

Verified Correct Copy of Original 10/7/2021

Jefferson County Circuit Court  
129 SW E Street, Suite 101  
Madras, OR 97741-1794  
www.courts.oregon.gov/Jefferson  
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Reply to ( )



Crook County Circuit Court  
300 NE Third Street  
Prineville, OR 97754-1919  
www.courts.oregon.gov/Crook  
541.447.6541  
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Daina A. Vitolins  
Circuit Court Judge

Annette C. Hillman  
Presiding Judge

Michael R. McLane  
Circuit Court Judge

### Twenty-Second Judicial District

October 7, 2021

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RE: *Oregon Fraternal Order of Police et al vs. Katherine Brown, State of Oregon*  
*Jefferson County Circuit Court Case No. 21CV35125*

Counsel:

Governor Kate Brown issued Executive Order (EO) 21-29 on August 13, 2021. It requires state Executive-branch employees obtain COVID-19 vaccinations, including a two-week post-vaccination period, by October 18, 2021. The order allows for exceptions “for individuals unable to be vaccinated due to disability, qualifying medical condition, or a sincerely held religious belief.” Employees who fail to comply with the vaccination requirement “will face personnel consequences up to and including separation from employment.”

Plaintiffs are 33 individual employees of the Oregon State Police and two associations, one of which claims more than 100 members who are employees of the OSP and the other of which represents firefighters in Klamath County. The majority of the individual plaintiffs have no medical, religious, or disability-based basis for an exception from the vaccination requirement of the order. Nevertheless, they do not wish to be vaccinated. They filed a complaint against Governor Brown and the State of Oregon seeking a declaration that EO 21-29 is unlawful on a number of grounds: 1) it violates ORS 433.416(3) in requiring immunization as a condition of employment; 2) it violates Article I, section 22, of the Oregon Constitution, as well as Article III separation of powers principles; 3) it violates plaintiffs’ rights of free expression guaranteed in Article I, section 8, of the Oregon Constitution; 4) it violates the equal privileges and immunities guarantee of Article I, section 20, of the Oregon Constitution; and 5) it amounts to wrongful discharge from employment.

