

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ALIV CLUB; and A.Z., a minor, by and
through his next friend, Scott Zipp,

**VOLUNTARY DISMISSAL WITH
PREJUDICE**

Plaintiffs,

v.

Case No. 11-CV-00857 (DSD/FLN)

Independent School District #885
(St. Michael-Albertville Public Schools),

Defendant.

Plaintiffs ALIV Club and A.Z., a minor, by and through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), file this voluntary dismissal with prejudice, stating as follows:

1. On April 7, 2011, Plaintiffs filed a complaint against Defendant Independent School District #885, asserting claims for the violation of their rights under the Equal Access Act, 20 U.S.C. §4071, et seq. and the First and Fourteenth Amendments to the United States Constitution and seeking a preliminary and permanent injunction from the District's actions of denying official recognition and equal access to all club rights, benefits, and privileges to the ALIV Club.

2. After the action was filed, the Defendants agreed to grant official recognition to the ALIV Club and to grant the club equal access to all rights, benefits, and privileges given to other non-curriculum student clubs.

3. Defendants have agreed to pay fees and costs to Plaintiffs' attorneys.

Based on the above mentioned actions, the Plaintiffs hereby voluntarily dismiss this action, with prejudice.

Dated: June 2, 2011

By: s/David A. Cortman
David A. Cortman (GSB 188810)
J. Matthew Sharp (GSB 607842)
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