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September 4, 2003

The Honorable Patricia A Lamberty
1701 Farnam Street
Omaha, NE 68138

**RE: Douglas County School District 0001, a/k/a Omaha Public Schools, et. al. v.
Michael O. Johanns, et. al. Docket 1028 Page 017**

Dear Judge Lamberty:

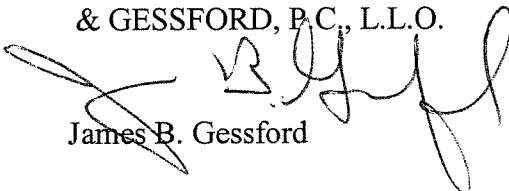
Please be advised that today our office filed on behalf of Lancaster County School District 0001, a/k/a Lincoln Public Schools, et. al. a Complaint in Intervention in the above matter. The Complaint itself should now be in the Court file or in the process of being filed there by the Clerk's office.

Enclosed please find a proposed Order which we have prepared for your consideration in the matter. It is Intervenor's position, pursuant to Sections 25-328 through 25-330, R.R.S. (Cum. Supp. 2002) that they are entitled to intervene as a matter of right. See also, Lincoln Bonding and Ins. Co. v. Barrett, 179 Neb. 367, 138, N.W.2d 462 (1965)(petition in Intervention may be filed as a matter of right before trial), and Gilbert v. First Nat. Bank, 154 Neb. 404, 48 N.W.2d 401 (1951) (one having interest in result of pending litigation may intervene as a matter of right).

We would appreciate the Court giving consideration to the proposed Order. If a hearing is deemed necessary, please let us know.

Sincerely,

PERRY, GUTHERY, HAASE
& GESSFORD, P.C., L.L.O.


James B. Gessford

JBG:tas
Enclosure

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing **letter addressed to the Honorable Patricia A. Lamberty dated September 4, 2003 and the proposed Order referred to therein** was served by mailing a copy thereof by U.S. Mail, postage prepaid, to:

Attorneys for Plaintiffs

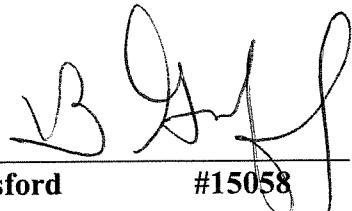
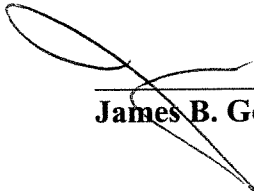
David M. Pedersen,
Jill Robb Ackerman,
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-AND-

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on this 4th day of September, 2003.



James B. Gessford

#15058

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

DOUGLAS COUNTY SCHOOL DISTRICT 0001)
a/k/a OMAHA PUBLIC SCHOOLS (OPS); et al.;)
Plaintiffs,)
V.)
MICHAEL O. JOHANNNS, in his official capacity)
as Governor of the State of Nebraska; et al.;)
Defendants,)
and)
LANCASTER COUNTY SCHOOL DISTRICT)
0001 a/k/a LINCOLN PUBLIC SCHOOLS (LPS);)
et al.;)
Intervenors)

DOCKET 1028 PAGE 017

ORDER

The Complaint of Intervenors, Lancaster County School District 0001, a/k/a Lincoln Public Schools, Educational Service Unit No. 18, Quality Public Education for Nebraska, Ed Zimmer, individually and as parent and guardian of Emily Zimmer and Thomas Zimmer; Don Mayhew, individually and as parent and guardian of Adam Mayhew and Connor Mayhew; and Dennis Van Horn having this day been duly presented for leave to intervene and file herein a Complaint in Intervention, no notice thereof being required, and good cause appearing therefore,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Lancaster County School District 0001, a/k/a Lincoln Public Schools, Educational Service Unit No. 18, Quality Public Education for Nebraska, Ed Zimmer, individually and as parent and guardian of Emily Zimmer and Thomas Zimmer; Don Mayhew, individually and as parent and guardian of Adam Mayhew and Connor Mayhew; and Dennis Van Horn are hereby granted leave to intervene.

DATED this ____ day of _____, 2003.

BY THE COURT:

District Court Judge