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14 FOR LIFE AT CALIFORNIA
STATE UNIVERSITY-SAN MARCOS
15

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 NATHAN APODACA; and STUDENTS
FOR LIFE AT CALIFORNIA STATE
19 UNIVERSITY - SAN MARCOS,

20 Plaintiffs,

21 v.

22 TIMOTHY P. WHITE, Chancellor of
California State University, in his official
23 and individual capacities; KAREN S.
HAYNES, President of California State
24 University-San Marcos, in her official and
individual capacities; and ASSOCIATES
25 STUDENTS, INC. OF CALIFORNIA
STATE UNIVERSITY SAN MARCOS, a
26 California nonprofit corporation,

27 Defendants.
28

Case No. 3:17-cv-01014-L-AHG

**JOINT EX PARTE MOTION FOR
DISMISSAL OF CASE WITH
PREJUDICE**

Judge: M. James Lorenz
Magistrate: Allison H. Goddard
Trial Date: Not Set

**EXEMPT FROM FEES
GOVT. CODE § 6103**

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I. INTRODUCTION

Defendants Timothy P. White, Karen S. Haynes, and Associates Students, Inc. of California State University San Marcos in this action (together, “Defendants”) on the one hand, and Plaintiffs Nathan Apodaca and Students for Life (together, “Plaintiffs”) on the other (all collectively referred to as the “Parties”), submit this Joint Ex Parte Motion for Dismissal of Case with Prejudice.

II. BASIS FOR REQUEST

In the Court’s August 13, 2019 Order Granting in Part and Denying in Part Defendants’ Motion for Summary Judgment (the “Order”), the Court addressed a number of concerns about the constitutional adequacy of Defendants’ existing policies and procedures (the “Policies”) for funding expressive events with mandatory student association fees (the “Fees”). The Court found that at least some of the Policies were impermissibly subjective, and therefore, inconsistent with the policies and processes discussed in *Southworth II*.

In an effort to comply with the Court’s order, the Parties worked together, and with the much appreciated assistance of the Honorable Allison H. Goddard, United States Magistrate Judge, the Parties have revised the said Policies to include viewpoint neutral provisions. As a result of the revised Policies, the Parties have agreed to settle all remaining issues. A copy of the Parties’ settlement agreement (the “Agreement”), (Exhibit 1), is attached. The Agreement contains a general description of the changes made to the Policies as well as a copy of the Policies.

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III. CONCLUSION

Accordingly, as called for in the Agreement, the Parties jointly stipulate that:
(1) the first amended complaint in this case be, and is hereby, dismissed with prejudice; (2) each party bear its own costs and fees except as set forth in the Agreement; and (3) the Magistrate Judge shall retain jurisdiction over all disputes between and among the Parties arising out of the Agreement, including but not limited to the interpretation and enforcement of the terms of the Agreement. We thank the Court for its assistance.

Dated: January 31, 2020

PAUL, PLEVIN, SULLIVAN &
CONNAUGHTON LLP

By: ReeAP

RICHARD A. PAUL
SANDRA L. McDONOUGH
EVAN A. PEÑA
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WHITE, CHANCELLOR; KAREN S.
HAYNES, PRESIDENT; and
ASSOCIATED STUDENTS, INC. OF
CALIFORNIA STATE UNIVERSITY SAN
MARCOS

Dated: January 31, 2020

ALLIANCE DEFENDING FREEDOM

By: Ty C

TYSON C. LANGHOFER
Attorneys for Plaintiffs NATHAN
APODACA; and STUDENTS FOR LIFE
AT CALIFORNIA STATE UNIVERSITY -
SAN MARCOS

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2020, I electronically filed the foregoing **JOINT EX PARTE MOTION FOR DISMISSAL OF CASE WITH PREJUDICE (WITH EXHIBITS)** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

SERVICE LIST

Nathan Apodaca, et al. v. Timothy P. White, et al.
United States District Court, Southern District of California
Case No. 3:17-cv-01014-L-NLS

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I also certify the document and a copy of the Notice of Electronic

Filing was served via on the following non-CM/ECF participants:

Andrea N. Ford

Andrea Ford