

1 Having reviewed and considered the briefing of the parties and their arguments, and
2 being otherwise fully advised, and for the reasons stated by the Court in its October 21, 2021
3 Opinion regarding Respondents' Motions to Dismiss, the Court rules and ORDERS as follows:

- 4 1. As to the September 2, 2020 ODOE letter, Respondents' Motions to Dismiss are
5 GRANTED. The Court concludes that the September 2, 2020 letter was not a "final
6 order" subject to judicial review under ORS 183.484. However, the Court finds that
7 ODOE's position outlined in the September 2, 2020 letter can nonetheless be
8 considered in reviewing the ultimate determinations made in the subsequent final
9 orders.
- 10 2. Respondents' Motions to Dismiss as to the September 18, 2020 letter are DENIED.
11 The Court concludes that the letter was a final order subject to judicial review under
12 ORS 183.484.
- 13 3. The Court declines to make a finding on whether the September 18, 2020 letter is also
14 reviewable pursuant to ORS 183.480(3), because it is unnecessary to do so given the
15 Court's ruling that the letter is subject to review as a final order.
- 16 4. Respondents' Motions to Dismiss for lack of standing are also DENIED. Petitioners
17 are "adversely affected or aggrieved" by Respondent ODOE's final orders within the
18 meaning of ORS 183.480(1).

19
20 It is so ORDERED.

21 11/4/2021 11:41:20 AM

22 

23 _____
24 Circuit Court Judge Michael A. Greenlick

25 Submitted by:

26 Maura C. Fahey
27 Attorney for Petitioners

1 **CERTIFICATE OF READINESS**

2 This proposed **ORDER ON MOTIONS TO DISMISS** is ready for judicial signature

3 because:

- 4
- 5 1. [] Each party affected by this order or judgment has stipulated to the order or
- 6 judgment, as shown by each opposing party's signature on the document being submitted.
- 7 2. [X] Each party affected by this order or judgment has approved the order or judgment,
- 8 as shown by each party's signature on the document being submitted or by written
- 9 confirmation of approval sent to me.
- 10 3. [] I have served a copy of this order or judgment on each party entitled to service
- 11 and:
- 12 a. [] No objection has been served on me.
- 13 b. [] I received objections that I could not resolve with a party despite
- 14 reasonable efforts to do so. I have filed a copy of the objections I received and
- 15 indicated which objections remain unresolved.
- 16 c. [] After conferring about objections, [role and name of objecting party]
- 17 agreed to independently file any remaining objection.
- 18
- 19 4. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule,
- 20 or otherwise.
- 21
- 22 5. [] This is a proposed judgment that includes an award of punitive damages and notice
- 23 has been served on the Director of the Crime Victims' Assistance Section as required by
- 24 subsection (5) of this rule.
- 25 6. [] Other: _____.
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DATED this 27th day of October, 2021.

/s/ Maura C. Fahey
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