

Arkansas
State Claims Commission

FEB 07 2017

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Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

Mr. Paul Golden
 Mrs. Sandra Golden
 Ms.
 Miss
_____, Claimant

Do Not Write in These Spaces	
Claim No.	17-0527-CC
Date Filed	February 7, 2017 (Month) (Day) (Year)
Amount of Claim \$	1,515,000.00
Fund	AHTD
	Personal Injury

vs.
State of Arkansas, Respondent
AR. Highway & Transportation Dept.

COMPLAINT

Paul Golden and Sandra Golden, the above named Claimant, of 3485 Skyranch Dr. Alvin
(Name) (Street or R.F.D. & No.) (City)
TX 77511 (281) 831-3948 represented by James C. Wylie
(State) (Zip Code) (Daytime Phone No.) (County of) (Legal Counsel, if any, for Claimant)
of 4004 Texas Blvd. Texarkana TX 75503 (903) 334-8646 (903) 334-8645
(Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)
State agency involved: AR State Highway and Transportation Dept. Paul Golden-\$15,000
Month, day, year and place of incident or service: July 16, 2015 Sandra Golden \$1,500,000

Explanation: On July 16, 2015 around 10:30 a.m., Arkansas State Highway Transportation Department vehicle/equipment # 3519 blew a hydraulic line and sprayed hydraulic oil onto the surface of Highway 14 in Big Flat, Baxter County, Arkansas. Vehicle #3519 continued on and the crew went to get supplies to clean up the spill (see attached AR. St. HWY and Trans. Dept. Report of Motor Vehicle, Equipment and/or Property Damage). No warning signs, absorption materials, detour signs or flaggers were placed on or around the oil spill. Around 10:39 a.m., Paul Golden was driving a motorcycle on Highway 14 in Big Flat with Sandra Golden as his passenger. The motorcycle came into contact with the hydraulic oil on the highway and immediately lost traction and crashed on its' left side. Paul Golden experienced a cervical sprain and radiculitis, a lumbar sprain and radiculitis, muscle spasms, and left elbow and shoulder injuries (see attached medical summary). Sandra Golden was seriously injured with medical bills exceeding \$232,000.00. Her left shoulder and collar bone were damaged and required multiple procedures. Mrs. Golden suffered injuries to her neck, back, knee and teeth. She suffered from road rash as well (see attached medical summary and photos).

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof
No _____, when? _____, to whom? _____ (Department)
(Yes or No) (Month) (Day) (Year)
and that the following action was taken thereon: _____
and that \$ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? _____; if so, state name and address
(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)
and that the nature thereof is as follows: _____ and was acquired on _____, in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.
Paul D. Golden
Sandra S. Golden
(Print Claimant/Representative Name) (Signature of Claimant/Representative)



WORN TO and subscribed before me at Alvin Texas (City) (State)
on this 30 day of January 2017 (Date) (Month) (Year)

(Notary Public)
My Commission Expires: May 9, 2017 (Month) (Day) (Year)

SFI- R799
James C. Wylie
Wylie-Rommel, LLC
4004 Texas Blvd.
Texarkana, Texas 75503

(903) 334-8646
Arkansas Bar No. 90158

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

SANDRA GOLDEN

CLAIMANT
~~Arkansas~~

State Claims Commission

V.

CLAIM NO. 17-0527-CC

OCT 3 2018

**ARKANSAS STATE HIGHWAY COMMISSION
AND ARKANSAS DEPARTMENT OF TRANSPORTATION
f/k/a ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT**

**RECEIVED
RESPONDENTS**

FULL AND COMPLETE SETTLEMENT AND RELEASE

For the sole consideration of Five Hundred Twenty Five Thousand Dollars and zero cents (\$525,000.00) that the undersigned, Sandra Golden, does hereby release, discharge and forever acquit, Arkansas Department of Transportation f/k/a Arkansas State Highway and Transportation Department, Arkansas State Highway Commission (collectively ArDOT), their agents, employees, successors, and assigns liable or who might be liable in any way or in any manner as result of an accident which occurred on or about July 16, 2015, in Baxter County, Arkansas. This release shall operate as a full and final discharge of all causes of action in tort or in contract, or of any kind, of the undersigned, presently existing and which may arise in the future, of whatever kind and whatever nature against ArDOT.

