IN THE CIRCUIT COURT FOR THE STATE OF OREGON

IN THE COUNTY OF JOSEPHINE

CASEY MARIE HOUTSINGER, an individual, Plaintiff, v. US SUPPORT LLC, a Nevada limited liability company, and JASON WATSON, an individual; Defendants.	Case No. 24CV49697 **DEFENDANTS US SUPPORT LLC AND JASON WATSON'S ANTI-SLAPP SPECIAL MOTION TO STRIKE FIRST AMENDED COMPLAINT UNDER ORS 31.150 AND MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION** O.R.C.P. Rule 21A(1)(b), 21A(1)(h) and O.R.S. 31.150, O.R.S. 31.152 Oral Argument Requested: 1 Hour

Defendants US Support LLC ("US Support") and Jason Watson (collectively, "Defendants") file this Anti-SLAPP Special Motion to Strike Plaintiff Casey Marie Houtsinger's First Amended Complaint and Motion to Dismiss for Lack of Personal Jurisdiction.[1] Defendants seek to dismiss Plaintiff's First Amended Complaint on the merits under Oregon's Anti-SLAPP law, ORS 31.150 and 31.152, and O.R.C.P. 21A(1)(h). Defendants alternatively seek dismissal for lack of personal jurisdiction, and thus rely on O.R.C.P. 21A(1)(b).

Information requested by UTCR 5.010 and 5.050:

1. Oral argument is requested.

[1] This Motion, directed at Plaintiff's First Amended Complaint ("FAC"), largely consists of the same arguments as those made in Defendants' prior Anti-SLAPP motion, filed on April 4, 2025. It is Defendants' position that the filing of the Amended Complaint mooted the prior-filed Anti-SLAPP motion. *See Wagner v. Ryder Truck Lines*, 70 Or. App. 420 (1984) (holding that "a superseded complaint may not be read in conjunction with an amended complaint to serve as the foundation for a motion to dismiss for failure to state a claim; in deciding a motion on that basis, the court may look only to the facts alleged in the amended complaint"). While the FAC alleges many of the same facts as the original Complaint, it contains additional allegations and exhibits that are not addressed in the prior Anti-SLAPP motion. To the extent the prior motion was not automatically mooted, Defendants hereby withdraw that motion and substitute it with this one.

2. Court Reporting Services are not requested.

3. It is estimated that 60 minutes will be sufficient for oral argument.

4. Pursuant to UTCR 5.010, counsel for Defendants sent a draft of this motion to Plaintiff's counsel on April 30, 2025. The parties were unable to resolve the issues presented in the motion.

This Motion is based upon the attached memorandum of points and authorities and attached exhibits, the papers and pleadings on file in this action, and any oral argument permitted by this Court.

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

It seems odd that this case exists. Plaintiff was homeless and apparently drifting through Grants Pass during "an unfortunate and stressful time in her life." During this sojourn in Grants Pass, she was arrested for drunk driving. The Oregon Department of Corrections published her booking photo. Defendants then did the perfectly legal and First Amendment-protected act of republishing it on their website.

Plaintiff sought to remove the photo from Defendants' website, through a process Defendants once offered, but have since eliminated. She did not complete the process. Instead, she went on a *completely unnecessary* years-long campaign to have the photo removed, including by seeking assistance from government officials, legal aid organizations, and retaining counsel. All of this to accomplish what she could have done in a few minutes for, compared to the cost of this litigation, a pittance.[2] While yes, the removal process involved a token payment, that payment was under $200 initially, and under $50 as of the beginning of 2022.

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[2] Plaintiff, in her Response to the now-moot first Anti-SLAPP motion, calls this an admission of "extortion." This is absurd, particularly since (1) there was no legal prohibition on Defendants' program when they posted Plaintiff's booking photo; and (2) when ORS 133.875 went into effect, Defendants charged less than $50 for the removal of an Oregon booking photo. For her to frame conduct that the law specifically allows as "extortion" is no more than bad-faith rhetoric. If that rhetoric is credited, then what is this lawsuit other than "extortion?" Is it "extortion" that

The Court should dismiss this case under Oregon's Anti-SLAPP law, ORS 31.150 and 31.152, and award Defendants their costs and reasonable attorneys' fees. Plaintiff's sole claim for relief is premised on conduct in furtherance of the right to free speech in connection with an issue of public interest, namely reposting Plaintiff's criminal booking photo taken from government sources, and she cannot show a probability of prevailing on this claim. In the alternative, the Court should dismiss this case for lack of personal jurisdiction, as Defendants have no meaningful connection to this state and all the parties live in Nevada.

2.0 FACTUAL BACKGROUND

Plaintiff was arrested for DUI on May 12, 2020, in Josephine County. FAC at ¶ 7. Her arrest report indicates that she was "homeless in Grants Pass" at this time. FAC *Exhibit 6*. Shortly thereafter, Defendants published her mugshot and booking information on the website <arre.st>. *Id.* at ¶ 16; Declaration of Jason Watson ("Watson Dec."), attached as **Exhibit 1**, at ¶¶ 4-5.[3] The photo on <arre.st> was taken from the Oregon Department of Corrections website. *Id.* at ¶ 5.

On December 9, 2020, Plaintiff began a DUI diversion program which she completed on May 26, 2021. FAC at ¶¶ 8-10 and *Exhibits 6-8*. Due to completion of the program, her DUI charges were dismissed on January 6, 2022. FAC at ¶ 11 and *Exhibit 9*.

On January 26, 2021, while still completing her DUI diversion program, Plaintiff sent an email to Defendants requesting that they remove her booking photo. FAC at ¶ 19. Her request consisted of nothing more than the text "I am requesting to opt out and remove my mug shot." FAC *Exhibit 12*. It did not provide any details regarding her arrest, such as when or where it occurred, and did not identify the website on which it was posted. ORS 133.875 was not in effect

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Houtsinger is demanding to be paid an enormous ransom in order to end this lawsuit? Houtsinger was driving drunk, and now she should be paid a ludicrous amount of money because she was unsuccessful in hiding the truth from the rest of the world. Two can play this game, but the defense suggests that it be played no more.

[3] This is the only website of Defendants on which the mugshot was posted. Plaintiff alleges it was also posted on the website <guessthecharge.net> (FAC at ¶ 5), but this is false, as that site only posts West Virginia arrest records. Watson Dec. at ¶ 6. Even if it were, this would be of no significance, as Plaintiff does not allege that <guessthecharge.net> is a "publish-for-pay" website subject to ORS 133.875.

at this time, and it would have taken time and resources to locate the booking photo based on the limited information Plaintiff provided. Watson Dec. at ¶ 15.

Unbeknownst to Defendants until after Plaintiff filed her response to the prior Anti-SLAPP motion, Plaintiff also mailed two letters requesting removal of the booking photo. The first was mailed on January 29, 2021 in Milwaukee, Wisconsin, as shown by the mailing envelope's postmark, and handwritten by Plaintiff. Watson Dec. at ¶ 19; January 2021 letter and envelope, attached as **Exhibit 2**. The envelope also listed a P.O. box in Kenosha, Wisconsin as Plaintiff's return address. **Exhibit 2**. This letter provided a number for Plaintiff's booking photo and claimed that she was unable to pay for removal of her photo due to being unemployed as a result of the COVID-19 pandemic. *Id.* The second letter, mentioned in the FAC, was signed by attorney Tucker Rossetto and, while it did provide information that would have been sufficient for Defendants to determine which booking photo Plaintiff was talking about, it did not provide any documentation demonstrating that Plaintiff's DUI charges had been dropped. FAC *Exhibit 15*. More importantly, while the letter may have been dated November 11, 2022, the mailing envelope in which it was actually sent was postmarked **November 26**, 2022, once again in Milwaukee, Wisconsin. Watson Dec. at ¶ 20; November 2022 letter and envelope, attached as **Exhibit 3**.

Finally, on November 27, 2023, Rossetto emailed a letter substantively identical to the November 2022 letter. Complaint *Exhibit 14*; Watson Dec. at ¶ 16. Once again, attorney Rossetto did not provide any documentation demonstrating that Plaintiff's DUI charges had been dropped. *Id.* Neither Plaintiff, nor anyone on her behalf, sent any communication requesting removal of Plaintiff's booking photo aside from the above email and three letters. Watson Dec. at ¶¶ 15-16.

Until November 22, 2022, the <arre.st> website permitted users to purchase a "license key," by which the user would be given permission to delete any booking photo they wanted from the site. Watson Dec. at ¶¶ 7 & 14. As of January 1, 2022, when ORS 133.875 went into effect, the site charged $49.80 for a license key regarding Oregon arrest records. *Id.* at ¶ 10. Plaintiff *initiated* the process of purchasing a license key regarding her booking photo on May 14, 2020, using the <arre.st> website's automated telephone system, but did not complete this process. *Id.*

at ¶ 12. Plaintiff admits that she initiated this process and claims she did not complete it because "many mugshot extortionists [read: people operating completely legal businesses] maintain multiple sites, or that multiple sites with multiple owners may exist, and paying for removal would at best only apply to Arre.st . . . ." Houtsinger Dec., attached to Response to prior Anti-SLAPP motion, at ¶ 4. At the time she initially attempted to purchase a license key, Defendants charged effectively $199. Watson Dec. at ¶¶ 8 & 12.

As a matter of the site's normal business practice, it continued to offer steeper and steeper discounts over time, with Plaintiff being offered a discounted price of $49.80 as of October 1, 2021. *Id.* at ¶ 9. Defendants' normal business practices included sending emails to people who initiated the license key purchase system when such discounts were offered, meaning Plaintiff should have been notified of this discounted price. *Id.* At any time from May 2020 to November 2022, Plaintiff could have paid the fee to remove her booking photo without even requesting that Defendants do anything, but she chose not to. By the time Attorney Rossetto sent his letter in November 2022 (which Defendants did not know about until recently), the ability to purchase a license key for the <arre.st> website had already been disabled, and by the time Rossetto sent his November 2023 email, it had been disabled for over a year. *Id.* at ¶¶ 14 & 16.

3.0 LEGAL STANDARD

3.1. Anti-SLAPP

Oregon's Anti-SLAPP law allows a defendant to "make a special motion to strike against a claim in a civil action [for] . . . [a]ny . . . document presented, in a place open to the public or a public forum in connection with an issue of public interest; or [a]ny other conduct in furtherance of the exercise of the . . . constitutional right of free speech in connection with a public issue or an issue of public interest." O.R.S. 31.150(1), (2)(c), and (2)(d). Such a motion must be filed within 60 days of service of the complaint, or at a later date at the court's discretion. O.R.S. 31.152(1). The filing of the motion immediately stays all discovery. O.R.S. 31.152(2). If it is granted, the moving party is entitled to costs and reasonable attorneys' fees. O.R.S. 31.152(3).

First, the moving party must make a prima facie showing that the claims at issue arise out of protected conduct. Then, the burden shifts to the non-moving party "to establish that there is a probability that the plaintiff will prevail on the claim by presenting substantial evidence to support a prima facie case." O.R.S. 31.150(3). An Anti-SLAPP motion is treated as a motion to dismiss under ORCP 21A (O.R.S. 31.150(1)), though in addition to the pleadings, the court may consider "supporting and opposing affidavits stating the facts upon which the liability or defense is based." O.R.S. 31.150(4). The court may not, however, weigh competing evidence to determine whether the non-moving party has met its burden at prong two; the focus is on whether the moving party's evidence defeats the non-moving party's evidentiary showing as a matter of law. *Young v. Davis*, 259 Or. App. 497, 509-10 (2013).

The Oregon Legislature specified that this procedure is intended "to provide a defendant with the right to not proceed to trial in cases in which the plaintiff does not meet the burden specified in ORS 31.150" and the statute is "to be liberally construed in favor of the exercise of the rights of expression..." O.R.S. 31.152(4). Oregon's law is modeled after California's, Cal. Code Civ. Proc. § 425.16, and so Oregon courts often look to California Anti-SLAPP case law to interpret this state's law. *Mullen v. Meredith Corp.*, 271 Or. App. 698, 705 n.2 (2015); *Davis*, 259 Or. App. at 509; *DeHart v. Tofte*, 326 Or. App. 720, 742 (2023).

3.2. Personal Jurisdiction

Analyzing personal jurisdiction under ORS 21A(1)(b), a court may consider allegations in the complaint and matters outside the pleadings. *Cerner Middle E Ltd. v. Belbadi Enters. LLC*, 305 Or. App. 413, 420 (2020). The plaintiff has the burden to make a *prima facie* showing (as a matter of law) that personal jurisdiction is appropriate.

4.0 ANTI-SLAPP ARGUMENT

4.1. The Anti-SLAPP Motion is Timely

In the now-mooted response to the first Anti-SLAPP motion, Plaintiff claimed that the motion was untimely under the 60-day limit as to US Support. Even if it is, the Court may

discretionarily extend this deadline. O.R.S. 31.152(1). Here, the motion is timely and even if the Court interprets the law otherwise, it would be an abuse of discretion to fail to extend it.

Plaintiff filed the operative complaint, her FAC, on April 21, 2025. This motion is filed within 60 days of *that* filing. Finding that timeliness is tied exclusively to the original complaint would allow a plaintiff to circumvent the Anti-SLAPP law with trivial ease simply by amending their complaint more than 60 days after service. That is not the purpose of ORS 31.152(1).

To the extent Defendants require the Court to exercise its discretion to find this motion timely, doing so serves the purpose of the Anti-SLAPP law. Defendants retained counsel only relatively recently. Defendants' counsel accepted service on behalf of Jason Watson on February 20, 2025. Defendant US Support was served on October 21, 2024. Defendants attempted to negotiate a resolution. Once that failed, they retained the Randazza Legal Group, PLLC ("RLG") on January 29, 2025. RLG does not have attorneys licensed in Oregon, however, and Oregon counsel was not retained until February 19, 2025. Declaration of Alex J. Shepard ("Shepard Dec."), attached as **Exhibit 4**, at ¶ 5.

There has been no real activity since US Support was served. Plaintiff did not file a notice of intent to take default against US Support until January 16, 2025, and disclaimed her intent to seek default against that Defendant even before counsel for Defendants reached out to Plaintiff's counsel. *See* Motion for Alternate Service on Jason Watson, filed January 27, 2025.[4] No discovery has taken place (Shepard Dec. at ¶ 7), and the only orders issued by this Court have been on motions requesting additional time for Defendants to respond to the Complaint and admitting one of RLG's attorneys *pro hac vice*. This case is still in its infancy, and it would be contrary to the purpose of Oregon's Anti-SLAPP law for this Court not to consider this Motion.

4.2. Defendants Satisfy Their Prong One Burden

Whether a defendant's alleged conduct is wrongful is irrelevant at the first prong of the analysis. *Mullen v. Meredith Corp.*, 271 Or. App. 698, 705 (2015). Nor is the necessity of the

[4] Plaintiff withdrew this motion on February 27, 2025, in light of Defendants' counsel accepting service on behalf of Defendant Watson.

alleged conduct to the defendant's exercise of their freedom of speech rights; it is enough that the conduct is "in furtherance of" such exercise. *Id.* at 706. Conduct is in furtherance of the right to free speech if it is merely communicative and broadly falls within the ambit of the First Amendment. *Tofte*, 326 Or. App. At 742. There is no legitimate dispute that posting public arrest records is conduct in furtherance of free speech rights, meaning this inquiry is limited to whether this conduct was in connection with an issue of public interest and in a public forum.

4.2.1. Defendants' Speech Was in Connection with an Issue of Public Interest

The term "issue of public interest" has the "common-sense meaning" of "an issue that is of interest to the public." *Tofte*, 326 Or. App. At 742. Courts focus on the content, form, and context of the relevant conduct. *Mouktabis v. Clackamas Cnty.*, 327 Or. App. 763, 773 (2023). A plaintiff need not be a public figure for speech about them to be in connection with an issue of public interest. *Mullen v. Meredith Corp.*, 271 Or. App. 698, 706-07 (2015) (finding that news reporting about a shooting carried out by a non-public figure was on an issue of public interest); *Neumann v. Liles*, 358 Or. 706, 721 (2016) (finding that statements about plaintiff's wedding venue business were of public concern because they "were posted on a publicly accessible website, and the content of his review related to matters of general interest to the public, particularly those members of the public who are in the market for a wedding venue").

This case is about re-publishing an arrest record that the government had already chosen to publish, itself. It is obvious that arrest records are matters of "legitimate concern to the public." *Cox Broad Co. v. Cohn*, 420 U.S. 469, 492 (1975); *Rosenbloom v. Metromedia, Inc.*, 403 U.S. 29, 45 (1971) (plurality) (finding that "police arrest of a person . . . clearly constitutes an issue of public or general interest"), *abrogated on other grounds by* 418 U.S. 323 (1974). Multiple courts have found that an "arrest and its surrounding circumstances [convey] truthful information on matters of public concern protected by the First Amendment." *Best v. Berard*, 776 F. Supp. 2d 752, 758 (N.D. Ill. 2011); *Obsidian Fin. Group, LLC v. Cox*, 740 F.3d 1284 (9th Cir. 2014) (holding that allegation of fraud was a matter of public concern); *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1298 (11th Cir. 2008) (holding that accusations of "alleged violations

of federal gun laws" constituted speech on "a matter of public concern"); *Boule v. Hutton*, 328 F.3d 84, 91 (2d Cir. 20032) (holding that allegations of "fraud in the art market" involved "a matter of public concern"); Restatement (Second) of Torts, § 652D cmt. f ("Those who commit crime or are accused of it . . . may make every possible effort to avoid [publicity], but they are nevertheless persons of public interest, concerning whom the public is entitled to be informed").

Reposting booking photos obtained from local law enforcement is unquestionably conduct in connection with an issue of public interest. Even without the wall of authority that says so, common sense would dictate that the government publishes this information because it is of public concern. If it did not, then why would the government publish it in the first place? And publishing that someone *was* arrested, when they manage to evade legal conviction through diversion, also serves the public interest. It notifies the public of unlawful conduct committed by individuals who may be considered for employment in positions of particular trust or responsibility. This is particularly so where, as Plaintiff alleges here, the law enforcement agency that posted a photo later removes it. FAC at ¶ 15. While Houtsinger's offense was relatively minor, imagine an example where perhaps even a notorious criminal like O.J. Simpson could demand that his mugshot be hidden from public view, forever, because he evaded conviction. Houtsinger's theory here seems to be that in the absence of a conviction, the public has no right to know about her conduct. Wrong. *So* wrong.

Plaintiff claims "a long career as an educator" throughout the U.S. and abroad, where she has worked as various forms of teacher, tutor, coach, and supervisor, typically with minors. FAC at ¶ 1 and *Exhibit 1*. While Plaintiff was still completing her DUI diversion program, and immediately afterward, she was actively working in the teaching field; her resume shows that she was working as an APE Coach starting in July 2021 and a substitute teacher starting in January 2022. FAC *Exhibit 1*. In 2023, she moved to Las Vegas for the purpose of obtaining advanced degrees for special education. FAC at ¶ 12. She thus intends to work closely with not only children, but special needs children. Any educational institution considering hiring her or parent whose child might be in her care would thus be keenly interested to learn of her criminal history and how it

reflects on her personal character and judgment. As far as the criminal justice system is concerned, she may have "paid her debts to society" (FAC at ¶ 12), but her record has not been expunged and the public is still entitled to know of her criminal history. And while she does not appear to have had legal problems resulting from her drinking habits since her DUI, alcoholism is not something that is simply "cured," but requires a lifelong rehabilitative process and constant vigilance. Members of the public dealing with Plaintiff in the future, particularly special needs children and their parents, deserve to know about this chapter of Plaintiff's history and change their opinions of her accordingly.[5]

In her Response to the prior Anti-SLAPP motion, Plaintiff attempts to circumvent the obviously protected nature of Defendants' conduct by arguing that her claim somehow falls into the statute's commercial speech exception, which provides that an Anti-SLAPP motion "may not be made against a claim under this section against a person primarily engaged in the business of selling or leasing goods or services if the claim arises out of a communication related to the person's sale or lease of the goods or services." ORS 31.150(3).

The conduct on which Plaintiff's claim is premised is not removing her booking photo.[6] It is not based on allegedly deceptive statements about pricing made in private discussions, as no such discussions took place. Indeed, Plaintiff admits she was at all times fully aware she could have paid for removal of the photo but chose not to. Defendants not granting Plaintiff a favor (removing the photo for free) does not transform the relevant conduct (keeping the booking photo posted) into commercial speech. And there is certainly no authority for the proposition that charging money for removal of a photo somehow loses its connection to an issue of public interest;

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[5] Frankly, this even serves Houtsinger's long term goals, since taking responsibility for one's actions is an important step in the recovery process. Hiding the facts from the public is at odds with this step.

[6] Plaintiff points out that her suit is not premised on the "posting" of the booking photo, but this is immaterial. It undeniably is premised on Defendants not removing the photo which, for purposes of determining whether conduct is in connection with an issue of public interest, is a distinction without a difference.

that backwards logic could be applied to any form of monetization of any form of expressive speech, whether newspapers, novels, or art. Houtsinger cites no authority to support this argument.

4.2.2. Defendants' Alleged Speech Was Published in a Place Open to the Public or a Public Forum

This requirement is only applicable to ORS 31.150(2)(c); the "catch-all" provision in subsection (d) has no public forum requirement. Websites accessible to the general public are public forums for purposes of the Anti-SLAPP law. *See Hupp v. Freedom Commn's, Inc.*, 221 Cal. App. 4th 398, 404 (2013). The <arre.st> website is accessible to the general public and, until Defendants voluntarily removed Plaintiff's booking photo from it, any member of the public with internet access could view the photo. This requirement is thus satisfied, and Defendants have met their prong one burden.

4.3. Plaintiff Cannot Satisfy Her Prong Two Burden

Plaintiff alleges a single cause of action for violation of ORS 133.875. This statute creates liability for two forms of conduct, designated under subsections (1) and (2). Both of these govern only a "publish-for-pay publication," which is "a publication or website that requires the payment of a fee or other consideration in order to remove or delete a booking photo from the publication or website." ORS 133.875(3). The law went into effect on January 1, 2022.

Subsection (1) requires a publish-for-pay publication to remove and destroy a booking photo "of a person who submits a request for removal and destruction within 30 calendar days of the request." ORS 133.875(1)(A). However, the publication may condition removal of the photo on the payment of a fee of no more than $50. ORS 133.875(1)(b). The term "request for removal and destruction" of a booking photo is not defined, and there do not appear to be any cases interpreting this statute.

Subsection (2) is concerned with booking photos of individuals whose charges were dropped. This provision requires removal of a booking photo within 7 days of a "request for removal and destruction" if the requester provides documentation that their criminal charges were

dropped. ORS 133.875(2)(a). Unlike subsection (1), the publish-for-pay publication cannot condition removal of the photo on payment of a fee or any other consideration. ORS 133.875(2)(b).

4.3.1. Plaintiff Cannot Show a Violation of the Statute

Defendants did not violate either subsection of the statute. Subsection (2) is easy to dispense with. Plaintiff, whether herself or through counsel, *never* provided documentation showing that her DUI charges had been dismissed. Watson Dec. at ¶ 17; Complaint at *Exhibits 12, 14, & 15.*[7] There is no obligation to remove a booking photo unless and until such documentation is provided, and so Defendants cannot have violated this provision.

Subsection (1) requires only marginally more discussion. Defendants were permitted to charge up to $50 for removal of a booking photo unless subsection (2) applied. As of January 1, 2022, Defendants charged $49.80 for removal of Oregon booking photos as a matter of course, which is below this threshold. While Defendants charged more when Plaintiff initially sought to purchase a license key, this amount never exceeded $199, and was discounted to $49.80 as of October 1, 2021. Watson Dec. at ¶¶ 8 & 9. Whether or not Plaintiff had actual knowledge of her discounted prices, she admits she knew the process of paying for a license key which would allow her to remove her booking photo. Watson Dec. at ¶ 9; Houtsinger Dec. at ¶ 4. It would have been trivially easy for her to remove the photo herself with the purchase of a license key, as this was an automated process that did not require any input from or discretion of Defendants. Watson Dec. at ¶ 11. Whether because she was unemployed (**Exhibit 2**) or wanted to engage in a much more expensive and lengthy campaign of removal (Houtsinger Dec. at ¶¶ 4-5), Plaintiff chose not to go through the actual process of removing her booking photo, instead asking for removal for free

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[7] Attorney Rossetto claimed in his November 2022 and 2023 letters that Plaintiff's charges had been dismissed, but provided no supporting documentation establishing this. Plaintiff's response to the prior Anti-SLAPP motion suggests that Defendants were somehow obligated to follow up with Plaintiff about the lack of requisite documentation, but provides no authority for this position. It would be bizarre for the statute, which clearly states that a requesting party must provide "documentation" of charges being dropped under subsection (2), to obligate the requestee to remind the requester of the statute's requirements. And there is nothing mysterious about the statute requiring the requesting party to provide something, anything, more than a bare claim that charges were dropped.

when Defendants were under no obligation to honor this request.[8] Defendants conditioned removal of her photo on a payment of either under $200 (prior to ORS 133.875 going into effect) or under $50 (when the law went into effect), which it was permitted to do under ORS 133.875(1)(b), and Plaintiff never paid this fee despite being aware of it. Defendants did not violate this statute.

