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

JANE DOE (a fictitious name for a real
Jackson County resident),

Plaintiff,

vs.

MEDFORD SCHOOL DISTRICT 549C,

Defendant.

Case No. 073765E2

MOTION TO AMEND COMPLAINT
and ORDER

Defendant has moved to dismiss this case for three reasons. Defendant asserts that plaintiff cannot hide her identity by using the appellation, "Jane Doe." Defendant also asserts that plaintiff has not plead sufficient facts to make this a justiciable controversy.

Plaintiff moves to amend her complaint so as to address these two issues.

Defendant has always known plaintiff's identity. Defendant has also known the facts that make this a justiciable controversy. Plaintiff's proposed Amended Complaint discloses her true identity and discloses the threats made to her by defendant that make this a justiciable controversy, assuming the original complaint did not set forth a justiciable controversy.

A true copy of plaintiff's proposed amended complaint is attached hereto and made a part hereof.

DATED: October 5, 2007.

JAMES E. LEUENBERGER PC

James E. Leuenberger OSB 89154
Attorney for plaintiff

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ORDER

Plaintiff's Motion to Amend Complaint is granted.

Dated this ____ day of October, 2007.

Circuit Court Judge

Certificate of Delivery

I certify that I mailed a true copy of this document to Timothy C. Gerking and Thaddeus G. Pauck, Brophy, Mills, Schmor, Gerking, Brophy & Paradis, LLP, PO Box 128, Medford, OR 97501. I also emailed a true copy of this documents to tgerking@brophymills.com and tpauck@brophymills.com.

James E. Leuenberger

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

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|-------------------------------|--|
| SHIRLEY KATZ, | Case No. 073765E2 |
| Plaintiff, | AMENDED COMPLAINT |
| vs. | (Declaratory Relief ORS 28.010- 28.160) |
| MEDFORD SCHOOL DISTRICT 549C, | Not subject to mandatory arbitration |
| Defendant. | |

Plaintiff alleges.

1

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

Plaintiff will carry her handgun concealed upon her person while engaged in her work for defendant no later than October 30, 2007.

5

Defendant learned that plaintiff had a concealed handgun license in late May or early June,

1 2007. Defendant’s agents confronted plaintiff about her concealed handgun license, demanded
2 that she not carry a concealed handgun with her on defendant’s property or while engaged in
3 work for defendant. Defendant’s agent, Dan Zaklan, confirmed their oral demands by a memo
4 dated June 6, 2007, a true copy of which is marked “Exhibit A,” is attached hereto, and made a
5 part hereof.

6 **6**

7 Defendant has promulgated School Board Policy policy code: GBJ, a true copy of which is
8 marked “Exhibit B,” is attached hereto, and made a part hereof.

9 **7**

10 Pursuant to ORS 166.170(2), School Board Policy policy code: GBJ is void because it
11 purports to regulate, restrict or prohibit the possession, transportation or use of firearms.

12 **Prayer**

13 Plaintiff prays for declaratory judgment holding that defendant’s School Board Policy policy
14 code: GBJ is void.

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

18 Plaintiff prays for costs pursuant to ORS 28.100, including attorney fees pursuant to ORS
19 28.100 and *Deras v. Myers*, 272 Or 47, 66, 535 P2d 541 (1975).

20 DATED: October 5, 2007.

JAMES E. LEUENBERGER PC

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22 James E. Leuenberger OSB 89154
23 Attorney for plaintiff
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25
26



Medford School District 549C
Human Resource Department
500 Monroe Street
Medford OR 97501
(541) 842-3625
FAX (541) 842-1089

MEMO

DATE: June 6, 2007
TO: Shirley Katz
FROM: Dan Zaklan
RE: Possession of a Weapon on School Sites

We recently discussed whether you had carried a weapon, specifically a firearm, on school campuses or at school activities in violation of School Board Policy G.BJ (Weapons in Schools). During our conversation, you denied ever bringing a weapon on campus and agreed that you would follow board policy in the future.

It is important that you abide by this School Board Policy and, as I expressed in our meeting, your failure to abide by board policy will result in disciplinary action up to dismissal from employment. Furthermore, I am directing you to conduct yourself in such a manner that does not lead students and staff to believe that you are carrying or in possession or control of a firearm in your vehicle or on your person on school campus or any site where a school activity is being held. You should be aware that if we have reasonable cause to believe that you are in possession or in control of a weapon we will have the police conduct a search for the weapon.

We understand your disagreement with the policy because of your concealed weapons permit; however it is our expectation that you abide fully with district policies and procedures regardless of your personal feelings toward those policies and procedures.

Should you have questions regarding this matter please feel free to contact me at 842-3625.

cc: Tim Gerking
Kevin Campbell
Robert Young

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