

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

On January 15, 2010, a temporary restraining order was issued against Northwest Escrow Services, Inc. (hereinafter "NW Escrow"). A hearing on whether a preliminary injunction should issue against NW Escrow was scheduled for January 19, 2010. On this date, counsel for plaintiff and NW Escrow advised the undersigned that they have agreed to the terms 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 for Temporary Restraining Order and for Preliminary Injunction (Doc. 3)** as it pertains to separate defendant NW Escrow and issuing a preliminary injunction against NW Escrow as follows:

1. No disbursements or withdrawals shall be made from NW Escrow's escrow account that is the subject of this proceeding which, according to the parties, contains approximately \$1,800.00;
2. NW Escrow may continue to use its operating accounts for the purposes of paying NW Escrow employees, payroll taxes, and its normal business operating costs;

3. NW Escrow shall be restrained from selling, transferring, or otherwise disposing of or encumbering any of its assets;
4. NW Escrow shall continue to cooperate with Plaintiff in its accounting efforts by providing information to Plaintiff pursuant to reasonable requests made, including providing, upon Plaintiff's request, present and past account information for any and all bank accounts presently held by NW Escrow and for any account of NW Escrow closed within the past twelve (12) months.
5. This Preliminary Injunction shall remain in effect until this matter has been definitively resolved among all of the parties and an order of the Court has been entered to that effect.

Counsel for Plaintiff and separate Defendant NW Escrow have advised the undersigned that they waive 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.

The preliminary injunction hearing scheduled for 1:00 p.m. today is hereby **CANCELLED**.
DATED this 19th day of January, 2010.

/s/ Erin L. Setser

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE