

YOUNG V. STATE OF OREGON

WEB PAGE UPDATE OF APRIL 19, 2010

CHIEF JUSTICE PAUL J. DE MUNIZ RULES THAT THE APPELLATE FEES MUST ONLY BE PAID FOR THE FIRST FIVE PLAINTIFFS

The new statutory requirement that every party in an appeal had to pay a filing fee does have language in it allowing the Chief Justice of the Oregon Supreme Court to allow exemptions from that requirement "...if exemptions are needed for the equitable imposition of those fees." On March 11th we filed a petition with the Supreme Court asking for such an exemption. However, given that we had no idea whether an exemption would be granted and in any case had 30 days from the date of Judge Abernethy's Order ruling for the state to file an appeal, we had to proceed on the basis that an appeal would have to be filed where every Plaintiff would have to pay the filing fee. We did file the appeal on the 13th of April on behalf of 483 Plaintiffs who had paid filing fees.

On the same day Chief Justice De Muniz signed an order allowing for filing fees to only be paid for five plaintiffs. We received the order on Friday the 16th of April. On Saturday the 17th we filed an amended appeal on behalf of everyone in this case. **We will be refunding the filing fees that 483 of you paid to our trust account.** However, our bookkeeper is on vacation, and we cannot write checks from our trust account on a client check until we have allowed two weeks for the check to clear, so in about two weeks we will begin refunding all of the filing fees to those who paid them.

A copy of the Order is also posted on our web page.

THE STATE HAS INDICATED THAT IT WILL BE SENDING US CHECKS FOR THE INTEREST PAYMENTS IN APPROXIMATELY A MONTH

Please remember that we have no control over whether the State follows up on what it has told us that it expects to do. In addition the State is insisting that it will send us the checks for everyone who has accepted the calculations on their claims, which is over 1500 Plaintiffs at once even though we are told that the checks are going to be printed at the rate of approximately 200 a day. We will get those checks sent out to you as soon as we can, but remember we have to ensure that the checks are made out in the correct amount and keep a copy of the checks in our files. This takes time.

AT LAST COUNT A LITTLE OVER 200 PLAINTIFFS HAD NOT YET COMMUNICATED WITH US WHETHER THEY ACCEPTED THE CALCULATIONS FOR THEIR CLAIMS. THEIR CLAIMS WILL BE CLOSED WITHOUT PAYMENT WITHIN 30 DAYS.

In spite of two letters and for most of the remaining Plaintiffs, phone calls, asking them to respond to our office and let us know if their damage calculations are acceptable, we have not heard back from a number of Plaintiffs. They have been sent letters telling them that

we will be closing their files and they will not be receiving payment in this case unless they communicate with us. Some of their claims are for very small amounts, and our office has spent more time and money on those claims than some are worth, so we will be closing their files because of their failure to communicate with us.

REMEMBER THIS CASE WILL ONCE AGAIN BE BEING APPEALED FOR THE NEXT FEW YEARS. IF YOU MOVE, CHANGE PHONE NUMBERS (MANY OF YOU HAVE GONE WIRELESS ONLY) OR CHANGE E MAIL ADDRESSES PLEASE LET US KNOW SO WE CAN FIND YOU A FEW YEARS FROM NOW