Defendants additionally did not violate the statute under either subsection because they did not receive a sufficient "request for removal and destruction" until after <arre.st> had stopped being a publish-for-pay publication. The only request Defendants actually received[9] prior to November 22, 2022, when Defendants disabled the license key purchase system for the <arre.st> site, was a single email from Plaintiff on January 26, 2021, requesting that her mugshot be removed but providing no details that would allow Defendants to act on her request. Watson Dec. at ¶ 15; Complaint *Exhibit 12*. The fatal problem for Plaintiff's claim is that she made this request before ORS 133.875 went into effect, meaning Defendants were under no obligation to remove her booking photo. But even if this request were somehow still pending nearly a year later when the law did go into effect, a "request for removal and destruction" under ORS 133.875 must surely consist of something more comprehensive than providing a name and a request that their mugshot be removed. At a bare minimum, such a request must include the date (at least approximately) and location of the arrest for a publish-for-pay publication to act on it. Watson Dec. at ¶ 15. The statute must allow for some screening or verification procedures, otherwise anyone could request removal of a booking photo for any reason, regardless of whether they were the affected party or a representative.

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[8] It is baffling that Plaintiff claims to have gone through a years-long odyssey to remove her booking photo from <arre.st>, including by allegedly speaking with legislators and the Oregon DOJ (FAC at ¶ 22), when she could have solved this problem by clicking a few buttons and paying a pittance nearly five years ago. This suggests that the motivation here is a bit tangential to the stated motivation.

[9] Plaintiff sent her January 2021 letter prior to November 22, 2022, but Defendants did not have actual knowledge of it until recently. Whether transmission to Defendants' mailbox was sufficient to provide notice is immaterial, however, as this letter was sent nearly a year before ORS 133.875 went into effect.

The later removal requests in November 2022 and 2023 were sufficient, as they provided such information, but by that time <arre.st> had disabled its license key purchase system and was no longer a publish-for-pay publication. *Id.* at ¶ 14.[10] Defendants were thus under no obligation to remove the booking photo and could not have violated ORS 133.875. Plaintiff's removal requests were both too early and too late, and inadequate besides.[11] Plaintiff cannot show that Defendants violated ORS 133.875, and thus cannot show a probability of prevailing on her claim. The Court should grant this Motion.

4.3.2. Defendants Are Immune Under the CDA

Even if Plaintiff could make a *prima facie* evidentiary showing on her claim, this Motion must still be granted because Defendants are immune under Section 230 of the Communications Decency Act, 47 U.S.C. § 230 ("Section 230"). This law establishes that "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." 47 U.S.C. § 230(c)(1). This creates absolute immunity so long as the defendant is a provider or user of such a service and did not materially contribute to the creation or development of the allegedly tortious content. 47 U.S.C. § 230(f)(3) defines "information content provider" as "any person or entity that is responsible, in whole or in

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[10] While the timing is close, Rossetto's November 2022 letter *was not actually sent until November 26, four days after <arre.st> stopped being a publish-for-pay publication*. Watson Dec. at ¶ 20; **Exhibit 3**. But even if the letter had actually been sent and received before November 22, 2022, it is undisputed that it was sent fewer than 30 days before Defendants shut down the license key purchase system. Liability could thus only have attached if Defendants were still charging money as of December 11, 2022, which is not the case here. Plaintiff claims this commonsense reading of ORS 133.875 is "devoid of logic" due to the potential for operating a shell game of new mugshot websites. Plaintiff does not allege Defendants are operating such a game, however, and she cannot identify any authority even suggesting that a booking photo website is obligated to honor removal requests when they no longer charge money for doing so. Such would be contrary to the plain text of the law and make the law unquestionably unconstitutional.

[11] In her Response to the prior Anti-SLAPP motion, Plaintiff confusingly contends that Defendants would have been liable under ORS 133.875 even if they had first been served with an adequate removal request on October 21, 2024, well after <arre.st> stopped being a publish-for-pay publication. This is an obviously atextual interpretation of the statute that merely highlights how Plaintiff's claim is premised not on charging money for removal of her booking photo, but for keeping the photo on Defendants' website.

part, for the creation or development of information provided through the Internet or any other interactive computer service." The immunity created by Section 230 preempts all contrary state laws. 47 U.S.C. § 230(e)(3).

"The majority of federal circuits have interpreted the CDA to establish broad 'federal immunity to any cause of action that would make service providers liable for information originating with a third-party user of the service.'" *Almeida v. Amazon.com, Inc.*, 456 F.3d 1316, 1321 (11th Cir. 2006) (quoting *Zeran v. Am. Online, Inc.*, 129 F.3d 327, 330 (4th Cir. 1997)). The purpose of the act is "to promote the continued development of the Internet and other interactive computer services and to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services." *Woodhull Freedom Found. v. United States*, 72 F.4th 1286, 1293 (D.C. Cir. 2023). The statute provides immunity from liability for any claim that "inherently requires the court to treat the defendant as the 'publisher or speaker' of content provided by another." *Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1102 (9th Cir. 2009).

The most common scenario where Section 230 immunity applies is when a user of a social media platform or online forum posts defamatory content, and the provider of the platform or forum is sued for it. Every court in the country is in accord that Section 230 immunity applies in that scenario, but the facts here are slightly different: the Oregon Corrections Department posted Plaintiff's booking photo on its website, and then Defendants republished that photo on the <arre.st> website. That does not change the outcome, however, as courts throughout the country have found that republishing statements from third parties, even on a different platform or website, is protected under Section 230. "Congress has made a . . . policy choice by providing an immunity even where the interactive service provider has an active, even aggressive role in making available content prepared by others." *Blumenthal v. Drudge*, 992 F. supp. 44, 52 (D.D.C. 1998).

The seminal case explaining this is *Barrett v. Rosenthal*, 146 P.3d 510 (Cal. 2006). There, an individual posted a copy of an article she had received via email on two newsgroup websites and was sued for republishing defamatory information. *Id.* at 514. The court found that the term

"users" included individuals using an interactive computer service, and thus the defendant's act of republication was protected under Section 230. *Id.* at 513.

Rosenthal spawned many cases affirming and expanding this reasoning. *See Coomer v. Donald J. Trump for President, Inc.*, 2024 COA 35, 2024 Colo. App. LEXIS 448, *97-99 (Apr. 11, 2024) (finding that retweeting allegedly defamatory statements published by a third party, and including in retweet a verbatim quote from allegedly defamatory statements, was protected under Section 230); *Banaian v. Bascom*, 281 A.3d 975, 980 (N.H. 2022) (finding that students who retweeted allegedly defamatory screenshot of webpage were immune under Section 230); *Holmok v. Burke*, 2022-Ohio-2135, 2022 Ohio App. LEXIS 2015, *8-9 (Oh. Ct. App. June 23, 2022) (finding that defendant who retweeted an allegedly defamatory tweet and added a hashtag was immune under Section 230).

Courts apply this reasoning even in cases where information was provided by a third party on one online platform and republished on a different platform. *See Comyack v. Giannella*, 2020 N.J. Super. LEXIS 49, *117-18 (N.J. Super. Ct. Apr. 21, 2020) (finding that Facebook users who made Facebook posts republishing allegedly defamatory statements published by third parties on social media websites Reddit and Instagram were immune under Section 230); *Marfione v. Kai U.S.A., Ltd.*, No. 17-70, 2018 U.S. Dist. LEXIS 51066, *16 (W.D. Pa. Mar. 27, 2018) (finding defendant whose Instagram account linked to allegedly defamatory article published by third party was immune under Section 230); *Roca Labs, Inc. v. Consumer Op. Corp.*, 140 F. Supp. 3d 1311, 1320 (M.D. Fla. 2015) (finding consumer review website that published tweets quoting and linking to allegedly defamatory reviews published by third parties was immune under Section 230); *Vasquez v. Buhl*, 150 Conn. App. 117, 90 A.3d 331, 344 (2014) (finding newspaper that linked to allegedly defamatory article published by third party was immune under Section 230).

The court in *Nat'l Ass'n of the Deaf v. Harvard Univ.*, 377 F. Supp. 3d 49 (D. Mass. 2019), provided a clear explanation of the relationship between embedded content and Section 230:

> By definition, embedded content is content hosted on a third-party server [here, Twitter] that is hyperlinked in its existing form to content that is hosted on [*The*

> *Daily Caller's*] platform or website. To the extent such content is not content that was created or developed in whole or in part by [*The Daily Caller, The Daily Caller*] cannot be an information content provider as to embedded content . . . Where [*The Daily Caller*] or someone associated with [*The Daily Caller*] is embedding a third party's content that [*The Daily Caller*] or someone associated with [*The Daily Caller*] did not create or develop in whole or in part – in other words, is publishing a third party's content – [*The Daily Caller*] is entitled to CDA immunity ....

Id. at 69 (granting judgment on the pleadings on Section 230 grounds).

While Defendants' republishing of Plaintiff's booking photo was not, as a technical matter, embedding a tweet, there is no legal distinction between the two actions. Defendants did not create the booking photo; they took it from a third-party website. And their decision not to remove the photo was a traditional editorial function that has routinely been found to be protected by Section 230. Plaintiff does not claim that Defendants engaged in any wrongful conduct other than not removing the photo, and so the cases firmly establish Defendants cannot be liable.

Courts dealing with mugshot websites have found that Section 230 immunizes the hosting of and decision not to remove booking photos. *See Doe v. Oesterblad*, 2015 U.S. Dist. LEXIS 199298, *7-8 (D. Ariz. June 9, 2015) (dismissing claims on Section 230 grounds that were based on defendant copying and republishing information from "preexisting non-profit and government websites"); *Doe v. Grant*, 2021 Ariz. Super. LEXIS 1327, *6-7 (Maricopa Sup. Ct. Mar. 31, 2021) (finding that Section 230 preempted Arizona mugshot law and granting motion to dismiss); *Shuler v. Duke*, 2018 U.S. Dist. LEXIS 90409, *22-25 (N.D. Ala. May 31, 2018), *aff'd* 792 Fed. Appx. 697 (11th Cir. 2019) (finding Section 230 barred defamation claim despite allegation that plaintiff's arrest had no basis in law or fact); *Kruska v. Perverted Justice Found., Inc.*, 2008 U.S. Dist. LEXIS 109347, *7-9 (D. Ariz. July 8, 2008) (finding claims based on statements imputing criminal conduct were barred by Section 230 as to defendant which only hosted content created by other sources).

The fact that Defendants, at one point, charged for a license key that would allow removal of booking photos does not affect this immunity. "[T]he fact that a website elicits online content

for profit is immaterial; the only relevant inquiry is whether the interactive service provider 'creates' or 'develops' that content." *M.A. ex rel. P.K. v. Vill. Voice Media Holdings, LLC*, 809 F. Supp. 2d 1041, 1050 (E.D. Mo. 2011); *Fed. Agency of News LLC v. Facebook, Inc.*, 432 F. Supp. 3d 1107, 1119 (N.D. Cal. 2020) (stating that "there is no 'for profit exception to § 230's broad grant of immunity'"). In her Response to the prior Anti-SLAPP motion, Plaintiff argues that Defendants are not immune under Section 230 because they "contributed to the illegality of the conduct" of not removing her booking photo. But that is just restating the obvious; ORS 133.875 makes it unlawful not to remove a booking photo, a traditional editorial function protected by decades of Section 230 case law. Oregon's law, and Plaintiff's claim under it, is thus preempted by Section 230, which immunizes Defendants.[12]

Due to Section 230 immunity, Plaintiff cannot show a probability of prevailing on her claim. This immunity is applicable on the face of the Complaint; the Court need not review extrinsic evidence to determine that dismissal is appropriate under O.R.C.P. 21A(1)(h).

4.3.3. The Statute is Unconstitutional

Assuming, *arguendo*, that Defendants violated Oregon's mugshot law and Section 230 does not apply, Plaintiff's claim still fails because the Oregon law is an unconstitutional infringement on the First Amendment. As discussed above, the law inhibits the ability to post, and to continue posting, publicly available criminal records of significant interest to the general public. Such conduct is protected under the First Amendment, and the law discriminates based on the content of speech; it targets booking photo websites specifically and is concerned solely with booking photos. Because it is content-based, the law is subject to strict scrutiny, meaning it is

[12] Plaintiff additionally argues that this case is somehow similar to *Anderson v. TikTok, Inc.*, 116 F.4th 180 (3d Cir. 2024), which found that claims based on TikTok's promotion of content was not immunized under Section 230. That has no similarity to Plaintiff's claim here; she is premising liability on Defendants not removing content created by a third party. There is no allegation that Defendants violated ORS 133.875 by promoting or advertising Plaintiff's mugshot, just keeping it posted on <arre.st>.

unconstitutional unless it is narrowly tailored and advances a compelling state interest. *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 642 (1994).

It is firmly established that there is no governmental interest that can justify restraining or punishing the dissemination of publicly available criminal records. "[A]ny state interest in protecting for rehabilitative purposes the long-term anonymity of former convicts [is not] 'of the highest order[.]'" *Gates v. Discovery Commc'ns, Inc.*, 101 P.3d 552, 560 (Cal. 2004) (collecting cases); *Smith v. Daily Mail Publ'g. Co.*, 443 U.S. 97, 104 (1979) (holding that state's interest in protecting the anonymity of juvenile defendants did not justify punishing newspapers for truthfully reporting those names); *Fla. Star v. B.J.F.*, 491 U.S. 524, 525 (1989) (holding that state's interest in protecting privacy of rape victim insufficient to overcome First Amendment protection for the dissemination of "lawfully obtained truthful information" concerning a matter of public concern); *Landmark Commc'ns, Inc. v. Virginia*, 435 U.S. 829, 841 (1978) (state's interest in protecting the reputation of its judges and in maintaining the institutional integrity of its courts not sufficient to justify punishing speech involving confidential proceedings of judicial review commission); *Okla. Publ'g. Co. v. Dist. Court In & For Okla. Cnty.*, 430 U.S. 308, 311 (1977) (holding publisher could not be held liable for publishing lawfully obtained "name and picture of the juvenile [that] were publicly revealed in connection with the prosecution of the crime"); *Bartnicki v. Vopper*, 532 U.S. 514, 527 (2001) (stating that "state action to punish the publication of truthful information seldom can satisfy constitutional standards").

ORS 133.875 cannot be constitutionally applied to penalize or restrain the publication of criminal records. As the Supreme Court has made crystal clear, "once the truthful information [is] publicly revealed or in the public domain the court [can]not constitutionally restrain its dissemination." *B.J.F.*, 491 U.S. at 535 (internal citations and quotation marks omitted). This is particularly so if, as Plaintiff insists, removal obligations (and attendant liability) under the statute persist even where a website stops being a pay-for-publish publication.

5.0 PERSONAL JURISDICTION ARGUMENT

In the alternative, Defendants request dismissal of Plaintiff's Complaint for lack of personal jurisdiction. To maintain a claim in an Oregon court, a plaintiff needs to establish that the court has personal jurisdiction over the defendants. In this case, Plaintiff cannot show that Defendants are subject to personal jurisdiction here. The case should be dismissed pursuant to ORCP 21A(1)(b).

Personal jurisdiction in Oregon is "examined as either a question of general personal jurisdiction or specific personal jurisdiction." *Wallace v. Holden*, 297 Or. App. 824, 828-829, (2019). General personal jurisdiction exists when a defendant's connection to the state is so "continuous and systematic as to render them essentially at home" in Oregon. *Id.*, quoting *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011). General jurisdiction is "all-purpose jurisdiction," meaning the defendant can be sued in Oregon for any claim that has accrued against him. *See id.*

On the other hand, specific personal jurisdiction "depends on an affiliation between the forum and the underlying controversy, principally, activity or an occurrence that takes place in the forum State and is therefore subject to the State's regulation." *Id.* In contrast to general jurisdiction, specific personal jurisdiction "is confined to an adjudication of issues deriving from, or connected with, the very controversy that establishes jurisdiction." *Id.*

Plaintiff's Complaint makes no allegations suggesting that Defendants are subject to general personal jurisdiction in the State of Oregon. *See* FAC at ¶¶ 2-5. They are not "essentially at home" in Oregon. Mr. Watson is not an Oregon resident. US Support is not incorporated in Oregon, and its principal place of business is not in Oregon. The Complaint correctly surmises that, like Plaintiff, Defendants reside in the State of Nevada. *See id.* Thus, this Court can only maintain personal jurisdiction over Defendants if Plaintiff can demonstrate that they are subject to specific personal jurisdiction in Oregon. They are not. The claims Plaintiff asserted do not subject Defendants to the specific personal jurisdiction of this Court, and this case should be dismissed.

Courts in Oregon will only subject a defendant to specific personal jurisdiction if it falls within the boundaries of Oregon's long-arm statute, contained in ORCP 4B through ORCP 4L. Plaintiff neglected to allege the specific provision of the long-arm statute that allegedly subjects Defendants to the jurisdiction of this Court. However, only one event alleged in the Complaint occurred in Oregon, Plaintiff's 2020 arrest "for driving under the influence of intoxicants" on May 12, 2020, and the subsequent disposition of that arrest. *See* FAC at ¶¶ 7-11. Therefore, the only provision of the long-arm statute that may fit is its catch-all provision, which provides for specific jurisdiction "in any action where prosecution of the action is not inconsistent with the Constitution of this state or the Constitution of the United States." ORCP 4L. Because Oregon's constitution does not have a due process clause, when determining whether jurisdiction exists, its state courts are guided solely by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. *See Wallace*, 207 Or. App. at 834.

