

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
THIRD DIVISION

ARKANSAS RICE GROWERS ASSOCIATION, INC.
and KENNETH GRAVES

PLAINTIFFS

vs.

CASE NO. CV-09-0030

THE USA RICE FEDERATION, INC.
and THE USA RICE COUNCIL, INC.

DEFENDANTS

MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

Defendants USA Rice Federation, Inc. and USA Rice Council, Inc. move to dismiss the complaint of Plaintiffs Arkansas Rice Growers Association, Inc. and Kenneth Graves pursuant to Rule 12(b),(2),(6) of the Arkansas Rules of Civil Procedure and so moving state:

1. Defendants are Texas corporations with their principal places of business in Virginia and are not an agencies or departments of the state of Arkansas. Therefore, Defendants are not entities subject to a complaint under the Arkansas Freedom of Information Act ("FOIA").

2. As Defendants are not entities of the state of Arkansas, they alone cannot be sued under the FOIA and directed to turn over documents pursuant to FOIA. *Nabholz Construction Corp. v. Contractors for Public Protection Association*, 371 Ark. 411, 266 S.W.3d 689 (2007).

3. As to Defendant The USA Rice Council, Inc., Plaintiffs' amended complaint must be dismissed for lack of personal jurisdiction as well, as it conducts no business within Arkansas, and has no registered agent, employee or business office in Arkansas.

WHEREFORE Defendants, The USA Rice Federation, Inc. and The USA Rice Council, Inc. move the Court to dismiss the plaintiffs' complaint, for their costs and attorneys' fees, and for all other proper relief.

Respectfully submitted,

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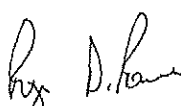
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January 2009 a true and correct copy of the foregoing was sent via U.S. Mail with sufficient postage to following counsel of record:

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