

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

DEANNA L. JONES,

Plaintiff,

v.

Civil Action

Docket No. 5:11-cv-174

NATIONAL CONFERENCE OF BAR
EXAMINERS and ACT, INC.,

Defendants.

JOINT MOTION FOR ENTRY OF FINAL JUDGMENT

Plaintiff DEANNA L. JONES ("Ms. Jones") and Defendant NATIONAL CONFERENCE OF BAR EXAMINERS ("NCBE"), by and through counsel, hereby request that the proposed Final Judgment submitted herewith be entered by the Court, for the reasons that follow:

1. In a Summary Order dated April 26, 2012, the U.S. Court of Appeals dismissed NCBE's appeal from the Court's August 2, 2010 preliminary injunction on mootness grounds based upon Ms. Jones's successful completion of the Multistate Professional Responsibility Examination ("MPRE"). The Court of Appeals remanded the case to this Court for further proceedings, noting in the process that, while the appeal was moot, the case itself is not moot in light of the \$5,000 bond posted by Ms. Jones as security for the preliminary injunction.

2. Ms. Jones recently took the Multistate Bar Examination ("MBE"), as part of the July 2012 Vermont bar examination. She did so using a laptop computer loaded with the screen access software that she had requested and which the Vermont Board of Bar Examiners had approved.

3. Ms. Jones does not yet know whether she has passed the Vermont bar examination.

4. NCBE has agreed that, in the event that Ms. Jones is unsuccessful on the July 2012 Vermont bar examination, NCBE will provide the Vermont Board with a laptop computer loaded with the MBE and the same screen access software for use by Ms. Jones on any subsequent administration of the Vermont bar examination she may take, subject to the Vermont Board's approval of Ms. Jones's request for such accommodations and agreeing to pay NCBE the fees then associated with Ms. Jones's requested testing format. Therefore, no further action is necessary on the matters raised in Ms. Jones's amended complaint with respect to the MBE.

5. This leaves only Ms. Jones's claim relating to the MPRE for resolution. Pursuant to a prior Stipulation (D.E. 70), NCBE has waived any claim or interest it might have in the pending security bond, which may now be released by the Clerk. Once the bond is released, this case will be moot with regard to all aspects of Ms. Jones's amended complaint and subject to dismissal with prejudice.

6. The only outstanding issue is a request by Ms. Jones for reimbursement of attorneys' fees and expenses based upon her having prevailed on her motion for a preliminary injunction relating to her request for accommodations on the MPRE.

7. The parties are pleased to report to the Court that they reached an agreement that amicably resolves Ms. Jones's request for reimbursement of fees and costs, as reflected in the proposed Final Judgment.

WHEREFORE, the parties jointly request that the Court enter the proposed Final Judgment submitted with this Motion.

Respectfully submitted this 9th day of August, 2012.

/s/ Emily J. Joselson

Emily J. Joselson
Michele Patton
Langrock Sperry & Wool, LLP
111 South Pleasant Street
P.O. Drawer 351
Middlebury, VT 05753-0351
(802) 388-6356
ejoselson@langrock.com
mpatton@langrock.com

Daniel F. Goldstein
Brown, Goldstein & Levy, L.L.P.
120 E. Baltimore Street, Suite 1700
Baltimore, MD 21202
(410) 962-1030

Attorneys for Plaintiff

/s/ Karen McAndrew

Karen McAndrew
Dinse, Knapp & McAndrew, P.C.
P.O. Box 988
209 Battery Street
Burlington, VT 05402
(802) 864-5751
kmcandrew@dinse.com

Robert A. Burgoyne (D.C. Bar No. 366757)
Fulbright & Jaworski L.L.P.
801 Pennsylvania Avenue, NW
Washington, DC 20004-2623
(202) 662-0200

Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE
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DEANNA L. JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:11-cv-174
)	
NATIONAL CONFERENCE OF)	
BAR EXAMINERS,)	
)	
Defendant.)	

FINAL JUDGMENT

The Court has considered the parties’ Joint Motion for Entry of Final Judgment. Having done so, and for good cause shown, the Court hereby GRANTS the Joint Motion and orders as follows:

1. Plaintiff’s amended complaint is hereby dismissed with prejudice, with each party to bear its own costs and expenses, including attorneys’ fees, except as otherwise expressly provided herein.

2. Plaintiff is hereby awarded two hundred and seventy five thousand dollars (\$275,000) in attorneys’ fees and costs, to be paid by or on behalf of Defendant National Conference of Bar Examiners (“NCBE”). Payment will be made by check or wire transfer, payable to Brown, Goldstein & Levy, LLP, within sixty (60) days of the date on which this Final Judgment is entered by the Court. As a condition for this payment, Plaintiff’s counsel shall provide a signed W-9 tax form to counsel for Defendant within ten (10) days of the entry of this Final Judgment.

3. The payment referenced above is in full and complete satisfaction of any and all amounts that Plaintiff could claim in this case as compensable attorneys’ fees or recoverable

court costs or other expenses under the Americans with Disabilities Act, the Federal Rules of Civil or Appellate Procedure, or otherwise, in connection with proceedings in this case in the district court or on appeal.

4. The Clerk is directed to release the \$5,000 security bond posted by Plaintiff, immediately upon the entry of this Final Judgment.

SO ORDERED:

Dated at Rutland, in the District of Vermont, this ____ day of _____, 2012.

Christina Reiss, Chief Judge
United States District Court

UNITED STATES DISTRICT COURT
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DEANNA L. JONES,)	
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Plaintiff,)	
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v.)	Civil Action No. 5:11-cv-174
)	
NATIONAL CONFERENCE OF BAR)	
EXAMINERS,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

This is to certify that I electronically filed a Joint Motion for Entry of Final Judgment with attached proposed Final Judgment with the clerk of Court using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

- Robert A. Burgoyne, Esq.
- Trevor Coe, Esq.
- Daniel F. Goldstein, Esq.
- Robert B. Hemley, Esq.
- Emily J. Joselson, Esq.
- Scott C. Labarre, Esq.
- Caroline M. Mew, Esq.
- Michele B. Patton, Esq.

Dated: 8/9/12

DINSE, KNAPP & McANDREW, P.C.

Dinse,
Knapp & McAndrew, P.C.
209 Battery Street
P.O. Box 988
Burlington, VT 05402-0988
(802) 864-5751

By: /s/ Karen McAndrew, Esq.
Karen McAndrew, Esq.