IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

LOREN CHRISTOPHER TARABOCHIA,

Plaintiff,

v.

CLATSOP COUNTY, et al.

Defendants.

Civ. No. 6:11-cv-00547-AA

OPINION & ORDER

AIKEN, District Judge.

The parties in this case reached a settlement agreement to resolve this case and other pending litigation and, on August 27, 2020, a 60-Day Order of Dismissal was entered. ECF No. 206. On October 8, 2020, Plaintiff filed a Motion for Specific Performance or Recission of Settlement. ECF No. 207. On November 12, 2020, Plaintiff filed a Motion to Set Aside Judgment. ECF No. 212.

Both motions arise from the fact that Defendants' counsel notified the State of Oregon that a settlement had been reached in Plaintiffs' cases and the State subsequently issued a garnishment against the amount of the settlement before payment was made to Plaintiff. Plaintiff contends that the settlement was procured

by fraud or mistake and requests that the Order of Dismissal be set aside or that Defendants be required to provide payment directly to Plaintiff.

Plaintiff's motions are denied. Defendants consummated their end of the bargain by paying the amount agreed upon by the parties and complying with the garnishment. The parties' settlement agreement was a matter of public record. The fact that Plaintiff's creditor, the State of Oregon, issued a garnishment and the settlement payment was applied to Plaintiff's outstanding debts does not mean Plaintiff did not receive consideration for the settlement agreement.

Plaintiff's Motion for Specific Performance, ECF No. 207, and Plaintiff's Motion to Set Aside Judgment, ECF No. 212, are DENIED.

It is so ORDERED and DATED this 1st day of September 2021.

/s/Ann Aiken
ANN AIKEN
United States District Judge