

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MARGARET T. ALLEN, et al.,

Plaintiffs,

**BOARD OF TRUSTEES FOR ALABAMA
STATE UNIVERSITY; et al.,**

Plaintiff-Intervenors,

vs.

**ALABAMA STATE BOARD OF
EDUCATION, et al.,**

Defendants.

CIVIL ACTION NO. 2:81CV-697-T

**UNOPPOSED MOTION TO WITHDRAW ORDER OF JUNE 7, 2005
AND TO ENTER ORDER APPROVING SETTLEMENT**

The Defendants, Alabama State Board of Education, et al. ("Defendants"), respectfully move the Court to withdraw the Court's Order of June 7, 2005 (Doc. No. 737), and to enter the proposed order attached to this motion as Exhibit 1 in its stead. As grounds for this motion, Defendants state the following:

1. Paragraph 26 of the January 5, 2000 Amended Consent Decree, and Paragraph 29 of the December 14, 2004 Second Amended Consent Decree, together with 42 U.S.C. § 1988, provide for certain rights and obligations with respect to attorneys' fees and expenses in this matter.

2. Between February 23 and 28, 2005, all plaintiffs and intervenors filed abridged motions for attorneys' fees and expenses under these provisions, together with motions for additional time in which to file their full motions. (Doc. Nos. 723, 724, 725, and 726.)

3. All parties have reached an agreement to resolve the pending claims for attorneys' fees and expenses in this matter. Under the agreement, Defendants have agreed to pay Plaintiffs and intervenors the aggregate sum of six hundred sixty thousand dollars (\$660,000.00), representing all fees and expenses incurred in this matter by all plaintiffs and intervenors from April 25, 2000, through April 21, 2005, inclusive.

4. The agreement has now received the approval of both the Governor and the Attorney General.

5. In order to facilitate payment, the Defendants respectfully request that the Court withdraw its Order of June 7, 2005 (Doc. No. 737), and enter the proposed order attached as Exhibit 1 in its stead.

6. The undersigned counsel has discussed this motion with counsel of record for all plaintiffs and intervenors, and is authorized to represent to the Court that this motion is unopposed.

Respectfully submitted,

FOR THE DEFENDANTS, ALABAMA STATE
BOARD OF EDUCATION, ET AL.:

/S AARON L. DETTLING

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CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of June, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following:

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