

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**RICKY TERRY, *et al.***

**PLAINTIFFS**

**v.**

**5:07CV00263-WRW**

**WILLIAM “BUD” DUNCAN, MD.**

**DEFENDANT**

**ORDER**

Pending is Plaintiffs’ Motion in Limine (Doc. No. 11) in which Plaintiffs ask the Court to declare Ark. Code Ann. § 16-55-212(b) unconstitutional. Defendant has responded.<sup>1</sup>

The Arkansas Supreme Court recently accepted certification of this issue.<sup>2</sup> Accordingly, Plaintiffs’ Motion is DENIED without prejudice.

IT IS SO ORDERED this 15<sup>th</sup> day of January, 2009.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. No. 12.

<sup>2</sup>No. 1:06-CV-00017-JLH, Doc. No. 141 (E.D. Ark. Sept. 12, 2008).