

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

KIDSQUEST, INC. and NEIGHBORHOOD
COMMUNITY OUTREACH, INC.

PLAINTIFFS

v.

Case No.: 10-1063

ARKANSAS DEPARTMENT OF HUMAN
SERVICES, ET AL.

DEFENDANTS

O R D E R

On this 18th day of August 2011, there comes on for consideration the report and recommendation filed in this case on July 6, 2011 (doc. 15), by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. No objections were filed.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Defendants' Motion to Dismiss (doc. 2) is GRANTED IN PART AND DENIED IN PART.

The Motion is GRANTED as to Defendants' entitlement to Sovereign Immunity and all of Plaintiffs' claims for compensatory damages, punitive damages and retroactive damage relief based on Plaintiffs' claim for an accounting and payment of damages alleged to be due for past payments against them are DISMISSED. The Motion is GRANTED as to Plaintiffs' claims pursuant to the IDEA, and these claims are DISMISSED. The

Motion is GRANTED as to the individual claims of Nunn and Jackson as they lack standing and are DISMISSED as Plaintiffs. The motion is GRANTED as to the Arkansas Department of Human Services' entitlement to Sovereign Immunity for Plaintiffs' claim for prospective injunctive relief but DENIED as to Plaintiffs' claim for prospective injunctive relief as it relates to Defendants John Selig and Dr. James Green. Defendants have ten (10) days to file any response to Plaintiffs' Complaint.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge