

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI**

MISSOURI STATE CONFERENCE OF	)	
THE NATIONAL ASSOCIATION FOR	)	
THE ADVANCEMENT OF COLORED	)	
PEOPLE, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:14-cv-02077-RWS
	)	
FERGUSON-FLORISSANT SCHOOL	)	
DISTRICT and ST. LOUIS COUNTY	)	
BOARD OF ELECTIONS	)	
COMMISSIONERS,	)	
Defendants.	)	

**Motion to Vacate Stay**

Plaintiffs move this Court to vacate the stay of amended judgment and injunction (ECF No. 242) and direct the parties to submit a voter education program in compliance with the amended judgment and injunction. In support, they state:

1. On December 21, 2016, this Court entered an amended judgment and injunction. ECF

No. 243. The injunction provided that:

Defendants Ferguson-Florissant School District and the St. Louis Board of Election Commissioners are enjoined from conducting elections for the Ferguson-Florissant School Board via the traditional at-large electoral method at issue in this litigation. Defendants shall implement a cumulative voting at-large electoral system for Ferguson-Florissant School Board elections with a voter education program. Costs for the education program are to be apportioned as agreed by the parties, except that costs for production of sample ballots and mailing of agreed-upon materials to voters are apportioned equally between Defendants. The parties shall comply with all provisions stated in the Remedial Order entered November 21, 2016.

*Id.*

2. On December 21, 2017, this Court stayed the amended judgment and injunction

entered in this case pending appeal. ECF No. 242.

3. On July 3, 2018, the Court of Appeals entered judgment affirming this Court's judgment. ECF No. 264.
4. On August 6, 2018, the Court of Appeals denied Ferguson-Florissant School District's requests for panel and en banc rehearing. ECF No. 265.
5. The mandate issued on August 14, 2018. ECF No. 268.
6. The stay should be vacated. There is no longer a pending appeal and jurisdiction has been returned to this Court. Although the District has the option of seeking the discretionary review of the Supreme Court, the factors considered for a stay no longer weigh in favor of the district.
7. Although the parties previously submitted a joint proposed voter education program to this Court (ECF No. 225), that proposed program contemplated actions to be taken in 2017 and, thus, would no longer satisfy this Court's amended judgment and injunction.

WHEREFORE Plaintiffs move this Court for entry of an order vacating the stay of the amended judgment and injunction as well as directing the parties to meet, confer, and submit a joint proposed voter education program.

Respectfully submitted,

/s/ Anthony E. Rothert  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2018, I filed the foregoing document using the e-filing system, thereby serving electronic copies to all counsel of record.

/s/ Anthony E. Rothert