

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

THREE RIVERS LANDOWNERS
ASSOCIATION, a nonprofit
corporation,

Plaintiff,

v.

JEFFERSON COUNTY, a political
subdivision of the state of Oregon;
Ralph DeMonte, trustee of the
DeMonte Family Trust; and Allen
Trust Company, trustee of the
Herbert H. Anderson and Barbara B.
Anderson Revocable Trust,

Defendants.

Case No. 16CV26227

**DEFENDANT DE MONTE'S
RESPONSE TO PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO FILE RULE 62
MOTION**

1 Defendant Ralph De Monte ("De Monte") hereby responds and
2 objects to Plaintiff's Motion for Extension of Time to File Rule 62 Motion.
3 De Monte objects to Plaintiff's Motion on the ground that it has not
4 demonstrated good cause supporting its Motion pursuant to ORCP 62 D.

1 Based on Plaintiff's own justification for not timely complying
2 with ORCP 62 B, there is no explanation why Plaintiff was unable to timely
3 prepare proposed findings in response to the Court's Opinion Letter.
4 Plaintiff admits that the case of *Burris v. Gillen, et al*, was tried on June 1-2,
5 2020. That provided Plaintiff time to prepare proposed findings and file
6 them by June 8, 2020 especially since Plaintiff's litigation has been ongoing
7 for the past four years and Plaintiff is keenly aware of the differences
8 between the Court's findings and any findings that would be proposed by
9 Plaintiff.

10 As a result, Plaintiff has failed to comply with ORCP 62 D and
11 the Court should not extend the time allowing Plaintiff an additional 20
12 days to file proposed findings. The Court has the discretion to deny
13 Plaintiff's Motion, and doing so would not constitute an abuse of
14 discretion.

15 For the foregoing reasons, De Monte respectfully requests the
16 Court deny Plaintiff's Motion for Extension of Time to File a Rule 62
17 Motion.

DATED this 12th day of June 2020.

HATHAWAY LARSON LLP

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Monte, Trustee*

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **RESPONSE TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE RULE 62 MOTION** on:

Michael W. Peterkin, OSB # U.S. Mail
823670 Facsimile
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222 NW Irving Avenue Overnight Courier
Bend, OR 97703 Email
mwp@peterkinpc.com Via Odyssey File & Serve

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 Via Odyssey File & Serve

DATED this 12th day of June 2020.

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