

# Extension Granted In Mascot Suit

By Chad Hunter

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An attorney suing the Fort Smith School Board over an alleged open meetings violation was granted two weeks for additional discovery, he said Wednesday.

"I was pleased with that," Fort Smith attorney Joey McCutchen said after a hearing in Sebastian County Circuit Court. "We'll get to ask questions of the School Board members. I'll get together with Mitch Llewellyn, the school district's lawyer, and get times to take their depositions."

McCutchen filed an Arkansas Freedom of Information Act lawsuit against members of the School Board last Thursday on behalf of resident Curtis Sorrells. The suit is centered around a June 23 meeting of the School Board's Committee of the Whole. At that meeting, a vote was cast to recommend retirement of Southside High School's Rebel mascot and "Dixie" fight song. McCutchen contends the meeting's publicized agenda called only for a closed meeting for discussion of the superintendent's yearly performance.

The complaint states that "despite the notice which was designed to tell the public and media not to attend the meeting," members of the School Board "held a special and/or emergency meeting for the purpose of prohibiting the use of the song 'Dixie' as the Southside High School fight song and to change the Southside mascot from the Rebel."

Monday night, the full

School Board voted to immediately retire the fight song and phase out the Rebel mascot over the next year. School Board President Deanie Mehl noted the vote was not treated as a Committee of the Whole recommendation in light of the pending litigation.

Regardless, McCutchen said, the June 23 meeting was "still a violation."

"You may vote again to correct a problem, but it's still a violation," he said. "If there's a special meeting, they have to tell us the public the date, time, location and purpose. I'll take this as far as I have to, to prove this was a special meeting."

Judge James Cox presided over Wednesday's court hearing.

"It will be continued and we'll get to put on more witnesses at the next hearing date," McCutchen said. "We're going to get to do discovery, so that's a positive thing."

McCutchen's lawsuit was originally filed against five School Board members, then six. McCutchen said he amended the complaint again Thursday to target the School Board as a whole rather than individual members.

"I agreed to dismiss them individually in their official capacity if they would agree the Fort Smith Board of Education was a proper party, which they did," McCutchen said. "Their actions are still attributed to the Board of Education."

A call seeking comment from Fort Smith Superintendent Benny Gooden was not immediately returned Wednesday.