

## HOUSE AMENDMENTS TO HOUSE BILL 2584

By COMMITTEE ON JUDICIARY

April 20

1 On page 2 of the printed bill, after line 11, insert:

2 “(5)(a) When the Attorney General files an action *parens patriae* under ORS 646.775 within 30  
3 days of the date that a natural person files an action as a class action under this section and both  
4 the Attorney General and the natural person seek to represent the same class of natural persons,  
5 the action brought by the Attorney General must be deemed superior to the natural person’s action  
6 for the purposes of determining whether the natural person’s action under this section may not be  
7 maintained as a class action under ORCP 32.

8 “(b) Upon commencement of an action as a class action under this section by a natural person,  
9 the natural person shall mail a copy of the complaint to the Attorney General. Failure to mail a  
10 copy of the complaint is not a jurisdictional defect.

11 “(c) The Attorney General’s action shall be deemed superior to the natural person’s action  
12 brought as a class action as described in paragraph (a) of this subsection until the earlier of:

13 “(A) Thirty days after the natural person mails a copy of the complaint to the Attorney General  
14 as provided in paragraph (b) of this subsection; or

15 “(B) The date that a court finds that the natural person’s action is to be maintained as a class  
16 action.

17 “(d) Nothing in this subsection shall prohibit a natural person from filing an action as a class  
18 action if:

19 “(A) The Attorney General’s *parens patriae* action is dismissed prior to adjudication of the is-  
20 sues without damages paid to any natural person; or

21 “(B) A sufficient number of natural persons opt out of the *parens patriae* action to sustain a  
22 separate class action.”

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