

APPENDIX

TRIAL COURT OPINION

COURT OF APPEALS OPINION

SUPREME COURT OPINION

PETITIONERS RESPONSE WITH RECORD OF
EVENTS

FILED: July 02, 2025

IN THE COURT OF APPEALS OF THE STATE OF OREGON

Kevin Nesbit,
Plaintiff-Appellant,

v.

Carl Schiewek, an individual, and Fair & Square Auto Repair, LLC, a limited liability
company,
Defendants-Respondents.

Clackamas County Circuit Court
21CV33666

A183045

Roderick A. Boutin, Judge.

Submitted on June 09, 2025.

Before Aoyagi, Presiding Judge, Egan, Judge, and Pagán, Judge.

Attorney for Appellant: Kevin Nesbit *pro se*.

Attorney for Respondent: Kyle K. Nakashima.

AFFIRMED WITHOUT OPINION

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondents

[] No costs allowed.
[] Costs allowed, payable by Appellant.

IN THE SUPREME COURT OF THE STATE OF OREGON

Kevin Nesbit,
Plaintiff-Appellant,
Petitioner on Review,

v.

Carl Schiewek, an individual, and Fair & Square Auto Repair, LLC, a limited liability
company,
Defendants-Respondents,
Respondents on Review.

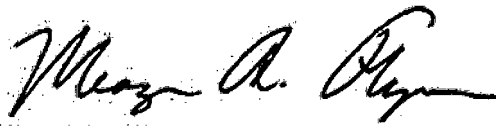
Oregon Court of Appeals
A183045

S072162

ORDER DENYING REVIEW

Upon consideration by the court.

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



Meagan A. Flynn
Chief Justice, Supreme Court
December 04, 2025

c: Kevin Nesbit

Daniel R Schanz

Kyle Nakashima

ORDER DENYING REVIEW

Appellate Court Administrator, Appellate Court Records Section
1163 State Street, Salem, Oregon 97301-2563
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1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF CLACKAMAS

3 KEVIN NESBIT,

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Case No. 21CV33666

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}

6 Plaintiff,

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ORDER

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8 v.

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}

10 CARL SCHIEWEK, an individual, and

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11 FAIR & SQUARE AUTO REPAIR, LLC, a

}

12 limited liability company,

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}

14 Defendants.

}

16 The Defendants' July 31, 2023, **Second Motion to Dismiss Plaintiff's Second Amended**

17 **Complaint** came before the court in the ordinary course this date. The Defendants appeared

18 by and through Daniel R. Schanz, their attorney. Plaintiff appeared personally, *pro se*.

19 On June 15, 2023, the court entered an Order dated June 13, 2023, which speaks for
20 itself ("the June 13 Order"). In summary, the June 13 Order sanctions Plaintiff \$2,000 for
21 willful misconduct. It also states that "Plaintiff shall have fourteen (14) days from the date of
22 this Order to pay the sanction to Defendants' counsel." To this date, the sanction has not
23 been paid.

24 In today's hearing on the motion before the court Plaintiff said he has the means to
25 pay the sanction but chose not to, for the reasons he gave on the record at the hearing and
26 which can be summarized as his thinking that the sanction is unmerited.

The narrow issue before the court is whether an additional sanction should be imposed for Plaintiff's willful decision to not pay the sanction award set out in the June 13 Order. On the record made, it is hereby:

ORDERED:

1. Plaintiff is sanctioned \$2,000 for willing noncompliance with the June 13 Order, which amount is in addition to the \$2,000 sanction imposed in the June 13 Order.

2. Plaintiff has until 2:00 p.m. on October 19, 2023, to tender to the clerk of the court, in immediately available funds, \$4,000, which sum is the combined amount of both the sanction in the June 13 Order and the sanction in this Order.

3. If Plaintiff makes a complete and timely tender in accordance with ¶ 2 hereof, the clerk shall disburse the \$4,000 to Defendants' counsel in the ordinary course.

4. If Plaintiff does not make a complete and timely tender in accordance with ¶ 2 hereof, then Plaintiff's Second Amended Complaint is dismissed with prejudice.

DATE: October 9, 2023.

Robert A. Bunker

The Hon. Roderick A. Boutin
Circuit Court Judge *pro tem*

**Additional material
from this filing is
available in the
Clerk's Office.**