

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

**NATIONAL ASSOCIATION OF
WHOLESALE DISTRIBUTORS,**

Plaintiff,

v.

LEAH FELDON, *Director, Oregon
Department of Environmental Quality, in her
official capacity*; **MATT DONEGAN**,
KAREN MOYNAHAN, **MARK WEBB**, and
SILVIA TANNER, *in their official capacities
as members of the Oregon Environmental
Quality Commission*,

Defendants.

Case No. 25-cv-1334-SI

ORDER

Michael H. Simon, District Judge.

For the reasons stated on the record, the Court GRANTS IN PART Defendants' Motion to Dismiss, ECF 56. The Court dismisses without prejudice all claims against Defendants Matt Donegan, Karen Moynahan, Mark Webb, and Silvia Tanner. The Court also dismisses without prejudice all claims brought under the Oregon Constitution, Plaintiff's Unconstitutional Conditions claim, and Plaintiff's Equal Protection claim. The Court DENIES the motion with respect to Plaintiff's claims under the Dormant Commerce Clause and Due Process Clause of the

Fourteenth Amendment. The Court grants Plaintiff leave to replead all dismissed claims on or before February 20, 2026. With respect to the remaining two claims, the Court GRANTS Plaintiff's Motion for Preliminary Injunction, ECF 33. Serious questions go to the merits of Plaintiff's claims, there is a likelihood of irreparable injury, and the balance of hardships tips sharply in favor of Plaintiff. *See All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-32 (9th Cir. 2011). The Court therefore ENJOINS Defendant Leah Feldon from enforcing the Plastic Pollution and Recycling Modernization Act against Plaintiff National Association of Wholesale Distributors and its members.

IT IS SO ORDERED.

DATED this 6th day of February, 2026.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge