

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

**CHRISTINE MILLS, RUNAKO BALONDEMU,
GERALDINE DUNCAN, PRISCILLA IJEOMAH,
LAWRENCE PERRY, WILLIAM ROWLAND,
DAVID HUBBARD, CLIFTON KNIGHT,
SHARON TAYLOR and CHARLES MWALIMU,**

Plaintiffs,

v.

**1:04-CV-2205
(FJS)**

**JAMES HADLEY BILLINGTON, Librarian,
Library of Congress,**

Defendant.

APPEARANCES

OF COUNSEL

**ROSE ADVOCATE FOR CIVIL
RIGHTS**

4611 Norwood Drive
Chevy Chase, Maryland 20815
Attorneys for Plaintiffs

DAVID LOUIS ROSE, ESQ.

ROSE & ROSE, PC

1320 19th Street, NW
Suite 601
Washington, D.C. 20036
Attorneys for Plaintiffs

EARLENE WHITE ROSENBERG, ESQ.

TULLY RINCKEY PLLC

815 Connecticut Avenue, NW
Suite 720
Washington, D.C. 20006
Attorneys for Plaintiffs

JOSHUA N. ROSE, ESQ.

**OFFICE OF THE UNITED STATES
ATTORNEY**

555 Fourth Street, NW
Washington, D.C. 20530
Attorneys for Defendant

**BEVERLY MARIA RUSSELL, AUSA
JULIA DOUDS, AUSA**

SCULLIN, Senior Judge

ORDER

Pending before the Court are Plaintiffs' motion to bifurcate issues of liability and issues of individual relief, *see* Dkt. No. 261; Plaintiffs' motion to certify a class, *see* Dkt. No. 263; and Defendant's motion to dismiss or, in the alternative, for summary judgment, *see* Dkt. No. 269.

After reviewing the entire record in this matter, the parties' submissions and oral arguments, and the applicable law, and for the reasons stated on the record at oral argument, the Court hereby

ORDERS that Plaintiffs' motion to certify a class, *see* Dkt. No. 263, is **DENIED**; and the Court further

ORDERS that Plaintiffs' motion to bifurcate issues of liability and issues of individual relief, *see* Dkt. No. 261, is **DENIED as moot**; and the Court further

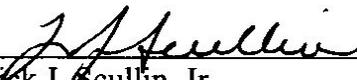
ORDERS that Defendant's motion to dismiss or, in the alternative, for summary judgment, *see* Dkt. No. 269, is **GRANTED** pursuant to Local Civil Rule 7(b) because Plaintiffs did not file a memorandum of law in opposition to this motion within the prescribed time frame; and, therefore, the Court deems Defendant's motion conceded;¹ and the Court further

¹ The Court notes that it contacted Plaintiffs' counsel twice after the filing deadline to inquire as to the reason he had not filed any response to Defendant's motion. Eventually, Plaintiffs' counsel filed a memorandum purporting to respond to Defendant's motion. Not only was this memorandum untimely but it cited no law, nor provided any record-supported facts, to support Plaintiffs' position that the Court should not grant Defendant's motion. In addition, at oral argument, Plaintiffs' counsel provided no valid excuse for his failure to respond to Defendant's motion within the required time frame.

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: March 30, 2016
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge