217	PO Box 50	Lincoln City	Lincoln	97367
76	Lowell Municipal Court, City of	M	541-937-2157	PO Box 490	Lowell	Lane	97452
77	Madras Municipal Court	M	541-475-2344	71 SE "D" Street	Madras	Jefferson	97741
78	Malin Municipal Court	M	541-723-2021	PO Box 61	Malin	Klamath	97632
79	Manzanita Municipal Court	M	503-368-5343	PO Box 129	Manzanita	Tillamook	97130
80	McMinnville Municipal Court	M	503-434-7402	230 NE Second Street	McMinnville	Yamhill	97128
81	Medford Municipal Court	M	541-774-2040	411 W. 8th Street	Medford	Jackson	97501
82	Metolius Municipal Court	M	541-546-5533	636 Jefferson Avenue	Metolius	Jefferson	97741
83	Mill City Municipal Court	M	503-897-2302	PO Box 256	Mill City	Linn/Marion	97360
84	Milton-Freewater	M	541-938-5531	PO Box 6	Milton-Freewater	Umatilla	97862
85	Milwaukie Municipal Court	M	503-786-7531	10722 SE Main Street	Milwaukie	Clackamas	97222
86	Molalla Municipal Court	M	503-829-7711	PO Box 248	Molalla	Clackamas	97036
87	Monmouth Municipal Court	M	503-751-0136	151 Main Street W	Monmouth	Polk	
88	Monroe Municipal	M	541-847-5175	PO Box 486	Monroe	Benton	97456
89	Mt. Angel Municipal Court	M	503-845-9291	PO Box 960	Mt. Angel	Marion	97362
90	Myrtle Creek Municipal Court	M	541-863-3171	PO Box 940	Myrtle Creek	Douglas	97457
91	Myrtle Point Municipal Court, City of	M	541-572-2626	424 Fifth Street	Myrtle Point	Coos	97456
92	Newberg Municipal	M	503-537-1203	PO Box 970	Newberg	Yamhill	97132
93	Newport, City of	M	541-574-0613	810 SW Alder Street	Newport	Lincoln	97365
94	North Plains Municipal Court	M	503-647-5555	31360 NW	North Plains	Washington	97133
95	Nyssa Municipal Court	M	541-889-5712	1178 SW 4th Street, Apt. 1	Nyssa	Malheur	97914-4302
96	Ontario Municipal Court	M	541-889-5712	1178 SW 4th Street, Apt. 1	Ontario	Malheur	97914-4302
97	Oregon City Municipal	M	503-657-8154	PO Box 3040	Oregon City	Clackamas	97045-0304
98	Pendleton Municipal Court	M	541-966-0209	501 SW Emigrant	Pendleton	Umatilla	97801
99	Philomath Municipal	M	541-929-5111	PO Box 400	Philomath	Benton	97370
100	Phoenix Municipal Court	M	541-535-1955	510 W. First	Phoenix	Jackson	97535
101	Pilot Rock Municipal Court	M	541-443-2811	PO Box 130	Pilot Rock	Umatilla	97868
102	Port Orford Municipal Court	M	541-332-9013	PO Box 310	Port Orford	Curry	97465

