

IN THE MUNICIPAL COURT OF THE CITY OF TIGARD
COUNTY OF WASHINGTON, STATE OF OREGON

In the Matter of)	
)	RULE 4
RESETS OF ARRAIGNMENTS,)	Supplemental Court Rule
TRIALS AND HEARINGS)	

IT IS HEREBY ORDERED as follows:

1. **ARRAIGNMENTS:** Upon request of the defendant in any traffic violation, the Bureau may reset an arraignment to a date not later than two weeks from the original date on the face of the citation.
2. **TRIALS:** Trials may be reset upon the following conditions:
 - a) **FIRST SETTING:** The Bureau shall reset a first trial setting upon request of either party, if the request is made in writing no later than five court business days prior to the trial date.
 - b) **SECOND SETTING:** The court may grant a second reset of either party, if the request is made in writing no later than five court business days prior to the trial date and demonstrates good cause. A matter set over for trial after a second setting shall be set for trial on a date certain, as provided in paragraph 5 below.
 - c) **SHORT NOTICE:** Setover requests submitted less than five court business days prior to the trial date will be denied except on a showing of:
 - i) Serious illness or injury of a party, attorney or pivotal witness;
 - ii) Medical emergency of family/household member or intimate partner of a party, attorney, or pivotal witness;
 - iii) Other factors which could not have reasonably been anticipated until at or near the time the motion was made.
3. **ATTORNEY MATTERS:** All setover requests must be made in conformity with UTCR 6.030. Scheduling conflicts will be resolved pursuant UTCR 6.040.
5. **DATE-CERTAIN SETTINGS:** A third or subsequent setting is "Date Certain" which means no more resets will be granted.
 - a) **Attorney Matters:** Immediately after a trial has been reset for the second or subsequent time, the court clerk will send a proposed date by email to the

attorneys of record. If either party is unavailable, they must reply in writing within 5 court business days with a proposed date that works for both parties.

- b) Resets of date-certain cases: No reset of a date-certain case shall be permitted unless the moving party can demonstrate one or more of the following circumstances:
 - i) Serious illness or injury of a party, attorney or pivotal witness;
 - ii) Medical emergency of family/household member or intimate partner of a party, attorney, or pivotal witness
 - iii) Other factors which could not have reasonably been anticipated until at or near the time the motion was made.

6. FACTORS UNLIKELY TO RESULT IN POSTPONEMENT: The following is a nonexclusive list of factors that are unlikely to result in the postponement of a second, or subsequent trial setting:

- i) Failure to complete discovery, unless a motion to compel has been filed;
- ii) Failure to locate, schedule, or subpoena witnesses until shortly before trial;
- iii) Interference with vacations or training programs, scheduled after a subpoena or trial setting notice has been issued;
- iv) Failure to adequately prepare for trial; and,
- v) Factors that were known or should have been anticipated.

7. RELIEF FROM DEFAULT JUDGMENTS:

- a) A request for relief from a default judgment should conform with ORS 153.105.
- b) As provided by ORS 153.105, a request for relief must be made by the defendant within a reasonable time, and in no event may such a request be made more than one year after entry of judgment. If a motion for relief from a default judgment is allowed, the matter shall be set for trial or arraignment as appropriate.

DATED July 31, 2024

Emily Oberdorfer

Emily Oberdorfer
Presiding Judge