IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
FIRST DIVISION

RACHEL ANDERSON **PLAINTIFF**

V. **CASE NO. 16JCV-23-2110**

RICK ELLIOTT, Individually and
In his official capacity as Police Chief
Of the City of Jonesboro; and
HAROLD COPENHAVER, Individually
And in his official capacity as Mayor of
The City of Jonesboro **DEFENDANTS**

DEFENDANTS' RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION

I. Introduction

The Plaintiff, Rachel Anderson, filed the Complaint in this matter on December 8, 2023. On that same day, Plaintiff also filed a Motion for a Preliminary Injunction. Plaintiff seeks a preliminary injunction to prevent irreparable harm based on her claim that she was denied a name-clearing hearing in connection with her termination from the Jonesboro Police Department ("JPD"). Plaintiff can prove neither success on the merits of her underlying claim nor that she will be irreparably harmed without the injunction. As a result, her motion should be denied.

II. Background

Plaintiff alleges she was terminated from her position as senior video analyst with the Jonesboro Police Department on November 14, 2023, after she spoke against a bond proposal during a public meeting on November 7, 2023. She opposed what she understood to be a plan in connection with the proposed bond issue that would cause her to be physically located next to police dispatch rather than next to police detectives, which was her preference. Plaintiff received a termination letter from Jonesboro Police Chief Rick Elliott on November 14, 2023, outlining two reasons for her termination. The letter stated (1) Plaintiff's actions and comments at the November 7 meeting violated City and JPD policies and (2) Plaintiff's misuse of her department-issued vehicle violated JPD policies.

> On the evening of November 7, 2023 there was a public hearing on the Bond issue that the city was proposing. You came to this meeting and began your comments by identifying yourself and that you are the senior video analyst of the Real Time Crime Center, therefore the comments you made from that point on were considered to be from a city employee standpoint and speaking on behalf of your division of the department. Upon review, your actions / comments have been determined to have violated City of Jonesboro handbook and JPD policy and the Civilian Code of Ethics.
>
> In addition there have been several complaints on your misuse of your take home unit. Those actions also constitute violations of JPD policy.
>
> Your actions have undermined the trust and confidence that the City has in your current position. As a result effective immediately you are terminated from the City of Jonesboro.

Exhibit B to Pl's Br. in Support of M. for Prelim. Inj.

On November 17, 2023, *The Jonesboro Sun* obtained a copy of the termination letter under a Freedom of Information Act request and published an article quoting from the letter. Exhibit 1, Keith Inman, *Officer fired following public statements*, THE JONESBORO SUN, (Nov. 17, 2023), https://www.jonesborosun.com/news/officer-fired-following-public-statements/article_52bb9a02-4870-5c28-a438-e2266b874178.html. The article also quoted Plaintiff's comments at the

November 7 meeting and comments by City Council Member L.J. Bryant that were critical of Chief Elliott's decision to terminate Plaintiff.

KAIT (channel 8), a television station in Jonesboro, published an article on November 20, 2023, and also quoted Plaintiff's comments at the November 7 meeting, City Council Member L.J. Bryant's criticism of Plaintiff's termination, and Jonesboro Communication Director Bill Campbell's response to Bryant's criticism. Exhibit 2, Chris Carter, *Termination of Jonesboro police department employee sparks outrage, calls for investigation*, KAIT (Nov. 20, 2023), https://www.kait8.com/2023/11/20/termination-jonesboro-police-department-employee-sparks-outrage-calls-investigation/.

On November 20, 2023, Plaintiff appealed her termination by letter. Chief Elliot conducted an appeal hearing with Plaintiff in which he substantiated the first reason (i.e., Plaintiff's actions and comments at the November 7 meeting violated City and JPD policies) for Plaintiff's termination and found insufficient evidence to substantiate the second (i.e., Plaintiff's misuse of her department-issued vehicle violated JPD policies).

KAIT published an additional article on November 21, 2023, in which Plaintiff acknowledged public support for her position.

> In a show of solidarity, the Jonesboro council chambers were filled to capacity as supporters gathered to express their disapproval of Anderson's firing. Anderson, who didn't attend the council meeting, later expressed her gratitude for the community's overwhelming support.
>
> "It is truly humbling to have this type of support. People taking time out of their day, tonight, to speak on my behalf. I didn't know more than half of the people who were here tonight," Anderson remarked. . . .
>
> Anderson, who has appealed her termination, expressed uncertainty about the outcome but mentioned receiving several job offers. The city's communication director noted that the mayor could not provide an interview due to the ongoing appeal process.

Exhibit 3, Chris Carter, *Community defends terminated Jonesboro Police Department employee during city council meeting*, KAIT (Nov. 21, 2023), https://www.kait8.com/2023/11/22/community-defends-terminated-jonesboro-police-department-employee-during-city-council-meeting/. The November 21 article also included a statement from Chief Elliott in which he addressed the factual inaccuracies of Plaintiff's comments on November 7 and explained his decision to terminate Plaintiff:

> This is a person the mayor and I appointed for a specific role after we determined to create a real-time crime center. The mayor created a civilian role for her, upon her request. And I am deeply disappointed that she made misrepresentations and spoke inappropriately.
>
> She knew intentionally that she was undermining the process. She knew the design was in its infancy and her input would be sought when appropriate. So she made a conscious decision that could jeopardize a critical funding stream.
>
> Our Code of Ethics, approved by City Council, says, "Be loyal to the City and Department, and do not speak ill of its policies in a public forum."
>
> Her comments on how the Center functions are not true. It has a multi-function task, and can be performed remotely, and she has accessed it many times at home.
>
> She said of 1,100 cases, all but 100 were investigations. In truth, accident-related video for on-scene and FOIA requests account for most uses.
>
> She said the mayor and his administration "haven't spent 10 minutes in the RTCC in three years since he was elected."
>
> In truth, the mayor is very familiar with the center's operation and daily capabilities. He and Rachel have together made several presentations about it.
>
> She stood before City Council and read a scripted statement that she authored during her work hours. She sent the script to co-worker Wade Shapp for his review and approval. Shapp was ill and said he did not check his email until after the meeting. Without Shapp's consent, she spoke on his behalf.
>
> Her statements and actions are considered to be arrogant and insubordinate, and she certainly spoke ill of a project that is being worked on. Therefore, I felt betrayed by her actions. I no longer have any faith or confidence in her as an employee that she can or will follow my direction of operations in the department.

Ex. 3.

III. Preliminary Injunction Standard

Rule 65 of the Arkansas Rules of Civil Procedure governs the issuance of preliminary injunctions. It requires that a court consider two issues: (1) whether irreparable harm will result in the absence of an injunction, and (2) whether the moving party has demonstrated a likelihood of success on the merits. *City of Jacksonville v. Smith*, 2018 Ark. 87, 5, 540 S.W.3d 661, 665 (2018).

The Arkansas Supreme Court has explained that a party seeking a preliminary injunction must first show "that a failure to issue it will result in irreparable harm to the applicant." *Three Sisters Petroleum v. Langley*, 348 Ark. 167, 175, 72 S.W.3d 95, 100-01 (2002). "The prospect of irreparable harm or lack of an otherwise adequate remedy is the foundation of the power to issue injunctive relief." *Wilson v. Pulaski Ass'n of Classroom Teachers*, 330 Ark. 298, 302, 954 S.W.2d 221, 224 (1997).

A plaintiff must also establish she is likely prevail on the merits at trial. *W.E. Long Co. v. Holsum Baking Co.*, 307 Ark. 345, 351, 820 S.W.2d 440, 443 (1991) (citing *Smith v. American Trucking Ass'n*, 300 Ark. 594, 781 S.W.2d 3 (1989)). The test for determining the likelihood of success is whether there is a reasonable probability of success in the litigation. *Custom Microsystems, Inc. v. Blake*, 344 Ark. 536, 542, 42 S.W.3d at 457-58 (2001). Such a showing "is a benchmark for issuing a preliminary injunction." *Id*.

IV. Argument

Plaintiff cannot prove she is likely to succeed on the merits of her claim that she was unconstitutionally denied the right to a name-clearing hearing. Nor can she show that she will suffer irreparable harm.

A. Likelihood of Success on the Merits

Plaintiff seeks a preliminary injunction in the form of a name-clearing hearing based on her claim for denial of due process under the Arkansas Constitution.[1] Under federal law, an at-will public employee has no right to a hearing in connection with the employee's discharge. *See Bishop v. Wood*, 426 U.S. 341, 348 (1976). An exception to this general rule occurs when a public employer "creates and disseminates a false and defamatory impression about the at-will employee in connection with the discharge." *Correia v. Jones*, 943 F.3d 845, 848-49 (8th Cir. 2019). To establish a claim for deprivation of a liberty interest, Plaintiff must show "(1)[s]he was stigmatized by the statements; (2) those statements were made public by the administrators; and (3) [s]he denied the stigmatizing statements." *Id*.

