

COURTHOUSE NEWS

A Summary of Topical Highlights from decisions of the
U.S. District Court for the District of Oregon
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Fair Debt Collection Act

Plaintiff brought an action pursuant to the Fair Debt Collection Act arguing that a dunning letter from defendant, an Oregon attorney, overshadows plaintiff's right to dispute a debt with Capital One Bank and misrepresents attorney involvement in the matter. Judge Panner agreed and granted Judgment on the Pleadings for plaintiff. Plaintiff was awarded \$1,000 in statutory damages plus reasonable attorney fees and costs.

Dunn v. McGavic,

Cv 09-3035-PA
(Sept. 1, 2009)

Plaintiff's Counsel: Joshua Trigsted

Defense Counsel: David Jacobs

Copyright Infringement

Judge Aiken granted plaintiff's motion for summary judgment on all claims against defendants. Judge Aiken further granted plaintiff's and third-party defendant's motion for summary judgment finding they are entitled to judgment as a matter of law on

defendants' third-party claims.

Plaintiff's complaint alleged copyright infringement and unfair competition against defendant, plaintiff's former customer.

Mei, LLC v. Integral Applied Tech., Inc., et al.

CV 08-6046-AA
(Sept. 15, 2009)

Plaintiff's Counsel: James Geringer
Defendant Integral Applied Technology - Appearing Pro Se
Third-Party Defendant: Kurt Rylander

Jury Trials:

Lister v. C.R. England, Inc. et al.,

CV 06-1505-HO, Aug. 27, 2009

Judge Hogan presided over this motor vehicle accident/negligence 3-day jury trial in Portland, Oregon. The jury returned a verdict for the defendants. Judge Hogan ordered that defendants may recover costs from plaintiff.

Plaintiff's Counsel: Thomas D'Amore

Defense Counsel: Derek Ashton

Weiland v. Pellicone et al.,

CV 08-3057-CL, Sept. 24, 2009

Judge Clarke presided over this motor vehicle accident/negligence 3- day jury trial in Medford, Oregon. The jury returned a verdict for plaintiff and against defendant in the amount of \$26,623.91 (economic damages) and \$25,000 (non-economic damages)..

Plaintiff's Counsel: Kelly Anderson

Defense Counsel: Michael Long

Orme v. Burlington Coat Factory of Oregon,

CV 07-859-MO, Sept. 2, 2009

On June 17, 2009, the jury rendered its verdict for plaintiff finding plaintiff suffered racial discrimination in his employment. The jury awarded plaintiff \$33,500 in non-economic damages and \$375,000 in punitive damages. On Sept. 2, 2009, plaintiff tried his equitable claims for economic damages to the court. Judge Mosman presided over the 1-day court trial and

denied plaintiff's claim for economic damages. Plaintiff was thereby awarded the sum of \$408,500 for non-economic damages and punitive damages plus interest.

Plaintiff's Counsel: Benjamin Rosenthal

Defense Counsel: Clarence Belnavis

Waterhouse v. City of Portland,

CV 07-1716-HA, Sept. 21, 2009

Judge Haggerty presided over a 4-day jury trial where plaintiff alleged a civil rights violation (excessive force) against several City of Portland police officers. The jury returned a verdict for plaintiff finding 2 of the 4 officers did use excessive force and awarded plaintiff \$55,000 in damages.

Plaintiff's Counsel: Benjamin Wright Haile

Defense Counsel: David Landrum

Stein v. Indian Head Industries,

CV 08-554-AC, Sept. 25, 2009

Judge Acosta presided over this 4-day jury trial. Plaintiff alleged employment discrimination pursuant to the Americans with Disabilities Act. The jury returned a verdict for defendant.

Plaintiff's Counsel: Alycia Huskins Blecker

Defense Counsel: Jennifer Nelson

Joslyn v. PetSmart, Inc.,
CV 08-646-KI, Sept. 11, 2009

Judge King presided over this 2-day jury trial. Plaintiff alleged a personal injury claim against defendant, defendant alleged contributory negligence against plaintiff. The jury found defendant 70% negligent and plaintiff 30% negligent. The jury awarded plaintiff \$37,347.50 plus interest and costs.

Plaintiff's Counsel: Gerald Doble
Defense Counsel: Lloyd Bernstein

Of Interest:

Judge Anna Brown will be our featured guest speaker in celebration of ten years on the federal bench. Senior U.S. District Court Judge Malcolm Marsh will make introductory remarks. The luncheon is scheduled to begin at Noon on Thursday, October 15, 2009 at the University Club, 1225 SW 6th Avenue, Portland. We expect a packed house, so please email your registration to Ann Fallihee, afallihee@barran.com

Proposed Changes to Local Rules - Comments Accepted Until October 9, 2009

The United States District Court of Oregon Local Rules Advisory Committee has asked that practitioners be made aware that proposed changes to the Court's Local Rules have recently been promulgated. Proposed changes can be accessed on the Court's website at

<http://ord.uscourts.gov>

The Court is accepting comments on these proposed changes until close of business on Friday, October 9, 2009. Comments or recommendations may be sent via email to: info@ord.uscourts.gov, Subject line: Comments to Proposed Local Rule Changes. The changes are scheduled to go into effect on December 1, 2009. The new Local Rules will be posted to the Court's website at <http://ord.uscourts.gov>.

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