

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

HOLYOKE MUTUAL INSURANCE CO.,
d/b/a Middleoak a/s/o Aspen Garden
Apartments

PLAINTIFF

v.

No. 3:17-cv-83-DPM

EAST ARKANSAS AREA AGENCY
ON AGING, INC. and CYNTHIA
UNDERWOOD

DEFENDANTS

ORDER

EAAAAI's motion to dismiss, *No 7*, is denied without prejudice. The agency is right, of course, on the need for good service. But Holyoke has started its cure with the amended complaint, *No 13*, and says it will fix everything before its ninety-day service period expires. *No 12 at 3*. By the Court's calculation, that deadline is 17 July 2017. And it's too early for the Court to consider whether the agency might be protected by charitable immunity; that fact-bound issue requires a full record. *Masterson v. Stambuck*, 321 Ark. 391, 400-03, 902 S.W.2d 803, 809-11 (1995).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

6 July 2017
