|  |  |
| --- | --- |
| Insurance Company: | Claim No.: |
| Address: | Adjuster: |
|  | Phone: |
| Insured: | Employer: |
| Address: | Home Phone: | Work Phone: |
| Date of Loss: | Location: |
| Date Served: | Attorney: |
| Plaintiff: | Address: |
| Case No.: |  |
| Court: | Phone: |
| Litigation Hold Letter to Client: | Completed: |
| Preliminary Opinion to Company Due: | Completed: |
| Status Report to Company (2) Due: | Completed: |
| Status Report to Company (3) Due: | Completed: |

|  |  |
| --- | --- |
| Verify opposing counsels are registered as service contacts for eFiling & Serve: | Completed: |
| Verify all parties provided appropriate addresses for service? See ORCP 9B | Completed: |
| Status Report to Company (2) Due: | Completed: |
| Status Report to Company (3) Due: | Completed: |

 Mandatory arbitration? See ORS 36.400 – 36.425, UTCR Ch. 13, and ORS 36.185 – 36.210.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Document | Date Completed |  | Trial Date | Client Notified |
| Request for Production |  |  |  |  |
| Motion to Compel |  |  |  |  |
| Request for Admissions |  |  |  |  |
| Discovery Supplemented |  |  |  |  |
| Motion to Dismiss/Counterclaim[[1]](#footnote-1) |  |  |  |  |
| Motion for Summary Judgment[[2]](#footnote-2) |  |  |  |  |
| ADR Certificate Filed, if applicable[[3]](#footnote-3) |  |  |  |  |
| Offer of Judgment (ORCP 54E) |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name of Witness | Address | Telephone | Interviewed | Subpoenaed4 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

|  |
| --- |
| Hospital Records |
| Hospital | 14 Day Notice given to Plaintiff orQualified Protective Order Prepared | HIPAA-compliant subpoena issuedwith Affidavit or Order (See ORCP 55D) | Records Destroyed or Returned |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

|  |  |  |
| --- | --- | --- |
| Medical Exam Scheduled: | Doctor: | Phone: |

|  |
| --- |
| Pretrial Evaluation and Opinion to Company: |
| Liens: | Settlement Authorization: |
|  Amount DateSettlement Demand: 1) 2) 3) |  Amount DateSettlement Offer: 1) 2) 3) |
| Settlement/Judgment Amount: | Judgment Signed: |
| Is plaintiff receiving Medicare or Medicaid? If so, insurance company must submit certain information to the Centers for Medicare and Medicaid Services (CMS) upon claim resolution (settlement, judgment, award, or other payment, regardless of whether there is a determination or admission of liability). 42 USC 1395y(b)(8) (2015). Generally, reporting must be submitted electronically. 42 USC 1395y(a)(22) (2019). This electronic form requirement may be waived in some cases. 42 USC 1395y(h) (2019). Information about the reporting rules is available on the CMS Web site at [www.cms.gov/Medicare/Medicare.html](http://www.cms.gov/Medicare/Medicare.html).  |
| Release Obtained: | Closing Letter to Company: |

**NOTICE OF APPEAL DUE:**

*NOTE: If a co-defendant has filed for bankruptcy before trial and is a witness, defense counsel may want to obtain relief from stay before serving a subpoena on the co-defendant.*

*NOTE: 45 C.F.R. § 164.508 governs authorization for release of protected health information. The regulation requires that its provisions must be followed for an authorization to be valid. A valid HIPAA authorization should not be combined with another authorization (such as an authorization for release of workers comp files.*

**IMPORTANT NOTICES**

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice.  This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices.  © 2023 OSB Professional Liability Fund

1. If plaintiff has filed for bankruptcy, it may be necessary to obtain relief from the bankruptcy stay before moving to dismiss or bringing a counterclaim in a state court action. See *In re Enyedi*, 371 BR 327 (Bankr. N.D. Ill. 2007); *In re Muhlig*, 494 B.R. 755 (Bankr. S.D. Fla. 2013). [↑](#footnote-ref-1)
2. Must be filed 60 days prior to trial. If plaintiff is in bankruptcy, defense counsel may need to obtain relief from the bankruptcy stay before filing a Motion for Summary Judgment. See Footnote 1. [↑](#footnote-ref-2)
3. ADR Certificates must be filed in Multnomah County and in medical malpractice cases, regardless of jurisdiction. *See* S.L.R. 7.016; ORS 31.250. [↑](#footnote-ref-3)