

1 KERR & WAGSTAFFE LLP
2 JIM WAGSTAFFE (95535) (wagstaffe@kerrwagstaffe.com)
100 Spear Street, Suite 1800
3 San Francisco, CA 94105
Telephone: (415) 371-8500
4 Facsimile: (415) 371-0500
Attorneys for Defendant THE STATE BAR OF CALIFORNIA

5 COOLEY GODWARD KRONISH LLP
6 GREGORY C. TENHOFF (154553) (tenhoffgc@cooley.com)
WENDY J. BRENNER (198608) (brennerwj@cooley.com)
7 LAURA A. TERLOUW (260708) (lterlouw@cooley.com)
Five Palo Alto Square
8 3000 El Camino Real
Palo Alto, CA 94306-2155
9 Telephone: (650) 843-5000
Facsimile: (650) 857-0663

10 Attorneys for Defendant NATIONAL CONFERENCE OF BAR EXAMINERS, INC.

11
12 DISABILITY RIGHTS ADVOCATES
13 LAURENCE W. PARADIS (122336) (lparadis@dralegal.org)
ANNA LEVINE (227881) (alevine@dralegal.org)
14 KARLA GILBRIDE (264118) (kgilbride@dralegal.org)
2001 Center Street, Third Floor
15 Berkeley, CA 94704
Telephone: (510) 665-8644
16 Facsimile: (510) 665-8511

17 LABARRE LAW OFFICES, P.C.
18 SCOTT C. LABARRE (pro hac vice admission granted)
1660 S. Albion Street, Ste 918
19 Denver, CO 80222
Telephone: (303) 504-5979
20 Facsimile: (303) 757-3640
Email: slabarre@labarrelaw.com

21 BROWN, GOLDSTEIN & LEVY, LLP
22 DANIEL F. GOLDSTEIN (pro hac vice admission granted)
dfg@browngold.com
23 MEGHAN SIDU (pro hac vice admission granted)
ms@browngold.com
24 120 E. Baltimore St., Suite 1700
25 Baltimore, MD 21202
Telephone: (410) 962-1030
26 Facsimile: (410) 385-0869
Attorneys for Plaintiff STEPHANIE ENYART

DISABILITY RIGHTS ADVOCATES
2001 CENTER STREET, FOURTH FLOOR
BERKELEY, CALIFORNIA 94704-1204
(510) 665-8644

27
28

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 STEPHANIE ENYART,
4

5 Plaintiff,

6 v.

7 NATIONAL CONFERENCE OF BAR
8 EXAMINERS, INC., ACT, INC., AND THE
9 STATE BAR OF CALIFORNIA,

Defendants.

Case No. C09-05191 CRB

**STIPULATION REGARDING
DISMISSAL WITHOUT PREJUDICE
OF DEFENDANT STATE BAR OF
CALIFORNIA; [PROPOSED] ORDER
THEREON**

10 Whereas, the State Bar of California was named as a defendant in the above-referenced
11 action; and

12 Whereas, the State Bar of California administers the Multistate Bar Examination
13 ("MBE") as a component of the California Bar Examination but is constrained regarding the
14 formats in which it may administer the MBE by the National Conference of Bar Examiners
15 ("NCBE"), which develops and distributes the MBE and establishes the formats in which it is
16 made available; and

17 Whereas, Plaintiff has requested to read all sections of the February 2010 California Bar
18 Examination, including the MBE, on a laptop computer equipped with assistive software,
19 specifically JAWS for Windows screen reading program and ZoomText screen magnification
20 program, as an accommodation for her visual disability; and

21 Whereas, Plaintiff requested the same accommodation on all sections of the July 2009
22 California Bar Examination; and

23 Whereas, the State Bar of California granted Plaintiff's request for accommodations on
24 the portions of the July 2009 California Bar Examination over which the State Bar of California
25 retains complete control, namely the California Essay Exam and the California Performance
26 Test; and

27 Whereas, the State Bar of California will grant Plaintiff's request for the same
28 accommodations on the portions of the February 2010 California Bar Examination over which

DISABILITY RIGHTS ADVOCATES
2001 CENTER STREET, FOURTH FLOOR
BERKELEY, CALIFORNIA 94704-1204
(510) 665-8644

1 the State Bar of California retains complete control, namely the California Essay Exam and the
2 California Performance Test; and

3 Whereas, the State Bar of California was unable to grant Plaintiff's requested
4 accommodations on the MBE portion of the July 2009 California Bar Examination because
5 NCBE did not provide the MBE questions on a computer equipped with both JAWS and
6 ZoomText; and

7 Whereas, the State Bar of California agrees to furnish the accommodations requested by
8 Plaintiff on the MBE portion of the February 2010 California bar examination if permitted to do
9 so by NCBE or if the Court in this action determines that such an accommodation is required;
10 and

11 Whereas, NCBE agrees that the decision to supply the MBE on a computer equipped
12 with both JAWS and ZoomText rests with NCBE and not the State Bar of California;

13 **The undersigned parties, by and through their counsel of record, hereby request that the**
14 **Court order as follows:**

- 15
- 16 **1. That the State Bar of California is dismissed, without prejudice, as a**
17 **defendant in this action; and**
 - 18 **2. That the State Bar will abide by the final determination of the Court,**
19 **including any injunctive relief, if granted, regarding accommodations which**
20 **Plaintiff seeks on the MBE portion of the February 2010 California Bar**
21 **Examination and/or any subsequent administrations of the California Bar**
22 **examination.**

23 **IT IS SO STIPULATED.**

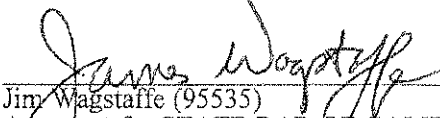
24
25
26
27
28

DISABILITY RIGHTS ADVOCATES
2001 CENTER STREET, FOURTH FLOOR
BERKELEY, CALIFORNIA 94704-1204
(510) 665-8644

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

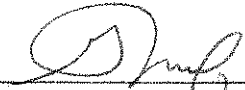
Dated: December 7, 2009

KERR & WAGSTAFFE LLP


Jim Wagstaffe (95535)
Attorneys for STATE BAR OF CALIFORNIA

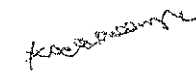
Dated: December 9, 2009

COOLEY GODWARD KRONISH LLP

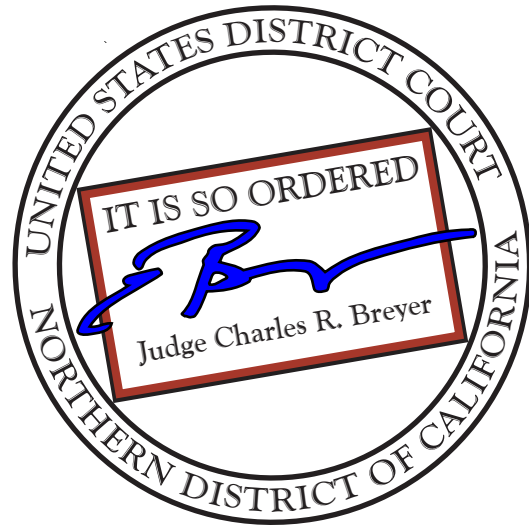

Gregory C. Tenhoff (154553)
Attorneys for NATIONAL CONFERENCE OF
BAR EXAMINERS, INC.

Dated: December 4, 2009

DISABILITY RIGHTS ADVOCATES


Karla Gilbride
Attorneys for STEPHANIE ENYART
On behalf of all counsel for Ms. Enyart

Signed: December 14, 2009



\\Server\cases\Enyart.NCBE\Pleadings\stipulation_to_dismiss_State_Bar_Final_ForSign.DOC