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26 *Attorneys for Plaintiffs Child Evangelism Fellowship Phoenix and Brian Hughes*

27 **IN THE UNITED STATES DISTRICT COURT**  
28 **FOR THE DISTRICT OF ARIZONA**

29 Child Evangelism Fellowship Phoenix, )  
30 and Brian Hughes, )

No. 2:12-cv-00123-JAT

31 Plaintiffs, )

**PLAINTIFFS' NOTICE OF  
VOLUNTARY DISMISSAL**

32 v. )

33 Dysart Unified School District, )

34 Defendant. )  
35 )

1 Come now the Plaintiffs, by and through counsel, and pursuant to Federal Rule of  
2 Civil Procedure 41(a)(1)(A)(i) file this voluntary dismissal, stating as follows:

3 1. On January 19, 2012, Plaintiffs filed a Complaint in this case challenging  
4 Defendant's denial of their right to distribute religious literature under the same terms  
5 and conditions as other community organizations are permitted to distribute literature at  
6 schools within Dysart Unified School District ("the District").

7 2. Specifically, Plaintiffs sought to have a flyer promoting their Good News Club  
8 meetings at West Point Elementary School approved for distribution. Good News Club  
9 meetings are after-school meetings at which elementary school age students are taught  
10 morals, values, and important life lessons, all from an evangelical Christian viewpoint.

11 3. The District denied this request on or about October 25, 2011.

12 4. At that time, and at the time the Complaint was filed, the District, by Policy and  
13 practice, permitted community organizations to distribute literature within the schools  
14 promoting their cultural, recreational, artistic, and educational opportunities for students,  
15 and activities where students are provided instruction and practice regarding a wide range  
16 of subject matters.

17 5. The District's policies, however, expressly prohibited the distribution of literature  
18 that promoted religious activities, or that contained religious content.

19 6. Specifically, District Policy K-0900 prohibited the distribution of "material of a  
20 commercial, political, or *religious* nature," and Policy K-2300 prohibited the distribution  
21 of material "soliciting for or promoting participation in commercial offerings, politics or  
22 *religion*."

23 7. Shortly after Plaintiffs filed their Complaint, the District approved the Plaintiffs'  
24 requests to distribute Good News Club flyers at West Point Elementary and at another  
25 elementary school within the District where Plaintiffs were starting a Good News Club.

26 8. In addition, the District agreed to, and did on April 4, 2012, change Policies K-  
27 0900 and K-2300 so that they no longer expressly discriminate against religious speech  
28

1 and speakers, but instead grants them equal access to the District's literature distribution  
2 forum.

3 9. The District has also agreed to pay Plaintiffs' attorneys' fees pursuant to 42  
4 U.S.C. § 1988.

5 Based on the above actions of the Defendant, Plaintiffs hereby voluntarily dismiss  
6 this action with prejudice.

7  
8 Respectfully submitted this the 26th day of April, 2012.

9 s/Jeremy D. Tedesco

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*\*Admitted Pro Hac Vice*

*Attorneys for Plaintiffs Child Evangelism Fellowship Phoenix and Brian Hughes*

**CERTIFICATE OF SERVICE**

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I hereby certify that on April 26, 2012, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will send notification of such filing to the following:

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