

**Ahmad, M.D. v. Beck & Medical Board - APPEAL FILE**

**Current Court Case Number:** CV-2015-33 **Case Type:** CIV - Constitutional Challenge of AR Law

**Assigned Attorney:** Jorgensen, Colin R

**File Facts:**

Arkansas State Medical Board

Plaintiff physician challenges the constitutionality of the Arkansas Chronic Intractable Pain Treatment Act and underlying medical board regulations. We represent the State Medical Board. Board's motion to dismiss granted and plaintiff's motion for a temporary restraining order denied by the trial court 9/30/14. Plaintiff is appealing. State's Appellee's Brief filed 4/7/15. Plaintiff did not file a reply brief. Plaintiff's request for oral argument denied. Await ruling.

**Anderson v. National Park (6141)**

**Current Court Case Number:** 6:14-CV\_06141-RTD **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Merritt, Jennifer L

**File Facts:**

African-American college student sues National Park Community College, its Board of Trustees, and two employees in their official and personal capacities for alleged racial discrimination based on a racially hostile environment under Title VI of the Civil Rights Act of 1964, the First Amendment, the Equal Protection clause of the Fourteenth Amendment, 42 U.S.C. § 1983, and the Arkansas Civil Rights Act. He seeks to recover declaratory and injunctive relief, compensatory damages in excess of \$75,000, punitive damages, and attorneys' fees. Motion to dismiss and brief in support filed on behalf of all defendants on 12/23/14. Plaintiff's response filed 1/12/15. No reply is warranted.

Memorandum Opinion and Order entered 5/14/15 granting Defendants' motion to dismiss the Complaint in its entirety. The court dismissed the Title VI claim against the Board, Ritter, and Hogan because Plaintiff conceded he had no valid claim. The court also agreed that NPCC, the Board, and Ritter and Hogan in their official capacities were entitled to 11th Amendment immunity on Plaintiff's 1983 claims. As to the remaining claims, the court found that (1) Plaintiff failed to state facts showing any intentional discrimination by NPCC to support his Title VI claim; (2) the unspecified claim under the First Amendment failed to satisfy pleading requirements in Rule 8(a)(2); (3) the factual allegations supporting the 1983 claim against Ritter failed to establish a violation of Plaintiff's constitutional rights and, therefore, Ritter is entitled to qualified immunity; (4) no facts alleged show discriminatory conduct by President Hogan; (5) the ACRA claim fails for the same reasons as the 1983 claim. The Court also denied Plaintiff's request for leave to amend his complaint. Judgment entered accordingly 5/14/15.

Next action: Monitor for filing of notice of appeal (due 6/15/15).

**Anthony Quick v. Eddy Stanley Harris**

**Current Court Case Number:** 60CV-2014-986 **Case Type:** CIV - Agency Action Challenge; Misc.

**Assigned Attorney:** Bell, Patricia V

**File Facts:**

Civil suit to remove fraudulent liens against state trooper.

## APA Davies, Hedley v. ASHERS, et al.

**Current Court Case Number:** 60CV14-4803                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Armstrong, Edward R

**File Facts:**

This is a judicial review of ASHERS determination that as per statute they can not reconsider disability retirement.

Learned today (2/4/2015) that petition was received by Larry Dickerson on January 20, 2015. Answer due on February 19, 2015.

MTD filed, response to MTD filed 3/5/15.

## APA - Captiol Zoning v. B. Patrick Cowan

**Current Court Case Number:** 60-CV-14-216                      **Case Type:** CIV - Agency Action Enforcement; Misc.  
**Assigned Attorney:** Chavis, Juliane

**File Facts:**

This is an enforcement of a board decision concerning a fence on Respondent's property.

Attended hearing on CZDC's Motion to Dismiss Cowan's Counterclaim and Amended Counterclaim on November 20, 2014. Judge Piazza gave Cowan 60 days to propound discovery to determine if he needs to amend his counterclaim for a second time. Hearing set for 1/22/15.

## APA - Effie Collins, et al. v. Bd of Funeral Directors

**Current Court Case Number:** CV-2014-99                      **Case Type:** APA Judicial Review of Board Action  
**Assigned Attorney:** Carter, Nina

**File Facts:**

APA petition for judicial review. Previously-revoked licensees (funeral director and funeral establishment), who have been found to have engaged in the unlicensed practice after revocation, seek review of Board order denying application for new licenses. This matter has been fully brief, however, plaintiff has not sought a hearing. A determination is being made at this time whether or not to file a motion to dismiss this lawsuit.

## APA - Haynes, Mickey O. v. ADC SOSRAC

**Current Court Case Number:** 60CV-15-238                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Chavis, Juliane  
**File Facts:**

2015-05-01 Pet request for extension of time to file brief denied Brief Due May 1, 2015. SOAC brief due 5/15/15

## APA - Robert Allan Callicott v. AR State Bd of Eng

**Current Court Case Number:** 60CV2014-2542                      **Case Type:** APA Judicial Review of Board Action  
**Assigned Attorney:** Rebsamen, Meredith  
**File Facts:**

Peyioner seeks judicial review of Board decision to revoke his license.  
Last Action: Filed Answers and administrative record on August 1, 2014.  
Appellant filed Motion to Stay enforcement on August 7, 2014.  
Court granted Order to Stay on August 13, 2014

Next Action: Work out briefing schedule with Opposing Counsel and send to court.

## APA - Wilson, Kendall v. AR Chiropractic Examiners

**Current Court Case Number:** 60CV-14-4437                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Farris, Sara  
**File Facts:**

Petition for judicial review by Chiropractor Board licensee. Board found licensee guilty on two charges of committing fraud or deceit in filing insurance forms - in this case by double-billing - and fined licensee \$1,000.

The Response and administrative record have been filed with the Court. The Petitioner is pro se. Waiting for the Court to establish a briefing schedule rather than work one out with opposing counsel.

## APA Capitol Zoning District Co. v. Michael Booker

**Current Court Case Number:** 60CV-14-4096                      **Case Type:** CIV - Agency Action Enforcement; Misc.  
**Assigned Attorney:** Chavis, Juliane  
**File Facts:**

this is an appeal to circuit court to enforce the Board's decision. Complaint filed 10-27-14.

CZDC staff asked me to wait to serve Mr. Booker with the Petition for Injunctive Relief because he has contacted them to secure the permits necessary to repair his home.

Attended regular monthly meeting on 11/20/14. Next meeting is 12/18/14.

## APA Nunnelee, Nick v. AR Bd of Private Investigat

**Current Court Case Number:** Case Type: CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Armstrong, Edward R  
**File Facts:**

This is a petition for judicial review of the Board's decision to revoke his license. Board served 3/10/15 response and administrative record due 4/13/15.

4-3-2015 Response and Administrative Record filed

## APA-State of Arkansas v. Richard Dawson

**Current Court Case Number:** CR-99-68-2 Case Type: CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Chavis, Juliane  
**File Facts:**

Petitioner is asking to terminate obligation to register as sex offender.

## APA: Lovette v ADC, SOCNA (SOAC)

**Current Court Case Number:** 60CV14-3302 Case Type: CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Chavis, Juliane  
**File Facts:**

2015-04-06 Awaiting brief scheduling, oral argument or Court ruling.

## APA: Toney, Clifford v. AR Auctioneer's Board

**Current Court Case Number:** 16J-CV-14-526(JF) Case Type: CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Rice, Grace Ellen  
**File Facts:**

2015-04-14 - Tentative Oral argument date of June 22nd.  
2015-04-06 2nd Judge recused. Awaiting oral argument date from newly assigned judge.  
2015-05-19 Oral argument date set for 6/22/15.

## APA: Free, Troy v. Towing and Recovery Board

**Current Court Case Number:** CV-2014-426 Case Type: CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Chavis, Juliane  
**File Facts:**

petitioner seeks judicial review of Boards order of a civil penalty of \$1,500.00.

## APA: Schuh, Douglas v. SOAC

**Current Court Case Number:** 60CV-14-4478                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Chavis, Juliane

**File Facts:**

2015-04-06 Awaiting brief scheduling; oral argument or Court ruling.

## AR State Highway v. O.J.'s - APPEAL FILE

**Current Court Case Number:** CV-15-27                      **Case Type:** CIV - Monitoring  
**Assigned Attorney:** Sullivan, Gary L

**File Facts:**

Circuit Judge denied our Motion to Dismiss on sovereign immunity grounds. We filed an interlocutory appeal. Partial Record has been lodged. Waiting on Court Reporter to type transcripts so complete Record can be lodged. Our brief currently due March 20th, but I have filed for an extension because court reporter cannot complete transcript by then. Appellants' brief filed May 1, 2015. Monitoring for Appellee's response brief.

