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72CV-26-4000
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IN THE CIRCUIT COURT OF WASHINGTON COUNTY
4TH CIRCUIT, DIVISION 2

[redacted] **PLAINTIFF**

CASE NO. 72CV-26-4000

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

RESPONSE TO MOTION TO COMPEL

Defendant, City of Elkins, Arkansas, by and through undersigned counsel, and for its Response to Plaintiff's Motion to Compel, states:

1. Defendant denies the allegations contained in Paragraphs 1, 4, 5, 7, 9, 10, 13, 14, 15 and 17.

2. Defendant admits the allegations contained in Paragraphs 2, 3, 6 and 12 .

3. Defendant asserts that the allegations of Paragraphs 11, 16, 18, 19, 20 and 21 invoke writings and asserts that the writings speak for themselves and denies any characterization which does not strictly conform thereto.

4. Defendant has insufficient information to admit or deny the allegations in Paragraph 8, they are therefore denied.

5. A Motion to Compel is permitted by Ark. R. Civ. Pro. 37, for the limited purpose of requesting relief in matters of discovery allowed by Arkansas civil procedure. In his motion, Plaintiff is very clear that he seeks relief from what he considers a violation of a timeline that the Plaintiff, himself, imposed on Defendant. There is no provision in the Arkansas Rules of Civil Procedure to seek relief of the Court for perceived violations of personal timelines.

6. Plaintiff's Motion to Compel is improper and should be stricken by this Court under Ark. R. Civ. P. 12(f).

7. The Plaintiff has willingly initiated litigation in the Circuit Court of Washington County without the assistance of an attorney. He is bound to adhere to the rules which govern litigation before the Court, and he has acknowledged this fact. By insisting on proceeding Pro Se and ignoring the Rules of Civil Procedure in doing so has imposed on the Court to address the improper motion and he has caused the expenditure of attorneys' fees. The Court should consider the imposition of attorney's fees on the Plaintiff.

WHEREFORE, the Defendant respectfully requests that Plaintiff's Motion be Stricken from the docket or denied by this Court, 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*
Thomas N. Kieklak, Ark. Bar No. 92262
R. Justin Eichmann, Ark. Bar No. 2003145
HARRINGTON, MILLER, KIEKLAK,
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[redacted]

CERTIFICATE OF SERVICE

I, Thomas N. Kieklak, do hereby certify that on the 16th day of October, 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