

FILED

JUN 28 2018

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALINE L. MILLER, an individual,

Plaintiff-Appellee,

v.

FORD MOTOR COMPANY, a Delaware  
corporation,

Defendant-Appellant.

No. 14-36001

D.C. No. 6:14-cv-00785-TC

ORDER\*

Appeal from the United States District Court  
for the District of Oregon  
Thomas M. Coffin, Magistrate Judge, Presiding

Argued and Submitted May 11, 2017  
Portland, Oregon

Before: BYBEE and HURWITZ, Circuit Judges, and ZOUHARY,\*\* District  
Judge.

In May 2017, following oral argument, we certified a question of state law to  
the Oregon Supreme Court. The Oregon Supreme Court accepted the certified

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable Jack Zouhary, United States District Judge for the  
Northern District of Ohio, sitting by designation.

question and interpreted Or. Rev. Stat. § 30.905(2) to provide that when an Oregon product liability action involves a product manufactured in a state with no statute of repose for an equivalent civil action, then the Oregon action likewise is not subject to a statute of repose. *Miller v. Ford Motor Co.*, 363 Or. 105 (2018).

Accordingly, the district court order is AFFIRMED. We decline to address the appellant's dormant Commerce Clause argument, and instead REMAND this matter to the district court for consideration in the first instance of that and any other arguments, as appropriate.

IT IS SO ORDERED.