



# Attorney Reference Manual

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2018

**Stephen K. Bushong, Presiding Judge**

Fourth Judicial District

Circuit Court of the State of Oregon for Multnomah County

1021 SW 4<sup>th</sup> Avenue

Portland, OR 97204

MULTNOMAH COUNTY ATTORNEY REFERENCE MANUAL  
2018

This manual is provided as an aid to attorneys practicing before the Circuit Court in Multnomah County. It is intended only to provide assistance regarding some local internal practices, primarily in the area of civil practice, which are determined by common law, rules and statutory authority (including the Oregon Rules of Civil Procedure, Uniform Trial Court Rules, and Supplementary Local Rules). This manual deals with procedures and practices in Presiding Court for civil cases. For procedures and information regarding criminal and family court matters, you should contact the appropriate section or department.

**This manual is not an authority; it should never be cited.** The practices described herein may change from time to time as required by changes in the underlying authority or changes in court policy. To the extent possible, notice of any changes will be provided in advance of their effect to the members of the Bar through the Circuit Court's Web Site (<https://www.courts.oregon.gov/courts/multnomah/Pages/default.aspx>) and the News from the Courthouse Column published monthly by the MBA. Any changes will be included in subsequent editions of this manual.



Barbara B. Marcille  
Trial Court Administrator

With thanks to the presiding court clerks present and past, especially Lee Ann Donaldson , Kelli Russell, Bonnie Calhoun, and John Fluvog, for their efforts on updating and maintaining this document. Special thanks to Doug Bray for maintaining this manual for over 27 years.

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## **I. COURT ORGANIZATION**

### **A. COURT STRUCTURE**

The Multnomah County Circuit Court—Oregon’s 4<sup>th</sup> Judicial District—currently has 38 judges. ORS 3.012(1)(d). The court also has 14 permanent hearing referee positions as of the 2017-19 biennium. By appointment from the Oregon Supreme Court under ORS 1.635, some referees sit as judges *pro tempore* of the circuit court. Juvenile Court referees are authorized by ORS 419A.150. Senior judges and members of the Bar serve as judges *pro tempore* of the circuit court by appointment from the Oregon Supreme Court under ORS 1.635.

The Chief Justice is required under ORS 1.003 to appoint the presiding judges of the judicial districts every two years. The Honorable Stephen K. Bushong was appointed by the Chief Justice to be the presiding judge through December 31, 2019.

The circuit court is a division of the Oregon Judicial Department. The Oregon Judicial Department is the third branch of Oregon’s state government under Article III, section 1, of the Oregon Constitution. Since 1983, all funding of the Oregon Judicial Department, including the circuit courts, has been the obligation of the state. ORS 1.001. Under ORS 1.185, circuit court facility funding is an obligation of the county government, unless the legislature authorizes state funding for specific purposes, such as the construction of a new courthouse.

The circuit court is a court of general jurisdiction. Under ORS 3.136, the Multnomah County Circuit Court also serves as the municipal court for the City of Portland, the City of Gresham, and other municipal governments in Multnomah County (except for the City of Troutdale and the City of Fairview).

### **B. LOCATIONS FOR CIRCUIT COURT PROCEEDINGS**

The circuit court serves the people of Multnomah County from four locations: the Juvenile Justice Complex, the East County Courthouse, the adult Justice Center, and the main courthouse in downtown Portland. The addresses for these facilities are as follows:

Multnomah County Courthouse  
1021 SW Fourth Avenue  
Portland, OR 97204

Justice Center  
1120 SW Third Avenue  
Portland, OR 97204

Juvenile Justice Center  
1401 NE 68th Avenue  
Portland, OR 97213

East County Courthouse  
18480 SE Stark Street  
Portland, OR 97233

Mail for judges or referees assigned to other court facilities should not be sent to the address for the facility, but rather to the central courthouse downtown. Always include the judge’s name and room number to ensure prompt delivery.

### **C. HOLIDAYS ON WHICH THE COURT WILL BE CLOSED**

The circuit court will be closed on the holidays set out in ORS 187.010:

- (a) Each Sunday
- (b) New Year's Day on January 1
- (c) Martin Luther King, Jr.'s Birthday
- (d) Presidents Day
- (e) Memorial Day
- (f) Independence Day on July 4
- (g) Labor Day
- (h) Veterans Day on November 11
- (i) Thanksgiving Day
- (j) Christmas Day on December 25

In the event a legal holiday falls on the weekend, the holiday is observed by court closure on the following Monday.

Circuit court facilities are closed on each Saturday.

Although rare, any other closures of the circuit court, or a particular facility location, will be announced on the circuit court's website and by media releases, if at all possible.

### **D. JUDICIAL ASSIGNMENTS AND RESPONSIBILITY**

As provided under ORS 1.003, the Chief Justice appoints a presiding judge. The presiding judge retains trial assignment case management responsibility for civil actions and felony-level criminal cases, and presides over ex parte matters for these matters. By appointment, the presiding judge delegates to other judges case management responsibility in the following areas:

#### **Criminal Law Matters (including Criminal Procedure Court)**

Hon. Cheryl A. Albrecht, Chief Criminal Judge

#### **Domestic Relations, Juvenile & Probate Matters (The Family Court)**

Hon. Susan M. Svetkey, Chief Family Court Judge

Hon. Katherine Tennyson, Chief Probate Judge

#### **Civil Law Matters**

Hon. John A. Wittmayer, Chief Civil Judge

## **E. OFFICE OF THE PRESIDING JUDGE**

### **1. Powers and Responsibility**

The presiding judge facilitates the administration and supervision of the circuit court. ORS 1.171. Accordingly, the presiding judge may: apportion and regulate judicial business; make rules, issue orders, and take other action appropriate to the exercise of those duties; assign actions and proceedings to other judges for hearing and disposition; and delegate the exercise of any of the administrative powers of the presiding judge to another judge of the court or to the Trial Court Administrator for the judicial district.

### **2. Staff**

Three staff positions serve the presiding judge directly: the judicial assistant/calendaring coordinator and two clerks. The judicial assistant/calendaring coordinator maintains the judge's calendar, handles the scheduling of any conferences before the presiding judge, and handles trial docket assignment and scheduling. The two presiding court clerks handle the substantive, procedural, and administrative paperwork processed through the presiding judge's office, including default orders and judgments. The clerks also staff the courtroom during proceedings and answer questions about presiding court procedures for the members of the Bar and public.

Any correspondence to the presiding judge's staff should be sent c/o the presiding judge in Room 208. The Presiding Court's phone number is (503) 988-3846.

### **3. Ex Parte**

The presiding judge oversees civil and criminal ex parte every day at 9:30AM (or after the 9AM trial assignment docket completes) and at 1:30PM. Family law ex parte rotates daily and occurs at 8:30AM and 1:30PM. Contact the Family Law Department for the current judge by calling (503) 988-3022 x2, or by stopping in Room 211. Probate ex parte matters are heard at 8:45AM and must be scheduled by request to the Probate Section at (503) 988-3022 x4. *See* SLR 2.501; SLR 4.025; SLR 5.025.

## **F. JUDICIAL OFFICES AND STAFF**

Use the following link to find the most current list of judges, courtroom location, staff, telephone and fax numbers, and other information provided by individual judges:

<https://www.courts.oregon.gov/courts/multnomah/go/Judge%20Documents/JudicialDirectory.pdf>



## G. HELPFUL TELEPHONE NUMBERS

The following list of sections and numbers may be helpful in securing information:

|                                      |  |
|--------------------------------------|--|
| Presiding Judge's Office             |  |
| Judicial Assistant and Clerks        | (503) 988-3846   |
| Civil Trial Postponement Conferences | (503) 988-3846   |
| Civil                                |  |
| Calendaring                          | (503) 988-3022, option 3                               |
| Arbitration                          | (503) 988-3022, option 3                               |
| Summary Judgments                    | (503) 988-3022, option 3                               |
| Filing and Entering Documents        | (503) 988-3022, option 3                               |
| Criminal                             |  |
| Calendaring Courthouse               | (503) 988-3235, option 3                               |
| Calendaring Justice Center           | (503) 988-3641   |
| Traffic                              | (503) 988-3235, option 1                               |
| Parking                              | (503) 988-3235, option 2                               |
| Indigent Defense                     | (503) 988-3987   |
| Family Law                           |  |
| Calendaring                          | (503) 988-3185   |
| Filing and Entering Documents        | (503) 988-3022, option 2                               |
| Facilitation Center for Pro Se       | (503) 988-4003   |
| Mental Commitments                   | (503) 988-3022, option 2                               |
| Name Changes                         | (503) 988-3022, option 2                               |
| Restraining Orders/Stalking          | (503) 988-3022, option 2                               |
| File Room                            |  |
| Files, Recordings & Copies           | (503) 988-3003   |
| Transcript Coordinator               | (503) 988-6716   |
| Exhibits                             | (503) 988-3012   |
| Interpreter Services                 | Email contact preferred, see section L, <i>infra</i> . |
| Juvenile Court                       | (503) 988-3022, option 5                               |
| Probate                              |  |
| Copies & Filing                      | (503) 988-3022, option 4                               |
| Estate Auditing/Calendaring          | (503) 988-3545   |
| Citations & Notices                  | (503) 988-3022, option 4                               |
| Small Claims, FEDs, Garnishments     | (503) 988-3022, option 1                               |

During the current budgetary conditions, phone hours are shorter than business hours for operations divisions including the circuit court file room. These hours are subject to change if the circuit court is required to cut additional staff positions to comply with declining funding for its daily operations.

#### **H. OREGON JUDICIAL CASE INFORMATION NETWORK (OJCIN)**

OJCIN OnLine is the official website for the Register of Actions and judgment records in circuit courts for the State of Oregon Judicial Department.

<https://www.courts.oregon.gov/services/online/pages/ojcin.aspx>

OJCIN OnLine allows access to all case management systems in place for the Oregon Courts. All circuit courts in Oregon maintain the register (ORS 7.020) and the judgment lien record (ORS 18.075) that is accessible on the Oregon Judicial Case Information Network (OJCIN). The former register, the Oregon Judicial Information Network (OJIN) has been phased out. All counties operate OECI (Oregon eCourt Case Information Network).

#### **I. OECI- ACCESS TO CASE INFORMATION**

Oregon eCourt Case Information (OECI) public access permits a search for scheduled cases which are set within 90 days from the date of the search. The Oregon eCourt public search, while limited, permits a person to look for scheduled matters in cases that are not confidential. To access this public feature of Oregon eCourt, go to the following link:

<https://www.courts.oregon.gov/services/online/pages/records-calendars.aspx>

This “Court Calendars” public search feature will look forward in time a maximum of 90 days from the date of access to locate scheduled events. The “Online Public Records Search” will find court records by record number or party last name. To view see documents in a case, it is necessary to subscribe to OECI or to go to the courthouse to access information at the public terminals.

#### **J. VIDEO CAPABILITY**

Every courtroom in the downtown courthouse and at East County Courthouse has video technology which enables the use of live video in most formats, and is compatible with most other video conferencing systems. Contact the court’s technical staff at (503) 988-5416 to learn more about the availability of the system, its capability, and to schedule equipment for a hearing or trial. Be aware that display of video content in the courthouse is limited to cart-mounted video monitors which must be reserved in advance. Video content at the East County Courthouse may be displayed on a large retractable screen or on wall-mounted monitors available in each courtroom in that facility.

## **K. REPORTING OF PROCEEDINGS**

### **1. Electronic Digital Recording**

In Multnomah County, all proceedings are recorded by electronic recording systems which store the digital content on OJD Servers as the report of the proceedings. This content is accessible through the Circuit Court File Room. Note that the electronic record for a proceeding not open to the public is confidential, and is available only to the attorneys of record in the action or proceeding. A court order is necessary for any other person to have access to confidential recorded material.

Every courtroom in Multnomah County has a digital recording system which records from the microphones in the room. This computer-based recording technology is the official reporting system now used for all circuit court proceedings. The presiding judge's courtroom, Room 208, uses a video digital recording system to record all proceedings in that courtroom; all other courtrooms record only the audio proceedings at the present time.

Unless otherwise ordered by the court or agreed by all of the parties under ORS 8.340(7)(c), the circuit court's electronic audio record is the report of a proceeding as provided in ORS 8.340, 8.350, and 8.360, and for any transcript of an audio record prepared under ORS 19.370.

### **2. Optional Stenographic Reporting**

Under ORS 8.340(7)(a), any party may, with reasonable notice to the court, arrange for an outside stenographic reporter to be present in the courtroom reporting the proceeding at that party's expense, unless the parties agree otherwise. The outside reporter must be certified in shorthand reporting under ORS 8.415 to 8.455 or by a nationally recognized certification program. The party arranging for stenographic reporting must provide the trial court the reporter's name, address and telephone number.

The stenographic reporting only becomes the official record of the proceeding upon the order of the court, except for the purpose of a transcript on appeal only, pursuant to ORS 8.340(7). For the purpose of a transcript on appeal, the stenographic reporting becomes the official record if all parties agree, without a court order. To ensure clarity in the event of an appeal, it is recommended the parties submit an order in this situation, though not required by rule. The court has created an order suitable for this purpose (Form 03-08 in the appendix of forms).

If a stenographic reporter has made all or a portion of the record designated on appeal and it is the official record for the purpose of the transcript on appeal, the stenographic reporter's contact information should be provided in the designation of the appeal and include the comment "on agreement of all parties."

If a stenographic reporter employed by a party recorded the proceedings (whether or not as the official record), the party employing the reporter must also pay for and provide a copy of the record made to the court. ORS 8.340.

## L. PROCEDURE TO REQUEST LANGUAGE OR SIGN INTERPRETERS

Oregon Judicial Department resources for interpreters for court proceedings are addressed on the OJD's Court Language Access Services (CLAS) web page. CLAS coordinates interpreting services in the circuit courts for people with limited English-proficiency in more than 180 languages and for the hearing-impaired. The below link takes you to the web page, which is under the "How do I?" "Request an Interpreter" page of the OJD website:

<https://www.courts.oregon.gov/languages/Pages/default.aspx>

If you need a language or sign interpreter for a circuit court proceeding under ORS 45.275 or ORS 45.285, you must schedule this resource through CLAS. Click on the link "Request an Interpreter" to reserve an interpreter through the provided online request form.

An alternative to the online request form is to email your request directly to the email address provided on the above web page; the provided email addresses cover each of the 36 circuit courts. In the body of the email include all of the required information listed on the above web page for the request. Here is the CLAS email address for a circuit court proceeding to be conducted in Multnomah County:

[Mul.Interpreter.Services@ojd.state.or.us](mailto:Mul.Interpreter.Services@ojd.state.or.us)

While online or email electronic notice to CLAS is preferred, you may also make a request for an interpreter for a circuit court proceeding in Multnomah County by calling (503) 986-5988 between the hours of 8 AM to noon, and 1 PM to 5 PM during the business day, except for state holidays.

You must make a request for an interpreter at least four (4) days in advance of hearing or trial. However, the more notice the CLAS staff have, the greater the probability of securing the services of an interpreter. Requests made with less than the required four days' notice, absent a judge's good cause waiver of the requirement, are a violation of UTCR 7.070 and 7.060.

If you have made a request for an interpreter for a trial or hearing and the case is set-over or settled before the scheduled event, please notify CLAS as soon as possible so the interpreter can be canceled or reassigned. It is not unusual for an interpreter reservation for a court proceeding to require airfare, lodging, and per diem for the interpreter, as well as an hourly rate of compensation. You may be responsible for those fees if not cancelled in a timely manner.

Please be aware of UTCR 7.080, *Interpreters' Requests for Information*. If a list of "specialized terminology expected to be used in the proceeding" is requested by an interpreter assigned to the proceeding, the list must be provided to the interpreter prior to the commencement of the proceeding. Under the rule, the list provided to the interpreter is confidential and not discoverable.

## **M. REQUESTING ADA ACCOMMODATIONS**

Requests for ADA accommodations must be received no later than four judicial days before an event. More about the notification to the court and what information can be found in (UTCR) 7.060.

To request an ADA accommodation, please fill out the [ADA Accommodation Request](#) with as much detail as you can provide about your case, what accommodation you are seeking, and your contact information. If you require assistance completing the form or require the form in an alternative format, please contact the ADA Coordinator below. Please note that the accommodation request form itself is fully accessible and is compliant with screen reader technology, etc. It can be filled out electronically, saved, and sent by email to the address below to submit your request.

**Jeremy M. Wolff, ADA Coordinator**

Multnomah County Circuit Court

Room 236

1021 SW 4th Avenue

Portland, OR 97204

(503) 988-3957

Dial 711 for Telecommunications Relay Service (TRS)

[MULADACoordinator@ojd.state.or.us](mailto:MULADACoordinator@ojd.state.or.us)

## II. CIVIL FILING PROCEDURES

Please always refer to the most up to date version of the Oregon Revised Statutes, Uniform Trial Court Rules, and Supplementary Local Rules. This section is meant to guide users of the Multnomah County Courthouse in the practical interpretation of these rules, and should not be cited as authority.

### A. CIVIL CASE FILINGS

#### 1. eFiling Required for Oregon Attorneys, Permitted for Non-Attorneys

Members of the Oregon State Bar must electronically file any documents filing with the court, except for materials that, by rule, must be presented in court. UTCR 21.140. Non-attorneys may also electronically file documents. Please refer to the Oregon Judicial Department eFiling website for further instructions.

<http://courts.oregon.gov/OJD/OnlineServices/OJDeFiling/Pages/index.aspx>

This manual will not address the best practices for File and Serve, using OECl, and other eFiling issues. Please contact the Public Information Officer for further resources, (503) 988-4794, or visit the Multnomah County Circuit Court Civil page:

<https://www.courts.oregon.gov/courts/multnomah/go/Pages/civil.aspx>

#### 2. Conventional Filing Required

“Conventional Filing” is defined in UTCR 21.010 (1), and means presenting a paper document to the clerk for filing. Certain documents must be presented conventionally. These are designated in UTCR 21.070. This requires presentation of the complaint or other documents to the presiding judge at the scheduled time for ex parte.

##### a. Guardian ad litem; pseudonym.

If you are filing a civil case that requires the appointment of a guardian ad litem, please bring the complaint, petition to appoint a guardian ad litem, supporting documents, filing fee, and order appointing the guardian ad litem to ex parte to obtain a case number. This process must be used if you request to file a case using a pseudonym under SLR 2.035. Proceedings to designate fictitious or unknown parties are subject to the ORCP 20 H, I, and J.

##### b. Writ of review.

Petitions for writ of review must be presented at ex parte for judicial signature and assignment of a case number. See section III.A.(7)(a), below, for more information on writs of review.

c. **Temporary Restraining Order/ Preliminary Injunction.**

If you are seeking a Temporary Restraining Order (TRO) and you do not have a case filed, bring your complaint, TRO paperwork, and corresponding fees to ex parte for a case number and determination of the TRO request. Providing copies to the presiding judge prior to ex parte for in-advance review of lengthy documents is appreciated.

3. **Filing Information for Self-Represented Litigants (non-attorneys)**

Self-represented litigants may file civil, family law, small claims and FED cases at the cashier's window in Room 210 of the Multnomah County Courthouse and Probate and Trust Administration cases in Room 224 of the Multnomah County Courthouse.

These litigants may file small claims cases at the Circuit Court for Multnomah County in Gresham in the East County Courthouse at 18480 SE Stark Street if one of the parties resides, or the cause of action arose, east of 122nd Avenue. SLR 15.015. See SLR 1.161 for types of civil documents which may be filed in the East County Courthouse and those specific case types which should not. Filing civil documents in the East County Courthouse does not determine where hearings and trials will be held.

Business hours for the cashier's window are from 8:00AM to 4:00PM Monday through Friday, excluding holidays. The cashiers close their windows promptly at 4:00PM. No filings will be accepted after 4:00PM. SLR 1.151 and 1.161. No conventionally filed documents will be accepted for filing on a date when the document is delivered to the clerk's office after 4:00PM on the date of submission. SLR 1.151 and SLR 1.161. Such documents will be filed, as provided by ORCP 9E, on the next business day of the court.

A document tendered to the clerk for filing also may be rejected as provided in ORCP 9E, UTCR 2.010, and SLR 2.015. Common reasons for a clerk to reject a filing include wrong paper size, improper case caption, or illegible handwriting.

Forms for Complaints and Summons in Forcible Entry and Detainer (Landlord/Tenant) cases and claims in small claims cases are available for a fee at the counter in Room 210 of the courthouse. The UTCR 15.010 forms for Small Claims are available with those rules at:

[https://www.courts.oregon.gov/rules/UTCR/2018\\_UTCR\\_ch15.pdf](https://www.courts.oregon.gov/rules/UTCR/2018_UTCR_ch15.pdf)

4. **No Filing by Fax or Email**

The court does not accept filing by fax or email.

## **B. FEES**

### **1. Satisfying Filing Fee Requirement**

Most initial filings in cases require payment of a filing fee. These fees must be paid before a case number is assigned. If a party cannot pay due to financial limitations, the party should apply for a fee deferral/waiver. *See* Section C, below. For those able to pay, the court accepts cash, money orders, VISA, or Master Card. Checks should be made to “State of Oregon.” The current Circuit Court Fee Schedule may be found:

<https://www.courts.oregon.gov/Pages/fees.aspx>

This is a statewide schedule.

If multiple separate cases are filed using conventional filing, a separate check or credit card transaction is required for each case. A document may be returned (or rejected in file and serve) and not filed if the fee or an order waiving or deferring the fees does not accompany the document. SLR 2.015(1)(b). Chapter 21 of the Oregon Revised Statutes lists all the court fees. Filing fees are not refundable under any circumstances. ORS 21.100.

### **2. Filing Fee Process for eFiled Documents**

Fees processed under File & Serve will be authorized by the credit card on file or eCheck. The clerk reviewing the File & Serve filing will review the filing to ensure the correct fee was applied according to the OJD Fee Schedule. Generally, the clerk bases this on the caption of the document stating the statute that sets the filing fee for the proceedings. If it is a case governed by ORS 21.160 it must state the amount in controversy. The clerk does not read the body of the document. The clerk also ensures that the “party responsible for fees” is the party eFiling the document.

If there is no fee paid by the filer where one is required, or the fee is incorrect as to type or amount, the information required by ORS 21.105 is not in the caption, or an incorrect “party responsible for the filing fee” entered, the document and possibly the entire eFiling envelope may be rejected by the clerk under the adopted Standards for Acceptance. The eFiler should exercise care in entering this financial information, and should insure the caption of the document complies with ORS 21.105.

In File & Serve, there may be more than one document with a filing fee payment required in the same envelope. Each filing fee will be assessed against the credit card separately when the document is accepted for filing. The reconciliation report for the lawyer or firm will reflect these individual transactions.

### **3. Fees After Initial Filings**

Trial fees and hearing fees must be paid prior to the beginning of the trial or hearing. SLR 6.025. Currently, trial fees are \$131 a day or partial day for a bench trial; \$158 a day or partial day for a



6-person jury trial; and \$236 a day or partial day for a 12-person jury trial. ORS 21.225. Always look to the statute for a change in the fee.

Currently, there is no specific fee for ex parte motions; however, certain motions heard during ex parte times are subject to a motion fee, such as an uncontested motion for relief from judgment under ORCP 71, which is subject to a \$105 fee under ORS 21.200(1)(d).

An undertaking on appeal for costs or a supersedeas undertaking must be filed with the cashier. There is no way to pay for these appeal bonds using File & Serve.

Fees for judicial settlement conferences range from \$105 to \$210. ORS 21.215(1) and (2).

## **C. FEE DEFERRALS OR WAIVERS**

### **1. Application**

If a party to a case is unable to pay the case fees, that party may apply for a fee deferral or waiver. The application forms are available in Room 210. If this application is granted, throughout the duration of the case, any applicable fees will be deferred. After a final disposition in the case, the party must appear at ex parte for a final waiver of fees. Failure to do so may result in any outstanding fees being entered as a judgment against the non-paying party.

Applying for a fee waiver or deferral is a conventional, paper process, even if the party is using eFiling. Chief Justice Order 14-036 requires that all applications for a fee waiver or a fee deferral must be prepared and filed as a conventional filing. *See also*, Chief Justice Order 12-078 and ORS 21.682.

The completed application for a fee waiver or deferral in a circuit court civil case should be presented by the requesting party to the clerk in Room 210. Fee deferral or waiver applications for Family Law cases may be presented to the Family Law clerks in Room 211.

### **2. Using Fee Deferral/Waiver in File & Serve**

If a fee deferral/waiver is granted, and the party is using File & Serve, then a payment account type of “Waiver” is available in File & Serve to select when the party is given the option to pay for a filing. The File & Serve clerk will verify the existence of a Fee Deferral/Waiver in the case when reviewing submissions with a selection of “Waiver” as the fee option. A Fee Deferral/Waiver is case specific, and the party seeking deferral must reapply for each new case.

### **3. Effect of Deferral After Closure of Case**

Unless otherwise ordered by the court, deferred fees become due thirty (30) days after judgment or final disposition of the case, including dismissal. If the financial situation of the party granted a deferral has not changed, the party may apply to the presiding judge for that deferral to be converted into a waiver. This involves the same paperwork as the original application, but must

be presented to the presiding judge at ex parte. There is a limit on the number of active cases in which a party can receive a Fee Deferral/Waiver.

Unless the judgment specifies otherwise, the fees are payable by the person for whom the fees were deferred. The court will, without further notice, make the deferred amount a part of the judgment or enter a supplemental judgment for the fee amounts owing, and collection fees will be added automatically as required by ORS 1.202. See ORS 21.692 regarding judgments for deferred fees.

Approximately forty-five (45) days after the fees are due, if the deferred amount has not been paid, the court will send a letter to the party indicating that the fees must be paid within ten (10) days. If the fees are not paid as required, the court will turn the account over to the Department of Revenue or a private collection agency for collection; all further contact regarding the payment of the deferred fees should be made with the Department of Revenue or collection agency and not the court.

#### 4. **Trial Fee Only Reimbursed by Court Order**

Ordinarily, “[f]iling fees are not refundable under any circumstances. . . .” ORS 21.100.

Trial fees may be reimbursed if all claims in the action or proceeding are decided without the commencement of a trial. The court’s authority to reimburse trial fees is provided by ORS 21.225. A refund requires a motion, supported by an affidavit, requesting an order allowing the reimbursement. This should be presented in person at ex parte. The motion must be filed not more than fifteen (15) days after entry of judgment disposing of the action or proceeding. All reimbursements are made by mail, and, if the underlying payment was made by check, no reimbursement will be mailed until at least three weeks have passed since the date of receipt of the payment.

### **D. RESPONSIVE PLEADINGS**

The types of pleadings permitted under the Oregon Rules of Civil Procedure are set out in ORCP 13 B, which states:

There shall be a complaint and an answer. An answer may include a counterclaim against a plaintiff, including a party joined under Rule 22 D, and a cross-claim against a defendant, including a party joined under Rule 22 D. A pleading against any person joined under Rule 22 C is a third party complaint. There shall be an answer to a cross-claim and a third party complaint. There shall be a reply to a counterclaim denominated as such and a reply to assert any affirmative allegations in avoidance of any defenses asserted in an answer. There shall be no other pleading unless the court orders otherwise.

#### 1. **Answer**

Please refer to ORCP 19 and other rules of civil procedure. Answers must contain any defenses to the claims in the complaint and any affirmative defense(s).

## 2. **Third Party Claims – ORCP 22 C**

### a. **Separate Pleading**

ORCP 13B makes clear that an answer to a plaintiff's complaint may include a counterclaim against a plaintiff or a cross-claim against a defendant, or both. If a defendant wants to bring another party into the action, a third party complaint must be filed as a separate pleading: "A pleading against any person joined under Rule 22C is a third party complaint." There is no pleading that is an "answer that may include a third party complaint." A third party complaint is a separate pleading by law.

### b. **Caption and Fees**

Defendants filing a third party claim need to observe all of the requirements for the format of the complaint including compliance with ORS 21.105, which requires that the caption must include a reference to the statute that establishes the filing fee for the proceeding. If the proceeding is subject to a filing fee established under ORS 21.160, the caption must indicate the amount in controversy. The amount in controversy for a third party plaintiff is the amount of the liability claimed from the third party defendant up to the amount of the plaintiff's claim in the action against the third party plaintiff.

A filing fee is required from a third party plaintiff who files a complaint which adds an additional individual or entity into the case. When a third party defendant files an appearance in a civil action or proceeding in circuit court, and defendant has not already appeared in the action or proceeding, the defendant must pay the filing fee. This fee requirement is in ORS 21.165.

**CAUTION:** Parties with a duty to respond to a summons within the time provided by law must do so or anticipate consequences for not responding. Filing a third party complaint, even with service of summons and an appearance by the third party defendant, does not satisfy the ORCP 15A and ORCP 21A requirements to file a timely motion or answer to the complaint.

## 3. **Rule 21 Motions**

Besides the responsive pleadings listed in ORCP 13B, ORCP 21 gives the option to raise certain defenses in a motion to dismiss. Rule 21 motions (and all other subsequent contested motions) will be heard by the case's motions judge.

All cases will be assigned a motions judge after the case comes at issue, meaning the civil department will assign a motions judge to the case after the case is at issue. However, if you want to be assigned a motions judge to schedule a hearing earlier, then you must make an oral request for assignment of a motions judge at ex parte. The clerk in the court will have OECI select a judge at random and announce it on the record. You must be prepared to announce your decision to move for a change of judge at this time. SLR 7.045. ORS 14.260 and 14.270.

### III. CIVIL CASE MANAGEMENT

#### A. PRETRIAL CASE MANAGEMENT

##### 1. Uniform Trial Court Rule 7.020

**Uniform Trial Court Rule 7.020** “Setting Trial Date in Civil Cases” governs the timing of a civil case. Rule 7 has been in the Uniform Trial Court Rules since 1988, and has been the primary pretrial case management authority for civil cases in the circuit court. The purpose of Rule 7 is to require the plaintiff to move a case forward to the appearance of the defendant or default judgment. The burden of Rule 7 is always on the plaintiff.

**63-Day Notice.** The plaintiff has 63 days after filing the complaint to file the proof of service or acceptance of service. If not, the court will send the plaintiff an ORCP 54B(3) **28-day notice** of intent to dismiss and will dismiss the case if no further action is taken. To extend this period, plaintiff may move for a continuance for good cause. SLR 7.021. The court has a form for this motion. (Form 05-41 A & B, Appendix of Forms). The first motion for continuance must be eFiled, and subsequent requests must be presented at ex parte. SLR 2.501. The continuance runs from the date the Order is signed.

**91-Day Notice.** If by the 91<sup>st</sup> day after the complaint was filed a defendant has not appeared, the court will send an ORCP 54B(3) **28-day notice** of dismissal and will dismiss the case if no further action is taken. In order to prevent the dismissal of the party or case, one of the following things must happen: 1) the plaintiff moves for an order of default and a judgment against the non-appearing party; 2) the plaintiff moves for a continuance for good cause; or 3) the defendant appears. WARNING: A default order does not satisfy UTCR 7.020.

**CAVEAT:** Once a case has been granted a continuance, the court will no longer send a 28-day notice. The order continuing the case takes the case out of the tracking system of the court. It is the responsibility of the parties to appropriately notate and set their own reminders for the date the case or party has been continued.

A case is at issue when: all parties have appeared and 91 days have passed, or when the pleadings are complete (whichever is earliest). UTCR 7.020(4). Once a case is at issue, the court will assign a motions judge (SLR 5.014)<sup>1</sup> and the case will proceed on the appropriate track for resolution.

Cases have three main tracks for resolution:

1. Trial Readiness Conference;
2. Court-Annexed Arbitration; or
3. Expedited Jury Trial.

Other tracks are:

4. Complex Case Designation;
5. Foreclosure Panel Assignments; and
6. Non-Trial Civil Actions.

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<sup>1</sup> Assignment of Motions Judges discussed below.

## 2. **Trial Readiness Conferences SLR 7.015**

Cases that are not subject to court-annexed arbitration will be marked to have a Trial Readiness Conference (TRC) around 240 days (or 8 months) after filing the complaint. Previously, once a case became at issue the court would assign a trial date without consulting the parties, knowing the parties could set-over the trial date. The court modified this practice to eliminate unnecessary court appearances to reschedule trial dates. Under the current rule, the court will set a “date certain” trial date selected by the parties at the TRC. Under UTCR 7.020(5), the trial date must be no later than one year from the date of filing (or six months from the date of filing a third-party complaint, whichever is later), unless the parties can demonstrate “good cause” for setting a later trial date. Attorneys (and self-represented litigants) should confer before the TRC on trial dates that comply with UTCR 7.020(5). Dates selected at TRCs are “date certain.” They may only be moved under extraordinary and unforeseen circumstances. Delays in conducting discovery, settlement negotiations, and discovery disputes generally will *not* be treated as “extraordinary circumstances” justifying a setting over a trial date selected at the TRC. Parties wishing to reschedule a trial must hold a postponement scheduling conference with the presiding judge. SLR 7.025. These are currently held on Tuesday afternoons in 10-minute increments and may be scheduled by calling the presiding judge’s staff at (503) 988-3846. If the case is not resolved within one year by trial or otherwise, the parties must participate in appropriate dispute resolution (ADR) as required by SLR 7.016.

## 3. **Arbitration**

Cases subject to Arbitration under ORS 36.400 to 36.425 will be assigned to arbitration once the case is at issue. The arbitration clerk will notify the parties of the assignment and direct the parties to select an arbitrator from a provided list drawn from the court’s panel of arbitrators. UTCR Chapter 13 and SLR Chapter 13 provide the rules that implement and define procedure for this statutory process.

## 4. **Expedited Jury Trial**

Cases in which the parties stipulate to proceed under UTCR 5.150 for an Expedited Civil Jury Trial will be set in the expedited civil jury trial track. The presiding judge will specially assign these cases to a specific judge. Expedited civil jury trials will occur no later than four (4) months from the date the case is assigned for an expedited trial. Parties may limit discovery by agreement, or by UTCR 5.150(4). Parties shall not file pretrial motions, unless specific permission is granted by the court.

## 5. **Complex Case Designation**

To obtain designation of their case as a complex case, the parties must have a conference with the presiding judge. These scheduling conferences are currently held on Tuesday afternoons. All counsel must be present. The presiding judge follows the requirements of UTCR 7.030, which

states that complex case designation is allowed for cases based on the number of parties, complexity of legal issues, expected extent and difficulty of discovery, and the anticipated length of trial. Once the case is designated complex, all motions should be heard by the assigned judge, including any motions to change the trial date. Trial in complex cases must be set within two years from the date of filing, unless a later setting is permitted by the court. UTCR 7.030(4).

## **6. Foreclosure Panel Assignments**

After a defendant has filed an appearance in a foreclosure action, the court will assign the case to a judge on the Foreclosure Panel. The Foreclosure Panel judges hear all pre-trial motions, trial, and post-judgment matters. The Foreclosure Panel also publishes consensus statements and preferred practices. The current Foreclosure Panel judges are: Judges Marilyn E. Litzenberger and Leslie M. Roberts. The judges have published their statements on their webpages.

## **7. Non-Trial Civil Actions**

### **a. Writs of Review**

Petitions for writs of review do not fall under the UTCR 7.020 timeline. Petitioners must present the initiating documents at ex parte because a judicial signature is required to start the process. The judge will sign the order allowing the writ of review and the clerk will sign the writ. The petitioner will then be assigned a case number after paying the filing fee. Once the respondent agency has returned the writ, the parties should arrange a scheduling conference with the presiding judge to coordinate the needs of the case.

### **b. Writs of Mandamus or Habeas Corpus**

Habeas corpus is a civil proceeding. Habeas corpus petitions and supporting documents must be filed with the civil department. If there is an underlying case (criminal or extradition) the petition must mention that underlying case number, but the habeas petition is not filed in the criminal or extradition case. A packet of forms, including a petition form, is available in the civil department. All documents filed in a habeas case must have the words HABEAS CORPUS in the caption.

The petitioner may also file a motion for the appointment of counsel with supporting affidavit or declaration, if petitioner desires attorney representation.

Filed petitions are sent to the designated habeas judge for review. If the judge decides the petition does not present a claim upon which relief may be granted, the judge will sign a general judgment of dismissal. If the judge decides the petition states a claim for which relief may be granted, the judge will promptly issue an order to show cause directing the defendant to appear in writing in opposition to the writ. The habeas clerk will serve a copy of the order upon the defendant. Upon issuing the order, the court will, if applicable, appoint counsel at this time.

Within a period of seven days after the filing of a written opposition, or seven days after the passage of 14 days from the issuing of the order to show cause, the court will either: 1) issue a

judgment of dismissal; 2) issue a judgment granting the relief sought in the petition; or 3) issue a writ of habeas corpus requiring a return to be made.

If a writ is issued, the parties, with the approval of the court, may stipulate to litigate the issues raised in the petition without the necessity of a return or replication.

For additional information on habeas proceedings, refer to ORS 34.310 - 34.740, and SLR 7.101(1) and (2).

### c. **Petitions for Post-Conviction Relief**

Post-conviction petitions and supporting documents must be filed with the civil department. An underlying criminal case number must be mentioned in the petition, but the post-conviction petition is not filed in the criminal case, and is its own civil case. A packet of forms for post-conviction relief is available in the civil department. All documents filed in a post-conviction case must have the words “**POST CONVICTION**” in the caption.

The petitioner may also file a motion for the appointment of counsel with supporting affidavit or declaration, if he or she desires attorney representation.

The post-conviction clerk will serve the petition on the attorney for defendant(s) in the case. If petitioner qualifies for a court-appointed attorney, an appointment shall be made and a copy of the petition provided to that counsel. A scheduling order shall be entered setting a status hearing and trial date at least 150 days out, and noting deadlines for filing additional documents. These dates may be extended for good cause on the motion of either petitioner or defendant.

Pro se litigants may file motions in paper form or by efilng. If filing a contested motion, the Petitioner should include a letter requesting the clerk to set a date for the hearing, and should send a courtesy (paper) copy of the motion to the post-conviction judge. Petitioner must also send copies of all documents filed with the court to the defense attorney.

Petitioners with attorneys please note SLR 7.206(2) - All matters delivered to the court for filing shall be submitted only by counsel and signed exclusively by counsel, except for the petition or amended petition and any exhibits. The only exception to this requirement is for a *Church v. Gladden*, 224 Or 308, 417 P 2d 933 (1966), notice filed by the petitioner.

All motions in the case are heard by the post-conviction judge. If a case is not resolved by motion, it will proceed to trial before the designated trial judge at the East County Courthouse. All trials will be scheduled for 30 minutes unless a motion is granted allowing more time. All trial briefs and exhibits must be submitted to the court by the deadline set in the scheduling order. The court will prepare a general judgment after trial.

If post-conviction relief is granted, the post-conviction clerk will provide a copy of the general judgment to the criminal department for entry in the underlying criminal case. It is the responsibility of the attorneys to follow up with the criminal department to make sure the disposition is carried out.

For additional information on post-conviction proceedings, refer to ORS 138.510 - 138.686, and SLR 7.201 - 7.209.

**d. Petitions challenging Ballot Title — ORS 250.195 and ORS 250.296**

Because the statute provides a timeline for review, petitions challenging a ballot title under ORS 250.195 and ORS 250.296 are not subject to UTCR 7.020. These may be eFiled, and after acceptance, the court will specially assign a judge. Please contact the calendar clerk to ensure this assignment occurs. This specially assigned judge will decide all matters for the petition.

**e. Petitions for Judicial Review of Agency Orders – ORS 183.484**

After filing and serving a petition for judicial review, the parties should contact presiding court to schedule a scheduling conference and possible assignment to a judge.

**8. Remand from Other Courts**

When a civil case returns to our court via remand, please arrange for a scheduling conference with the presiding judge to determine the next steps. If a case is remanded from an appellate court on a pre-trial decision, the attorneys will be required to select trial dates. If a case is remanded after an appellate decision reversing a trial outcome, the case will return to the judge who presided over the trial. If a case is remanded from federal court, the case may need a motions judge assignment and a trial date. Remember: filings made in federal court are not transferred to our registry, so you will need to coordinate the filing of any required pleadings. See section III.G, below.

**B. CIVIL MOTIONS**

**1. Assignment of a Motions Judge – SLR 5.014**

Once a case is at issue, the court will assign a motions judge to the case. If a party wishes to expedite the process of obtaining a motions judge, the party may appear at ex parte after giving notice to the other parties and make a request for assignment. The clerk at ex parte will have the court's case management system randomly select a judge for the case. This is an oral request by the party. The clerk will produce an order assigning the judge to the case. Parties present at ex parte must be prepared to exercise their option to move for a change of judge under ORS 14.270 and SLR 7.045. Motions judges hear all contested pre-trial motions, except for summary judgment.



a. **Expedited Hearing on Civil Motion**

Whether or not a motion qualifies for an expedited hearing is determined by the motions judge assigned to the case. The party seeking expedited treatment must make that request to the motions judge by calling that department and filing a motion to expedite. If the motions judge decides the requested motion warrants expedited consideration, the judge will find time to hear it. If the motions judge does not have any availability to hear the motion, that department may find another judge to hear the expedited motion. A request for an expedited setting of a civil motion will be granted only if a true emergency exists requiring such an exceptional action.

b. **Contested Motions**

All contested motions shall be heard by the motions judge, except: contested motions that are the responsibility of the presiding judge, motions to set-over a trial date, and motions for summary judgment. Please refer to the most recent SLR 5.015 for instructions on setting a motion. SLR 5.025 lists contested motions that must be presented to the presiding judge.

In general, contested pretrial motions (excluding *ex parte* motions) shall be set with the motions judge. To schedule motions for summary judgment, parties must contact civil calendaring. To set a show cause hearing, the moving party must present the appropriate motion at *ex parte* and it will be put on the show cause hearing call docket.

REMEMBER: the court does not automatically schedule a hearing when a motion is filed. Writing “oral argument requested” on the motion will not cause the court to schedule a hearing.

The moving party must coordinate with the responding party in selecting hearing dates. The moving party is also responsible for sending notice of the chosen date and time of the hearing. **The parties MUST provide judge’s copies to the motions judge** as soon as the motion is filed with the court and a date has been selected, unless the motions judge has indicated that the judge does not want to receive the required judge’s copies. SLR 5.015. This must be a hard copy, not an email or electronic version.

c. **Punitive Damages Claims**

ORS 31.725 prohibits the pleading of a claim for punitive damages without prior court approval. If a request for punitive damages is alleged without leave of court, the court will strike the request without hearing upon motion, affidavit and order filed with the assigned motions judge. However, a pleading may contain a statement to the effect that the pleading party “will file a motion to amend pursuant to ORS 31.725.” The court considers such a statement as only notice to the opposing parties that there may be a request for leave to plead a claim for punitive damages and will not strike such a statement.

A motion for leave to amend to plead a punitive damage claim is scheduled through the motions judge. The moving party should advise the judge’s assistant that the motion is to add such a claim. As required by statute, the motion will be set for hearing within 30 days unless a

continuance is granted as provided by ORS 31.725(4). The requirements of SLR 5.015 must be followed.

The motion for leave to amend must be accompanied by all supporting affidavits and documents. Any response to the motion should likewise contain the opposing party's affidavits and documentation. At the hearing on the motion, the court will not take testimony.

Prior to allowing a motion for leave to amend to assert punitive damages, the court will not limit discovery if the material sought appears reasonably calculated to produce admissible evidence, whether or not leave is given. Discovery will be limited, however, as to the ability to pay until leave to amend is granted. ORS 31.725(6).

## 2. Motions for Summary Judgment

Summary judgment motions are set by calling the calendaring coordinator at (503) 988-3022 x3. Summary judgment motions are ordinarily assigned to be heard by attorneys appointed by the Supreme Court to serve as judges *pro tempore*.

