

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

MICHAEL D. CROSS,

Plaintiff,

v.

LAWRENCE M. SMALL,

**Secretary,
Smithsonian Institution,**

Defendant.

Civil Action No. 04-1253 (RMC)

ORDER

In consideration of the parties' motions, the responses thereto, and the entire record of this case, it is hereby

ORDERED that Plaintiff's Request for a Status Conference [Dkt. #39] is **DENIED** as moot; and it is

FURTHER ORDERED that Plaintiff's Motions for Leave to file supplementary exhibits [Dkt. ##41, 43] are **GRANTED**.

Moreover, for the reasons stated in the Memorandum Opinion filed concurrently herewith, it is hereby

ORDERED that Defendant's Motion for Summary Judgment [Dkt. #9] is **GRANTED IN PART** and **DENIED IN PART**; and it is

FURTHER ORDERED that **JUDGMENT** is entered in favor of Defendant on Counts 1 and 3 of the Amended Complaint; and it is

FURTHER ORDERED that the Court construes Defendant's Reply [Dkt. #32] as a motion to dismiss or, in the alternative, for summary judgment as to Counts 4 and 5 of the Amended Complaint. Accordingly, Plaintiff shall file a response in support of those claims no later than **October 20, 2006**. If Plaintiff fails to meet this deadline, the Court will grant the Defendant's motion as conceded pursuant to Local Civil Rule 7(b), and will dismiss those claims. Defendant's reply in support of its motion, if any, shall be filed no later than **November 3, 2006**.

SO ORDERED.

Date: September 29, 2006

_____/s/
ROSEMARY M. COLLYER
United States District Judge