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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM DEANS, an individual,

Plaintiff,

vs.

LAS VEGAS CLARK COUNTY LIBRARY DISTRICT; RONALD R. HEEZEN, (in his official capacity); COLLEGE OF SOUTHERN NEVADA; ANTONIA MARIE SUMMERLIN (Badge No. 228) (in her personal and official capacity); RANDALL PERKINS (Badge No. 104) (in his professional capacity); JOHN DOE; JANE ROE; and JANE POE,

Defendants.

Case No. 2:16-cv-02405-APG-PAL

**STIPULATION OF DISMISSAL WITH
PREJUDICE AS TO DEFENDANTS
COLLEGE OF SOUTHERN NEVADA,
ANTONIA MARIE SUMMERLIN,
AND RANDALL PERKINS**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff William Deans (“Deans”) and Defendants College of Southern Nevada (“CSN”), Antonia Marie Summerlin, and Randall Perkins (collectively, “CSN Defendants”) hereby stipulate and agree as follows:

1. CSN stipulates that NRS 293.127565 provides for a floor, and not a ceiling, on access rights for petition-gatherers, that the statute guarantees a place for petitioning at each public building in order to ensure that no public building can be designated anything less than a public forum for those purposes, and the public building administrators should recognize the responsibility to preserve and honor First Amendment rights regarding access for petition-gatherers.

2. CSN recognizes that designating limited spots or areas should be done only when the circumstances of space size and location, pedestrian volume, and other such factors require.

1 3. CSN supports the Court's decisions and the arguments in the record of this action
2 that support the above-stated approach as to flexibility and maximizing First Amendment rights.

3 4. CSN has agreed to encourage the Library District as a long-term lessee-occupant
4 of the CSN campus operating the W. Charleston library branch to adopt and implement policies at
5 the W. Charleston library branch regarding petition-gatherers and other First Amendment
6 protected activity that are legally compliant to expand the use of the outdoor public space beyond
7 the formerly designated areas as long as the expanded use is consistent with library patron's use
8 and does not unduly interfere with access to the library.

9 5. CSN also has a fundamental and compelling interest in having all persons on its
10 campuses, including its tenants, recognize and apply the fundamental right of free speech, and
11 comply with the U.S. and Nevada statutes with respect to petition-gatherers.

12 6. CSN agrees that the designated area policy as enforced by the Las Vegas Clark
13 County Library District against Deans at the W. Charleston library branch prior to filing this action
14 does not comport with the constitutional and statutory requirements, and recommends that the
15 Library District change its procedure.

16 7. CSN, including its CSN police department, stipulates that it will not enforce
17 trespass notices issued by the Library District for patrons' conduct that implicates First
18 Amendment rights to engage in petitioning and associated free speech rights.

19 8. CSN agrees to communicate with the Library District that it, as a lessee and
20 occupant of the CSN campus, must comport itself regarding petition-gatherers according to the
21 First Amendment and Nevada law, and requests that the Library District change its policies to
22 ensure compliance therewith.

23 9. The parties have come to other terms that are embodied in a settlement agreement,
24 not made of record in this case, and through that settlement agreement, Deans and Defendants
25 College of Southern Nevada, Antonia Marie Summerlin, and Randall Perkins have resolved their
26 differences.

27

1 **ACCORDINGLY**, the Parties stipulate and agree that Defendants College of Southern
2 Nevada, Antonia Marie Summerlin, and Randall Perkins are hereby dismissed from this action
3 with prejudice, and with the Court retaining jurisdiction solely for the purpose of enforcing the
4 terms of the settlement agreement that may remain unfulfilled and not resolved after a reasonable
5 notice and cure period.

6
7 Dated: December 23, 2016.

8 Respectfully submitted,

9 /s/ Marc J. Randazza

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Respectfully submitted,

9 /s/ Richard L. Hinckley

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21 *College of Southern Nevada,*
22 *Antonia Marie Summerlin,*
23 *and Randall Perkins*

CASE NO: 2:16-cv-02405-APG-PAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 23, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that a true and correct copy of the foregoing document is being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully submitted,



Employee,
Randazza Legal Group, PLLC

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