

ARKANSAS CLAIMS COMMISSION

E.03

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



arclaimscommission.arkansas.gov
ascc.new.claims@arkansas.gov

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

Arkansas
State Claims Commission

JAN 05 2023

RECEIVED

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(s)

ROYSTER CHRIS

(title/last name/first name or company)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

2. Claimant's Legal Counsel - proceed to section 2)

☒ (If representing yourself (Pro Se) please check this box and

(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 (If this section is not completed this claim will be returned as deficient).

The agency(ies) involved must be Arkansas state agencies. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities.

ARKANSAS DEPARTMENT OF TRANSPORTATION

(state agency involved)

4. Incident Date

NOV 24, 2022

5. Claim Type

BENT RIM

Please provide the location of the incident and an explanation of your claim. If additional space is required please attach additional pages for your statements to this form.

Location of Incident

I-30

Explanation of Incident

POT HOLE ON THE LEFT TWO LANE HIGHWAY, RIGHT BEFORE YOU HIT HOT SPRING EXIT, BENT PASSENGER RIM

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.

Please do not include a copy of your insurance card.
You may obtain a copy of your insurance declaration
from your insurance agent.

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)

(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: \$

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.

CHRIS ROYSTER
Claimant 

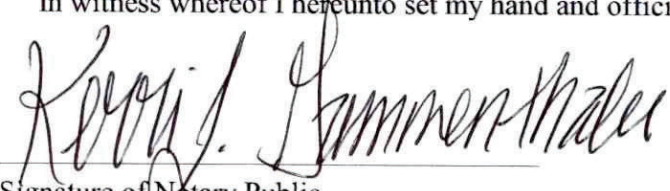
ACKNOWLEDGEMENT

State of

County of Arkansas

On this the 5th day of Jan, 2023, before me, the undersigned notary, personally appeared Chris Royster 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

My Commission Expires: 8/1/29

[seal of office]




Fwd:



C.C. Royster

To: Barnes, Connie

 You forwarded this message on 1/4/2023 4:23 PM.

If there are problems with how this message is displayed, [click here to view it in a web browser.](#)

Web Message: Forwarded from Barnes, Connie
Via email (company address) on 1/4/2023

Get more details

High resolution image

From: C.C. Royster
Sent: December 31, 2022, at 1:14:18 PM
To: Barnes, Connie



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Visit

Massiv M920 Turbino Black
Chrome Inserts Wheels

\$406.35 USD* In stock - Brand: Massiv

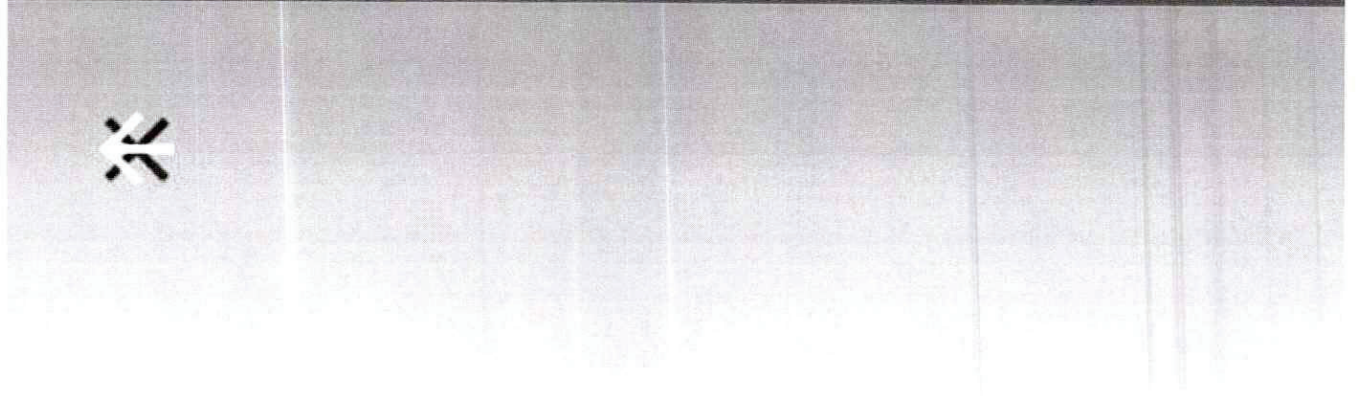
Massiv M920 Turbino Black Chrome Inserts wheels for your car, truck, or SUV. Free shipping and vehicle fitment guarantee.

