

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

GAVIN GRIMM,

Plaintiff,

v.

GLOUCESTER COUNTY SCHOOL  
BOARD,

Defendant.

Civil No. 4:15-cv-54

**ORDER**

On August 2, 2017, the United States Court of Appeals for the Fourth Circuit issued an Order remanding this case “for the limited purpose of resolving, in the first instance, whether this case has become moot.” *Grimm v. Gloucester Cty. School Bd.*, No. 15-2056, slip op. at 8 (4th Cir. Aug. 2, 2017). The Fourth Circuit’s Order recognized that this determination “will likely ‘require factual development of the record by the district court and possibly additional jurisdictional discovery.’” *Id.*

In anticipation of the Fourth Circuit issuing the Mandate, and in the interest of justice and judicial efficiency, it is hereby **ORDERED** that:

(1) The parties shall confer and identify points of agreement regarding the conduct of further proceedings on remand, including the necessity of additional discovery, a proposed discovery schedule, and proposed procedures for developing a factual record on remand.

(2) On August 18, 2017, the parties shall each file a Position Statement, outlining proposals for the conduct of further proceedings on remand, including the necessity of additional

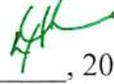
discovery, a proposed discovery schedule, and proposed procedures for developing a factual record on remand. Each Position Statement shall include:

- (a) *Points of Agreement.* A statement identifying all points of agreement among the parties regarding the conduct of further proceedings on remand.
- (b) *Points of Disagreement.* A statement identifying any points of disagreement and explaining the party's position on the issue. Any points of disagreement shall include a certification that the party has conferred or attempted to confer in good faith with the other party in an effort to resolve the issue prior to involving the Court (similar to the certification required by Federal Rule of Civil Procedure 37).

(3) On August 25, 2017, each party shall submit a Response to the Position Statements.

This Court lacks jurisdiction over the substantive issues on remand until the Fourth Circuit's Mandate issues. Accordingly, these filings shall be limited to scheduling and procedural issues and shall not include any argument regarding the merits of the issues to be addressed by this Court on remand.

**IT IS SO ORDERED.**

August  2017  
Norfolk, Virginia

  
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Arenda L. Wright Allen  
United States District Judge