

LESLIE A. KULICK
Assistant Attorney General
Kansas Judicial Center, 2d Floor
Topeka, Kansas, 66612
913/296-2215
MC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,	Plaintiffs,)	
)	
and)	
)	
CHARLES and KIMBERLY SMITH,)	
minor children, by their mother and)	Case No.:
next friend, LINDA BROWN SMITH,)	
et al.,	Intervening)	
	Plaintiffs,)	T-316
)	
v.)	
)	
BOARD OF EDUCATION OF TOPEKA,)	
SHAWNEE COUNTY, KANSAS, et al.,	Defendants.)	

MOTION FOR SUBSTITUTION

COME NOW the defendants Floyd Grimes, Harold Crist, and John Bergner and move this Court, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, for an order dismissing them as parties to this action and for substitution.

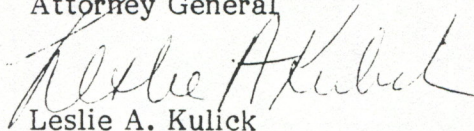
In support of this motion, these defendants show this Court that they have been members of the State Board of Education and are, therefore, public officers. Defendants further show this Court that they were being sued in this action in their official capacities as members of the State Board of Education. Their terms of office expired, and they ceased to hold office, on January 10, 1983, when Dale Carey, Ann Keener, and Theodore Von Fange were sworn in as new members of the State Board of Education.

WHEREFORE, defendants Grimes, Crist, and Bergner move this Court for an order allowing the above requested dismissal and substitution.

DATED this 20th day of January, 1983.

Respectfully submitted,

ROBERT T. STEPHAN
Attorney General

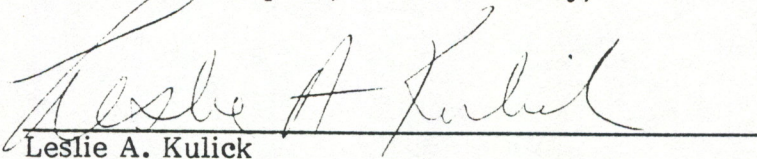


Leslie A. Kulick
Assistant Attorney General

Kansas Judicial Center, 2d Floor
Topeka, Kansas 66612
913/296-2215

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion was served by depositing same in the United States Mail, first class postage prepaid, the 20th day of January, 1983, to: CHARLES SCOTT, SR. and CHARLES SCOTT, JR., 724 1/2 Kansas Avenue, Topeka, Kansas, 66603, JOSEPH D. JOHNSON, III, Townsite Plaza, Topeka, Kansas, 66603, RICHARD E. JONES and DEBORAH PURCE JONES, 605 SE Quincy, Topeka, Kansas, 66603, E. RICHARD LARSON and JON C. DUBIN, American Civil Liberties Union Foundation, 132 West 43d Street, New York, New York, 10036, Attorneys for Intervening Plaintiffs, and K. GARY SEBELIUS, 1300 Merchants National Bank Building, Topeka, Kansas, 66612, Attorney for Board of Education of Topeka, Shawnee County, Kansas.


Leslie A. Kulick