

FILED 14 NOV '17 14:06 USDC-ORE

Kristine K. Yates, Pro Se
P.O. Box 407
Silverton, Oregon 97381
(503) 930-2709

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Kristine K. Yates;	)	Civil Action No. 6:17-cv-1819-AA
Plaintiff,)	
v.	)	Complaint for Declaratory and
United States Environmental	)	Injunctive Relief
Protection Agency; Oregon	)	Resource Conservation and
Department of Environmental	)	Recovery Act ("RCRA"), 42
Quality; Marion County Planning	)	U.S.C. § 6972; 42 USC § 1983; 28
Department; Dick Anderson	)	USC §§ 2201-02 Complaint in Tort
Construction Company, Silverton	)	(Federal Tort Claims Act 28
Solar, LLC; Silverton Land Co.	)	U.S.C. 2671); 1 st , 5 th , and 14 th
LLC; TLS Capital Inc.; Cypress	)	Amendment Civil Rights
Creek Renewables Development,	)	Violations; of U.S.C. Title 18,
LLC; Cypress Creek Renewables,	)	§1962 and 1964 (RICO) Civil
LLC; Pine Gate Energy Capital,	)	Racketeering, Section 1 of the
LLC; Pine Gate Renewables, LLC;	)	Sherman Act; of Due Process;
Gordon Moe; Judy Dunn; Nikki	)	Common Law Fraud; Conspiracy;
Anas; Zoe Gamble Hanes; Jerome	)	Negligence and Gross
O'Brien; Blue Oak Energy; Sam	)	Negligence.
Lines; Patrick Leiback; Oregon	)	Jury Trial Requested
Department of State Lands;)	
Does 1-20;)	
Defendants)	

PRELIMINARY STATEMENT

PLAINTIFF, Kristine K. Yates (Yates), brings the following combined action against the United States Environmental Protection Agency (EPA); Oregon Department of Environmental Quality (DEQ); Marion County Planning Department (MCPD); Dick Anderson Construction Company (DAC), Silverton Solar, LLC; Gordon Moe; Judy Dunn; Silverton Land Co. LLC; TLS Capital Inc.; Cypress Creek Renewables Development, LLC; Pine Gate Energy Capital, LLC; and Does 1-20 for failing to comply with their non-discretionary duty to promptly set numeric nutrient criteria for the State of Oregon as directed by section 303(c)(4)(B) of the Clean Water Act. This complaint seeks a declaratory judgment and injunctive relief.

This complaint also includes Civil Rights violations by Defendants, deprivation of rights and privileges secured to Plaintiff by the Constitution of the United States of America, providing for equal rights of all persons within the jurisdiction of the United States, Conspiracy, Negligence, Gross negligence, Intentional Infliction of Emotional Distress, Due Process violations, Civil Racketeering violations (RICO), and Common Law Fraud violations.

PARTIES

1. Plaintiff, Yates, is a resident of Marion County, State of Oregon. The matter in controversy exceeds fifty thousand dollars (\$50,000), exclusive of interest, and costs.
2. Defendant, EPA is an agency and subdivision of the United States.
3. Defendant, Oregon DEQ is an agency and subdivision of the State of Oregon.
4. Defendant, Marion County Planning Department is an agency and subdivision of the State of Oregon.
5. Defendant, Dick Anderson Construction Company, Inc. is a Corporation, based in Montana, USA.

6. Defendant, Silverton Solar, LLC, is a new Oregon Corporation with principle places of business in Charlotte, North Carolina and Santa Monica, California.

7. Defendant, Gordon Moe, is an Oregon resident and co-owner of the Marion County, Oregon, parcel of EXCLUSIVE FARM USE (EFU) land on which the Solar Array is being installed.

8. Defendant, Judy Dunn, is an Oregon resident and co-owner of the Marion County, Oregon, parcel of EFU land on which the Solar Array is being installed.

9. Defendant, Silverton Land Co. LLC, is a new Oregon corporation with offices in Portland and Tigard, Oregon.

10. Defendant, TLS Capital Inc., is a Corporation, its primary place of business currently unknown.

11. Defendant, Pine Gate Energy Capital, LLC, is a Corporation listed as the manager/member of Silverton Solar, LLC, with a primary place of business listed in Charlotte, North Carolina.

12. Defendant, Pine Gate Renewables, LLC, is a Corporation listed as the manager/member of Silverton Solar, LLC, with a primary place of business listed in Charlotte, North Carolina.

13. Defendant, Zoe Gamble Hanes, Manager of Pine Gate Renewables, LLC; Member and Manager of Pine Gate Energy Capital, LLC; Member and Manager of Silverton Solar, LLC, with a primary address in Charlotte, North Carolina.

14. Defendant, Nikki Anas, Organizer of Silverton Solar, LLC; and Cypress Creek Renewables, LLC, whose current address is unknown.

15. Defendant, Cypress Creek Renewables, LLC, listed as member of Silverton Solar, LLC, whose address as Santa Monica, California.

16. Defendant, Cypress Creek Renewables Development, LLC, a Corporation whose primary address is currently not known, listed as member of Silverton Solar, LLC.

17. Defendant, Jerome O'Brien, is listed as Vice President of Cypress Creek Renewables Development, LLC and, or Silverton Solar, LLC.

18. Defendant, Blue Oak Energy, is a California Corporation, whose headquarters is located in Davis, California. Blue Oak Energy prepared the preliminary plans for the installation of the aforesaid Silverton Solar Array for Cypress Creek Renewables. Their address is not known at this time.

19. Defendant, Sam Lines, is listed as the "owner" of Silverton Solar LLC, on the Conditional Use Application that was submitted to Marion County, Oregon, Planning Dept. His address is not known at this time.

20. Defendant, Patrick Leiback, is listed as the "owner" Solar Land Co. LLC, on a Declaratory Statement (Farm/Forest), notarized in California.

21. Defendant, Oregon Department of State Lands, is an agency and subdivision of the State of Oregon.

22. The term "Defendants" is used in this Complaint to refer to all Defendants, and Does 1-20 collectively and individually, unless otherwise specified. Defendants, Does 1-20, are individual U.S. citizens, and those individual citizens acting on behalf of the U.S., who are at all times herein relevant, past or present officials, past or present employees, of the EPA; DEQ; Marion County, Oregon; Dick Anderson Construction, Inc.; Silverton Solar LLC.; Silverton Land Co. LLC; TLS Capital Inc.; Pine Gate Renewables, LLC; Pine Gate Energy Capital, LLC; Zoe Gamble Hanes; Nikki Anas; Jerome O'Brien; Cypress Creek Renewables Development, LLC; and Cypress Creek Renewables, LLC., Blue Oak Energy; Sam Lines; Patrick Leiback; and Oregon Department of State Lands. They are being sued here, both as individuals, and in any official capacity.

23. "DOES 1-20" is a fictitious name used to designate parties not presently known to Plaintiff.

FACTS

24. Plaintiff, Yates, was born in Silverton, Oregon, is a long time resident, and built her home at 1614 Pine Street, Silverton, because she enjoyed the views and quiet living of the country.

25. On, or about, July 2017, Plaintiff noticed several construction workers preparing the EFU parcel of land just bordering her north fence line apparently for something other than planting of the usual beans, corn, or grain.

26. The farm land, bordering Plaintiff's real property, where the construction is occurring, is described by Marion County, Oregon, Planning Department as: a 23.8 acre parcel in an EFU (Exclusive Farm Use) zone located in the 6,100 block of Airport Road NE (6,100 Parcel) Silverton (T6S; R1W; Section 28D; tax lot 1400). This construction site is alternatively described, by Defendant, as Silverton Solar, LLC: 1550 Airport Road NE, Silverton, OR 97381. No official documentation designating an actual street address has been discovered.

27. Plaintiff did not receive the required official notice of any intended construction on the 6,100 Parcel of EFU farmland.

28. On, or about, August 11, 2017, Plaintiff caused a complaint, regarding the non-uniform construction occurring on the EFU 6,100 Block parcel of farm land, to be filed with the United States EPA.

29. On, or about, August 15, 2017, the EPA forwarded Plaintiff's complaint to the Oregon Department of Environmental Quality (DEQ). No response has been received, to this date, from the DEQ.

JURISDICTION AND VENUE

30. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1343, because this case arises under the Constitution and laws of the United States.

31. This Court is authorized to enter a declaratory relief pursuant to 28 U.S.C. § 2201, 2202 and 5 U.S.C. § 706.

32. This Court has power to grant injunctive relief pursuant to 28 U.S.C. § 2202.

33. Venue is proper under 28 U.S.C. § 1391(b)(e)(1).

34. Plaintiff has provided Defendants with sixty days written notice of the violations of law alleged herein in the form and manner required by the CWA (33 U.S.C. § 1365(b)(2)). Please see exhibit "1".

Count 1

VIOLATION OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

35. All prior paragraphs of this Complaint are incorporated by reference.

36. Plaintiff alleges that Defendants have conspired together and acted in concert through artifice and misrepresentation to willfully, wrongfully and unlawfully, with malice, deprive her of constitutionally protected rights of free speech as guaranteed them under the First Amendment to the Constitution of the United States. Defendants, individually and severally, did not allow Defendant to speak and express her views, before a public body as required by law, concerning the construction at 6,100 Parcel.

37. As a proximate result of Defendants' wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against the Defendants jointly, severally and/or in the alternative on

this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive damages, attorney's fees and costs of this action.

Count 2

VIOLATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

38. All prior paragraphs of this Complaint are incorporated by reference.

39. Plaintiff alleges that Defendants have conspired together and acted in concert through artifice and misrepresentation to willfully, wrongfully and unlawfully, with malice, deprive her of constitutionally protected rights to due process and equal protection under the law as guaranteed her under the Fourteenth Amendment to the Constitution of the United States by not notifying Plaintiff of the intended 6,100 Parcel solar array construction location.

40. Defendants' violations of Plaintiff's rights to the full and equal benefit of laws afforded all American citizens has caused substantial personal and economic damage to Plaintiff.

41. As a proximate result of Defendants' wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against the Defendants jointly, severally and/or in the alternative on this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive damages, attorney's fees and costs of this action.

Count 3

DUE PROCESS VIOLATIONS OF FOURTH, FIFTH AND FOURTEENTH AMENDMENTS TO
THE UNITED STATES CONSTITUTION, AND 42 U.S.C. 1983 CIVIL RIGHTS

42. All prior paragraphs of this Complaint are incorporated by reference.

43. On, or before, August 11, 2017, Defendants enacted and enforced arbitrary and capricious written and, or unwritten rules and regulations to deprive Plaintiff of her real property's aesthetics, peace and quiet, value, and under color of law, and without due process, by commencing the 6,100 Parcel construction.

44. Plaintiff has no effective means of enforcing her Fourth, Fifth and Fourteenth Amendment rights other than by seeking declaratory and other relief from the Court.

45. As a proximate result of Defendant's wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against the above named defendants jointly, severally and/or in the alternative on this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive damages, attorney's fees and costs of this action.

Count 4

COMMON LAW FRAUD

46. All prior paragraphs of this Complaint are incorporated by reference.

47. The actions of all Defendants, either individually or collectively, constitute Common Law Fraud. The Plaintiff has been harmed by the frauds perpetrated upon Defendants, by intending to hide the originators, financiers, corporations, government approvals, and persons responsible for the 6,100 Parcel construction, and is entitled

to recover damages jointly and severally from all of the Defendants for such fraud. The Plaintiff is also entitled to an award of punitive damages, attorney's fees, and costs from all Defendants, jointly and severally as a result of the fraudulent conduct of the Defendants and to punish the Defendants for their wrongdoing.

48. As a proximate result of Defendant's wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against the above named defendants jointly, severally and/or in the alternative on this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive damages, attorney's fees and costs of this action.

COUNT 5

CIVIL RACKETEERING

49. All prior paragraphs of this Complaint are incorporated by reference.

50. Defendants, both individually and collectively, have consistently utilized "cut-out" organizations and corporations, across State lines, to obfuscate, hide, and falsify official and financial documents.

51. The actions of all Defendants, both individually and collectively, which can be set forth in this Complaint by reference, should the Court request, together with violations of U.S.C. Title 18, §1962 and 1964 (RICO) constitute Civil Racketeering, has damaged the Plaintiff in her personal and business affairs. The Plaintiff has been harmed by the Civil Racketeering committed by Defendants acting as a part of the RICO Enterprise and are entitled to recover damages for such Civil Racketeering jointly and severally against all Defendants together with treble damages as provided by statute, attorneys' fees, and costs.

52. As a proximate result of Defendant's wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against

the above named defendants jointly, severally and/or in the alternative on this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive damages, attorney's fees and costs of this action.

Count 6

Negligence

53. All prior paragraphs of this Complaint are incorporated by reference.

54. Defendants had a duty to Plaintiff to notify her regarding the intent to construct a solar array on the EFU 6,100 Block parcel of farm land adjoining Plaintiff's real property. Defendants did not.

55. Defendants, failing their duty to Plaintiff, have caused her undue stress, anxiety, and worry.

56. Defendants have induced a constant traffic of semi trucks, and other vehicular traffic, that interferes with her life, liberty, and pursuit of happiness.

57. Defendants, by use of "steam roller" equipment to compact the addition of "fill" dirt, have induced severe ground vibrations causing window rattling and cracks to the walls and ceilings on interior of Plaintiff's home.

58. By reason of Defendant's abuse of Plaintiff, she suffered discomfort and emotional distress.

59. As a proximate result of Defendant's wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against the above named defendants jointly, severally and/or in the alternative on this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive

damages, attorney's fees and costs of this action.

Count 7

Gross Negligence

60. All prior paragraphs of this Complaint are incorporated by reference.

61. Plaintiff avers that Defendants breached their duty to her by wantonly and intentionally damaging Plaintiff as a result of their actions and abuse of Plaintiff by compacting the earth on 6,100 Parcel.

62. As a result of the gross carelessness and wanton negligence of the Defendants, Plaintiff suffered great pain of body and mind and mental anguish, all to her, the said Plaintiff's loss and damage.

63. As a proximate result of Defendant's wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against the above named Defendants jointly, severally and/or in the alternative on this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive damages, attorney's fees and costs of this action.

Count 8

CONSPIRACY

64. All prior paragraphs of this Complaint are incorporated by reference.

65. Each of the Defendants acted individually and in concert with their group and with each other, either expressly or tacitly, to

participate in a plan that was designed in part to commit the tortious acts referred to herein.

66. As a proximate result of Defendant's wrongful acts, omissions, and misconduct, Plaintiff has been injured and demands judgment against the above named defendants jointly, severally and/or in the alternative on this cause of action other damages in an amount in excess of the jurisdictional limits of this Court and to be determined at the trial herein, together with interest, exemplary or punitive damages, attorney's fees and costs of this action.

COUNT 9

Declaratory and Injunctive Relief

Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972

67. All prior paragraphs of this Complaint are incorporated by reference.

68. This cause of action asserts claims against Defendants for their deceptive trade practices involving the enforcement, issuance of permits, and misinterpretation of local environmental conditions.

69. Defendants have, individually and severally, caused severe and undue soil compaction on an EFU farm land property 6,100 Parcel, Silverton Oregon, the location for construction of a solar array, which is north, and contiguous to Plaintiff's real property located at 1614 Pine Street, Silverton, Oregon. Defendant's and Plaintiff's real properties are surrounded by flood plains. The water table, during the rainy season, is already at the surface during the rainy season. Fields to the east and west of Plaintiff's real property flood during the rainy season.

70. Plaintiff asserts that the compaction of soils on 6,100 Parcel, which is slightly uphill to Plaintiff's property will cause increased flooding downhill. The result will cause immediate flooding of Plaintiff's downhill real property, and the surrounding area, due to the run off of surface water downhill and the seepage of ground water that cannot surface uphill, due to the dangerously increased soil compaction. The danger to human health and the environment is imminent. Plaintiff requests the Court for Injunctive and Declaratory Relief to stop, and or, remove the solar array.

71. Plaintiff asserts that the solar array installation at 6,100 Parcel, Silverton, Oregon, will have imminent detrimental Eco system interruptions, changes, and will modify the local Eco system causing a localized effect to agriculture, livestock, wildlife, and residents. Plaintiff is already witnessing the geese flight patterns avoiding the solar array. Plaintiff knows of no studies addressing what dangerous and imminent effects a solar array will have on localized agriculture, livestock, wildlife, and residents. Plaintiff acknowledges the Nevada lawsuit which addresses the deaths of an endangered species that are dying as a result of exposure to a Nevada solar array installation. Please see exhibit "2". Plaintiff requests the Court for Injunctive and Declaratory Relief to stop, and or, remove the solar array.

72. Plaintiff asserts that the solar array at 6,100 Parcel, Silverton, Oregon is having a detrimental and disruptive effect on the migratory patterns of geese. Plaintiff has observed geese changing their flight patterns to avoid the solar array. Plaintiff asserts that

other fowl migratory patterns, and loss of habitat will be effected be the solar array. Plaintiff requests the Court for Injunctive and Declaratory Relief to stop, and or, remove the solar array.

