IN THE COURT OF APPEALS OF THE STATE OF OREGON

JEANYNE JAMES, *et al.*, individually and on behalf of all others similarly situated,

Plaintiffs-Respondents, Cross-Appellants,

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.

CA No. A183140

Multnomah County Circuit Court Case No. 20CV33885

APPELLANTS' MOTION—OTHER—EXPEDITE

MOTION

Appellants PacifiCorp and Pacific Power (collectively, "PacifiCorp") move to expedite oral argument and consideration of this appeal, Case No. A183140. Subject to the Court's calendar, PacifiCorp requests oral argument within 45 days after completion of briefing in November 2025.[1]

Plaintiffs take no position on the relief requested. However, they have not reviewed the content of the motion and therefore may file a response if needed.

ARGUMENT

This class action appeal arises out of four separate wildfires that occurred in Oregon over the 2020 Labor Day weekend. As the filings to date demonstrate, the importance of this case cannot be overstated. Plaintiffs and class members are seeking billions of dollars in damages for fire-related impacts on their real and personal property, including noneconomic damages of $25 million per plaintiff; the trial court's legal rulings span multiple contested areas of Oregon law, including class certification, causation, class-action jury instructions, and the availability of noneconomic damages for real and personal property loss; and the precedential and procedural impact of the

[1] PacifiCorp filed its Opening Brief on April 1, 2025. Plaintiffs filed their Answering/Cross-Opening Brief on August 21, 2025. PacifiCorp filed its Reply/Cross-Answering Brief on October 17, 2025. Plaintiffs' final reply brief is currently due November 7, 2025.

case is critical for the parties, Oregon businesses, and the continued operation of the judicial system.

Expediting this appeal is appropriate for several reasons. First, expedited oral argument is critical if this long-running case is to be concluded on a reasonable time frame. PacifiCorp has settled approximately 2,600 other claims related to the Labor Day 2020 fires and other wildfires. But this case has proven impossible to resolve, in part as a result of fundamental disagreements over the rulings of the trial court, its interpretation of Oregon law, and the trial court's decision to proceed with damages trials that largely, if not exclusively, concern the amount of compensation for class members' emotional distress related to fire-damaged property. As a practical matter, an appellate decision is the opportunity to break the logjam by providing the parties with a higher court's views on the legal and procedural questions at the core of the parties' disputes.

In addition, while this case has already consumed significant party and judicial resources, those effects will exponentially increase in the coming months. As explained in Appellants' Motion to Stay Trial Court Proceedings and Reply in Support of Motion to Stay Trial Court Proceedings, the trial court has entered a case management order ("CMO No. 11") that groups up to 19 class members per week and places them on 180-day litigation timelines in advance of two-week trials beginning in February 2026. Those trials will

continue weekly in 2026 and then increase to twice per week in 2027. PacifiCorp fully explained the effect of CMO No. 11 in its Motion to Stay, including the fact that it is already having immediate impacts. Those impacts (on the parties, the Multnomah County Circuit Court, jurors, and citizens of Multnomah County who are also demanding the court's attention) will only escalate as resource-intensive trials begin in February 2026 and continue—week after week, month after month—thereafter. And the potential impacts extend beyond the judicial system. Even if it is only partially implemented before this Court acts, CMO No. 11 imperils the operations of an essential public utility on which millions of customers in six Western states depend.

The resolution of this appeal will impact every judgment and trial, as well as the trajectory of the case going forward. Before the trial court embarks on 160 jury trials involving over 1,900 plaintiffs in the next two-and-a-half years, PacifiCorp's appeal should be heard and adjudicated expeditiously, after which time the parties and the trial court can assess how best to proceed.

Finally, this case has ongoing importance beyond the parties and the Multnomah County Circuit Court. As a result of the trial court's decisions regarding class certification, causation, and noneconomic damages (among others), and as the multiple amici briefs demonstrate, Oregonians and Oregon businesses in general face an uncertain legal landscape—one that not only

affects current or future wildfires, but the business community more broadly. Prompt appellate review is necessary to address that fundamental uncertainty.

PacifiCorp recognizes that the Court has a busy docket, numerous important matters, and several demands on the Court's time. This case, however, is unique, as is the Court's role and potential impact. Given the impasse of the parties, and the trial court's determination to proceed on the current untenable path, immediate action by this Court is necessary.

For all of the above reasons, PacifiCorp's Motion to expedite oral argument should be granted.

DATED: October 23, 2025

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CERTIFICATE OF FILING AND SERVICE

I certify that on October 23, 2025, I filed the original of this **APPELLANTS' MOTION—OTHER—EXPEDITE** with the Appellate Court Administrator by the Court of Appeals' eFiling system.

I further certify that on October 23, 2025, I caused true copies of this **APPELLANTS' MOTION—OTHER—EXPEDITE** to be served on the following via e-service on the Oregon Court of Appeals website.

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