



While the Court realizes time is of the essence in this case, the Court wants to perform its task thoroughly, correctly, and in an orderly fashion. At this time, the Court sees no reason for a hearing with testimony. Moreover, numerous gallons of \$4.00 a gallon gasoline would be expended for a significant number of persons to appear with the result being an oral presentation of the already written arguments.

Accordingly, the hearing currently set for Monday, May 19, 2008, at 9:30 a.m. is CANCELLED. Based on the written briefs already filed and to be filed, and the Court's own independent research, the Court intends to rule on the applicability of 28 U.S.C. § 2284 (three-judge court) to this case, whether plaintiffs' are entitled to the injunctive relief sought, and the merits of the case unless it becomes clear in court testimony is necessary.

It is so ORDERED.

SIGNED this 16<sup>th</sup> day of May, 2008.



FRED BIERY  
UNITED STATES DISTRICT JUDGE