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

Plaintiff,

v.

Defendant.

Case No. _____

**COMPLAINT FOR
PERSONAL INJURIES**

CLAIM SUBJECT TO
ORS 21.160(1)(c)

(CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION)

PRAYER FOR \$215,000

Plaintiff alleges:

1.

At all times material herein, Kingwood Avenue NW and 2nd Street NW were public thoroughfares within Salem, Polk County, Oregon.

2.

On or about June 27, 2018, plaintiff was the seat-belted driver of a motor vehicle in a parking spot on the west side of Kingwood Avenue NW approximately 50 feet south of 2nd Street NW, whereupon her vehicle was hit at approximately 30 mph by a Volkswagen Jetta driving by defendant

The impact was due to defendant's negligence as is hereinafter set forth.

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DUNN & ROY, PC

ATTORNEYS AT LAW
1515 STATE STREET
SALEM, OREGON 97301-4255
TELEPHONE (503) 364-8488

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3.

Defendant was negligent in one or more of the following particulars:

- (a) In failing to keep and maintain a proper lookout;
- (b) In failing to maintain proper control of his vehicle;
- (c) In traveling at a rate of speed which was greater than reasonable given the conditions then and there existing; and
- (d) In following too closely in violation of Oregon law.

4.

As a result of defendant's negligence, plaintiff sustained the following permanent injuries: Closed head injury without loss of consciousness, concussion, post-concussive syndrome, chest contusion, ptosis of the left eye, cervical and thoracic strain/sprain injuries, and bilateral myopia.

Said injuries were accompanied by numbness, tingling, radiating pain, headaches, loss of balance, nausea, contusions, pain and suffering, interference with work, home and recreational activities, and a loss of enjoyment of life.

Said injuries have caused plaintiff to be non-economically damaged in an amount not to exceed \$175,000.

5.

As a further result of defendant's negligence, plaintiff incurred economic damages for past medical care and treatment and will continue to incur economic damages for future medical care and treatment in an amount not to exceed \$40,000.

1 WHEREFORE, plaintiff prays for judgment against defendant as follows:

- 2 (a) Non-economic damages in an amount not to exceed \$175,000;
- 3 (b) Economic damages for past and future medical care and treatment
- 4 in an amount not to exceed \$40,000; and
- 5 (c) Plaintiff's costs and disbursements incurred herein.

6 DATED this 12th day of June, 2020.

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9 _____, OSB No. _____
DUNN & ROY, PC

10 Salem, Oregon 97301

11 Telephone: _____

12 Email: _____

13 Of Attorneys for Plaintiff

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DUNN & ROY, PC
ATTORNEYS AT LAW
1515 STATE STREET
SALEM, OREGON 97301-4255
TELEPHONE (503) 364-8488

6/23/2020 2:54 PM

AFFIDAVIT OF SERVICE

State of Oregon

County of Polk

Circuit Court

Case Number:

Plaintiff:

vs.

Defendant:

For:

Dunn & Roy, PC, Attorneys at Law

Salem, OR 97301

Received by MALSTROM'S PROCESS SERVING CO. to be served on
SALEM, OR 97304.

I, Bobby Chandler, being duly sworn, depose and say that on the 18th day of June, 2020 at 1:24 pm, I:

SUBSTITUTE SERVED ERIC BRYAN DAVIS by leaving a true copy of the **Summons and Complaint** at
, SALEM, OR 97304 with _____, **CO-OCCUPANT**, who is a person over the age of 14 who
also resides at the dwelling house or usual place of abode of the person to be served.

CERTIFICATION OF MAILING: I certify that on 6/22/2020 a true copy of Summons and Complaint and this Return
of Service was mailed to _____, SALEM, OR 97304 by First Class Mail postage
paid.

