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HIGHLIGHTS OF 2003
State of the City

Court Actions

Bishop v. City of Fayetteville - E 2000-925

The City Attorney wrote the City's Brief to defend its Summary Judgment victory in this case in which a landowner claimed over one hundred thousand dollars in damages for our use of an easement. The Court of Appeals affirmed.

LaTour v. City of Fayetteville - U.S. District Court #02-5001

Mr. LaTour sued the City and various officials demanding Ten Million Dollars in punitive damages and sought an injunction against the City to prevent enforcement of the sign ordinance against him. The City filed Motions to Dismiss the Ten Million Dollar claims which were granted by the Federal Court. Plaintiff's Motion For A Preliminary Injunction was denied. The Federal Court ruled the portion of the sign ordinance which Mr. LaTour had been convicted of violating was constitutional. Sections of the sign ordinance that needed to be amended to meet current constitutional standards were drafted by the City Attorney prior to the Court decision and immediately enacted by the City Council after the Court's decision. Mr. LaTour has appealed to the Eighth Circuit Court of Appeals.

Richard Berry v. City of Fayetteville, Case No. CV 2003-266-1

As owner of the Thunder Valley Speedway, Mr. Richard Berry sued the City of Fayetteville because of the ordinance regulating motor vehicle racing facilities passed in 2002. Mr. Berry alleged an inverse condemnation claim and sought injunctions and \$500,000.00 in damages. The City Attorney answered, filed a Motion To Dismiss and discovery requests. Mr. Berry dismissed his suit.

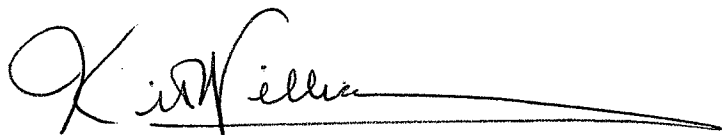
Dandy & Schmitt v. City of Fayetteville - No CV 2002-1257-6

Plaintiff developers sued the City of Fayetteville when the Planning Commission and City Council rejected their Large Scale Development request because of massive neighborhood opposition based upon density and traffic safety concerns. After extensive discovery and depositions, the plaintiffs dismissed their appeal shortly before trial.

French v. City of Fayetteville, Sgt. Yates, Lt. Reynolds et al - Federal District Court No. 02-5210

Mr. and Mrs. French sued two Fayetteville officers (Yates & Reynolds) and other officers for an arrest and search which occurred in 1999. Mr. French was not convicted when tried in state court for methamphetamine manufacture or possession in 2000. He then sued basically claiming that he had been framed by the officers. The Frenches hired expert witnesses to testify they suffered hundreds of thousands of dollars of lost income and other damages. An arrest by federal authorities and indictment on serious new drug charges led to a dismissal with prejudice of this suit.

The City of Fayetteville suffered no civil litigation defeats again in 2003 and has not had to pay anything to settle any cases against the City in 2002 or 2003.

A handwritten signature in black ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

KIT WILLIAMS
Fayetteville City Attorney