

1 Larry Weiser, WSBA #6865
Attorney for Plaintiff
2 Jim Merson, WSBA #91663
Legal Intern for Plaintiff
721 North Cincinnati Street
3 P.O. Box 3528
4 Spokane, Washington 99220
(509) 323-5791

5 D.C. Cronin, WSBA #16018
Attorney for Plaintiff
6 1708 W. Mission Avenue
7 Spokane, WA 99201
(509) 328-5600

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10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
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12 MUHAMMAD SHABAZZ

13 FARRAKHAN, et al.,

14 Plaintiffs,

15 vs.

16 GARY LOCKE, et al.,

17 Defendants.

) Case No.: CV-96-76-RHW

) JOINT STATUS REPORT

18 The parties, by and through their counsel, hereby file this joint status report
19 pursuant to this Court's Order dated January 24, 2005.

20 **1. Current Procedural Posture of Case**

21 This case is on remand from the United States Court of Appeals for the
22 Ninth Circuit based upon the opinion in Farrakhan v. Locke, 338 F.3d 1009 (9th
23 Cir. 2003), on July 25, 2003, which affirmed in part, and reversed in part, a
24 December 1, 2000 Order of this court, which granted Defendants' Motion for
25 Summary Judgment. Defendants filed a petition for certiorari in the United States

1 Supreme Court, which was denied on November 8, 2004. No pleadings have been
2 filed by the Parties since the case has been remanded.

3 **2. Current Status of Discovery**

4 No discovery has been initiated since the case has been remanded, although
5 the Parties anticipate that discovery will include depositions, interrogatories, and
6 requests for production, and may include non-party discovery.

7 **3. Additional Motions**

8 Plaintiffs may seek leave to file a fifth amended complaint. Plaintiffs may
9 also file a motion for class certification. The Defendants may file a motion to
10 dismiss portions of the case prior to the close of discovery. The Parties may also
11 file cross motions for summary judgment after the close of discovery.

12 **4. Proposed Scheduling Order**

13 Both parties have conferred and anticipate that discovery in this matter may
14 take several months. The parties request that trial be set for a date no earlier than
15 March 2006, after cross-motions for summary judgment will be decided. Counsel
16 for the Parties have no conflicts with a trial setting during the months of March and
17 April 2006.

18 Dated this 4th day of February, 2005.

19
20 Carol Murphy
21 CAROL A. MURPHY, WSBA#21244

Larry A. Weiser
LARRY A. WEISER, WSBA# 6865
Attorney for Plaintiffs

22 Carol Murphy
23 JEFF EVEN, WSBA #20367
24 Assistant Attorneys General
Attorneys for Defendants

Jim Merson
JIM MERSON, WSBA #91663
Legal Intern for Plaintiffs

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*Approved Telephonically on
February 4, 2005*

JASON VAIL, WSBA #32244
Attorney for Plaintiffs

(Approved Telephonically on
February 4, 2005)
D.C. CRONIN, WSBA #16018
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 4, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

TO:

Jeffrey Todd Even at jeffe@atg.wa.gov

Alan Lynn McNeil at amcneil@lawschool.gonzaga.edu

And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants

TO:

LARRY A. WEISER
UNIVERSITY LEGAL ASSISTANCE
GONZAGA SCHOOL OF LAW
PO BOX 3528
SPOKANE WA 99220-2021

DENNIS C. CRONIN
1708 W MISSION AVENUE SUITE B
SPOKANE WA 99201-2759

JASON VAIL
NORTHWEST JUSTICE PROJECT
401 2ND AVENUE SOUTH SUITE 407
SEATTLE WA 98104-3811

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 4th day of February, 2005, at Olympia, Washington.



KATRINA TOAL