

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
CIVIL DIVISION

BOYLE VENTURES, LLC

PLAINTIFF

v.

CASE NO. 04CV-22-2109-6

CITY OF FAYETTEVILLE, ARKANSAS

DEFENDANTS

TEMPORARY RESTRAINING ORDER

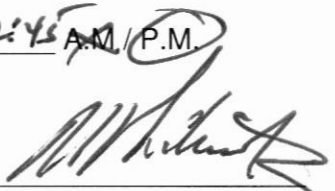
On this 19th day of August 2022, the Court comes on for determining the Plaintiff's Motion for Preliminary Injunction, and given insufficient time to notify the City of Fayetteville, in accordance with Ark. R. Civ. P. 65, upon discussion with the Counsel for the Parties, and after consideration of the facts and law presented to the Court in the Plaintiff's verified Complaint, finds:

- 1) That this Court has jurisdiction over the parties and subject matter of the issues before the Court.
- 2) The Court has read Plaintiff's Complaint and it appears Plaintiff will suffer immediate and irreparable harm if relief herein is not granted in that Plaintiff operates an Arkansas registered Retail Pet store and sells live animals in accordance with Arkansas Law.
- 3) Defendant City of Fayetteville, Arkansas has enacted Ordinance 6587, which goes into effect August 20, 2022. and which prohibits the display or sale of any dog, cat, puppy, or kitten unless obtained from and in cooperation with the Fayetteville Animal Shelter, a government or nonprofit animal shelter approved by Fayetteville Animal Services, or a nonprofit animal rescue organization approved by Fayetteville Animal Services; and requiring that every pet shop offering for sale or displaying any dog, cat,

puppy, or kitten shall display a label stating the name and address of the organization supplying said animal on the animal's cage.

- 4) From the information available, Plaintiff has shown a probable right of recovery that Ordinance 6587 is in violation of the Arkansas Constitution as being contrary to Ark. Code Ann. § 4-97-101 *et. seq.* and its regulations, Ark. Code Ann. § 14-54-1105, or both.
- 5) For good cause shown, Plaintiff's Motion for Preliminary Injunction, modified to a Motion for Temporary Restraining Order, is granted with a cash surety/bond required in the amount of \$500.00 to be deposited into the registry of the Court.
- 6) Pursuant to Ark. R. Civ. P. 65, the Parties agree to an extension of this TRO to and up to November 17, 2022, at which time the Plaintiff's Motion for Preliminary Injunction shall be heard.
- 7) All parties agree to the terms of this Order.
- 8) IT IS THEREFORE ORDERED that Defendant City of Fayetteville, Arkansas, its elected officials, administration, staff, Police, and any other department, division, attorney or employee of the City of Fayetteville are hereby prohibited from taking any action to enforce, in any way, including by the provision of any citation to the Plaintiff of any of its employees, Fayetteville Ordinance 6587, codified as Fayetteville Municipal Ordinance 92.04(c), until this matter may be decided by the Court pursuant to the Plaintiff's request for declaratory, injunctive, and legal relief.

Signed this 18th day of August, 2022 at 2:45 A.M./P.M.


Honorable Doug Schrantz
Benton County Circuit Judge

Prepared by:

George M. Rozzell IV, Attorney for Plaintiff