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20 Attorneys for Defendants Richard Barrera; Kevin
21 Beiser; John Lee Evans; Michael McQuary; Sharon
22 Whitehurst-Payne; Cynthia Marten

23 UNITED STATES DISTRICT COURT
24 SOUTHERN DISTRICT OF CALIFORNIA

25 **Citizens For Quality Education**
26 **San Diego, et al.,**

27 Plaintiffs;

28 v.

Richard Barrera, et al.,

Defendants.

Case No. 3:17-cv-1054-BAS (LL)

JOINT MOTION FOR DISMISSAL

1 On March 7, 2019, the parties agreed to settle this case. Pursuant to Rule 41 of the
2 Federal Rules of Civil Procedure and this Court’s Order Confirming Settlement and
3 Setting Deadline to File Joint Motion for Dismissal (ECF No. 81), Plaintiffs Citizens For
4 Quality Education San Diego, San Diego Asian Americans For Equality Foundation, Scott
5 Hasson, Chaoyin He, Xuexun Hu, Kevin Steel, Melissa Steel, and Jose Velazquez hereby
6 voluntarily dismiss, with prejudice, the entire action, with the parties to bear their own
7 respective costs and fees.

8 The only defendants that have appeared in this action and who still remain as parties
9 are Richard Barrera; Kevin Beiser; John Lee Evans; Michael McQuary; Sharon
10 Whitehurst-Payne; and Cynthia Marten (“Defendants”). Through their attorneys of record,
11 Defendants hereby consent to the aforesaid dismissal upon the stated terms.

12 Accordingly, the parties request that the Court enter the proposed Order¹ dismissing
13 this case with prejudice.

14
15 Respectfully submitted,

16 Dated: March 18, 2019

FREEDOM OF CONSCIENCE DEFENSE FUND

17
18 By: /s/ Charles S. LiMandri

19 CHARLES S. LIMANDRI

20 PAUL M. JONNA

21 JEFFREY M. TRISSELL

22 Attorneys for Citizens For Quality Education
23 San Diego, San Diego Asian Americans For
24 Equality Foundation, Scott Hasson, Chaoyin
25 He, Xuexun Hu, Kevin Steel, Melissa Steel,
26 and Jose Velazquez

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¹ The proposed order will be emailed directly to the Court pursuant to the Local Rules
and the Court’s Standing Order.

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Dated: March 18, 2019

PAUL, PLEVIN, SULLIVAN & CONNAUGHTON LLP

By: /s/ Jennifer M. Fontaine
MICHAEL C. SULLIVAN
JENNIFER M. FONTAINE

Attorneys for DEFENDANTS Richard
Barrera; Kevin Beiser; John Lee Evans;
Michael McQuary; Sharon Whitehurst-Payne;
Cynthia Marten

CERTIFICATE OF SERVICE

Citizens for Quality Educ. San Diego, et al. v. San Diego Unified School District, et al.
Case No.: 3:17-cv-1054-BAS-JMA

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; my business address is P.O. Box 9520, Rancho Santa Fe, California 92067, and that I served the following document(s):

- JOINT MOTION FOR DISMISSAL; and
- ORDER GRANTING JOINT MOTION TO DISMISS.

on the interested parties in this action by placing a true copy in a sealed envelope, addressed as follows:

Jennifer M. Fontaine, Esq.
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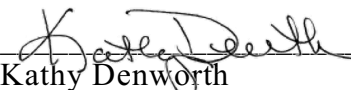
Attorneys for Defendants San Diego Unified School District; Richard Barrera; Kevin Beiser; John Lee Evans; Michael McQuary; Sharon Whitehurst-Payne; Cynthia Marten

 X **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Rancho Santa Fe, California in the ordinary course of business. The envelope was sealed and placed for collection and mailing on this date following our ordinary practices. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

 (BY ELECTRONIC MAIL) I served a true copy, electronically on designated recipients via electronic transmission of said documents.

 X **(BY ELECTRONIC FILING/SERVICE)** I caused such document(s) to be Electronically Filed and/or Service using the ECF/CM System for filing and transmittal of the above documents to the above-referenced ECF/CM registrants.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct. Executed on March 19, 2019, at Rancho Santa Fe, California.


Kathy Denworth