

IN THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS
CIVIL DIVISION

RICHARD FRIEND

PLAINTIFF

v.

63CV-26-601

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

DEFENDANTS

**SEPARATE DEFENDANT RICK CROSS'S MOTION
FOR JUDGMENT ON THE PLEADINGS**

Comes Separate Defendant, Rick Cross (“Cross”), by and through his attorneys, Barber Munson, pursuant to Ark. R. Civ. P. 12(c), for his Motion for Judgment on the Pleadings, and states:

1. This case involves comments Cross published to his Facebook page on January 30, 2026, regarding Plaintiff, who is a candidate for sheriff in Saline County. *See* Complaint, ¶ 1.
2. Cross admits that he published statements on social media suggesting that Plaintiff had two separate orders of protection filed against him.¹ Compl., ¶ 16; Am. Answer, ¶ 11. Plaintiff’s Complaint attempts to paint this as a “calculated and malicious attack on the reputation of a candidate for public office during the final days of a contested election.” Compl., unnumbered paragraph styled as “Introduction.” However, Cross admitted that he did mistakenly post that Plaintiff had two orders of protection entered against him on different instances—as opposed to

¹ Notably, Plaintiff admits that one order of protection was entered against him during the course of his divorce proceedings. Compl., ¶ 16.

just the one Plaintiff admits was entered—and immediately upon recognizing his mistake, posted a retraction statement to his Facebook page just 3 days later. Exhibit 1 to Cross’s Amended Answer.

3. Plaintiff filed his Complaint before this Court on March 10, 2026, alleging against Cross claims of (1) defamation; (2) false light invasion of privacy; (3) tortious interference with Plaintiff’s business expectancy of obtaining the office of Saline County sheriff; (4) intentional infliction of emotional distress; and (5) a civil conspiracy between Defendants and other unnamed parties to undermine Plaintiff’s “candidacy for Sheriff of Saline County.” *See e.g.* Compl.

4. Cross now moves for judgment on the pleadings on all five of Plaintiff’s claims because the pleadings demonstrate there is no merit to the suit. *Steinbuch v. Univ. of Arkansas*, 2019 Ark. 356, 7, 589 S.W.3d 350, 356 (2019).

5. Because his comments were privileged communications on issues of public concern and made without reckless disregard for the truth, Cross is entitled to immunity under the Arkansas Citizen Participation in Government Act. Ark. Code Ann. § 16-63-504.

6. Additionally, Plaintiff’s defamation claim fails because he cannot establish Cross acted with actual malice, as is required because Plaintiff’s status as a candidate for public office makes him a public figure. *Lancaster v. Daily Banner-News Pub. Co.*, 274 Ark. 145, 147, 62, 2 S.W.2d 671, 672 (1981); *Southall v. Little Rock Newspapers, Inc.*, 332 Ark. 123, 129, 964 S.W.2d 187, 191 (1998).

7. Cross admits he was mistaken as to one of the orders of protection he claimed was entered against Plaintiff, but he reasonably relied on publicly available records in doing so. Am. Answer, ¶ 11.

8. Plaintiff’s false light invasion of privacy claim fails for the same reasons: the pleadings evidence that Cross did not in fact entertain serious doubts as to the truth of his

publication. Cross reasonably relied on available public records and had no reason to question the same. *Dodrill v. Arkansas Democrat Co.*, 265 Ark. 628, 639, 590 S.W.2d 840, 845 (1979)

9. Plaintiff also attempts to claim Cross's statement resulted in a tortious interference with his business expectancy in taking office as sheriff of Saline County. Compl., ¶¶ 97-115.

10. Plaintiff's perceived expectancy in obtaining the office in an election more than eight months away is far too speculative and remote to qualify as a "sufficiently concrete" business expectancy. *Overturff v. Read*, 2014 Ark. App. 473, 9, 442 S.W.3d 862, 867 (2014).

11. Therefore, Plaintiff's tortious interference with a business expectancy claim fails as there is no legitimate expectancy alleged.

12. Plaintiff's claim for intentional infliction of emotional distress fails for the same reasons his defamation and false light claims fail: there is simply no evidence of any actual malice or reckless disregard for the truth.

13. As detailed above, Cross made a simple mistake. Mistakes are certainly not outside the bounds of decency. There is no circumstance in which a slight blunder such as the one at issue—claiming there were two orders of protection against Plaintiff as opposed to just one—would be considered utterly intolerable in a civilized community.

14. As such, Plaintiff cannot succeed on his intentional infliction of emotional distress claim.

15. A civil conspiracy is not actionable in and of itself but, instead, requires proof of an underlying intentional tort and a specific intent to accomplish the contemplated wrongful act as part of the alleged conspiracy. *See Faulkner v. Arkansas Children's Hospital*, 347 Ark. 941, 69 S.W.3d 393 (2002). Because all of Plaintiff's claims fail, either because Cross is immune from suit

pursuant to the Act or because Plaintiff has failed to demonstrate he is entitled to recovery, his claim for civil conspiracy must fail.

16. In addition, Plaintiff fails to plead sufficient facts as required by Ark. R. Civ. P. 8 in order to survive dismissal of the civil conspiracy claim; the only factual allegations against Cross himself are that he, himself, published statements regarding the Plaintiff.

17. There is no merit to any of Plaintiff's claims.

18. Cross respectfully requests this Court grant his Motion for Judgment on the Pleadings and dismiss Plaintiff's entire Complaint against him.

19. A brief in support of this Motion is filed simultaneously herewith.

Wherefore, Separate Defendant Rick Cross prays this Court grant his Motion for Judgment on the Pleadings, enter judgment as a matter of law in his favor, and dismiss Plaintiff's Complaint against him, and for all other just and proper relief to which he may be entitled.

Respectfully submitted,



By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2026, I electronically filed the foregoing with the Clerk of Court by using the electronic filing system which shall send notification of such filing to the following counsel:

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