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Attorneys for Objectors/Respondents
Kinch Hoekstra and Edward Keonjian, Trustees of the
L.L. Nunn Trust

IMAGED

FILED

FEB 22 2013

INYO CO. SUPERIOR COURT
TAMMY L. GRIMM, CLERK
BY M. McKellen DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF INYO

In re the Matter of the

L.L. Nunn Trust for the benefit of Deep Springs College under the Deed of Trust dated November 5, 1923

Case No. SI CV PB 1253232

PRELIMINARY INJUNCTION ORDER

DATE: November 19, 2012
TIME: 1:00 PM
DEPT: 4
JUDGE: Hon. Dean T. Stout

ACTION FILED: February 6, 2012

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

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

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

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

IT IS HEREBY ORDERED THAT:

1. With respect to construing the Trust provisions, the Court rules in favor of Objectors/Respondents. The Trust can not be construed as giving the Trustees discretion to admit female students.

2. Respondents' Motion to Join Deep Springs Corporation as a Party is GRANTED.

3. Respondents' Motion for Preliminary Injunction is GRANTED. The Court finds that Respondents have established all of the required elements for issuance of a preliminary injunction under California law. The Court has explained why this is so in the February 13 Order. Accordingly, the Court issues the following preliminary injunction:

Petitioner, the Trustees of the Trust, the Deep Springs Corporation, the Directors of the

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

(a) Admitting women as students at Deep Springs College;

(b) Soliciting or accepting applications from women to be students at Deep Springs College;

(c) Using any assets or resources (including but not limited to funds, facilities, and employee time) of Deep Springs College, the Trustees of Deep Springs, the Deep Springs College Corporation, the LL Nunn LLC, and any other entities associated with Deep Springs College, for the recruitment, education, or support of female students or for preparing for a transition to coeducation;

(d) Selling, transferring, or otherwise disposing of assets of Deep Springs College (whether held by the Trust, the Deep Springs Corporation, or 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 hiring, firing or evaluating faculty, staff, employees or selecting, dismissing or evaluating members of the Board of Trustees or the Directors of the Deep Springs College Corporation.

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' Hockstra 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.

IT IS SO ORDERED.

Dated: February 22, 2013

Dean T. Stout

Hon. Dean T. Stout

DECLARATION OF SERVICE
CCP Section 1013

Case Number: SICVPB 12-53232

I, the undersigned, say: I am a citizen of the United States, a resident or employed in the County of Inyo, over the age of eighteen years, and not a party to the within action; that my business address is: Courthouse, 168 N. Edwards St., Independence, CA 93526, that on FEBRUARY 25, 2013, I served a copy of the foregoing document(s) described as:

PRELIMINARY INJUNCTION ORDER FILED 2/22/13

(X) BY MAIL: I am readily familiar with the County of Inyo's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Independence, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. Said copy was mailed as indicated below:

Christopher L. Campbell, Esq. Jeffrey a. Jaech, Esq. Baker Manock & Jenson, PC 5260 N. Palm Avenue, Fourth Floor Fresno, CA 93704 FACSIMILE: 559-432-5620	Heather M. Hoekstra, Esq. 420 Coventry Road Kensington, CA 94707
Peter E. Tracy, Esq. Law Office of Peter E. Tracy 106 South Main St. # 200 Bishop, CA 93514 HAND DELIVERED	Joseph C. Liburt Orrick, Herrington, & Sutcliffe, LLP 1000 Marsh Road Menlo Park, CA 94025 FACSIMILE: 650-614-7401
Jon Michaelson, Esq. K&L Gates 630 Hansen Way Palo Alto, CA 94304 FACSIMILE: 650-798-6701	

(X) BY FACSIMILE: by delivering said copy by facsimile as indicated above.

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

TAMMY L. GRIMM, SUPERIOR COURT CLERK

Dated: 2/25/13

By: M. McVicker
Deputy Clerk