

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

**NICOLE WINSTEAD, STEPHEN PETTUS,  
ARETHA WARD, LETA ANTHONY, &  
R.S. McCULLOUGH**

**PLAINTIFFS**

**vs.**

**Case No. 4:07-CV-000682 WRW**

**MARK STODOLA, in His Individual and Official Capacity,  
TOM CARPENTER, in His Individual and Official Capacity,  
CITY OF LITTLE ROCK,  
STACY HURST, in Her Individual and Official Capacity,  
BRAD CAZORT, in His Individual and Official Capacity,  
MICHAEL KECK, in His Individual and Official Capacity,  
DORIS WRIGHT, in Her Individual and Official Capacity,  
DEAN KUMPURIS, in His Individual and Official Capacity,  
KENT WALKER, in His Individual and Official Capacity,  
MARTHA McCASKILL, in Her Individual and Official Capacity,  
OZELL SNIDER, in His Individual and Official Capacity,  
SUSAN INMAN, in Her Individual and Official Capacity,  
MIKE BEEBE, in His Individual and Official Capacity, and  
The STATE OF ARKANSAS**

**DEFENDANTS**

**MOTION TO STRIKE PLAINTIFFS'  
AMENDED COMPLAINT – CLASS ACTION  
BY SEPARATE STATE DEFENDANTS**

Separate State Defendants the State of Arkansas, Governor Mike Beebe in his Official Capacity, and in his Individual Capacity, by and through their counsel, Attorney General Dustin McDaniel and Assistant Attorney General Scott P. Richardson, for their Motion to Strike state as follows:

1. On August 9, 2007, Plaintiffs Nicole Winstead, Stephen Pettus, Aretha Ward, Leta Anthony, and R.S. McCullough, filed a Complaint against various officials of the City of Little Rock, Arkansas, Pulaski County, Arkansas, the Governor of Arkansas, and the State of Arkansas. In that Complaint Plaintiffs made vague allegations that the expansion of the powers

of the Mayor of the City of Little Rock, as approved by the voters of the City of Little Rock at an election held on August 14, 2007, violates Plaintiffs' rights under 42 U.S.C. § 1983, the Voting Rights Act (42 U.S.C. § 1973), and the First, Fourth, Fifth, Fourteenth, and Fifteenth Amendments of the United States Constitution.

2. A hearing was held on August 13, 2007, on Plaintiffs' request to halt the election scheduled for August 14, 2007. At that hearing, the Court requested briefs from Plaintiffs in support of their claims by Monday, August 27, 2007, and briefs in opposition from Defendants by Friday, September 5, 2007.

3. The Separate City Defendants filed a Motion to Dismiss and Brief in Support on August 13, 2007. The Separate County Defendants filed a Motion to Dismiss on August 13, 2007. Separate State Defendants filed a Motion to Dismiss and Brief in Support on August 29, 2007.

4. Plaintiffs failed to file their brief on Monday, August 27, 2007. On Wednesday, August 29, 2007, the Court issued a letter warning the Plaintiffs that if they did not file their brief by noon on August 30, 2007, their Complaint would be dismissed without prejudice. Plaintiffs failed to file their brief by the extended deadline and, as promised, the Court dismissed the Complaint without prejudice.

5. On Friday, August 31, 2007, Plaintiffs filed a number of documents with the Court, one of which was an "Amended Complaint – Class Action." Docket No. 41.

6. Plaintiffs' "Amended Complaint – Class Action" should be stricken because Plaintiffs failed to seek and obtain leave to file an amended complaint. Moreover, Plaintiffs' purported amended complaint adds nothing to Plaintiffs substantive claims and fails to make sufficient allegations to entitle them to class status.

WHEREFORE, for the foregoing reasons and the reasons stated in the Brief in Support of Separate Defendants' Motion to Strike, the Separate State Defendants respectfully request that their Motion to Strike be granted, that Plaintiffs' "Amended Complaint – Class Action" be stricken, and that Plaintiffs' Complaint remain dismissed.

Respectfully submitted,

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Attorney General

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ATTORNEYS FOR SEPARATE  
DEFENDANTS THE STATE OF  
ARKANSAS, GOVERNOR MIKE BEBEE,  
IN HIS OFFICIAL CAPACITY AND IN  
HIS INDIVIDUAL CAPACITY

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

Mr. Thomas M. Carpenter  
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I hereby certificate that on September 9, 2007, I mailed the document by United States Postal Service to the following non CM/ECF participants:

Mr. R.S. McCullough  
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/s/ Scott P. Richardson  
SCOTT P. RICHARDSON