

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

Kia SKILLE,
Plaintiff-Appellant,

v.

Tony Rey MARTINEZ,
in his individual capacity,

Defendant,

and

OREGON STATE HOSPITAL,
a State agency; and
Department of Human Services,
a State agency,
Defendants-Respondents.

Marion County Circuit Court
14C18124; A159729

Dale Penn, Judge.

On respondent's petition for reconsideration filed November 7, 2017. Opinion filed October 11, 2017. 288 Or App 207, 406 P3d 126.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Peenesh Shah, Assistant Attorney General, for petition.

Before DeVore, Presiding Judge, and Garrett, Judge, and Wollheim, Senior Judge.

PER CURIAM

Reconsideration allowed; former disposition withdrawn; former opinion modified and adhered to as modified; reversed and remanded as to respondent Oregon State Hospital; otherwise affirmed.

PER CURIAM

The Department of Human Services (DHS) petitions for reconsideration of our decision in *Skille v. Martinez*, 288 Or App 207, 406 P3d 126 (2017), which reversed and remanded the trial court’s judgment of dismissal. DHS requests that we modify our disposition to make it clear that the trial court’s judgment is reversed only as to defendant Oregon State Hospital (OSH), not as to DHS, which plaintiff had previously agreed to dismiss from the case. Plaintiff does not oppose the relief requested.

The petition is allowed for the limited purpose of clarifying that the judgment below is reversed as to OSH but affirmed as to DHS. Specifically, we modify our former opinion by inserting the following footnote at the end of the second full paragraph at 288 Or App at 209: “Below, plaintiff agreed to dismissal of her claims as to DHS. She therefore requests on appeal that we reverse the judgment of dismissal as to OSH only.” We also withdraw our former disposition and replace it with the following: “Reversed and remanded as to Oregon State Hospital; otherwise affirmed.”

Reconsideration allowed; former disposition withdrawn; former opinion modified and adhered to as modified; reversed and remanded as to respondent Oregon State Hospital; otherwise affirmed.