

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

3 Jane Doe , an Individual,

Case No.: 19CV15593

4 Plaintiff,

RESPONSE TO DEFENDANT'S MOTION TO
DISMISS

5 vs.

Re: ORCP 21A and ORCP 29A

6 ACORN PROPERTY MANAGEMENT, an
Oregon Limited Liability Company,

7 Defendant.

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11 Defendant did not comply with the requirements to confer under UTCR 5.010.
12 Defendant sent an email on Sunday May 26, 2019 at 11:24am (Exhibit A); this was the
13 first communication concerning issues Defendant's cites in his motion.
14

15 On Sunday May 26, 2019 at 1:16pm Defendant filed his motion to dismiss, less
16 than 2 hours after the first email complaining about the Petition. There was no
17 conferring on this motion, there was no time. In addition, Multnomah County defines
18 conferring as a phone call; this did not happen in this instance. The motion should be
19 summarily denied due to a lack of compliance with UTCR 5.010.
20

21 On the merits; Plaintiff has obtained a full assignment of rights from C.
22 A. This fully addresses all of the issues brought up by Defendant's motion.
23 Plaintiff has stepped into Ms. A's shoes; it is as if she is in the litigation. There is
24 no exposure to Defendant; his motion should be denied.
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26
27 Date 06/17/2019

/s/Attorney Signature and Bar No.

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CERTIFICATE OF SERVICE

I certify that I served a full, true and exact copy of the RESPONSE TO DEFENDANT'S MOTION TO DISMISS Re: ORCP 21A and ORCP 29A on the foregoing by fax only:

B Cox
000 West 7th Avenue
Eugene, OR 97401
Fax: (541) 000 -0000

Date 06/12/2019

/s/C. McMuffin, OSB No.