

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
CIVIL DIVISION

STATE OF ARKANSAS, *ex rel.*

LESLIE RUTLEDGE, ATTORNEY GENERAL

PLAINTIFF

v.

CASE NO. 23CV-19-899

DIAMOND K INVESTMENTS, INC. AND

BRUCE KEATHLEY

DEFENDANTS

ORDER GRANTING TEMPORARY INJUNCTION

On the 22nd day of July, 2019, this matter came before this Court for consideration; the Court finds and orders as follows:

1. Defendant Diamond K Investments, Inc., is a for-profit corporation, to which Defendant Bruce Keathley is the owner and sole officer. Defendants own and operate a mobile home park in Conway, Arkansas entitled Brookside Village Mobile Home Park.

2. On or about July 15, 2019, Defendant turned off water access to the Brookside Village Mobile Home Park, thereby denying tenants access to running water. On July 19, 2019, the State filed its Verified Complaint in the above-referenced matter alleging violations of the Arkansas Deceptive Trade Practices Act against Defendants because shutting off access to running water constitutes a constructive self-help eviction.

3. The Attorney General has statutory authority to pursue an injunction to prevent false, deceptive, misleading, or unconscionable business practices. Ark.

Code Ann. § 4-88-104. An “unconscionable act” is one that “affronts the sense of justice, decency, or reasonableness, including acts that violate public policy or a statute.” *Pfizer, Inc.*, 534 F.Supp.2d at 886 (E.D. Ark. 2008) (citing *Baptist Health v. Murphy*, 365 Ark. 115, 226 S.W.3d 800, 811 (2006)).

4. Self-help evictions are illegal in Arkansas and violate public policy. See *Gorman v. Ratliff*, 289 Ark. 332 (1986).

5. In seeking an injunction, the Attorney General only need show that it “clearly ha[s] reason to believe that a violation of the [Arkansas Deceptive Trade Practices Act (“ADTPA”), Ark. Code Ann. §§ 4-88-101,] is afoot.” *Mercury Mktg. Techs. of Del., Inc. v. Arkansas*, 358 Ark. 319, 331, 189 S.W.3d 414, 422 (2004) (stating that the Attorney General is not required to plead irreparable harm or likelihood of success on the merits). This standard has been met.

6. Therefore, the above premises considered, this Court **GRANTS** Plaintiff’s request for a Temporary Injunction because Defendants have engaged in a self-help eviction by shutting off tenants’ access to running water. This action is unconscionable and violates the Arkansas Deceptive Trade Practices Act.

7. Defendants are hereby **ORDERED** to immediately reconnect the water to any households in the Brookside Village.

8. Defendants are enjoined from taking any further actions to constructively evict any resident of Brookside Village Mobile Home Park.

9. Failure of the Defendants to comply with the terms and conditions of this Order shall be grounds for contempt of this Court. Plaintiff shall promptly

report to this Court via an appropriate Motion for Contempt of Defendants' non-compliance with this Order.

IT IS SO ORDERED.

CIRCUIT COURT JUDGE

DATE

Prepared by:

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Arkansas Judiciary

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Case Number: 23CV-19-899
Type: ORDER OTHER

So Ordered

A handwritten signature in blue ink, appearing to be "S. K. Weaver".

JUDGE SUSAN K. WEAVER