

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
SIXTEENTH DIVISION**

**GLEN HOOKS, MICHAEL DOUGAN,  
PRATT REMMELL, REED STOREY,  
TIM FISHER, VICTOR GRAY,  
BLAND CURRIE, GLADYS WHITNEY,  
FRANCES WILSON SHACKLEFORD,  
ADAM FISHER, GUY FISHER, PADEN BALL,  
GALE STEWART and COY'S HONEY FARM, INC.**

**PLAINTIFFS**

**V.**

**CASE NO. 60CV-21-2843**

**ARKANSAS STATE PLANT BOARD;  
AND ARKANSAS STATE PLANT BOARD  
MEMBERS IN THEIR OFFICIAL CAPACITIES:  
WALTER "BRUCE" ALFORD; KYLE BALTZ;  
TOMMY ANDERSON; REYNOLD MEYER;  
DARRELL HESS; MARTY EATON;  
BARRY WALLS; TERRY FULLER;  
MARK HOPPER; BRAD KOEN; SAM STUCKEY  
TERRY STEPHENSON; DR. KEN KORTH;  
DR. NATHAN SLATON; MATTHEW MARSH;  
JASON PARKS; SCOTT MILBURN; AND  
MARK MORGAN**

**DEFENDANTS**

**NUNC PRO TUNC EXTENTION OF TEMPORARY RESTRAINING ORDER**

Currently before the Court is Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction. Based on Plaintiffs' Complaint filed herein, arguments of counsel, and other things before this Court, this Court finds, holds and concludes as follows:

1. This matter came on for hearing May 24, 2021 at 1:30 p.m. and the Court, being well and sufficiently advised, finds the need for the parties to complete a briefing on the impact of the Arkansas Supreme Court's May 6, 2021 Opinion and subsequent Mandate in *Michael McCarty et al. v. Arkansas State Plant Board et al*, 2021 Ark. 105 on this case. The parties are to complete the briefing by June 8, 2021. A hearing will be heard in this matter on June 10, 2021 at 1:30 P.M. for a

half day setting.

2. The Court finds that unless the TRO previously issued is extended, the Plaintiffs face immediate, irreparable harm to the non-dicamba tolerant crops that they produce and to their non-crop plants because the time period for Plaintiffs to decide whether to plant dicamba-tolerant crops in order to limit the risk of dicamba damage is quickly coming to an end and any applications of dicamba after May 25, 2021 increase Plaintiffs' risks of irreparable harm. The Court further finds that such harms outweigh any injury that an extension of the TRO would inflict on the Defendants, as a state agency and the members that constitute the agency. Furthermore, the Court finds that the Plaintiffs have a reasonable likelihood of success on the merits, and that the public interest favors issuing the requested TRO. Therefore, this Court will extend the previously issued TRO against the Defendants.

3. Accordingly, the Court HEREBY EXTENDS the previously granted Temporary Restraining Order pending a preliminary injunction hearing and orders the Plant Board to use its best efforts to notify the public of the Court's Extended TRO and the effect the Order has on applying dicamba in 2021, including, but not limited to:

- a. Posting notice of the Court's Order on the Plant's Board's website;
- b. Individually notifying each person or entity that submitted a public comment on the proposed 2021 Dicamba Rule of the Court's Order;
- c. Providing public notice in the same manner as required by the Arkansas Administrative Procedures Act for a rule.

4. This TRO is binding upon the Arkansas State Plant Board, its officers, agents, employees, attorneys and any other persons who are in active concert or participation with Defendants and all applicators of dicamba in the State of Arkansas.

5. Disobedience of this TRO is punishable by the Court as contempt.

6. For purposes of Ark. R. Civ. P. 65(b)(2), this Court states as follows:

a. This Order was entered on May 25, 2021, at approximately 9:30 am.

b. This Order is entered because the Plaintiffs face irreparable damages to the non-genetically modified supply chain in Arkansas responsible for producing feed ingredients for Plaintiffs' non-GM poultry and to Plaintiffs' non-dicamba tolerant crops for which there is no adequate remedy at law;

c. This Order is entered upon due notice to all counsel of record appearing at the May 24, 2021 hearing in this matter

d. This Order expires on June 10, 2021, at 5:00 pm, unless extended by this Court; and

e. Parties are ordered to appear for a Preliminary Injunction Hearing on Thursday, June 10, 2021, at 1:30 p.m. at the Pulaski County Courthouse at Little Rock, Arkansas.

7. This Order, having been made at the bar of this Court on May 24, 2021, but omitted from the record, is hereby entered nunc pro tunc.

**IT IS THEREFORE ORDERED** that the previously entered Temporary Restraining Order is hereby EXTENDED nunc pro tunc from May 24, 2021 at 3:00 P.M. until June 10, 2021, at 5:00 pm.



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Honorable Morgan E. Welch, Circuit Judge