

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

DENISE K. CHAPMAN, Administratrix
of the Estate of Nathaniel Allen
Chapman, deceased, and JONATHAN
CHAPMAN

PLAINTIFFS

v.

No. 3:10-CV-03109

FORD MOTOR COMPANY

DEFENDANT

ORDER

Currently before the Court are Plaintiffs' Motion to Alter and Grant Relief to Order Granting the Defendant's Motion for Summary Judgment (Doc. 47) and supporting documents, and Defendant's Response (Doc. 48) and supporting documents. For the reasons stated herein, Plaintiffs' Motion is **DENIED**.

I. Discussion

Plaintiffs have asked this Court to alter its Order granting summary judgment in favor of the Defendant (Doc. 46) to reflect that the matter was actually remanded to the Baxter County Circuit Court so that there can be a determination if there was fraud perpetrated on the trial court. In its Order granting summary judgment in favor of Ford Motor Company, this Court found that there were no genuine issues of material fact to be determined, and that Plaintiffs have a remedy in a separate state court case which they are already pursuing. The Order did not remand the instant case; it granted summary judgment in favor of the Defendant pursuant to Rule 56 of the Federal Rules of Civil Procedure. It is implicit in the Court's Order that the Court exercised jurisdiction over the instant case when it granted Defendant's Motion for Summary Judgment and dismissed the instant

case.

Furthermore, the Plaintiffs did not file this motion in time to seek to alter or amend the Court's Order under either Rule 59 or 60 of the Federal Rules of Civil Procedure. Nor did they timely appeal the Court's Order of July 19, 2011.

II. Conclusion

For the foregoing reasons, the Court finds that Plaintiffs' Motion to Alter and Grant Relief to Order Granting Defendant's Motion for Summary Judgment should be, and hereby is, **DENIED**.

IT IS SO ORDERED this 29th day of November, 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE