

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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VIVIAN D. BANKS,

Plaintiff,

v.

DISTRICT OF COLUMBIA,

Defendant.

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CV-04-1545 (RCL)

**ORDER**

Upon consideration of the defendant's motion to dismiss, or in the alternative, motion for summary judgment and the opposition thereto, and for the reasons set forth in the accompanying Memorandum Opinion in this case issued this date, it is hereby

ORDERED that defendant's motion to dismiss is DENIED;

ORDERED that defendant's motion for summary judgment is DENIED.

Signed by Royce C. Lamberth, United States District Judge, July 8, 2005.