

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<p>E.B. a minor, by and through his next friend, William Boyer,</p> <p>Plaintiff,</p> <p>v.</p> <p>WEST SHORE SCHOOL DISTRICT,</p> <p>Defendant.</p>	<p>Case No. 09-cv-1920 CCC</p> <p>PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE</p>
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COMES NOW the Plaintiff, E.B.,¹ by and through his next friend William Boyer, and counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), files this voluntary dismissal, stating as follows:

1. On October 5, 2009, Plaintiff filed a Complaint challenging the alleged denial of Plaintiff’s right to wear a pro-life t-shirt stating “Abortion is not Healthcare.

2. In his Complaint, Plaintiff also challenged portions of two of Defendant’s Policies entitled “Student Expression” and “Dress and Grooming.”

3. Since Plaintiff filed his Complaint, Defendant has agreed that E.B. will be permitted to wear his “Abortion is not Healthcare” t-shirt.

¹ In accordance with Local Rule 5.2, E.B. is identified by his initials, rather than his full name, in order to maintain the privacy of his identity.

4. The Defendant has revised Policy 220: Student Expression to eliminate the following challenged provisions: The second bullet point: “seek to establish the supremacy of a particular religious denomination, sect, or point of view;” and the fourth bullet point: “contain material otherwise deemed harmful to impressionable students.”

5. The Defendant has also revised Policy 221: Dress and Grooming to eliminate the following challenged provision: Paragraph 6, “clothing which creates a hostile educational environment or evidences discriminatory bias or animus is prohibited.”

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

Based on the above mentioned actions of the Defendant, Plaintiff hereby voluntarily dismisses this action, with prejudice.

Respectfully submitted this 17th day of March, 2010.

s/ David A. Cortman
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on March 17, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following:

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