

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

MAKARIOS-OREGON, LLC,
an Oregon limited liability company,
Plaintiff-Appellant,

v.

ROSS DRESS-FOR-LESS, INC.,
a Delaware corporation,
Defendant-Respondent.

Multnomah County Circuit Court
15LT04763; A160199

Jerry B. Hodson, Judge.

On respondent's petition for reconsideration filed September 27, 2018, and appellant's response to respondent's petition for reconsideration filed October 04, 2018. Opinion filed September 06, 2018. 293 Or App 732, ___ P3d ____.

Sara Kobak, Schwabe, Williamson & Wyatt, P.C., Gregory D. Call, California, Tracy E. Reichmuth, California, and Crowell & Moring LLP for petition.

Jeffrey M. Edelson, Paul Bierly, Anna M. Joyce, and Markowitz Herbold PC for response.

Before DeHoog, Presiding Judge, and Egan, Chief Judge, and Hadlock, Judge.

PER CURIAM

Reconsideration allowed; former opinion and disposition adhered to; designation of prevailing party revised to designate respondent Ross Dress-for-Less, Inc., as the prevailing party on appeal.

PER CURIAM

Defendant, the respondent, moves for reconsideration of our decision, *Makarios-Oregon, LLC v. Ross Dress-for-Less, Inc.*, 293 Or App 732, ___ P3d ___ (2018), requesting that we reconsider our designation of plaintiff, the appellant, as the prevailing party for purposes of costs on appeal. Plaintiff does not oppose defendant’s motion. We grant defendant’s motion for reconsideration and revise the prevailing-party designation to designate defendant as the prevailing party on appeal. See ORAP 13.05(3); *Village at North Pointe Cond. Assn. v. Bloedel Constr.*, 281 Or App 322, 332, 383 P3d 409 (2016).

We likewise revise our allowance of costs based on the revised prevailing party designation. We revise the cost allowance to “Costs allowed, payable by Appellant.”

Reconsideration allowed; former opinion and disposition adhered to; designation of prevailing party revised to designate respondent Ross Dress-for-Less, Inc., as the prevailing party on appeal.