

**U.S. District Court  
Eastern District of Arkansas (Little Rock)  
CIVIL DOCKET FOR CASE #: 4:96-cv-00748-GTE**

C, et al v. Atkins Sch District, et al  
Assigned to: Judge G. Thomas Eisele  
Demand: \$0  
Case in other court: 8USCA, 98-01830  
Cause: 20:1400 Civil Rights of Handicapped Child

Date Filed: 09/20/1996  
Date Terminated: 03/23/2001  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Jim C**  
*individually and as parent and next friend  
of J.C.*

represented by **Mary Jane White**  
Attorney at Law  
Post Office Box 358  
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**Plaintiff**

**Susan C**  
*individually and as parent and next friend  
of J.C.*

represented by **Mary Jane White**  
(See above for address)  
**LEAD ATTORNEY**  
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**Scott H. Peters**  
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**Thomas H. McGowan**  
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**LEAD ATTORNEY**  
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V.

**Defendant**

**Atkins School District**

represented by **W. Paul Blume**  
Attorney at Law

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**Defendant**

**Arch Ford Education Service  
Cooperative**

represented by **William Clay Brazil**  
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**Defendant**

**Arkansas Department of Education**

represented by **Anita Perkins Leonard**  
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**Tim C. Humphries**  
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*TERMINATED: 12/15/2000*  
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Date Filed	#	Docket Text
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09/20/1996	1	COMPLAINT, summonses issued and returned to attorney; \$120 filing fee paid—receipt #67820 (bfw) (Entered: 09/26/1996)
09/20/1996	2	MEMO to file regarding service of complaint (bfw) (Entered: 09/26/1996)
09/20/1996	3	MOTION by plaintiffs for attorney Mary Jane White to appear pro hac vice (bfw) (Entered: 09/26/1996)
10/07/1996	4	ORDER (DOC) granting motion for attorney Mary Jane White to appear pro hac vice [3-1] (cc: all counsel) 10/7/96 (former empl) (Entered: 10/07/1996)
10/21/1996		UTILITY EVENT: Add attorney Mary Jane White for pltfs (former empl) (Entered: 10/21/1996)
01/10/1997	5	AMENDED complaint [1-1] by plaintiffs; adding Arch Ford Education and Arkansas Department of Education (bmt) (Entered: 01/10/1997)
01/10/1997	6	MOTION by plaintiffs for attorney Scott H. Peters to appear pro hac vice (bmt) (Entered: 01/13/1997)
01/28/1997	7	ORDER (DOC) granting motion for attorney Scott H. Peters to appear pro hac vice as co-counsel with Thomas H McGowan as attorneys for the pltf [6-1] (cc: all counsel) (former empl) (Entered: 01/30/1997)
01/29/1997	8	ANSWER by defendant Arch Ford Education to amended complaint (former empl) (Entered: 01/31/1997)
01/30/1997	9	ANSWER by separate defendant Arkansas Department of Education (former empl) (Entered: 02/03/1997)
01/31/1997	10	RETURN OF SERVICE executed upon defendant Arch Ford Education on 1/16/97 (former empl) Modified on 02/06/1997 (Entered: 02/03/1997)
01/31/1997	10	RETURN OF SERVICE executed upon separate defendant Arkansas Education on 1/17/97 (former empl) (Entered: 02/03/1997)
02/03/1997		UTILITY EVENT: Add attorney Scott H Peters for pltfs (former empl) (Entered: 02/03/1997)
02/05/1997	11	ANSWER by defendant Atkins Sch District (kjp) (Entered: 02/06/1997)
03/17/1997	12	MOTION by pltfs to enlarge the record (administrative record & exhibits in separate binders (2)) (former empl) Modified on 03/19/1997 (Entered: 03/19/1997)
03/17/1997	13	BRIEF by pltfs in support of motion to enlarge the record [12-1] (in separate folder) (former empl) (Entered: 03/19/1997)
04/23/1997	14	ORDER by Judge G. T. Eisele granting motion to enlarge the record to include certain records filed with their motion as Supplemental Exhibit X [12-1] (cc: all counsel) (former empl) (Entered: 04/25/1997)
05/29/1997	15	MOTION by plaintiff for partial summary judgment by appellate ruling (former empl) Modified on 11/18/1997 (Entered: 05/30/1997)
06/02/1997	16	RESPONSE by deft Arkansas Education to motion for partial summary judgment [15-1] (bsm) (Entered: 06/03/1997)
06/02/1997	17	STATEMENT OF MATERIAL FACTS in issue by deft Arkansas Education [16-1] (bsm) (Entered: 06/03/1997)
06/06/1997	18	MOTION by deft Arch Ford Education for enlargement of time to respond to motion for partial summary judgment (bsm) (Entered: 06/06/1997)
06/06/1997	19	BRIEF by deft Arch Ford Education in support of motion for enlargement of time to respond to motion for partial judgment [18-1] (bsm) (Entered: 06/06/1997)
06/16/1997	20	MOTION by plaintiff to compel discovery responses by AFESC (former empl) (Entered: 06/16/1997)
06/16/1997	21	PLAINTIFFS' ADVISE TO COURT & COUNSEL regarding ADOE'S statement of material facts & to compel answers to interrogatories 1 & 2 (former empl)

		(Entered: 06/16/1997)
06/16/1997	22	RESPONSE by plaintiff to motion for enlargement of time to respond to motion for partial summary judgment [18-1] (former empl) (Entered: 06/16/1997)
06/18/1997	23	ORDER by Judge G. T. Eisele granting motion for enlargement of time until 06/23/97 to respond to motion for partial judgment [18-1] [15-1] (cc: all counsel) (former empl) (Entered: 06/19/1997)
06/18/1997	24	RESPONSE by defendant Arch Ford Education to motion for partial summary judgment [15-1] (former empl) (Entered: 06/19/1997)
06/18/1997	25	STATEMENT OF FACTS (Rule 29) by defendant Arch Ford Education in support of motion response [24-1] (former empl) (Entered: 06/19/1997)
06/19/1997	26	RESPONSE by separate deft to motion to compel discovery responses by AFESC [20-1] (former empl) (Entered: 06/20/1997)
06/23/1997	27	RESPONSE by deft Arkansas Education to motion to compel [21-1] (bsm) (Entered: 06/24/1997)
06/26/1997	28	RESPONSE by deft to motion for partial summary judgment [15-1] (former empl) (Entered: 06/27/1997)
06/26/1997	29	BRIEF by Atkins School District in support of response to motion [28-1] (former empl) (Entered: 06/27/1997)
06/26/1997	30	STATEMENT OF FACTS by Atkins Sch District in support of response to motion [28-1] (former empl) (Entered: 06/27/1997)
06/27/1997	31	SCHEDULING ORDER: (DOC) setting trial for 9:15 the week of 12/1/97; discovery due 10/6/97; status report due 10/6/97; pretrial info sheet due 11/10/97 (cc: all counsel) (former empl) (Entered: 06/27/1997)
06/27/1997	32	MOTION by plaintiff to compel discovery responses by Atkins School District (former empl) (Entered: 06/30/1997)
07/30/1997	33	ORDER by Judge G. T. Eisele granting pltf's motions to compel discovery [32-1] [20-1] [21-1]; deft will have until 8/15/97 to respond (cc: all counsel) (former empl) (Entered: 07/31/1997)
10/20/1997	34	AMENDED SCHEDULING ORDER (DOC) trial set for 9:15 during the week of 3/9/98; discovery due 1/12/98; status report due 1/12/98; pretrial informaiton sheet due 2/16/98 (cc: all counsel) (former empl) (Entered: 10/20/1997)
10/20/1997	35	MOTION by Arkansas Education to dismiss for lack of jurisdiction & in the alternative for summary judgment , for continuance pending an interlocutory appeal (former empl) (Entered: 10/21/1997)
10/20/1997	36	BRIEF by Arkansas Department of Educaton's in support of motions to dismiss for lack of jurisdiction, for summary judgment & for continuance pending an interlocutory appeal [35-1] [35-2] [35-3] (former empl) (Entered: 10/21/1997)
10/20/1997	37	STATEMENT OF FACTS by Arkansas Department of Education in support of motion for summary judgment [35-2] (former empl) (Entered: 10/21/1997)
10/28/1997	38	NOTICE of change of address for attorney for pltf's by Mary Jane White to Post Office Box 358, Waukon, IA 52172-0358 (# 34 remailed to new address) (former empl) Modified on 10/28/1997 (Entered: 10/28/1997)
11/04/1997	39	MOTION by pltf's to extend time to respond to Adoe's motion to dismiss for summary judgment (former empl) (Entered: 11/05/1997)
11/17/1997	40	ORDER by Judge G. T. Eisele granting motion to extend time to respond to ADOE's motion to dismiss for summary judgment [39-1] [35-1] [35-2]; response due 11/25/97 (cc: all counsel) (former empl) (Entered: 11/18/1997)
11/24/1997	41	RESPONSE by pltf's to motion to dismiss for lack of jurisdiction [35-1] and/or for summary judgment [35-2] and continuance pending an interlocutory appeal [35-3] (bcp) (Entered: 11/25/1997)

11/24/1997	41	CROSS-MOTION by plaintiff for summary judgment (bkp) (Entered: 11/25/1997)
11/24/1997	42	BRIEF by pltfs in support of cross-motion for summary judgment and response to ADOE's motion to dismiss and/or motion for summary judgment [41-1] (bkp) (Entered: 11/25/1997)
11/24/1997	43	RESPONSE by pltfs to ADOE's statement of material facts [17-1] (bkp) (Entered: 11/25/1997)
11/24/1997	43	STATEMENT OF FACTS (Rule 29) by pltfs in support of motion for summary judgment [41-1] (bkp) (Entered: 11/25/1997)
12/05/1997	44	MOTION to substitute attorney Leigh Anne Yeargan in place of Tim C. Humphries as counsel for separate deft Arkansas Dept of Education (former empl) (Entered: 12/08/1997)
12/05/1997	45	MOTION by Arkansas Education to extend time to respond to pltf's cross-motion for summary judgment (former empl) (Entered: 12/08/1997)
12/09/1997	46	ORDER by Judge G. T. Eisele granting motion to extend time to respond to pltf's cross-motion for summary judgment until 12/12/97 [45-1] [41-1]; granting motion to substitute attorney Leigh Anne Yeargan in place of Tim C. Humphries as counsel for separate deft Arkansas Dept of Education [44-1] (cc: all counsel) EOD 12/9/97 (bmt) (Entered: 12/09/1997)
12/12/1997	47	RESPONSE by separate deft Arkansas Department of Education to pltf's cross-motion for summary judgment [41-1] (former empl) (Entered: 12/16/1997)
12/12/1997	48	RESPONSE by separate deft to pltf's statement of material facts not at issue for cross-motion for summary judgment [43-1] (former empl) (Entered: 12/16/1997)
01/12/1998	49	SEPARATE DEFENDANT Arkansas Department of Education's status report (former empl) (Entered: 01/14/1998)
01/16/1998	50	STATUS REPORT by Arch Ford Education (former empl) (Entered: 01/20/1998)
01/26/1998	51	MOTION by separate deft Arch Ford Education Service Cooperative for continuance until the appeal has been decided (former empl) (Entered: 01/28/1998)
02/13/1998	52	ORDER (DOC) granting oral motion for extension of time to file the pretrial information sheets & trial briefs; Pretrial Infomation Sheet due 2/25/98; Trial Brief due 2/25/98 (cc: all counsel) (former empl) (Entered: 02/13/1998)
02/23/1998	53	MEMORANDUM OPINION & ORDER by Judge G. T. Eisele granting motions for continuance [51-1] [35-3]; motions for summary judgment are held in abeyance; granting in part, denying in part Arkansas Department of Education's motion to dismiss based on the Eleventh Amendment immunity; the remaining claims in Arkansas Department of Education's mot to dismiss immunity are held in abeyance [41-1] [35-1] [35-2] [15-1] (cc: all counsel) EOD 2/23/98 (former empl) Modified on 07/01/1998 (Entered: 02/24/1998)
03/02/1998	54	MOTION by defendant Arkansas Education to substitute attorney Tim Humphries in place of Leigh Anne Yeargan (bmt) (Entered: 03/03/1998)
03/04/1998	55	ORDER granting motion to substitute attorney Tim Humphries in place of Leigh Anne Yeargan for deft AR Education [54-1] (cc: all counsel) (bsm) (Entered: 03/05/1998)
03/12/1998	56	NOTICE of appeal by defendant Arkansas Education from District Court decision [53-2] (appeal fees paid) (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) Modified on 03/16/1998 (Entered: 03/16/1998)
03/16/1998	57	AMENDED SCHEDULING ORDER: (DOC) Court trial set for 9:15 a.m. on 10/13/98; discovery due 8/18/98; status report due 8/18/98; pretrial info sheet due 9/22/98 (cc: all counsel) (bsm) Modified on 03/16/1998 (Entered: 03/16/1998)
03/30/1998		DOCKET NOTE: original file forwarded to Clerk USCA8, per request of Joe Hagen (dac) (Entered: 03/30/1998)



03/30/1998		DOCKETING LETTER: 8 USCA Number 98-1830 ; court reporter's transcripts due 5/18/98; counsel to proceed on appendix (dac) (Entered: 03/31/1998)
08/18/1998	<u>58</u>	WRITTEN STATUS REPORT by defendant Arkansas Education (dac) (Entered: 08/18/1998)
09/03/1998	<u>59</u>	WRITTEN STATUS REPORT by defendant Arch Ford Education (dac) (Entered: 09/03/1998)
09/17/1998	<u>60</u>	MOTION by defendant Arch Ford Education for continuance (kjp) (Entered: 09/21/1998)
09/22/1998	<u>61</u>	MEMO TO FILE: finding the motion to dismiss for lack of jurisdiction moot [35-1] (former empl) (Entered: 09/23/1998)
09/22/1998	<u>62</u>	ORDER by Judge G. T. Eisele ruling on the pending motions is hereby held in abeyance [41-1] [35-2] [15-1]; the Court will grant Arch Ford's motion for continuance by entering an amended shceduling order in the near future (cc: all counsel) (former empl) (Entered: 09/23/1998)
09/24/1998		Docket Modification (Utility Event) finding the motion for continuance [60-1] moot due to entry of amended scheduling order. (mah) (Entered: 09/24/1998)
09/24/1998	<u>63</u>	AMENDED SCHEDULING ORDER; Court trial set for 9:15 a.m. on 1/5/99 in Little Rock, AR; discovery due 11/10/98; pretrial info sheet due 12/15/98 (cc: all counsel) (bsm) (Entered: 09/25/1998)
10/01/1998	<u>64</u>	WRITTEN STATUS REPORT by plaintiffs (former empl) (Entered: 10/01/1998)
10/23/1998	<u>65</u>	MOTION by defendant Arch Ford Education to continue (dac) (Entered: 10/23/1998)
11/10/1998	<u>66</u>	WRITTEN STATUS REPORT by defendant Arkansas Education (dac) (Entered: 11/12/1998)
11/10/1998	<u>67</u>	ORDER by Judge G. T. Eisele granting motion to continue [65-1] (cc: all counsel) (dac) (Entered: 11/12/1998)
10/13/1999	<u>68</u>	Opinion (8USCA) (dac) (Entered: 10/13/1999)
10/13/1999	<u>69</u>	MANDATE from 8 USCA affirming in part, reversing in part the decision of the District Court and remanding for proceedings consistent with the opinion of this court [56-1] (USCA8 Order of 10/7/99- plaintiffs-appellees shall recover from defendants-appellants \$237.80 as costs on appeal(order filed 10/13/99) (Original files remain in possession of Clerk USCA8) (dac) Modified on 10/13/1999 (Entered: 10/13/1999)
10/13/1999	<u>70</u>	ORDER (8 USCA) plaintiffs-appellees shall recover from defendants-appellants \$237.80 as costs on appeal (dac) (Entered: 10/13/1999)
10/18/1999		DOCKET NOTE: 2 vols original files returned from Clerk USCA8 (dac) (Entered: 10/18/1999)
10/19/1999	<u>71</u>	ORDER (8 USCA) on Court's own motion, the mandate issued 10/6/99 is recalled for the reason that it was entered prematurely (dac) (Entered: 11/01/1999)
10/29/1999	72	Opinion (8USCA) (dac) (Entered: 11/01/1999)
10/29/1999	73	MANDATE from 8 USCA judgment of the district court is affirmed in part, reversed in part, and remanded to the district court for proceedings consistent with the opinion of this court (dac) (Entered: 11/01/1999)
12/06/1999	<u>74</u>	LETTER/ORDER by Judge G. T. Eisele directing parties to submit a status report outlining views of the issues remaining for the Court to decide; the pltf's & Arkansas Department of Education should update their briefs to reflect any relevant changes in the law & to emphasize the issues remaining for consideration; separate defts Atkins & Arch Ford should update any filings regarding their opposition to the pltf's motions; pltf's & separate defts should submit their positions on the necessity of a trial; status reports due no later than 1/3/00 (cc: all counsel) (former empl) (Entered: 12/07/1999)

03/22/2000	<u>75</u>	ORDER by Judge G. T. Eisele Case consolidated with 4:99CV00748 (cc: counsel lej) (Entered: 03/22/2000)
03/23/2000	<u>76</u>	ANSWER by Atkins Sch District to first amended complt lej) (Entered: 03/24/2000)
04/04/2000	<u>77</u>	MOTION by deft Arkansas Education to dismiss (bsm) (Entered: 04/05/2000)
04/04/2000	<u>78</u>	BRIEF by deft Arkansas Education in support of motion to dismiss [77-1] (bsm) (Entered: 04/05/2000)
06/05/2000	<u>79</u>	RESISTANCE by plaintiffs to motion to dismiss of separate deft Arkansas Department of Education [77-1] (bsm) (Entered: 06/06/2000)
06/05/2000	<u>80</u>	BRIEF by plaintiffs in support of pltf's resistance to Motion to Dismiss of separate deft Arkansas Department of Education [79-1] (bsm) (Entered: 06/06/2000)
06/05/2000	<u>81</u>	MOTION by plaintiffs to enlarge the record [81-1] (bsm) (Entered: 06/06/2000)
06/05/2000	<u>82</u>	MOTION by plaintiffs for partial summary judgment on IDEA claims against Atkins Schol District with additional Exhibits A-K (except E, available directly from publisher) (bsm) Modified on 06/06/2000 (Entered: 06/06/2000)
06/30/2000	<u>83</u>	RESPONSE by deft Arch Ford Education to motion for partial summary judgment on IDEA claims against Atkins Schol District [82-1] (bsm) (Entered: 07/05/2000)
07/24/2000	<u>84</u>	RESPONSE by deft Atkins Sch District to pltf's motion for partial summary judgment [82-1] (bsm) (Entered: 07/24/2000)
07/24/2000	<u>85</u>	BRIEF by deft Atkins Sch District in support of response to pltf's motion for partial summary judgment [84-1] (bsm) (Entered: 07/24/2000)
12/07/2000	<u>86</u>	MOTION by deft Arkansas Education to substitute attorney Sherri L. Robinson in place of Tim C. Humphries (bsm) (Entered: 12/08/2000)
01/30/2001	<u>87</u>	Opinion (8USCA) (dac) (Entered: 01/30/2001)
01/30/2001	<u>88</u>	MANDATE from 8 USCA judgment of the district court is affirmed (dac) (Entered: 01/30/2001)
03/14/2001	<u>89</u>	MOTION by deft Atkins Sch District for summary judgment (bsm) (Entered: 03/15/2001)
03/14/2001	<u>90</u>	BRIEF by Atkins Sch District in support of motion for summary judgment [89-1] (bsm) (Entered: 03/15/2001)
03/14/2001	<u>91</u>	STATEMENT OF MATERIAL FACTS by Atkins Sch District for which no issues exist to be tried [89-1] (bsm) (Entered: 03/15/2001)
03/16/2001	<u>92</u>	ATTORNEY APPEARANCE for Arkansas Education; attorney Anita P. Leonard (bsm) (Entered: 03/19/2001)
03/20/2001	<u>93</u>	MOTION by deft Arch Ford Education for summary judgment of separate deft Arch Ford Education Service Cooperative (bsm) (Entered: 03/21/2001)
03/23/2001	<u>94</u>	ORDER by Judge G. T. Eisele granting deft Atkins School District's motion for summary judgment [89-1], denying pltf's motions for summary judgment [15-1] [82-1] [41-1], all other pending motions are dismissed as moot [93-1] [86-1] [81-1] [77-1] [35-2]; pltf's complts are dismissed with prejudice as to all defts; terminating case (cc: all counsel) (bsm) (Entered: 03/26/2001)
04/05/2001	<u>95</u>	NOTICE of filing petition for a writ of certiorari with Supreme Court #00-1488 (dac) (Entered: 04/05/2001)
04/09/2001	<u>96</u>	MOTION by plaintiffs under various Federal Rules of Civil Procedure to reconsider the 3/23/01 Order (bsm) (Entered: 04/11/2001)
04/09/2001	<u>97</u>	RESPONSE by deft Arkansas Education to pltf's motions for reconsideration [96-1] (bsm) (Entered: 04/11/2001)

