



1 through certified aerial pesticide applicators under Oregon law and not to other methods of  
2 pesticide application.

3 b. The term “corporations” in sections 2(a) and 4 of the Ordinance does not  
4 include individuals and natural persons.

5 c. Sections 3 (f), (g), and (h), and 4(d) of the Ordinance are invalid  
6 statements of law, violate the Oregon Constitution, and are overbroad and void for vagueness.

7 d. Section 6(c) of the Ordinance is invalid and unenforceable without regard  
8 to whether there are state laws preempting the specific provisions of section 6(c).

9 2. Granting Plaintiffs their costs and disbursements.

10 3. Granting any other relief the Court considers just and appropriate under the  
11 circumstances.

12 Dated this 11<sup>th</sup> day of August, 2017.

13 DAVIS WRIGHT TREMAINE LLP

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By s/ GREGORY A. CHAIMOV

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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 11, 2017, I served a copy of the foregoing

**PLAINTIFFS' REPLY TO DEFENDANTS' COUNTERCLAIM** on:

<p>Wayne Belmont, OSB #841662 Email: wbelmont@co.lincoln.or.us Lincoln County Counsel 110 Lincoln County Courthouse 225 W. Olive Street Newport, OR 97365 Tel: 541.265.4108</p> <p>Rob Bovett, OSB #910267 Email: rbovett@oregoncounties.org Association of Oregon Counties 1201 Court Street, NE, Suite 300 Salem, OR 97301 Tel: 503.585.8351</p> <p style="text-align: center;">Of Attorneys for Defendants</p>	<p>Ann B. Kneeland, OSB #992977 Community Environmental Legal Defense Fund PO Box 10294 Eugene, OR 97440 Telephone: 541-514-9720 Email: ann@kneelandlaw.net</p> <p style="text-align: center;">Attorney for Intervenor-Defendant Lincoln County Community Rights</p>
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by emailing a copy thereof to the email address as shown above.

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