

**U.S. District Court  
District of Oregon (Portland (3))  
CIVIL DOCKET FOR CASE #: 3:16-cv-01877-JR**

Abraham v. Corizon Health Inc.	Date Filed: 09/23/2016
Assigned to: Magistrate Judge Jolie A. Russo	Date Terminated: 12/05/2019
Case in other court: 9th Circuit Court of Appeals, 17-36047	Jury Demand: Plaintiff
9th Circuit Court of Appeals, 19-36077	Nature of Suit: 446 Civil Rights: Americans with Disabilities Act - Other
Cause: 42:12101 Americans with Disabilities Act	Jurisdiction: Federal Question

**Plaintiff**

**Andrew Abraham**  
*on behalf of himself, and for all  
others similarly situated*

represented by **Carl Lee Post**  
Law Offices of Daniel Snyder  
1000 S.W. Broadway  
Suite 2400  
Portland, OR 97205  
503-241-3617  
Fax: 503-241-2249  
Email:  
carlpost@lawofficeofdanielsnyder.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Daniel J. Snyder**  
Law Offices of Daniel Snyder  
1000 S.W. Broadway  
Suite 2400  
Portland, OR 97205  
503-241-3617  
Fax: 503-241-2249  
Email:  
dansnyder@lawofficeofdanielsnyder.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John D. Burgess**  
Law Offices of Daniel Snyder  
1000 SW Broadway  
Suite 2400  
Portland, OR 97205  
503-241-3617  
Fax: 503-241-2249

Email:  
johnburgess@lawofficeofdanielsnyder.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Clackamas County**  
*TERMINATED: 11/07/2016*

represented by **Shawn A. Lillegren**  
Clackamas County Counsel  
2051 Kaen Rd  
Ste 2nd Floor  
Oregon City, OR 97045  
503-742-5395  
Fax: 503-742-5397  
Email: slillegren@clackamas.us

**Defendant**

**Corizon Health, Inc.**  
*formerly known as*  
Prison Health Services, Inc.

represented by **Anne M. Talcott**  
Schwabe, Williamson & Wyatt  
1211 SW 5th Ave  
Ste. 1600  
Portland, OR 97204  
503-796-2991  
Fax: 503-796-2900  
Email: atalcott@schwabe.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sara Kobak**  
Schwabe, Williamson & Wyatt  
1211 SW Fifth Avenue  
Suite 1500-1900  
Portland, OR 97204  
(503) 222-9981  
Fax: (503) 796-2900  
Email: skobak@schwabe.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jon Zunkel-Decoursey**  
Oregon Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
503-378-4402

Fax: 503-378-6306  
Email: jon.zunkel-  
decoursey@doj.state.or.us  
*TERMINATED: 02/02/2021*

**Nathan D. Sramek**  
Schwabe, Williamson & Wyatt  
1211 SW 5th Ave  
Ste. 1900  
Portland, OR 97204  
503-222-9981  
Email: nsramek@schwabe.com  
*TERMINATED: 07/12/2019*

**Richard K. Hansen**  
Schwabe, Williamson & Wyatt  
1211 SW 5th Ave  
Ste. 1900  
Portland, OR 97204  
503-796-2958  
Fax: 503-796-2900  
Email: rhansen@schwabe.com  
*TERMINATED: 02/02/2021*

Date Filed	#	Docket Text
09/23/2016	<a href="#"><u>1</u></a>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-4762235 Jury Trial Requested: Yes. Filed by Andrew Abraham against Clackamas County, Corizon Health, Inc. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet, # <a href="#"><u>2</u></a> Attachment Attorney info). (Burgess, John) (Entered: 09/23/2016)
09/23/2016	<a href="#"><u>2</u></a>	Notice of Case Assignment to Magistrate Judge Paul Papak and Discovery and Pretrial Scheduling Order. <b>NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5.</b> Discovery is to be completed by 1/23/2017. Joint Alternate Dispute Resolution Report is due by 2/21/2017. Pretrial Order is due by 2/21/2017. Ordered by Magistrate Judge Paul Papak. (sss) (Entered: 09/23/2016)
10/13/2016	<a href="#"><u>3</u></a>	Proposed Summons ( <i>Corizon</i> ) Filed by Andrew Abraham. (Snyder, Daniel) (Entered: 10/13/2016)

10/14/2016	<a href="#">4</a>	Summons Issued Electronically as to Corizon Health, Inc.. <b>NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5.</b> (sss) (Entered: 10/14/2016)
11/07/2016	<a href="#">5</a>	Stipulation of Voluntary Dismissal as to Defendant Clackamas County by Clackamas County. Filed by Clackamas County. (Lillegren, Shawn) (Entered: 11/07/2016)
11/07/2016	6	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Due to the Stipulated Notice of Voluntary Dismissal of Defendant Clackamas County <a href="#">5</a> filed in this action, the case caption will be changed to: <u>Abraham v. Corizon Health Inc.</u> and all future pleadings shall reflect this change. (gm) (Entered: 11/08/2016)
11/23/2016	<a href="#">7</a>	Motion to Dismiss for Failure to State a Claim . Oral Argument requested. Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 11/23/2016)
11/28/2016	8	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Setting Defendant Corizon Health's Rule 12 Motion to Dismiss <a href="#">7</a> on the Oral Argument Calendar of 1/10/2017 at 10:00AM in Portland Courtroom 10B before Magistrate Judge Paul Papak. (gm) (Entered: 11/28/2016)
11/28/2016	<a href="#">9</a>	Corporate Disclosure Statement . Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 11/28/2016)
12/12/2016	<a href="#">10</a>	Response in Opposition to Motion to Dismiss for Failure to State a Claim <a href="#">7</a> Oral Argument requested. Filed by Andrew Abraham. (Burgess, John) (Entered: 12/12/2016)
12/30/2016	<a href="#">11</a>	Reply <i>Memorandum in Support of its</i> to Motion to Dismiss for Failure to State a Claim <a href="#">7</a> Oral Argument requested. Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 12/30/2016)
01/10/2017	12	<b>MINUTES OF PROCEEDINGS</b> before Magistrate Judge Paul Papak: Oral Argument held 1/10/17. Order: Defendant Corizon Health's Rule 12 Motion to Dismiss <a href="#">7</a> is taken under advisement as of 1/10/2017. Daniel Snyder; John Burgess present as counsel for plaintiff(s). Anne Talcott; Nathan Sramek present as counsel for defendant(s). Court Reporter: Bonita Shumway. (gm) (Entered: 01/10/2017)
02/16/2017	<a href="#">13</a>	Unopposed Motion for Extension of Discovery & PTO Deadlines . Filed by Andrew Abraham. (Snyder, Daniel) (Entered: 02/16/2017)

02/16/2017	<a href="#">14</a>	Declaration of Daniel Snyder <i>in Support of Plaintiff's Unopposed Motion for Extension of Discovery and Pretrial Order Deadlines</i> . Filed by Andrew Abraham. (Related document(s): Motion for Extension of Discovery & PTO Deadlines <a href="#">13</a> .) (Snyder, Daniel) (Entered: 02/16/2017)
02/17/2017	15	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Granting Plaintiff's Unopposed Motion for Extension of Time <a href="#">13</a> as follows and as modified: Discovery is to be completed by 5/23/2017. Dispositive Motions are due by 5/23/2017. Joint Alternate Dispute Resolution Report is due by 6/22/2017. Pretrial Order is due by 6/22/2017 or until 45 days after this Court's final ruling on dispositive motions, whichever date is later. (gm) (Entered: 02/17/2017)
04/10/2017	<a href="#">16</a>	<b>Findings &amp; Recommendation:</b> Corizon's Motion to Dismiss <a href="#">7</a> should be granted with prejudice as to Plaintiffs claim under Title II of the ADA, and granted without prejudice as to Plaintiffs claims under Title III of the ADA and Oregon law. Signed on 4/10/17 by Magistrate Judge Paul Papak. (gm) (Entered: 04/10/2017)
04/10/2017	17	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Findings & Recommendation <a href="#">16</a> is referred to Judge Anna J. Brown for review. Objections, if any, are due fourteen (14) days from service of the Findings and Recommendation. If no objections are filed, then the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement. (gm) (Entered: 04/10/2017)
04/19/2017	<a href="#">18</a>	<i>Notice of Appearance of Counsel and Request to be Included on Services List - Nathan D. Sramek</i> Filed by Corizon Health, Inc. (Sramek, Nathan) (Entered: 04/19/2017)
04/28/2017	<a href="#">19</a>	<b>ORDER:</b> The Court ADOPTS Magistrate Judge Papak's Findings and Recommendation <a href="#">16</a> . Accordingly, the Court GRANTS Defendant Corizon Health's Motion <a href="#">7</a> to Dismiss and DISMISSES with prejudice Plaintiff's First Claim for Relief under Title II of the ADA, DISMISSES without prejudice Plaintiff's Third Claim for Relief under Title III of the ADA, and DISMISSES without prejudice Plaintiff's Fourth Claim for Relief under Oregon Revised Statute § 659A.142. This matter is returned to the Magistrate Judge

		for further proceedings as appropriate. Signed on 4/28/2017 by Judge Anna J. Brown. (sss) (Entered: 04/28/2017)
05/22/2017	<a href="#"><u>20</u></a>	Motion for Extension of Discovery & PTO Deadlines . Filed by Andrew Abraham. (Burgess, John) (Entered: 05/22/2017)
05/22/2017	<a href="#"><u>21</u></a>	Declaration of John David Burgess . Filed by Andrew Abraham. (Related document(s): Motion for Extension of Discovery & PTO Deadlines <a href="#"><u>20</u></a> .) (Burgess, John) (Entered: 05/22/2017)
05/23/2017	<a href="#"><u>22</u></a>	Answer to <a href="#"><u>1</u></a> Complaint, <i>Answer and Affirmative Defenses to Class Action Complaint</i> . Filed by Corizon Health, Inc.. (Sramek, Nathan) (Entered: 05/23/2017)
05/23/2017	<a href="#"><u>23</u></a>	Corrected Answer to <a href="#"><u>1</u></a> Complaint, <i>Defendant Corizon Health, Inc.'s Answer and Affirmative Defenses to Class Action Complaint</i> . Filed by Corizon Health, Inc.. (Sramek, Nathan) (Entered: 05/23/2017)
05/23/2017	<a href="#"><u>24</u></a>	Motion for Summary Judgment . Oral Argument requested. Filed by Corizon Health, Inc.. (Sramek, Nathan) (Entered: 05/23/2017)
05/23/2017	<a href="#"><u>25</u></a>	Declaration of <i>Jeff Sholey in Support of Corizon Health, Inc.'s Motion for Summary Judgment</i> . Filed by Corizon Health, Inc.. (Related document(s): Motion for Summary Judgment <a href="#"><u>24</u></a> .) (Sramek, Nathan) (Entered: 05/23/2017)
05/23/2017	<a href="#"><u>26</u></a>	Response in Opposition to <i>Plaintiff's</i> to Motion for Extension of Discovery & PTO Deadlines <a href="#"><u>20</u></a> . Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 05/23/2017)
05/24/2017	27	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Setting Defendant Corizon Health's Motion for Summary Judgment <a href="#"><u>24</u></a> on the under advisement calendar of 7/3/2017. (gm) (Entered: 05/24/2017)
05/25/2017	28	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Rule 16 Conference set for 6/5/2017 at 10:00AM in Portland Chambers before Magistrate Judge Paul Papak. Local Rules 16-2(b) and 26-1 require that counsel confer prior to the conference. At the conference, counsel should be prepared to discuss the status of the case, relevant dates and deadlines, and any other significant issues. If consents are going to be filed, it is helpful if they are filed prior to the time of the conference, particularly if a firm trial date is desired. (gm) (Entered: 05/25/2017)

06/05/2017	29	<p><b>MINUTES OF PROCEEDINGS</b> before Magistrate Judge Paul Papak: Rule 16 Conference held 6/5/17. Order Resetting the following deadlines: Motion to Amend Complaint due by 6/16/2017. Limited Discovery re: federal funding to be completed by 8/18/2017. Response to dispositive motion due 8/18/2017. Reply to response to dispositive motion due 9/1/2017. Order: Resetting Defendant Corizon Health's Motion for Summary Judgment <a href="#">24</a> from the Under Advisement Calendar of 7/3/2017 to the Telephonic Oral Argument Calendar of 9/12/2017 at 10:00AM in Portland Chambers before Magistrate Judge Paul Papak. The parties shall call into the court's conference line (phone number to be provided via separate e-mail) five minutes prior to the scheduled conference time. The court will join the conference call at or shortly after the appointed time. Order: Plaintiff's Motion for Extension of Discovery/Pretrial Deadlines <a href="#">20</a> is Denied as Moot with leave to revisit following this Court's final ruling on the pending summary judgment motion. John Burgess present as counsel for plaintiff(s). Anne Talcott present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 06/05/2017)</p>
06/16/2017	<a href="#">30</a>	<p>Motion for Leave to File Amended Complaint/Petition . Oral Argument requested. Filed by Andrew Abraham. (Burgess, John) (Entered: 06/16/2017)</p>
06/16/2017	<a href="#">31</a>	<p>Declaration of John David Burgess . Filed by Andrew Abraham. (Related document(s): Motion for Leave to File Amended Complaint/Petition <a href="#">30</a> .) (Attachments: # <a href="#">1</a> Exhibit Proposed First Amended Complaint in Redline) (Burgess, John) (Entered: 06/16/2017)</p>
06/19/2017	32	<p><b>ORDER</b> issued by Magistrate Judge Paul Papak: Setting Plaintiff's Motion for Leave to File First Amended Complaint <a href="#">30</a> on the Telephonic Oral Argument Calendar of 7/24/2017 at 10:00AM in Portland Chambers before Magistrate Judge Paul Papak. The parties shall call into the court's conference line (phone number to be provided via separate e-mail) five minutes prior to the scheduled conference time. The court will join the conference call at or shortly after the appointed time. (gm) (Entered: 06/19/2017)</p>
06/30/2017	<a href="#">33</a>	<p>Objection(s) <i>to Motion for Leave to File First Amended Complaint</i>. Filed by Corizon Health, Inc.. (Related document(s): Motion for Leave to File Amended Complaint/Petition <a href="#">30</a> .) (Talcott, Anne) (Entered: 06/30/2017)</p>

07/14/2017	<a href="#">34</a>	Reply to Motion for Leave to File Amended Complaint/Petition <a href="#">30</a> Oral Argument requested. Filed by Andrew Abraham. (Post, Carl) (Entered: 07/14/2017)
07/24/2017	35	<b>MINUTES OF PROCEEDINGS</b> before Magistrate Judge Paul Papak: Telephonic Oral Argument held 7/24/17. Order: Plaintiff's Motion for Leave to File First Amended Complaint <a href="#">30</a> is taken under advisement as of 7/24/2017. John Burgess present as counsel for plaintiff(s). Nathan Sramek; Anne Talcott present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 07/24/2017)
08/18/2017	<a href="#">36</a>	Response to Motion for Summary Judgment <a href="#">24</a> Oral Argument requested. Filed by Andrew Abraham. (Burgess, John) (Entered: 08/18/2017)
08/18/2017	<a href="#">37</a>	Declaration of John David Burgess . Filed by Andrew Abraham. (Related document(s): Response to Motion <a href="#">36</a> .) (Attachments: # <a href="#">1</a> Exhibit Exhibits A-E) (Burgess, John) (Entered: 08/18/2017)
09/01/2017	<a href="#">38</a>	Reply <i>In Support</i> to Motion for Summary Judgment <a href="#">24</a> oral argument requested. Filed by Corizon Health, Inc.. (Sramek, Nathan) (Entered: 09/01/2017)
09/01/2017	<a href="#">39</a>	Declaration of <i>Nathan D. Sramek in Support</i> . Filed by Corizon Health, Inc.. (Related document(s): Reply to Motion <a href="#">38</a> .) (Attachments: # <a href="#">1</a> Exhibit 1) (Sramek, Nathan) (Entered: 09/01/2017)
09/07/2017	40	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Defendant is directed to promptly electronically file on CM/ECF a copy of the transcript (attached to an appropriate pleading cover page) sent to the court on July 24, 2017, of the Oregon legislative hearing from May 9, 2013, and conventionally file the audio CD disc of the hearing (attached to an appropriate pleading cover page) with the Clerk's office. (gm) (Entered: 09/07/2017)
09/07/2017	<a href="#">41</a>	Affidavit of Anne M. Talcott . Filed by Corizon Health, Inc.. (Related document(s): Scheduling, 40 .) (Attachments: # <a href="#">1</a> Exhibit A) (Talcott, Anne) (Entered: 09/07/2017)
09/08/2017	<a href="#">42</a>	<b>Findings &amp; Recommendation:</b> Plaintiff's Motion for Leave to File First Amended Complaint <a href="#">30</a> should be denied. Signed on 9/8/17 by Magistrate Judge Paul Papak. (gm) (Entered: 09/08/2017)
09/08/2017	43	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Findings & Recommendation <a href="#">42</a> is referred to Judge Anna J. Brown for review. Objections, if any, are due fourteen (14) days from service of the



