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17 Attorneys for Plaintiffs

18 **UNITED STATES DISTRICT COURT**
19 **EASTERN DISTRICT OF CALIFORNIA**

20 **RYAN DOZIER,**) Case No.: 2:08-CV-02298-FCD

21 Plaintiff,)

22 vs.)

CONSENT ORDER

23 Members of the Board of Governors, Yuba)

Community College District: **SUSAN HOULE,**)

24 **ALAN FLORY, JIM BUCHAN, MARK BREDT,**)

LEELA RAI, GEORGE NICOLAU, XAVIER)

TAFOYA, in their official capacities; **NICKI**)

25 **HARRINGTON,** in her official and individual)

26 capacities; **PAUL MENDOZA,** in his official and)

official and individual capacities; **KEVIN TRUTNA,** in his)

27 official and individual capacities; and **BYRON**)

GREEN, in his official and individual capacities,)

28 Defendants.)

*Designated Counsel for Service.

**Admitted Pro Hac Vice.

1 Final resolution of this matter and controversy has been settled by and between the parties, and
2 accepted by this Court, as reflected herein.

3 Plaintiff filed his Verified Complaint on September 29, 2008, seeking injunctive, declaratory
4 and monetary relief for the violation of his constitutional rights. Plaintiff filed a motion for
5 preliminary injunction on his First Amendment claims on October 2, 2008. Plaintiff's motion
6 challenged several of Defendants' procedures: Administrative Procedure 5550 ("Speech: Time, Place
7 and Manner"), the Student Code of Conduct, §3 (c-d), the Police Department Free Speech and
8 Assembly Policy, the Free Speech and Public Assembly Policy in the Safety and Parking Information
9 Handbook, Administrative Procedure 3430 ("Prohibition of Harassment"), and the advanced
10 notification and permit requirements of the On-Campus Organization Application for Activities,
11 Facilities and/or Services. These procedures are attached to this order as Exhibits 1-6. Plaintiff's
12 motion asked the Court to enjoin these procedures. Plaintiff filed his First Amended Verified
13 Complaint on November 5, 2008.

14 Defendants filed their Answer to the First Amended Complaint on November 11, 2008 and
15 deny Plaintiff's allegations and that they have any liability in this Action.

16 In order to resolve this Action, the parties have negotiated a settlement which is memorialized
17 in the following consent order.

18 **IT IS HEREBY ORDERED AND DECREED:**

19 1. Defendants have agreed to change the aforementioned procedures. Revised versions of
20 these procedures are attached to this order as Exhibits 7-10.

21 2. Defendants have already implemented the attached revised procedures and have
22 published them to Yuba Community College District students on December 23, 2008.

23 3. Defendants agree not to formally adopt or enforce the challenged provisions in the old
24 procedures (Exs. 1-6) in the future, specifically the day and hour restrictions on free speech
25 activities, the requirement that students and non-students apply for and receive a permit before
26 engaging in free speech activities, provisions related to the designation of the campus as a
27 nonpublic forum and allowing administrators unbridled discretion in designating free speech fora,
28

1 the registration of materials prior to distribution, and the entire former harassment policy, AP
2 3430.

3 4. In satisfaction of Plaintiff's claims for damages, Defendants agree to pay Plaintiff one
4 dollar (\$1) in nominal damages.

5 5. In satisfaction of Plaintiff's claims for attorneys' fees and costs under 42 U.S.C. §1988,
6 Defendants agree to pay the sum of \$25,000 in attorneys' fees to Plaintiff's counsel.

7 6. All of the aforesaid actions by Defendants in Paragraphs 4-5 shall be completed within
8 thirty (30) days from the entry of this Order.

9 7. In exchange, Plaintiff hereby agrees to withdraw his motion for preliminary injunction.
10 As a further condition of this Order, Plaintiff shall execute and provide to Defendants' attorneys,
11 within ten (10) days of entry of this Order, a Release of All Claims which includes a California
12 Civil Code Section 1542 waiver.

13 8. It is understood that this settlement and the consent to this Order by the Defendants are
14 not admissions of any liability whatsoever for any wrongdoing with respect to Plaintiff or the
15 Defendants' procedures as previously enacted by the Defendants and/or by any person, employee,
16 agent, representative, or board member of the Yuba Community College District, but is in
17 compromise of a disputed claim.

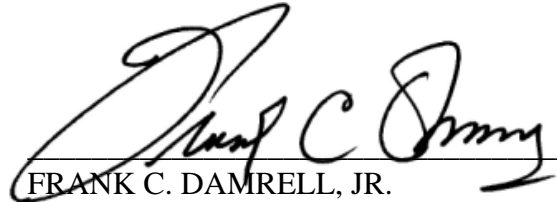
18 9. This Consent Order is made in full satisfaction of Plaintiff's claims contained in his
19 First Amended Verified Complaint.

20 10. Pursuant to this Order, Plaintiff's First Amended Verified Complaint will be dismissed
21 with prejudice, each party to bear own costs, immediately upon the entry of this Order.

22 11. This Court retains jurisdiction of this action solely for the purpose of enforcing this
23 Order, should such need arise.

24 12. The terms and conditions of this Order shall be binding on the Parties and the Court for
25 a period of five (5) years from the date this Order is entered. Immediately thereafter, and without
26 any further action by the parties hereto, this Consent Order and the Court's jurisdiction related
27 thereto shall be null, void and rescinded.

1 SO ORDERED this 23rd day of January 2009.

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FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

5 WE HEREBY CONSENT TO THE FORM AND ENTRY OF THE ABOVE ORDER:

6 RYAN DOZIER, Plaintiff,

7 SUSAN HOULE, ALAN FLORY, JIM
8 BUCHAN, MARK BREDT, LEELA RAI,
9 GEORGE NICOLAU, XAVIER
10 TAFOYA, NICKI HARRINGTON,
11 PAUL MENDOZA, KEVIN TRUTNA,
12 BYRON GREEN, Defendants,

13 By his Attorneys,

13 By their Attorneys,

14 /s/Heather Gebelin Hacker
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16 DAVID A. FRENCH
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