### a. Re-assigning to a sitting judge

If a party to a proceeding scheduled for a summary judgment hearing before one of the judges *pro tempore* wants to have the hearing re-assigned to a sitting judge of the circuit court, an order is required and the only order to use is set out in the Appendix. (Motion and Order to Reschedule Summary Judgment Hearing in Front of a Sitting Judge, Form 05-78A and B). The motion and order must be presented at ex parte. The motion will be re-assigned as provided by the order. Do not file a "motion for change of judge," nor reference any statute regarding a change of judge (e.g., ORS 14.260).

### b. Rescheduling

Due to the importance of maintaining a case's timelines, any request to reschedule a summary judgment hearing assigned to a pro tempore judge must be presented at ex parte in front of the presiding judge. This requires a motion and a signed order by the presiding judge. A form motion and order is set out in the Appendix. (Form 05-44A and B). If a motion for summary judgment has been scheduled with a sitting judge, any rescheduling must be done through that department. CAVEAT: Summary judgment judges cannot move trial dates. Make sure your motions for summary judgment are filed early enough to give you plenty of time to schedule the hearing and have a decision before the trial date.

## 3. Motions in Cases Assigned to Arbitration

Before a case is assigned to arbitration, motions should be presented as in any other civil case. Once the case has been assigned to arbitration by court order, all motions should be presented to and decided by the arbitrator. UTCR 13.040(3). **Any scheduled motions pending hearing at the time an action is assigned to arbitration will be heard by the court and not the arbitrator.**

UTCR 13.040(3) provides:

Once a case is assigned to arbitration, all motions against the pleadings, all motions for discovery, and all similar pretrial motions not then resolved will be submitted to the arbitrator only and determined by the arbitrator. The arbitrator's determination, however, will apply only during the arbitration proceeding. **If a request for trial *de novo* is filed, such matters may be raised again.** If the arbitrator's decision on a pretrial motion will prejudice a party on trial *de novo*, that party may file an appropriate motion with the court. (Emphasis added)

Any motion decided by an arbitrator during the arbitration proceeding may be raised anew before a judge, if the arbitrator's award is appealed. This right does not accrue until the appeal is filed.

**WARNING:** On return to the trial court docket, amendments to the pleadings during arbitration will not be reflected in the court's file. You must take active steps to ensure the court file reflects the up-to-date pleadings as understood by the parties.

Motions regarding the status of the case as arbitration eligible, the reinstatement of cases dismissed for failure to comply with arbitration rules, and exceptions to the award of costs and attorney fees should be presented to the Arbitration Judge, currently Judge David F. Rees.

On the filing of the notice of appeal of the arbitrator's award, a civil case will be moved onto the Circuit Court's civil jury trial track and will have a motion judge assigned, if one was not assigned prior to the transfer to arbitration, and will be assigned a Trial Readiness Conference date. On the filing of the notice of appeal of the arbitrator's award, a domestic relations case will move into the pretrial process for those cases in the Family Court.

Questions about the arbitration process should be addressed to the arbitration clerk, in the civil department at the number indicated in the introductory material to this manual.

#### **4. Contested Motions Heard by Presiding Judge**

##### **a. Motions to postpone trial — Scheduling Conferences**

Trial dates selected at Trial Readiness Conferences are **date certain**. The court recognizes that unexpected and extraordinary circumstances arise that may prevent a trial from being held on the dates selected at the TRC. When a party needs to ask the court to set-over the trial date, parties should call the Presiding court staff at (503) 988-3846 to schedule on the Tuesday scheduling conference docket; no formal motion needs to be filed. These are held on the record, but are only 10 minutes. Delays in completing discovery are not considered a reason to set-over a trial date. Local counsel should appear in person to request a reset of the trial date.

**b. Contested abatements**

The presiding judge will also hear contested motions to abate the case pursuant to SLR 7.055(7). Please call the presiding court to set a scheduling conference and have a 10 minute hearing on the issue. If the parties believe the motion to abate the case will be longer than 10 minutes, the presiding judge may require you to set the motion in front of your motions judge.

**c. Complex case designation request**

Complex case designation requests are also heard at scheduling conferences, even if uncontested. The presiding judge requires all attorneys or self-represented litigants to appear at the hearing. See section III.A.5, above.

**5. Ex Parte Motions**

Black’s Law Dictionary defines *ex parte* as “On one side only; by or for one party; done for, on behalf of, or on the application of, one party only.” In Multnomah County *ex parte* motions may be eFiled or presented in person, depending on the current Supplementary Local Rules (SLR).

SLR 2.501 lists which *ex parte* motions must be presented in person with paper originals during the *ex parte* court sessions. *Ex parte* for civil and criminal cases occurs at 9:30AM. and 1:30PM in Room 208. Family law *ex parte* occurs at 8:30AM and 1:30PM. Family law *ex parte* rotates between judges, so please check in Room 211 or call the family law department to find out which judge is going to hold *ex parte* that day.

Probate has recently moved to require all *ex parte* and short matters to be eFiled, and no longer holds court sessions to deal with *ex parte* matters.

There is a specific *ex parte* session for all Small Claim and FED *ex parte* matters. Do not bring these matters to the general *ex parte* session with the presiding judge. If you wish to present a matter at the FED *ex parte*, you must schedule a time to do so by contacting the Small Claims/FED department at (503)988-3022 x1.

**a. Notice requirements**

When a party is seeking *ex parte* relief, that party must provide at least one judicial days’ notice to the opposing party or their attorney. SLR 5.025(3). This applies in criminal and civil matters. Family law *ex parte* requires that the party seeking relief must provide two working days’ notice to the opposing party of the date, time, and court where the relief will be sought. SLR 8.041(3). All *ex parte* motions and orders must have a UTCR 5.100 certificate of readiness.

**b. In-person presentation**

Due to the nature of the relief being sought, the possibility that the judge may need to ask specific questions of the moving party, or the potential that an opposing party might need an opportunity to appear at the *ex parte* request, some *ex parte* motions must be presented in person,

unless the party arranges in advance to appear by telephone. SLR 2.501 lists those motions that fit in this category.

The following list is current effective fall 2018. Please refer to SLR 2.501 for the most up to date list.

- Petition for Appointment of Guardian Ad Litem and Complaint
  - Reason: This is a case start that requires a judicial signature.
- Petition to proceed under pseudonym and Complaint
  - Reason: This is a case start that requires a judicial signature.
- Petition for Writ of Review
  - Reason: This is a case start that requires the issuance of an original writ that must be served in a timely manner.
- Motion for Show Cause Hearing (preliminary injunction, appointment of receivership, provisional process, and contempt for non-responsive debtor or garnishee )
  - Reason: This is a motion that requires judicial review to see if there is a basis to set a show cause hearing and it also requires that the court schedule a hearing.
- Motion for Provisional Process or Claim and Delivery
  - Reason: This is a version of a temporary restraining order requiring heightened scrutiny and a timely decision by the judge.
- Abatements and Extension of Abatements (excluding abatement for bankruptcy)
  - Reason: The presiding judge must actively monitor the timing of cases to ensure they resolve within the time period set by the Chief Justice.
- Reinstatement from abatement, stay, or bankruptcy
  - Reason: The presiding judge must actively monitor the timing of cases to ensure they resolve within the time period set by the Chief Justice.
- Second or Subsequent Continuance of UTCR 7.020.
  - Reason: The presiding judge must actively monitor the timing of cases to ensure they resolve within the time period set by the Chief Justice.
- Reschedule Summary Judgment Hearing
  - Reason: The presiding judge must actively monitor the timing of cases to ensure they resolve within the time period set by the Chief Justice.
- Motion for Sitting Judge for Summary Judgment
  - Reason: Parties have a statutory right for a sitting/elected judge to hear the motion for summary judgment, but the presiding judge must be informed of this request.
- Motion for Commission to take Out of State Deposition
  - Reason: The moving party must obtain an original commission from the court to take to the foreign jurisdiction.
- Registration of Foreign Writ, Mandate, Commission, Letter Rogatory or Order (Not Foreign Subpoena)
  - Reason: The presiding judge must ensure that attorneys from another jurisdiction have local counsel to complete the Oregon discovery.
- Motion to Transport Party or Witness

- Reason: The transportation of an incarcerated party or witness requires certain forms and timelines that can only be verified in person.
- Motion for Change of Judge and Affidavit
  - Reason: ORS 14.260 and 14.270 have very specific timing and presentation requirements.
- Deferral/Waiver of Court fees
  - Reason: Parties often do not have proof of income or expenses as required by the fee deferral clerk. The ex parte appearance gives the judge the opportunity to swear-in the applicant and ask questions regarding their ability to pay.
- Motion for release or disbursement of funds, proceeds, or money deposited with the court
  - Reason: This requires heightened scrutiny and an opportunity to appear must be given.
  - CAVEAT: Foreclosure cases assigned to a foreclosure panel judge must still present any motion for disbursement to that judge, not presiding.
- Writ of Assistance
  - Reason: This requires the moving party to take an original writ with them. It is also a common law remedy requiring specific findings by the judge.
- Motion for Use of Force for Writ of Execution
  - Reason: Use of force is an exceptional request and must only be granted under the most limited circumstances.
- Unopposed Motion for ORCP 71 Relief (including judgments of dismissal for want of prosecution pursuant to ORCP 54 B(3) and UTCR 7.020)
  - Reason: This is not technically an ex parte motion since ORCP 71 has greater service requirements than ex parte's one judicial day's notice. However, for convenience of the moving party, if it has provided specific service of the motion and has not received a response within the time to respond to a motion, or it has obtained permission by the other parties to appear, this motion may be presented at ex parte.

**c. eFiling presentation**

The following is a list of ex parte motions that do not require in person appearance and may be eFiled. This is an example list and not exclusive. If you have questions regarding whether something should be eFiled, presented at ex parte, or set for hearing with your motions judge, please call presiding.

- Abatement Order (only for bankruptcy or binding arbitration)
- Alternative Form of Service
- Amendment of Pleadings (by stipulation only)
- Association of Foreign Counsel Pro Hac Vice
- Assurance of Voluntary Compliance
- Change venue by plaintiff before service or stipulated
- Confession of Judgment and General Judgment
- Consent Judgment

- Continuance Under UTCR 7.020 (first request only)
- Default Judgment (if no *prima facie* required)
- Default Order
- Order for Issuance of Early Sheriff's Deed
- Garnishee Examination Order
- Judgment Debtor Examination Order
- Notice of Voluntary Dismissal and General Judgment of Dismissal
- Stipulated Judgments and Stipulated Orders
  - Stipulated Protective Order- See Presiding Court's Policy on Sealing Documents
- Order for Substitution of Attorney
- Supplemental Judgment for Attorney Fees in Collection (if under \$2,000)
- Order Allowing Withdrawal of Attorney

## **6. Set Motion with Motions Judge**

The following motions must be heard by the motions judge assigned to the case.

- Class Action Certification
- Compel Arbitration
- Compel Discovery
- Consolidate Cases (if opposed)
- Determine Sufficiency of ORCP 45 Response
- Interpleader
- Intervention
- Joinder
- Judicial Satisfaction of Judgment
- Leave to Amend Pleadings (if opposed)
- Protective Order
- ORCP 21 Motion
- Quash Subpoena
- Contested ORCP 71 Relief from Judgment (includes default judgment)
- Sanctions
- Separate Trials
- Set Aside Default Order
- Third-Party Complaint
- Leave to Amend to Plead Punitive Damages

It is the responsibility of the moving party to contact the motions judge assigned to the case to get the motion set for hearing. See SLR 5.015. Simply placing "oral argument requested" on a motion will not alert the motions judge to the necessity to schedule the hearing, nor will simply e-filing a motion in your case.

PLEASE NOTE: Failure to schedule motions in a timely manner is not considered extraordinary circumstances justifying postponement of a trial date. Traditionally, departments set motions approximately five (5) weeks from the date of the request,

subject to judicial availability. See section III.B.(1)(a), above, regarding expedited consideration of motions.

Hearing fees must be paid at the time the motion is filed. ORS 21.200.

### **7. Judge's Copies of Documents Should be Delivered to the Judge's Office**

Electronic filing has not removed the requirement that parties deliver judge's copies of filings to the motions or trial judge. A judge's copy of any document should be taken to the judge's office directly or left in the court's mail room in an envelope specifically addressed to the judge.

PLEASE NOTE: You must get specific permission from the judicial assistant before sending a judge's copy by fax or email.

### **C. BANKRUPTCY'S EFFECT ON A CIVIL CASE**

If the court is notified that a bankruptcy has been filed by a party to the case, all activity in the case must be stayed unless the claim subject to the protection of the bankruptcy stay is severed. If the bankruptcy notice is received by a party, a copy of the bankruptcy court notice or an affidavit including the bankruptcy case number and bankruptcy court name should be provided to the court, attention to the bankruptcy clerk. At that time the court will automatically place the case in bankruptcy status. No motion to stay the case is necessary. The court will not be able to do anything with the case until notice of the bankruptcy's resolution is received, or the party or the claim subject to the bankruptcy filing is severed from the case, or the bankruptcy court grants relief from bankruptcy stay.

If there are multiple defendants in a civil action in which a bankruptcy notice is received for one of the defendants, upon ex parte motion, the court will sever that party from the active case and stay the case as to the party in bankruptcy only. (Form 05-38, Appendix of Forms: *Order for Severance of Party and Abatement*). The case will continue active as to the remaining parties.

### **D. CONSOLIDATING CASES**

Pursuant to ORCP 53, cases can be consolidated only by court order. The cases are consolidated for purposes of hearing or trial only; the case files and the documents therein are not physically consolidated.

After an order is entered for consolidation, documents must still be filed in each case. The court does not have the capability to electronically copy the documents from one case to another.

If an appearance is made in only one of the cases under an order of consolidation, that appearance will not automatically be entered in any other consolidated case. A copy or separate document, together with any required filing fee, must be filed in each other case under an order of consolidation.



If a motion to consolidate is contested and the two (or more) cases have different motions judges assigned to them, then the earliest assigned motions judge shall decide the motion.

If one of the cases subject to an order to consolidate is in arbitration, and another is not, the attorney must either move the case out of arbitration so both are in the regular trial track, or move the non-arbitration into arbitration (via waiver, etc.). They cannot be consolidated if one case is in each track.

If both cases are subject to arbitration, then the order consolidating the cases must be filed and approved by the arbitrator. Please ensure that only one arbitrator is assigned to both cases.

## **E. CERTAIN CASES INVOLVING PROBATE**

When a wrongful death action has been brought by the personal representative of an estate pursuant to ORS 30.020, settlement of the claim requires the approval of the probate court. ORS 30.070. Where the allocation of funds and structuring of funds involve a minor, and ORS 126.725 does not apply, the minor child should be provided with independent counsel for proceeding before the probate court. SLR 5.105 and SLR 9.055 implement this requirement.

