

Cases of Note

CONSTRUCTION DEFECT: In *Shell v. Schollander Companies, Inc.*, 358 Or 552 (February 19, 2016), the Oregon Supreme Court held that when a buyer enters into a purchase and sale agreement to buy an existing home – a “spec” home in this case – there is no contract to construct, alter, or repair an improvement to real property and thus no “contractee” whose acceptance will trigger the period of repose. Therefore, ORS 12.135 does not apply. Rather, the more general period of repose set out in ORS 12.115 governs. www.publications.ojd.state.or.us/docs/S062791.pdf

DAMAGES: In *State v. Ramos*, 358 Or 581 (February 19, 2016), the Oregon Supreme Court held that (1) a court is precluded from awarding, as “economic damages” under ORS 137.106 (the criminal restitution statute), expenses that the court concludes were not the result of reasonably foreseeable risks of harm; and (2) a victim’s attorney fees and litigation costs may, in an appropriate case, constitute “economic damages” under ORS 137.106. www.publications.ojd.state.or.us/docs/S062942.pdf

TORTS: In *Deckard v. Bunch*, 358 Or 754 (March 10, 2016), the Oregon Supreme Court, after reviewing the legislative history of former ORS 30.950 (1979) [renumbered as ORS 471.565 (2001)], and subsequent amendments to the statute, held that ORS 471.565(2) does not provide a right of action against alcohol providers that has elements independent of a claim for common-law negligence. www.publications.ojd.state.or.us/docs/S062948.pdf

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