JOSHUA R. DIAMOND DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN CHIEF ASST. ATTORNEY GENERAL



http://www.ago.vermont.gov

TEL: (802) 828-3171 FAX: (802) 828-3187

STATE OF VERMONT OFFICE OF THE ATTORNEY GENERAL 109 STATE STREET MONTPELIER, VT 05609-1001

January 7, 2019

Donna Waters, Clerk Vermont Superior Court Washington Unit, Civil Division 65 State Street Montpelier, VT 05602

Re:

Athens School District, et al. v. Vermont State Board of Education, et al.

Docket No. 702-12-18 Wncv

Dear Ms. Waters:

Enclosed please find two *Notices of Appearance* and *Certificate of Service* of same for David Boyd and Jon Alexander and a *Consented-To Motion for an Extension of Time* and *Certificate of Service* for filing in the above-referenced matter.

Sincerely,

Peggy Lord Paralegal

Enclosures

cc:

David F. Kelley, Esq. Ines McGillion, Esq. Charles Merriman, Esq.

STATE OF VERMONT

SUPERIOR COURT Washington Unit	CIVIL DIVISION Docket No. 702-12-18 Wncv
ATHENS SCHOOL DISTRICT, et al Appellants-Plaintiffs,))
v.)
VERMONT BOARD OF EDUCATION, et al., Appellees-Defendants.)))

NOTICE OF APPEARANCE

NOW COMES David Boyd, Assistant Attorney General for the State of Vermont, and hereby enters his appearance as counsel on behalf of Defendants Vermont State Board of Education, Vermont Agency of Education, Krista Huling, William Mathis, John Carroll, Callahan Beck, Kyle Courtois, John O'Keefe, Oliver Olsen, Peter Peltz, Mark Perrin, Stacy Weinberger and Dan French (in their official capacities only) in the above-entitled matter, and requests that a copy of all papers in this action be served upon him at the following address: Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609-1001.

DATED at Montpelier, Vermont this 7th day of January 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR. ATTORNEY GENERAL

By:

David Boyd

Assistant Attorney General Office of the Attorney General

109 State Street

Montpelier, VT 05609-1001

(802) 828-1101

David.Boyd@vermont.gov

ERN: 4578

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January 2019, I served my Notice of Appearance by sending same via first class mail, postage prepaid, to the following:

David F. Kelley, Esq. 1501 Shadow Lake Road Craftsbury Common, VT 05827 Ines McGillion, Esq. Ines McGillion Law Offices, PLLC P.O. Box 212 Putney, VT 05346

Charles Merriman, Esq. Merriman and Smart, PLC 15 East State Street Montpelier, VT 05602

DATED at Montpelier, Vermont, this 7th day of January 2019.

STATE OF VERMONT

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By:

David Boyd

Assistant Attorney General Office of the Attorney General

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ERN: 4578

David.Boyd@vermont.gov

Counsel for Defendants

STATE OF VERMONT

SUPERIOR COURT Washington Unit	CIVIL DIVISION Docket No. 702-12-18 Wncv
ATHENS SCHOOL DISTRICT, et al Appellants-Plaintiffs,)
rippondino i minimi,)
v.)
VERMONT BOARD OF EDUCATION, et al., Appellees-Defendants.)

NOTICE OF APPEARANCE

NOW COMES Jon T. Alexander, Assistant Attorney General for the State of Vermont, and hereby enters his appearance as co-counsel on behalf of Defendants Vermont State Board of Education, Vermont Agency of Education, Krista Huling, William Mathis, John Carroll, Callahan Beck, Kyle Courtois, John O'Keefe, Oliver Olsen, Peter Peltz, Mark Perrin, Stacy Weinberger and Dan French (in their official capacities only) in the above-entitled matter, and requests that a copy of all papers in this action be served upon him at the following address: Office of the Attorney General, 109 State Street, Montpelier, Vermont 05609-1001.

