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July 28, 2020

VIA EMAIL ONLY: sllvolin@gmail.com

Stephanie Volin
29 South Valley Road
West Orange, NJ 07052

Re: Petition for Public Records Disclosure Order
Oregon Office of the State Court Administrator
DOJ File No.: 198040-GA0071-20

Dear Ms. Volin:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Marion County Circuit Court to disclose an order dated July 20, 2020 that assigned Senior Judge Robert Herndon to the court. For the reasons the follow, we respectfully deny your petition.

According to your petition, you requested the order on July 20, 2020 after receiving an e-mail referencing the order from the trial court administrator (TCA). The TCA responded to you the next day and disclosed an order dated July 21, 2020. When you clarified that you wanted the July 20, 2020 order referenced in the TCA's July 20, 2020 e-mail, the TCA informed you that the court did not have a responsive record. You now ask us to order the court to disclose the order referenced in the TCA's July 20, 2020 e-mail.

We contacted Lori DePaulis, Assistant General Counsel, Office of the State Court Administrator (SCA), Oregon Judicial Department (OJD), regarding your petition. She explained that when the TCA referenced the order in her July 20, 2020 e-mail, she assumed the order had been signed when in fact it was not signed until July 21, 2020. Therefore, Ms. DePaulis explained, there is no order dated July 20, 2020, and the court has otherwise disclosed the order assigning Judge Herndon to the court.

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Under the circumstances, we have no reason to second-guess Ms. DePaulis' representation that there is no order dated July 20, 2020. And because we cannot order the court to disclose a record that does not exist, we must respectfully deny your petition.

Sincerely,



Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM10354412
c via email only: Lori DePaulis (OJD)