When a tortfeasor dies and probate has not been instituted within 60 days of the tortfeasor's death, a plaintiff shall apply to the probate court for the appointment of an administrator of the tortfeasor's estate to accept service and be substituted as the defendant in the place of the deceased person. ORS 30.080 to 30.100.

## **F. INTERSTATE DEPOSITIONS**

Cases filed in one state may require depositions in another state. UTCR 5.130 governs how Oregon attorneys obtain a commission to take into foreign states. UTCR 5.140 governs how parties to foreign cases can obtain discovery in Oregon. The UTCR committee has prepared forms to accomplish moving discovery power from this court to a foreign court, or to register the foreign court's power of discovery with this court.

<https://www.courts.oregon.gov/programs/utcr/Pages/currentrules.aspx>

Most states issue a document, variously called a commission, letter rogatory, mandate, or writ to reflect this transfer. In Oregon, this document is called a commission. ORCP 38.

### **1. Case Originating in Multnomah County**

To obtain a commission to take a deposition in another state for a case filed in this judicial district, the requesting attorney should bring to ex parte a motion, affidavit, and order (to be signed by the presiding judge), and a commission (to be signed by the courtroom clerk acting as deputy court administrator). The signed order is filed, and the clerk will issue the commission and give the original commission to the attorney to send to the foreign court. The commission is valid for 28 days from the date issued, unless a longer period is set by the court.

## **2. Case Originating in another Jurisdiction**

To register an instrument from another state, the foreign counsel must enlist local counsel to appear at one of this court's ex parte sessions. The local attorney should bring the foreign state's signed commission or writ (for filing), together with a petition and order to register the instrument in Oregon to the presiding judge at ex parte. For states that do not issue a commission, writ, or letter rogatory, the attorney should bring an affidavit to that effect along with the petition and order. Once the order has been signed, the attorney should file the case at the cashier's window and pay the filing fee. A circuit court case number will then be assigned.

## **3. Registering a Foreign Subpoena under ORCP 38C**

Oregon and many other states have adopted the Uniform Interstate Depositions and Discovery Act. This provides a streamlined way to register foreign subpoenas. UTCR 5.140 describes the process to obtain an Oregon Subpoena after registering a foreign subpoena. This is NOT done at ex parte. Currently, to obtain a subpoena in a civil case from another jurisdiction that has issued a subpoena or a subpoena *duces tecum*, the foreign attorney must provide a declaration (see Appendix of UTCR 5.140, form 5.140.1c), the original foreign subpoena, and two ORCP 55-compliant Oregon subpoenas. The Oregon subpoena must have a place for the clerk to sign; the requesting attorney does not sign the Oregon subpoena. The caption should be modeled after the declaration. A subpoena *duces tecum* may only require delivery of documents within the court's jurisdiction. For example: clerks will not issue subpoenas if they are asking for documents to be sent to California. Also, the presiding clerks will not issue a subpoena if the discovery being sought is not in Multnomah County.

Currently there is no cost for this service. However, if the discovery becomes contentious and motions are filed, then the court may assess a filing fee or motion fees.

## **G. SUBPOENAING RECORDS TO THE COURT**

If necessary, records for civil and criminal cases should be subpoenaed directly to the exhibits clerk in Room 131. Records for grand jury hearings should be subpoenaed to the Grand Jury clerk in Room 600.

Protected records cannot be subpoenaed without court permission. The requesting attorney will have to demonstrate that the protected information is unavailable by other means. If contested, this motion must be heard by the case's motions judge. If not contested, a request for protected records can be heard at ex parte and must be supported by an affidavit explaining why the records are necessary.

Inspection of individually identifiable health information records under ORCP 55H(2)(d) requires, in part, that an attorney of record or party provide notice to all appearing parties that the records will be inspected. At the time set in the notice, all parties and attorneys of record attending may review the records in the presence of the custodian of the court files.

Individually identifiable health information records delivered to the court under subpoena in a civil action are available for inspection in Room 131 of the courthouse. If you wish to inspect these records, please obtain an order from a judge allowing release of documents. This ensures proper notice is given to all parties interested in the confidential documents. This precaution is necessary given the confidential nature of the records and the limited access granted by ORCP 55H(2)(d) for inspection of the sealed documents.

## **H. REMOVING A CASE TO FEDERAL COURT**

When a notice of removal to federal court is filed in a Multnomah County case, the circuit court loses jurisdiction over the action. If the case is subsequently remanded back to the circuit court by the federal court, the parties must ensure that copies of all documents filed in the federal court are also filed in the state court after remand in order to reflect the posture of the case. No circuit court proceedings will be set until the federal court's order returning the case to the state court is filed and entered in the circuit court's register.

Once the U.S. District Court order is received by the circuit court, an appeal to the U.S. Court of Appeals of a U.S. District Court's order returning a case to the circuit court does not, without an order from the U.S. Court of Appeals, stay the state court action. An abatement as a result of removal to federal court ends when the U.S. District Court's order returning jurisdiction to the circuit court is received, filed, and entered in the circuit court's register (notwithstanding an appeal of the U.S. District Court's order, and absent any further federal court order expressly removing state court jurisdiction).

## **I. TEMPORARY RESTRAINING ORDERS**

Requests for issuance of a Temporary Restraining Order (TRO) are presented at civil ex parte. Notice to the other party of the ex parte appearance is required unless the moving party provides affidavits which fulfill the requirements set out in ORCP 79B(1). The adverse party may appear at ex parte and be given leave of the court to address the merits of the request. SLR 5.025 (2).

The presiding judge may hear the TRO argument, or assign it to another judge who has availability. You must bring judge's copies of your motion for review by the judge. The presiding judge appreciates receiving advance copies of the TRO application for preparation. This includes a copy of your complaint.

In order to ask for a TRO, you must have an underlying complaint. If you have already filed a complaint that has been accepted under File and Serve and have a case number, please include the case number in your motion for TRO. However, if you are planning on filing your complaint on the same day as presenting your TRO, please do not eFile the complaint, but bring it with you to ex parte. The clerk will take your complaint and filing fee and get a case number for you.

The TRO, if allowed, will expire in 10 calendar days absent a court order extending or reducing the time period. ORCP 79B(2). A show cause hearing for preliminary injunction must be scheduled before those 10 days expire. *See* Section I below. Before a TRO will issue, the moving party must be prepared to present a bond or deposit money into court to cover costs,

damages, and attorney fees as may be incurred by a party wrongfully enjoined, unless the court order provides that no security is required under the requirements of ORCP 82A(1). A TRO is usually not in effect until the bond is paid. The plaintiff may ask permission to deposit cash in lieu of bond.

#### **J. SHOW CAUSE HEARINGS**

Show Cause Hearings in civil cases are usually assigned from the Thursday call docket for hearing on Friday. The Order to Show Cause for a preliminary injunction must allow five days' notice of the hearing, unless shortened by the court. ORCP 79C(1). The order must be presented at ex parte with the supporting documents along with a Motion for a Show Cause Hearing and Order setting the hearing. The Show Cause Order must contain language reflecting the call date, time, and room, as well as the date for which the hearing will be assigned.

Show cause hearings for judgment debtors or garnishees in circuit court civil matters other than small claims are also scheduled through an ex parte appearance. These are also usually scheduled on call Thursday for hearing Friday. At least seven (7) days' notice of the hearing date and time is required, unless a longer period is set by statute. Show cause hearings in family law cases may be scheduled by calling the family law calendar clerk at (503)988-3022 x2.

#### **K. ABATEMENT AND STAYS**

Pursuant to SLR 7.055(7) the presiding judge may, for good cause shown, abate or remove a case from the active trial docket for a period not exceeding two years.

The presiding judge generally requires the consent of all parties to abate an action. Such requests are made at ex parte. If abatement is allowed, the parties may not appear before the court for hearing of any kind during the inactive period; the parties by agreement may pursue discovery, but no motion practice of any kind will be allowed. Once an abatement period has expired the court will issue a notice of intent to dismiss. Cases are not automatically "reinstated" once the abatement period has expired.

To have the case put back on the active trial docket after abatement, the moving party must give prior notice to all parties and present a Motion and Order for Reinstatement along with a supporting affidavit, at ex parte. If the case was at issue at the time of the abatement, a TRC will be set as soon as possible. Otherwise, the requirements of UTCR 7.020 will be applicable and the case dismissed within 28 days unless the appropriate action is taken.

ORS 36.625 requires a stay of a case for arbitration if the claim is subject to arbitration. If a stay request pursuant to ORS 36.625 is opposed, a formal hearing should be scheduled through the motions judge and the requirements of SLR 5.015 should be followed. A stipulated request for stay for binding arbitration may be submitted through eFiling to the presiding judge's office for processing.

## L. CERTIFICATE OF PARTICIPATION IN DISPUTE RESOLUTION

SLR 7.016 requires that parties have participated in some form of appropriate dispute resolution and that a certificate of such participation be filed within 365 days of the filing of the first complaint or petition in the action if the case is not concluded before that time. The rule provides that “appropriate dispute resolution” includes, but is not limited to arbitration, mediation, and judicial settlement conferences. The rule makes clear, with a 2003 amendment, that negotiation between the parties to reach a settlement is not sufficient participation in dispute resolution to meet this burden. Compliance with this rule is required for any case seeking to postpone trial beyond the 365 day time limit.

Completing an arbitration, mediation, or judicial settlement conference by the time a case reaches 365 days of age satisfies the ADR activity requirement of SLR 7.016. Filing the certificate completes the process required to comply with the rule. Filing the certificate prior to completing the activity does not comply with the rule.

## M. MOTIONS TO SEAL A DOCUMENT

Article I, section 10, of the Oregon Constitution provides in part: “No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay[.]” The Oregon Supreme Court has indicated that, in adopting this original provision of the Oregon Constitution, the framers “sought to require the courts to conduct the business of administering justice in public—that is, in a manner that permits public scrutiny of the court’s work in determining legal controversies.” *Doe v. Corp. of Presiding Bishop*, 352 Or 77, 90 (2012). The Supreme Court has also indicated that, “although Article I, section 10, is written in broad terms, it does not apply to all aspects of court proceedings.” *State v. MacBale*, 353 Or 789, 806 (2013). The provision “generally prohibits a judicial proceeding from being ‘secret’ (closed to the public) if, in that judicial proceeding, ‘justice’ is ‘administered.’” *Id.* In addition, the Court has stated that the public’s right to review and copy exhibits received in evidence at trial “is not absolute but is subject to the discretion of the trial judge.” *Doe*, 352 Or at 98, quoting *State ex rel KOIN-TV v. Olsen*, 300 Or 392, 406 (1985).

Any order granting a motion to file documents under seal must be narrow in scope to ensure that the only information withheld from public inspection is information expressly authorized by law to be sealed. A judge is more likely to sign an order sealing a specific section of a document, rather than an entire pleading or file.

In order to file a document under seal, the parties must conventionally present a motion and proposed order to the assigned motions judge in the case. *See* SLR 5.165 (effective February 1, 2017). The motion to file a document under seal must address the following three components:

- 1) A specific prejudice or harm will result if the order is not signed or the document not filed under seal;
- 2) The party making the request cites statutory, constitutional, or case law demonstrating the authority for the judge to seal the particular type of document; and
- 3) There are no other means to protect the information in the documents.

**Note: a Protective Order, whether stipulated or not, is NOT sufficient to demonstrate the statutory, constitutional, or other basis for sealing a document that a party has designated as “confidential.”**

Once the motions judge has signed an order allowing a document to be filed under seal, the parties must complete the following steps:

- 1) The original, unredacted and unaltered version of the document must be submitted in a 9” x 12” envelope, which will be securely stored in the courthouse file room.
- 2) A copy of the signed order allowing the document to be filed under seal must be affixed to the front of the envelope. The order must specify which document is contained in the envelope (e.g., “John Doe’s Declaration in Support of Plaintiff’s Motion to Compel” or “Exhibit 1 of John Doe’s Declaration in Support of Plaintiff’s Motion for Summary Judgment”).
- 3) A redacted or otherwise altered version of the document must be filed to stand “in place” of the document under seal. A slip sheet is not sufficient unless specifically allowed by the motions judge.
- 4) All documents, including the motion, signed order to file under seal, redacted copies, unredacted originals in envelopes, and any other ancillary document part of the underlying pleading must be filed together conventionally with the Civil Department.

**Tip:** If the document to be filed under seal is one component of a larger pleading, such as an exhibit to a declaration, ensure all documents are filed with the court at the same time to keep the record clear and consistent.

## **N. WITHDRAWAL OF ATTORNEY; NOTICE OF SUBSTITUTION**

ORS 9.380, ORS 9.390, UTCR 3.140 and Oregon Rule of Professional Conduct Rule 1.16 govern the withdrawal and termination of the attorney client relationship. If no attorney is to be substituted on the case, the court must have the contact information for client. This must include an address, phone number, and email.

OECI can only designate one lead attorney per case. This means all electronic communication will be sent to that one attorney. Attorneys must utilize mail forwarding options in their office if they want notices to be sent to more than one attorney.

If an attorney leaves a firm and is no longer representing a party in the case, the attorney taking over is responsible for ensuring a Notice of Substitution of Counsel is filed in the case. Failure to do so could result in court notifications being sent to the incorrect attorney.

#### **IV. TRIAL CALENDARING PROCEDURES**

##### **A. SELECTING TRIAL DATE – TRIAL READINESS CONFERENCE**

*See Section “Trial Readiness Conference” in III (A)(2) above.*

##### **B. NOTICES FOR CALL PROCEEDING FOR ASSIGNMENT OF TRIAL**

Call refers to the trial assignment system whereby a case is called by the presiding judge to be assigned to a judge for hearing or trial the next judicial day. Call does not mean a telephonic appearance.

Call notices are produced by OECI immediately after the TRC, emailed to the attorney of record for each party, and mailed to any unrepresented party. For attorneys within a firm, the attorney of record will be the attorney who signed the initial pleading to start the action or the first appearance. All court notices will be sent to that “attorney of record,” even though other attorneys in the firm may sign later filed documents. If there is a reason to have another attorney in the firm designated as the “attorney of record,” written notice to the clerk’s office of the assignment is required. Changes made within a firm are not substitutions of counsel, and a court appearance is not required. The clerk’s office does, however, need written notice that Attorney 1 is to be replaced by Attorney 2 for all future appearances and Attorney 2 should be entered as the attorney of record for the firm.

##### **C. TRIAL DATE POSTPONEMENTS**

Civil trials may only be postponed in a scheduling conference with the presiding judge. See SLR 7.025. Scheduling conferences are held on Tuesday afternoons with the presiding judge between 2:30 and 4:00PM. These are only ten minute sessions. To schedule, please call presiding at (503) 988-3846 to get dates and times, confer with opposing counsel, and then call presiding back with the time and date you wish. No formal written motion is required for these conferences, but parties must provide extraordinary circumstances for the request. Extraordinary circumstances do not include discovery issues. If the case will be over twelve months old with the new proposed trial date, the parties must provide a certificate of compliance under SLR 7.016, or refer to a filed certificate, or explain the ADR plan for the case.

##### **D. DAILY CALL**

In Multnomah County, civil and felony criminal cases deemed ready for trial are placed on a master calendar for assignment by the presiding judge. Cases are called by name for assignment at this daily proceeding. The proceeding is known as “call.” Call is held in Room 208 at 9:00AM every day. Attorneys must appear at call to inform the court whether the case is ready to proceed to trial and the estimated length of the trial. An attorney may report unconditionally “ready” by calling the calendar clerk at (503) 988-3846 the day before call. By leaving a message with the calendar clerk, the party gives up any right to move for a change of judge. The presiding judge will assign the case for trial the next day as the availability of judges allows. Cases can be

assigned for trial, set-over, placed on “stand-by or carried,” or “set to follow.” These terms are explained below.

At the time of assignment at the call proceeding, attorneys who wish to file a motion for change of judge must announce to the presiding judge their intention to do so immediately, and then follow the procedures described in ORS 14.260, 14.270, and SLR 7.045 for the motion to be considered timely. If allowed orally by the presiding judge, a new judge will be assigned conditioned upon the timely receipt of the Motion, Affidavit, and Order for Change of Judge.

The Chief Family Court Judge presides over call for all family law and juvenile cases. At this time, there are separate calls conducted at the courthouse (for domestic relations cases) and the Juvenile Justice Complex (for juvenile cases). Call is held at 8:30AM at the Juvenile Justice Complex and at 9:00 AM at the main courthouse. The Chief Family Court Judge presides at one location, and coordinates assignments with a judge presiding at the other location. Generally, the rules for call/assignment in the Family Court are similar to those of the presiding judge. See SLR 8.015.

#### **E. STAND-BY OR CARRIED CASES**

A “stand-by” case has priority for assignment to the next judge who becomes available for the next court day. All attorneys, parties, and witnesses for stand-by are required to remain available for assignment to a judge for the next court day until 4:00PM on the day of call, unless a shorter time is allowed by the presiding judge. The case will be assigned when a judge becomes available. If not assigned during the day, the case will be on the call docket the next judicial day and receive priority for assignment on the next day.

“Carried” cases are placed on the next day’s call/assignment docket. SLR 7.055(6).

#### **F. CASES SET TO FOLLOW**

The presiding judge has discretion to assign one case to follow another. The judge may assign one case to a particular judge, and another case to begin with that same judge when the first is concluded. Cases set to follow are assigned to a trial judge, and therefore any pretrial motions should be made to the assigned judge.

#### **G. FAILURE TO APPEAR AT CALL**

A civil case can be dismissed as the result of the attorneys' failure to appear at call. SLR 7.055(8). The judge will announce the decision to dismiss for want of prosecution and the clerk will send a notice under ORCP 54B(3) that the case will be dismissed on the date indicated in the notice. The judgment dismissing the case will be entered unless otherwise ordered by the court.

If a case set on the calendar for call is settled, please telephone either civil calendaring (503) 988-3022 x3, or the presiding office (503) 988-3846 and report that the matter is settled. Even if the report comes too late to take the matter off the calendar, it provides information that is helpful to the court. Such a report is an appropriate professional courtesy to the court, and it is



required by UTCR 7.040. Attorneys who fail to appear for call may be brought before the court to explain, on the record, their failure to follow the court's orders and rules which require appearance. SLR 7.055(8).

#### **H. POSTPONEMENT AFTER CASE ASSIGNED AT CALL**

Only the presiding judge may postpone a proceeding assigned from the presiding judge's call docket. ORS 1.171(3). If extraordinary circumstances arise and the parties must ask for a postponement after the case has been assigned to the trial judge, the trial judge will send the parties to the presiding judge to decide if the case should be set-over.

#### **I. LONG TRIALS AND PRE-ASSIGNMENT TO A TRIAL JUDGE**

A "trial week" for civil matters is only four days, Monday through Thursday. No jury matters are conducted on Friday except in special cases in which the arrangement is agreed to in advance with the court. For actions which are not yet specially assigned to a judge prior to trial, and for which the trial is estimated by the parties to require more than four trial days (more than one trial week), the plaintiff should mail or hand deliver a letter to the presiding judge requesting that a trial judge be pre-assigned. SLR 7.055(14).

The court needs this request at least six weeks in advance of the call date to ensure a judge will be available to try the action. SLR 7.055(14).

**Do not eFile this letter**, because the presiding judge will not receive an efiled letter and will therefore not specially assign a judge to your trial.

The letter to the presiding judge should contain the following information:

1. The estimated number of trial days needed;
2. If the parties are requesting trial proceed on Fridays;
3. Names of judges who heard pretrial motions in the action;
4. Names of judges who have participated in settlement conferences in the action; and
5. Any other information which is relevant to pre-assignment of the trial (for example, special jury panel request).

The calendar clerk will find a judge available for the trial and call the attorneys/parties with the assignment. At the time of that telephone call, the attorney or party must be ready to announce if they will move for a change of judge. It is recommended that the attorneys be ready to announce any motion for change of judge as soon as they send in the letter requesting special assignment. Once all parties have been notified of the assignment, the presiding judge will sign an order assigning the judge to the case for trial and the calendar clerk will email all the parties with the order.

## **V. JUDGMENTS**

### **A. ENTRY OF JUDGMENT AND COMPLIANCE WITH ORS 18.038 AND 18.042**

Judgments and any supplemental judgments for attorney fees, costs, and disbursements under ORCP 68 are entered in the register (ORS 7.020) after they are signed by a judge and filed with the clerk. For a money award to create a judgment lien, the judgment must comply with ORS 18.042(1).

Pursuant to ORS 18.150, the clerk shall rely on the presence of the money award section required by ORS 18.042(1), and shall enter in the judgment lien record only what is contained in that section and is required to be entered by ORS 18.075. The parties are responsible for entering the correct information in the money award section. Amounts or terms outside the money award are not entered in the judgment lien record.

When a judgment is entered in the register, the civil staff produces a notice of entry of judgment. The notice of entry of judgment will be sent to the attorney of record and to all self-represented parties who have appeared, indicating that the judgment was entered in the register and whether the judgment created a judgment lien. The clerk of the court must be notified immediately of any clerical errors on the judgment lien record.

### **B. ORIGINAL INSTRUMENTS**

If a judgment is based on a negotiable instrument, UTCR 2.060 requires that the original negotiable instrument be tendered to the court before the entry of judgment. The instrument may be submitted with the complaint, or a copy may be attached to the complaint and the original submitted with the judgment. The original instrument will be returned upon request after entry of the judgment per UTCR 2.010 and the clerk will file a certified copy in its place. If the original is submitted with the complaint, it is helpful if the affidavit in support of a motion for default judgment so indicates. If the original instrument has been lost, the court requires that such information be submitted by an affidavit.

In dealing with bank checks, the Check Clearing for the 21st Century Act (Public Law No. 108-100 (2003)), eliminates (truncates) original checks. Banks no longer have the original of a negotiated check. Actions based on negotiated checks will be deemed to comply with UTCR 2.060 if a bank supplied image of the negotiable instrument is tendered to the court in the complaint or with the judgment. The image will be endorsed with the required notation and filed with the judgment. The image will not be returned.

### **C. ATTORNEY FEES AND COSTS**

In civil actions, ORCP 68 must be followed if a party is seeking attorney fees, costs, and disbursements. UTCR 5.080 sets out the requirement for the statement for attorney fees.

Parties seeking attorney fees and costs after the judgment has been filed must comply with ORCP 68 and UTCR 5.080. In addition, under ORCP 68 C(4)(a), if the fourteen days for filing have run, the party may request the court to extend the time for filing. ORCP 68(C)(4)(d)(ii); ORCP 15D. The supplemental judgment should be eFiled if there is no objection. If there is an objection, then the moving party should set the hearing before the judge who signed the judgment.

#### **D. CLERK'S REVIEW OF DEFAULT JUDGMENTS**

Default orders and judgments in circuit court civil cases, other than small claims, are reviewed by the clerks in Presiding Court prior to signing by the presiding judge. The clerks check for the following for each defendant:

##### To allow the Order:

- Motion for Default Order filed;
- Proof of service of summons in compliance with ORCP 7;
- 30 days have elapsed since service;
- Proof of service of notice of the application for the order of default, if applicable;
- No answer or other appearance has been filed prior to the judgment;
- Affidavit addressing all four categories in ORCP 69(C)(1)(d) (not-incapacitated, not a minor, not a protected person, and not a respondent);
- Non-military, affidavit in compliance with ORCP 69(C)(1)(e) has been filed. Compliance with the requirements of the Servicemembers Civil Relief Act 2003 (Public Law No. 108-189) is strictly enforced. SCRA reports are preferred. If no SCRA report available, substantiating facts as to why the defendant is not in the military should be provided.

##### To allow the Judgment:

- Motion for Judgment filed (can be combined with motion for default order if filed concurrently);
- Default Order is granted;
- No answer or appearance has been filed (if an answer or appearance has been filed before the default judgment is filed, even if more than 30 days have elapsed since service, the presiding judge will be informed that an appearance has been filed and entered in the action and the default should be denied);
- All affidavits are signed and notarized;
- Damages are for a sum certain, original negotiable instrument has been filed under UTCR 2.060;
- If attorney fees are requested, a copy of contract or other instrument allowing fees has been filed, or the authority for claiming fees is included in the affidavit;
- A statement of attorney fees is included in compliance with UTCR 5.080;
- Cost bill has been filed;
- A judgment complying with ORS 18.038 and 18.042 is included containing all the required information, and the money award section is immediately above the judge's signature line.

The clerks review and present for signing only default judgments that comply with all the applicable statutes, UTCRs, and ORCPs. If clerks find the default package out of the ordinary, they may request that the parties present at a *prima facie* hearing, or come to ex parte with an explanation to the presiding judge.

## **E. DEFAULT JUDGMENTS**

### **1. No Hearing Required**

A straight-forward contract claim may be eFiled in its entirety. The presiding judge will require proof of the amount of damages that may be attached to a declaration or affidavit. The most common documents include hospital and doctor bills to prove medical expenses, repair bills to prove damage to property, checks returned for non-sufficient funds, credit vouchers that prove account claims, and contracts that prove specific rights or liabilities.

In insurance subrogation cases **ONLY**, a *prima facie* hearing is not necessary and damages can be proven by affidavit of the claims adjustor with payout documentation submitted with the default documents.

### **2. Prima Facie Hearing—Substantiating Damages**

Some claims for damages cannot be substantiated by documentation and require testimony at a hearing to obtain such damages. Parties should be prepared to present at a *prima facie* hearing admissible evidence—testimony and exhibits—to establish the party’s right to the relief sought. The court may consider testimony presented in the form of sworn affidavits or declarations. Documents should be marked as exhibits and offered (and received) into evidence.

If the motion for default judgment is submitted to the presiding court and damages cannot be substantiated by documentation, then the judgment will be “unsigned” and a notation made saying a *prima facie* hearing is required. These claims include the following: (1) punitive damages; (2) non-monetary losses (including claims for pain, mental suffering, emotional distress, humiliation, injury to reputation, loss of care, comfort, and companionship, loss of consortium, and similar types of claimed losses); (3) claims where no supporting documentation exists (i.e. oral contracts); and (4) claims requiring conclusions of law or findings of fact.

### **3. Prima Facie Hearing—Attorney Fees**

Cases with attorney fees beyond a specific threshold may also be sent out for a hearing to determine reasonableness. A party will need to satisfy all statutory and contractual provisions.

To schedule a *prima facie* hearing, please call civil calendaring 503-988-3022 x3.

## **VI. POST- JUDGMENT PROCEDURES**

### **A. SATISFACTION OF MONEY AWARD**

When all amounts of the judgment have been paid, the judgment creditor has the responsibility to file a satisfaction of money award with the court. Partial satisfactions may also be filed and noted on the judgment lien record, but the judgment will not be “satisfied” until a full satisfaction, signed by the judgment creditor and notarized, is filed.

In domestic relations cases where there is continuing support, monthly satisfactions can be filed, but the judgment will not be "satisfied" until a full satisfaction and a termination of support are filed. Where the state has been involved in the collection of support obligations or the provision of support to minor children, a satisfaction may be obtained as provided by ORS 18.228 and 18.232.

A judicial order establishing that the money award is satisfied can be obtained if the judgment debtor is unable to obtain a satisfaction from the creditor. ORS 18.235. A motion for such an order should be set for hearing before the motions judge, if there is one in the case, or by placing the motion on the short matter docket through civil calendaring. 503-988-3022 x3.

### **B. REGISTERING FOREIGN JUDGMENTS**

Before a foreign judgment will be filed and docketed, the filing party must have complied with the requirements of ORS Chapter 24. The judgment will not be entered in the judgment lien record and create a lien unless the file includes a certified copy of the foreign judgment, an affidavit setting out the names and last known addresses of the judgment debtor and judgment creditor, a separate statement containing the information required by ORS 18.042, and a certification that the judgment is being filed in only one court in Oregon. ORS 24.125 and 24.129.

### **C. RECORDING JUDGMENTS FROM OTHER CIRCUIT COURTS**

To establish a lien on real property in Multnomah County, judgments from other county circuit courts are recorded at the Multnomah County Recorder's office (located at 501 SE Hawthorne Avenue, Portland, Oregon 97214). ORS 18.152.

Under ORS 18.255, Multnomah County Circuit Court may issue a writ of execution against real property in this county when the judgment debtor resides in Multnomah County to enforce a judgment entered in another circuit court if a transcript of the original judgment is filed with the court.

### **D. WRITS OF EXECUTION**

The clerk of the court will issue a writ of execution on a judgment entered in this county or on a transcript of a judgment from another circuit court that is filed under ORS 18.255. To obtain the writ, a judgment creditor must file a writ of execution along with the appropriate issuance

fee. The writ must include: the total amount due as of the date of submission, including any post-judgment accrued interest, payments made, or other adjustments; the dollar amount of the per diem; the specific date to which the total is calculated; and compliance with all other statutory requirements.

The court prefers that writs of execution be filed conventionally. If a writ is eFiled, you must also mail a self-addressed, stamped envelope to the civil department for return of your writ, along with a check for copy fees if you wish to receive a copy of your writ and/or judgment. You may make other arrangements for the return of the writ, such as a request to place the writ at “will call,” by contacting the execution clerk in the civil department.

