

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
OLD WASHINGTON DIVISION  
No. 6:69-CV-702-H  
No. 6:65-CV-569-H

RONDA EVERETT, MELISSA GRIMES, )  
CAROLINE SUTTON, and CHRISTOPHER )  
W. TAYLOR, next friends of minor )  
children attending Pitt County )  
schools, and THE PITT COUNTY )  
COALITION FOR EDUCATING BLACK )  
CHILDREN, )

Plaintiffs, )

v. )

JUVENILE FEMALE 1 and THE )  
GREENVILLE PARENTS ASSOCIATION, )

Plaintiffs-Intervenors, )

v. )

THE PITT COUNTY BOARD OF )  
EDUCATION, public body )  
corporate, )

Defendant. )

**ORDER**

This matter is before the court on plaintiffs-intervenors' Motion for Declaratory Judgment, Injunctive Relief and Attorney's Fees and Costs filed August 4, 2008 ("the declaratory judgment motion") [DE #39] and plaintiffs-intervenors' motion to stay discovery pending determination of the declaratory judgment motion [DE #43]. Plaintiffs-

intervenors request that the court enter judgment declaring (1) that the school desegregation orders entered by this court in 1970 prohibit the defendant school board from using race in assigning students to the various schools within the school district; and (2) that the defendant school board's 2005 and 2007 Student Assignment Plans violated the civil rights of the plaintiffs-intervenors. Plaintiffs-Intervenors further request injunctive relief, contending that they "have no adequate remedy at law (except by declaratory judgment)." (Mem. Supp. Mot. Decl. Judg. at 14.)

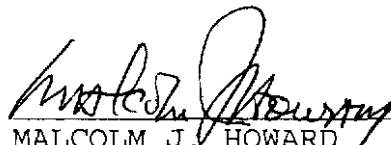
Plaintiffs and the defendant school board oppose the declaratory judgment motion, albeit on different grounds. Plaintiffs contend that the motion is procedurally defective because declaratory relief is available only in an action for declaratory judgment brought pursuant to Rule 57 of the Federal Rules of Civil Procedure, not by motion in an ordinary civil action. (Pfs.' Resp. Mot. Decl. Judg. at 5.) Plaintiffs further argue that the court should allow discovery to proceed and a full evidentiary record to be developed before ruling on the issues pending before the court. (Pfs.' Resp. Mot. Decl. Judg. at 10.) The defendant school board, on the other hand, agrees with plaintiffs-intervenors that the court should reach the merits of the declaratory judgment motion, although it opposes the outcome suggested by plaintiffs-intervenors. (Df.'s

Resp. Mot. Decl. Judg. at 3-8.) Defendant further joins plaintiffs-intervenors' motion to stay discovery. (Df.'s Resp. Mot. Decl. Judg. at 3.)

The court has considered each of the parties' contentions, as well as the nature and purpose of the Declaratory Judgment Act, 28 U.S.C. § 2201, the significance of the substantive legal issues presently before the court, and the likelihood that a judgment declaring the rights and obligations of the parties would remedy any harm that may have been caused by the defendant school board's actions or would promote judicial efficiency by fully resolving the parties' dispute. Based on its consideration of the above factors, the court determines that relief in the form of a declaratory judgment is not appropriate in this case.

Accordingly, plaintiffs-intervenors' Motion for Declaratory Judgment, Injunctive Relief and Attorney's Fees and Costs [DE #39] is DENIED. Plaintiffs-Intervenors' Motion to Stay Discovery [DE #43] is DISMISSED as moot.

This 6<sup>th</sup> day of October 2008.



MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
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