

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

BRITAIN MOORE, as parent and legal guardian  
of Jashanti Davis, a minor

PLAINTIFF

v.

No. 4:14-cv-147-DPM

SAUL LUSKS, Superintendent of the Lee  
County School District; WILLIE MURDOCK,  
Assistant Superintendent of the Lee County  
School District; MILTON HALL, Member of the Lee  
County School Board; ELIZABETH JOHNSON, Member  
of the Lee County School Board; LAFAYETTE SMITH,  
Member of the Lee County School Board; VICTORIA  
PERRY, Member of the Lee County School Board;  
DAVID WALDRIP, Member of the Lee County School  
Board; KENDALL GRAY, Member of the Lee County  
School Board, All in Their Official and Individual  
Capacities; FRACHINE COOPER, Individually and as  
an agent of the Lee County School District; and  
VIRGINIA STONE, Individually and as an agent  
of the Lee County School District

DEFENDANTS

ORDER

For the reasons stated on the record at the 21 January 2016 pretrial, the  
Court orders the following:

A. The Second Amended Final Scheduling Order is amended to reflect  
the following deadlines.

1. 22 January 2016 Defendants deliver to Moore any District  
policies on bullying and complaints.

2. 28 January 2016 Moore's amended complaint with clear facts and allegations about subject matter jurisdiction.
3. 3 February 2016 Defendants' answer and supplement on jurisdiction due.
4. 5 February 2016 Pretrial disclosures, which should include any suggested voir dire areas.
5. 2 March 2016 Exchange final exhibit and witness lists using the Court's forms. Deliver the originals, one electronic copy, and one hard copy to the Court.

If any party wants to file a trial brief, the deadline is still 5 February 2016, but trial briefs aren't required. No responding trial briefs needed.

B. Moore's motion in limine, as amended, is granted. Defendants may not use the investigating file of Titus Howell or Willie Murdock at trial unless they deliver it to Moore by 28 January 2016.

C. Defendants' motion in limine is granted in part and denied in part.

1. Cooper's criminal-case file is excluded. The Court may reconsider if Moore wants to impeach with things in the file and she approaches first.
2. The 4 February 2002 letter to Ms. Allison about a bus fight is excluded.

3. The 26 January 2006 letter from Ms. Nash to Ms. Cooper about inappropriate language is admissible to show knowledge. But the Court will instruct the jury to consider it only for that purpose, not for its truth.
4. The 1 March 2006 reprimand of Ms. Cooper by Mr. Pamplin is excluded.
5. The undated letter memo by Ms. Cooper about a child crying on the bus is excluded.
6. The undated note about a fight between students on the bus is excluded.
7. The 8 September 2003 note about Ms. Cooper's bus running a red light is excluded.
8. The documents about the November 2003 parent-teacher dispute in the classroom are excluded. The Court may reconsider if Moore wants to impeach with these documents and she approaches first.
9. The February 2002 evaluation noting Ms. Stone's violation of the district's corporal punishment policy is excluded.
10. The April 2008 evaluation counseling respect to all students at all times is excluded. The Court may reconsider if Moore lays a proper foundation and approaches first.

\* \* \*

Second Amended Final Scheduling Order, *No* 32, amended as noted.

Moore's motion in limine, *No* 42, as amended, *No* 45, granted. Defendants' motion in limine, *No* 37, granted in part and denied in part.

So Ordered.

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

25 January 2016