**IN THE COURT OF APPEALS OF THE STATE OF OREGON**

ANA MIRKOVIC,

Plaintiff-Appellant,

v.

TENASYS CORPORATION,

Defendant-Respondent.

Washington County Circuit Court Case No. 23CV01681

Oregon Court of Appeals Case No. A185106

# BRIEF OF *AMICUS CURIAE* NATIONAL FEDERATION OF INDEPENDENT BUSINESS SMALL BUSINESS LEGAL CENTER, INC.

Appeal from the August 6, 2024 General Judgment of Dismissal
of the Circuit Court for Washington County
The Honorable Andrew R. Erwin, Circuit Court Judge

JUNE 2025


D. Brent Carpenter, OSB #095600
Jordan Ramis PC
1211 SW Fifth Ave., 27th Floor
Portland, OR 97204
(503) 598-7070
brent.carpenter@jordanramis.com
*Counsel for Amicus Curiae*

Shenoa L. Payne, OSB #084392
Shenoa Payne Attorney at Law PC
Crown Plaza Bldg.
1500 SW 1st Ave., Ste. 1000
Portland, OR 97201
spayne@paynelawpdx.com
(503) 914-2500
*Counsel for Appellant Ana Mirkovic*


[*ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE*]

Aurelia Erickson, OSB #126170
Chenoweth Law Group PC
510 SW 5th Ave., 4th Fl.
Portland, OR 97204
(503) 223-7555
aerickson@chenowethlaw.com
*Counsel for Respondent TenAsys Corp.*

Jona Jolyne Maukonen, OSB #043540
Oregon Department of Justice
1162 Court St. NE
Salem, OR 97301
(503) 378-4402
jona.j.maukonen@doj.oregon.gov
*Counsel for Amicus Curiae Oregon Bureau of Labor & Industries*

Lindsey Burrows, OSB #113431
333 SW Taylor St., Ste. 300
Portland, OR 97204
(503) 217-5510
lindsey@burrowsappellatelaw.com
*Counsel for Amicus Curiae Oregon Trial Lawyers Association*

# TABLE OF CONTENTS

# TABLE OF AUTHORITIES

**Page**

## Cases



## Statutes

## I. STATEMENT OF INTEREST

The National Federation of Independent Business Small Business Legal Center, Inc. ("NFIB Legal Center") is a nonprofit, public interest law firm established to provide legal resources and be the voice for small businesses in the nation's courts through representation on issues of public interest affecting small businesses. It is an affiliate of the National Federation of Independent Business, Inc. ("NFIB"), which is the nation's leading small business association. NFIB's mission is to promote and protect the right of its members to own, operate, and grow their businesses. NFIB represents, in Washington, D.C., and all 50 state capitals, the interests of its members.

*Amicus* and its members have an interest in ensuring that the text of ORS 659A.355 is read in keeping with its context and legislative history. Before the statute's enactment, NFIB cautioned that an incorrect reading of its language could open small businesses up to lawsuits when employer-employee wage negotiations are followed by negative employment actions. *See* Various Statewide Orgs-No on HB 2007 (2015), https://olis.oregonlegislature.gov/liz/2015R1/Downloads/FloorLetter/1159 (accessed June 9, 2025). Our concerns have been borne out in this case. Plaintiff's construction of ORS 659A.355 is antithetical to the legislature's intent and harmful to small businesses. It must not be allowed to stand.

## II. INTRODUCTION AND SUMMARY OF ARGUMENT

This Court is being asked to decide whether a statute that was billed as a wage transparency law can be used to shield employees from termination so long as they are negotiating a promotion or raise.

ORS 659A.355 protects employees who have "inquired about, discussed or disclosed in any manner the wages of the employee or of another employee[.]" Though the text of the law is vague enough to give rise to misunderstandings about its scope, both the context—including surrounding statutes and a trial court opinion—and the legislative history make clear that it was intended to foster discussions among employees for the purpose of combatting wage discrimination. Contrary to what Plaintiff, a terminated employee, claims, the text is not clear, the context is unfavorable to her interpretation, and the lion's share of the legislative history favors a narrow reading.

Even if this Court were to find in the text, context, and legislative history a significant ambiguity that can't be resolved, it should still affirm the trial court's dismissal because of the absurd downstream effects that would result if Plaintiff's argument prevailed. Wage discussions would cease, pretextual raise requests would abound, and abuses of all kinds would be tolerated. Small businesses would be subject to frivolous litigation. This Court should not read into the statute what the legislature declined to put explicitly into its text.

## III. ARGUMENT

### A. ORS 659A.355 is a wage transparency law.

The meaning of ORS 659A.355 is at the core of this case, and the question for this Court is whether it is a wage transparency and anti-discrimination statute, as the context and legislative history indicates, or whether it is a statutory buffer that provides employees with immunity from termination while they haggle with their employers.

Oregon law requires a court, in construing a statute, to "pursue the intention of the legislature if possible." ORS 174.020(1)(a). This entails "an examination of text and context," followed by "consideration of pertinent legislative history" that "a party is free to proffer . . . even if the court does not perceive an ambiguity in the statute's text[.]" *State v. Gaines*, 346 Or 160, 171–72 (2009).

The text of the law, if read in a vacuum, does not tip the scales either way, but read in its proper context, it points toward ORS 659A.355 being a wage transparency law enacted to prevent discrimination in pay. The legislative history then shows that it was not meant to be more than that.

#### 1. The text alone is a toss-up.

ORS 659A.355 reads: "[i]t is an unlawful employment practice for an employer to discharge . . . an employee . . . because the employee has: (a) Inquired about, discussed or disclosed in any manner the wages of the employee or of another

employee[.]" Plaintiff claims that the statute covers any and all discussions that an employee may have with anyone on the topic of wages, including promotion negotiations with an employer. Defendant, in contrast, understands this section to cover discussions between employees about wages, not with employers about raises.

The statute offers no definitions, so we must turn to plain meaning. See *State v. Gonzalez-Valenzuela*, 358 Or 451, 460 (2015). But plain meaning sheds little light on the areas of contention. The main point of divergence is about what "discussed . . . in any manner" means. "Discussed" is defined as "to talk about." *Discussed*, Merriam-Webster Online Dictionary, available at https://www.merriam-webster.com/dictionary/discussed (visited June 13, 2025). "Any" means "one or some indiscriminately of whatever kind," *Any*, Merriam-Webster Online Dictionary, available at https://www.merriam-webster.com/dictionary/any (visited June 13, 2025), while "manner" can mean "a mode of procedure or way of acting," or "kind; sort," as in "what manner of man is he[?]" *Manner*, Merriam-Webster Online Dictionary, available at https://www.merriam-webster.com/dictionary/manner (visited June 13, 2025).

To put it all together, the statute can either be plausibly rephrased as "[i]t is an unlawful employment practice for an employer to discharge . . . an employee . . . because the employee has . . . *talked about*, *by some procedure*, the wages of the employee," or "[i]t is an unlawful employment practice for an employer to discharge

. . . an employee . . . because the employee has . . . *talked about, in some way*, the wages of the employee."

Neither of these possible rewordings provide the silver bullet that Plaintiff claims. Though the statute could be read consistent with Plaintiff's interpretation, it could equally, by a plain reading of the phrase "in any manner," be referring to the method or "procedure" of communication (i.e. phone calls, emails, texts, etc.) or the "kind" or "sort" of communication (for example, a positive or negative discussion; a discussion of everyone's wages or just one employee's wages). Despite Plaintiff's claims, the text of the statute does not clearly state that all conversations with all people on the topic of wages render an employee immune from termination.[1] Nor does the text itself affirm the limits for which Defendant argues. Neither reading can be fully realized from a purely textual analysis, which is why context and legislative history must be examined.

---

[1] In fact, the statute explicitly does not go that far. Plaintiff's opening brief fails to discuss an exception which sheds light on the statute's purpose: "This section does not apply to an employee who has access to wage information of employees as part of the job functions of the employee's position and discloses the wages of those employees to individuals not authorized access to the information[.]" ORS 659A.355(2). In other words, *the entire statute* does not apply to an employee who is disciplined for leaking wage information. It does not preserve one supposed application of the statute (i.e. wage negotiations with an employer), while defeating another (disclosure of information). This confusion vanishes if we understand the statute to only have one purpose—if it is about the flow of information, the exception shows that going beyond the outer bounds of such informational disclosure defeats its application entirely.

### 2. The context shows that ORS 659A.355 is about addressing discrimination, not protecting negotiations.

The Oregon Supreme Court has said that "examining the text in context" is necessary, followed closely by legislative history, in order to "discern what the legislature contemplated" in enacting a statute. *State v. McDowell*, 352 Or 27, 30 (2012). *See also Dowell v. Oregon Mut. Ins. Co.*, 361 Or 62, 72 (2017). This also includes relevant case law. "As part of the text and context, 'we also consider case law interpreting the statute at issue[.]'" *State v. Parkerson*, 371 Or 716, 725 (2023) (quoting *SAIF v. Walker*, 330 Or 102, 109 (2000)).

ORS 659A.355 was codified into a chapter of the law that aims to eliminate employment discrimination. "[T]he Legislative Assembly intends by this chapter to provide: . . . An adequate remedy for persons aggrieved by certain acts of unlawful discrimination . . . in employment". ORS 659A.003(2). And not just *any* discrimination—it is meant to address discrimination in "race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability or familial status, or . . . age." *Id.*

A federal court, in interpreting ORS 659A.355, has found the same. In *O'Donnell v. Ameresco, Inc.*, 716 F Supp 3d 1035 (D Or 2024), the plaintiff alleged that he was wrongfully terminated for "identifying pay inequities between employees in different geographic regions" and raising them with his supervisors. *Id.* at 1041. Though the Court agreed that the statute "likely supports a general policy

in favor of pay equity and encourages wage inquiries, discussions, and disclosure," it added that, "even assuming that plaintiff's conduct constitutes a wage inquiry or discussion under the statute, the Court is not convinced that this general policy is applicable to plaintiff's specific conduct . . . Oregon law does not place a high social value on remedying pay inequities between employees in different geographic regions." *Id.* at 1043-44. In other words, in context, ORS 659A.355 is trying to prevent "discrimination in the form of pay inequity by protecting employees who discuss their wages," *id.* at 1043, not to protect *all* wage discussions. If a discussion about regional pay discrimination is too ill-fitting to secure the statute's protections, then the legislature likewise would not intend for an individual request for a raise—unaccompanied by any kind of discrimination—to be protected.

**3. The legislative history shows that ORS 659A.355 is about wage transparency and discrimination, not raise negotiations.**

The legislative history is consistent with the *O'Donnell* court's reading of ORS 659A.355, and cuts against Plaintiff's reading of the text.

HB 2007, the bill that was enacted as ORS 659A.355, was about equal pay from the very beginning. It was "introduced to address one of the recommendations [i.e. wage transparency] contained in the [Oregon Council of Civil Rights'] report" on wage inequality and equal pay. Staff Measure Summary, Hearing on H.B. 2007 Before the H. Comm. On Business and Labor, 2015 Reg. Sess. (Or. 2015). The

Council was directed to give these recommendations by Labor Commissioner Brad Avakian in 2011, and the project was bolstered in 2013 by Senate Bill 744, which directed the Council to "study wage inequality and the factors that contribute to it." *Id.*

The Council report, in relevant part, stated that "supporting existing non-discrimination efforts, as well as defending employees against retaliation for sharing wage information or asking about employers' wage practices, are important components of a strategy to reduce pay inequality." Pay Inequality in Oregon, Formal Recommendations, Oregon Council on Civil Rights, p. 32., available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/44233 (accessed June 16, 2025). This goes along with the *O'Donnell* court's understanding of the statute's origins: the issue of wage discussions appears in the context of transparency, for the purpose of addressing discrimination and wage inequality, not wage negotiations.

Though the report—in a section about mentoring—mentions that retaliation against women who engage in salary or position negotiation must be remedied by "employer education and strong policies to mitigate unintended consequences," *id.* at 21, this reads as an afterthought and is entirely decoupled from the report's later recommendations about disclosure/discussion of wage information. *See id.* at 33. In fact, insofar as this notion makes its way into the final recommendations at all, it

only appears as "[f]ocusing on negotiation skills training for girls and women." *Id.* This is not exactly a call for the legislature to revolutionize the field of salary negotiations. The separate recommendation, "[p]rohibiting retaliation against employees who disclose or discuss wage information," is the one that the House saw fit to consider in HB 2007. *Id.* at 33, *see also* Staff Measure Summary.

The testimony given and letters submitted likewise support a reading of the statute as only securing wage transparency, as a means of achieving wage equality.

In his testimony, Labor Commissioner Brad Avakian—the man who commissioned the Council report in the first place—explained the then-bill as one that "**merely** protects open communication **among employees**." Testimony to House Business and Labor Committee, Hearing on HB 2007 Before the H. Comm. On Business and Labor, 2015 Reg. Sess. (Or. 2015) (statement of Brad Avakian, Bureau of Labor and Industries), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/44054 (emphasis added). Understood in light of the problem that HB 2007 was intended to solve, this makes sense—according to Avakian, the statute's goal was to stop policies that "subject employees to discipline for the simple act of talking about how much they earn." *Id.* This is because "[i]t is much harder to find out if you are being paid fairly if you can't talk to your coworkers." *Id.* Again, the policy reason was to rectify pay inequality, especially between men and women. *Id.* Avakian ended on a very clear

note: "the Council has recommended that Oregon pass **a wage transparency law**." *Id.* (emphasis added). Commissioner Avakian's testimony makes clear that HB 2007 was a wage transparency law, not a promotion discussion shield or a right to negotiate law.

Likewise, Family Forward Oregon submitted testimony supporting the bill because "paycheck transparency in the workplace would allow all workers to talk about their pay with their co-workers without fear of retaliation." Testimony in support of HB 2006 and 2007: Equal Pay, Testimony to Sen. Workforce Comm., Hearing on HB 2007 Before the Testimony to Sen. Workforce Comm., 2015 Reg. Sess. (Or. 2015) (statement of Kate Newhall, Family Forward), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/69392. Family Forward gave testimony in support of the bill for the same reasons that were discussed in Avakian's testimony and the Council report: "to address pay inequality in Oregon." *Id.* Again, not to give employees unlimited cover to negotiate wage increases or promotions, but so that employees can "ascertain what they are earning in a job position relative to someone with the same skills, experience and responsibility." *Id.*

The Oregon Commission for Women offered similar testimony, stating that the bill "[p]rovid[es] a transparent environment for discussions of pay" and "nurtures equal pay for equal work." Testimony in Support of HB 2007 A, Testimony to Sen.

Workforce Comm., Hearing on HB 2007 Before the Testimony to Sen. Workforce Comm., 2015 Reg. Sess. (Or. 2015) (statement of Stephanie Vardavas, Oregon Commission for Women), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/69820. The means of accomplishing this goal, once again, are stated clearly: "[a]ll workers need to know what they are earning in a job position relative to someone with the same skills, experience and responsibility." *Id.*

Governor Kitzhaber submitted testimony that characterized the bill as "tackling the issue of pay equity" by "ensuring people are compensated based on their skill set and efforts, not on their gender." Governor Kitzhaber Testimony, Testimony to House Business and Labor Committee, Hearing on HB 2007 Before the H. Comm. On Business and Labor, 2015 Reg. Sess. (Or. 2015) (statement of Governor John A. Kitzhaber, MD), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/44010. Likewise, Sen. Rosenbaum testified about "the importance of securing working women the protections to speak openly and transparently about their wages, but enact policy that ensures those protections," in order to "fulfill the promise of pay equity . . . for working women." Testimony in Support of HB 2006, HB 2007: Equal Pay in Oregon, Testimony to House Business and Labor Committee, Hearing on HB 2007 Before the H. Comm. On Business and Labor, 2015 Reg. Sess. (Or. 2015) (statement

of Sen. Diane Rosenbaum), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/44049. As with the other testimony, the core message was about transparency and equal pay—not pay negotiations.

The Oregon Trial Lawyers Association, in its testimony, stated the same ends and means in a similar manner: "is important to be able to openly discuss wage disparity on the job. That is the most direct way to address issues of pay inequity and wage discrimination . . . [w]age transparency is an important means to achieving fair treatment on the job." Testimony in Favor of HB 2007, Testimony to Sen. Workforce Comm., Hearing on HB 2007 Before the Testimony to Sen. Workforce Comm., 2015 Reg. Sess. (Or. 2015) (statement of Arthur Towers, Oregon Trial Lawyers Association), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/71283.

The one outlier, Oregon AFL-CIO, described the bill as "prohibiting retaliation" against employees for "discussing their wages and salaries with their coworkers or for raising their voice about their right to a fair wage." Support for Five Economic Fairness Bills, Testimony to House Business and Labor Committee, Hearing on HB 2007 Before the H. Comm. On Business and Labor, 2015 Reg. Sess. (Or. 2015) (statement of Tom Chamberlain, Oregon AFL-CIO), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/44291. Notably, the first point goes along with every other witness statement,

while the second point is different from the other testimony in its suggestion that the law protects an employee who is "raising their voice." *See id.* However, it is unclear whether someone "raising their voice" even means what Plaintiff describes here. It does not say "raising their voice *to their employer*." But if it does mean more—which is possible given that AFL-CIO has an institutional interest in employees "speak[ing] up," *id.*—that does not mean the legislature agreed. Given that none of the other testimony, including that of the Governor and Labor Commissioner, describes the bill protecting employees who "speak[] up," the Court should not give much weight to this one-off reference in one group's testimony.

Next, we turn to the floor debates. Rep. Fagan and Sen. Debrow claimed that the bill did more than simply provide wage transparency, contrary to all the testimony in favor of the bill, and both received considerable pushback for saying so. *See* Br. of App. at 23-24, 26-28, 30. However, the opinions of one representative and one senator do not provide a dispositive verdict on the intent of the entire legislative body, nor do they outweigh all the other evidence. Suffice it to say, the bill passed, and its language never became less vague—for better or worse—than it is now. And nothing can be inferred from the legislature's failure to make the language clearer. See *Lake Oswego Pres. Soc'y v. City of Lake Oswego Hanson*, 360 Or 115, 129 (2016) ("[L]egislative inaction can stem from a variety of causes, which may or may not relate to the legislature's intent as to a particular issue . . . negative

inferences based on legislative silence are often unhelpful in statutory interpretation.").

The overwhelming majority of testimony and the record have one thing in common: they assume, and often explicitly state, that the statute is intended to provide nothing more than wage transparency to advance wage equality. Much witness testimony was devoted to this issue. None of the various groups and government agencies giving testimony made a strong claim that it was intended to do more than that.[2] Apart from a few outliers, the bulk of the record is clear: the legislative intent was to create a wage transparency statute. The Court should reject any notion that it does more.

### B. Ignoring the legislative intent of ORS 659A.355 will lead to frivolous litigation and harm small businesses.

Even if this Court finds that ORS 659A.355 is not clear after considering the text, context, and legislative record, it should interpret the statute to avoid an "absurd result," *Kupillas v. Sage & Soc. LLC*, 337 Or App 67, 77 (2024), review denied, 373 Or 444 (2025) ("[T]o the extent any ambiguity exists, we must interpret the statute to avoid an absurd result."). Put simply, it is hard to believe that Oregon's legislature

[2] NFIB's argument about the text of the statute is the same in its floor letter as it is here: the text is ripe for misinterpretation, but the context and legislative history make clear what the legislature intended. *See* Various Statewide Orgs-No on HB 2007 (2015), https://olis.oregonlegislature.gov/liz/2015R1/Downloads/FloorLetter/1159 (accessed June 9, 2025).

would hide the elephant of comprehensive wage negotiation reform within the mousehole of a wage transparency statute. *See Whitman v. Am. Trucking Associations*, 531 US 457, 468 (2001). Reading the statute to apply to negotiations presents three disasters for Oregon's small businesses.

First, it chills wage discussions between employers and employees, which, given the legislature's stated intent of fostering such discussions, cannot possibly be what was intended. If employers know that a wage discussion brings with it legal risk, they are more likely to refuse to have such discussions outside of annual reviews. In other words, they'll have wage discussions on their terms, not the employees'. This understandable protective measure will create a barrier between employers and employees, which is better for no one, subverting the legislature's attempt to foster wage transparency.

Second, employees will ask for raises as a pretense to avoid negative employment actions. Imagine a scenario where an employee thinks that he is about to be terminated for showing up late habitually, or stealing, or some other offense, yet he wants desperately to keep his job. Under Plaintiff's reading of the statute, all this employee has to do is ask his boss for a raise, and he's effectively shielded from termination. If the employer goes ahead and terminates him regardless, the employee can sue. Of course, the employer—like Defendant here—can provide evidence that this termination was done for proper reasons, but all the while, the litigation will

commence, the attorney's fees will pile up, and courts will struggle to figure out the true motive of the employer, splitting hairs over whether the employee was fired because of behavioral issues or the raise request (or, the request for a title bump). Such inquiries are costly and wasteful for both courts and small businesses, and indeed, are only possible if we accept Plaintiff's interpretation of ORS 659A.355.

