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

AUSTIN STRODE by his parents JEFF STRODE and ALISON STRODE; JOE KIM by his father YOO SHIN KIM; JENAE NELSON by her mother MICHELE LUNDGREN-NELSON; and SHASTEN SPRAGUE by her parents MARK SPRAGUE and TARA SPRAGUE,

Plaintiffs,

v.

OREGON SCHOOL ACTIVITIES ASSOCIATION, an Oregon nonprofit organization; and THOMAS WELTER, Executive Director,

Defendants.

Case No. 0802-01812

ORDER OF PRELIMINARY INJUNCTION

This matter came before the court on February 8, 2008 on plaintiffs' Motion for Preliminary Injunction. Plaintiffs appeared through Charles F. Hinkle and Jon P. Stride of their attorneys. Defendants appeared through Jonathan M. Radmacher of their attorneys. Plaintiffs Austin Strode, Joe Kim, Jenae Nelson, and Shasten Sprague, and defendant Thomas Welter were also present. The parties submitted legal memoranda, declarations, and documentary exhibits, and the parties agreed that the court could decide the motion on the basis of those written materials without hearing live testimony.

Having considered the record and the oral argument presented by the parties' attorneys, the court finds and concludes that plaintiffs' motion and the evidence contained in the materials submitted by the parties satisfy the requirements for the issuance of a

1 preliminary injunction set out in ORCP 79(A)(1)(b). The court further finds and concludes
2 that plaintiffs have demonstrated a likelihood of success on the merits of their complaint, that
3 plaintiffs will suffer irreparable harm if an injunction does not issue, that the balance of
4 potential harm favors the plaintiffs, and that the granting of a preliminary injunction is in the
5 public interest. The court further concludes that it is bound to apply the law as stated in the
6 Court of Appeals opinion in *Nakashima v. Board of Education*, 204 Or App 535, 131 P3d
7 749, *adh'd to on recons*, 206 Or App 568, 138 P3d 854, *rev allowed*, 342 Or 116, 149 P3d
8 138 (2006), without consideration of the possibility of reversal on review.

9 Now, therefore, it is hereby

10 ORDERED:

11 1. Plaintiffs' motion for a preliminary injunction is granted, and defendants are
12 enjoined from refusing to make accommodations for the plaintiffs' religious practices and
13 from refusing to make adjustments to the time schedules and game locations that would
14 enable plaintiffs to participate in the 2008 3A girls and boys state basketball playoffs and
15 championship tournaments without being required to play games between sundown on
16 Friday and sundown on Saturday.

17 2. Defendants are directed to make adjustments to the time schedules and game
18 locations for the 3A girls and boys state basketball playoffs and championship tournament
19 games so that plaintiffs will be able to participate in every round of the playoffs and
20 tournament for which they qualify without being required to play any game between
21 sundown on Friday and sundown on Saturday. The exact adjustments that may be necessary
22 cannot be determined at the present time, but it is the court's intent that defendants shall
23 (a) schedule simultaneous games, (b) switch an evening game with an afternoon game, or
24 (c) both, as may be necessary in order to effectuate the terms of this preliminary injunction.
25 If it appears that a more specific order from this court is necessary in order to effectuate this

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