73. Heavy displacement and compaction, due to Defendant's use of "steam roller" types of heavy equipment has caused Plaintiff's interior walls and ceilings to crack and windows to rattle. Plaintiff is fearful that her home's foundation has been damaged. Further heavy equipment use will be a danger to human life. As a result of the imminent danger to Plaintiff's real property, home, livestock, and human life, she requests the Court for Injunctive and Declaratory Relief to stop the construction of, and or, remove the solar array.

74. Plaintiff reserves the right to convert this action to a Class Action combined with other similarly situated Silverton, Marion County, Oregon, residents.

75. Affidavit In Support of Complaint by Plaintiff is attached. Please see exhibit "3". Affidavit In Support of Complaint by Robert Mahler is attached. Please see exhibit "4".

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, as follows:

- a. As compensatory damages, the sum of \$500,000.00;
- b. As punitive damages, the sum of \$1,000,000.00;
- c. As economic damages, the sum of \$550,000.00.
- d. The costs and disbursements of this action;
- e. Such injunctive relief as the Court deems appropriate;
- f. All future attorney fees incurred in prosecuting this action pursuant to U.S.C. Sect. 1988;
- g. Such other relief as the Court deems proper and just;
- h. For the cost of this action.

Kristine Yates

Kristine Yates, Pro Se

P.O. Box 407

Silverton, OR 97381

(503) 930-2709

11/13/17

Dated

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Kristine K. Yates, Pro Se</p> <p>(b) County of Residence of First Listed Plaintiff <u>Marion</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) P.O. Box 407, Silverton, Oregon 97381 - 503-930-2709</p>	<p>DEFENDANTS U.S. Environmental Protection Agency</p> <p>County of Residence of First Listed Defendant <u>Washington D.C.</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> <td style="width:33%;"></td> <td style="width:10%;">PTF</td> <td style="width:10%;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

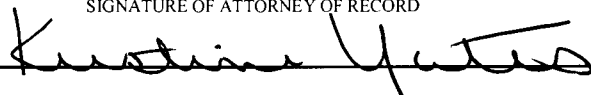
VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972

Brief description of cause:
civil rights violations

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 11/13/2017 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Exhibit 1

September 10, 2017

Kris Yates
P.O. Box 407
Silverton, OR 97381

VIA CERTIFIED MAIL

United States Environmental Protection Agency
Ariol Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Intent to Sue the EPA for failure to enforce its mandatory duties to enforce rules and regulations.

Dear EPA,

I intend filing a Federal lawsuit, utilizing several federal regulations, against the EPA, and others, regarding the building of a solar array on exclusive farm use (EFU) farmland just north, and contiguous, of my home at 1614 Pine Street, Silverton, Oregon. If possible, I intend filing for a temporary injunction until such time as this case can be heard. The lawsuit claims will cover the following reasons why a solar array should not be completed:

1. Allowing a solar array installation on EFU land will endanger geese, and other bird, migratory patterns.
2. Allowing a solar array installation will cause birds, and other animal species, to lose their natural habitat.
3. Allowing a solar array installation will cause bird, and other species', deaths.
4. Allowing a solar array installation will cause increased local flooding, endangering, livestock, crops, residences, farm buildings, and residents
5. Allowing a solar array installation will cause a local zone of higher, unnatural, temperatures, and glare that will detrimentally effect local agriculture, livestock, wildlife, and residents.

If I should require an attorney to continue with the lawsuit, my claims will most likely expand. Thank you.

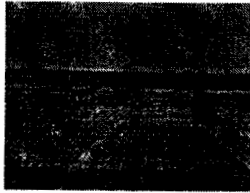
Sincerely,

Kris Yates
P.O. Box 407
Silverton, OR 97381
503-589-4878

cc: Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Lawsuit over desert solar plants' bird deaths **Exhibit 2**

Sammy Roth, The Desert Sun Published 9:21 p.m. PT Aug. 21, 2014 | Updated 10:48 p.m. PT Aug. 21, 2014



(Photo: Desert Sun file)

The Center for Biological Diversity plans to sue two federal agencies for failing to protect the endangered Yuma clapper rail at desert solar projects, the center announced (http://www.biologicaldiversity.org/news/press_releases/2014/yuma-clapper-rail-08-21-2014.html) Thursday.

Two of the birds have been found dead at large-scale solar plants over the past 15 months: One at the 550-megawatt Desert Sunlight project in eastern Riverside County, and one at the 150-megawatt Solar Gen 2 project in Imperial County. Both plants use solar photovoltaic technology and are being built by First Solar.

Feds approve large Riverside County solar project

(<http://www.desertsun.com/story/money/2014/08/05/feds-approve-large-riverside-county-solar-project-nextera/13649251/>)

The Yuma clapper rail has been classified as endangered (http://www.fws.gov/nevada/protected_species/birds/species/yucr.html) since 1967, when it was listed under the Endangered Species Preservation Act, a forerunner to the Endangered Species Act. The U.S. Fish and Wildlife Service has found that there are fewer than 1,000 (http://www.fws.gov/nevada/protected_species/birds/species/yucr.html) Yuma clapper rails left in the wild.

"They've been listed for decades, and despite all good intentions, we still haven't reached a point where they're a recovered species," Ilene Anderson, a senior scientist with the Center for Biological Diversity, said. "They're still highly endangered."

Scientists believe that Yuma clapper rails and other waterbirds sometimes mistake large fields of solar panels for lakes, leading to fatal collisions. While it's unclear what killed the two Yuma clapper rails found dead at solar plants — the bird discovered at Desert Sunlight was too decomposed to identify the cause of death — Anderson said the so-called "lake effect" (<http://www.desertsun.com/story/green-energy/2013/12/03/looking-for-water-why-water-birds-are-dying-at-solar-projects/3820659/>) was probably to blame.

"That was virtually the last bird you'd expect to be found dead on that project site, because there isn't any water around up there," Anderson said, referring to the bird found at Desert Sunlight. She added that she wasn't aware of any other endangered species that have been found dead at solar projects.

The Center for Biological Diversity issued a "notice of intent" to sue FWS and the Bureau of Land Management, meaning the agencies have 60 days to take action before the center officially files suit. The agencies could render the lawsuit unnecessary by moving to protect Yuma clapper rails before then.

Jane Hendron, a spokeswoman for the Fish and Wildlife Service, said she couldn't comment on any "litigation-sensitive issues." Bureau of Land Management spokeswoman Martha Maciel said the agency was still reviewing the Center for Biological Diversity's notice of intent to sue and wouldn't be able to comment Thursday.

First Solar spokesman Steve Krum said in a statement that the company "takes the health of native wildlife and plant species very seriously and is committed to protecting wildlife at all of our projects."

"Daily monitoring is conducted at sites to ensure activities are compliant with applicable permits," Krum said. "First Solar is working on a broader level with wildlife agencies and industry groups to gather more information and to develop a measured approach to addressing concerns."

Blythe Mesa solar project wins environmental supporters

(<http://www.desertsun.com/story/tech/science/greenenergy/2014/08/10/blythe-mesa-solar-environmentalists/13678081/>)

The Yuma clapper rail is found along the Colorado River from Mexico to Utah. Anderson said that while regulators have required solar companies to contribute to efforts to enhance the bird's habitat, they haven't required those companies to take action to avoid attracting the bird to solar projects.

"All we're asking is for them to look at the impacts, and make recommendations on how to avoid impacts," Anderson said.

She added that while researchers are "in the infancy" of understanding waterbirds' apparent attraction to solar panels, she believes the problem can be solved. German researchers, she noted, found that breaking up solar panels with white tape seemed to prevent certain insects from mistaking them for water.

Agencies face lawsuit over desert solar plants...file:///H:/My Documents/1614Pine/E P A/Agencie...

"I do think there are opportunities there, and very likely a technological fix, to break up the pattern of these big solar arrays and tip off the birds or insects that this is not a lake," she said.

The Yuma clapper rail, Anderson said, is particularly important because it is a "bellwether" for the health of desert waterways, including the Colorado River.

"If the Yuma clapper rail is going downhill, it means there's definitely something wrong with what's happening on the river," she said.

Energy Reporter Sammy Roth can be reached at Sammy.Roth@desertsun.com, (760) 778-4622, and @Sammy_Roth.

Read or Share this story: <http://desert.sn/VJQsuC>

Exhibit 3

Kristine K. Yates, Pro Se
P.O. Box 407
Silverton, Oregon 97381
(503)930-2709

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Kristine K. Yates;)
)
Plaintiff,)
)
v.)
)
United States Environmental)
)
Protection Agency; Oregon)
)
Department of Environmental)
)
Quality; Marion County Planning)
)
Department; Dick Anderson)
)
Construction Company, Silverton)
)
Solar, LLC; Silverton Land Co.)
)
LLC; TLS Capital Inc.; Cypress)
)
Creek Renewables Development,)
)
LLC; Cypress Creek Renewables,)
)
LLC; Pine Gate Energy Capital,)
)
LLC; Pine Gate Renewables, LLC;)
)
Gordon Moe; Judy Dunn; Nikki)
)
Anas; Zoe Gamble Hanes; Jerome)
)
O'Brien; Blue Oak Energy; Sam)
)
Lines; Patrick Leiback; Oregon)
)
Department of State Lands;)
)
Does 1-20,)
)
Defendants)

Civil Action No.

Affidavit in Support of

Complaint

AFFIDAVIT OF KRISTINE YATES

PLAINTIFF, Kristine K. Yates (Yates), states as follows:

1. I own a home in Oregon located at 1614 Pine Street, Silverton, Oregon, 97381.
2. I am over the age of 21, and competent to testify in the matters hereinafter set forth.
3. My Pine Street property is located south, downhill of, and contiguous with, the solar array being constructed on a 23.8 acre parcel in an EFU (Exclusive Farm Use) zone located in the 6,100 block of Airport Road NE (6,100 Parcel) Silverton (T6S; R1W; Section 28D; tax lot 1400).
4. I have not seen, or been informed of, an E.P.A., D.E.Q., or Marion County, Oregon, study, or report, notifying me of the installation of the large solar panel array on Exclusive Farm Use (EFU) farm property directly North from my 1614 Pine Street Silverton, Oregon, property.
5. My Pine Street property is surrounded by flood planes. During the rainy season, the ground water level on my Pine Street property is at the surface. Surrounding farm properties flood during the winter.
6. There is heavy soil compaction occurring on the solar array property. This heavy soil compaction will have, I believe, two detrimental effects:
 - a. Heavy soil compaction will increase surface waters runoff, downhill, and cause flooding of my Pine Street property.
 - b. Heavy soil compaction will prevent subsurface ground waters from surfacing thereby forcing them downhill, to my Pine Street property, causing increased flooding.
7. Increased heat from the solar array, I believe, will cause serious Eco systems interruptions and create a local zone of higher ozone levels, unnatural temperatures, that will detrimentally effect local agriculture, livestock, wildlife, and residents
8. Increased heat and reflection(s) from the solar array panels and structures, , I believe, will cause increased risk of fire for surrounding trees, grasses, shrubbery, and existing buildings.

9. Increased heat and reflection(s) from the solar array panels and structures, , I believe, will cause the deaths of local wildlife, livestock, and residents.

10. Displacement and relocation of soil at the installation site, through the use of heavy equipment, has caused my home, windows, and walls to shake as if hit by a midsize earthquake or tremor. I have noticed cracks in our walls and concrete.

11. The intended solar array installation, I believe, is a threat and clear and present danger to the current long term farmland owners, their real and personal property, the local ecosystems, livestock, and wildlife.

12. The solar array is a disruption to the piece and quiet of my rural setting.

13. I am concerned about the diminished value of my property because of the adjacent solar array project. The solar array severely impacts on the scenery, noise levels, and potential health effects.

14. I do not enjoy my property nearly as much as previous to the ongoing construction of the solar array, as well as the potential health side effects construction may cause.

15. Among my rights, are the abilities to challenge the adequacy of the permitting process in court and participate in the permitting process.

16. For all the foregoing reasons, I request the Court to grant my proposed Declaratory Judgment and Injunction.

Kristine Yates
Kristine Yates, Pro Se

10-5-17
Dated

P.O. Box 407
Silverton, OR 97381
(503)930-2709

SUBSCRIBED AND SWORN to before me this 5th day of October, 2017.

My Commission Expires:

Kelli D. Conner

NOTARY PUBLIC FOR OREGON



Exhibit 4

Kristine K. Yates, Pro Se
P.O. Box 407
Silverton, Oregon 97381
(503) 930-2709

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Kristine K. Yates;	)	Civil Action No.
)	
Plaintiff,)	
)	
v.	)	Affidavit, of Robert Mahler, in
	)	Support of Complaint
United States Environmental)	
Protection Agency; Oregon)	
Department of Environmental)	
Quality; Marion County Planning)	
Department; Dick Anderson)	
Construction Company, Silverton)	
Solar, LLC; Silverton Land Co.)	
LLC; TLS Capital Inc.; Cypress)	
Creek Renewables Development,)	
LLC; Cypress Creek Renewables,)	
LLC; Pine Gate Energy Capital,)	
LLC; Pine Gate Renewables, LLC;)	
Gordon Moe; Judy Dunn; Nikki)	
Anas; Zoe Gamble Hanes; Jerome)	
O'Brien; Blue Oak Energy; Sam)	
Lines; Patrick Leiback; Oregon)	
Department of State Lands;)	
Does 1-20,)	
)	
Defendants)	

AFFIDAVIT OF ROBERT MAHLER

I, Robert Mahler, state under oath as follows:

1. I reside with my wife, Kristine Yates, at our home in Oregon located at 1614 Pine Street, Silverton, Oregon, 97381.
2. I am way over the age of 21, and yet still competent to testify in the matters hereinafter set forth.
3. Our Pine Street property is located south, downhill of, and contiguous with, the solar array being constructed on a 23.8 acre parcel in an EFU (Exclusive Farm Use) zone located in the 6,100 block of Airport Road NE (6,100 Parcel) Silverton (T6S; R1W; Section 28D; tax lot 1400).
4. I have not seen, or been informed of, any environmental study, or report, notifying me of the effects the installation of a solar panel array on Exclusive Farm Use (EFU) farm property directly North from our 1614 Pine Street Silverton, Oregon homestead, will have on the local environment.
5. I have seen evidence that our Pine Street property is surrounded by flood planes. I have seen, during the rainy season, that the ground water level on our Pine Street property is at the surface. Farmland properties, adjacent to our property to the east and west, flood during the winter.
6. I have seen, and felt the strong vibrations of, heavy soil compaction occurring on the solar array property behind our homestead. This heavy soil compaction will have, I believe, two detrimental effects:
 - a. Heavy soil compaction will increase surface waters runoff, downhill, and cause flooding of our Pine Street property.
 - b. Heavy soil compaction will prevent subsurface ground waters from surfacing thereby forcing them downhill, to our Pine Street property, causing increased flooding.
7. I believe, that the above ground effect of the solar array panel close knit configuration will undoubtedly concentrate rainfall, from a normal dispersed pattern, into heavy surface currents much more likely to flood our land, home, and surrounding properties.

8. Increased heat from the solar array, I believe, will cause serious Eco systems interruptions and create a local zone of higher ozone levels, unnatural temperatures, that will detrimentally effect local agriculture, livestock, wildlife, and residents

9. Increased heat and reflection(s) from the solar array panels and structures, I believe, will cause increased risk of fire for surrounding trees, grasses, shrubbery, and existing buildings in the summer months.

10. Increased heat and reflection(s) from the solar array panels and structures, I believe, may cause the deaths of local wildlife, livestock, and residents.

11. Displacement and relocation of soil at the installation site, through the use of heavy equipment, has caused our home, windows, and walls to shake as if hit by a midsize earthquake. I grew up in Southern California and have been in several earthquakes. I have noticed new cracks in our homes' walls and concrete caused by the heavy construction.

12. The intended solar array installation, I believe, is a threat and clear and present danger to the current local long term farmland owners, their real and personal property, the local ecosystems, livestock, and wildlife.

13. The solar array is a disruption to the piece and quiet of our rural setting.

14. I am concerned about the diminished value of our real property because of the adjacent solar array project. The solar array severely impacts on the scenery, noise levels, and potential health effects.

15. I do not enjoy our property nearly as much as previous to the ongoing construction of the solar array, as well as the potential health side effects construction may cause.

16. Among my rights, is the ability to challenge the adequacy of the permitting process in court and participate in the permitting process.

17. I believe that Marion County, Oregon is wrong to have granted permission for installation of the aforesaid solar array because the County did not fully investigate our particular local land characteristics.

18. I believe that greed, rather than prevalent and normal farming practices, was the impetus that forced the idea of the solar array abomination.

19. For all the foregoing reasons, I request the Court to grant Kristine Yates' Prayer For Relief .

Bob Mahler

11/14/17

Bob Mahler

Dated

P.O. Box 7658

Salem, OR 97303

(503)589-4878

SUBSCRIBED AND SWORN to before me this 14th day of November, 2017.

My Commission Expires: 10-28-2019

Kara E Bachand

NOTARY PUBLIC FOR OREGON

