

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS
CIVIL DIVISION**

**PROTECT FAYETTEVILLE, f/k/a REPEAL 119;
PAUL SAGAIN; PETER TONNESSON; and
PAUL PHANEUF**

PLAINTIFFS

and

THE STATE OF ARKANSAS

INTERVENOR

VS.

Case No. 72CV-15-1510

**THE CITY OF FAYETTEVILLE, Washington County, Arkansas;
LIONELD JORDAN, in his official capacity as Mayor of Fayetteville;
ADELLA GRAY, SARAH MARSH, MARK KINION, MATTHEW
PETTY, JUSTIN TENANT, MARTIN W. SCHOPPMAYER JR.,
JOHN LATOUR and ALAN LONG, in their official capacities as
Aldermen of the Fayetteville City Council**

DEFENDANTS

NOTICE OF APPEAL

COMES NOW Intervenor the State of Arkansas (the "State"), by and through Arkansas Attorney General Leslie Rutledge, and for its Notice of Appeal, states:

1. The State hereby notifies this Court and the parties that the State appeals to the Arkansas Supreme Court from the "Order Granting Defendants' Motion for Summary Judgment in Part and Denying Plaintiffs' and State's Cross-Motions for Summary Judgment" entered by the Court on March 1, 2016. The State specifically appeals the Court's ruling regarding Count IV of the operative complaint and the Court's interpretation of Arkansas Act 137 of 2015.

2. The State hereby appeals directly to the Arkansas Supreme Court because this appeal:

- involves the interpretation or construction of the Constitution of Arkansas, Ark. S. Ct. Rule 1-2(a)(1);
- involves issues of first impression, Ark. S. Ct. Rule 1-2(b)(1);
- involves issues of substantial public interest, Ark. S. Ct. Rule 1-2(b)(4); and
- raises significant issues requiring clarification or development of the law, Ark. S. Ct. Rule 1-2(b)(5).

3. The State designates as the record on appeal all pleadings and other papers filed of record, and the transcript of the hearing held on January 26, 2016.

4. The State has ordered the transcript from the reporter of the proceedings in this case, and has made the financial arrangements required by the court reporter pursuant to Ark. Code Ann. § 16-13-510(c).

WHEREFORE, the State prays that the Court accepts its Notice of Appeal, and for all other just and appropriate relief.

Respectfully Submitted,

LESLIE RUTLEDGE
Arkansas Attorney General

By:



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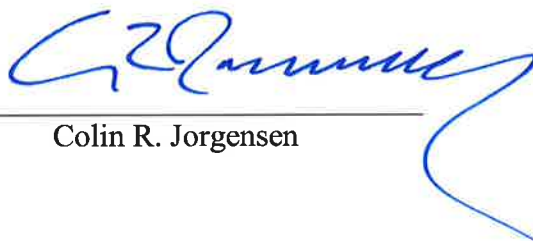
Attorneys for Intervenor the State of Arkansas

CERTIFICATE OF SERVICE

I, Colin R. Jorgensen, Assistant Attorney General, certify that on this 30th day of March, 2016, I filed the foregoing with the Circuit Clerk, and I provided a copy of the foregoing via electronic mail transmission to the following:

Travis W. Story, Katie L. Freeman, and Bob Ballinger
Attorneys for the Plaintiffs

Kit Williams and Blake Pennington
Attorneys for the Defendants



Colin R. Jorgensen