

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FEB 11 2002

GALEN PATON, individually, et al.,

Plaintiffs,

vs.

NEW MEXICO HIGHLANDS UNIVERSITY, et al.,

Defendants.

R. Spertmann
CLERK

No. CIV. 97-1360 JC/DJS

ORDER

THIS MATTER is before the Court on remand from the Tenth Circuit Court of Appeals. In its opinion, Paton v. New Mexico Highlands Univ., 275 F.3d 1274 (10th Cir. 2002), the appellate court determined that the Court had erred in decertifying the class of Student Plaintiffs and in denying Plaintiffs' motion for declaratory and injunctive relief and reversed the Court's orders. While declining to reach the issue of whether named Student Plaintiff Erica Travelstead was a member of the class, the appellate court concluded that on the conceded measuring date, May 7, 1998, named Student Plaintiff Jodie Roberts was a member of the class. The appellate court remanded this case for further proceedings on the request for declaratory and injunctive relief and directed the Court to enter an order certifying the class.

Wherefore,

IT IS ORDERED that this action is certified as a class action under Fed. R. Civ. P. 23(a), (b)(2). The action shall proceed as a class action on behalf of "present and future female students enrolled at New Mexico Highlands University who participate as athletes in

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intercollegiate athletics." Class membership shall include those female students who, as of May 7, 1998, were enrolled at New Mexico Highlands University and participated as athletes in intercollegiate athletics. The claims that are certified for class treatment are I, II, III, and IV.

DATED this ^{8th} day of February, 2002.


SENIOR UNITED STATES DISTRICT JUDGE

Counsel for Plaintiffs: Kristen M. Galles, Alexandria, VA, Linda M. Vanzi, Albuquerque, NM, and Nancy Kantrowitz, THE SCHULZE LAW FIRM, Santa Fe, NM

Counsel for Defendants: Timothy L. White, MADISON, HARBOUR, MROZ & BRENNAN, PA, Albuquerque, NM, and Nancy Ruth Long, HERRERA, LONG, POUND & KOMER, PA, Santa Fe, NM