

COURT OF APPEALS OF OREGON

Siskiyou Pines Developments LLC v. Civil West Engineering Services, Inc.

350 Or. App. 28 (2026) · No. A182097 · Decided May 28, 2026

SUMMARY

The Oregon Court of Appeals affirmed summary judgment dismissing Siskiyou Pines Developments LLC's tort claims against the City of Cave Junction, its employees, Civil West Engineering Services, and an employee. The court held that the plaintiff failed to provide timely notice under the Oregon Tort Claims Act and did not establish that the alleged conduct constituted a continuing tort. The court also concluded that Civil West was an agent of the City for notice purposes and that the plaintiff failed to create a factual dispute regarding that status.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Shorr, P. J.; Shorr, Presiding Judge; Powers, Judge; DeVore, Senior Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	May 28, 2026
DOCKET	A182097
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a general judgment dismissing its tort claims after the Josephine County Circuit Court granted defendants' motions for summary judgment.
STANDARD OF REVIEW	The court reviewed the grant of summary judgment for errors of law, viewing the facts in the light most favorable to the nonmoving party and determining whether any objectively reasonable juror could find for that party on the issue.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Siskiyou Pines Developments LLC v. Civil West Engineering Services, Inc., Manny Ramos, City of Cave Junction, Meadow Martell, Rebecca Patton

TOPICS

municipal liability

summary judgment

subject matter jurisdiction

statute of limitations

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PRACTICE AREAS

torts

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QUESTIONS PRESENTED

1. Whether Siskiyou Pines provided timely notice of its claims against the City under the Oregon Tort Claims Act.
2. Whether the alleged delays constituted a continuing tort that would make the March 1, 2022, notice timely.
3. Whether summary judgment for Civil West was proper because Civil West presented undisputed facts showing that it was an agent of the City and Siskiyou Pines failed to provide timely notice.
4. Whether the court could affirm without reaching the alternative summary-judgment grounds concerning statutory duty and intentional interference with prospective economic advantage.

HOLDINGS

1. Siskiyou Pines's March 1, 2022, notice to the City was untimely because it was not given within 180 days after the alleged loss or injury as required by the Oregon Tort Claims Act.
2. Siskiyou Pines did not sufficiently allege or present a disputed issue of fact that defendants engaged in a continuing tort.
3. Summary judgment for Civil West was proper because Civil West presented facts supporting its status as a City agent, and Siskiyou Pines failed to produce evidence creating a genuine factual dispute or show that timely notice had been served.

KEY QUOTATIONS

“We review a trial court’s grant of summary judgment for errors of law and will affirm if there are no genuine disputes about any material fact and the moving party is entitled to judgment as a matter of law.” (30)

“This is not a continuing tort situation where “plaintiff’s harm can be determined only at the end of a series of alleged wrongful acts.”” (34)

“The trial court did not err in dismissing plaintiff’s claims against defendants.” (36)

FACTUAL BACKGROUND

Siskiyou Pines purchased property in Cave Junction to develop a residential subdivision and sought the City's approval of a final plat. After delays, Siskiyou Pines filed a mandamus proceeding, and the circuit court issued a writ requiring the City to sign off on the plat; the City did so on December 9, 2021. Siskiyou Pines filed a tort claim notice with the City on March 1, 2022, but never identified or separately served Civil West or its

employees. The complaint alleged damages from delays in final-plat approval and additional post-approval delays.

PROCEDURAL HISTORY

Siskiyou Pines filed tort claims against the City of Cave Junction, City employees, Civil West Engineering Services, Inc., and a Civil West employee. The circuit court granted summary judgment on multiple grounds, including untimely notice under the Oregon Tort Claims Act, lack of statutory duty, and failure to identify a sufficiently specific prospective economic relationship. The Court of Appeals affirmed based on the untimely-notice ground and did not reach the remaining assignments of error.

DISPOSITION

affirmed

CASES CITED

- Beneficial Oregon, Inc. v. Bivins, 313 Or. App. 275, 277, 496 P.3d 1104 (2021)
- Kutz v. Lee, 291 Or. App. 470, 480, 422 P.3d 362 (2018)
- Holdner v. Columbia County, 51 Or. App. 605, 613, 627 P.2d 4 (1981)
- Davis v. Bostick, 282 Or. 667, 672-74, 580 P.2d 544 (1978)
- Curzi v. Oregon State Lottery, 286 Or. App. 254, 266, 398 P.3d 977, rev. den., 362 Or. 175 (2017)
- Ziebert v. Sun Valley Lumber, Inc., 198 Or. App. 162, 170 n. 5, 107 P.3d 668, rev. den., 339 Or. 66 (2005)
- Sharma v. Providence Health & Services-Oregon, 289 Or. App. 644, 656, 412 P.3d 202, rev. den., 363 Or. 283 (2018)
- Yeager v. Montgomery, 331 Or. App. 263, 266, 546 P.3d 10 (2024)