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## Berger & Montague, P.C.

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July 13, 2010

**VIA Hardcopy and Facsimile (215) 580-2141**

Honorable Jan E. DuBois  
United States District Court  
for the Eastern District of Pennsylvania  
U.S. Courthouse  
601 Market Street, Room 12613  
Philadelphia, PA 10106-1721

RE: Robbins et al. v. Lower Merion School District, et al.  
Civil Action No. 10-665

Dear Judge DuBois,

We write on behalf of the Wortley Intervenors, to respectfully request leave to file, no later than July 23, 2010, an amicus brief in response to plaintiffs' motion for class certification. It is entirely possible we would not file such a response, inasmuch as defendants' brief in response, due for filing by this Friday, July 16, 2010, may contain all of the arguments we would have made, and we have no interest in burdening the Court with unnecessary filings. It is for that reason that we seek to file the brief one week after defendants' brief is due. That one week will give us sufficient time to determine whether we need to file an amicus brief at all and, if so, to draft the brief. We have conferred with defense counsel, and are advised defendants do not oppose this request. Plaintiffs' counsel have not yet told us whether they will consent to or oppose our request.

**Berger & Montague, P.C.**  
ATTORNEYS AT LAW

Honorable Jan E. DuBois  
July 13, 2010  
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Attached is a proposed order granting this request.

Respectfully yours,



Neill W. Clark

NWC/amh  
Attachment  
cc: All counsel of record (via e-mail)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<p><b>BLAKE J. ROBBINS, et. al.,</b></p> <p>Plaintiffs,</p> <p>-and-</p> <p><b>COLLEEN AND KENNETH WORTLEY, FRANCES AND DAVID MCCOMB, AND CHRISTOPHER AND LORENA CHAMBERS</b></p> <p>Plaintiff-Intervenors,</p> <p>v.</p> <p><b>LOWER MERION SCHOOL DISTRICT, et al.,</b></p> <p>Defendants.</p>	<p>CIVIL ACTION</p> <p>NO. 2:10-CV-00665JD</p>
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**[PROPOSED] ORDER**

AND NOW upon consideration of the Wortley Intervenors' request to file an amicus brief in response to Plaintiffs' Motion for Class Certification It is hereby ORDERED that:

The Wortley Intervenors shall have until July 23, 2010 to file a response to Plaintiffs' Motion for Class Certification.

BY THE COURT:

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JAN E. DUBOIS, J.