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

BRIAN STOVALL, JOHN OLMSTEAD, CONNIE KRUMMRICH, and KAREN BROWN,	)	Case No. 17CV31082
	)	
Plaintiffs,	)	<del>PROPOSED</del> ORDER ON MOTIONS
	)	
vs	)	
	)	
NORTHERN OREGON CORRECTIONS dba NORCOR, an intergovernmental corrections entity,	)	
	)	
Defendants.	)	

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This matter came before the Court at 9:00 a.m. on July 11, 2018, for hearing on Defendant’s Motion to Bifurcate and for a Protective Order; Plaintiffs’ Motion to Compel Production of Documents and for a Protective Order; and, Plaintiffs’ Motion for Leave to Amend their Complaint. Plaintiff Karen Brown appeared by Stephen S. Walters and David R. Henretty, of her attorneys. Plaintiffs Stovall, Olmstead, and Krummrich appeared by Erin M. Pettigrew, of their attorneys. Defendant appeared by Derek J. Ashton and Diana L. McDougale, of its attorneys.

1 The Court, having considered the Memoranda and Declarations submitted by the parties, heard  
2 arguments of counsel, and being fully advised, makes the following findings and conclusions:

3 (a) Defendant stipulated to the filing of an Amended Complaint;

4 (b) The interests of justice would not be served by bifurcating the issues for trial;

5 (c) The federal regulation on which Defendant relies, 8 C.F.R. 236.6, applies only to public  
6 records act, FOIA, or similar requests for public disclosure of information. That regulation does  
7 not apply to requests for discovery in litigation;

8 (d) The Department of Homeland Security *Touhy* regulations upon which Defendant relies  
9 do not apply to requests for discovery directed to Defendant, because Defendant is not a federal  
10 agency or a current or former federal employee; and,

11 (e) Some of the documents that have been and will be produced in this action contain  
12 personal and other sensitive information that should be used available only to a limited group of  
13 persons for use in this litigation, so that good cause exists for entry of a protective order. Based  
14 on these findings and conclusions,  
15  
16

17 “IT IS HEREBY ORDERED as follows:  
18

- 19 1. Defendant’s Motion to Bifurcate and for a Protective Order is denied;
- 20 2. Plaintiffs’ Motion to Compel Production of Documents and for a Protective  
21 Order is granted;
- 22 3. The Court will enter the form of Protective Order attached as Exhibit 7 to the  
23 Declaration of David Henretty, filed June 18, 2018, or in such other form as  
24 agreed to by the parties;
- 25 4. Plaintiffs are granted leave to file their Amended Complaint; and,

1                   5. Any motions directed to the Amended Complaint will be heard beginning at  
2                   2:30 p.m. on August 24, 2018.

3 Dated: July \_\_\_\_, 2018

Signed: 7/31/2018 11:06 AM

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6   
7 Hon. John Wolf  
Circuit Court Judge  
**Circuit Court Judge John Wolf**

8 Submitted by:

9 OREGON LAW CENTER

10 /s/ Stephen S. Walters  
11 Stephen S. Walters OSB No. 801200  
12 [swalters@oregonlawcenter.org](mailto:swalters@oregonlawcenter.org)

13 Attorneys for Plaintiff Karen Brown

14 UTCR 5.100 CERTIFICATE

15 The proposed order is ready for judicial signature because:

- 16
- 17 1.  Each party affected by this proposed order has stipulated to the proposed order  
18 as shown by each party's signature on the document being submitted.
- 19 2.  Each party affected by this proposed order has approved the proposed order as  
20 shown by each party's signature on the document being submitted or by written  
21 confirmation of approval sent to me.
- 22 3.  I have served a copy of the proposed order on each party entitled to service  
23 and:  
24 a.  No objection has been served on me.  
25

26 Page 3 –ORDER ON MOTIONS

1 b.  I received objections that I could not resolve with a party despite reasonable  
2 efforts to do so. I have filed a copy of the objections I received and indicated  
3 which objections remain unresolved.

4 c.  After conferring about objections counsel for Defendant NORCOR  
5 agreed to independently file any remaining objections.  
6

7 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule  
8 or otherwise.

9 5.  This is a proposed judgment that includes an award of punitive damages and  
10 notice has been served on the Director of the Crime Victims' Assistance Service  
11 as required by section (5) of this rule.

12 6.  Other: \_\_\_\_\_  
13

14 Respectfully submitted this 25<sup>th</sup> day of July, 2018.  
15

16 /s/ Stephen S. Walters  
17 Stephen S. Walters OSB No.  
18 801200  
19 swalters@oregonlawcenter.org  
20 Attorney for Plaintiff Karen Brown.  
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