

(501)682-1619
(501)682-2823 FAX



101 EAST CAPITOL AVENUE, SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823

CLAIM FORM

Please note that all sections must be completed, or this form will be returned to you, which will delay the processing of your claim.

1. Claimant *(If there are additional claimants, please fill out an additional form for each)*

Ms McDaniel Monica

██████████@██████████

(title/last name/first name or company)

(email)

██████████

██████████

██████████

(address)

(city)

(state)

(zip)

(primary phone)

2. Claimant's Legal Counsel *(If not represented by an attorney, you may skip this section)*

(last name)

(first name)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

Arkansas Bar Number: _____

If not licensed to practice law in Arkansas, please contact the Claims Commission for more information.

3. State Agency Involved Arkansas Department of Transportation

(If this section is not completed, the claim will be returned to you as deficient. Please note that the agency or agencies involved must be state agencies. The Claims Commission has no jurisdiction over claims against counties, cities, school districts, or other municipalities.)

4. Incident Date 2/25/2023

5. Claim Type

Negligence -- Property Damage (pothole)

5a. Location of Incident _____

5b. Explanation of Incident

I was driving on Interstate 40 hey coming from Wynne AR. On my way home to Little Rock. I hit 2 significant pot holes that were unavoidable. There was an 18 wheeler in front of and on the side of me. The pothole cut my tire and caused it to come off the rim. I was only about 6 miles from the Brinkley exit. I got off on the Brinkley exit, and made it to gas station right off the exit to the right.

5c. CHECK HERE if this claim involves damage to a motor vehicle. ☒

5d. CHECK HERE if this claim involves damage to property other than a motor vehicle. ☒

5e. Insurance Coverage

- If your property was covered by insurance on the date of the incident, you must provide a copy of the insurance declarations in effect at that time. This is not the same as your insurance card. You may obtain a copy of your insurance declarations from your insurer or insurance agent.

-If you did NOT have insurance coverage in effect on your property on the date of the incident, CHECK HERE ☐

5f. Additional Required Documents for Property Damage Claims

You must submit invoice(s) documenting repair costs OR three estimates for repair OR an explanation why this documentation cannot be provided.

6. If a state vehicle was involved, please provide the following information

(type of state vehicle involved)

(license number)

(driver)

7. If your claim involves personal injuries, please CHECK HERE ☐

- All personal injury claims require a copy of your health insurance information in place at the time of the incident.

- If you did NOT have health insurance on the date of the incident, CHECK HERE ☐

8. Amount Sought: \$361.46

IMPORTANT

Please note that the Claims Commission staff is happy to answer questions about the claim process, but Claims Commission staff cannot give legal advice. For questions please contact us through email at ascc.new.claims@arkansas.gov or by phone at (501) 682-1619.

STOP!

The following section MUST be completed in the presence of a Notary Public.

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Claimant

ACKNOWLEDGEMENT

State of _____

County of _____

On this the ___ day of _____, 20____, before me, the undersigned notary, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Signature of Notary Public

[seal of office]

My Commission Expires: _____

ARKANSAS STATE CLAIMS COMMISSION

MAR 14 2023

(501) 682-1619
FAX (501) 682-2823



KATHRYN IRBY
DIRECTOR

RECEIVED

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS
72201-3823

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Monica R. McDaniel

Claimant Name (must be printed legibly)

Monica R. McDaniel

Claimant Signature

Acknowledgement

State of Arkansas

County of Pulaski

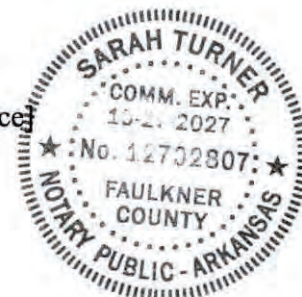
On this the 10 day of March, 2023, before me, the undersigned notary, personally appeared Monica McDaniel known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Signature]
Signature of Notary Public

My Commission expires: 10/27/2027

[Seal of Office]



CUSTOMER #: [REDACTED]

MAR 14 2023 *INVOICE*



4621 Colonel Glenn Plaza Drive
Little Rock, AR 72210
Main: (501) 224-3200
Toll Free: (888) 892-5444
www.BMWofLittleRock.com

MONICA MCDANIEL

RECEIVED

PAGE 1

BMW of
Little Rock

HOME:

BUS:

SERVICE ADVISOR: 100714 Ryan Barker

BUS:			SERVICE ADVISOR: 100714 Ryan Barker				
COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
BLACK SAPE	20	BMW 228XI	WBA73AK02L7F57240	.	14528/14528	T1074	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
20SEP22 DD			15:00 27FEB23			CASH	27FEB23
R.O. OPENED		READY	OPTIONS: SOLD-STK:L7F57240 ENG:2.0_Liter_Turbo				

09:05 27FEB23 13:46 27FEB23

LINE OPCODE TECH TYPE HOURS

A C/S THE D/S FROT TIRE BLEW OUT-PLZ ADV

CAUSE: blow out

WOD C/S THE D/S FROT TIRE BLEW OUT-PLZ ADV

102516 CPMT

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00

blow out

B** MOUNT AND BALANCE 1 TIRE

CAUSE: mandb

WT01 MOUNT AND BALANCE 1 TIRE

102516 CPMT

1 36-11-5-A23-547 Bridgestone TURANZA LS100

RFT STR X

1 TT State Fee - Tire/DOT REGISTERED

PARTS: 285.00 LABOR: 45.00 OTHER: 3.00 TOTAL LINE B: 333.00

mandb

ESTIMATE: 0.00

27FEB23 09:51 SA: 100714

CONTACT:

* Need a Body Shop Estimate? *
* Visit www.mclartycollision.com and click on *
* "Get my estimate now" *

WARRANTY DISCLAIMER: ALL PARTS AND ACCESSORIES ARE SOLD AND ALL REPAIRS ARE PROVIDED BY THE DEALERSHIP AS-IS. THE DEALERSHIP HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF PARTS OR PRODUCTS OR THE REPAIR. THE ONLY WARRANTIES ON PARTS AND ACCESSORIES OR REPAIRS ARE THOSE WHICH MAY BE OFFERED BY THE MANUFACTURER OR THE ORIGINAL PARTS DISTRIBUTOR AND ONLY SUCH MANUFACTURER OR DISTRIBUTOR SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES. CUSTOMER SHALL NOT BE ENTITLED TO RECOVER FROM THE DEALERSHIP ANY CONSEQUENTIAL DAMAGES, DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFIT OR INCOME, OR ANY OTHER INCIDENTAL DAMAGES.

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.

***SHOP SUPPLY COSTS:**
We have added a charge equal to 10% of the total cost of labor and parts, not to exceed \$50.00, to the Repair Order for shop supplies used in connection with this repair.

ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.

DESCRIPTION	TOTALS
LABOR AMOUNT	45.00
PARTS AMOUNT	285.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES *	3.00
TOTAL CHARGES	333.00
LESS INSURANCE	0.00
SALES TAX	28.46
PLEASE PAY THIS AMOUNT	361.46

DATE

CUSTOMER SIGNATURE

AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE



From: [ASCC New Claims](#)
To: [Looney, Rita S.](#); [Sparks, Trella A.](#); [Blakley, Sharon](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Monica McDaniel v. ArDOT, Claim No. 231105
Date: Wednesday, March 22, 2023 11:38:00 AM
Attachments: [Monica McDaniel ArDOT agency ltr.pdf](#)
[Monica McDaniel Elct Form.pdf](#)
[Monica McDaniel Sig and supp.pdf](#)

Please see attached. Contact Kathryn Irby with any questions.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

ARKANSAS STATE CLAIMS COMMISSION

(501)682-1619
FAX (501)682-2823



KATHRYN IRBY
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, AR 72201-3823

March 22, 2023

Ms. Rita Looney
Arkansas Department of Transportation
Post Office Box 2261
Little Rock, Arkansas 72209

(via email)

RE: ***Monica McDaniel v. Arkansas Department of Transportation***
Claim No. 231105

Dear Ms. Looney,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Department of Transportation. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Monica McDaniel, *Claimant* (w/o encl.) (via email)

<p>Note to Claimant or Claimant's counsel: The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.</p>
--

From: [ASCC New Claims](#)
To: [REDACTED]@ [REDACTED]
Bcc: ["Kathryn Irby"](#)
Subject: Monica McDaniel v. ArDOT, Claim No. 231105
Date: Wednesday, March 22, 2023 11:38:00 AM
Attachments: [Monica McDaniel ArDOT agency ltr.pdf](#)

Dear Ms. McDaniel,

Attached please find a copy of the letter sent with your claim to the Arkansas Department of Transportation.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

From: [REDACTED]
To: [ASCC New Claims](mailto:ASCC.New.Claims@arkansas.gov)
Subject: Re: Monica McDaniel v. ArDOT, Claim No. 231105
Date: Wednesday, March 22, 2023 11:47:31 AM

Received, thank you.

On Wed, Mar 22, 2023, 11:38 AM ASCC New Claims <ASCC.New.Claims@arkansas.gov> wrote:

Dear Ms. McDaniel,

Attached please find a copy of the letter sent with your claim to the Arkansas Department of Transportation.

Thank you,

Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

From: [Blakley, Sharon D.](#)
To: [ASCC Pleadings](#)
Cc: [Wilkins, Jay D.](#)
Subject: McDaniel v ARDOT Claim 231105 ANS-MTD
Date: Wednesday, April 5, 2023 9:16:18 AM
Attachments: [image001.png](#)
[image002.png](#)
[McDaniel.231105\(cvr ltr ANS-MTD\)2023.04.05.pdf](#)
[McDaniel.231105\(ANS-MTD\)3023.04.05.pdf](#)

Please acknowledge receipt of the attached Answer & Motion to Dismiss for the referenced claim.

Sharon D. Blakley
ARDOT - Legal Office Manager
Tax Intercept Unit Administrator
(501) 569-2022 fax (501)569-2164
Sharon.Blakley@ardot.gov

ArDOT Logo (email)





ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

LEGAL DIVISION | Jay D. Wilkins, Staff Attorney | Jay.Wilkins@ardot.gov

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2277 | Fax: 501.569.2164

April 5, 2023

Ms. Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

(via email)

Re: *Monica McDaniel vs. Arkansas Department of Transportation*
Claim No. 231105

Dear Ms. Irby:

Please find attached the Answer and Motion to Dismiss in the above-styled claim. Please confirm receipt at your earliest convenience.

NOTE TO CLAIMANT

Not a Final Decision: The attached is the Respondent's Response. This is not the final decision. The Arkansas State Claims Commission makes the final decision.

Questions? Comments? Please contact the Arkansas State Claims Commission at **(501) 682-1619**.

Mailing address: If you need to submit additional paperwork to the Claims Commission or if you wish to dispute ARDOT's answer or motion to dismiss, please do so in writing by regular U.S. Mail, addressed to: **Arkansas State Claims Commission, 101 E Capitol Ave, # 410, Little Rock, AR 72201.** (A written copy should be provided to the Arkansas Department of Transportation, Legal Division, P.O. Box 2261, Little Rock, AR 72203.)

What To Do Next: If you need to know what to do next or any other legal advice, please contact your own attorney. The undersigned attorney represents the Arkansas Department of Transportation and cannot provide the claimant with legal advice in this matter.

Future Communication: All communication with the Arkansas State Claims Commission or Arkansas Department of Transportation regarding your claim should be in writing so that there is a record of it. Please do not call the Arkansas Department of Transportation to argue the merits of your claim which will be decided by the Claims Commission. The undersigned attorney represents ARDOT—the opposing party—and cannot discuss the merits of your claim with you over the telephone.

Sincerely,

J.D. Wilkins
Jay D. Wilkins

Staff Attorney, Arkansas Department of Transportation

EEW/sdb

cc: Monica McDaniel
[REDACTED]

**BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

MONICA MCDANIEL

CLAIMANT

V.

