

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

V.O., a minor by and through her next friend,	:	
M.O.,	:	
	:	Case No. 1:07-CV-00213-JGM-JJN
Plaintiff,	:	
	:	
v.	:	
	:	
UNION SCHOOL DISTRICT NO. 3;	:	
WILLIAM LEE SEASE, in his individual capacity	:	PLAINTIFF’S NOTICE OF
and in his official capacity as Superintendent of	:	VOLUNTARY DISMISSAL
Union School District No. 3; and WILLIAM D.	:	
LAWSON, in his individual capacity and in his	:	
official capacity as Principal of Middlebury Union	:	
High School,	:	
	:	
Defendants.	:	

Comes now the Plaintiff, V.O., by and through counsel and, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), files this voluntary dismissal, stating as follows:

1. On October 12, 2007, Plaintiff filed a Complaint in this case challenging Defendants’ denial of official recognition to her student Youth Alive Club at Middlebury Union High School (“MUHS”).
2. In her Complaint, Plaintiff alleged that Defendants denied to her rights, benefits, and privileges equal to those received by other members of officially recognized clubs at MUHS.
3. Soon thereafter, on November 2, 2007, Plaintiff filed a Motion for Preliminary Injunction with this Court, requesting an order prohibiting Defendants from discriminating against her and the Youth Alive Club based on the religious content and viewpoint of her intended speech.

4. Plaintiff also asked that this Court order Defendants to provide her with equal access to all of the rights, benefits, and privileges given to other members of officially recognized clubs at MUHS.

5. In January, 2008, Defendants' counsel notified Plaintiff's counsel in writing of Defendants' decision to grant official club status to the Youth Alive Club and to give Plaintiff the same rights, benefits, and privileges as all other members of officially recognized student clubs at MUHS.

6. Plaintiff and her Club have been granted official status and provided such rights, benefits, and privileges.

7. Defendants have also paid Plaintiff's attorneys' fees pursuant to 42 U.S.C. § 1988.

Based on the above actions of the Defendants, Plaintiff hereby voluntarily dismisses this action without prejudice.

Respectfully submitted this 29th day of April, 2008.

BENJAMIN W. BULL*
JEREMY D. TEDESCO*
AZ Bar. No. 0234847
ALLIANCE DEFENSE FUND
15100 N. 90th Street
Scottsdale, AZ 85260
Telephone: (480) 388-8051
Facsimile: (480) 444-0028
bbull@telladf.org
jtedesco@telladf.org

ANTHONY R. DUPREY
VT Bar No. 66-04-02
NEUSE, DUPREY & PUTNAM P.C.
1 Cross Street
Middlebury, VT 05753-1445
Telephone: (802) 388-7966
Facsimile: (802) 388-9713
anthony@nsvlaw.com

By: /s David A. Cortman
DAVID A. CORTMAN
Lead Counsel
GA Bar No. 188810
JOSHUA B. BOLINGER*
OH Bar No. 0079594
ALLIANCE DEFENSE FUND
1000 Hurricane Shoals Road, NE
Building D, Suite 600
Lawrenceville, GA 30043
Telephone: (770) 339-0774
Facsimile: (770) 339-6744
dcortman@telladf.org
jbolinger@telladf.org

*Admitted *pro hac vice*

Attorneys for Plaintiff V.O.

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2008, I electronically filed with the Clerk of Court the following document:

Plaintiff's Notice of Voluntary Dismissal

using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

Pietro J. Lynn, Esq.
Jennifer G. Mihalich, Esq.
LYNN, THOMAS & MIHALICH, P.C.
7 Kilburn Street
Burlington, VT 05401
plynn@lynnlawvt.com

Attorneys for Defendants

/s David A. Corman
DAVID A. CORTMAN
ALLIANCE DEFENSE FUND
1000 Hurricane Shoals Road, NE
Building D, Suite 600
Lawrenceville, GA 30043
Telephone: (770) 339-0774
Facsimile: (770) 339-6744
dcortman@telladf.org

Attorney for Plaintiff V.O.