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Attorneys for Defendant City of Portland

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**CITY OF PORTLAND,**

Defendant.

Case No. 3:12-cv-02265-SI

**JOINT STIPULATED MOTION TO  
TERMINATE A DISCRETE SECTION  
OF THE SETTLEMENT AGREEMENT  
UNDER FRCP 60(b)(5)**

**L.R. 7-1(a) CERTIFICATION**

The parties conferred on December 18, 2025, and subsequent dates, regarding this motion, and undersigned counsel for Plaintiff and Defendant stipulate to this joint motion.

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**Page 1 – JOINT STIPULATED MOTION TO TERMINATE A DISCRETE SECTION  
OF THE SETTLEMENT AGREEMENT UNDER FRCP 60(b)(5)**

## MOTION

Plaintiff, the United States of America (United States), and Defendant, the City of Portland (City), jointly move the Court to terminate one discrete section of the Settlement Agreement (Agreement) under Federal Rule of Civil Procedure (FRCP) 60(b)(5).

### **I. Termination of One Discrete Section with No Further Actions Required for Compliance Is Appropriate under FRCP 60(b)(5)**

#### **a. Legal Standard**

The Parties move for a ruling under FRCP 60(b)(5) to terminate one discrete section that requires no further actions by the City for compliance, but which has not yet met the procedural terms of Paragraph 257. Rule 60(b)(5) provides that courts may provide relief from a judgment when “the judgment has been satisfied” or when “applying it prospectively is no longer equitable.” As the United States Supreme Court has noted, in institutional reform cases such as this one, Rule 60(b)(5) serves a “particularly important function.” *Horne v. Flores*, 557 U.S. 433, 447 (2009). In assessing the prospective application of court-ordered institutional reforms, courts examine whether “the objective” of the judgment “has been achieved.” *Id.* at 450. “If a durable remedy has been implemented, continued enforcement of the order is not only unnecessary, but improper.” *Id.* “The federal court must exercise its equitable powers to ensure that when the objects of the decree have been attained, responsibility for discharging the State's obligations is returned promptly to the State and its officials.” *Frew v. Hawkins*, 540 U.S. 431, 442 (2004).

#### **b. Argument**

For one discrete section, the City has completed all actions required by the Agreement, and no further self-monitoring is warranted. Although the below paragraph has not yet been subject to two periods of self-monitoring, the Parties agree that a durable remedy has been implemented, and continued monitoring is unnecessary and improper.

**Training Dean** (Paragraph 191, and Agreement Attachment 1). This paragraph, which is also a remedy adopted in Section XI, requires the City to budget for and hire a qualified civilian

to direct all educational aspects of PPB's Training Division, alongside the Training Division Captain. The paragraph lists timing requirements for posting the position, making an offer, and conducting background checks, which the City and PPB completed. Dr. Rebecca Rodriguez started in this role on June 8, 2023. The Monitor has twice found the City in substantial compliance with Paragraph 191, and this discrete section is eligible to move to self-monitoring. ECF 490-1 at 74–75, ECF 526-1 at 59-60. The City completed all requirements of Paragraph 191 as of June 8, 2023, and there are no other requirements left for the City to perform or actions to take to remain in substantial compliance. Therefore, there is nothing to assess for substantial compliance under self-monitoring. The Parties thus agree that this section should be terminated.

## II. CONCLUSION

The City has fulfilled its obligations under this section of the Agreement. For all the reasons stated herein, the Parties move to terminate this discrete section.

### IT IS SO STIPULATED BY THE PARTIES:

#### FOR THE CITY OF PORTLAND:

*s/ Robert Taylor*  
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ROBERT TAYLOR  
City Attorney

*s/ Heidi Brown*  
\_\_\_\_\_  
HEIDI BROWN  
Chief Deputy City Attorney

*s/ Sarah Ames*  
\_\_\_\_\_  
SARAH AMES  
Deputy City Attorney

*s/ Lisa Rogers*  
\_\_\_\_\_  
LISA ROGERS  
Deputy City Attorney

**FOR THE UNITED STATES:**

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United States Attorney  
District of Oregon

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Assistant Attorney General  
Civil Rights Division

R. JONAS GEISSLER  
Deputy Assistant Attorney General  
Civil Rights Division

PATRICK MCCARTHY  
Chief

*s/ Jeffrey R. Murray*

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JEFFREY R. MURRAY  
Trial Attorney

*s/ Catherine Yoon*

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CATHERINE YOON  
Trial Attorney  
Special Litigation Section  
Civil Rights Division  
United States Department of Justice

**CERTIFICATE OF SERVICE**

I hereby certify that on February 4, 2026, I served or caused to be served a true and correct copy of the foregoing **JOINT STIPULATED MOTION TO TERMINATE A DISCRETE SECTION OF THE SETTLEMENT AGREEMENT UNDER FRCP 60(B)(5)** on the interested parties in this action as follows:

<p><b>HARMEET K. DHILLON</b> Assistant Attorney General Civil Rights Division <b>R. JONAS GEISSLER</b> Deputy Assistant Attorney General <b>PATRICK MCCARTHY</b> Chief <b>JEFFREY R. MURRAY</b> <b>CATHERINE YOON</b> Trial Attorneys Special Litigation Section Civil Rights Division United States Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530 Email: <a href="mailto:jonas.geissler@usdoj.gov">jonas.geissler@usdoj.gov</a> Email: <a href="mailto:jeff.murray@usdoj.gov">jeff.murray@usdoj.gov</a> Email: <a href="mailto:catherine.yoon@usdoj.gov">catherine.yoon@usdoj.gov</a></p>	<p>Attorneys for Plaintiff, United States</p>
<p>Mark P. Smith Email: <a href="mailto:mark.p.smith@portlandpolicemonitor.com">mark.p.smith@portlandpolicemonitor.com</a></p>	<p>Independent Court-Appointed Monitor</p>

by **electronic service** via the Court's CM/ECF electronic filing system for registered users.

DATED: February 4, 2026.

PORTLAND CITY ATTORNEY'S OFFICE

By: /s/ Heidi Brown  
Robert Taylor, OSB No. 044287  
Heidi Brown, OSB No. 922410  
Sarah Ames, OSB No. 163350  
Lisa Rogers, OSB No. 176519  
Of Attorneys for Defendant City of Portland