

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

**CATAR CLINIC OF HOT SPRINGS,  
LLC; STOCKTON MEDICAL  
GROUP, LTD.; and C.A.T.A.R.,  
LTD.**

**PLAINTIFFS/  
COUNTER-DEFENDANTS**

**v.**

**No. 4:17-cv-520-DPM**

**THOMAS F. ROBINSON, M.D.; TIFFANY  
TERRY; ARKANSAS RECOVERY CLINIC;  
ARC REHABILITATION CENTER, P.A.;  
CSCB REHABILITATION MANAGEMENT  
GROUP, LLC; ADDICTION RECOVERY  
CARE OF LITTLE ROCK; ARC CLINIC;  
and JILL COGBURN**

**DEFENDANTS**

**ARC REHABILITATION CENTER, P.A.;  
THOMAS F. ROBINSON, M.D.; CSCB  
REHABILITATION MANAGEMENT  
GROUP, LLC; and TIFFANY TERRY**

**COUNTER-PLAINTIFFS**

**CHASE STEPPIG**

**RESPONDENT**

**ORDER**

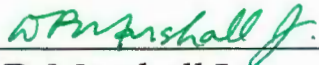
Catar's motion to strike and dismiss counterclaims, *No. 160*, is denied without prejudice. (Robinson and ARC Rehab haven't responded to the motion. But CSCB and Terry have, and the issues are related enough for the Court to rule on the motion without hearing from all parties.)

Terry's new counterclaims were filed after the Court's original

deadline for amending pleadings. She didn't ask permission to file them. The last few months, though, have been a jumble of collateral issues, and, in the circumstances, the Court grants Terry permission *nunc pro tunc* to pursue her new counterclaims. Motion to amend, *No 175*, granted.

Because no one has spent much time on the merits yet, it's likewise too early to say that any of the counterclaims clearly fail as a matter of law or are implausible in this tangled dispute. CSCB contends that Catar's Rule 12(b)(6) arguments are either waived or untimely. *No 171 at 1-2*. Maybe. But there's no good reason to engage on those points, because Catar could make essentially the same arguments now – post-answer – under Rule 12(c). *Westcott v. City of Omaha*, 901 F.2d 1486, 1488 (8th Cir. 1990). Catar's arguments still fall short on the merits.

So Ordered.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

  
\_\_\_\_\_  
18 May 2018