

Christopher Lundberg, OSB No. 941084 *Pro Hac Vice*

Email: clundberg@hk-law.com

Matthew E. Malmsheimer, OSB No. 033847 *Pro Hac Vice*

Email: mmalmsheimer@hk-law.com

Joshua J. Stellmon, OSB No. 075183 *Pro Hac Vice*

Email: jstellmon@hk-law.com

Christopher T. Griffith, OSB No. 154664 *Pro Hac Vice*

Email: cgriffith@hk-law.com.

HAGLUND KELLEY LLP

2177 SW Broadway

Portland, Oregon 97201

Phone: (503) 225-0777

Facsimile: (503) 225-1257

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

**METLAKATLA INDIAN
COMMUNITY**, a Federally
Recognized Indian Tribe,

Plaintiff,

v.

MICHAEL J. DUNLEAVY, *et al.*,

Defendants.

Case No.: 5:20-cv-00008-SLG

Oral Argument Requested

**PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

HAGLUND KELLEY LLP

2177 SW Broadway

Portland, OR 97201

T: (503) 225-0777 / F: (503) 225-1257

I. INTRODUCTION.

The State wants this to be a different case. It continues to ignore this Court's and the Ninth Circuit's clear directive as to the evidentiary test applicable here – namely evidence of fishing practices - instead mischaracterizing the test initially as requiring evidence of aboriginal rights, then as requiring evidence of control of specific fishing locations, then as requiring evidence of “usual and accustomed” usage, and now requiring evidence of pinpoint fishing locations. In reality, what the State wants is to change the facts, but that it cannot do.

As explained in the Community's initial memorandum opposing the State's request for summary judgment, and as reiterated below, the undisputed evidence establishes that since time immemorial the Community's ancestors have fished extensively throughout Southeast Alaska. That area was and is their backyard and as such the Community's ancestors enjoyed an extensive knowledge of where, when and how to fish, knowledge which they deployed at the time the Reserve was established and beyond. Rather than accept that reality, the State distorts the historic record, asks this Court to draw patently unreasonable inferences, and argues for an evidentiary test that ignores this Court's direction as to the correct test. In short, the State cannot argue the facts under the correct test because in so

doing, there is no question that Community's motion for summary judgment must be granted.

II. ARGUMENT.

A. The Ninth Circuit and This Court Have Provided the Standard to Apply Here.

As directed by this Court, the correct test requires an examination of the Community's "traditional off-reservation fishing grounds," which includes "the *areas* where they have fished since time immemorial and where they continued to fish in 1891 when their reservation was established." *Metlakatla Indian Community v. Dunleavy*, 58 F.4th 1045 & 1048 (9th Cir. 2023) (emphasis added). This Court recently reiterated that test as requiring an examination of the "prior fishing practices of those in the Community in 1891, including those Alaska Natives, including Tlingit & Haida, that joined them at that time." Dkt. 129 at 17.¹

///

///

///

¹ The State's preferred test - the "usual and accustomed" standard established in the Puget Sound line of cases - is inapplicable because it ignores (and alters) this Court's clear direction. Moreover, it is derived from the express language of the Palmer Stevens' treaties and is thus only relevant to interpreting *those* treaties. See, *U.S. v. State of Washington*, 384 F. Supp. 312, 331 (D. Wash. 1974).

B. The Undisputed Evidence Presented by the Community Demonstrates that the Community's Reserved Fishing Rights Extend to Areas 1 and 2.

As explained in the Community's Opposition to Defendant's Motion for Summary Judgment (Dkt. 134), the evidentiary record before this Court includes numerous undisputed, fishing-practices facts, which convincingly answer the Court's evidentiary question in favor of the Community. In summary, those material, undisputed and dispositive facts are:

- The Community's Tlingit and Haida ancestors fished in the waters of Southeast Alaska since time immemorial and when the Reserve was established. Dkt. 134 at 8 – 13.
- The Community's Tsimshian ancestors fished in the waters of Southeast Alaska since time immemorial for subsistence, ceremonial and commercial purposes. Dkt. 134 at 13 – 19.
- The Community's members, including Tlingit and Haida, fished the off-reservation waters of Southeast Alaska when the Reserve was established in 1891. Dt. 134 at 19 – 21.

In its Answer to Plaintiff's Second Amended Complaint, the State of Alaska admitted to the truth of two of those factual conclusions – namely the presence of Tlingits and Haidas in the Community and the time-immemorial use of Southeast Alaska's fisheries by Tlingits and Haidas, and the original Metlakatlangs' off-reservation fishing practices since the Reserve's founding, thus cementing the undeniability of those facts, as follows:

- “[T]he MIC Community was historically comprised of Tsimshian . . . Tlingit Indians, Haida Indians, and other Alaska Natives.” Dkt. 41 at 4.
- “[I]n *Tlingit and Haida Indians of Alaska v. U.S.*, 147 Ct.Cl. 315 (U.S. Ct. of Claims 1959), the Court of Claims determined the Tlingit Indians and Haida Indians held aboriginal rights to Southeast Alaska’s fisheries[.]” Dkt. 41 at 4-5.
- The Territory of Alaska admitted in its Answer to the Secretary of the Interior’s Complaint in *Territory v. Annette Island Packing Co.* “*[t]hat the inhabitants of Annette Island, ever since their settlement on said Island, have been and yet are in the habit of fishing outside said reserve[.]*” Dkt. 41 at 8. (Emphasis added).

As to the time-immemorial use of Southeast Alaska’s fisheries by Tsimshians, the State has not rebutted that evidence, thus establishing it as dispositive as well.

C. The Indian Canons of Construction Support the Community's Off-Reservation Fishing Rights.

The evidence before this Court is more than sufficient to support its request for summary judgment. However, to the extent there are any ambiguities in that evidence, the Indian canons of construction provide an interpretive framework that requires this Court to resolve such questions in favor of the Community. Those canons all favor liberal construction in support of the Indians and the federal purpose in establishing the reservation. *Metlakatla Indian Community v. Dunleavy*, 58 F.4th 1034, 1042 (9th Cir. 2023)(internal citation omitted).

However, the interpretive canon that requires putting oneself in the position of the

Indians at the time of reservation's establishment – in this case in 1891 on a remote island in Southeast Alaska with the intention of successfully operating a commercial fish packing enterprise within the newly emerging commercial fishing industry – is particularly insightful. That is so because it is inconceivable to believe that, under those circumstances, the Metlakatlan founders would have understood their fishing rights to be limited to the on-reservation fishing locations only. Rather, the Metlakatlan founders would have understood their fishing rights to apply to the region, where they had forever applied their ancient knowledge of and familiarity with those fisheries to secure fish where, when and how they needed.

Those interpretive canons make the resolution of this motion clear. The reservation was intended to allow the Community to "pursue the commercial fishery that had provided, and continued to provide, essential economic support for the Community." *Dunleavy*, 58 F.4th at 1044-45. Congress expected the Community to not only successfully pursue the commercial fishery "at the time the reservation was created," but also to be successful "*in the future*." *Id.* (emphasis added). And the facts before this Court demonstrate that the Metlakatlans acted in accordance with that intent, reflecting their understanding of the regional scope of their fishing rights.

Grand Traverse Band of Ottawa and Chippewa Indians v. Mich. Dep't of Nat. Resources, 141 F.3d 635 (6th Cir. 1998) highlights how the Indian canons guide the Court's decision here. In *Grand Traverse Band*, the district court granted partial summary judgment in favor of the Tribe. 141 F.3d at 637. The district court determined that the Tribe's reserved fishing rights included not only an easement over lands needed to access its traditional fishing grounds, but also the right to temporarily moor its deep-water commercial fishing boats at the defendants' docks. *Id.* at 638. The Tribe's fishing boats were too large to be trailered across the land adjacent to the fishing grounds and had been implemented as a replacement for smaller boats that it had used for gill netting in its reserved waters. *Id.* The defendants objected because the municipal docks were closed to commercial fishing vessels. *Id.*

Applying the Indian canons of construction, the Sixth Circuit affirmed the district court's summary judgment in favor of the Tribe. *Id.* at 639-40. It noted first that the rights granted by the treaty² at issue "clearly included the right to fish

² The fact that *Grand Traverse Band* interprets a treaty, rather than a federal statute, makes no difference in its applicability to this case. As the Ninth Circuit has recognized, the "type of legal instrument that establishes a reservation . . . makes no difference" to the court's "inquiry into a tribe's attendant resource rights." *Dunleavy*, 58 F.4th at 1046. Because the Indian canons are intended to further the trust relationship between the federal government and the tribes, it simply "does not matter which type of document . . . establishes a reservation." *Id.*

the waters of the Great Lakes *region* for both subsistence and commercial fishing." *Id.* (emphasis added). Further, the treaties did not in any way limit "the means by which fish were to be taken" or "restrict the treaty fishers to using technology that was in existence at the time of the treaty." *Id.* In light of those facts and the guidance provided by the Indian canons of construction, the Sixth Circuit affirmed the district court's conclusion that "there simply is no material dispute of fact" that the tribal fishers "reasonably require the ability to occasionally moor their vessels" at the disputed docks to exercise their reserved fishing rights. *Id.* at 640. The Sixth Circuit noted that "a contrary result" would not only "frustrate the purpose of the treaties," but would also "simply *destroy all rights* to commercially fish" that were conveyed to the Tribe. *Id.* (emphasis added).

Grand Traverse Band thus concretely exemplifies the following propositions that arise out of the Indian canons of construction. First, the scope of a Tribe's reserved rights are not frozen in time when the reservation is established. Rather, the scope and nature of those rights evolve over time as the fishing conditions and technology evolve. Second, the scope of the right must also evolve as necessary to ensure that the purposes of the reservation are not frustrated. This includes accommodations for fishing techniques and technologies that were not even imagined at the time the reservation was established. As with *Grand Traverse*

Band, the correct application of the Indian canons requires this Court to resolve evidentiary ambiguities in favor of the Community.

The State urges this Court to artificially narrow the Community's "traditional off-reservation fishing grounds" and "the areas where they have fished" to the precise "locations" where a landing was recorded. The State's position is contrary to the Ninth Circuit's stated test for determining whether the Community's reserved fishing rights include Areas 1 and 2, which refers to "traditional *areas*," not specific "locations." It is also contrary to the Indian canons on several fronts. It fails to resolve ambiguities in the evidence in favor of the Community. It fails to consider the scope of the reserved right as it would have been understood by the Community, which fished throughout Southeast Alaska "from time immemorial." *Dunleavy*, 58 F.4th at 1040. It fails to account for the changed conditions of the commercial fishery, contrary to this Court's obligation to consider the Community's "future needs." And it effectively "destroys all rights" the Community would have to successfully pursue its commercial fishing activities, thus fatally undermining the Congressional purpose of establishing the Annette Islands Reserve.

///

///

D. The Historic Record Supports only one Conclusion – the Community's Reserved Fishing Rights Include Areas 1 and 2.

The undisputed facts demonstrate that the ancestors of today's Metlakatla Indian Community fished in the waters of Southeast Alaska, including what is now areas 1 and 2. Dkt. 143 at 6.

As the extensive and unrebutted evidence shows, the Metlakatlan's ancestors historically fished throughout Southeast Alaska.³ That conclusion is buttressed by the evidence submitted by the Tlingit/Haida in support of their failed motion to dismiss.⁴ It is even buttressed by the opinion of the State's expert, who acknowledged that "Tsimshians traveled extensively and, when doing so, fished for subsistence, hunted and traded," Dkt. 95-2 at 17, and by a map the State submitted showing that Tlingits and Haidas fished in Areas 1 and 2; Dkt. 95-8 at 2 & 3. Professor Brian Hosmer also determined that the Metlakatlans continued to fish off reservation after moving to the Annette Islands in 1887. Brian C. Hosmer, *AMERICAN INDIANS IN THE MARKETPLACE: PERSISTENCE AND INNOVATION AMONG THE MENOMINEES AND METLAKATLANS, 1870-1920*, 205 (1999)); *see also* Dkt. 119 at 28 (citing to the same source).

³ Dkt. 134 at 9-15 and accompanying authorities.

⁴ Dkt. 96 at 7-10 and accompanying authorities.

The Community began construction of a new cannery on the Annette Islands in 1887.⁵ By 1890 the new cannery was operational.⁶ In its first year of operation, the cannery produced 500 cases of salmon as an "experimental pack," and in 1891 it produced 5,834 cases.⁷ In 1892 through 1895, the cannery packed between 11,125 and 14,000 cases, and in 1896 and 1897 it produced 17,650 and 15,490 cases, respectively. The photograph of the cannery below vividly shows what those production numbers reflect—that it was a significant commercial enterprise.⁸



⁵ Jefferson F. Moser, *THE SALMON AND SALMON FISHERIES OF ALASKA*, 66 (1899) (Excerpts attached as Exhibit A to the Supplemental Declaration of Christopher Lundberg ("Suppl. Lundberg Decl.")).

⁶ *Id.* at 6-8

⁷ *Id.*

⁸ Suppl. Lundberg Decl., Ex. 1 at 9, Plate 23.

To supply their cannery, the Moser Report confirms that Community members fished in off-reservation waters "throughout" Southeast Alaska, including waters that were "miles away" from the Reserve. *See also Dunleavy*, 58 F.4th at 1038-39. As explained above, the Community's extensively documented fishing practices throughout Southeast Alaska at the time of the Reserve's establishment support that conclusion as well.⁹

Given the overwhelming evidence, it is not surprising that the State's expert Dr. Anthony Gulig likewise conceded that Community members continued fishing in the waters of Areas 1 and 2, which surround the Annette Islands Reserve, after moving to the Annette Islands. To be clear, the parties dispute the exact circumstances and arrangements surrounding that fishing activity. But the parties agree that the Community members did in fact fish off-reservation. Dr. Gulig made the following admissions in his report:

- "Metlakatlangs continued their fishing traditions after the 1887 move to Alaska, and the creation of the Annette Islands Reserve in 1891." Dkt. 95-2 at 10.
- "Any inference that Metlakatlangs exploited a traditional fishery in the waters farther from the Annette Islands, Prince of Wales Island, or the area as far north as Tongass Narrows without permission or payment is mistaken. If Metlakatlangs fished there, they did so either with the

⁹ Dkt. 134 at 15 – 17 and accompanying authorities.

permission of Tlingits, negotiated or requested, or in violation of Tlingit fishing Stations.” *Id.* at 68.¹⁰

- “The relationship between Metlakatlas and the Haida on Prince of Wales Islands was, by the late 1890s, transactional. Not only did Metlakatlans lease Haida fisheries at Price of Wales Island, but they also traded oolichan oil with the Haidas for dried halibut.” *Id.*
- “Metlakatlans did not fish without payment or permission beyond the streams and inshore waters of the Annette Islands.” *Id.* at 82.

The question posed by the Court is whether the Community’s members continued to fish in the waters surrounding the Annette Islands after settling there in 1887.

Although they may disagree on why, both parties agree that they did.

The Community’s motivation for engaging in that off-reservation fishery is also undisputed. It is beyond dispute that the Metlakatlans intended to establish a successful commercial fishery on the Annette Islands, that they carried an ancient and deep knowledge of the waters of Southeast Alaska, and that they expected to be able to use that knowledge to make their commercial cannery a success. They invested significant labor and resources in constructing a viable commercial cannery to “become self-sustaining.” Congress established the Annette Islands Reserve to ensure that the Community would be able to do just that. *Alaska Pac.*

¹⁰ Suppl. Lundberg Decl., Ex. 3 (Dr. Gulig testifying that a fishing tradition practiced by Tlingits, Haidas and Tsimshians was to seek permission to access a fishery claimed by another clan).

Fisheries, 248 U.S. at 88-89. In deciding this motion, this Court must fulfill that promise, not frustrate it as urged by the State.

E. The State Misstates the Historic Record.

In its own motion and Response, the State distorts the historic record contending that certain areas of Southeast Alaska where the Community fished at the time of establishment were "freshwater fisheries." Dkt. 143 at 16-20. That is simply a misstatement of the historic record. For example, in his review of the Alaska fisheries for the United States government, Jefferson Moser described the Quadra Bay fishery, noting that "97,000 redfish in 1895 were taken from *around its mouth and approaches*; 137,000 were obtained in 1896."¹¹ Mr. Moser went on to explain that "the locality was fished" by the Metlakatla and other canneries, using "[f]ourteen seines, from 200 to 240 fathoms in length[.]"¹² A fathom is six feet in length¹³; thus, the Metlaktla fishermen were using seine nets that were over 1,200 feet long. Yet Mr. Moser described the stream as being only "about" 20 yards—or 60 feet—wide. To infer, as the State urges, that Metlakatla fishermen were using 1,200-foot-long seine nets in a 60-foot-wide river is, at the very least, unreasonable.

¹¹ Suppl. Lundberg Decl., Ex. 1 at 5-6.

¹² *Id.*

¹³ <https://en.wikipedia.org/wiki/Fathom> (last visited 2/24/2026).

Similarly, Mr. Moser describes Kegan Stream at Moira Sound noting that "[a]t the head of the Bay, near the mouth of [Kegan] stream, are several good seining beaches."¹⁴ According to Mr. Moser, Kegan Stream has "an average width of 30 feet between banks, and when visited was 3 inches deep over a ten-foot riffle."¹⁵ Again, the seining equipment used by the Metlakatlangs for their commercial fishing simply could not have been used in such a shallow freshwater stream. The contrary inference is unreasonable.

Below is a photograph showing the type of seine boats described by Mr. Moser and used by the Metlakatlangs.¹⁶



¹⁴ Suppl. Lundberg Decl., Ex. 1 at 6.

¹⁵ *Id.*

¹⁶ Dkt. 95-4 at 7.

Such vessels were designed to operate in the marine environment, in the bays—the "mouth and approaches"—of salmon natal streams. According to the State, inferring that the Metlakatlangs fished in the marine environment from their use of such technology is "without foundation." That is, again, unreasonable. The seine nets and boats used by the Community's ancestors could not have been used in a freshwater environment such as Alaska's salmon bearing rivers. Simply looking at the technology proves that fact. Thus, not only does Mr. Moser explicitly describe the areas fished as the marine environment¹⁷ - the "mouth and approaches" of the Quadra River and the "beaches" adjacent to Kegan Stream—but the equipment used by the Metlakatlangs simply could not have been used in the riverine freshwater environment.

Consistent with that report is the description of a conflict between the Metlakatlangs and a Tlingit band over the Metlakatlangs fishing in their "chuck."¹⁸ The Term "chuck" means the marine waters of the cove.¹⁹ The Tlingit band was upset that the Metlakatlangs continued to fish in that cove and complained to the

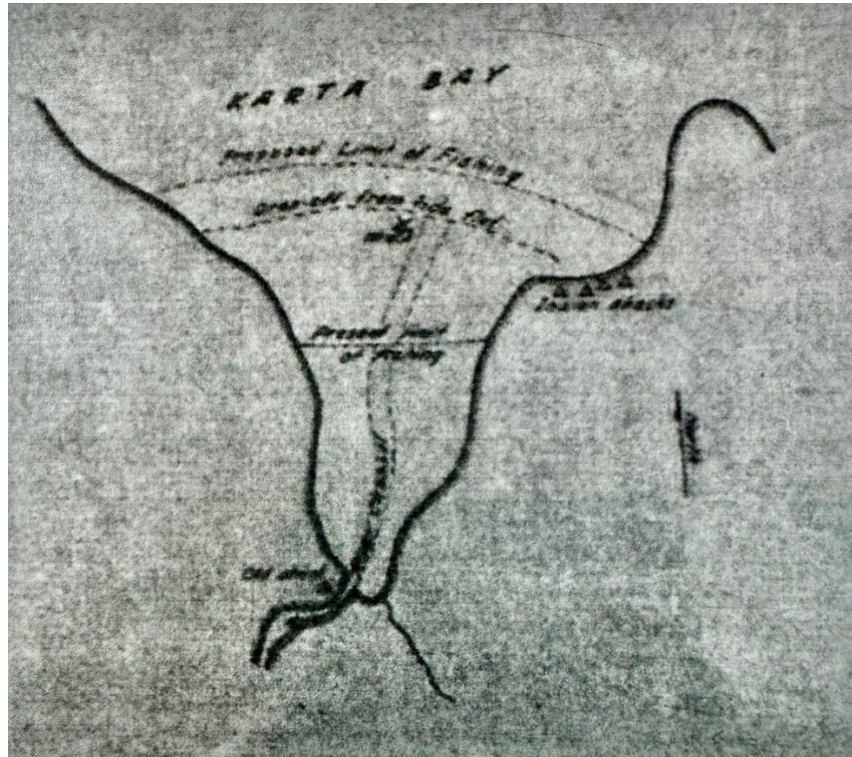
¹⁷ While Mr. Moser does not describe the areas where the Metlakatlangs harvested fish in the other locations noted by the State as "freshwater" fisheries, it is safe to infer that they would have been harvesting fish under the same constraints as noted above. Thus, the only reasonable inference is that the Metlakatlangs fished the marine environment of those locations, not the freshwater riverine environment.

¹⁸ Geroge F. Tingle, REPORT OF THE SALMON FISHERIES IN ALASKA (1896), Dkt 96-17 at 4.

¹⁹ Dkt 119-2 at 15, ¶ 2.

Fisheries Inspector George Tingle about their continued presence in the "chuck."²⁰

Inspector Tingle explained that "the right to fish in the cove was not exclusive," and that, consistent with federal law, the Metlakatlangs had "equal fishing rights within the limits prescribed by as to distances between nets, etc."²¹



That conflict was not unique. The above chart was drawn by the United States Department of Fisheries to prevent encroachment by seiners on the Tlingit fisheries in Karta Bay.²² As Dr. Langdon explained, the Tlingit fished in the

²⁰ Tingle, Dkt 96-17 at 4, ¶ 1.

²¹ *Id.*

²² Dkt. 95-4 at 9.

estuarine area of the intertidal zone, which lies between the first and second dotted lines from the bottom.²³ The marine area of the Bay, marked by the top dotted line, was designated for the type of seine technology used by the Metlakatlangs.²⁴

In short, these historic records confirm that Metlakatla seiners fished in the marine areas where their equipment could function, not the freshwater riverine environment of the salmon's natal streams.

This Court should reject the State's efforts to distort the evidentiary record. Nothing that the State has produced in response to the Community's Motion for Summary Judgment undermines the conclusion that the Community – including its Tsimshian, Tlingit, and Haida ancestors – has fished in the waters of Southeast Alaska since time immemorial. Nothing the State has produced undermines the conclusion that the Community's ancestors engaged in commercial fishing throughout the waters of Southeast Alaska at the time the Reserve was established. And nothing the State has produced undermines the conclusion that the Community expected to be able to be self-sustaining through commercial fishing, not just at the time the Reserve was created but into the future under "changed

²³ *Id.*

²⁴ *Id.*

conditions." It is only the State's limited entry program that has prevented that. This Court should grant the Community's Cross Motion for Summary Judgment.

