

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

EAGLE POINT EDUCATION
ASSOCIATION, et al.,

Plaintiffs,

v.

JACKSON COUNTY SCHOOL
DISTRICT NO. 9, et al.,

Defendants.

No. 1:12-cv-00846-CL

ORDER

MCSHANE, District Judge:

Plaintiffs Eagle Point Education Association, Dave Carrell, and Staci Boyer bring this civil rights action against Jackson County School District No. 9 (the District). Plaintiffs claim that the District infringed on their First Amendment rights to express support for a strike. Plaintiffs seek declaratory and injunctive relief, and nominal damages.

The parties have filed cross-motions for summary judgment. Magistrate Judge Mark D. Clarke has issued a Report and Recommendation, recommending that the District's motion be denied and Plaintiffs' motion be granted.

The matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendants object to the Report and Recommendation, so I have reviewed the issues de novo. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981). After

review, I adopt Magistrate Judge Clarke's Report and Recommendation, which correctly resolves the issues raised. I conclude that Walker v. Texas Division, Sons of Confederate Veterans, Inc., 135 S. Ct. 2239 (2015), cited by Defendants as supplemental authority, does not alter the analysis here.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#91) is adopted. Defendants' motion for summary judgment (#56) is denied and Plaintiffs' motion for summary judgment (#63) is granted. Plaintiffs shall submit a proposed judgment within fourteen days from the date of this order.

IT IS SO ORDERED.

DATED this 9 day of July, 2015.

MICHAEL J. MCSHANE
U.S. DISTRICT JUDGE