

IN THE SUPREME COURT OF THE  
STATE OF OREGON

STATE OF OREGON,  
  
Plaintiff–Adverse Party,

v.

DAVID AYON-URBANO,  
  
Defendant–Relator

Marion County Circuit Court  
No. 24CR31979 (Lead Case),  
24CN05648

SC S072084

**MANDAMUS  
PROCEEDING**

DAVID AYON-URBANO,

Plaintiff–Relator,

v.

META PLATFORMS, INC.,  
  
Defendant–Adverse Party.

---

**BRIEF OF *AMICI CURIAE* NATIONAL CRIME VICTIM LAW  
INSTITUTE AND OREGON CRIME VICTIMS LAW CENTER IN  
SUPPORT OF META PLATFORMS, INC. AND STATE OF OREGON**

---

March 2026

**Attorneys for Defendant–Relator**

RIAN PECK #144012  
Visible Law LLC  
333 SW Taylor St, Ste 300  
Portland, OR 97204  
Phone: (503) 773-0103  
E-mail: rian@visible.law

ZACHARY STERN #134967  
Zachary J Stern PC  
1900 Hines St SE, Ste 110  
Salem, OR 97302  
Phone: (503) 673-6736  
E-mail: zstern@zstern.com

GINGER GENEVIEVE MOONEY  
#031261  
Ginger G Mooney LLC  
1017 May St, Ste 200  
Hood River, OR 97031  
Phone: (541) 716-5650  
E-mail: contact@mooneylaw.org

**Attorneys for Adverse Party Meta  
Platforms, Inc.**

SARAH CROOKS #971512  
Perkins Coie LLP  
1120 NW Couch St, 10th Floor  
Portland, OR 97209  
Phone: (503) 727-2252  
E-mail: scrooks@perkinscoie.com

JULIA MARKLEY #000791  
Perkins Coie LLP  
1120 NW Couch St 10th Floor  
Portland, OR 97209  
Phone: (503) 727-2259

**Circuit Court Judge**

HON. JENNIFER K. GARDINER  
#040614  
Marion County Courthouse  
PO Box 12869  
Salem, OR 97309  
Phone: (503) 584-7783  
E-mail:  
Jennifer.K.Gardiner@ojd.state.or.us

**Attorneys for *Amici Curiae***

DANIEL C. SILBERMAN #194540  
Deputy Public Defender  
Oregon Public Defense Commission  
1175 Court St NE  
Salem, OR 97301  
Phone: (503) 678-3349  
E-mail:  
daniel.silberman@opdc.state.or.us

LINDSEY BURROWS #113431  
Burrows Appellate Law LLC  
333 SW Taylor St, Ste 300  
Portland, Oregon 97204  
Phone: (503) 882-4575  
E-mail:  
lindsey@burrowsappellatelaw.com

MARGARET GARVIN #044640  
STEPHANIE SCHENO #260044  
National Crime Victim Law Institute at  
Lewis & Clark Law School\*

E-mail: jmarkley@perkinscoie.com

**Attorneys for Plaintiff–Adverse  
Party State of Oregon**

DAN RAYFIELD #064790

Attorney General

PAUL L. SMITH #001870

Solicitor General

LEIGH A. SALMON #054202

Senior Assistant Attorney General

Oregon Department of Justice

1162 Court St NE

Salem, OR 97301

Phone: (503) 378-4402

E-mail:

leigh.a.salmon@doj.oregon.gov

10101 S Terwilliger Blvd,  
Portland, OR 97219

*Continued...*

Phone: (503) 768-6819

E-mails: garvin@lclark.edu,  
ncvliaid@lclark.edu

\*Law School is not *amicus* and  
is listed for location purposes  
only

EMILY LA BRECQUE #143678

Oregon Crime Victims Law Center

7412 S.W. Beaverton-Hillsdale

Hwy, Ste 209

Portland, OR 97225

Phone: (503) 208-8160

E-mail: emily@ocvlc.org

**TABLE OF CONTENTS**

Table of Authorities .....v

Statement of Interest of *Amici Curiae* ..... 1

Questions Presented .....2

Statements of the Case and Facts .....2

INTRODUCTION .....2

ARGUMENT .....4

I. THIS COURT MUST REJECT THE INVITATION TO LEGISLATE AN  
END RUN AROUND VICTIMS’ RIGHTS AND AFFIRM THE TRIAL  
COURT .....4