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STATE OF VERMONT

THOMAS J. DONOVAN, JR. ATTORNEY GENERAL

By:

Jon/T. Alexander

Assistant Attorney General
Office of the Attorney General

109 State Street

Montpelier, VT 05609-1001

(802) 828-1101

Jon. Alexander@vermont.gov

ERN: 1853

Counsel for Defendants

CERTIFICATE OF SERVICE

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Charles Merriman, Esq. Merriman and Smart, PLC 15 East State Street Montpelier, VT 05602

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STATE OF VERMONT

THOMAS J. DONOVAN, JR. ATTORNEY GENERAL

By:

Ion T. Alexander

Assistant Attorney General Office of the Attorney General

109 State Street

Montpelier, VT 05609-1001

(802) 828-1101

ERN: 1853

Jon.Alexander@vermont.gov

Counsel for Defendants

STATE OF VERMONT

SUPERIOR COURT Washington Unit		CIVIL DIVISION Docket No. 702-12-18 Wncv
ATHENS SCHOOL DISTRICT, et al)	
Appellants-Plaintiffs,)	·
)	
v.)	
) .	
VERMONT BOARD OF EDUCATION, et al.,)	
Appellees-Defendants.)	

<u>DEFENDANTS' CONSENTED-TO MOTION FOR AN EXTENSION OF TIME</u> TO RESPOND TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Defendants hereby move with the consent of Plaintiffs for an extension of time to respond to Plaintiffs' Motion for Preliminary Injunction until January 30, 2019. Defendants also jointly request with Plaintiffs that the Court schedule a hearing to address Plaintiffs' motion in the second week of February, if possible. In support, Defendants submit the following Memorandum of Law.

MEMORANDUM OF LAW

Pursuant to V.R.C.P. 6, the Court has discretion to grant an extension of time. The initial deadline for Defendants to respond to Plaintiffs' motion was January 4, 2019. Because the parties were having productive discussions leading up to that date, they agreed that Defendants should defer filing a motion to extend until January 7, 2019. The parties' discussions were fruitful, and this motion is being filed with the consent of all parties.

Defendants seek an extension of time to respond until January 30, 2019. The requested extension is necessary to allow Defendants to prepare an appropriate and thorough response to Plaintiffs' motion. The motion and complaint were filed on December 21, 2018, the Friday

before two holiday weeks. Defendants promptly ordered transcripts of potentially relevant Board meetings and split the request up among multiple reporters to expedite the request. However, Defendants do not expect their transcript requests to be complete until January 16, 2019 and will require time to analyze Plaintiffs' filings, which contain at least a dozen discrete legal arguments, in order to properly respond.

Given the brief duration of the requested extension, no party would be unduly prejudiced. The first set of deadlines Plaintiffs seek to enjoin are for organizational meetings that were originally set to be held prior to January 29, 2019. The parties have agreed that organizational meetings relating to Plaintiff districts will instead be warned to begin in the third week of February. The parties have also agreed to request that the Court schedule a hearing to address Plaintiffs' motion prior to the third week in February.

WHEREFORE, Defendants respectfully request that the Court extend the time for Defendants to respond to Plaintiffs' Motion for Preliminary Injunction until January 30, 2019.

DATED at Montpelier, Vermont this 7th day of January 2019.

STATE OF VERMONT

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By:

David Boyd

Assistant Attorney General Office of the Attorney General

109 State Street

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(802) 828-1101

David.Boyd@vermont.gov

ERN: 4578

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January 2019, I served Defendants' Consented to Motion for an Extension of Time by sending same via email and first class mail, postage prepaid, to the following:

David F. Kelley, Esq. 1501 Shadow Lake Road Craftsbury Common, VT 05827 Ines McGillion, Esq. Ines McGillion Law Offices, PLLC P.O. Box 212 Putney, VT 05346

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DATED at Montpelier, Vermont, this 7th day of January 2019.

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