	Court Name	Type	Phone No	Mailing Address	City	County	Zip
103	Powers Municipal Court	M	541-439-3331	PO Box 250	Powers	Coos	97466
104	Rainier Municipal Court	M	503-566-7301	PO Box 100	Rainier	Columbia	97048
105	Reedsport Municipal Court	M	541-271-3603	451 Winchester Avenue	Reedsport	Douglas	97467-1595
106	Rockaway Beach, City of	M	503-355-2291	PO Box 5	Rockaway Beach	Tillamook	97136
107	Rogue River Municipal Court	M	541-582-4401	Box 1137	Rogue River	Jackson	97537
108	Roseburg Municipal Court	M	541-492-6720	900 Douglas Avenue	Roseburg	Douglas	97470
109	Salem Municipal Court	M	503-588-6407	555 Liberty Street SE,	Salem	Marion	97301
110	Sandy Municipal Court	M	503-826-1939	Room 215 39250 Pioneer Blvd.	Sandy	Clackamas	97055
111	Scio Municipal Court	M	503-394-3342	PO Box 37	Scio	Linn	97374
112	Seaside Municipal Court	M	503-738-5511	989 Broadway	Seaside	Clatsop	97138
113	Shady Cove Municipal Court	M	541-878-3200	PO Box 1210	Shady Cove	Jackson	97539
114	Sheridan Municipal Court	M	503-843-2347	120 SW Mill Street	Sheridan	Yamhill	97378
115	Sherwood Municipal Court	M	503-625-4225	20 NW Washington Street	Sherwood	Washington	97140
116	Siletz Municipal Court	M	541-444-2521	PO Box 873	Siletz	Lincoln	97380
117	Silverton Municipal	M	503-873-5321	306 S. Water Street	Silverton	Marion	97381
118	Silverton Municipal	M	503-873-5321	306 S. Water Street	Silverton	Marion	97381
119	Springfield Municipal Court	M	541-726-3748	344 "A" Street	Springfield	Lane	97477
120	St. Helens Municipal	M	503-397-6272	PO Box 278	St. Helens	Columbia	97051
121	Stanfield Municipal Court	M	541-449-3831	PO Box 369	Stanfield	Umatilla	97875
122	Sutherlin Municipal Court	M	541-458-4636	128 E. Central Avenue	Sutherlin	Douglas	97479
123	Sweet Home Municipal Court	M	541-367-4660	1140 12th Avenue	Sweet Home	Linn	97386
124	Talent Municipal Court	M	541-535-9371	PO Box 445	Talent	Jackson	97540
125	The Dalles Municipal Court	M	541-296-5481	313 Court Street	The Dalles	Wasco	97058
126	Tigard Municipal Court	M	503-639-4171	13125 SW Hall Blvd.	Tigard	Washington	97223
127	Tillamook Municipal Court	M	503-842-4861	210 Laurel Avenue	Tillamook	Tillamook	97141
128	Toledo Municipal Court	M	541-336-2247	PO Box 220	Toledo	Lincoln	97391
129	Troutdale Municipal Court	M	503-665-5175	104 SE Kibling	Troutdale	Multnomah	97060
130	Tualatin Municipal Court	M	503-691-3016	18880 SW	Tualatin	Washington	97062
131	Turner Municipal Court	M	503-743-2155	PO Box 456	Turner	Marion	97392
132	Umatilla Municipal Court	M	541-922-4570	PO Box 130	Umatilla	Umatilla	97882
133	Union, City of	M	541-562-5197	PO Box 529	Union	Union	97883
134	Vale Municipal Court	M	541-473-3133	252 "B" Street West	Vale	Malheur	97918
135	Veneta	M	541-935-2191	PO Box 458	Veneta	Lane	97487
136	Waldport Municipal Court	M	541-563-3561	PO Box 1120	Waldport	Lincoln	97394
137	West Linn Municipal	M	503-656-4263	22500 Salamo Road	West Linn	Clackamas	97068
138	Willamina Municipal Court	M	503-876-2242	PO Box 629	Willamina	Yamhill	97396
139	Wilsonville Municipal Court, City of	M	503-570-1587	30000 SW Town Center	Wilsonville	Clackamas &	97070
140	Winston Municipal Court	M	541-878-5561	201 NW Douglas Blvd.	Winston	Douglas	97496
141	Woodburn Municipal Court	M	503-982-5212	270 Montgomery Street	Woodburn	Manon	97071
142	Yachats Municipal Court, City of	M	541-547-3565	PO Box 345	Yachats	Lincoln	97498-0345
143	Yamhill, City of	M	503-662-3511	PO Box 9	Yamhill	Yamhill	97148
144	Yoncalla Municipal	M	541-849-2152	PO Box 508	Yoncalla	Douglas	97499

CERTIFICATE OF SERVICE

I hereby certify that I served the following:

- MOTIONS TO DISMISS

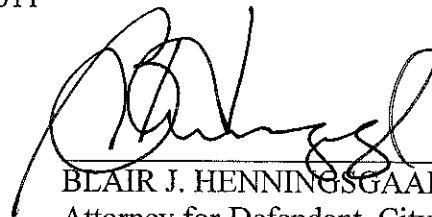
On the following named person(s) on the date indicated below by

- mailing with postage prepaid
- hand-delivery
- facsimile transmission
- overnight delivery
- e-mail

to said persons a true copy thereof, contained in a sealed envelope, addressed to said person(s) at his or her last-known addresses indicated below.

Thomas Castle
Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

DATED this 4 day of November, 2011



BLAIR J. HENNINGSGAARD, OSB# 78240
Attorney for Defendant, City of Astoria