

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

CHILD EVANGELISM FELLOWSHIP	)	
OF MINNESOTA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.: CV:08-5165
	)	
ELK RIVER AREA SCHOOL DISTRICT,	)	
#728,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION OF DISMISSAL**

COME NOW Plaintiff, Child Evangelism Fellowship, Inc., Minnesota Chapter (“CEF”), and Defendant, Elk River Area School District #728 (“Elk River”), by and through counsel, and hereby jointly stipulate and agree to the entry of this Stipulation of Dismissal, and state as follows:

WHEREAS, this case involves claims by Plaintiff Child Evangelism Fellowship under 42 U.S.C. §1983 concerning the Plaintiff’s Complaint which raises the right to Freedom of Speech and Equal Protection under the First Amendment and Fourteenth Amendments of the United States Constitution, seeking declaratory, preliminary, and permanent injunctive relief and damages; and


WHEREAS, Plaintiff sponsors the Good News Club and sought to be present at the Defendant’s Open Houses and to distribute its literature to the students; and

WHEREAS, the Court entered a Preliminary Injunction declaring unconstitutional Elk River's Policy 1011, 4.1 ("the Policy"), granting access to Elk River's literature distribution forum to certain "patriotic youth organizations" and not to others, because it discriminates against CEF on the basis of its religious viewpoint; and

WHEREAS, CEF and Elk River have resolved the outstanding issues raised by this lawsuit and further desire to reach a stipulated agreement, and Elk River has withdrawn the unconstitutional Policy and paid attorneys' fees to CEF's attorneys, and Elk River agrees not to reinstate the Policy;

NOW THEREFORE, the Parties jointly move the Court to dismiss this case with prejudice, with both parties bearing their own costs.

Dated this 24<sup>th</sup> day of February, 2010.



2.17.2010

Paul Engh (134685)  
Suite 215, The Pillsbury Building  
220 South Sixth Street  
Minneapolis, MN 55402  
612-252-1100

Ivars Krafts (57940)  
P.O. Box 279  
Circle Pines, MN 55014  
763-784-2210

Attorneys for Defendant

\*Admitted Pro Hac Vice



Stephen M. Crampton\*  
Mississippi Bar No. 9952  
Matthew H. Krause\*  
Texas Bar No. 24060117  
LIBERTY COUNSEL  
100 Mountain View Road  
Lynchburg, VA 24502  
Telephone: (434) 592-7000  
Telefacsimile: (434) 592- 7700

Craig Howse  
Jamie Anderson  
Howse & Thompson, P.A.  
3189 Fernbrook Lane N.  
Plymouth, MN 55447  
Telephone: (763) 577-0150  
Telefacsimile: (763) 577-0151

Attorneys for Plaintiff