



Circuit Court of the State of Oregon

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RODGER J. ISAACSON  
Circuit Judge

Bonnie J. Bosse  
Judicial Assistant  
Jennifer Engel  
Court Clerk

July 18, 2007

Michael Spencer  
Attorney at Law  
409 Pine Street  
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Trial Division, Dept. of Justice  
Salem, Oregon

✓ Stacey Posegate  
Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem OR 97301-4096

Re: *Johnston, et al v State of Oregon*  
Case No. 0700303CV

Counsel:

This matter is before the Court on each party's Motion for Partial Summary Judgment. This matter was heard on the record. The Court considers the arguments of counsel and the documents submitted in support of and in response to each party's motions. The parties agree that in light of the Court of Appeals' decision in *Cory* and the pending review by the Supreme Court that this Court has jurisdiction on some issues with the remaining issues being controlled by *Corey* pending further review of that decision.

The Motion for Partial Summary Judgment by the State is granted and the Motion by Plaintiffs is denied. The Court finds there is evidence in the record to support the findings of the Agency in rendering its initial opinion and that no trier of fact could find otherwise.

Ms. Posegate will submit the appropriate Order

Sincerely Yours,

RODGER J ISAACSON  
CIRCUIT JUDGE

RJI:bjb