Judicial decisions regarding the Fourteenth Amendment have long held that due process is satisfied when "minimum contacts" exist between the nonresident defendant and the forum state such that maintaining the suit in the state would not "offend traditional notions of fair play and substantial justice." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286-291-92 (1980). There are three requirements that govern whether specific personal jurisdiction exists: (1) whether the defendant has purposefully availed itself of the privilege of conducting activity in Oregon; (2) whether the litigation arises out of, or relates to, the defendant's activities in Oregon; and (3) whether the exercise of jurisdiction comports with fair play and substantial justice. *See Cox v. HP Inc.*, 368 Or. 477, 485-86 (2021). A court can only take personal jurisdiction over the defendants if all three elements are satisfied. *See id.*

5.1. Purposeful Availment

To meet the first prong, the plaintiff must demonstrate that the defendant has either "purposefully availed" itself of the privilege of conducting activities in Oregon or "purposefully directed" its activities at Oregon. *M.C. v. Quest Glob., Inc.*, 328 Or. App. 378, 383 (2023). The requirement exists to prevent foreign defendants from being haled into Oregon's courts for

random, fortuitous, or attenuated contacts with the state. *See id.,* citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985). The act subjecting the defendant to specific personal jurisdiction must create a *substantial connection* with Oregon that was created by the *defendant himself. See M.C.*, 328 Or. App. at 384. Mere injury to a forum resident is not a sufficient connection to the forum. *See id.*, citing *Walden v. Fiore*, 571 U.S. 277, 290 (2014).

Here, the extent of Defendants' connection to Oregon is that they posted a publicly available photo of Plaintiff that was taken in Oregon on their website. Defendants can hardly be said to have created that connection to Oregon. After all, it was either an error in judgment by Plaintiff or by Oregon law enforcement that caused that photograph to be published on a public law enforcement website in the first place.

Defendants' contacts with Oregon were also insubstantial. They did not physically enter the State of Oregon at any point. To the extent that Plaintiff was injured at all, which Defendants strongly dispute and Plaintiff does not actually allege, that injury did not occur in Oregon. After all, Plaintiff was no longer living in Oregon when she commenced sending emails to Defendants demanding that they take her photo down; she was, according to her resume, working in Wisconsin. Complaint *Exhibit 1*. The fact that both her handwritten letter from January 2021 and attorney Rossetto's letter in November 2022 were postmarked in Milwaukee, Wisconsin also strongly suggests that Plaintiff was not in Oregon when sending the requests. As there is no possible claim for relief under ORS 133.875 until after a request is sent, it is clear Plaintiff was no longer in Oregon at any time her claim could have accrued. Defendants do not have the required minimum contacts to drag them into a remote jurisdiction for this dispute.

5.2. Arising Out of or Related to Defendants' Activities

The plaintiff must also demonstrate that the litigation arises out of or relates to the defendant's contacts with Oregon. *See M.C.*, 328 Or. App. at 384, citing *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 (1984). While the contacts do not need to be the "but for" cause of the litigation, they must show that the defendant has "systematically served the state's markets [such] that the reach of its actions did in some way relate to the claims." *Cox v. HP Inc.*,

317 Or. App. 27, 33 (2022). Litigation in the state must be reasonably foreseeable, which is an objective determination. *See Cox*, 368 Or. at 487.

It was not reasonably foreseeable that Defendants would be haled into an Oregon court based upon the allegations in the Complaint. As noted, when Plaintiff began sending communications demanding that the photo be removed from Defendants' website, she was already residing in Wisconsin or Nevada. Moreover, those communications never stated that she had been an Oregon resident or that her booking photo was taken in Oregon. Given that Defendants could not have reasonably foreseen that their actions would subject them to a lawsuit in this state, this state does not have personal jurisdiction over them.

5.3. Fair Play and Substantial Justice

Finally, the assertion of jurisdiction in Oregon must comport with fair play and substantial justice. *See Cox*, 368 Or. at 485-86. This is a fact-specific inquiry that requires balancing seven factors: (1) the extent of the defendants' purposeful interjection; (2) the burden on the defendants in defending in the forum; (3) the extent of conflict with the sovereignty of the defendants' state; (4) the forum state's interest in adjudicating the dispute; (5) the most efficient judicial resolution of the controversy; (6) the importance of the forum to plaintiff's interest in convenient and effective relief; and (7) the existence of an alternative forum. *See Munson v. Valley Energy Inv. Fund, U.S., L.P.*, 264 Or. App. 679, 700 (2014), quoting *Harris Rutsky & Co. Ins. Servs. V. Bell & Clements Ltd.*, 328 F.3d 1122, 1132 (9th Cir. 2003). The factors are to be balanced, and no single factor is dispositive. *See id.*

Here, all seven factors weigh strongly in favor of dismissing this case for lack of personal jurisdiction. Most importantly, all of the parties to this lawsuit reside in Nevada, and did so well before the Complaint was filed. *See* FAC at ¶¶ 1-3. The burden on Defendants of being forced to defend themselves in Oregon would be much greater than defending themselves in their home state. They are physically in Nevada. All of their evidence is located in Nevada. Their attorneys are in Nevada, requiring them to retain local counsel in Oregon. Defending themselves in a remote jurisdiction will be far more expensive than defending themselves at home in Nevada.

Plaintiff herself is at home in the Silver State. Given that Plaintiff is also located in Nevada, obtaining relief there will clearly be more convenient and cost effective for Plaintiff as well. If she believes that Oregon law should apply, she can make that argument in Nevada, and Nevada's courts are just as competent at reviewing and interpreting statutes as those in Oregon. In any case, there is no reason for her to drag this dispute hundreds of miles away when all of the parties reside in Las Vegas.

Defendants' interjection into Oregon was minor. While they posted Plaintiff's mugshot, which was taken in Oregon, she was not in Oregon when she began trying to get that mugshot taken down. In fact, her communications to Defendants provide no identifying information about her at all. Defendants did not know that she was formerly an Oregon resident when she sent them takedown demands from Nevada and/or Wisconsin.

Finally, Nevada has a far greater interest in resolving this dispute than Oregon. **It is a dispute between Nevada residents.** Of course, this also makes Nevada a more efficient location to adjudicate this matter. While Plaintiff was arrested initially in Oregon, that is this state's only connection to this matter. Defendants were not involved in any way with that arrest and should not be forced to litigate in a remote jurisdiction when they live in the same metropolitan area as Plaintiff does. This case should be dismissed for lack of personal jurisdiction, and Plaintiff should be instructed to refile in her home state.

6.0 CONCLUSION

For the foregoing reasons, the Court should dismiss Plaintiff's First Amended Complaint in its entirety and award Defendants their costs and reasonable attorneys' fees, to be substantiated in a subsequent motion. In the alternative, the Court should dismiss this suit for lack of personal jurisdiction over Defendants.

Dated: April 30, 2025.

Respectfully Submitted,

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Case No. 24CV49697

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed on this 30th day of April 2025 and served via the Circuit Court for the State of Oregon electronic filing system.

/s/ Eric Fournier
ERIC FOURNIER