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Brian Carr  
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Vancouver, WA 98684

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

Brian P. Carr  
Plaintiff

versus

The State of Oregon through Hardy Myers in his official  
capacity as Attorney General of the State of Oregon and  
the City of Portland through Linda Meng in her official  
capacity as City Attorney of the City of Portland  
Defendants

Civil No. 3:08-CV-398-HA

Plaintiff's Declaration  
In Support of  
Motion to Reconsider  
Access to the Court's  
CM/ECF System

I, Brian P. Carr, am the plaintiff in this matter, have knowledge of the facts of this matter, and make the following statements under oath and penalty of perjury.

1. For each document which I have previously filed with this court (doc1, doc3, doc5-6-7), at the time of filing I provided the clerk with a 3.5" computer diskette containing an electronic version of each filed document.
2. On April 22, 2008, I emailed an electronic copy of the papers I had submitted to the court (doc1, doc3, doc5-6-7) as well as a scanned image of the court's order (doc4) to Mr. Groshong at [joseph.g.groshong@doj.state.or.us](mailto:joseph.g.groshong@doj.state.or.us). At that time I initially inquired as to the state's position with respect to my having access to the court's CM/ECF system.
3. On April 27, 2008, I emailed an electronic copy of the papers I had submitted to the court (doc1, doc3, doc5-6-7) as well as a scanned image of the court's order (doc4) to Ms. Reeve at

[treeve@ci.portland.or.us](mailto:treeve@ci.portland.or.us). At that time I initially inquired as to the city's position with respect to my having access to the court's CM/ECF system.

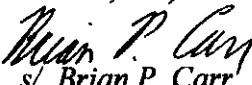
4. On April 30, 2008 I received copies of the electronic record in this case ([doc1](#), [doc2](#), [doc3](#), [doc5](#), [doc6](#), [doc7](#), [doc8](#), [doc8a](#), and [doc9](#)) via email from Ms. Hunt, a clerk of this court at [patricia\\_hunt@ord.uscourts.gov](mailto:patricia_hunt@ord.uscourts.gov).
5. On May 2, 2008, I emailed copies of these documents ([doc1](#), [doc2](#), [doc3](#), [doc5](#), [doc6](#), [doc7](#), [doc8](#), [doc8a](#), and [doc9](#)) to the other parties in this matter at [joseph.g.groshong@doj.state.or.us](mailto:joseph.g.groshong@doj.state.or.us) and [treeve@ci.portland.or.us](mailto:treeve@ci.portland.or.us).
6. On comparing the electronics documents which I submitted ([doc1](#), [doc3](#), [doc5-6-7](#)) with the electronic documents from the courts files ([doc1](#), [doc3](#), [doc5](#), [doc6](#), [doc7](#)), I found that all of the submitted electronic documents had searchable text and excellent clarity (very easy to read with no degradation of font crispness). In turn, the court filed version of [doc1](#) (the complaint) was not text searchable and had poor clarity (hard to read with significant font degradation). The remaining documents ([doc3](#), [doc5](#), [doc6](#), [doc7](#)) had marginal clarity (somewhat harder to read with some font degradation) and was text searchable, but with significant errors in the searchable text. For example, in numerous cases the searchable text showed CM1ECF instead of CM/ECF which was obviously an OCR (Optical Character Recognition) error. It is apparent that these documents were automatically scanned with standard OCR software (not superior quality OCR software) and that there was no human correction of the errors made by the software.
7. On reviewing the documents submitted by other parties, the standard order of the court, [doc2](#), and the city's Submission Waiver of Service ([doc8](#)) each had searchable text and excellent clarity, while the state's Acceptance of Service ([doc9](#)) and the city's actual Waiver of Service ([doc8a](#)) each had searchable text and marginal clarity. There were the expected OCR errors in the searchable text in the two documents with marginal clarity. However, all indications

suggest that these OCR errors (and the marginal clarity) are exactly as submitted by the parties and there was no degradation of quality in the filing process through the court's CM/ECF system.

8. On May 11, 2008 an early draft of this motion was sent to the other parties via email at [joseph.g.groshong@doj.state.or.us](mailto:joseph.g.groshong@doj.state.or.us) and [treeve@ci.portland.or.us](mailto:treeve@ci.portland.or.us). On May 12, 2008, I received separate responses that the state and city take no position on this motion.
9. I have automation, word processing, and Internet access capabilities, and hereby agree to abide by the requirements of the court local rules and the CM/ECF User's Manual as required in Local Rule 100.2 (e).
10. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system as all parties have elected electronic filing as indicated on the Notice of Electronic Filing. Parties access this filing through the court's CM/ECF System.

I certify under penalty of perjury under the laws of the state of Oregon and the United States that the foregoing is true and correct.

Respectfully submitted, May 15, 2008 (Portland, OR).

  
s/ Brian P. Carr  
Signature of Plaintiff  
Brian Carr  
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Vancouver, WA 98684  
503-545-8357