

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

DONNA CAVE, et al

PLAINTIFF

V.

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

MARK MARTIN, Arkansas Secretary of State
in his Official Capacity

DEFENDANT

NOTICE

Plaintiffs, Anne Orsi, Eugene Levy, Joan Dietz, Gale Stewart, Teresa Grider, and Walter Riddick, and Arkansas Society of Freethinkers, American Humanist Association, and the Freedom from Religion Foundation by and through their attorneys, J.G. “Gerry” Schulze, David Niose, Monica Miller, and Patrick Elliott, by and through their attorneys, for their Notice state:

1. Counsel has reviewed the filings regarding the motion of The Satanic Temple, LLC, Douglas Misicko (aka Lucien Greaves) and Erika Robbins to intervene.

2. There has been an issue raised as to whether the proposed intervenors sought the consent of the “plaintiffs” to intervene.

3. Candor to the Court compels me to report that on Friday, June 29, 2018, I sent an email to Stuart DeHaan in which I stated:

We have reviewed the motion. We have no objection to the motion.

We believe it makes adequately clear why your position differs from ours.

Did you run it by the ACLU?

Gerry

4. It remains the position of the Orsi plaintiffs that we do not object to the motion so long as it remains clear that the relief sought by the proposed intervenors is different, indeed contrary, to that sought by the Orsi plaintiffs. The Orsi plaintiffs seek the removal of the “Ten Commandments” monument and would likewise oppose the placement of any other sectarian monument on the State Capitol Grounds.

5. Given the representation to the Court by the Secretary of State that the proposed intervenors had misrepresented their receipt of the Plaintiffs’ consent to intervene and the failure of the proposed intervenors to bring this communication

to the attention of the Court in their response, the undersigned feels that it is his obligation, in candor to the Court, to disclose this communication.

6. It is the position of the Orsi plaintiffs that should the intervention be denied, the proposed intervenors could file their own independent action which should be consolidated with this action in the interests of judicial economy. There is no reason to burden the Court and the parties with any additional pleadings. Unfortunately, the position of the Secretary of State has made this filing necessary.

WHEREFORE, the Orsi plaintiffs state that they have no objection to the proposed intervention.

Respectfully Submitted

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CERTIFICATE OF SERVICE

I, J.G. “Gerry” Schulze, hereby certify that I have filed the above and foregoing document through the Court’s electronic filing system, which will provide a copy thereof to counsel for all parties.

/s/ J.G. “Gerry” Schulze

J.G. “Gerry” Schulze