

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

**SUSAN TERRY BORNÉ, ELIZABETH TERRY FOTI,
MARY CATHERINE DRENNAN, LEONARD JOHN
DRENNAN III, MARGARET YATSEVITCH AND
MICHAEL YATSEVITCH, as and on behalf of
the Heirs of ADOLPHINE FLETCHER TERRY
and MARY FLETCHER DRENNAN**

PLAINTIFFS

v.

Case No. 60CV-21-6690

**CITY OF LITTLE ROCK, ARKANSAS and the
ARKANSAS MUSEUM OF FINE ARTS F/K/A
THE ARKANSAS ARTS CENTER, and the
ARKANSAS MUSEUM OF FINE ARTS
FOUNDATION, A/K/A
ARKANSAS ARTS CENTER FOUNDATION**

DEFENDANTS

MOTION TO DISMISS THE FIRST AMENDED COMPLAINT

The Arkansas Museum of Fine Arts Foundation f/k/a the Arkansas Arts Center Foundation (the “Foundation”), for its motion to dismiss, states:

1. Rather than responding to the Foundation’s original motion to dismiss, six heirs of Adolphine Fletcher Terry and May Fletcher Drennan (the “Heirs”) filed an amended complaint.
2. Most of the amendments concern whether funds donated to the Foundation were for an endowment that restricted use to the operation and maintenance of the Terry House as a decorative arts museum. *See* Amend. Compl. ¶¶ 35-49.
3. The other amendments concern whether certain fees were used to maintain the Terry House. *Id.* at ¶¶ 77-79.
4. These amendments do nothing to cure the legal deficiencies in the Heirs’ original complaint and were apparently filed for press-relations purposes.

5. The fundamental basis for the Heirs' purported claims against the Foundation still is that the Foundation has breached a deed relating to the Terry House, but the Foundation still is not a party to that deed and did not even exist when the deed was executed.

6. A brief in support is being filed contemporaneously and is incorporated herein.

WHEREFORE, the Arkansas Museum of Fine Arts Foundation f/k/the Arkansas Arts Center Foundation prays that this Court dismiss the claims against it under Rule 12(b)(6) of the Arkansas Rules of Civil Procedure and for all other proper relief.

QUATTLEBAUM, GROOMS & TULL PLLC
111 Center Street, Suite 1900
Little Rock, Arkansas 72201
(501) 379-1700 Telephone
(501) 379-1701 Facsimile

By: /s/ John E. Tull III
John E. Tull III (84150)
R. Ryan Younger (2008209)

*Attorneys for the Arkansas Museum of Fine Arts
Foundation f/k/a Arkansas Arts Center Foundation*

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2021, I electronically filed the foregoing with the Clerk of the Court using the AOC eFlex electronic filing system, which shall send notification of such filing to all counsel of record.

/s/ John E. Tull III

John E. Tull III