

FILED 10 OCT 28 15:19 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CITIZENS FOR CONSTITUTIONAL
FAIRNESS, et al.,

Plaintiffs,

v.

JACKSON COUNTY, et al.,

Defendants.

Civ. No. 08-3015-PA

ORDER

PANNER, J.

In this civil rights action, I ruled that defendants violated plaintiffs' rights under the Contract Clause and separation of powers because defendants refused to honor plaintiffs' Measure 37 waivers of land use regulations. Citizens for Constitutional Fairness v. Jackson County, 2008 WL 4890585 (D. Or. Nov. 12, 2008) (Citizens I). I issued a judgment under Federal Rule of Civil Procedure 54(b), allowing immediate appeal, and stayed proceedings on plaintiffs' remaining claims pending resolution of the appeal.

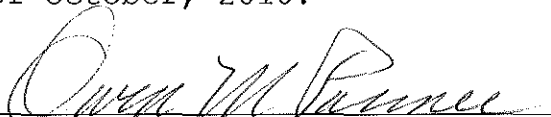
1 - ORDER

The Ninth Circuit reversed Citizens I, ruling that Measure 37 waivers are neither contracts nor judgments. Citizens for Constitutional Fairness v. Jackson County, 2010 WL 2836106 (9th Cir. 2010) (memorandum disposition). The Ninth Circuit's decision disposes of plaintiffs' remaining claims.

CONCLUSION

Based on the Ninth Circuit's decision, the stay is lifted and this action is dismissed. All pending motions are denied as moot.

DATED this 28 day of October, 2010.


OWEN M. PANNER
U.S. DISTRICT JUDGE