

SUPREME COURT OF ARKANSAS

No. 10-105

RHONDA CALAWAY

PETITIONER

V.

PRACTICE MANAGEMENT SERVICES,
INC., AND RICHARD JOHNS, M.D.
RESPONDENTS

Opinion Delivered February 12, 2010

REQUEST TO CERTIFY QUESTION
OF LAW FROM THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
(WESTERN DIVISION)

CERTIFIED 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, Judge Susan Webber Wright, of the United States District Court for the Eastern District of Arkansas, filed a motion and certifying order with our clerk on February 1, 2010. The certifying court requests that we answer one question of Arkansas law that may be determinative of a cause now pending in the certifying court, and it appears to the certifying court that there is no controlling precedent in the decisions of the Arkansas Supreme Court.

The law in question involves whether an individual supervisor can be held personally liable for alleged acts of retaliation under the Arkansas Civil Rights Act, Ark. Code Ann. § 16-123-108(a).

After a review of the certifying court's analysis and explanation of the need for this



Cite as 2010 Ark. 69

court to answer the question of law presently pending in that court, we accept certification of the following question:

Can an individual supervisor be held personally liable for alleged acts of retaliation prohibited under Ark. Code Ann. § 16-123-108(a), the anti-retaliation provision of the Arkansas Civil Rights Act?

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

- A. Time limits under Ark. Sup. Ct. R. 4-4 will be calculated from the date of this per curiam order accepting certification. The plaintiff in the underlying action, Rhonda Calaway, is designated 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, Practice Management Services, Inc., and Richard Johns, M.D., shall be denoted as the “Respondents,” and their brief shall be due thirty days after the filing of Petitioner’s brief. Petitioner may file a reply brief within fifteen days after Respondents’ brief is 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 Ark. Sup. Ct. R. 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, if necessary and appropriate.
 - (9) Cover for briefs.



Cite as 2010 Ark. 69

- C. Oral argument will be permitted only if this court concludes that it will be helpful for presentation of the issue.
- D. Ark. Sup. Ct. R. 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.

Certified question accepted.

Chisenhall, Nestrud & Julian, P.A., by: *Denise R. Hoggard* and *Heather G. Moody*, for petitioner.

Friday, Eldredge & Clark, LLP, by: *H. Wayne Young, Jr.*, and *Bradley S. Runyon*, for respondents.