

SUPREME COURT

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On March 26, 2026, the Supreme Court:

1. Allowed petitions for review in¹:

Holly Cooper v. Robert G. Rust, Jr., D.M.D., PC et al., 343 Or App 390, 578 P3d 1225 (2025) (precedential opinion) (A179367) (S072335) (from the Lane County Circuit Court) (Masih, J., not participating)

Defendants have been granted review of a Court of Appeals decision reversing, in a precedential opinion, the trial court's grant of summary judgment in favor of defendants on two of plaintiff's claims. Plaintiff was defendants' employee who was later fired. She sued defendants, alleging that defendants had: (1) retaliated against her under Oregon's Sick Leave Law for requesting "sick time"; and (2) discriminated against her as a "qualified individual with a disability." The Court of Appeals reversed the trial court, concluding that an employee is protected when *requesting* "sick time" -- regardless of whether that employee has actually accumulated "sick time." The Court of Appeals further determined that whether plaintiff's accommodation request for more medical leave was reasonable was a question for a jury -- regardless of whether regular, in-person attendance was necessary to make plaintiff "qualified" for her job.

On review, the issues are:

- (1) Whether the Court of Appeals erred in concluding that plaintiff was a "qualified person with a disability" if the undisputed evidence established that she was unable to perform the central essential function of her position -- regular in-person attendance -- with or without reasonable accommodation.

¹ These summaries of cases are prepared for the benefit of members of the media to assist them in reporting the court's activities to the public. Parties and practitioners should not rely on the summaries, or the statement of issues to be decided in the summaries, as indicating the questions that the Supreme Court will consider. Regarding the questions that the Supreme Court may consider, see Oregon Rule of Appellate Procedure 9.20.

- (2) Whether the Court of Appeals erred in concluding that plaintiff was protected by the anti-retaliation provisions of Oregon's Sick Leave Law if there was no evidence that she requested statutorily defined "sick time?"

Shannon Tureck v. Sudeep Taksali, M.D. et al., 344 Or App 50, 580 P3d 288 (2025) (precedential opinion) (A179867) (S072430) (from the Marion County Circuit Court)

The Supreme Court granted plaintiff's motion to recall the appellate judgment and granted plaintiff review of a Court of Appeals decision affirming, in a precedential opinion, the trial court's general judgment granting summary judgment to defendants on plaintiff's medical malpractice claims. The trial court and the Court of Appeals determined that plaintiff's claims were untimely under ORS 12.110(4), which generally requires that medical malpractice claims be commenced "within two years from the date when the injury is first discovered or in the exercise of reasonable care should have been discovered."

On review, the issue is:

Whether, under the facts of this case, plaintiff had discovered or, in the exercise of reasonable care, should have reasonably discovered his injuries such that his medical malpractice claims were timely.

State of Oregon v. Roy Allen Travis, 344 Or App 496, 580 P3d 889 (2025) (precedential opinion) (A179715) (S072485) (from the Marion County Circuit Court)

The state has been granted review of a Court of Appeals decision reversing, in a precedential opinion, defendant's conviction for various sexual crimes relating to his stepdaughter. At trial, evidence was admitted showing that defendant had previously engaged in criminal sexual conduct relating to his biological daughter. After a prior remand from the Court of Appeals, the trial court concluded that the evidence was admissible under Oregon Evidence Code (OEC) 404(4) (evidence of other crimes, wrongs, or acts by a defendant is admissible except in certain circumstances) and OEC 403. As noted, the Court of Appeals reversed, concluding that the state's proffered theories of relevance amounted to propensity evidence, and was thus subject to exclusion under OEC 403 balancing.

On review, the issues are:

- (1) Whether the trial court applied the correct approach to OEC

403 balancing in determining whether to admit propensity evidence in a child-sex-abuse case.

- (2) Whether evidence that depends primarily on propensity reasoning is admissible under OEC 404(4) in child-sex-abuse cases to prove that a defendant committed the charged act.

Justin Bock v. Vigor Works LLC et al., 343 Or App 514, 580 P3d 353 (2025)
(precedential opinion) (A183526) (S072492) (from the Multnomah County Circuit Court)

Vigor Works LLC and Vigor Industrial LLC (Vigor) have been granted review of a Court of Appeals decision reversing, in a precedential opinion, the trial court's general judgment granting summary judgment to defendants on plaintiff's Employment Liability Law (ELL) claims. Plaintiff, who worked for a company retained by Vigor to repair a fire main on Vigor's property, sued Vigor after he was injured on the job -- contending that Vigor was an "indirect employer" who could be liable under the ELL. As noted, the trial court granted summary judgment to Vigor, and the Court of Appeals reversed.

