

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**J.W., a minor by and through Tammy Williams, et al.** )  
)  
)  
**Plaintiffs,** )  
)  
**vs.** )  
)  
**BIRMINGHAM BOARD OF EDUCATION, et al.** )  
)  
**Defendants.** )

**Civil Action Number  
2:10-CV-3314-AKK**

**ORDER**

In light of the court’s recent Memorandum Opinion and Order, (docs. 48 and 49), the following is **ORDERED** with respect to the parties’ outstanding motions:

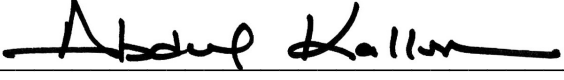
(1) In anticipation of plaintiffs’ submission of a Third Amended Complaint, plaintiffs’ First Motion for Extension of Time, (doc. 4), and First Motion to Amend, (doc. 19), are **MOOT**.

(2) Plaintiffs’ Motion for Class Certification, (doc. 26), is **DENIED without prejudice** to its refiling it on or before September 30, 2011 (see Scheduling Order), and in accordance with the court’s partial dismissal of plaintiffs’ claims and after plaintiffs’ submission of their Third Amended Complaint.

(3) In light of the court’s denial of the motion for class certification, plaintiffs’ Motion to Seal, (doc. 27), defendants motions to strike, (docs. 28, 30, and 31), and

the School Defendants' Motion for Briefing Schedule, (doc. 33), are all **MOOT**. The court anticipates considering some or all of the parties' respective assertions in the aforementioned motions via renewed motions once plaintiffs' provide added clarity to this case by way of their Third Amended Complaint.

**DONE** and **ORDERED** this 20th day of July, 2011.

  
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**ABDUL K. KALLON**  
UNITED STATES DISTRICT JUDGE