



Susie L. Norby
Circuit Court Judge

CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
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March 5, 2019

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RE: Sharon Neal v. Natalia Neal
Case No. 19PO01943

Ms. Neal & Mr. Adams:

On Friday, March 1, 2019, Sharon Neal submitted an ex parte Petition for a Restraining Order against Natalia Neal, which stated unequivocally that Sharon Neal has absolute ownership of the property on which both parties live, and which requested that Natalia Neal and her minor children (Sharon Neal's grand-children) be evicted immediately from that property.

This Petition is the eleventh case involving these two parties and concerning possession of the property on which they both reside, since June 2017. Due to the proliferation of case filings by Sharon Neal, and the commonality of the relief requested, all Neal cases were specially assigned to Judge Susie Norby for disposition in fall 2018. At the end of a motion hearing on January 10, 2019 in Case No. 18PO01353, the following colloquy took place on the record:

Atty Adams: One of my goals today, after we were to get this dismissed, would be the same as we've done in every other case. That is, to require that if Ms. Neal is going to file another elder abuse Petition against my client, that she either have an attorney do that, or at least give us 48 hours' notice so we can show up at ex parte and have a chance to speak before my client is out of the house for three weeks with her two kids. That's what has been happening over and over again. We ended up having an Order signed by Judge Steele in a previous case that required that, but when that case was dismissed, that Order went away. So now we are stuck in the same place, which is why we're here today.

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Court: Well, Ms. Sharon Neal knows that is this court's requirement and expectation. But she also knows how to make concerted efforts to circumvent all of our rules and expectations. We can't really control that, clearly, and that's why there are nine cases, four or five of which are closed at this point, well five today. So, I can say for the record that Sharon Neal knows that we are requiring her to give proper notices, and to only act with attorney's help. And, that we have increasing concerns about fraud on the court, which can ultimately create a risk of criminality and criminal proceedings against Sharon Neal. But, as I've said, we can't oversee it in a case that is inactive. So, I can't dismiss a case and then enter an order in it. So, I am declining to do that. But at least I am making yet another record that a judge has said that. Sharon Neal is in my presence, and is giving me eye contact, and I think understands what I'm saying. But it is never clear what her next step may be.

(To Ms. Neal:) So, I am directing that you need to act only with an attorney's help and advice, and that you need to follow the rules and give appropriate notices. I am hoping that, perhaps in the future, you will do that.

Atty Adams: One last thing. I have been in communication with Judge Steele's chambers. There is case law in the 9th Circuit that lays out what the foundation is for a vexatious litigant. There is nothing I see from the Court of Appeals that lays out the elements for what a vexatious litigant would be. Judge Steele said that "If you want to write a letter to me, then I can have her classified as such." So what I'm trying to figure out is... now that you have jurisdiction over this...

Court: I have a *special assignment*. Our court has jurisdiction.

Atty Adams: So, if I were to write a letter, would that go to the Presiding Judge? Would you like me to copy you on that?

Court: I think that would best to Presiding. She's the one who oversees our entire caseload in Clackamas County. And, I feel uncomfortable being a Judge presiding over cases involving her as a party and giving her some formal status that might be adverse to her interest, or to my objectivity. So, my assumption is that every time she leaves here, she is coming back a new woman, who is following the rules and doing what she is supposed to do. And I think that must be my assumption, or else I wouldn't be an objective judge otherwise on all her other cases. So, if you think you have the authority, ability, the case law to support seeking some other designation for her, I think it would be improper for me to be involved in that.

Sharon Neal's Petition on Friday, March 1, 2019 fell short of this court's guidelines and expectations explained to her in a previous Court Order, and reiterated in the transcript above.

CHRONO OF SHARON NEAL CASES

CASE NAME & NO.	CLAIMS	FILE DATE	END DATE	APPEAL STATUS
17PO05496 Sharon Neal v. Natalia Neal	EAPA (Clack.)	06-13-2017	06-19-2017 (Voluntary Dismissal)	N/A
17CV51714 Sharon Neal v. Natalia Neal	Claim of Prop Title	11-27-2017	04-20-2018 (Involuntary Dismissal)	Sept. 20, 2018 Appeal Dismissed
18PO00022 Sharon Neal v. Natalia Neal	EAPA (Clack.)	01-02-2018	01-24-2018 (Involuntary Dismissal)	N/A
18CV02117 Sharon Neal v. Natalia Neal	Claim of Prop Title	01-18-2018	10-17-2018 (Involuntary Dismissal)	Jan. 24, 2019 Appeal in Abeyance due to Bankruptcy*
18PO01353 Sharon Neal v. Natalia Neal	EAPA (Wash.) **	02-9-2018 Xfer to Clack. 11-19-2018	01-10-2019 (Involuntary Dismissal)	Feb. 25, 2019 Dismissal Stayed Pending Appeal+
18CN03897 Sharon Neal v. Natalia Neal	Contempt (Eviction)	08-21-2018	11-16-2018 (Involuntary Dismissal)	Feb. 19, 2019 Transcripts Settled Pending Briefing
18PB07455 Estate of Dean Neal	Will to Claim Prop	09-28-2018	10-16-2018 (Denied)	
		11-08-2018 Re-opened		N/A
18PO10814 Sharon Neal v. Natalia Neal	EAPA (Clack.)	10-25-2018	10-25-2018 (Denied)	N/A
18LT15587 Natalia Neal v. Behind the Gates, Sharon Neal, Et. Al.	FED Eviction	11-02-2018	11-27-2018 (Judgment Evicting Sharon Neal)	Feb. 22, 2019 Extension Allowed to Settle Transcript
18CV50745 Estate of Dean Neal v. Natalia Neal	Estate's Claim to Property	11-05-2018	Stayed due to Bankruptcy** 01-04-2019	
19PO01943 Sharon Neal v. Natalia Neal	EAPA (Clack.)	03-01-2019	03-01-2019 (Granted, then Dismissed)	

Ruling on Sharon Neal's Letter Request to Set Aside Presiding Judge's Order
Striking March 1, 2019 Restraining Order

Sharon Neal has been so prolific in her efforts to evict Natalia Neal through civil actions, probate actions and restraining order actions that the courts and parties have understandably become confused about where things stand legally, if not factually. That is one of many reasons that all of Sharon Neal's cases were specially assigned to my court. It is not only concerning that Sharon Neal failed to give Natalia Neal's attorney 48 hour notice that she planned to seek a new Restraining Order, it is also concerning that she insisted the restraining order petition be heard on a day that the undersigned Judge was unavailable and out of town. There has been no ambiguity about my assignment to oversee all of Sharon Neal's myriad law suits.

Ms. Neal's Petition for Restraining Order filed on Friday, March 1, 2019 was not just presented in violation of the requirements this court has placed to ensure procedural fairness, reasonable notice, and an opportunity to be heard in this ongoing dispute. It was also completed with misleading and false information that the ex parte judge relied upon in granting the Order and request for eviction. Specifically:

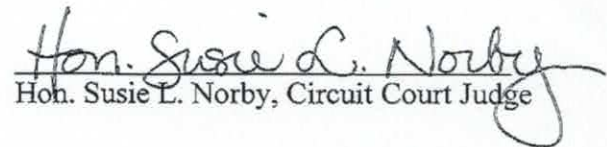
1. The reference to the prior Restraining Order fails to mention that the Final Appellate Stay only affected the Dismissal Order, not the original Restraining Order. That Final Stay purported to reinstate the original Restraining Order on February 25, 2019, but reinstatement was an impossibility at that time, because the original Restraining Order would have already expired on February 8, 2018 if it was not void for lack of jurisdiction.
2. The reference to the prior Restraining Order fails to mention that it did not ultimately affect Natalia Neal's ability to remain at her residence with the minor children.
3. The March 1st Petition claims that Sharon Neal owns the residence outright, and fails to advise the ex parte judge that this court issued a Judgment in an FED case evicting Sharon Neal from that property on November 27, 2018, and the eviction Judgment was not stayed by the Court of Appeals in that case. Therefore, despite the pending appeal of the FED Judgment against Sharon Neal, only Natalia Neal is legally allowed to occupy the property at this time.

The court's Order Striking the March 1, 2019 Restraining Order was issued when Natalia Neal's attorney filed an Emergency Motion to halt the eviction of Natalia Neal and her children under the March 1, 2019 Restraining Order. Sharon Neal's Petition claimed a need for emergency court action and was presented to a judge unfamiliar with the context of the cases filed previously. Unfortunately, Sharon Neal's avoidance of the procedural safeguards this court has repeatedly attempted to impose on her created the need for emergency action by a judge who was familiar with the history of cases described herein.

The Presiding Judge's Order Striking the March 1, 2019 Restraining Order was necessary and proper to enforce the procedural safeguards Sharon Neal declines to abide by. It was also an appropriate court action upon the court's discovery that false statements were made in the Petition submitted to the ex parte judge to secure the Restraining Order and eviction provision.

The challenge implicit in Sharon Neal's March 3, 2019 correspondence to the Presiding Judge is denied. The Presiding Judge's Order of March 1, 2019 will not be set aside. If Sharon Neal decides to file a new Petition for Restraining Order against Natalia Neal, she must first give 48 hours' notice to Natalia Neal's attorney of the place and time she intends to appear for ex parte. The ex parte hearing on any new Petition shall be set before the undersigned Judge at the court's earliest convenience. Further, no Restraining Order that may be granted shall allow Sharon Neal to evict Natalia Neal from the residence that Sharon Neal has already been evicted from by court order.

DATED this 5th day of March, 2019.


Hon. Susie L. Norby, Circuit Court Judge

cc: Matthew Mills, Atty (matt@carlsonlawgroup.org)
Michael Stevens (michael@hillsborofirm.com)