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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

LINDSAY HECOX, and JANE DOE with
her next friends JEAN DOE and JOHN
DOE,

Plaintiffs,

v.

BRADLEY LITTLE, in his official
capacity as Governor of the State of Idaho,
et al.

Defendants,

and

MADISON KENYON, et al.,

Intervenors.

Case No. 1:20-cv-00184-DCN

Hon. David C. Nye

**STIPULATION TO DISMISS BOISE
SCHOOL DISTRICT DEFENDANTS**

The parties, through their undersigned counsel, agree as follows:

1. The complaint in this case (Dkt. 1) alleges claims on behalf of two plaintiffs: Lindsay Hecox and Jane Doe. The complaint alleges claims against nine defendants or categories of defendants: Governor Little; Sherri Ybarra; members of the State Board of Education; Boise

State University; Marlene Tromp; the Independent School District of Boise City #1; Coby Dennis; members of the Independent School District of Boise City #1; and members of the Idaho Code Commission.

2. The claims against the Independent School District of Boise City #1, Coby Dennis, and members of the Independent School District of Boise City #1 are claims alleged solely on behalf of Jane Doe.

3. As the Ninth Circuit's June 24, 2021 Order indicates, the "parties agree that Jane Doe's claim is now moot because she graduated from [Boise High School] and is planning to attend college out of state." Order at 2 n.1.

4. Accordingly, all claims in this case against the Independent School District of Boise City #1, Coby Dennis, and members of the Independent School District of Boise City #1 should be dismissed without prejudice, and the Court's entry of preliminary injunctive relief against these defendants should be vacated. The parties stipulate only to vacatur of the entry of preliminary injunctive relief against these defendants; the present stipulation does not extend to or request vacatur of the Court's Memorandum Decision.

5. A dismissal of the claims against the Independent School District of Boise City #1, Coby Dennis, and members of the Independent School District of Boise City #1 should have no effect on Lindsay Hecox's claims against the remaining defendants.

6. The parties agree to defer motions practice for attorneys' fees concerning the Independent School District of Boise #1, Coby Dennis, and members of the Independent School District of Boise City #1 until final judgment concerning all claims and all Defendants in this case is entered. Independent School District of Boise #1, Coby Dennis, and members of the

Independent School District of Boise City #1 do not concede that the plaintiffs are entitled to an award of attorneys' fees by agreeing to defer motions practice for attorneys' fees.

7. Accordingly, the parties ask this Court to enter an Order:
 - a. dismissing without prejudice all claims in this case against the Independent School District of Boise City #1, Coby Dennis, and members of the Independent School District of Boise City #1;
 - b. vacating the entry of preliminary injunctive relief against the Independent School District of Boise City #1, Coby Dennis, and members of the Independent School District of Boise City #1; and
 - c. staying Plaintiff's deadline to file a fees motion concerning the Independent School District of Boise #1, Coby Dennis, and members of the Independent School District of Boise City #1 until final judgment concerning all claims and all Defendants has been entered.

DATED this 7th day of July, 2022.

By: /s/ Kathleen Hartnett
KATHLEEN HARTNETT
Counsel for Plaintiffs

By: /s/ W. Scott Zanzig
W. SCOTT ZANZIG
Deputy Attorney General
Counsel for Defendants

By: /s/ Roger E. Brooks
ROGER E. BROOKS
Counsel for Intervenors

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

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