

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

SWAN B. MOSS, III, *et al.*

PLAINTIFFS

VS.

CONSOLIDATED ACTION  
CASE NO. 12-CV-4030

UNITED STATES OF AMERICA

DEFENDANT

**ORDER**

Eleven separate actions arising from the same flooding event at the Albert Pike Recreational Area were filed in this Court. Defendant filed Motions to Dismiss in each case arguing that the Court lacked subject matter jurisdiction. Plaintiffs filed responses to the motions. The Court, however, never ruled on these motions because it certified to the Arkansas Supreme Court a question related to the motions. The Arkansas Supreme Court answered the Court's question on November 7, 2013. ECF No. 52 in Case No. 14-4082. On July 1, 2014, the Court consolidated each case into one case for purposes of discovery related to subject matter jurisdiction.

On July 2, 2014, Defendant filed in the consolidated action a Renewed Motion to Dismiss for Lack of Jurisdiction. ECF No. 31. On July 15, 2015, the Court stayed Plaintiffs' response time to this motion, allowing Plaintiffs the opportunity to conduct limited discovery related to the jurisdictional issues which are the subject of Defendant's motion. ECF No. 36. The parties are presently conducting discovery. The Court has determined that, because a Renewed Motion to Dismiss has been filed in the consolidated action, the individual Motions to Dismiss should no longer be pending on the Court's docket. Thus, the Clerk is directed to term the Motions to Dismiss

filed in each individual action.<sup>1</sup> The purpose of this Order is to clarify the record pertaining to the individual Motions to Dismiss.

**IT IS SO ORDERED**, this 26th day of September, 2014.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge

---

<sup>1</sup>The Court notes that all but two of the motions have already been termed per the Court's direction. The complete list of motions is as follows, with the motions to be termed today in bold:

1. ECF No. 10 in Case No. 12-4030
2. ECF No. 10 in Case No. 12-4034
3. ECF No. 10 in Case No. 12-4035
4. ECF No. 9 in Case No. 12-4081
5. ECF No. 39 in Case No. 12-4111
6. ECF No. 37 in Case No. 12-4114
7. ECF Nos. 11 and 17 in Case No. 12-4134
- 8. ECF No. 12 in Case No. 12-4146**
- 9. ECF No. 15 in Case No. 12-4157**
10. ECF No. 33 in Case No. 14-4082
11. ECF No. 52 in Case No. 13-4018