

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

DAVID STEBBINS

PLAINTIFF

v.

CASE NO. 10-3086

WAL-MART STORES, INC.

DEFENDANT

**WAL-MART'S RESPONSE TO PLAINTIFF'S
VARIOUS FILINGS RELATED TO ARBITRATION
AND INCORPORATED BRIEF IN SUPPRT**

Defendant Wal-Mart Stores Arkansas, LLC ("Wal-Mart"), erroneously identified as "Wal-Mart Stores, Inc.," by its attorneys, Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C., submits its Response to Plaintiff's Various Filings Related to Arbitration and Incorporated Brief in Support.

Plaintiff has filed in this matter a number of documents related to his alleged claim related to arbitration. [Doc. ## 17, 19, 20]. Wal-Mart has filed a Motion for Partial Summary Judgment related to this claim. [Doc. ## 22-24]. In Plaintiff's most recent filing, Plaintiff has requested that the Court "strike" all of his previous motions related to confirming an arbitration award. [Doc. # 20].

Out of an abundance of caution, Wal-Mart files this Response denying any and all claims by Plaintiff in support of an arbitration award. Wal-Mart incorporates by reference herein, pursuant to Rule 10(c) of the Federal Rules of Civil Procedure, its Motion for Partial Summary Judgment, Brief in Support, and Statement of Undisputed Facts. Plaintiff's claim related to arbitration must be dismissed because there was no agreement by the parties to arbitrate anything.

Respectfully submitted,

/s/ Marshall Ney

Ark. Bar No. 91108

/s/ Kathlyn Graves

Ark. Bar No. 76045

/s/ Jeffrey L. Spillyards

Ark. Bar No. 2004159

Mitchell, Williams, Selig,
Gates & Woodyard, P.L.L.C.
425 West Capitol Ave., Suite 1800
Little Rock, Arkansas 72201
(501) 688-8800

mney@mvlaw.com

kgraves@mvlaw.com

jspillyards@mvlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2011, I mailed this document by U.S. Mail to the following non CM/ECF participant:

David A. Stebbins
1407 N. Spring Rd., Apt. # 5
Harrison, Arkansas 72601

/s/ Jeffrey L. Spillyards