IN THE SUPREME COURT OF THE STATE OF OREGON

TYLER TURNER,

Plaintiff-Appellant,
Respondent on Review,

v.

STATE OF OREGON, through its Department of Transportation,

Defendant-Respondent,
Petitioner on Review

and

CITY OF DEPOE BAY and LINCOLN COUNTY,

Defendants-Respondents,

and

CAROL COLIP,

Defendant-Appellant.,
Respondent on Review.

CITY OF DEPOE BAY, et al,

Cross-Plaintiffs,

v.

CAROL COLIP, et al,

Cross-Defendants.

Marion County Circuit Court No. 10c17841

CA A151193

SC S063319

BRIEF ON THE MERITS OF RESPONDENT ON REVIEW TYLER TURNER

Continued next page.

December 2015

Appeal from the limited judgment entered on March 20, 2012, by Judge Thomas Hart, Marion County Circuit Court.

Opinion Filed April 15, 2015 Author of Opinion: Timothy J. Sercombe, Presiding Judge Concurring Judges: Erika L. Hadlock, Judge and Douglas L. Tookey, Judge.

W. Eugene Hallman, OSB #741237
Hallman Law Office
PO Box 308
Pendleton OR 97801
(541) 276-3857
office@Hallman.pro

Representing Plaintiff-Appellant Respondent on Review Tyler Turner

Wm. Keith Dozier, OSB #012478
Attorney at Law
385 First Street, Suite 215
Lake Oswego OR 97035
(503) 594-0333
Keith@wkd-law.com

Representing Plaintiff-Appellant Respondent on Review Tyler Turner

John M. Coletti, OSB #942740
Paulson & Coletti
1022 NW Marshall Street, Ste 450
Portland OR 97209
(503) 226-6361
john@paulsoncoletti.com

Representing Plaintiff-Appellant Respondent on Review Tyler Turner

Ellen F. Rosenblum, OSB #753239
Attorney General
Anna Marie Joyce, OSB #013112
Solicitor General
Peenesh H. Shah, OSB #112131
Assistant Attorney General
1162 Court Street NE
Salem OR 97301
(503) 378-4402
peenesh.h.shah@doj.state.or.us

Representing Defendant-Respondent Petitioner on Review State of Oregon

Continued next page

Thomas M. Christ, OSB #834064
Julie A. Smith, OSB #983450
Cosgrave Vergeer Kester LLP
888 SW 5th Avenue, Suite 500
Portland OR 97204
(503) 323-9000
tchrist@cosgravelaw.com

Representing Defendant-Respondent on Review Carol Colip

Janet M. Schroer, OSB #813645
Hart Wagner LLP
1000 SW Broadway, Ste 2000
Portland OR 97205
(503) 222-4499
jms@hartwagner.com

Representing Defendants-Respondents City of Depoe Bay and Lincoln County

Gerald L. Warren, OSB #814146
Attorney at Law
901 Capitol Street, NE
Salem OR 97301
(503) 480-7252
gwarren@geraldwarrenlaw.com

Representing Defendants-Respondents City of Depoe Bay & Lincoln County

INDEX OF CONTENTS

TABLE OF AUTHORITIES

Cases

Page

Statutes

Page

QUESTION PRESENTED

"Is the state entitled to [discretionary] immunity for deciding not to improve a particular roadway site if it can show that - although the Oregon Department of Transportation (ODOT) did not conduct a particularized study of that site - ODOT did consider the site for possible improvements as part of a periodic and systematic statewide safety review and then decided that accident data supported prioritizing improvement projects elsewhere instead?" State's Petition for Review at 3.[1]

ANSWERS AND SUMMARY OF ARGUMENTS

A. The State's Petition and Resultant Question Presented Are Predicated on Several Factual Misstatements.

1. "ODOT did not conduct a particularized study of that site."

ODOT engineers did conduct studies of the site beginning at least in 1995, found the intersection to be unsafe and recommended remedies including signage, barricades, street closure and parking restrictions.

/////

[1] This question, with a few punctuation changes, is the question set out in the Oregon Supreme Court Media Release, July 30, 2015.

There was no suggestion that any of these remedies implicated the STIP[2] process.

2. "ODOT did consider the site for possible improvements as part of a periodic and systematic statewide safety review."

ODOT "considered" the site only in so far as every 0.10 mile of highway is subject to the STIP formula[3] and is thus "considered" for possible improvements. The site was not actually submitted for particular consideration until 2010, two years after the collision.[4]

3. "[ODOT] then decided that accident data supported prioritizing improvement projects elsewhere instead."

Without participation in any STIP process, ODOT made improvements to the unsafe intersection shortly after the collision. "[T]he adoption of the STIP did not preclude the state from remedying the dangerous intersection." *Turner v. Dept. of Transportation*, 270 Or App 353, 368, note 7, 348 P3d 253 (2015).

/////

---

[2] STIP is the "Statewide Transportation Improvement Program. SPIS is the "Safety Priority Index System." Declaration of Kargel, State's BOM, App-1,2.

[3] STIP User's Guide. State's BOM App-4.

[4] OJIN 105, Johnson Dec Ex 16.

B. When the State Has a Duty to Exercise Care it Has the Discretion in Choosing the Means by Which it Carries Out That Duty But it Does Not Have the Discretion Not to Exercise Care at All.

In the instant case the state could have used the STIP process for "new highway construction or reconstruction of existing highways."[5] Or, as suggested many times by state engineers, it could have restricted parking on Highway 101, erected "No Left Turn" signs, erected barricades or closed Collins Street, none of which implicates the STIP program.

Consistent with precedents of this court, the one option the state did not have was the option of not exercising care at all.

C. The State's Proposed Rule of Law is Contrary to Its Position Below.

The emphasis on the statewide priority program (STIP) comes from the Court of Appeals rather than from the state.[6] The state did not mention the STIP process or any statewide priority setting procedure in its brief

---

[5] Engineer Angela Kargel's description of the STIP process. State's BOM, App-2.

[6] The state did cite to and rely on the "cost benefit analysis of the dangerousness of highway locations based on prior accidents" in its motion at trial. OJIN 42. However, at the Court of Appeals that argument was abandoned in favor of the inconsistent contention that the state was involved in a collaborative decision-making process with other governmental bodies.

below.[7] See Respondent's Brief at 15-20. It did not cite or mention the declaration of Angela Kargel, upon which it now places so much emphasis. States' BOM at 9-11 and App 1-3.

More importantly, the state specifically disclaimed the very rule it now advocates - the discretionary right to make "decisions not to take action." Instead it asserted it "had not completed the process of deciding a discretionary function or duty," Respondent's Brief at 2, and that it was "engaged in ongoing investigation, discussion, and negotiation with other public bodies" to develop a plan. Respondent's Brief at 18. Without mentioning a "systematic statewide safety review" it claimed it was involved in a collaborative decision-making process:

> "This was not, as Colip suggests, a 'continuing non-decision' of the sort described in *Little v. Wimmer*, 303 Or 580, 588-89, 739 P2d 564 (1987). Rather, it was an ongoing decision-making process. The department was not choosing to ignore the issue and avoid making a decision; instead, it was actively seeking an appropriate resolution in conjunction with the other involved public bodies." Respondent's Brief at 19.

/////

[7] As noted by the Court of Appeals, the STIP was not part of the summary judgment record. 270 Or App at 365. The court looked it up on the internet. 270 Or App at 365, note 3.

PROPOSED RULE OF LAW

Plaintiff proposes no new rule of law. Rather, plaintiff proposes that the court follow precedents beginning at lease thirty years ago[8] and reaffirm the holding that, where a duty exists, a public body has wide policy discretion in choosing the means by which to carry out that duty but that range of permissible choices does not include the choice of not exercising care.[9]

Specifically, plaintiff respectfully suggests that the court reject the state's proposed rule that among the protected decisions when faced with an acknowledged duty are "decisions not to take action." State's BOM at 5.

STATEMENT OF FACTS

A. Introduction.

At the least, questions of fact as to the decision-making process remain. "The burden is on the state to establish its immunity." *Stevenson v. State of Oregon*, 290 Or 3, 15, 619 P2d 247 (1980).

The state places almost exclusive reliance on the declaration of

---

[8] *Miller v. Grants Pass Irrigation*, 297 Or 312, 686 P2d 324 (1984).

[9] *Garrison v. Deschutes County*, 334 Or 264, 274, 48 P3d 807 (2002) quoting *Mosley v. Portland School Dist.*, *No. 1J*, 315 Or 85, 92, 843 P2d 415 (1992).

Angela Kargel in its argument that all improvements to Highway 101 and Collins Street were considered but not funded through the STIP program. The Court of Appeals noted, as discussed above, that "[t]he summary judgment record does not bear out the state's assertion." 270 Or App at 365.

In addition, the plaintiff and defendant Colip both filed ORCP 47E declarations.[10] OJIN 28 (Plaintiff), OJIN 104 (Colip). The efficacy of remedial measures and their method of implementation are clearly matters which "are not within the knowledge of the ordinary lay juror." *Vandermay v. Clayton,* 328 Or 646, 655, 984 P2d 272 (1999). See the recent discussion of ORCP 47E declarations in *Hinchman v. UC Market*, LLC, 270 Or App 561, 568, 348 P3d 328 (2015).

---

[10] ORCP 47 E provides, in relevant part:

"If a party, in opposing a motion for summary judgment, is required to provide the opinion of an expert to establish a genuine issue of material fact, an affidavit or a declaration of the party's attorney stating that an unnamed qualified expert has been retained who is available and willing to testify to admissible facts or opinions creating a question of fact, will be deemed sufficient to controvert the allegations of the moving party and an adequate basis for the court to deny the motion. The affidavit or declaration shall be made in good faith based on admissible facts or opinions obtained from a qualified expert who has actually been retained by the attorney who is available and willing to testify and who has actually rendered an opinion or provided facts which, if revealed by affidavit or declaration, would be a sufficient basis for denying the motion for summary judgment."

B. The Intersection Is Declared Unsafe; Numerous (Non-STIP) Plans to Improve.

As noted above, the state relies on one declaration of highway engineer Angela Kargel, in which she explains the STIP and SPIS process. State's BOM, App-1. This implies only one specific procedure to achieve remedies. It ignores the history of the intersection and plans to remedy the safety issues, including several from Angela Kargel herself.

The concerns and suggested (non-STIP) solutions with regard to safety issues at the intersection of Collins and Highway 101 are detailed in Colip's Opening Brief at 4-14. A few of the recommendations are described below:

February 27, 1995. An ODOT Transportation Analyst determined the Collins/101 intersection to be unsafe:

> "Regardless of LOS [line of sight] standards and capacity, I feel safety has top priority. This is an unsafe intersection and steps should be taken to improve or remove the situation."

His interim solution was to restrict egress from Collins onto Highway 101 through use of barricades and signage. The long term solution was the closure of Collins. OJIN 105, Johnson Dec Ex 21.

March 29, 1995. The City of Depoe Bay Supervisor had a meeting with ODOT and others and recommended making Collins one way from

Highway 101 to Conway, eliminating the turn onto 101. "It is also very dangerous to turn south onto Highway 101 from Collins Street." OJIN 105, Johnson Dec Ex 4.

May 12, 1995. ODOT followed up on the recommendation of its transportation analyst. One of the improvements which "should be made" was "Restrict Collins Street to ingress only from Highway 101 to Conway Avenue. Eventually this street may need to be closed." OJIN 105, Johnson Dec Ex 22.

February 12, 1996. The Depoe Bay Traffic Safety Commission recited that "ODOT wants parking on Highway 101 realigned or eliminated completely and ODOT would favor helping us pay for off street parking." OJIN 105, Johnson Dec Ex 23.[11]

March 17, 2005. Angela Kargel recommended parallel parking on Highway 101 and that Collins Street be closed to vehicular traffic. She noted the sight distance problems and that encouraging traffic to make turns at Bay Street "is a much safer solution." OJIN 105, Johnson Dec Ex 25.

None of the above recommended changes made note of any

[11] ODOT controls parking along Highway 101. ORS 373.010, 810.160.

requirement that they go through the STIP process. Most were as simple as signage, barricades or parking restrictions.

C. The Unsafe Intersection Is Altered After the Accident to Improve Safety - STIP Process Not Utilized.

Photos taken by ODOT on September 11, 2008, only two and a half months after the collision, show the alterations to the intersection. The photos of August 26, 2009 show the completed safety changes. OJIN 105, Declaration of Johnson, Ex 19 and 20.

There is no evidence that these alterations were made as a result of the multi-year STIP process. The Court of Appeals, 270 Or App at 368, note 7, said:

> "The Highway 101/Collins Street intersection was improved by the state to remedy the vision obstruction shortly after the accident in September 2008. It could be inferred from the timing of the improvement that its funding was not part of the earlier-adopted STIP and that the adoption of the STIP did not preclude the state from remedying the dangerous intersection."

In fact, the timing need not be "inferred" at all. According to Angela Kargel in a 2010 email, the Collins/Highway 101 intersection would be investigated in the SPIS program for the first time "this year." OJIN 105, Johnson Dec, Ex 16.

Contrary to the declaration attached to the State's BOM, alternatives

to the STIP exist. Angela Kargel herself explained:

> "Outside of the SPIS system, other methods of flagging potential problem areas include citizen phone calls, local jurisdiction concerns, or planned construction projects where safety reviews are done as part of the design process. Roadway improvements at these areas are prioritized along with SPIS sites based on Benefit/Cost calculations and available funding sources." OJIN 105, Johnson Dec, Ex 16.

ARGUMENT

A. A Public Body Does Not Have the Discretion to Do Nothing.

1. The State's Position.

It is important to understand just what the state is advocating. It is a far-reaching argument which would reverse thirty years of law on discretionary immunity in Oregon.

The state acknowledges that it has a duty to maintain safe highways. State's BOM at 1. It does not disagree with its engineers that the highway in question is unsafe. Rather, it argues that it fulfills its duty to maintain a safe highway by making "decisions to take no action." *Id* at 5.

2. A Decision to Take No Action On an Admittedly Unsafe Highway Is a "Non-Decision."

In *Little v. Wimmer*, 303 Or 580, 589, 739 P2d 564 (1987) the state contended that its decision "to add or not to add signs on this portion of the

highway" was discretionary. No signs were added. The court rejected the state's argument that this non-decision was discretionary. The court described the state's duty to maintain safe highways:

> "Furthermore, as we stated above, ORS 366.205(2) and 366.290(1) are at the very least indicative of a legislative intent to impose upon the state the duty to make highway travel reasonably safe to the general public. *The 'improvement, maintenance, repair and operation' are mandated functions and the state has no discretion to engage in 'non-decisions' regarding the duties delineated by these mandated functions."* [Emphasis added.]

Little was followed by *Garrison v. Deschutes County*., 334 Or 264, 274, 48 P3d 807 (2002). The court stated:

> "[T]he decision *whether* to protect the public by taking preventive measures, or by warning of a danger, if legally required, is not discretionary; however, the government's choice of *means* for fulfilling that requirement may be discretionary." [Emphasis in original.]

In *Hughes v. Wilson*, 345 Or 491, 496, 199 P3d 305 (2008), a highway case, the court reiterated the rule that failing to exercise care in the face of a duty is not a permissible choice:

> "This court also has explained that, if the law requires a government to exercise due care, then ORS 30.265 does not immunize its decision not to exercise care at all. When a public body owes a duty of care, that body has discretion in choosing the means by which it carries out that duty. *Little v. Wimmer*, 303 Or 580, 589, 739 P2d 564 (1987);

> *Miller v. Grants Pass Irrigation*, 297 Or 312, 320, 686 P2d 324 (1984). But '[t]he range of permissible choices does not * * * include the choice of not exercising care.' *Mosley*, 315 Or at 92, 843 P2d 415."

With regard to the county's duties to maintain its roads, the court, at 497, said:

> "The common law imposes a general, nondiscretionary duty on landowners to make their property reasonably safe for their invitees. Accordingly, *public landowners must make public property reasonably safe for members of the public who use the property in a manner that is consistent with its public purpose.* See *Woolston v. Wells*, 297 Or 548, 557–58, 687 P2d 144 (1984) (possessor of land has a duty to use reasonable care to make land safe for invitees); *Taylor v. Baker*, 279 Or 139, 146, 566 P2d 884 (1977) (invitees include members of the public on land for purpose for which land is open to public). * * *.
>
> The legislature has assigned county road-maintenance responsibilities to county governing bodies and road officials, ORS 368.001, and, in doing so, has evidenced an intent that accords with the common law. By assigning local governments the responsibility to carry out road-maintenance functions, *the legislature intends that those governments will fulfill their common-law responsibilities and make travel on their roads reasonably safe for the general public.* See *Little*, 303 Or at 589, 739 P2d 564 (stating principle based on state highway statutes)." [Emphasis added, Footnote omitted.]

3. The State's Attempt to Distinguish *Vokoun* Is Unavailing.

As noted by the Court of Appeals, the discretionary immunity issue is informed by the holding in *Vokoun v. City of Lake Oswego*, 335 Or 19, 56 P3d 396 (2002).

In *Vokoun* the defendant adopted a five year plan for determining what capital improvements to undertake. The plan was applicable to improvements costing $25,000 or more. Projects costing more than $25,000 not in the plan would require adoption of a supplemental budget. The storm drain, the subject of the action, was not included in the plan. The storm drain improvement would have cost more than $25,000. 335 Or at 22.

The court rejected the defendant's discretionary immunity argument. The court, 335 Or at 33, held that the adoption of a plan for allocation and prioritizing of resources did not establish discretionary immunity:

> "The city presented no evidence that the city council considered whether to adopt a supplemental budget to repair the erosion that the outfall pipe at issue in this case had caused. On this record, we conclude that the fact that the city had adopted a capital improvements plan that did not include purchasing and improving the drainage course does not establish the city's immunity from plaintiffs' negligence claim.[7] " [Footnote 7 follows.]

Footnote 7:

> "We need not decide whether, assuming the city council had considered and then decided not to approve a supplemental budget for correcting the erosion in the drainage course, such a policy judgment would qualify for discretionary immunity."

Likewise, in the instant case the fact that the state may have adopted a priority program for the reconstruction of highways does not establish immunity. There was no evidence that the state submitted this admittedly unsafe intersection for alternate funding, such as that described by the highway engineer. 270 Or App at 367-368. In fact, the evidence was that the state not only had alternative means to effect safety changes but utilized them outside the STIP after this collision. 270 Or App 268, note 7; OJIN 105, Johnson Dec Ex 17-19.

4. Conclusion.

The state's proposed rule of law was answered by *Little,* 303 Or at 589:

> "The 'improvement, maintenance, repair and operation' [of state highways] are mandated functions and the state has no discretion to engage in 'non-decisions' regarding the duties delineated by these mandated functions."

In the face of an acknowledged duty, a "decision to take no action" is a decision not to exercise care.

B. The State's STIP Excuse.

1. Budgetary Constraints Do Not Eliminate the Duty of Care.

The state cites no Oregon case which holds that the a public body's mandated function of maintaining safe highways is excused in the face of budget priority setting.

Budget constraints may dictate the method by which the a public body fulfills its duty. See *Garrison v. Deschutes County*, 334 Or at 269; *Stevenson v. State of Oregon*, 290 Or at 15.

2. The State's STIP Excuse Is Contrary to the Collaborative Decision-Making Process it Advocated Below.

As noted above, the state ignored the STIP analysis below and argued that it was involved in collaborative decision-making process (which apparently had been going on for at least ten years) with other governmental bodies.

Aside from being legally inconsistent, this advocacy shows that the STIP process was not the only or even preferred way of satisfying the state's duty. See *Vokoun v. City of Lake Oswego*, 335 Or at 33.

3. The State's STIP Excuse Is a Straw Man.

The state builds a straw man through its STIP analysis. STIP is used for consideration of "new highway construction or reconstruction of existing

highways." State's BOM, App-2. Since *one of the methods* of remedying the admittedly unsafe intersection would be the reconstruction of Highway 101 the state's analysis must center on that procedure. It ignores the fact that less onerous solutions exist.[12]

In *McCluskey v. Handorff-Sherman,* 125 Wash 2d 1, 10, 882 P2d 157 (1994) the Washington Supreme Court dealt with the application of the "Priority Array" statute, similar to the STIP. The court noted that not all remedies require application of that statute:

> "While there is support for the State's position that it was entitled to present the extent of its available resources on the issue of improving SR 900 through construction of a median barrier or resurfacing, we note that the financial considerations addressed in the Priority Array statute have no relevance to the issue of signing. As this court found in *Lucas*, the potential financial burden involved in improving bridges was not a factor where the breach of duty alleged was merely the failure to place proper warning signs at the entrances to such bridges. *Lucas* [*v. Phillips*, 34 Wash 2d 591, 596-97, 209 P2d 279 (1949)]."

In the instant case the state takes the most onerous alternative, reconstruction of the highway, and argues that that standard must apply. As pointed out by the Court of Appeals, 270 Or App at 367:

---

[12] Apply the state's argument to a slip and fall case on a wet entryway. One solution is to reconstruct the building to eliminate the wet entryway. A second is to buy a mat.