## Arkansas Real Estate Commission v. Turner, et ux.

**Current Court Case Number:** 60CV-12-1651                      **Case Type:** CIV - Agency Action Enforcement; Misc.  
**Assigned Attorney:** Chavis, Juliane

**File Facts:**

Real Estate Commission brings this case against former licensees to reimburse the Real Estate Recovery Fund for damages paid caused by the defendants and paid out to their victims from the Recovery Fund. Defendants filed for bankruptcy on the eve of trial, and Judge Fox dismissed the case, subject to being reopened upon dismissal of the bankruptcy case or lifting of the automatic stay. On June 10, 2014, the bankruptcy court entered judgment in favor of the Real Estate Commission in an adversary proceeding relating to the administrative orders that are the subject of the Real Estate Commission's complaint in this state court matter. This case is now positioned to be re-opened in the state court.

## Arkansas State Highway Commission v. ADH (139)

**Current Court Case Number:** CV-2007-139                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:**

**File Facts:**

Plaintiff, the Arkansas State Highway Commission, is condemning a small piece of property owned by the Arkansas Department of Heritage.

## Bank of America v. Parks (4485)

**Current Court Case Number:** 60CV-14-4485                      **Case Type:** CIV - Monitoring  
**Assigned Attorney:** Warren, Jonathan Q

**File Facts:**

This is a Real Property Foreclosure Action.

last action - received proposed foreclosure decree on April 3, 2015 for review

continue to monitor pleadings, etc. to see if any funds left over to satisfy the State's interest after foreclosure and sale of property (affidavit of debt filed April 7, 2015); sent signed proposed foreclosure decree to counsel on April 8, 2015

## Baptist Health Medical System v McDaniel

**Current Court Case Number:** 60CV-14-2218                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Defendant: Arkansas Department of Health

Facts: Plaintiffs, several hospitals, are seeking a declaration that the Arkansas Peer Review Fairness Act is unconstitutional.

Last Action: The Court granted the MSJ of defendants after finding that the challenged statute is constitutional in all respects.

Next Action: Appellate proceedings.

## Barnes, Annette v. Arkansas Community Correction

**Current Court Case Number:** 60CV-15-1361                      **Case Type:** CIV - EEOC Charges of Discrimination  
**Assigned Attorney:** Reynolds, Bourgon

**File Facts:**

Whistleblowers Protection Act. Plaintiff is suing for violation of the Arkansas Whistleblowers Act after she was terminated for failing a lie detector test. She claims she was terminated in retaliation for reporting agency discrimination of African American females. Discovery ongoing.

## Billy P. Bullock d/b/a Bullock Flying Service v. State of Arkansas, et al.

**Current Court Case Number:** CV-2014-39                      **Case Type:** APA Judicial Review of Board Action  
**Assigned Attorney:** Farris, Sara

**File Facts:**

Petitioner challenges administrative decision. Currently awaiting a ruling on a motion to dismiss.

## Blanks v. State of Arkansas (456)

**Current Court Case Number:** 4:14-CV-456-KGB **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Merritt, Jennifer L

### File Facts:

Suit against the State of Arkansas, the Arkansas Department of Workforce Education (a nonexistent entity), the Arkansas Department of Finance and Administration, Arkansas Rehabilitation Services, and various officials and employees in their individual and official capacities. Plaintiff, a former employee of ARS, alleges that defendants took various adverse actions against her including failure to inform her of her rights under the FMLA, failing to reinstate her, forcing her to take more FMLA leave than necessary, denied her reasonable accommodation, failed to rehire her, denied leave without pay, fired her, denied her grievance, and overturned a grievance finding in her favor. She asserts claims under the FMLA, ADA, Rehab Act, ACRA, & 42 U.S.C. § 1983. She seeks compensatory damages in excess of \$75,000, liquidated, and punitive damages; reinstatement and other injunctive relief; and attorneys' fees.

A motion to dismiss and brief in support were filed on behalf of the State of Arkansas, DFA, and Richard Weiss on October 28, 2014, and Plaintiff filed a response. A motion to dismiss and brief on behalf of ARS and its employee-defendants were timely filed on November 18, 2014. Plaintiff did not file a response to the ARS Defendants' motion to dismiss.

Next action: await rulings on pending motions to dismiss.

## Bonds, Steven v. John Felts et al.

**Current Court Case Number:** 60CV-15-931 **Case Type:** CIV - Review of Parole Board's Action

**Assigned Attorney:** Schubert, Amber R

### File Facts:

Plaintiff feels his rights were violated during his parole revocation hearing because the parole officer that wrote the revocation did not appear at the hearing. Bad service on all Respondents. Entered appearance for Felts and Vailes only. MTD filed 4-10-15; Motion to Stay Discovery filed 4-13-15. MTD granted 4/28/15.

## Boone v. DCC (146)

**Current Court Case Number:** 4:14-CV-146 **Case Type:** CIV - Emp. Action 1983/Constitutional

**Assigned Attorney:** Mahfouz, Nga

### File Facts:

Plaintiff, Regina R. Boone, has filed this civil rights action pursuant to Title VII of the Civil Rights Act of 1964 seeking damages for the alleged unlawful discriminatory employment practices of defendant.

Responses to Plaintiff's discovery submitted. Depositions to be scheduled.

## Bowmaster v. AR Prosecutor Coordinator

**Current Court Case Number:** 15-0599-CC **Case Type:** CIV - General Claims Commission

**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Claimant seeks damages for personal injury, negligence and pain in suffering after being run over by a suspect who was on conditional release at the time of the incident. He claims respondent knew or should have known the suspect was in violation of the terms of said conditional release. He seeks \$4,000,000.00.

Last Action: Received complaint and discussed with Margie Lickert and Bob McMahan. Filed answer. Received letter from Bowmaster's attorney requesting that the claims commission regarding a stay until the workers' compensation issue is resolved. Met with Bob M. and Margie L. to discuss strategy in case.

Next Action: Discuss with Claims Commission filing a motion for judgment based on the pleadings in light of unilateral decision to stay the proceedings.

**Bradford, Matilda v. State of Arkansas**

**Current Court Case Number:** 15-0479-CC **Case Type:** CIV - Claims Commission Death/Disability

**Assigned Attorney:** Lyford, Charles

**File Facts:**

Surviving spouse of former Chief of Turrell Police Department Chief seeks death, exceptionally hazardous death, and scholarship benefits. Hearing scheduled for 3-12-15; death benefits accepted, exceptionally hazardous and scholarship benefits contested.

**Bright, Melanie v. AR DHS**

**Current Court Case Number:** 4:14CV746 **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Plaintiff alleges unlawful employment practices and discrimination under Title VII and the ADA.

Last Action: Received complaint. Filed answer. Received initial scheduling order.

Next Action: Hold Rule 26(f) conference and filed Rule 26(f) report. Meet with DHS regarding witnesses and exhibits.

**Brittany O, as Parent and Next of Friend of L. v.**

**Current Court Case Number:** 5:15CV5020 TLB **Case Type:** CIV - IDEA (ADE Client)

**Assigned Attorney:** Cryer, Christine A

**File Facts:**

Plaintiff alleges that her child is being denied an education, that defendants are deliberately indifferent to the medical or mental needs. Further alleges she is being denied benefits of the services and programs or activities of public entity under the ADA. MTD filed 11/12/14. Plaintiff requested, and received from the Court, three extensions to respond. Finally responded on 12/29/14. MTD granted on all ADE issues except as to Tony Wood in his official capacity. Transferred to Western District, Fayetteville Division 1/23/15. Filed Answer to Complaint on 2/2/15. Tony Wood no longer commissioner, Johnny Key new one as of 3/25/15.

Scheduling Order issued. Trial date set for 2016. Discovery to begin.



## Brown v. SOA (253)

**Current Court Case Number:** 4:14-CV-253                      **Case Type:** CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Mahfouz, Nga

### File Facts:

Plaintiff has filed this lawsuit alleging defendants violated Title VII of federal law by retaliating against her for opposing illegal discrimination and participating in a proceeding involving discrimination.

Motion to withdraw filed by L. Sutter granted. Case stayed for 45 days in order for plaintiff to obtain new counsel or inform court she is proceeding pro se.

## Bryant, Donald A. v. Hutchinson et al.

**Current Court Case Number:** 60PR-15-365                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Lyford, Charles

### File Facts:

Plaintiff is Petitioning for hearing on final determination of elections. The Petition contains attachments relating to a separate civil case the Plaintiff has filed against the Internal Revenue Service.

