THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SECOND DIVISION

M. KENDALL WRIGHT,ET AL.	:	
V.	:	**Case No: 60CV-13-2662**
STATE OF ARKANSAS, ET AL.	:	

ORDER ENTERING "FINAL ORDER AND RULE 54 (B) CERTIFICATION" *NUNC PRO TUNC*

Comes now the Court on this 15th day of May, 2014 to file the "Final Order and Rule 54(b) Certification" *nunc pro tunc*.

On May 9, 2014, this Court filed an "Order Granting Summary Judgment in Favor of the Plaintiffs and Finding Act 144 of 1997 and Amendment 83 Unconstitutional." Defendants filed their Motion for Immediate Stay on May 9, 2014 and appealed this matter to our State's Supreme Court the next day, a non-business day, on May 10, 2014. The latter filing had the effect of removing the case from this Court's jurisdiction prior to ruling on the motion for stay and without certification pursuant to Arkansas Rules of Civil Procedure 54(b). Rule 2(a)(1) of the Ark. R. Appellate Procedure provides that an appeal may be taken only from final judgment. It was argued above that the Court's May 9th Order was not yet final. The Arkansas Supreme Court agreed, dismissed the appeal as premature and returned the matter to this Court's jurisdiction for further adjudication

Reference to the specific citation of Act 146 of 1997 (codified at Ark. Code Ann. § 9-11-208) and the Plaintiff's request for injunctive relief were inadvertently omitted as clerical error in this Court's "Order Granting Summary Judgment in Favor of the Plaintiffs and Finding Act 144 of 1997 and Amendment 83 Unconstitutional."

The inadvertence of the court's omission is evidenced by the first part of the May 9th order's title which states that it grants the Plaintiffs' Motion for Summary Judgment and is further apparent from the court's analysis that it finds identical prohibitions in the law which deny such rights referenced therein unconstitutional.

A final order was entered to reflect the original intent of the Court's May 9, 2014 Order and to clarify and protect the rights and interests of all who reasonably relied upon and/or acted in accordance with the letter, sprit and/or intent of this Court's May 9, 2014 Order and to further serve the interest of justice in this matter.

It is for these reasons that the Court's "Final Order and Rule 54(b) Certification" is entered *nunc pro tunc* to May 9, 2014.

IT IS SO ORDERED this 15th day of May, 2014.

CHRISTOPHER CHARLES PIAZZA
CIRCUIT COURT JUDGE