

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SUE MERCIER, ELIZABETH J. ASH,
ANGELA BELCASTER, JANET BOHN,
JULIE CHAMBERLAIN, MAUREEN
FREEDLAND, DAVID GOODE, BETTY
HAMMOND, CURT LEITZ, CONSTANCE R.
LONG, DAVID W. LONG, MYRNA D.
PEACOCK, BECKY POST, JAMES L.
REYNOLDS, ELLEN DODGE SEVERSON,
ERIC SEVERSON, LESLIE SLAUENWHIT,
HERMAN S. WIERSGALLA, HOWARD
WIERSGALLA, JAMES E. WIFFLER,
ROBERT WINGATE, HENRY ZUMACH and
FREEDOM FROM RELIGION FOUNDATION, INC.,

Plaintiffs,

v.

CITY OF LA CROSSE,

Defendant,

and

FRATERNAL ORDER OF THE EAGLES,
LA CROSSE AERIE 1254

Intervening Defendant.

ORDER

02-C-376-C

On October 22, 2003, the Court of Appeals for the Seventh Circuit remanded this case to allow this court to vacate the August 5, 2003 judgment. See Mercier v. City of La

Crosse, No. 03-342, slip op. at 1 (7th Cir. Oct. 22, 2003). In accordance with this order, I vacated the judgment in an order dated October 27, 2003. However, the mandate from the court of appeals was not received by this court until November 17, 2003. Erring on the side of caution, I will reenter the October 27 order to prevent any future question about whether that order was premature. Accordingly, IT IS ORDERED that the motion of intervening defendant Fraternal Order of the Eagles to grant relief from the August 5, 2003 judgment under Fed. R. Civ. P. 60(b) is GRANTED and the judgment is VACATED for the reasons stated in the September 24, 2003 opinion and order. The schedule established in the September 24 opinion and order remains unchanged.

Entered this 20th day of November, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge