

SUPREME COURT OF ARKANSAS

No. CV-16-796

CHUCK LANGE AND BILL WALMSLEY
INDIVIDUALLY AND ON BEHALF OF
COMMITTEE TO PROTECT
ARKANSAS' VALUES/STOP CASINOS
NOW

PETITIONERS

V.

MARK MARTIN IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE
OF THE STATE OF ARKANSAS

RESPONDENT

ARKANSAS WINS IN 2016, LLC, AND
ARKANSAS WINNING INITIATIVE,
INC.

INTERVENORS

CYNTHIA R. STONE, JEFF CROCKETT,
AND LARRY WITCHER

INTERVENORS

Opinion Delivered: October 27, 2016

AN ORIGINAL ACTION

MOTION TO DISMISS COUNT III
OF THE COMPLAINTMOTION GRANTED; COUNT III
OF THE COMPLAINT DISMISSED.

ROBIN F. WYNNE, Associate Justice

Chuck Lange and Bill Walmsley, Individually and on behalf of Committee to Protect Arkansas Values/Stop Casinos Now, filed an original action in this court challenging the Arkansas Secretary of State's certification of a proposed amendment to allow three casinos to operate in Arkansas for the November 8, 2016 general election ballot. The complaint contains three counts. Counts I and II challenge the ballot title of the proposed amendment. Count III challenges the signatures on the petitions submitted by the Sponsor Intervenors. We bifurcated the counts, electing to consider Counts I and II separately from Count III.

The court has already issued an opinion granting as to Counts I and II of the complaint. *Lange v. Martin*, 2016 Ark. 337.

Intervenors Arkansas Wins in 2016, LLC, and Arkansas Winning Initiative Inc. filed a petition for rehearing from this court's decision granting as to Counts I and II of the complaint. Respondent Mark Martin, as Secretary of State of the State of Arkansas, has filed a motion to dismiss Count III of the complaint as moot. An issue is moot when a decision by this court would have no practical effect on a then existing legal controversy. See *Newman v. Crawford County Cir. Ct.*, 2014 Ark. 308. On October 21, 2016, this court denied the petition for rehearing on our opinion addressing Counts I and II. This renders any possible decision by this court on Count III without practical effect. Also, none of our exceptions to the mootness doctrine apply. Respondent's motion to dismiss Count III of the complaint is well-taken and is hereby granted.

Motion granted; Count III of the complaint dismissed.

Mandate to issue immediately.

Special Justice WARREN E. DUPWE joins in this opinion.

GOODSON, J., not participating.

Friday, Eldredge & Clark LLP, by: *Elizabeth Robben Murray, Ellen Owens Smith*, and *Amanda J. Fray*; *Wright, Lindsey & Jennings LLP*, by: *Stephen R. Lancaster, Justin T. Allen*, and *Jacob P. Fair*, for petitioners.

AJ Kelly, Deputy Sec'y of State & Gen. Counsel, and *Andrés Rhodes*, Assoc. Gen. Counsel, for respondent.

Dover Dixon Home PLLC, by: *Todd Wooten, Thomas S. Stone, Randall L. Bynum, Mark Allison*, and *Monte D. Estes*, for intervenors *Arkansas Wins in 2016, LLC*, and *Arkansas Winning Initiative, Inc.*

Steel, Wright, Gray & Hutchinson PLLC, by: *Nate Steel, Alex T. Gray*, and *Jeremy Hutchinson*, for intervenors *Cynthia R. Stone, Jeff Crockett*, and *Larry Witcher*.