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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	CHANTAL ARIOSTA, et al.,) Civil No. 08cv2421-L(AJB)
12	Plaintiffs,	ORDER DENYING AS MOOT
13	v.) PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION
14	FALLBROOK UNION HIGH SCHOOL)
15	DISTRICT, <i>et al.</i> ,)
16	Defendants.)

17 This action is based on alleged violation by school officials of students' and a student 18 advisor's First Amendment and other rights. Three of the Plaintiffs filed a motion for a 19 preliminary injunction. For the reasons which follow, the motion is **DENIED AS MOOT**.

20 As relevant Plaintiffs' motion, the action arises out of two incidents related to The 21 *Tomahawk*, a newspaper published by the journalism class at Fallbrook High School ("FHS"). 22 In one incident a then- senior journalism class student, Plaintiff Chantal Ariosta ("Arisota"), 23 wrote an article regarding the alleged refusal of former Fallbrook Union High School District 24 ("FUHSD") Superintendent Tom Anthony to comply with a request from the fire marshal to 25 close the school for use as an evacuation center during the wildfires of October 2007, and the FUHSD's subsequent buyout of the Superintendent's contract. (First Am. Compl. at 3.) 26 27 Defendant Rod King ("King"), the FHS principal, ordered the article removed in its entirety from the newspaper. (Id. at 3-4). In the second incident another then-senior student, Plaintiff 28

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1 Margaret Dupes ("Dupes"), wrote an editorial, which was a critique of the Bush 2 Administration's abstinence-only policy of sex education and a response to an assembly 3 sponsored by FHS promoting abstinence-only sex education which was held earlier in the school year. Plaintiff Daniela Rogulj ("Rogulj"), a student and Opinion Page Editor collaborated on the 4 5 editorial with Dupes and edited it. King caused the editorial to be removed from the newspaper. (*Id.* at 4.) 6

7 Ariosta, Dupes and Rogulj moved for a preliminary injunction "prohibiting Defendants 8 from continuing to impose a prior restraint on publication of the Article and Editorial at issue in 9 Plaintiff's complaint." (Pls' Notice of Mot. and Mot. at 2.) On March 25, 2009 Defendants 10 published the article and editorial in *The Tomahawk*. (Supp. Decl. of Dale J. Mitchell dated 11 Mar. 26, 2009 & Ex. A.) Plaintiffs acknowledge that the publication moots their motion. (Reply 12 at 1 ("Defendants' new position might make it unnecessary for this Court to issue an 13 injunction.").) Plaintiffs do not contend that the article and editorial, as published, were 14 censored in any way.

15 Based on the foregoing, Plaintiffs' motion for a preliminary injunction is **DENIED AS** MOOT. 16

IT IS SO ORDERED.

DATED: June 29, 2009

COPY TO:

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22 HON. ANTHONY J. BATTAGLIA UNITED STATES MAGISTRATE JUDGE 23

24 ALL PARTIES/COUNSEL

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United States District Court Judge