

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

PAUL I. WILLS

PLAINTIFF

V.

CASE NO. 2:20-CV-2150

**ENCOMPASS INSURANCE COMPANY
and ENCOMPASS INDEMNITY COMPANY**

DEFENDANTS

ORDER VACATING PRIOR OPINION PURSUANT TO MANDATE

On September 29, 2022, the Court of Appeals for the Eighth Circuit issued the Mandate (Doc. 70) that followed from its September 6, 2022 Opinion and Order. (Doc. 70-2). On appeal, the Eighth Circuit rejected this Court's conclusion (Doc. 48) that it lacked jurisdiction to vacate the state court's summary judgment ruling, explaining that "the *Rooker-Feldman* doctrine does not apply to cases removed to federal court." See Doc. 70-2, p. 5. The Eighth Circuit then considered and reversed the state court's (pre-removal) summary judgment ruling. See Doc. 70-2, pp. 5–6. On remand to this Court, Plaintiff's breach of contract claim will now proceed on the merits.

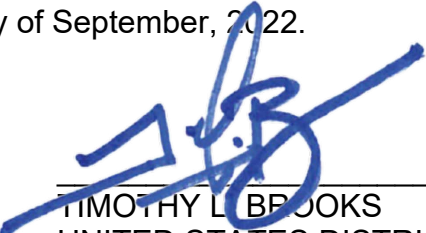
Accordingly, **IT IS ORDERED** that:

(1) this Court's opinion and order (Doc. 48) denying Defendants' motion to vacate is hereby **SET ASIDE**; and

(2) the summary judgment order (Doc. 13-1) issued on May 31, 2019, by the Circuit Court of Sebastian County, Arkansas, is hereby **VACATED** for the reasons stated by the Court of Appeals in its opinion at Document 70-2.

A scheduling order will soon issue setting Plaintiff's breach of contract claim for a jury trial. In the meantime, the Clerk of Court is **DIRECTED** to reopen the case.

IT IS SO ORDERED on this 30th day of September, 2022.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE