

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

OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY

PLAINTIFF

V.

NO. 5:10-5007

ACCESS TITLE, LTD. and
NORTHWEST ESCROW SERVICES, INC.

DEFENDANTS

MAGISTRATE JUDGES REPORT AND RECOMMENDATION

Now on this 14th day of January, 2010, comes on for consideration **Plaintiff's Motion for Temporary Restraining Order and for Preliminary Injunction (Doc. 3)** filed on January 12, 2010. The motion was referred to the undersigned and a hearing was held on this date. Counsel for Plaintiff and counsel for separate Defendant, Access Title, Ltd. (hereinafter referred to as "Access") appeared at the hearing and agreed to the entry of a preliminary injunction.

Based upon all matters properly before the undersigned and the agreement of the parties, the undersigned recommends **GRANTING** Plaintiff's motion as it pertains to separate defendant Access and issuing a preliminary injunction against Access as follows:

1. No disbursements or withdrawals shall be made from Access' escrow account that is the subject of this proceeding which, according to the parties, contains approximately \$11,000;
2. Access may continue to use its operating account for the sole purpose of paying Access employees and payroll taxes;

3. Access shall be restrained from selling, transferring, or otherwise disposing or encumbering any of its assets;
4. Access shall continue to cooperate with Plaintiff in its accounting efforts by providing information to Plaintiff pursuant to reasonable requests made.
5. This Preliminary Injunction shall remain in effect until this matter has been definitively resolved among all of the parties.

On the record at the hearing, Plaintiff and separate Defendant Access waived their right to file objections to this report and recommendation. Accordingly, it is recommended that an order be immediately issued granting the above-described preliminary injunction.

DATED this 14th day of January, 2010.

/s/ Erin L. Setser

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE