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Attorneys for the Plaintiffs-Intervenors

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**OREGON PRESCRIPTION DRUG  
MONITORING PROGRAM**, an agency of  
the **STATE OF OREGON**,

Plaintiff,

v.

**UNITED STATES DRUG  
ENFORCEMENT ADMINISTRATION**,  
an agency of the **UNITED STATES  
DEPARTMENT OF JUSTICE**,

Defendant.

Case No.: 3:12-cv-02023-HA

**PLAINTIFFS-INTERVENORS' MOTION  
FOR SUMMARY JUDGMENT**

Oral Argument Requested

**JOHN DOE 1, et al.,**

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG  
ENFORCEMENT ADMINISTRATION,**  
an agency of the **UNITED STATES  
DEPARTMENT OF JUSTICE,**

Defendant in Intervention.

### **LR 7-1 CERTIFICATION**

The parties have made a good faith effort to resolve the dispute at issue in this case, and have been unable to do so.

### **MOTION**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs-Intervenors John Does 1–4, Dr. James Roe, and the ACLU of Oregon move for summary judgment on their claim challenging Defendant’s warrantless requests for confidential prescription records from the Oregon Prescription Drug Monitoring Program as violating the Fourth Amendment of the Constitution and the Administrative Procedure Act. There are no issues of material fact in question, and summary judgment is appropriate on the issues before the Court.

The grounds in support of this motion are set forth more fully in Plaintiffs-Intervenors’ Memorandum of Law in Support of Plaintiffs-Intervenors’ Motion for Summary Judgment; the Declarations of Nathan Freed Wessler, Professor Mark A. Rothstein, Professor Robert Baker, Dr. Deborah C. Peel, John Doe 1, John Doe 2, John Doe 3, John Doe 4, and Dr. James Roe; and all other papers filed herewith.

Dated: July 1, 2013

Respectfully submitted,

/s/ Nathan Freed Wessler

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/s/ Kevin Díaz

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