

## Appendix A

IN THE COURT OF APPEALS OF THE STATE OF OREGON

HAMID MICHAEL HEJAZI,  
Plaintiff-Appellant,

v.

WHITE BIRD CLINIC,  
Defendant-Respondent.

Lane County Circuit Court No. 19CV29470

Court of Appeals No. A174544

**ORDER DENYING RECONSIDERATION**

Appellant petitions for reconsideration of this court's March 3, 2021, order dismissing the appeal for failure to file an undertaking on appeal as required by ORS 19.300. Appellant, who failed to file an objection to the motion to dismiss, now states that he has filed a motion to waive the undertaking at the trial court.

Pursuant to ORS 19.300 an appellant must serve and file an undertaking in the amount of \$500 within 14 days after the filing of the notice of appeal. Therefore, even if appellant filed the motion to waive the undertaking on appeal with the trial court, appellant's motion comes too late, and respondent's claim of prejudice is well taken.<sup>1</sup>

The petition for reconsideration is denied.



JAMES C. EGAN CHIEF JUDGE, COURT OF APPEALS 3/24/2021 12:11 PM
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c: Hamid Michael Hejazi  
Dale M Fujimoto  
Peter D Eidenberg  
Hillary A Taylor

ej

<sup>1</sup> In its motion to dismiss, respondent argues that it "will be prejudiced by plaintiffs failure to file an undertaking because it will likely be difficult to collect any amounts due from plaintiff."

**ORDER DENYING RECONSIDERATION**

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,  
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

## Appendix B

Mar. 12

IN THE COURT OF APPEALS OF THE STATE OF OREGON

HAMID MICHAEL HEJAZI,  
Plaintiff-Appellant,

v.

WHITE BIRD CLINIC,  
Defendant-Respondent.

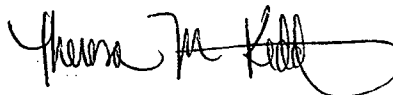
Lane County Circuit Court No. 19CV29470

Court of Appeals No. A174544

**ORDER OF DISMISSAL**

Respondent moves to dismiss this appeal on the ground that appellant failed to timely serve the trial court administrator with the notice of appeal and on the ground that, after respondent gave appellant notice pursuant to ORAP 7.40, appellant has failed to file an undertaking as required by ORS 19.300. Appellant has not filed a response to the motion to dismiss. See ORAP 7.40(3) ("Appellant shall file an answer to the motion [to dismiss] explaining whether there was good cause for the failure to comply with the notice or the statutory deadline for filing and shall append a copy of the undertaking filed with the trial court."). The motion is granted on the ground that appellant has not filed an undertaking on appeal.

Appeal dismissed.



THERESA M. KIDD  
APPELLATE COMMISSIONER  
3/3/2021 8:36 AM

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**DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS**

Prevailing party: Respondent

Costs: Allowed, payable by: Appellant

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c: Hamid Michael Hejazi  
Dale M Fujimoto  
Peter D Eidenberg  
Hillary A Taylor

ej

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**ORDER OF DISMISSAL**

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,  
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

## Appendix C

## IN THE SUPREME COURT OF THE STATE OF OREGON

HAMID MICHAEL HEJAZI,  
Plaintiff-Appellant,  
Petitioner on Review,

v.

WHITE BIRD CLINIC,  
Defendant-Respondent,  
Respondent on Review.


Court of Appeals  
A174544

S068519

**ORDER DENYING REVIEW**

Upon consideration by the court.

The court has considered the petition for review and orders that it be denied.

MARTHA L. WALTERS CHIEF JUSTICE, SUPREME COURT 7/8/2021 2:39 PM
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c: Dale Fujimoto  
Peter D Eidenberg  
Hillary A Taylor  
Hamid Michael Hejazi

ms

**ORDER DENYING REVIEW**

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REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,  
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

## Appendix D

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE  
125 E. 8th Ave. Eugene, Oregon 97401

Case No: 19CV29470

HAMID MICHAEL HEJAZI,  
Plaintiff,

vs.

WHITE BIRD CLINIC,  
Defendant.

**ORDER GRANTING MOTION FOR  
WAIVER OF THE REQUIREMENT TO  
POST AN UNDERTAKING FOR  
POVERTY AND INABILITY TO PAY**

THIS MATTER HAVING COME before the court on this 19<sup>th</sup> day of April 2021 by Plaintiff's Motion for Waiver of the Requirement to Post an Undertaking for Poverty and Inability to Pay and supporting declaration filed March 15, 2021. No response was filed by Defendant.

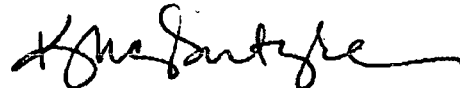
The Court having reviewed the file and now being fully advised makes the following ruling:

IT IS HEREBY ORDERED that Plaintiff's request to waive the requirement to post an undertaking is:

  X   **GRANTED.** Pursuant to ORS 19.310(2).

       **DENIED.**

Signed: 4/19/2021 09:17 AM



**Karrie K. McIntyre, Circuit Court Judge**



## Appendix E

11/5/21

Hello Mike,

The unit printer is not working, which is why this is in my atrocious handwriting.

I wanted to follow up on some of your requests.

I am able to send a brief request to your attorney on your behalf when it relates to your reason for being here. (For instance, requesting documentation.) Beyond that, hospital staff is not to be intervening in legal matters, including using unit computers and printers to obtain and copy forms. The law library is the sole resource for this; that is my direction per my supervisor (Cheryl Meyers).

Similarly, I cannot use my state email to transmit anything that is along the lines of personal correspondence, so I cannot send your evaluation to Mr. Ingram, even with an ROI. However, I know your ability to communicate with him is limited so I would be happy to ask him for his email address if this would be helpful.

Sincerely,

Megan Harper