

Case No. 25-6461

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

TYLER LOFALL,
Plaintiff-Appellant,

v.

CLACKAMAS COUNTY, ET AL.,
Defendants-Appellees.

**DECLARATION IN SUPPORT OF REQUEST FOR JUDICIAL
NOTICE**

Appeal from the United States District Court
for the District of Oregon

Hon. Susan Brnovich, District Judge

DECLARATION OF TYLER LOFALL

I, Tyler Lofall, declare under penalty of perjury under the laws of the United States and the State of Oregon that the following is true and correct:

FACT 1: FALSE STATEMENTS IN MOTION TO DISMISS

CIRCUMSTANCE 1: In December 2024, Defendants filed a Motion to Dismiss in this matter

CIRCUMSTANCE 2: Defendants, through their counsel, prepared and submitted the Motion to Dismiss

ELEMENT 1: [PRIMARY ELEMENT DESCRIPTION]

ELEMENT 2: [SUPPORTING ELEMENT DESCRIPTION]

PARTY LINK (Clackamas County): Clackamas County
deliberately included material misrepresentations in their Motion to Dismiss with intent to deceive this Court

EVIDENCE: [F01A, F01B]

FACT 2: REPEATED FALSE STATEMENTS IN LATE-FILED REPLY

CIRCUMSTANCE 1: Defendants subsequently filed a Reply Brief after the deadline

CIRCUMSTANCE 2: Defendants' counsel filed the untimely Reply containing the same false statements

ELEMENT 1: [PRIMARY ELEMENT DESCRIPTION]

ELEMENT 2: [SUPPORTING ELEMENT DESCRIPTION]

PARTY LINK (Clackamas County): Clackamas County compounded their fraud by repeating identical false statements in a procedurally improper late filing

EVIDENCE: [F02A]

FACT 3: PATTERN CONSTITUTING FRAUD UPON THE COURT

CIRCUMSTANCE 1: Throughout these proceedings, Defendants have engaged in systematic misrepresentation

CIRCUMSTANCE 2: All Defendants, through counsel, have participated in this pattern of deception

ELEMENT 1: [PRIMARY ELEMENT DESCRIPTION]

ELEMENT 2: [SUPPORTING ELEMENT DESCRIPTION]

PARTY LINK (Clackamas County et al.): The cumulative conduct of Clackamas County and its agents constitutes fraud upon this Court warranting sanctions and adverse inference

EVIDENCE: [F03A, F03B, F03C]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 23, 2025 at Oregon City, Oregon.

Tyler Lofall