

IN THE COURT OF APPEALS OF THE STATE OF OREGON

JAMES SCHERZINGER and PORTLAND  
SCHOOL DISTRICT NO. 1J,

Petitioners-Respondents,

v.

THE PORTLAND CUSTODIANS CIVIL  
SERVICE BOARD,

Respondent,

and

TAMARA MCWILLIAMS, HENRY  
SHAMBRY, and 90 CIVIL SERVICE  
CUSTODIANS,

Intervenors-Appellants.

STATE ex rel TAMARA MCWILLIAMS,  
HENRY SHAMBRY, and 90 CIVIL  
SERVICE CUSTODIANS,

Plaintiffs-Appellants,

v.

PORTLAND PUBLIC SCHOOL DISTRICT  
NO. 1J; MULTNOMAH COUNTY,  
OREGON; PORTLAND BOARD OF  
EDUCATION; MARC ABRAMS; LOLENZO  
POE; SUE HAGMEIER; DERRY A.  
JACKSON, SR.; DEBBIE GOLDBERG  
MENASHE; JULIA BRIM EDWARDS;  
KARLA WENZEL; and JAMES  
SCHERZINGER,

Defendants-Respondents.

PORTLAND SCHOOL DISTRICT NO. 1J, an  
Oregon Public School District,

Plaintiff-Respondent,

v.

THE PORTLAND CUSTODIANS CIVIL  
SERVICE BOARD, an Oregon Civil Service  
Board,

Defendant,

Court of Appeals  
No. A120712 (Control)

Multnomah County Circuit  
No. 0208-08154

SUPPLEMENTAL BRIEF  
ON REMAND IN TWO  
CONSOLIDATED CASES

Court of Appeals  
No. A120713

Multnomah County Circuit  
No. 0210-09876

Court of Appeals  
No. A122865

Multnomah County Circuit  
No. 0302-01196

August 2006

CRAIG S. JAMES, STETSON N. JAMES,  
RANDALL L. JARVIS, ALAN C. JELKREM,  
JACK M. JENSEN, BRENT L. JOHNSON,  
HOWARD S. JOHNSON, RAY N.  
JOHNSON, FRANK C. JONES, CALVIN B.  
KAISER, JOSEPH G. KEENON,  
BERTHA M. KIRK, RICHARD L. KREITZ,  
KEITH E. KVERNVIK, DREW M. LETANG,  
LOWELL K. LINSTROM, DOUGLAS I.  
LORENSEN, TERRY Q. LUPER, DANIEL J.  
MARKEY, RICHARD G. MARTIN,  
TERRY C. MARTIN, RODNEY D.  
MATHIESEN, JAMES P. MCMAHON, KEN  
MIGAKI, KEVIN G. MILLER, BRYCE D.  
MITSEFF, FRANK E. MORGAN,  
BARBARA J. MULLER, SCOTT E. MYERS,  
PAUL D. NEIGHORN, BERNARD E.  
NELSON, MICHAEL A. NELSON,  
NICHOLAS W. NEWCOMER, THANG V.  
NGUYEN, DONALD R. NIECE, PAUL D.  
NYMAN, VINCENT O. ONIAH, DEBI L.  
PAIGE, WILLIAM R. PARK, SHIRLEY A.  
PAYTON, ANN E. PIMENTEL, JOHN H.  
POLLARD, LEE R. POMMERVILLE,  
JOHN M. PONT, THOMAS I. POSEY,  
FRANK R. POWERS, KENNETH P. PRAY,  
CLAYTON W. PRICE, BARRY D. PULLEN,  
DAVID B. PULLEN, JOHN R. RIDER,  
CHARLES J. RINEHART, ELIZABETH  
RODGERS, MARK A. ROGERS,  
RICHARD R. ROGERS, CRAIG M.  
ROTHSCHILD, ALAN L. RUDY, HENRY L.  
SCHAMEL JR., DAVID P. SCHIEIGER,  
MARK J. SCHNOOR, STEVEN A. SCOTT,  
JULIAN J. SEBASTIAN, SAMUEL N.  
SHALKOWSKY, VINCYNTHIA SHEPARD,  
MITSUTOSHI SHIBUYA, LEON C.  
SLIDER, KENNETH W. SMITH,  
PEARLIE M. SMITH, DAVID D.  
STEWARD, MICHAEL L. STRAND,  
RONALD R. STREETER, THOMAS M.  
SUMMERFIELD, RANDALL B. SUVA,  
BOBBY L. SYKES, KEVIN C. TEST,  
MICHAEL A. THOMAS, RAYMOND C.  
THOMAS, CYNTHIA J. VANORTWICK,  
DALE A. VANORTWICK, BRAD J.  
VINCENT SR., MICHAEL F. VODKA,  
GERALD D. WALLACE, DERTHAL G.  
WALTER, DOUGLAS K. WARNER,  
KAREN J. WATERS, MICHAEL T. WEBB,  
MICHAEL A. WEINBERGER, DENNIS D.  
WILEY, DAVID F. WILLIAM, JAMES M.  
WILLIAMS, MAJOR S. WILLIS, RONALD

WILLOUGHBY, KEITH L.  
WITHERSPOON, WILLIAM R. WOLFE,  
SUI L. WONG AO, KENNETH A.  
YAMBRA, MASON L. YOUNG,  
TIMOTHY G. YOUNG, Individuals (the  
"Individual Defendants"),

Defendants-Appellants.

---

SUPPLEMENTAL BRIEF ON REMAND

---

Appeal from the Judgment of the Circuit Court of the State  
of Oregon for Multnomah County  
The Honorable Janice R. Wilson, Judge

---

Appeal from the Judgment of the Circuit Court of the State  
of Oregon for Multnomah County  
The Honorable Jerome E. LaBarre, Judge

---

PANEL: Brewer, Chief Judge, Landau and Armstrong, Judges

---

Bruce L. Campbell, OSB No. 92537  
William H. Walters, OSB No. 82481  
Jeffrey D. Austin, OSB No. 83142  
MILLER NASH LLP  
3400 U.S. Bancorp Tower  
111 S.W. Fifth Avenue  
Portland, Oregon 97204-3699  
Telephone: (503) 224-5858

Attorneys for Respondents

William D. Brandt, OSB No. 72036  
WILLIAM D. BRANDT, P.C.  
1820 Commercial Street, S.E.  
Salem, Oregon 97302

Mark E. Griffin, OSB No. 76152  
GRIFFIN & McCANDLISH  
111 S.W. Naito Parkway, 2nd Floor  
Portland, Oregon 97204  
Telephone: (503) 224-2348

Attorneys for Appellants





































