

IN THE SUPREME COURT OF THE STATE OF OREGON

ELKHORN BAPTIST CHURCH, an Oregon non-profit corporation; CALVARY CHAPEL NEWBERG, an Oregon non-profit corporation; CALVARY CHAPEL LINCOLN CITY, an Oregon non-profit corporation; CALVARY CHAPEL SOUTHEAST PORTLAND, an Oregon non-profit corporation; NEW HORIZON CHRISTIAN FELLOWSHIP, an Oregon non-profit corporation; CAMAS VALLEY CHRISTIAN FELLOWSHIP, an Oregon non-profit corporation; PEOPLES CHURCH, an Oregon non-profit corporation; PREPARE THE WAY, an Oregon non-profit corporation; BEND COMMUNITY CHURCH, an Oregon non-profit corporation; COVENANT GRACE CHURCH, an Oregon non-profit corporation; JEDIDIAH MCCAMPBELL, an individual; RONALD OCHS, an individual; BRIAN NICHOLSON, an individual; JAMES B. THWING, an individual; MARK RUSSELL, an individual; PHIL MAGNAN, an individual; RONALD W. RUST, an individual; TRAVIS HUNT, an individual; MASON GOODKNIGHT, an individual; MARK MAYBERRY, an individual; LORI MAYBERRY, an individual; BENJAMIN STEERS, an individual; MICHAEL CARROLL, an individual; KEVIN J. SMITH, an individual; POLLY JOHNSON, an individual; BENJAMIN BOYD, an individual; ANNETTE LATHROP, an individual; ANDREW S. ATANSOFF, an individual; SHERRY L. ATANSOFF, an individual; MICAH AGNEW, an individual; and ANGELA ECKHARDT, an individual, Plaintiffs-Adverse Parties,

and

RED ROCK COWBOY CHURCH, an Oregon non-profit corporation et al., Plaintiffs,

and

BILL HARVEY, SAM PALMER, GLENN PALMER, JERRY SHAW, MATTHEW R. CUNNINGHAM, DONALD A. JAY, JACOE A. BROWN, SAMUEL N. BROWN, VIRGINIA STEGEMILLER, B. DAVID HURLEY, and DOUGLAS W. HILLS, Intervenors-Adverse Parties,

v.

KATHERINE BROWN, Governor of the State of Oregon and DOES 1 THROUGH 50, Defendants-Relators.

Baker County Circuit Court  
20CV17482

S067736

**ORDER ALLOWING PETITION FOR ALTERNATIVE WRIT OF MANDAMUS;  
ALTERNATIVE WRIT OF MANDAMUS**

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ALTERNATIVE WRIT OF MANDAMUS**

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REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,  
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

Upon consideration by the court.

The petition for alternative writ of mandamus is allowed.

*Walters, C.J., not participating*

## ALTERNATIVE WRIT OF MANDAMUS

To: Judge Matthew B. Shirtcliff:

On May 23, 2020, the Oregon Supreme Court allowed relators' petition for an alternative writ of mandamus.

By this reference, all well-pleaded allegations in the petition are incorporated in this Writ as if set out in full.

Wherefore, in the name of the State of Oregon, you are commanded to either (1) vacate your May 18, 2020, "Order Granting Preliminary Injunctive Relief and Denying Motion to Dismiss," to the extent that it grants plaintiffs' motion for preliminary injunctive relief, and to issue an order denying plaintiffs' motion for preliminary injunctive relief, or, in the alternative, (2) show cause for not doing so, no later than 5:00 p.m. on Tuesday, May 26, 2020.

If this court does not receive notice of compliance with the alternative writ of mandamus by the court to which the writ was directed, the relators shall file their opening brief no later than Thursday, May 28, 2020, notwithstanding ORAP 11.15(1)(a). The adverse parties shall file their answering briefs, if any, no later than Tuesday, June 2, 2020, notwithstanding ORAP 11.15(2). In lieu of an answering brief, an adverse party may file a notice with the court that it intends to rely on the memorandum that it filed opposing the petition; any such notice shall be filed no later than Tuesday, June 2, 2020.

On May 22, 2020, the court granted an application to appear as amicus curiae filed by the Oregon Nurses Association, in support of the relator's petition for mandamus, and the court accepted the accompanying brief. If the Oregon Nurses Association wishes to file an additional brief on the merits, it shall file that brief no later than Thursday, May 28, 2020.

The trial court or judge is not a party to the mandamus proceeding, ORS 34.250(2), although the court or judge may seek to intervene, ORS 34.250(4).

*Walters, C.J., not participating*



THOMAS A. BALMER PRESIDING JUSTICE, SUPREME COURT 5/23/2020 11:46 AM
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c: Benjamin Gutman  
Ray D Hacke  
Kevin L Mannix  
Matthew B Shirtcliff  
Thomas K Doyle  
Aruna A Masih

asb

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