

IN THE SUPREME COURT OF THE
STATE OF OREGON

JOHN WASHA, JR., Personal Representative
of the Estate of Holly Carol Washa,

Plaintiff-Respondent, Respondent on Review,
v.

OREGON DEPARTMENT OF CORRECTIONS,

Defendant-Appellant, Petitioner on Review,
and

DONALD S. CRANE, M.D.,

Defendant.

OREGON DEPARTMENT OF CORRECTIONS,

Third-Party Plaintiff,
v.

CAL C. BROWN,

Third-Party Defendant.

SUSAN SCHNELL,

Plaintiff-Respondent, Respondent on Review,
v.

OREGON DEPARTMENT OF CORRECTIONS,

Defendant-Appellant, Petitioner on Review.

) Marion County Circuit Court
Case no. 94C-10004

) SC S46442
CA A93626 (Control)

) Marion County Circuit Court
Case no. 94C-10005

) CA A93627

) **ORDER AFFIRMING BY AN
EQUALLY DIVIDED COURT**

Upon consideration by the court.

The decision of the Court of Appeals is affirmed by an equally divided court.

Dated this 29th day of April 2003.

WALLACE P. CARSON, JR.
CHIEF JUSTICE

Van Hoomissen, J., retired December 31, 2000, and did not participate in the decision of this case; Kulongoski, J., resigned June 14, 2001, and did not participate in the decision of this case; Leeson, J., resigned January 31, 2003, and did not participate in the decision of this case; De Muniz and Balmer, JJ., did not participate in the consideration or decision of this case.