

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION**

**DORIS IVY JACKSON; LAVERNE SIMS;
JESSELIA MAPLES; DIAMACIOUS SIMS;
DARRYL HARRIS; SYLVIA MOORE;
DANIELLE WRIGHT; DERASHAUN MCGHEE;
VIVIAN DAVIS; JAMES CARRUTH;
IOLA HOSKINS; STEVEN GRAPPE;
VERONICA MCCLANE; and
CITIZENS FOR ARKANSAS PUBLIC
EDUCATION AND STUDENT (CAPES),
a Ballot Question Committee**

Plaintiffs

Case No. 60CV-23-3267

**ARKANSAS DEPARTMENT OF EDUCATION;
JACOB OLIVIA, in his official capacity as
Arkansas Secretary of Education;
RANDY HENDERSON, in his official capacity as
a member of the Arkansas State Board of Education;
JEFF WOOD, in his official capacity as
a member of the Arkansas State Board of Education;
ADRIENNE WOODS, in hers official capacity as
a member of the Arkansas State Board of Education;
STEVE SUTTON, in his official capacity as
a member of the Arkansas State Board of Education;
O. FIZGERALD HILL, in his official capacity as
a member of the Arkansas State Board of Education;
OUDIA NEWTON, in her official capacity as
a member of the Arkansas State Board of Education;
SARAH MOORE, in her official capacity as
a member of the Arkansas State Board of Education;
KATHY MCFETRIDGE, in her official capacity as
a member of the Arkansas State Board of Education;
LISA HUNTER, in her official capacity as
a member of the Arkansas State Board of Education;
FRIENDSHIP EDUCATION FOUNDATION; and
MARVELL-ELAINE SCHOOL DISTRICT**

Defendants

THE STATE DEFENDANTS' NOTICE OF INTERLOCUTORY APPEAL

Defendants Arkansas Department of Education, Jacob Olivia, Randy Henderson, Jeff Wood, Adrienne Woods, Steve Sutton, O. Fitzgerald Hill, Ouida Newton, Sarah Moore, Kathy McFetridge, and Lisa Hunter (the “State Defendants”) hereby give notice of their appeal to the Arkansas Supreme Court pursuant to the Arkansas Rules of Appellate Procedure — Civil and Rules of the Supreme Court.

1. **Appealing Parties.** The parties taking this appeal are Arkansas Department of Education, Jacob Olivia, Randy Henderson, Jeff Wood, Adrienne Woods, Steve Sutton, O. Fitzgerald Hill, Ouida Newton, Sarah Moore, Kathy McFetridge, and Lisa Hunter.

2. **Order Being Appealed.** State Defendants appeal from the Circuit Court’s May 26, 2023, Order titled “Temporary Restraining Order.”

3. **Designation of Record.** State Defendants designate as the record on appeal the entire record in this matter existing as of the filing of this notice.

4. **Certificate of Transcript.** State Defendants confirm that no transcript is necessary for this interlocutory appeal.

5. **Jurisdiction of the Arkansas Supreme Court.** State Defendants take this interlocutory appeal pursuant to Ark. R. App. P.— Civ. 2(a)(6) as it is an appeal of an order granting an injunction. The Supreme Court has jurisdiction to hear this appeal under Ark. Sup. Ct. R. 1-2(a)(1) because it involves the interpretation or construction of the Arkansas Constitution; (b)(1) because it involves issues of first impression; (b)(4) because it involves issues of substantial public interest; (b)(5) because it involves significant issues needing clarification and development of the law; and (b)(6) because it involves substantial questions concerning the validity, construction, or interpretation of an act of the General Assembly.

6. **Abandonment of Claims.** State Defendants have not asserted a claim in this matter and Rule 3(e)(vi) of the Rules of Appellate Procedure — Civil does not apply.

7. **Electronic Record.** State Defendants request an electronic record pursuant to *In re Acceptance of Records on Appeal in Electronic Format and Elimination of the Abstracting and Adendum Requirements*, 2019 Ark. 213.

Respectfully submitted,

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/s/ Dylan L. Jacobs

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*Attorneys for the Arkansas Department of
Education, Secretary Jacob Oliva, and
the members of the State Board of Education*

CERTIFICATE OF SERVICE

I certify that on May 26, 2023, I electronically filed the foregoing document to the eFlex filing system, which notifies the eFlex participants.

/s/ Dylan L. Jacobs
Dylan L. Jacobs