

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**EAST POINSETT COUNTY  
SCHOOL DISTRICT**

**PLAINTIFF**

**v.**

**3:16-cv-331-DPM**

**EMILY GREENE, Individually  
and as Parent of J.**

**DEFENDANT**

**ORDER**

The Court held a status conference in Jonesboro on 17 April 2017. For the reasons stated on the record, after hearing from both sides, the Court made these rulings:

1. The parties need to be realigned. Greene should be the plaintiff and the District should be the defendant. The Court directs the Clerk to update the docket.

2. Greene's 27 February 2017 third party complaint, *No* 7, was a timely appeal of the issues ventilated in the second due process proceeding. Greene's paper was filed within ninety days of the administrative decision, which gives this Court jurisdiction. 20 U.S.C. § 1415(i)(2)(B). The substance of the paper is more important than its title; and that substance makes plain that Greene was seeking judicial review of the hearing officer's 29 November

2016 decision. The Court therefore restores *No* 7 to the docket with leave for Greene to file an amended complaint, as plaintiff, and limited to the issues and arguments presented in the record of the second due process proceeding.

3. The District's complaint, *No* 2, is dismissed without prejudice – especially to asserting any defense or counter-claim involving the parties' settlement agreement.

4. Greene's amended complaint and the administrative record are both due by 8 May 2017.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*18 April 2017*