

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

DAVID STEBBINS

PLAINTIFF

vs.

Case No. 10-3086

WAL-MART STORES, INC.

DEFENDANTS

MOTION TO CORRECT JUDICIAL ERROR

Comes now Plaintiff David Stebbins, on this 17th day of February, 2011, who respectfully submits the following request for the court to correct an error it made.

On the date of December 20, 2010, the court received my motion to confirm an arbitration award against Wal-Mart Stores, Inc. I was given a xeroxed copy of that motion when the court sent me a confirmation that they received that motion in the mail. I have enclosed that xeroxed copy, for the court's review. However, I did not include it in the copy I served on the defendants, but only because I only have one copy to be served. I will gladly send the defendants a copy when I receive the notice in the mail, where the court confirms receiving the document (at that point, I will have *another* xeroxed copy, and I will give *that* to the defense attorney).

However, the court opened up an entirely new case for this issue, giving it the case number of 10-3123. Furthermore, they initially were hesitant to accept jurisdiction to hear this case, since I had not yet convinced them that the arbitration agreement qualified for federal jurisdiction.

The court subsequently ordered me to explain why I felt the federal courts had jurisdiction to hear the case. Unfortunately, I cannot seem to locate the actual order that was mailed to me, but it should be in your records, somewhere.

I timely filed that amended complaint. Again, this amended complaint should be somewhere in the court records. I explained that the federal courts had jurisdiction to confirm this award on three grounds. One of them was that the equivalent litigation would otherwise qualify for federal court. In fact, not only did it qualify for federal court, but I was currently litigating the case in federal court! I

mentioned that, as a side note, that means that Case #10-3123 should be merged with Case #10-3086.

At my prompting, the court closed Case #10-3123, and merged the case with Case #10-3086... or so the notice that I received would have had me believe. Yes, that is correct; I received a notice that the court was doing that. Again, I cannot seem to find my copy of that court notice, anywhere, but it should still be somewhere in the court's records.

However, on the date of February 14, 2011, I filed with the court a suggestion in support of that motion to confirm the arbitration award, stating that the defendants had not yet filed their suggestion in opposition of the award.

Today, on February 17, 2011, I received a notice in the mail from Jeffrey Spillyards, the attorney who is representing the defendants in this case, who claimed that a short look at Pacer shows that the motion to confirm the arbitration award was not filed. I have enclosed that letter for your review.

I do not have access to PACER, so far be it from me to call him a liar. However, if this is the case, it needs to be corrected. I received an unambiguous notice that the cases were being merged. Please actually do what you said you were going to do.

It is so humbly requested, on this 17th day of February, 2011.



David Stebbins
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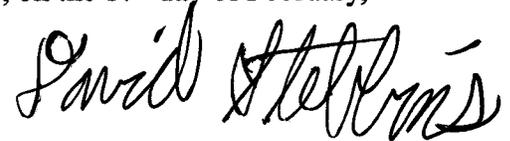
DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of
Plaintiff's Motion to Correct Judicial Error.
was served on

Jeffrey Spillyards
425 West Capitol Avenue
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Little Rock, AR 72201-3525
Phone: (501) 688-8891
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jspillyards@mwlaw.com
Attorney for: Defendants

by transmitting a copy via facsimile transmission to 501-688-8807, on the 17th day of February,
2011.



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