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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON**

<p>JANE DOE (a fictitious name for a real Jackson County resident),</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>MEDFORD SCHOOL DISTRICT 549C,</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. 073765E2</p> <p>COMPLAINT</p> <p>(Declaratory Relief ORS 28.010-28.160)</p> <p>Not subject to mandatory arbitration</p>
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Plaintiff alleges.

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Plaintiff is an employee of defendant Medford School District 549C.

2

Plaintiff is a person licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

3

Plaintiff desires to carry her handgun concealed upon her person while engaged in her work for defendant for the reason that she fears a violent confrontation that may be initiated by her former husband.

4

Defendant has promulgated School Board Policy policy code: GBJ, a true copy of which is marked "Exhibit A," is attached hereto, and made a part hereof.

5

Pursuant to ORS 166.170(2), School Board Policy policy code: GBJ is void because it

1 purports to regulate, restrict or prohibit the possession, transportation or use of firearms.

2 **Prayer**

3 Plaintiff prays for declaratory judgment holding that defendant's School Board Policy policy
4 code: GBJ is void.

5 Plaintiff prays for a permanent injunction prohibiting defendant from regulating, restricting,
6 or prohibiting her possession, transportation, or use of a firearm for as long as defendant has a
7 valid concealed handgun license.

8 Plaintiff prays for costs pursuant to ORS 28.100, including attorney fees pursuant to ORS
9 28.100 and *Deras v. Myers*, 272 Or 47, 66, 535 P2d 541 (1975).

10 DATED: September 18, 2007.

JAMES E. LEUENBERGER PC

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James E. Leuenberger OSB 89154
Attorney for plaintiff

POLICY CODE: GBJ

WEAPONS IN SCHOOLS - STAFF

Employees, district contractors and/or their employees and district volunteers shall not possess a dangerous or deadly weapon or firearm on district property or at school-sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

For purposes of this policy, and as defined by state and federal law, weapon includes:

1. "Dangerous weapon" - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. "Deadly weapon" - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. "Firearm" - any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The superintendent will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the district and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

Legal Refs:

ORS 161.015
ORS 166.210 - 166.370
ORS 332.107 Gun-Free School Zones Act of 1990, 18 U.S.C. Sections 921(a) (25), (26) and 922(q); as amended by P.L. 104-208, Section 101(f) (1996) and P.L. 103-322, Section 320904 (1994).

Adopted: 02/15/05