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IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF UTAH – NORTHERN DIVISION

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A.W. and C.W., by and through their mother  
 Tina Weber, individually and on behalf of  
 others similarly situated,

Plaintiff,

v.

DAVIS SCHOOL DISTRICT,

Defendant.

**[PROPOSED] ORDER ON JOINT  
 MOTION FOR DISMISSAL WITH  
 PREJUDICE**

Case No. 1:12-cv-242-EJF

Magistrate Judge Evelyn Furse

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NOW before the Court is the parties' Joint Motion for Dismissal with Prejudice (doc. XXX.) The parties advise that the matter has been settled through a Universal Settlement and Release of All Claims. They request that the case be dismissed, with prejudice, with each party to bear its own costs; for Defendant to pay Plaintiffs' reasonable attorney fees as reflected in the settlement; that Plaintiffs' Motion for class Certification (doc. 13) be denied as moot; and that

the Court incorporate the terms of the Universal Settlement and Release of All Claims into its order of dismissal, retaining jurisdiction for the purpose of enforcing the agreement. Based on the parties' agreement, it is hereby

**ORDERED** that the parties' Joint Motion for Dismissal with Prejudice (doc. 21) is **GRANTED**. It is further

**ORDERED** that Plaintiffs Proposed Class Action Complaint (doc. 2) is **DISMISSED WITH PREJUDICE**, with each party to bear its own costs, and with Defendants to pay Plaintiffs attorneys' fees as agreed to in the Universal Settlement and Release of All Claims. It is further

**ORDERED** that Plaintiffs' Motion for Class Action Certification (doc. 13) is **DENIED AS MOOT**. It is further

**ORDERED** that the Court hereby incorporates the terms of the Universal Settlement and Release of All Claims into this Order, and retains jurisdiction for purposes of enforcing the terms of settlement agreement, as agreed to by the parties. *See* Fed. R. Civ. P. 41(a)(2); *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 378–81 (1994); *Morris v. City of Hobart*, 39 F.3d 1105, 1110-11 (10th Cir. 1994); *Floyd v. Ortiz*, 300 F.3d 1223, 1226 & n.3 (10th Cir. 2002).

The Clerk will **CLOSE** the case.

**IT IS SO ORDERED**

DATED this \_\_\_ day of January, 2013.

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Evelyn J. Furse  
United States Magistrate Judge  
District of Utah

**AGREED AS TO FORM AND CONTENT BY:**

**Attorneys for Plaintiff:**

/s/ John Mejia  
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ACLU of Utah Foundation, Inc.

Joshua Block  
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**Attorneys for Defendant:**

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UTAH ATTORNEY GENERAL

/s/ Scott D. Cheney  
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*Electronic Signature affixed with the permission of  
Counsel for Defendant*