Román D. Hernández, OSB No. 011730
rhernandez@cablehuston.com
Jared M. Ahern, OSB No. 221919
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Olivia M. Loftin, OSB No. 225812
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1455 SW Broadway, Suite 1500
Portland, Oregon 97201
Tele: (503) 224-3092
Fax: (503) 224-3167

Attorneys for Defendants Lincoln County, David Collier, Kelly Meininger in her capacity as the personal representative of the Estate of Claire Hall, Walter Chuck, and Kristin Yuille

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

CASEY MILLER,

Plaintiff,

v.

LINCOLN COUNTY, a public body, DAVID COLLIER, in his individual capacity, KELLY MEININGER, in her capacity as the personal representative of the estate of CLAIRE HALL, WALTER CHUCK, in his individual capacity, and KRISTIN YUILLE, in her individual capacity,

Defendants.

Case No. 6:26-cv-00499-AA

DECLARATION OF JARED M. AHERN IN SUPPORT OF DEFENDANTS' REPLY IN SUPPORT OF SPECIAL MOTION TO STRIKE AND MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT

I, Jared M. Ahern, being duly sworn, hereby declare:

1. I am admitted to practice law in the State of Oregon and before this Court, and am one of the attorneys for Defendants in this case. I have personal knowledge of the matters set forth herein and, if called upon to do so, could testify competently to their truth.

2. On May 22, 2026, I spoke with Plaintiff's counsel, Ms. Beth Creighton, to confer under Local Rule 7-1 on Defendants' anticipated motion to dismiss and special motion to strike under Oregon's anti-SLAPP statute directed to Plaintiff's initial complaint. I emailed Ms. Creighton on May 19, 2026 to coordinate a time for this call, and May 22, 2026 was the earliest that she made herself available. I emailed and tried to call Ms. Creighton several times earlier in the week but she was not available until May 22, 2026. A true and correct copy of my conferral emails and Ms. Creighton's responses are attached hereto as Exhibit 1.

3. On the May 22, 2026 call, I informed Ms. Creighton of the grounds for Defendants' anticipated motion. In response, Ms. Creighton stated that her client planned to file an amended complaint that clarified that Plaintiff's claims did not arise out of protected activity under the first step of anti-SLAP statute. I stated that I would review that amended complaint when her client filed it to determine whether there was still a basis to file a motion in response to it. I also informed her that I had calendared May 22, 2026 as the due date for Defendants' response to the initial complaint and therefore Defendants needed to file the motion to dismiss and motion to strike that day.

4. Plaintiff filed an amended complaint on May 26, 2026. Upon review of that complaint, it was apparent that many of the legal deficiencies in the original complaint were still present in the amended complaint. Therefore, I reached out to Ms. Creighton to confer again, starting with an email on June 3, 2026 where I described the grounds for Defendants' anticipated motion. Among other things, I wrote to Ms. Creighton that I did not think that Plaintiff's new allegations alleging in conclusory fashion this his claim did not arise under protected activity under ORS 31.150(2)(a)(A) and (D) foreclosed an anti-SLAPP motion since those allegations are legal conclusions.

5. Ms. Creighton wrote to me on June 4, 2026, stating that she could speak at 3 p.m. that day if "you feel you have anything new to add to our prior conferral." I called her at 3 p.m. Among other things, we discussed my client's position that simply adding in the legal conclusion

that a claim does not arise out of protected activity under the first step of the anti-SLAPP analysis was not conclusive since it was merely a legal conclusion.

6. Attached hereto as Exhibit 2 are all my conferral emails with Ms. Creighton regarding Defendants' motion to dismiss and strike directed to Plaintiff's amended complaint.

I hereby declare that the above statements are true to the best of my knowledge and belief and understand that they are made for use as evidence in court and are subject to penalty for perjury.

DATED: July 6, 2026.

s/ Jared M. Ahern
Jared M. Ahern

From: Jared M. Ahern
To: "Beth Creighton"
Cc: Román D. Hernández; Olivia Loftin; Kim A. Fitzpatrick
Subject: RE: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1
Date: Friday, May 22, 2026 8:45:00 AM
Attachments: image001.png

Thanks, Beth. I will call you at 11 a.m.

-Jared

CABLE HUSTON LLP

Jared M. Ahern
Counsel | Cable Huston LLP
1455 SW Broadway, Suite 1500
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From: Beth Creighton <beth@civilrightspdx.com>
Sent: Friday, May 22, 2026 8:44 AM
To: Jared M. Ahern <jahern@cablehuston.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>; Kim A. Fitzpatrick <kfitzpatrick@cablehuston.com>
Subject: Re: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

I can talk at eleven

Sent via the Samsung Galaxy S22 Ultra 5G, an AT&T 5G smartphone
Get Outlook for Android

From: Jared M. Ahern <jahern@cablehuston.com>
Sent: Thursday, May 21, 2026 5:52:39 PM
To: Beth Creighton <beth@civilrightspdx.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>; Kim A. Fitzpatrick <kfitzpatrick@cablehuston.com>

Subject: Re: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

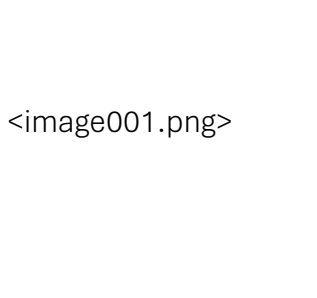
Following up, Beth. If I don't hear from you I will call you at 9 a.m. tomorrow morning.

On May 21, 2026, at 3:00 PM, Jared M. Ahern <jahern@cablehuston.com> wrote:

Hi Beth,

I am available between 9 a.m. and 11 a.m. Please let me know a good time in there and I will call you. Thanks.

Jared



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From: Beth Creighton <beth@civilrightspdx.com>
Sent: Thursday, May 21, 2026 2:54 PM
To: Jared M. Ahern <jahern@cablehuston.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>; Kim A. Fitzpatrick <kfitzpatrick@cablehuston.com>
Subject: Re: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

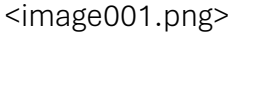
Jared,

We are looking into the issues raised and have not yet completed our analysis. Let's set a time tomorrow.

Beth

On 5/21/2026 11:42 AM, Jared M. Ahern wrote:

> Beth,
>
> I just spoke with your receptionist and left a message because she said you were in a meeting. Please call me today at 503-973-0674 as we need to confer under Local Rule 7-1. I am free after 1 p.m. Can you call me at that time? If 1 p.m. does not work, please let me know a different time that works for you this afternoon.
>
> Best,
>
> Jared



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Counsel | Cable Huston LLP
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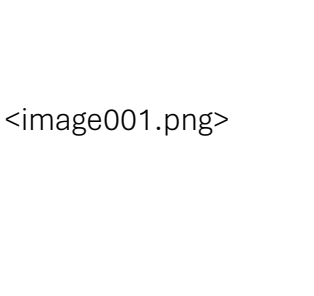
From: Jared M. Ahern
Sent: Wednesday, May 20, 2026 4:30 PM
To: Beth Creighton <beth@civilrightspdx.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>; Kim A. Fitzpatrick <kfitzpatrick@cablehuston.com>
Subject: RE: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

Beth,

Following up on this. I'm generally free tomorrow for a conferral call. Is there is a time tomorrow that works for you? If not, I am available Friday morning.

Best,

Jared



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From: Jared M. Ahern
Sent: Tuesday, May 19, 2026 1:37 PM
To: Beth Creighton <beth@civilrightspdx.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>; Kim A. Fitzpatrick <kfitzpatrick@cablehuston.com>
Subject: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

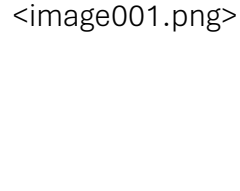
Beth,

Pursuant to Local Rule 7-1, we'd like to set up a call to confer on an anticipated motion from Defendants in response to your client's complaint. Could you please let us know your availability tomorrow,

Thursday, or Friday for a call?

Best,

Jared



Jared M. Ahern
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From: Jared M. Ahern
To: "Beth Creighton"
Cc: Román D. Hernández; Olivia Loftin; Kim A. Fitzpatrick
Subject: RE: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1
Date: Thursday, May 21, 2026 12:06:00 PM
Attachments: image001.png

Beth,

We plan to move to strike the second claim for relief under the anti-SLAPP statute, and also move to dismiss it under FRCP 12(b)(6). The basic grounds are set out below. Can you call me at 1 p.m.? Or 2 p.m.?

_____

-

Under Oregon's anti-SLAPP statute, ORS 31.150 et seq., Defendants will move to strike Plaintiff's second claim for relief, whistleblower retaliation under ORS 659A.199 and ORS 659A.203, as this claim is based on Defendants' protected activities under ORS 31.150(2)(a)(A) and (D), and Plaintiff cannot meet his burden to prove that there is a probability he will prevail whistleblower retaliation claim under ORS 31.150(4) for the reasons discussed below. Defendants will request an award of reasonable attorney's fees. ORS 31.152(3).

-

Defendants will move for an order dismissing Plaintiff's whistleblower retaliation claim without leave to amend pursuant to Federal Rule of Civil Procedure 12(b)(6), because it is time-barred, and also, fails to state a claim for relief because Plaintiff is not an "employee," did not suffer an adverse action, and Defendants had legitimate, non-discriminatory reasons for any alleged adverse action.

-

The individual Defendants, Collier, Meininger in her capacity as the personal representative of the estate of Hall, Chuck, and Yuille, will move for an order dismissing Plaintiff's whistleblower retaliation claim without leave to amend pursuant to Federal Rule of Civil Procedure 12(b)(6), as it fails to state a claim for relief because they cannot be liable to Plaintiff under this claim since they are not "employers" under the whistleblower retaliation statute.

From: Beth Creighton <beth@civilrightspdx.com>
Sent: Thursday, May 21, 2026 11:50 AM
To: Jared M. Ahern <jahern@cablehuston.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>; Kim A. Fitzpatrick <kfitzpatrick@cablehuston.com>
Subject: Re: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

Can you give me a heads up on the topics of conferral, so our conferral can be meaningful?

On 5/21/2026 11:42 AM, Jared M. Ahern wrote:

Beth,

I just spoke with your receptionist and left a message because she said you were in a meeting. Please call me today at 503-973-0674 as we need to confer under Local Rule 7-1. I am free after 1 p.m. Can you call me at that time? If 1 p.m. does not work, please let me know a different time that works for you this afternoon.

Best,

Jared

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To: Beth Creighton <beth@civilrightspdx.com>
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Subject: RE: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

Beth,

Following up on this. I'm generally free tomorrow for a conferral call. Is there is a time tomorrow that works for you? If not, I am available Friday morning.

Best,

Jared

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To: Beth Creighton <beth@civilrightspdx.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>; Kim A. Fitzpatrick <kfitzpatrick@cablehuston.com>
Subject: Miller v. Lincoln County et al.; Conferral under Local Rule 7-1

Beth,

Pursuant to Local Rule 7-1, we'd like to set up a call to confer on an anticipated motion from Defendants in response to your client's complaint. Could you please let us know your availability tomorrow, Thursday, or Friday for a call?

Best,

Jared

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From: Jared M. Ahern
To: Beth Creighton
Cc: Román D. Hernández; Olivia Loftin
Subject: RE: Miller v. Lincoln County; 6:26-cv-00499; meet and confer L.R. 7-1
Date: Thursday, June 4, 2026 12:33:00 PM
Attachments: image001.png

Thanks, Beth. I'll call you at your office at 3 p.m.

CABLE HUSTON LLP

Jared M. Ahern
Counsel | Cable Huston LLP
1455 SW Broadway, Suite 1500
Portland, OR 97201-3412

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From: Beth Creighton <beth@civilrightspdx.com>
Sent: Thursday, June 4, 2026 12:03 PM
To: Jared M. Ahern <jahern@cablehuston.com>
Cc: Román D. Hernández <rhernandez@cablehuston.com>; Olivia Loftin <oloftin@cablehuston.com>
Subject: Re: Miller v. Lincoln County; 6:26-cv-00499; meet and confer L.R. 7-1

I can speak at 3 PM today, if you feel you have anything new to add to our prior conferral.

On 6/3/2026 5:48 PM, Jared M. Ahern wrote:

> Good evening, Beth,
>
> I would like to set up a conferral call pursuant to Local Rule 7-1 on Defendants' anticipated motion to dismiss Plaintiff's First Amended Complaint under FRCP 12(b)(6) and motion to strike under Oregon's anti-SLAPP statute to see if we can resolve any of the issues without motion practice. In short, Plaintiff's First Amended Complaint does not cure most of the issues with the original complaint that we discussed on our prior conferral call and correspondence.

With respect to the anti-SLAPP statute, Defendants plan to move to strike Plaintiff's second claim for relief, whistleblower retaliation under ORS 659A.199, ORS 659A.203, and ORS 695A.030(1)(h), as this claim is based on Defendants' protected activities under ORS 31.150(2)(a)(A) and (D), and Plaintiff cannot meet his burden to prove that there is a probability he will prevail on his whistleblower retaliation claim under ORS 31.150(4). Defendants will request an award of reasonable attorneys' fees. ORS 31.152(3). Plaintiff added allegations to try and avoid the application of the anti-SLAPP statute, but those allegations are merely legal conclusions and do not change the fact that Plaintiff's second cause of action arises out of protected activities under ORS 31.150(2)(a)(A) and (D).

Defendants also plan to move for an order dismissing Plaintiff's whistleblower retaliation claim without leave to amend pursuant to Federal Rule of Civil Procedure 12(b)(6) because it is time-barred, and also fails to state a claim for relief because Plaintiff is not an "employee," did not suffer an adverse action, and Defendants had legitimate, non-discriminatory reasons for any alleged adverse action.

Please let me know your availability for a call tomorrow or Friday.

Best,

Jared

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