04/09/2001	<u>98</u>	BRIEF by deft Arkansas Education in support of response to pltf's motions for reconsideration [97-1] (bsm) (Entered: 04/11/2001)
04/12/2001	<u>99</u>	RESPONSE by deft Arch Ford Education to motion to reconsider 3/23/01 Order [96-1] (bsm) (Entered: 04/13/2001)
04/27/2001	<u>100</u>	ORDER by Judge G. T. Eisele that Order of 3/26/01 granting deft Atkins School District's motion for summary judgment is amended by this Order to correct footnote 15 that described the procedural history of this matter; Court misstated the holding of the Eighth Circuit sitting en banc; this error does not alter the Court's conclusion (cc: all counsel) (bsm) Modified on 05/03/2001 (Entered: 04/30/2001)
04/27/2001	<u>101</u>	AMENDED ORDER by Judge G. T. Eisele granting deft Atkins School District's motion for summary judgment as in Order of 3/23/01 (docket entry #94) (cc: all counsel) (bsm) (Entered: 04/30/2001)
04/27/2001	<u>102</u>	ORDER by Judge G. T. Eisele denying pltf's motion to reconsider the 3/23/01 Order [96-1] (cc: all counsel) (bsm) (Entered: 04/30/2001)
08/29/2001	<u>103</u>	LETTER to court from Supreme Court, petition for a writ of certiorari is denied (dac) (Entered: 08/29/2001)