"The right to a name-clearing hearing is triggered where a public employer makes stigmatizing allegations, in connection with the employee's discharge, in any official or intentional manner." *Id.* "The stigma must be significant, and it usually involves allegations of dishonesty, immorality, racism, or a similar character-demeaning charge." *Id*. The Eighth Circuit has "distinguished claims of general misconduct or unsatisfactory performance from claims involving *direct* dishonesty, immorality, criminality or racism." *Id*.

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[1] In her Complaint alleging that she was denied a name-clearing hearing in violation of her due process rights, Plaintiff cites article 22 of the Arkansas Constitution. There is no article 22 of the Arkansas Constitution. In her Motion for Preliminary Injunction and Brief in Support, Plaintiff cites only federal caselaw.

State constitutional rights to due process have been recognized under article 2, sections 8 and 21. *See, e.g., City of Little Rock v. Alexander Apartments, LLC*, 2020 Ark. 12, at 8, 592 S.W.3d 224, 230 (discussing due process under article 2, section 21); *Bullock's Ky. Fried Chicken, Inc. v. City of Bryant*, 2019 Ark. 249, at 13-14, 582 S.W.3d 8, 17 (discussing due process under article 2, sections 8 and 21). To the extent that Plaintiff is asserting a claim under the Arkansas Constitution that she was denied a name-clearing hearing, undersigned counsel is aware of no Arkansas cases discussing this right.

Initially, Plaintiff's claim fails because there is no evidence that she requested a name-clearing hearing prior to filing her lawsuit. "[A]n employee who fails to request post-termination process cannot later sue for having been deprived of it." *Winskowski v. City of Stephen*, 442 F.3d 1107, 1111 (8th Cir. 2006). In *Winskowski*, the employee failed to request a name-clearing hearing before he filed his lawsuit. The Eighth Circuit explained, "[W]hen suing for deprivation of a name-clearing hearing, a plaintiff must prove that he sought one before litigation. Winskowski's failure to do so here bars any recovery." *Id*. at 1112. Similarly, in *Singer v. Harris*, No. 4:15CV00408 BSM, 2016 U.S. Dist. LEXIS 195647 (E.D. Ark. July 13, 2016), the employee's claim was dismissed for failure to request a name-clearing hearing before filing suit. "Singer was terminated on April 27, 2015. He filed his defamation lawsuit against Harris on May 28, 2015, and Milligan issued his statement on May 29. It was not until June 5, that Singer amended his complaint to allege a name-clearing claim. Singer's failure to request a name-clearing hearing before filing suit 'bars any recovery.'" *Id*. at *7 (quoting *Winskowski*, 442 F.3d at 1111).

In this case, Plaintiff was terminated on November 14, 2023. The first time she requested a name-clearing hearing was in her lawsuit filed on December 8, 2023. Because she failed to seek a name-clearing hearing prior to filing suit, her claim is barred.

In addition, Plaintiff cannot prove she is entitled to a name-clearing hearing based on the statements she alleges in her Complaint and Motion for Preliminary Injunction. Plaintiff claims she was stigmatized by two statements, each of which is addressed below.

1. Chief Elliott's November 14 Termination Letter

In connection with her termination on November 14, Chief Elliott wrote a letter addressed to Plaintiff in which he stated that Plaintiff violated department policies with her comments at the November 7 City Council meeting and her misuse of a police vehicle. The November 14

termination letter does not meet the elements required to establish a right to a name-clearing hearing.

The November 14 termination letter was not a public statement. An essential element of a deprivation of liberty interest claim is that the employer make the stigmatizing allegations public. *See Brockell v. Norton*, 688 F.2d 588, 592 (8th Cir. 1982) ("Liberty interests are not violated by the private disclosure of reasons for discharge from public employment 'when there is no public disclosure of the reasons for the discharge.'") (quoting *Bishop v. Wood*, 426 U.S. 341, 348 (1976)). Chief Elliot wrote the November 14 termination letter and delivered it to Plaintiff after a private meeting with Plaintiff. Chief Elliott did not make the letter public. Contents of the letter were made public only after *The Jonesboro Sun* obtained the letter through a FOIA request and published an article on November 17, 2023. There is no evidence Chief Elliott caused the article to be published. Because Plaintiff cannot prove Chief Elliott made the November 14 letter public, she cannot establish her claim that her due process rights were violated. *See Merritt v. Reed*, 120 F.3d 124, 126 (8th Cir. 1997) ("Because Merritt has failed to show that defendants Reed or Lanehart published the reasons for his dismissal, he has failed to establish a violation of a liberty interest.").

The fact that the termination letter was released under FOIA does not mean that Chief Elliott made the letter public. *See Brockell v. Norton*, 688 F.2d 588, 592 n.5 (8th Cir. 1982) ("The record does not establish that any of this publicity was initiated by the appellees; thus, even assuming that the content of these articles might infringe a protectable liberty interest of Brockell, any such infringement cannot be attributed to the appellees."). First, there is no evidence that Chief Elliott produced the letter in response to *The Jonesboro Sun's* FOIA request. "Government officials are personally liable only for their own misconduct." *S.M. v. Krigbaum*, 808 F.3d 335, 340 (8th Cir. 2015).

Second, the release of information in response to a FOIA request is privileged under Arkansas law. "A communication is held to be qualifiedly privileged when it is made in good faith upon any subject-matter in which the person making the communication has an interest or in reference to which he has a duty, and to a person having a corresponding interest or duty, although it contains matters which, without such privilege, would be actionable." *Wal-Mart Stores, Inc. v. Lee*, 348 Ark. 707, 735, 74 S.W.3d 634, 653 (2002). Courts have held that the release of statements pursuant to state FOIA laws does not meet the publication element for due process claims. *See, e.g.*, *Austin v. Marion Cty. Hous. Auth.*, No. 3:17-cv-00005-DRH-SCW, 2017 U.S. Dist. LEXIS 89934, at *15-16 (S.D. Ill. June 12, 2017) ("It is undisputed that defendants complied with Illinois law in producing FOIA information requested by the local newspaper. Under these circumstances Austin lacks a legitimate basis for satisfying the "stigma-plus" standard because she cannot allege prong 2 of the analysis-that defendants' conduct caused an injury to her reputation."); *Koval v. City of Chicago*, No. 16 CV 7341, 2017 U.S. Dist. LEXIS 58566, at *11 n.4 (N.D. Ill. Apr. 18, 2017) ("FOIA compliance is not a 'publication' that gives rise to constitutional tort liability.").

Nor can Plaintiff establish that statements in the November 14 termination letter caused her stigma. Not all negative charges are stigmatizing. "An employee's liberty interests are implicated where the employer levels accusations at the employee that are so damaging as to make it difficult or impossible for the employee to escape the stigma of those charges." *Winegar v. Des Moines Indep. Cmty. Sch. Dist*., 20 F.3d 895, 899 (8th Cir. 1994). This stigma may be established where the employee is accused of actions involving "dishonesty, immorality, criminality, [and] racism . . . ." *Id*. "It is not enough that the employer's stigmatizing conduct has some adverse effect on the employee's job prospects; instead, the employee must show that the stigmatizing actions make it virtually impossible for the employee to find new employment in his chosen field."

Bordelon v. Chi. Sch. Reform Bd. of Trs., 233 F.3d 524, 531 (7th Cir. 2000); *Miley v. Housing Auth. of City of Bridgeport*, 926 F. Supp. 2d 420, 432-33 (D. Conn. 2013) ("Courts have routinely held that 'merely conclusory allegations that Plaintiff was stigmatized, that her reputation was substantially damaged and that she lost professional standing are insufficient without factual support to allege a plausible stigma-plus claim.") (collecting cases). The charges must be false. *Codd v. Velger*, 429 U.S. 624, 628 (1977).

The November 14 termination letter states that Plaintiff spoke at the November 7 hearing, that she identified herself as the senior video analyst in the JPD, and that her "actions/comments have been determined to have violated Jonesboro handbook and JPD policy and the Civilian Code of Ethics." Exhibit B to Pl's Br. in Support of M. for Prelim. Inj. The letter goes on to state that "there have been several complaints on your misuse of your take home unit" and that Plaintiff's "actions have undermined the trust and confidence that the City has in your current position." *Id*. Nothing in those statements is false, and Plaintiff has not denied those statements. *Correia v. Jones*, 943 F.3d 845, 849 (8th Cir. 2019) (stating that one element of a claim for deprivation of a liberty interest is that the plaintiff "has denied the stigmatizing statements"). Nor do the statements amount to an attack on Plaintiff's character, such as accusations of "dishonesty, immorality, criminality, racism, and the like." *Winegar*, 20 F.3d at 899 (finding that allegations of unjustified child abuse were sufficiently stigmatizing).

Plaintiff's own comments to the media after her termination show that she has not been stigmatized. Plaintiff described overwhelming public support for her position and had even received "several job offers" in the first week after her termination.

> In a show of solidarity, the Jonesboro council chambers were filled to capacity as supporters gathered to express their disapproval of Anderson's firing. Anderson, who didn't attend the council meeting, later expressed her gratitude for the community's overwhelming support.

> "It is truly humbling to have this type of support. People taking time out of their day, tonight, to speak on my behalf. I didn't know more than half of the people who were here tonight," Anderson remarked. . . .
>
> Anderson, who has appealed her termination, expressed uncertainty about the outcome but mentioned receiving several job offers. The city's communication director noted that the mayor could not provide an interview due to the ongoing appeal process.

Ex. 3, Chris Carter, *Community defends terminated Jonesboro Police Department employee during city council meeting*, KAIT (Nov. 21, 2023), https://www.kait8.com/2023/11/22/community-defends-terminated-jonesboro-police-department-employee-during-city-council-meeting/.

Plaintiff cannot prove that she is likely to succeed on the merits of her claim that the November 14 termination letter was issued as a public statement that caused her stigma sufficient to deprive her of a constitutionally protected liberty interest.

2. Chief Elliott's November 21 Statement to Media

On November 21, Chief Elliott issued a statement to the media in response to Plaintiff's charges that she was unfairly terminated from her position with the Real Time Crime Center. In his statement, Chief Elliott focused on the reason he felt "betrayed" and "disappointed" by Plaintiff's comments at the November 7 hearing: "She knew intentionally that she was undermining the process. She knew the design was in its infancy and her input would be sought when appropriate." Ex. 3. He disputed the accuracy of Plaintiff's comments about the Mayor's lack of familiarity with the Real Time Crime Center: "In truth, the mayor is very familiar with the center's operation and daily capabilities. He and Rachel have together made several presentations about it." *Id*. Chief Elliott concluded his November 21 statement by explaining that he "considered" Plaintiff's actions "to be arrogant and insubordinate." *Id*.

These statements do not amount to the type of stigmatization that is required to prove a constitutional deprivation of a liberty interest. Plaintiff focuses on the phrase "arrogant and insubordinate." The Eighth Circuit has directly held that "allegations of misconduct and insubordination [do] not rise to the requisite level of constitutional stigma." *Mascho v. Gee*, 24 F.3d 1037, 1039 (8th Cir. 1994).

In *Shands v. Kennett*, 993 F.2d 1337 (8th Cir. 1993), the City of Kennett's decision to hire a full-time fire chief "stirred up considerable controversy within the fire department." Several members of the fire department convinced a city council member to table the hiring of the fire chief at a city council meeting. *Id*. at 1341. The motion was defeated and the council voted to hire the fire chief. *Id*. Once hired, the fire chief, John Mallott, dismissed the members of the fire department who had opposed him from their positions. *Id*. Most of the remaining members walked out the next day in protest of the discharges. *Id*. The discharges and the walkout received "considerable media coverage in Kennett." *Id*. Mallott gave statements to the media in which he said the reason he discharged the fire fighters was due to their insubordination:

> Linda Redeffer, a reporter for the *Daily Dunklin Democrat*, wrote a series of articles about the fire department following the discharges. In an April 11 interview, Mallott told Redeffer that the discharges were the result of "a personnel matter that was dealt with according to city policy." **In a subsequent interview, Mallott told Redeffer that the men had been "insubordinate to a standing order to city policy."** Mayor Karsten and Councilman Talley, chairman of the fire department committee, also spoke with Redeffer about the discharges and the walkout. In addition to speaking with Redeffer, **Mallott told a television news reporter that the firemen had been discharged for acts of misconduct and insubordination**.

Id. at 1341-42 (emphases added).

The Eighth Circuit held that Mallott's comments "did not create the level of stigma required to implicate a constitutionally protected liberty interest." *Id*. at 1347.