CLAIM NO. 231105

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

ANSWER AND MOTION TO DISMISS

COMES THE RESPONDENT, Arkansas Department of Transportation, by and through its Staff Attorney, Jay D. Wilkins, and for its Answer and Motion to Dismiss states the following:

1. The Respondent denies all allegations of the Complaint not admitted herein.
2. The Claimant's damage, if any, was not caused by negligence of the Arkansas Department of Transportation or its employees.
3. Affirmatively pleading, the Respondent states, "There are almost 16,000 miles of State Highway in Arkansas. It is impossible to predict when and where a pothole will develop, therefore encountering a pothole is a risk assumed by the public in general as a part of travel. Historically and legally, the Commission will not award damages caused by a pothole unless a Claimant can show some negligence on the part of the respondent. Such proof of negligence must generally include facts to indicate that the respondent had *prior* knowledge of the pothole, yet the respondent *failed to respond within a reasonable amount of time* to repair the pothole." Claimant has not provided any such evidence, therefore the claim should be denied and dismissed.
4. The State is not a no-fault insurer of the general public. Without any claim and proof of negligence on the part of the Respondent, the State should not be liable for Claimant's damages.

5. A Claim for Negligence requires a duty, breach, damages, and causation. *Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002); *Prosser and Keeton on Torts*, Ch. 5, § 30. Arkansas is a fact-pleadings state. Claimant has not stated facts sufficient to support a claim for these elements of negligence.

6. Claimant has failed to state a claim against the Respondent for which relief can be granted. This matter should be denied and dismissed pursuant to Arkansas Rules of Civil Procedure, Rule 12(b)(6).

WHEREFORE, the Respondent prays for dismissal of the Complaint, for its costs, and for all other proper relief to which it may be entitled.

RESPECTFULLY SUBMITTED,
ARKANSAS DEPARTMENT OF TRANSPORTATION

By: J.D. Wilkins
Jay D. Wilkins
Arkansas Bar No. 2022067
Staff Attorney
ARDOT, Legal Division
P. O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2277

CERTIFICATE OF SERVICE

I, Jay D. Wilkins, certify that I have served the foregoing Answer and Motion to Dismiss upon the Claimant by mailing a true copy of same this 5th of April, 2023 to:

Monica McDaniel

[REDACTED]

J.D. Wilkins
Jay D. Wilkins

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MONICA MCDANIEL

CLAIMANT

V.

CLAIM NO. 231105

**ARKANSAS DEPARTMENT OF
TRANSPORTATION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Department of Transportation (the “Respondent”) to dismiss the claim of Monica McDaniel (the “Claimant”). Based upon a review of the pleadings, including Respondent’s motion, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed the instant claim, alleging that Claimant’s vehicle was damaged by a pothole on a state highway.
2. Respondent filed a motion to dismiss, arguing that Claimant failed to show that Respondent had prior knowledge of a pothole yet failed to respond within a reasonable amount of time to repair it. Respondent seeks dismissal pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure.
3. Claimant did not respond.
4. In reviewing this motion to dismiss, the Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s

theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. The Commission agrees with Respondent that dismissal of this claim is proper. Claimant did not allege any facts regarding Respondent’s prior knowledge of a pothole or failure to repair it within a reasonable amount of time. Respondent is unable to monitor every part of the state highway system at all times. As stated by Respondent in the motion to dismiss, encountering a pothole is a risk assumed by the public in general as a part of travel. In the absence of evidence that Respondent had prior knowledge of the pothole that caused Claimant’s damage and failed to repair it in a reasonable amount of time, the existence of a pothole is insufficient to establish liability.

6. As such, Respondent’s motion to dismiss is GRANTED, and Claimant’s claim is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: June 16, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Kathryn Irby](#)
To: [REDACTED]@ [REDACTED]
Cc: ["Wilkins, Jay D."](#); ["Blakley, Sharon"](#)
Subject: ORDER: McDaniel v. ArDOT, Claim No. 231105
Date: Tuesday, June 20, 2023 6:16:00 PM
Attachments: [79--McDaniel--231105--pothole.pdf](#)

Ms. McDaniel and Mr. Wilkins, please see attached order entered by the Commission.

Thanks,
Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

From: [REDACTED]
To: [Kathryn Irby](mailto:Kathryn.Irby)
Subject: Re: ORDER: McDaniel v. ArDOT, Claim No. 231105
Date: Wednesday, June 21, 2023 11:39:24 AM

Thank you so much for the information!

On Wed, Jun 21, 2023, 11:21 AM Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

Ms. McDaniel, if you disagree with the Commission's decision, your options are set out in the text box at the end of the order.

Thanks,

Kathryn Irby

From: Monica McDaniel <[REDACTED]>
Sent: Tuesday, June 20, 2023 6:41 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Re: ORDER: McDaniel v. ArDOT, Claim No. 231105

I did respond. This is terrible. I had literally 2 tires damaged by pothole within a 2 months. You guys are ridiculous. This is not over. I will get representation. The potholes in Arkansas are destructive to your car. I literally try to avoid roads to drive on because of how bad they are. I will appeal this!

On Tue, Jun 20, 2023, 6:16 PM Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

Ms. McDaniel and Mr. Wilkins, please see attached order entered by the Commission.

Thanks,

Kathryn Irby

Kathryn Irby

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-2822

Claim No: 231105

JUL 20 2023

RECEIVED

To Whom It may concern:


I am appealing your decision to not reimburse me for my tire(s) That was damaged by potholes. Pothole a deep natural underground cave formed by the erosion of rock, especially by the action of water. "Arkansas is an at-fault state where the party responsible for the damage that has been caused." I sent in both claims on potholes and locations. Photos were impossible to get since they both happened on a major highway and at night.

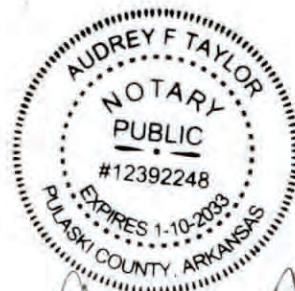
I understand after researching that the state of Arkansas uses negligence instead of liability. I was not negligent. I was driving onto a highway coming from the airport at night not negligence. The 1st incident I was on Arkansas I 40 headed to Little Rock from Wynne, AR. Traffic moving at 75 miles per hour. Truck drivers in front and back of me. No way to see or avoid the pothole. Hit a significant pothole that knocked my tire off the rim somewhat not completely. Thank God I was 1 mile from The Brinkley exit and was able to make it off the hwy without getting hurt or worse. Definitely, not negligent.

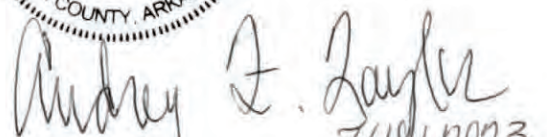
The BMW roadside assist came and picked up my vehicle and towed it to the McLarty BMW dealership where the tire was replaced. My vehicle has ^{run} flat tires. Which means when damaged must be replaced.

The months this happened to me were February and March. Check the forecast. We had a great number of rain showers that caused the potholes to get worse. Negligence is failure to take proper care in doing something. I was not negligent because I was not responsible for maintaining Arkansas roads. The Arkansas Department of Transportation oversees the planning, and policing of state roads and highways. There for you are liable.

Sincerely,


Monica R. McDaniel (Arkansas Tax payer)




7/18/2023

CUSTOMER #: [REDACTED]

170510



JUL 20 2023

4621 Colonel Glenn Plaza Drive
Little Rock, AR 72210
Main: (501) 224-3700
Toll Free: (888) 892-5444
www.BMWofLittleRock.com

MONICA MCDANIEL

INVOICE

PAGE 1

BMW of
Little Rock

SERVICE ADVISOR: 101487 KARI BRATTON

COLOR			YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG
BLACK SAPPH			20	BMW 228XI	WBA73AK02L7F57240		16177/16178	T4479
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED		PONO.	RATE	PAYMENT	INV. DATE
20SEP22 DD			WAIT 01APR23				SB	01APR23
R.O. OPENED		READY		OPTIONS: SOLD-STK:L7F57240 ENG:2.0_Liter_Turbo				

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A C/S PASS FRONT TIRE IS FLAT PLEASE CHECK AND ADVISE
MA05 C/S PASS FRONT TIRE IS FLAT PLEASE CHECK AND
ADVISE

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00 (N/C)

B** FOUR WHEEL ALIGNMENT
CAUSE: alignment needed

FS02 FOUR WHEEL ALIGNMENT
735016 CPM 319.98 319.98
PARTS: 0.00 LABOR: 319.98 OTHER: 0.00 TOTAL LINE B: 319.98
performed 4 wheel alignment & sent pips to advisor due to printer
being out @ this time

C** MOUNT AND BALANCE 1 TIRE
CAUSE: R&R pass. front tire

WT01 MOUNT AND BALANCE 1 TIRE
735016 CPMT 45.00 45.00
1 36-11-5-A23-547 Bridgestone TURANZA LS100 317.65 285.00 285.00
RFT STR X 3.00 3.00 3.00
1 TT State Fee - Tire/DOT REGISTERED 3.00
PARTS: 285.00 LABOR: 45.00 OTHER: 3.00 TOTAL LINE C: 333.00
performed

DISCOUNT DISCOUNT CPC -129.03 -129.03

ESTIMATE: 0.00 01APR23 12:18 SA: 101487
CONTACT:

CUSTOMER PAY SHOP CHARGE FOR REPAIR ORDER 30.94

WARRANTY DISCLAIMER: ALL PARTS AND ACCESSORIES ARE SOLD AND ALL REPAIRS ARE PROVIDED BY THE DEALERSHIP AS-IS. THE DEALERSHIP HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF PARTS OR PRODUCTS OR THE REPAIR. THE ONLY WARRANTIES ON PARTS AND ACCESSORIES OR REPAIRS ARE THOSE WHICH MAY BE OFFERED BY THE MANUFACTURER OR THE ORIGINAL PARTS DISTRIBUTOR AND ONLY SUCH MANUFACTURER OR DISTRIBUTOR SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES. CUSTOMER SHALL NOT BE ENTITLED TO RECOVER FROM THE DEALERSHIP ANY CONSEQUENTIAL DAMAGES, DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFIT OR INCOME, OR ANY OTHER INCIDENTAL DAMAGES.		*SHOP SUPPLY COSTS:	DESCRIPTION	TOTALS
By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.		We have added a charge equal to 10% of the total cost of labor and parts, not to exceed \$50.00, to the Repair Order for shop supplies used in connection with this repair.	LABOR AMOUNT	
			PARTS AMOUNT	
			GAS, OIL, LUBE	
			SUBLET AMOUNT	
			MISC. CHARGES *	
			TOTAL CHARGES	
			LESS INSURANCE	
			SALES TAX	
DATE	CUSTOMER SIGNATURE	AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE	PLEASE PAY THIS AMOUNT	

CUSTOMER #:

170510



4621 Colonel Glenn Plaza Drive
Little Rock, AR 72210
Main: (501) 224-3200
Toll Free: (888) 892-5444
www.BMWofLittleRock.com

MONICA MCDANIEL

INVOICE

PAGE 1

BMW of
Little Rock

SERVICE ADVISOR: 101487 KARI BRATTON

			SERVICE ADVISOR. 101487 KARI BRATTON				
COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
BLACK SAPPH	20	BMW 228XI	WBA73AK02L7F57240		16177/16178	T4479	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PONO.	RATE	PAYMENT	INV. DATE
20SEP22 DD			WAIT 01APR23			SB	01APR23
R.O. OPENED		READY	OPTIONS: SOLD-STK:L7F57240 ENG:2.0_Liter_Turbo				

11:35 01APR23 16:07 01APR23

LINE OPCODE TECH TYPE HOURS

A C/S PASS FRONT TIRE IS FLAT PLEASE CHECK AND ADVISE

MA05 C/S PASS FRONT TIRE IS FLAT PLEASE CHECK AND

ADVISE

PARTS: 735016 ISP 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00 (N/C)

B** FOUR WHEEL ALIGNMENT

CAUSE: alignment needed

FS02 FOUR WHEEL ALIGNMENT

PARTS: 735016 CPM 0.00 LABOR: 319.98 OTHER: 0.00 TOTAL LINE B: 319.98

performed 4 wheel alignment & sent pics to advisor due to printer
being out @ this time

C** MOUNT AND BALANCE 1 TIRE

CAUSE: R&R pass. front tire

WT01 MOUNT AND BALANCE 1 TIRE

735016 CPMT

1 36-11-5-A23-547 Bridgestone TURANZA LS100

RFT STR X

1 TT State Fee - Tire/DOT REGISTERED

PARTS: 285.00 LABOR: 45.00 OTHER: 3.00 TOTAL LINE C: 333.00

performed

DISCOUNT DISCOUNT

CPC

-129.03 -129.03

ESTIMATE: 0.00

01APR23 12:18 SA: 101487

CONTACT:

CUSTOMER PAY SHOP CHARGE FOR REPAIR ORDER

30.94

WARRANTY DISCLAIMER: ALL PARTS AND ACCESSORIES ARE SOLD AND ALL REPAIRS ARE PROVIDED BY THE DEALERSHIP AS-IS. THE DEALERSHIP HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF PARTS OR PRODUCTS OR THE REPAIR. THE ONLY WARRANTIES ON PARTS AND ACCESSORIES OR REPAIRS ARE THOSE WHICH MAY BE OFFERED BY THE MANUFACTURER OR THE ORIGINAL PARTS DISTRIBUTOR AND ONLY SUCH MANUFACTURER OR DISTRIBUTOR SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES. CUSTOMER SHALL NOT BE ENTITLED TO RECOVER FROM THE DEALERSHIP ANY CONSEQUENTIAL DAMAGES, DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFIT OR INCOME, OR ANY OTHER INCIDENTAL DAMAGES.

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.

* SHOP SUPPLY COSTS:

We have added a charge equal to 10% of the total cost of labor and parts, not to exceed \$50.00, to the Repair Order for shop supplies used in connection with this repair.

ALL PARTS ARE NEW
UNLESS OTHERWISE
INDICATED.

DESCRIPTION

TOTALS

LABOR AMOUNT

PARTS AMOUNT

GAS, OIL, LUBE

SUBLET AMOUNT

MISC. CHARGES *

TOTAL CHARGES

LESS INSURANCE

SALES TAX

PLEASE PAY
THIS AMOUNT

DATE

CUSTOMER SIGNATURE

AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE

CUSTOMER #: [REDACTED]

170510

INVOICE



4621 Colonel Glenn Plaza Drive
Little Rock, AR 72210
Main: (501) 224-3200
Toll Free: (888) 892-5444
www.BMWofLittleRock.com

MONICA MCDANIEL

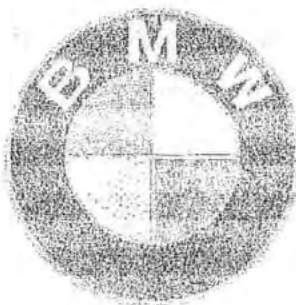
PAGE 2

BMW of
Little Rock

SERVICE ADVISOR: 101487 KARI BRATTON

COLOR		YEAR	MAKE/MODEL		VIN	LICENSE	MILEAGE IN / OUT		TAG
BLACK SAPPH		20	BMW 228XI		WBA73AK02L7F57240		16177/16178		T4479
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED		PO NO.	RATE	PAYMENT	INV. DATE	
20SEP22 DD			WAIT 01APR23				SB	01APR23	
R.O. OPENED		READY		OPTIONS: SOLD-STK:L7F57240 ENG:2.0_Liter_Turbo					
11:35 01APR23		16:07 01APR23							
LINE OPCODE TECH TYPE HOURS				LIST		NET		TOTAL	

* Need a Body Shop Estimate? *
* Visit www.mclartycollision.com and click on *
* "Get my estimate now" *



