

1 Benjamin W. Bull, AZ Bar No. 009940
2 Jeremy D. Tedesco, AZ Bar No. 023497
3 jtedesco@telladf.org
4 Alliance Defense Fund
5 15100 N. 90th Street
6 Scottsdale, AZ 85260
7 (480) 444-0020; (480) 444-0028 facsimile

8 David A. Cortman, GA Bar No. 0188810
9 dcortman@telladf.org
10 Alliance Defense Fund
11 1000 Hurricane Shoals Road, NE
12 Building D, Suite 100
13 Lawrenceville, GA 30043
14 (770) 339-0774; (770) 339-6744 facsimile

15 Jeffrey R. Smith, WA Bar No. 37460
16 jrsmith@smithlawgroup.net
17 The Smith Law Group, PLLC
18 1318 West College Avenue, Suite 100
19 Spokane, WA 99201
20 (509) 252-5057; (509) 252-9703 facsimile
21 *Local Counsel*

22 *Attorneys for Plaintiff*

23 **IN THE UNITED STATES DISTRICT COURT**
24 **EASTERN DISTRICT OF WASHINGTON**

25 A.L., by and through her next friend,
26 T.L.,
27 Plaintiff,

28 vs.

29 East Valley School District No. 361,
30 Spokane County, State of Washington;
31 Dr. Debra Howard, in her official
32 capacity as Interim Superintendent of
33 East Valley School District; Jeff Miller,
34 in his official capacity as Principal of
35 East Valley High School,
36 Defendants.

Case No. 2:08-cv-90

**PLAINTIFF A.L.'S NOTICE OF
VOLUNTARY DISMISSAL**

1 Comes now the Plaintiff, A.L., by and through counsel and, pursuant to Federal
2 Rule of Civil Procedure 41(a)(1), files this voluntary dismissal, stating as follows:

3 1. On March 12, 2008, Plaintiff filed a Complaint in this case challenging
4 Defendants' denial of her right to assemble with a handful of Christian students to engage
5 in religious expression and prayer under the same terms and conditions as other students
6 are permitted to meet at East Valley High School ("EVHS").

7 2. In her Complaint, Plaintiff alleged that Defendants permitted other small
8 groups of students to assemble during noninstructional times to discuss "any matter
9 which directly concerns or affects them," but denied Plaintiff this same right based solely
10 on the religious content and viewpoint of her speech.

11 3. Soon thereafter, on March 17, 2008, Plaintiff filed a Motion for Preliminary
12 Injunction with this Court, requesting an order prohibiting Defendants from
13 discriminating against her and her small group of Christian friends based on the religious
14 content and viewpoint of their intended speech and prayers.

15 4. Plaintiff also asked that this Court order Defendants to allow her and her
16 friends to immediately begin assembling on the same terms as other groups of students
17 under Defendants' Policies.

18 5. Shortly after the Plaintiff filed her Complaint and Motion for Preliminary
19 Injunction, Defendants' counsel notified Plaintiff's counsel of Defendants' decision to
20 permit Plaintiff and her friends to meet on the same terms as other groups of students.

21 6. In addition, Defendants' agreed to, and did on May 13, 2008, change an East
22 Valley School District Policy that prohibited "[r]eligious services, programs or
23 assemblies . . . in school facilities" so that it clearly prohibited only school-sponsored
24 religious programs and services, and could not be used in the future, as it was used in this
25 case, to squelch private religious speech.

1 7. Defendants have also paid Plaintiff's attorneys' fees pursuant to 42 U.S.C. §
2 1988.

3 8. Pursuant to LR 41.1(a), Plaintiff states that no answer, counterclaim, or
4 motion for summary judgment has been served.

5 Based on the above actions of the Defendants, Plaintiff hereby voluntarily
6 dismisses this action without prejudice.

7 Respectfully submitted this the 29th day of May, 2008.

8
9 By: s/Jeffrey R. Smith

10 Jeffrey R. Smith, WA Bar No. 37460
11 jrsmith@smithlawgroup.net
12 The Smith Law Group, PLLC
13 1318 West College Avenue, Suite 100
14 Spokane, WA 99201
15 (509) 252-5057; (509) 252-9703
16 *Local Counsel*

By: s/Jeremy D. Tedesco

Benjamin W. Bull, AZ Bar No. 009940
Jeremy D. Tedesco, AZ Bar No. 023497
jtedesco@telladf.org
Alliance Defense Fund
15100 N. 90th Street
Scottsdale, AZ 85260
(480) 444-0020; (480) 444-0028

David A. Cortman, GA Bar No. 0188810
dcortman@telladf.org
Alliance Defense Fund
1000 Hurricane Shoals Road, NE
Building D, Suite 100
Lawrenceville, GA 30043
(770) 339-0774; (770) 339-6744

17
18
19 *Attorneys for Plaintiff*

AFFIDAVIT OF SERVICE

I hereby certify that on May 29, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following:

Michael B. Tierney
Michael B. Tierney, P.C.
2955 80th Ave S.E., Suite 205
Mercer Island, WA 98040
Email: tierney@tierneylaw.com

Attorney for Defendants

Respectfully submitted this the 29th day of May, 2008.

By: s/Jeffrey R. Smith

Jeffrey R. Smith, WA Bar No. 37460
jrsmith@smithlawgroup.net
The Smith Law Group, PLLC
1318 West College Avenue, Suite 100
Spokane, WA 99201
(509) 252-5057; (509) 252-9703 facsimile
Local Counsel for Plaintiff