

Thomas F. Armosino, OSB #911954

Email: armosino@fdfirm.com

Casey S. Murdock, OSB #144914

Email: murdock@fdfirm.com

FROHNMAYER, DEATHERAGE, JAMIESON,

MOORE, ARMOSINO & MCGOVERN, PC

2592 East Barnett Road

Medford, OR 97504

Phone: 541-779-2333

Fax: 541-779-6379

Of Attorneys for Defendant Harney County

UNITED STATES DISTRICT COURT

THE DISTRICT OF OREGON

PORTLAND DIVISION

D. JEANETTE FINICUM; THARA TENNEY;
TIERRA COLLIER; ROBERT FINICUM;
TAWNY CRANE; ARIANNA BROWN;
BRITTNEY BECK; MITCH FINICUM;
THOMAS KINNE; CHALLICE FINCH;
JAMES FINICUM; DANIELLE FINICUM;
TEAN FINICUM; and the ESTATE OF
ROBERT LAVOY FINICUM,

Plaintiffs,

v.

UNITED STATES OF AMERICA; FBI;
BLM; DANIEL P. LOVE; SALVATORE
LAURO; HARRY MASON REID; GREG T.
BRETZING; W. JOSEPH ASTARITA;
STATE OF OREGON; OREGON STATE
POLICE; KATHERINE BROWN;
RONALD LEE WYDEN; HARNEY
COUNTY; DAVID M. WARD;
STEVEN E. GRASTY; THE CENTER
FOR BIOLOGICAL DIVERSITY;
and JOHN DOES 1-100,

Defendants.

Case No. 2:18-cv-00160-MO

**DECLARATION OF THOMAS F.
ARMOSINO IN SUPPORT OF
DEFENDANT HARNEY
COUNTY'S MOTION TO DISMISS
PLAINTIFFS' THIRD AMENDED
COMPLAINT FOR FAILURE TO
STATE A CLAIM**

I, Thomas F. Armosino, declare:

1. I am the attorney of record for Defendant Harney County. I make this Declaration in support of Defendant Harney County's Motion to Dismiss Plaintiffs' Third Amended Complaint for Failure to State a Claim.

2. Attached as Exhibit 1 is a true and correct copy of excerpts of Plaintiffs' Third Amended Complaint, ECF Doc. No. 189, filed on October 15, 2021, for comparison to the allegations in the prior Second Amended Complaint.

3. Attached as Exhibit 2 is a true and correct copy of excerpts of Plaintiffs' Second Amended Complaint., ECF Doc. No. 89, filed on April 30, 2019, for comparison to the allegations in the subsequent Third Amended Complaint.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 29th day of October, 2021.

FROHNMAYER, DEATHERAGE, JAMIESON,
MOORE, ARMOSINO & McGOVERN, P.C.

s/ Thomas F. Armosino
Thomas F. Armosino, OSB #911954
armosino@fdfirm.com
Of Attorneys for Defendant Harney County

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DECLARATION OF THOMAS F. ARMOSINO IN SUPPORT OF DEFENDANT HARNEY COUNTY'S MOTION TO DISMISS PLAINTIFFS' THIRD AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM** upon:

J. Morgan Philpot
morgan@jmphilpot.com
JM PHILPOT LAW, PLLC
1063 East Alpine Drive
Alpine, UT 84004
Telephone: 801-428-2000
Attorney for Plaintiffs

James S. Smith
Senior Assistant Attorney General
James.S.Smith@doj.state.or.us
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: 971-673-1880
Fax: 971-673-5000
Of Attorneys for Defendants State of
Oregon; Oregon State Police; and
Governor Kate Brown

David C. Cutler
United States Dept. of Justice
Trial Attorney
Constitutional Torts Staff
Torts Branch, Civil Division
P.O. Box 7146
Washington, D.C. 20044
David.G.Cutler@usdoj.gov
Of Attorneys for United States and
Gregory T. Bretzing

By automatic electronic transmission via the Court's Case Management/Electronic Case Files system.

DATED this 29th day of October, 2021.

FROHNMAYER, DEATHERAGE, JAMIESON,
MOORE, ARMOSINO & McGOVERN, P.C.

s/ Thomas F. Armosino
Thomas F. Armosino, OSB #911954
armosino@fdfirm.com
Of Attorneys for Defendant Harney County