

IN THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS
THIRD DIVISION

RICHARD FRIEND

PLAINTIFF

V.

NO. 63CV-26-601

RICK CROSS; KEVIN
COOPER; and JOHN DOES 1-5

DEFENDANT

**ORDER STRIKING SEPARATE DEFENDANT KEVIN COOPER'S RULE 12(B)(6) MOTION TO
DISMISS and ALTERNATIVE RULE 12(E) MOTION FOR MORE DEFINITE STATEMENT**

Now on this day comes on for hearing the Court's own motion to strike separate Defendant Kevin Cooper's Rule 12(b)(6) Motion to Dismiss and Alternative Rule 12(e) Motion for More Definite Statement; and after all things considered the Court does find and order as follows, to-wit:

1. The Plaintiff has brought this cause of action for defamation; false-light invasion of privacy; tortious interference with business expectancy; intentional infliction of emotional distress; and civil conspiracy. The Plaintiff seeks injunctive relief along with damages, including both compensatory and punitive damages, for the conduct alleged in the Complaint.

2. Separate Defendant Kevin Cooper has filed a motion entitled *Rule 12(b)(6) Motion to Dismiss and Alternative Rule 12(e) Motion for More Definite Statement*. The motion is signed by his attorney Clinton W. Lancaster.

3. In Defendant Cooper's motion, he asserts in Paragraph 2, among other things, that the Plaintiff is "no true conservative because he has adopted the very tactics of the left." He then

makes reference to the Plaintiff being a “Marxist, Socialist, and other leftist” because he has instituted this cause of action.

4. Such name-calling may be a lawful exercise of one’s First Amendment Rights on the courthouse square, but once those statements are set forth in a motion filed of record with this Court, it becomes subject to Rule 11 of the Arkansas Rules of Civil Procedure. When this type of language has been interposed for an improper purpose, such to harass, cause unnecessary delay, or needlessly increase the cost of litigation, it becomes the basis for imposing sanctions on a party and/or his attorney by this Court. The Court finds that this motion, specifically the name calling contained in paragraph 2, violates Ark.R.Cv.P. 11(b)(1).

5. Under the Court’s authority under Ark.R.Cv.P. 11(c) the Court is sanctioning Defendant Cooper by striking his motion in its entirety. Defendant Cooper has ten (10) days from the date of the entry of this order in which to file an appropriate response to the Complaint.

6. Defendant Cooper and his attorney are put on notice that any future violations of this rule will result in the entry of an Order to Show Cause for why they should not be held in contempt, and if the Court determines after hearing that this rule has again been violated, the Court shall consider all available sanctions to it, including striking a pleading or motion; entering judgment by default; reasonable attorney fees; a penalty to the Court; as well as any other sanction listed in Ark.R.Cv.P. 11(c)(2).

IT IS SO ORDERED.



HONORABLE BRENT HOUSTON
3/25/2026

DATE