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

YVONNE JOHNPOLL,  
Plaintiff,  
v.  
BRIX TAVERN, LLC and MARK  
BYRUM,  
Defendants.

Case No. 17CV33824  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO AMEND  
COMPLAINT TO ALLEGE PUNITIVE  
DAMAGES AGAINST DEFENDANT  
MARK BYRUM

On September 11, 2018, at 2:00 pm, plaintiff's Motion for Leave to Amend  
Complaint to Allege Punitive Damages against Defendant Mark Byrum came before the  
Court. Plaintiff was represented by her attorney Kristin Olson. Defendant Mark Byrum was  
represented by his attorney Matthew Sorensen.

After considering the motion, oral argument, and briefing of the parties, and being  
fully informed, it is hereby FOUND, CONCLUDED AND ORDERED:

///

1 Plaintiff's Motion for Leave to Amend the Complaint to Allege Punitive Damages  
2 Against Defendant Mark Byrum is GRANTED. Plaintiff shall submit her Third Amended  
3 Complaint for filing with the Court, within 10 days of the date this Order is signed.

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Signed: 9/14/2018 11:30 AM

  
Circuit Court Judge Marilyn E. Litzenberger

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15 Approved by:

16 s/Matthew K. Sorensen

17 Matthew K. Sorensen, attorney for defendant Mark Byrum  
18 (electronically signed with permission)

19 9/11/18

20 Date

21 Submitted by:

22 Kristin L. Olson, OSB No. 031333

23 kolson@olsonbroksby.com

24 OLSON BROOKSBY PC

1020 SW Taylor Street, Ste. 400

Portland, Oregon 97205

(503) 740-7608

Attorneys for plaintiff

1 **CERTIFICATE OF COMPLIANCE WITH UTCR 5.100(2)**

2 (a) I certify that on September 11, 2018, I served the foregoing ORDER GRANTING  
3 PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT TO ALLEGE  
4 PUNITIVE DAMAGES AGAINST DEFENDANT MARK BYRUM  
5 on the following:

6 Art Duncan  
7 Wiles Law Group  
8 510 SW Fifth Avenue, Sixth  
9 Floor  
10 Portland, OR 97204  
11 *Via US mail and email*  
12 Attorneys for Brix Tavern  
13  
14 Philip Bennett  
15 Matthew Sorensen  
16 Smith Freed & Eberhard PC  
17 111 SW 5th Ave 43rd Fl  
18 Portland OR 97204  
19 *Via US mail and email*  
20 Attorneys for Mark Byrum

21 (b) This proposed order or judgment is ready for judicial signature because:

22 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
23 shown by each party's signature on the document being submitted.

24 2.  **Each party affected by this order or judgment has approved the order or  
25 judgment, as shown by each party's signature on the document being submitted or by  
26 written confirmation of approval sent to me.**

3.  I have served a copy of this order or judgment on each party entitled to service and:

a.  No objection has been served on me.

b.  I received objections that I could not resolve with a party despite reasonable efforts to  
do so. I have filed a copy of the objections I received and indicated which objections remain  
unresolved.

c.  After conferring about objections, [role and name of objecting party] agreed to  
independently file any remaining objection.

4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

1 5. [ ] This is a proposed judgment that includes an award of punitive damages and notice has  
2 been served on the Director of the Crime Victims' Assistance Section as required by  
3 subsection (5) of this rule.

4 6. [ ] Other: \_\_\_\_\_ .”

5 By           /s/ Kristin L. Olson            
6 Kristin L. Olson

7 Of Attorneys for plaintiff  
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