

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR COOS COUNTY

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3
4 ROB TAYLOR,

5 Plaintiff,

6 v.

7 CITY OF BANDON, an Oregon Municipal
8 Corporation,

9 Defendant.

Case No. 19CV28149

**PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

10 TO: CITY OF BANDON, and their attorney:
11 Frederick J. Carleton
12 Carleton Law Office
13 301 Hwy 101 / P. O. Box 38
14 Bandon, OR 97411
15 541-347-2468 / Fax:541-347-6198
16 bandonlaw@gmail.com

17 Pursuant to ORCP 36 and 43, Plaintiff Rob Taylor (hereinafter "Plaintiff") requests
18 that Defendant City of Bandon, (hereinafter "Defendant") produce and make available for
19 Plaintiff and his attorney's inspection and copying all documents described herein which
20 are in Defendant's possession, custody, or subject to Defendant's possession, custody, or
21 control, or in the possession, custody, or control of any of Defendant's agents, employees,
22 representatives, attorneys, or any other person subject to Defendant's direction, at the
23 office of William H. Sherlock, 940 Willamette Street, Suite 400, Eugene, OR 97401, **on or**
24 **before 30 days from the date of this request.**

25 **INSTRUCTIONS AND DEFINITIONS:**

26 A. Each request herein extends to any document in the possession, custody, or
control of Defendant and to any documents to which Plaintiff has a right to control, use,

1 inspect, examine, or copy.

2 B. As used in this request, the term "documents" means and includes, without
3 limitation, any and all material that is written, printed, typed, photographed, recorded
4 (electronically, magnetically, graphically, or otherwise), or which is capable of being
5 recorded in any form. The term "documents" is intended to include papers, books,
6 records, letters, photographs, tangible things, correspondence (including electronic),
7 communications, facsimile ("fax") transmissions, files, documents, telegrams, cables,
8 metadata, telex messages, memoranda, notes, notations, work papers, transcripts,
9 minutes, reports and recordings of telephone or other conversations, or of interviews, or
10 of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports,
11 studies, analyses, evaluations, contracts, agreements, jottings, agendas, bulletins, notices,
12 announcements, advertisements, instructions, charts, blueprints, maps, drawings, shop
13 drawings, manuals, brochures, publications, schedules, price lists, client lists, journals,
14 bank statements, mortgage statements, statistical records, insurance policies, binders,
15 drafts, desk calendars, appointment books, diaries, lists, tabulations, sound recordings,
16 computer printouts, progress reports, progress payment requests, worker's time records,
17 machine time records, material and supply invoices, data processing programming
18 library, data processing input and output, microfilm, books of account, records and
19 invoices reflecting business operations, all records kept by electronic, photographic or
20 mechanical means, any notes or drafts relating to the foregoing, any social media posts,
21 and all things similar to any of the foregoing however denominated.
22

23 C. If documents responsive to these requests come to Defendant's' attention or
24 possession after the date of this document, they must be produced within 30 days
25 afterward.
26

1 D. As to any document that Defendant is unable to produce, state the location
2 where such record can be found, the name of the possessor, when the record left
3 Defendant's' possession or control and the reasons why Defendant cannot produce such
4 record. If a record is withheld under a claim of privilege, Defendant is required to
5 identify its author, addressee, recipient, content and the privilege asserted to allow the
6 matter to be brought before the Court for review of the factual basis for such claim on
7 privilege and its legal basis.

8 E. If any requested documents are withheld on the basis of any claim of a
9 privilege, state the nature of the privilege asserted, the factual basis for the claim, and the
10 document's author, addressee, recipient and content, sufficient to identify the document
11 for the court.

12 F. The words "and" and "or" shall be individually interpreted in every
13 instance as meaning "and/or" and shall not be interpreted to exclude any information
14 within the scope of these requests.

15 G. The term "parties" refers to Defendant and Plaintiff

16 H. Defendant is specifically requested to serve a written response to this
17 request stating, by paragraph number corresponding to each paragraph of this request,
18 whether documents are being provided in response thereto.
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21 **NOTICE**

22 This request is a continuing request. If the documents requested above come into
23 the possession or control of you or your attorneys after the date requested for their
24 production herein, Plaintiff requests that they be produced at the time of their availability.
25 Defendant may comply with these requests by mailing copies of the described documents
26 on a CD Rom disc containing copies of the documents to Plaintiff's attorney by the date

1 specified. Documents may also be provided on a flash drive or be deposited into a shared
2 file on the internet "cloud." If Defendant fails to comply with these requests, Plaintiff will
3 apply for the remedies and sanctions allowed pursuant to ORCP 44D(2) and ORCP 46.

4 **DOCUMENTS TO PRODUCE**

5 **Request No. 1:** Any and all documents and information, including but not limited to,
6 written communications, emails, including all inner-office emails, notes, minutes,
7 correspondence, and/or reports, other than those subject to an attorney-client privilege,
8 related to Resolution No. 1908, Amending the Water Rate Schedule.

9 **Response:**

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12 **Request No. 2:** Any and all documents and information, including but not limited to,
13 written communications, emails, all inner-office emails, notes, minutes, correspondence,
14 and/or reports, other than those subject to an attorney-client privilege, related to the
15 enactment of Resolution No. 1909, Amending the Wastewater Rate Schedule.

16 **Response:**

17 DATED: August 14, 2019.

18 HUTCHINSON COX

19
20
21 By: 

22 William H. Sherlock, OSB #903816
23 Email: lsherlock@eugenelaw.com
24 Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE


I certify that on August 14, 2019, I served the foregoing **PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS** on the following attorneys of record:

Frederick J. Carleton
Carleton Law Office
301 Hwy 101 / P. O. Box 38
Bandon, OR 97411
541-347-2468 / Fax:541-347-6198
bandonlaw@gmail.com
Of Attorneys for Defendant

by causing a true copy thereof, addressed to the attorney's last known address, and served on the attorney by one or more of the following methods:

- by US Mail, first class, postage prepaid, from Eugene, Oregon.
- by overnight courier.
- by electronic mail.
- by facsimile transmission to:
- by hand delivery.
- electronically by the court's electronic filing system.

HUTCHINSON COX

By: 
William H. Sherlock OSB #903816
Email: lsherlock@eugenelaw.com
Of Attorneys for Plaintiff