

AUG 27 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TARA L. RICHERSON,

Plaintiff - Appellant,

v.

JEANNE BECKON, in her individual
capacity and official capacity as Executive
Director of Human Resources for the
Central Kitsap School District,

Defendant - Appellee.

No. 08-35310

D.C. No. 3:07-cv-05590-JKA

ORDER

Before: CANBY, THOMPSON and N.R. SMITH, Circuit Judges.

The memorandum disposition filed in this case on June 16, 2009, is amended as follows:

Beginning on the second-to-last line from the bottom of page 3, delete the following passage:

Beckon need only make a “reasonable prediction” that such disruption would occur; she need not demonstrate that it has occurred or will occur to a certainty. *See Brewster*, 149 F.3d at 979. This standard was clearly met. *See Connick v. Myers*, 461 U.S. 138, 151-52 (1983) (“When close working relationships are essential to fulfilling public responsibilities, a wide degree of deference to the employer’s judgment is appropriate.”).

In place of this deleted passage, substitute the following:

This uncontroverted testimony therefore demonstrates an actual injury to the school's legitimate interests. *See, e.g. Settlegoode v. Portland Public Schools*, 371 F.3d 503, 513 (9th Cir. 2004); *see also Connick v. Myers*, 461 U.S. 138, 151-52 (1983) (“When close working relationships are essential to fulfilling public responsibilities, a wide degree of deference to the employer’s judgment is appropriate.”).

Richerson’s petition for rehearing en banc remains pending. No other petitions are pending, and further petitions for panel or en banc rehearing may not be filed.