

COPY

5. Letter dated August 18, 1989 from counsel for Defendants stating that the DISD Board of Education is unable to agree upon a reply to Plaintiffs' Response.

The Court considers this letter to be a statement by Defendants to the Court that they will not comply with the Court's July 21, 1989 Order.

Court's Order to be contumacious, warranting contempt proceedings, but Defendants are subject to sanctions for such non-compliance. See

Fed.R.Civ.P. 16(f). The Court is of the opinion that the Defendants should be, and they are hereby, **SANCTIONED** for non compliance with the Court's Order of July 21, 1989, as follows:

Defendants' May 2, 1989 Motion to Declare Unitary Status is **DISMISSED** without prejudice at Defendants' cost. No other motion for unitary status may be filed before January 15, 1990. Any motion for unitary status filed thereafter must be accompanied by a brief specifying the factual and legal grounds upon which the