

1. UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

David White, Pro Se.
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Case 1:24-CV-1300-MC
One Million Dollars
REQUEST FOR SUMMARY
JUDGEMENT BY RULE 56

Plaintiff

v.

Scott Ashford, in his personal capacity and his official capacity of Dean of Engineering, Jeff Nason in his personal capacity and his official capacity of Environmental Engineering Leader, Philip Mote in his personal capacity and his official capacity of vice provost and dean of the Graduate School; Edward Feser in his personal capacity and his official capacity of Provost of Oregon State University
Defendants.

Legal Counsel for Defendants

Michael Porter, P.C. (DLC)

Miller Nash LLP

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TABLE OF AUTHORITIES

- 1) Artl.S8.C3.7.1. Overview of Dormant Commerce Clause.
- 2) 18 U.S.C. § 1001 False Statements, Concealment.
- 3) 28 U.S.C. §191 Proceedings in forma Pauperis.
- 4) 8 U.S. Code § 1324c - Penalties for document fraud.
- 5) Rule 5. Serving and Filing Pleadings and Other Papers.
- 6) Rule 11. Signing Pleadings.
- 7) 18 U.S.C. 1621 Perjury.
- 8) Rule 21 Writ of mandamus.

Federal Case Law

- 1) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan was Pro Se and made numerous mistakes in filing his complaint resulting in the case being dismissed. However, upon appeal, the higher Court ruled that the lower Court was in error because they did not give allowance for Pagtalunan’s lack of legal training.
- 2) Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce US Supreme Court Ruled on 6/28/2024 that courts can no longer function as Administrative Law courts. They must convene as article III of the US Constitution Courts, in compliance with the judge’s sworn oath of office.

1 3) STUDENTS FOR FAIR ADMISSIONS, INC. v. PRESIDENT AND
2 FELLOWS OF HARVARD COLLEGE

3 CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
4 FIRST CIRCUIT

5 https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf

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8 4) WEST VIRGINIA ET. AL. v. ENVIRONMENTAL PROTECTION
9 AGENCY ET. AL. [https://www.hsph.harvard.edu/news/features/the-
10 supreme-court-curbed-epas-power-to-regulate-carbon-emissions-
11 from-power-plants-what-comes-next/](https://www.hsph.harvard.edu/news/features/the-supreme-court-curbed-epas-power-to-regulate-carbon-emissions-from-power-plants-what-comes-next/)

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13 5) The Clean Air Act of 1967 directed the EPA to tackle issues like Acid
14 Rain and other environmental dangers. The Act instructs the EPA to
15 make a “toxic chemicals” list. Anything the EPA wants to regulate
16 must be on that list, Section 111, subsection D. In 2015, the EPA
17 illegally began to regulate “greenhouse gases” without including them
18 on the toxic chemicals list as prescribed by The Clean Air Act. That’s
19 because Carbon Dioxide and Methane, to name a few, are not toxic
20 chemicals. In fact, every living animal and human being on earth
21 breathes out carbon dioxide. It’s not a toxic chemical.

22 Background:

23 Plaintiff heads a legal team of 3 professionals. One is a 40-

24 year veteran Federal Attorney who knows the Federal and case

25 law like the back of his hand. Another is an investigative journalist

26 who provides research and serves as legal editor of all

27 Court documents.

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2 Material Statement of Facts:

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4 Motions requesting service date must be denied and Summary Judgment be

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6 approved for Plaintiff for following reasons:

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8 Plaintiff with clear and concise evidence has shown that

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10 Defendants' pleadings are not properly before the court. Plaintiff

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12 followed all court procedures to the letter of Federal Law and Rules.

13 Plaintiff has presented all the relevant Federal and case law to

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15 support his case.

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17 Defendants have not disputed anything of substance in Plaintiff's

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19 Complaint or Injunction. Recognizing the strength of our Complaint,

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Defendants have chosen rather to focus on a procedural technicality as a red herring to distract the attention of the Court.

