

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LITTLE ROCK SCHOOL DISTRICT

PLAINTIFF

v.

PULASKI COUNTY SPECIAL
SCHOOL DISTRICT, ET AL.

DEFENDANT

MRS. LORENE JOSHUA, ET AL.

INTERVENORS

KATHERINW WRIGHT KNIGHT, ET AL.

INTERVENORS

OPPOSITION BY JOSHUA INTERVENORS TO MOTION FOR ORDER

The Joshua Intervenors respectfully oppose the Motion for Order and the relief requested therein.

1. Joshua admits that the ADE removed the Superintendent of Schools and the Board of Directors of the PCSSD on June 20, 2011.

2. Joshua agrees that the PCSSD filed a Notice of Appeal and joined in the Little Rock School District's (LRSD) Motion to Stay of this court's order as to the release of State funding entered on May 19, 2011. Joshua also admits that the Motion for Order was filed at the time the PCSSD's brief was required regarding the M to M funding issue by this court.

3. Joshua acknowledges that upon the filing of the takeover Order of the PCSSD by the ADE, Mr. Jones ceased to represent the PCSSD except as "directed by the State"; and that the State action presented a conflict of interest with respect to this litigation.

4. Joshua admits that the State seeks the court's assistance in addressing the conflict of

interest which the State created. Joshua agrees that the State requests guidance from the court as to how the PCSSD interests may be represented at district court and Court of Appeals levels. Joshua, however, opposes the court's entry of an advisory opinion regarding the State's takeover actions and the conflicts and other problems which have been created thereby without an antecedent evidentiary hearing. Therein the parties, including the deposed PCSSD Superintendent Dr. Charles Hopson and the elected members of the Board of Education of the PCSSD and the Joshua Intervenors may be heard regarding the propriety and lawfulness of the exercise of the State's power herein asserted.

WHEREFORE, the Joshua Intervenors oppose the request for intervention of this court on the issues presented in this Motion by the State of Arkansas. Joshua specifically opposes the entry of an advisory opinion by the court to the State approving modifying or commenting upon its actions and the problems which its actions have created. Joshua also requests an evidentiary hearing in order to demonstrate that the State's intervention and Motion for Order constitute public opposition to desegregation no different from that condemned by the United States Supreme Court in *Aaron v Cooper*, 358 U.S. 1 (1958). Aaron is the predecessor litigation now merged with and into the above styled case.

Respectfully submitted,

/s/ John W. Walker

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CERTIFICATE OF SERVICE

I do hereby state a copy of the foregoing Opposition has been filed utilizing the Am/ECF system wherein a copy will be automatically served on all counsel of the record on this 28th day of June, 2011.

/s/ John W. Walker