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

WILLIAM MAX GREENSTEIN as Personal
Representative for the ESTATE OF KAREN
LEE GREENSTEIN,

Plaintiff,

v.

STATE OF OREGON and RICHARD
WEBSTER SCOTT, JR.,

Defendants.

Case No. 15CV14344

DEFENDANT STATE OF OREGON'S ANSWER
TO THE SECOND AMENDED COMPLAINT,
AFFIRMATIVE DEFENSES AND CROSS
CLAIM

ORS 20.140 - State fees deferred at filing

Defendant State of Oregon (hereinafter referred to as "Defendant"), by and through the undersigned, in response to plaintiff's complaint, admits, denies, and alleges as follows:

1.

Defendant admits the allegations contained in paragraph(s) 1, 2, 3, 18, 19, 20, 23, 27, 30, 31, 32, 43, 45 and 49.

2.

Defendant denies the allegations contained in paragraph(s) 21, 25, 28, 34-39, 41 and 44.

3.

Defendant is without sufficient knowledge as to the truth of the allegations contained in paragraph(s) 29, 46, 47 and 48, and therefore denies the same.

4.

Defendant admits and denies the allegations contained in paragraph(s) 33, 40, and 42 as heretofore admitted and denied.

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5.

The allegations contained in paragraphs 4 – 16 are statements of law and to the extent that they are accurate they do not require a response as the law speaks for itself..

6.

As to the allegations in paragraph 17 of the Second Amended Complaint, ORS 809.235 allows a court to issue a lifetime permanent revocation of an individual’s driving privileges in Oregon upon conviction in that court. ORS 809.235 has nothing to do with Oregon DMV’s authority or duties.

7.

As to the allegations in paragraph 22 of the Second Amended Complaint, Defendant admits that it denied defendant Scott’s application for a driver’s license in 2011 because the California DMV reported him ineligible. Defendant had no information at the time as to why California DMV was reporting him ineligible.

8.

As to the allegations in paragraph 24 of the Second Amended Complaint, Defendant admits that in April of 2013 defendant Scott re-applied for a driver’s license and California reported that he was eligible to receive a license in California, thereby making him eligible to receive a license in Oregon. Defendant denies the remainder of the allegations.

9.

Defendant admits the factual allegations in paragraph 26, but denies Mr. Scott was using his Oregon driver’s license at the time of the accident, as defendant Scott had exhibited a history of driving with and without the existence of a valid license, and he he was violating multiple criminal and civil statutes at the time of his accident.

**CROSS CLAIM
Negligence/Comparative Fault**

15.

Defendant Richard Webster Scott was negligent in one or more was set forth in Plaintiff's complaint.

16.

Defendant Richard Webster Scott's negligence, individually or with the negligence of Colvin Oil Company, was the sole and proximate cause of the damages suffered by decedent.

17.

If the Court enters Judgment for plaintiff it must apportion plaintiff's total damages, if any, among all parties and persons whom plaintiff has asserted a claim and settled, including Defendant Richard Webster Scott and Colvin Oil Company, with the liability of each party being several only, pursuant to ORS 31.600 and ORS 31.610.

WHEREFORE, having fully answered plaintiff's complaint, defendant prays for a judgment in favor of defendant against plaintiff, dismissing plaintiff's complaint against defendant in its entirety and awarding defendant its costs and disbursements incurred herein, and for such other and further relief as the Court may deem appropriate.

DATED August 6, 2019.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Dirk L. Pierson

DIRK L. PIERSON #941281
Senior Assistant Attorney General
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Of Attorneys for Defendant

1 **CERTIFICATE OF SERVICE**

2 I certify that on August 6, 2019, I served the foregoing DEFENDANT STATE OF
3 OREGON'S ANSWER TO THE SECOND AMENDED COMPLAINT, AFFIRMATIVE
4 DEFENSES AND CROSS CLAIM upon the parties hereto by the method indicated below, and
5 addressed to the following:

6 Carl R. Amala
7 Harris Wyatt & Amala LLC
8 5778 Commercial St SE
9 Salem OR 97306
10 Of Attorneys for Plaintiff

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 SERVED BY E-FILING

9 Patrick J. Kouba
10 Law Offices of Kathryn R. Morton
11 650 NE Holladay
12 PO Box 4400
13 Portland OR 97208
14 Of Attorneys for Defendant
15 Richard Webster Scott, Jr.

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 SERVED BY E-FILING

16 s/ Dirk L. Pierson

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