

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**MICHAEL METCALF, A/N/F of
N.M., a minor**

Plaintiff

v.

**NEDERLAND INDEPENDENT
SCHOOL DISTRICT**

Defendant

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Case No. 1:12-cv-00158-MAC

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL OF ALL CLAIMS WITH
PREJUDICE**

Comes now the Plaintiff Michael Metcalf, A/N/F of N.M., minor, by and through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), files this voluntary dismissal with prejudice, stating as follows:

1. Plaintiff filed a lawsuit in the United States District Court for the Eastern District of Texas, No. 1:12-cv-00158-MAC, seeking a preliminary and permanent injunction enjoining Defendant Nederland Independent School District from prohibiting N.M. from distributing religious invitations and materials at Hillcrest Elementary.

2. After the action was filed, Defendant agreed to permit N.M. to distribute religiously-themed, non-curricular written materials to other students privately, during non-curricular times, on the same basis as non-religiously-themed, non-curricular written materials, within the parameters of Defendant’s current policy.

3. On June 18, 2012, Defendant amended its Policy FNAA (Local) by adding the following language to the section:

NO VIEWPOINT DISCRIMINATION. The District shall not discriminate based on the viewpoint, whether religious or nonreligious, expressed in private, student-to-student, non-disruptive speech.

4. Defendant has further agreed to provide training to all District administrators on or before August 2012 on the constitutional rights of students to engage in religious expression at school, including the distribution of religious literature, within the parameters of District Policies FNA (Legal) and (Local) and FNAA (Legal) and (Local). Campus administrators will provide similar training to teachers at their respective campuses at the first teacher in-service training of the 2012-2013 academic year.

5. Plaintiff and Defendant have settled all claims relating to this cause of action.

6. Defendant has paid fees and costs to Plaintiff's attorneys. Plaintiff will not seek any additional attorneys' fees or costs in this case.

Based on the above actions of the Defendant, Plaintiff hereby voluntarily dismisses this action with prejudice.

Dated this 22nd day of June, 2012.

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CERTIFICATE OF SERVICE

This is to certify that on 22nd day of June, 2012, I electronically filed the foregoing document with the clerk of the Court for the United States District Court, Eastern District of Texas, using the electronic case filing system of the Court, and that it reported that it was delivered to all attorneys of record.

/s/ David A. Cortman
David A. Cortman