

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DONNA CAVE, *et al.*

PLAINTIFF

v.

Case No. 4:18-cv-00342 KGB

JOHN THURSTON

DEFENDANTS

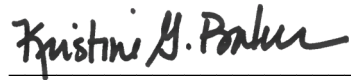
ORDER

Before the Court is the Orsi consolidated plaintiffs' unopposed motion to dismiss claim based in state law (Dkt. No. 316). The Orsi plaintiffs move to dismiss their claim pursuant to Rule 15 of the Federal Rules of Civil Procedure that Act 1231, the Ten Commandments Monument Display Act ("the Act"), violates Article 2, Section 24 of the Arkansas Constitution (*Id.*, at 1). The Orsi plaintiffs assert in their motion that they have spoken to counsel for the Defendant Secretary of State John Thurston, who indicates that Secretary Thurston does not oppose the Orsi plaintiffs' dismissal of their claim premised on the Arkansas Constitution (*Id.*, at 2). The Orsi plaintiffs maintain that subsequent briefing on summary judgment has focused primarily, and almost exclusively, on their federal constitutional claim (*Id.* (citing Dkt. Nos. 256, 285)). The Orsi plaintiffs state that they and Secretary Thurston jointly assert and agree that, should the Court grant the motion dismissing their claim based in state law, the abstention issue raised by the Court in its October 23, 2023, Order would become moot (*Id.*).

For good cause shown, the Court grants the Orsi plaintiffs' unopposed motion to dismiss claim based in state law (Dkt. No. 316). The Orsi plaintiffs' claim that the Act violates Article 2, Section 24 of the Arkansas Constitution is dismissed from the lawsuit, and the Orsi plaintiffs may proceed in the lawsuit solely on their claims based in federal law. In the light of the parties' agreement that, given the Court's granting of the Orsi plaintiffs' motion, the abstention issue raised

in the Court's October 23, 2023, is moot, the Court will not require the parties to comply with the Court's October 23, 2023, Order.

It is so ordered this the 13th day of November, 2023.

Handwritten signature of Kristine G. Baker in black ink.

Kristine G. Baker
United States District Judge