## Burris v. Cobb (0319)

**Current Court Case Number:** 4:14-CV-00319-BSM                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Merritt, Jennifer L

### File Facts:

Licensed dentist and orthodontist sued the Executive Director and Members of the Arkansas State Board of Dental Examiners in their official capacities seeking declaratory judgment that certain specialist practice restrictions in the Arkansas Dental Practice Act, Ark. Code Ann. Sections 17-82-305(g)(2) and (3), as applied to the teeth cleaning and related services offered by the Plaintiff, are unconstitutional. Plaintiff seeks a permanent injunction forbidding enforcement of the statutes against Plaintiff and other dental specialists practicing outside their area of specialization along with an award of attorneys' fees, costs, and expenses. Defendants filed a motion to dismiss.

On November 6, 2014, Judge Miller entered an order dismissing the case without prejudice pursuant to the Pullman abstention doctrine, which the court raised sua sponte. Plaintiff filed a notice of appeal to the Eighth Circuit on December 3, 2014.

The Eighth Circuit docketed the appeal and set a briefing schedule on December 8, 2014. Appellant's Appendix and Brief are due January 20, 2015. See appeal file in Legal Files for more information on the status of the appeal.

## Burris v. Cobb - APPEAL FILE

**Current Court Case Number:** 14-3740                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Merritt, Jennifer L.

### File Facts:

State Agency Represented: Arkansas State Board of Dental Examiners

Appeal of dismissal on Pullman abstention grounds of declaratory judgment and injunctive relief action alleging unconstitutionality of specialist practice restrictions in the Arkansas Dental Practice Act, Ark. Code Ann. Sections 17-82-305(g)(2) and (3). Appellant's appendix, brief, and addendum filed of record 1/22/15. Appellees' brief timely submitted 2/23/15, filed 2/24/15, and hard copies served 2/25/15. Appellant's reply brief timely filed 3/10/15. Case has been screened for oral argument, but the date has not been set.

## Byers, Kristi v. AR State Medical Board, et al.

**Current Court Case Number:** 60CV-14-4638 **Case Type:** CIV - Emp. Action 1983/Constitutional

**Assigned Attorney:** Hurst, Delena

### File Facts:

This is an employment suit against the Medical Board and its Executive Secretary. The Plaintiff alleges racial discrimination and a violation of the Whistle-Blower Act.

Last Action: Filed Answer to Amended Complaint on March 20, 2015.

Next Action: Update responses to Plaintiff's First Set of Interrogatories and RFP. Also help defendants draft response to plaintiff's (alleged) FOIA requests.

Recent Action: Discovered Plaintiff filed similar case against Entergy in 2007. Spoke with Daniel Herrington with the Friday Firm, as he represented Entergy. He is happy to assist by sending us copies of his file, but he must first check to see if there is any type of Protective Order in place. He also needs to obtain permission from Entergy, but he indicated that he felt they would allow us to have copies of the file. He will send us discovery exchanged and Plaintiff's deposition, if he confirms he is able to do this.

Last Action: We sent discovery responses with document production to Plaintiff. We also mailed FOIA request to EEOC to obtain documents relating to EEOC charges of discrimination, which she has filed in the past. We confirmed that she did file an EEOC Charge against Entergy before filing her discrimination lawsuit.

\*\*\*\*\*(UPDATE--EEOC called and indicated that this file was destroyed last year, and as such, we will request a copy of the EEOC file from David Herrington, as he represented Entergy in Entergy's Position Statement and any Responses to EEOC Requests)\*\*\*\*\*

Next Action: Draft and serve discovery requests to Plaintiff.

## Charlene D. Harper v. Arkansas Northeastern Colleg

**Current Court Case Number:** CV-2014-102 **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Bell, Patricia V

### File Facts:

Plaintiff alleges violation of Title VII, 42 U.S.C. 1981, and the Arkansas Civil Rights Act for alleged sexual harassment.

## Chasity Lea McGhee v. Awkii Syvoid Brockman, et al.

**Current Court Case Number:** DR2014-125-2 **Case Type:** CIV - Agency Action Challenge; Misc.

**Assigned Attorney:** Armstrong, Edward

### File Facts:

Plaintiff filed a Paternity Complaint on June 27, 2014, in which named the State Crime Lab as a defendant, alleging that the crime lab had blood samples from a deceased person that would prove paternity and sought to compel samples be produced for testing. She claimed the court had jurisdiction pursuant to Ark. Code Ann. § 9-10-101(a) and Ark. Code Ann. § 16-13-304I filed a motion to dismiss based on the fact that both Ark. Code Ann. § 9-10-101(a) and Ark. Code Ann. § 16-13-304(b) have been repealed and cannot grant the court jurisdiction over any party. As of November 26, 2014 plaintiff has taken no further action to prosecute this case.

## Clark, George v. Military Department of Arkansas

**Current Court Case Number:** 4:15-CV-162 JM

**Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Reynolds, Bourgon

**File Facts:**

Complaint Under Title VII of the Civil Rights Act of 1964. Plaintiff claims the MDA violated the ADA and Title VII for threatening reassignment or termination due to medical issues. Awaiting ruling from the court on a motion to dismiss.

## Day v. Minor (15-75)

**Current Court Case Number:** CV-15-75

**Case Type:** CIV - Agency Action Challenge; Misc.

**Assigned Attorney:** Merritt, Jennifer L

**File Facts:**

State Agency Represented: Arkansas Department of Correction

Inmate filed pro se petition for circuit court review of disciplinary adjudication by various employees of the ADC pursuant to Arkansas Administrative Procedure Act . Inmate requested the circuit court to vacate the ADC's adjudication and award injunctive relief to restore him to his preadjudication status. Less than one week later, before any of the respondents were served, the circuit court (Judge Tim Fox) entered an Order affirming the administrative decision. Inmate appealed to the Arkansas Supreme Court. Appellant's Brief was due 3/13/15. On 3/11/15, appellant filed a motion to extend the deadline for the filing of his appellant's brief to 3/23/15. As of 4/13/15, no appellant's brief has been filed.

Appellees filed motion to dismiss appeal for lack of jurisdiction (due to lack of service and running of the applicable limitations period) on 3/6/15. Appellant's response was due 3/16/15. On 4/10/15, the Office of the Criminal Justice Coordinator returned to appellant "a stack of loose papers that appear to be copies of a response to the appellee's motion to dismiss" for failure to include an original, signed response and because the response is untimely.

Next action: Await court action on pending motions.

## DeWitt v. DeWitt (2784)

**Current Court Case Number:** DR-2003-278-4

**Case Type:** CIV - Monitoring

**Assigned Attorney:** Sullivan, Gary L

**File Facts:**

Husband claims Retirement System has overpaid his ex-wife in her interest in his retirement benefits pursuant to their divorce decree. I filed a Response on behalf of the Highway Employees Retirement System. Wife is pro se. Hearing set for April 23, 2015, at 10:00 a.m. After hearing, judge allowed Husband's attorney 15 days to file a brief. I will then get 15 days to respond.

**Digital Recognition Network v. Beebe - Appeal**

**Current Court Case Number:** CA-14-3084

**Case Type:** CIV - Constitutional Challenge of AR Law

**Assigned Attorney:** Hollingsworth, Patrick E

**File Facts:**

Defendants are Mike Beebe and Dustin McDaniel in their official capacities.

The Trial court dismissed the case below based on the 11th Amendment. Neither the Attorney General nor Governor holds under the challenged act a power or right to enforce, and thus the Ex Parte Young exception to the 11th Amendment does not apply.

The record has been filed, and the Appellants' principal brief was filed 10/21/14. Our brief is due 11/20/14. The Appellants have requested oral argument.

12/15/14- Case has been screened for oral argument. No date set.

Appellees' brief submitted electronically on 11/19/14. Filing approved 11/20/14. Paper copy filed.

3-16-15 - set for oral argument 4-14-15

4-14-15 - oral argument completed. Case submitted for decision.

**Downing v. ADF&A (0747)**

**Current Court Case Number:** 493-2014-00747

**Case Type:** CIV - EEOC Charges of Discrimination

**Assigned Attorney:** Merritt, Jennifer L

**File Facts:**

Former warehouse worker for Arkansas Department of Finance and Administration's Office of State Procurement, Marketing and Redistribution filed a charge of discrimination with the EEOC. Charging party claims he was written up, denied a reasonable accommodation, and discharged because of his disability in violation of the ADA. We filed a response to the EEOC charge on behalf of DFA on August 28, 2014. On April 27, 2015, EEOC investigator Vera Sumpter e-mailed counsel requesting answers to four additional questions by 4/30/15. Questions sent on to clients for response 4/27/15.

**Duell, Charles v. Bay - APPEAL FILE**

**Current Court Case Number:** CA 15-73 **Case Type:** CIV - Constitutional Challenge of AR Law

**Assigned Attorney:** Mahfouz, Nga

**File Facts:**

Appellant appeals denial of motion for summary judgment in lower court case wherein Appellant was sued for tort of outrage, defamation and invasion of privacy relating to criminal case.

Appellant's brief filed. Awaiting response.

**Duit Construction v. Bennett - Appeal**

**Current Court Case Number:** CA-14-2779 **Case Type:** CIV - Breach of Contract

**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Facts: Petitioner challenges highway construction contract terms by alleging due process and equal protection violations. Petitioner also alleged violations of the Federal-Aid Highway Act.

Last Action: Attended oral argument.

Next Action: Wait for the 8th Circuit's opinion and mandate.

**Duit v. Claims Review Subcommittee - APPEAL FILE**

**Current Court Case Number:** 15-278 **Case Type:** CIV - Monitoring

**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Duit filed suit alleged EP and due process violations. Judge Fox dismissed the due process violations, but allowed the EP claim to go forward. Defendants took an interlocutory appeal on the EP issue. The Arkansas Supreme Court reversed for entry of an order consistent with its mandate. Judge Fox entered an order.

Last Action: Received notification that Duit filed the record.

Next Action: Respond to Duit's opening brief (which is due on 5/19) once received.

**Earl, Nivea v. Health Dept**

**Current Court Case Number:** 4:14-CV-00358-KGB **Case Type:** CIV - Constitutional Challenge of AR Law

**Assigned Attorney:** Merritt, Jennifer L

**File Facts:**

Suit against officials from the Arkansas Department of Health and the Arkansas Cosmetology Technical Advisory Committee in their official capacities. Plaintiffs who wish to provide African-style hair braiding services for compensation filed a federal civil-rights lawsuit for injunctive and declaratory relief against the enforcement of Arkansas's cosmetology licensing regime, Ark. Code Ann. Section 17-26-101 et seq., its implementing rules and regulations, and the practices and policies of the Arkansas Department of Health and the Cosmetology Technical Advisory Committee.

Before this lawsuit was ever filed, the Health Department had proposed new legislation exempting African-style hair braiding from the cosmetology licensing statutes. On 7/24/14, the Arkansas Department of Health and the State Board of Health entered a declaratory order against enforcement of the challenged provisions pending the outcome of the 2015 legislative session, where a proposed natural hair stylist certification program has been proposed. In the light of the voluntary stay of enforcement and proposed legislative changes, the district court stayed this action through the conclusion of the 2015 session on 9/16/14.

The General Assembly passed the "Natural Hair Braiding Protection Act" during the 2015 session. 2015 Ark. Acts 409. The Act will become law on 7/21/15, 90 days after adjournment of the legislative session on 4/22/15. On 4/18/15, Plaintiffs filed a "notice of legislative action" with the Court advising of the change in the law and that they will file a motion to voluntarily dismiss this case after the law takes effect.

Next Action: monitor for filing of plaintiffs' motion to dismiss after 7/21/15.

### **Edwards, M.D. v. Beck & Medical Board- APPEAL FILE**

**Current Court Case Number:** 14-1891 **Case Type:** CIV - Constitutional Challenge of AR Law

**Assigned Attorney:** Jorgensen, Colin R

**File Facts:**

Arkansas State Medical Board

Plaintiff physicians challenge the constitutionality of the Arkansas Act 301 of 2013, the Arkansas Human Heartbeat Protection Act. The district court's final order entered 3/14/14 permanently enjoins the 12-week provision and corresponding physician licensure provision, and upholds the informed consent provisions requiring fetal heartbeat testing and informational disclosures to the pregnant woman prior to an abortion. District court order granting attorneys fees to the plaintiffs entered 6/9/14. 8th Circuit appeal by the State is fully briefed. Oral argument held 1/13/15. Await ruling.

### **Ferren v. Circuit Court of White County (766)**

**Current Court Case Number:** 14-766 **Case Type:** CIV - Monitoring

**Assigned Attorney:** Sullivan, Gary L

**File Facts:**

Attorney appeals the denial of his Motion to Recuse in State Probate case. Appellant's brief was filed in the Ark. Supreme Court on 10/27/14. Our brief was due 1/2/15. I filed a Motion to Complete the Record and a Motion to Extend Brief Time. Clerk extended brief due date to February 1, 2015. Court of Appeals granted motion to complete the record and allowed 30 days to settle the record and our brief then due 30 days after that. Probate Clerk has prepared the Supplemental Record and I lodged it Feb. 19th. Our brief now due April 21, 2015. Our Brief timely filed. Now waiting for Appellant's Reply Brief.

### **Fifer, Sherah v. State of Arkansas**

**Current Court Case Number:** 15-0840-CC **Case Type:** CIV - Claims Commission Death/Disability

**Assigned Attorney:** Lyford, Charles

**File Facts:**

Claimant's deceased husband, Hans Jacob Fifer, was a Faulkner County Sheriff's Deputy. The decedent was selected to tryout for a Special Response Team and during the testing of his physical abilities, he collapsed and was taken to the hospital where he was pronounced dead. The autopsy found that Deputy Fifer's physical exertion during the qualification exercise contributed to his death.

## Frazier-Henson, Angelia v. Walther, et al.

**Current Court Case Number:** 60CV-15-569                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Jorgensen, Colin R

### File Facts:

Arkansas Governor, Arkansas Attorney General, Director of the Department of Finance & Administration, and Director of the Department of Health.

Plaintiffs seek declaratory and injunctive relief recognizing the validity of same-sex marriage licenses issued in Arkansas during the window of time in May 2014 between the Pulaski County Circuit Court's order declaring Arkansas's marriage laws unconstitutional and the Arkansas Supreme Court's stay of that order. Amended complaint filed 3/2/15 and served on state defendants 3/3/15. Motion to dismiss filed 4/1/15 on behalf of the Governor, Attorney General, and Directors of DFA and the Health Department. Plaintiffs' response filed 4/17/15. Reply in support of the State Defendants' motion to dismiss filed 4/24/15.

## Gamble, Christopher v. T. Wes Wagner, et al.

**Current Court Case Number:** 60CV-14-4214                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Cordi, C. Joseph Jr.

### File Facts:

Plaintiff seeks declaratory judgment alleging that it is unlawful to serve as a city attorney and a state representative at the same time.

Agency Represented: State Auditor

Last Action: Filed Answer for Auditor of State Charlie Daniels on Nov. 21, 2014. On March 3, 2015, plaintiff's counsel sent me an email stating that he would nonsuit the auditor.

Next Action: Follow up with plaintiff's counsel to see when he intends to nonsuit the auditor.

## Gawenis v. AR Oil & Gas Commission and Seeco, Inc.

**Current Court Case Number:** CV-14-648                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Merritt, Jennifer L

### File Facts:

This appeal to the Arkansas Supreme Court from an order of the Arkansas Oil and Gas Commission raises the issues of (1) whether Ark. Code Ann. §§ 15-72-303 through 304 are unconstitutional in the light of Article II, Section 22, of the Arkansas Constitution and other constitutional provisions, and (2) whether a mineral owner is constitutionally guaranteed a jury trial on the issue of just compensation when his mineral interests are force-integrated into a drilling unit.

The appeal was fully briefed as of December 15, 2014. No party requested oral argument, and the appeal is pending. Justice Baker recused on 1/12/15 and Justice Danielson recused 1/14/15. Special Justice Sarah Capp was appointed by the Governor on 2/4/15, and Special Justice Dustin Jones appointed 3/2/15. Case submitted 5/7/15.

Next action: await issuance of opinion.



## Global Tel\*Link Corp. v. SOA, DF&Admin, et al.

**Current Court Case Number:** 60CV-15-30 **Case Type:** CIV - Agency Action Challenge; Misc.

**Assigned Attorney:** Armstrong, Edward R

**File Facts:**

Plaintiff seeks injunctive relief and judicial review of the ADC awarding another company the telephone contract alleging that GTL bid was superior to the bid that was awarded. No service yet.

## Gonzalez, Lisa v. Pulask Technical College

**Current Court Case Number:** 14-0967-CC **Case Type:** CIV - Claims Commission Death/Disability

**Assigned Attorney:** Lyford, Charles

**File Facts:**

Pulaski Technical College

Claimant seeks compensatory damages for an injury sustained during a welding class. Negotiating settlement; offer made for \$3,000 with no response from claimant. Hearing scheduled for 02-05-15. The hearing was rescheduled for May 14th. According to a call from the Director, the Commission awarded \$7,500 after finding \$10,000 total damages (claimant 25% negligent and school 75%). However, a signed order has not yet been entered. As such, the 40 days to appeal has not yet started to run

## Harrison, Harlee v. State of Arkansas

**Current Court Case Number:** 15-0856-CC **Case Type:** CIV - General Claims Commission

**Assigned Attorney:** Lyford, Charles

**File Facts:**

Claimant seeks scholarship benefits available to her as the daughter of a retired/disabled firefighter.

## Hatcher v. AR Court of Appeals (1227)

**Current Court Case Number:** 493-2014-01227 **Case Type:** CIV - EEOC Charges of Discrimination

**Assigned Attorney:** Merritt, Jennifer L

**File Facts:**

Charge of discrimination filed with the EEOC against the Arkansas Court of Appeals by Judge Waymond Brown's former judicial administrative assistant. Lorraine Hatcher alleges discriminatory and retaliatory acts were taken against her based on her race, gender, and age under Title VII, the Equal Pay Act, and the Age Discrimination in Employment Act. We filed a response to the EEOC charge on behalf of the Court of Appeals on September 30, 2014.

On 3/31/15, the EEOC issued its dismissal and notice of right to sue. Based upon its investigation, the EEOC was unable to conclude that the information obtained established violations of the cited statutes.

Next action: Monitor for filing of lawsuit (due 6/29/15 (90 days after EEOC determination)).

## Hawkins, Vivian v. DHS, et al.

**Current Court Case Number:** 4:14CV546 JLH                      **Case Type:** CIV - Emp. Action 1983/Constitutional  
**Assigned Attorney:** Cryer, Christine A

**File Facts:**

Plaintiff alleges Defendants violated ADA and other statutes (she had health issues) during her employment with DHS. Answer filed on behalf of DHS defendants. Awaiting initial scheduling order, then will proceed with discovery.

## Holt v. LRPD & Arkansas - APPEAL FILE

**Current Court Case Number:** 14-3064                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Jorgensen, Colin R

**File Facts:**

State of Arkansas

Plaintiff inmate challenges the constitutionality of the Arkansas Freedom of Information Act provision excluding inmates from FOIA access except where a request is made through an attorney. Summary judgment granted to the State by the district court 7/30/14. Plaintiff's various post-judgment motions denied. Plaintiff is appealing to the 8th Circuit where he is now represented by Stephen Braga of the UVA law school. Appellant's brief filed 10/22/14. State's appellee's brief filed 11/12/14. Oral Argument scheduled for 4/13/15 but continued due to opposing counsel injury; to be rescheduled.

## Hooten v. Boyer

**Current Court Case Number:** 2:14-cv-0355                      **Case Type:** CIV - Excessive Force (Non-Inmate)  
**Assigned Attorney:**

**File Facts:**

Plaintiff claims Defendant was negligent in MVA that occurred 2/1/14 in Montgomery County, AL. PI claims to be incapacitated after suffering brain injury in MVA. Defendant is the head women's basketball coach for Arkansas State University and the accident occurred while D was en route from game. Plaintiff amended his complaint to sue D as employee of State of Arkansas.

3-37-15 - Awaiting checks and good standing certificates required for pro hac vice application in Alabama.

4-2-15 - Mailed motion for admission pro hac vice, motion to dismiss, brief in support and conflicts disclosure for filing.

4-9-15 - motion has been filed and pro hac vice approved. Plaintiff has moved to remand to state court.

4-30-15 - reply to response to motion to dismiss filed before 4-30-15 Response to motion to remand has been filed.

5-6-15 - motions have been fully briefed.

## Jernigan v. McDaniel (15-1022)

**Current Court Case Number:** 15-1022                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Jorgensen, Colin R

**File Facts:**

Plaintiffs challenge the constitutionality of Arkansas Amendment 83 and statutes defining marriage as one man, one woman, and declining to recognize same-sex marriages of other jurisdictions. The district court (Judge Kristine Baker) declared the laws unconstitutional and granted a permanent injunction, but stayed the injunction pending any appeal. 8th Circuit appeal lodged by the State. Transcript verification, appendix notification, and statement of issues filed 1/21/15. Appellants' brief, addendum and appendix filed 2/17/15. Appellees' brief filed 3/20/15. State's Reply Brief filed 4/3/15. Oral argument scheduled for 5/12/15 but case stayed by order of the court 4/29/15. Await ruling in SCOTUS case.

### **Kennedy v. Riverside VoTech (15-0010-CC)**

**Current Court Case Number:** 15-0010-CC **Case Type:** CIV - General Claims Commission

**Assigned Attorney:** Schubert, Amber R

**File Facts:**

Claimant seeks monetary damages for being removed from the Vo-Tech program after receipt, then reversal, of a Disciplinary. On 8/20/14 the Commission granted Motion to Dismiss Riverside Vo-Tech. On 10/15/14 Commission granted MTD Dept. of Career Education.

### **Koehler v. AR Rehabilitation Services - APPEAL**

**Current Court Case Number:** 15-1259 **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Mahfouz, Nga

**File Facts:**

Appellant appeals federal court ruling granting summary judgment on her employment lawsuit.

Briefing schedule issued. Awaiting docketing of appellant's brief

### **Lamb, Robert v. Donna Walker, et al.**

**Current Court Case Number:** 3:14CV216 **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Hollingsworth, Patrick E

**File Facts:**

Plaintiff alleges violation of the Family Medical Leave Act during his employment with the Arkansas Department of Human Services and Division of Services for the Blind. He seeks both compensatory and punitive damages.

1-16-15 Complaint first served 1/7/15. All Defendants have been timely served.

4-27-15 - Motion for partial dismissal granted today. Only the FMLA claim remains. Next step - written discovery.

5-6-15 - served written discovery on plaintiff this week.

## Logue v. State of Arkansas

**Current Court Case Number:** 2015-0813-CC                      **Case Type:** CIV - Claims Commission Death/Disability  
**Assigned Attorney:** Lyford, Charles

**File Facts:**

Claimant Richard Logue was a police officer with the city of Fayetteville for 16 years. He sustained a physical injury (knee injury) during a felony arrest. He underwent surgery and rehabilitation, but could no longer perform duties of law enforcement officer.

## Love, Frank C. v. Jonathon Coats

**Current Court Case Number:** 4:14CV715 SWW                      **Case Type:** CIV - Excessive Force (Non-Inmate)  
**Assigned Attorney:** Lyford, Charles

**File Facts:**

Plaintiff alleges violation of civil rights following arrest for hunting out of season and failure to supply license. Answer prepared for filing.

## LR Education Assoc., et al v. Dr. Dexter Suggs, et

**Current Court Case Number:** 60CV14-1273                      **Case Type:** CIV - IDEA (ADE Client)  
**Assigned Attorney:** Cordi, C. Joseph Jr.

**File Facts:**

This is a Department of Education case in which we are not yet served.

## Lyle D. Sullivan v. AR Dept. of Parks & Tourism

**Current Court Case Number:** 15-0094-CC                      **Case Type:** CIV - General Claims Commission  
**Assigned Attorney:** Lyford, Charles

**File Facts:**

Arkansas Parks and Tourism

Prime contractor alleges he was not paid for work done on a State project, despite submitting requests for additional compensation. No hearing scheduled; discovery due from claimant by end of January 2015.

## Mallett v. ADVA (14-595) - Appeal File

**Current Court Case Number:** 60CV14-595-5                      **Case Type:** CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Schubert, Amber R

**File Facts:**

Appeal of Order granting class certification in wage and hour action against Arkansas Department of Veterans Affairs for missed meal breaks and other off-the-clock work. Record lodged 3/20/15. Appellant's Brief Due 4/29/15.

## Maxwell v. DHS (14-276)

**Current Court Case Number:** CV-14-276-2                      **Case Type:** Miscellaneous  
**Assigned Attorney:** Schubert, Amber R

**File Facts:**

Department of Human Services. Order of Dismissal entered 11/17/14. Plaintiff alleges Defendants allowed his child to participate in an overnight visit with her known abusers resulting her re-abuse. Hearing held 10/31/14 -- Court granted motion to dismiss.

## McPherson, Ashley v. DHS, et al.

**Current Court Case Number:** 60CV-14-3991                      **Case Type:** CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Plaintiff has filed this lawsuit for alleged violation of Title VII by Defendants for discriminating against her based on her sex and because of her pregnancy.

Last Action: Met with clients on 12/30 & obtained documents such as McPherson's personnel file. Filed answer. Contacted Billy Hogan to ensure that he has not been served. Received plaintiff's deficient responses to written discovery and sent a good faith letter. Plaintiff has responded to the good faith letter. Gathered plaintiff's medical records.

Received written discovery from plaintiff's counsel, which we answered on behalf of all the defendants.

Also, researched USSC case that impacts this case.

Next Action: Discuss transfer of venue to Faulkner County with plaintiff's counsel, and discuss impact of USCC with DHS.

## Meeks, Sharon L. v. DHS; 4:14-CV-151

**Current Court Case Number:** 4:14-CV-151                      **Case Type:** CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Hollingsworth, Patrick E

**File Facts:**

Plaintiff alleges she was terminated based on her race.

11/24/14 - This file, reassigned from a former AAG, is complicated by the late start of discovery and by a second termination of the plaintiff following reinstatement by SEGAP. Plaintiff's deposition has been taken and motion for summary judgment will be submitted by the deadline.

12/16/14 - motion for summary judgment has been filed. Plaintiff's response is pending.

1/5/15 - Plaintiff's counsel has asked to withdraw and court extended deadline for response to MSJ.

1-29-15 - Plaintiff's deadline to respond to MSJ extended to February 6 by order of the Court.

2-5-15 - Plaintiff has requested another extension of time to respond to MSJ.

2-27-15 - Plaintiff's MSJ response filed today. Reply due 3-9.

3-6-15 - Reply to Plaintiff's response to MSJ filed today.

4-8-15 - Motion for summary judgment granted.

4-22-15 - Plaintiff filed notice of appeal today.

### **Moss, John v. Corizon, et al - APPEAL FILE**

**Current Court Case Number:** 15-1382 **Case Type:** CIV - Emp. Action 1983/Constitutional

**Assigned Attorney:** Warren, Jonathan Q

**File Facts:**

Plaintiff appeals court's order of 1/12/15 adopting the R&R granting ADC Defs MSJ. Plaintiff alleges deliberate indifference to his serious medical needs, negligence and malpractice.

MOSS's brief due June 30, 2015

### **Nierstheimer, Barbara v. ADEQ, et al.**

**Current Court Case Number:** 60CV-14-4107 **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Merritt, Jennifer L

**File Facts:**

Employee of Arkansas Department of Environmental Quality alleges that defendants retaliated against her for opposing racial discrimination, for exercising free speech rights, and for blowing the whistle on alleged financial improprieties at the agency. She seeks to recover compensatory damages, punitive damages, injunctive relief, and attorneys' fees and costs under the Arkansas Whistle-Blower Act and the Arkansas Civil Rights Act. All defendants timely served except Teresa Marks.

After ADEQ defendants' motion to dismiss the complaint was fully briefed, plaintiff filed an Amended Complaint on 2/9/15. Motion to dismiss Amended Complaint fully briefed, and Plaintiff has requested a hearing.

Order staying discovery until 30 days after Defendants file an answer entered 3/27/15.

On 3/30/15, case transferred to Hon. Morgan E. Welch, Sixteenth Division.

On 4/27/15, Plaintiff filed a motion to voluntarily dismiss claims asserted against Teresa Marks.

Next action: await hearing setting or ruling on MTD Amended Complaint

## **Nunn v. Weiss; 60CV-14-2403**

**Current Court Case Number:** 60CV-14-2403                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Jorgensen, Colin R

**File Facts:**

State of Arkansas

Plaintiffs challenge the constitutionality of the tax exemption for fracking proppants in Act 300 of 2014. Plaintiffs argue that the amendment to DFA's appropriation bill in the 2013 fiscal legislative session violated the single purpose requirement of Art. 5 Sec. 21, and constituted substantive legislation not introduced in accordance with Art. 5 sec. 5(c) of the Arkansas Constitution. Defendant Richard Weiss is represented by DFA counsel. We filed a motion to intervene on behalf of the State ex. rel. Dustin McDaniel (now Leslie Rutledge). Intervention granted. State's motion to dismiss filed 10/8/14. Plaintiffs' response due 30 days after the Arkansas Court of Appeals rules in Weiss v. Weatherford Systems, No. CV-14-535.

## **Okeke v. ADVA (14-1011) - Appeal File**

**Current Court Case Number:** CV-14-1011                      **Case Type:** CIV - Emp. Action 1983/Constitutional  
**Assigned Attorney:** Schubert, Amber R

**File Facts:**

Appeal of Order granting class certification in wage and hour action against Arkansas Department of Veterans Affairs for missed meal breaks and other off-the-clock work. Appellant's Brief filed 2/19/15. Motion to Supplement Brief filed 3/16/15. Supplemental brief with complete abstract tendered 3/18/15. Reply Brief filed 4/21/15.

## **Parker v. ADC (0339)**

**Current Court Case Number:** 5:14CV0339 JM-JTK                      **Case Type:** CIV - Emp. Action 1983/Constitutional  
**Assigned Attorney:** Hodge, KaTina

**File Facts:**

Plaintiff alleges race, sex, and age discrimination against the Arkansas Department of Correction. She seeks compensatory damages and equitable relief.

Filed a Second Motion to Dismiss for failure to exhaust administrative remedies through the EEOC. Filed response to Ps Motion to Amend on 1/27/15. We are awaiting court action on Motion to Dismiss. Filed Rule 26(f) status report on 2/13/15.

## **Parrish, Ron, et al. v. Bentonville School, et al**

**Current Court Case Number:** 5:15-CV5083 PKH                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Cryer, Christine A

**File Facts:**

this is a IDEA lawsuit from Bentonville School District. the plaintiff's allege that their children were being restrained and abused.

## Patterson v. Warden Shartle USP Tuscon AZ

**Current Court Case Number:** CV15-086                      **Case Type:** CIV - Monitoring  
**Assigned Attorney:** Lyford, Charles

### File Facts:

Plaintiff issued a subpoena to the Independence County Prosecuting Attorney, Don McSpadden, for certain court records from 1993. Subpoena imposes an undue burden and expense upon him, he does not have the transcript and is not aware if the file still exists. Mr. McSpadden requests a Motion to Quash the subpoena.

## Plumlee v. AR Dept of Health (116)

**Current Court Case Number:** CV2014-116                      **Case Type:** CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Hurst, Delena

### File Facts:

Plaintiff sues the Arkansas Department of Health under the Arkansas Whistleblower Protection Act. She alleges she was demoted and then fired in retaliation for complaints made against her supervisor. Plaintiff seeks compensatory and punitive damages exceeding \$500,000, reinstatement or front pay, and attorneys' fees and costs. On 12/22/14, ADH filed a motion to dismiss the complaint for improper venue and failure to state facts upon which relief can be granted. Plaintiff served a response to the MTD and later propounded interrogatories and requests for production of documents upon ADH. ADH filed a motion to stay discovery on 1/2/15. Plaintiff did not respond to the motion to stay. Proposed order staying discovery mailed to judge 1/23/15. Hearing on Motion to Dismiss and Motion to Stay Discovery took place on 4/16/15.

Next action: Waiting on judge's ruling on MTD.

## Robinson v. Board of Correction (3460)

**Current Court Case Number:** 60CV-14-3460                      **Case Type:** CIV - Review of Parole Board's Action  
**Assigned Attorney:** Schubert, Amber R

### File Facts:

Plaintiff is requesting a Judicial Review of the Post Prison Transfer Board's denial of Parole. Plaintiff is arguing that he was 16 years old at the time he committed the offense for which he is serving his sentence and that under ACA 16-93-607 he should get an early release from prison. Filed MTD Arkansas Department of Correction 10/1/14. MTD Parole Board and Board of Corrections filed 12/1/14.

## Robnett, Mary v. AR State Crime Lab

**Current Court Case Number:** 15-0568-CC                      **Case Type:** CIV - General Claims Commission  
**Assigned Attorney:** Schubert, Amber R

### File Facts:

An ex-Crime Lab employee suing in the claims commission for breach of contract because her request for additional time from the catastrophic leave bank was denied after she exhausted her leave time, her FMLA leave, and the initial leave bank time she was given, and was still unable to return to work. MTD filed 3/10/15. Claimant requested hearing.



## Rosa Enterprises v. Diamond Hospitality Group

**Current Court Case Number:** Case Type: CIV - Monitoring  
**Assigned Attorney:** Lyford, Charles

**File Facts:**

State has filed 12(c) motion and brief. On 03-04-15, counsel for landowner advised parties have settled; awaiting formal confirmation or nonsuit of underlying claims.

## Rudley v. Reed (2649)

**Current Court Case Number:** 60??CV-14-2649 Case Type: CIV - Excessive Force (Non-Inmate)  
**Assigned Attorney:** Sullivan, Gary L

**File Facts:**

Plaintiffs allege 8th & 14th Amendment violations against State Police and a former trooper. They allege that the trooper falsely arrested two minors and committed battery. They seek unspecified compensatory and punitive damages. I filed Motion to Dismiss on sovereign immunity and statute of limitations grounds. Plaintiffs responded. Now awaiting a ruling or a hearing.

## Sackos v. NCAA (1710)

**Current Court Case Number:** 1:14-CV-1710 Case Type: CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Schubert, Amber R

**File Facts:**

Plaintiff filed suit against the NCAA and all Division I schools on behalf of all current and former athletes alleging they are employees entitled to wages under the FLSA. We currently represent Arkansas State University and University of Central Arkansas in conjunction with Little Mendelson who has been retained by the NCAA. Plaintiff filed Voluntary Non-Suit that included our schools on 3/18/15.

## Seawood v. Arkansas Department of Human Ser

**Current Court Case Number:** 60CV-14-1612 Case Type: CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Sullivan, Gary L

**File Facts:**

Plaintiff claims she was terminated by DHS in retaliation for taking FMLA and for reporting the retaliation. She sues under the FMLA and Arkansas Whistleblower Act. She seeks compensatory and liquidated damages. Our Motion to Dismiss is pending.

## Sligh, et al. v. ASP, et al.

**Current Court Case Number:** 60CV-12-344 Case Type: CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Bell, Patricia V

**File Facts:**

Plaintiff's seek class action status for members of the Arkansas State Police Retirement System Deferred Option Plan ( DROP) whose interest rates have been lowered

## Smith v. Democratic Party Arkansas (0254)

**Current Court Case Number:** 3:14CV254                      **Case Type:** CIV - Monitoring  
**Assigned Attorney:** Merritt, Jennifer L

### File Facts:

Federal-court lawsuit filed 10/30/14 against Governor Mike Beebe, Pulaski County Circuit Judge Mary McGowan, Secretary of State Mark Martin, and other private parties in their individual capacities by Frederick Smith, a former member of the Arkansas House of Representatives. Suit based on a 2012 lawsuit filed against Smith by the Democratic Party of Arkansas regarding his ineligibility to run for public office. Smith purports to plead a wide variety of claims under state and federal law and seeks over \$4.5 million in compensatory and punitive damages and attorneys' fees.

On 3/9/15, Judge McGowan informed us that she had been served. Deadline for service of summons and complaint was 2/27/15 under FRCP 4. Filed MTD and brief in support on behalf of Judge McGowan on 3/26/15. Separate defendants Democratic Party of Arkansas, Candace Martin, and Will Bond filed MTD 3/26/15. Separate defendant Mark Martin filed MTD 3/31/15. Governor Beebe served 3/23/15 and MTD filed by ARAG 4/9/15. On 4/21/15, Plaintiff filed a "Motion to Dismiss Defendants Motion to Dismiss." No response warranted.

Next action: Await rulings on pending motions to dismiss.

## Smith, Frederick v. ASP (15-0242-CC)

**Current Court Case Number:** 15-0242-CC                      **Case Type:** CIV - General Claims Commission  
**Assigned Attorney:** Mahfouz, Nga

### File Facts:

Claimant has filed suit alleging that his arrest in 2009 and subsequent prosecution in 2011 amounted to racial discrimination, defamation, false arrest, a conspiracy to deprive Claimant of his civil rights, and a violation of his due process and equal protection rights.

MSJ filed and pending. Trial set for April, 2015. Subpoena for depo served on Smith but he failed to appear. MTD for failure to appear for depo filed. Motion to dismiss for failure to appear at hearing filed. Hearing on motions held April 10. Proposed findings of fact and conclusions of law to be filed for Commission's review and approval.

## Smith, Kevin v. State of Arkansas

**Current Court Case Number:** 15-0732-CC **Case Type:** CIV - General Claims Commission  
**Assigned Attorney:** Lyford, Charles

**File Facts:**

Retired/Disabled police officer claiming disability/scholarship benefit in the amount of \$10,000.00.

## State of Arkansas v. Joseph Bay - APPEAL FILE

**Current Court Case Number:** CV-15-73 **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Mahfouz, Nga

**File Facts:**

Appellant's brief due April 28. Continue to revise/finalize brief and abstract.

## State of Arkansas, et al. v. Ortho-McNeil-Janssen

**Current Court Case Number:** 60CV07-15345 **Case Type:** CIV - Breach of Contract  
**Assigned Attorney:** Cordi, C. Joseph Jr.

**File Facts:**

State is suing pharmaceutical company under DTPA.

Agency Represented: State of Arkansas

Last Action: Entered appearance on June 11, 2014. Mediation on March 11, 2015.

Next Action: Case settled.

## Surles, Annie v. Randolph County (15-349)

**Current Court Case Number:** CV-15-349                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Hurst, Delena

### File Facts:

Petitioner filed writ of habeas corpus alleging her due process rights were violated because she was a juvenile and was not served with a summons for the hearing and was not represented by counsel at the hearing. Wants to be immediately released from the Children's Home.

On April 30, we filed a Response to the Petition, stating that it should be denied for mootness.

Next step: Await court's ruling.

## Tatum, Ricky v. Willie Robinson

**Current Court Case Number:** 4:14CV00486                      **Case Type:** CIV - Excessive Force (Non-Inmate)  
**Assigned Attorney:** Merritt, Jennifer L

### File Facts:

Pro se inmate alleges that Arkansas State Police Sr. Corporal Willie Robinson used excessive force and falsely arrested him for robbery and other offenses at the Dillards Department Store in Little Rock. Plaintiff sues Robinson in his official and individual capacities and seeks \$2 million in compensatory damages, \$2 million in punitive damages, additional monetary damages for medical expenses, and attorneys' fees.

Answer filed 11/3/14. The parties exchanged discovery requests in early December 2014, and Defendant Robinson served responses on 12/29/14. Plaintiff's responses were due on 1/12/15 but not received until 1/29/15.

On 1/13/15, Tatum pled guilty to robbery, resisting arrest, and theft of property arising out the same incident at issue in this civil case. We obtained the transcript from the plea hearing as well as documents from the criminal case and will use them in support of a MSJ to be filed in this matter.

The Court has twice denied plaintiff's motions for appointment of counsel. Robinson timely served responses to Plaintiff's second set of discovery requests on 2/25/15.

On 3/23/15, Plaintiff filed a motion to compel discovery seeking production of polygraph and stress tests results that do not exist. Response in opposition filed 4-9-15.

On 3/30/15, Plaintiff filed a "motion for preliminary injunction or declaratory judgment order to show cause" seeking an order requiring the Arkansas State Police to "provide a thorough investigation of the assault and excessive force claim." Specifically, plaintiff wants the court to order the ASP to administer polygraph exams or stress tests. Response in opposition filed 4/10/15. Plaintiffs' reply filed 4/21/15.

Next actions: Await rulings on pending motions. Draft motion for summary judgment, supporting affidavits, and brief.

## Toland v. Robinson (631-3)

**Current Court Case Number:** 63CV-14-631-3                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Pipkin, Mindy D

### File Facts:

Plaintiffs allege violations of Ark. Const. Art. 2, § 8 by Defendant Saline County Circuit Court's requirement that detainees of the Saline County Detention Center post a ten percent cash bond with the Sherriff (a 9.2(b)(ii) bond) as opposed to allowing individuals to post a bond through a licensed bail bond company.

Last Action: Scott filed motion to dismiss. Filed motion for substitution of counsel, which the Court granted.

Next Action: Request hearing on motion to dismiss.

**Twin Rivers Health & Rehab, LLC v. AR Health Srvs**

**Current Court Case Number:** 60CV-15-140

**Case Type:** CIV - Agency Action Challenge; Misc.

**Assigned Attorney:** Farris, Sara

**File Facts:**

this is a petition for judicial review a denial of a permit of approval by the Commission.U.S.Bank & Trust, N.A. v. Stephen L. Peaks, et al.

**Current Court Case Number:** 23CV-2014-902

**Case Type:** CIV - Breach of Contract

**Assigned Attorney:** Bell, Patricia V

**File Facts:**

This is a foreclosure action.

### **Varner, Dolores v. ADVA**

**Current Court Case Number:** 15-0522-CC

**Case Type:** CIV - Claims Commission Death/Disability

**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Claimant, Dolores J. Varner, brings this wrongful death action alleging that the Ark. Dep't of Veteran's Affairs was negligent in caring for William Dale Varner and its long term care facility. Claimant seeks \$2.1 Million Dollars.

Last Action: Filed answer, propounded written discovery upon plaintiff and received documents from client.

Next Action: Wait for plaintiff's discovery responses (which are due 4/24).

### **Vickers, Monty v. Arkansas Insurance Department**

**Current Court Case Number:** 60CV-15-1938

**Case Type:** CIV - Freedom of Information Actions

**Assigned Attorney:** Pipkin, Mindy D

**File Facts:**

Plaintiff alleges information requested under the Freedom of Information Act was not provided in a timely manner and lacked sufficient information.

### **W.P. Malone, Inc v. Correct Care Solutions (15-60)**

**Current Court Case Number:** 60CV-15-60

**Case Type:** CIV - Agency Action Challenge; Misc.

**Assigned Attorney:** Merritt, Jennifer L

**File Facts:**

Resident corporation filed illegal-exaction suit against the Arkansas Department of Correction, Arkansas Community Correction, and their respective directors seeking a declaration that a \$92 million dollar medical services contract awarded to Correct Care Solutions, LLC, for the delivery of comprehensive medical and dental services to ADC and ACC inmates is unlawful and void, an injunction prohibiting further performance under the contract, an accounting, and attorneys' fees and costs.

MTD and Brief in Support filed 2/11/15. Plaintiff's response in opposition filed 3/12/15. Reply filed 3/13/15.

Next action: await ruling on MTD.

## Walker, Valerie v. ADC

**Current Court Case Number:** 5:14-CV-268 **Case Type:** CIV - Emp. Action Title VII/Statutory

**Assigned Attorney:** Schubert, Amber R

### File Facts:

Plaintiff is a former employee of the Arkansas Department of Corrections who alleges violation of her Civil Rights under Title VII of the Civil Rights Act of 1964 and the ADA. Plaintiff claims damages for failure to promote and alleges discrimination and retaliation. MTD amended complaint filed 11/7/14. Court appointed counsel to help Plaintiff respond to MTD (response due 4/13/15). Motion to Dismiss Second Amended Complaint filed 5/5/15.

## Washington, Arlo v. AR Barber Board

**Current Court Case Number:** 60CV-15-754 **Case Type:** CIV - Agency Action Challenge; Misc.

**Assigned Attorney:** Carter, Nina

### File Facts:

This is petition for judicial review in which the petitioner has not exhausted his administrative remedies. MTD filed 3/27/15.

## Watkins, Timothy v. Perkins, et al. - APPEAL FILE

**Current Court Case Number:** 15-1460 **Case Type:** CIV - Excessive Force (Non-Inmate)

**Assigned Attorney:** Mahfouz, Nga

### File Facts:

Plaintiff appeals dismissal of lower court action wherein Plaintiff alleged that he was wrongfully arrested, taken into custody, and charged with refusing to sign an affidavit stating he was following a vehicle too closely. Plaintiff further alleges that the tractor trailer he was driving was driven, not towed by Billy's Trucking left unsecured and unlocked.

Appellees' brief submitted for clerk review; awaiting response from clerk.

## Webb, Doyle v. Geroge Nathan "Nate" Steel, et al.

**Current Court Case Number:** 60CV14-3930 **Case Type:** CIV - Constitutional Challenge of AR Law

**Assigned Attorney:** Cordi, C. Joseph Jr.

### File Facts:

Plaintiff filed this illegal exaction action alleging that Nate Steel has been paid for two positions at the same time. We represent the state auditor. Plaintiff seeks injunctive relief against him.

Agency Represented: State Auditor.

Last Action: Auditor served on Oct. 16, 2014. Filed Answer on Nov. 13, 2014. Sent Plaintiff's counsel an affidavit giving him the records he sought from the Auditor's office and asked him to dismiss the Auditor from the lawsuit. Then received email from Plaintiff's counsel on February 26, 2015, saying he would file an amended complaint that did not name the auditor as a defendant. Plaintiff filed the Amended Complaint that same day. It did not name the Auditor as a defendant.

Next Action: Close file.

## **Williams, Marcel, et al. v. Kelley, et al.**

**Current Court Case Number:** 60CV-15-1400                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Merritt, Jennifer L

### **File Facts:**

Death row inmates filed suit against Wendy Kelley and the Arkansas Department of Correction challenging new lethal injection law enacted in 2015 on various state and federal constitutional grounds. They assert facial and as-applied challenges and seek declaratory and injunctive relief. Defendants served by certified mail 4/9/15.

Removed to U.S.D.C., E.D. Ark. (Moody) 4/10/15 and filed notice of removal in state court. On 4/18/15, plaintiffs voluntarily dismissed the federal-court action and then filed an amended complaint in the state court based only on state law. Second Amended Complaint filed in state court 5/1/15 asserting a number of state constitutional claims. Requests for admissions, requests for production, and interrogatories propounded by plaintiffs via hand delivery on 5/5/15.

Filed MTD Second Amended Complaint and Brief in Support 5/19/15. Emailed opposing counsel for meet & confer re: stay of discovery prior to filing motion for protective order 5/19/15.

Next action: File motion for protective order; file responses and objections to requests for admissions (due 6/4/15); await filing of plaintiffs' response to MTD (due 6/8/15).

## **Woods, Kenza v. Selig, et al**

**Current Court Case Number:** 4:14-CV-274                      **Case Type:** CIV - Emp. Action Title VII/Statutory  
**Assigned Attorney:** Lyford, Charles

### **File Facts:**

Department of Human Services; Department of Human Services, Division of Developmental Disabilities Services

Matter has settled for \$16,228.80; check received by plaintiff, waiting for confirmation that funds have cleared (plaintiff and two sets of lawyers involved).

## **Woodward, Michael R. v. ASP Commission**

**Current Court Case Number:** CV-15-348                      **Case Type:** CIV - Agency Action Challenge; Misc.  
**Assigned Attorney:** Carter, Nina

### **File Facts:**

this is an appeal of a judicial review for the ASP Commission



## Wright et al v. Smith et al - APPEAL FILE

**Current Court Case Number:** CV-14-427                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Jorgensen, Colin R

### File Facts:

Arkansas Department of Health and Arkansas Department of Finance and Administration

Plaintiffs challenge the constitutionality of Amendment 83 to the Arkansas Constitution and Arkansas's marriage laws limiting marriage to one man, one woman. Circuit court orders entered in May 2014 declare the marriage amendment unconstitutional and grant injunctive relief requiring Arkansas to allow and recognize same-sex marriage. Appeal by the State and separate county clerk defendants. State's request for a stay granted by the Arkansas Supreme Court 5/16/14. Plaintiffs' (trial court) motion for attorney's fees denied without prejudice but with invitation to re-file motion within 30 days of resolution of the appeal. Plaintiffs' (appellate) motion for recusal by Justices who will seek reelection denied 9/4/14. Appellate briefing complete. Oral argument held 11/20/14. Awaiting appellate ruling. Motion for Second Oral Argument filed by the State 1/23/15. Plaintiffs have objected. On 2/5/15, the Court entered a per curiam directing the parties to brief the question of the proper composition of the Court to decide the case. State's response to per curiam filed 3/6/15.

## Wright, et al. v. Smith, et al. - 2ND APPEAL FILE

**Current Court Case Number:** CV-15-227                      **Case Type:** CIV - Constitutional Challenge of AR Law  
**Assigned Attorney:** Jorgensen, Colin R

### File Facts:

Arkansas Department of Health and Arkansas Department of Finance and Administration

This separate appeal arises out of the same-sex marriage appeal (No. CV-14-427), in which the Court entered a per curiam on 2/5/15 requesting briefing from the parties regarding the proper composition of Justices to decide the case. On 4/2/15, the Court entered a second per curiam explaining that the Court is expanding the question to a full separate appeal. This appeal will be limited to the question of the proper composition of the Court. Presumably, after the Court resolves the question in this appeal, we will return to the original appeal. Simultaneous briefing of the parties on the court composition was submitted 4/13/15. On 5/7/15, the Court issued an opinion holding that the currently elected and serving justices on the Court will decide the original appeal.

## Yang v. City of Little Rock (016)

**Current Court Case Number:** 4:15CV00016                      **Case Type:** CIV - Monitoring  
**Assigned Attorney:** Mahfouz, Nga

### File Facts:

Plaintiff has filed suit on behalf of his minor son who was permanently injured due to the alleged negligence of defendants in the handling of a 911 emergency call.

Video depositions of all first responders (MEMS, Fire and Police) continue.

Amended Complaint filed to add MEMS as a defendant; MEMS removed to district court. Plaintiff died and Notice of Suggestion has been filed.

Depositions of state employees scheduled for May 12. Met with said employees prior depositions for review and prep.