

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's Legal Counsel -  (If representing yourself (Pro Se) please check this box and proceed to section 2)

\_\_\_\_\_

(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.*

**2. Claimant**

Mr. Coudriet Anthony

\_\_\_\_\_

(title/last name/first name or company)

\_\_\_\_\_

(email)

\_\_\_\_\_

(address)

\_\_\_\_\_

(city)

\_\_\_\_\_

(state)

\_\_\_\_\_

(zip)

\_\_\_\_\_

(primary phone)

**3. State Agency Involved: (must be an Arkansas state agency. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities)**

Arkansas Department of Transportation

\_\_\_\_\_

(state agency involved)

**4. Incident Date**

1/3/2021

**5. Claim Type**

Negligence -- Property Damage (pothole)

Please provide a brief explanation of your claim. If additional space is required please attach additional statements to this form.

I was traveling West on Interstate 40 right before Exit 15 and hit a large pothole in the Right Lane, I encountered a bent rim (drivers side) on my 2005 Scion tC to include a large headache for the remainder of my journey. This happened on the morning of Jan 3rd, 2021.

5a. Check here if this claim involves damage to a motor vehicle.

5b. Check here if this claim involves damage to property other than a motor vehicle.

All property damage claims require a copy of your insurance declarations covering the property or motor vehicle at the time of damage.

I did not have insurance covering my property/motor vehicle at the time of damage.

All property damage claims require ONE of the following (please attach):

1. Invoice(s) documenting repair costs, OR
2. Three (3) estimates for repair of the damaged property, OR
3. An explanation why repair bill(s) or estimate(s) cannot be provided.

**6. Was a state vehicle involved? (If Yes, please complete the following section)**

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(type of state vehicle involved)

(license number)

(driver)

**7. Check here if this claim involves personal injury.**

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

I do not have health insurance

**8. Amount Sought:** \$0.00 \_\_\_\_\_

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(Signature)

(Date)

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**ANTHONY COUDRIET**

**CLAIMANT**

**V.**

**CLAIM NO. 210788**

**ARKANSAS DEPARTMENT OF  
TRANSPORTATION**

**RESPONDENT**

**ORDER**

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

1. The Claims Commission has jurisdiction to hear this claim pursuant to Ark. Code Ann. § 19-10-204(a).

2. Claimant filed the instant claim, alleging that Claimant’s vehicle was damaged after hitting a pothole on a state highway.

3. 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.

4. While Claimant did not file a formal response, Claimant did send correspondence to the Claims Commission stating that there was “100% neglect by ARDOT for not taking care of their roads.”

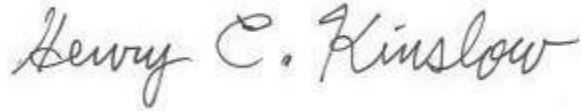
5. In reviewing this motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be

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)).

6. The Claims 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 nearly 16,000 miles of state highways at all times. Respondent is also unable to monitor every section of the nearly 16,000 miles of state highways that have had a pothole at one time. 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.

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

IT IS SO ORDERED.



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ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird  
Dexter Booth  
Henry Kinslow, Co-Chair  
Paul Morris, Co-Chair  
Sylvester Smith

DATE: April 13, 2021

**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:** [COUDRIET, ANTHONY C MSgt USAF ACC 67 CW/FM](#)  
**To:** [Kathryn Irby](#)  
**Subject:** RE: ORDER: Anthony Coudriet v. ADOT, Claim No. 210788  
**Date:** Monday, May 3, 2021 2:34:48 PM

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Yes ma'am. Thanks

v/r

ANTHONY COUDRIET, MSgt, USAF  
[REDACTED]  
[REDACTED]

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**From:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Sent:** Monday, May 3, 2021 2:13 PM  
**To:** COUDRIET, ANTHONY C MSgt USAF ACC 67 CW/FM [REDACTED]  
**Subject:** [Non-DoD Source] RE: ORDER: Anthony Coudriet v. ADOT, Claim No. 210788

I understand from your email that you would like to appeal the Claims Commission's dismissal of your claim – is that correct? If so, I will send your claim over the Legislature, and it will be reviewed by the Claims Review Subcommittee of the Legislature in the next couple of months.

Thanks,  
Kathryn Irby

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**From:** COUDRIET, ANTHONY C MSgt USAF ACC 67 CW/FM [REDACTED]  
**Sent:** Monday, May 3, 2021 1:51 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** RE: ORDER: Anthony Coudriet v. ADOT, Claim No. 210788

Ms. Irby,

It would be the same as the motion to dismiss. I don't understand how the ASCC granted the dismissal that the ArDOT filed. I would like to file an appeal as it would be looked at by someone else, correct? Thanks

v/r

ANTHONY COUDRIET, MSgt, USAF  
[REDACTED]  
[REDACTED]

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**From:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Sent:** Monday, May 3, 2021 12:38 PM  
**To:** A Coudriet [REDACTED]

**Cc:** COUDRIET, ANTHONY C MSgt USAF ACC 67 CW/FM [REDACTED]  
**Subject:** [Non-DoD Source] RE: ORDER: Anthony Coudriet v. ADOT, Claim No. 210788

Mr. Coudriet, there isn't a form for a motion for reconsideration or a notice of appeal. You can put it in letter form or draft it as a legal pleading. That's up to you. Please note that there are time limits involved – those are spelled out in the text box at the end of the April 13 order.

Thanks,  
Kathryn Irby

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**From:** A Coudriet [REDACTED]  
**Sent:** Monday, May 3, 2021 11:45 AM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Re: ORDER: Anthony Coudriet v. ADOT, Claim No. 210788

Hello Ms. Irby,,

I was under the assumption that ASCC handled everything. I do apologize as I'm not familiar with this process.

I would like to file whatever I need to assist me in my repairs. May you send it to this email and [REDACTED] (work). Thanks for your time.

On Mon, May 3, 2021, 10:50 AM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Coudriet, you have not filed a motion for reconsideration or a notice of appeal. ArDOT filed a motion asking the Claims Commission to dismiss your claim on February 23. You responded on March 2 via email opposing the motion to dismiss. The Claims Commission granted the motion to dismiss on April 13 and sent the order to you.

If you review the text box at the bottom of the April 13 order, you'll see that (now that your claim has been dismissed) you can file a motion for reconsideration or a notice of appeal with the Claims Commission. If you file a notice of appeal with the Claims Commission, your claim will be sent over for review by the Legislature.

Thanks,  
Kathryn Irby

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**From:** A Coudriet [REDACTED]  
**Sent:** Saturday, May 1, 2021 11:18 AM  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Subject:** Re: ORDER: Anthony Coudriet v. ADOT, Claim No. 210788

May you clarify your attachment as you all denied my reconsideration/appeal. I was to elevate my concern to the State. Thanks

On Tue, Apr 13, 2021, 11:45 AM ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)> wrote:

Mr. Coudriet and Ms. Sparks:

Please see attached. Contact Kathryn Irby with any questions.

***Misty Scott***  
***Arkansas State Claims Commission***