

Verified Correct Copy of Original 10/3/2019

Jefferson County Circuit Court
129 SW E Street, Suite 101
Madras, OR 97741-1794
www.courts.oregon.gov/Jefferson
541.475.3317
Reply to (✓)



Crook County Circuit Court
300 NE Third Street
Prineville, OR 97754-1919
www.courts.oregon.gov/Crook
541.447.6541
Reply to ()

Daina A. Vitolins
Circuit Court Judge

Annette C. Hillman
Presiding Judge

Michael R. McLane
Circuit Court Judge

Twenty-Second Judicial District

October 3, 2019

Michael W. Peterkin
Peterkin Burgess
222 NW Irving Ave.
Bend, OR 97703

Gregory S. Hathaway
Hathaway Larson, LLP
1331 NW Lovejoy St., Ste. 950
Portland, OR 97209

Timothy G. Elliott
Elliott Riquelme & Wilson, LLP
1558 SW Nancy Way, Ste. 101
Bend, OR 97702

RE: Three Rivers Landowners Association, a nonprofit corporation v. Jefferson County, et. al.
Jefferson County Circuit Court Case No. 16CV26227

Dear Counsel:

The Court is in receipt of a Motion to Strike Plaintiff's Rebuttal Closing Argument or in the Alternative Motion for Leave to File a Reply to Plaintiff's Closing Rebuttal Argument filed by Defendant Ralph De Monte, trustee of the De Monte Family Trust and Plaintiff's Opposition. I have had an opportunity to review the documents filed and the parties advised the Court they waived a right to a hearing on the Motion.

The Court was silent on the issue of rebuttal or reply briefing for written closing arguments. In the interests of granting all parties the full opportunity to make their arguments to the Court, the Court will Deny the Motion to Strike and Grant De Monte's Motion in the Alternative to file a Reply to Plaintiff's Closing Rebuttal Argument. Defendant Jefferson County will also be granted the same opportunity for Reply Argument if they so desire. Reply Arguments need to be filed within 7 days of the Court's Order. Plaintiff has the burden of proof and therefore, will be granted 7 days thereafter for Supplemental Rebuttal Closing. Mr. Hathaway is to submit an Order consistent with this Court's decision.

No further briefing or argument will be granted unless specifically requested by the Court.

Very truly yours,

Annette C. Hillman
Presiding Circuit Court Judge



STATE OF OREGON)
) ss.
County of Jefferson)

I, Linda Branson, Judicial Assistant to Annette C. Hillman, Presiding Judge of the Circuit Court, Madras, Oregon, hereby certify that I mailed copies of the foregoing opinion letter to the parties named below, by placing such copies in an envelope, with postage thereon fully prepaid, addressed to said parties at their respective addresses, and depositing said envelopes in the United States mail at Madras, Oregon, this 3rd day of October, 2019, or having placed in their courthouse pick-up box as set forth below; said parties being:

Michael W. Peterkin
Peterkin Burgess
222 NW Irving Ave.
Bend, OR 97703

Gregory S. Hathaway
Hathaway Larson, LLP
1331 NW Lovejoy St., Ste. 950
Portland, OR 97209

Timothy G. Elliott
Elliott Riquelme & Wilson, LLP
1558 SW Nancy Way, Ste. 101
Bend, OR 97702

DATED at Madras, Oregon, this 3rd day of October, 2019.



Linda Branson, Judicial Assistant