

# COURTHOUSE NEWS

A Summary of Topical Highlights from decisions of the  
U.S. District Court for the District of Oregon  
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## The 2007 District of Oregon Conference

was a HUGE success held at the United States Federal Courthouse in Eugene on Nov. 29-30, 2007. The Conference title was: "The Only Easy Day Was Yesterday: The Challenges of Legal Communication in the 21<sup>st</sup> Century." The Conference attracted over 260 participants from all over the state. Judge Ashmanskas chaired an informative panel titled "It's more than spell Check: Writing to Maximize Persuasion and Action for Judges." Moderator Kelly Beckley led a lively, rapid fire panel titled, "That's Easy for You to Say: The Power of the Spoken Word in Court, in the Hallways, and on the Phone." A highly complemented panel titled, "Confessions of a High Speed Business

Professional" dealt with business law issues with emphasis on practical and real world application. Professor Ana Maria Merico spoke on "Changing the Doctrinal Discourse on Diversity and Affirmative Action with All Deliberate Speed." Her presentation was also highly complimented and there have been many requests for her presentation materials. All Conference materials, including CLE materials are available on the court's website at: <http://ord.uscourts.gov/conference> The Conference is pending OSB authorization for a total of nine CLE credits. We are also preparing a DVD of the Conference presentations. For information on the Conference: email Jolie Russo at: [jolie\\_russo@ord.uscourts.gov](mailto:jolie_russo@ord.uscourts.gov)

## National Origin Discrimination

Plaintiff brought claims for hostile work environment, disparate treatment, retaliation, and discrimination for initiating a civil proceeding, in violation of Oregon law, as well as retaliation in violation of federal law. Plaintiff also alleged intentional interference with economic relations and unpaid wages. Plaintiff is of Russian descent, and alleged that her employer discriminated against her based upon her national origin. Defendant moved for summary judgment, arguing that 42 U.S.C. § 1981 applies to victims of racial discrimination only. Judge Aiken declined to so

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narrowly construe § 1981, holding that plaintiff had an actionable claim based on national origin discrimination under § 1981. Defendant moved for summary judgment on each of plaintiff's other claims, but plaintiff raised sufficient evidence to constitute genuine issues of material fact. Therefore, the court denied defendant's motion for summary judgment.

Vail v. T-Mobile,  
Cv 06-6159-AA  
(Opinion 10/29/07)  
Plaintiff's Counsel:  
Dana Sullivan  
Defense Counsel:  
Paula Barran

### Remand to State Court

Plaintiff moved to remand this housing discrimination action back to state court following its removal to federal court by defendants. Plaintiff argued that remand was required because defendants had failed to "promptly"

give written notice of the removal as required under 28 U.S.C. sec 1446(d). Defendants filed the notice of removal on March 1, 2007 and mailed a copy of it, and supporting documentation, to plaintiff's counsel on that same date. Plaintiff's counsel alleged that he did not receive the materials until March 16, 2007. Plaintiff asserted that the delay in delivery was caused by a typographical error in plaintiff's counsel's mailing address. Judge Hubel recommended that the motion for remand be denied.

Green v. Praxis Partners, et al.,  
CV 07-0301-HU  
(F&R filed 5/11/07,  
Adopted 7/2/07)  
Plaintiff's Counsel:  
Sean Hartfield  
Defense Counsel:  
Richard Whittemore

### Fair Debt Collection Practices Act

This case involved a landlord-tenant dispute. Plaintiffs, tenants, alleged violation of the

Fair Debt Collection Practices Act (FDCPA), intentional interference with economic relations, breach of contract, defamation, Oregon Unfair Collection Practices Act (UDCPA) and intentional infliction of emotional distress. Defendants filed for summary judgment on all claims and plaintiffs filed a cross-motion for partial summary judgment.

Judge Aiken granted defendants' motion for summary judgment on all claims except the FDCPA and UDCPA claims and denied plaintiffs' cross-motion for partial summary judgment.  
Pippert v. Niece,  
Cv 06-6130-AA  
(Opinion, 10/10/07)  
Plaintiff's Counsel:  
Keith Karnes  
Defense Counsel:  
Anne Foster