

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS**

SAMANTHA STINSON and JONATHAN STINSON,
on behalf of themselves and on behalf of their minor
children, A.R.S. and A.W.S.; STEPHEN CALDWELL,
on behalf of himself and on behalf of his minor child,
W.C.; JOSEPH ARMENDARIZ, on behalf of himself
and on behalf his minor children, M.A. and W.A.;
TALARA TAYLOR and SHANE TAYLOR, on behalf
of themselves and on behalf of their minor children,
K.T. and M.T.; CAROL VELLA, on behalf of herself
and on behalf of her minor children, E.M.V. and
N.M.V.; DANIEL RIX, on behalf of himself and on
behalf of his minor children, A.R., J.R., and W.R.; and
LEAH BAILEY, on behalf of herself and on behalf her
minor children, C.T. and D.T.,

Plaintiffs,

v.

FAYETTEVILLE SCHOOL DISTRICT NO. 1;
SPRINGDALE SCHOOL DISTRICT NO. 50;
BENTONVILLE SCHOOL DISTRICT NO. 6; and
SILOAM SPRINGS SCHOOL DISTRICT NO. 21,

Defendants,

and

STATE OF ARKANSAS, *ex rel.* TIM GRIFFIN,
ATTORNEY GENERAL,

Intervenor.

CIVIL ACTION NO.
5:25-cv-05127-TLB

PLAINTIFFS' MOTION FOR LEAVE TO AMEND COMPLAINT

In a recent case, this Court wrote that “it is safe to assume that all counties and cities across Arkansas ‘would abide by an authoritative interpretation of the [law] . . . even though they would not be directly bound by such a determination.’” *Fayetteville Pub. Library v. Crawford Cnty.*, 760

F. Supp. 3d 811, 832 n.10 (W.D. Ark. 2024) (quoting *Franklin v. Massachusetts*, 505 U.S. 788, 803 (1992)). When it comes to posting the Ten Commandments in public-school classrooms, apparently it is not safe to assume. Despite being aware of the Court’s order of August 4, 2025—which holds that Act 573 is an “obviously unconstitutional law” and that schools violate the First Amendment by complying with it, ECF No. 71 at 4—at least several school districts across the state have nevertheless pressed forward with imposing the Ten Commandments on students through classroom displays. Plaintiffs thus seek to amend their complaint to add one of these school districts to the lawsuit, and they may seek further amendments to add additional plaintiffs and defendant school districts, should it become necessary.

In support of this Motion, Plaintiffs state as follows:

1. Federal Rule of Civil Procedure 15(a)(2) provides that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” It further states that “[t]he court should freely give leave when justice so requires.” Plaintiffs have contacted counsel for Defendants and for Intervenor. While Defendants do not object to an amended complaint, Intervenor does. Thus, Plaintiffs seek leave from the Court to amend.

2. Ordinarily, Rule 15(a)(2) motions are assessed under a “liberal standard” and should only be denied in the presence of “proof of ‘undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies in previous amendments, undue prejudice to the non-moving party, or futility.’” *Vaughan v. Cards Holdings, Inc.*, No. 5:23-CV-5208, 2024 WL 3015320, at *4 (W.D. Ark. June 14, 2024) (quoting *Baptist Health v. Smith*, 477 F.3d 540, 544 (8th Cir. 2007)).

3. No such proof exists here, and justice requires permitting amendment to protect the constitutional rights of the additional Proposed Plaintiffs in the same way the Court’s August 4,

2025, Order protects the constitutional rights of the original Plaintiffs vis-à-vis their school districts.

4. On August 4, 2025, this Court issued an Order denying Defendants' Motions to Dismiss and granting Plaintiffs' Motion for Preliminary Injunction. *See* ECF No. 71. In relevant part, the Court's Order enjoined Defendants Fayetteville School District No. 1, Springdale School District No. 50, Bentonville School District No. 6, and Siloam Springs School Dist. No. 21 "from complying with Act 573 of 2025 by displaying the Ten Commandments in public elementary- and secondary-school classrooms and libraries" in their districts. *Id.* at 35.

5. On August 5, 2025, counsel for Plaintiffs sent a letter to superintendents of all school districts except the Defendants here. The letter, which is attached hereto, made the superintendents aware of the Court's August 4 ruling and urged them to respect their students' constitutional rights by not hanging any donated Ten Commandments posters they receive.

6. Proposed Plaintiffs Julee Jaeger, April Christine Berry, and Kyle Berry reside in Conway, Arkansas, and their minor children are enrolled in and attending public schools in Conway School District No. 1 for the 2025-2026 school year.

7. On August 14, 2025, Proposed Plaintiffs attended an open house at their children's school and observed Ten Commandments posters hanging in classrooms throughout the school.

8. After the Court's August 4 ruling, Shastady Wagner, Chief Legal Officer for the Conway School District, sent an email to Conway School District principals stating that the Conway School District is not bound by the August 4 ruling and that schools in the District must continue to display Ten Commandments posters "until CPSD receives a court order or legislation that requires otherwise."

9. As set forth in the proposed First Amended Complaint, Proposed Plaintiffs' First Amendment rights are already being violated by Proposed Defendant Conway School District No. 1. Absent amendment, Proposed Defendant Conway School District No. 1 will continue to violate their rights.

10. Upon the granting of this motion, Plaintiffs will file the proposed First Amended Complaint, which is attached hereto as required by Local Rule 5.5(e). Plaintiffs have attached both a redlined and clean copy of the proposed First Amended Complaint so as to better illustrate the changes that will be made.

11. Immediately upon filing the First Amended Complaint, Plaintiffs will file a motion for temporary relief against Conway School District No. 1.

WHEREFORE, for the foregoing reasons, the Court should grant Plaintiffs leave to amend their Complaint under Federal Rule of Civil Procedure 15(a)(2).

Date: August 22, 2025

Respectfully submitted,

By: /s/ John C. Williams

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× Admitted to practice in New York; not a
member of the D.C. bar

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I filed the foregoing on the CM/ECF system,
which completed service upon counsel for Defendants and the State of Arkansas.

By: /s/ John C. Williams
John C. Williams