ARKANSAS CLAIMS COMMISSION

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

Questions? Send an email to
ascc.new.claims@arkansas.go

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

CLAIM FORM

1. Claimant. If a claim involves more than one claimant, additional pages may be attached with the other claimant name(s) and contact information.

(title	last name/compan	first name	(email)
	Haley Hudson, as special administratrix of the Estate of Jac		[redacted]

(address)				
[redacted]				
(city)	(state)		(zip)	(primary phone)

2. Claimant's Legal Counsel. An individual claimant may act as his or her own attorney (which is known as proceeding pro se). Please review Ark. Code Ann. § 19-10-222 for information about when a business entity may file a pro se claim. If a claimant is proceeding pro se, this section may be left blank.

(title)	(last name)	(first name)	(email)
	Jackson	Jim	Jim@JimJacksonatty.com

(address)				AR bar number
700 W. Broadway Street, Suite 200				
(city)	(state)	(zip)	(primary phone)	
North Little Rock	AR	72114	(501) 823-3610	

3. State Agency Involved. The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission.

Arkansas Department of Human Services

4. Incident Date 6/11/2021

5. Location of Incident

6. CHECK HERE if this claim involves damage to a motor vehicle. ☑

7. CHECK HERE if this claim involves damage to property other than a motor vehicle. ☐

8. Explanation of Incident Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form.

This family's claim includes two minor children who lost their mom in a wreck caused by a DHS Employee. This action arises out of a motor vehicle accident which occurred on June 11, 2021 on Arkansas Highway 22 in Logan County between Paris and Subiaco Academy. Jacqueline Lynn Ashcraft was driving a 2005 Hyundai Sonata eastbound on Highway 22 near Hwy 5033. Ashcraft was attempting a left-hand turn. She had her two youngest children in car seats in the back seat of the car. KLJ is a minor who was 14 years old & CRJ is a Minor child who was 10 years old. Ms. Ashcraft had on her seatbelt and was using the left turn signal. \
Jennifer Wilkerson was driving a 2009 Hyundai Elantra which was owned by the Arkansas Department of Human Services. Ms. Wilkerson was eastbound behind Ashcraft's car. Ms. Wilkerson negligently struck the rear of Ashcraft's 2005 Hyundai Sonata knocking her car into a ditch. The collision caused Jacqueline Ashcraft to sustain an intracranial hemorrhage which led to her death 13 hours after the wreck at Mercy Hospital in Fort Smith. The two minor children who were in the backseat were also injured. The accident was investigated by Ark. State Police Trooper James Ray, who prepared Accident Report #249. Ms. Ashcraft was survived by five children (3 adult & 2 minor children). Haley Hudson is the daughter and Administratrix of the Estate of Jacqueline Ashcraft. Ms. Hudson is also the legal guardian of the two minor children who survived the car wreck. \

9. Insurance Coverage. For a claim involving damage to a vehicle or other property, you must submit a copy of your insurance declarations in effect at the time of the incident. This is not the same as an insurance card. You can obtain a copy of your insurance declarations from your insurer or insurance agent. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have insurance covering the damaged property or motor vehicle at the time of incident, CHECK HERE** ☐

10. Additional Required Documents for Property Damage Claim

You must submit (1) invoice(s) documenting the repair costs, (2) three estimates for repair, OR (3) an explanation why this documentation cannot be provided.

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

Hyundai - Elantra	Unknown	Jennifer Wilkerson
(type of state vehicle involved)	(license number)	(driver)

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

13. Health insurance coverage. All personal injury claims require a copy of your health insurance information in place at the time of the incident. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have health insurance on the date of the incident, CLICK HERE** ☐

14. Amount of Damages, if known: $4,000,000.00

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission rules and a non-exhaustive list of statutes that relate to the Commission can be found on the Commission website (arclaimscommission.arkansas.gov). The Arkansas Rules of Civil Procedure can be found online (arcourts.gov) under “Info Resources.”

STOP!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

If a BUSINESS OR CORPORATE ENTITY is filing a claim without an attorney (and meets the requirements of Ark. Code Ann. § 19-10-222 for doing so), there is a different signature page that must be used. Please call (501)682-1619 and ask for a corporate 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 of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

_____

Claimant Signature

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
NOV 09 2022
RECEIVED

JACKSON
LAW FIRM

November 6, 2022

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased v. The Arkansas Department of Human Services*
Incident Date: 6/11/2021

Dear Kathryn:

Please find enclosed a Claim Submission Signature Page for the wrongful death claim being filed by Ms. Hudson on behalf of her family against the Arkansas Department of Human Services. Also enclosed is a copy of the Death Certificate, funeral program and the Arkansas Department of Public Safety fatal crash information.

Cincinnati Insurance had a single limits policy of liability coverage of $250,000. The estate received a net total of $150,000. There is no other coverage.

The two minor children in did not receive anything for their bodily injury claims.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonatty.com*

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc:w/enc. Sean Strode, Esq.

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528
501.823.3610
Fax: 501.823.3611
Jim@JimJacksonAtty.com
www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

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

KATHRYN IRBY
DIRECTOR

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

Arkansas
State Claims Commission
NOV 09 2022
RECEIVED

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned attorney 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 nonfrivolous 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.

Jim Jackson, Attorney for Haley Hudson
Claimant Name (must be printed legibly)

Jim Jackson
Claimant Signature

Acknowledgement

State of ARKANSAS

County of PULASKI

On this the 7th day of November, 2022, before me, the undersigned notary, personally appeared Jim Jackson 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.

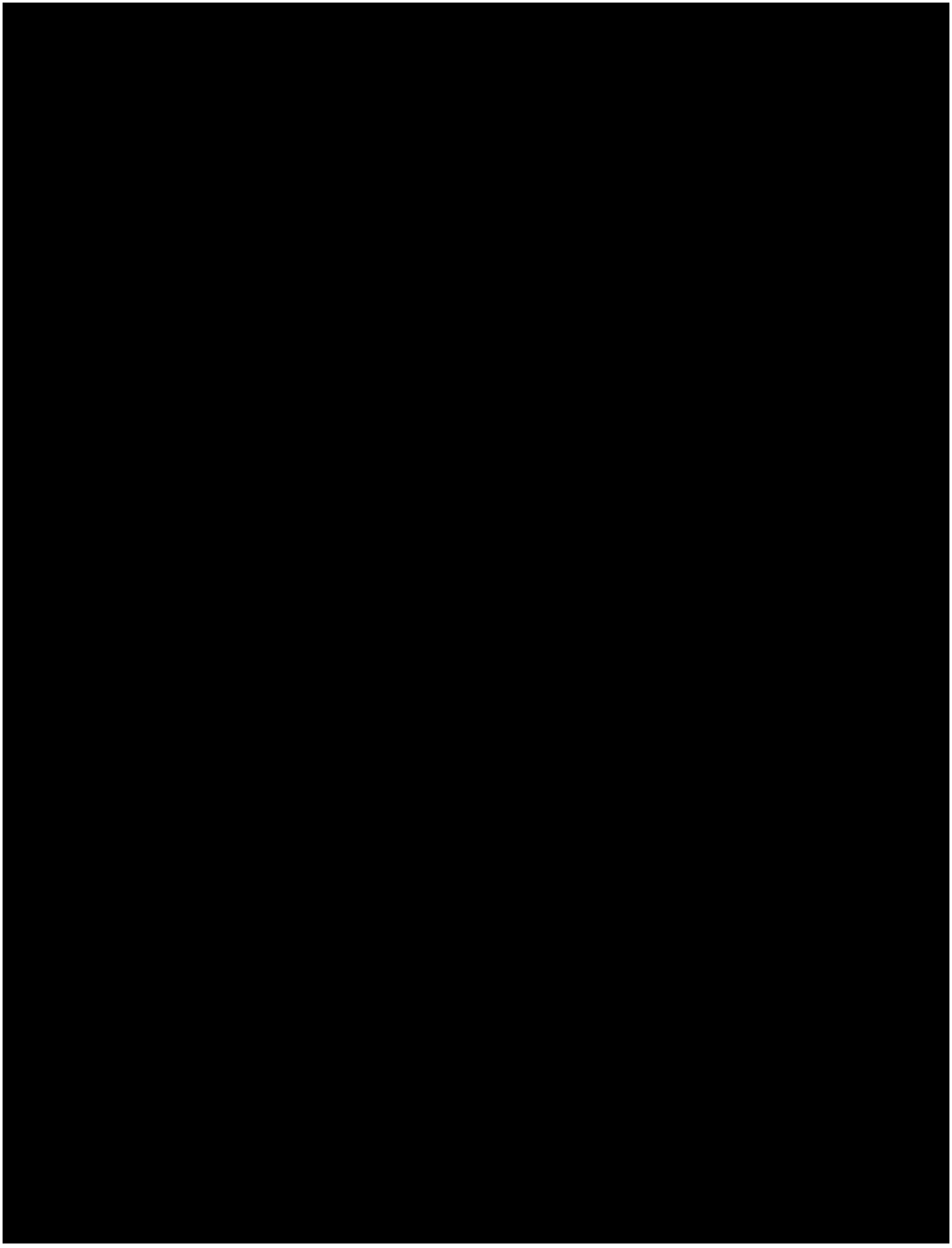
In witness whereof I hereunto set my hand and official seal.

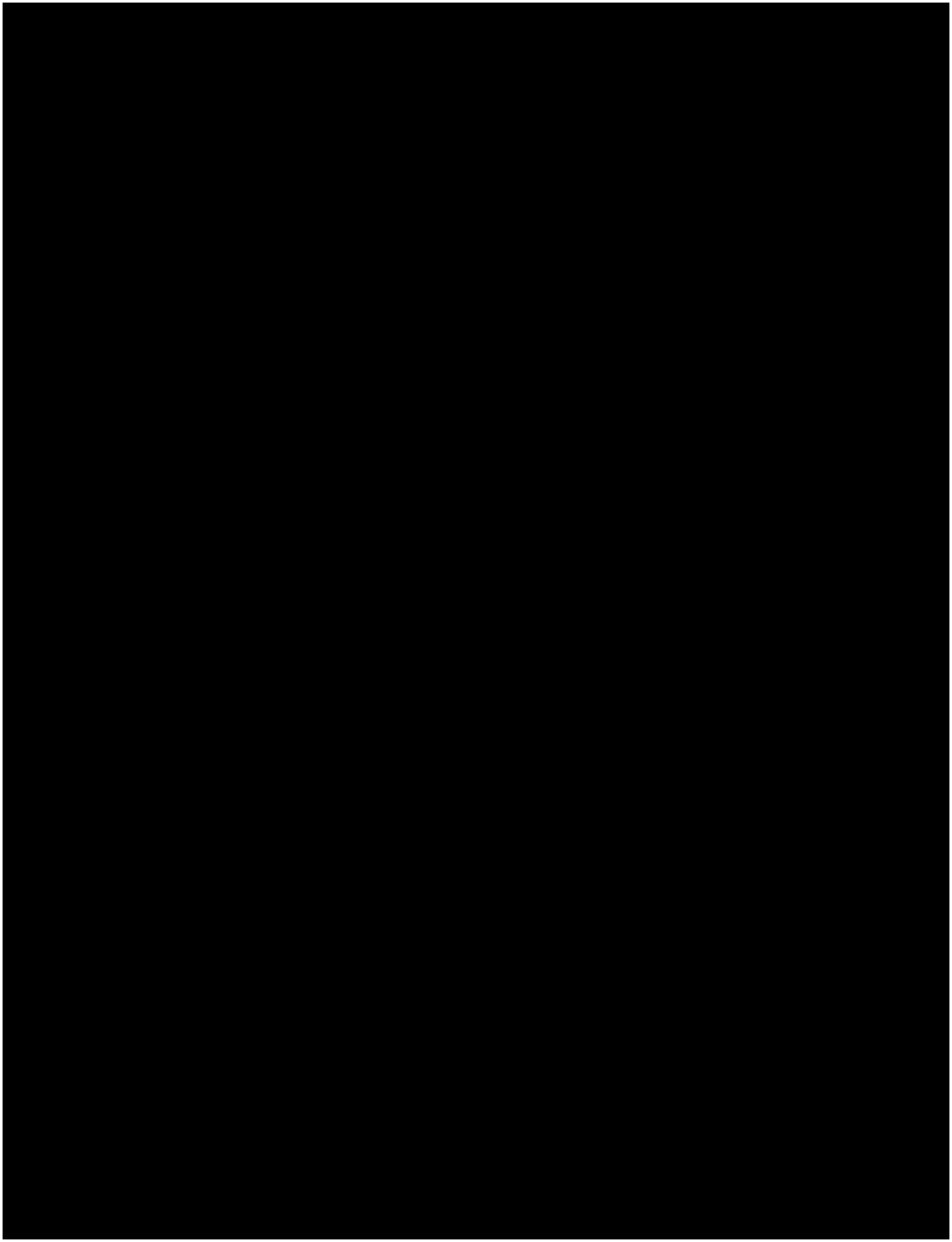
MARTHA COX
NOTARY PUBLIC - STATE OF ARKANSAS
SALINE COUNTY
My Commission Expires 8-19-2031
Commission # 12383466

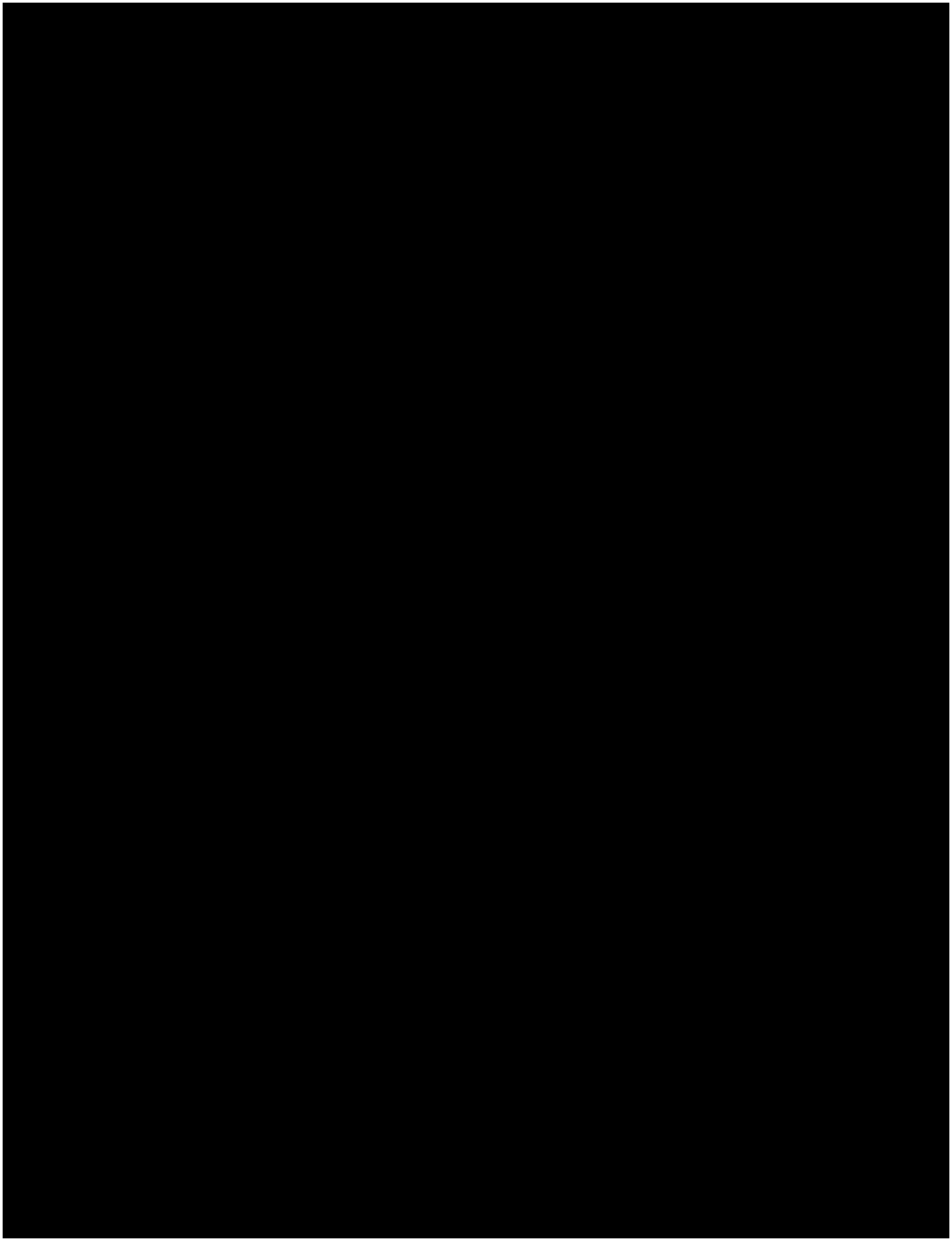
[Seal of Office]

Martha Cox
Signature of Notary Public - Martha Cox

My Commission expires: 8-19-2031







Arkansas
State Claims Commission
NOV 12 2022
RECEIVED

JACKSON
LAW FIRM

November 10, 2022

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of two minor children v. The Arkansas Department of Human Services*
Incident Date: 6/11/2021

Dear Kathryn:

[redacted]

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonatty.com.*

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc:w/enc. Sean Strode, *Esq.*

JIM JACKSON //Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528 • 501.823.3610 • Fax: 501.823.3611 • Jim@JimJacksonAtty.com • www.JimJacksonAtty.com

Arkansas
State Claims Commission

NOV 12 2022

RECEIVED

IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS
CIVIL DIVISION

CINCINNATI INSURANCE COMPANY — PLAINTIFF

v. CASE NO. 42PCV-21-116

HALEY HUDSON, ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, and also GUARDIAN OF THE ESTATES OF [redacted]
And [redacted]
JENNIFER WILKERSON;
ARKANSAS DEPARTMENT OF HUMAN SERVICES;
BOBBY DALE WILSON;
JOE ASHLEY TRUCKING, LLC;
GKD MANAGEMENT, LP D/B/A A&G COMMERCIAL TRUCKING, INC.;
TRU HOMES, LLC;
JOHN DOES 1-3 — DEFENDANTS

COMPLAINT IN INTERPLEADER

COMES Plaintiff, the Cincinnati Insurance Company, by and through its counsel, Barber Law Firm, PLLC, and for its Complaint in Interpleader, states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Cincinnati Insurance Company ("Plaintiff") is a foreign corporation authorized to do business in the State of Arkansas.

2. Defendant Haley Hudson, Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and also Guardian of the Estates of [redacted] is an individual residing in Logan County, Arkansas, who may be served through her attorney, Michael Easley, 510 E Cross Ave, Forrest City, AR 72335.

3. Defendant Jennifer Wilkerson is an individual residing at [redacted]

FILED
Date 12/6/21 Time 910
Kim Ruloph
Circuit Clerk, Logan County, AR
Sam Smith DC

4. Defendant Arkansas Department of Human Services is an agency of the State of Arkansas which may be served through its Director, Cindy Gillespie, 700 Main St., Donaghey Plaza, Little Rock, AR 72203.

5. Defendant Bobby Dale Wilson is an individual residing at [redacted]

[redacted]

6. Defendant Joe Ashley Trucking, LLC, is an Alabama limited liability company which may be served through its registered agent, Legalinc Corporate Services, Inc., 600 Boulevard South SW, Suite 104A, Huntsville, AL 35802.

7. Upon information and belief, Joe Ashley is the sole member of Joe Ashley Trucking, LLC, and Mr. Ashley is a resident of Alabama.

8. Defendant GKD Trucking d/b/a A&G Commercial Trucking, Inc. is a Tennessee corporation which may be served through its registered agent, Tim Stanfill, 4092 US Highway 64, Crump, TN 38327.

9. Defendant Tru Homes, LLC, is an Alabama limited liability company which may be served through its registered agent, Anthony B. Green, 2730 29th Avenue N., Birmingham, AL 35207.

10. Upon information and belief, the members of Tru Homes, LLC, are residents of Alabama.

11. John Does 1-3 are parties who may have an interest in the insurance proceeds, but whose identities are unknown. More specifically, Plaintiff names these Defendants in the event additional individuals or entities have an ownership interest in the mobile home. Upon information and believe, these John Does 1-3 have an ownership interest in the mobile home. These Defendants

are named pursuant to the John Doe statute, Ark. Code Ann. § 16-56-125. Pursuant to the statute, attached hereto as Exhibit 1 is the Affidavit of Rachel E. Hildebrand.

12. All acts and events occurred within Logan County, Arkansas.

13. This Court has jurisdiction over the parties pursuant to Ark. Code Ann. § 16-13-201.

14. Venue is proper in this Court pursuant to Ark. Code Ann. § 16-60-101.

STATEMENT OF THE CONTROVERSY

15. This interpleader action arises out of a motor vehicle accident which occurred on June 11, 2021, on Arkansas Highway 22, rural Logan County, Arkansas.

16. Defendants include drivers and owners of the vehicles involved in the accident.

17. Jennifer Wilkerson, driving a 2009 Hyundai Elantra owned by the Department of Human Services, struck the rear of the 2005 Hyundai Sonata driven by Jacqueline Lynn Ashcraft.

18. The vehicle driven by Ms. Wilkerson also struck the truck and trailer of a 2001 Peterbilt Tractor driven by Bobby Dale Wilson.

19. The 2001 Peterbilt Tractor was owned by Joe Ashley Trucking, LLC.

20. The 2001 Peterbilt Tractor was hauling a mobile home manufactured by TruHomes, LLC.

21. At the time of the accident, GKD Trucking d/b/a/ A&G Commercial Trucking was leasing the Peterbilt from Joe Ashley Trucking, LLC, in order to transport the mobile home from TruHomes, LLC's facility in Lynne, Alabama, to a dealership in Arkansas.

22. At the time of the accident, the mobile home was owned by GKD Trucking d/b/a A&G Commercial Trucking.

23. The Defendants in this action are believed to have incurred property damage and/or personal injury as a result of the accident.

24. At the time of the accident, Arkansas Department of Human Services owned the vehicle driven by Jennifer Wilkerson. At the time of the accident, the Arkansas Department of Human Services, through Arkansas Insurance Department—Risk Management Division, held an insurance policy with Plaintiff. That policy has a coverage limit of $250,000.00. A redacted copy of the Policy is attached hereto as Exhibit 2.

25. This $250,000 in available coverage has been reduced by $6,692.40 in payments relating to transferring the insured vehicle from the tow yard to Copart.[1] Therefore, the total amount of coverage benefits available is now $243,307.60.

26. The potential damages incurred and claimed by all Defendants will likely exceed available coverage. Plaintiff seeks to avoid multiple lawsuits and the potential for inconsistent and duplicative liability as Defendants make claims for all or part of the policy proceeds.

27. Plaintiff concedes it owes these Defendants the amount of $243,307.60, but is unable to allocate those available funds amongst the Defendants.

28. This Interpleader is limited solely to Plaintiff's coverage in the amount of $243,307.60.

29. While there may be claims to be litigated among the Defendants as to the proper allocation of proceeds, Plaintiff, as a mere stakeholder, has no interest (except to recover its attorneys' fees and costs of this action) in the proceeds payable under the Policy. Therefore, Plaintiff should be discharged from any further participation in this action and, upon interpleading the policy sums, requests that it be discharged from any further liability to any of the Defendants.

[1] The insured vehicle has not yet sold for salvage. Therefore, at this time, Plaintiff does not know the amount of the final bill from Copart.

30. Plaintiff is ready, willing, and able to pay the insurance proceeds of $243,307.60 in accordance with the terms of the Policy.

31. Plaintiff has not brought this Complaint in Interpleader at the request of any or all of the claimants; there is no fraud or collusion between Plaintiff and any or all of the claimants; and Plaintiff brings this Complaint in Interpleader of its own free will and to avoid being vexed and harassed by conflicting and multiple claims.

32. Plaintiff seeks to interplead into the Registry of the Court the insurance proceeds of the Policy until such time as the Court determines the proper beneficiary.

33. Plaintiff also seeks to be discharged from all liability and released from this matter, once the funds are interpleaded, as it will have no rights or claims against the remaining parties to this action.

34. Further, Plaintiff seeks an award of attorneys' fees and costs in interpleading these funds into the Registry of the Court from the proceeds of the policy, pursuant to applicable law.

CONCLUSION

WHEREFORE, Plaintiff, Cincinnati Insurance Company, requests judgment as follows:

i. Requiring the Defendants to answer this Complaint in Interpleader and litigate between themselves their rights to the proceeds due under the Policy;

ii. Declaring and adjudging that upon Plaintiff's payment of the proceeds due under the Policy to the registry of the court, Plaintiff and its past, present, and future parents, subsidiaries, affiliates, successors, assignees, agents, producers, servants, employees, officers, directors, principals, representatives, attorneys, and insurers be and hereby shall be wholly and completely discharged and absolved from any further liability of any nature to each of the defendants and/or any other claimant for the proceeds arising

under the Policy as the result of the above-described accident, and that Plaintiff be dismissed from this interpleader action with prejudice;

iii. Enjoining all of the defendants, and all persons or parties claiming through them or through some other right, from instituting or prosecuting any proceeding in any state or federal court against Plaintiff based upon the subject matter of this interpleader action;

iv. Awarding Plaintiff its reasonable attorneys' fees plus the costs of adjudicating this interpleader action, to be paid out of the proceeds at issue;

v. Declaring that $243,307.60 is the available coverage amount;

vi. Dismissing Plaintiff from the case once the funds have been deposited; and

vii. Ordering any other and further relief that this Court deems just and proper.

Respectfully submitted,

BARBER LAW FIRM PLLC
Attorneys for Plaintiff
425 West Capitol Avenue
Suite 3400
Little Rock, AR 72201-3414
(501) 687-1412 (ph) (888) 412-3288 (fax)
sstrauss@barberlawfirm.com
rhildebrand@barberlawfirm.com

By: */s/ Rachel E. Hildebrand*
Scott M. Strauss AR BIN 92009
Rachel E. Hildebrand AR BIN2017134

IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS
CIVIL DIVISION

CINCINNATI INSURANCE COMPANY PLAINTIFF

v. Case No. _____

HALEY HUDSON, ADMINISTRATRIX OF THE ESTATE OF
JACQUELINE LYNN ASHCRAFT, DECEASED, and also
GUARDIAN OF THE ESTATES OF [redacted]
And [redacted]
JENNIFER WILKERSON;
ARKANSAS DEPARTMENT OF HUMAN SERVICES;
BOBBY DALE WILSON
JOE ASHLEY TRUCKING, LLC;
GKD MANAGEMENT, LP D/B/A A&G COMMERCIAL TRUCKING, INC.;
and TRU HOMES, LLC. DEFENDANTS

AFFIDAVIT

STATE OF ARKANSAS)
) SS.
COUNTY OF PULASKI)

I, Rachel E. Hildebrand, being duly sworn and under oath state:

1. I am the attorney representing Plaintiff, Cincinnati Insurance Company, in the above-captioned action.

2. I have attempted to learn the identities of all parties which may have an interest in the insurance proceeds described more fully in the Complaint.

3. After diligent inquiry, the identities of additional parties who may have an ownership interest in the mobile home involved in the accident remain unknown.

4. This affidavit is intended to comply with Ark. Code Ann. § 16-56-125, and all other applicable law, concerning the filing of a complaint against unknown parties—in this case, parties that may have an interest in the mobile home involved in the accident.

EXHIBIT
tabbies
"A"

Respectfully submitted,

BARBER LAW FIRM, PLLC
Attorneys for Third-Party Plaintiffs
425 West Capitol Avenue, Suite 3400
Little Rock, Arkansas 72201
Telephone: (501) 372-6175
Facsimile: (501) 375-2802

By: */s/ Rachel E. Hildebrand*
Rachel Hildebrand, ABN 2017134

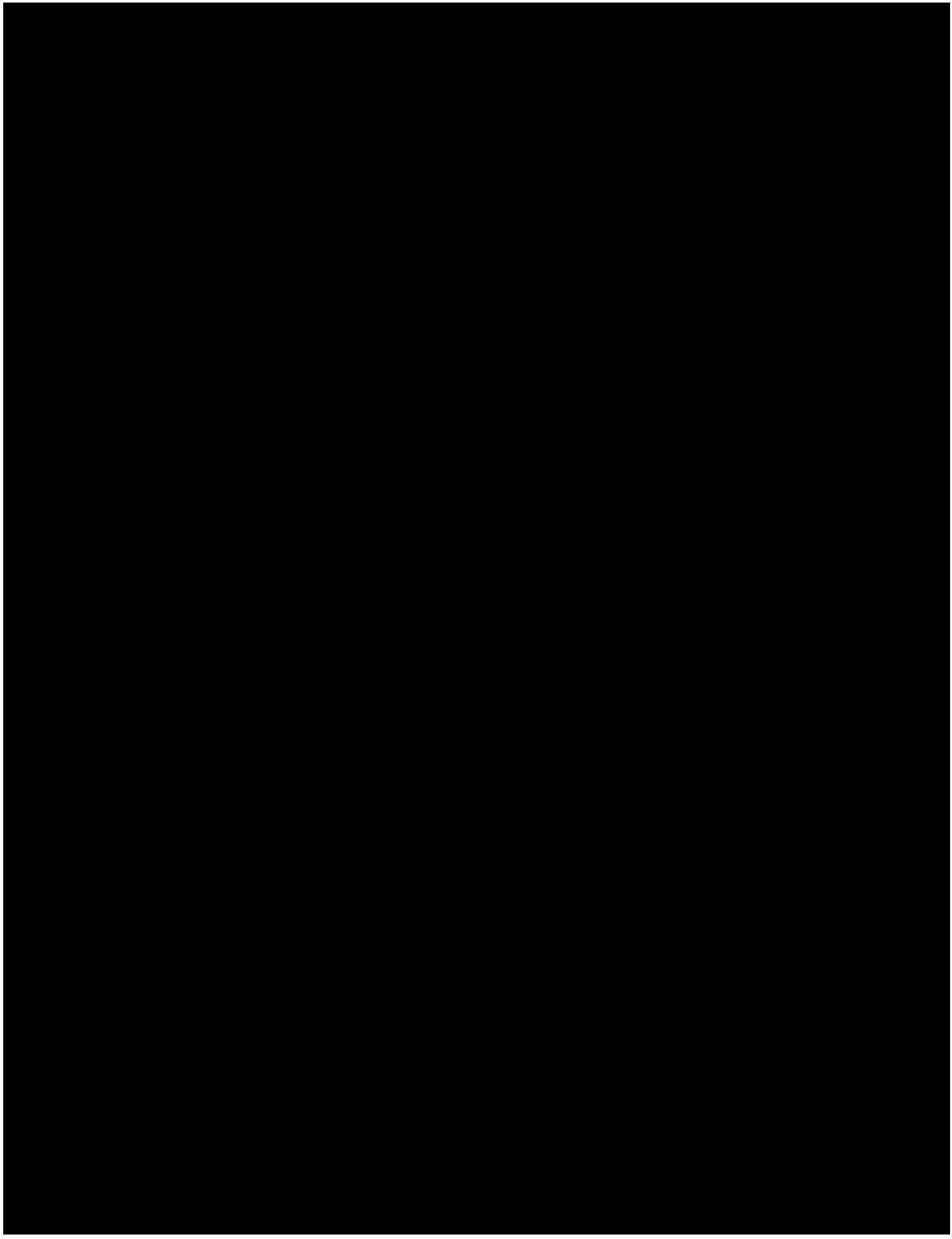
ACKNOWLEDGMENT

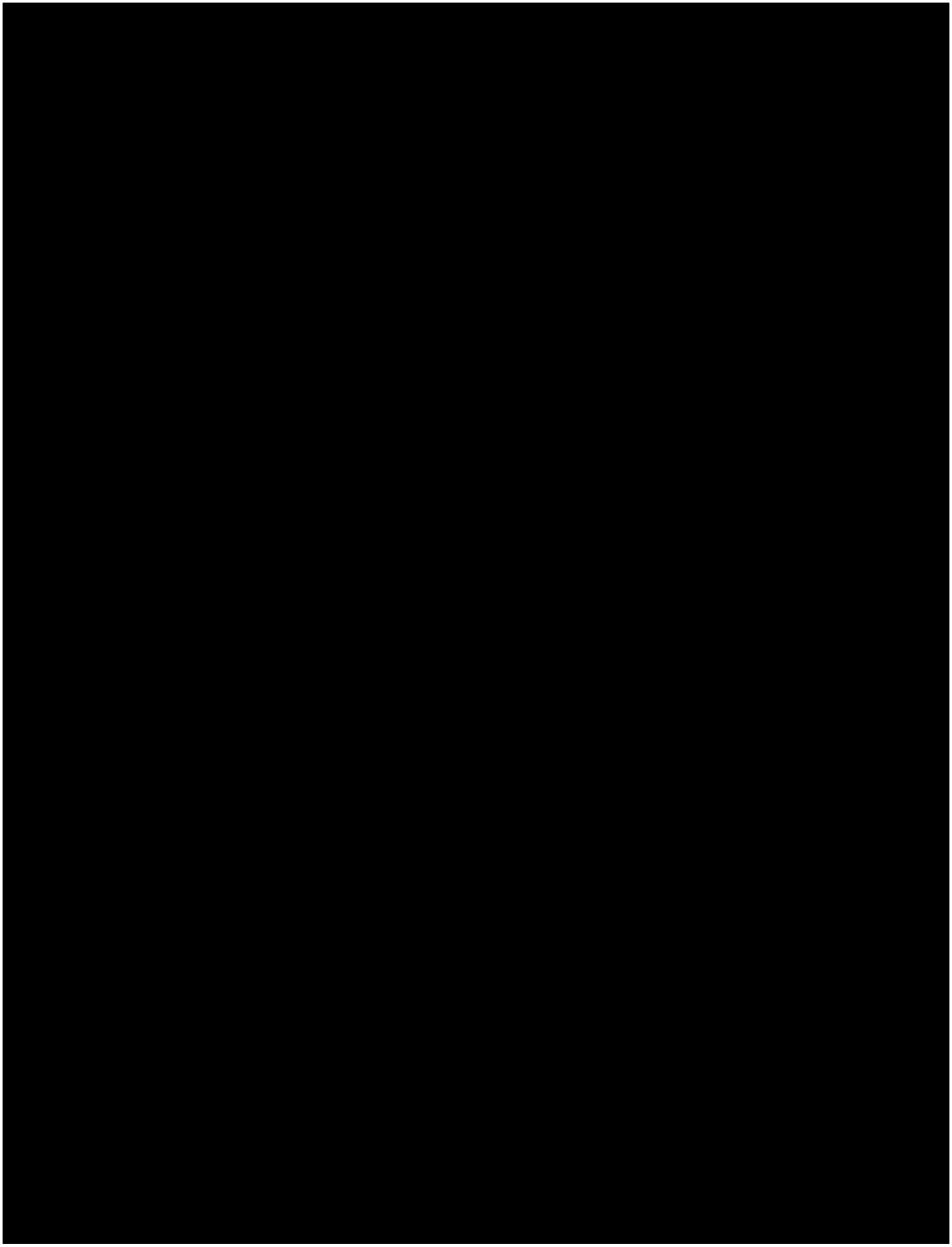
SUBSCRIBED and sworn to before me on this 24 day of November, 2021.

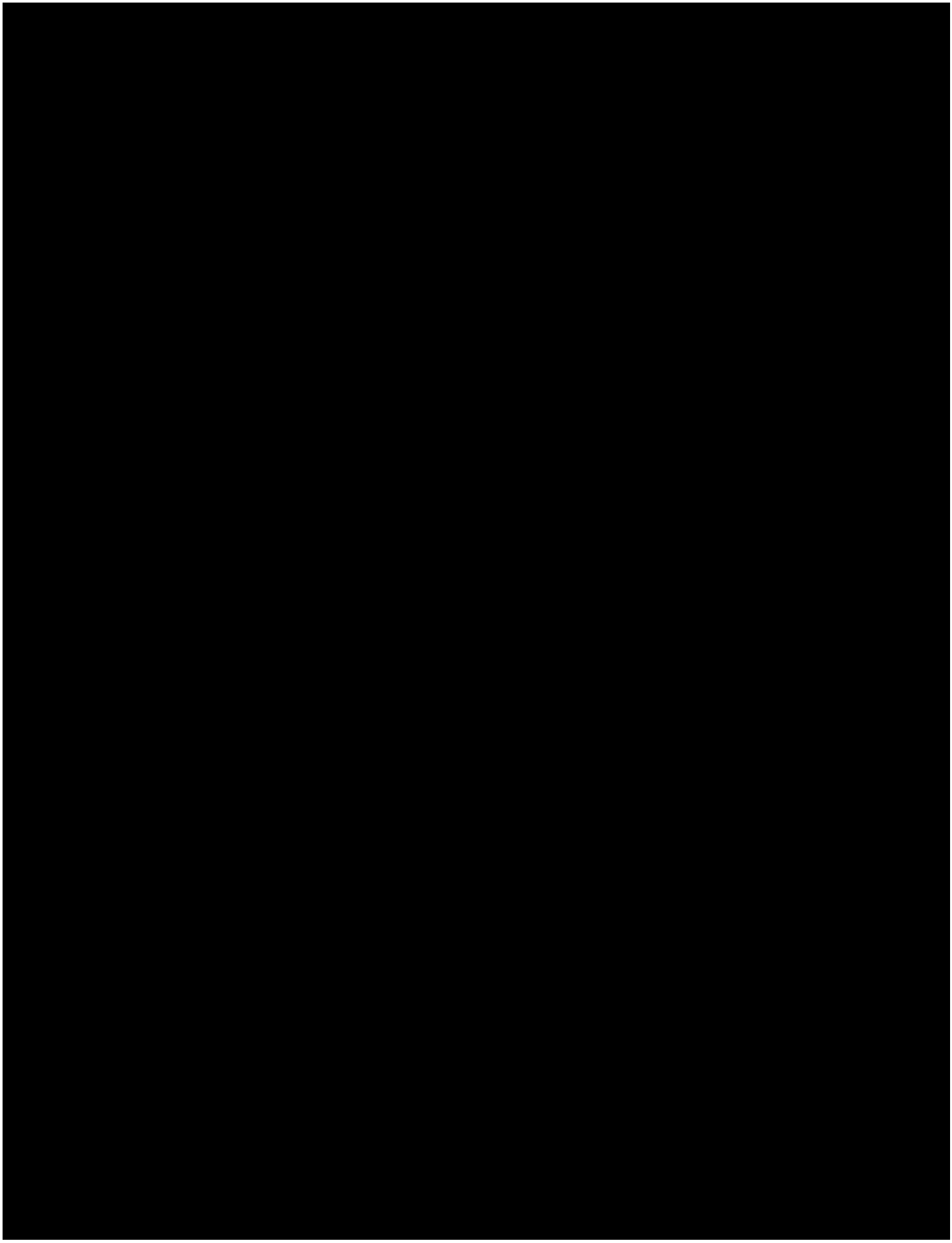
TRACY KING
PULASKI COUNTY
NOTARY PUBLIC – ARKANSAS
My Commission Expires April 16, 2031
Commission No. 12714230

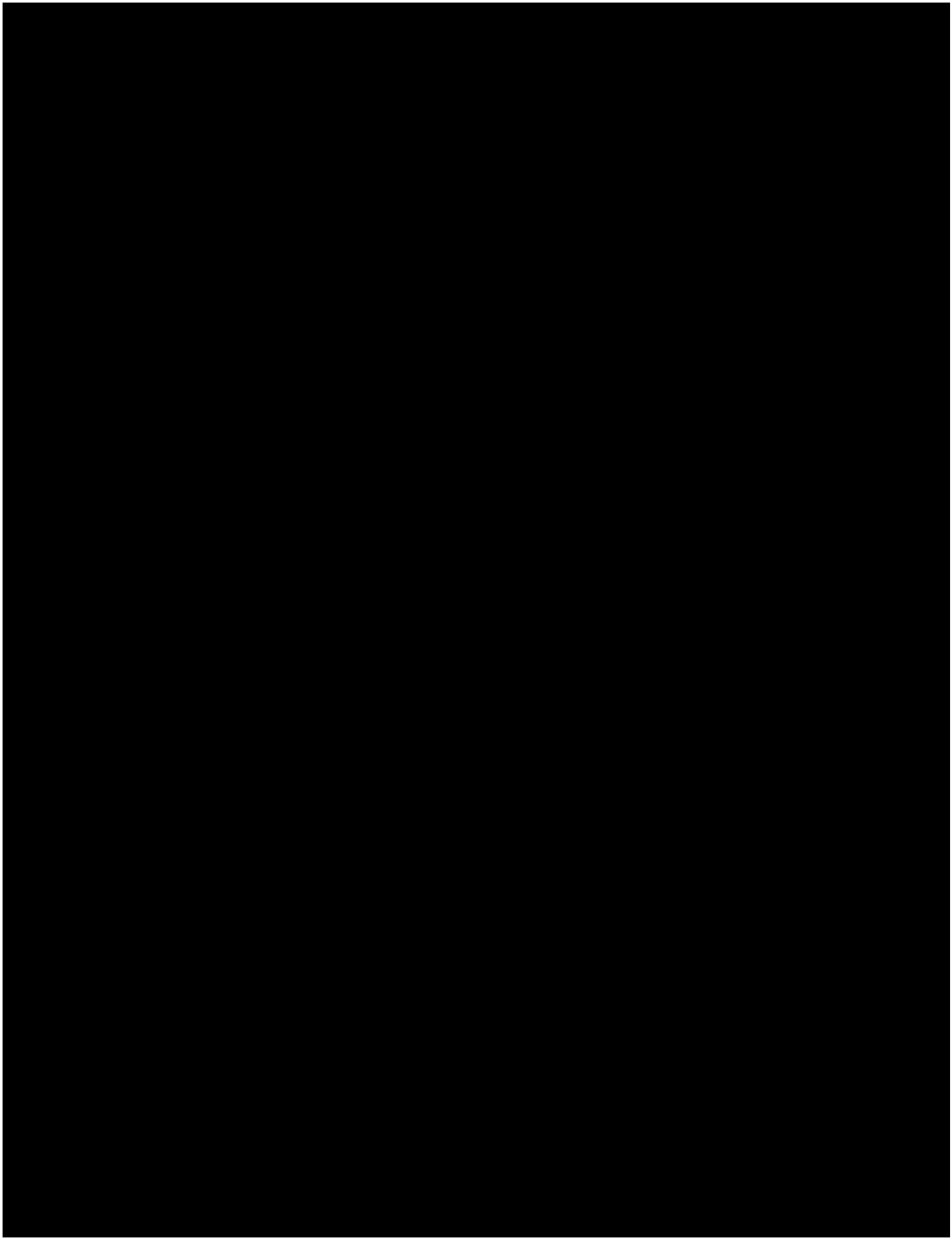
NOTARY PUBLIC

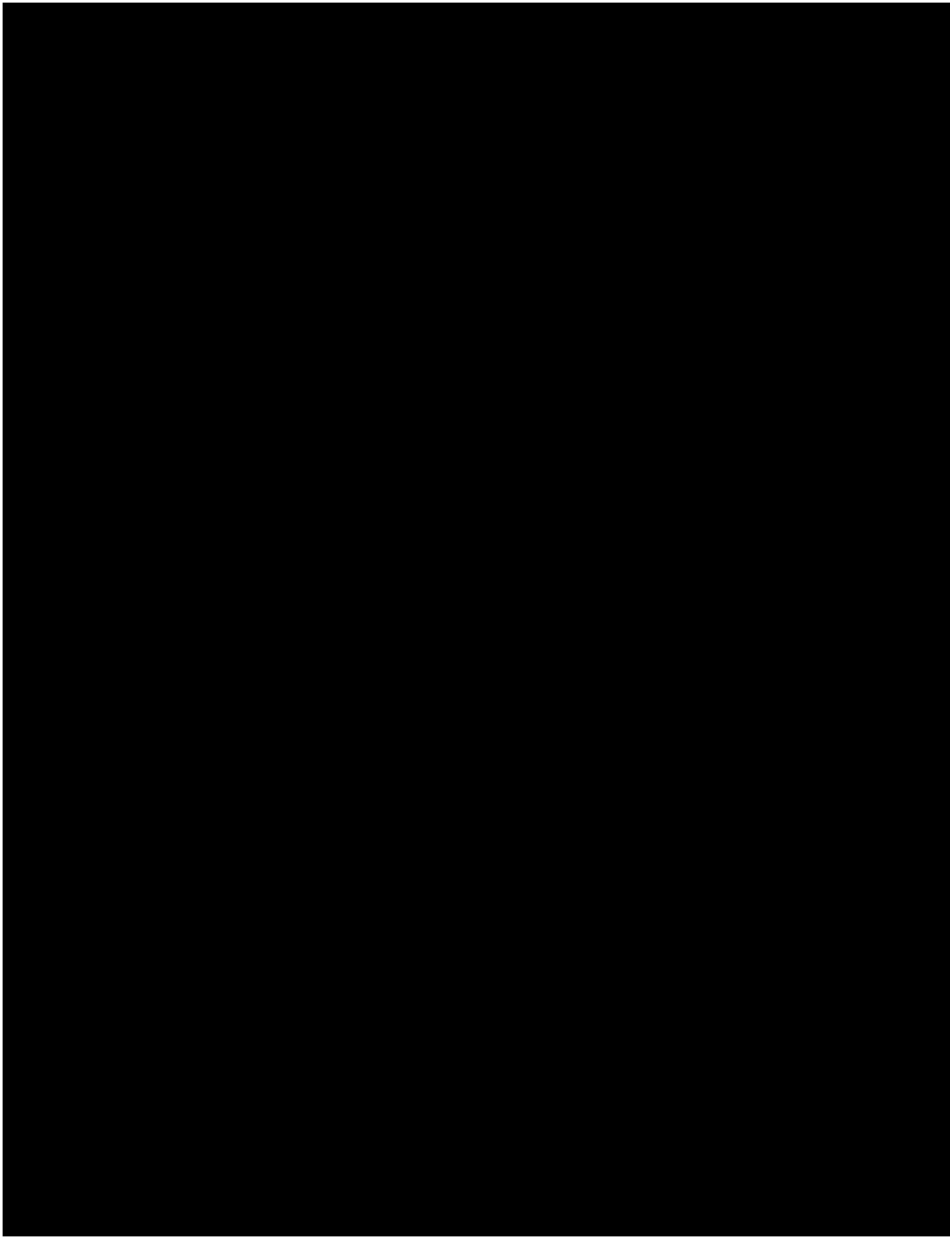
My Commission Expires: 4-16-31











IN THE CIRCUIT COURT OF LOGAN COUNTY, ARKANSAS
CIVIL DIVISION

ELECTRONICALLY FILED
Logan County Circuit Court in Paris District
Kim Ruloph, Circuit Clerk
2022-Mar-21 15:25:57
42PCV-21-116
C15D02 : 3 Pages

CINCINNATI INSURANCE COMPANY PLAINTIFF

v. CASE NO. 42PCV-21-116

HALEY HUDSON, ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, and also GUARDIAN OF THE ESTATES OF [redacted]
And [redacted]
JENNIFER WILKERSON;
ARKANSAS DEPARTMENT OF HUMAN SERVICES;
BOBBY DALE WILSON;
JOE ASHLEY TRUCKING, LLC;
GKD MANAGEMENT, LP D/B/A A&G COMMERCIAL TRUCKING, INC.;
TRU HOMES, LLC;
JOHN DOES 1-3 DEFENDANTS

ORDER

The Court, upon motions of the parties, and being well and sufficiently advised, hereby orders as follows:

1. This Court grants the unopposed Motion to Deposit Funds of Plaintiff, the Cincinnati Insurance Company ("Cincinnati"). The Logan County Circuit Clerk is hereby authorized to accept from Cincinnati a check or draft in the sum of the adjusted policy proceeds, and to deposit the adjusted proceeds into an interest-bearing account.

2. Once Cincinnati has deposited the funds, Cincinnati shall be dismissed from the instant action and be discharged from all further liability.

3. Only two Defendants, Haley Hudson, Administratrix of the Estate of Jacqueline Lynn Ashcraft, Deceased, and also Guardian of the [redacted] ("Hudson") and GKD Management d/b/a A&G Commercial Trucking, Inc. ("GKD") have made claims to the funds to be deposited into the Registry of the Court.

4. Hudson and GKD have amicably resolved their competing claims to the funds, with GKD to received $12,500.00 from the funds to be deposited, and with Hudson to receive the remainder of the funds to be deposited.

5. Once Cincinnati has deposited the funds into the Registry of the Court, the Logan County Circuit Clerk is hereby directed to issue two checks distributing the funds in the above-described amounts to Hudson and GKD, respectively.

6. Once the funds have been distributed accordingly, the instant action shall be dismissed with prejudice.

IT IS SO ORDERED this ___ day of March, 2022.

Honorable David McCormick
Circuit Court Judge

APPROVED:

B. Michael Easley, Attorney for the Ashcraft Estate

Mary Buckley, Attorney for GKD

Arkansas Judiciary

Case Title: CINCINNATI INSURANCE COMPANY V HALEY HUDSON ET AL

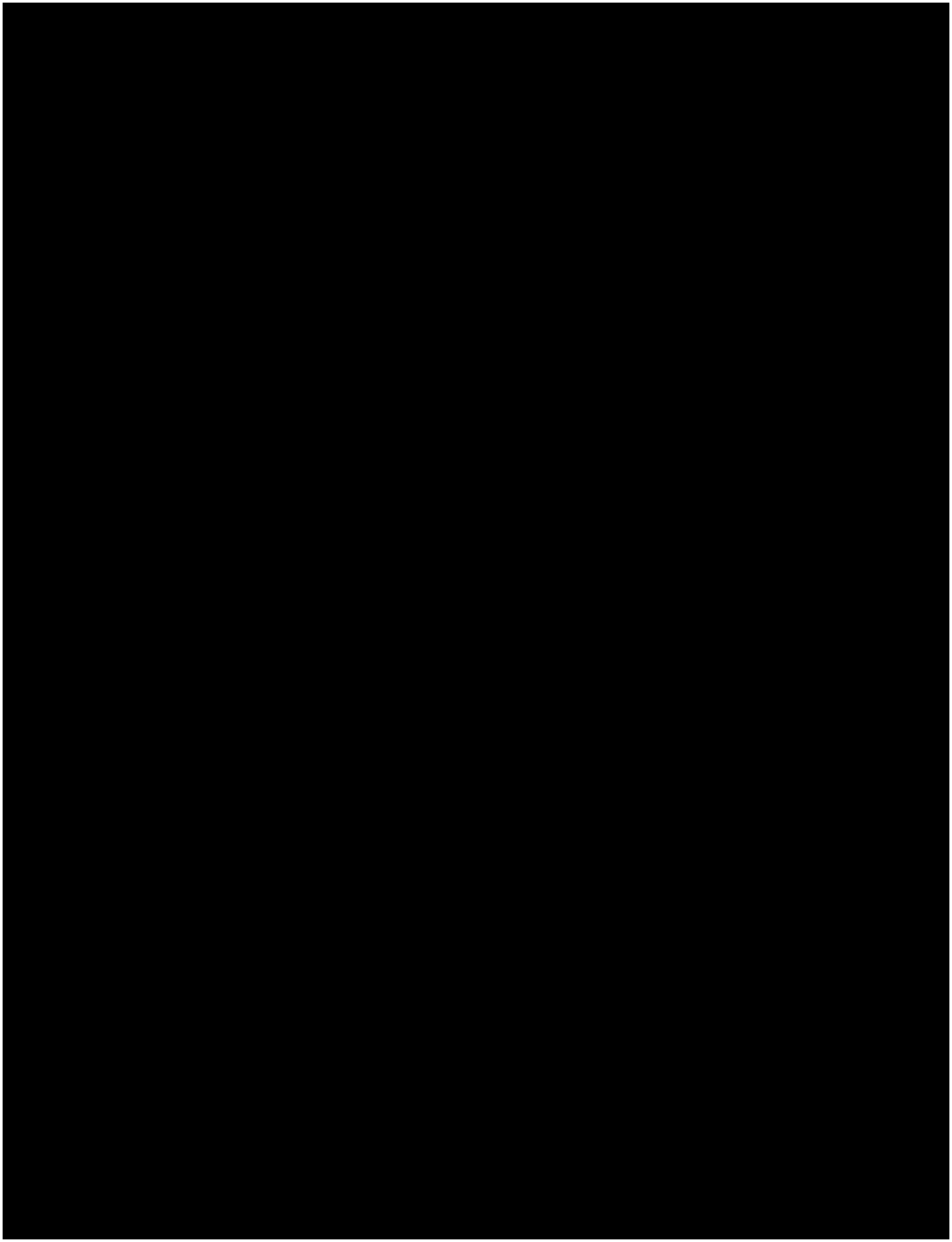
Case Number: 42PCV-21-116

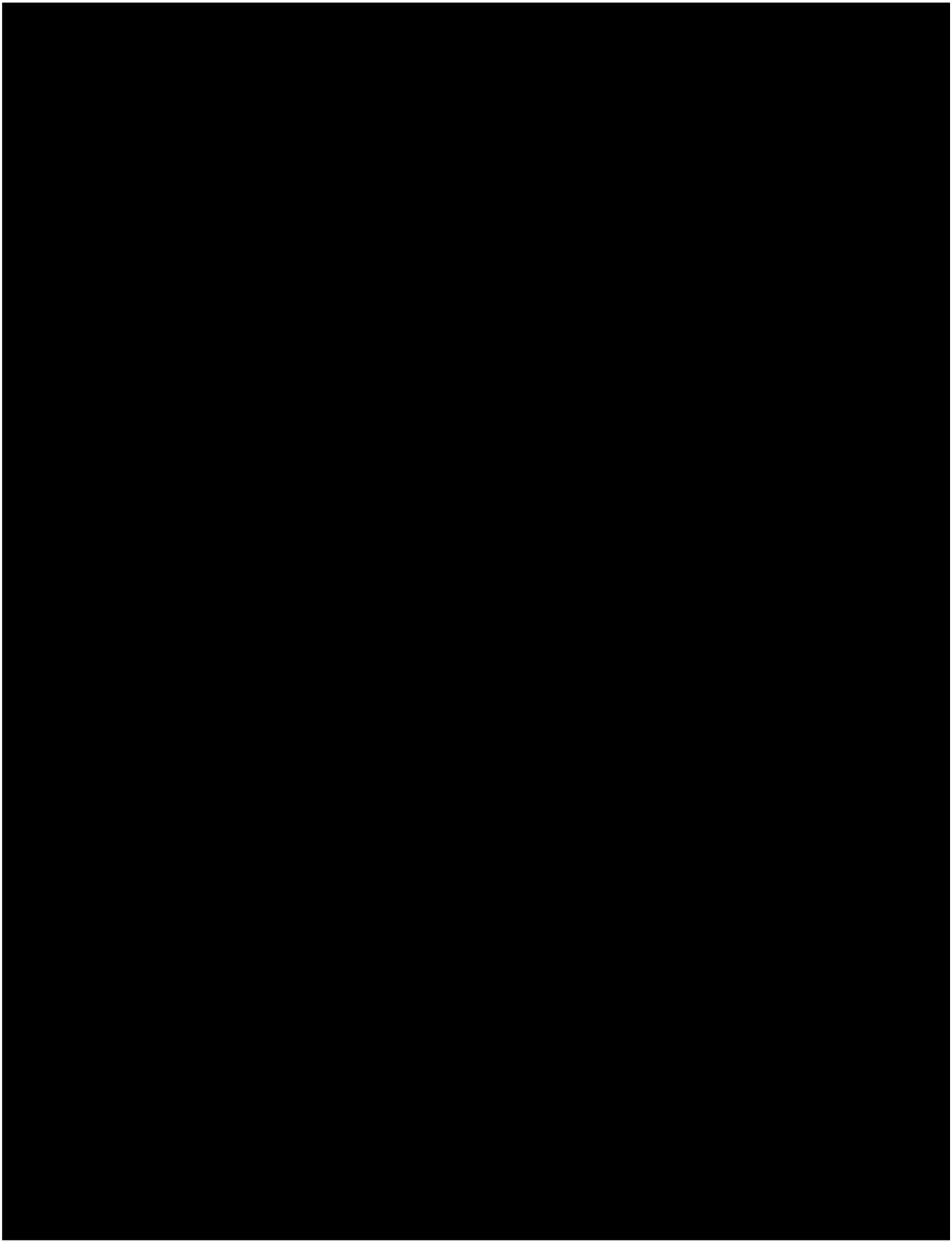
Type: ORDER OTHER

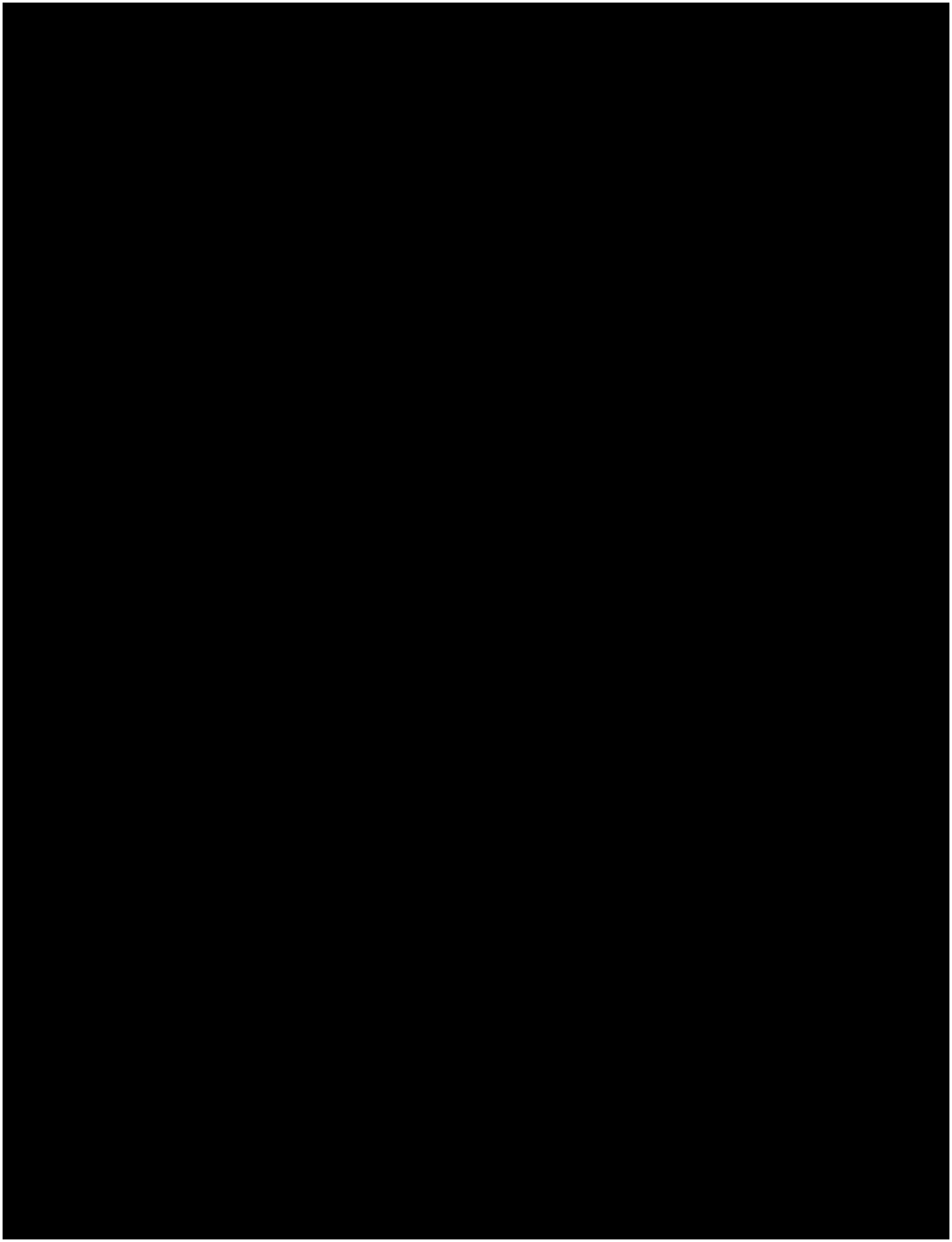
So Ordered

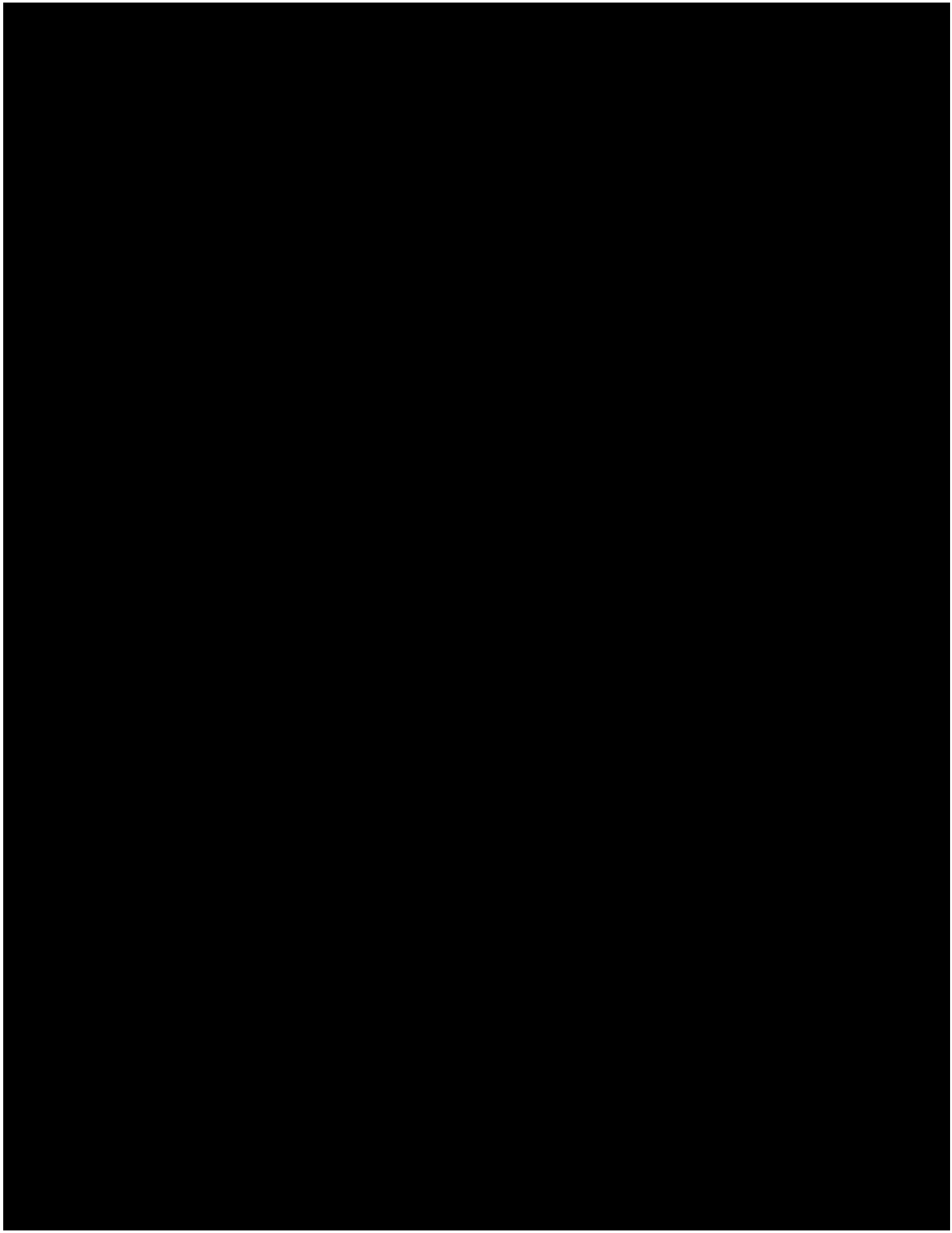
David H. McCormick

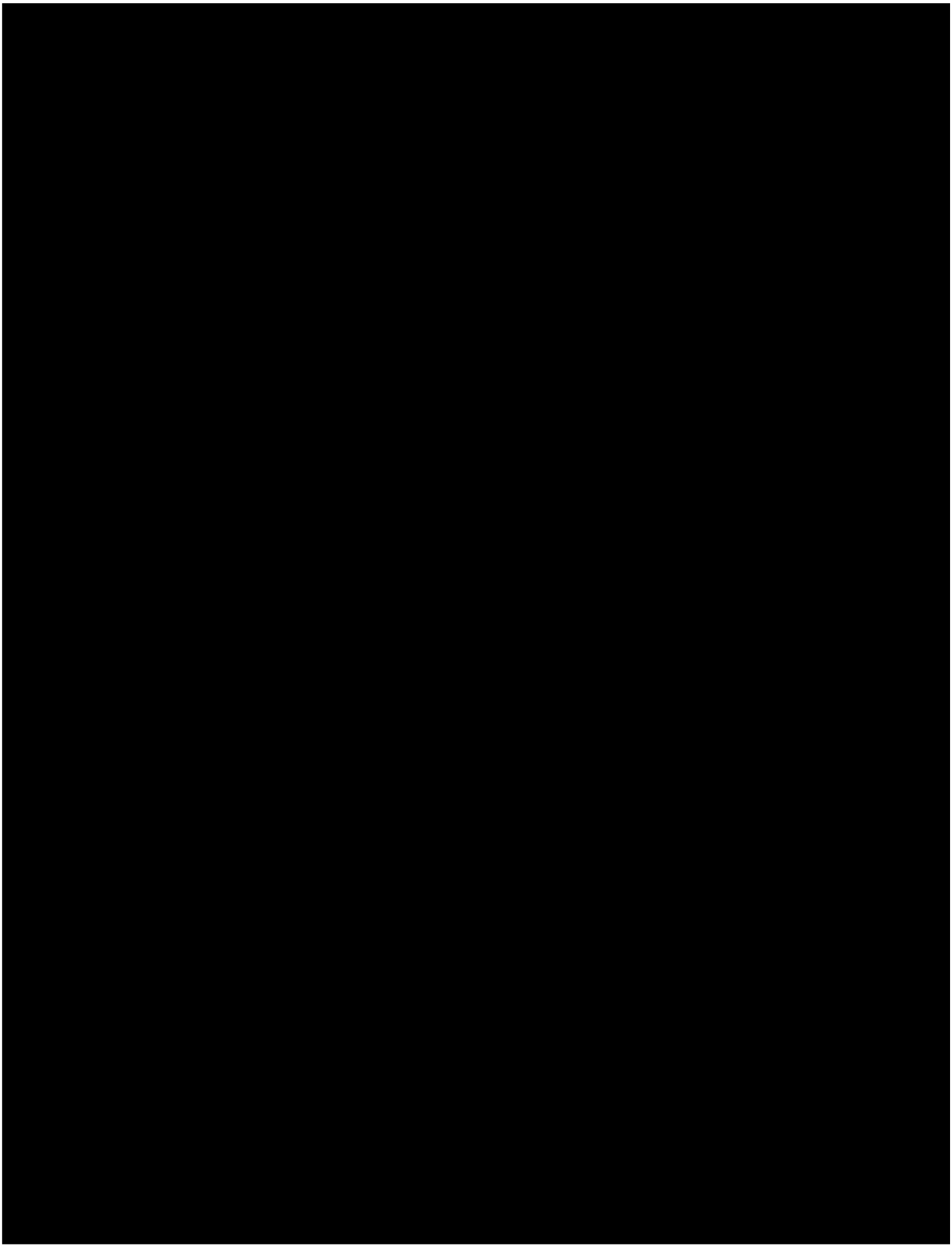
David H. McCormick, 15th Circuit
Division 2 Judge











From: ASCC New Claims
To: OCC Claims Commission Cases
Cc: Kathryn Irby
Subject: CLAIM: Haley Hudson v. DHS, Claim No. 230641
Date: Thursday, November 17, 2022 10:09:00 AM
Attachments: Haley Hudson vs DHS agency ltr.pdf
Haley Hudson Elct Claim.pdf
Haley Hudson Sig and Supp.pdf
Haley Hudson_CL additional documentation.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

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

November 17, 2022

Mr. Sarah Linam *(via email)*
Arkansas Department of Human Services
700 Main Street, Slot S260
Little Rock, Arkansas 72203

RE: ***Haley Hudson v. Arkansas Department of Human Services***
Claim No. 230641

Dear Ms. Linam,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Department of Human Services. 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: Jim Jackson, *counsel for Claimant* (w/o encl.) (*via email*)

From: ASCC New Claims
To: Jim@JimJacksonatty.com
Bcc: Kathryn Irby
Subject: Haley Hudson v. DHS, Claim No. 230641
Date: Thursday, November 17, 2022 10:09:00 AM
Attachments: Haley Hudson vs DHS agency ltr.pdf

Dear Mr. Jackson,

Attached please find a copy of the letter sent with Haley Hudsons' claim to the Arkansas Department of Human Services.

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: Jim Jackson
To: ASCC New Claims
Subject: RE: Haley Hudson v. DHS, Claim No. 230641
Date: Thursday, November 17, 2022 10:18:35 AM
Attachments: Letter to Director Irby with med records 11-16-2022.pdf

Thank you for sending.

Please find attached a PDF with a cover letter and copy of medical records related to Ms. Ashcraft's treatment and death of a brain hemorrhage from the collision.
Please add this to this Claim.
Thank you,
Jim

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Thursday, November 17, 2022 10:10 AM
To: Jim Jackson <jim@jimjacksonatty.com>
Subject: Haley Hudson v. DHS, Claim No. 230641

Dear Mr. Jackson,

Attached please find a copy of the letter sent with Haley Hudsons' claim to the Arkansas Department of Human Services.

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

JACKSON
LAW FIRM

November 15, 2022

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of Two Minor Children v. The Arkansas Department of Human Services*
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed a copy of the relevant medical records received from Mercy Hospital in Fort Smith that the plaintiff will introduce at trial. These records prove that the impact from the wreck was the direct and proximate cause of Ms. Ashcraft's subarachnoid brain hemorrhage which led to her death.

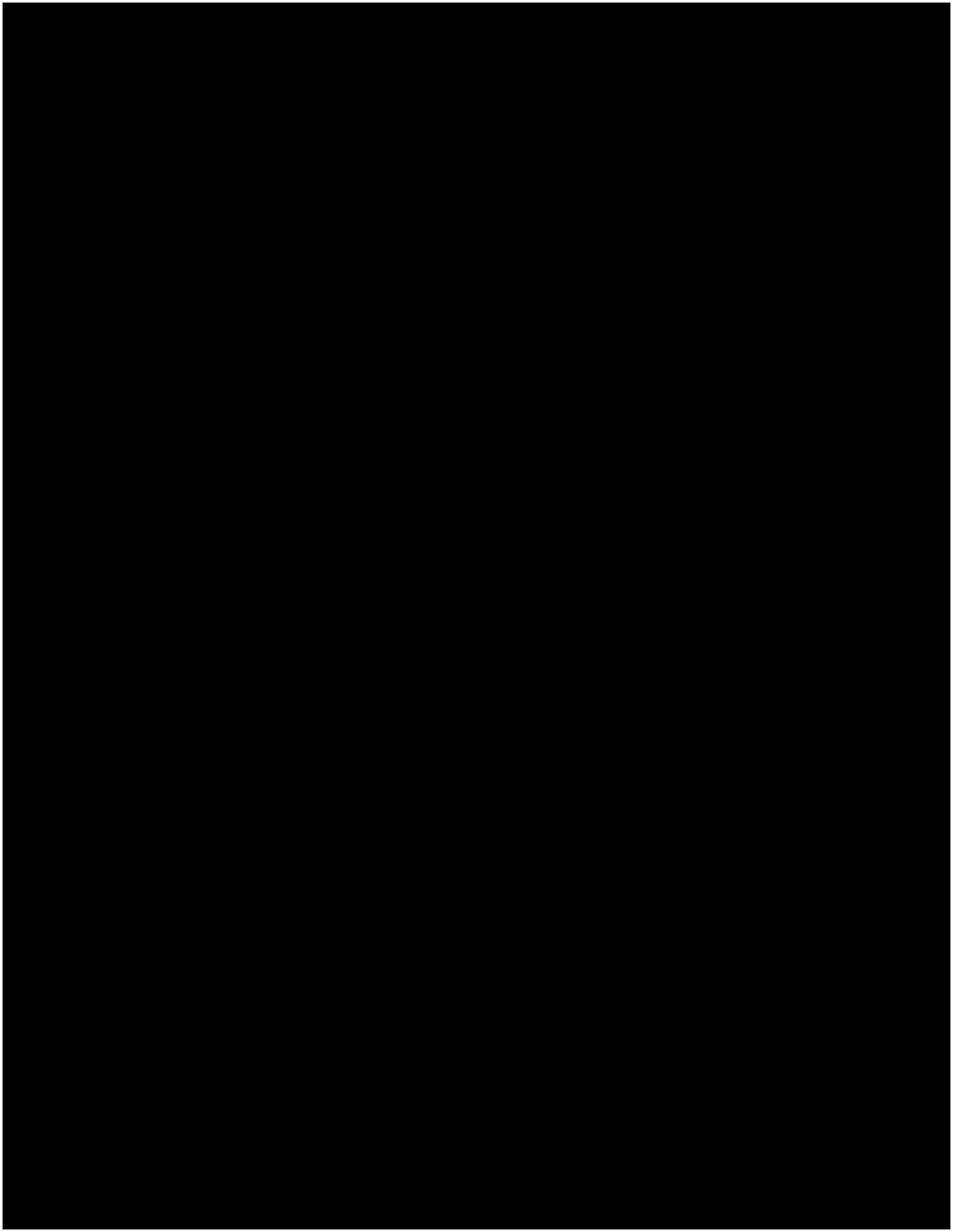
Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonatty.com*.

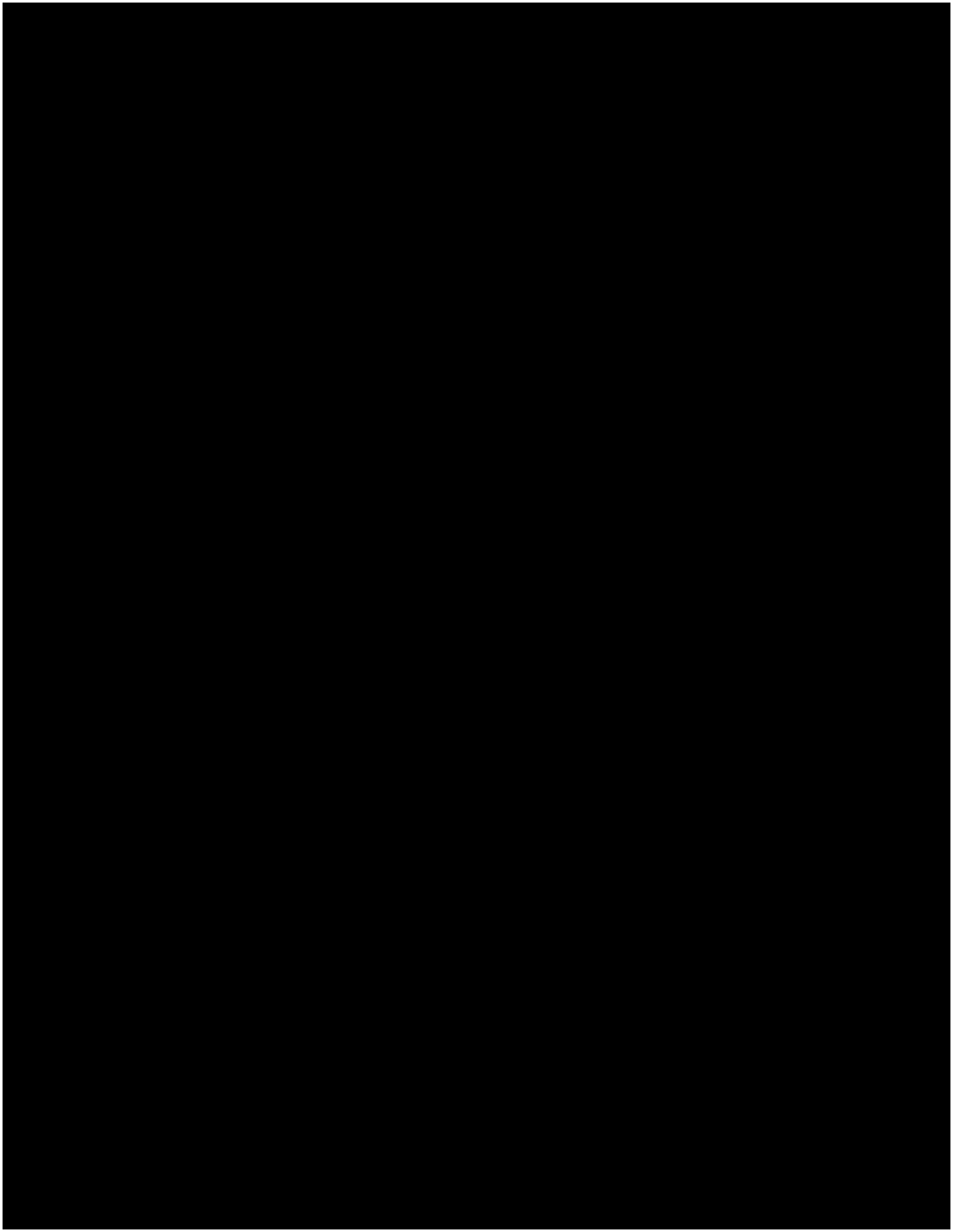
Sincerely,

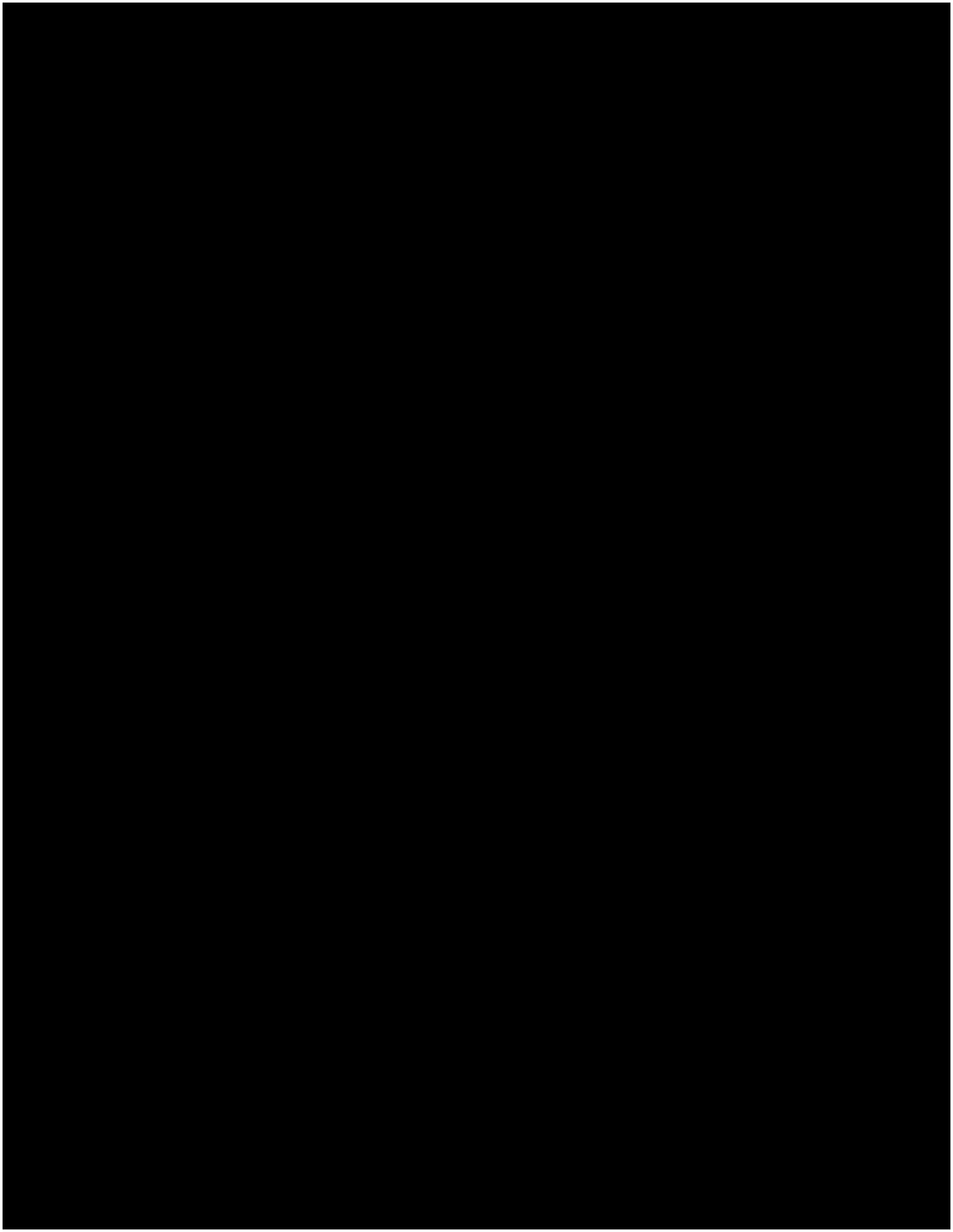
Jim R. Jackson

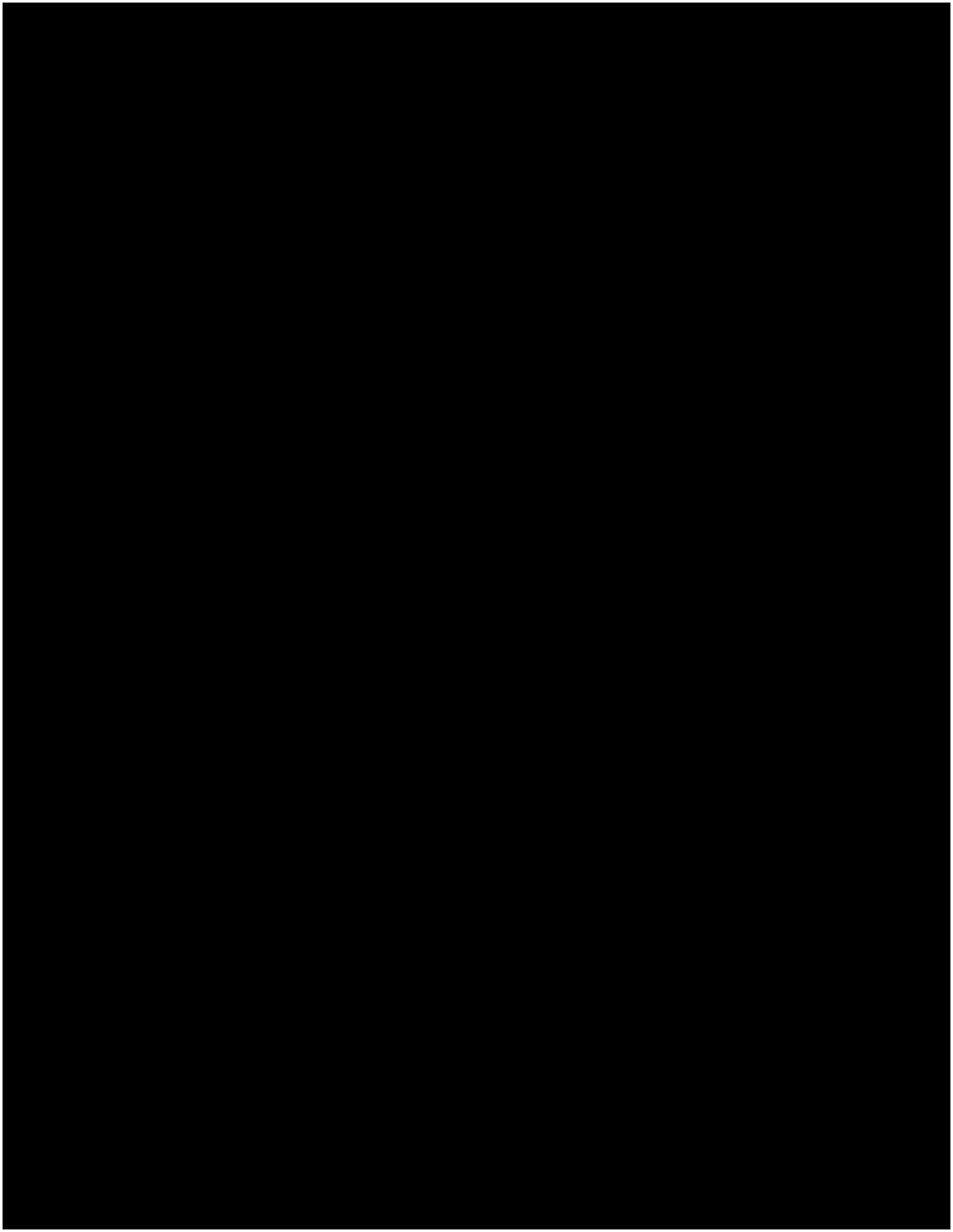
JRJ/mc
Enclosure
cc:w/enc. Sean Strode, Esq.

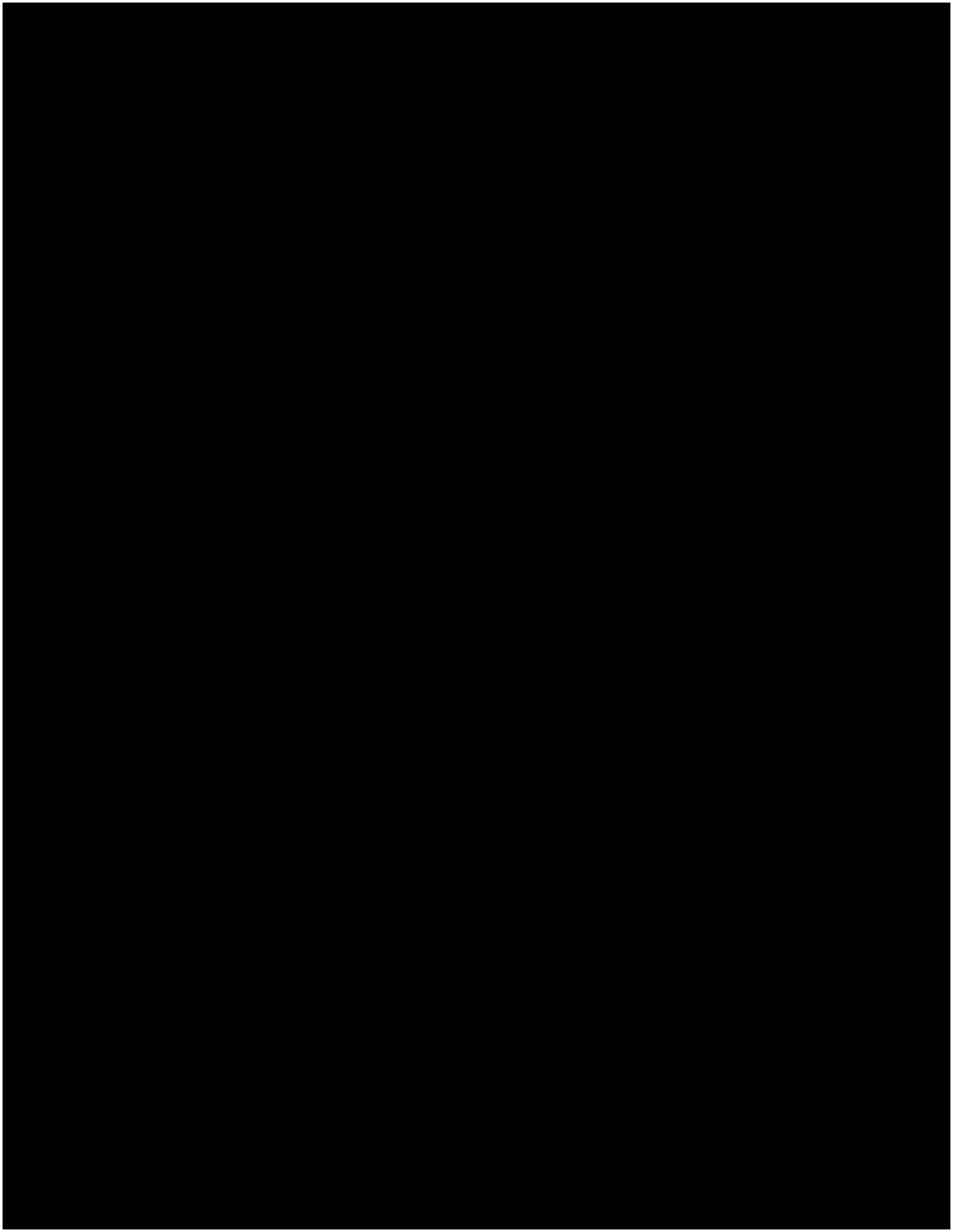
JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528
501.823.3610
Fax: 501.823.3611
Jim@JimJacksonAtty.com
www.JimJacksonAtty.com

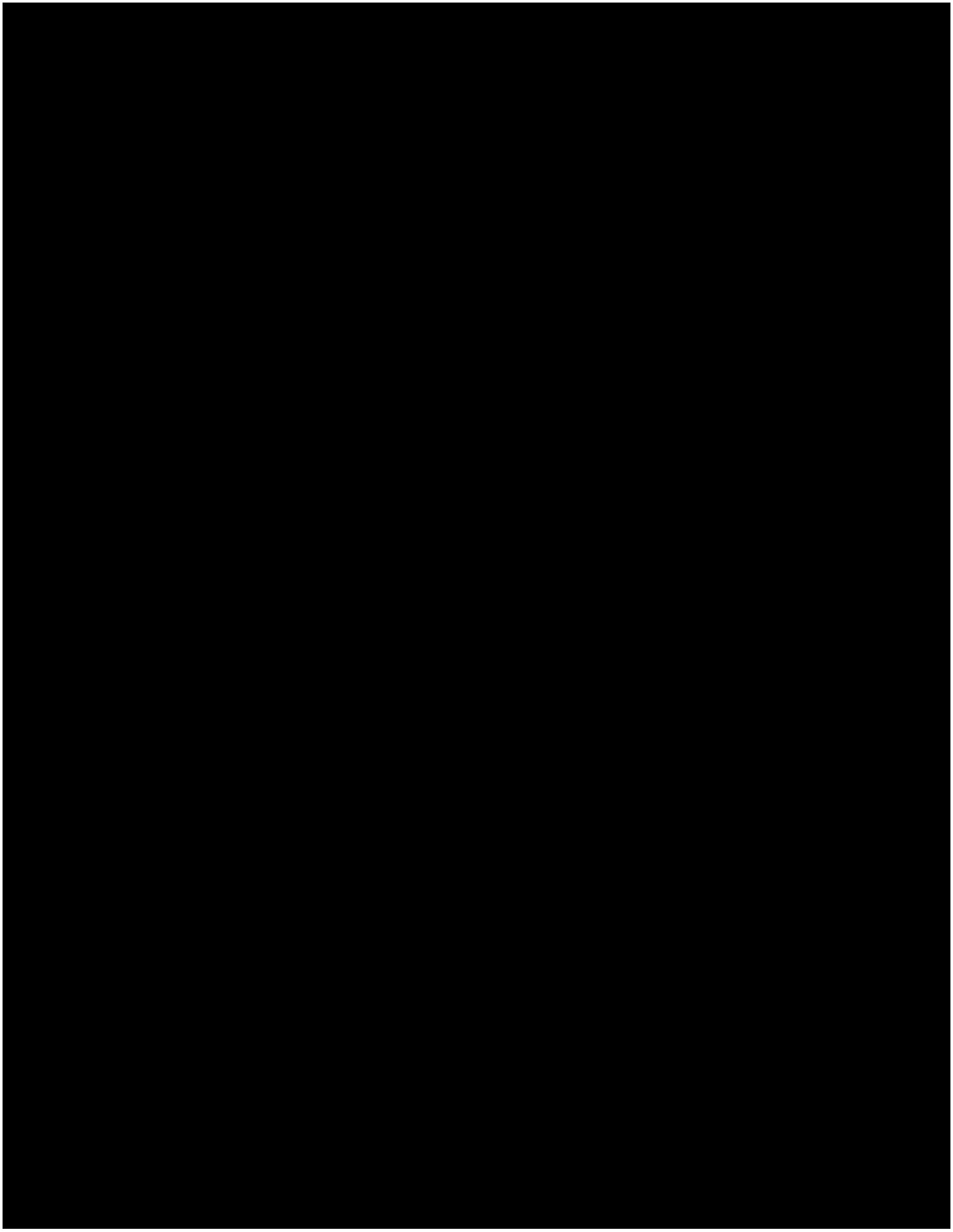


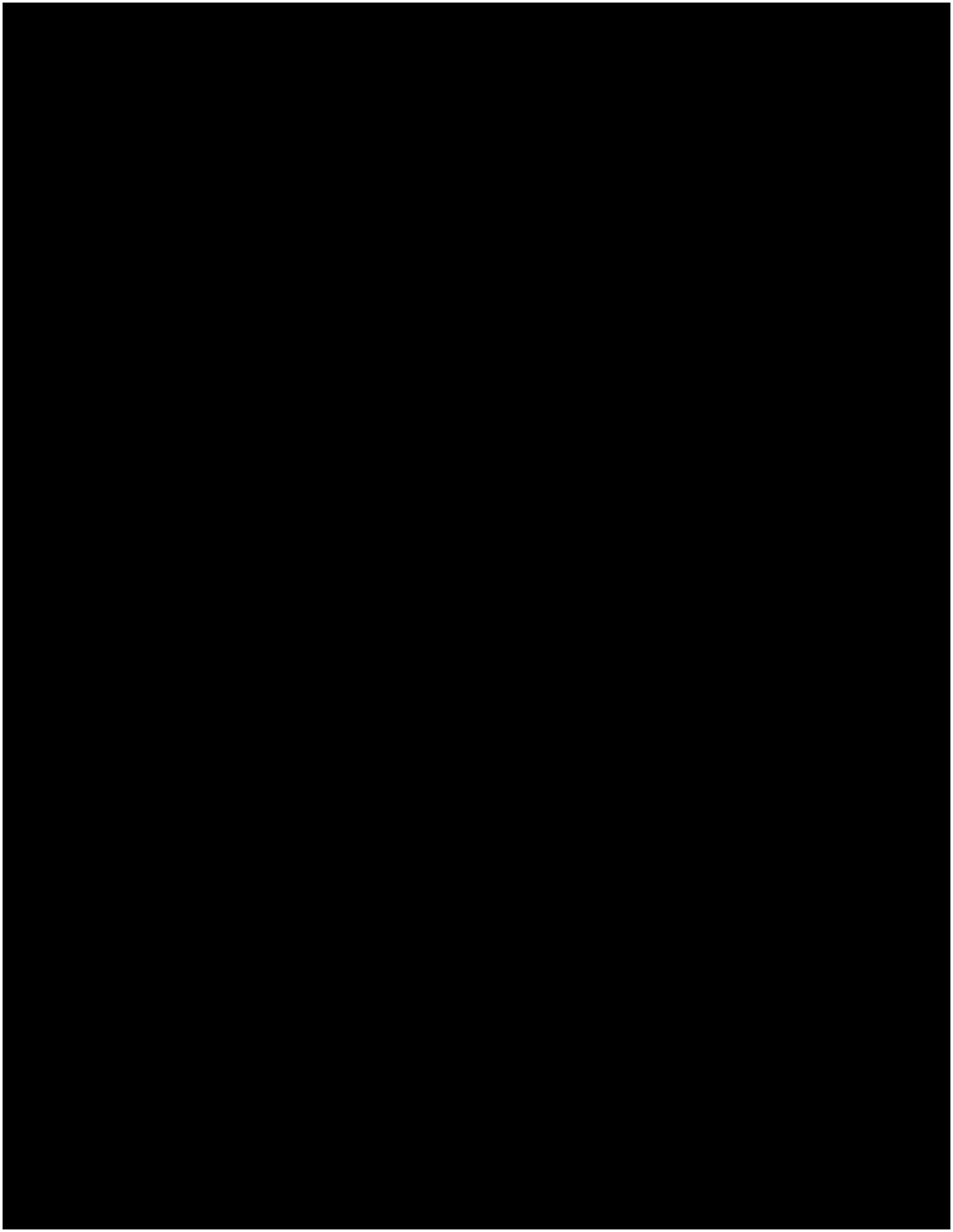


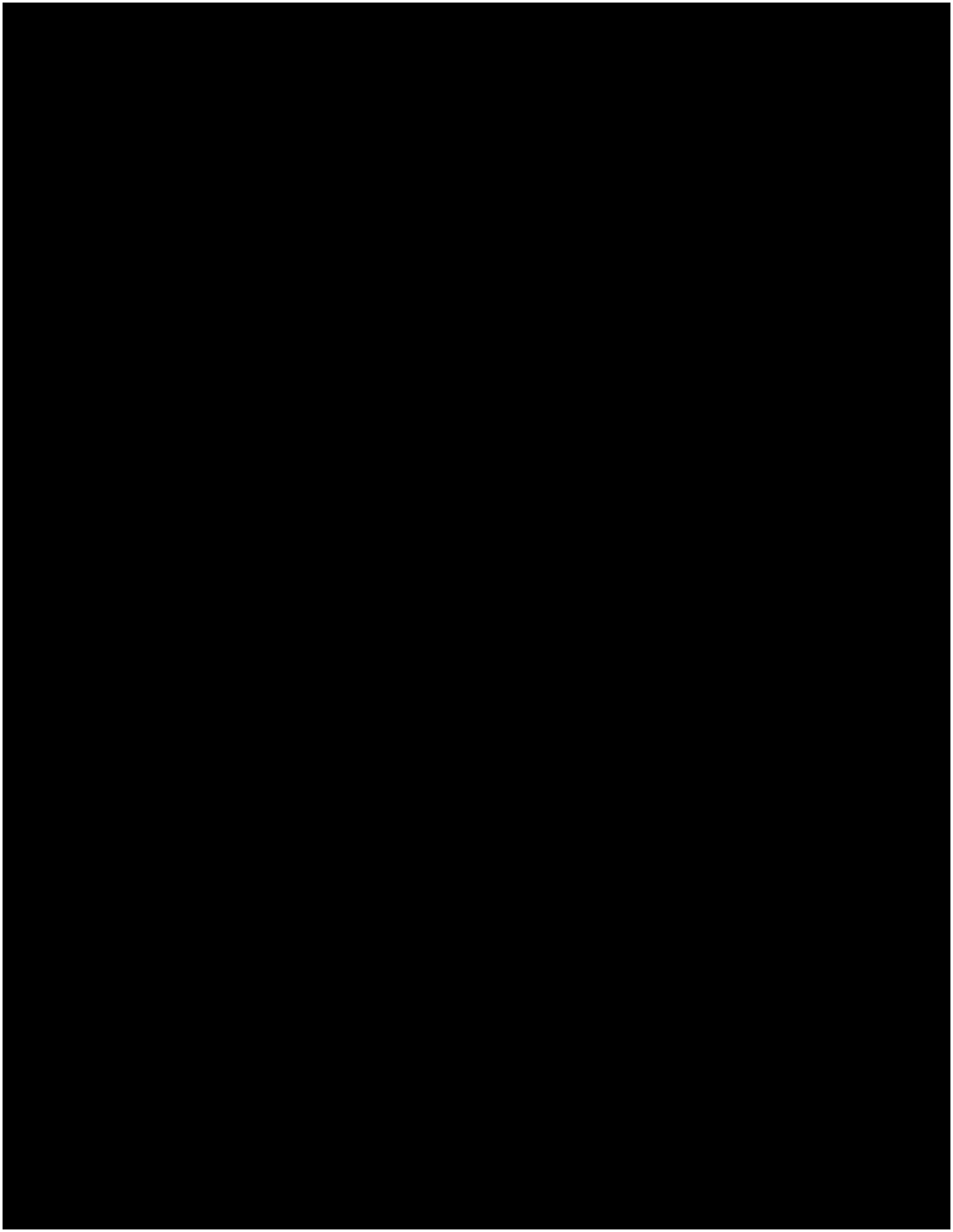


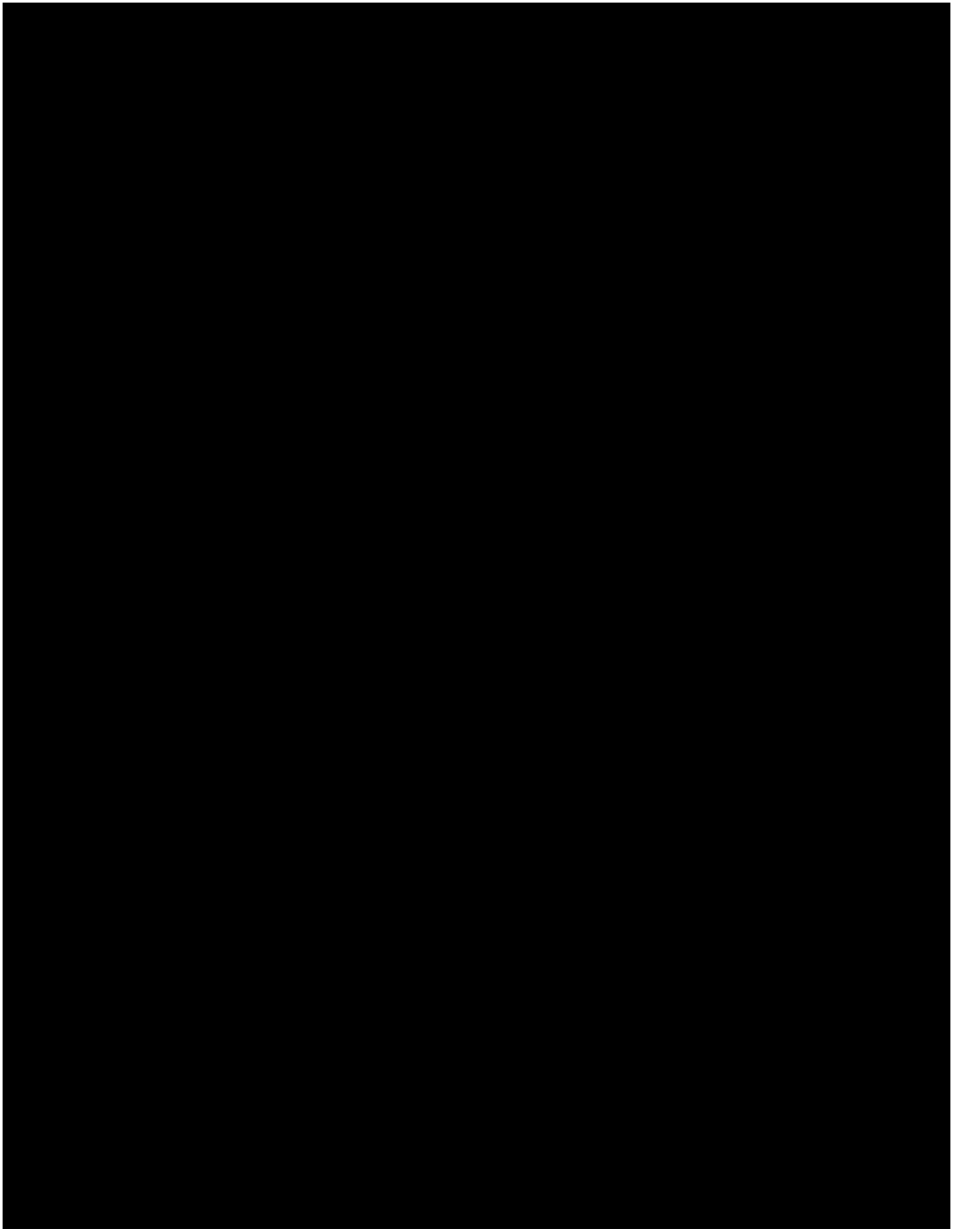


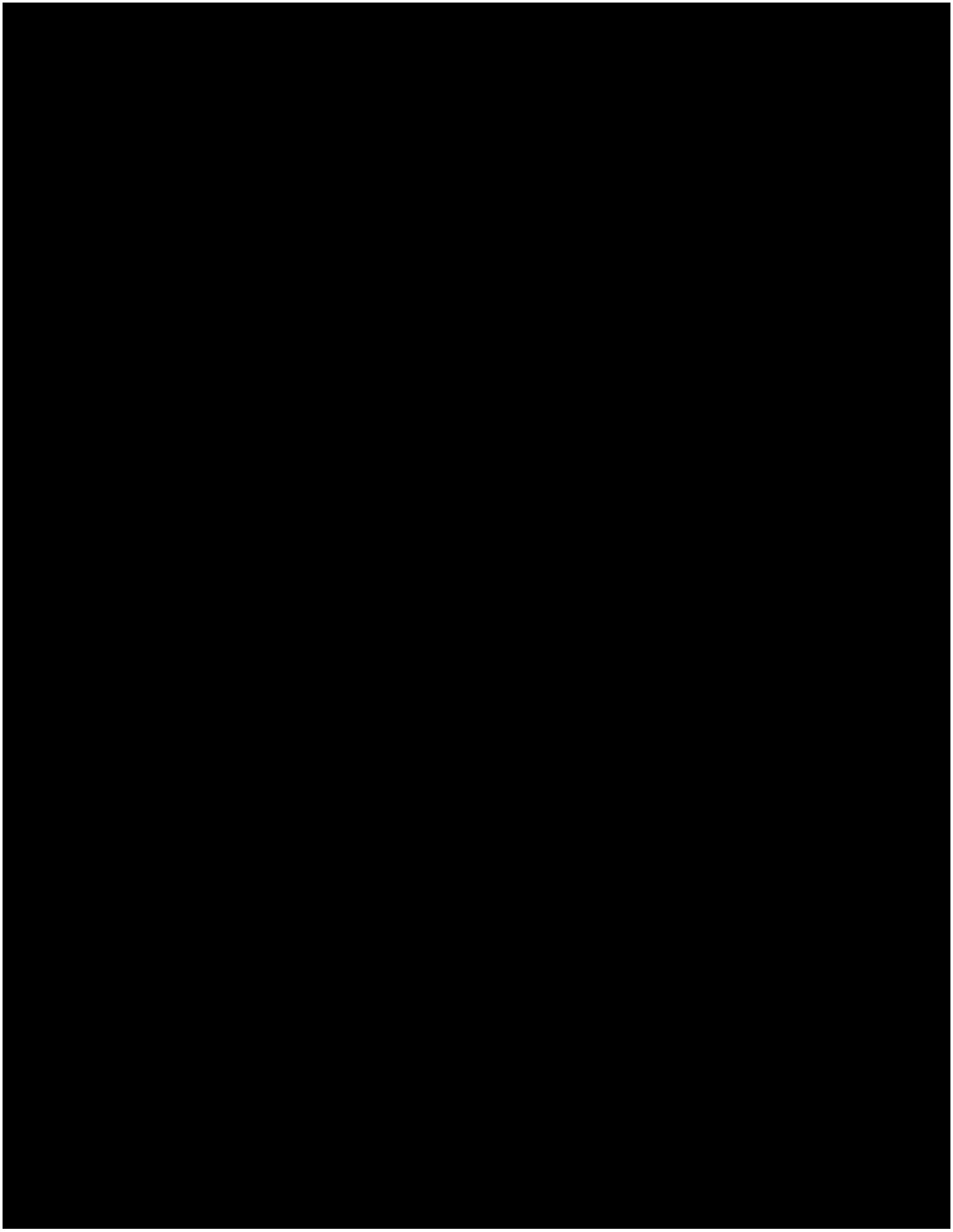


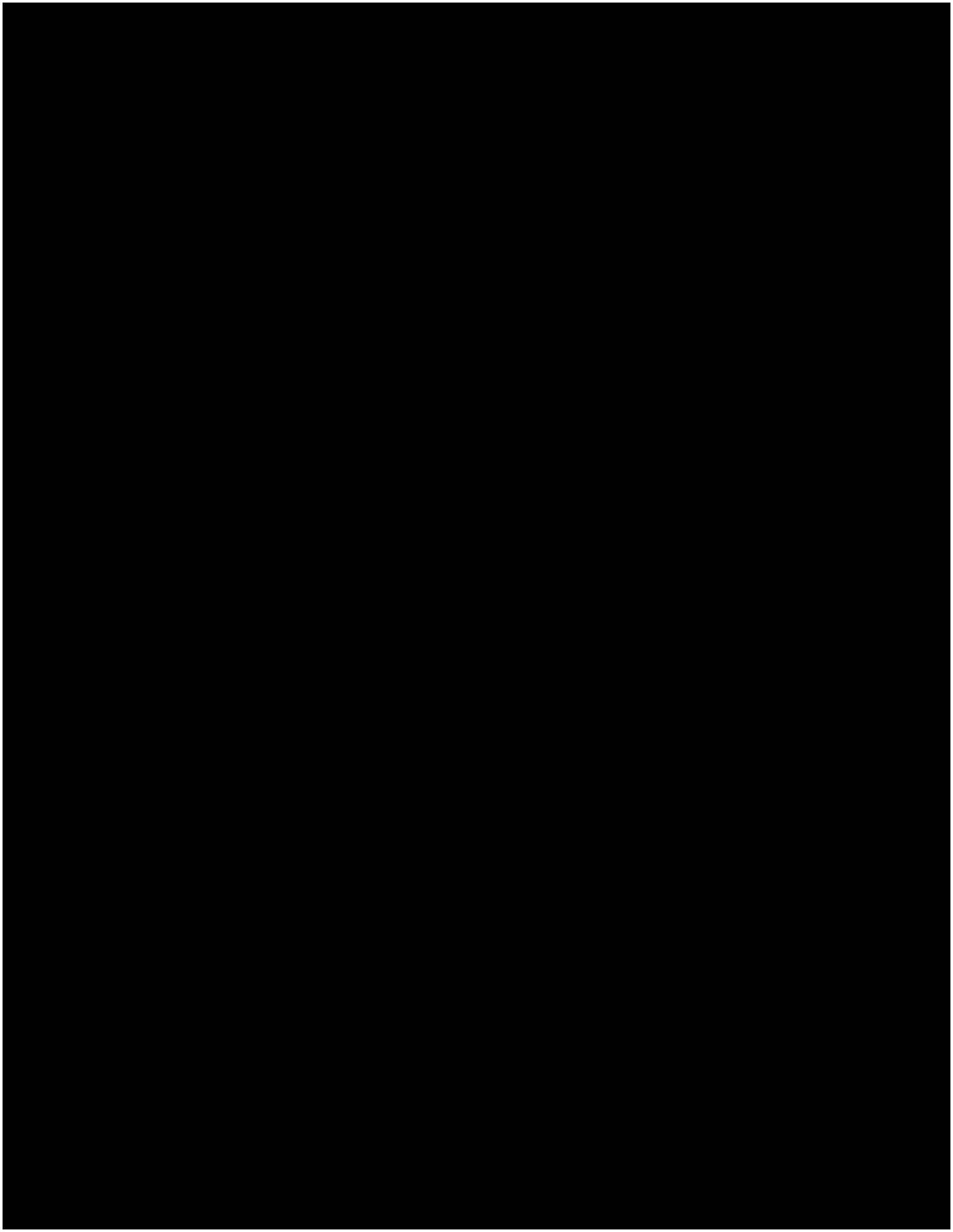


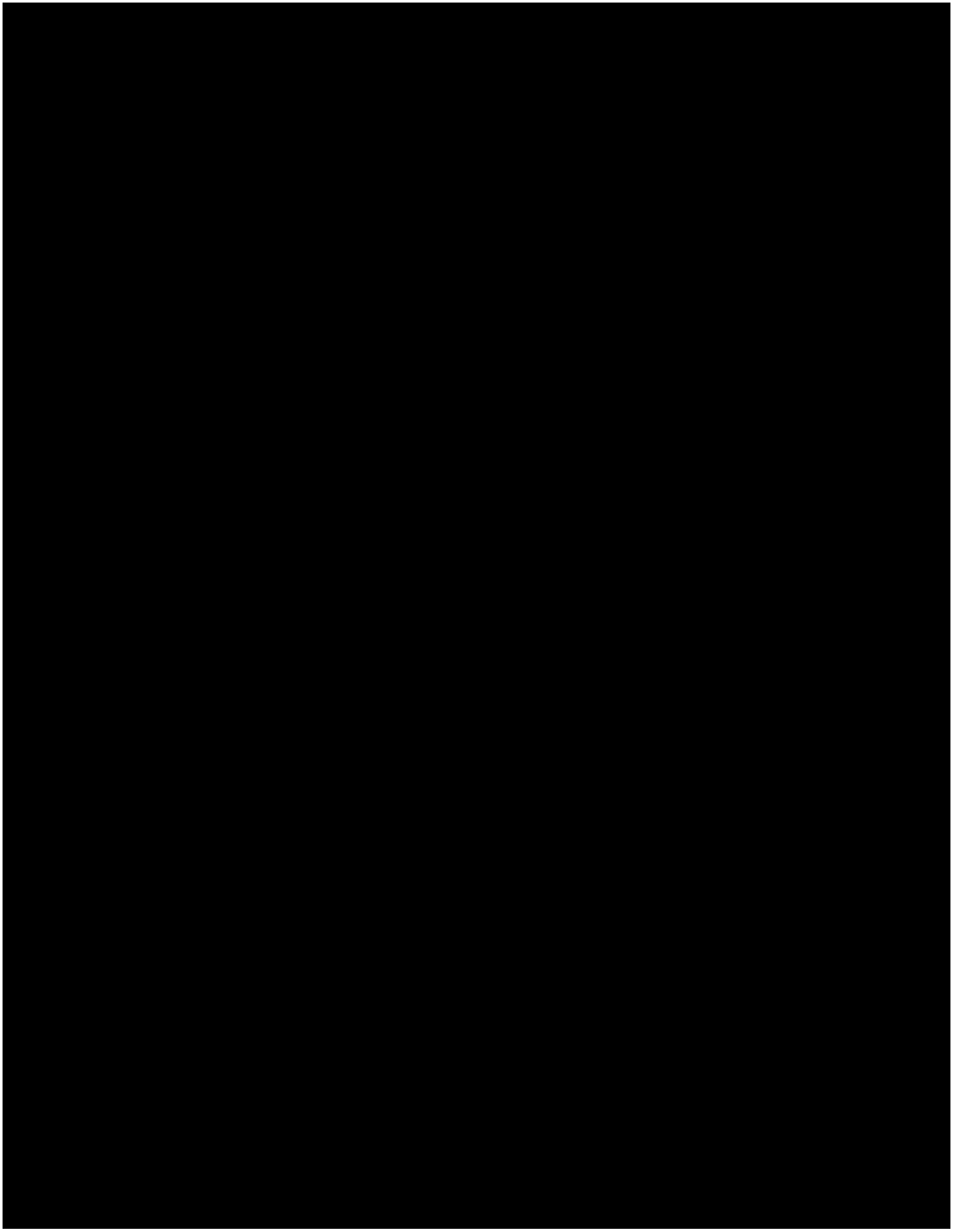


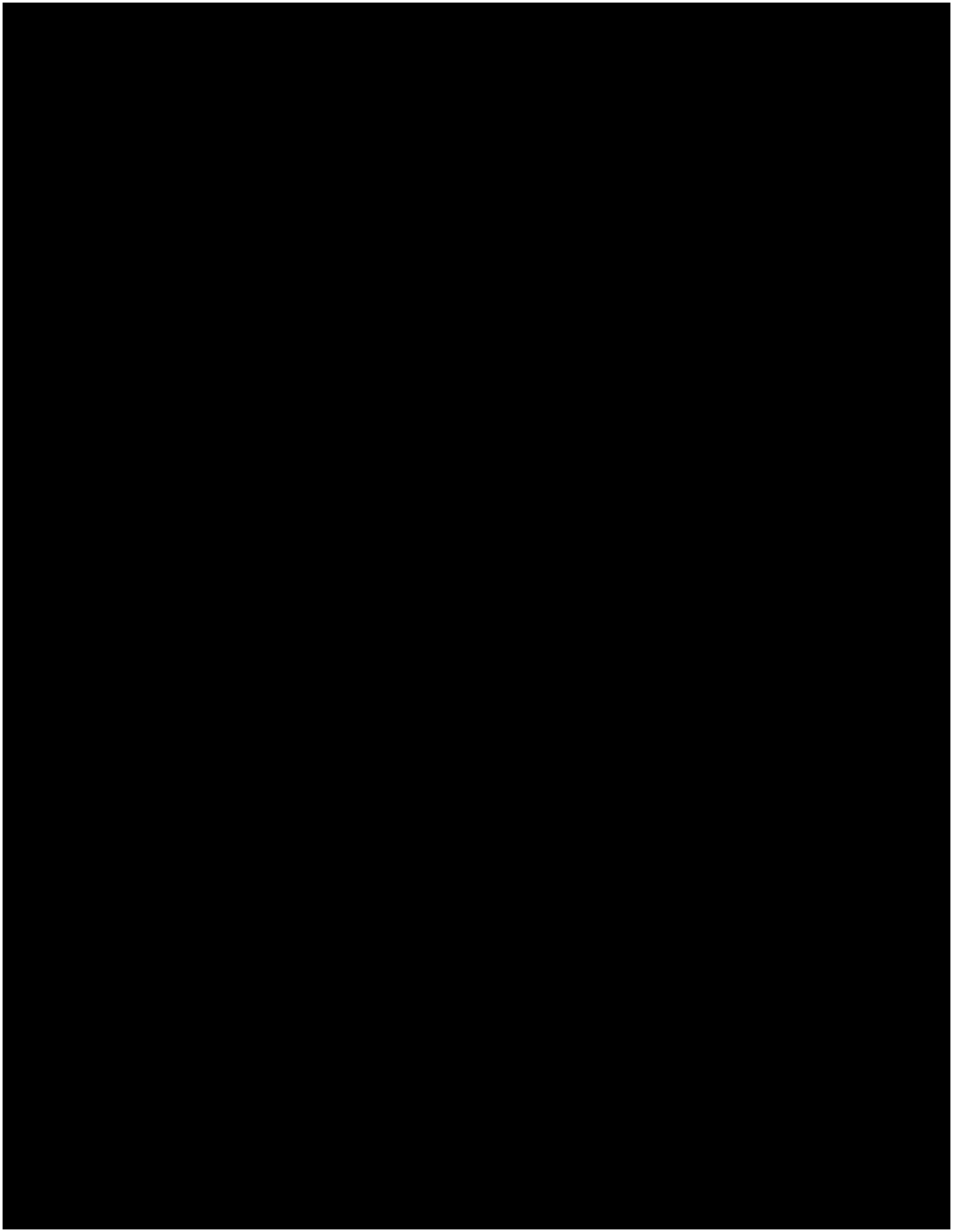


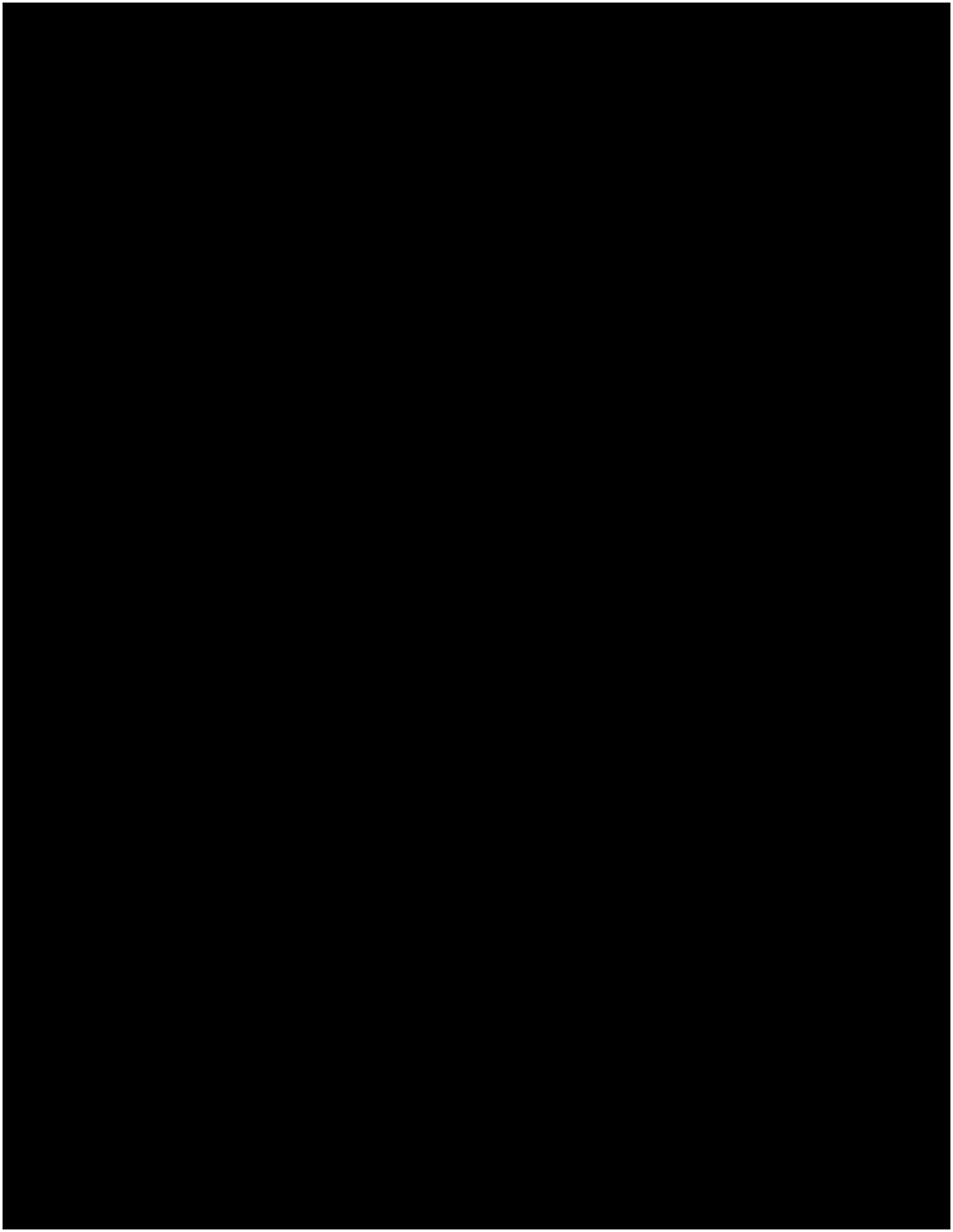


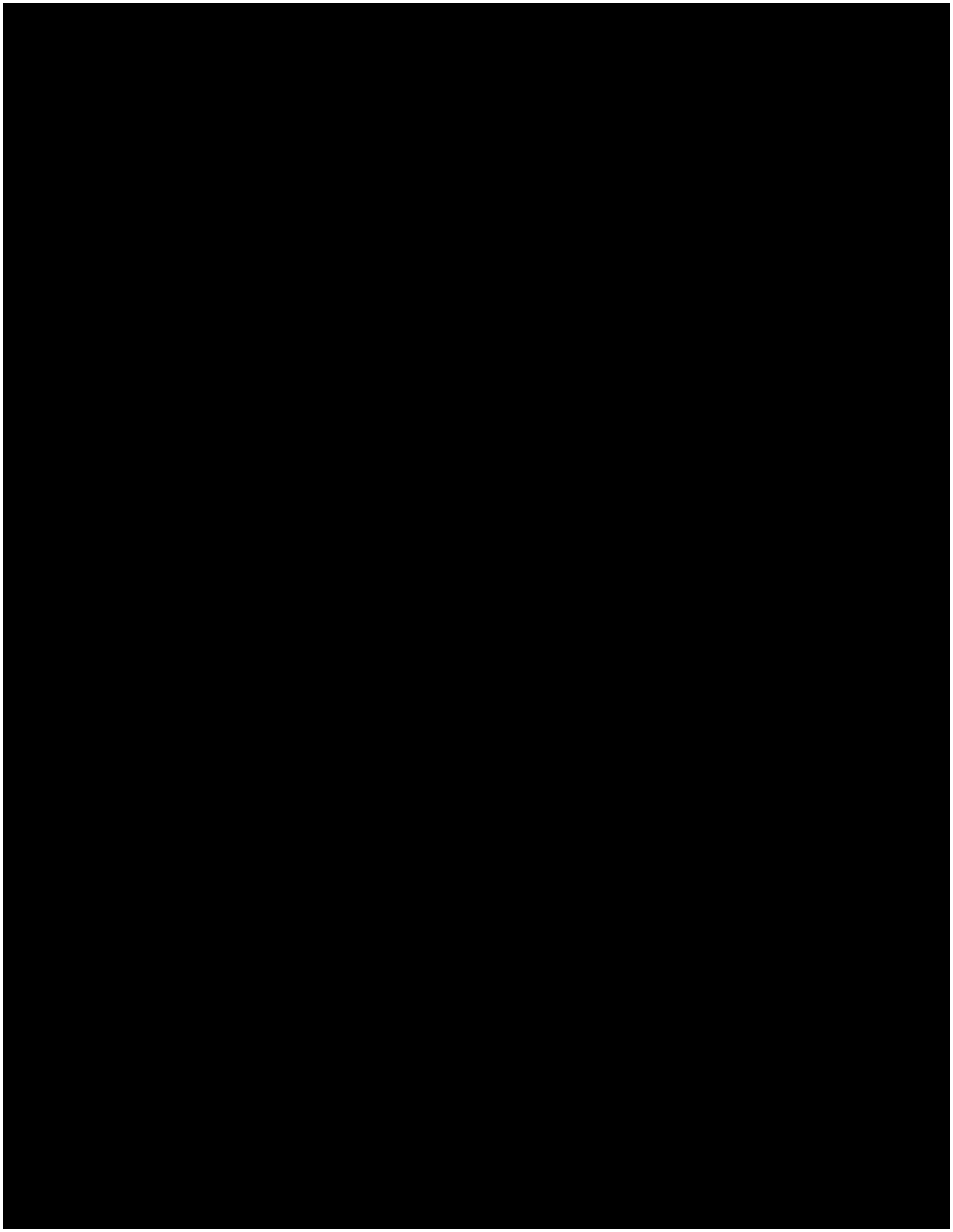


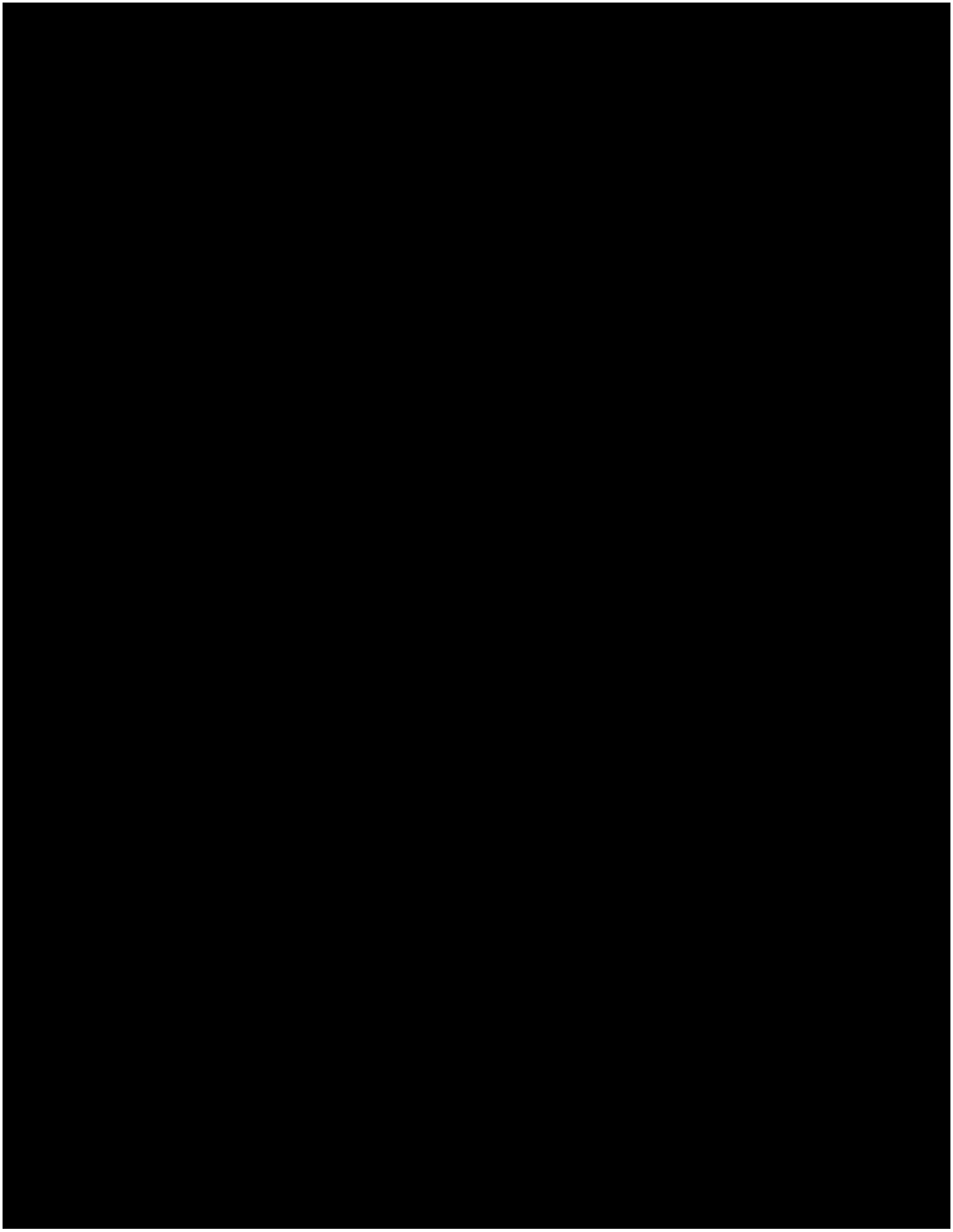


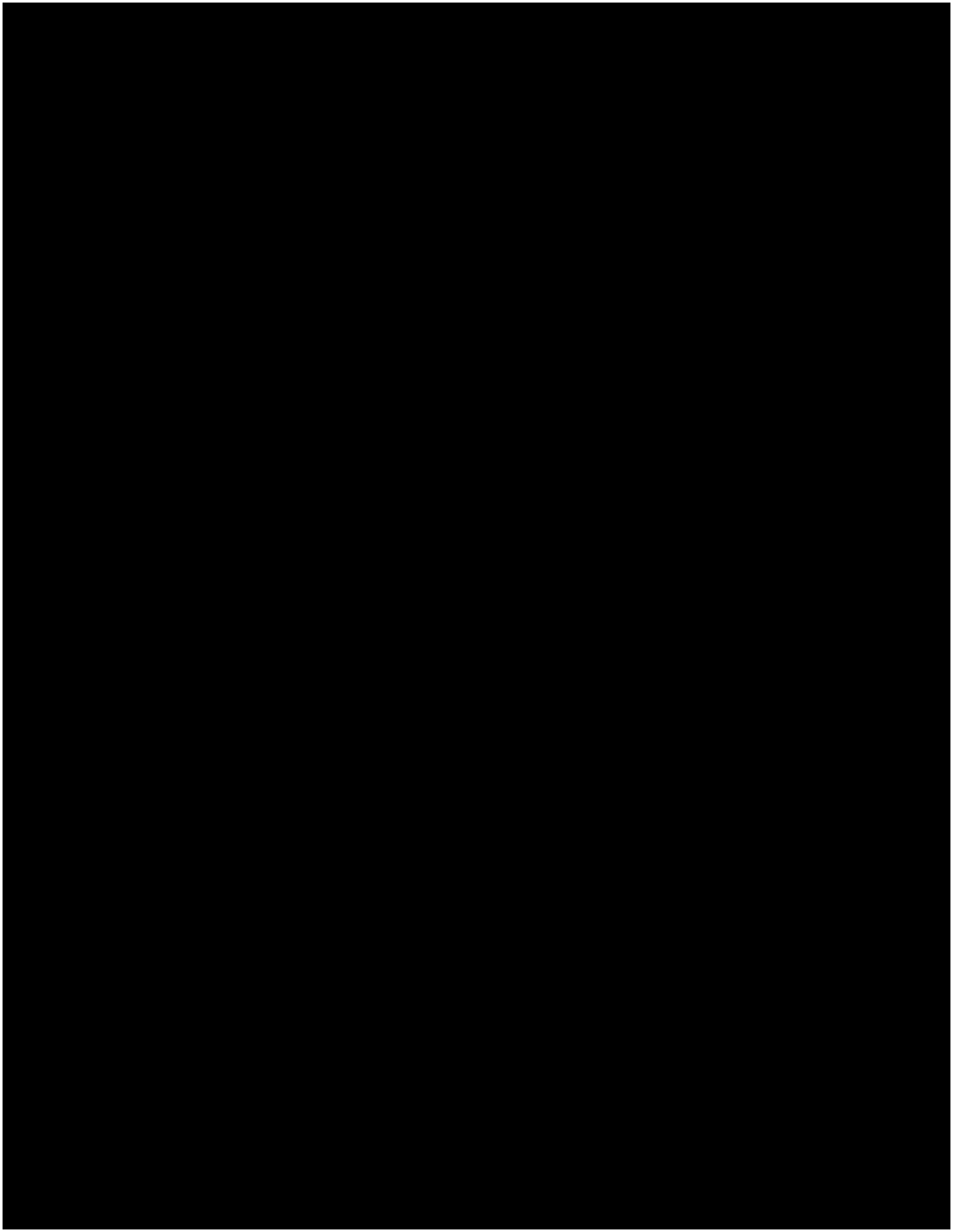


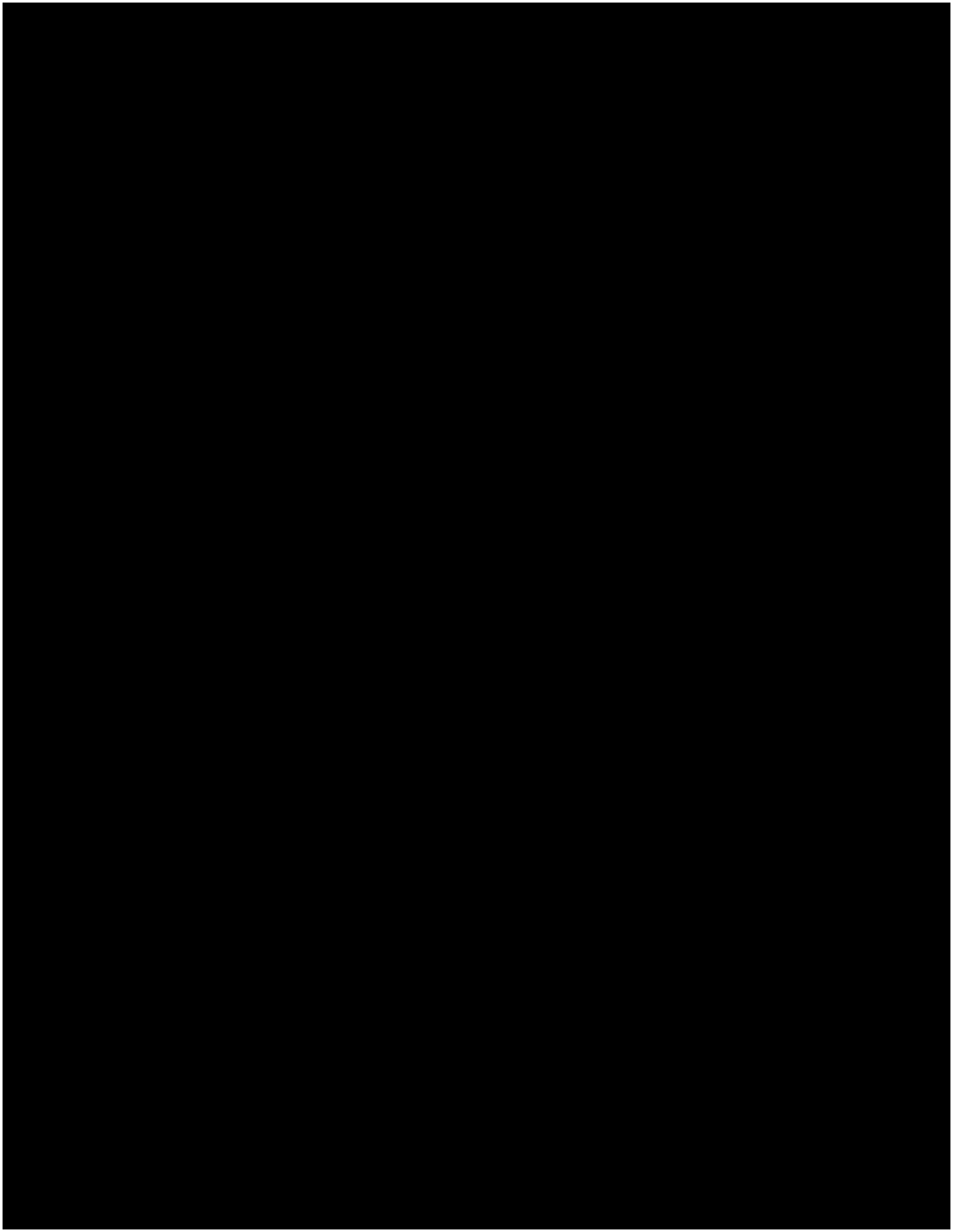


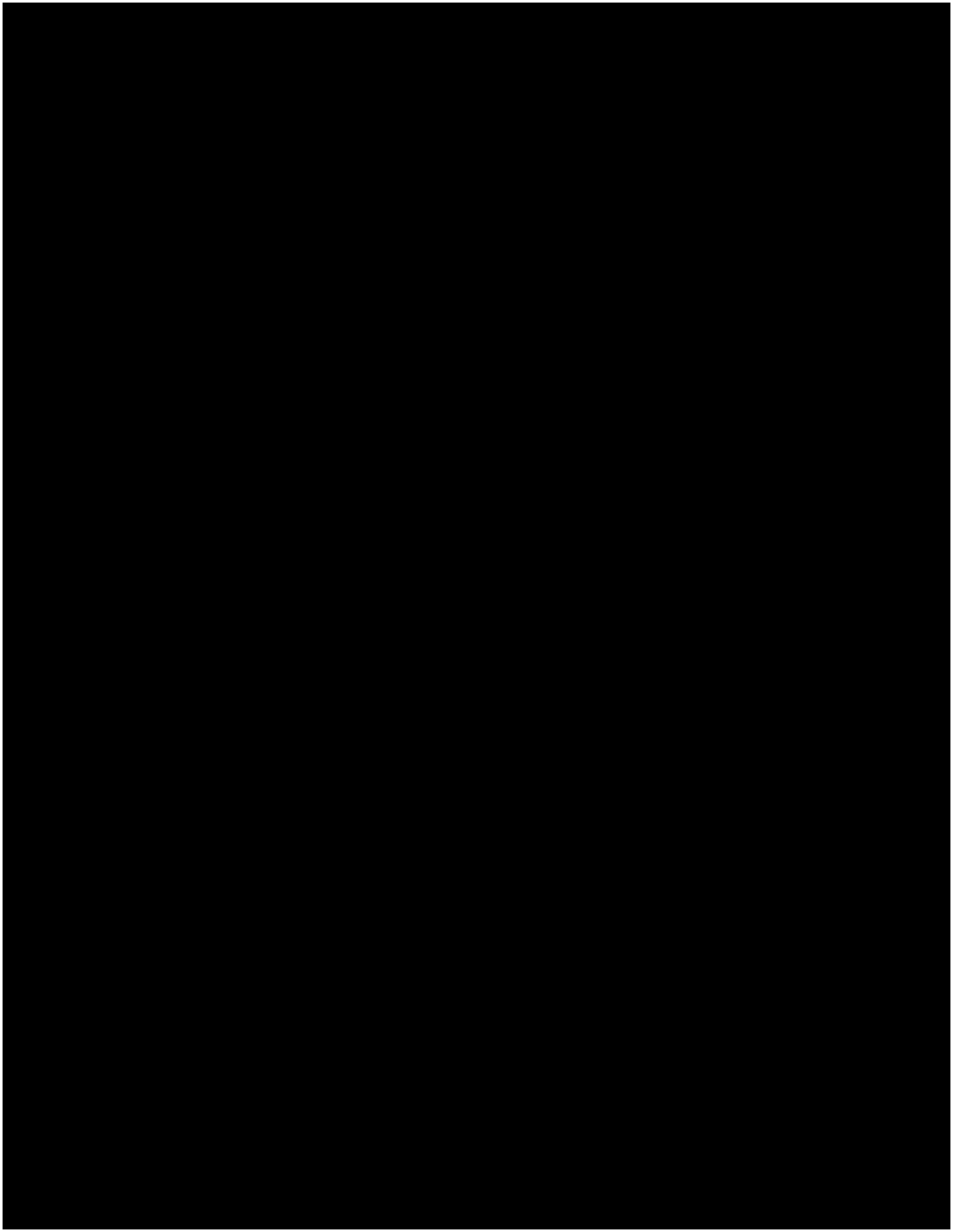


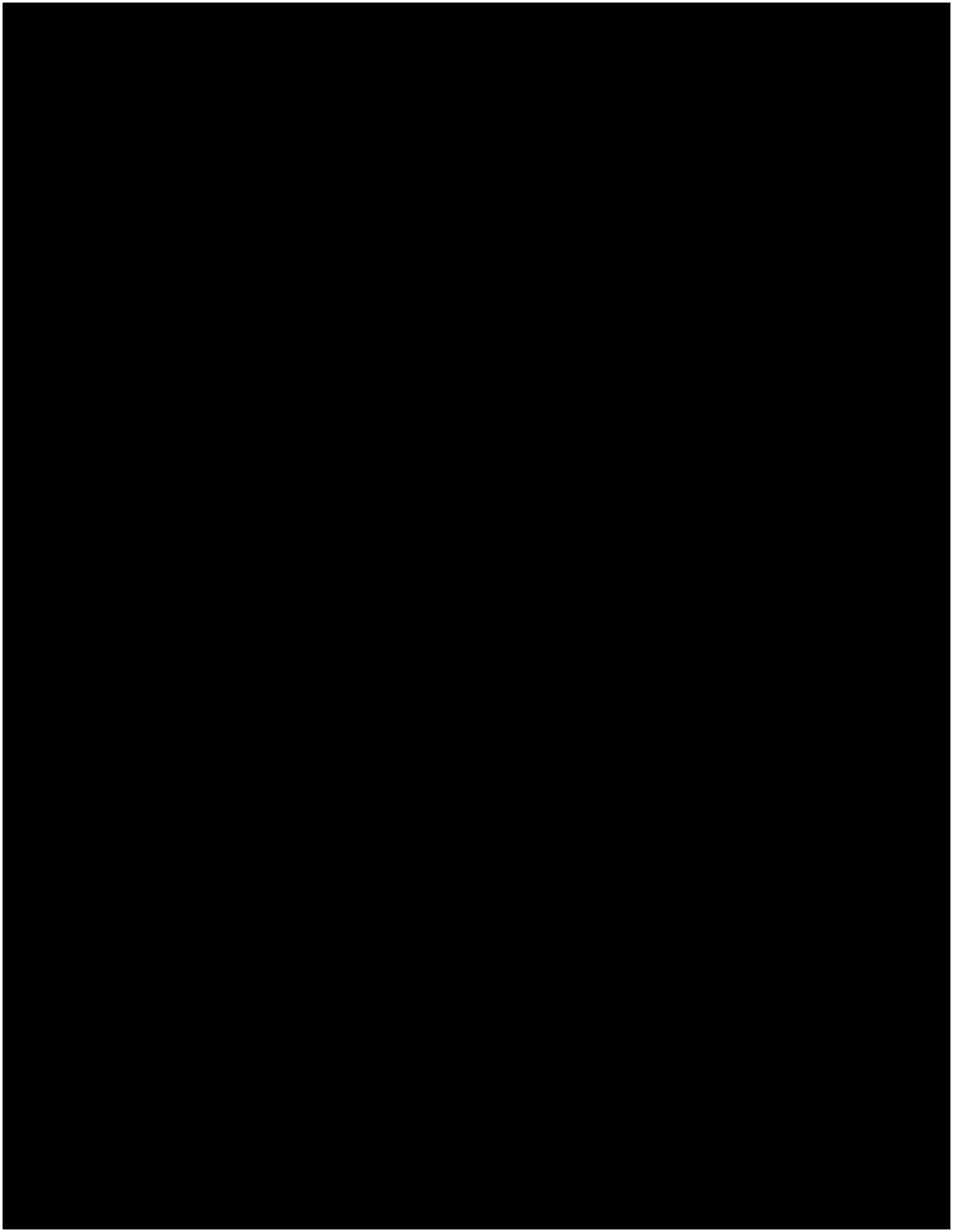


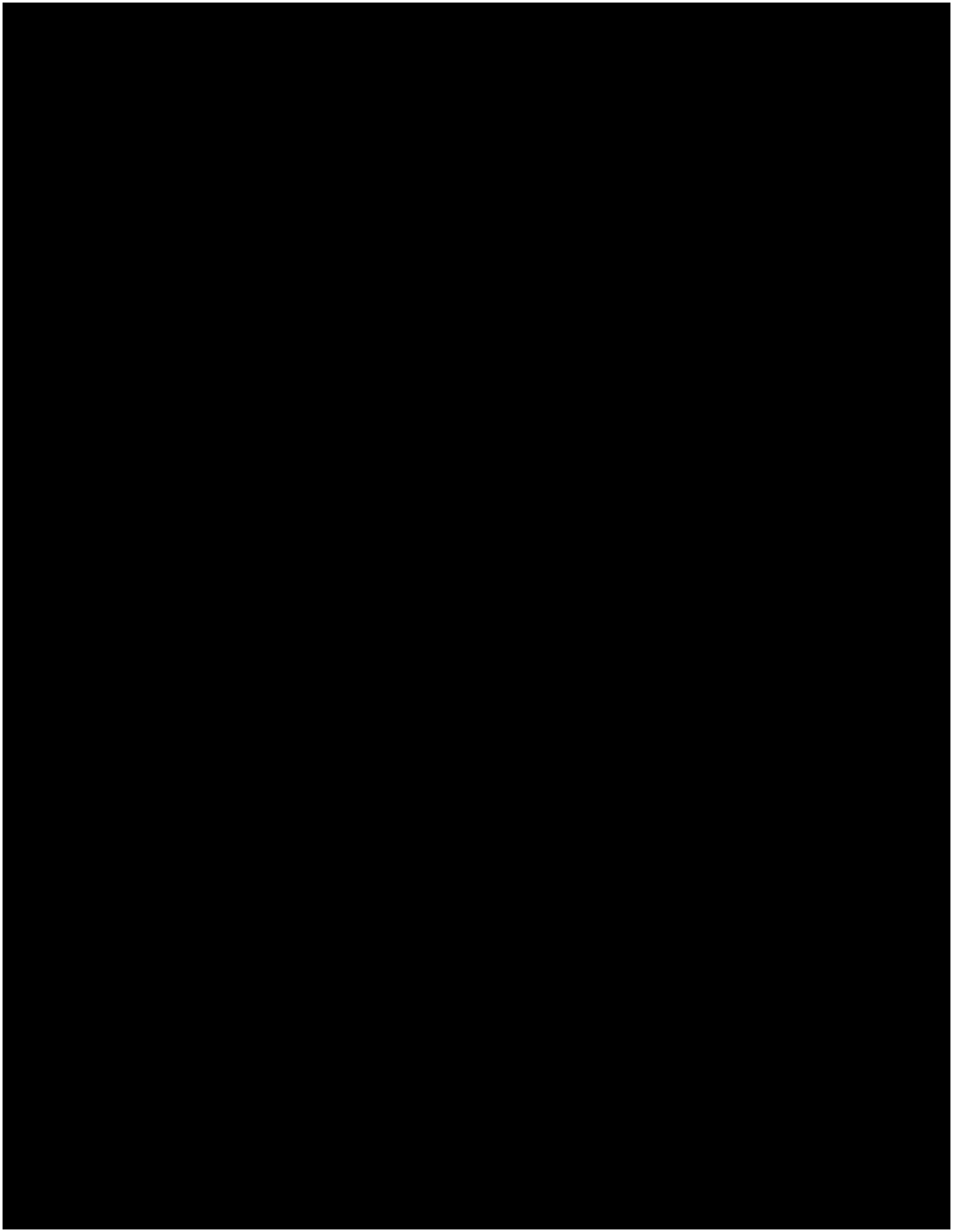












From: ASCC New Claims
To: OCC Claims Commission Cases
Cc: Kathryn Irby
Subject: ADD"L DOCS REC"D: Haley Hudson v. DHS, Claim No. 230641
Date: Thursday, November 17, 2022 1:34:00 PM
Attachments: RE Haley Hudson v. DHS Claim No. 230641.msg

Please see attached additional claim documents, which were sent to the Claims Commission by the claimant's attorney after the claim was transmitted to ArDOT.

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
NOV 22 2022
RECEIVED

JACKSON
LAW FIRM

November 15, 2022

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of Two Minor Children v. The Arkansas Department of Human Services*
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed a copy of the relevant medical records received from Mercy Hospital in Fort Smith that the plaintiff will introduce at trial. These records prove that the impact from the wreck was the direct and proximate cause of Ms. Ashcraft's subarachnoid brain hemorrhage which led to her death.

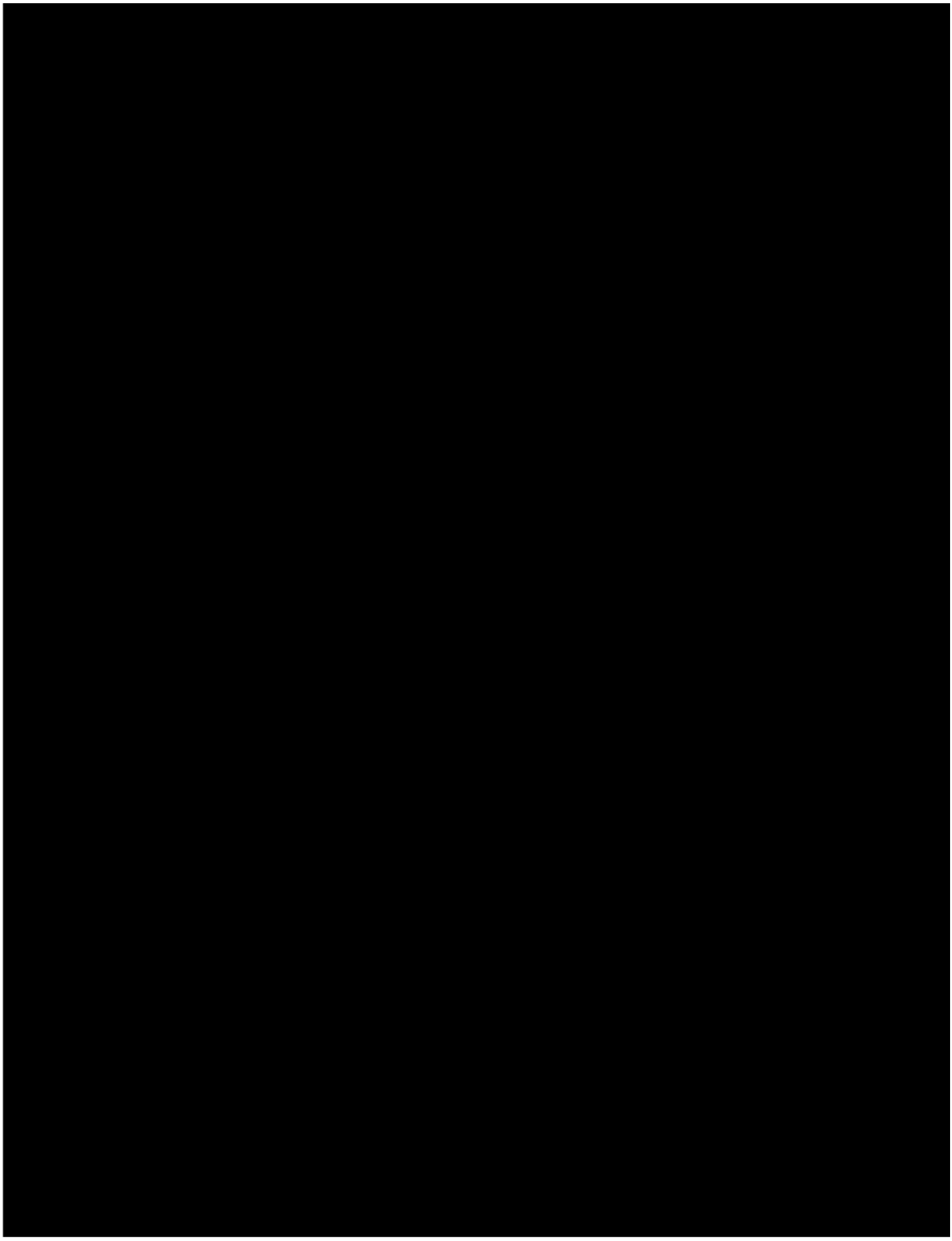
Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonatty.com.*

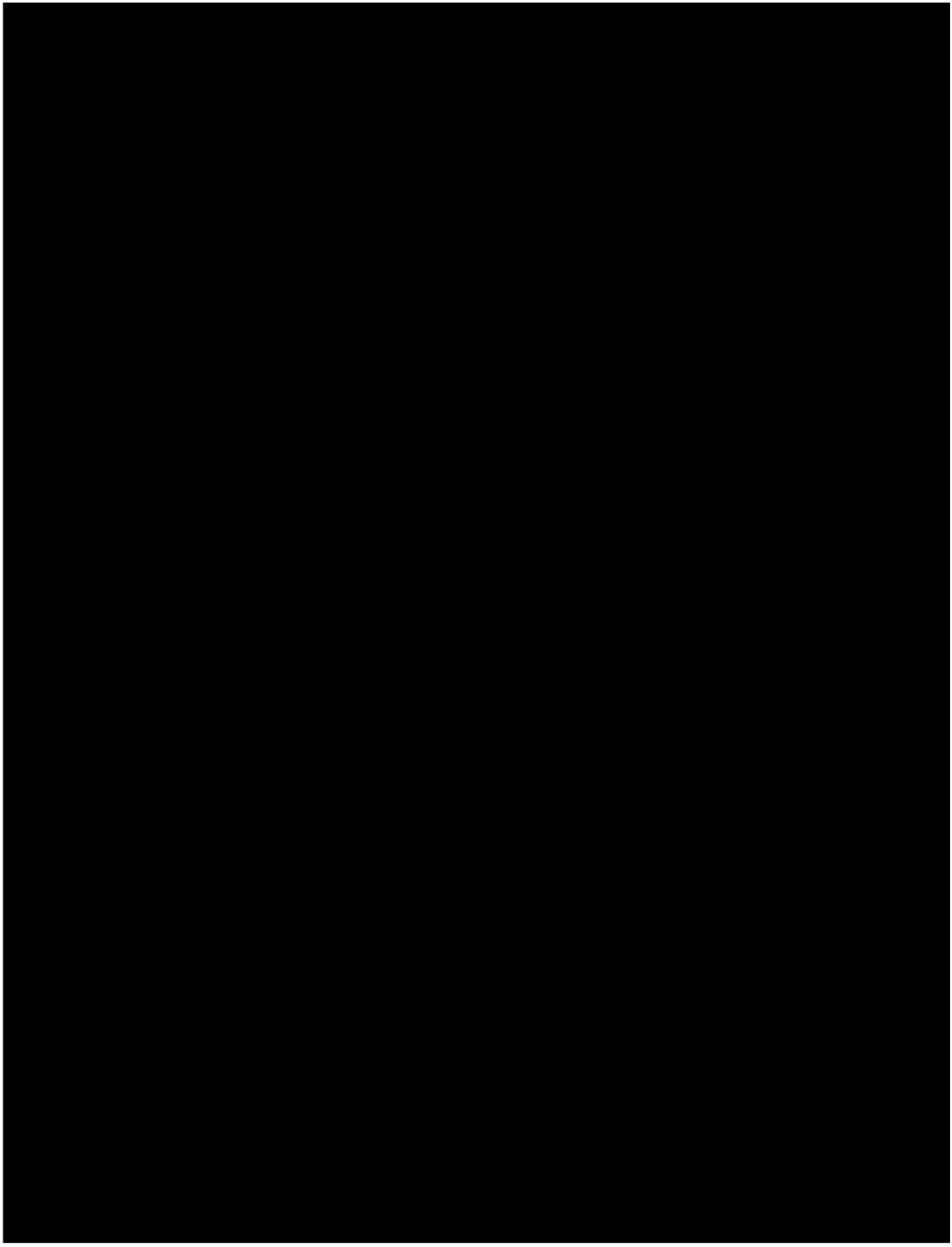
Sincerely,

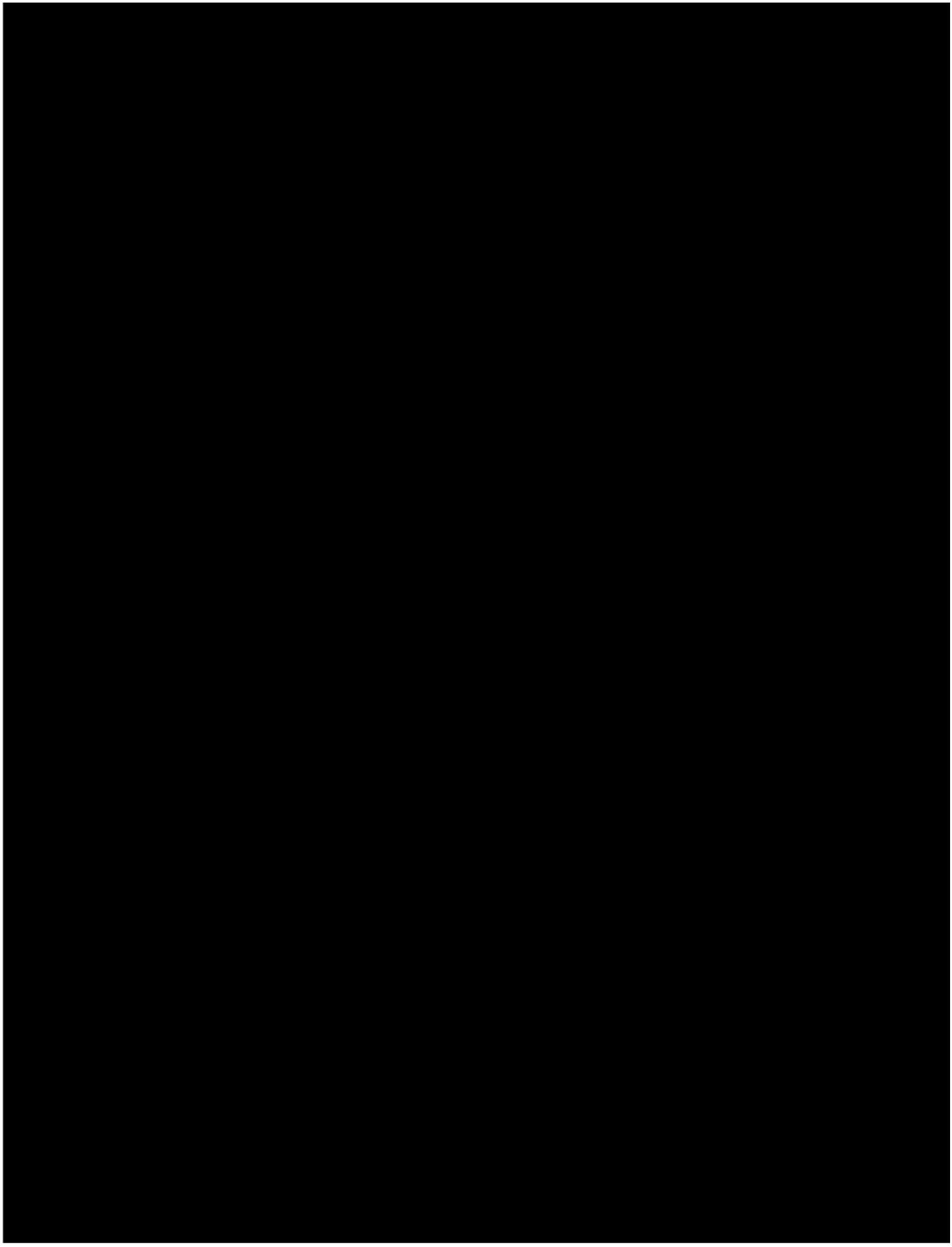
Jim R. Jackson

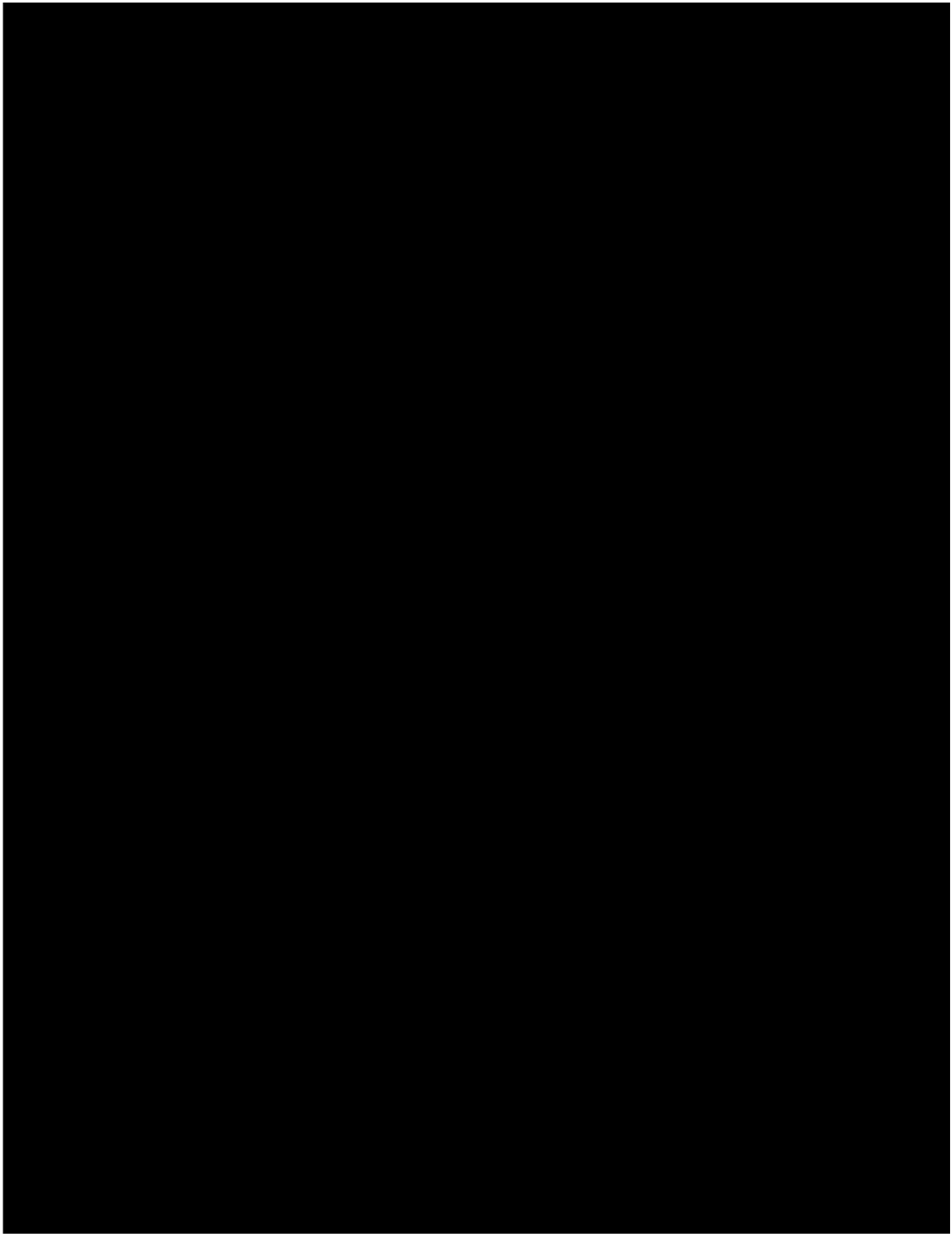
JRJ/mc
Enclosure
cc:w/enc. Sean Strode, Esq.

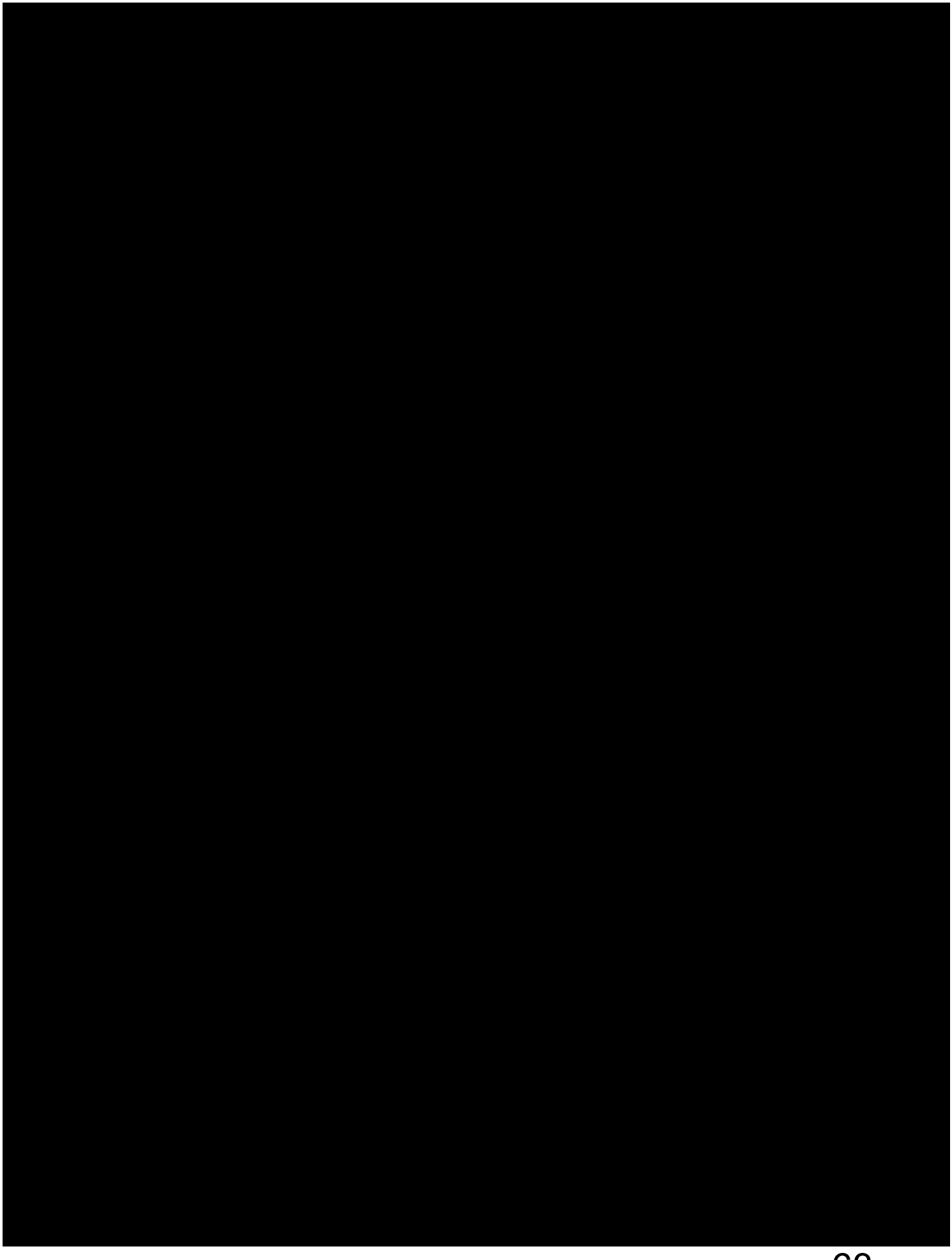
JIM JACKSON //Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528
501.823.3610
Fax: 501.823.3611
Jim@JimJacksonAtty.com
www.JimJacksonAtty.com

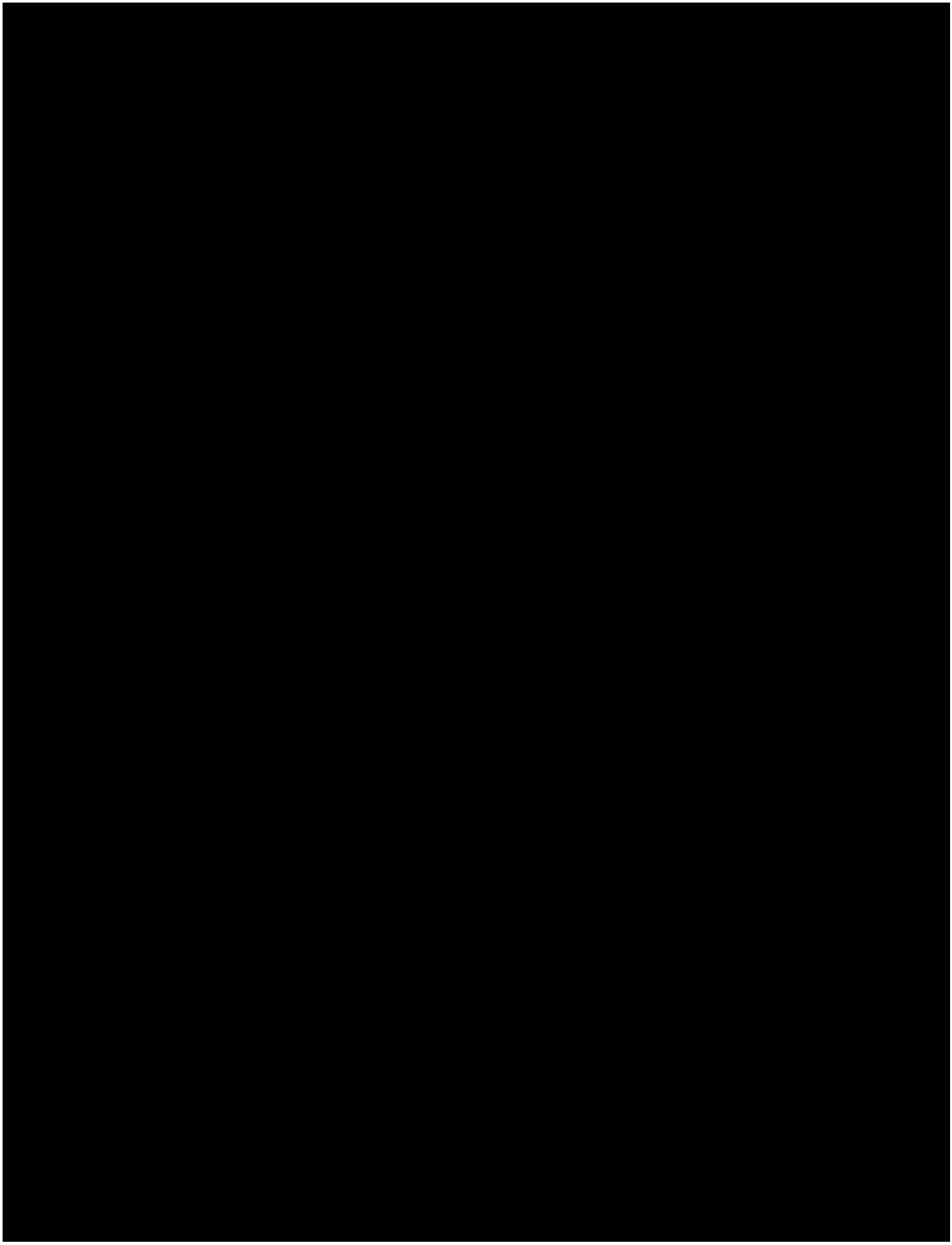


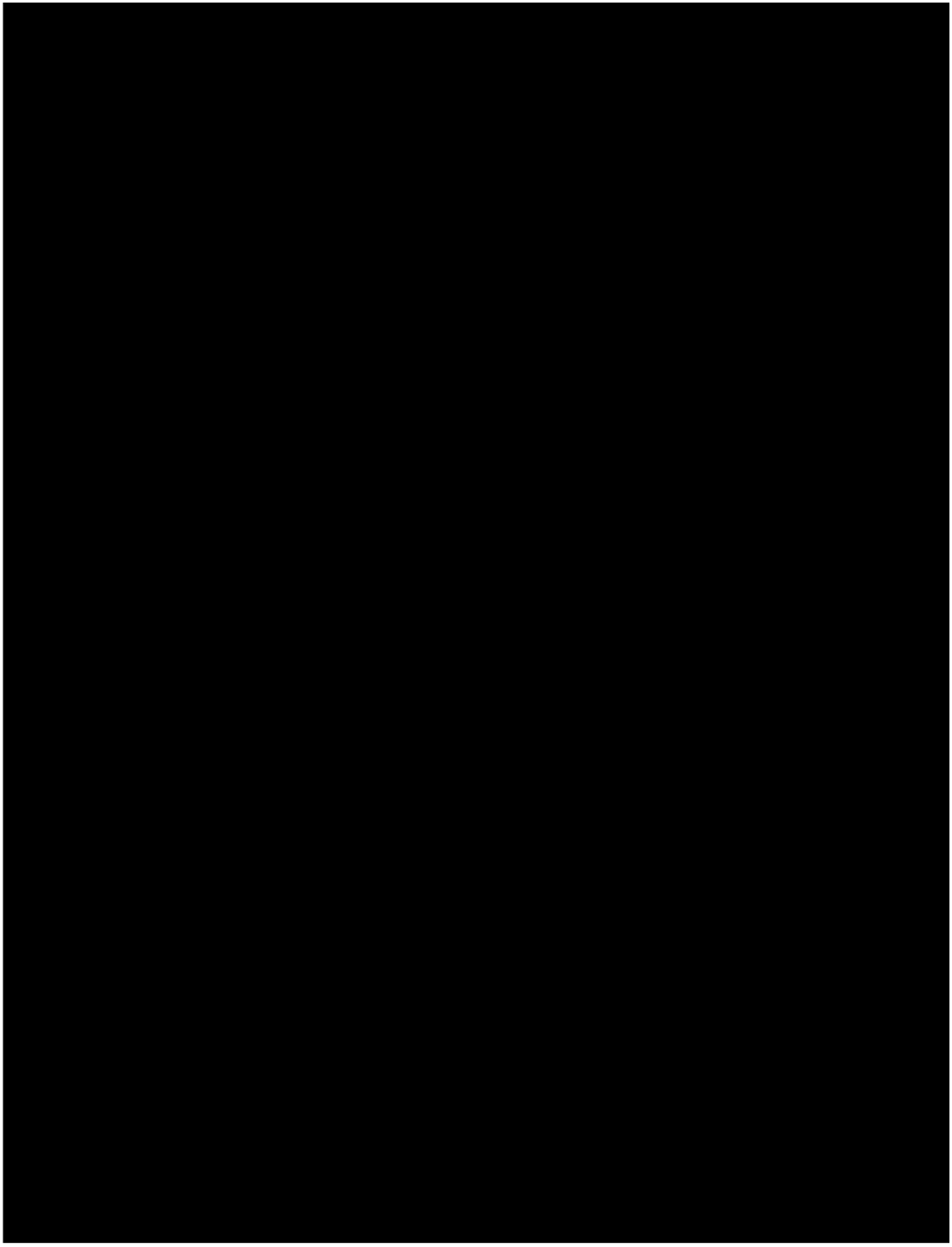


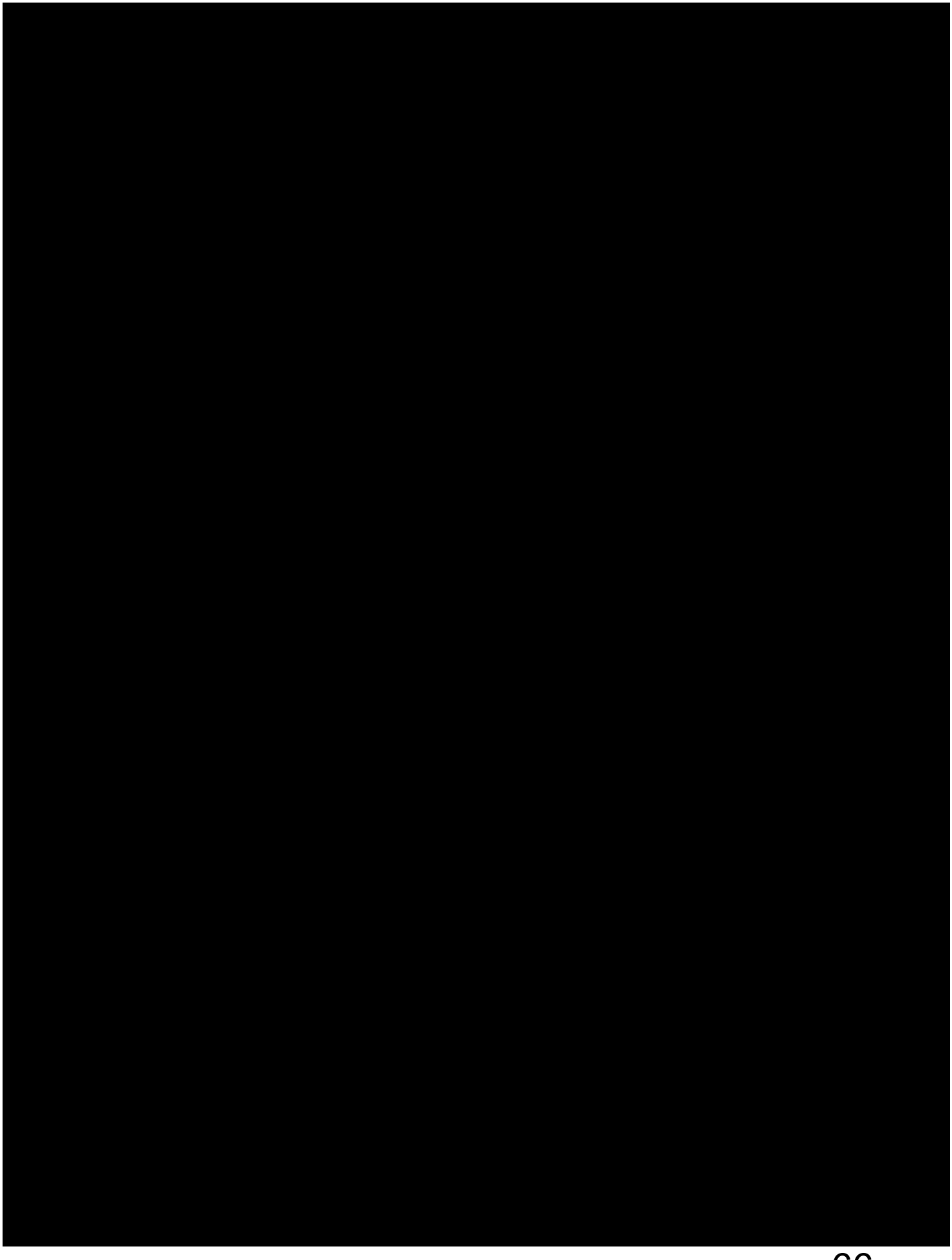


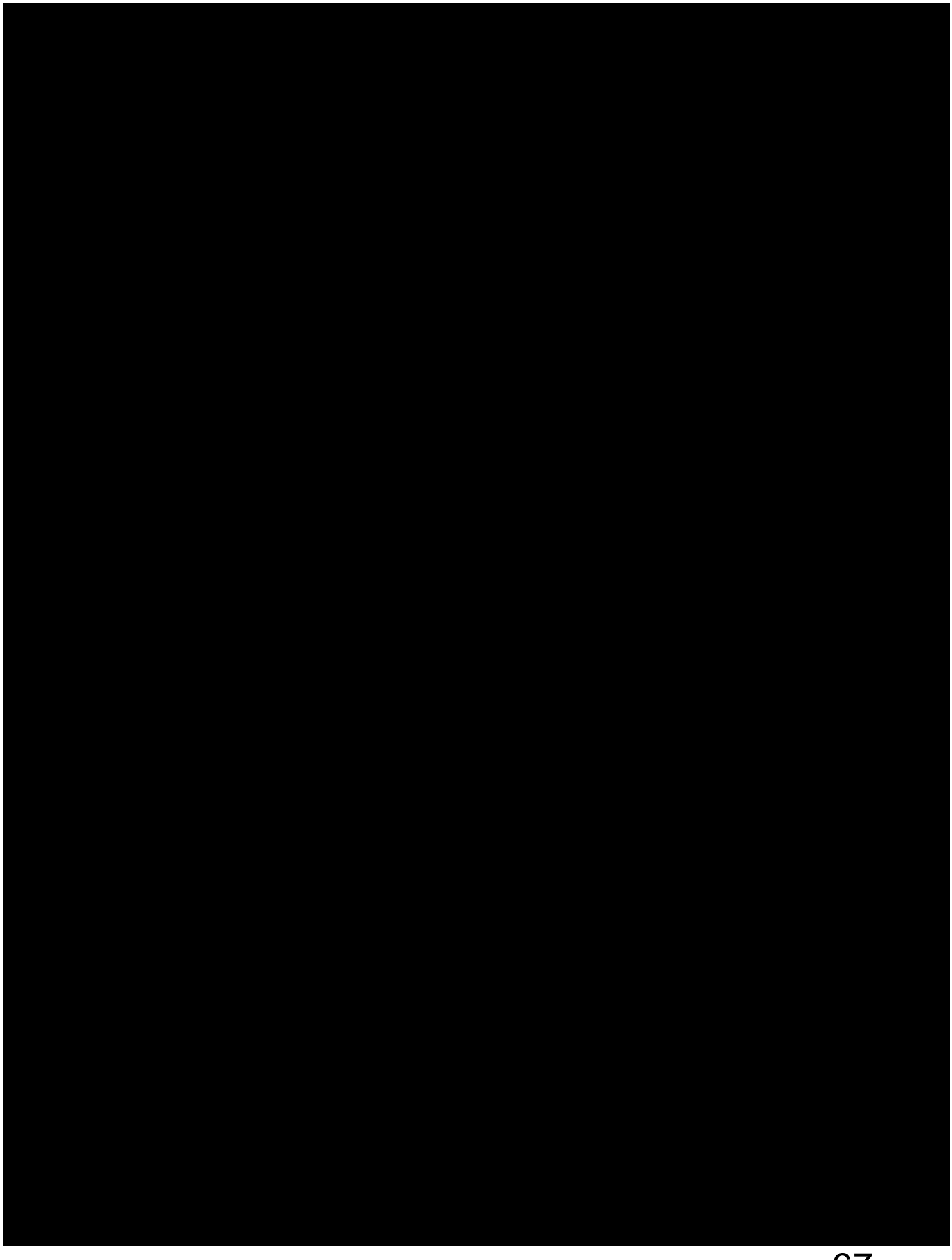


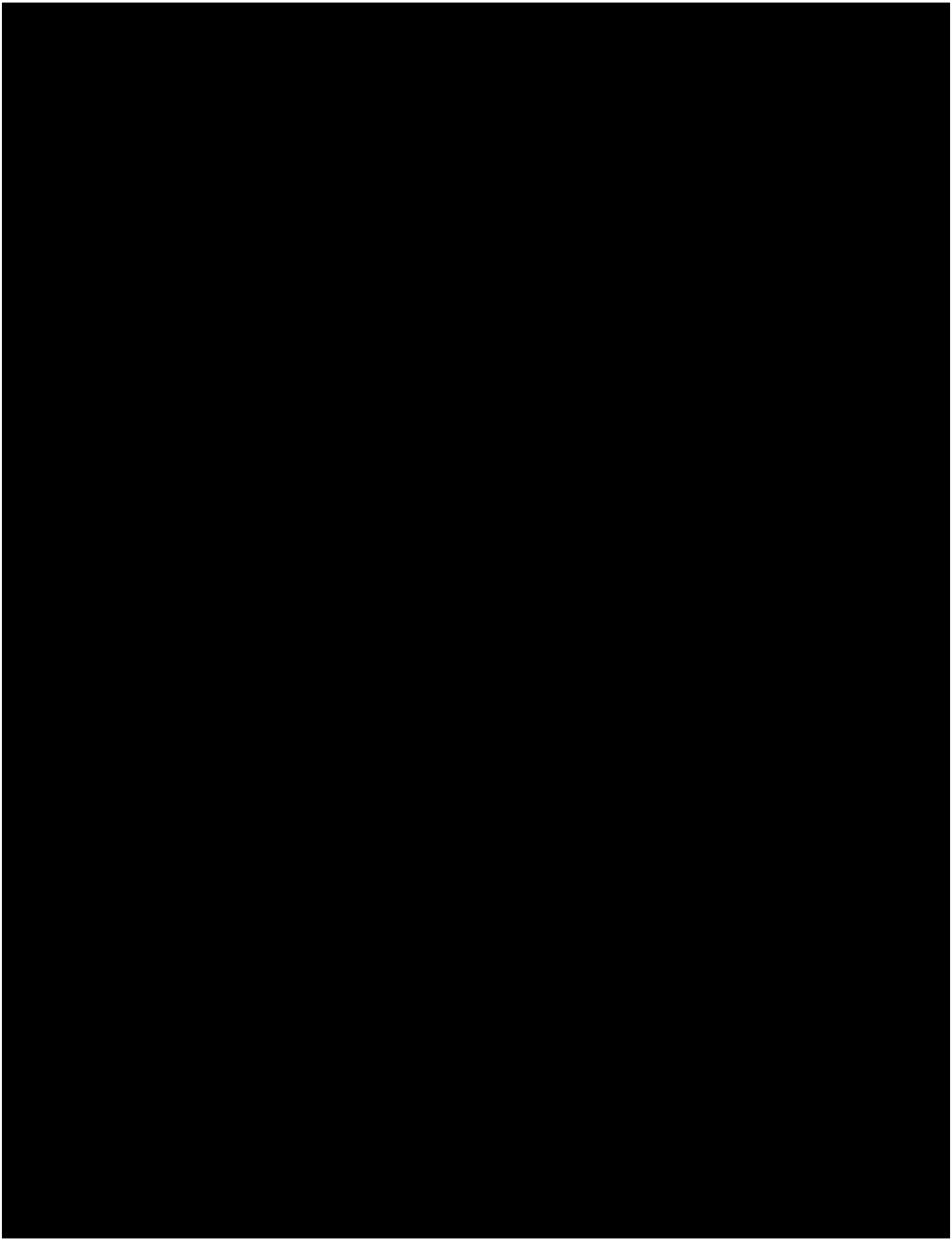


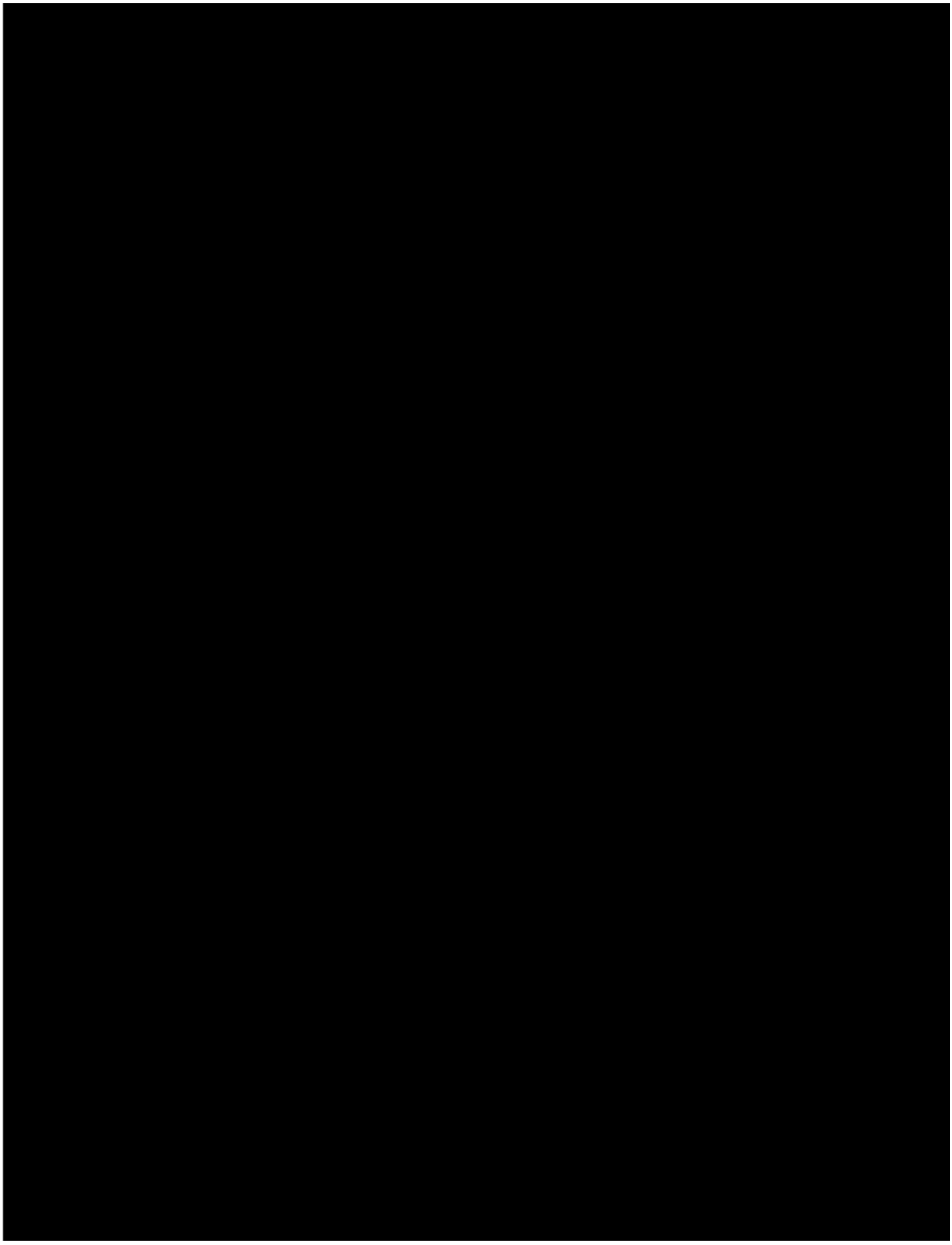


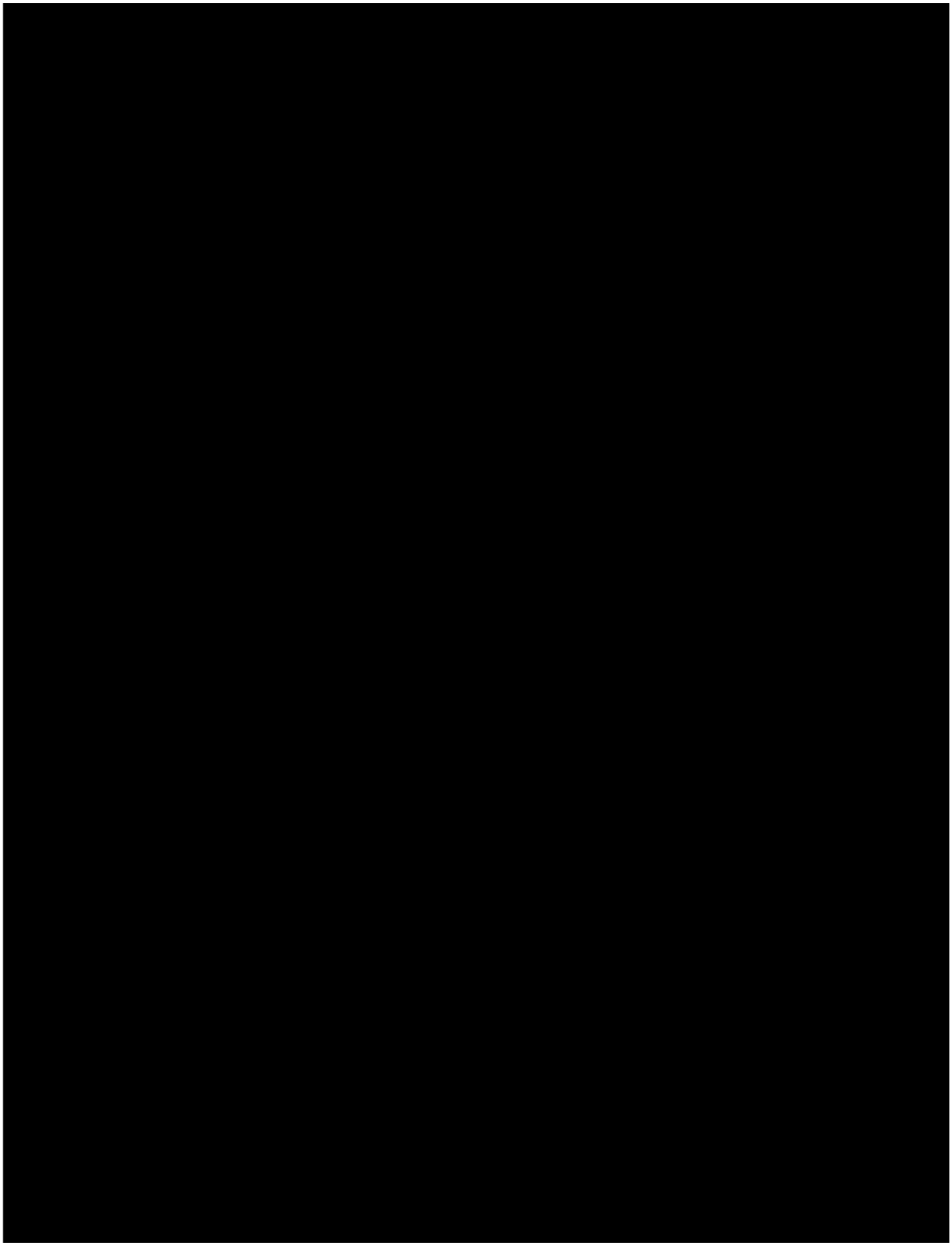


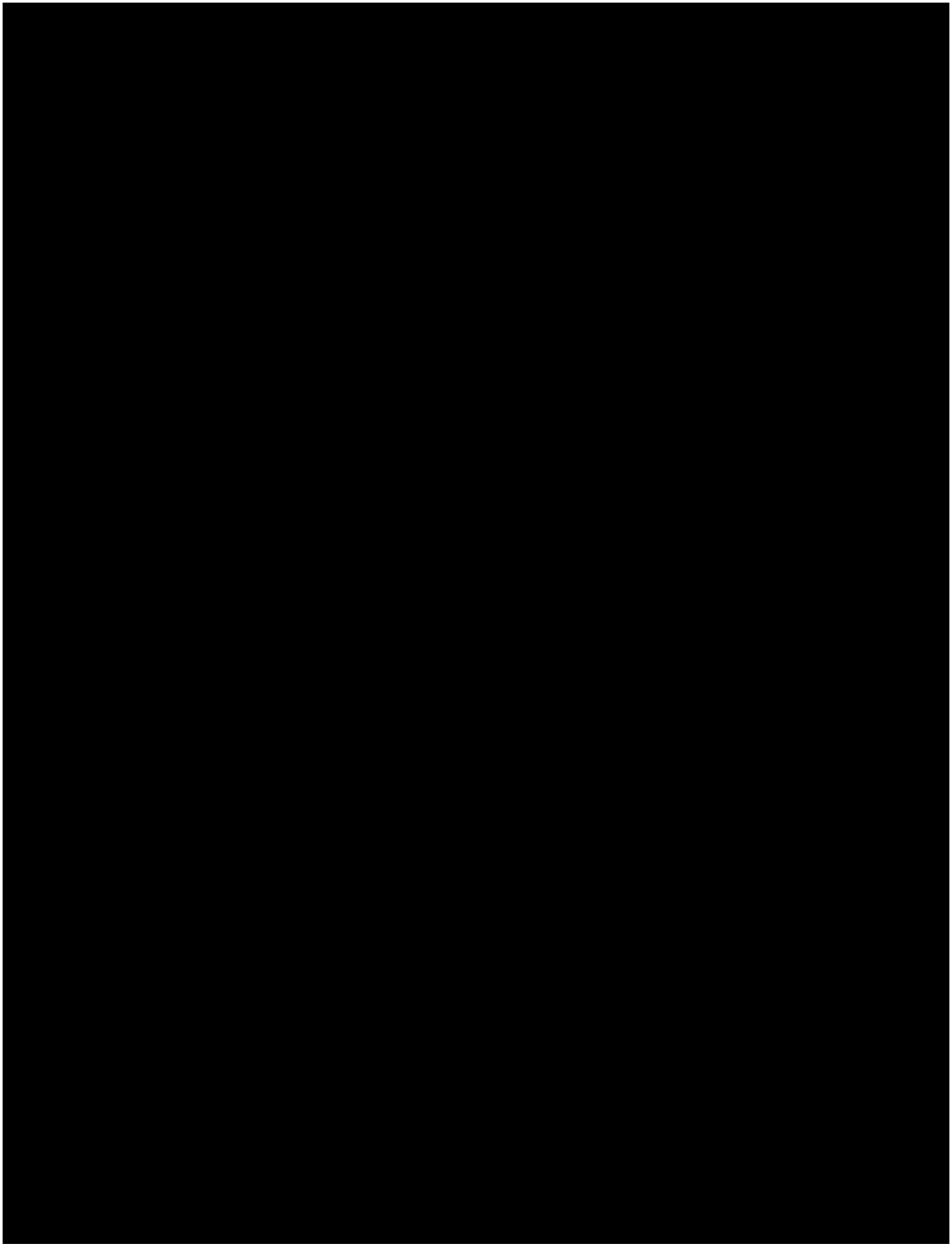


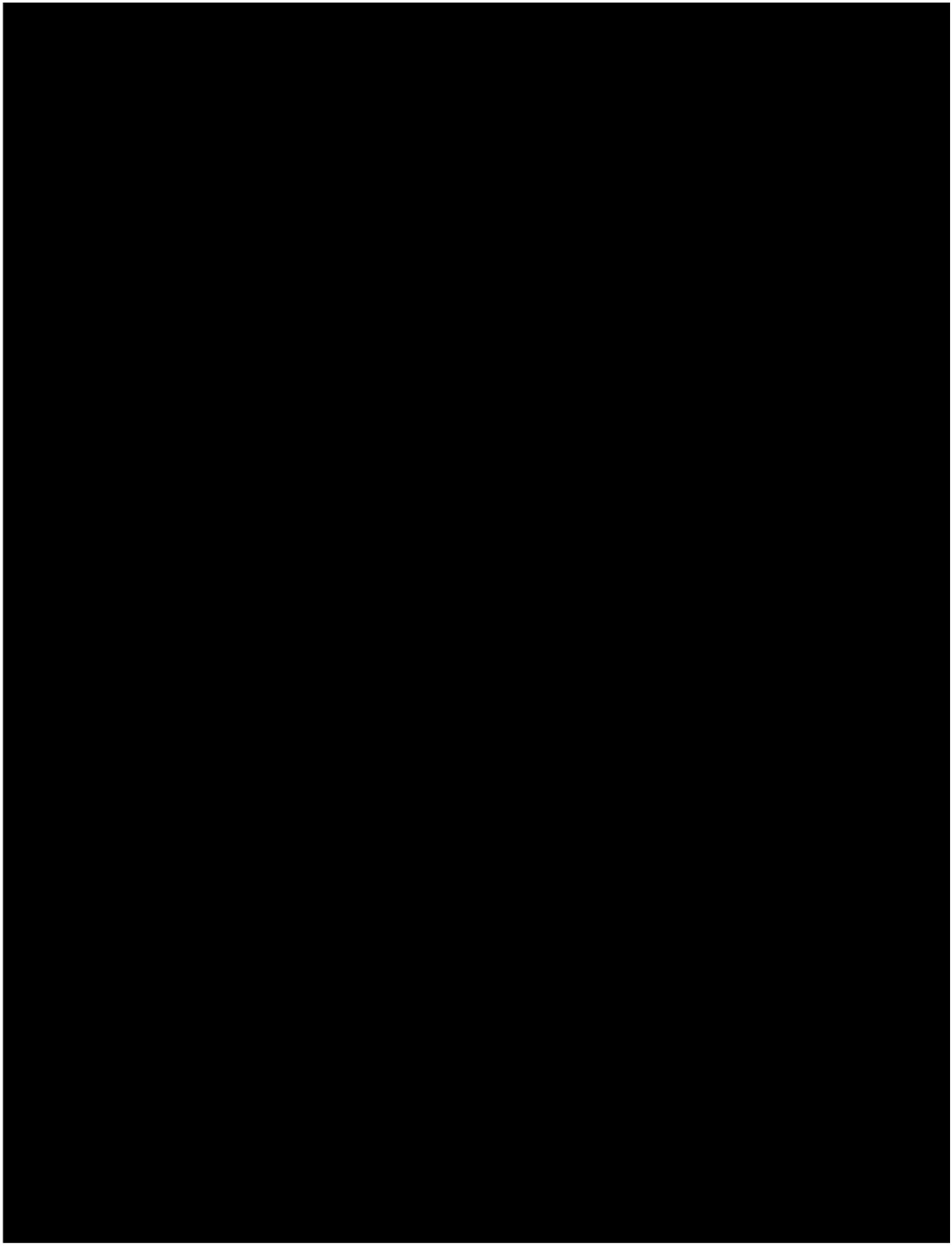


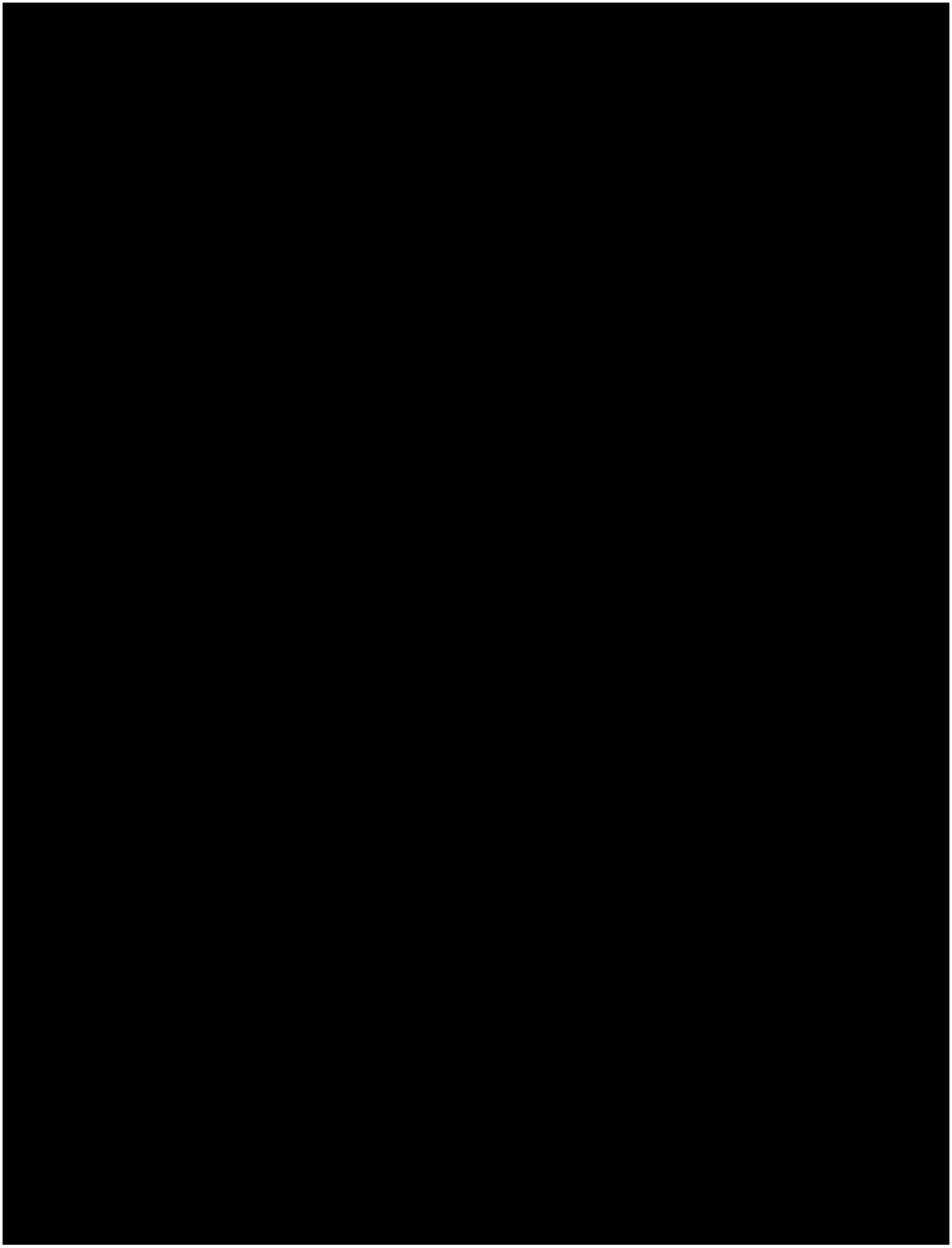


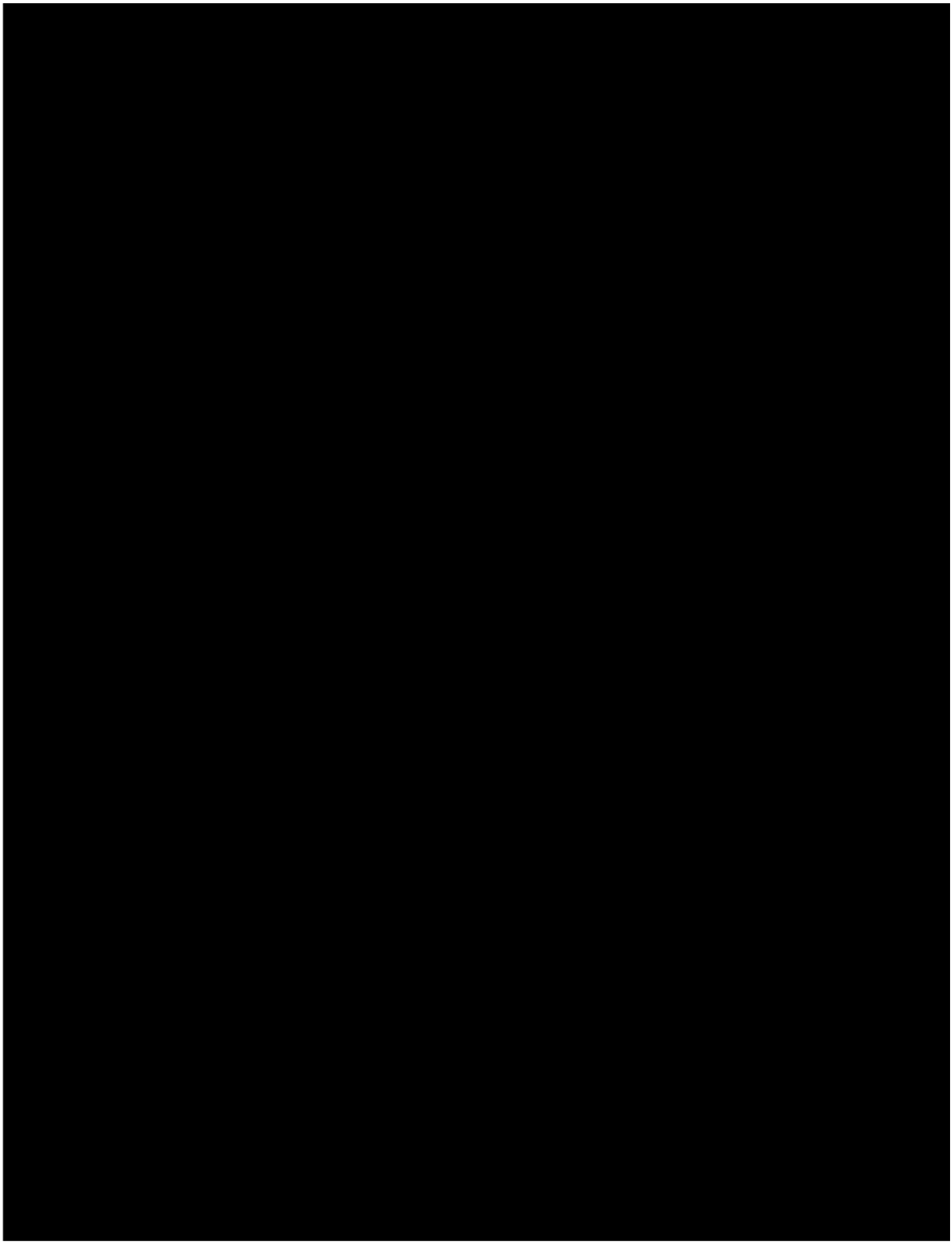


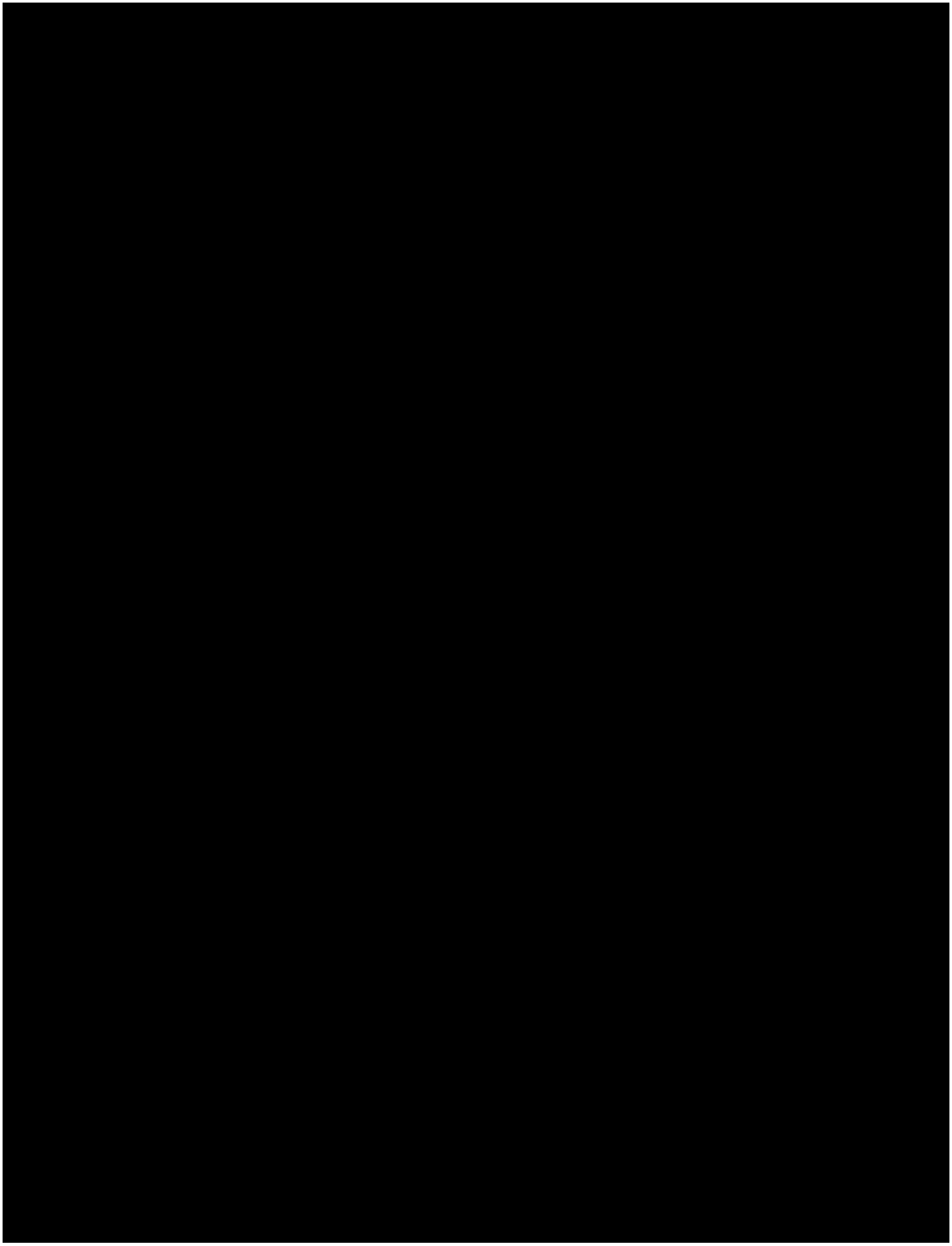


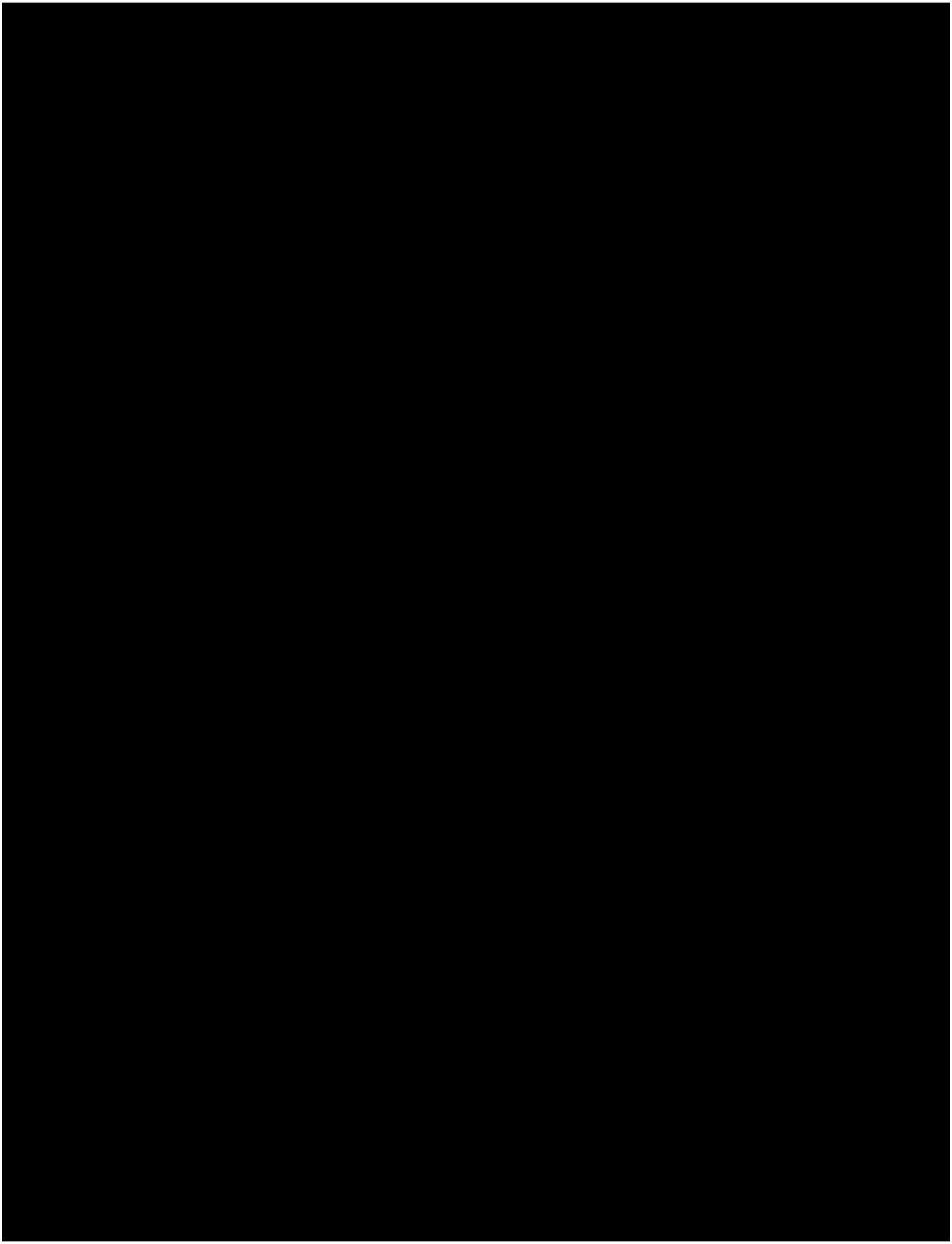


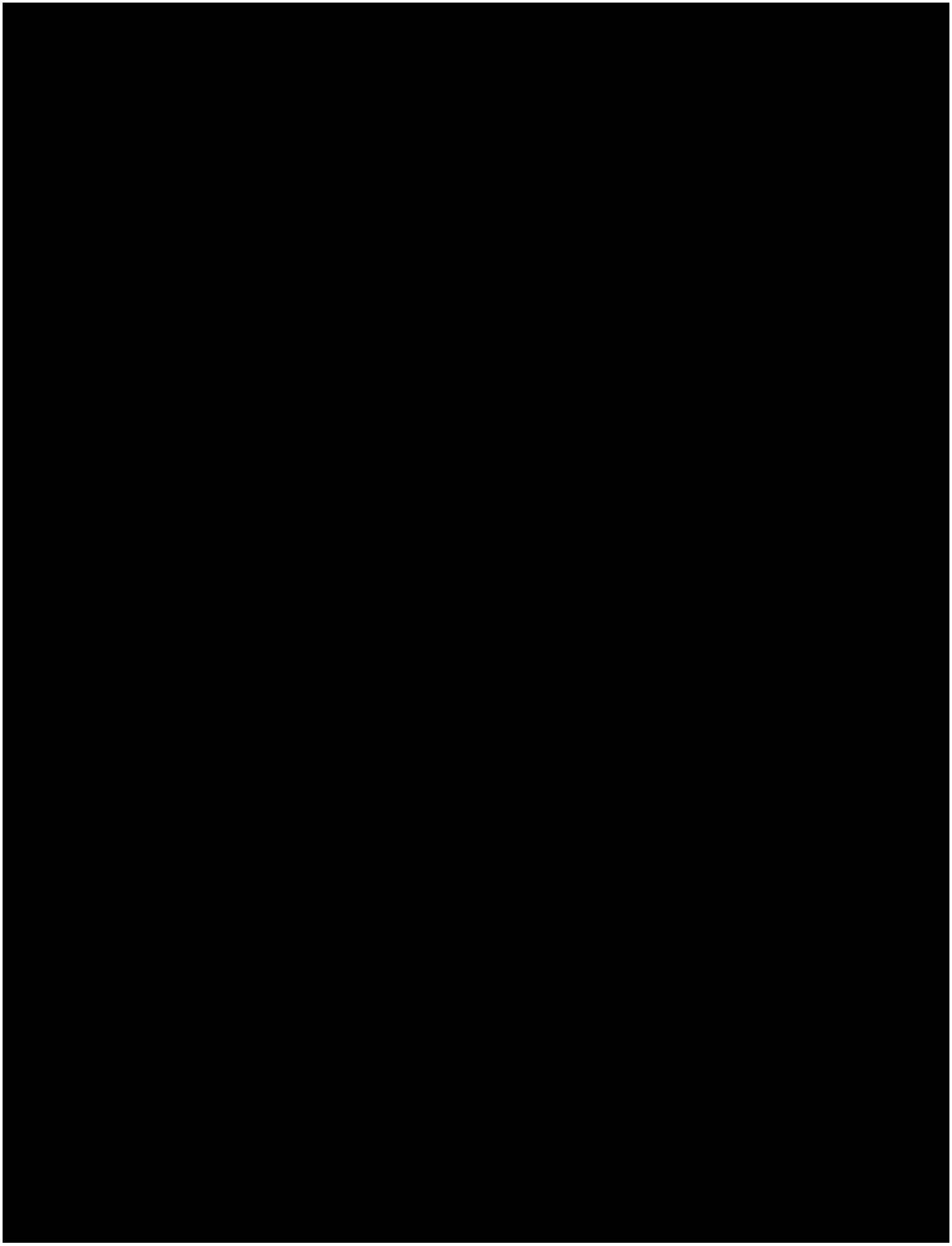


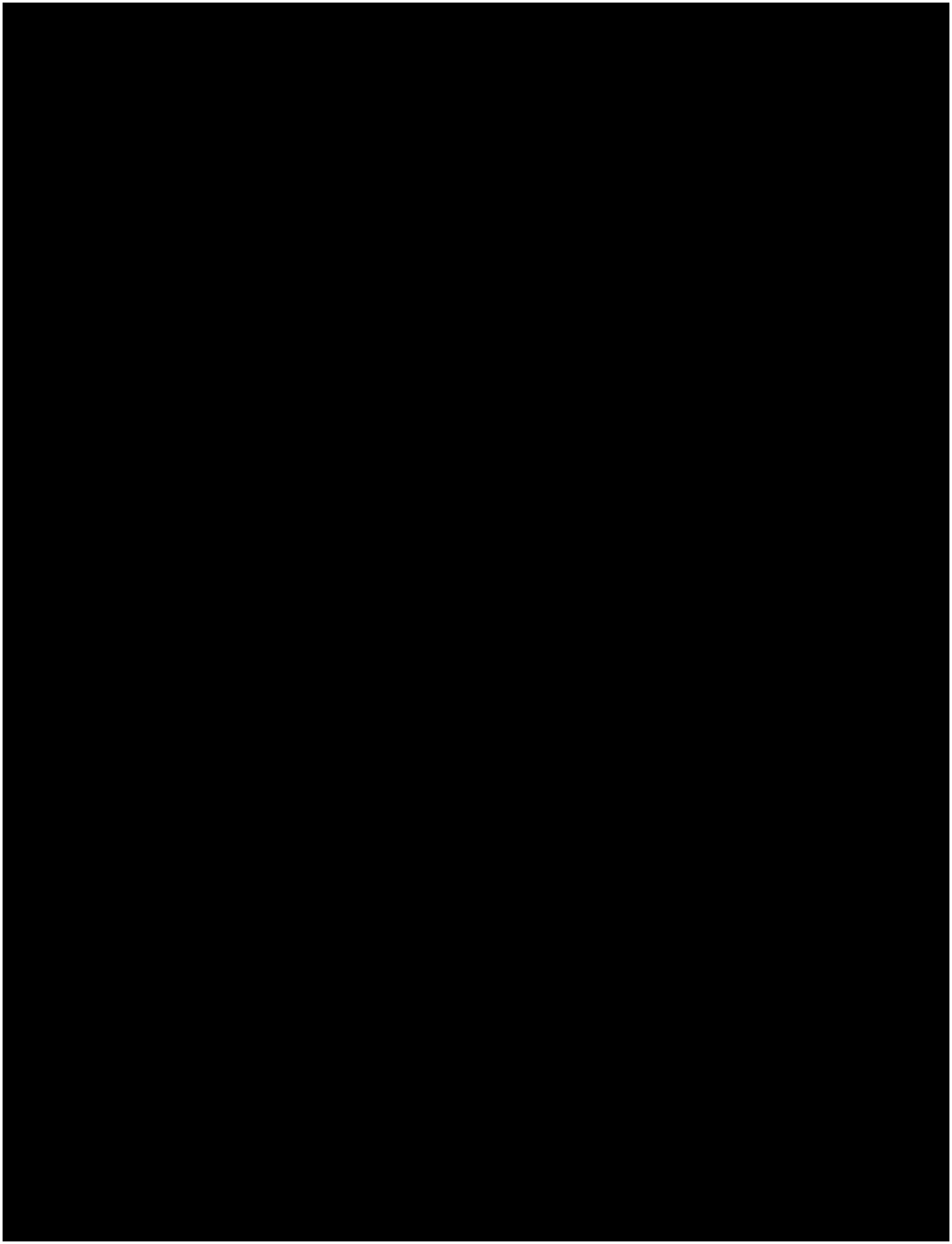


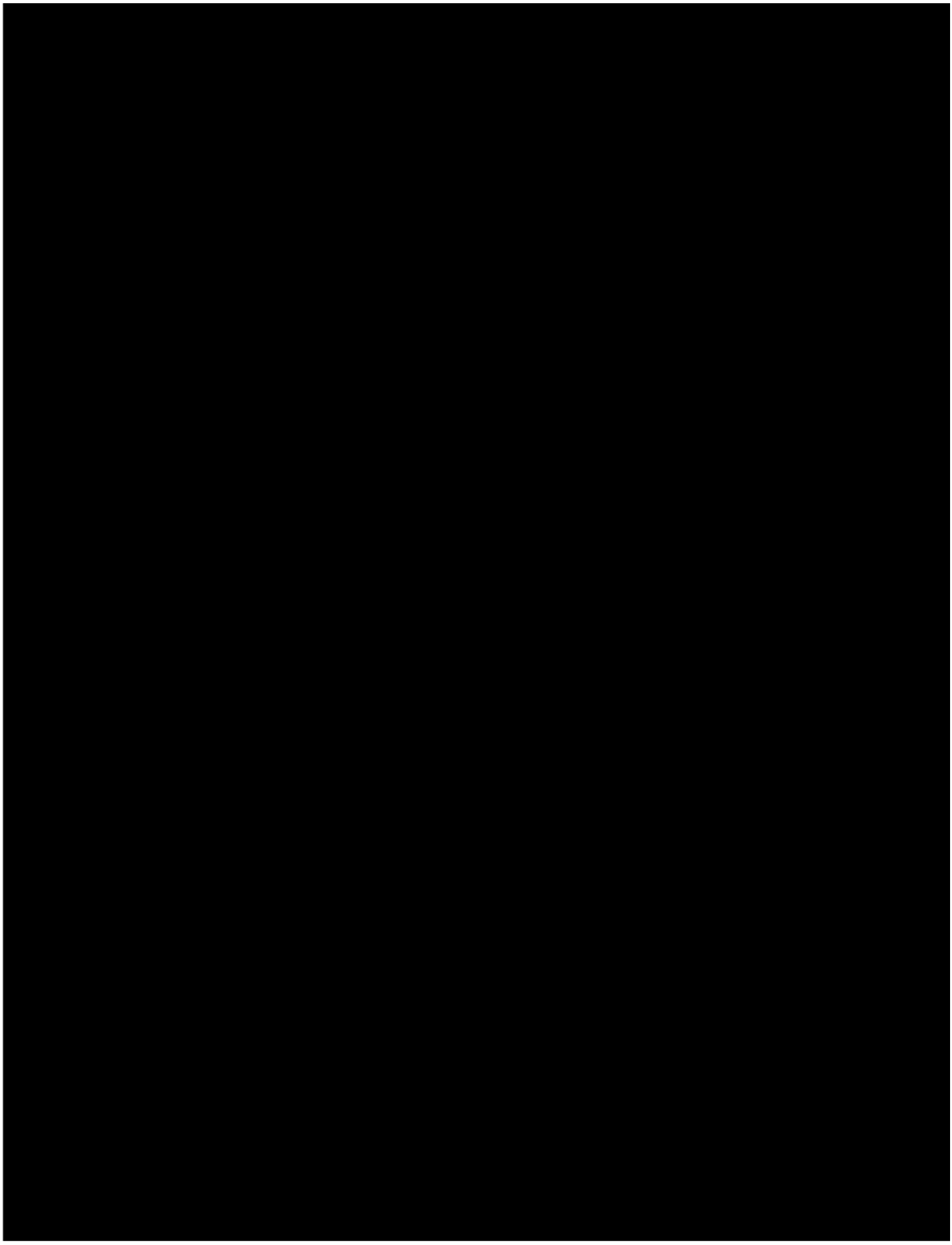












From:	Jim Jackson
To:	Brent Gasper; Rich Rosen; Sean Strode
Cc:	Martha Cox; ASCC New Claims
Subject:	RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of Two Minor Children v. The Arkansas Department of Human Services Incident Date: 6/11/2021 - Logan County
Date:	Monday, November 28, 2022 2:43:59 PM
Attachments:	image001.png image002.jpg image003.jpg image004.jpg image005.jpg Accident Report_Ashcraft.pdf

You don't often get email from jim@jimjacksonatty.com. Learn why this is important

Brent,
Attached is a copy of the Accident Report prepared by the Arkansas State Police.
My understanding is that the two minor children will testify that their Mom was taking them to a relative's house for a visit.
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Sent: Thursday, November 17, 2022 3:25 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Rich Rosen <Rich.Rosen@dhs.arkansas.gov>; Sean Strode <Sean.Strode@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of Two Minor Children v. The Arkansas Department of Human Services Incident Date: 6/11/2021 - Logan County

Thanks Jim, I look forward to working with you on this case. We will be in touch. In the meantime, please do not hesitate to call if you have any questions.

Brent

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260

Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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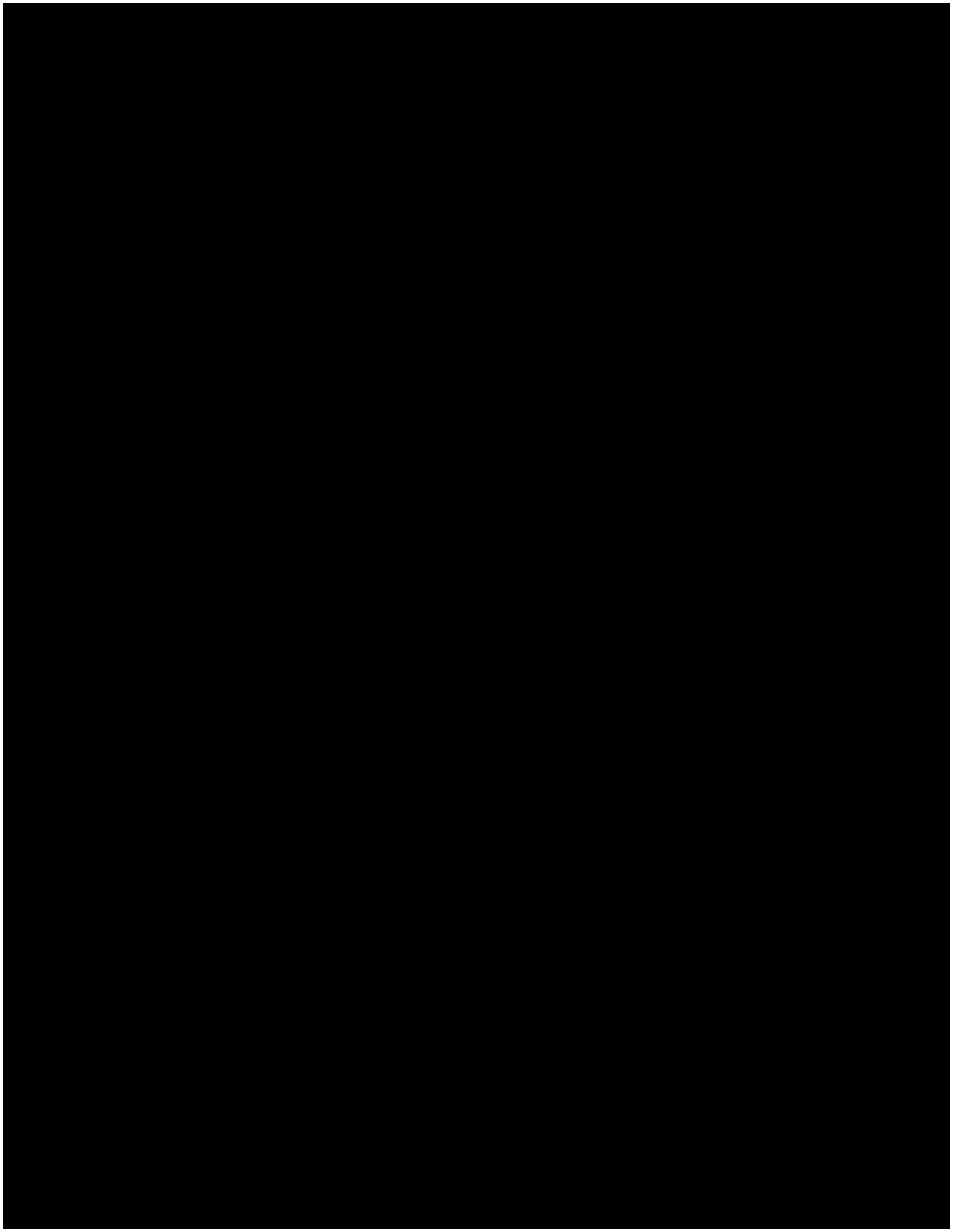
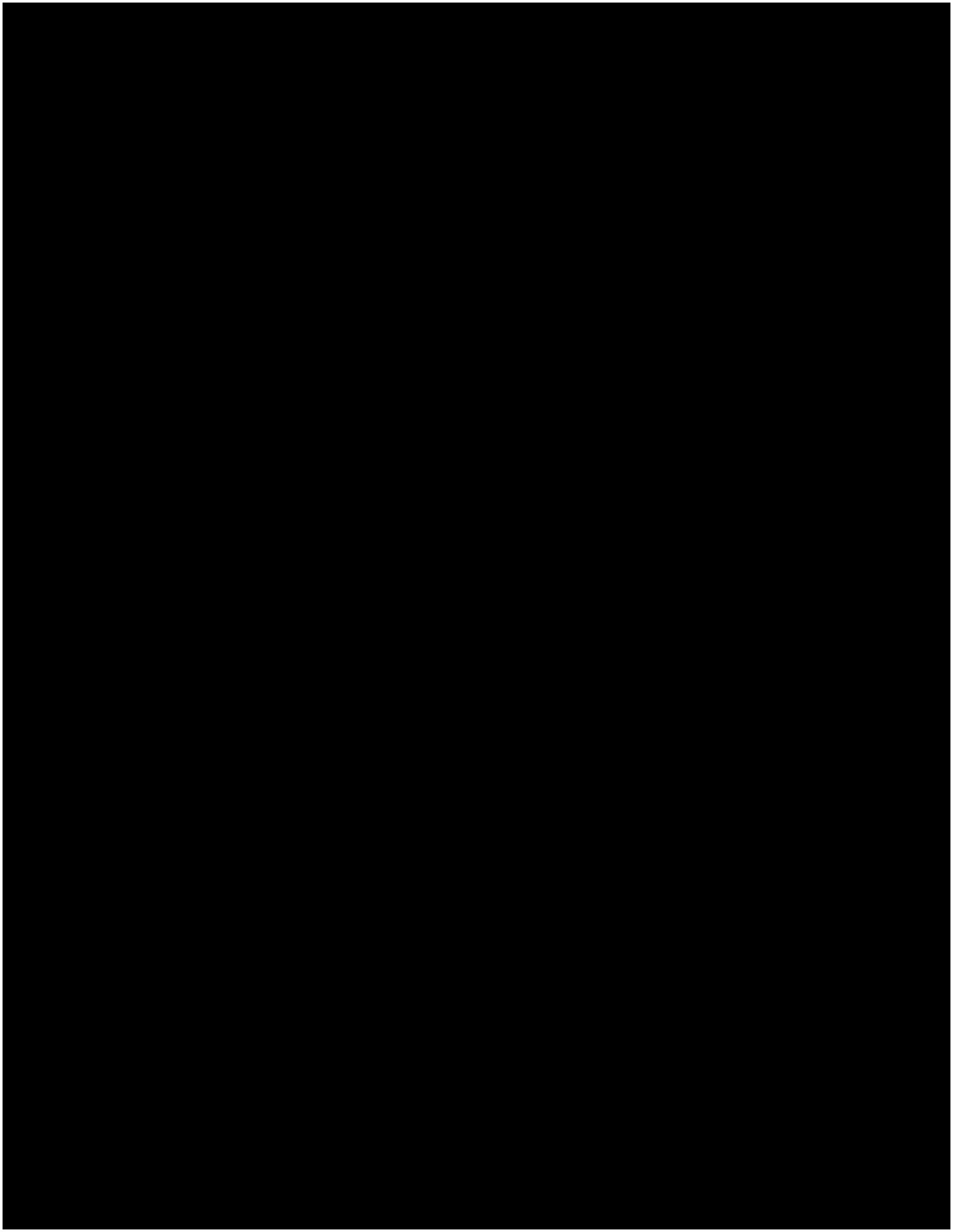
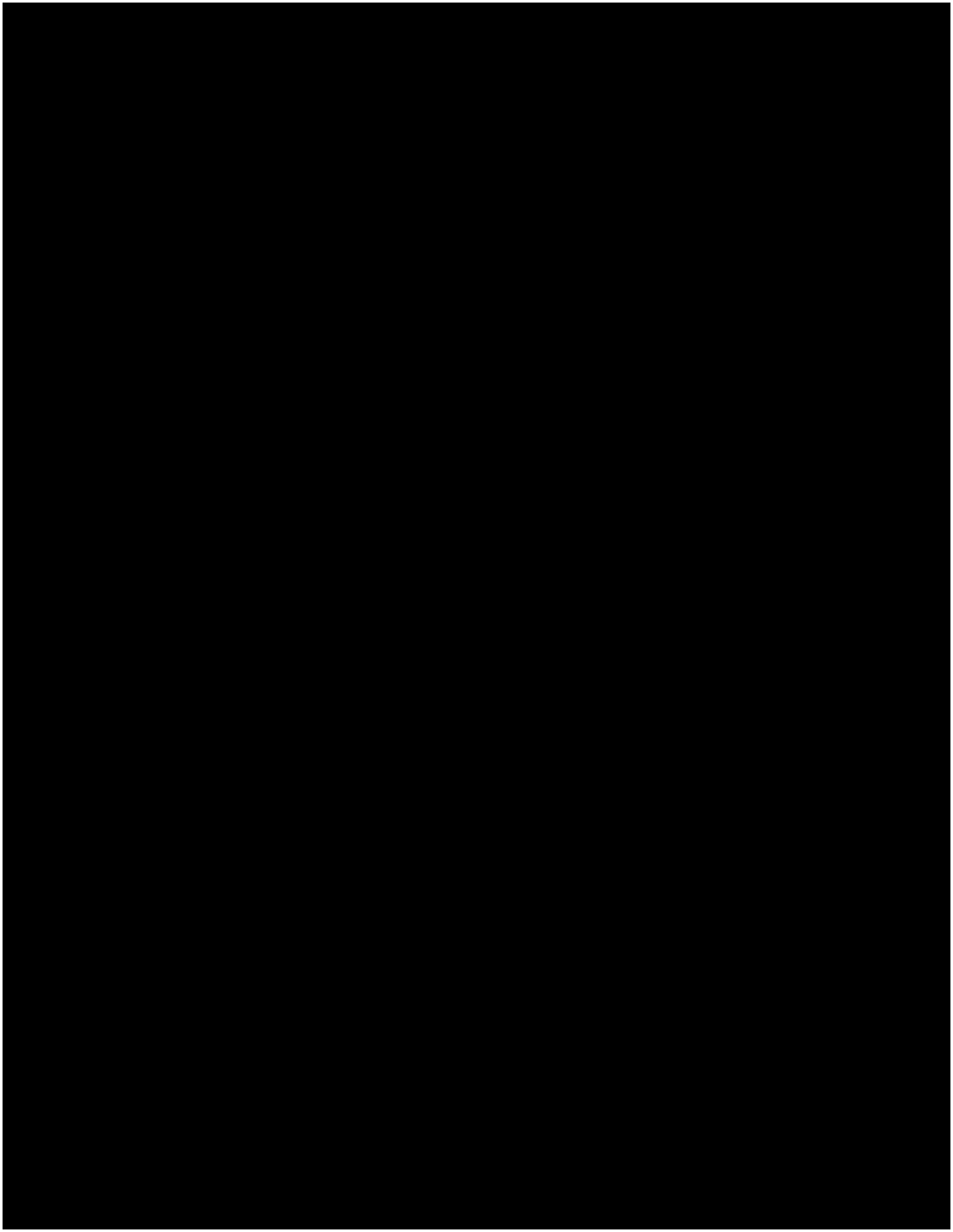
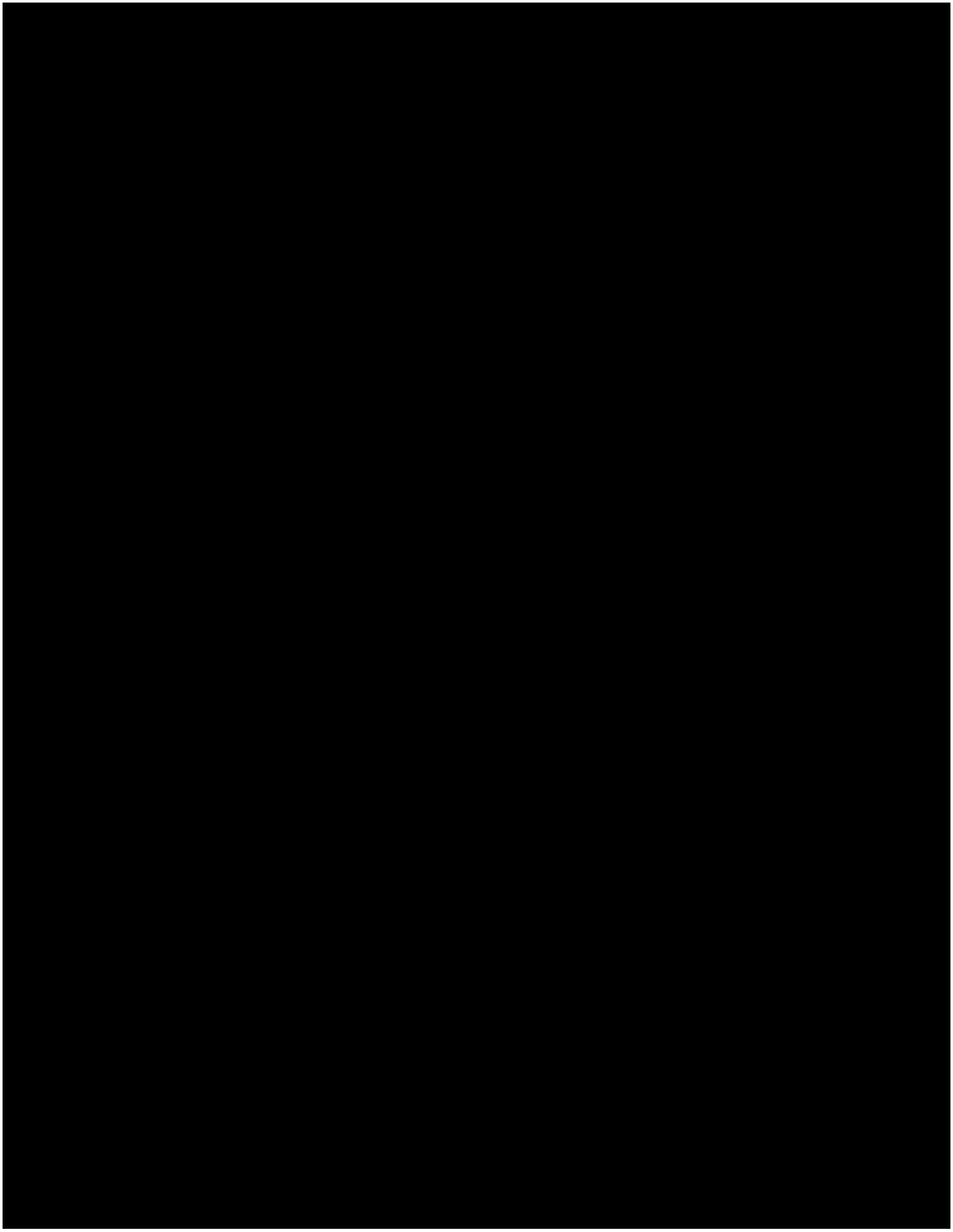
Jackson Law Firm
JimJacksonAtty.com

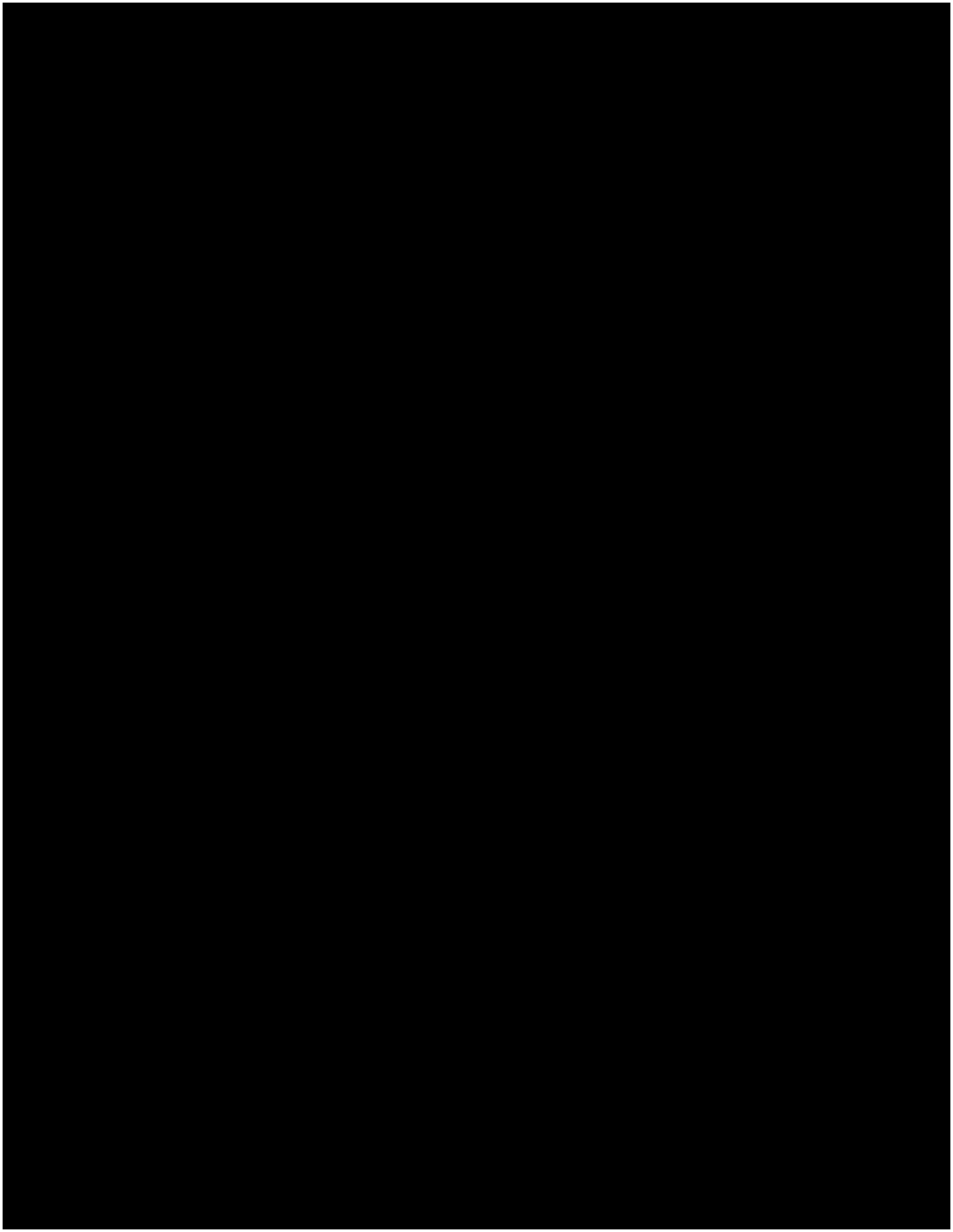
700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

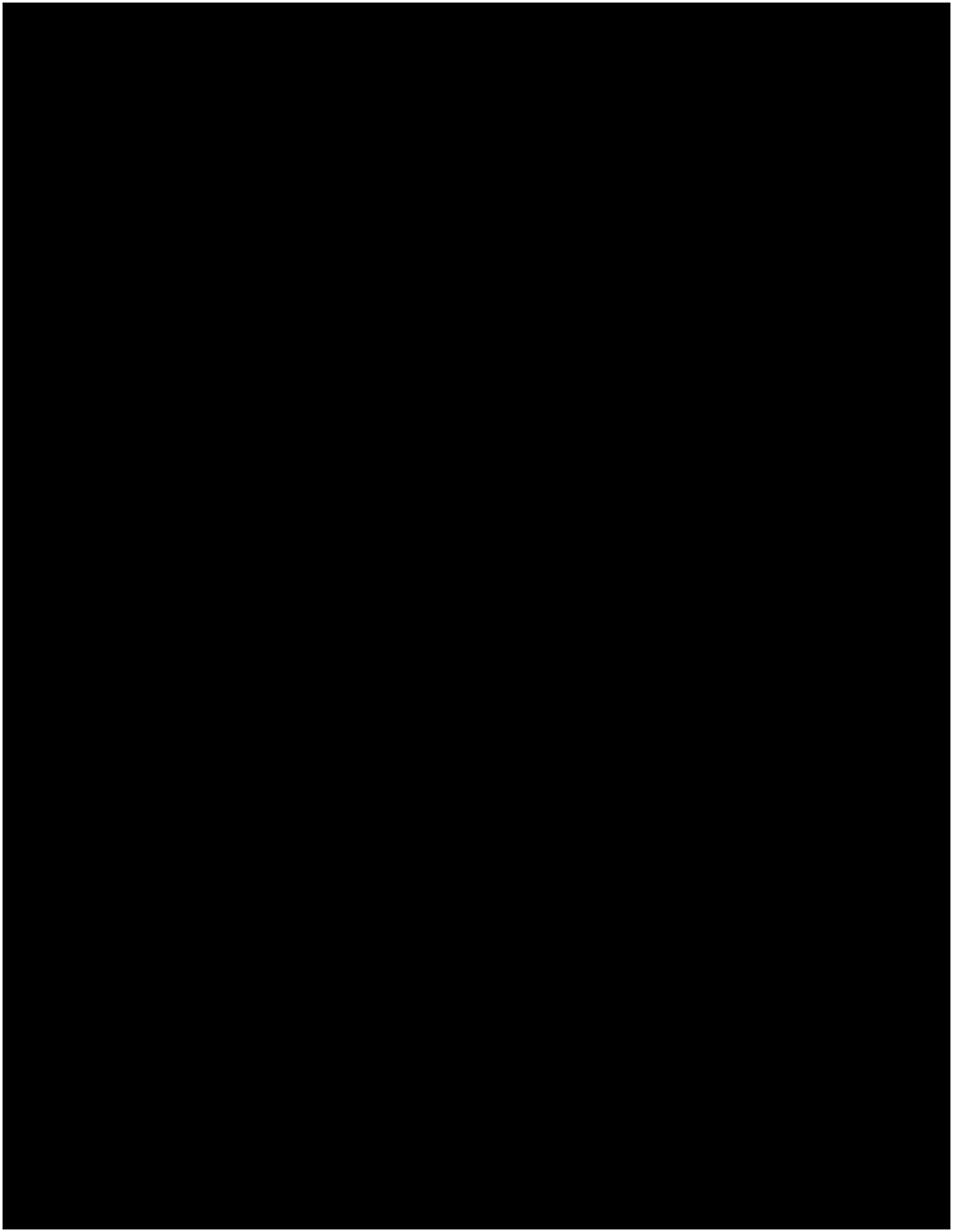


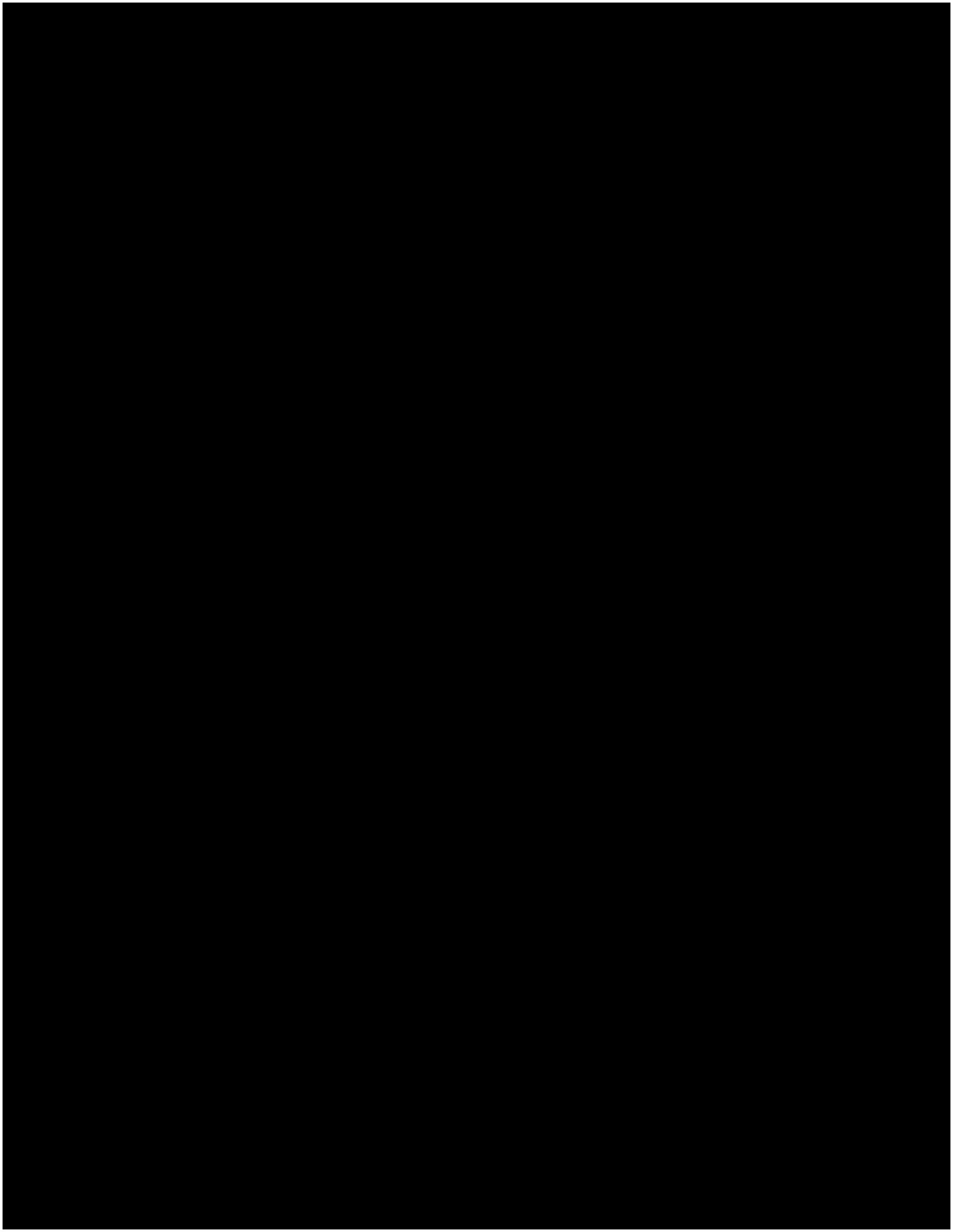


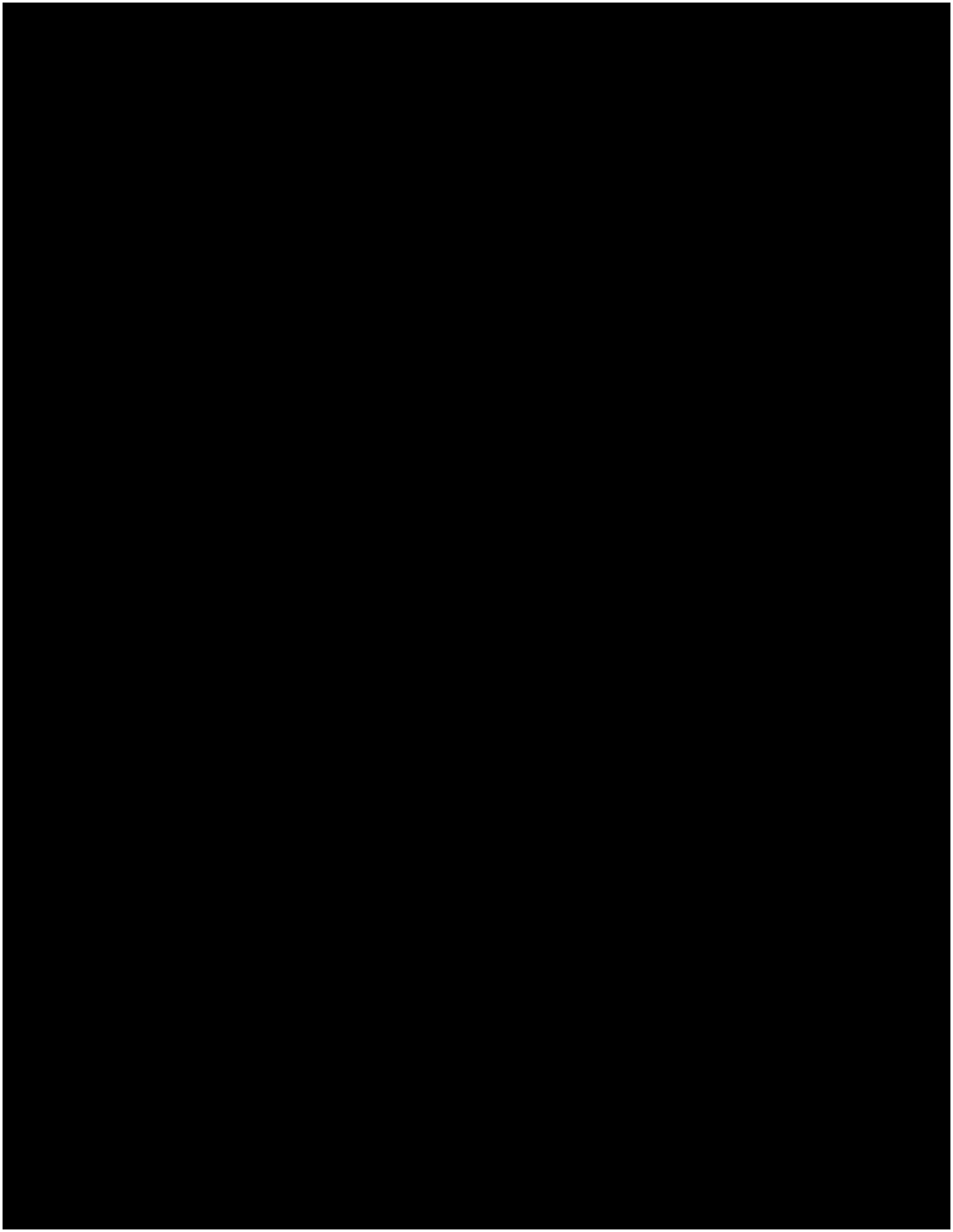


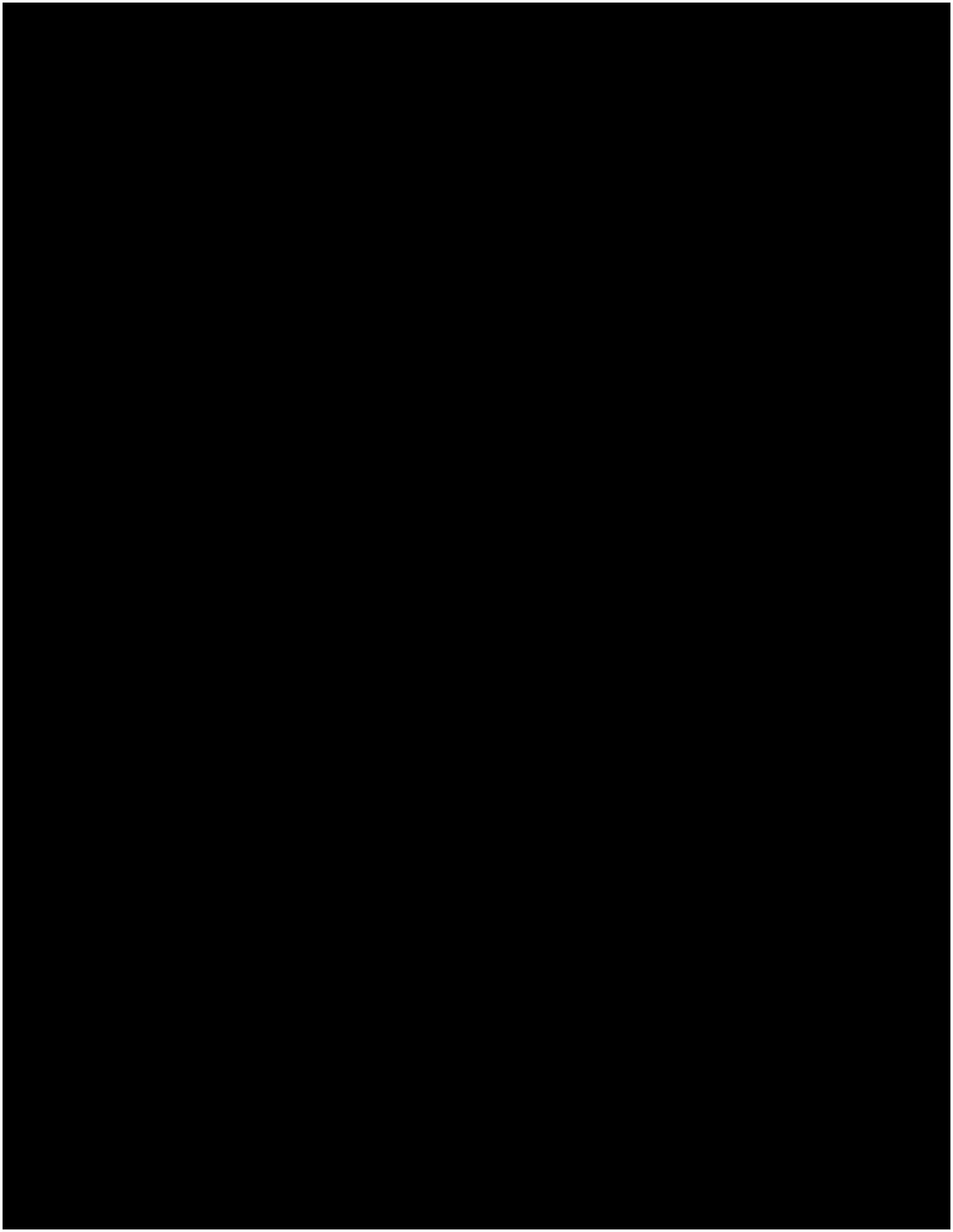


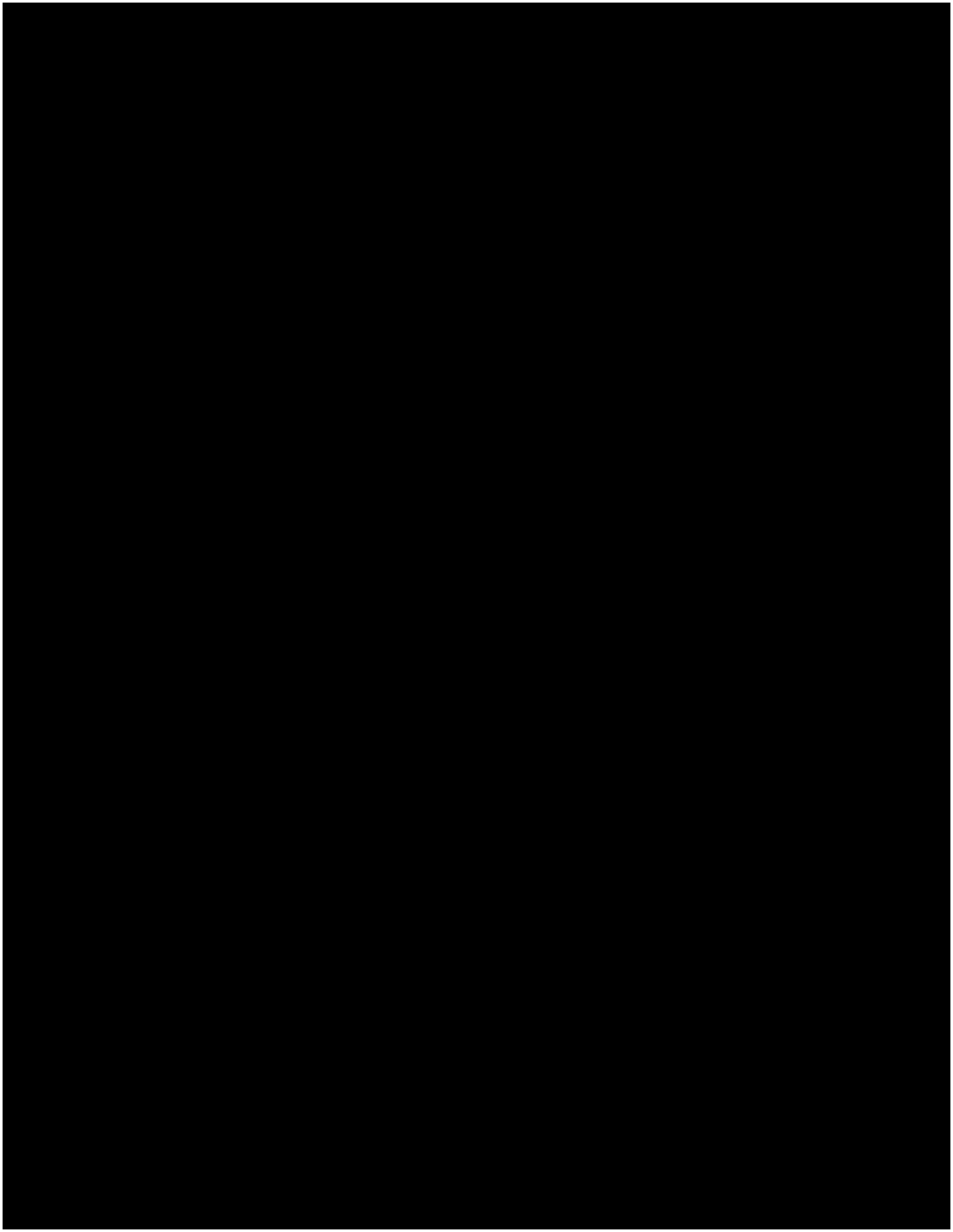


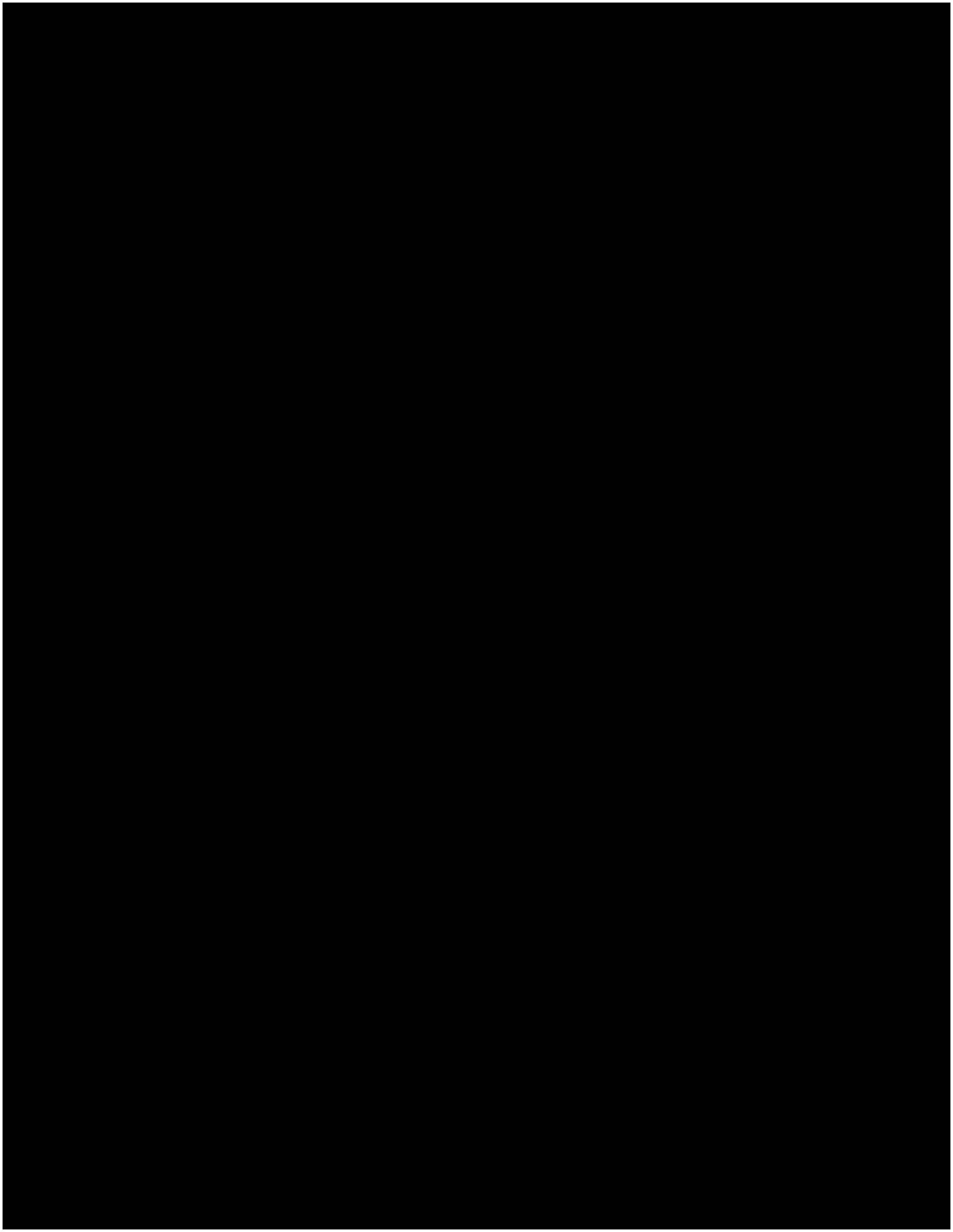


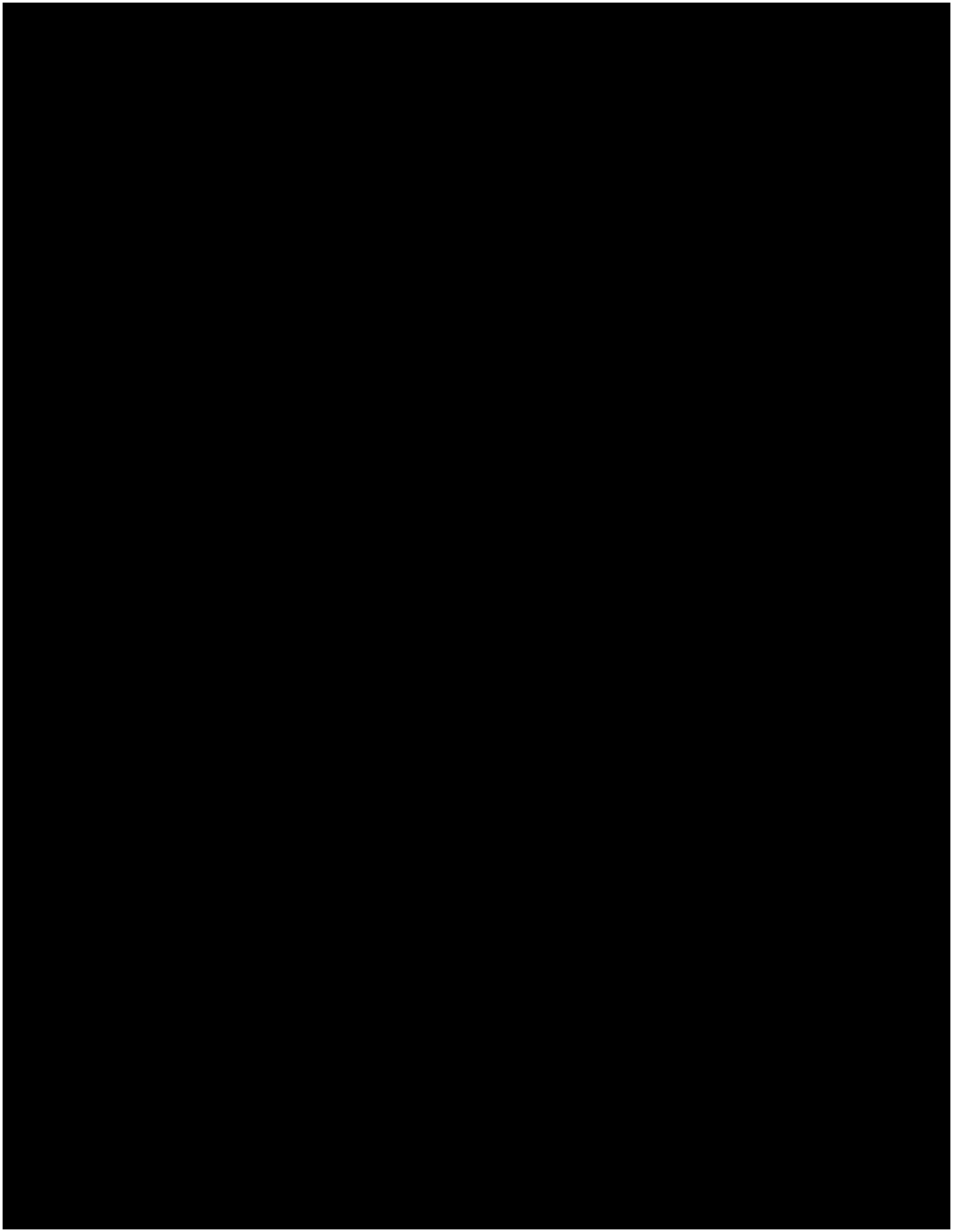


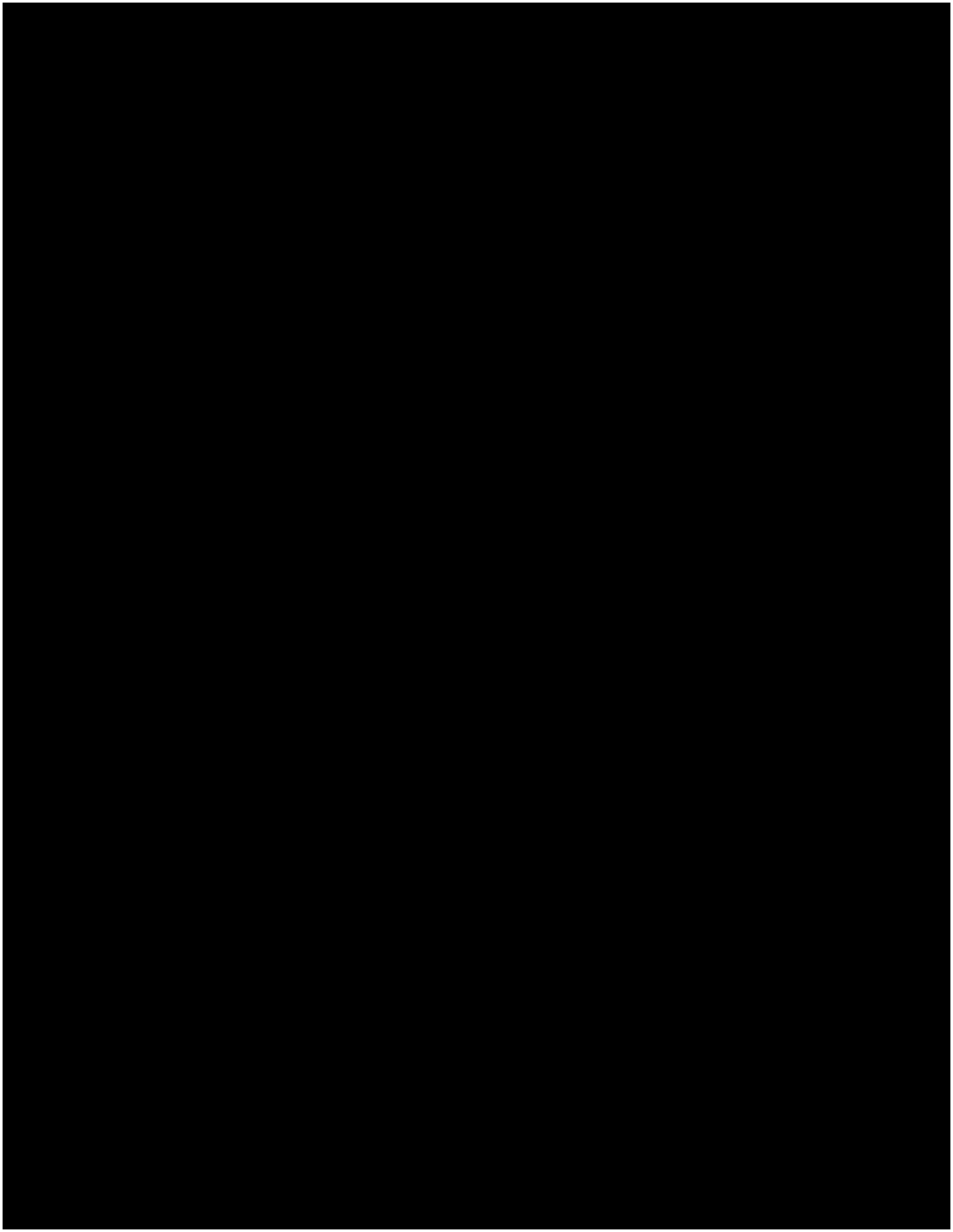


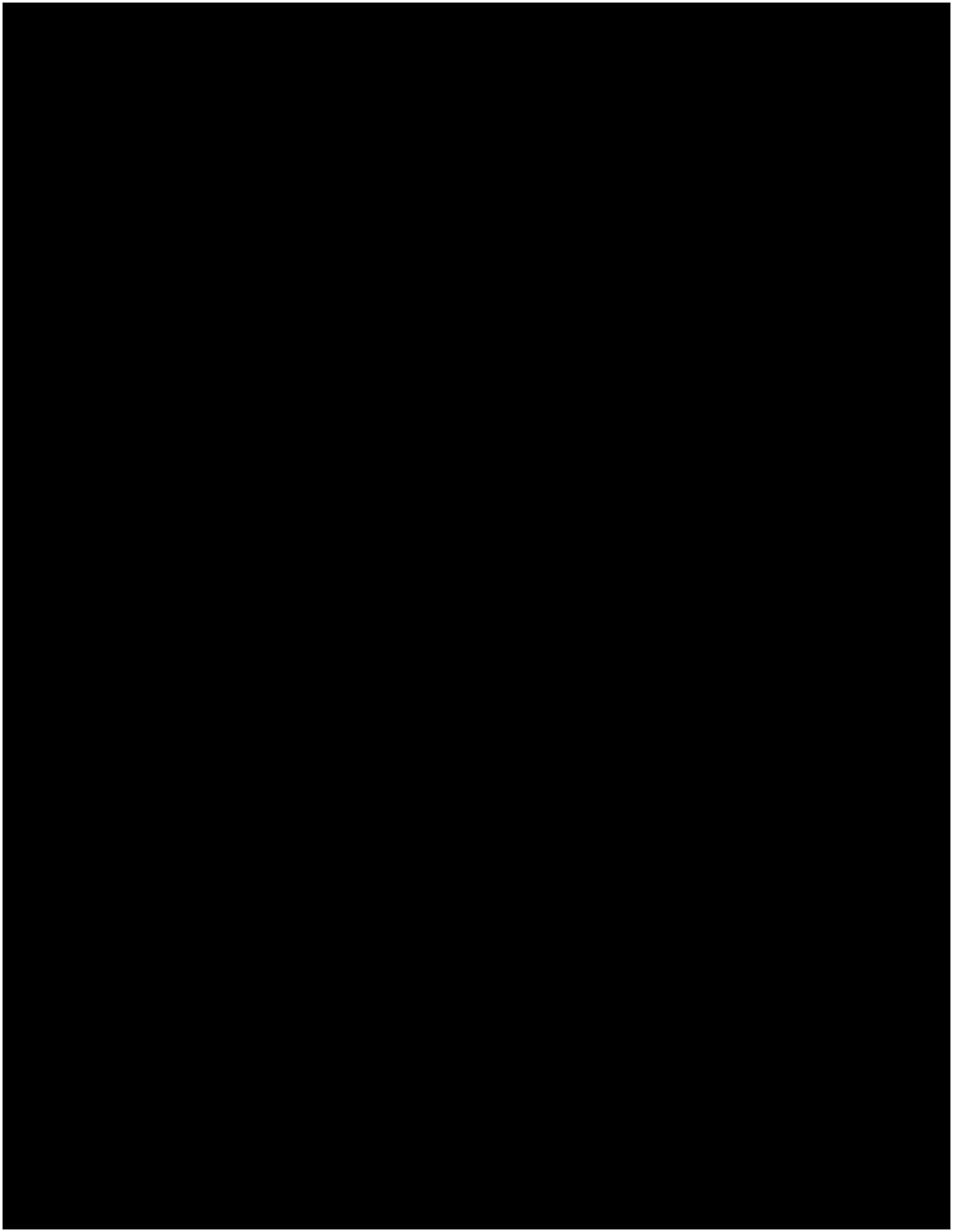


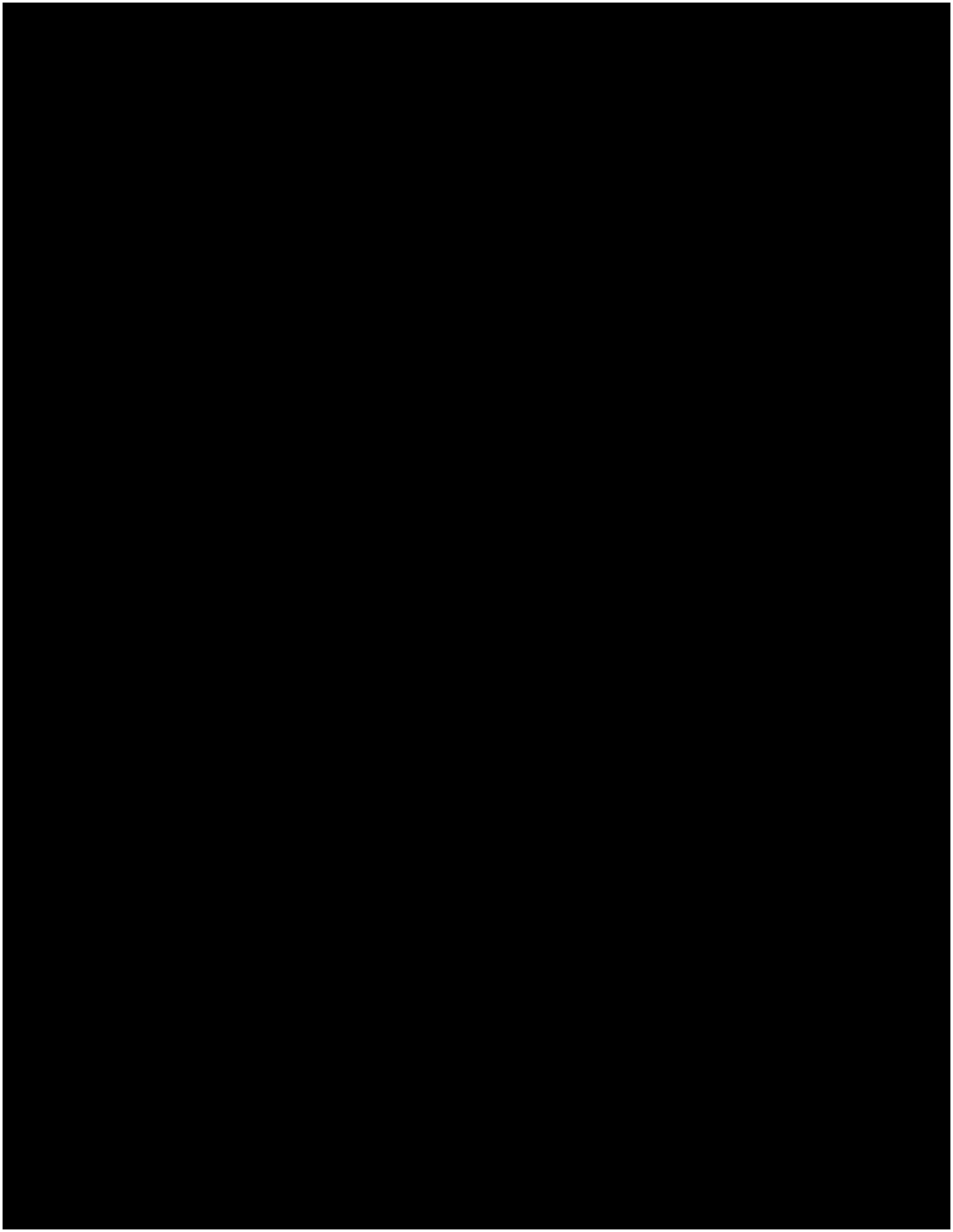


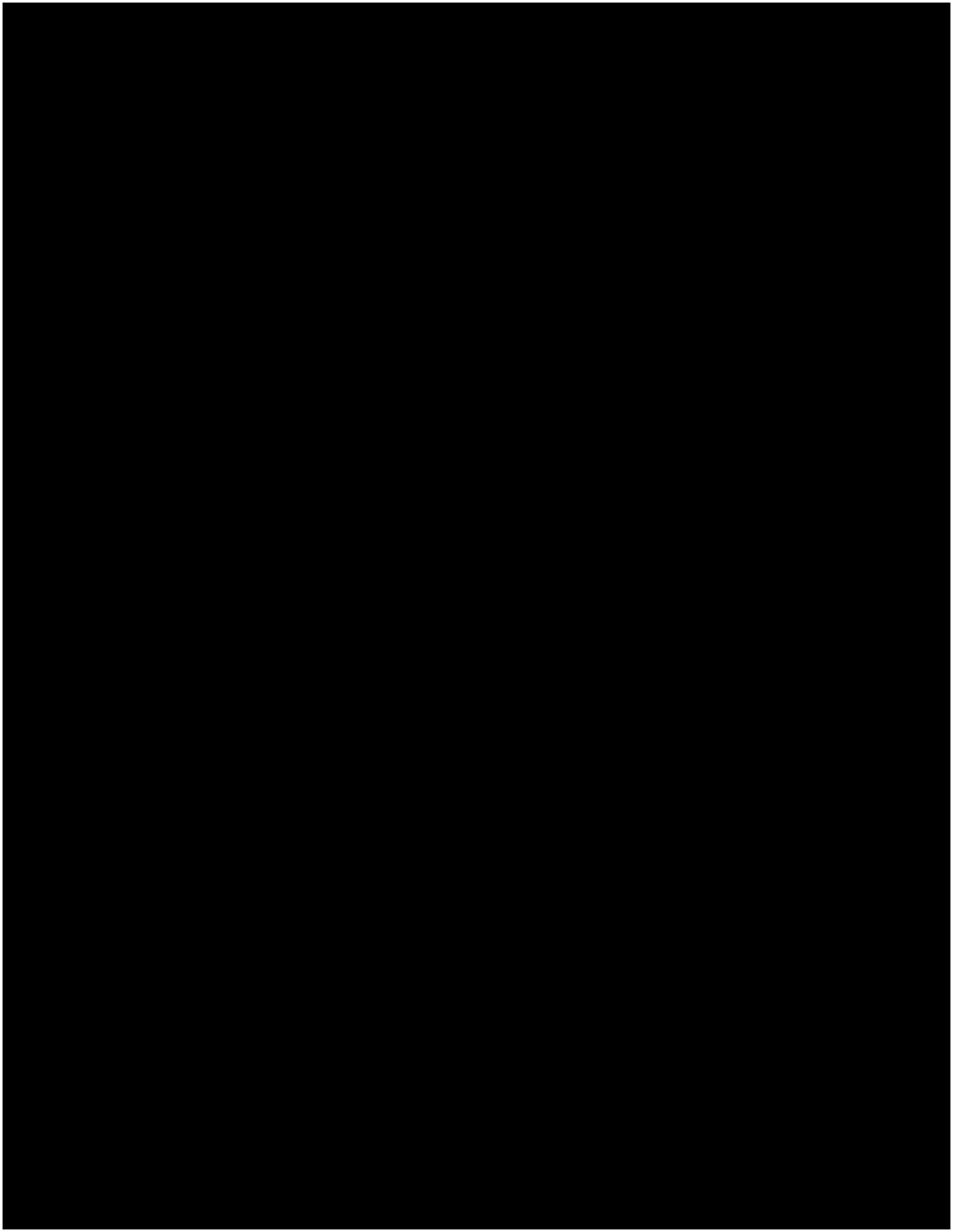


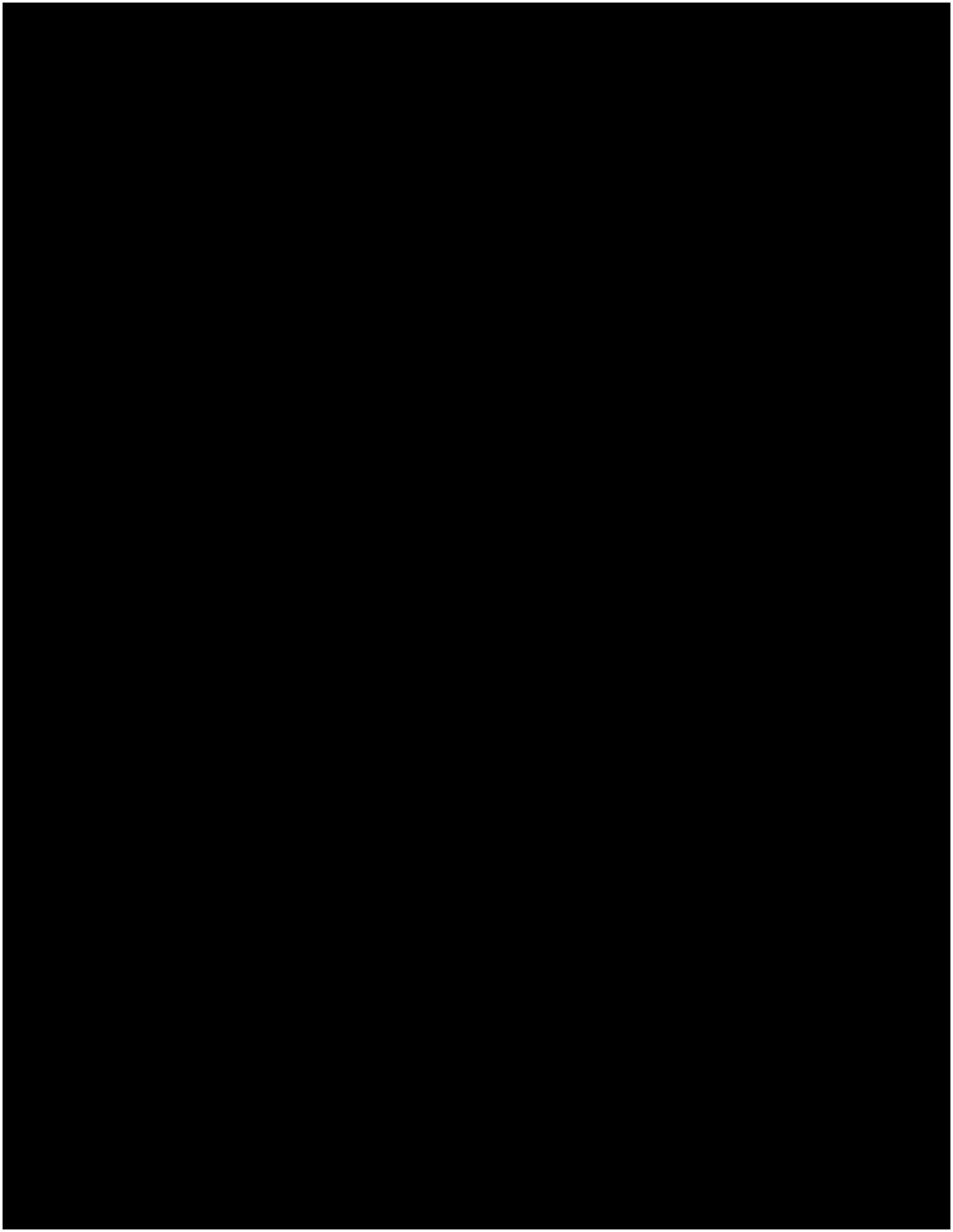


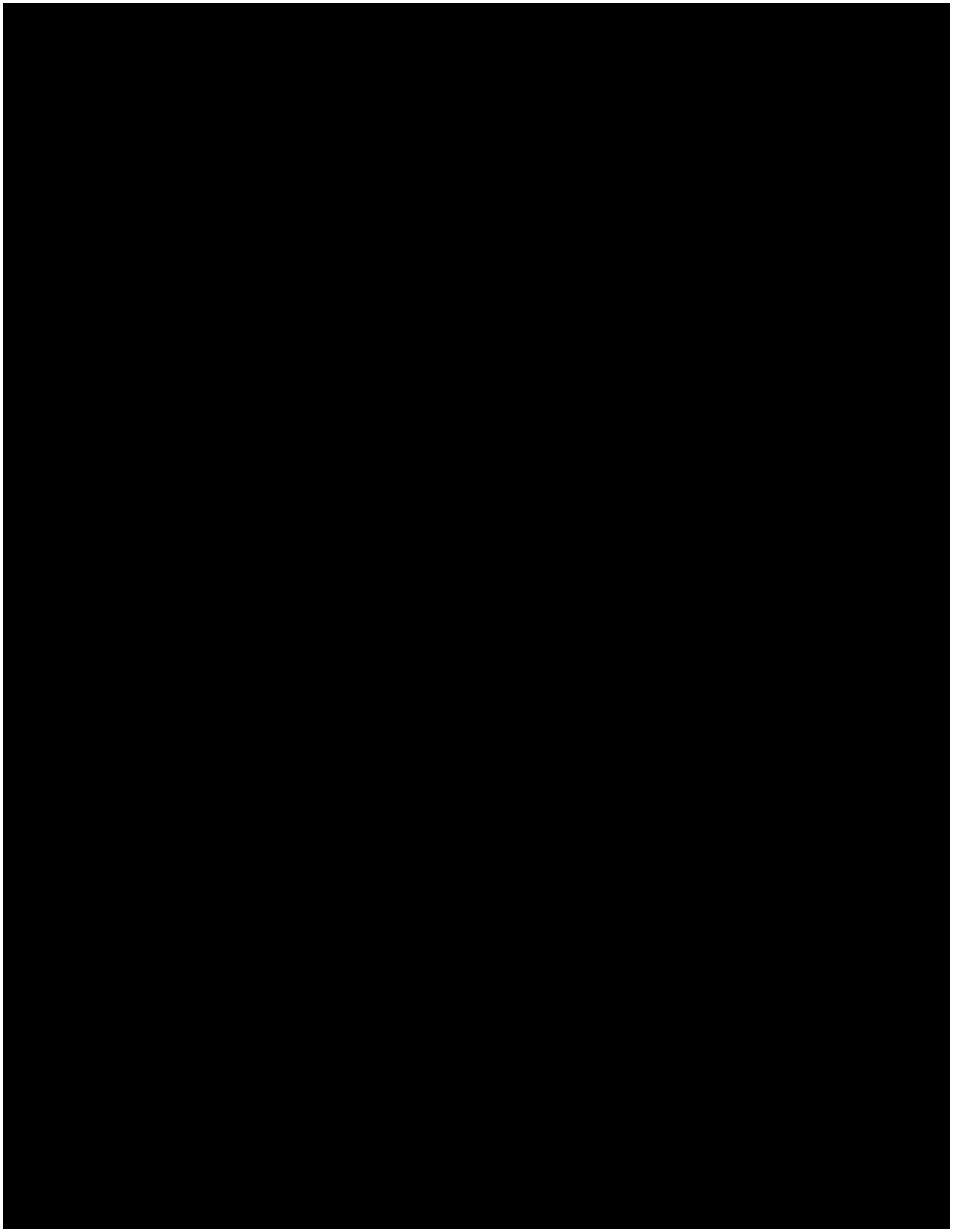












From: Jim Jackson
To: Brent Gasper; Rich Rosen
Cc: Daiquiri Carter; ASCC New Claims
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of Two Minor Children v. The Arkansas Department of Human Services Incident Date: 6/11/2021 - Logan County
Date: Monday, November 28, 2022 4:08:50 PM
Attachments: image001.png
image002.jpg
image003.jpg
image004.jpg
image005.jpg
35°17"40.6 N 93°39"43.5 W - Google Maps.pdf

You don't often get email from jim@jimjacksonatty.com. Learn why this is important

Brent,
Attached is a Google Map view that might help.
Ms. Ashcraft was taking her great nephew, [redacted], to his mother's home at [redacted]
Kimmy Corley is the mother of [redacted].
[redacted] was in a car seat in the rear middle of the Hyundai Sonata driven by Ms. Ashcraft.
He was one of three passengers in the back seat of the car.
He is now in pre-school in Paris.
I do not have a date of birth for [redacted].
[redacted] were seated on either side of him in the back seat and were all belted when the wreck occurred.
[redacted] are Ms. Ashcraft's daughters who now live with Haley Hudson in Cross County.
Ms. Ashcraft was attempting a left hand turn.
She had to come to a stop to allow the oncoming tractor trailer rig to clear so she could safely turn left when Ms. Wilkerson rear-ended her car.
I have requested a copy of the photos taken by the ASP and will send them to you when received.
Thank you,
Jim

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, November 28, 2022 2:55 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Rich Rosen <Rich.Rosen@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of Two Minor Children v. The Arkansas Department of Human Services Incident Date: 6/11/2021 - Logan County

Thanks Jim. I'm sure we will want to speak to the minor children and I'll be in touch with you about scheduling a time for that when we are at that point. Also, I note that the police report references pictures having been taken. Do you have those by any chance? If not I'm sure I can procure copies. Also, do you have any other pictures of the accident or of the damage to the vehicle in your

possession? If so I'd love to have copies if that's possible. Last, you reference a relative's house as the destination below, do you know the address of that house?

Thx!

Brent

Cc: Rich

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Monday, November 28, 2022 2:44 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Rich Rosen <Rich.Rosen@dhs.arkansas.gov>; Sean Strode <sean.strode@dhs.arkansas.gov>
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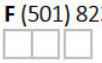

Google Maps 35°17'40.6"N 93°39'43.5"W

Jacqueline Ashcraft was attempting to Turn Left into [redacted] to drop off [redacted] was a in a car seat in the

Imagery ©2022 Maxar Technologies, Map data ©2022 Google 50 ft

35°17'40.6"N 93°39'43.5"W

35.294605, -93.662085

Directions Save Nearby Send to phone Share

[redacted]

78VQ+R5V Subiaco, Arkansas

Photos

Live traffic	*Fast*	*Slow*

From: ASCC New Claims
To: OCC Claims Commission Cases
Cc: Kathryn Irby
Subject: ADD"L DOCS REC"D: Haley Hudson v. DHS, Claim No. 230641
Date: Tuesday, November 29, 2022 10:20:00 AM
Attachments: E650FC30DFB64B39B4F4358200C99D7A_20221123_CL Medical Records.pdf

Please see attached additional claim documents, which were sent to the Claims Commission by the claimant's attorney after the claim was transmitted to DHS.

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: Daiquiri Carter
To: ASCC Pleadings; jim@jimjacksonatty.com; Sarah Debusk; Brent Gasper
Cc: Daiquiri Carter
Subject: CC # 230641
Date: Wednesday, December 7, 2022 2:32:17 PM
Attachments: Motion to Cure_001.pdf
image001.png
image002.png

Please find attached DHS' Motion to Cure to be filed in the above mentioned case. I have copied Claimant's counsel on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON **CLAIMANT**

v. **CC #230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES **RESPONDENT**

MOTION TO CURE A DEFECTIVE COMPLAINT UNDER RULE 1.5(j) OF THE RULES OF THE ARKANSAS STATE CLAIMS COMMISSION AND MOTION FOR MORE DEFINITE STATEMENT UNDER RULE 12(e) OF THE ARKANSAS RULES OF CIVIL PROCEDURE

COMES NOW, the Respondent, The State of Arkansas, Department of Human Services ("DHS"), Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Motion to Cure a Defective Complaint Under Rule 1.5(j) of the Rules of the Arkansas State Claims Commission and Motion for a More Definite Statement under Rule 12(e) of the Arkansas Rules of Civil Procedure, states:

1. The Arkansas State Claims Commission ("Commission") was established by the General Assembly to "*have exclusive jurisdiction over all claims against the State of Arkansas and its several agencies, departments, and institutions*"[1]. *See* Ark. Code Ann. § 19-10-204(a).

2. Being a statutory creation, the rules and requirements of the Commission are governed by statute and by rules promulgated pursuant to statutory authority[2]. These include rules

[1] As the Commission knows, this is only a general statement, as there are a number of exceptions to this rule.

[2] Authority to promulgate rules is authorized under Ark. Code Ann. § 19-10-205 ("*The Arkansas State Claims Commission shall have the power to make and alter or amend all rules and regulations governing the procedure before it which may be deemed necessary and expedient for the orderly discharge of its duties and which shall not be inconsistent with any of the provisions of this subchapter or other laws.*")

governing practice and procedure, including requirements for complaints and claims filed with the Commission.

3. Requirements for complaints and claims filed with the Commission can be found at Ark. Code Ann. § 19-10-208(b), which states:

> *(b) The complaint shall state concisely the facts upon which the claim is based and shall set forth:*
> *(1) The address of the claimant and the claimant's attorney, if any;*
> *(2) The time and place of the circumstances giving rise to the claim;*
> *(3) The state department, agency, or institution in which the claim originated;*
> *(4) The amount claimed; and*
> *(5) All averments of fact necessary to state a cause of action against a private person or corporation.*

4. Requirements for complaints and claims filed in the Commission can also be found under Rules 1.5(d), 1.5(e), and 2.1 of the Commission's rules[3]:

> *1.5(d) Cause of Action to be Stated. Each complaint filed with the Commission must state a cause of action against the State in ordinary and concise language.*
>
> *1.5(e) Monetary Damages Stated. A demand for monetary damages must be perfected in the complaint, if known. An itemized outline of the damages sought and the overall total claimed in monetary figures is required prior to a hearing on the merits of a claim.*
>
> *2.1 Each claim shall have a statement of facts sufficiently clear to identify the Claimant, the Respondent state agency or agencies, the circumstances giving rise to the claim and the amount of monetary damages sought. The Commission reserves the right to require further information before hearing the claim when, in its judgment, justice and equity may require additional information. The original copy of each claim form must be filed with the Commission.*

5. In addition to the requirements found in statute and in the Commissions' rules, the Arkansas Rules of Civil Procedure also govern so long as they are not contrary to the statutory or

[3] www.arclaimscommission.arkansas.gov/rules/

rules-based requirements concerning complaints and claims. Specifically, Rule 8.1 of the Rules of the Commission states, in part:

> *The Rules of Civil Procedure as adopted by the Circuit Courts of the State of Arkansas will apply in the Arkansas Claims Commission unless the Rules of Practice and Procedure of the Arkansas State Claims Commission are to the contrary in which cases these rules shall take priority. ...*

6. To that end, Rule 12(e) of the Arkansas Rules of Civil Procedure reads as follows:

> *(e) Motion for More Definite Statement. If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a more definite statement before interposing his responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 10 days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion is directed or make such order as it deems just.*

7. Given the foregoing, Respondent contends that the complaint that was filed and the claims that were raised fail to comply with the requirements as required by statute, Commission Rule, or by the Arkansas Rules of Civil Procedure for several reasons, each set out below. As such, this complaint should be refused and rejected as a defective complaint

8. Rule 1.5(j) of the Commission's rules provide the Commission with its requirements and duties when a defective complaint is filed.

> *(j) Defective Complaints. In any complaint when, upon inspection, the Commission is of the opinion that the complaint, document or pleading tendered for filing does not comply with these rules, does not sufficiently set forth required information or is otherwise insufficient, the Commission may decline to accept the complaint, document or paper and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiency and require the deficiency be corrected. Simple "receipt" in the Commission office in no way implies an attempted claim as been "filed" with the Commission. The decision to accept or decline for filing an attempted, but deficient, claim is solely that of the Commission.*

9. Turning to the defective portions of the complaint, the most immediate concerns the identity and legal capacity of the named Claimant. Claimant is identified on the complaint as Haley Hudson.[4] It is only in the factual predicate under section 5b of the complaint where she is identified as the daughter of Jacqueline Lynn Ashcraft, a deceased person. Respondent believes, based on the facts set forth in the complaint, that Ms. Hudson likely intended to bring the claim in the name of the Estate of Jacqueline Lynn Ashcraft as Administratrix of the Estate. However, Claimant has not set this out explicitly and, if this is intended to be a claim for wrongful death, she has done so incorrectly[5].

10. Arkansas's wrongful death statute at Ark. Code Ann. § 16-62-102(b) states that:

> "*[e]very [wrongful death] action shall be brought by and in the name of the personal representative of the deceased person. If there is no personal representative, then the action shall be brought by the heirs at law of the deceased person.*"

The Arkansas Supreme Court held that this is because a trustee or personal representative is not acting for himself [or herself] and in connection with his [or her] own affairs, but to the contrary is acting for others who would ordinarily be the beneficiaries. *See Davenport v. Lee*, 348 Ark. 148, 72 S.W.3d 85 (2002). This is further reflected in the fact that, if proceeds are awarded to the estate of a deceased person in a wrongful death claim, "*a personal representative acts only as a 'trustee of conduit,' and any proceeds recovered are held in trust for the benefit of the beneficiaries and not the estate.*" *See id.*

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[4] Actually, the complaint reads "Ms. Hudson Haley," but Respondent believes this on to be a scrivener's error.

[5] Ark. Code Ann. § 19-10-208(e) has explicit requirements for filing a claim as a personal representative:

> *(e) If the claimant is an executor, administrator, guardian, or other representative acting under judicial appointment, a duly certified copy of the record of appointment shall be filed with the complaint.*

11. As Respondent reads the complaint, there is conceivably more than one (1) potential claimant stemming from the incident described in the complaint. However, as noted, the complaint currently before the Commission simply lists Ms. Hudson as the Claimant. If this were the case and Ms. Hudson were bringing this claim simply in her own personal capacity, that is one thing. If, however, she intended to bring the claim as the Administratrix of the Estate of Jacqueline Ashcraft, that is a different matter entirely and she has done so improperly. Moreover, if there *is no* personal representative appointed, a wrongful-death suit must be filed with all of the statutory beneficiaries joined as parties to a suit.[6] *See id.* If that were the intent or simply the result, Respondent contends that this was not done either.

12. Ultimately, as Commission Rule 2.1 states right at the outset, "[e]*ach claim shall have a statement of facts sufficiently clear to identify the Claimant* …". Here, the named claimant is Ms. Hudson, not the Estate of Jacqueline Ashcraft. This alone constitutes a defective complaint.

13. Respondent's second contention that the complaint in this case is defective concerns the factual predicate as pled in the complaint. Claimant has filed the instant action asking for approximately four million dollars ($4,000,000) in damages stemming from a death allegedly caused by a DHS employee while the DHS employee was driving a state-owned vehicle. While the complaint does include numerous medical bills and ancillary documentation for the settlement with a third-party insurer, the factual predicate of the complaint itself is lacking in required and necessary specificity for a negligence claim of this type.

14. It is well established by case law and Rule 8 of the Arkansas Rules of Civil Procedure that Arkansas is a "fact pleading" state. *See i.e. Harvey v. Eastman Kodak Company*,

[6] While Respondent does not question that Ms. Hudson was at one time the named Administratrix of the Estate of Jacqueline Ashcraft, that fact has not been pled with particularity, as is required by statute and Commission Rule.

271 Ark. 783, 610 S.W.2d 582 (1981); *The Ballard Group v. BP Lubricants USA, Inc.*, 2014 Ark. 276, 436 S.W.3d 445 (2014) ("*This court's rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief.*")

15. The Arkansas Supreme Court has held that:

> *In order to establish a prima facie case of negligence, [plaintiff] must show that he sustained damages, that [defendant] was negligent, and that such negligence was a proximate cause of his damages. Negligence is the failure to do something that a reasonably careful person would do, or the doing of something that a reasonably careful person would not do. Proximate cause means a cause, which, in a natural and continuous sequence, produces damage and without which the damage would not have occurred. A plaintiff cannot rely on inference based on conjecture to establish a claim of negligence, and the mere fact that an accident occurred is not evidence of negligence. In other words, negligence is not imposed in the absence of proof. Moreover, conjecture and speculation, however plausible, cannot be permitted to supply the place of proof. The fact that an accident occurred with nothing more is not evidence of negligence on the part of anyone.*

See Schubert v. Target Stores, Inc., 2010 Ark. 466, 369 S.W.3d 717 (2010) (internal citations omitted). A negligence claim in Arkansas can only be upheld if the required elements of the claim are proven by a preponderance of the evidence. Generally, those elements are that the respondent owed the plaintiff a duty of care, that the respondent breached the duty of care owed to the plaintiff, that the respondent's breach of duty of care caused the plaintiff's injuries, and that the respondent suffered real damages. If the claimant cannot prove each element by a preponderance of the evidence, she cannot prove that DHS was negligent. Moreover, this means that the claimant cannot by law recover compensatory damages, economic or non-economic, without proving that DHS was negligent.

16. When it comes to what is included in the complaint itself as to the allegations of negligence, Claimant states only that "*[the DHS employee] negligently struck the rear of [the*

victim's car] knocking her into a ditch." *See* complaint at 1, 2.[7] Simply, other than a conclusory statement that the DHS employee acted negligent, there is nothing else in the complaint that actually *supports that allegation.* Just because a person was involved in an accident that caused injuries to another person does not mean that they acted negligently or contributed to another person's damages in any way.[8] While the complaint does include several documents and other records, those are not incorporated by reference into the factual predicate of the complaint itself nor are they given any explanation by the claimant as to their connection to the case, even if that connection appears to be self-evident. And, upon a review of those documents, nothing in the documents suggests that the DHS employee was negligent. Simply attaching the documents and records to the complaint absent any other indication as to what they portend to allege or be as important to the instant case is insufficient for the purposes properly responding to the claim. If the Respondent is going to truly be afforded an opportunity to not only defend this case but to even begin an investigation into the veracity of the claims, it should be afforded a detailed factual allegation of the alleged negligent acts. Specifically, Respondent should be afforded detailed notice of the duty of care allegedly owed Claimant, a detailed explanation of how Respondent allegedly breached the duty of care owed to the Claimant, a detailed allegation showing how the Respondent's breach of duty of care caused Claimant's injuries, and what type of damages are being sought and a justification why those damages should be awarded.

17. More to the point concerning damages, Claimant has cited the sum of four million dollars ($4,000,000) as her sought after remedy. However, in a negligence case, damages must be

---

[7] While Respondent believes it was likely just an oversight, Respondent feels it should note that entry No. 7 of the complaint requires Claimant to note by checking a box whether the claims involved a personal injury. The box was unchecked while the box indicting that the claim involved damages to a motor vehicle under entry 5c *was* checked.

[8] *See Schubert, supra.*

proven by the claimant and the complaint is devoid of any accounting of how this damage amount was derived as required. *See* Rule 1.5(e).

18. Respondent's third contention that the complaint at issue is defective concerns the statutory requirement to set out exactly how much has already been paid out to the estate from any other person or entity associated with the factual predicate of this claim, including without limitation any insurance proceeds and to who those proceeds were paid or otherwise distributed:

> *(d) (1) In the complaint the claimant shall state whether his or her claim has been presented to any state department, or officer thereof, and if so, when presented, to whom, and what action was taken thereon.*
>
> *(2) The director shall further state whether he or she has received any payment on account of such claim and, if so, the amount received.*
>
> *(3) (A) The director shall also state whether any other person or corporation has any absolute or contingent interest in his or her claim.*
>
> *(B) If any person or corporation is interested in the claim, the claimant shall state the name and address of that person or corporation having the interest, the nature of the interest, and how and when it was acquired.*

See Ark. Code Ann. § 19-10-208(d). Claimant has attached documentation to the complaint concerning insurance payouts stemming from this same factual predicate. However, they are not thoroughly described, incorporated by reference, or otherwise explained in a manner sufficient to permit Respondent to properly ascertain their significance, especially if mitigation of damages were to come into play.

19. Respondent's fourth contention that the complaint at issue is defective concerns the Claimant's failure to provide a copy of any "health insurance information in place at the time of the incident" as required under entry 7 of the complaint if the Claimant is claiming personal injury. Claimant has not done so, nor has Claimant indicated whether the Claimant did not have health insurance at that time.

20. Due to the foregoing, Respondent respectfully requests the Commission to require Claimant to correct her defective complaint under Rule 1.5(j), to grant Respondent's motion for a more definite statement under Ark. R. Civ. Pro. 12(e), and to otherwise order Claimant to supplement her initial complaint and ensure that it is in every respect compliant with the requirements of Ark. Code Ann. § 19-10-208(b), Ark. Code Ann. § 19-10-208(d) Ark. Code Ann. § 19-10-208(e), Rules 1.5(d), 1.5(e), and 2.1 of the Commission, Ark. R. Civ. Pro. 8.1, and any other statute, rule, or common law basis as would be otherwise applicable.

21. Respondent also respectfully prays that it not be subject to filing an Answer in the instant case until and after enough time to review and consider any new pleading that Claimant may file subject to the order of this Commission. Further, Respondent respectfully prays that this case and Respondent's requirement to file a timely answer to the Claimant's initial complaint be held in abeyance pending the ruling on Respondent's motion set forth herein, as permitted by Rule 12(a)(2)(B), which reads:

> *(2) The filing of a motion permitted under this rule alters these periods of time as follows, unless a different time is fixed by order of the court:*
> ...
> *(B) if the court grants a motion for a more definite statement, the responsive pleading shall be filed within 10 days after service of the more definite statement. Provided, that nothing herein contained shall prevent a defendant summoned in accordance with Rule 4(f) from being allowed, at any time before judgment, to appear and defend the action; and, upon a substantial defense being disclosed, from being allowed a reasonable time to prepare for trial.*

23. For the foregoing reasons, Respondent respectfully prays for any and all relief to which it may show itself entitled.

Respectfully submitted,

By:

Brent P. Gasper
Assistant Deputy Chief Counsel
Ark. Bar No. 98240

Sarah DeBusk
General Counsel
Ark. Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
P.O. Box 1437
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkansas.gov
Sarah.DeBusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on December 7th, 2022, I electronically filed the foregoing with the Claims Commission and copied Claimant's attorney Jim Jackson via email.

Brent P. Gasper

From:	Martha Cox
To:	Brent Gasper; Sarah Debusk; ASCC New Claims
Cc:	Jim Jackson
Subject:	Claims Comm. #230641; Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Guardian of Two Minor Children v. The Arkansas Department of Human Services; Incident Date: 6/11/2021
Date:	Friday, December 16, 2022 11:18:32 AM
Attachments:	Claimant"s Complaint.pdf Claimant"s Response to Motion to Cure.pdf Letter to Kathryn Irby with Response & Complaint 12-16-2022.pdf

You don't often get email from mcox@jimjacksonatty.com. Learn why this is important

Please see attached a letter from Attorney Jim Jackson to Ms. Kathryn Irby, with attached Claimant's Response to the respondent's Motion to Cure a Defective Complaint and Claimant's Complaint, to be filed in the above-referenced matter. The originals of these documents are being mailed today to Ms. Irby by first-class mail.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] **CLAIMANT**

VS. **CC NO.** 230641

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES **RESPONDENT**

COMPLAINT

Comes now the claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of [redacted] a minor child, and as Guardian of [redacted] minor child, by and through her attorney, Jim R. Jackson, and for her cause of action against the respondent, states:

BACKGROUND

The Ashcraft family has been ripped apart by the consequences of this wreck. Jacqueline Ashcraft was a 50-year-old mother of five children who lived in Paris, Arkansas, with two of her minor children. [redacted] was her 10-year-old daughter. [redacted] was her 14-year-old daughter. The three lived at [redacted] The two girls were enrolled in the Paris School District and were thriving at the time of the wreck. Ms. Ashcraft's two adult sons lived in Paris and Ozark and are beginning their career and family. Ms. Ashcraft's oldest daughter, Haley Hudson, lived and worked in Wynne, Arkansas. Haley was 29 years old at the time of her mother's death. Haley has two children of her own that live with her and her fiancé at [redacted]

As a result of Jacqueline Ashcraft's sudden and tragic death, the two minor children did not have a parent. They had to move from Paris, Arkansas, to Wynne to live with Haley Hudson. Haley adopted her two baby sisters. Haley is doing the best job she can to raise her two baby sisters. Haley is now both mom and big sister to [redacted]

I. STATEMENT OF JURISDICTION

1. This claim is brought pursuant to the Commission's authority of jurisdiction of "all claims against the State of Arkansas and its several agencies, departments, and institutions" pursuant to the authority granted by the General Assembly found in Arkansas Code Annotated §19-10-204, *et seq*.

2. The claimant has exhausted all liability insurance coverage for this incident. There is no UIM or other liability insurance coverage for these claims.

II. PARTIES TO THE CLAIM

3. The claimant is the duly appointed Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, pursuant to an Order dated August 6, 2021, entered by The Honorable Terry Sullivan in a matter styled, *In The Matter Of The Estate Of Jacqueline Lynn Ashcraft, deceased*, in the Circuit Court of Logan County, Arkansas, Probate Division No. 42PR-2021-63.

4. Haley Hudson was appointed Permanent Guardian of the Person and Estate of [redacted] by Order of Cross County Probate Judge Christopher Morledge dated July 20, 2021, in a matter styled: *In the Matter of the Guardianship of the Person and Estate of* [redacted] *Minors*, Cross County Probate Number 19PR-2021-57-3. Attached as Exhibit 1 is a file-marked copy of the Order filed with the Cross County Probate Clerk on July 20, 2021.

5. The respondent, Arkansas Department of Health and Human Services, is an agency of the State of Arkansas. Jennifer Wilkerson was an employee of the Arkansas

Department of Health and Human Services and was engaged in the course and scope of her employment at all times relevant to this cause of action.

III. STATEMENT OF THE CASE

6. On Friday, June 11, 2021, at approximately 12:50 p.m., Jacqueline Ashcraft was driving her 2005 Hyundai Sonata eastbound on State Highway 22 in Logan County near Subiaco Academy. She had three passengers in the back seat of her car: her daughters, [redacted] and her great nephew, [redacted] who was in a baby seat between [redacted] Ms. Ashcraft was taking the baby to his home a [redacted] Ms. Ashcraft slowed to make a left-hand turn into a driveway for [redacted] she used her left-hand blinker to indicate to traffic she was attempting a left-hand turn. Ms. Ashcraft had to come to a full stop prior to commencing the left-hand turn to avoid oncoming westbound traffic.

7. Jennifer Wilkerson was operating a 2009 Hyundai Elantra owned and maintained by the Arkansas Department of Health and Human Services. She was traveling eastbound on Highway 22 immediately behind Ms. Ashcraft's 2005 Hyundai Sonata. Ms. Wilkerson negligently failed to recognize that Ms. Ashcraft's vehicle was slowing down to make a left-hand turn. Ms. Wilkerson negligently drove her car into the rear end of Ms. Ashcraft's car. The collision knocked Ms. Ashcraft's car onto the eastbound shoulder. Ms. Wilkerson's vehicle then entered a counterclockwise spin, causing her vehicle to strike the truck and trailer that was traveling westbound on Highway 22.

IV. NEGLIGENCE

8. Jennifer Wilkerson was employed by the respondent and was operating within the scope of her employment at all relevant times to this cause of action.

9. The Arkansas Department of Health and Human Services is liable for all damages caused by Jennifer Wilkerson under the *respondeat superior* doctrine.

10. The respondent's employee, Jennifer Wilkerson, is guilty of negligence, which was the proximate cause of the above-described vehicle collision in the following particulars:

(a) in failing to keep the vehicle she was driving under proper control;

(b) in failing to yield the right-of-way to the superior traffic which is a violation of Arkansas statutes and common law;

(c) in failing to exercise ordinary care for her own safety and for the safety of others using the highway; and

(d) in driving in a careless and reckless manner which is a violation of Arkansas statutory and common law.

11. State Trooper James Ray investigated the accident. He found that Jennifer Wilkerson's actions were "inattentive, careless, negligent, or erratic operation" at the time of the crash.

12. State Trooper James Ray found that Jacqueline Ashcraft had "no contributing action" at the time of the crash. Attached as Exhibit 2 is a copy of crash report #20621051F prepared by Trooper Ray.

V. *RESPONDEAT SUPERIOR*

13. All acts of negligence of the respondent's employee, Jennifer Wilkerson, are imputed to the respondent, Arkansas Department of Health and Human Services, as a matter of law.

VI. CAUSATION

14. The negligent acts on the part of the respondent's employee, Jennifer Wilkerson, were the sole and proximate cause of the wrongful death, injuries, and damages sustained by Jacqueline Lynn Ashcraft [redacted] as more specifically described herein.

VII. DAMAGES

15. Jacqueline Lynn Ashcraft initially survived the collision and was able to speak with her children and witnesses/bystanders. Unfortunately, the collision from the wreck caused Ms. Ashcraft to develop an intracerebral hemorrhage[1] which led to a rapid neurological decline. Ms. Ashcraft was transported by ambulance to the emergency room at Booneville where a CT scan revealed she had sustained a massive right basal ganglia hemorrhage in the collision leading to severe brain compression and uncal herniation[2]. Ms. Ashcraft was emergently transported to Mercy Medical Center in Fort Smith. Her adult children were notified of the severity of her injuries. Haley Hudson immediately traveled from her job in Wynne to Fort Smith, Arkansas. Upon arrival, Haley was informed by the neurosurgeon that her mother's condition was terminal and there was nothing further that could be done to save her mother's life. Haley and her two adult brothers, Dalton and Mark, made the decision to follow the doctor's advice and allow the medical providers to compassionately extubate life-support.

16. The claimant, Haley Hudson, is asserting a claim for damages for the wrongful death of Jacqueline Lynn Ashcraft, and for the bodily injury claims of [redacted] and [redacted] all of which were proximately caused by the negligence of the respondent's employee, Jennifer Wilkerson.

WRONGFUL DEATH CLAIM

17. Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, claims she is entitled to recover for the following damages, all of which were proximately caused by the negligence of Jennifer Wilkerson, said

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[1] "Bleeding on the brain"
[2] Uncal herniation occurs when rising intracranial pressure causes portions of the brain to move from one intracranial compartment to another. It is a life-threatening neurological emergency and indicates the failure of all adaptive mechanisms for intracranial compliance.

negligence being imputed to the respondent, Arkansas Department of Health and Human Services:

(a) Compensatory damages for the severe pain, suffering, and mental anguish sustained by Jacqueline Lynn Ashcraft after the impact until her death;

(b) Compensatory damages for the damage to Ms. Ashcraft's Hyundai Sonata;

(c) Compensatory damages for the mental anguish sustained by the statutory beneficiaries who are listed below:

Name	Relationship	Address
[redacted]	Minor Daughter	[redacted]
	Minor Daughter	
Dalton Cody Ashcraft	Adult Son	
Mark Hudson	Adult Son	
Haley Nicole Hudson	Adult Daughter	
LaDonna Jackson	Mother	
Jeffrey Ashcraft	Brother	
Bobby Ashcraft	Brother	
Jennifer Howard	Half-Sister	
Joshua Jackson	Half-Brother	

(d) Compensatory damages for the Estate's Loss of Life claim;

(e) The reasonable funeral expenses; and

(f) Any medical bills incurred by the estate.

BODILY INJURY CLAIMS

18. [redacted] each sustained bodily injuries in the wreck. Haley Hudson, as Guardian of [redacted] seeks:

(a) Compensatory damages for the reasonable expense of any necessary medical care and other out-of-pocket expenses sustained by [redacted] and the present value of such expenses reasonably certain to be required in the future;

(b) Compensatory damages for the nature, extent, duration, and permanency of any injury sustained by [redacted] and

(c) Compensatory damages for any pain and suffering experienced in the past and reasonably certain to be experienced in the future.

19. The claimant's total compensatory damages, as shall be proven by the evidence, is Four Million Dollars ($4,000,000.00).

REQUIREMENT OF A.C.A. §19-10-208(d)

20. The claimant has not presented this claim to any other state department or officer thereof prior to the original online filing of the complaint to open this matter.

21. The respondent did have a liability insurance policy with Cincinnati Insurance Company. Cincinnati Insurance Company filed an Interpleader naming the respondent and the claimant in a matter styled: *Cincinnati Insurance Company vs. Haley Hudson, Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, et al., and Guardian of the Estates o* [redacted] *oth minors, Jennifer Wilkerson, Arkansas Department of Human Services, Bobby Dale Wilson, Joe Ashley Trucking, LLC,*

GKD Management, LP DBA Commercial Trucking, Inc. and Tru Homes, LLC, Logan County Circuit Court No. 42PCV-21-116.

22. The respondent's legal counsel, Sean Strode, filed an Entry of Appearance on January 10, 2022, in the above-referenced Interpleader. The respondent should be intimately familiar with all filings since its legal counsel received these filing contemporaneously through the CM/ECF filing system and had access to them.

23. Cincinnati Insurance Company deposited the limits of its policy of $250,000 with the clerk of the court on or around March 21, 2022. Haley Hudson, as Special Administratrix of the Estate of Jacqueline Ashcraft, deceased, received $150,000 after attorney fees and case expenses for the wrongful death claim.

24. $12,500 of the $250,000 went to GKD Management, which was the third vehicle involved in this collision. It appears that this was to pay the property damage from that claim.

25. Haley Hudson, as Permanent Guardian of the Estates o[redacted] and [redacted]inor children, has received nothing for their bodily injury claims.

UNDERINSURED MOTORIST CLAIM

26. Ms. Ashcraft did not have any uninsured or underinsured motorist coverage for the collision which is the subject of this claim.

WHEREFORE, the claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Guardian of [redacted]inor children, prays

that she have a judgment against the respondent for a sum of Four Million Dollars ($4,000,000.00), and for all other necessary and proper relief to which she is entitled.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: _____
Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, certify that on this date, consistent with the requirements of Ark. R. Civ. Pro. 5, and Commission Rule 1.5(b) a complete copy of the foregoing was electronically submitted with the Clerk of the Arkansas Claims Commission and electronically served on counsel for the Arkansas Department of Health and Human Services and three copies of each exhibit were deposited in the mail to the Director of the Arkansas State Claims Commission.

/s/ Jim R. Jackson
Jim R. Jackson

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned attorney, Jim Jackson, certifies that to the best of his knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a nonfrivolous 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.

_____
Jim R. Jackson

ACKNOWLEDGMENT

STATE OF ARKANSAS)

COUNTY OF PULASKI)

On this day before the undersigned, Martha Cox, a Notary Public duly qualified and acting in and for the county and state aforesaid, personally appeared Jim Jackson, to me well known and satisfactorily proven to be the person whose name appears in the foregoing instrument, and stated that he has executed the same for the consideration, uses and purposes therein stated and stated that he had executed the foregoing instrument of his own free will, for the purposes and consideration therein stated.

In witness whereof, I hereunto set my hand and Notary Seal on this 16th day of December, 2022.

Martha Cox

Martha Cox
Notary Public

My commission expires:

[SEAL]

MARTHA COX
NOTARY PUBLIC - STATE OF ARKANSAS
SALINE COUNTY
My Commission Expires 8-19-2031
Commission # 12383466

FILED - MELANIE WINKLER
COUNTY & PROBATE CLERK

JUL 20 2021

CROSS COUNTY ARKANSAS
BY Mary Beth Eaton D.C.

IN THE CIRCUIT COURT OF CROSS COUNTY, ARKANSAS
PROBATE DIVISION

IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF
[redacted]

19PR-2021-57-3

ORDER FOR PERMANENT GUARDIANSHIP

NOW on this ____ day JUL 20 2021 ____, 2021, is presented to the Court the Emergency Petition of Haley Nicole Hudson of Cross County, Arkansas, for her appointment as Permanent Guardian of the person and estate of [redacted] Upon consideration of such Petition, the evidence in support thereof, arguments of counsel, and the facts, the Court finds:

1. [redacted] re incompetent by reason of their minority.

2. This court has jurisdiction and venue properly lies in this county.

3. That the Petitioner, Haley Nicole Hudson, appeared in the Cross County Circuit Court today, July 20, 2021 at 9:00 a.m. That the courtroom and hallway of the Cross County Courthouse were sounded three (3) times on July 20, 2021 at 9:00 a.m., and the Respondent, Steven Allen Jones, failed to appear despite being served with notice of the hearing on the 27th day of June , 2021, by Tim McMahon, Process Server.

4. That this court deems the contents of the Verified Emergency Petition for Guardianship filed by the Petitioner, Haley Nicole Hudson, to be admitted and hereby accepts

EXHIBIT
tabbies
1

the affidavits as evidence in support of the grant of a permanent guardianship in this cause.

5. The minor child, [redacted] being fourteen years of age or older has consented to the entry of the permanent guardianship in this cause.

6. That it is in the best interest of the minor children that Haley Nicole Hudson be given full guardianship and control of the minor children for any and all purposed endowed to their natural parents, including but not limited to medical and education needs.

7. That it is hereby ordered that Haley Nicole Hudson is granted permanent guardianship of [redacted]

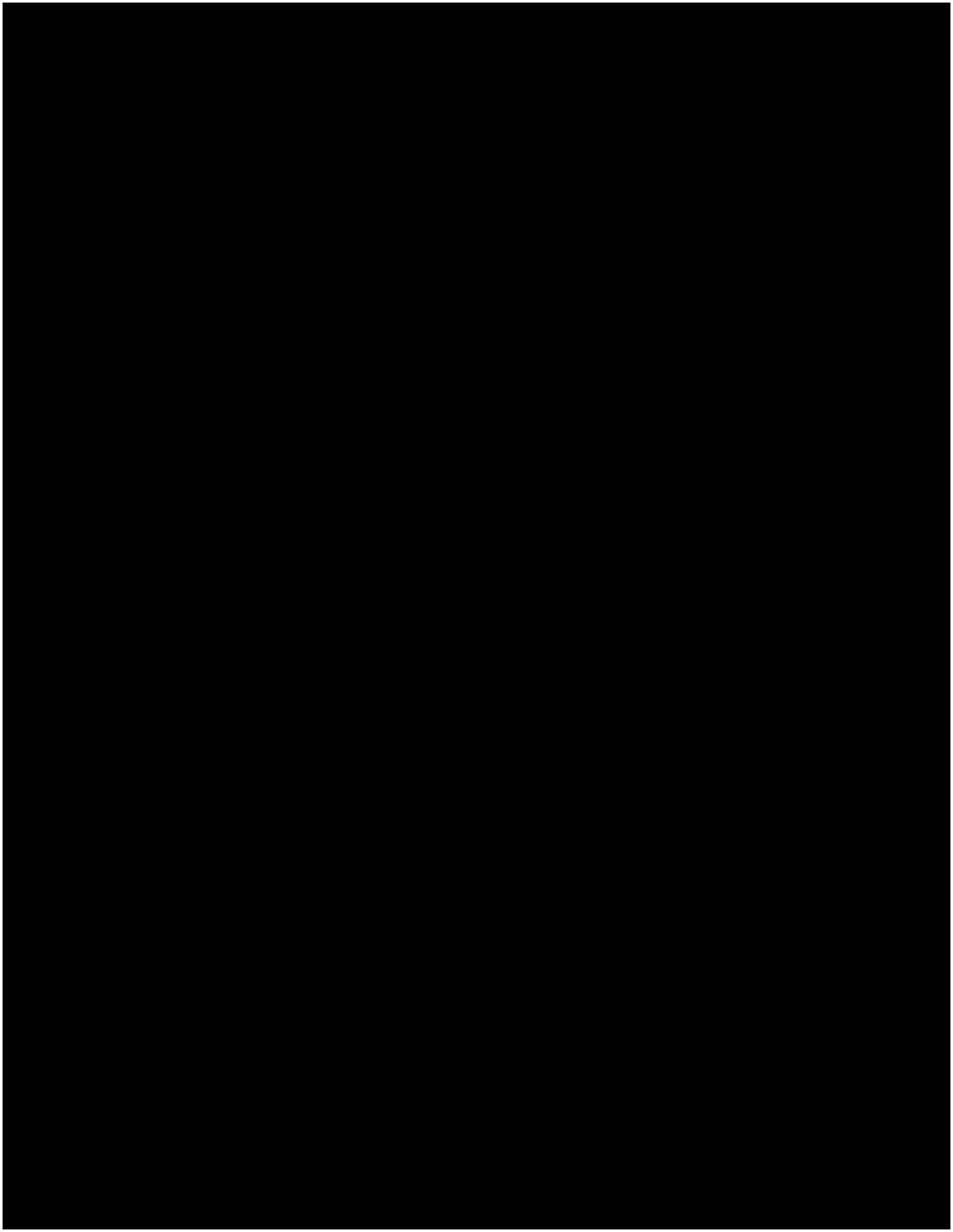
8. That letters of permanent guardianship shall be issued by the Probate Court Clerk of Cross County, Arkansas.

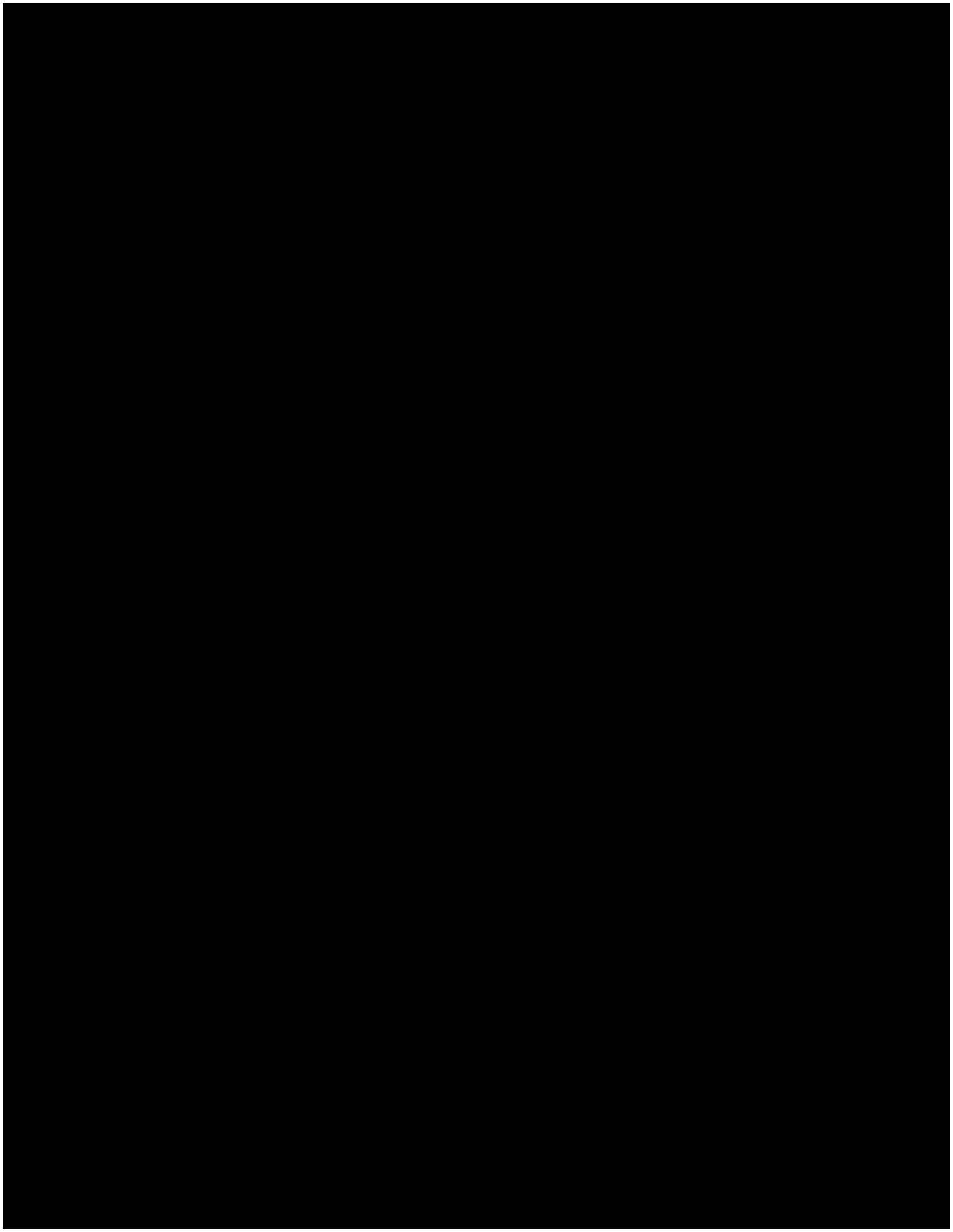
IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED, that Haley Nicole Hudson, is hereby appointed as permanent guardian of the person and estate of [redacted] that letters of permanent guardianship shall be issued by the Probate Court Clerk of Cross County, Arkansas; no bond is required because the minor children have no assets in their estate.

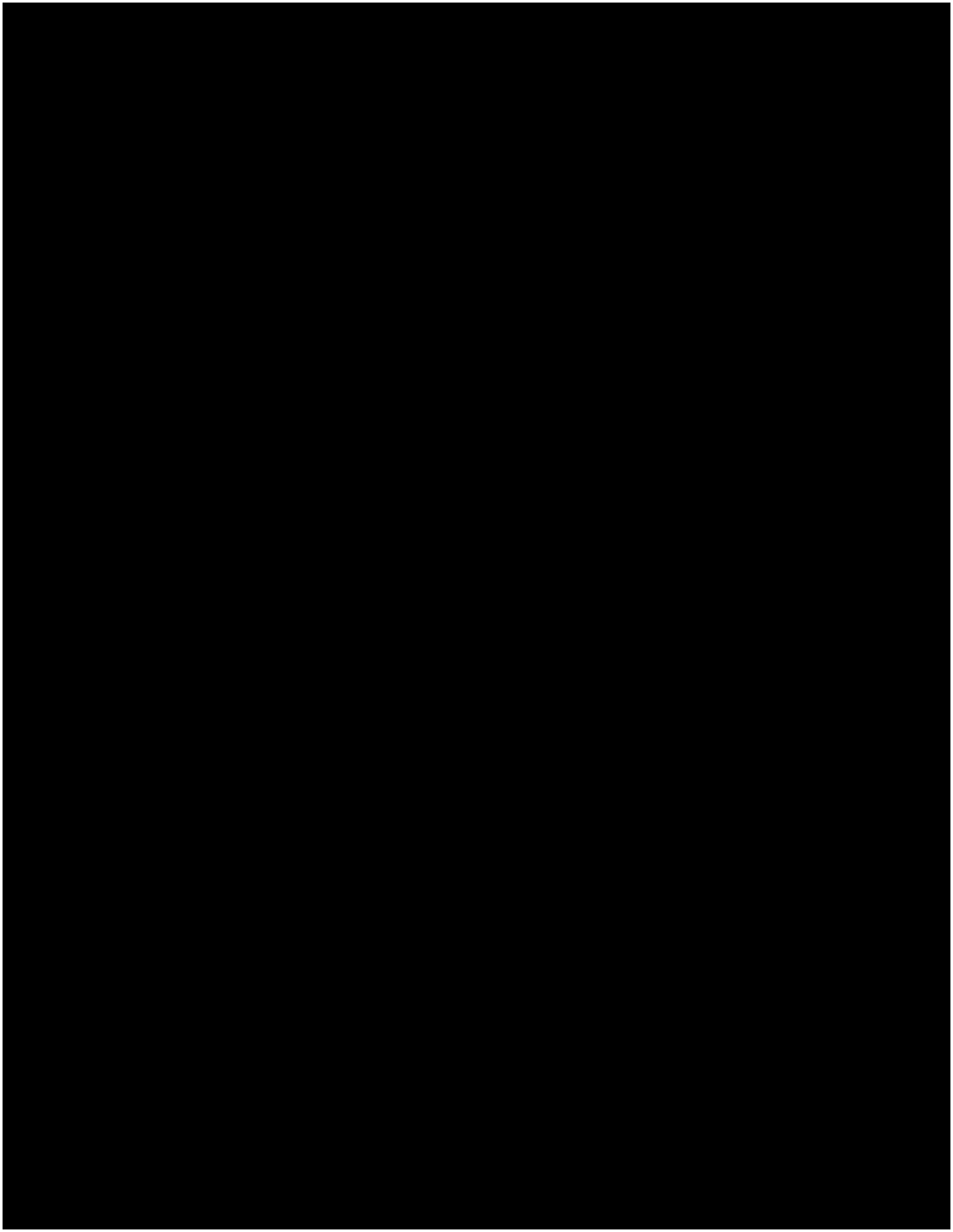
IT IS SO ORDERED.

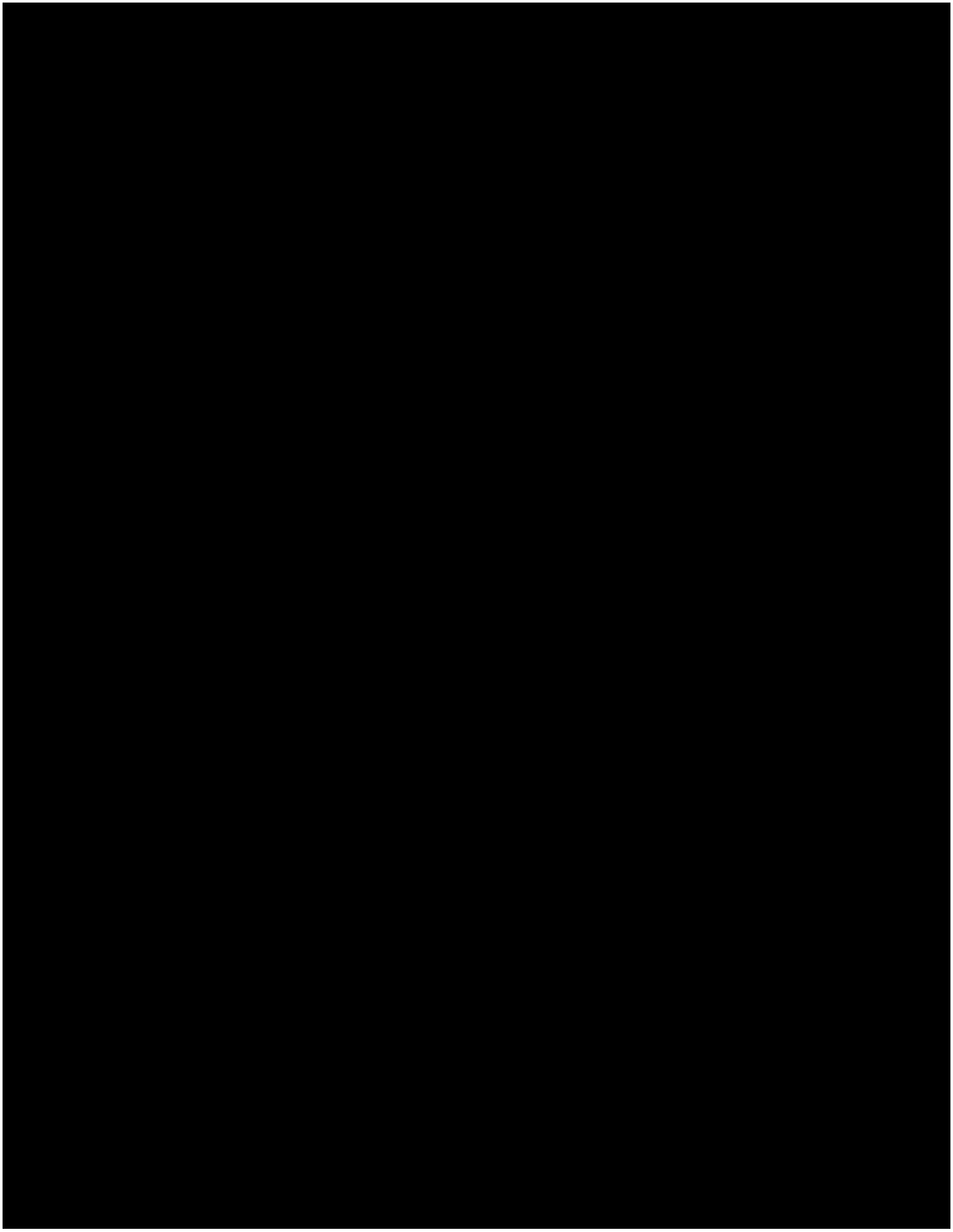
Christopher J Medley
CIRCUIT JUDGE

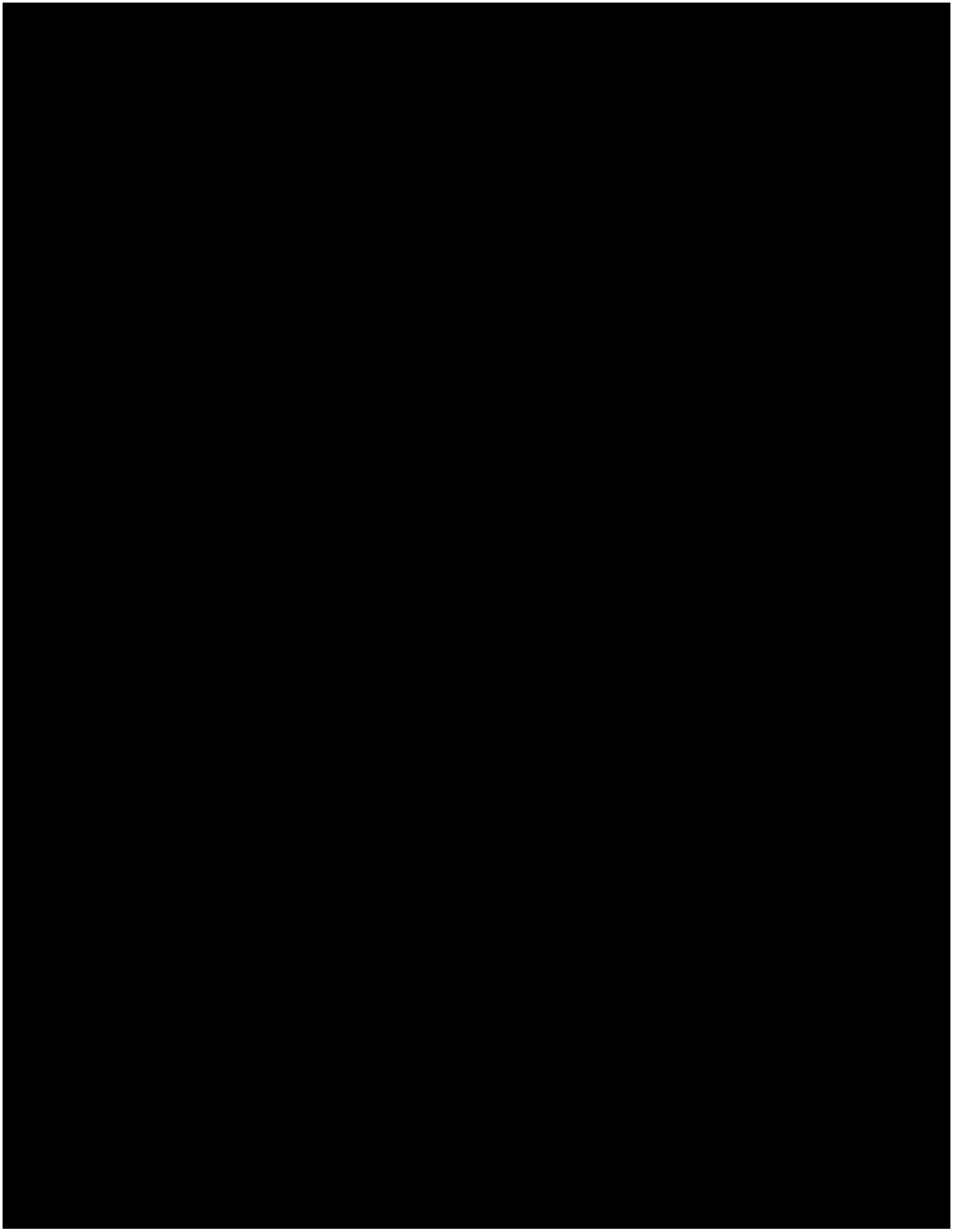
JUL 20 2021
DATE ENTERED

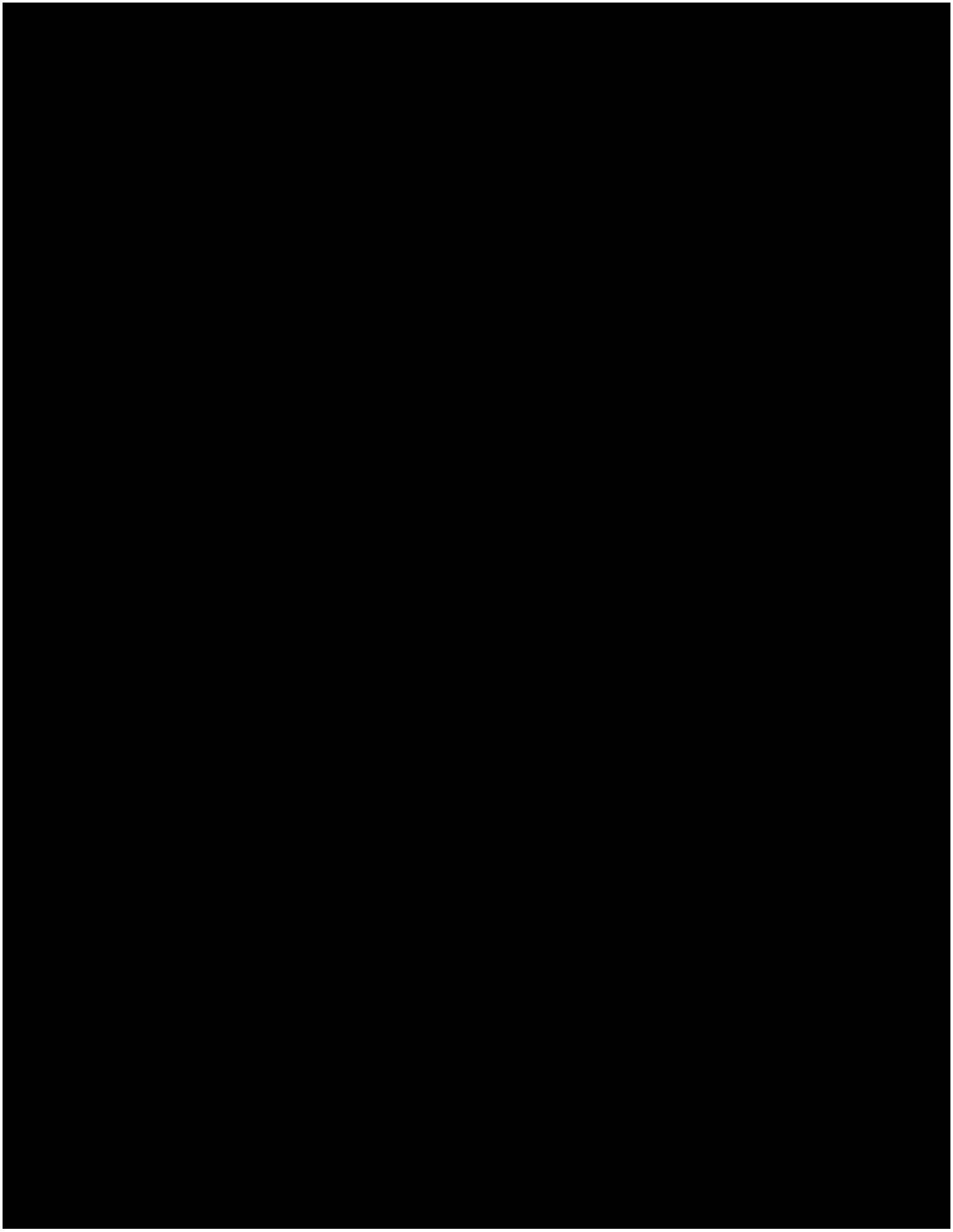


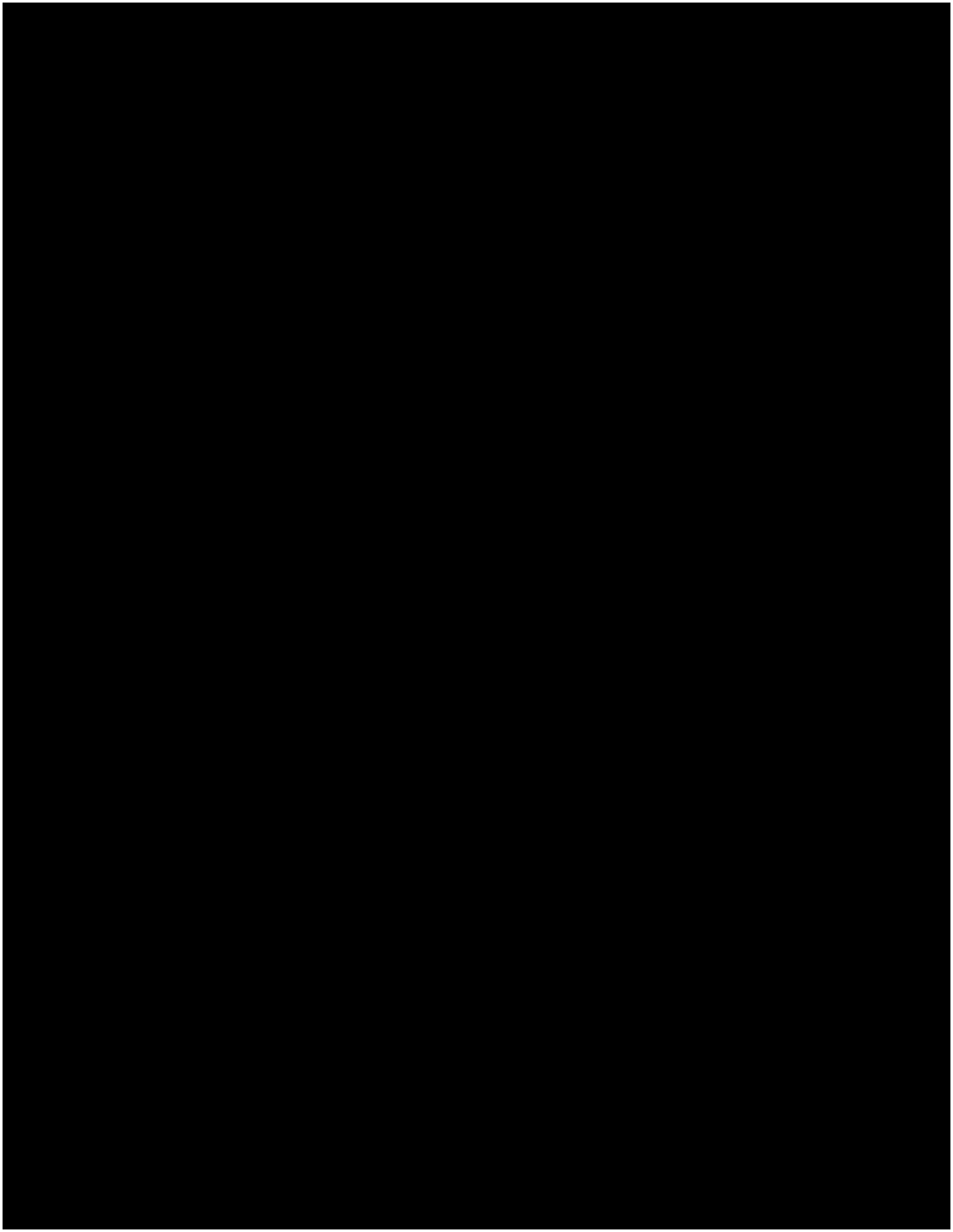


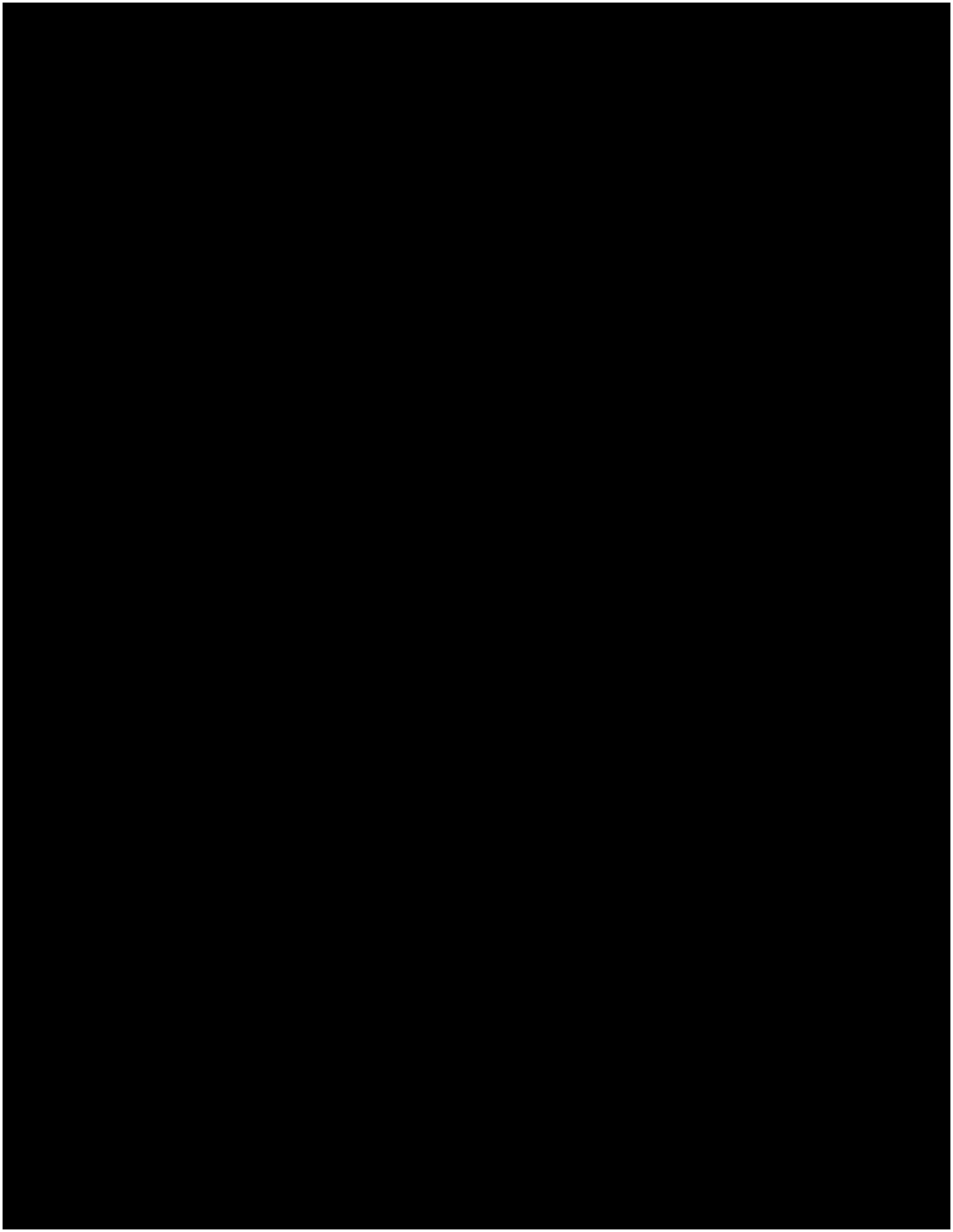


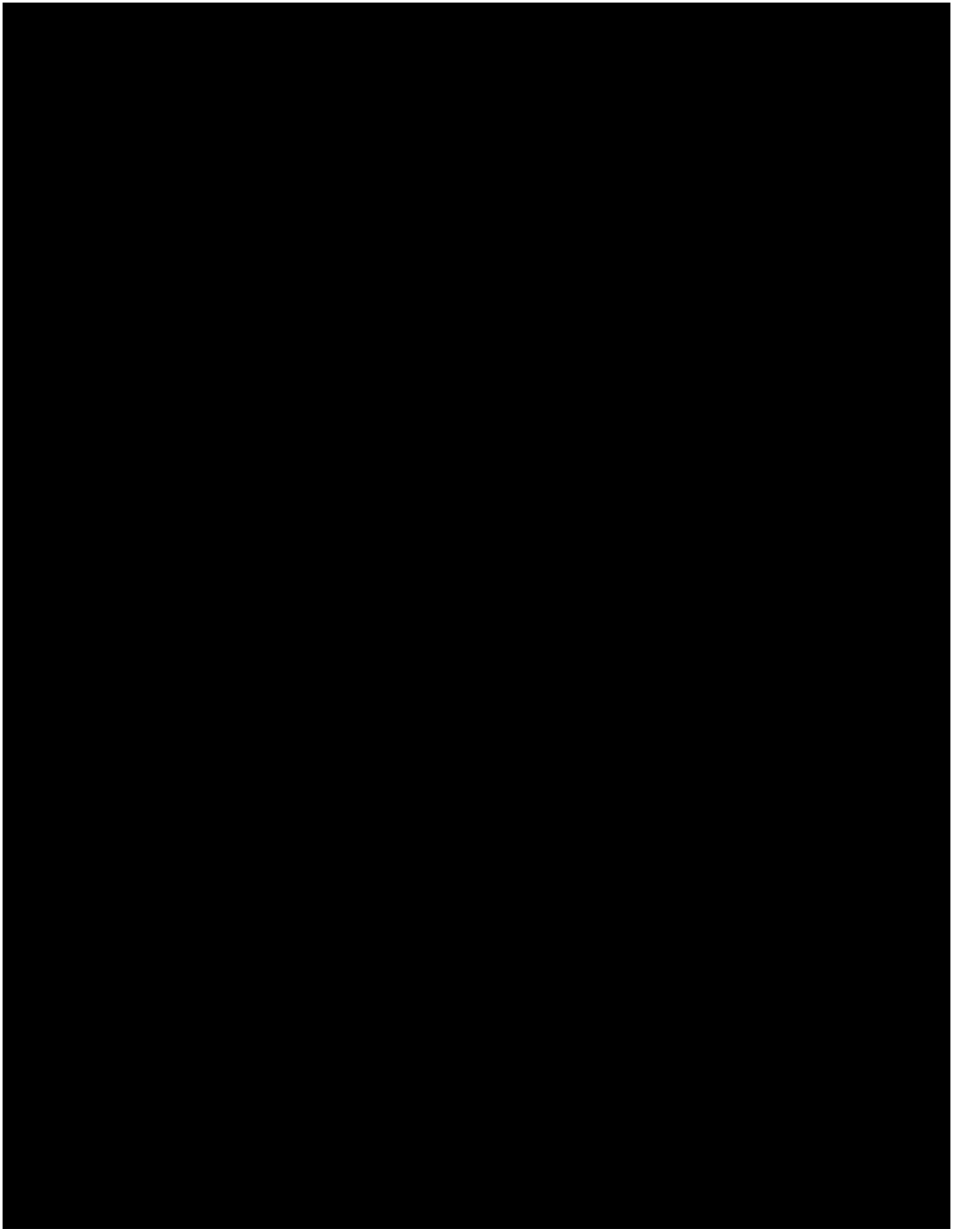


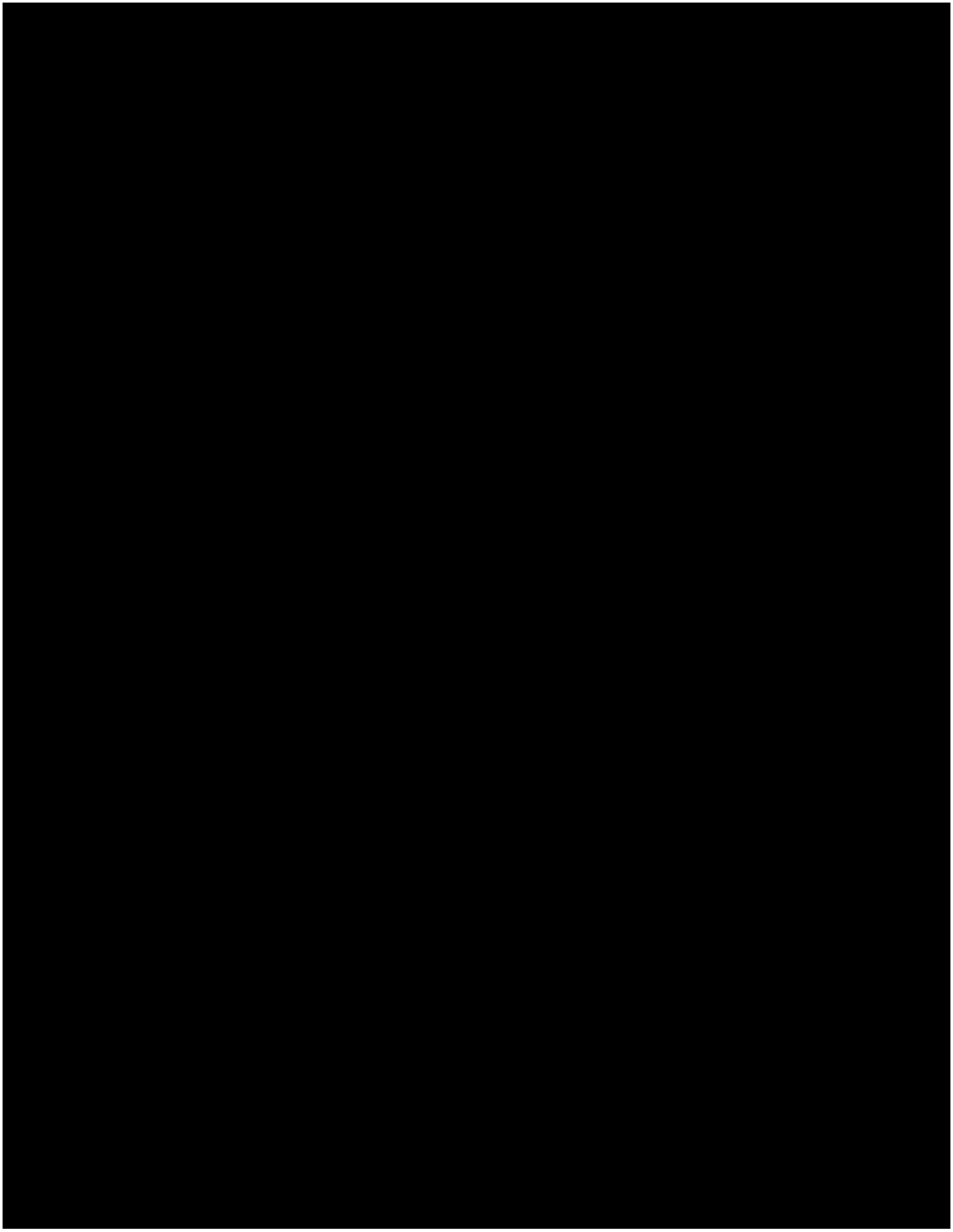


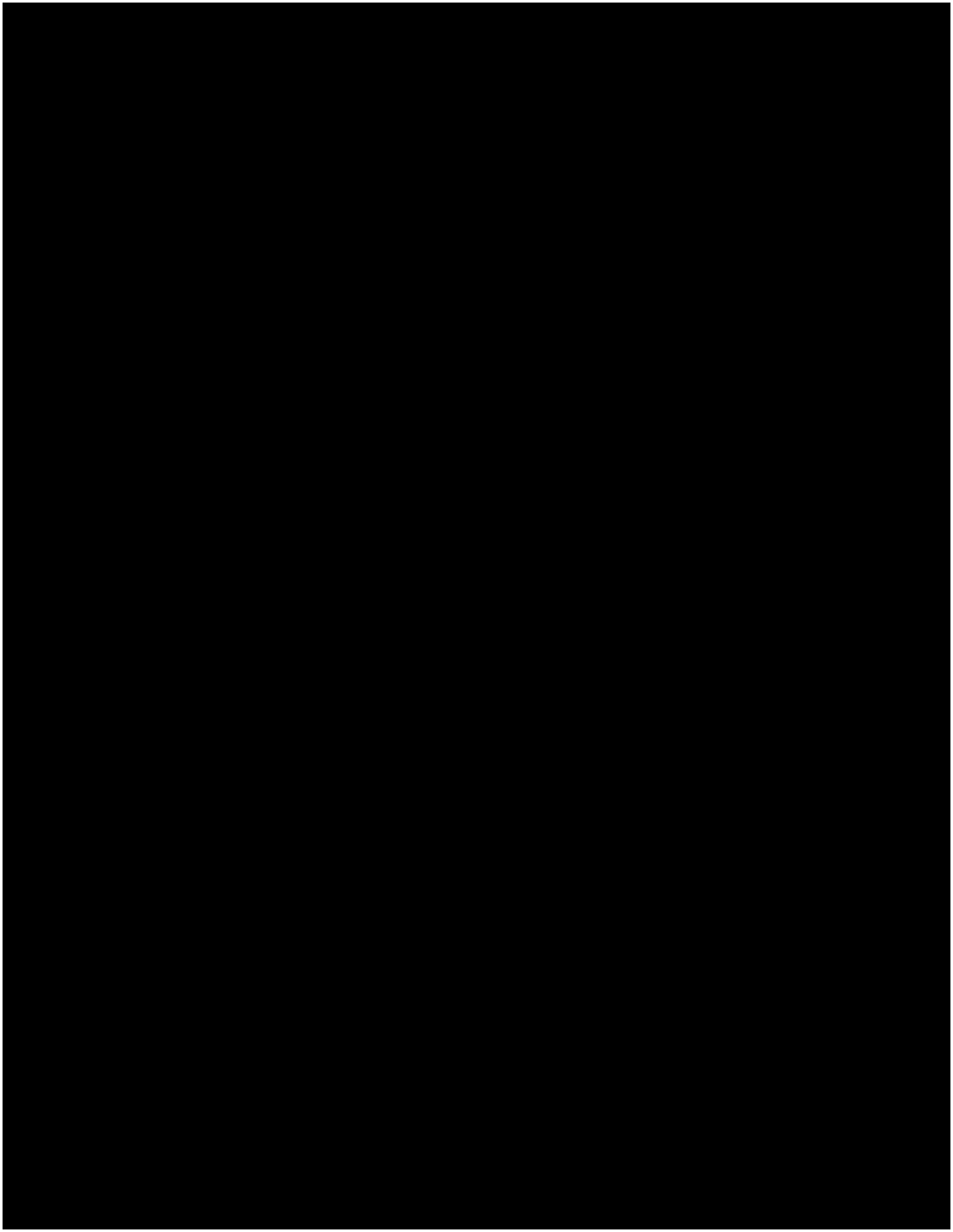


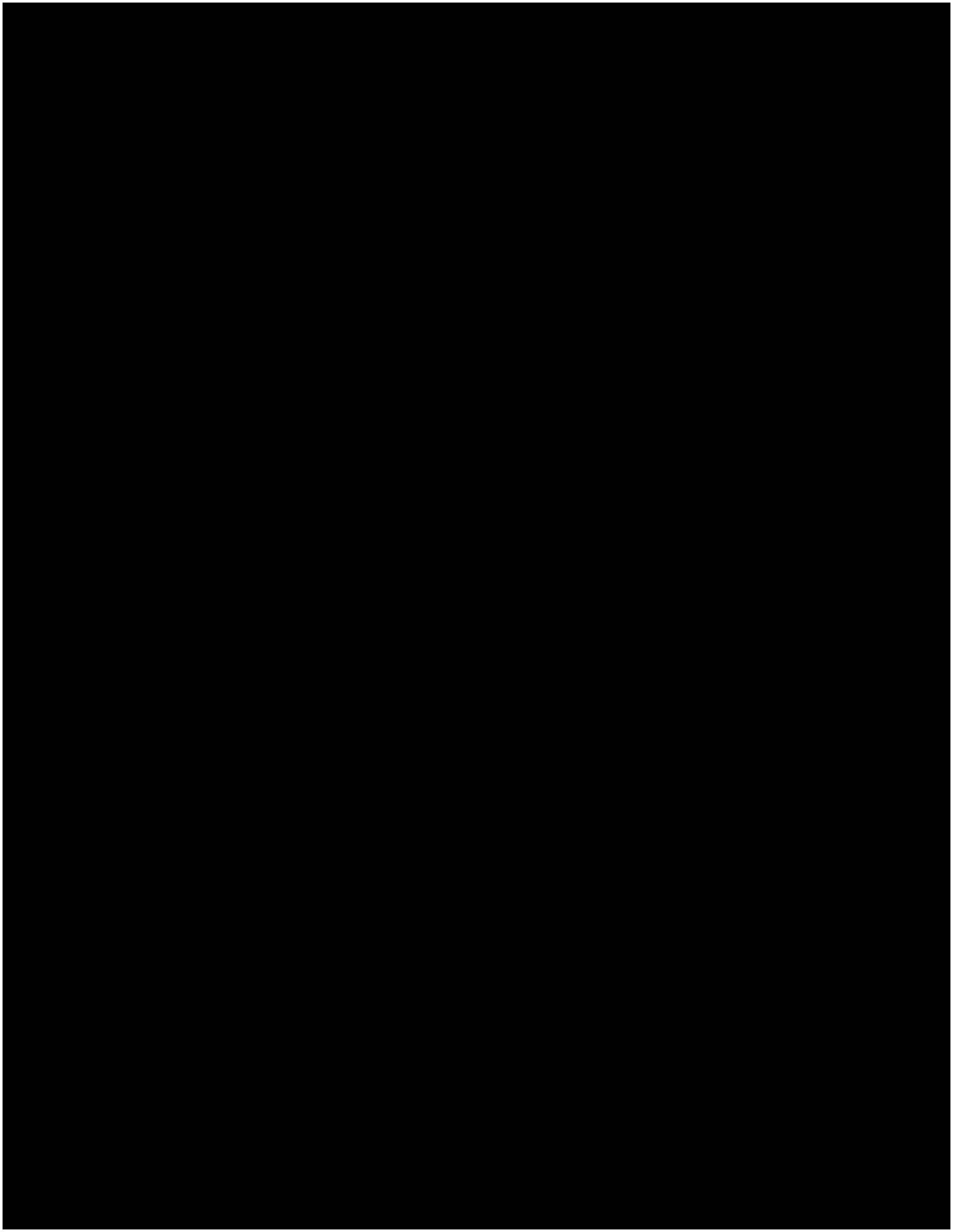


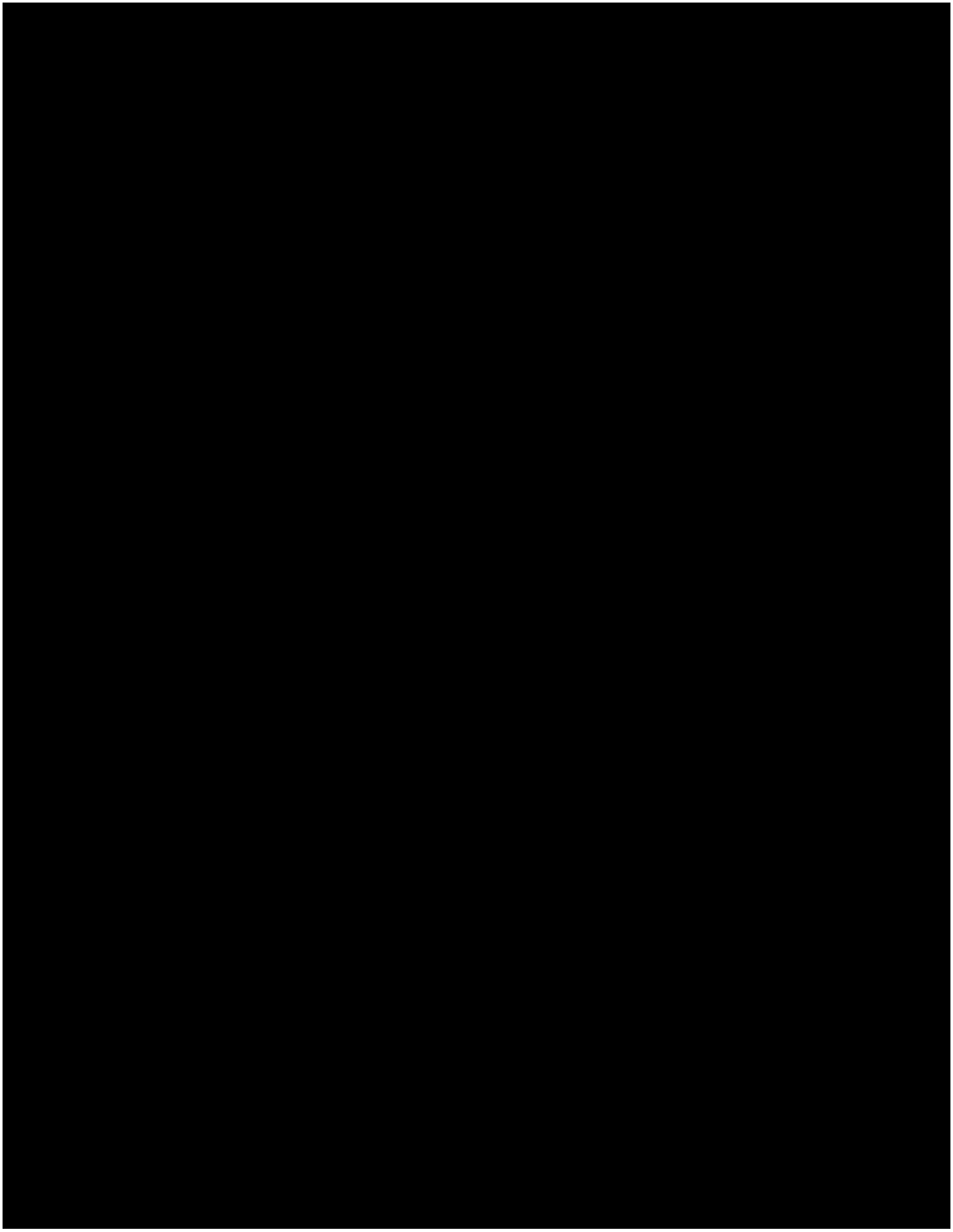


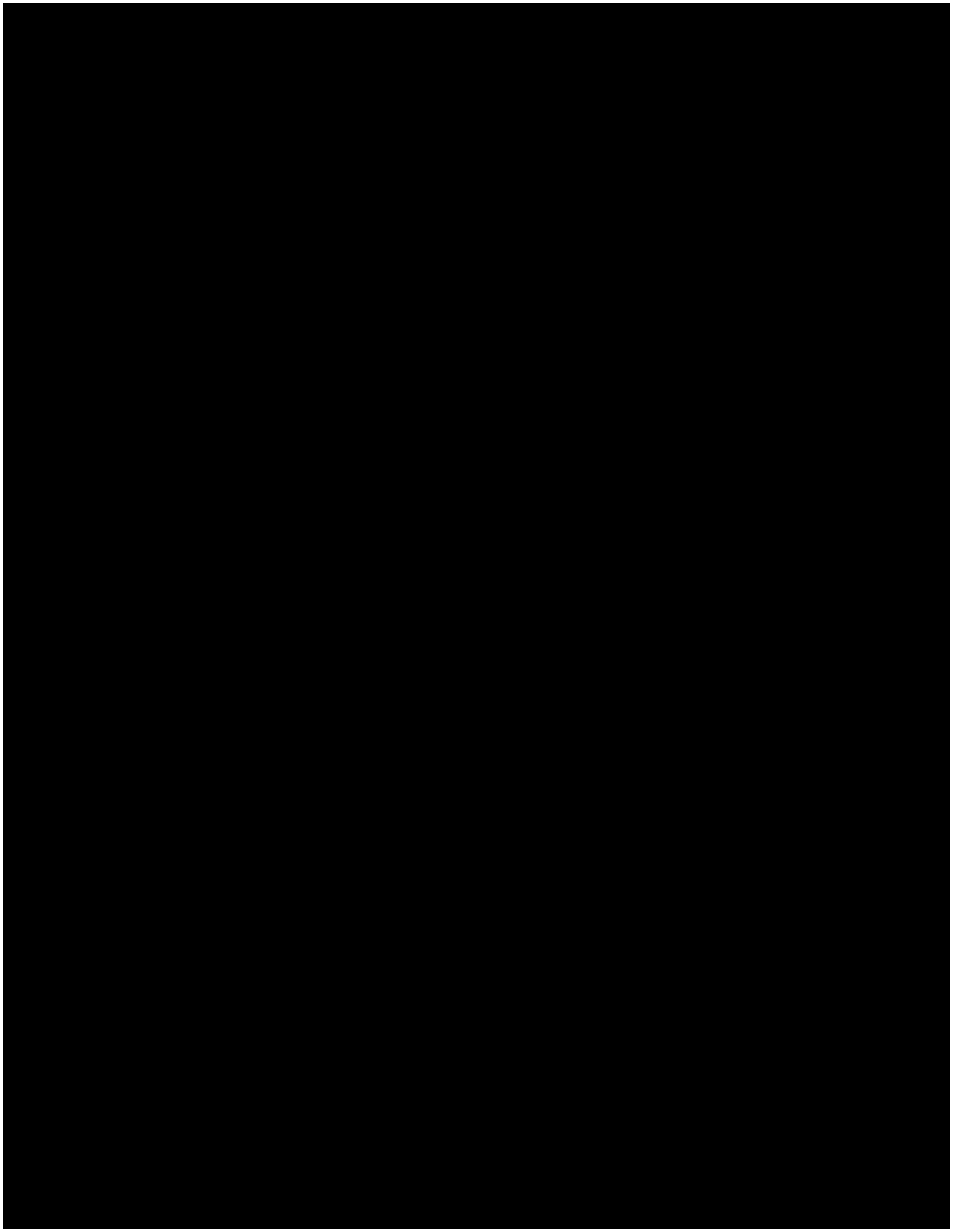


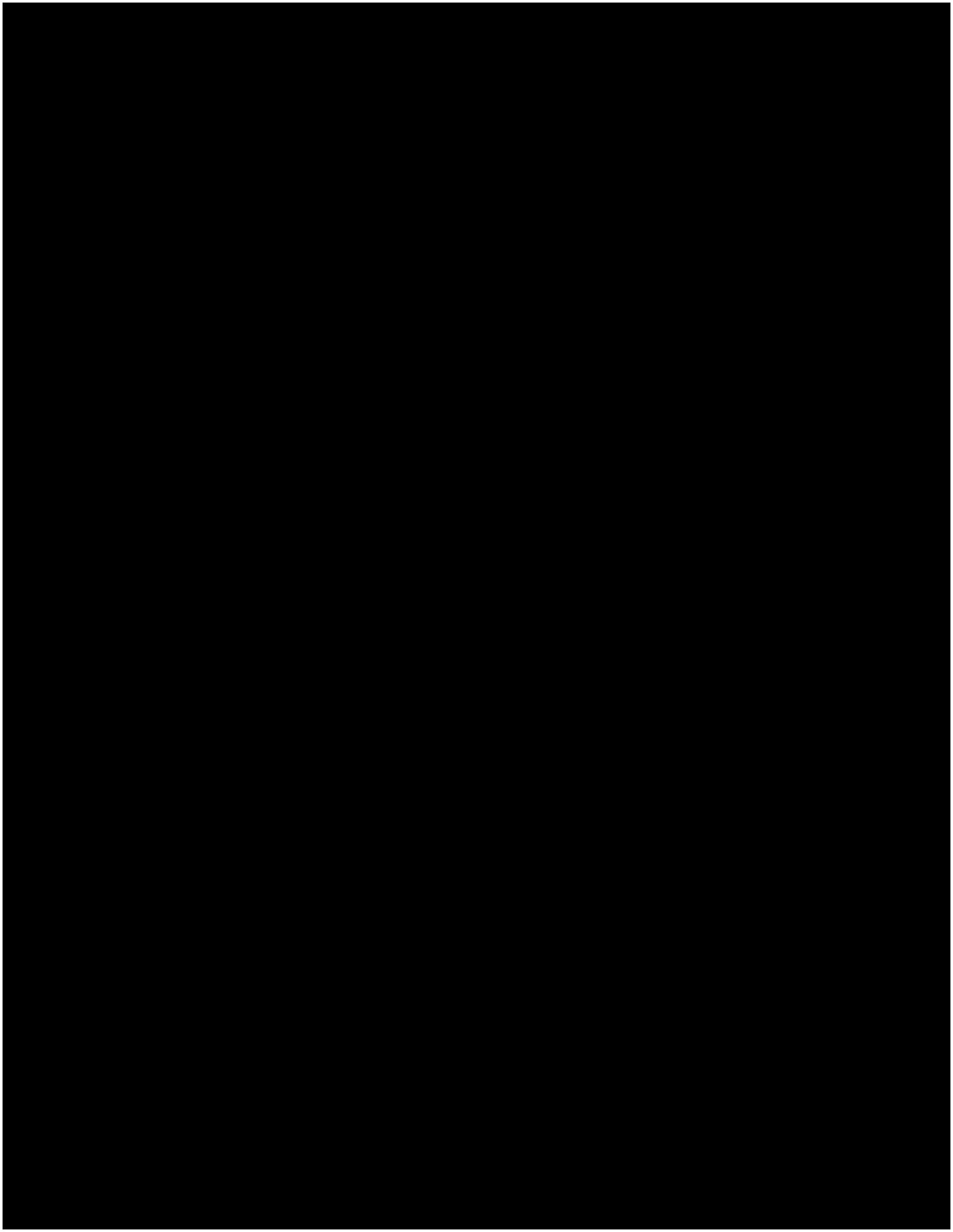


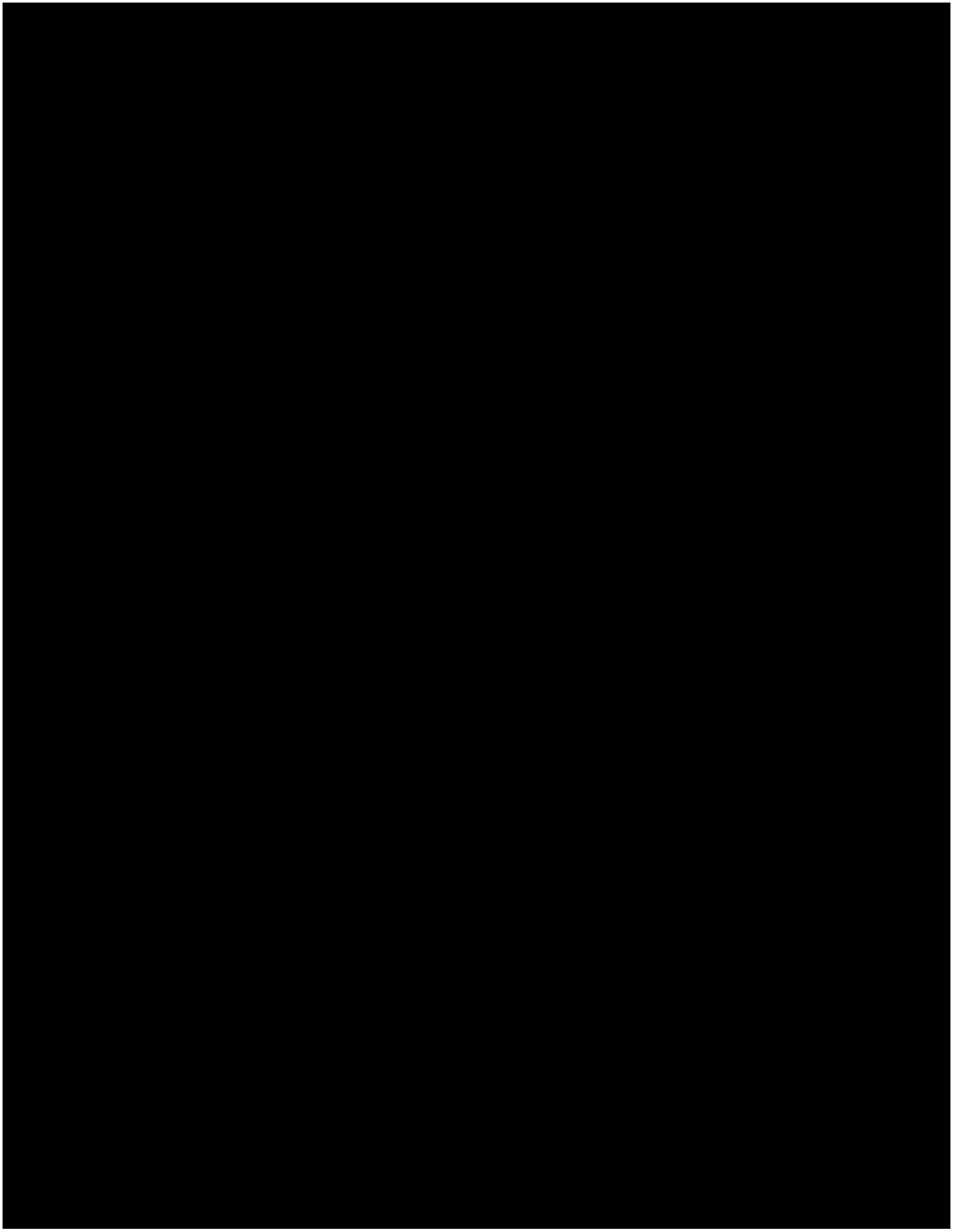


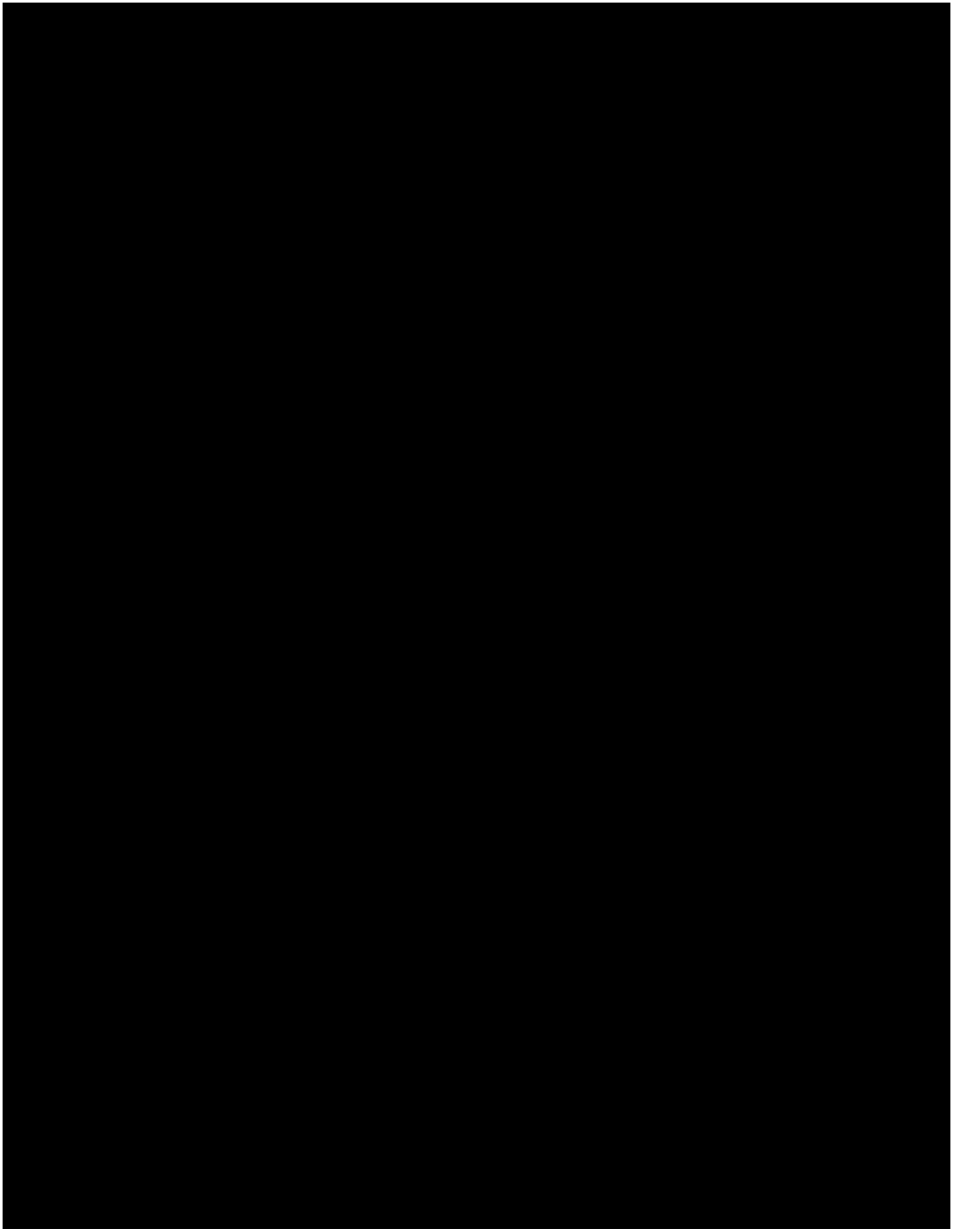


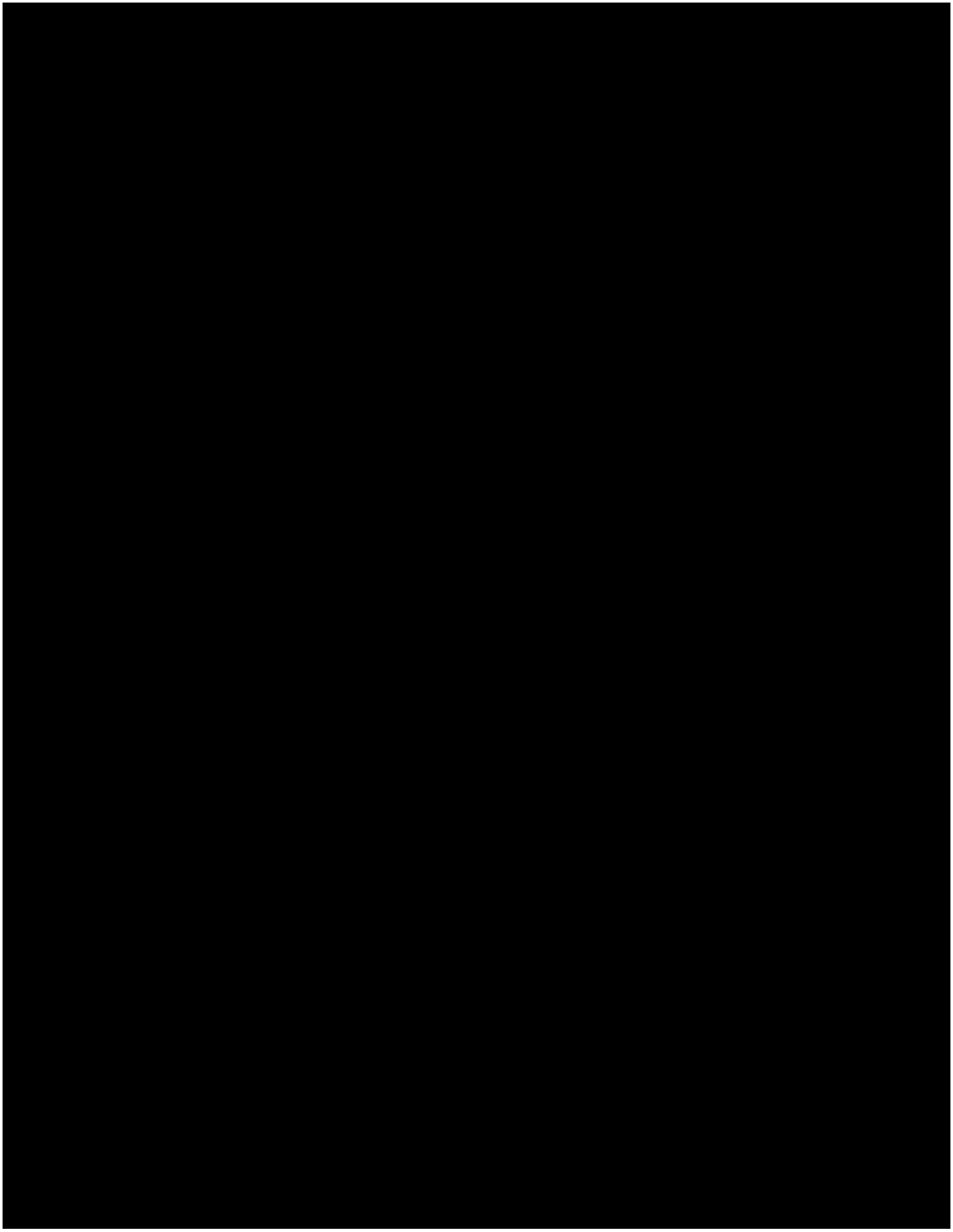












ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] — CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — RESPONDENT

CLAIMANT'S RESPONSE TO MOTION TO CURE A DEFECTIVE COMPLAINT AND FOR A MORE DEFINITIVE STATEMENT

Comes now the claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Guardian of [redacted] a minor child, and as Guardian of [redacted] a minor child, by and through her attorney, Jim R. Jackson, and for her Response to the respondent's Motion to Cure a Defective Complaint and For More Definitive Statement, states:

1. Counsel for the claimant initiated this cause of action with the online form found at the Arkansas State Claims Commission's website. The online form is not adequate for a claim involving a wrongful death and bodily injury claims. Attached as Exhibit 1 is a Complaint setting forth a wrongful death claim and bodily injury claims for the two minor children involved in the wreck that the claimant requests permission to file, which resolves most, if not all, of the issues raised by the respondent in its Motion to Cure.

2. The attached Complaint establishes the identity of Haley Hudson and sets out the facts which allow her to bring this claim in her capacity as the Special Administratrix of the Estate of Jacqueline Lynn Aschraft, deceased, and as Permanent Guardian of [redacted] minor children.

3. Paragraph 17 of the respondent's Motion is misplaced. The respondent asserts that the claimant is required to provide an accounting of her damages and cites Rule 1.5. That is not correct. This matter is not a breach of contract where the damages are liquidated. This is a wrongful death claim and two bodily injury claims where the damages include mental anguish of the statutory beneficiaries, the Loss of Life of the Estate, and the pain and suffering for the bodily injury claims. These are damages that are not liquid, and a precise accounting cannot be provided at this point in time. Rule 1.5 contemplates this scenario, because the rule contains the caveat "if known" in subsection 1.5(e). Discovery in this matter is just beginning, and the overall monetary figures sought will be quantified prior to the hearing on the merits, which is the requirement of Rule 1.5(e).

4. Claimant's counsel has reviewed the Claims Commission's rules and cannot find a requirement that health insurance information be provided at the time of the filing of a Complaint. If the respondent would cite the rule number of the section from the Arkansas Code requiring health insurance information to be provided at the time of filing, the claimant will respond. Otherwise, the claimant will respond to health insurance information during the normal course and scope of discovery. In any event, the health insurance information is a matter of paperwork and should not prevent the respondent from filing an Answer and for discovery to commence.

WHEREFORE, the claimant requests that the Director permit the claimant to file the attached Complaint and exhibits and serve it on the respondent. Furthermore, the claimant requests that the Director deny the respondent's request for the claimant to provide an accounting of the wrongful death damages and the mental anguish claims of the bodily injury claims until discovery can be conducted as permitted by Commission Rule 1.5, and for the response on damages to be provided when known prior to the final adjudication; and for all other relief to which the claimant is entitled.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By:

Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, certify that on this date, consistent with the requirements of Ark. R. Civ. Pro. 5, a complete copy of the foregoing was electronically submitted to the Clerk of the Arkansas Claims Commission and electronically served on counsel for the Arkansas Department of Health and Human Services.

/s/ Jim Jackson
Jim R. Jackson

JACKSON
LAW FIRM

December 15, 2022

VIA Email and US Mail

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of* [redacted] *minor children vs. The Arkansas Department of Health and Human Services*
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed an original and three copies of the claimant's Response to the respondent's Motion to Cure a Defective Complaint. I am serving these via Email and am including three copies of the pleadings and exhibits as required by Rule 1.5(b). The claimant is requesting that the attached Complaint and two exhibits be served on the defendant which will cure the alleged defects raised in the respondent's filing.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonatty.com.*

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc:w/enc. Brent Gasper, Esq. (via Email)
Sarah DeBusk, Esq. (via Email)

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528
501.823.3610
Fax: 501.823.3611
Jim@JimJacksonAtty.com
www.JimJacksonAtty.com

From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Cc: Sarah Debusk
Subject: RE: Hudson (Estate of Ashcraft) v. DHS, Claim No. 230641
Date: Monday, December 19, 2022 12:00:00 PM

Brent, there is no Commission rule regarding a motion for definite statement or motion to cure, so the Arkansas Rules of Civil Procedure would be applicable to when DHS would need to file an answer. Offhand, I do not know and would not want to bind (or appear/attempt to bind) the Commission to a decision on that issue. When the time for the motion to be fully briefed has expired, or the motion has been fully briefed, it will be submitted to the Commission for an order or to be set for a hearing. That said, I think an order may take several weeks.

Jim, I am not seeing your response in our database or in the asccpleadings@arkansas.gov email folder. If you have submitted via mail, no worries. It should be processed in the next few days. If you submitted electronically, will you forward me the email, so I can figure out why it's not showing up in our database?

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, December 19, 2022 8:18 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Subject: Estate of Ashcraft v. DHS

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Brent

Cc: Jim Jackson, Sarah DeBusk

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South

PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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To: Kathryn Irby; Brent Gasper
Cc: Sarah Debusk; Martha Cox
Subject: RE: Hudson (Estate of Ashcraft) v. DHS, Claim No. 230641
Date: Monday, December 19, 2022 2:48:50 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg
Letter to Kathryn Irby with Response & Complaint 12-16-2022.pdf
Claimant"s Complaint 12-16-2022.pdf
Claimant"s Response to Motion to Cure.pdf

Kathryn,
Thank you for your email.
I did not realize there was a separate e-mail for filings so I instructed Martha to use the same e-mail we used the e-mail for “new” filings when she submitted them on Friday.
A hard copy of this was also mailed to your office via U.S. Mail.
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F (501) 823-3611

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Subject: RE: Hudson (Estate of Ashcraft) v. DHS, Claim No. 230641
Date: Monday, December 19, 2022 3:32:00 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

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Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
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To: Jim Jackson; Kathryn Irby
Cc: Sarah Debusk
Subject: RE: Hudson (Estate of Ashcraft) v. DHS, Claim No. 230641
Date: Tuesday, December 20, 2022 8:18:00 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Jim: I certainly do not think failure to provide the health information is fatal, just as I have not asked the Commission to dismiss your action in my motion, only to require you to "cure" it. I just want to make sure that all information and documentation is provided that is required to be provided on the front end before I am required to answer so I can answer as accurately as possible.

Thanks and I hope you have a happy holiday!

Brent

Cc: Kathryn, Sarah

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Sent: Monday, December 19, 2022 4:36 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Subject: RE: Hudson (Estate of Ashcraft) v. DHS, Claim No. 230641

[EXTERNAL SENDER]
Brent,
I will take that information as meaning that failure to not provide it with the filing is not "fatal" or "defective" but it will certainly be something that the claimant can respond to during written discovery.
Please let me know if I need to brief this issue further.
Thank you,
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All:

The health insurance request was not based on statute but instead on page 2, No. 7, of the initial claim form. I assumed it was either statutory or based on rule. I asked about this since I was not sure if there were going to be individual claims based on the any injuries to the passengers to the car.

I hope this is helpful.

Thanks!

Brent

Cc: Kathryn, Jim, Sarah

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Subject: RE: Hudson (Estate of Ashcraft) v. DHS, Claim No. 230641

Brent, there is no Commission rule regarding a motion for definite statement or motion to cure, so the Arkansas Rules of Civil Procedure would be applicable to when DHS would need to file an answer. Offhand, I do not know and would not want to bind (or appear/attempt to bind) the Commission to a decision on that issue. When the time for the motion to be fully briefed has expired, or the motion has been fully briefed, it will be submitted to the Commission for an order or to be set for a hearing. That said, I think an order may take several weeks.

Jim, I am not seeing your response in our database or in the asccpleadings@arkansas.gov email folder. If you have submitted via mail, no worries. It should be processed in the next few days. If you submitted electronically, will you forward me the email, so I can figure out why it's not showing up in our database?

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, December 19, 2022 8:18 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Subject: Estate of Ashcraft v. DHS

Kathryn:

We are in receipt of Jim's response to our motion last Friday and I anticipate reviewing it today or tomorrow. I had a question about procedure at this point. Currently before the Commission is a complaint, our motion, and Jim's response. Procedure-wise, what comes next? Since we have not started our review of the response and amended complaint I cannot tell whether our objections have been sufficiently addressed so we are not prepared to withdraw our motion until after a full review. But we also do not want the clock to start ticking on our answer while we do so. Can you please let us know where we stand in that regard? Thanks!

Brent

Cc: Jim Jackson, Sarah DeBusk

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

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The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From:	Jim Jackson
To:	ASCC Pleadings; ASCC New Claims
Cc:	Kathryn Irby; Brent Gasper
Subject:	Arkansas State Claims Commission No. 230641
Date:	Wednesday, December 28, 2022 5:18:07 PM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg Amended Complaint Filed on December 28, 2022.pdf Letter to Kathryn Irby Filing Amended Complaint.pdf

---

Please find attached a cover letter to Ms. Irby and an Amended Complaint to be filed in the above referenced matter.
Please let me know if you have any questions regarding the letter of the Amended Complaint that is being filed.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

JACKSON
LAW FIRM

December 28, 2022

VIA Email and US Mail

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of* [redacted] *minor children vs. The Arkansas Department of Human Services*
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Brent and I just had a telephone conference where we discussed the status of this matter. For procedural purposes, I am filing a document that is titled "Amended Complaint" and request that it be served on the Arkansas Department of Human Services by copy of this e-mail transmission. I am serving these via Email and US Mail. I am including three copies of the pleadings as required by Rule 1.5(b).

Brent and I would like to request a short conference call with you to determine the status of a ruling on his Motion to Cure a Defective Complaint. We want to discuss if his pending motion will be ruled upon by you or by the Commissioners.

Thank you for your attention to this matter.

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc:w/enc. Brent Gasper, Esq. (via Email)
Sarah DeBusk, Esq. (via Email)

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528
501.823.3610
Fax: 501.823.3611
Jim@JimJacksonAtty.com
www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] — CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES — RESPONDENT

AMENDED COMPLAINT

Comes now the claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of [redacted] a minor child, and as Guardian of [redacted] a minor child, by and through her attorney, Jim Jackson, Jackson Law Firm, and for her cause of action against the respondent, states:

BACKGROUND

The Ashcraft family has been ripped apart by the consequences of this wreck. Jacqueline Ashcraft was a 50-year-old mother of five children who lived in Paris, Arkansas, with two of her minor children. [redacted] was her 10-year-old daughter. [redacted] was her 14-year-old daughter. The three lived at [redacted] The two girls were enrolled in the Paris School District and were thriving at the time of the wreck. Ms. Ashcraft's two adult sons lived in Paris and Ozark and are beginning their career and family. Ms. Ashcraft's oldest daughter, Haley Hudson, lived and worked in Wynne, Arkansas. Haley was 29 years old at the time of her mother's death. Haley has two children of her own that live with her and her fiancé at [redacted]

As a result of Jacqueline Ashcraft's sudden and tragic death, the two minor children did not have a parent. They had to move from Paris, Arkansas, to Wynne to live with Haley Hudson. Haley adopted her two baby sisters. Haley is doing the best job she can to raise her two baby sisters. Haley is now both mom and big sister to [redacted]

I. STATEMENT OF JURISDICTION

1. This claim is brought pursuant to the Commission's authority of jurisdiction of "all claims against the State of Arkansas and its several agencies, departments, and institutions" pursuant to the authority granted by the General Assembly found in Arkansas Code Annotated §19-10-204, *et seq.*

2. The claimant has exhausted all liability insurance coverage for this incident. There is no UIM or other liability insurance coverage for these claims.

II. PARTIES TO THE CLAIM

3. The claimant is the duly appointed Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, pursuant to an Order dated August 6, 2021, entered by The Honorable Terry Sullivan in a matter styled, *In The Matter Of The Estate Of Jacqueline Lynn Ashcraft, deceased*, in the Circuit Court of Logan County, Arkansas, Probate Division No. 42PR-2021-63.

4. Haley Hudson was appointed Permanent Guardian of the Person and Estate of Carley Raye Jones and Kadey Lynn Jones by Order of Cross County Probate Judge Christopher Morledge dated July 20, 2021, in a matter styled: *In the Matter of the Guardianship of the Person and Estate of* [redacted] *Minors*, Cross County Probate Number 19PR-2021-57-3. Attached as Exhibit 1 is a file-marked copy of the Order filed with the Cross County Probate Clerk on July 20, 2021.

5. The respondent, Arkansas Department of Human Services, is an agency of the State of Arkansas. Jennifer Wilkerson was an employee of the Arkansas Department of

Human Services and was engaged in the course and scope of her employment at all times relevant to this cause of action.

III. STATEMENT OF THE CASE

6. On Friday, June 11, 2021, at approximately 12:50 p.m., Jacqueline Ashcraft was driving her 2005 Hyundai Sonata eastbound on State Highway 22 in Logan County near Subiaco Academy. She had three passengers in the back seat of her car: her daughters, [redacted] and her great nephew [redacted], who was in a baby seat between [redacted] Ms. Ashcraft was taking the baby to his home at [redacted] Ms. Ashcraft slowed to make a left-hand turn into a driveway for [redacted] She used her left-hand blinker to indicate to traffic she was attempting a left-hand turn. Ms. Ashcraft had to come to a full stop prior to commencing the left-hand turn to avoid oncoming westbound traffic.

7. Jennifer Wilkerson was operating a 2009 Hyundai Elantra owned and maintained by the Arkansas Department of Human Services. She was traveling eastbound on Highway 22 immediately behind Ms. Ashcraft's 2005 Hyundai Sonata. Ms. Wilkerson negligently failed to recognize that Ms. Ashcraft's vehicle was slowing down to make a left-hand turn. Ms. Wilkerson negligently drove her car into the rear end of Ms. Ashcraft's car. The collision knocked Ms. Ashcraft's car onto the eastbound shoulder. Ms. Wilkerson's vehicle then entered a counterclockwise spin, causing her vehicle to strike the truck and trailer that was traveling westbound on Highway 22.

IV. NEGLIGENCE

8. Jennifer Wilkerson was employed by the respondent and was operating within the scope of her employment at all relevant times to this cause of action.

9. The Arkansas Department of Human Services is liable for all damages caused by Jennifer Wilkerson under the *respondeat superior* doctrine.

10. The respondent's employee, Jennifer Wilkerson, is guilty of negligence, which was the proximate cause of the above-described vehicle collision in the following particulars:

(a) in failing to keep the vehicle she was driving under proper control;

(b) in failing to yield the right-of-way to the superior traffic which is a violation of Arkansas statutes and common law;

(c) in failing to exercise ordinary care for her own safety and for the safety of others using the highway; and

(d) in driving in a careless and reckless manner which is a violation of Arkansas statutory and common law.

11. State Trooper James Ray investigated the accident. He found that Jennifer Wilkerson's actions were "inattentive, careless, negligent, or erratic operation" at the time of the crash.

12. State Trooper James Ray found that Jacqueline Ashcraft had "no contributing action" at the time of the crash. Attached as Exhibit 2 is a copy of crash report #20621051F prepared by Trooper Ray.

V. *RESPONDEAT SUPERIOR*

13. All acts of negligence of the respondent's employee, Jennifer Wilkerson, are imputed to the respondent, Arkansas Department of Human Services, as a matter of law.

VI. CAUSATION

14. The negligent acts on the part of the respondent's employee, Jennifer Wilkerson, were the sole and proximate cause of the wrongful death, injuries, and damages sustained by Jacqueline Lynn Ashcraft, [redacted] as more specifically described herein.

VII. DAMAGES

15. Jacqueline Lynn Ashcraft initially survived the collision and was able to speak with her children and witnesses/bystanders. Unfortunately, the collision from the wreck caused Ms. Ashcraft to develop an intracerebral hemorrhage[1] which led to a rapid neurological decline. Ms. Ashcraft was transported by ambulance to the emergency room at Booneville where a CT scan revealed she had sustained a massive right basal ganglia hemorrhage in the collision leading to severe brain compression and uncal herniation[2]. Ms. Ashcraft was emergently transported to Mercy Medical Center in Fort Smith. Her adult children were notified of the severity of her injuries. Haley Hudson immediately traveled from her job in Wynne to Fort Smith, Arkansas. Upon arrival, Haley was informed by the neurosurgeon that her mother's condition was terminal and there was nothing further that could be done to save her mother's life. Haley and her two adult brothers, Dalton and Mark, made the decision to follow the doctor's advice and allow the medical providers to compassionately extubate life-support.

16. The claimant, Haley Hudson, is asserting a claim for damages for the wrongful death of Jacqueline Lynn Ashcraft, and for the bodily injury claims of [redacted] and [redacted]ll of which were proximately caused by the negligence of the respondent's employee, Jennifer Wilkerson.

WRONGFUL DEATH CLAIM

17. Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, claims she is entitled to recover for the following

[1] "Bleeding on the brain"
[2] Uncal herniation occurs when rising intracranial pressure causes portions of the brain to move from one intracranial compartment to another. It is a life-threatening neurological emergency and indicates the failure of all adaptive mechanisms for intracranial compliance.

damages, all of which were proximately caused by the negligence of Jennifer Wilkerson, said negligence being imputed to the respondent, Arkansas Department of Human Services:

(a) Compensatory damages for the severe pain, suffering, and mental anguish sustained by Jacqueline Lynn Ashcraft after the impact until her death;

(b) Compensatory damages for the damage to Ms. Ashcraft's Hyundai Sonata;

(c) Compensatory damages for the mental anguish sustained by the statutory beneficiaries who are listed below:

Name	Relationship	Address
[redacted]	Minor Daughter	[redacted]
	Minor Daughter	
Dalton Cody Ashcraft	Adult Son	
Mark Hudson	Adult Son	
Haley Nicole Hudson	Adult Daughter	
LaDonna Jackson	Mother	
Jeffrey Ashcraft	Brother	
Bobby Ashcraft	Brother	
Jennifer Howard	Half-Sister	
Joshua Jackson	Half-Brother	

(d) Compensatory damages for the Estate's Loss of Life claim;

(e) The reasonable funeral expenses; and

(f) Any medical bills incurred by the estate.

BODILY INJURY CLAIMS

18. [redacted] each sustained bodily injuries in the wreck. Haley Hudson, as Guardian of [redacted] and [redacted] seeks:

(a) Compensatory damages for the reasonable expense of any necessary medical care and other out-of-pocket expenses sustained by [redacted] and [redacted] and the present value of such expenses reasonably certain to be required in the future;

(b) Compensatory damages for the nature, extent, duration, and permanency of any injury sustained by [redacted] and

(c) Compensatory damages for any pain and suffering experienced in the past and reasonably certain to be experienced in the future.

19. The claimant's total compensatory damages, as shall be proven by the evidence, is Four Million Dollars ($4,000,000.00).

REQUIREMENT OF A.C.A. §19-10-208(d)

20. The claimant has not presented this claim to any other state department or officer thereof prior to the original online filing of the complaint to open this matter.

21. The respondent did have a liability insurance policy with Cincinnati Insurance Company. Cincinnati Insurance Company filed an Interpleader naming the respondent and the claimant in a matter styled: *Cincinnati Insurance Company vs. Haley Hudson, Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, et al., and Guardian of the Estates of* [redacted] *both minors, Jennifer Wilkerson, Arkansas Department of Human Services, Bobby Dale Wilson, Joe Ashley Trucking, LLC,*

GKD Management, LP DBA Commercial Trucking, Inc. and Tru Homes, LLC, Logan County Circuit Court No. 42PCV-21-116.

22. The respondent's legal counsel, Sean Strode, filed an Entry of Appearance on January 10, 2022, in the above-referenced Interpleader. The respondent should be intimately familiar with all filings since its legal counsel received these filing contemporaneously through the CM/ECF filing system and had access to them.

23. Cincinnati Insurance Company deposited the limits of its policy of $250,000 with the clerk of the court on or around March 21, 2022. Haley Hudson, as Special Administratrix of the Estate of Jacqueline Ashcraft, deceased, received $150,000 after attorney fees and case expenses for the wrongful death claim.

24. $12,500 of the $250,000 went to GKD Management, which was the third vehicle involved in this collision. It appears that this was to pay the property damage from that claim.

25. Haley Hudson, as Permanent Guardian of the Estates of [redacted] minor children, has received nothing for their bodily injury claims.

UNDERINSURED MOTORIST CLAIM

26. Ms. Ashcraft did not have any uninsured or underinsured motorist coverage for the collision which is the subject of this claim.

WHEREFORE, the claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Guardian of [redacted] minor children, prays

that she have a judgment against the respondent for a sum of Four Million Dollars ($4,000,000.00), and for all other necessary and proper relief to which she is entitled.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: _____
Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, certify that on this date, consistent with the requirements of Ark. R. Civ. Pro. 5, and Commission Rule 1.5(b) a complete copy of the foregoing was electronically submitted with the Clerk of the Arkansas Claims Commission and electronically served on counsel for the Arkansas Department of Human Services and three copies of each exhibit were deposited in the mail to the Director of the Arkansas State Claims Commission.

/s/ Jim R. Jackson
Jim R. Jackson

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned attorney, Jim Jackson, certifies that to the best of his knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a nonfrivolous 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.

Jim R. Jackson

ACKNOWLEDGMENT

STATE OF ARKANSAS)

COUNTY OF PULASKI)

On this day before the undersigned, Martha Cox, a Notary Public duly qualified and acting in and for the county and state aforesaid, personally appeared Jim Jackson, to me well known and satisfactorily proven to be the person whose name appears in the foregoing instrument, and stated that he has executed the same for the consideration, uses and purposes therein stated and stated that he had executed the foregoing instrument of his own free will, for the purposes and consideration therein stated.

In witness whereof, I hereunto set my hand and Notary Seal on this 28th day of December, 2022.

Martha Cox

Martha Cox
Notary Public

My commission expires:
8-19-2031
[SEAL]

MARTHA COX
NOTARY PUBLIC - STATE OF ARKANSAS
SALINE COUNTY
My Commission Expires 8-19-2031
Commission # 12383466

From: Jim Jackson
To: Brent Gasper; Kathryn Irby
Cc: Sarah Debusk; Daiquiri Carter; Martha Cox
Subject: RE: Ashley Hudson v. DHS
Date: Tuesday, January 3, 2023 7:28:46 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

I am in agreement with the need for a call.
I am attending a funeral for my former paralegal on Wednesday at 2:00 p.m. in Alexander.
I am available Wednesday morning, Thursday & Friday.
I do not see any legal reason that the time to respond to Interrogatories should be held in abeyance. They are routine discovery that was properly served on the respondent and will have to be answered.
The claimant has filed both an initial claim and a more formal claim which clearly states the allegation of liability of DHS and has submitted a copy of the accident report prepared by the Arkansas State Police.
I am not aware of any legal reason why the respondent's request to respond to written discovery should be held in abeyance.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, December 29, 2022 1:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Hudson v. DHS

Thank for sending those pleadings, Jim.

Kathryn, I'm with Jim that it would be great to set up a short call next week (I'm off work tomorrow) sometime concerning how the commission wishes us to proceed at this point. We are not intending to withdraw our motion and would like to have a ruling on it before being ordered to answer the complaint and amended complaint. Further, I'm going to ask/move to hold the interrogatories (or, specifically, the requirement to answer them within a certain time period) in abeyance until the commission decides on the motion. Please let me know if I need to file a pleading to memorialize that or whether the commission will simply consider it when ruling on the existing outstanding motion.

I'm pretty flexible next week so just let me know when you find an agreeable time.

Thanks!

Brent

Cc: Sarah DeBusk

>>

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Kathryn Irby
To: Jim Jackson; Brent Gasper
Cc: Sarah Debusk; Daiquiri Carter; Martha Cox
Subject: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Tuesday, January 3, 2023 4:16:00 PM
Attachments: Hudson v. DHS -- 230641 -- hearing ltr (motions).pdf
image001.jpg
image002.jpg
image003.jpg
image004.jpg

Jim and Brent, attached is a hearing letter for all pending motions. If the parties are unable to agree on what to do with discovery, a motion can be filed, which can be considered by the Commission at the February 10 hearing, as well.

Let me know if there are still any unanswered questions.

Thanks,
Kathryn

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

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Tuesday, January 3, 2023 7:29 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Ashley Hudson v. DHS

I am in agreement with the need for a call.
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Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, December 29, 2022 1:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Hudson v. DHS

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I'm pretty flexible next week so just let me know when you find an agreeable time.

Thanks!

Brent

Cc: Sarah DeBusk

>>
Brent P. Gasper

Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
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ARKANSAS STATE CLAIMS COMMISSION

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

KATHRYN IRBY
DIRECTOR

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

January 3, 2023

Mr. Jim Jackson (*via email*)
Jackson Law Firm
700 W. Broadway Street, Suite 200
North Little Rock, Arkansas 72114

Mr. Brent P. Gasper (*via email*)
Ms. Sarah DeBusk
Arkansas Department of Human Services
Post Office Box 1437
Little Rock, Arkansas 72203

RE: ***Haley Hudson, individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of [redacted] v. Arkansas Department of Human Services***
Claim No. 230641

Dear Mr. Jackson, Mr. Gasper, and Ms. DeBusk,

The Claims Commission has scheduled a hearing on all pending motions for **Friday, February 10, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

As this is a motions hearing, no prehearing materials are requested.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings
Time: Feb 10, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting
https://us06web.zoom.us/j/87579091104?pwd=bkRDL2lFUnZUclhSUE8wS2ZLOGVpZz09

Meeting ID: 875 7909 1104
Passcode: 6EPTmJ
One tap mobile
+13017158592,,87579091104#,,,,*124942# US (Washington DC)
+13052241968,,87579091104#,,,,*124942# US

Dial by your location
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US

Meeting ID: 875 7909 1104
Passcode: 124942
Find your local number: https://us06web.zoom.us/u/kd3oe4TIYF

From:	Kathryn Irby
To:	Jim Jackson; Brent Gasper
Cc:	Sarah Debusk; Daiquiri Carter; Martha Cox
Subject:	SUBPOENA: Hudson v. DHS, Claim No. 230641
Date:	Thursday, January 12, 2023 2:07:00 PM
Attachments:	Hudson -- 230641 -- subpoena.pdf image001.jpg image002.jpg image003.jpg image004.jpg

Jim, please see attached.

Thanks,
Kathryn

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

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, January 11, 2023 4:37 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Kathryn,
The claimant would like to request a *subpoena duces tecum* to the Arkansas Crime Laboratory for the BAC Test and Drug Test results from page two (2) of the attached accident report.
These claimant would like to request a copy of all of these results referenced on page two.

Their address is:

Mr. Kermit B. Channell, II
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205
(501) 683-6190

Thank you,

Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, January 3, 2023 4:17 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, attached is a hearing letter for all pending motions. If the parties are unable to agree on what to do with discovery, a motion can be filed, which can be considered by the Commission at the February 10 hearing, as well.

Let me know if there are still any unanswered questions.

Thanks,
Kathryn

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

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Tuesday, January 3, 2023 7:29 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Ashley Hudson v. DHS

I am in agreement with the need for a call.
I am attending a funeral for my former paralegal on Wednesday at 2:00 p.m. in Alexander.
I am available Wednesday morning, Thursday & Friday.
I do not see any legal reason that the time to respond to Interrogatories should be held in abeyance. They are routine discovery that was properly served on the respondent and will have to be answered.
The claimant has filed both an initial claim and a more formal claim which clearly states the allegation of liability of DHS and has submitted a copy of the accident report prepared by the Arkansas State Police.
I am not aware of any legal reason why the respondent's request to respond to written discovery should be held in abeyance.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, December 29, 2022 1:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Hudson v. DHS

Thank for sending those pleadings, Jim.

Kathryn, I'm with Jim that it would be great to set up a short call next week (I'm off work tomorrow) sometime concerning how the commission wishes us to proceed at this point. We are not intending to withdraw our motion and would like to have a ruling on it before being ordered to answer the complaint and amended complaint. Further, I'm going to ask/move to hold the interrogatories (or, specifically, the requirement to answer them within a certain time period) in abeyance until the

commission decides on the motion. Please let me know if I need to file a pleading to memorialize that or whether the commission will simply consider it when ruling on the existing outstanding motion.

I'm pretty flexible next week so just let me know when you find an agreeable time.

Thanks!

Brent

Cc: Sarah DeBusk

>>

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment are the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is STRICTLY PROHIBITED.

The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted], Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Kermit B. Channell, II**
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

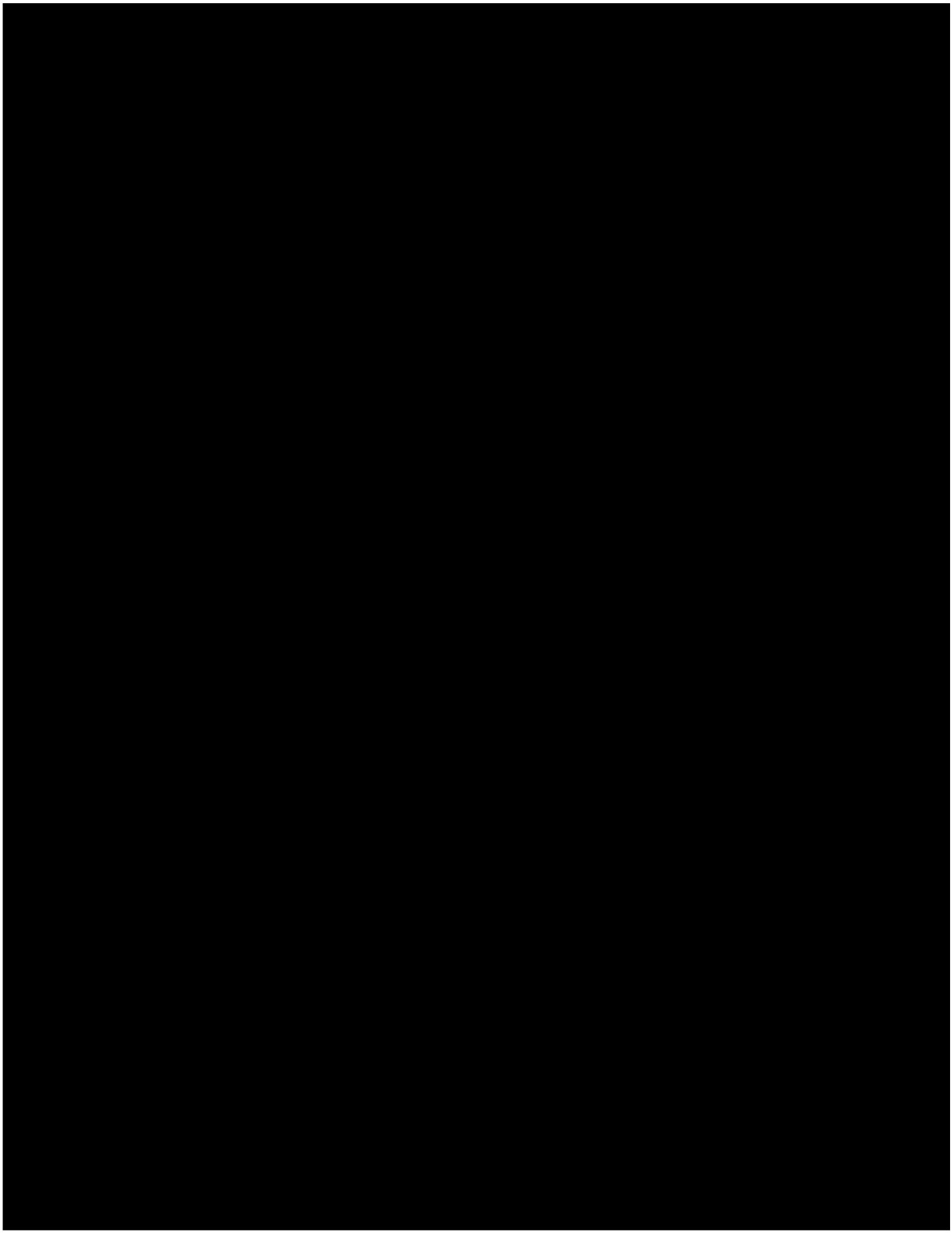
__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

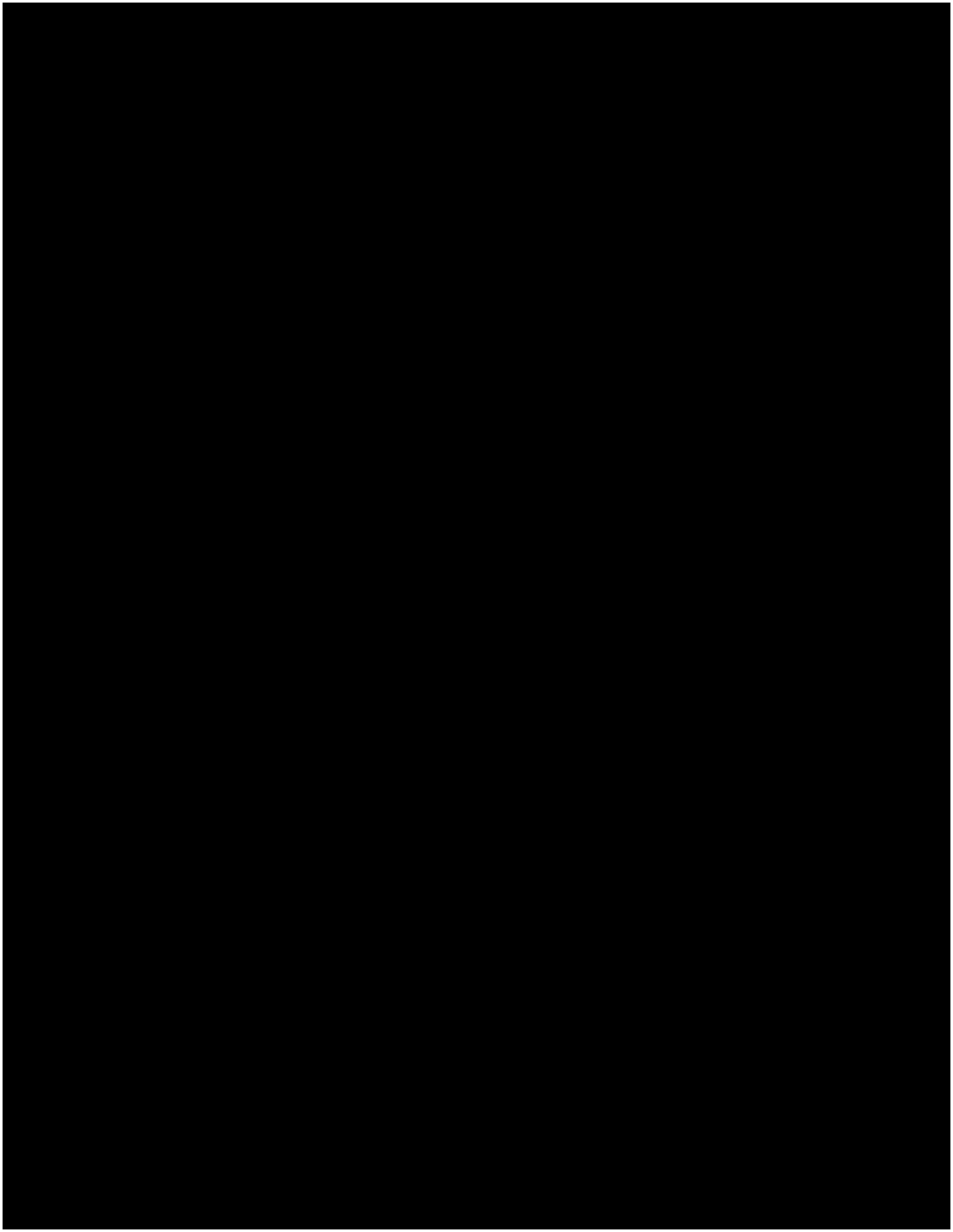
BAC test and drug test results from p. 2 of the attached accident report.

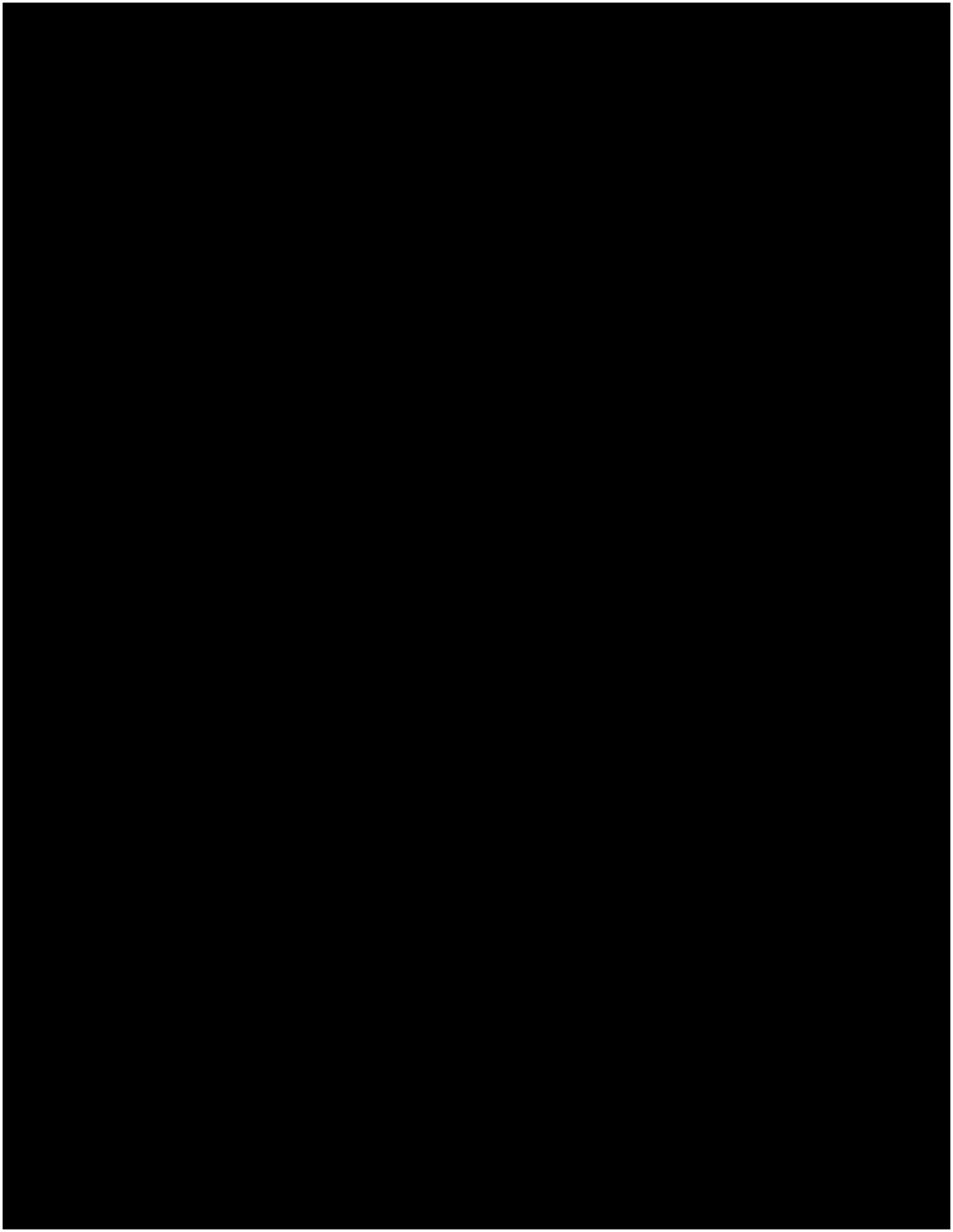
January 12, 2023

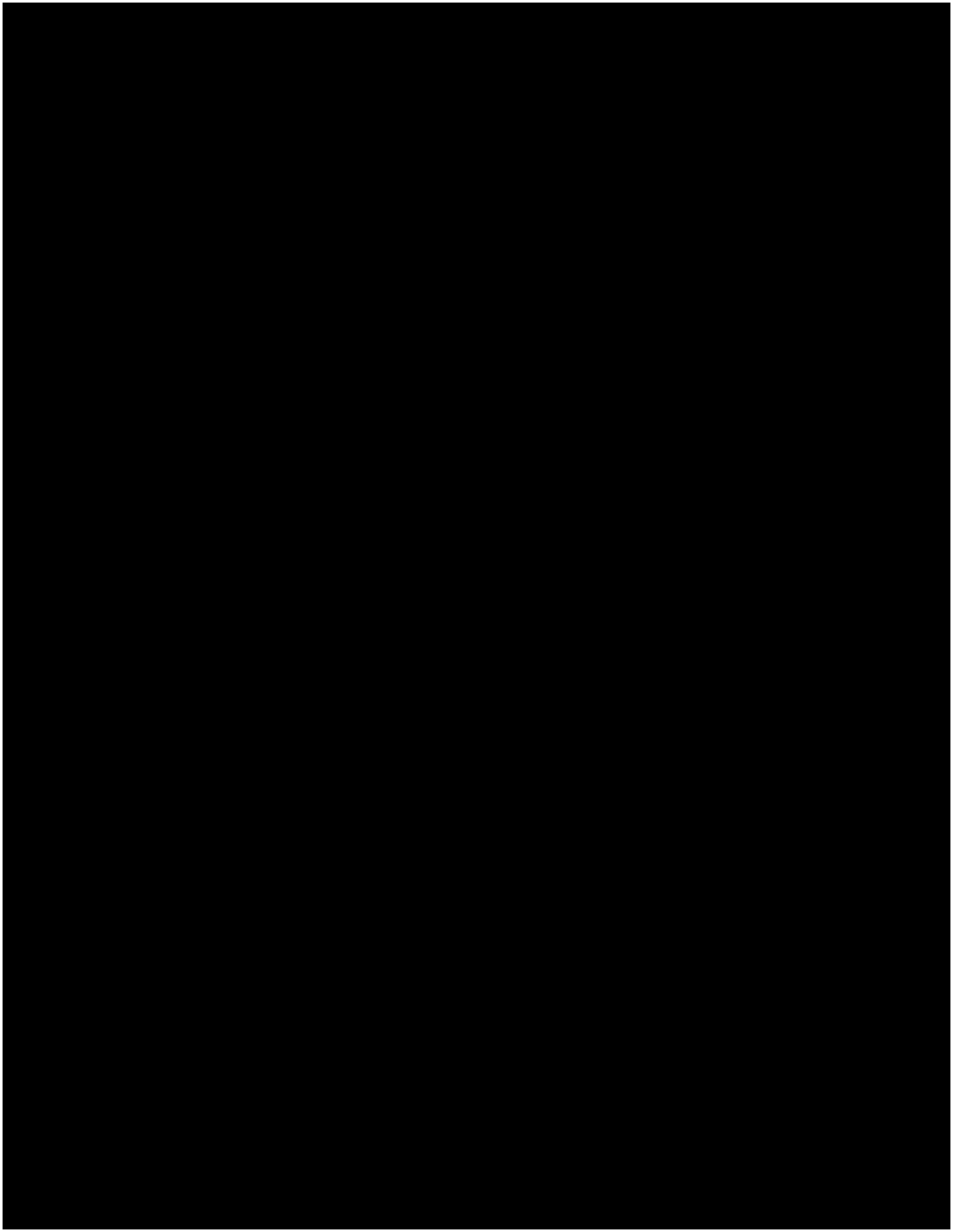
Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

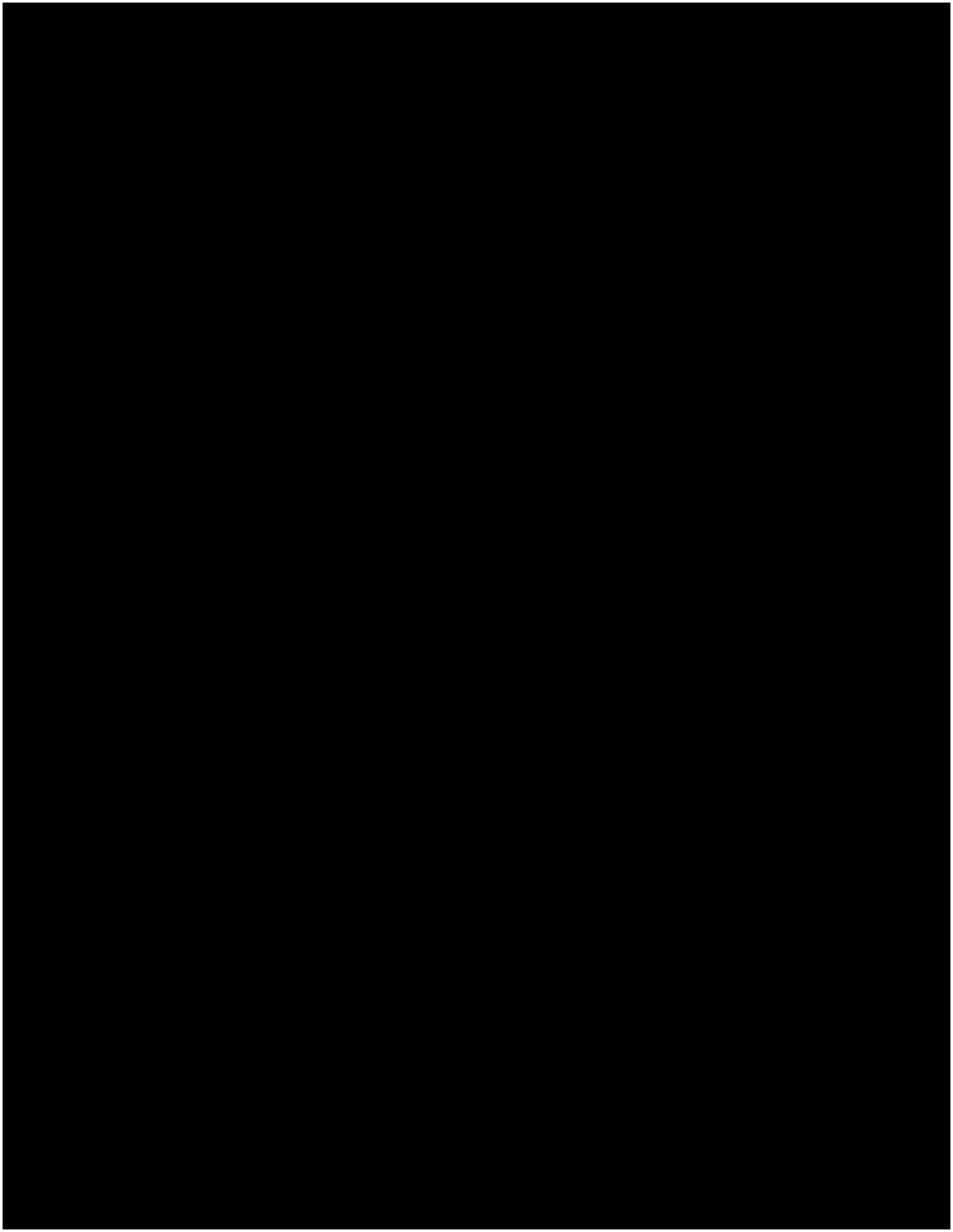
Date

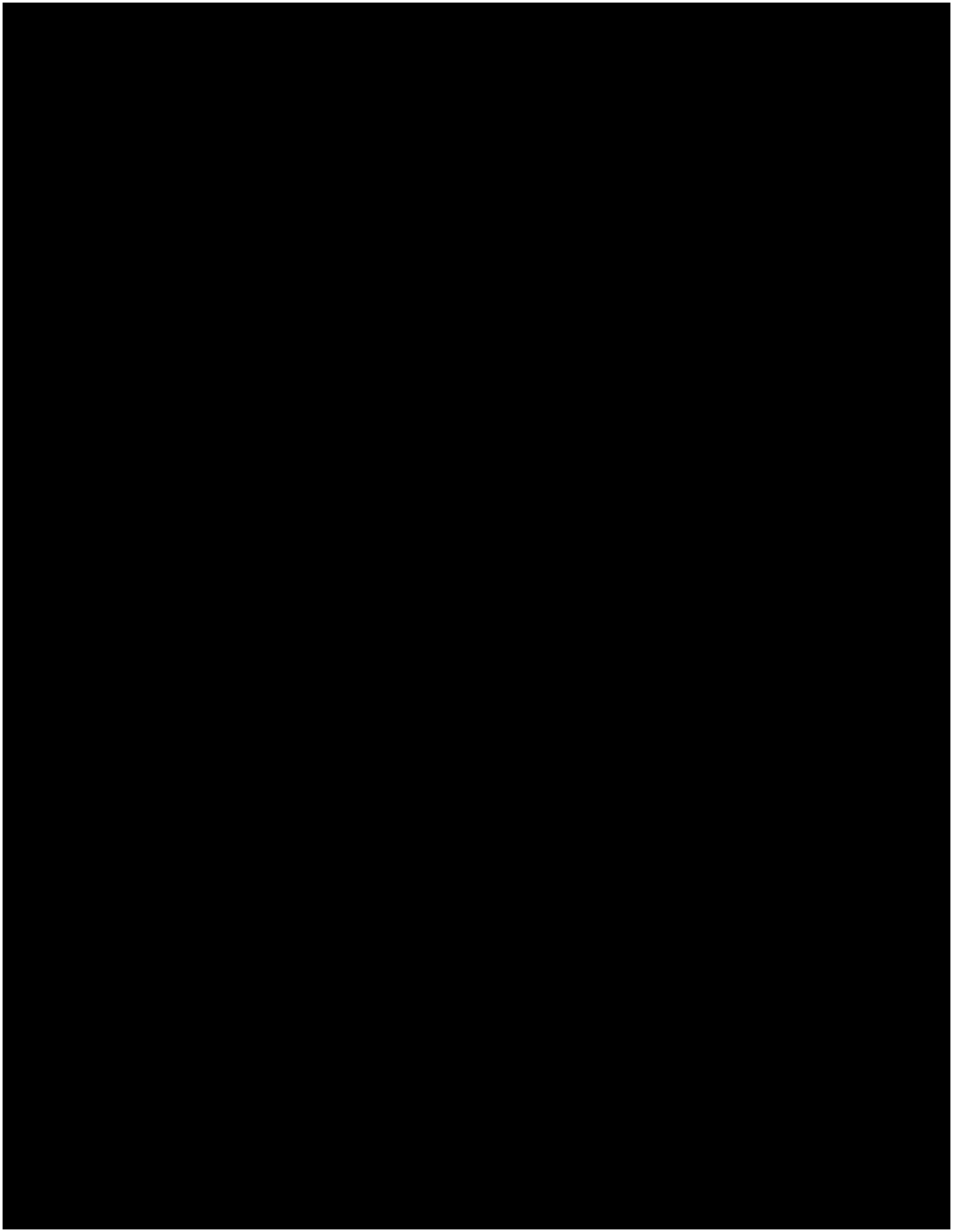


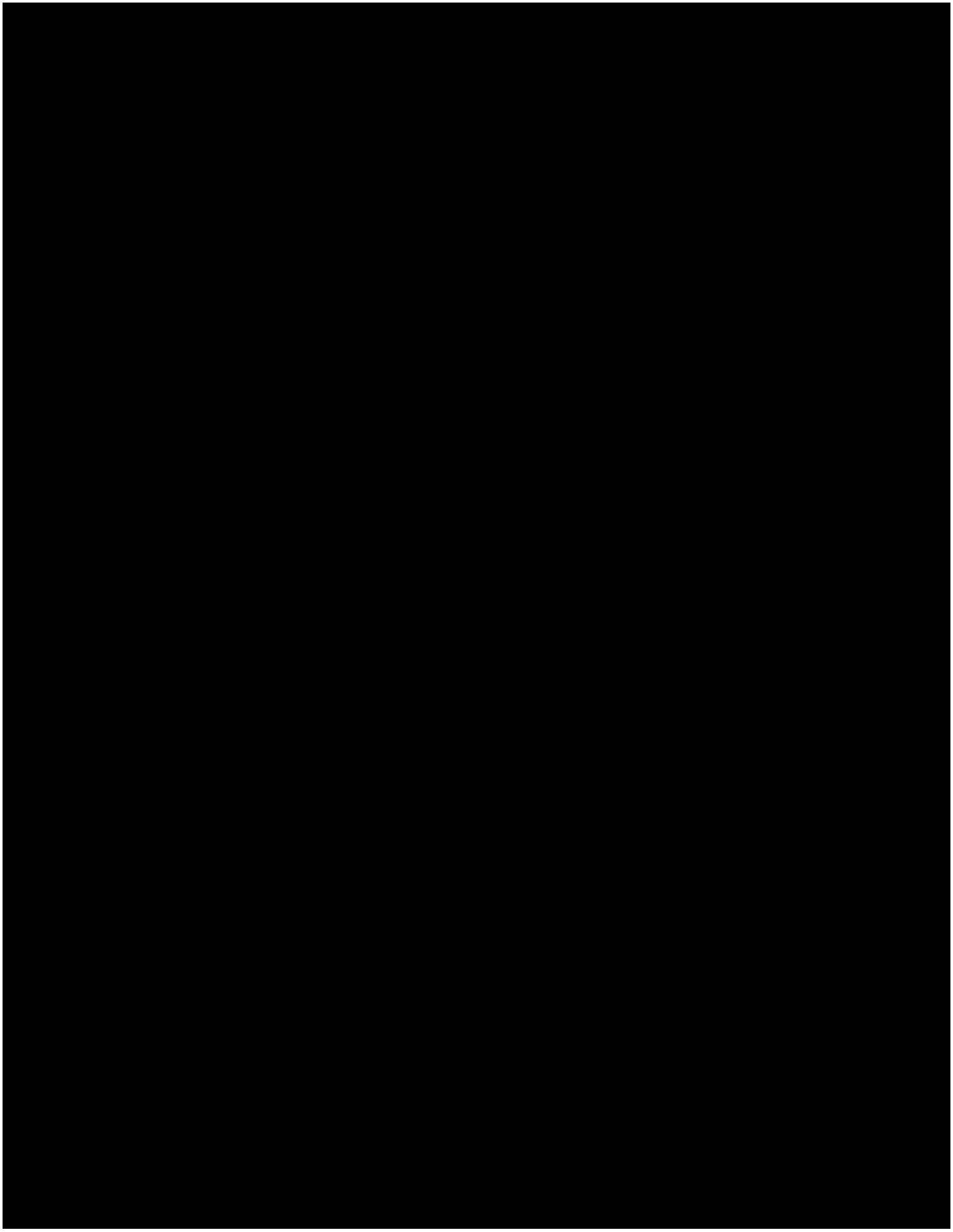


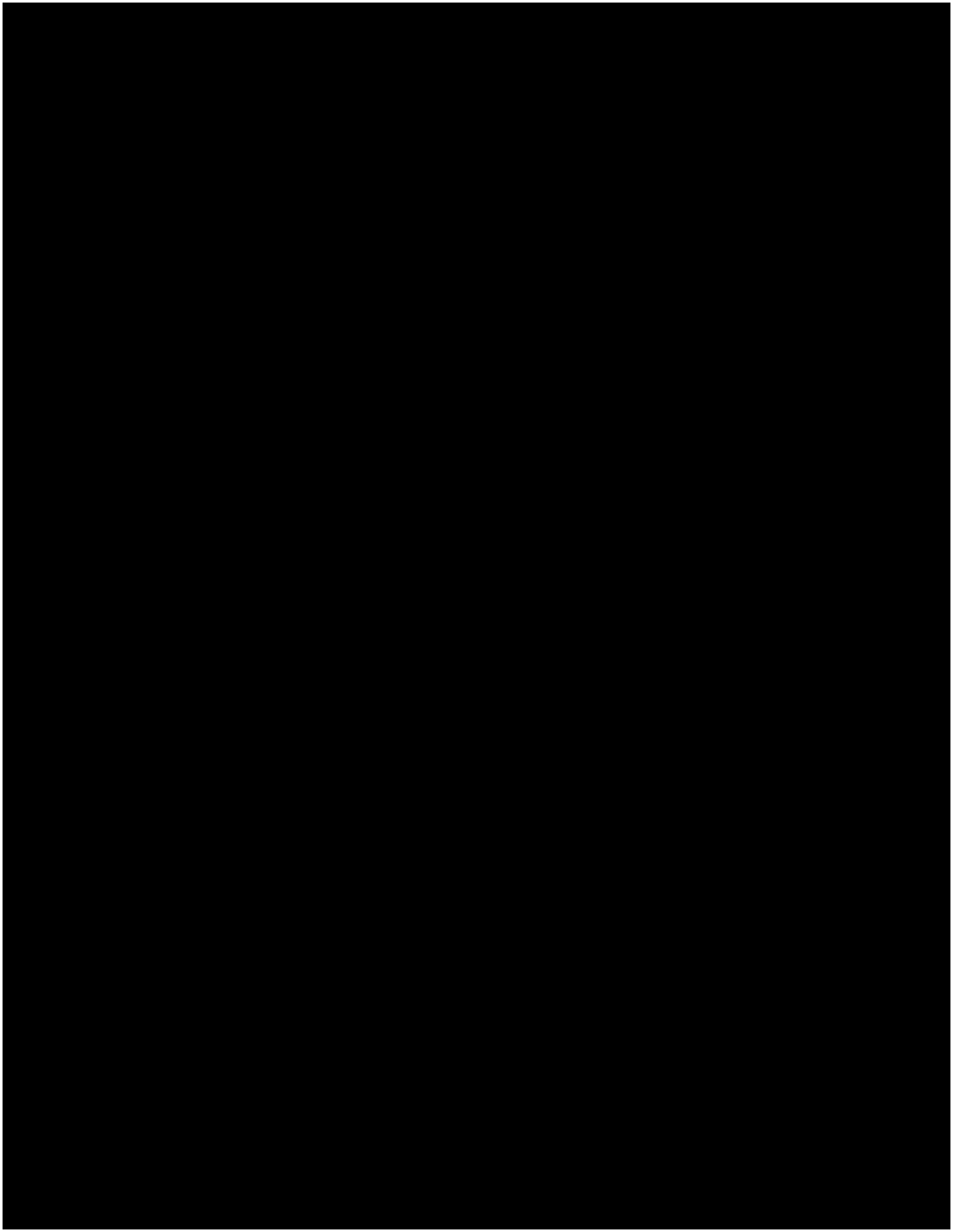


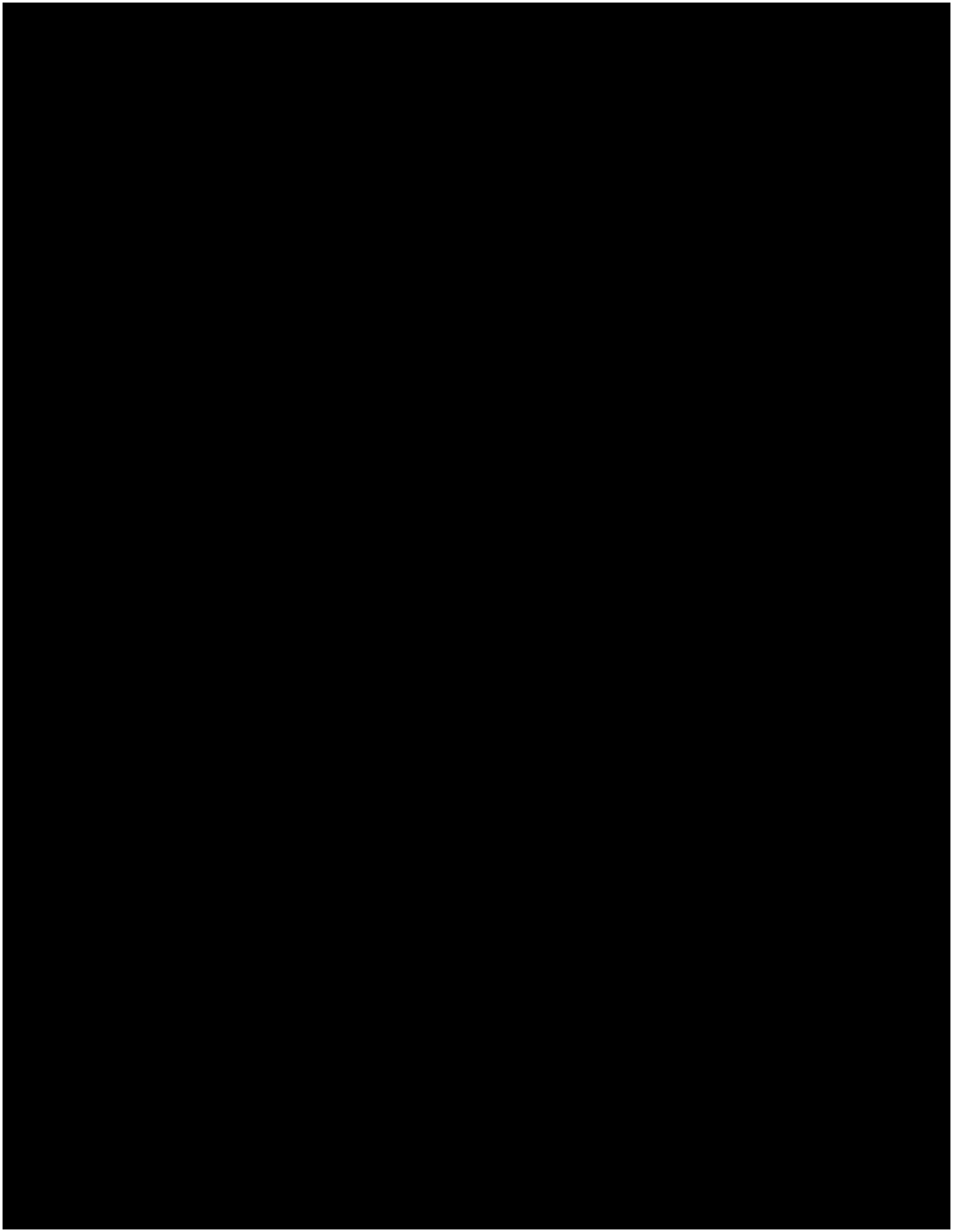


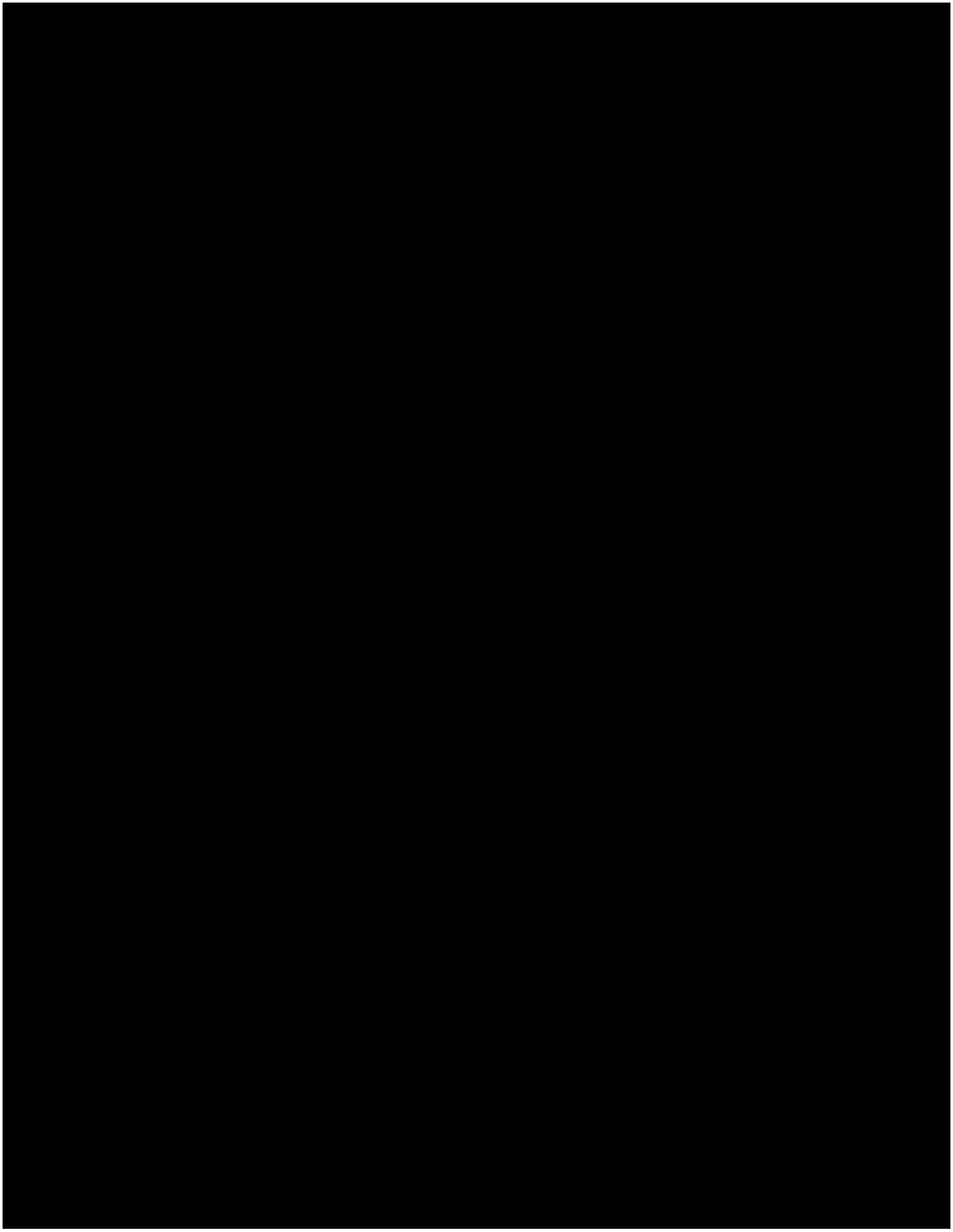


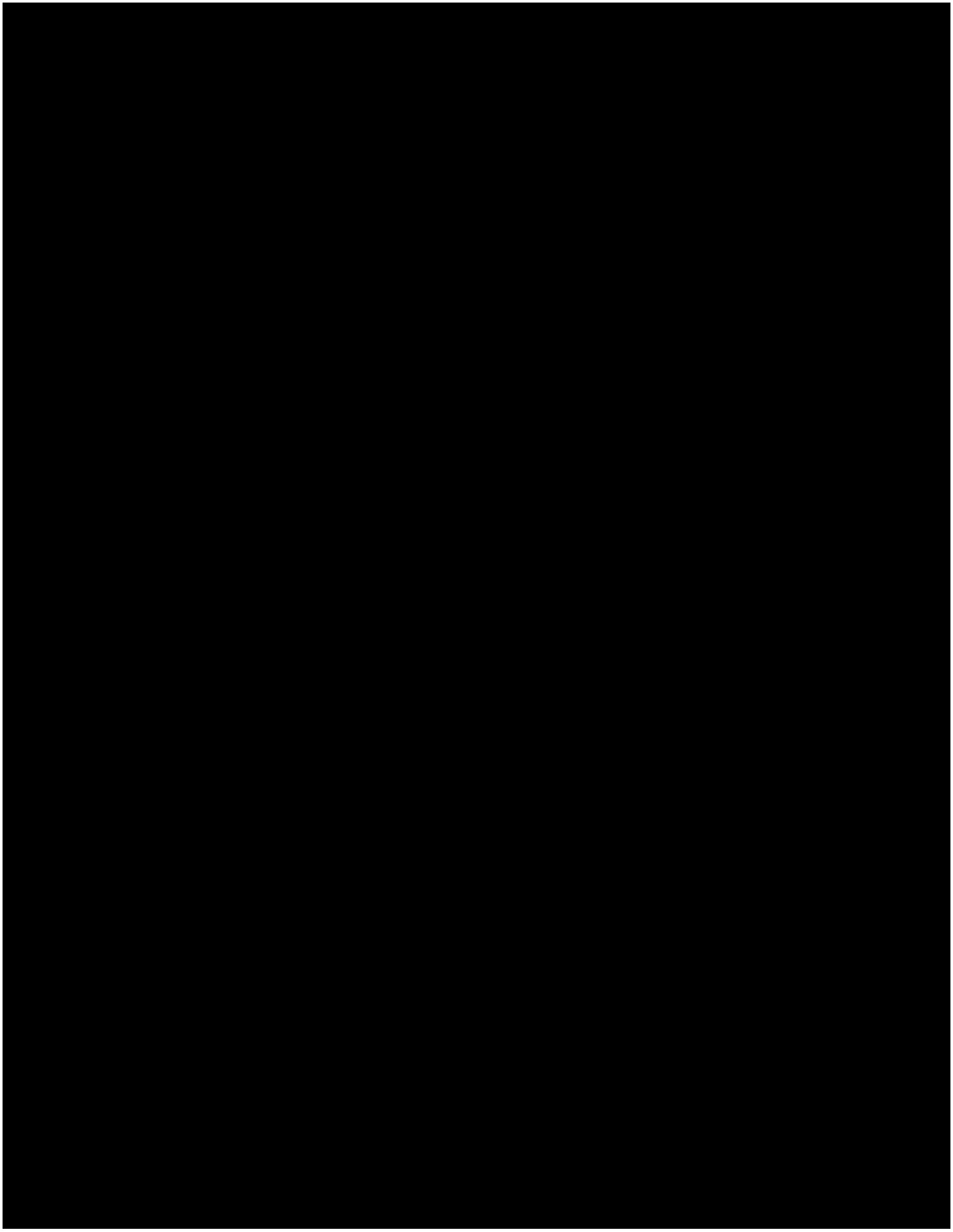


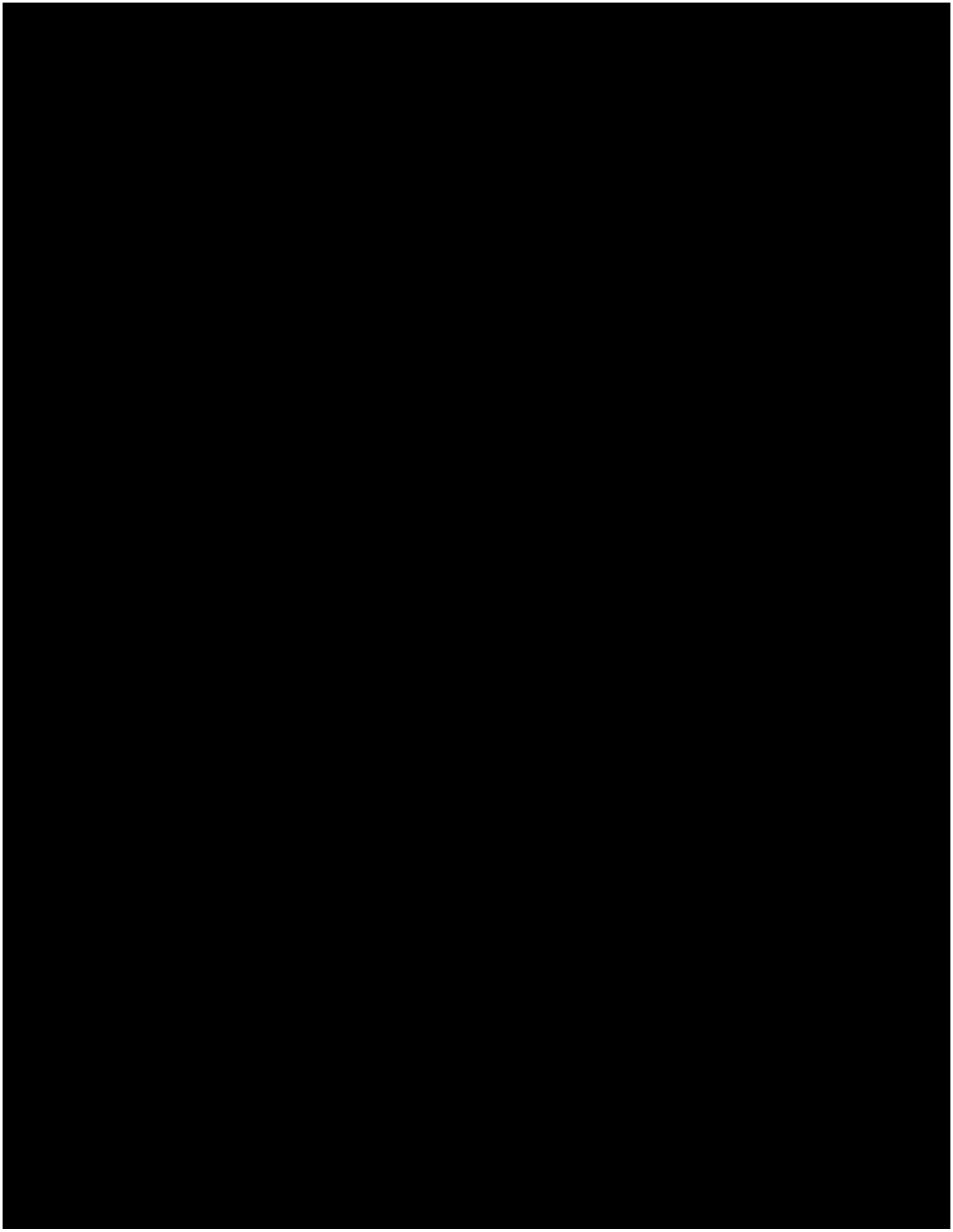


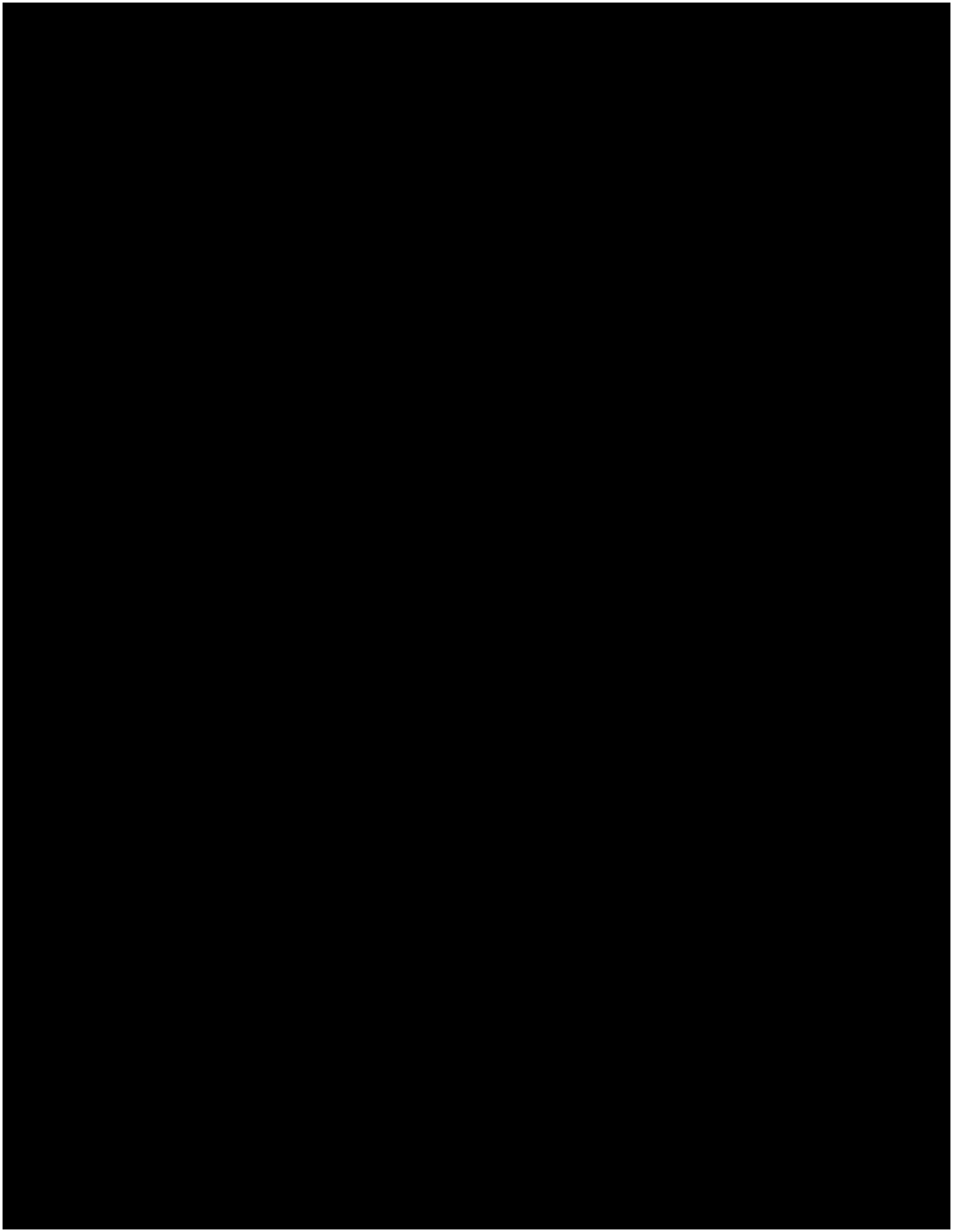


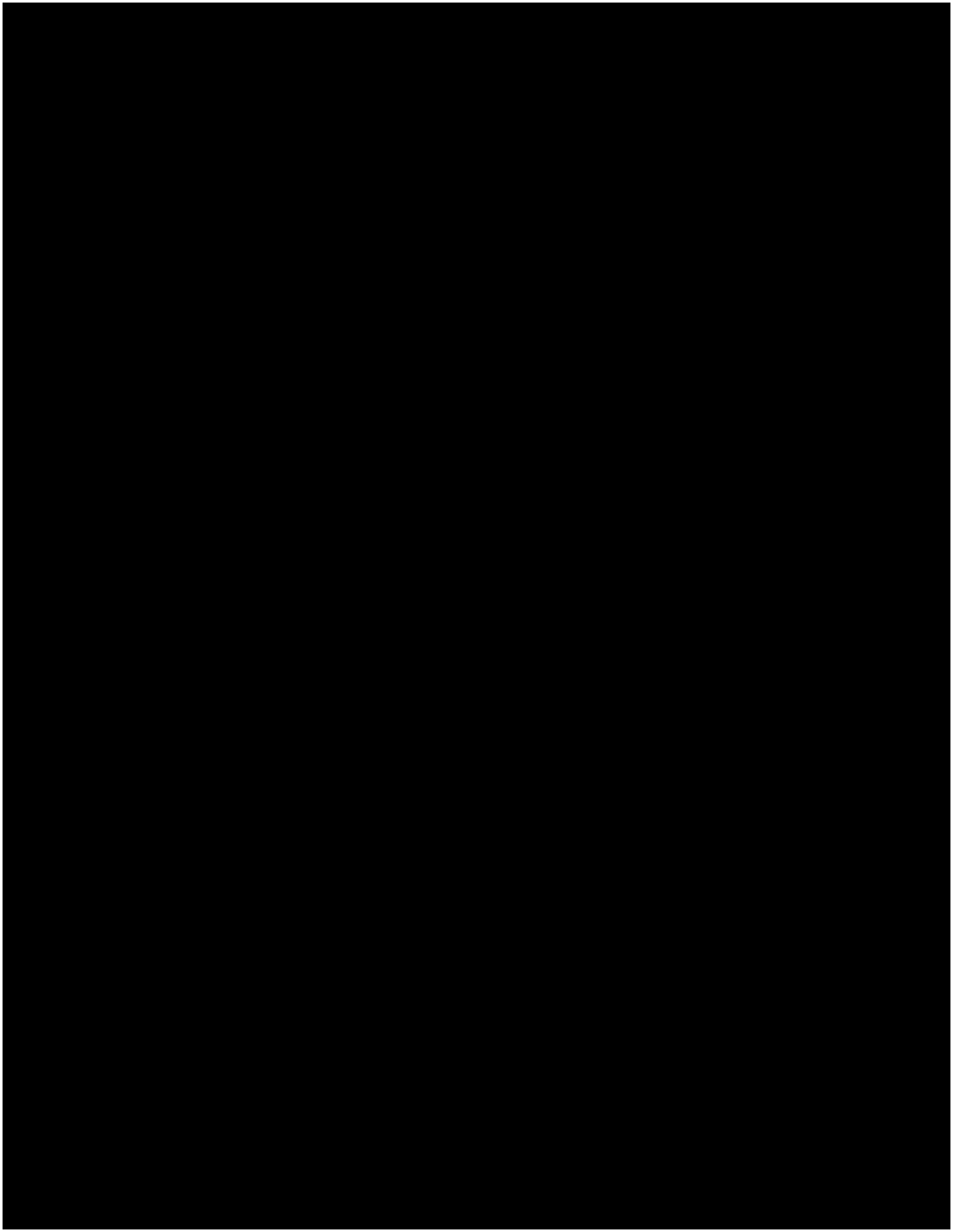


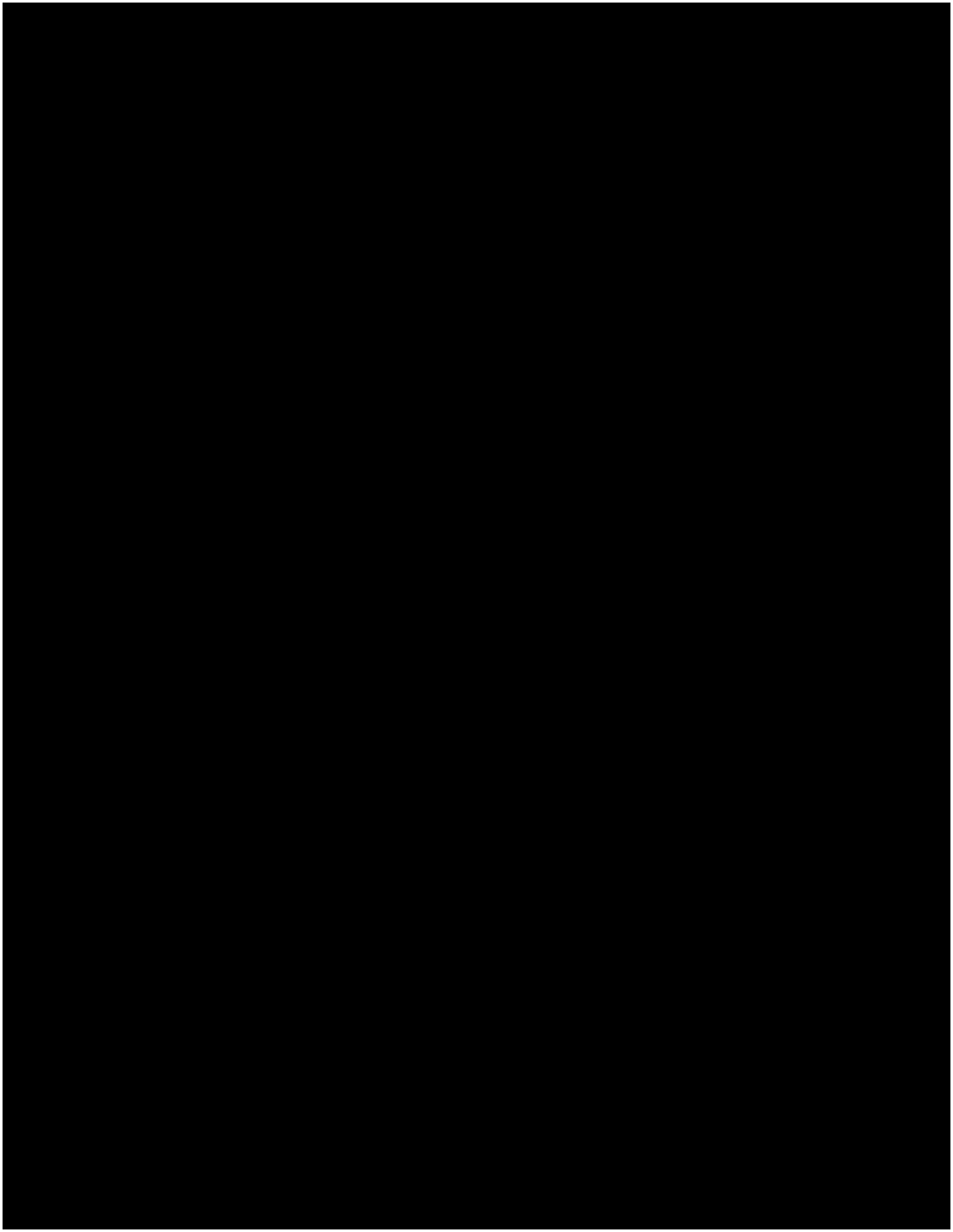


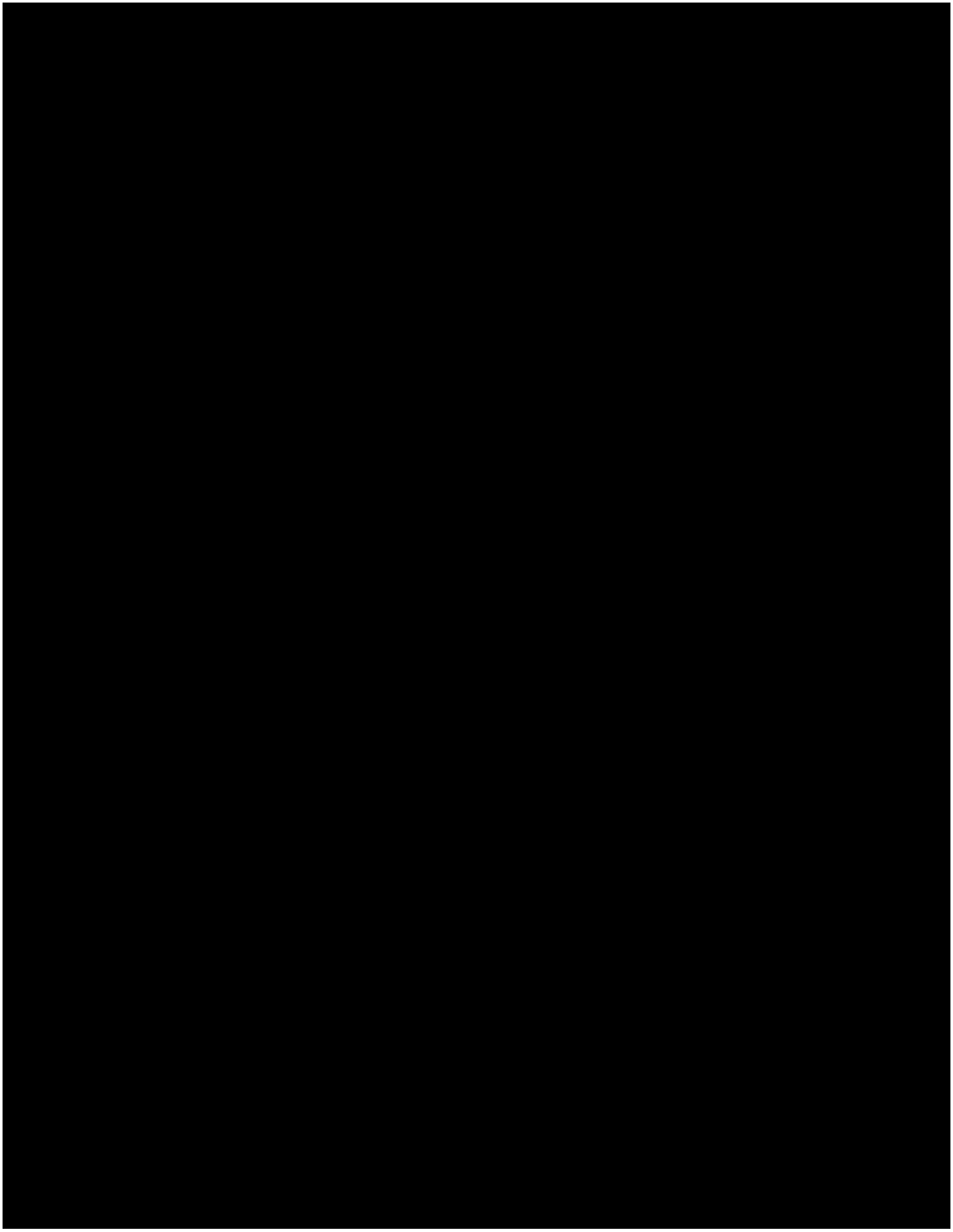


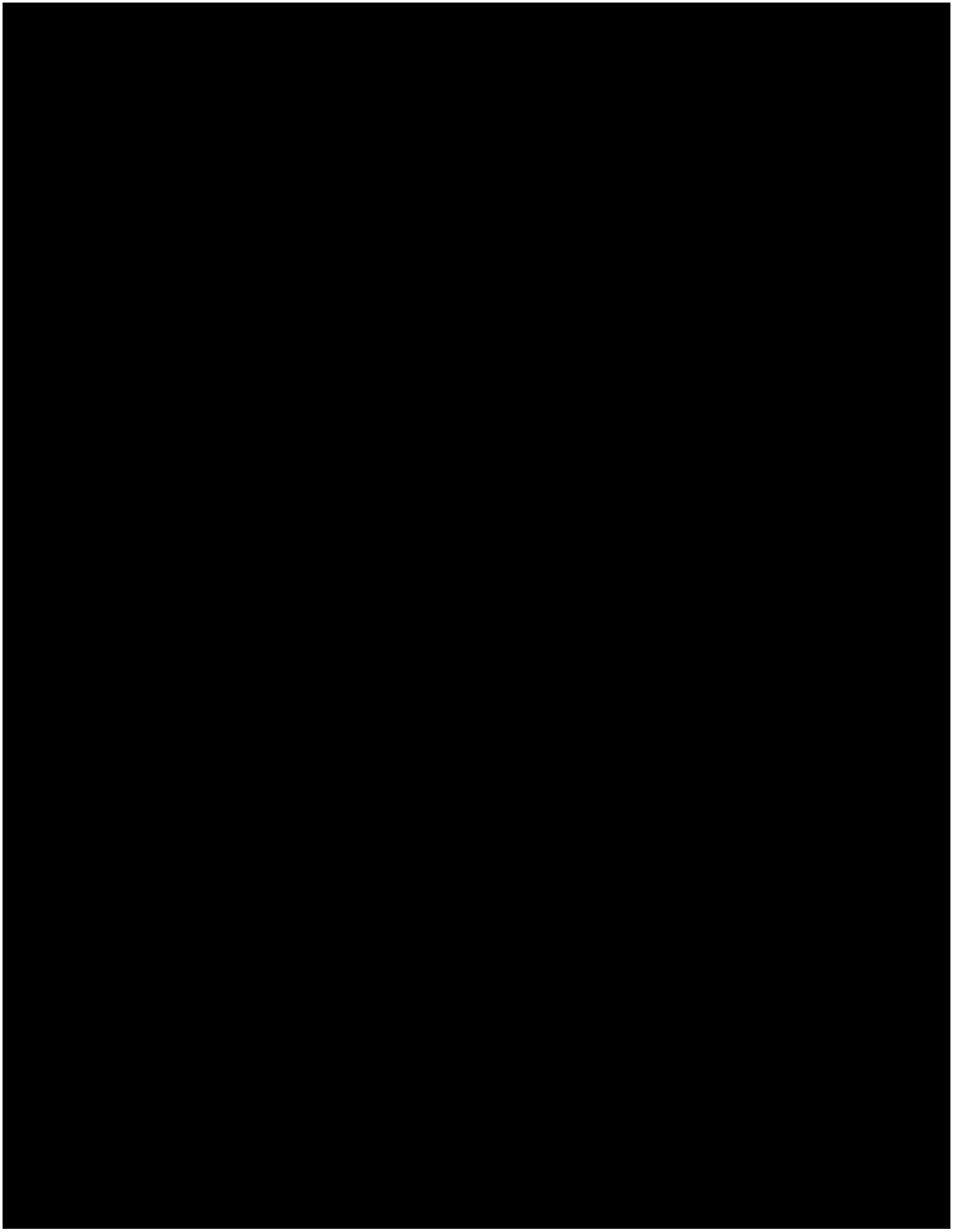


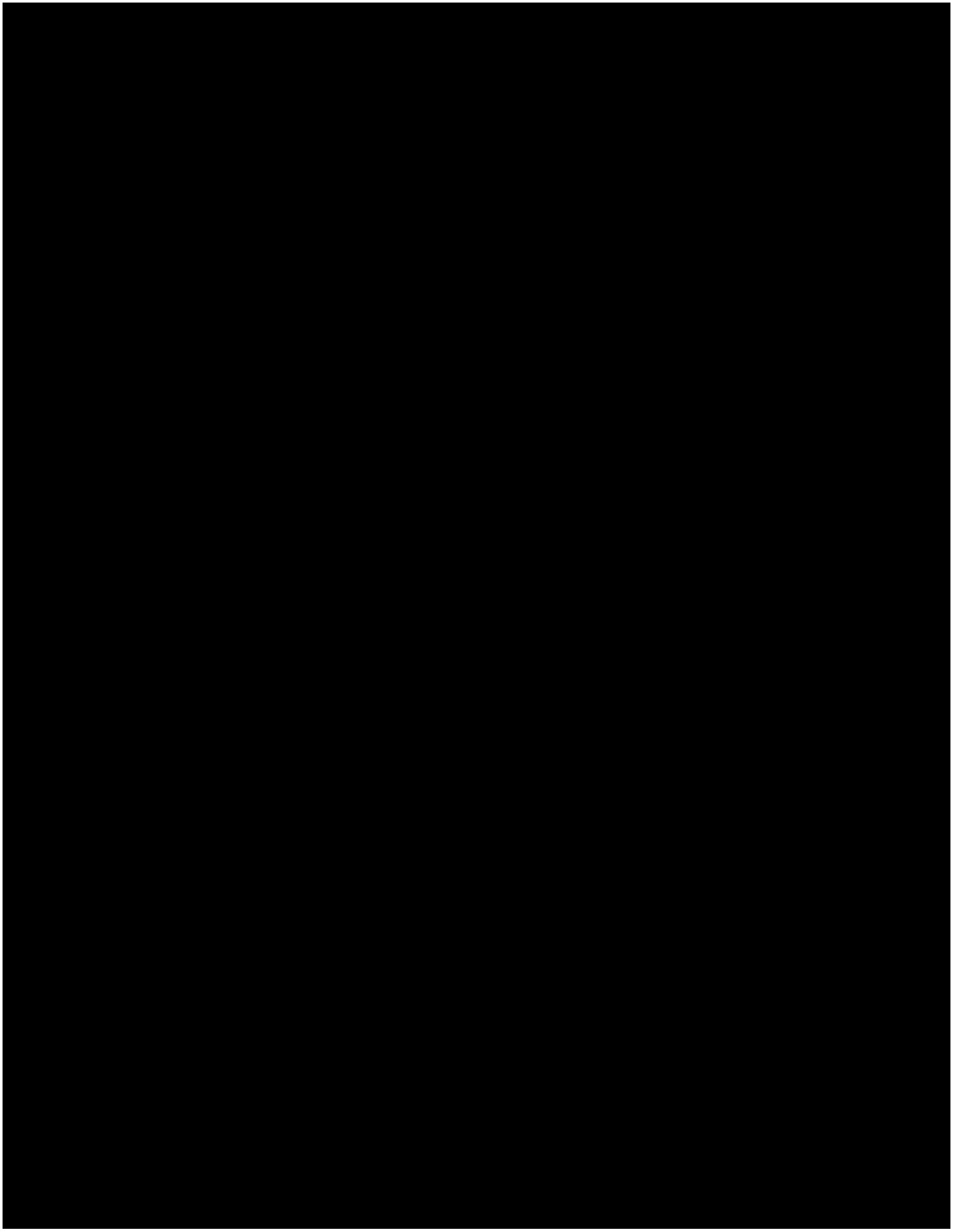












PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From:	Jim Jackson
To:	ASCC Pleadings
Cc:	Brent Gasper; Sarah Debusk; Martha Cox
Subject:	Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident
Date:	Thursday, January 19, 2023 9:14:29 AM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg Requests for Admissions.pdf

You don't often get email from jim@jimjacksonatty.com. Learn why this is important

Misty,

Please find attached a cover letter and Requests for Admissions from the Respondent to be filed in this matter.

Thank you,

Jim

Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway

North Little Rock, AR 72114

P (501) 823-3610

F (501) 823-3611

JACKSON
LAW FIRM

January 19, 2023

VIA EMAIL & US MAIL

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
Third Party Liability Unit
P.O. Box 1437
Little Rock, AR 72203-1437

Ms. Sarah DeBusk
General Counsel
Arkansas Department of Human Services
Third Party Liability Unit
P.O. Box 1437
Little Rock, AR 72203-1437

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased, and Permanent Guardian of* [redacted] *Minor Children v. The Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Brent & Sarah:

Please find enclosed the claimant's First Requests for Admissions propounded to the respondent, Arkansas Department of Health and Human Services, in the above-referenced claim.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonatty.com*.

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc:w/enclosure Ms. Kathryn Irby

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528 • 501.823.3610 • Fax: 501.823.3611 • Jim@JimJacksonAtty.com • www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES — RESPONDENT

PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS

Come now the Claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson as Permanent Legal Guardian of [redacted] by and through her attorney, Jim Jackson, and propounds the following Requests for Admissions to the respondent, pursuant to Rule 36 of the Arkansas Rules of Civil Procedure, to be answered in writing, under oath, within thirty (30) days from the receipt of this request, admit the truth of each of the following requests for purposes of this action only. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 1: Admit that Jennifer Wilkerson was employed by the Arkansas Department of Human Services on June 12, 2021.

REQUEST FOR ADMISSION NO. 2: Admit that you provided Jennifer Wilkerson with a 2009 Hyundai Elantra with [redacted] to drive as part of her job duties on July 12, 2021.

REQUEST FOR ADMISSION NO. 3: Admit that Jennifer Wilkerson was authorized by the Arkansas Department of Human Services to drive a 2009 Hyundai Elantra with [redacted]

[redacted] in the course and scope of her job duties with the Arkansas Department of Human Services.

REQUEST FOR ADMISSION NO. 4: Admit that on June 12, 2021, at the time the collision which is the subject of this claim, Jennifer Wilkerson was working within the course and scope of her employment with the Arkansas Department of Human Services.

Respectfully submitted,

JACKSON LAW FIRM
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611

By: Jim Jackson
Jim Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, do hereby certify that a true and correct copy of the above and foregoing has been served upon the following counsel of record by U.S. Mail on this, the 19th day of January, 2023.

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Ms. Sarah DeBusk
General Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Jim Jackson
Jim Jackson

Arkansas
State Claims Commission
JAN 19 2023
RECEIVED

JACKSON
LAW FIRM

January 14, 2023

COPY

VIA CERTIFIED MAIL,

Ms. Sandra Bargiel
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of* [redacted] *Minor Children v. The Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Ms. Bargiel:

I represent the Claimant in the above referenced matter pending before the Arkansas State Claims Commission. This is a wrongful death claim arising from a motor vehicle accident.

Please find enclosed a Toxicology Report Request Form for Jennifer Wilkerson and Jacqueline Ashcraft, deceased along with a Subpoena issued by the Arkansas State Claims Commission's Executive Director, Kathryn Irby, *Esq.* Also enclosed is a check from my law firm in the amount of $50.00 made payable to the Arkansas State Crime Laboratory.

Can you send a PDF of the toxicology results to my office at: *Jim@JimJacksonatty.com* or fax it to my attention at (501) 823-3611?

Please call me at (501) 823-3610 with any questions or suggestions. Enclosed is a copy of Trooper Ray's accident report which references the toxicology tests.

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc: Brent Gasper, *Esq.*
Kathryn Irby, *Esq.*

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528 • 501.823.3610 • Fax: 501.823.3611 • Jim@JimJacksonAtty.com • www.JimJacksonAtty.com

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
JAN 19 2023
RECEIVED

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

V.

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

SUBPOENA

CLAIM NO. 230641

TO: **Kermit B. Channell, II**
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

BAC test and drug test results from p. 2 of the attached accident report.

January 12, 2023
Date

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Arkansas State Crime Laboratory

Toxicology Report Request Form

A copy of the toxicology report can be requested by submitting the following required items:

1) Written authorization from one of the following:
   a) the prosecuting attorney of the county where the incident occurred, or
   b) a court of competent jurisdiction, and
2) A cashier's check or money order for $50, made payable to the Arkansas State Crime Laboratory.
   Please do not send cash.

Name of tested individual: Jennifer Leann Wilkerson

Date of incident: June 11, 2021

Requester Information

Requester's name: Jim Jackson

Relationship to tested individual: Attorney at Law - See Attached Subpoeana Duces Tecum

Street address: 700 W. Broadway Street, Suite 200

City, state, ZIP: North Little Rock, AR 72114

Email address: Jim@JimJacksonatty.com

Telephone number: 501-823-3610

Signature of requester: Jim Jackson

Please mail request to: Arkansas State Crime Laboratory
ATTN: Sandra Bargiel, (501) 683-6223
3 Natural Resources Drive
Little Rock AR 72205

Arkansas State Crime Laboratory

Toxicology Report Request Form

A copy of the toxicology report can be requested by submitting the following required items:

1) Written authorization from one of the following:
   a) the prosecuting attorney of the county where the incident occurred, or
   b) a court of competent jurisdiction, and
2) A cashier's check or money order for $50, made payable to the Arkansas State Crime Laboratory.
   Please do not send cash.

Name of tested individual: Jacqueline Lynn Ashcraft

Date of incident: June 11, 2021

Requester Information

Requester's name: Jim Jackson

Relationship to tested individual: Attorney at Law - See Attached Subpoeana Duces Tecum

Street address: 700 W. Broadway Street, Suite 200

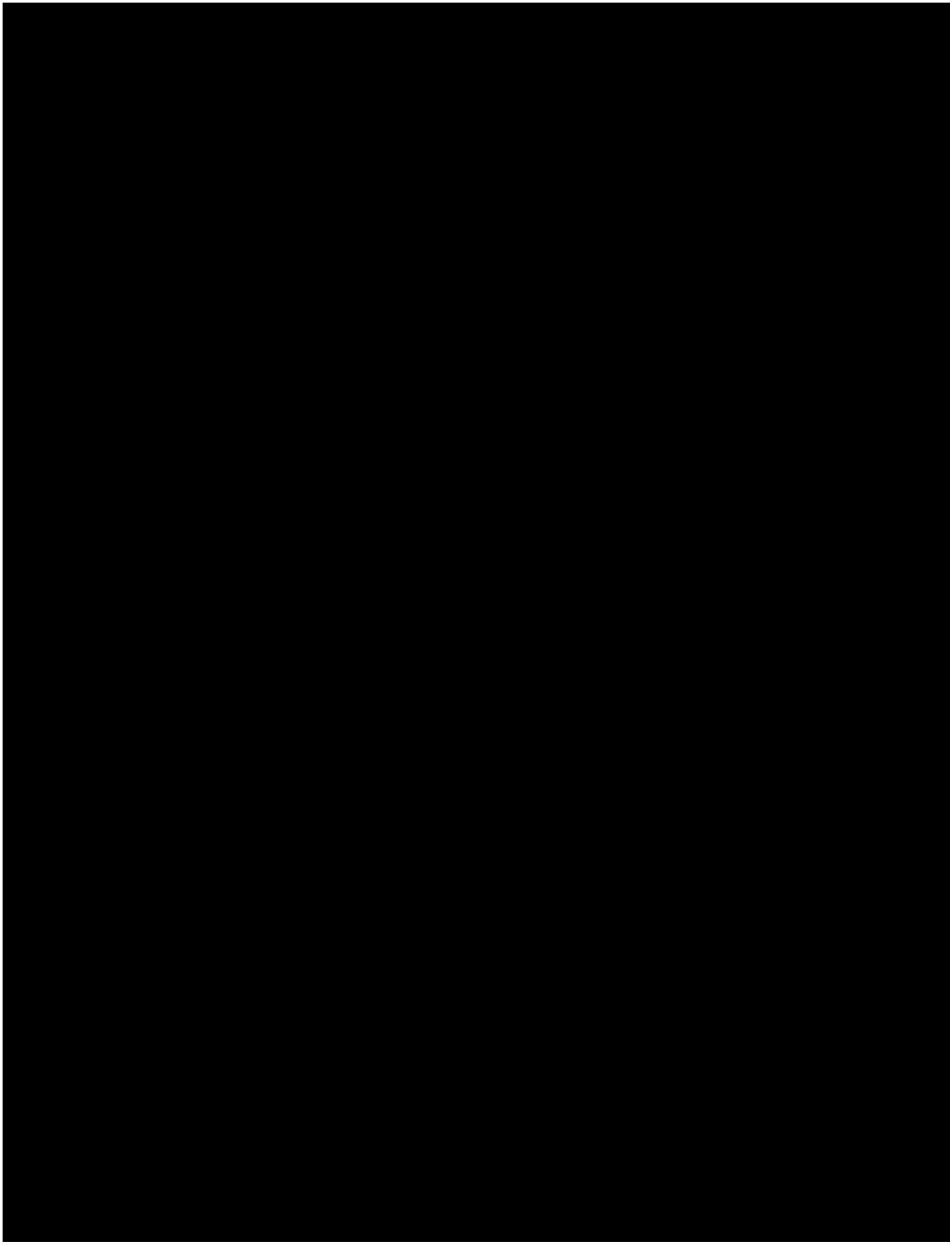
City, state, ZIP: North Little Rock, AR 72114

Email address: Jim@JimJacksonatty.com

Telephone number: 501-823-3610

Signature of requester: Jim Jackson

Please mail request to: Arkansas State Crime Laboratory
ATTN: Sandra Bargiel, (501) 683-6223
3 Natural Resources Drive
Little Rock AR 72205



From: Jim Jackson
To: ASCC Pleadings
Cc: Brent Gasper; Sarah Debusk; Martha Cox; Marks, John; Joan Shipley; TiffanyMathenyCCR@Gmail.com
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid
Date: Friday, January 27, 2023 9:55:47 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg
Notice of Deposition for Trooper James Ray for 2-15-2023.pdf

You don't often get email from jim@jimjacksonatty.com. Learn why this is important

All,
Please find attached the Notice of Deposition for Trooper/Warden James Ray for Wednesday February 15 at 9:00 a.m. in Fort Smith.
I will confirm the exact location as we approach the date.
The best option may be at the Arkansas Game & Fish Conference room but I need to visit with John Marks further about that.
Also, my office needs to know the process for the witness fee check for Trooper Ray.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Thursday, January 19, 2023 9:31 AM
To: Jim Jackson <jim@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and

Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid

Received on 1-19-23.

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, January 19, 2023 9:14 AM
To: ASCC Pleadings <asccpleadings@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident

> You don't often get email from jim@jimjacksonatty.com. Learn why this is important

Misty,
Please find attached a cover letter and Requests for Admissions from the Respondent to be filed in this matter.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Jim Jackson
To: ASCC Pleadings
Cc: Brent Gasper; Sarah Debusk; Martha Cox; Marks, John; Joan Shipley; TiffanyMathenyCCR@Gmail.com
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid
Date: Friday, January 27, 2023 2:21:58 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg
Amended Notice of Deposition for Trooper Ray on Tuesday, Feb 21, 2023.pdf

You don't often get email from jim@jimjacksonatty.com. Learn why this is important

All,
I understand that Mr. Ray is not available on February 15.
He is available on Tuesday, February 21 at 1:00 p.m.
He does have the photographs referenced in the accident report.
Please see the attached Amended Notice.
Please let me know if you have any conflicts with this date and time.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Jim Jackson
Sent: Friday, January 27, 2023 9:56 AM
To: 'ASCC Pleadings' <ASCCPleadings@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Marks, John <john.marks@agfc.ar.gov>; joan.shipley@asp.arkansas.gov; 'TiffanyMathenyCCR@Gmail.com' <TiffanyMathenyCCR@Gmail.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid

All,
Please find attached the Notice of Deposition for Trooper/Warden James Ray for Wednesday February 15 at 9:00 a.m. in Fort Smith.
I will confirm the exact location as we approach the date.
The best option may be at the Arkansas Game & Fish Conference room but I need to visit with John Marks further about that.
Also, my office needs to know the process for the witness fee check for Trooper Ray.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Thursday, January 19, 2023 9:31 AM
To: Jim Jackson <jim@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid

Received on 1-19-23.

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, January 19, 2023 9:14 AM
To: ASCC Pleadings <asccpleadings@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>

Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident

> You don't often get email from jim@jimjacksonatty.com. Learn why this is important

Misty,
Please find attached a cover letter and Requests for Admissions from the Respondent to be filed in this matter.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

NOTICE OF DEPOSITION

TO: Arkansas Department of Health and Human Services
c/o Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

NOTICE is hereby given that the plaintiff will take the deposition of Trooper James Ray on Tuesday February 21, 2023, beginning at 1:00 p.m. at the Arkansas Game & Fish Commission's Regional Office, 8401 Massard Road, Fort Smith, Arkansas 72916, for all purposes, upon oral examination, before a Certified Court Reporter, duly authorized to administer oath, and recorded by stenographic means. The deposition will continue until completed.

Respectfully submitted,

BY: /s/ Jim R. Jackson

Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice of Deposition was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Ms. Sarah DeBusk
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson .
Jim R. Jackson

From: Kathryn Irby
To: Jim Jackson; Brent Gasper
Cc: Sarah Debusk; Daiquiri Carter; Martha Cox
Subject: HEARING DATE CHANGE: Hudson v. DHS, Claim No. 230641
Date: Tuesday, January 31, 2023 1:09:00 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Jim and Brent, due to a scheduling issue, this hearing has been moved from February 10 to February 9. Still at 9 a.m. There are a number of motions scheduled in various claims for February 9. The new Zoom invitation is below.

If the February 9 date is unworkable for any party, please let me know, and I'll move this hearing to the next available docket slot.

Thanks,
Kathryn

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings
Time: Feb 9, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting
https://us06web.zoom.us/j/83991263511?pwd=RVpRbjRwWHI3UnRUZXJTbk9vZUtNUT09

Meeting ID: 839 9126 3511
Passcode: x9RGig
One tap mobile
+13126266799,,83991263511#,,,,*974920# US (Chicago)
+16469313860,,83991263511#,,,,*974920# US

Dial by your location
+1 312 626 6799 US (Chicago)
+1 646 931 3860 US
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US

+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
Meeting ID: 839 9126 3511
Passcode: 974920
Find your local number: https://us06web.zoom.us/u/kbKzYxItX7

From: Kathryn Irby
Sent: Tuesday, January 3, 2023 4:17 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, attached is a hearing letter for all pending motions. If the parties are unable to agree on what to do with discovery, a motion can be filed, which can be considered by the Commission at the February 10 hearing, as well.

Let me know if there are still any unanswered questions.

Thanks,
Kathryn

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

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Tuesday, January 3, 2023 7:29 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Ashley Hudson v. DHS

I am in agreement with the need for a call.
I am attending a funeral for my former paralegal on Wednesday at 2:00 p.m. in Alexander.
I am available Wednesday morning, Thursday & Friday.

I do not see any legal reason that the time to respond to Interrogatories should be held in abeyance. They are routine discovery that was properly served on the respondent and will have to be answered.
The claimant has filed both an initial claim and a more formal claim which clearly states the allegation of liability of DHS and has submitted a copy of the accident report prepared by the Arkansas State Police.
I am not aware of any legal reason why the respondent's request to respond to written discovery should be held in abeyance.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, December 29, 2022 1:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Hudson v. DHS

Thank for sending those pleadings, Jim.

Kathryn, I'm with Jim that it would be great to set up a short call next week (I'm off work tomorrow) sometime concerning how the commission wishes us to proceed at this point. We are not intending to withdraw our motion and would like to have a ruling on it before being ordered to answer the complaint and amended complaint. Further, I'm going to ask/move to hold the interrogatories (or, specifically, the requirement to answer them within a certain time period) in abeyance until the commission decides on the motion. Please let me know if I need to file a pleading to memorialize that or whether the commission will simply consider it when ruling on the existing outstanding motion.

I'm pretty flexible next week so just let me know when you find an agreeable time.

Thanks!

Brent

Cc: Sarah DeBusk

>>

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From: Jim Jackson
To: Kathryn Irby
Cc: Brent Gasper; Sarah Debusk; Daiquiri Carter; Martha Cox
Subject: Re: HEARING DATE CHANGE: Hudson v. DHS, Claim No. 230641
Date: Tuesday, January 31, 2023 1:30:14 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

I've added it to my calendar.
Thank you
Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

On Jan 31, 2023, at 1:10 PM, Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

Jim and Brent, due to a scheduling issue, this hearing has been moved from February 10 to February 9. Still at 9 a.m. There are a number of motions scheduled in various claims for February 9. The new Zoom invitation is below.

If the February 9 date is unworkable for any party, please let me know, and I'll move this hearing to the next available docket slot.

Thanks,
Kathryn

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings
Time: Feb 9, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting
https://us06web.zoom.us/j/83991263511?pwd=RVpRbjRwWHI3UnRUZXJTbk9vZUtNUT09

Meeting ID: 839 9126 3511
Passcode: x9RGig
One tap mobile
+13126266799,,83991263511#,,,,*974920# US (Chicago)

+16469313860,,83991263511#,,,,*974920# US

Dial by your location
+1 312 626 6799 US (Chicago)
+1 646 931 3860 US
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
Meeting ID: 839 9126 3511
Passcode: 974920
Find your local number: https://us06web.zoom.us/u/kbKzYxItX7

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Sent: Tuesday, January 3, 2023 4:17 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
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Subject: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

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Let me know if there are still any unanswered questions.

Thanks,
Kathryn

Kathryn Irby
Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Tuesday, January 3, 2023 7:29 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Ashley Hudson v. DHS

I am in agreement with the need for a call.
I am attending a funeral for my former paralegal on Wednesday at 2:00 p.m. in Alexander.
I am available Wednesday morning, Thursday & Friday.
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They are routine discovery that was properly served on the respondent and will have to be answered.
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I am not aware of any legal reason why the respondent's request to respond to written discovery should be held in abeyance.
Thank you,
Jim

<image001.jpg>

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611
<image002.jpg>
<image003.jpg>

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, December 29, 2022 1:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Hudson v. DHS

Thank for sending those pleadings, Jim.

Kathryn, I'm with Jim that it would be great to set up a short call next week (I'm off work tomorrow) sometime concerning how the commission wishes us to proceed at this point. We are not intending to withdraw our motion and would like to have a ruling on it before being ordered to answer the complaint and amended complaint. Further, I'm going to ask/move to hold the interrogatories (or, specifically, the requirement to answer them within a certain time period) in abeyance until the commission decides on the motion. Please let me know if I need to file a pleading to memorialize that or whether the commission will simply consider it when ruling on the existing outstanding motion.

I'm pretty flexible next week so just let me know when you find an agreeable time.

Thanks!

Brent

Cc: Sarah DeBusk

>>

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Kathryn Irby
To: Jim Jackson; Brent Gasper; Sarah Debusk
Cc: Martha Cox
Subject: RE: Hudson v. DHS hearing, Feb. 9 @ 9:00
Date: Wednesday, February 8, 2023 12:16:00 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Jim and Brent, I have transmitted these emails to the commissioners, and they will be able to address the questions/requests tomorrow. However, I am keeping the hearing on the docket, and both parties should plan to attend. I expect it to be fairly brief, although I do not know which order the Commission will take up the matters on the docket.

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, February 8, 2023 11:55 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Hudson v. DHS hearing, Feb. 9 @ 9:00

Director Irby,
I am in total agreement with Brent's analysis.
I do not want or need an Answer to the original complaint that I filed via the online portal by filling in the blanks as best as I could.
I would think that the Claimant's filing of the Amended Complaint on December 28 supersedes the online filing and cured the defects in the original Complaint.
Since it seems that we are in agreement, I would like to join Brent in requesting a scheduling order for the Respondent to file an Answer to the Amended Complaint.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114

P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, February 8, 2023 11:28 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Subject: Hudson v. DHS hearing, Feb. 9 @ 9:00

Kathryn:

Currently we have a hearing scheduled for tomorrow, February 9, on my motion to cure. While the docket mentions "motions" plural, I was not aware of another actual motion to be heard. I understand that Jim has filed a response attaching an amended complaint as well as an amended complaint in response to my motion to cure and perhaps that is the other matter to be considered. In any event, I believe we can probably expedite matters without the necessity of a hearing in that the purpose of my motion was to compel a more complete complaint than the one Jim originally filed. Because Jim filed an amended complaint while the 12(e) motion is still pending, I believe what that leaves us with are the following matters to settle:

First, a ruling from the Commission on my 12(e) motion. As per the motion, I asked on for the Commission to compel the Claimant to file a satisfactory complaint. Notably, I did *not* ask for a dismissal. Because I have made the motion to the Commission, I simply need a ruling as to whether that has been subsequently accomplished. I do not intend to make an argument that the amended complaint is *not* satisfactory, but I cannot unilaterally concede the point that it was not at the time it was filed. So, basically, if the Commission believes the Amended Complaint is satisfactory, it will get no argument from me to the contrary in that regard.

Second, assuming the Commission rules that the Amended Complaint is satisfactory, I would only then ask for a revised scheduling order as to when an answer to the Complaint and/or Amended Complaint is due. I believe it would be much cleaner so-to-speak if the Commission ordered us only to respond to the Amended Complaint as it is far more comprehensive than the original complaint filed. If Jim would agree to waive any formal Answer to the original Complaint and instead accept an Answer to only the Amended Complaint that may be a much easier way forward for simplicity of the pleadings.

To that end, if the Commission were to GRANT my 12(e) motion and then ACCEPT the Claimant's Amended Complaint as satisfactory and then ORDER an Answer to the Amended Complaint only, with the Answer being due thirty (30) days from the date of the order, I believe we could dispense with an actual hearing and go ahead and move forward. Indeed, we are already in the beginning stages of discovery so dispensing this matter without the necessity of hearing would certainly be much more efficient.

I would note that I have not discussed this matter with Jim, so he may have an objection to this

proposal. If so, we can certainly go forward with the hearing. If not, though, I'm happy to submit a proposed order in collaboration with Jim to memorialize my proposed ruling. I also would not object to any continuance of the hearing if the continuance is to have more time to consider my proposed way forward.

Please let me know what you think,

Thanks!

Brent

Cc: Jim Jackson, Sarah DeBusk

>>>>

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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From:	Daiquiri Carter
To:	ASCC Pleadings; Brent Gasper; Sarah Debusk; jim@jimjacksonatty.com
Cc:	Daiquiri Carter
Subject:	CC #230641
Date:	Thursday, February 9, 2023 10:05:09 AM
Attachments:	Haley Hudson Respondent"s Responses to First Set of Admissions_001.pdf image001.png image002.png

Please find attached Respondent's Responses to Claimant's First Set of Requests for Admissions. I have copied Claimant's attorney on this email

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

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IN THE ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINELYNN ASHCRAFT, deceased, and HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted], MINOR CHILDREN **CLAIMANT**

V. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES **RESPONDENT**

RESPONDENT'S RESPONSES TO CLAIMANT'S FIRST SET OF REQUESTS FOR ADMISSIONS

Comes now, the Respondent, The State of Arkansas, Department of Human Services ("DHS"), Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Responses to Claimant's First Set of Requests for Admissions, states:

REQUEST FOR ADMISSION NO. 1: Admit that Jennifer Wilkerson was employed by the Arkansas Department of Human Services on June 12, 2021.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 2: Admit that you provided Jennifer Wilkerson with a 2009 Hyundai Elantra with [redacted] to drive as part of her job duties on July 12, 2021.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 3: Admit that Jennifer Wilkerson was authorized by the Arkansas Department of Human Services to drive a 2009 Hyundai Elantra with [redacted] in the course and scope of her job duties with the Arkansas Department of Human Services.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 4: Admit that on June 12, 2021, at the time of the collision, which is the subject of this claim, Jennifer Wilkerson was working within the course and scope of her employment with the Arkansas Department of Human Services.

RESPONSE: Denied.

Respectfully Submitted,

By: _____

Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

Sarah DeBusk
General Counsel
AR Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.gasper@dhs.arkansas.gov
Sarah.debusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on February 9, 2023, I electronically file the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.

_____
Brent P. Gasper

From: Martha Cox
To: ASCC Pleadings
Cc: Brent Gasper; Sarah Debusk; Kathryn Irby; Jim Jackson
Subject: CC#230641; Claimant: Haley Hudson; Respondent: Arkansas Department of Human Services
Date: Friday, February 10, 2023 12:36:50 PM
Attachments: Requests for Admissions to ADHS, Second Set to clarify Date.pdf

Please find enclosed the claimant's Amended Second Set of Requests for Admissions for filing in the above-referenced matter.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

PLAINTIFF'S AMENDED SECOND SET OF REQUESTS FOR ADMISSIONS

Come now the Claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Legal Guardian of [redacted], by and through her attorney, Jim Jackson, and propounds the following Amended Second Set of Requests for Admissions to the respondent, pursuant to Rule 36 of the Arkansas Rules of Civil Procedure, to be answered in writing, under oath, within thirty (30) days from the receipt of this request, admit the truth of each of the following requests for purposes of this action only. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 1: Admit that Jennifer Wilkerson was employed by the Arkansas Department of Human Services on Friday, June 11, 2021.

REQUEST FOR ADMISSION NO. 2: Admit that the respondent provided Jennifer Wilkerson with a Hyundai Elantra to drive as part of her job duties on Friday, June 11, 2021.

REQUEST FOR ADMISSION NO. 3: Admit that Jennifer Wilkerson was authorized by the Arkansas Department of Human Services to drive a 2009 Hyundai Elantra in the course and scope of her job duties with the Arkansas Department of Human Services on Friday, June 11, 2021.

REQUEST FOR ADMISSION NO. 4: Admit that on Friday, June 11, 2021, at the time of the collision which is the subject of this claim, Jennifer Wilkerson was working within the course and scope of her employment with the Arkansas Department of Human Services.

Respectfully submitted,

JACKSON LAW FIRM
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
Email: *Jim@JimJacksonAtty.com*

By: /s/ Jim Jackson
Jim Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, do hereby certify that a true and correct copy of the above and foregoing has been served upon the following counsel of record on the 10th day of February, 2023.

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Ms. Sarah DeBusk
General Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Jim Jackson

Jim Jackson

From:	Daiquiri Carter
To:	ASCC Pleadings; Brent Gasper; jim@jimjacksonatty.com
Cc:	Sarah Debusk; Daiquiri Carter
Subject:	CC 230641
Date:	Friday, February 10, 2023 12:17:47 PM
Attachments:	Hudson Answers to Interrogatories_001.pdf image001.png image002.png

Please find attached Respondent's Answer to Claimant's First set of Interrogatories and Requests for Production. I have copied Claimant's attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

NOTE - This email may contain sensitive or confidential information.

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted], MINOR CHILDREN — **CLAIMANT**

v. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

RESPONDENT'S RESPONSE TO CLAIMANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services ("DHS"), Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Responses to Claimant's First Set of Interrogatories and for Production of Documents, states:

INTERROGATORY NO. 1: Please state the names and complete present or last known addresses and telephone numbers of all persons known to you, your attorneys, or other representatives who have knowledge of the facts relating to the accident as alleged or described in the Complaint (the "accident").

ANSWER: This claim is still being investigated and persons with knowledge are still being ascertained. Respondent will update and supplement this response when this information becomes available. At this point, Respondent can state that the following persons have information regarding the accident:

1. Jennifer Wilkerson, [redacted]
2. Kristen Shelton, Office phone 479 647-7171, Office address is 900 Rogers Ave., Clarksville, AR 72830.
3. Brandy Ezell, Office phone 479 963-2783, Office address, #17 W. McKeen St., Paris, AR 72855
4. Pam Feemster, Office phone 479 963-2783, Office address, #17 W. McKeen St., Paris, AR 72855
5. James Ray, Game and Fish Commission, james.ray@agfc.ar.gov
6. Bobby Dale Wilson, GKD Management, [redacted]

INTERROGATORY NO. 2: Please state the names and complete present or last known addresses and telephone numbers of all persons who will or may be called as witnesses on your behalf at the trial of this lawsuit.

ANSWER: This claim is still being investigated and this information is still being ascertained. Further, Respondent has not ascertained which, if any, persons will be called at the trial of this matter. Respondent will update and supplement this response when this information becomes available.

INTERROGATORY NO. 3: Please state briefly the facts or the nature of the subject matter known to each of the persons listed in response to Interrogatory Nos. 1 and 2 above.

ANSWER: Please see responses to Interrogatories Nos 1 and 2. Respondent would at this point state that Jennifer Wilkerson stated she was driving the DHS vehicle and that Bobby Dale Wilson was the driver of the truck that was also involved in the accident. Further, James Ray was at the time an Arkansas State Trooper who responded to and investigated the accident. Kristen Shelton was at the time a DHS employee that investigated the accident and the

circumstances surrounding it for the agency. Brandy Ezell mapped out the route with Jennifer Wilkerson that Jennifer Wilkerson was to travel for DHS business on that day. Pam Feemster and Brandy Ezell arrived at the scene of the accident and spoke to Ms. Wilkerson about the accident. Pam Feemster and Brandy Ezell also assisted with the agency investigation of the accident.

INTERROGATORY NO. 4: If you contend that any person who may be called as a witness on your behalf at the trial of this lawsuit is an expert witness, then, with respect to each such person, please provide:

(a) the name, address, and telephone number of each such person;

(b) the qualifications of such person to testify with respect to the subject matter investigated;

(c) the subject matter on which the expert is expected to testify;

(d) the substance of the facts and the opinion(s) to which the expert is expected to testify;

(e) a summary of the grounds for each such opinion; and

(f) a list of all tests, treatises, reports, depositions, records, and other documents reviewed by said expert in formulating his opinion(s).

ANSWER: This claim is still being investigated and this information is still being ascertained. Respondent has not stated trial preparation and likewise has not decided on what witnesses, if any, will be called at the trial. Respondent will update and supplement this response when this information becomes available.

REQUEST FOR PRODUCTION NO. 1: Please attach to your answer copies of all reports and other documents prepared or furnished by said expert(s) relating to this lawsuit.

RESPONSE: Please see response to Interrogatory No. 4.

INTERROGATORY NO. 5: With respect to each exhibit which you will or may introduce at the trial of this lawsuit, please:

(a) give a brief description of each such exhibit;

(b) state what such exhibit purports to show or represent;

(c) give the names and addresses of all persons who have copies of each such exhibit in their possession;

(d) state when and by whom each such exhibit was designed or prepared; and

(e) attach a copy of each such exhibit.

ANSWER: This claim is still being investigated and this information is still being ascertained. Respondent has not stated trial preparation and likewise has not decided on what witness, if any, will be called at the trial. Respondent will update and supplement this response when this information becomes available.

INTERROGATORY NO. 6: Do you, your attorneys, or other representatives have knowledge of any other documents (other than exhibits described in Interrogatory No. 5) which regard or relate to the matters with which this lawsuit is concerned, and if so, please state with respect to each such document or item:

(a) what it purports to show or represent;

(b) the names and addresses of all persons who have copies; and

(c) when and by whom it was designed or prepared.

ANSWER: This claim is still being investigated and this information is still being ascertained and documentation is still being compiled. Respondent will update and supplement this response when this information becomes available and compiled. At this time Respondent is aware of an internal investigative file concerning the agency's investigation into the

accident and the circumstances surrounding it. This file was compiled and prepared by Kristen Shelton. A copy of this file will be submitted to Claimant once it is received and all personal confidential information that is required by law to be redacted has been redacted.

REQUEST FOR PRODUCTION NO. 2: Please attach to your answers a copy of each document identified in your answer to the preceding interrogatory.

RESPONSE: Please see response to Interrogatory No. 6.

REQUEST FOR PRODUCTION NO. 3: Please provide a copy of any chart, graph, drawing, presentation, reconstruction, demonstration, or other visual aid or item of demonstrative evidence that you or your attorney intend to utilize at the trial in this case for any purpose.

RESPONSE: Please see response to interrogatory No. 5.

INTERROGATORY NO. 7: Do you, your attorneys, your other representatives, or anyone acting on your or their behalf have knowledge of any photographs or video recordings taken at any time relating to the matters with which this lawsuit is concerned; and if so, please state with respect to each such photograph and recording:

(a) what it purports to show or represent;

(b) the date it was taken;

(c) the name and address of the person who made or took it;

(d) the names and addresses of all persons who have copies; and,

(e) if you claim a privilege, please produce a log of the items for which you are claiming a privilege.

ANSWER: Please see answer to Interrogatory No. 6.

REQUEST FOR PRODUCTION NO. 4: Please attach prints or photocopies of each photograph or video recording identified in your answer to Interrogatory No. 7; or, in the alternative, furnish jpg or pdf files to the undersigned so that prints may be made therefrom.

RESPONSE: Please see response to Interrogatory No. 7.

INTERROGATORY NO. 8: Was Jennifer Wilkerson an employee of the respondent at the time of the collision that is the subject of this claim?

ANSWER: Yes.

INTERROGATORY NO. 9: State the name and job title of Jennifer Wilkerson's supervisor on June 11, 2021.

ANSWER: Pamela Feemster, Family Service Worker Supervisor.

INTERROGATORY NO. 10: State the job title and job duties of Jennifer Wilkerson on June 11, 2021.

ANSWER: DHS Program Assistant. In this capacity, Jennifer Wilkerson provided assistance to a Family Service Worker. At the time of the accident, due to her only having been employed with DHS for a very short time, Jennifer Wilkerson was assigned to observe operations of the agency and to provide transportation to minor children and families in the foster car program.

REQUEST FOR PRODUCTION NO. 5: Produce for inspection and copying the appraisal of the property damage to respondent's 2009 Hyundai Elantra that was driven by Jennifer Wilkerson at the time of the collision which is the subject of this claim.

RESPONSE: This claim is still being investigated and this information is still being ascertained. Respondent will update and supplement this response when this information becomes available.

REQUEST FOR PRODUCTION NO. 6: Produce for inspection and copying the photographs of the respondent's 2009 Hyundai Elantra that was driven by Jennifer Wilkerson at the time of the collision which is the subject of this claim.

RESPONSE: This claim is still being investigated and this information is still being ascertained. Respondent will update and supplement this response when this information becomes available.

INTERROGATORY NO. 11: If you contend any other party was responsible for causing the collision which is the subject of this claim, please state the name of the party and all facts with which support your contention.

ANSWER: This claim is still being investigated and this information is still being ascertained. Respondent will update and supplement this response when this information becomes available.

INTERROGATORY NO. 12: Were Jennifer Wilkerson's actions the sole cause of the collision which is the subject of this claim?

ANSWER: Respondent objects to the form of this question as it is asking for a legal conclusion. One of the legal issues at hand is the extent of DHS's liability, if any, and whether or not there was any contributory negligence on the part of any other person. Not waiving the aforementioned objection, this claim is still being investigated and this information is still being ascertained. Respondent will update and supplement this response when this information becomes available.

INTERROGATORY NO. 13: Did any employee of the respondent perform an investigation of the collision which is the subject of this litigation?

ANSWER: No.

INTERROGATORY NO. 14: If the preceding interrogatory is affirmative, please identify the name and title of the respondent's employee who performed the investigation.

ANSWER: See previous answer.

INTERROGATORY NO. 15: Was the respondent's 2009 Hyundai Elantra returned to service after the collision?

ANSWER: No.

INTERROGATORY NO. 16: With respect to this claim, do you contend that any act or omission on the part of Jacqueline Ashcraft contributed, in whole or in part, to Jacqueline Ashcraft's injuries? If your answer is anything other than an unqualified "No," please set forth your contention of the specific act or omission on the part of Jacqueline Ashcraft and indicate the percentage of fault that you contend should be ascribed to Jacqueline Ashcraft. Also, please set forth each fact and method by which you computed the percentage.

ANSWER: Please see answer to Interrogatory No. 12.

INTERROGATORY NO. 17: State whether or not you possess any information, facts, writings, or evidence whatsoever that supports your claim that the Jacqueline Ashcraft contributed, in whole or in part, to her own injuries. If so, identify and describe each item of information, fact, writing, or evidence, and state the name, address, and relationship to the parties of each person who possesses the information.

ANSWER: Please see answer to Interrogatory No. 16.

INTERROGATORY NO. 18: State whether or not you are you aware of any information, facts, writings, or evidence whatsoever relating to this litigation that contradicts your claim that the Jacqueline Ashcraft contributed, in whole or in part, to her own injuries.

ANSWER: Please see answer to Interrogatory No. 16.

INTERROGATORY NO. 19: Identify and describe each item of information, fact, writing, or evidence, and state the name, address, and relationship to the parties of each person who possesses the information.

ANSWER: Please see answer to Interrogatory No. 16.

INTERROGATORY NO. 20: State the name, address, and occupation of each person or entity to whom you reported the act or omission on the part of Jacqueline Ashcraft and the date and time that you made such report; these persons and entities include, but are not limited to, police officers, investigators, health care providers, and insurance carriers. Your attorney is not included.

ANSWER: Please see answer to Interrogatory No. 16.

INTERROGATORY NO. 21: With respect to this lawsuit, do you contend that an act or omission on the part of any third party contributed, in whole or in part, to Jacqueline Ashcraft's injuries? If your answer is anything other than an unqualified "No," please set forth the following information specifically and in detail for each such act or omission:

(a) Set forth the name, address, and occupation of each individual who you claim contributed, in whole or in part, to Jacqueline Ashcraft's injuries.

(b) Identify the specific acts or omissions on the part of each third party that you claim contributed, in whole or in part, to Jacqueline Ashcraft's injuries. Indicate the percentage of fault that you contend should be ascribed to each such third party. Also, please set forth each fact and method by which you computed the percentage.

(c) State whether or not you possess any information, facts, writings, or evidence whatsoever that either supports or contradicts your claim that a third party contributed, in

whole or in part, to Jacqueline Ashcraft's injuries. Identify and describe each item of information, fact, writing, or evidence.

(d) State the name, address, and occupation of each person or entity to whom you reported the act or omission on the part of any third party and the date and time that you made such report; these persons and entities include, but are not limited to, police officers, investigators, health care providers, and insurance carriers. Your attorney is not included.

ANSWER: Please see answer to Interrogatory No. 12.

INTERROGATORY NO. 22: Did you authorize or ratify the conduct of your employee, Jennifer Wilkerson, on June 11, 2021? If your answer is anything other than an unqualified "Yes," please set forth the following information specifically and in detail:

(a) Set forth precisely the job duties and assignments of Jennifer Wilkerson on the date in question.

(b) At the time of the incident, which is the subject of this lawsuit, describe in detail what task or assignment was Jennifer Wilkerson performing.

(c) State whether or not you possess any information, facts, writings, or evidence whatsoever that either supports or contradicts your claim that you did not authorize or ratify the conduct of your employee, Jennifer Wilkerson, on the date of the subject incident.

(d) State whether or not you are you aware of any information, facts, writings, or evidence whatsoever relating to this litigation that either supports or contradicts your claim that you did not authorize or ratify the conduct of your employee, Jennifer Wilkerson, on the date of the subject incident. Identify and describe each such item of information, fact, writing, or evidence, and please state the name, address, and relationship to the parties of each person who possesses the information.

ANSWER: Respondent objects to the form of this Interrogatory and the phrase "authorize or ratify conduct" of Jennifer Wilkerson. Respondent admits that Jennifer Wilkerson was in its employ at the time of the accident. Respondent certainly did not ask or want Jennifer Wilkerson to be in an accident on June 11, 2021, and it certainly was not part of her job duties. As for Jennifer Wilkerson's job duties, please see answer to Interrogatory No. 10. At the time of the accident Jennifer Wilkerson was authorized to drive the DHS vehicle for employment purposes.

INTERROGATORY NO. 23: Do you contend that Jennifer Wilkerson was not an employee or agent acting on your behalf at the time of the incident, which is the subject of this lawsuit? If your RESPONSE is anything other than an unqualified "No," please set forth the following:

(a) Set forth precisely the reason Jennifer Wilkerson was driving a vehicle owned by the respondent on the date in question.

(b) State the name and address of Jennifer Wilkerson's employer at the time of the incident, which is the subject of this lawsuit.

(c) State the name, address, and name of employer of the person who authorized Jennifer Wilkerson to drive the respondent's vehicle at the time of the incident, which is the subject of this lawsuit.

(d) State where Jennifer Wilkerson had been for one hour preceding the time of the accident, which is the subject of this lawsuit, and her intended destination.

(e) State whether or not you possess any information, facts, writings, or evidence whatsoever that either supports or contradicts your claim that you did not authorize or ratify the conduct of your employee, Jennifer Wilkerson, on the date of the subject incident.

(f) State whether or not you are you aware of any information, facts, writings, or evidence whatsoever relating to this litigation that either supports or contradicts your claim that you did not authorize or ratify the conduct of your employee, Jennifer Wilkerson, on the date of the subject incident. Identify and describe each such item of information, fact, writing, or evidence, and please state the name, address, and relationship to the parties of each person who possesses the information.

ANSWER: Jennifer Wilkerson was at the time of the accident an employee of DHS engaging her job duties as assigned.

REQUEST FOR PRODUCTION NO. 7: Please produce a copy of any and all statements made by Jennifer Wilkerson regarding the accident which is the subject of this claim.

RESPONSE: This claim is still being investigated and this information is still being ascertained. Respondent will update and supplement this response when this information becomes available. Further, Respondent admits that there is a statement or statements by Jennifer Wilkerson in its possession that will be tendered to Claimant once the redaction process is complete as indicated in the answer to Interrogatory No. 6.

INTERROGATORY NO. 24: These interrogatories and requests for production are considered to be continuing in nature, to be supplemented by the respondent upon receipt of additional information after the interrogatories and requests for production have been answered. Will you do so?

ANSWER: Yes.

Respectfully submitted,

By: _____
Brent P. Gasper
Assistant Deputy Chief Counsel

Ark. Bar No. 98240

Sarah DeBusk
General Counsel
Ark. Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
P.O. Box 1437
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkansas.gov
Sarah.DeBusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on 10 January, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimant's attorney Jim Jackson via email.

Brent P. Gasper

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND AS PERMANENT LEGAL GUARDIAN OF [redacted], MINOR CHILDREN **CLAIMANT**

V. **CLAIM NO. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES **RESPONDENT**

ORDER

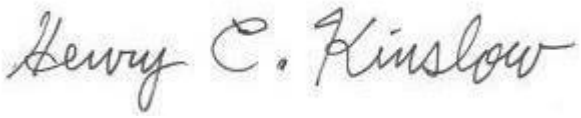
Now before the Arkansas State Claims Commission (the "Claims Commission") is the motion filed by the Arkansas Department of Human Services (the "Respondent") to cure a defective complaint and for a more definite statement as to the claim filed by Haley Hudson, individually and as special administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as permanent legal guardian of [redacted], minor children (collectively referred to as the "Claimant"). Claimant subsequently filed an amended complaint.

At the hearing, Respondent confirmed that its motion to cure was directed toward the original complaint.

The Claims Commission unanimously DENIED Respondent's motion as moot, in light of the filing of the amended complaint, and directed Respondent to answer the amended complaint within 30 days of the date of the hearing.

IT IS SO ORDERED.

ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow

ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: February 13, 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: Jim Jackson; Brent Gasper; Sarah Debusk
Cc: Martha Cox
Subject: ORDER: Hudson v. DHS, Claim No. 230641
Date: Monday, February 13, 2023 5:10:00 PM
Attachments: Hudson -- 230641 -- hearing -- order.pdf

Jim and Brent, please see attached.

Thanks,
Kathryn

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

From: Martha Cox
To: ASCC Pleadings
Cc: Brent Gasper; Daiquiri Carter; Sarah Debusk; Kathryn Irby; Jim Jackson
Subject: Haley Hudson, etc. v. Arkansas DHS; Arkansas Claims Commission No. 230641
Date: Monday, February 27, 2023 2:31:12 PM
Attachments: Motion to Withdraw First and Second Requests for Admissions 2-27-2023.pdf

Please find attached the claimant's Motion to Withdraw First and Second Sets of Requests for Admission, which I would appreciate your filing in the above-referenced claim.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

PLAINTIFF'S MOTION TO WITHDRAW FIRST AND SECOND SETS OF REQUESTS FOR ADMISSIONS

Come now the Claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Legal Guardian of [redacted] by and through her attorney, Jim Jackson, and for her Motion states:

1. The Claimant wanted to confirm through discovery that Jennifer Wilkerson was operating within the course and scope of her employment with the Arkansas Department of Human Services. The claimant served Interrogatories along with two sets of Requests for Admissions[1] upon the respondent seeking confirmation that Ms. Wilkerson was within the course and scope of employment at the time of the motor vehicle crash. (Attached as Exhibits 1 & 2 are the Requests). Based upon the respondent's Answers to Interrogatories, it has become clear that the respondent is not going to contest that Jennifer Wilkerson was operating within the course and scope of her employment at the time of the crash.

[1] The First Requests for Admissions inadvertently used the wrong date when asking for information about the crash.

2. The claimant files this Motion to Withdraw First and Second Requests for Admissions in an effort to streamline discovery and preserve judicial resources so that the respondent's attorney does not have to provide the same information in multiple pleadings.

3. It appears that damages are going to be the sole issue contested in this litigation based upon the deposition of Officer James Ray.

Wherefore, the claimant respectfully requests that the Commission grant her Motion to Withdraw the First and Second Sets of Requests for Admissions.

Respectfully submitted,

JACKSON LAW FIRM
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
Email: *Jim@JimJacksonAtty.com*

By: _____
Jim Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, do hereby certify that a true and correct copy of the above and foregoing has been served upon the following counsel of record on the 27th day of February, 2023.

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Ms. Sarah DeBusk
General Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

_____
Jim Jackson

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES — RESPONDENT

PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS

Come now the Claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson as Permanent Legal Guardian of [redacted] by and through her attorney, Jim Jackson, and propounds the following Requests for Admissions to the respondent, pursuant to Rule 36 of the Arkansas Rules of Civil Procedure, to be answered in writing, under oath, within thirty (30) days from the receipt of this request, admit the truth of each of the following requests for purposes of this action only. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 1: Admit that Jennifer Wilkerson was employed by the Arkansas Department of Human Services on June 12, 2021.

REQUEST FOR ADMISSION NO. 2: Admit that you provided Jennifer Wilkerson with a 2009 Hyundai Elantra with [redacted] to drive as part of her job duties on July 12, 2021.

REQUEST FOR ADMISSION NO. 3: Admit that Jennifer Wilkerson was authorized by the Arkansas Department of Human Services to drive a 2009 Hyundai Elantra with [redacted]

[redacted] in the course and scope of her job duties with the Arkansas Department of Human Services.

REQUEST FOR ADMISSION NO. 4: Admit that on June 12, 2021, at the time the collision which is the subject of this claim, Jennifer Wilkerson was working within the course and scope of her employment with the Arkansas Department of Human Services.

Respectfully submitted,

JACKSON LAW FIRM
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611

By: Jim Jackson
Jim Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, do hereby certify that a true and correct copy of the above and foregoing has been served upon the following counsel of record by U.S. Mail on this, the 19th day of January, 2023.

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Ms. Sarah DeBusk
General Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Jim Jackson
Jim Jackson

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF CARLEY RAYE JONES AND KADEY LYNN JONES, MINOR CHILDREN — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

PLAINTIFF'S AMENDED SECOND SET OF REQUESTS FOR ADMISSIONS

Come now the Claimant, Haley Hudson, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Legal Guardian of [redacted] by and through her attorney, Jim Jackson, and propounds the following Amended Second Set of Requests for Admissions to the respondent, pursuant to Rule 36 of the Arkansas Rules of Civil Procedure, to be answered in writing, under oath, within thirty (30) days from the receipt of this request, admit the truth of each of the following requests for purposes of this action only. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 1: Admit that Jennifer Wilkerson was employed by the Arkansas Department of Human Services on Friday, June 11, 2021.

REQUEST FOR ADMISSION NO. 2: Admit that the respondent provided Jennifer Wilkerson with a Hyundai Elantra to drive as part of her job duties on Friday, June 11, 2021.

REQUEST FOR ADMISSION NO. 3: Admit that Jennifer Wilkerson was authorized by the Arkansas Department of Human Services to drive a 2009 Hyundai Elantra in the course and scope of her job duties with the Arkansas Department of Human Services on Friday, June 11, 2021.

REQUEST FOR ADMISSION NO. 4: Admit that on Friday, June 11, 2021, at the time of the collision which is the subject of this claim, Jennifer Wilkerson was working within the course and scope of her employment with the Arkansas Department of Human Services.

Respectfully submitted,

JACKSON LAW FIRM
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
Email: *Jim@JimJacksonAtty.com*

By: /s/ Jim Jackson
Jim Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, do hereby certify that a true and correct copy of the above and foregoing has been served upon the following counsel of record on the 10th day of February, 2023.

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Ms. Sarah DeBusk
General Counsel
Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Jim Jackson

Jim Jackson

From: Daiquiri Carter
To: ASCC Pleadings; jim@jimjacksonatty.com; Brent Gasper; Sarah Debusk
Cc: Daiquiri Carter
Subject: CC # 230641
Date: Wednesday, March 1, 2023 2:11:48 PM
Attachments: Hudson Answer_001.pdf
image001.png
image002.png

Please find attached DHS' Answer to Complaint. I have copied Claimant's attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

NOTE - This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment(s) is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to which this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying or distribution this transmission is STRICTLY PROHIBITED. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return and delete the message and attachment(s) from your system.

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted], MINOR CHILDREN — **CLAIMANT**

v. **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

ANSWER

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Answer, states:

1. The account information for the above-captioned claim is:

[redacted]

2. Respondent denies liability for all claims arising from this case. If an allegation in the Complaint is not specifically admitted in its Answer, the Respondent denies said allegation. Respondent further disputes the issues of negligence, proximate cause, liability, foreseeability, and damages concerning the death of Ms. Jacqueline Ashcraft.

3. Respondent reserves the right to plead further pending discovery.

4. Unless specifically admitted herein, Respondent denies Petitioner's recitation and explanation of the factual predicate set forth by Petitioner as well as any specific allegation concerning this claim. Respondent further raises any and all available defenses, including

comparative fault, *see* Ark. Code Ann. § 16-64-122, contributory negligence, statute of limitations, qualified immunity, immunity from punitive damages, *see* Ark. Code Ann. § 21-9-203, laches, lack of jurisdiction over subject matter, *see* Ark. R. Civ. Pro. 12(b)(1), failure to state facts upon which relief may be granted, *see* Ark. R. Civ. Pro. 12(b)(6), insufficiency of process, *see* Ark. R. Civ. Pro. 12(b)(4), insufficiency of service of process, *see* Ark. R. Civ. Pro. 12(b)(4), and failure to join a party under Rule 19, *see* Ark. R. Civ. Pro. 12(b)(7). Further, in any instance were Respondent states that it does not have any specific knowledge as to a certain fact or allegation, for the purposes of pleading matters in this case, please consider that response a denial.

5. In response to the initial background section in Claimant's Complaint, Respondent does not have enough information to admit or deny these claims, so they are denied.

6. Respondent admits paragraph No. 1 of the Complaint.

7. In response to Paragraph No. 2 of the Complaint, Respondent does not have enough information to admit or deny these claims, so they are denied.

8. In response to Paragraph No. 3 of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

9. In response to Paragraph No. 4 of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

10. Respondent admits Paragraph No. 5 of the Complaint.

11. In response to Paragraph No. 6 of the Complaint, Respondent admits that on Friday, June 11, 2021, at approximately 12:50 p.m., Jacqueline Ashcraft was driving her 2005 Hyundai Sonata eastbound on State Highway 22 in Logan County near Subiaco Academy. As for the remaining claims in Paragraph No. 6, Respondent does not have enough information to

admit or deny those claims, so they are denied.

12. In response to Paragraph No. 7 of the Complaint, Respondent admits that Jennifer Wilkerson was operating a 2009 Hyundai Elantra provided to her by the Department of Human Services. Respondent denies that Ms. Wilkerson negligently failed to recognize that Ms. Ashcraft's vehicle was slowing down to make a left-hand turn. Concerning the other claims, Respondent does not have enough information to admit or deny those claims, so they are denied.

13. Respondent admits Paragraph No. 8 of the Complaint.

14. Respondent denies Paragraph No. 9 of the Complaint.

15. Respondent denies Paragraph 10 of the Complaint and all subparts of Paragraph No. 10 of the Complaint.

16. In response to Paragraph No. 11 of the Complaint, Respondent admits that State Trooper James Ray investigated the accident. Respondent denies all other claims of Paragraph No. 11.

17. Respondent admits Paragraph No. 13 of the Complaint.

18. Respondent denies Paragraph No. 14 of the Complaint.

19. In response to Paragraph No. 15 of the Complaint, Respondent admits that Jacqueline Lynn Ashcraft survived the collision. Respondent admits that Ms. Ashcraft was transported by ambulance to the emergency room at Booneville. Respondent admits that Ms. Ashcraft was emergently transported to Mercy Medical Center in Fort Smith. Concerning the other claims in Paragraph No. 15, Respondent does not have enough information to admit or deny those claims, so they are denied.

20. Respondent denies Paragraph No. 16 of the Complaint.

21. Respondent denies Paragraph No. 17 of the Complaint and all subparts of Paragraph No. 17 of the Complaint.

22. Respondent denies Paragraph No. 18 of the Complaint and all subparts of Paragraph No. 18 of the Complaint.

23. Respondent denies Paragraph No. 19 of the Complaint.

24. In response to Paragraph No. 20 of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

25. Respondent admits Paragraph No. 21 of the Complaint.

26. Respondent admits Paragraph No. 22 of the Complaint, although Respondent notes that a different attorney is assigned to the instant case than was assigned to the previous insurance-related case.

27. Respondent admits Paragraph No. 23 of the Complaint.

28. Respondent admits Paragraph No. 24 of the Complaint.

29. Concerning Paragraph No. 25 of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

30. Concerning Paragraph No. 26 of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

Respectfully submitted,

By: _____
Brent P. Gasper
Assistant Deputy Chief Counsel
Ark. Bar No. 98240

_____
Sarah DeBusk
General Counsel
Ark. Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
P.O. Box 1437
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkansas.gov
Sarah.DeBusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on 1 March, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimant's attorney Jim Jackson via email.

Brent P. Gasper

From: Daiquiri Carter
To: ASCC Pleadings; Brent Gasper; Sarah Debusk; jim@jimjacksonatty.com
Cc: Daiquiri Carter
Subject: CC # 230641
Date: Tuesday, March 7, 2023 9:49:30 AM
Attachments: Respondent"s Interr and Requests to Claimant_001.pdf
image001.png
image002.png

Please find attached Respondent's First Set of Interrogatories and Requests for Production to Claimant. I have copied Claimant's attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

v. — **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

RESPONDENT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO CLAIMANT HOLLY HUDSON, INDIVIDUALLY, AS SPECIAL ADMINISTRATRIX, AND AS LEGAL GUARDIAN

INTERROGATORY NO. 1: Please identify each person who may have knowledge or discoverable information relating to the claims or defenses to this claim and state briefly the nature of the knowledge or discoverable information had by each person identified.

INTERROGATORY NO. 2: Please state the last known address, phone number, email address, and social media account identification for each person identified in the response to Interrogatory No. 1. Social media includes without limitation Facebook, Instagram, Twitter, Truth Social, Tik Tok, SnapChat, YouTube, and WhatsApp,

INTERROGATORY NO. 3: Please identify each person from whom information or documents were obtained to respond to Respondent's written discovery requests, and who assisted in preparing the responses and objections to said discovery requests.

INTERROGATORY NO. 4: Please identify all methods and devices Claimant used to exchange electronic communications referring or relating to this claim and with whom those exchanges were made, exclusive of communication with counsel in the instant action. Devices means a smartphone, laptop computer, or other electronic methods of communication.

INTERROGATORY NO. 5: Please identify all persons with whom Claimant has communicated concerning the allegations in the Claimant's Complaint or Respondent's Answer thereto, exclusive of communications with counsel in the instant action.

INTERROGATORY NO. 6: Please identify each person who was a passenger in the vehicle driven by Jacqueline Ashcraft at the time of the accident on June 11, 2021.

INTERROGATORY NO. 7: Please provide the names, addresses, and phone numbers for all medical professionals including without limitation physicians, nurses, therapists, counselors, physical therapists, optometrists, osteopaths, or homeopaths, that treated Jacqueline Ashcraft for any reason for the five (5) year period prior to June 11, 2021.

INTERROGATORY NO. 8: Does Claimant contend that any person or entity negligently or intentionally committed an act or omission which caused or contributed to Jacqueline Ashcraft's death, and if so, state the nature of the act or omission, and identify the person or entity in question.

INTERROGATORY NO. 9: Was Jacqueline Ashcraft employed at the time of her death? If the answer is yes, please identify her former employer, how long she had been employed, her job duties, and her last applicable hourly wage or annual salary, as applicable.

INTERROGATORY NO. 10: Please describe with particularity the employment history for Jacqueline Ashcraft for the five (5) year period prior to June 11, 2021, including dates of employment and compensation.

INTERROGATORY NO. 11: Please provide the name, address, email address, and telephone number of each expert who may be called as a witness, and for each such expert provide:

1. The subject matter concerning which the witness is expected to testify;

2. The material reviewed by each expert;
3. The facts known to the expert which relate to or form the basis of the mental impressions and opinions held by the expert;
4. The dates of all reports rendered by such experts, and the names and addresses of the persons having custody of same; and
5. The facts, opinions, and a summary of the findings upon which the expert witnesses concludes or generates.

INTERROGATORY NO. 12: Please provide the name, address, email address, and telephone number of all lay witnesses whom Claimant may call at trial of this matter and for those persons identified, please state the anticipated subject matter of their testimony.

INTERROGATORY NO. 13: Please identify by title, author, editor, edition, publisher, date of publication and section, portion, page or pages of each book, treatise, periodical and/or pamphlet:

1. Established, or to be established, as a reliable authority by the testimony of all expert witnesses Claimant has identified or will identify; and
2. To be referred to during the trial testimony of all expert witnesses Claimant has identified or will identify.

INTERROGATORY NO. 14: Please describe any and all monetary benefit or other payment of funds received by the Estate of Jacqueline Ashcraft resulting from her death, including without limitation insurance proceeds or other claims made payable to the Estate of Jacqueline Ashcraft.

INTERROGATORY NO. 15: Please describe, if any, any other investigation into the accident at issue of which Claimant is aware exclusive of the investigation performed by the Arkansas State Police.

INTERROGATORY NO. 16: Was Jacqueline Ashcraft at fault, even in the slightest, for the accident at issue on June 11, 2021?

INTERROGATORY NO. 17: Please describe with specificity why Jacqueline Ashcraft was at the location where her vehicle was involved in the accident at issue and her ultimate destination prior to the accident on June 11, 2021.

INTERROGATORY NO. 18: Did the vehicle driven by Jacqueline Ashcraft on June 11, 2021, have installed an Event Data Recorder (known as a "black box") or other device or computer program that collects and stores data concerning the operation of the vehicle?

INTERROGATORY NO 19: Please list all persons or entities currently having a claim or that Claimant anticipates will have a claim to a monetary judgment awarded to the Estate of Jacqueline Ashcraft and that person's or entity's relation to Jacqueline Ashcraft.

INTERROGATORY NO. 20: Please state the current location of the vehicle driven by Jacqueline Ashcraft at the time of the accident.

INTERROGATORY NO. 22: Please identify the liability insurance carrier insuring the vehicle driven by Jacqueline Ashcraft on June 11, 2021, as well as the policy number.

INTERROGATORY NO. 23: Please describe with particularity all injuries physical, mental, or emotional injury sustained by the minor children who were passengers in the vehicle at the time of the accident.

INTERROGATORY NO. 24: Please provide the names, addresses, and phone numbers for all medical professionals, including without limitation physicians, nurses, therapists, counselors, physical therapists, consulting healthcare providers, and homeopaths, that treated, in whole or in part, the minor children for injuries sustained due to the accident at issue.

REQUEST FOR PROCUCTION NO. 1: Please produce all documents Claimant consulted and/or reviewed in responding to these interrogatories.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents written, signed, or recorded by any party and witness relating to the allegations of Claimant's Complaint and/or Respondent's Answer and defenses thereto.

REQUEST FOR PRODUCTION NO. 3: Please produce a complete copy of the insurance policy described in Interrogatory No. 23 that was in effect on June 11, 2021.

REQUEST FOR PRODUCTION NO. 4: Please produce a complete copy of the driving record of Jacqueline Ashcraft for the five (5) year period prior to June 11, 2021.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents, including communications to or from the Claimant, aside from privileged communications, related to the death of Jacqueline Ashcraft.

REQUEST FOR PRODUCTION NO. 6: Please produce copies of all claims for insurance proceeds made by or against Jacqueline Ashcraft that resulted from Jacqueline Ashcraft's operation of a motor vehicle for the five (5) year period prior to June 11, 2021.

REQUEST FOR PRODUCTION NO. 7: Please produce a copy of all insurance policies covering Jacqueline Ashcraft at the time of her death, including without limitation, motor vehicle insurance, liability insurance, medical insurance, or life insurance.

REQUEST FOR PRODUCTION NO. 8: Please produce a copy of each and every audio, photographic, and video footage that concerns the occurrences identified in Claimant's Complaint.

REQUEST FOR PRODUCTION NO. 9: Please produce a copy of all letters, documents, reports, and medical opinions which have been written by experts, treating physicians, and by consulting physicians, or medical professionals whom Claimant or Claimant's attorney plan on calling as expert witnesses to offer testimony at the trial of this case.

REQUEST FOR PRODUCTION NO. 10: Please produce a copy of all letters, documents, reports, and opinions which have been written by persons concerning the claim for monetary damages made in the Complaint.

REQUEST FOR PRODUCTION NO. 11: Please produce the following materials with respect to each expert witness Claimant may call at the trial of this case:

1. A copy of the witness's most recent curriculum vitae;
2. A copy of all pertinent sections or excerpts of books, texts, treatises, articles, statutes, rules, regulations, guidelines, or any material which has been or may be referred to or relied upon by any expert witness in forming or explaining his or her opinions in connection with this case, together with citations to specific passages or sections relied upon (a list of the items above with specific citations to the relied-upon material will suffice as an alternative);
3. A copy of any computer programs, spreadsheets, analytical programs, statistical programs of any other computer-based tool utilized by any expert witness in any manner with regard to his/her opinions in this case (a list of the items above with specific citations to the relied-upon material will suffice as an alternative);
4. Copies of each spreadsheet, program, algorithm, statistical model, macro program, or other computer-based files created by or at the direction of any expert witness which has been utilized in any manner regarding his or her opinions in this case;
5. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings of any type,

computer files, emails or tangible items of any kind that have been supplied to any expert witness by Claimant, attorneys for Claimant, and/or any representative of the Claimant or Claimant's attorney.

6. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video, or audio recordings of any type, computer files, emails, or tangible items of any kind that any expert witness has provided to the Claimant, attorneys for Claimant, and/or any representative of Claimant's attorney;
7. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings of any type, computer files, emails, or tangible items of any kind made or prepared by any expert witness in connection with this case regardless of whether such materials were provided to any other person; and
8. All billing records, bills, invoices, and fee schedule an expert witness has prepared or provided in connection with this case.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents or exhibits which Claimant plans to use at the trial of this case, including without limitation documents or exhibits which Claimant plans on introducing into evidence and documents or exhibits which Claimant plans to or will use in the direct examination and cross-examination of witnesses at the trial of this case.

REQUEST FOR PRODUCTION NO. 13: Please produce all geolocation data, including data taken from a smartphone, GPS tracker, or other device that would indicate the exact whereabouts of Jacqueline Ashcraft on June 11, 2021.

REQUEST FOR PRODUCTION NO. 14: Please produce a complete call log containing a record of phone calls to or from Jacqueline Ashcraft between the hours of 10:00 a.m. and 1:00 p.m.,

on June 11, 2021 (a copy of the cell phone invoice or bill prepared by the third-party carrier for the time period including June 21, 2021, that has a list of all calls and the timer period of each call will suffice).

REQUEST FOR PRODUCTION NO. 15: Please produce a complete list of all text messages, including the text of the messages themselves, made to or from a device or smartphone possessed by Jacqueline Ashcraft on June 11, 2021.

INTERROGATORY NO. 25: Please list all legal claims or lawsuits to which Haley Hudson has been either a plaintiff, claimant, defendant, or respondent for the last ten (10) years.

INTERROGATORY NO. 26: Has Haley Hudson ever been charged with or convicted of a felony, a Class A misdemeanor, and/or an offense involving dishonesty or moral turpitude? If so, please describe the circumstances and the ultimate outcome of the charge or case.

INTERROGATORY NO. 27: Please state whether Social Security payments have been or are currently being made to any person as a result of the death of Jacqueline Ashcraft, the amount of those payments if applicable, and the recipient of those payments.

INTERROGATORY NO. 28: Please state whether survivor benefit payments exclusive of Social Security benefits have been or are currently being made to any person as a result of the death of Jacqueline Ashcraft, the amount of those payments if applicable, and the recipient of those payments.

INTERROGATORY NO. 29: Please provide the name, address, and phone number for each person Jacqueline Ashcraft spoke to after the accident on June 11, 2021.

INTERROGATORY NO. 30: Please state whether Jacqueline Ashcraft was prescribed corrective eyewear such as prescription glasses or contact lenses to correct her vision. If the answer is yes, please state her most recent vision prescription.

INTERROGATORY NO. 31: Did Jacqueline Ashcraft at the time of the accident at issue have any requirements by the state to wear corrective lenses while she was operating a motor vehicle?

INTERROGATORY NO. 32: Please state whether Claimant will treat the foregoing interrogatories as continuing and furnish to Respondent, in writing, any additional information received by Claimant subsequent to the date of Claimant's answers hereto that would modify or supplement Claimant's answers, such additional information to be furnished as soon as reasonably possible after receipt by Claimant and within a reasonable time prior to the assigned trial date in order to permit appropriate discovery procedure.

Respectfully Submitted,

By: _____

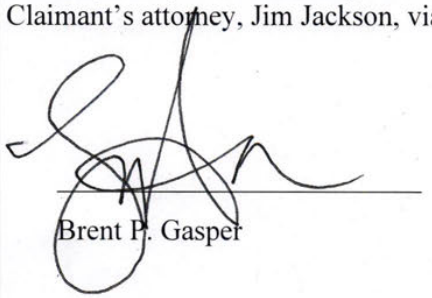
Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

Sarah DeBusk
General Counsel
AR Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.gasper@dhs.arkanas.gov
Sarah.debusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent P. Gasper, hereby certify that on 7 March, 2023, I electronically file the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.



Brent P. Gasper

From:	Jim Jackson
To:	ASCC Pleadings; Kathryn Irby
Cc:	Brent Gasper; Martha Cox; Sarah Debusk; Daiquiri Carter
Subject:	Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident
Date:	Friday, March 24, 2023 10:40:06 AM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg Claimant"s Letter toDirector Irby, ASCC, Requesitng a Hearing Date.pdf

Director Irby,

Please see attached a letter requesting a hearing date be scheduled for this matter.

Thank you,

Jim

Jim Jackson

Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway

North Little Rock, AR 72114

P (501) 823-3610

F (501) 823-3611

JACKSON
LAW FIRM

March 24, 2023

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of* [redacted], *Minor Children v. Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Director Irby,

I would like to request that this wrongful death and bodily injury claims be set for a hearing. I anticipate that it will take both parties a half day (4 hours) to hear the testimony. I also anticipate that much of the testimony will be presented via written deposition or summary of deposition transcripts.

Thank you for your attention to this request. I am notifying all counsel of record of my communication with the Claims Commission.

Please call me at (501) 823-3610 with any questions or suggestions.

Sincerely,

/s/ Jim Jackson

Jim R. Jackson

JRJ/mc
cc: Brent Gasper, Esq.
Sarah DeBusk, Esq.

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 2
North Little Rock, AR 72114-5528 • 501.823.3610 • Jim@JimJacksonAtty.com • www.JimJacksonAtty.com

From:	Kathryn Irby
To:	Jim Jackson; Brent Gasper; ASCC Pleadings
Cc:	Martha Cox; Sarah Debusk; Daiquiri Carter
Subject:	RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...
Date:	Monday, March 27, 2023 9:34:00 AM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg

Jim and Brent, it will be several months before I have my 2024 hearing dates set. I have this claim on the list to be added to the 2024 calendar. I will follow up with a hearing letter this summer.

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Monday, March 27, 2023 9:29 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

All,
I am fine with it being set in early 2024.
We have sent the executed HIPAA authorizations along with a list of medical providers for the two minor girls and Ms. Ashcraft.
Unless some new information comes out, I am not aware of any reason it should take more than 4 hours to present testimony and arguments.
Thank you,
JIm

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114

P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, March 27, 2023 7:33 AM
To: Jim Jackson <jim@jimjacksonatty.com>; ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Hello all. I was out last week so I am just now going through my email inbox. I would respectfully suggest that it is far too premature to set a hearing date for this matter. The issues here have become more and more complex and while initially it appeared that liability would not need to be explored, recent information has come to light that perhaps liability will be at issue. I do not feel it is prudent to say more at this time but any hearing set this calendar year will be opposed by DHS. Further, I would note that we have still yet to receive Claimant's responses to discovery, for which Jim still has time. I highlight this fact simply to illustrate that there is still much to do on this case from our end.

If after having the opportunity to review all pertinent and relevant facts it appears that we can go to a hearing sooner than 2024 I will make the Commission aware.

thanks,

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Friday, March 24, 2023 10:39 AM
To: ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident

[EXTERNAL SENDER]
Director Irby,

Please see attached a letter requesting a hearing date be scheduled for this matter.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From:	Jim Jackson
To:	Brent Gasper; ASCC Pleadings; Sarah Debusk
Cc:	Martha Cox; Sarah Debusk; Daiquiri Carter
Subject:	RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...
Date:	Tuesday, April 4, 2023 4:11:11 PM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg Claimant"s answer to Respondent"s Int & RFP propounded 3-7-2023.pdf

Brent & Sarah,
Please find attached the Claimant's response to discovery.
I tried to separate the hyperlinks so that you have one with Ms. Ashcraft's Medical Records and one with Miss Kadey Lynn Jones records and one with a general documents that are responsive to your client's Requests for Production of Documents.
Please let me know if you have any issue opening these four hyperlinks that are inserted in the document.
You will need to wait a few minutes for them to open before they download.
I do not know how long the hyperlink will grant you access to the documents so please save them to your computer when you have a moment.
Please let me know if you have any questions about this document.
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Jim

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Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted] Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

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Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident

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Thank you,
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North Little Rock, AR 72114
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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

v. — **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

ANSWERS TO RESPONDENT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO CLAIMANT HALEY HUDSON, INDIVIDUALLY, AS SPECIAL ADMINISTRATRIX, AND AS LEGAL GUARDIAN

Comes now the Claimant, Haley Hudson, and for her Answers to the respondent's First Set of Interrogatories and Requests for Production of Documents, states:

INTERROGATORY NO. 1: Please identify each person who may have knowledge or discoverable information relating to the claims or defenses to this claim and state briefly the nature of the knowledge or discoverable information had by each person identified.

RESPONSE: Haley Hudson is aware of the persons listed by Arkansas State Police Trooper James Ray in the accident report who have information regarding how the accident occurred in addition to the information that [redacted] possess. Kimmy Corley is the mother of the minor child who was in the back seat. Ms. Corley lived at [redacted], at the time of the wreck. Bobby Dale Wilson, [redacted] is the name and address listed in the accident report. Mr. Wilson was the driver of the tractor trailer rig that was approaching Ms. Ashcraft's vehicle at the time it was rear-ended by Jennifer Wilkerson. Jennifer Wilkerson was the respondent's employee, and her contact information is presumed to be in your possession. [redacted] live with Haley Hudson at [redacted].

The statutory beneficiaries' names and addresses are listed in the claimant's response to Interrogatory No. 12.

The medical providers listed in the medical records previously provided have information regarding the injury sustained. The billing manager at Brotherton Brothers Funeral Homes, P.O. Box 192, Charleston, AR, and P.O. Box 482, Paris, AR 72855, has information regarding the statement for the funeral and services for Ms. Ashcraft. Attached is a copy of the invoice from Brotherton Brothers Funeral Homes for the amount of $1,195.95.

INTERROGATORY NO. 2: Please state the last known address, phone number, email address, and social media account identification for each person identified in the response to Interrogatory No. 1. Social media includes without limitation Facebook, Instagram, Twitter, Truth Social, Tik Tok, SnapChat, YouTube, and WhatsApp,

RESPONSE: Objection. The respondent's request for social media account identification is overly broad and not reasonably tailored to lead to the discovery of relevant evidence. Facebook contains information of who are my "friends." It knows every "chat" since 2005. It knows every "like" that has been given. It knows the I.P. addresses that have been logged in from and the device(s) the logins are associated with. Facebook also contains a very large number of photographs – not all of which belong to the witness. This request could lead to the discovery of a massive volume of data. This data is simply not relevant to the claims in this case. This request casts too wide of a net and would result into an inquiry of quasi-personal information that is not relevant. One court has denied this type of request reasoning that a "[d]efendant is no more entitled to such unfettered access to plaintiff's personal email and social networking communications that it is to rummage through the desk drawers and closets in plaintiff's home." *Tucker v. Momentive Performance Materials USA, Inc, Civil Action No. 2:13-cv-04480, 2016 U.S. District Lexis 187413 at *21 (S.D. W.Va. Nov. 23, 2016).*

The respondent has presented no logical reason that a witness's Facebook page or Snapchat page contains any information that will reasonably lead to the discovery of admissible evidence. Courts have held that absent a logical reason, the plaintiff did not have to provide this information. *Potts v. Dollar Tree Stores, Inc.*, No. 3:11-cv-01180, 2013 U.S. Dist. LEXIS 38795, at *7 (M.D. Tenn. Mar. 20, 2013).

Without waiving said Objection, the names and address are contained in the claimant's answers to Interrogatory Nos. 1 and 12.

INTERROGATORY NO. 3: Please identify each person from whom information or documents were obtained to respond to Respondent's written discovery requests, and who assisted in preparing the responses and objections to said discovery requests.

RESPONSE: Objection. The claimant objects to providing information responsive to this interrogatory to the extent that this interrogatory seeks attorney work product. Without waiving said objection, Haley Hudson did not obtain any information or documents from any third party.

INTERROGATORY NO. 4: Please identify all methods and devices Claimant used to exchange electronic communications referring or relating to this claim and with whom those exchanges were made, exclusive of communication with counsel in the instant action. Devices means a smartphone, laptop computer, or other electronic methods of communication.

RESPONSE: Objection. The claimant objects to this interrogatory to the extent that it calls for any communication with her legal counsel. Without waiving said objection, Haley Hudson communicated with her brothers about their mother's car wreck on the date of the accident and communicated to make funeral arrangements for Ms. Ashcraft. They used their

personal cell phones to make these arrangements and discuss the severity of their mother's injury.

INTERROGATORY NO. 5: Please identify all persons with whom Claimant has communicated concerning the allegations in the Claimant's Complaint or Respondent's Answer thereto, exclusive of communications with counsel in the instant action.

RESPONSE: No one outside of the claimant's immediate home.

INTERROGATORY NO. 6: Please identify each person who was a passenger in the vehicle driven by Jacqueline Ashcraft at the time of the accident on June 11, 2021.

RESPONSE: Please see the interrogatory response to Interrogatory No. 1. There was a total of four people in the 2005 Hyundai Sonata. Jacqueline Ashcraft was the driver. Three children were passengers in the back seat.

INTERROGATORY NO. 7: Please provide the names, addresses, and phone numbers for all medical professionals including without limitation physicians, nurses, therapists, counselors, physical therapists, optometrists, osteopaths, or homeopaths, that treated Jacqueline Ashcraft for any reason for the five (5) year period prior to June 11, 2021.

RESPONSE: Haley Hudson does not possess this information.

INTERROGATORY NO. 8: Does Claimant contend that any person or entity negligently or intentionally committed an act or omission which caused or contributed to Jacqueline Ashcraft's death, and if so, state the nature of the act or omission, and identify the person or entity in question.

RESPONSE: Objection. The claimant does not understand this interrogatory. The claimant filed an Amended Complaint on December 28, 2022, which contains the allegation that the respondent's employee committed acts which caused the death of Jacqueline Ashcraft. The claimant does not understand what information this interrogatory is seeking

to obtain in addition to the allegations contained in the Amended Complaint. If counsel will clarify this interrogatory, the claimant will attempt to respond. The claimant stands by the allegations contained in the Amended Complaint and the information contained in Trooper Ray's deposition.

INTERROGATORY NO. 9: Was Jacqueline Ashcraft employed at the time of her death? If the answer is yes, please identify her former employer, how long she had been employed, her job duties, and her last applicable hourly wage or annual salary, as applicable.

RESPONSE: No.

INTERROGATORY NO. 10: Please describe with particularity the employment history for Jacqueline Ashcraft for the five (5) year period prior to June 11, 2021, including dates of employment and compensation.

RESPONSE: Ms. Ashcraft worked at CV's Family Foods, 1004 E. Walnut St., Paris, AR 72855; Family Dollar, 1800 Falls Blvd., Wynne, AR 72396; Dollar General, 1911 Falls Blvd., Wynne, AR 72396; Johnson's Fish House & Diner, 329 US-64, Wynne, AR 72396. Haley Hudson is not certain of the dates or years of employment by Ms. Ashcraft.

INTERROGATORY NO. 11: Please provide the name, address, email address, and telephone number of each expert who may be called as a witness, and for each such expert provide:

1. The subject matter concerning which the witness is expected to testify;
2. The material reviewed by each expert;
3. The facts known to the expert which relate to or form the basis of the mental impressions and opinions held by the expert;
4. The dates of all reports rendered by such experts, and the names and addresses of the persons having custody of same; and

5. The facts, opinions, and a summary of the findings upon which the expert witnesses concludes or generates.

RESPONSE TO INTERROGATORY NO 11: The claimant will call one of the medical doctors who provided palliative care at Mercy Hospital in Fort Smith to Ms. Ashcraft before she was pronounced dead. This witness will be deposed. A copy of Ms. Ashcraft's medical records from Mercy Hospital in Fort Smith, containing the names and contact information for these providers are contained therein, is attached in the following hyperlink. Ashcraft Mercy Records Bates Stamped.pdf

These records contain the EMS records and Mercy Booneville Medical Records.

The claimant will call Ralph Scott, Ph.D., [redacted], to testify on economic loss and loss of life. A copy of Dr. Scott's report is contained in a hyperlink which contains the facts, opinions, and a summary of his findings. Also attached is information regarding loss of life which will be presented to the Claims Commissioners with Dr. Scott's testimony. Also attached is a copy of his billing record. Below is a summary of the economic damages: Ashcraft Response to Discovery.pdf

LOSS OF EARNING CAPACITY

i. Past potential lifetime earnings: $40,494.47

ii. Future potential income earnings: $103,465.39 to $285,597.80

iii. Past potential Fringe benefits: $43,187

Total for projected income and & fringe benefits range: $187,147.82 to $423,919.95.

COST OF RAISING [redacted]

iv. Present Value Cost $161,866.43

v. Tuition of four-year college $113,300[1]

COST OF RAISING [redacted]

vi. Present Value Cost $28,971.49

vii. Tuition of four-year college $113,300

LOSS OF LIFE CLAIM FOR ESTATE OF JACQUELINE ASHCRAFT, DEC.

viii. Annual Value of $278,711[2] x 33.6 years = $9,364,689.60

INTERROGATORY NO. 12: Please provide the name, address, email address, and telephone number of all lay witnesses whom Claimant may call at trial of this matter and for those persons identified, please state the anticipated subject matter of their testimony.

RESPONSE: Jennifer Wilkerson, Bobby Wilson, Trooper James Ray, [redacted] will testify on liability. Haley Hudson, [redacted], Mark Hudson, [redacted] (adult son), Dalton Cody Ashcraft, [redacted] (adult son), and LaDonna Jackson, [redacted] (mother), will testify regarding damages and their respective mental anguish claims.

INTERROGATORY NO. 13: Please identify by title, author, editor, edition, publisher, date of publication and section, portion, page or pages of each book, treatise, periodical and/or pamphlet:

1. Established, or to be established, as a reliable authority by the testimony of all expert witnesses Claimant has identified or will identify; and

[1] Attached is a paper titled "Estimated Expenses" which has the current costs for a student attending college at the University of Arkansas at Fayetteville.
[2] Claimant will utilize the Department of Transportation valuation of $278,711 in their case in chief.

2. To be referred to during the trial testimony of all expert witnesses Claimant has identified or will identify.

RESPONSE: The claimant does not possess this information at this time. The claimant will supplement this response as discovery proceeds.

INTERROGATORY NO. 14: Please describe any and all monetary benefit or other payment of funds received by the Estate of Jacqueline Ashcraft resulting from her death, including without limitation insurance proceeds or other claims made payable to the Estate of Jacqueline Ashcraft.

RESPONSE: The estate received funds from Cincinnati Insurance, which were deposited into the registry of the court. Haley Hudson received a check in the amount of approximately $150,000 from the interpleader action in Logan County.

INTERROGATORY NO. 15: Please describe, if any, any other investigation into the accident at issue of which Claimant is aware exclusive of the investigation performed by the Arkansas State Police.

RESPONSE: Haley Hudson is not aware of any other agency investigating this wreck.

INTERROGATORY NO. 16: Was Jacqueline Ashcraft at fault, even in the slightest, for the accident at issue on June 11, 2021?

RESPONSE: Haley Hudson only has the information contained in Trooper Ray's report, which indicates that the respondent's employee is solely responsible for the rear-end collision. Ashcraft Response to Discovery.pdf

INTERROGATORY NO. 17: Please describe with specificity why Jacqueline Ashcraft was at the location where her vehicle was involved in the accident at issue and her ultimate destination prior to the accident on June 11, 2021.

RESPONSE: Ms. Jacqueline Ashcraft and her two children had cared for her infant nephew, [redacted], during the morning of June 11, 2021. They were having a family day together. [redacted] lived with his mother, Kimmy Corley, at [redacted]. The three were returning the nephew to his mother's home. Ms. Ashcraft was attempting to make a left-hand turn while a tractor trailer rig was approaching. Their vehicle was at a complete stop until the oncoming tractor trailer rig cleared the lane. Their vehicle was rear-ended while at a complete stop by a vehicle owned and operated by the respondent.

INTERROGATORY NO. 18: Did the vehicle driven by Jacqueline Ashcraft on June 11, 2021, have installed an Event Data Recorder (known as a "black box") or other device or computer program that collects and stores data concerning the operation of the vehicle?

RESPONSE: Haley Hudson does not know if the 2005 Hyundai Sonata driven by her mother had such a device or not. Records indicate that Hyundai began installing EDR devices in Sonatas in 2013.

INTERROGATORY NO 19: Please list all persons or entities currently having a claim or that Claimant anticipates will have a claim to a monetary judgment awarded to the Estate of Jacqueline Ashcraft and that person's or entity's relation to Jacqueline Ashcraft.

RESPONSE: See paragraph 17 of the claimant's Amended Complaint filed on December 28, 2022.

INTERROGATORY NO. 20: Please state the current location of the vehicle driven by Jacqueline Ashcraft at the time of the accident.

RESPONSE: Haley Hudson has no information on the current location of her mother's 2005 Hyundai Sonata. The Arkansas State Police report indicated it was towed to Frederick's at 20715 West Walnut St., Paris, AR 72855.

INTERROGATORY NO. 22: Please identify the liability insurance carrier insuring the vehicle driven by Jacqueline Ashcraft on June 11, 2021, as well as the policy number.

RESPONSE: American Underwriters Insurance Company, policy #[redacted] insured Jacqueline Ashcraft's 2005 Hyundai Sonata on the date of the accident. Please see the attached letter dated November 8, 2022, from Crum & Forster sent on behalf of American Underwriters Insurance Company which explains the coverage available on this vehicle and a copy of the automobile insurance application. This letter is in this hyperlink.

Ashcraft Response to Discovery.pdf

INTERROGATORY NO. 23: Please describe with particularity all injuries physical, mental, or emotional injury sustained by the minor children who were passengers in the vehicle at the time of the accident.

RESPONSE: [redacted] were taken by their grandfather to the emergency room at Mercy Hospital in Paris shortly after the wreck.

[redacted] was knocked unconscious during the wreck and continues to have a one-hour amnesia period regarding the wreck. [redacted] experienced a concussion that has led to headaches and vision problems requiring the expertise of a neurologist and neuropsychiatry specialist. Attached is a hyperlink containing the medical records for [redacted] from Mercy Hospital – Paris, Mercy Clinic – Paris, Scarbrough Clinic, Belinga Clinic, and Wynne Medical Clinic.

[redacted] has not had a follow-up with a doctor since she was released from the emergency room at Paris. [redacted] remembers the events from the wreck.

INTERROGATORY NO. 24: Please provide the names, addresses, and phone numbers for all medical professionals, including without limitation physicians, nurses, therapists, counselors, physical therapists, consulting healthcare providers, and homeopaths,

that treated, in whole or in part, the minor children for injuries sustained due to the accident at issue.

RESPONSE:

1.	Mercy Hospital Emergency Room 500 E. Academy St. Paris, AR 72855	June 11, 2021
2.	Mercy Clinic – Paris Kimberly L. Hertlein, ANP 303 South 5th Street Paris, AR 72855	June 17 & 24, 2021
3.	Scarbrough Clinic Tad R. Scarbrough, D.C. 191 N. Killough Road Wynne, AR 72396	July 12, 2021
4.	The Belinga Clinic Steve-Felix Belinga, M.D. 10929 Old Hwy. 71 Fort Smith, AR 72916	September 14 & 30, 2021
5.	Wynne Medical Clinic 710 South Falls Blvd. Wynne, AR 72396	August 26, 2021 - January 25, 2023

REQUEST FOR PRODUCTION NO. 1: Please produce all documents Claimant consulted and/or reviewed in responding to these interrogatories.

RESPONSE: Haley Hudson did not review any documents in responding to these interrogatories.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents written, signed, or recorded by any party and witness relating to the allegations of Claimant's Complaint and/or Respondent's Answer and defenses thereto.

RESPONSE: The claimant does not understand what this request is seeking. The claimant will respond if the respondent clarifies what document it is attempting to obtain.

The claimant is aware of the accident report which contains information about witnesses and parties.

REQUEST FOR PRODUCTION NO. 3: Please produce a complete copy of the insurance policy described in Interrogatory No. 23 (sic) that was in effect on June 11, 2021.

RESPONSE: Haley Hudson does not have the complete copy of the policy. Attached is a hyperlink a copy of every document that American Underwriters has produced.

REQUEST FOR PRODUCTION NO. 4: Please produce a complete copy of the driving record of Jacqueline Ashcraft for the five (5) year period prior to June 11, 2021.

RESPONSE: Objection. The driving record of Jacqueline Ashcraft for the five years prior to June 11, 2021, is not relevant nor is it reasonably calculated to lead to the discovery of relevant evidence. Ms. Ashcraft's prior driving history is not relevant in the case where the respondent's vehicle rear-ended Ms. Ashcraft's car while she was properly attempting a left-hand turn off a state highway.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents, including communications to or from the Claimant, aside from privileged communications, related to the death of Jacqueline Ashcraft.

RESPONSE: Objection. The request is overly broad and not specifically tailored to lead to the discovery of admissible evidence. Without waiving the objection, the claimant has previously submitted the medical records from the ambulance company, the emergency room hospital at Booneville, the air transportation from Booneville to Fort Smith, and the hospital records from Mercy Hospital. These are contained in the following hyperlink:

Ashcraft Mercy Records Bates Stamped.pdf

Also attached is the funeral bill from Brotherton Brothers Funeral Home, along with a copy of Ms. Ashcraft's obituary in the following hyperlink:

Ashcraft Response to Discovery.pdf

REQUEST FOR PRODUCTION NO. 6: Please produce copies of all claims for insurance proceeds made by or against Jacqueline Ashcraft that resulted from Jacqueline Ashcraft's operation of a motor vehicle for the five (5) year period prior to June 11, 2021.

RESPONSE: Objection. The prior claims by Jacqueline Ashcraft for the five years prior to June 11, 2021, is not relevant nor is it reasonably calculated to lead to the discovery of relevant evidence. Ms. Ashcraft's prior driving history is not relevant in the case where the respondent's vehicle rear-ended Ms. Ashcraft's car while she was properly attempting a left-hand turn off a state highway. Without waiving said objection, Haley Hudson is not aware of any claims for insurance proceeds made by or against Jacqueline Ashcraft in the last five years.

REQUEST FOR PRODUCTION NO. 7: Please produce a copy of all insurance policies covering Jacqueline Ashcraft at the time of her death, including without limitation, motor vehicle insurance, liability insurance, medical insurance, or life insurance.

RESPONSE: Haley Hudson is only aware of the insurance policy by American Underwriters Insurance Company who issued Policy Number [redacted] the 2005 Hyundai Sonata owned by Jacqueline Ashcraft. This information was previously provided in response to Interrogatory No. 22.

REQUEST FOR PRODUCTION NO. 8: Please produce a copy of each and every audio, photographic, and video footage that concerns the occurrences identified in Claimant's Complaint.

RESPONSE: Haley Hudson is only aware of the photographs attached as exhibits to Trooper James Ray's deposition. Attached is a hyperlink containing the photographs

attached to the thumb drive which was identified as Exhibit 28 to Trooper Ray's deposition.

Crash Scene Photos by Trooper James Ray.pdf

REQUEST FOR PRODUCTION NO. 9: Please produce a copy of all letters, documents, reports, and medical opinions which have been written by experts, treating physicians, and by consulting physicians, or medical professionals whom Claimant or Claimant's attorney plan on calling as expert witnesses to offer testimony at the trial of this case.

RESPONSE: The claimant anticipates that one of the emergency doctors who provided palliative care will provide a deposition regarding the medical diagnosis and treatment of Ms. Ashcraft. Attached is a copy of the report authored by Ralph Scott, Ph.D.

REQUEST FOR PRODUCTION NO. 10: Please produce a copy of all letters, documents, reports, and opinions which have been written by persons concerning the claim for monetary damages made in the Complaint.

RESPONSE: Please find attached a report prepared by Ralph Scott PhD. Dr. Scott's report addresses economic loss sustained by the Ashcraft family. In addition, attached is the cost to attend the University of Arkansas which is approximately $28,300 per annum.

Ashcraft Response to Discovery.pdf

REQUEST FOR PRODUCTION NO. 11: Please produce the following materials with respect to each expert witness Claimant may call at the trial of this case:

1. A copy of the witness's most recent curriculum vitae;
2. A copy of all pertinent sections or excerpts of books, texts, treatises, articles, statutes, rules, regulations, guidelines, or any material which has been or may be referred to or relied upon by any expert witness in forming or explaining his or her opinions in connection with this case, together with citations to specific passages or sections relied upon (a list of the items above with specific citations to the relied-upon material will suffice as an alternative);

3. A copy of any computer programs, spreadsheets, analytical programs, statistical programs of any other computer-based tool utilized by any expert witness in any manner with regard to his/her opinions in this case (a list of the items above with specific citations to the relied-upon material will suffice as an alternative);
4. Copies of each spreadsheet, program, algorithm, statistical model, macro program, or other computer-based files created by or at the direction of any expert witness which has been utilized in any manner regarding his or her opinions in this case;
5. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings of any type, computer files, emails or tangible items of any kind that have been supplied to any expert witness by Claimant, attorneys for Claimant, and/or any representative of the Claimant or Claimant's attorney.
6. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video, or audio recordings of any type, computer files, emails, or tangible items of any kind that any expert witness has provided to the Claimant, attorneys for Claimant, and/or any representative of Claimant's attorney;
7. Copies of reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings of any type, computer files, emails, or tangible items of any kind made or prepared by any expert witness in connection with this case regardless of whether such materials were provided to any other person; and
8. All billing records, bills, invoices, and fee schedule an expert witness has prepared or provided in connection with this case.

RESPONSE: The claimant will provide this information as it becomes available.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents or exhibits which Claimant plans to use at the trial of this case, including without limitation documents or exhibits which Claimant plans on introducing into evidence and documents or exhibits

which Claimant plans to or will use in the direct examination and cross-examination of witnesses at the trial of this case.

RESPONSE: Please see the exhibits attached to Trooper James Ray's deposition taken on February 21, 2023. The claimant has previously provided a copy of the medical records of Jacqueline Ashcraft and [redacted]. The report of Dr. Scott will also be introduced as an exhibit. These items can be found in the following four hyperlinks:

Ashcraft Response to Discovery.pdf Crash Scene Photos by Trooper James Ray.pdf

Ashcraft Mercy Records Bates Stamped.pdf [redacted] Medical Records.pdf

REQUEST FOR PRODUCTION NO. 13: Please produce all geolocation data, including data taken from a smartphone, GPS tracker, or other device that would indicate the exact whereabouts of Jacqueline Ashcraft on June 11, 2021.

RESPONSE: The claimant does not possess this data. Trooper James Ray's accident report indicates that Ms. Ashcraft was at a latitude of 35.294605° North and a longitude of 93.662085° West at 12:50 p.m. on June 11, 2021. Ashcraft Response to Discovery.pdf

REQUEST FOR PRODUCTION NO. 14: Please produce a complete call log containing a record of phone calls to or from Jacqueline Ashcraft between the hours of 10:00 a.m. and 1:00 p.m., on June 11, 2021 (a copy of the cell phone invoice or bill prepared by the third-party carrier for the time period including June 21, 2021, that has a list of all calls and the timer period of each call will suffice).

RESPONSE: Haley Hudson does not possess this information.

REQUEST FOR PRODUCTION NO. 15: Please produce a complete list of all text messages, including the text of the messages themselves, made to or from a device or smartphone possessed by Jacqueline Ashcraft on June 11, 2021.

RESPONSE: Haley Hudson does not possess this information.

INTERROGATORY NO. 25: Please list all legal claims or lawsuits to which Haley Hudson has been either a plaintiff, claimant, defendant, or respondent for the last ten (10) years.

RESPONSE: None outside of the litigation arising from the wreck on June 11, 2021.

INTERROGATORY NO. 26: Has Haley Hudson ever been charged with or convicted of a felony, a Class A misdemeanor, and/or an offense involving dishonesty or moral turpitude? If so, please describe the circumstances and the ultimate outcome of the charge or case.

RESPONSE: No. Not applicable.

INTERROGATORY NO. 27: Please state whether Social Security payments have been or are currently being made to any person as a result of the death of Jacqueline Ashcraft, the amount of those payments if applicable, and the recipient of those payments.

RESPONSE: Yes. Social Security death benefits are being paid to Haley Hudson as the Guardian of [redacted].

INTERROGATORY NO. 28: Please state whether survivor benefit payments exclusive of Social Security benefits have been or are currently being made to any person as a result of the death of Jacqueline Ashcraft, the amount of those payments if applicable, and the recipient of those payments.

RESPONSE: Haley Hudson is not aware of any survivor benefit payments being made as result of Jacqueline Ashcraft's death other than the payments from Social Security.

INTERROGATORY NO. 29: Please provide the name, address, and phone number for each person Jacqueline Ashcraft spoke to after the accident on June 11, 2021.

RESPONSE: Please see Arkansas State Trooper James Ray's deposition on February 21, 2023, for this information. Haley Hudson does not know what persons

Jacqueline Ashcraft spoke to after the wreck. Haley Hudson was in Wynne, Arkansas, when this accident occurred. Haley Hudson was called to rush to Fort Smith to join the family and help make the decision to end life support for her mother.

INTERROGATORY NO. 30: Please state whether Jacqueline Ashcraft was prescribed corrective eyewear such as prescription glasses or contact lenses to correct her vision. If the answer is yes, please state her most recent vision prescription.

RESPONSE: Haley Hudson is not aware of any prescription for glasses or contact lenses for Jacqueline Ashcraft.

INTERROGATORY NO. 31: Did Jacqueline Ashcraft at the time of the accident at issue have any requirements by the state to wear corrective lenses while she was operating a motor vehicle?

RESPONSE: The accident report prepared by State Trooper James Ray indicates there were no restrictions on Jacqueline Ashcraft's license.

INTERROGATORY NO. 32: Please state whether Claimant will treat the foregoing interrogatories as continuing and furnish to Respondent, in writing, any additional information received by Claimant subsequent to the date of Claimant's answers hereto that would modify or supplement Claimant's answers, such additional information to be furnished as soon as reasonably possible after receipt by Claimant and within a reasonable time prior to the assigned trial date in order to permit appropriate discovery procedure.

RESPONSE: The claimant will abide by the Arkansas Rules of Civil Procedure.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: /s/ Jim Jackson
Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim R. Jackson, hereby certify that I have electronically filed the foregoing with the Arkansas Claims Commission and copied the respondent's attorneys, Brent P. Gasper and Sarah DeBusk, via email.

/s/ Jim Jackson
Jim R. Jackson

From: Jim Jackson
To: ASCC Pleadings; Brent Gasper; Sarah Debusk
Cc: Martha Cox; Sarah Debusk; Daiquiri Carter
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...
Date: Thursday, April 20, 2023 3:26:15 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg
Notice of Filing of Medical Records for Filing pursuant to Ark Code Ann §16-46-108.pdf

---

Please find attached the Claimant's Notice of Filing of Medical Records.
Please let my office know if you have any issue opening the hyperlink.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Monday, April 10, 2023 11:02 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Received on 4-4-23.

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Sent: Tuesday, April 4, 2023 4:11 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; ASCC Pleadings <asccpleadings@arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>

Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Brent & Sarah,
Please find attached the Claimant's response to discovery.
I tried to separate the hyperlinks so that you have one with Ms. Ashcraft's Medical Records and one with Miss Kadey Lynn Jones records and one with a general documents that are responsive to your client's Requests for Production of Documents.
Please let me know if you have any issue opening these four hyperlinks that are inserted in the document.
You will need to wait a few minutes for them to open before they download.
I do not know how long the hyperlink will grant you access to the documents so please save them to your computer when you have a moment.
Please let me know if you have any questions about this document.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, March 27, 2023 7:33 AM
To: Jim Jackson <jim@jimjacksonatty.com>; ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Hello all. I was out last week so I am just now going through my email inbox. I would respectfully suggest that it is far too premature to set a hearing date for this matter. The issues here have become more and more complex and while initially it appeared that liability would not need to be explored, recent information has come to light that perhaps liability will be at issue. I do not feel it is prudent to say more at this time but any hearing set this calendar year will be opposed by DHS. Further, I would note that we have still yet to receive Claimant's responses to discovery, for which Jim still has time. I highlight this fact simply to illustrate that there is still much to do on this case from our end.

If after having the opportunity to review all pertinent and relevant facts it appears that we can go to a hearing sooner than 2024 I will make the Commission aware.

thanks,

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Friday, March 24, 2023 10:39 AM
To: ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident

[EXTERNAL SENDER]
Director Irby,
Please see attached a letter requesting a hearing date be scheduled for this matter.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO.** 230641

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

NOTICE OF FILING OF MEDICAL RECORDS

To: Arkansas Department of Human Services
c/o Brent Gasper Esq. & Sarah DeBusk
Brent.Gasper@DHS.Arkansas.gov
Sarah.DeBusk@dhs.arkansas.gov

Pursuant to Ark. Code Ann. §16-46-108, you are hereby notified that the Claimant is filing 202 pages of Jacqueline Lynn Ashcraft's medical records from Mercy Health Care accompanied by an Affidavit executed by Brenda Bourg, Registered Health Information Administrator, as Custodian of Medical Records for Mercy Hospital Fort Smith, (Insert name of Medical provider) with the Clerk of this Court for inclusion with the papers in this cause of action. The claimant intends to introduce the medical records attached to the Affidavit into evidence at the trial of this case. Copies of the affidavit and attached medical records are being provided to your attorney by regular E-mail on this 20th day of April, 2023. The Affidavit and records are contained in the hyperlink below.

Ashcraft records w Affidavit.pdf[1]

[1] Contact Claimant's Counsel if you encounter difficulty opening. This hyperlink will expire on May 20, 2023 (Thirty days) but can be refreshed by request.

Respectfully submitted;

/s/ Jim R. Jackson

Jim Jackson
Attorney for Claimant
Jackson Law Firm
700 W. Broadway Street, Suite 200
North Little Rock, AR 72114

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the attached document with the Clerk of the Arkansas Claims Court using e-mail and sending a true copy of such filing to all attorneys of record via e-mail.

/s/ Jim R. Jackson

Jim R. Jackson

From: Daiquiri Carter
To: ASCC Pleadings; Brent Gasper; Sarah Debusk
Cc: jim@jimjacksonatty.com; Martha Cox; Daiquiri Carter
Subject: CC # 230641
Date: Wednesday, April 26, 2023 9:22:27 AM
Attachments: Motion to Dismiss_001.pdf
image001.png
image002.png

Please find attached Respondent's Motion to Dismiss claimant Haley Hudson, Individually. I have copied Claimant's attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

NOTE - This email may contain sensitive or confidential information.

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

v. **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

MOTION TO DISMISS CLAIMANT HALEY HUDSON, INDIVIDUALLY

COMES NOW, Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Motion to Dismiss Claimant Haley Hudson, Individually, states:

1. The instant action has been brought by and is currently captioned as having three separate claimants. Those claimants are:

   A. Haley Hudson, individually;
   B. Haley Hudson, as special administratrix of the estate of Jacqueline Ashcraft; and
   C. Haley Hudson, as permanent legal guardian of [redacted] minor children.

2. The wrongful death claims in the complaint are premised on allegations of negligence by Respondent that led to Jacqueline Ashcraft's death. The minor children [redacted] have also alleged separate individual actions claiming personal injury from the accident at issue.

3. In Arkansas, only a real party in interest may bring a cause of action. This is because the real party in interest is considered to be the person who can discharge the claim on which the

allegation is based, not necessarily the person ultimately entitled to the benefit of any recovery. *See* Ark. R. Civ. Pro. 17(a); *Recinos v. Zelk*, 369 Ark. 7, 250 S.W.3d 221 (2007).

4. In Arkansas, a claim of wrongful death is a statutory claim, with specific requirements about who may bring this type of claim.

5. Specifically, the wrongful death statute at Ark. Code Ann. 16-62-102(b) states that:

> *Every action shall be brought by and in the name of the personal representative of the deceased person. If there is no personal representative, then the action shall be brought by the heirs at law of the deceased person.*

6. It is clear this statute requires that if a personal representative has been appointed to an estate, *only* the personal representative may bring a wrongful death claim. Further, the heirs at law – such as are present here by the named claimants Haley Hudson, individually, and Haley Hudson, as permanent legal guardian of [redacted] minor children – may *only* be a party to a wrongful death claim if there is no personal representative appointed to the estate of Jacqueline Ashcraft. *See Recinos, supra* ("[a] decedent's heirs at law may not file a wrongful-death suit where a personal representative has been appointed.") Therefore, when a personal representative has filed a claim of wrongful death, such as has occurred here, that person shall be the sole claimant in the action for wrongful death and is considered the sole real party in interest.

7. Due to the foregoing, Haley Hudson, individually, is required to be dismissed from this case. This is because Haley Hudson as an individual lacks standing to bring a wrongful death claim when a personal representative has been appointed. *See Rhuland v. Fahr*, 365 Ark. 382, 155 S.W.3d 2 (2004).

WHEREFORE, Respondents move this Commission to DISMISS claimant Haley Hudson, individually, due to a lack of standing to bring the instant claim of wrongful death. Further,

Respondent prays that this Commission ORDER the recaptioning of the instant case to read "*Estate of Jacqueline Ashcraft, by Haley Hudson, special administratrix, and* [redacted] *by Haley Hudson as permanent legal guardian v. Department of Human Services*," and for all other relief to which it may show itself entitled.

Respectfully Submitted,

By: _____

Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

Sarah DeBusk
General Counsel
AR Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkanas.gov
Sarah.Debusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent P. Gasper, hereby certify that on 26 April 2023, I electronically filed the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.

Brent P. Gasper

From: Martha Cox
To: Jim Jackson; ASCC Pleadings; Brent Gasper; Sarah Debusk
Cc: Daiquiri Carter
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted] Minor Children v. Arkansas Department of Human Services; Claims Commission No. 230641
Date: Monday, May 1, 2023 10:03:45 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg
Notice of Deposition - Dr Christopher Bell.pdf

You don't often get email from mcox@jimjacksonatty.com. Learn why this is important

Please file the attached Notice of Deposition for Dr. Christopher Bell in the above claim.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: Jim Jackson
Sent: Thursday, April 20, 2023 3:26 PM
To: 'ASCC Pleadings' <ASCCPleadings@arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Please find attached the Claimant's Notice of Filing of Medical Records.
Please let my office know if you have any issue opening the hyperlink.
Thank you,
Jim

Jim Jackson
Jackson Law Firm

JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Monday, April 10, 2023 11:02 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
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Received on 4-4-23.

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700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, March 27, 2023 7:33 AM
To: Jim Jackson <jim@jimjacksonatty.com>; ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

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If after having the opportunity to review all pertinent and relevant facts it appears that we can go to a hearing sooner than 2024 I will make the Commission aware.

thanks,

brent

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To: ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
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[EXTERNAL SENDER]
Director Irby,
Please see attached a letter requesting a hearing date be scheduled for this matter.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

NOTICE OF DEPOSITION

TO: Arkansas Department of Health and Human Services
c/o Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

NOTICE is hereby given that the plaintiff will take the deposition of Dr. Christopher Bell on Monday, May 22, 2023, beginning at 1:00 p.m. at the offices of Attorney Kirkman T. Dougherty, Hardin, Jesson & Terry, PLC, 5000 Rogers Avenue, Suite 500, Fort Smith, Arkansas, for all purposes, upon oral examination, before a Certified Court Reporter, duly authorized to administer oath, and recorded by stenographic means. The deposition will be videotaped. The deposition will continue until completed.

Respectfully submitted,

BY: _____

Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice of Deposition was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson .
Jim R. Jackson

From: Daiquiri Carter
To: ASCC Pleadings; Brent Gasper; Martha Cox; jim@jimjacksonatty.com
Cc: Sarah Debusk; Daiquiri Carter
Subject: CC # 230641
Date: Tuesday, May 2, 2023 9:38:17 AM
Attachments: Hudson Motion to Compel_001.pdf
image001.png
image002.png

Please find attached Respondent's Motion to Compel. I have included Claimant's attorney on this email. Hudson v. DHS

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

NOTE - This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment(s) is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to which this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying or distribution this transmission is STRICTLY PROHIBITED. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return and delete the message and attachment(s) from your system.

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

v. — **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

MOTION TO COMPEL DISCOVERY FROM THE ESTATE OF JACQUELINE ASHCRAFT, HALEY HUDSON AS SPECIAL ADMINISTRATRIX

COMES NOW, Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Motion to Compel Discovery from the Estate of Jacqueline Ashcraft, Haley Hudson as special administratrix, states:

1. Discovery has begun in this case and Respondent has propounded a first set of interrogatories and requests for production to the Claimant, Haley Hudson, as the special administratrix of the estate of Jacqueline Ashcraft.[1] Because Haley Hudson has been appointed special administratrix of the Estate of Jacqueline Ashcraft, this means that she is "*empower[ed] ... to act for the estate*" and also means that she is the *only* person who can "*discharge the claim on which the allegation is based*". *See* Ark. Code Ann. 28-48-102(d)(2). As such, Haley Hudson, in her capacity as special administratrix of the estate of Jacqueline Ashcraft, is the real party in

[1] Respondent has filed a motion to dismiss Claimant Haley Hudson, individually, from this claim as she does not have legal standing to bring an individual claim when an administrator has been appointed to represent the estate. Ms. Hudson also represents the named minor children named in the Complaint, although those minor children are bringing their own individual claims and are not the subject of this instant discovery issue.

interest and *the only person or entity that may lawfully be the claimant in this case*, aside from the two minor children who have separate and individual claims as to their respective personal injuries. All discovery requests propounded to the estate of Jacqueline Ashcraft shall be directed to Haley Hudson, *not individually*, but *in her capacity as the special administratrix of the estate of Jacqueline Ashcraft*. It is the *estate* that is required to respond to the discovery requests and no other entity or person. The nature of the estate of a deceased person necessarily means that information that would have been known by or available to Jacqueline Ashcraft prior to her death is imputed to the estate and its personal representative.

2. Claimant's response to Interrogatory No. 7 was not fully or properly answered by the estate of Jacqueline Ashcraft, as represented by Haley Hudson. The response was insufficient and requires complete supplementation.

3. Respondent's Interrogatory No. 7 was propounded as follows:

> **INTERROGATORY NO. 7:** Please provide the names, addresses, and phone numbers for all medical professionals including without limitation physicians, nurses, therapists, counselors, physical therapists, optometrists, osteopaths, or homeopaths, that treated Jacqueline Ashcraft for any reason for the five (5) year period prior to June 11, 2021.

4. Claimant's response to this interrogatory was as follows:

> **RESPONSE**: Haley Hudson does not possess this information.

5. Through email correspondence on April 6, 2023, Respondent requested Claimant supplement the response to Interrogatory No. 7. In a letter dated April 10, 2023, Claimant did address, but did not supplement, this request by stating that the estate of Jacqueline Ashcraft "does not know the name or identity of any of Ms. Ashcraft's medical providers from June 11, 2016, through June 11, 2021." This is a non-responsive and factually incorrect statement that is not made in good faith.

6. Ms. Ashcraft's medical condition at the time of her death has been placed at issue as Claimant asserts that the injuries from the accident itself caused her death.[2] However, by refusing to provide the information requested by Respondent, Claimant seeks to now force *Respondent* to assess Ms. Ashcraft's medical condition prior to the accident without the benefit of her previous medical records, in light of the Claimant's noted illness and weakness for the two (2) days prior to the accident.

7. Jacqueline Ashcraft's personal medical records could lead to the discovery of acute, chronic, and/or terminal conditions that would have impacted her possible life expectancy. This is directly relevant to Claimant's claims for lost earning capacity and any other measure of damages that depend on how long Ms. Ashcraft may have lived and under what conditions had it not been for her death.

8. The medical records could also lead to admissible information concerning Ms. Ashcraft's physical and mental ability to operate a motor vehicle, such as her vision, how she was generally aware of her surroundings, whether she was prescribed or otherwise used prescription or controlled substances, or any other physical or mental limitation that may have affected her ability to safely drive her vehicle.

9. To this end Claimant attempts to use this claim and the attendant discovery process as both a sword and a shield – first by making allegations that the *sole cause* of Ms. Ashcraft's

[2] Indeed, the EMT records introduced at the deposition of Officer James Ray, marked as "Plaintiff's Exhibit 20" states itself that [redacted] However, Claimant contends that this information is "irrelevant" to the case at hand.

death were the injuries she sustained in an accident but then simultaneously refusing to comply with very reasonable requests to discover information that go *right to the heart of the claim itself.*

10. Respondent has not at any point in time admitted liability or suggested that liability and proximate cause were *not* at issue. Indeed, Respondent has raised comparative fault as a defense. If there were medical or physical issues that resulted in Ms. Ashcraft contributing to the accident or any injuries sustained by the two minor children, who are also making individual personal injury claims, Respondent has a right to explore and evaluate those medical or physical issues. By suggesting that Claimant has *no obligation* to tender this information – *apparently not even making an* ***attempt*** *at procuring it* – to Respondent is absurd and contrary to the rules of discovery

11. As previously stated, Ms. Ashcraft's estate *represents her as her legal representative entity in her death.* To say that *her own estate* does not know information that Ms. Ashcraft knew or should have known had she been alive to respond to discovery is an argument that lacks any sense and the fact that Claimant has apparently not even *attempted* to obtain this information shows either a lack of good faith or a lack of understanding of what her legal responsibilities as special administratrix of the estate entail, or both.[3]

12. The suggestion that this information should be actively sought out by Respondent by sending letters to all doctors in the region in order to discover the identities of Ms. Ashcraft's treating physicians is contrary to the purpose of discovery. As the Arkansas Supreme Court has held, "[t]he goal of all discovery is to permit a litigant to obtain whatever information he may need

[3] Additionally, the fact that Ms. Ashcraft's own daughter apparently does not know or does not have the ability to find out who her mother's medical providers were would be evidence in and of itself that would go to the evaluation of her loss of consortium claim.

to prepare adequately for issues that may develop without imposing an onerous burden on his adversary." *Marrow v. State Farm Ins. Co.*, 264 Ark. 227 (1978). Yet this is exactly what Claimant contends should be the case here. Aside from being an onerous and unnecessary burden on Respondent and one that would put Respondent at a distinct disadvantage – if, for instance, Ms. Ashcraft had non-local or out-of-state medical treatment, unknown to her local medical providers – it simply is not Respondent's responsibility when Ms. Ashcraft's health prior to her death is at the very center of this legal controversy.

13. Claimant has brought this claim for millions of dollars and has the burden of proof to show Respondent is both negligent and to show the proper measure of damages. Comparative fault has been raised and Respondent is still evaluating those grounds. Further, Claimant is seeking damages premised on potential lost wages and the presumed longevity of Ms. Ashcraft's life had she not died. It should be incumbent on the Claimant to provide *all* relevant discoverable information when asked in a reasonable manner. In fact, the Arkansas Rules of Civil Procedure require it. *See* Ark. R. Civ. Pro. 26. If Haley Hudson, as special administratrix of the estate of Jacqueline Ashcraft, does not know who Ms. Ashcraft's medical providers were in life, it should be *her* responsibility to take the affirmative steps that she currently believes *Respondent* should undertake. This argument has no legal basis and violates the spirit, if not the letter, of our state's rules of discovery.

14. "A discovery motion must be considered in light of the particular circumstances which give rise to the request and the need of the movant for the information requested." *Wilson v. Neal*, 332 Ark. 148 (196). Very clearly, Ms. Ashcraft's medical history is of utmost importance to Respondent's ability to determine her medical condition or conditions prior to the accident. As

such, Respondent MOVES that this Commission ORDER Claimant to provide a complete, thorough, and good faith response to Respondent's Interrogatory No. 7.

WHEREFORE, Respondents move this Commission to GRANT its Motion to Compel and ORDER Claimant to comply with the specific discovery requests as set forth in this motion and for all other relief to which it may show itself entitled.

Respectfully Submitted,

By: _____
Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

_____
Sarah DeBusk
General Counsel
AR Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.gasper@dhs.arkansas.gov
Sarah.debusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent P. Gasper, hereby certify that on 2nd May, 2023, I electronically file the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.

_____
Brent P. Gasper

From: Daiquiri Carter
To: ASCC Pleadings; Brent Gasper; jim@jimjacksonatty.com
Cc: Sarah Debusk; Martha Cox; Daiquiri Carter
Subject: CC # 230641
Date: Wednesday, May 3, 2023 2:01:41 PM
Attachments: Hudson Motion to Quash_001.pdf
image001.png
image002.png

Please find attached Respondent's Motion to Quash Notice of Deposition. I have copied Claimant's attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

NOTE - This email may contain sensitive or confidential information.

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

v. **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

MOTION TO QUASH NOTICE OF DEPOSITION OF DR. CHRISTOPHER BELL AND MOTION FOR PROTECTIVE ORDER

COMES NOW, Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorneys, Brent P. Gasper, Assistant Deputy Chief Counsel, and Sarah DeBusk, General Counsel, and for its Motion to Quash Notice of Deposition of Dr. Christopher Bell and Motion for Protective Order, states:

1. Claimant has filed a Notice of Deposition of Dr. Christopher Bell, which is to be held on May 22, 2023, in Fort Smith, Arkansas.

2. As ascertained from the medical records filed in this case, Dr. Bell appears to have been an attending physician at Mercy Hospital in Fort Smith on the day that Jaqueline Ashcraft died.

3. Respondent can only guess from the medical records as to what actions Dr. Bell took with Ms. Ashcraft or what his thoughts were while she was at the hospital as Respondent has not spoken with Dr. Bell. However, Respondent suspects that Dr. Bell may testify as to the medical condition of Ms. Ashcraft when she died, the nature and potential cause of her injuries, possibly give an expert opinion in his role as a physician, as well as testify as to any other medical issue addressed on June 11 and 12, 2021.

4. While Respondent believes that Dr. Bell likely will be a witness in this case and will likely have his deposition taken at some point, the pretrial posture of this claim has not yet reached that point.

5. Respondent has filed a Motion to Compel Discovery concerning the lack of a sufficient response to a discovery request concerning the identities[1] of Jacqueline Ashcraft's medical providers leading up to June 11, 2021. While Dr. Bell may not have treated Ms. Ashcraft before June 11, 2021, having her medical records and other medical information preceding Dr. Bell's deposition is vital to Respondent's ability to question him, especially if Dr. Bell testifies to the manner and ultimate cause of her death or offers an expert opinion. Without Ms. Ashcraft's medical records, Respondent's ability to question Dr. Bell in light of Ms. Ashcraft's prior mental and physical medical condition as potential contributing factors to the circumstances surrounding her death would be drastically curtailed. A full and proper examination of Dr. Bell will be impossible and Respondent's case will suffer for it, which is compounded by the fact that it is the Claimant's lack of cooperation that is making it so.

6. Rule 26(c) of the Arkansas Rules of Civil Procedure reads as follows:

> (c) Protective Orders. Upon motion by a party or by the person from whom discovery is sought, stating that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action, and for good cause shown, the court in which the action is pending may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:
>
> (1) that the discovery not be had;

[1] Respondent again notes that is simply looking for the *identities* of the medical providers, not copies of the medical records kept by those medical records themselves. Claimant, however, contends that it does not have this information and is in any event "irrelevant".

> (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
>
> (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
>
> (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;
>
> (5) that discovery be conducted with no one present except persons designated by the court;
>
> (6) that a deposition after being sealed be opened only by order of the court;
>
> (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;
>
> (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

7. As Rule 26(c) states, this Commission may "make any order which justice requires", such as quashing or otherwise staying Dr. Bell's deposition, "for good cause shown". The fact that Respondent will currently be required to question Dr. Bell without the benefit of Ms. Ashcraft's prior medical records would certainly be good cause. Respondent realizes that Dr. Bell will likely still be deposed in this case as a fact witness and as such Respondent has no quarrel with setting up a deposition for Dr. Bell. However, doing so without first having the chance to review Ms. Ashcraft's medical history would be premature. The Commission should first rule on Respondent's Motion to Compel and settle the question of whether Claimant is bound to properly respond to discovery before any deposition of a medical professional or witness be scheduled.

8. Respondent has contacted Claimant's attorney through email requesting that Dr. Bell's deposition be canceled or otherwise postponed due to Respondent's Motion to Compel. This was done in compliance with Respondent's responsibilities under Rule 26(c), *supra*. Claimant's attorney responded but did not appear to be agreeable to this request.

9. Because of this, Respondent MOVES this Commission to QUASH the notice of deposition of Dr. Christopher Bell as untimely and to ISSUE a Protective Order quashing or otherwise holding in abeyance Dr. Bell's deposition until such time as it has ruled on Respondent's Motion to Compel, and for all other relief to which it may show itself entitled.

Respectfully Submitted,

By: _____
Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

_____
Sarah DeBusk
General Counsel
AR Bar No. 2019308

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkanas.gov
Sarah.Debusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent P. Gasper, hereby certify that on 3 May, 2023, I electronically filed the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.

_____
Brent P. Gasper

From: Brent Gasper
To: Jim Jackson; Kathryn Irby
Cc: Sarah Debusk; Martha Cox
Subject: RE: INFO NEEDED: Hudson v. DHS - Motion to Quash
Date: Thursday, May 4, 2023 10:44:10 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Thank you for your prompt response, Jim.

Kathryn, you are welcome to advise the Commission that we will be filing motions to quash any deposition of a medical professional that Claimant attempts to set until the Motion to Compel is ruled on. This would include a rescheduled deposition of Dr. Bell in that July 17-27 timeframe. The reason will be the same as set out in our current Motion to Quash – that Claimant has failed to abide by its discovery obligations regarding Ms. Ashcraft's medical history information and until it does so any deposition of a medical professional is premature and untimely. Moreover, we would also object to keeping Dr. Bell's deposition "open" as that gives a distinct advantage to Claimant and would result in an uneven playing field with regards to Dr. Bell's testimony.

Concerning the Motion to Compel, Claimant has an obligation to supply Ms. Ashcraft's medical history information. I'm still trying to wrap my head around the fact that Claimant does not feel it has an obligation to supply the medical history of a person while at the same time the Claimant asks for damages for future lost earning capacity (projected through 2029) and loss of household services (also projected through 2029). Claimant even attached to its discovery responses an article on "mortality risk valuation," which references to a "cancer differential" – articles relied up on by Dr. Scott in his economic report that Claimant intends to use at trial. But even now Claimant still believes it has no obligation to provide a recent medical history.

The only thing that appears to stand in Claimant's way from fulfilling its discovery obligation is Claimant's unwillingness to do what it suggests *Respondent* do. If Claimant still refuses to undertake what is necessary to fulfill what is essentially its baseline discovery obligation please expect a Motion to Strike certain portions of Claimant's Complaint that I suspect the Commission may want to take up at the same time as the other motions.

Thank you for your consideration and time,

Brent

Cc: Sarah DeBusk, Jim Jackson

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, May 4, 2023 10:11 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>

Subject: RE: INFO NEEDED: Hudson v. DHS - Motion to Quash

[EXTERNAL SENDER]
Ms. Irby,
I confirmed with counsel that May 22 was good for them prior to serving the Notice of Deposition for Dr. Bell.
I was surprised to find out that they had an objection after we agreed on a date and the Notice was circulated.
Hoping to accommodate Brent and Sarah, I sent an email this morning to Dr. Bell's attorney, Kirk Dougherty, to see if Dr. Bell is available July 17-27.
I hope to hear back from Kirk soon.
It has been very difficult to locate Dr. Bell because he is an ER physician and does not have a "clinic" or an office telephone number.
ER physicians are often transitory and frequently move to different hospitals/locations.
Since I now have Dr. Bell's legal counsel's contact information, I am hoping that it will be easier to communicate with him.
I want to make sure Dr. Bell is available at a later date and not in the process of moving out of state before agreeing to move the deposition date.
I have also told Brent that I am agreeable to leaving Dr. Bell's deposition "open" and if he obtains medical information later, that he can continue the deposition.
But as soon as I hear from Kirk, I will let Brent and Sarah know his response.
I want to make sure that the delay of a medical deposition into the summer does not delay the setting of this matter.

Motion to Compel
I am in the process of drafting a response to the Motion to Compel asking Ms. Hudson to provide the identity of Ms. Ashcraft's medical providers for the five years prior her death from the car wreck.
I have the response date calendared for May 16.
The gist of the response to the Motion to Compel is that Ms. Hudson does not know the names or identity of Ms. Ashcraft's medical providers for the five years prior to her death.
The Claimant has signed a HIPPA authorization which allows the Respondent to send blanket requests for medical records to any medical provider they choose.
I do not see any way that Ms. Hudson will be able to more fully answer the Interrogatory regarding the prior medical history of her mom.
I will more fully set out the claimant's position in the response but I want to let everyone know that I do not foresee Ms. Hudson being able to provide the information to the respondent beyond the information provided in the medical records from the day of the wreck.
Thank you for time on this matter.
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Thursday, May 4, 2023 9:36 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Subject: INFO NEEDED: Hudson v. DHS - Motion to Quash

Mr. Jackson, from Paragraph 8 of the motion to quash, it is not clear if Claimant is, in fact, amenable to postponing the deposition. Can you please advise? Thanks!

Kathryn Irby

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

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, May 4, 2023 8:23 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Subject: Hudson v. DHS - Motion to Quash

Kathryn:

Good morning! I hope you are well. I wanted to make a request of the Commission concerning the Motion to Quash I filed yesterday in Hudson v. DHS. At issue is a deposition currently notice and scheduled for May 22, which means we are less than three (3) weeks out. Our position is that this deposition is premature and untimely given the discovery impasse we are at and with our Motion to Compel pending.

Is the Commission able to decide on the Motion to Quash prior to the May 22 date? I know Jim has

scheduled a court reporter and videographer for the deposition and allowing him to cancel those people and to let the witness know that the deposition is canceled ahead of time would be optimal.

I was not sure of the Commission's ability to decide or policy concerning decisions on motions where time is of the essence. Nevertheless I feel it is warranted to give you the heads-up as early as possible that this is our request.

Thank you!

Brent

Cc: Sarah DeBusk, Jim Jackson

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From: Martha Cox
To: Jim Jackson; ASCC Pleadings; Brent Gasper; Sarah Debusk
Cc: Daiquiri Carter
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services; Arkansas Claims Commission #230641
Date: Thursday, May 4, 2023 11:53:23 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg
Notice of Deposition for Kristen Shelton.pdf

You don't often get email from mcox@jimjacksonatty.com. Learn why this is important

Please find attached a Notice of Deposition for Kristen Shelton for filing in the above-referenced claim.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: Jim Jackson
Sent: Thursday, April 20, 2023 3:26 PM
To: 'ASCC Pleadings' <ASCCPleadings@arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Please find attached the Claimant's Notice of Filing of Medical Records.
Please let my office know if you have any issue opening the hyperlink.
Thank you,
Jim

Jim Jackson

Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Monday, April 10, 2023 11:02 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Received on 4-4-23.

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Tuesday, April 4, 2023 4:11 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; ASCC Pleadings <asccpleadings@arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Brent & Sarah,
Please find attached the Claimant's response to discovery.
I tried to separate the hyperlinks so that you have one with Ms. Ashcraft's Medical Records and one with Miss Kadey Lynn Jones records and one with a general documents that are responsive to your client's Requests for Production of Documents.
Please let me know if you have any issue opening these four hyperlinks that are inserted in the document.
You will need to wait a few minutes for them to open before they download.
I do not know how long the hyperlink will grant you access to the documents so please save them to your computer when you have a moment.
Please let me know if you have any questions about this document.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, March 27, 2023 7:33 AM
To: Jim Jackson <jim@jimjacksonatty.com>; ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: Re: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 In...

Hello all. I was out last week so I am just now going through my email inbox. I would respectfully suggest that it is far too premature to set a hearing date for this matter. The issues here have become more and more complex and while initially it appeared that liability would not need to be explored, recent information has come to light that perhaps liability will be at issue. I do not feel it is prudent to say more at this time but any hearing set this calendar year will be opposed by DHS. Further, I would note that we have still yet to receive Claimant's responses to discovery, for which Jim still has time. I highlight this fact simply to illustrate that there is still much to do on this case from our end.

If after having the opportunity to review all pertinent and relevant facts it appears that we can go to a hearing sooner than 2024 I will make the Commission aware.

thanks,

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Friday, March 24, 2023 10:39 AM
To: ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; Sarah Debusk <sarah.debusk@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident

[EXTERNAL SENDER]
Director Irby,
Please see attached a letter requesting a hearing date be scheduled for this matter.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — **CLAIMANT**

VS. — **CC NO. 230641**

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

NOTICE OF DEPOSITION

TO: Arkansas Department of Health and Human Services
c/o Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

NOTICE is hereby given that the claimant will take the deposition of Kristen Shelton on Tuesday, May 16, 2023, beginning at 1:00 p.m. at the offices of the Arkansas Department of Human Services, 900 South Rogers Avenue, Clarksville, Arkansas, for all purposes, upon oral examination, before a Certified Court Reporter, duly authorized to administer oath, and recorded by stenographic means. The deposition will be videotaped. The deposition will continue until completed.

Respectfully submitted,

BY: _____

Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice of Deposition was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson
Jim R. Jackson

From: Sarah Debusk
To: Kathryn Irby; jim@jimjacksonatty.com; Brent Gasper
Cc: Daiquiri Carter
Subject: Hudson vs. DHS
Date: Tuesday, May 9, 2023 10:45:47 AM
Attachments: image001.png
image002.png

Good Morning, Kathryn

I was on this case with Brent as co-counsel for the Department.
However, I will no longer be on the case as counsel, it will just be Brent.
Do I need to submit anything formal indicating that, or will this email be sufficient?

I have copied Mr. Jackson on this email.

Thank you!

Sarah J. DeBusk
Arkansas Department of Human Services
Office of Chief Counsel
Attorney Specialist

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From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Sarah Debusk; Jim Jackson
Subject: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d, & Permanent Guardian of [redacted] Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Wednesday, May 10, 2023 11:59:54 AM
Attachments: Response to Motion to Dismiss.pdf
Second Amended Complaint.pdf

Please find attached the claimant's Response to Motion to Dismiss and claimant's Second Amended Complaint, which we would appreciate being filed in the above-referenced claim.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
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North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — **CLAIMANT**

VS. — **CC NO. 230641**

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

CLAIMANT'S RESPONSE TO THE MOTION TO DISMISS

Comes now the claimant, Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Legal Guardian of [redacted] minor children, and for her Response to the respondent's Motion to Dismiss, states:

1. The respondent's Motion to Dismiss Haley Hudson "individually" is a matter of style over substance.

2. Haley Hudson did not aver to have an "individual" claim in the First Amended Complaint. The style of the First Amended Complaint included the word "individually" and as Special Administratrix, which is a commonly-used style in wrongful death pleadings.

3. The substance of the claim for wrongful death damages is found in paragraph 17 of the First Amended Complaint. Nowhere in paragraph 17 does Haley Hudson pray or

assert an "individual" claim for damages. All of Haley Hudson's claims are derivative from her appointment as Special Administratrix of the Estate of her mother and as Permanent Guardian of her two minor sisters.

4. The claimant is filing contemporaneously with this response a Second Amended Complaint which should assuage the respondent's concern of the style of the claimant's pleadings.

WHEREFORE, the respondent's Motion to Dismiss Haley Hudson "individually" should be rendered moot upon the filing of the claimant's Second Amended Complaint.

Respectfully submitted,

BY: Jim Jackson

Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Response to Motion to Dismiss was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson
Jim R. Jackson

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON, AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO.** 230641

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

SECOND AMENDED COMPLAINT

Comes now the claimant, Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of [redacted] a minor child, and as Guardian of [redacted] a minor child, by and through her attorney, Jim R. Jackson, and for her causes of action against the respondent, states:

BACKGROUND

The Ashcraft family has been ripped apart by the consequences of this wreck. Jacqueline Ashcraft was a 50-year-old mother of five children who lived in Paris, Arkansas, with two of her minor children. [redacted] was her 10-year-old daughter. [redacted] was her 14-year-old daughter. The three lived at [redacted] The two girls were enrolled in the Paris School District and were thriving at the time of the wreck. Ms. Ashcraft's two adult sons lived in Paris and Ozark and were beginning their career and family. Ms. Ashcraft's oldest daughter, Haley Hudson, lived and worked in Wynne, Arkansas. Haley was 29 years old at the time of her mother's death. Haley has two children of her own that live with her and her fiancé at [redacted]

As a result of Jacqueline Ashcraft's sudden and tragic death, the two minor children did not have a parent. They had to relocate from Paris, Arkansas, to Wynne to live with Haley Hudson. Haley adopted her two baby sisters by filing a Petition to be Permanent Legal Guardian of [redacted] Haley is doing the best job she can to raise her two baby sisters. Haley is now both a mom and big sister to [redacted]

I. STATEMENT OF JURISDICTION

1. This claim is brought pursuant to the Commission's authority of jurisdiction of "all claims against the State of Arkansas and its several agencies, departments, and institutions" pursuant to the authority granted by the General Assembly found in Arkansas Code Annotated §19-10-204, *et seq*.

2. The claimant has exhausted all liability insurance coverage for this incident. There is no UIM or other liability insurance coverage for these claims.

II. PARTIES TO THE CLAIM

3. The claimant is the duly appointed Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, pursuant to an Order dated August 6, 2021, entered by The Honorable Terry Sullivan in a matter styled, *In The Matter Of The Estate Of Jacqueline Lynn Ashcraft, deceased*, in the Circuit Court of Logan County, Arkansas, Probate Division No. 42PR-2021-63.

4. Haley Hudson was appointed Permanent Guardian of the Person and Estate of [redacted] by Order of Cross County Probate Judge Christopher Morledge dated July 20, 2021, in a matter styled: *In the Matter of the Guardianship of the Person and Estate of* [redacted] *Minors*, Cross County Probate Number 19PR-2021-57-3. Attached as Exhibit 1 is a file-marked copy of the Order filed with the Cross County Probate Clerk on July 20, 2021.

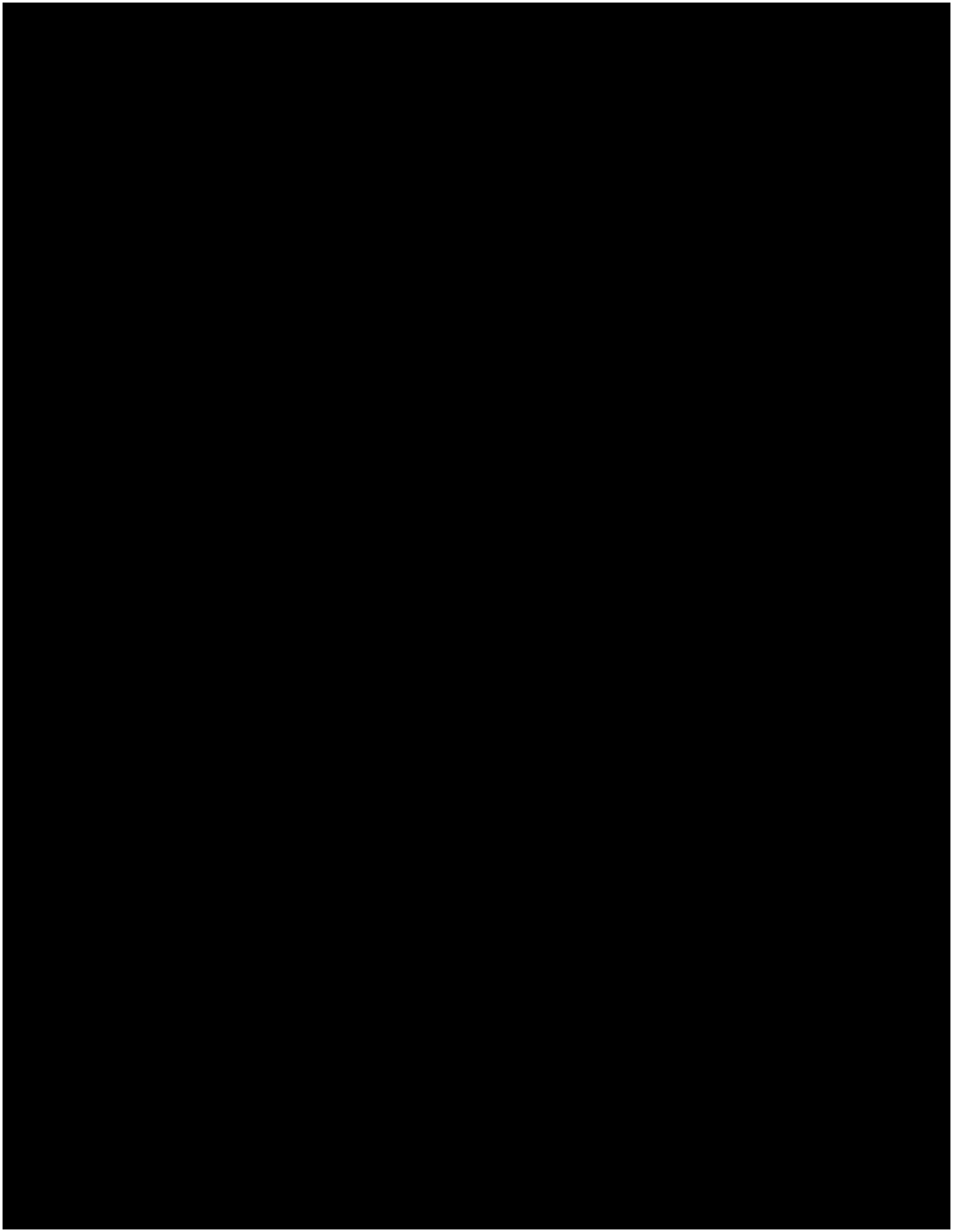
5. The respondent, Arkansas Department of Health and Human Services, is an agency of the State of Arkansas. Jennifer Wilkerson was an employee of the Arkansas Department of Health and Human Services and was engaged in the course and scope of her employment at all times relevant to this cause of action.

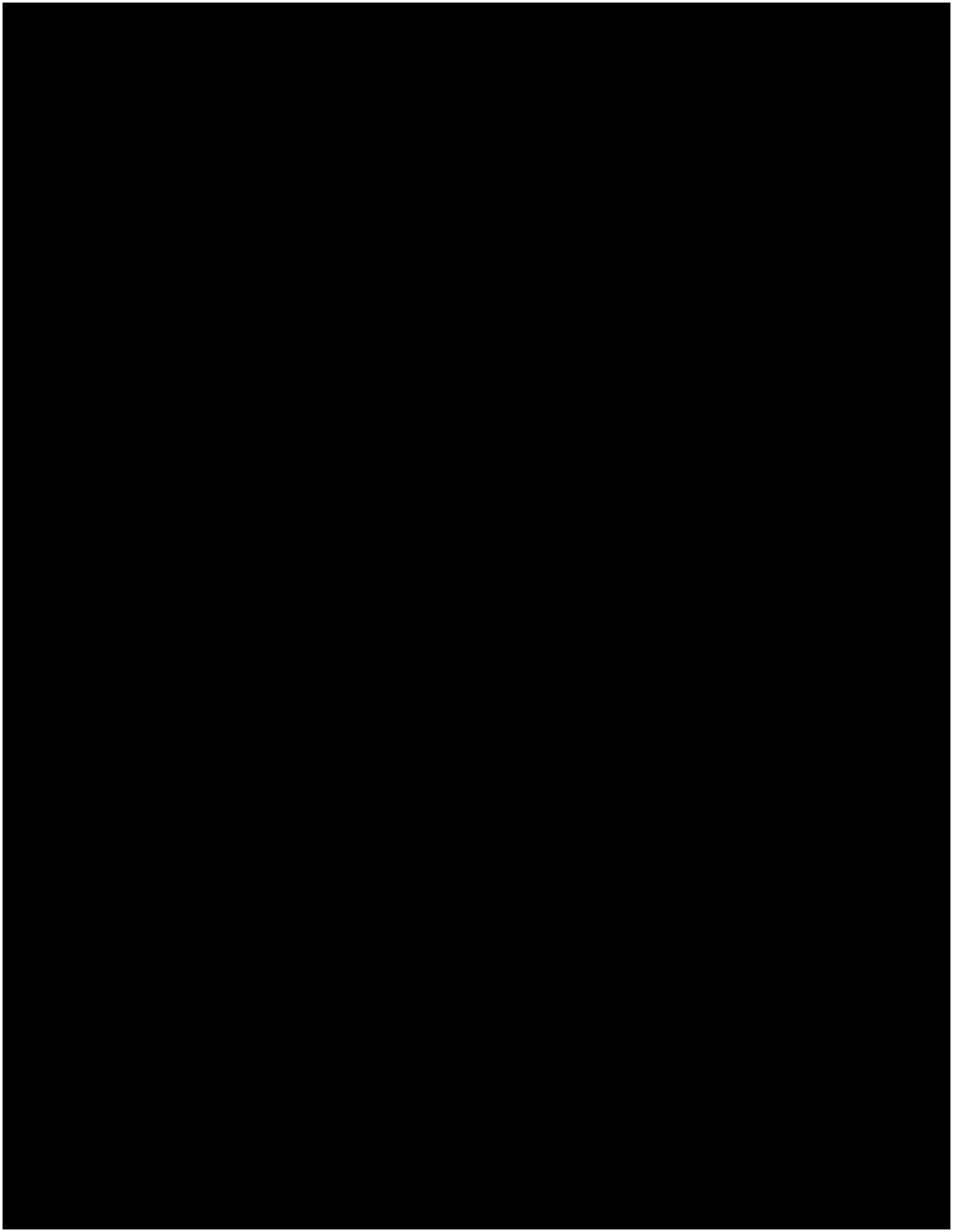
III. STATEMENT OF THE CASE

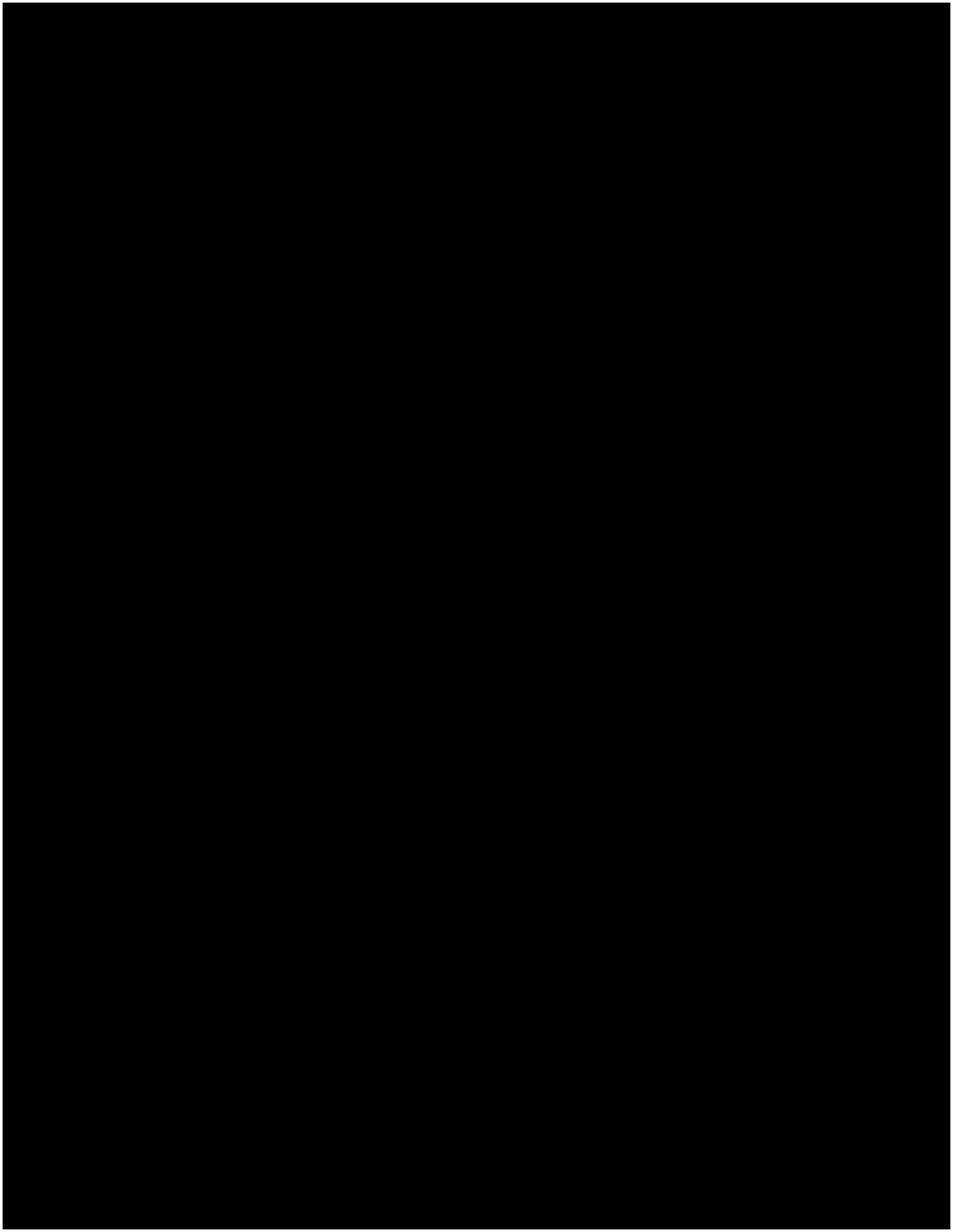
6. On Friday, June 11, 2021, at approximately 12:50 p.m., Jacqueline Ashcraft was driving her 2005 Hyundai Sonata eastbound on State Highway 22 in Logan County near Subiaco Academy. She had three passengers in the back seat of her car: her daughters [redacted] and her great nephew, [redacted], who was in a baby seat between [redacted] Ms. Ashcraft was taking the baby to his home at [redacted] Ms. Ashcraft slowed to make a left-hand turn into a driveway for [redacted] She used her left-hand blinker to indicate to traffic she was attempting a left-hand turn. Ms. Ashcraft had to come to a full stop prior to commencing the left-hand turn to avoid oncoming westbound traffic.

7. Jennifer Wilkerson was operating a 2009 Hyundai Elantra owned and maintained by the Arkansas Department of Health and Human Services. She was traveling eastbound on Highway 22 immediately behind Ms. Ashcraft's 2005 Hyundai Sonata. Ms. Wilkerson negligently failed to recognize that Ms. Ashcraft's vehicle was slowing down to make a left-hand turn. Ms. Wilkerson negligently drove her car into the rear end of Ms. Ashcraft's car. The collision knocked Ms. Ashcraft's car onto the eastbound shoulder. Ms. Wilkerson's vehicle then entered a counterclockwise spin, causing her vehicle to strike a truck and trailer that was traveling westbound on Highway 22.

8. Trooper Ray's three diagrams are below.







IV. NEGLIGENCE

9. Jennifer Wilkerson was employed by the respondent and was operating within the scope of her employment at all relevant times to this cause of action.

10. The Arkansas Department of Health and Human Services is liable for all damages caused by Jennifer Wilkerson under the *respondeat superior* doctrine.

11. The respondent's employee, Jennifer Wilkerson, is guilty of negligence, which was the proximate cause of the above-described vehicle collision in the following particulars:

(a) In following a vehicle more closely than was reasonable and prudent which is a violation of Ark. Code Ann. §27-51-305.

(b) in failing to keep the vehicle she was driving under proper control;

(c) in failing to yield the right-of-way to the superior traffic which is a violation of Arkansas statutes and common law;

(d) in failing to exercise ordinary care for her own safety and for the safety of others using the highway;

(e) in driving in a careless and reckless manner which is a violation of Ark. Code Ann. § 27-51-104 and common law; and

(f) in driving in excess of the posted highway speed in violation of Ark. Code Ann. §27-51-204.

12. State Trooper James Ray investigated the accident. He found that Jennifer Wilkerson's actions were "inattentive, careless, negligent, or erratic operation" at the time of the crash.

13. Conversely, State Trooper James Ray found that Jacqueline Ashcraft had "no contributing action" at the time of the collision. Attached as Exhibit 2 is a copy of Trooper Ray's Accident Report.

14. Below is a true copy of the section from Trooper Ray's accident report in which he checked the box next to "No contributing action" for the section that applied to Jacqueline Ashcraft.

[redacted]

V. *RESPONDEAT SUPERIOR*

15. All acts of negligence of the respondent's employee, Jennifer Wilkerson, are imputed to the respondent, Arkansas Department of Health and Human Services, as a matter of law.

VI. CAUSATION

16. The negligent acts on the part of the respondent's employee, Jennifer Wilkerson, were the sole and proximate cause of the wrongful death, injuries, and damages sustained by Jacqueline Lynn Ashcraft, [redacted], as more specifically described herein.

VII. DAMAGES

17. The impact from the collision knocked Jacqueline Ashcraft's car more than 93 feet. The impact caused the DHS employee's car to ricochet into the oncoming tractor-trailer rig and spin counterclockwise approximately 270° to its final resting place. The magnitude of the property damage cannot be fully described in words. The Ashcraft vehicle is below in the left frame and the DHS vehicle is in the right frame.

18. Jacqueline Lynn Ashcraft initially survived the collision and was able to speak with her children and witnesses/bystanders. Unfortunately, the collision from the wreck caused Ms. Ashcraft to develop a traumatic brain bleed injury which led to her death. The force of the collision caused her to suffer an intracerebral hemorrhage[1] which led to a rapid neurological decline.

19. Ms. Ashcraft was transported by Logan County EMS to the emergency room at Booneville, Arkansas, where a CT scan revealed she had sustained a Massive Right Basal Ganglia Hemorrhage in the collision leading to severe brain compression and Uncal

[1] "Bleeding on the brain"

Herniation.[2] Ms. Ashcraft was emergently transported via med-flight to Mercy Medical Center in Fort Smith.

20. Ms. Ashcraft's three adult children were notified of the severity of her injuries. Haley Hudson immediately traveled from her job in Wynne to Fort Smith, Arkansas. Upon arrival, Haley was informed by the neurosurgeon that her mother's condition was terminal and there was nothing further that could be done to save her mother's life. Haley and her two adult brothers, Dalton and Mark, made the decision to follow the doctor's advice and allow the medical providers to compassionately extubate life support.

21. The claimant, Haley Hudson, as Special Administratrix of the estate of Jacqueline Lynn Ashcraft, deceased, is asserting a claim for damages for the survival injuries and subsequent wrongful death of Jacqueline Lynn Ashcraft, and for the bodily injury claims of [redacted] all of which were proximately caused by the negligence of the respondent's employee, Jennifer Wilkerson.

WRONGFUL DEATH CLAIM

22. Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, claims she is entitled to recover for the following damages, all of which were proximately caused by the negligence of Jennifer Wilkerson, said negligence being imputed to the respondent, Arkansas Department of Health and Human Services:

(a) Compensatory damages for the severe pain, suffering, and mental anguish sustained by Jacqueline Lynn Ashcraft after the impact until her death;

[2] Uncal herniation occurs when rising intracranial pressure causes portions of the brain to move from one intracranial compartment to another. It is a life-threatening neurological emergency and indicates the failure of all adaptive mechanisms for intracranial compliance.

(b) Compensatory damages for the mental anguish sustained, and reasonably probable to be suffered in the future, by the statutory beneficiaries who are listed below:

Name	Relationship	Address
[redacted]	Minor Daughter	[redacted]
	Minor Daughter	
Dalton Cody Ashcraft	Adult Son	
Mark Hudson	Adult Son	
Haley Nicole Hudson	Adult Daughter	
LaDonna Jackson	Mother	
Jeffrey Ashcraft	Brother	
Bobby Ashcraft	Brother	
Jennifer Howard	Half-Sister	
Joshua Jackson	Half-Brother	

(c) Pecuniary injuries sustained by [redacted]

(d) Pecuniary injuries sustained by [redacted]

(e) Compensatory damages for Jacqueline Lynn Ashcraft's Loss of Life;

(f) Reimbursement of reasonable funeral expenses; and

(g) Any medical bills incurred by the estate related to the fatal injuries.

BODILY INJURY CLAIMS

23. [redacted] sustained bodily injuries in the wreck. Haley Hudson, as Permanent Guardian of [redacted] seeks:

(a) Compensatory damages for the reasonable expense of any necessary medical care and other out-of-pocket expenses sustained by [redacted] and the present value of such expenses reasonably certain to be required in the future;

(b) Compensatory damages for the nature, extent, duration, and permanency of any injury sustained by [redacted] and

(c) Compensatory damages for any pain and suffering experienced in the past and reasonably certain to be experienced in the future.

24. [redacted] sustained bodily injuries in the wreck. Haley Hudson, as Permanent Guardian of [redacted] seeks:

(a) Compensatory damages for the reasonable expense of any necessary medical care and other out-of-pocket expenses sustained by [redacted] and the present value of such expenses reasonably certain to be required in the future;

(b) Compensatory damages for the nature, extent, duration, and permanency of any injury sustained by [redacted] and

(c) Compensatory damages for any pain and suffering experienced in the past and reasonably certain to be experienced in the future by [redacted]

25. The claimant's total compensatory damages, as shall be proven by the evidence, is Five Million Dollars ($5,000,000.00).

REQUIREMENT OF ARK. CODE ANN. §19-10-208(d)

26. The claimant has not presented this claim to any other state department or officer thereof prior to the original online filing of the Complaint to open this matter.

27. The respondent did have a liability insurance policy with Cincinnati Insurance Company. Cincinnati Insurance Company filed an Interpleader naming the respondent and the claimant in a matter styled: *Cincinnati Insurance Company vs. Haley Hudson, Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, et al., and Guardian of the Estates of* [redacted] *both minors, Jennifer Wilkerson, Arkansas Department of Human Services, Bobby Dale Wilson, Joe Ashley Trucking, LLC, GKD Management, LP DBA Commercial Trucking, Inc. and Tru Homes, LLC*, Logan County Circuit Court No. 42PCV-21-116.

28. The respondent's legal counsel, Sean Strode, filed an Entry of Appearance on January 10, 2022, in the above-referenced Interpleader. The respondent should be intimately familiar with all filings since its legal counsel received these filing contemporaneously through the CM/ECF filing system and had access to them.

29. Cincinnati Insurance Company deposited the limits of its policy of $250,000 with the clerk of the court on or around March 21, 2022. Haley Hudson, as Special Administratrix of the Estate of Jacqueline Ashcraft, deceased, received $150,000 after attorney fees and case expenses for the wrongful death claim.

30. GKD Management, which was the third vehicle involved in this collision, received $12,500 of the $250,000. It appears that this was to pay the property damage from that claim.

31. Haley Hudson, as Permanent Guardian of the Estates of [redacted] and [redacted] minor children, has received nothing for their bodily injury claims.

UNDERINSURED MOTORIST CLAIM

32. Ms. Ashcraft did not have any uninsured or underinsured motorist coverage for the collision which is the subject of this claim.

WHEREFORE, the claimant, Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Guardian of [redacted] minor children, prays that she have a judgment against the respondent for a sum of Five Million Dollars ($5,000,000.00), and for all other necessary and proper relief to which she is entitled as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Guardian of the two minor children.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: _____
Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, certify that on this date, consistent with the requirements of Ark. R. Civ. Pro. 5, and Commission Rule 1.5(b), a complete copy of the foregoing was electronically submitted with the Clerk of the Arkansas Claims Commission and electronically served on counsel for the Arkansas Department of Health and Human Services and three copies of each exhibit were deposited in the mail to the Director of the Arkansas State Claims Commission.

/s/ Jim R. Jackson
Jim R. Jackson

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned attorney, Jim Jackson, certifies that to the best of his knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a nonfrivolous 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.

Jim R. Jackson
Jim R. Jackson

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

On this day before the undersigned, Martha Cox, a Notary Public duly qualified and acting in and for the county and state aforesaid, personally appeared Jim Jackson, to me well known and satisfactorily proven to be the person whose name appears in the foregoing instrument, and stated that he has executed the same for the consideration, uses, and purposes therein stated and stated that he had executed the foregoing instrument of his own free will, for the purposes and consideration therein stated.

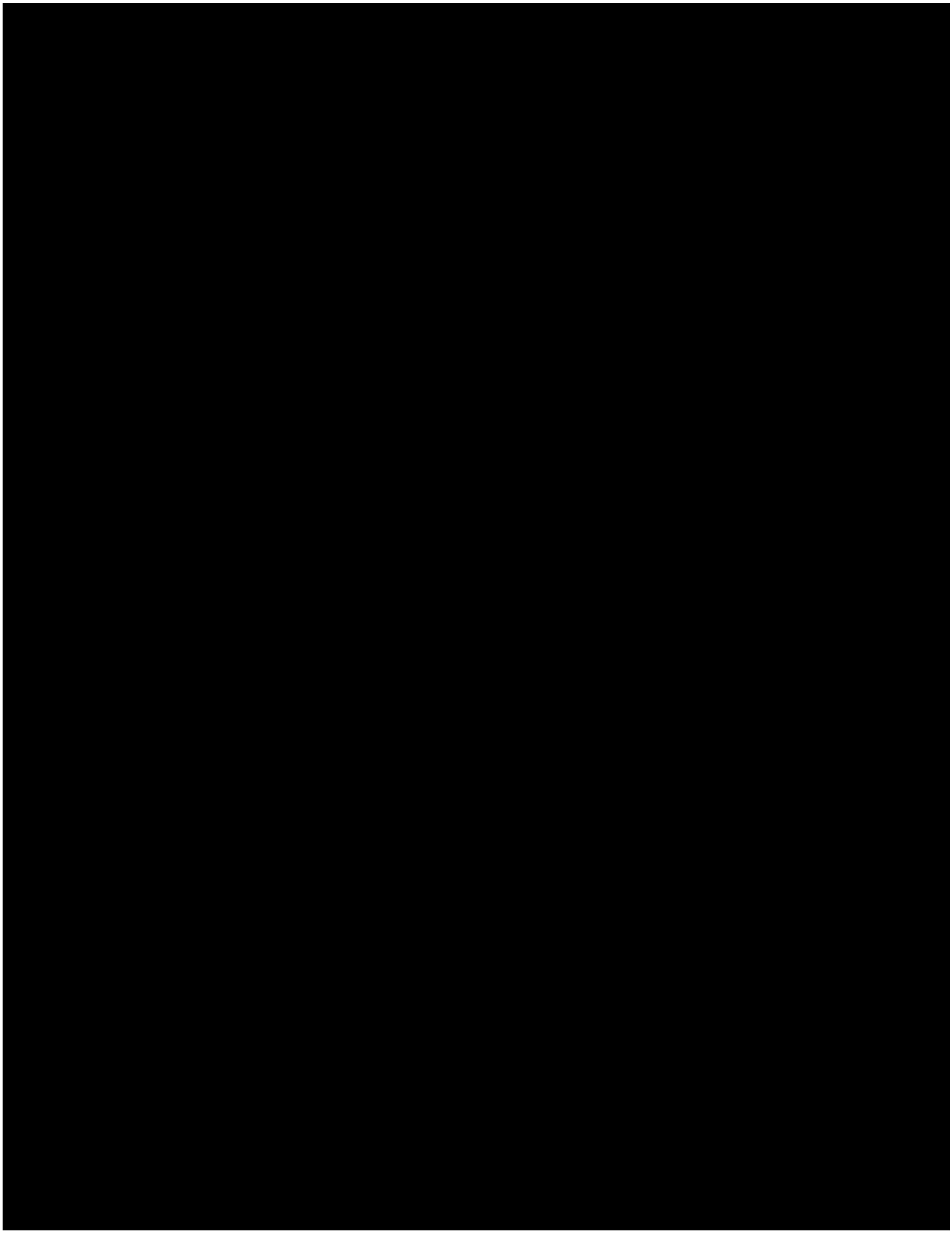
In witness whereof, I hereunto set my hand and Notary Seal on this 10th day of May, 2023.

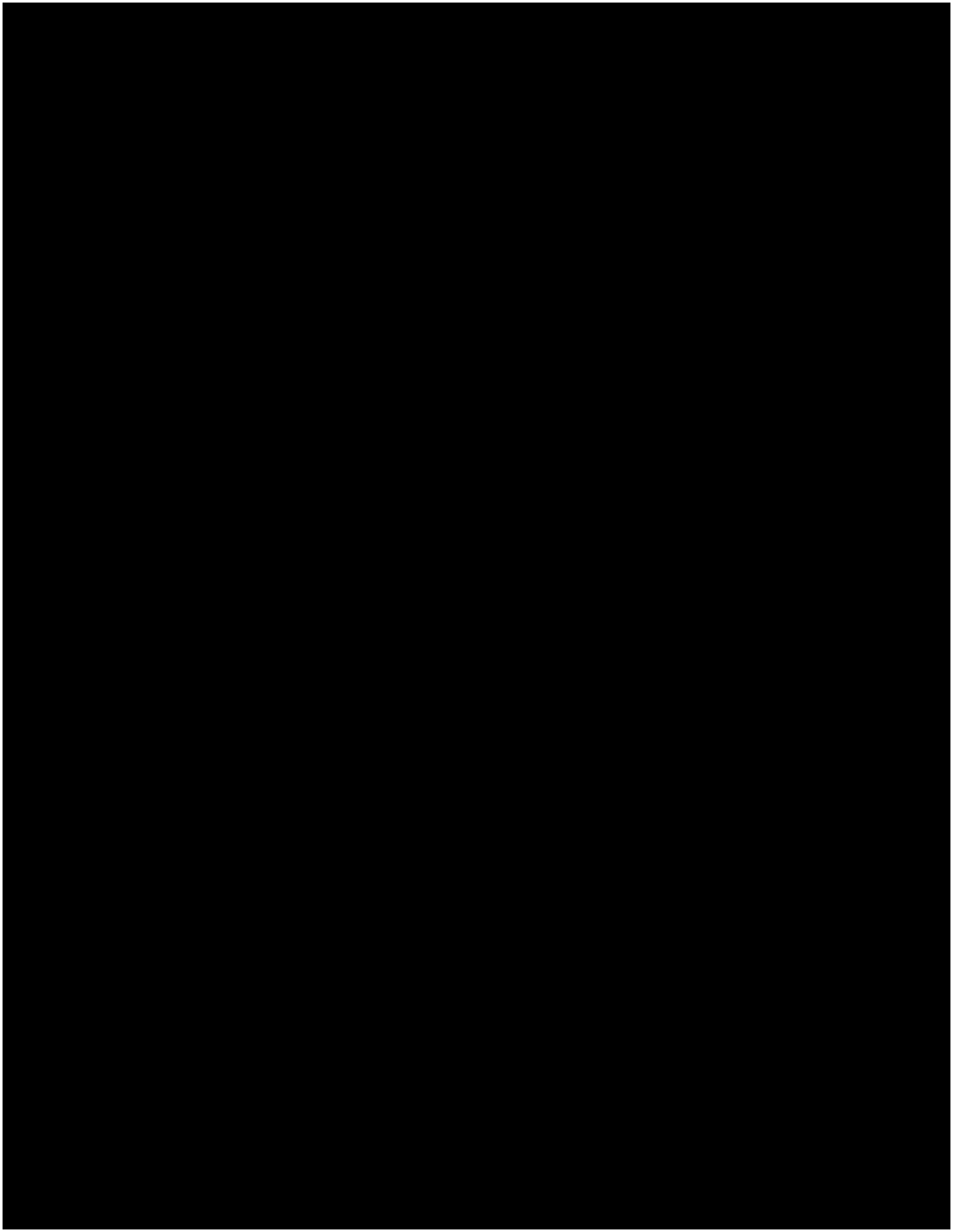
Martha Cox
Notary Public

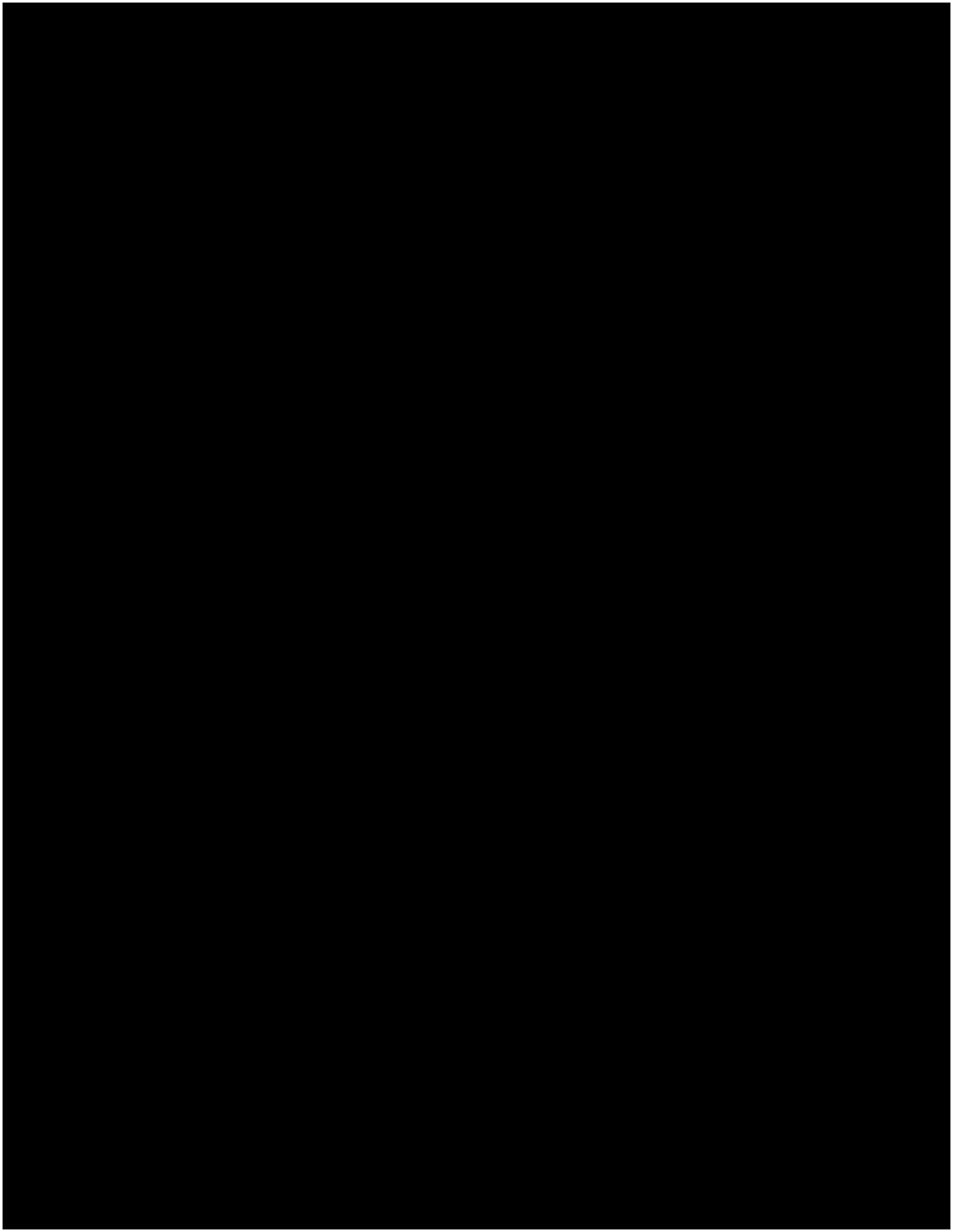
My commission expires: 8-19-2031

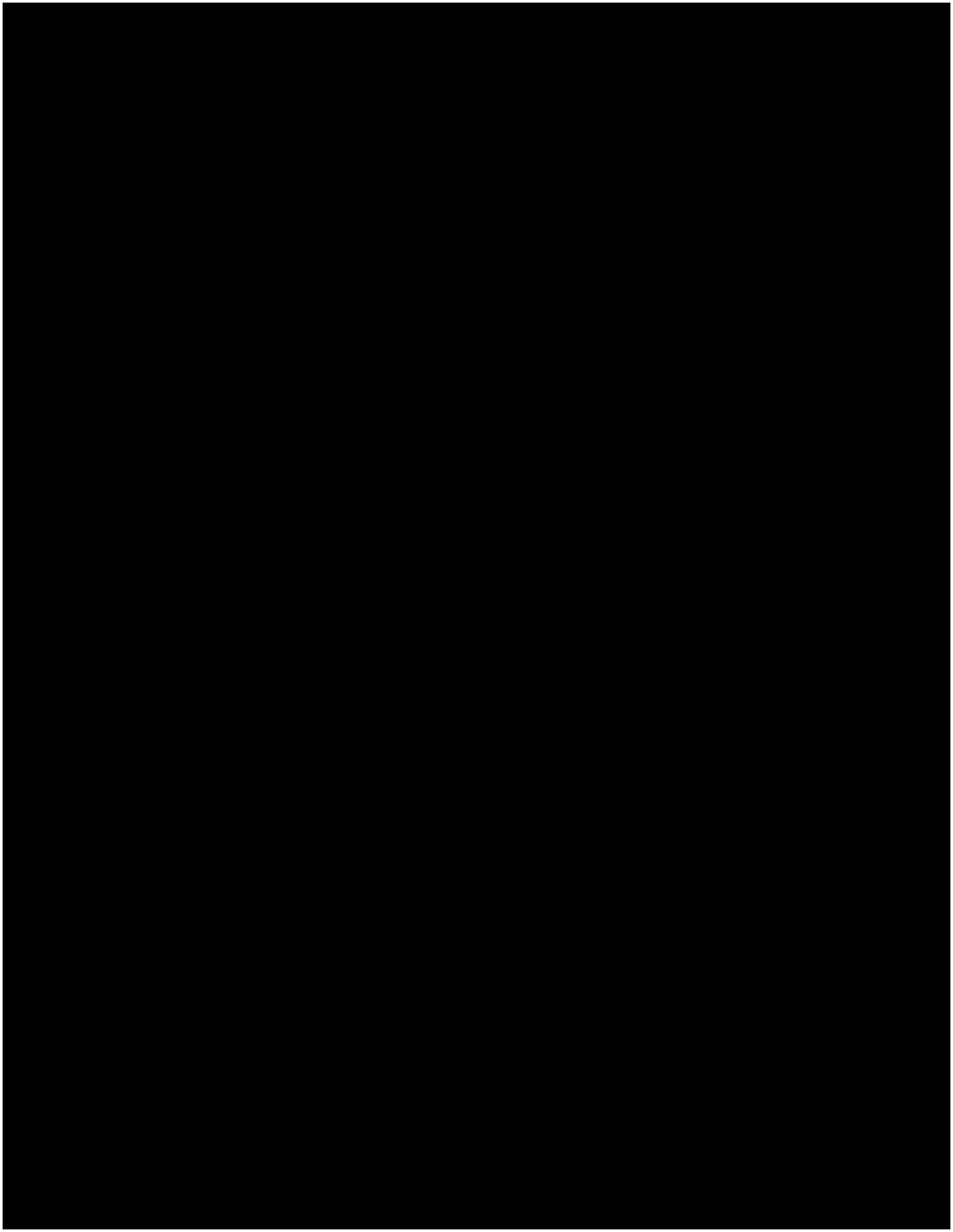
[SEAL]

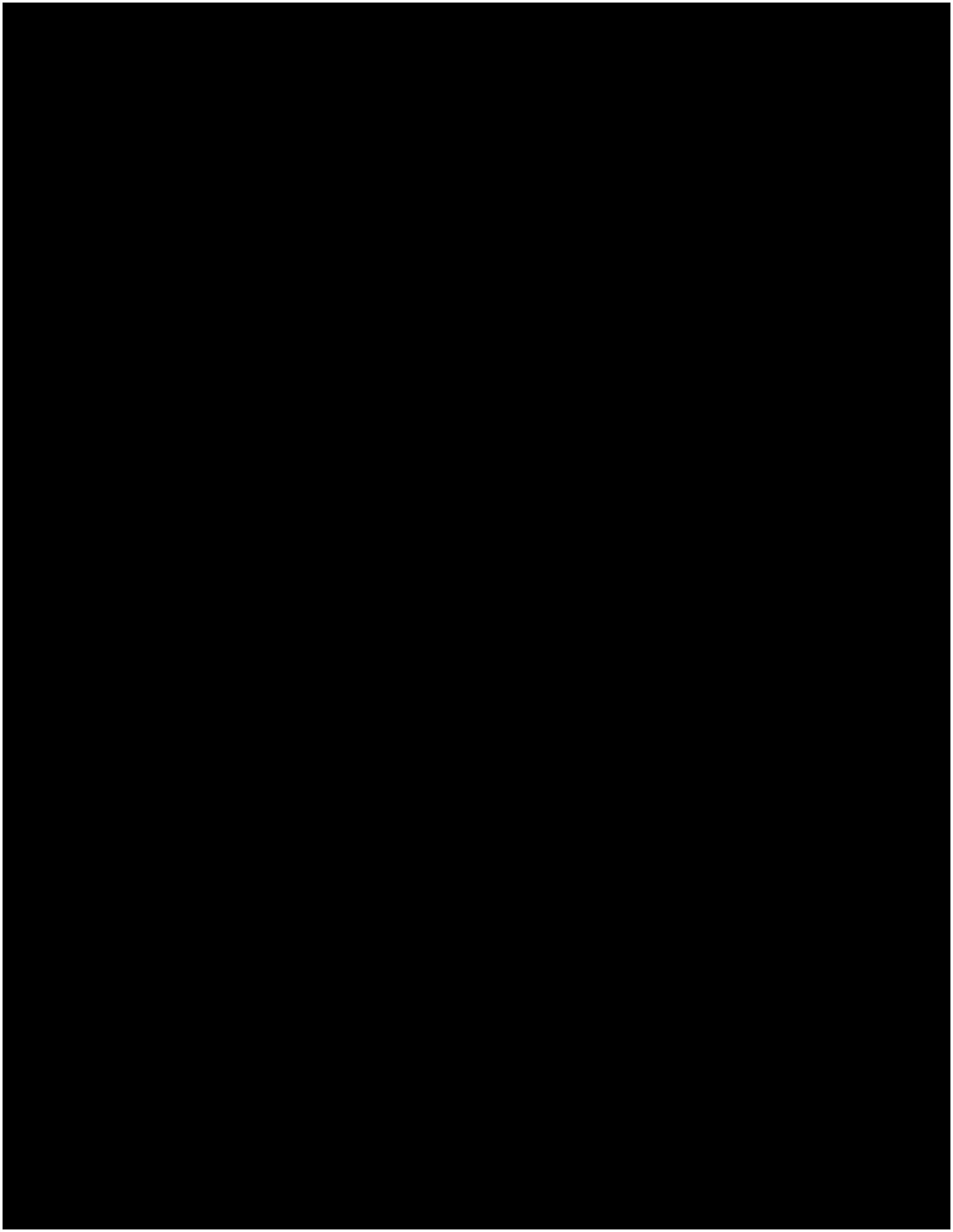
MARTHA COX
NOTARY PUBLIC - STATE OF ARKANSAS
SALINE COUNTY
My Commission Expires 8-19-2031
Commission # 12383466

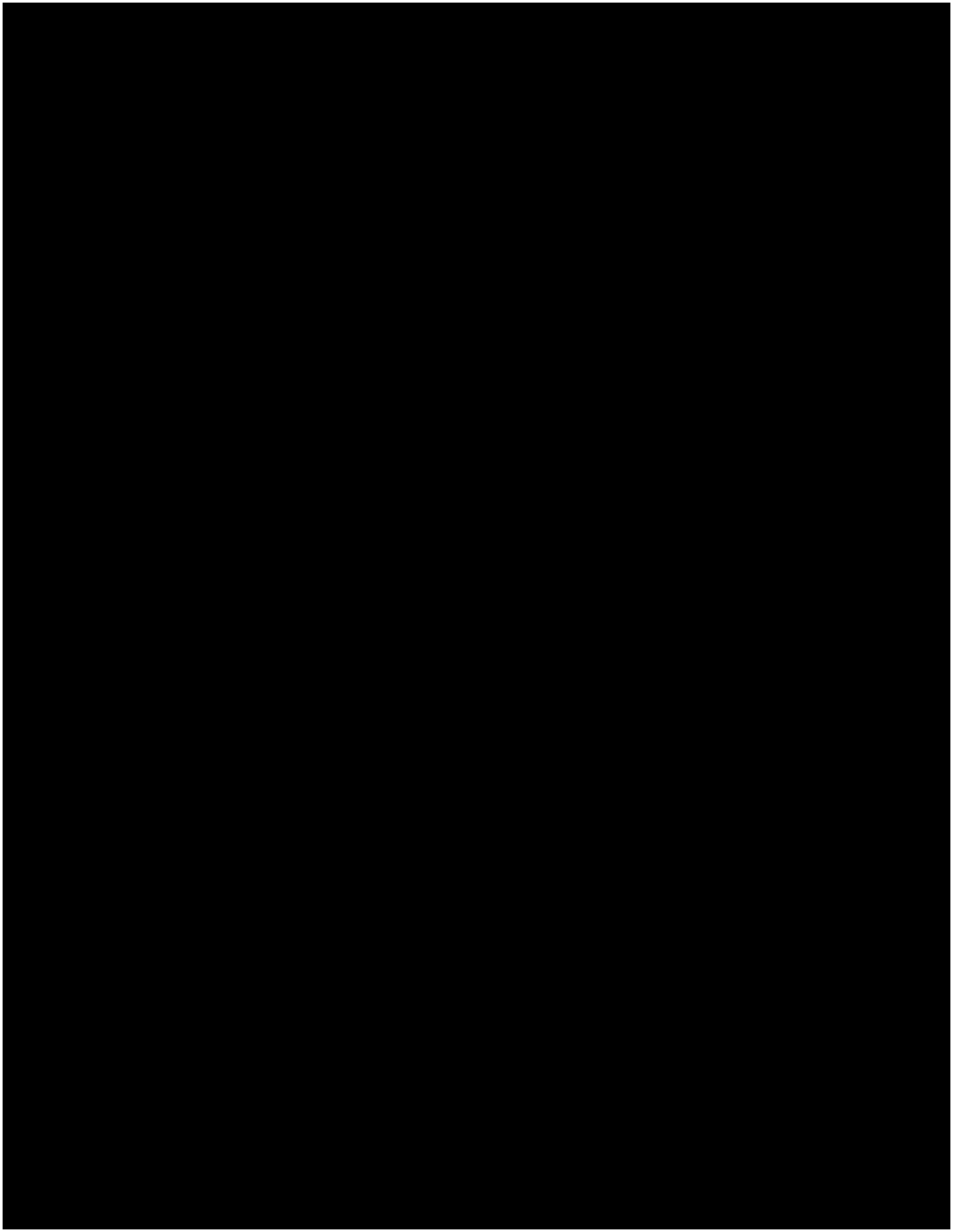


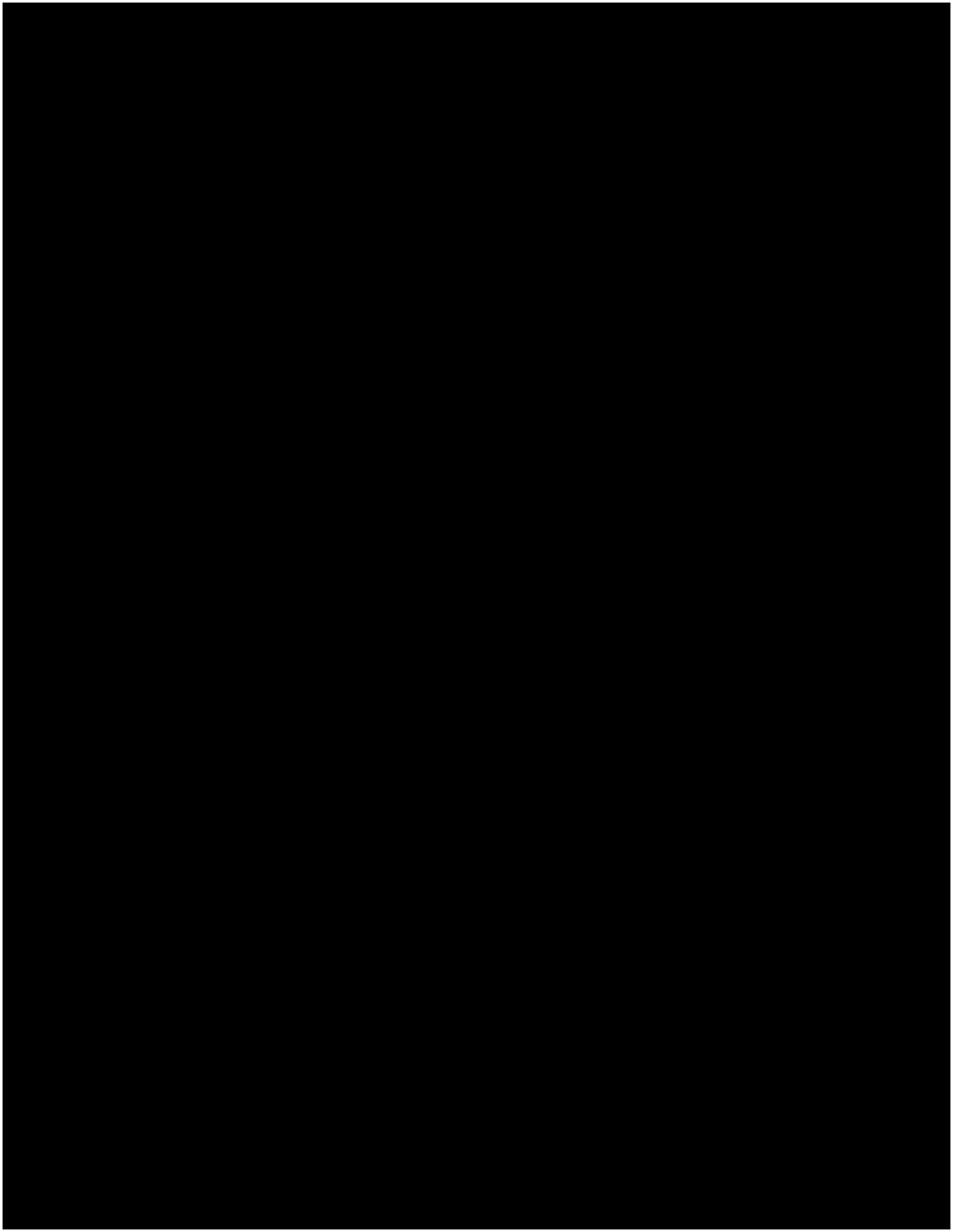


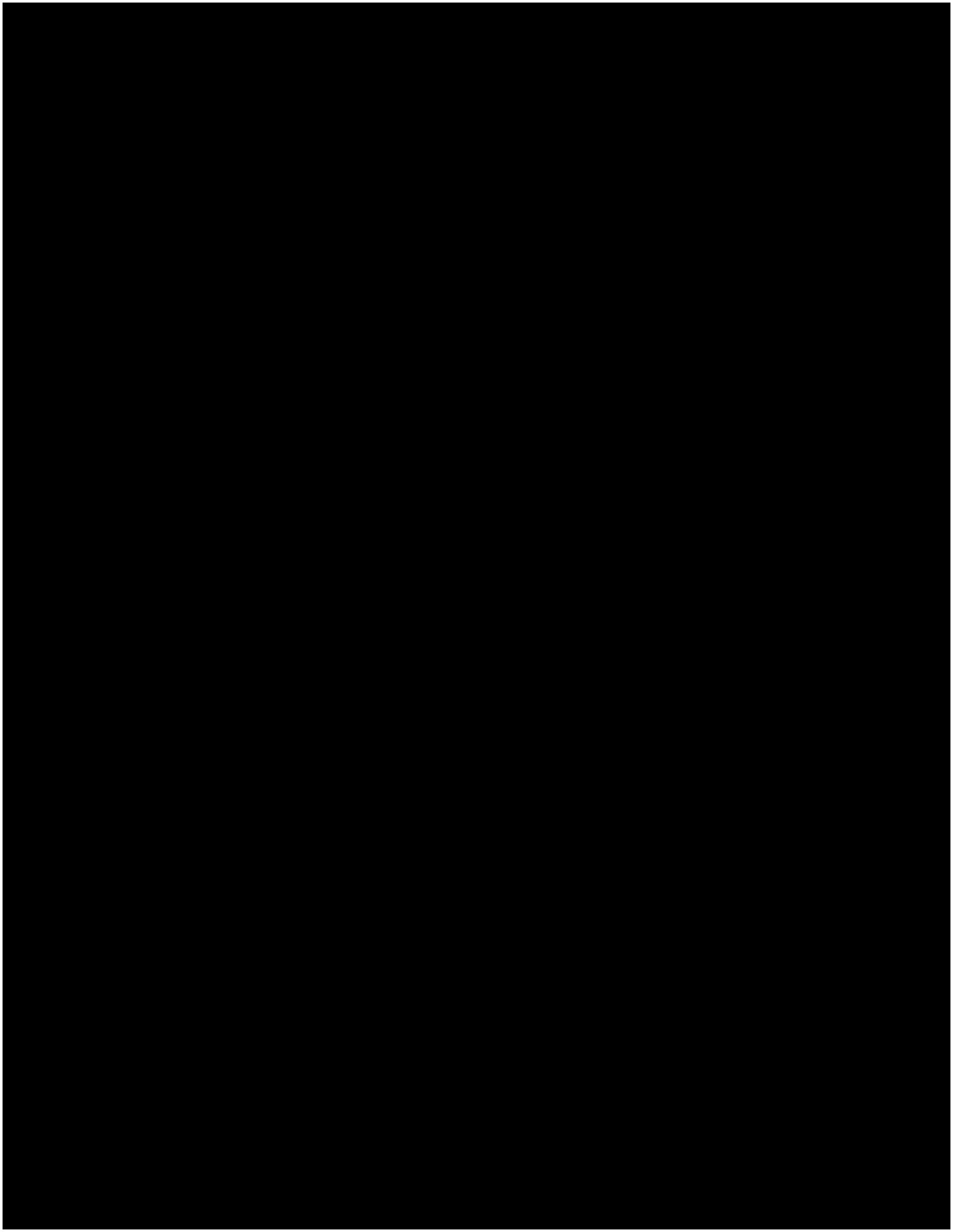


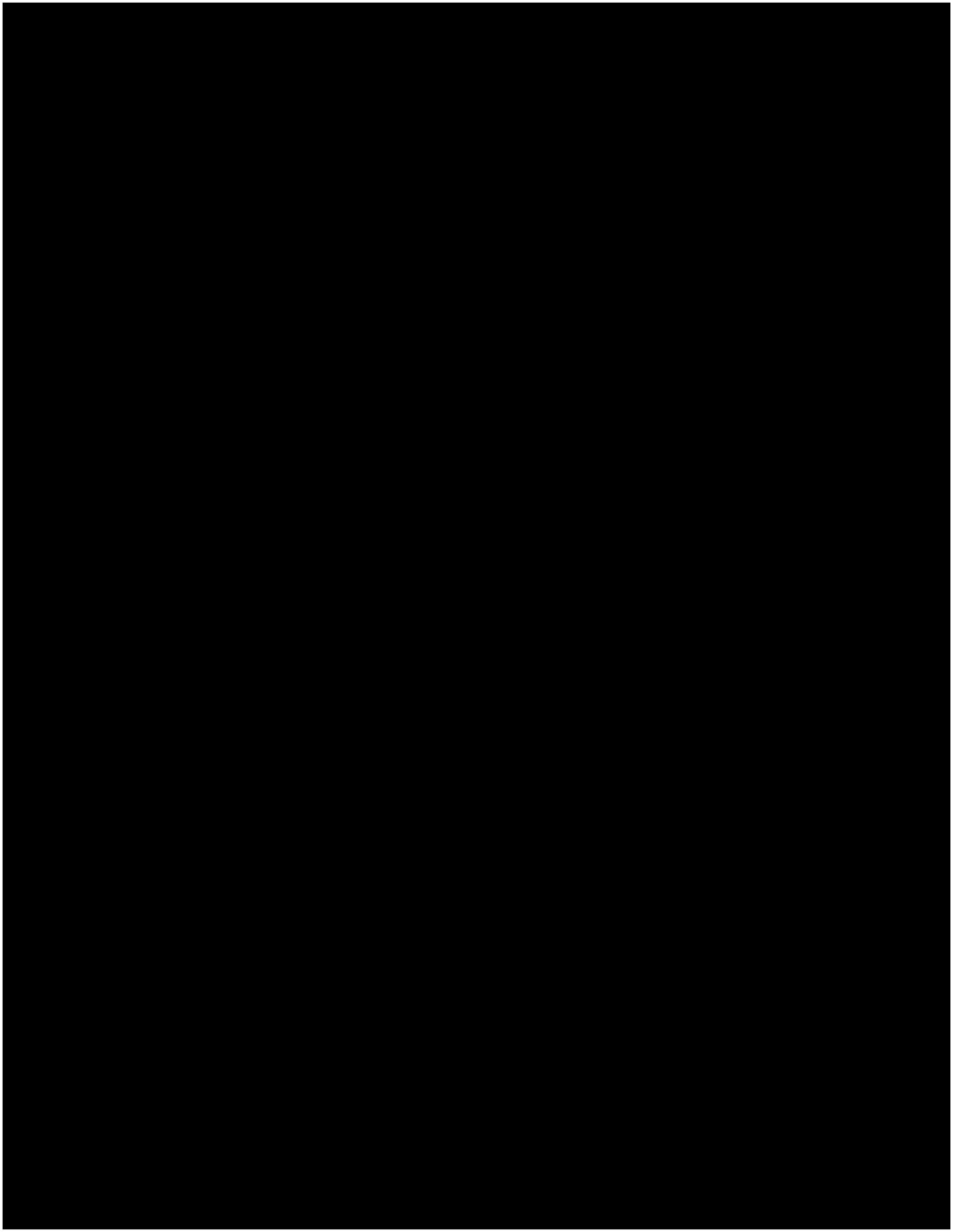


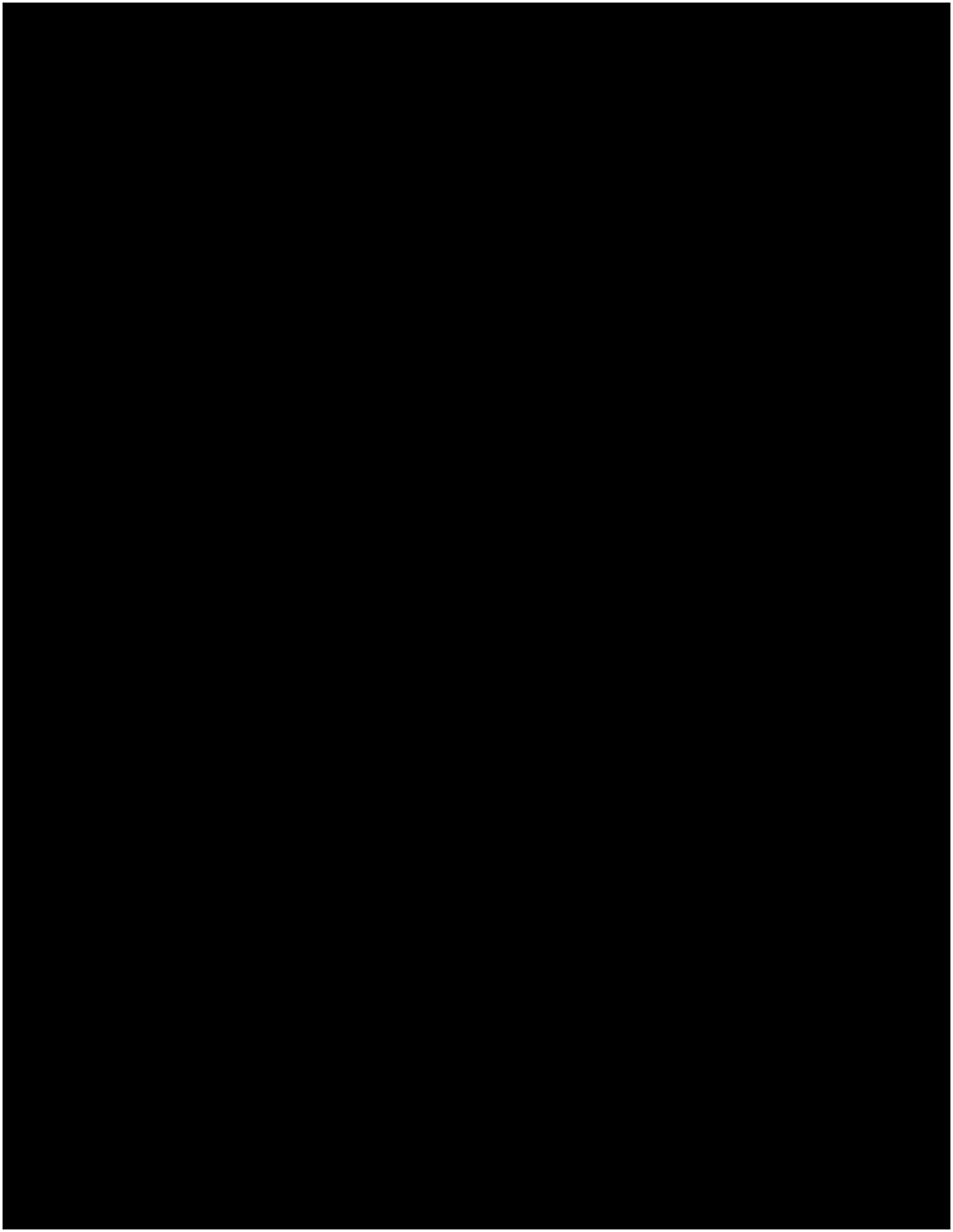


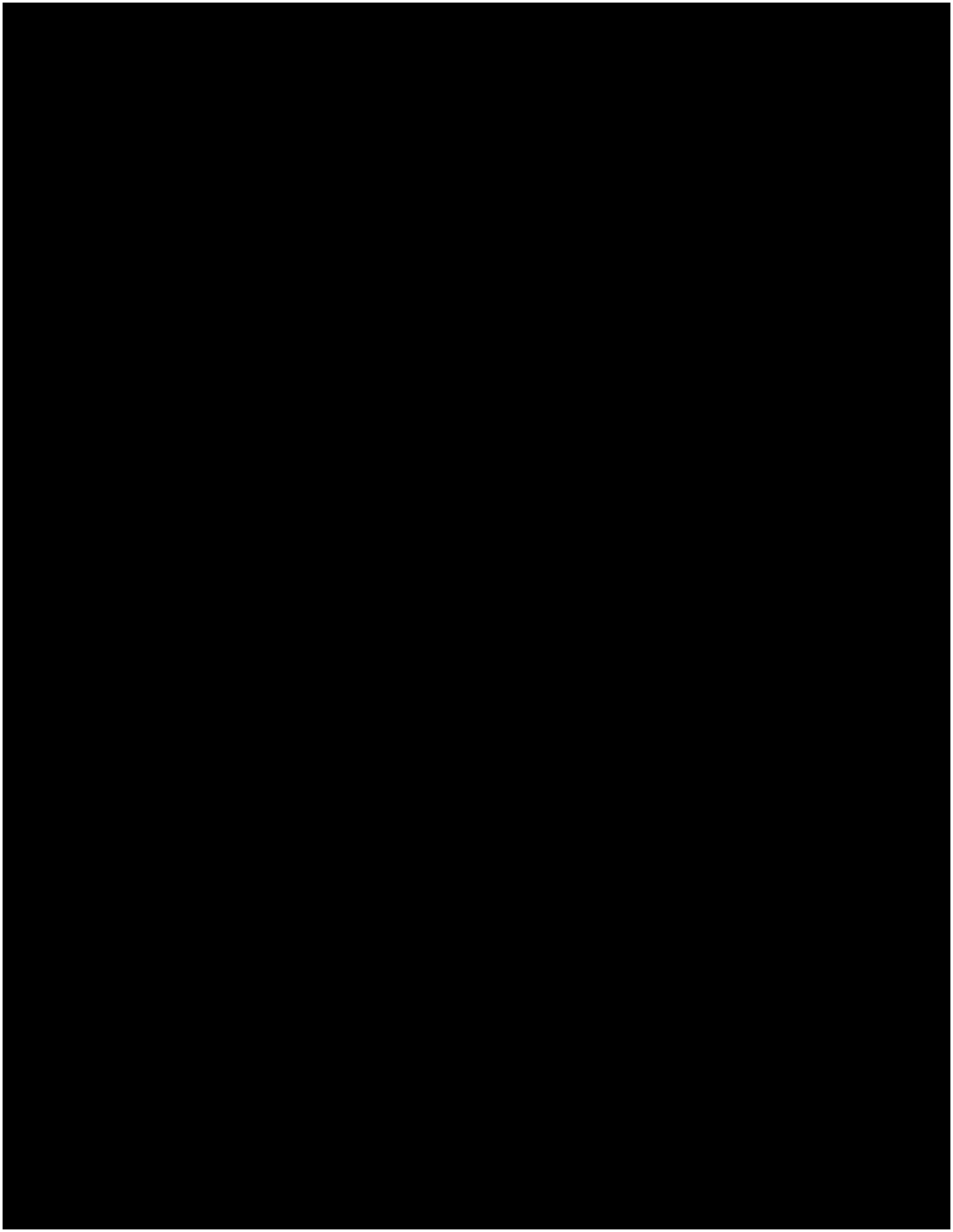


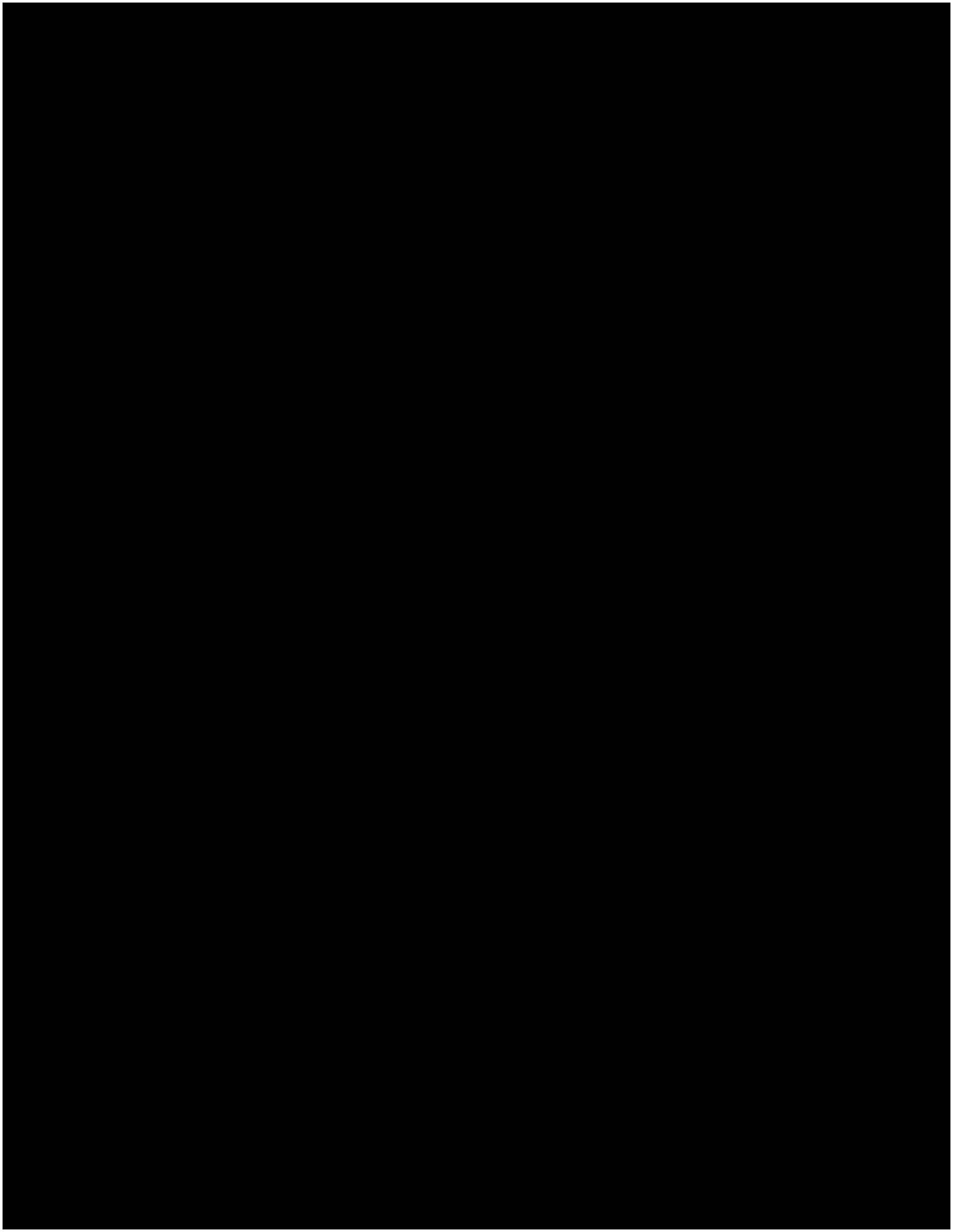


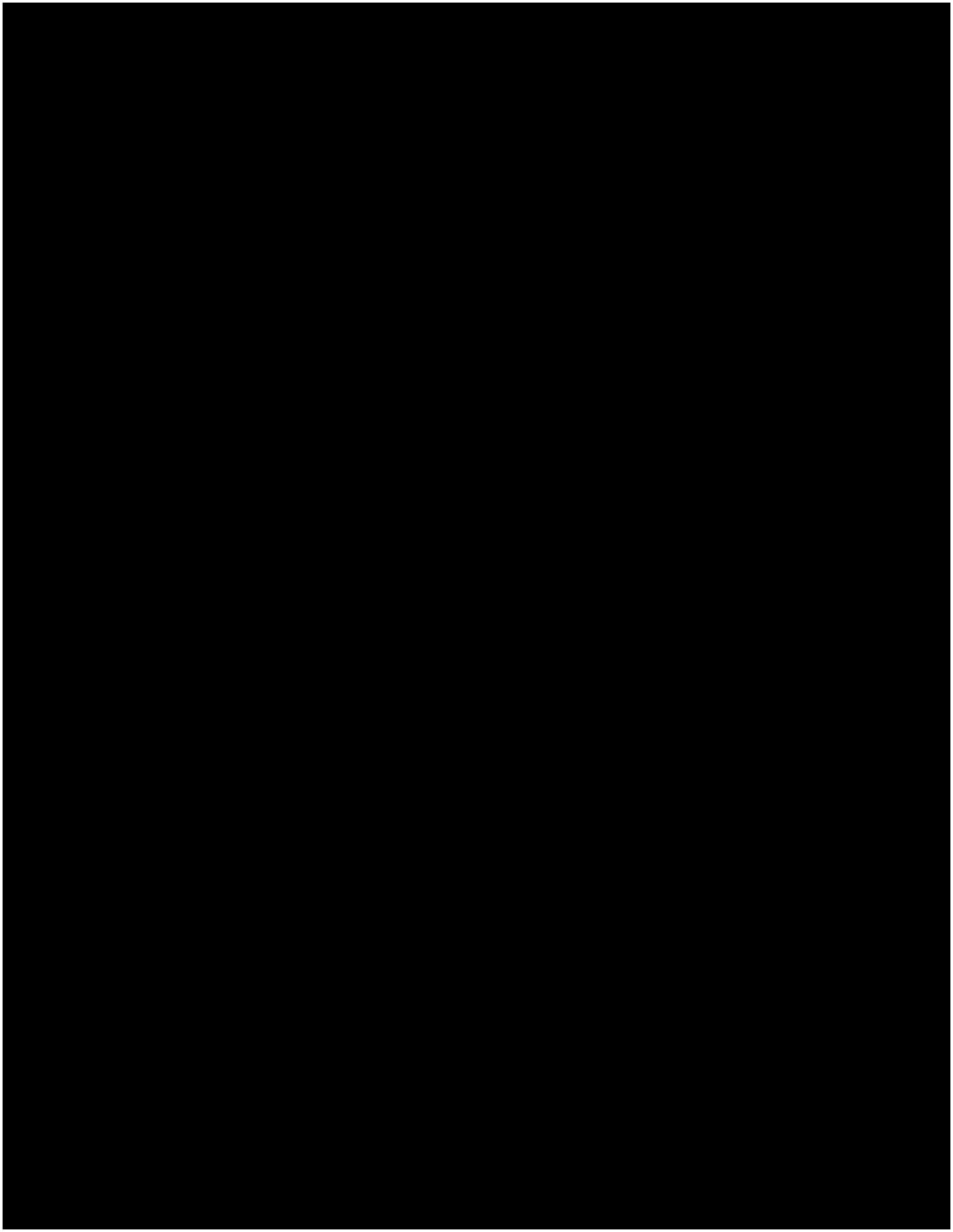


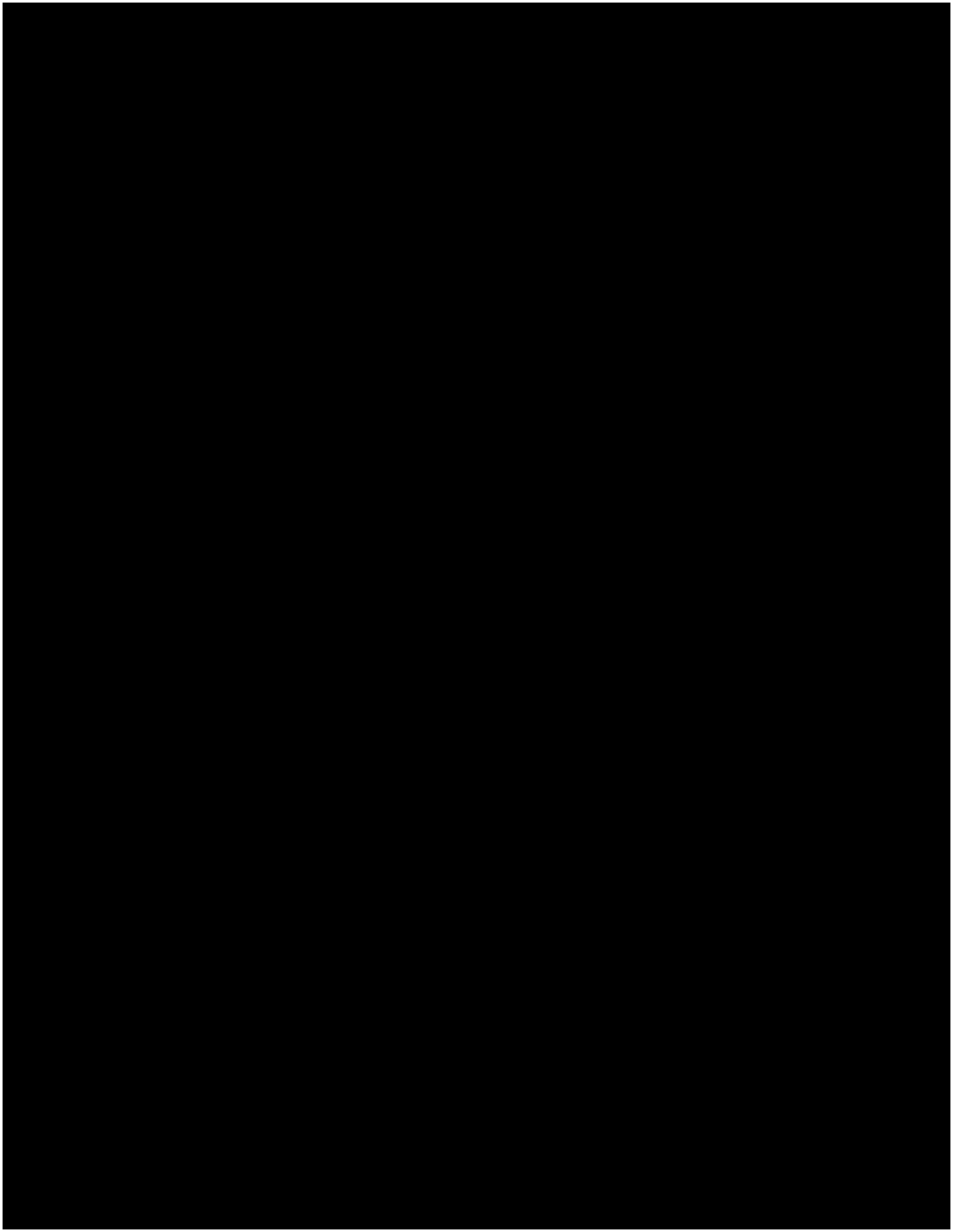


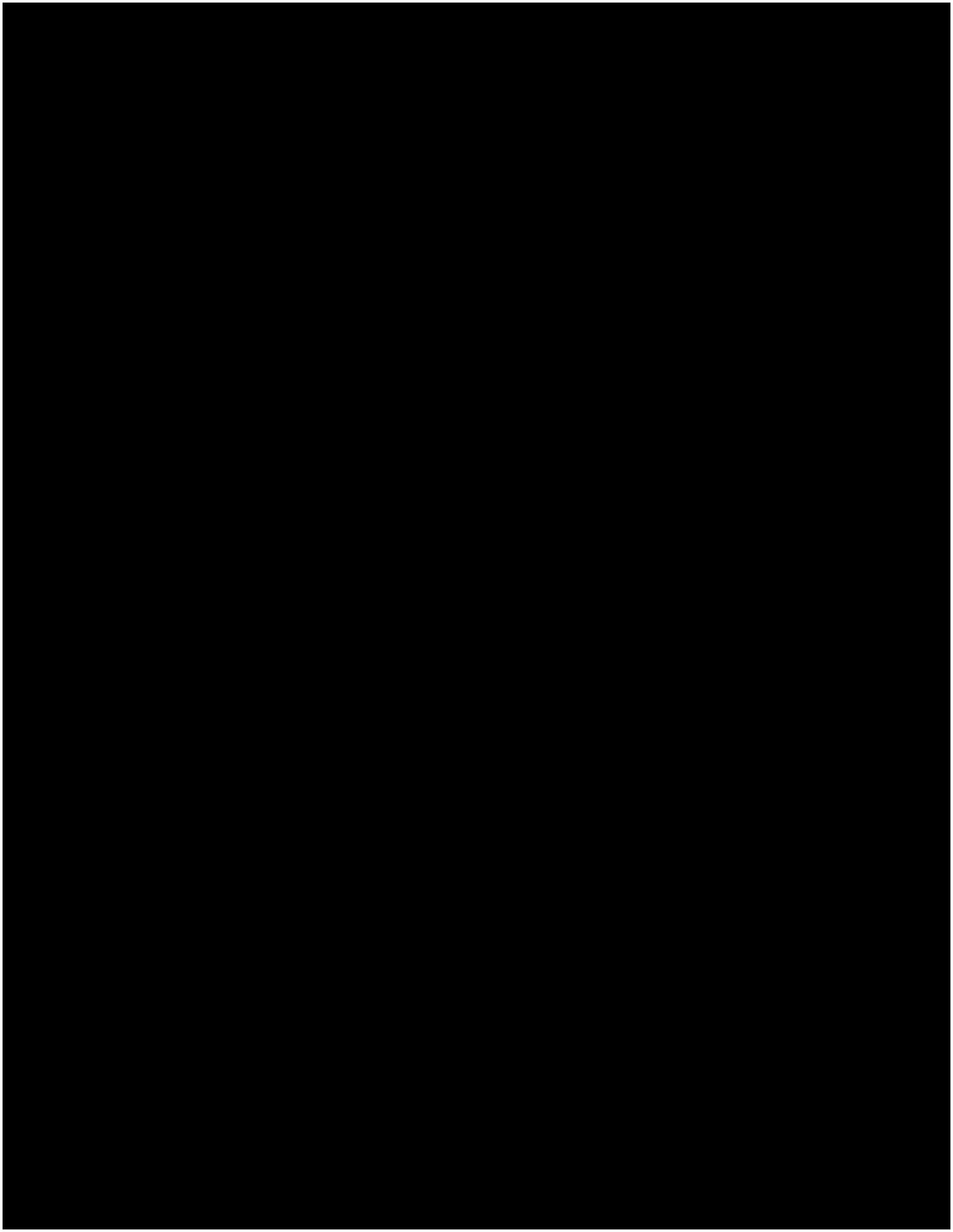


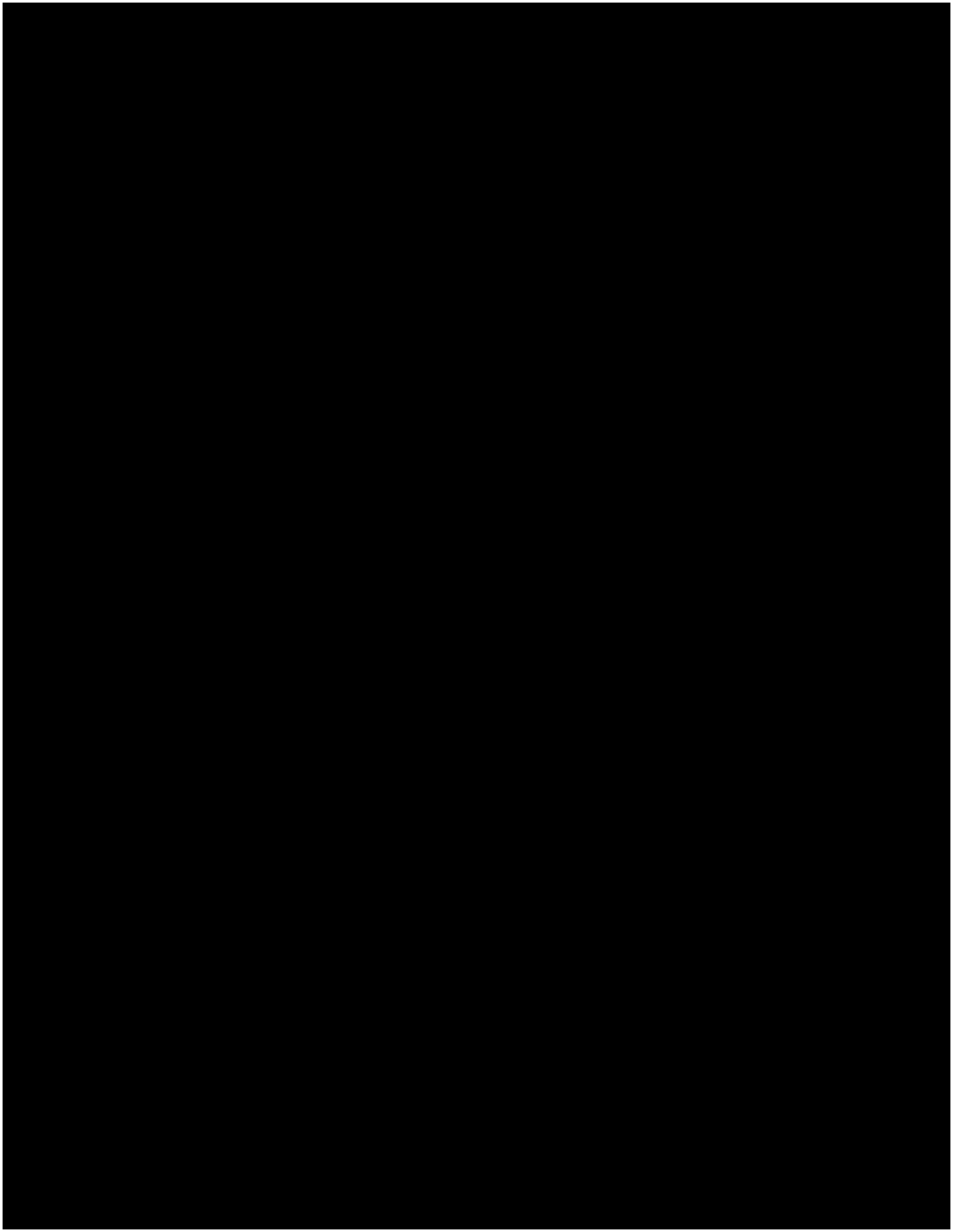


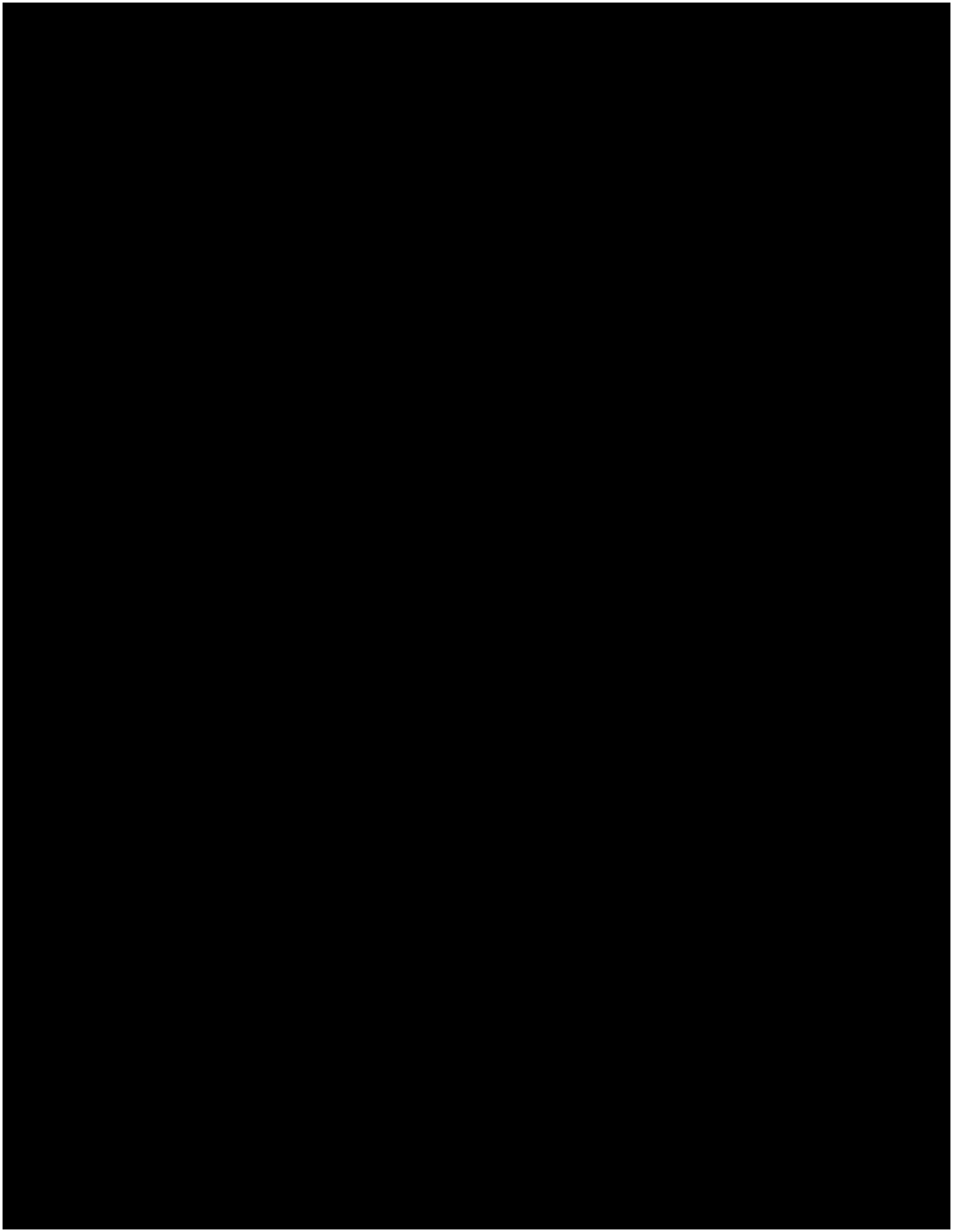


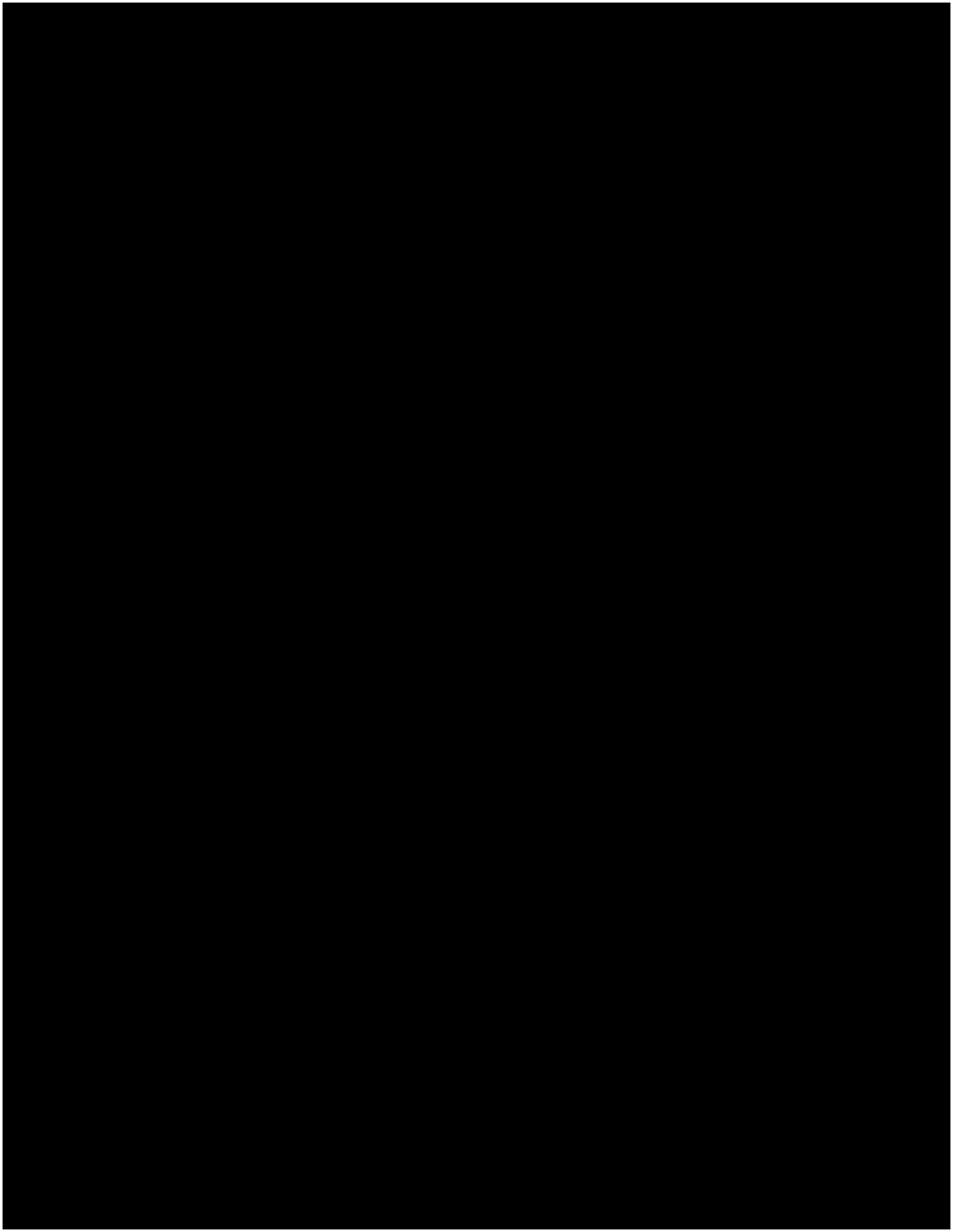


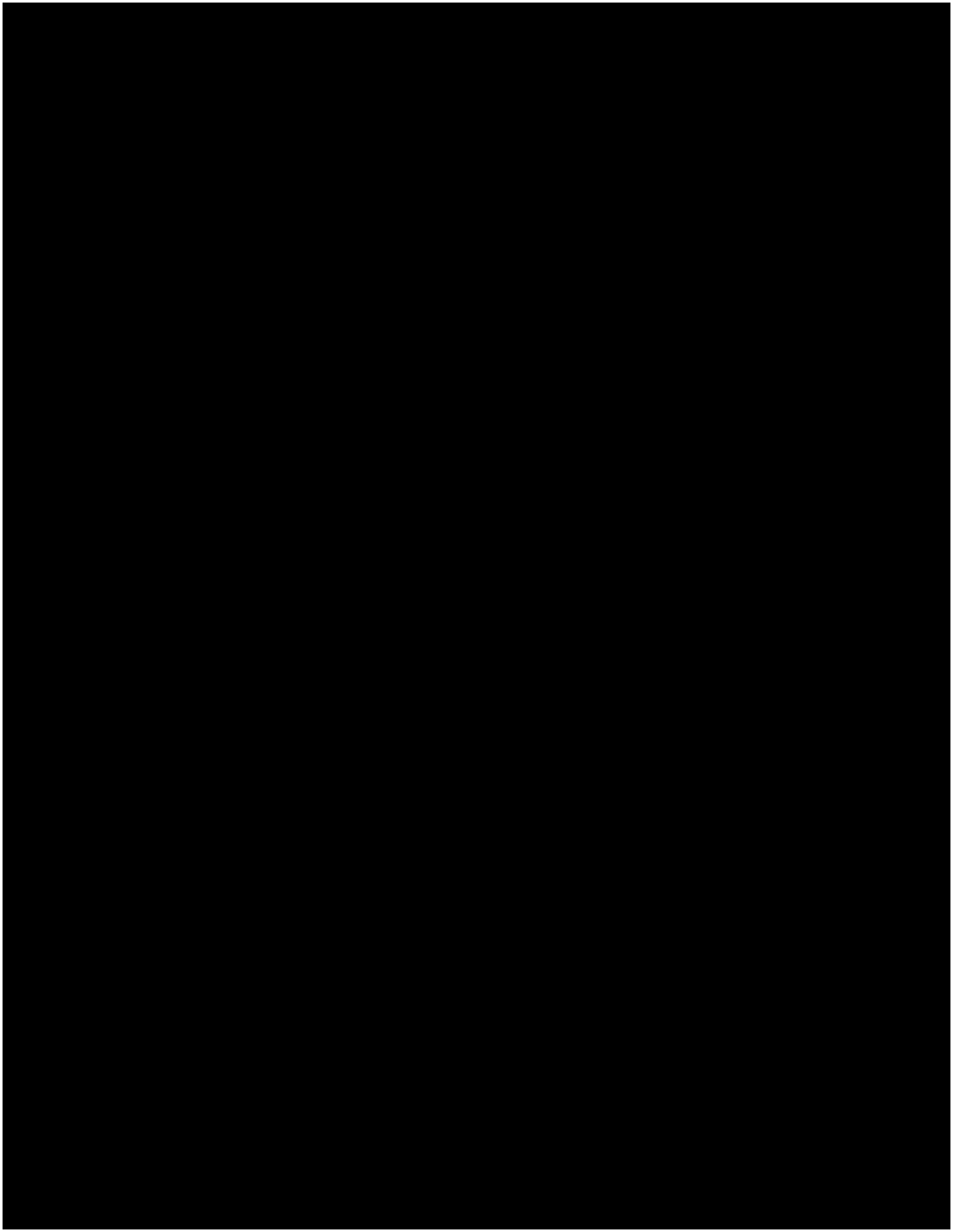


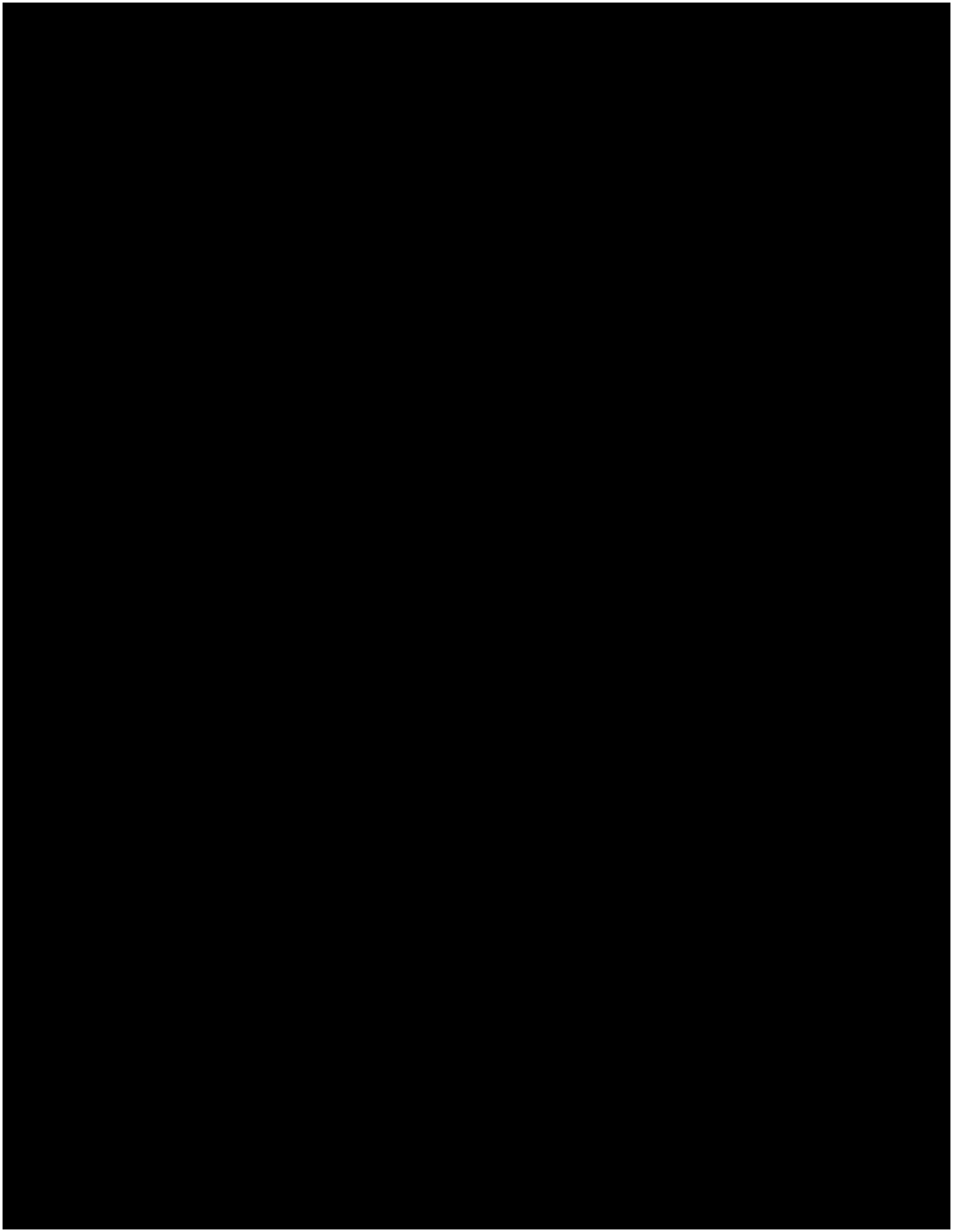












From: Kathryn Irby
To: Brent Gasper
Cc: Jim Jackson
Subject: RE: Hudson v. DHS
Date: Wednesday, May 10, 2023 12:35:00 PM

Brent and Jim, my commissioners are part-time and have no meetings scheduled until May 18-19. As soon as I have something for you, I will send it your way.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, May 10, 2023 12:32 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS

Kathryn, given the Claimant's filing of an amended complaint today I would again request of the Commission to consider our motion to quash the notice of deposition of Dr. Bell, which is currently set for May 22. Claimant has supplemented its complaint with additional factual details as well as increased its damage claim from $4 million to $5 million. As such, the agency needs time to review the amended complaint and prepare its Answer. Further, we are still without Ms. Ashcraft's prior medical records, which we will certainly still need as her injuries remain at the front and center of Claimant's amended complaint.

I would note that Claimant has asked to depose our employee Kristen Shelton next week in Clarksville. We will agree to keep this deposition scheduled even in light of the amended complaint as Ms. Shelton's expected testimony does not involve Ms. Ashcraft's injuries or medical condition.

Thank you for your consideration in this matter.

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

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From:	Kathryn Irby
To:	Brent Gasper
Cc:	Daiquiri Carter; Jim Jackson
Subject:	SUBPOENAS: Hudson v. DHS, Claim No. 230641
Date:	Wednesday, May 10, 2023 1:30:00 PM
Attachments:	Hudson -- 230641 -- CV"s Family Foods subpoena.pdf Hudson -- 230641 -- Family Dollar subpoena.pdf Hudson -- 230641 -- Dollar General subpoena.pdf Hudson -- 230641 -- Johnson"s Fish House subpoena.pdf Hudson -- 230641 -- TMobile subpoena.pdf Hudson -- 230641 -- ATT subpoena.pdf Hudson -- 230641 -- Sprint Nextel subpoena.pdf Hudson -- 230641 -- Sheriff Massey subpoena.pdf Hudson -- 230641 -- Ark Crime Lab subpoena.pdf

Brent, please see attached subpoenas. I was not able to issue the Verizon subpoena because you did not give me a physical address. If you'll send me the address for Verizon, I can get that subpoena to you, as well.

Please doublecheck the addresses and requested information. If you see anything in error, please let me know.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, May 2, 2023 11:21 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS, Claim No. 230641

Good morning Kathryn! I hope you are well. I would like to request the Claims Commission issue several subpoenas duces tecum for the above captioned case.

1. A subpoena duces tecum for all employee and personnel files for Jacqueline Ashcraft, [redacted], for the following commercial entities where Ms. Ashcraft was a former employee. The specific branches where Ms. Ashcraft worked, according to Claimant, are as follows. Subpoenas may be sent to these places, respectively:

    - CV's Family Foods, 1004 E. Walnut St., Paris, AR 72855;
    - Family Dollar, 1800 Falls Blvd., Wynne, AR 72396;
    - Dollar General, 1911 Falls Blvd., Wynne, AR 72396; and
    - Johnson's Fish House & Diner, 329 US-64, Wynne, AR 72396.

2. A subpoena duces tecum for each of the following wireless companies for any account owned or otherwise used by Jacqueline Ashcraft, [redacted], Paris, Arkansas, or Wynne, Arkansas. Because Claimant demurred from providing the information concerning Ms. Ashcraft's wireless phone service in its response to Respondent's discovery request,

Respondent has no other option than to ask all known major wireless carriers in an attempt to locate Ms. Ashcraft's account. According to the medical records filed by Claimant, Ms. Ashcraft had in her possession at the time of her death a Motorola cell phone. As such, subpoenas can be sent to:

- Verizon, ATTN: VSAT. Subpoena may be faxed to 1.888.667.0028. Court Orders can be faxed to 1.888.667.0026.
- T-Mobile. Legal requests can be emailed to subpoenas@metropcs.com, faxed to (972) 292-9697, or mailed to T-Mobile Subpoena Compliance, 4 Sylvan Way, Parsippany, NJ 07054
- AT&T Wireless. Legal requests can be emailed to compcent@att.com, faxed to (888) 938-4715, or mailed to 11760 US Highway 1, Suite 600, North Palm Beach, FL 33408
- Sprint/Nextel. Legal requests can be sent via fax to (816) 600-3111 or via mail to Custodian of Records, Sprint Corporate Security, 64800 Sprint Parkway, Overland Park, KS 66251

Specifically, information sought from each wireless provider is as follows:

- The wireless device location for all times if known on June 11, 2021;
- The number of text messages sent and received on June 11, 2021;
- The number of phone calls made and received on June 11, 2021;
- The length of any phone calls made and received on June 11, 2021;
- The telephone numbers of all calls made or received between June 7, 2021, and June 11, 2021;
- All other calling and texting records kept between June 7, 2021, and June 11, 2021, not otherwise already requested;
- The IP addresses used on June 11, 2021;
- Copies of billing statements for the one (1) month period prior to June 11, 2021; and
- Internet browsing and searching history for the time period between June 7, 2021, and June 11, 2021, made from the wireless device.

3. A subpoena duces tecum for a complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, [redacted]. The subpoena for this information can be sent to:

   Sheriff Jason Massey
   201 South Lowder Street
   Paris, Arkansas 72855
   (479) 963-3271

4. A subpoena duces tecum to the Arkansas State Crime Lab, for all autopsy reports, lab reports,

toxicology reports, or other reports and findings, including the complete case file for decedent Jacqueline Ashcraft, [redacted], resulting from the accident on June 11, 2021. The subpoena can be sent to:

Mr. Kermit B. Channell, II
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205
(501) 683-6190

Please let me know if you have any questions or need any more information concerning these requests.

Thanks!

Brent

Cc: Sarah DeBusk, Jim Jackson

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **CV's Family Foods**
1004 East Walnut Street
Paris, Arkansas 72855

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

All employee and personnel files for Jacqueline Ashcraft, [redacted]

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Family Dollar**
1800 Falls Boulevard
Wynne, Arkansas 72396

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

All employee and personnel files for Jacqueline Ashcraft, [redacted]

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Dollar General**
1911 Falls Boulevard
Wynne, Arkansas 72396

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

All employee and personnel files for Jacqueline Ashcraft, [redacted]

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Johnson's Fish House & Diner**
329 US 64
Wynne, Arkansas 72396

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

All employee and personnel files for Jacqueline Ashcraft, [redacted]

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____
SERVED ON (Print Name)

_____ _____
DATE PLACE

_____
MANNER OF SERVICE

_____ _____
SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____
DATE SIGNATURE OF SERVER

_____
ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **T-Mobile**
4 Sylvan Way
Parsippany, New Jersey 07054

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

- Any account owned or otherwise used by Jacqueline Ashcraft, [redacted]
- The wireless device location for all times if known on 6/11/2021;
- The number of text messages sent and received on 6/11/202;
- The number of phone calls made and received on 6/11/2021;
- The length of any phone calls made and received on 6/11/2021;
- The telephone numbers of all calls made or received between 6/7–11/2021;
- All other calling and texting records kept between 6/7–11/2021, not otherwise already requested;
- The IP addresses used on 6/11/2021;
- Copies of billing statements for the one (1) month period prior to 6/11/2021; and
- Internet browsing and searching history for the time period between 6/7–11/2021 made from the wireless device.

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **AT&T Wireless**
11760 US Highway 1, Suite 600
North Palm Beach, Florida 33408

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

- Any account owned or otherwise used by Jacqueline Ashcraft, [redacted]
- The wireless device location for all times if known on 6/11/2021;
- The number of text messages sent and received on 6/11/202;
- The number of phone calls made and received on 6/11/2021;
- The length of any phone calls made and received on 6/11/2021;
- The telephone numbers of all calls made or received between 6/7–11/2021;
- All other calling and texting records kept between 6/7–11/2021, not otherwise already requested;
- The IP addresses used on 6/11/2021;
- Copies of billing statements for the one (1) month period prior to 6/11/2021; and
- Internet browsing and searching history for the time period between 6/7–11/2021 made from the wireless device.

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Sprint/Nextel**
64800 Sprint Parkway
Overland Park, Kansas 66251

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

- Any account owned or otherwise used by Jacqueline Ashcraft, [redacted];
- The wireless device location for all times if known on 6/11/2021;
- The number of text messages sent and received on 6/11/202;
- The number of phone calls made and received on 6/11/2021;
- The length of any phone calls made and received on 6/11/2021;
- The telephone numbers of all calls made or received between 6/7–11/2021;
- All other calling and texting records kept between 6/7–11/2021, not otherwise already requested;
- The IP addresses used on 6/11/2021;
- Copies of billing statements for the one (1) month period prior to 6/11/2021; and
- Internet browsing and searching history for the time period between 6/7–11/2021 made from the wireless device.

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

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A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Sheriff Jason Massey**
201 South Lowder Street
Paris, Arkansas 72855

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

A complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the 6/11/2021 accident on Highway 22 in Logan County involving Jacqueline Ashcraft.[redacted]

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Mr. Kermit B. Channell, II**
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, Arkansas 72205

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

All autopsy reports, lab reports, toxicology reports, or other reports and findings, including the complete case file for decedent Jacqueline Ashcraft, [redacted], resulting from the accident on 6/11/2021

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

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A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From: Brent Gasper
To: Kathryn Irby
Cc: Daiquiri Carter; Jim Jackson
Subject: RE: SUBPOENAS: Hudson v. DHS, Claim No. 230641
Date: Wednesday, May 10, 2023 1:45:14 PM

Thank you so much, Kathryn! I'll see if I can track down the right person at Verizon. If so I'll let you know,

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Wednesday, May 10, 2023 1:30 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: SUBPOENAS: Hudson v. DHS, Claim No. 230641

Brent, please see attached subpoenas. I was not able to issue the Verizon subpoena because you did not give me a physical address. If you'll send me the address for Verizon, I can get that subpoena to you, as well.

Please doublecheck the addresses and requested information. If you see anything in error, please let me know.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, May 2, 2023 11:21 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS, Claim No. 230641

Good morning Kathryn! I hope you are well. I would like to request the Claims Commission issue several subpoenas duces tecum for the above captioned case.

1. A subpoena duces tecum for all employee and personnel files for Jacqueline Ashcraft, DOB [redacted] for the following commercial entities where Ms. Ashcraft was a former employee. The specific branches where Ms. Ashcraft worked, according to Claimant, are as follows. Subpoenas may be sent to these places, respectively:

    - CV's Family Foods, 1004 E. Walnut St., Paris, AR 72855;
    - Family Dollar, 1800 Falls Blvd., Wynne, AR 72396;
    - Dollar General, 1911 Falls Blvd., Wynne, AR 72396; and
    - Johnson's Fish House & Diner, 329 US-64, Wynne, AR 72396.

2. A subpoena duces tecum for each of the following wireless companies for any account owned or otherwise used by Jacqueline Ashcraft, [redacted] Paris, Arkansas, or Wynne, Arkansas. Because Claimant demurred from providing the information concerning Ms. Ashcraft's wireless phone service in its response to Respondent's discovery request, Respondent has no other option than to ask all known major wireless carriers in an attempt to locate Ms. Ashcraft's account. According to the medical records filed by Claimant, Ms. Ashcraft had in her possession at the time of her death a Motorola cell phone. As such, subpoenas can be sent to:

    - Verizon, ATTN: VSAT. Subpoena may be faxed to 1.888.667.0028. Court Orders can be faxed to 1.888.667.0026.
    - T-Mobile. Legal requests can be emailed to subpoenas@metropcs.com, faxed to (972) 292-9697, or mailed to T-Mobile Subpoena Compliance, 4 Sylvan Way, Parsippany, NJ 07054
    - AT&T Wireless. Legal requests can be emailed to compcent@att.com, faxed to (888) 938-4715, or mailed to 11760 US Highway 1, Suite 600, North Palm Beach, FL 33408
    - Sprint/Nextel. Legal requests can be sent via fax to (816) 600-3111 or via mail to Custodian of Records, Sprint Corporate Security, 64800 Sprint Parkway, Overland Park, KS 66251

    Specifically, information sought from each wireless provider is as follows:

    - The wireless device location for all times if known on June 11, 2021;
    - The number of text messages sent and received on June 11, 2021;
    - The number of phone calls made and received on June 11, 2021;
    - The length of any phone calls made and received on June 11, 2021;
    - The telephone numbers of all calls made or received between June 7, 2021, and June 11, 2021;
    - All other calling and texting records kept between June 7, 2021, and June 11, 2021, not otherwise already requested;
    - The IP addresses used on June 11, 2021;
    - Copies of billing statements for the one (1) month period prior to June 11, 2021; and
    - Internet browsing and searching history for the time period between June 7, 2021, and June 11, 2021, made from the wireless device.

3. A subpoena duces tecum for a complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, [redacted] The subpoena for this information can be sent to:

    Sheriff Jason Massey

201 South Lowder Street
Paris, Arkansas 72855
(479) 963-3271

4. A subpoena duces tecum to the Arkansas State Crime Lab, for all autopsy reports, lab reports, toxicology reports, or other reports and findings, including the complete case file for decedent Jacqueline Ashcraft, [redacted] resulting from the accident on June 11, 2021. The subpoena can be sent to:

   Mr. Kermit B. Channell, II
   Crime Lab Director
   Arkansas State Crime Laboratory
   3 Natural Resources Drive
   Little Rock, AR 72205
   (501) 683-6190

Please let me know if you have any questions or need any more information concerning these requests.

Thanks!

Brent

Cc: Sarah DeBusk, Jim Jackson

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment are the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is STRICTLY PROHIBITED.

The sender has not waived any applicable privilege by sending the accompanying transmission. If you have

received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Cc: Martha Cox; Daiquiri Carter
Subject: RE: Hudson v. DHS
Date: Wednesday, May 10, 2023 2:14:00 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Brent, your email is sufficient to withdraw the motion to quash.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, May 10, 2023 2:03 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS

Thank you Jim.

Kathryn, given that Jim has cancelled the May 22 deposition, we would withdrawn our motion to quash. Please advise whether you need a formal pleading to withdrawn the motion or if this email will suffice.

Thanks!

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, May 10, 2023 2:00 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS

[EXTERNAL SENDER]
Kathryn & Brent,
I just checked with Kirk Dougherty who is the attorney for Dr. Bell/Mercy.
Kirk is in trial this week which is why I have not heard back from him.
I believe that Kirk will be able to get Dr. Bell's deposition scheduled in Fort Smith for this summer.
With that being said, please allow this to serve as a postponement of the Notice of Deposition for Dr. Bell.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, May 10, 2023 12:32 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS

Kathryn, given the Claimant's filing of an amended complaint today I would again request of the Commission to consider our motion to quash the notice of deposition of Dr. Bell, which is currently set for May 22. Claimant has supplemented its complaint with additional factual details as well as increased its damage claim from $4 million to $5 million. As such, the agency needs time to review the amended complaint and prepare its Answer. Further, we are still without Ms. Ashcraft's prior medical records, which we will certainly still need as her injuries remain at the front and center of Claimant's amended complaint.

I would note that Claimant has asked to depose our employee Kristen Shelton next week in Clarksville. We will agree to keep this deposition scheduled even in light of the amended complaint as Ms. Shelton's expected testimony does not involve Ms. Ashcraft's injuries or medical condition.

Thank you for your consideration in this matter.

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment are the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is STRICTLY PROHIBITED.

The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From:	Kathryn Irby
To:	Brent Gasper; Jim Jackson
Cc:	Martha Cox; Daiquiri Carter
Subject:	HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date:	Wednesday, May 10, 2023 2:17:00 PM
Attachments:	Hudson v. DHS -- 230641 -- hearing ltr (motions -- Aug 2023).pdf

Jim and Brent, please see attached hearing letter related to the other pending motions.

Thanks,
Kathryn

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

ARKANSAS STATE CLAIMS COMMISSION

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

KATHRYN IRBY
DIRECTOR

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

May 10, 2023

Mr. Jim Jackson (*via email*)
Jackson Law Firm
700 W. Broadway Street, Suite 200
North Little Rock, Arkansas 72114

Mr. Brent P. Gasper (*via email*)
Arkansas Department of Human Services
Post Office Box 1437
Little Rock, Arkansas 72203

RE: ***Haley Hudson, individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of*** [redacted] ***v. Arkansas Department of Human Services***
Claim No. 230641

Dear Mr. Jackson and Mr. Gasper,

The Claims Commission has scheduled a hearing on all pending motions for **Friday, August 11, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

As this is a motions hearing, no prehearing materials are requested, although the parties are free to brief the motions as permitted by the Arkansas Rules of Civil Procedure.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.
Time: Aug 11, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting
https://us06web.zoom.us/j/84688689286?pwd=b3RmN01jcTJzV1hwZW1YVHFtLzdLUT09

Meeting ID: 846 8868 9286
Passcode: W9Vm8g
One tap mobile
+13092053325,,84688689286#,,,,*144460# US
+13126266799,,84688689286#,,,,*144460# US (Chicago)

Dial by your location
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US

Meeting ID: 846 8868 9286
Passcode: 144460
Find your local number: https://us06web.zoom.us/u/kbDuMt8KJj

From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Cc: Martha Cox; Daiquiri Carter
Subject: RE: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641
Date: Wednesday, May 10, 2023 2:24:00 PM

That may depend on what motions are filed, but I anticipate that all pending motions that have been fully briefed by the end of July will be part of the August 11 hearing. As any other motions are filed, though, I would ask the parties to confirm the scope of the hearing so we can make sure everyone is on the same page.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, May 10, 2023 2:22 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Thank you Kathryn. In the event that additional motions are forthcoming in this case between now and then would they be added to this hearing or would they need to be heard at a different time?

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Wednesday, May 10, 2023 2:17 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: HEARING SCHEDULED: Hudson v. DHS, Claim No. 230641

Jim and Brent, please see attached hearing letter related to the other pending motions.

Thanks,
Kathryn

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

From:	Kathryn Irby
To:	Brent Gasper
Cc:	Jim Jackson; Martha Cox; Daiquiri Carter
Subject:	SUBPOENA: Verizon
Date:	Wednesday, May 10, 2023 2:37:00 PM
Attachments:	Hudson -- 230641 -- Verizon subpoena.pdf image001.png image002.png

Brent, that works. Please see attached.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, May 10, 2023 2:23 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: FW: Verizon

Kathryn, this comes from Verizon's website. Is it sufficient?

brent

From: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Sent: Wednesday, May 10, 2023 2:00 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: RE: Verizon

- Verizon
- Attn: VSAT
- 180 Washington Valley Road
- Bedminster, NJ 07921

VSAT is Verizon Security Assessment Team.

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

□□□

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From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, May 10, 2023 1:46 PM
To: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Verizon

Daiquiri, can you see if you can find the person to subpoena at Verizon? It may be as easy as googling it? We don't need the actual name of the person, just his or her title.

Thx!

brent

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Verizon**
ATTN: VSAT (Verizon Security Assessment Team)
180 Washington Valley Road
Bedminster, New Jersey 07921

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

- Any account owned or otherwise used by Jacqueline Ashcraft, [redacted]
- The wireless device location for all times if known on 6/11/2021;
- The number of text messages sent and received on 6/11/202;
- The number of phone calls made and received on 6/11/2021;
- The length of any phone calls made and received on 6/11/2021;
- The telephone numbers of all calls made or received between 6/7–11/2021;
- All other calling and texting records kept between 6/7–11/2021, not otherwise already requested;
- The IP addresses used on 6/11/2021;
- Copies of billing statements for the one (1) month period prior to 6/11/2021; and
- Internet browsing and searching history for the time period between 6/7–11/2021 made from the wireless device.

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____
SERVED ON (Print Name)

_____ _____
DATE PLACE

_____
MANNER OF SERVICE

_____ _____
SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____
DATE SIGNATURE OF SERVER

_____
ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From: Daiquiri Carter
To: ASCC Pleadings; jim@jimjacksonatty.com; Martha Cox
Cc: Brent Gasper; Daiquiri Carter
Subject: CC # 230641
Date: Thursday, May 11, 2023 12:44:01 PM
Attachments: Interrogatories [redacted] 001.pdf
image001.png
image002.png
Interrogatories [redacted] 001.pdf

Please find attached Interrogatories and Requests for Production propounded to [redacted] and Interrogatories and Requests for Production propounded to [redacted]

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

v. **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS FOR [redacted]

INTERROGATORY NO. 1: Do you have a social media account? If so, please identify all social media accounts you have and the screen name for each.

INTERROGATORY NO. 2: Do you have a cell phone account? If so, please identify the cell phone carrier and the phone number associated with the account.

INTERROGATORY NO. 3: Please list the names and contact information, if known, for all persons you spoke to at the scene of the accident on June 11, 2021.

INTERROGATORY NO. 4: Please identify and supply the contact information for the person or persons who transported you from the accident scene on June 11, 2021.

INTERROGATORY NO. 5: Please identify and supply the last known address and phone number for your father.

INTERROGATORY NO. 6: Please identify and list the applicable dates of all the places where you lived, and with whom, for the years 2019, 2020, and 2021.

INTERROGATORY NO. 7: Please identify all persons who resided in the residences listed in response to Interrogatory No. 6 at any point in time for the years 2019, 2020, and 2021.

INTERROGATORY NO. 8: Do you know any person who owned or drove a red truck during 2021? If so, please identify that person.

INTERROGATORY NO. 9: Please identify and describe all the places you visited or any other place you were on June 11, 2021, prior to the accident at issue. Further, please give the approximate time of day and length of time you were at these places.

INTERROGATORY NO. 10: Was your mother wearing a seatbelt at the time of the accident on June 11, 2021?

INTERROGATORY NO. 11: Did your mother smoke cigarettes or use tobacco products to the best of your knowledge? If so, approximately how long had she smoked cigarettes or used tobacco products, to the best of your knowledge?

INTERROGATORY NO. 12: Do you know if your mother was ill or sick at the time of the accident on June 11, 2021? If so, do you know what that illness or sickness was? What were her symptoms, if applicable?

INTERROGATORY NO. 13: Had you ever been to [redacted] house before the accident on June 11, 2021? If so, when and for what reason?

INTERROGATORY NO. 14: Had you ever been inside [redacted] house before the accident on June 11, 2021? If so, when and for what reason?

INTERROGATORY NO. 15: To the best of your knowledge, was Kimberly Corley – [redacted] mother – related to your mother or father by blood or marriage? If so, please describe the nature of the familial relationship.

INTERROGATORY NO. 16: How often do you visit your father?

INTERROGATORY NO. 17: Were your father and mother ever married? If so, when and for how long?

INTERROGATORY NO. 18: Is there a custodial arrangement in place governing visitation by your father?

INTERROGATORY NO. 19: Does your father pay court-ordered child support? If so, how often and how much?

INTERROGATORY NO. 20: Please list all schools you have attended starting with Kindergarten. Also, please state for how long you attended these schools and the names of your teachers at those schools.

INTERROGATORY NO. 21: Were you physically injured as a result of the accident on June 11, 2021? If so, please describe the type of injury and how soon you noticed symptoms or felt the injury after the accident. Please be as precise as possible concerning timing.

INTERROGATORY NO. 22: What was the phone number at your residence in June of 2021?

INTERROGATORY NO. 23: What was your mother's cell phone number in June 2021?

INTERROGATORY NO. 24: Do you know what type of cell phone your mother had at the time of the accident in question? If you do not know the type of cell phone your mother had, can you describe what it looked like?

INTERROGATORY NO. 25: Did your mother have an e-mail address? If so, what was it?

INTERROGATORY NO. 26: Did your mother have a Facebook account? If so, what was her screen name?

INTERROGATORY NO. 27: Did you at any time in May or June of 2021 ever receive a text message from your mother's cell phone? If so, please describes those instances.

INTERROGATORY NO. 28: Have you ever been prescribed prescription medication? If so, what was it, how long did you take it, if you still are taking it, who prescribed it, and the name of the pharmacies that filled the prescriptions.

INTERROGATORY NO. 29: You have filed a claim for four million dollars ($4,000,000) in the instant action. There are also two other claimants – your sister and your mother's estate. However, that claim of four million dollars ($4,000,000) is not apportioned among the claimants Complaint. Please describe what percentage of the overall claim amount you seek and describe the underlying details and computations that you feel entitle you to that portion of the claim.

INTERROGATORY NO. 30: Did your mother ever go to the doctor? If so, please describe when, how often, and the name or names of her doctors.

INTERROGATORY NO. 31: Please list the names and contact information for your grandparents.

REQUEST FOR PRODUCTION NO 1: Please have Haley Hudson, as your legal guardian, sign the attached authorization allowing DHS to obtain a copy of your child support case file.

REQUEST FOR PRODUCTION NO. 2: Please produce a copy of your birth certificate.

REQUEST FOR PRODUCTION NO. 3: Please have Haley Hudson, as your legal guardian, sign the attached authorization allowing DHS to obtain a copy of your school records.

INTERROGATORY NO. 32: Please state whether Claimant will treat the foregoing interrogatories as continuing and furnish to Respondent, in writing, any additional information received by Claimant subsequent to the date of Claimant's answers hereto that would modify or supplement Claimant's answers, such additional information to be furnished as soon as reasonably possible after receipt by Claimant and within a reasonable time prior to the assigned trial date in order to permit appropriate discovery procedure.

Respectfully Submitted,

By: _____
Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.gasper@dhs.arkanas.gov
Sarah.debusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent P. Gasper, hereby certify that on the 11th day or May, 2023, I electronically filed the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.

_____
Brent P. Gasper

ARKANSAS DEPARTMENT OF HUMAN SERVICES

Office of Chief Counsel
Brent P. Gasper

P.O. Box 1437, Slot S-260 Little Rock, AR 72203-1437
501-320-8950 · Fax: 501-682-6720
brent.gasper@dhs.arkansas.gov

Kadey Jones' Child Support Records Release Authorization

I, HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE ASHCRAFT AND LEGAL GUARDIAN OF [redacted] AND [redacted] HEREBY GIVE CONSENT TO THE OFFICE OF CHILD SUPPORT ENFORCEMENT TO PROVIDE THE FULL AND COMPLETE FILE OF CASE No. 42PDR-21-17, LOGAN COUNTY CIRCUIT COURT, PARIS DISTRICT, STYLED JACQUELINE ASHCRAFT/OSCE v. STEVEN JONES TO;

Brent P. Gasper
Assistant Deputy Chief Counsel, Office of Chief Counsel
Arkansas Department of Human Services

Please provide a true and complete copy of Jacqueline Ashcraft's child support case file. Please include without limitation:

- The full and complete file of the above-captioned case, including attorney's notes and work product.
- Records of communication between any parties concerning this case, including emails, phone calls, or text messages for the calendar years 2021 and 2022.

Please return the information to:

Name:	Daiquiri Carter
Agency:	Arkansas Department of Human Services, Office of Chief Counsel
Address:	PO Box 1437, Slot S260, Little Rock, Arkansas 72203-1437
Phone/Fax:	501-320-8950 phone; 501-682-6720 fax

This consent is valid for a period of twelve (12) months from the date indicated below.

Signature: _____ Date: _____
Haley Hudson, as special administratrix
Of the Estate of Jacqueline Ashcraft

_____ _____
Printed Name of Representative providing information Date

_____
Signature

ARKANSAS DEPARTMENT OF HUMAN SERVICES

Office of Chief Counsel
Brent P. Gasper

P.O. Box 1437, Slot S-260 Little Rock, AR 72203-1437
501-320-8950 · Fax: 501-682-6720
brent.gasper@dhs.arkansas.gov

[redacted] School Records Release Authorization

Name: [redacted]_____ Date of Birth: _____

Student ID #_____

I, _____do hereby authorize the release of any and all school records, counselor records, behavior records, discipline records, grades and all other data maintained in the normal course of business of the Paris School District for [redacted]

This release will expire upon conclusion of litigation or one (1) year after execution.

Please send records to:
Daiquiri Carter
Office of Chief Counsel
Department of Human Services
PO Box 1437, Slot S260
Little Rock, AR 72203

Name:_____ Date:_____
Parent or Guardian

Signature:_____
Parent or Guardian

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — **CLAIMANT**

v. — **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

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INTERROGATORY NO. 30: Did your mother ever go to the doctor? If so, please describe when, how often, and the name or names of her doctors.

INTERROGATORY NO. 31: Please list the names and contact information for your grandparents.

REQUEST FOR PRODUCTION NO 1: Please have Haley Hudson, as your legal guardian, sign the attached authorization allowing DHS to obtain a copy of your child support case file.

REQUEST FOR PRODUCTION NO. 2: Please produce a copy of your birth certificate.

REQUEST FOR PRODUCTION NO. 3: Please have Haley Hudson, as your legal guardian, sign the attached authorization allowing DHS to obtain a copy of your school records.

INTERROGATORY NO. 32: Please state whether Claimant will treat the foregoing interrogatories as continuing and furnish to Respondent, in writing, any additional information received by Claimant subsequent to the date of Claimant's answers hereto that would modify or supplement Claimant's answers, such additional information to be furnished as soon as reasonably possible after receipt by Claimant and within a reasonable time prior to the assigned trial date in order to permit appropriate discovery procedure.

Respectfully Submitted,

By: _____
Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.gasper@dhs.arkanas.gov
Sarah.debusk@dhs.arkansas.gov

CERTIFICATE OF SERVICE

I, Brent P. Gasper, hereby certify that on the 11th day or May, 2023, I electronically filed the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.

_____
Brent P. Gasper

ARKANSAS DEPARTMENT OF HUMAN SERVICES

Office of Chief Counsel
Brent P. Gasper

P.O. Box 1437, Slot S-260 Little Rock, AR 72203-1437
501-320-8950 · Fax: 501-682-6720
brent.gasper@dhs.arkansas.gov

Carley Jones' Child Support Records Release Authorization

I, HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE ASHCRAFT AND LEGAL GUARDIAN OF [redacted] AND [redacted] HEREBY GIVE CONSENT TO THE OFFICE OF CHILD SUPPORT ENFORCEMENT TO PROVIDE THE FULL AND COMPLETE FILE OF CASE No. 42PDR-21-17, LOGAN COUNTY CIRCUIT COURT, PARIS DISTRICT, STYLED JACQUELINE ASHCRAFT/OSCE v. STEVEN JONES TO;

Brent P. Gasper
Assistant Deputy Chief Counsel, Office of Chief Counsel
Arkansas Department of Human Services

Please provide a true and complete copy of Jacqueline Ashcraft's child support case file. Please include without limitation:

- The full and complete file of the above-captioned case, including attorney's notes and work product.
- Records of communication between any parties concerning this case, including emails, phone calls, or text messages for the calendar years 2021 and 2022.

Please return the information to:

Name:	Daiquiri Carter
Agency:	Arkansas Department of Human Services, Office of Chief Counsel
Address:	PO Box 1437, Slot S260, Little Rock, Arkansas 72203-1437
Phone/Fax:	501-320-8950 phone; 501-682-6720 fax

This consent is valid for a period of twelve (12) months from the date indicated below.

Signature: _____ Date: _____
Haley Hudson, as special administratrix
Of the Estate of Jacqueline Ashcraft

_____ _____
Printed Name of Representative providing information Date

_____
Signature

ARKANSAS DEPARTMENT OF HUMAN SERVICES

Office of Chief Counsel
Brent P. Gasper

P.O. Box 1437, Slot S-260 Little Rock, AR 72203-1437
501-320-8950 · Fax: 501-682-6720
brent.gasper@dhs.arkansas.gov

[redacted]Child Support Records Release Authorization

Name: [redacted]_____ Date of Birth: _____

Student ID #_____

I, _____do hereby authorize the release of any and all school records, counselor records, behavior records, discipline records, grades and all other data maintained in the normal course of business of the Paris School District for [redacted]

This release will expire upon conclusion of litigation or one (1) year after execution.

Please send records to: Daiquiri Carter
Department of Human Services
PO Box 1437, Slot S260
Little Rock, AR 72203

Name:_____ Date:_____
Parent or Guardian

Signature:_____
Parent or Guardian

From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Jim Jackson
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d, & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Tuesday, May 16, 2023 3:12:09 PM
Attachments: Claimant"s Brief in Support of Response to Motion to Compel.pdf
Claimant"s Response to Motion to Compel.pdf

Please find attached the claimant's Response to Motion to Compel and claimant's Brief in Support of Response to Motion to Compel, which we would appreciate being filed in the above-referenced claim.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

CLAIMANT'S RESPONSE TO THE RESPONDENT'S MOTION TO COMPEL

Comes the claimant, Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Legal Guardian of [redacted] minor children, by and through her attorney, Jim R. Jackson, and for her Response to the respondent's Motion to Compel, states:

1. For the reasons set forth in the accompanying Brief in Support of Response to the respondent's Motion to Compel filed contemporaneously herein, the respondent's Motion to Compel should be denied.

WHEREFORE, the respondent's Motion to Compel Haley Hudson to have knowledge of the decedent's prior medical providers "imputed" should be denied.

Respectfully submitted,

BY: _____

Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Response to Motion to Dismiss was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson.
Jim R. Jackson

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — **RESPONDENT**

CLAIMANT'S BRIEF IN SUPPORT OF THE RESPONSE TO THE RESPONDENT'S MOTION TO COMPEL

I. BACKGROUND

This wrongful death and two bodily injury claims arise from a motor vehicle accident that occurred when a DHS employee driving a DHS fleet car rear-ended the Ashcraft car at a high rate of speed. The impact caused Jacqueline Ashcraft to sustain an intracerebral hemorrhage[1] which led to her being pronounced dead approximately twelve hours after the wreck from an intracranial hemorrhage. The impact also caused injuries to Jacqueline Ashcraft's two minor children who were in the back seat of her car.

The impact from the collision knocked Jacqueline Ashcraft's car more than 93 feet. The impact caused the DHS employee's car to ricochet into an oncoming tractor-trailer rig and spin counterclockwise approximately 270° to its final resting place. The magnitude of the property damage cannot be fully described in words. The Ashcraft vehicle is below in the left frame and the DHS vehicle is in the right frame. The accident photo depicts the direction of travel the DHS employee was traveling when she rear-ended Ashcraft's car.

[1] "Bleeding on the brain"

ASHCRAFT VEHICLE ↓ **DHS VEHICLE** ↓

ACCIDENT SCENE

II. LEGAL ISSUE

The respondent's Motion to Compel alleges that Haley Hudson's response to one of its thirty-two (32) Interrogatories was insufficient. The Interrogatory and response at issue are below.

> INTERROGATORY NO. 7: Please provide the names, addresses, and phone numbers for all medical professionals including without limitation physicians, nurses, therapists, counselors, physical therapists, optometrists, osteopaths, or homeopaths, that treated Jacqueline Ashcraft for any reason for the five (5) year period prior to June 11, 2021.
>
> RESPONSE: Haley Hudson does not possess this information.

The respondent's Motion to Compel contains an overreaching allegation that is not grounded in law. The thrust of the respondent's argument is contained in the highlighted text below from its Motion to Compel:

> All discovery requests propounded to the estate of Jacqueline Ashcraft shall be directed to Haley Hudson, *not individually*, but *in her capacity as the special administratrix of the estate of Jacqueline Ashcraft*. It is the *estate* that is required to respond to the discovery requests and no other entity or person. The nature of the estate of a deceased person necessarily means that information that would have been known by or available to Jacqueline Ashcraft prior to her death is imputed to the estate and its personal representative.

The respondent's claim that information from the decedent is somehow "imputed" to a Special Administratrix/Personal Representative of an estate is not a correct statement of law or reality. One would have to suspend disbelief to conclude that upon being appointed "Special Administrator" a person suddenly gains information known by the decedent. There is nothing magical about a person being named "Special Administrator." The probate court can appoint a CPA, attorney, physician, friend, or relative as "Special Administrator" of an

estate. No one can imagine that upon accepting the appointment, the person named suddenly has information "imputed" to them.

It is important to note that the respondent has cited no case law to support its theory that prior medical information is "imputed" to a Special Administratrix" upon the appointment by a probate judge. It simply does not exist.

Haley Hudson has answered Interrogatory No. 7 to the best of her ability. Haley was 29 years old at the time of her mother's death. Her mother lived in Paris, Arkansas, while Haley lived near Wynne, Arkansas. Haley simply does not know if her mother saw any medical providers during the five years prior to her death caused by the car wreck.

III. SOLUTION

The claimant recognizes that this Commission seeks solutions to discovery disputes. The claimant fully executed a HIPAA-compliant authorization and provided a file-marked Order from the probate judge which allows the respondent to obtain Jacqueline Ashcraft's medical records from any medical provider. The claimant also provided the complete set of medical records from the moment the paramedics arrived at the wreck until Ms. Ashcraft was pronounced dead from an intracranial hemorrhage by Dr. Christopher Bell.

Neither the probate code nor the wrongful death statute requires the representative of an estate to have first-hand knowledge or "imputed" knowledge of the decedent's pre-existing medical condition. The situation at hand is not uncommon. Attorneys frequently send "blanket" requests to all medical providers in an area. Clients who are alive often forget where they have gone for medical treatment. The solution for an attorney defending such a claim is to send blanket requests to the medical providers in the region where the deceased resided.

Haley Hudson has fully answered all thirty-two (32) Interrogatories and fifteen (15) Requests for Production of Documents by providing 407 pages of documents, exhibits, and

photographs. Attached as Exhibit 1 is a copy of the Table of Contents listing 205 pages of documents produced by Haley Hudson. Additionally, Haley Hudson has produced 202 pages of medical records upon Jacqueline Ashcraft's medical records from the following medical providers:

i. Logan County EMS/Ambulance;
ii. Mercy Hospital – Booneville;
iii. Life Flight Network; and,
iv. Mercy Hospital – Fort Smith.

The respondent has the ability to obtain numerous records belonging to Jacqueline Ashcraft. Haley Hudson has executed every authorization that has been sent by the respondent. This includes:

i. General HIPAA Medical Authorization for Jacqueline Ashcraft;
ii. Employment Records Authorization for Jacqueline Ashcraft;
iii. Criminal History Authorization for Jacqueline Ashcraft;
iv. Walmart Pharmacy Authorization for Jacqueline Ashcraft;
v. Specific Authorization to obtain medical records of Jacqueline Ashcraft, [redacted] from the Arkansas Department of Human Services;
vi. General HIPAA Medical Authorization for [redacted]
vii. General HIPAA Medical Authorization for [redacted]

Haley Hudson has cooperated and answered the respondent's discovery to the best of her ability. Haley Hudson has followed the Arkansas Rules of Civil Procedure by executing authorizations that allow the respondent to obtain records from any medical provider and pharmacist.

WHEREFORE, the respondent's Motion to Compel Haley Hudson to have "imputed" knowledge of the decedent's prior medical providers should be denied.

Respectfully submitted,

BY:

Jim R. Jackson, AR Bar #93-209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Brief in Support of Response to Respondent's Motion to Compel was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

Jim R. Jackson

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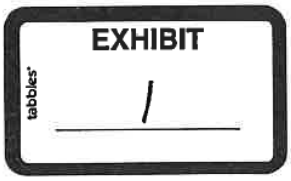

From:	Kathryn Irby
To:	"Jim Jackson"; Brent Gasper
Cc:	Martha Cox
Subject:	RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid
Date:	Wednesday, May 17, 2023 12:02:00 PM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg

I have noted this in the file. Thanks for this information.

Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, May 17, 2023 11:53 AM
To: Kathryn Irby <kathryn.irby@arkansas.gov>; Brent Gasper <brent.gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incident

Kathryn,
We had a deposition yesterday afternoon in this matter.
Brent reminded me that I have incorrectly named his client in the complaints.
I also learned that the decedent's mother passed away last Thursday which means that her mental anguish claim is extinguished.
With that information, I would like to withdraw the "Second Amended Complaint" so I can properly amend it.
The Respondent has not filed an Answer so I do not believe there would be any prejudice to any party by being allowed to withdraw it and make the corrections.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114

P (501) 823-3610
F (501) 823-3611

From:	Kathryn Irby
To:	Brent Gasper; Jim Jackson
Cc:	Martha Cox
Subject:	RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid
Date:	Thursday, May 18, 2023 8:52:00 AM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg

Brent, the second amended complaint was filed on May 10. If the Commission returns a filing to the filing party to correct an issue, I will let both parties know, as it can impact response time. Unless you hear about such a return, though, you can assume that the filing has been accepted by the Commission.

I would also point the parties to Commission Rule 1.2, which directs that the rules "shall be liberally construed to secure a simple, just, and expeditious method for the consideration of claims against the State . . . ."

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, May 17, 2023 12:51 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid

Thank you Jim and Kathryn.

I would add though that under the Rules, the Second Amended Complaint tendered by Jim last week needed to be formally accepted by the Commission. I know that I sent an email to that regard but I never heard whether or not the Second Amended Complaint was accepted officially so I would like to also bring that issue up again if Jim decides to Amend the Complaint. To that end it would be necessary to discern whether or not the Amended Complaint Jim indicates he is going to file would be either the Second or Third Amended Complaint, depending on the Commission's posture towards the filing a week or so ago.

I certainly don't want to be a pest, but I do request that the Rules of the Commission be properly observed.

Please let me know if I can of any help to you!

Thanks,

brent

From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Wednesday, May 17, 2023 12:02 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid

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Thank you,
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700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From:	Kathryn Irby
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Cc:	Martha Cox
Subject:	RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid
Date:	Thursday, May 18, 2023 9:07:00 AM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg

My understanding is that Jim withdrew his second amended complaint via email on May 17. I confirmed receipt of his email and noted in our database that the second amended complaint was withdrawn by Claimant.

Let me know if this does not answer your question.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, May 18, 2023 8:56 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas Department of Human Services Arkansas State Claims Commission No. 230641 Incid

Thank you Kathryn. I am proceeding then with the understanding that the Second Amended Complaint is operative and requires an Answer. What then to Jim's request to withdraw the Second Amended Complaint as he set out in his email yesterday? Again, as you noted, there are response times involved so I just want to make doubly sure that I know how much time I have to respond to what Amended Complaint.

Thank you!

Brent

Cc: Jim Jackson

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Thursday, May 18, 2023 8:52 AM
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From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Wednesday, May 17, 2023 12:02 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of [redacted], Minor Children v. Arkansas

Department of Human Services Arkansas State Claims Commission No. 230641 Incid

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Kathryn

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Sent: Wednesday, May 17, 2023 11:53 AM
To: Kathryn Irby <kathryn.irby@arkansas.gov>; Brent Gasper <brent.gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
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Jim

Jim Jackson
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JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Jim Jackson
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Thursday, May 18, 2023 10:49:39 AM
Attachments: Letter to Kathryn Irby with Second Amended Complaint 5-18-2023.pdf
Second Amended Complaint - 5-18-2023.pdf

Please see attached letter from Attorney Jim Jackson to Kathryn Irby and attached Second Amended Complaint for filing in the above-referenced claim.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Tuesday, May 16, 2023 3:14 PM
To: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd, & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

Received.

From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Tuesday, May 16, 2023 3:12 PM
To: ASCC Pleadings <asccpleadings@arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd, & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

Please find attached the claimant's Response to Motion to Compel and claimant's Brief in Support of Response to Motion to Compel, which we would appreciate being filed in the above-referenced claim.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

JACKSON
LAW FIRM

May 18, 2023

VIA E-MAIL & US MAIL

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of* [redacted] *Minor Children v. Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Kathryn:

Please find enclosed the Claimant's Second Amended Complaint to be filed in this matter with two exhibits attached. By copy of this e-mail, I am serving this Second Amended Complaint on counsel for the Arkansas Department of Human Services.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonatty.com.*

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosures

cc/enc.: Mr. Brent Gasper (via email)

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528 • 501.823.3610 Fax: 501.823.3611 • Jim@JimJacksonAtty.com • www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON, AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

VS. **CC NO.** 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

SECOND AMENDED COMPLAINT

Comes now the claimant, Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of [redacted] a minor child, and as Guardian of [redacted] a minor child, by and through her attorney, Jim R. Jackson, and for her causes of action against the respondent, states:

BACKGROUND

The Ashcraft family has been ripped apart by the consequences of this wreck. Jacqueline Ashcraft was a 50-year-old mother of five children who lived in Paris, Arkansas, with two of her minor children. [redacted] was her 10-year-old daughter. [redacted] was her 14-year-old daughter. The three lived at [redacted] The two girls were enrolled in the Paris School District and were thriving at the time of the wreck. Ms. Ashcraft's two adult sons lived in Paris and Ozark and were beginning their career and family. Ms. Ashcraft's oldest daughter, Haley Hudson, lived and worked in Wynne, Arkansas. Haley was 29 years old at the time of her mother's death. Haley has two children of her own that live with her and her fiancé at [redacted]

As a result of Jacqueline Ashcraft's sudden and tragic death, the two minor children no longer have a mother. The children had to relocate from Paris to Wynne to live with Haley Hudson and her family. Haley adopted her two baby sisters by filing a Petition to be Permanent Legal Guardian of [redacted] Haley is doing the best job she can to raise her two baby sisters. Haley is now both a mom and big sister to [redacted]

I. STATEMENT OF JURISDICTION

1. This claim is brought pursuant to the Commission's authority of jurisdiction of "all claims against the State of Arkansas and its several agencies, departments, and institutions" pursuant to the authority granted by the General Assembly found in Ark. Code Ann. §19-10-204, *et seq*.

2. The claimant has exhausted all liability insurance coverage for this incident. There is no UIM or other liability insurance coverage for these claims.

II. PARTIES TO THE CLAIM

3. The claimant is the duly appointed Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, pursuant to an Order dated August 6, 2021, entered by The Honorable Terry Sullivan in a matter styled, *In The Matter Of The Estate Of Jacqueline Lynn Ashcraft, deceased*, in the Circuit Court of Logan County, Arkansas, Probate Division No. 42PR-2021-63.

4. Haley Hudson was appointed Permanent Guardian of the Person and Estate of [redacted] by Order of Cross County Probate Judge Christopher Morledge dated July 20, 2021, in a matter styled: *In the Matter of the Guardianship of the Person and Estate of* [redacted] *Minors*, Cross County Probate Number 19PR-2021-57-3.

5. The respondent, Arkansas Department of Human Services, is an agency of the State of Arkansas.

6. Jennifer Wilkerson was an employee of the Arkansas Department of Human Services and was engaged in the course and scope of her employment at all times relevant to this cause of action.

III. STATEMENT OF THE CASE

7. On Friday, June 11, 2021, at approximately 12:50 p.m., Jacqueline Ashcraft was driving her 2005 Hyundai Sonata eastbound on State Highway 22 in Logan County. She was just a few miles outside of Paris driving toward Subiaco Academy. She had three passengers in the back seat of her car: her daughters, [redacted] and her great nephew, [redacted] who was in a baby seat. Ms. Ashcraft was taking the baby to his home at [redacted] Ms. Ashcraft slowed to make a left-hand turn into a driveway for [redacted] She used her left-hand blinker to indicate to traffic she was attempting a left-hand turn. Ms. Ashcraft had to come to a full stop prior to commencing the left-hand turn to avoid oncoming westbound traffic which consisted of a tractor trailer rig transporting a modular home.

8. Jennifer Wilkerson was operating a 2009 Hyundai Elantra maintained by the Arkansas Department of Human Services. She was traveling eastbound on State Highway 22 immediately behind Ms. Ashcraft's 2005 Hyundai Sonata.

9. Jennifer Wilkerson was tasked by the respondent with picking up a child in Beebe at 2:00 p.m. and transporting the child to Clarksville. Jennifer Wilkerson was supposed to leave directly from the Logan County DHS office in Paris at noon and drive to Beebe. Instead, Jennifer Wilkerson went on a personal errand in Paris. She did not leave Paris until approximately 12:45 p.m., Jennifer Wilkerson was approximately one hour late to pick up the child when the wreck occurred.

10. Jennifer Wilkerson negligently failed to recognize that Ms. Ashcraft's vehicle was slowing down and stopping to make a left-hand turn into the driveway of the residence at [redacted]

11. Jennifer Wilkerson negligently drove the respondent's car into the rear end of Ms. Ashcraft's car.

12. The collision knocked Ms. Ashcraft's car onto the eastbound shoulder. Ms. Wilkerson's vehicle then entered a counterclockwise spin, causing her vehicle to strike the aforementioned truck and trailer that was traveling westbound on Highway 22.

13. Trooper James Ray of the Arkansas State Police was dispatched to investigate this wreck. Trooper Ray received notification of the incident at approximately 12:54 p.m. Trooper Ray arrived at the accident site at 1:26 p.m.

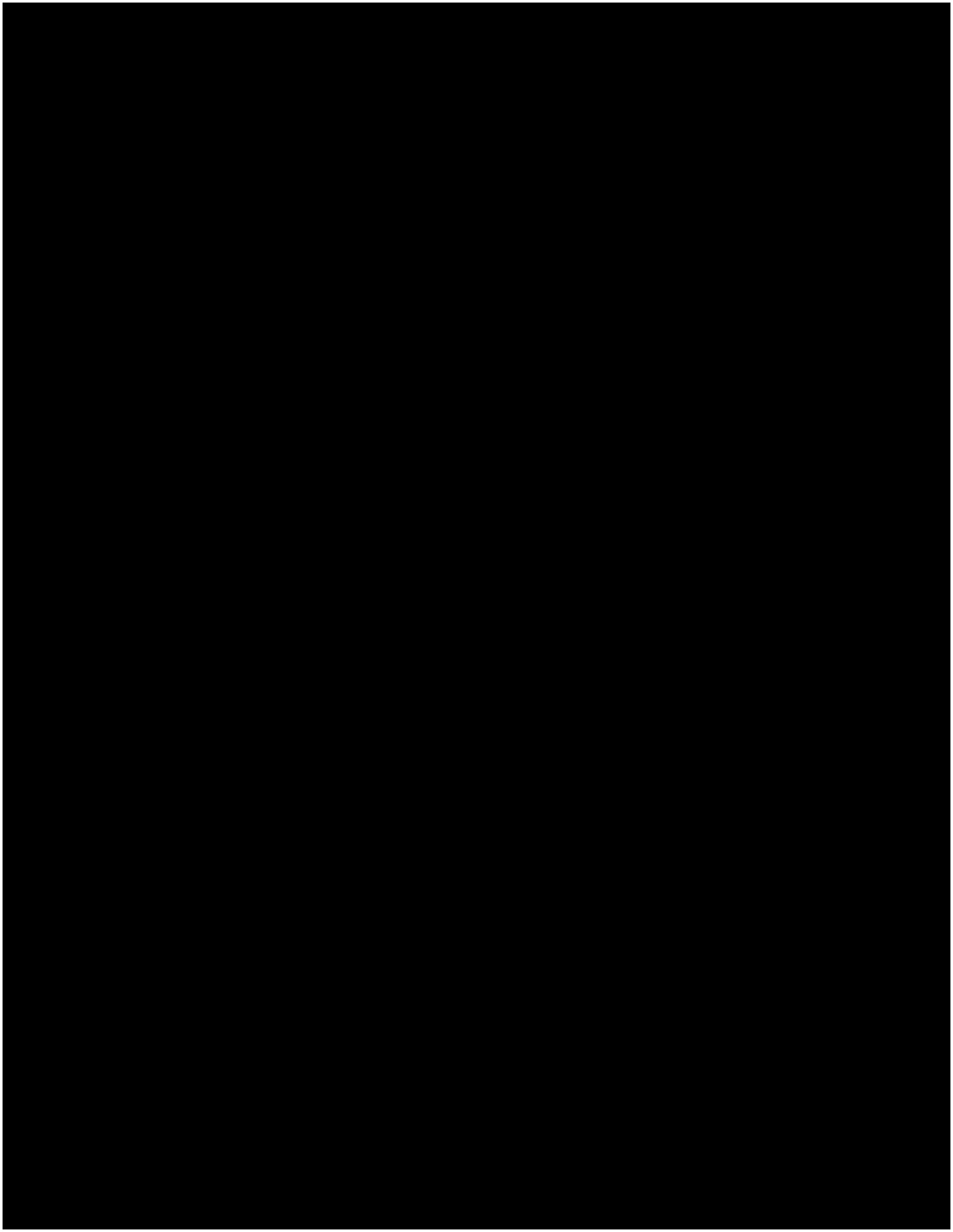
14. Jacqueline Ashcraft was pronounced dead at 01:07 a.m. The Death Certificate lists the cause of death as Intracranial Hemorrhage with the underlying cause as an "Automobile Accident." Attached as Exhibit 1 is a copy of the Death Certificate issued by the Arkansas Department of Health.

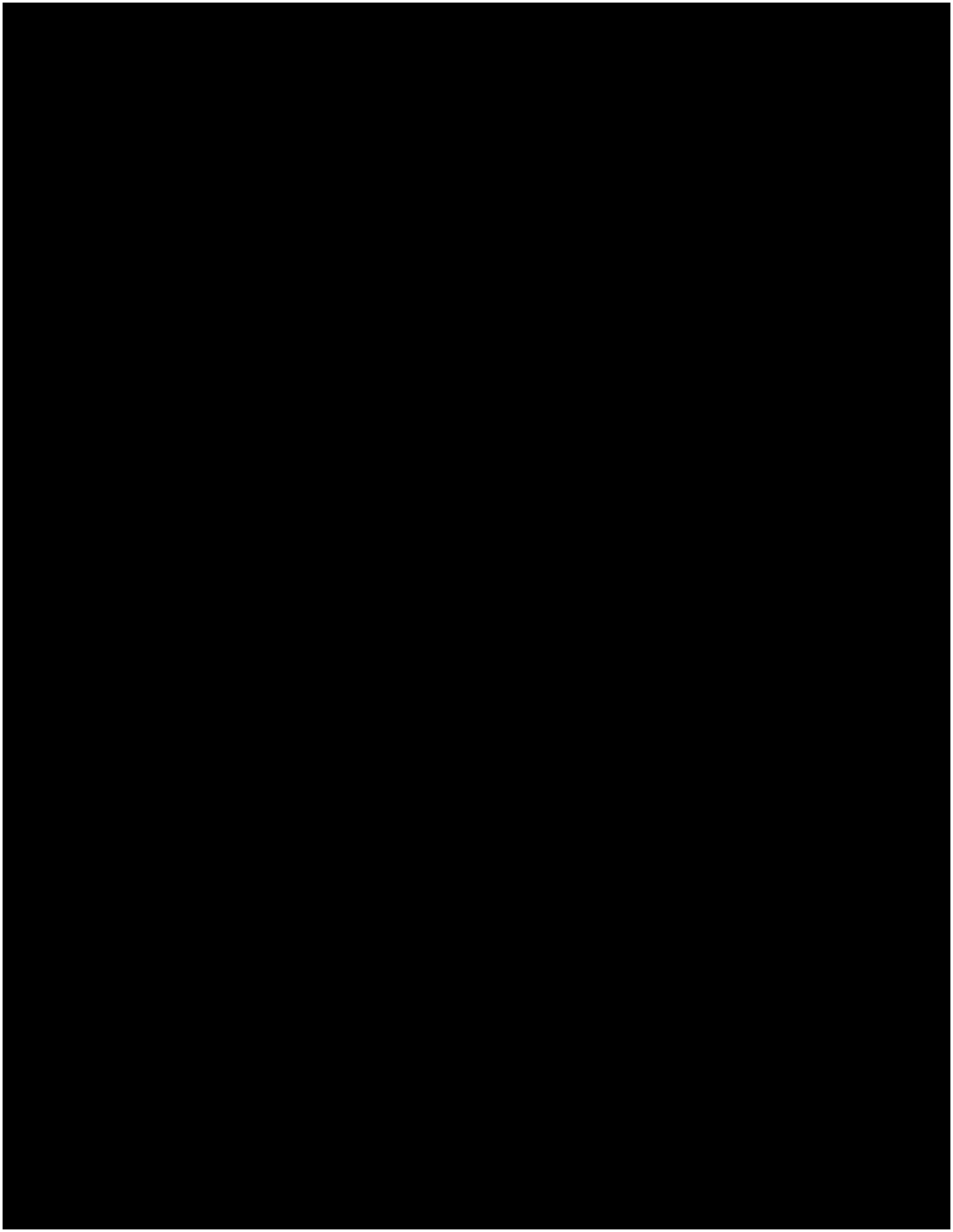
15. Trooper Ray went to the residence at [redacted] where he found Jacqueline Ashcraft seated in the front room of the home.

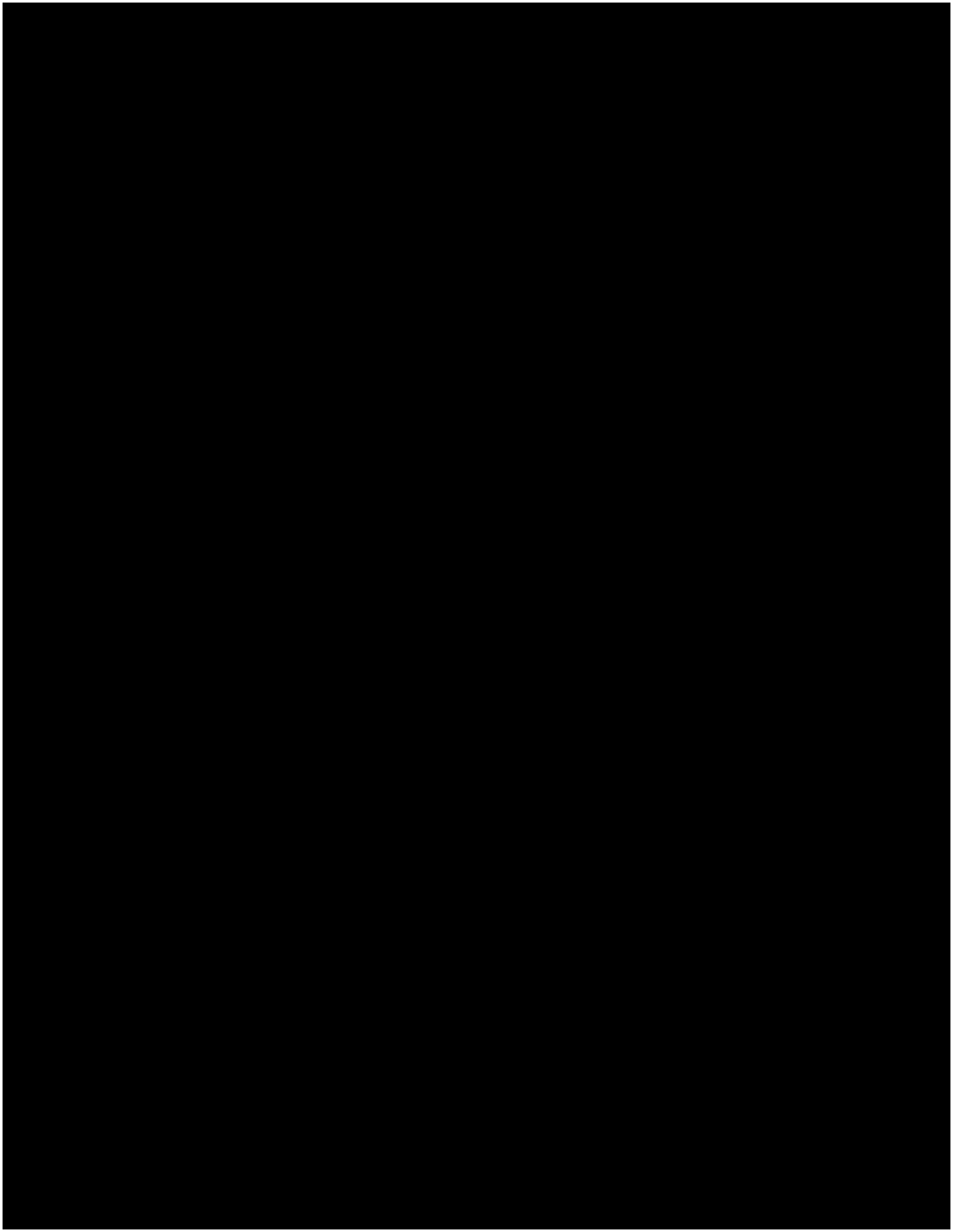
16. When Trooper Ray began speaking with Jacqueline Ashcraft, he recognized that she needed immediate medical attention, and he called the paramedics to come into the house to transfer her immediately to a hospital.

17. Trooper Ray prepared Arkansas Motor Vehicle Crash Report [redacted] which is filed of record with the Arkansas State Police.

18. Trooper Ray prepared three diagrams depicting his findings and measurements. These three diagrams are attached to Arkansas Motor Vehicle Crash Report [redacted] Trooper Ray's three diagrams are below and speak for themselves:







IV. NEGLIGENCE

19. Jennifer Wilkerson was employed by the respondent and was operating within the scope of her employment at all relevant times to this cause of action.

20. The Arkansas Department of Human Services is liable for all damages caused by Jennifer Wilkerson under the *respondeat superior* doctrine.

21. The respondent's employee, Jennifer Wilkerson, is guilty of negligence, which was the proximate cause of the above-described vehicle collision in the following particulars:

(a) in following a vehicle more closely than was reasonable and prudent which is a violation of Ark. Code Ann. §27-51-305;

(b) in failing to keep the vehicle she was driving under proper control;

(c) in failing to yield the right-of-way to the superior traffic which is a violation of Arkansas statutes and common law;

(d) in failing to exercise ordinary care for her own safety and for the safety of others using the highway;

(e) in driving in a careless and reckless manner which is a violation of Ark. Code Ann. § 27-51-104 and common law; and

(f) in driving in excess of the posted highway speed in violation of Ark. Code Ann. §27-51-204.

22. State Trooper James Ray investigated the accident. He found that Jennifer Wilkerson's actions were "inattentive, careless, negligent, or erratic operation" at the time of the crash.

Trooper James Ray's finding of the DHS' Driver Actions at Time of Crash

23. Conversely, State Trooper James Ray found that Jacqueline Ashcraft had "no contributing action" at the time of the collision. Attached as Exhibit 2 is a copy of Trooper Ray's Accident Report.

24. Below is a true copy of the section from Trooper Ray's accident report in which he checked the box next to "No contributing action" for the section that applied to Jacqueline Ashcraft.

V. *RESPONDEAT SUPERIOR*

25. All acts of negligence of the respondent's employee, Jennifer Wilkerson, are imputed to the respondent, Arkansas Department of Human Services, as a matter of law.

VI. CAUSATION

26. The negligent acts on the part of the respondent's employee, Jennifer Wilkerson, were the sole and proximate cause of the wrongful death, injuries, and damages sustained by Jacqueline Lynn Ashcraft, [redacted] as more specifically described herein.

VII. DAMAGES

27. The impact from the collision knocked Jacqueline Ashcraft's car more than 93 feet. The impact caused the DHS employee's car to ricochet into the oncoming tractor-trailer rig and spin counterclockwise approximately 270° to its final resting place. The magnitude of the property damage cannot be fully described in words. The Ashcraft vehicle is below in the left frame and the DHS vehicle is in the right frame.

28. Jacqueline Lynn Ashcraft initially survived the collision and was able to speak with her children and witnesses/bystanders. She was able to walk across the street from the wrecked car and go to the front room of the home at [redacted] This is where Trooper Ray found her when he arrived at the scene.

29. Unfortunately, the collision from the wreck caused Jacqueline Ashcraft to develop a traumatic brain bleed injury which led to her death. The force of the collision caused her to suffer an intracerebral hemorrhage[1] which led to a rapid neurological decline.

30. Jacqueline Ashcraft was transported by Logan County EMS to the emergency room at Booneville, Arkansas.

[1] "Bleeding on the brain"

31. The paramedics noted that her Glasgow coma scale was deteriorating while en route to the hospital in Booneville.

32. The emergency room physician ordered a CT scan stat. The CT scan revealed Jacqueline Ashcraft sustained a Massive Right Basal Ganglia Hemorrhage in the collision leading to severe brain compression and Uncal Herniation.[2] Ms. Ashcraft was emergently transported from Booneville via med-flight to Mercy Medical Center in Fort Smith.

33. Ms. Ashcraft's three adult children were notified of the severity of their mother's injuries.

34. Haley Hudson immediately traveled from her job in Wynne to Mercy Hospital in Fort Smith, Arkansas. Upon arrival, Haley was informed by the neurosurgeon and/or emergency room physician that her mother's condition was terminal and there was nothing further that could be done to save her mother's life.

35. Haley and her two adult brothers, Dalton and Mark, consulted with one another and jointly made the decision to follow the doctor's advice and allow the medical providers to compassionately extubate life support.

36. Dr. Christopher Bell pronounced Jacqueline Ashcraft "dead" at 1:07 a.m. on June 8, 2021, approximately twelve (12) hours after the wreck occurred.

37. The claimant, Haley Hudson, as Special Administratrix of the estate of Jacqueline Lynn Ashcraft, deceased, is asserting a claim for damages for the survival injuries and subsequent wrongful death of Jacqueline Lynn Ashcraft, and for the bodily injury claims o[redacted]all of which were proximately caused by the negligence of the respondent's employee, Jennifer Wilkerson.

[2] Uncal herniation occurs when rising intracranial pressure causes portions of the brain to move from one intracranial compartment to another. It is a life-threatening neurological emergency and indicates the failure of all adaptive mechanisms for intracranial compliance.

WRONGFUL DEATH CLAIM

38. Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, claims she is entitled to recover for the following damages, all of which were proximately caused by the negligence of Jennifer Wilkerson, said negligence being imputed to the respondent, Arkansas Department of Human Services:

(a) Compensatory damages for the severe pain, suffering, and mental anguish sustained by Jacqueline Lynn Ashcraft after the impact until her death;

(b) Compensatory damages for the mental anguish sustained, and reasonably probable to be suffered in the future, by the statutory beneficiaries who are listed below:

STATUTORY BENEFICIARIES

Name	**Relationship**	**Address**
[redacted]	Minor Daughter	[redacted]
	Minor Daughter	
Dalton Cody Ashcraft	Adult Son	
Mark Hudson	Adult Son	
Haley Nicole Hudson	Adult Daughter	
Jeffrey Ashcraft	Brother	
Bobby Ashcraft	Brother	
Jennifer Howard	Half-Sister	

Joshua Jackson Half-Brother [redacted]

(c) Pecuniary injuries sustained by [redacted]

(d) Pecuniary injuries sustained by [redacted]

(e) Compensatory damages for Jacqueline Lynn Ashcraft's Loss of Life;

(f) Reimbursement of reasonable funeral expenses; and

(g) Any medical bills incurred by the estate related to the fatal injuries.

BODILY INJURY CLAIMS

39. [redacted]ustained bodily injuries in the wreck. Haley Hudson, as Permanent Guardian of [redacted]seeks:

(a) Compensatory damages for the reasonable expense of any necessary medical care and other out-of-pocket expenses sustained by [redacted]nd the present value of such expenses reasonably certain to be required in the future;

(b) Compensatory damages for the nature, extent, duration, and permanency of any injury sustained by [redacted] and

(c) Compensatory damages for any pain and suffering experienced in the past and reasonably certain to be experienced in the future.

38. [redacted]sustained bodily injuries in the wreck. Haley Hudson, as Permanent Guardian of [redacted]seeks:

(a) Compensatory damages for the reasonable expense of any necessary medical care and other out-of-pocket expenses sustained by [redacted]nd the present value of such expenses reasonably certain to be required in the future;

(b) Compensatory damages for the nature, extent, duration, and permanency of any injury sustained by [redacted] and

(c) Compensatory damages for any pain and suffering experienced in the past and reasonably certain to be experienced in the future by [redacted]

40. The claimant's total compensatory damages, as shall be proven by the evidence, is Five Million Dollars ($5,000,000.00).

REQUIREMENT OF ARK. CODE ANN. §19-10-208(d)

41. The claimant has not presented this claim to any other state department or officer thereof prior to the original online filing of the Complaint to open this matter.

42. The respondent did have a liability insurance policy with Cincinnati Insurance Company. Cincinnati Insurance Company filed an Interpleader naming the respondent and the claimant in a matter styled: *Cincinnati Insurance Company vs. Haley Hudson, Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, et al., and Guardian of the Estates of* [redacted] *both minors, Jennifer Wilkerson, Arkansas Department of Human Services, Bobby Dale Wilson, Joe Ashley Trucking, LLC, GKD Management, LP DBA Commercial Trucking, Inc. and Tru Homes, LLC*, Logan County Circuit Court No. 42PCV-21-116.

43. The respondent's legal counsel, Sean Strode, filed an Entry of Appearance on January 10, 2022, in the above-referenced Interpleader. The respondent should be intimately familiar with all filings since its legal counsel received these filings contemporaneously through the CM/ECF filing system and had access to these filings.

44. Cincinnati Insurance Company deposited the limits of its policy of $250,000 with the clerk of the court on or around March 21, 2022. Haley Hudson, as Special Administratrix of the Estate of Jacqueline Ashcraft, deceased, received $150,000 after attorney fees and case expenses for the wrongful death claim.

45. GKD Management, which was the owner/operator of the third vehicle involved in this collision, received $12,500 of the $250,000. It appears that this sum was to pay GKD Management for the property damage to the trailer and/or modular home.

46. Haley Hudson, as Permanent Guardian of the Estates o[redacted] and [redacted] minor children, has received nothing for their bodily injury claims.

UNDERINSURED MOTORIST CLAIM

47. Ms. Ashcraft did not have any uninsured or underinsured motorist coverage for the collision which is the subject of this claim.

WHEREFORE, the claimant, Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Guardian o[redacted] minor children, prays that she have a judgment against the respondent for a sum of Five Million Dollars ($5,000,000.00), and for all other necessary and proper relief to which she is entitled as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Guardian of the two minor children.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: Jim Jackson

Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, certify that on this date, consistent with the requirements of Ark. R. Civ. Pro. 5, and Commission Rule 1.5(b), a complete copy of the foregoing was electronically submitted with the Clerk of the Arkansas Claims Commission and electronically served on counsel for the Arkansas Department of Human Services and three copies of each exhibit were deposited in the mail to the Director of the Arkansas State Claims Commission.

Jim Jackson

Jim R. Jackson

CLAIM SUBMISSION SIGNATURE PAGE

The undersigned attorney, Jim Jackson, certifies that to the best of his knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a nonfrivolous 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.

Jim R. Jackson

Jim R. Jackson

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

On this day before the undersigned, Martha Cox, a Notary Public duly qualified and acting in and for the county and state aforesaid, personally appeared Jim Jackson, to me well known and satisfactorily proven to be the person whose name appears in the foregoing instrument, and stated that he has executed the same for the consideration, uses, and purposes therein stated and stated that he had executed the foregoing instrument of his own free will, for the purposes and consideration therein stated.

In witness whereof, I hereunto set my hand and Notary Seal on this 18th day of May, 2023.

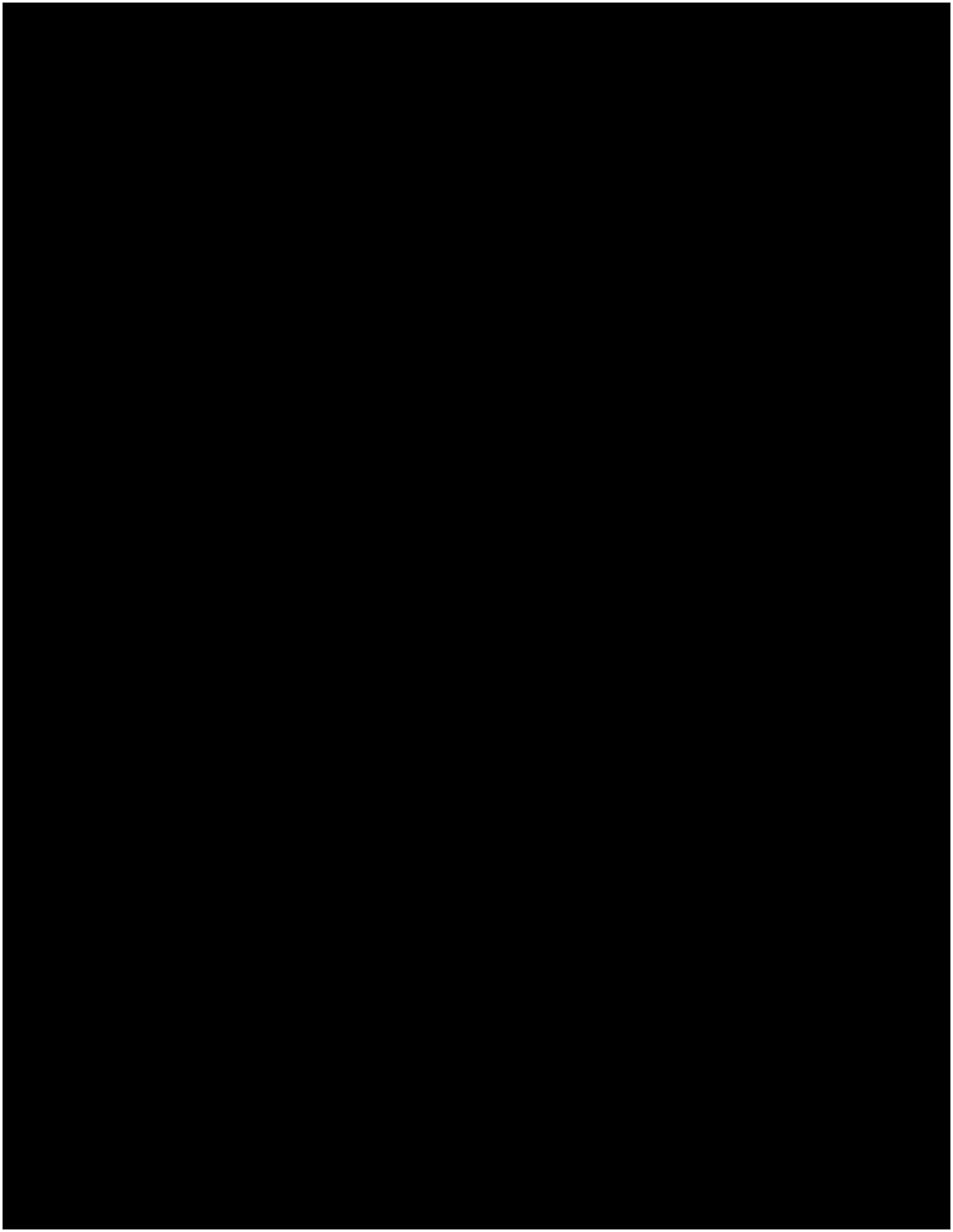
Martha Cox

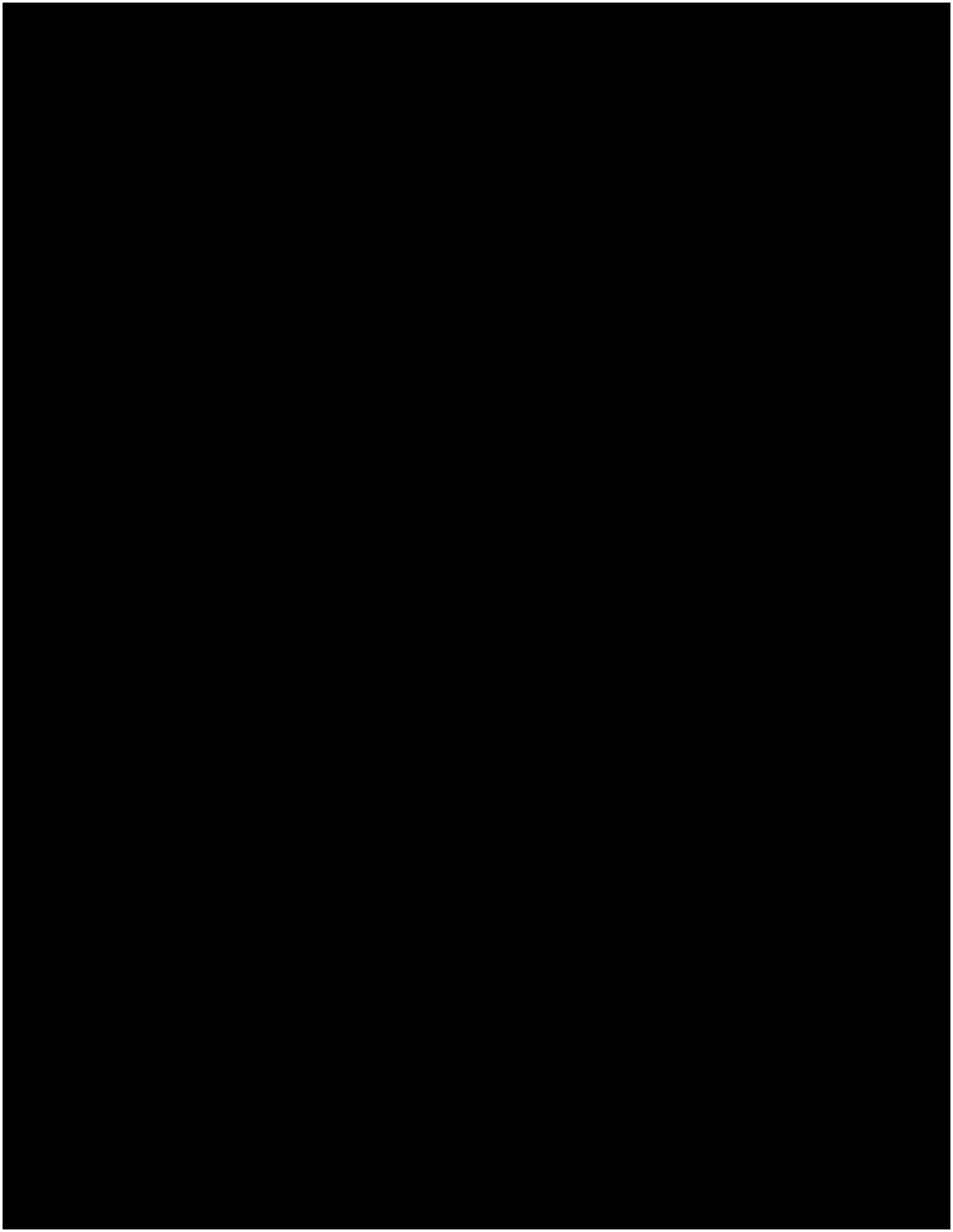
Martha Cox
Notary Public

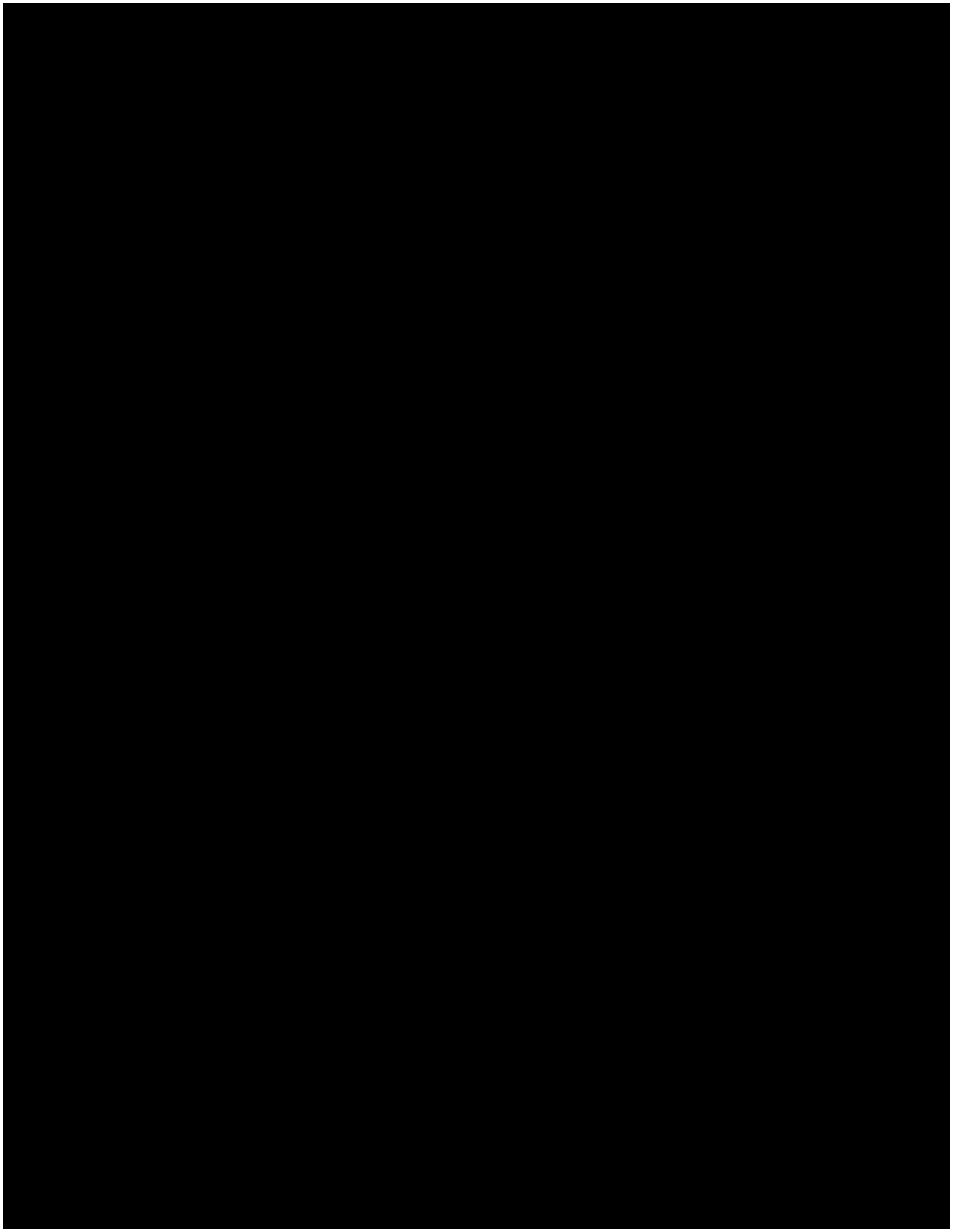
My commission expires: 8-19-2031

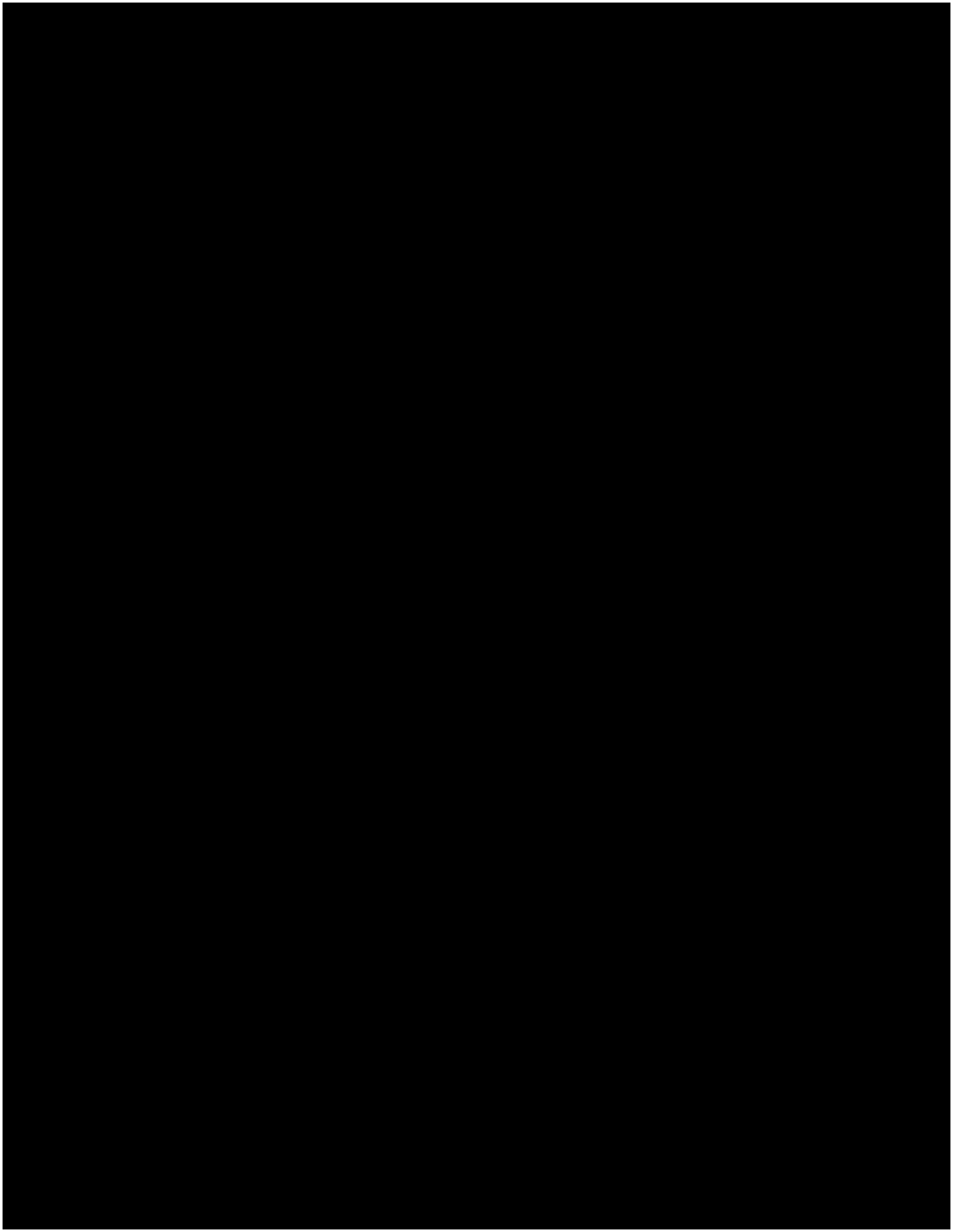
[SEAL]

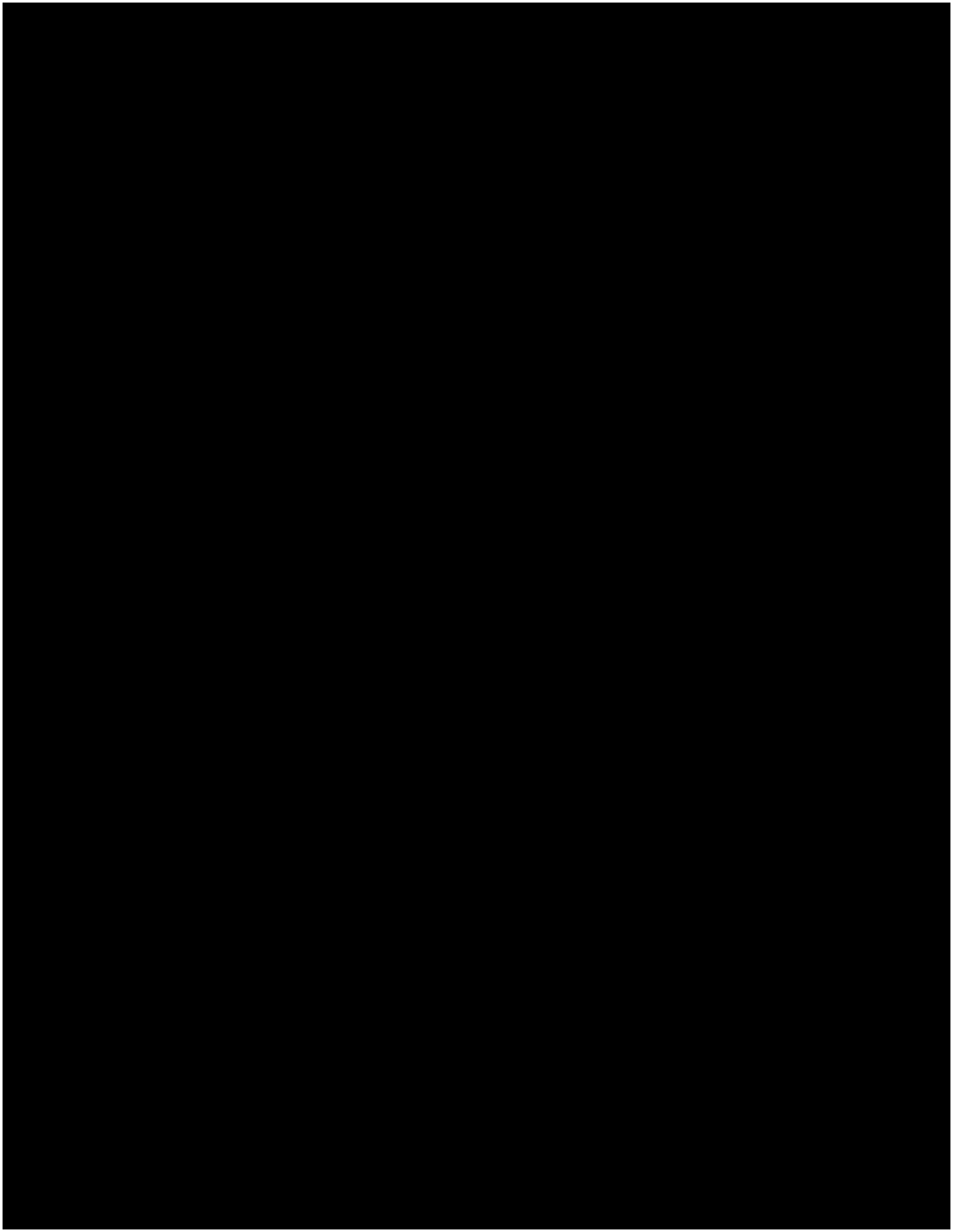
MARTHA COX
NOTARY PUBLIC - STATE OF ARKANSAS
SALINE COUNTY
My Commission Expires 8-19-2031
Commission # 12383466

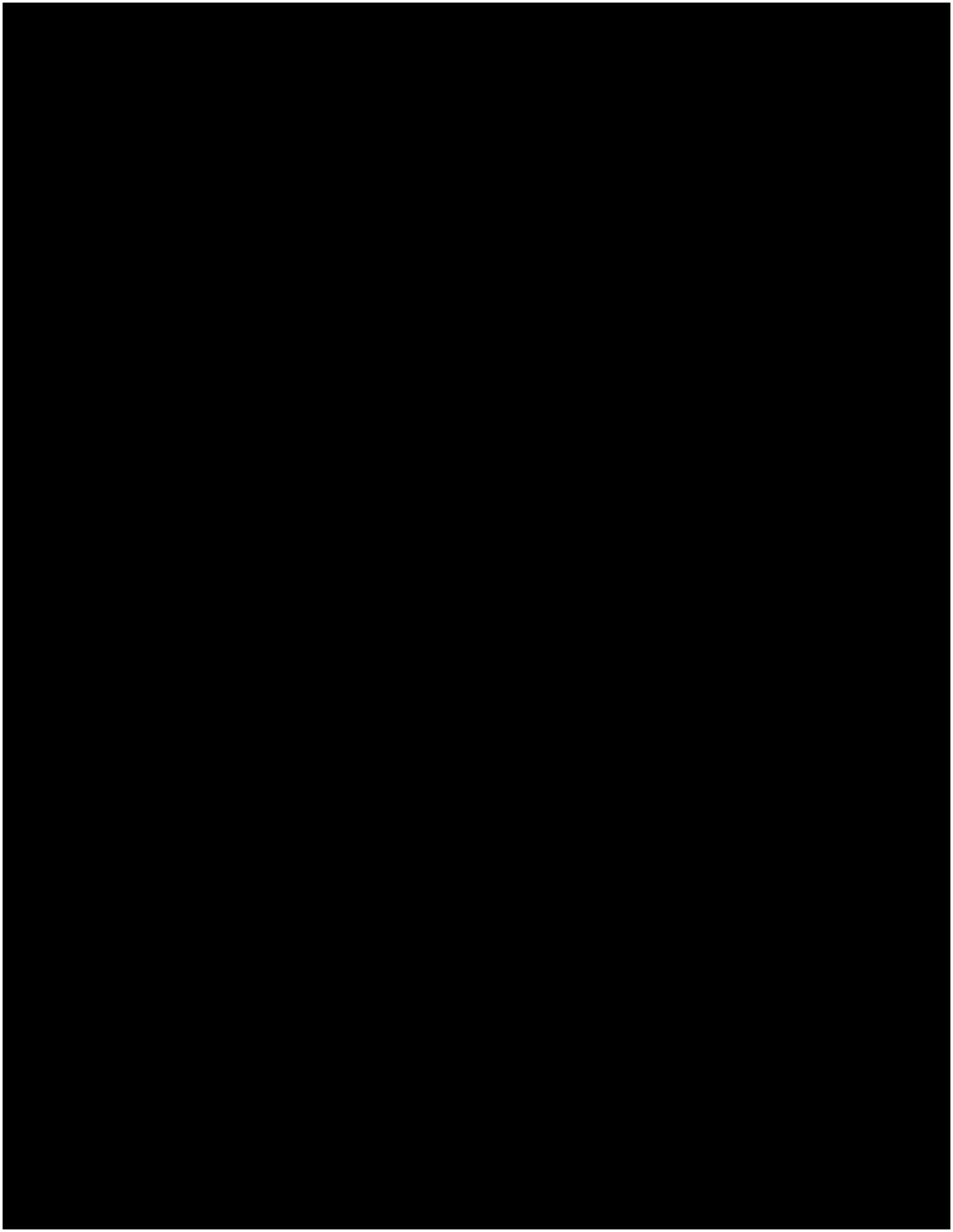


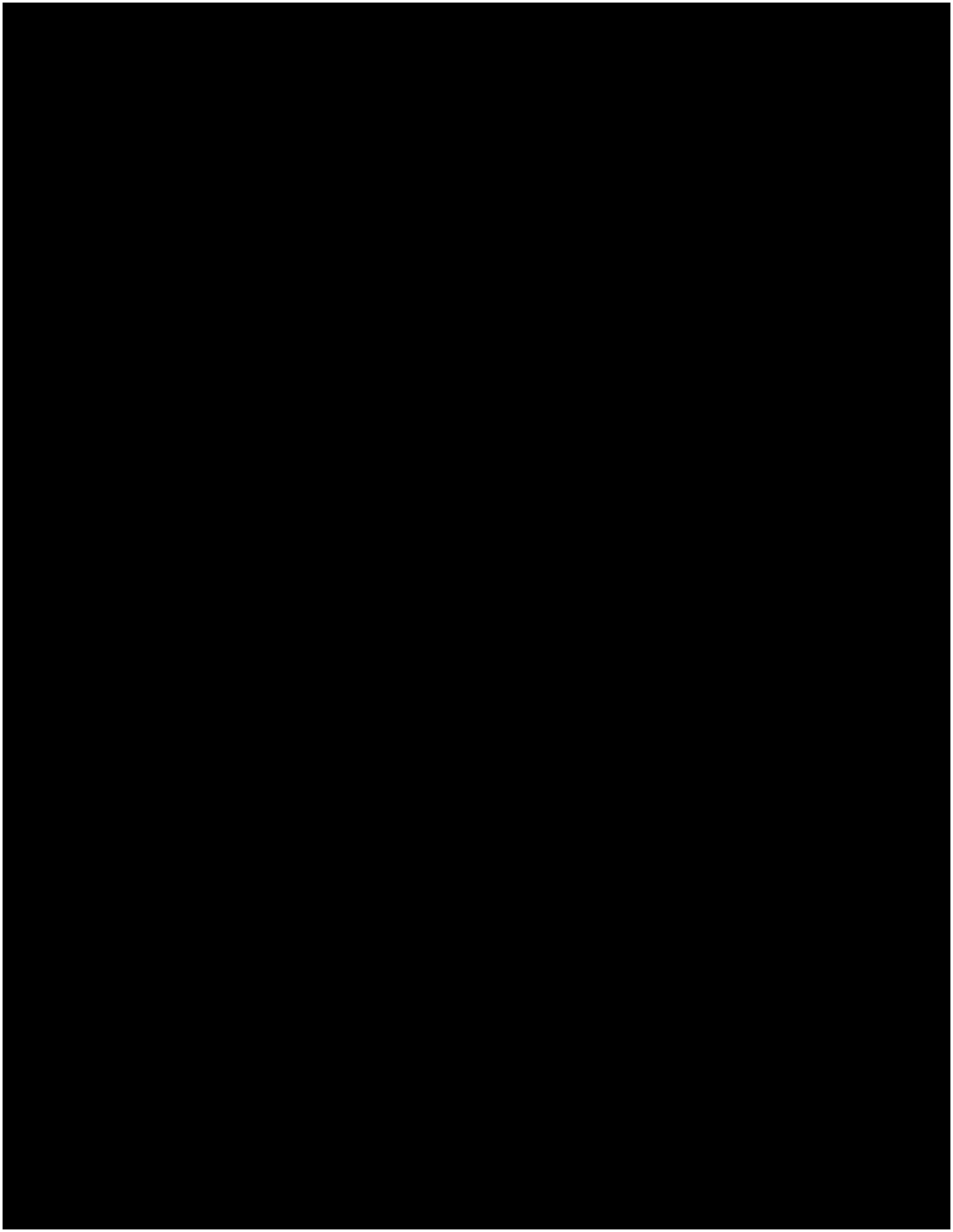


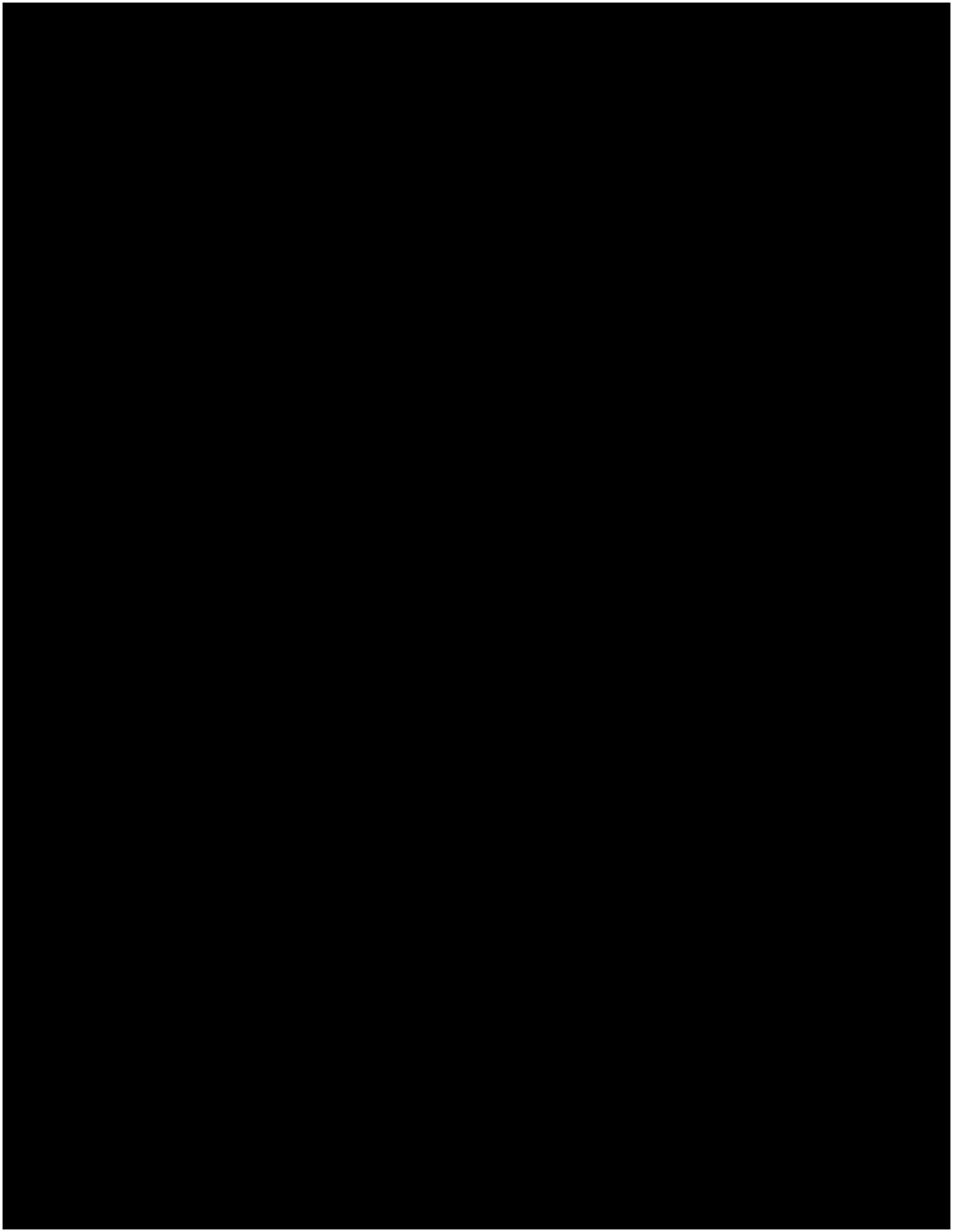


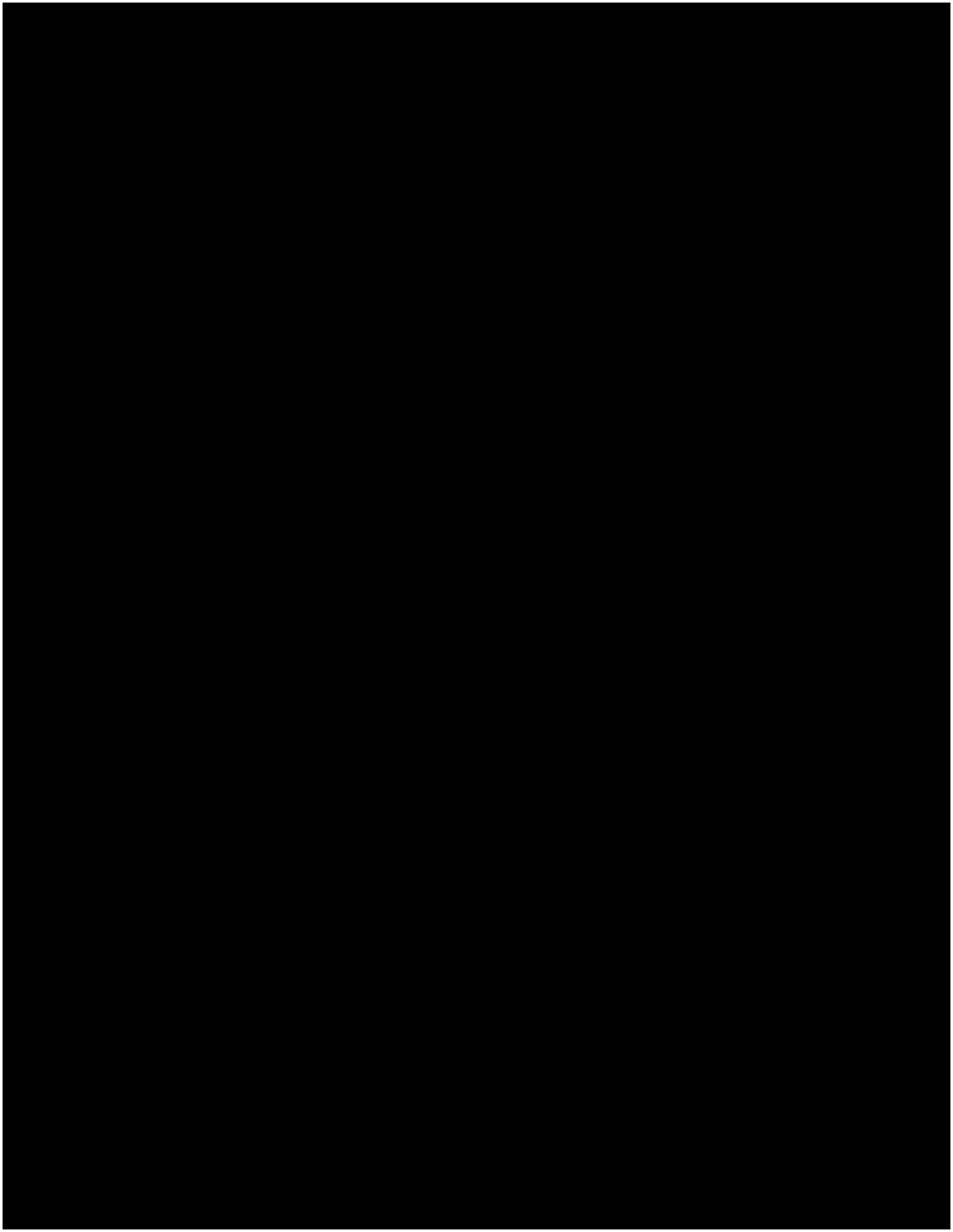


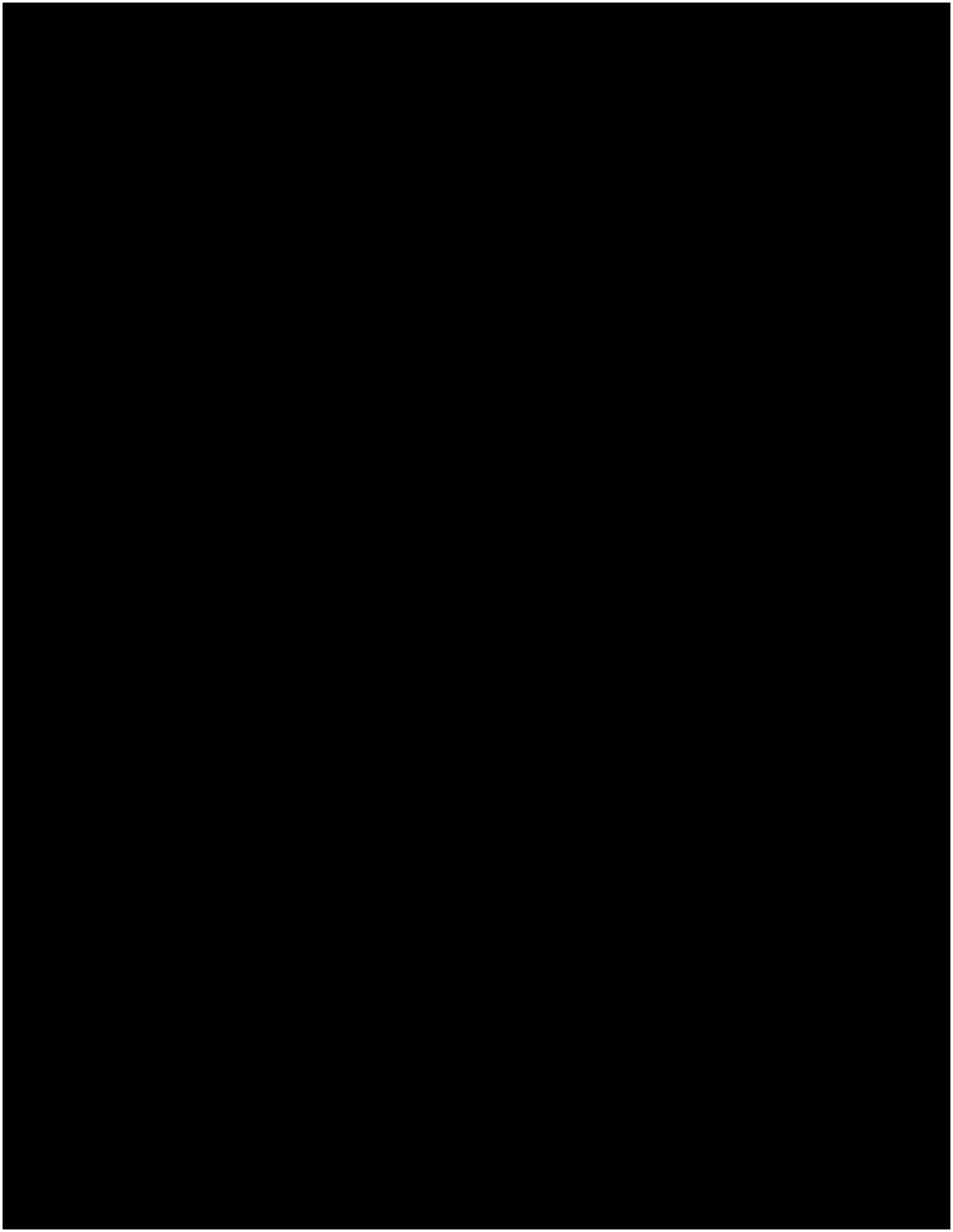


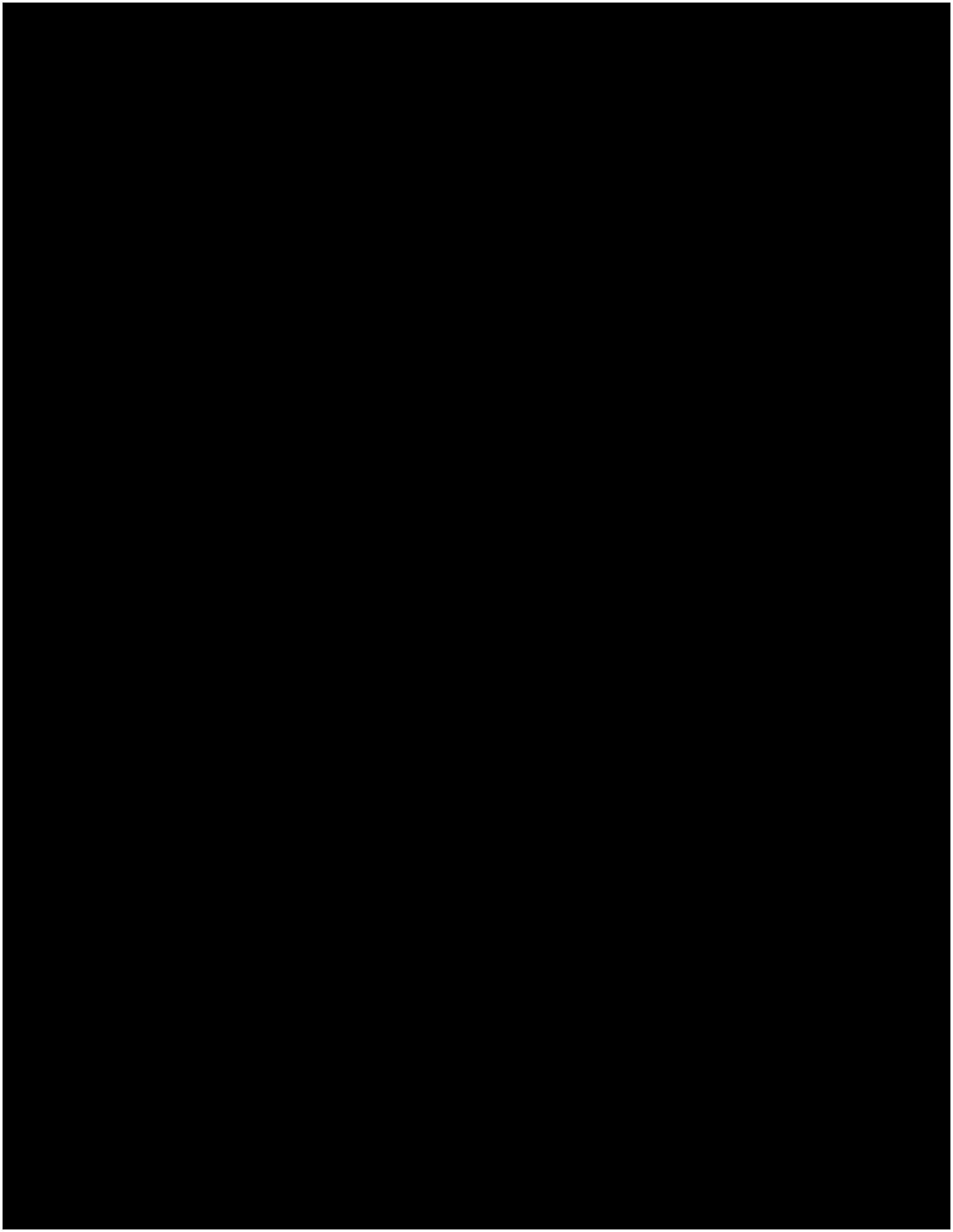


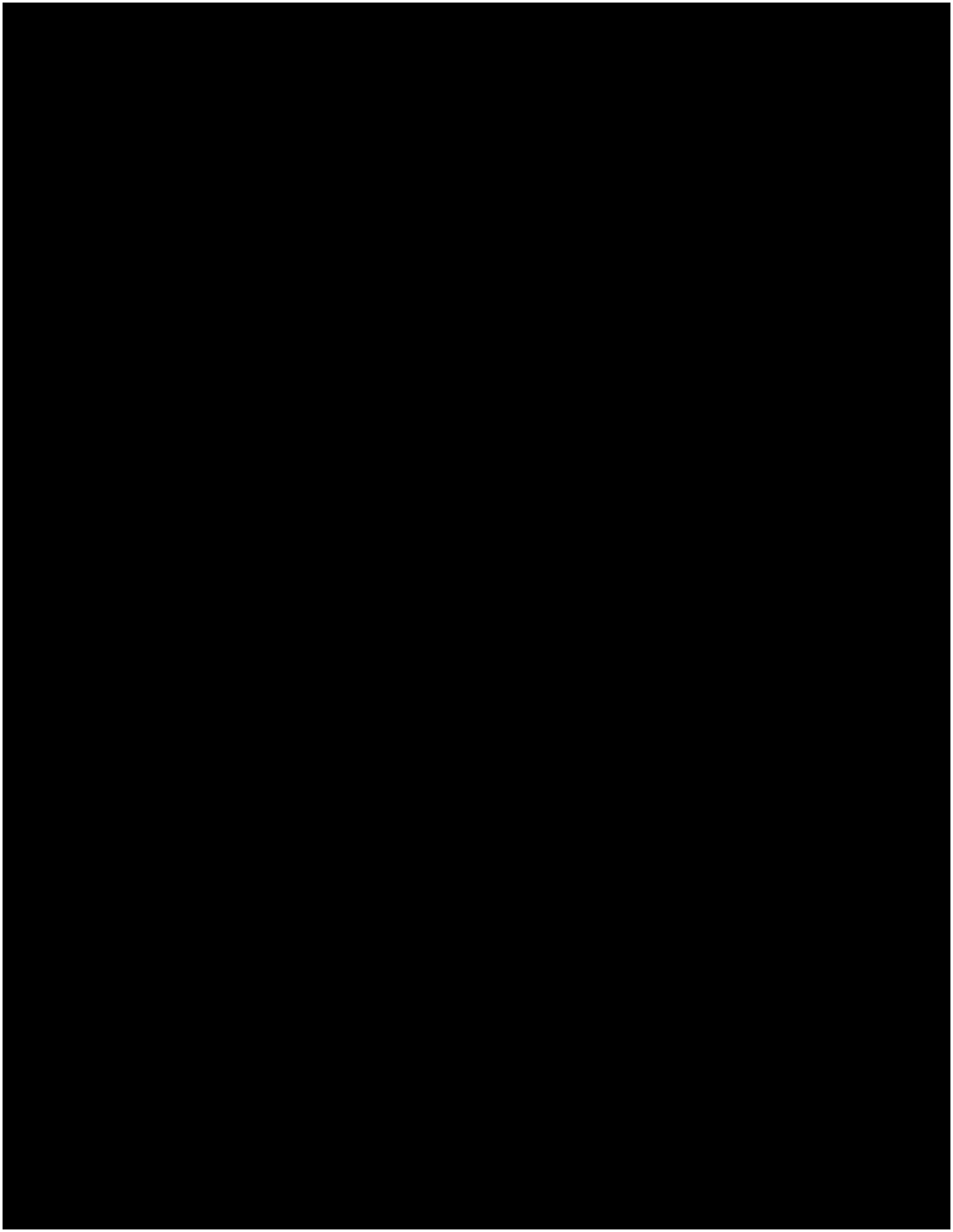


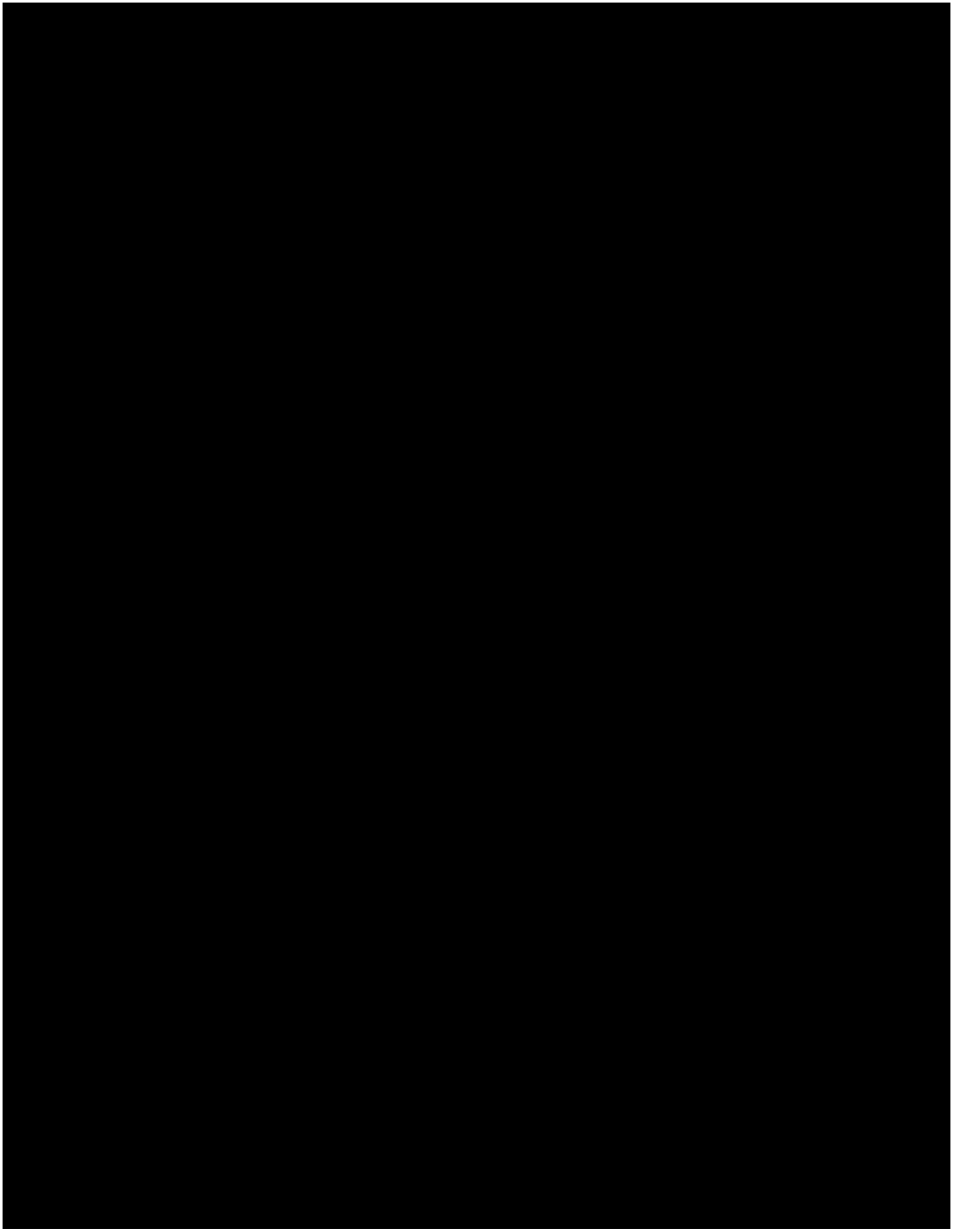


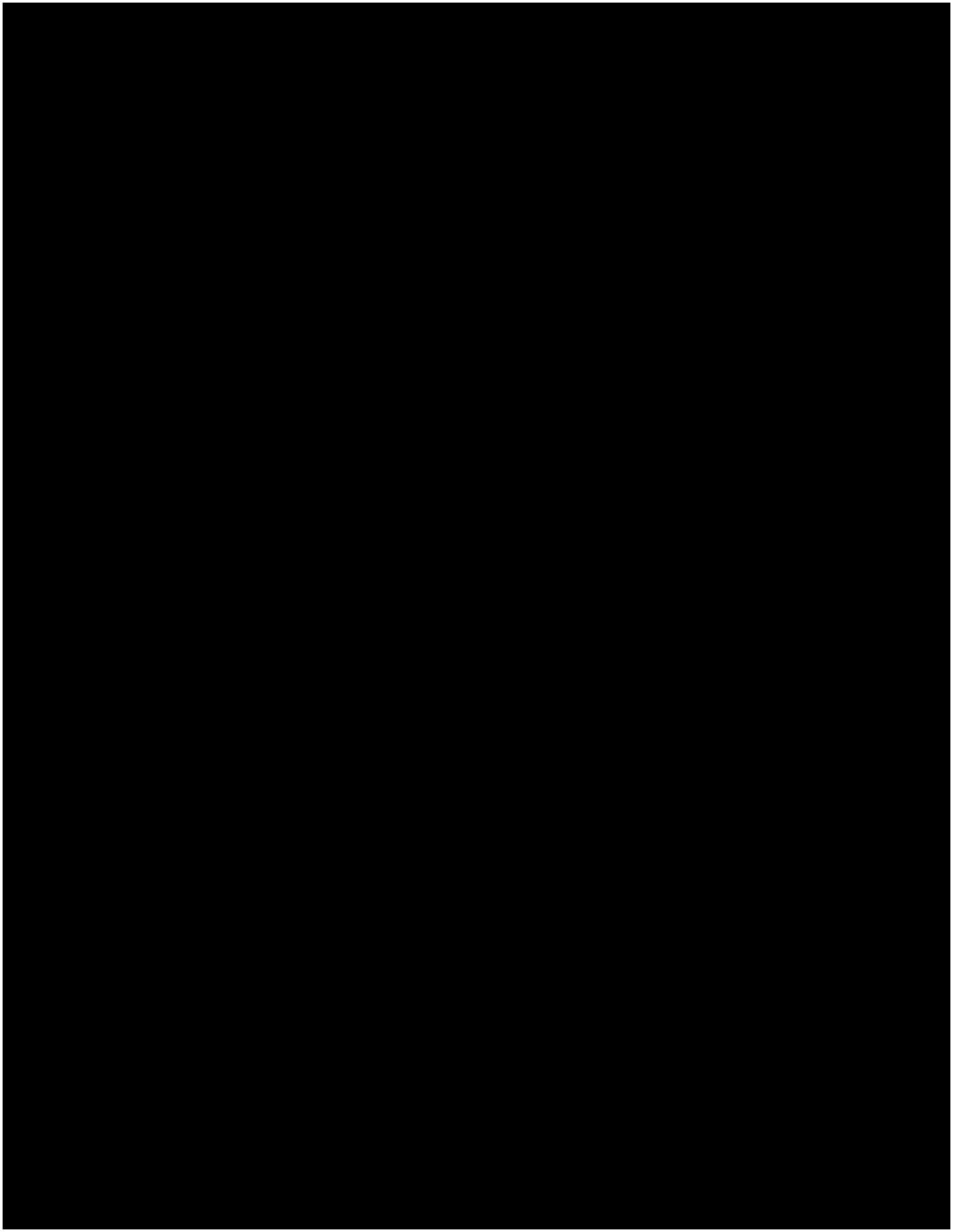


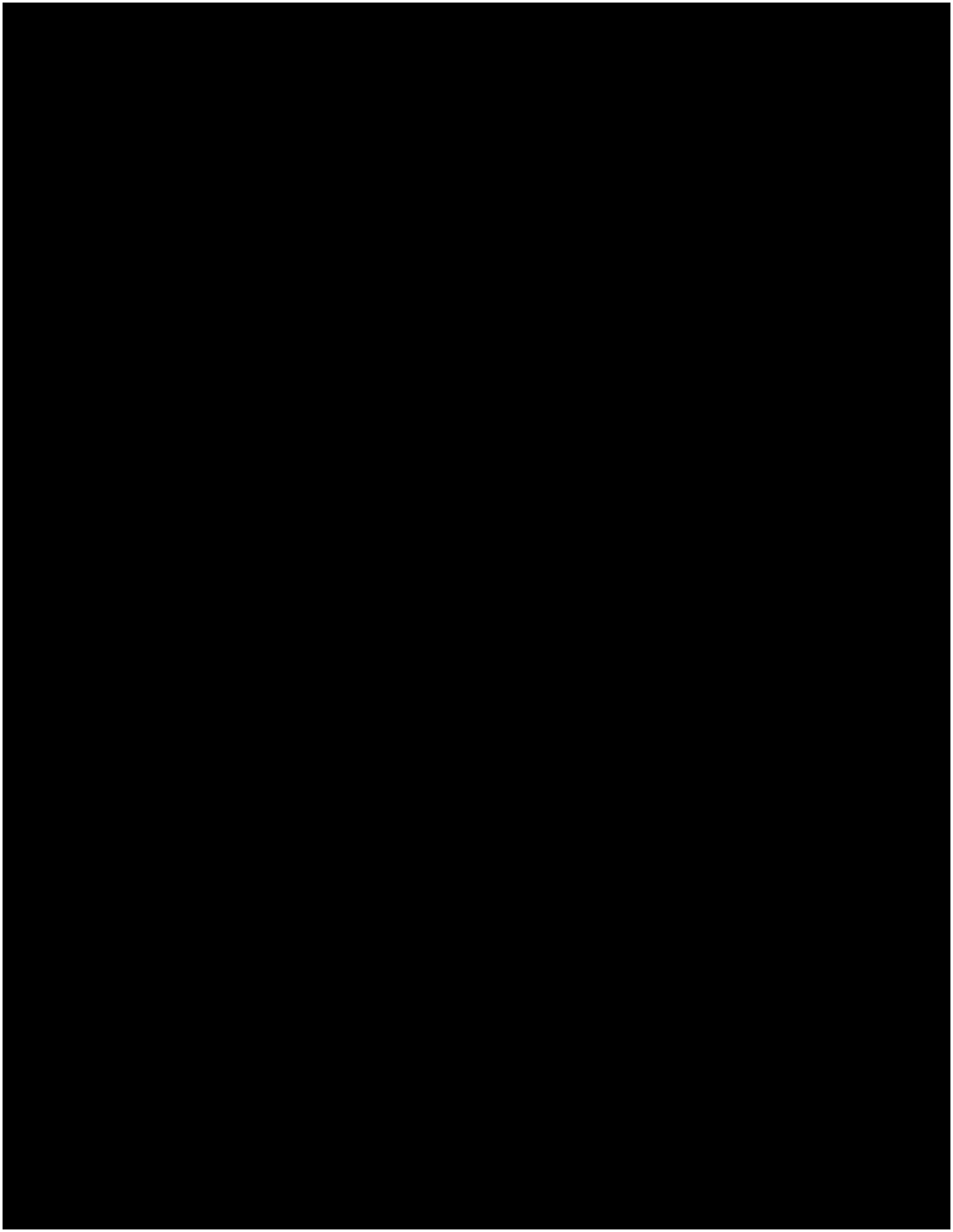


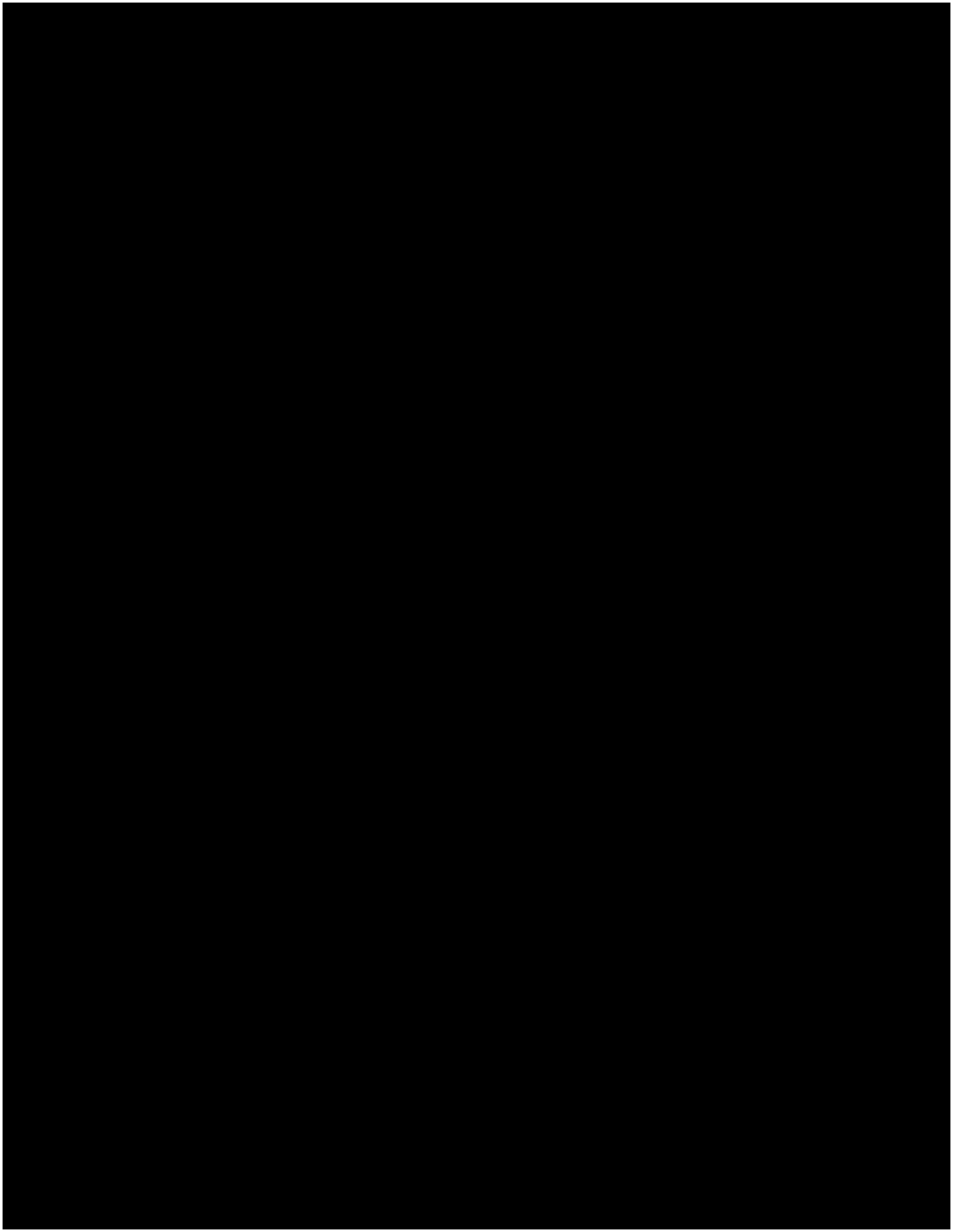


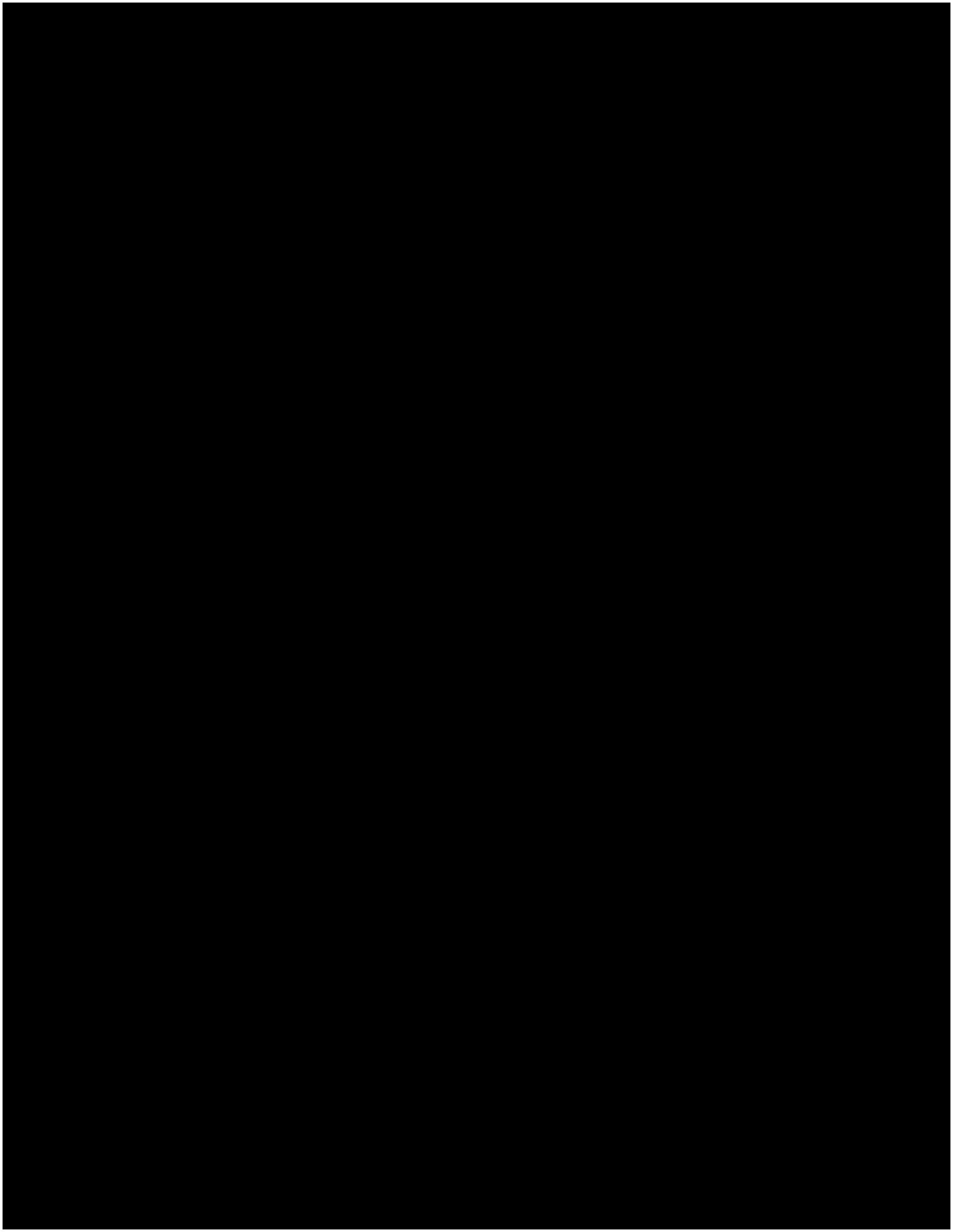


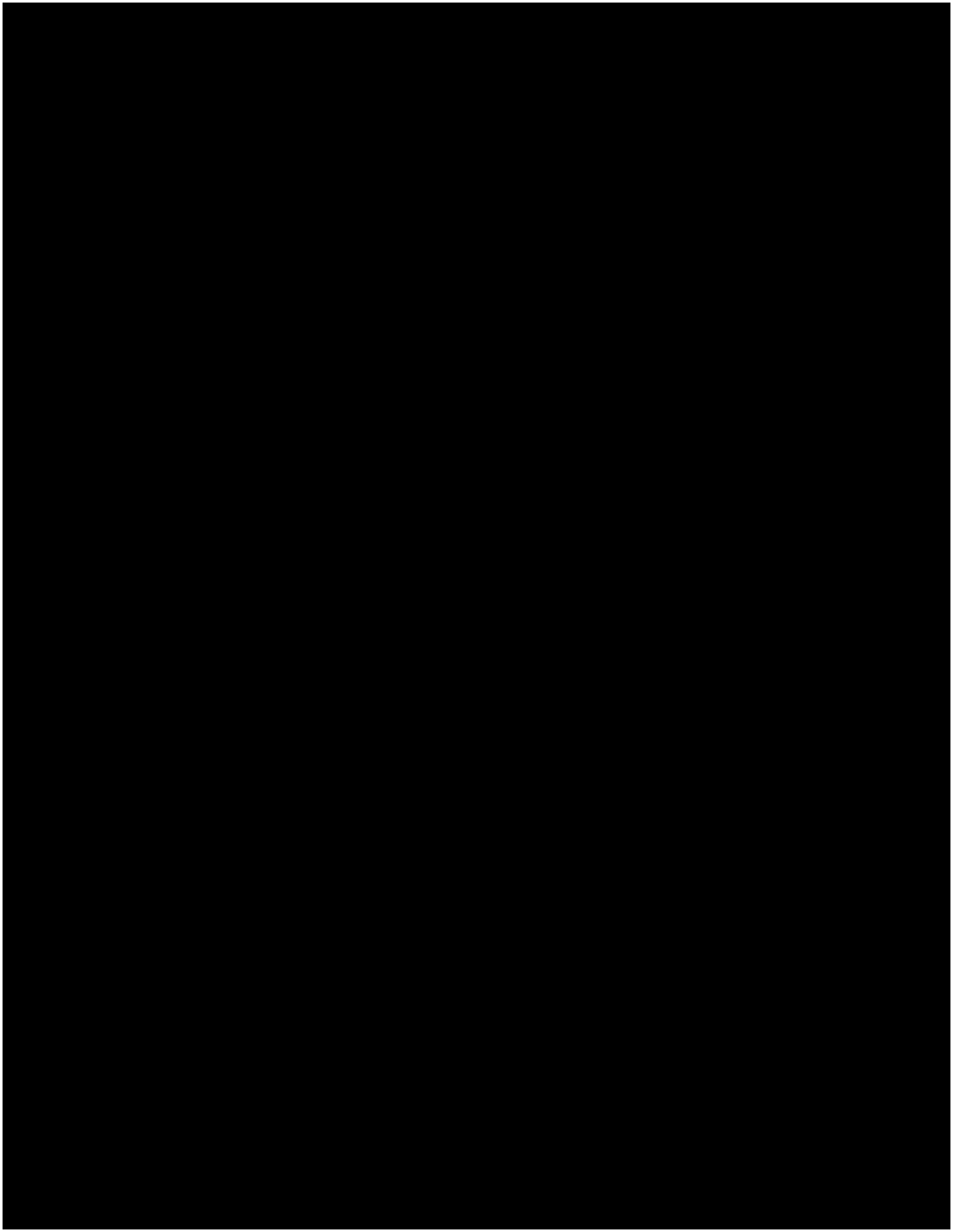


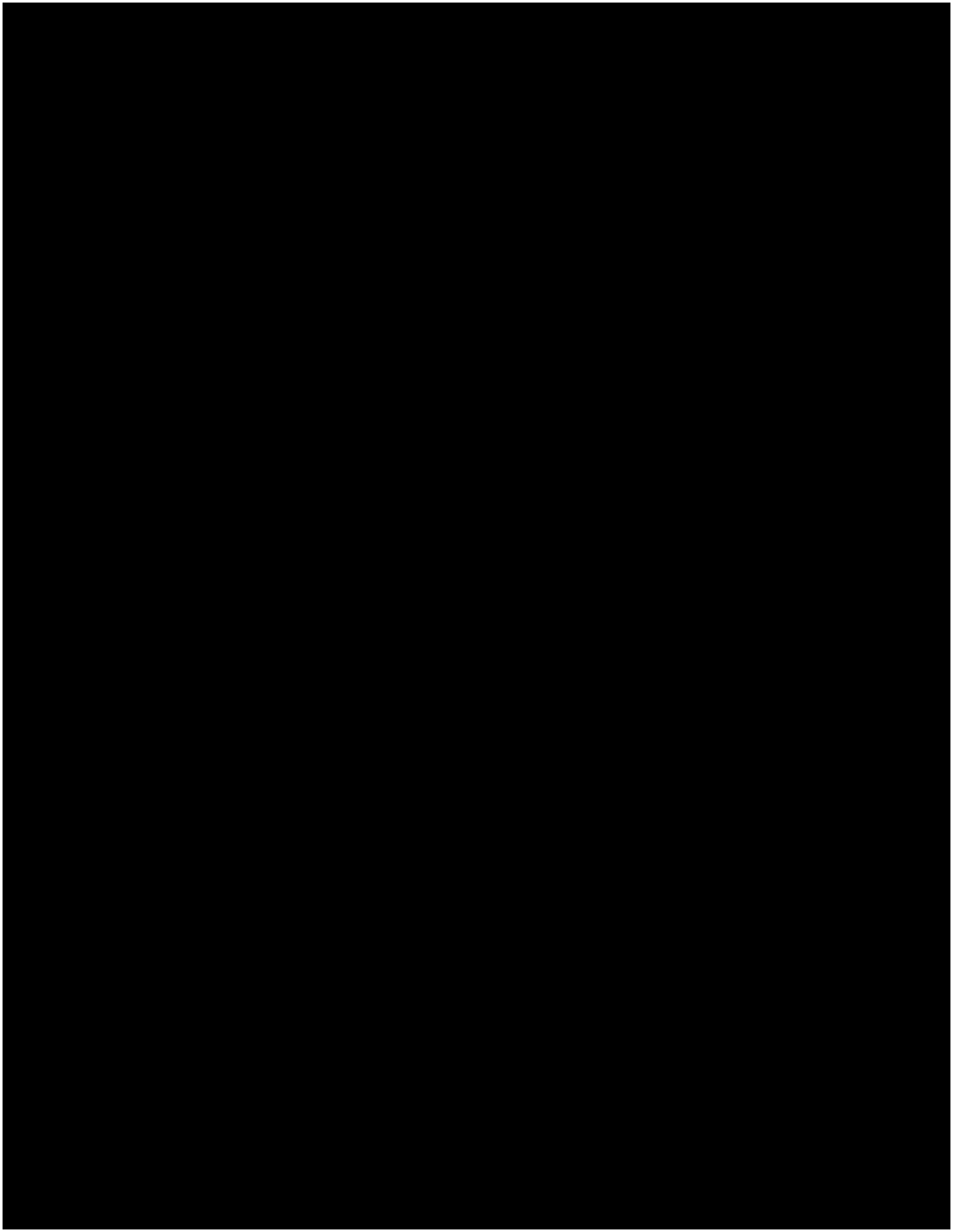










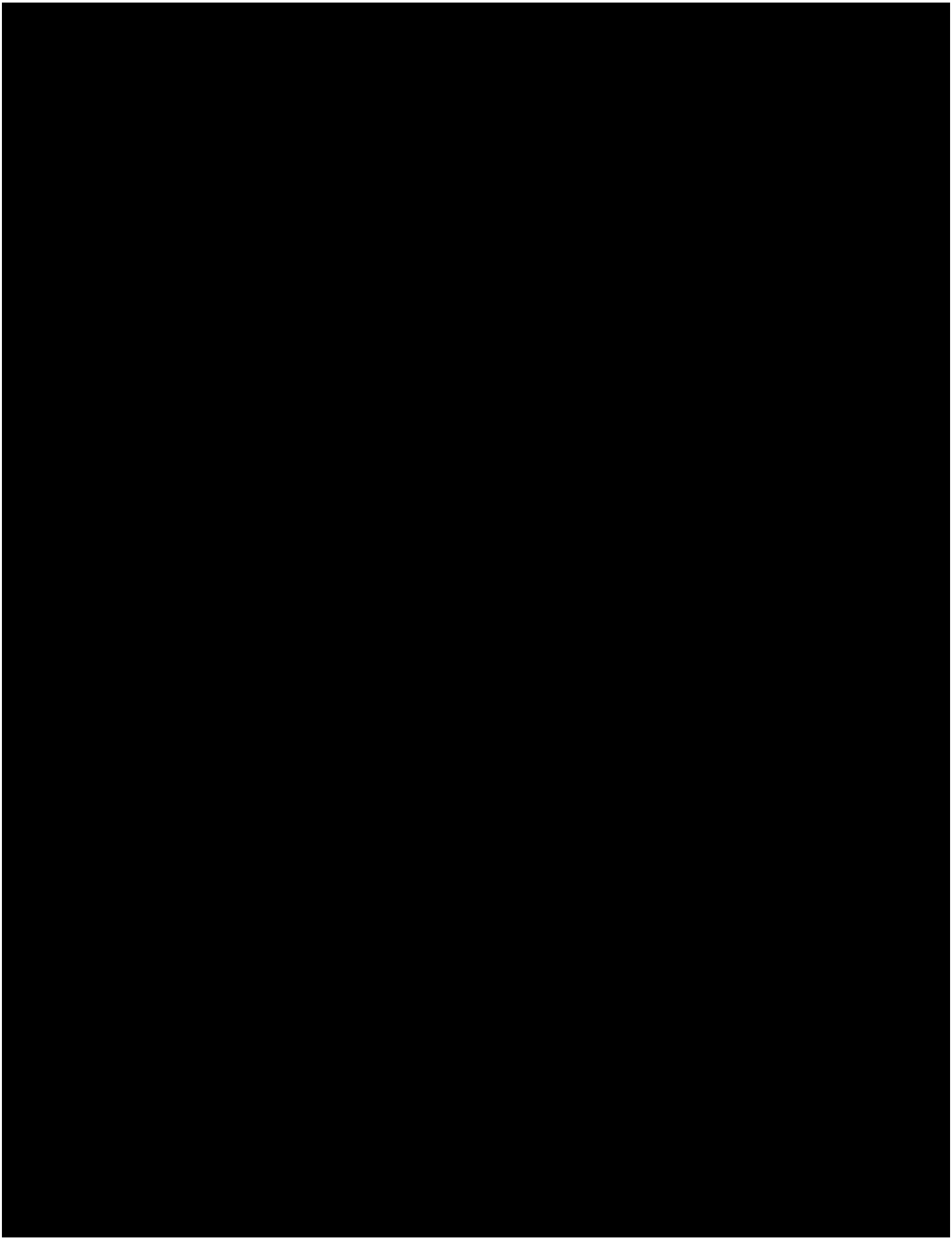


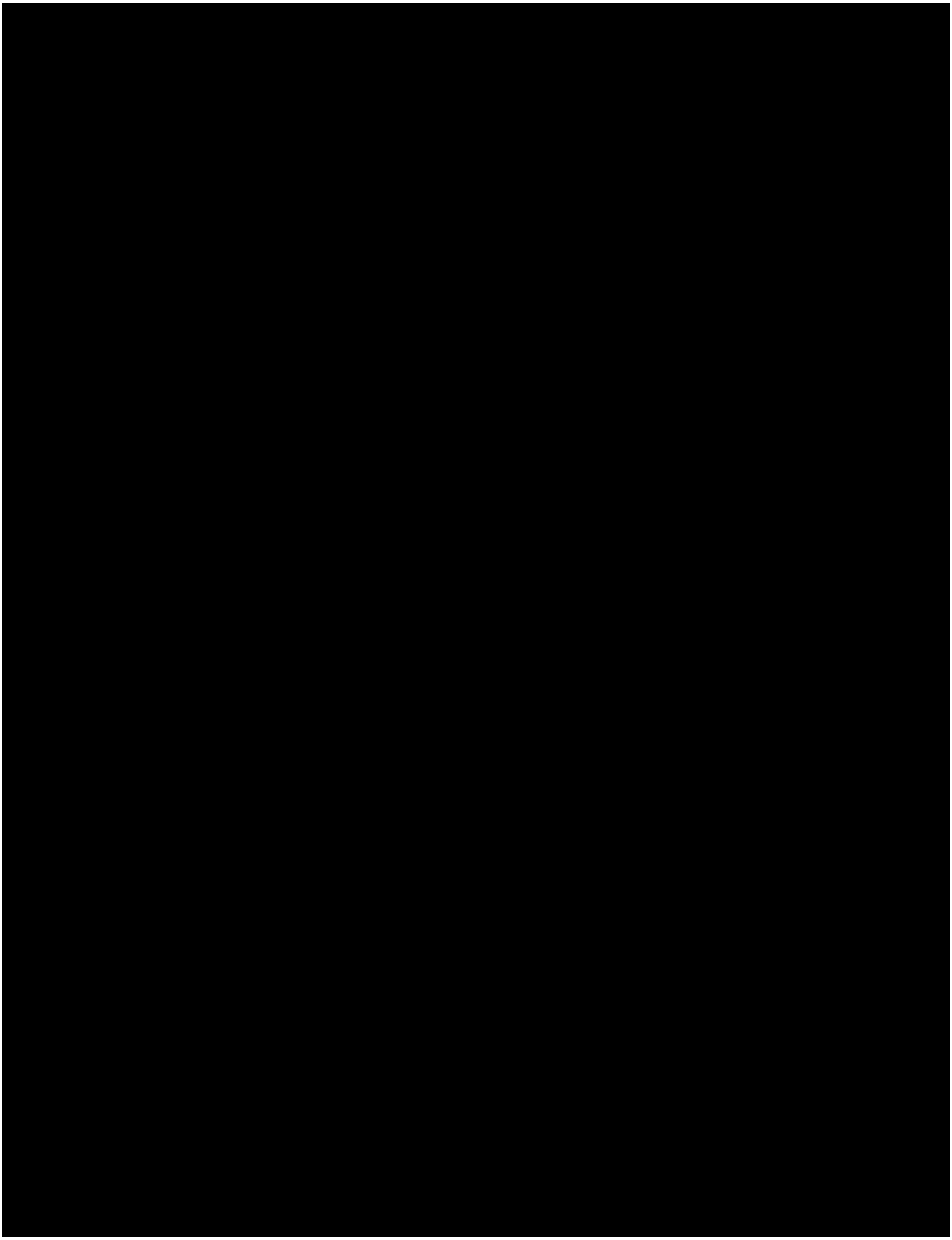
ARKANSAS STATE CLAIMS COMMISSION

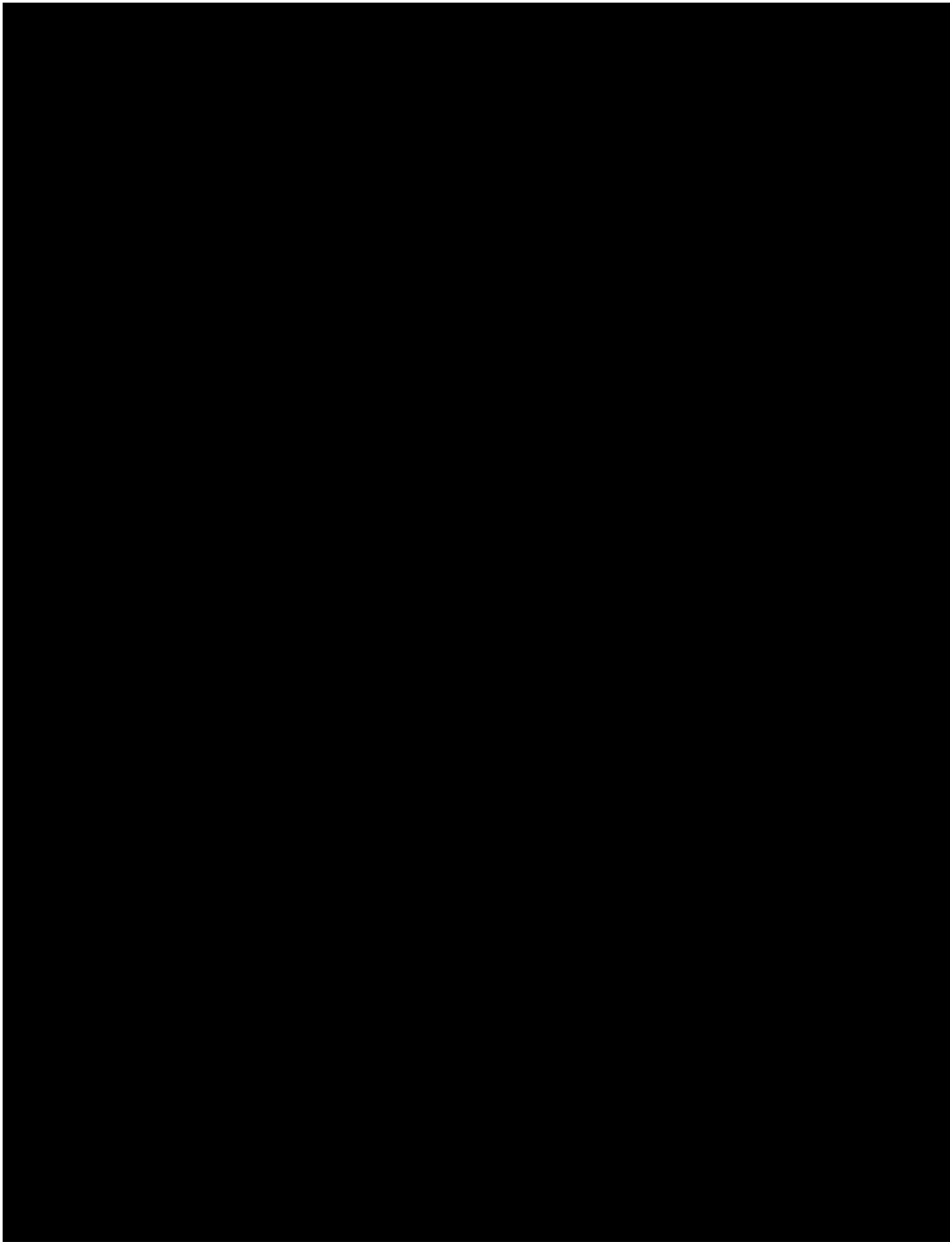
HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON, AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN	**CLAIMANT**
VS. **CC NO.** 230641	
ARKANSAS DEPARTMENT OF HUMAN SERVICES	**RESPONDENT**

