

William J. Ohle (OSB 913866)†
SCHWABE, WILLIAMSON & WYATT P.C.
PacWest Center
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
Phone: (503) 222-9981
E-mail: wohle@schwabe.com

Samuel B. Gedge (VA Bar No. 80387)*
INSTITUTE FOR JUSTICE
901 North Glebe Road, Suite 900
Arlington, VA 22203
Phone: (703) 682-9320
E-mail: sgedge@ij.org

Attorneys for Plaintiff

† Designated local counsel

* Admitted *pro hac vice*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

MATS JÄRLSTRÖM,

Case No.: 3:17-cv-00652-SB

Plaintiff,

v.

**AGREED PRELIMINARY
INJUNCTION**

CHRISTOPHER D. ALDRIDGE, WILLIAM
J. BOYD, DAREN L. CONE, SHELLY MC
DUQUETTE, JASON J. KENT, LOGAN T.
MILES, RON SINGH, DAVE M. VAN
DYKE, SEAN W. ST. CLAIR, AMIN
WAHAB, and OSCAR J. ZUNIGA JR., in
their official capacities as members of the
Oregon State Board of Examiners for
Engineering and Land Surveying,

Defendants.

On April 25, 2017, Plaintiff Mats Järnlström filed a civil-rights complaint [ECF 1] in the above-styled matter against the members of the Oregon State Board of Examiners for Engineering and Land Surveying (Board) in their official capacities. Järnlström's complaint asserts that Oregon's Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, and implementing regulations violate the First Amendment to the U.S. Constitution both as-applied and on their face by preventing him from (1) communicating publicly and privately about theories relating to the mathematics behind traffic lights, and (2) describing himself using the word "engineer."

Rather than litigating a motion for preliminary injunction, the Board agrees not to enforce the Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, or any implementing regulations against Plaintiff Järnlström during the pendency of this litigation for engaging in any of the speech described below.

Accordingly, and the Court being sufficiently advised, it is hereby ORDERED as follows:

1. Plaintiff Järnlström may study, communicate publicly about, and communicate privately about his theories relating to traffic lights throughout the pendency of this litigation as long as Plaintiff Järnlström's communications occur outside the context of a paid employment or contractual relationship relating to the timing of traffic lights with a governmental or other entity that changes or implements or has final approval to change or implement traffic-light timing without the review and acceptance of responsibility by an Oregon-licensed professional engineer.
2. Plaintiff Järnlström may describe himself publicly and privately using the word "engineer" throughout the pendency of this litigation.

3. The Board shall not enforce the Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, or any implementing regulations against Plaintiff Järlström during the pendency of this litigation for having engaged in the activities described in Paragraph 1 or Paragraph 2 above.

4. The Board shall not enforce the Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, or any implementing regulations against Plaintiff Järlström at any time—during or after this litigation—for having engaged in activities described in Paragraph 1 or Paragraph 2 above during the pendency of this litigation.

5. The bond requirement set forth in Federal Rule of Civil Procedure 65 is waived.

Dated: 5-30-17



United States District Judge

AGREED TO BY:

/s Christina L. Beatty-Walters (signed by consent)
Christina Beatty-Walters (OSB 981634)
OREGON DEPARTMENT OF JUSTICE
100 SW Market St.
Portland, OR 97201
Phone: (971) 673-1880
E-mail: tina.beattywalters@doj.state.or.us

Attorney for Defendants

/s Samuel B. Gedge
Samuel B. Gedge (VA Bar No. 80387)*
INSTITUTE FOR JUSTICE
901 North Glebe Road, Suite 900
Arlington, VA 22203
Phone: (703) 682-9320
Fax: (703) 682-9321
E-mail: sgedge@ij.org

Wesley Hottot (WA Bar No. 47539)*
INSTITUTE FOR JUSTICE
10500 NE 8th Street, Suite 1760
Bellevue, WA 98004
Phone: (425) 646-9300
Fax: (425) 990 6500

E-mail: whottot@ij.org

William J. Ohle (OSB 913866)†
Jill S. Gelineau (OSB 852088)
SCHWABE, WILLIAMSON & WYATT PC
PacWest Center
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
Phone: (503) 222-9981
Fax: (503) 796-2900
E-mail: wohle@schwabe.com
jgelineau@schwabe.com

Kelly M. Walsh (OSB 993897)
SCHWABE, WILLIAMSON & WYATT PC
700 Washington Street Suite 701
Vancouver, WA 98660
Phone: (360) 694-7551
Fax: (360) 693-5574
E-mail: kwalsh@schwabe.com

Attorneys for Plaintiff

† Designated local counsel

* Admitted *pro hac vice*