It is further expressly agreed by the undersigned that the amount to be paid herein is in full and final satisfaction of any and all claims including, but not limited to, any claim for bad faith, personal injury, wrongful death, damage to property, loss of consortium, and for any and all damages, known or unknown, or demands against ArDOT which may arise out of said accident.

The undersigned hereby accepts ArDOT's unconditional promise not to dispute liability for said claim filed by the undersigned before the Arkansas State Claims Commission as full and

will be made payable to: the undersigned, Sandra Golden and her attorney, James C. Wylly in the amount of Five Hundrea Twenty Five Thousand Dollars and zero cents (\$525,000.00), which has been agreed to by the undersigned. This settlement, in accordance with Arkansas State Law, is contingent upon approval from the Arkansas State Claims Commission, Joint Budget Committee or Legislative Council and the Arkansas General Assembly. The undersigned hereby accepts the aforementioned sum as full, sufficient, final consideration, and final payment with respect to the above-mentioned claim before the Arkansas State Claims Commission for all claims past, present, and future that are a result of the accident of July 16, 2015.

The undersigned, hereby declares the terms of this settlement have been completely read, are fully understood, and are voluntarily accepted for the purpose of making a full and final compromise, adjustment, and settlement of any and all claims, disputed or otherwise, for the express purpose of dismissing and precluding forever any and all claims, including further or additional claims arising out of the aforesaid matter.

EXECUTED THIS 21st DAY OF September, 2018.

Sandra S Golden
Sandra Golden, Claimant

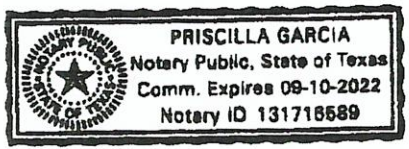
Paul W Golden
Paul Golden, Claimant

[REDACTED]
Social Security Number

[REDACTED]
Social Security Number

SUBSCRIBED AND SWORN to before me this 21st day of September, 2018.

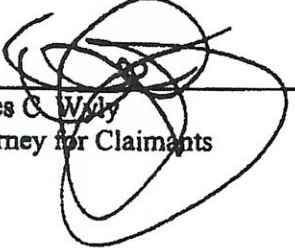
Priscilla Garcia
NOTARY PUBLIC



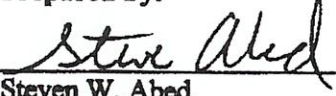
My Commission Expires:

09-10-2022

Witnessed and approved by:


James C. Waly
Attorney for Claimants

Prepared by:


Steven W. Abed
Staff Attorney
Arkansas Department of
Transportation

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

**PAUL GOLDEN AND
SANDRA GOLDEN**

CLAIMANTS

V.

CLAIM NO. 17-0527-CC

**ARKANSAS DEPARTMENT OF
TRANSPORTATION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is the Full and Complete Settlement and Release signed by separate claimant Paul Golden and the Full and Complete Settlement and Release signed by separate claimant Sandra Golden. This claim was filed by the Goldenes relating to a motorcycle crash on Highway 14 on July 16, 2015, against the Arkansas Department of Transportation.

Based upon a review of the pleadings and the settlement agreements, the Claims Commission hereby APPROVES both settlement agreements.

As such, and pursuant to the settlement agreement executed by separate claimant Paul Golden, the Claims Commission directs the Claims Commission clerk to issue a voucher in the amount of \$9,000.00 payable to separate claimant Paul Golden. As to separate claimant Sandra Golden's award, the Claims Commission refers the award of \$525,000.00 to the General Assembly for review and placement on an appropriations bill pursuant to Ark. Code Ann. § 19-10-215(b).

IT IS SO ORDERED.

Henry C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION

Dexter Booth
Henry Kinslow, Co-Chair
Bill Lancaster
Sylvester Smith
Mica Strother, Co-Chair

DATE: October 22, 2018

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(b). 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(b)(3). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a).
- (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(b). 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).