

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARLYN TILLMAN, individually and)	
as next friend of her minor son)	
JOHN DOE,)	
)	
Plaintiffs,)	
)	Civil Action File No.
vs.)	1:04-CV-01180-BBM
)	
GWINNETT COUNTY SCHOOL)	
DISTRICT, et al.)	
)	
Defendants.)	
_____)	

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW the Parties in this case and notice the Court that they have executed an agreement settling this case and show the Court as follows:

1. The Parties arrived at an agreement on settlement terms in early December;
2. The Parties worked diligently to obtain signatures during the holidays from multiple parties in multiple states;
3. Plaintiff Doe informed counsel that he signed and mailed an original signature page, previously signed by his mother, on December 7, 2006 via U.S. mail from his college campus mailroom;

4. Plaintiff Doe's signature page never arrived;
5. Plaintiffs' counsel obtained original signatures from Plaintiffs on December 21, 2006 via hand delivery from Plaintiff Doe and overnighted same to Defendants;
6. Plaintiffs' counsel received notice from Defendants' counsel on December 27, 2006 that the remaining terms of the settlement agreement had been overnighted and would arrive at approximately 3pm on December 28, 2006;
7. The Parties understood from the Court's clerk via phone conference that the Court expected dismissal by the end of December 2006;
8. The Plaintiffs agree to dismiss the case with prejudice in reliance on assurance from Defendants that the remaining terms of the settlement agreement are en route¹.

CONCLUSION

Whereas, this case is now settled and the Parties Stipulate Dismissal with Prejudice, therefore, the Parties respectfully request that they be removed from the Court calendar.

¹ Defendants provided Plaintiffs with tracking information indicating that the envelope containing the remaining terms of the settlement agreement was placed on a vehicle for delivery at 7:31 a.m. (FedEx Tracking number 856927478379) on December 28, 2006, due to be received at 3pm today.

This the 28th day of December, 2006.

Respectfully submitted,

Attorney for Defendant

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