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

CHELSEA SHOTTS,

Plaintiff,

v.

NEWBERG SCHOOL DISTRICT 29J; DAVID
BROWN; BRIAN SHANNON; TREVOR
DEHART; AND RENEE POWELL,

Defendants.

Case No. 21CV47996

**ORDER ON DEFENDANTS’ MOTIONS
FOR SUMMARY JUDGMENT AND
PLAINTIFF’S CROSS-MOTION FOR
SUMMARY JUDGMENT**

These matters came before the court on September 22, 2022, the Honorable Cynthia Easterday presiding, on defendants’ motions for summary judgment and plaintiff’s cross-motion for summary judgment. Plaintiff was represented by her attorney Meagan Himes, and defendants were represented by their attorney Karen O’Kasey.

The court having reviewed the briefings and submissions of the parties, having heard oral argument and being fully advised on the matter:

IT IS HEREBY ORDERED as follows:

1. Plaintiff’s cross-motion for summary judgment on plaintiff’s claim under Article I Section 8 of the Oregon Constitution is GRANTED. The “Safe Environments to Learn” portion of the Newberg School District’s Policy GBG is a content-based restriction on expression under category one of the *Robertson* framework, and it is not subject to any historical exception. It is

1 therefore facially unconstitutional, and Defendants are enjoined from enforcing it. Defendants'
2 motion for summary judgment on that claim is DENIED.

3 2. Defendants' motion for summary judgment on plaintiff's claim under Article I
4 Section 20 of the Oregon Constitution is GRANTED.

5 IT IS SO ORDERED.

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7 9/28/2022 5:16:12 PM

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10 Circuit Court Judge Cynthia L. Easterday

11
12 Submitted By:
13 Karen O'Kasey, OSB No. 870696
14 Hart Wagner LLP
15 1000 SW Broadway, Suite 2000
16 Portland, OR 97205
17 Of Attorneys for Defendants
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CERTIFICATE OF SERVICE

1
2 I hereby certify that on the 28th day of September, 2022, I served the foregoing **ORDER**
3 **ON DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT AND PLAINTIFF’S**
4 **CROSS-MOTION FOR SUMMARY JUDGMENT** on the following parties at the following
5 addresses:

6 Alan J. Galloway
7 Meagan A. Himes
8 Davis Wright Tremain LLP
9 1300 SW Fifth Ave, Suite 2400
10 Portland, OR 97201

11 Kelly Simon
12 ACLU Foundation of Oregon
13 506 SW Sixth Ave, Suite 700
14 Portland, OR 97204
15 *Attorneys for Plaintiff*

16 by e-mailing a true and correct copy thereof, certified by me as such.

17 */s/ Karen O’Kasey*
18 _____
19 Karen O’Kasey

CERTIFICATE OF READINESS

I hereby certify that the foregoing proposed judgment or order is ready for judicial signature based on the following:

- 1. Each opposing party affected by the order or judgment has stipulated to the order or judgment, as shown by each opposing party’s signature on the document being submitted; or
- 2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by the signature on the document being submitted or by written confirmation of approval sent to me; or
- 3. I have served a copy of this order or judgment on all parties entitled to service pursuant to UTCR 5.100 (on December 28, 2021) and:
 - a. No objection has been served on me
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections [role and name of opposing party] agreed to independently file any remaining objections.
- 4. The relief should is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not requested pursuant to subsection (3) of this rule, or by statute, rule or otherwise.
- 7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims’ Assistance Section as required by subsection (4) of this rule.

Dated this 28th day September, 2022.

/s/ Karen O’Kasey
Karen O’Kasey