

1 Amy R. Levine (SBN 160743)
2 **DANNIS WOLIVER KELLEY**
200 California Street, Suite 400
San Francisco, CA 94111
3 Tel: 415.543.4111
Email: alevine@dwkesq.com

4 Stephen P. Berzon (SBN 46540)
Stacey M. Leyton (SBN 203827)
5 **ALTSHULER BERZON LLP**
177 Post Street, Suite 300
6 San Francisco, CA 94108
Tel: 415.421.7151
7 Fax: 415.362.8064
Email: sberzon@altber.com
8 sleyton@altber.com

9 Kenneth D. Upton, Jr. (*pro hac vice*)
**AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE**
10 1310 L Street NW, Suite 200
Washington, DC 20005
11 Tel: 202.466.3234
Email: upton@au.org

12 *Attorneys for Defendants*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 FELLOWSHIP OF CHRISTIAN
16 ATHLETES, an Oklahoma corporation,
FELLOWSHIP OF CHRISTIAN
17 ATHLETES OF PIONEER HIGH
SCHOOL, an unincorporated association,
18 CHARLOTTE KLARKE, and
ELIZABETH SINCLAIR,

19 Plaintiffs,

20 v.

21 SAN JOSE UNIFIED SCHOOL
DISTRICT BOARD OF EDUCATION,
22 in its official capacity, NANCY
ALBARRAN, in her official and
23 personal capacity, HERB ESPIRITU, in
his official and personal capacity,
24 PETER GLASSER, in his official and
personal capacity, and STEPHEN
25 McMAHON, in his official and personal
capacity,

26 Defendants.
27
28

Case No. 4:20-cv-02798-HSG

**STIPULATION STAYING
PROCEEDINGS; ORDER**

1 Plaintiffs FELLOWSHIP OF CHRISTIAN ATHLETES, FELLOWSHIP OF CHRISTIAN
2 ATHLETES OF PIONEER HIGH SCHOOL, CHARLOTTE KLARKE, and ELIZABETH
3 SINCLAIR, and Defendants SAN JOSE UNIFIED SCHOOL DISTRICT BOARD OF
4 EDUCATION, NANCY ALBARRAN, HERB ESPIRITU, PETER GLASSER, and STEPHEN
5 McMAHON submit the following stipulation, and ask that the Court enter this stipulation as an
6 order of the Court.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

RECITALS

1
2 1. On September 13, 2023, the United States Court of Appeals for the Ninth Circuit
3 issued its judgment in the appeal of this Court’s order denying a preliminary injunction.

4 2. On October 5, 2023, the mandate of the United States Court of Appeals for the
5 Ninth Circuit pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure issued in this
6 action. ECF 224.

7 3. The parties have agreed that discussing the possibility of settlement may be
8 appropriate at this time.

9 4. The parties have agreed that it would therefore be appropriate to stay this action
10 until December 31, 2023, or so long as the parties continue to agree that discussing the possibility
11 of settlement is appropriate.

12 **5. STIPULATION**

13 Based on the above, IT IS HEREBY STIPULATED, by and between the parties to this
14 action that this action should be stayed until December 31, 2023, or until plaintiffs or defendants
15 notify this Court that they no longer believe settlement discussions will be fruitful.

16 IT IS SO STIPULATED.

17 DATED: October 24, 2023

ALTSHULER BERZON LLP

18
19 By: *s/ Stacey Leyton* _____
20 STACEY M. LEYTON
Attorney for Defendants

21 DATED: October 24, 2023

THE BECKET FUND FOR RELIGIOUS
LIBERTY

22
23 By: *s/ Danielle Blomberg* _____
24 DANIEL H. BLOMBERG
25 Attorney for Plaintiffs
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Having considered the Stipulation filed by the parties, and good cause appearing therefore, the Court hereby orders that the case shall be stayed until December 31, 2023, or until one of the parties notifies the Court that it no longer believes settlement discussions will be fruitful.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/24/2023



THE HONORABLE HAYWOOD S. GILLIAM, JR.