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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

OREGONIZED HEMP CO LLC, an Oregon
domestic limited liability company, and
JUSTIN PITTS, an individual,

Plaintiffs,

vs.

JOSEPHINE COUNTY, OREGON, a political
subdivision of the state of Oregon,
JACKSON COUNTY, OREGON, a political
subdivision of the state of Oregon, **JOHN
DOES 1 THROUGH 20**, in their individual and
official capacity;

Defendants.

Case No.:

COMPLAINT

(Violation of Civil Rights, 42 U.S.C.
§1983; Violations of the Oregon
Constitution; Trespass to Chattels;
Conversion; Abuse of Process)

AMOUNT IN CONTROVERSY:
\$2,500,000.00

DEMAND FOR JURY TRIAL

Plaintiffs Oregonized Hemp Co LLC and Justin Pitts allege as follows:

THE PARTIES

1.

Plaintiff Oregonized Hemp Co, LLC is an Oregon domestic limited liability company
whose principal place of business is located in Josephine County, Oregon.

2.

Plaintiffs Justin is a resident of Josephine County, state of Oregon.

3.

Defendant Josephine County (herein “Josephine County”) is a political subdivision of the state of Oregon.

4.

Defendant Jackson County (herein “Jackson County”) is a political subdivision of the state of Oregon.

5.

Defendants John Does 1 through 10, whose identities are unknown at this time, are individuals working for the Josephine County sheriff’s department, or in concert with and under the direction of Josephine County sheriff’s department. John Does 1 through 10 are named in their individual and official capacities.

6.

Defendants John Does 11 through 20, whose identities are unknown at this time, are individuals working for the Jackson County sheriff’s department, or in concert with and under the direction of Jackson County sheriff’s department. John Does 1 through 10 are named in their individual and official capacities.

7.

The identities of Defendant John Does 1 through 20 are not known at the time of the filing of this complaint. Plaintiffs reserve the right to amend this complaint when the identities of Defendant John Does 1 through 20 become known to the Plaintiffs.

8.

Unless otherwise specifically delineated, all defendants shall be referred to herein as “Defendants”.

VENUE AND JURISDICTION

9.

This case presents claims against the Defendants pursuant to 42 U.S.C. §1983, in addition to state law claims. Accordingly, this Court has jurisdiction over this case pursuant to 28 U.S.C. §1331 (federal question jurisdiction) and 28 U.S.C. §1367 (supplemental claim jurisdiction).

10.

The acts giving rise to the claims presented in this complaint occurred in Josephine County, Oregon. Accordingly, venue is appropriate in this Court.

GENERAL ALLEGATIONS

11.

Plaintiff Oregonized Hemp Co, LLC (herein “OHC”) is a single member limited liability company organized under the laws of the state of Oregon. OHC is a member-managed limited liability company. Plaintiff Justin Pitts (herein “Pitts”) is the sole member of OHC.

12.

OHC grows, cultivates, harvests and processes industrial hemp. OHC contracts with various landowners in the southern Oregon area to grow industrial hemp in sufficient quantities to meet OHC’s production needs.

13.

Prior to October of 2019, OHC stored its ready-to-be-processed industrial hemp in a building owned by Pitts, located in downtown Grants Pass, Oregon. This building is also where OHC processes its industrial hemp into herbal teas, lotions, and other consumable items.

14.

In Oregon, in order to be able to handle, grow or process industrial hemp, a person and/or company must have valid registrations with the state of Oregon, by and through the state of Oregon's Department of Agriculture. At all relevant times OHC and Pitts had all the necessary licenses and/or registrations from the Oregon Department of Agriculture.

15.

In approximately the middle of October 2019, the fire marshal for the city of Grants Pass, Oregon told Pitts that OHC/Pitts could not store "fibrous material" in his building in Grants Pass, and that OHC/Pitts would have to move OHC/Pitts' industrial hemp to a different off-site location. OHC/Pitts was given thirty (30) days to move the industrial hemp.

16.

In approximately the beginning of November, 2019, OHC/Pitts moved the industrial hemp to a greenhouse located at 1100 Panther Gulch Road, Williams, county of Josephine, Oregon (herein "Panther Greenhouse"). The total amount of industrial hemp initially moved by OHC/Pitts to the Panther Greenhouse was approximately 6,724 pounds of plant material. At all relevant times, to the best of OHC/Pitts' knowledge, the only industrial hemp stored in the Panther Greenhouse was industrial hemp that belonged to OHC/Pitts.

17.

OHC and/or Pitts do not have an ownership interest in the private real property located at 1100 Panther Gulch Road, Williams, county of Josephine, Oregon. OHC and/or Pitts relationship with the private real property located at 1100 Panther Gulch Road, Williams, county of Josephine, Oregon is that of a lessee of the Panther Greenhouse.

18.

Industrial hemp is a strain of the plant *Cannabis sativa*. Industrial hemp is a plant that is put to many uses. Both the state of Oregon and the federal government define industrial hemp as all seeds, parts and varieties of the Cannabis plant, whether growing or not, that contain an average tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis. *See* ORS 571.269(5)(a); 7 U.S.C §1639o(1).

19.

According to Oregon state law and federal law, seeds, parts and varieties of the Cannabis plant that exceed 0.3 percent on average of tetrahydrocannabinol concentration is considered “Marijuana”. *See* 21 U.S.C §802(16); ORS 475B.015(17). Marijuana, as opposed to industrial hemp, is illegal to produce, possess, sell etc. under federal law. It is legal to produce, possess, sell etc. marijuana under the laws of the state of Oregon, but such activity is highly regulated.

20.

Under both Oregon law and federal law, industrial hemp and “Marijuana” are two separate, legally distinct choses.

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