You may submit the entire writ package to the court (by conventional filing only), which should consist of the writ, the court issuance fee, the sheriff’s instructions, the check for the sheriff’s fee made out to the sheriff, and a copy of the judgment. The clerk will forward the writ to the Multnomah County Sheriff’s office upon issuance.

Although executions may be issued simultaneously to different counties, only one execution at a time will be issued in any one county on any one debtor. Before a subsequent writ will be issued in a county, the sheriff’s return on the first execution must be filed, or 60 days must have passed.

If there is a return on the writ, and money is received by the court from the sheriff, the court will pay the judgment creditor up to the amount due to satisfy the judgment at the time of sale, unless the judgment creditor used the judgment amount or a portion of it to purchase the property at the sheriff’s sale. Additional funds beyond what is owed to the judgment creditor and received by the court on the execution will be disbursed as provided by law. Any uncertainty will be resolved under the provisions of UTCR 1.120. This disbursement is not automatic—the creditor must present a Motion for Disbursement of Sale Proceeds in person at ex parte. SLR 2.501.

#### **E. WRITS OF ASSISTANCE**

A writ of assistance is based on common law. To obtain such a writ, present a motion, declaration or affidavit, order, and proposed writ (and a copy) at ex parte. If approved, the judge will sign the order. The writ will be signed by the clerk in the courtroom if it matches the order. The court does not prepare its own writs. The original writ will be given to the moving party and a copy placed in the court file.

#### **F. WRIT OF GARNISHMENT**

Writs of garnishment may be issued by an attorney or the court clerk. ORS 18.600 through 18.850 sets out the procedures and forms for garnishment by both attorneys and clerks. When issuing a garnishment, the clerk will check for the correct case name and number, that the writ and the garnishee duties set out in the packet comply with the statutory requirements, that a judgment has been entered and not satisfied, that a total amount has been filled in, and that the garnishment has been signed by the creditor or creditor’s attorney or agent. The original and two copies of the garnishment are required. ORS 18.650 and 18.658 set out the disposition of the copies; one to the garnishee and one to the judgment debtor. The judgment debtor’s copy of the

writ must include a form to challenge the garnishment. The writ may be served by the sheriff or by a resident of this state over the age of 18 who complies with ORS 18.625.

The “garnishee's duties” tell the garnishee to make checks payable to the judgment creditor. ORS 18.730. If instead the money is paid to the court, an out-of-state check is held a minimum of 28 days and an in-state check a minimum of 21 days before the funds are disbursed by the court to the judgment creditor.

If the garnishee fails to respond to the writ, ORS 18.775 to 18.782 sets out a procedure for compelling an answer.

### **G. RELEASE OF GARNISHMENT**

ORS 18.770 allows the judgment creditor to release a garnishment covering all or part of any property held under garnishment. A form of release is set out in ORS 18.842. The release is directed to the garnishee. If funds are held by the court, for example by virtue of a challenge, the release should direct the clerk to disburse the funds and indicate to whom the funds should be disbursed. A copy of the release of garnishment must be filed with the court if the garnishment requested the sale of property or there was a challenge filed.

### **H. CHALLENGE TO GARNISHMENT BY DEBTOR**

When a challenge to the garnishment pursuant to ORS 18.700 is received by the court from a judgment debtor, the clerk will schedule a hearing and send notices to the creditor or creditor's attorney, to the garnishee, and to the sheriff if required, indicating the date, time and room for appearance. All challenges are set for hearing as soon as possible, and the hearing is to decide the challenge in a summary manner. ORS 18.710.

A challenge is specific to each garnishment. A second garnishment would need a second challenge.

### **I. APPEARANCE OF JUDGMENT DEBTOR**

ORS 18.265 allows a judgment creditor to file a motion for an order requiring the appearance of a judgment debtor to answer under oath questions concerning the property of the judgment debtor. In circuit court civil cases (except small claims), to obtain an order for appearance, efile a motion, supporting documentation and proposed order to the court. These do not require an appearance at ex parte.

Unless otherwise ordered by the court, the time and place of appearance must be 11:00AM in Room 208 on any judicial day. The judgment creditor must select a hearing date far enough in the future to ensure that sufficient notice is given to the debtor. The creditor will then download the signed order and serve it. The movant must file a proof of service.

If the creditor obtains a date at the time the order is signed by the court, and later wishes to change the appearance date the creditor must move for a new order. Do not alter the date after the order has been signed.

Judgment debtor examinations are not placed on the court calendar and the judge does not preside over the proceeding. At 11:00AM, if the debtor appears, the clerk in presiding court will swear in the debtor and the questioning may be held in the courtroom, or elsewhere if the debtor agrees. The hearing is not recorded unless recording is privately arranged. FED judgment debtor examinations are scheduled for 11:00AM in Room 208, as outlined for civil examinations.

The court will generally not order a judgment debtor to appear at any location other than Room 208 of the courthouse. However, if the debtor stipulates to another location, or the creditor meets the requirements of ORS 18.265(6), the court may order the debtor to appear before another court for examination.

For small claims judgment debtor examination orders, the motion and supporting documents should be presented to the small claims clerks in Room 210 for signature. These examinations are set for any Wednesday, Thursday, or Friday at 8:15AM in Room 120.

If an order for appearance of a judgment debtor pursuant to another county's judgment is based on the presence of the debtor and the recording of the other county's judgment in Multnomah County (ORS 18.265(2)(b)), the caption of the order should indicate the Multnomah County Recorder's number and the case number assigned by the county in which the underlying judgment was entered. The order will be signed by the presiding judge, but sent for filing to the court where the original case file exists.

#### **J. APPEARANCE OF GARNISHEE**

A garnishee may be ordered to appear under ORS 18.778 to be examined under oath concerning the garnishment. When such an order is obtained from the court the garnishee should be ordered to appear at 11:00AM in Courtroom 208 on any business day, or in Room 120 at 8:15AM on Wednesday, Thursday, or Friday if a small claims department matter. If the garnishee fails to appear, the court will consider signing a judgment against the garnishee. Any request for a judgment against the garnishee should be set on the court's show cause docket for assignment for hearing. If the garnishee appears and a satisfactory answer is not provided, the creditor may request a hearing date from the calendar clerk in Room 210.

The court will not order any person to appear regarding a judgment except the debtor and the garnishee.

#### **K. JUDGMENT DEBTOR CONTEMPT**

If the judgment debtor fails to appear at a judgment debtor examination (or more than one examination), the judgment creditor may file a motion to initiate a remedial contempt proceeding under ORS 33.055. The movant must obtain an order scheduling a show cause hearing at ex parte. See SLR 2.501. Usually, show cause hearings are set on the presiding docket on a



Thursday for a Friday. The presiding judge prefers that creditors attempt to have the debtor appear at more than one debtor examination before starting a contempt proceeding. Also, it is unlikely that the court will order a judgment debtor to be taken into custody for failing to pay a judgment or appear at a judgment debtor examination, absent extraordinary circumstances.

#### **L. DISBURSEMENT OF FUNDS PAID INTO COURT**

The court accepts funds paid into court for a variety of reasons, including interpleader, tender of rent, bonds, undertakings, and judgments. If payment is made by check, the check must be payable to the State of Oregon and the case number to which the funds apply must be written on the check.

In some instances, the court will disburse funds without an order to disburse (e.g., funds to be applied to a judgment will be paid to a creditor; bond on appeal will be paid out according to the appellate order regarding costs). However, if there is any question as to the reason the funds are being held, to whom they should be paid, or what proportion multiple creditors should receive, an order disbursing funds is required. UTCR 1.120 sets out the steps to obtain such an order. Motions to disburse money deposited with the court must be presented at ex parte. SLR 2.501.

#### **M. DEPOSITING FUNDS IN COURT'S INTEREST-BEARING ACCOUNT**

Under ORS 293.293 all funds held in trust by a court for the benefit of any party must be deposited with the Oregon State Treasurer. An order is required to deposit funds in an interest-bearing account with the State Treasurer, and the amount to be deposited must be over \$10,000. ORS 293.293(2). Since the money must be transferred to the State Treasurer and then transferred again into the interest-bearing account held by the State Treasurer, some delay in the date interest begins to accumulate is usual.

An order is required to pay out the money plus interest. The order should specify to whom the check should be made payable, and the amounts requested including the interest. After the order is signed and a request to transfer the money is forwarded to the State Treasurer, the funds, plus interest, are transferred back into the court's trust account, and then disbursed. Once the funds are transferred back to the court's trust account, interest ceases to accumulate. An order requiring the money to be disbursed "immediately," or to continue to earn interest until paid, will still be subject to the process of moving money back to the court's account from the interest-bearing account, and the cessation of interest accumulation from the point of transfer through disbursement.

#### **N. EXTENSION OF JUDGMENT REMEDIES**

ORS 18.182 allows an extension of judgment remedies for an additional ten (10) years beyond the initial period set in ORS 18.180. This must be done before the original judgment remedies expire, by filing a certificate of extension. ORS 18.182. The certificate should indicate when the original judgment was entered and that it has not been satisfied. The extension time (10 years) runs from the date the certificate is filed, not from the date the original judgment expires.

## APPENDIX OF FORMS

- A. Order Re: Recording of Proceedings by Stenographic Means, Form 03-08
- B. Subpoena, Form 03-33
- C. Motion for Order to Schedule Show Cause Hearing, Form 05-27A
- D. Order Re: Motion for Show Cause Hearing, Form 05-27B
- E. Certificate of Alternative Dispute Resolution, Form 05-31
- F. Motion for Abatement, Form 05-32A
- G. Abatement Order, Form 05-32B
- H. Motion for Reinstatement, Form 05-33A.
- I. Order for Reinstatement, Form 05-33B
- J. Motion for Severance of Party and Abatement, Form 05-38A
- K. Order re: Motion for Severance of Party and Abatement, Form 05-38B
- L. Motion for Relief from Judgment (ORCP 71), Form 05-39A
- M. Order Re: Motion for Relief from Judgment (ORCP 71), Form 05-39B
- N. Motion for Continuance (UTCRC 7.020), Form 05-41A
- O. Order for Continuance (UTCRC 7.020), Form 05-41B
- P. Motion to Reschedule Summary Judgment Hearing, Form 05-44A
- Q. Order to Reschedule Summary Judgment Hearing, Form 05-44B
- R. Motion to Reschedule Summary Judgment Hearing in Front of a Sitting Judge, Form 05-78A
- S. Order to Reschedule Summary Judgment Hearing in Front of a Sitting Judge, Form 05-78B

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)/Petitioner(s)

vs.

\_\_\_\_\_  
Defendant(s)/Respondent(s)

**ORDER RE REPORTING OF  
PROCEEDINGS BY  
STENOGRAPHIC MEANS**

Based upon ORS 8.340 and the stipulations of the parties as endorsed hereon, IT IS HEREBY ORDERED AS FOLLOWS:

At the expense of the parties, the following proceedings in this case may be reported by stenographic reporting:

\_\_\_\_\_ The hearing of this date

\_\_\_\_\_ Trial:  in whole, or  in part. If only part of the trial is to be reported by stenographic reporting, the parties and the reporter shall give reasonable notice to the Court in the advance of what parts are the be stenographically reported and what parts are not to be stenographically reported.

\_\_\_\_\_ Other (specify:): \_\_\_\_\_

When a stenographic reported is reporting the proceeding, the Court  will or  will not operate the electronic audio recording equipment. The official record of the proceeding will be:

\_\_\_\_\_ The record produced by the stenographic reported when the stenographic reported is present, or

\_\_\_\_\_ The electronic audio recording

By endorsement hereon, the stenographic reporter agrees as follows;

1. The stenographic reporter will attend the court the schedule directed by the Judge. The lawyers will not control scheduling of the reporter's time, except the Judge may approve in advance the lawyers' request that only portions of the proceedings be reported by the stenographic reporter. ORS 8.340(1).
2. The stenographic reporter is an officer of the Court. ORS 8.340(3).
3. The notes of the stenographic reporter shall be filed in the office of the clerk of the court subject to provisions of ORS 7.120, ORS 8.340(6).
4. Upon request, the reporter shall make a full and accurate transcript, certified as such as provided for in ORS 8.360, which shall be filed with the clerk of the court for use of the court or parties. ORS 8.350
5. The stenographic reporter shall meet at least the following minimum competency requirements:
  - the stenographic reporter shall be a "Certified Short Hand Reporter" as the phrase is defined in ORS 8.415(3), or
  - the stenographic reporter shall be nationally certified as either a Registered Professional Reporter or Certificate of Merit Reporter

IT IS SO STIPULATED,

For Plaintiff(s)/Petitioner(s)

For Defendant(s)/Respondent(s)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I agree to Comply with the terms of the Order.

\_\_\_\_\_  
Stenographic Reporter(s)/Telephone Number

\_\_\_\_\_  
Stenographic Reporter(s)/Telephone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Court Judge

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY**

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant



Criminal Subpoena   
(Also for infractions and violations)

Civil Subpoena

Subpoena Duces Tecum

CASE No. \_\_\_\_\_

TO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

**IN THE NAME OF THE STATE OF OREGON AND BY ORDER OF THE COURT:**

You are hereby commanded to appear in the Circuit Court of the State of Oregon for Multnomah County at Room No. \_\_\_\_\_ Multnomah County Courthouse, Portland, Oregon on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M., to give evidence in the above matter on behalf of \_\_\_\_\_

**THE FOLLOWING APPLIES ONLY TO A SUBPOENA DUCES TECUM:**

You are required, also, to bring with you the following (describe intelligibly the books, papers, or documents required):

\_\_\_\_\_

\_\_\_\_\_

Name, Address, and Telephone of Attorney or Pro Se defendant  
issuing Subpoena

\_\_\_\_\_

\_\_\_\_\_

Witness my name and the Seal of said  
Court, this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_. Trial Court Administrator, Clerk  
By \_\_\_\_\_  
Deputy

**NOTICE TO ALL WITNESSES:**

**Civil Cases:** If you are subpoenaed to testify in a Civil Case, you must contact the attorney who issued the subpoena regarding payment of fees for testifying. Oregon Rule of Civil Procedure 55 (A) requires witnesses to remain until testimony is completed, unless discharged sooner. At the end of each day's attendance, witnesses may demand of the party or the party's attorney, payment of legal witness fees for the next day. If witnesses are not paid, they are not obligated to remain in attendance. The witness fee and mileage reimbursement amounts on the reverse side of this form are for criminal, not civil cases.

