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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JAMES M. CLEAVENGER,

Plaintiff,

vs.

**UNIVERSITY OF OREGON (an Agency and
Instrumentality of the State of Oregon), et al.,**

Defendants.

Case No. 6:13-cv-01908-DOC

**DEFENDANTS' SECOND
SUPPLEMENTAL MOTION IN
LIMINE**

Defendants submit the following Supplemental Motion in Limine.

**Motion - To Exclude Evidence that Plaintiff Reported a Violation of State Laws
When Complaining That he was not Afforded his Rights Under ORS 236.350-370 (Officers
Bill of Rights).**

Plaintiff claims he spoke out on a matter of public concern when he complained to some person or another that he was not provided all the protections owed to him under Oregon's Officers Bill of Rights, ORS 236.350-370. These statutes do not apply to Plaintiff or afford him any protections. ORS 236.370 states: "ORS 236.350 to 236.370 do not apply to disciplinary

action taken against public safety officers who are: * * * (6) Represented in a collective bargaining unit if the collective bargaining agreement or the established policies of the law enforcement unit that employs the public safety officers provide for procedures and safeguards of the sort provided in ORS 236.350 to 370.” See Plaintiff’s Ex. 15.

Plaintiff was a member of the union and protected by its Collective Bargaining Agreement with Oregon University System. Plaintiff was fully aware of his union rights and protections. His complaints that University of Oregon Police Department violated ORS 236.350, et seq., were baseless and cannot be relied on as an example of his reporting what he reasonably believed to be a violation of state law.

DATED this 6th day of September, 2015.

HARRANG LONG GARY RUDNICK P.C.

By: s/ Andrea D. Coit
Andrea D. Coit, OSB #002640
Jonathan M. Hood, OSB #133872
Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on September 6, 2015, I served or caused to be served a true and complete copy of the foregoing **DEFENDANTS' SECOND SUPPLEMENTAL MOTION IN LIMINE** on the party or parties listed below as follows:

- Via CM / ECF Filing
- Via First Class Mail, Postage Prepaid
- Via Email
- Via Personal Delivery

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CERTIFICATE OF SERVICE