

MANILA SCHOOL DISTRICT NO. 15 *v.* Charolette WAGNER,
Jimmy White, Harold Lee Evans, and E.A. Shaneyfelt

03-755

157 S.W.3d 529

Supreme Court of Arkansas
Opinion delivered March 29, 2004

APPEAL & ERROR — INTERVENORS ELECTION NOT TO FILE BRIEF DID NOT
COMPLY WITH PREVIOUS ORDER — INTERVENORS ORDERED TO
FILE BRIEF. — Where the intervenors elected not to file a brief on
three particular issues, as had been previously ordered by the supreme
court, and instead sent a letter to the court clerk, stating that they had
chosen not to pursue the injunction any further and that the issue
should now be moot, the letter was unacceptable, as it did not

comply with the court's previous order; thus, intervenors were ordered to file a brief in this matter, addressing the three issues set out in the March 11, 2004, *per curiam*.

Briefing ordered and oral argument set.

Mike Gibson; and *W. Paul Blume*, for petitioners.

W. Hunter Williams, Jr., for respondents.

Bearden Law Firm, by: *Mike Bearden*, for intervenors.

PER CURIAM. This case arose from the Mississippi County Circuit Court's grant of an *ex parte* injunction prohibiting Petitioner Manila School District No. 15 from hiring a superintendent to replace Respondent Charolette Wagner. The injunction was granted on behalf of three Respondents, Jimmy White, Harold Lee Evans, and E.A. Shaneyfelt, who were permitted by the trial court to intervene in the suit between the District and Wagner. We recently issued a *per curiam* opinion granting Petitioner's motion to expedite and instructing all parties to this case to file simultaneous briefs on three particular issues: (1) whether Respondents-Intervenors had standing to seek an injunction; (2) whether the irreparable harm relied on to grant the injunction is the same as that relied upon to grant a previous injunction to Respondent Wagner; and (3) whether this court may, at this stage of the proceedings, act on the District's motion to remove the trial judge, the Honorable Victor Hill, from the case. See *Manila Sch. Dist. No. 15 v. Wagner*, 356 Ark. 421, 155 S.W.3d 1 (2004) (*per curiam*).

The District and Wagner both filed their briefs on March 18, 2004. The Intervenors, however, elected not to file a brief. Instead, their attorney, Mike Bearden, sent a letter to our court clerk, stating that his clients have chosen not to pursue the injunction any further and that the issue should now be moot. This letter is unacceptable, as it does not comply with our previous order in this matter.

[1] We hereby order and direct Intervenors to file a brief in this matter, addressing the three issues set out in our March 11, 2004, *per curiam*. Intervenors have until Monday April 5, 2004, to file their brief. We further order the attorneys for all parties to appear before this court at 9:00 a.m. on April 8, 2004, for oral argument in this matter.

It is so ordered.