

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS**  
**CIVIL DIVISION**

**COURTNEY RAE HUDSON**

**PLAINTIFF**

v.

**CASE NO.: 60CV-24-7576**

**ARKANSAS ADMINISTRATIVE OFFICE  
OF THE COURTS;  
SUPREME COURT OFFICE OF PROFESSIONAL CONDUCT;  
MARTY SULLIVAN, EXECUTIVE DIRECTOR OF THE  
ADMINISTRATIVE OFFICE OF THE COURTS; and  
CHARLENE FLEETWOOD, ACTING DIRECTOR  
OF THE OFFICE OF PROFESSIONAL CONDUCT**

**DEFENDANTS**

**MOTION TO INTERVENE**

Mark Friedman (“Mr. Friedman”), and Five Legged Stool, LLC, doing business as Arkansas Business Publishing Group (“Arkansas Business”) for their Motion to Intervene pursuant to Ark. R. Civ. P. 24, states:

1. Mr. Friedman is a reporter with Arkansas Business and a citizen and resident of Pulaski County, Arkansas.
2. Arkansas Business is an Arkansas limited liability company with its principal place of business in Pulaski County, Arkansas.
3. On August 23, 2024, Mr. Friedman and Arkansas Business submitted a FOIA request to Marty Sullivan, Director of the Administrative Office of the Courts and Charlene Fleetwood, interim Executive Director of the Office of Professional Conduct. A copy of the FOIA request is attached hereto and incorporated herein as Exhibit 1.

4. Plaintiff Courtney Rae Hudson (“Justice Hudson”) filed her Complaint for Injunction and Preliminary Relief on September 6, 2024.

5. Neither Arkansas Business nor Mr. Friedman were made parties to this action, although it is their FOIA request to which Justice Hudson objects.

6. Specifically, Justice Hudson asserts the FOIA request must be directed to her because, she argues, she is the custodian of her correspondence. Justice Hudson further asserts that the requested documents are exempt under the Arkansas Freedom of Information Act.

7. Arkansas Business and Mr. Friedman have an interest in the application of the Arkansas Freedom of Information Act to their FOIA request, which is not completely protected by any current party to this action. Justice Hudson placed the defendants in an awkward position because she is a sitting Justice on the Arkansas Supreme Court, and it is unlikely defendants will protect the interests of Arkansas Business and Mr. Friedman.

8. Arkansas Business and Mr. Friedman are entitled to intervene in this action as a matter of right pursuant to Ark. R. Civ. P. 24(a)(2), or alternatively, under Ark. R. Civ. P. 24(b) as a matter of this Court’s discretion.

WHEREFORE, Mr. Friedman and Five Legged Stool, LLC, doing business as the Arkansas Business Publishing Group, pray that they be permitted to intervene in this matter and for all other proper relief.

Respectfully submitted,

QUATTLEBAUM, GROOMS & TULL PLLC  
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Little Rock, Arkansas 72201  
Telephone: (501) 379-1700  
Facsimile: (501) 371-1701  
jtull@qgtlaw.com  
wyandell@qgtlaw.com

*/s/ John E. Tull III*

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John E. Tull III (84150)

William T. Yandell (2023160)

*Attorneys for Intervenors Mark Friedman  
and Five Legged Stool, LLC, d/b/a  
Arkansas Business Publishing Group*

**CERTIFICATE OF SERVICE**

I, John E. Tull, hereby certify that on this 10th day of September 2024, I electronically filed the foregoing with the Clerk of the Court using the AOC eFlex electronic filing system, which shall send notification of such filing to all counsel of record.

Mr. Justin C. Zachary  
Mr. Joe Denton  
Mr. Andrew Norwood  
Denton, Zachary & Norwood PLLC  
2100 Riverdale Road, Suite 200A  
Little Rock, AR 70234

John E. Tull III  
John E. Tull III

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[To be used when required by Administrative Order No. 2 (g)\*]

COURT: CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

Docket/Case Number: **60CV-24-7576**

CASE NAME:

PLAINTIFF/

PETITIONER: **COURTNEY RAE HUDSON**

DEFENDANTS/

RESPONDENTS: **ARKANSAS ADMINISTRATIVE OFFICE  
OF THE COURTS; SUPREME COURT OFFICE  
OF PROFESSIONAL CONDUCT; MARTY SULLIVAN, EXECUTIVE DIRECTOR OF  
THE ADMINISTRATIVE OFFICE OF THE COURTS; and  
CHARLENE FLEETWOOD, ACTING DIRECTOR OF THE OFFICE OF  
PROFESSIONAL CONDUCT**

TITLE OF PLEADING OR DOCUMENT BEING FILED:

**EXHIBIT 1 TO MOTION TO INTERVENE**

From: **Charlene A. Fleetwood** <[Charlene.Fleetwood@arcourts.gov](mailto:Charlene.Fleetwood@arcourts.gov)>

Date: Fri, Aug 23, 2024 at 11:27 AM

Subject: RE: FOI Request

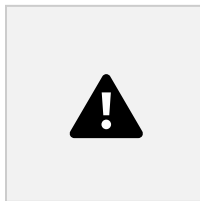
To: Mark Friedman <[mfriedman@abpg.com](mailto:mfriedman@abpg.com)>

Cc: Marty E. Sullivan <[Marty.Sullivan@arcourts.gov](mailto:Marty.Sullivan@arcourts.gov)>

Mr. Friedman,

Please let this email serve as confirmation that I received your FOIA request below. I will be out of the office all next week but please note that your request will be reviewed, and a response will be provided as soon as possible upon my return.

Best regards,



Charlene A. Fleetwood  
Deputy Director/Interim Executive Director  
Arkansas Supreme Court  
Office of Professional Conduct  
501 Woodlane St #520S  
Little Rock, AR 72201-1023  
501-376-0313, 1-800-506-6631  
Fax: 501-376-3438

**From:** Mark Friedman <[mfriedman@abpg.com](mailto:mfriedman@abpg.com)>

**Sent:** Friday, August 23, 2024 9:47 AM

**To:** Marty E. Sullivan <[Marty.Sullivan@arcourts.gov](mailto:Marty.Sullivan@arcourts.gov)>; Charlene A. Fleetwood <[Charlene.Fleetwood@arcourts.gov](mailto:Charlene.Fleetwood@arcourts.gov)>

**Subject:** FOI Request

Hello thank you for your email last month involving my Freedom of Information Act request. I've made some changes to the wording of the request and I've added one more request.

Under the Freedom of Information Act, I am requesting copies of the following:

# Any and all communications, which includes but is not limited to, any emails, text messages, electronic communications, files, interoffice memoranda or communications, between Lisa Ballard and Linda Napper since Jan. 1, 2023. I am not seeking any records involving unpublished memoranda, working papers, and correspondence of the Governor, members of the General Assembly, Supreme Court Justices, Court of Appeals Judges, and the Attorney General.

**EXHIBIT**

**1**

# Any and all communications, which includes but is not limited to, any emails, text messages, electronic communications, files, interoffice memoranda or communications, between Lisa Ballard and Allison Hatfield since Jan. 1, 2023. I am not seeking any records involving unpublished memoranda, working papers, and correspondence of the Governor, members of the General Assembly, Supreme Court Justices, Court of Appeals Judges, and the Attorney General.

# Any and all communications, which includes but is not limited to, any emails, text messages, electronic communications, files, interoffice memoranda or communications, between Lisa Ballard and Ann Laidlaw since Jan. 1, 2023. I am not seeking any records involving unpublished memoranda, working papers, and correspondence of the Governor, members of the General Assembly, Supreme Court Justices, Court of Appeals Judges, and the Attorney General.

# Any and all communications, which includes but is not limited to, any emails, text messages, electronic communications, files, interoffice memoranda or communications, between Lisa Ballard and Doug Smith since Jan. 1, 2023. I am not seeking any records involving unpublished memoranda, working papers, and correspondence of the Governor, members of the General Assembly, Supreme Court Justices, Court of Appeals Judges, and the Attorney General.

# Any and all communications, which includes but is not limited to, any emails, text messages, electronic communications, files, interoffice memoranda or communications, between Lisa Ballard and Courtney Hudson since Jan. 1, 2023. I am not seeking any records involving unpublished memoranda, working papers, and correspondence of the Governor, members of the General Assembly, Supreme Court Justices, Court of Appeals Judges, and the Attorney General.

If you have any questions, please give me a call at 501-455-9277.

I would like to receive the records in electronic form. My email address is [MFriedman@ABPG.com](mailto:MFriedman@ABPG.com).

If that isn't possible, I can make arrangements to pick the records up.

Thank you again,  
Mark