A. Victims Have Federal and State Privacy Interests in Data Held by Meta  
Platforms, Inc.....4

B. Properly Read, the Stored Communications Act Is a Bulwark to Protect  
Privacy Rights, Not an Avenue to Violate Them .....6

II. DEFENDANT’S COMPULSORY PROCESS RIGHTS DO NOT  
COMPEL A DIFFERENT OUTCOME IN THIS CASE. ....9

CONCLUSION .....12

Certificate of Service .....14

Certificate of Compliance with Brief Length and Type Size Requirements .....15

## TABLE OF AUTHORITIES

### Cases Cited

<i>Carpenter v. United States</i> , 585 US 296, 138 S Ct 2206, 201 L Ed 2d 507 (2018) .....	4
<i>HotChalk, Inc. v. Lutheran Church-Missouri Synod</i> , 372 Or 249, 548 P3d 812 (2024) .....	3
<i>Oliver v. United States</i> , 466 US 170, 104 S Ct 1735, 80 L Ed 2d 214 (1984) .....	5
<i>Riley v. California</i> , 573 US 373, 134 S Ct 2473, 189 L Ed 2d 430 (2014) .....	4
<i>State v. Bray</i> , 363 Or 226, 422 P3d 250 (2018) .....	4, 11, 12
<i>State v. Cartwright</i> , 173 Or App 59, 20 P3d 223 (2001) .....	11
<i>State ex rel. Automotive Emporium, Inc. v. Murchison</i> , 289 Or 265, 611 P2d 1169 (1980) .....	3
<i>State ex rel. O’Leary v. Lowe</i> , 307 Or 395, 769 P2d 188 (1989) .....	10
<i>State v. Mai</i> , 294 Or 269, 656 P2d 315 (1982) .....	10
<i>State v. McDaniel</i> , 115 Or 187, 237 P 373 (1925) .....	5

*State v. Newcomb*,  
359 Or 756, 375 P3d 434 (2016) .....5

*United States v. Lefkowitz*,  
285 US 452, 52 S Ct 420, 76 L Ed 877 (1932) .....5

*United States v. Scheffer*,  
523 US 303, 118 S Ct 1261, 140 L Ed 2d 413 (1998) .....10

*Weatherford v. Bursey*,  
429 US 545, 97 S Ct 837, 846, 51 L Ed 2d 30 (1977) .....10

*Whalen v. Roe*,  
429 US 589, 97 S Ct 869, 51 L Ed 2d 64 (1977) .....4

**Constitutional and Statutory Provisions**

18 USC § 2702 .....9

18 USC § 2703 .....8

Or Const, Art I, § 9 .....5

Or Const, Art I, § 11 .....9

Or Const, Art I, § 42 .....2, 6, 9, 12

Or Const, Art I, § 43 .....6

ORS 174.010 .....9

US Const., Amend VI .....9

### Other Authorities

HR Rep No 99-647, at 19 (1986).....	7
S Rep No 99-541, at 3, 5 (1986) .....	6
Margaret Garvin, <i>Giving Meaning to the Apostrophe in Victim[']s Rights</i> , 87 Brook L Rev 1109 (2022) .....	2
Orin S Kerr, <i>A User’s Guide to the Stored Communications Act, and a Legislator’s Guide to Amending It</i> , 72 Geo Wash L Rev 1208 (2004) .....	7
Vikas K Didwania, <i>A Response to Professor Rebecca Wexler’s “Privacy As Privilege”</i> , 25 NYU J Legis & Pub Pol’y 781 (2023).....	7, 8, 9

**STATEMENT OF INTEREST OF *AMICI CURIAE***

The National Crime Victim Law Institute (NCVLI) is a nonprofit educational and advocacy organization located at Lewis & Clark Law School in Portland, Oregon. NCVLI's mission is to actively promote victims' voices and rights in the justice system through crime victim-centered legal advocacy, education, and resource sharing. NCVLI accomplishes its mission through education and training of judges, prosecutors, victims' attorneys, advocates, law students, and community service providers; providing legal assistance on cases nationwide; analyzing developments in crime victim law; and advancing victims' rights policy. As part of its mission, NCVLI participates as *amicus curiae* in select state, federal, and military cases that present victims' rights issues of broad importance. This is one of those cases as it involves a crime victim's fundamental rights to privacy.

The Oregon Crime Victims Law Center (OCVLC) is a nonprofit organization that provides crime victims across Oregon with no-cost legal representation to assert and enforce their rights in criminal proceedings in Oregon's state, federal, and tribal courts.

*Amici* submit this brief in aid of this Court's task of analyzing and determining the correct rule of law in the matter.

## QUESTIONS PRESENTED

*Amici*, NCVLI and OCVLC, accept the Adverse Party, the State of Oregon's questions presented.

## STATEMENTS OF THE CASE AND FACTS

*Amici*, NCVLI and OCVLC, accept the Defendant-Relator's statement of the case as modified and supplemented by Adverse Party, the State of Oregon.

## INTRODUCTION

Fundamentally this case is about the crime victims'<sup>1</sup> rights to privacy under federal and state law. These rights are personally held by the crime victim.<sup>2</sup> The fact that a crime victim is best situated to protect their own privacy rights in the criminal justice process is evident in the lack of any meaningful discussion of these rights in the proceedings below and, to date, a complete absence of them in the briefing to this Court. Fortunately, the trial court's order nevertheless leaves victims' privacy intact.

---

<sup>1</sup> Both the decedent, ., and his mother are crime victims under Oregon law. Or Const Art I, § 42(6)(c) (defining victim as "any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor.").

<sup>2</sup> See Margaret Garvin, *Giving Meaning to the Apostrophe in Victim[']s Rights*, 87 Brook L Rev 1109, 1113-15 (2022).

This case presents a pretrial discovery dispute, which rarely rises to the level of mandamus absent “a special loss beyond the burden of litigation.” *State ex rel. Automotive Emporium, Inc. v. Murchison*, 289 Or 265, 269, 611 P2d 1169 (1980); *see also HotChalk, Inc. v. Lutheran Church-Missouri Synod*, 372 Or 249, 257-59, 548 P3d 812 (2024) (quoting *State ex rel. Automotive Emporium, Inc. v. Murchison* for the general rule that “mandamus in the discovery context is generally inappropriate because ‘direct appeal is a plain, speedy and adequate remedy’”). As an ordinary pretrial discovery dispute involving crime victims’ constitutional rights, this Court should dismiss this matter as improvidently granted.

If this Court proceeds to the merits it should affirm the trial court and reject the request of Defendant–Relator, David Ayon-Urbano (Defendant) to legislate a criminal-defendant exception to the Stored Communications Act (SCA). Adopting Defendant’s position would contravene the plain language and policy underpinning the SCA, and create an unconstitutional end run of victims’ rights whenever a defendant seeks private social media records.

## ARGUMENT

### **I. THIS COURT MUST REJECT THE INVITATION TO LEGISLATE AN END RUN AROUND VICTIMS' RIGHTS AND AFFIRM THE TRIAL COURT.**

#### **A. Victims Have Federal and State Privacy Interests in Data Held by Meta Platforms, Inc.**

Crime victims, as is true of all individuals, have a constitutional right to privacy under the United States Constitution. *See Whalen v. Roe*, 429 US 589, 599-600, 97 S Ct 869, 51 L Ed 2d 64 (1977) (recognizing that the United States Constitution provides a right of personal privacy, which includes an “individual interest in avoiding disclosure of personal matters”). It is now well-recognized that individuals have a privacy interest in digital information on their phone or computer. *See Riley v. California*, 573 US 373, 403, 134 S Ct 2473, 189 L Ed 2d 430 (2014) (explaining “[w]ith all [cell phones] contain and all they may reveal, they hold for many Americans ‘the privacies of life,’” and finding the information contained on an individual’s cell phone protected from unreasonable search and seizure); *State v. Bray*, 363 Or 226, 252, 422 P3d 250 (2018) (quoting *State v. Mansor*, 363 Or 185, 208, 421 P3d 323 (2018) (“An individual ‘generally has a privacy interest in the information on his or her personal computer.’”). An individual’s privacy interest has been recognized to extend to digital information held by third parties. *See Carpenter v. United States*, 585 US 296, 310, 138 S Ct

2206, 201 L Ed 2d 507 (2018) (explaining that when individuals have a legitimate privacy interest in records held by third parties, Fourth Amendment protection is required).

Crime victims, no less than an accused person, are protected against unreasonable searches and seizures. *United States v. Lefkowitz*, 285 US 452, 464, 52 S Ct 420, 76 L Ed 877 (1932) (noting the constitutional right to be free from unreasonable search and seizure protects “offenders as well as \* \* \* the law abiding.”); *accord State v. McDaniel*, 115 Or 187, 242, 237 P 373 (1925) (addressing the legality of a search and stating that “[w]e are not unmindful of the duty of courts to safeguard the constitutional rights of the guilty as well as the innocent”). “[T]he touchstone of [Fourth] Amendment analysis [is] \* \* \* the question whether a person has a ‘constitutionally protected reasonable expectation of privacy.’” *Oliver v. United States*, 466 US 170, 177, 104 S Ct 1735, 80 L Ed 2d 214 (1984) (quoting *Katz v. United States*, 389 US 347, 88 S Ct 507, 19 L Ed 2d 576 (1967)).<sup>3</sup>

---

<sup>3</sup> While the tests for determining protectable privacy interests differ under the Fourth Amendment and Oregon Article I, section 9, “at least in how [they are] articulated,” this Court has recognized that “[i]n application \* \* \* the Fourth Amendment privacy test takes into account the same and similar considerations as the test under Article I, section 9, and the two tests often lead to the same result in like circumstances.” *State v. Newcomb*, 359 Or 756, 774, 375 P3d 434 (2016).

In addition to these constitutional privacy interests of all persons, Oregon crime victims have myriad specifically articulated state constitutional rights under Article 1, sections 42 and 43 that protect victims' privacy interests. *See, e.g.*, Or Const Art I, § 42(1) (explaining that victims' constitutional rights are intended to “preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role in the criminal and juvenile justice systems, [and] to accord crime victims due dignity and respect”); Or Const Art I, § 42(1)(c) (recognizing the right of victims “to refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant provided, however, that nothing in this paragraph shall restrict any other constitutional right of the defendant to discovery against the state”); Or Const Art I, § 43(1)(a) (recognizing the right of victims “to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process and from the alleged youth offender or youth offender throughout the juvenile delinquency proceedings”).

**B. Properly Read, the Stored Communications Act Is a Bulwark to Protect Privacy Rights, Not an Avenue to Violate Them.**

By enacting the Stored Communications Act (SCA), Congress intended to protect an individual's privacy interest in certain non-public data facilitated and stored by third party internet service providers. *See* S Rep No 99-541, at 3, 5 (1986) (stating the purpose of enacting the SCA is “to protect privacy interests in

personal and proprietary information, while protecting the Government's legitimate law enforcement needs," recognizing that the advent of new forms of technology creates legal uncertainty about whether the law protects the privacy of communications and "the law must advance with the technology to ensure the continued vitality of the fourth amendment."); HR Rep No 99-647, at 19 (1986) (explaining that the exception to the protections offered by the SCA reflect Congress' goal to strike "a fair balance between the privacy expectations of citizens and the legitimate needs of law enforcement."); *see also* Vikas K Didwania, *A Response to Professor Rebecca Wexler's "Privacy As Privilege"*, 25 NYU J Legis & Pub Pol'y 781, 790-91 (2023) ("Congress enacted the SCA to expansively protect privacy. The legislative history confirms that Congress was concerned with protecting privacy in its many forms--not just from government surveillance but also by prohibiting disclosure to private parties.") (footnote omitted); Orin S Kerr, *A User's Guide to the Stored Communications Act, and a Legislator's Guide to Amending It*, 72 Geo Wash L Rev 1208, 1209-10 (2004) ("The statute creates a set of Fourth Amendment-like privacy protections by statute, regulating the relationship between government investigators and service providers in possession of users' private information.").

The structure and text of the SCA are clear: for the government to compel disclosure of a user's private information in the hands of service providers, such as

Meta Platforms, Inc. (Meta), it must clear high hurdles.<sup>4</sup> Those hurdles are particularly high when the government seeks to compel disclosure of a user’s private information by subpoena or court order. Two examples from the SCA illustrate. First, the government may only use an administrative, grand jury, or trial subpoena to compel disclosure if the subpoena is issued pursuant to a federal or state statute, the user’s private information has been stored with the provider for over one hundred and eighty days, and notice is provided to the user. *See* 18 USC § 2703(b). Second, a court order compelling disclosure is only appropriate where the user’s private information has been stored for over one hundred and eighty days, notice is provided to the user, such an order is not prohibited by the law of the state, and only where the government can provide “specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.” *See* 18 USC § 2703(d). These and other textual examples illustrate that Congress knew how to create exceptions to the privacy protections of the SCA when it deemed that was

---

<sup>4</sup> *See* 18 USC § 2703 (requiring the government to obtain a warrant to compel disclosure of a user’s private communications from a service provider stored for one hundred and eighty days or less, or, if stored for over one hundred and eighty days, when no notice will be provided to the user); *see also* Didwania, 25 NYU J Legis & Pub Pol’y at 794 (“Congress required search warrants to obtain content because of how sensitive and private user content is. Search warrants are only available to the government.”).

appropriate; Congress did not create an exception for a criminal defendant's subpoena. *See* Didwania, 25 NYU J Legis & Pub Pol'y at 794 (“Allowing the production of user content through simple subpoenas would severely undermine the privacy protection of the SCA.”); *see also* 18 USC § 2702(b) (listing exceptions to the prohibition on disclosure of communications). Notably, since passage of the SCA victims’ rights protections have grown substantially stronger.

Despite all of this, Defendant is asking this Court to create an exception to the SCA allowing a criminal defendant to access a victim’s private information by mere subpoena, and then apply that exception without weighing any of the victims’ rights. To do so would this Court to act in contravention of its statutory duty and Article I, section 42(2) of the Oregon Constitution which provides that “[e]xcept as otherwise specifically provided, this section supersedes any conflicting section of this Constitution.” *See* ORS 174.010 (“In the construction of a statute, the office of the judge is simply to ascertain and declare what is, in terms or in substance, contained therein, not to insert what has been omitted, or to omit what has been inserted.”) This Court must decline the invitation.

## **II. Defendant’s Compulsory Process Rights Do Not Compel a Different Outcome in this Case.**

Both Article I, section 11 of the Oregon Constitution and the Sixth Amendment of the United States Constitution afford criminal defendants a right to

compulsory process.<sup>5</sup> These rights “[are] not unlimited, but rather [are] subject to reasonable restrictions.” See *United States v. Scheffer*, 523 US 303, 308, 118 S Ct 1261, 140 L Ed 2d 413 (1998); accord *State v. Mai*, 294 Or 269, 274-77, 656 P2d 315 (1982) (concluding that defendant’s right of compulsory process under Article I, section 11 may be subject to reasonable restrictions, and upholding the trial court’s refusal to permit defendant’s witness from testifying as a preclusion sanction under ORS 135.865). In fact, a defendant's rights may “bow to accommodate other legitimate interests in the criminal trial process.” *Scheffer*, 523 US at 308 (internal quotations omitted).

