

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

STUDENT MEMBERS OF SAME	:	
(STUDENT/FACULTY ALLIANCE FOR	:	
MILITARY EQUALITY) and	:	
OUTLAWS,	:	CIVIL ACTION NO.
PLAINTIFFS,	:	3:03-cv-1867 (JCH)
v.	:	
	:	
DONALD H. RUMSFELD, IN HIS	:	
OFFICIAL CAPACITY AS U.S.	:	
SECRETARY OF DEFENSE,	:	MARCH 31, 2005
DEFENDANT.	:	

**RULING ON PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT [DKT.NO. 44]
AND DEFENDANT’S MOTION TO DISMISS [DKT. NO. 14]**

Plaintiffs Student Members of SAME (Student/Faculty Alliance for Military Equality), a Yale Law School student organization, and Outlaws, a Yale Law School student organization (together “SAME” or the “Law Students”), move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. SAME has three remaining claims:¹ 1) that the Government’s interpretation of the Solomon Amendment is unreasonable, 2) that the Solomon Amendment violates their First Amendment right to receive information, and 3) that the Solomon Amendment violates their Fifth Amendment right to equal protection under the laws. The injuries that SAME claims to suffer, as a result of the defendant Department of Defense’s (“DoD”) infringement of their statutory and constitutional rights, are based on: 1) DoD’s threats to withhold funding from Yale University as a consequence of what DoD argues is Yale Law School’s (“YLS”) non-compliance with the terms of the Solomon Amendment, and 2)

¹The court dismissed the plaintiffs’ viewpoint discrimination and First Amendment association claims in its ruling on June 9, 2004. See Student Members of SAME v. Rumsfeld, 321 F.Supp.2d 388 (D.Conn. 2004).

YLS's resulting suspension of its' Non-Discrimination Policy ("NDP").

As a result of this court's recent ruling in a related case, Burt v. Rumsfeld, 354 F.Supp.2d 156, 189-90 (D.Conn. 2005), the DoD was enjoined from enforcing the Solomon Amendment against Yale University based on YLS's NDP. The plaintiffs have advised the court that, soon thereafter, YLS reinstated its NDP. Therefore, SAME's motion for summary judgment [Dkt. No. 44] and DoD's remaining motion to dismiss [Dkt. No. 14] are **DENIED AS MOOT**. The clerk is ordered to close the case. In the interests of judicial economy, any party may move to reopen the case if the court's ruling in Burt v. Rumsfeld , cited above, is reversed on appeal, if such a motion is filed within 30 days of the mandate.

SO ORDERED.

Dated at Bridgeport, Connecticut, this 31st day of March, 2005.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge