

**CV14-427 & CV15-227**  
**IN THE SUPREME COURT OF ARKANSAS**

**NATHANIEL SMITH, MD, MPH, et. al**

**APPELLANTS**

**v.**

**M. KENDALL WRIGHT, et. al**

**APPELLEES**

**APPELLEES' AMENDED MOTION TO WITHDRAW THEIR FEBRUARY  
17, 2015 RESPONSE TO PER CURIAM, 2015 ARK. 38, AND TO DISMISS  
CV15-227 AS MOOT**

Appellees, for their Amended Motion to Withdraw their February 17, 2015 Response to Per Curiam, 2015 Ark. 38, and to Dismiss CV15-227 as Moot, state:

1. On April 8, 2015, Appellees filed their original pleading entitled “Appellees’ Motion to Withdraw Their February 17, 2015 Response to Per Curiam, 2015 Ark. 38, and to Dismiss CV15-227 as Moot. All allegations, averments, and requests for relief set forth in the original pleading are incorporated herein by reference as if set forth word for word except to the extent that they directly conflict with this amended motion.

2. In Appellees’ April 8 pleading, Appellees stated that they believed that the “Justices that presently constitute the Court” should decide this case. After extensive debate and consideration, Appellees and their counsel do not wish to take a position upon which justices should decide this case. All pleadings previously

filed by Appellees are withdrawn to the extent that they take a position on which justices should decide the case. Appellees specifically waive any objection to whatever determination this Court might make itself as to the appropriate justices to decide the matter.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

The undersigned counsel hereby state that a true and correct copy of the foregoing document was served upon the following counsel via email on April 13, 2015:

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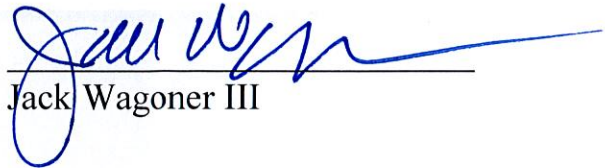
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/s/ Jack Wagoner, III

**CERTIFICATE OF COMPLIANCE**

I hereby certify that I have served on opposing counsel an unredacted and, if required, a redacted PDF document that complies with the Rules of the Supreme Court and the Court of Appeals. The PDF documents are identical to the corresponding parts of the paper documents from which they were created as filed with the court. To the best of my knowledge, information, and belief formed after scanning the PDF documents for viruses with an antivirus program, the PDF documents are free of computer viruses. A copy of this certificate has been submitted with the paper copies filed with the court and has been served on all opposing parties.

  
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Jack Wagoner III