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

CASCADIA WILDLANDS, an Oregon non-profit corporation; AUDUBON SOCIETY OF CORVALLIS, an Oregon non-profit corporation; AUDUBON SOCIETY OF SALEM, an Oregon non-profit corporation; BENTON FOREST COALITION, an Oregon non-profit organization; CENTER FOR BIOLOGICAL DIVERSITY, a California non-profit corporation; OREGON WILD, an Oregon non-profit corporation; WILLAMETTE RIVERKEEPER, an Oregon non-profit corporation; and JOHN JACKSON,

Petitioners,

vs.

PETER DAUGHERTY, in his capacity as State Forester, and OREGON DEPARTMENT OF FORESTRY, an agency of the State of Oregon,

Respondent.

Case No.

**PETITIONERS' MOTION FOR PRELIMINARY INJUNCTION**

(Administrative Procedures Act - Petition for Review of an Agency Order)

Expedited Hearing Requested

**UTCR INFORMATION**

Expedited Oral argument is requested. The names and telephone numbers of Counsel are as follows: Nicholas Cady, (314) 482-3746; Rebecca White, (541) 246-0846; Eli Holmes (541) 554-7435; attorneys for Petitioners, and Deanna Chang attorney for Respondents, (971)

1 673-4048. Petitioner estimates that the time required for argument is one hour. Official court  
2 reporting services are requested.

3 **CERTIFICATE OF COMPLIANCE WITH UTCR 5.010**

4 Pursuant to UTCR 5.010, counsel has conferred with all counsel in this action regarding  
5 the filing of these motions. Counsel for Respondents opposes this motion. Respondents have  
6 committed to filing their opposition to this motion by April 22, 2021. Petitioners will file their  
7 reply by April 27, 2021.

8 **MOTION**

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10 Petitioners hereby move the Court to issue a preliminary injunction pursuant to ORCP  
11 79 and ORS 183.486. Respondent Peter Daugherty and the Oregon Department of Forestry  
12 (“Department”) have authorized the ongoing logging of portions of the Santiam State Forest  
13 pursuant to the February 2021 North Cascade District Implementation Plan Major Revision  
14 (“revised implementation plan”) and corresponding North Cascade District 2021 Annual  
15 Revised Operations Plan (“revised annual operations plan”) which plainly violate the  
16 governing Board of Forestry’s April 2010 Northwest Oregon State Forests Management Plan  
17 (“FMP or Forest Management Plan”) which is an administrative rule. Under ORS  
18 183.484(5)(b), the Court “shall” remand the order if it finds the agency’s exercise of discretion  
19 to be “outside the range of discretion delegated to the agency by law,” “inconsistent with an  
20 agency rule, an officially stated agency position, or a prior agency practice.”

21 The Department has sold a number of timber sales under these illegal revised plans, at  
22 least two of which are being presently logged. Declaration of Nicholas Cady. The Department  
23 has the authority to suspend the implementation of these contracts for any reason in the public  
24 interest, and this Court has the authority to provide whatever relief is appropriate when  
25 reviewing actions under ORS 183.484, including “mandatory, prohibitory, or declaratory”  
26 relief. ORS 183.486.

27 The ongoing and planned logging under the revised implementation plan and revised  
28 annual operations plan is causing and will continue to cause irreparable injury to Petitioners

1 fighting to protect the Santiam State Forest from illegal post-fire logging. Unless the status quo  
2 is preserved by an injunction, Petitioners will suffer irreparable harm. This Motion is supported  
3 by the accompanying Memorandum in Support of Petitioners' Motion for Preliminary  
4 Injunction, and the attached exhibits and the Declarations of Nicholas Cady, John Jackson,  
5 Colby Lamb, Dylan Plummer, Doug Heiken, Mark Goldsworthy, Sue Fox, Noah Greenwald,  
6 and Reed Wilson. Petitioners certify that the Department and its attorneys have been notified of  
7 this motion and will be served with copies of all related documents within an hour of filing  
8 with the Court.

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10 Respectfully submitted and dated this 14th day of April, 2021.

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19 *Attorney for Petitioners*  
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