

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

CITY OF DARDANELLE AND YELL  
COUNTY WILDLIFE FEDERATION, INC.

PLAINTIFFS

v.

No. 4:14-cv-98-DPM

DEPARTMENT OF TRANSPORTATION;  
FEDERAL HIGHWAY ADMINISTRATION;  
ARKANSAS STATE HIGHWAY &  
TRANSPORTATION DEPARTMENT;  
RIVER VALLEY REGIONAL INTERMODAL  
AUTHORITY; AND DEPARTMENT  
OF DEFENSE, United States Army  
Corps of Engineers, Little Rock District

DEFENDANTS

ORDER

The Court received the attached letter, along with the two binders of record excerpts, from Plaintiffs. The Court has no preference about hearing architecture and welcomes counsels' suggestion. Please confer. And please file a joint proposal by February 13th. The Court is in trial; the schedule for next week is full. The Court regrets that it is therefore unable to hold a pre-hearing telephone conference.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*9 February 2018*

**WILLIAMS & ANDERSON PLC**

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February 8, 2018

Hon. D. Price Marshall, Jr.  
United States District Judge  
600 West Capitol Avenue – Room B155  
Little Rock, AR 72201-3325

Re: *City of Dardanelle, Arkansas and Yell County Wildlife Federation, Inc.*  
*Vs. Federal Highway Administration et al*  
U.S. District Court, Eastern District of Arkansas, No. 4:14-cv-98-DPM

Dear Judge Marshall:

As the Court is aware, this case is set for hearing on the pending summary judgments on next Thursday, February 15, at 10:00 o'clock A.M.

In my argument, I expect to refer to a number of documents in the Administrative Record. Due to the volume of the Administrative Records in this case, I have extracted excerpts from the Administrative Records of the Federal Highway Administration and the U.S. Army Corps of Engineers and placed them in separate binders. Copies of those two binders accompany this letter, and copies are being provided to opposing counsel. There are no documents included in the binders other than those extracted from the Administrative Records.

There are a substantial number of issues that will be raised in the oral arguments. I suggest that a logical approach to the presentation of these issues would be to allow each party to address each issue before moving on to successive issues, rather than for each party to address all of the issues at one time. If the Court would like, I would be happy to prepare a proposed list of the issues and submit them to the Court and opposing counsel, and we could generally follow that list during the hearing.

Of course, the Court may prefer a different approach. In any event, it would be useful to me and probably the other parties to know prior to the hearing the procedure that the Court would prefer to follow so that we can structure our arguments accordingly. I request a short pre-hearing conference call so that we can discuss this issue.

WILLIAMS & ANDERSON PLC

February 8, 2018

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Thank you for your consideration of these matters.

Sincerely,

WILLIAMS & ANDERSON, PLC

*Richard H. Mays*

Richard H. Mays

*by NJ*

Enclosure: 2 binders