

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

THE STATE OF GEORGIA, et. al.,
Defendants.

CIVIL ACTION
NO. 1:09-CV-119-CAP
NO. 1:10-CV-249-CAP

O R D E R

On August 6, 2010, the court held a telephone status conference with the parties and *amici curiae* to discuss pending issues in case number 1:09-CV-119 ("2009 Action") and case number 1:10-CV-249-CAP ("2010 Action"). After hearing and discussing arguments from the parties and *amici curiae*, the court reached the following conclusions and set forth the following dates and schedules.

1.

In the 2010 Action, the court DENIES the defendants' motion to dismiss [Doc. No. 28] and DIRECTS the parties to initiate discovery in the matter.

2.

In the 2009 Action, the court DIRECTS that the *amici curiae* maintain their participation as previously directed by the court.

3.

Joint Proposed Preliminary Reports and Discovery Plans will be filed in each case within 20 days of the date of this order.

4.

Discovery shall begin in both actions upon the filing of this order. Discovery in one action may be used and incorporated in the other action.

5.

In the 2009 Action, the court concludes that the plaintiff's 90-day notice lacks specificity and DIRECTS the plaintiff to file a report, within 10 days of the date of this order, that specifies in detail which obligations under the Settlement Agreement [Doc. No. 2] the plaintiff believes that the defendants have failed to fulfill ("Report of Non-compliance").

6.

In the 2009 Action, the court will conduct a 2-week evidentiary hearing starting on November 8, 2010 ("Nov. 8 Hearing"). The court will hear testimony and evidence regarding the plaintiff's Report of Non-compliance and remedies under the Settlement Agreement [Doc. No. 2]; as well as, all evidence to support the plaintiff's motion for preliminary injunction [Doc. No. 55]. The parties will SUBMIT trial briefs on the issues to be

discussed at the Nov. 8 Hearing no later than October 18, 2010,
with responses due no later than October 28, 2010.

SO ORDERED, this 9th day of August, 2010.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL JR.
United States District Judge