

The **TWO & OAK** Legal Beat

Fall 2009

MISREPRESENTATION BY ALLSTATE BROKERS

Stoll Berne recently filed a lawsuit in the Multnomah County Circuit Court alleging two former Allstate brokers, Brian Hoshowski and Mike Scherschel, misrepresented the nature of investments to a group of at least ten investors and sold them unregistered securities. The lawsuit alleges that members of the group were encouraged to take out second mortgages on their home to invest in what was represented as a guaranteed investment in a real estate development company. The investors have alleged that they received none of their principal investment back, which altogether amounted to nearly \$1 million. Stoll Berne is pursuing the claims in court and engaging in further investigation to determine the ultimate use of the funds.



ANTITRUST LAWS CHANGING JANUARY 2010

By Mark A. Friel and Yoona Park

Consumers and businesses at the end of a multi-level product distribution chain are often the hardest hit by a manufacturer's anticompetitive behavior. But until recently, these "indirect purchasers" had no right of action under Oregon's antitrust laws, even if they could prove that an illegal overcharge was passed on to them through the distribution chain.



For years Oregon has been among the few states without a remedy for indirect purchasers. After the U.S. Supreme Court's 1977 decision *Illinois Brick Co. v. Illinois*, which held that consumers lack standing to bring a suit for damages under federal antitrust laws unless they purchased the product directly from the manufacturer, many states passed so-called "Illinois Brick repealer" statutes. [More - http://www.stollberne.com/NewAntitrustLaws](http://www.stollberne.com/NewAntitrustLaws)



A JUSTICE SYSTEM CHANGING FOR THE WORSE

By Scott A. Shorr - October 1, 2009

Today, the Oregon Judicial Department rolls out a new fee schedule that significantly changes how we pay for our court system and who pays for it.

In this issue

- [Allstate](#)
- [Antitrust Laws Changing](#)
- [Justice System Changing](#)
- [Philanthropy](#)
- [Constitutional Ruling](#)
- [Shlachter admitted to American College of Trial Lawyers](#)
- [Oregon Food Bank](#)

Recognized for Philanthropy

STOLL BERNE was recognized by the Portland Business Journal as one of Portland's leading philanthropic companies, in the small-company category (revenues less than \$10 million) for the 2008 financial year. [More http://www.stollberne.com/news/stoll-berne-recognized-philanthropy](http://www.stollberne.com/news/stoll-berne-recognized-philanthropy)

The picture of justice in Oregon is changing fast, and it isn't pretty or fair. We're moving away from a system in which justice is a shared responsibility to a system in which those who exercise their constitutional rights are supposed to pay a large entry tax. Up until Oct. 1, a group of consumers harmed by fraud had to pay a single filing fee of \$189 to file a complaint in state court. After Oct. 1, that same group may have to pay a fee of several thousand dollars. [More - http://www.stollberne.com/news/justice-system-changing-worse](http://www.stollberne.com/news/justice-system-changing-worse)

COURTNAGE WIN ON CONSTITUTIONAL RULING

As a cooperating attorney for the ACLU of Oregon, Emily Courtnage successfully challenged a municipal court decision upholding the warrantless police impoundment of a vehicle parked in a private driveway.

Ms. Courtnage argued that the impoundment, though apparently authorized by an Oregon statute, was unconstitutional under applicable Ninth Circuit precedent. The Linn County Circuit Court declared the impound an illegal seizure in violation of the Fourth Amendment of the United States Constitution.

In response to the lawsuit, the City of Sweet Home Police Department and the Linn County Sheriff's Office changed their impound policies to comport with the Fourth Amendment requirements.



SHLACHTER ADMITTED TO AMERICAN COLLEGE OF TRIAL LAWYERS

On October 10, 2009, Rob Shlachter was inducted as a fellow into the American College of Trial Lawyers. The 59-year-old College is widely considered the leading national organization for trial lawyers (composed of jurists and attorneys from the government, plaintiff and defense bars). [More - http://www.stollberne.com/news/shlachter-admitted-american-college-trial-lawyers](http://www.stollberne.com/news/shlachter-admitted-american-college-trial-lawyers)



Highly Recommended Firm

STOLL BERNE is proud to announce that the firm has been listed as a Highly Recommended local litigation firm in Oregon in the recently released 2010 Benchmark Litigation publication.

Shareholders Gary Berne, Rob Shlachter and Scott Shorr are all listed as local litigation stars.

[More - http://www.stollberne.com/news/stoll-berne-highly-recommended-firm-0](http://www.stollberne.com/news/stoll-berne-highly-recommended-firm-0)

Donations to Oregon Food Bank

Guests to Stoll Berne's 2009 Annual Fall Party combined with staff working at Stoll Berne donated just under \$3,000 towards the Oregon Food Bank. With Stoll Berne's matching contribution, this means a total of \$6,000 was donated to the Oregon Food Bank.

Ten dollars can feed a family of four for 3-5 days, so this \$6,000 will benefit 600 families in the local community. Thank you to everyone who contributed to this worthy cause.

Contact Us

209 SOUTHWEST OAK STREET
PORTLAND, OREGON 97204
TEL (503) 227-1650
FAX (503) 227-6840

[email us](#)