

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

BONNIE HEATHER MILLER, ROBERT
WILLIAM ALLEN, ADELLA DOZIER
GRAY, and ARKANSAS VOTERS FIRST,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as Secretary of State of Arkansas,

Defendant.

Case No. 5:20-cv-05070-pkh

Hon. Paul K. Holmes, III

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

EXHIBIT 7

Little Rock Curfew Order issued on March 26, 2020

Declaration of Local Disaster Emergency

March 26, 2020

CITY OF LITTLE ROCK, ARKANSAS

Office of the Mayor

EXECUTIVE ORDER TO AMEND THE LITTLE ROCK EXECUTIVE ORDER OF MARCH 12, 2020, FOR THE PURPOSE OF EXTENDING A NIGHTTIME CURFEW WITHIN THE CITY OF LITTLE ROCK, ARKANSAS, FROM 9:00 PM TO 5:00 AM TO LIMIT THE SPREAD OF COVID-19.

I, Frank Scott, Jr., duly elected and serving Mayor of the City of Little Rock, Arkansas, and the chief executive officer of the City, do hereby further declare a local disaster emergency as a result COVID-19 previously declared a pandemic by the World Health Organization, a national state of emergency by President Donald J. Trump, and a disaster emergency within the State of Arkansas by Governor Asa Hutchinson in Executive Order 20-03, as amended or enhance in Executive Orders 20-04, 20-05, 20-06, 20-07, and 20-08, and state:

WHEREAS, on March 12, 2020, I, Frank Scott, Jr., Mayor of the City of Little Rock, Arkansas, issued a emergency proclamation pursuant to the authority provided in the Arkansas Emergency Services Act of 1983, as amended, which declared the City to be in a state of emergency because of COVID-19 and authorized the implementation of the City Emergency Response Framework; and

WHEREAS, on March 17, 2020, there were 24 positive diagnoses of COVID-19 within the State of Arkansas; and,

WHEREAS, on that date I declared a night time curfew between the hours of 12:00 midnight to 5:00 a.m. for all persons within the City; and,

WHEREAS, as of 7:35 pm on March 25, 2020, there are 308 confirmed cases of COVID-19 in Arkansas, and there have been two deaths within the State; and,

WHEREAS, within the last 24 hours Dr. Greg Bledsoe, the Surgeon General of the State of Arkansas, announced a coming “wave” of COVID-19 infections,

and urged citizens of Arkansas to abide social distancing and quarantine restrictions; and,

WHEREAS, a violation of the night time curfew included in this Declaration of Local Disaster Emergency will adversely impact the City's ability to protect the public health and safety from COVID-19 because the more people are outside and interacting with others increase the already demonstrated risk of an individual who has tested positive for the disease, or who comes into contact with another person who has tested positive for the disease, or is in fact carrying the virus, can readily spread the infection to others; positive individual spreading the infection to others; and,

WHEREAS, this exercise of the City's police powers and its emergency management functions to address public health and medical issues, and all other activities necessary or incidental to the preparedness, mitigation, response, recovery and prevention for a such functions within the City is authorized by Ark. Code Ann. § 12-75-108, and other provisions of the Arkansas Emergency Services Act of 1974 in fulfilment of the responsibility of the City to protect lives and property, it is important to minimize and reduce the risks of transfer of COVID-19:

I, Mayor Frank Scott, Jr., declare the following for the City of Little Rock, Arkansas:

Section 1. Nothing in this Declaration of Local Disaster Emergency shall be utilized to interfere with commerce within the corporate limits of the City provided that no persons congregate, are in public, or otherwise remain outside in violation of the curfew;

Section 2. A night time curfew between the hours of 9:00 p.m. until 5:00 a.m. the following morning will take effect at 12:01 a.m., Thursday, March 26, 2020, subject to the following:

a. All persons within the City not engaged in one of the following listed activities shall remain indoors during the hours of the night time curfew;

b. Activities not impacted by this curfew shall include driving or riding in an automobile, or other motor vehicle designed to carry passengers:

, **(i)** to or from work or a place of business within the City;

(ii) to or from seeking medical assistance, medication, or contact with a local, county, state, or federal emergency service including law enforcement, firefighting, and emergency medical transportation;

(iii) to or from a location outside the corporate limits of the City; or,

(iv) in the performance of a work duty, such as to check on, or inspect or repair equipment or facilities of a business authorized to do business in the State of Arkansas.

Section 3. This night time curfew will be in effect until further notice, but in no event will it remain in effect for no more than 120 days from the date of its execution and filing with the Little Rock City Clerk without a formal action to continue or renew it is taken by the Little Rock Board of Directors;

Section 4. Because the purpose of this night time curfew is exercised pursuant to City police powers, the Chief of Police and members of the Little Rock Police Department, as well as the Fire Chief and Little Rock Fire Marshalls, are directed that upon contact with any person who appears to be in violation of the hours of the curfew to do the following:

a. Inform them of the hours of the curfew and that it is necessary to return to a residence immediately until the end of the current curfew period;

b. Assist them as possible to return to such a residence;

c. To issue a citation only for other criminal misdemeanour offenses committed in the officer's presence, including but not limited to obstruction of governmental operations, or disorderly conduct, if an individual fails to comply with this lawful order of a law enforcement officer to obey the night time curfew.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the City of Little Rock, Arkansas to be affixed this 26th day of March, in the year of our Lord 2020.


Frank Scott, Jr. Mayor

ATTESTATION

STATE OF ARKANSAS)

) ss

COUNTY OF PULASKI)

I, Susan Langley, City Clerk for the City of Little Rock, Arkansas, do hereby attest and certify that Mayor Frank Scott, Jr., a person known to me, appeared before me this 26th day of March 2020 and signed the foregoing Declaration of Local Disaster Emergency in my presence, and directed that I file this document in the public records of the City of Little Rock, Arkansas.



Susan Langley
City Clerk

My Commission Expires:

