**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

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| TIM BAKKEN,<br><br>Plaintiff,<br><br>v.<br><br>UNITED STATES MILITARY ACADEMY, ET AL.,<br><br>Defendants. | No. 25 Civ. 7826 (CS)<br><br>**STIPULATED JUDGMENT** |

WHEREAS, plaintiff Tim Bakken ("Plaintiff") brought this action against defendants the United States Military Academy ("USMA"), Lt. General James B. Bartholomees III,[1] Brigadier General Nicholas H. Gist, Col. William L. Koch, Col. Joshua Berry, and Lt. Col. Caitlin Chiaramonte, all in their official capacities (together, "Defendants"), asserting claims under the First Amendment of the U.S. Constitution (ECF Nos. 1 (Complaint), 11 (Amended Complaint));

WHEREAS, on December 5, 2025, Plaintiff, a civilian faculty member at USMA, moved for a preliminary injunction, seeking to enjoin Defendants from (i) enforcing USMA Dean's Policy and Operating Memorandum 03-24 against Plaintiff and the members of the putative class he sought to represent; and (ii) prohibiting and/or restraining Plaintiff from expressing or offering his "opinions," "beliefs," and/or "views" to his students about the subject matter taught in his class (ECF Nos. 47-50);

WHEREAS, on January 30, 2026, Defendants opposed the motion for a preliminary injunction and filed a motion to dismiss the Amended Complaint (ECF Nos. 53-55);

[1] Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Lt. General James B. Bartholomees III, Brigadier General Nicholas H. Gist, and Col. William L. Koch are automatically substituted as parties for Lt. General Steven W. Gilland, Brigadier General Nicholas H. Gist, and Col. Krista Watts, respectively.

WHEREAS, by Opinion and Order dated May 26, 2026 (the "May 2026 Ruling"), the Court denied Defendants' motion to dismiss, finding that the Court had jurisdiction to hear the claims and that the Amended Complaint did not fail to state claims as a matter of law, and granted Plaintiff's motion for a preliminary injunction (ECF No. 68);

WHEREAS, solely for purposes of entry of final judgment and without admitting liability, Defendants agree that the preliminary injunction set forth in the May 2026 Ruling shall be converted to a permanent injunction;

WHEREAS, Defendants' agreement not to further contest liability is made solely to permit entry of this judgment and to facilitate full appellate review of the May 2026 Ruling;

WHEREAS, Defendants do not waive their right to appeal from the entry of this judgment;

WHEREAS, this judgment is intended to be a final, appealable judgment under 28 U.S.C. § 1291;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, for the reasons set forth in the May 2026 Ruling, USMA Dean's Policy and Operating Memorandum 03-24, dated February 13, 2025, as it pertains to civilian professors, and the Dean's directive prohibiting and/or restraining Plaintiff from expressing or offering his "opinions," "beliefs," and/or "views" to his students about the subject matter taught in his class, violate the First Amendment and are therefore unconstitutional.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, their officers, agents, servants, employees, attorneys, and any other persons who are in active concert or participation with any such person, are permanently enjoined from (1) enforcing USMA Dean's Policy and Operating Memorandum 03-24, dated February 13, 2025, against civilian faculty

members of USMA, and (2) prohibiting or restraining Plaintiff from expressing or offering his opinions, beliefs, or views to his students on the subjects he teaches.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this final judgment resolves and disposes of all claims asserted by Plaintiff against Defendants in this action with prejudice, excepting only Plaintiff's ability to seek to recover costs and attorneys' fees incurred in connection with this litigation, to the extent Plaintiff may seek to make such an application.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants' right to seek appellate review of the Court's May 2026 Ruling is preserved.

The Clerk of Court is respectfully directed to enter this judgment accordingly and close this case.

Dated: New York, New York
September 4, 2026

GOLDMAN LAW, PLLC
*Attorney for Plaintiff*

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Dated: New York, New York
September 4, 2026

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SO ORDERED:

Cathy Seibel 9/8/26

HON. CATHY SEIBEL
United States District Judge