

# **Bond Case Briefs**

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## **UNIONS - OREGON**

### **Eagle Point Educ. Ass'n v. Jackson County School Dist. No. 9**

**United States District Court, D. Oregon, Medford Division - July 1, 2013 - Slip Copy - 2013 WL 3348357**

Eagle Point Education Association (the "Union") brought a civil rights action against Jackson County School District No. 9 (the "District"), and the District's board of directors and superintendent. Plaintiffs claimed that defendants infringed on their First Amendment rights to express support for a strike by Union members.

Anticipating a strike, the District's board had adopted a "Resolution on Picketing" and a "Resolution on Signs and Banners."

The Association went on strike. Two instances of enforcement of the signage and picketing resolutions occurred during the strike.

The strike was settled after eight days.

Plaintiffs asked the Court to declare that the School District's policies limiting their presence and strike activities on District property violated plaintiffs' First Amendment right to speech. The Court found that plaintiffs' allegation that their constitutional rights were infringed by defendants, and their accompanying claim for nominal damages, was sufficient to defeat defendant's claim of mootness.

Plaintiffs also asked the Court to enjoin defendants from promulgating or enforcing directives similar to those complained of, now or in the future. The Court found that the Union had pled sufficient facts to invoke the "capable of repetition, yet evading review" exception to the mootness doctrine.

For the reasons stated above, defendants' motion to dismiss plaintiffs' federal law claims and their motion to dismiss plaintiffs' state law claims for injunctive relief were denied.