

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YVETTE FELARCA, ET AL.,

Plaintiffs,

v.

BERKELEY UNIFIED SCHOOL
DISTRICT, et al.,

Defendants.

Case No. 17-cv-06282-VC

**ORDER RE MOTIONS FOR
SUMMARY JUDGMENT**

Re: Dkt. Nos. 76, 77, 78

For the reasons stated on the record, the plaintiffs' motion for summary judgment is denied, and the individual defendants' and Real Party in Interest's motions for summary judgment are granted as to the claims under 42 U.S.C. § 1983. The disclosure of the documents in question would not violate the plaintiffs' First Amendment or Fourth Amendment rights. It is not a close question.

The claims against Berkeley Unified School District are dismissed because BUSD is a state agency and is therefore immune from suit under the Eleventh Amendment. *See Belanger v. Madera Unified Sch. Dist.*, 963 F.2d 248, 254 (9th Cir. 1992).

To the extent the plaintiffs' myriad state-law claims are not barred by state sovereign immunity, this Court declines to exercise supplemental jurisdiction over them, and thus they are dismissed. *See* 28 U.S.C. § 1367(c).

IT IS SO ORDERED.

Dated: October 19, 2018



VINCE CHHABRIA
United States District Judge