

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

LITTLE ROCK SCHOOL DISTRICT

PLAINTIFF

V.

No. 4:82CV00866-WRW/JTR

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

DEFENDANTS

MRS. LORENE JOSHUA, et al.

INTERVENORS

KATHERINE KNIGHT, et al.

INTERVENORS

ORDER

Pending are the North Little Rock School District's and the Pulaski County Special School District's Motions for Declaration of Unitary Status.¹

In their motions, NLRSD and PCSSD request that I conduct a hearing and decide their Motions for Declaration of Unitary Status by June 14, 2008.

These requests are denied for three primary reasons.

1. I believe that it is important for everyone to have the opinion of the Eighth Circuit Court of Appeals in *LRSD v. Joshua Intervenors, et al*, 07-1866, before I hear and decide the other two cases. I am sure that the Court of Appeals will resolve the appeal within a reasonable time, but it is highly unlikely that it will render an opinion before June of this year.

Naturally, I think my opinion is right. I believe it was Clarence Darrow who observed that "We all think our opinions are right -- else we wouldn't hold them." But the Circuit Court holds the trump card on these issues.

2. I am not specifically aware of the discovery that has been done in the NLRSD and PCSSD cases, but I am confident that it will not be completed in time for a June hearing.

¹Doc. Nos. 4141, 4159.

3. Moreover, my schedule won't permit a hearing as early as requested by these parties -- my plate is full for the next few months. U.S. Magistrate Judge Joe Thomas Ray and I have done our best to resolve the issues in the school cases as soon as reasonably possible, after the issues have been joined, but a hearing and decision as early as June of this year is simply not feasible.

I am quite mindful of the deadlines set by the Arkansas General Assembly with respect to the payment of a portion the School Districts' "legal fees." Furthermore, I understand the concern of the members of the legislature. I believe the members of the Arkansas General Assembly passed this legislation with good intent and purpose. In this instance, however, its deadline loaded the wagon with more poles than a mule can pull.

For the reasons set forth above, the request for a hearing and decision by June 14, 2008 is DENIED.

IT IS SO ORDERED this 22nd day of January, 2008.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE