

The following transaction was entered on 3/8/2023 at 9:15 AM PST and filed on 3/8/2023

Case Name: Bright v. State of Oregon et al

Case Number: 3:23-cv-00320-MO

Document Number: 8

ORDER: Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction [4] is GRANTED IN PART and TAKEN UNDER ADVISEMENT IN PART. I GRANT Plaintiff's request for a Temporary Restraining Order. She has met the requirements of Federal Rule of Civil Procedure 65(b) and *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiff has shown that she will likely succeed on the merits in proving her allegation: that Defendants' deduction of union dues from Plaintiff's wages without her authorization in light of the fact that Plaintiff did not join the union because she disagrees with the union's positions on representation of members on specific work-related matters violates her First Amendment rights. *Janus v. Am. Fed'n of State, Cnty., & Mun. Emps.*, 138 S. Ct. 2448, 2486 (2018). The violation of First Amendment rights for even a minimal period of time is irreparable injury, *Elrod v. Burns*, 427 U.S. 347, 373 (1976), and Plaintiff has alleged such specific facts in her verified complaint that clearly show that this immediate and irreparable injury will result to her before Defendants can be heard in opposition. Fed. R. Civ. P. 65(b)(1)(A) & (2); see also Fed. R. Civ. P. 65(d)(1)(A). Because Plaintiff will lose not only her First Amendment rights but also a portion of her wages if the state is not enjoined, the balance of equities tips in Plaintiff's favor. It is also in the public interest for First Amendment rights to be vindicated. Further, Plaintiff's attorney has certified in writing in Plaintiff's Verified Complaint [1] and Motion for Temporary Restraining Order [4] that efforts have been made to notify the State of the issues faced here to no avail, obviating the need for notice. Fed. R. Civ. P. 65(b)(1)(B) & (2). Defendants the State of Oregon; the Oregon Department of Administrative Services and its Director, Berri Leslie; and any and all persons acting on behalf of the State are PROHIBITED from deducting any further union dues from Plaintiff's wages. See Fed. R. Civ. P. 65(d)(1)(B) & (C). This Order shall expire on March 22, 2023. Fed. R. Civ. P. 65(b)(2). Defendants may appear and move to dissolve or modify this order pursuant to Federal Rule of Civil Procedure 65(b)(4). Plaintiff's request for a Preliminary Injunction is TAKEN UNDER ADVISEMENT. Response is due by 3/13/2023. A hearing on the request for the Preliminary Injunction is set for March 13, 2023, from 2:30PM-3:00PM before Judge Michael W. Mosman by Telephone. See Fed. R. Civ. P. 65(b)(3). Plaintiff shall notify the defendants of this order. Ordered by Judge Michael W. Mosman. (kms)