

FED Proceedings

In light of Executive Order 20-56 the Landlord Tenant Workgroup reviewed CJO 20-016 and made recommendations in processing FED cases. If you have any questions, please contact Tim Lewis at Tim.R.Lewis@ojd.state.or.us or 503-986-5528.

Cases subject to Executive Order 20-56 moratorium (as determined by a judge)

1. Any pending matter subject to the moratorium may not proceed until after December 31, 2020.
2. New cases subject to the moratorium may not be filed. However, clerks cannot reject filings.
3. A judge should review cases that are filed if there is any question as to the applicability of the moratorium.
 - a. If the court has postponed the first appearance, understanding that the moratorium applies, and a plaintiff disagrees, the plaintiff may file a motion under CJO 20-016 4.g. to ask the Presiding Judge to schedule a first appearance.
4. If a case is filed despite the moratorium, it should be treated as it was under CJO 20-016 pre-July 1. The court should schedule a first appearance and issue a summons (CJO 20-016 4.a).
 - a. The first appearance should be immediately postponed and Attachment A to CJO 20-016 should be attached to the summons (CJO 20-016 4.c.).
 - b. The first appearance should be rescheduled when appropriate to take place after December 31, 2020 (CJO 20-016 4.d. & HB 4213).
 - c. The court can address the violation of Executive Order 20-56 when the matter is rescheduled for first appearance and/or trial.

Cases NOT subject to Executive Order 20-56 moratorium (as determined by a judge)

1. These cases, including those that were previously postponed, may proceed in a manner similar to pre-pandemic process if the provisions of CJO 20-016 4.i. (regarding the court's capabilities) are met.
2. Any first appearances postponed by CJO 20-016 may be rescheduled (4.d) and trials may be set in the normal course (4.i.).
3. First appearances and trials may be scheduled in new matter in the normal course (4.a.-e. & i).