> "The record does not establish that an omission of a STIP listing based on the safety priority index - the only policy choice identified by the state as supporting an immunity - is the exclusive mechanism to consider and not authorize a state road improvement, either in the STIP or otherwise."

Since 1995 ODOT engineers have recommended alternatives less onerous than highway reconstruction - barricades, "No Left Turn" signs, street closure, parking restrictions. The STIP analysis is a straw man.

4. The State's STIP/Discretion Analysis Would Result in Blanket Immunity for Non-Decisions.

The state argues that if any section of public highway is subject to the STIP analysis the resultant "decision not to take action," State's BOM at 5, is entitled to discretionary immunity. Such a decision would indeed be far reaching.

Every 0.10 mile of highway is subject to the SPIS analysis. If it has one fatal or three non-fatal accidents it receives a SPIS score. The top five percent of those highway segments are candidates for improvement. STIP User Guide, State's BOM, App-4.

To use the state's analysis, since every 0.10 mile of highway is subject to this "priority-setting and resource-allocating decision," State's BOM at 12, then each non-decision or failure to act would become discretionary.

The court, in *Stevenson v. State of Oregon*, 290 Or at 9, specifically disavowed blanket immunity for highway planning and design which had been adopted in the pre- Tort Claims Act case of *Smith v. Cooper*, 256 Or 485, 511, 475 P2d 78, 45 ALR 3d 857 (1970). By describing the decision concerning every mile of public highway as a "priority setting and resource-allocating decision" the state seeks to reimpose that blanket immunity.

CONCLUSION

No priority setting budget procedure can exempt a public body from its duty to maintain safe highways and give it permission to engage in "non-decisions" to fulfill its duty.

Even if the STIP process is relevant it is uncontroverted that other methods existed to fulfill the state's duty to maintain a safe highway.

RESPECTFULLY SUBMITTED this 9th day of December, 2015.

Wm. Keith Dozier
Paulson & Coletti
and
Hallman Law Office
By: s/ W. Eugene Hallman
W. Eugene Hallman
Of Attorneys for Plaintiff-Appellant
Respondent on Review Tyler Turner

CERTIFICATE OF COMPLIANCE
WITH ORAP 5.05(2)(d)

Brief Length

I certify that (1) this brief complies with the word-count limitations in ORAP 9.10 (2), 5.05(2)(b) and (2) the word-count of this brief (as described in ORAP 5.05(2)(a)) is 4,938 words.

Type Size

I certify that the size of the type in this brief is not smaller than 14 point for both the text of the brief and footnotes as required by ORAP 5.05(4)(f).

s/ W. Eugene Hallman
W. Eugene Hallman, OSB No. 741237

Certificate of Filing and Service

I certify that on the 9th day of December, 2015, I filed the original **Brief on the Merits of Tyler Turner, Respondent on Review** with the State Court Administrator by Electronic Filing.

I further certify that on the same date I served a true and correct copy of this document upon the following by Electronic Filing (for registered Efilers) and by US Mail (for those not registered as Efilers):

Gerald L. Warren Attorney at Law 901 Capitol Street, NE Salem OR 97301	Representing Defendants-Respondents City of Depoe Bay and Lincoln City
Anna Marie Joyce Solicitor General DOJ Appellate Division 1162 Court Street NE Salem OR 97301	Representing Defendant-Respondent Petitioner on Review State of Oregon
Janet M. Schroer Hart Wagner LLP 1000 SW Broadway, Ste 2000 Portland OR 97205	Representing Defendants-Respondents City of Depoe Bay and Lincoln County
Thomas M. Christ Julie A. Smith Cosgrave Vergeer Kester LLP 888 SW 5th Avenue, Suite 500 Portland OR 97204	Representing Defendant Respondent on Review Carol Colip
Wm. Keith Dozier Attorney at Law 385 First Street, Suite 215 Lake Oswego OR 97035	Representing Plaintiff-Appellant Respondent on Review Tyler Turner

Continued next page

John M. Coletti
Paulson & Coletti
1022 NW Marshall St., Suite 450
Portland OR 97209

Representing Plaintiff-Appellant
Respondent on Review
Tyler Turner

s/ W. Eugene Hallman
W. Eugene Hallman, OSB #741237
Of Attorneys for Plaintiff-Appellant,
Respondent on Review
Tyler Turner