		Findings and Recommendation. If no objections are filed, then the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement. (gm) (Entered: 09/08/2017)
09/12/2017	44	<b>MINUTES OF PROCEEDINGS</b> before Magistrate Judge Paul Papak: Telephonic Oral Argument held 9/12/17. Order: Defendant Corizon Health's Motion for Summary Judgment <a href="#">24</a> is taken under advisement as of 9/12/2017. John Burgess present as counsel for plaintiff(s). Nathan Sramek; Anne Talcott present as counsel for defendant(s). Court Reporter: Jill Jessup. (gm) (Entered: 09/12/2017)
09/12/2017	45	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Findings & Recommendation <a href="#">42</a> is re-referred from Judge Anna J. Brown to Judge Michael W. Mosman for review. Objections, if any, are due fourteen (14) days from service of the Findings and Recommendation. If no objections are filed, then the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement. (gm) (Entered: 09/12/2017)
09/22/2017	<a href="#">46</a>	Objections to Findings & Recommendation: Motion for Leave to File Amended Complaint/Petition <a href="#">30</a> should be denied <a href="#">42</a> Oral Argument requested. Filed by Andrew Abraham. (Burgess, John) (Entered: 09/22/2017)
10/09/2017	<a href="#">47</a>	Response to Objections to Findings & Recommendation. <i>Corizon Health, Inc.'s Response to Plaintiff's Objections to Findings and Recommendations</i> Related document(s): <a href="#">46</a> Objections to Findings & Recommendation oral argument requested. Filed by Corizon Health, Inc.. (Sramek, Nathan) (Entered: 10/09/2017)
11/14/2017	<a href="#">48</a>	<b>Findings &amp; Recommendation:</b> Defendant's Motion for Summary Judgment <a href="#">24</a> should be granted. Signed on 11/14/17 by Magistrate Judge Paul Papak. (gm) (Entered: 11/14/2017)
11/14/2017	49	<b>ORDER</b> issued by Magistrate Judge Paul Papak: Findings & Recommendation <a href="#">48</a> is referred to Judge Michael W. Mosman for review. Objections, if any, are due fourteen (14) days from service of the Findings and Recommendation. If no objections are filed,

		then the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement. (gm) (Entered: 11/14/2017)
12/07/2017	<a href="#">50</a>	<b>OPINION &amp; ORDER:</b> Adopting the Magistrate's Findings and Recommendation <a href="#">42</a> . Plaintiff's Motion for Leave to File First Amended Complaint <a href="#">30</a> is Denied. Signed on 12/7/17 by Judge Michael W. Mosman. (gm) (Entered: 12/07/2017)
12/07/2017	<a href="#">51</a>	<b>OPINION &amp; ORDER:</b> Adopting the Magistrate's Findings and Recommendation <a href="#">48</a> . Defendant's Motion for Summary Judgment <a href="#">24</a> is Granted. Signed on 12/7/17 by Judge Michael W. Mosman. (gm) (Entered: 12/07/2017)
12/07/2017	<a href="#">52</a>	<b>JUDGMENT:</b> It is Ordered and Adjudged that Plaintiff's Motion for Leave to Amend <a href="#">30</a> is Denied, Defendant's Motion for Summary Judgment <a href="#">24</a> is Granted and this case is Dismissed. Signed on 12/7/17 by Judge Michael W. Mosman. (gm) (Entered: 12/07/2017)
12/28/2017	<a href="#">53</a>	Notice of Appeal to the 9th Circuit Filing fee \$505 collected; Agency Tracking ID 0979-5263259: . Filed by Andrew Abraham. (Attachments: # <a href="#">1</a> Attachment Representation Statement) (Post, Carl) (Entered: 12/28/2017)
01/03/2018		USCA Case Number and Notice confirming Docketing Record on Appeal re Notice of Appeal <a href="#">53</a> . <b>Case Appealed to 9th Circuit Court of Appeals Case Number 17-36047</b> assigned. (jtj) (Entered: 01/03/2018)
01/08/2018	<a href="#">54</a>	Transcript Designation and Order Form for the hearing held on 01/10/2017; 07/24/2017; 09/12/2017 before Judge Papak. regarding Notice of Appeal <a href="#">53</a> . Filed by Andrew Abraham. Transcript is due by 2/7/2018. (Post, Carl) (Entered: 01/08/2018)
02/07/2018	<a href="#">55</a>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Oral Argument held on 1/10/2017 before Judge Paul Papak, Court Reporter Bonita J. Shumway, telephone number 503-326-8188 or bonita_shumway@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER-See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 2/14/2018. Redaction Request due 2/28/2018. Redacted Transcript

		Deadline set for 3/12/2018. Release of Transcript Restriction set for 5/8/2018. (Shumway, Bonita) (Entered: 02/07/2018)
02/07/2018	<a href="#">56</a>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephonic Oral Argument held on September 12, 2017, before Judge Paul Papak, Court Reporter Jill L. Jessup, telephone number (503)326-8191 or email at jill_jessup@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter at (503)326-8191 or email at jill_jessup@ord.uscourts.gov or PACER-See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 2/14/2018. Redaction Request due 2/28/2018. Redacted Transcript Deadline set for 3/12/2018. Release of Transcript Restriction set for 5/8/2018. (jjcr) (Entered: 02/07/2018)
07/11/2019	<a href="#">57</a>	MANDATE of USCA for the 9th Circuit, <b>USCA # 17-36047</b> , re Notice of Appeal <a href="#">53</a> . The decision of the District Court is AFFIRMED in part, VACATED in part, and REMANDED. Case reopened on 7/11/2019. (Attachments: # <a href="#">1</a> 6/19/2019 Memorandum) (jtj) Modified typo on 7/11/2019 (jtj). (Entered: 07/11/2019)
07/11/2019	<a href="#">58</a>	Notice of Case Reassignment: This case has been reassigned from Magistrate Judge Paul Papak to Magistrate Judge Jolie A. Russo. (eo) (Entered: 07/11/2019)
07/12/2019	59	<b>ORDER</b> issued by Magistrate Judge Jolie A. Russo: Setting a Telephonic Status Conference for 7/22/2019 at 1:30PM in Portland Chambers before Magistrate Judge Jolie A. Russo. (gm) (Entered: 07/12/2019)
07/12/2019	<a href="#">60</a>	Notice of Appearance of Richard K. Hansen appearing on behalf of Corizon Health, Inc. Filed by on behalf of Corizon Health, Inc.. (Hansen, Richard) (Entered: 07/12/2019)
07/12/2019	<a href="#">61</a>	Notice of Attorney Withdrawal: <i>of Counsel and Request to be Removed from Service List Nathan D. Sramek</i> Filed by Corizon Health, Inc.. (Hansen, Richard) (Entered: 07/12/2019)
07/12/2019	<a href="#">62</a>	Notice of Appearance of Sara Kobak appearing on behalf of Corizon Health, Inc. Filed by on behalf of Corizon Health, Inc.. (Kobak, Sara) (Entered: 07/12/2019)
07/22/2019	63	<b>MINUTES OF PROCEEDINGS</b> before Magistrate Judge Jolie A. Russo: Telephonic Status Conference held 7/22/19. The parties are

