



**PAULA STOLL, in her official capacity as Acting Administrator of the Department of Administration, State Human Resources Division; JACK LYNCH, individually and in his official capacity as Advisory Council Chairman of the Campaign Steering Committee of the State Employees' Charitable Giving Campaign; MARY WRIGHT, individually and in her official capacity as Eligibility Chair of the Campaign Steering Committee of the State Employees' Charitable Giving Campaign; MARCIA ARMSTRONG, DAVE PATON, ROB MAYER, MATTHEW DALE, SHANNON LEWIS, MARIE MATTHEWS, KATHY MILLER, JOY MCGRATH, GARY OWEN, TIM MCCAULEY, BEKI GLYDE BRANDBORG, HELEN BETTS, individually and in their official capacities as members of the Campaign Steering Committee of the State Employees' Charitable Giving Campaign,**

**Defendants.**

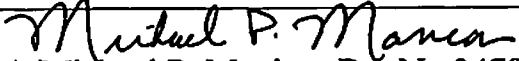
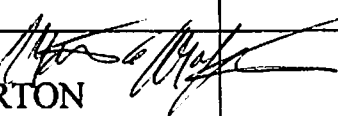
**CIVIL ACTION NO.:**  
**1:10-cv-00041-RFC**

**STIPULATED DISMISSAL**

In light of the representations made to this Court in the Defendants' August 31, 2010 Supplemental Brief and affidavit; the Court's September 1, 2010 Order finding that Plaintiff's Motion for a Preliminary Injunction was moot given these representations; and that Plaintiff has been allowed to participate in the 2010 Montana State Employees' Charitable Giving Campaign ("Campaign"), it is hereby stipulated and agreed by and between the undersigned attorneys of record for the

respective parties herein that, whereas no party is an infant, incompetent person for whom a committee has been appointed or conservatee, and no person not a party has an interest in the subject matter of the action, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, all claims against Defendants are hereby dismissed without prejudice and with each side to bear its own respective costs and attorney's fees. This stipulation may be filed without further notice with the Clerk of the Court.

WE HEREBY AGREE TO THE FOREGOING STIPULATED DISMISSAL:-

<p>Nathan W. Kellum Federal Bar number: phv0319 Jonathan Scruggs Federal Bar number: phv02636 ALLIANCE DEFENSE FUND 699 Oakleaf Office Lane, Suite 107 Memphis, TN 38117 Phone: 901-684-5485 Fax: 901-684-5499 E-mail: <a href="mailto:nkellum@telladf.org">nkellum@telladf.org</a> <a href="mailto:jscruggs@telladf.org">jscruggs@telladf.org</a></p>	<p> /s/Michael P. Manion, Bar No.2479 Special Assistant Attorney General 125 North Roberts St., Room 155 P.O. Box 200101 Helena, MT 59620-0101 Telephone: 406-444-3310 Facsimile: (406) 444-6194 Email: <a href="mailto:mmanion@mt.gov">mmanion@mt.gov</a>  ATTORNEY FOR DEFENDANTS</p>
<p>/s/ Matthew G. Monforton  MATTHEW G. MONFORTON BAR# 5245 Monforton Law Offices, PLLC 32 Kelly Court Bozeman MT 59718 (406) 570-2949 telephone (406) 586-3869 – Fax Email: <a href="mailto:matthewmonforton@yahoo.com">matthewmonforton@yahoo.com</a></p>	