

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

**SHERMAN T. COHEN**

**PLAINTIFF**

v.

**No. 2:10-cv-34-DPM**

**CITY OF AUGUSTA, ARKANSAS,  
a public body corporate and politic;  
THE CITY COUNCIL OF THE CITY  
OF AUGUSTA, ARKANSAS, a public  
body corporate; JIMMY RHODES, Mayor,  
City of Augusta, Arkansas, individually  
and in his official capacity; and  
CHARLES ALLEN, Chief of Police, City  
of Augusta Police Department, individually  
and in his official capacity**

**DEFENDANTS**

**ORDER**

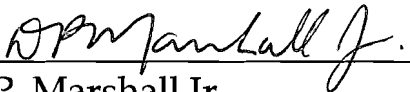
For the reasons stated on the record during the 16 December 2011 pretrial hearing, the Court makes the following rulings:

- On the law, Sherman Cohen was entitled to due process; the proof at trial will therefore answer whether he actually got it; and
- Cohen's claims against the City Council of the City of Augusta are duplicative and unnecessary, in that any liability from the City Council's actions rests with the City, itself. The claims against the City Council are therefore dismissed without prejudice.

Discovery is reopened solely on the questions surrounding the “new letter” that was recently produced by former Councilwoman Collins and revealed to the parties.

Last, in addition to the deadlines set out in the Court’s previous Order, *Document No. 56*, the parties must exchange their final exhibit lists and copies of the exhibits by 11 January 2012. The Court requests chambers copies of all the exhibits on that date as well.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

16 December 2011