

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

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**CHRISTINE MILLS, RUNAKO BALONDEMU,  
GERALDINE DUNCAN, PRISCILLA IJEOMAH,  
LAWRENCE PERRY, WILLIAM ROWLAND,  
DAVID HUBBARD, CLIFTON KNIGHT,  
SHARON TAYLOR and CHARLES MWALIMU,**

**Plaintiffs,**

**v.**

**1:04-CV-2205  
(FJS)**

**JAMES HADLEY BILLINGTON, Librarian,  
Library of Congress,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

**ROSE ADVOCATE FOR CIVIL  
RIGHTS**

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ATTORNEY**

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**BEVERLY MARIA RUSSELL, AUSA  
JULIA DOUDS, AUSA**

**SCULLIN, Senior Judge**

**ORDER**

Pending before the Court are Plaintiffs' motion to bifurcate issues of liability and issues of individual relief, *see* Dkt. No. 261; Plaintiffs' motion to certify a class, *see* Dkt. No. 263; and Defendant's motion to dismiss or, in the alternative, for summary judgment, *see* Dkt. No. 269.

After reviewing the entire record in this matter, the parties' submissions and oral arguments, and the applicable law, and for the reasons stated on the record at oral argument, the Court hereby

**ORDERS** that Plaintiffs' motion to certify a class, *see* Dkt. No. 263, is **DENIED**; and the Court further

**ORDERS** that Plaintiffs' motion to bifurcate issues of liability and issues of individual relief, *see* Dkt. No. 261, is **DENIED as moot**; and the Court further

**ORDERS** that Defendant's motion to dismiss or, in the alternative, for summary judgment, *see* Dkt. No. 269, is **GRANTED** pursuant to Local Civil Rule 7(b) because Plaintiffs did not file a memorandum of law in opposition to this motion within the prescribed time frame; and, therefore, the Court deems Defendant's motion conceded;<sup>1</sup> and the Court further

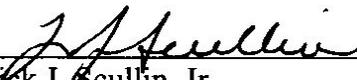
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<sup>1</sup> The Court notes that it contacted Plaintiffs' counsel twice after the filing deadline to inquire as to the reason he had not filed any response to Defendant's motion. Eventually, Plaintiffs' counsel filed a memorandum purporting to respond to Defendant's motion. Not only was this memorandum untimely but it cited no law, nor provided any record-supported facts, to support Plaintiffs' position that the Court should not grant Defendant's motion. In addition, at oral argument, Plaintiffs' counsel provided no valid excuse for his failure to respond to Defendant's motion within the required time frame.

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

**IT IS SO ORDERED.**

Dated: March 30, 2016  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge