

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS, NORTHERN DIVISION

Stephen Ward v. Harold Copenhaver, et al.

Ward · No. 3:22-cv-00250-LPR-BBM · Decided December 2, 2025

SUMMARY

The United States District Court for the Eastern District of Arkansas considers Plaintiff Stephen Ward’s motions seeking default judgment, discovery sanctions, spoliation sanctions, and related relief in an action involving alleged restrictions on his panhandling activities. The court denies the motions for default judgment against Turner without prejudice because similarly situated defendants remain in the case and inconsistent judgments could result. The court grants in part Ward’s request for service by directing the U.S. Marshal to mail specified default-related filings to Turner, while denying the remaining requests.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas, Northern Division
JURISDICTION	United States District Court for the Eastern District of Arkansas, Northern Division
DECIDED	December 2, 2025
DOCKET	3:22-cv-00250-LPR-BBM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgments, discovery sanctions, spoliation sanctions, adverse-inference relief, deemed admissions, restrictions on defendants' participation, and related relief. The Court also considered defendants' motion to strike plaintiff's unauthorized reply.
STANDARD OF REVIEW	Abuse of discretion for default-judgment decisions and sanctions-related relief; discretionary review for whether to enter default judgment and whether to impose sanctions.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Stephen Ward v. Harold Copenhaver, Carol Duncan, Larry Rogers, Jeffery Moore, Wannda Turner, Melissa Hively, Lisa Trevathan

TOPICS

default judgment

default

sanctions

service of process

discovery dispute

PRACTICE AREAS

civil procedure

civil rights

remedies

municipal law

QUESTIONS PRESENTED

1. Whether the Court should enter default judgment against Turner after the Clerk entered default.
2. Whether default judgment should be deferred because Turner was similarly situated to nondefaulting defendants and immediate judgment could create inconsistent liability or damages determinations.
3. Whether Ward was entitled to additional service of his default-related filings and appointment of counsel to effect service.
4. Whether alleged discovery violations, spoliation, failure to participate in the Rule 26(f) process, or failure to respond to motions warranted discovery sanctions, terminating sanctions, adverse inferences, deemed admissions, or default judgments.
5. Whether the Court should certify the order for immediate interlocutory appeal under 28 U.S.C. § 1292(b).

HOLDINGS

1. Entry of default does not entitle a party to default judgment as a matter of right. The Court may, in its discretion, deny or defer default judgment, particularly where the defaulting defendant is similarly situated to nondefaulting defendants and immediate judgment could produce inconsistent results.
2. The Court lacked a sufficient basis to find that additional service or appointment of counsel was necessary, but in an abundance of caution it directed the United States Marshal to serve Turner by mail with the order and specified default-related filings.
3. The alleged discovery violations, spoliation, failure to submit a joint Rule 26(f) report, and failure to respond to Ward's motions did not warrant the requested discovery sanctions, terminating sanctions, adverse inferences, deemed admissions, striking of pleadings or defenses, or default judgments.
4. The Court denied Ward's request for certification under 28 U.S.C. § 1292(b).

KEY QUOTATIONS

“The entry of default thus “raises no protectable expectation that a default judgment will follow,”” (Section II.A)

“As the law disfavors default judgments, see, e.g., Harre, 983 F.2d at 130, the Court, in its discretion, will “resolve[]” any such “doubt . . . in favor of the defaulting party,” i.e., Turner, and deny Ward’s default-judgment motion without prejudice to its renewal later.” (Section II.A)

FACTUAL BACKGROUND

Ward alleged that Jonesboro officials, acting in concert with private citizens, shut down his panhandling activities involving pony rides near Jonesboro businesses. Claims surviving screening included civil-rights, conspiracy, Arkansas Freedom of Information Act, and defamation claims against various city officials and private defendants. Turner was served, filed a timely Rule 12 motion, but failed to answer after that motion was denied; the Clerk later entered default against her. The parties also failed to submit a complete joint Rule 26(f) report, and Ward alleged discovery violations, spoliation, and nonparticipation in the scheduling process.

PROCEDURAL HISTORY

Ward's amended complaint asserted claims under 42 U.S.C. §§ 1983 and 1985, the Arkansas Freedom of Information Act, and state-law defamation theories. The Court screened the amended complaint under 28 U.S.C. § 1915, dismissed some claims, and allowed others to proceed. Turner failed to file an answer within fourteen days after denial of her Rule 12 motion, and the Clerk entered default against her. The Court denied most pending motions, granted Ward's service motion in part, and denied default judgment against Turner without prejudice because Turner was similarly situated to nondefaulting defendants and immediate judgment could produce inconsistent results.

DISPOSITION

other

CASES CITED

- *Pesce v. City of Des Moines*, 439 F. Supp. 3d 1101, 1107 (S.D. Iowa 2020)
- *United States v. Ramer*, 699 F. App'x 596 (8th Cir. 2017) (per curiam)
- *Langdon v. Google, Inc.*, 474 F. Supp. 2d 622, 628 (D. Del. 2007)
- *Williams v. Arkansas Dep't of Correction*, 2000 WL 227977, *1 (8th Cir. 2000) (per curiam)
- *Crystal Clear Computer Sols., LLC v. City of Helena-W. Helena*, No. 2:20-cv-00017-LPR, 2022 WL 179049, *2 n.19 (E.D. Ark. Jan. 19, 2022)
- *United States v. Yennie*, 585 F. Supp. 3d 1194, 1198 (D. Minn. 2022)
- *Helena Agri-Enters., LLC v. Lewis*, No. 4:24-cv-00544-LPR, 2025 WL 636434, *1 (E.D. Ark. Feb. 27, 2025)
- *Webster Indus., Inc. v. Northwood Doors, Inc.*, 244 F. Supp. 2d 998, 1003–04 (N.D. Iowa 2003)
- *United States v. Harre*, 983 F.2d 128, 130 (8th Cir. 1993)
- *Belcourt Pub. Sch. Dist. v. Davis*, 786 F.3d 653, 661 (8th Cir. 2015)
- *In re Jones Truck Lines, Inc.*, 63 F.3d 685, 688 (8th Cir. 1995)
- *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 784–85 (8th Cir. 1998)
- *Oberstar v. F.D.I.C.*, 987 F.2d 494, 504 (8th Cir. 1993)
- *Swink v. City of Pagedale*, 810 F.2d 791, 792 n.2 (8th Cir. 1987)
- *Marshall v. Boyd*, 658 F.2d 552, 554 (8th Cir. 1981)
- *F.T.C. v. Packers Brand Meats, Inc.*, 562 F.2d 9, 10 (8th Cir. 1977) (per curiam)
- *Wright v. Smith*, No. 4:21-cv-00536-BSM-JTK, 2022 WL 17656445, *5 (E.D. Ark. Nov. 23, 2022)

- Daniels v. Dep't of Hous. & Urb. Dev., No. 4:16-CV-00749-BSM, 2017 WL 3161207, *2 (E.D. Ark. July 25, 2017)
- Lewis v. Lynn, 236 F.3d 766, 767 (5th Cir. 2001)
- F.D.I.C. v. Manatt, 723 F. Supp. 99, 106 (E.D. Ark. 1989)
- Enron Oil Corp. v. Diakuhara, 10 F.3d 90, 96 (2d Cir. 1993)
- Buck v. Clearbrook, LLC, No. 4:10-CV-04103, 2011 WL 2435939, *2 (W.D. Ark. June 16, 2011)
- Larry v. Arkansas, No. 4:18-cv-00116-KGB, 2018 WL 11579909, *5 (E.D. Ark. Oct. 12, 2018)
- Universal Cooperatives Inc. v. AAC Flying Serv. Inc., No. 4:11-cv-304-DPM, 2012 WL 1019582, *6 (E.D. Ark. Mar. 26, 2012)
- Hagen v. Sisseton-Wahpeton Cmty. Coll., 205 F.3d 1040, 1042 (8th Cir. 2000)
- First Magnus Fin. Corp. v. First United Mortg., L.L.C., No. 06-0736-CV, W-FJG, 2007 WL 1343679, *1 (W.D. Mo. May 7, 2007)
- Washburn v. C6-Zero, LLC, No. C24-67, 2025 WL 890166, *2 (N.D. Iowa Mar. 21, 2025)
- Tennessee Farmers Mut. Ins. Co. v. Tim W. Smith Props., LLC, No. 3:11-cv-00057-BRW, 2012 WL 956182, *2 (E.D. Ark. Mar. 21, 2012)
- Bastien v. R. Rowland & Co., 631 F. Supp. 1554, 1561 (E.D. Mo. 1986)
- Union County v. Piper Jaffray & Co., Inc., 525 F.3d 643, 646–47 (8th Cir. 2008)
- Ward v. Copenhagen, No. 3:22-cv-00250-LPR-BBM, 2025 WL 2964335, *4–5 (E.D. Ark. Oct. 20, 2025)