

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LITTLE ROCK SCHOOL DISTRICT,
ET AL.

PLAINTIFFS

v.

NO.4:82CVO866 DPM

PULASKI COUNTY SPECIAL SCHOOL DISTRICT,
NO. 1, ET AL.

DEFENDANTS

MRS. LORENE JOSHUA, ET AL.

INTERVENORS

KATHERINE W. KNIGHT, ET AL.

INTERVENORS

Joshua Intervenor Memorandum in Support of their
Rule 62.1 Motion

This memorandum supplements Joshua Intervenor's accompanying "Motion Pursuant to Rule 62.1 Concerning the Motions Regarding the NLRSD and the PCSSD." Joshua Intervenor notes the following standards regarding district court jurisdiction in an action after the taking of an appeal. The district court lacks jurisdiction in some, but not all instances.

In the St. Louis school desegregation case, the Court of Appeals ruled that the district court continued to have jurisdiction to supervise a vocational education remedy, during the pendency of an appeal of an order entered by the district court concerning that topic. Board of Education of St. Louis v. State of Mo., 936 F.2d 993, 995-96 (8th Cir. 1991). However, another decision in that case determined that after the denial of attorneys fees for particular work provoked an appeal, the district court could not

address a renewed motion for fees based upon a different theory. Liddell v. Bd. of Educ. City of St. Louis, 73 F.3d 819 (8thCir. 1996).

The 1991 decision noted, but found inapplicable in that instance, the "general rule" set forth in Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). It provides:

The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.

Intervenors' motions in this court address different areas of the case from the districts' appeals in the Eighth Circuit, with the exception that Intervenors and the PCSSD both address the area of student achievement (from different perspectives). However, should the court decide that the rule stated in Griggs is applicable, Joshua Intervenors request that the court also act in accordance with Rule 62.1(a)(3), F.R.Civ.Pro.

Respectfully submitted,

/s/ John W. Walker
John W. Walker, P.A.
1723 Broadway
Little Rock, Ark. 72206
64046
johnwalkeratty@aol.com
501-374-3758

Robert Pressman
22 Locust Avenue
Lexington, MA 02421
781-862-1955

Austin Porter

323 Center Street #1300
Little Rock, AR 72201
501-244-8200

CERTIFICATE OF SERVICE

I do hereby state that a copy of the foregoing pleading has been served on all counsel of record upon filing by utilizing the CM/ECF system on this 22nd day of July, 2011.

/s/ John W. Walker