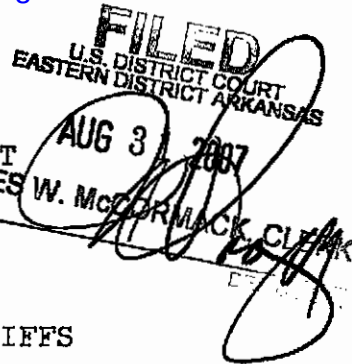


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION



NICOLE WINSTEAD
STEPHAN PETTUS
ARETHA WARD
LETA ANTHONY
RS MCCULLOUGH
ON BEHALF OF THEMSELVES
AND ALL OTHERS SIMILARLY SITUATED

PLAINTIFFS

V. NO. 4:07CV00682 WRW

MARK STODOLA,
Individual and Official Capacity
TOM CARPENTER
Individual and Official Capacity
CITY OF LITTLE ROCK
STACY HURST
Individual and Official Capacity
BRAD CAZORT
Individual and Official Capacity
MICHAEL KECK
Individual and Official Capacity
DORIS WRIGHT
Individual and Official Capacity
DEAN KUMPURIS
Individual and Official Capacity
GENE FORTSON
Individual and Official Capacity
KENT WALKER
Individual and Official Capacity
MARTHA MCCASKILL
Individual and Official Capacity
OZELL SNIDER
Individual and Official Capacity
SUSAN INMAN
Individual and Official Capacity
HON. MIKE BEEBE
Individual and Official Capacity
STATE OF ARKANSAS

DEFENDANTS

AMENDED COMPLAINT-CLASS ACTION

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Section 1343. This is an action to secure redress of rights secured by the Constitution and Law of the United States, in particular, those rights protected by 42 U.S.C. 1973, 42 U.S.C. 1983, the First, Fourth, Fifth, Fourteenth and Fifteenth Amendments of the US Constitution. This is also an action for damages and other relief as set out below for arbitrary and capricious actions, due and equal process violations, vote dilution, impermissible retrogression and the like, and other tort law concepts, including common law concepts. Plaintiffs further invoke the pendent jurisdiction of this court to hear and decide claims arising under State law, including but not limited to conflict of interest, official improprieties and other similar claims relative to the matters herein.

2. Plaintiffs are black and minority citizens of the United States whom reside in Pulaski County, Little Rock, Arkansas. Plaintiffs proceed in this matter individually and as representatives of the class of black and minority voters (to include Hispanics) in the City of Little Rock. Plaintiffs are from various parts and wards of the city and the interests of the plaintiffs and those that could be

plaintiffs are in fact the same relative to the issues connected to the one-man one-vote and other concepts being related to in this action. The interests of any potential class member will be identical to those of the existing and suing plaintiffs. The potential number of plaintiffs to this matter are too numerous to be added and named specifically in this matter. The prosecution of this matter by the named plaintiffs will fairly and adequately represent the interests, claims, defenses (if applicable), and positions of any persons that could be named or added to this matter as plaintiffs. The issues and claims present are those that are set out herein, and stated in the brief, etc. in this matter, and they do likewise by the presence of the plaintiffs herein.

3. Defendants are the persons which are identified as having violated the rights of the plaintiffs or those whom have facilitated the violations.

4. Defendant Stodola is the newly elected mayor of Little Rock. Defendant Carpenter is the city attorney for Little Rock and aided Stodola in drafting and presenting an ordinance that gave rise to the presently scheduled August 14, 2007 special election to increase the mayoral power in Little Rock past and forward where it was at the time Stodola was elected. Defendant City of Little Rock employs

defendant Carpenter. Defendant City of Little Rock is a municipality duly incorporated under the laws of the State of Arkansas.

5. Defendants Hurst, Cazort, Keck, Wright, Kumpuris and Fortson are City Directors for the City and are the particular ones that voted for the ordinance complained of herein.

6. Defendants Walker, McCaskill and Snider are the Pulaski County Election Commissioners. Defendant Inman is the director of this commission. These defendants have oversight and are carrying out the execution of the special election relative to the complained of ordinance herein.

7. Defendant Beebe is the duly elected governor of the State of Arkansas, and the defendant State is an allowed entity present in the United States of America as a state. As such these defendants, as are the other defendant, are subject to the laws of the same.

8. In November of 2006 Stodola was elected as mayor of the city. The position he ran for and was elected to in a general election was a part-time position, paying about \$36,000 annually.

9. Shortly after taking office Stodola began relating to movements to increase his powers beyond those he was elected to have and to have his salary increased also, thus

the complained of ordinance drafted and presented by he and Carpenter. Among the changes, would be the ability to hire and fire the city attorney and city manager, and to increase his salary to approximately \$160,000. More importantly, the changes would grant him power to veto items passed by the city board, of which he is a member, subject only to a 2/3 re-vote override as specified by Roberts Rules of Order and other precepts. Note Exhibit A attached.

10. In March of 2007 two bills were passed in the Arkansas Legislature to, inter alia, allow the ordinance complained of to be presented for a special vote. Note Senate Bill 972 and House Bill 2658.

11. Plaintiffs have no knowledge or belief that the State or any of the referenced defendants sought preclearance relative to the referenced laws and ordinance.

12. The City currently has a city-manager for of government which has been in place for a long time. The City has 10 city directors, three (3) of which are at large positions.

13. The ordinance for the change in form of government as stated herein was presented and voted on by Stodola. This is a blatant conflict of interest and appears very improper. The same violates due and equal process, as well

as Roberts Rules by an interested party presenting and voting an increase for himself. The same also violates separation of powers by the mayor being a member of the board, the body he would then have veto power over.

14. The bills and ordinance, as well as the ballot, etc. referenced in this matter are unconstitutionally vague and ambiguous.

15. The result of the anticipated changes, if they occur would be dilutive to the votes of persons outside of majority districts, constitute impermissible retrogression and be an abridgment of those same persons rights to the voting franchise, and their effective participation in the same.

16. The further results of what is occurring and complained of herein is that a pretextual process has been created to attempt to abridge the rights of certain voters as stated herein and to insure that fractionalizing occur. The same will occur by the mayoral veto power and the number of votes that would be required to override the same and the presence of the already existing three (3) at large positions (majority slots).

17. This process will shortens the terms of the persons elected to the board at the same time as Stodola (e.g. Hendrix and Richardson), as well as other directors who

were already serving (e.g. Adcock and Wyrick). This will occur by them not receiving what plaintiffs previously voted for in a general election. These persons elected as directors were to have four years with one vote, the same as the mayor in voting respect, for matters coming before the board. The changes, considering especially the veto power, would reduce their vote from one to a fraction thereof by essentially giving the mayor the power to veto and then a 2/3 majority being required for override. The presence of the at-large positions, as normally the case in the South, are majority (white) seats and help create a situation where preclearance should have been sought. The minority directors, such as Hendrix and Richardson, will not have a fair or proper chance to be effective under the complained of system.

18. The matters which have and are being attempted violate the Constitutional provisions cited herein, and other laws, and especially the Voting Rights Act.

19. All acts of the defendants were performed under the color of authority based upon their capacities, conduct, and intentions. The conduct of the defendants complained of herein is the direct and proximate cause of plaintiffs' harm.

WHEREFORE, all premises considered, plaintiffs prays relief as follows:

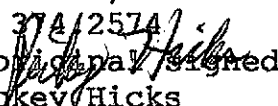
A. Preliminary and permanent injunction preventing the defendants, their agents, successors, employees and those acting in concert with defendants under or at their direction from engaging in such intentional, discriminatory and unconstitutional policies and practices as complained of herein. And that the election currently scheduled be enjoined.

B. A declaratory judgment that the actions of the defendants complained of herein violated plaintiffs' rights guaranteed by 42 U.S.C. Sections 1973, 1983 and other constitutional provisions as stated herein.

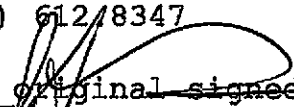
C. Compensatory and punitive damages against each and all defendants jointly and severally.

D. Costs of this action, including an award of reasonable attorney fees and all other costs and relief to which plaintiffs are entitled.

Respectfully submitted,

Rickey Hicks
Attorney at Law
415 Main Street
Little Rock, AR 72201
(501) 374-2574
BY: 
Rickey Hicks
(AR Bar #89-235
Attorney for Plaintiffs
(not pro se)

P.O. Box 56530
Little Rock, AR 72215
(501) 612-8347

BY: 
R.S. MCCULLOUGH
Pro se

CERTIFICATE OF SERVICE

I, undersigned, do hereby certify that on this 31 August 2007 ,
a copy of the foregoing has been hand delivered or mailed, postage prepaid to
proper address of all parties or all counsel of records for the same.

By  original signed

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