

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

FILED

SEP 12 2000

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

PETER MILLS, et al.,

Plaintiffs

v.

Civil Action No. 71-1939 (JGP)

**BOARD OF EDUCATION OF THE
DISTRICT OF COLUMBIA, et al.,**

Defendants

ROBBY GIBSON,

Applicant

v.

Civil Action No. 71-1939 (JGP)

**THE GOVERNMENT OF THE
DISTRICT OF COLUMBIA, et al.,**

Defendants

ORDER

The applicant, Robby Gibson, attempted to file an Application for Preliminary Injunction on September 1, 2000. The Court will allow this Application to be filed, conditionally, as captioned by the applicant, despite the fact that the record does not reflect that the applicant is a member of the class in Mills v. Board of Education, Civil Action No. 71-1939. However, the Court orders the parties, including class counsel in Mills, counsel for the defendants, and counsel for the applicant, to brief the Court on whether the Application is properly before the Court. Specifically, the parties are to address whether the applicant is a member of the Mills class, and, if so, whether the Application must be filed by class counsel, rather than by counsel for the applicant.

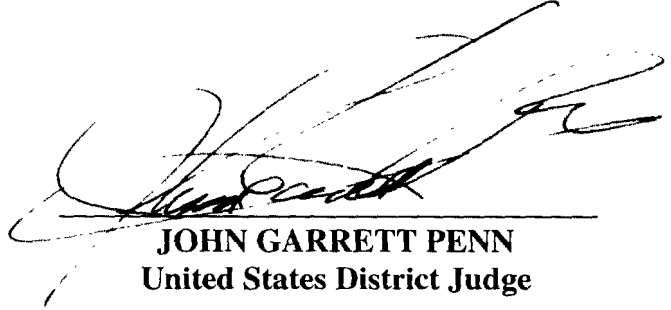
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To expedite resolution of this matter, each party must file a brief in response to this Order on or before Thursday, September 21, 2000. Each party may respond to the briefs filed no later than Monday, September 25, 2000. Service of briefs and responses is to be effected by hand delivery.

SO ORDERED.

Date: SEP 12 2000



JOHN GARRETT PENN
United States District Judge

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