Third, and perhaps the most absurd result of all, Plaintiff's reading of the statute will lead to raise requests accompanied by any number of inappropriate or unacceptable antics. Such antics, as any small business owner can attest, are common when disciplining an employee. Even this Court has seen a colorful example. In *Halling v. Emp. Div.*, an employee directed "abusive language" toward his employer, and after the employer threatened to fire him if he didn't apologize, the "[employee] stated, 'Fire me then, you [expletive deleted].'" 108 Or App 457, 460 (1991). Saying "[f]ire me then, you [expletive deleted]" is clearly an offense justifying termination—but if *all* wage discussions are protected under ORS 659A.355, is "*give me a raise* then, you [expletive deleted]" protected? These are the kinds of questions that courts will have to reckon with—including parsing out whether the profanity or the raise request was the real reason for termination. All the while, employers will hesitate to fire employees who clearly ought to be fired if the poor behavior went hand-in-hand with a raise request. Small business owners should

not have to fear frivolous litigation in such situations, and yet, Plaintiff's reading leaves room for such claims.

Reversal of the trial court will lead to a great number of similar cases coming before this Court in the future. This influx of cases will necessitate the creation of bright line rules, balancing tests, or countless other mechanisms for elucidating an employer's intent. This is an unnecessary venture for which small businesses and Oregon taxpayers will pick up the tab. Instead, the Court should adopt the reading of ORS 659A.355 that is backed by the bulk of the evidence and does not lead to an absurd result: it "merely protects open communication among employees."[3]

## IV. CONCLUSION

For these reasons, the Court should affirm the trial court's dismissal.

DATED: this 27th day of June, 2025.

Respectfully submitted,

/s/ D. Brent Carpenter
D. Brent Carpenter, OSB #095600
Jordan Ramis PC
1211 SW Fifth Ave., 27th Floor
Portland, OR 97204
(503) 598-7070
brent.carpenter@jordanramis.com
*Counsel for Amicus Curiae*

[3] Testimony to House Business and Labor Committee, Hearing on HB 2007 Before the H. Comm. On Business and Labor, 2015 Reg. Sess. (Or. 2015) (statement of Brad Avakian, Bureau of Labor and Industries), available at https://olis.oregonlegislature.gov/liz/2015R1/Downloads/CommitteeMeetingDocument/44054 (emphasis added).

## CERTIFICATE OF COMPLIANCE WITH BRIEF LENGTH AND TYPE REQUIREMENTS

I certify that this brief complies with the word-count limitations in ORAP 5.05 and the word-count of this brief is 3,976 words. I certify that the size of the type in this brief is not smaller than 14 point for both the text of the brief and footnotes.

## CERTIFICATE OF FILING AND SERVICE

I certify that on June 27, 2025 I filed the foregoing **BRIEF OF *AMICUS CURIAE*** with the State Appellate Court Administrator by using the Appellate Court's eFiling system, which accomplished electronic service on the following registered eFilers in this case at their email addresses as recorded on the date of service in the eFiling system:

Shenoa L. Payne, OSB #084392
Shenoa Payne Attorney at Law PC
Crown Plaza Bldg.
1500 SW 1st Ave., Ste. 1000
Portland, OR 97201
(503) 914-2500
spayne@paynelawpdx.com
*Counsel for Appellant Ana Mirkovic*

Aurelia Erickson, OSB #126170
Chenoweth Law Group PC
510 SW 5th Ave., 4th Fl.
Portland, OR 97204
(503) 223-7555
aerickson@chenowethlaw.com
*Counsel for Respondent TenAsys Corporation*

Lindsey Burrows, OSB #113431
333 SW Taylor St., Ste. 300
Portland, OR 97204
(503) 217-5510
lindsey@burrowsappellatelaw.com
*Counsel for Amicus Curiae Oregon Trial Lawyers Association*

Jona J. Maukonen, OSB #043540
Oregon Department of Justice
1162 Court St. NE
Salem, OR 97301
(503) 378-4402
jona.j.maukonen@doj.oregon.gov
*Counsel for Amicus Curiae Oregon Bureau of Labor & Industries*

DATED: this 27th day of June, 2025.

*/s/ D. Brent Carpenter*

D. Brent Carpenter, OSB #095600
Jordan Ramis PC
1211 SW Fifth Ave., 27th Floor
Portland, OR 97204
(503) 598-7070
brent.carpenter@jordanramis.com
*Counsel for Amicus Curiae*