

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**Stephen B. Burbank, Anita L. Allen-  
Castellitto, Regina Austin, C. Edwin Baker,  
Eric Feldman, Douglas Frenkel, Frank  
Goodman, Seth F. Kreimer, Anne E. Kringel,  
Friedrich Kubler, Alan M. Lerner, Howard  
Lesnick, Bruce H. Mann, Stephen Morse,  
Wendell Prichett, Edward Rubin, Louis S.  
Rulli, Catherine T. Struve, Dina Lynn  
Schlossberg, Kim Lane Scheppele, Clyde W.  
Summers, Erica Flores, Terri Keeley, Ellen  
London, Loren Stewart, Bryan Tallevi, Carlos  
Uriarte, Thaomee Xiong, and Lambda Law,**

**Civil Action No. 03-5497**

**Plaintiffs,**

**v.**

**DONALD H. RUMSFELD, Secretary  
of Defense, in his Official Capacity,**

**Defendant.**

**ORDER GRANTING PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT AND DENYING DEFENDANT'S MOTION TO DISMISS**

Upon consideration of Plaintiffs' Motion for Summary Judgment, and the Defendant's Motion to Dismiss, all supporting affidavits and memoranda of law, and all responses to such motions, it is hereby found that:

1. The University of Pennsylvania Law School's recruitment policies and practices in effect from 1998-2003 are in compliance with the Solomon Amendment, 10 U.S.C. § 983(b), and termination of federal funding to the Law School or University is impermissible under the Solomon Amendment.

2. The Solomon Amendment as applied violates Plaintiffs' rights to free speech, association and academic freedom under the First Amendment of the U.S. Constitution.

BASED ON THE FOREGOING FINDINGS OF FACTS, IT IS HEREBY,

**ORDERED** that the Defendant's Motion to Dismiss is DENIED in its entirety; and it is further

**ORDERED** that the Plaintiffs' Motion for Summary Judgment is GRANTED in its entirety with respect to Count I; and it is further

**ORDERED** that Plaintiffs are entitled to, and hereby are granted, a declaratory judgment that the University of Pennsylvania Law School's recruitment policies and practices in effect from 1998-2003 are in compliance with the Solomon Amendment, and that termination of federal funding to the Law School or University is impermissible under the Solomon Amendment; and [or] it is further

**ORDERED** that the Plaintiffs' Motion for Summary Judgment is GRANTED in its entirety with respect to Counts II and III; and it is further

**ORDERED** that Plaintiffs are entitled to, and hereby are granted, a declaratory judgment that the Solomon Amendment as applied violates Plaintiffs' rights to free speech, association and academic freedom under the First Amendment of the U.S. Constitution.

Dated: \_\_\_\_\_, 2004

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THE HONORABLE JOHN P. FULLAM  
UNITED STATES DISTRICT JUDGE