

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FREEDOM FROM RELIGION FOUNDATION, INC.,
ANNE NICHOL GAYLOR, ANNIE LAURIE GAYLOR
and DAN BARKER,

Plaintiffs,

ORDER
06-C-244-S

v.

ALBERTO R. GONZALES, HARLEY G. LAPPIN
and ROB PORTMAN,

Defendants.

Motions by defendants to sever any claim relating to the Office of Management and Budget from the claims relating to the Bureau of Prisons and the Attorney General and to stay proceedings regarding any claim relating to the Office of Management and Budget came on to be heard by telephone in the above entitled matter on September 13, 2006, the plaintiffs having appeared by Boardman, Suhr, Curry & Field by Richard L. Bolton; defendants by United States Department of Justice, Civil Division by Karen Richardson and Adam D. Kirschner. Honorable John C. Shabaz, District Judge, presided.

The law of the case doctrine is applicable in this case because the United States Court of Appeals for the Seventh Circuit expressly addressed the issue in Freedom from Religion Foundation, Inc. v. Chao, 433 F.3d 989 (7th Cir. 2006). The Court is required to apply the Appellate Court's interpretation of taxpayer standing in this action. Further, the complaint demonstrates that the

claims referred to by defendants are related and should be tried together in the interest of judicial economy.

Accordingly,

ORDER

IT IS ORDERED that said motions are DENIED.

Entered this 13th day of September, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge