

IMPACT STATEMENT

Legislation title: Authorize City Attorney to appear as *amicus curiae* on behalf of the City of Portland in the case of *Miller v. Ford*, seeking clarity from the Oregon Supreme Court regarding the application of Oregon's product liability statute of repose to defective products produced in a state without an applicable statute of repose. (Resolution)

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Purpose of proposed legislation and background information:

The purpose of this legislation is to authorize the City Attorney to appear as *amicus curiae* in a case before the Oregon Supreme Court, to advocate for an interpretation of Oregon's product liability statute of repose consistent with the position the City has taken in *City of Portland v. Monsanto Company*. The Oregon Supreme Court has accepted a certified question from the Ninth Circuit in *Miller v. Ford Motor Company* to address the following question under Oregon's product liability statute of repose: "If the state of manufacture has no relevant statute of repose, is a plaintiff entitled to an unlimited period (subject to the statute of limitations) in which to bring suit in Oregon court?" The decision of the Oregon District Court in *Miller v. Ford Motor Company* is consistent with the City's reading of the statute, which is that no limitation applies if the state of manufacture has no statute of repose. In *City of Portland v. Monsanto Company*, the City has raised product defect, failure to warn, and negligence claims that could be affected if the Supreme Court does not similarly conclude that no limitation applies if the state of manufacture has no statute of repose. The City needs to assert its interests to get the Supreme Court to adopt a reading of Oregon's statute of repose, consistent with legislative intent, that protects the City's interest in pursuing compensation for public harms caused by out-of-state manufacturers of defective products.

Financial and budgetary impacts:

There is no direct financial or budgetary impact of this Resolution. The City Attorney will participate through her own staff of lawyers, and there are minimal out-of-pocket expenses necessary, which can be paid for out of the City Attorney's current budget.

Community impacts and community involvement:

There has been no public involvement, as this is a legal matter.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Impact Statement for Requested Council Action

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount