

IN THE ARKANSAS SUPREME COURT

JACKSON THOMAS STEPHENS, JR.,

PETITIONER

VS.

No. CV-14-806

**MARK MARTIN, SECRETARY OF
STATE OF THE STATE OF
ARKANSAS,**

RESPONDENT

**STEPHEN COPLEY, INDIVIDUALLY
AND ON BEHALF OF GIVE
ARKANSAS A RAISE NOW**

INTERVENORS

**RESPONSE AND OBJECTION TO MOTION TO INTERVENE AND
MOTION FOR RECONSIDERATION**

Comes Petitioner, Jackson Thomas Stephens, Jr., and for his Response and Objection to Motion to Intervene and Motion for Reconsideration, and states as follows:

1. Petitioner filed this Original Action on Monday, September 22, 2014.
2. Stephen Copley, individually and on behalf of Give Arkansas a Raise Now ("Intervenors"), filed his Motion to Intervene ("Motion") on Wednesday, September 24, 2014.
3. By per curium Order of Thursday, September 25, 2014, the Court granted the Motion ("Order") before Petitioner had the opportunity to file its Response and Objection, and Petitioner therefore moves the Court for reconsideration of said Order.

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4. As to Paragraph 1 of the Motion, Petitioner:
 - a. is without information to admit or deny that Stephen Copley is a citizen, resident, and registered voter of the State of Arkansas, and therefore *denies* said allegation;
 - b. *admits* that Give Arkansas a Raise Now (GARN) filed a Ballot Question Committee (BQC) Statement of Organization with the Arkansas Ethics Commission on December 17, 2013;
 - c. *denies* that GARN is the sponsor of An Act to Increase the Arkansas Minimum Wage
 - d. *affirmatively pleads* that the Arkansas Interfaith Alliance is the actual sponsor of said proposed Act.;
 - e. *admits* that Mr. Copley is the chairman of GARN and that Exhibit 1 appears to be a copy of the Statement of Organization for GARN; and
 - f. *denies* all other allegations contained in Paragraph 1 of the Motion.
5. Petitioner *admits* the allegations of Paragraph 2 of the Motion.
6. As to Paragraph 2 of the Motion, Petitioner:

- a. *denies* that “GARN circulated the initiative petition obtaining the verified signatures of 89,790 registered voters in the State of Arkansas,” and
- b. *affirmatively pleads* that the Arkansas Interfaith Alliance and The Markham Group were responsible for funding the circulation of the initiative petition and obtaining the signatures of registered voters;
- c. *admits* that the minimum number of signatures needed to qualify for the ballot is 62,507;
- d. *denies* that GARN (or anyone else) submitted and the Secretary of State verified 27,283 more signatures than needed;”
- e. *denies* that the Intervenor’s “have an interest in this proceeding or that their right to continue support (sic) this measure can be affected by this Court’s ruling;”
- f. *denies* that “the requested intervention will not unduly delay or prejudice the adjudication of the rights of the original parties.”

7. Petitioner *admits* that Exhibit 2 purports to be the Intervenor’s proposed Answer to the Amended Original Complaint, but affirmatively pleads that said Answer should be stricken, as Give Arkansas a Raise Now is not a proper party to this matter.

8. GARN filed its Statement of Organization on December 17, 2013. Between then and August 31, 2014, it raised only \$10,252.00, its only significant donations being a \$5,000 donation from and Arkansas resident and a \$5,000 donation from a Washington, DC labor union. See Exhibit A, attached hereto. The total contributions are as follows:

CONTRIBUTIONS

Date	Name of Contributor	Street Address of Contributor	Place of Business Employer/Occupation	Amount of Contribution
12/17/2013	Stephen J. Copley	North Little Rock, AR	Clergy	100.00
1/23/2014	James Clarke Allred	Little Rock, AR	Retired	5,000.00
3/31/2014	- unitemized -			0.69
4/4/2014	AFSCME (American Federation of State, County and Municipal	1625 L Street, NW Washington, DC 20036	Labor Union	5,000.00
4/30/2014	- unitemized -			0.41
5/27/2014	Michael Watts	Little Rock, AR	Accounting Professor (UALR)	150.00
5/31/2014	- unitemized -			0.38
6/30/2014	- unitemized -			0.36
7/31/2014	- unitemized -			0.35
8/31/2014	- unitemized -			0.20
Total Monetary Contributions				10,252.39

9. During the same time period, GARN spent only \$7,840.92 – \$ 5,000 of which was paid to Southern Strategies for “consulting,” \$640.00 was paid for a website, and \$800 for “video production.” It’s last expense was on May 16, 2014

for \$227.90 for an ad in the Arkansas Democrat Gazette. *See* Exhibit A, attached hereto. GARN's total expenditures are as follows:

EXPENDITURES

Date	Name of Person to Whom Expenditure was Made	Street Address of Contributor	Purpose of Expenditure	Amount of Expenditure
2/24/2014	Dietrich Duke	North Little Rock, AR	Website Design	330.00
2/28/2014	Southern Strategies	1432 Garland North Little Rock, AR 72116	Consulting	2,000.00
2/28/2014	- unitemized -			22.16
3/31/2014	- unitemized -			150.86
4/2/2014	Have You Been There	211 North Monroe Little Rock, AR 72205	Video Production	800.00
4/2/2014	Southern Strategies	1432 Garland North Little Rock, AR 72116	Consulting	1,000.00
4/17/2014	Dietrich Duke	North Little Rock, AR	Website Design	310.00
4/28/2014	Southern Strategies	1432 Garland North Little Rock, AR 72116	Consulting	1,000.00
5/12/2014	Southern Strategies	1432 Garland North Little Rock, AR 72116	Consulting	2,000.00
5/16/2014	Arkansas Democrat Gazette	Little Rock, AR	Legal Notice ad	227.90

Total Expenditures

7,840.92

10. In comparison, the Arkansas Interfaith Alliance ("AIA") filed its Ballot Question Committee (BQC) Statement of Organization on February 12, 2014. Between then and June 30, 2014, AIA raised \$449,815.00. *See* Exhibit B, attached hereto. The total contributions are as follows:

CONTRIBUTIONS

Date	Name of Contributor	Street Address of Contributor	Place of Business Employer/Occupation	Amount of Contribution
2/20/2014	Carolyn Staley	Little Rock, AR	Clergy	25.00
2/21/2014	W.P. Malone, Inc. DBA Allcare Pharmacy	Arkadelphia, AR	Pharmacist	7,500.00
2/21/2014	Pinnacle Structures, Inc.	Cabot, AR	Pinnacle Structures	20,000.00
2/21/2014	Don Hollingsworth	Little Rock, AR	Attorney	30.00
2/28/2014	Jay Barth	Little Rock, AR	Professor	35.00
2/28/2014	Stephen J. Copley	North Little Rock, AR	Clergy	25.00
3/12/2014	Charles Murphy	Little Rock, AR	Investor/The Murphy Group	5,000.00
3/13/2014	Patrick O'Brien	Jacksonville, AR	Attorney	250.00
3/13/2014	Bryant's Pharmacy and Healthcare Center	Batesville, AR	Pharmacy	1,000.00
3/16/2014	Griffen Strategic Consulting	Little Rock, AR	Consultant/Pastor	25.00
3/17/2014	John Baker	Little Rock, AR	Attorney	500.00
4/2/2014	Ann Henderson Gilbert	Little Rock, AR	- not disclosed -	25.00
4/2/2014	Robert May, Jr.	Forrest City, AR	- not disclosed -	500.00
4/2/2014	Gladys R. O'Brien	Jacksonville, AR	- not disclosed -	250.00
4/2/2014	Collins D. Cockrell, Jr.	Fayetteville, NC	- not disclosed -	50.00
4/2/2014	AG Investment Group, LLC	66 Sologne Circle Little Rock, AR 72223	- not disclosed -	500.00
4/3/2014	Philip Anderson	Little Rock, AR	Attorney	100.00
4/3/2014	Ralph M. Cloar, Jr.	Little Rock, AR	- not disclosed -	500.00
4/3/2014	Kay Kelley Arnold	Little Rock, AR	- not disclosed -	1,000.00
4/3/2014	American Federation of Government Employees	80 F Street, NW Washington, DC 20001	Labor Union	30,000.00
4/3/2014	Denise Garner	Fayetteville, AR	- not disclosed -	1,000.00
4/3/2014	Scott Price	Fayetteville, AR	- not disclosed -	250.00
4/3/2014	Nelms, LLP	Fayetteville, AR	- not disclosed -	1,000.00
4/3/2014	Peter A. Kraus	4906 Shadywood Lane Dallas, TX 75209	- not disclosed -	2,500.00
4/3/2014	AFSCME (American Federation of State, County and Municipal Employees)	1625 L Street, NW Washington, DC 20036	Labor Union	20,000.00

4/4/2014	Nate Coulter	Little Rock, AR	- not disclosed -	250.00
4/5/2014	McMath Woods, P.A.	Little Rock, AR	Attorney	1,000.00
4/8/2014	Sheet Metal Workers' International	1750 New York Ave, NW Washington, DC 20006	Labor Union	25,000.00
4/10/2014	David G. Daniels	6911 Sperry Street Dallas, TX 75214	- not disclosed -	100.00
4/14/2014	Matthew House	Little Rock, AR	- not disclosed -	100.00
4/15/2014	Richard C. Downing	Little Rock, AR	- not disclosed -	100.00
4/15/2014	James Clarke Allred	Little Rock, AR	Retired	2,600.00
4/25/2014	McClarty Companies	Little Rock, AR	- not disclosed -	5,000.00
4/25/2014	Democratic Party of Arkansas	Little Rock, AR	Political Party	10,000.00
5/2/2014	1 Pershing Circle, LLC	Little Rock, AR	- not disclosed -	15,000.00
5/2/2014	IUPAT (International Union of Painters and Allied Trades)	7234 Parkway Drive Hanover, MD 21076	Labor Union	27,500.00
5/2/2014	United Food and Commercial Workers International Union	1775 K Street, NW Washington, DC	Labor Union	25,000.00
5/2/2014	International Union of Operating Engineers	1125 Seventh Street, NW Washington, DC 20036	Labor Union	25,000.00
5/2/2014	Southern States Millwright Regional Council	1407 S. Knoxville Russellville, AR 72802	Labor Union	3,000.00
5/2/2014	Democratic Party of Arkansas	Little Rock, AR	Political Party	10,000.00
5/2/2014	James, House and Downing Law Firm	Little Rock, AR	Attorney	100.00
5/20/2014	Arkansas Citizens Lobby Corps	Little Rock, AR	501(c)(4)	3,000.00
5/20/2014	National Education Association	1201 16th Street, NW Washington, DC 20036	Labor Union	50,000.00
5/20/2014	AAJ PAC	777 6th Street, NW, Ste 200 Washington, DC 20001	Political Action Committee	25,000.00
5/20/2014	Let Justice Roll	52 Pasley Avenue Boston, MA	- not disclosed -	10,000.00
5/22/2014	Laborers Political League Education Fund	905 16th Street, NW Washington, DC 20006	Labor Union	50,000.00
6/11/2014	United Brotherhood of Carpenters and Joiners of America	101 Constitution Ave, NW Washington, DC 20001	Labor Union	20,000.00
6/25/2014	United Steelworkers, Non Federal Acct	Five Gateway Center Pittsburgh, PA 15222	Labor Union	25,000.00
6/30/2014	IBEW (International Brotherhood of Electrical Workers) Unity Fund	900 Seventh Street, NW Washington, DC 20001	Labor Union	25,000.00

449,815.00

11. Of this amount raised by AIA (\$449,815.00), \$360,150.00 (80.07%) came from out-of-state donations – primarily from Labor Unions, \$20,000.00 (4.45%) from the Arkansas Democratic Party, and \$69,665.00 (15.49%) from Arkansas Labor Unions, interest groups and individuals.

12. During the same time period, AIA spent \$446,925.00 – all of which was paid to The Markham Group for “*Signature Gathering/Hire Canvassers*,” “*Signature Collection*,” and “*Canvassing*.” See Exhibit B, attached hereto. GARN’s total expenditures are as follows:

EXPENDITURES

Date	Name of Person to Whom Expenditure was Made	Street Address of Contributor	Purpose of Expenditure	Amount of Expenditure
3/5/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Signature Gathering Hire Canvassers	25,000.00
3/20/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Signature Gathering Hire Canvassers	7,000.00
4/4/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Signature Collection	20,000.00
4/7/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Signature Collection	38,925.00
4/25/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Signature Collection	42,900.00
5/2/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Canvassing	105,000.00
5/13/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Canvassing	53,100.00
5/28/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Canvassing	85,000.00
6/11/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Canvassing	20,000.00
6/25/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Canvassing	25,000.00
6/30/2014	The Markham Group	1000 W. 3rd Street Little Rock, AR 72201	Canvassing	25,000.00
				446,925.00

13. Clearly, AIA is the real party at interest – not GARN.

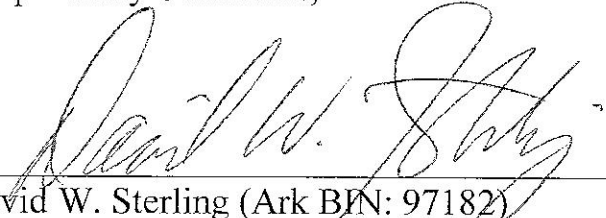
14. Ark.R.Civ.P 24 provides:

Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties

15. It is clear that GARN had nothing to do with the circulation of the petitions and/or collection of the signatures as alleged in its Motion to Intervene, and has no legitimate interest in this litigation pursuant to Ark.R.Civ.P. 24.

WHEREFORE, Petitioner prays that the Court reconsider its Order granting GARN's Motion to Intervene, and deny said motion.

Respectfully Submitted,



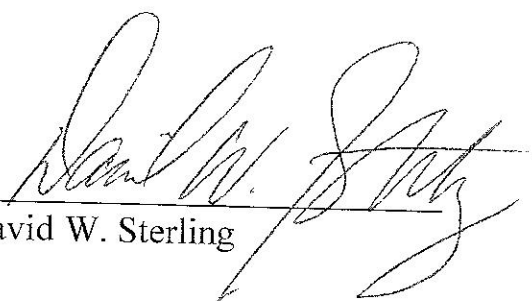
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

On September 26, 2014 a copy of the above pleading was served via email on the following counsel of record:

Martha Adcock, Esq.
General Counsel
Arkansas Secretary of State
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Little Rock, AR 72201

David Couch, Esq.
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Little Rock, AR 72207



David W. Sterling