

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

JEANYNE JAMES, ROBIN COLBERT,
JANE DREVO, SAM DREVO, BROOKE
EDGE AND BILL EDGE, SR., LORI
FOWLER, IRIS HAMPTON, JAMES
HOLLAND, RACHELLE MCMASTER,
KRISTINA MONTOYA, NORTHWEST
RIVER GUIDES, LLC, SHARIENE
STOCKTON AND KEVIN STOCKTON,
VICTOR PALFREYMAN,
PALFREYMAN FAMILY TRUST, and
DUANCE BRUNN, individual and on
behalf of all others similarly situated,

Plaintiffs,

v.

PACIFICORP, an Oregon Corporation;
and PACIFIC POWER, an Oregon
registered electric utility and assumed
business name of PACIFICORP,

Defendants.

Case No. 20CV33885

ORDER DENYING, IN PART,
INTERESTED PARTIES' MOTION FOR
ORDER TO CLARIFY SCOPE OF
REPRESENTATION

The matter before the court is Warren Allen LLP, Spreter Petiprin, and the Swigart Law Group, APC,'s (collectively, "Interested Parties") Motion for Order to Clarify Scope of Representation. A hearing was held on September 6, 2024. Attorney Nicholas Rosinia appeared on behalf of plaintiffs. Attorney George McCoy appeared on behalf of Interested Parties. The court considered the pleadings, briefs, declarations, exhibits, and arguments submitted to the court. For the reasons stated on the record, the Interested Parties' Motion to Clarify Scope of Representation is DENIED, in part.

In summary, in this lawsuit known as *James, et al. v. PacifiCorp, et al.*, Case No 20CV33885, Multnomah County Circuit Court, the Court appointed the following law firms as Lead Counsel – Stoll Stoll Berne Lokting & Shlachter PC, Keller Rohrback LLP, and Edelson PC (collectively, “Lead Counsel”). On June 9, 2023, during Phase I of this lawsuit, a jury rendered a verdict on liability in favor of the absent class members (“absent class members” refers to members of the class who did not ask to be excluded (or opt out) pursuant to the class notice).

Now, the Court clarifies and concludes that Lead Counsel continues to represent certain interests of absent class members who are bound by the liability verdict rendered during Phase I, during the ongoing Phase II damages only proceedings and trials, regardless of whether or not the absent class members have signed a retainer agreement with Lead Counsel.

However, absent class members may choose a different lawyer than Lead Counsel to represent them during the Phase II, damages only proceedings and trials. Consistent with the class notice, absent class members who choose a different lawyer to represent them during the Phase II, damages only proceedings and trials must do so by expressly asking to be excluded from further representation by Lead Counsel and termination of any ongoing attorney-client relationship, in accordance with ORS 9.380 and UTCR 3.140.

ORS 9.380 provides that: “[t]he attorney in an action or proceeding may be changed, or the relationship of attorney and client terminated * * * [a]t any time, upon the order of the court, based on the application of the client or the attorney, for good and sufficient cause.”).

UTCR 3.140 states that:

An application to resign, a notice of termination, or a notice of substitution made pursuant to ORS 9.380 must contain the court contact information under UTCR 1.110 of the party and of the new attorney, if one is being substituted, and the date of any scheduled trial or hearing. It must be served on that party and the opposing party’s

attorney. If no attorney has appeared for the opposing party, the application must be served on the opposing party. A notice of withdrawal, termination, or substitution of attorney must be promptly filed.

For the reasons stated on the record, the Court denies the remaining requests in the Interested Parties' motion.

The Court further orders that Lead Counsel must post this order on the website referenced in the class notice, *ie*, www.PacifiCorpFireLitigation.com.

A handwritten signature in black ink that reads "Steffan Alexander". The signature is written in a cursive style and is positioned above a horizontal line.

Circuit Court Judge Steffan Alexander

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