On review, the issues are:

- (1) Whether an indirect employer may be held liable under the ELL absent any evidence that the defendant's alleged retained right of control bore a causal connection to the risk-producing activity or could have influenced the mechanism of the accident.
- (2) Whether *Yeatts v. Polygon*, 360 Or 170, 379 P3d 445 (2003), extends ELL liability to entities that lack the specialized expertise relevant to the risk-producing activity and have no knowledge of, or ability to influence, an independent contractor's methods of performing specialized work.
- (3) Whether general facility-wide safety guidelines -- untethered to the specialized work or risk-producing activity -- can constitute evidence of a retained right of control sufficient to survive summary judgment under the ELL.

2. Certified the Attorney General's certified ballot title for an initiative petition in:

Straus v. Rayfield (S072675) (Initiative Petition 54 (2026)) (Masih, J., not participating)

3. Issued an order in response to a petition for attorney fees in:

Humphreys v. Huls (S072402) (A180139) (denied the petition for attorney fees)

4. Denied petitions for reconsideration in:

Yarn v. City of Portland (S072372) (A182973)

Anderson v. Cozine (S072353) (Flynn, C.J., not participating)

5. Denied petitions for review in:

State of Oregon v. Diamond (S071545) (A178864)

State of Oregon v. Arena (S071629) (A180392)

Hunt & Associates, PC v. Public-Sector Solutions, Inc. (S072269) (A178164)

Hornbuckle v. State of Oregon (S072313) (A186886) (Bushong, J., not participating)

State of Oregon v. Dizer (S072326) (A181167)

State of Oregon v. Valencia-Zeferino (S072401) (A183005)

State of Oregon v. Maciel-Salcedo (S072413) (A181886)

State of Oregon v. Murphy, II (S072414) (A182772)

State of Oregon v. Quebrado (S072421) (A174385) (DeHoog and Bushong, JJ., would have allowed)

James v. PacifiCorp (S072428) (A183140) (Flynn, C.J., and Bushong, J., not participating)

Tozer v. Katerra Construction, LLC (S072437) (A183798)

State of Oregon v. Peloquin (S072449) (A183064) (Flynn, C.J., concurred in denying review but observed that the petition raised an important legal issue that the court should consider in an appropriate case)

State of Oregon v. Wood (S072455) (A183842)

Department of Human Services v. H. C. (S072477) (A187206)

Engweiler v. Board of Parole and Post-Prison Supervision (S072489) (A178767)

Jan Dana Besson v. Anthony Neal (S072490) (A182735)

State of Oregon v. Boozer (S072512) (A182937)

State of Oregon v. Davidson (S072516) (A182472)

Kadin v. Highberger (S072523) (A183546)
Northwest Environmental Defense Center v. City of Portland (S072527)
(A187901)
Pierce v. Board of Parole and Post-Prison Supervision (S072530) (A184635)
State of Oregon v. Fery (S072532) (A178795) (Masih, J., not participating)
Department of Human Services v. J. L. R. (S072543) (A187270)
State of Oregon v. Edwards (S072565) (A183491)
Penza v. Shanks (S072591) (A188025) (Bushong, J., not participating)
State of Oregon v. C. J. W. (S072598) (A183327)
State of Oregon v. Neuman (S072607) (A184429)
State of Oregon v. Thompson (S072608) (A184537)
State of Oregon v. Z. L. G. (S072625) (A184872)
Caratachea v. Pedro (S072632) (A184038)
Steffler v. Pedro (S072635) (A185173)
Department of Human Services v. S. E. (S072636) (A188056)
Isringhausen v. Kelly (S072655) (A184021)
Wyant v. Miller (S072656) (A183548)
Hernandez v. Brown (S072659) (A184044)
Borden v. Miller (S072661) (A183857)
Henderson v. Highberger (S072665) (A183487)
Pickering v. Reyes (S072691) (A184006)
Department of Human Services v. T. H. (S072697) (A187537)

6. Denied petitions for writs of mandamus in:

Marcus v. Fhuere (S072510) (CC 22CV06770, 21CV39929)
Johnston v. iCashe, Inc. (S072557) (CC 25SC14401)
McIntosh v. Crane (S072658) (CC 22DR10501)

7. Dismissed the appeal for lack of jurisdiction in:

Hefflinger v. Department of Revenue (S072581)