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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

BRIAN P. CARR,
Plaintiff-Appellant,

v.

STATE OF OREGON; CITY OF
PORTLAND; LINDA MENG, in her
official capacity as City Attorney of the
City of Portland; HARDY MYERS, in
his official capacity as Attorney General
of the State of Oregon,

Defendants-Appellees.

U.S.C.A. No. 08-35902

AFFIDAVIT OF MATTHEW LYSNE

STATE OF OREGON)
County of Marion) ss.

I, Matthew J. Lysne, being first duly sworn, do depose and say:

1. I am an assistant attorney general for the State of Oregon and one of the attorneys representing the state in this litigation.

2. The state's appellee's brief is due on January 15, 2009. The state seeks a 28-day extension until February 12, 2009, in which to file its appellee's brief. This is the first request for a time extension.

3. An extension is necessary for the following reasons: I was assigned to this case on or about December 29, 2008. I am presently working to complete and file briefs in a number of older cases, including but not limited to *Marquette v. Hall*, Oregon Court of Appeals, Case No. A138779 (due January 6, 2009); *TAC Northwest v. Construction Contractors Board*, Oregon Court of Appeals, Case No. A139286 (due January 13, 2009); *Wilson-Ramirez v. Hall*, Oregon Court of Appeals, Case No. A139142 (due January 20, 2009). I am also preparing for oral argument in *S.S. and R.S. v. State ex rel. Juv. Dept. of Union County*, scheduled for argument on January 8, 2009.

4. I have exercised diligence in reviewing the issues in this case and concluded that because of my case load and schedule, I will not be able to complete the research and analysis necessary to adequately brief the above-captioned case in the time presently allotted. I do anticipate that I would be able to adequately brief the above-captioned case within the additional time sought (February 12, 2009).

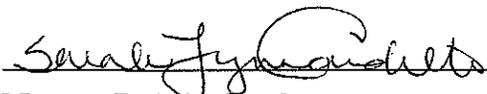
5. On January 2, 2009, I contacted Brian P. Carr, *pro se*, Plaintiff-Appellant by telephone, and he informed me that he takes "no position" on this motion for an extension of time. On the same day, I contacted counsel for City

of Portland and Linda Meng, and counsel does not object to this motion for an extension of time.


Matthew J. Lysne
Assistant Attorney General

SUBSCRIBED AND SWORN to before me this 2nd day of January,
2009.




Notary Public for Oregon
My Commission Expires July 19, 2009