

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
FORT SMITH DIVISION
CIVIL DIVISION

FILED
FT. SMITH DIST.
Reynold Moore

2015 AUG 18 PM 4 09

PLAINTIFF

CIR. CLERK SEB. CO.

CURTIS E. SORRELLS

v.

NO. CV-15-607

FORT SMITH SCHOOL DISTRICT and
FORT SMITH PUBLIC SCHOOLS BOARD OF EDUCATION

DEFENDANTS

MOTION FOR EXTENSION OF DISCOVERY DEADLINE

Comes now the Plaintiff, Curtis E. Sorrells, and states:

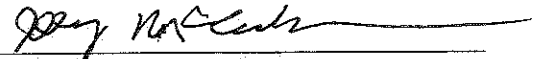
1. This matter is a claim brought which alleges violation of the Arkansas Freedom of Information Act.
2. On July 29, 2015, the Court ordered that all discovery should be completed within two weeks. Thus, the discovery deadline was Wednesday, August 12, 2015.
3. Plaintiff attempted to take the deposition of Dr. Benny Gooden, superintendent of the Fort Smith Public Schools but was denied this opportunity. (See attached emails marked as Exhibit A) However, there is even a more pressing need to take Dr. Gooden's deposition now because of information discovered (after the hearing in this matter) and that was discovered during other depositions or otherwise.
4. The trial in this matter has not been set for final hearing, although on Monday, August 17, 2015 the Court provided dates for a one day hearing on September 8, 2015, October 29, 2015, and November 9, 2015. Subsequent to being provided with these dates, the Court's assistant advised counsel's paralegal for the Plaintiff that no trial date would be set because of a motion that was apparently being filed by the Defendant.
5. Plaintiff moves to extend the discovery cut-off to allow Plaintiff to take the deposition of Dr. Gooden and potentially other Fort Smith School District employees.

Defendants will not be prejudiced because the deposition will occur sufficiently in advance of any trial date that will be ultimately set so that Defendants can respond accordingly to any new evidence or information learned.

6. Plaintiff also attempted to take the deposition of Southside High School Band Director, Sean Carrier and Defendant refused to produce Mr. Carrier. Plaintiff requests that the Court permit the deposition of Mr. Carrier and others.

WHEREFORE, the Plaintiff, Curtis E. Sorrells, prays that the Court extend the discovery cut-off until at least September 30, 2015, and for such other relief as is just and proper.

Respectfully submitted,




Joey McCutchen (No. 88-045)
McCutchen Buckley - The Law Firm
P.O. Box 1971
Fort Smith, AR 72902-1971
Phone 479-783-0036
Facsimile 479-783-5168

Service of any documents by e-mail will not be received by counsel for the Plaintiff unless copied to pam@mccutchenlawfirm.com

CERTIFICATE OF SERVICE

I, Joey McCutchen, hereby certify that a copy of the above and foregoing pleading was emailed and mailed to all attorneys of record as listed below on August 18, 2015:

Mr. James Mitch Llewellyn
Thompson & Llewellyn
412 South 18th Street
Fort Smith, AR 72902-0818



Joey McCutchen

Pam Cox

From: Joey McCutchen
Sent: Friday, August 07, 2015 10:01 AM
To: mitch35@swbell.net
Cc: Pam Cox; yamann@swbell.net
Subject: RE: Monday depositions
Attachments: SBIZHUB-C4515080709320.pdf

Mitch:

I sent an email yesterday regarding me taking the deposition of SHS band director, Sean Carrier, and your daughter, Julie Llewellyn Ketcham. I have not received a response from you (see email below). Please be advised that I will be using the attached Facebook post/ letter from Julie Llewellyn Ketcham to the School Board as an exhibit in this matter. I received the letter from classmates of your daughter.

With regard to Monday, August 10th, I would like to take the depositions of President Deannie Mehl and Susan McFerran first and second. I anticipate that doing so will shorten the other depositions. You expressed in the hearing your concern about the lengths of the depositions. It is my understanding the depositions will start at 9:00 am. Please advise where you would like to take the depositions:

Further, Pam Cox, my paralegal, received an email yesterday confirming the seven school board members and Ms. Featherston. Dr Gooden's name was not on the list. Please advise if you are producing him voluntarily on Monday or Tuesday. As you know by an earlier email, I want to take a short deposition of him.

Currently, we have a small window to do depositions.

Joey McCutchen

Trial Lawyer

"Protect the 7th Amendment; it's the one that protects all the rest."

McCutchen Buckley – The Law Firm

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From: Joey McCutchen [mailto:jmccutchen@mccutchenlawfirm.com]

Sent: Thursday, August 06, 2015 11:09 AM

To: mitch35@swbell.net



Cc: Pam Cox
Subject: Monday depositons

Mitch,

This will confirm my conversation this morning with your secretary that you have made arrangements to have the 7 School Board members, Dr Gooden and Zena Featherston available Monday and also Tuesday if we don't finish them Monday. I fully expect to get finished Monday.

Further, this email will serve as notice that I want to take the deposition of SHS band director Sean Carrier and your daughter, Julie Llewellyn Ketcham. Please advise if you can produce these witnesses or I need to take other action. I need to know today, as we have a short window of time.

Joey McCutchen

Trial Lawyer

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Pam Cox

From: Yvonne Messamore
Sent: Friday, August 07, 2015 11:17 AM
To: Pam Cox
Subject: Re: FOIA case

TimeMattersID: M30A3A5080C4C804
TM Contact: Curtis Sorrells
TM Contact No: 15-095
TM Matter No: 15-095
TM Matter Reference: Sorrells, Curtis

Hi Pam, This is to let you know the depositions are here at our office.

On Aug 6, 2015, at 3:57 PM, Pam Cox wrote:

Any information concerning the additional depositions that are not scheduled for Monday?
Thank you for your kind assistance in this matter.
Joey

Pamela Cox

Paralegal

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Yvonne Messamore
yamann@swbell.net

Thompson And Llewellyn, P.A.
412 South 18th Street
P.O. Box 818
Fort Smith, AR 72902-0818
479-785-2867

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THOMPSON AND LLEWELLYN, P.A.