

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

GREENE COUNTY TECH SCHOOL DISTRICT

PLAINTIFF

v.

Case No. 3:17-cv-00047-KGB

**MW, an adult, and CARLA WILSON,
mother of MW**

DEFENDANTS

ORDER

On March 1, 2019, the Court entered an Order granting plaintiff Greene County Tech School District's (the "District") motion to dismiss with respect to a claim for attorneys' fees under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1415, *et seq.*, and denying the District's motion with respect to the counterclaim and third-party complaint filed by defendants MW, an adult, and Carla Wilson, mother of MW (collectively "the Wilsons") (Dkt. No. 32, at 18). The Court also retained subject matter jurisdiction over the Wilsons's counterclaim and third-party complaint (*Id.*). In that Order, the Court denied the District's motion to dismiss the Wilsons's counterclaim and third-party complaint because of the limited record and briefing submitted by the parties (*Id.*, at 14).

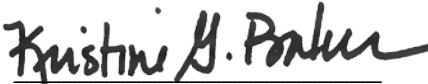
Specifically, the Court explained that, to date, the parties have not addressed whether and to what extent the Wilsons failed to exhaust their administrative remedies under the IDEA with respect to their counterclaim and third-party complaint (*Id.*). Further, the Court stated that the parties did not adequately brief the law or identify the record facts related to the specific application of preclusion with respect to the Wilsons's remaining claims in the counterclaim and third-party complaint regarding alleged violations of procedural and substantive due process and equal protection under the Fourteenth Amendment, pursuant to 42 U.S.C. § 1983, and for violation of stay-put under 20 U.S.C. § 1415(j); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701

et seq.; and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131-12165, for unlawful discrimination based on disability (*Id.*).

Pursuant to the Court's March 31, 2019, Order (Dkt. No. 32), the Court sets forth the following briefing schedule:

1. The District's brief shall be served and filed on or before June 3, 2019.
2. The Wilsons's response briefs shall be served and filed within 30 days after service of the District's brief.
3. The District may serve and file a reply brief within 14 days after service of the Wilsons's brief.
4. The parties may agree with one another, or either party may petition the Court for good cause shown, to modify the briefing deadlines set forth in this Order.

It is so ordered this the 6th day of May, 2019.



Kristine G. Baker
United States District Judge