

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
5th DIVISION**

**KELLEY SMILEY; ROBERT WASHINGTON;
ROBERT SLASH; CYNTHIA HARBOUR;
and CASSIE BLACKERBY**

PLAINTIFFS

VS. CASE NO. 60CV-18-2135

**CITY OF JACKSONVILLE, ARKANSAS;
GARY FLETCHER, Mayor of the City of
Jacksonville, Arkansas, in his official capacity;
ROBERT BAMBURG, City Attorney for the
City of Jacksonville, Arkansas, and Director of the
Jacksonville Police Department, in his official capacities**

DEFENDANTS

AGREED FINAL ORDER

On this 28 day of May, 2019, the parties represent to the Court that they have agreed to the following:

1. This Court has jurisdiction over the parties and the subject matter herein, and venue is proper.
2. Plaintiffs Kelley Smiley, Robert Washington, Robert Slash, Cynthia Harbour, and Cassie Blackerby (collectively, "Plaintiffs") seek declaratory judgment that the City of Jacksonville, Mayor Gary Fletcher, in his official capacity, and Robert Bamburg, in his official capacity (collectively, "Defendants") have acted unlawfully.
3. Defendants have denied Plaintiffs' allegations. The position of city attorney is an elected municipal office identified and codified at Ark. Code Ann. § 14-43-314, *et seq.*
4. Separate Defendant Robert Bamburg was appointed to the additional office

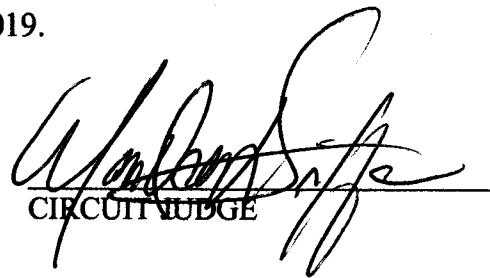
of Director of the Jacksonville Police Department.

5. Robert Bamberg left the position of Director of the Jacksonville Police Department effective June 4, 2018.

6. In order to fully and finally resolve this litigation, the parties hereby agree that, henceforth, the City of Jacksonville, Arkansas will not appoint a non-law enforcement officer to the position of chief of police, or to the position of the head administrator of the police department, except as provided under Arkansas law, such as Ark. Code Ann. § 14-42-110, 14-43-504 and 14-52-204, et al.

WHEREFORE, the Defendants herein agree to abide by the terms of this agreed order and, by agreement of the parties, all remaining claims and defenses are hereby dismissed with prejudice, including, but not limited to, any claims which could have been made pursuant to the Arkansas Freedom of Information Act.

IT IS SO ORDERED, this 28 day of May, 2019.


CIRCUIT JUDGE

Order prepared by:



Nate Steel, ABN 2007186
Attorney for Plaintiffs

Steel Wright Gray, PLLC
400 W. Capitol Avenue, Suite 2910
Little Rock, AR 72201
(501) 251-1587

Order approved by:

Keith Wren,
Attorney for Defendants

11300 Executive Center Dr.,
Suite A
Little Rock, AR 72211

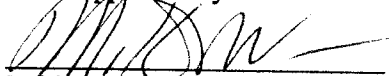
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(501) 251-1587

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Keith Wren,
Attorney for Defendants

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Suite A
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