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7 Counsel for Plaintiff The Women’s Student Union

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10  
11 THE WOMEN’S STUDENT UNION,

12 *Plaintiff,*

13 v.

14 U.S. DEPARTMENT OF EDUCATION,

15 *Defendant.*  
16

**NOTICE OF INTENT TO REST ON  
AMENDED COMPLAINT**

Civil Action No. 3:21-cv-01626-EMC

Judge: Honorable Edward M. Chen

Hearing: n/a

1 Plaintiff the Women’s Student Union respectfully submits the following notice to inform  
2 the Court that it intends to rest on the Amended Complaint dismissed by the Court on February  
3 16, 2022, *see* ECF No. 114, rather than filing a Second Amended Complaint. After the court  
4 dismisses a complaint with leave to amend, “[a] plaintiff may obtain an appealable final judgment  
5 by ‘fil[ing] in writing a notice of intent not to file an amended complaint.’” *Edwards v. Marin*  
6 *Park, Inc.*, 356 F.3d 1058, 1063-64 (9th Cir. 2004) (quoting *WMX Techs., Inc. v. Miller*, 104 F.3d  
7 1133, 1135 (9th Cir. 1997)). WSU therefore requests that the Court enter a final appealable order  
8 so that it can pursue an appeal to the United States Court of Appeals for the Ninth Circuit.

9 Date: March 15, 2022

Respectfully submitted,

10  
11 /s/ John T. Lewis

John T. Lewis\*

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2022, a true and accurate copy of the foregoing was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will send a notification of the filing to counsel in this case.

/s/ John T. Lewis

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