

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

**DONNA CAVE, et al.,** **PLAINTIFFS**

**ANNE ORSI, et al.,** **CONSOLIDATED PLAINTIFFS**

**THE SATANIC TEMPLE, et al.,** **INTERVENORS**

**v. Case No. 4:18-cv-00342-KGB**

**JOHN THURSTON, Arkansas Secretary  
of State, in his official capacity** **DEFENDANT**

**CERTAIN PARTIES’<sup>1</sup> REQUEST FOR  
BRIEFING AND TRIAL SCHEDULE**

Plaintiffs, Consolidated Plaintiffs, and Defendant John Thurston, in his official capacity (“the Parties”) ask that the Court enter a briefing schedule with regard to anticipated motions for summary judgment and set this matter for trial.

This matter has been pending since May 2018. The discovery deadline has expired. Although the Parties anticipate receiving the Court’s ruling on several pending discovery motions, at the last hearing the Court held in this matter, on February 18, 2022, the Court commented:

---

<sup>1</sup> The parties submitting this Joint Position Statement are Plaintiffs Donna Cave and Pat Piazza, Consolidated Plaintiffs Anne Orsi, American Humanist Association, Freedom from Religion Foundation, Inc., Arkansas Society of Freethinkers, Gale Stewart, Rabbi Eugene Levy, Rev. Victor H. Nixon, Teresa Grider, and Walter Riddick, and Defendant John Thurston.

So generally what's going to happen is I'll enter an order that takes care of these discovery matters. If we're at the point then to set a dispositive motion date, I will. And I may just do it anyway and set it out far enough that whatever discovery needs to be had, or if I say no more discovery needs to be had, everybody then knows the date that I want dispositive motions filed. I may also set a trial date. Why? So everybody has their calendar clear and that's the date.

The Parties respectfully request that the Court establish the pertinent deadlines for the parties' dispositive motions and set a realistic trial date.

The Parties already have various commitments extending well into 2023 and desire a scheduling order that will move this case forward while avoiding any unnecessary conflicts. In particular, the Parties propose the following schedule with regard to anticipated motions for summary judgment:

Deadline for filing dispositive motions	December 2, 2022
---	------------------

Deadline for filing responses to dispositive motions	January 6, 2023
--	-----------------

Deadline for filing replies in support of dispositive motions	February 3, 2023
---	------------------

Trial	Not before June 5, 2023
-------	-------------------------

Pursuant to Local Rule 7.2, counsel for the Cave Plaintiffs conferred in good faith with counsel for Intervenors about this motion. Intervenors would be in favor of a dispositive briefing deadline that commenced in March 2023.

Respectfully submitted,

LAVEY AND BURNETT

By: John L. Burnett.  
John L. Burnett (Arkansas Bar No. 77021)  
904 West 2nd Street  
Little Rock, AR 72201  
Telephone: (501) 376-2269  
Facsimile: (501) 372-1134  
E-mail: jburnett@laveyandburnett.com  
*On behalf of the Arkansas Civil Liberties Union Foundation*

GREEN & GILLISPIE

By: Joshua D. Gillispie.  
Joshua D. Gillispie (Arkansas Bar No. 2010131)  
1 Riverfront Place, Suite 605  
North Little Rock, AR 72114  
Telephone: (501) 244-0700  
Facsimile: (501) 244-2020  
E-mail: josh@greenandgillispie.com  
*On behalf of the Arkansas Civil Liberties Union Foundation*

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: Andrew G. Schultz.  
Andrew G. Schultz (*admitted pro hac vice*)  
Melanie B. Stambaugh (*admitted pro hac vice*)  
P.O. Box 1888  
Albuquerque, NM 87103-1888  
Telephone: (505) 765-5900  
Facsimile: (505) 768-7395  
E-mail: aschultz@rodey.com  
mstambaugh@rodey.com  
*On behalf of the Arkansas Civil Liberties Union Foundation*

*Attorneys for Plaintiffs Donna Cave and Pat Piazza*

*Electronically Approved 09/15/2022 .*

J.G. "Gerry" Schulze  
Ark. Bar No. 83156  
Attorney for the *Orsi* Plaintiffs  
BAKER SCHULZE & MURPHY  
2311 Biscayne Drive  
Suite 300  
Little Rock, AR 72227  
Telephone: (501) 537-1000  
Facsimile: (501) 537-1001  
Email: gschulze@b-s-m-law

LESLIE RUTLEDGE  
Attorney General

Dylan L. Jacobs (2016167)  
Deputy Solicitor General  
Michael A. Cantrell (2012287)  
Assistant Solicitor General  
OFFICE OF THE ARKANSAS ATTORNEY GENERAL  
323 Center Street, Suite 200  
(501) 682-2007  
Michael.Cantrell@ArkansasAG.gov

Hiram S. Sasser, III  
Michael D. Berry  
Lea E. Patterson  
FIRST LIBERTY INSTITUTE  
2001 West Plano Parkway, Suite 1600  
Plano, TX 75075  
Tel: (972) 941-6162  
Fax: (972) 423-6162  
*hsasser@firstliberty.org*  
*mberry@firstliberty.org*  
*lepatterson@firstliberty.org*

*Attorneys for Secretary of State John Thurston*