

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

M.O.C.H.A. SOCIETY, INC., et al.,

Plaintiffs,

-vs-

98-CV-99-JTC

CITY OF BUFFALO, et al.,

Defendants.

The court's review of the docket in this matter indicates that several motions remain pending. This order shall serve as the court's ruling on the current status of these motions, as follows:

1. **Item 253:** Plaintiffs' Motion for Discovery.

The matters raised by this motion were disposed of as the result of a status conference on May 17, 2007 (see Item 256, Minute Entry 05/17/2007).

2. **Item 257:** Plaintiffs' Motion to Certify Class.

This motion was superseded, and rendered moot, by plaintiffs' Amended Motion to Certify Class (Item 258).

3. **Item 258:** Plaintiffs' Amended Motion to Certify Class.

As anticipated by this court's memorandum and opinion dated February 6, 2008, This motion was argued on June 16, 2008, and ruling has been deferred pending the outcome of the bench trial on the issue of validity of the 1998 Lieutenant's Exam.

4. **Item 287:** Plaintiffs' Motion to Amend/Correct Document 267.

This motion was unopposed, and the relief requested was granted by the court's order dated August 13, 2007 (Item 289).

5. **Item 308:** Defendants' Motion to hold the *Margerum* Intervenors in Contempt.

This motion has been withdrawn by virtue of the matters set forth in the Stipulation and Order dated June 10, 2008 (Item 352).

6. **Item 348:** Plaintiffs' Motion to Dismiss *Margerum* Intervenors, Firefighters Local 282, and Ronald Castle.

This motion is denied without prejudice to renew, if appropriate and necessary, as part of plaintiffs' post trial submissions.

7. **Item 354:** Plaintiffs' Motion *In Limine*.

This motion is denied as moot, in accordance with the matters discussed during the final pretrial conference on June 16, 2008, and the court's rulings at trial.

8. **Item 373:** Plaintiffs' Motion *In Limine* to Exclude Steinberg Opinions.

In accordance with the court's rulings at trial, this motion is denied without prejudice to renew, if appropriate and necessary, as part of plaintiffs' post trial submissions.

So ordered.

\s\ John T. Curtin

JOHN T. CURTIN
United States District Judge

Dated: 8/18, 2008
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