

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

PARENTS INVOLVED IN COMMUNITY  
SCHOOLS, a Washington nonprofit corporation,

Plaintiff-counter-defendant - Appellant,

v.

SEATTLE SCHOOL DISTRICT, NO. 1, a political  
subdivision of the State of Washington; JOSEPH  
OLCHEFSKE, in his official capacity as  
superintendent; BARBARA SCHAAD-LAMPHERE,  
in her official capacity as President of the Board of  
Directors of Seattle Public Schools; DONALD  
NEILSON, in his official capacity as Vice President  
of the Board of Directors of Seattle Public Schools;  
STEVEN BROWN; JAN KUMASAKA; MICHAEL  
PRESTON; NANCY WALDMAN, in their official  
capacities as members of the board of Directors,

Defendants-counter-claimants - Appellees.

No. 01-35450

D.C. No. CV-00-01205-  
BJR

ORDER  
WITHDRAWING  
OPINION AND  
VACATING  
INJUNCTION

Filed June 17, 2002

Before: Thomas M. Reavley\*, Diarmuid F. O'Scannlain, and Susan P. Graber,  
Circuit Judges.

The petition for rehearing is granted. Our previous opinion, filed on April  
16, 2002, and appearing at 285 F.3d 1236 (9th Cir. 2002), is hereby withdrawn, and

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\*The Honorable Thomas M. Reavley, Senior United States Circuit Judge for  
the Fifth Circuit, sitting by designation.

our order granting injunction, filed on April 26, 2002, and appearing at \_\_\_ F.3d \_\_\_, 2002 WL 841345 (9th Cir. Apr. 26, 2002), is hereby vacated.

In light of the important and heretofore undecided state-law issues this case presents, we are of the opinion that “it is necessary to ascertain the local law of [Washington] in order to dispose of [this case] and the local law has not been clearly determined . . . .” Wash. Rev. Code § 2.60.020. “[M]indful that ‘[c]ertification saves time, energy, and resources and helps build a cooperative judicial federalism,’” we have decided to certify to the Supreme Court of Washington that “a question of Washington law is involved in this case which may determine the cause and as to which there is no controlling precedent in the decisions of the Washington Supreme Court.” *Broad v. Mannesmann Anlagenbau AG*, 196 F.3d 1075, 1076 (9th Cir. 1999) (quoting *Arizonans for Official English v. Arizona*, 520 U.S. 43, 46 (1997)).

Certification to the Supreme Court of Washington is made by separate order filed simultaneously herewith.