

4. On July 10, 2013, Judge Maggio granted Greenbrier's motion for remittitur and ordered the amount of damages reduced to \$1 million. On August 14, 2013, an amended judgment was entered. Approximately one year later, on September 11, 2014, Judge Maggio was removed from office by the Arkansas Supreme Court for judicial misconduct.

5. On November 18, 2014, plaintiffs filed this case asserting claims for abuse of public trust, breach of fiduciary duty, violations of civil rights laws, civil conspiracy and acting in concert. Specifically, plaintiffs allege that defendants Morton and Baker conspired to corrupt the judicial process by making campaign contributions to Maggio with the intent that Maggio would favorably rule on the motion for remittitur in the *Bull* case. (Complaint at ¶ 46). Plaintiffs allege that defendants' actions denied plaintiffs their "unanimous jury verdict and judgment of \$5.2 million." (Complaint at ¶ 47).

6. The proper remedy for plaintiffs' allegations is to file a motion to set aside the judgment under Rule 60 of the Arkansas Rules of Civil Procedure, not by way of a collateral attack through a separate lawsuit. Plaintiffs' collateral attack on the judgment is improper and plaintiffs' complaint should be dismissed.

7. A brief in support of this motion is being filed contemporaneously herewith.

For the reasons set forth above, defendants Morton and Baker respectfully request that the Court dismiss plaintiffs' complaint and enter judgment in their favor.

RESPECTFULLY SUBMITTED BY:

BY: 

John C. Everett
Arkansas Bar No. 70022
EVERETT, WALES & COMSTOCK
Attorneys at Law
P. O. Box 8370
Fayetteville, AR 72703
(479) 443-0292

And

Kirkman T. Dougherty
Arkansas Bar No. 91133
HARDIN, JESSON & TERRY, PLC
P. O. Box 10127
Fort Smith, AR 72917-0127
(479) 452-2200

*Attorneys for Separate Defendant
Michael Morton*

BY: 

Richard N. Watts
Arkansas Bar No. 82174
Watts, Donovan & Tilley, P.A.
200 River Market Avenue, Suite 200
Little Rock, AR 72201-1769

*Attorneys for Separate Defendant
Gilbert Baker*

CERTIFICATE OF SERVICE

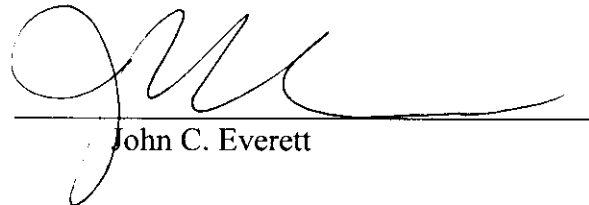
I, John C. Everett, one of the attorneys for the separate defendant herein, hereby certify that I have caused to be deposited in the United States Mail, postage prepaid, a true and correct copy of the above and foregoing to:

Mr. R. Brannon Sloan, Jr.
Dodds, Kidd & Ryan
313 West Second Street
Little Rock, AR 72201

Mr. Thomas G. Buchanan
Angela S. Cole
Law Offices of Thomas G. Buchanan
217 West 2nd Street, Suite 115
Little Rock, AR 72201

Lauren Hamilton
Hilburn, Calhoun, Harper,
Pruniski & Calhoun, Ltd.
P. O. Box 5551
North Little Rock, AR 72119

on this 19th day of March, 2015.



John C. Everett