



**Common Sense for Oregon
and Pacific Justice Institute
File Answering Briefs in
Oregon Supreme Court**

June 2, 2020 - Kevin Mannix, on behalf of 11 intervenors, supported by Common Sense for Oregon Foundation, today filed an answering brief with the Oregon Supreme Court in regard to Elkhorn Baptist Church v. Governor Kate Brown. This is the Baker county Circuit Court case in which the Circuit Court Judge granted a preliminary injunction, declaring that the Executive Orders issued by the Governor in regard to the coronavirus pandemic had exceeded the 28-day time limit allowed by Oregon law for public health emergencies.

The judge declared the Executive Orders to be null and void and prohibited enforcement of those Executive Orders. The Supreme Court entered a stay of the Judge's Order pending review.

The case is now on review by the Oregon Supreme Court, which has received a brief on behalf of the Governor from the Oregon Department of Justice. Now Kevin Mannix has filed an answering brief for the 11 intervenors, and Ray Hacke, the attorney for the Pacific Justice Institute, has filed an answering brief on behalf of Elkhorn Baptist Church and all of the original plaintiffs.

On June 2 the New Civil Liberties Alliance, represented by Salem Attorney Luke Miller, filed an amicus brief on behalf of the plaintiffs and intervenors, supporting the argument that the 28-day time limit in Oregon statutes means that the Governor's Executive Orders are no longer enforceable.

Mannix, in his brief to the Court, emphasized that the Governor still has significant powers to address the coronavirus pandemic under Oregon's Public Health laws, contained in ORS Chapter 431A.

The key point raised by Mannix is that these broad powers do not include the powers to close businesses and churches, or to impose "re-opening" orders on counties. "The Governor and the Public Health Director, as well as the Oregon Health Authority, can provide guidance and support as to necessary steps to

protect against the spread of the coronavirus,” Mannix stated. “But the Governor does not have the power to close down businesses and churches, or otherwise restrict the actions of Oregonians, beyond the 28 days allowed under Oregon law. If the Governor wants to continue these restrictions she must go to the Legislature, which she has not done,” Mannix added.

The next step in the review process will be the scheduling of oral argument by the Oregon Supreme Court.

The brief filed by Mannix can be found on the Common Sense for Oregon website: www.commonsefororegon.org/answeringbrief
