

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

LITTLE ROCK SCHOOL DISTRICT PLAINTIFF

v. 4:82-cv-00866-DPM

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

MRS. LORENE JOSHUA, ET AL. INTERVENORS

KATHERINE KNIGHT, ET AL. INTERVENORS

**CHARTER INTERVENORS' RESPONSE TO MOTION
FOR SUMMARY JUDGMENT MOTION TO ENFORCE
FILED BY LRSD AND JOSHUA INTERVENORS**

The Charter Intervenors, for their response to the motion for summary judgment on the motion to enforce filed by LRSD and the Joshua Intervenors, state:

1. The motion for summary judgment should be denied for all of the reasons set forth in the accompanying brief and in the accompanying response to statement of undisputed facts. LRSD and the Joshua Intervenors cannot make a prima facie case against charters.
2. The motion to enforce should be summarily denied as to open-enrollment public charter schools.

3. The Charter Intervenors suggest that this Court lacks jurisdiction over public charter schools because the 1989 settlement agreement does not address public charter schools in any respect.

4. If the motion to enforce as to charter schools is not summarily denied, the Charter Intervenors respectfully request that this Court decide both the pending *Grutter* Review requested by LRSD and a potential motion to terminate the settlement by the State of Arkansas before resolving the merits of the motion to enforce with respect to charter schools, because resolving either of those matters could moot the motion to enforce as to charter schools.

5. The Charter Intervenors attach and incorporate herein by reference the following exhibits:

Ex. A: This Court's Order dated May 1, 1992

Ex. B: LRSD's letter of September 24, 2010 approving open-enrollment public charter school application for SIATech.

Ex. C: LRSD's board minutes of September 23, 2010 approving open enrollment public charter school application for SIATech.

6. This response is filed concurrently with a response to the statement of undisputed facts and a brief in support of this response.

WHEREFORE, and for the reasons set forth in the accompanying brief and the response to the statement of undisputed facts, the Charter Intervenors respectfully request that this Court summarily deny the motion for summary judgment or, in the alternative, determine the pending *Grutter* Review and the potential settlement termination motion before resolving the merits of the motion to enforce with respect to public charter schools, and grant the Charter Intervenors all other just and proper relief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 12, 2012, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

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