		directed to submit a brief e-mail by 7/30/2019 (using the "JRpropdoc@ord.uscourts.gov" e-mail address) which pertains to the issue of dismissal vs. remand of the remaining state law claim as specified at the conference. John Burgess present as counsel for plaintiff(s). Richard Hansen; Sara Kobak present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 07/22/2019)
07/31/2019	64	<b>ORDER</b> issued by Magistrate Judge Jolie A. Russo: The Court has reviewed the parties' recent submissions and finds that independent federal subject matter jurisdiction exists over plaintiff's remaining state law claim given the complete diversity between the parties and plaintiff's concession that the amount in controversy is satisfied. As a result, this case will proceed in federal court and the issue of supplemental jurisdiction is moot. The parties shall submit a joint proposed case schedule within 14 days or by 8/14/2019. (gm) (Entered: 07/31/2019)
08/14/2019	<a href="#">65</a>	<i>Notice of Appearance of Counsel and Request to be Included on Services Lists-Jon Zunkel-DeCoursey</i> Filed by Corizon Health, Inc.. (Hansen, Richard) (Entered: 08/14/2019)
08/14/2019	<a href="#">66</a>	Joint Proposed Pretrial Order Lodged <i>Case Scheduling Order</i> . Filed by Corizon Health, Inc.. (Hansen, Richard) (Entered: 08/14/2019)
08/14/2019	<a href="#">67</a>	<b>CASE SCHEDULING ORDER:</b> The last date for plaintiff to file a motion to amend to add a claim under ORS 659A.142 or seek certification to the Oregon Supreme Court shall be 9/11/2019. Response to motion due by 9/25/2019. Reply to motion due by 10/9/2019. Should the court grant plaintiff's motion to amend to add a claim under ORS 659A.142, the parties will confer at that time regarding a scheduling order for all other dates. Signed 8/14/2019 by Magistrate Judge Jolie A. Russo. (gm) (Entered: 08/14/2019)
09/11/2019	<a href="#">68</a>	Motion for Leave to File Amended Complaint/Petition . Oral Argument requested. Filed by Andrew Abraham. (Attachments: # <a href="#">1</a> Exhibit A - proposed amended complaint) (Post, Carl) (Entered: 09/11/2019)
09/11/2019	<a href="#">69</a>	<i>Motion to Certify Question to Oregon Supreme Court</i> . Oral Argument requested. Filed by Andrew Abraham. (Post, Carl) (Entered: 09/11/2019)
09/13/2019	70	<b>ORDER</b> issued by Magistrate Judge Jolie A. Russo: Setting Plaintiff's Motion for Leave to File Amended Complaint <a href="#">68</a> and Plaintiff's Motion to Certify Question to Oregon Supreme Court <a href="#">69</a> on the under advisement calendar of 10/15/2019. The request for oral argument will be considered in due course. Should

		the Court deem the motions appropriate for disposition with oral argument upon review of the briefings, the motions will be scheduled accordingly. (gm) (Entered: 09/13/2019)
09/25/2019	<a href="#"><u>71</u></a>	Response to Motion for Leave to File Amended Complaint/Petition <a href="#"><u>68</u></a> Oral Argument requested. Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 09/25/2019)
09/25/2019	<a href="#"><u>72</u></a>	Declaration of Anne M. Talcott <i>in Support of Defendant's Response to Plaintiff's Motion to File First Amended Complaint</i> . Filed by Corizon Health, Inc.. (Related document(s): Motion for Leave to File Amended Complaint/Petition <a href="#"><u>68</u></a> .) (Attachments: # <a href="#"><u>1</u></a> Exhibit Exhibits A-C) (Talcott, Anne) (Entered: 09/25/2019)
09/25/2019	<a href="#"><u>73</u></a>	Response to Motion <i>to Certify Question to Oregon Supreme Court</i> <a href="#"><u>69</u></a> Oral Argument requested. Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 09/25/2019)
10/09/2019	<a href="#"><u>74</u></a>	Reply to Motion for Leave to File Amended Complaint/Petition <a href="#"><u>68</u></a> Oral Argument requested. Filed by Andrew Abraham. (Post, Carl) (Entered: 10/09/2019)
10/09/2019	<a href="#"><u>75</u></a>	Reply to Motion <i>to Certify Question to Oregon Supreme Court</i> <a href="#"><u>69</u></a> Oral Argument requested. Filed by Andrew Abraham. (Post, Carl) (Entered: 10/09/2019)
10/18/2019	<a href="#"><u>76</u></a>	<b>Findings &amp; Recommendation:</b> Plaintiff's Motion to File First Amended Complaint <a href="#"><u>68</u></a> and Motion to Certify Question to Oregon Supreme Court <a href="#"><u>69</u></a> should be denied, and judgment should be prepared dismissing this case. The parties' requests for oral argument are Denied as unnecessary. Signed on 10/18/19 by Magistrate Judge Jolie A. Russo. (gm) (Entered: 10/18/2019)
10/18/2019	77	<b>ORDER</b> issued by Magistrate Judge Jolie A. Russo: Findings & Recommendation <a href="#"><u>76</u></a> is referred to Judge Michael W. Mosman for review. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties shall have fourteen (14) days within which to file a response to the objections. (gm) (Entered: 10/18/2019)
11/01/2019	<a href="#"><u>78</u></a>	Objections to Findings & Recommendation: Motion for Leave to File Amended Complaint/Petition <a href="#"><u>68</u></a> , Motion <i>to Certify Question to Oregon Supreme Court</i> <a href="#"><u>69</u></a> should be denied <a href="#"><u>76</u></a> . Filed by Andrew Abraham. (Post, Carl) (Entered: 11/01/2019)

11/15/2019	<a href="#"><u>79</u></a>	Response to Objections to Findings & Recommendation. Related document(s): <a href="#"><u>78</u></a> Objections to Findings & Recommendation. Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 11/15/2019)
12/05/2019	<a href="#"><u>80</u></a>	<b>OPINION &amp; ORDER:</b> Adopting the Magistrate's Findings and Recommendation <a href="#"><u>76</u></a> . Plaintiff's Motion for Leave to File Amended Complaint <a href="#"><u>68</u></a> and Motion to Certify Question to Oregon Supreme Court <a href="#"><u>69</u></a> are Denied. This case is Dismissed without prejudice. Signed on 12/5/19 by Judge Michael W. Mosman. (gm) (Entered: 12/05/2019)
12/05/2019	<a href="#"><u>81</u></a>	<b>JUDGMENT:</b> Based upon the Order of the Court <a href="#"><u>80</u></a> adopting Judge Russo's Findings and Recommendation <a href="#"><u>76</u></a> , it is Ordered and Adjudged that Plaintiff's Motion for Leave to File Amended Complaint <a href="#"><u>68</u></a> and Motion to Certify Question to Oregon Supreme Court <a href="#"><u>69</u></a> are Denied. This case is Dismissed without prejudice. Signed on 12/5/19 by Judge Michael W. Mosman. (gm) (Entered: 12/05/2019)
12/16/2019	<a href="#"><u>82</u></a>	Notice of Appeal to the 9th Circuit from Judgment, <a href="#"><u>81</u></a> Filing fee \$505 collected; Agency Tracking ID 0979-6122994: . Filed by Andrew Abraham. (Post, Carl) (Entered: 12/16/2019)
12/19/2019		USCA Case Number and Notice confirming Docketing Record on Appeal re Notice of Appeal <a href="#"><u>82</u></a> . <b>Case Appealed to 9th Circuit Court of Appeals Case Number 19-36077</b> assigned. (jtj) (Entered: 12/19/2019)
01/28/2021	<a href="#"><u>83</u></a>	Order from USCA for the 9th Circuit, USCA # 19-36077 re Notice of Appeal <a href="#"><u>82</u></a> . We respectfully certify the following question to the Oregon Supreme Court under Oregon Revised Statutes § 28.200: (SEE ORDER FOR FULL TEXT). Abraham's motion to certify a question to the Oregon Supreme Court is therefore GRANTED. The clerk of this court shall file a certified copy of this order with the Oregon Supreme Court under Oregon Revised Statutes § 28.215. This appeal is withdrawn from submission and will be submitted following receipt of the Oregon Supreme Court's opinion on the certified question or notification that it declines to answer the certified question. The clerk is directed to administratively close this docket pending further order. The panel shall retain jurisdiction over further proceedings in this court. The parties shall notify the clerk of this court within one week after the Oregon Supreme Court accepts or rejects certification. In the event the Oregon Supreme Court grants certification, the parties shall notify the clerk within

		one week after the court renders its opinion. IT IS SO ORDERED. (jtj) (Entered: 01/28/2021)
02/02/2021	<a href="#">84</a>	Notice of Attorney Withdrawal: <i>Richard K. Hansen and Jon C. Zunkel-deCoursey</i> Filed by Corizon Health, Inc.. (Talcott, Anne) (Entered: 02/02/2021)

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