

Cite as 2015 Ark. 321

SUPREME COURT OF ARKANSAS

No. CV-15-677

CORINA MENDOZA

PETITIONER

V.

WIS INTERNATIONAL, INC., AND
ANTHONY ADAMS
WASHINGTON INVENTORY
SERVICES, INC.

RESPONDENTS

Opinion Delivered September 17, 2015REQUEST TO CERTIFY
QUESTION OF LAW FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF ARKANSAS,
WESTERN DIVISIONCERTIFIED QUESTION ACCEPTED.**PER CURIAM**

In accordance with section 2(D)(3) of Amendment 80 to the Arkansas Constitution and Rule 6-8 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas, the Honorable James M. Moody, Jr., of the United States District Court for the Eastern District of Arkansas, Western Division, has filed a motion and certification order with our clerk on August 24, 2015. The certifying court requests that we answer a question of Arkansas law that may be determinative of a cause now pending in the certifying court, because it appears to the certifying court that there is no controlling precedent in the decisions of the Supreme Court of Arkansas.

Having reviewed the certifying court's explanation of the need for this court to answer the question of law pending in that court, we accept certification of the following question:

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Under the facts of this case, does Arkansas Code Annotated section 27-37-703, which restricts the admissibility of seatbelt-nonuse evidence in civil actions, violate the separation-of-powers doctrine found in article IV, section 2, of the Arkansas Constitution?

This per curiam order constitutes notice of our acceptance of the certification of this question of law. For purposes of the pending proceeding in this court, the following requirements are imposed:

A. Time limits will be calculated from the date of this per curiam order accepting certification. The plaintiff in the underlying action, Corina Mendoza, is designated as the moving party and will be denoted as the “Petitioner,” and her brief is due thirty days from the date of this per curiam. The defendants, WIS International, Inc., and Anthony Adams, Washington Inventory Services, Inc., shall be denoted as the “Respondents,” and their briefs shall be due thirty days after the filing of Petitioner’s brief. Petitioner may file a reply brief within fifteen days after Respondents’ briefs have been filed.

B. The briefs shall comply with this court’s rules as in other cases except for the briefs’ content. Only the following items required in Arkansas Supreme Court Rule 4-2(a) shall be included:

(3) Point on appeal which shall correspond to the certified question of law to be answered in the federal district court’s certification order.

(4) Table of authorities.

(6) Statement of the case which shall correspond to the facts relevant to the certified question of law as stated in the federal district court’s certification order.

(7) Argument.

(8) Addendum.

(9) Cover for briefs.

C. Oral argument will be permitted only if this court concludes that it will be helpful for presentation of the issues.

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D. Arkansas Supreme Court Rule 4-6 with respect to amicus curiae briefs will apply.

E. This matter will be processed as any case on appeal.

F. Rule XIV of the Rules Governing Admission to the Bar shall apply to the attorneys for the Petitioner and the Respondents.

Pursuant to Arkansas Supreme Court Rule 6-8(d), we request that the parties include in the addendum the following pleadings: the complaint; the answer, if any; the motion to dismiss; and any responses, replies, and briefs in support thereof. The parties should also include any pleadings that will be useful to our understanding of the legal issues presented.

Certified question accepted.