

February 2, 2009 www.orb.uscourts.gov

Recent Opinions

Batlan v. WT Consulting, Inc., 08-3196-elp

January 26, 2009

Fiduciary duty, pleading standards

The court granted a motion to dismiss a claim for breach of fiduciary duty, with leave to replead to clarify the basis for the claim of breach of fiduciary duty. Under federal notice pleading standards, a plaintiff need not "plead around" potential defenses, including the business judgment rule; application of the business judgment rule is "peculiarly a question of fact."

Search logic for opinion searches now appears on the Opinions page.

NEW ITEMS:

Mileage Fee

As of February 1, 2009, the mileage fee is \$.55 per mile. The Court Fees List, LBF 115, has been updated accordingly.

Unclaimed Funds

The Petition for Unclaimed Funds was updated December 1, 2008. The Unclaimed Funds Reports (4/1/08 through 12/31/08 and Full Report Through 12/31/08) were updated on January 20, 2009.

Local Bankruptcy Rules

The following local rules were updated on January 27, 2009, in accordance with GO #09-1: 1002-1(b), 1080-1, 2002-1(j) and 7026-1(f)

Employment Opportunity

Judge Perris is accepting resumés for a term law clerk position (two years) to begin in mid-August. The position is open until filled, but to ensure consideration, submit a resumé by close of business on **February 18, 2009**. For more information, click on "1/27/09 - Term Law=2 0Clerk Position" under **Court News & Announcements** on the home page.

PREVIOUSLY PUBLISHED ITEMS:

The following is a summary of items added in the past several weeks.

General Order #09-1

GO #09-1 was posted to the site on January 27. It orders numerous changes to Local Bankruptcy Rules. Many of the changes are aimed at providing clarity or correcting errors. Click on "1/27/09 - General Order (G.O. #09-1)" under Court News & Announcements on the home page.

ECF Training

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. The currently scheduled training dates are as follows: **Eugene only**: February 12; **Portland only**: February 26; **Eugene and Portland**: March 11 and April 23.

Message from Clerks Office

Please **do not modify** the fixed text in a local bankruptcy form (LBRs 1001.1.F. and G.)! If adequate room does not exist in any area, attachment pages may be added to the end of the form for inclusion of essential text.

Local Bankruptcy Forms

Several LBFs have been updated for use by March 1, 2009, and one has been updated for use by February 1. Click on "1/27/09 - Local Form (LBF) Updates" under **Court News & Announcements** on the home page. You can then view all forms, recently updated forms, or all forms in a category such as General, Creditor, Debtor, Adversary/Contested, etc.

Updated forms required by **February 1, 2009**: 100. Updated forms required by **March 1, 2009**: ADV, 541, 541.1, 717.15, 721, 721.3, 1124, 1191.3, 1351 (Long, Lynch and Ridgway), and 1366.3 (Lynch only).

LBF 335 was updated on January 9, 2009; LBF 335.5 was updated January 1, 2009.

Debtor-Creditor Section Website

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.