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

MASON LAKE,

Plaintiff,

v.

CITY OF PORTLAND,

Defendant.

Case No. 20CV19838

ORDER ON DEFENDANT’S MOTION TO COMPEL

Honorable Judge Amy M. Baggio

Defendant’s Motion to Compel came on for hearing on July 30, 2021, before the Honorable Amy M. Baggio. Plaintiff appeared through his attorney, Michael Fuller. Defendant appeared through Deputy City Attorney Caroline Turco. The Court having considered defendant’s Motion to Compel and having been fully advised,

AMB Signed: 8/11/2021 04:06 PM

in part and denied in part

IT IS HEREBY ORDERED that defendant’s Motion to Compel is granted with the following conditions:

1. As to Defendant’s Request for Production (RFP) No. 1: Plaintiff is to provide to Defendant screen shots or either phone contacts or social media contacts for all occurrence witnesses, in Plaintiff’s possession, custody, or control.
2. As to Defendant’s RFP No. 8: Plaintiff is to provide all documents relating to any interaction Plaintiff has had with a Portland Police Officer or other law enforcement officer during a protest, since May 31, 2020, including correspondence, video, photographs, and audio records, in Plaintiff’s possession, custody, or control.
3. As to Defendant’s RFP No. 9: Plaintiff is to provide all documents relating to any

1 protest or march in which Plaintiff was involved in 2020, including correspondence,
2 video, audio records, photographs, and social media posts, in Plaintiff's possession,
3 custody, or control.

- 4 4. As to RFP Nos. 8 and 9: The parties will confer after Plaintiff's counsel has had the
5 opportunity to speak with his client to know what quantity of videos, photographs,
6 and audio records are responsive to this order. If the quantity is voluminous to the
7 extent that production is oppressive, Plaintiff will allow Defendant the opportunity to
8 inspect the discovery.
- 9 5. Discovery items discussed at this hearing are to be provided by or before August 13,
10 2021, as the Plaintiff's deposition has been noticed for August 19, 2021.

~~Signed: 8/11/2021 02:10 PM~~



Circuit Court Judge Amy M. Baggio

Signed: 8/11/2021 04:07 PM

15 Presented by:

17 /s/ Caroline Turco

18 Caroline Turco, OSB #083813
19 Deputy City Attorney
20 *Of Attorneys for Defendant City of Portland*
21 Office of the City Attorney
1221 SW 4th Ave., Rm. 430
Portland, OR 97204
Tele: (503) 823-4047

1 **CERTIFICATE OF COMPLIANCE WITH UTCR 5.100**

2 I hereby certify that I served the foregoing ORDER ON DEFENDANT’S MOTION TO
3 COMPEL on:

4 Michael Fuller
5 Underdog Lawyer
6 US Bancorp Tower
111 SW Fifth Ave., Suite 3150
Portland, OR 97204
Of Attorneys for Plaintiff

7 on August 6, 2021, which is not less than 3 days prior to submission to the court for a represented
8 party or which is not less than 7 days prior to submission to the court for a self-represented party
9 and was accompanied by notice of the time period to object, by causing a full, true and correct
copy thereof, addressed to the last-known address (or fax number) of said attorney, to be sent by the
following method(s):

- 10 by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal
11 Service in Portland, Oregon.
12 by **hand delivery**.
13 by **facsimile transmission**.
14 by **email**.

15 This proposed order or judgment is ready for judicial signature because:

- 16 1. Each opposing party affected by this order or judgment has stipulated to the order or
17 judgment, as shown by each opposing party’s signature on the document being submitted.
18 2. Each opposing party affected by this order or judgment has approved the order or judgment,
19 as shown by signature on the document being submitted or by written confirmation of
20 approval sent to me or by an accompanying stipulation by opposing counsel that no
objection exists as to the judgment or order.
21 3. I have served a copy of this order or judgment on all parties entitled to service and:
22 a. No objection has been served on me.
23 b. I received objections that I could not resolve with the opposing party despite reasonable
24 efforts to do so. I have filed a copy of the objections I received and indicated which
objections remain unresolved.
25 c. After conferring about objections, Michael Fuller, Attorney for Plaintiff, agreed to
independently file any remaining objections.
26 4. The relief sought is against an opposing party who has been found in default.

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- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.
- 7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by UTCR 5.100(4).

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing ORDER ON DEFENDANT’S MOTION TO COMPEL on the following parties by the method indicated:

<p>Michael Fuller Underdog Lawyer US Bancorp Tower 111 SW Fifth Ave., Suite3150 Portland, OR 97204</p> <p>Kelly Donovan Jones Law Office of Kelly D. Jones 819 SE Morrison Street, Suite 255 Portland, OR 97214 <i>Of Attorneys for Plaintiff</i></p>	<p><input type="checkbox"/> Electronic service - UTCR 21.100 (1)(a)</p> <p><input type="checkbox"/> Mail in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service.</p> <p><input type="checkbox"/> Hand delivery <input type="checkbox"/> Facsimile transmission</p> <p><input checked="" type="checkbox"/> Courtesy copy via Email</p>
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Dated: August 10, 2021

/s/ Caroline Turco
 CAROLINE TURCO, OSB #083813
 Deputy City Attorney
 Email: caroline.turco@portlandoregon.gov
 Fax: (503) 823-3089
Of Attorneys for Defendant City of Portland