

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
SIXTH DIVISION

GULFSIDE CASINO PARTNERSHIP

PLAINTIFF

VS.

CASE NO. 60-CV-19-5832

ARKANSAS DEPARTMENT OF FINANCE  
AND ADMINISTRATION and ARKANSAS  
RACING COMMISSION

DEFENDANTS

**ORDER**

On the 22<sup>nd</sup> day of August 2019, this matter came on for consideration and from the pleadings filed herein the court doth find and order as follows:

1. On August 15, 2019 the *Verified Complaint* was filed in this action.
2. The *Verified Complaint* states causes of action for: (i) an administrative appeal, (ii) a declaratory judgment concerning a rule of the defendant Arkansas Racing Commission, (iii) a declaratory judgment that a specified statute is unconstitutional, and (iv) issuance of a preliminary and permanent injunction.
3. This case seeks a determination concerning the proper entity to be awarded the contract for construction and maintenance of a casino in Pope County.
4. It is reasonable to assume from the above enumerated causes of action that, as this case progresses, one or more Pope County elected officials will be either added as additional defendants or seek leave to be intervenors.

5. A.C.A. §16-111-109 and Rule 57 of the Arkansas Rules of Civil Procedure provide that a jury trial may be demanded in connection with requests for declaratory judgment.

6. It is reasonable to assume that at some point in time during the pendency of this action one or more parties may request a jury trial as guaranteed by the Arkansas Constitution.

7. There are hundreds of millions of dollars at stake relating to construction and maintenance, all of which will occur in Pope County.

8. There are hundreds of opportunities for employment in Pope County that will be affected by a final court decision in this case.

9. There are substantial tax dollars at stake in Pope County that will be affected by a final court decision in this matter.

10. A.C.A. §16-60-104(2) currently states:

The following civil actions shall be brought in Pulaski County:

...

(2)  
(A) A civil action brought by a state board, state commissioner, or state officer in his or her official capacity, or on behalf of the state, except as provided in § 16-106-101.

(B) However, if a civil action could otherwise be brought in another county or counties under the venue laws of this state, including without limitation this subchapter, then the civil action may be brought either in Pulaski County or the other county or counties;

11. It is clear from the allegations of the *Verified Complaint* that this action could be brought in either Pope County or Pulaski County.

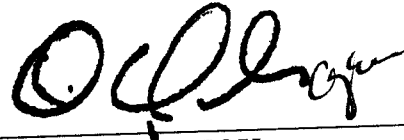
12. It is patently clear from the *Verified Complaint* that the best interests of judicial economy and efficiency are served by this matter being conducted in Pope County.

13. It is patently clear from the *Verified Complaint* that the citizens, residents, and taxpayers of Pope County have a substantial interest in this matter being conducted in Pope County.

14. It is the determination of the court that it is appropriate to transfer this matter to Pope County for final resolution.

15. The Pulaski County Circuit Clerk is ordered to immediately prepare a certified record of the pleadings filed in this matter and to transfer such certified record to the Pope County Circuit Clerk for civil assignment in accordance with the operative Arkansas Supreme Court Case Assignment Plan for Pope County.

IT IS SO ORDERED AND DECREED.



TIMOTHY DAVIS FOX  
CIRCUIT JUDGE

6-22-2019

DATE