

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

BLAKE J. ROBBINS, et al.,	:	Civil Action
	:	
Plaintiffs	:	No. 10-665
	:	
v.	:	Hon. Jan E. DuBois
	:	
LOWER MERION SCHOOL DISTRICT, et al.,	:	
	:	
Defendants	:	
	:	

[PROPOSED] ORDER

AND NOW, this ____ day of _____ 2010, upon consideration of Defendants’ Motion for Leave for Leave To Supplement Their Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification and in Support of Defendants’ Cross-Motion for Entry of Permanent Equitable Relief and any response thereto, it is hereby **ORDERED** that the Motion is **GRANTED**. It is further **ORDERED** that the Clerk shall enter on the docket the Declaration of David A. Ebby as a supplement to Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion for Class Certification and in Support of Defendants’ Cross-Motion for Entry of Permanent Equitable Relief [Docket No. 81].

BY THE COURT:

JAN E. DUBOIS, J.

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

BLAKE J. ROBBINS, et al.,	:	Civil Action
	:	
Plaintiffs	:	No. 10-665
	:	
v.	:	Hon. Jan E. DuBois
	:	
LOWER MERION SCHOOL DISTRICT, et al.,	:	
	:	
Defendants	:	
	:	

**DEFENDANTS' MOTION FOR LEAVE TO SUPPLEMENT THEIR
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION AND IN SUPPORT OF DEFENDANTS'
CROSS-MOTION FOR ENTRY OF PERMANENT EQUITABLE RELIEF**

Defendants, by their undersigned counsel, hereby move for leave to file the Declaration of David A. Ebby as a supplement to their Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification and in Support of Defendants' Cross-Motion for Entry of Permanent Equitable Relief [Docket No. 81]. A copy of the Declaration is attached hereto as Exhibit A. In support of this motion, Defendants rely on the accompanying memorandum.

Date: July 28, 2010

/s/ William B. Igoe

Arthur Makadon
Henry E. Hockeimer, Jr.
Paul Lantieri III
William B. Igoe
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
Tel. 215.665.8500
Fax 215.864.8999
Makadon@ballardspahr.com
HockeimerH@ballardspahr.com
LantieriP@ballardspahr.com
IgoeW@ballardspahr.com

*Attorneys for Defendants, Lower Merion
School District, the Board of Directors of
the Lower Merion School District, and
Christopher W. McGinley*

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

BLAKE J. ROBBINS, et al.,	:	Civil Action
	:	
Plaintiffs	:	No. 10-665
	:	
v.	:	Hon. Jan E. DuBois
	:	
LOWER MERION SCHOOL DISTRICT, et al.,	:	
	:	
Defendants	:	
	:	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS’ MOTION FOR LEAVE
TO SUPPLEMENT THEIR MEMORANDUM IN OPPOSITION TO PLAINTIFFS’
MOTION FOR CLASS CERTIFICATION AND IN SUPPORT OF DEFENDANTS’
CROSS-MOTION FOR ENTRY OF PERMANENT EQUITABLE RELIEF**

On July 16, 2010, defendants, Lower Merion School District, the Board of School Directors of the Lower Merion School District, and Christopher W. McGinley (collectively, the “District”), filed a memorandum in opposition to plaintiffs’ motion for class certification and in support of the District’s cross-motion for entry of permanent equitable relief [Docket No. 81]. In the memorandum, the District explained that it has devoted substantial effort to developing new policies and regulations relevant to the matters at issue in the pending motions. (*See* Mem. at 11-12.) It also stated that the District’s Board would consider such policies and regulations at its meeting of July 19, 2010. (*See id.*) Through this motion, the District respectfully seeks leave file the attached Declaration of David A. Ebby, President of the District’s Board, regarding the status of the proposed policies and procedures.

Date: July 28, 2010

Respectfully submitted,

/s/ William B. Igoe

Arthur Makadon

Henry E. Hockeimer, Jr.

Paul Lantieri III

William B. Igoe

Ballard Spahr LLP

1735 Market Street, 51st Floor

Philadelphia, PA 19103-7599

Tel. 215.665.8500

Fax 215.864.8999

Makadon@ballardspahr.com

HockeimerH@ballardspahr.com

LantieriP@ballardspahr.com

IgoeW@ballardspahr.com

*Attorneys for Defendants, Lower Merion
School District, the Board of Directors of
the Lower Merion School District, and
Christopher W. McGinley*

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a true and correct copy of the foregoing Defendants' Motion for Leave To Supplement Their Memorandum of Law in Opposition to Plaintiffs' Motion for Class Certification and in Support of Defendants' Cross-Motion for Entry of Permanent Equitable Relief to be served upon the below-listed counsel by the means indicated below:

By ECF, and such document is available for viewing and downloading from the ECF system:

Mark S. Haltzman
Stephen Levin
Frank Schwartz
Lamm Rubenstone LLC
3600 Horizon Boulevard, Suite 200
Trevose, PA 19053
Tel. 215.638.9330
Fax 215.683.2867
MHaltzman@lammrubenstone.com
SLevin@lammrubenstone.com
FSchwartz@lammrubenstone.com

*Attorneys for Plaintiffs, Blake J.
Robbins, Michael E. Robbins, and
Holly S. Robbins*

Larry D. Silver
David E. Romine
Langsam Stevens & Silver LLP
1616 Walnut St.
Suite 1700
Philadelphia, PA 19103
Tel. 215.732.3255
Fax 215.732.3260
dromine@langsamstevens.com

Bart D. Cohen
Neill W. Clark
Berger & Montague, P.C.
1622 Locust Street
Philadelphia, PA 19103
Tel. 215.875.4602
bcohen@bm.net
nclark@bm.net

Michael J. Boni
Boni & Zack LLC
15 St. Asaphs Rd.
Bala Cynwyd, PA 19004
Tel. 610.822.0200
Fax 610.822-0206
mboni@bonizack.com

Thomas F. Grady
Law Office of Thomas F. Grady, P.C.
The Bye-Benson House
2033 Walnut Street
Philadelphia, PA 19103
Tel. 215.977.7400
Fax 215.977.8160
grady@tfgrady.com

*Attorneys for Proposed Intervenors
Colleen and Kenneth Wortley, Frances
and David McComb, and Lorena
Chambers*

Theresa E. Loscalzo
Stephen J. Schapiro
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, PA 19103
Tel. 215.751.2000
Fax 215.751.2205
tloscalzo@schnader.com
sschapiro@schnader.com

*Attorneys for Proposed Intervenors
Evan A. Neill, Richard A. Neill, and
Elaine Louise Reed*

By e-mail and first-class mail:

Witold J. Walczak
American Civil Liberties Foundation of
Pennsylvania
313 Atwood Street
Pittsburgh, PA 15213
Tel. 412.681.7864
Fax 412.681.8707
wwalczak@aclupa.org

Mary Catherine Roper
American Civil Liberties Foundation of
Pennsylvania
P.O. Box 40008
Philadelphia, PA 19106
Tel. 215.592.1513
Fax 215.592.1343
mroper@aclupa.org

*Attorneys for Proposed Intervenors
Evan A. Neill, Richard A. Neill, and
Elaine Louise Reed*

Date: July 28, 2010

/s/ William B. Igoe

William B. Igoe