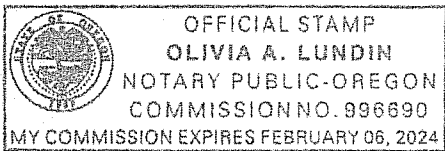
—
Description of Person Served: Age: 40, Sex: F, Race/Skin Color: CAUCASIAN, Height: 5'9", Weight: 175, Hair:
BROWN, Glasses: N

AFFIDAVIT OF SERVICE For

I declare I am a resident of the State of Oregon, I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

STATE OF Oregon
County of Marion
Subscribed and Sworn to before me on the 22 day
of June 2020 by the affiant who is
personally known to me or has provided identification.

Olivia Lundin
NOTARY PUBLIC



Bobby Chandler
Bobby Chandler
Process Server
Date 6/22/2020

MALSTROM'S PROCESS SERVING CO.
Salem, OR 97302

Our Job Serial Number:
Ref: PI

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

)
)
Plaintiff,)
)
v.)
)
)
)
Defendant.)

Case No. _____

SUMMONS

TO:

Salem, OR 97304, Defendant(s)

YOU ARE HEREBY COMMANDED TO APPEAR and defend the Complaint filed against you in the above-entitled action within thirty (30) days from the date of service of this Summons upon you. and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the Complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear," you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have Proof of Service on the Plaintiff's attorney or, if the Plaintiff does not have an attorney, Proof of Service upon the Plaintiff.

If you have any questions, you should see an attorney immediately. If you need help finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 452-7636.

SIGNATURE OF ATTORNEY / ATTOR FOR PLAINTIFF
Alex C. Dunn OSB No. 992533
ATTORNEY'S / AUTHOR'S NAME (TYPED OR PRINTED) BAR NO. (IF ANY)

ADDRESS
Salem, OR 97301
CITY STATE ZIP PHONE

TRIAL ATTORNEY IF OTHER THAN ABOVE (TYPED OR PRINTED)

STATE OF OREGON, County of Marion,) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original Summons in the above-entitled action.

OF ATTORNEY OF RECORD FOR PLAINTIFF(S)
Alex C. Dunn

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this Summons, together with a true copy of the Complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this Summons is directed, and to make your Proof of Service on the attached sheet or upon a separate similar document which you shall attach hereto.

OF ATTORNEY(S) FOR THE PLAINTIFF(S)
Alex C. Dunn

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

Plaintiff,

v.

,

Defendant.

Case No.

**NOTICE OF INTENT
TO TAKE DEFAULT**

PLEASE TAKE NOTICE that the Plaintiff, _____; will file a motion
for an order of default at the expiration of ten (10) days from the date of this notice,
unless a responsive pleading is filed in the referenced matter. This notice is provided
pursuant to ORCP 69.

DATED this 23 day of July, 2020.



_____, OSB No.
DUNN & ROY, PC

Salem, Oregon 97301
Telephone:
Email:
Of Attorneys for Plaintiff

DUNN & ROY, PC

ATTORNEYS AT LAW
1515 STATE STREET
SALEM, OREGON 97301-4255
TELEPHONE (503) 364-8188

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CERTIFICATE OF MAILING

I, _____, hereby certify that, on the date set forth below, I served the foregoing **Notice of Intent to Take Default and this Certificate of Mailing**, on:

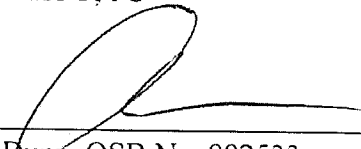
Schulte Anderson Downes Aronson & Bittner

Portland, OR 97204

- by serving copies through Odyssey File & Serve with consent of counsel;
- by emailing copies to the above email address with consent of counsel;
- by mailing copies in the United States Post Office at Salem, Oregon, to the last known address as listed above; and/or
- by hand-delivery to said attorney.

DATED this 25 day of July, 2020.

DUNN & ROY, PC



Alex C. Dunn, OSB No. 992533
Of Attorneys for Plaintiff

CERTIFICATE OF TRUE COPY

I hereby certify that the foregoing is a complete and exact copy of the original.

Alex C. Dunn, OSB No. 992533
Of Attorneys for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF POLK

Plaintiff,)	Case No.:
v.)	DEFENDANT'S ANSWER AND
)	AFFIRMATIVE DEFENSE
Defendant.)	Not Subject to Mandatory Arbitration
)	Prayer amount: \$215,000.00
)	[Filing fee Pursuant to ORS 21.160(1)(c)]

For his Answer to plaintiff's Complaint, I ("Defendant"):

1.

Admits paragraph 1; and further admits that on or about June 27, 2018 a collision occurred between vehicles operated by plaintiff and defendant at or near the location alleged.

2.

Except as expressly admitted above, defendant denies each and every allegation of plaintiff's Complaint subject to further investigation and discovery.

For his AFFIRMATIVE DEFENSE, defendant alleges:

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3.

The collision and any resulting injuries to plaintiff were caused by her own negligence in one or more of the following particulars:

- a. In failing to maintain and keep a proper lookout for vehicular traffic;
- b. In failing to maintain proper control of her vehicle; and
- c. In failing to yield the right of way to defendant's vehicle.

WHEREFORE, having fully answered plaintiff's complaint, defendant prays for judgment in his favor and for costs and disbursements incurred herein.

Dated this 31st day of July, 2020.

SCHULTE, ANDERSON, DOWNES, ARONSON & BITTNER P.C.

By: _____ OSB #
Attorney for Defendant,

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing
DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSE on the date indicated below

by:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon;
- hand delivery;
- email transmission;
- overnight delivery.

If served by facsimile transmission, attached to this certificate is the printed
confirmation of receipt of the document(s) generated by the transmitting machine. I
further certify that said copy was placed in a sealed envelope delivered as indicated
above and addressed to said attorney(s) at the address(es) listed below:

Alex C. Dunn
Dunn & Roy
Salem, OR 97301
Phone:
Facsimile:
Email:

Of Attorney for Plaintiff,

DATED: July 31, 2020



William J. Martin

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

August 26, 2020

File Copy
No Known Address

Re: vs
Case #: Tort - General

NOTICE OF SCHEDULED COURT APPEARANCE

Scheduled Proceeding: Hearing - Status Check
Room: Courtroom #2: Polk County Circuit Court
850 Main St
Dallas, OR 97338

Date	Time
09/11/2020	1:15 PM

Additional information:

Please call Courtroom 2 conference line at _____ and enter Code _____ # when prompted. Please have phone muted until case is called. Do not use a speaker phone when talking. Thank you.

IMPORTANT NOTICE: PLEASE READ

Failure to appear at the time and place noted above may result in an order or judgment being entered against you in the case.

Interpreter: If you need an interpreter, you must tell the court at least **4 business days before** your appearance date. Go to www.courts.oregon.gov/ScheduleAnInterpreter to get an interpreter.

Intérprete: Si Ud. necesita un intérprete, debe notificar al tribunal por lo menos 4 días laborales antes de la fecha de su comparecencia. Para conseguir un intérprete, siga el siguiente enlace: www.courts.oregon.gov/ScheduleAnInterpreter

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

September 15, 2020

File Copy
No Known Address

Re: vs
Case #: Tort - General

NOTICE OF SCHEDULED COURT APPEARANCE

Scheduled Proceeding: Hearing - Status Check
Room: Courtroom #2: Polk County Circuit Court
850 Main St
Dallas, OR 97338

Date	Time
11/16/2020	1:15 PM

Additional information:

Please call Courtroom 2 conference line at _____ and enter Code _____ # when prompted. Please have phone muted until case is called. Do not use a speaker phone when talking. Thank you.

IMPORTANT NOTICE: PLEASE READ

Failure to appear at the time and place noted above may result in an order or judgment being entered against you in the case.

Interpreter: If you need an interpreter, you must tell the court at least **4 business days before** your appearance date. Go to www.courts.oregon.gov/ScheduleAnInterpreter to get an interpreter.

Intérprete: Si Ud. necesita un intérprete, debe notificar al tribunal por lo menos 4 días laborales antes de la fecha de su comparecencia. Para conseguir un intérprete, siga el siguiente enlace: www.courts.oregon.gov/ScheduleAnInterpreter