

Katherine C. Chamberlain, OSB #042580  
katherinec@mhb.com  
Jesse A. Wing, *pro hac vice*  
jessew@mhb.com  
Of Attorneys for Plaintiff Prison Legal News  
MacDonald Hoague & Bayless  
705 Second Avenue, Suite 1500  
Seattle, Washington 98104-1745  
(206) 622-1604

Marc D. Blackman, OSB #730338  
marc@ransomblackman.com  
Of Attorneys for Plaintiff Prison Legal News  
Ransom Blackman LLP  
1001 SW 5th Ave., Suite 1400  
Portland, OR 97204  
(503) 228-0487

Lance Weber, *pro hac vice*  
lweber@humanrightsdefensecenter.org  
Of Attorneys for Plaintiff Prison Legal News  
Human Rights Defense Center  
1037 Western Ave., 2<sup>nd</sup> Floor  
West Brattleboro, VT 05303  
(802) 257-1342

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

PRISON LEGAL NEWS, a project of the  
HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA  
COUNTY SHERIFF'S OFFICE; JEFF  
DICKERSON, individually and in his capacity  
as Columbia County Sheriff,

Defendants.

No. 3:12-CV-71-SI

PLAINTIFF'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT ON  
DEFENDANTS' FAILURE TO  
MITIGATE AFFIRMATIVE DEFENSE

**Request for Oral Argument**

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON  
DEFENDANTS' FAILURE TO MITIGATE AFFIRMATIVE DEFENSE  
(CV 12-71-SI) - 1

9870.05 fil120904

**MACDONALD HOAGUE & BAYLESS**  
705 Second Avenue, Suite 1500  
Seattle, Washington 98104  
Tel 206.622.1604 Fax 206.343.3961

COMES NOW Prison Legal News and respectfully moves for an order granting summary judgment against Defendants on their affirmative defense of failure to mitigate damages.

Pursuant to Local Rule 7-1, Plaintiff has made a good faith effort to resolve the issues identified in this motion and has been unable to do so. *See* Declaration Jesse Wing, ¶XI.

Submitted in support of this Motion are Plaintiff's Memorandum in Support of Motion for Summary Judgment on Defendants' Failure to Mitigate Affirmative Defenses, the Declaration of Jesse Wing, and the Declaration of Katherine Chamberlain, filed with this motion. Plaintiff also relies on the declarations and exhibits previously filed in support of its Motion for Preliminary Injunction, (Dkts. 7 through 15, 34 through 40, and 44 through 46) and its Response to Defendants' Motion for Leave to Amend Answer (Dkts. 74 and 75).

DATED this 13<sup>th</sup> day of September, 2012.

RANSOM BLACKMAN LLP

/s/ Marc D. Blackman

MARC D. BLACKMAN

OSB #730338

(503) 228-0487

Of Attorneys for Plaintiff Prison Legal News

MACDONALD HOAGUE & BAYLESS

/s/ Katherine C. Chamberlain

KATHERINE C. CHAMBERLAIN

OSB #042580

JESSE WING, *pro hac vice*

(206) 622-1604

Of Attorneys for Plaintiff Prison Legal News

### CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2012, I electronically filed the foregoing to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Marc D. Blackman**  
marc@ransomblackman.com, pat@ransomblackman.com
- **Steven A. Kraemer**  
sak@hartwagner.com, rcd@hartwagner.com
- **Gregory R. Roberson**  
grr@hartwagner.com, cej@hartwagner.com
- **Lynn S. Walsh**  
walsh@europa.com
- **Lance Weber**  
lweber@humanrightsdefensecenter.org, ahull@humanrightsdefensecenter.org

MACDONALD HOAGUE & BAYLESS

/s/ Katherine C. Chamberlain

KATHERINE C. CHAMBERLAIN

OSB #042580

(206) 622-1604

Of Attorneys for Plaintiff Prison Legal News