

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DONNA LIPPOLDT, individually,
OPERATION SAVE AMERICA, an
unincorporated association, and PHILLIP
BENHAM, individually,

Plaintiffs,

vs.

Case No. 01-1226-JTM

DEPUTY CHIEF STEPHEN COLE, in his
official and individual capacity as an
agent/employee of CITY OF WICHITA,
KANSAS, a political subdivision of the State
of Kansas, BETH HARLENSKE, in her
official and individual capacity as an
agent/employee of CITY OF WICHITA,
KANSAS, a political subdivision of the state
of Kansas,

Defendants.

ORDER

The present matter comes before the court following plaintiffs' appeal and defendants' cross appeal of this court's holding in *Lippoldt v. City of Wichita*, 265 F. Supp. 2d 1228 (D. Kan. May 28, 2003). The Tenth Circuit, on appeal, reversed and remanded to this court with discretion to dismiss Operation Save America's ("OSA") claims. *See Lippoldt v. Cole*, 468 F.3d 1204 (10th Cir. 2006). For the reasons set forth therein, the court dismisses OSA's claims.

Furthermore, the Tenth Circuit reversed and remanded the decision denying counsel's request for attorney's fees for all hours worked after July 16, 2001, the date this court granted the temporary restraining order. For this reason, the parties are directed to file briefs before this court on the issue of attorney's fees for reasonable hours expended beyond the date of July 16, 2001, within 30 days from this order.

IT IS ACCORDINGLY ORDERED this 11th day of January that OSA's claims are dismissed from the case and the parties are directed to complete the briefing on attorney's fees within 30 days from this order.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE