

No. 25-1105

In the United States Court of Appeals for the Tenth Circuit

KRISTEN CROOKSHANKS, AS PARENT AND NEXT OF FRIEND OF A
MINOR ON BEHALF OF C.C.; MINDY SMITH, AS PARENT AND NEXT OF
FRIEND OF A MINOR ON BEHALF OF E.S.; NAACP-COLORADO-
MONTANA-WYOMING STATE AREA CONFERENCES; AND THE AUTHORS
GUILD,

Plaintiffs-Appellees,

v.

ELIZABETH SCHOOL DISTRICT,

Defendant-Appellant.

On Appeal from the United States District Court for the District of Colorado
Hon. Charlotte N. Sweeney
Case No. 1:24-cv-03512-CNS-STV

**APPELLANT'S UNOPPOSED
MOTION TO DISMISS APPEAL**

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Defendant-Appellant Elizabeth School District respectfully moves to dismiss its appeal under Rule 42(b)(2). We have conferred with counsel for the plaintiffs-appellees and they have agreed not to oppose dismissal of the appeal on the following terms: The Elizabeth School District will pay all of the plaintiffs-appellees court costs on appeal. The plaintiffs-appellees also reserve all rights. The plaintiffs-appellees agree not to oppose dismissal of the appeal in accordance with these terms. *See* Fed. R. App. P. 42(b)(2).

CONCLUSION

The unopposed motion to dismiss the appeal should be granted.

Respectfully submitted.

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Dated: January 20, 2026

Counsel for Defendant-Appellant

CERTIFICATE OF SERVICE

I certify that on January 20, 2026, this document was electronically filed with the clerk of the court for the U.S. Court of Appeals for the Tenth Circuit and served through CM/ECF upon:

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CERTIFICATE OF CONFERENCE

I certify that I have conferred with Kendra Kumor, counsel for the plaintiffs-appellees, who informed me that plaintiffs-appellees are unopposed to this motion.

/s/ Jonathan F. Mitchell
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CERTIFICATE OF COMPLIANCE

with type-volume limitation, typeface requirements,
and type-style requirements

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 88 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This motion complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5), and Fed. R. App. P. 32(a)(6) because it uses Equity Text B 14-point type face throughout, and Equity Text B is a proportionally spaced typeface that includes serifs.

Dated: January 20, 2026

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CERTIFICATE OF ELECTRONIC COMPLIANCE

Counsel also certifies that on January 20, 2026, this motion was transmitted to the Clerk of the United States Court of Appeals for the Tenth Circuit, through the court's CM/ECF document filing system.

Counsel further certifies that: (1) required privacy redactions have been made, 10th Cir. R. 25.5; (2) the electronic submission is an exact copy of the paper document; and (3) the document has been scanned with the most recent version of VirusTotal and is free of viruses.

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