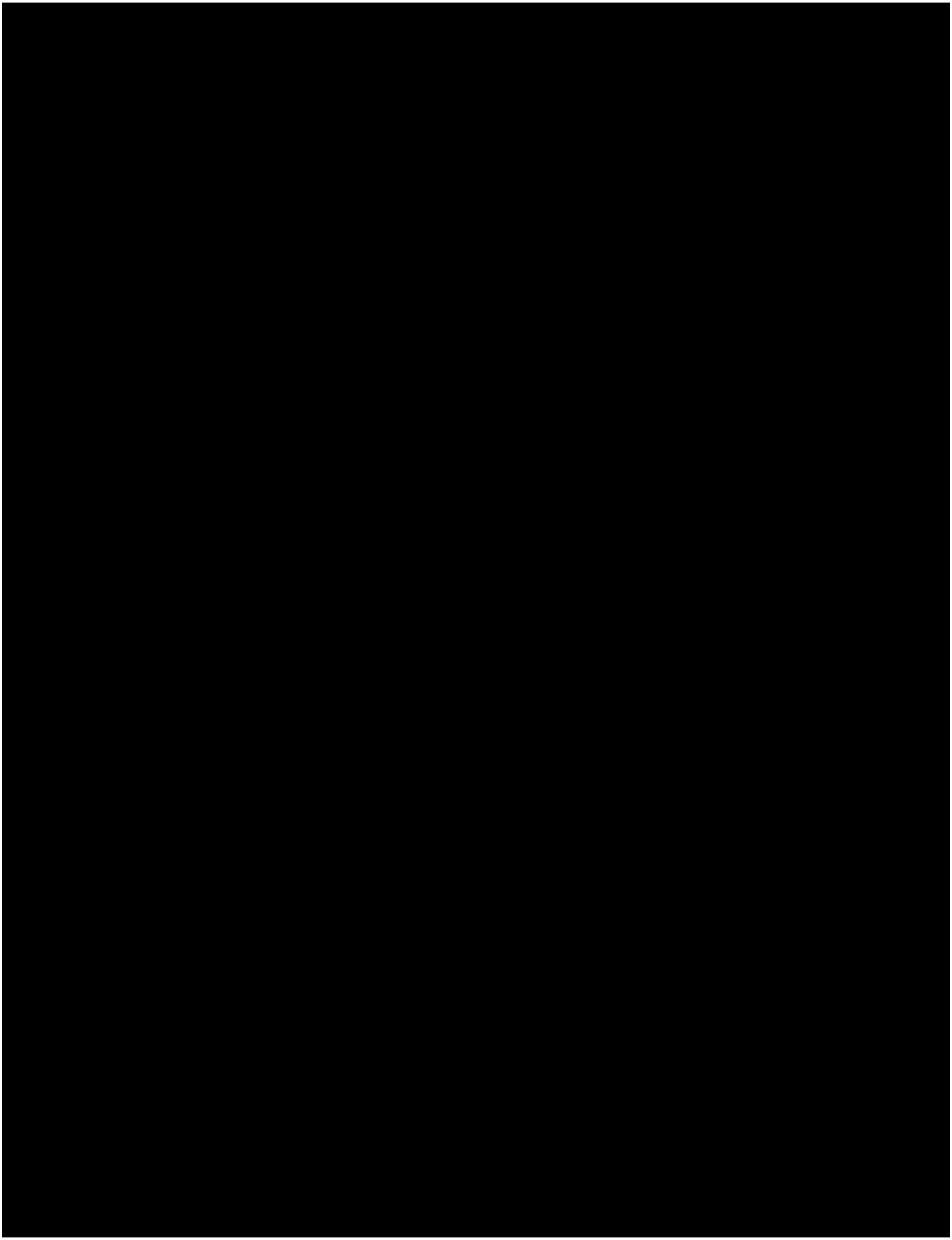
EXHIBITS TO
SECOND AMENDED COMPLAINT

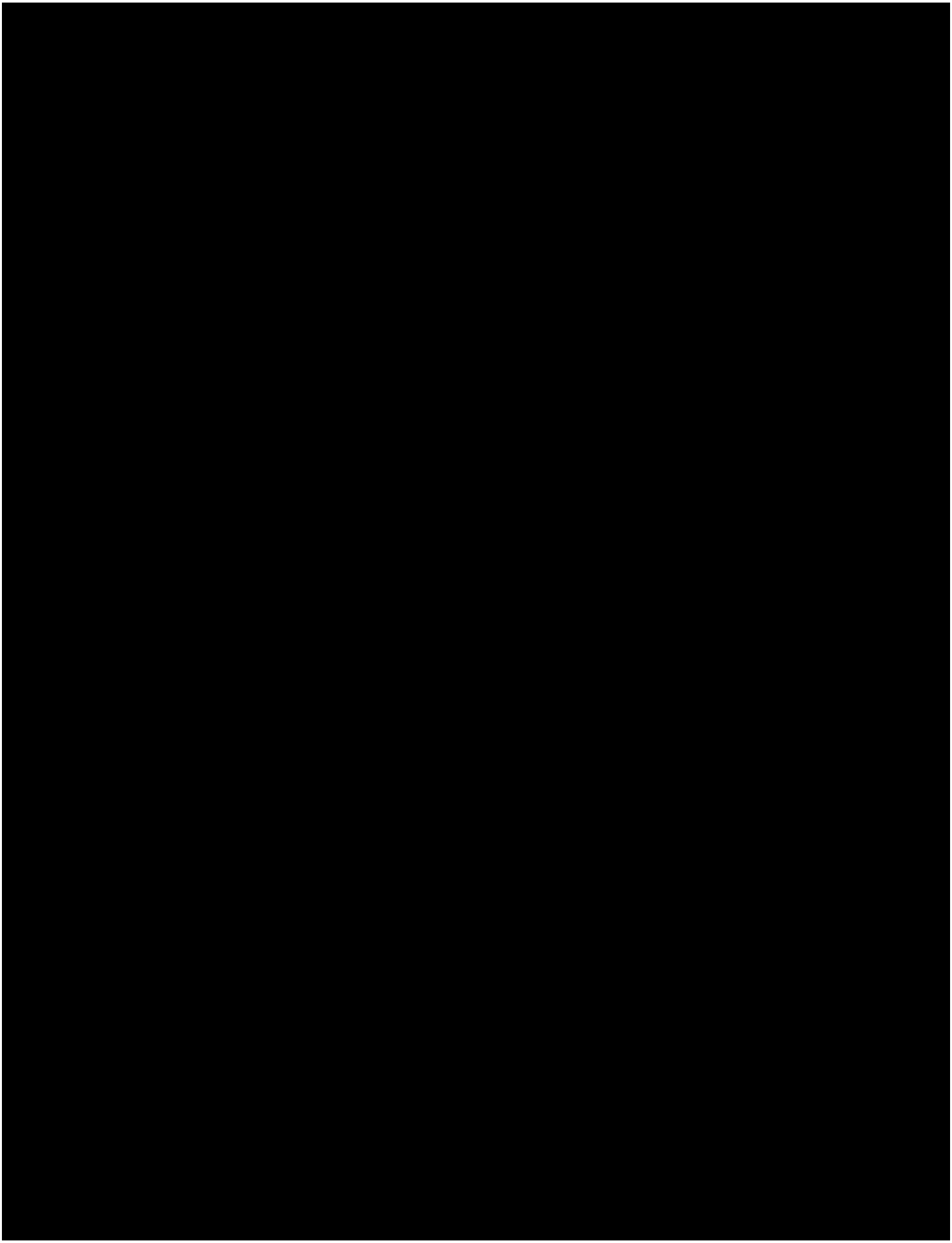
Exhibit 1	Death Certificate of Jacqueline Lynn Ashcraft
Exhibit 2	Arkansas Motor Vehicle Crash Report [redacted] prepared by Arkansas State Trooper James Ray

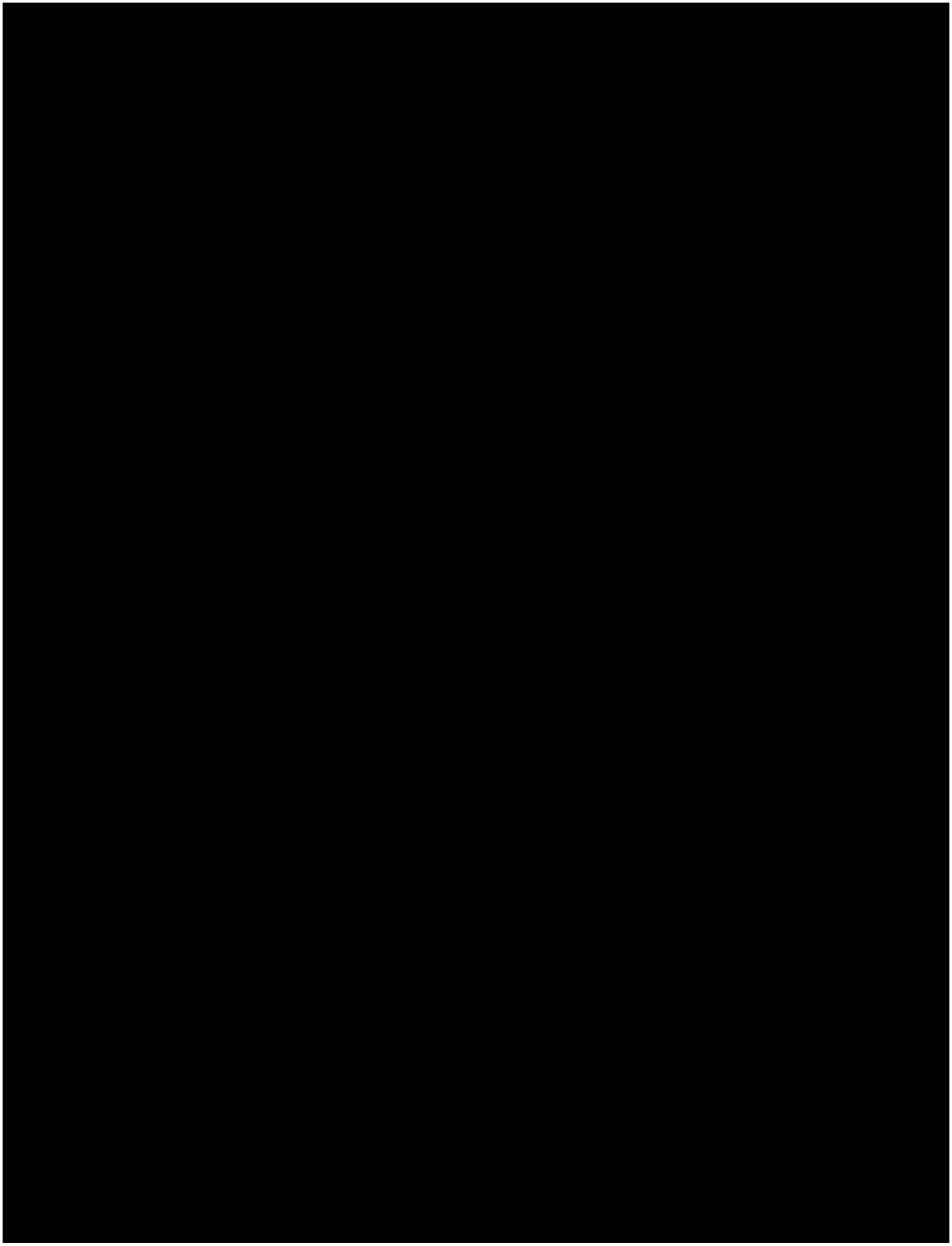


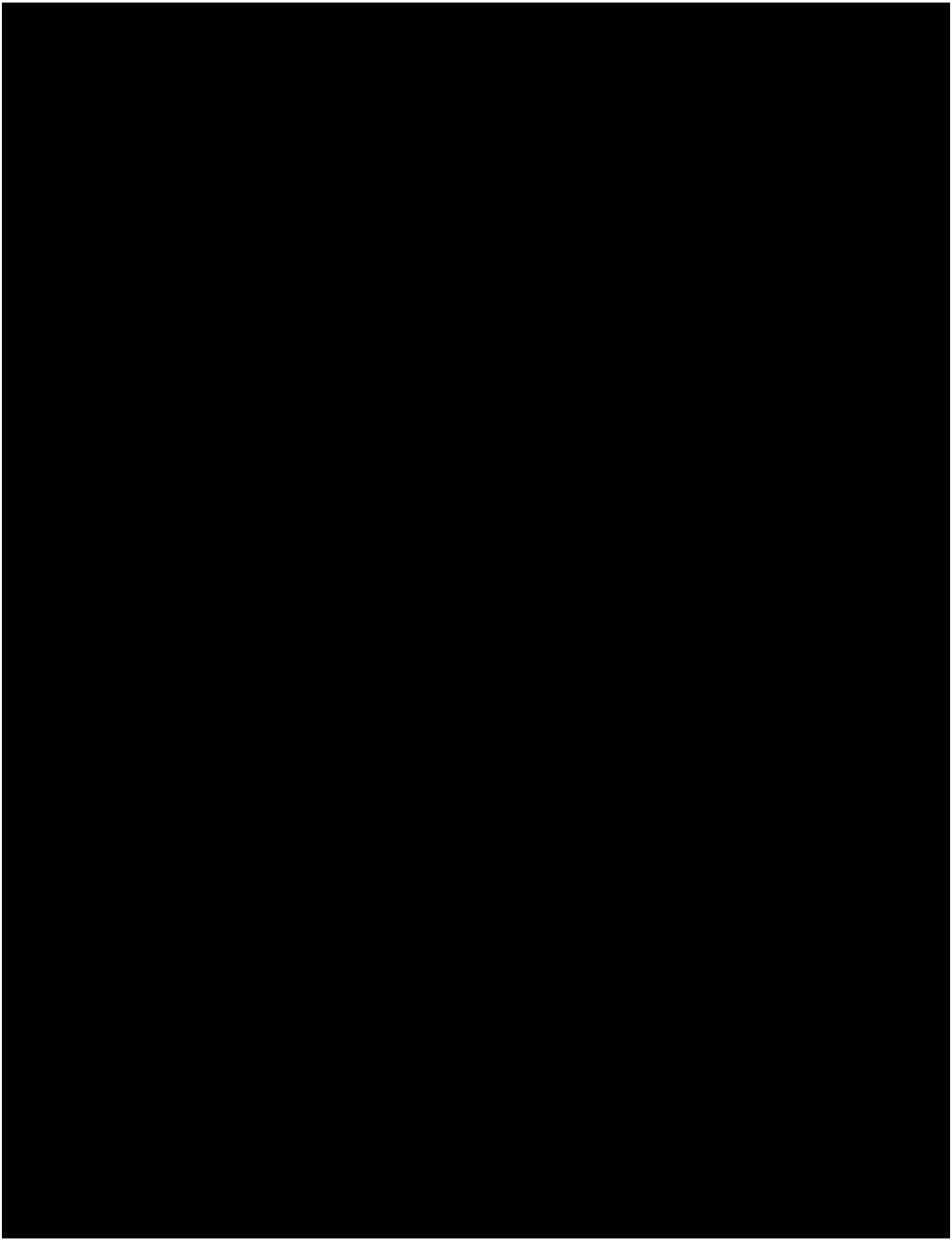


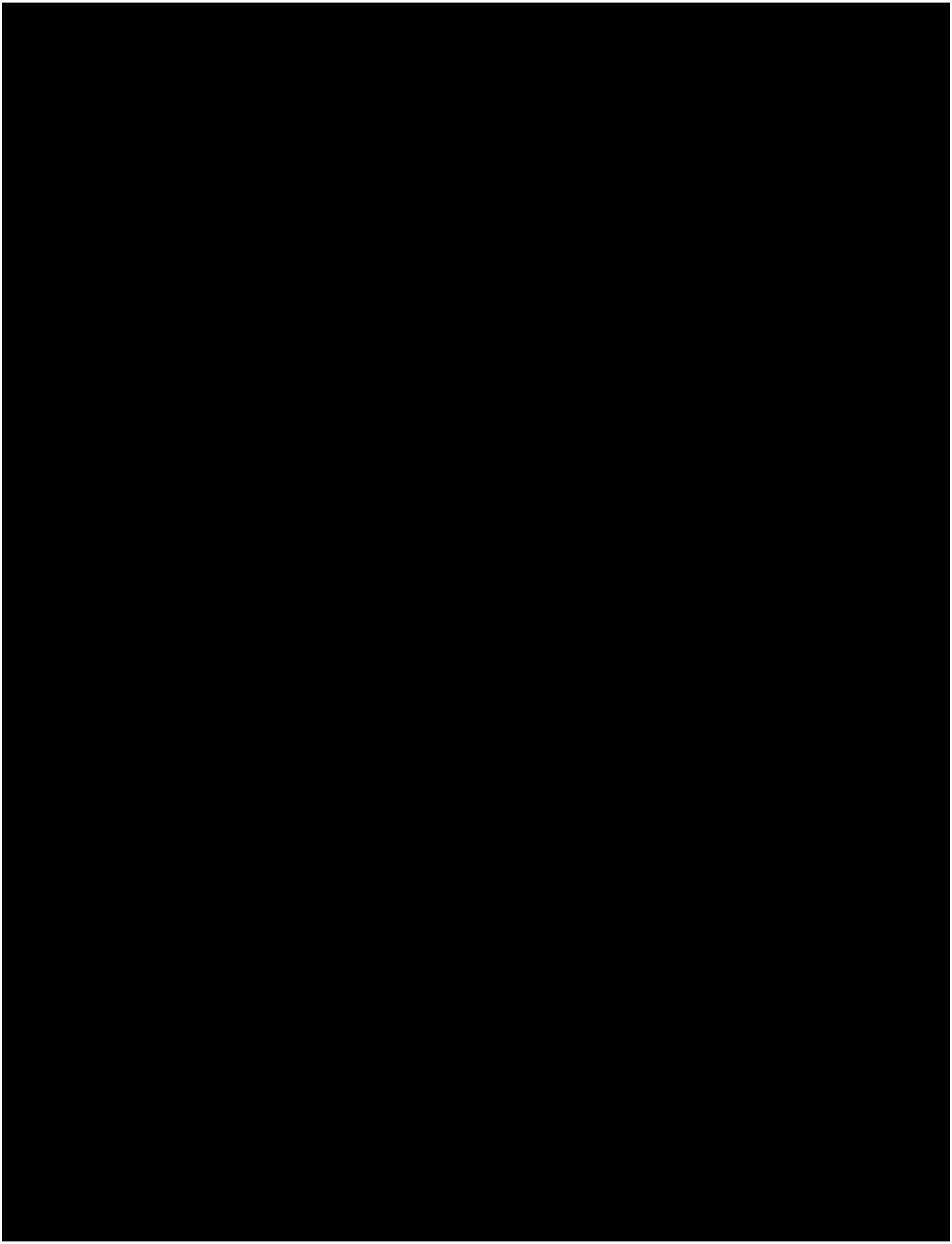


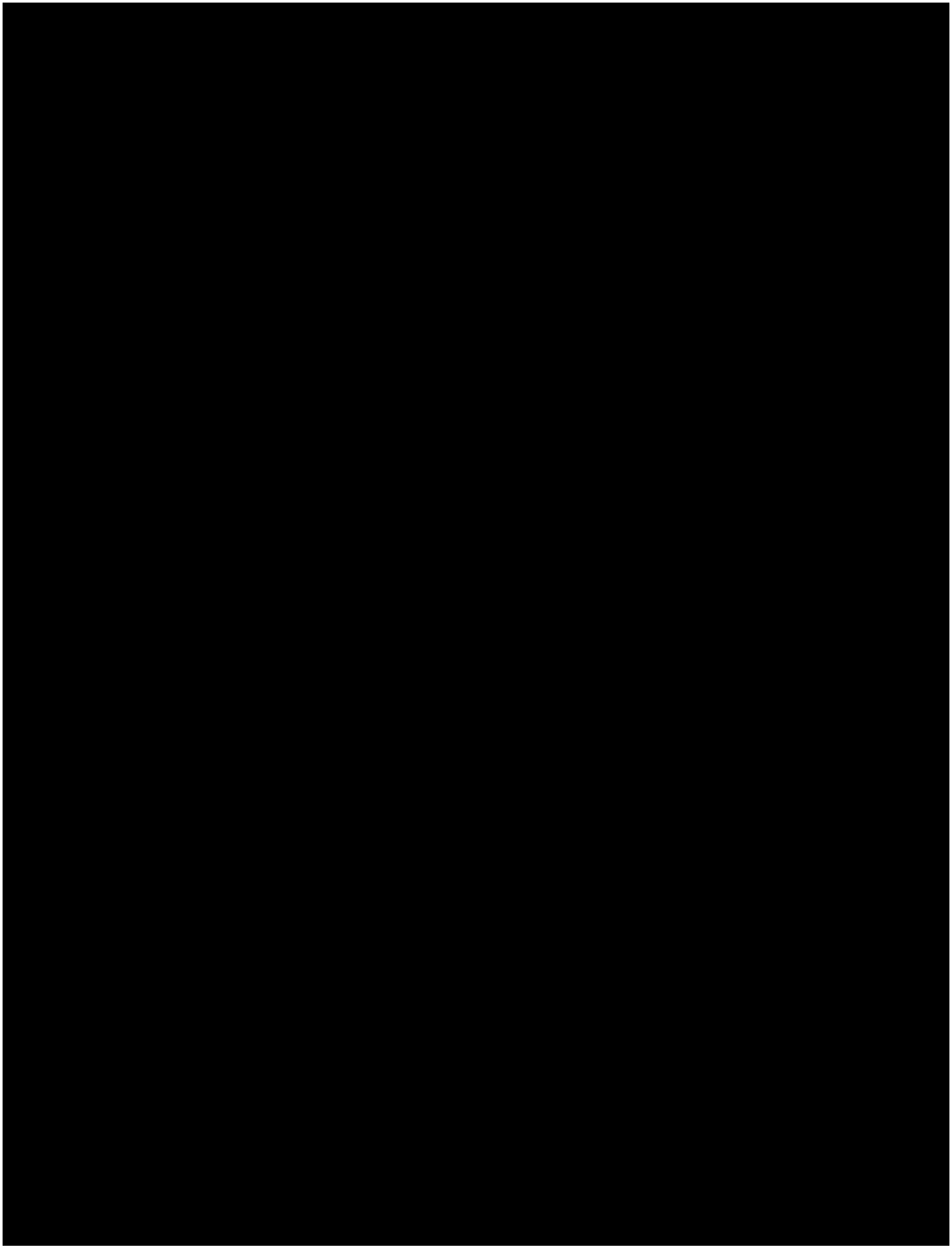


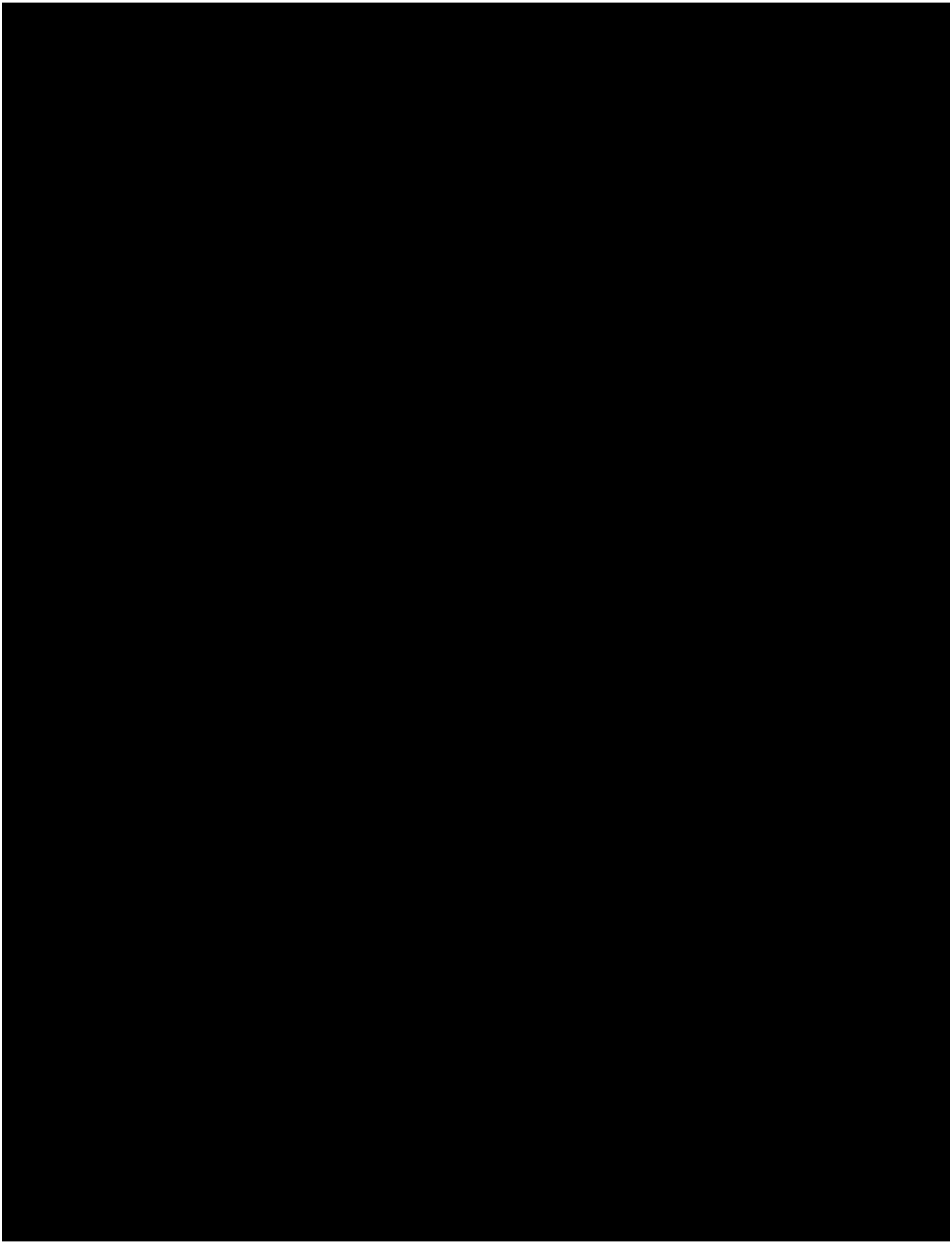


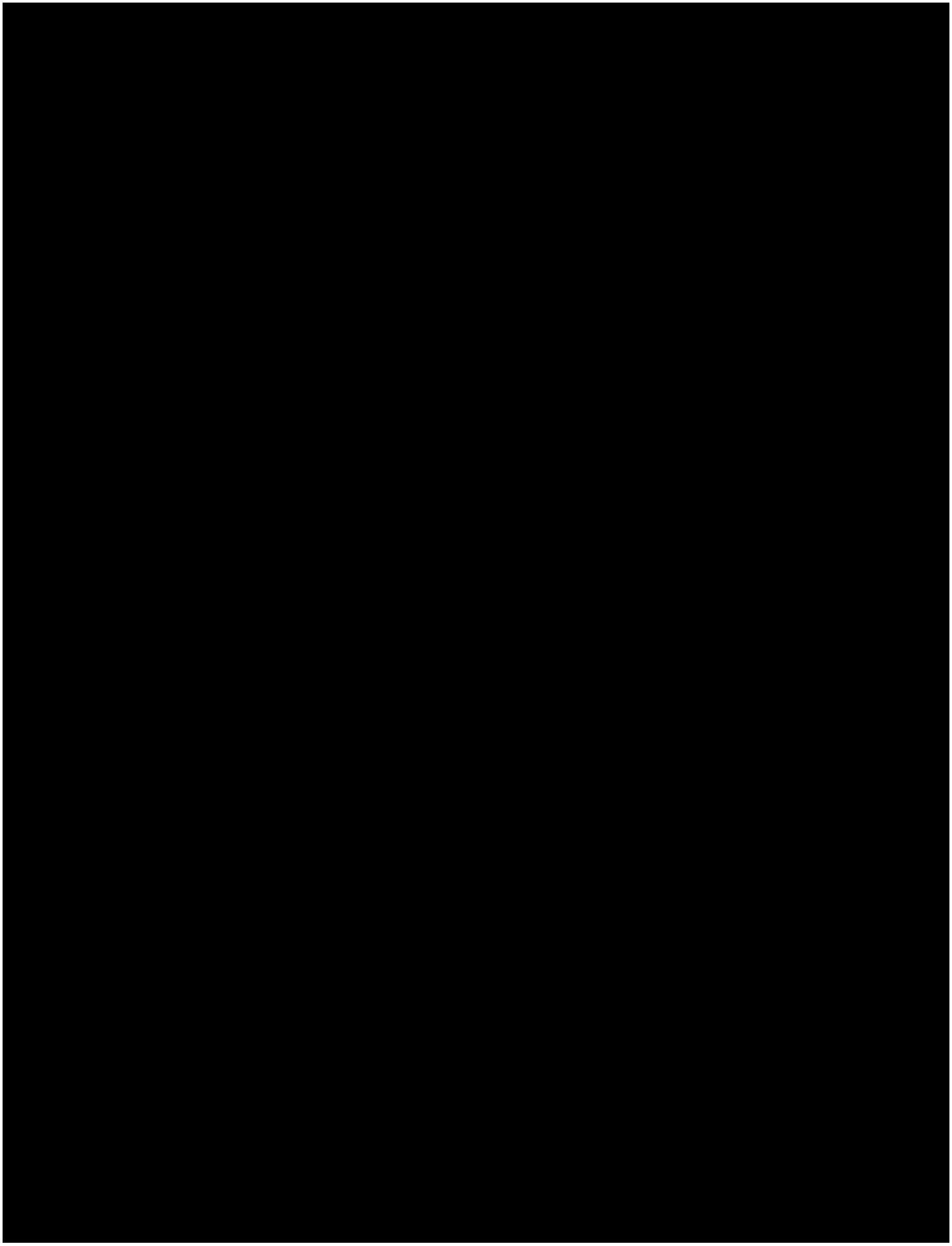


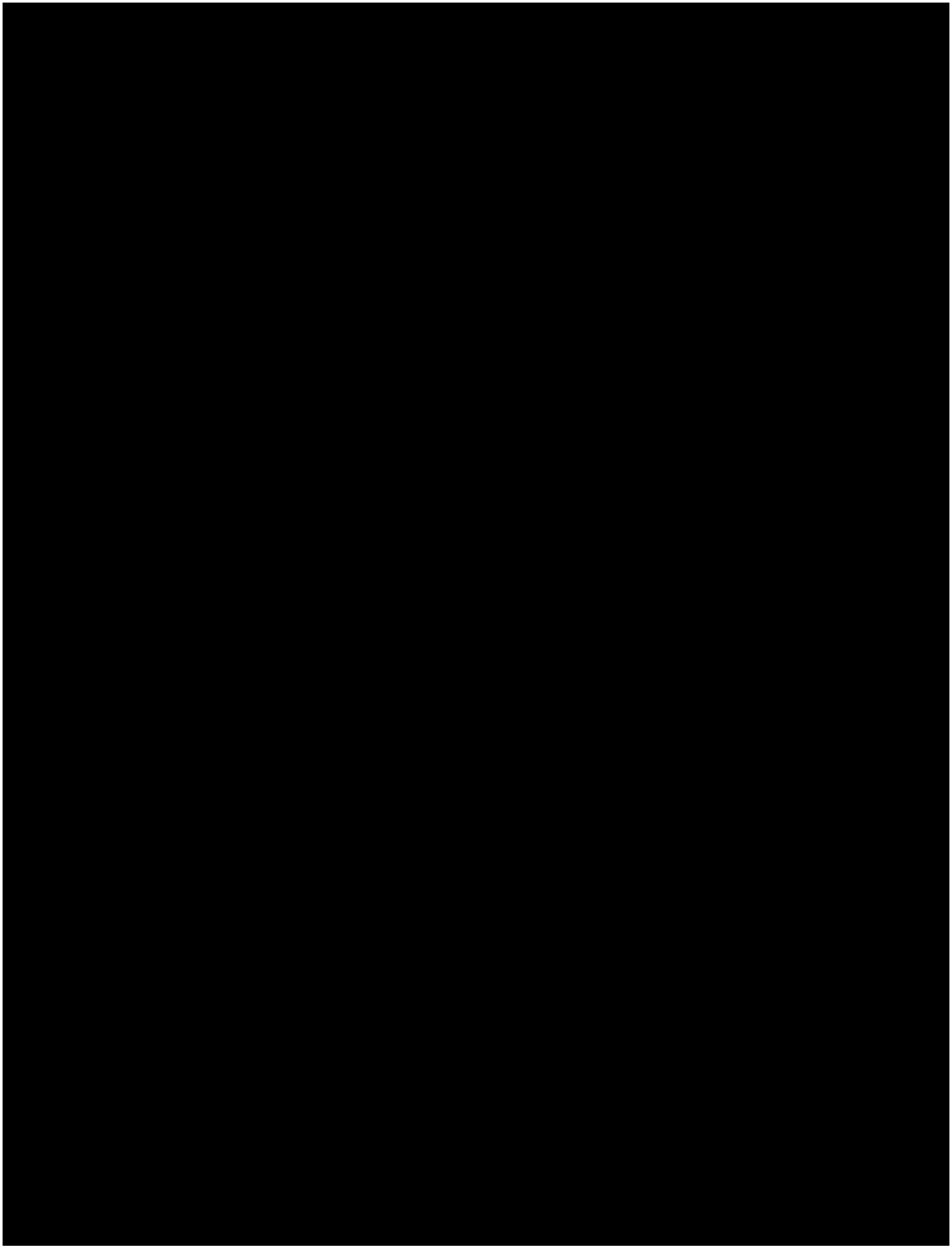


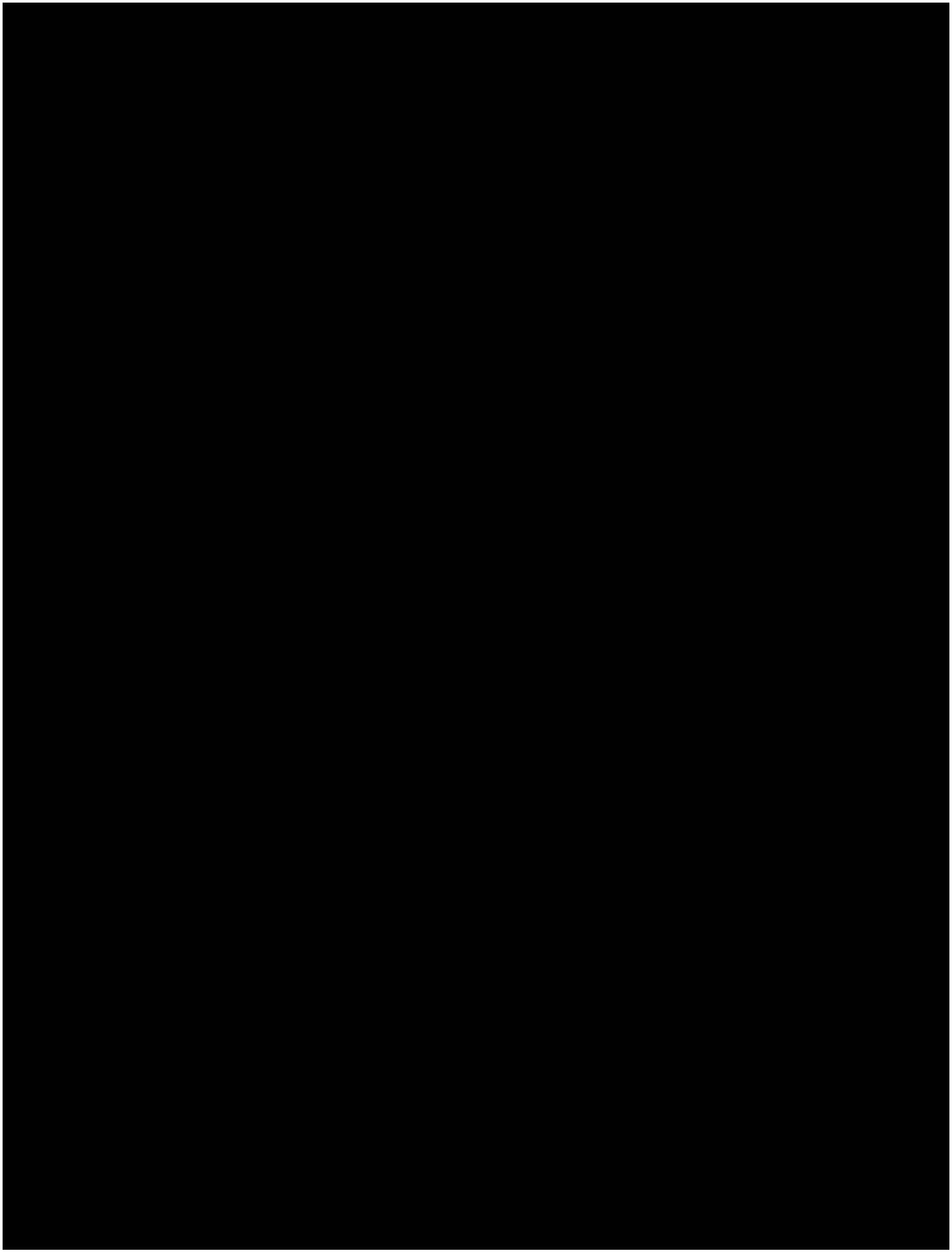


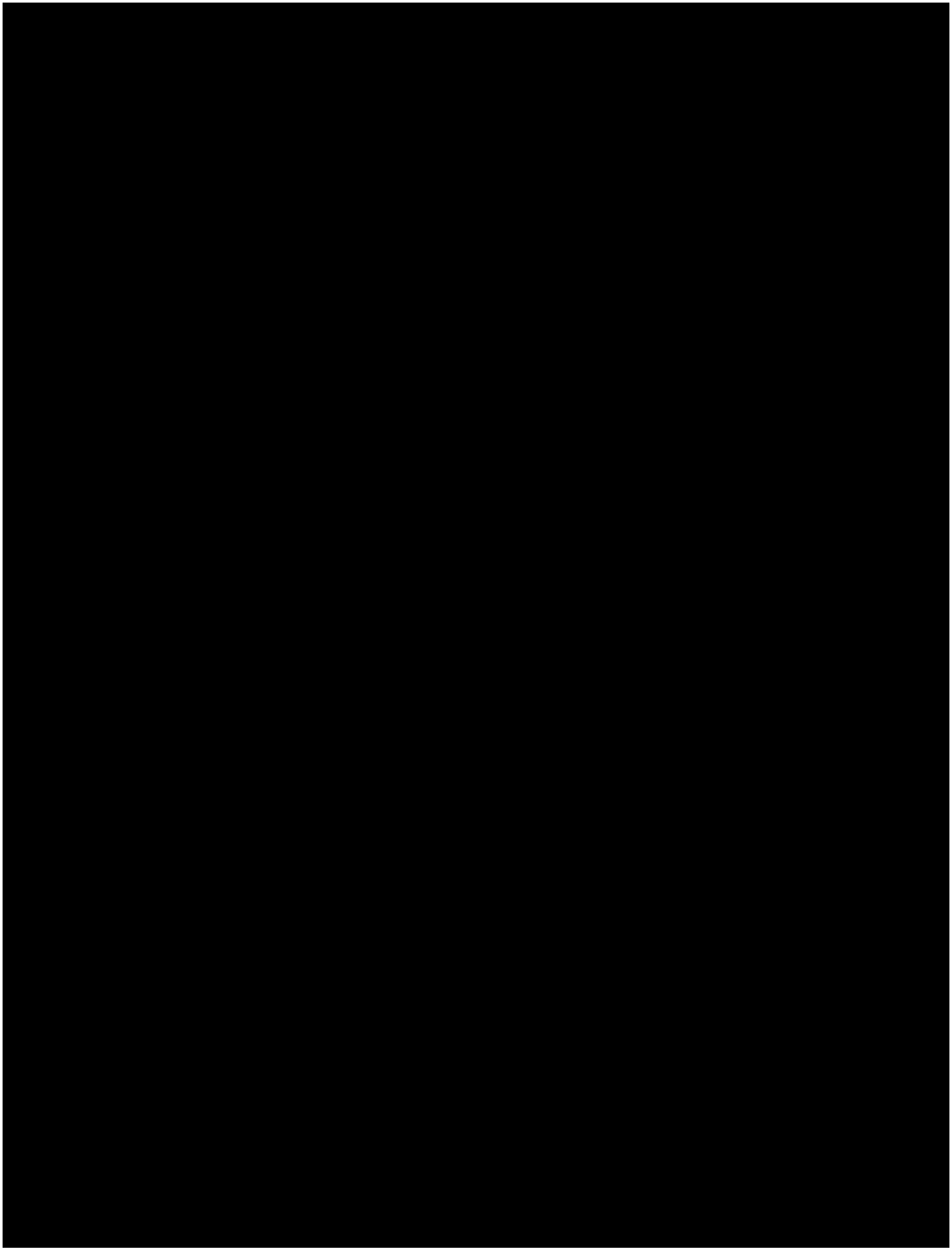


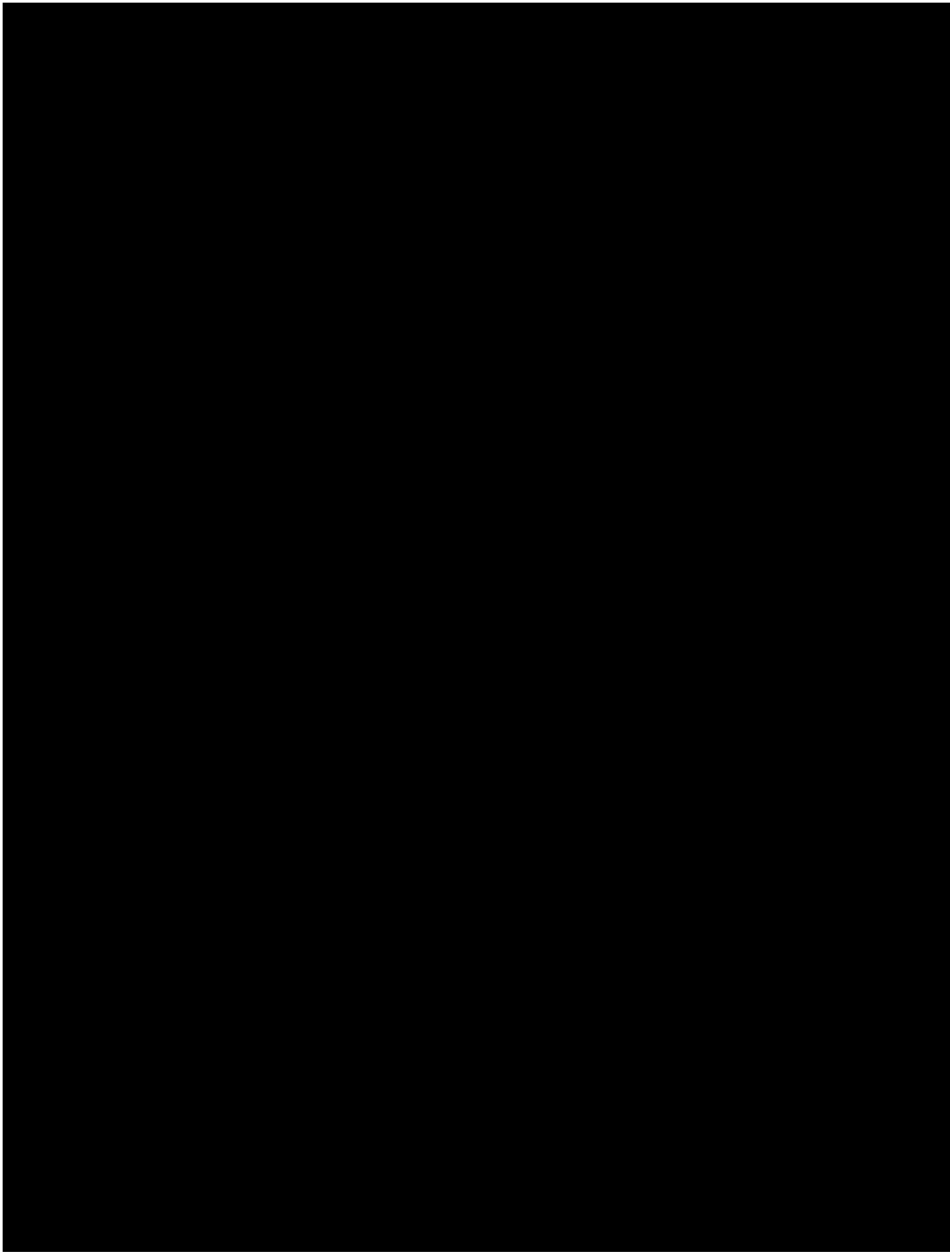


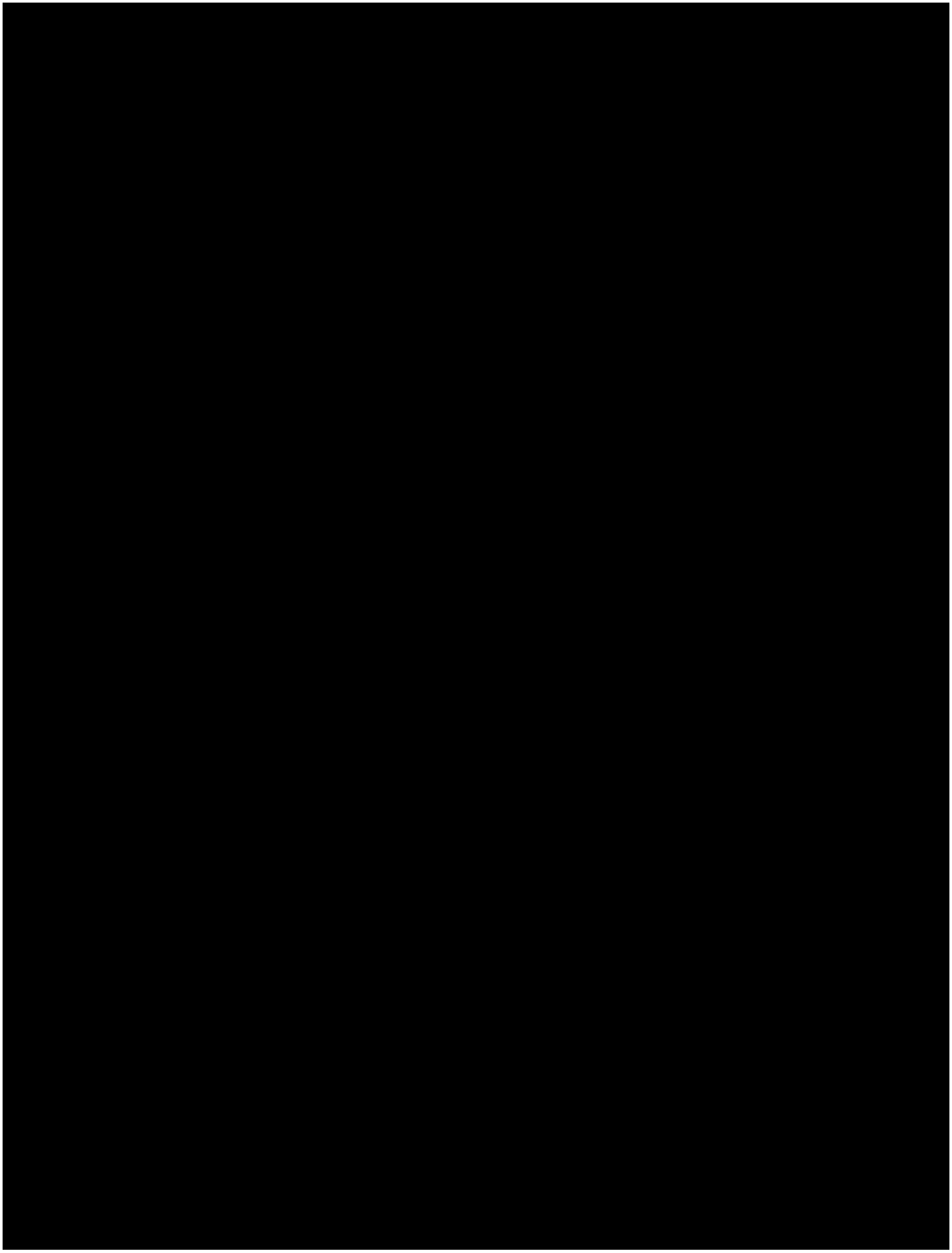


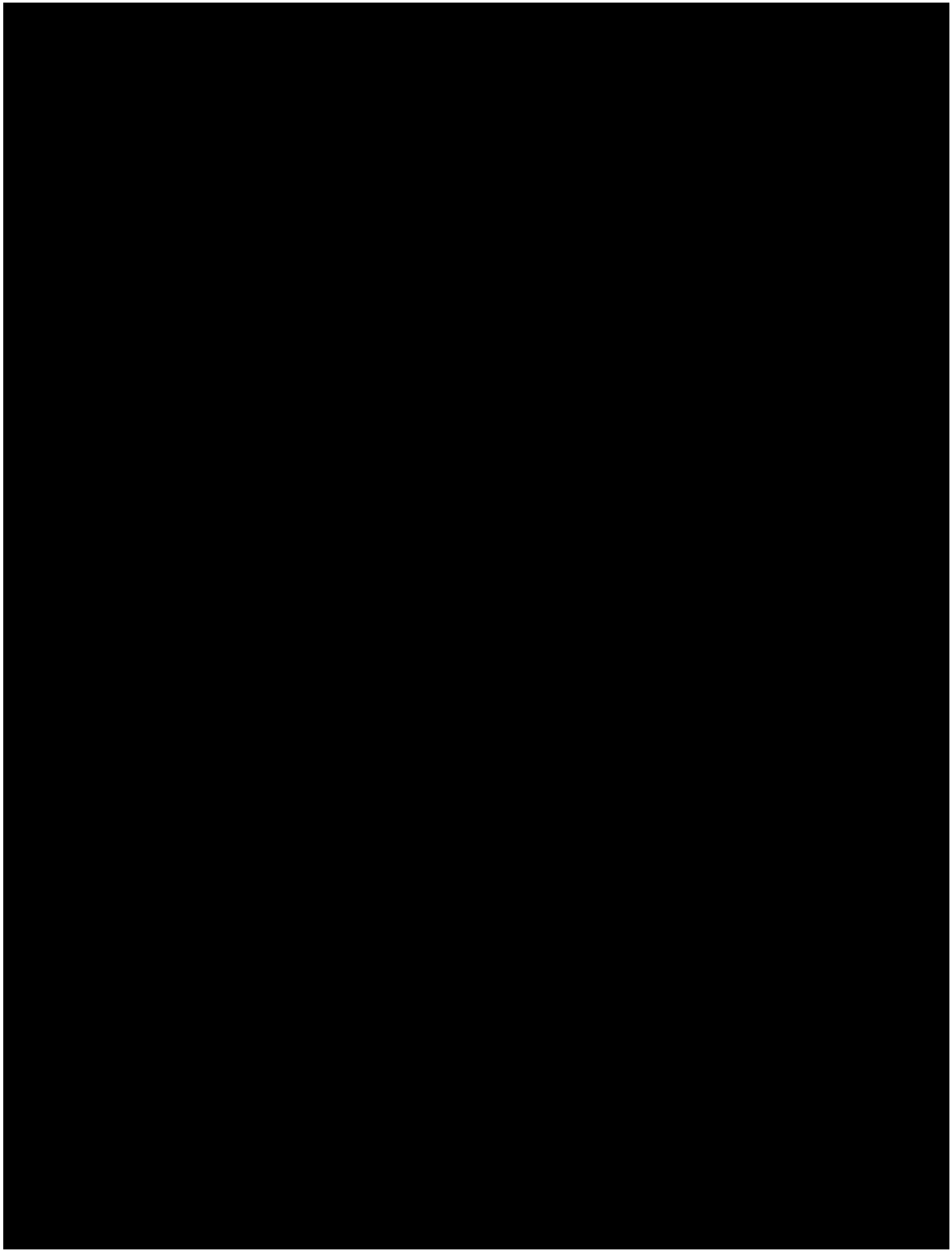


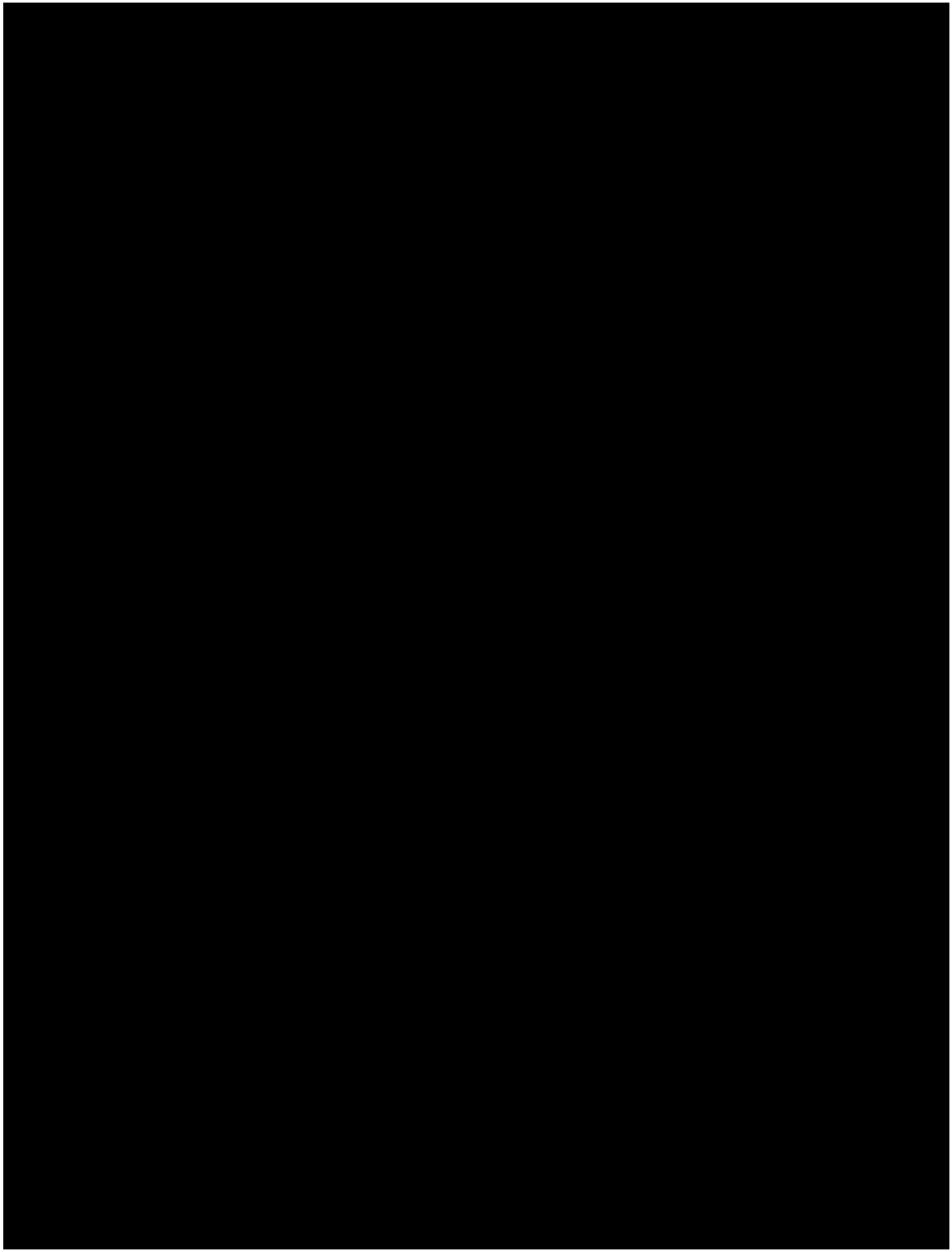


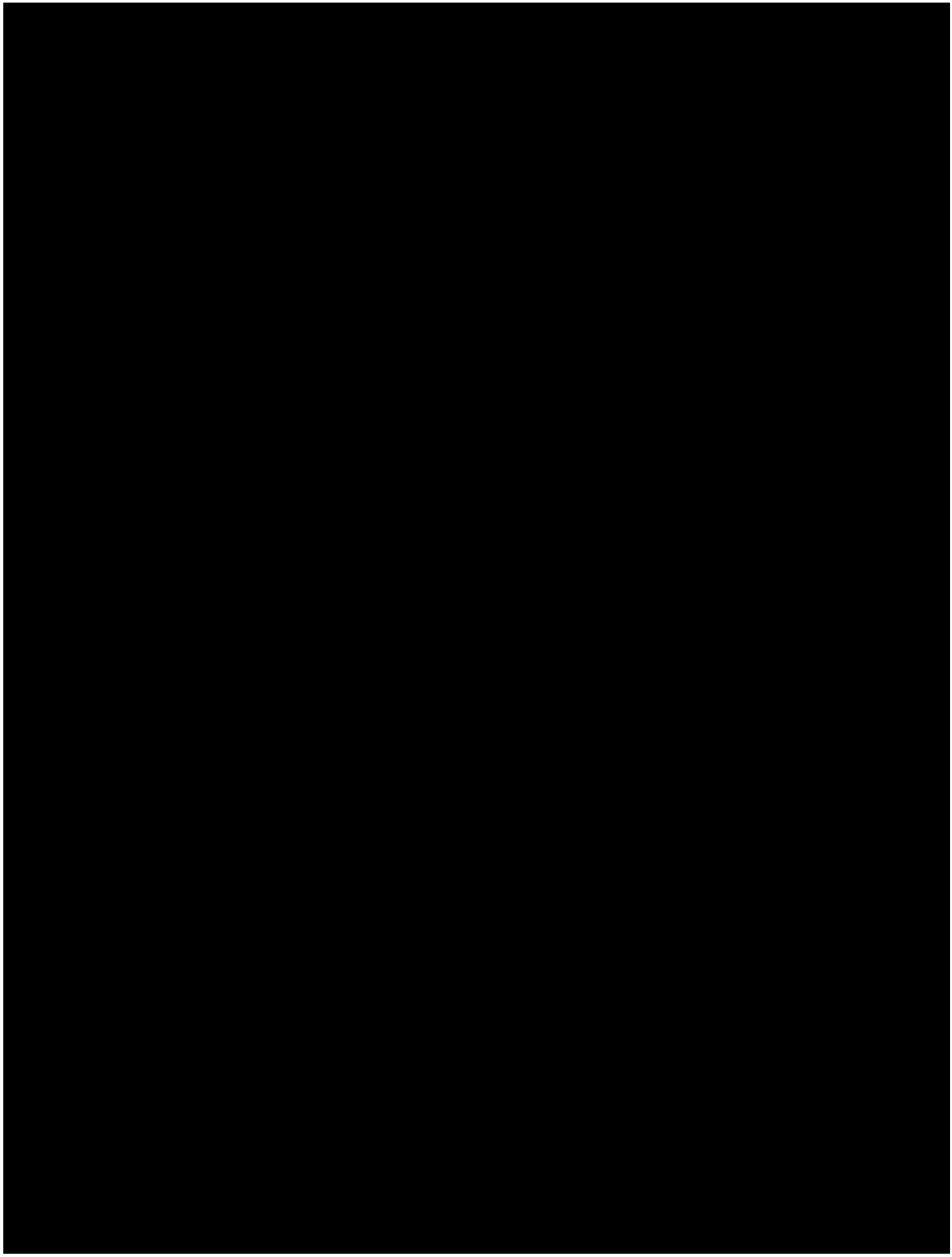












From: Kathryn Irby
To: Daiquiri Carter
Subject: RE: Subpoenas
Date: Thursday, May 25, 2023 8:12:00 AM
Attachments: SUBPOENAS Hudson v. DHS Claim No. 230641.msg
image001.png
image002.png

I sent those to DHS on May 10. Please see attached email.

Kathryn Irby

From: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Sent: Wednesday, May 24, 2023 3:34 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Subpoenas

Ms. Irby,

On the Haley Hudson case 230641, the subpoenas Brent Gasper asked to be sent out, what date were those sent?

Thanks,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

NOTE - This email may contain sensitive or confidential information.

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From: Brent Gasper
To: ASCC Pleadings; Jim Jackson
Cc: Martha Cox; Daiquiri Carter
Subject: CC # 230641
Date: Thursday, May 25, 2023 12:35:04 PM
Attachments: Hudson Reply to Response to Mtn to Compel.pdf

Please find attached Respondent's Reply to Claimant's Response to Motion to Compel Discovery from the Estate of Jacqueline Ashcraft, Haley Hudson as Special Administratrix. I am copying Jim Jackson, attorney for the Claimant, on this email.

Thanks,

brent

Brent P. Gasper
Assistant Deputy Chief Counsel
Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950

Brent.Gasper@dhs.arkansas.gov

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ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted], MINOR CHILDREN	**CLAIMANT**
v.	**CC No. 230641**
ARKANSAS DEPARTMENT OF HUMAN SERVICES	**RESPONDENT**

REPLY TO CLAIMANT'S REPONSE TO MOTION TO COMPEL DISCOVERY FROM THE ESTATE OF JACQUELINE ASHCRAFT, HALEY HUDSON AS SPECIAL ADMINISTRATRIX

COMES NOW, Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorney, Brent P. Gasper, Assistant Deputy Chief Counsel, and for its Reply to Claimant's Response to a Motion to Compel Discovery from the Estate of Jacqueline Ashcraft, Haley Hudson as special administratrix, states:

1. Claimant has filed a response to Respondent's Motion to Compel Discovery. Before responding to the Claimant's argument, Respondent again would like to point out that the question at hand may more or less be decided within the confines of Rule 26(b)(1) of the Arkansas Rules of Civil Procedure, which reads, in part, as follows:

> Parties may obtain discovery regarding any matter, not privileged, which is relevant to the issues in the pending actions, whether it relates to *the claim or defense* of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, identity and location of any books, documents, or other tangible things and the *identity* and location of persons who have knowledge of any

> discoverable matter or who will or may be called as a witness at the trial of any cause.[1]

(emphasis added).

2. However, Claimant has decided not to address its black-and-white discovery obligations and is apparently instead treating its response as a Motion for Summary Judgment by arguing the merits of the case, making legal arguments, and inserting pictures into the body of the response, only addressing the Motion to Compel some three (3) pages in.

3. Claimant's attempts to distract this Commission from the legal issue at hand – Claimant's own lack of Discovery compliance – by essentially offering an opening statement as if this were a hearing on the merits of the case is highly inappropriate. In Respondent's eyes Claimant is already trying to taint the impartiality of the Commission by laying out an unrebutted version of events that he hopes the Commission will be swayed into adopting, essentially hoping the Commission will go into the hearings on this matter with an inclination to already believe Claimant's version of events. In sports terms, Claimant is trying to "work the refs".

4. Respondent certainly understands that the Commission will eventually hear Claimant set out its factual assertions and present its legal arguments, as well as see and rule on evidence concerning the case, but Claimant attempting to sway or influence the Commission now *while at the same time evading its own discovery responsibilities* is a bit beyond the pale.

---

[1] Respondent reminds the Commission that it has raised and will continue to litigate the defense of comparative fault and contributory negligence, as necessary.

Respondent asks that this Commission remind Claimant that there is a time and a place to argue the merits of the case and to introduce evidence, and this is not it.[2]

5. Looking beyond Claimant's inappropriate and untimely insertion of its version of the facts herein, the Claimant's arguments responding to the instant motion are flimsy at best. The named special administratrix Haley Hudson seems to believe that the responsibilities of a special administratrix of an estate begin and end at the probate court's doors. She now contends that time and distance constraints preclude her from engaging in the litigation at hand and therefore she should somehow be freed from her responsibilities representing the estate. Unfortunately for Haley Hudson, this is not the case. Ms. Hudson asked for and willingly accepted the role of special administratrix of Jacqueline Ashcraft's estate, a choice she made and a task for which she had and still has no responsibility to assume. After all, Ms. Ashcraft has two (2) other adult children – Ms. Hudson's brothers – still in the Logan County area. Even to this day Ms. Hudson may ask to be released from her court-appointed role in favor of another family member or even a non-family member if the job – which notably includes prosecuting the litigation at hand – has become too burdensome. Doing so would relieve her of the responsibilities that currently squarely rest with her if she does not wish to be an active participant in the claim the estate has brought. It is, after all, the sole decision of the personal representative of the estate to decide to pursue the instant litigation. No one else may legally do so. *See* Ark. Code Ann. 16-2-102. If the simple act of

[2] Indeed, Respondent has been able to and is currently refraining from introducing its own relevant and highly probative evidence until the proper time, as it still being developed. If Respondent can do it, then Claimant should be able to as well.

merely compiling the names of Ms. Ashcraft's in-life medical providers by making phone calls, writing letters, or sending emails is too demanding, perhaps she should pass on the job of representing her mother's estate to someone else with more available time on his or her hands.

6. However, Ms. Hudson does not appear to be interested in relinquishing her current role. Because of this she bears complete responsibility for the actions taken or not taken by the estate in this case. Ms. Hudson has had many opportunities now to inform this Commission how she took possession of Ms. Ashcraft's belongings and all her records and possessions upon her death.[3] This would be, after all, the responsibility of the special administratrix, to dispose of or otherwise distribute the physical remainder of Jacqueline Ashcraft's estate. Her personal belongings and any records or documents she may have kept did not simply disappear in a puff of smoke. Either they were disposed of or they still exist in some form in Ms. Ashcraft's possessions. Ms. Hudson has had the opportunity to describe to the Commission how she went through boxes or computer files, looking for responsive documents, electronic files, or other potential evidence that would be discoverable. She still has not done so. She has not even documented any attempt at doing so or offered any excuse as to why she has not done so. She has likewise not offered any tangible explanation as to why reaching out to her fellow siblings or other family members to inquire about Ms. Ashcraft's medical history has not occurred, or why she has apparently not had

[3] Respondent suggests that these would be the likeliest places to locate relevant information.

the time or inclination to make one (1) phone call or otherwise attempt to contact a local medical provider in the search for her mother's medical history.[4]

7. Ms. Hudson seems perfectly happy and willing to file a claim against the state for five million dollars ($5,000,000.00) but does not seem at all interested in engaging in the responsibilities of a litigant. Unfortunately, that is not how the system is designed or how it works. A claimant must not only have to be able to make its case before the Commission, but it must also allow the defense the ability to make theirs as well. This is the *essential purpose* of Discovery. Due process of law demands this. *Stonewalling the Respondent or this Commission by simply refusing to take any action toward your discovery responsibilities is an abject rejection of both the rules and the spirit of Discovery.* To permit Respondent to move forward on a wrongful death claim where the Claimant itself has placed Ms. Ashcraft's health and medical condition squarely into the center of controversy without allowing Respondent the benefits of the Rules of Discovery to use in its defense – in this case simply being *told* the identities of Ms. Ashcraft's medical providers prior to her death – would be a denial of due process and a miscarriage of justice.

WHEREFORE, Respondents move this Commission to GRANT its Motion to Compel and ORDER Claimant to comply with their Discovery responsibilities for all other relief to which it may show itself entitled.

Respectfully Submitted,

[4] The same measures she contends *Respondent* should undertake on its own to acquire the requested information.

By: _____
Brent P. Gasper
Assistant Deputy Chief Counsel
AR Bar No. 98240

Arkansas Department of Human Services
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203
Phone (501) 320-8950
Brent.gasper@dhs.arkanas.gov

CERTIFICATE OF SERVICE

I, Brent P. Gasper, hereby certify that on the 25th day of May, 2023, I electronically filed the foregoing with the Arkansas Claims Commission and copied Claimant's attorney, Jim Jackson, via email.

_____
Brent P. Gasper

From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Jim Jackson
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Friday, June 2, 2023 3:55:48 PM
Attachments: Claimanat"s Sur-Response to Respondent"s Motion to Compel.pdf

---

Please find attached the claimant's Sur-Response to the respondent's Motion to Compel for filing in the above-referenced case.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — RESPONDENT

CLAIMANT'S SUR-RESPONSE TO THE RESPONDENT'S MOTION TO COMPEL

Comes the claimant, Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Legal Guardian of [redacted] minor children, by and through her attorney, Jim Jackson, and for her Sur-Response to the respondent's Motion to Compel, states:

1. The respondent still has not cited one single statute or case that requires a personal representative of an estate to have knowledge of the names and addresses of a decedent's medical providers "imputed" to them upon acceptance of the appointment.

2. The claimant has executed HIPAA authorizations and provided probate pleadings which authorizes the respondent to obtain Jacqueline Ashcraft's medical records.

3. There is no statute or case law that supports the respondent's contention that Haley Hudson is compelled to have the names of her mother's medical providers for the last five years of her life, if any, "imputed" to her.

4. The respondent's contention that Haley Hudson is not competent strains credulity. Haley Hudson has answered numerous interrogatories and requests for production of documents propounded by the respondent. Haley has executed multiple authorizations that allows the respondent to have access to medical, financial, employment information about her mother. Haley simply does not have information about her mother's medical history for the last five years prior to the wreck.

WHEREFORE, the respondent's Motion to Compel Haley Hudson to have knowledge of the decedent's prior medical providers "imputed" should be denied and for all other relief to which she may be entitled.

Respectfully submitted,

BY: Jim Jackson

Jim R. Jackson, AR Bar #93209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
(501) 823-3610 phone
(501) 823-3611 facsimile
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Sur-Response to Motion to Compel was served on the following counsel of record by either U.S. Mail, postage prepaid, or by electronic service to:

Mr. Brent Gasper
Assistant Deputy Chief Counsel
Arkansas Department of Human Services
P.O. Box 1437
Little Rock, AR 72203-1437

/s/ Jim R. Jackson
Jim R. Jackson

From: Daiquiri Carter
To: ASCC Pleadings; jim@jimjacksonatty.com; Martha Cox; Brent Gasper
Cc: Daiquiri Carter
Subject: CC# 230641
Date: Wednesday, June 7, 2023 3:35:39 PM
Attachments: Answer to Second Amended Complaint_001.pdf
image001.png
image002.png

Please find attached Respondent's Answer to Second Amended Complaint, Motion to Sever, and Motion to Hold in Abeyance. I have copied Claimant's attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
501-320-6338 phone
501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov

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ARKANSAS STATE CLAIMS COMMISSION

**HALEY HUDSON, INDIVIDUALLY,
HALEY HUDSON, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JAQUELINE LYNN ASHCRAFT,
DECEASED, AND HALEY HUDSON, AS PERMANENT
LEGAL GUARDIAN OF [redacted] MINOR CHILDREN** **CLAIMANT**

v. **CC No. 230641**

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES** **RESPONDENT**

**ANSWER TO SECOND AMENDED COMPLAINT,
MOTION TO SEVER, AND
MOTION TO HOLD IN ABEYANCE**

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorney, Brent P. Gasper, Assistant Deputy Chief Counsel, and for its Answer, its Motion to Sever, and its Motion to Hold in Abeyance states:

1. Respondent hereby incorporates by reference its previously filed Answer in full as if it were set out herein word-for-word;

2. The account information for the above-captioned claim is:

[redacted]

3. Respondent denies liability for all claims arising from this case. If an allegation in the Complaint is not specifically admitted in its Answer, the Respondent denies said allegation. Respondent further disputes the issues of negligence, proximate cause, liability, foreseeability, and damages concerning the death of Ms. Jacqueline Ashcraft.

4. Respondent reserves the right to plead further pending discovery.

5. Unless specifically admitted herein, Respondent denies Claimant's recitation and explanation of the factual predicate set forth by Claimant as well as any specific allegation concerning this claim. Respondent further raises any and all available defenses, including comparative fault, *see* Ark. Code Ann. § 16-64-122, contributory negligence, statute of limitations, qualified immunity, immunity from punitive damages, *see* Ark. Code Ann. § 21-9-203, laches, lack of jurisdiction over subject matter, *see* Ark. R. Civ. Pro. 12(b)(1), failure to state facts upon which relief may be granted, *see* Ark. R. Civ. Pro. 12(b)(6), insufficiency of process, *see* Ark. R. Civ. Pro. 12(b)(4), insufficiency of service of process, *see* Ark. R. Civ. Pro. 12(b)(4), and failure to join a party under Rule 19, *see* Ark. R. Civ. Pro. 12(b)(7). Further, in any instance where Respondent states that it does not have any specific knowledge as to a certain fact or allegation, for the purposes of pleading matters in this case, please consider that response a denial.

6. In response to the initial background section in Claimant's Complaint, Respondent does not have enough information to admit or deny these claims, so they are denied.

7. Respondent admits paragraph No. 1 of the Complaint.

8. In response to Paragraph No. 2 of the Complaint, Respondent does not have enough information to admit or deny these claims, so they are denied.

9. In response to Paragraph No. 3 of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

10. In response to Paragraph No. 4 of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

11. Respondent admits Paragraph No. 5 of the Complaint.

12. Respondent admits Paragraph No. 6 of the Complaint.

13. In response to Paragraph No. 7 of the Complaint, Respondent admits that Jennifer Wilkerson was operating a 2009 Hyundai Elantra provided to her by the Department of Human Services. Respondent denies that Ms. Wilkerson negligently failed to recognize that Ms. Ashcraft's vehicle was slowing down to make a left-hand turn. Concerning the other claims, Respondent does not have enough information to admit or deny those claims, so they are denied.

14. Respondent admits Paragraph No. 8 of the Complaint.

15. Respondent denies Paragraph No. 9 of the Complaint.

16. Respondent denies Paragraph 10 of the Complaint.

17. Respondent denies Paragraph 11 of the Complaint.

18. Respondent denies Paragraph 12 of the Complaint.

19. In response to Paragraph No. 13 of the Complaint, Respondent admits that State Trooper James Ray responded to the accident. Respondent denies all other claims in Paragraph No. 13.

20. Respondent admits Paragraph No. 14 of the Complaint.

21. Respondent admits that Trooper James Ray was present at the house as stated in Paragraph No. 15 of the Complaint, but denies all other factual allegations.

22. Respondent does not have enough knowledge to either admit or deny Paragraph No. 16 of the Complaint, so it is denied.

23. Respondent admits Paragraph No. 17 of the Complaint.

24. Respondent admits Paragraph No. 18 of the Complaint in that there were diagrams attached to the referenced crash report but is without specific knowledge as to who prepared the diagrams.

25. Respondent admits Paragraph No. 19 of the Complaint.

26. Respondent denies Paragraph No. 20 of the Complaint.

27. Respondent denies Paragraph No. 21 of the Complaint, including all subparts of Paragraph 21.

28. Respondent admits that Trooper James Ray responded to the accident as set out in Paragraph 22 of the Complaint, but denies all other factual allegations.

29. Respondent admits that Trooper James Ray responded to the accident as set out in Paragraph 23 of the Complaint, but denies Trooper Ray's findings. Further, Respondent intends to introduce evidence at the hearing on this matter that Ms. Ashcraft's own actions or omissions were the cause of the accident due to her physical and/or mental limitations and that the limitations were directly attributable to causing the accident.

30. Respondent admits that Trooper James Ray responded to the accident as set out in Paragraph 24 of the Complaint, but denies Trooper Ray's findings.

31. Respondent denies Paragraph No. 25 of the Complaint.

32. Respondent denies Paragraph No. 26 of the Complaint. Further, Respondent intends to introduce evidence at the hearing on this matter that Ms. Ashcraft's own actions or omissions were the cause of the accident due to her physical and/or mental limitations and that the limitations were directly attributable to her part in causing the accident that led to injuries sustained by Kadey Lynn Jones and Carley Rae Jones.

33. Respondent denies Paragraph No. 27 of the Complaint.

34. Respondent admits that Ms. Ashcraft was alive immediately after the collision as set out in Paragraph No. 28 of the Complaint. All other material allegations in this Paragraph are denied.

35. Respondent denies Paragraph No. 29 of the Complaint.

36. Respondent admits Paragraph No. 30 of the Complaint.

37. Respondent does not have sufficient knowledge to admit or deny Paragraph 31 of the Complaint, so it is denied.

38. Respondent admits that Ms. Ashcraft was transported to Mercy Medical Center in Fort Smith but does not have sufficient knowledge to admit or deny the other factual allegations in Paragraph 32, so they are denied.

39. Respondent does not have sufficient knowledge to admit or deny the factual allegations in Paragraph 33, so they are denied.

40. Respondent does not have sufficient knowledge to admit or deny the factual allegations in Paragraph 34, so they are denied.

41. Respondent does not have sufficient knowledge to admit or deny the factual allegations in Paragraph 35, so they are denied.

42. Respondent admits in Paragraph No. 36 that Ms. Ashcraft died but denies all other factual allegations.

43. Respondent admits Paragraph 37 insofar as Claimant is making substantially the same allegations she is now making in the Second Amended Complaint, but all other factual allegations are denied.

44. Respondent denies Paragraph No. 38 of the Complaint, and all of its subparts.

45. Respondent denies Paragraph No. 39 of the Complaint, and all of its subparts.

46. Respondent denies Paragraph No. 40 (mistakenly referred to as Paragraph 38) of the Complaint, and all of its subparts.

47. Respondent denies Paragraph No. 41 (mistakenly referred to as Paragraph 40) of the Complaint.

48. Respondent does not have sufficient knowledge to admit or deny the factual allegation in Paragraph 42 (mistakenly referred to as Paragraph 41), so it is denied.

49. Respondent admits Paragraph 43 (mistakenly referred to as Paragraph 42).

50. Respondent admits Paragraph No. 44 (mistakenly referred to as Paragraph 43) of the Complaint, although Respondent notes that a different attorney is assigned to the instant case than was assigned to the previous insurance-related case.

51. Respondent admits in Paragraph No. 45 (mistakenly referred to as Paragraph 44) that Cincinnati Insurance Company received an insurance distribution but denies all other factual allegations.

52. Respondent admits in Paragraph No. 46 (mistakenly referred to as Paragraph 45) that GKD Trucking received an insurance distribution but denies all other factual allegations.

53. Concerning Paragraph No. 47 (mistakenly referred to as Paragraph 46) of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

54. Concerning Paragraph No. 48 (mistakenly referred to as Paragraph 47) of the Complaint, Respondent does not have enough information to admit or deny this claim, so it is denied.

55. In addition to the foregoing, Respondent summarily raises the following defenses and asserts the following factual claims that it will show and prove beyond a preponderance of the evidence at a hearing on the matter:

a. Respondent denies any and all liability and states categorically that it was not negligent or responsible for the accident described in the Second Amended Complaint nor any subsequent bodily injury or death alleged in the complaint;

b. Respondent was not a proximate cause of the accident described in the Second Amended Complaint nor a proximate cause of any subsequent bodily injury or death alleged in the complaint;

c. Claimant Jacqueline Ashcraft's own actions caused the accident described in the Second Amended Complaint. These actions include operating her vehicle while under the influence of one (1) or more controlled substances at the time of the accident. Those controlled substances, as identified in a toxicology screen conducted by the Arkansas State Crime Lab from a sample taken from Ms. Ashcraft after the accident, were identified as amphetamines, methamphetamine, a benzodiazapine, and cannabis. Being under the influence of these controlled substances at the time of the accident impaired Ms. Ashcraft's judgment, vision, reaction time, depth perception, perspective, attentiveness, as well as other possible mental or physical issues that would have directly and negatively affected her ability to drive safely. Additionally, Jacqueline Ashcraft was not physically in good health on the day the accident occurred, stating to the EMTs after the accident that she was weak and had been vomiting for the previous (2) days. She was also noted in the medical records to appear "frail" and having "diaphoretic skin". Simply, Jacqueline Ashcraft was in no condition to be operating a vehicle on the roads of this state, much less to drive safely with three (3) minor children in the car;

d. Further, Jacqueline Ashcraft violated the traffic laws of the state and the Rules of the Road by negligently operating her vehicle, pulling off the shoulder of the road directly in front of Jennifer Wilkerson. This sudden entry onto Highway 22 caught Ms. Wilkerson by

surprise and did not leave her with sufficient distance or reaction time to avoid the collision. Because Ms. Ashcraft was on the shoulder of the road, it was her responsibility to yield to oncoming traffic, which she failed to do. Ultimately, it was Ms. Ashcraft's own negligent driving that caused the accident.

e. Jacqueline Ashcraft's adamant refusal to seek medical attention for herself and her two (2) daughters when offered by the EMTs at the scene was not only a significant contributing factor leading to her death and to the injuries sustained by her daughters, but likely ***the most important and vital decision in this case***. Had Ms. Ashcraft accepted medical aid when first offered by the trained medical professionals responding to the accident scene she might very well be alive today. Instead, she refused. The delay in treating her, which was compounded by the length of time it took the ambulance to transport her to a hospital in Booneville and a subsequent helicopter transport to a hospital in Fort Smith, was a ***far greater*** factor in her death than the accident itself. Indeed, it was ***this choice*** Ms. Ashcraft made after the accident that led to her death, not the accident itself. That twenty-six (26) minute delay may have been the difference between her life and her death.

f. Ultimately, Respondent is not liable for any injuries sustained by any of the claimants as Respondent was not negligent for the acts attributed to it in the Second Amended Complaint. Respondent's actions did not cause or contribute to Ms. Ashcraft's injuries or death, nor were Respondent's actions the cause of the injuries alleged by the two minor children herein.

EXISTENCE OF CROSS-CLAIM

56. Based on the facts alleged and defenses asserted, Respondent now raises the existence of a potential cross-claim concerning liability for the damages allegedly sustained by Claimants [redacted] who were passengers in the car driven by Ms.

Ashcraft. Specifically, Claimant Ms. Jacqueline Ashcraft was at fault and caused of the accident described in the Second Amended Complaint.

57. As previously described herein, Ms. Ashcraft had physical and/or mental limitations that led to her negligently operating her vehicle, resulting in the accident described in the Second Amended Complaint. Specifically, at the time of the accident, Claimant Jacqueline Ashcraft was operating her motor vehicle under the influence of amphetamines, methamphetamines, benzodiazepines, and cannabinoids in violation of Ark. Code Ann. § 5-65-103. Ms. Ashcraft was also not physically fit at the time to drive her vehicle, having spent the prior days being weak and constantly vomiting. *See* exhibit "A", attached. The EMTs also noted that Ms. Ashcraft displayed an "altered mental status" when they arrived at the scene. See exhibit "B", attached. Notably, this observation was made as a secondary impression by the EMTs when Ms. Ashcraft was still up walking around and talking after the accident and before signing a form where she refused medical care. See exhibit "B". This "altered mental status" is direct evidence of Ms. Ashcraft being under the influence of one (1) or more controlled substances. Simply, being under the influence of narcotics and being physically unable to safely operate her vehicle were negligent acts that led to the collision described in the Second Amended Complaint.

58. Further, Ms. Ashcraft violated the state's traffic laws and Rules of the Road and these violations were a direct cause of the accident described in the Second Amended Complaint.

59. Additionally, Ms. Ashcraft was in fact not fully stopped in the roadway and instead was on the shoulder of the roadway shortly before the accident and illegally and suddenly drove her vehicle back into the lane of traffic giving Jennifer Wilkerson no time to react and avoid the collision.

60. A vehicle entering the roadway from the shoulder of the road is required to yield to oncoming traffic, which Ms. Ashcraft failed to do.

61. The combination of Ms. Ashcraft's being under the influence of one (1) or more controlled substances combined with her negligent operation of her own motor vehicle was the direct cause of the accident described in Claimants' Second Amended Complaint.

62. Under Rule 13(f) of the Arkansas Rules of Civil Procedure, "[a] cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant." In this case Claimant Jacqueline Ashcraft's own actions led in whole or in part to the injuries sustained by Claimants [redacted] and she is therefore liable in whole or in part to the Claimants [redacted] nd is likewise responsible for the damages the Claimants alleged they are owed in the Second Amended Complaint.

63. Further, to the extent that Respondent is found to be wholly or partially liable – a claim that Respondent categorically denies – Claimant Jacqueline Ashcraft is jointly and severally liable as to the accident as well and therefore would be jointly and severally liable as to any damage award awarded Claimant [redacted] stemming from this accident.

JURISDICTION OF THE CLAIMS COMMISSION

64. Because the Arkansas State Claims Commission does not have jurisdiction over private individuals, *see* Ark. Code Ann. § 19-10-204, the existence of a potential cross-claim between Claimant Jacqueline Ashcraft and Claimants [redacted] is problematic in this venue.

65. As previously stated, Claimant Jacqueline Ashcraft was responsible for injuries sustained by Claimants [redacted]. That claim by law cannot be

litigated in the Arkansas State Claims Commission so cannot be part of the instant litigation even through the facts as to all cases would be the same.

MOTION TO SEVER

66. Because this Respondent moves that the claims raised in the Second Amended Complaint by Claimants Jacqueline Ashcraft and Claimants [redacted] be severed herein as the limited jurisdiction of the Claims Commission cannot accommodate all of the claims against Respondent and the potential cross-claim between the Claimants in this forum simultaneously.

67. The Commission *would still* be able to hear separate, severed cases – one between the Estate of Jacqueline Ashcraft versus Respondent and another between Claimants [redacted] versus Respondent. Under this scenario, the Estate's claim could proceed as it currently is against Respondent. The newly severed claims raised by Claimants [redacted] against Respondent would then become its own litigation. Further, Respondent would be able to raise a defense in the case involving the minor children that another third party – Ms. Ashcraft – was responsible for the accident. It would *also* allow Claimants [redacted] to pursue separate litigation against the Estate of Jacqueline Ashcraft (and, presumably, Ms. Ashcraft's liability insurance carrier) in the state courts. Ultimately, severing the cases would solve any potential problems moving forward with the claimants potentially having divergent interests without prejudicing any claimant as all claims against Respondent will still be active.

MOTION TO HOLD IN ABEYANCE

68. Any award Claimants [redacted] may receive resulting from litigations stemming from the facts alleged here with the Estate of Jacqueline

Ashcraft and Ms. Ashcraft's insurance company would potentially offset any award herein Respondent might be found to owe concerning Claimants [redacted]

69. Because of this, Respondent moves this Commission to hold the case (or cases, if they are severed) in abeyance until any potential action between Claimants Estate of Jacqueline Ashcraft and Ms. Ashcraft's insurance company and Claimants [redacted] is resolved, either through settlement or in the state courts.

70. Moreover, as a part of its motion Respondent asks that this Commission require a resolution of the potential cross-claim between Claimants Estate of Jacqueline Ashcraft and Ms. Ashcraft's insurance company and Claimants [redacted] This is because factual findings in that case as well as any damage award would have a ***direct impact*** on the pending litigation herein. Specifically, a finding by a state court of negligence committed by Ms. Ashcraft would have immediate relevance herein. Moreover, potential testimony under oath and other evidence in that case could be used and considered by the Commission in the resolution here. If the Claimants Estate of Jacqueline Ashcraft and Ms. Ashcraft's insurance company and Claimants [redacted] refuse or fail to resolve the potential cross-claim prior to engaging in the instant litigation, this would irreparably prejudice Respondent.

71. Further, holding the pending litigation in abeyance does not prejudice the claimants as time is not of the essence and all evidence will be fully realized and established in the very near future without the possibility of it being lost or memories fading. In short, the facts of this case will not be "going anywhere" and therefore claimants are not prejudiced in waiting a short time longer before the potential cross-claim is resolved.

72. Respondent MOVES this Commission to grant its motions raised herein and for all other relief to which it may show itself entitled.

Respectfully submitted,

By: _____

Brent P. Gasper
Assistant Deputy Chief Counsel
Ark. Bar No. 98240

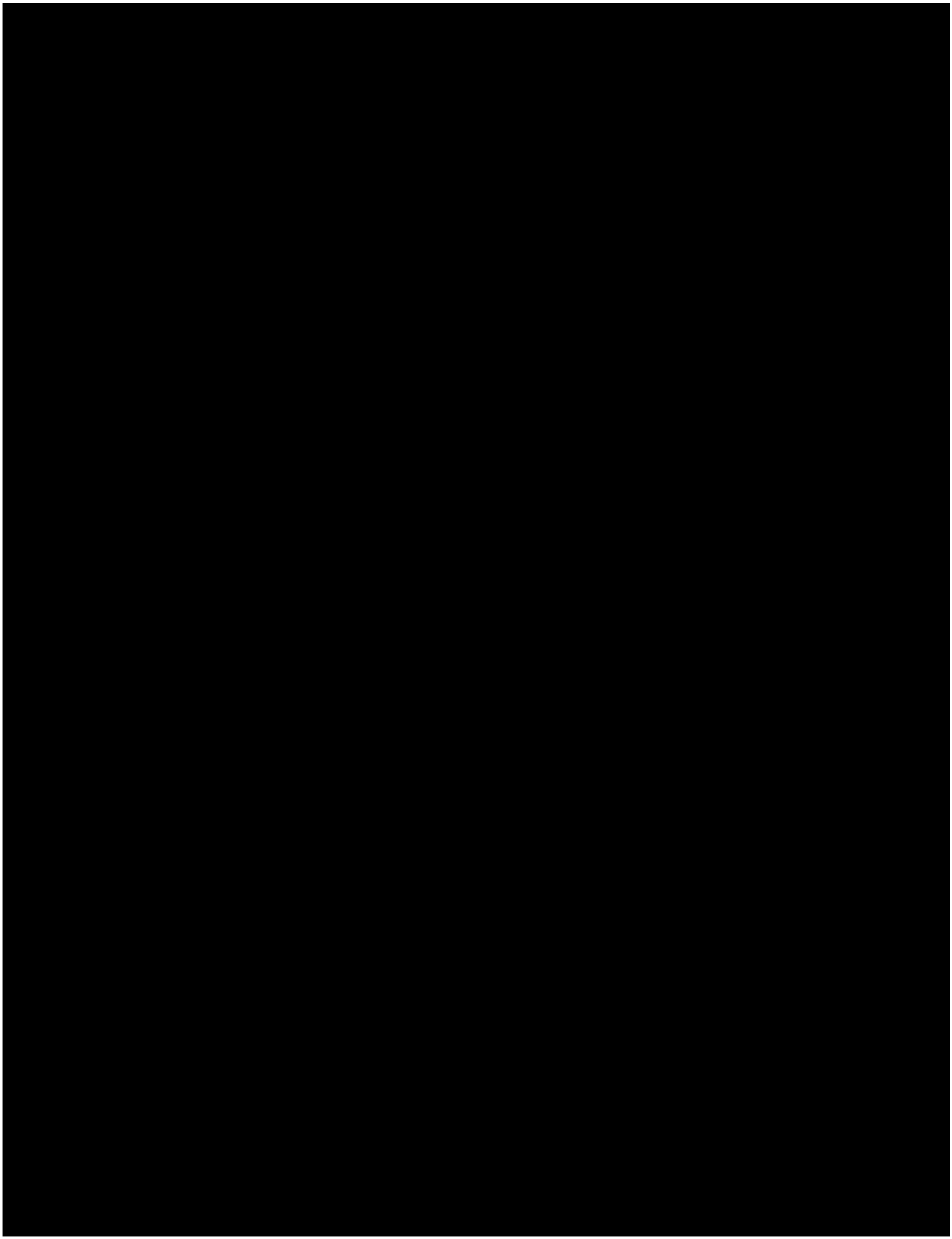
Arkansas Department of Human Services
Office of Chief Counsel
P.O. Box 1437
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkansas.gov

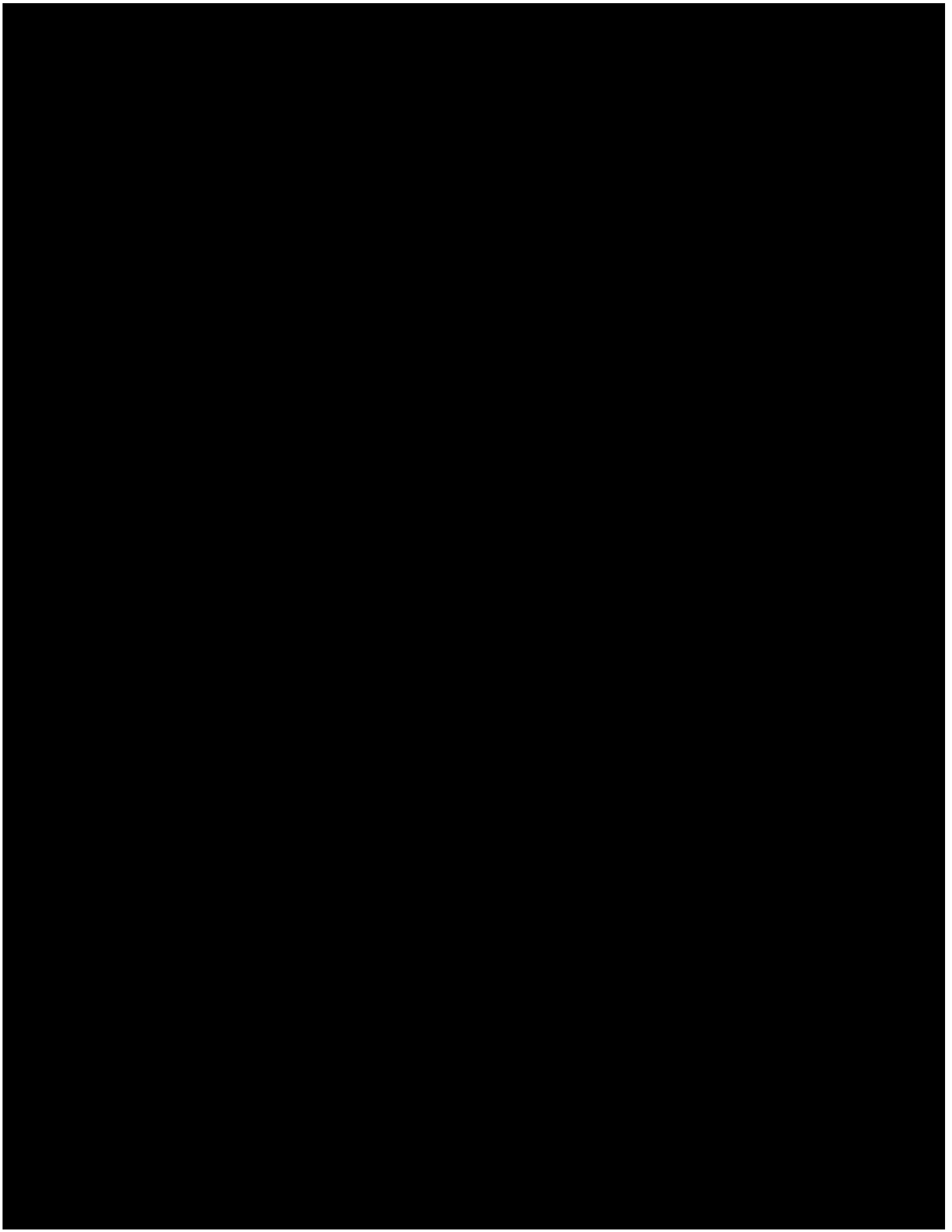
CERTIFICATE OF SERVICE

I, Brent Gasper, hereby certify that on 7 June, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimant's attorney Jim Jackson via email.

_____

Brent P. Gasper





From:	Jim Jackson
To:	Brent Gasper; Kathryn Irby
Cc:	Martha Cox
Subject:	RE: Hudson v. DHS
Date:	Wednesday, June 7, 2023 8:09:42 AM
Attachments:	image001.jpg image002.jpg image003.jpg image004.jpg

That is fine with me.
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, June 7, 2023 8:05 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Hudson v. DHS

Thank you for the clarification. However, since I will be filing my Answer to the Second Amended Complaint today I will still caption it in its original styling as the motion for non-suit has not been filed.

Thanks again,

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Tuesday, June 6, 2023 5:41 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>
Subject: RE: Hudson v. DHS

[EXTERNAL SENDER]
Kathryn,
To clarify this issue, I will file a Non-Suit.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 6, 2023 5:37 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Re: Hudson v. DHS

Brent, Haley Hudson is listed as an individual claimant for this claim in the Commission database. Barring a motion by Jim to nonsuit Haley Hudson's individual claim, she will remain as a claimant at least until the August hearing when the Commission takes up your motion to dismiss, along with the other pending motions.

Thanks,
Kathryn

Get Outlook for iOS

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 6, 2023 1:33:19 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS

Hello Kathryn, I have a process question about the Hudson v. DHS case. Jim Jackson, opposing counsel, is copied here.

Specifically, it relates to the real parties currently in the litigation. As you know, I filed a motion to remove Haley Hudson as an individual claimant in the case. Jim then filed a response to that motion along with an Amended Complaint that appears to remove Ms. Haley Hudson from the litigation in her individual capacity. Jim has likewise filed the Second Amended Complaint listing the Claimants as only the Estate of Jacqueline Ashcraft and the two minor children, all of whom are represented in a legal capacity by Haley Hudson. However, the case does not list Haley Hudson as an individual claimant.

That being said, it certainly appears that Haley Hudson, through her pleadings, has abandoned her status as a named Claimant in the case. However, Ms. Hudson has not filed a formal motion to nonsuit or to withdraw as a named claimant. Jim did assert in his response to my motion to dismiss Ms. Hudson, individually, that Ms. Hudson was never intended to be a named claimant, although this differs from the actual caption and initial allegations of the case when it was originally filed. Further, the Commission has not yet addressed my motion to dismiss Ms. Hudson as an individual claimant.

This may be, as Jim stated in his response, a case of "style over substance". However, given the high monetary stakes in this case, I believe an abundance of caution is entirely warranted.

As such, I intend to file an Answer to the Second Amended Complaint in the coming days and want to be able to both caption it in the correct manner as well as properly respond to the claimants' allegation. Not knowing who the "official" claimants are at this point has made that difficult, so I was hoping to get some type of ruling or clarification as to exactly who the named claimants are at this point. If the Commission verifies to me that Ms. Hudson has abandoned her status as a named claimant I will proceed accordingly addressing only claims raised by the Estate and the minor children, relying on the Commission's decision on this issue that Ms. Hudson has been categorically removed as a named individual claimant while doing so. Further, I'm happy to withdraw my motion to dismiss Haley Hudson individually if this is indeed the case.

Thank you as always for your timely consideration of this matter.

Brent

Cc: Jim Jackson

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Kathryn Irby
To: Jim Jackson
Subject: Re: Message from JACKSON JIM ATT [redacted]
Date: Friday, June 9, 2023 4:23:56 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Jim, I do think that clarity on the particular parties involved is helpful in any legal proceeding, although the issue of Ms Hudson's individual claim is already set to be taken up by the Commission at the upcoming motions hearing. Regardless of whether you file a nonsuit motion, you can inquire of the Commission at the hearing whether it intends to modify the style of the claim moving forward. I'm not sure how the Commission will handle that.

Kathryn

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From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, June 8, 2023 4:51:53 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: RE: Message from JACKSON JIM ATT [redacted]

Am I missing something on the importance of the style of claims?
I've never had anyone raise an issue like this previously.
I just want to make sure there is not something unique about the Claims Procedure process that I am overlooking versus an attorney being persnickety.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Thursday, June 8, 2023 3:26 PM
To: Jim Jackson <jim@jimjacksonatty.com>

Subject: FW: Message from JACKSON JIM ATT ([redacted]

Jim, I just returned your call. I'm out of the office this week and the first part of next week, but I can email pretty easily.

Kathryn Irby

From: Cisco Unity Connection Messaging System <unityconnection@arkansas.gov>
Sent: Wednesday, June 7, 2023 1:17 PM
To: kathryn.irby_arkansas.gov@arkansas.gov
Subject: Message from JACKSON JIM ATT ([redacted]

From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Jim Jackson
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Monday, June 12, 2023 12:25:40 PM
Attachments: Claimant"s Rule 41 Motion to Nonsuit Certain Claims.pdf

---

Please find attached the claimant's Rule 41 Motion to Nonsuit Certain Individual Claims for filing in the above-referenced case.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES — RESPONDENT

CLAIMANT'S RULE 41 MOTION
TO NONSUIT CERTAIN INDIVIDUAL CLAIMS

Comes now the claimant, Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Guardian of [redacted] a minor child, and as Guardian of [redacted] a minor child, by and through her attorney, Jim Jackson, and for her Rule 41 Motion to Nonsuit, states:

1. The claimant seeks to clarify any misunderstanding or miscommunication in this cause of action. Haley Hudson is not asserting an individual claim. To the extent that any prior pleading asserted that Haley Hudson was seeking an individual bodily injury claim, Haley Hudson moves for a voluntary dismissal of any such claim pursuant to Rule 41 of the Arkansas Rules of Civil Procedure.

2. Rule 41 allows a claimant to voluntarily dismiss as a matter of right.

3. Haley Hudson also seeks to dismiss the bodily injury claim of Carley Raye Jones pursuant to Rule 41 of the Arkansas Rules of Civil Procedure.

4. All future pleadings in this matter should be styled: *Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased and Haley Hudson,*

Permanent Legal Guardian of [redacted] *a Minor Child v. Arkansas Department of Human Services.*

WHEREFORE, the claimant, Haley Hudson, Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Haley Hudson, as Permanent Guardian of [redacted] minor children, prays that this Motion be granted.

Respectfully Submitted,

Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

By: Jim Jackson
Jim R. Jackson
Arkansas Bar No. 93209

CERTIFICATE OF SERVICE

I, Jim Jackson, certify that on this date, consistent with the requirements of Ark. R. Civ. Pro. 5, and Commission Rule 1.5(b) a complete copy of the foregoing was electronically submitted with the Clerk of the Arkansas Claims Commission and electronically served on counsel for the Arkansas Department of Human Services.

Jim Jackson
Jim R. Jackson

From:	Kathryn Irby
To:	Brent Gasper
Cc:	Jim Jackson; Daiquiri Carter
Subject:	RE: Haley Hudson v. DHS; No. 230641; DHS motion to dismiss
Date:	Monday, June 12, 2023 1:49:00 PM

Brent and Jim, I will submit the nonsuit motion to the Commission for an order prior to the August hearing.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, June 12, 2023 12:36 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Haley Hudson v. DHS; No. 230641; DHS motion to dismiss

Kathryn,

If the Commission sees fit to grant the motion filed today by Claimant Haley Hudson, individually, to nonsuit her case, DHS would respectfully withdraw its Motion to Dismiss Haley Hudson, individually. However, I want to verify that DHS does not withdraw its own motion until the Commission grants Ms. Hudson's motion for nonsuit.

If you have any questions please don't hesitate to ask.

Thanks!

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Kathryn Irby
To: Brent Gasper
Cc: Daiquiri Carter; Jim Jackson
Subject: RE: Hudson v. DHS, Claim No. 230641; Sub DT request
Date: Monday, June 12, 2023 1:54:00 PM
Attachments: Hudson -- 230641 -- ASP subpoena.pdf

Brent, please see attached.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Monday, June 12, 2023 12:06 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS, Claim No. 230641; Sub DT request

Good morning Kathryn! I hope you are well. I would like to request the Claims Commission issue a subpoena duces tecum for the above captioned case to the Department of Arkansas State Police for certain documents, as follows:

1. A subpoena duces tecum for any and all documents, both printed and in electronic form, and other information concerning the Arkansas State Police's involvement in the accident on Highway 22 in Logan County on June 11, 2021, between Jennifer Wilkerson and Jacqueline Ashcraft, including without limitation audio recordings, video recordings, cruiser dash camera recordings, body or wearable camera recordings, and dispatch records and recordings. Also requested is the complete personnel file of former Trooper James Ray, the responding Trooper to the accident on June 11, 2021, including without limitation any and all documents concerning and kept pursuant to his employment with the ASP, excluding all privileged documents or other information.

This subpoena can be served on:

Captain Chris Goodman
Arkansas State Police – Troop H
5728 Kelley Highway
Fort Smith, AR 72914
479-783-5195

Thanks in advance!

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO**:** Captain Chris Goodman, Arkansas State Police – Troop H
5728 Kelley Highway
Fort Smith, Arkansas 72914

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

Any and all documents, both printed and in electronic form, and other information concerning the Arkansas State Police's involvement in the accident on Highway 22 in Logan County on June 11, 2021, between Jennifer Wilkerson and Jacqueline Ashcraft, including without limitation audio recordings, video recordings, cruiser dash camera recordings, body or wearable camera recordings, and dispatch records and recordings. Also requested is the complete personnel file of former Trooper James Ray, the responding Trooper to the accident on June 11, 2021, including without limitation any and all documents concerning and kept pursuant to his employment with the ASP, excluding all privileged documents or other information.

May 10, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Jim Jackson
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [redacted] Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Monday, June 12, 2023 4:14:36 PM
Attachments: [redacted]"s Answers to respondent"s Int & RFP.pdf
[redacted]"s Answers to respondent"s Int & RFP.pdf

Please find attached the claimant's Responses to Interrogatories and Requests for Production of Documents on behalf of [redacted] and the claimant's Responses to Interrogatories and Requests for Production of Documents on behalf of [redacted] for filing in the above-referenced case.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — **CLAIMANT**

v. **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

HALEY HUDSON, PERMANENT GUARDIAN OF [redacted] RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Comes now Haley Hudson, Permanent Guardian of [redacted] by and through her attorney, Jim R. Jackson, and for her Responses to Interrogatories and Requests for Production of Documents propounded to [redacted] states:

INTERROGATORY NO. 1: Do you have a social media account? If so, please identify all social media accounts you have and the screen name for each.

RESPONSE TO INTERROGATORY NO. 1: [redacted] is a 12-year-old child with a date of birth o[redacted] does not have a social media account.

INTERROGATORY NO. 2: Do you have a cell phone account? If so, please identify the cell phone carrier and the phone number associated with the account.

RESPONSE TO INTERROGATORY NO. 2: [redacted] is a 12-year-old child. [redacted] cellular phone account and the cellular telephone number are not relevant to the wreck or damages that are the subject of this claim before the Arkansas Claims Commission. This discovery request is overly broad and not reasonably tailored to lead to the discovery of relevant evidence. This request for the cell phone account of a 12-year-old casts

too wide of a net and would result in an inquiry of personal information that is not relevant. Without waiving the objection, [redacted] did not have a cell phone account on June 11, 2021.

INTERROGATORY NO. 3: Please list the names and contact information, if known, for all persons you spoke to at the scene of the accident on June 11, 2021.

RESPONSE TO INTERROGATORY NO. 3: [redacted] poke with the same persons as [redacted] Please see [redacted] response to this interrogatory.

INTERROGATORY NO. 4: Please identify and supply the contact information for the person or persons who transported you from the accident scene on June 11, 2021.

RESPONSE TO INTERROGATORY NO. 4: Roy Jackson transported me from the accident scene on June 11, 2021. Mr. Jackson is dead.

INTERROGATORY NO. 5: Please identify and supply the last known address and phone number for your father.

RESPONSE TO INTERROGATORY NO. 5: Please see [redacted] response to this interrogatory.

INTERROGATORY NO. 6: Please identify and list the applicable dates of all the places where you lived, and with whom, for the years 2019, 2020, and 2021.

RESPONSE TO INTERROGATORY NO. 6: Please see [redacted] response to this same interrogatory.

INTERROGATORY NO. 7: Please identify all persons who resided in the residences listed in response to Interrogatory No. 6 at any point in time for the years 2019, 2020, and 2021.

RESPONSE TO INTERROGATORY NO. 7: Please see [redacted] response to this same interrogatory.

INTERROGATORY NO. 8: Do you know any person who owned or drove a red truck during 2021? If so, please identify that person.

RESPONSE TO INTERROGATORY NO. 8: Yes. I knew the same person as [redacted] Please see [redacted] response to this interrogatory.

INTERROGATORY NO. 9: Please identify and describe all the places you visited or any other place you were on June 11, 2021, prior to the accident at issue. Further, please give the approximate time of day and length of time you were at these places.

RESPONSE TO INTERROGATORY NO. 9: [redacted] was with [redacted] and Jacqueline Ashcraft at all times on June 11, 2021. Please see [redacted] esponse to this interrogatory.

INTERROGATORY NO. 10: Was your mother wearing a seatbelt at the time of the accident on June 11, 2021?

RESPONSE TO INTERROGATORY NO. 10: Yes. Jacqueline Lynn Ashcraft was wearing a seatbelt at the time of the collision on June 11, 2021.

INTERROGATORY NO. 11: Did your mother smoke cigarettes or use tobacco products to the best of your knowledge? If so, approximately how long had she smoked cigarettes or used tobacco products, to the best of your knowledge?

RESPONSE TO INTERROGATORY NO. 11: Yes. Please se [redacted] response to this same interrogatory.

INTERROGATORY NO. 12: Do you know if your mother was ill or sick at the time of the accident on June 11, 2021? If so, do you know what that illness or sickness was? What were her symptoms, if applicable?

RESPONSE TO INTERROGATORY NO. 12: Jacqueline Ashcraft had an upset stomach a day or two prior to the wreck. She appeared normal on June 11, 2021.

INTERROGATORY NO. 13: Had you ever been to [redacted] house before the accident on June 11, 2021? If so, when and for what reason?

RESPONSE TO INTERROGATORY NO. 13: Yes. To play.

INTERROGATORY NO. 14: Had you ever been inside [redacted] house before the accident on June 11, 2021? If so, when and for what reason?

RESPONSE TO INTERROGATORY NO. 14: Yes. To play.

INTERROGATORY NO. 15: To the best of your knowledge, was Kimberly Corley – [redacted] mother – related to your mother or father by blood or marriage? If so, please describe the nature of the familial relationship.

RESPONSE TO INTERROGATORY NO. 14: Please see [redacted] response to this interrogatory.

INTERROGATORY NO. 16: How often do you visit your father?

RESPONSE TO INTERROGATORY NO. 16: Very rarely.

INTERROGATORY NO. 17: Were your father and mother ever married? If so, when and for how long?

RESPONSE TO INTERROGATORY NO. 17: No. Please see [redacted] response to this interrogatory.

INTERROGATORY NO. 18: Is there a custodial arrangement in place governing visitation by your father?

RESPONSE TO INTERROGATORY NO. 18: Please see [redacted] response to this interrogatory.

INTERROGATORY NO. 19: Does your father pay court-ordered child support? If so, how often and how much?

RESPONSE TO INTERROGATORY NO. 19: Please see [redacted] esponse to this interrogatory.

INTERROGATORY NO. 20: Please list all schools you have attended starting with Kindergarten. Also, please state for how long you attended these schools and the names of your teachers at those schools.

RESPONSE TO INTERROGATORY NO. 20: Objection. The interrogatory question is compound and seeks multiple subsets of information. The claimant objects to the subset question. The length of time at a school and the names of all of the schoolteachers are not relevant nor will they lead to the discovery of admissible evidence. Without waiving the objection [redacted]

INTERROGATORY NO. 21: Were you physically injured as a result of the accident on June 11, 2021? If so, please describe the type of injury and how soon you noticed symptoms or felt the injury after the accident. Please be as precise as possible concerning timing.

RESPONSE TO INTERROGATORY NO. 21: Yes. [redacted] was shook up at the accident scene. [redacted] accompanied her sister, [redacted] to the local emergency room at Mercy Hospital in Paris for a checkup. No medical records were generated upon [redacted] has not had any physical issues related to the wreck since June 2021.

INTERROGATORY NO. 22: What was the phone number at your residence in June of 2021?

RESPONSE TO INTERROGATORY NO. 22: We did not have a land line.

INTERROGATORY NO. 23: What was your mother's cell phone number in June 2021?

RESPONSE TO INTERROGATORY NO. 23: [redacted]

INTERROGATORY NO. 24: Do you know what type of cell phone your mother had at the time of the accident in question? If you do not know the type of cell phone your mother had, can you describe what it looked like?

RESPONSE TO INTERROGATORY NO. 24: My mother had a telephone from Walmart. I believe it was provided by "Straight Talk." The plan had a certain number of prepaid minutes per month.

INTERROGATORY NO. 25: Did your mother have an e-mail address? If so, what was it?

RESPONSE TO INTERROGATORY NO. 25: Please see [redacted] response to this interrogatory.

INTERROGATORY NO. 26: Did your mother have a Facebook account? If so, what was her screen name?

RESPONSE TO INTERROGATORY NO. 26: Yes. See [redacted] response to this interrogatory.

INTERROGATORY NO. 27: Did you at any time in May or June of 2021 ever receive a text message from your mother's cell phone? If so, please describe those instances.

RESPONSE TO INTERROGATORY NO. 27: No. See response to Interrogatory No. 2.

INTERROGATORY NO. 28: Have you ever been prescribed prescription medication? If so, what was it, how long did you take it, if you still are taking it, who prescribed it, and the name of the pharmacies that filled the prescriptions.

RESPONSE TO INTERROGATORY NO. 28: Objection. [redacted] was ten years old at the time of the wreck. [redacted] is not claiming any damages from prescription medication or reimbursement for being prescribed prescription medication.

INTERROGATORY NO. 29: You have filed a claim for four million dollars ($4,000,000) in the instant action. There are also two other claimants – your sister and your mother's estate. However, that claim of four million dollars ($4,000,000) is not apportioned among the claimants Complaint. Please describe what percentage of the overall claim amount you seek and describe the underlying details and computations that you feel entitle you to that portion of the claim.

RESPONSE TO INTERROGATORY NO. 29: The amount of damages being sought is based upon the various elements of the wrongful death claim and the bodily injury claim. These claims are not liquidated damages that can be ascertained with mathematical precision. Rather, the Commissioners of the Arkansas Claims Commission will be asked to return a verdict fully compensating each claimant for the damages that the evidence presented at trial justifies. The Commission members will be provided with a verdict form to provide an answer. The claimant has the right to adjust the amount sought during the hearing. The change can be based upon the evidence that is provided during the trial.

INTERROGATORY NO. 30: Did your mother ever go to the doctor? If so, please describe when, how often, and the name or names of her doctors.

RESPONSE TO INTERROGATORY NO. 30: [redacted] does not recall her mother going to see a doctor prior to being in a rear-end wreck caused by the Arkansas Department of Human Services' employee which led to her sustaining a massive brain bleed.

INTERROGATORY NO. 31: Please list the names and contact information for your grandparents.

RESPONSE TO INTERROGATORY NO. 31: Please see [redacted] response to this interrogatory.

REQUEST FOR PRODUCTION NO 1: Please have Haley Hudson, as your legal guardian, sign the attached authorization allowing DHS to obtain a copy of your child support case file.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: An executed authorization allowing the Arkansas Department of Human Services to obtain [redacted] Child Support Case will be provided upon receipt.

REQUEST FOR PRODUCTION NO. 2: Please produce a copy of your birth certificate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Objection. [redacted] birth certificate is not relevant, nor will it lead to the discovery of relevant evidence. The guardian has executed every authorization that the respondent may need to obtain information. The birth certificate does not contain any evidence that is material to the damages or liability issues in this matter.

REQUEST FOR PRODUCTION NO. 3: Please have Haley Hudson, as your legal guardian, sign the attached authorization allowing DHS to obtain a copy of your school records.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: An executed authorization allowing the Arkansas Department of Human Services to obtain [redacted] school records will be provided upon receipt.

INTERROGATORY NO. 32: Please state whether Claimant will treat the foregoing interrogatories as continuing and furnish to Respondent, in writing, any additional information received by Claimant subsequent to the date of Claimant's answers hereto that would modify or supplement Claimant's answers, such additional information to be furnished as soon as reasonably possible after receipt by Claimant and within a reasonable time prior to the assigned trial date in order to permit appropriate discovery procedure.

RESPONSE TO INTERROGATORY NO. 32: The claimant will abide by the Arkansas Rules of Civil Procedure.

Respectfully Submitted,

Jim R. Jackson, AR Bar #93209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
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Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I, Jim R. Jackson, hereby certify that I have electronically served the respondent's attorney, Brent P. Gasper, via email with The Claimant's Response to Interrogatories and Requests for Production Of Documents.

/s/ Jim R. Jackson.
Jim R. Jackson

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN — CLAIMANT

v. CC No. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES — RESPONDENT

HALEY HUDSON, PERMANENT GUARDIAN OF [redacted]
RESPONSES TO INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS

Comes the claimant, Haley Hudson, as Permanent Guardian of [redacted] by and through her attorney, Jim R. Jackson, and for her Responses to the respondent's Interrogatories and Requests for Production of Documents propounded to [redacted] states:

INTERROGATORY NO. 1: Do you have a social media account? If so, please identify all social media accounts you have and the screen name for each.

ANSWER TO INTERROGATORY NO. 1: Objection. [redacted]s 16-year-old minor child. [redacted] social media account(s), if any, are not relevant nor reasonably tailored to lead to the discovery of relevant evidence. The information sought in this interrogatory is overly broad and beyond the scope of discovery. Seeking the information of any social media app a 16-year-old child has used has no discernable relationship to the issue of liability or damages in this tort claim. Asking a claimant to reveal their social media account information would give the Department of Human Services access to personal information that is not within the scope of discovery. This request could lead to the discovery of a massive volume of data. This data is simply not relevant to the claims in this case. This request casts

too wide of a net and would result in an inquiry of personal information that is not relevant. One court has denied this type of request reasoning that a "[d]efendant is no more entitled to such unfettered access to plaintiff's personal email and social networking communications than it is to rummage through the desk drawers and closets in plaintiff's home." *Tucker v. Momentive Performance Materials USA, Inc, Civil Action No. 2:13-cv-04480, 2016 U.S. District Lexis 187413 at *21 (S.D. W.Va. Nov. 23, 2016).*

INTERROGATORY NO. 2: Do you have a cell phone account? If so, please identify the cell phone carrier and the phone number associated with the account.

ANSWER TO INTERROGATORY NO. 2: Objection. [redacted]s 16 years old. Her cellular phone account and the cellular telephone number are not relevant to the wreck or damages that are the subject of this claim before the Arkansas Claims Commission. This discovery request is overly broad and not reasonably tailored to lead to the discovery of relevant evidence. This request for the cell phone account of a 16-year-old casts too wide of a net and would result in an inquiry of personal information that is not relevant. Without waiving the objection, [redacted]has a Walmart Straight Talk Prepaid Phone.

INTERROGATORY NO. 3: Please list the names and contact information, if known, for all persons you spoke to at the scene of the accident on June 11, 2021.

ANSWER TO INTERROGATORY NO. 3: [redacted]was knocked unconscious during the impact[redacted]sustained amnesia due to the traumatic brain injury "TBI" she incurred as a result of the wreck. [redacted]is aware that the following were either at the accident scene or arrived shortly after the wreck occurred.

i. Jacqueline Lynn Ashcraft;

ii. [redacted]

iii. Holly Newman, paramedic with Logan County EMS;

iv. Roy Lee Jackson, (husband of LaDonna Jackson); Mr. Jackson died on [redacted]

v. Kimberley Corley, (Mother of [redacted]

vi. Jessica Capo; [redacted] and,

vii. Medical providers at Mercy Paris Medical Center; (names contained in the medical records).

INTERROGATORY NO. 4: Please identify and supply the contact information for the person or persons who transported you from the accident scene on June 11, 2021.

ANSWER TO INTERROGATORY NO. 4: [redacted] has been told that Roy Lee Jackson transferred [redacted] to the emergency room at Mercy Hospital in Paris. Lisa Chambers transported [redacted] from the hospital when she was discharged. Roy Jackson, [redacted] Mr. Jackson's date of birth was [redacted] He died on [redacted] in Paris, Arkansas.

INTERROGATORY NO. 5: Please identify and supply the last known address and phone number for your father.

ANSWER TO INTERROGATORY NO. 5: Steven Allen Jones is the biological father of [redacted] Mr. Jones lives in [redacted] [redacted] does not know the address of Steven Jones. However, Steven A. Jones did inform [redacted] recently that a representative from the Arkansas Department of Human Services called him to discuss this litigation. Therefore, we assume the respondent has the telephone number for Steven Allen Jones.

INTERROGATORY NO. 6: Please identify and list the applicable dates of all the places where you lived, and with whom, for the years 2019, 2020, and 2021.

ANSWER TO INTERROGATORY NO. 6: [redacted] lived with Jacqueline Ashcraft and [redacted] in 2019, 2020, and 2021 in Paris, Arkansas. We initially lived in a trailer next to Roy Jackson's home at [redacted] The three of us moved to the apartment on [redacted] which is where they were living on the date of the wreck. No other person lived with us in 2019, 2020, and 2021. My sister and I were enrolled in the Paris School District for the two school years prior to the wreck. We transferred back to [redacted]

INTERROGATORY NO. 7: Please identify all persons who resided in the residences listed in response to Interrogatory No. 6 at any point in time for the years 2019, 2020, and 2021.

ANSWER TO INTERROGATORY NO. 7: Jacqueline Lynn Ashcraft, [redacted] and [redacted] lived together in Paris, Arkansas.

INTERROGATORY NO. 8: Do you know any person who owned or drove a red truck during 2021? If so, please identify that person.

ANSWER TO INTERROGATORY NO. 8: Yes. Roy Lee Jackson drove a red Chevrolet pickup truck. Roy Jackson lived at [redacted] Roy Lee Jackson was in a mechanic shop across the street from the Paris Municipal Airport on June 11, 2021. Roy Jackson drove his red pickup truck to the accident site shortly after the wreck. He was checking on Jackie and the children. A paramedic advised him to take the girls to the hospital if they needed medical attention. Roy Jackson transported [redacted] to the hospital after [redacted] became ill at the home located at [redacted] knows other people who drove a red pickup truck. Please let counsel know if this is the information you are seeking or if you want more information on the owners of other red pickup trucks.

INTERROGATORY NO. 9: Please identify and describe all the places you visited or any other place you were on June 11, 2021, prior to the accident at issue. Further, please give the approximate time of day and length of time you were at these places.

ANSWER TO INTERROGATORY NO. 9: My mother, sister, and I visited with Roy Jackson, Lisa Chambers, and Joshua Jackson on the evening of June 10, 2021, at approximately 6:00 p.m. We visited them at their home a [redacted] On June 11, 2021, we drove from our home on [redacted] to return [redacted] to his mother, Kimberly Corley. [redacted] spent the night of June 10 and morning of June 11 at our apartment. Kimberly Corley is [redacted] mother. She lived with her mother, Jessica Capo, at [redacted] on June 11, 2021. Kimberly Corley now lives at [redacted]

We spent the morning of June 11 at our apartment. We left our apartment on [redacted] and went to McDonalds for lunch. After lunch, we were driving to [redacted] home on Highway 22 when the wreck occurred.

INTERROGATORY NO. 10: Was your mother wearing a seatbelt at the time of the accident on June 11, 2021?

ANSWER TO INTERROGATORY NO. 10: Yes. My mother always wore her seatbelt.

INTERROGATORY NO. 11: Did your mother smoke cigarettes or use tobacco products to the best of your knowledge? If so, approximately how long had she smoked cigarettes or used tobacco products, to the best of your knowledge?

ANSWER TO INTERROGATORY NO. 11: Yes. Jacqueline Ashcraft smoked cigarettes most of her adult life.

INTERROGATORY NO. 12: Do you know if your mother was ill or sick at the time of the accident on June 11, 2021? If so, do you know what that illness or sickness was? What were her symptoms, if applicable?

ANSWER TO INTERROGATORY NO. 12: All three of us had a stomach bug the week leading up to Saturday June 11. The bug passed from one to another to another. None of us felt bad enough to require medical attention. We just felt sick that week. My mother was feeling better on Friday afternoon which is why she picked up [redacted] to spend the night with us.

INTERROGATORY NO. 13: Had you ever been to [redacted] house before the accident on June 11, 2021? If so, when and for what reason?

ANSWER TO INTERROGATORY NO. 13: Yes. We are related to [redacted] He would frequently spend the night with us. We did family activities with him.

INTERROGATORY NO. 14: Had you ever been inside [redacted] house before the accident on June 11, 2021? If so, when and for what reason?

ANSWER TO INTERROGATORY NO. 14: I had been to [redacted] home several times prior to June 11, 2021. The reason was to visit. [redacted] was Jacqueline Lynn Ashcraft's great nephew and my cousin.

INTERROGATORY NO. 15: To the best of your knowledge, was Kimberly Corley – [redacted] mother – related to your mother or father by blood or marriage? If so, please describe the nature of the familial relationship.

ANSWER TO INTERROGATORY NO. 15: Kimberly Corley is not related by blood or marriage to my mother or father. [redacted] father is Joshua Braden Jackson. Joshua Bryan Jackson is the father of Joshua Braden Jackson. Joshua Bryan Jackson and Jacqueline Lynn Ashcraft are brother and sister. Joshua Bryan Jackson's address is: [redacted] Roy Lee Jackson lived next to Joshua Bryan Jackson and Lisa Chambers. This is the same address that we lived at when we initially moved to Paris from Cross County. [redacted] was my mother's great-nephew.

[1] [redacted]

INTERROGATORY NO. 16: How often do you visit your father?

ANSWER TO INTERROGATORY NO. 16: Steven Jones and [redacted] visit occasionally via telephone. [redacted] received a telephone call from Steven Jones sometime during the week of May 15, 2023. Mr. Jones informed [redacted] that a representative of the Arkansas Department of Human Services had contacted him about [redacted] and asked him numerous questions related to this litigation.

INTERROGATORY NO. 17: Were your father and mother ever married? If so, when and for how long?

ANSWER TO INTERROGATORY NO. 17: Jacqueline Lynn Ashcraft was only married one time. This marriage and divorce occurred prior to [redacted] birth. Steven Jones and Jacqueline Lynn Ashcraft were never wed.

INTERROGATORY NO. 18: Is there a custodial arrangement in place governing visitation by your father?

ANSWER TO INTERROGATORY NO. 18: [redacted] is not aware of a custodial arrangement in place governing visitation by Steven Jones.

INTERROGATORY NO. 19: Does your father pay court-ordered child support? If so, how often and how much?

ANSWER TO INTERROGATORY NO. 19: Steven A. Jones was ordered to pay child support in a matter styled: *State of Arkansas, Office of Child Support Enforcement Case Number: 228979461 vs. Steven A. Jones*; Logan County Circuit Court, Domestic Relations Division, Northern District, Case N. 42DR-21-17. Mr. Jones was ordered to pay monthly child support of $641 beginning on March 1, 2021 pursuant to Order of Support entered by the Circuit Judge on June 14, 2021. [redacted] is not aware of Mr. Jones making any payments.

INTERROGATORY NO. 20: Please list all schools you have attended starting with Kindergarten. Also, please state for how long you attended these schools and the names of your teachers at those schools.

ANSWER TO INTERROGATORY NO. 20: Objection. The interrogatory question is compound and seeks multiple subsets of information. The claimant objects to the subset question asking for the name of *every school teacher*. This interrogatory is overly broad and not reasonably tailored to lead to the discovery of relevant evidence. Furthermore, Haley Hudson will provide an executed school records authorization that authorizes the respondent to obtain her school records.

[redacted]

INTERROGATORY NO. 21: Were you physically injured as a result of the accident on June 11, 2021? If so, please describe the type of injury and how soon you noticed symptoms or felt the injury after the accident. Please be as precise as possible concerning timing.

ANSWER TO INTERROGATORY NO. 21: Yes. [redacted] was knocked unconscious as a result of the impact. [redacted] was taken by Roy Jackson to the emergency room at Mercy Hospital in Paris, Arkansas. The medical records from Mercy contain the exact time of admission. [redacted] continues to experience headaches and dizziness from the wreck. Please see [redacted] medical records which were provided at the beginning of this litigation from: Mercy Hospital, Mercy Clinic, Scarbrough Clinic, Belinga Clinic, and Wynne

Medical Clinic. Also attached is the medical report from Arkansas Neuropsychology & Behavioral Health.

INTERROGATORY NO. 22: What was the phone number at your residence in June of 2021?

ANSWER TO INTERROGATORY NO. 22: We did not have a land line in our home in June of 2021.

INTERROGATORY NO. 23: What was your mother's cell phone number in June 2021?

ANSWER TO INTERROGATORY NO. 23: [redacted]

INTERROGATORY NO. 24: Do you know what type of cell phone your mother had at the time of the accident in question? If you do not know the type of cell phone your mother had, can you describe what it looked like?

ANSWER TO INTERROGATORY NO. 24: My mother had a cellular telephone from Walmart. I believe it was provided by "Straight Talk." It had a certain number of prepaid minutes per month.

INTERROGATORY NO. 25: Did your mother have an e-mail address? If so, what was it?

ANSWER TO INTERROGATORY NO. 25: Yes. [redacted]

INTERROGATORY NO. 26: Did your mother have a Facebook account? If so, what was her screen name?

ANSWER TO INTERROGATORY NO. 26: Yes. [redacted]

INTERROGATORY NO. 27: Did you at any time in May or June of 2021 ever receive a text message from your mother's cell phone? If so, please describe those instances.

ANSWER TO INTERROGATORY NO. 27: Jacqueline Ashcraft did send text messages. [redacted] had a straight talk phone from Walmart in May and June 2021. This phone

had a very limited number of minutes on it. The messages would be normal mother to daughter text messages.

INTERROGATORY NO. 28: Have you ever been prescribed prescription medication? If so, what was it, how long did you take it, if you still are taking it, who prescribed it, and the name of the pharmacies that filled the prescriptions.

ANSWER TO INTERROGATORY NO. 28: Yes. I was given [redacted]which is a [redacted]upon discharge from the emergency room at Mercy Medical in Paris. The Belinga Neurology Clinic prescribed [redacted]Walmart or Wynne Medical Pharmacy would have filled the prescription.

INTERROGATORY NO. 29: You have filed a claim for four million dollars ($4,000,000) in the instant action. There are also two other claimants – your sister and your mother's estate. However, that claim of four million dollars ($4,000,000) is not apportioned among the claimants Complaint. Please describe what percentage of the overall claim amount you seek and describe the underlying details and computations that you feel entitle you to that portion of the claim.

ANSWER TO INTERROGATORY NO. 29: The amount of damages being sought is based upon the various elements of the wrongful death claim and the bodily injury claim. These claims are not liquidated damages that can be ascertained with mathematical precision. Rather, the Commissioners of the Arkansas Claims Commission will be asked to return a verdict fully compensating each claimant for the damages that the evidence presented at trial justifies. The Commission members will be provided with a verdict form to provide an answer. The claimant has the right to adjust the amount sought during the hearing. The amount of damages sought will be based upon the evidence that is provided during the trial.

The claimant is requesting that the members of the Arkansas Claims Commission determine the amount of damages and the allocation of the damages.

INTERROGATORY NO. 30: Did your mother ever go to the doctor? If so, please describe when, how often, and the name or names of her doctors.

ANSWER TO INTERROGATORY NO. 30: [redacted] does not recall her mother seeing a medical doctor.

INTERROGATORY NO. 31: Please list the names and contact information for your grandparents.

ANSWER TO INTERROGATORY NO. 31: Bobby Ashcraft was my maternal grandfather. Bobby Ashcraft predeceased Jacqueline Lynn Ashcraft. LaDonna Jackson died on [redacted] Roy Lee Jackson died on [redacted] Both of my paternal grandparents are deceased. Velma Jones died last year. Wayne Jones died years ago.

REQUEST FOR PRODUCTION NO 1: Please have Haley Hudson, as your legal guardian, sign the attached authorization allowing DHS to obtain a copy of your child support case file.

ANSWER TO REQUEST FOR PRODUCTION NO. 1: An executed authorization allowing the Arkansas Department of Human Services to obtain [redacted] Child Support Case will be provided upon receipt.

REQUEST FOR PRODUCTION NO. 2: Please produce a copy of your birth certificate.

ANSWER TO REQUEST FOR PRODUCTION NO. 2: Objection. [redacted] birth certificate is not relevant, nor will it lead to the discovery of relevant evidence. The guardian has executed every authorization that the respondent may need to obtain information. The birth certificate does not contain any evidence that is material to the damages or liability issues in this matter.

REQUEST FOR PRODUCTION NO. 3: Please have Haley Hudson, as your legal guardian, sign the authorization allowing DHS to obtain a copy of your school records.

ANSWER TO REQUEST FOR PRODUCTION NO. 4: An executed authorization allowing the Arkansas Department of Human Services to obtain [redacted] school records will be provided upon receipt.

INTERROGATORY NO. 32: Please state whether Claimant will treat the foregoing interrogatories as continuing and furnish to Respondent, in writing, any additional information received by Claimant subsequent to the date of Claimant's answers hereto that would modify or supplement Claimant's answers, such additional information to be furnished as soon as reasonably possible after receipt by Claimant and within a reasonable time prior to the assigned trial date in order to permit appropriate discovery procedure.

ANSWER TO INTERROGATORY NO. 32: The claimant will abide by the Arkansas Rules of Civil Procedure.

Respectfully Submitted,

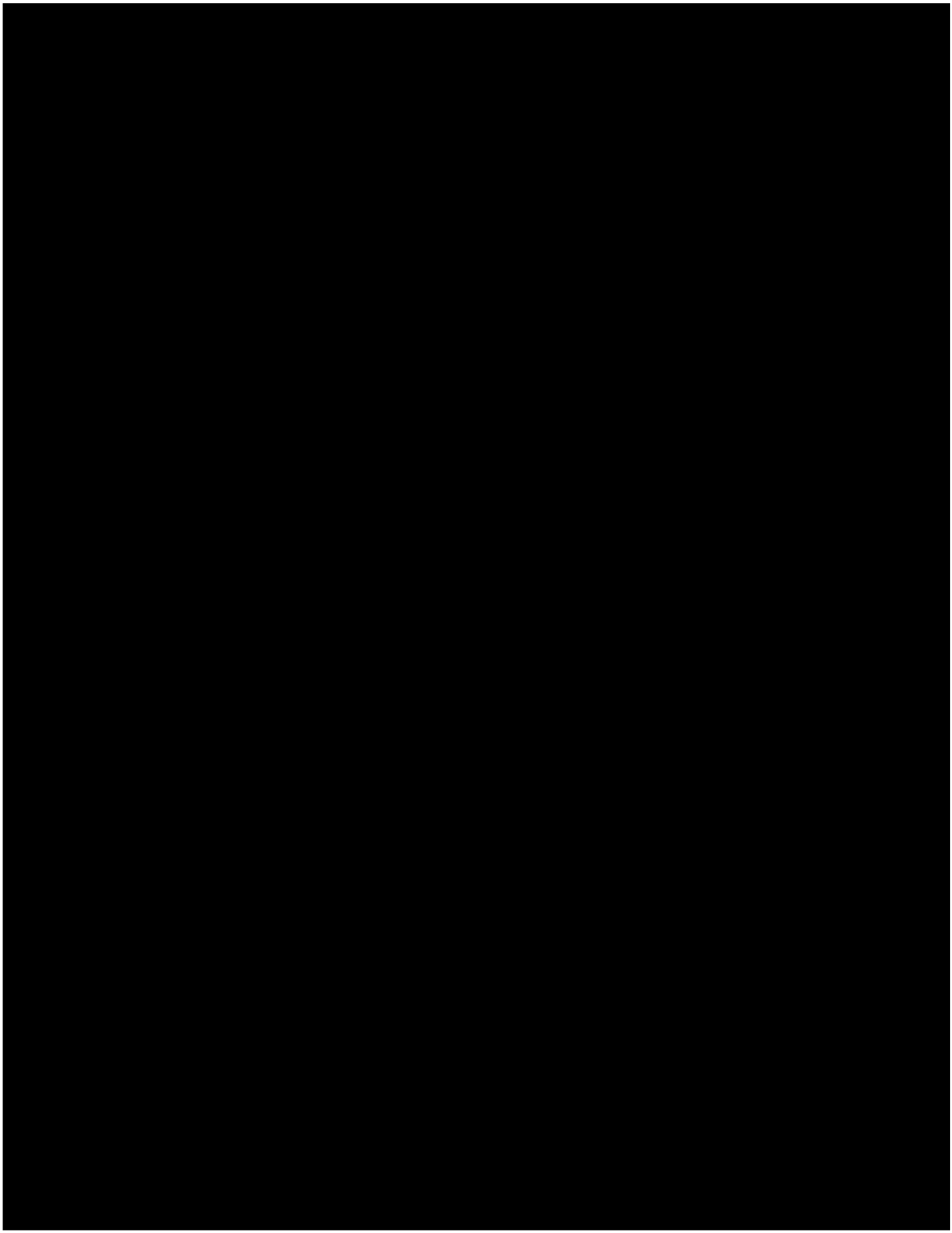
Jim Jackson

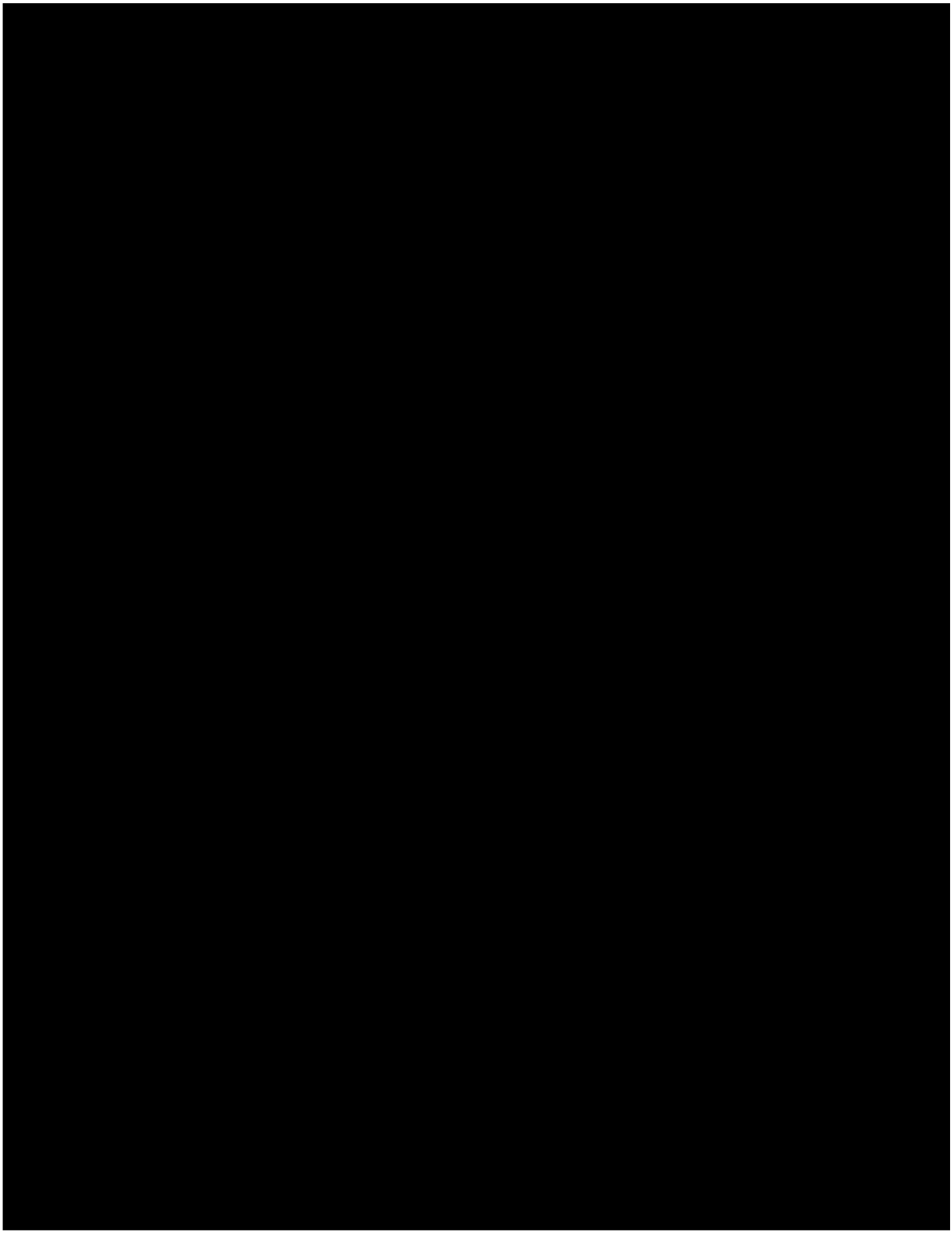
Jim R. Jackson, AR Bar #93209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

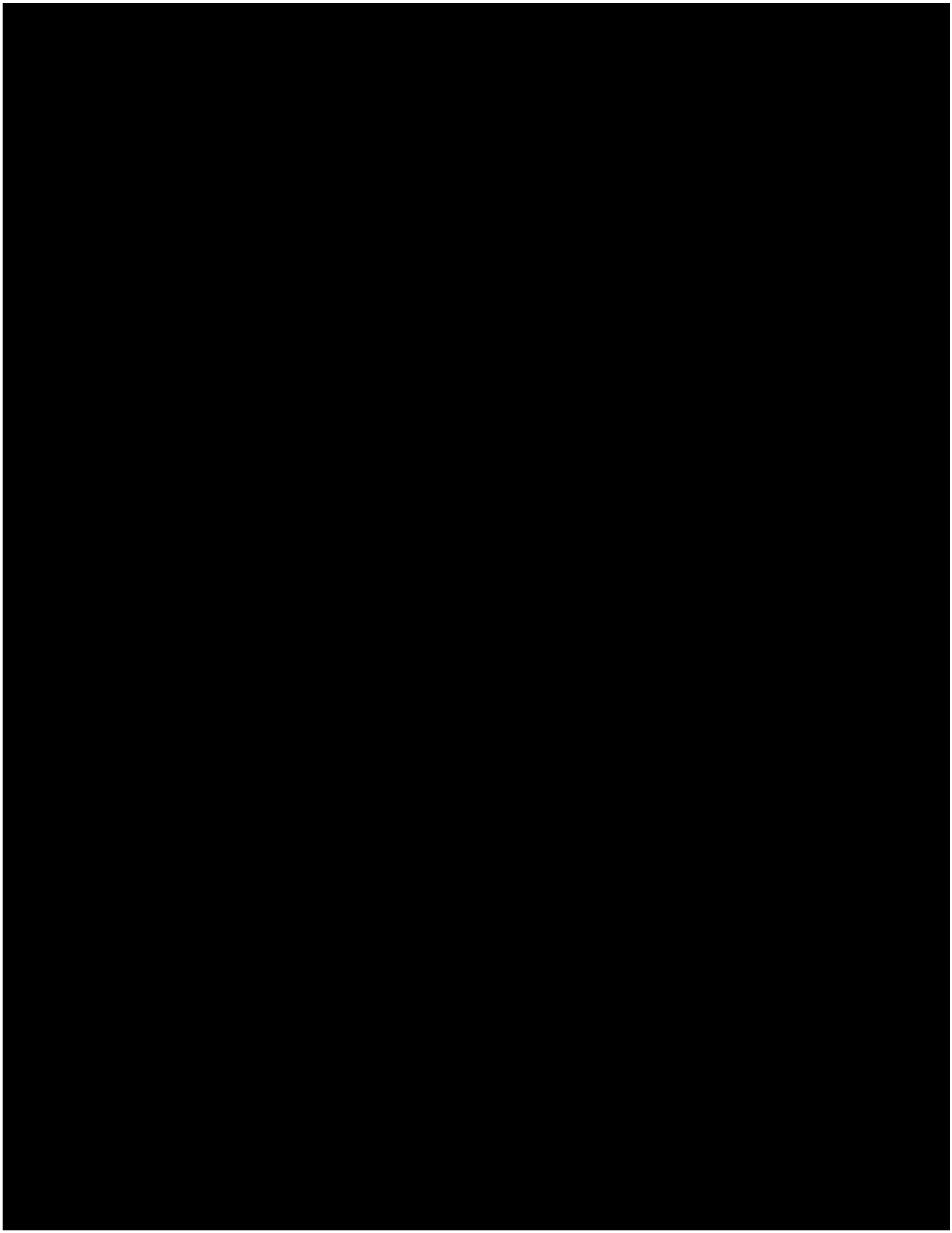
CERTIFICATE OF SERVICE

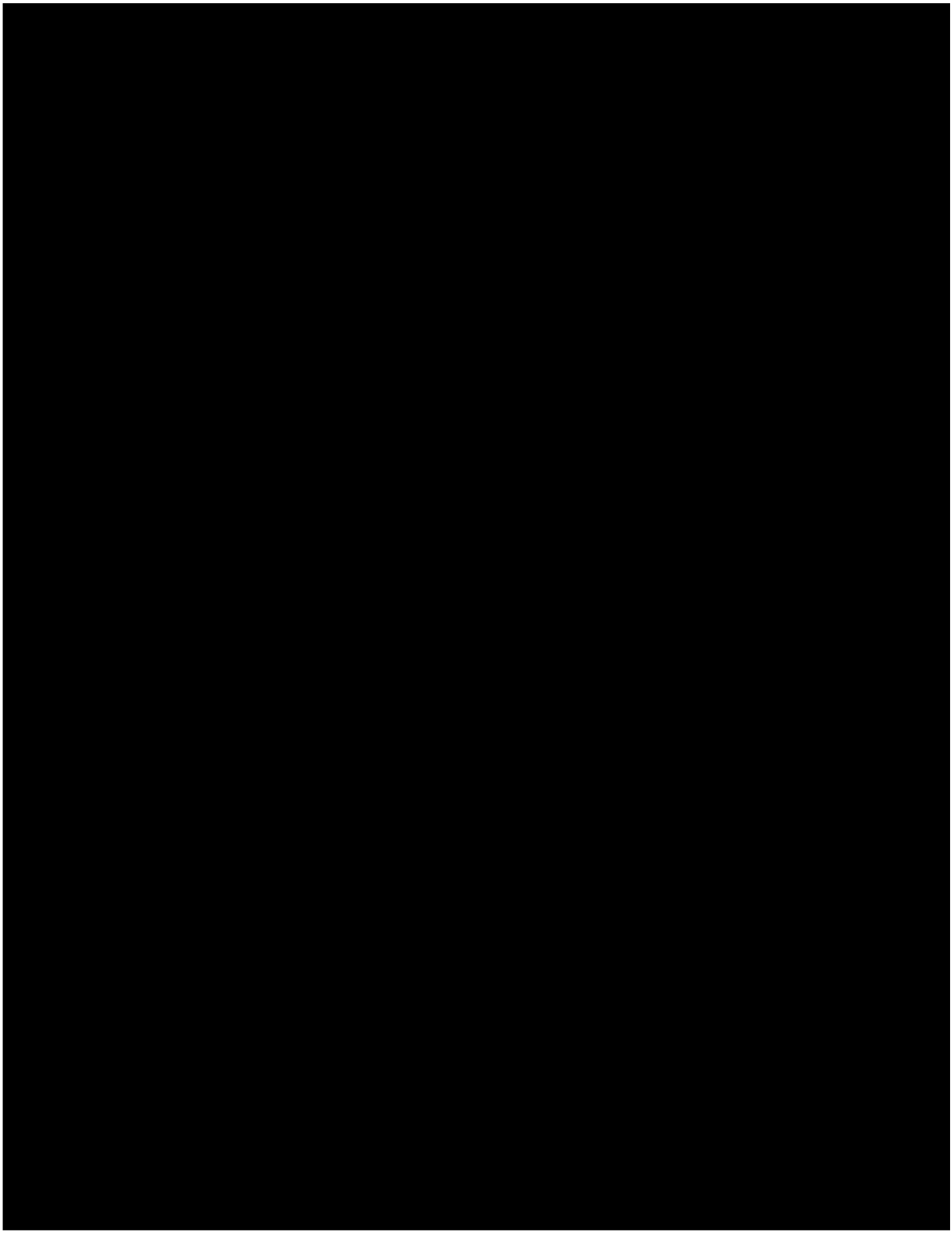
I, Jim R. Jackson, hereby certify that I have electronically served the respondent's attorney, Brent P. Gasper, via email, with Kadey Jones' Response to Interrogatories and Requests for Production of Documents on June 12, 2023.

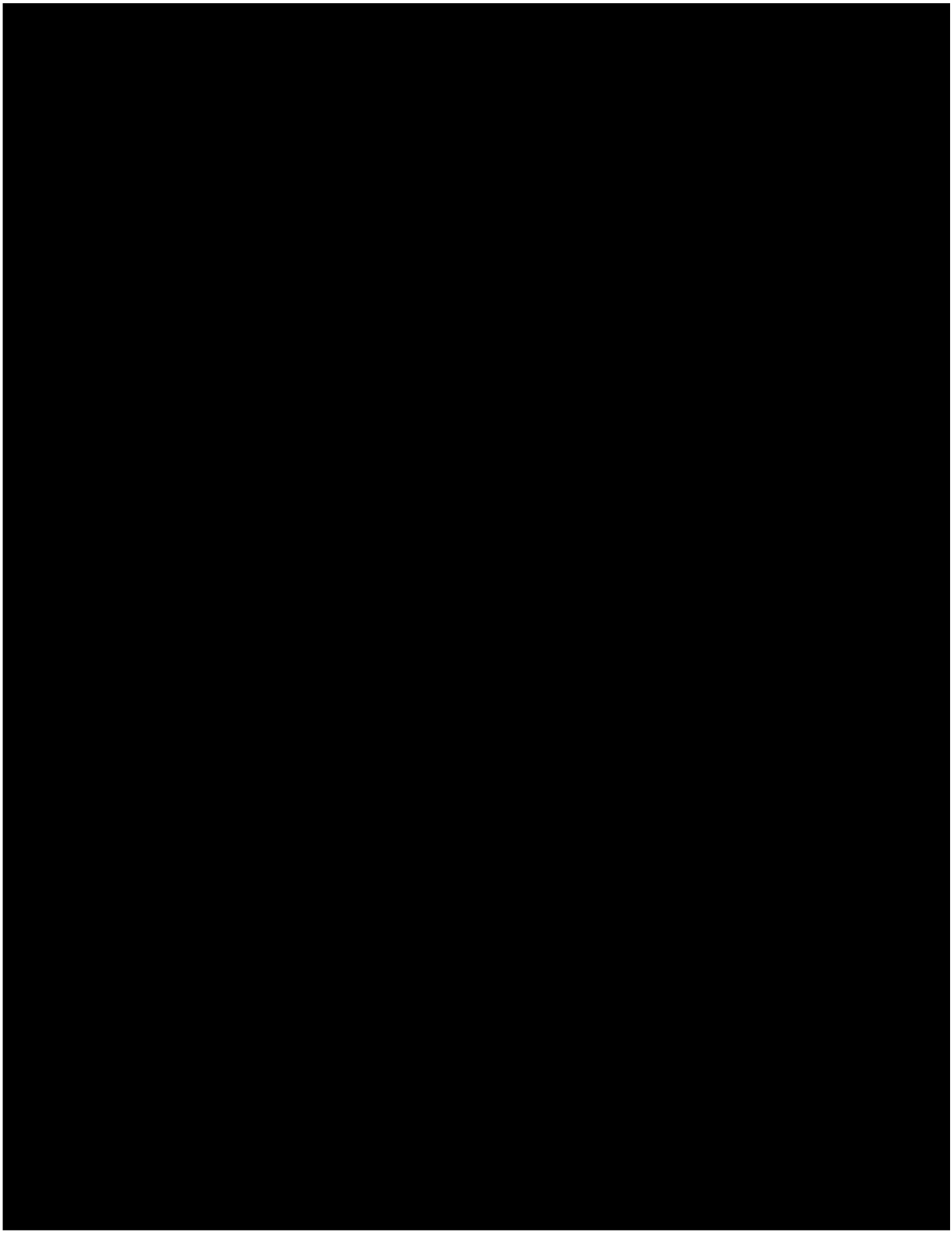
/s/ Jim R. Jackson
Jim R. Jackson

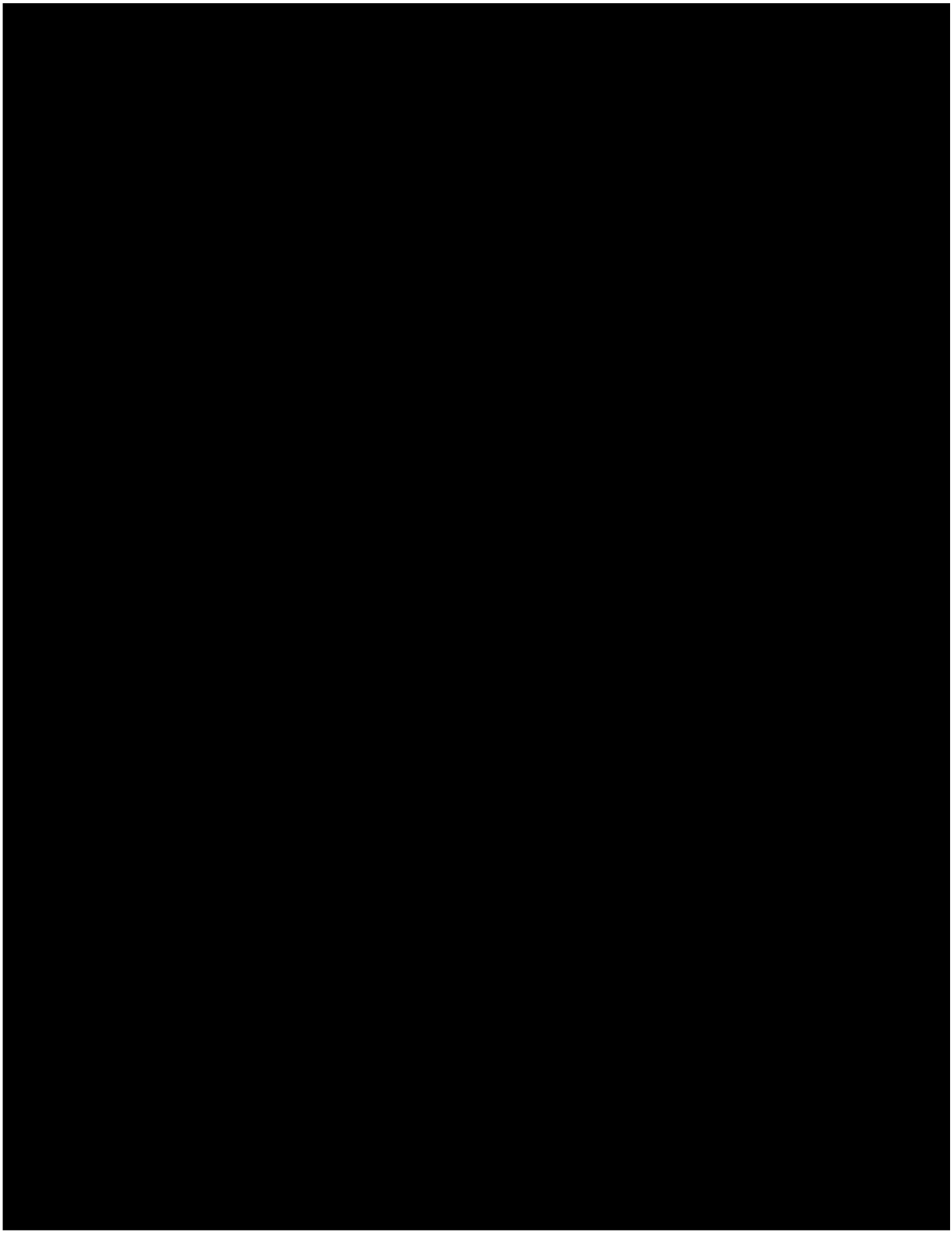


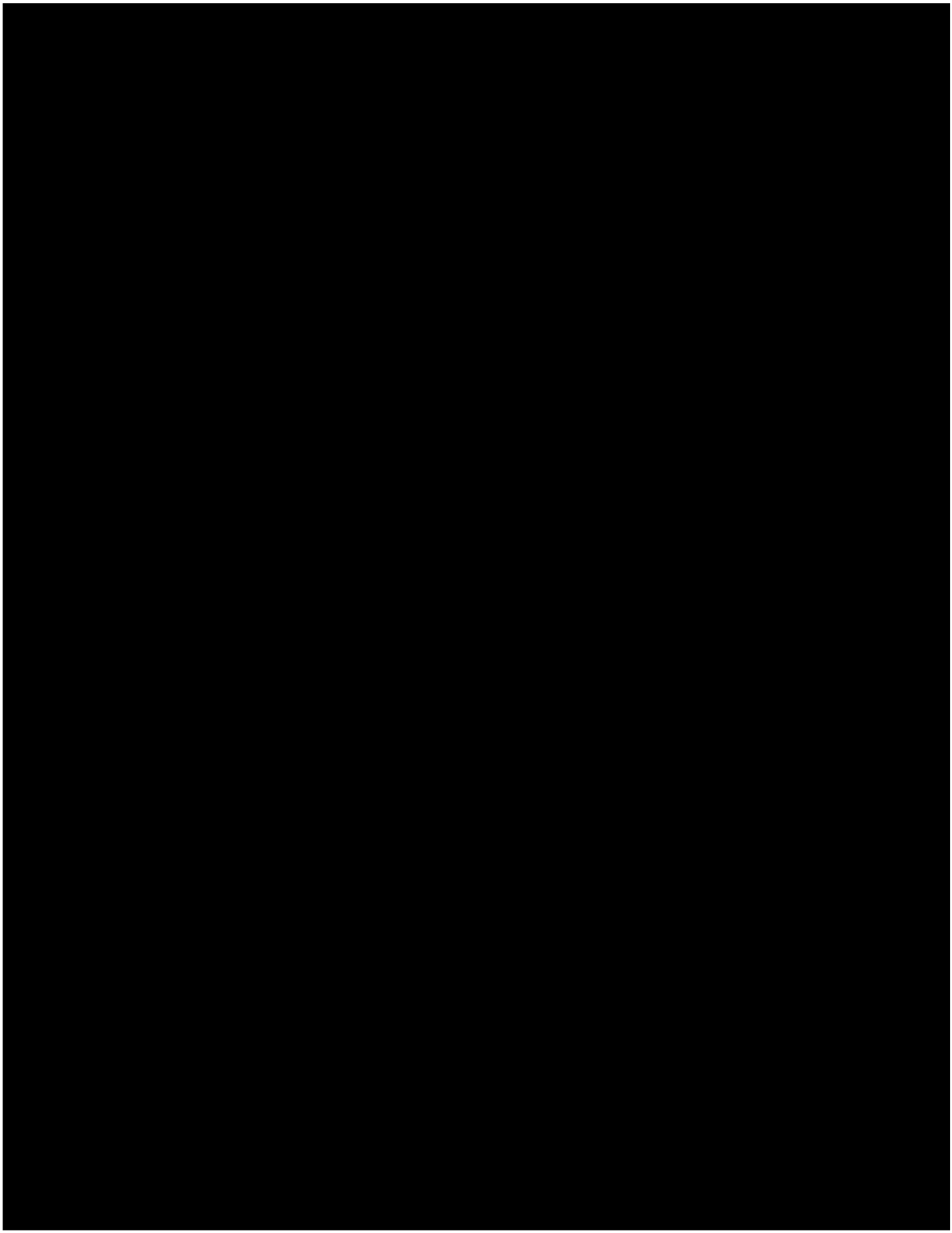


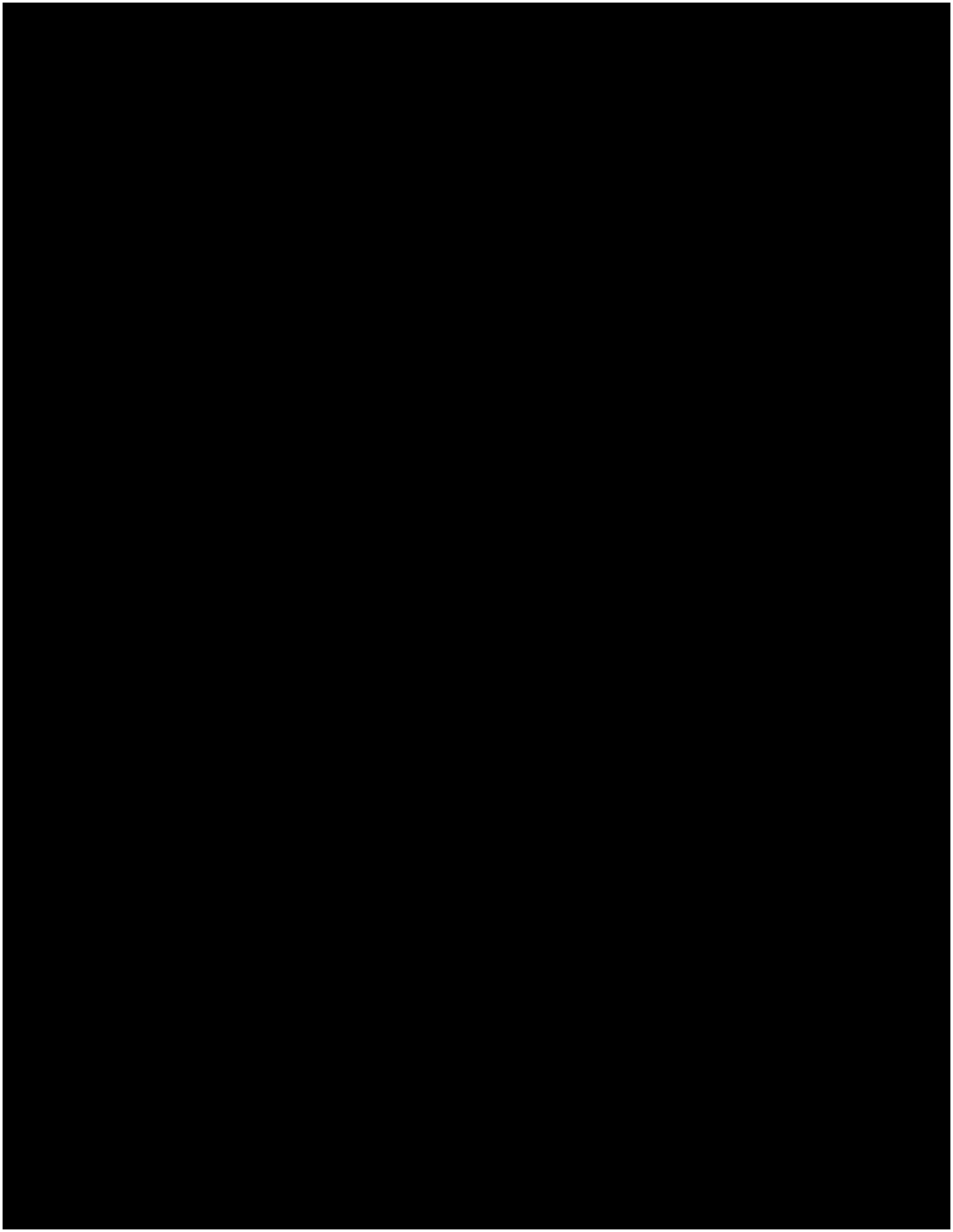












From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Jim Jackson
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Wednesday, June 14, 2023 3:36:18 PM
Attachments: Brief in support of Motion for Partial Summary Judgment on Issue of Liability.pdf
Letter to Kathryn Irby with MSJ.pdf
Motion for Partial Summary Judgment on Issue of Liability w 7 Exhibits Attached.pdf

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Please find attached a letter to Kathryn Irby from Attorney Jim Jackson, the claimant's Motion for Partial Summary Judgment on the Issue of Liability, and the claimant's Brief in Support of Motion for Partial Summary Judgment on the Issue of Liability for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

JACKSON
LAW FIRM

June 14, 2023

VIA E-Mail & US Mail

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

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of* [redacted] *Minor Child v. Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641

Dear Ms. Irby,

Please find enclosed an original and copies of the Claimant's Motion for Partial Summary Judgment and Brief in Support.

Please call me at (501) 823-3610 with any questions or suggestions. My e-mail address is *Jim@JimJacksonAtty.com.*

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc:w/enc. Brent Gasper, *Esq.*
(email only)

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528
501.823.3610
Fax: 501.823.3611
Jim@JimJacksonAtty.com
www.JimJacksonAtty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted], A MINOR CHILD — **CLAIMANT**

VS. **CC NO. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

CLAIMANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON ISSUE OF LIABILITY

Comes now the claimant, Haley Hudson. by and through her attorney, and for her Motion for Partial Summary Judgment on the Issue of Liability, states:

1. Pursuant to Rule 56 of the Arkansas Rules of Civil Procedure, the claimant is entitled to judgment on the issue of liability as a matter of law for the reasons set forth herein and in her Brief in Support, which is filed contemporaneously herewith.

2. There is no genuine issue of material fact that Jennifer Wilkerson was solely responsible for causing the collision at issue while operating within the course and scope of her employment with the respondent.

3. The standard for Summary Judgment is well-established in Arkansas. *Collins v. Morgan*, 92 Ark. App. 95, 101 (Ark. Ct. 2005) (*citing Ginsburg v. Ginsburg*, 353 Ark. 816, 820-821, 120 S.W.3d 567, 569-70 (2003)). Summary Judgment should be granted when it is clear there are no genuine issues of material fact to be litigated and the moving party is entitled to Judgment as a matter of law. *Id.* The purpose of Summary Judgment is not to try the issues, but to determine whether there are any issues to be tried. *Id.* Even if there are disputed facts, if reasonable minds will not differ as to the conclusion to be reached, then a

grant of Summary Judgment is proper. *Chalmers v. Toyota Motor Sales,* 326 Ark. 895, 935 S.W.2d 258 (1996).

3. Once the moving party has established a *prima facie* entitlement to Summary Judgment, the opposing party must meet proof with proof and demonstrate the existence of a material issue of fact to defeat same. *Smith v. Roberts Group, Inc.*, 348 Ark. 241, 72 S.W.3d 450 (2002). If a respondent to a Motion for Summary Judgment cannot present proof of an essential element of the claim, the movant is entitled to Summary Judgment as a matter of law. *Short v. Little Rock Dodge, Inc.*, 297 104, 759 S.W.2d 553 (1988). Summary Judgment should be granted when a review of the pleadings, depositions, and other filings reveal there is no genuine issue as to any material fact, and the moving party is entitled to Summary Judgment as a matter of law. *Colonial Underwriters Ins. Co. v. Worthen National Bank*, 53 Ark. App. 106, 919 S.W. 2d 515 (1996).

4. The claimant must prove that Jennifer Wilkerson was negligent and that her negligence was the proximate cause of the collision. AMI 302.

5. The respondent has not, and cannot, prove that any other party was the cause of the collision that is the subject of this litigation.

6. Attached hereto and incorporated herein are the following exhibits:

A. Exhibit 1 – Photographs by Trooper James Ray & Logan County Sheriff's Facebook page;

B. Exhibit 2 – Excerpts from Trooper James Ray's Deposition;

C. Exhibit 3 – Trooper James Ray's Accident Report;

D. Exhibit 4 – Excerpts from Kristin Shelton's Deposition;

E. Exhibit 5 – Jennifer Wilkerson's handwritten statement;

F. Exhibit 6 – Jennifer Wilkerson's email statement;

F. Exhibit 7 – Brandy Ezell's statement.

WHEREFORE, the claimant prays that this Commission enter an Order granting the Motion for Summary Judgment on the Issue of Liability.

Respectfully submitted,

Jim Jackson, AR Bar #93209
Jackson Law Firm
700 W. Broadway Street, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that on this date, June 14, 2023, I electronically transmitted the attached document via e-mail to the Clerk of the Arkansas State Claims Commission and to:

Brent Gasper, Esq.
Assistant Deputy Chief Counsel
Attorney for the Respondent
P.O. Box 1437
Little Rock, AR 72203-1437
Brent.Gasper@dhs.Arkansas.gov

/s/ Jim Jackson
Jim Jackson

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted], A MINOR CHILD — **CLAIMANT**

VS. **CC NO. 230641**

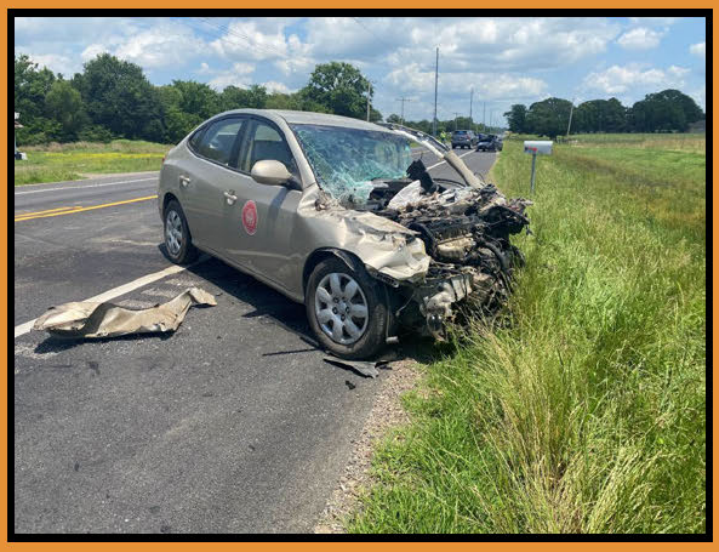
ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

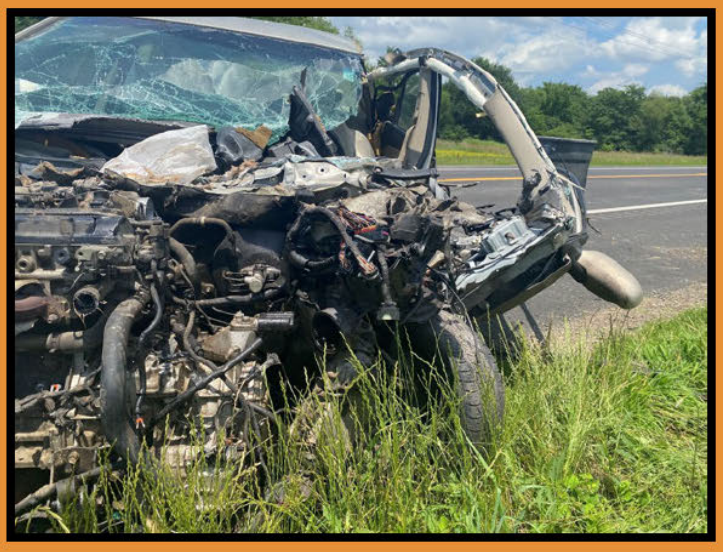
INDEX OF CLAIMANT'S EXHIBITS

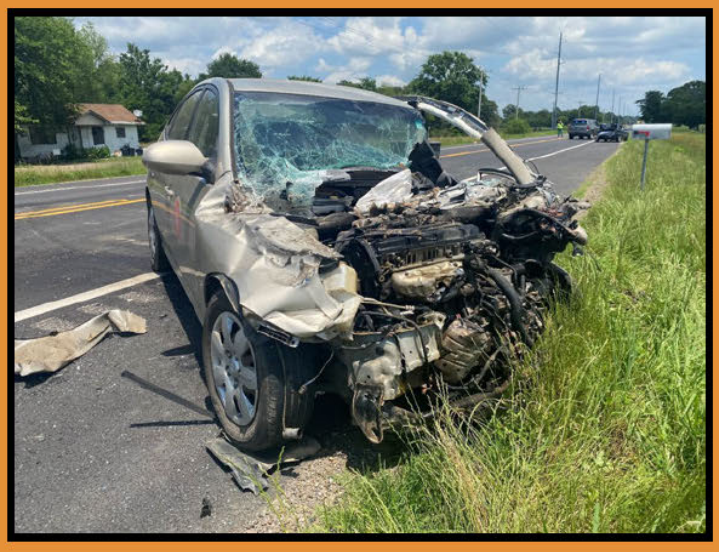
1. Photographs of Accident Site, Vehicles and Trooper's Notes
2. Trooper James Ray's Deposition Excerpts
3. Trooper James Ray's Accident Report with Diagrams & Witness Statements
4. Kristen Shelton's Deposition excerpts
5. Jennifer Wilkerson's Hand Written Answers to DHS Questions
6. Jennifer Wilkerson's Email Statement to DHS
7. Brandy Ezell's Statement of Events on June 11, 2021

Logan County Sheriff's Facebook page

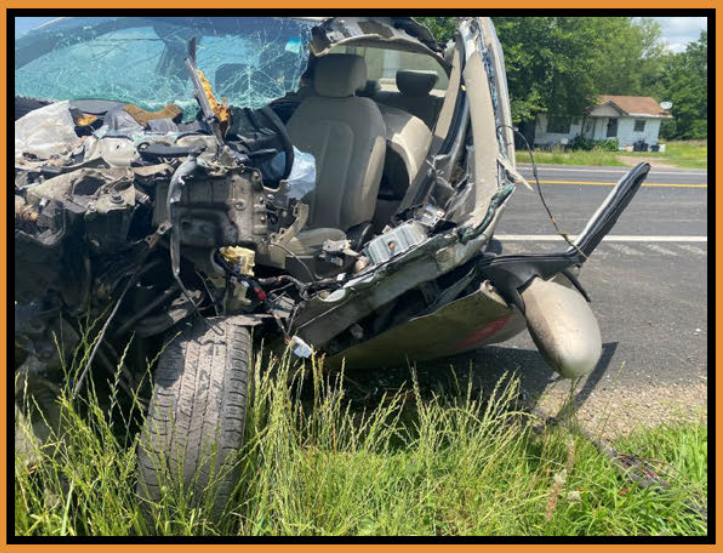
DHS Vehicle

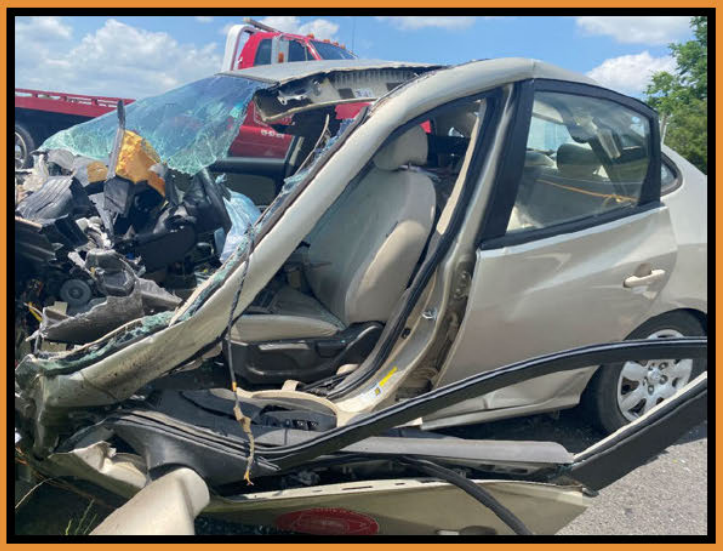






Claimant's Exhibits MSJ 003

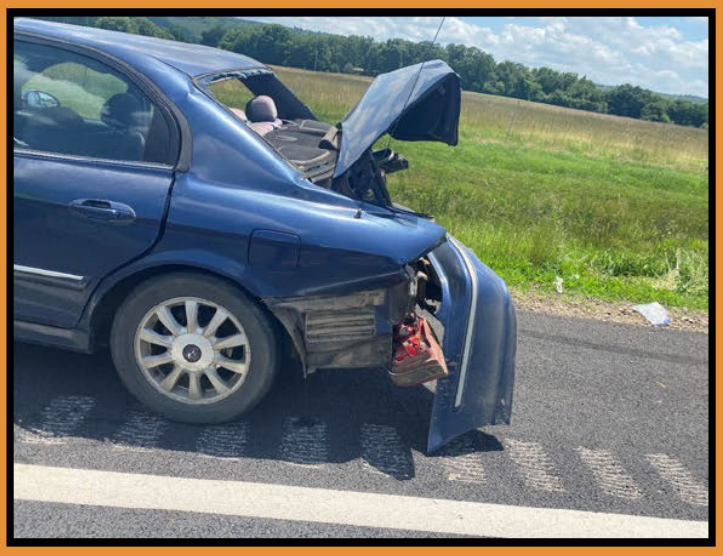




Claimant's Exhibits MSJ 004

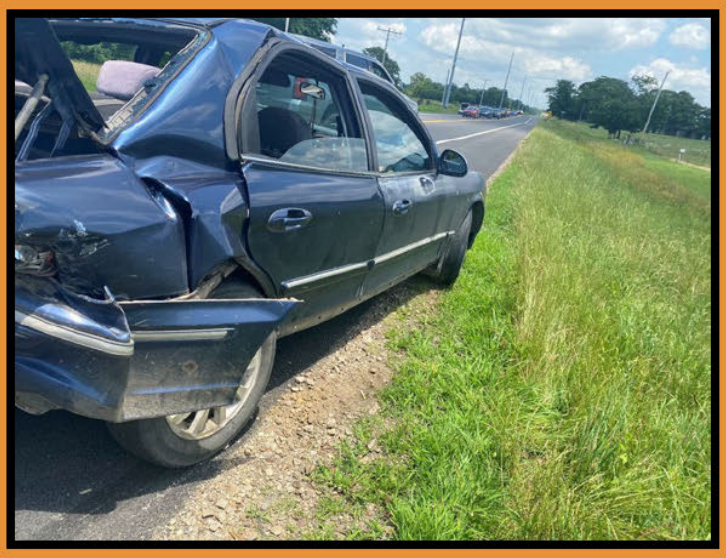
Ashcraft Vehicle

Claimant's Exhibits MSJ 005



Claimant's Exhibits MSJ 006

Bobby Wilson's Peterbilt



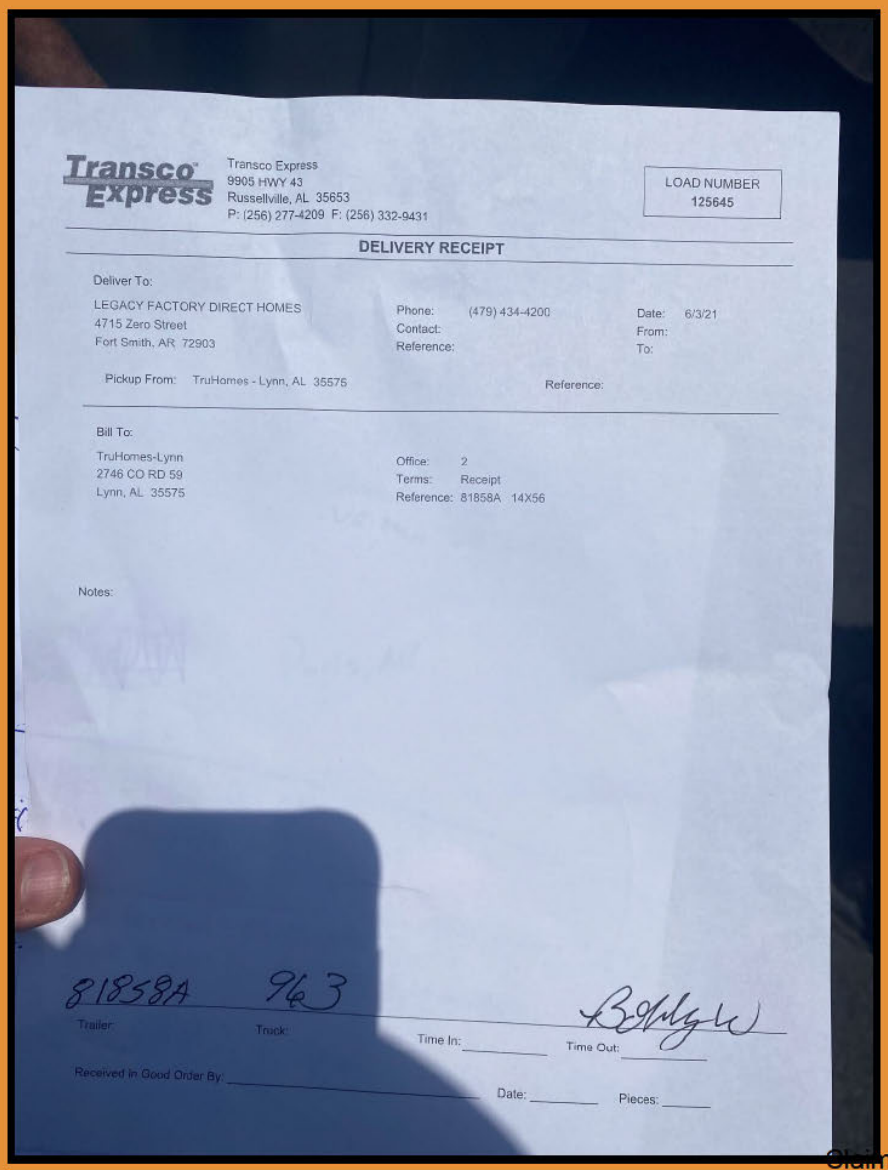
Claimant's Exhibits MSJ 007

Claimant's Exhibits MSJ 008

Claimant's Exhibits MSJ 009

[redacted]

Manifest



Transco Express
9905 HWY 43
Russellville, AL 35653
P: (256) 277-4209 F: (256) 332-9431

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DELIVERY RECEIPT

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LEGACY FACTORY DIRECT HOMES
4715 Zero Street
Fort Smith, AR 72903

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Reference:

Date: 6/3/21
From:
To:

Pickup From: TruHomes - Lynn, AL 35575

Reference:

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TruHomes-Lynn
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Lynn, AL 35575

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81858A 963

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Received in Good Order By: Date: Pieces:

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN — CLAIMANT

VS. CC NO. 230641

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES — RESPONDENT

VIDEOTAPED DEPOSITION

OF

JAMES RAY

Taken February 21st, 2023, at 1:03 P.M.

==========

A Yes.
Q And I'm going to attach as Exhibit 7-13 those photos.
MR. GASPER: No objection.
(WHEREUPON, the documents were marked for identification as Exhibit No. 7-13 and are attached hereto.)
BY MR. JACKSON:
Q And what was the significance of those photos to you when you're performing your investigation and determining what happened?
A When you see, obviously, it's going to be a front-to-rear collision whenever you see a rear impact like that.
Q And it's stating the obvious, but Ms. Ashcraft's vehicle was the one being rear ended in this --
A Yes.
Q -- collision?
A Yes.
Q Okay. And I'm going to show you a series of photos from the -- of the Respondent's vehicle and this is one of the ones I pulled off of the thumb drive that you just brought to us. It's going to be a little bit clearer.
A Yes, sir.

BY MR. JACKSON:
Q And what is the significance of -- sorry --
A Yes, okay. Yeah, that is -- my apologies, yes. V2 Hyundai Elantra.
Q In looking at the Hyundai Elantra's photos, what is the significance? What -- what information does that reveal to you as somebody who has investigated a number of accidents, and has been trained in accident reconstruction by Arkansas State Police?
A That is a significant front-to-rear collision.
Q And are you -- were you able to determine what the speed of that vehicle was at the point of impact?
A I am not. We are -- we are considered advanced accident investigators. However, we have our own accident investigation team, or accident reconstruction team, that would be responsible for calculating drag factor speeds and things of that nature.
Q But you would agree with the assertion that it was a significant impact?
A Significant impact, yes.
Q And then I want to show you two photos of the tractor-trailer rigs. The tractor part of the tractor-trailer rig that was involved in the accident. Do those photos show -- tell us what those photos

Q I'm going to hand it to you.
A Thank you.
Q Does that appear to be the same statement that he gave you?
A Yes.
Q And is that your name on the bottom right-hand side of the report?
A It is.
Q And if you could, read the narrative of what Mr. Wilson told you -- wrote in that narrative?
A "I was traveling west on Highway 22 when I passed a car stopped in eastbound lane. Another car going east hit the stopped car and then came across the road and hit my truck and house trailer."
Q And was Mr. Wilson's statement consistent with what you found at the accident scene?
A Yes.
Q And was your investigation of the accident scene, would it be consistent with -- if the allegations on, a hypothetical, if Ms. Ashcraft was attempting to make a left-hand turn into the private drive, and waiting on that tractor-trailer rig to pass when this accident occurred when she was rear ended. Would that be consistent with your findings?
A It would explain why she was stopped, yes.

which it is pulled off to the western shoulder of the roadway.

Q And then going to diagram three, which we'll mark it as Exhibit 19 to your deposition.

(WHEREUPON, the document was marked for identification as Exhibit No. 19 and is attached hereto.)

BY MR. JACKSON:

Q It's got a lot of measurements. Would you explain the measurements of the roadway starting from the top to the bottom with the 7 1/2 foot shoulder.

A Okay. So that's just -- that's just dictating your shoulder and lane lets. So your western-most shoulder is 7 1/2 feet. The west lane of State Highway 22 is, I believe, that's 12.8 feet. Eastern lane is 11.5 feet, and your eastern shoulder is 7.10 feet of State Highway 22.

Q And when you -- the shoulder in this area, is it paved?

A Yes.

Q Okay. And based upon what you observed, did you see anything that would have prevented Ms. Wilkerson from seeing the vehicle in front of her at a stop?

A It is a very, very straight roadway.

Q Okay. And then the total distance traveled. We

A According to my accident, it would be page five. I show restraints systems used under driving -- driver's seating and safety information to be none used, motor vehicle occupant.
Q And is that something you independently recollect or is that something that --
A This is --
Q -- you were relying upon from -- from the report?
A -- relying upon from the report.
Q Is there a chance, I mean, I know there's a chance for anything, but how -- I don't want to ask you how reliable is your -- your part of that. We have -- we have two conflicting reports here. How -- do you have any information that could help us shed some insight as to which one is correct?
A I do not recall.
Q Okay. By the time you got to the accident scene there were no occupants in vehicle one, the blue --
A Correct.
Q -- Hyundai? And did anybody tell you there were three children in the back of vehicle one?
A I do not recall.
Q Okay. Was there any indication from your investigation of the report that Jacqueline Ashcraft's was not -- vehicle was anywhere but in her lane of

travel at the time of this wreck?
A Ask me that one more time. You're advising that -- was there any indicators that she was not in her correct lane of travel; correct?
Q That's correct.
A No, there was not.
Q Okay. Was there anything that you saw that indicated that Mr. Wilson did anything to contribute to this wreck?
A No, there was not.
Q Okay. That is all of the questions I have. I'll pass the witness.

MR. GASPER: Okay, thank you.

BY MR. GASPER:
Q It's officer; correct?
A Correct.
Q Officer not trooper; correct? Okay.
A Yes, sir.
Q All right. You said you did some accident reconstruction work back at the academy?
A Very -- very briefly accident reconstruction. As far as advanced accident investigation, yes.
Q But you did not do the -- I'm sorry, you couldn't testify as to, I guess, the scientific basis for what occurred at the collision. Is that what you said?

was stopped, and that V2 hit V1 from the rear. I'm trying to get -- trying to figure out whether or not he had time to ascertain whether V1 was actually stoped at the time. Considering that the -- the impact occurred immediately,, and then involved his vehicle.

A I can't.

Q Did he actually see -- I guess --

A I can't speak on his behalf.

Q Okay. Okay. On the diagram it shows that there is a shoulder on the right-hand side. It says, what about 7 1/2 feet? Or 7 feet wide, 7.10 foot shoulder; is that correct?

A The eastbound shoulder?

Q Yes.

A Yes. 7.10.

Q Yes. This is a -- a hypothetical here. If V1 had been on the shoulder, on the right-hand shoulder, and pulled into the lane, at which point V2 hit, you know, would you see anything in your report that would make that inconsistent? That statement inconsistent or that possibility in consistent?

A Yes. The point of impact.

Q Okay. Is it possible that V1 could have pulled into the lane, been fully situated where the point of

impact occurred, but had just moved off the shoulder into the lane and stopped?
A I do not recall.
Q Was it possible -- is there any inconsistent with your report --
A The point -- the point of impact is, and the fact that the V3 witness advised he saw the vehicle stopped in the roadway indicates to me that the vehicle was stopped in the roadway.
Q Okay. But the speed limit was 55 miles an hour; correct?
A Correct.
Q So assuming that Mr. Wilson was traveling 55 miles an hour this direction toward the impact, the collision occurred to the extent -- at the point to where it actually affected his vehicle.
A Correct.
Q Okay. Is it possible that the car was not in fact stopped, but perhaps was slightly moving? Is there anything that -- is there anything in your -- in your report that would -- that would discount that -- that scenario?
A If it were moving it was very slow.
Q Okay. But it's possible? It may be likely, you may not believe it, but it's possible?

A Approximately, yes.
Q 50 feet, okay. So the car was allegedly stopped at the time, and was going to turn left into a private drive, but it was still 50 feet away from the private drive?
A According to measurements, yes.
Q Okay. Generally, when a person drives and stops and turns into a private drive, there -- is the -- is the drive not just, kind of, immediately to your left?
A Typically, yes.
Q Yes. Is there any reason that you can think of that a person would have stopped 50 feet prior to turn left into what was not a private drive?
A An approaching oversized load.
Q Pardon me?
A An approaching oversized load.
Q I don't understand.
A The V3 is an oversized load.
Q Right.
A It would explain, you know, a potential that she was slowing for that, prior to she got to the turn, she was stopped waiting on it to pass, couldn't see the driveway, there's a number of things that could have caused her to stop that soon.
Q Okay. But the data shows that she did, in fact,

either stop, or was very slowly moving 50 feet prior to the private drive?
A According to my report, yes. That would be correct.
Q And she might -- there might have been a good reason for that, but that what the -- that's what the report shows --
A Correct.
Q -- correct?
A Correct.
Q Okay. There was another structure on that road.
MR. GASPER: Jim, do you have that overhead picture?
BY MR. GASPER:
Q There was -- there was the house and then prior to that, there was another structure. Yeah, okay, that white -- big white building there. What -- do we --
A This one --
Q -- that one.
A That one.
Q Do we know what that is?
A I do not.
Q Okay. So while you've got that up there, okay. So that's a picture of the house with the private

Q Okay. Did Jennifer Wilkerson -- you did not talk to her directly; correct?
A I do not recall if I did or not.
Q Did you see her at all?
A I do not recall if I did or not.
Q Okay. Are you familiar with false positives in regards to controlled substance testing?
A These are from the Arkansas State Crime Lab so they are assumed to be correct.
Q Okay. Maybe false positives is the wrong word? Are you familiar with substances that can cause a positive test for amphetamines that are -- are not in fact amphetamines?
A I'm not aware of them, no.
Q Okay. I think that's all I've got.
BY MR. JACKSON:
Q I've got a couple of follow-up questions.
On this, and I apologize for belaboring this point, but as far as Ms. Wilkerson traveling east on Highway 22, there is nothing to prevent her from seeing an oversized tractor-trailer rig coming -- traveling west or Ms. Ashcraft's vehicle stopping to make a left-hand turn --
A Correct.
Q -- is that correct?

And on page -- I want to ask you to turn to page six of your report. And that's on -- regarding motor vehicle number one, which was driven by Ms. Ashcraft. At the bottom, you -- there's a section that says driver actions at the time of the crash. What box did you check?

A You're referring to the very bottom of the page? Driver -- driver's action at the time of the crash?

Q Yes.

A No contributing action.

Q And I want to turn -- ask you to turn to page 11. I'm sorry, page 10. And that's the report on the driver of vehicle two, which is the Respondent's vehicle. On the driver actions at the time of the crash, what box did you check?

A Page 11?

Q Page 10.

A 10 --

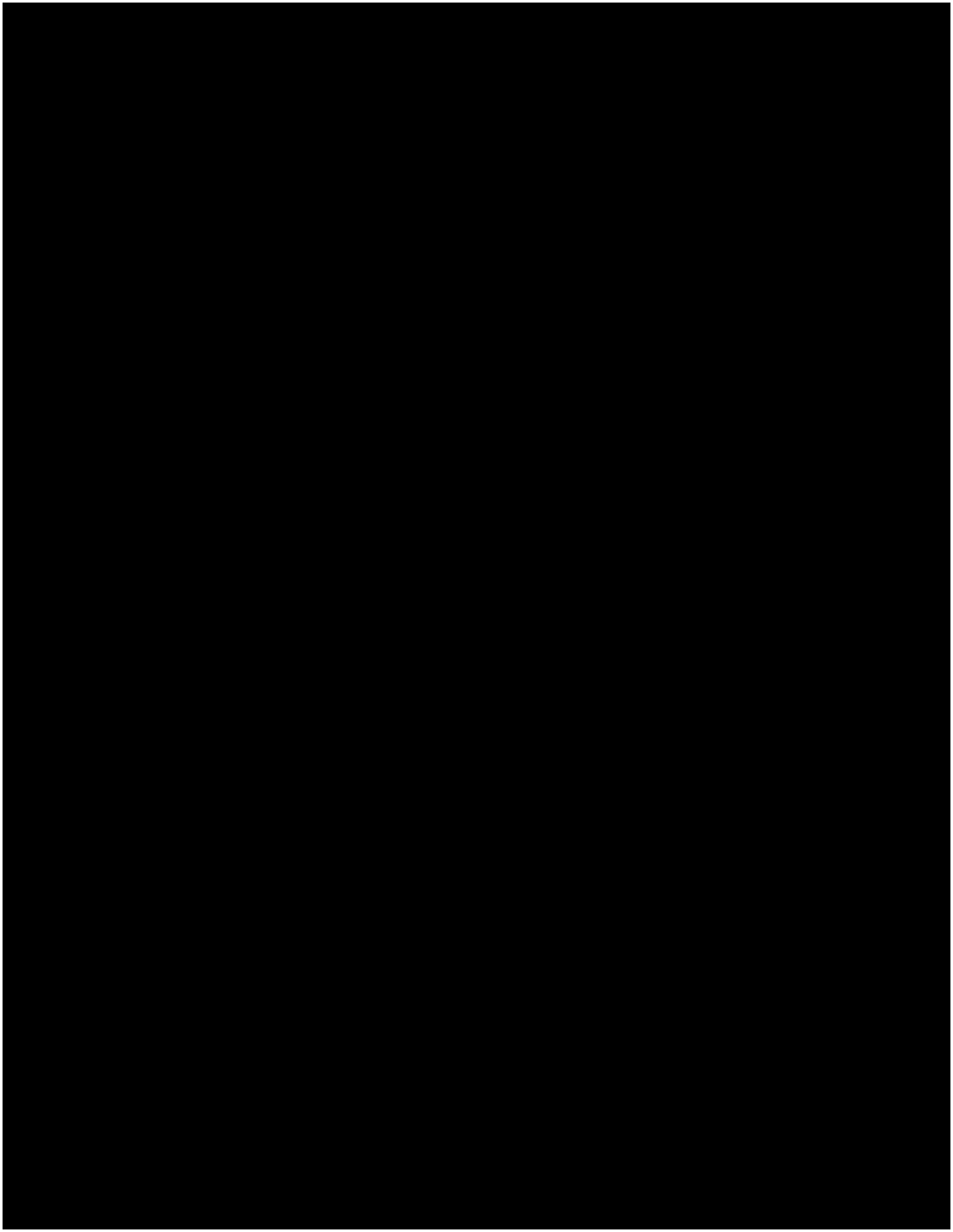
Q 10 of 18.

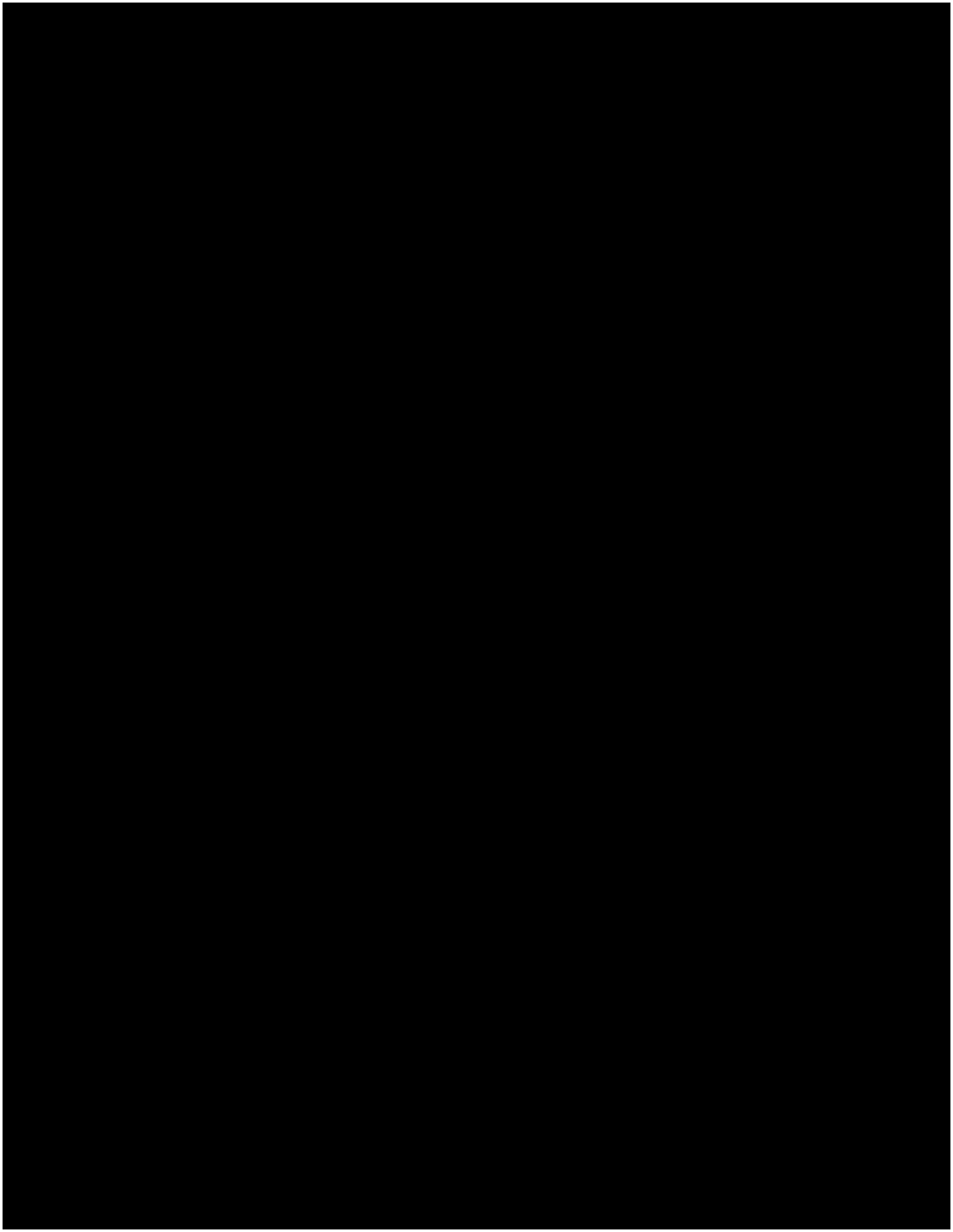
A Inattentive, careless, negligent, or erratic operation.

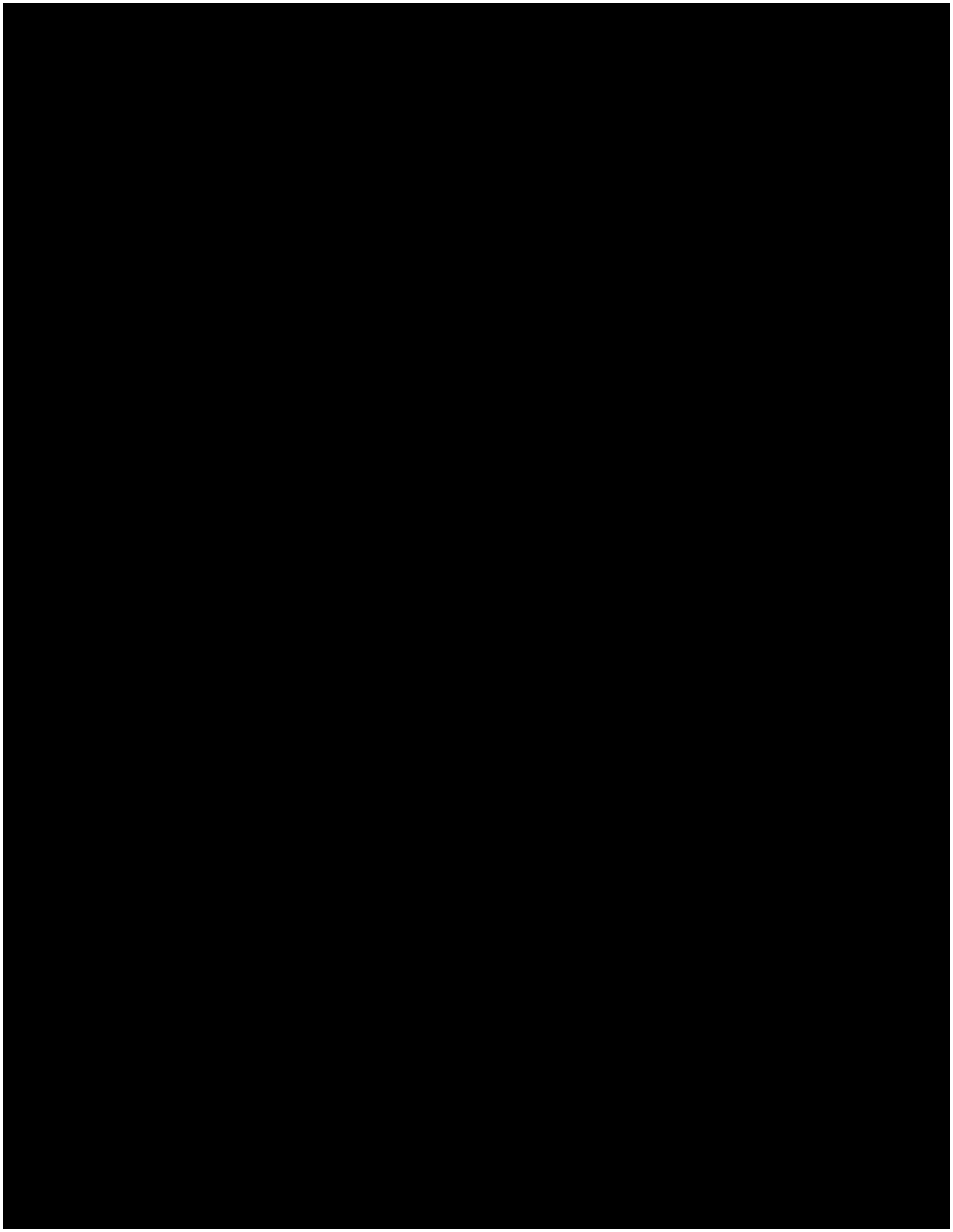
Q But if you could, I know, I may have cut you off with my speaking. Can you say that -- answer that question again?

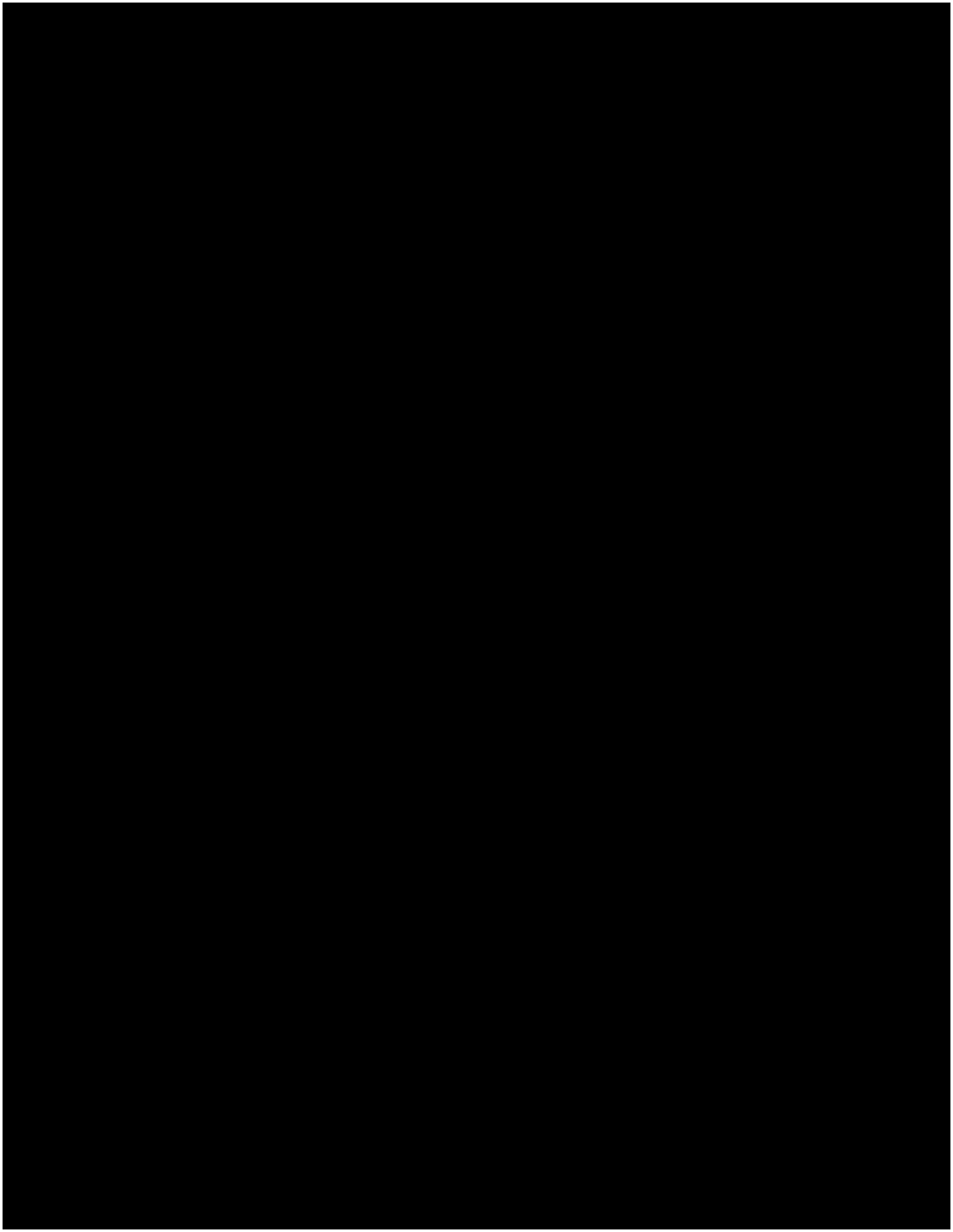
A Inattentive, careless, negligent, or erratic

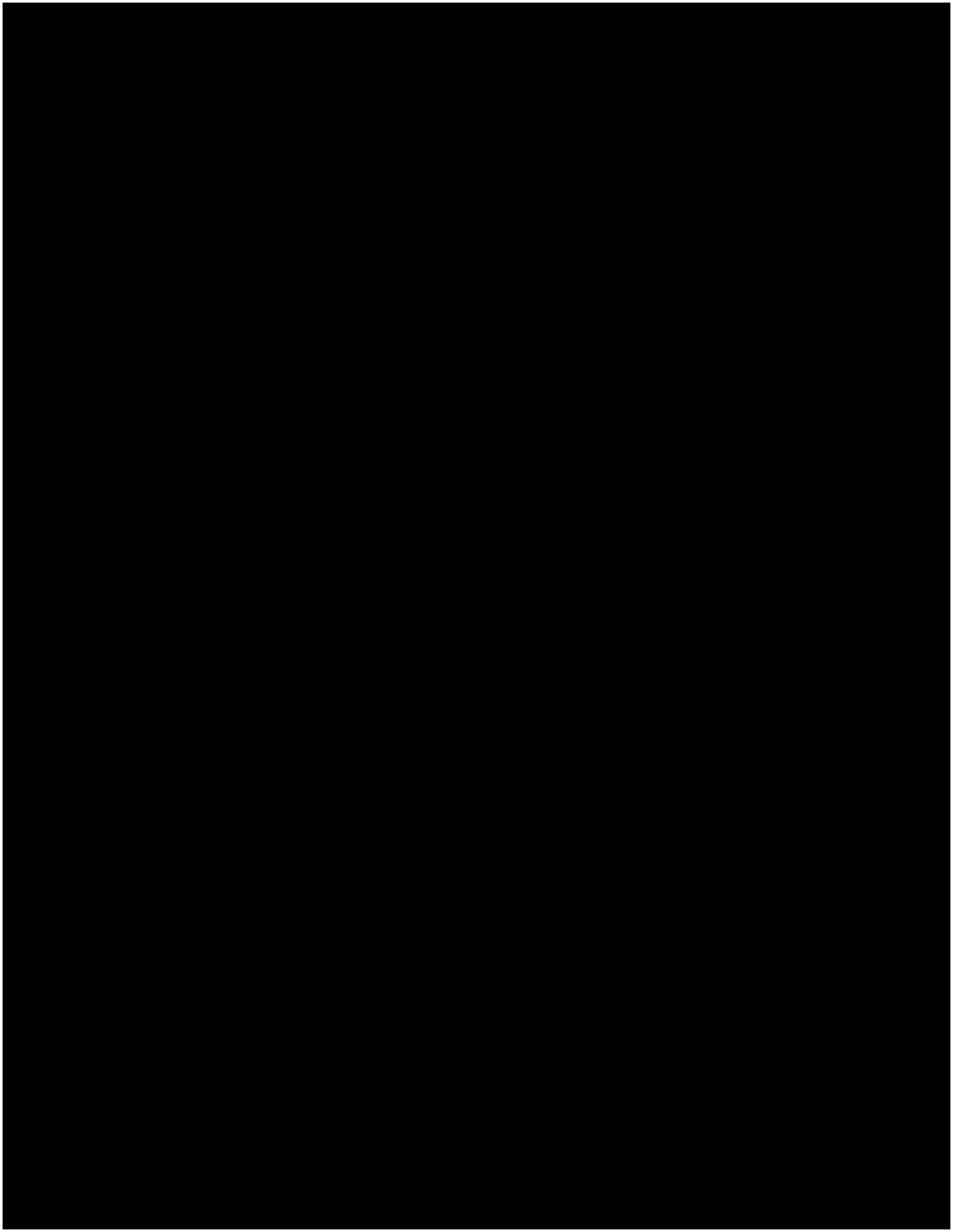
operation.
Q And for vehicle three, the same question is going to be on page 14. And what did you -- what was your finding on the vehicle -- on that driver's contributory actions?
A No contributing action.
Q And one bit of housekeeping matters.
MR. JACKSON: What's our last Exhibit number? 20? I'm going to mark as Exhibits 21-27, and represent to you that those are the photos that I've shown you previously in the slide as the Respondent's vehicle.
(WHEREUPON, the documents were marked for identification as Exhibit No. 21-27 and are attached hereto.)
BY MR. JACKSON:
Q And if you could look through that stack and verify that those are correct, I'll ask to attach them to your deposition.
A Correct.
Q And today you've brought a thumb drive with you to the -- to the deposition and tell us what is on that thumb drive.
A My photographs from the accident.
MR. JACKSON: And let's go off the

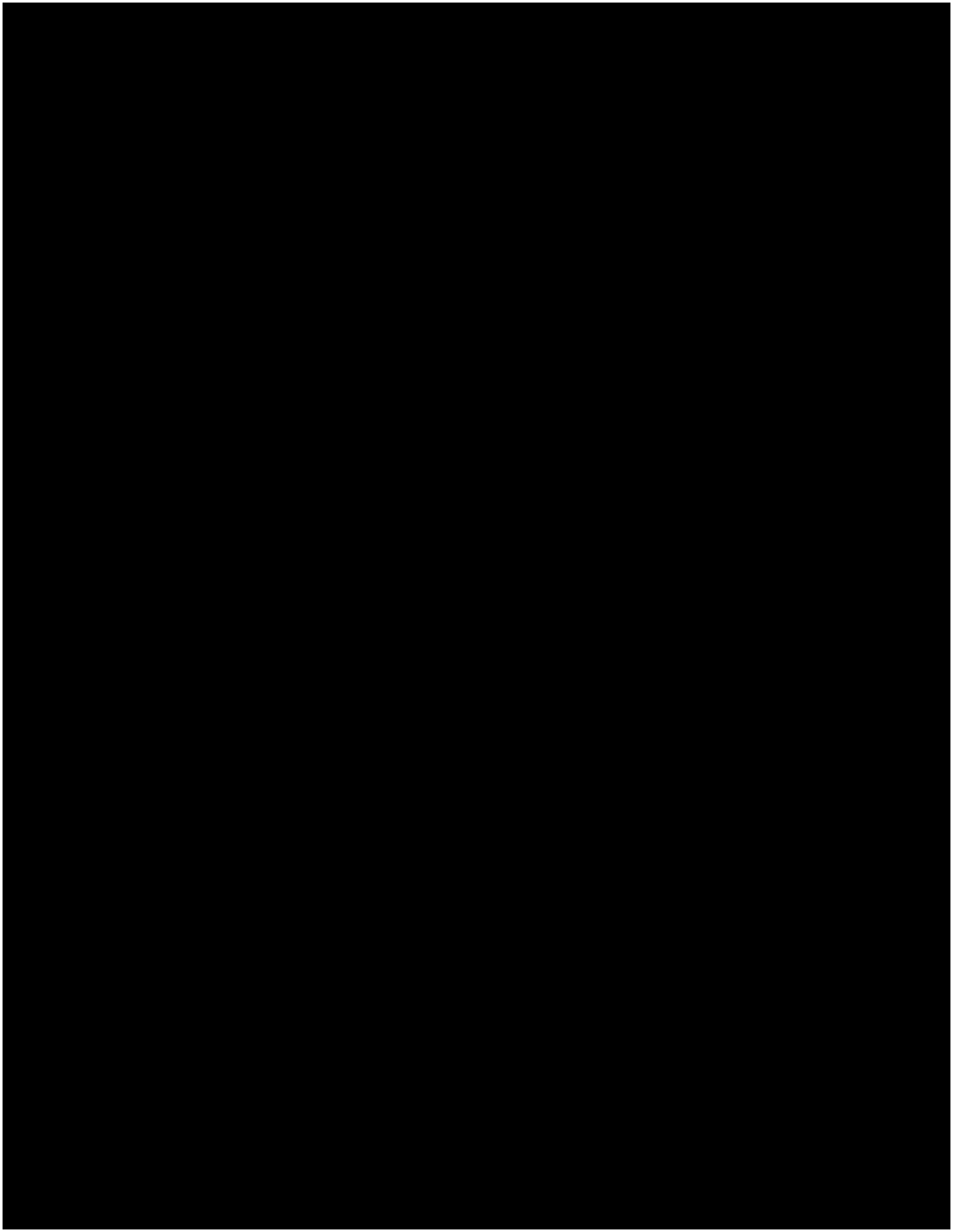


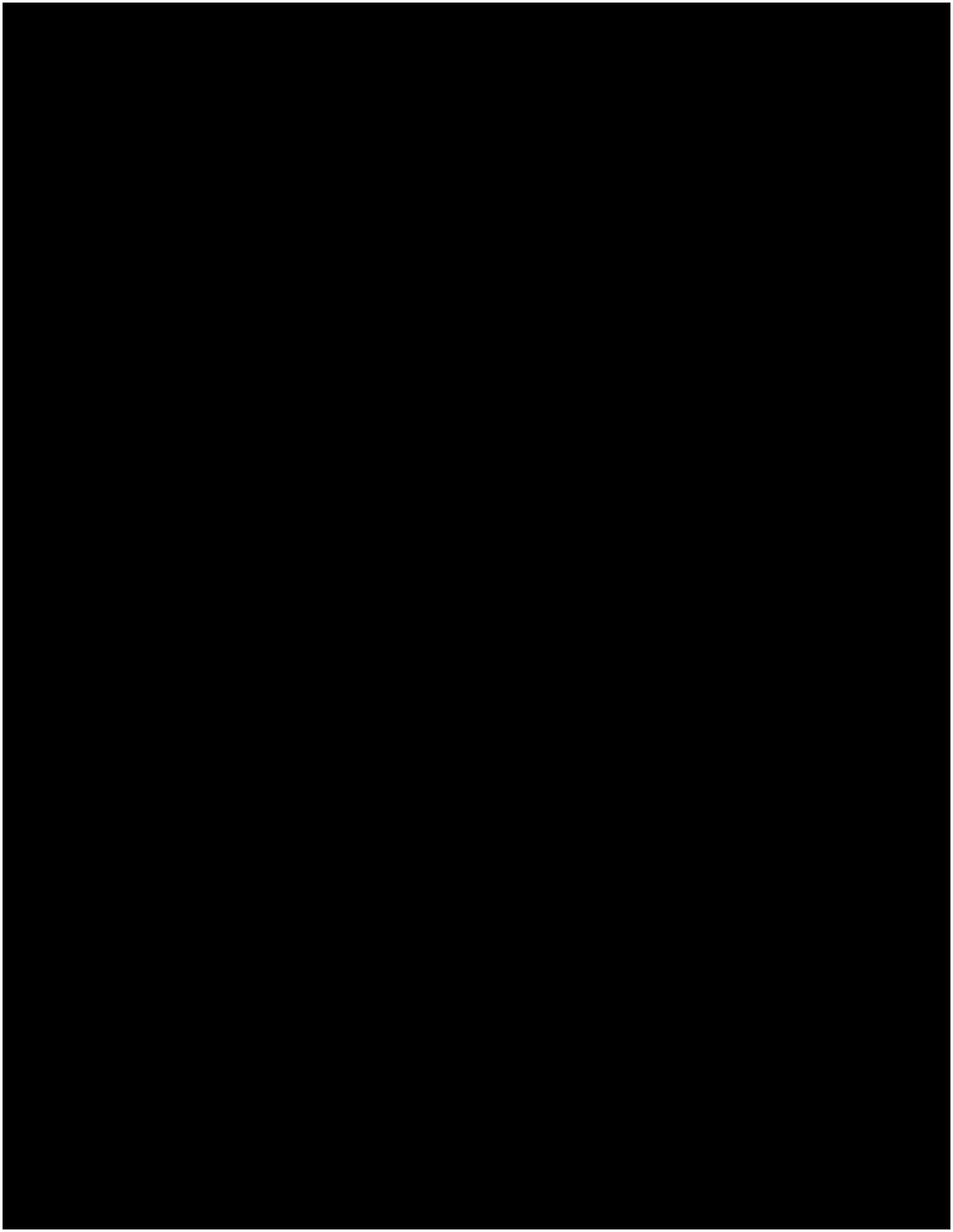


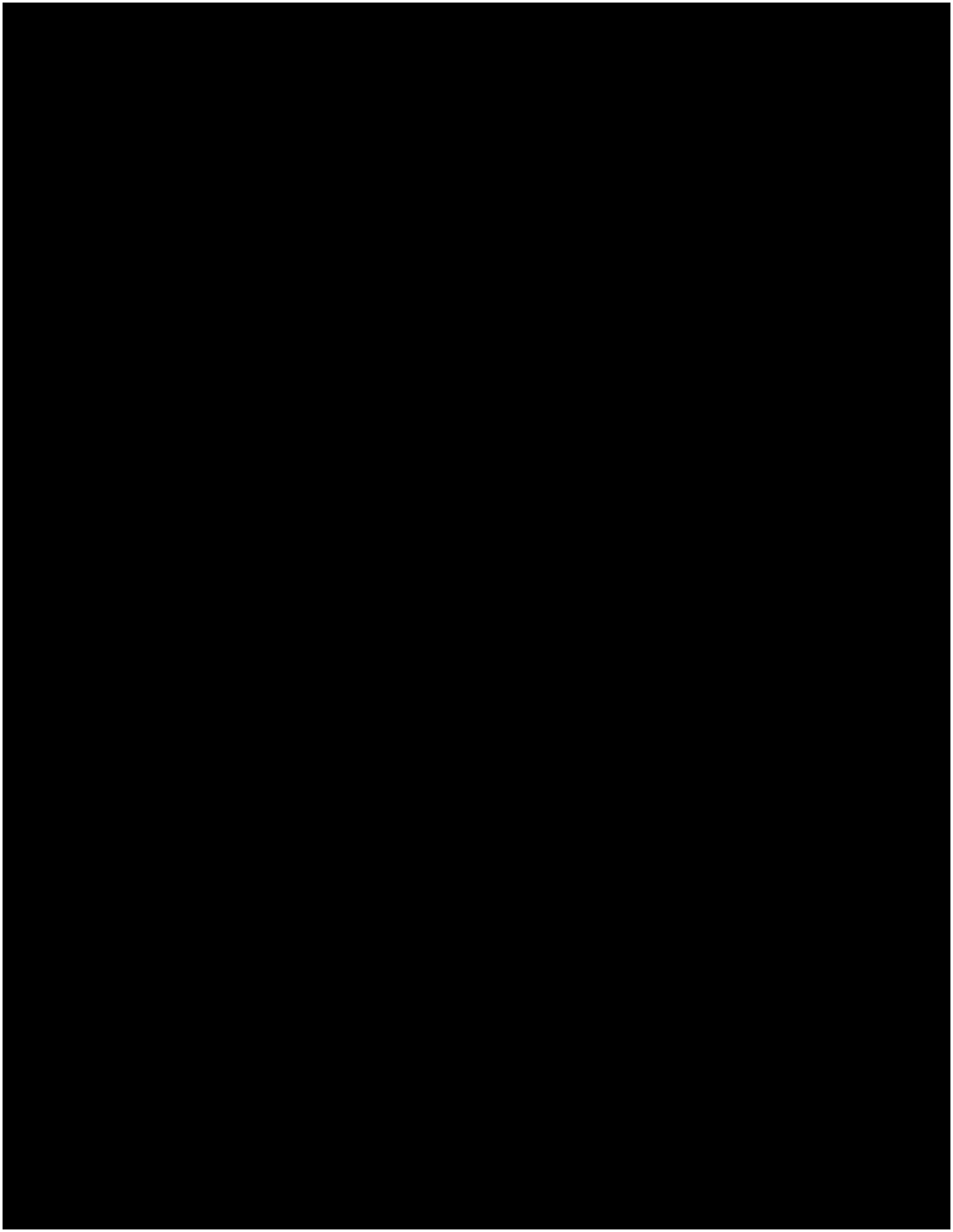


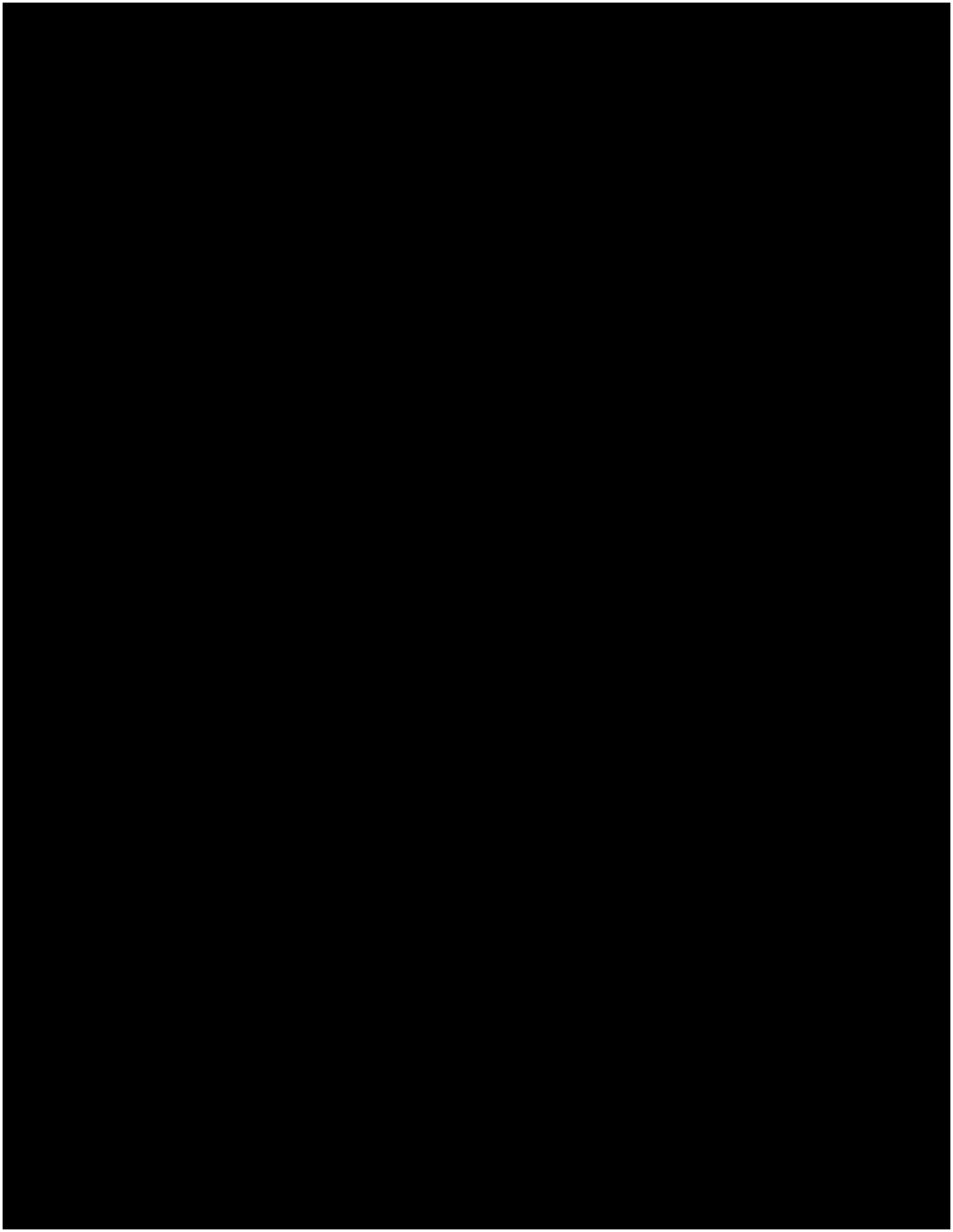


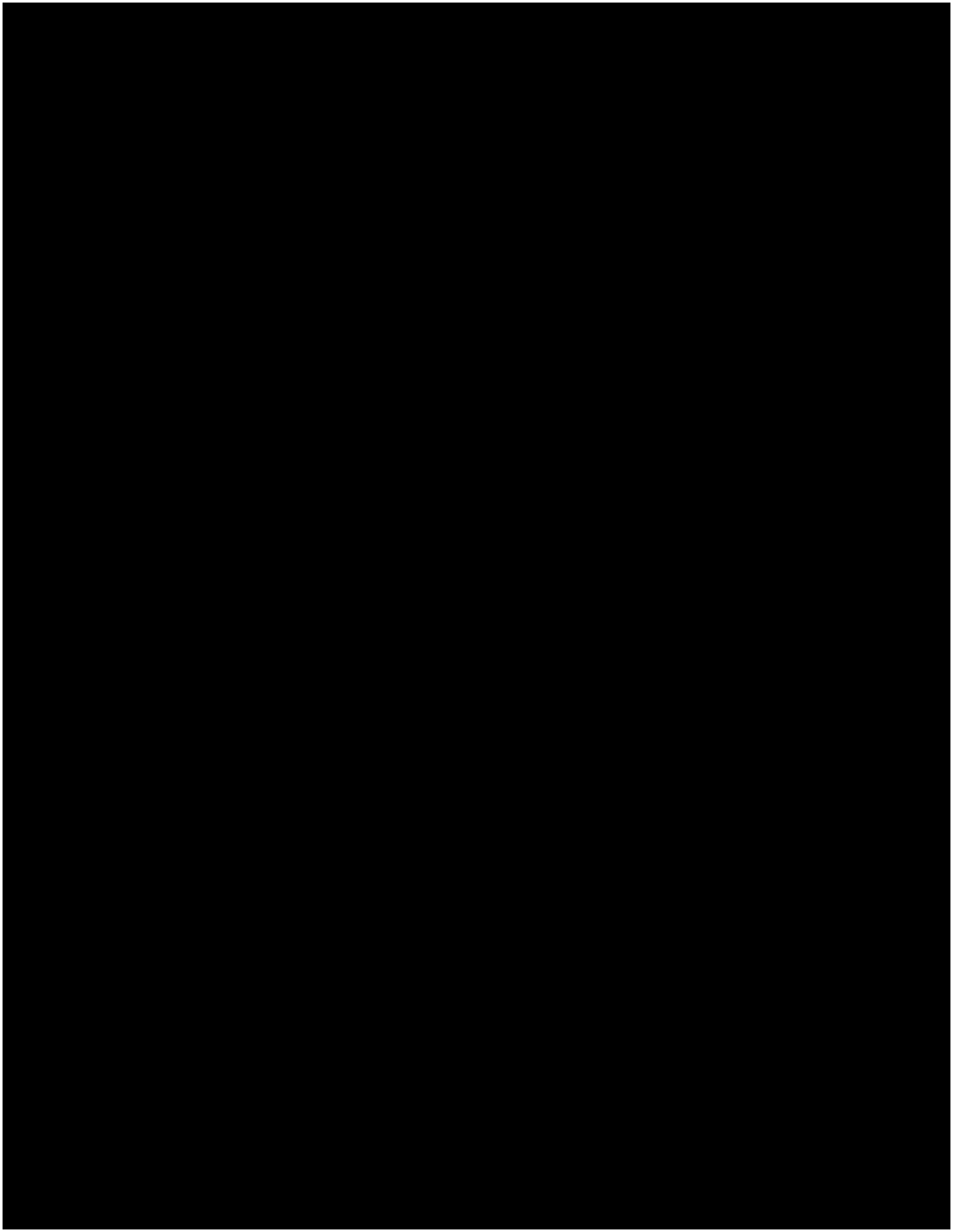


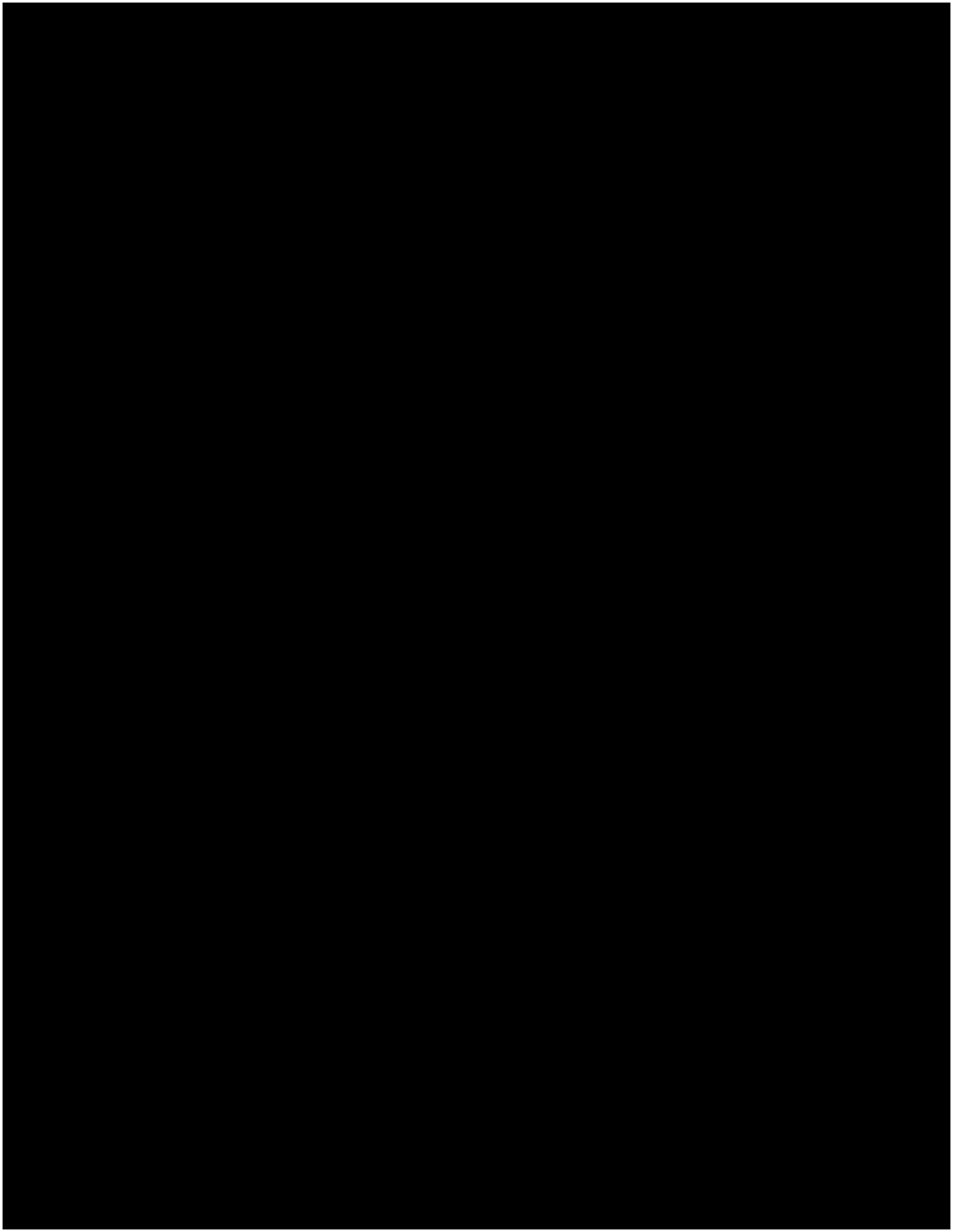


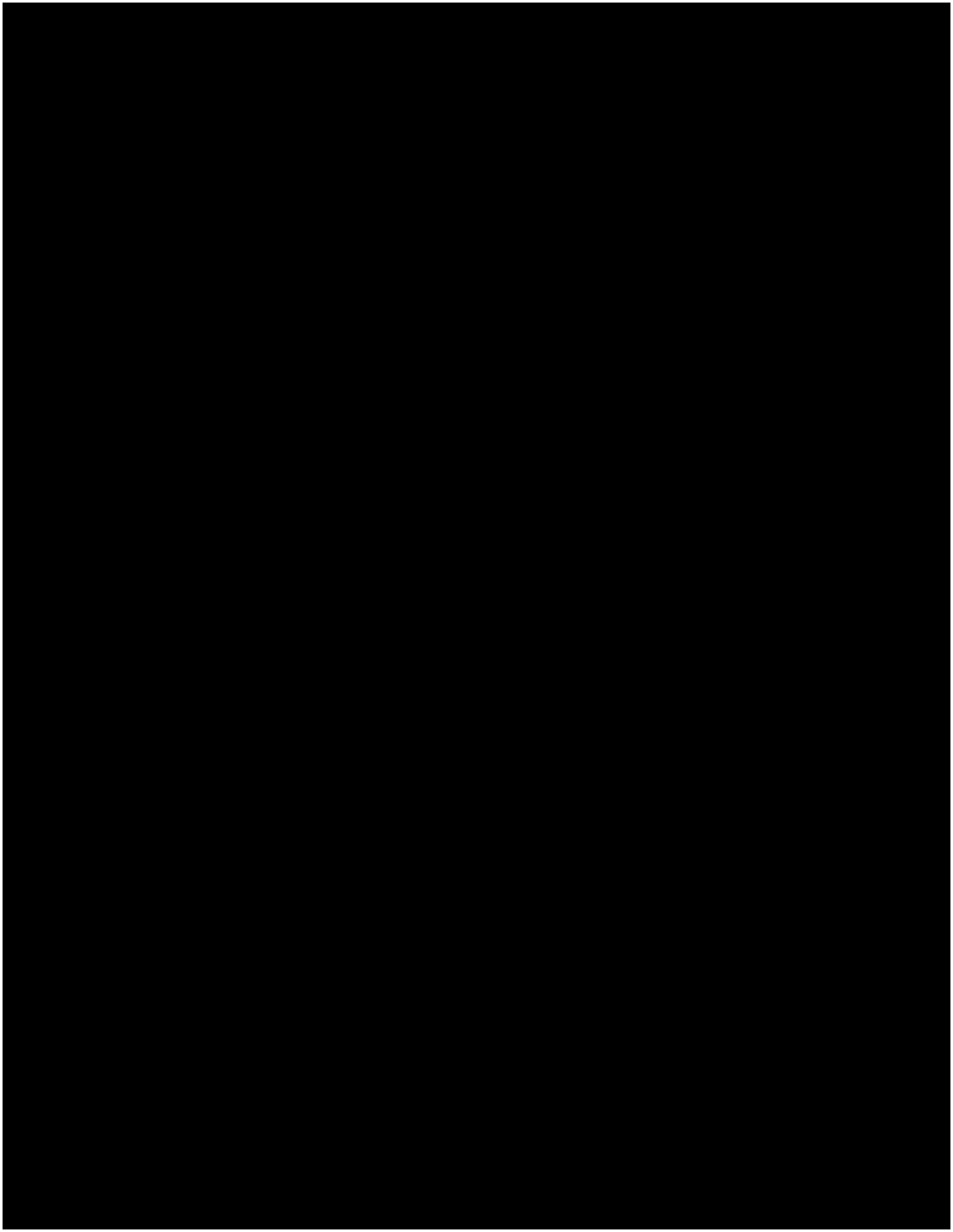


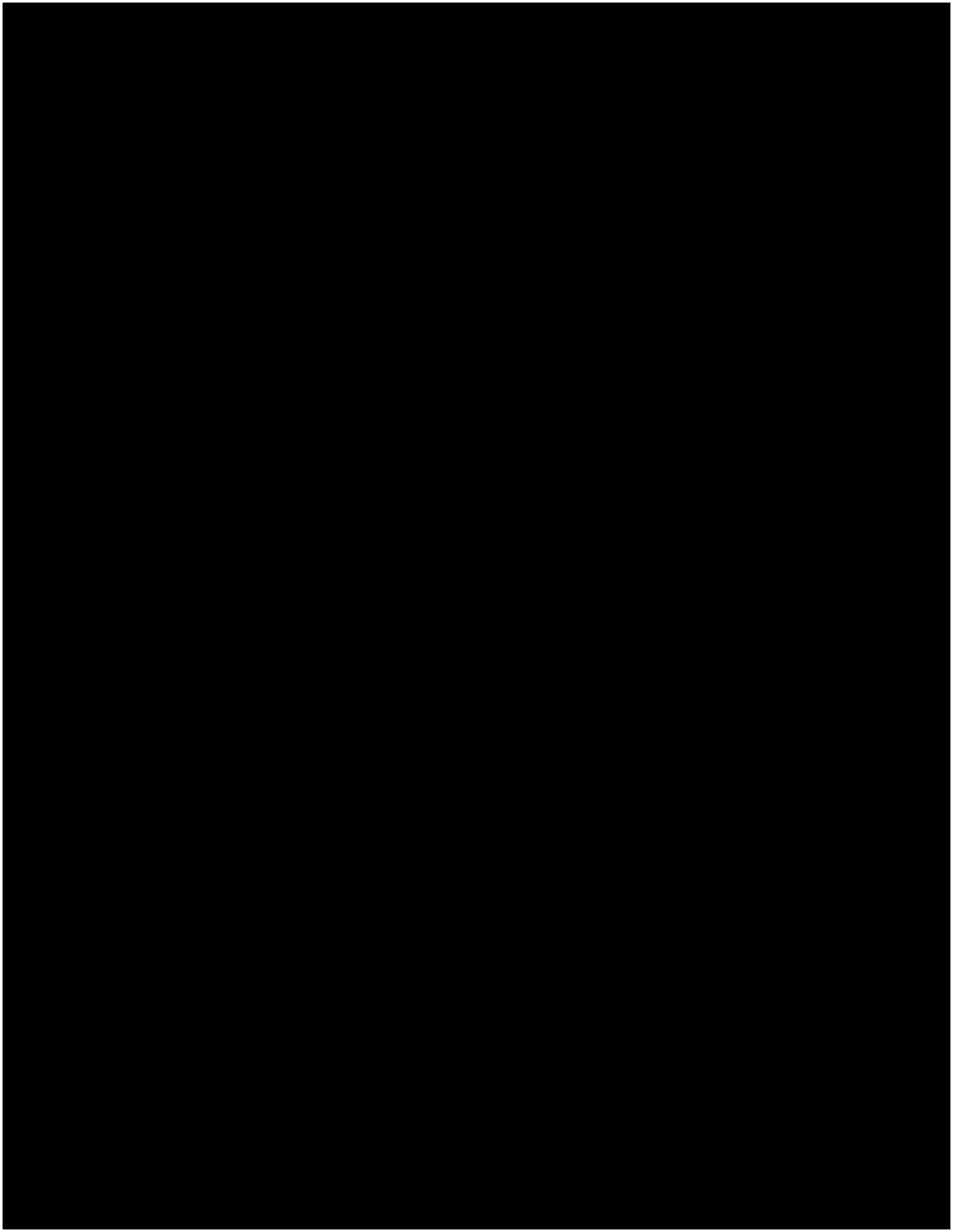


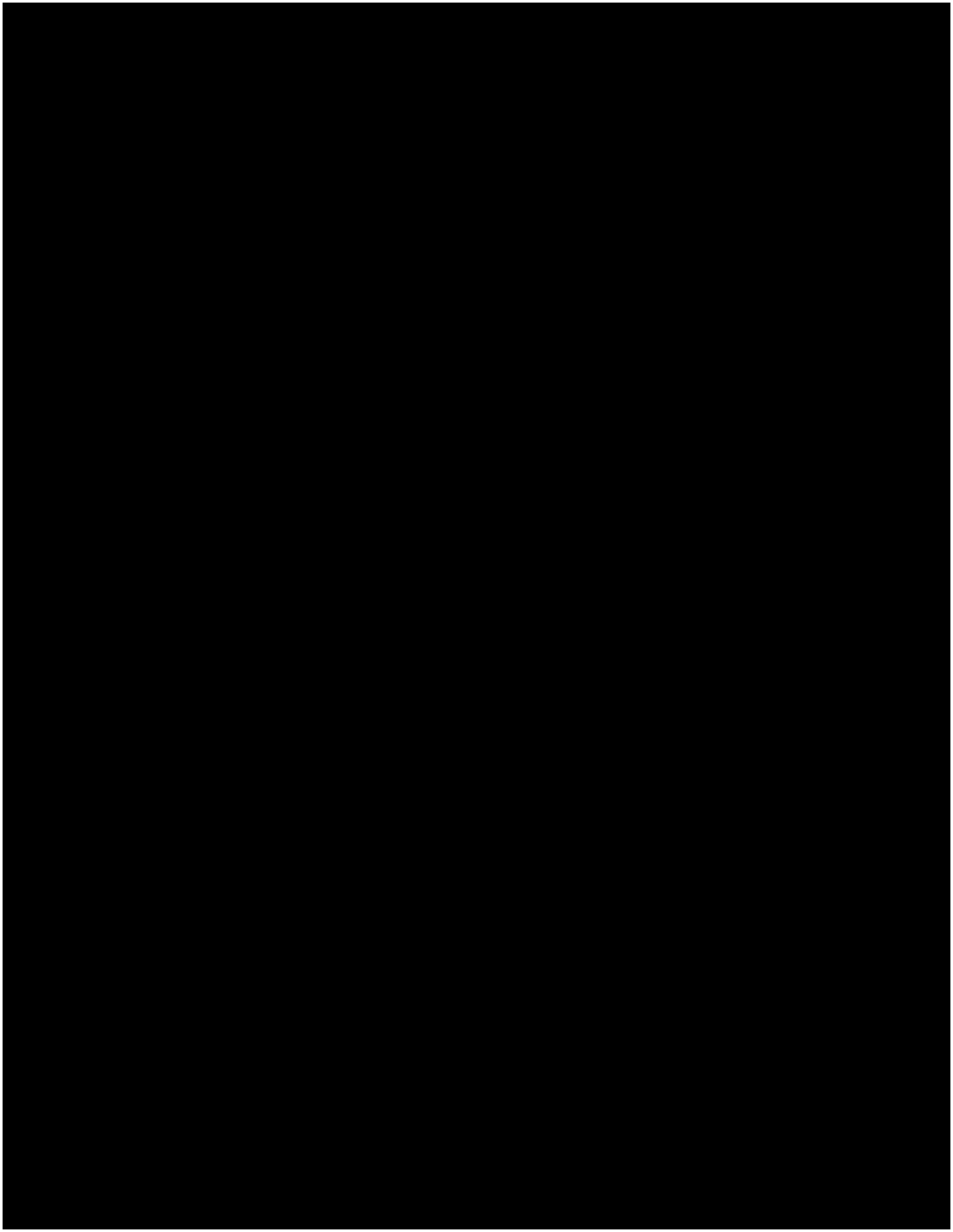


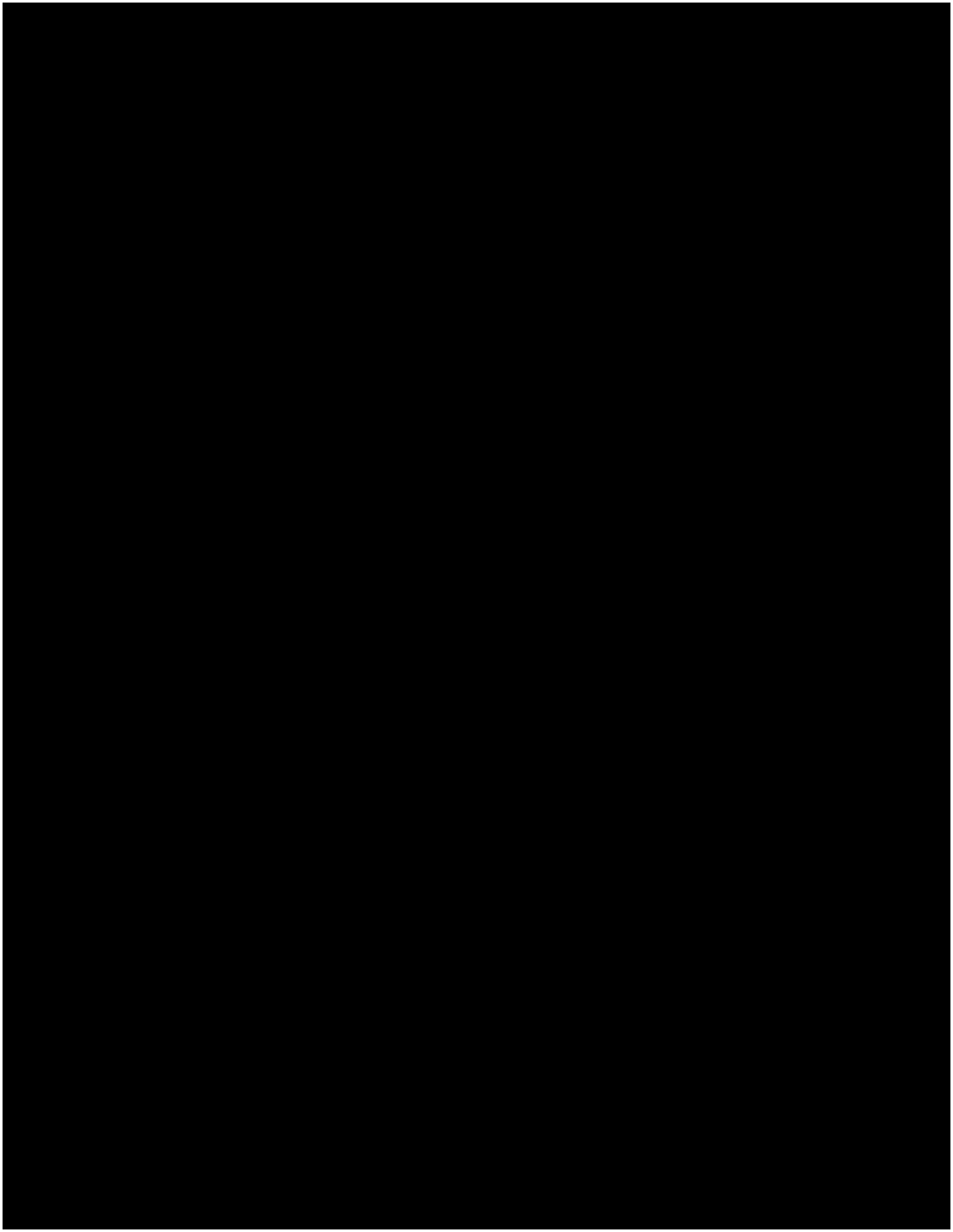


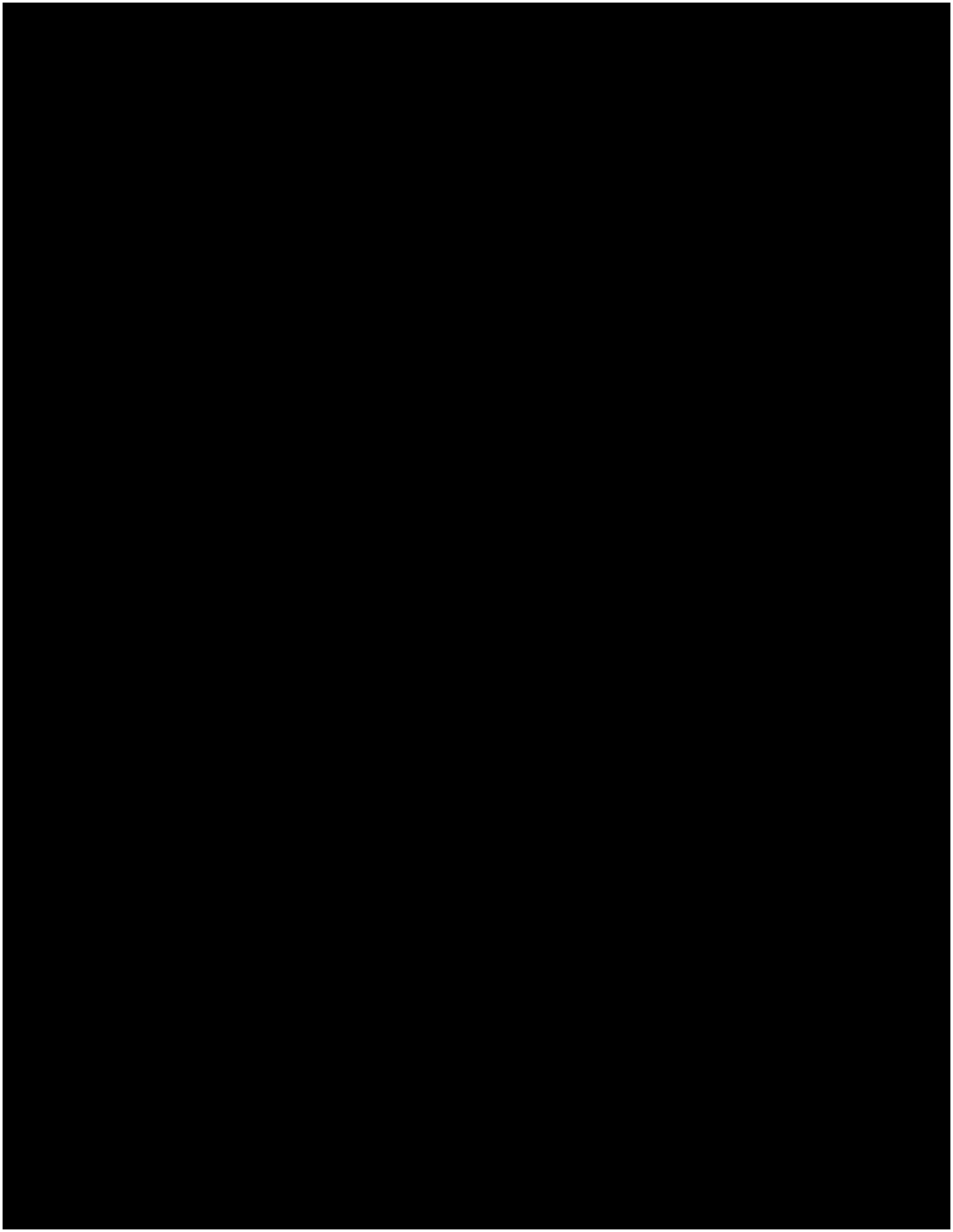


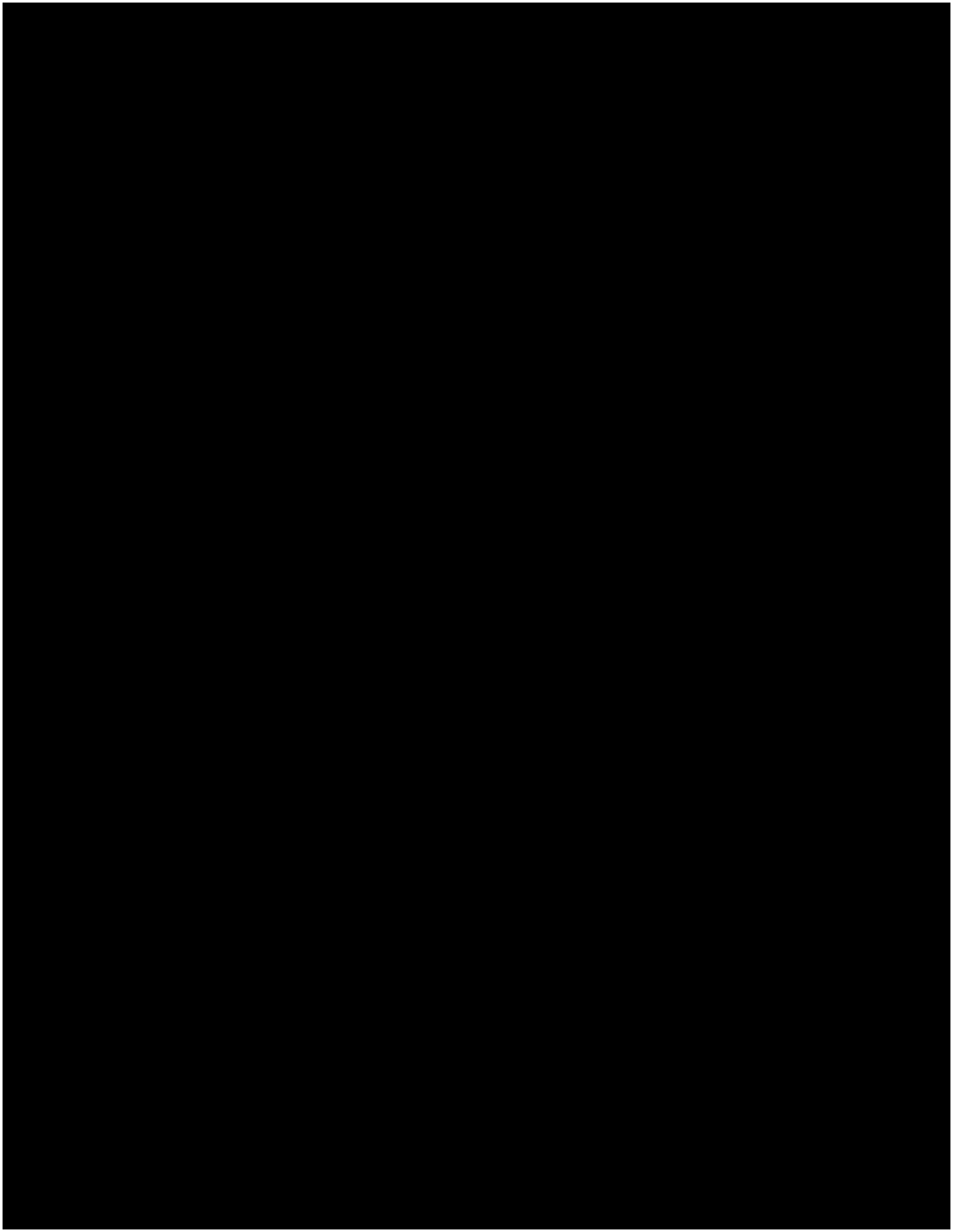


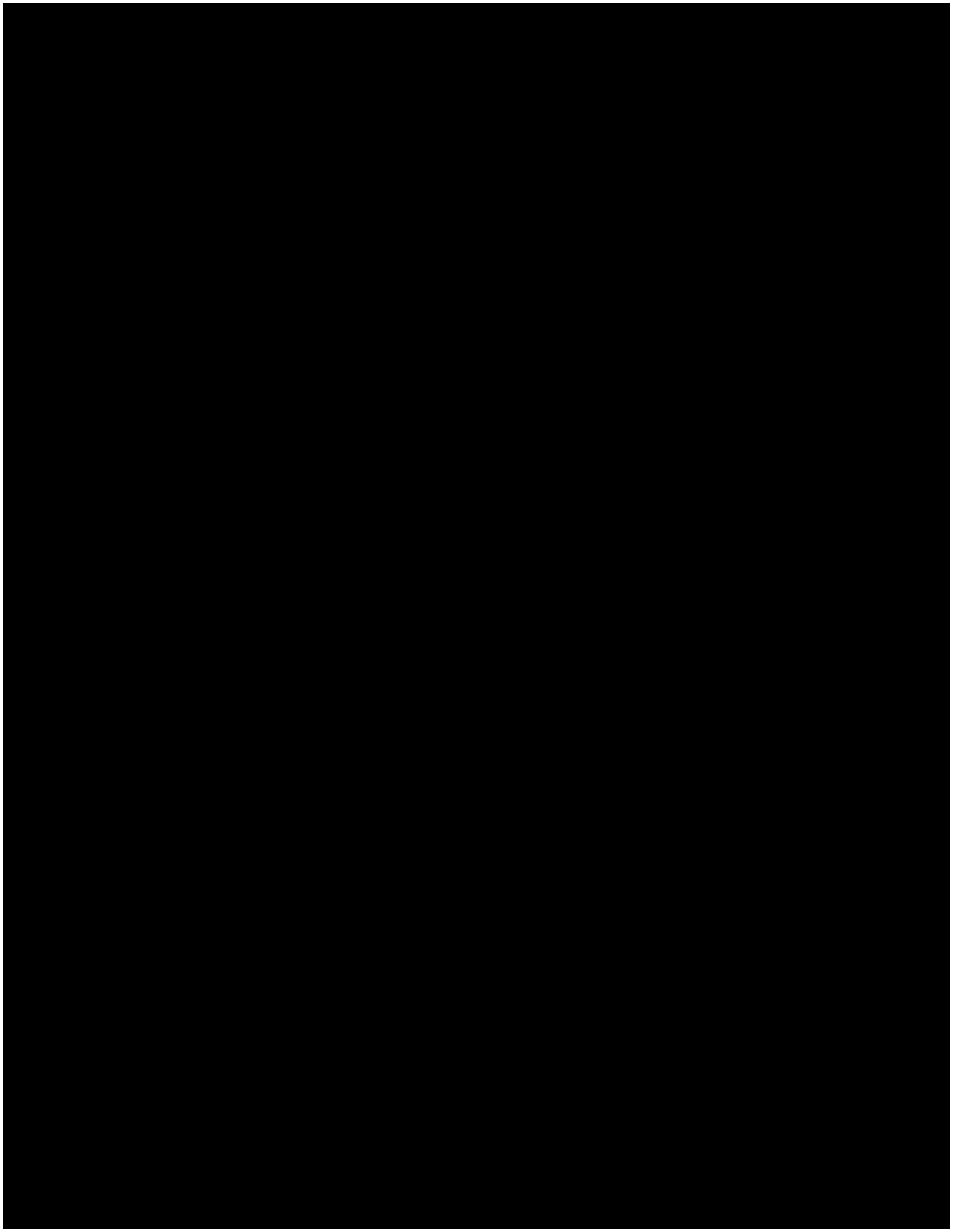


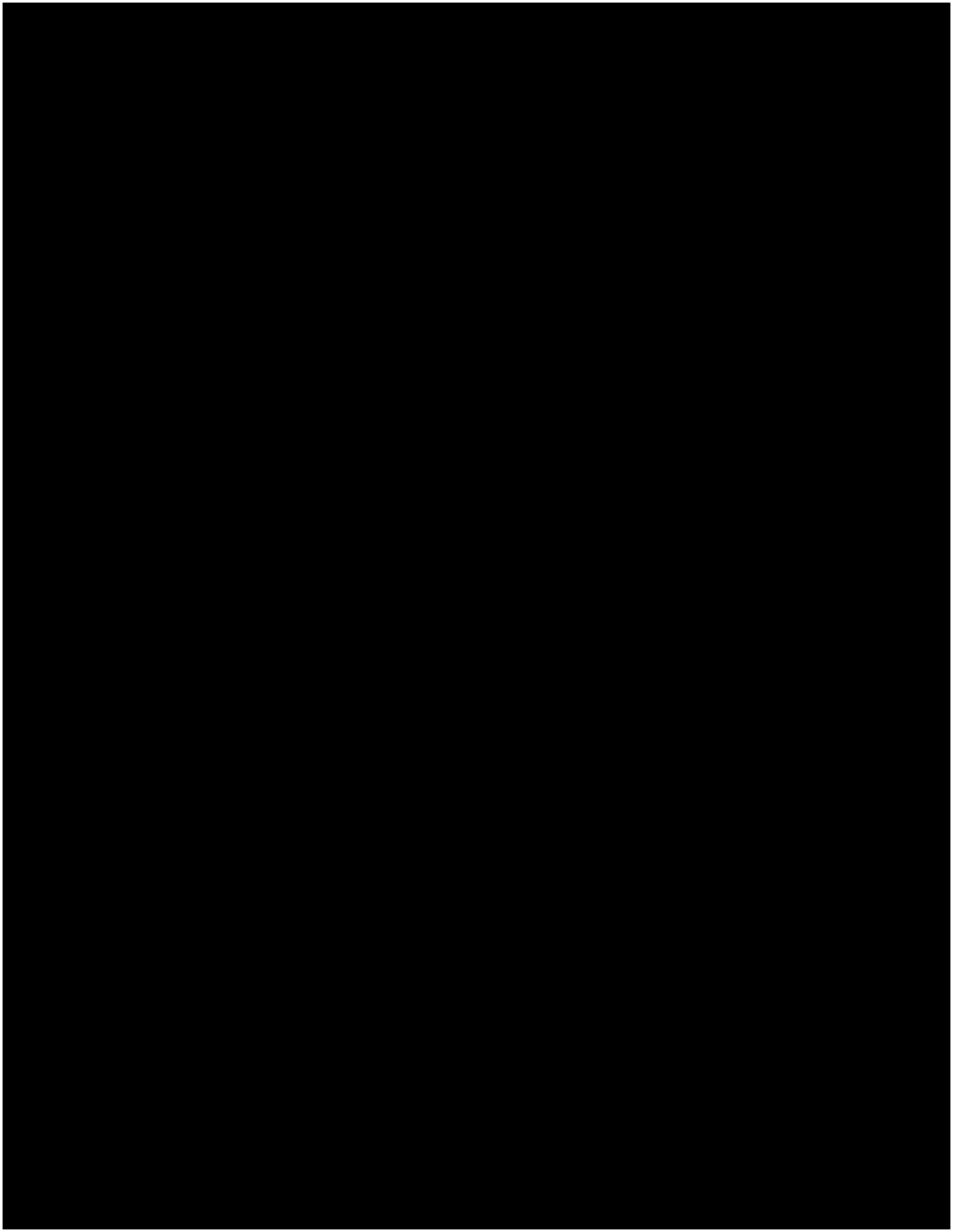


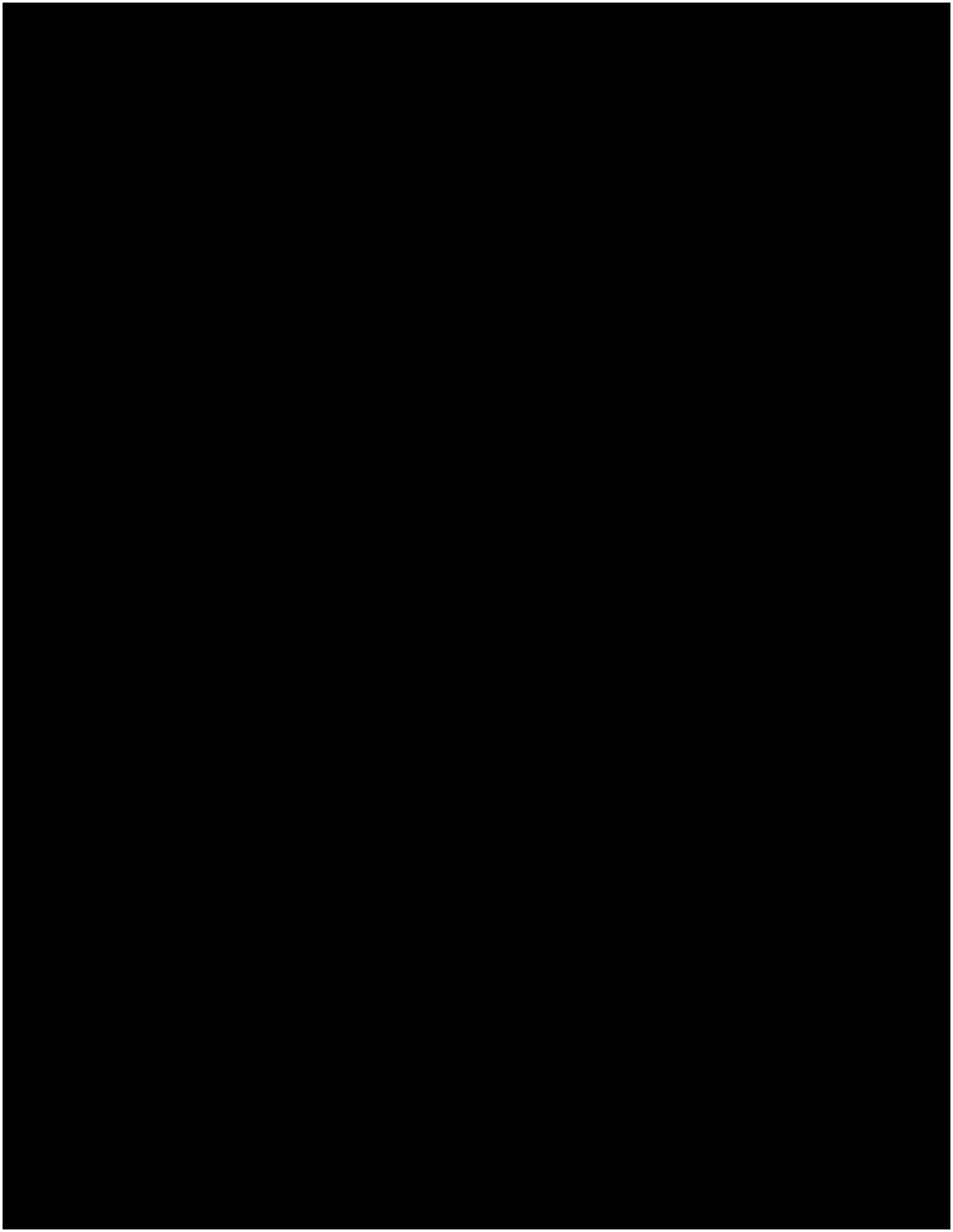












ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] AND [redacted] MINOR CHILDREN,

CLAIMANT,

VS.

ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES,

RESPONDENT.

CC NO. 230641

ORAL AND VIDEOTAPED DEPOSITION OF

KRISTEN SHELTON

May 16, 2023

ORAL AND VIDEOTAPED DEPOSITION OF KRISTEN SHELTON, produced as a witness at the instance of the CLAIMANT, and duly sworn, was taken in the above-styled and numbered cause on the 16th day of May, 2023, from 1:02 p.m. to 1:55 p.m., before Dana Hayden, CCR in and for the State of Arkansas, RMR, CRR, CRC, reported by machine shorthand, at the Arkansas Department of Human Services, 900 South Rogers Avenue, Clarksville, Arkansas, pursuant to the Arkansas Rules of Civil Procedure.

PLAINTIFF'S EXHIBIT 4

Q. And what is the gist of that policy?
A. I mean, I honestly can't get into the specifics about it. There are a couple of different pages that employees have to sign off on acknowledging that they understand it.
Q. What is your understanding about where Jennifer Wilkerson's, what the mission of her route on June 11th, '21 was?
A. My understanding is that she was going to travel from Paris to Beebe to pick up a foster child and transport that child back to Clarksville to meet another worker.
Q. And when you say "Clarksville," would the transfer to the other worker have occurred here at this office?
A. Yes.
Q. Okay.
A. Well, no, I don't know that it would have occurred at this office. It was set to occur in this town.
Q. Okay.
A. But I don't know where.
Q. Okay. Thank you for clarifying.
As part of your internal fact-finding, tell me what steps you took to investigate

Ms. Wilkerson's actions.
A. I notified her of the fact-finding and sent her a list of questions and then I also asked for statements from Ms. Feemster and Ms. Ezell that I know for sure.
Q. And the questions that you sent to Ms. Wilkerson are on an email dated June 16, 2021, at 10:47 a.m.; is that correct?
A. Yes.
Q. And whose handwriting is that?
A. Ms. Wilkerson's.
Q. And then it looks like you had a follow-up email right after that; is that -- with Ms. Wilkerson; is that correct?
A. Yes, I believe so.
Q. And did you ever -- do you recall having a telephone call with Ms. Wilkerson as part of the fact-finding?
A. I would not have had a telephone call with Ms. Wilkerson. We are specifically instructed to conduct our fact-findings in writing.
Q. You indicated you also obtained information from Randy Ezell?
A. Yes.
Q. And is that information contained in Exhibit 1?

A. Yes.
Q. And where is the -- and it looks like that would have been the email sent to you from Brandy Ezell on June 16th of '21 at 2:03 p.m.?
A. Yes.
Q. Okay. And then the same question for Pamela Feemster. Was the information you received from her via email at 1:41 p.m.?
A. Yes.
Q. Okay. And the same would be true with getting information from Ms. Ezell and Ms. Feemster: Everything you would get from them would be in writing?
A. Everything that I used during the fact-finding is in writing.
Q. Okay.
A. I'm not saying I didn't have a phone conversation with Ms. Feemster. She was directly under me. I was her direct supervisor. But all of the information that I used for the fact-finding is in writing.
Q. Gotcha. That makes sense.
Do you recall anything that Ms. Feemster may have told you that's outside of what's in the email about the accident?

screen.
Q. Okay.
A. That we -- that we requested.
Q. Okay. Did you see any results of a drug screen at all --
A. No.
Q. -- for Ms. Wilkerson?
A. No, I have not.
Q. What -- so walk me through how Ms. Wilkerson is told that there's an internal fact-finding going to occur and she's going to have to answer these questions. What's the procedure for that?
A. It's in that email attached to the questions. That's how she was notified of the fact-finding. It's the one where she wrote out the answers, that page.
Q. Was there anything else beforehand that her supervisors told, or somebody tells Ms. Shelton [sic], hey, you need to look for this email; it's going to be coming from --
A. No.
Q. -- from Clarksville and you need to be ready for it, or it's just --
A. Not to my knowledge, no.
Q. Okay. I want to ask you. Ms. Wilkerson's answers to question number 5 is -- the question is:

"While you were driving, what happened to cause the accident?"

Can you read what Ms. Wilkerson's answer is?

A. "I remember seeing a car up ahead but no brake lights or signal lights. That's all I remember until I came to."

Q. Do you know anything else about -- whether Ms. Wilkerson had said anything else about what happened to cause the wreck other than that statement?

A. No.

Q. Okay. And then the same for question number 10: "Is there anything else you would like -- that you would like for me to know about" -- let me start over.

Question number 10: "Is there anything else that you would like for me to know regarding this incident?"

What was her answer?

A. "I am devastated over what happened, but I really don't know what happened because I don't remember, it happened so fast."

Q. And then it looks like you had two emails from Pamela Feemster and one from Brandy -- I'm sorry, three emails from Pamela Feemster and one from Brandy Ezell. Did those three emails and Ms. Wilkerson's

answers and Ms. Wilkerson's subsequent email, is that what made up your fact-finding?
A. Yes. And the fact that she had only been employed for ten days and was still in probationary status.
Q. And then how was Ms. Wilkerson notified that she was terminated? Is that something you do, or do you have Ms. Feemster do that?
A. Normally the supervisor would do that. I may have done that myself, and we normally would do that in person, but I honestly don't recall how we notified her.
Q. Do you recall ever meeting Ms. Wilkerson in person?
A. I don't recall that, no. I don't know if I did or not.
Q. Did you ever go to the accident site?
A. No.
Q. Do you know -- I mean, at any point have you ever driven by and said, you know, that's where the accident occurred?
A. I mean, I drive that road all the time.
Q. Highway 22?
A. I don't have any firsthand knowledge, though, of where that accident occurred.

Q. Okay. Was -- at the time of the accident, the state trooper reports it being called in at 12:50 p.m., and it's my understanding that Ms. Wilkerson was supposed to be at Beebe at 2:00 p.m. to pick up the child?
A. That's --
Q. Does that sound correct?
A. That's my understanding.
Q. So if that's correct, she would have been about an hour behind schedule when the wreck occurred; is that right?
A. Yes.
Q. And you don't have any reason to dispute that?
A. No.
Q. Okay. There is an email from Jennifer Wilkerson to Pamela Feemster in that package, and it's got the name of a client blacked out. Do you see that email?
A. Yes.
Q. And what is that Bates stamp number of that one? Is it 419?
A. Yes.
Q. Can you read what Ms. Wilkerson's email stated?
A. "On 6/11/21, I was going to Beebe, Arkansas to pick up," blank, "for a sibling visit in Clarksville, Arkansas. I left Paris about 12:30 p.m. and was

supposed to be there around 2:00 p.m. in Midday" -- I think she meant Midway -- "Arkansas. There was a car stopped in the road. I didn't see a turn signal, and the -- I remember the air back deploying and nothing else until the car was stopped. When I was able to get out of the car, there were already several people on the scene. I was there until I went to the ambulance -- or went to in the ambulance to the emergency room in Booneville, Arkansas. I had minor cuts and bruises."

Q. Okay. Are -- have we gone over all of the statements that you're aware of that Jennifer Wilkerson has made to anyone at DHS regarding what happened in the accident?

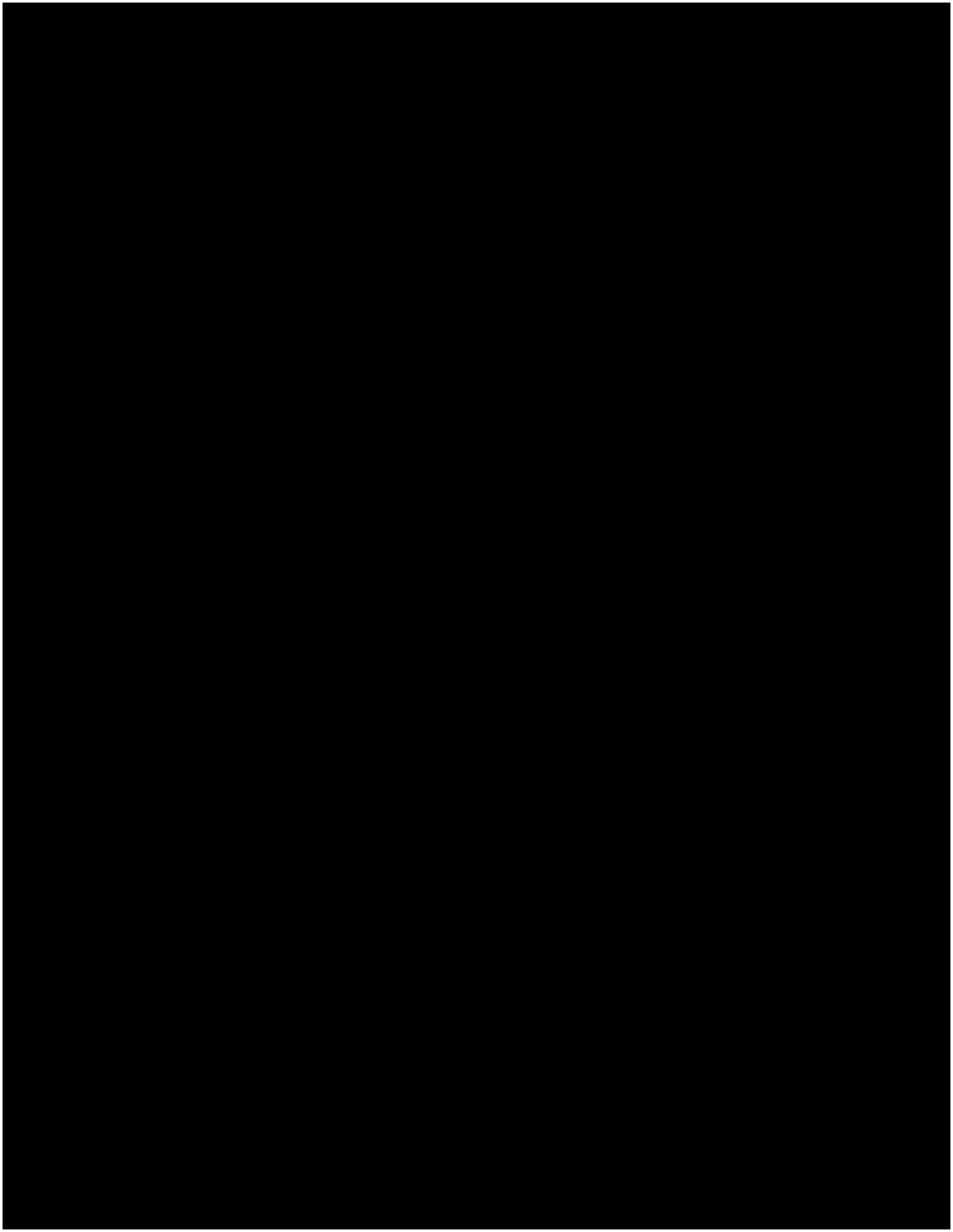
A. I believe there might be one other follow-up email that she sent me. It's stamped 423.

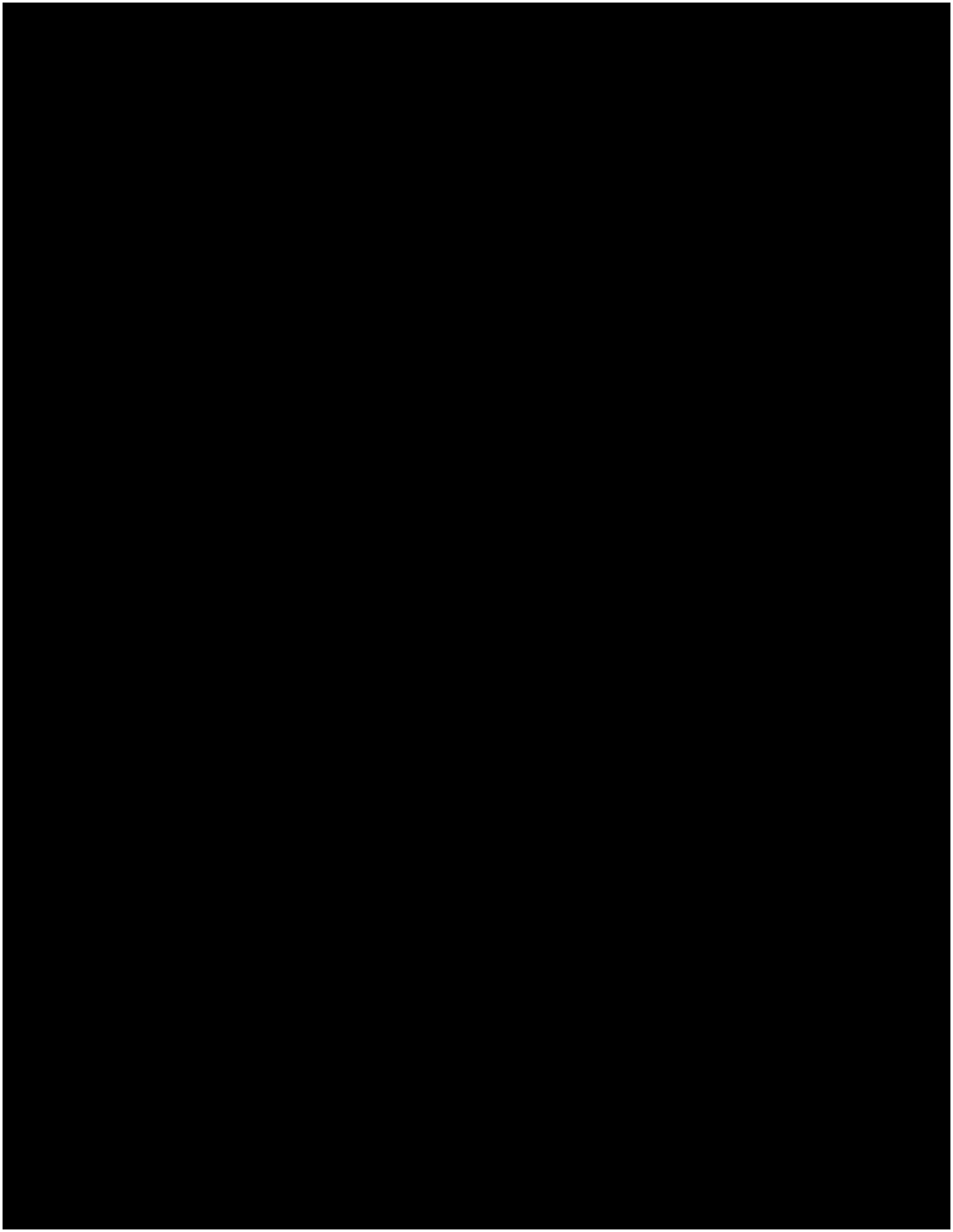
Q. Okay.

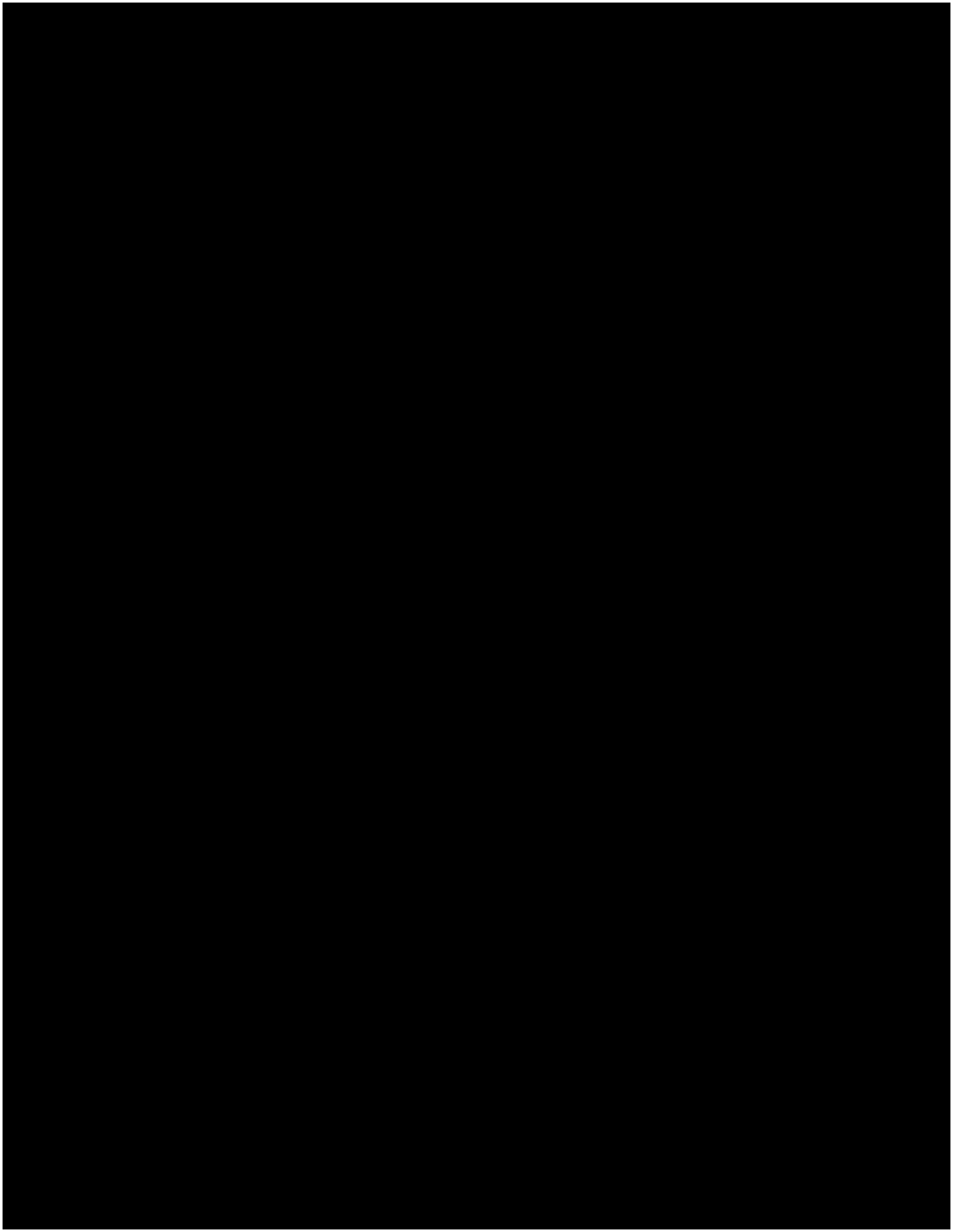
A. Where she emailed me following the initial questions, and I, in possibly even my follow-up questions, she said -- she sent me an additional email.

Q. Can you read what that email, what she says in that email?

A. "I wanted to mention that it was prescribed to be for ADHD but was used for people with narcolepsy







ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted], A MINOR CHILD **CLAIMANT**

VS. **CC NO.** 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES **RESPONDENT**

BRIEF IN SUPPORT OF CLAIMANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON ISSUE OF LIABILITY

Comes now the claimant, Haley Hudson, in her capacity as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and Permanent Legal Guardian of [redacted] a minor child, by and through her attorney, Jim Jackson, and for her Brief in Support of her Motion for Partial Summary Judgment on the Issue of Liability, states:

I. INTRODUCTION

This tort claim arises from a fatal rear-end collision that occurred in Logan County, Arkansas, on June 11, 2021. The claimant seeks damages for the wrongful death of Jacqueline Ashcraft and the bodily injury claim of [redacted], a minor child.

There is no genuine issue of material fact that the respondent is legally liable for the collision, leaving the determination of damages as the sole issue to be determined by the Arkansas State Claims Commission. The claimant is entitled to judgment as a matter of law on the issue of liability.

II. UNDISPUTED FACTS

The wreck occurred on a straight stretch of Arkansas State Highway 22 on the outskirts of Paris in Logan County, Arkansas. It involved three vehicles:

i. A blue 2005 Hyundai Sonata driven by Jacqueline Ashcraft;

ii. A brown 2009 Hyundai Elantra driven by Jennifer Wilkerson; and

iii. A 2001 Peterbilt tractor/trailer rig driven by Bobby Wilson, who was transporting an oversized load.

Jennifer Wilkerson's Elantra was owned by the State of Arkansas. She was traveling from the DHS office in Paris to Beebe to pick up a foster child. Wilkerson was scheduled to meet the child in Beebe at 2:00 p.m. and drive it to Clarksville for a family visit. Wilkerson was approximately one hour behind schedule at the time of the collision. The respondent admitted in its Answer that Wilkerson was within the scope and authority of her employment at all times relevant to this cause of action.

Jacqueline Ashcraft was returning her two-year-old great-nephew to his mother's home at [redacted]. Ashcraft's two minor children were in the back seat with the two-year-old. Ashcraft stopped at McDonald's in Paris for lunch with the three children. She then proceeded to drive east on State Highway 22 to the toddler's home. The toddler had spent the night with Ashcraft and her two daughters.

Bobby Wilson was transporting a modular home west on State Highway 22. His destination was Legacy Factory Direct Homes in Fort Smith. Mr. Wilson is a resident of Alabama and has a Commercial Driver's License.

State Highway 22 was freshly paved with two lanes of travel and paved shoulders. The yellow striping and white fog lines were bright and clear.

The wreck occurred at 12:50 p.m. The police were notified that a wreck had occurred at 12:54 p.m. State Trooper James Ray received the call from dispatch at 12:54 p.m. Trooper Ray was in Ozark when he received the call. Trooper Ray arrived at the accident scene at 1:26 p.m. The weather conditions were clear and very hot.

III. CLAIMANT'S ALLEGATIONS

Jacqueline Ashcraft was traveling east on State Highway 22 from Paris towards Subiaco to take the toddler home. The toddler's house was on the north side of the highway, which required Ashcraft to make a left-hand turn into the driveway when she arrived at 3022 Highway 22.

As Jacqueline Ashcraft's vehicle was approaching the driveway to make a left-hand turn, Bobby Wilson's oversized load with a modular home was traveling west approaching Ashcraft's vehicle. Ashcraft slowed her car to give the oversized load room to clear the lane of travel so she could safely make the left-hand turn into the driveway. Ashcraft was either at a stop or moving very slowly at the time of impact.

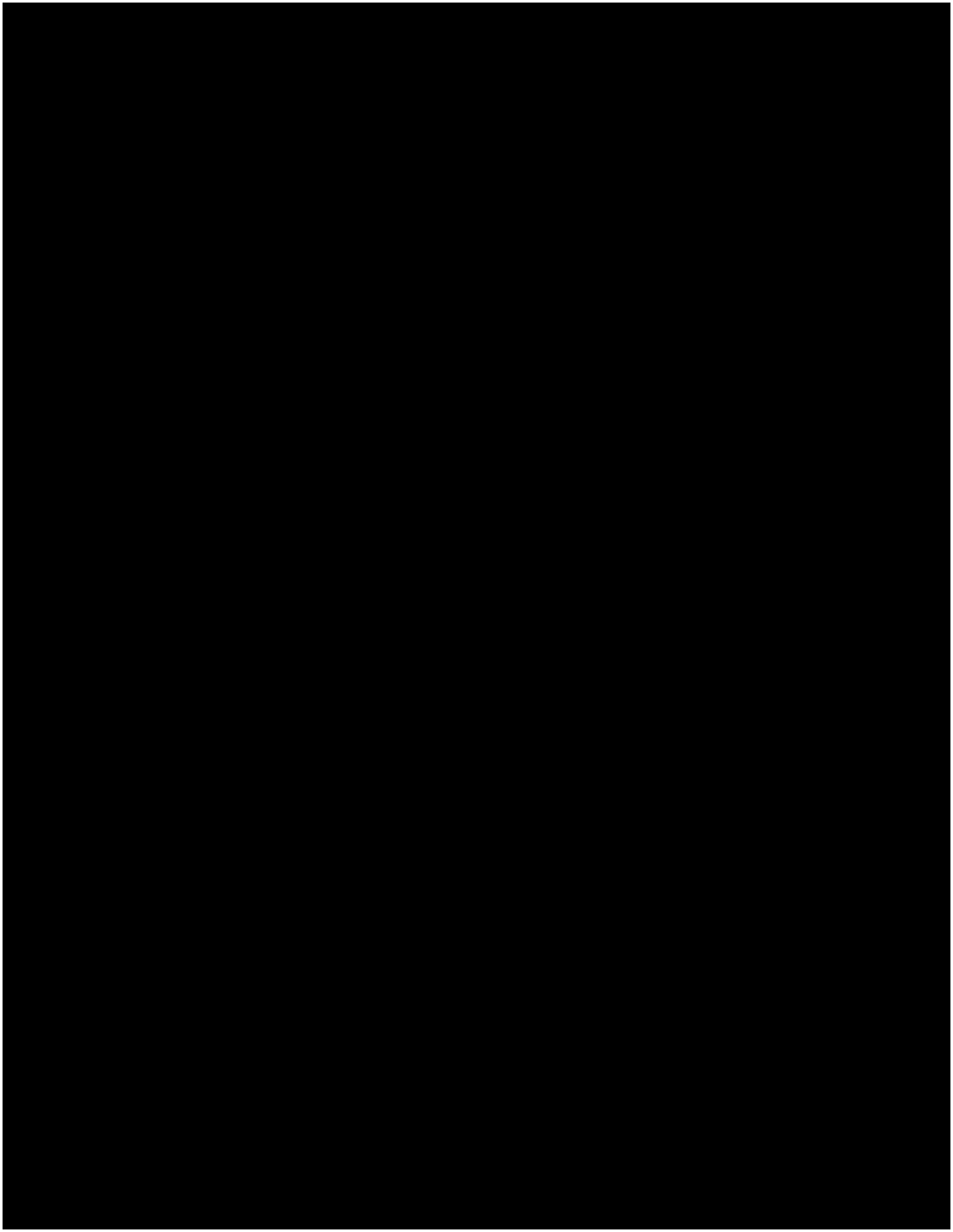
The collision occurred when Jennifer Wilkerson's rear-ended Jacqueline Ashcraft's blue car. The impact knocked Ashcraft's blue car forward onto the right shoulder.

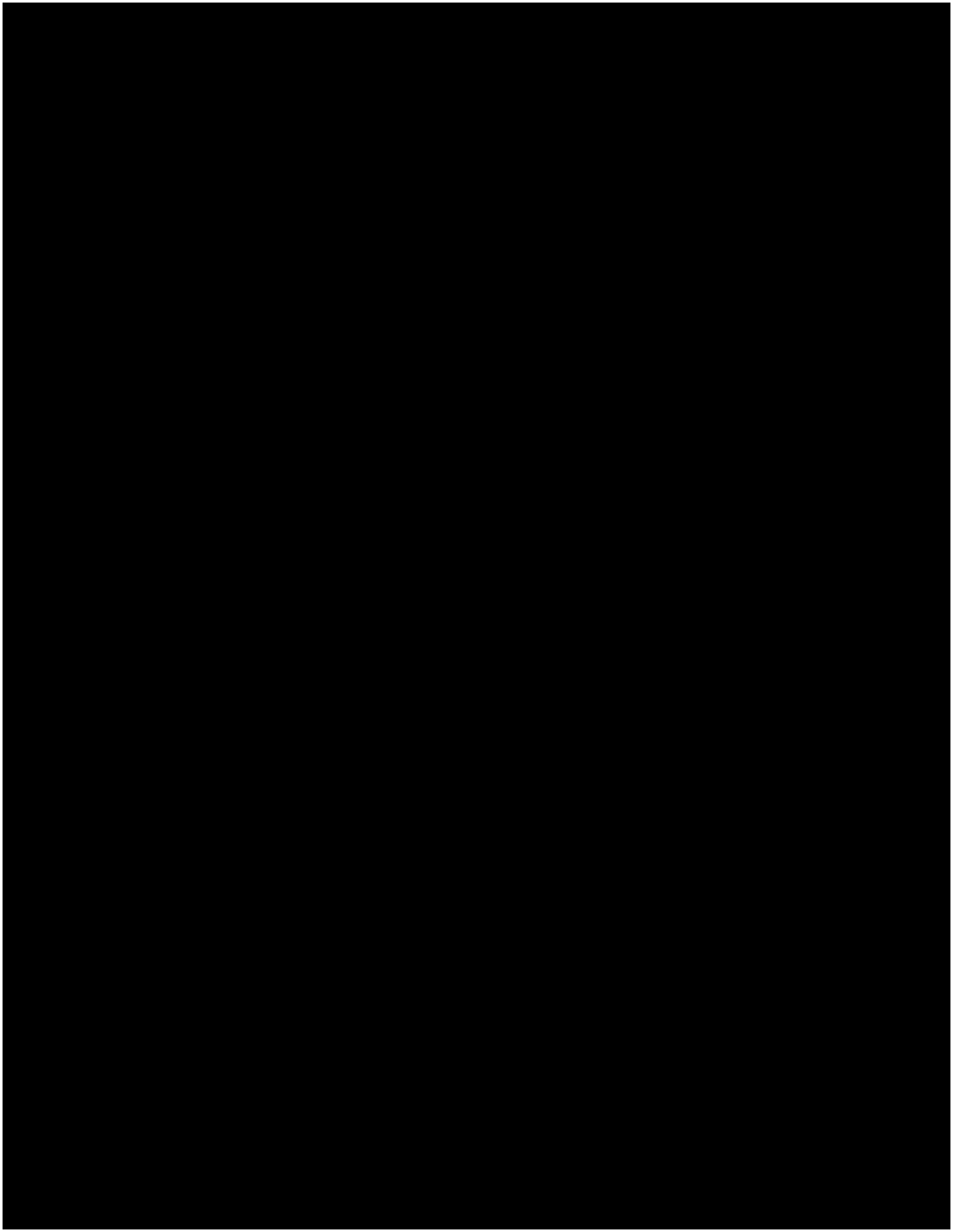
Wilkerson's vehicle spun counterclockwise and traveled into the westbound lane of travel where it struck the rear tires/front trailer of the tractor-trailer rig driven by Bobby Wilson. This knocked Wilkerson's car back across the eastbound lane of travel.

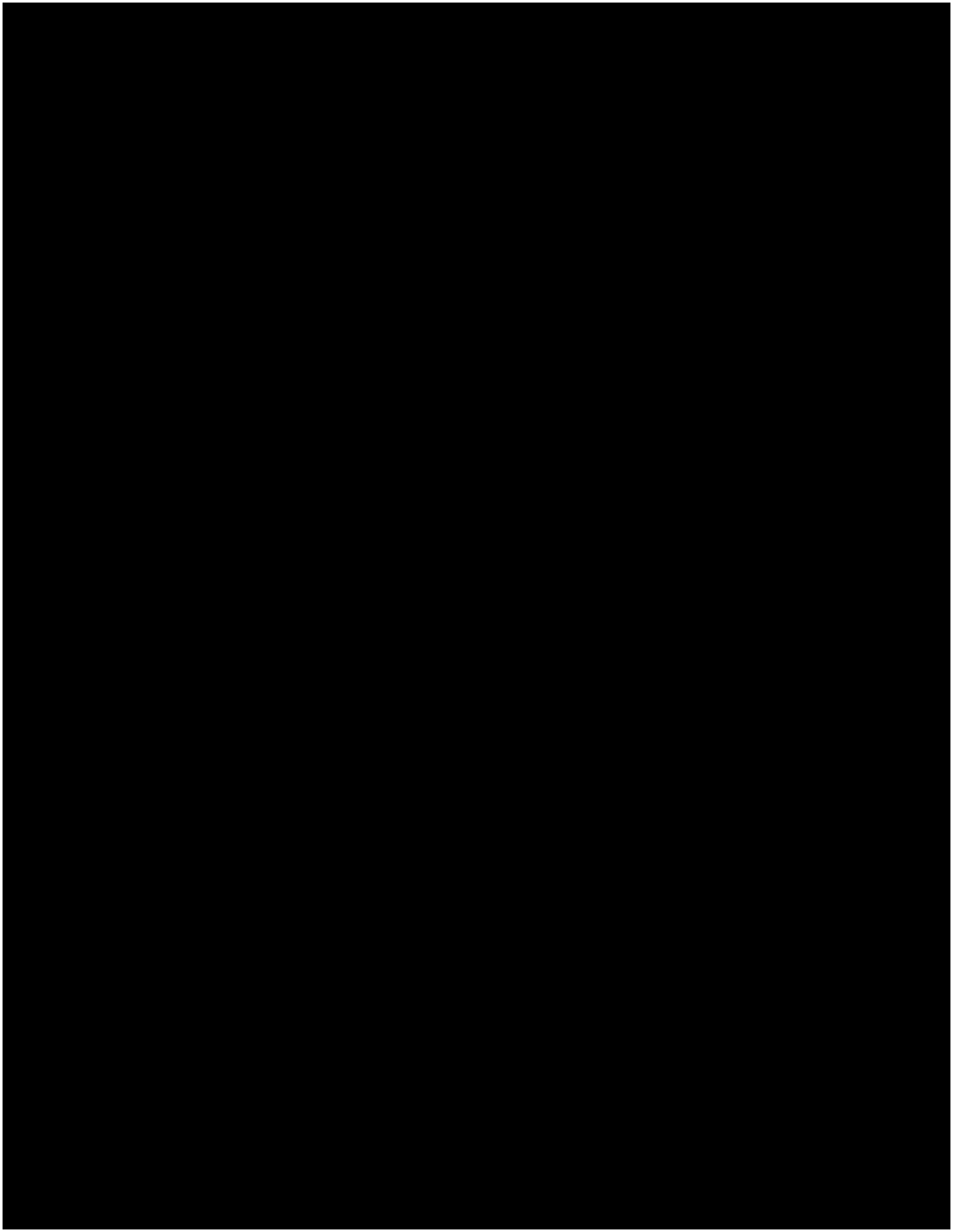
Bobby Wilson pulled his tractor-trailer rig to the right side of the roadway.

Trooper James Ray of the Arkansas State Police was dispatched to investigate this wreck. Trooper Ray prepared Crash Report [redacted] which is attached to the Motion for Partial Summary Judgment as Exhibit 3. Several first responders, paramedics, and law enforcement officers were on the scene when he arrived. Trooper Ray prepared three (3) diagrams based on what he observed and his measurements. Inserted below are the three diagrams attached to his report which illustrate the direction of travel of the vehicles and the location of their resting point after the collision.

Trooper Ray's illustration labels V1 as the Ashcraft car and V2 as Wilkerson's car.







IV. STANDARD

The standard for Summary Judgment is well-established in Arkansas. *Collins v. Morgan*, 92 Ark. App. 95, 101 (Ark. Ct. 2005) (*citing Ginsburg v. Ginsburg*, 353 Ark. 816, 820-821, 120 S.W.3d 567, 569-70 (2003)). Summary Judgment should be granted when it is clear there are no genuine issues of material fact to be litigated and the moving party is entitled to Judgment as a matter of law. *Id*. The purpose of Summary Judgment is not to try the issues, but to determine whether there are any issues to be tried. *Id.* Even if there are disputed facts, if reasonable minds will not differ as to the conclusion to be reached, then a grant of Summary Judgment is proper. *Chalmers v. Toyota Motor Sales,* 326 Ark. 895, 935 S.W.2d 258 (1996).

Once the moving party has established a *prima facie* entitlement to Summary Judgment, the opposing party must meet proof with proof and demonstrate the existence of a material issue of fact to defeat same. *Smith v. Roberts Group, Inc.*, 348 Ark. 241, 72 S.W.3d 450 (2002). If a respondent to a Motion for Partial Summary Judgment cannot present proof of an essential element of the claim, the movant is entitled to Summary Judgment as a matter of law. *Short v. Little Rock Dodge, Inc.*, 297 104, 759 S.W.2d 553 (1988). Summary Judgment should be granted when a review of the pleadings, depositions, and other filings reveal there is no genuine issue as to any material fact, and the moving party is entitled to Summary Judgment as a matter of law. *Colonial Underwriters Ins. Co. v. Worthen Nat'l Bank*, 53 Ark. App. 106, 919 S.W. 2d 515 (1996).

V. NEGLIGENCE STANDARD FOR A TORT CLAIM

The tort law of negligence applies to these claims. The claimant must prove that the respondent's employee was negligent, and the negligence was the proximate cause of the collision.

Arkansas courts have adopted the definition of negligence found in the *Arkansas Model Jury Instructions,* which states:

> When I use the word "negligence" in these instructions, I mean the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not do, under circumstances similar to those shown by the evidence in this case. It is for you to decide how a reasonably careful person would act under those circumstances.
>
> *AMI 302*

The General Assembly enacted the rules of the road which apply to a rear-end collision. The rule is codified at Ark. Code Ann. § 27-51-305, Following Too Closely, which reads as follows:

> § 27-51-305. Following too closely - Definition
> (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of vehicles and the traffic upon and the condition of the highway.

The question for this Commission to decide is whether or not Jennifer Wilkerson negligently rear-ended Jacqueline Ashcraft's car. If so, the claimant's Motion for Partial Summary Judgment on the Issue of Liability should be granted, and this matter should be set for a hearing on the remaining issue of causation and damages.

VI. ANALYSIS

The evidence is overwhelming that Jennifer Wilkerson's actions were the sole cause of the accident. The claimant bases this allegation upon the following three sources:

1. Photographs of the accident scene;
2. Trooper/Officer James Ray deposition testimony and diagram of the accident; and,
3. Jennifer Wilkerson's statements immediately after the wreck.

An analysis of the evidence leads to only one conclusion - - Jennifer Wilkerson committed acts of "inattentive careless, negligent or erratic operation" and drove into the rear-end of Jacqueline Ashcraft's car at a high rate of speed.

A. PHOTOGRAPHIC EVIDENCE

Trooper James Ray took approximately 30 photographs at the scene of the accident. The 30 photographs and a photograph from the Logan County Sheriff's Facebook page are attached as Exhibit 1 to the Motion for Partial Summary Judgment.

An analysis of these photographs confirms that Jacqueline Ashcraft's car was rear-ended. The damage across the rear bumper of her blue car is practically symmetrical. There is slightly more crush damage on the passenger side of the rear bumper.

The photos also show that the front end of Jennifer Wilkerson's car was demolished. This photographic evidence is consistent with the allegation that Wilkerson's car rear-ended the Ashcraft car at a high rate of speed.

The photos show slight damage to the rear tires on the Peterbilt tractor and property damage to the front of the modular home. These photos are consistent with the allegation that Wilkerson's car impacted Ashcraft's car, then spun counterclockwise into the westbound lane of travel, making contact with the tires and trailer of Bobby Wilson's rig.

It is often said that a photograph tells a story of a thousand words. These photographs depict a well-maintained state highway with very visible yellow striping and white fog lines. There is a sight distance of thousands of feet for Jennifer Wilkerson as she approached Ashcraft's car and Bobby Wilson's oversized load. The photographs tell a reasonable person that the only way this rear-end collision could have occurred is if Wilkerson was inattentive while negligently following too closely behind Ashcraft's car.

B. TROOPER JAMES RAY

State Trooper James Ray's deposition testimony buttresses the findings in the that the wreck was caused by Wilkerson's negligence. Trooper Ray prepared Crash Report [redacted] based upon his investigation of the wreck which is attached as Exhibit #3 to the Motion for Partial Summary Judgment.

Trooper Ray drove from Ozark to the accident scene. He arrived at 1:26 p.m. which is approximately 32 minutes after the initial 911 call was received. Trooper Ray testified that this was a rear-end collision caused by "Inattentive, Careless, Negligent Or Erratic Operation" by Jennifer Wilkerson.

Trooper Ray's testimony first focuses on the photographs. Trooper Ray agreed that the photos "obviously" show a rear-end wreck.

> Q. What was the significance of those photos to you when you are performing your investigation and determining what happened?
>
> A. When you see, obviously, it is going to be at front-to-rear collision whenever you see a rear impact like that.
>
> Q. And it is stating the obvious, but Ms. Ashcraft's vehicle was the one being rear ended in this - -
>
> A. Yes.
>
> Q. Collision?

Trooper Ray Deposition p.17, lines 9-17; Motion for Partial Summary Judgment, Exhibit 2.

Trooper Ray was asked to explain the importance of the property damage to the DHS car. The trooper testified that this was a serious impact.

> Q. In looking at the Hyundai Elantra's photos, what is the significance? What - - what information does that reveal to you as somebody who has investigated a number of accidents, and has been trained in accident reconstruction by Arkansas State police?
>
> A. That is a significant front-to-rear collision.

Trooper Ray Deposition p. 19, lines 5-10; Motion for Partial Summary Judgment, Exhibit 2.

The Trooper addressed the issue of Ashcraft slowing to make a left-hand turn into the private drive for the home at [redacted]. His findings were consistent with the allegation that Ms. Ashcraft was slowing down to turn into the private driveway.

> Q. And was your investigation of the accident scene, would it be consistent with - - if the allegations on, a hypothetical, if Ms. Ashcraft was attempting to make a left-hand turn into the private drive, and waiting on that tractor-trailer rig to pass when this accident occurred when she was rear-ended. Would that be consistent with your findings?
>
> A. It would explain why she was stopped, yes.

Trooper Ray Deposition p. 21, lines 18-25; Motion for Partial Summary Judgment, Exhibit 2.

The claimant has contended that there was nothing to prevent Jennifer Wilkerson from seeing the Ashcraft car slowing while preparing to make a left-hand turn. Trooper Ray's testimony confirmed that visibility was not an issue for this wreck.

> Q. And based upon what you observed, did you see anything that would have prevented Ms. Wilkerson from seeing the vehicle in front of her at a stop?
>
> A. It is a very, very straight roadway.

Trooper Ray Deposition p. 26, lines 21-25; Motion for Partial Summary Judgment, Exhibit 2.

Trooper Ray confirmed that Ashcraft was in her eastbound lane of travel. The respondent has no proof that Ashcraft's car was anywhere but in the eastbound lane of travel at all times relevant to this cause of action.

> Q. Was there any indication from your investigation of the report that Jacqueline Ashcraft's was not—vehicle was anywhere but in her lane of travel at the time of the wreck?
>
> A. Ask me that one more time. You're advising that - - was there any indicators that she was not in her correct lane of travel; correct?
>
> Q. That is correct.

A. *No, there was not.* [Emphasis added.]

Trooper Ray Deposition pp. 30-31, lines 23-6; Motion for Partial Summary Judgment, Exhibit 2.

Trooper Ray was cross-examined by the respondent's counsel on the issue of whether or not Ashcraft may have been parked on the shoulder and then pulled into the lane of travel. Again, Trooper Ray pointed out that the physical evidence simply does not support that hypothesis.

Q. This is a hypothetical here. If V1 had been on the shoulder, on the right-hand shoulder, and pulled into the lane, at which point V2 hit, you know, would you see anything in your report that would make that inconsistent? That statement inconsistent or that possibility inconsistent?

A. Yes. The point of impact.

Q. Okay. Is it possible that the one could have pulled into the lane, been fully situated where the point of impact occurred, but had just moved off the shoulder into the lane and stopped?

A. I do not recall.

Q. Was it possible - is there any inconsistent with your report- -

A. The point—the point of impact is, in the fact that the V3 witness advised he saw the vehicle stopped in the roadway indicates to me that the vehicle was stopped in the roadway.

Trooper Ray Deposition pp. 38-39, lines 17-9; Motion for Partial Summary Judgment, Exhibit 2.

Trooper Ray also confirmed that Bobby Wilson, the driver of the Peterbilt with the oversized load, did nothing to contribute to or cause this wreck.

Q. Okay. Was there anything that you saw that indicated that Mr. Wilson did anything to contribute to this wreck?

A. No, there was not.

Trooper Ray Deposition pg. 31, lines 7-10; Motion for Partial Summary Judgment, Exhibit 2.

Trooper Ray addressed the fact that the point of impact was approximately 50 feet west of the driveway. Jacqueline Ashcraft recognized that Bobby Wilson's oncoming oversized load was traveling towards her. Ashcraft began slowing down to allow Wilson's rig to clear the roadway before attempting a left-hand turn.

Q. The contention is that vehicle one was turning left into the private drive is that--that correct, I believe. That is what the—

A. It's - - it's possible, yes.

Q. Okay.

A. It--it would explain why it was stopped in the roadway.

Trooper Ray Deposition p. 48, lines 4-10; Motion for Partial Summary Judgment, Exhibit 2.

Q. Okay. Generally, when a person drives and stops and turns into a private drive, there is the--is the drive not just, kind of, immediately to your left?

A. Typically, yes.

Q. Yes. Is there any reason that you can think of that a person would have stopped 50 feet prior to turn left into what was not a private drive?

A. An approaching oversized load.

Q. Pardon me?

A. An approaching oversized load.

Q. I do not understand.

A. The V3 is an oversized load.

Q. Right.

A. It would explain, you know, a potential that she was slowing for that, prior to she got to the turn, she was stopped waiting on it to pass, could not see the driveway, there is a number of things that could have caused her to stop that soon.

Q. Okay. But the data shows that she did, in fact either stop, or was very slowly moving 50 feet prior to the private drive?

A. According to my report, yes. That would be correct.

Q. And she might - - there might have been a good reason for that, but that what the - - that is what the report shows - -

A. Correct.

Trooper Ray Deposition pp. 50-51, lines 7-25, 1-8; Motion for Partial Summary Judgment, Exhibit 2.

Trooper Ray confirmed that there was nothing to prevent the DHS employee from seeing either the oversized load or Jacqueline Ashcraft's car.

Q. On this, and I apologize for belaboring this point, but as far as Ms. Wilkerson traveling east on Highway 22, there is nothing to prevent her from seeing an oversized tractor-trailer rig coming - traveling west for Ms. Ashcraft's vehicle stopping to make a left-hand turn—

A. Correct.

Trooper Ray Deposition p. 55, lines 18-24; Motion for Partial Summary Judgment, Exhibit 2.

Arkansas State Police accident reports contain a "DRIVER ACTIONS AT TIME OF CRASH" section which permits an investigating officer to check a box next to the description of what the driver was doing at the time of a wreck. Trooper Ray provided testimony concerning his findings of the contributing actions of the three drivers.

Trooper Ray found "No Contributing Action" for Ashcraft and Wilson as compared to his finding of "Inattentive, Careless, Negligent Or Erratic Operation" by Jennifer Wilkerson at the time of the crash.

Q. I want to ask you to turn to page six of your report. And that's on - - regarding motor vehicle number one, which was driven by Ms. Ashcraft. At the bottom you - - there is a section that says driver actions at the time of the crash. What box did you check?

A. You are referring to the very bottom of the page? Driver-driver's action at the time of the crash?

Q. Yes.

A. No contributing action.

Q. And I want to turn - ask you to turn to page 11. I am sorry, page 10. And that is the report on the driver of vehicle two, which is the Respondent's vehicle. On the driver actions at the time of the crash, what box did you check?

. . . . .

A. Inattentive, careless, negligent or erratic operation.

Trooper Ray Deposition p. 56, lines 1-21; Motion for Partial Summary Judgment, Exhibit 2.

Below is a copy of Trooper Ray's report for Jennifer Wilkerson with his analysis of her contributing actions. This is from page 10 of his 18-page report, which is attached to the Motion for Partial Summary Judgment as Exhibit 3.

Q. And for vehicle three, the same question. . . . And what did you, what was your finding on the vehicle - - on that driver's contributary actions?

A. No contributing action.

Trooper Ray deposition p. 57, lines 1-6; Motion for Partial Summary Judgment, Exhibit 2.

The deposition testimony of Trooper Ray is unequivocal that the sole fault of the wreck was the "inattentive, careless, negligent or erratic operation" action of Jennifer Wilkerson.

C. JENNIFER WILKERSON

Now, we can examine the four statements made by Jennifer Wilkerson after the wreck. There is nothing contained in these four statements that will lead a person to any

reasonable conclusion other than Jennifer Wilkerson was inattentive and negligently drove into the rear of the Ashcraft vehicle.

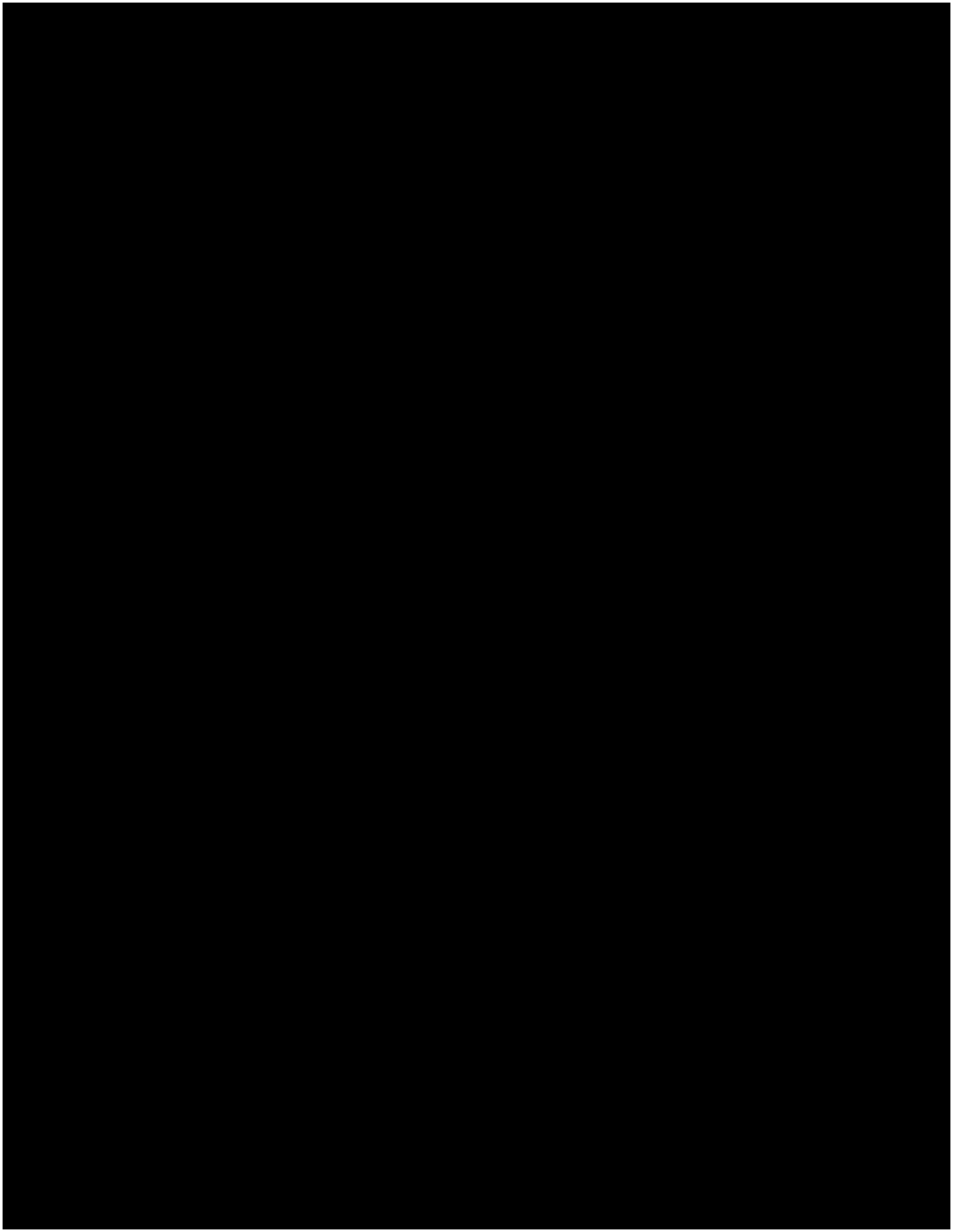
Ms. Wilkerson provided a statement immediately after the wreck to the investigating officers and then provided three separate statements to employees of the respondent. (See Exhibit 1, last page of photos; Exhibit 3, page 20; Exhibit 5; and Exhibit 6 to the Motion for Partial Summary Judgment.) These four statements confirm that Wilkerson drove into the rear of Ashcraft's car. These four statements are reliable because they were provided both to her employer and to the officers assisting Trooper Ray. The thrust of Wilkerson's statements is that she does not know what happened.

Trooper Ray transcribed Jennifer Wilkerson's statement that she provided to officers assisting him with his report. The time of the transcribed statement is 1:45 p.m. Wilkerson's statement reads:

> "**Hit car that stopped in front. All that I remember."**
> (emphasis added)

Wilkerson made this statement immediately after a catastrophic event. Trooper Ray transcribed the statement at 1:45 p.m. which is just minutes after he arrived. He even took a photograph of the statement at the accident scene which is contained in the last page of the series of photos attached to the Motion for Partial Summary Judgment as Exhibit 1.

The statement made by Jennifer Wilkerson is attached incorporated in Trooper Ray's accident report on page 20. The accident report is attached as Exhibit 3 to the Motion for Partial Summary Judgment.



Wilkerson's statement is reliable because she made it to law enforcement officials assisting Trooper Ray immediately after a catastrophic wreck. The timing of the statement along with the excitement and stress of a catastrophic reveal exactly what Wilkerson knew about the collision.

Jennifer Wilkerson reiterated her statement that she did not know what happened three more times with fellow Department of Human Services employees.

The Department of Human Services conducted an investigation into this incident. Kristin Shelton is a DHS Program Administrator in Clarksville. Ms. Shelton oversees the supervisors for a six-county area of the Division of Children & Family Services.

Kristin Shelton performed an internal fact-finding investigation for DHS. Ms. Wilkerson obtained written statements from Jennifer Wilkerson and Brandy Ezell as part of this fact-finding effort.

Kristin Shelton testified that she submitted a set of ten questions via email to Jennifer Wilkerson asking her about the accident as part of DHS' internal fact-finding. Shelton deposition, p. 20; Motion for Partial Summary Judgment, Exhibit 4. Jennifer Wilkerson responded with a handwritten response to the ten questions. The questions relevant to the issue of liability are question numbers five and ten.

Kristen Shelton's testimony confirms that Wilkerson has no information to rebut the photographs or Trooper Ray's finding that she was inattentive. Shelton was examined about the fact finding and Wilkerson's hand written response to the ten questions.

Q. Okay. I want to ask you. Ms. Wilkerson's answer to question number five is—the question is: "While you were driving, what happened to cause the accident?" Can you read what Ms. Wilkerson's answer is?

A. "I remember seeing a car up ahead but no brake lights or signal lights. That is all I remember until I came to."

Q. Do you know anything else about - whether Ms. Wilkerson had said anything else about what happened to cause the wreck other than that statement?

A. No.

Q. Okay. And then the same for question number ten: "Is there anything else that you would like for me to know regarding this incident?" What was her answer?

A. "I am devastated over what happened but I really don't know what happened bc I don't remember it happened so fast."

Kristin Shelton Deposition pp. 24-25, lines 24-21; Motion for Partial Summary Judgment, Exhibit 4.

Wilkerson's statement to the Arkansas Department of Human Services is unequivocal. Wilkerson does not attempt to blame anyone else for the wreck. Her testimony does not refute any of Trooper Ray's findings. Wilkerson was driving while inattentive is the only reasonable conclusion from her hand written statement which is inserted below.

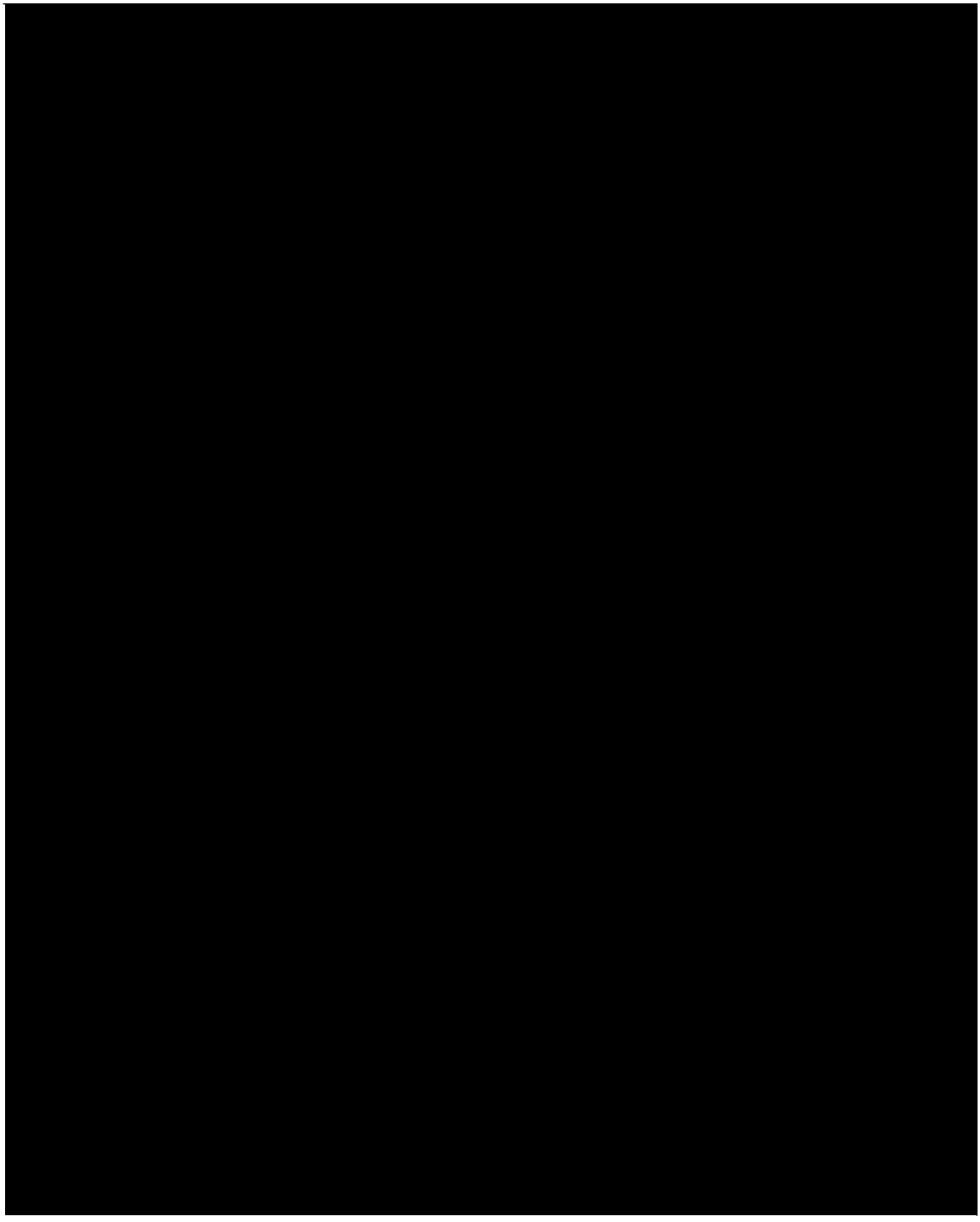


Exhibit 5 – Jennifer Wilkerson's Handwritten Answers to Department of Human Services.

Jennifer Wilkerson provided a second statement to Pamela Feemster, her direct supervisor in Paris. This statement was incorporated into Kristen Shelton's fact-finding investigation. Wilkerson's email statement is below and is attached as Exhibit 6 to the Motion for Partial Summary Judgment:

> On 6/11/21 I was going to Beebe, AR to pick up [redacted] for a sibling visit in Clarksville, AR. I left Paris about 12:30 p.m. and was supposed to be there around 2:00. In Midway, AR there was a car stopped in the road, I didn't see a turn signal and the I remember the air back (sic) deploying and nothing else until the car was stopped. When I was able to get out of the car there were already several people on the scene. I was there until I went in the ambulance to the emergency room in Booneville, AR. I had minor cuts and bruises.

Kristin Shelton also obtained a written statement from Brandy Ezell. Ms. Ezell is a Program Assistant in Paris. She assisted Ms. Wilkerson with her travel schedule to Beebe.

Ezell prepared a written statement for Kristin Shelton explaining what happened on June 11. Ezell noted that she helped Jennifer Wilkerson create a MapQuest route for directions from Paris to Beebe. Wilkerson knew it would take two hours of travel time. Ezell noted that Wilkerson left the Paris DHS office around noon. Ezell received a call from Wilkerson notifying her about the wreck 55 minutes later. Ezell went to the scene of the wreck. Wilkerson told Ezell at the accident site that she did not remember what happened. Below is the relevant portion of Ezell's statement to Kristen Shelton as part of the Department of Human Services fact-finding investigation.

> She called me at 1255 and told me that she had got in a bad wreck. When I got to the wreck site, she stated she does not remember what happened but that she stopped through Dari Delite to get a drink and a car suddenly stopped in front of her!!!

Attached to the Motion for Partial Summary Judgment as Exhibit 7 is Brandy Ezell's complete report to Kristen Shelton.

The reason Wilkerson was inattentive can be gleaned from the time the collision occurred. Wilkerson was an hour late for her DHS work assignment to pick up a child in Beebe at 2:00 p.m. Kristin Shelton confirmed that Jennifer Wilkerson was approximately one hour behind schedule when the wreck occurred.

Q. Okay. Was - at the time of the accident, the state trooper reports it being called in at 12:50 PM, and it is my understanding that Ms. Wilkerson was supposed to be at Beebe at 2 PM to pick up the child?

A. That is-

Q. Does that sound correct?

A. That is my understanding.

Q. So if that is correct, she would have been about an hour behind schedule when the wreck occurred, is that right?

A. Yes.

Q. And you do not have any reason to dispute that?

A. No.

Kristin Shelton Deposition p. 27, lines 1-14; Motion for Partial Summary Judgment, Ex. 4.

Jennifer Wilkerson's four statements confirm that she did not see the vehicle in front of her in time to come to a stop to avoid the wreck. She was an hour behind schedule. She did not have her vehicle under proper control. Wilkerson violated Ark. Code Ann. § 27-51-305 - - Following too Closely. She violated common law and rules of the road by not paying attention. Or, in the words of the State Trooper, she was guilty of "Inattentive, Careless, Negligent or Erratic Operation."

VII. LEGAL STANDARD

To prove negligence, a claimant must show a failure to exercise proper care in the performance of a legal duty which was owed to the claimant under the circumstances. *Central Oklahoma Pipeline Inc. v. Hawk Field Services, LLC*, 2012 Ark. 157, 400 S.W.3d 701. Jennifer Wilkerson had a duty to obey the rules of the road. Her failure to obey commonly accepted rules of the road led to a fatal rear-end collision on June 11, 2021.

The evidence presented by the claimant can only be described as substantial. "Substantial Evidence is that which is of sufficient force in character that it will compel a conclusion one way or another. It must force or induce demand to pass beyond a suspicion or conjecture." *Young v. Johnson*, 311 Ark. 551, 555, 845 S.W.2d 510, 513 (Ark. 1993), *citing Farm Bureau Mut. Ins. Co. v. Henley*, 275 Ark. 122, 628 S.W.2d 301 (1982).

The claimant has substantially proven the allegations in the Complaint on the issue of liability. The proof is overwhelming that Jennifer Wilkerson, while in the course and scope of her employment with the Arkansas DHS, negligently rear-ended Jacqueline Ashcraft's car. There is no material fact in dispute as to the cause of the accident. Jennifer Wilkerson owed a duty to Jacqueline Ashcraft and others on the highway to keep her vehicle under control and obey the rules of the road. Jennifer Wilkerson negligently breached this duty. Jennifer Wilkerson's negligence was the sole cause of the wreck.

Trooper Ray is correct in labeling Ms. Wilkerson's driving as "inattentive, careless, negligent or erratic operation." No reasonable person could arrive at any different opinion.

CONCLUSION

For the foregoing reasons, the claimant is entitled to judgment as a matter of law pursuant to Rule 56 of the Arkansas Rules of Civil Procedure on the issue of liability, as there are no material facts in dispute. Reasonable minds can only conclude that Jennifer Wilkerson

was negligent, and her negligence was the sole cause of the fatal crash. The claimant respectfully requests that this Commission grant her Motion for Partial Summary Judgment on the Issue of Liability.

Respectfully submitted,

Jim Jackson

Jim Jackson, AR Bar #93209
Jackson Law Firm
700 W. Broadway Street, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
Jim@JimJacksonatty.com

CERTIFICATE OF SERVICE

I hereby certify that on this date, June 14, 2023, I electronically transmitted the attached document via e-mail to the Clerk of the Arkansas State Claims Commission and via e-mail to:

Brent Gasper, Esq.
Assistant Deputy Chief Counsel
Attorney for the Respondent
P.O. Box 1437
Little Rock, AR 72203-1437
Brent.Gasper@dhs.Arkansas.gov

/s/Jim Jackson
Jim Jackson

From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Cc: Martha Cox; ASCC Pleadings; Daiquiri Carter
Subject: RE: Hudson v. DHS, # 230641; Claimant"s Motion for SJ
Date: Thursday, June 15, 2023 5:29:00 PM

Brent and Jim, the hearing letter specified that the scope is on all pending motions. The parties should be ready to argue the motion for partial summary judgment on August 11, but a party can raise the issue then as to whether the hearing on the MPSJ is premature or not for the Commission to consider.

If the Commission decides that the motion is premature, then I will have a spot on the November 8 docket set aside for a motions hearing.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 2:03 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

For reasons that will be evident upon the filling of my next responsive pleading, I believe the Motion for Summary Judgment itself will be moot and the question of liability will absolutely be one that will be in dispute, so I would respectfully ask that you hold off on scheduling a hearing on the Summary Judgment motion until I submit my response.

Thanks,

Brent

Cc: Jim Jackson, Daiquiri

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, June 15, 2023 1:17 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: Re: Hudson v. DHS, # 230641; Claimant's Motion for SJ

[EXTERNAL SENDER]

Kathryn,
I think it would make sense & save time to have the MSJ on Liability heard on August 11.
This is a simple rear end collision.
The motion to compel relates to the decedent's medical treatment prior to the accident, which is relevant to the issue of damages not liability.
The motion for severance, abeyance, et al., will become moot if the Commission finds that no genuine issue of material fact exists regarding the cause of the accident.
I think the Commission should hear & rule on the MSJ on Liability on August 11 which will clarify these issues.
Thank you,

Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

> On Jun 15, 2023, at 12:23 PM, Brent Gasper <brent.gasper@dhs.arkansas.gov> wrote:
>
> I would agree on that date.
>
> Thanks, Kathryn!
>
> brent
>
> ---
>
> **From:** Kathryn Irby <Kathryn.Irby@arkansas.gov>
> **Sent:** Thursday, June 15, 2023 11:19 AM
> **To:** Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
> **Cc:** Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
> **Subject:** RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ
>
> Brent and Jim, if the parties are in agreement, I can schedule a hearing on the motion for partial summary judgment for November 8.
>
> Kathryn
>
> ---
>
> **From:** Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
> **Sent:** Thursday, June 15, 2023 10:57 AM
> **To:** Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings

<ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

We are in receipt of Claimant's Motion for Summary judgment.

From a logistical and procedural standpoint, DHS requests that any hearing the Commission may set on the Motion for Summary Judgment be set ***after*** the August 11 date already set for the several pending motions before the Commission. The motions being decided will have a direct effect on the Summary Judgment motion filed by Claimants as well as the response that will be forthcoming from DHS – including, for instance, whether the claims should be severed and held in abeyance, as well as the motion to compel discovery. It is Respondent's belief that it will prevail on its motion to compel and that the sought after discovery will directly impact the question of liability that Claimants argue is already established (it very much is not).

If the Commission would like a formal motion for this request I'm happy to draft and file one. However, if Jim were to agree to a subsequent and separate date for the Summary Judgment motion that may be the most efficient way to resolve this scheduling request. I believe a date in late October or early November would give DHS enough time to both initially respond to the motion as well as supplement that response should a favorable ruling on its motion to compel result after the August 11 hearing and the sought after Discovery is finally made available to DHS.

DHS will be responding directly to the Motion for Summary Judgment in a timely manner as is required but to attempt to hear that motion on the same day as several other matters that would have a direct impact on that very motion would substantially prejudice Respondent.

I look forward to hearing back from you.

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
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This email may contain sensitive or confidential information.

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From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 3:36 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

[EXTERNAL SENDER]
Please find attached a letter to Kathryn Irby from Attorney Jim Jackson, the claimant's Motion for Partial Summary Judgment on the Issue of Liability, and the claimant's Brief in Support of Motion for Partial Summary Judgment on the Issue of Liability for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611

mcox@jimjacksonatty.com

From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Cc: Martha Cox; ASCC Pleadings; Daiquiri Carter
Subject: RE: Hudson v. DHS, # 230641; Claimant"s Motion for SJ
Date: Tuesday, June 20, 2023 2:11:00 PM

Brent, if a motion is filed, then I will submit it to the Commission for consideration. I do not know whether it would be decided within the 21-day period. My commissioners are all part-time state employees, and the Commission only has two hearing days per month – while the Commission operates like a court in many ways, the staffing set-up is very different.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Friday, June 16, 2023 8:13 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Thank you, Kathryn.

I have one other procedural question. Rule 56 provides that the Commission may enlarge the time period for a defending party to respond to a SJ motion. Obviously if I were to file that I would be asking for relief from the SJ motion response timeline. Am I to understand that if I were to file such a motion that it would be heard on the *same day* as the actual motion for SJ? I ask because that seems to abrogate the purpose of the rule if I am forced to also file a protective motion for SJ in order to not violate the 21-day rule. I believe the grounds I would raise in a motion for an expansion of time would more than satisfy the Commission that an expansion of time would be permitted.

Can you tell me if the Commission would decide on my motion for an expanded response time within the upcoming 21-day period? I believe in all matters of fairness I should be able to use Rule 56 to obtain a decision on an expansion for time before also being required to file my response to SJ.

Thank you in advance!

Brent

Cc: Jim Jackson, Daiquiri

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Thursday, June 15, 2023 5:29 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent and Jim, the hearing letter specified that the scope is on all pending motions. The parties should be ready to argue the motion for partial summary judgment on August 11, but a party can raise the issue then as to whether the hearing on the MPSJ is premature or not for the Commission to consider.

If the Commission decides that the motion is premature, then I will have a spot on the November 8 docket set aside for a motions hearing.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 2:03 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

For reasons that will be evident upon the filling of my next responsive pleading, I believe the Motion for Summary Judgment itself will be moot and the question of liability will absolutely be one that will be in dispute, so I would respectfully ask that you hold off on scheduling a hearing on the Summary Judgment motion until I submit my response.

Thanks,

Brent

Cc: Jim Jackson, Daiquiri

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, June 15, 2023 1:17 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: Re: Hudson v. DHS, # 230641; Claimant's Motion for SJ

[EXTERNAL SENDER]
Kathryn,
I think it would make sense & save time to have the MSJ on Liability heard on August 11.
This is a simple rear end collision.
The motion to compel relates to the decedent's medical treatment prior to the accident, which is

relevant to the issue of damages not liability.
The motion for severance, abeyance, et al., will become moot if the Commission finds that no genuine issue of material fact exists regarding the cause of the accident.
I think the Commission should hear & rule on the MSJ on Liability on August 11 which will clarify these issues.
Thank you,

Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

> On Jun 15, 2023, at 12:23 PM, Brent Gasper <brent.gasper@dhs.arkansas.gov> wrote:
>
> I would agree on that date.
>
> Thanks, Kathryn!
>
> brent
>
> ---
>
> **From:** Kathryn Irby <Kathryn.Irby@arkansas.gov>
> **Sent:** Thursday, June 15, 2023 11:19 AM
> **To:** Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
> **Cc:** Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
> **Subject:** RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ
>
> Brent and Jim, if the parties are in agreement, I can schedule a hearing on the motion for partial summary judgment for November 8.
>
> Kathryn
>
> ---
>
> **From:** Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
> **Sent:** Thursday, June 15, 2023 10:57 AM
> **To:** Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
> **Cc:** Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
> **Subject:** Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

We are in receipt of Claimant's Motion for Summary judgment.

From a logistical and procedural standpoint, DHS requests that any hearing the Commission may set on the Motion for Summary Judgment be set ***after*** the August 11 date already set for the several pending motions before the Commission. The motions being decided will have a direct effect on the Summary Judgment motion filed by Claimants as well as the response that will be forthcoming from DHS – including, for instance, whether the claims should be severed and held in abeyance, as well as the motion to compel discovery. It is Respondent's belief that it will prevail on its motion to compel and that the sought after discovery will directly impact the question of liability that Claimants argue is already established (it very much is not).

If the Commission would like a formal motion for this request I'm happy to draft and file one. However, if Jim were to agree to a subsequent and separate date for the Summary Judgment motion that may be the most efficient way to resolve this scheduling request. I believe a date in late October or early November would give DHS enough time to both initially respond to the motion as well as supplement that response should a favorable ruling on its motion to compel result after the August 11 hearing and the sought after Discovery is finally made available to DHS.

DHS will be responding directly to the Motion for Summary Judgment in a timely manner as is required but to attempt to hear that motion on the same day as several other matters that would have a direct impact on that very motion would substantially prejudice Respondent.

I look forward to hearing back from you.

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 3:36 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

[EXTERNAL SENDER]
Please find attached a letter to Kathryn Irby from Attorney Jim Jackson, the claimant's Motion for Partial Summary Judgment on the Issue of Liability, and the claimant's Brief in Support of Motion for Partial Summary Judgment on the Issue of Liability for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: Kathryn Irby
To: Jim Jackson; Brent Gasper
Cc: Daiquiri Carter
Subject: RE: Subpoena duces tecum request
Date: Tuesday, June 20, 2023 2:12:00 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

Brent, in light of Jim's agreement to the 5 days, will you please revise this to specify the days you're looking for?

"Any and all records, documentation, and other information associated with the phone number [redacted] for the user/account holder Jacqueline (Jackie) Ashcraft ([redacted]; deceased) for the calendar year 2021. Information and documentation should contain and include without limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft ([redacted]; deceased) is currently inactive".

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Monday, June 19, 2023 7:50 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

I was at the Bar meeting in Hot Springs last week and I overlooked this e-mail.
I have no objection to the 5 day period.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 8:15 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Kathryn:

I would agree to the five (5) days prior if Jim is agreeable. There will be testimony that Ms. Ashcraft was ill several days prior to the accident and those records may lead to discoverable evidence as to whom she may have called and talked to about her illness, including potential medical providers.

Thanks,

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 2:11 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

[EXTERNAL SENDER]
Kathryn,
I would like to request that you not issue this subpoena for Ms. Ashcraft's phone at this time.
I am going to file a Motion to Quash based upon the scope of the time requested which is all of 2021.
If Brent will agree to limit the scope of the data requested in the Subpoena to June 10 & 11, 2021, I will not file a Motion to Quash.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 13, 2023 10:29 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Subpoena duces tecum request

Kathryn:

I have another subpoena duces tecum I would request the Commission prepare in light of the discovery answers filed yesterday by two of the claimants. I may have a couple more later as I go through what was provided but for now I am requesting

"Any and all records, documentation, and other information associated with the phone number [redacted] for the user/account holder Jacqueline (Jackie) Ashcraft ([redacted] deceased) for the calendar year 2021. Information and documentation should contain and include without limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft ([redacted] deceased) is currently inactive".

The subpoena should be sent to:

TracFone Wireless, Inc.
Subpoena Compliance Attn: Executive Resolution Dept.
P.O. Box 160340 Hialeah, FL 33016
Fax number: 1-866-809-7134

Thank you in advance!

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Cc: Daiquiri Carter
Subject: RE: Subpoena duces tecum request
Date: Tuesday, June 20, 2023 2:20:00 PM
Attachments: Hudson -- 230641 -- TracFone subpoena form.pdf
image001.jpg
image002.jpg
image003.jpg
image004.jpg

Please see attached subpoena. Please doublecheck and let me know if you see any issues.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 20, 2023 2:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Kathryn:

Thank you for the email. Please find revised language below. Thanks!

"Any and all records, documentation, and other information associated with the phone number [redacted] for the user/account holder Jacqueline (Jackie) Ashcraft [redacted]; deceased) for the dates June 6, 2021, through June 11, 2021. Information and documentation should contain and include without limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft ([redacted] deceased) is currently inactive".

Brent

Cc: Jim, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
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Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Brent, in light of Jim's agreement to the 5 days, will you please revise this to specify the days you're looking for?

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Subject: RE: Subpoena duces tecum request

I was at the Bar meeting in Hot Springs last week and I overlooked this e-mail.
I have no objection to the 5 day period.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 8:15 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Kathryn:

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Thanks,

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 2:11 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

[EXTERNAL SENDER]
Kathryn,
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I am going to file a Motion to Quash based upon the scope of the time requested which is all of 2021.
If Brent will agree to limit the scope of the data requested in the Subpoena to June 10 & 11, 2021, I will not file a Motion to Quash.
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Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

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F (501) 823-3611

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Sent: Tuesday, June 13, 2023 10:29 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Subpoena duces tecum request

Kathryn:

I have another subpoena duces tecum I would request the Commission prepare in light of the discovery answers filed yesterday by two of the claimants. I may have a couple more later as I go through what was provided but for now I am requesting

"Any and all records, documentation, and other information associated with the phone number [redacted] or the user/account holder Jacqueline (Jackie) Ashcraft [redacted] deceased) for the calendar year 2021. Information and documentation should contain and include without limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft ([redacted] deceased) is currently inactive".

The subpoena should be sent to:

TracFone Wireless, Inc.
Subpoena Compliance Attn: Executive Resolution Dept.
P.O. Box 160340 Hialeah, FL 33016
Fax number: 1-866-809-7134

Thank you in advance!

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted], Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: TracFone Wireless, Inc.
Subpoena Compliance Attn: Executive Resolution Dept.
P.O. Box 160340 Hialeah, FL 33016
Fax number: 1-866-809-7134

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

Any and all records, documentation, and other information associated with the phone number [redacted] for the user/account holder Jacqueline (Jackie) Ashcraft ([redacted]; deceased) for the calendar year 2021. Information and documentation should contain and include without limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft ([redacted] deceased) is currently inactive.

June 20, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From: Brent Gasper
To: Kathryn Irby; Jim Jackson
Cc: Martha Cox; ASCC Pleadings; Daiquiri Carter
Subject: RE: Hudson v. DHS, # 230641; Claimant"s Motion for SJ
Date: Tuesday, June 20, 2023 2:24:41 PM

Okay, thank you!

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 20, 2023 2:23 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent, the Commission met last Thursday and Friday. There are no other scheduled meetings between now and July 5.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 20, 2023 2:18 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

Thank you for your email. I understand. Can you advise what day(s) the Commissioners will be meeting between now and July 5? I would like to be able to file a response before they meet again for their consideration if at all possible.

Thank you in advance!

Brent

Cc: Jim Jackson, Martha, Daquiri

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 20, 2023 2:11 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>

Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent, if a motion is filed, then I will submit it to the Commission for consideration. I do not know whether it would be decided within the 21-day period. My commissioners are all part-time state employees, and the Commission only has two hearing days per month – while the Commission operates like a court in many ways, the staffing set-up is very different.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Friday, June 16, 2023 8:13 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Thank you, Kathryn.

I have one other procedural question. Rule 56 provides that the Commission may enlarge the time period for a defending party to respond to a SJ motion. Obviously if I were to file that I would be asking for relief from the SJ motion response timeline. Am I to understand that if I were to file such a motion that it would be heard on the *same day* as the actual motion for SJ? I ask because that seems to abrogate the purpose of the rule if I am forced to also file a protective motion for SJ in order to not violate the 21-day rule. I believe the grounds I would raise in a motion for an expansion of time would more than satisfy the Commission that an expansion of time would be permitted.

Can you tell me if the Commission would decide on my motion for an expanded response time within the upcoming 21-day period? I believe in all matters of fairness I should be able to use Rule 56 to obtain a decision on an expansion for time before also being required to file my response to SJ.

Thank you in advance!

Brent

Cc: Jim Jackson, Daiquiri

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Thursday, June 15, 2023 5:29 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent and Jim, the hearing letter specified that the scope is on all pending motions. The parties should be ready to argue the motion for partial summary judgment on August 11, but a party can raise the issue then as to whether the hearing on the MPSJ is premature or not for the Commission to consider.

If the Commission decides that the motion is premature, then I will have a spot on the November 8 docket set aside for a motions hearing.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 2:03 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

For reasons that will be evident upon the filling of my next responsive pleading, I believe the Motion for Summary Judgment itself will be moot and the question of liability will absolutely be one that will be in dispute, so I would respectfully ask that you hold off on scheduling a hearing on the Summary Judgment motion until I submit my response.

Thanks,

Brent

Cc: Jim Jackson, Daiquiri

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, June 15, 2023 1:17 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: Re: Hudson v. DHS, # 230641; Claimant's Motion for SJ

[EXTERNAL SENDER]
Kathryn,
I think it would make sense & save time to have the MSJ on Liability heard on August 11.
This is a simple rear end collision.
The motion to compel relates to the decedent's medical treatment prior to the accident, which is relevant to the issue of damages not liability.

The motion for severance, abeyance, et al., will become moot if the Commission finds that no genuine issue of material fact exists regarding the cause of the accident.
I think the Commission should hear & rule on the MSJ on Liability on August 11 which will clarify these issues.
Thank you,

Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

On Jun 15, 2023, at 12:23 PM, Brent Gasper <brent.gasper@dhs.arkansas.gov> wrote:

I would agree on that date.

Thanks, Kathryn!

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Thursday, June 15, 2023 11:19 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent and Jim, if the parties are in agreement, I can schedule a hearing on the motion for partial summary judgment for November 8.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 10:57 AM
To: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

We are in receipt of Claimant's Motion for Summary judgment.

From a logistical and procedural standpoint, DHS requests that any hearing the Commission may set on the Motion for Summary Judgment be set ***after*** the August 11 date already set for the several pending motions before the Commission. The motions being decided will have a direct effect on the Summary Judgment motion filed by Claimants as well as the response that will be forthcoming from DHS – including, for instance, whether the claims should be severed and held in abeyance, as well as the motion to compel discovery. It is Respondent's belief that it will prevail on its motion to compel and that the sought after discovery will directly impact the question of liability that Claimants argue is already established (it very much is not).

If the Commission would like a formal motion for this request I'm happy to draft and file one. However, if Jim were to agree to a subsequent and separate date for the Summary Judgment motion that may be the most efficient way to resolve this scheduling request. I believe a date in late October or early November would give DHS enough time to both initially respond to the motion as well as supplement that response should a favorable ruling on its motion to compel result after the August 11 hearing and the sought after Discovery is finally made available to DHS.

DHS will be responding directly to the Motion for Summary Judgment in a timely manner as is required but to attempt to hear that motion on the same day as several other matters that would have a direct impact on that very motion would substantially prejudice Respondent.

I look forward to hearing back from you.

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 3:36 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [redacted], Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

[EXTERNAL SENDER]
Please find attached a letter to Kathryn Irby from Attorney Jim Jackson, the claimant's Motion for Partial Summary Judgment on the Issue of Liability, and the claimant's Brief in Support of Motion for Partial Summary Judgment on the Issue of Liability for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Cc: Daiquiri Carter
Subject: RE: Subpoena duces tecum request
Date: Tuesday, June 20, 2023 2:26:00 PM
Attachments: image001.jpg
image002.jpg
image003.jpg
image004.jpg

You can use that pdf. If you had seen any typos or anything, then I would send a revised subpoena to you before you served it on TracFone. I try to cut and paste to avoid any typos, but you never know! Appreciate the second set of eyes on the subpoena.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 20, 2023 2:24 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

I think that looks great. Is this the PDF we should used then? Or do you need to send a final copy?

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 20, 2023 2:21 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Please see attached subpoena. Please doublecheck and let me know if you see any issues.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 20, 2023 2:16 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Kathryn:

Thank you for the email. Please find revised language below. Thanks!

"Any and all records, documentation, and other information associated with the phone number [redacted] for the user/account holder Jacqueline (Jackie) Ashcraft (DOB [redacted] deceased) for

the dates June 6, 2021, through June 11, 2021. Information and documentation should contain and include without limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft (DOB [redacted]; deceased) is currently inactive".

Brent

Cc: Jim, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 20, 2023 2:13 PM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Brent, in light of Jim's agreement to the 5 days, will you please revise this to specify the days you're looking for?

"Any and all records, documentation, and other information associated with the phone number [redacted] for the user/account holder Jacqueline (Jackie) Ashcraft (DOB [redacted]; deceased) for the calendar year 2021. Information and documentation should contain and include without

limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft (DOB [redacted]; deceased) is currently inactive".

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Monday, June 19, 2023 7:50 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

I was at the Bar meeting in Hot Springs last week and I overlooked this e-mail.
I have no objection to the 5 day period.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 8:15 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

Kathryn:

I would agree to the five (5) days prior if Jim is agreeable. There will be testimony that Ms. Ashcraft was ill several days prior to the accident and those records may lead to discoverable evidence as to whom she may have called and talked to about her illness, including potential medical providers.

Thanks,

brent

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 2:11 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Subpoena duces tecum request

[EXTERNAL SENDER]
Kathryn,
I would like to request that you not issue this subpoena for Ms. Ashcraft's phone at this time.
I am going to file a Motion to Quash based upon the scope of the time requested which is all of 2021.
If Brent will agree to limit the scope of the data requested in the Subpoena to June 10 & 11, 2021, I will not file a Motion to Quash.
Thank you,
Jim

Jim Jackson
Jackson Law Firm
JimJacksonAtty.com

700 W. Broadway
North Little Rock, AR 72114
P (501) 823-3610
F (501) 823-3611

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 13, 2023 10:29 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Jim Jackson <jim@jimjacksonatty.com>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: Subpoena duces tecum request

Kathryn:

I have another subpoena duces tecum I would request the Commission prepare in light of the discovery answers filed yesterday by two of the claimants. I may have a couple more later as I go through what was provided but for now I am requesting

"Any and all records, documentation, and other information associated with the phone number [redacted] for the user/account holder Jacqueline (Jackie) Ashcraft (DOB [redacted] deceased) for the calendar year 2021. Information and documentation should contain and include without limitation a complete call log, call detail records, text message records, and the text of the messages themselves. Upon information and belief this phone number and account owned by Jacqueline (Jackie) Ashcraft (DOB [redacted] deceased) is currently inactive".

The subpoena should be sent to:

TracFone Wireless, Inc.
Subpoena Compliance Attn: Executive Resolution Dept.
P.O. Box 160340 Hialeah, FL 33016
Fax number: 1-866-809-7134

Thank you in advance!

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Kathryn Irby
To: Brent Gasper
Subject: RE: Hudson v. DHS; Subpoenas Duces Tecum
Date: Tuesday, June 20, 2023 8:01:00 PM
Attachments: Hudson -- 230641 -- Google subpoena form.pdf
Hudson -- 230641 -- Paris PD subpoena form.pdf

Please see attached. Let me know if you see any issues.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 13, 2023 2:22 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Hudson v. DHS; Subpoenas Duces Tecum

Kathryn:

Please find two more entities whom I'd like to get a subpoena duces tecum prepared by the Commission. Specifically, we are requesting:

1, Copies of any and all emails sent to received by the gmail address [redacted] for the month of June 2021.

- The corporation is Google North America Inc. A subpoena duces tecum for a complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, [redacted].
- The subpoena for this information can be sent to:
    a. Corporation Service Company, 300 SPRING BUILDING, STE 900 300 S. SPRING ST LITTLE ROCK, AR 72201

2. The complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, [redacted]

- The subpoena for this information can be sent to:
    a. Robin Ellington, Chief, Paris Police Department, 1810 E Walnut St., Paris AR 72855

Thank you in advance!

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted], Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: Google North America Inc.
c/o Corporation Service Company
300 South Spring Street, Suite 900
Little Rock, Arkansas 72201

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

Copies of any and all emails sent to received by the gmail address [redacted] for the month of June 2021.

June 20, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted], Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: Chief Robin Ellington
Paris Police Department
1810 East Walnut Street
Paris, Arkansas 72855

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

The complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, DOB [redacted].

June 20, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From: Kathryn Irby
To: Jim Jackson; Brent Gasper
Subject: RE: Hudson v. DHS, # 230641; Claimant"s Motion for SJ
Date: Wednesday, June 21, 2023 11:03:00 AM

Brent, I cannot give legal advice – if you decide to file something under the Commission's rules (which can be found on our website) and/or the Arkansas Rules of Civil Procedure, then the Commission will take it up in due course after Jim has had an opportunity to respond.

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, June 21, 2023 8:34 AM
To: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Subject: Re: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn,
I understand Brent sent his email to you asking for your response.
I would like to share my thoughts.
If Brent is wanting to file something "under seal" that prevents the public from seeing the document, I do not have an issue with signing a protective order that would prevent the public from access to the document.
However, if Brent is requesting to file a pleading that opposing counsel is not allowed to see, then I would certainly object to that.
I am not aware of any section in the Arkansas Rules of Civil Procedure that would permit such a filing.
It is my opinion that such a filing would violate my client's right to due process.
Thank you for allowing me to share my thoughts.
Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

> On Jun 20, 2023, at 2:41 PM, Brent Gasper <brent.gasper@dhs.arkansas.gov> wrote:
>
> Kathryn, I'm copying Jim here so as to not violate any rules on ex parte communications even though it risks exposing my legal strategy.
>
> That being said, I need to know if the Commission has in place any method for me to file a pleading under seal. Specifically, I intend to file a motion to strike the summary

judgment motion as untimely and premature as well as an alternative motion for enlargement of time to respond.

However, it does not appear that the Commission will be in any position to take up either of these motions prior to July 5 when my time to respond to the SJ motion runs out. As such, I would like to be able to file a formal response to the SJ motion under seal and/or under a protective order so that if the Commission grants either my motion to strike or my motion for enlarged period of time I can withdraw my formal response without having to divulge its contents – which I contend will have to contain impeachment evidence and other evidence that I am still developing. This evidence will easily defeat the SJ motion but I should not have to divulge it at this time if the SJ motion is ultimately struck or if I'm ultimately granted more time to formally respond.

If, however, the Commission does not grant either of my motions, by filing under seal or protective order I will have filed my formal response within the required period of time and it can then be given to the defense for a formal replay, if any.

Does this make sense?

I appreciated your time on this issue in advance!

Brent

Cc: Jim Jackson, Daiquiri

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 20, 2023 2:23 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent, the Commission met last Thursday and Friday. There are no other scheduled meetings between now and July 5.

Thanks,
Kathryn

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Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

Thank you for your email. I understand. Can you advise what day(s) the Commissioners will be meeting between now and July 5? I would like to be able to file a response before they meet again for their consideration if at all possible.

Thank you in advance!

Brent

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Brent, if a motion is filed, then I will submit it to the Commission for consideration. I do not know whether it would be decided within the 21-day period. My commissioners are all part-time state employees, and the Commission only has two hearing days per month – while the Commission operates like a court in many ways, the staffing set-up is very different.

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I have one other procedural question. Rule 56 provides that the Commission may enlarge the time period for a defending party to respond to a SJ motion. Obviously if I were to file that I would be asking for relief from the SJ motion response timeline. Am I to understand that if I were to file such a motion that it would be heard on the *same day* as the actual motion for SJ? I ask because that seems to abrogate the purpose of the rule if I am forced to also file a protective motion for SJ in order to not violate the

21-day rule. I believe the grounds I would raise in a motion for an expansion of time would more than satisfy the Commission that an expansion of time would be permitted.

Can you tell me if the Commission would decide on my motion for an expanded response time within the upcoming 21-day period? I believe in all matters of fairness I should be able to use Rule 56 to obtain a decision on an expansion for time before also being required to file my response to SJ.

Thank you in advance!

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Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent and Jim, the hearing letter specified that the scope is on all pending motions. The parties should be ready to argue the motion for partial summary judgment on August 11, but a party can raise the issue then as to whether the hearing on the MPSJ is premature or not for the Commission to consider.

If the Commission decides that the motion is premature, then I will have a spot on the November 8 docket set aside for a motions hearing.

Thanks,
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To: Jim Jackson <jim@jimjacksonatty.com>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

For reasons that will be evident upon the filling of my next responsive pleading, I believe the Motion for Summary Judgment itself will be moot and the question of

liability will absolutely be one that will be in dispute, so I would respectfully ask that you hold off on scheduling a hearing on the Summary Judgment motion until I submit my response.

Thanks,

Brent

Cc: Jim Jackson, Daiquiri

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Thursday, June 15, 2023 1:17 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: Re: Hudson v. DHS, # 230641; Claimant's Motion for SJ

[EXTERNAL SENDER]
Kathryn,
I think it would make sense & save time to have the MSJ on Liability heard on August 11.
This is a simple rear end collision.
The motion to compel relates to the decedent's medical treatment prior to the accident, which is relevant to the issue of damages not liability.
The motion for severance, abeyance, et al., will become moot if the Commission finds that no genuine issue of material fact exists regarding the cause of the accident.
I think the Commission should hear & rule on the MSJ on Liability on August 11 which will clarify these issues.
Thank you,

Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

> On Jun 15, 2023, at 12:23 PM, Brent Gasper <brent.gasper@dhs.arkansas.gov> wrote:
>
> I would agree on that date.

Thanks, Kathryn!

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Thursday, June 15, 2023 11:19 AM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent and Jim, if the parties are in agreement, I can schedule a hearing on the motion for partial summary judgment for November 8.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 10:57 AM
To: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

We are in receipt of Claimant's Motion for Summary judgment.

From a logistical and procedural standpoint, DHS requests that any hearing the Commission may set on the Motion for Summary Judgment be set ***after*** the August 11 date already set for the several pending motions before the Commission. The motions being decided will have a direct effect on the Summary Judgment motion filed by Claimants as well as the response that will be forthcoming from DHS – including, for instance, whether the claims should be severed and held in abeyance, as well as the motion to compel discovery. It is Respondent's belief that it will prevail on its motion to compel and that the sought after discovery will directly impact the question of liability that Claimants argue is already established (it very much is not).

If the Commission would like a formal motion for this request I'm happy

to draft and file one. However, if Jim were to agree to a subsequent and separate date for the Summary Judgment motion that may be the most efficient way to resolve this scheduling request. I believe a date in late October or early November would give DHS enough time to both initially respond to the motion as well as supplement that response should a favorable ruling on its motion to compel result after the August 11 hearing and the sought after Discovery is finally made available to DHS.

DHS will be responding directly to the Motion for Summary Judgment in a timely manner as is required but to attempt to hear that motion on the same day as several other matters that would have a direct impact on that very motion would substantially prejudice Respondent.

I look forward to hearing back from you.

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment are the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is STRICTLY PROHIBITED. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 3:36 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [redacted] Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

[EXTERNAL SENDER]
Please find attached a letter to Kathryn Irby from Attorney Jim Jackson, the claimant's Motion for Partial Summary Judgment on the Issue of Liability, and the claimant's Brief in Support of Motion for Partial Summary Judgment on the Issue of Liability for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: Kathryn Irby
To: Brent Gasper
Subject: RE: Hudson v. DHS; Subpoenas Duces Tecum
Date: Wednesday, June 21, 2023 11:07:00 AM
Attachments: Hudson -- 230641 -- Paris PD subpoena form.pdf

No worries – see attached.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, June 21, 2023 8:22 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: RE: Hudson v. DHS; Subpoenas Duces Tecum

I think its probably my error but the police one is to paris PD and in the text it says Logan County SO. Can you change that to Paris Police Dept?

Thx

brent

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 20, 2023 8:01 PM
To: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS; Subpoenas Duces Tecum

Please see attached. Let me know if you see any issues.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Tuesday, June 13, 2023 2:22 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Hudson v. DHS; Subpoenas Duces Tecum

Kathryn:

Please find two more entities whom I'd like to get a subpoena duces tecum prepared by the Commission. Specifically, we are requesting:

1, Copies of any and all emails sent to received by the gmail address [redacted] for the month of June 2021.

- The corporation is Google North America Inc. A subpoena duces tecum for a complete investigative file and/or any other record, including dispatch logs and recordings of any

911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, [redacted]

- The subpoena for this information can be sent to:
    a. Corporation Service Company, 300 SPRING BUILDING, STE 900 300 S. SPRING ST LITTLE ROCK, AR 72201

2. The complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Logan County Sheriff's Office or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, [redacted]

- The subpoena for this information can be sent to:
    a. Robin Ellington, Chief, Paris Police Department, 1810 E Walnut St., Paris AR 72855

Thank you in advance!

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

This email may contain sensitive or confidential information.

CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment are the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is STRICTLY PROHIBITED. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: Chief Robin Ellington
Paris Police Department
1810 East Walnut Street
Paris, Arkansas 72855

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

The complete investigative file and/or any other record, including dispatch logs and recordings of any 911 or other emergency calls, kept by the Paris Police Department or other entity resulting from the June 11, 2021, accident on Highway 22, in Logan County, involving Jacqueline Ashcraft, DOB [redacted]

June 20, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

PROOF OF SERVICE

_____

SERVED ON (Print Name)

_____ _____

DATE PLACE

_____

MANNER OF SERVICE

_____ _____

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ _____

DATE SIGNATURE OF SERVER

_____

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

From: Kathryn Irby
To: Brent Gasper; Jim Jackson
Subject: RE: Hudson v. DHS, # 230641; Claimant"s Motion for SJ
Date: Wednesday, June 21, 2023 1:14:00 PM

Brent, the Commission does not generally meet outside of its normal schedule, but you can request whatever relief you are wanting in a motion, including expedited review, and the Commission will consider it in due course.

Thanks,
Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Wednesday, June 21, 2023 12:05 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

Yes, I understand you cannot offer legal advice. I was only wanting to know if the Commission had a procedure in place for such requests.

Similarly, does the Commission have in place a method for a litigant to request immediate consideration of a motion? I understand their part-time nature as you explained previously but, again, is there a current method for a litigant to get something in front of the Commission before their next meeting?

Thanks in advance,

Brent

Cc: Jim

From: Kathryn Irby <kathryn.irby@arkansas.gov>
Sent: Wednesday, June 21, 2023 11:04 AM
To: Jim Jackson <jim@jimjacksonatty.com>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent, I cannot give legal advice – if you decide to file something under the Commission's rules (which can be found on our website) and/or the Arkansas Rules of Civil Procedure, then the Commission will take it up in due course after Jim has had an opportunity to respond.

Thanks,
Kathryn

From: Jim Jackson <jim@jimjacksonatty.com>
Sent: Wednesday, June 21, 2023 8:34 AM
To: Brent Gasper <brent.gasper@dhs.arkansas.gov>; Kathryn Irby <kathryn.irby@arkansas.gov>
Subject: Re: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn,
I understand Brent sent his email to you asking for your response.
I would like to share my thoughts.
If Brent is wanting to file something "under seal" that prevents the public from seeing the document, I do not have an issue with signing a protective order that would prevent the public from access to the document.
However, if Brent is requesting to file a pleading that opposing counsel is not allowed to see, then I would certainly object to that.
I am not aware of any section in the Arkansas Rules of Civil Procedure that would permit such a filing.
It is my opinion that such a filing would violate my client's right to due process.
Thank you for allowing me to share my thoughts.
Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

> On Jun 20, 2023, at 2:41 PM, Brent Gasper <brent.gasper@dhs.arkansas.gov> wrote:
>
> Kathryn, I'm copying Jim here so as to not violate any rules on ex parte communications even though it risks exposing my legal strategy.
>
> That being said, I need to know if the Commission has in place any method for me to file a pleading under seal. Specifically, I intend to file a motion to strike the summary judgment motion as untimely and premature as well as an alternative motion for enlargement of time to respond.
>
> However, it does not appear that the Commission will be in any position to take up either of these motions prior to July 5 when my time to respond to the SJ motion runs out. As such, I would like to be able to file a formal response to the SJ motion under seal and/or under a protective order so that if the Commission grants either my motion to strike or my motion for enlarged period of time I can withdraw my formal response without having to divulge its contents – which I contend will have to contain impeachment evidence and other evidence that I am still developing. This evidence will easily defeat the SJ motion but I should not have to divulge it at this time if the SJ motion is ultimately struck or if I'm ultimately granted more time to formally respond.

If, however, the Commission does not grant either of my motions, by filing under seal or protective order I will have filed my formal response within the required period of time and it can then be given to the defense for a formal replay, if any.

Does this make sense?

I appreciated your time on this issue in advance!

Brent

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Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

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Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

For reasons that will be evident upon the filling of my next responsive pleading, I believe the Motion for Summary Judgment itself will be moot and the question of liability will absolutely be one that will be in dispute, so I would respectfully ask that you hold off on scheduling a hearing on the Summary Judgment motion until I submit my response.

Thanks,

Brent

Cc: Jim Jackson, Daiquiri

From: Jim Jackson <jim@jimjacksonatty.com>

Sent: Thursday, June 15, 2023 1:17 PM
To: Kathryn Irby <kathryn.irby@arkansas.gov>
Cc: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Daiquiri Carter <daiquiri.carter@dhs.arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Subject: Re: Hudson v. DHS, # 230641; Claimant's Motion for SJ

[EXTERNAL SENDER]
Kathryn,
I think it would make sense & save time to have the MSJ on Liability heard on August 11.
This is a simple rear end collision.
The motion to compel relates to the decedent's medical treatment prior to the accident, which is relevant to the issue of damages not liability.
The motion for severance, abeyance, et al., will become moot if the Commission finds that no genuine issue of material fact exists regarding the cause of the accident.
I think the Commission should hear & rule on the MSJ on Liability on August 11 which will clarify these issues.
Thank you,

Jim

Jim Jackson
Attorney at Law
700 West Broadway St: Suite 2
North Little Rock, AR 72114
(501) 823-3610

> On Jun 15, 2023, at 12:23 PM, Brent Gasper <brent.gasper@dhs.arkansas.gov> wrote:
>
> I would agree on that date.
>
> Thanks, Kathryn!
>
> brent
>
> ---
>
> **From:** Kathryn Irby <Kathryn.Irby@arkansas.gov>
> **Sent:** Thursday, June 15, 2023 11:19 AM
> **To:** Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
> **Cc:** Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson

<jim@jimjacksonatty.com>
Subject: RE: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Brent and Jim, if the parties are in agreement, I can schedule a hearing on the motion for partial summary judgment for November 8.

Kathryn

From: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>
Sent: Thursday, June 15, 2023 10:57 AM
To: Martha Cox <mcox@jimjacksonatty.com>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>
Subject: Hudson v. DHS, # 230641; Claimant's Motion for SJ

Kathryn:

We are in receipt of Claimant's Motion for Summary judgment.

From a logistical and procedural standpoint, DHS requests that any hearing the Commission may set on the Motion for Summary Judgment be set ***after*** the August 11 date already set for the several pending motions before the Commission. The motions being decided will have a direct effect on the Summary Judgment motion filed by Claimants as well as the response that will be forthcoming from DHS – including, for instance, whether the claims should be severed and held in abeyance, as well as the motion to compel discovery. It is Respondent's belief that it will prevail on its motion to compel and that the sought after discovery will directly impact the question of liability that Claimants argue is already established (it very much is not).

If the Commission would like a formal motion for this request I'm happy to draft and file one. However, if Jim were to agree to a subsequent and separate date for the Summary Judgment motion that may be the most efficient way to resolve this scheduling request. I believe a date in late October or early November would give DHS enough time to both initially respond to the motion as well as supplement that response should a favorable ruling on its motion to compel result after the August 11 hearing and the sought after Discovery is finally made available to DHS.

DHS will be responding directly to the Motion for Summary Judgment in a timely manner as is required but to attempt to hear that motion on the same day as several other matters that would have a direct impact on

that very motion would substantially prejudice Respondent.

I look forward to hearing back from you.

Brent

Cc: Jim Jackson, Daiquiri

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
Little Rock, AR 72203
(501) 320-8950
Brent.Gasper@dhs.arkansas.gov

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From: Martha Cox <mcox@jimjacksonatty.com>
Sent: Wednesday, June 14, 2023 3:36 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Jim Jackson <jim@jimjacksonatty.com>

Subject: RE: Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, dec'd & Permanent Guardian of [redacted] Minor Children v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641

[EXTERNAL SENDER]
Please find attached a letter to Kathryn Irby from Attorney Jim Jackson, the claimant's Motion for Partial Summary Judgment on the Issue of Liability, and the claimant's Brief in Support of Motion for Partial Summary Judgment on the Issue of Liability for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

From: Martha Cox
To: ASCC Pleadings; Kathryn Irby
Cc: Brent Gasper; Daiquiri Carter; Jim Jackson
Subject: RE: Haley Hudson, Special Adm"x of the Estate of Jacqueline Lynn Ashcraft, dec"d & Permanent Guardian of [redacted] a Minor v. AR Dept. of Human Services; Arkansas State Claims Commission No. 230641
Date: Wednesday, June 21, 2023 4:07:31 PM
Attachments: Claimant"s Response to Respondent"s Motion to Sever & Motion to Hold in Abeyance 6-21-2023.pdf

Please find attached the claimant's Response to Respondent's Motion to Sever and Motion to Hold in Abeyance for filing in the above-referenced case.

Thank you.

Martha Cox, PP, PLS
Paralegal for The Jackson Law Firm
700 West Broadway, Suite 200
North Little Rock, AR 72114
Phone: (501) 823-3610
Fax: (501) 823-3611
mcox@jimjacksonatty.com

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, AS SPECIAL ADMINISTRATRIX OF THE ESTATE OF JACQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON AS PERMANENT LEGAL GUARDIAN OF [redacted] a minor — **CLAIMANT**

v. **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES — **RESPONDENT**

CLAIMANT'S RESPONSE TO RESPONDENT'S MOTION TO SEVER AND MOTION TO HOLD IN ABEYANCE

Comes now Haley Hudson, as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as Permanent Legal Guardian of [redacted] a minor, by and through her attorney, Jim Jackson, and for her Response to the Respondent's Motion to Sever and Motion to Hold in Abeyance, states:

BACKGROUND

1. Jacqueline Ashcraft ("Ashcraft") was a 50-year-old mother who died as the result of a rear-end collision caused by the respondent's employee. Ashcraft's two minor daughters, [redacted] ages 14 and 10 at the time of the wreck, were passengers in the back seat of Ashcraft's car. Haley Hudson ("Hudson") is Ashcraft's oldest child. Hudson is now the Permanent Guardian of her two younger sisters and the Special Administratrix of Ashcraft's estate.

2. There are two claims being asserted from this wreck. One is a wrongful death claim for the Estate of Jacqueline Ashcraft, deceased. The second is a bodily injury claim for [redacted] based on a traumatic brain injury/concussion injury.

ARGUMENT

3. The Respondent's Motions are based upon a hypothetical that has no basis in fact or law. The hypothetical is that Haley Hudson, in her capacity as Permanent Guardian, will bring a lawsuit against Haley Hudson, in her capacity as Special Administratrix. The respondent has presented no facts that can be considered evidence, no Affidavits, no deposition testimony, not even the name of an eyewitness, to support the allegation that Jacqueline Ashcraft was negligent in operating her motor vehicle. The respondent has only made speculative statements with no basis of any proof that Ashcraft was "parked on the shoulder" or otherwise driving negligently.

4. The Respondent's argument that this case should be "Severed" and "Held in Abeyance" while the minor child brings a separate tort claim against her mother's estate has no legal basis. Even if there was a single iota of a fact that would allow any passenger in the Ashcraft vehicle to bring a bodily injury claim against Ashcraft, the Ashcraft children are legally precluded from bringing a tort claim against their mother by the long-standing "Parental Immunity" doctrine.

5. The "Parental Immunity" doctrine bars a child from bringing a lawsuit for a tort claim against their parent. Arkansas courts have long recognized that one cannot imagine what folly would occur if minor children were permitted to bring a tort claim against their mother and father. The Parental Immunity doctrine was first discussed in 1938 in *Rambo v. Rambo*, 114 S.W.2d 468, 195 Ark. 832 (Ark. 1938). The *Rambo* court held that a child and his mother were legally barred from bringing a tort claim sounding in negligence against the father based on this doctrine. More recently, the Arkansas Supreme Court upheld the Parental Immunity doctrine in a car accident case. The Court held:

> In *Carpenter v. Bishop*, 290 Ark. 424, 720 S.W.2d 299 (1986), we repeated that a parent . . . is immune from suit for an unintentional injury to his child, but not for an intentional injury to his child."

Spears v. Spears, 3 S.W.3d 691, 339 Ark. 162 (Ark. 1999)

The Supreme Court further clarified this holding ten years later in another car accident case:

> Parental immunity was created judicially in Arkansas in *Rambo v. Rambo*, 195 Ark. 832, 114 S.W.2d 468 (1938), and proscribes an unemancipated minor from maintaining an action for an involuntary tort against his parent. Under current Arkansas law, two recognized exceptions to the parental immunity exist: (1) when the parent has committed an intentional or willful tort, *see Attwood v. Estate of Attwood*, 276 Ark. 230, 633 S.W.2d 366 (1982); (2) when the suit is a direct action against an insurer and the damages sought are uninsured motorist benefits, *see Fields v. Southern Farm Bureau Cas. Ins. Co.*, 350 Ark. 75, 87 S.W.3d 224 (2002).

Greenwood v. Anderson, 2009 Ark. 360, 324 S.W.3d 324 (Ark. 2009).

6. Ashcraft's automobile insurance policy did not carry "uninsured motorist" UM coverage. Attached as Exhibit 1 is a letter from her insurance agent confirming that Ashcraft's vehicle only had liability coverage.

7. The Ashcraft children are legally and factually barred from bringing a claim against their mother's estate.

WHEREFORE, the Claimant requests that the Respondent's Motion to Sever and Motion to Hold in Abeyance be denied, as the Parental Immunity doctrine is a bar to the Respondent's novel theory that Haley Hudson, in her capacity as Permanent Guardian, will bring a lawsuit against Haley Hudson, in her capacity as Special Administratrix.

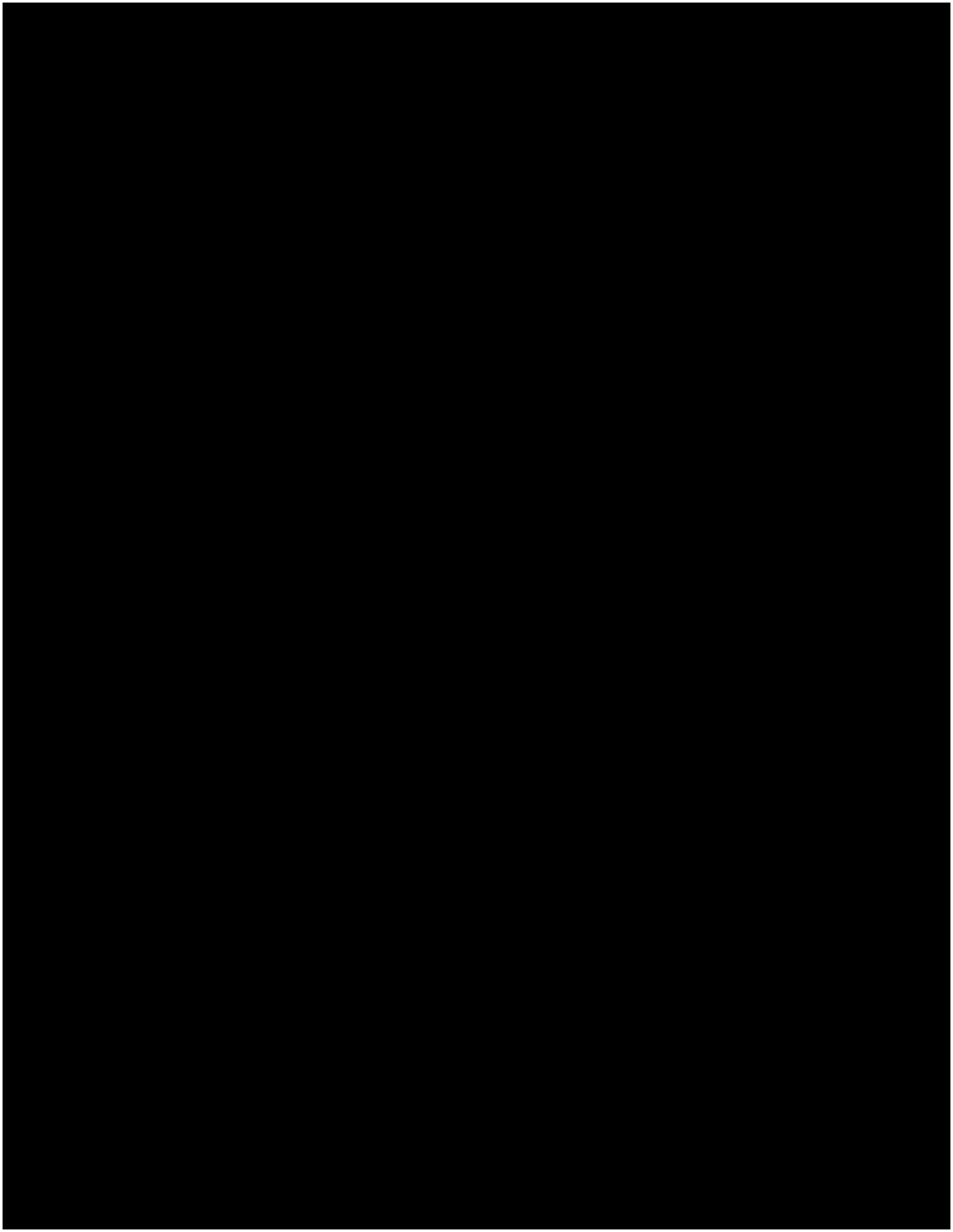
Respectfully Submitted,

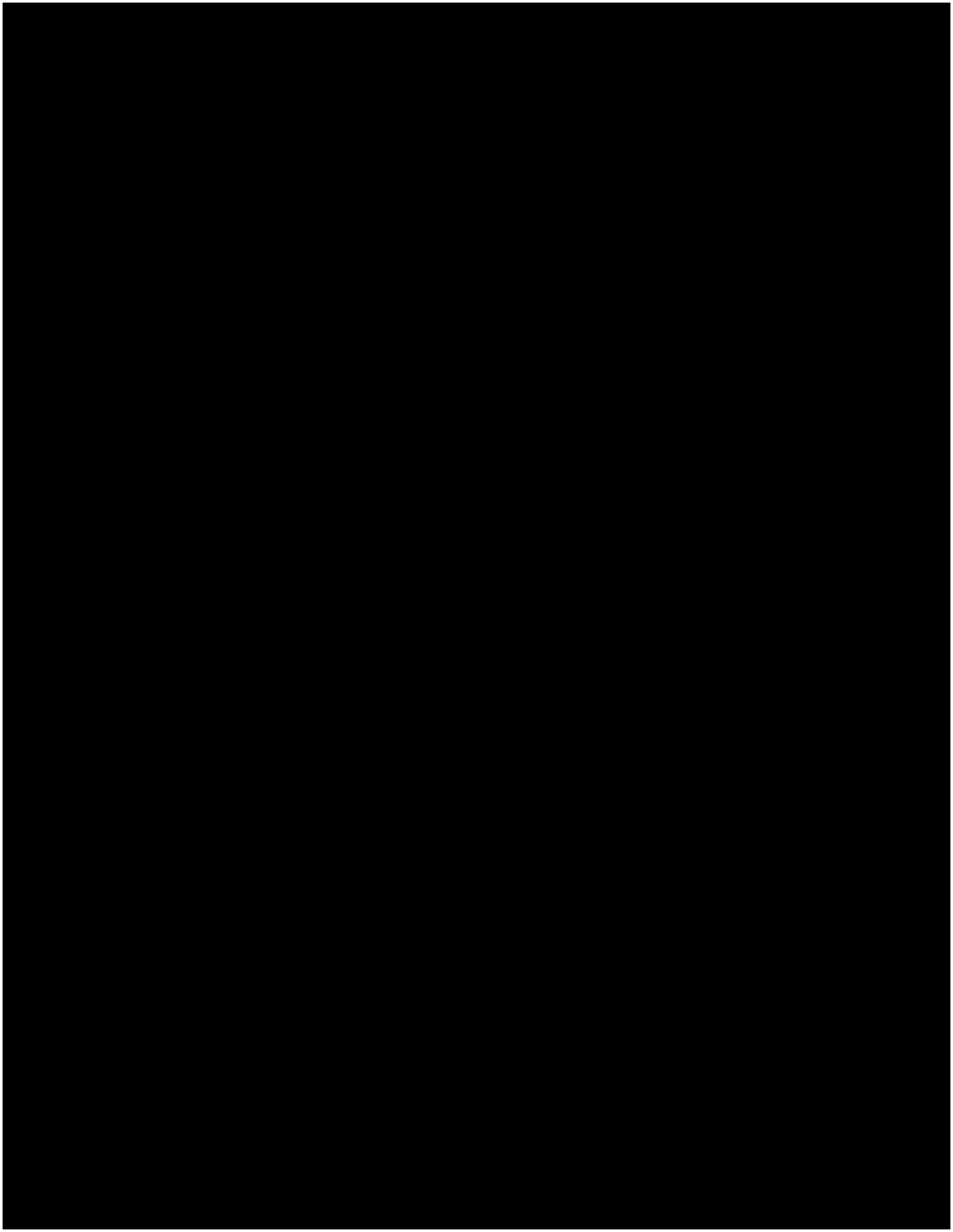
Jim R. Jackson, AR Bar #93209
Jackson Law Firm
700 West Broadway Street, Suite 200
North Little Rock, AR 72114-5528
Phone: 501-823-3610
Fax: 501-823-3611
Jim@JimJacksonatty.com

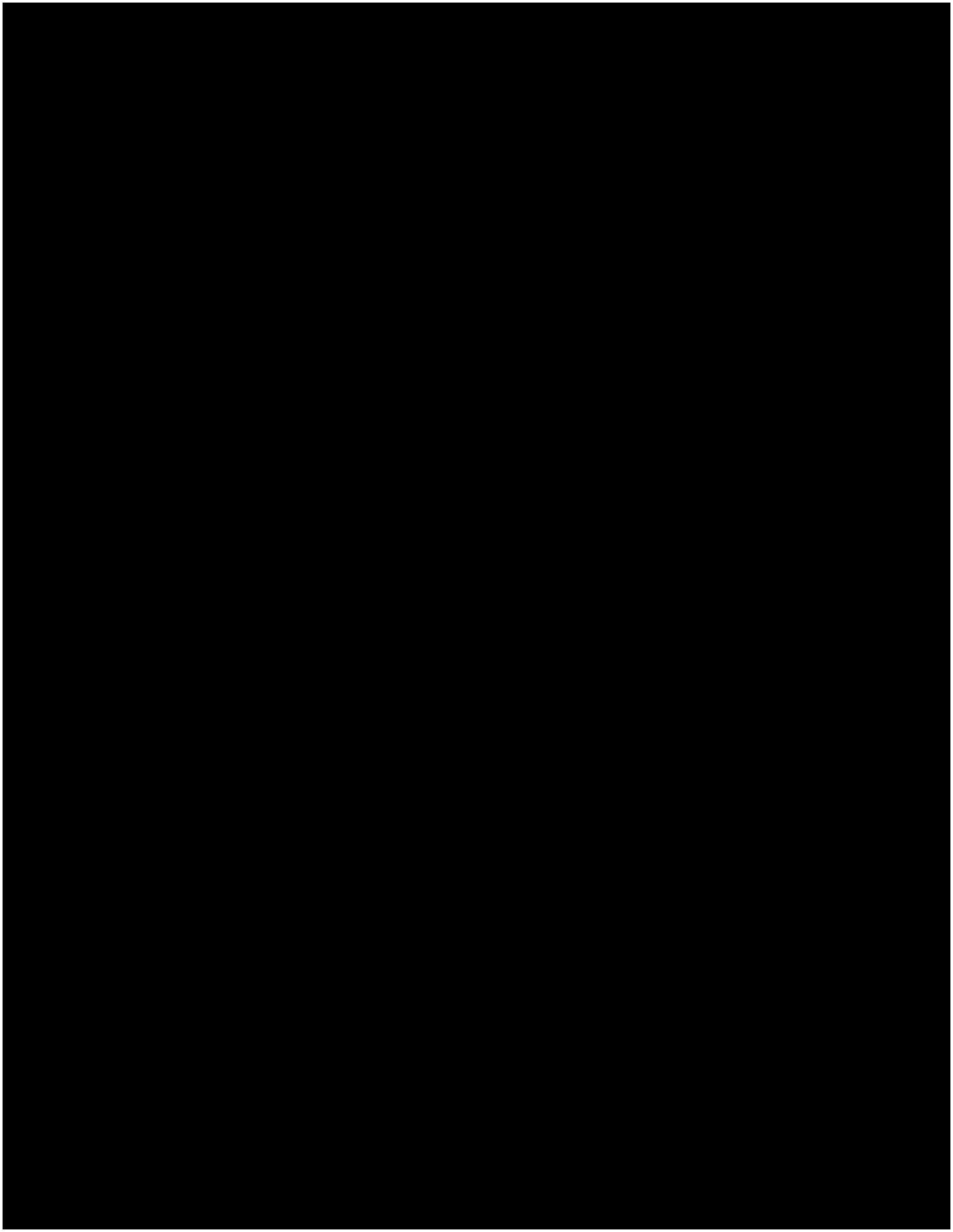
CERTIFICATE OF SERVICE

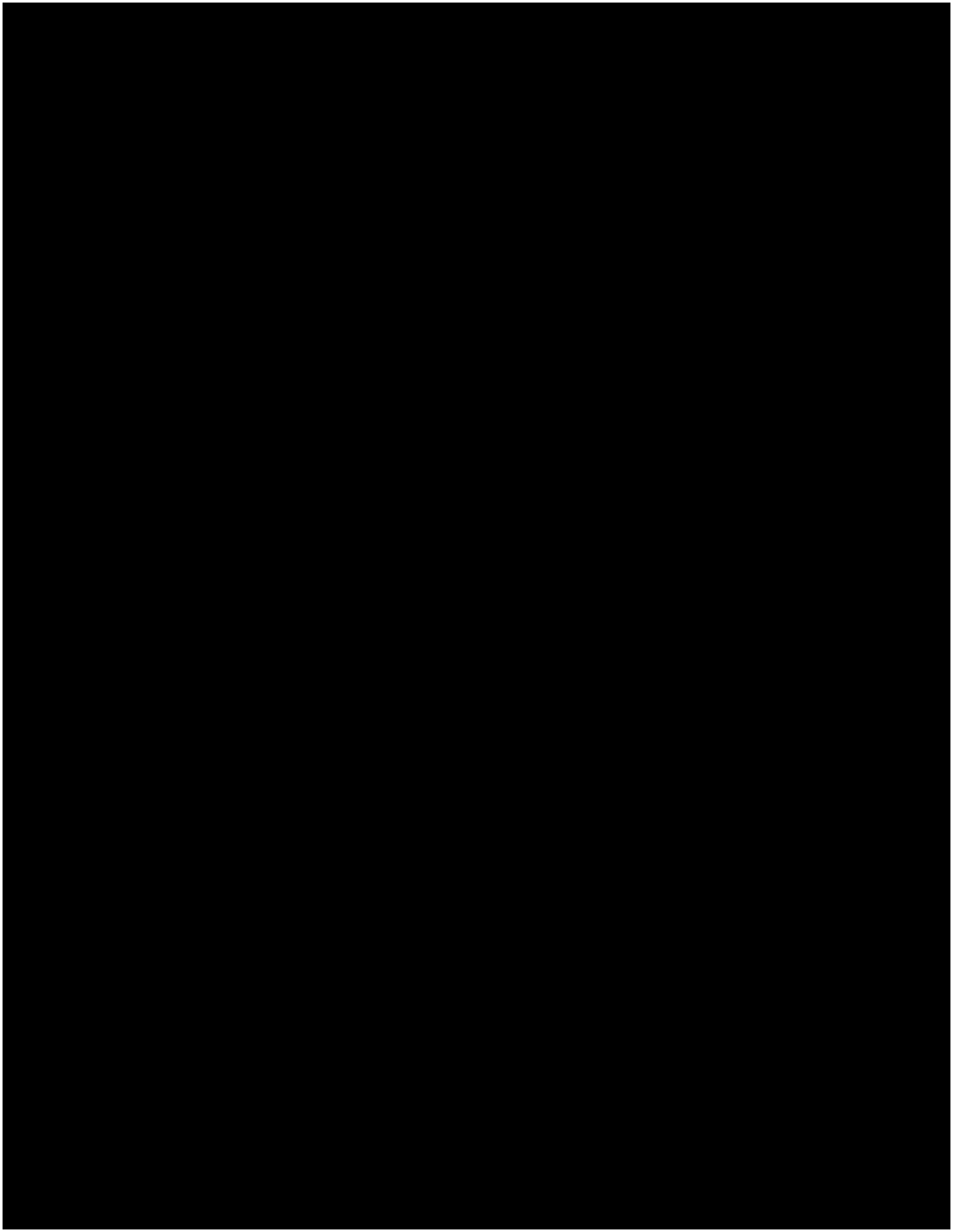
I, Jim R. Jackson, hereby certify that I have electronically filed this pleading with the Clerk of the Arkansas Claims Commission and served the Respondent's attorney, Brent P. Gasper, via email, with the Claimant's Response to Motion to Sever and Motion to Hold in Abeyance on June 21, 2023.

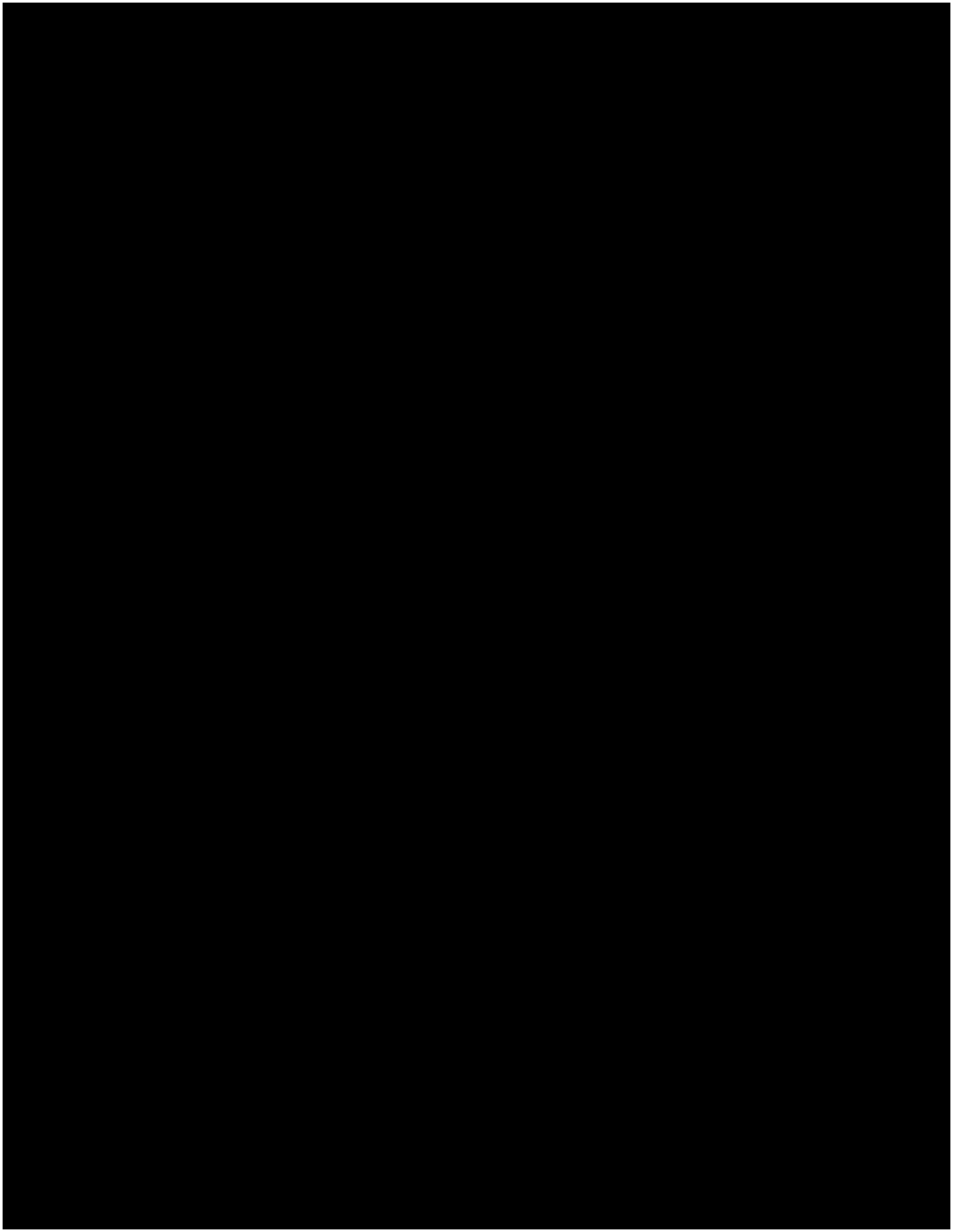
Jim R. Jackson











From: Brent Gasper
To: Jim Jackson
Cc: Kathryn Irby; ASCC Pleadings; Daiquiri Carter
Subject: Hudson v. DHS; Respondent"s Supplemental Discovery
Date: Friday, June 23, 2023 11:24:02 AM
Attachments: Respondent"s Supplemental Documents to Request for Production Bate Stamped.pdf
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Jim:

In keeping with Respondent's ongoing discovery obligation, please find attached in a PDF the following documents:

1. Call for Service log from Logan County Sheriff's Department on June 21, 2021, concerning the accident at issue;
2. Radio transmission log form from Arkansas State Police Troop H for June 11, 2021;
3. Fatal Crash Preliminary Reporting Form from Arkansas State Police concerning the accident at issue;
4. Photographs of the accident provided by the Arkansas State Police in response to a subpoena duces tecum;
5. Permit for GKD Trucking covering the transportation of the oversize load driven by Bobby Dale Wilson on June 11, 2021;

6. Sworn affidavit of Bobby Dale Wilson;
7. Logan County EMS records obtained through a subpoena duces tecum;
8. Criminal information filed against Adam Capo, Case [redacted] in Logan County on July 31, 2019;
9. Sentencing Order for Adam Capo for the above-referenced case;
10. Petition for Order of Protection filed by Jessica Capo against Adam Capo in Logan County Circuit Court on September 20, 2022;
11. Printout of the accident report prepared by the Arkansas Department of Public Safety;
12. Several publicly available print-outs from Google Maps and Google Earth that show the correct accident site at 5033 State Highway 22;
13. A publicly available print-out concerning the residence at [redacted]
14. A complete copy of the Toxicology reports for Jacqueline Ashcraft and Jennifer Wilkerson obtained as a result of a subpoena duces tecum;
15. A publicly available print-out of the Louisiana EMT license of attending EMT and witness Holly Lyn Newman; and
16. A publicly available print-out of the last known address of eyewitness Latasha Lewis from Hamilton, Alabama.

Further, please find attached certain audio clips that were provided by the Logan County Sheriff's Department 911 dispatch in response to a subpoena duces tecum.

Please let me know if you have any questions.

