

**BEFORE THE
OREGON PUBLIC UTILITY COMMISSION**

MATTHEW STEVEN,
DBA GENIUSWEB.COM,

Complainant, *pro se*,

v.,

CENTURYLINK,

Defendant.

MOTION TO DISMISS

Docket UCB 69

MOTION TO DISMISS WITHOUT PREJUDICE

Under authority of ORCP 54(A), Complainant moves the court to dismiss all claims pending against Defendant in Docket UCB 69 without prejudice, as the parties have successfully negotiated a settlement and anticipate no further litigation on this matter.

Complainant has been informed that prior to this motion Defendant has asked the Court to dismiss with prejudice. That would be inappropriate, not only because doing so would unduly curtail Complainant's rights should Defendant default on the settlement agreement, but also because it is contrary to well established Oregon law. *Sohn v. Lam Thanh Thuy Thi*, 262 Or. App. 313, 314 (2014) (reversing where trial court entered dismissal with prejudice at request of defendant when plaintiff filed for Rule 54(A) dismissal without prejudice).

SIGNATURE

/s/ Matthew J. Steven

Matthew J. Steven

December 23, 2016