> An employee's liberty interest is implicated where the employer levels accusations at the employee that are so damaging as to make it difficult or impossible for

> the employee to escape the stigma of those charges. The requisite stigma has generally been found in cases in which the employer has accused the employee of dishonesty, immorality, criminality, racism, or the like. **A charge of insubordination alone is normally insufficient to implicate a liberty interest.** Although misconduct could conceivably include accusations serious enough to implicate a liberty interest, the general allegation of misconduct in this case does not by itself rise to the level of constitutional stigma.

Id. (emphasis added).

Likewise, here, Chief Elliott's statement that he considered Plaintiff's actions to be arrogant and insubordinate does not rise to the requisite level of constitutional stigma. Plaintiff is unable to show that she has been stigmatized to the point that that it would be "virtually impossible for the employee to find new employment in his chosen field." *Bordelon*, 233 F.3d at 531. Rather, as mentioned above, Plaintiff has received overwhelming public support and "several job offers" in the first week after her termination.

Additionally, Chief Elliott's November 21 statement does not implicate Plaintiff's liberty interests because he was expressing his opinion, rather than conveying a concrete, false statement. That he "considered" Plaintiff's actions "to be arrogant and insubordinate" is an opinion that cannot be challenged as "false." For this reason, courts have held that a plaintiff must show the public employer made "concrete, false assertions of wrongdoing on the part of the plaintiff," not offer mere "opinion" about the employee. *Gordon v. Univ. of Tex. Med. Branch*, 700 F. App'x 350, 351 (5th Cir. 2017); *Blackburn v. City of Marshall*, 42 F.3d 925, 936 (5th Cir. 1995) ("Williams' statement voicing his opinion about Blackburn's attitude does not constitute a false factual representation.").

B. Irreparable Harm

Under Arkansas law, irreparable harm is "the touchstone of injunctive relief." *United Food & Commercial Workers Int'l Union v. Wal-Mart Stores, Inc.*, 353 Ark. 902, 905-07, 120 S.W.3d

89, 92 (2003). Harm is normally only considered irreparable when it cannot be adequately compensated by money damages or redressed in a court of law. *AJ & K Operating Co., Inc. v. Smith*, 355 Ark. 510, 140 S.W.3d 475 (2004).

In her Brief in Support of Motion for Preliminary Injunction, Plaintiff argues that Chief Elliot's statements have caused her irreparable harm in two ways: (1) her ability to secure employment and (2) her reputation in the community. Plaintiff does not elaborate and offers no evidence in support of her claims of irreparable harm.

The first allegation of harm—to Plaintiff's ability to secure employment—is belied by her statements to the media that she has received "several job offers" within the first week after her termination. *See* Ex. 3. And even were the allegation true, it would not be irreparable harm. "These arguments are available anytime an employment contract is terminated. . . . No ground is lost by the denial of the interlocutory order which cannot be recouped in a court of law by a favorable judgment and an award of money damages." *Kreutzer v. Clark*, 271 Ark. 243, 244-45, 607 S.W.2d 670, 671 (1980). If Plaintiff is able to prove at trial that her employability has in fact been affected by Chief Elliot's statements, then she will be able to put on proof in order to be fully compensated by money damages.

The second allegation of harm—to Plaintiff's reputation—is not irreparable harm. Arkansas courts have repeatedly held that reputational harm is not the type of irreparable harm for which a preliminary injunction may be issued. *See, e.g.*, *Baptist Health v. Murphy*, 365 Ark. 115, 131, 226 S.W.3d 800, 813 (2006) ("[T]he alleged potential damage to professional reputations does not justify a finding of irreparable harm sufficient for the issuance of a preliminary injunction."); *Kreutzer*, 271 Ark. at 244-45, 607 S.W.2d at 671 (stating that it "could not more forcefully disagree" with the notion that an injunction should issue due to "alleged harm

to [the plaintiff's] professional reputation"); *Wait v. Elmen*, 2017 Ark. App. 648, 2017 Ark. App. LEXIS 736, *6 ("[O]ur supreme court has held that reputational damage does not constitute irreparable harm sufficient to warrant the granting of a preliminary injunction.").

V. Conclusion

For the foregoing reasons, Defendants request the Court deny Plaintiff's Motion for Preliminary Judgment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Chris Stevens, hereby certify that on this 22nd day of December, 2023, I filed a copy of the foregoing with the Court's electronic filing system, which shall send notice to all counsel of record.

/s/ Chris Stevens