

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

**INCORPORATORS OF THE  
COMMUNITY KNOWN AS  
LITTLE ITALY**

**PETITIONER/PLAINTIFF**

**VS.**

**CASE NO.:** \_\_\_\_\_

**PULASKI COUNTY**

**RESPONDENT/DEFENDANT**

**NOTICE OF APPEAL**

The Incorporators of the Community Known as Little Italy (the “Petitioners”), for their notice of appeal, state as follows:

1. The Petitioners are qualified voters residing within Pulaski County, Arkansas.
2. Pulaski County is a political subdivision of the State of Arkansas.
3. On May 13, 2015, the Petitioners filed a Petition for Incorporation (the “Petition”) seeking to incorporate the community known as Little Italy.
4. The Pulaski County Court scheduled a hearing on the matter for December 16, 2015. The hearing commenced on that date but was continued until January 13, 2016, to allow Petitioners and other interested parties to present all of their testimony. At the conclusion of the hearing, the Pulaski County Court Judge, Barry Hyde (“Judge Hyde”), took the matter under advisement.
5. On February 26, 2016, Judge Hyde entered a Judgment denying the Petition, a certified copy of which is attached hereto as Exhibit A.
6. This notice of appeal is filed pursuant to Arkansas District Court Rule 9(e).
7. This Court has jurisdiction over the subject matter hereof and parties hereto pursuant to Ark. Code Ann. § 16-13-201, which grants the circuit courts of Arkansas appellate

jurisdiction of the judgment and final orders of county courts in civil actions. Venue is proper pursuant to Ark. Code Ann. § 16-60-101.

8. This Court should reverse the Judgment entered by Judge Hyde denying the Petition and remand this matter to Pulaski County Court with instructions to permit the incorporation of the community known as Little Italy.

WHEREFORE, the Petitioners request that the Court hear this appeal and grant Petitioners the relief requested above and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

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By: /s/ Mary-Tipton Thalheimer  
Timothy W. Grooms (84058)  
R. Seth Hampton (2012279)  
Mary-Tipton Thalheimer (2011268)

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on this 23<sup>rd</sup> day of March, 2016, a true and correct copy of the foregoing mailed *via* certified U.S. Mail, return receipt requested, upon the following:

Adam B. Fogleman, Pulaski County Attorney  
Pulaski County Attorney's Office  
201 S. Broadway, Suite 400  
Little Rock, Arkansas 72201

Judge Barry Hyde, Pulaski County Chief Executive Officer  
Pulaski County Court  
201 S. Broadway, Suite 400  
Little Rock, Arkansas 72201

/s/ Mary-Tipton Thalheimer  
Mary-Tipton Thalheimer