

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ALFRED M. WINDER**

**Plaintiffs,**

**v.**

**LOUIS ERSTE, et al.**

**Defendants.**

**Civil Action No. 03-2623 (JDB)**

**ORDER**

Upon consideration of the motions to dismiss filed by defendants Khabo, Erste, Massie, the District of Columbia Public Schools ("DCPS"), and the District of Columbia [22, 23, 25, 26, 32, 33], and for the reasons stated in the memorandum opinion issued on this date, it is hereby

ORDERED that [22] DCPS's motion to dismiss is GRANTED; it is further

ORDERED that [23] Massie's motion to dismiss is DENIED; it is further

ORDERED that [25] the District of Columbia's motion to dismiss is GRANTED IN PART and DENIED IN PART; it is further

ORDERED that [26] the motion to dismiss filed jointly by defendants Erste and the District of Columbia is GRANTED IN PART and DENIED IN PART; it is further

ORDERED that [32] Erste's motion to dismiss Count II of the amended complaint is GRANTED; it is further

ORDERED that [33] Khabo's motion to dismiss for improper service of process is GRANTED; it is further

ORDERED that Counts II, IV, VI, VII and VIII of the amended complaint are  
DISMISSED in their entirety as to all defendants for failure to state a claim on which relief can  
be granted; and it is further

ORDERED that Count III is dismissed as to all defendants with the exception of the  
District of Columbia.

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/s/  
JOHN D. BATES  
United States District Judge

Signed this 31st day of March, 2005.

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