

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS  
CIVIL DIVISION

**MATT SITTON and  
MATTHEW BENNETT AND  
ELIZABETH BENNETT**

**PLAINTIFFS**

**V. 04CV-21-2181**

**BENTONVILLE SCHOOL DISTRICT;  
DR. DEBBIE JONES, Superintendent,  
in her official capacity; ERIC WHITE,  
School Board President, in his official capacity;  
MATT BURGESS, Board Member, in his  
official capacity KELLY CARLSON,  
Board Member, in his official capacity;  
BRENT LEAS, Board Member, in his official capacity;  
WILLIE COWGUR, Board Member, in his  
official capacity; JOE QUINN, Board Member,  
in his official capacity; and JENNIFER  
FADDIS, Board Member, in her official capacity**

**DEFENDANTS**

**DEFENDANTS' NOTICE OF APPEAL**

Defendants, by and through their attorneys, Friday, Eldredge & Clark, LLP, pursuant to Arkansas Rules of Appellate Procedure -Civil, Rules 2(a)(6) and 3(b), hereby submit this Notice of Appeal, and state as follows:

**1. Appealing Parties.** The appealing parties are the Bentonville School District and Dr. Debbie Jones, Eric White, Matt Burgess, Kelly Carlson, Brent Leas, Willie Cowgur, Joe Quinn, and Jennifer Faddis, all in their official capacities (collectively "Defendants").

**2. Order Being Appealed.** Defendants appeal from the Court's October 12, 2021 Order enjoining the Bentonville School District's mask policy.

**3. Designation of the Record.** Defendants designate the entire record in this matter as the record on appeal, including all pleadings, motions, papers, hearings, transcripts, exhibits, and orders filed of record with the Court in 04CV-21-2181, which constitute a complete record. Defendants request an electronic record.

**4. Statement Regarding Transcript.** Defendants have ordered a complete transcript of all proceedings from the reporter of the proceedings in this case and have undertaken the financial arrangements required by the court reporter under Ark. Code. Ann. § 16-13-510(c).

**5. Jurisdiction of the Appellate Court.** Defendants appeal to the Arkansas Supreme Court under Ark. Sup. Ct. R. 1-2(a)(1) because this case involves the interpretation or construction of the Arkansas Constitution. Reassignment to the Arkansas Supreme Court would also be warranted under Ark. Sup. Ct. R. 1-2(b)(1) & (4)–(5).

**6. Statement Regarding Abandonment of Claims.** This is an appeal of an interlocutory order under Arkansas Rules of Appellate Procedure - Civil, Rule 2(a)(6). Consequently, Arkansas Rules of Appellate Procedure - Civil, Rule 3(e)(vi) does not apply here.

Dated: October 13, 2021

FRIDAY, ELDREDGE & CLARK LLP

By: /s/ Marshall S. Ney  
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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I, Marshall S. Ney, do hereby certify that the foregoing is being served by certified mail, return receipt requested on the following and is being filed electronically with the Court and that the following individual(s) will receive a copy of same via the court's electronic filing notification system on or about this 13th of October, 2021:

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*/s/ Marshall S. Ney*  
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Marshall S. Ney