IN THE SUPREME COURT OF THE STATE OF OREGON

Jeanyne James; Robin Colbert; Jane Drevo; Sam Drevo; Brooke Edge and Bill Edge, Sr.; Lori Fowler; Iris Hampton; James Holland; Rachelle McMaster; Kristina Montoya; Northwest River Guides, LLC; Shariene Stockton and Kevin Stockton, Victor Palfreyman; Palfreyman Family Trust; Duane Brunn, individually and on behalf of all others similarly situated; Alfred Cuozzo; Deborah Jo Fawcett; David Giller, Sr.; Richard Jensen; Scott Johnson; Frank King, individually and in his capacity as trustee of the King Revocable Trust; Stephen David Nielsen; Cory Staniforth; Deborah Tank; Christian Bigness; Kelly Davis; Christine Grom; Maria Guadalupe Eliosa Martinez; Carl Seyboldt and the Seyboldt Revocable Living Trust; Diane Turnbull; Joy Wilson; Richard Wilson; the Upward Bound Camp for Persons with Special Needs; and William Browning in his capacity as Personal Representative of the Estate of Delores Stowell,
Plaintiffs-Respondents,
Cross-Appellants,
Petitioners on Review,

and

Mary Kathleen Becherer et al.,
Plaintiffs,

and

Oregon Department of Justice,
Creditor-Respondent,

v.

PacifiCorp, an Oregon Corporation, and Pacific Power, an Oregon registered electric utility and assumed business name of PacifiCorp,
Defendants-Appellants,
Cross-Respondents,
Respondents on Review.

Oregon Court of Appeals
A183140

S072933

ORDER EXPANDING REVIEW, SETTING ORAL ARGUMENT, AND REQUESTING SUPPLEMENTAL BRIEFING

ORDER EXPANDING REVIEW, SETTING ORAL ARGUMENT, AND REQUESTING SUPPLEMENTAL BRIEFING

Upon consideration by the court.

In light of the importance of this litigation, and in the interest of the efficient use of judicial resources, the court invokes its authority to modify its grant of review to take direct review over all assignments of error raised before the Court of Appeals in this matter. ORAP 9.20(2) ("The court may consider other issues that were before the Court of Appeals.")

The court orders both parties to provide simultaneous supplemental briefing on all the other assignments of error raised at the Court of Appeals. Further, the court sets oral argument for a date certain on April 6, 2026, at 1:30 p.m. in the Supreme Court Building, 1163 State St., Salem, OR 97301. The case is scheduled to be heard first in the afternoon. The date for oral argument will be reset only on a showing of extraordinary circumstances.

Each party's supplemental brief is due January 11, 2027, and is limited to 22,000 words. The parties may file simultaneous response briefs limited to 12,000 words, which are due on February 8, 2027. No extensions to the briefing schedule will be permitted.

Existing *amici curiae* may file supplemental briefs on the same date that the parties' initial supplemental briefs are filed. Any such briefs are limited to 12,000 words. No new motions to appear as *amici* will be entertained.

Because the parties' briefs to the Court of Appeals are part of the record before this court, the parties are encouraged to use the opportunity for supplemental briefing to refine and amplify those points they consider most essential to aid this court's efficient resolution of this case on direct review. The court requests that the supplemental briefing give specific attention to the following questions, in addition to the points that the parties themselves wish to address:

(1) Were absent class members (that is, class members other than the named class representatives) individually obligated to show that negligence by PacifiCorp caused harm to their person or property in order to recover damages? If not, why not? Please address whether, and if so, how, the third class issue certified by the trial court ("Was PacifiCorp's conduct a cause of harm to the class?") affects your answer.

(2) If absent class members had an individual obligation to show that negligence by PacifiCorp caused harm to their property, did the verdict in Phase 1 have any effect on that obligation? For example, did it resolve any aspect of the individual causation question for absent class members or shift any burden to PacifiCorp to come forward with evidence that would refute a showing or inference of causation?

(3) Please address how your answers to those questions relate procedurally to the Phase 1 and Phase 2 trials. In particular:

(a) If each absent class member had to show individual causation of harm, was that causation intended to be addressed in phase 2?

(b) If individualized causation was (or was intended to be) addressed in Phase 2, was it in fact addressed in Phase 2? If so, how; if not, why not?

In answering this question, please also address the Phase 2 jury instruction that the Phase 1 jury had already determined that PacifiCorp's negligence was "the cause of harm to the entire class."



Meagan A Flynn
Chief Justice
11-20-2026

c: Cody Berne
Derek Johnson
Keith Ketterling
Timothy DeJong
Nicholas A Kahl
Marilyn Heiken
Daniel Mensher
Matthew Preusch
Yoona Park
Alexander Tievsky
Erin Roycroft
Benjamin Gould
Carsen Nies
Brad Daniels
Per Ramfjord
Reilley Keating
Blaine Evanson
Robert Koch
Elizabeth Savage
Emily Johnson
Sarah R Osborn

Jesse A Buss
Matthew S Kirkpatrick
Sara Kobak
J Aaron Landau
Irion Sanger
John Greene
Paul Stewart
Elizabeth White
Jeremy Marwell
David R Fine
Nicholas Holle Rosinia