

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

OCT 23 2007

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

JAMES W. McCORMACK, CLERK
By: 
DEP CLERK

NICOLE WINSTEAD, ET AL.

PLAINTIFFS

V.

NO. 4:07CV00682 WRW

MARK STODOLA, ET AL.

DEFENDANTS

BRIEF IN SUPPORT TO MOTION TO STAY

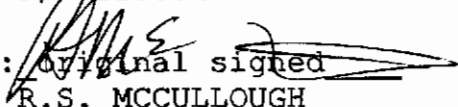
In the instant matter the trial court has ruled on the pleadings without a hearing, that the plaintiffs, who are all registered voters, did not have standing to contest the changes to the form of government in Little Rock, Arkansas. In addition to the other matters challenged, plaintiffs had a right to relate to the matter of standing at a hearing. Note U.S. v. Scrap, 412 U.S. 669 (1973 and esp. Note Lujan v. Defenders, 504 U.S. 555 (1992).

The mayor that was recently elected was done so in a fashion that would have allowed him to vote on a city board with other city directors, having an equal vote and power. Now there have been changes based upon a special election, that was challenged by the plaintiffs prior to the election, that gives or would give the mayor additional powers beyond those that he was elected to have in a general election in November of 2006. The position that he was elected to was for a four-year period/term.

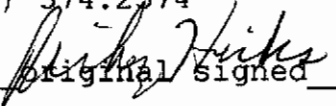
Therefore, if the court stays this matter, the mayor is simply left with what he won in the general election. He cannot be prejudiced by the status quo being maintained. However, quite the contrary occurs if this matter is not stayed. He presumably might make hiring and firing and other financial decisions, and other vetoes, powers which he did not previously have, that the law and the courts can never fully address or redress. The position of the plaintiffs here is certainly as strong and much more needed as parties in other matters. Note Cellco Partnership v. Hatch, 431 F. 3d 1077 (8th Cir. 2005) and Falaja v. Gonzales, 418 F. 3d 889 (8th Cir. 2005).

WHEREFORE, all premises considered, plaintiffs pray relief be granted as requested herein, and for all other good and proper relief to which they are entitled.

Respectfully submitted,
P.O. Box 56530
Little Rock, AR 72215
(501) 612.8347

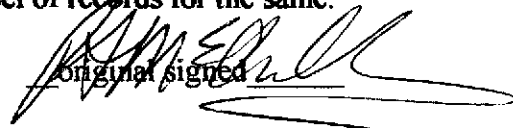
BY:  original signed
R.S. MCCULLOUGH
Pro se

Rickey Hicks
Attorney at Law
415 Main Street
Little Rock, AR 72201
(501) 374.2574

BY:  original signed

CERTIFICATE OF SERVICE

I, undersigned, do hereby certify that on this 23rd day of OCTOBER, 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.


original signed