

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:24-cv-03441-GPG-TPO

DO NO HARM,

Plaintiff,

v.

UNIVERSITY OF COLORADO;
TODD SALIMAN, in his official capacity as
the President of the University of Colorado;
DONALD M. ELLIMAN, JR., in his official
capacity as the Chancellor of the University of
Colorado Anschutz Medical Campus;
JOHN SAMPSON, in his official capacity as
the Dean of the University of Colorado
School of Medicine;
SHANTA M. ZIMMER, in her official capac-
ity as the Senior Associate Dean for Educa-
tion of the University of Colorado School of
Medicine; and
BRIAN KAVANAGH, in his official capacity
as the Chair of the Radiation Oncology De-
partment of the University of Colorado
School of Medicine,

Defendants.

JOINT STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties stipulate to the following:

1. On December 12, 2024, Do No Harm filed this lawsuit challenging the University of Colorado School of Medicine's Underrepresented Minorities Visiting

Elective Scholarship for visiting medical students studying radiation oncology, which was “open to anyone who identifies with the groups recognized as historically underrepresented in medicine including but not limited to African American/Black, Native American, Hispanic/Latino, Pacific Islander, LGBTQ+, or those from a disadvantaged socioeconomic background.” Compl. (Doc. 1) ¶¶29; see Dep’t of Radiation Oncology, *Underrepresented Minorities Visiting Elective Scholarship*, Univ. of Colo. Sch. of Med., perma.cc/8SEF-NRDZ. Do No Harm alleged that the scholarship was racially discriminatory in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and Title VI of the Civil Rights Act of 1964. Compl. ¶¶49-72.

2. After the lawsuit was filed, Defendants made changes to the scholarship program. See Dep’t of Radiation Oncology, *Radiation Oncology Visiting Elective Scholarship*, Univ. of Colo. Sch. of Med., perma.cc/6MFB-RPKU.

- a. “Underrepresented Minorities Visiting Elective Scholarship” is now called “Radiation Oncology Visiting Elective Scholarship.”
- b. The revised program is “open to all applicants—the focus is on those who have had personal experience overcoming hardship or have an interest in working with or advocating for patients who have traditionally experienced barriers to accessing healthcare.”

3. The scholarship will no longer require applicants to belong to historically underrepresented racial minority groups. Applicants’ race or ethnicity will not be considered as a factor, except to the extent contemplated by the Supreme Court in *Students*

for Fair Admissions, Inc. v. President & Fellows of Harvard College, 600 U.S. 181, 230-31 (2023).

4. The case is hereby dismissed, with both sides to bear their own fees and costs.

Dated: February 13, 2025

Respectfully submitted,

/s/ Cameron T. Norris

Thomas R. McCarthy

Cameron T. Norris

Lead Counsel

Frank H. Chang

Zachary Grouev

CONSOVOY MCCARTHY PLLC

1600 Wilson Blvd., Ste. 700

Arlington, VA 22209

(703) 243-9423

tom@consovoymccarthy.com

cam@consovoymccarthy.com

frank@consovoymccarthy.com

zach@consovoymccarthy.com

Attorneys for Do No Harm

PHILIP J. WEISER

Attorney General

/s/ Pawan Nelson

MICHAEL MCMASTER*

Assistant Solicitor General

PAWAN NELSON*

Senior Assistant Attorney General

Ralph L. Carr Colorado Judicial Center

1300 Broadway, 7th Floor

Denver, Colorado 80203

(720) 508-6484 (McMaster)

(720) 508-6578 (Nelson)

michael.mcmaster@coag.gov

pawan.nelson@coag.gov

*Counsel of Record

Attorneys for Defendants