

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

CYPRESS WOOD PRESBYTERIAN CHURCH,)
a nonprofit organization,)

CASE NO. 09-00377

Plaintiff,)

STIPULATED DISMISSAL

vs.)

SCHOOL BOARD OF COLLIER COUNTY,)
FLORIDA,)

Defendant.)

COME NOW the Plaintiff, Cypress Wood Presbyterian Church, by and through counsel, and Defendant, School Board of Collier County, by and through counsel, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) file this stipulated dismissal, stating as follows:

1. On June 16, 2009, Plaintiff filed a Complaint in this case challenging Defendant's denial of permission for Plaintiff to participate in the literature distribution and posting program in Collier County School District.

2. In its Complaint, Plaintiff alleged that Defendant, through its practices and policies, denied Plaintiff the right to participate in the literature distribution program on an equal basis with other nonprofit community organizations also promoting cultural, charitable, recreational, and educational activities.

3. Plaintiff alleged that this denial was based on the religious nature and viewpoint of Plaintiff's programs and speech.

4. Since Plaintiff filed the Complaint, Defendant has agreed to grant, and has granted, Plaintiff access to the flyer distribution and posting forum on an equal basis with other community groups and to continue to provide such access in the future.

5. Defendant has also revised District Policy 9700 to remove the following language that imposes restrictions or limitations on equal participation in the literature distribution and posting forum based on the religious content or viewpoint of an organization or its speech: "if the event or activity is religious in nature, the flyer may not contain a proselytizing message (i.e. promote the benefits of the specific religion)," and "the flyer/notice does not overtly advocate or entice support for any religious organization." District Policy 9700 (C)(5)(b) & (d).

6. Defendant has paid Plaintiff's attorneys' fees pursuant to 42 U.S.C. § 1988.

Based on the above mentioned actions of the Defendant, the parties hereby agree to dismiss this action, with prejudice.

Respectfully submitted this 20th day of November, 2009.

/s/ David A. Cortman

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Attorneys for the Plaintiff

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on this 20th day of November, 2009, I electronically filed the forgoing with the Clerk of Court by using the CM/ECF system.

/s/ David A. Cortman
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SERVICE LIST

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