

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 4:78cv00025 SWW

STATE OF ARKANSAS, et al.,

Defendants.

CONSOLIDATED WITH

FRANK E. TAPPIN, et al.,

Plaintiffs,

vs.

No. 4:91cv00627 SWW

ARKANSAS STATE POLICE
DEPARTMENT, et al.,

Defendants.

ORDER

For nearly thirty years, the Arkansas State Police (ASP) was under federal court supervision by way of a Consent Decree and subsequent Settlement Agreement with Frank E. Tappin and other class plaintiffs concerning past discrimination in its employment policies and practices. During the course of that supervision, an Order was entered on June 30, 1994, directing the ASP to deposit \$295,000 into the registry of the Court. The funds were to be

applied as the Court ordered, including, but not limited to, consultant's fees, for which the ASP may be liable and/or payment of damages or attorney's fees. The Order also provided that if the amount deposited into the registry of the Court exceeds the total amount ordered disbursed as remedies, attorney's fee's or damages, the remainder will be refunded to the ASP.

In August 2006, the ASP and other State defendants moved for termination of this Court's supervision to which the Tappin plaintiffs responded in opposition. By Memorandum and Order entered March 28, 2007, this Court found that the ASP had satisfied certain agreed upon obligations in their Settlement Agreement with the Tappin plaintiffs such that court supervision may end. The Tappin plaintiffs subsequently moved for attorneys' fees, which this Court denied by Order dated September 5, 2007. The Tappin plaintiffs appealed and on October 7, 2008, the United States Court of Appeals for the Eighth Circuit affirmed this Court's denial of attorney's fees.

The matter is now before the Court on motion [doc.#220] of the ASP for a refund of the funds on deposit with the Court, which the ASP states is \$45,489.31 as of June 19, 2009. The Court grants the ASP's motion as this case has come to a full and final conclusion and there are no outstanding fees to be paid.

IT IS THEREFORE ORDERED that the Clerk of Court refund to the Arkansas State Police any and all sums plus accrued interest which the Arkansas State Police had deposited into the registry of the Court in the above-styled case pursuant to the Order entered June 30, 1994.

Dated this 10th day of July 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE