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

KC DEVELOPMENT GROUP, LLC; ERIC
CADWELL AND BRIANNA CADWELL,
Individually,

Plaintiffs,

v.

THOMAS BISHOP and DORBINA BISHOP,
Individually, and as Trustees of the Bishop
Family Trust dated December 3, 2003; and THE
BISHOP FAMILY TRUST DATED
DECEMBER 3, 2003,

Defendants.

Case No. 16CV20854

**LIMITED JUDGMENT OF DISMISSAL
WITHOUT PREJUDICE**

Hon. Beth M. Bagley

Pursuant to ORS 31.150(1) and the Court's oral decision announced in open court on
October 24, 2016 and the corresponding October 24, 2016 Minute Order granting the Defendants'
Special Motion to Strike Pursuant to ORS 31.501(1), the Court enters a limited judgment as follows:

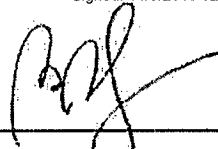
a. All of Plaintiffs' claims, other than their claim for trespass, are dismissed in their
entirety, without prejudice, pursuant to ORS 31.150; and

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///

1 b. Defendants are awarded reasonable attorney fees and costs pursuant to ORS 31.150.
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Signed: 11/9/2016 02:12 PM



Circuit Court Judge Beth M. Bagley

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10 Submitted by:

11 John C. Rothermich, OSB #071685
12 jrothermich@gsblaw.com
13 Garvey Schubert Barer
14 121 SW Morrison Street, 11th Floor
15 Portland, OR 97204-3141
16 Tel: 503 228-3939 / Fax: 503 226- 0259

17 Jennifer M. Bragar, Bar # 091865
18 jbragar@tomasilegal.com
19 Tomasi Salyer Martin
20 121 SW Morrison, Suite 1850
21 Portland, OR 97204
22 Tel: 503 894-9900 / Fax: 503 544-7236

23 Of Attorneys for Defendants

24 Trial Attorney: John C. Rothermich
25
26

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **LIMITED JUDGMENT OF DISMISSAL**
3 **WITHOUT PREJUDICE** on the following:

4 Joseph W. Carlisle
5 Brian J. Best
6 J. Kenneth Katzaroff
7 Rathbone Barton Olsen, P.C.
8 4949 Meadows, Suite 600
9 Lake Oswego, OR 97035

10 Attorneys for Plaintiffs

11 by email and by mailing to them a copy of the original thereof, contained in a sealed envelope,
12 addressed as above forth, on November 3, 2016.

13 s/ John C. Rothermich
14 John C. Rothermich
15 Of Attorneys for Defendants

16 GSB:8208300.1
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

KC DEVELOPMENT GROUP, LLC; ERIC
CADWELL AND BRIANNA CADWELL,
Individually,

Plaintiffs,

v.

THOMAS BISHOP and DORBINA BISHOP,
Individually, and as Trustees of the Bishop
Family Trust dated December 3, 2003; and THE
BISHOP FAMILY TRUST DATED
DECEMBER 3, 2003,

Defendants.

Case No. 16CV20854

GENERAL JUDGMENT OF DISMISSAL

Hon. Beth M. Bagley

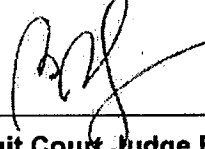
Pursuant to ORCP 21 A(8), the Court's oral decision announced in open court on October 24, 2016, and the corresponding October 24, 2016 Minute Order, the Court granted Defendants' motion to dismiss Plaintiffs' trespass claim and gave Plaintiffs 14 days to file an amended trespass claim.

In light of the fact that Plaintiffs did not amend their trespass claim within the 14-day deadline, and in light of the Court's entry of the Limited Judgment of Dismissal on November 9, 2016 dismissing all of Plaintiffs' non-trespass claims, without prejudice, the Court hereby enters a General Judgment of Dismissal in favor of Defendants Thomas Bishop, Dorbina Bishop and the

///

1 Bishop Family Trust Dated December 3, 2003 and against plaintiffs KC Development Group, LLC,
2 Eric Cadwell, and Brianna Cadwell dismissing Plaintiffs' remaining trespass claim, with prejudice.
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Signed: 11/28/2016 11:20 AM



Circuit Court Judge Beth M. Bagley

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13 Submitted by:

14 John C. Rothermich, OSB #071685
15 jrothermich@gsblaw.com
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26 Of Attorneys for Defendants

Trial Attorney: John C. Rothermich

1 **CERTIFICATE OF READINESS**

2 **UTCRC 5.100**

3 This proposed General Judgment of Dismissal is ready for judicial signature because:
4 The submission is ready for judicial signature because:

- 5 1. Each opposing party affected by this order or judgment has stipulated to the order or
6 judgment, as shown by each opposing party's signature on the document being submitted.
7 2. Each opposing party affected by this order or judgment has approved the order or
8 judgment, as shown by signature on the document being submitted or by written confirmation or
9 approval sent to me.
10 3. I have served a copy of this order or judgment on all parties entitled to service three days
11 prior to submission to the Court and

12 No objection has been served on me.

13 DATED this 21st day of November, 2016.

14 s/ John C. Rothermich
15 John C. Rothermich, OSB #071685
16 Of Attorneys for Defendants
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

FILED
CIRCUIT COURT

Case No: 16CV20854

2016 OCT 24 PM 3:34

**KC Development Group, LLC, Eric
Cadwell, Brianna Cadwell
vs
Thomas Bishop, Dorbina Bishop, The
Bishop Family Trust Dated December 3,
2003**

MINUTE ORDER
(OR)
DESCHUTES COUNTY
OREGON

Type of Proceeding: Hearing - Motion
Appearances:

Date: October 24, 2016

Carlisle, Joseph W Privately Retained
& Brian Best (By Phone)

ROTHERMICH, JOHN C Attorney
(By Phone)

Additional Attorneys:

Case Register Events

Minute Orders and Journal Entries

- Counsel appeared by phone

Court gave decision on the record

Plaintiff has 14 days leave to file an Amended Complaint

Defendant's Motion is granted - Mr Rothermick to prepare limited judgment of dismissal without prejudice as to all non- trespass claims consistent with decision today. If Plaintiff elects not to file or re-file the Trespass Claim or that is not done within 14 days defense counsel may file a General Judgment of Dismissal. Defendant is awarded reasonable attorney's fees & costs.

NEXT HEARING

Defendant to appear:

10/24/2016

Date

Bagley, Beth M, Circuit Court Judge

If the above Minute Order is unsigned, it does not constitute an Order of the Court and contains only journal entries for the proceeding.

16CV20854
MM
Memorandum
5945050