However, we have demonstrated that even this technicality has no basis in law and must be rejected. Defendants have been left with nothing, but a fallacious dispute related to the service of Complaint and Injunction.

Federal law provides for 3 modes of service: email, U.S. mail, or hand delivery to the Clerk of Court. In keeping with this, the service of the complaint and injunction by Federal Rule 3 were made on August 8, 2024, by a third-party, legal email service, thelawisyourattorney.com. If required, Plaintiff could request and produce in a Pleading the delivery and read receipts from the service of said third party system. Therefore, defendants were legally served the complaint and injunction on August 8, 2024.

By rule 3, filing of the Complaint with the Court Clerk or online, starts the 21-day clock for Defendants to respond. That 21-day clock ended at midnight on 8/29/2024 with no legitimate claim of defendants filed in the

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2 case.

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4 However, the Summons was not filed at the time of Service and
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6 Defendant has conceded in his pleading (ECF 13) that Plaintiff has 90
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8 days in which to file the Summons by Federal Rule 3. However, contrary
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10 to Rule 4m, Defendant perseveres in his assertion that the lawsuit does
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12 not begin until delivery of the Summons. Defendant has persisted in all
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14 subsequent Pleadings to repeat this falsehood in spite of being confronted
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16 with the plain text of the law. Two federal laws have thus been broken by
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18 Defendant: Perjury and False Statements, Concealment of Fact.

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20 Therefore, a general summary judgment in Plaintiff's favor is
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22 legally required by Rule 21, Writ of Mandamus. Rule 56 e, (2) and (3)
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24 require the court to grant Summary Judgment of the rulings requested in
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26 the complaint and injunction. Rule 56 G is not applicable because of the
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28 well-documented legal and other facts in the Complaint, Injunction and
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30 Plaintiff's pleadings.

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33 **Conclusion**
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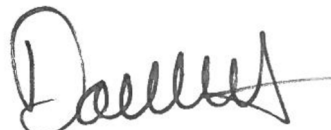
1 1. Defendants' motions filed contain no certificate of service which
2 is required.
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5 2. Thus, Defendants' motions filed contain misinterpretation and
6 erroneous use of Federal Rules and two violations of Federal law.
7 They have persisted in perjuring themselves with the assertion that
8 the lawsuit does not begin until the Summons is delivered. Not
9 only did Defendant's fail to provide a certificate of service, but they
10 also failed to reject anything of substance in the complaint or
11 injunction, focusing instead on sham procedural technicalities.
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13 Plaintiff therefore moves the Federal court to a Summary Judgment
14 in Plaintiff's favor of one million dollars. Plaintiff contends that the
15 facts are so indisputable that any Appeals Court would grant the
16 summary judgment without hesitation.
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19 Plaintiff makes the request with a Rule 21 Writ of Mandamus which
20 requires the Federal Court to perform what it is legally required to do.
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23 Respectfully
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27 Dated: 08/30/2024



28 David White
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CERTIFICATE OF SERVICE

I hereby certify that on August 30th, 2024, a true and correct copy of the above document was electronically filed with the Clerk of the Court using paper. A copy of the document will be served to interested parties via the US mail and email. Additionally, a courtesy copy is being provided as follows:

- Michael Porter, P.C. (DLC) mike.porter@millernash.com
- Miller Nash LLP
- 1140 SW Washington St, Ste 700 |
- Portland, OR 97205
- Direct: 503.205.2330
- Via hand delivery
- Via U.S. Mail, 1st Class,
Postage Prepaid
- Via Overnight Delivery
- Via Facsimile
- Via Email
- Via CM/ECF notification

to the extent registered DATED: August 30th, 2024.

By: David White

Fed. R. Civ. P. 4(e)". says (e)(1) "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; However, by Oregon law email service is allowed. UTCR 8 21.10 (2) explains a document may be a pleading or many other documents.