

**A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS
AUTHORIZING A SETTLEMENT ON THE CLIFTON BURCHAM ETAL VS.
CITY OF JONESBORO LAWSUIT**

WHEREAS, the City of Jonesboro, was sued by Clifton Burcham Etal in a lawsuit alleging Plaintiffs paid fines that were illegally ordered under A.C.A. § 12-10-110; and

WHEREAS, the parties have participated in extensive review and negotiations regarding the payment of the fines to the City of Jonesboro; and

WHEREAS, the City of Jonesboro admits no wrongdoing; and

WHEREAS, a proposed settlement was reached, subject to the approval of the Jonesboro City Council.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

- 1. The City of Jonesboro shall settle the pending litigation referenced above for the total sum of \$1,747.68 to be paid by the City of Jonesboro.**
- 2. The funds will be payed from account 0113402700, otherwise titled as Lawsuit Settlement, and no monies need to be transferred to effectuate this agreement.**
- 3. All other terms are listed in the attached Proposed Settlement Order.**
- 4. The Mayor, Harold Perrin and City Clerk, Donna Jackson, or legal counsel are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.**

PASSED AND APPROVED this ____ day of _____, 2018.

HAROLD PERRIN, MAYOR

ATTEST:

DONNA JACKSON, CITY CLERK

**IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT
CIVIL DIVISION**

**CLIFTON BURCHAM and all other
similar situated persons**

PLAINTIFF

V.

NO. CV-2016-401(JF)

**CRAIGHEAD COUNTY, ARKANSAS
AND CITY OF JONESBORO, ARKANSAS**

DEFENDANTS

ORDER

Now on this _____ day of August, 2018 comes before this Court the parties proposed settlement of all the issues regarding the above stated case; the Plaintiff, Clifton Burcham and all other similar situated persons is represented by Mark Rees; the Defendant, Craighead County, Arkansas is represented by Jason Owens; and the Defendant, City of Jonesboro, Arkansas is represented by Burt Newell; from the evidence presented and the agreement of the parties, the Court hereby ORDERS, ADJUDGES, and DECREES as follows:

1. This Court has jurisdiction of this matter and venue is proper.
2. That the Plaintiff and all other similar situated persons filed a lawsuit against the Defendants alleging certain fines and costs paid by Plaintiffs for allegedly violating § 12-11-110, more commonly known as the "Drunken, Insane, and Disorderly (DID) Statute" were unlawful.
3. The Plaintiffs filed their lawsuit on June 10, 2016.
4. The Defendants have denied any liability.

5. That Plaintiffs and Defendants both have motion for summary judgments pending before this Court.

6. That it is the desire of all parties to settle this lawsuit taking in consideration the uncertainty of litigation and the pending motions, the small amount of monies paid compared to continued expense in litigation, and the possibility of appeals to a higher court.

7. That the Court rules that all monies paid prior to June 10, 2013 are prohibited because of the 3 year statute of limitations.

8. That the parties agree that the Defendants will pay all "fine" monies that each entity received and retained as shown in exhibit A and B. The parties agree that the Defendants will not pay any monies that went to the State of Arkansas, such as court costs, or any other costs that are not listed in said exhibits.

9. That the Defendant, City of Jonesboro, Arkansas is ordered to pay all the monies to the individuals as listed in Exhibit A. The City of Jonesboro will issue a check for each individual for the amount listed and send to the individual at their last known address.

10. That the Defendant, Craighead County, Arkansas is ordered to pay all the monies to the individuals as listed in Exhibit B. Craighead County will issue a check for each individual for the amount listed and send to the individual at their last known address.

11. That Plaintiffs counsel is not seeking any attorney fees.

12. That each party is responsible for all their own costs.

13. That the Court hereby accepts this agreement in full, that the agreement is fair and reasonable to the Plaintiffs taking in consideration the issues of liability, uncertainty of the law in this area, the current law where the State of Arkansas cannot be sued, and the amount of money that

is to be refunded compared to the expense of litigation.

IT IS SO ORDERED.

Hon. John Fogleman

Date

Approved as to Form:

Clifton Burcham, Plaintiff

Mark Rees
Attorney for Plaintiffs

Jason Owens
Attorney for Craighead County

Burt Newell
Attorney for City of Jonesboro

**CITY OF JONESBORO
DID REFUNDS**

<u>NAME</u>	<u>REFUNDS</u>
Raymond Alphin	85.00
Melissa Benham	6.68
Katelynn Bragg	85.00
Katelynn Bragg	85.00
Justin Briggs	20.00
Roger Collier	5.00
Douglas Dodson	53.00
Peggy Edwards	85.00
Christopher Erwin	20.00
Adam Fields	50.00
Christopher Finley (Estate)	85.00
Patrick Fitzgerald	85.00
Khristian Foster	85.00
Glendola Gaines	85.00
Anna Gamber	85.00
Brett Gribble	85.00
Joe Griffin	85.00
Michelle Holcomb	10.00
Georgia Vallance Howard	10.00
Shara Howell	85.00
Mary Jackson	5.00
Robert Jones	41.00
Whitney McCoy	85.00
Taylor Medlin	16.00
Debra Morgan	15.00
Shawn Nichols	4.00
Kelly Oswald	5.00
Christopher Puckett	85.00
Logan Robertson	77.00
Christopher Slaughter	5.00
Christina Sykes	15.00
Jessie Warren	70.00
James Watson	55.00
TOTAL	\$ 1,747.68



**CRAIGHEAD CRAIGHEAD
DID REFUNDS**

<u>Name</u>	<u>Refund</u>
David Beard	105.00
Brandon Blancett	5.00
Mary Bradley	105.00
Gretta Browning	163.31
Clifton Burcham	5.00
Kevin Keiter	110.00
Reginold Meadows	15.00
James Milton	115.00
Jesus Ojeda	15.00
Charles Reece	37.96
Robert Smith	75.00
Michael Summers	105.00
TOTAL	\$ 926.27

