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

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.

**JOINT MOTION FOR DISMISSAL WITH
PREJUDICE**

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

Magistrate Judge Evelyn Furse

Defendant Davis School District, by and through counsel, Scott D. Cheney and Kyle J. Kaiser, Assistant Utah Attorneys General, and Plaintiffs A.W. and C.W., by and through their mother Tina Weber and counsel Joshua Block and John Mejia, ACLU Foundation, pursuant to Federal Rule of Civil Procedure 41(a), jointly move and hereby stipulate to the dismissal, with prejudice, of Plaintiffs' Proposed Class Action Complaint (doc. 2). The parties stipulate that

Plaintiffs' Motion for Class Certification (doc. 13) should be denied as moot, that each party shall bear its own costs in the action, that Defendant shall pay Plaintiffs' reasonable attorney fees as agreed to in the Universal Settlement and Release of All Claims, and that the Court incorporate the terms of the Universal Settlement and Release of All Claims into its dismissal order and retain 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). A proposed order reflecting the dismissal is provided.

DATED this 31st day of January, 2013.

Attorneys for Plaintiff:

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