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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

**BETH WOOSLEY, GREG
WOOSLEY, JEFF MCNEAL,
KATHLEEN MCNEAL, MEGHAN
ROGERS-CZARNECKI, STEFAN
CZARNECKI AND ELIZABETH
GEMEROY,**

Plaintiffs,

vs.

**NEWBERG SCHOOL DISTRICT 29J,
an Oregon public school district,
TREVOR DEHART, RENEE
POWELL, BRIAN SHANNON and
DAVE BROWN, individually and in
their capacity as members of the board
of directors of Newberg School District
29J,**

Defendants.

Case No. 21CV41198

Honorable Cynthia L. Easterday

**ORDER ON DEFENDANT NEWBERG
SCHOOL DISTRICT 29J'S MOTIONS
TO DISMISS**

THIS MATTER came before the court on Defendant Newberg School District 29J's Motions to Dismiss against Plaintiffs' First Amended Complaint. The court having considered the parties briefing and having heard oral argument on March 14, 2022, and for the reasons stated by the court on the record on March 14 and June 2, 2022.

IT IS HEREBY ORDERED:

1. Motion No. 1 is GRANTED without leave to plead. Subparagraphs 15(A) and 15(B) of the Amended Complaint are stricken because Oregon's Open Meetings Law, ORS 192.610 to 192.690, does not limit the ability of a governing body to consider subjects that are omitted from a meeting notice.

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1 2. Motion No. 2 is GRANTED without leave to replead. The phrase, “or
2 public comment prior to” in Subparagraph 15(E) of the Amended Complaint is stricken
3 because Oregon’s Open Meetings Law, ORS 192.610 to 192.690, does not require
4 governing bodies to permit comment on matters before them. Plaintiffs’ request to
5 replead to allege a violation of the Newberg School District 29J Board policies regarding
6 public participation is denied because: (a) Oregon’s Open Meetings Law, ORS 192.610
7 to 192.690, does not provide a legal or procedural vehicle for plaintiffs to complaint
8 about the lack of public comment at a Board meeting; (b) the Oregon Attorney General’s
9 Public Records and Public Meetings Manual does not purport to mandate public
10 comment at governing body meetings; (c) the District’s policy does not required the
11 Board to permit public comment at every meeting or at any particular meeting; and (d)
12 ORS 332.057 does not impose an obligation on the District’s Board to allow public
13 comment at all, or any, of its meetings.

14 3. Motion No. 3 is GRANTED without leave to replead. Count Two of
15 plaintiffs’ Amended Complaint is dismissed because Oregon’s Open Meetings Law, ORS
16 192.610 to 192.690, does not limit the ability of a governing body to consider subjects
17 that are omitted from a meeting notice.

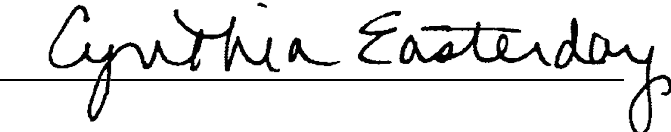
18 4. Motion No. 4 is GRANTED. Count Three of plaintiffs’ Amended
19 Complaint is dismissed with leave to replead the gravamen of the claim as a request for
20 relief in Count One.

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5. Plaintiffs are ordered to file any amended pleadings by July 1, 2022.

6/15/2022 11:57:24 AM



Circuit Court Judge Cynthia L. Easterday

Submitted by:
C. Robert Steringer, OSB #983514
bob.steringer@harrang.com
Of Attorneys for Defendant Newberg
School District 29 J

**CERTIFICATE OF COMPLIANCE AND READINESS
PURSUANT TO UTCR 5.100**

This proposed **ORDER ON DEFENDANT NEWBERG SCHOOL DISTRICT**

29J'S MOTIONS TO DISMISS is ready for judicial signature because:

- Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on each party entitled to service and: (select one)
 - No objection has been served on me.
 - I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, (role and name of objecting party) agreed to independently file any remaining objection.
- Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- Other:

DATED this 7th day of June, 2022.

HARRANG LONG GARY RUDNICK P.C.

By: s/ C. Robert Steringer
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Aaron M. Crockett, OSB #154649
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Of Attorneys for Defendant NEWBERG
SCHOOL DISTRICT 29J

CERTIFICATE OF SERVICE

I certify that on June 14, 2022, I served or caused to be served a true and complete copy of the foregoing **ORDER ON DEFENDANT NEWBERG SCHOOL DISTRICT 29J'S MOTIONS TO DISMISS** on the party or parties listed below as follows:

- Via the Court's Efiling System
- Via First-Class Mail, Postage Prepaid
- Via Email

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Of Attorneys for Plaintiffs

Of Attorneys for Defendants DeHart,
Powell, Shannon and Brown

HARRANG LONG GARY RUDNICK P.C.

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Of Attorneys for Defendant NEWBERG
SCHOOL DISTRICT 29J

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