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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

N.Y., through his guardians David
and Leilanie Yu,

Plaintiff,

vs.

**SAN RAMON VALLEY UNIFIED
SCHOOL DISTRICT; RICK SCHMITT**

in
his personal and official capacities
as Superintendent of the San
Ramon Valley Unified School
District; **DR. JASON REIMANN**, in his
personal and official capacities as
Director of Education Services of
the San Ramon Valley Unified
School District; **RUTH STEELE**, in her
personal and official capacities as
Principal of San Ramon Valley High
School; **JASON KROLIKOWSKI**, in his
personal and official capacities as
Principal of San Ramon Valley High
School; **JAMIE KEITH** in her personal
and official capacities as Assistant
Principal of San Ramon Valley High
School; **DEARBORN RAMOS** in her
personal and official capacities as
Assistant Principal of San Ramon
Valley High School; **BERNIE PHELAN**
in his personal and official
capacities as Assistant Principal of
San Ramon Valley High School;
JANET WILLFORD, in her personal
and official capacities as
Leadership Teacher of San Ramon
Valley High School; and **KERRI
CHRISTMAN GILBERT** in her personal
and official capacities as Resident Substitute
Teacher of San Ramon Valley High School,

Defendants.

Case No.: 3:17-CV-03906-MMC

**JOINT MOTION FOR STIPULATED
DISMISSAL**

JOINT MOTION FOR STIPULATED DISMISSAL

1
2 1. Plaintiff N.Y. (hereinafter “Plaintiff,” “Nathaniel Yu,” or “Nathaniel”), through his
3 guardians David and Leilanie Yu, and Defendant Janet Willford (“Defendant Willford”)¹ represent
4 that they have reached a resolution of their disputes by settlement agreement. Therefore, pursuant to
5 Federal Rules of Civil Procedure 41(a)(1)(A)(ii), the Parties stipulate to the following facts and legal
6 conclusions, as well as the dismissal, with prejudice, of all causes of action against Defendant Willford
7 set forth in the Fifth Amended Complaint.
8

9 2. Nathaniel and four of his friends, all of whom were students at the School, created and
10 released a film that they indicated was intended as a parody of James Bond or similar spy thriller,
11 depicting Nathaniel as a James Bond-type hero who rescues a person kidnapped by two members of
12 an extremist group who were attempting to force the victim to participate in a video game competition
13 (the “Parody”). The Parody constitutes the speech at issue in this case.
14

15 3. Nathaniel and four of his friends stated that the Parody’s purpose was to entertain and
16 was not intended to threaten or demean any person, race, or culture. Defendant Willford and Nathaniel
17 support the ideals of the First Amendment and believe that its guarantees of free speech are one of the
18 bedrock principles that binds our democracy. Defendant Willford has no evidence and does not assert
19 that Nathaniel is a racist or that he tried to offend anyone in connection with the Parody. Defendant
20 Willford has no evidence and does not assert that the Parody constitutes “hate speech.” The Parties
21 have worked in cooperation to find a resolution which embraces the First Amendment in the current
22 era of digital technology and social media, especially in the educational setting. The Parties agree that
23 it is mutually beneficial to resolve this matter.
24

25 4. The Parties have entered into a settlement agreement dated February 20, 2020.
26

27
28 ¹ Defendants San Ramon Valley Unified School District, Rick Schmitt, Dr. Jason Reimann, Ruth
Steele, Jason Krolkowski, Jamie Keith, Dearborn Ramos, and Bernie Phelan are not parties to this
Stipulation.

1 5. WHEREFORE, Nathaniel and Defendant Willford respectfully request that the Court
2 enter the proposed order to that effect, attached hereto as Exhibit A, in conformance with the instant
3 Stipulation.

4 Dated: April 7, 2020

5 Respectfully Submitted,

6
7 s/ James Carlos McFall
8 James Carlos McFall
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10 Edwin M. Buffmire
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ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (“/s/”) within this E-filed document or have been authorized by all counsel to show their signature on this document as /s/.

Dated: April 7, 2020

By: /s/ James Carlos McFall
James Carlos McFall

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