

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

Robert WOODROFFE,  
*Plaintiff-Appellant,*

*v.*

Elizabeth COREY,  
aka Elizabeth Carey, et al.,  
*Defendants,*

*and*

Justin Allen TODD,  
*Defendant-Respondent.*

Multnomah County Circuit Court  
17CV20315; A168614

Leslie G. Bottomly, Judge.

Submitted April 5, 2019.

Robert Woodroffe filed the brief *pro se*.

No appearance for respondent.

Before Armstrong, Presiding Judge, and Tookey, Judge,  
and Shorr, Judge.

PER CURIAM

Reversed and remanded.

## PER CURIAM

Plaintiff Robert Woodroffe appeals from a judgment dismissing his claims against defendant Justin Allen Todd, which was entered after defendant filed a “motion to dismiss” for improper venue. In his first assignment of error, plaintiff contends that the trial court erred in dismissing the case rather than ordering a transfer of venue to Umatilla County.<sup>1</sup> We agree that the trial court so erred.

After defendant filed his motion contending that venue was proper only in Umatilla County and not in Multnomah County, the trial court entered a General Judgment of Dismissal that provided the following:

“Defendant Justin Todd’s motion to dismiss on improper venue (ORS 14.080) is GRANTED. Alternatively, the Court finds the factors enumerated with respect to *forum nonconveniens* weigh heavily in favor of dismissal from this venue (Multnomah County). Given the defendant, allegations, and location of evidence/witnesses, Umatilla County would be the proper venue.”

(Uppercase in original.) The case was then dismissed. The proper disposition when a party successfully moves to change venue in a civil case, however, is for the trial court to order a change in venue rather than dismiss the case. *See* ORS 14.120 (stating that, if the motion is allowed, “the change shall be made to the county where the action or suit ought to have been commenced [if changed pursuant to ORS 14.110 (1)(a)] and in other cases to the most convenient county”); ORS 14.160 (stating that a change of venue occurs “upon entry of an order changing the place of trial, and thereafter the action shall proceed as though it had been commenced in the proper or more convenient court”). We, therefore, reverse and remand so that the case may be ordered transferred to the Umatilla County Circuit Court for further proceedings.

Reversed and remanded.

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<sup>1</sup> We reject plaintiff’s other assignments of error without further discussion.