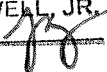


DEC 07 2015

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
SECOND DIVISION

TROY B. BRASWELL, JR.
CIRCUIT JUDGE 

**RICHARD SHUMATE, JR.; AND
DAMON REED, on behalf of themselves and all other
similarly situated persons and entities**

PLAINTIFFS

v.

CASE NO. 23CV-12-855

CITY OF CONWAY, an Arkansas municipality

DEFENDANT

ORDER

On the 4th day of November 2015, came on for hearing the Plaintiffs' Motion for Class Certification, and from the pleadings filed herein, argument of counsel, the court doth find that such Motion should be granted, as follows:

1. Ark. R. Civ. Pro. 23(a) requires that the party seeking class certification prove six factors: (1) numerosity; (2) commonality; (3) typicality; (4) adequacy; (5) predominance; (6) superiority. *Lenders Title Co. v. Chandler*, 353 Ark. 339, 107 S.W.3d 157 (2003).
2. The Court finds that the Plaintiffs' motion should be granted, and a plaintiff class should be certified for the cause of action of breach of contract.
3. The certified plaintiff class is defined as:

All City of Conway Policeman¹ and Fireman² (excluding department heads and elected officials) who were employed by the City of Conway during the period commencing December 1, 2001, through December 31, 2012 (the "Class Period").

4. The Court is issuing herewith its *Findings of Fact and Conclusions of Law*. The Court's findings and conclusions are incorporated herein by reference as though set forth word for word.

¹ Code Enforcement Officer, Officer I-IV, Master Officer, Sergeant, Lieutenant, Major and Chief.

² Firefighter, Lieutenant, Captain, Division/District Chief and Chief

IT IS SO ORDERED AND DECREED.



TROY B. BRASWELL, JR.
CIRCUIT JUDGE

12-7-15

DATE

PREPARED BY THE COURT:

cc: Mr. Thomas Thrash, Attorney for Plaintiff
Mr. Russell Wood, Attorney for Plaintiff
Mr. Michael Mosely, Attorney for Defendant
Mr. Tom Kieklak, Attorney for Defendant
Mr. Justin Eichmann, Attorney for Defendant