

Paul SCHLAF and Scott Harford *v.* Sharon PRIEST, Secretary  
of State, and Frank Gilbert

96-1037

929 S.W.2d 164

Supreme Court of Arkansas  
Opinion delivered October 14, 1996

ELECTIONS — SUPREME COURT CONCERNED ONLY WITH LEGAL ISSUES  
PERTAINING TO POPULAR NAME AND BALLOT TITLE — UNNECESSARY  
TO APPOINT SPECIAL MASTER OR TO ORDER DISCOVERY. — Where  
petitioners clearly stated in their earlier motion to expedite that they  
did not intend to offer proof on the factual allegations contained in  
their original petition challenging the sufficiency of Proposed  
Amendment 9, the supreme court would be concerned only with the  
legal issues pertaining to the popular name and ballot title, and it was  
unnecessary to appoint a special master or to order discovery in the  
case; the court denied petitioners' motions for judgment as a matter of  
law and to appoint a special master.

Motion for Judgment as a Matter of Law denied; Motion to  
Appoint Special Master denied.

*Oscar Stilley*, for petitioners.

*Kelly Law Firm, PLC*, by: *A.J. Kelly*, for respondent Frank  
Gilbert.

PER CURIAM. In this original action, Respondent Frank Gil-  
bert has filed a response to Petitioners' motion to expedite and has  
moved the Court for judgment as a matter of law as to the factual  
allegations contained in the original petition. Mr. Gilbert moves in  
the alternative for appointment of a special master pursuant to Ark.  
Sup. Ct. R. Rule 6-5(b), and he asks the Court to compel the  
Petitioners to respond to his requests for discovery.

[1] Petitioners filed a motion to expedite on October 1,  
1996. We granted the motion on October 7, 1996, relying on  
Petitioners' statement that their challenge to the sufficiency of Pro-  
posed Amendment 9 would concern only legal issues. Petitioners  
clearly stated in their motion that they did not intend to offer proof  
on the factual allegations contained in their original petition; thus,  
we will be concerned only with the legal issues pertaining to the  
popular name and ballot title. It is unnecessary to appoint a special

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master or to order discovery in this case, and we deny the motions.

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