

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**LITTLE ROCK SCHOOL DISTRICT**

**PLAINTIFF**

**v.**

**No. 4:82-cv-866 BSM**

**PULASKI COUNTY SPECIAL SCHOOL  
DISTRICT NO. 1, et al.**

**DEFENDANTS**

**MRS. LORENE JOSHUA, et al.**

**INTERVENORS**

**KATHERINE KNIGHT, et al.**

**INTERVENORS**

**MOTION FOR ORDER**

The Arkansas Department of Education (ADE), by and through its attorneys, Attorney General Dustin McDaniel and Assistant Attorney General Scott P. Richardson, state for their Motion for Order:

1. Pursuant to the authority granted by State law, the ADE is relieving the Superintendent and Board of Directors of the Pulaski County Special School District of their authority to operate the district. This action is being taken this afternoon, Monday, June 20, 2011.

2. As the Court is aware, following the Court's entry of its Finding of Facts and Conclusions of Law on May 19, 2011, the PCSSD has filed a Notice of Appeal and joined in Little Rock School District's (LRSD) Motion to Stay the effect of the Court's Order as to the release of State funding. PCSSD also has due this afternoon its response to the Court's Order requesting briefing on whether the M to M program funding should remain in place.

3. In short, Mr. Sam Jones's client, as of this afternoon, is no longer making decisions on its own, but is being directed by the State. This presents a potential for a conflict of

interest in the management of the current litigation issues pending before this Court and the Eighth Circuit.

4. Given this situation, the State is seeking the Court's assistance in setting a protocol for counsel for PCSSD to manage the litigation consisted with counsel's ethical responsibilities. The State suggests that an order to the effect that appeals filed by PCSSD will be allowed to go forward and that counsel who have served PCSSD to date will be allowed to continue to participate in the appellate process to its conclusion and be reasonable compensated by PCSSD, with ADE's approval, in accordance with whatever contract or other arrangement that counsel had with PCSSD prior to the action taken this afternoon.

WHEREFORE, the State of Arkansas requests that the Court enter an order consistent with the recommendation in paragraph six of this motion, or, alternatively, an order providing terms on which counsel for PCSSD can continue in their representation of the district in this case while PCSSD remains temporarily under direct State control, and for all other relief to which it is entitled.

Respectfully submitted,

DUSTIN McDANIEL  
Attorney General

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ATTORNEYS FOR STATE OF ARKANSAS AND  
ARKANSAS DEPARTMENT OF EDUCATION

**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

Mr. Clayton R. Blackstock  
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I, Scott P. Richardson, Assistant Attorney General, do hereby certify that I have served the foregoing and a copy of the Notice of Electronic Filing by depositing a copy in the United States Mail, postage prepaid, on June 10, 2011, to the following non-CM/ECF participants:

Mr. Robert Pressman  
22 Locust Avenue  
Lexington, Mass. 02173

/s/ Scott P. Richardson  
SCOTT P. RICHARDSON