This Court and the Supreme Court have consistently held that compulsory process rights do not create a right to pretrial discovery for defendants. See *Weatherford v. Bursey*, 429 US 545, 559, 97 S Ct 837, 846, 51 L Ed 2d 30 (1977) (“There is no general constitutional right to discovery in a criminal case, and *Brady* did not create one.”); *State ex rel. O’Leary v. Lowe*, 307 Or 395, 404, 769 P2d 188 (1989) (citing *Pennsylvania v. Ritchie*, 480 US 39, 60, 107 S Ct 989, 94 L Ed 2d 40 (1987)). In *State v. Cartwright*, this Court recognized that a criminal defendant’s constitutional entitlement to discovery under *Brady* extends only to

---

<sup>5</sup> Oregon appellate courts construe the state compulsory process clause in the same way as the Supreme Court construes the Sixth Amendment. See *State v. Mai*, 294 Or at 272 (“[W]e construe the state compulsory process clause in the same way as the Supreme Court construed the virtually identical federal counterpart.”).

evidence that is both in the possession of the prosecution and material and favorable to the defense. 173 Or App 59, 73, 20 P3d 223 (2001) (citing *Brady v. Maryland*, 373 US 83, 87, 83 S Ct 1194, 10 L Ed 2d 215 (1963)). In so holding, *Cartwright* recognized that “[a] court’s traditional subpoena power . . . is not a device for a ‘mere exploring expedition.’” 173 Or App at 65–66 (quoting *See State v. Yee Guck*, 99 Or 231, 236–37, 195 P. 363 (1921)).

As recognized by this Court in *Bray*, “a party is not entitled to use a subpoena *duces tecum* to compel production on a date prior to trial when no evidence will be taken, although a party may request and a trial court *may* allow pretrial production.” 363 Or 226, 250, 422 P3d 250 (2018) (emphasis added). In *Bray*, this Court declined to require that the defendant specifically articulate how that evidence would be admitted at trial, however, it emphasized that the standard articulated applies to materials subpoenaed for trial, where the trial court retained control over them and could make a more exacting determination of their relevance and admissibility when necessary, rather than to pretrial subpoena *duces tecum*. 363 Or at 251. Importantly, in *Bray*, the defendant could articulate with specificity what they sought from the computer, and specific statements of the victims supported the likely existence of that evidence; they could describe with particularity what they were seeking and the temporal location of that information. 363 Or at 252-53 (citing *State v. Mansor*, 363 Or 185, 216-18, 421 P3d 323

(2018)). Nothing in *Bray* altered that a defendant is not entitled to use a pretrial subpoena duces tecum, even when requesting camera review, as a discovery device. Following *Bray*, Defendant still must identify what they seek with particularity and articulate a foundation for the belief that the device contains such evidence.

Here, Defendant's attempt to obtain the victim's private social media records from Meta would reduce the court's subpoena power to an improper fishing expedition. Even if a subpoena to Meta rather than the victim for the information was proper, the subpoena for the victim's private social media records is staggeringly premature, as it predates—and is untethered to—any scheduled judicial proceedings for which it would be of use at the time it was issued.

Faced with clear victims' rights, no federal constitutional rights affording Defendant a right to access the content, and a procedurally untethered assertion of a countervailing state compulsory process right, the answer is clear. Defendant has no entitlement to pretrial discovery of the victim's private social media records, where Meta—not the state—possesses the information.

## CONCLUSION

Article I, section 42, of the Oregon Constitution requires courts “to accord victims due dignity and respect” and to “fair[ly] balance” the victim's and Defendant's rights. The victim's federal and state privacy rights are at stake in this

case and are counterbalanced by Defendant's absence of any right of pretrial access by subpoena to the victim's private social media records. This Court should decline Defendant's invitation to legislate a new exception to the SCA as an end run of victims' rights, and must instead affirm the trial court.

Date: March 9, 2026

Respectfully submitted,

s/ Margaret Garvin

Margaret Garvin #044650

Stephanie Scheno #260044

National Crime Victim Law Institute  
at Lewis & Clark Law School\*

10101 S Terwilliger Blvd,

Portland, OR 97219

Phone: (503) 768-6819

E-mail: garvin@lclark.edu,

ncvliaid@lclark.edu

\*Law School is not *amicus* and  
is listed for location purposes  
only

Emily La Brecque #143678

Oregon Crime Victims Law Center

7412 SW Beaverton-Hillsdale

Hwy, Ste 209

Portland, OR 97225

Phone: (503) 208-8160

E-mail: emily@ocvlc.org

*Attorneys for Amici Curiae*

**CERTIFICATE OF SERVICE AND eFILING**

I hereby certify that on March 9, 2026, directed the foregoing Brief of *Amici Curiae* National Crime Victim Law Institute and Oregon Crime Victims Law Center in Support of Meta Platforms, Inc. and State of Oregon to be electronically filed with the Appellate Court Administrator, Appellate Records Section, by using the appellate court's eFiling system.

Pursuant to Oregon Rule of Appellate Procedure 16.15(5), *amici* is submitting its motion to appear *amici curiae*, titled Motion–Appear as *Amici Curiae* National Crime Victim Law Institute And Oregon Crime Victims Law Center in Support of Meta Platforms, Inc. and State of Oregon, through a separate eFiling transaction.

I further certify that on March 9, 2026, I directed the foregoing brief, including this certificate, to be electronically served upon the following persons by using the electronic mail function of the eFiling system:

**Attorneys for Defendant–Relator**

RIAN PECK #144012  
Visible Law LLC  
333 SW Taylor St, Ste 300  
Portland, OR 97204  
Phone: (503) 773-0103  
E-mail: rian@visible.law

ZACHARY STERN #134967  
Zachary J Stern PC  
1900 Hines St SE, Ste 110

**Circuit Court Judge**

HON. JENNIFER K. GARDINER  
#040614  
Marion County Courthouse  
PO Box 12869  
Salem, OR 97309  
Phone: (503) 584-7783  
E-mail:  
Jennifer.K.Gardiner@ojd.state.or.us

Salem, OR 97302  
 Phone: (503) 673-6736  
 E-mail: zstern@zstern.com

GINGER GENEVIEVE MOONEY  
 #031261  
 Ginger G Mooney LLC  
 1017 May St, Ste 200  
 Hood River, OR 97031  
 Phone: (541) 716-5650  
 E-mail: contact@mooneylaw.org

**Attorneys for Adverse Party Meta  
 Platforms, Inc.**

SARAH CROOKS #971512  
 Perkins Coie LLP  
 1120 NW Couch St, 10th Floor  
 Portland, OR 97209  
 Phone: (503) 727-2252  
 E-mail: scrooks@perkinscoie.com

JULIA MARKLEY #000791  
 Perkins Coie LLP  
 1120 NW Couch St 10th Floor  
 Portland, OR 97209  
 Phone: (503) 727-2259  
 E-mail: jmarkley@perkinscoie.com

**Attorneys for Plaintiff–Adverse  
 Party State of Oregon**

DAN RAYFIELD #064790  
 Attorney General  
 PAUL L. SMITH #001870  
 Solicitor General  
 LEIGH A. SALMON #054202  
 Senior Assistant Attorney General  
 Oregon Department of Justice  
 1162 Court St NE

**Attorneys for *Amici Curiae***

DANIEL C. SILBERMAN #194540  
 Deputy Public Defender  
 Oregon Public Defense Commission  
 1175 Court St NE  
 Salem, OR 97301  
 Phone: (503) 678-3349  
 E-mail:  
 daniel.silberman@opdc.state.or.us

LINDSEY BURROWS #113431  
 Burrows Appellate Law LLC  
 333 SW Taylor St, Ste 300  
 Portland, Oregon 97204  
 Phone: (503) 882-4575  
 E-mail:  
 lindsey@burrowsappellatelaw.com

Salem, OR 97301

Phone: (503) 378-4402

E-mail:

leigh.a.salmon@doj.oregon.gov

**CERTIFICATE OF COMPLIANCE WITH BRIEF LENGTH AND TYPE  
SIZE REQUIREMENTS**

**Brief length**

I certify that (1) this brief complies with the word-count limitation in ORAP 5.05; the word count of this brief (as described in ORAP 5.05(2)(a)) is 2975 words.

**Type Size**

I certify that the size of the type in this brief is not smaller than 14 point for both the text of the brief and footnotes as required by ORAP 5.05(3)(b).

s/ Margaret Garvin  
Margaret Garvin #044650  
National Crime Victim Law Institute  
*Attorney for Amici Curiae*