* Check website for latest pricing and availability. Images may be subject to copyright. [Learn More](#)

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1/4/2023 4:23 PM



Barnes, Connie

From: C.C Royster [REDACTED]
Sent: Wednesday, January 4, 2023 4:19 PM
To: Barnes, Connie

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.



Sent from my iPhone

From: [ASCC New Claims](#)
To: [Looney, Rita S.](#); [Sparks, Trella A.](#); [Blakley, Sharon](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Chris Royster v. ArDOT, Claim No. 230853
Date: Tuesday, January 10, 2023 11:45:00 AM
Attachments: [Chris Royster ArDOT agency ltr .pdf](#)
[Chris Royster Claim.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

January 10, 2023

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

(via email)

RE: ***Chris Royster v. Arkansas Department of Transportation***
Claim No. 230853

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: Chris Royster, *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]
Bcc: ["Kathryn Irby"](#)
Subject: Chris Royster v. ArDOT, Claim No. 230853
Date: Tuesday, January 10, 2023 11:45:00 AM
Attachments: [Chris Royster ArDOT agency ltr .pdf](#)

Dear Mr. Royster,

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](#)
To: [ASCC Pleadings](#)
Cc: [Walker, Evin E.](#)
Subject: Royster v ARDOT Claim 230853 ANS-MTD
Date: Friday, February 3, 2023 11:39:38 AM
Attachments: [image001.png](#)
[Royster.230853\(ANS-MTD\)2023.02.03.pdf](#)
[Royster.230853\(cvr ltr ANS-MTD\)2023.02.03.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 | Evin E. Walker, Staff Attorney | Evin.Walker@ardot.gov
10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2165 | Fax: 501.569.2164

February 3, 2023

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

(via email)

Re: *Chris Royster vs. Arkansas Department of Transportation*
Claim No. 230853

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,

Evin E. Walker

Evin E. Walker
Staff Attorney, Arkansas Department of Transportation

EEW/sdb

cc: Chris Royster

[REDACTED]
[REDACTED]

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

CHRIS ROYSTER

CLAIMANT

V.

CLAIM NO. 230853

ARKANSAS DEPARTMENT OF TRANSPORTATION

RESPONDENT

ANSWER AND MOTION TO DISMISS

COMES THE RESPONDENT, Arkansas Department of Transportation, by and through its Staff Attorney, Evin E. Walker, 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: Evin E. Walker
Evin E. Walker
Arkansas Bar No. 2018145
Staff Attorney
ARDOT, Legal Division
P. O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2165

CERTIFICATE OF SERVICE

I, Evin E. Walker, certify that I have served the foregoing Answer and Motion to Dismiss upon the Claimant by mailing a true copy of same this 3rd of February, 2023 to:

Chris Royster
[REDACTED]
[REDACTED]

Commented [BS1]:

Evin E. Walker
Evin E. Walker

From: [REDACTED]
To: [ASCC New Claims](#)
Subject: Re: Chris Royster v. ArDOT, Claim No. 230853
Date: Monday, February 6, 2023 11:16:21 AM
Attachments: [Chris Royster ArDOT agency ltr .pdf](#)

Hello Ms. Mcdaniel!!

Sent from my iPhone

On Jan 10, 2023, at 11:45 AM, ASCC New Claims
<ASCC.New.Claims@arkansas.gov> wrote:

Dear Mr. Royster,

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

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

January 10, 2023

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

(via email)

RE: ***Chris Royster v. Arkansas Department of Transportation***
Claim No. 230853

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,

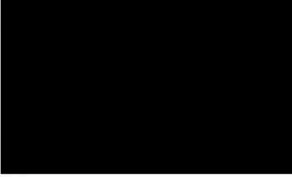
Kathryn Irby

ES: cmcdaniel

cc: Chris Royster, *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>
--

Chris Royster



Arkansas
State Claims Commission

FEB 14 2023

RECEIVED

February 14, 2023

Ms. Kathryn Irby, Director
Arkansas Department of Transportation
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

Re: Chris Royster vs Arkansas Department of Transportation
Claim No. 30853

Dear Ms. Kathryn Irby,

I am appealing the decision of the Arkansas Department of Transportation to dismiss the responsibility of claim 230853 for the reasons:

Lack of receipt - I have not purchased a new rim for the vehicle due to insufficient funds. The cost of a new rim for my vehicle is estimated at \$360.

Lack of evidence- Due to the pothole being on a highly active highway, it isn't feasible and it's extremely dangerous to obtain a photo of the road.

Due to construction in that area, it is your responsibility to ensure the highway is safe for everyone. As a taxpaying citizen, your department is responsible for the damage to my vehicle, therefore compensation is essential.

Sincerely yours,

Chris Royster

From: [REDACTED]
To: [ASCC New Claims](#)
Subject: New mailing address
Date: Monday, June 12, 2023 4:17:11 PM

Chris Royster claim #230853
New address

[REDACTED]

Sent from my iPhone

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRIS ROYSTER

CLAIMANT

V.

CLAIM NO. 230853

**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 Chris Royster (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 responded, arguing that he has not purchased a new rim due to the cost and that the traffic on the highway has kept him from getting a picture of the pothole.
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]
Cc: [Sparks, Trella A.](#); [Blakley, Sharon](#)
Subject: ORDER: Royster v. ArDOT, Claim No. 230853
Date: Monday, June 19, 2023 9:30:00 AM
Attachments: [17--Royster--230853--pothole.pdf](#)

Mr. Royster and Ms. Sparks, 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](#)
Date: Tuesday, June 27, 2023 2:36:24 PM
Attachments: [CHRIS ROYSTER CLAIMANT.docx](#)

Sent from my iPhone

CHRIS ROYSTER

CLAIMANT

V.

CLAIM NO. 230853

ARKANSAS DEPARTMENT OF
TRANSPORTATION

Respondent

I'm appealing for a response to the recent decision on my claim received on June 19, 2023. The Respondent stated that I didn't respond in a reasonable time for that reason it was during the holidays, and I didn't have transportation for estimates, nor funds to fix damages. Respondent seeks evidence in the state of Arkansas's interstate highway system as "access-controlled roads." Therefore, it is illegal for pedestrians to "access" or walk onto this highway.

1.0 Code 5-71-214 -Obstruction of a highway or other public passage.

Therefore, I cannot present evidence of the pothole, but I did give the Respondent a mile marker. Exit 111- (US -70 W) is a two-lane highway with a speed of 55 miles per hour with road construction. At that time there were concrete traffic safety barriers which was a temporary road. On this day, it was Thanksgiving, it was raining. There was no way I could have seen a pothole at that speed with inclement weather.

I ask that you reconsider this decision. I believe I have given enough reason for this claim to be approved.

Sincerely,

Chris Royster

From: [REDACTED]
To: [Kathryn Irby](#)
Date: Tuesday, June 27, 2023 2:37:46 PM
Attachments: [chris.docx](#)

Sent from my iPhone

Chris Royster

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

February 14, 2023

Ms. Kathryn Irby, Director
Arkansas Department of Transportation
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

Re: Chris Royster vs Arkansas Department of Transportation
Claim No. 30853

Dear Ms. Kathryn Irby,

I am appealing the decision of the Arkansas Department of Transportation to dismiss the responsibility of claim 230853 for the reasons:

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Lack of evidence- Due to the pothole being on a highly active highway, it isn't feasible and it's extremely dangerous to obtain a photo of the road.

Due to construction in that area, it is your responsibility to ensure the highway is safe for everyone. As a taxpaying citizen, your department is responsible for the damage to my vehicle, therefore compensation is essential.

Sincerely yours,

Chris Royster