

FILED
K

00 SEP 12 AM 8:48

CLERK OF COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DANIEL DANIELS, as next
friend of JESSICA DANIELS
and JENNIFER DANIELS,

Plaintiffs,

-vs-

CASE NO. 6:97-CIV-1186-ORL-22A

SCHOOL BOARD OF
BREVARD COUNTY,
FLORIDA,

Defendant.

_____ /

ORDER

In this action, Plaintiffs complain that disparities between the girls' softball and boys' baseball programs at Merritt Island High School ("MIHS") violates Title IX, 20 U.S.C. § 1681, and the Florida Educational Equity Act, Fla. Stat. § 228.2001. On December 23, 1997, the Court entered an Order and Preliminary Injunction (Doc. 32) which required the Defendant School Board to remedy a number of specific inequities relating to the girls' softball program at MIHS. On April 24, 1998, this case was consolidated with the case of *Daniel Daniels, as next friend of Jessica Daniels and Jennifer Daniels, etc. v. School Board of Brevard County, Florida*, case no. 6:97-civ-1463-Orl-22A, for all purposes, including trial. The latter action complains of disparities in the girls' softball and boys' baseball programs county-wide; therein, Plaintiffs sought, and were granted, class-action treatment. Case number 97-1463 is the lead case.

On March 30, 2000, the parties filed a Joint Stipulation in case no. 97-1463, substantially narrowing their dispute. The stipulation recites:

The Class and the School Board stipulate and agree that considering all relevant Title IX factors, the facilities offered to girls' softball players and boys' baseball players at Bayside High School, Cocoa High School, Cocoa Beach High School, Eau Gallie High School, Melbourne High School, Merritt Island High School, Palm Bay High School, Rockledge High School and Satellite High School, are, for each school, substantially equivalent as of January 22, 2000. As to any such differences in the facilities offered in favor of one sport or the other at such schools, such differences are not significant as of January 22, 2000. Furthermore, the parties stipulate that this lawsuit does not include any changes made to Brevard County School Board facilities after January 22, 2000.

Doc. 119 in case no. 97-1463. Consistent with this stipulation, the parties represented in their summary judgment submissions in case no. 97-1463 that the softball/baseball programs at the nine schools identified in the stipulation were in compliance with Title IX and its state counterpart. Accordingly, they focused on the asserted disparities at only two schools: Titusville High and Astronaut High. This narrowed inquiry is confirmed in the Joint Pretrial Statement recently filed in case no. 97-1463.

Plaintiffs' claims in the instant action are subsumed in 97-1463, which, as previously noted, has a county-wide focus. Further, as evidenced by the stipulation filed in 97-1463, the disparities at MIHS have been rectified. Accordingly, the preliminary injunction entered in the instant case no longer serves any useful purpose and should be dissolved. Given these circumstances, the Court also determines that this case should be closed.

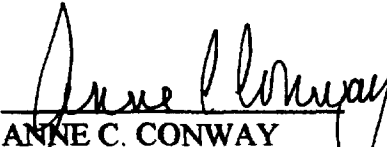
Based on the foregoing, it is ORDERED as follows:

1. The Order and Preliminary Injunction (Doc. 32) entered on December 23, 1997 is DISSOLVED.


2. The Clerk shall close this case.

2. Any remaining issues, including attorneys' fees, shall be addressed in case no. 97-1463.

DONE AND ORDERED in Chambers, Orlando, Florida, this 12th day of September, 2000.


ANNE C. CONWAY
United States District Judge

Copies to:

 Counsel of Record
Any Unrepresented Parties
Magistrate Judge Karla R. Spaulding
Administrative Law Clerk
Courtroom Deputy