

IN THE SUPREME COURT OF THE STATE OF OREGON

**OLIVIA CHERNAIK**, a minor and resident of Lane County, Oregon;  
**LISA CHERNAIK**, guardian of Olivia Chernaik; **KELSEY CASCADIA ROSE JULIANA**, a minor and resident of Lane County, Oregon; and **CATIA JULIANA**, guardian of Kelsey Juliana,

*Plaintiffs-Appellants,  
Petitioners on Review*

v.

**KATE BROWN**, in her official capacity as Governor of the State of Oregon; and **STATE OF OREGON**,

*Defendants-Respondents,  
Respondents on Review.*

Lane County Circuit Court  
Case No. 16-11-09273

CA No. A159826

S066564

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**MULTNOMAH COUNTY’S MOTION – APPEAR AMICUS CURIAE**

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Pursuant to ORAP 8.15, Multnomah County applies to appear in this case as *amicus curiae* in support of Petitioners on Review. Multnomah County seeks to appear both in support of the Petition for Review, and on the merits of the case on review, if review is granted. Multnomah County is a political subdivision of the State of Oregon, has the largest population of any county in the state, and includes a portion of the City of Portland, the largest city in Oregon. Multnomah County intends to present a position as to the correct rule of law that does not affect a private interest of its own.

Multnomah County, on behalf of its residents and constituents, has a substantial interest in the outcome of this case because it involves the proper interpretation and scope of the ancient public trust doctrine, and the corresponding role and responsibilities of sovereigns under that doctrine. Specifically, the outcome of this case will significantly affect the duty of the State in protecting public trust resources for future generations of all Oregonians, including Multnomah County residents.

Multnomah County believes its views will assist the Court in resolving this case by helping provide an understanding of the role of sovereigns under the public trust doctrine, and how the doctrine is organic to government itself. The people of the State of Oregon, and Multnomah County, will benefit from thoughtful review by the Oregon Supreme Court of the ancient and significant public trust doctrine.

The petition for review is due to the Court on March 8, 2019. Pursuant to ORAP 8.15(5)(b), an application to appear *amicus curiae* in support of a petition for review shall be filed within 14 days after the filing of a petition for review; as such, Multnomah County's application is timely.

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For the above reasons, Multnomah County respectfully moves for leave under ORAP 8.15 to appear as *amicus curiae* in support of Petitioners on Review and file the brief that accompanies this motion in support of the Petition for Review.

Respectfully submitted this 8th day of March, 2019.

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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## CERTIFICATE OF FILING AND SERVICE

I certify that on March 8, 2019, I electronically filed the foregoing **MULTNOMAH COUNTY'S MOTION – APPEAR AMICUS CURIAE** with the Appellate Court Administrator, Appellate Court Records Section, by using the Oregon Appellate eFiling System. I certify that service of a copy of this motion will be accomplished on the following participants in this case, who are registered users of the appellate courts' eFiling system, by the appellate courts' eFiling system at the participants' email addresses as recorded this date in the appellate eFiling system, as indicated below:

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