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U.S. DISTRICT COURT
DISTRICT OF MARYLAND
UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
2008 JAN 14 AM 11:45

CLERK'S OFFICE
AT BALTIMORE
THE COALITION FOR EQUITY AND EXCELLENCE
IN MARYLAND HIGHER EDUCATION, INC.,

Plaintiffs,

Civil No. MJG-06-2773

v.

MARYLAND HIGHER EDUCATION COMMISSION

Defendants.

PLAINTIFFS' MOTION TO REOPEN

The Plaintiffs, by and through their undersigned counsel, respectfully request this Court grant their Motion to Reopen the pending civil action.

On January 26, 2007, Plaintiffs' attorneys made a Motion to Withdraw as Counsel which was granted on January 30, 2007. Upon withdrawal, then Counsel requested the Court preserve the Plaintiffs' right and ability to proceed with the case. Therefore, this Court administratively closed the case but certified that "Plaintiffs shall have the ability to reopen the case at any time prior to December 31, 2007 should they wish to continue the litigation." Order Re: Counsel for Pls. (Jan. 30, 2007) (attached). This Court further stated that "the case shall be reopened upon the request of any Plaintiff made by December 31, 2007." Id. at ¶ 4. The Court is also to set a deadline for Plaintiffs to respond to the pending Motion to Dismiss and/or Summary judgment upon timely request to reopen. Id. at ¶5.

Plaintiffs are concurrently filing a Motion for Leave to File an Amended Complaint. The

Lodged First Amended Complaint, if accepted, will not only provide a fresh start for the case, but also address new legal arguments that focus on questions of federal rather than state law, following the Defendants removal of the case from state court to federal court. *See* Lodged First Amended Complaint, Exhibit A. Because of the original nature of the Lodged First Amended Complaint and the new venue, Plaintiffs are also requesting that this Court eliminate the need for plaintiffs to respond to the Defendants' pending Motion to Dismiss and/or for Summary Judgment.

The Motion to Reopen has been made within the time frame contemplated by Judge Marvin J. Garbis. Judge Garbis expressed that the Motion be granted freely as long as it was timely. Moreover, the Court has stated that it would draft an Order to Reopen, if a Motion to Reopen was filed, so no such Order has been attached. Consequently, Plaintiffs respectfully aver that the Motion to Reopen should be granted and this Court should permit Plaintiffs not to respond to the Motion to Dismiss and/or for Summary Judgment.

Respectfully submitted,

Robert Fulton
Dashiell

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SO ORDERED, on Tuesday, January 29, 2008.

/s/

Marvin J. Garbis
United States District Judge