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December 13, 2023

VIA E-MAIL ONLY: sllvolin@gmail.com

Stephanie Volin
29 South Valley Road
West Orange, NJ 07052

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department, Clackamas County Circuit Court
DOJ File No.: 198040-GA0186-23

Dear Ms. Volin:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Clackamas County Circuit Court (the "court") to disclose a particular change of venue order to you. For the reasons that follow, we respectfully deny your petition.

You state that on October 9, 2023, you requested the entire file for case 18CV12079, which the court disclosed to you. According to your petition, after informing the court that you believed the file was missing two orders – a September 7, 2023 order granting a change of venue, and a September 19, 2023 order vacating the prior order – the court disclosed additional records to you "purporting" to be the missing orders. However, you believe there is a "true copy" of the September 7, 2023 change of venue order (the "order") that the court is withholding from you. In support of your belief, you note that an entry in the court's docket indicates that Judge Katherine Weber signed the order, but the copy furnished to you contains the signature of Judge Michael Wetzel. We understand that you believe Judge Weber did sign the original order and that the court is withholding that "true copy" of the order from you.

In response to your petition, we contacted Tim Lewis, Assistant General Counsel at the Oregon Judicial Department. He explained that court staff made a clerical error in this instance by entering the wrong judge's name in the docket system. He noted that the presiding judge has authorized clerks to affix signatures to change of venue orders and in this instance, Judge Weber's clerk properly affixed Judge Wetzel's signature to the order as instructed. Thereafter, the clerk erroneously entered Judge Weber's name into the docket system as being the judge who signed the order. Mr. Lewis explained that the copy you received with Judge Wetzel's signature is the official order and that the court does not have a version signed

by Judge Weber because no such order was ever prepared. He also indicated that the erroneous entry in the docket system has been corrected.

Mr. Lewis' description of events is consistent with the court's record as well as the information you provided to us. We therefore have no reason to second-guess his representation that the initial docket entry was erroneous and that a version of the order with Judge Weber's signature never existed. And because we cannot order the disclosure of a record that does not exist, we must respectfully deny your petition.

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF/pjn
c via e-mail only: Tim Lewis (OJD)