

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

**TANYA SMITH**

**PLAINTIFF**

**v.**

**No. 4:12-cv-517-DPM**

**CONAGRA FOODS, INC., and  
TERRY STEEN**

**DEFENDANTS**

**ORDER**

For the reasons stated on the record, the motion to certify, *Document No. 40*, is granted. The motion to dismiss Terry Steen, *Document No. 28*, is denied without prejudice. The motion to remand, *Document No. 16*, is likewise denied without prejudice. The motion to dismiss by ConAgra, *Document No. 10*, is granted in part and denied in part. All discrimination claims under A.C.A. §16-123-107 against ConAgra are barred by the statute of limitations, and therefore dismissed with prejudice.

Given the uncertainty manifest at the hearing about whether Smith was asserting an ACRA claim under §105 or §106, the Court directs her to file an amended complaint by 7 December 2012 stating her remaining claims more definitely. The dismissed discrimination claims against ConAgra should be omitted. ConAgra and Steen should answer, preserving their limitation

defenses, by 14 December 2012. The issues will thus be joined promptly with clarity pre-certification.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

29 November 2012