

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WALTER SMILEY, et al.,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO.
	:	
vs.	:	4:06-CV-0140-CC
	:	
SONNY PERDUE, et al.,	:	
	:	
Defendants.	:	

ORDER

This matter is presently before the Court on Defendants Perdue, Baker and Dean's Renewed Motion for Summary Judgment [Doc. No. 286] and Plaintiffs' Renewed Motion for Summary Judgment and for a Permanent Injunction to Enjoin Enforcement of the "School Bus Stop" Provision of O.C.G.A. § 42-1-15(B) and § 42-1-16(B) [Doc. No. 287]. After the filing of the motions for summary judgment, documents were filed indicating that no designated school bus stops remain in the State of Georgia. (See [Doc. Nos. 300, 302].) Defendants Perdue, Baker, and Dean's motion for summary judgment raises standing and numerosity challenges; however, at the time the summary judgment motions were filed and briefed, designated school bus stops existed in the State of Georgia and the standing and numerosity challenges were brought in this factual context. The existence of standing and challenges to the class certification in this action (as well as any additional Article III matters) must be addressed prior to the Court's consideration of the substantive claims in this case. To that end, the Court **DIRECTS** Defendants Perdue, Baker and Dean to file supplemental briefing on any applicable Article III and class certification issues within the next thirty (30) days. The Court will permit response and reply briefs to be filed pursuant to the Local Rules of this Court. The two pending summary judgment motions are hereby **DENIED without prejudice**, and the Court

will determine whether and to what extent the parties may renew the motions after the Court considers the issues raised by the supplemental briefing.

SO ORDERED this 13th day of September, 2011.

s/ CLARENCE COOPER

CLARENCE COOPER
SENIOR UNITED STATES DISTRICT JUDGE