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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THE REV. DR. MICHAEL  
A. NEWDOW, et al.,

NO. CIV. S-05-17 LKK/DAD

Plaintiffs,

v.

O R D E R

THE CONGRESS OF THE UNITED  
STATES OF AMERICA, et al.,

Defendants.

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On October 5, 2005, a Status Conference was held in the above-captioned matter. Based on that hearing, the court hereby ORDERS as follows:

1. Plaintiffs are directed to file affidavits in support an injunction regarding their standing and the merits no later than 4:00 p.m. on October 26, 2005. By such date and time, defendants are directed to file a motion for summary judgment as to the Elverta Joint Elementary School District, if appropriate.

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2. Defendants are directed to file responsive affidavits, if any, by November 16, 2005 no later than 4:00 p.m.. Plaintiffs shall file an opposition to defendants' motion for summary judgment as described in ¶ 1 by November 16, 2005 no later than 4:00 p.m. No reply brief will be entertained.<sup>1</sup>

3. The hearing date for the motion to certify for interlocutory appeal, scheduled for October 24, 2005, is VACATED.

IT IS SO ORDERED.

DATED: October 11, 2005.

/s/Lawrence K. Karlton  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

<sup>1</sup> The matter will stand submitted and the court will schedule a hearing if necessary.