<p>WARRANTY DISCLAIMER: ALL PARTS AND ACCESSORIES ARE SOLD AND ALL REPAIRS ARE PROVIDED BY THE DEALERSHIP AS-IS. THE DEALERSHIP HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF PARTS OR PRODUCTS OR THE REPAIR. THE ONLY WARRANTIES ON PARTS AND ACCESSORIES OR REPAIRS ARE THOSE WHICH MAY BE OFFERED BY THE MANUFACTURER OR THE ORIGINAL PARTS DISTRIBUTOR AND ONLY SUCH MANUFACTURER OR DISTRIBUTOR SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES. CUSTOMER SHALL NOT BE ENTITLED TO RECOVER FROM THE DEALERSHIP ANY CONSEQUENTIAL DAMAGES, DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFIT OR INCOME, OR ANY OTHER INCIDENTAL DAMAGES.</p> <p>By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.</p>			* SHOP SUPPLY COSTS: We have added a charge equal to 10% of the total cost of labor and parts, not to exceed \$50.00, to the Repair Order for shop supplies used in connection with this repair.		DESCRIPTION		TOTALS	
			ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.		LABOR AMOUNT	364.98		
					PARTS AMOUNT	285.00		
					GAS, OIL, LUBE	0.00		
					SUBLET AMOUNT	0.00		
					MISC. CHARGES *	33.94		
					TOTAL CHARGES	683.92		
					LESS INSURANCE	129.03		
					SALES TAX	47.60		
							PLEASE PAY THIS AMOUNT	

CUSTOMER #: [REDACTED]

169206



4621 Colonel Glenn Plaza Drive
Little Rock, AR 72210
Main: (501) 224-3200
Toll Free: (888) 892-5444
www.BMWofLittleRock.com

MONICA MCDANIEL

INVOICE

PAGE 1

BMW of
Little Rock

SERVICE ADVISOR: 100714 Ryan Barker

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
BLACK SAPPH	20	BMW 228XI	WBA73AK02L7F57240		14528/14528	T1074	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
20SEP22 DD			15:00 27FEB23			SB	27FEB23

R.O. OPENED READY OPTIONS: SOLD-STK:L7F57240 ENG:2.0_Liter_Turbo

09:05 27FEB23 18:16 27FEB23

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL

A C/S THE D/S FROT TIRE BLEW OUT-PLZ ADV

CAUSE: blow out

WOD C/S THE D/S FROT TIRE BLEW OUT-PLZ ADV

102516 CPMT

PARTS:	0.00	LABOR:	0.00	OTHER:	0.00	TOTAL LINE A:	0.00
--------	------	--------	------	--------	------	---------------	------

blow out

B** MOUNT AND BALANCE 1 TIRE

CAUSE: mandb

WT01 MOUNT AND BALANCE 1 TIRE

102516 CPMT

1 36-11-5-A23-547 Bridgestone TURANZA LS100

RFT STR X

1 TT State Fee - Tire/DOT REGISTERED

PARTS:	285.00	LABOR:	45.00	OTHER:	3.00	TOTAL LINE B:	333.00
--------	--------	--------	-------	--------	------	---------------	--------

mandb

ESTIMATE: 0.00

27FEB23 09:51 SA: 100714

CONTACT:

* Need a Body Shop Estimate? *
* Visit www.mclartycollision.com and click on *
* "Get my estimate now" *

WARRANTY DISCLAIMER: ALL PARTS AND ACCESSORIES ARE SOLD AND ALL REPAIRS ARE PROVIDED BY THE DEALERSHIP AS-IS. THE DEALERSHIP HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF PARTS OR PRODUCTS OR THE REPAIR. THE ONLY WARRANTIES ON PARTS AND ACCESSORIES OR REPAIRS ARE THOSE WHICH MAY BE OFFERED BY THE MANUFACTURER OR THE ORIGINAL PARTS DISTRIBUTOR AND ONLY SUCH MANUFACTURER OR DISTRIBUTOR SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES. CUSTOMER SHALL NOT BE ENTITLED TO RECOVER FROM THE DEALERSHIP ANY CONSEQUENTIAL DAMAGES, DAMAGES TO PROPERTY, DAMAGES FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFIT OR INCOME, OR ANY OTHER INCIDENTAL DAMAGES.

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.

* SHOP SUPPLY COSTS:

We have added a charge equal to 10% of the total cost of labor and parts, not to exceed \$50.00, to the Repair Order for shop supplies used in connection with this repair.

ALL PARTS ARE NEW
UNLESS OTHERWISE
INDICATED.

DESCRIPTION	TOTALS
LABOR AMOUNT	45.00
PARTS AMOUNT	285.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES *	3.00
TOTAL CHARGES	333.00
LESS INSURANCE	0.00
SALES TAX	28.46
PLEASE PAY THIS AMOUNT	361.46

DATE

CUSTOMER SIGNATURE

AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE