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DEEP SPRINGS COLLEGE CORPORATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE 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 **PETITION FOR MODIFICATION OF PRELIMINARY INJUNCTION** Date: April 26, 2013 Time: 9:00 a.m. Judge: Hon. Dean T. Stout

Third party Deep Springs College Corporation ("Corporation") requests that the Court's Preliminary Injunction Order dated February 22, 2013, page 1, line 28 through page 2, line 22, be modified as set forth in Schedule A attached to this Petition.

This Petition is made pursuant to section 533 of the California Code of Civil Procedure because the ends of justice would be served through modification of Preliminary Injunction language such that

- The entities and persons to whom the preliminary injunction applies are clearly identified.
- The acts to which the preliminary injunction applies are clearly specified.
- No unconstitutional restraint is placed on rights of expression or association.
- No interference with the operations of Deep Springs College, as those existed prior to commencement of this proceeding, takes place.

This Petition is based upon this notice, the accompanying memorandum of points and authorities, and all papers and records filed previously in this proceeding.

Respectfully submitted,

K&L GATES LLP

Dated: April 1, 2013

By: _____

Jon Michaelson
Frances B. Cox

Attorneys for
DEEP SPRINGS COLLEGE CORPORATION

SCHEDULE A

Petitioner, the Trustees of the Trust, the Deep Springs Corporation, the Directors *and Officers* of the Deep Springs Corporation, and *any new entity Petitioner may form* ~~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 L.L. 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~~ *to implement coeducation or 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~~ *to implement* 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.~~"