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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

M.S., an individual,
V.V., an individual,
J.H., an individual,
E.D., an individual,
M.B., an individual,
FAMILIAS EN ACCIÓN, a domestic
non-profit corporation, and
LOS NIÑOS CUENTAN, a domestic
non-profit corporation, on behalf of
themselves and all those similarly
situated,

Plaintiffs,

vs.

KATE BROWN, in her official capacity
as Governor of the State of Oregon;

Case No.

**CLASS ACTION
ALLEGATION COMPLAINT**

(Civil Rights: Equal Protection/
Due Process/42 U.S.C. § 1983)

TAMMY BANEY, in her official capacity as Chair of the Oregon Department of Transportation Commission;

DAVID LOHMAN, in his official capacity as member of the Oregon Department of Transportation Commission;

SUSAN MORGAN, in her official capacity as member of the Oregon Department of Transportation Commission;

ALANDO SIMPSON, in his official capacity as member of the Oregon Department of Transportation Commission;

SEAN O'HALLORAN, in his official capacity as member of the Oregon Department of Transportation Commission;

MATTHEW L. GARRETT, in his official capacity as Director, Oregon Department of Transportation; and

TOM MCCLELLAN, in his official capacity as Administrator of Driver and Motor Vehicles Division, Oregon Department of Transportation,

Defendants.

I. NATURE OF THE ACTION

1. This is a civil rights action to challenge Oregon Ballot Measure 88 (“Measure 88”), a referendum presented to the voters in the general election on November 4, 2014. Measure 88 rejected duly enacted statutes (“SB 833”) which authorized the Oregon Department of Transportation to issue limited-purpose driver cards to Oregon residents who pass driving skill and knowledge tests, regardless of whether they also can prove legal presence in the United States. Plaintiffs contend, on behalf of themselves and all others similarly situated, that Measure

88 violated the Constitution of the United States by arbitrarily denying driving privileges to Plaintiffs and others based on their membership in a disfavored minority group, that Measure 88 was an improper attempt by the State of Oregon to regulate immigration, and that Measure 88 is not supported by considerations of traffic safety or any other state interest that is legitimate. Plaintiffs also contend that Measure 88 was motivated in substantial part by animus towards persons from Mexico and Central America. Plaintiffs seek certification of this case as a class action, a declaration that Measure 88 is unconstitutional and was not effective to revoke SB 833, an injunction as necessary to enforce those declarations, and an award of their attorney fees and costs.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343, in that Plaintiffs' claims arise under the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. § 1983.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1), because Plaintiffs and Defendants are residents of this District and all of the events giving rise to these claims occurred here.

III. PARTIES

A. Plaintiffs

4. Plaintiff M.S. was born in Mexico, is over the age of 18, and has lived in the Willamette Valley in Oregon since 2000. She passed the vision, knowledge, and driving tests and holds an Oregon driver license that expires in December 2015. She needs to drive to take her disabled U.S. citizen son to weekly medical appointments. M.S.'s driving privileges never have been suspended, canceled, revoked, or otherwise withdrawn. She will not be permitted to renew her

driver license solely because she is unable to prove legal presence in the United States. M.S. would qualify for a driver card under SB 833.

5. Plaintiff V.V. was born in Mexico, is over the age of 18, and has lived in eastern Oregon since 1992. She and her husband work to support their children, three of whom are U.S. citizens. She works twenty miles from home. Her children are active in school and sports. She needs to drive to work, to shop for her family, and to take her children to school-related activities and medical appointments. V.V. passed the vision, knowledge, and driving tests and has held an Oregon driver license since 1994. Her driving privileges never have been suspended, canceled, revoked or otherwise withdrawn. Her license has expired, and she cannot renew the license solely because she is unable to prove legal presence in the United States. V.V. would qualify for a driver card under SB 833.

6. Plaintiff J.S. was born in Mexico, is over the age of 18, and has lived in the Willamette Valley in Oregon since 1997. He passed the vision, knowledge, and driving tests and holds an Oregon driver license that expires in December 2015. J.S. works as many as six days a week to provide for his wife and children. Two of his children are U.S. citizens. His job requires driving, sometimes as far as 70 miles from home. His family relies on him to drive them to church, located twelve miles from home, and to medical appointments in Salem and Portland. J.S.'s driving privileges never have been suspended, canceled, revoked, or otherwise withdrawn. He will not be permitted to renew his driver license solely because he is unable to prove legal presence in the United States. J.S. would qualify for a driver card under SB 833.

7. Plaintiff E.D. was born in Mexico, is over the age of 18, and has lived on the Oregon coast since 1999. E.D. and her husband work to provide for their children, two of whom are U.S. citizens. E.D. passed the vision, knowledge, and driving tests and was issued an Oregon driver

license that expired in 2012. She quit her job after her driver license expired because she worked outside of town and did not want to risk driving that distance without a license. E.D. now works closer to home for lower wages and must be at work before 5:00 a.m. She avoids unnecessary driving and, as a result, her children are unable to participate in after-school activities. She also has stopped volunteering at her children's school, the food bank, and a domestic violence resource center. E.D.'s driving privileges never have been suspended, canceled, revoked, or otherwise withdrawn. She cannot renew her driver license solely because she is unable to prove legal presence in the United States. E.D. would qualify for a driver card under SB 833.

8. Plaintiff M.B. was born in Mexico, is over the age of 18, and has lived in eastern Oregon since 1997. He works a 12-hour night shift six days a week to support his wife and children. Three of M.B.'s children are U.S. citizens. His work is located nearly 40 miles from home. One of his children has a serious health condition that requires travel to Portland for medical treatment. M.B. passed the vision, knowledge, and driving tests and has held an Oregon driver license since 1998. His license expires in May 2016. M.B.'s driving privileges were suspended for three months more than ten years ago but otherwise have not been suspended, canceled, revoked, or withdrawn. He will not be permitted to renew his driver license solely because he is unable to prove legal presence in the United States. M.B. would qualify for a driver card under SB 833.

9. Plaintiff Familias en Acción ("Familias") is an Oregon non-profit corporation with its principal place of business in Multnomah County, Oregon. The mission of Familias is to promote holistic family well-being for Latinos through community engagement, education, research and advocacy for social change. Familias serves persons who suffer from serious health conditions, with an emphasis on chronic disease prevention and education, cancer survivorship,

community leadership development, elimination of health disparities, and community-based participatory research. Many of the people served by Familias are unable to obtain driving privileges only because they cannot prove legal presence in the United States. Familias cannot fulfill its mission without ensuring that the persons it serves attend their medical appointments, receive medical treatment, and participate in other research and leadership-development activities. Because of the implementation of Measure 88, Familias has had to spend significant time and divert its limited resources to arrange for and provide transportation and additional support services. If driver cards were available to the persons it serves, Familias would be able to serve more individuals and families and have more resources to devote to directly achieving its mission.

10. Plaintiff Los Niños Cuentan (“Los Niños”) is an Oregon non-profit corporation with its principal place of business in Clackamas County, Oregon. The mission of Los Niños is to support Latino families impacted by domestic and sexual violence, addictions, and child abuse; to prevent family violence; and to help individuals and families achieve self-sufficiency. Los Niños operates an emergency shelter for family survivors of domestic violence and sexual assault, support groups, parenting and financial education classes, a food pantry, and a clothes closet, and helps families attend appointments related to court, school, housing, employment, therapy, and other medical needs. Los Niños has limited staff and relies heavily on volunteers to fulfill its mission. Appointments for the adults and children served by Los Niños often require extensive travel throughout the Portland Metro area. Many of those people are unable to obtain driving privileges only because they cannot prove legal presence in the United States. As a result, Los Niños has been forced to spend significant time and to divert its limited resources to recruit and train twice as many volunteers to provide transportation. If driver cards were

available to the persons it serves, Los Niños would be able to serve more individuals and families and have more resources to devote to directly achieving its mission.

B. Defendants

11. Defendant Kate Brown is the Governor of the State of Oregon. Governor Brown's Constitutional duties include ensuring faithful execution of State laws, including initiatives and referenda such as Measure 88. Governor Brown also supervises and has authority over the Oregon Department of Transportation ("ODOT"), the executive agency responsible for traffic safety and for issuing driving privileges to Oregon residents. Among other things, Governor Brown appoints the members of the Oregon Transportation Commission ("ODOT Commission") and the Director of ODOT, who serves at her pleasure. Governor Brown is sued in her official capacity.

12. Defendant Tammy Baney is the Chair, and Defendants David Lohman, Susan Morgan, Alando Simpson, and Sean O'Halloran are members of the ODOT Commission. Among other things, the Chair and members of the ODOT Commission are responsible for establishing policies and adopting rules and orders governing the operation of ODOT, including policies, rules, and orders relating to traffic safety and issuing driving privileges to Oregon residents. Commissioners Baney, Lohman, Morgan, Simpson, and O'Halloran each is sued in her or his official capacity.

13. Defendant Matthew L. Garrett is the Director of ODOT. Director Garrett supervises and has authority over the activities of ODOT, including those designed to promote traffic safety and issuing driving privileges to Oregon residents. As part of his duties, Director Garrett appoints and supervises the Administrator of the Driver and Motor Vehicles Services Division of

ODOT (“DMV”). DMV’s mission is to promote driver safety, and it is responsible for issuing driving privileges to Oregon residents. Director Garrett is sued in his official capacity.

14. Defendant Tom McClellan is the Administrator of DMV. Administrator McClellan supervises and is responsible for the activities of DMV, including setting standards for and issuing driving privileges to Oregon residents. Administrator McClellan is sued in his official capacity.

IV. CLASS ACTION ALLEGATIONS

15. Plaintiffs bring this action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2), on behalf of themselves and a class of similarly situated persons consisting of all Oregon residents who have lived in the State for more than one year and are denied driving privileges solely because they are unable to prove legal presence in the United States.

16. All members of the Plaintiff class are aggrieved persons under the Constitution of the United States and federal civil rights laws as a result of the actions, policies, and practices of Defendants in implementing and enforcing Measure 88. Plaintiffs seek declaratory and injunctive relief, if necessary, on behalf of themselves and all other class members to prevent Defendants from engaging in future illegal conduct and to rectify the effects of present and past discrimination.

17. This case is properly maintainable as a plaintiffs' class action pursuant to Fed. R. Civ. P. 23(b)(2), in that:

a. The class members are so numerous as to make the joinder of all of them impracticable. There are tens of thousands of Oregon residents who would be able to obtain or renew driving privileges but are unable to do so due to the State’s enactment and

enforcement of Measure 88. ODOT estimated that, but for Measure 88, it would have issued approximately 84,000 driver cards in the first nine months after SB 833 took effect.

b. There are questions of law and fact common to the class members, including:

(1) Whether Measure 88 impermissibly discriminates against Oregon residents who are unable to prove legal presence in violation of U.S. Const. Amend. XIV;

(2) Whether Measure 88 impermissibly singled out an unpopular minority for disparate treatment in violation of U.S. Const. Amend. XIV;

(3) Whether Measure 88 was motivated by racial animus towards persons from Mexico and Central America in violation of U.S. Const. Amend. XIV;

(4) Whether Measure 88 is rationally related to a state interest that is legitimate; and

(5) Whether the purpose and enforcement of Measure 88 violate U.S. Const. Amend. XIV.

These common questions of law and fact predominate over any questions affecting only individual class members.

c. The claims of the named individual Plaintiffs are typical of those of the proposed class members. The named individual Plaintiffs, like other class members, are Oregon residents who are unable to obtain or renew driving privileges due solely to their inability to prove legal presence. The discriminatory treatment they have experienced and will experience because of their inability to prove legal presence is typical of the discriminatory treatment which members of the class have suffered, are suffering, or will suffer unless the Court grants the relief requested.

d. The claims of the named Plaintiff organizations also are typical of, and do not diverge from, those of the proposed class members. These organizations have the same interest as the named individual Plaintiffs and the members of the proposed class in ending discrimination by the State of Oregon against persons who are unable to obtain or renew driving privileges due solely to their inability to prove legal presence in the United States. The relief sought by the named Plaintiff organizations is the same as that sought by the named individual Plaintiffs and the proposed class members, and the injuries they allege will be remedied by that relief.

e. The named Plaintiffs will fairly and adequately protect the interests of the class members and have interests aligned with, and not antagonistic to, those of the class. The named Plaintiffs are represented by counsel with extensive experience in civil rights, constitutional, and class action litigation. Plaintiffs and their counsel intend to vigorously prosecute this action to obtain the relief sought on behalf of the class. Each named individual Plaintiff is a member of the proposed class in that she or he is eligible for a driver card pursuant to SB 833 and has been, continues to be, or will be denied Oregon driving privileges due solely to inability to prove legal presence. Each named Plaintiff organization serves persons who are members of the proposed class and has suffered injury due to the inability of those persons to obtain or renew driving privileges.

f. Defendants have acted or refused to act on grounds generally applicable to the class by denying driving privileges to persons who have lived in Oregon for more than one year solely because they are unable to prove legal presence in the United States. Final declaratory and injunctive relief with respect to the class as a whole is appropriate pursuant to Fed. R. Civ. P. 23(b)(2).

V. FACTUAL ALLEGATIONS

A. General

18. There are approximately 120,000 persons residing in Oregon who are unable to prove legal presence in the United States. Many are parents of U.S. citizen children, and many more have lived and worked in Oregon for years.

19. Approximately 90,000 of the undocumented persons currently residing in Oregon were born in Mexico, and thousands of others were born in Central America.

20. It is unlawful to drive in Oregon without state-issued driving privileges.

21. Oregon is a largely rural state where public transit service is extremely limited or does not exist outside of urban areas. Even in urban areas where public transit is available, service in the early morning, late at night, on weekends, and for inter-city or out-of-county trips for work, medical needs, shopping, recreation, or other purposes is limited or nonexistent.

22. People who are unable to drive lawfully in Oregon suffer societal, economic, and health-related disadvantages in that they are deterred from driving to work, to shop, to health care facilities, to school, or to places of worship, or otherwise are prevented from exercising their liberty interest in operating a motor vehicle for a lawful purpose.

B. SB 1080

23. Historically, Oregon issued driving privileges to all residents who met age requirements and demonstrated the ability to operate a motor vehicle safely; proof of legal presence in the United States was not required.

24. In 2005, Congress adopted the REAL ID Act of 2005, 119 Stat. 231, 301 (“REAL ID”), which was intended to tighten requirements for state-issued driver licenses and identification cards that could be used as federally approved identification. Among other things, REAL ID

required proof of legal presence in the United States for documents that would be accepted as official identification for federal purposes, such as passing through security checkpoints maintained by the Transportation Services Administration.

25. REAL ID expressly allows states to issue driving privileges regardless of immigration status as long as the documents which provide evidence of those driving privileges are distinguishable from driver licenses or identification cards that comply with REAL ID. Twelve states and the District of Columbia issue driving privileges to their residents regardless of immigration status.

26. The 2008 Oregon Legislature enacted a law, SB 1080, to make State-issued driver licenses compliant with REAL ID. Among other things, SB 1080 required proof of legal presence in the United States to obtain an Oregon driver license. Pursuant to SB 1080, the DMV stopped granting driving privileges to Oregon residents who were unable to prove legal presence in the United States.

C. SB 833

27. The 2013 Oregon Legislature restored driving privileges to Oregon residents regardless of immigration status by enacting SB 833, which created a limited-use “driver card” consistent with REAL ID. SB 833 was the product of extensive public hearings, committee work sessions, and floor debate. The purpose of SB 833 was to promote driving safety on Oregon roads. During debate in the House on April 30, 2013, for example, one of SB 833’s sponsors stated: “First and foremost...this bill is about public safety. It is designed to improve traffic safety, and reduce the number of unlicensed, uninsured drivers on Oregon’s roads.”

28. SB 833 directs ODOT to “issue, renew, or replace a driver card without requiring a person to provide proof of legal presence in the United States,” as long as the applicant satisfies

the same age, vision, and driving standards that are required to obtain or renew a driver license; provides proof of identity, date of birth, and residency in Oregon for more than one year; provides a Social Security number or a statement that they have not been issued one; and pays the required fee.

29. Consistent with REAL ID, there are a number of limitations on the driver cards authorized by SB 833 which distinguish them from Oregon driver licenses, including:

- a. the driver card requires residency in Oregon for more than one year, and a driver license does not;
- b. the driver card is valid for four years, as opposed to eight years for a driver license;
- c. the driver card must contain the words “driver card” and a feature “distinguishing the driver card from a driver license and driver permit;”
- d. the driver card may not contain the words “driver license” or “driver permit;”
- e. the driver card may be used only to provide evidence of driving privileges; to identify a person as an anatomical donor, emancipated minor, veteran, or missing person; or to provide a “driver license number” for statutory civil money judgment, lien record abstract, and paternity or child support purposes.

30. Under SB 833, the only documents an applicant for a driver card may use to prove identity are an unexpired valid passport from the person’s country of citizenship, an unexpired valid identification document issued by the consulate of the person’s country of citizenship if it has been determined to meet DMV’s reliability requirements, or “such other valid documentation, as defined by the [DMV] by rule.”

31. SB 833 passed the Oregon Senate by a vote of 20 to 7 on April 23, 2013, and passed the Oregon House by a vote of 38 to 20 on April 30, 2013. SB 833 was signed into law by the Governor on May 1, 2013, with an effective date of January 1, 2014.

D. Measure 88

32. On May 8, 2013, two legislators who had opposed SB 833 and an individual involved in efforts to curb “illegal immigration” (collectively, “Chief Petitioners”) filed a referendum (“Measure 88”) to repeal SB 833, pursuant to Article IV, § 1(3)(a) of the Oregon Constitution.

33. The purpose of Measure 88 was to take driving privileges from the Plaintiff class because they were “illegal immigrants.” Opposition statements in the Official 2014 General Election Voter’s Pamphlet used a variation of the phrase “illegal immigrant” forty times. In his opposition statement in the Official 2014 General Election Voter’s Pamphlet, for example, one Chief Petitioner wrote: “Driving is a privilege, and so is citizenship...To allow people who are here illegally to have the privilege of driving is insulting to all citizens.” In another opposition statement in the Official 2014 General Election Voter’s Pamphlet, a Chief Petitioner stated that the purpose of the “referendum campaign [was] to repeal illegal-immigrant driver cards,” and that “driver cards would better enable illegal immigrants to take jobs from Oregonians.” The president of an organization known as Oregonians for Immigration Reform (“OFIR”) wrote in her opposition statement in the Official 2014 General Election Voter’s Pamphlet that driver cards would “cause a surge of illegal immigration to Oregon” and “likely increase criminal behavior” such as “[c]artel operations, human trafficking and the flow of narcotics through Oregon.”

34. Other public statements in opposition to SB 833 similarly singled out “illegal immigrants” as the specific target of their efforts. For example,

a. In May 2013, driver card opponents formed the Protect Oregon Driver Licenses Political Action Committee and promptly set up the “Protect Oregon Driver Licenses” website (www.protectoregondl.org) (“PODL”) in order to repeal SB 833, a law they characterized as “legitimiz[ing] the presence of illegal aliens in Oregon by granting them highly coveted state issued ID in the form of a driver card.” The PODL home page specifically referred visitors to the OFIR website to “[l]earn more about stopping illegal immigration in Oregon.”

b. During the Measure 88 campaign, the PODL website urged Oregon voters to repeal SB 833 because:

Illegal immigration is a serious problem in the U.S. Neglect of enforcement of the immigration laws, over the past several decades as well as currently, has resulted in millions of illegal immigrants entering the U.S. without inspection, a dangerous situation from the standpoint of national security and public health. For example, the 19 September 11 terrorists carried among them over 30 state driver's licenses and identification cards using over 300 aliases. These documents allowed them to obtain housing, transportation and other accommodations without raising suspicion while they planned and executed their deadly conspiracy that fateful day. Accommodating illegal aliens invites more to come. Recent history clearly shows this. Illegal immigration inflates the population, further burdening our already-stressed natural environment. It adversely affects the labor market and swamps our overburdened entitlement programs. Citizens are forced to compete with illegal aliens for jobs, causing significant unemployment and wage depression. Loss of respect for the rule of law grows as a consequence of such legislation. Observance of the rule of law is essential for a successful economy and a civil society.

c. During the Measure 88 campaign, the PODL website quoted a Chief Petitioner as saying: “You have to wonder if someone is willing to disregard immigration laws, what other laws are they willing to disregard? . . . We should be very careful about who we allow the privilege of driving on Oregon roads.”

d. During the Measure 88 campaign, the PODL website quoted another Chief Petitioner as saying: “The state of Oregon should have no business rewarding illegal behavior...” and, “[w]ith the passage of SB 833, the Legislature’s actions invited other

people to enter this country and state illegally. If individuals know that they do not have to be here legally to get a license to drive and have a job – why would they not come here in droves?”

35. Measure 88 also was motivated by racial animus. Measure 88 primarily affects persons from Mexico and Central America, and bears more heavily on those persons than on individuals of any other race or nationality. Opposition statements in the Official 2014 General Election Voter’s Pamphlet denounced the “Mexican” consular ID as a possible form of identification, the possibility of increased activity by “Mexican” drug cartels, and the “flood” and “surge” of “Central American minors to our southern border.” Opposition statements did not single out, or even mention, immigrants of any other race or nationality.

36. The Oregon Secretary of State qualified Measure 88 for the November 2014 Election. On November 4, 2014, 66% of Oregon voters voted “No” on Measure 88.

37. As a result of Measure 88, Defendants refuse to issue driver cards to the Plaintiff class as authorized and required by SB 833.

VI. FIRST CLAIM FOR RELIEF

(U.S. Const. Amend. XIV (Equal Protection): 42 U.S.C. § 1983)

38. Plaintiffs incorporate by this reference the allegations of paragraphs 1 through 37, above.

39. Measure 88 took driving privileges from Plaintiffs for reasons which have no rational relationship to traffic safety or any other state interest that is legitimate.

40. A desire to punish, or to avoid “rewarding,” a politically unpopular minority, such as the Plaintiff class, by taking away driving privileges from members of that minority is not a legitimate state interest.

41. The regulation of immigration is not a legitimate state interest. The federal government has broad, undoubted power over the subject of immigration and the status of aliens. Congress has rejected criminal penalties for unauthorized presence and work as inhumane and contrary to our nation's tradition and history. In particular, it is not a crime for a person to seek or engage in unauthorized work in the United States, nor is it a crime for an undocumented person simply to be present in this country. Denying driving privileges to persons who cannot prove legal presence in the United States is neither required by nor harmonious with federal policy as expressed in REAL ID.

42. The enactment of Measure 88 and ODOT's consequent refusal to issue driver cards to Plaintiffs and members of the Plaintiff class as provided by SB 833 is not rationally related to any legitimate state interest, in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

VII. SECOND CLAIM FOR RELIEF

(U.S. Const. Amend. XIV (Due Process): 42 U.S.C. § 1983)

43. Plaintiffs incorporate by this reference the allegations of paragraphs 1 through 37, and 39 through 42, above.

44. The enactment of Measure 88 and ODOT's consequent refusal to issue driver cards to Plaintiffs and members of the Plaintiff class as provided by SB 833 is arbitrary, capricious, and not rationally related to any legitimate state interest, in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

VIII. THIRD CLAIM FOR RELIEF

(U.S. Const. Amend. XIV (Equal Protection): 42 U.S.C. § 1983)

45. Plaintiffs incorporate by this reference the allegations of paragraphs 1 through 37, 39 through 42, and 44 above.

46. The enactment of Measure 88 was motivated, at least in part, by animus towards Mexicans and Central Americans, and is not narrowly tailored to advance any state interest that is legitimate, let alone compelling. As a result, Defendants' refusal to issue driver cards pursuant to SB 833 to Plaintiffs and members of the Plaintiff class violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court grant the following relief:

1. Certification of a Plaintiff class as alleged above;
2. A declaration that Measure 88 violates Plaintiffs' rights under the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, and is void and unenforceable;
3. A declaration that Defendants are authorized and required to issue driver cards pursuant to SB 833;
4. An injunction, if necessary, to prohibit Defendants from enforcing Measure 88 and requiring them to issue driver cards pursuant to SB 833;
5. Plaintiffs' costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988; and

6. Such other and further relief as this Court deems just and proper.

DATED this 4th day of November, 2015.

OREGON LAW CENTER

s/David Henretty
David Henretty, OSB 031870
(503) 473-8684
Attorney for Plaintiffs

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) _____</p>	<p style="text-align: center;">DEFENDANTS</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) _____</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p><i>(For Diversity Cases Only)</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">PTF</td> <td style="width: 10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<p style="text-align: center;">CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p style="text-align: center;">TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p style="text-align: center;">FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p style="text-align: center;">LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p style="text-align: center;">IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p style="text-align: center;">BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p style="text-align: center;">PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p style="text-align: center;">SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p style="text-align: center;">FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p style="text-align: center;">OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): _____

Brief description of cause: _____

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

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