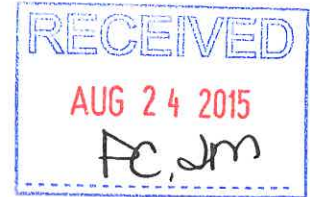


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William P. Thompson
James M. (Mitch) Llewellyn, Jr.

August 21, 2015

Mrs. Denora D. Coomer
Circuit Clerk
Courts Building
901 South "B" Street
P. O. Box 1179
Fort Smith, AR 72902-1179


Re: *Curtis E. Sorrells v. Fort Smith School District, et al*
Sebastian County Circuit Court, Fort Smith Division
No. CV-15-607

Dear Mrs. Coomer:

Please file the enclosed Response in Opposition to Plaintiff's Motion for Extension of Discovery Deadline and return any unneeded copies bearing your file-marks in the self-addressed envelope we have enclosed for that purpose.

Together with a copy of this letter, we are serving a copy of our Response upon Plaintiff's attorney as well as providing a copy to the Court.

Respectfully,


James M. Llewellyn, Jr.

JML:ym
Enclosures

cc w/encls: Joey McCutchen
Honorable James O. Cox

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

CURTIS E. SORRELLS

PLAINTIFF

v.

No. CV-15-607

FORT SMITH SCHOOL DISTRICT; and
FORT SMITH PUBIC SCHOOLS BOARD OF EDUCATION

DEFENDANTS

RESPONSE IN OPPOSITION
TO PLAINTIFF'S MOTION FOR EXTENSION OF DISCOVERY DEADLINE

The Fort Smith School District and Fort Smith Public Schools Board of Education (collectively referred to as “the District”), for their Response in Opposition to Plaintiff's Motion for Extension of Discovery Deadline, state:

1. The allegations of paragraph 1 of the motion are admitted.
2. The allegations of paragraph 2 of the motion are admitted.
3. As for the allegations of paragraph 3 of the motion, the District denies there is any pressing need to take the deposition of Dr. Benny Gooden. Plaintiff called Dr. Gooden as a witness at the hearing before this Court on July 29, 2015, thoroughly examined him at that time and released him at the conclusion of that examination. He is not entitled

to a second bite of the apple. To require Dr. Goodman to submit to a deposition under these circumstances would be unreasonable and oppressive, particularly where, as here, Plaintiff has made no showing of any legitimate need, having offered only a bare bones, cryptic conclusion of "information discovered after the hearing".

4. The allegations of paragraph 4 of the motion are admitted.

5. For the reasons expressed in the District's response to paragraph 3 of Plaintiff's motion, there should be no extension of the discovery cut-off to take the deposition of Dr. Gooden or "potentially" other "unnamed" Fort Smith School District employees. Plaintiff wants to engage in a fishing expedition which the Court, in the exercise of its discretion, should not allow. Plaintiff has already deposed all seven of the School Board members, plus the school's director of communications, Zena Featherston. As the Court has previously noted, these are public servants who are busy people. In the absence of a proper showing, they should not be subjected to a fishing expedition.

6. The allegations of paragraph 6 of Plaintiff's motion are admitted. Sean Carrier is the Southside High School Band Director. In a phone call to the Court by Mr. McCutchen during the deposition of Board

member Rick Wade on August 10, 2015, the Court noted “you [Mr. McCutchen] need to make your questions relate to the issues in this case. The Southside Band and Dixie are not involved in the particulars of this case.” Plaintiff has made no showing that Mr. Carrier had any involvement with or any personal knowledge of the School Board meetings which are the subject of his Second Amended Complaint (meetings of June 22 and June 23, 2015). Again, he and the unnamed "others" who Plaintiff seeks permission to depose should not be subjected to a fishing expedition in the absence of a proper showing. No such showing has been made by the Plaintiff in support of his motion. In the exercise of the Court's discretion, therefore, Plaintiff's motion should be in all things denied.

Respectfully submitted,



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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, James M. Llewellyn, Jr., have on this 21 day August, 2015, caused a true and correct copy of the foregoing Response in Opposition to Plaintiff's Motion for Extension of Discovery Deadline to be mailed first class, postage prepaid, to the following:

Joey McCutchen
McCutchen Buckley - The Law Firm
P. O. Box 1971
Fort Smith, AR 72902-1971


James M. Llewellyn, Jr.