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7 Attorneys for Defendants

8 BOARD OF TRUSTEES OF PLUMAS COUNTY OFFICE OF EDUCATION/PLUMAS  
 9 UNIFIED SCHOOL DISTRICT, SUE SEGURA AND JEFF RAY

10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION

12 JERALD CLINTON (J.C.) EAGLESMITH,  
 13 RAMONA EAGLESMITH, EILEEN COX and  
 14 BRUCE BARNES,

15 Plaintiffs,

16 vs.

17 JEFF RAY, as an individual, SUE SEGURA,  
 18 as an individual, and BOARD OF  
 19 TRUSTEES OF PLUMAS COUNTY OFFICE  
 20 OF EDUCATION/PLUMAS COUNTY  
 21 UNIFIED SCHOOL DISTRICT,

22 Defendants.

**CASE NO.: 2:12-cv-00098-JAM-JFM**

**ORDER GRANTING SUMMARY  
 JUDGMENT IN FAVOR OF DEFENDANT  
 SUE SEGURA AND AGAINST PLAINTIFF  
 RAMONA EAGLESMITH**

**Date: October 17, 2012  
 Time: 9:30 a.m.  
 Place: Courtroom 6**

**TRIAL: May 20, 2013**

23 On October 17, 2012, at 9:30 AM, Defendant SUE SEGURA's Motion for Summary  
 24 Judgment came on for hearing in Courtroom 6, 14<sup>th</sup> Floor, Hon. John Mendez, presiding. The  
 25 Court, having considered the moving papers, the papers in opposition, and the reply, the  
 26 arguments of counsel, and the records and pleadings on file herein, entered its order on  
 27 October 31, 2012 and ruled as follows:  
 28

1 The Court GRANTS summary judgment on the seventh claim for violation of 42 U.S.C.  
2 §1983 and 42 U.S.C. § 1981 in favor of defendant SUE SEGURA and against plaintiff  
3 RAMONA EAGLESMITH, for the following reasons:

4 Defendant SUE SEGURA is entitled to qualified immunity for two reasons. First, that  
5 there is no underlying constitutional violation. And secondly, that even assuming there was a  
6 constitutional violation, any right that defendant SUE SEGURA may have violated was not  
7 clearly established by plaintiff RAMONA EAGLESMITH. Qualified immunity does shield  
8 public officials sued in their individual capacity for monetary damages unless the conduct  
9 violates clearly established law that would be known to a reasonable public officer. Saucier v.  
10 Katz, 533 U.S. 194, 121 S. Ct. 2151 (2001); Wittman v. Saenz, 108 F. App'x 548 (9th Cir.  
11 2004).

12 Summary judgment for defendant SUE SEGURA is appropriate on qualified immunity  
13 alone, but with respect to the equal protection claim, there is no evidence presented by  
14 plaintiff RAMONA EAGLESMITH that Footloose is and was the only private dance studio in  
15 Quincy, and plaintiff RAMONA EAGLESMITH's claim falls short of the requirement that she  
16 show that she was treated differently than similarly-situated individuals.

17 With respect to the First Amendment claim, it is clear as a matter of law that plaintiff  
18 RAMONA EAGLESMITH's relationships do not fall within the scope of relationships protected  
19 under the First Amendment. Bd. of Directors of Rotary Int'l v. Rotary Club of Duarte, 481 U.S.  
20 537, 107 S. Ct. 1940 (1987).

21 And then finally on the contractual relationship, the 42 U.S.C. § 1981 claim, there is no  
22 evidence of any contractual relationship between plaintiff RAMONA EAGLESMITH, plaintiff  
23 EILEEN COX or the PLUMAS UNIFIED SCHOOL DISTRICT or the students. Plaintiff  
24 RAMONA EAGLESMITH does not have a contract, and she is not responsible for entering  
25 into contracts on behalf of the dance studio with students. She is not employed by the  
26 PLUMAS UNIFIED SCHOOL DISTRICT. She has been unable to present any evidence that  
27 there actually was a contractual relationship for defendant SUE SEGURA to interfere with.  
28 And for that reason, also, summary judgment is appropriate.

1 FURTHER, the Court sustains each of defendant SUE SEGURA's objections to  
2 plaintiff's evidence.

3  
4 **IT IS SO ORDERED.**

5  
6 Dated: 11/27/2012

/s/ John A. Mendez  
7 Honorable John A. Mendez  
8 UNITED STATES DISTRICT COURT JUDGE

9  
10 Approved as to form:

11  
12  
13 DAN SIEGEL, ESQ.  
14 SIEGEL & YEE  
Attorneys for Plaintiffs