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SUPREME COURT OF ARKANSAS

No. CV-18-585

WYNNE-ARK., INC., D/B/A
KELLEY'S RESTAURANT

PETITIONER

V.

RICHARD BAUGHN
CONSTRUCTION

RESPONDENT

Opinion Delivered: August 2, 2018

APPEAL FROM THE CROSS
COUNTY CIRCUIT COURT
[NO. 19CV-2014-46-2]

HONORABLE RICHARD L.
PROCTOR, JUDGE

DISSENTING OPINION.

JOSEPHINE LINKER HART, Associate Justice

I would grant Wynne-Ark., Inc.'s petition for interlocutory appeal. This court permitted an interlocutory appeal on the exact same issue between the exact same parties in the exact same case on March 30, 2017, after the circuit court had granted the respondent's motion to compel the production of the settlement agreement in question. This court then transferred the matter to the Arkansas Court of Appeals. Instead of deciding the issue on the merits, the Arkansas Court of Appeals remanded the case to the circuit court, ruling that the circuit court had reached its decision without conducting the appropriate legal analysis. On remand, the circuit court, after conducting the analysis set forth in the court of appeals' opinion, again determined that the respondent's motion to compel should be granted. It is from this decision that the petitioners now seek to appeal. I see no reason why the question of whether the petitioners should be permitted to pursue an interlocutory appeal should be

treated any differently at this juncture from the way we treated it just over one year ago.

Accordingly, I would grant Wynne-Ark., Inc.'s petition for interlocutory appeal.