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72CV-26-3999
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**IN THE CIRCUIT COURT OF WASHINGTON COUNTY**
**4TH CIRCUIT, DIVISION 2**

[redacted] **PLAINTIFF**

**CASE NO. 72CV-26-3999**

**CITY OF ELKINS, ARKANSAS,**
**a municipal corporation** **DEFENDANT**

**ANSWER**

Defendant, City of Elkins, Arkansas, by and through undersigned counsel, and for its Answer to Plaintiff's Complaint, states:

1. Defendant admits the allegations contained in Paragraph 1.

2. Defendant admits the allegations contained in Paragraph 2.

3. Defendant admits that Plaintiff has brought this action pursuant to Ark. Code Ann. § 25-19-101, *et seq*. The Defendant denies that Plaintiff has alleged a cause of action or is otherwise entitled to any relief pursuant to the FOIA. The Defendant denies the remaining allegations contained in Paragraph 3.

4. Defendant does not object to jurisdiction or venue in this Court at this time. The remainder of the allegations contained in Paragraph 4 are denied.

5. Defendant asserts that the FOIA request referenced in Paragraph 5 speaks for itself and denies any characterization which does not strictly conform thereto.

6. Defendant asserts that the exhibit referenced in Paragraph 6 speaks for itself and denies any characterization which does not strictly conform thereto.

7. Defendant asserts that the exhibit referenced in Paragraph 7 speaks for itself and denies any characterization which does not strictly conform thereto.

8. Defendant asserts that the exhibit referenced in Paragraph 8 speaks for itself and denies any characterization which does not strictly conform thereto.

9. Defendant asserts that the exhibit referenced in Paragraph 9 speaks for itself and denies any characterization which does not strictly conform thereto.

10. Defendant asserts that the exhibit referenced in Paragraph 10 speaks for itself and denies any characterization which does not strictly conform thereto.

11. Defendant asserts that the exhibit referenced in Paragraph 11 speaks for itself and denies any characterization which does not strictly conform thereto.

12. Defendant asserts that the exhibit referenced in Paragraph 12 speaks for itself and denies any characterization which does not strictly conform thereto.

13. Defendant asserts that the exhibit referenced in Paragraph 13 speaks for itself and denies any characterization which does not strictly conform thereto.

14. Defendant asserts that the exhibit referenced in Paragraph 14 speaks for itself and denies any characterization which does not strictly conform thereto.

15. The allegations contained in Paragraph 15 are denied.

16. The allegations contained in Paragraph 16 are denied.

17. The allegations contained in Paragraph 17 are denied.

18. Defendant asserts that the response referenced in Paragraph 18 speaks for themselves and deny any characterization which does not strictly conform thereto.

19. Defendant asserts that the exhibit referenced in Paragraph 19 speaks for itself and denies any characterization which does not strictly conform thereto.

20. Defendant asserts that the exhibits referenced in Paragraph 20 speak for themselves and denies any characterization which does not strictly conform thereto.

21. Defendant asserts that the exhibit referenced in Paragraph 21 speaks for itself and denies any characterization which does not strictly conform thereto.

22. The allegations contained in Paragraph 22 are denied.

23. With respect to Paragraph 23, Defendant re-alleges and incorporates its responses to the preceding paragraphs as if fully set forth herein.

24. Defendant admits the allegations contained in Paragraph 24.

25. The allegations contained in Paragraph 25 are denied.

26. The allegations contained in Paragraph 26 are denied.

27. The allegations contained in Paragraph 27 are denied.

28. Defendant denies each and every allegation contained in the "Wherefore" clause of Plaintiff's Complaint.

29. Defendant denies each and every allegation not specifically admitted herein.

**AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim upon which relief can be granted under Ark. R. Civ. P. 12(b)(6) and should be dismissed.

2. The Defendant has complied with and satisfied any and all statutory requirements in denying the Plaintiff's FOIA requests.

3. The Defendant asserts the defenses of qualified immunity, statutory immunity, and other doctrines of immunity as applicable.

4. The Plaintiff's document request, in whole or in part, is not sufficiently specific to enable the custodian to locate the records with reasonable effort, per Ark. Code. Ann. § 14-19-105(C). Further, a custodian of record is not required to compile information or create a record in response to a request, per Ark. Code. Ann. § 14-19-105(C).

5. Under Ark. Code Ann. § 25-19-107(d), the Defendant is not liable for attorney's fees or other expenses, as prayed for in Plaintiff's Complaint.

6. The Defendant reserves the right to amend this Answer and/or plead further, including the reservation of all affirmative defenses required to be plead in its initial pleading, once discovery has progressed in this matter.

7. Defendant avails itself of all applicable statutes of limitation.

WHEREFORE, the Defendant respectfully requests that Plaintiff's Complaint be dismissed with prejudice, for its costs and attorneys' fees, and for all other just and proper relief to which it may be entitled.

Respectfully submitted,

**DEFENDANT**

BY: */s/ Thomas N. Kieklak*
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[redacted]

**CERTIFICATE OF SERVICE**

I, Thomas N. Kieklak, do hereby certify that on the 28th day of August 2026, a true and correct copy of the above and foregoing was filed with the Clerk of the Court via electronic filing, and a copy of this pleading has been sent to the Plaintiff via electronic mail:

[redacted]
[redacted]
Elkins, AR 72727
Phone: [redacted]
Email: [redacted]

*/s/ Thomas N. Kieklak*
Thomas N. Kieklak, Ark. Bar No. 92262