ELECTRONICALLY FILED
Pulaski County Circuit Court
Terri Hollingsworth, Circuit/County Clerk
2022-Nov-18 15:05:23
60CV-19-184
C06D17 : 37 Pages

UNIFORM COVER PAGE

[To be used when required by Administrative Order No. 2 (g)*]

COURT: CIRCUIT COURT OF PULASKI COUNTY

Docket/Case Number: 60CV-19-184

CASE NAME:
PLAINTIFF/
PETITIONER: BRANDON SPARKS

DEFENDANT/
RESPONDENT: THE CITY OF LITTLE ROCK

TITLE OF PLEADING OR
DOCUMENT BEING FILED LETTER TO COURT

EXHIBIT A

*Administrative Order No 2.

(g) *File Mark.* (1) There shall be a two inch (2") top margin on the first page of each document submitted for filing to accommodate the court's file mark. If the pleading or document must be filed in multi-parts because of size or for other reasons, the first page of each part must include the file name and file mark and shall clearly indicate the part number and number of parts (example, part 1 of 2).

(2) If a document is such that the first page cannot be drafted to provide sufficient space to satisfy the file-mark requirement, the document must include the uniform cover page developed by the Administrative Office of the Courts and found under Forms and Publications at www.arcourts.gov.

Jones, Alan W.

From: Jones, Alan W.
Sent: Wednesday, November 16, 2022 9:09 AM
To: 'ben@motallaw.com'
Cc: Carpenter, Tom; Wisdom, Debbie; Depriest, Christina; '4030_154 _ City of Little Rock _ Judgement awarded _ Ben Motal v City of Little Rock 60CV_19_184 _E_mail'
Subject: 60CV-19-184 Payment [IWOV-iManage_docs.FID32111]

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City of Little Rock
500 W. Markham St.
Little Rock, AR 72201

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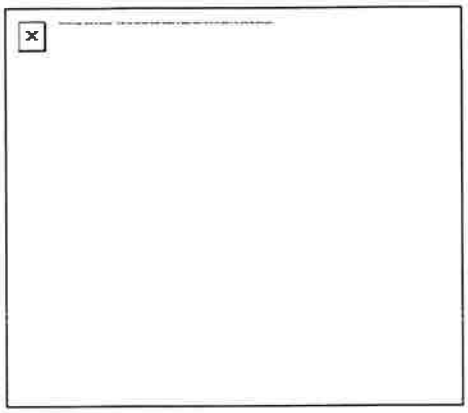

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To:	Carpenter, Tom
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Subject:	Re: Ongoing Noncompliance With Court Order In Motal v. City of LR, 60CV-19-184

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Mr. Carpenter:

To summarize, your answer to my first question is no, you do not believe the City was obligated to submit payment by the September 14, 2022 deadline stated in the Court's order.

The answer to my second question is yes, you deterred Mr. Betton from using the W-9 previously sent to comply with the deadline. Instead, you directed Mr. Jones to file a post-order motion and proceeded to ignore the deadline stated in the Court's order.

You now seem to be taking the position that the City is justified in continuing to withhold the court-ordered payment unless and until a second W-9 is submitted because the prior version was lost due to your decision to ignore the deadline in the order.

Lastly, I would point out that you are the supervising attorney at the City Attorney's office. You also personally entered an appearance as counsel of record in this case on January 22, 2022. It was your decision to accept such a position of responsibility -- and the accountability that comes with it.

These are the answers I needed. Let me know if I have misunderstood your response in any way, or if you have anything else to add regarding this matter.

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From: Ben Motal <ben@motallaw.com<mailto:ben@motallaw.com>>
Sent: Wednesday, November 16, 2022 12:59 PM
To: Carpenter, Tom <TCarpenter@littlerock.gov<mailto:TCarpenter@littlerock.gov>>
Cc: Betton, Alex <abetton@littlerock.gov<mailto:abetton@littlerock.gov>>; Jones, Alan W. <awjones@littlerock.gov<mailto:awjones@littlerock.gov>>
Subject: Re: Ongoing Noncompliance With Court Order In Motal v. City of LR, 60CV-19-184

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Carpenter,

Please see the below email to Mr. Betton, on which you were copied.

It is my understanding that you are the supervising attorney at the City Attorney's office. Could you please follow up personally with Mr. Betton to ensure he is aware of this matter. I would like to receive a response by the end of the day.

Also, if you have any independent knowledge of the nonretention of the W-9 I submitted or other actions demonstrating contempt for the Court's August 15th order, please provide that information in response to this email.

Your urgent attention to this matter is greatly appreciated.

Ben Motal

On Wed, Nov 16, 2022, 11:14 AM Ben Motal <ben@motallaw.com<mailto:ben@motallaw.com>> wrote:
Mr. Betton,

Please see the below correspondence from Mr. Jones. He is saying that you did not retain the email I sent with my W-9 for a payment that the Court ordered the City to make months ago.

If that is correct, could you please explain the circumstances or decision that caused the non-retention of that email. If that is not correct, and you still have the email, could you please forward a copy of the W-9 to Mr. Jones.

Thanks,

Ben Motal

On Wed, Nov 16, 2022, 10:38 AM Jones, Alan W. <awjones@littlerock.gov<mailto:awjones@littlerock.gov>> wrote:
Mr. Motal,

I checked with Mr. Betton and he tells me he did not retain the copy you previously sent. I apologize for the inconvenience, do you mind sending us another one so we can process your payment?

Thank you,

Alan

Alan W. Jones
Deputy City Attorney
City of Little Rock
500 W. Markham St.
Little Rock, AR 72201

From: Ben Motal <ben@motallaw.com<mailto:ben@motallaw.com>>
Sent: Wednesday, November 16, 2022 10:26 AM
To: Jones, Alan W. <awjones@littlerock.gov<mailto:awjones@littlerock.gov>>
Cc: Carpenter, Tom <TCarpenter@littlerock.gov<mailto:TCarpenter@littlerock.gov>>; Wisdom, Debbie <dwisdom@littlerock.gov<mailto:dwisdom@littlerock.gov>>; Depriest, Christina <cdepriest@littlerock.gov<mailto:cdepriest@littlerock.gov>>; 4030_154 _ City of Little Rock _ Judgement awarded _ Ben Motal v City of Little Rock 60CV_19_184 _E_mail <{F32111}.iManage_docs@ca-indexer.littlerock.state.ar.us<mailto:F32111%7D.iManage_docs@ca-indexer.littlerock.state.ar.us>>
Subject: Re: 60CV-19-184 Payment [IWOV-iManage_docs.FID32111]

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Mr. Jones,

I sent my W-9 to Mr. Betton by email. It is my understanding that he currently still works for the City. Please check with him.

Cordially,

Ben Motal

On Wed, Nov 16, 2022, 9:10 AM Jones, Alan W. <awjones@littlerock.gov<mailto:awjones@littlerock.gov>> wrote:
Mr. Motal,

We are working on getting a check cut to you. I know you previously sent a copy of your I9 to the City (Alex Betton specifically), but as Mr. Betton is leaving the City he did not retain the copy you previously sent. Could you send a copy of the one you previously sent (or a new one) so I can forward it to our Finance Department and have the check prepared and sent to you.

Cordially,

Alan

Alan W. Jones
Deputy City Attorney
City of Little Rock
500 W. Markham St.
Little Rock, AR 72201

Jones, Alan W.

From:	Carpenter, Tom
Sent:	Thursday, November 17, 2022 2:22 PM
To:	'Ben Motal'
Cc:	Jones, Alan W.; Betton, Alex; Wisdom, Debbie
Subject:	RE: Ongoing Noncompliance With Court Order In Motal v. City of LR, 60CV-19-184
Attachments:	Re: Ongoing Noncompliance With Court Order In Motal v. City of LR, 60CV-19-184; 3559_001.pdf

Dear Mr. Motal,

Your response is inaccurate. I never deterred Mr. Betton from doing anything. That said, as long as a motion could be filed to challenge the order, then there was no sense in paying the amount. I have never seen, nor until yesterday afternoon known about, your W-9.

What I know is that the City would like to get your paid. If you will not sign the W-9, and the City will not pay without one (which is a reasonable request), we can ask the Court for relief by asking that your execute the document. But, if that is the approach, we will also seek credit for the time spent putting together the motion, the brief, and the hearing.

To that end, please answer: Will you sign a W-9 now so we can get you a check?

Tom

Thomas M. Carpenter
OFFICE OF THE CITY ATTORNEY
500 West Markham Street, Ste. 310
Little Rock, Arkansas 72201-1430
(D) (501) 371-6875
(M)(501) 993-1052
(F) (501) 371-4675
tcarpenter@littlerock.gov

Jones, Alan W.

From: Ben Motal <ben@motallaw.com>
Sent: Thursday, November 17, 2022 4:14 PM
To: Carpenter, Tom
Cc: Jones, Alan W.; Betton, Alex
Subject: Re: Ongoing Noncompliance With Court Order In Motal v. City of LR, 60CV-19-184

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Mr. Carpenter:

Let's be very clear about this. Mr. Betton says it was his position that the City should have paid before the September 14, 2022 deadline. I emailed him the W-9 to have that done. You were Mr. Betton's supervisor at the time. It was your position then, as it apparently still is now, that there was "no sense" in complying with the Court's order. It seems to me that Mr. Betton carried out your wishes by ignoring the order, even though it was his position that the order should have been complied with. Are you now saying that Mr. Betton had the authority to veto your decision to challenge the order and submit the payment on time?

As for you question about the W-9, I would remind you this is not a settlement. The City is under a court order to submit a payment and it is already more than two months late. I have reviewed the Court's order very carefully, and I do not see any language which requires me to submit a W-9 to the City or do anything else. I previously submitted the W-9 as a courtesy to assist the City in complying with order in a timely manner. The City failed to comply at your direction.

If you wish to file a motion seeking to modify the August 15th order to include W-9 language, I will oppose the motion. However, if that is the approach you decide to take, I will have no choice but to seek my attorney's fees for the response and hearing.

To that end, please answer: Will you advise your client to issue payment by close of business tomorrow?

Ben

On Thu, Nov 17, 2022 at 2:22 PM Carpenter, Tom <TCarpenter@littlerock.gov> wrote:

Dear Mr. Motal,

Your response is inaccurate. I never deterred Mr. Betton from doing anything. That said, as long as a motion could be filed to challenge the order, then there was no sense in paying the amount. I have never seen, nor until yesterday afternoon known about, your W-9.

What I know is that the City would like to get your paid. If you will not sign the W-9, and the City will not pay without one (which is a reasonable request), we can ask the Court for relief by asking that your execute the document. But, if that is the approach, we

will also seek credit for the time spent putting together the motion, the brief, and the hearing.

To that end, please answer: Will you sign a W-9 now so we can get you a check?

Tom

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tcarpenter@littlerock.gov

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Ben Motal
Attorney at Law
10 Benham Lane
Little Rock, AR 72210
Tel: (501) 554-5119
Ben@MotalLaw.com

Jones, Alan W.

From: Betton, Alex
Sent: Thursday, November 17, 2022 5:56 PM
To: Ben Motal
Cc: Carpenter, Tom; Jones, Alan W.
Subject: Re: Ongoing Noncompliance With Court Order In Motal v. City of LR, 60CV-19-184

Mr. Motal,

To clear any confusion from my earlier email. I did not consult the City Attorney before requesting that you send the W-9. Mr. Carpenter has final decision making authority on the path and strategy of all litigation. My assumption to pay pursuant to the Court's order did not comport with the direction Mr Carpenter chose to respond to the Order. However, my request was an independent action, and not one that was authorized by the Office of the City Attorney.

I hope this resolves the confusion created by my earlier email. My apologies to all parties.

-Alex

Sent from my iPhone

On Nov 17, 2022, at 4:14 PM, Ben Motal <ben@motallaw.com> wrote:

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Mr. Carpenter:

Let's be very clear about this. Mr. Betton says it was his position that the City should have paid before the September 14, 2022 deadline. I emailed him the W-9 to have that done. You were Mr. Betton's supervisor at the time. It was your position then, as it apparently still is now, that there was "no sense" in complying with the Court's order. It seems to me that Mr. Betton carried out your wishes by ignoring the order, even though it was his position that the order should have been complied with. Are you now saying that Mr. Betton had the authority to veto your decision to challenge the order and submit the payment on time?

As for you question about the W-9, I would remind you this is not a settlement. The City is under a court order to submit a payment and it is already more than two months late. I have reviewed the Court's order very carefully, and I do not see any language which requires me to submit a W-9 to the City or do anything else. I previously submitted the W-9 as a courtesy to assist the City in complying with order in a timely manner. The City failed to comply at your direction.

If you wish to file a motion seeking to modify the August 15th order to include W-9 language, I will oppose the motion. However, if that is the approach you decide to take, I will have no choice but to seek my attorney's fees for the response and hearing.

To that end, please answer: Will you advise your client to issue payment by close of business tomorrow?

Ben

On Thu, Nov 17, 2022 at 2:22 PM Carpenter, Tom <TCarpenter@littlerock.gov> wrote:

Dear Mr. Motal,

Your response is inaccurate. I never deterred Mr. Betton from doing anything. That said, as long as a motion could be filed to challenge the order, then there was no sense in paying the amount. I have never seen, nor until yesterday afternoon known about, your W-9.

What I know is that the City would like to get your paid. If you will not sign the W-9, and the City will not pay without one (which is a reasonable request), we can ask the Court for relief by asking that your execute the document. But, if that is the approach, we will also seek credit for the time spent putting together the motion, the brief, and the hearing.

To that end, please answer: Will you sign a W-9 now so we can get you a check?

Tom

Thomas M. Carpenter

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Little Rock, Arkansas 72201-1430

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(M)(501) 993-1052

(F) (501) 371-4675

tcarpenter@littlerock.gov

--

Ben Motal
Attorney at Law
10 Benham Lane
Little Rock, AR 72210
Tel: (501) 554-5119
Ben@MotalLaw.com

Jones, Alan W.

From:	Ben Motal <ben@motallaw.com>
Sent:	Thursday, November 17, 2022 6:18 PM
To:	Betton, Alex
Cc:	Carpenter, Tom; Jones, Alan W.
Subject:	Re: Ongoing Noncompliance With Court Order In Motal v. City of LR, 60CV-19-184

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for that clarification, Mr. Betton.

Ben Motal
Attorney at Law
10 Benham Lane
Little Rock, AR 72210
Tel: (501) 554-5119
Ben@MotalLaw.com

On Thu, Nov 17, 2022, 5:55 PM Betton, Alex <abetton@littlerock.gov> wrote:
Mr. Motal,

To clear any confusion from my earlier email. I did not consult the City Attorney before requesting that you send the W-9. Mr. Carpenter has final decision making authority on the path and strategy of all litigation. My assumption to pay pursuant to the Court's order did not comport with the direction Mr Carpenter chose to respond to the Order. However, my request was an independent action, and not one that was authorized by the Office of the City Attorney.

I hope this resolves the confusion created by my earlier email. My apologies to all parties.

-Alex

Sent from my iPhone

On Nov 17, 2022, at 4:14 PM, Ben Motal <ben@motallaw.com> wrote:

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Mr. Carpenter:

Let's be very clear about this. Mr. Betton says it was his position that the City should have paid before the September 14, 2022 deadline. I emailed him the W-9 to have that done. You were Mr. Betton's supervisor at

the time. It was your position then, as it apparently still is now, that there was "no sense" in complying with the Court's order. It seems to me that Mr. Betton carried out your wishes by ignoring the order, even though it was his position that the order should have been complied with. Are you now saying that Mr. Betton had the authority to veto your decision to challenge the order and submit the payment on time?

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If you wish to file a motion seeking to modify the August 15th order to include W-9 language, I will oppose the motion. However, if that is the approach you decide to take, I will have no choice but to seek my attorney's fees for the response and hearing.

To that end, please answer: Will you advise your client to issue payment by close of business tomorrow?

Ben

On Thu, Nov 17, 2022 at 2:22 PM Carpenter, Tom
<TCarpenter@littlerock.gov<mailto:TCarpenter@littlerock.gov>> wrote:
Dear Mr. Motal,

Your response is inaccurate. I never deterred Mr. Betton from doing anything. That said, as long as a motion could be filed to challenge the order, then there was no sense in paying the amount. I have never seen, nor until yesterday afternoon known about, your W-9.

What I know is that the City would like to get your paid. If you will not sign the W-9, and the City will not pay without one (which is a reasonable request), we can ask the Court for relief by asking that your execute the document. But, if that is the approach, we will also seek credit for the time spent putting together the motion, the brief, and the hearing.

To that end, please answer: Will you sign a W-9 now so we can get you a check?

Tom

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