United States Attorney's Office
Southern District of New York
Civilian Crime Reports Unit
Criminal Division

Civilian Crime Report

The U.S. Attorney's Office represents the Government in legal proceedings and works closely with investigative agencies including the FBI. The Criminal Division of the United States Attorney's Office is responsible for enforcing the federal criminal laws within the Southern District of New York, which encompasses the boroughs of Manhattan and the Bronx, as well as Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester Counties.

WE CANNOT CONSIDER INFORMATION SUBMITTED BY E-MAIL OR LEFT ON VOICEMAIL

Person Completing This Report:

Andrew G. Clark
Your Name

3270 Stoney Ridge Rd.
Address

Address (Line 2)

Eugene, OR — 97405
City, State — Zip

Lane County — 541-510-3915
County — Phone

Person/Entity Being Reported:

Ogletree Deakins, agents of Wells Fargo
Name of Person Being Reported

Leah Lively, Elizabeth Falcone, Amanda Bolliger and Unidentified Court Staff
Address

222 SW Columbia St #1500 (Ogletree)
Address (Line 2)

Portland, OR — 97201
City, State — Zip

Multnomah — (503) 552-2140
County — Phone

Although the volume of information we receive from concerned members of the public prevents us from responding individually to every Report, be assured that we will carefully consider the information you have provided us to determine whether there is a matter for this Office to investigate. Should we determine that your Report raises a matter within the jurisdiction of this Office to investigate and that further information from you is necessary for our investigation, you will be contacted. This Office does not resolve individual consumer complaints.

NOTE FOR INTERNATIONAL SUBMISSIONS

We review for any appropriate action all submissions we receive. However, to avoid interference with the sovereignty of foreign nations, we do not respond to or acknowledge submissions from mailing addresses outside of the United States.

Does this Report Pertain to an Ongoing Case? [xx] Yes [ ] No [ ] Not Sure

If Yes, Please Provide the Following Case Information:

Case Title and Docket Number (if known): This is a detailed report of a specific crime against me that was an item within the Crime Reports dated January 7, 2022. Posted www.GoodShipGinsburg.com and attached for convenience.

Please clearly describe the violation of federal criminal laws that you would like to bring to our attention. Include as much information as possible; including the dates, places and nature of incident, and contact information for any witnesses (do not send original documents):

Ogletree Deakins (employment law firm for Wells Fargo) obtained without any hearing a very large fee billing against me, over $2,000. The exhibits demonstrate it was not correctly adjudicated and includes what appears to be a forgery of (ret.) Judge Michael Hogan's signature. It is STEALING via **fraudulent use of official systems that involved unidentified court staff.**

It is a violation of 18 USC 371 (conspiracy to commit fraud)
It is another violation of 18 USC 1512 (federal witness tampering)
It is part of a violation of 18 USC 241/242 Conspiracy against Rights under color of the law)

SEE

ATTACHED

Are You a Victim of this Alleged Crime?

xx Yes No Not Sure

Are You Aware of Any Other Victim(s)?

xx Yes No Not Sure

If Yes, Please List Other Victim(s): See exhibits in Jan. 7, 2022 crime reports. Ogletree did similar in Maricopa County AZ

Are You Represented by an Attorney in this Matter? Yes xx No

If Yes, Please Provide Attorney Contact Info:

Name: ______________________ Phone: ______________________

Address: ______________________

Have You Filed a Lawsuit Concerning this Matter? xx Yes No

If Yes, Please Provide the Following Case Information:

Case Title and Docket Number: See January 7, 2022 Crime Reports (enclosed for convenience)

Name and Address of Court: ______________________

Status of Court Case (pending, dismissed, settled): ______________________

Have You Previously Filed a Report about this Matter with this Office or Any Other Federal, State or Local Agency(s)?

Yes No If Yes, Date Filed: ______________________

Contact Person: ______________________ Agency: ______________________

Status of Previous Report: See January 7, 2022 Crime Reports (enclosed for convenience)

By submitting this form you certify that all of the statements made in this report (including continuation pages and addendum) are true, complete, and correct, to the best of your knowledge. You understand that a false statement of a material fact is a criminal offense (18 U.S.C. Section 1001).

Signature: /s Andrew Clark Date: February 25, 2022

IMPORTANT NOTE REGARDING THE PRESERVATION OF YOUR LEGAL RIGHTS:

Submitting a Report to this Office has no effect on any statute of limitation that might apply to any claim you may have. By submitting a Report to this Office, you have not commenced a lawsuit or other legal proceeding, and this Office has not initiated an investigation or lawsuit regarding the subject of your Report. If you seek to sue for money or other relief, you should contact a private attorney to represent you in court.

Mail this completed report to:

United States Attorney's Office
Southern District of New York
Attn: Civilian Crime Reports Unit (Criminal Division)
One St. Andrew's Plaza
New York, NY 10007

February 25, 2022

U.S. Department of Justice
United States Attorney - Southern District of New York
The Silvio J. Mollo Building - One Saint Andrew's Plaza
New York, New York 10007

Subject: Civilian Crime Report of Extra-Judicial, Illegal Attorney Fee Billings
Addendum to January 7, 2022 Civilian Crime Reports

Violation of 18 USC 371 Conspiracy to Commit Fraud (including possible insurance fraud)
Violation of 18 USC 241/242 Conspiracy /Deprivation of Rights Under Color of the Law

---

I demand immediate prosecution of Ogletree Deakins to remediate a crime they concealed in federal civil courts. It threatens my family and myself. Leah C. Lively, Oregon State Bar (OSB) 962414, Elizabeth A. Falcone, OSB 111694, and Amanda A. Bolliger, OSB 103452 *aided and abetted by unidentified court staff or some other person with court system access* acted together to defraud me of over $2,000 plus accrued interest. **See Page 6**. They deviously abused court systems to bill attorney fees on an extrajudicial basis. Exhibits reflect seemingly forged signatures of judges were used around Judge Michael Hogan's 10/31/2012 retirement.

This relates to the Wells Fargo/Ogletree Deakins SLAPP-suit against me: 6:11.cv-06248. Res Judicata does not apply. The docket histories of the related cases absolutely prove that no factual basis was ever allowed to be discovered or adjudicated. Time bars do not apply; they obstructed the facts and evidence in the courts as documented with the Jan. 7, 2022 reports.

Evidence of Allegations

Pages 7 – 10 To minimize the size of this Crime Report, **Exhibit 1** is a three page sample from the 18-page Docket 135 filed **10/5/2012** finding me in contempt of a self-generated gag order. There were no hearings, no opportunity to respond. The signature on it does not appear to be the same as other samples of Judge Michael Hogan's signature. I pasted another 'Hogan' signature to make it easy to compare. When you look at each letter and other details there are significant differences. Additionally, the titles under the signatures are different. Under these circumstances, I assert that it an act of forgery by the named parties. Regardless, it completely lacks transparency and must be considered suspicious until proven otherwise.

Pages 11 - 17 Exhibit 2 is Docket 137, 138 and 139 filed **10/31/2012**. They are the motion, memorandum, and declaration of Leah Lively (et al). in support of Docket 140. I was unable to access Docket 136, if in fact it still exists. Judge Hogan retired 10/31/2012.

Pages 18 - 20 Exhibit 3 is Docket 140, the Order filed **11/2/2012** that generated the fee billing, which is absurd on its face. I pasted another "Ann Aiken" signature from a different case to show there are significant differences in details of the signature *suggesting* it is a forgery. Judge Ann Aiken lacked case knowledge upon which to sign such an order. <u>Regardless</u> of provenance, it lacks transparency and is suspiciously bogus.

The Exhibits Demonstrate Their Generic Method of Violating 18 USC 241/242

Our most fundamental obligation as citizens is to accurately present facts and evidence of harm that could be done to any citizen if left uncorrected. My rights to speak and be heard were totally removed from me by the involved attorneys and by the unidentified court worker(s) who aided and abetted fraudulent use of official systems.

The January 7, 2022 Civilian Crime Reports detail how defendants of civil suit 6:20-cv-00253 use a fraudulent method of obtaining unadjudicated gag orders early in the Discovery process to completely circumvent Discovery by making their gag orders the sole topic of the proceeding. This report is additive to all that, showing how they used the same tactic in all my cases. <u>**It is a generic way of burying all the facts and evidence while setting their victim up for even more punishment and abuse without any limitations whatsoever.**</u>

Attorney Fee-Gouging Appears Endemic and Very Difficult to Detect

Please continue to keep in mind I was a lowest-level, long unemployed Wells Fargo worker and Federal Witness and they committed this extremely cruel and malicious fee billing. I doubt their client is aware of it our would permit it, considering they likely paid Ogletree Deakins for the same "work". The ability of attorneys to obtain extrajudicial gag orders, contempt orders, and/or self-generate fee billings against non-clients is shocking to the senses. Unidentified court staff aided and abetted, which is why they are being named in this crime report.

The exhibits with the January 7, 2022 crime reports contains news articles showing Ogletree Deakins was involved in fee-gouging and false arrest in Arizona in the same timeframe.

Investigators should determine if their activity is tied to or “per incident minimum fees” and/or corporate legal liability insurance with “per incident deductibles” because if it is then it opens up an entirely different and more far-reaching investigation into Ogletree Deakins’ insurance fraud, wire fraud...etc. It may also be a creative form of Labor Racketeering in which Ogletree Deakins sets up and uses their clients as “chicken ranches” for the per-incident deductible or minimum fees, etc. if/as applicable.

In corporate and government cases it is obvious that “opposing” attorneys could both submit bogus or questionable fee billings their clients just pay. In my case, it is a highly destructive and malicious activity as it impacts the CREDIT REPORTS, as they intended. The attorney industry appears to be totally unregulated and they learned to use court systems on a fraudulent basis to accomplish any objective without actual adjudication.

Foreword and Aftermath

As detailed in my unheard “factual pleading” complaint 6:20.cv.00253, my district court experience started with the Wells Fargo SLAPP-suit 6:11.cv.06248. Ogletree Deakins filed it on EMERGENCY basis.   Piles of confusing legal forms arrived by process server via several different deliveries to my front door. That was extraordinarily frightening at the time because I had just been falsely arrested just days before by police who came to my door in the evening and hauled me to jail on 2nd degree municipal trespass. The charges were later dismissed as there was no evidence of trespass (and banks have the best video systems).   The material also arrived via the mail and via email, just sorting it out was a major task for the non-attorney.

They deliberately ‘dumped’ on me and there was no way to obtain an attorney within the 21 days prior to first hearing.   After first hearing, no attorney wanted to touch it. Please keep in mind that Eugene, OR is an incredibly small and cloistered legal community that appears to be a nexus of nepotism and fealty arrangements, often revolving around the University of Oregon

School of Law where many/most of them graduated. Judges of our local circuit court frequently become district court judges, causing deep “institutional inbreeding”.

I never had a website prior to release from jail after first false arrest. I placed my DOL/SEC/FBI filings on a secure, identified server to help prospective attorneys defend me. Out of courtesy, I advised Ogletree Deakins and within 4 days they obtained an unadjudicated injunction that was used to instantly shut down my server account and website.

Ogletree Deakins demonstrated a massive generic legal response along with their complete ignorance of their client’s data or my job function at Wells Fargo. Their primary claim against me to justify the EMERGENCY filing was “release of confidential Wells Fargo client’s mortgage account numbers” as a handful were within the Agency filings. They lacked any damages and had no reason to have sued me. <u>I conclusively proved to the court (later sealed without hearing) that the Wells Fargo retail mortgage account number is printed on the recorded deed of trust and is therefore a public record that was widely available to anyone willing to pay marketing companies for the data. Ogletree Deakins acted to hide what they perpetrated from Wells Fargo and of course, from all their other clients.</u>

In my case, Leah Lively of their Portland office bragged to me at the local court house that she handled 86 of these cases prior to mine and never lost a case. Any investigator should question WHY Ogletree Deakins filed so many federal lawsuits against often-unemployed lowest level workers who are obviously defenseless.

AFTERMATH

As detailed in my unheard civil complaints and in the January 7, 2022 crime reports, Wells Fargo/Ogletree Deakins then used my outraged-but-business-oriented fax communications to various offices and those were provided early on to City of Eugene police Major Violent Crimes unit and it was prosecuted with the 10 identical stalking charges initiated via District Attorney indictment-by-information. Against Oregon’s laws, the corrupted prosecutor (Erik Hasselman) and absentee District Attorney Alex Gardner subjected me to 10 years prison,

$600,000 bail, ankle monitor I had to pay for, horrific maximum security jailing… all for words on paper to office fax machines.

I live 100 miles away from Ogletree Deakins. Leah Lively was married to a police offficer of some type so for her to claim she was being stalked is ludicrous, especially considering she had not applied for a protection order in advance of the massive arrest. It is also significant that they did not report any threat to the Portland police located across the street from their Portland office tower. I later confirmed that even their building security desk had not been put on notice. They deviously manipulated the trusting Eugene OR police who did as prosecutor Erik Hassleman directed.

Again: this is a demand to prosecute the involved attorneys for what they did to me because they are refusing to work this out in civil courts or to even discuss the matter with me. It is way past time for Ogletree Deakins to reconsider the path they are on and work with me to solve the damages their shady activity had on my community, my family, and myself.

Signed under penalty of perjury:

/s

Andrew G. Clark
3270 Stoney Ridge Rd.
Eugene OR, 97405
541.510.3915   OperationSunriseLaw@gmail.com
Evidence: www.GoodShipGinsburg.com

Exhibits Described in Document Follow This Page

Wells Fargo Bank v. Andrew Clark
Case No. 6:11-cv-06248-HO

DATE	TIMEKEEPER	DESCRIPTION	HOURS	AMOUNT
8/17/2010	Amanda Bolliger	Prepare second motion for contempt.	1.5	$384.75
8/23/2012	Leah Lively	Receive email from client regarding motion for contempt (.1); leave message for client regarding the same (.1); final review/revisions of motion for filing including selection and quotation of supporting exhibits (1.6).	1.8	$648.00
8/27/2012	Leah Lively	Revise and finalize motion for contempt (1.2); telephone call with client regarding the same (.1).	1.3	$468.00
8/28/2012	Amanda Bolliger	Review and revise motion for contempt and supporting papers.	1.0	$256.50
8/28/2012	Sharon Glisson	Finalize exhibits to motion for contempt, including extensive redaction of individuals' contact information.	2.3	$331.20
		FEE TOTAL		**$2,088.45**

13543252.1 (OGLETREE)

EXHIBIT A

Notes added 2/22/22:

This is one of the pages from Docket 140. They charged me money to create a bill. It is not for any client service and I would love to see their telephone call records. >>>>>>>>>>>>>>>>>>>>

Their method is to obtain unadjudicated gag orders and then find their outraged victims in contempt.

Judge Aiken is on transcript in 6:20-cv-00253 to be oblivious to this or any other facts/ evidence of the case.

I assert the court systems were used like a printing press for the corporate defendants.

I further assert the "justice" industry is completely out of control and operates like a criminal mob that owns/operates the courts.

I assert judges are often nominated for their propensity to do whatever the local attorney industry wants them to. Most judges in our area have sketchy, highly questionable qualifications so they fearfully hide behind their court system and trust whatever fraudulent results their staff present to them.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

WELLS FARGO BANK, N.A.;	)	
	)	
Plaintiff,	)	Case No. 6:11-cv-06248-HO
	)	
v.	)	ORDER
	)	
ANDREW G. CLARK;	)	
	)	
Defendant.	)	
	)	

Introduction

Currently before the court are: defendant's (Clark): Motion for Separate Trial [#102], Motion to Refer [#103]; Motion to Enter Audio Recording [#116]; Motion to Enter Correspondence [#117]; Motions to Compel [#118; #119; #130]; Motion to Unseal [#124]; and Motion to Suspend [#131] and plaintiff's (Wells Fargo) Motion for Summary Judgment and for Entry of Permanent Injunction [#105]; and Second Motion for Contempt [#113].

Background Summary

Plaintiff, Wells Fargo, employed defendant Clark as a Home

Mortgage Consultant from September 1, 2009, until he was terminated for "repeated unprofessional conduct" on June 28, 2011. [#1-pp.4-5]. Defendant subsequently launched a website which publicly disclosed some of plaintiff's trade secret and confidential information.

Plaintiff filed a Motion for a Temporary Restraining Order which the court granted on August 10, 2011. [#10]. After oral argument on August 22, 2011, the court granted plaintiff's Motion for Preliminary Injunction which, *inter alia*, enjoined defendant from further disclosure of plaintiff's trade secret and confidential information and ordered him to return any and all documents containing plaintiff's trade secrets and confidential information. [#23].

On November 3, 2011, plaintiff filed a Motion for Contempt [#32], which was denied in part and granted in part - both at oral argument and in a written order, the court warned defendant that he was prohibited from re-posting any confidential material and must limit his communications to plaintiff's law firm in Portland, keeping those to a strictly professional tone. [#72].

Discussion

1. Plaintiff's Motion for Summary Judgment and Permanent Injunction [#105]:

Plaintiff moves for summary judgment on its First[1], Second[2] and

---

[1] Plaintiff's First cause of action seeks injunctive (continued...)

to a professional standard.

Plaintiff's Motion for order of Contempt is therefore granted. Defendant is ordered to pay reasonable attorney fees and costs that plaintiff has incurred from it's second motion for contempt. Plaintiff will prepare a detailed bill of costs and submit it to the court to enable determination of the amount of defendant's compensatory sanction.

Conclusion

As stated above, plaintiff's Motion for Summary Judgment and for Entry of Permanent Injunction [#105] is GRANTED to the extent detailed above. Plaintiff's Second Motion for Order of Contempt [#113] is GRANTED. All other pending motions are DENIED as moot.

IT IS SO ORDERED

DATED this 5th day of October, 2012.

Forgery? >>
See next page
for signature
comparison

Michael R. Hogan
UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED

DATED this 5th day of October, 2012.

The one on 10/5/2012 Order is way different>>>

UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED

DATED this 7th day of March, 2009.

This appears genuine >>>>>>>>>>

Michael R. Hogan
United States District Judge

Leah C. Lively, OSB No. 962414
leah.lively@ogletreedeakins.com
Elizabeth A. Falcone, OSB No. 111694
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Amanda A. Bolliger, OSB No. 103452
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Portland, OR 97201
Telephone: 503.552.2140
Fax: 503.224.4518

Attorneys for Plaintiff WELLS FARGO BANK, N.A.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

WELLS FARGO BANK, N.A., Plaintiff, v. ANDREW G. CLARK, Defendant.	**Case No.: 6:11-cv-06248-HO** **PLAINTIFF'S MOTION FOR ATTORNEYS' FEES**

<u>CERTIFICATE REQUESTED BY L.R. 7-1</u>

Counsel for plaintiff did not confer with defendant prior to filing this motion. Wells Fargo was previously excused from the requirement to confer by court order dated May 8, 2012, granting Wells Fargo's Motion for Relief from Joint Filing Requirements (Dkt. No. 78).

COMES NOW plaintiff Wells Fargo Bank, N.A, through its undersigned counsel, pursuant to Federal Rule of Civil Procedure 54(d), Local Civil Rule 54-3, and 42 U.S.C. § 2000e-5(k), as well as this Court's inherent authority, and files this Motion for Attorneys' Fees against defendant.

Wells Fargo's Motion is based upon the pleadings, this Court's previous ruling in this case (Order in which Plaintiff's Motion for Contempt (Dkt. No. 135) was granted), plaintiff's Memorandum in Support of Plaintiff's Motion For Attorneys' Fees and Declaration of Leah C. Lively in Support of Plaintiff's Motion For Attorneys' Fees being filed simultaneously herewith.

WHEREFORE, Wells Fargo respectfully request that the Court issue an order granting its Motion for Attorneys' Fees and awarding Wells Fargo its attorneys' fees against defendant.

Dated: October 31, 2012.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Leah C. Lively
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leah.lively@ogletreedeakins.com
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Amanda A. Bolliger, OSB No. 103452
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Attorneys for Plaintiff
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Attorneys for Plaintiff Wells Fargo Bank, N.A.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

WELLS FARGO BANK, N.A., Plaintiff, v. ANDREW G. CLARK, Defendant.	**Case No.: 6:11-cv-06248-HO** **DECLARATION OF LEAH C. LIVELY IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES**

I, Leah C. Lively, declare and testify as follows:

1. I am an attorney licensed to practice law in the States of Oregon, California and Idaho. This office represents plaintiff Wells Fargo Bank, N.A. with respect to the foregoing matter. I am knowledgeable of the facts set forth below based on my personal knowledge, or by my review of documents maintained by Ogletree in the ordinary course of business, and make this declaration in support of Plaintiff's Motion for Attorneys' Fees. If called as a witness, I could and would testify competently to the facts and statements made herein.

2. Wells Fargo was awarded its reasonable attorneys' fees incurred in bringing its Second Motion for Contempt Order (Dkt. No. 113) in the foregoing matter. This declaration is offered as documentation evidencing Wells Fargo's fees incurred resulting from the filing of the aforementioned motion.

3. I am a partner with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., counsel for plaintiff Wells Fargo at all times during the pendency of this action. Ogletree Deakins is a labor and employment firm with approximately 650 attorneys in 42 offices throughout the United States. Ogletree Deakins' practice is limited to the representation of management in labor, employment, employee benefits, and immigration law matters.

4. I am a graduate of California Polytechnic State University at San Luis Obispo (1993) and Northwestern School of Law of Lewis & Clark College (1996). Since 2001, my practice has been limited almost exclusively to the representation of employers and management in labor and employment matters.

5. Amanda A. Bolliger is an associate with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., and assisted in this matter generally and specifically in the bringing of Wells Fargo's Second Motion for Contempt Order. For approximately six years, Ms. Bolliger has represented employers in numerous employment-related matters. Ms. Bolliger also previously served as a law clerk to the Honorable Ancer L. Haggerty of the U.S. District Court, District of Oregon.

6. Sharon K. Glisson is a paralegal with the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., and assisted in this matter generally and specifically in the preparation and filing of Wells Fargo's Second Motion for Contempt Order. Ms. Glisson is a senior paralegal with 27 years experience.

7. In this case, the attorneys billed their time in six minute increments. My time was billed to Wells Fargo at $360.00 per hour, Ms. Bolliger's time was billed at $256.50 per hour, and Ms. Glisson's time was billed at $144.00 per hour. These are reasonable rates to charge in

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
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the Portland area for corporate clients in employment-law related litigation, and are rates that Ms. Bolliger, Ms. Glisson and I charge, and are paid, by both Wells Fargo and other corporate clients.

8. Attached hereto as Exhibit A is a summary of all activities that Ms. Bolliger, Ms. Glisson and I performed with respect to the preparing and filing of Wells Fargo's Second Motion for Contempt Order, and for which Wells Fargo is seeking its attorneys' fees. The time contained in Exhibit A represents only time spent preparing the pleadings submitted in connection with Wells Fargo's Second Motion for Contempt, and review time for documents selected as exhibits to said motion. These charges were billed to and paid by Wells Fargo.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 31, 2012.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Leah C. Lively
Leah C. Lively, OSB No. 962414
leah.lively@ogletreedeakins.com
503.552.2140

Attorneys for Plaintiff Wells Fargo Bank, N.A.

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222 SW Columbia Street, Suite 1500 | Portland, OR 97201
Phone: 503.552.2140 | Fax: 503.224.4518

Wells Fargo Bank v. Andrew Clark
Case No. 6:11-cv-06248-HO

DATE	TIMEKEEPER	DESCRIPTION	HOURS	AMOUNT
8/17/2010	Amanda Bolliger	Prepare second motion for contempt.	1.5	$384.75
8/23/2012	Leah Lively	Receive email from client regarding motion for contempt (.1); leave message for client regarding the same (.1); final review/revisions of motion for filing including selection and quotation of supporting exhibits (1.6).	1.8	$648.00
8/27/2012	Leah Lively	Revise and finalize motion for contempt (1.2); telephone call with client regarding the same (.1).	1.3	$468.00
8/28/2012	Amanda Bolliger	Review and revise motion for contempt and supporting papers.	1.0	$256.50
8/28/2012	Sharon Glisson	Finalize exhibits to motion for contempt, including extensive redaction of individuals' contact information.	2.3	$331.20
		FEE TOTAL		**$2,088.45**

13543252.1 (OGLETREE)

Same Exhibit
as Page 6

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

WELLS FARGO BANK, N.A.; Plaintiff,	)	Case No. 6:11-cv-06248-HO
v.	)	ORDER
ANDREW G. CLARK; Defendant.	)	

Introduction

This court granted plaintiff's Second Motion for Contempt [#113] on October 5, 2012. [#135]. Plaintiff now moves for attorney fees. [#137].

Background Summary

Plaintiff, Wells Fargo, employed defendant Clark as a Home Mortgage Consultant from September 1, 2009, until he was terminated for "repeated unprofessional conduct" on June 28, 2011. [#1-pp.4-5]. Defendant subsequently launched a website which publicly disclosed some of plaintiff's trade secret and confidential information.

This court issued a permanent injunction enjoining defendant from disclosure of plaintiff's trade secret and confidential information and ordering him to return any and all documents containing plaintiff's trade secrets and confidential information, on October 5, 2012. [#135]. In the same order the court granted plaintiff's second motion for contempt and ordered defendant to pay reasonable attorney fees and costs incurred from plaintiff's second motion for contempt.

Plaintiff's Motion for Attorney Fees is currently before the court. [#137].

Discussion

Contempt power inherent in Article III courts, gives district courts the power to hold in civil contempt, any person who willfully disobeys a specific and definite order requiring him to do or to refrain from doing an act. *Michaelson v. U.S. ex rel. Chicago, St. P., M., & O.R. Co.*, 266 U.S. 42, 65-66 (1924);see also *Shuffler v. Heritage Bank*, 720 F.2d 1141, 1146 (9th Cir. 1983). Civil contempt is a refusal to do an act the court has ordered for the benefit of a party; the sentence is remedial. *In re. Sepquoia Auto Brokers Ltd., Inc.*, 827 F.2d 1281, 1283 (9th Cir. 1987).

Under Oregon law, "[t]he power of a court to impose a remedial or punitive sanction for contempt of court is an inherent judicial power." ORS 33.025(1). A "contempt of court" includes willful disobedience of a court's orders. ORS 33.015(2)(b). Compensatory sanctions may be paid to the party moving for contempt to compensate for injuries resulting from the contempt. *General Signal v. Donallco,* 787 F.2d 1376, 1380 (9th Cir.1986). The amount of compensatory sanctions is determined by the actual costs incurred by the moving party. *Id.*

The court granted plaintiff's second motion for contempt when, despite repeated warnings and instruction, defendant continued to communicate with plaintiff's counsel in a harassing, vulgar and threatening manner, and willfully ignored reasonable requests to conform his communications to a professional standard. Together with it's motion, plaintiff has submitted a detailed cost bill for the court's consideration.

After thorough examination of the time sheets and bill of costs, [#139-1], I find plaintiff's request for fees are reasonable.

CONCLUSION

Plaintiff's motion for attorney fees and costs [#137] is GRANTED. Plaintiff is hereby awarded attorney fees in the amount of $2,088.45. This action is dismissed.

IT IS SO ORDERED

DATED this 2 day of ~~October,~~ NOVEMBER 2012.

UNITED STATES DISTRICT JUDGE

See next page, this does not match >>

Defendants' motions to strike (doc. 65 and PPS Reply Mot. Summ. J. at 17-23 (doc. 66)) are GRANTED IN PART and DENIED IN PART as to the Bufford Declaration, as set forth in detail in this Opinion.

Lewis & Clark's motion for summary judgment (doc. 41) and the PPS defendants' motion for summary judgment (doc. 47) are DENIED with respect to the Fourteenth Amendment claims against Cooper and Callin in their individual capacities (part of the first claim for relief); DENIED with respect to the state-law discrimination claims against PPS defendants pursuant to Or. Rev. Stat. § 659A.403 (fourth claim for relief); DENIED with respect to the contract claims against Lewis & Clark (sixth claim for relief); and GRANTED with respect to all other claims.

IT IS SO ORDERED.

Dated this 6th day of September, 2016.

Genuine >> Ann Aiken

Ann Aiken
United States District Judge

Ann Aiken
UNITED STATES DISTRICT JUDGE

Ann Aiken
UNITED STATES DISTRICT JUDGE

From 11/2/2012 Order