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

WEST LINN-WILSONVILLE SCHOOL
DISTRICT 3JT, a political subdivision of the
State of Oregon,

Plaintiff,

v.

THE CITY OF WEST LINN, OREGON, a
municipal entity,

Defendant.

Case No. 22CV06982

DEFENDANT’S FIRST REQUEST FOR
PRODUCTION TO PLAINTIFF

**TO: West Linn-Wilsonville School District 3JT, plaintiff and its counsel of record
Jacob A. Zahniser and Erica A. Clausen, Miller Nash LLP.**

Pursuant to ORCP 43, City of West Linn (“City”) requests that the West Linn-
Wilsonville School District 3JT (“District”), produce the following documents for inspection and
photocopying at the office of Jordan Ramis PC, 1211 SW Fifth Ave., 27th Floor, Portland,
Oregon 97204. Defendant requests documents be produced within thirty (30) days of service of
this request.

DEFINITIONS AND INSTRUCTIONS

1. “Documents” mean all written or graphic matter, however produced or
reproduced, of every kind and description, including but not limited to, paper, e-mail, books,
letters, photographs, maps, objects, tangible things, correspondence, telegrams, memoranda,
inter-office communications, reports, studies, surveys, contracts, licenses, agreements, ledgers,
books of account, vouchers, checks, invoices, drafts, charge slips, receipts, working papers,
statistical records, desk calendars, appointment books, diaries, daily reports, time sheets or logs,

1 notations, plans, schematic drawings, models, change orders, computer printouts, punch cards,
2 magnetic tapes, magnetic discs, pleadings, depositions, notes or sound recordings of any
3 conversations, notes of meetings or conferences and minutes of any meetings regarding or
4 related to the Project or the Project file(s).

5 2. The term “District” refers to and includes the named plaintiff, and its Board
6 Members, officers, directors, representatives, agents, employees, and/or attorneys.

7 3. As used herein, the term “Oppenlander” shall refer to the “10-acre Oppenlander
8 Field property on Rosemont Road in the City of West Linn,” as identified in Paragraph 1 of the
9 Complaint.

10 4. As used herein, the phrase “District’s April 2021 Appraisal,” shall refer to the
11 appraisal of Oppenlander obtained by the District and identified in Paragraph 1 of the Complaint.

12 5. As used herein the term “Appraiser” shall refer to the Company and individual
13 appraisers who conducted and otherwise prepared the District’s April 2021 Appraisal.

14 6. As used herein the term “LOI” shall refer to the August 16, 2021 Letter of Intent
15 identified in paragraph 15 of the Complaint.

16 7. As used herein, the term “PSA,” shall refer to the January 10, 2022, Real Estate
17 *Purchase and Sale Agreement* identified as Exhibit 1 to the Complaint.

18 8. As used herein the term “Romanaggi Appraisal” shall refer to the January 25,
19 2022, appraisal identified in Paragraph 29 of the Complaint.

20 9. As used herein, the term “Romanaggi” shall refer to Romanaggi Valuation
21 Services, LLC, and includes its members, managers, officers, employees, agents, and
22 representatives, including, but not limited to Sam Romanaggi.

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1 10. The City requests that in your responding to this request, you produce all
2 documents in your possession, custody, care, or control or otherwise available to your
3 employees, including, without limitation by reason of enumeration, documents in the possession,
4 custody, care, or control of your past or present attorneys or their investigators, or in the
5 possession, custody, care, or control of your past or present advisors, agents, investigators,
6 accountants, consultants, or associates.

7 11. If a particular category of requested documents does not exist, the District must
8 serve a written response on the City’s counsel stating that the specified documents do not exist.

9 12. If a particular category of requested documents does exist but the documents are
10 not “within the District’s possession,” the District must serve a written response on the City’s
11 counsel identifying the documents and stating where they may be found.

12 13. If any document responsive to this request is withheld from production under a
13 claim of privilege or immunity, the withheld document must be identified by furnishing with
14 regard to the withheld document:

- 15 (a) Its nature (e.g., memorandum, letter, computer tape, etc.);
- 16 (b) Its date;
- 17 (c) Its author or preparer;
- 18 (d) Its sender;
- 19 (e) Its addressee, if any;
- 20 (f) Persons to whom, you have reason to believe, a copy of it has been sent;
- 21 (g) Its present custodian;
- 22 (h) The identity of each person to whom, you have reason to believe, it has
23 been shown; and
- 24 (i) Each basis in fact and law for withholding the identity or production.

25 14. Each document of the kind requested shall be produced in a manner that preserves
26 its sequential relationship with other documents being produced and shall include the file folder

1 and folder tabs associated with its file location, and, if not apparent on the folder or tabs, shall be
2 accompanied by identification of the person or department from whose files it was taken and by
3 additional source information which is necessary to enable the parties to determine the
4 document's original (reproduction) location.

5 15. If you are unable to produce a requested document, state the reason for your
6 inability and identify the document with as much accuracy as possible.

7 16. These requests are continuing. If after the date of production you or your
8 attorneys, investigators, advisors, agents, accountants, consultants, or associates come into
9 possession of a document responsive to this request, you must give notice to the City's counsel
10 and produce the document within ten (10) days of the date when the document comes into your
11 possession.

12 **DOCUMENTS TO BE PRODUCED**

13 The "Documents to be Produced" are the expressly requested documents and, with
14 respect to expressly requested documents, all documents which contain, record, reflect,
15 summarize, evaluate, comment upon, transmit, or discuss the subject matter of any expressly
16 requested document and all drafts, work papers, preparation materials, exhibits shown or
17 circulated at any meeting, and texts or notes of oral or written presentations or conversations.

18 **DOCUMENTS REQUESTED**

19 **REQUEST FOR PRODUCTION NO. 1:** A true and complete copy of the District's
20 April 2021 Appraisal.

21 **RESPONSE:**

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23 **REQUEST FOR PRODUCTION NO. 2:** All written communications with the
24 Appraiser pertaining to the District's April 2021 Appraisal and pertaining to Oppenlander.

25 **RESPONSE:**

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1 **REQUEST FOR PRODUCTION NO. 3:** All of the District’s internal notes, meeting
2 minutes, and internal communications transmitting, and otherwise pertaining to the April 2021
3 Appraisal.

4 **RESPONSE:**

6 **REQUEST FOR PRODUCTION NO. 4:** All communications between the District
7 and the City pertaining to the April 2021 Appraisal.

8 **RESPONSE:**

10 **REQUEST FOR PRODUCTION NO. 5:** All communications between the District
11 and any other person or entity pertaining to the April 2021 Appraisal.

12 **RESPONSE:**

14 **REQUEST FOR PRODUCTION NO. 6:** All offers to purchase Oppenlander
15 referenced in Paragraph 11 of the Complaint, together with all other written communications
16 from or to any company or person making such offer.

17 **RESPONSE:**

19 **REQUEST FOR PRODUCTION NO. 7:** All of the District’s internal notes, meeting
20 minutes, and internal communications transmitting, and otherwise pertaining to the LOI.

21 **RESPONSE:**

23 **REQUEST FOR PRODUCTION NO. 8:** All of the District’s internal notes, meeting
24 minutes, and internal communications transmitting, and otherwise pertaining to the PSA.

25 **RESPONSE:**

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1 **REQUEST FOR PRODUCTION NO. 9:** All communications with the City pertaining
2 to the negotiations and drafting of the PSA.

3 **RESPONSE:**

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5 **REQUEST FOR PRODUCTION NO. 10:** Any and all District resolutions adopting or
6 otherwise approving the PSA.

7 **RESPONSE:**

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9 **REQUEST FOR PRODUCTION NO. 11:** All of the District’s notes, meeting minutes,
10 and internal communications pertaining to Chapter XI, Section 46(g) of the City’s Charter.

11 **RESPONSE:**

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13 **REQUEST FOR PRODUCTION NO. 12:** All documents pertaining to the District’s
14 allegation that it “understood” that the Chapter XI designation “would not reduce the purchase
15 price.”

16 **RESPONSE:**

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18 **REQUEST FOR PRODUCTION NO. 13:** All of the District’s notes, meeting minutes,
19 and internal communications transmitting, and otherwise pertaining to the Romanaggi Appraisal.

20 **RESPONSE:**

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22 **REQUEST FOR PRODUCTION NO. 14:** All communications between the District
23 and Romanaggi, together with all documents transmitted to Romanaggi by or on behalf of the
24 District.

25 **RESPONSE:**

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1 **REQUEST FOR PRODUCTION NO. 15:** All documents pertaining to the District’s
2 allegations that Romanaggi “refused to communicate directly with the School District as set forth
3 in Paragraph 35 of the Complaint.

4 **RESPONSE:**

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7 DATED this 9th day of January, 2023.

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JORDAN RAMIS PC
Attorneys for Defendant the City of West Linn

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By: s/ Christopher K. Dolan
Christopher K. Dolan, OSB #922821
chris.dolan@jordanramis.com

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13 Trial Attorney: Christopher K. Dolan, OSB #922821

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the date shown below, I served a true and correct copy of the
3 foregoing DEFENDANT’S FIRST REQUEST FOR PRODUCTION TO PLAINTIFF on:

4 Jacob A. Zahniser, OSB #085210
5 Erica A. Clausen, OSB #170902
6 Miller Nash LLP
7 111 SW 5th Ave Ste 3400
8 Portland OR 97204
9 Phone 503 205-2352
10 jacob.zahniser@millernash.com
erica.clausen@millernash.com
11 cc: Laura.Doll@MillerNash.com
12 cc: Cindy.Switzler@MillerNash.com

13 *Of Attorneys for Plaintiff West Linn-Wilsonville*
14 *School District 3JT*

15 ***EMAIL SERVICE AGREEMENT**

- 16 by first class mail, postage prepaid.
17 by overnight mail.
18 by hand delivery.
19 by facsimile transmission.
20 by facsimile transmission and first class mail, postage prepaid.
21 by electronic transmission.
22 by electronic transmission and first class mail, postage prepaid.

23 DATED: January 9, 2023.

24 *s/ Christopher K. Dolan*
25 _____
26 Christopher K. Dolan, OSB #922821
chris.dolan@jordanramis.com
Attorneys for Defendant the City of West Linn