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FILED

JUN 17 2002

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U. S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

PARENTS INVOLVED IN COMMUNITY
SCHOOLS, a Washington nonprofit corporation,

Plaintiff-counter-defendant - Appellant,

v.

SEATTLE SCHOOL DISTRICT, NO. 1, a political
subdivision of the State of Washington; JOSEPH
OLCHEFSKE, in his official capacity as
superintendent; BARBARA
SCHAAD-LAMPHERE, in her official capacity as
President of the Board of Directors of Seattle Public
Schools; DONALD NEILSON, in his official
capacity as Vice President of the Board of Directors
of Seattle Public Schools; STEVEN BROWN; JAN
KUMASAKA; MICHAEL PRESTON; NANCY
WALDMAN, in their official capacities as members
of the board of Directors,

Defendants-counter-claimants - Appellees.

No. 01-35450

D.C. No. CV-00-01205-
BJR

ORDER
WITHDRAWING
OPINION AND
VACATING
INJUNCTION

Filed June 17, 2002

Before: Thomas M. Reavley*, Diarmuid F. O'Scannlain, and Susan P. Graber,
Circuit Judges.

The petition for rehearing is granted. Our previous opinion, filed on April

*The Honorable Thomas M. Reavley, Senior United States Circuit Judge for
the Fifth Circuit, sitting by designation.

16, 2002, and appearing at 285 F.3d 1236 (9th Cir. 2002), is hereby withdrawn, and our order granting injunction, filed on April 26, 2002, and appearing at ___ F.3d ___, 2002 WL 841345 (9th Cir. Apr. 26, 2002), is hereby vacated.

In light of the important and heretofore undecided state-law issues this case presents, we are of the opinion that “it is necessary to ascertain the local law of [Washington] in order to dispose of [this case] and the local law has not been clearly determined” Wash. Rev. Code § 2.60.020. “[M]indful that ‘[c]ertification saves time, energy, and resources and helps build a cooperative judicial federalism,’” we have decided to certify to the Supreme Court of Washington that “a question of Washington law is involved in this case which may determine the cause and as to which there is no controlling precedent in the decisions of the Washington Supreme Court.” *Broad v. Mannesmann Anlagenbau AG*, 196 F.3d 1075, 1076 (9th Cir. 1999) (quoting *Arizonans for Official English v. Arizona*, 520 U.S. 43, 46 (1997)).

Certification to the Supreme Court of Washington is made by separate order filed simultaneously herewith.