

Circuit Court of the State of Oregon for Jackson County



Jackson County Justice Building – 100 S. Oakdale, Medford, OR 97501
Telephone (541) 776-7171 Fax (541) 776-7057

G. Philip Arnold, Judge

November 29, 2007

James E. Leuenberger
Attorney at Law
PO 1684
Lake Oswego, OR 97035

Timothy Gerking
Attorney at Law
PO Box 128
Medford, OR 97501

Re: Jane Doe v. Medford School District 549C
Case No. 07-3765-E-2

Gentlemen:

Mr. Gerking has submitted to me two documents; an Order on Defendant's Motion to Dismiss and a General Judgment. The documents indicate they were sent to Mr. Leuenberger on November 14, 2007 and I am advised by my assistant he has not objected.


The ruling I made was on the motion for preliminary injunction. I did not specifically rule on the Rule 21 motion, although it may be that the order on motion for preliminary injunction dealt with all issues. I have not gone back through the file to do that analysis.

I note in his motion for preliminary injunction Mr. Leuenberger specifically stated the parties did not stipulate to a trial on the merits as a part of the preliminary injunction.

As you know, a case does not automatically move from a ruling on a preliminary injunction to a final judgment. It is obvious Mr. Gerking believes these two orders are appropriate, and, if Mr. Leuenberger also believes they are, I would appreciate some affirmative statement, motion, or any other appropriate document indicating these documents should be granted based upon the ruling of the Court.

If there is no response, I will enter these documents on December 10, 2007.

Sincerely,


G. Philip Arnold
Circuit Judge

GPA:glq