**Criminal Cases:** If you are subpoenaed by a court-appointed defense attorney in a Criminal Case, you must have the attorney complete the attorney verification portion on the reverse side of this subpoena and forward to the Office of Public Defense Services, Contract & Business Services Section, 1320 Capitol Street NE, Suite 190, Salem, Oregon 97303. The attorney must indicate on the subpoena that he or she is court-appointed. A reimbursement check will be mailed in approximately six weeks by the State Court Administrator. If you are subpoenaed by a privately retained defense attorney in a Criminal Case, fees and mileage are to be paid by the defendant, pursuant to ORS 136.602(2), therefore you do not submit the paperwork to the Office Of Public Defense Services.

**PAYMENT WILL BE ARRANGED ONLY UPON PRESENTATION OF ATTORNEY VERIFIED  
COPY OF THIS SUBPOENA**

STATE OF OREGON )  
MULTNOMAH COUNTY ) SS

I hereby certify that I served the within Subpoena within said State and County, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_, on the within named \_\_\_\_\_  
by delivering a copy thereof to \_\_\_\_\_

Service Fee \$ \_\_\_\_\_

Witness Fee \$ \_\_\_\_\_, paid by

By \_\_\_\_\_, Deputy

**CERTIFICATION OF WITNESS FEES  
CRIMINAL CASES**

NOTICE: Mileage and per diem of a witness in a criminal action or proceeding shall be claimed from the Office of Public Defense Services. Please mail this subpoena to the Office of Public Defense Services, Contract & Business Services Division, 1320 Capitol Street NE, Suite 190, Salem, Oregon 97303 prior to the end of the month in which you appeared in court.

**ATTORNEY VERIFICATION**

Approved as to \_\_\_\_\_ days appearance and \_\_\_\_\_ miles traveled:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Print Name

I do hereby affirm that I attended court as a witness in the above captioned case on the following day(s) \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_, and that I traveled \_\_\_\_\_  
miles.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

No. of days \_\_\_\_\_ @ \$5.00 = \$ \_\_\_\_\_

X \_\_\_\_\_ Witness

No. of miles \_\_\_\_\_ @ \$ . 08 = \$ \_\_\_\_\_

Subscribed and sworn to, before me, this \_\_\_\_\_

Total = \$ \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_.

I have examined the above claim and find it correct.

\_\_\_\_\_  
Deputy

**ATTORNEY MUST VERIFY ABOVE**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff

Case No. \_\_\_\_\_

vs

**EX PARTE MOTION FOR ORDER TO  
SCHEDULE SHOW CAUSE HEARING**

\_\_\_\_\_  
Defendant

\_\_\_\_\_ moves the court to set a show cause hearing.

(insert the name of the party requesting the show cause hearing)

Supporting documentation showing the basis for the show cause hearing is presented with this motion.

Nature of the Proceeding for Which a Show Cause Hearing is Requested:

- For Preliminary Injunction       For Receivership
- Provisional Process
- Other Proceeding As Follows: \_\_\_\_\_

Estimated Length of Hearing: \_\_\_\_\_

---

I certify to the court that I have complied with SLR 5.025(3) regarding of one judicial day's notice of an ex parte appearance to opposing parties, that I will appear at Call as required by SLR 7.055(8)(A), and will comply with UTCR 7.040 and give the court **immediate notice of resolution of this matter.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Typed or Printed and OSB Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff

Case No. \_\_\_\_\_

vs

**ORDER RE: MOTION FOR  
SHOW CAUSE HEARING**

\_\_\_\_\_  
Defendant

It is **HEREBY ORDERED** that the Motion for Show Cause Hearing is:

- Denied and the original show cause documents are returned.
- Allowed: The Motion for an order to show cause is set for Call on \_\_\_\_\_ at 9:00 AM, in courtroom 208, for assignment for hearing on \_\_\_\_\_ (date). The original show cause documents will be filed with the court with this order

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Name of Judge Typed or Printed

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff(s)

Case No. \_\_\_\_\_

vs.

**CERTIFICATE OF ALTERNATIVE  
DISPUTE RESOLUTION**

\_\_\_\_\_  
Defendant(s)

**PURSUANT TO** Multnomah County SLR 7.016:

The parties signed below certify that they have complied with the rule by participation in arbitration, mediation, a judicial settlement conference, or some other form of appropriate dispute resolution. The parties participated in the following forms of dispute resolution (check any that apply):

- Judicial Settlement Conference
- Arbitration
- Mediation
- Other \_\_\_\_\_

Signatures and Date of Signing

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party

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Date

\_\_\_\_\_  
Party's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party's Attorney

\_\_\_\_\_  
Date



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

Case No:

\_\_\_\_\_  
Plaintiff

v.

**EX PARTE MOTION TO  
ABATE**

\_\_\_\_\_  
Defendant

The plaintiff/defendant moves to abate the case for the following reason:

- Bankruptcy
- Independent binding arbitration
- Other (specify reason): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I certify to the court that I have complied with SLR 5.025(3) regarding of one judicial day's notice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Typed or Printed and OSB Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)

Case No. \_\_\_\_\_

vs.

**ABATEMENT ORDER**

\_\_\_\_\_  
Defendant(s)

**IT APPEARING TO THE COURT** that the above case cannot proceed for the following reason:

- Bankruptcy; a copy of the petition or notice of bankruptcy is attached
- Independent Binding Arbitration (stipulation of the parties is attached)
- Other \_\_\_\_\_

**IT IS THEREFORE ORDERED** that the above case be removed from the active docket of this until \_\_\_\_\_.

(The date cannot be more than two (2) years from the date of this order for bankruptcy and no later than one (1) year for other reasons.)

**IT IS FURTHER ORDERED** that this order shall not be rescinded without an order for reinstatement; and

**IT IS FURTHER ORDERED** that this case shall be dismissed without prejudice at the expiration of the date set and following notice of intent to dismiss pursuant to ORCP 54B(3), unless this case has been reinstated as an active case before the Court, or otherwise continued or resolved.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Court Judge

Presented By:

\_\_\_\_\_  
Print Name & OSB#

\_\_\_\_\_  
Attorney for

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff(s)

Case No \_\_\_\_\_

vs.

**EX PARTE MOTION FOR  
REINSTATEMENT**

\_\_\_\_\_  
Defendant(s)

Plaintiff moves to reinstate this case, which has been inactive since \_\_\_\_\_ as to defendant(s) (indicate) \_\_\_\_\_ or  All, for the following reason:

- Abated for Bankruptcy
- Abated for Independent Arbitration
- Inactive due to Appeal
- Other: \_\_\_\_\_

Plaintiff requests \_\_\_\_\_ days

---

I certify to the court that I have complied with SLR 5.025(3) regarding of one judicial day's notice of an ex parte appearance to opposing parties, that I will appear at Call as required by SLR 7.055(8)(A), and will comply with UTCR 7.040 and give the court **immediate notice of resolution of this matter.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Name Typed or Printed and OSB Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff(s)

Case No \_\_\_\_\_

vs.

**ORDER RE: MOTION FOR  
REINSTATEMENT**

\_\_\_\_\_  
Defendant(s)

**IT IS HEREBY ORDERED THAT** the case is reinstated, and:

Continued under UTCR 7.020, subject to the condition that the plaintiff obtain service on the defendant(s), secure the necessary appearances to place the case at issue, take default judgment(s), or move for further continuance no later than \_\_\_\_\_  
(specify date)

The trial is set for \_\_\_\_\_

A Trial Readiness Conference will be assigned in the regular course

The final judgment or decree submitted with this motion and order shall be entered forthwith

Other: \_\_\_\_\_

Denied

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Name of Judge Typed or Printed

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff(s) Case No. \_\_\_\_\_  
vs. **EX PARTE MOTION FOR  
SEVERANCE OF PARTY AND  
ABATEMENT**  
\_\_\_\_\_  
Defendant(s)

A party in the above case cannot proceed for the following reason:

- Bankruptcy; a copy of the petition or notice of bankruptcy is attached
  - Other: \_\_\_\_\_
- \_\_\_\_\_

\_\_\_\_\_ moves to sever \_\_\_\_\_ from the case  
(Plaintiff/Defendant)  
and abate the case as to said party for \_\_\_\_\_ (days/years) (not to exceed two years), and  
continue the case as to the remaining parties.

---

I certify to the court that I have complied with SLR 5.025(3) regarding of one judicial day's notice of an ex parte appearance to opposing parties, that I will appear at Call as required by SLR 7.055(8)(A), and will comply with UTCR 7.040 and give the court **immediate notice of resolution of this matter.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Typed or Printed and OSB Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff(s)  
  
vs.  
  
\_\_\_\_\_  
Defendant(s)

Case No. \_\_\_\_\_

**ORDER RE: MOTION FOR  
SEVERANCE OF PARTY AND  
ABATEMENT**

**IT IS HEREBY ORDERED** that \_\_\_\_\_ is hereby severed from this lawsuit and the case is abated as to said party for a period of \_\_\_\_\_ days/years (up to two years) from this order.

**IT IS FURTHER ORDERED** that this action shall be dismissed without prejudice as to such party at the expiration of this order and following notice of intent to dismiss pursuant to ORCP 54B(3), unless the abated party is returned to the status of an active party by an order of reinstatement, or otherwise resolved by a final judgment as to such party; and

**IT IS FURTHER ORDERED** that the case shall proceed as to the remaining and active parties.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Name of Judge Typed or Printed

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff(s)

Case No \_\_\_\_\_

vs.

**EX PARTE MOTION FOR RELIEF FROM  
JUDGMENT (ORCP 71)**

\_\_\_\_\_  
Defendant(s)

Plaintiff moves to set aside the judgment entered on \_\_\_\_\_  
as to defendant(s) (indicate) \_\_\_\_\_ or  All, by the following:

- UTCR 7.020 Judgment of Dismissal
- ORCP 54B(3) Judgment of Dismissal (including cases that were reported settled and cases dismissed for failure to appear at trial assignment pursuant to SLR 7.055(8)(A))
- Judgment of Dismissal for failure to comply with rules governing arbitration

Date plaintiff received notice of the judgment \_\_\_\_\_ .

Plaintiff submits a supporting affidavit/declaration with the basis for relief under ORCP 71 (B)(1)(a)-(e) with this motion.

\_\_\_\_\_  
I certify to the court that I have served this motion on all the parties pursuant to ORCP 71.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Name Typed or Printed and OSB Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff(s)

Case No \_\_\_\_\_

vs.

**ORDER RE: MOTION FOR  
RELIEF FROM JUDGMENT (ORCP 71)**

\_\_\_\_\_  
Defendant(s)

**IT IS HEREBY ORDERED THAT** the judgment entered \_\_\_\_\_ is vacated, the case is reinstated, and:

- Continued under UTCR 7.020, subject to the condition that the plaintiff obtain service on the defendant(s), secure the necessary appearances to place the case at issue take default judgment(s), or move for further continuance no later than \_\_\_\_\_  
(specify date)
- The trial is set for \_\_\_\_\_
- A Trial Readiness Conference will be assigned in the regular course
- The final judgment or decree submitted with this motion and order shall be entered forthwith
- Other: \_\_\_\_\_
- Denied

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Name of Judge Typed or Printed



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff

Case No. \_\_\_\_\_

vs

**EX PARTE MOTION FOR  
CONTINUANCE  
(UTCRC 7.020)**

\_\_\_\_\_  
Defendant

Plaintiff moves for an order extending the reporting period established by UTCRC 7.020, as to  the defendant(s) listed below, or  all defendants, based upon the attached affidavit and/or the reasons below:

Defendant(s): \_\_\_\_\_

- Service upon defendant(s) indicated above is not complete
- Defendant(s) served, and extension for appearance requested
- Defendant(s) defaulted by order, but final judgment not yet entered
- Continuance necessary to allow for Prima Facie hearing set for \_\_\_\_\_  
(Specify Date)
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

I certify to the court that I have complied with SLR 5.025(3) regarding of one judicial day's notice of an ex parte appearance to opposing parties, that I will appear at Call as required by SLR 7.055(8)(A), and will comply with UTCRC 7.040 and give the court **immediate notice of resolution of this matter.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Typed or Printed and OSB Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff

Case No. \_\_\_\_\_

vs

**ORDER FOR CONTINUANCE  
(UTCR 7.020)**

\_\_\_\_\_  
Defendant

**IT IS HEREBY ORDERED THAT** the motion for continuance is:

- DENIED
- GRANTED, subject to the condition that the plaintiff obtain service on the defendant(s), secure the necessary appearances to place the case at issue, take default judgment(s), or move for further continuances not later than \_\_\_\_\_  
(Specify Date)
- GRANTED, and this case is **STAYED** as to defendant(s) listed pursuant to SLR 7.021(2) pending the outcome of the trial.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Circuit Court Judge

\_\_\_\_\_  
Name of Judge Typed or Printed

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff

Case No. \_\_\_\_\_

vs.

**MOTION TO RESCHEDULE SUMMARY  
JUDGMENT HEARING**

\_\_\_\_\_  
Defendant

The  moving party/ non-moving party (check one), moves the court for leave to reschedule the summary judgment hearing currently set on \_\_\_\_\_ for the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

Opposing party:       Consents       Objects

I certify that I have served a copy of this motion on all opposing parties. If objected to, at least one judicial day's notice of the date and time of Ex Parte appearance was given to all opposing counsel pursuant to S.L.R. 5.025(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Print Name and OSB #

\_\_\_\_\_  
Party Attorney Represents

\_\_\_\_\_  
Telephone Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff/Petitioner

vs.

\_\_\_\_\_  
Defendant/Respondent

**Case No.** \_\_\_\_\_

**ORDER TO RESCHEDULE  
SUMMARY JUDGMENT HEARING**

It is **HEREBY ORDERED** that the Request to Change Summary Judgment Hearing Date is,

Granted

Denied

The hearing is rescheduled to:

A date provided by calendaring and agreed to by parties; or

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Court Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

Case No. \_\_\_\_\_

**MOTION TO RESCHEDULE  
SUMMARY JUDGMENT HEARING  
IN FRONT OF SITTING JUDGE**

The  moving party/ non-moving party (check one), moves the court for leave to reschedule the summary judgment hearing currently set on \_\_\_\_\_ in front of a sitting judge.

Opposing party:

Consents

Objects

I certify that I have served a copy of this motion on all opposing parties. If objected to, at least one judicial day's notice of the date and time of Ex Parte appearance was given to all opposing counsel pursuant to SLR 5.025(3).

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Print Name, Phone Number and OSB #

\_\_\_\_\_  
Party Attorney Represents

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

Case No. \_\_\_\_\_

**ORDER TO RESCHEDULE  
SUMMARY JUDGMENT HEARING  
IN FRONT OF SITTING JUDGE**

It is **HEREBY ORDERED** that the Request to Change Summary Judgment Hearing Date in front of sitting judge is,

Granted

Denied

The hearing is rescheduled to:

A date provided by calendaring and agreed to by parties; or

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Court Judge