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60CV-09-725

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
2<sup>nd</sup> DIVISION**

**NORTH LITTLE ROCK  
SCHOOL DISTRICT**

**PLAINTIFF**

v.

**Case No. CV-09-725**

**CITY OF NORTH LITTLE  
ROCK, ARKANSAS;  
MAYOR PATRICK H. HAYS;  
PULASKI COUNTY  
ASSESSOR JANET WARD; and  
PULASKI COUNTY  
TREASURER and TAX  
COLLECTOR DEBRA  
BUCKNER**

**DEFENDANTS**

**SAM HILBURN; FRANK  
FLETCHER, Jr.; THOMAS W.  
ROY III; and FF HOTELS, INC.**

**INTERVENORS**

**JOINT MOTION TO DISMISS WITH PREJUDICE**

Come the parties, by and through their attorneys, and for their Joint Motion to Dismiss with Prejudice, respectfully state:

1. The Complaint in the above-captioned matter was filed on January 30, 2009, following the passage on December 31, 2008, of certain ordinances (8137, 8138) related to tax increment financing districts ("TIFs") in the City of North Little Rock.
2. On March 24, 2009, a complaint in intervention was filed on behalf of certain interested parties as named and captioned above.
3. On March 7, 2012, a counterclaim and declaratory judgment were filed on behalf of the City of North Little Rock and Mayor Patrick H. Hays relating to the effect of a millage increase on the total ad valorem tax rate concerning the challenged TIF districts.

4. In the ensuing year, circumstances have changed materially. Most notably, on January 14, 2013, the City of North Little Rock passed Ordinance No. 8495, entitled:

**AN ORDINANCE REPEALING ORDINANCE NO. 8137 TO RETURN CERTAIN COMBINED REDEVELOPMENT DISTRICTS TO THEIR ORIGINAL STATUS AND REPEALING ORDINANCE NO. 8138 TO REVOKE THE PROJECT PLAN FOR THE COMBINED DOWNTOWN REDEVELOPMENT DISTRICT NO. 8 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

A copy of the above-referenced ordinance is attached as Exhibit A to this Motion.

5. There being no further basis for contest, it is the desire and intent of all undersigned parties that the above-captioned matter be dismissed with prejudice.

6. The undersigned parties would ask that this Court, upon dismissal of the action, order that the Tax Collector of Pulaski County, who has been holding taxes collected in the subject TIF districts since the inception of the lawsuit, disburse the funds according to the applicable millages, as required by law.

WHEREFORE, all Parties to this matter pray that the Court enter an order dismissing the action with prejudice, ordering the Tax Collector of Pulaski County to immediately disburse all funds withheld as a result of this litigation, and for all other proper relief.

Respectfully Submitted,

*North Little Rock School District*

By: /s/ Allison Rantisi Gladden  
Allison Rantisi Gladden (2008205)  
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*for Defendants City of North Little Rock, and  
the Office of the Mayor of North Little Rock*

**Approved as to Form and Content:**

/s/ Karla Moore Burnett

Karla Moore Burnett, Pulaski County Attorney

201 South Broadway, Suite 400

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*for Defendants Pulaski County Treasurer Debra Buckner, and  
Pulaski County Assessor Janet T. Ward*

**CERTIFICATE OF SERVICE**

Undersigned counsel certifies that on this 29th day of May, 2013, a correct copy of the foregoing motion was served upon all interested parties by means of electronically filing through AOC/eflex, or by US Mail, First Class, including:

Gregory M. Hopkins

Ryan J. Caststeel

HOPKINS LAW FIRM

A Professional Association

1000 West Second Street

Little Rock, Arkansas 72201

/s/ Allison Rantisi Gladden

Allison Rantisi Gladden