

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ARKANSAS  
CIVIL DIVISION

LAWRENCE A. WALKER

PLAINTIFF

V.

NO. 35CV-16-221

STUART SOFFER, CHAIRMAN OF  
JEFFERSON COUNTY ELECTION COMMISSION,  
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY;  
JEFFERSON COUNTY ELECTION BOARD

DEFENDANT

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Comes the Plaintiff, Lawrence Walker, by and through counsel,  
Crystal Okoro, and for his Response to the Defendant's Motion to  
Dismiss states as follows:

1. Plaintiff requested the Defendant's emails sent from and to the Defendant's official email or work email, and a personal email address.
2. Plaintiff sued Defendant in both his individual and official capacities. No dismissal should take place prior to discovering whether the Defendant provided the requested items or acted in bad faith. Thomas v. Hall, 2012 Ark. 66, 399 S.W.3d 387

3. On May 23rd, Plaintiff sent a Freedom of Information Request to Dennis Milligan and Grant Wallace at the Arkansas Department of the Treasury asking for any documents that the Arkansas Department of the Treasury has that mention or discuss Stuart Soffer. Exhibit 1
4. The Arkansas Department of the Treasury sent Plaintiff in excess of 100 emails that would have been responsive to the request sent directly to Defendant.
5. Some of the Defendant's emails obtained through other FOIA requests to other entities, may be considered personal in nature, but pertained to the Defendant's official duties. (See Exhibit 2)
6. Not only does this prove that Defendant has not fully complied with the Plaintiff's FOIA request, but also that the Defendant's Motion to Dismiss in its individual capacity should be denied.

WHEREFORE, plaintiff prays that defendant's Motion to Dismiss be denied, attorney's fees, and for all other just and proper relief for which the Plaintiff is entitled.

Respectfully submitted,

CRYSTAL J. OKORO  
P.O. Box 1118  
No. Little Rock, AR 72115  
(501) 859.3424  
FAX:(501) 812.2072  
okorocrystal@yahoo.com  
By:/S/ CRYSTAL J. OKORO  
CRYSTAL J. OKORO  
(ARK. BAR #2012-077)

CERTIFICATE OF SERVICE

I, undersigned, do hereby certify that on this June 22, 2016, a copy of the foregoing has been hand delivered, faxed or mailed, postage prepaid to proper address of all parties or all counsel of records for the same.

By:/S/ CRYSTAL J. OKORO  
CRYSTAL J. OKORO



Lawrence Walker &lt;lwalker@jwwlawfirm.com&gt;

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**FOIA Request**

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Lawrence Walker <lwalker@jwwlawfirm.com>  
To: Lawrence Walker <lwalker@jwwlawfirm.com>

Wed, Jun 22, 2016 at 9:00 AM

Sent from my iPhone

Begin forwarded message:

**From:** Grant Wallace <grant.wallace@artreasury.gov>  
**Date:** May 24, 2016 at 3:24:59 PM CDT  
**To:** Lawrence Walker <lwalker@jwwlawfirm.com>  
**Subject:** RE: FOIA Request

Mr. Walker,

We are in receipt of your FOIA request and are in the process of reviewing our records.

If you have any questions please feel free to give me a call.

Thank you,  
Grant

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Grant J. Wallace  
Assistant Chief of Staff, Treasurer of State  
State Capitol, Suite 220  
Little Rock, Arkansas 72201  
501.682.5888 (o) 501.580.3869 (m) [grant.wallace@artreasury.gov](mailto:grant.wallace@artreasury.gov)  
[artreasury.gov](http://artreasury.gov) Twitter: @ARTreasurer Facebook: ARTreasurer

-----Original Message-----

From: Lawrence Walker [<mailto:lwalker@jwwlawfirm.com>]  
Sent: Monday, May 23, 2016 4:51 PM  
To: Grant Wallace <[grant.wallace@artreasury.gov](mailto:grant.wallace@artreasury.gov)>; Dennis Milligan <[dennis.milligan@artreasury.gov](mailto:dennis.milligan@artreasury.gov)>  
Subject: FOIA Request

Mr. Milligan:

Under the Freedom of Information Act, please produce the following:

1. Any documents that the Arkansas Department of the Treasury has (emails excluded) that mention or discuss Stuart Soffer in the last two years.
2. Any Documents that the Arkansas Department of the Treasury has (emails excluded) that were



authored or sent to Stuart Soffer in the last two years.

Thanks,



AG Run-Off Race

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

**From:** Stu Soffer [REDACTED]  
**To:** REPCC\* David Singer [REDACTED]  
**Subject:** AG Run-Off Race  
**Date:** Tue, May 20, 2014 11:33 pm

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If you think you have the time over the next few weeks, I am going to suggest to Leslie Rutledge she pay you to do social media for her. You can temporarily step aside as 2<sup>nd</sup> Vice for a few weeks to make a few bucks. Trey didn't win but I have the Prosecuting Attorney ready to take action to remove the county clerk. Her replacement will be appointed and I have a good idea who it may be. I will offer him two of three of our Republican JP votes if he promises me to hire you. The county judge will agree because I just saves his ass.



Another Complaint

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

From: Stu Soffer <[REDACTED]>

To: Stu Soffer <[REDACTED]>

Subject: Another Complaint

Date: Sat, Jul 19, 2014 5:26 pm

Attachments: IIWhitfieldComplaint.pdf (337K)

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Attached is the latest Ethics Commission Complaint I am addressing. All addressees (except ES&S) know what is behind it and in reading it will recognize the writer has his facts confused as well as elections, numbers, etc. As with the previous complaint, the truth is easily established. I've previously asked ES&S legal for something from them to put the nonsense involving my wife having a relationship with them past December 2006 to rest once and for all. The good news is since the only portion of the complaint subject to investigation is identical to what was in the McCray complaint, the defense is easy enough.

This is also the mysterious complaint introduced at the 24 Feb election commission meeting that Whitfield pulled back after it became public record and has never resurfaced. I am going to provide Ray King with a copy since Ted Davis obviously didn't want him to have one. We have reached the point with this liable and defamation, of my wife in particular, that I am providing an associate who is an attorney with a copy to see if we have any grounds to pursue tort litigation. Whitfield is a disbarred attorney so the argument can be made he understood the ramifications of being untruthful in his complaint signed under oath.

Stu

Opponent's Company Taking Advantage

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

From: Stu Soffer <[REDACTED]>  
To: AR Rep Can 4th Bruce <[REDACTED]>  
Cc: AR RPA Holly <[REDACTED]>; REPCC Roy Agee <[REDACTED]>; REPCC Ted Harden  
<[REDACTED]>; REPCC Dr. Byrd <[REDACTED]>  
Subject: Opponent's Company Taking Advantage  
Date: Mon, Jul 14, 2014 11:59 am

Your opponent's company is involved in obtaining work bypassing competitive bidding. It appears he is taking advantage of his position as a candidate for the 4<sup>th</sup> especially since the County Judge and majority of the quorum court are Dems. Competitive bidding saves a county money and I have to question why they want to shortcut the process.

Stu

By Ray King OF THE COMMERCIAL STAFF

The Jefferson County Quorum Court is being asked to waive competitive bidding and allow the Office of Emergency Management to contract with a company to update the county's Hazard Mitigation Plan when the court meets Monday at 5:30 p.m. According to the proposed ordinance, the county office has received a grant from the Arkansas Department of Emergency Management to update the hazard mitigation plan and has determined that Witt O'Brien's, a risk management consulting firm, "is highly qualified and best fits the needs of the county." The proposed ordinance also states that successful completion of the plan will make the county eligible for additional hazard mitigation funding, including community safe rooms and flood control. A letter from the Arkansas Department of Emergency Management said that the county will receive \$41,808 and will be required to put up an additional \$13,936 to totally fund the project. Former Federal Director of the Office of Emergency Management and Democratic Party 4th District Congressional candidate James Lee Witt is chairman of the board of Witt O'Brien. The proposed ordinance will be considered for the first time Monday. -



From: Stu Soffer <[REDACTED]>

To: REPCC\* David Singer <[REDACTED]>; REPCC Ted Harden <[REDACTED]>; REPCC\* Eva Marie  
<[REDACTED]>; REPCC\* Jan Adam <[REDACTED]>; REPCC\* Peter Smykla  
<[REDACTED]>

Subject: Supporting Republican Candidates

Date: Mon, Jul 21, 2014 12:00 pm

Attachments: DemGaz21July.doc (55K)

Before the 14 July Quorum Court meeting, I advised our three JP's in an e-mail that it would be helpful to the Westerman campaign if the attempt to award his opponent's company this sole source contract were stopped and it made the newspaper. Conley did his part, Roy Agee remained silent but did vote with the rest to table the motion. Ted was in New Orleans attending a meeting and did not attend the Quorum Court meeting. Then, after doing some research, I sent the below e-mail to all Quorum Court members on Wednesday.

So it is with much chagrin that I read Ted's comments in the attached article in today's Dem Gaz. With the information provided in the below e-mail, there was more than ample opportunity to take a shot at Westerman's opponent and bolster the contention his opponent does things illegally. It was also an opportunity to refute the county judge's contention about Whitt-Obrien being the only "premier" company capable of doing the work.

Stu

#### Hazard Mitigation Plan

Wed 7/16/2014 10:20 AM

JEFCO JP Dr. Byrd <[REDACTED]>; JEFCO JP1 Caldwell <[REDACTED]>;  
JEFCO JP11 Sissy G. <[REDACTED]>; JEFCO JP12 Harden  
<[REDACTED]>; JEFCO JP3 D. Wright <[No email address found]>; JEFCO JP4 Alford  
<[REDACTED]>; JEFCO JP5 Lloyd Franklin <[REDACTED]>; JEFCO JP6  
Dr. Ginger <[REDACTED]>; JEFCO JP8 Roy Agee <[REDACTED]>;  
JEFCO JP9 Jones <[REDACTED]>

After reading what was in today's paper about the Quorum Court meeting on Monday evening, I Goggled "Hazard Mitigation Planning" because I still am