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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

ANDY NGO,

Plaintiff,

v.

ROSE CITY ANTIFA, an unincorporated
association; BENJAMIN BOLEN, an
individual; JOHN HACKER, an individual;
CORBYN (KATHERINE) BELYEA, an
individual; JOSEPH CHRISTIAN EVANS,
an individual; MADISON LEE ALLEN, an
individual; DOES 1-50,

Defendants.

Case No.: 20CV19618

**PLAINTIFF’S CROSS-MOTION TO
STRIKE**

(ORAL ARGUMENT REQUESTED)

Plaintiff Andy Ngo ("Plaintiff"), by and through undersigned counsel, hereby moves to Strike certain testimony submitted supporting Bolen’s Special Motion to Strike on the grounds set forth as follows:

1. Defendant Bolen submitted two Declarations; his own, and the Declaration of Antifa sympathizer Shane Burley, filed with the Court on September 21, 2020. Both Declarations are plagued with unsupported, speculative assertions insufficient to be considered by this Court in ruling on Bolen’s Special Motion to Strike.

2. This Court should strike the Declarations for three (3) reasons: **First**, the Declarations are insufficient evidence from which a reasonable trier of fact could find that Bolen has met his initial burden to establish a *prima facie* case; **Second**, the Declarations are not made on personal knowledge, but rather, personal opinion; and **Third**, the Declarations do not contain facts as would be admissible in evidence. *See* ORCP 47.

1 **CERTIFICATE OF SERVICE**

2 I, Carole Caldwell, hereby declare under penalty of perjury under the laws of the State of
3 Oregon that the following facts are true and correct:

4 I am a citizen of the United States, over the age of 18 years, and not a party to or interested
5 in the within entitled cause. I am an employee of Murphy & Buchal LLP and my business address
6 is 3425 SE Yamhill Street, Suite 100, Portland, OR 97214.

7 On October 5, 2020, I caused the following document to be served:

8 **PLAINTIFF’S CROSS-MOTION TO STRIKE DEFENDANT’S TESTIMONY**

9 in the following manner on the parties listed below:
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16 /s/ Carole A. Caldwell