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 9 Kinch Hockstra and Edward Kennjian, Trustees of the
 L.L. Nunn Trust

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 11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 12 COUNTY OF INYO

13
 14 In re the Matter of the
 15 L.L. Nunn Trust for the benefit of Deep
 Springs College under the Deed of Trust dated
 16 November 5, 1923

Case No. SI CV PB 1253232

**AMENDED PRELIMINARY
 INJUNCTION ORDER**

DATE: May 29, 2013
TIME: 1:00 PM
DEPT: 4
JUDGE: Hon. Dean T. Stout

ACTION FILED: February 6, 2012

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IMAGED

1 On November 19, 2012, at 1:00 p.m. in Department 4, Inyo County Superior Court, 301
2 West Line Street, Bishop, California, before the Honorable Dean T. Stout, and pursuant to the
3 Court's prior orders filed August 2, 2012, August 20, 2012, and October 26, 2012, the Court
4 heard oral argument from Christopher Campbell, counsel for Petitioner David Hitz, and from
5 Joseph Liburt and Heather Hoekstra, counsel for Respondents Kinch Hoekstra and Edward
6 Keonjian, on the following issues:

- 7 1. The interpretation of the L.L. Nunn Trust instrument
- 8 2. Respondents' Motion to Join Deep Springs Corporation as a Party, and
- 9 3. Respondents' Motion for Preliminary Injunction.

10 On January 8, 2013, the Court filed a Chambers Order—Ruling On Submitted Matters and
11 Notice of Hearing (“Chambers Order”). On February 13, 2013, the Court issued an order entitled
12 “Rulings and Orders On Petition For Court Order Interpreting Endowment Gift Instrument;
13 Motion for Joinder of Deep Springs Corporation; and, Motion for Preliminary Injunction”
14 (“February 13 Order”). The Court incorporates the February 13 Order herein by this reference.

15 The Court having heard the arguments of all parties and having considered all documents
16 filed in support of and in opposition to Respondents' Motions and in relation to the proper
17 interpretation of the L.L. Nunn Trust instrument, and for the reasons stated herein and in the
18 Court's forthcoming more detailed rulings,

19 **IT IS HEREBY ORDERED THAT:**

- 20 1. With respect to construing the Trust provisions, the Court rules in favor of
21 Objectors/Respondents. The Trust can not be construed as giving the Trustees discretion to admit
22 female students.
- 23 2. Respondents' Motion to Join Deep Springs Corporation as a Party is GRANTED.
- 24 3. Respondents' Motion for Preliminary Injunction is GRANTED. The Court finds
25 that Respondents have established all of the required elements for issuance of a preliminary
26 injunction under California law. The Court has explained why this is so in the February 13 Order.
27 Accordingly, the Court issues the following preliminary injunction:

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1 Petitioner, the Trustees of the Trust, the Deep Springs Corporation, the Directors of the
 2 Deep Springs Corporation, and all agents, servants, employees, aiders, abettors, corporate
 3 affiliates, related entities, and persons acting under, for, or in concert with any of the
 4 aforementioned persons or entities (collectively the "Enjoined Persons"), are and shall be
 5 restrained and enjoined preliminarily until a final decision on the merits of the Petition, from
 6 engaging in the following actions:

- 7 (a) Admitting women as students at Deep Springs College;
- 8 (b) Soliciting or accepting applications from women to be students at Deep
 9 Springs College;
- 10 (c) Using any assets or resources (including but not limited to funds, facilities,
 11 and employce time) of Deep Springs College, the Trustees of Deep
 12 Springs, the Deep Springs College Corporation, the LL Nunn LLC, and
 13 any other entities associated with Deep Springs College, for the
 14 recruitment, education, or support of female students or for preparing for a
 15 transition to coeducation. This Order shall not be interpreted as prohibiting
 16 Deep Springs College from (i) providing room and board to female visitors
 17 for up to one week in any time period encompassing two full 7-week
 18 school terms, or (ii) allowing such female visitors to attend an occasional
 19 class or to participate in the labor program during such a visit, or (iii)
 20 hosting the Telluride Association annual Convention for up to one week
 21 per year, or allowing Telluride Association members of any gender to
 22 participate in the labor program and other aspects of Deep Springs College
 23 life during such Convention, (iv) pursuing this legal proceeding or the
 24 related Withdraw Petition, or (v) hosting sessions of the Telluride
 25 Association Summer Program ("TASP") in the manner and under the same
 26 arrangements as has been done in the past.
- 27 (d) Selling, transferring, or otherwise disposing of assets of Deep Springs
 28 College (whether held by the Trust, the Deep Springs Corporation, or

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otherwise) so as to facilitate coeducation or a transition to coeducation.

(e) Using support for or opposition to a transition toward, or a policy of, coeducation at Deep Springs as a criterion for firing or evaluating faculty, staff, employees or dismissing or evaluating members of the Board of Trustees or the Directors of the Deep Springs College Corporation. This Order shall not be interpreted as (i) prohibiting Deep Springs College from advising applicants for faculty and staff positions at the College of the current status of this legal proceeding, or (ii) infringing any Constitutionally protected free speech rights, such as the right of members of the Deep Springs College community (faculty, staff, students, family members of faculty and staff) to discuss the issue of coeducation at Deep Springs College.

4. The Trustees of the L.L. Nunn Trust and the Directors of the Deep Springs Corporation shall immediately:

- (a) Give notice of this Order to all Enjoined Persons, and
- (b) Post a copy of this Order on the Deep Springs College internet web site on the same web page on which the College has been posting updates about the coeducation issue and posting certain court filings in relation thereto.

5. Violation of this Preliminary Injunction shall expose the violating person or entity to all applicable penalties, including contempt of Court.

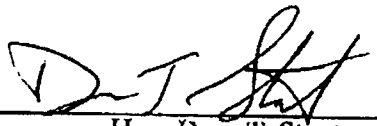
6. A \$10,000 bond is ordered to be posted by Respondents' Hoekstra and Keonjian. The Court issues this preliminary injunction so as to (a) preserve the status quo ante litem, (b) prevent Enjoined Persons from taking actions in relation to coeducation before a decision on the merits from this Court, (c) prevent Enjoined Persons from taking actions in relation to coeducation that may prompt lawsuits against Deep Springs College by donors, applicants, students, and/or other individuals or organizations, (d) preserve the outstanding reputation of Deep Springs College, and (e) for the reasons explained in the February 13 Order.

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IT IS SO ORDERED.

Dated: August 20, 2013



Hon. Dean T. Stout

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1 **PROOF OF SERVICE BY MAIL**

2 I am more than eighteen years old and not a party to this action. My business address is
3 Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025. On
4 September 23, 2013, I served the following document(s):

5 **NOTICE OF ENTRY OF AMENDED PRELIMINARY INJUNCTION ORDER**
6 on the interested parties in this action by placing true and correct copies thereof in sealed
7 envelope(s) addressed as follows:

8 **Christopher L. Campbell**
9 **Dirk B. Paloutzian**
10 **Baker Manock & Jensen, PC**
11 **5260 N. Palm Avenue, Suite 421**
12 **Fresno, CA 93704**

Peter E. Tracy
Law Office of Peter E. Tracy
106 South Main Street, #200
P.O. Box 485
Bishop, CA 93515

11 **Jon Michaelson, Esq.**
12 **K&L Gates, LLP**
13 **630 Hansen Way**
14 **Palo Alto, CA 94304**

Ms. Tania M. Ibanez
Supervising Deputy Attorney General
Charitable Trusts Section
California Attorney General's Office
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013

15 I am employed in the county from which the mailing occurred. On the date indicated
16 above, I placed the sealed envelope(s) for collection and mailing at this firm's office business
17 address indicated above. I am readily familiar with this firm's practice for the collection and
18 processing of correspondence for mailing with the United States Postal Service. Under that
19 practice, the firm's correspondence would be deposited with the United States Postal Service on
20 this same date with postage thereon fully prepaid in the ordinary course of business.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on September 23, 2013, at Menlo Park, California.

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25 _____
Tina McBride