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Ayesha N. Khan (motion for admission *pro hac vice* pending)
Richard B. Katskee (admitted *pro hac vice*)
Sara J. Rose (admitted *pro hac vice*)
Heather L. Weaver (motion for admission to the Bar of this court pending)
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Attorneys for Plaintiffs
HURST, et al.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH HURST, et al.,)	CASE NO. 1:06-CV-00036-OWW-SMS
)	
<i>Plaintiffs,</i>)	STIPULATION FOR DISMISSAL WITH
)	PREJUDICE; ORDER
v.)	
)	
STEVE NEWMAN, et al.,)	
)	
<i>Defendants.</i>)	
)	
)	
)	

1 By and through their attorneys of record, plaintiffs KENNETH HURST, JOAN BALCOME,
2 KIRK ROGER TINGBLAD, BARRY S. GOLDBERG, SOPHIE GOLDBERG, JEANNIE
3 PARENT, KEN and JODY VALMASSY, and ANN and RICHARD HOWARD (collectively,
4 “Plaintiffs”) and defendants STEVE NEWMAN, PAULA REGAN, STACEY GUSTAFSON,
5 KITTY JO NELSON, PHYLLIS THROCKMORTON, JOHN WIGHT, DAN PENNER, and
6 SHARON LEMBURG (collectively, “Defendants”), hereby agree and stipulate as follows:

7 WHEREAS, Plaintiffs and Defendants have resolved their dispute in this matter upon the
8 conditions set forth below;

9 WHEREAS, Defendants have the capacity and authority to bind the El Tejon Unified School
10 District (the “School District”) and the Frazier Mountain High School (the “High School”) to the
11 provisions set forth herein;

12 THEREFORE, the parties stipulate, and request that the Court enter an Order, as follows:

13 (1) Defendants shall cause the course entitled “Philosophy of Design” or “Philosophy of
14 Intelligent Design” to be terminated and discontinued no later than January 27, 2006;

15 (2) No school over which the School District has authority, including the High School,
16 shall offer, presently or in the future, the course entitled “Philosophy of Design” or “Philosophy of
17 Intelligent Design” or any other course that promotes or endorses creationism, creation science, or
18 intelligent design;

19 (3) Plaintiffs’ lawsuit is dismissed with prejudice;

1 (4) The Court reserves jurisdiction to enforce this Order such that, in the event that the
2 School District fails to comply with this Order, plaintiffs or Americans United for Separation of
3 Church and State may file a motion with this Court seeking enforcement of this Order, and
4 Defendants are hereby deemed to have submitted irrevocably to the jurisdiction and venue of this
5 Court, and to have waived any objection thereto, for any proceeding arising out of this Order;

6 (5) Each party shall bear his or her own costs and fees, including attorneys' fees, with
7 respect to this lawsuit.

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11 DATED: January 14, 2006

/s/ Richard B. Katskee
Richard B. Katskee
Attorney for Plaintiffs

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14 DATED: January 14, 2006

/s/ Peter C. Carton
Peter C. Carton,
Attorney for Defendants

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20 **IT IS SO ORDERED.**

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22 DATED: _Jan. 17,2006

/s/ OLIVER W. WANGER
Honorable Oliver W. Wanger
United States District Judge

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