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

LINN COUNTY, DOUGLAS COUNTY
JEFFERSON COUNTY, MALHEUR
COUNTY, MORROW COUNTY, POLK
COUNTY, SHERMAN COUNTY,
WALLOWA COUNTY, YAMHILL
COUNTY, each a local government of the
State of Oregon,

Plaintiffs,

v.

KATE BROWN, in her official capacity as
Governor of the State of Oregon, BRAD
AVAKIAN, in his official capacity as
Commissioner of the Oregon Bureau of Labor
and Industries,

Defendants.

Case No. 16CV17209

GENERAL JUDGMENT

ORS 20.140 - State fees deferred at filing

The Court FINDS that:

A) On December 8, 2016, this Court granted plaintiffs’ motion for summary judgment on the legal question of whether 2015 SB 454 (Oregon Laws 2015, Ch. 537), referred to herein as the Paid Sick Leave Law, is a “Program” within the meaning of Article XI, Section 15 of the Oregon Constitution. Defendants object to this ruling.

B) Following the December 8, 2016 ruling, the Court issued a subsequent opinion letter on January 9, 2017 allowing the parties to proceed with discovery on the question of whether the plaintiff counties satisfied the financial threshold set forth in Article XI, Section 15(3)(b) (hereinafter “financial threshold”) of the Oregon Constitution. Trial was set for July of 2017.

C) Following a period of discovery, the parties stipulated that during Fiscal Year 2016-2017, Linn County, Douglas County, and Yamhill County satisfied the financial threshold in that

1 the Paid Sick Leave Law had required them to spend, in the form of actual paid sick leave
2 benefits paid out to employees, an amount that exceeded one-hundredth of one percent of the
3 annual budget adopted by these counties for that fiscal year. The parties further stipulated that,
4 based on currently available information, Linn County, Douglas County, and Yamhill County
5 would be more likely than not to continue to satisfy the financial threshold in this manner in
6 future years if they continued to comply with the paid sick leave law.

7 D) On or about July 17, 2017 Plaintiffs Morrow County, Jefferson County, Polk County,
8 Malheur County, Sherman County and Wallowa County filed voluntary notices of dismissal
9 under ORCP 54, and a limited judgment of dismissal was entered thereafter. These dismissed
10 parties are not included in the present judgment.

11 Based on the Foregoing, the Court DECLARES AND ADJUDGES as follows:

12 1) For the reasons set forth in the Court's December 8, 2016 letter opinion, attached and
13 incorporated herein, the Paid Sick Leave Law, is a "Program" within the meaning of Article XI,
14 Section 15 of the Oregon Constitution. Defendants do not waive their right to appeal the Court's
15 ruling and judgment that the Paid Sick Leave Law is a "Program."

16 2) Plaintiffs Linn County, Douglas County and Yamhill County satisfy the financial
17 threshold.

18 3) Plaintiffs Linn County, Douglas County and Yamhill County may lawfully refuse to
19 comply with the Paid Sick Leave Law unless and until the Legislative Assembly allocates
20 sufficient funding for the Program, or identifies and directs the imposition of a fee or charge to
21 be used by plaintiffs to recover the actual cost of the program, or circumstances change such that
22 the cost of complying with the paid sick leave law would no longer require the county to spend
23 more than the financial threshold.

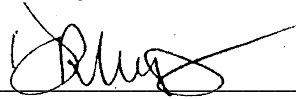
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1 It is so ADJUDGED. Plaintiffs Linn County, Douglas County and Yamhill County are
2 the prevailing parties.

Signed: 7/24/2017 09:55 AM



Circuit Court Judge, Daniel R. Murphy

8 Submitted by: Sarah Weston
9 Assistant Attorney General
 Attorneys for Defendants

1 **CERTIFICATE OF READINESS**

2 This proposed *General Judgment* is ready for judicial signature because:

3 1. [] Each opposing party affected by this *General Judgment* has stipulated to the
4 *General Judgment*, as shown by each opposing party's signature on the document
5 being submitted.

6 2. [X] Each opposing party affected by this *General Judgment* has approved the *General*
7 *Judgment*, as shown by signature on the document being submitted or by written
8 confirmation of approval sent to me.

9 3. [] I have served a copy of this *General Judgment* on all parties entitled to service
10 and provided written notice of the objection period, and:

11 a. [] No objection has been served on me within that time frame.

12 b. [] I received objections that I could not resolve with the opposing party
13 despite reasonable efforts to do so. I have filed with the court a copy of the
14 objections I received and indicated which objections remain unresolved.

15 c. [] After conferring about objections, [*role and name of opposing party*]
16 agreed to file any remaining objection with the court by [*date*], which
17 predated my submission.

18 4. [] The relief sought is against an opposing party who has been found in default.

19 5. [] An order of default is being requested with this proposed judgment.

20 6. [] Service is not required by statute, rule, or otherwise.

21 DATED July 20, 2017.

22
23 s/ Sarah Weston
24 SARAH WESTON #085083
25 Assistant Attorney General
26 Trial Attorney
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Fax (971) 673-5000
Sarah.Weston@doj.state.or.us
Of Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I certify that on July 20, 2017, I served the foregoing GENERAL JUDGMENT upon
3 the parties hereto by the method indicated below, and addressed to the following:

4 Nathan R. Rietmann
5 Rietmann & Rietmann, LLP
6 1270 Chemeketa St. NE
7 Salem, OR 97301
8 *Of Attorney for Plaintiffs*

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 SERVED BY EFILING

9 s/ Sarah Weston
10 SARAH WESTON #085083
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18 Of Attorneys for Defendants