

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

TIM GRIFFIN, in his official capacity as
Attorney General of Arkansas

PLAINTIFF

VS.

CASE NO. 60CV-23-9637

ARKANSAS BOARD OF CORRECTIONS; and
BENNY MAGNESS, in his official capacity
as Chairman of the Arkansas Board of Corrections.

DEFENDANTS

ORDER

On the 22nd day of January, 2024, this matter came on for hearing and from the pleadings filed herein and the argument of counsel, the court doth find and order as follows:

1. This court entered an *Order* in this matter on December 19, 2023.
2. Such order gave the plaintiff thirty (30) days from entry of such order to either reach an accommodation with the state defendants concerning authorization and payment of the state defendants' current special counsel or to initiate the statutory procedure set forth in Ark. Code Ann. § 25-16-702 for the defendants to obtain special counsel.
3. Such order advised the plaintiff that if such actions were not undertaken within the thirty-day (30) period that this case would be dismissed without prejudice.
4. The plaintiff, by email from plaintiff's counsel, refused to communicate with the defendants' current special counsel.
5. The plaintiff failed to make material or good faith efforts to initiate the statutory procedure set forth in Ark. Code Ann. § 25-16-702 for the defendants to obtain special counsel.
6. This matter is dismissed without prejudice.

7. In the event plaintiff elects to refile this FOIA lawsuit, under the Sixth Circuit Case Assignment Plan presently approved by the Arkansas Supreme Court, the plaintiff will need to note this case number as a “related case” on the Cover Sheet so the Pulaski County Circuit Clerk will know the new case needs to be assigned to this division.

IT IS SO ORDERED AND ADJUDGED.



TIMOTHY DAVIS FOX
CIRCUIT JUDGE



DATE

- | | |
|--|---|
| MANNER OF DISPOSITION-6TH DIVISION | |
| <input type="radio"/> | MDCO CONSOLIDATED INTO: |
| <input checked="" type="radio"/> | MDDM DISMISSED |
| <input type="radio"/> | MDJD JUDGMENT/DECREE/ORDER |
| <input type="radio"/> | MDAR REMOVED TO ARBITRATION |
| <input type="radio"/> | MDRB REMOVED TO BANKRUPTCY COURT |
| <input type="radio"/> | MDRF REMOVED TO OTHER FEDERAL COURT |
| <input type="radio"/> | MDTR TRANSFERRED TO OTHER CIRC COURT |