

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

CITY OF CLARKEDALE

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Plaintiffs

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VS.

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NO: 3:09CV00061 SWW

GREGORY M. LACKEY.

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Defendant

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ORDER

On August 5, 2009, Plaintiff, the City of Clarkedale, Arkansas, commenced this action against Defendant Gregory M. Lackey in the Circuit Court of Crittenden County, Arkansas. *See* docket entry #2. The City seeks an injunction enjoining Lackey from proceeding with actions allegedly in violation of zoning ordinances.

On May 7, 2009, Lackey removed the case to this Court, and the same day, he commenced a separate lawsuit against the City and other defendants in this Court, *see Lackey v. City of Clarkedale, et al.*, No. 3:09CV00062 JLH (hereinafter “Case No. 3:09CV00062 JLH”), claiming that the defendants took his property without just compensation in violation of his constitutional rights.

On May 28, 2009, the City filed a notice of related case, informing the Court of Case No. 3:09CV00062, and on June 4, 2009, Lackey filed a motion to consolidate this case with Case No. 3:09CV00062. The Court postponed ruling on the motion to consolidate in consideration of the City’s request to postpone a ruling “until all of the Defendants in the related action have been

served and given an opportunity to respond ”

Defendants named in Case No 3:09CV00062 received have service of the complaint and summons in that case, answered the complaint, and filed a motion to dismiss, which is currently pending. However, the City has yet to respond to the motion to consolidate filed in this case.

IT IS THEREFORE ORDERED that the City of Clarkedale is ordered to respond to Defendant’s motion to consolidate by Friday, July 17, 2009.

IT IS SO ORDERED THIS 15th DAY OF JULY, 2009

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE