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

STATE ex rel. NEW LOOK  
DEVELOPMENT LLC, an Oregon limited  
liability company,

Plaintiff-Relator,

v.

CITY OF LAKE OSWEGO, a municipal  
corporation,

Defendant.

And

MICHAEL E. KOHLHOFF,

Intervenor.

Case No. 24CV03746

ORDER DENYING MOTION TO  
DISMISS AND GRANTING MOTION  
TO INTERVENE

THIS MATTER came before the Court on February 9, 2024, before the Honorable Michael C. Wetzel on Intervenor’s *Motion to Intervene* (“*Motion*”), which, within the *Motion*, Intervenor separately moved to dismiss this proceeding on the basis that the Circuit Court lacked subject matter jurisdiction. Plaintiff-Relator appeared by and through its counsel, Christopher K. Dolan and Ezra L. Hammer. Defendant appeared by and through its counsel, Evan Boone. Intervenor appeared by and through his counsel, Theresa M. Kohlhoff. The Court has considered the arguments of the parties and their written submissions. Now, therefore,

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1 As a preliminary matter, the Court finds that Relator has withdrawn its claim to recover  
2 prevailing party attorney fees against Defendant. Relator reserves that claim against Intervenor.  
3 The Court accepts Relator’s limited withdrawal of its claim for attorney fees.

4 IT IS HEREBY ORDERED that, on Intervenor’s motion to dismiss, the Court finds that  
5 it has subject matter jurisdiction, and Intervenor’s motion to dismiss is therefore denied.

6 IT IS HEREBY FURTHER ORDERED that Intervenor’s *Motion* to intervene is granted.  
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13 SUBMITTED BY:

14 JORDAN RAMIS PC  
15 Ezra L Hammer, OSB #203791  
16 [Ezra.Hammer@jordanramis.com](mailto:Ezra.Hammer@jordanramis.com)  
17 Christopher K. Dolan, OSB #922821  
18 [chris.dolan@jordanramis.com](mailto:chris.dolan@jordanramis.com)  
19 Attorneys for Plaintiff-Relator  
20 New Look Development LLC  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF READINESS – COMPLIANCE WITH UTCR 5.100**

I certify that I have complied with UTCR 5.100, and the submission of this Proposed [Order/Judgment] is ready for judicial signature because: (check all that apply):

I served on opposing counsel not less than three 3 days prior to submission to the court, a true copy of the attached [Order/Judgment]; or

I mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court a true copy of the attached [Order/Judgment], accompanied by notice of the time period to object.

A proposed order or judgment presented in open court with the parties present.

This Proposed [Order/Judgment] is ready for judicial signature because:

Each party affected by this proposed [Order/Judgment] has stipulated to [Order/Judgment] as shown by their signature on the document being submitted.

Each party affected by this proposed [Order/Judgment] has approved its form as shown by their signature on the document being submitted or by an oral or written confirmation of approval sent to me.

I have served a copy of this proposed [Order/Judgment] on all parties entitled to service as required by UTCR 5.100 and:

a.  No objection has been served on me.

b.  I received objections that I could not resolve with the opposing 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 opposing party] agreed to independently file any remaining objection.

The relief sought is against an opposing party who has been found in default.

An order of default is being requested with this proposed judgment.

Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims’ Assistance Section as required by subsection (4) of this rule.

DATED: February 12, 2024.

By:   s/ Christopher K. Dolan    
 Christopher K. Dolan, OSB #922821

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 ORDER DENYING MOTION TO DISMISS AND GRANTING MOTION TO

4 INTERVENE on:

5 Evan P. Boone, OSB #781518  
6 Lake Oswego City Attorneys  
7 PO Box 369  
8 Lake Oswego OR 97034  
9 Phone: 503 635-0225  
10 Fax: 503 699-7453  
11 Email: [eboone@ci.oswego.or.us](mailto:eboone@ci.oswego.or.us)  
12 cc: [cmadruga@ci.oswego.or.us](mailto:cmadruga@ci.oswego.or.us)

Theresa M. Kohlhoff, OSB #803981  
Attorney at Law  
7512 N. Berkeley Ave.  
Portland, OR 97203  
Phone: 808-374-5103  
Email: [theresakohlhoff@gmail.com](mailto:theresakohlhoff@gmail.com)

*Attorneys for Intervenor Michael Kohlhoff*

*Of Attorneys for Defendant the City of Lake Oswego*

11 **\*E-MAIL SERVICE AGREEMENT**

- 13  by first class mail, postage prepaid.
- 14  by overnight mail.
- 15  by hand delivery.
- 16  by facsimile transmission.
- 17  by facsimile transmission and first class mail, postage prepaid.
- 18  by electronic transmission to counsel for the City per e-mail service agreement.
- 19  by electronic transmission and first class mail, postage prepaid to counsel for Intervenor.

20 DATED: February 12, 2024.

21 *s/ Christopher K. Dolan*  
22 \_\_\_\_\_  
23 Ezra L. Hammer, OSB #203791  
24 [Ezra.Hammer@jordanramis.com](mailto:Ezra.Hammer@jordanramis.com)  
25 Christopher K. Dolan, OSB #922821  
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Attorneys for Plaintiff-Relator New Look  
Development LLC