

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

PANNER, District Judge:

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

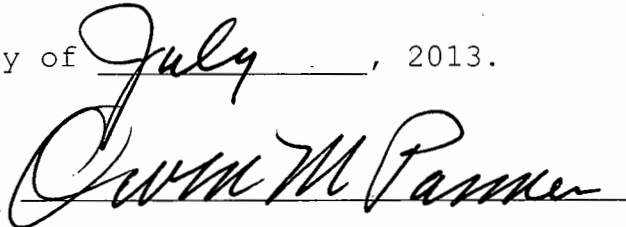
Defendants moved to dismiss for failure to state a claim. Magistrate Judge Mark D. Clarke has filed a Report and Recommendation, recommending that defendants' motion be granted only as to plaintiffs' state law claims for declaratory relief, and as to the individual defendants. The matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendants have objected to the Report and Recommendation, so I review 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. The Report and Recommendation thoroughly and correctly analyzes the issues raised by defendants' motion to dismiss.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#31) is adopted. Defendants' motion to dismiss (#19) is granted as to plaintiffs' state law claims for declaratory relief, and as to the individual defendants, and otherwise denied.

IT IS SO ORDERED.

DATED this 1 day of July, 2013.



OWEN M. PANNER
U.S. DISTRICT JUDGE