

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTEENTH DIVISION

STATE OF ARKANSAS, ex rel.
TIM GRIFFIN, ATTORNEY
GENERAL

PLAINTIFF

v.

Case No. 60CV-22-2725

FAMILY DOLLAR STORES,
INC.; DOLLAR TREE, INC.;
FAMILY DOLLAR SERVICES,
LLC; and,
FAMILY DOLLAR STORES
OF ARKANSAS, LLC

DEFENDANTS

ORDER DENYING DEFENDANTS'
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION
AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

1. The State of Arkansas, by and through Attorney General Tim Griffin, filed the instant action against Defendants Family Dollar Stores, Inc., Dollar Tree, Inc., Family Dollar Services, LLC, and Family Dollar Stores of Arkansas, LLC for their allegedly respective roles in owning, operating, managing, and controlling a rodent-infested distribution center in West Memphis, Arkansas.

2. Specifically, the State's Amended Complaint alleges that Defendants violated the Arkansas Deceptive Trade Practices Act (ADTPA) by, among other things:

- (a) knowingly making a false representation as to the quality, grade, or standard of goods from the warehouse to consumers in violation of Ark. Code. Ann. § 4-88-107(a)(1);

- (b) knowingly taking advantage of a consumer who is reasonably unable to protect his interest in violation of Ark. Code. Ann. § 4-88-107(a)(8);
- (c) Engaging in other unconscionable, false, or deceptive acts or practices in business, commerce, or trade, in violation of Ark. Code. Ann. § 4-88-107(a)(10);
- (d) using deception, fraud, of false pretense, in violation of Ark. Code. Ann. § 4-88-108(a)(1); and,
- Concealing, suppressing, or omitting a material fact with the intent that consumers rely upon such concealment, suppression, or omission, in violation of Ark. Code. Ann. § 4-88-108(a)(2).

3. The State's Amended Complaint also alleges claims of negligence, gross negligence, strict liability, and unjust enrichment.

4. For these causes of action, the State seeks restitution, civil penalties, injunctive relief, punitive damages, and disgorgement.

5. On January 17, 2024, Defendant filed two Motions to Dismiss. First, Defendants sought to dismiss the entire complaint under Ark. R. Civ. P. 12(b)(6) for failure to state a claim, for the reasons set forth in the Motion and Brief in Support.

6. Additionally, separate Defendant Dollar Tree, Inc. filed a Motion to Dismiss for lack of personal jurisdiction pursuant to Ark. R. Civ. P. 12(b)(2) for the reasons set forth in Dollar Tree, Inc.'s Motion and Brief in Support.

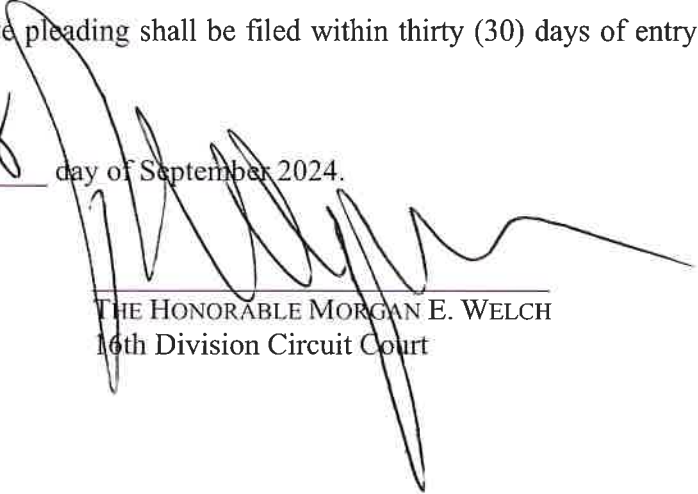
7. The parties briefed the issues extensively, and an oral argument was held before this Court on September 9, 2024.

8. Based on the arguments contained in the briefs, the arguments made before the Court, and the reasons stated by this Court at the close of arguments on September 9, 2024, the

Court hereby **DENIES** Defendants' Motion to Dismiss for Failure to State a Claim and **DENIES** separate Defendant Dollar Tree, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction.

9. Defendants' responsive pleading shall be filed within thirty (30) days of entry of this Order.

IT IS SO ORDERED this 18 day of September 2024.



THE HONORABLE MORGAN E. WELCH
16th Division Circuit Court

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