

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CENTER FOR BIO- ETHICAL )  
REFORM, INC. )  
P.O. Box 219 )  
Lake Forest, California 92609 )  
GREGG CUNNINGHAM )  
P.O. Box 219 )  
Lake Forest, California 92609 )  
REVEREND CLENARD H. CHILDRESS, )  
JR. )  
P.O. Box 157 )  
Montclair, New Jersey 07042 )  
JACQUELINE HAWKINS )  
P.O Box 20115 )  
Knoxville, Tennessee 37940 )

Plaintiffs, )

v. )

Civil Action No. 17-1121 (ESH)

NATIONAL MUSEUM OF AFRICAN )  
AMERICAN HISTORY AND CULTURE )  
("NMAAHC") )  
1400 Constitution Avenue, N.W.)  
Washington, D.C. 20004 )

LONNIE G. BUNCH III, in his )  
official capacity as )  
Director, NMAAHC )  
1400 Constitution Avenue, N.W.)  
Washington, D.C. 20004 )

OFFICE OF PROTECTION SERVICES )  
("OPS") )  
600 Maryland Avenue, S.W. )  
Washington, D.C. 20024 )

JEANNE O'TOOLE, )  
in her official capacity as )  
Director, OPS )  
600 Maryland Avenue, S.W. )

Washington, D.C. 20024 )  
 )  
JOHN DOE, a fictitious name, )  
individually and in his )  
official capacity as a )  
police/security officer, OPS )  
600 Maryland Avenue, S.W. )  
Washington, D.C. 20024 )  
 )  
Defendant. )  
\_\_\_\_\_ )

**VOLUNTARY STIPULATION OF SETTLEMENT AND RELEASE AND DISMISSAL**

In this case brought under the First and Fifth Amendments to the U.S. Constitution, and the Religious Freedom Restoration Act, 42 U.S.C. 2000bb-1, it is hereby stipulated and agreed between Plaintiffs Center for Bio-Ethical Reform, Inc., Gregg Cunningham, Reverend Clenard H. Childress, and Jacqueline Hawkins ("Plaintiffs") and Defendants National Museum of African American History and Culture, Lonnie G. Bunch, III, in his official capacity, the Office of Protection Services, Jeanne O'Toole, in her official capacity, and John Doe, individually and in his official capacity ("Defendants"), collectively referred to hereinafter as "the Parties", by and through their respective attorneys, as follows:

1. The Parties agree to settle and compromise this action under the terms and conditions set forth herein (the "Stipulation").

2. In consideration of Plaintiffs' agreement that this

action shall be dismissed with prejudice, the Smithsonian Institution agrees to pay Plaintiffs the total sum of \$4,500.00 (four thousand, five hundred dollars) in full satisfaction of any and all claims by Plaintiffs for attorneys' fees, expenses and costs, and damages of any kind, in connection with this case.

3. The Smithsonian Institution also acknowledges that the public sidewalks forming the perimeter of the National Museum of African American History and Culture are available for First Amendment activity consistent with applicable law including, without limitation, any lawful time, place and manner restrictions.

4. This Stipulation does not constitute an admission of liability or fault on the part of Defendants, the United States, its agents, servants, or employees, nor does it constitute an admission by Plaintiffs that their rights under the Constitution and laws of the United States were not violated by Defendants. Rather, it is entered into by all parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

5. By this Stipulation, Plaintiffs waive, release, discharge, and abandon any and all claims, whether asserted or un-asserted, against Defendants in connection with any and all

claims at issue in this case, including, without limitation, all claims for fees and costs and damages of any kind.

6. The undersigned counsel represent that they are authorized to make this Stipulation on behalf of their clients.

7. This Stipulation, when executed by both Plaintiffs' counsel and counsel for Defendants, and filed with the Court, shall constitute a dismissal of this action with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

8. This Stipulation shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

9. The Parties agree that a facsimile of the signatures of the parties and counsel will be the same as the original.

10. The Parties understand that this Stipulation contains the entire agreement between Plaintiffs and Defendants; that no promise or inducement has been made except as set forth herein; and that no representations, oral or otherwise, between Plaintiffs and Defendants, or their respective counsel, not included herein shall be of any force and effect.

11. The Parties agree that this Stipulation will not be used as evidence or otherwise in any pending or future civil or administrative action against Defendants or the United States,

or any agency or instrumentality of the United States. The exceptions are that this Stipulation may be used as evidence to enforce this Stipulation and that the Stipulation set forth in paragraph 3 above may be used by Plaintiffs in any future cause of action against the defendants in this case challenging any limitations on First Amendment activity in the forum described in paragraph 3 above. Moreover, nothing in this Stipulation precludes Plaintiffs from presenting evidence in any future litigation, other than this written Stipulation, of the fact that the public sidewalks forming the perimeter of the National Museum of African American History and Culture are available for their First Amendment activity consistent with applicable law including, without limitation, any lawful time, place and manner restrictions.


12. This Stipulation may not be amended, modified, waived, or supplemented except by written instrument executed by duly authorized representatives of both parties.


13. If any paragraph or portion of this Stipulation is determined to be unenforceable, the remainder of this Stipulation shall remain in full force and effect.

Executed this 30th day of August, 2017.

Respectfully submitted,

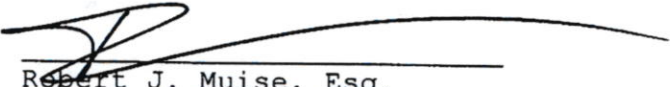
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