

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

PEGGY GINARDI, et al.,

PLAINTIFFS

v.

4:11-cv-00420-BRW

FRONTIER GAS SERVICES, LLC., et al.

DEFENDANTS

ORDER

Pending are two Motions to Dismiss Claim for Attorneys' Fees filed by Defendants Crestwood Arkansas Pipeline and Chesapeake Energy Corporation. (Doc. Nos. 55, 56). Because Plaintiffs did not file a response, I requested that they do so. In a faxed response, Plaintiffs stated "that the issue of attorneys' fees was previously addressed in your Order dated August 10, 2011 (Document 38) on Kinder Morgan's Motion to Dismiss, I assumed that Order would apply across the board and did not file a separate response."¹

On August 10, 2011, I entered an Order granting Defendant Kinder Morgan's request to dismiss Plaintiffs' claims for attorneys' fees.² I found that Arkansas law does not permit awards of attorneys' fees for tort actions.³ Accordingly, the Motions to Dismiss Claim for Attorneys' Fees are GRANTED. (Doc. Nos. 55, 56).⁴

IT IS SO ORDERED this 5th day of October, 2011.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹ Doc. No. 64.

² Doc. No. 38.

³ *Id.* See *Chrisco v. Sunn Industries*, 304 Ark. 227, 229 (1990).

⁴ Although Defendant Frontier Gas Services has yet to file a motion to dismiss Plaintiffs' claims for attorneys' fees, I find that the claim for attorneys' fees cannot succeed and is, accordingly, dismissed.