IDAHO SCHOOLS FOR EQUAL EDUCATIONAL OPPORTUNITY; et al.,	)	
Plaintiffs-Counterdefendants-Respondents,	)	
and	)	O R D E R
BRIAN SILFLOW and GANEL SILFLOW, by and through their parents, DALE and PATTI SILFLOW, husband and wife; et al.,	)	NO. 29616 Ref. No. 03S-158
Plaintiffs-Respondents,	)	
v.	)	
THE STATE OF IDAHO,	)	
Defendant-Counterclaimant-Appellant.	)	

A MOTION TO PARTIALLY REINSTATE APPEAL AND MOTION TO EXPEDITE PARTIALLY REINSTATED APPEAL with supporting MEMORANDUM with attachment was filed by Appellant October 30, 2003. An OBJECTION TO STATE'S MOTION TO "PIECEMEAL" THE APPEAL AND REQUEST FOR EXPEDITED APPEAL SCHEDULE was filed by Respondents November 5, 2003. After review, the Court has decided to partially reinstate this appeal as to any and all challenges to the constitutionality of H.B. 403 and to expedite these proceedings. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the MOTION TO PARTIALLY REINSTATE APPEAL be, and hereby is, GRANTED and the Court will consider any and all challenges to the constitutionality of H.B. 403; all other issues raised in this appeal shall be reserved until an opinion is issued on the above issue.

IT IS FURTHER ORDERED that the MOTION TO EXPEDITE be, and hereby is, GRANTED as to the constitutionality of H.B. 403 as follows:

1. Appellant shall file an Amended Notice of Appeal with the District Court within seven (7) days from the date of this Order specifying the Reporter's Transcript by hearing date and the documents to be included in the Clerk's Record or submitted as Exhibits by title and filing date.

2. The Reporter's Transcript and Clerk's Record shall be lodged with the District Court Clerk within twenty-one (21) days from the date of filing of the Amended Notice of Appeal at which time the Transcript and Clerk's Record shall be served on the parties and filed with this Court. A Motion to Augment may be filed with this Court under I.A.R. 30 or corrections to the record or transcript under I.A.R. 30.1, within seven (7) days from the date of filing of the appeal record in this Court.

3. Appellant's Brief shall be physically filed with this Court within twenty-one (21) days from the date of filing of the appeal record with this Court.

4. Respondents' Briefs shall be physically filed with this Court within twenty-one (21) days from the date of filing of Appellant's Brief.

5. Appellant's Reply Brief shall be physically filed with this Court within seven (7) days from the date of filing of the last Respondents' Brief.

6. Oral argument is scheduled for April 16, 2004 at 10:00 a.m. in the Supreme Court courtroom, Boise, Idaho. Appellant is allotted thirty (30) minutes for oral argument. Respondents shall be allotted thirty (30) minutes for oral argument which they shall allocate between them. No additional time shall be allotted.

7. No request for extension of time shall be granted, nor shall the appeal be suspended by the filing of any motions for the reason the Court has expedited consideration of this appeal.

8. Service of the briefs by the respective party or parties to the other shall be by personal delivery, Federal Express or other expedited manner to ensure same day service.

DATED this 23rd day of January 2004.

By Order of the Supreme Court

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Linda Copple Trout, Chief Justice

ATTEST:

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Frederick C. Lyon, Clerk

cc: Counsel of Record
District Judge Deborah A. Bail