F. The State Also Misstates the Law.

Finally, not only does the State misstate the historic record, but it also misstates the law. Citing *Upper Skagit Indian Tribe v. Suquamish Indian Tribe*, 871 F.3d 844, 846 (9th Cir. 2017), the State argues that "[t]o meet the 'usual and accustomed' standard, a tribe must prove 'regular and frequent and continuous' use of waters for subsistence purposes, ceremonial purposes, or commercial purposes." Dkt. 7, ¶ 2 and fn. 23. Yet nowhere in *Skagit* does the Ninth Circuit use the phrase "regular and frequent and continuous." In fact, nowhere in Indian law does that phrase or standard exist.²⁵ This Court should reject the State-created standard out of hand because it is nothing but a perversion of the actual "usual and accustomed" standard set forth in the Puget Sound cases.

What *Skagit* does say is that the term "usual and accustomed grounds and stations" standard is defined as "every fishing location where members of a tribe customarily fished *from time to time* at and before treaty times, *however distant from the then usual habitat of the tribe*, and *whether or not other tribes then also*

²⁵ Suppl. Lundberg Decl., ¶ 3 & Ex. 2.

fished in the same waters." 871 F.3d at 846 (quoting *United States v. Washington*, 384 F.Supp. 312, 332 (W.D. Wash. 1974), *aff'd*, 520 F.2d 676 (9th Cir. 1975)).

(emphasis added). Thus, the real standard for determining the "usual and accustomed" fishing areas of a tribe supports the Community's position. As discussed extensively, that test is inapplicable to this case because the Ninth Circuit has established the proper test for this case. Yet to the extent the "usual and accustomed" standard may inform the inquiry, it supports the Community's position that its time-immemorial fishing activities in Areas 1 and 2 support the existence of its reserved, off-reservation fishing rights.

III. CONCLUSION.

In closing, it is worth revisiting the stage of this case. It is not to establish whether Congress reserved for the Metlakatla Indian Community an implied, off-reservation, non-exclusive fishing right. That conclusion has already been established. Rather, the issue before this Court is the scope of that right, which the Community asserts includes Areas 1 and 2 in southern Southeast Alaska. For the reasons set forth above, and in the Community's initial Cross Motion for Summary Judgment, the undisputed evidence shows that its reserved fishing rights include Areas 1 and 2 in Southeast Alaska. That conclusion is fully supported by the historic record and the long history of fishing for personal and ceremonial purposes

as well as commercial needs of the Metlakatlan Tsimshian, Tlingit and Haida. That is the only conclusion supported by the evidence. It is also the only conclusion that will satisfy the Congressional purpose in establishing the Annette Islands Reserve—to allow the Community to "become self-sustaining." *Alaska Pac. Fisheries*, 248 U.S. at 88-89. Accordingly, this Court should grant the Community's Cross Motion for Summary Judgment.

DATED this 5th day of March, 2026.

HAGLUND KELLEY LLP

By: /s/ Christopher Lundberg

Christopher Lundberg, OSB No. 941084

Pro Hac Vice

Matthew E. Malmsheimer, OSB No. 033847

Pro Hac Vice

Joshua J. Stellmon, OSB No. 075183

Pro Hac Vice

Christopher T. Griffith, OSB No. 154664

Pro Hac Vice

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** was filed with the Clerk of the Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in Case No.: 5:20-cv-00008-SLG who are registered CM/ECF users will be served by the CM/ECF system.

DATED this 5th day of March, 2026.

HAGLUND KELLEY LLP

By: /s/ Christopher Lundberg

Christopher Lundberg, OSB No. 941084

Pro Hac Vice

Email: clundberg@hk-law.com

2177 SW Broadway

Portland, OR 97201

(503) 225-0777

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

HAGLUND KELLEY LLP

2177 SW Broadway

Portland, OR 97201

T: (503) 225-0777 / F: (503) 225-1257