

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

JAMES R. KNOWLTON AND KATHERINE D. KNOWLTON **PLAINTIFFS**

v. **CASE NO. 4:09CV00461 BSM**

DAVID H. ARRINGTON OIL & GAS INC. **DEFENDANT**

ORDER

Plaintiffs James R. Knowlton and Katherine D. Knowlton move for partial summary judgment on their breach of contract claim. [Doc. No. 54]. Defendant David H. Arrington Oil and Gas, Inc. (“Arrington”) objects. [Doc. No. 66]. For the reasons set forth below, the Knowltons’ second motion for partial summary judgment is denied.

By previous order, it was decided that a genuine issue of fact exists as to whether Arrington timely disapproved of the Knowltons’ title in good faith. [Doc. No. 49]. The Knowltons’ renewed motion argues that no genuine issues of fact remain because Arrington should be deemed to have admitted their unanswered requests for admission. On October 8, 2010, however, Arrington was granted leave to file responses to those requests and has subsequently done so. Given Arrington’s brief in opposition and statement of disputed material facts, there can be no question that genuine issues of fact remain as to contract formation. Accordingly, the Knowltons’ second motion for partial summary judgment [Doc. No. 54] must be denied.

IT IS SO ORDERED this 7th day of March, 2011.


UNITED STATES DISTRICT JUDGE