Thanks,

Brent

Cc: Kathryn Irby, Daiquiri Carter

Brent P. Gasper
Assistant Deputy Chief Counsel

Department of Human Services, Office of Chief Counsel
700 Main Street
Donaghey Plaza South
PO Box 1437, Slot S-260
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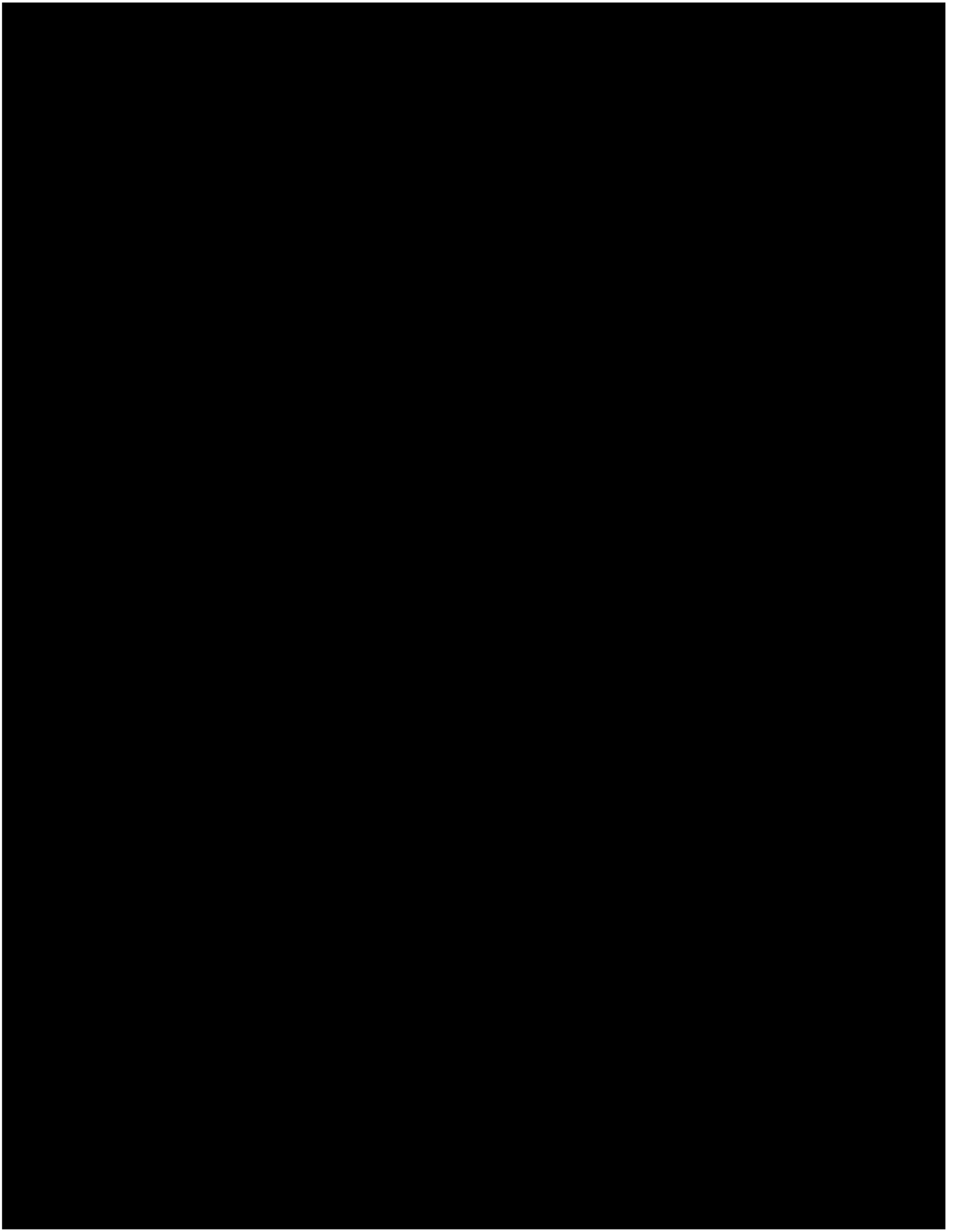

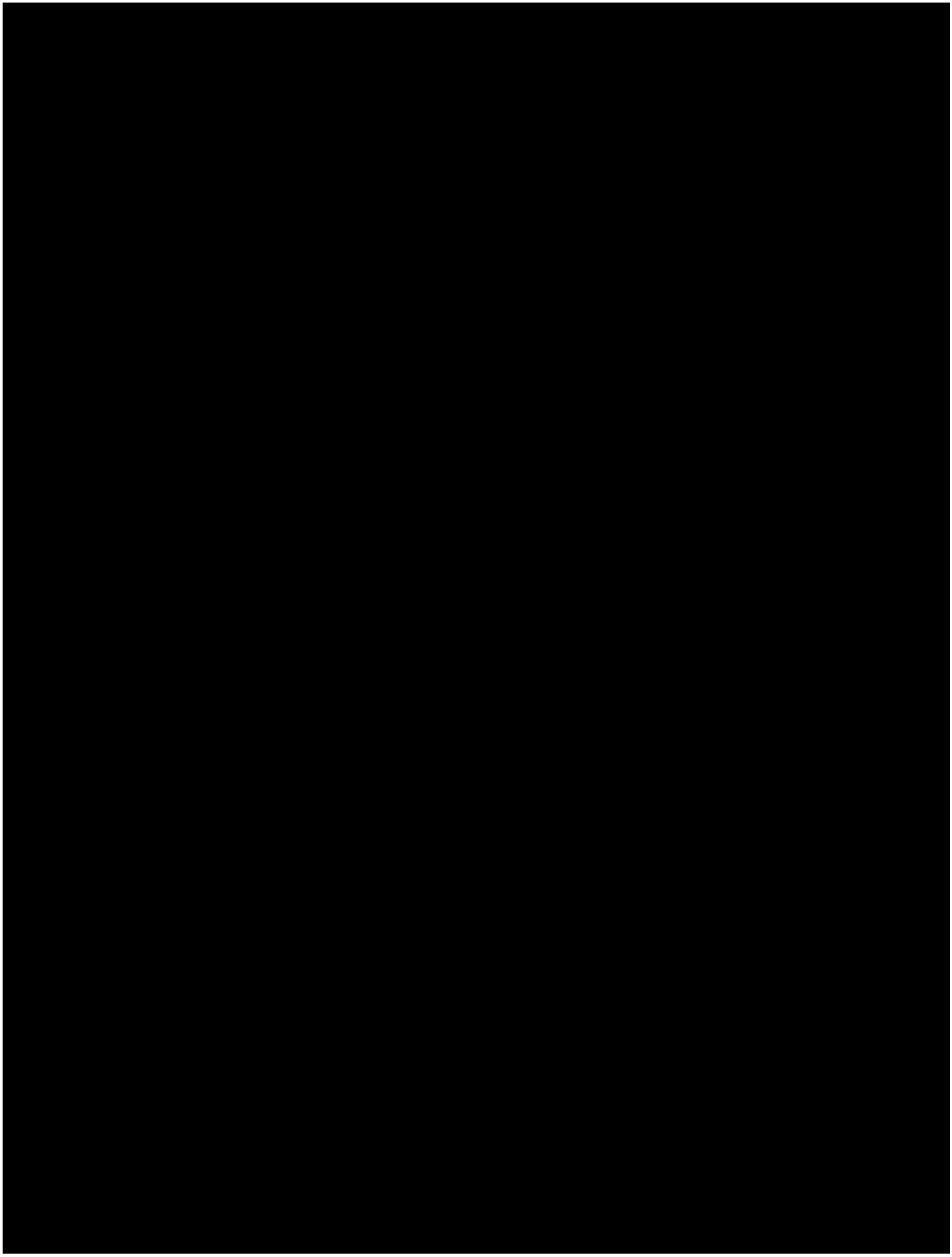

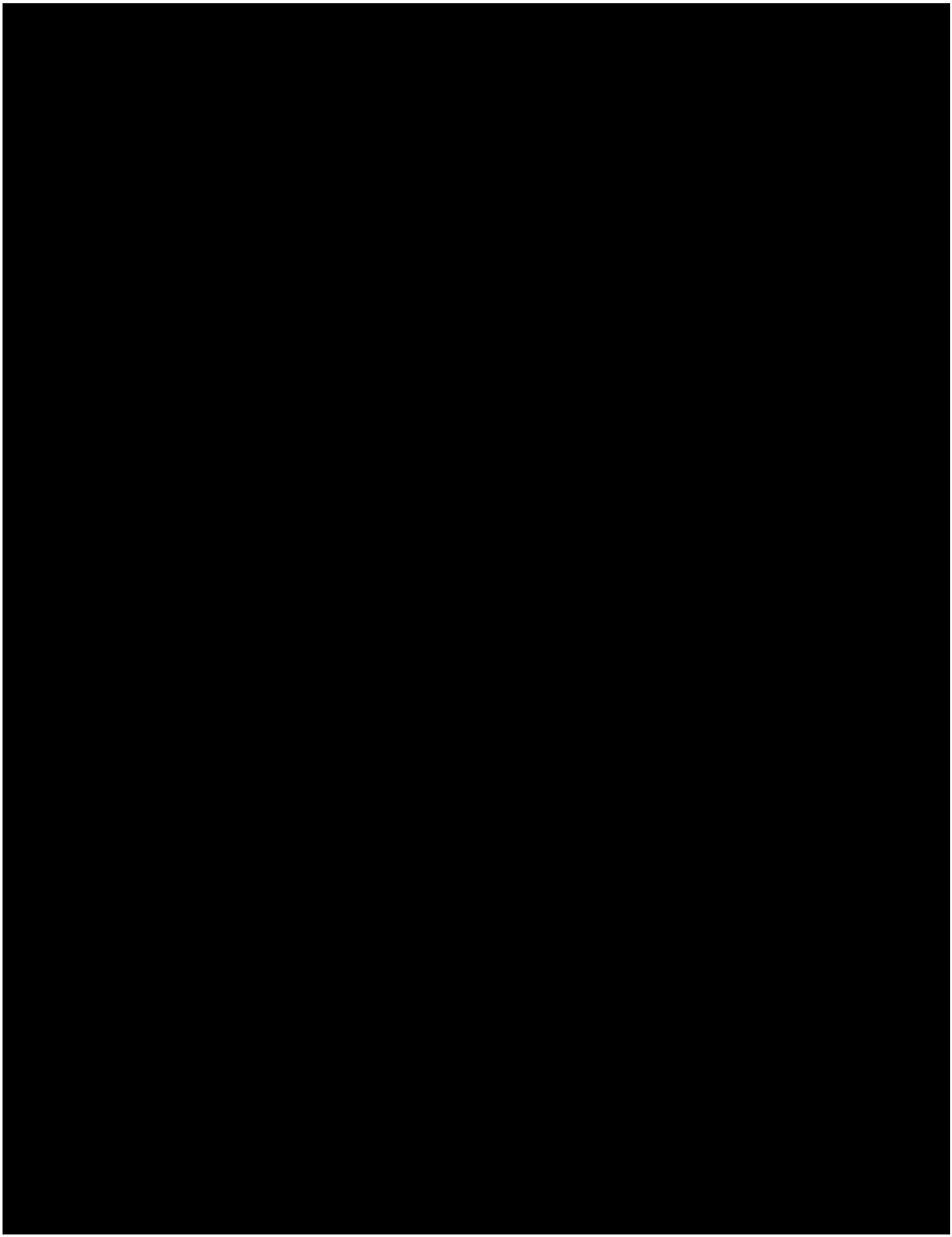

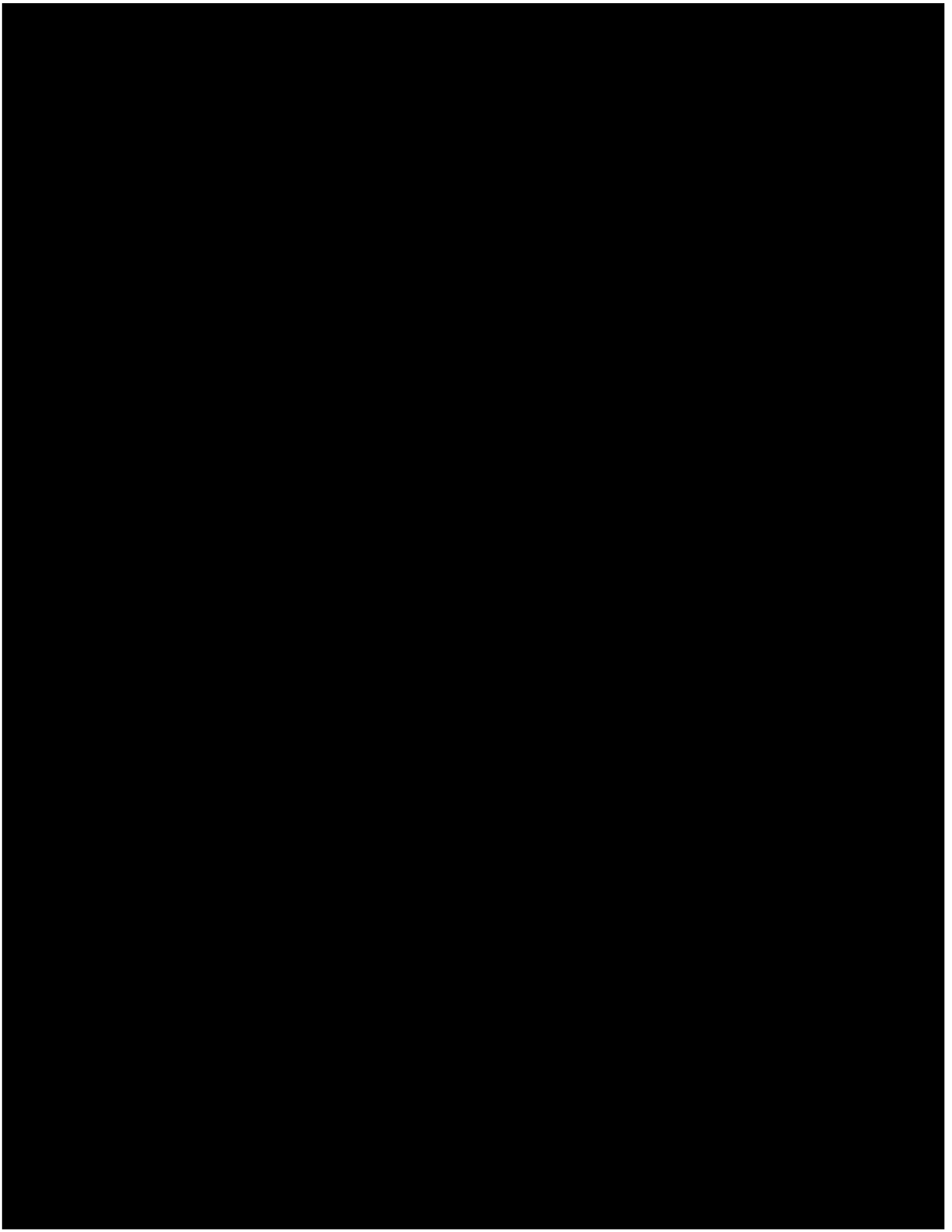

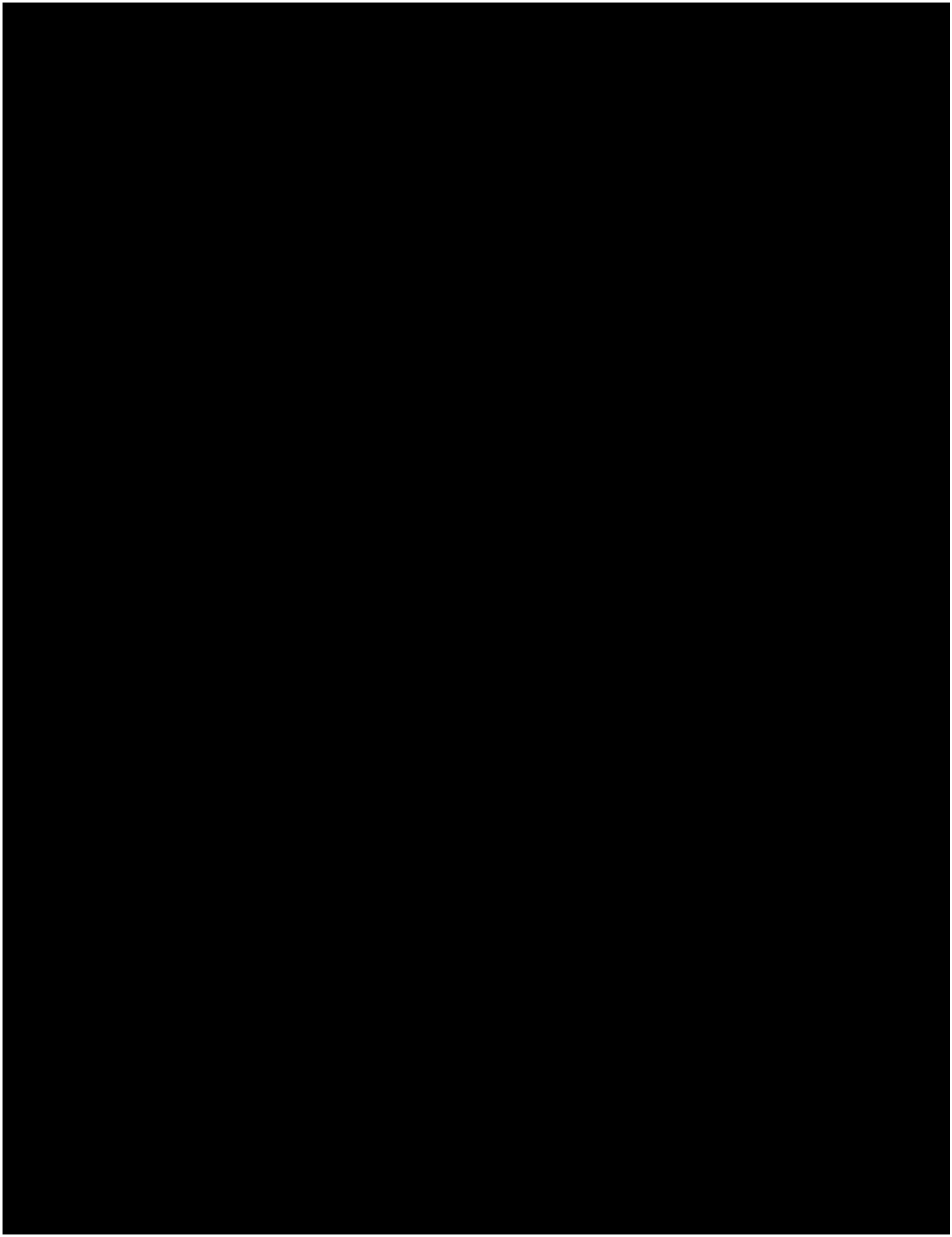

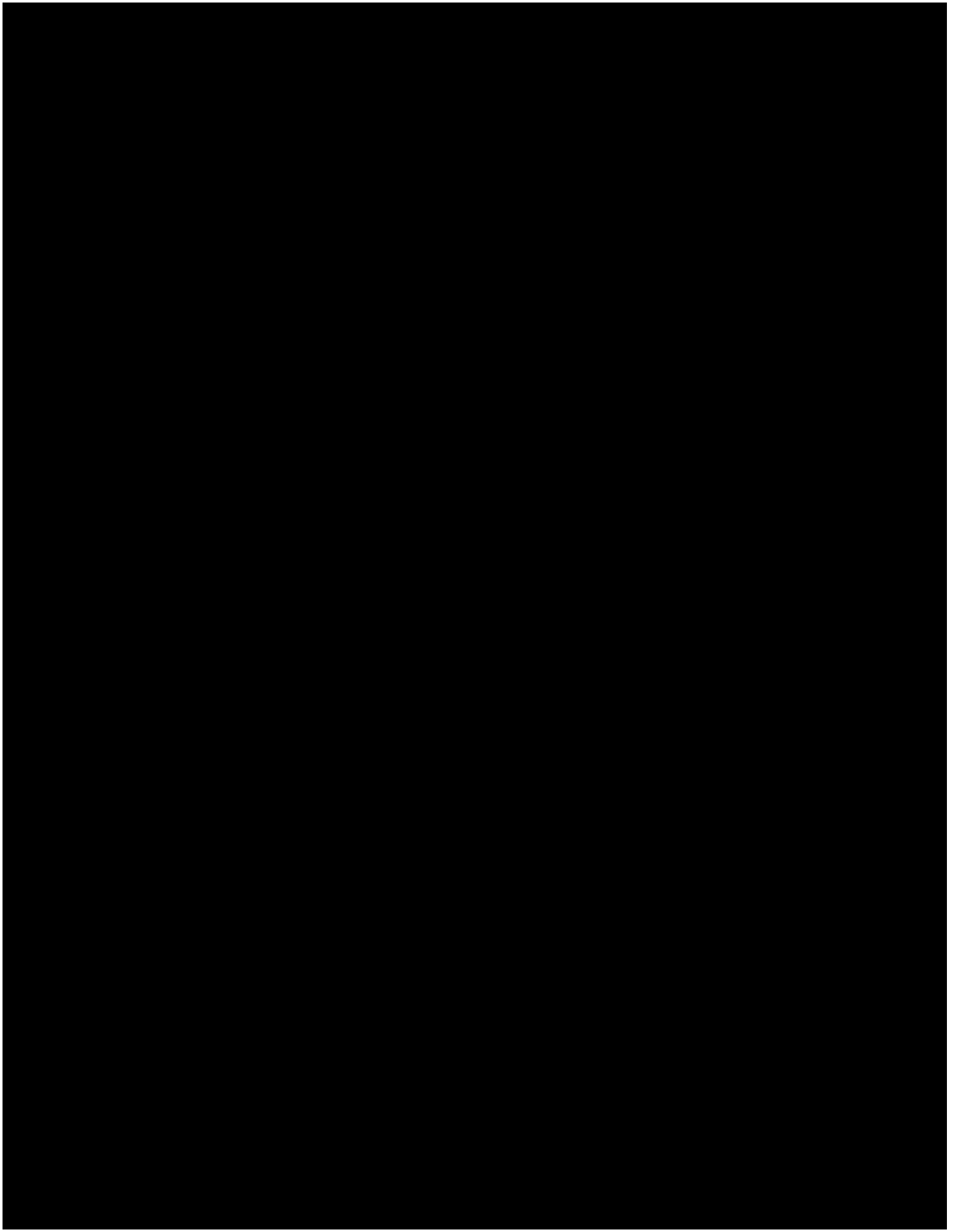

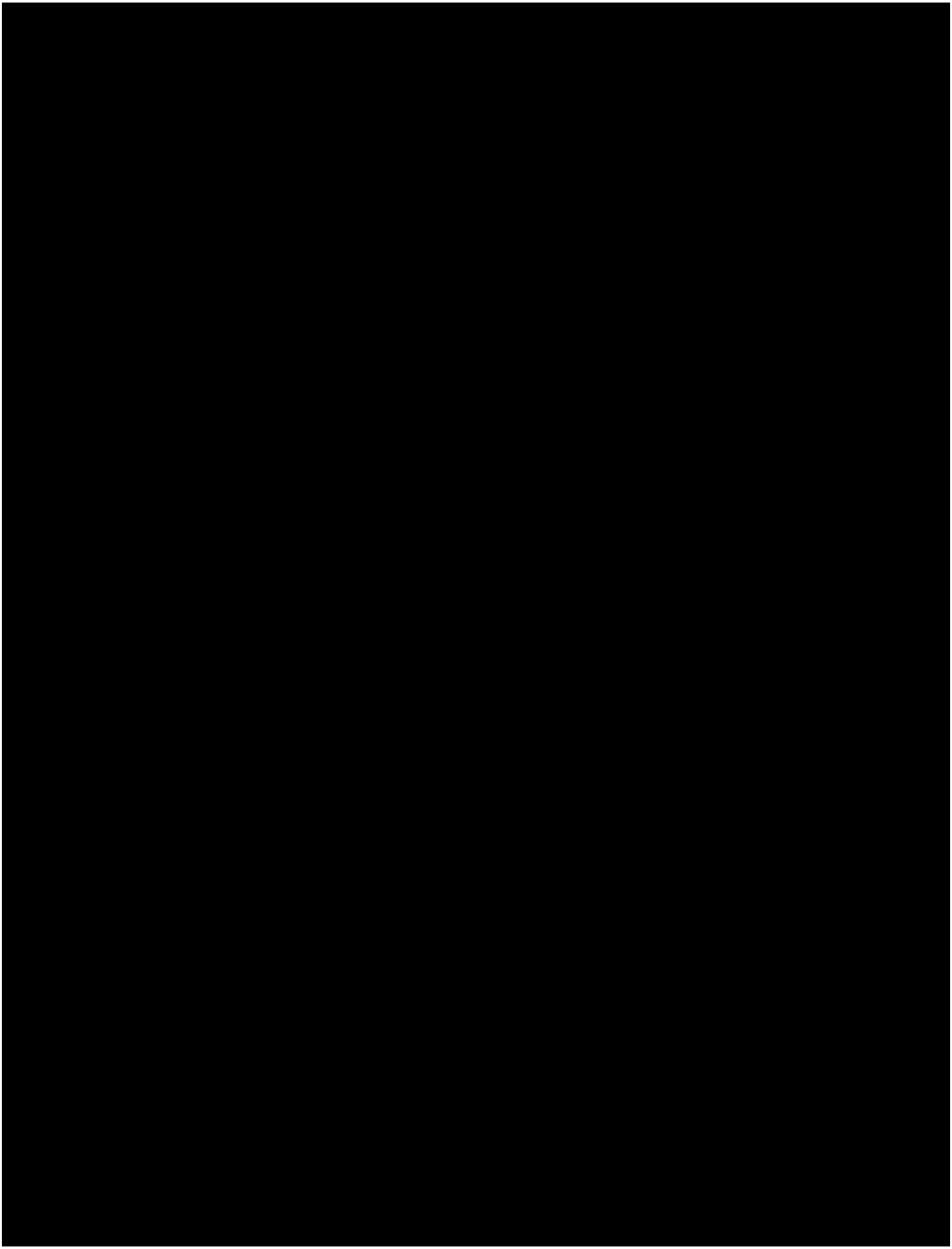

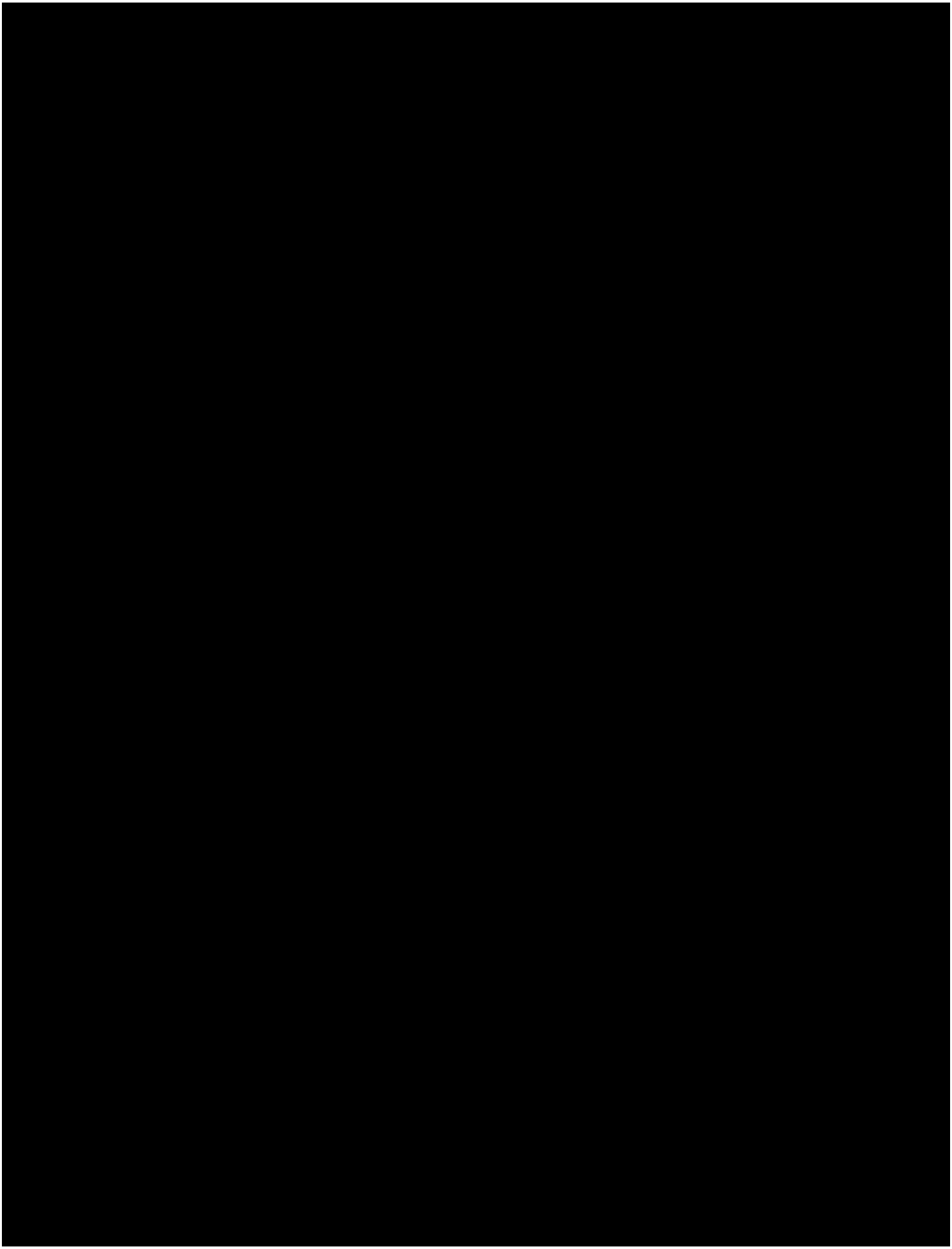

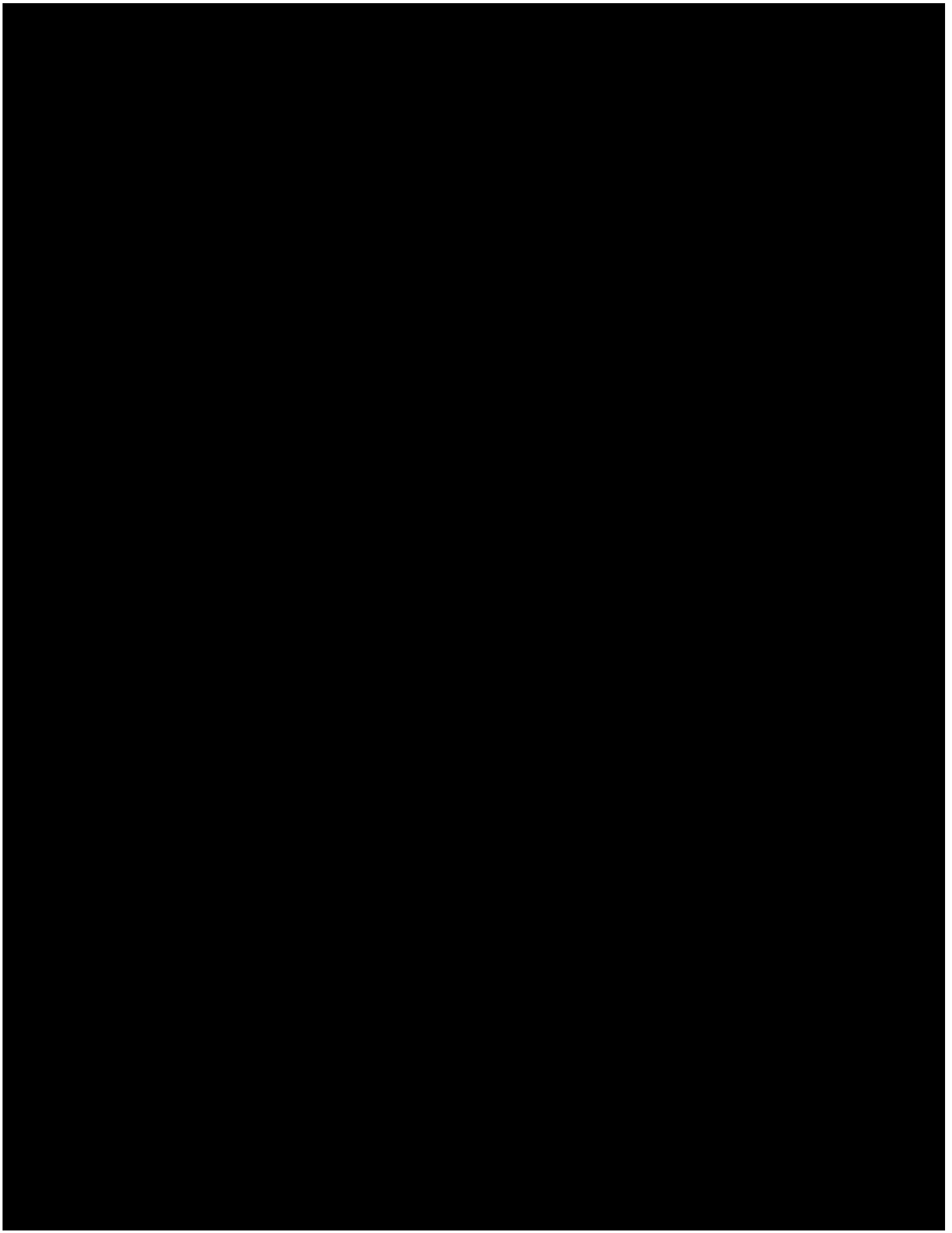

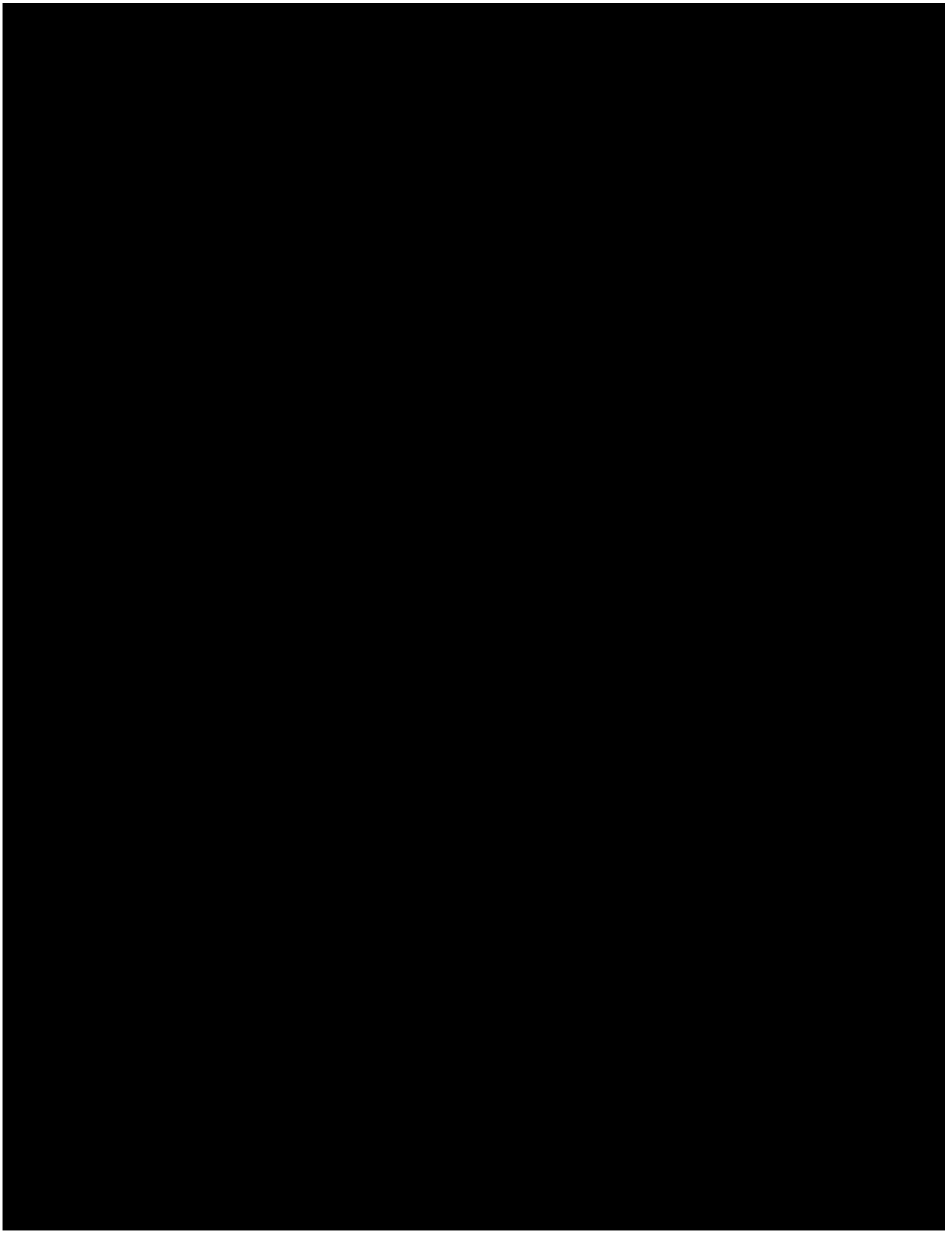

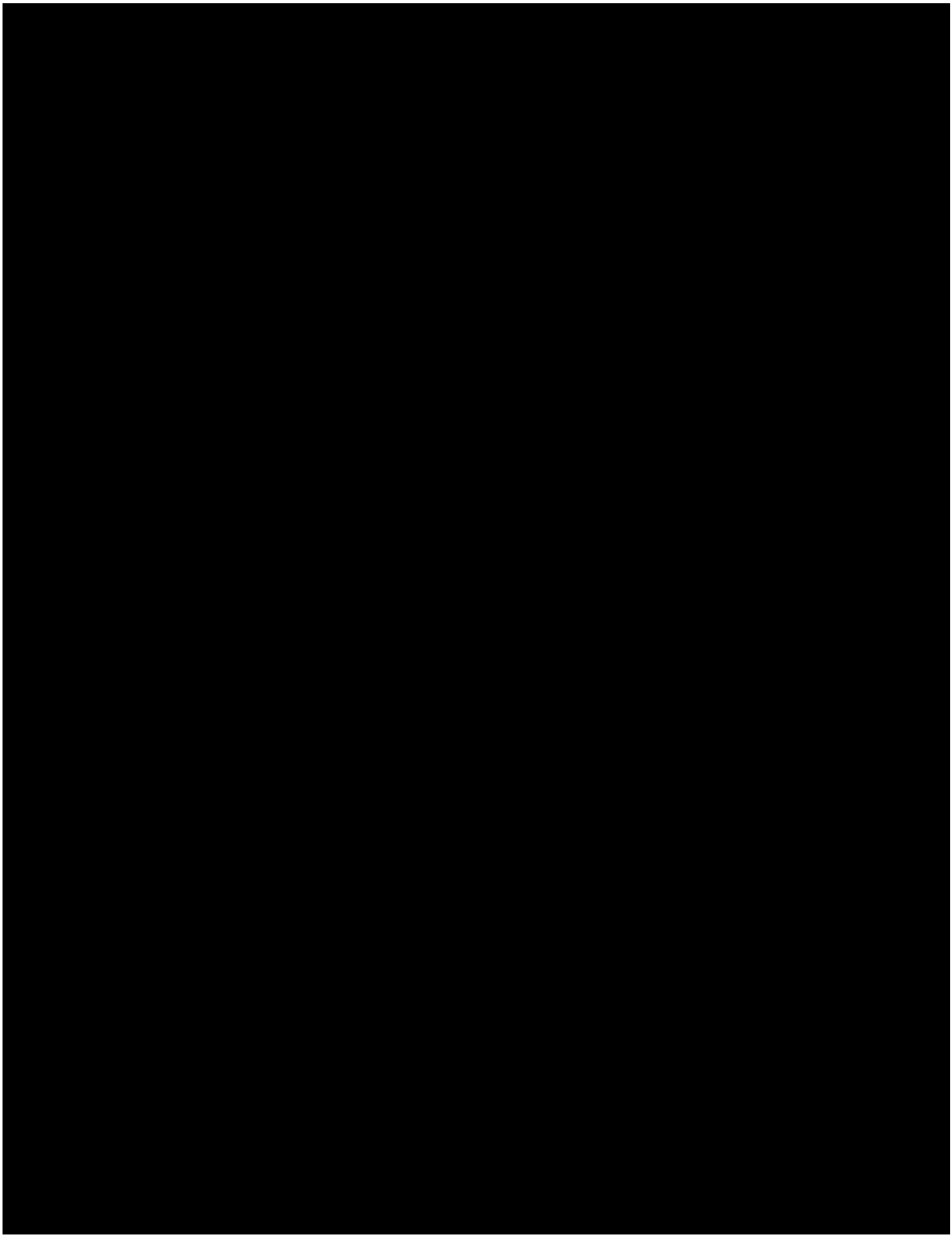

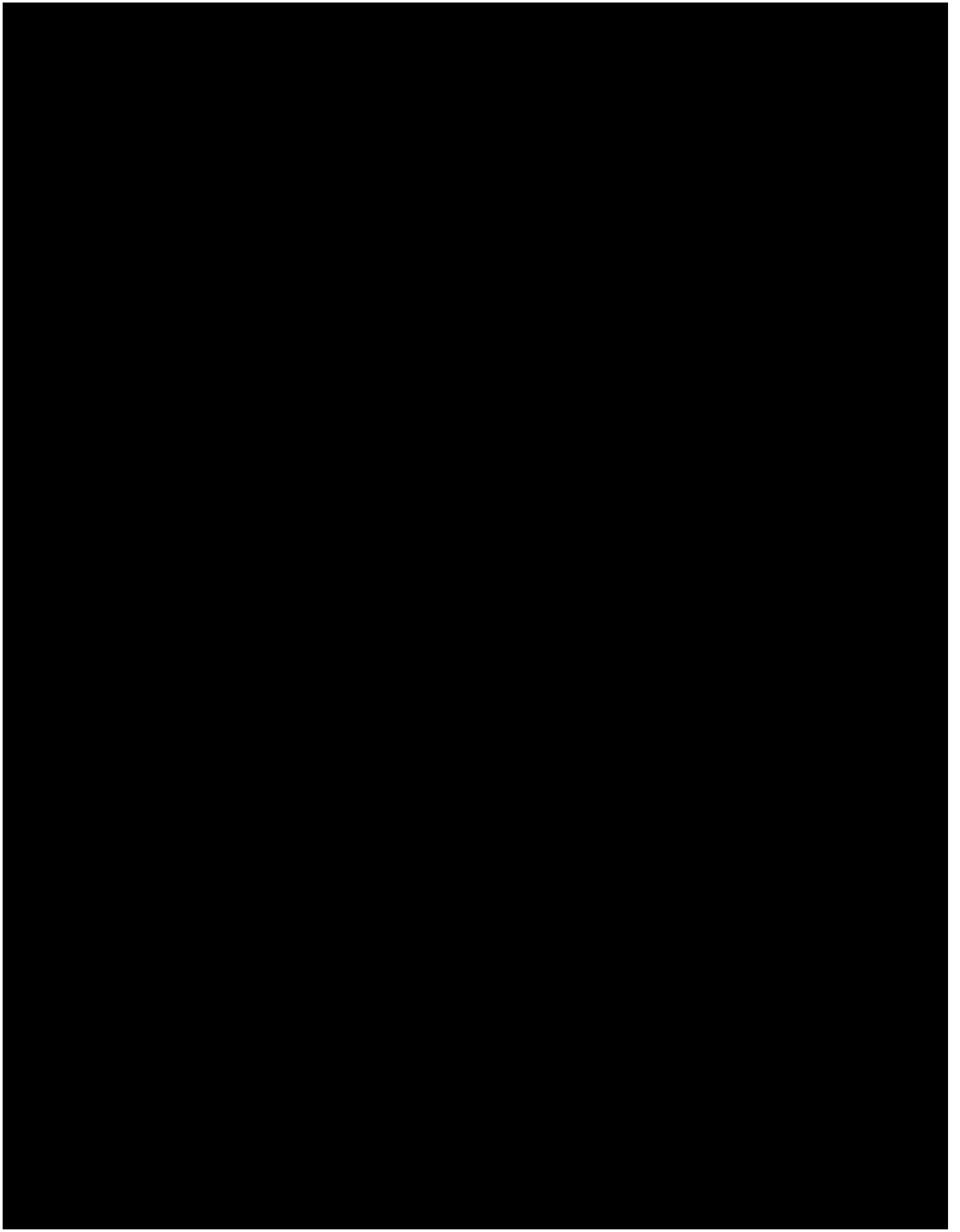

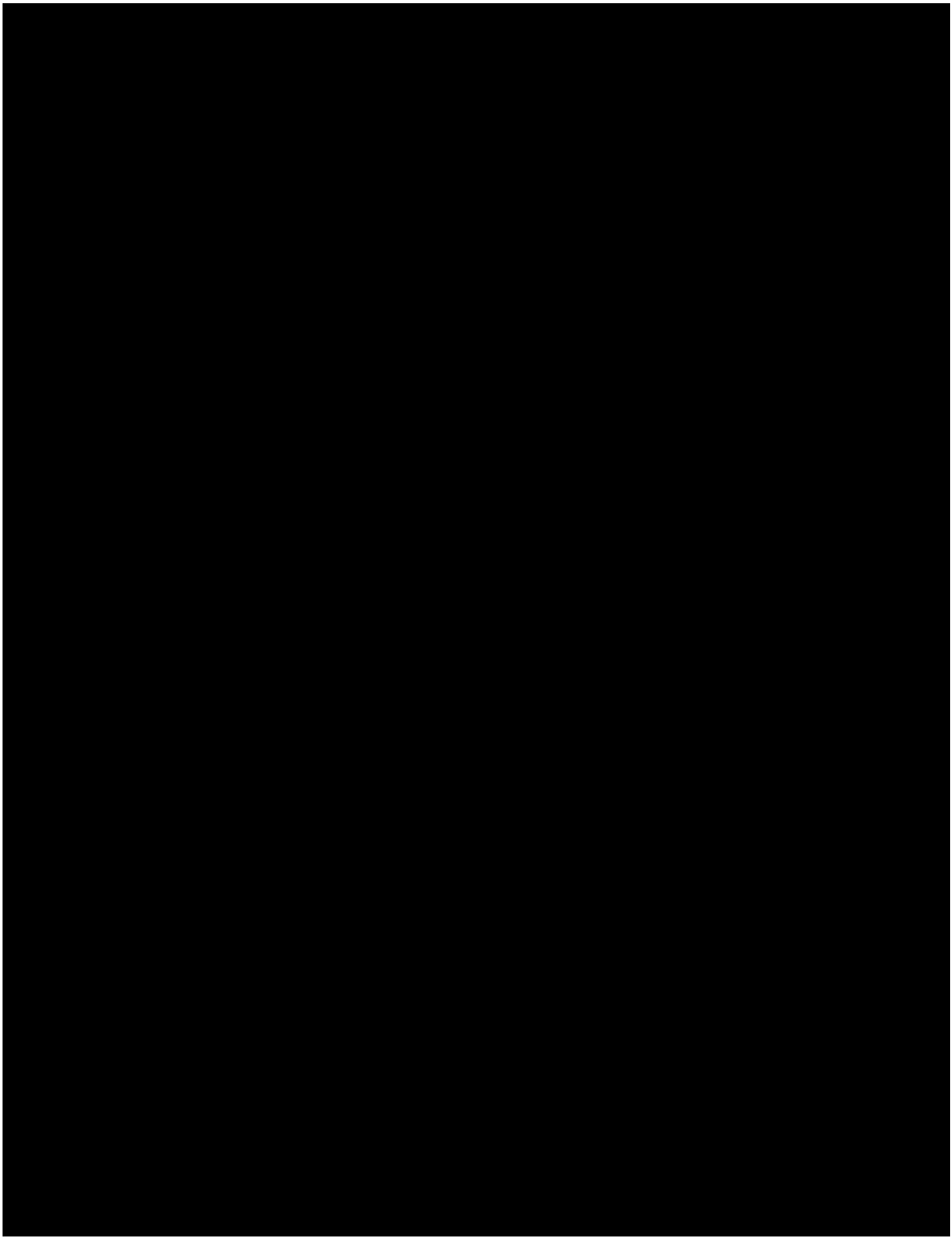

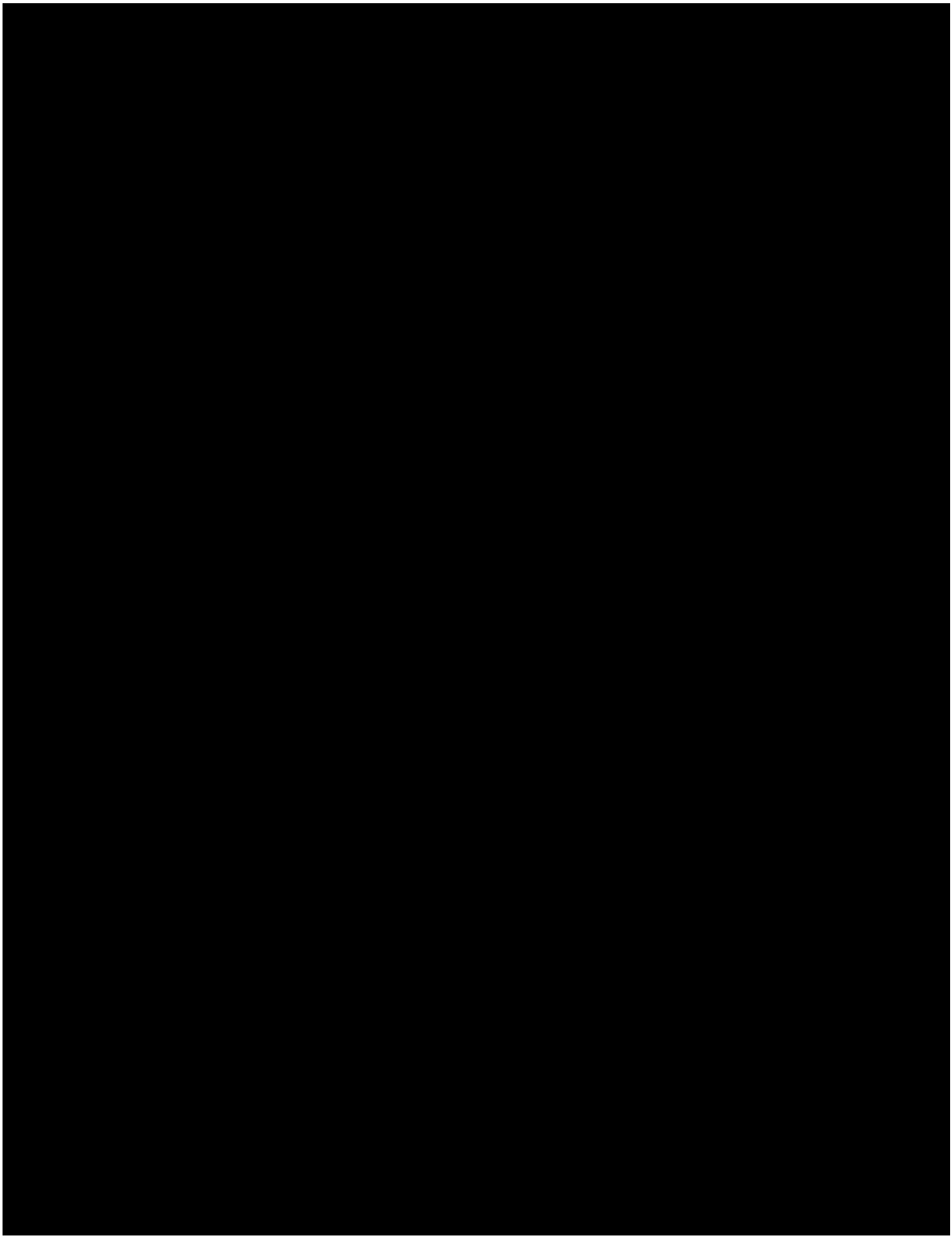

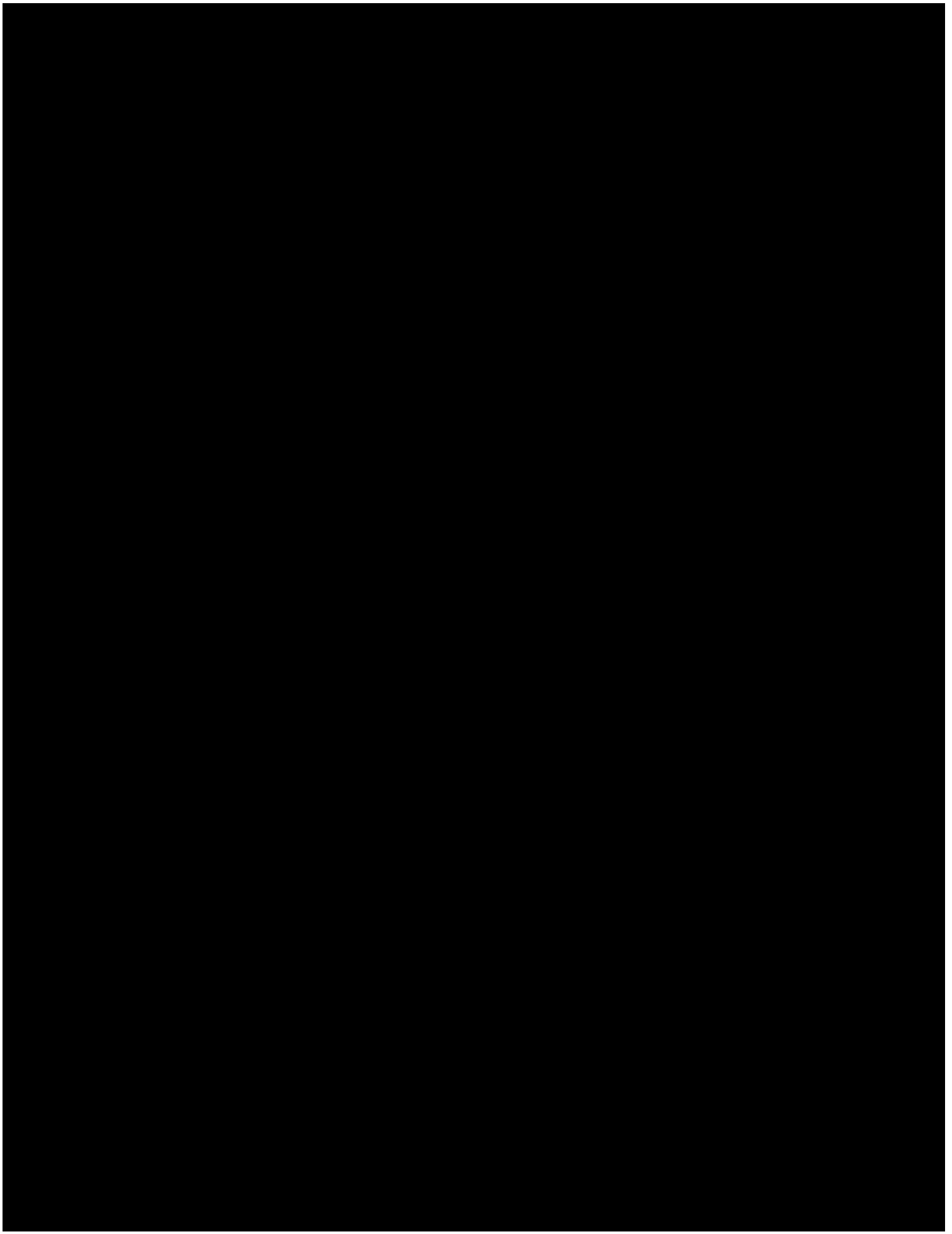

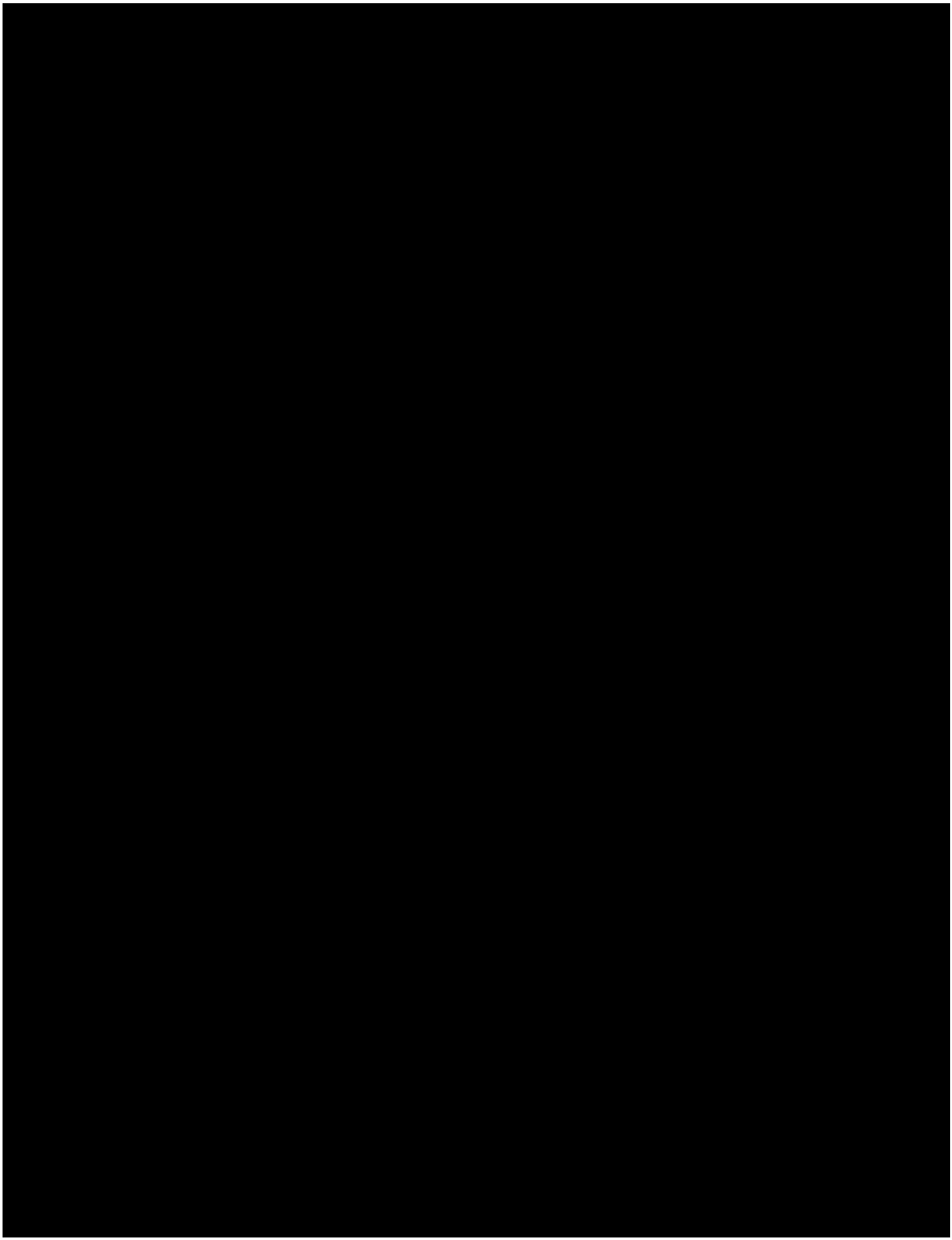

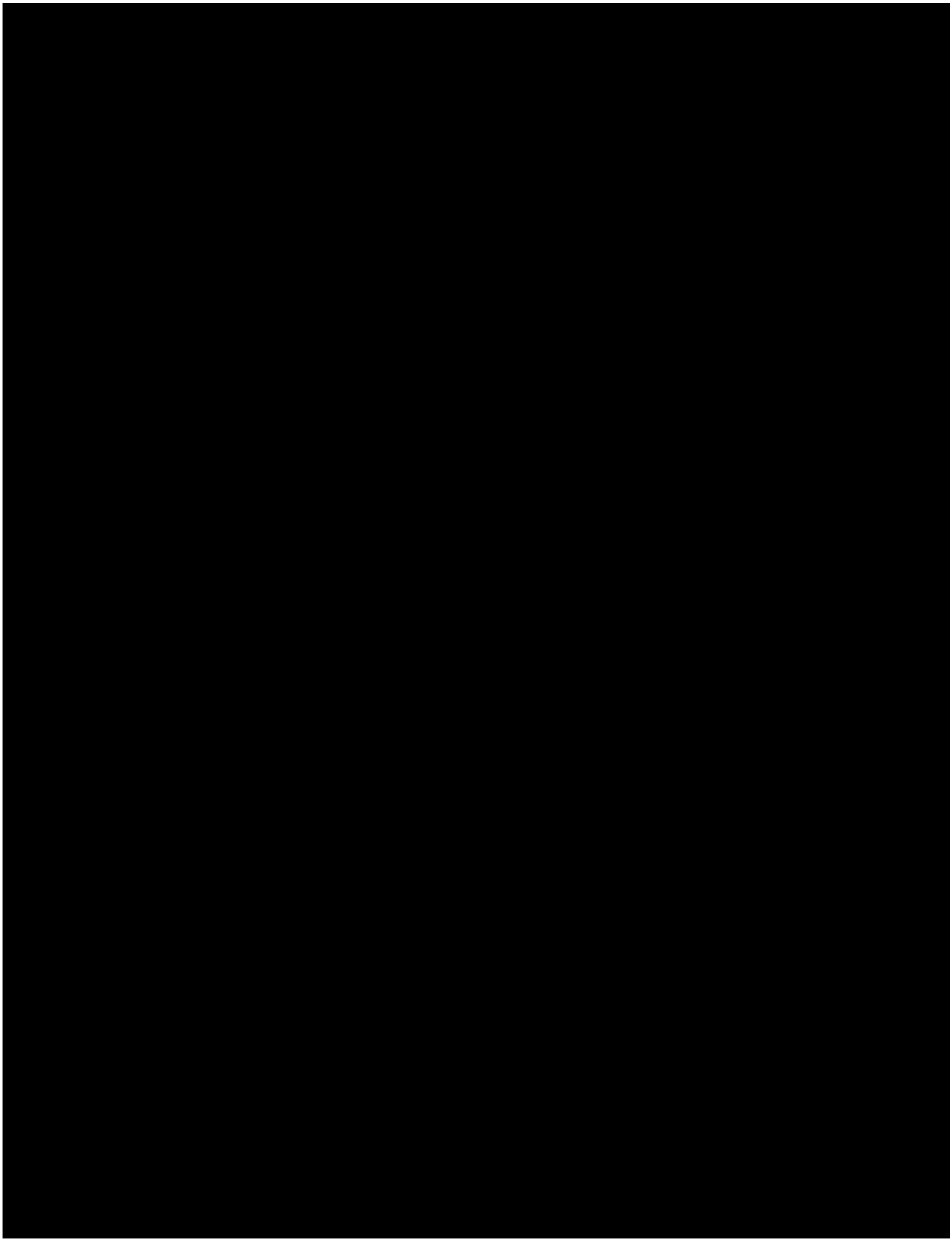

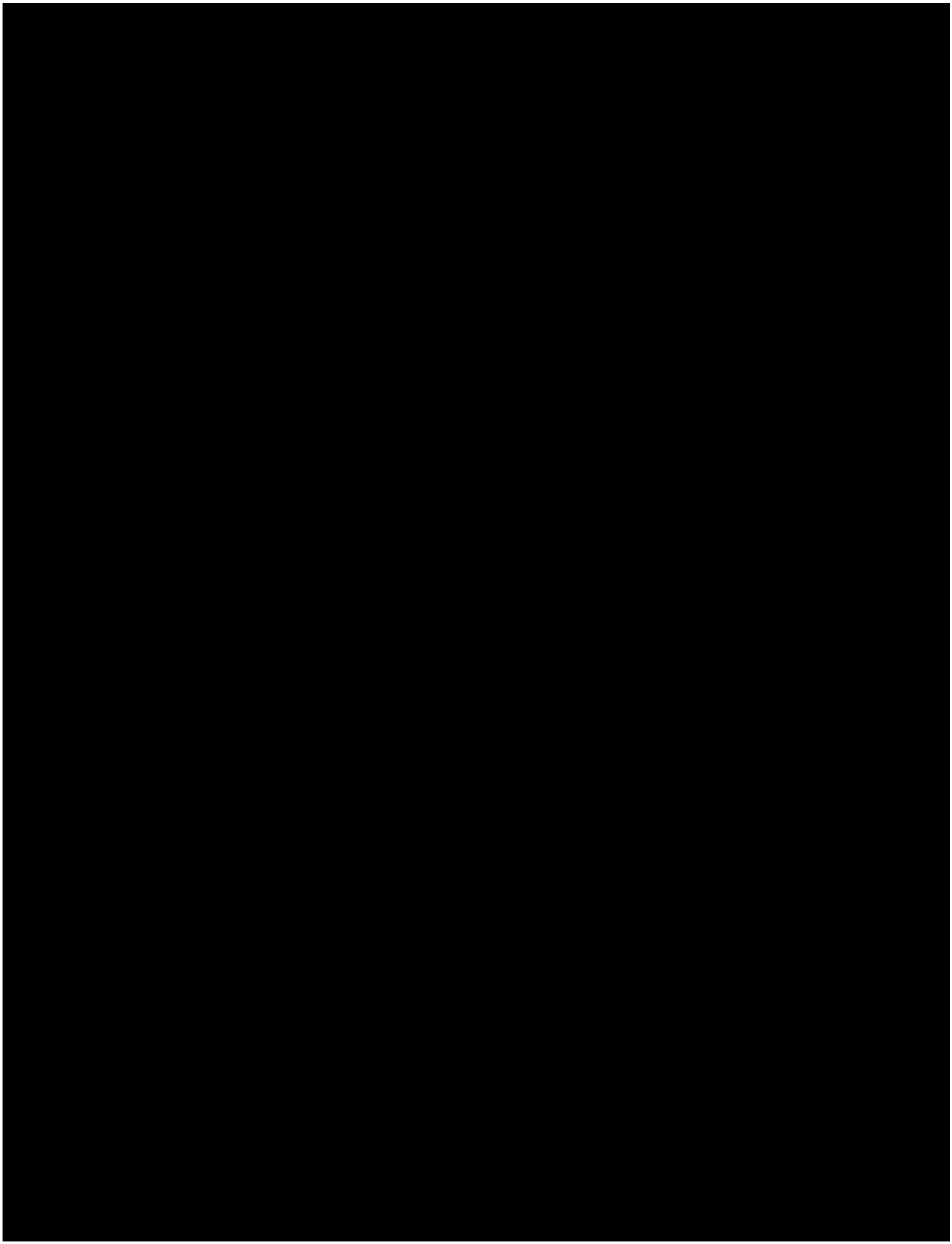

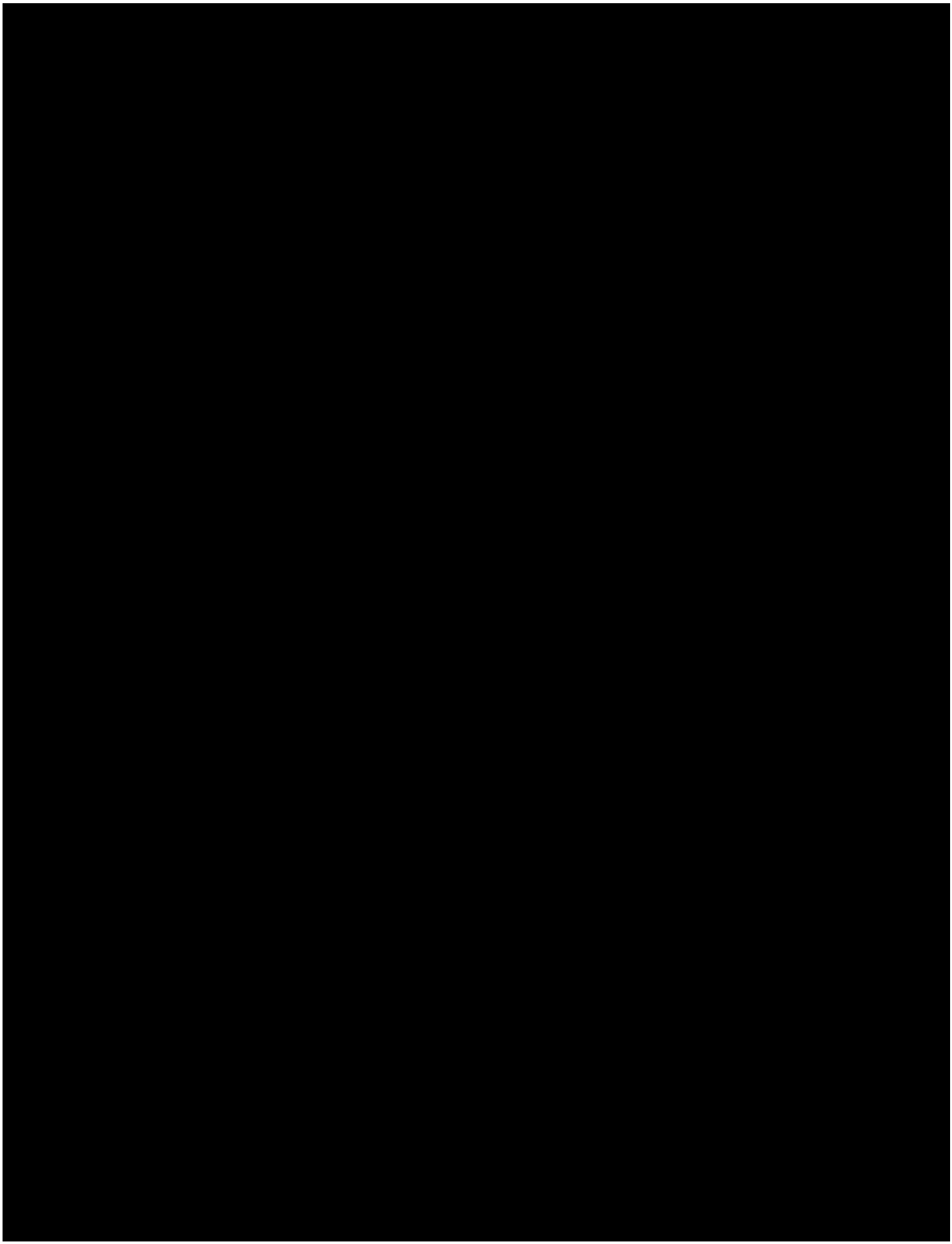

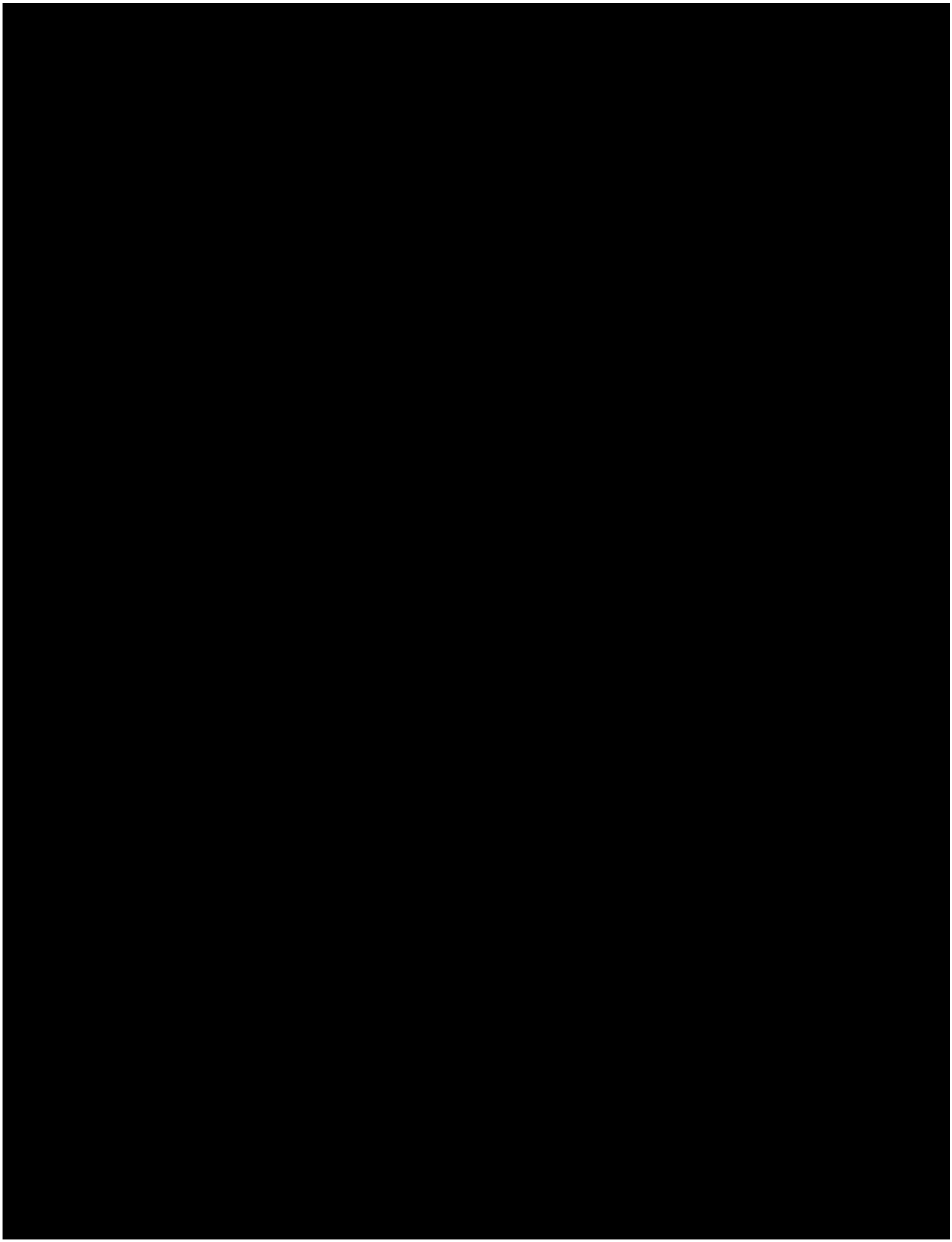

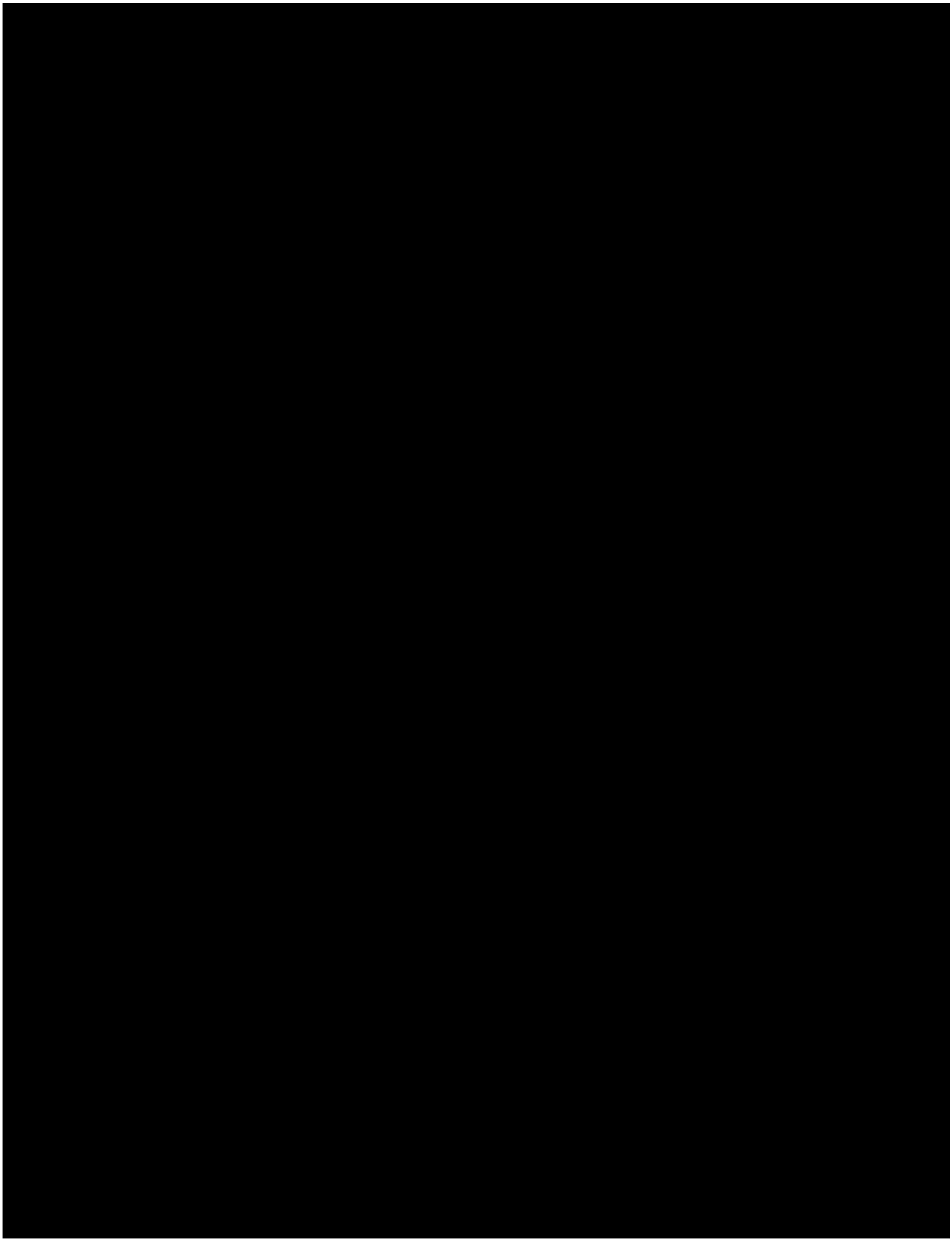

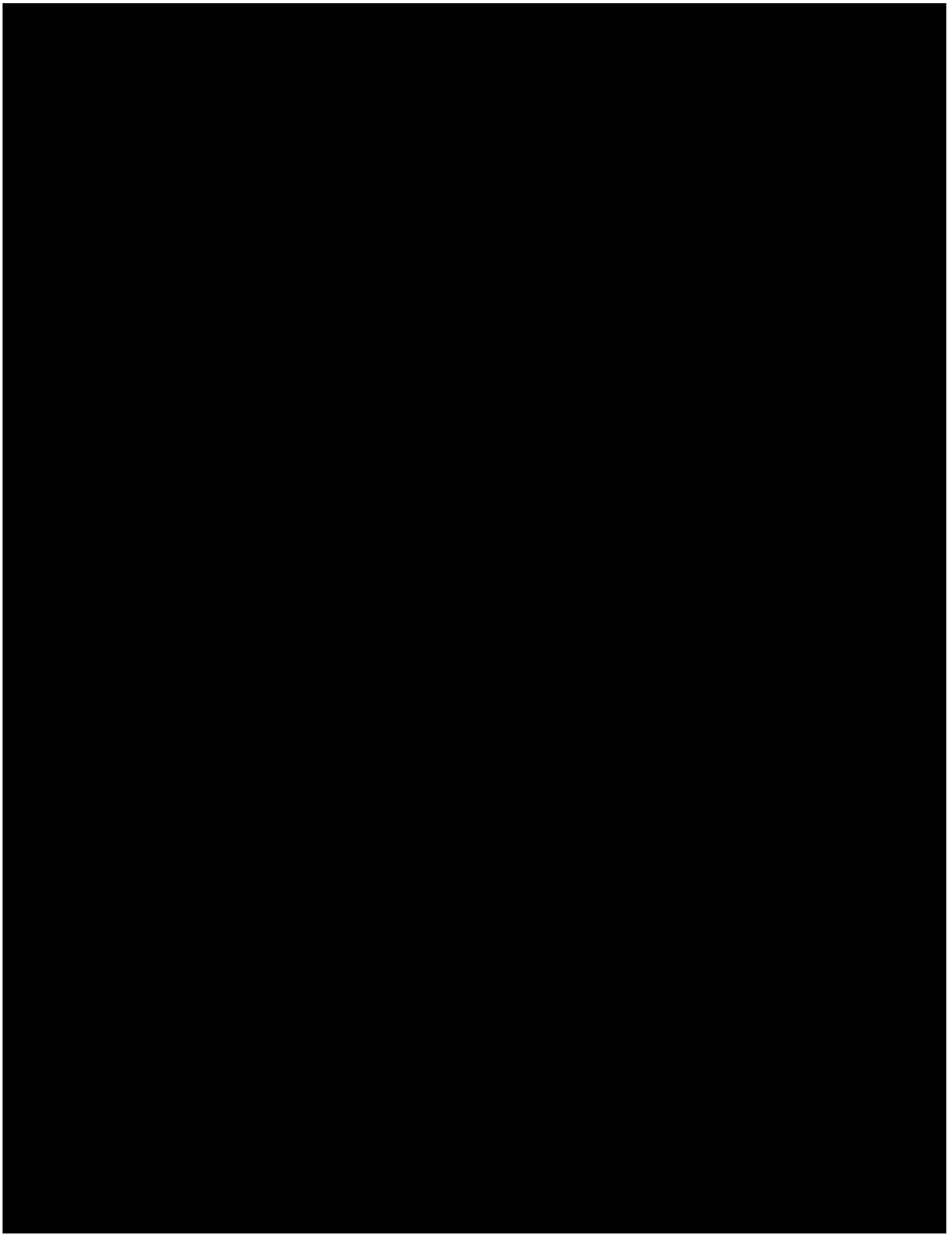

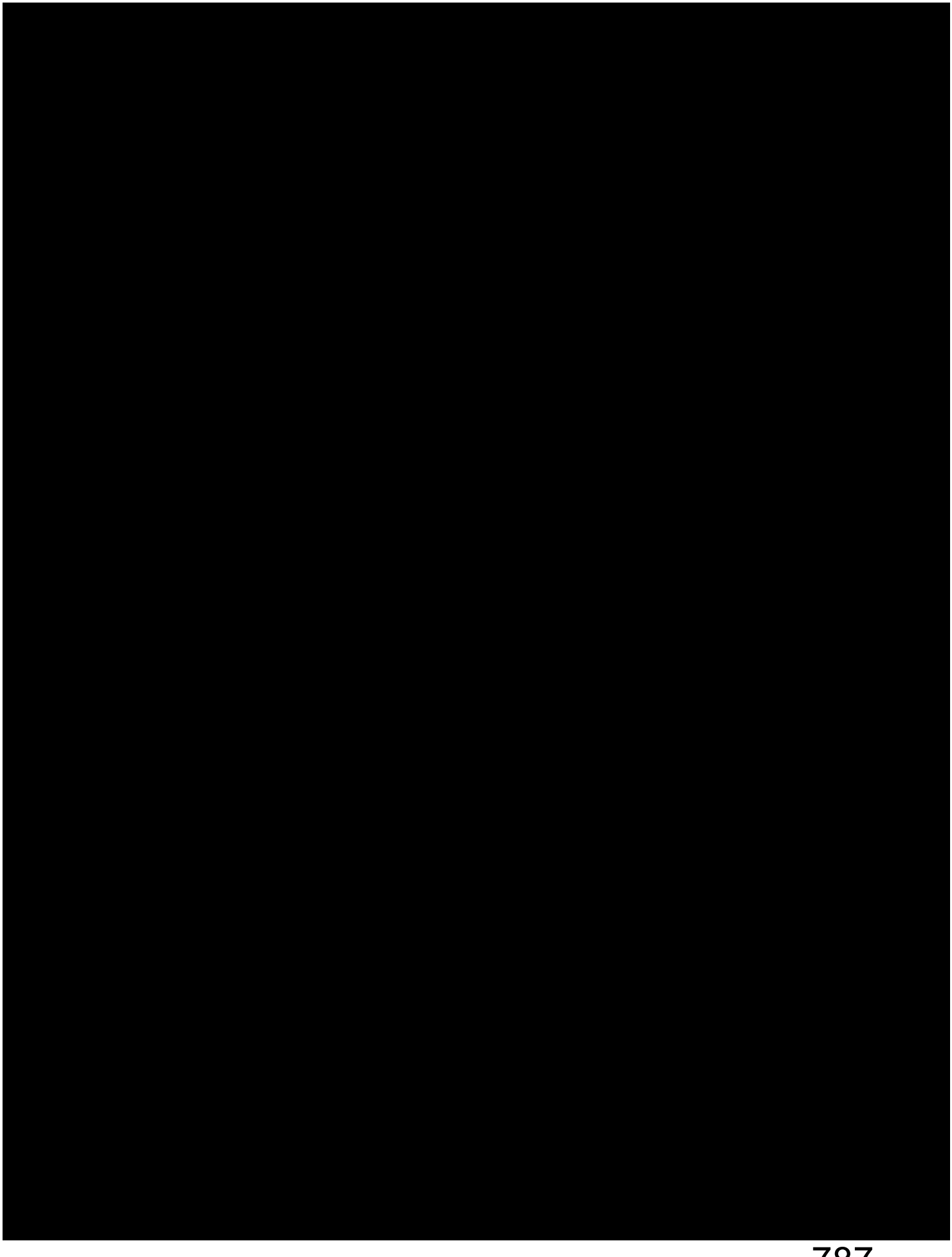

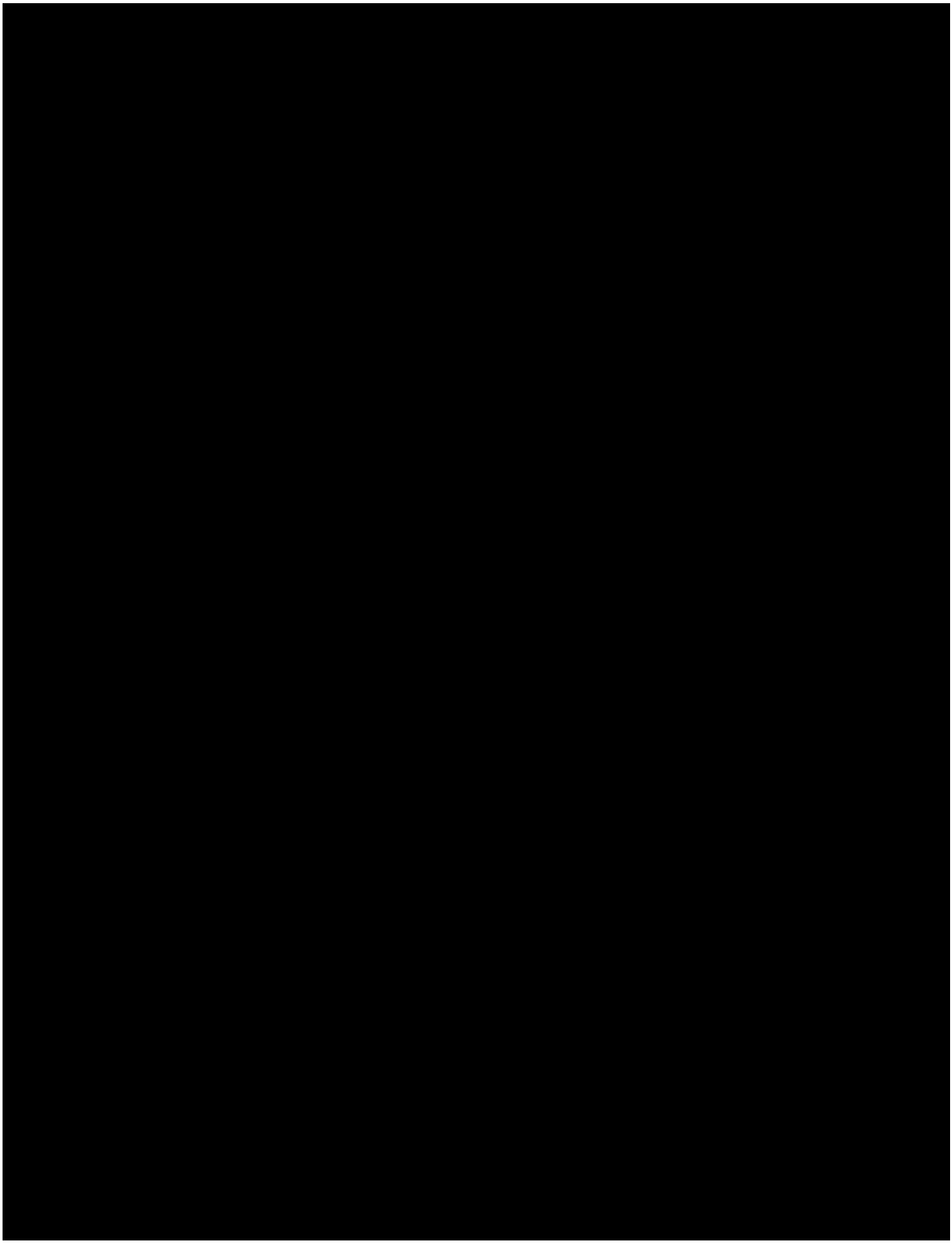

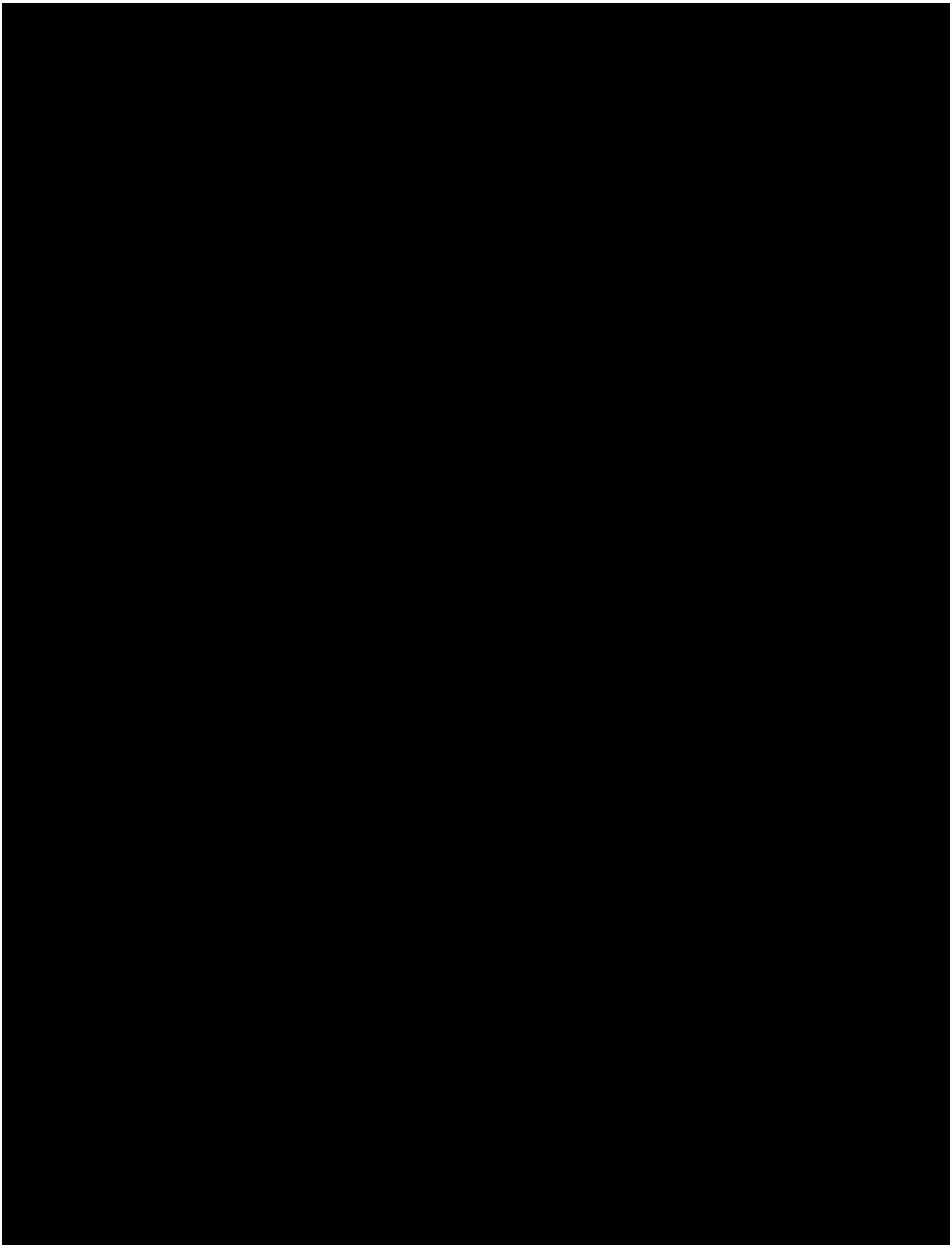

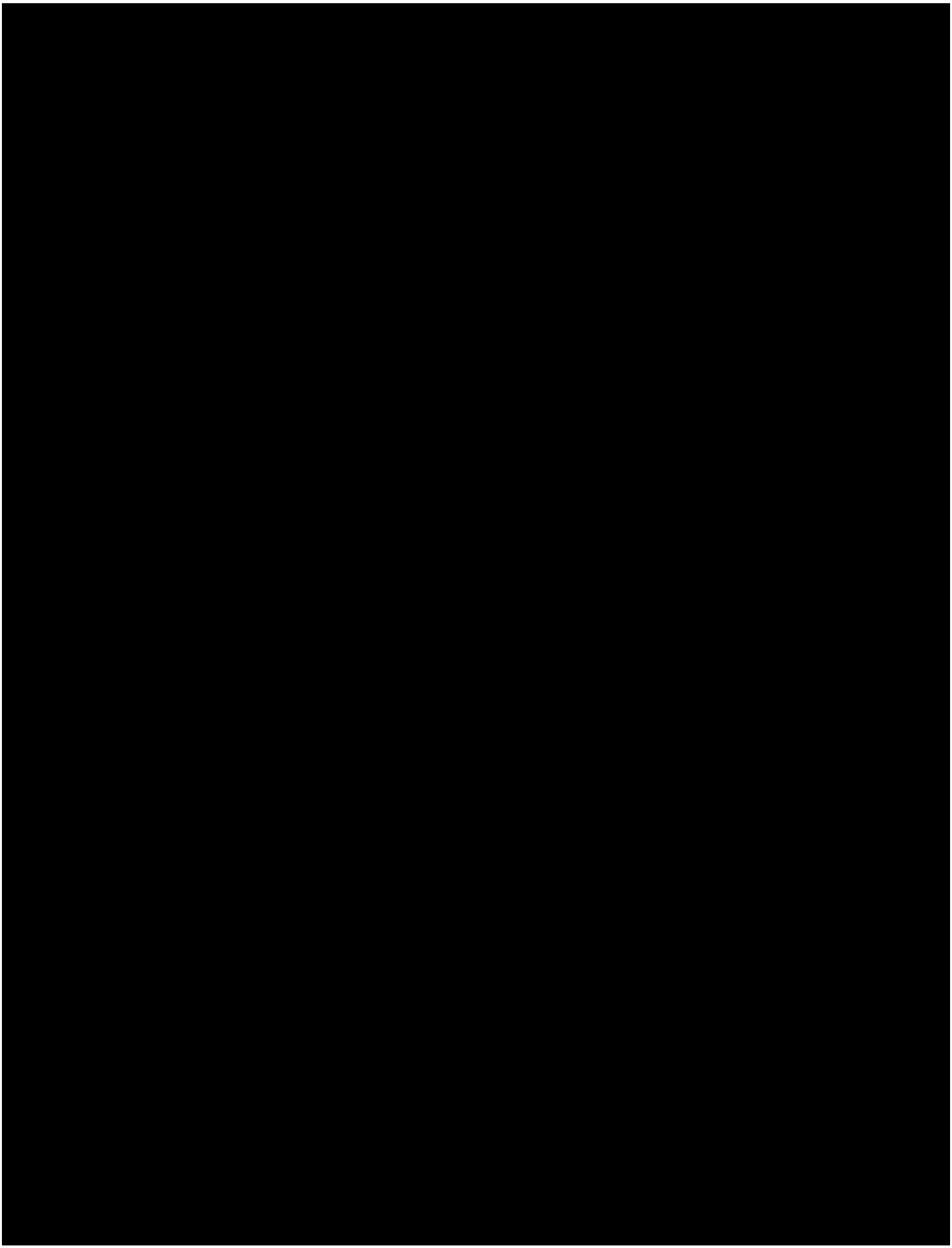

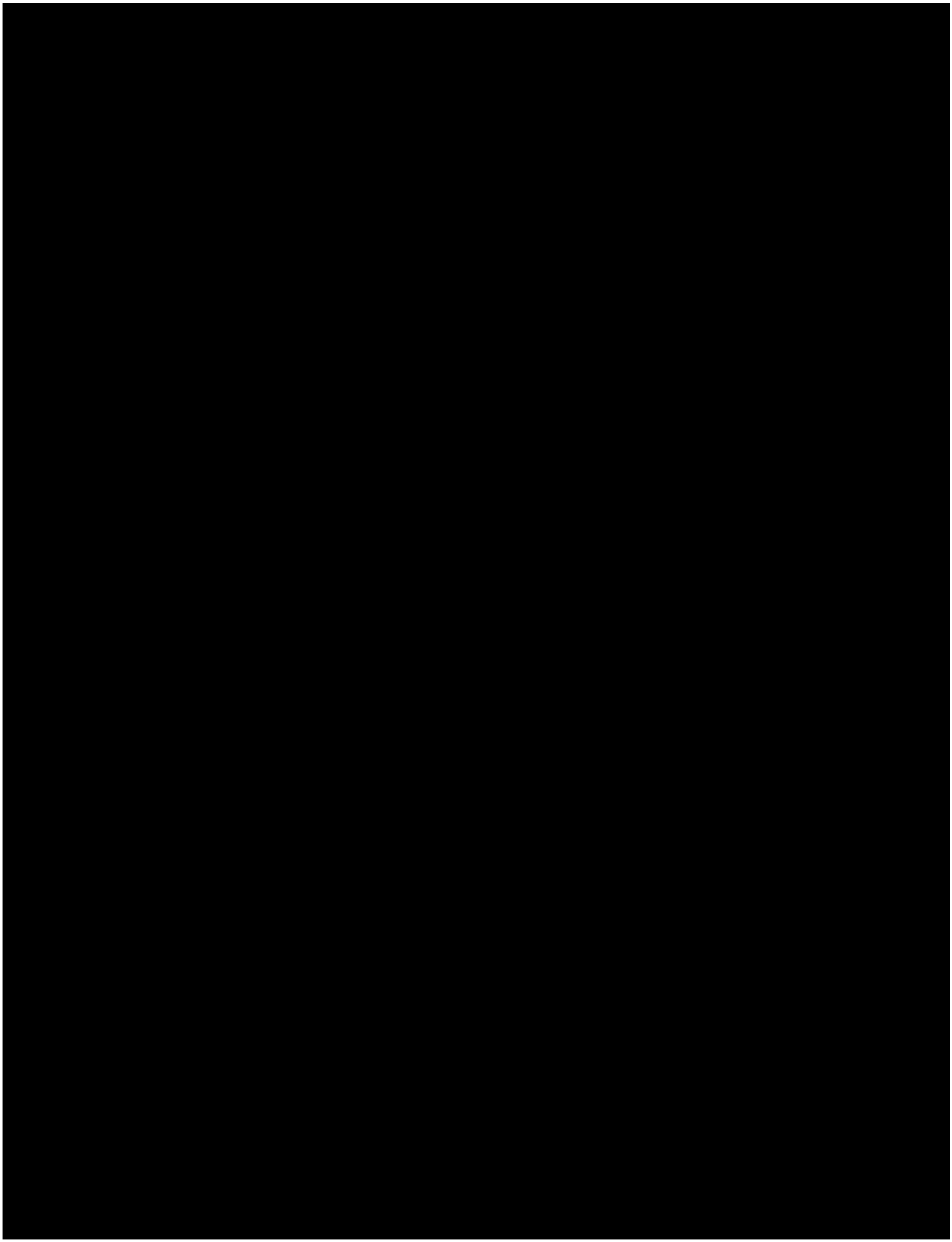

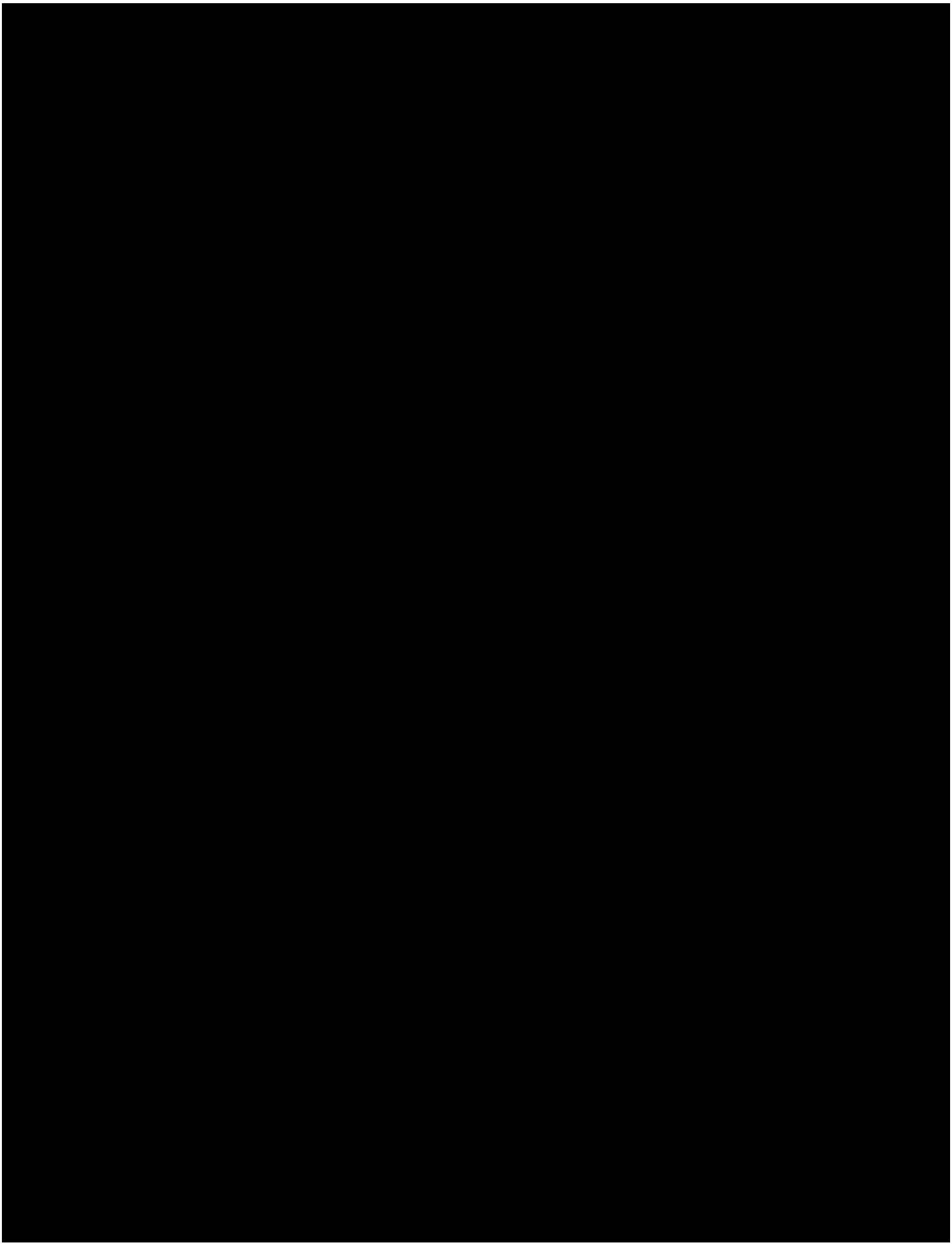

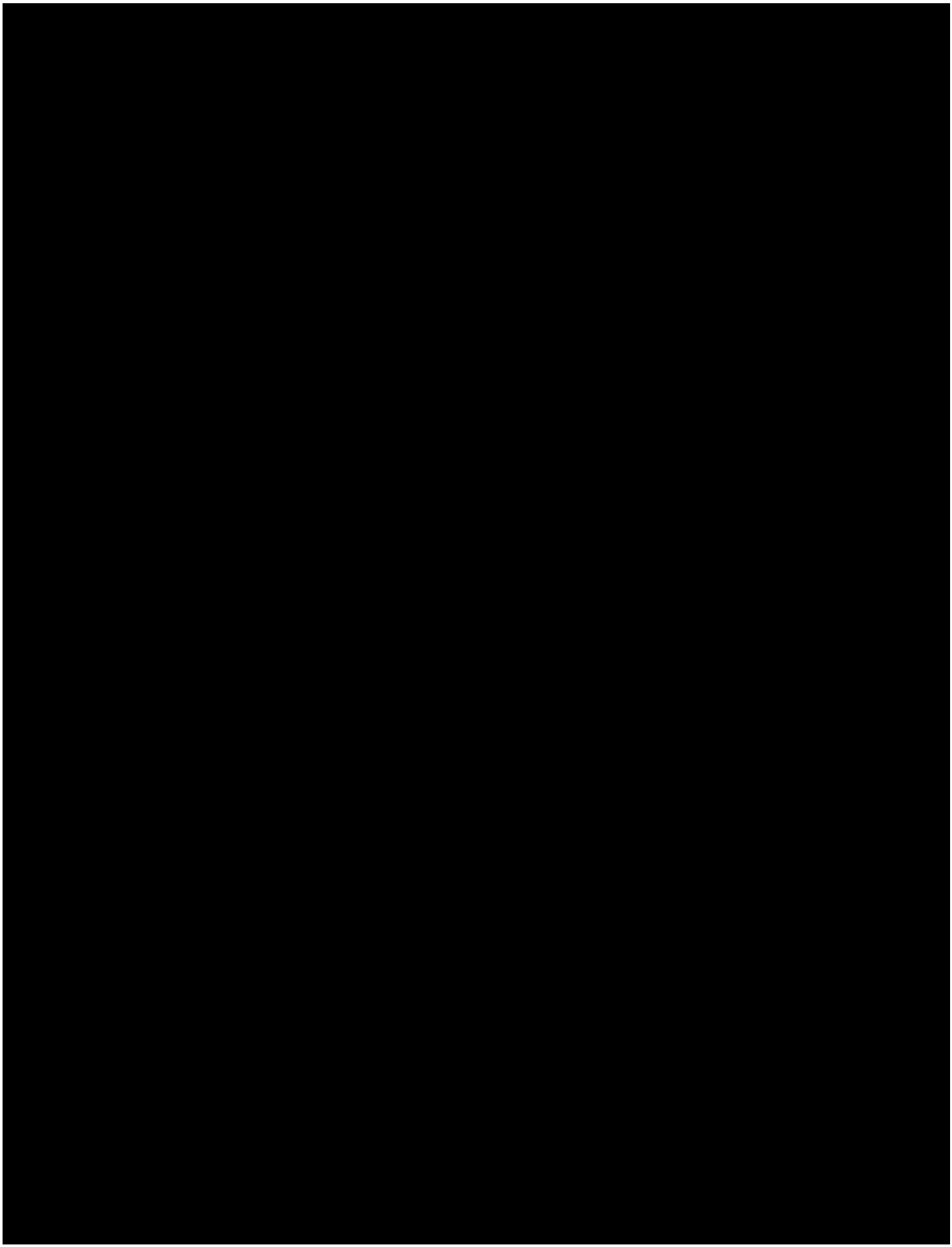

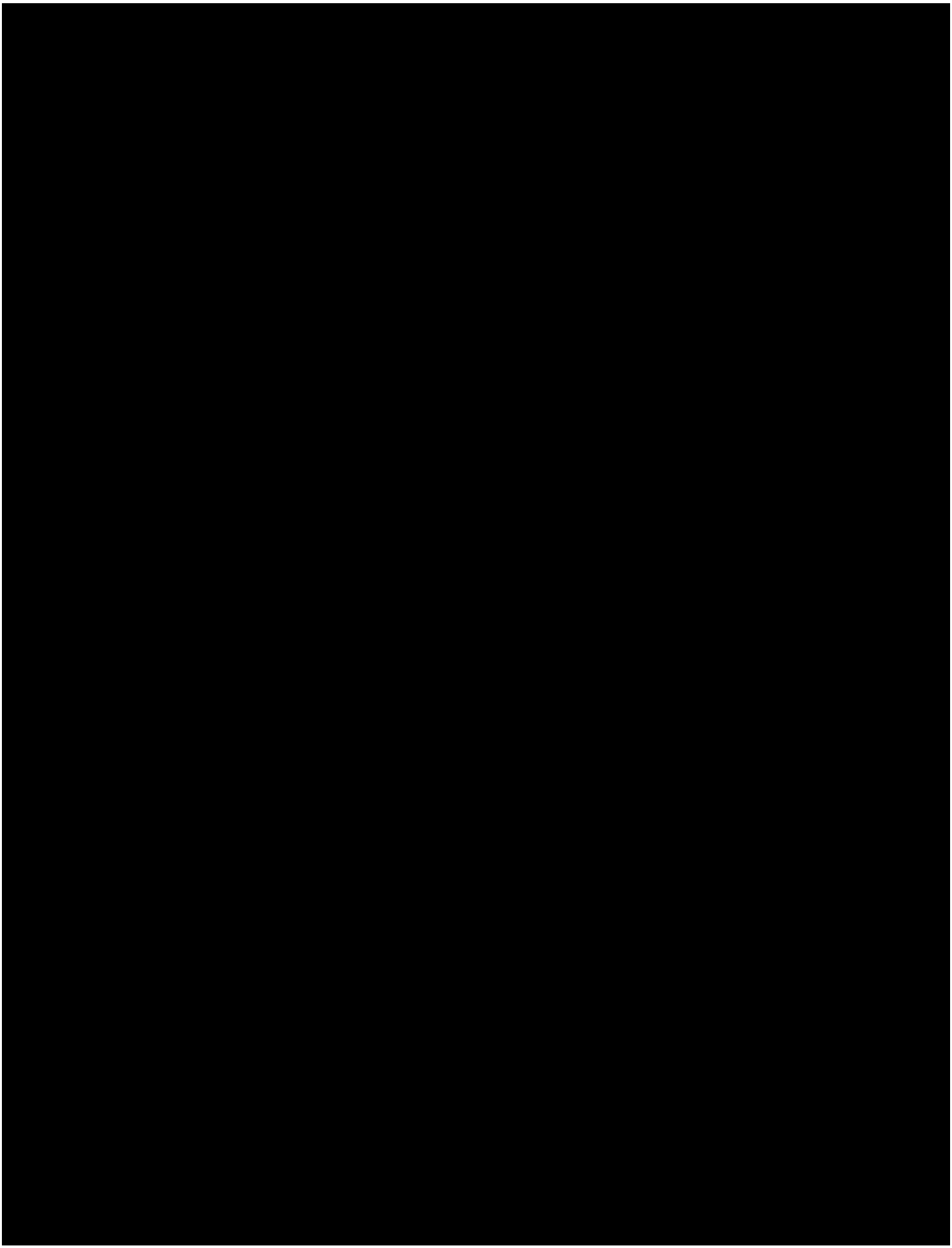

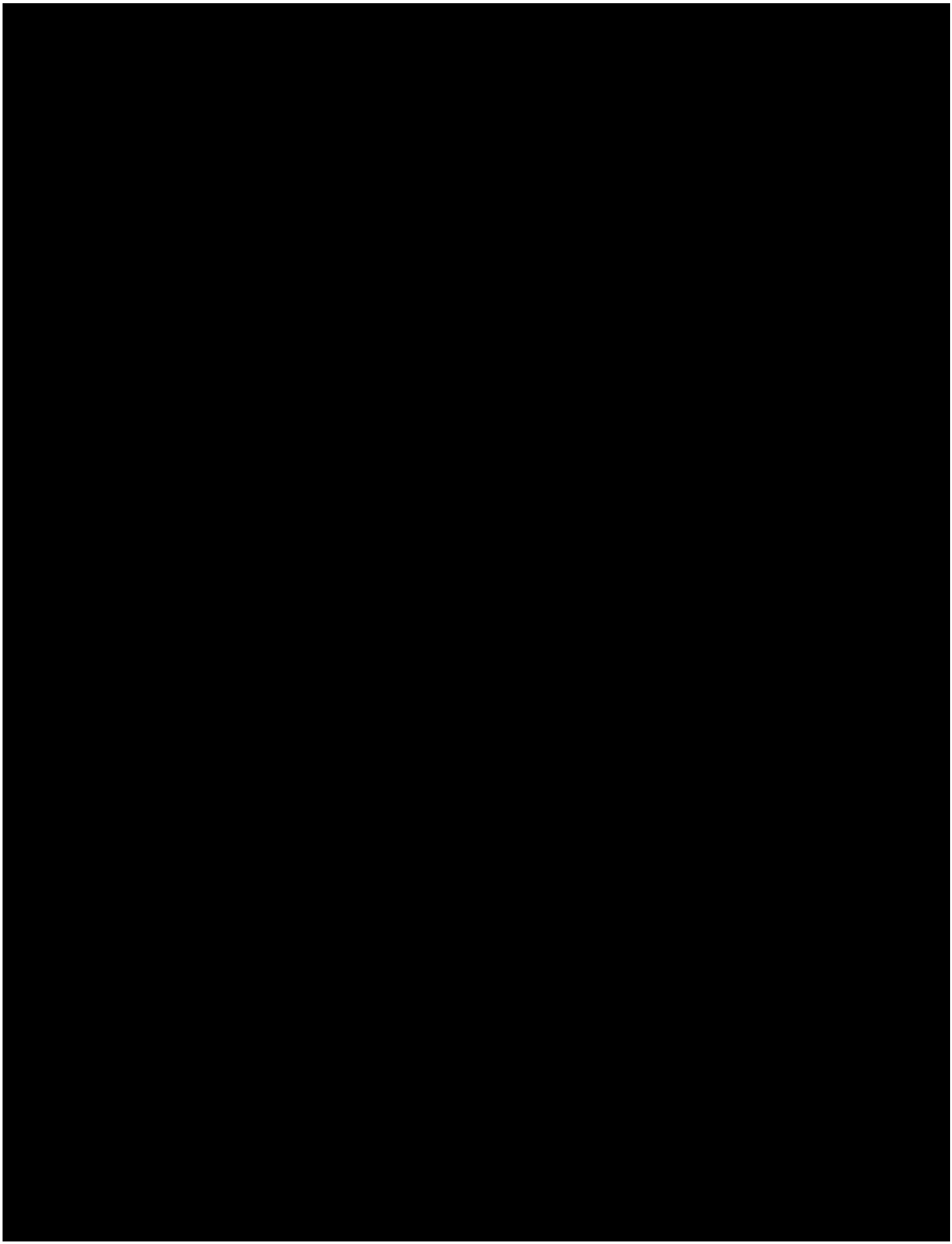

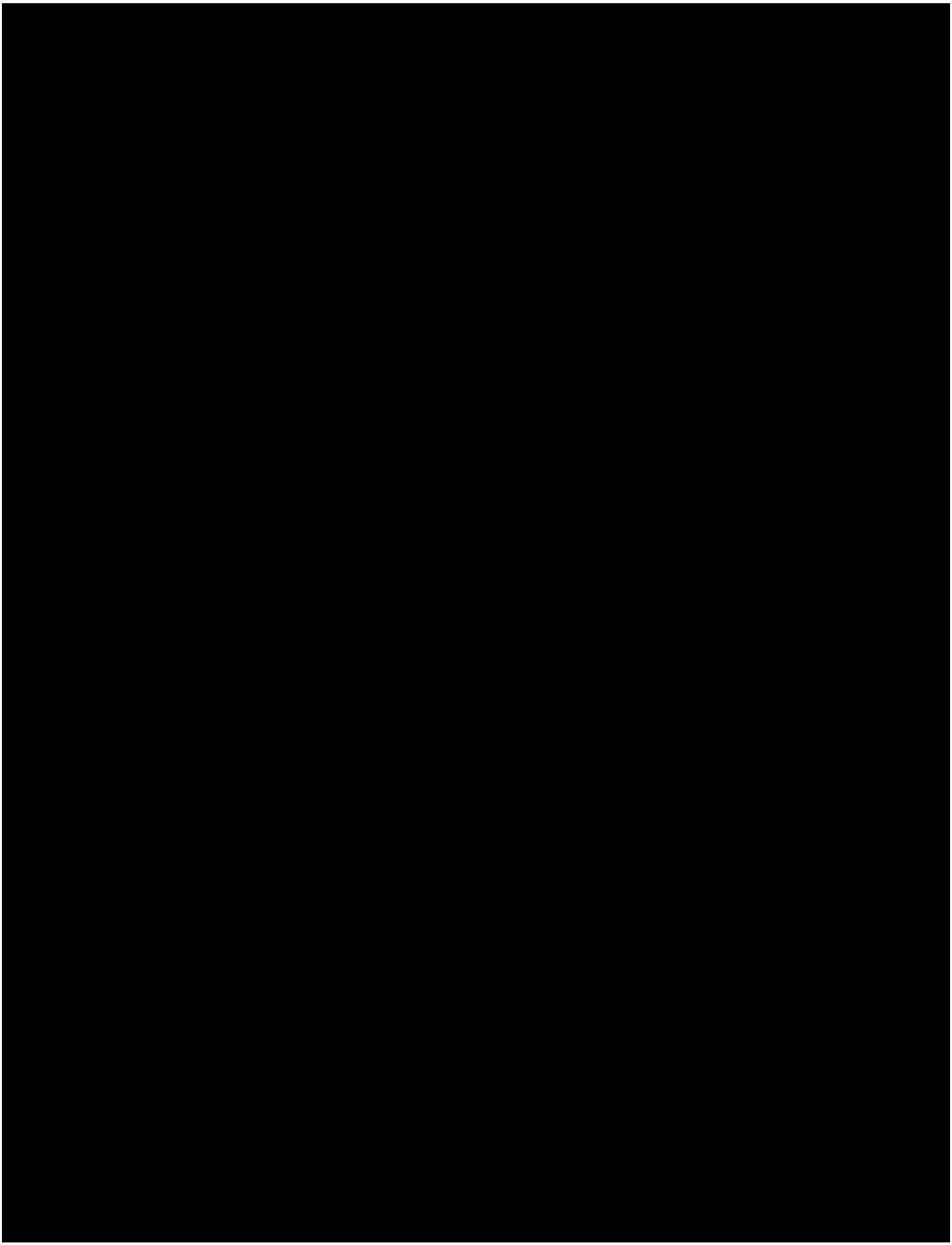

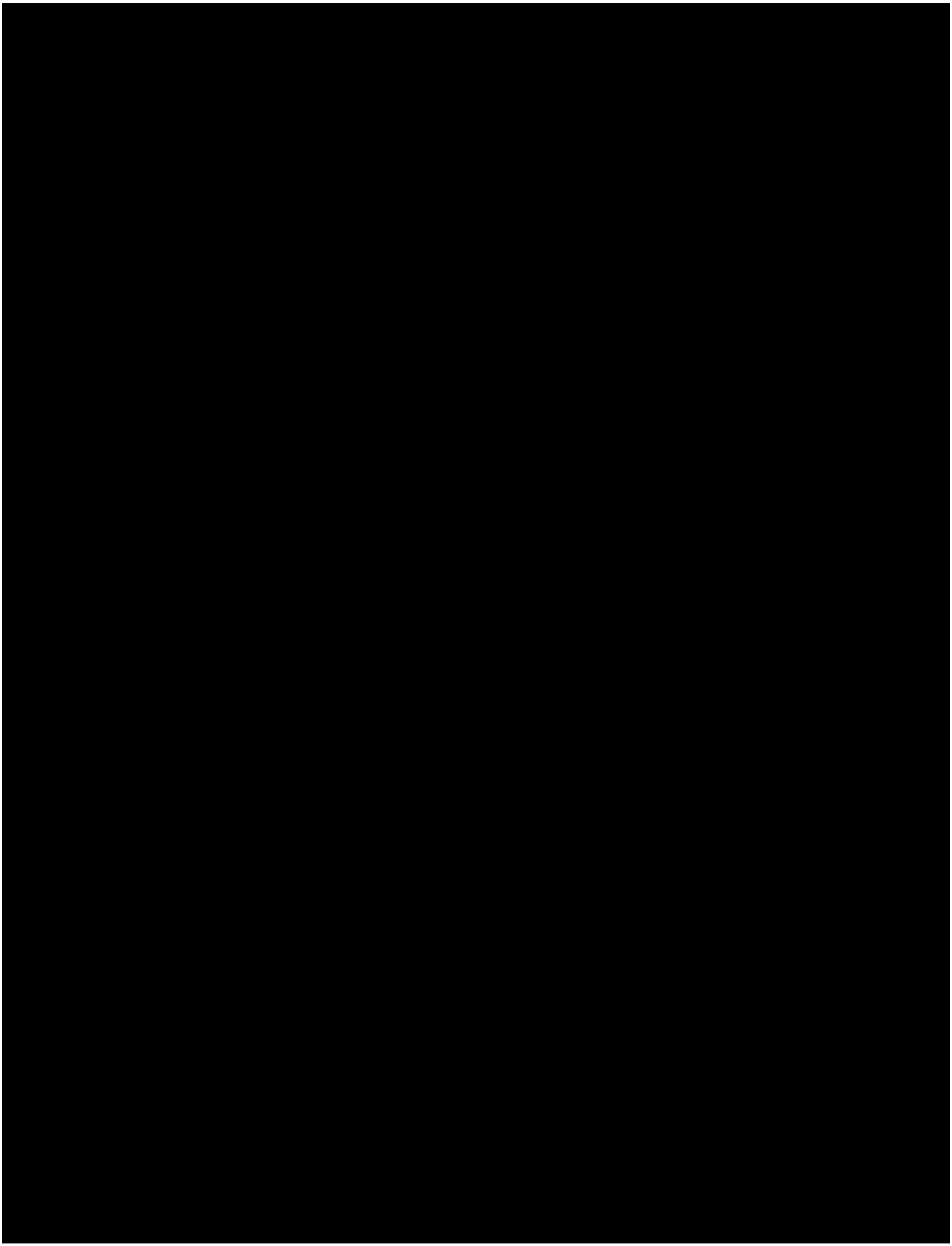

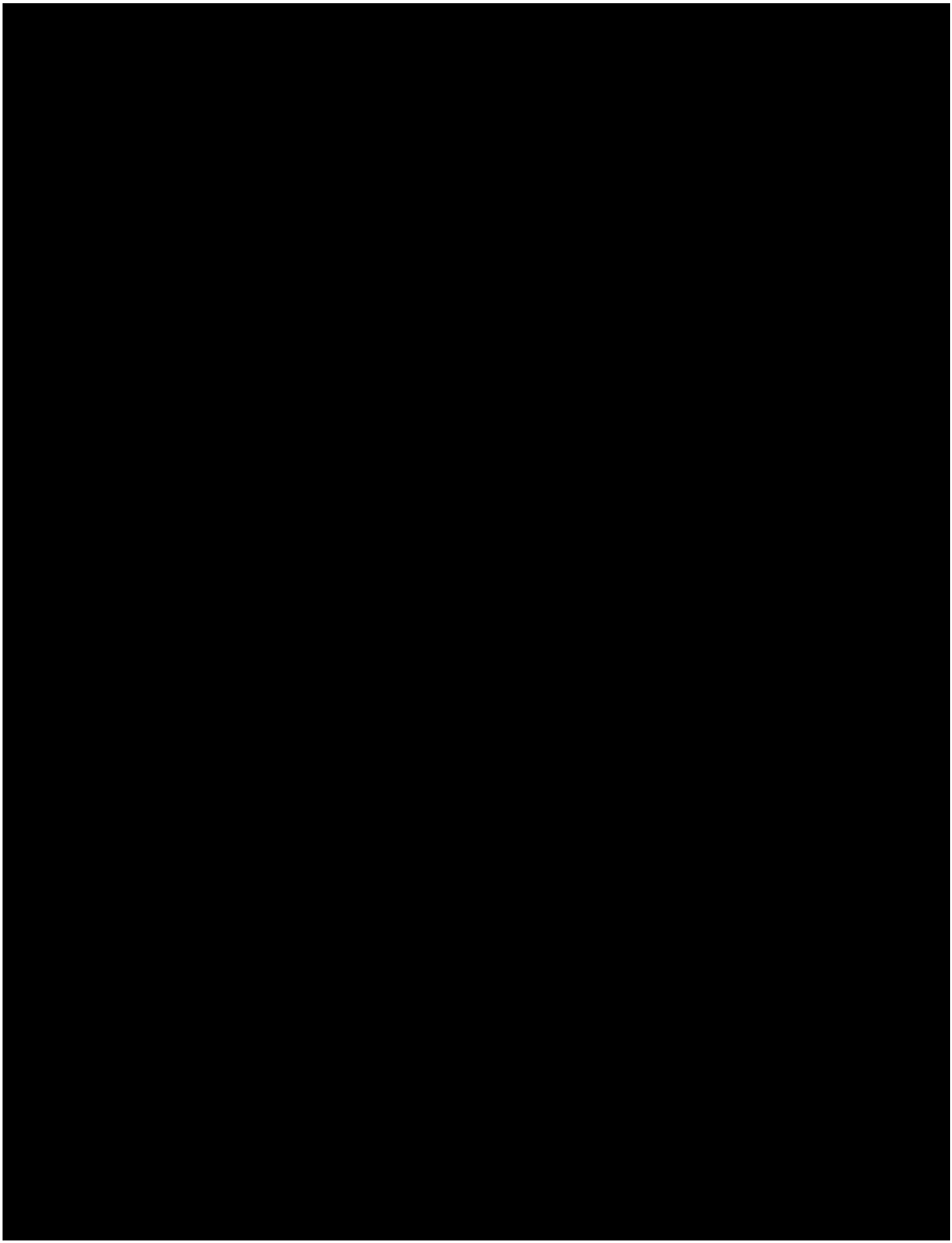

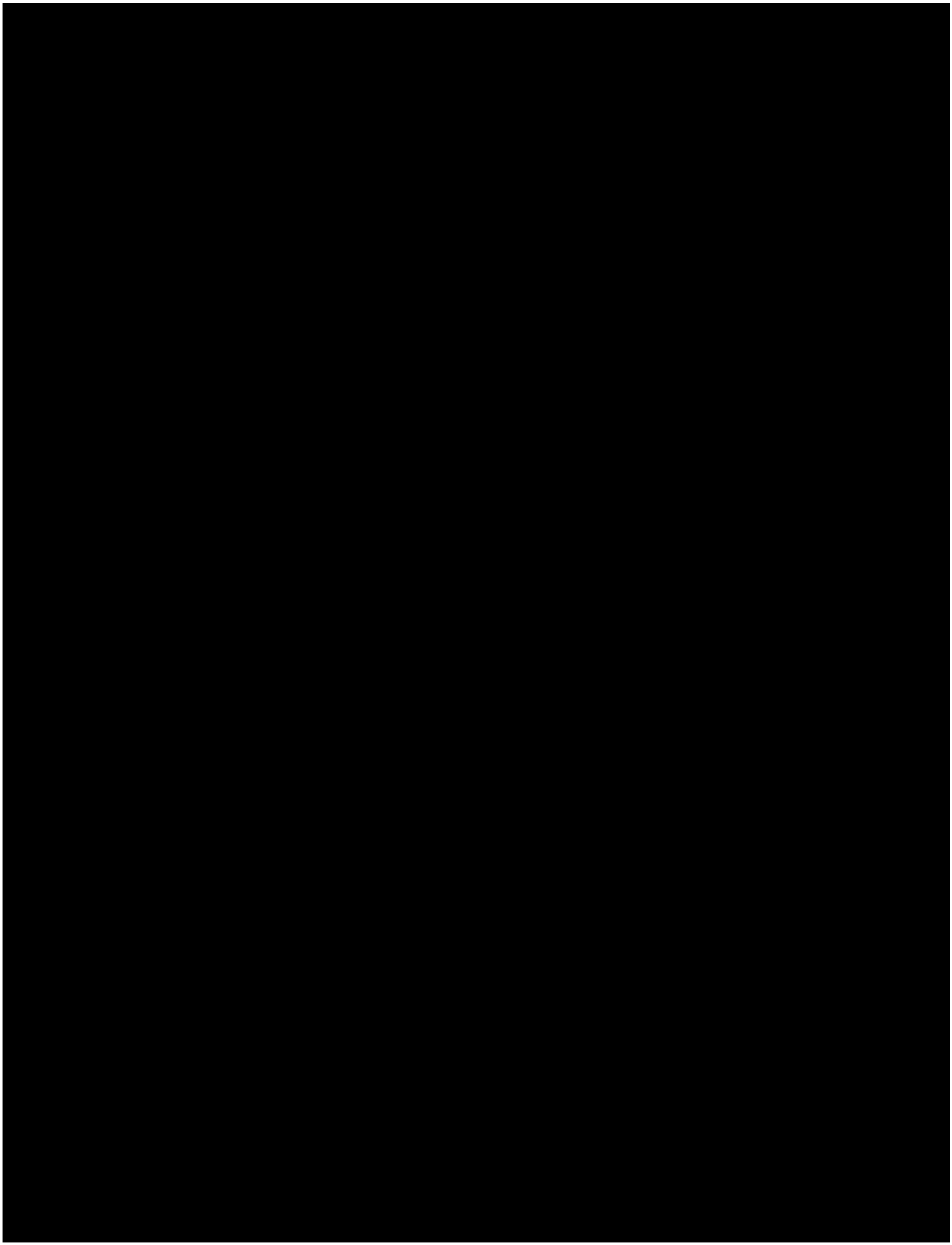

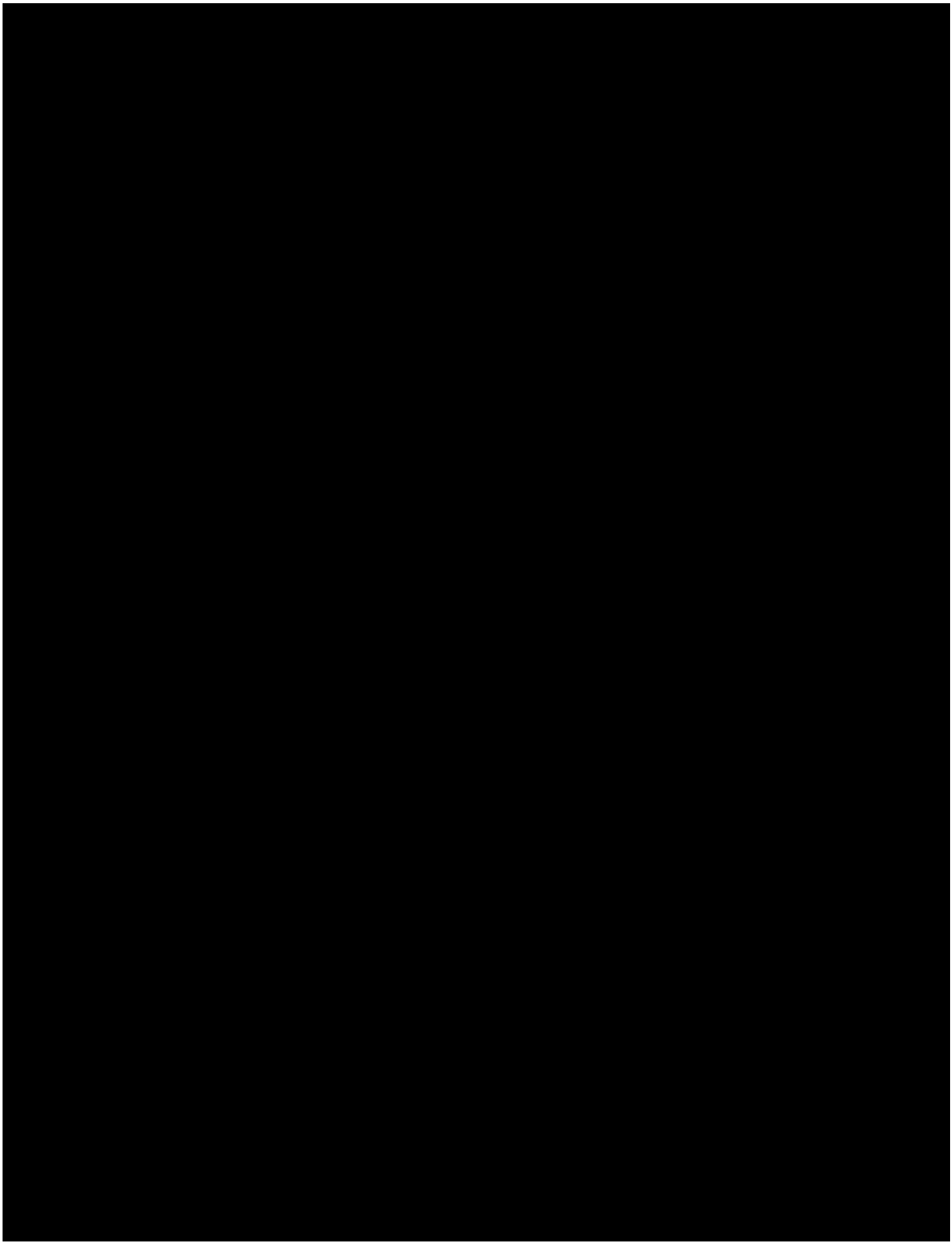

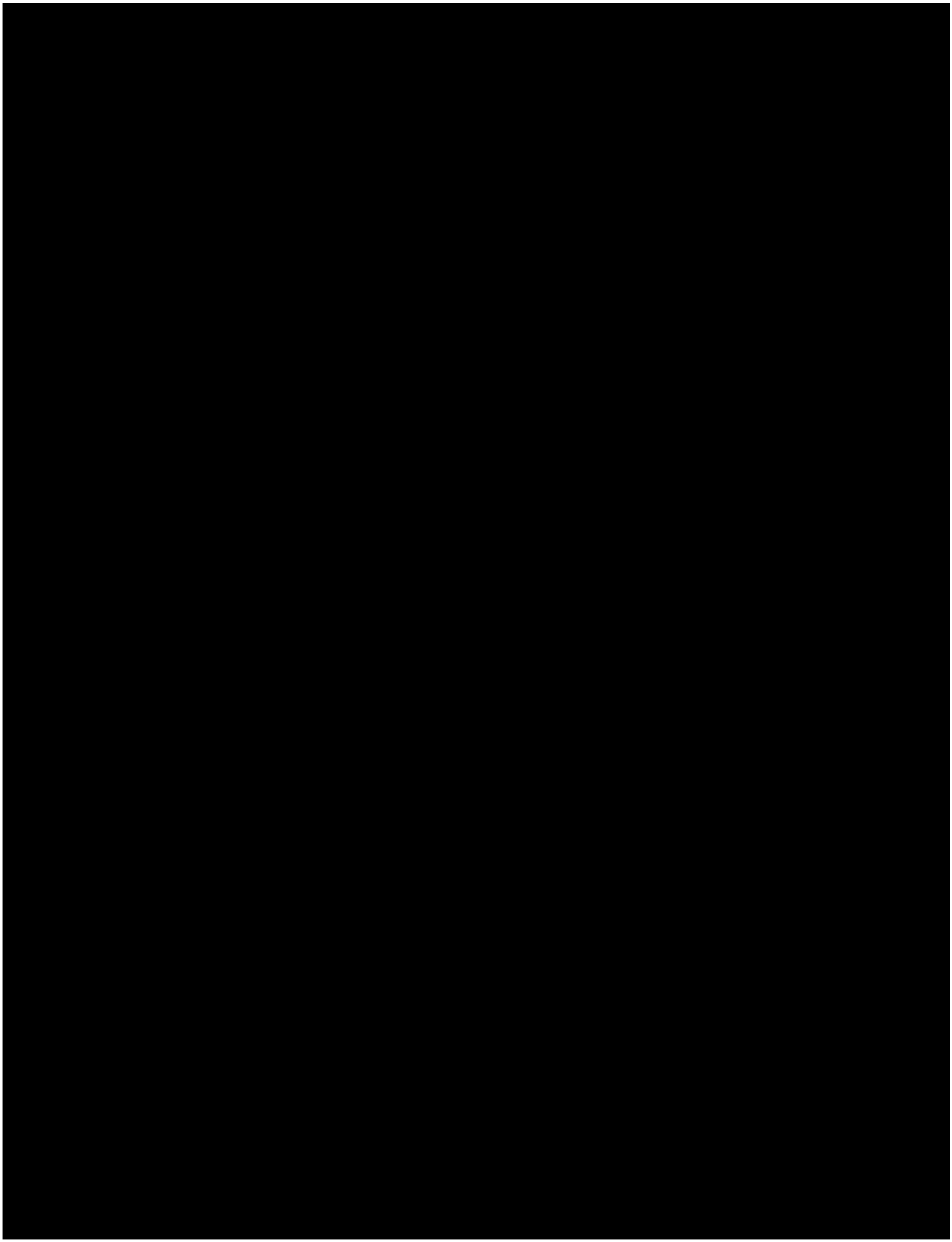

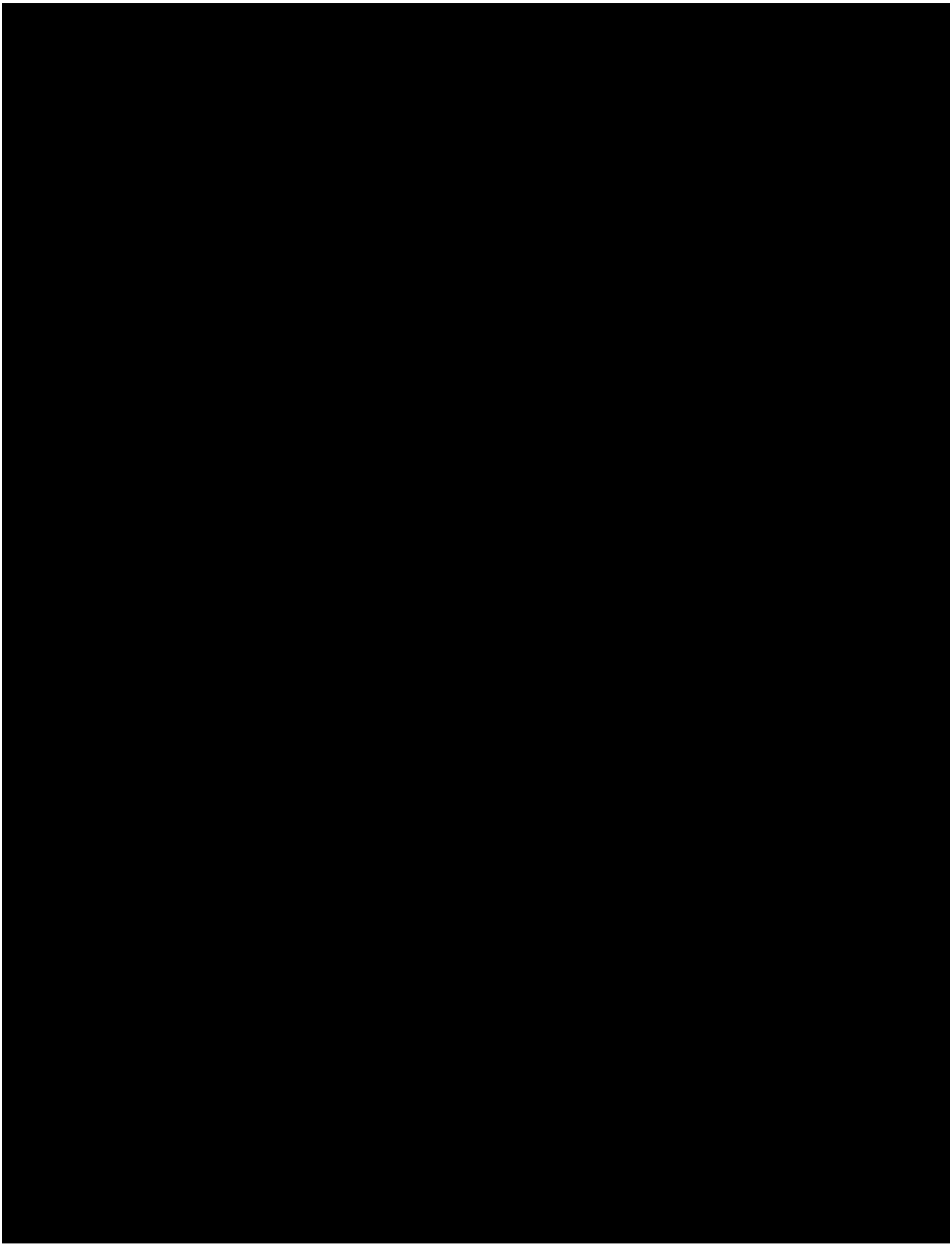

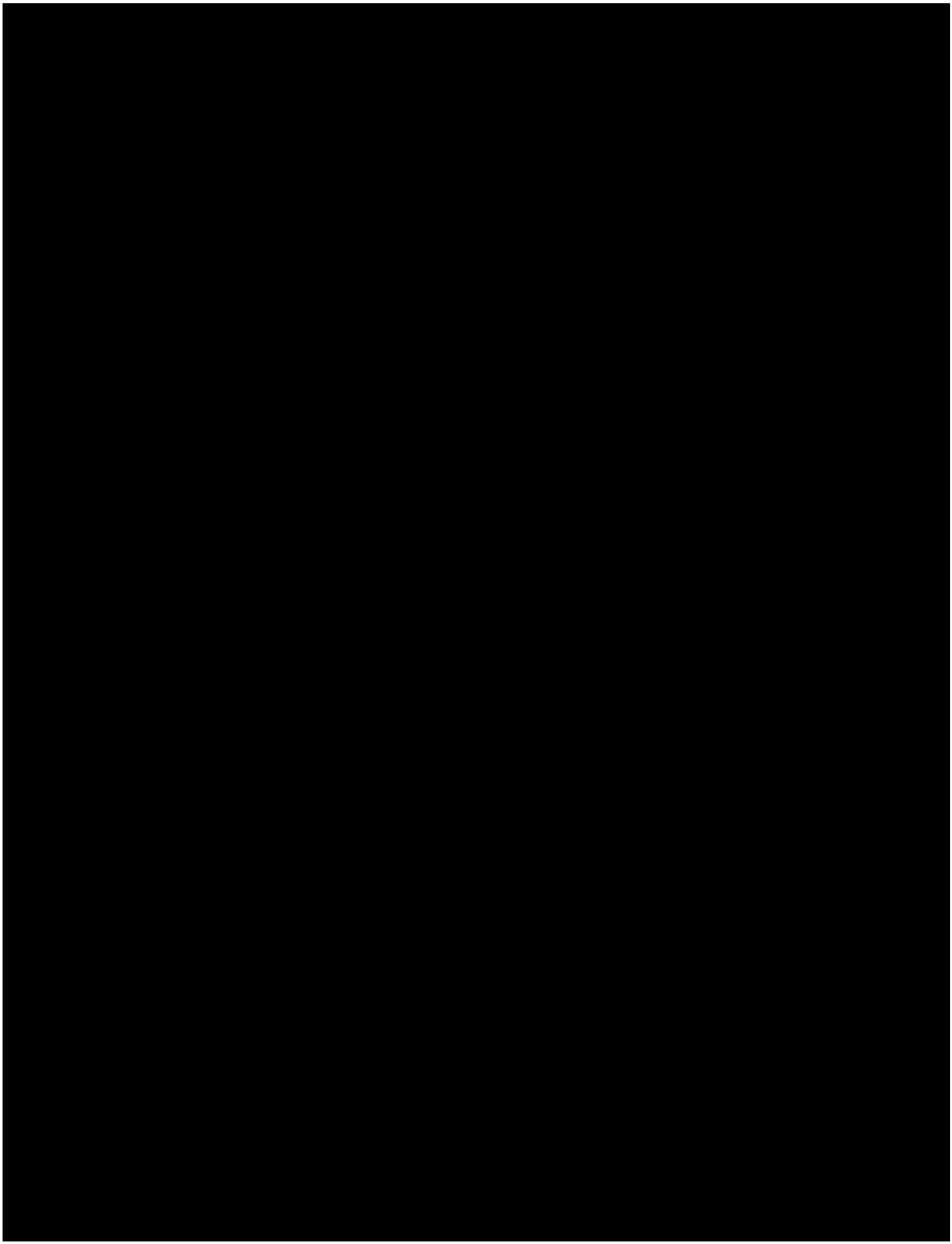

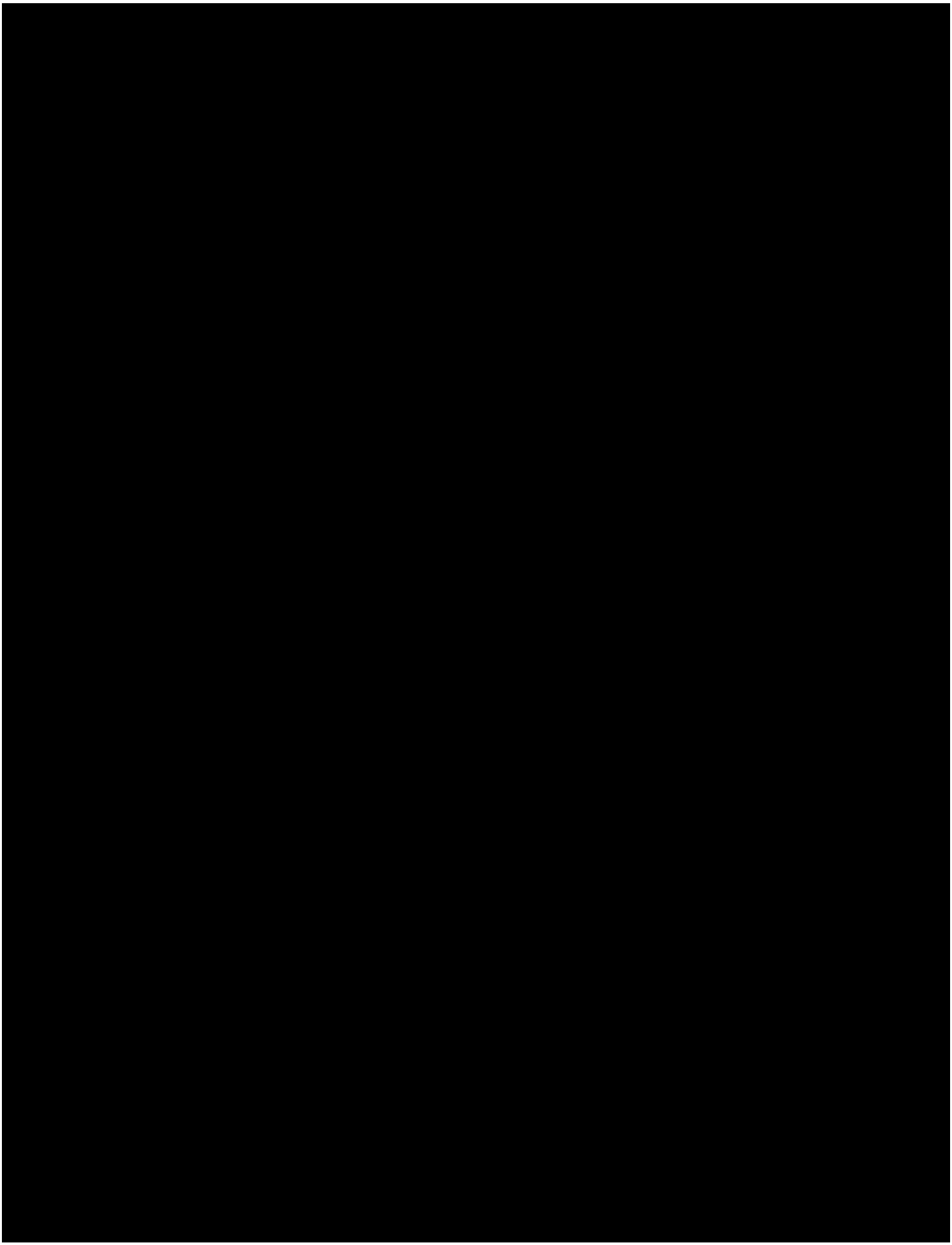

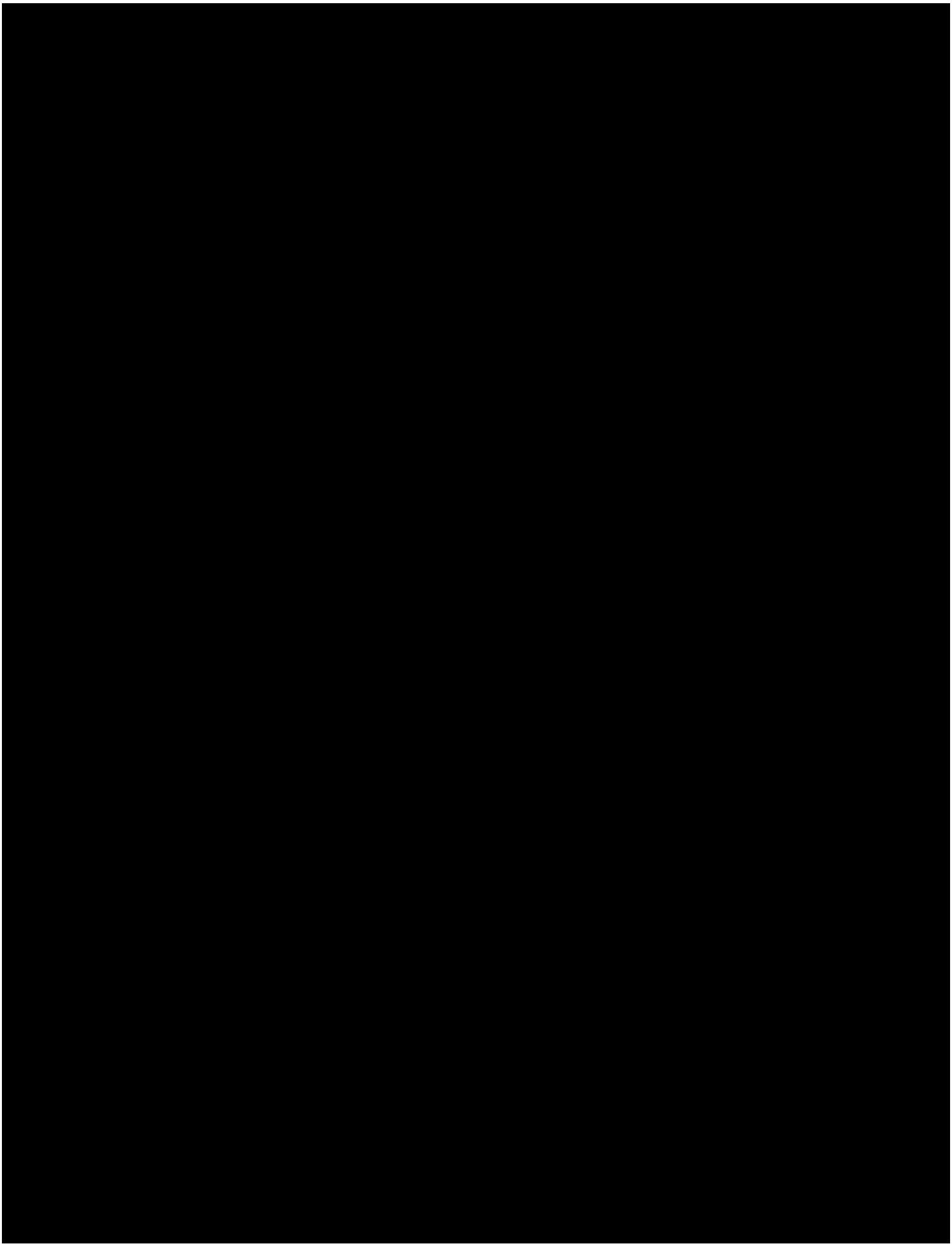

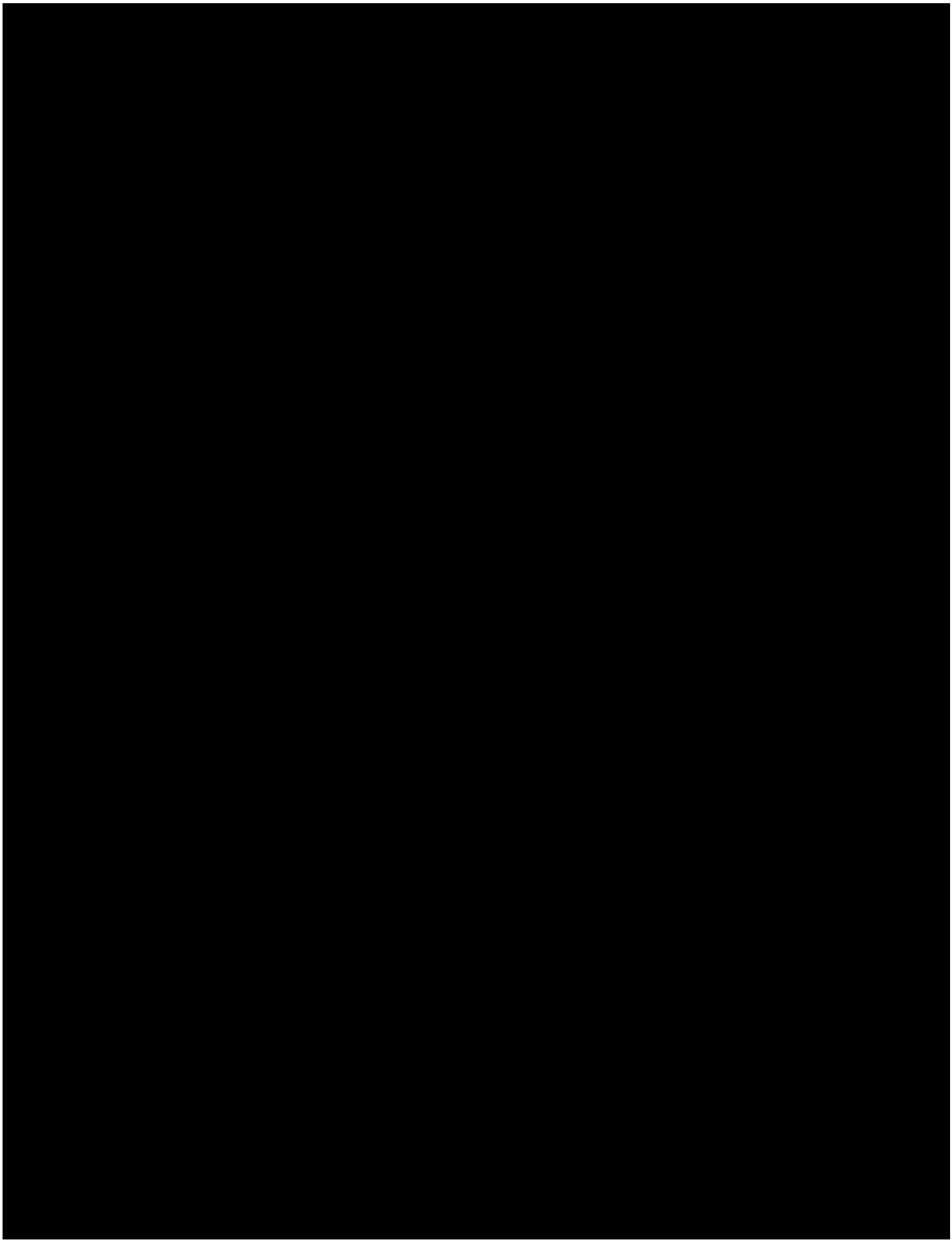

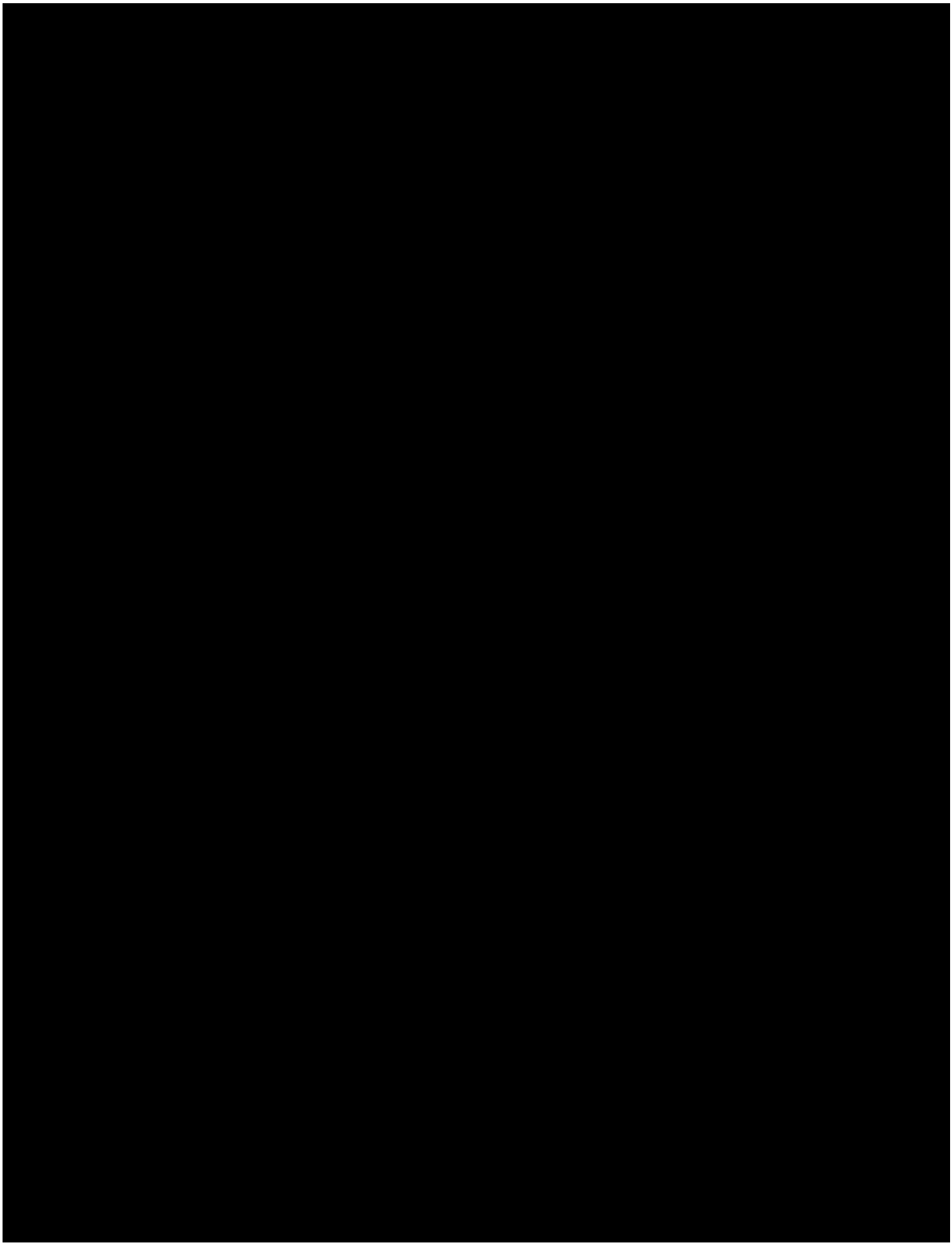

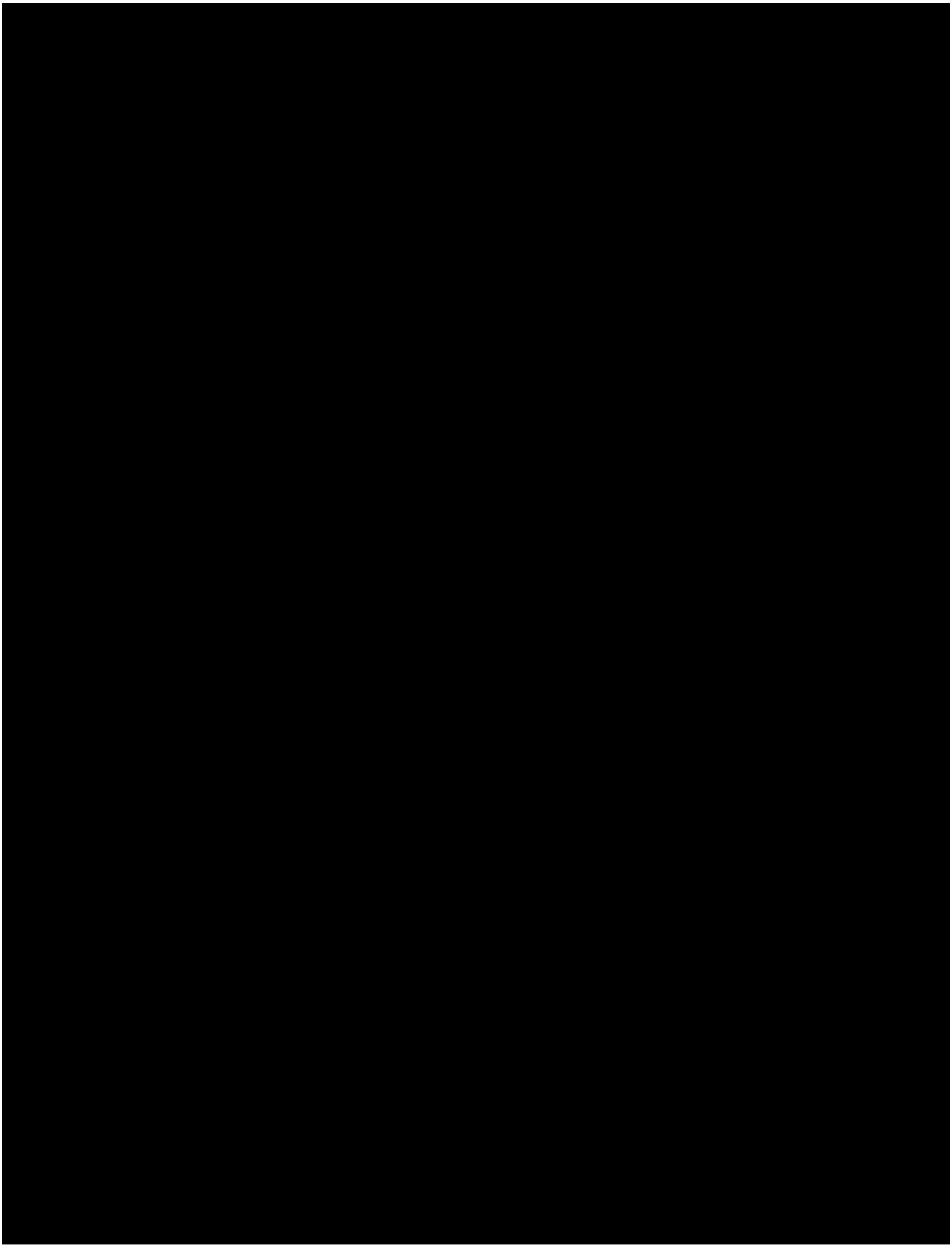

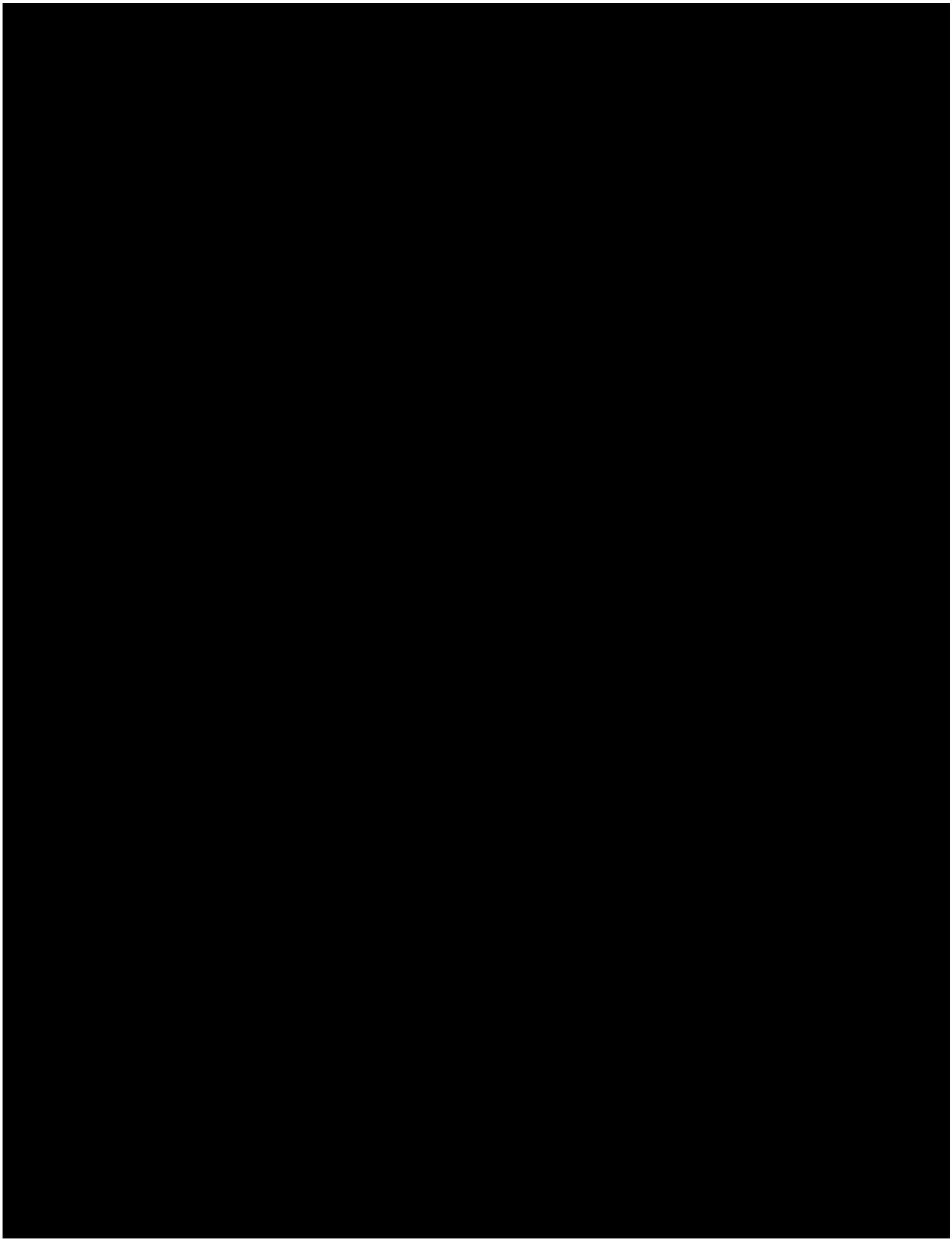

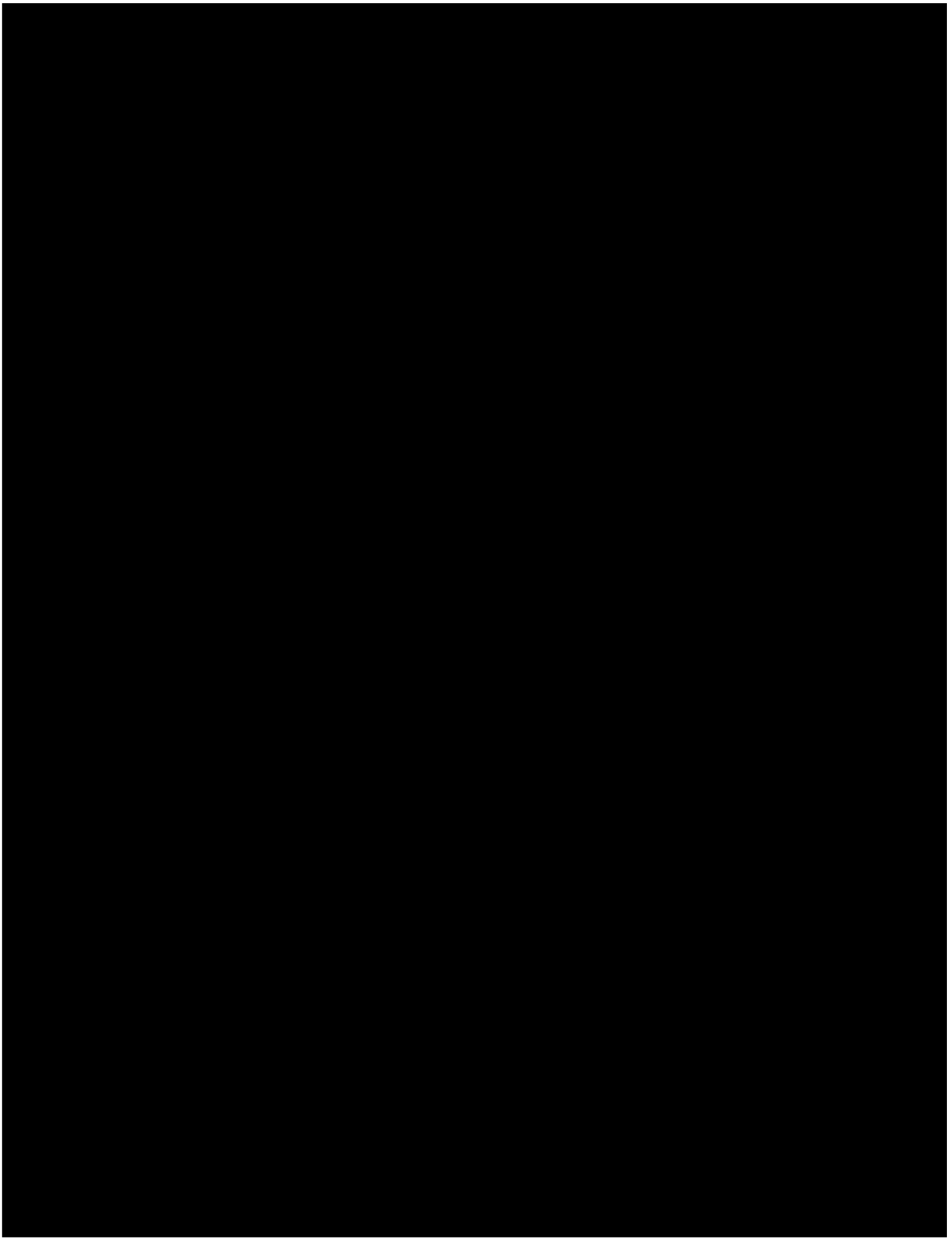

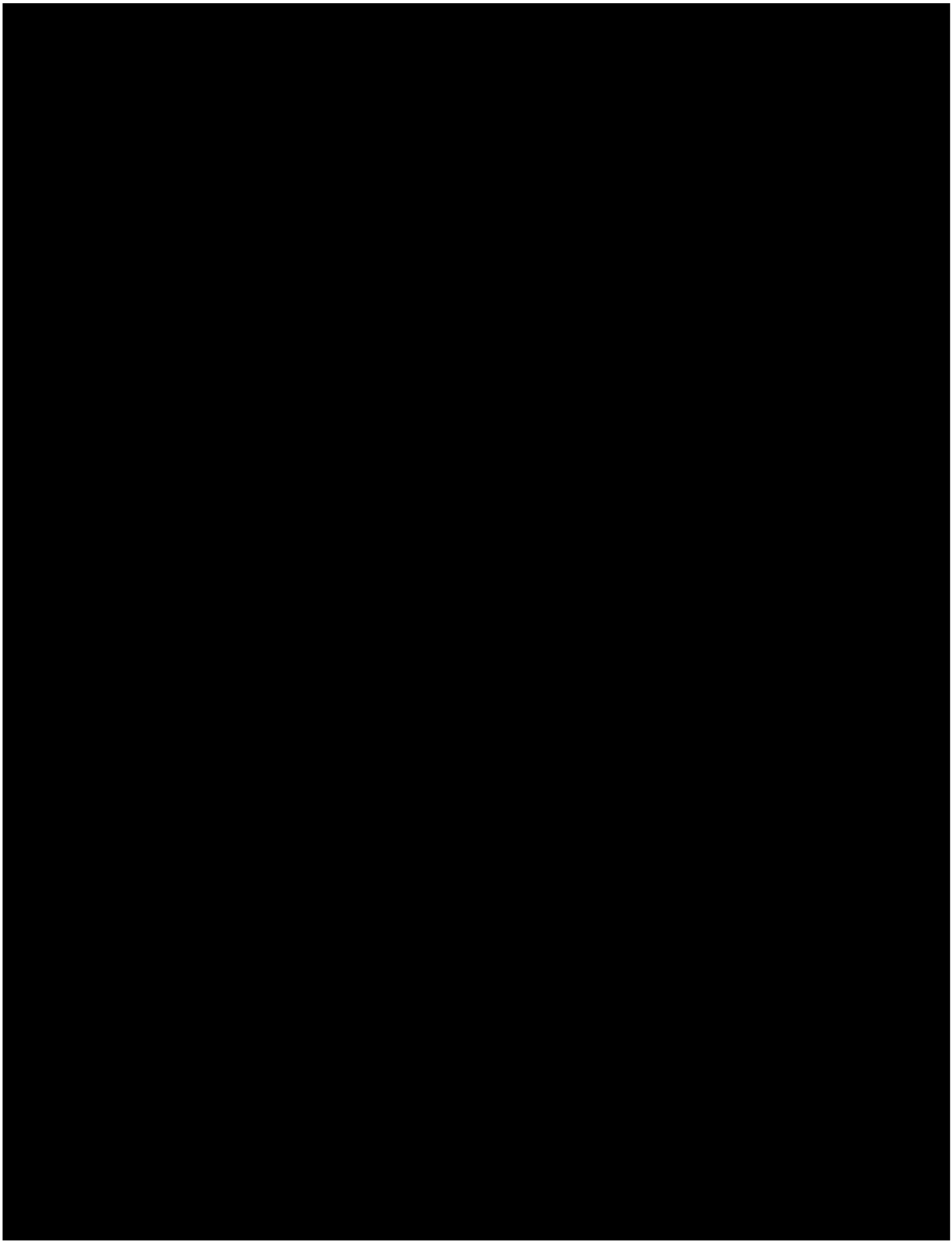

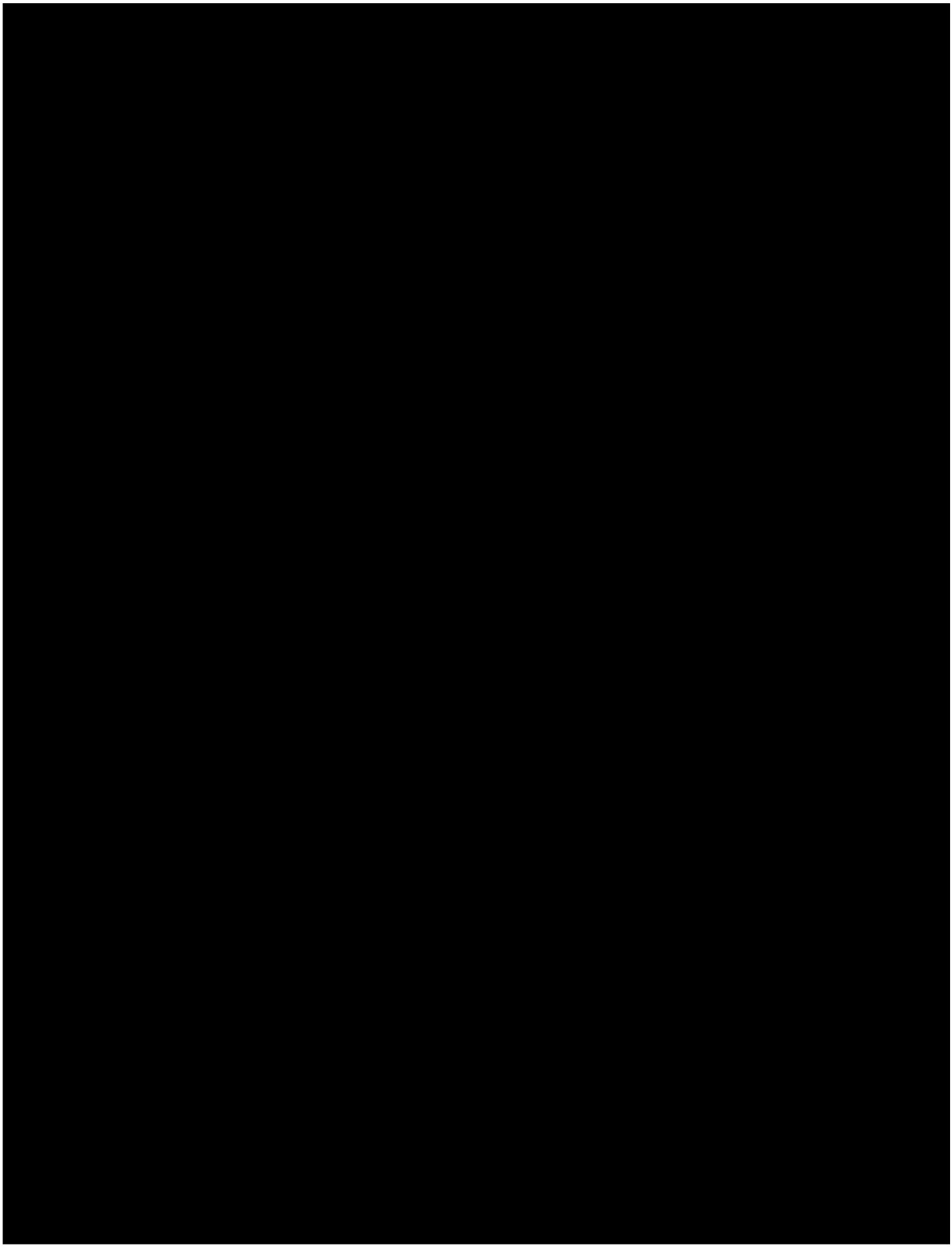

AFFIDAVIT OF STATEMENT OF BOBBY DALE WILSON

I, Bobby Dale Wilson of Sulligent, Alabama, do hereby certify that under penalty of perjury, that I communicated this statement to Brent Gasper on May 12, 2023, during a phone call. Mr. Gasper put the statement on paper and I looked at it for accuracy. This written statement is what I said to Mr. Gasper on that phone call. Also, the statement attached to this one is the statement I gave to the Trooper on June 11, 2021.

1. My name is Bobby Dale Wilson and I drove the Peterbilt that was in the wreck on Highway 22. I was working for GKD Trucking which also goes by A&G and Transco.

2. I was driving west on Highway 22. It was two-lane. A few seconds before the accident, I saw the car and the car must've seen me because it pulled over halfway into the shoulder. It looked like it was stopped and was going to turn left.

3. I told the Trooper in my statement that that car was stopped in the east bound lane. But the car was not completely in the lane. It was part on the shoulder.

4. Right after that there was the collision in the other lane and the car that hit the car that had just been on the shoulder then came over and hit my truck.

5. This is basically what I remember.

06/07/23
Date

Bobby Dale Wilson

Subscribed and sworn to before me on this 7th day of May, 2023.

Notary Public
My commission expires: 01/15/2029

GREGORY SEAB STATON NOTARY PUBLIC #12370255 PULASKI COUNTY, AR

Signature:

This Notarization was conducted using audio/video technology provided by eNotaryLog, LLC
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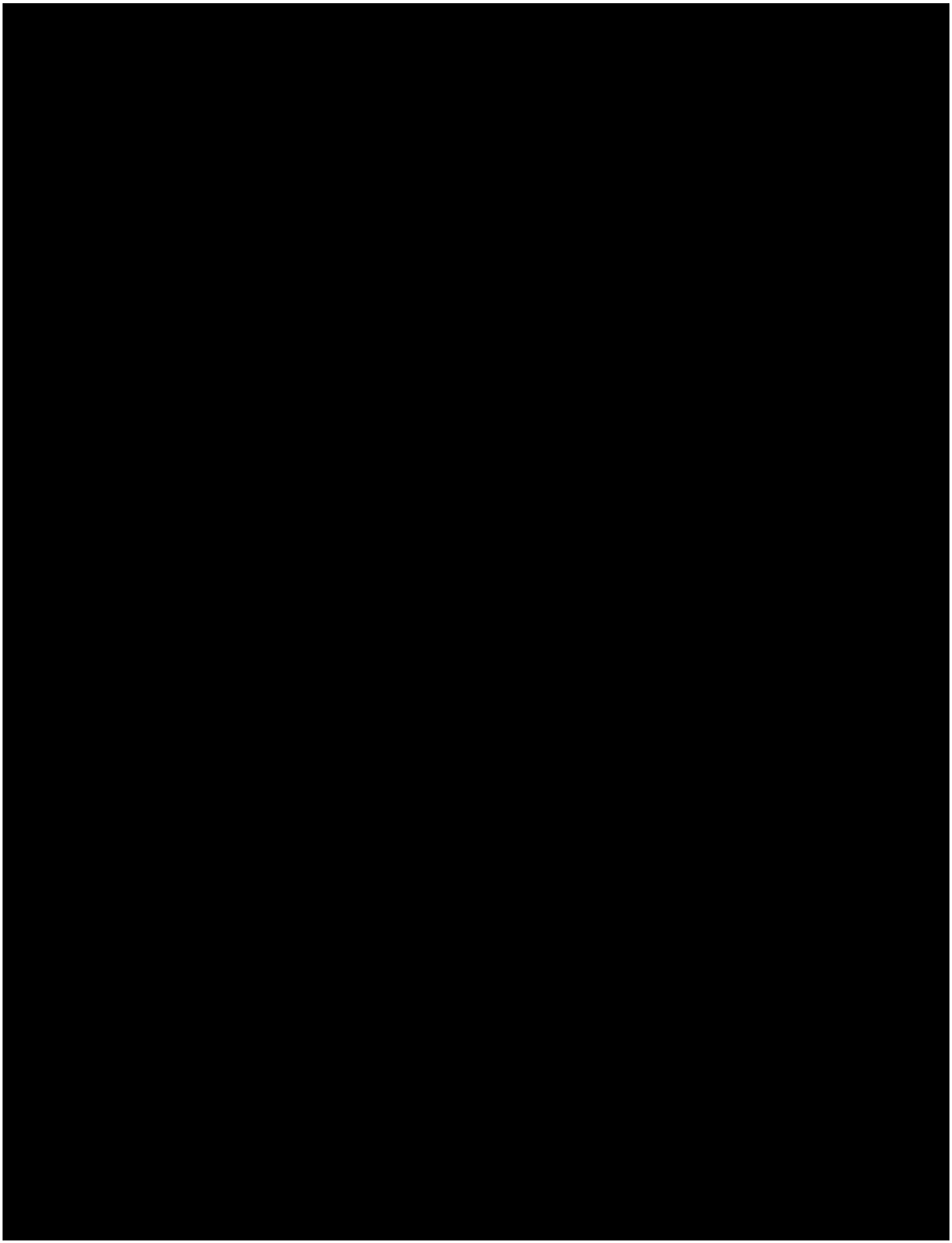
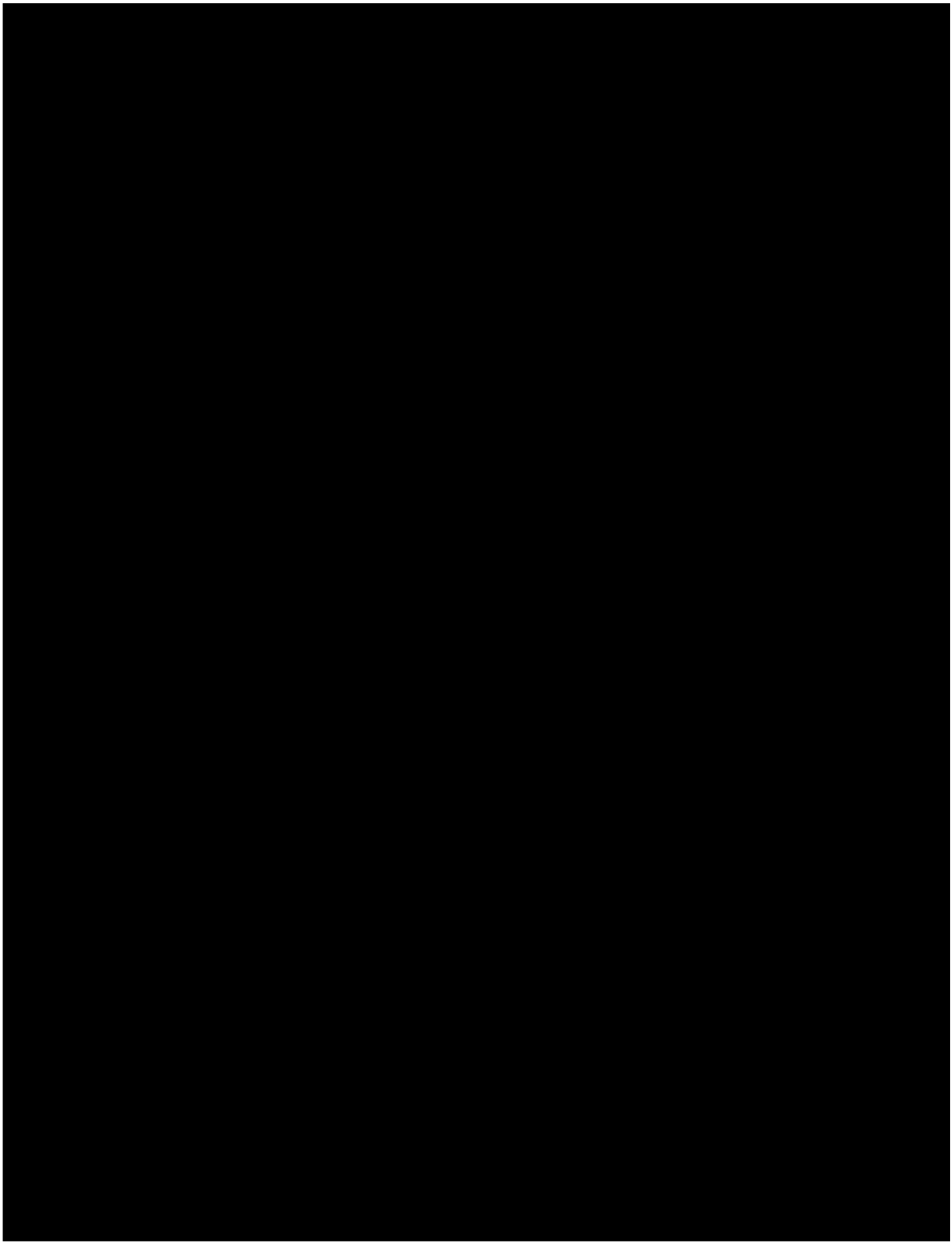
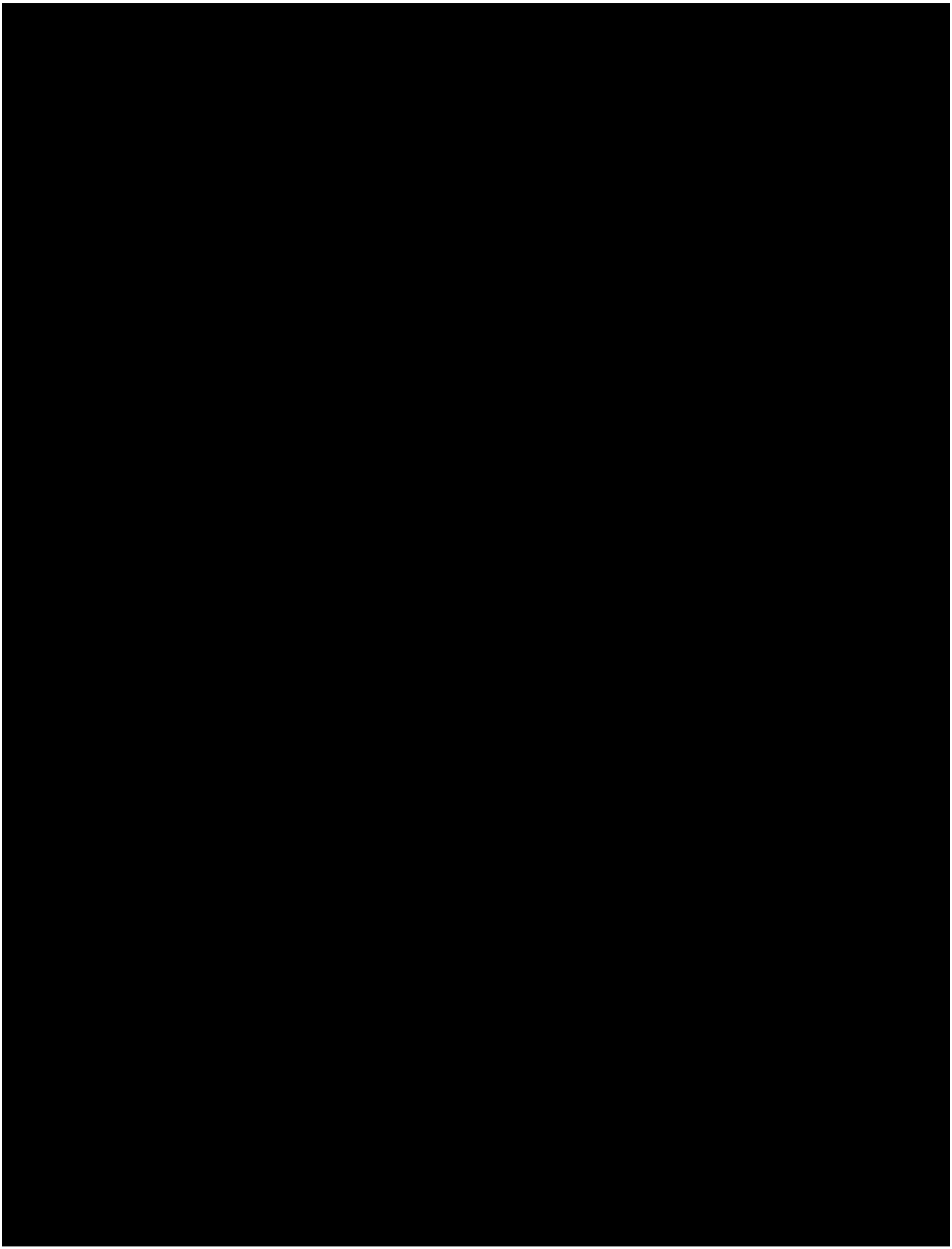
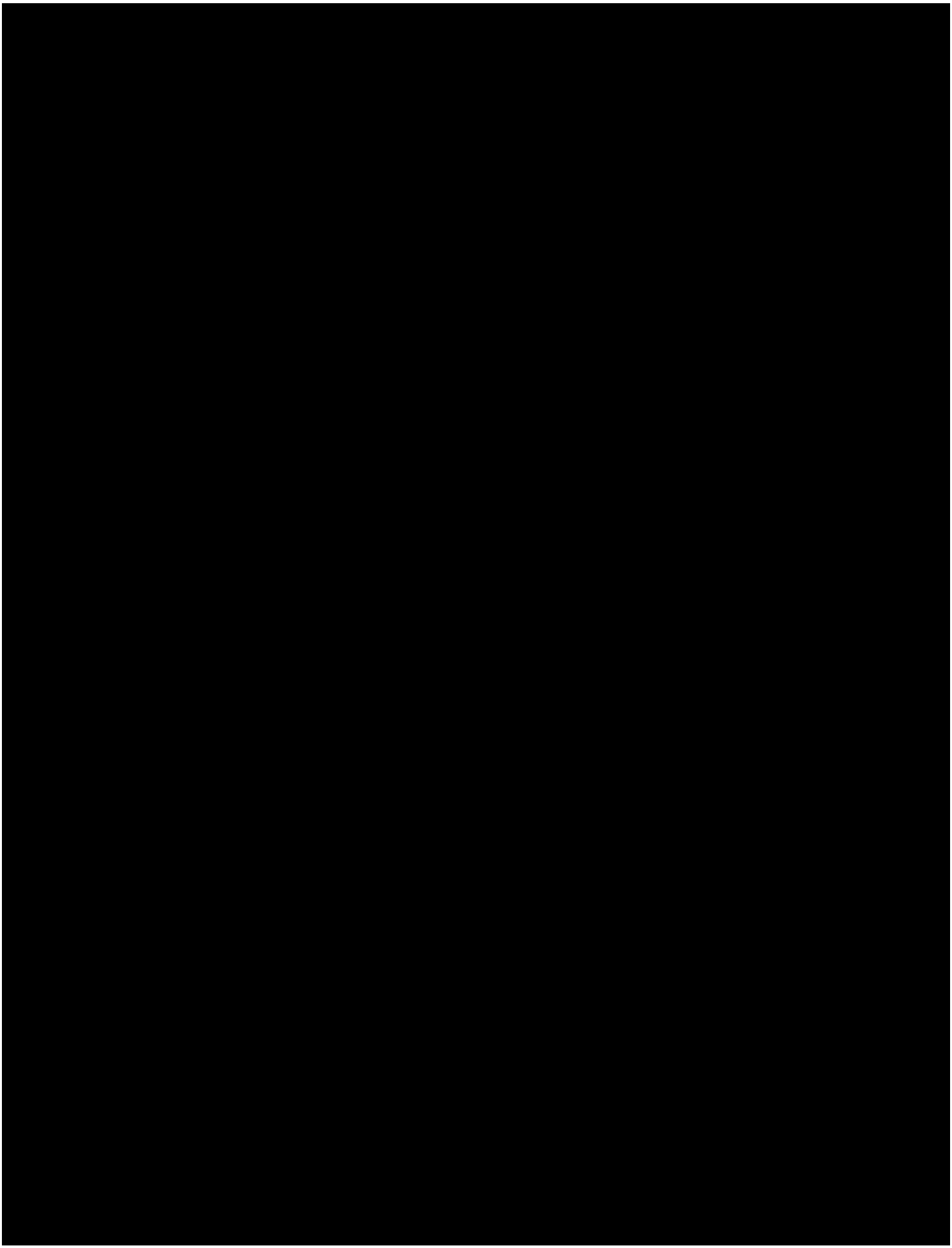








Effective Date: 2/10/2023

ESIGN Consent to Use Electronic Records and Signatures

You have indicated that you wish to receive and sign the documents relating to your transactions with us electronically using the eNotaryLog platform, which includes electronic signature software (the "Platform"). We are required by law to give you certain information "in writing" - which means that you are entitled to receive it on paper. However, with your consent, we may instead provide this information to you electronically. We also need your general consent to use electronic records and signatures in our relationship with you. If you do not consent to the use of electronic records and signatures, you will be unable to proceed electronically. You will need to arrange with the person who sent you materials to sign electronically to complete the transaction using paper documents, or you may not be able to proceed with the transaction at all.

In this ESIGN Consent to Use Electronic Records and Signatures (this "Consent"), the words "we," "us," and "our" refer to the entity whose representative invited you to electronically review and sign documents using the Platform. The words "you" and "your" means the person giving consent. "Communications" means each disclosure, notice, agreement, undertaking, fee schedule, record, document, or other information we provide to you or that you sign, submit, or agree to at our request through the Platform.

Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to the terms and conditions of this Consent, please confirm your agreement and providing your consent by clicking the appropriate checkboxes, if warranted, and subsequently clicking "Submit" or "I Agree."

1. Your Consent

This Consent and your agreement apply to all of the Communications we provide to you, or that you sign, submit or agree to at our request, using the Platform. You agree that the Communications may be in electronic form. We may also use electronic signatures and initials and obtain them from you on any Communication, as well as use other functionality to obtain information from you for any Communication. You agree that all actions taken and information provided by you with respect to Communications displayed on the Platform will constitute your agreement, acceptance or acknowledgement of the applicable terms of the Communication to which such actions are applied.

Actions taken by you on the Platform may consist of, for example, the application of your electronic signature or initials, or selections made or information provided by you through use of electronic functionality (such as a checkbox, dropdown menu, textbox or radio button). All such actions have the same legal effect as if you had taken such actions and provided such information using pen and ink on paper.

All Communications that we deliver to you in electronic form will be delivered either (1) via e-mail; (2) via the Platform; or (3) by your accessing a Platform website link that we will designate in an e-mail, text message, or other electronic notice we send to you at the time the information is available. We will establish security procedures that you will have to follow to access the Platform and the Platform website.

We may always, in our sole discretion, provide you with any Communications on paper, even if you have authorized electronic delivery. Sometimes the law, or our agreement with you, requires you to give us a written notice. You must still provide these notices to us on paper, unless we tell you how to deliver the notice to us electronically.

2. How to Withdraw Consent

You can withdraw your consent to receive Communications electronically at any time by closing your browser to exit the Platform interface before completing the Platform signing session. Withdrawing your consent may delay your transactions with us. If you withdraw your consent before all Communications are reviewed and/or signed, you will be unable to proceed electronically using the Platform. You may be required to review and/or execute Communications via paper, or you may be unable to complete the transaction at all.

You may also withdraw your consent to receive electronic Communications at any time after completion of your Platform signing session by contacting us using our contact information set forth in the Communications. Your withdrawal of consent with respect to the electronic Communications does not affect any other consent you have given us at any other time to use electronic records and signatures. A withdrawal of your consent to receive electronic Communications will be effective only after we have had a reasonable period of time to process your withdrawal.

3. Your Contact Information

It is your responsibility to provide an accurate and complete e-mail address and other contact information, and to maintain and update promptly any changes in this information.

4. Hardware and Software Requirements

To receive electronic Communications using the Platform, you must have access to:

- A Current Version (defined below) of a web browser the Platform supports;
- A connection to the internet;
- A Current Version of a program that accurately reads and displays PDF files;
- A Current Version of an email management program; and
- A device (e.g., a computer, tablet, mobile phone, etc.) and an operating system capable of supporting all of the above.

You will also need a printer if you wish to print out and retain records on paper, and electronic storage if you wish to retain records in electronic form.

You must also have an active email address and a cellphone number for SMS messaging.

By "Current Version," we mean a version of the software that is stable and is currently supported by its publisher. From time to time, we may offer services or features that require your web browser be configured in a particular way, such as permitting the use of JavaScript or cookies. If we detect that your internet browser is not properly configured, we may provide you with a notice and advice

on how to update your configuration. We reserve the right to discontinue support of a Current Version of software if, in our sole opinion, it suffers from a security flaw or other flaw that makes it unsuitable for use with the Platform.

If the hardware or software requirements for the Platform change, and that change would create a material risk that you would not be able to access or retain electronic Communications, the changes will be described in an updated version of this Consent which will be made available to you at the start of your next Platform signing session. You may then elect to consent to such updated Consent and the revised requirements specified therein before viewing and executing any other Communications using the Platform.

5. Requesting Paper Copies

You will have the opportunity to print out and retain a copy of all electronic Communications you review and/or sign using the Platform. At the close of your Platform signing session, you will be provided the opportunity to print and/or download a copy of the Communications you reviewed and/or signed during that session, Also, when you sign the electronic Communications using the Platform, we will send to you, at the email address you previously provided to us, a secure link that will enable you to access a copy of the fully executed Communications and this Consent.

Except as described above, we will not send you a paper copy of electronic Communications unless you request it. You can obtain a paper copy of any Communication we provide to you electronically, including this Consent, by printing it yourself or by requesting that we mail you a paper copy. Request for paper copies must be made within a reasonable time after we first provided the electronic Communication to you. We reserve the right to charge a reasonable fee for such paper copies. The fee may be indicated in the Communications.

If you are a notary using the Platform to notarize Communications signed by others, this section 5 shall not apply to you.

6. Retain Copies

We encourage you to print or download for your records a copy of all electronic Communications, as well as this Consent disclosure and any other document that is important to you.

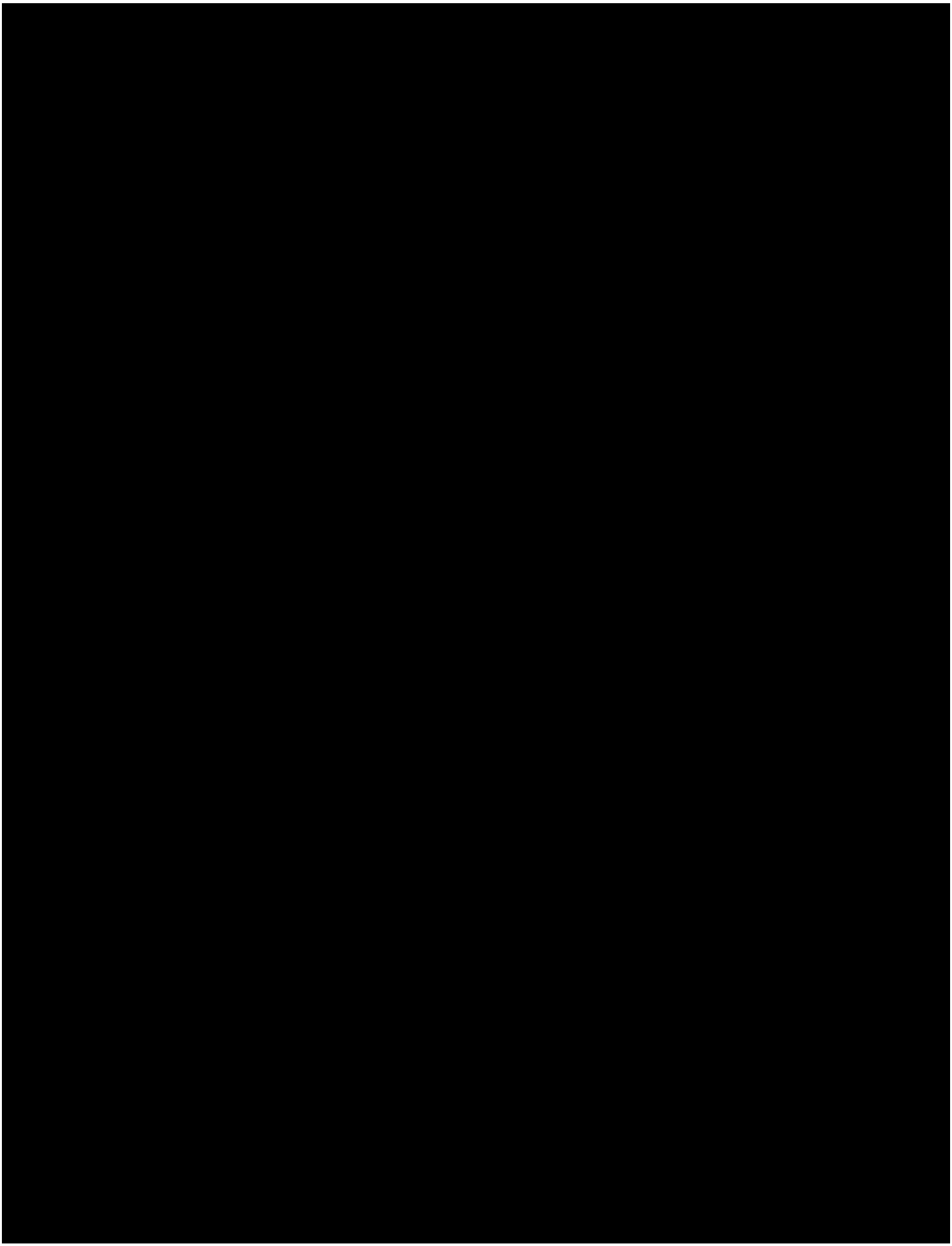
7. Termination/Changes

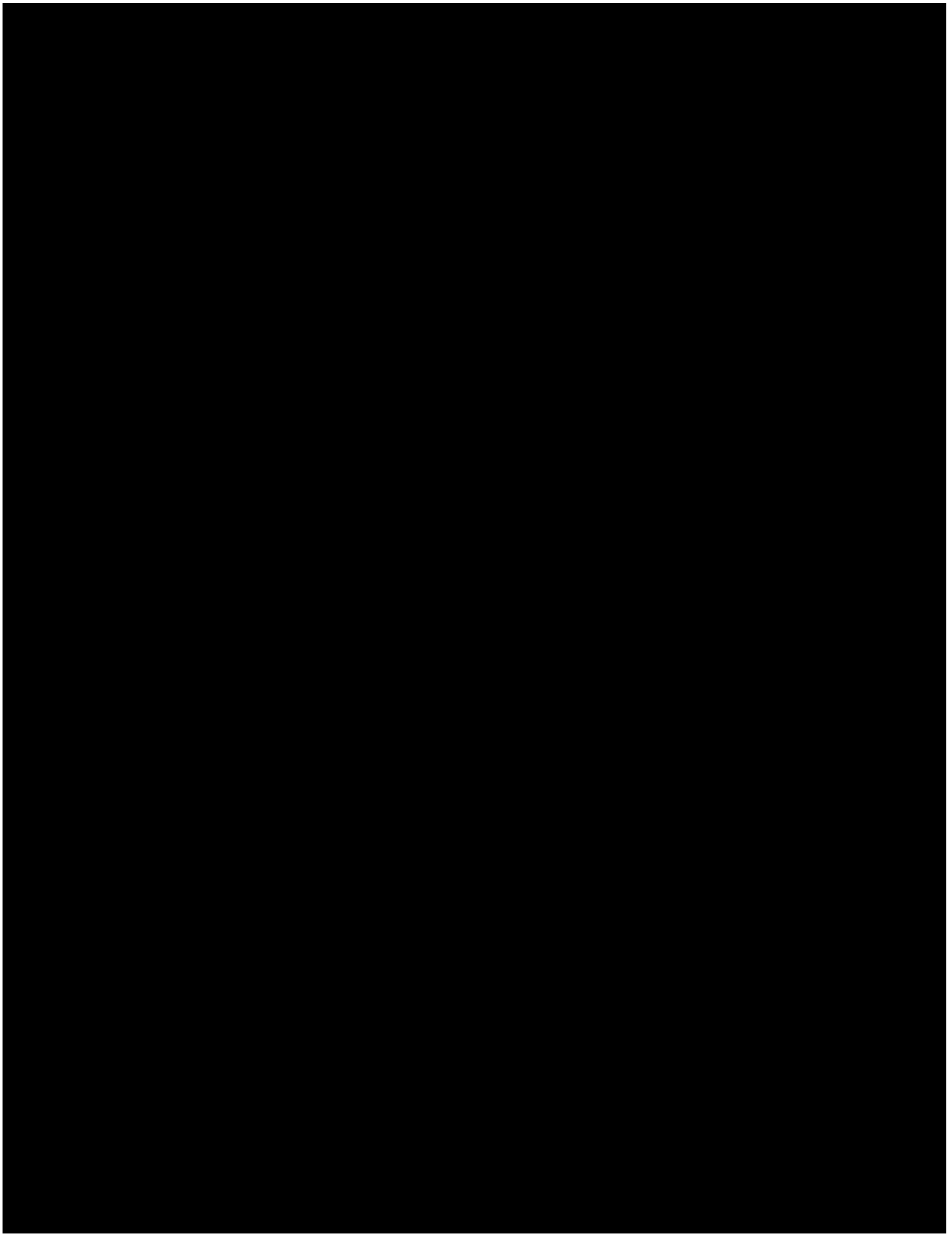
We reserve the right, in our sole discretion, to discontinue the provision of electronic Communications, or to terminate or change the terms and conditions on which we provide electronic Communications. We will provide you with notice of any such termination or change as required by law.

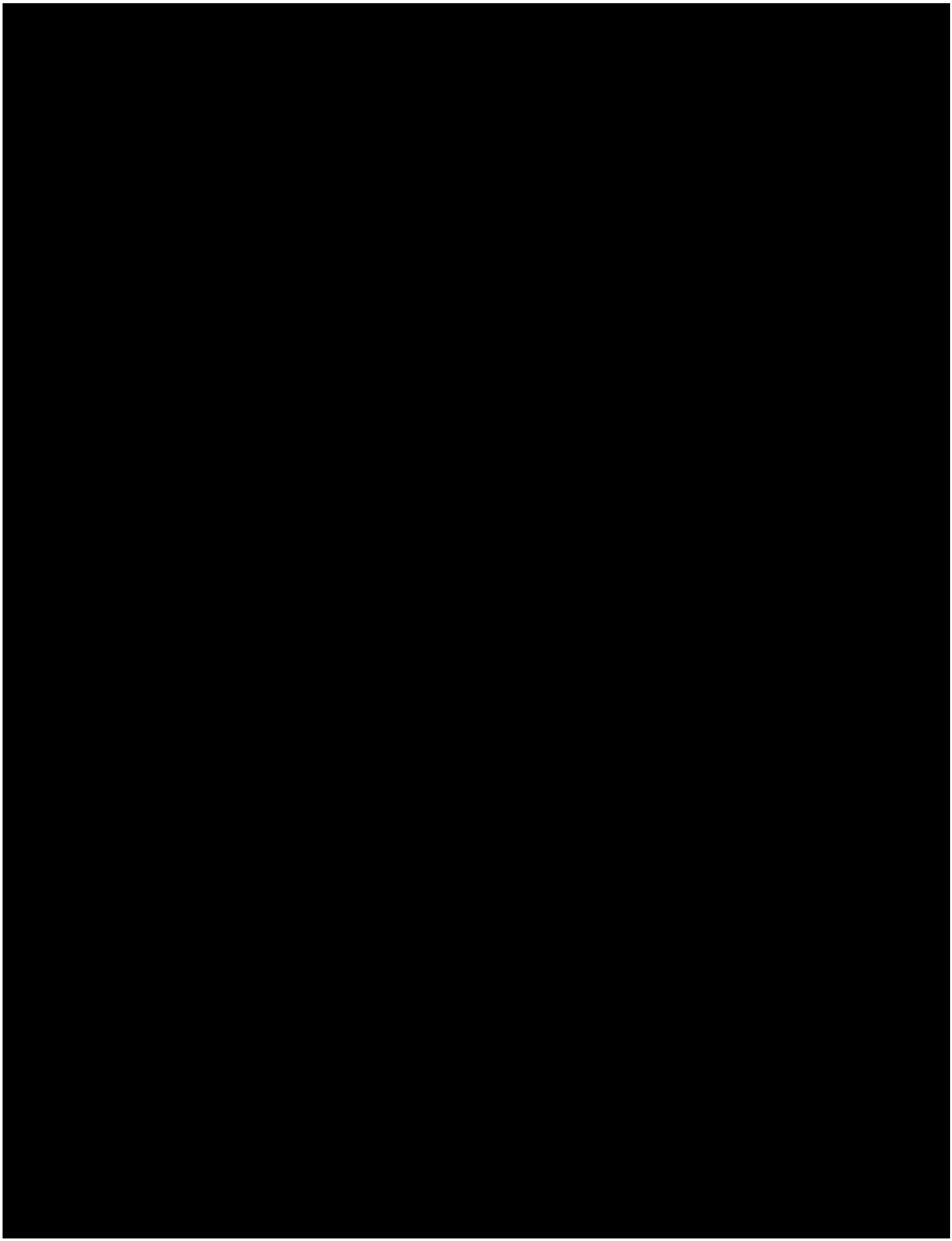
By clicking "Submit" or "I Agree" you are consenting to the use of electronic records and signatures in connection with the Communications and your use of the Platform, and you are also confirming that:

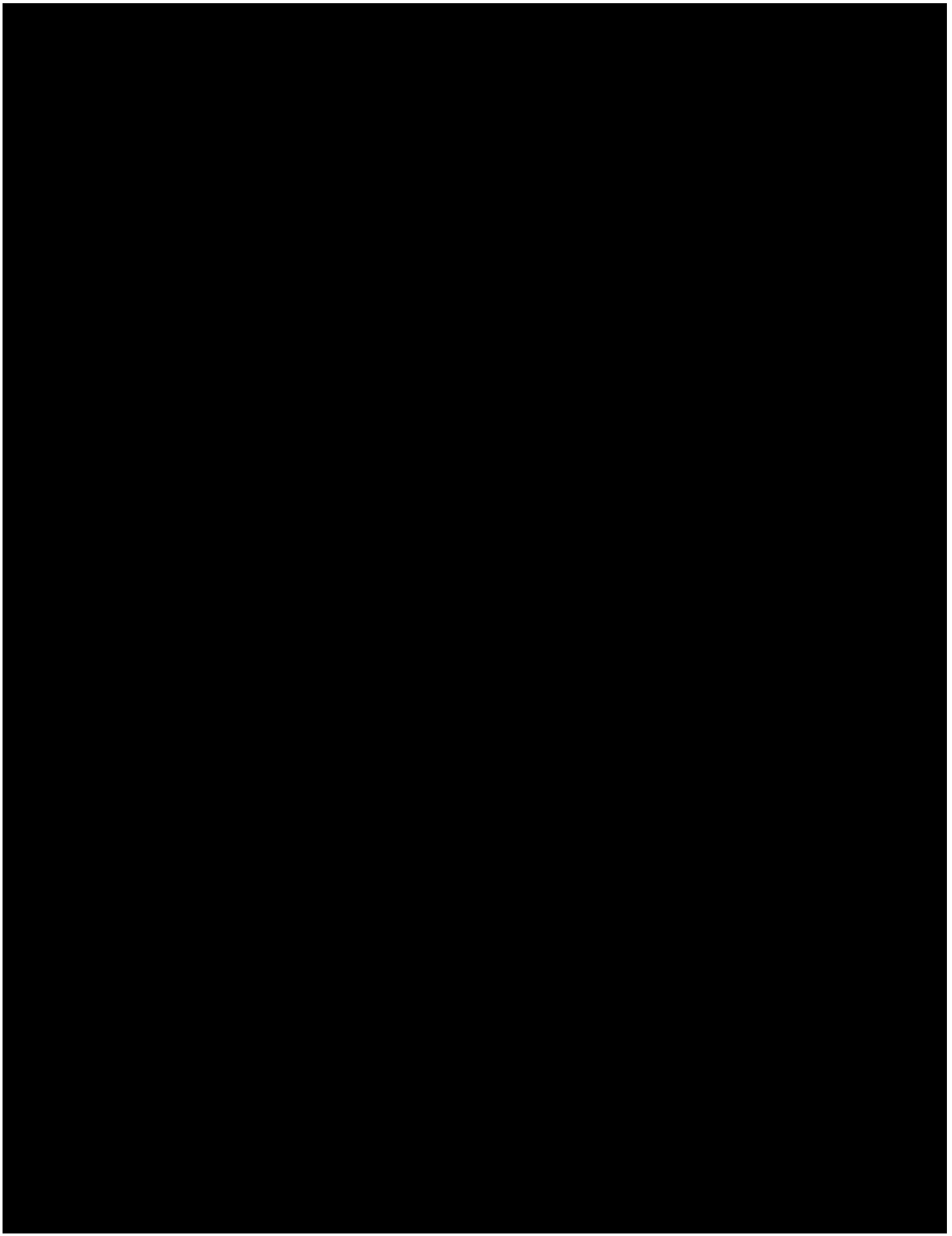
- you can access and read this Consent and you understand this Consent;

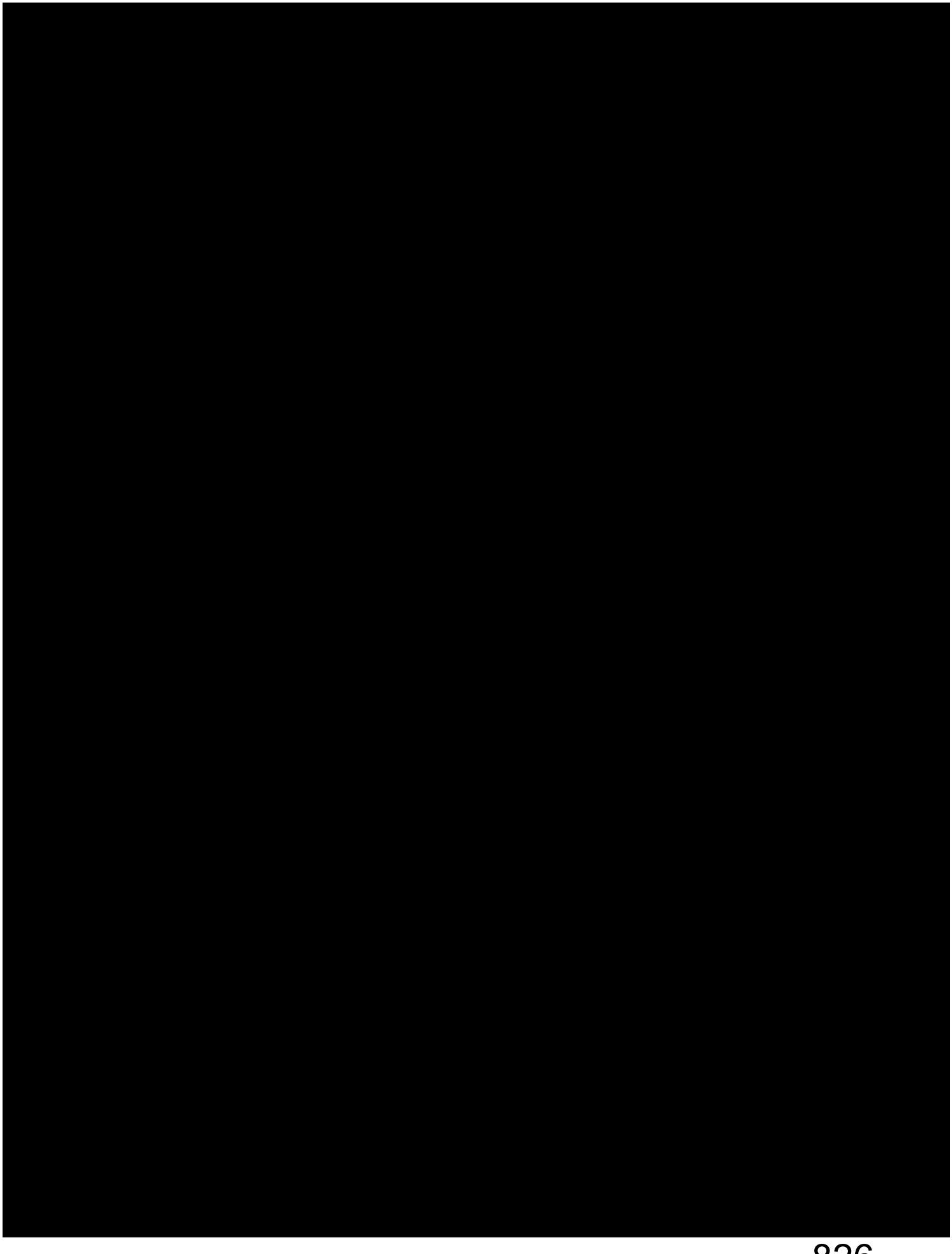
- you have the hardware and software described above;
- you are able to receive and review electronic records;
- you have an active email account and a cellphone number for SMS messaging, each of which you have disclosed to us;
- you have the ability to access and view PDF files; and
- you acknowledge that electronic signatures and records will be used in place of written documents and handwritten signatures with respect to the electronic Communications and your use of the Platform.

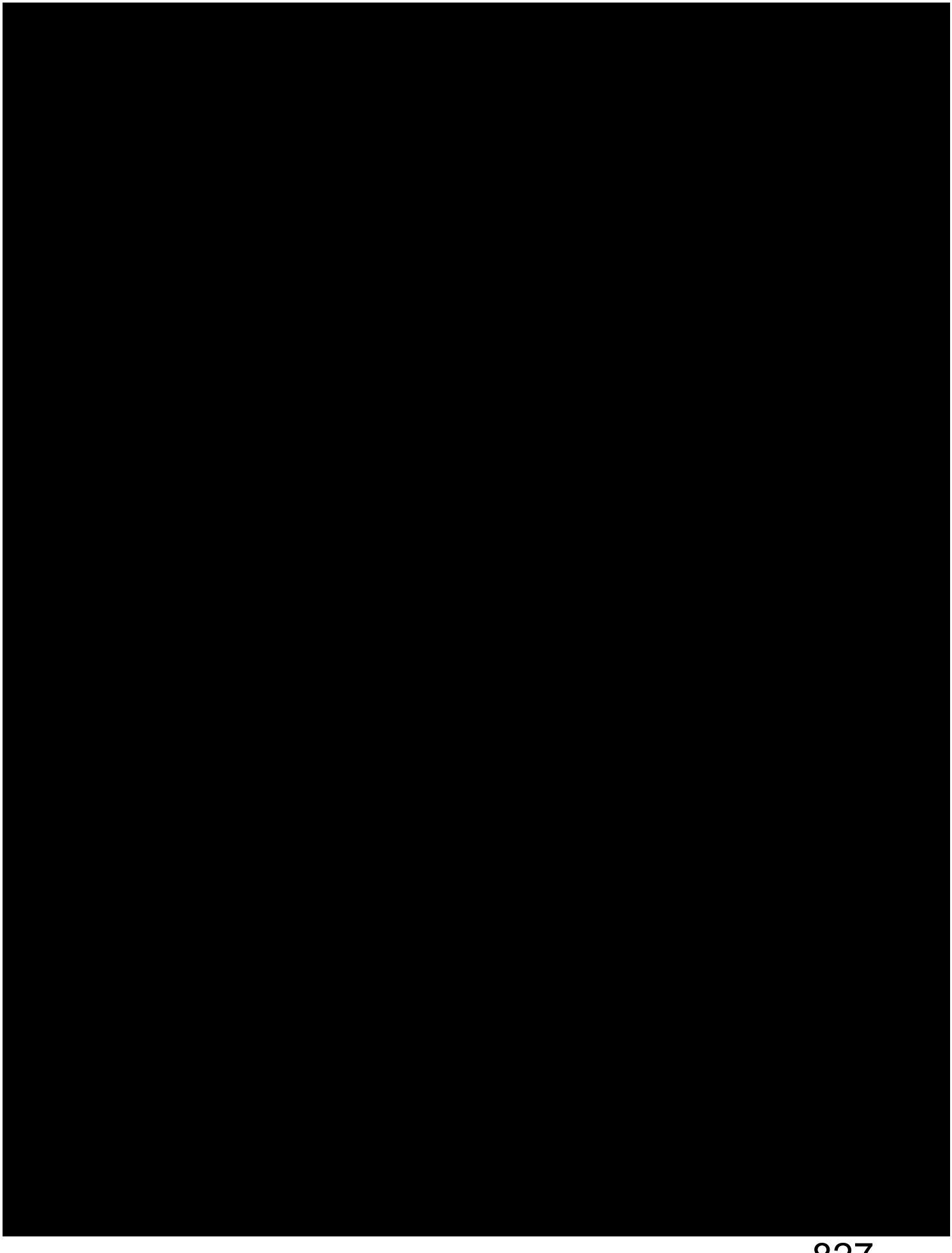


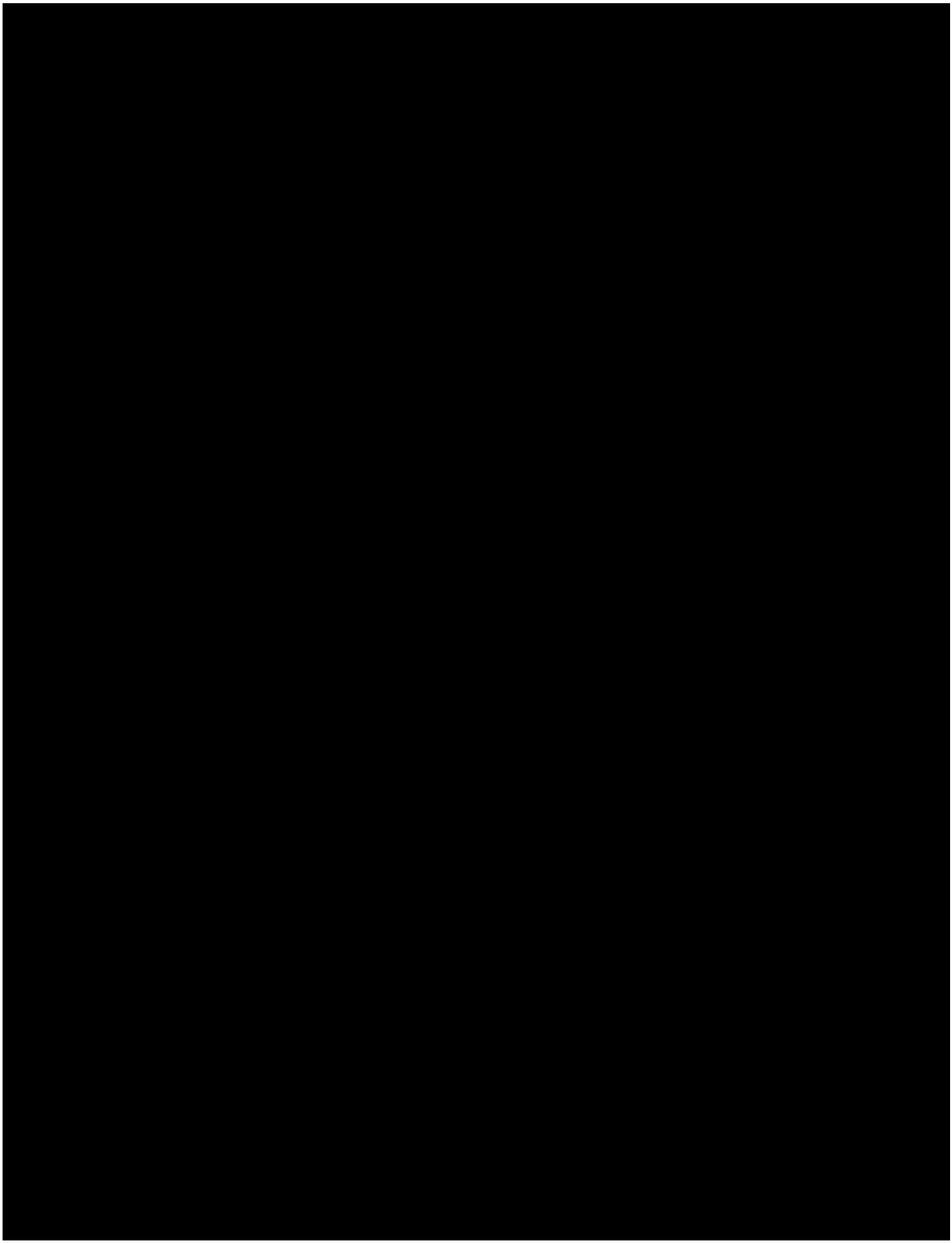


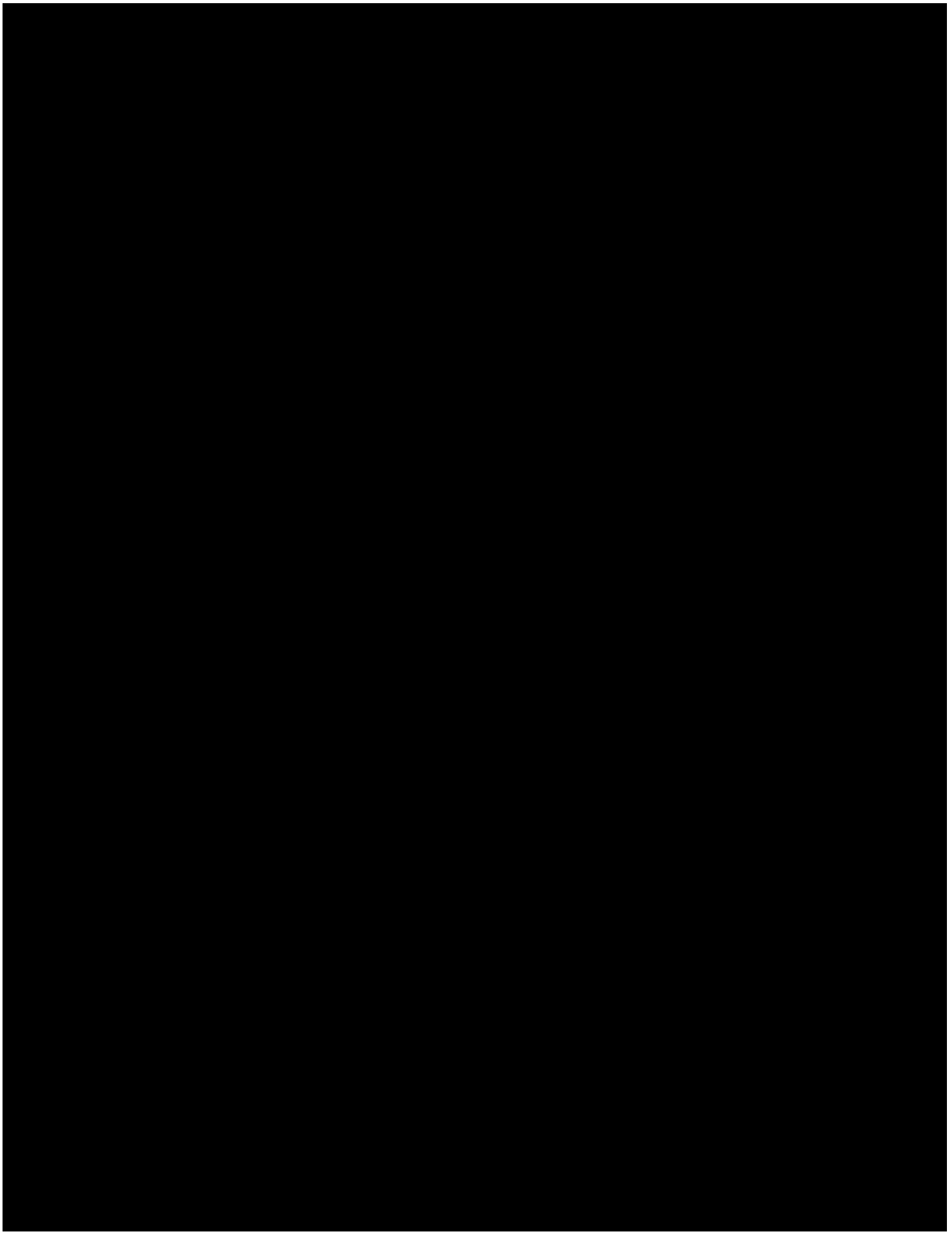


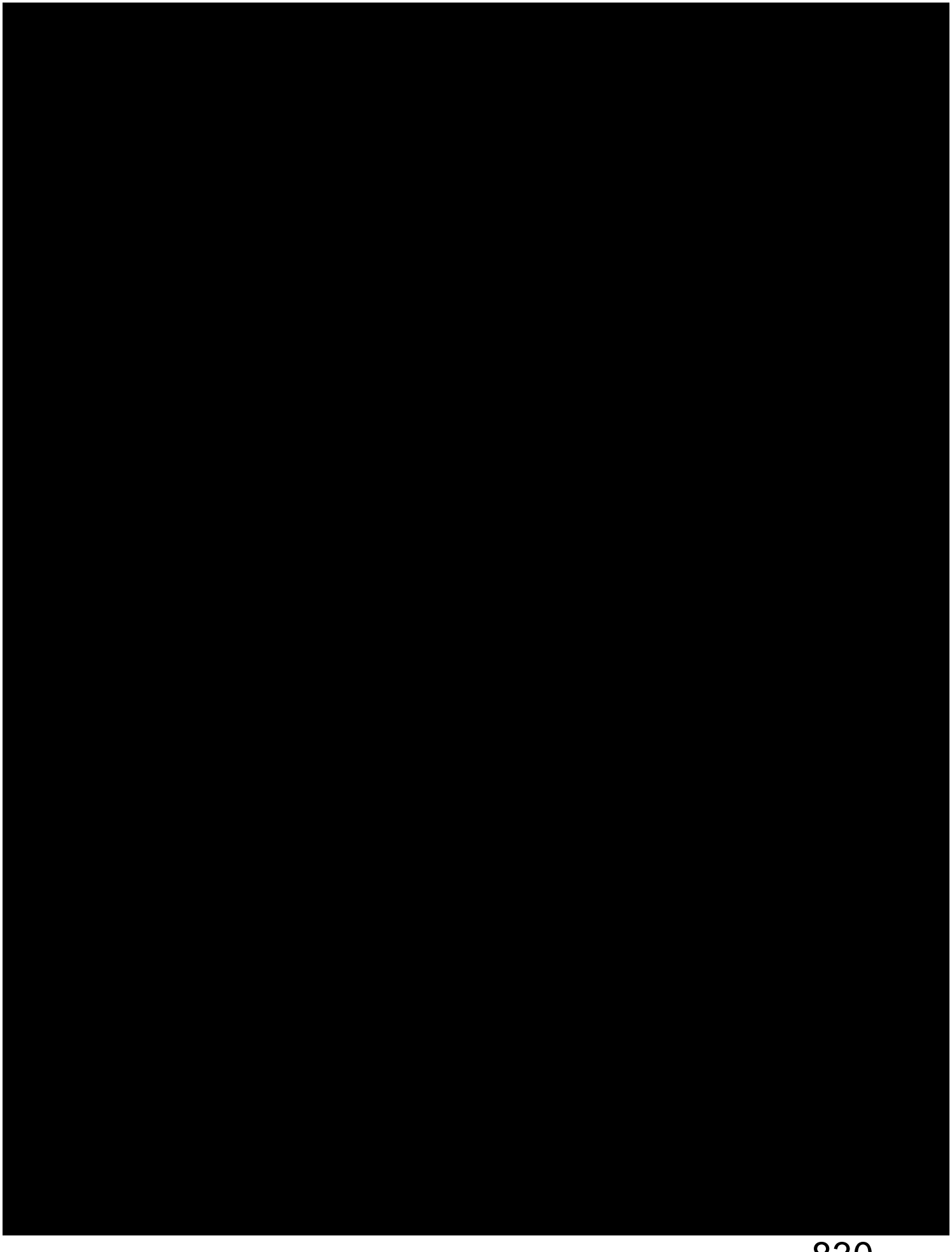


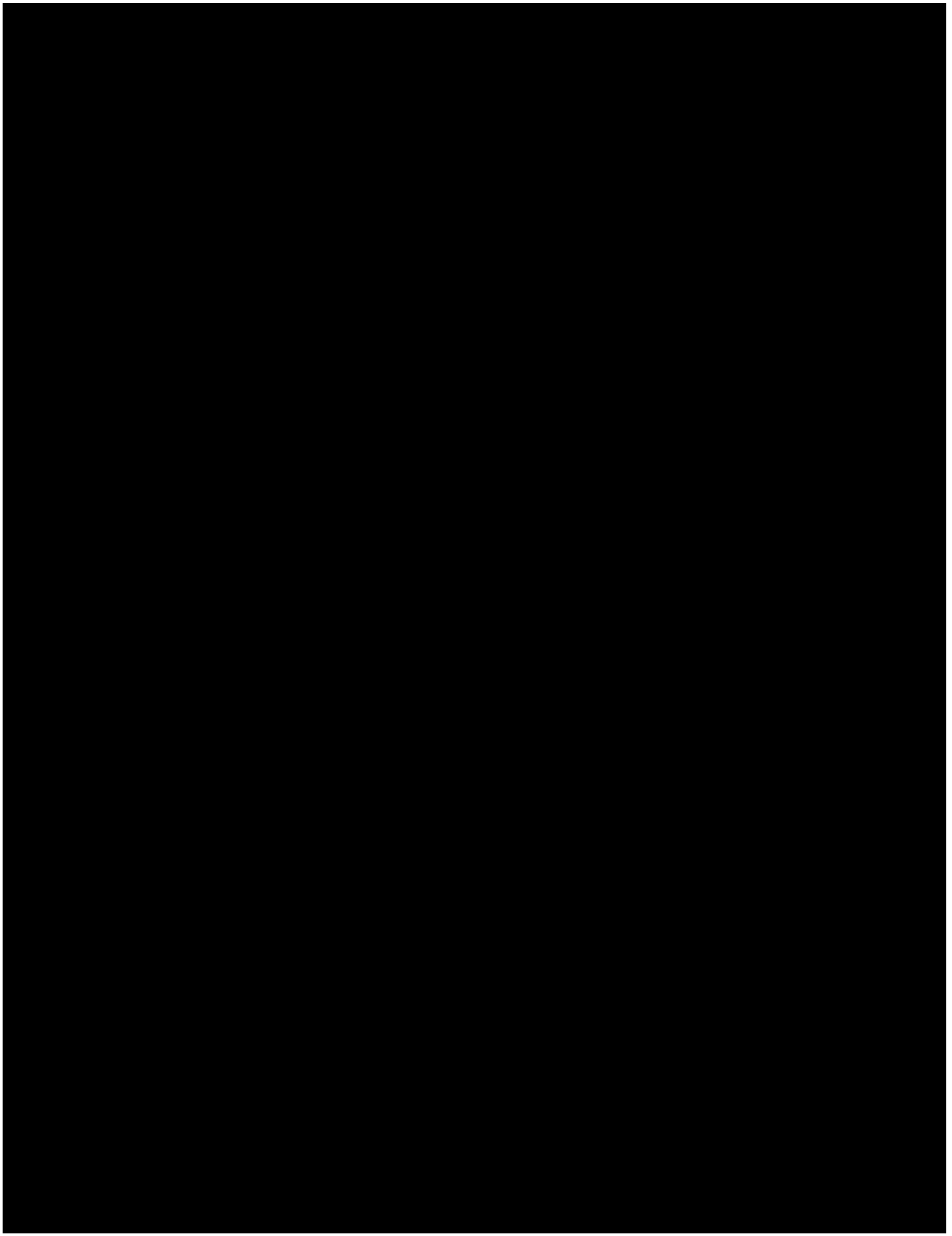


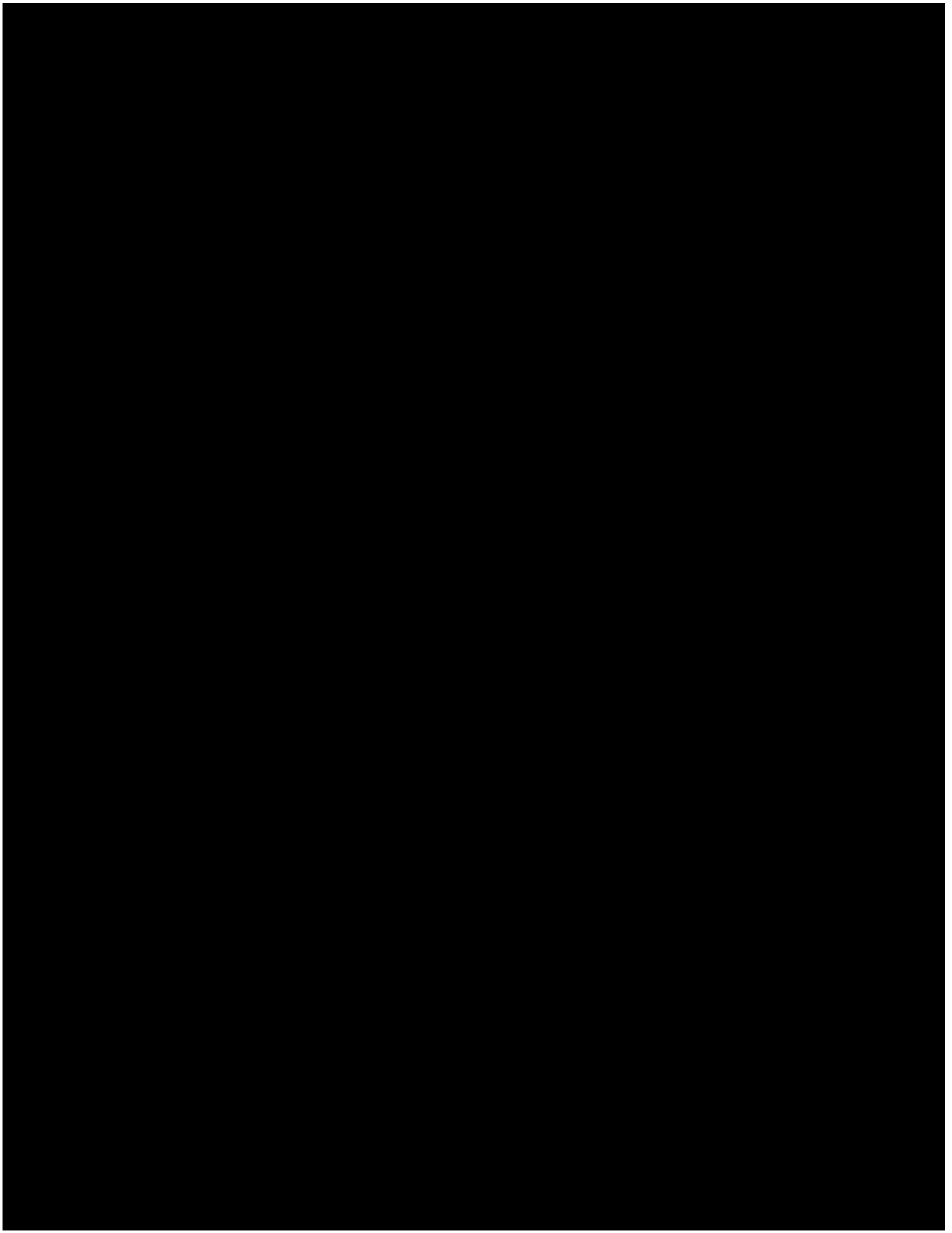


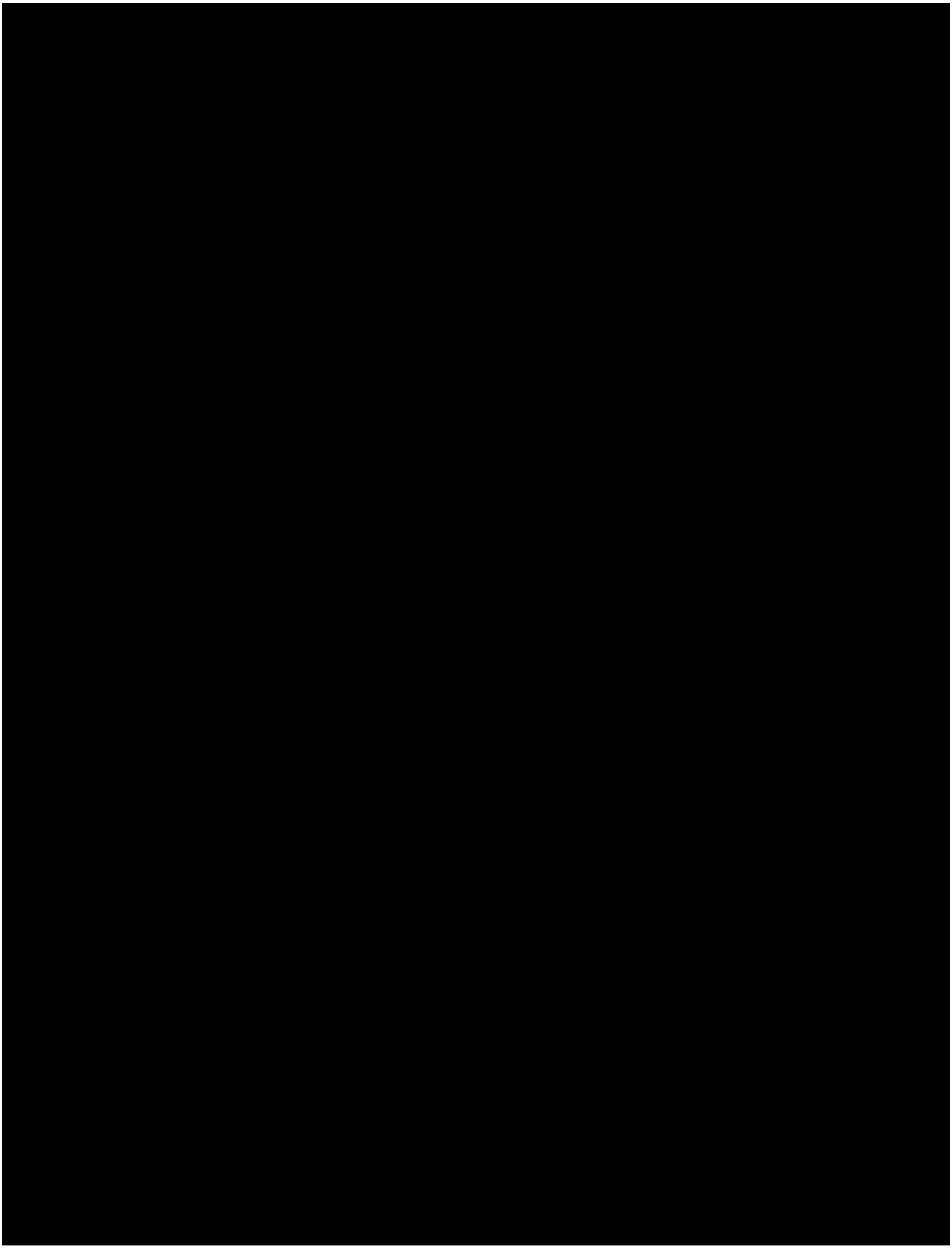


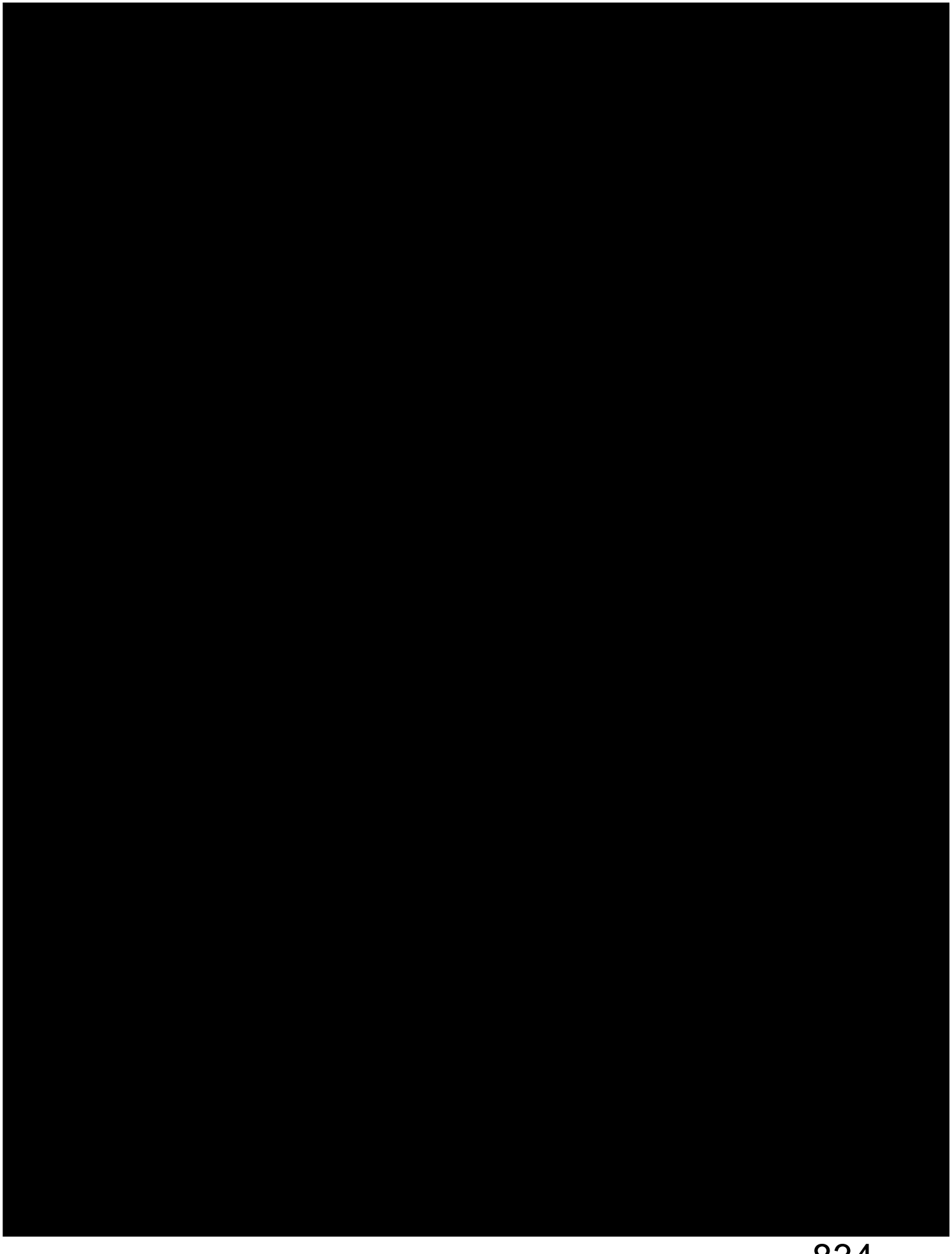


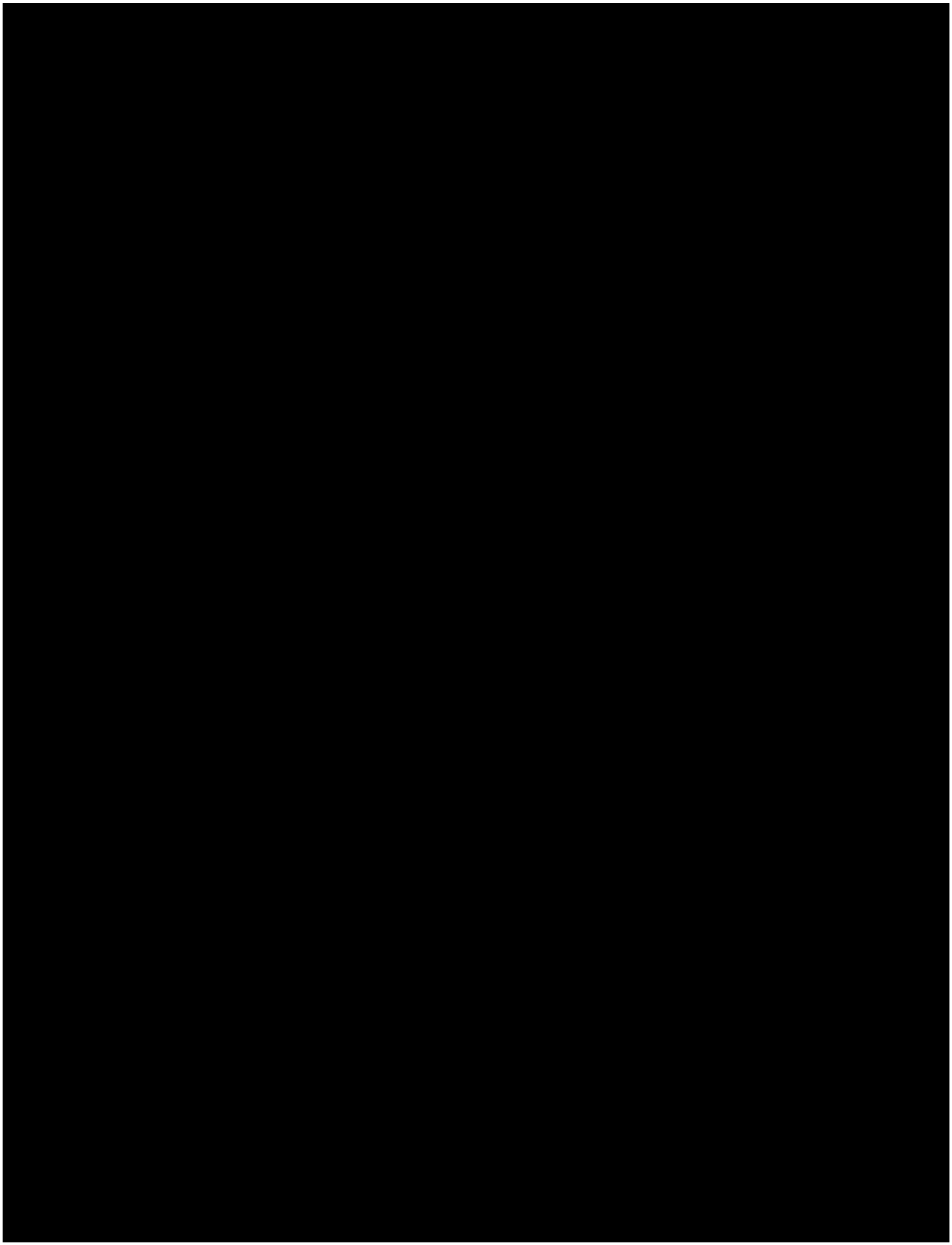


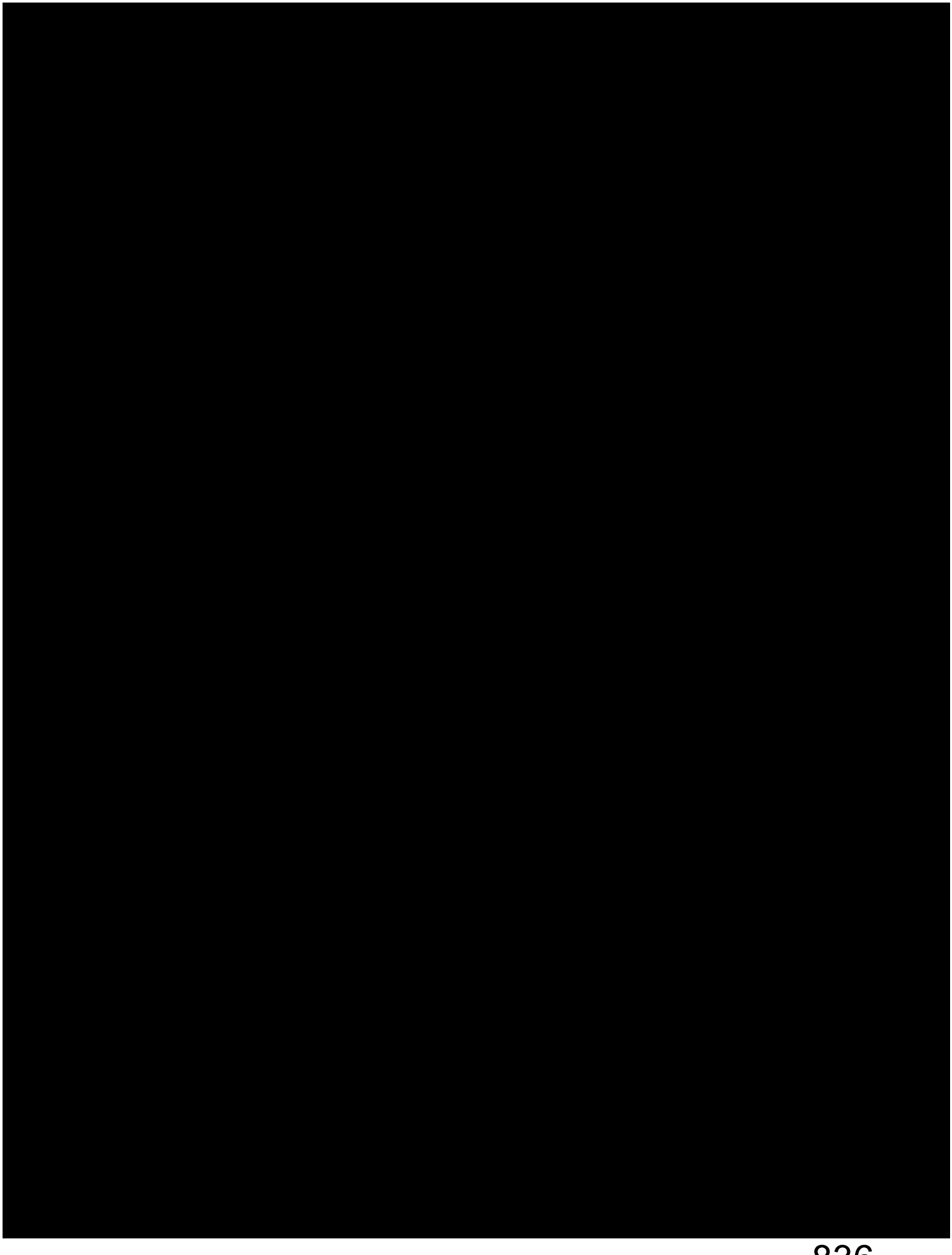


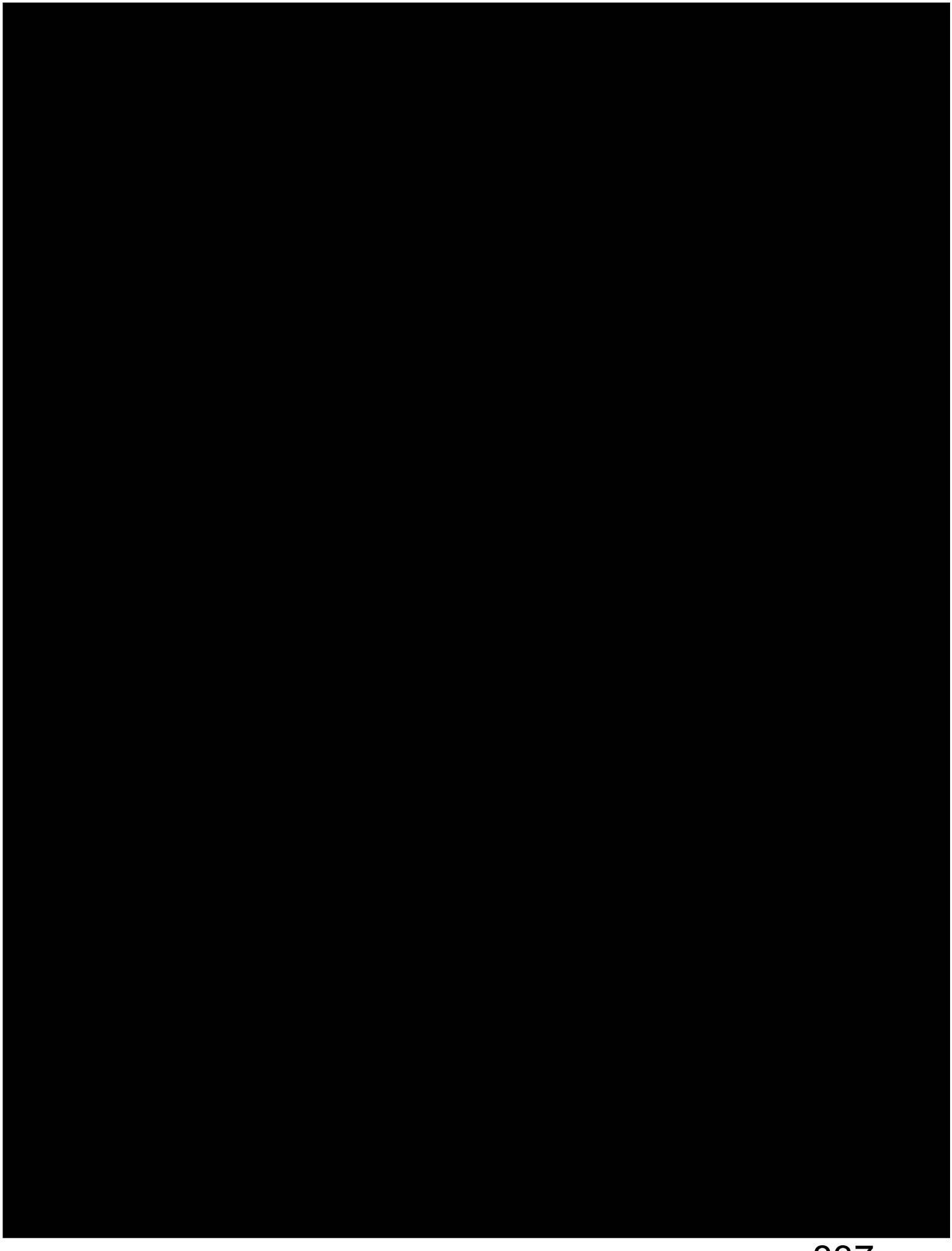


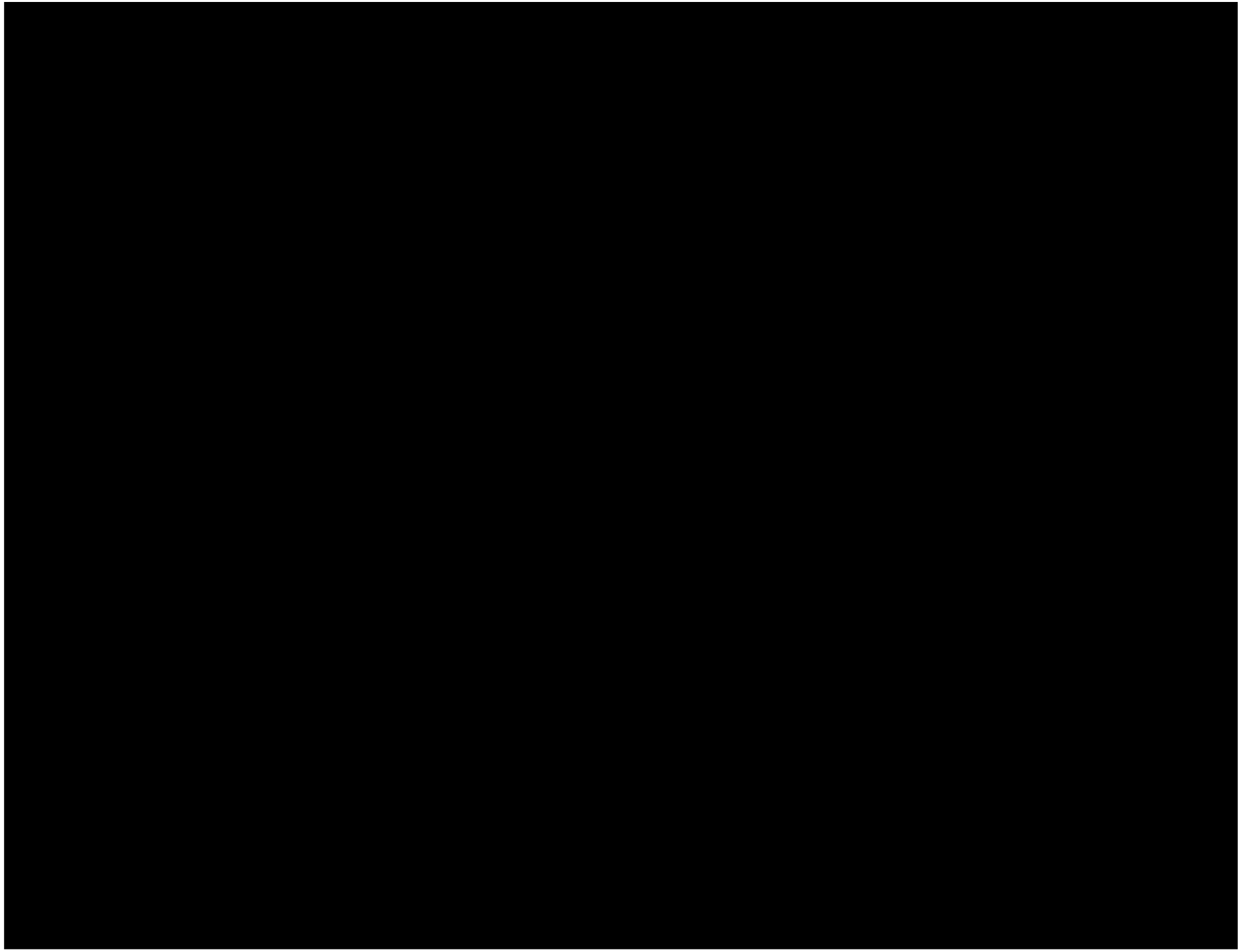


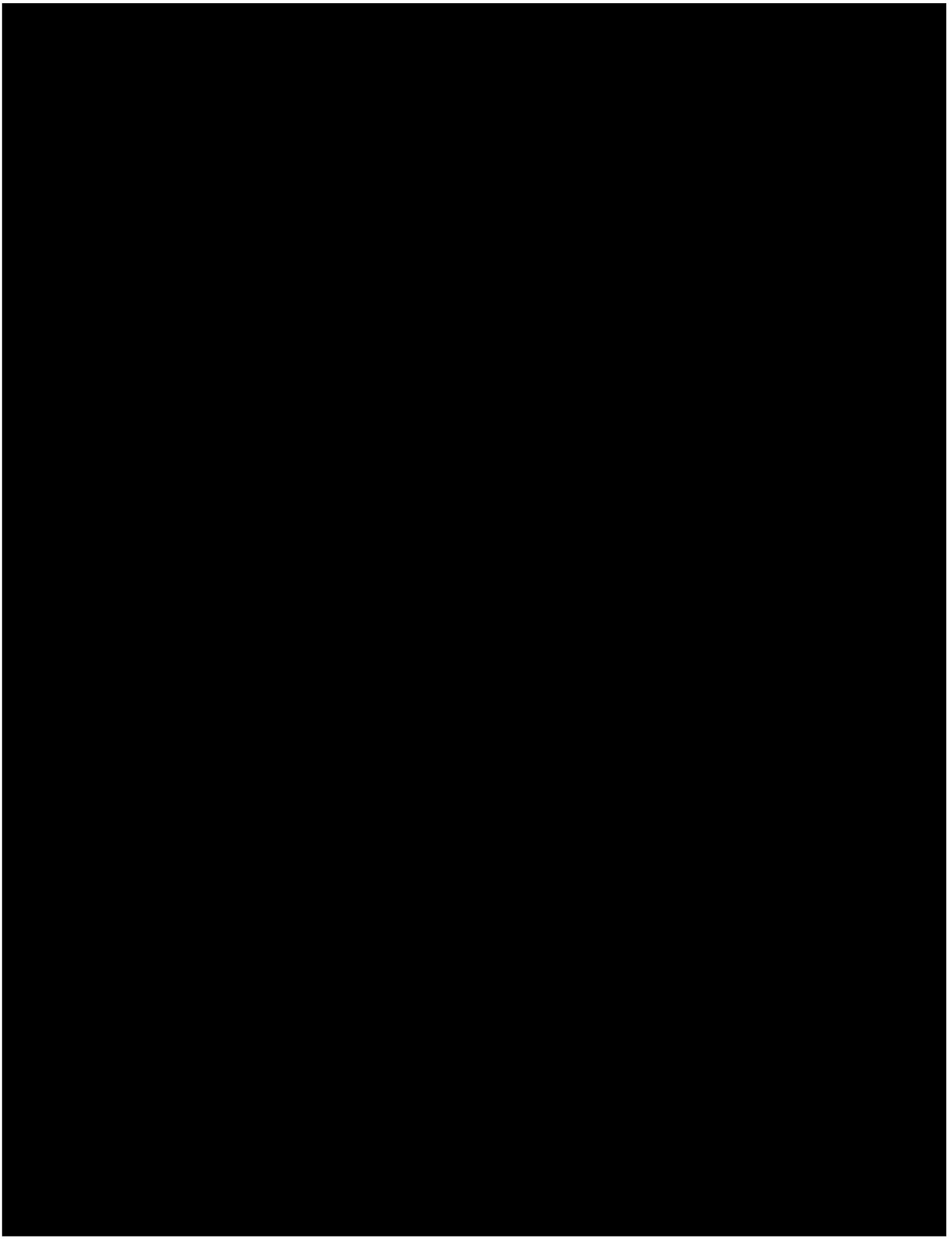


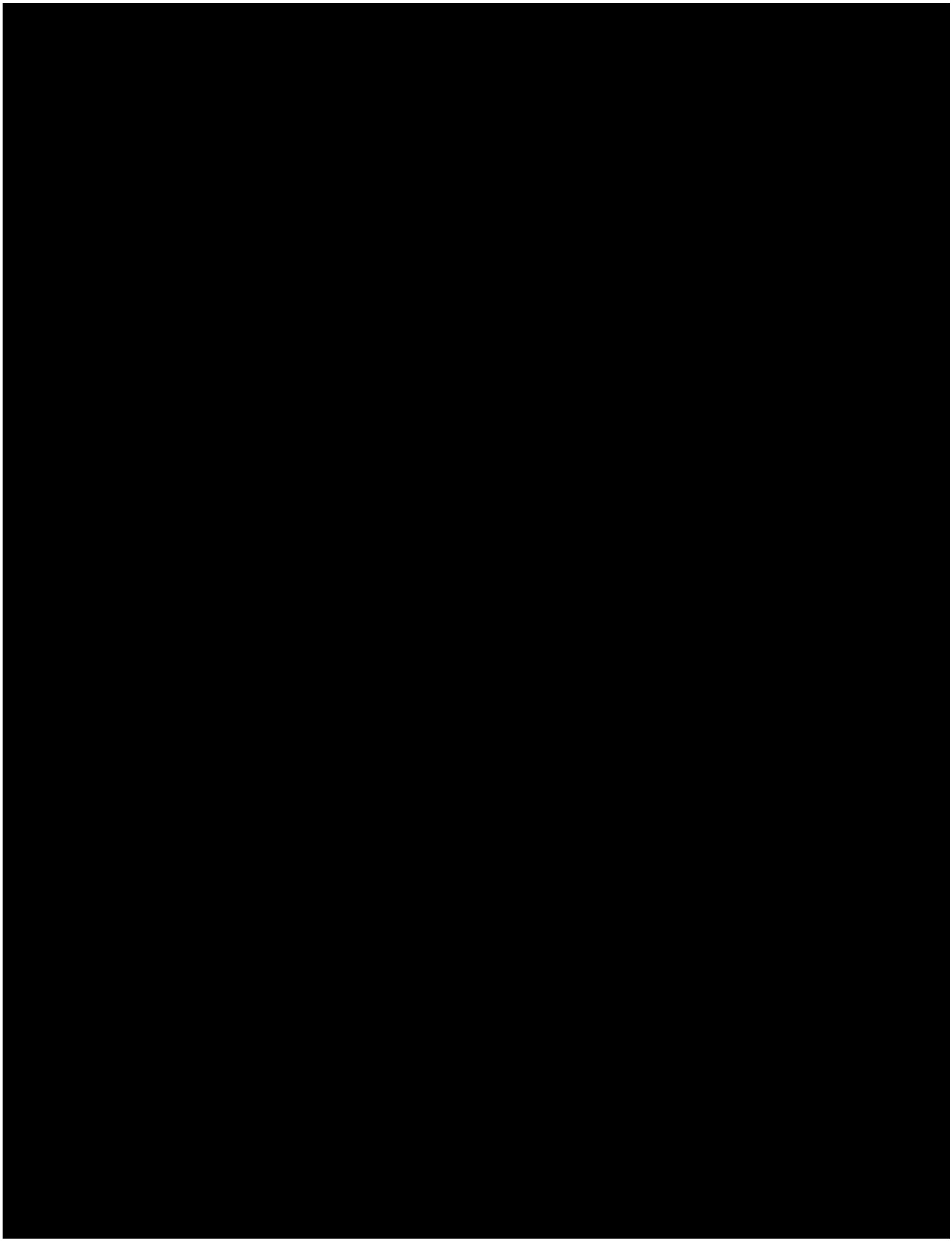


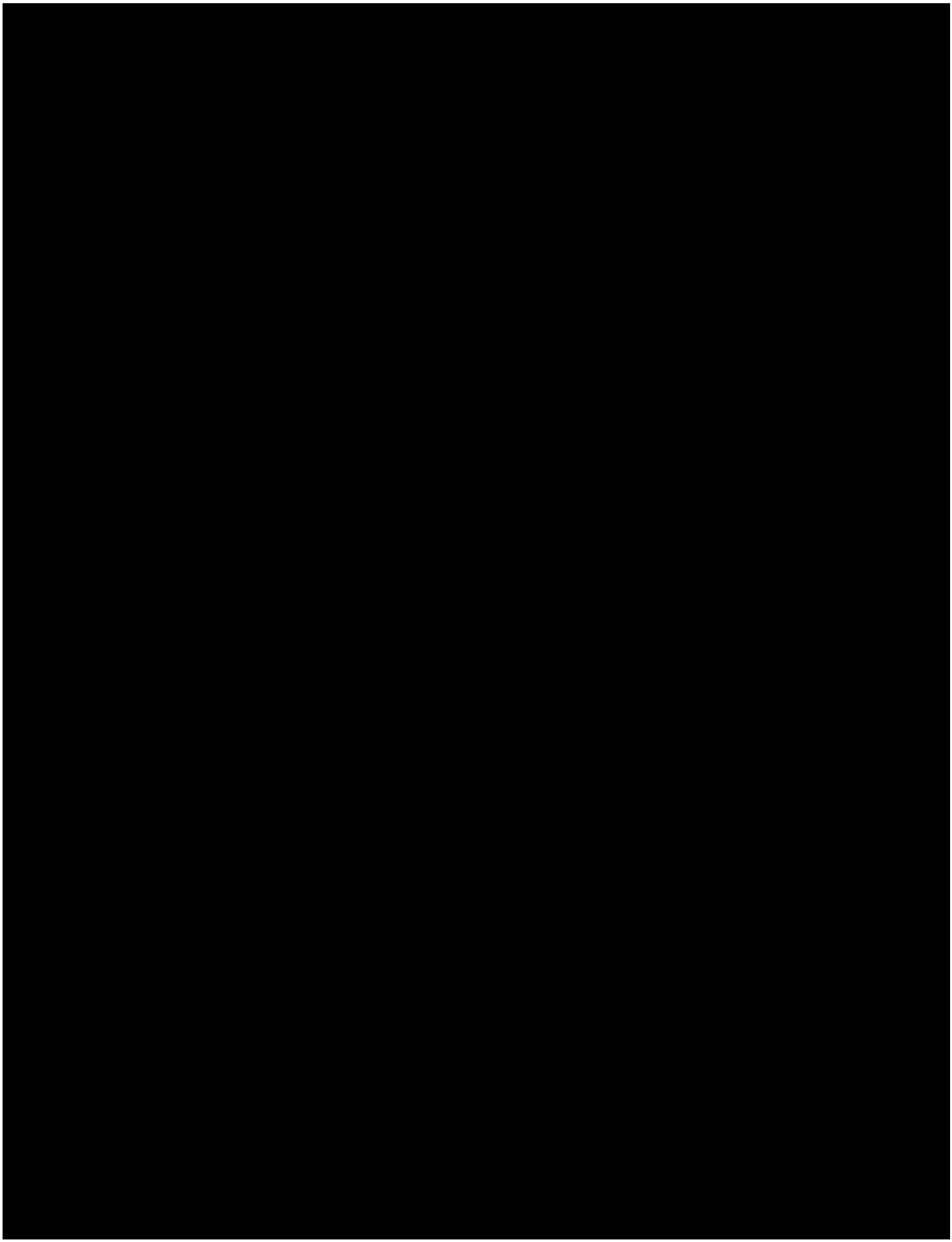


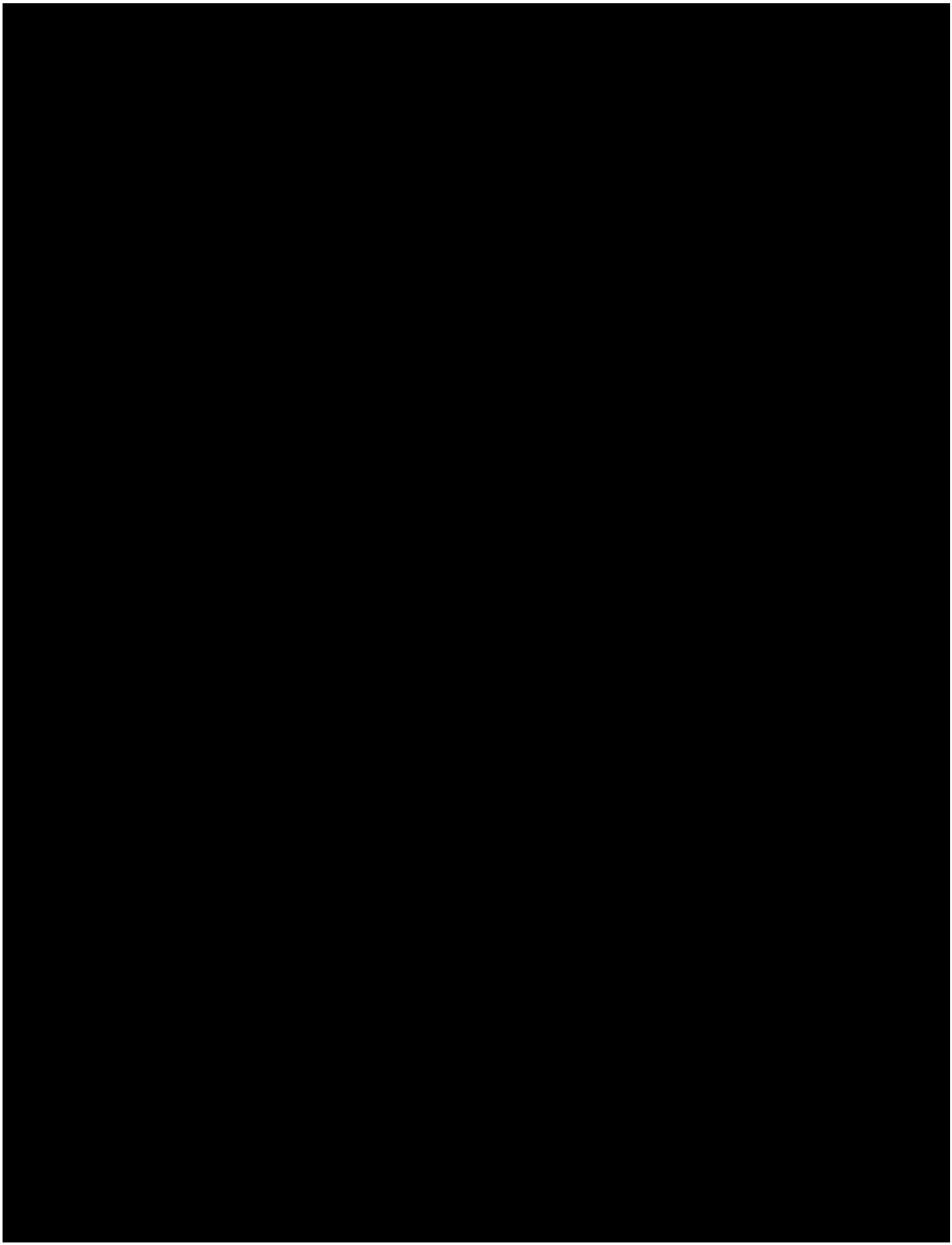


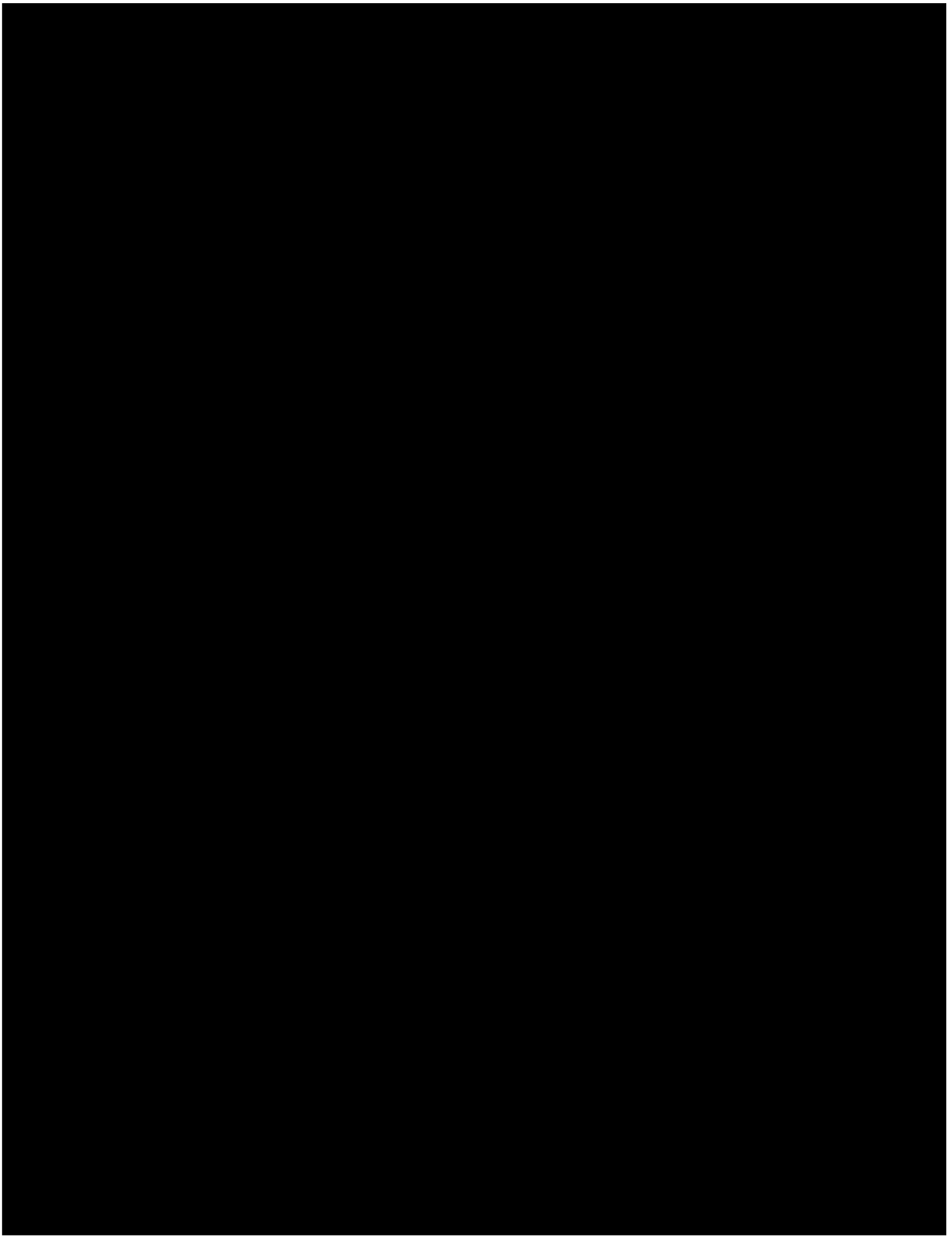


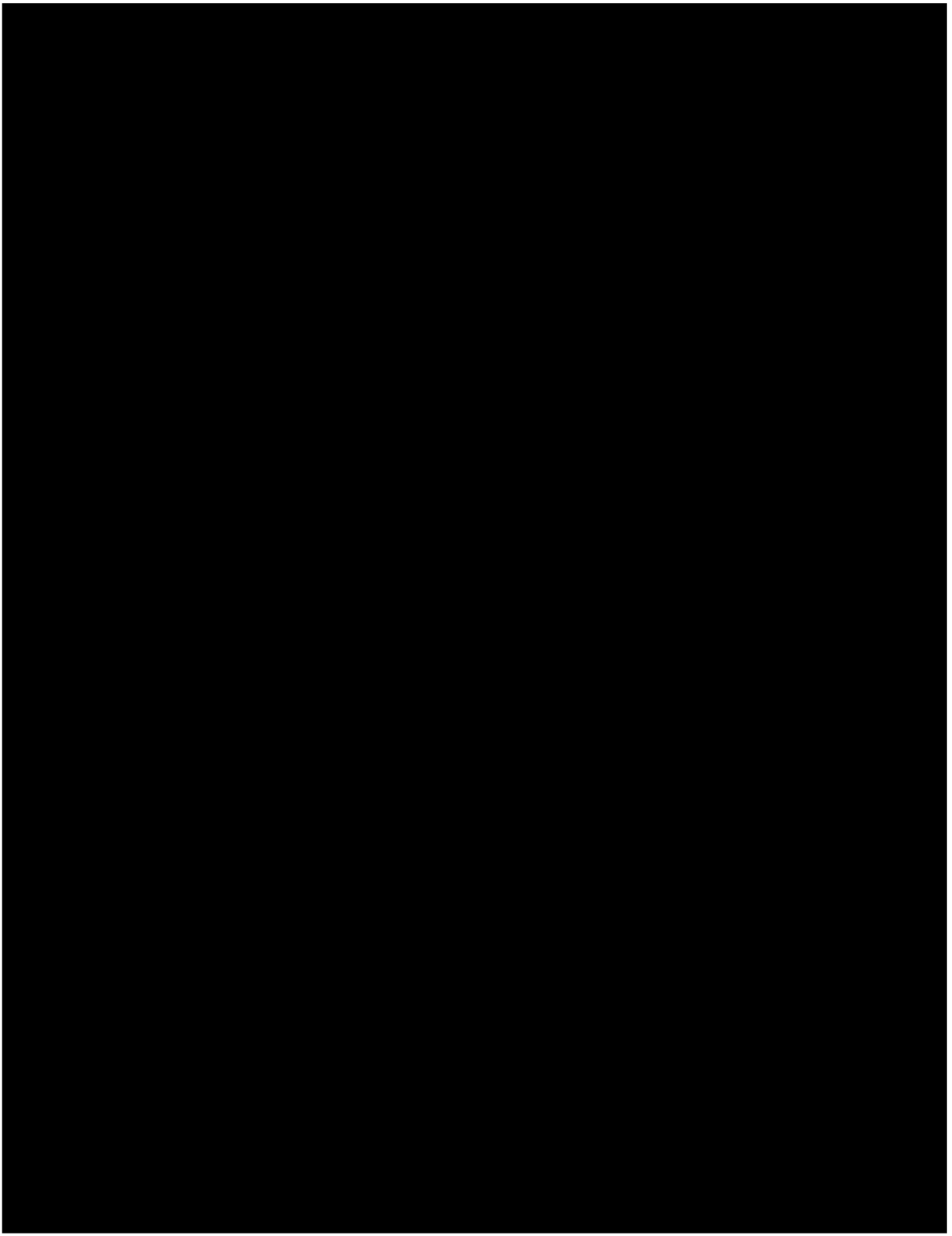


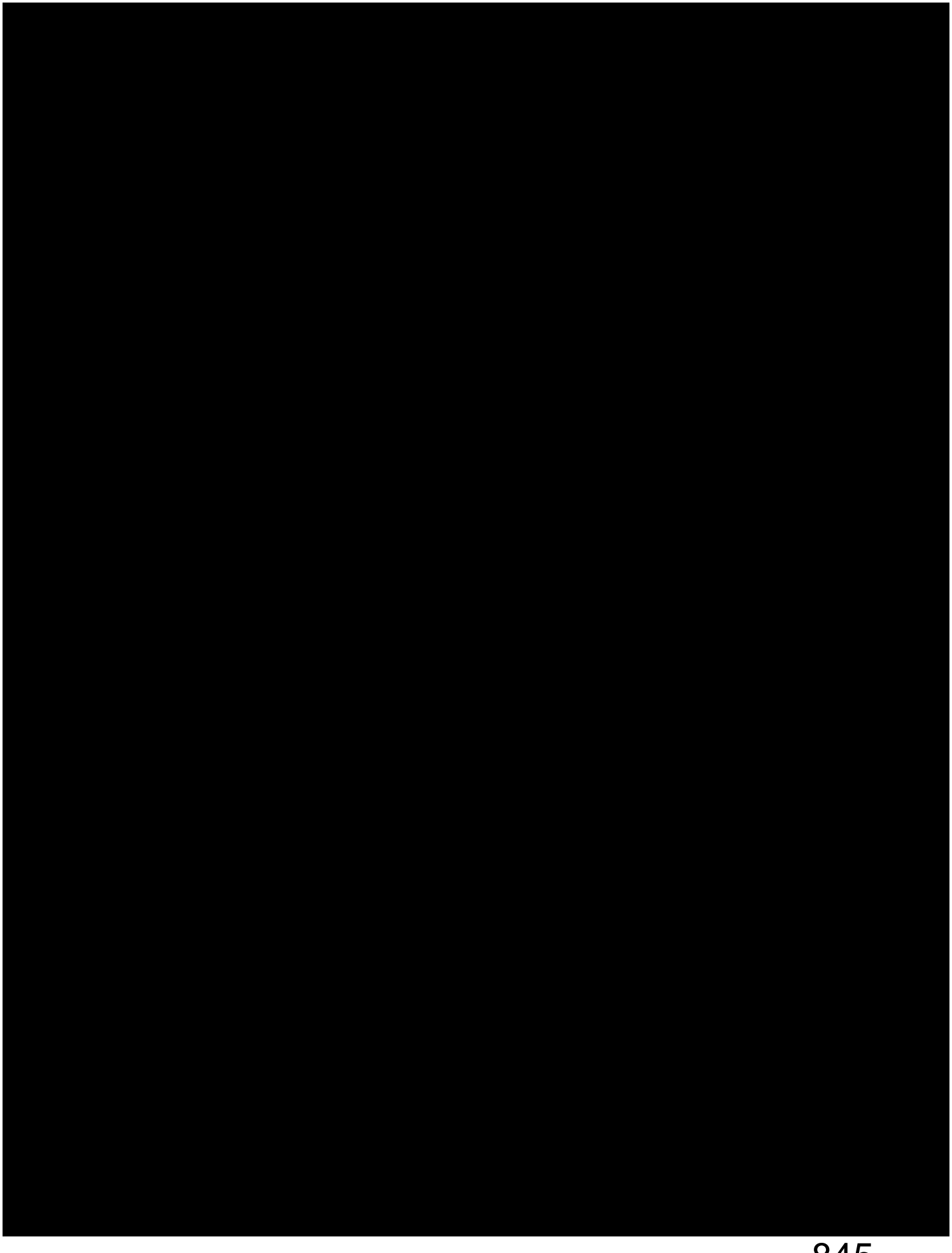


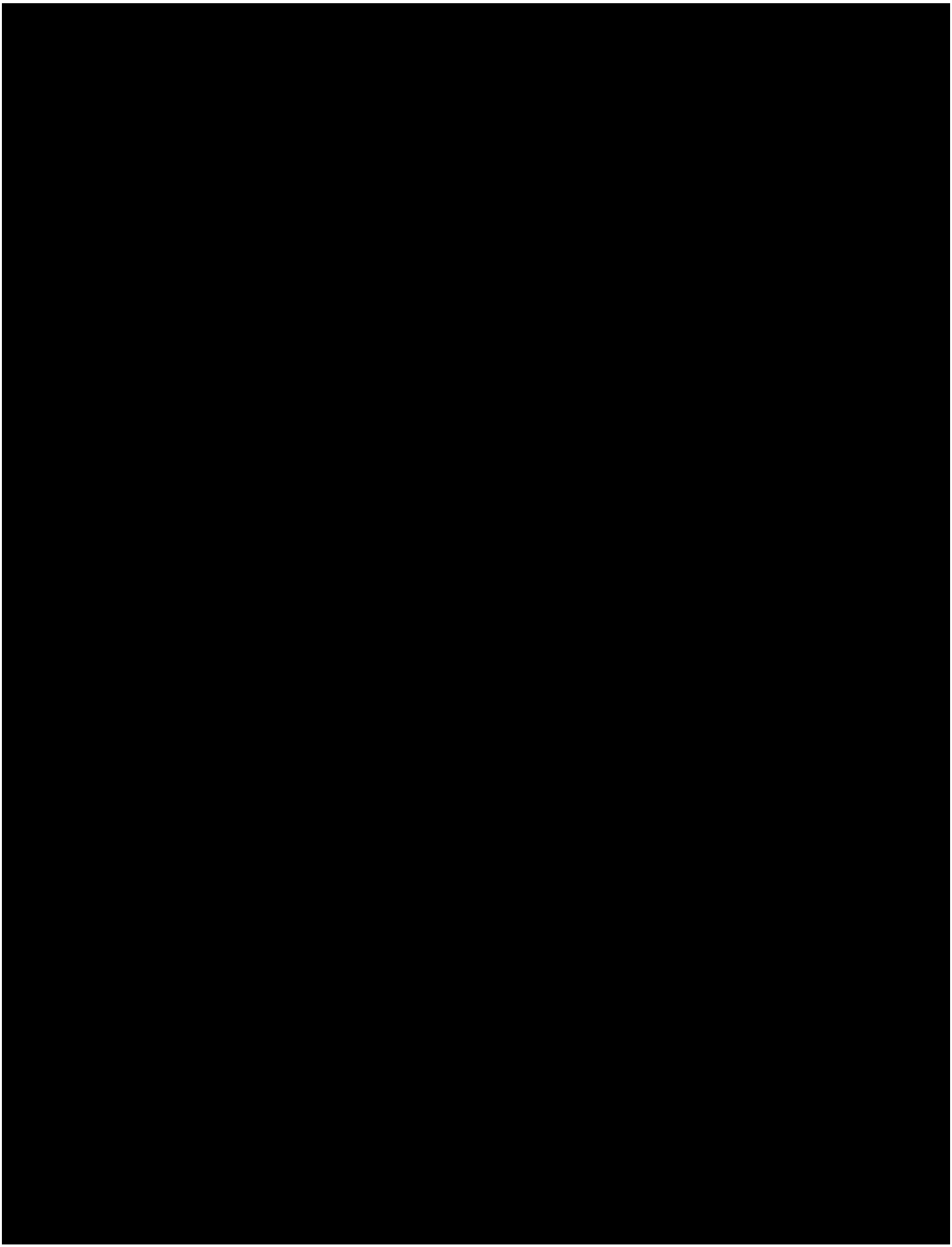


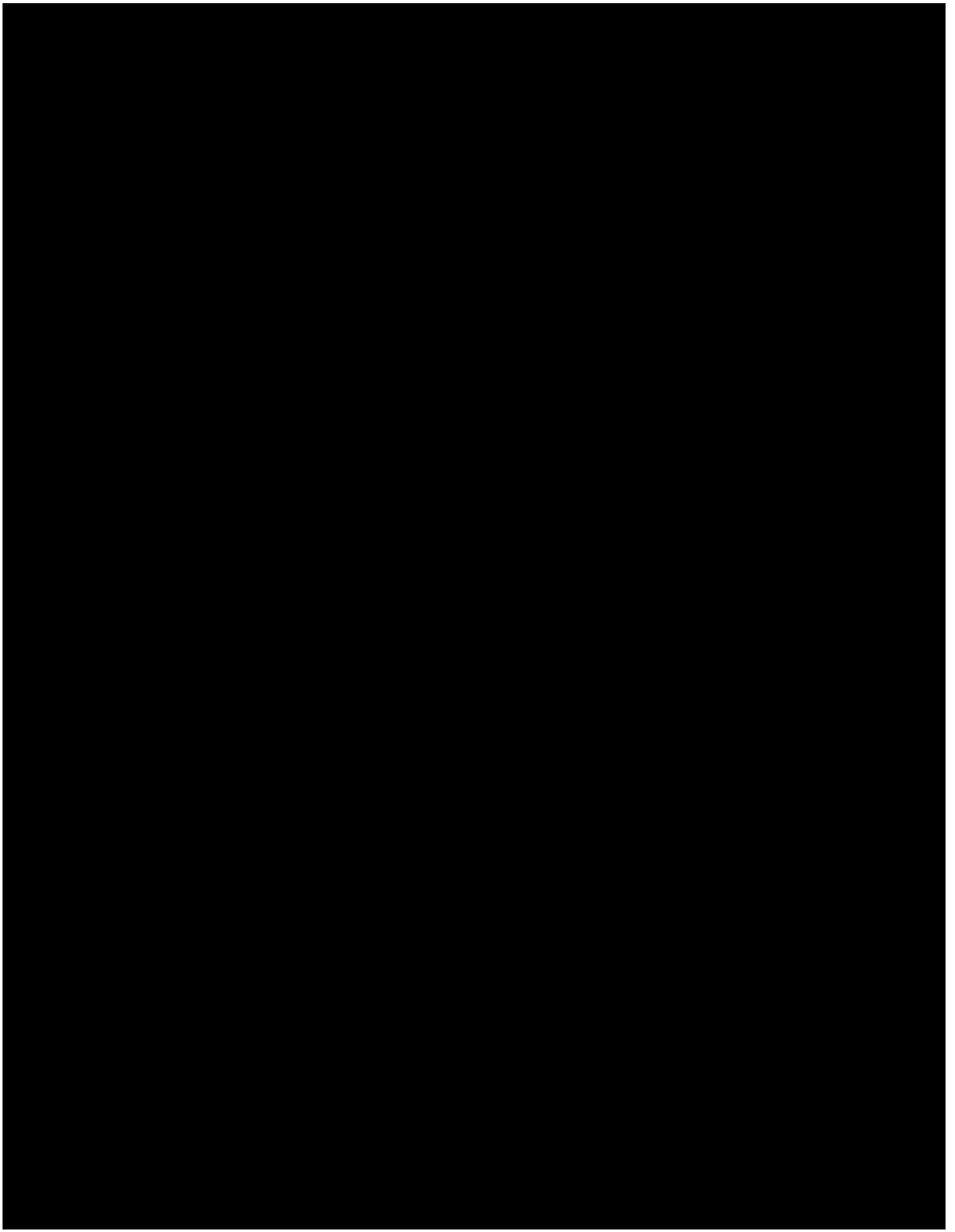


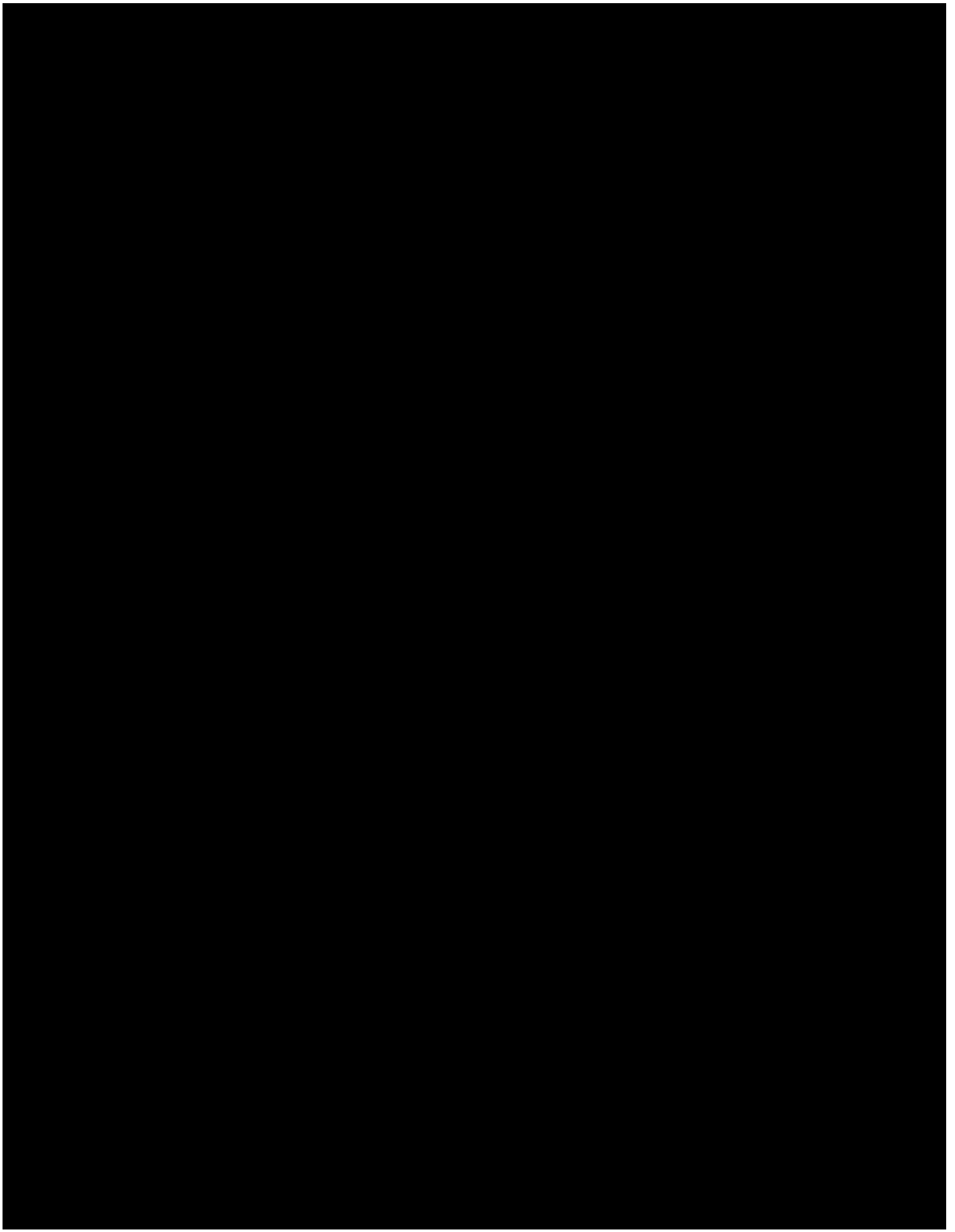


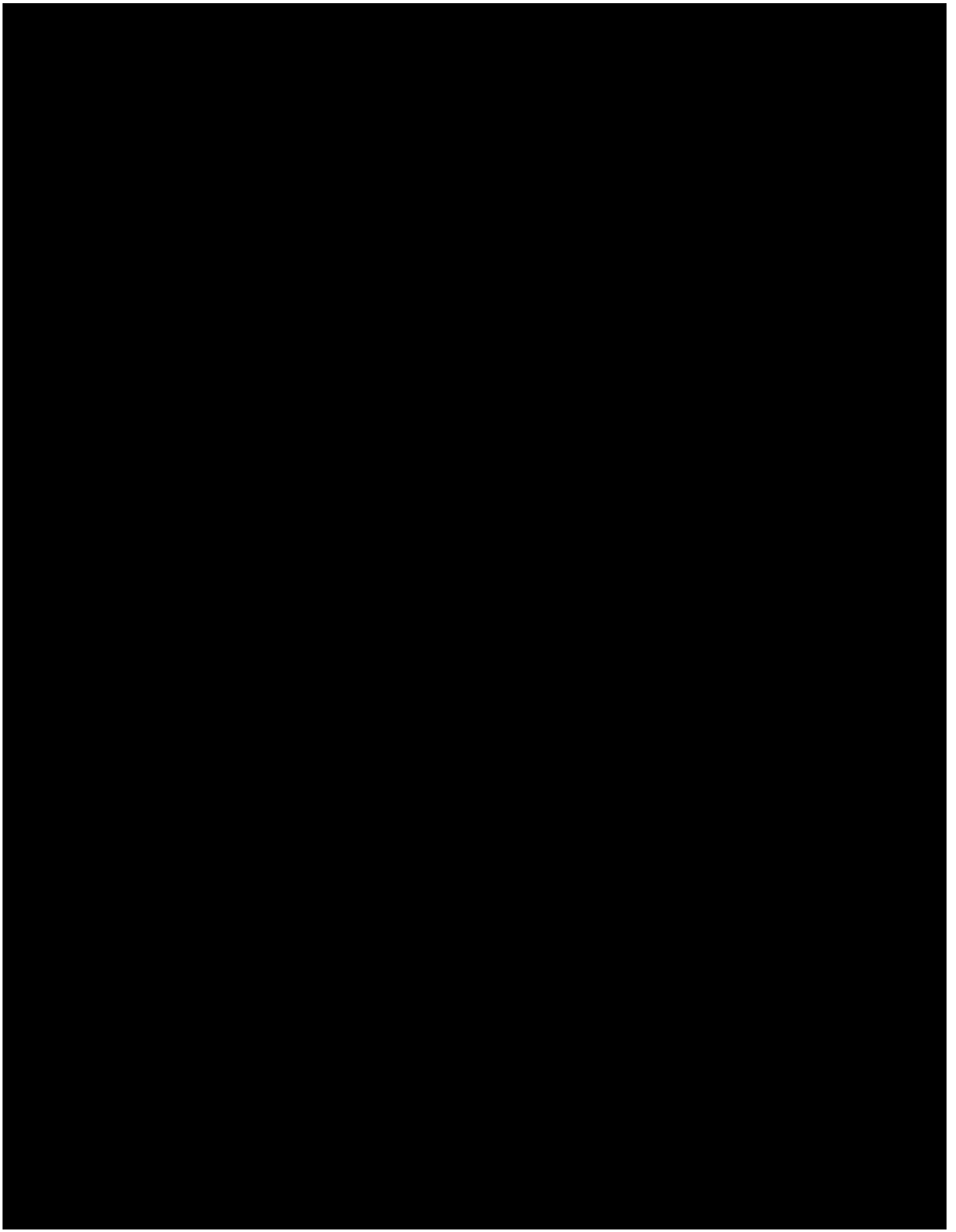


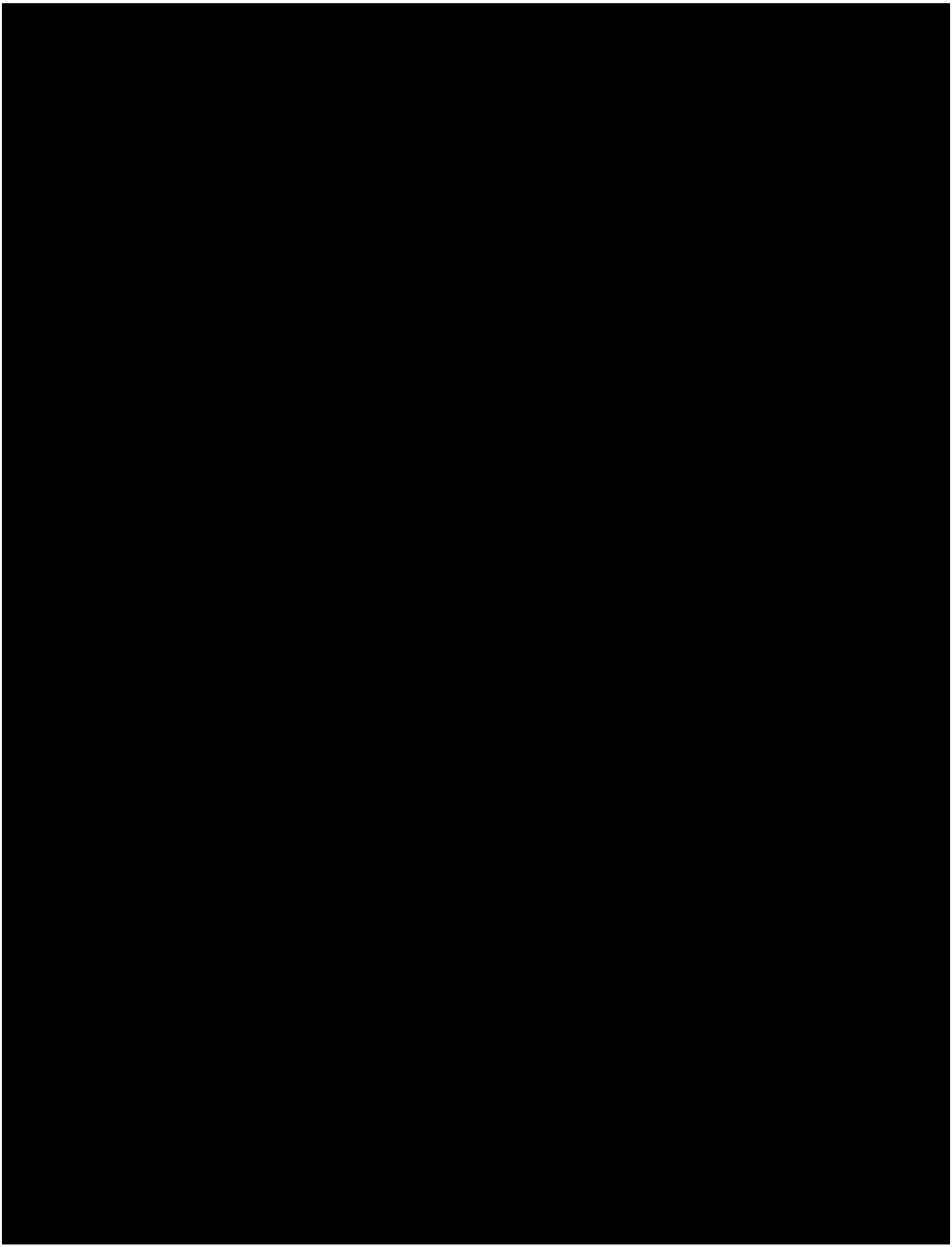


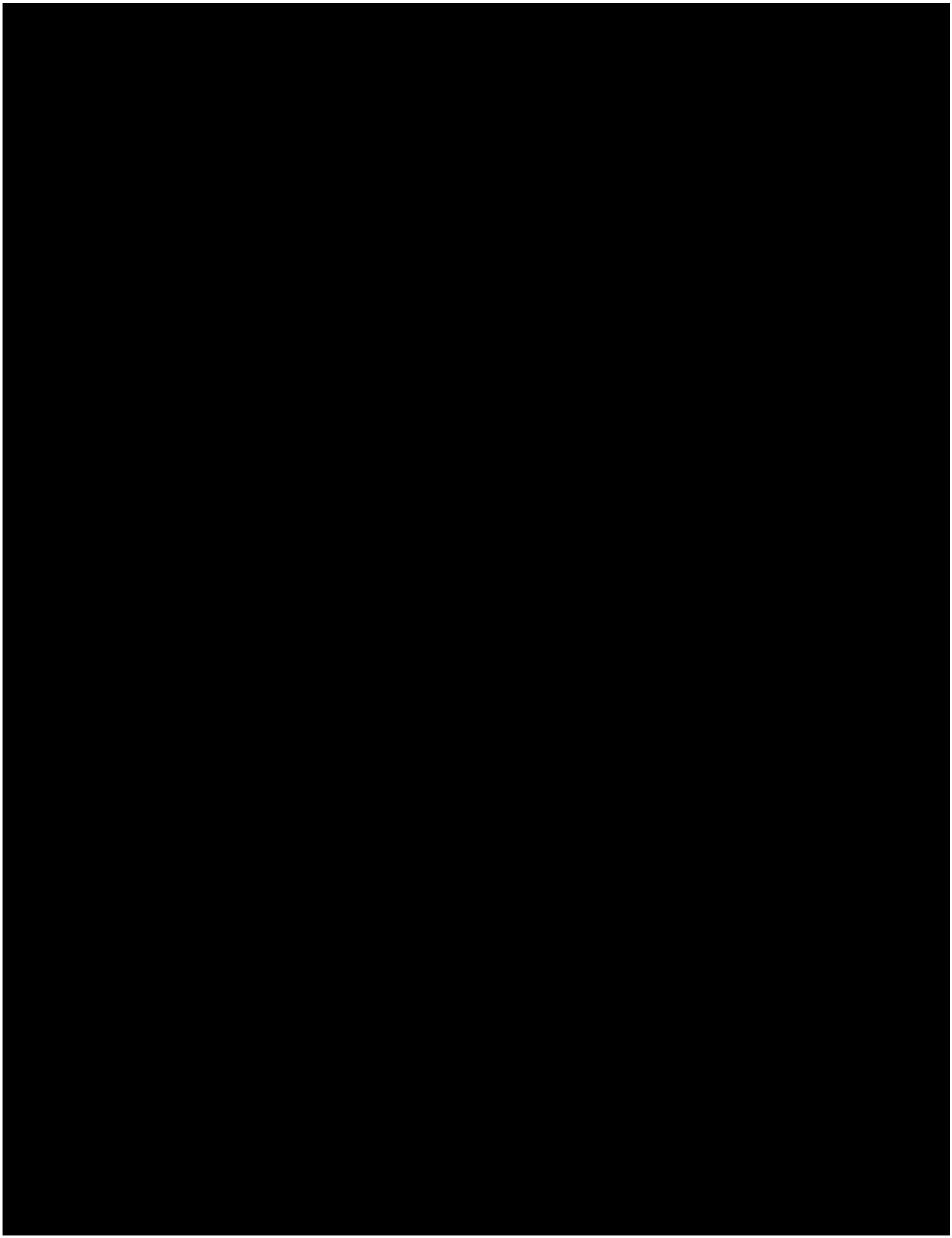


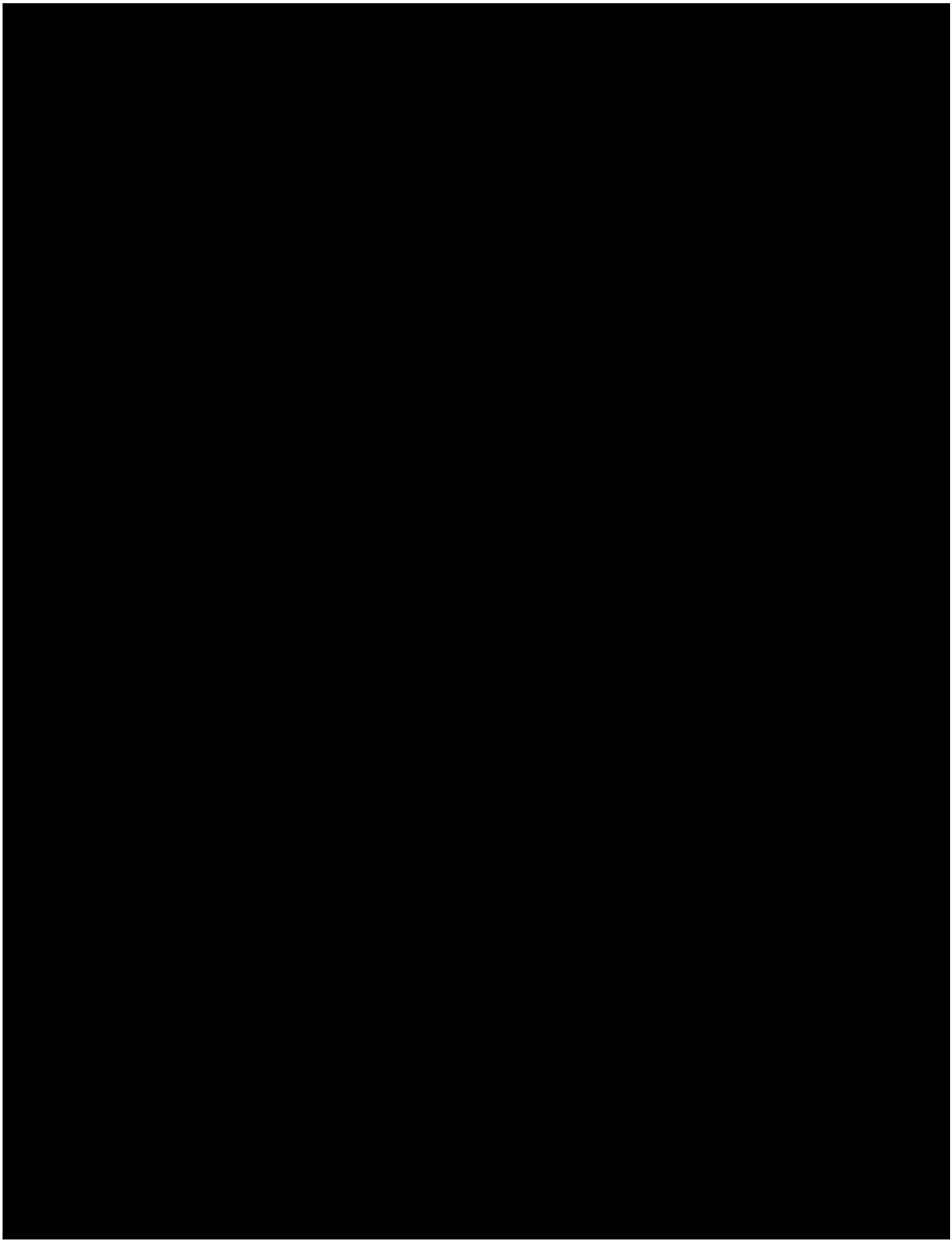


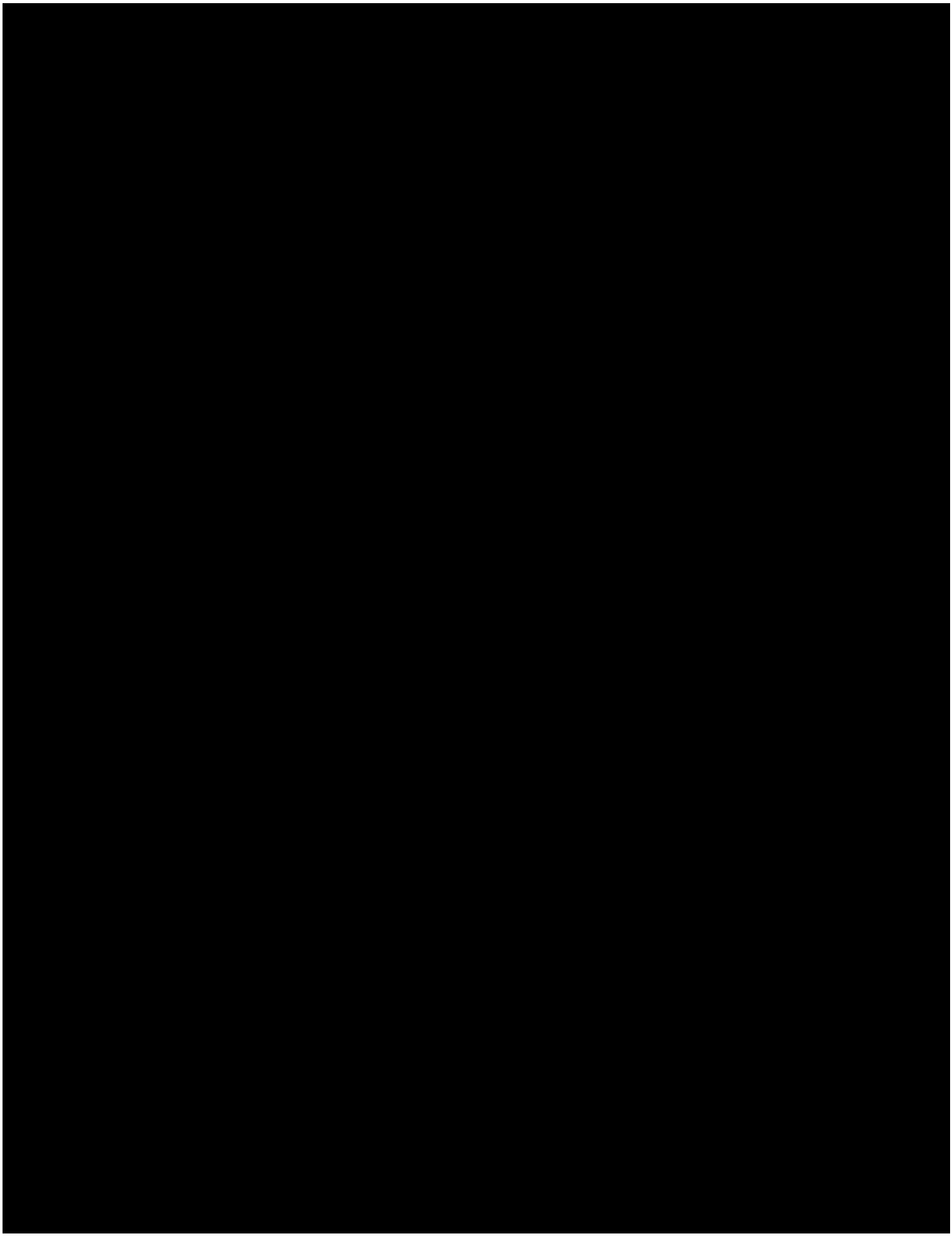


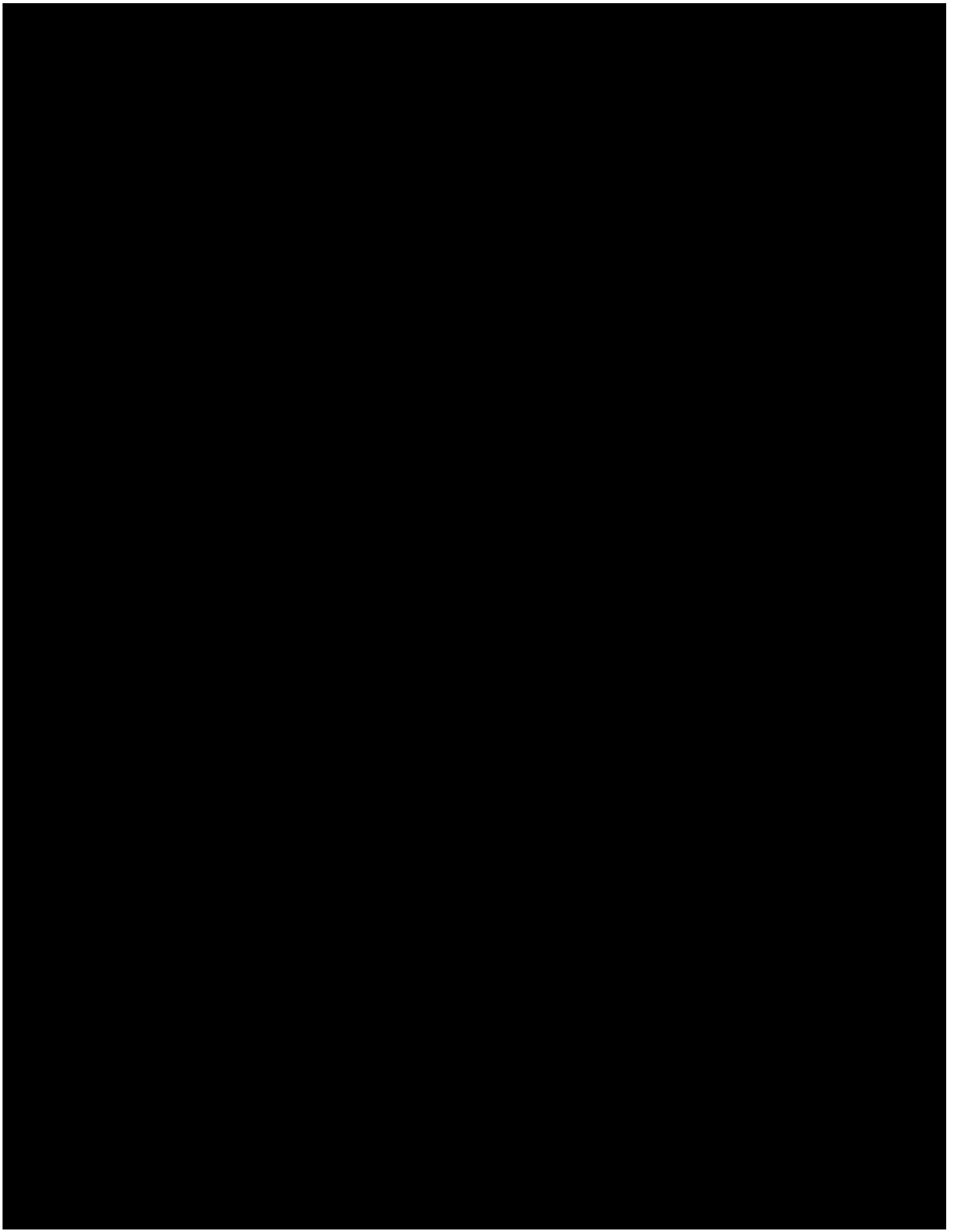


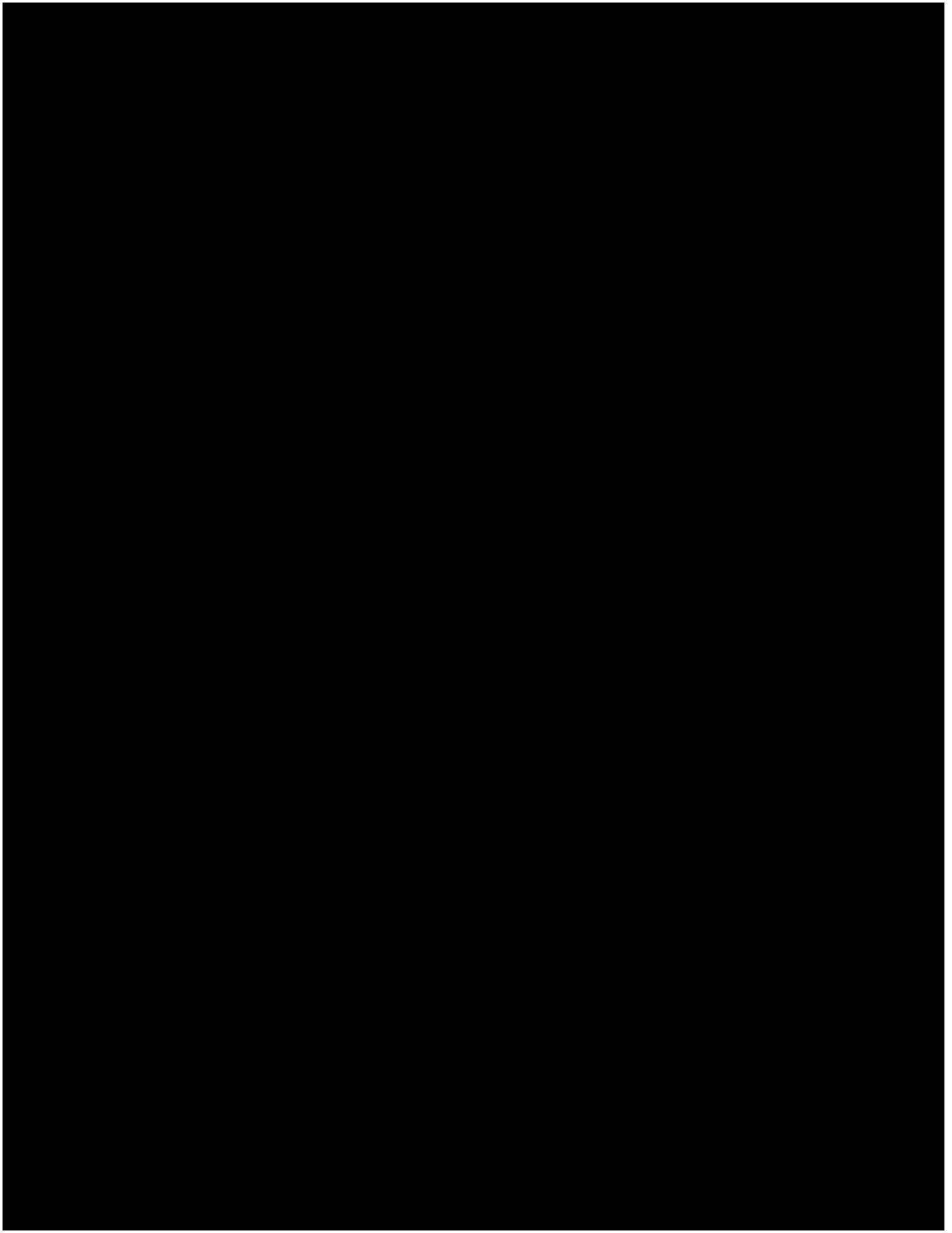


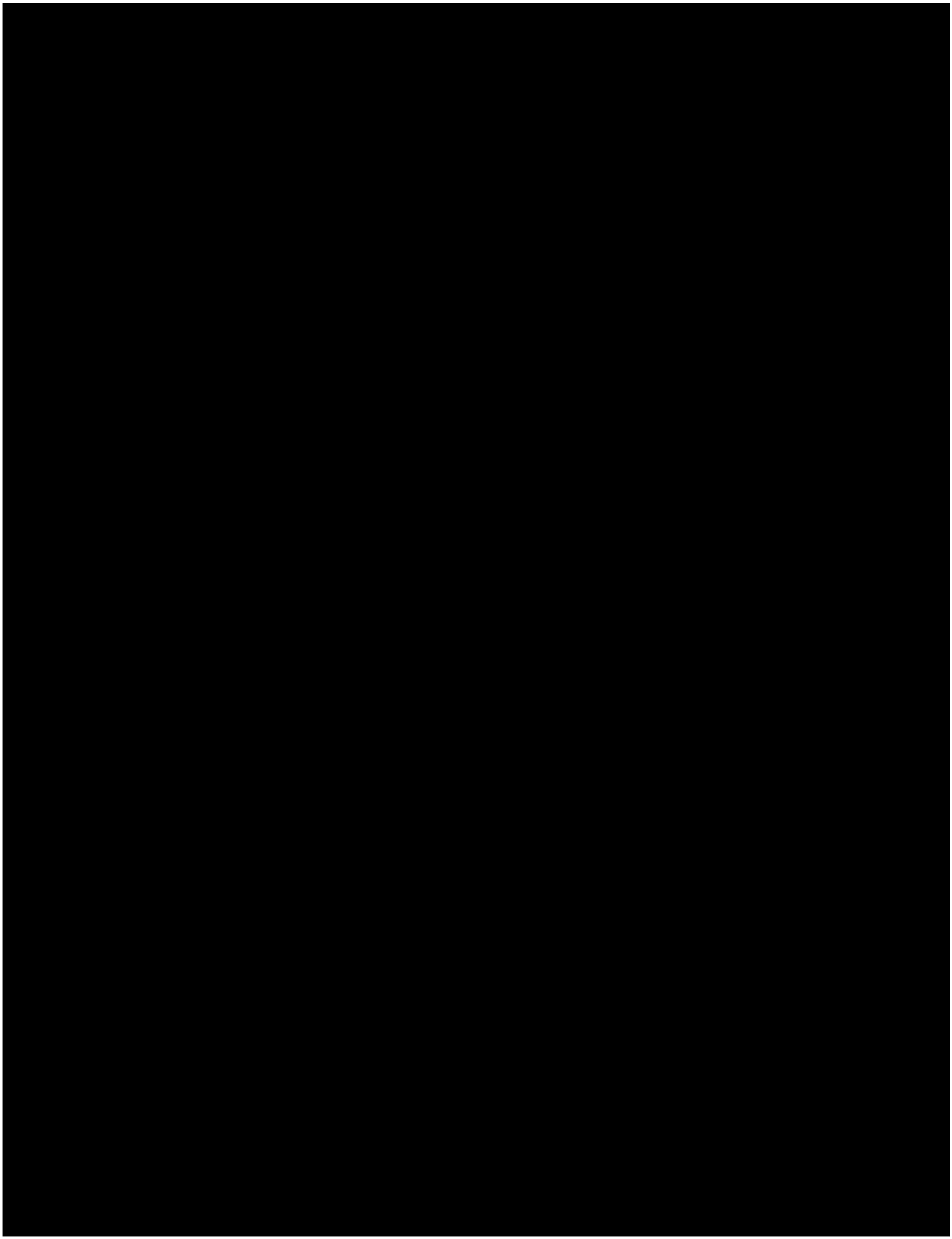


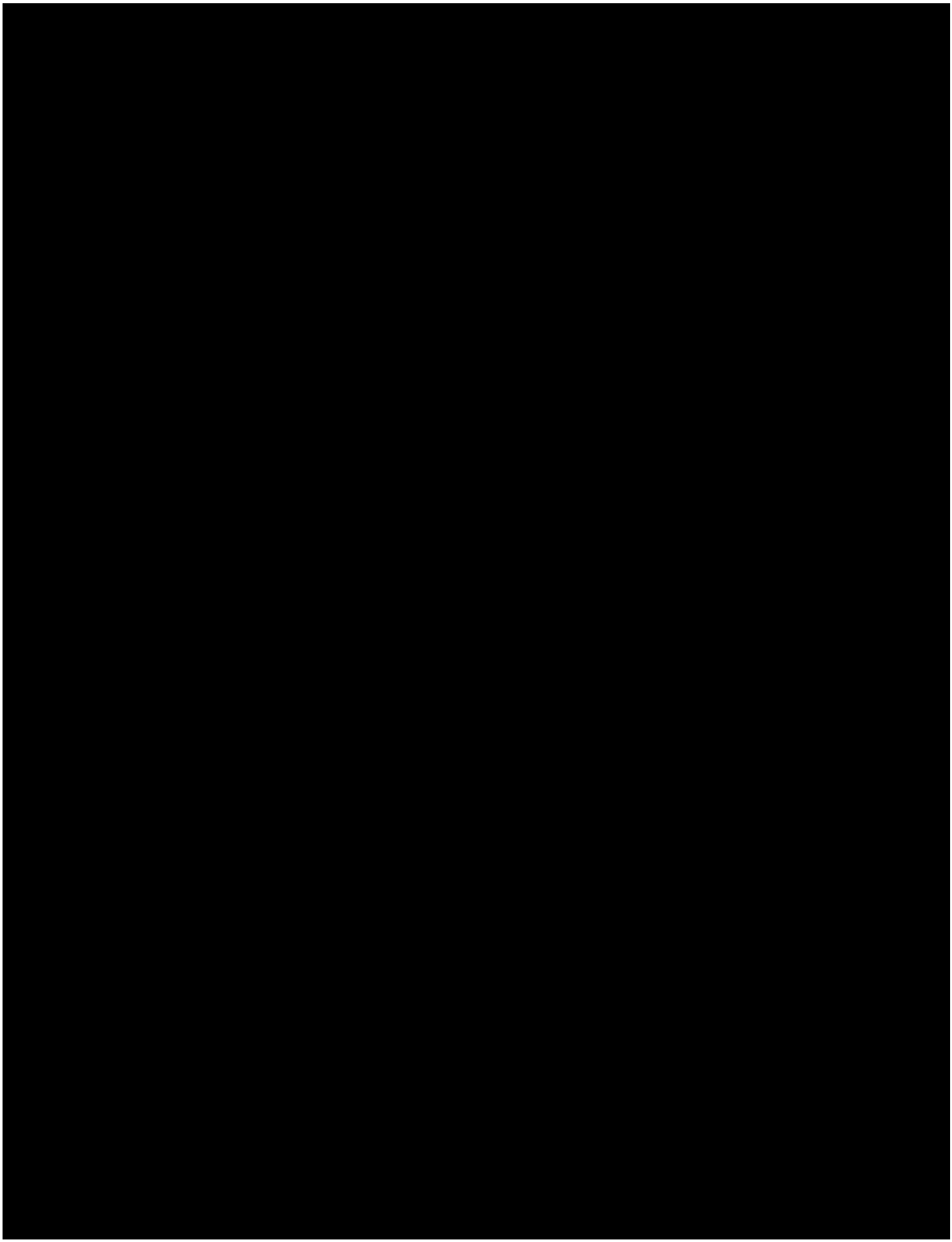


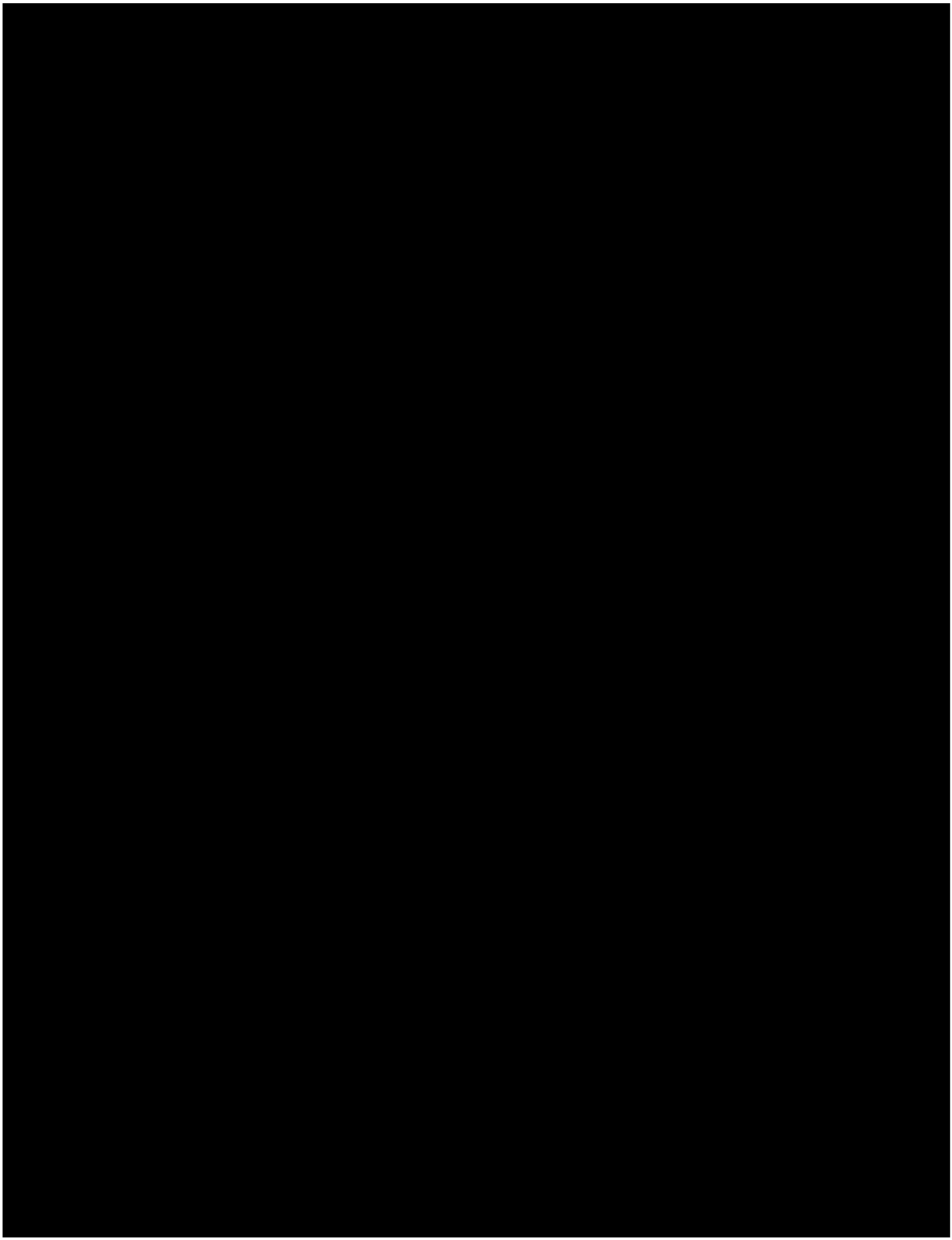


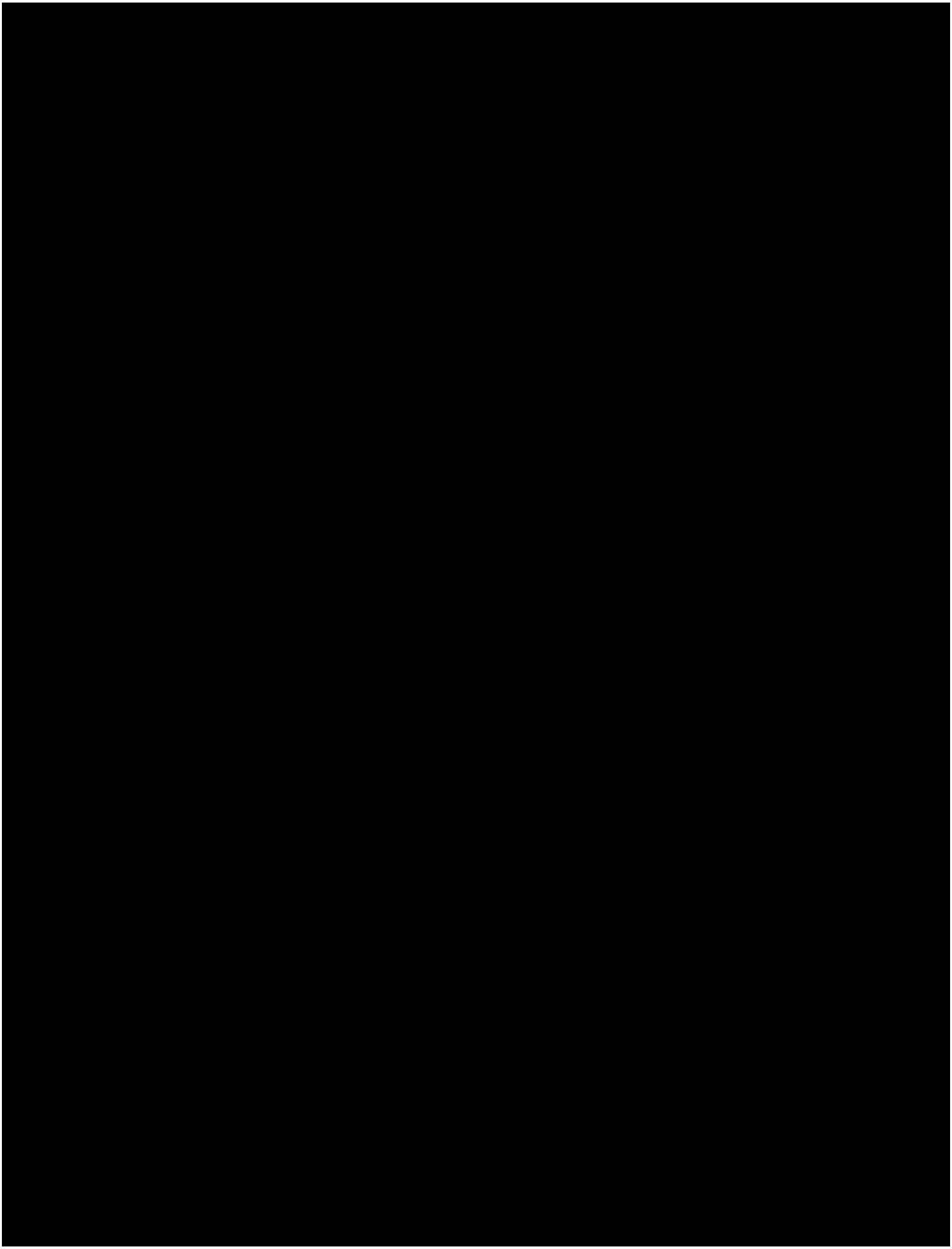


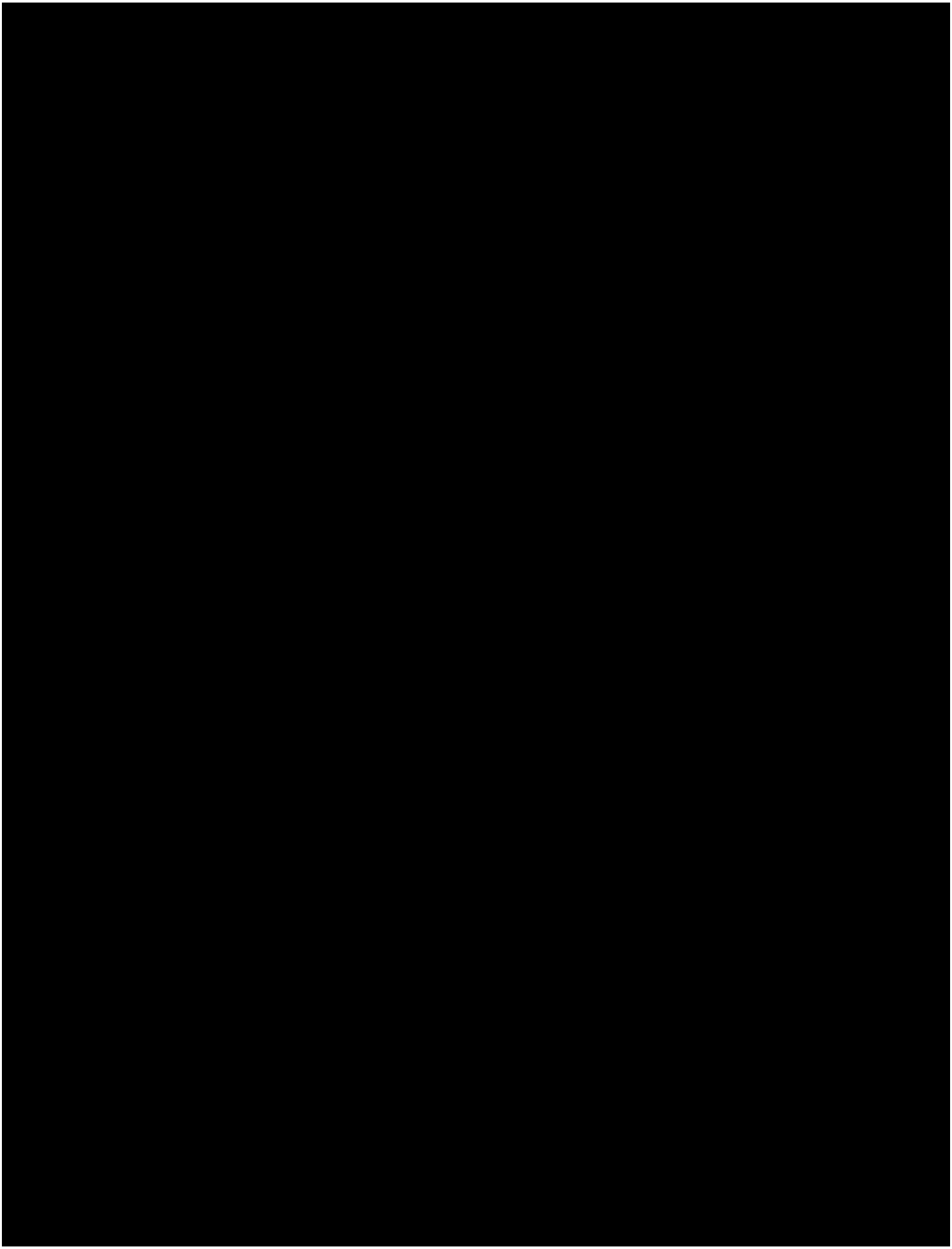


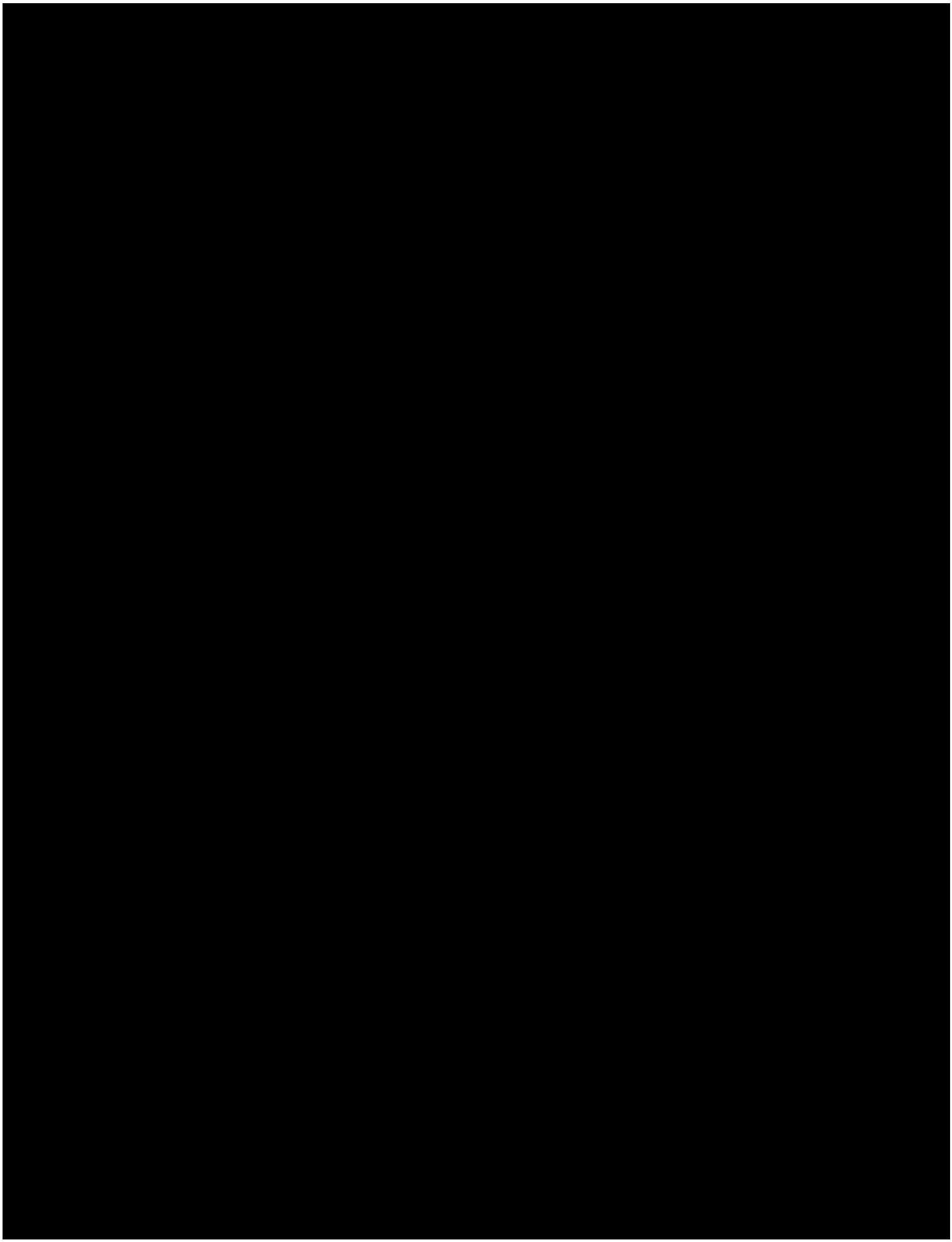


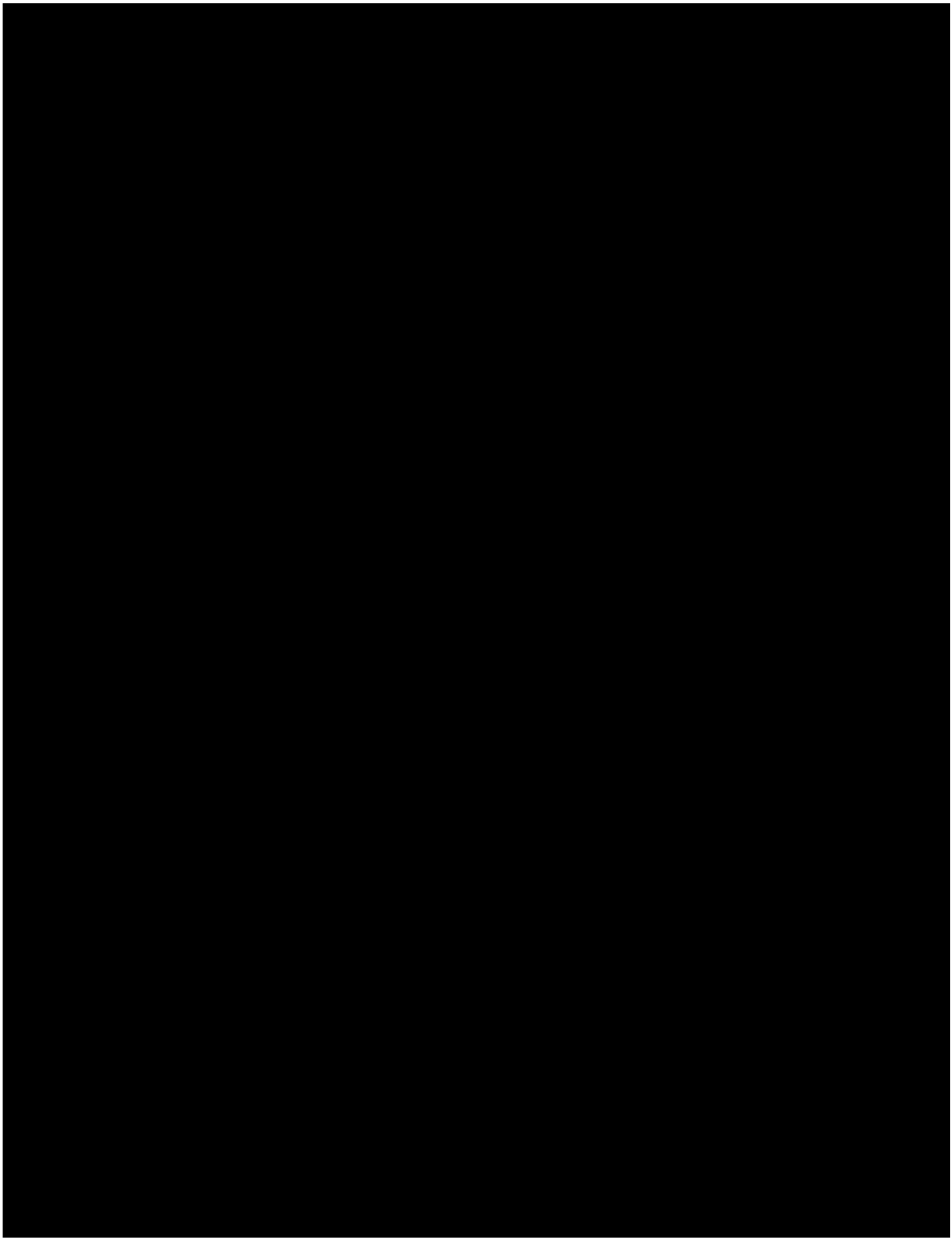


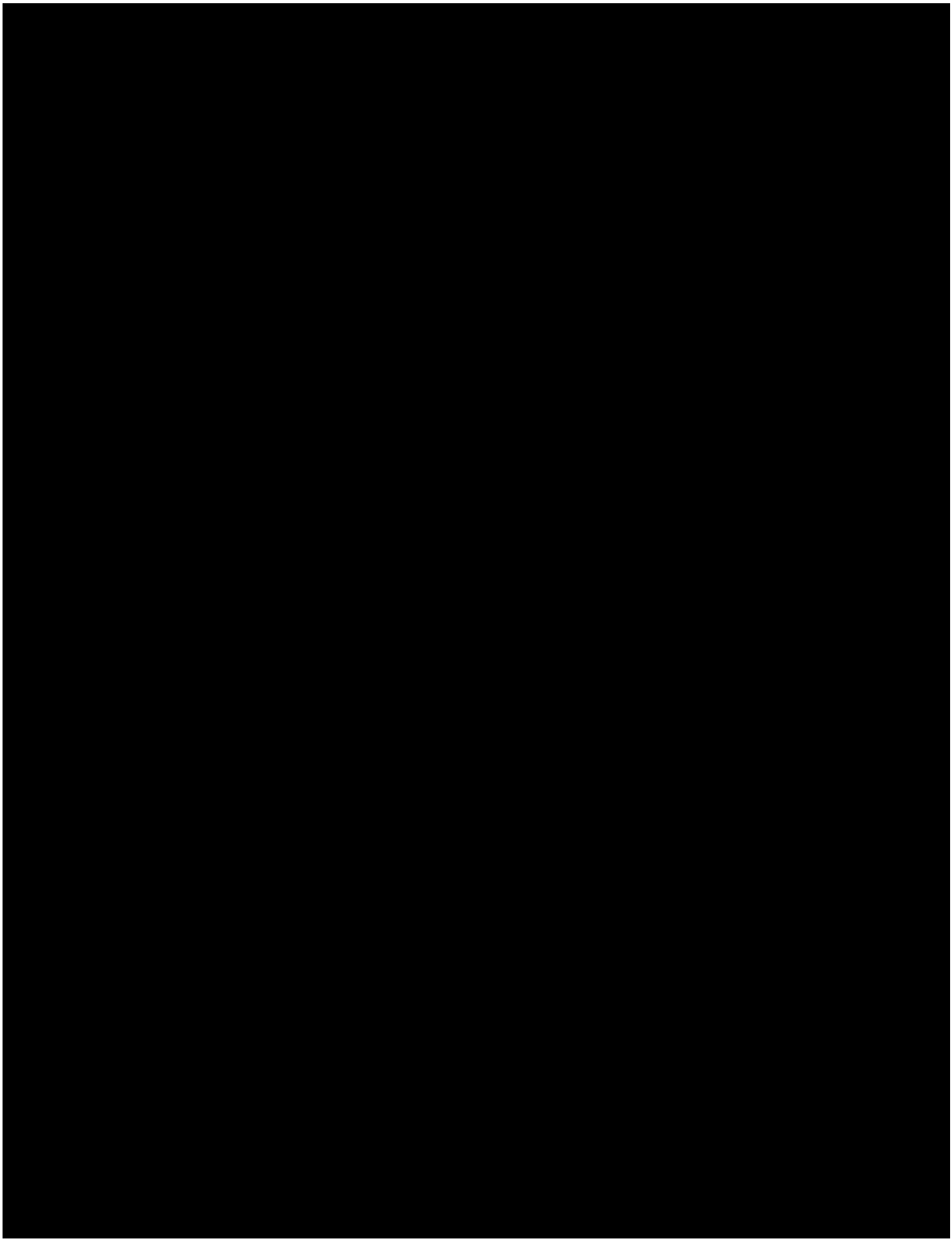


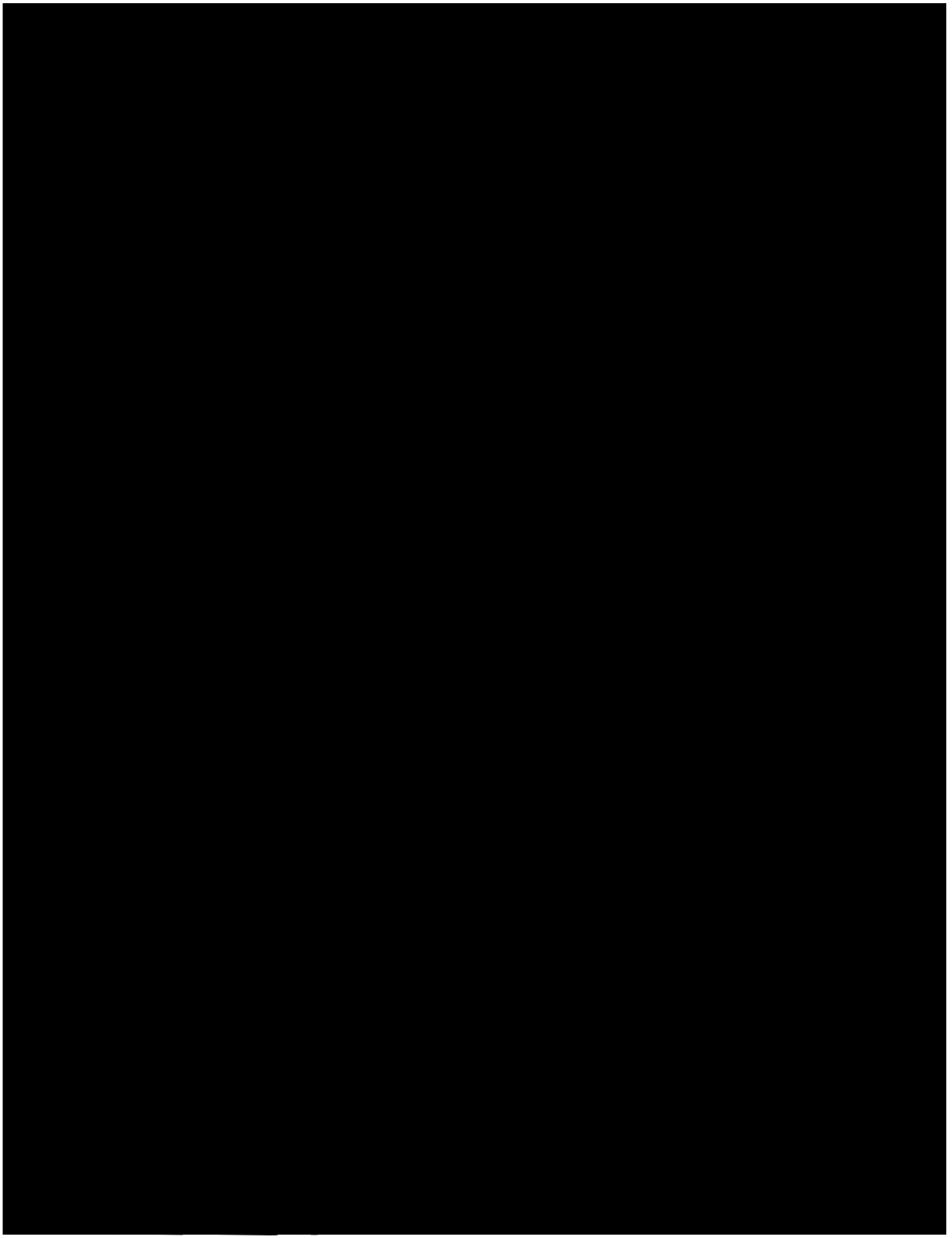


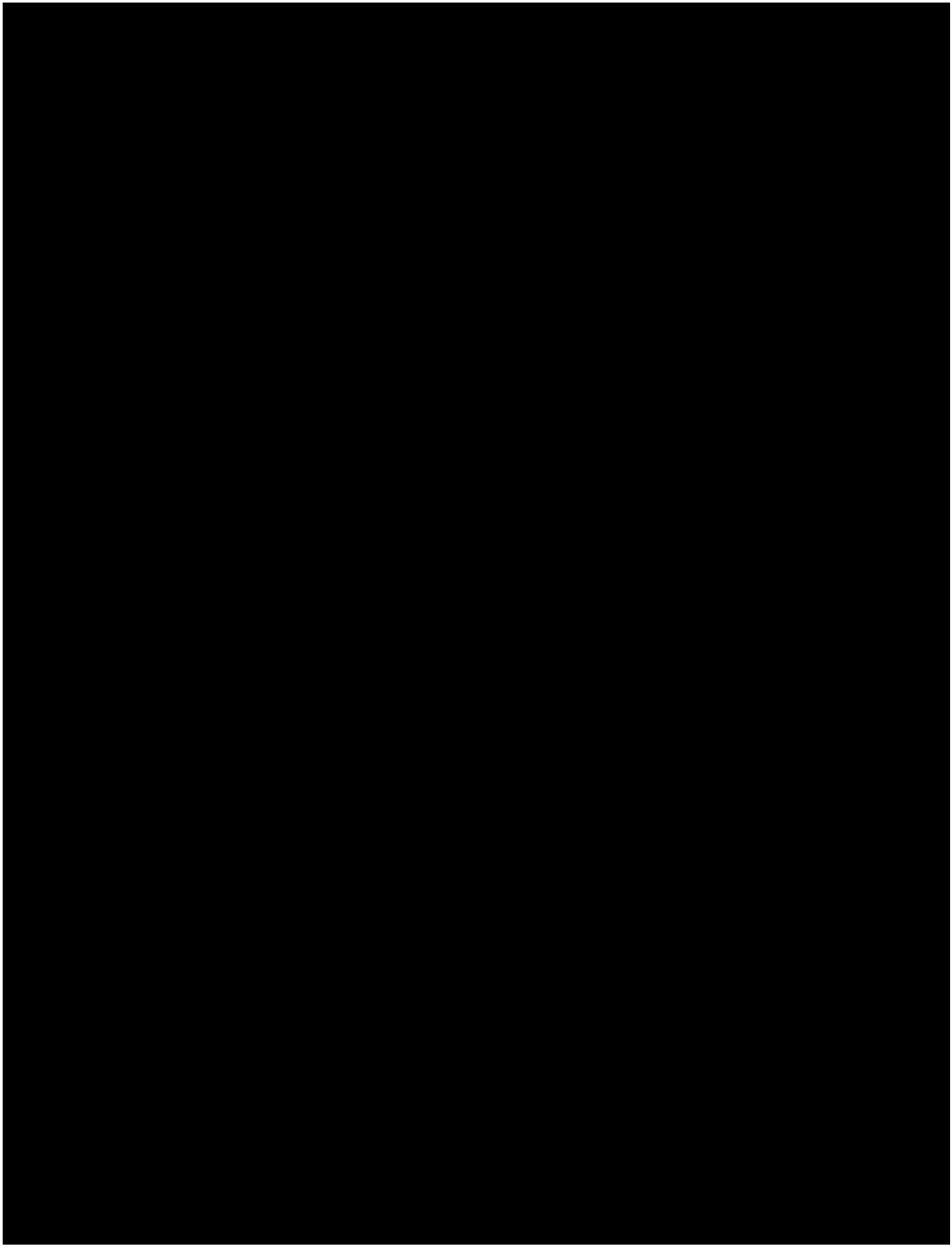


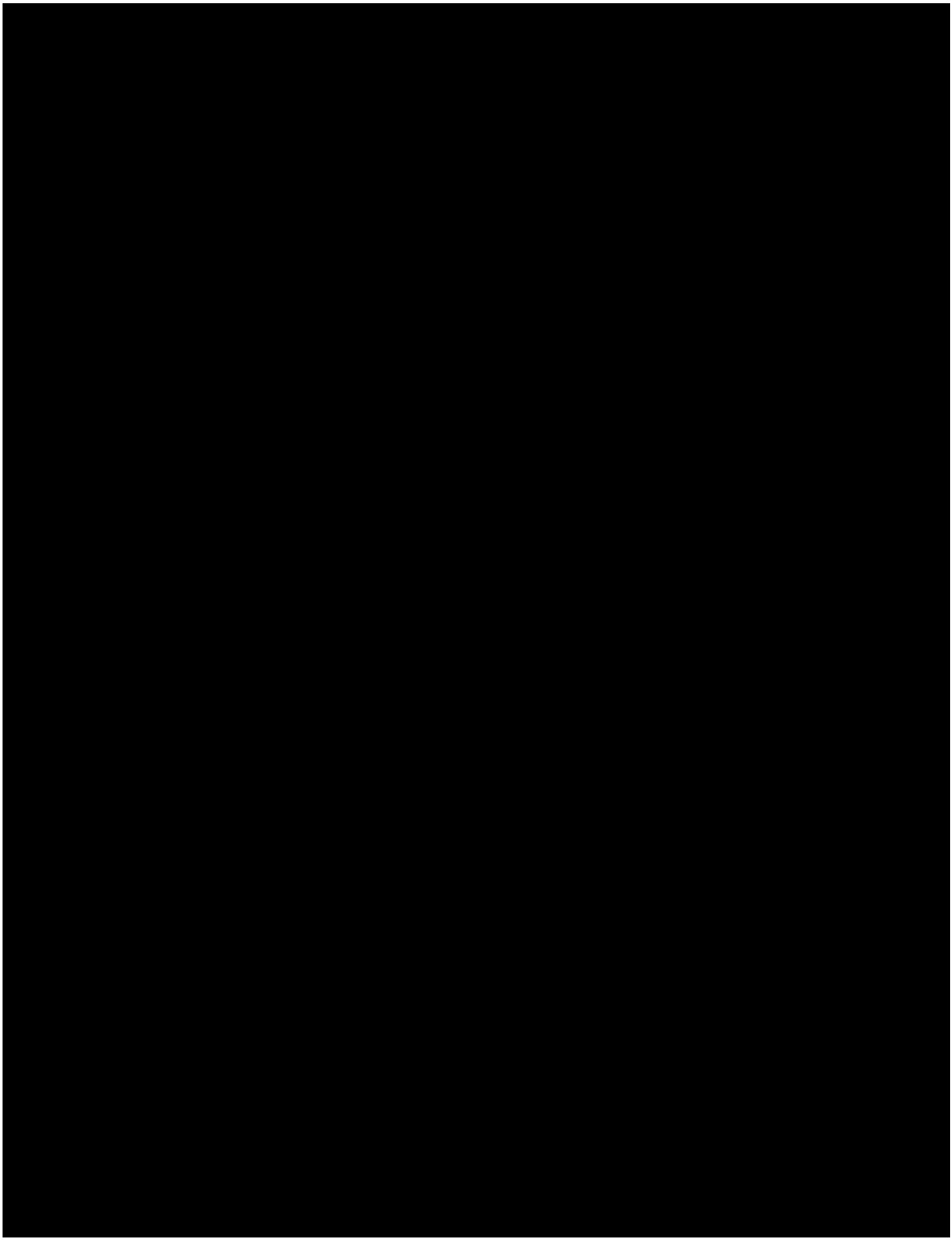


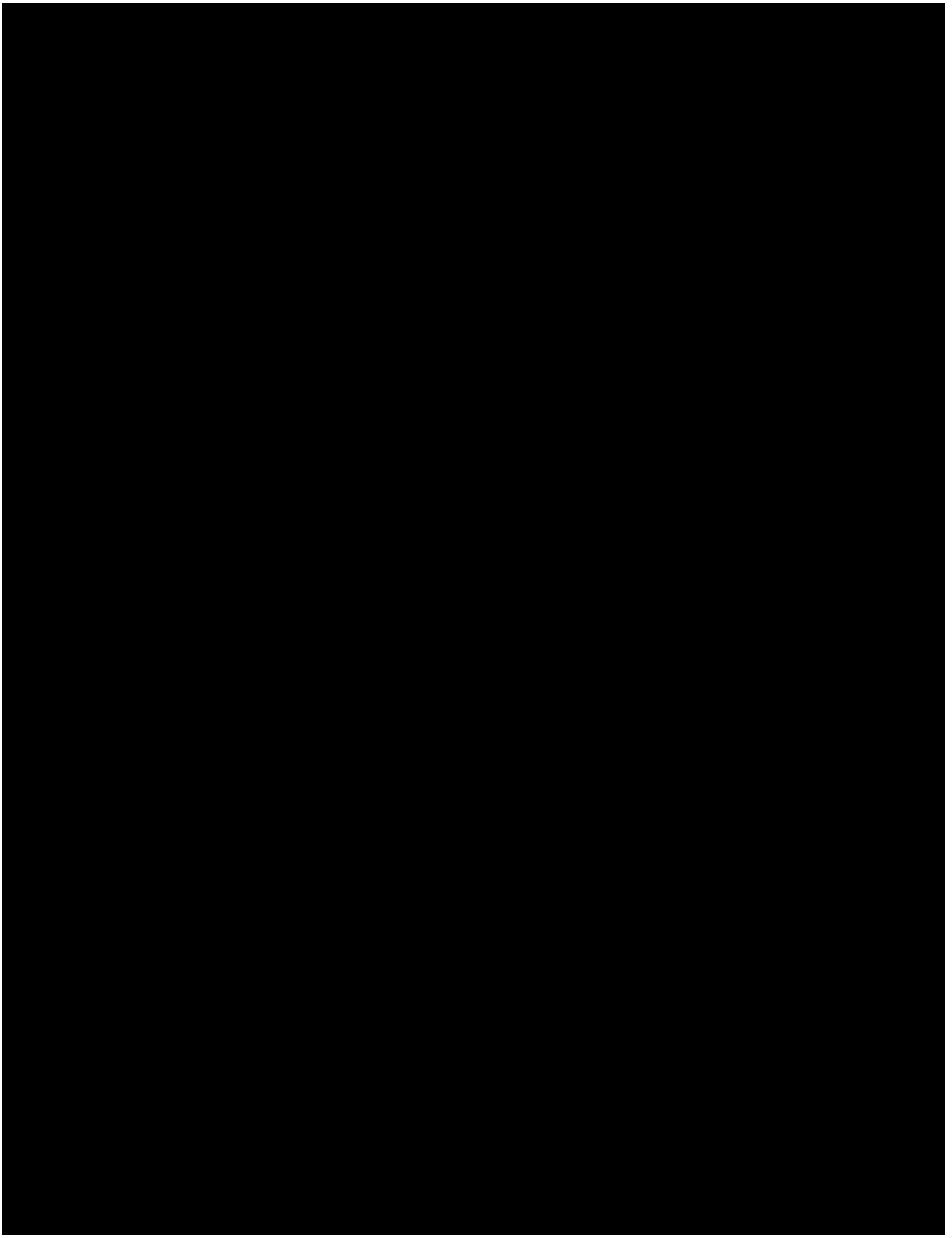












2021-015030 : Channell, Kermit - (06-05-2023)

ARKANSAS DEPARTMENT OF HUMAN SERVICES

Office of Chief Counsel
Brent Gasper
P.O. Box 1437, Slot S-260 Little Rock, AR 72203-1437
501-320-8250 - Fax: 501-682-6720
brent.gasper@dhs.arkansas.gov

May 31, 2023

Mr. Kermit B. Channell, II
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

RE: Jacqueline Asheraft, DOB: 5 27 1971

To Whom It May Concern:

Please find attached a subpoena issued by the Arkansas State Claims Commission concerning Jacqueline Asheraft.

I have enclosed a self-addressed stamped envelope for your convenience. If you do not have any records concerning Ms. Asheraft, please contact Ms. Carter at 501-320-6338.

I appreciate your cooperation in this matter.

Sincerely,

Brent Gasper

Brent Gasper
Deputy Director of OCC

ddc
Enclosure

2021-015030 : Channell, Kermit - (06-05-2023)

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] and [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Mr. Kermit B. Channell, II**
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, Arkansas 72205

____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

All autopsy reports, lab reports, toxicology reports, or other reports and findings, including the complete case file for decedent Jacqueline Ashcraft, DOB [redacted] resulting from the accident on 6/11/2021

May 10, 2023
Date

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

HH 000112

2021-015030 : Channell, Kermit - (06-05-2023)

PROOF OF SERVICE

SERVED ON (Print Name)

DATE PLACE

MANNER OF SERVICE

SERVED BY (Print Name) TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

Regardless of his or her county of residence, a witness subpoenaed for examination at a trial or hearing must be properly served with a subpoena at least two days prior to the hearing, or within a shorter time if the court so orders. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the trial or hearing. Ark. R. Civ. Proc. 45(d), Claims Commission Rule 3.2(d).

A witness subpoenaed in connection with a deposition must be properly served with a subpoena at least five business days prior to a deposition, or within a shorter time if the court so orders. The witness is required to attend a deposition at any place within 100 miles of where he or she resides, is employed, or transacts business in person, or at such other convenient place set by court order. The subpoena must be accompanied by a witness fee calculated at the rate of $30.00 per day for attendance and $0.25 per mile for travel from the witness' residence to the place of the deposition. Ark. R. Civ. Proc. 45(e), Claims Commission Rule 3.3.

A subpoena may command the person to whom it is directed to produce for inspection any books, papers, documents, or tangible things designated in the subpoena. The person subpoenaed may ask the court to quash or modify the subpoena if it is unreasonable or oppressive or to require that the person on whose behalf the subpoena is issued pay the reasonable cost of such production. Ark. R. Civ. Proc. 45(b). The person subpoenaed may also object in writing to inspection or copying of any or all of the designated materials or seek a protective order from the Claims Commission. If a written objection is made within ten days of service of the subpoena or on or before the time specified for compliance if such time is less than ten days, the party causing the subpoena to be issued is not entitled to inspect the materials unless the court so orders. Ark. R. Civ. Proc. 45(e). When a witness fails to attend in obedience to a subpoena or intentionally evades the service of a subpoena by concealment or otherwise, the Claims Commission may enforce the subpoena pursuant to Ark. Code Ann. § 19-10-207(d).

2021-015030 : Bargiel, Sandra - (01-18-2023)

JACKSON
LAW FIRM

January 14, 2023

VIA CERTIFIED MAIL,

Ms. Sandra Bargiel
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

Re: *Haley Hudson, Special Adm'x of the Estate of Jacqueline Lynn Ashcraft, deceased and Permanent Guardian of* [redacted] *Minor Children v. The Arkansas Department of Human Services*
Arkansas State Claims Commission No. 230641
Incident Date: 6/11/2021 - Logan County

Dear Ms. Bargiel:

I represent the Claimant in the above referenced matter pending before the Arkansas State Claims Commission. This is a wrongful death claim arising from a motor vehicle accident.

Please find enclosed a Toxicology Report Request Form for Jennifer Wilkerson and Jacqueline Ashcraft, deceased along with a Subpoena issued by the Arkansas State Claims Commission's Executive Director, Kathryn Irby, *Esq.* Also enclosed is a check from my law firm in the amount of $50.00 made payable to the Arkansas State Crime Laboratory.

Can you send a PDF of the toxicology results to my office at: *Jim@JimJacksonatty.com* or fax it to my attention at (501) 823-3611?

Please call me at (501) 823-3610 with any questions or suggestions. Enclosed is a copy of Trooper Ray's accident report which references the toxicology tests.

Sincerely,

Jim R. Jackson

JRJ/mc
Enclosure
cc: Brent Gasper, *Esq.*
Kathryn Irby, *Esq.*

JIM JACKSON // Attorney at Law
700 W. Broadway Street; Suite 200
North Little Rock, AR 72114-5528 • 501.823.3610 • Fax: 501.823.3611 • Jim@JimJacksonAtty.com • www.JimJacksonAtty.com

Issued by the
ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, Individually and as Special Administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and HALEY HUDSON as Permanent Legal Guardian of [redacted] Minor Children, Claimant

SUBPOENA

V.

CLAIM NO. 230641

ARKANSAS DEPARTMENT OF HUMAN SERVICES, Respondent

TO: **Kermit B. Channell, II**
Crime Lab Director
Arkansas State Crime Laboratory
3 Natural Resources Drive
Little Rock, AR 72205

_____ YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

_____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

_____ YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

__X__ YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):

BAC test and drug test results from p. 2 of the attached accident report.

January 12, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

2021-015030 : Bargiel, Sandra - (01-18-2023)

Arkansas State Crime Laboratory

Toxicology Report Request Form

A copy of the toxicology report can be requested by submitting the following required items:

1) Written authorization from one of the following:
   a) the prosecuting attorney of the county where the incident occurred, or
   b) a court of competent jurisdiction, and
2) A cashier's check or money order for $50, made payable to the Arkansas State Crime Laboratory.
   Please do not send cash.

Name of tested individual: Jennifer Leann Wilkerson

Date of incident: June 11, 2021

Requester Information

Requester's name: Jim Jackson

Relationship to tested individual: Attorney at Law - See Attached Subpoeana Duces Tecum

Street address: 700 W. Broadway Street, Suite 200

City, state, ZIP: North Little Rock, AR 72114

Email address: Jim@JimJacksonatty.com

Telephone number: 501-823-3610

Signature of requester: Jim Jackson

Please mail request to: Arkansas State Crime Laboratory
ATTN: Sandra Bargiel, (501) 683-6223
3 Natural Resources Drive
Little Rock AR 72205

2021-015030 : Bargiel, Sandra - (01-18-2023)

Arkansas State Crime Laboratory

Toxicology Report Request Form

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2) A cashier's check or money order for $50, made payable to the Arkansas State Crime Laboratory.
   Please do not send cash.

Name of tested individual: Jacqueline Lynn Ashcraft

Date of incident: June 11, 2021

Requester Information

Requester's name: Jim Jackson

Relationship to tested individual: Attorney at Law - See Attached Subpoeana Duces Tecum

Street address: 700 W. Broadway Street, Suite 200

City, state, ZIP: North Little Rock, AR 72114

Email address: Jim@JimJacksonatty.com

Telephone number: 501-823-3610

Signature of requester: Jim Jackson

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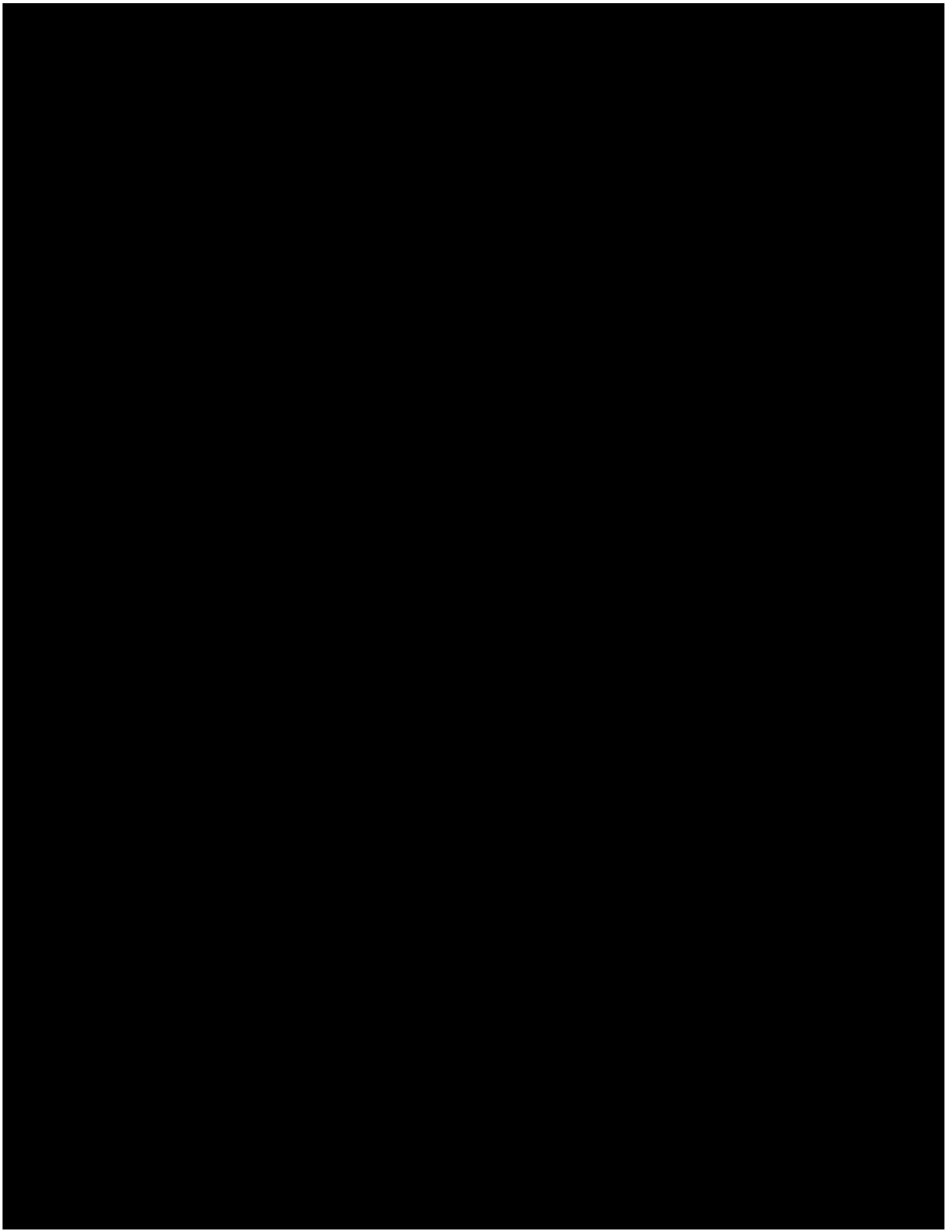

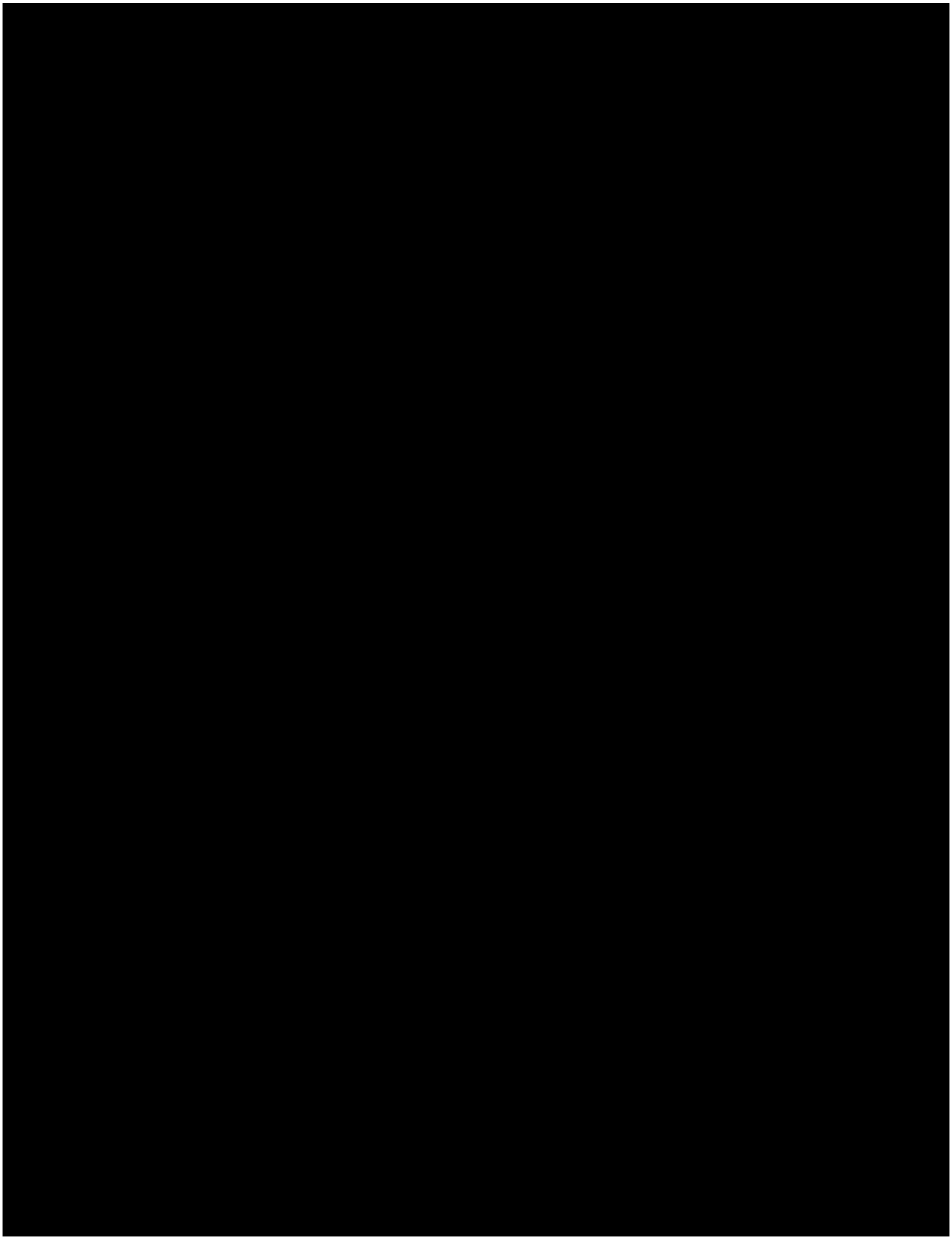

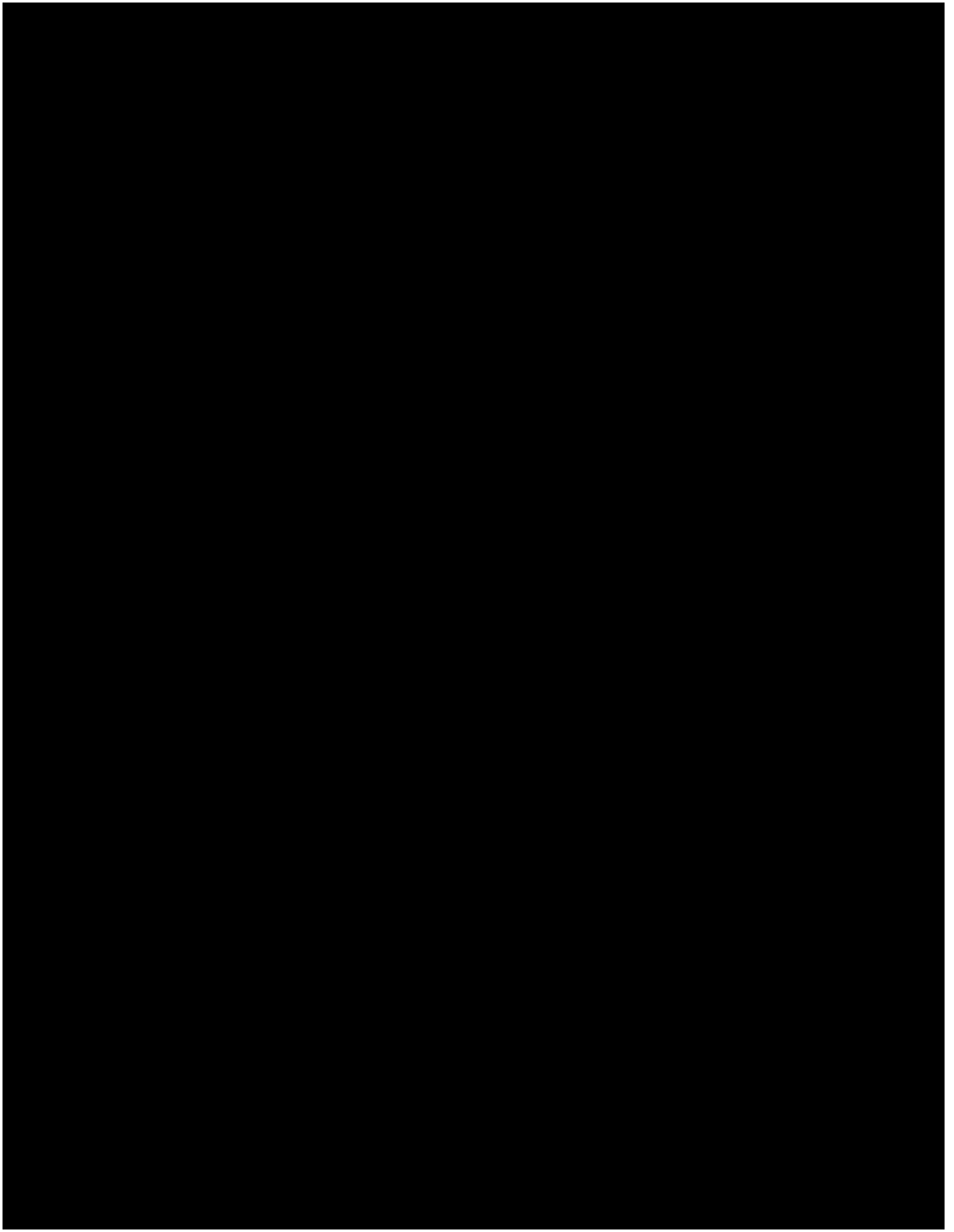

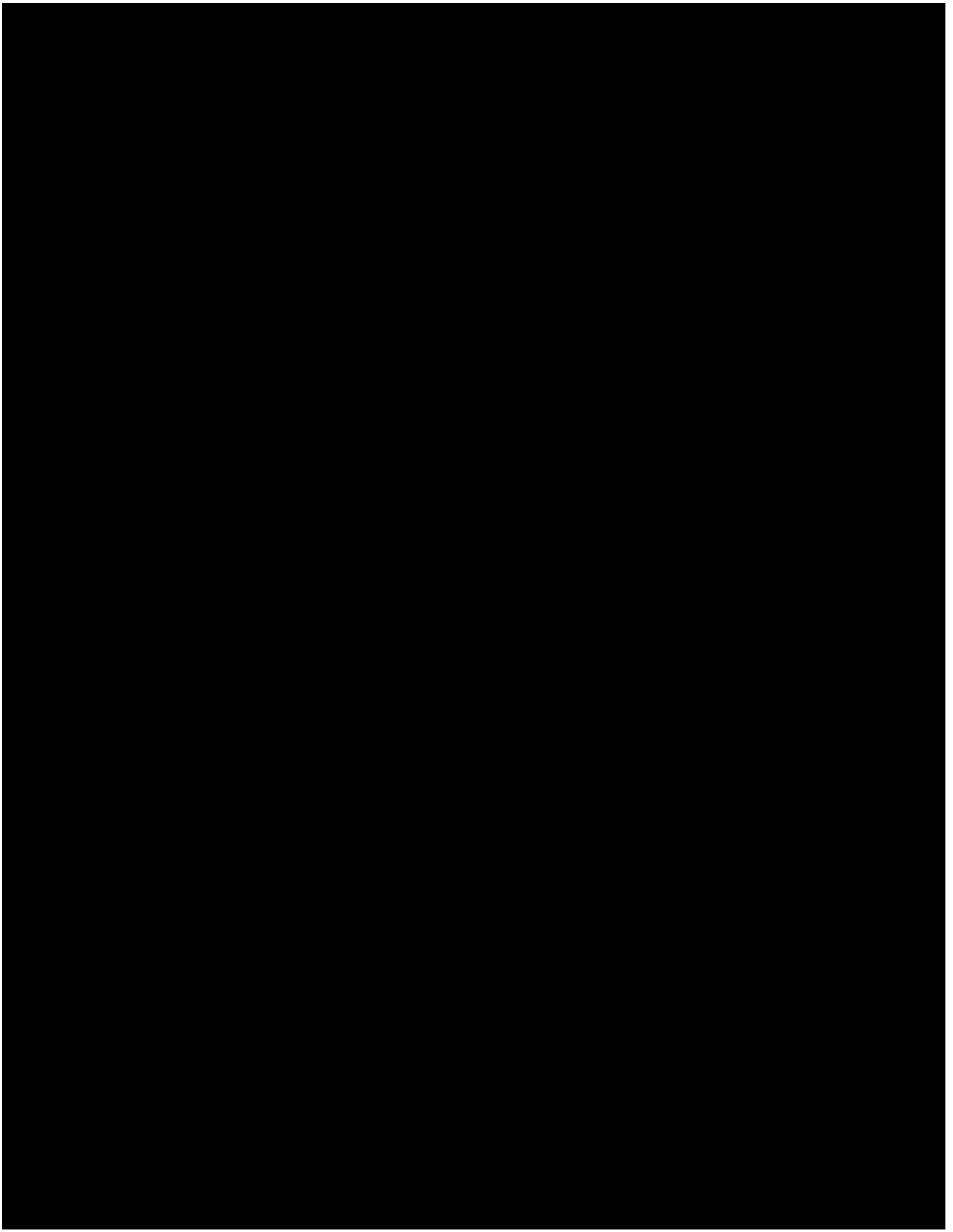

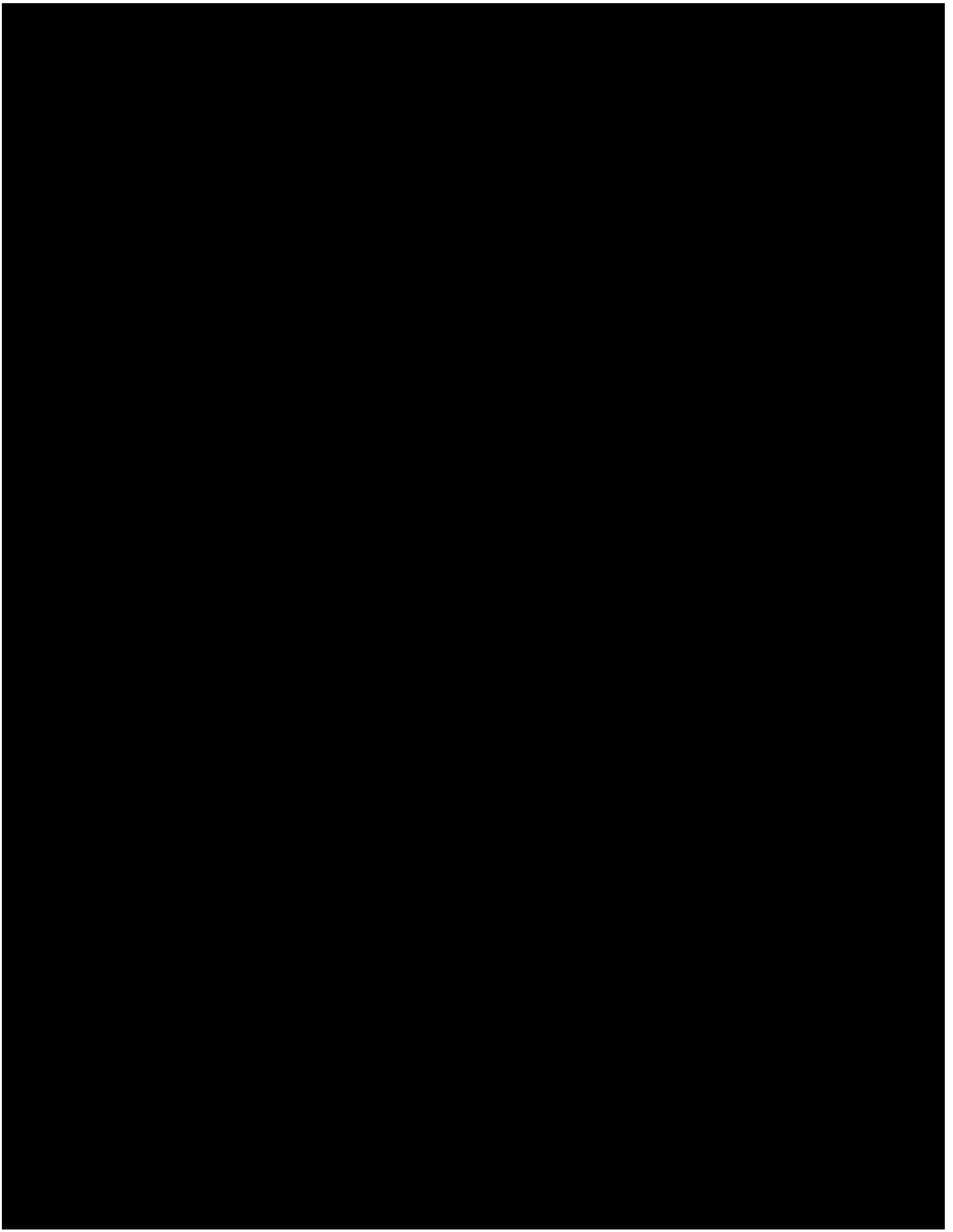

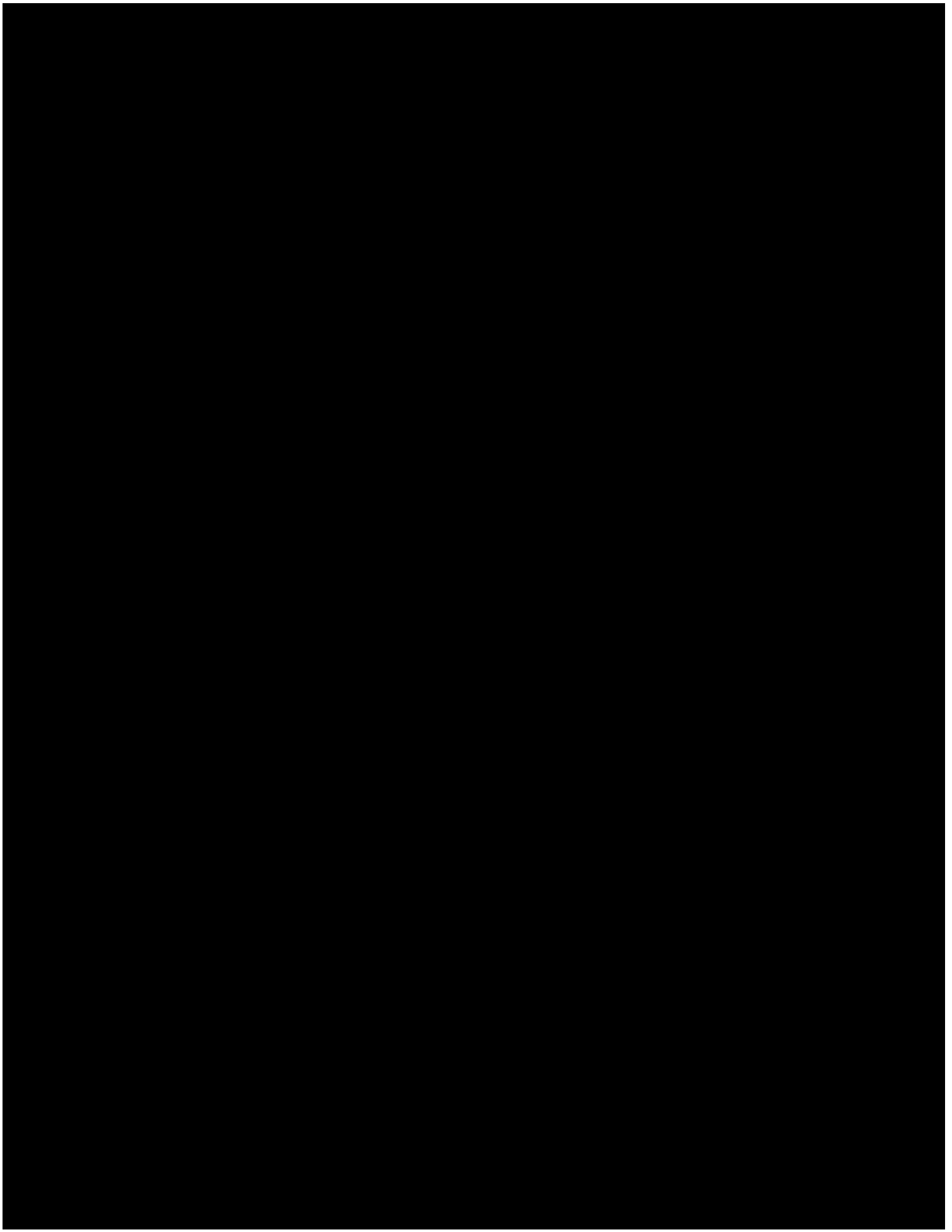

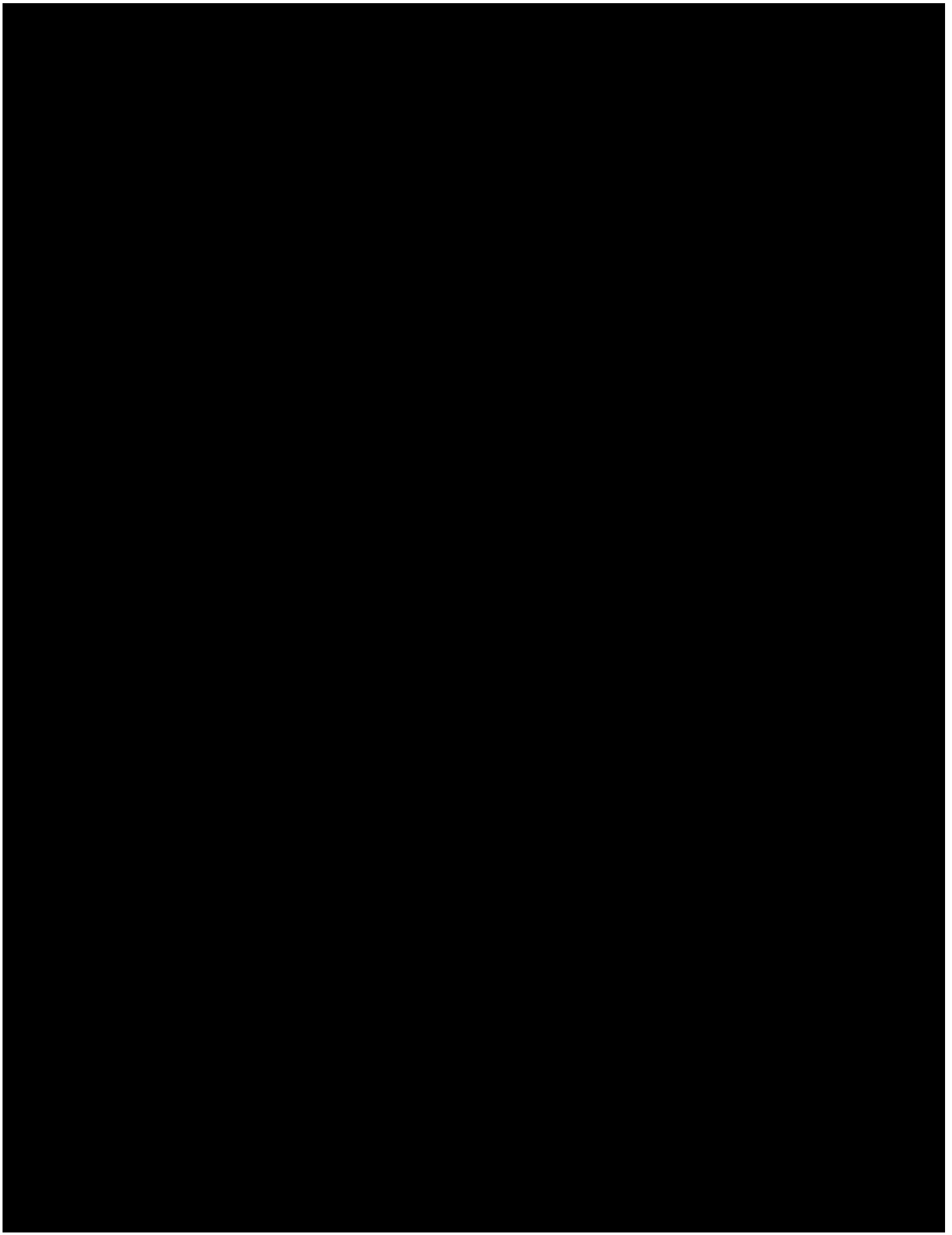

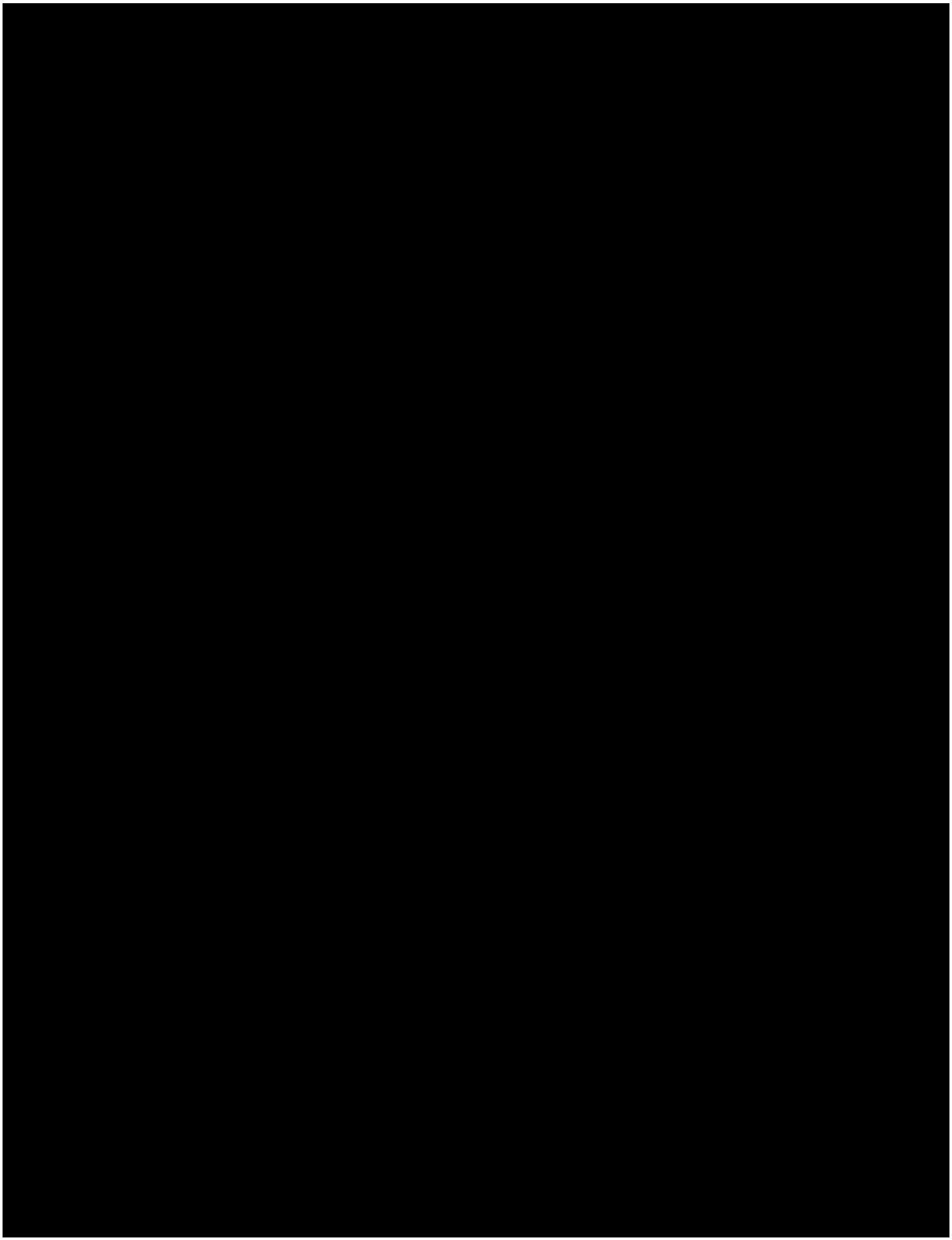

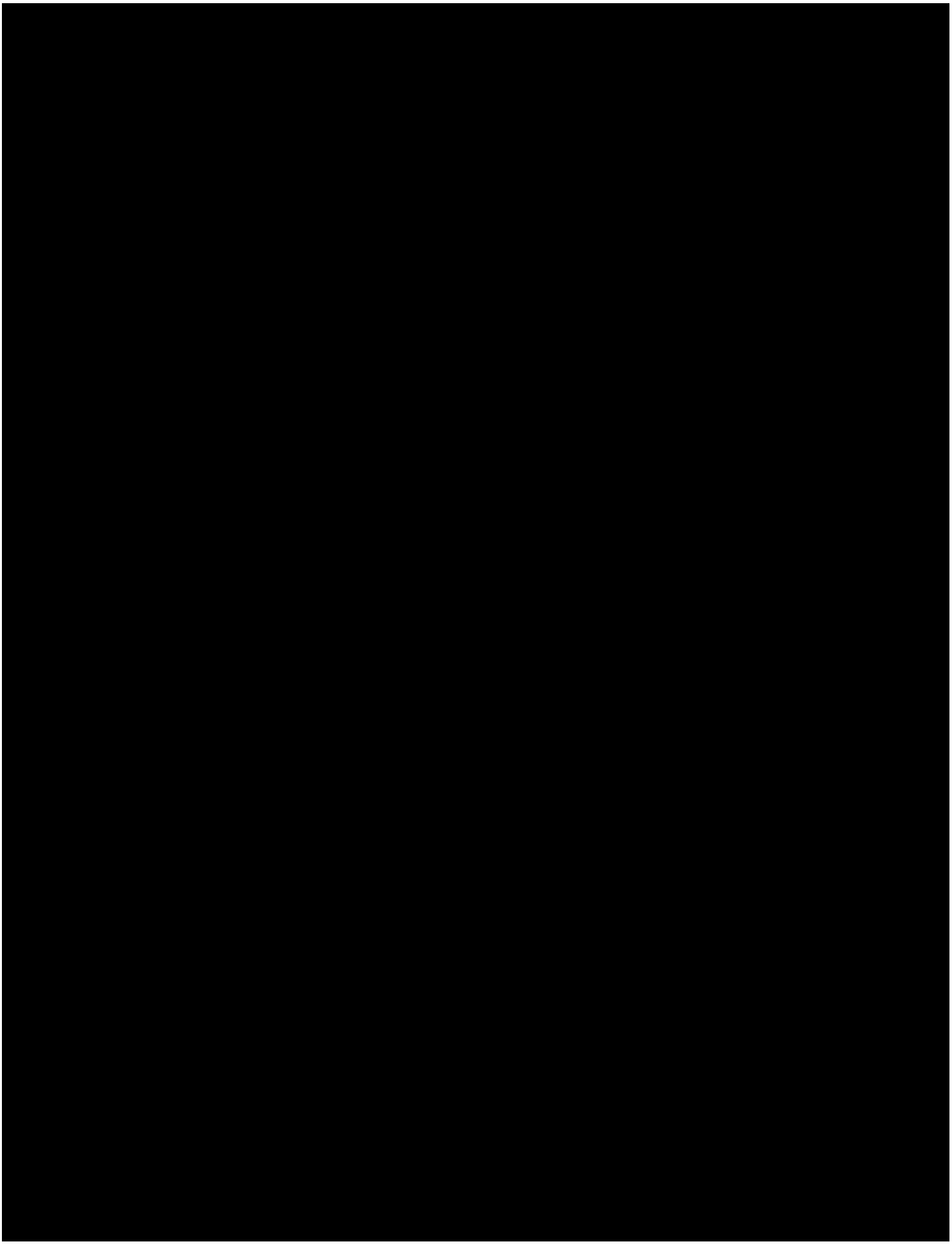

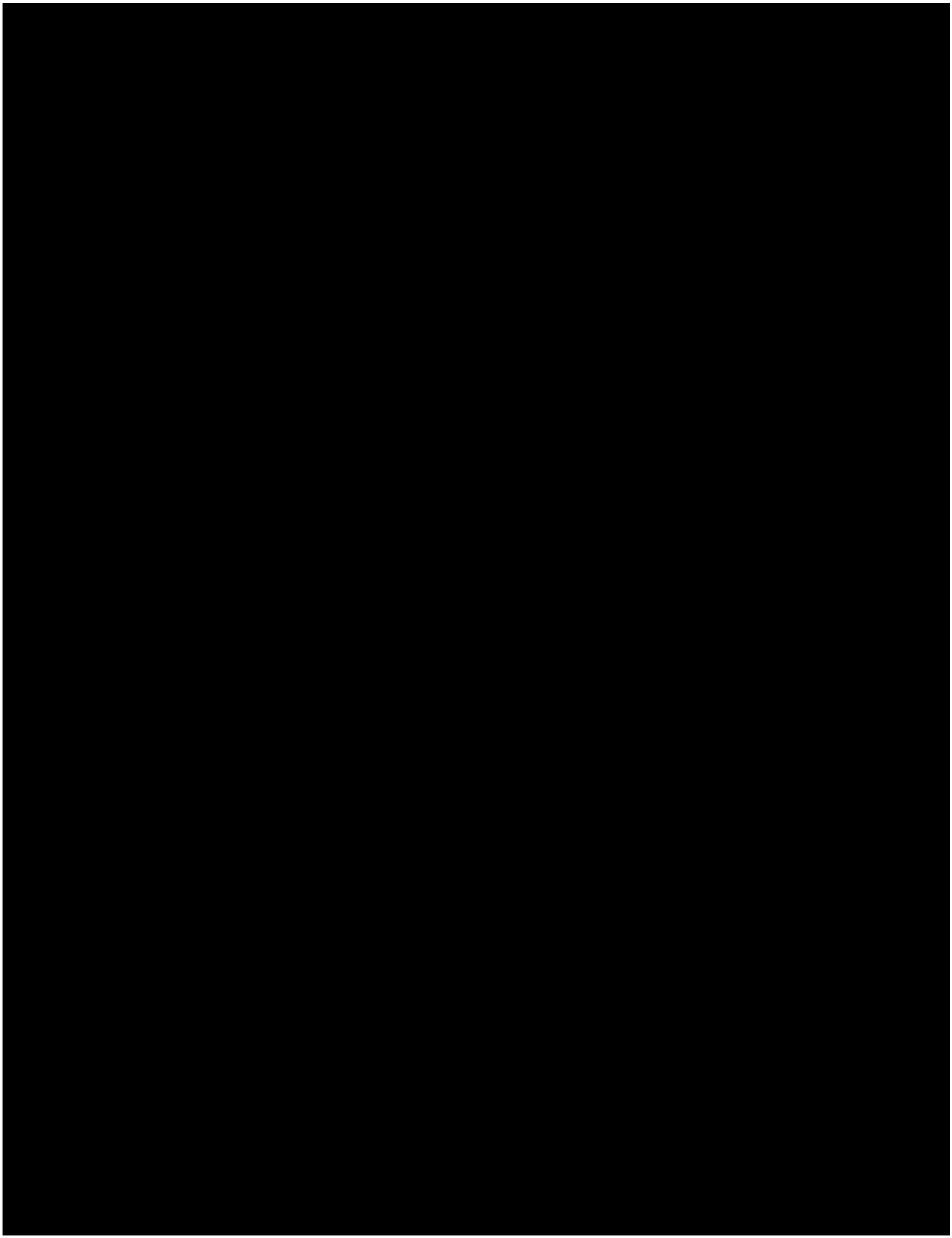

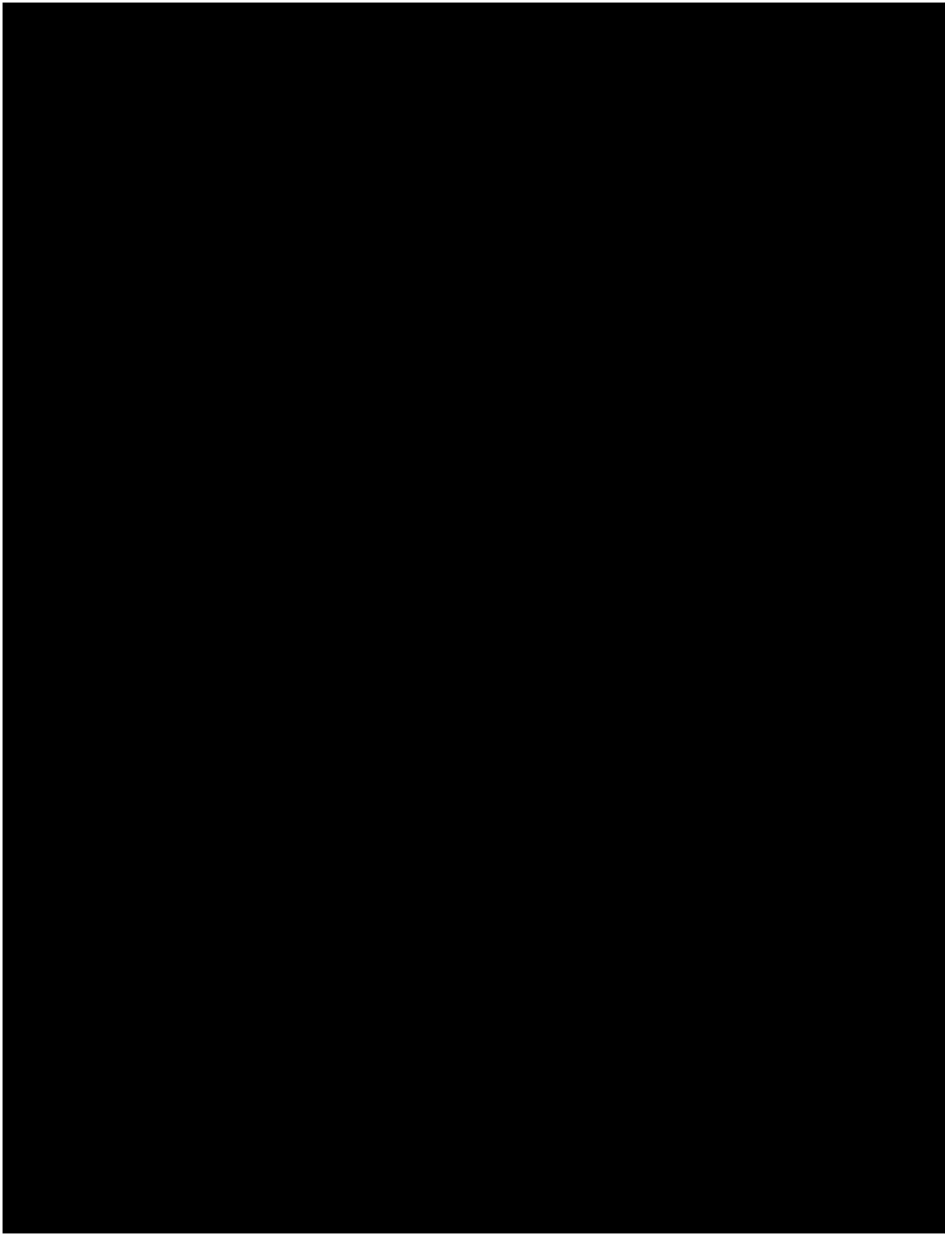

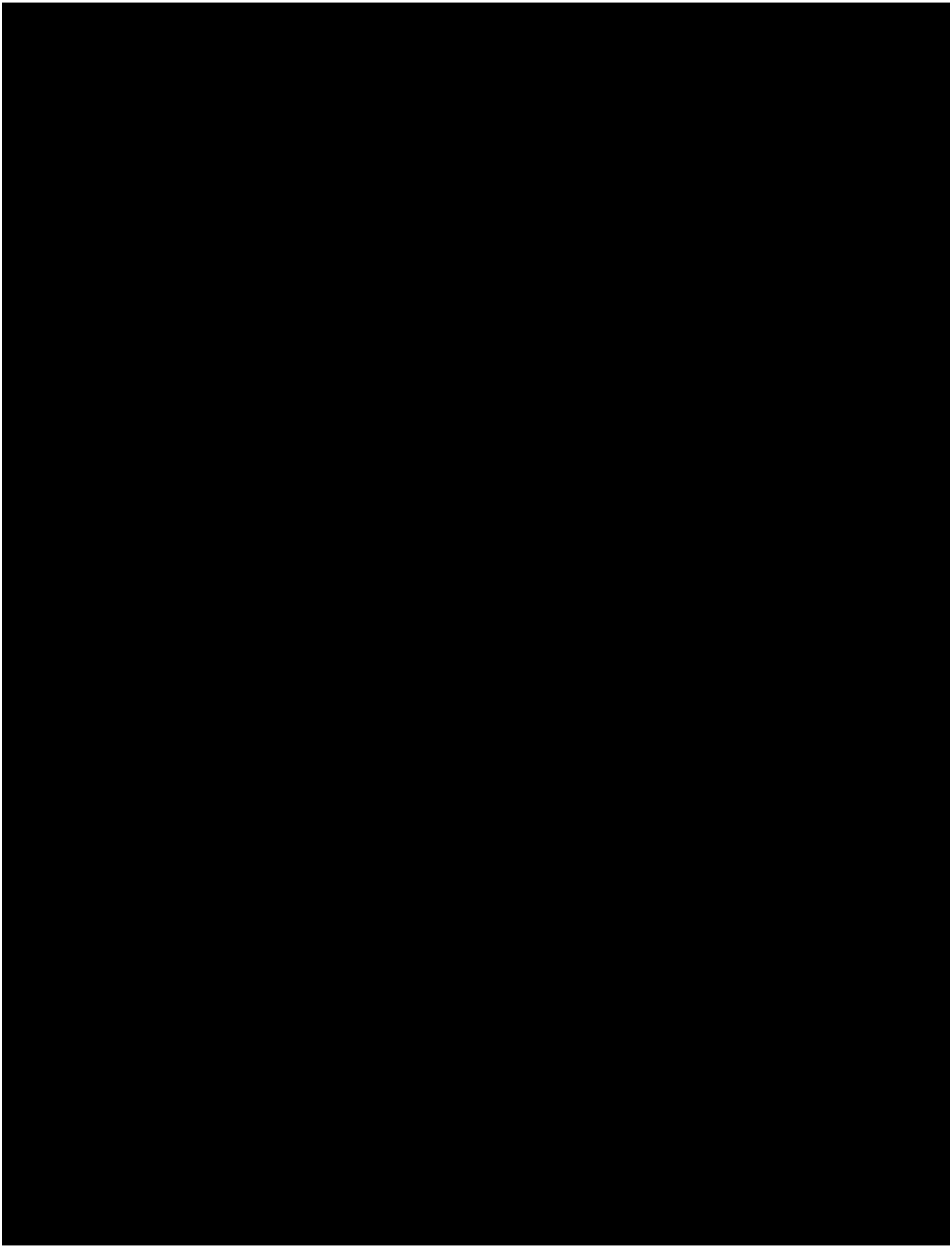

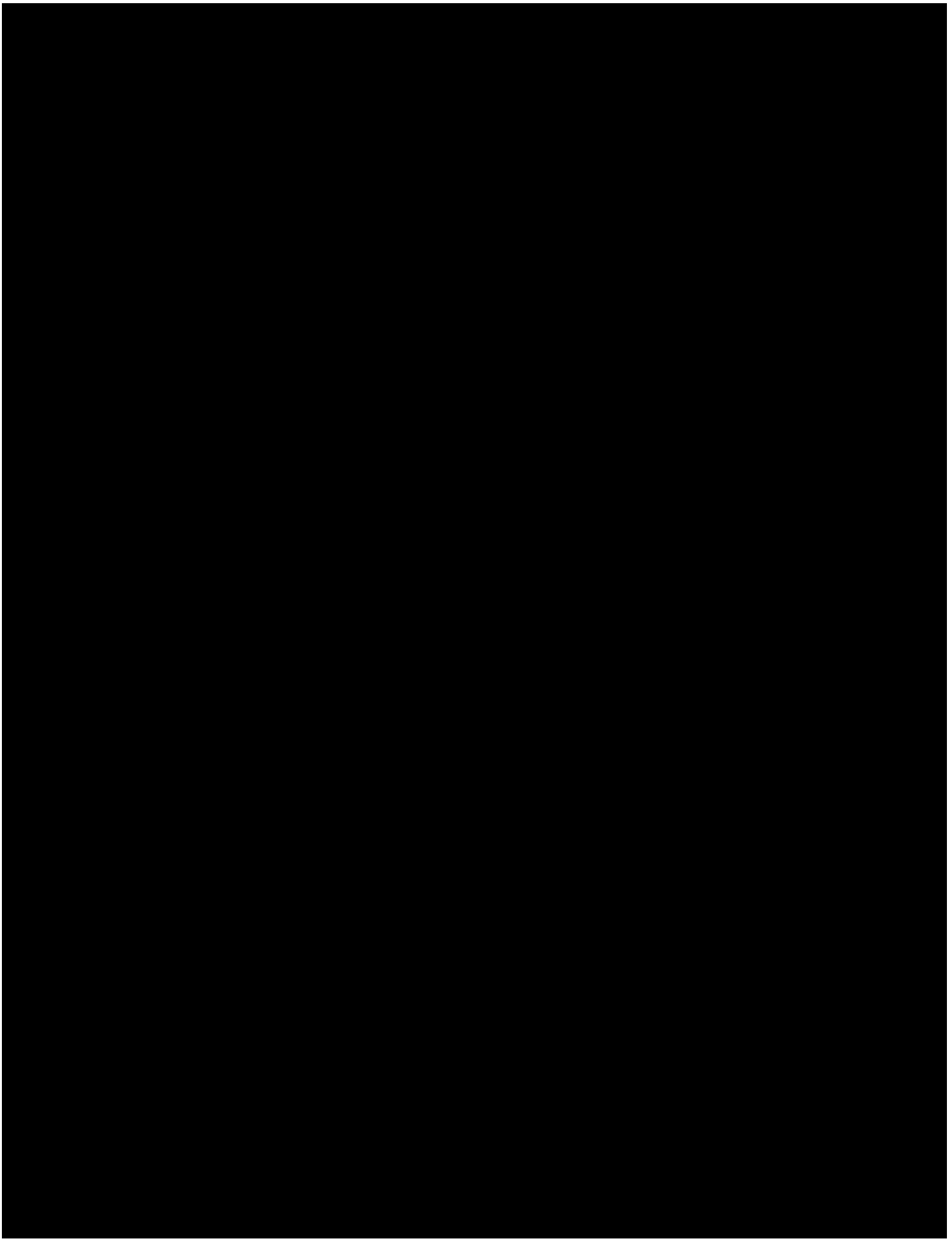

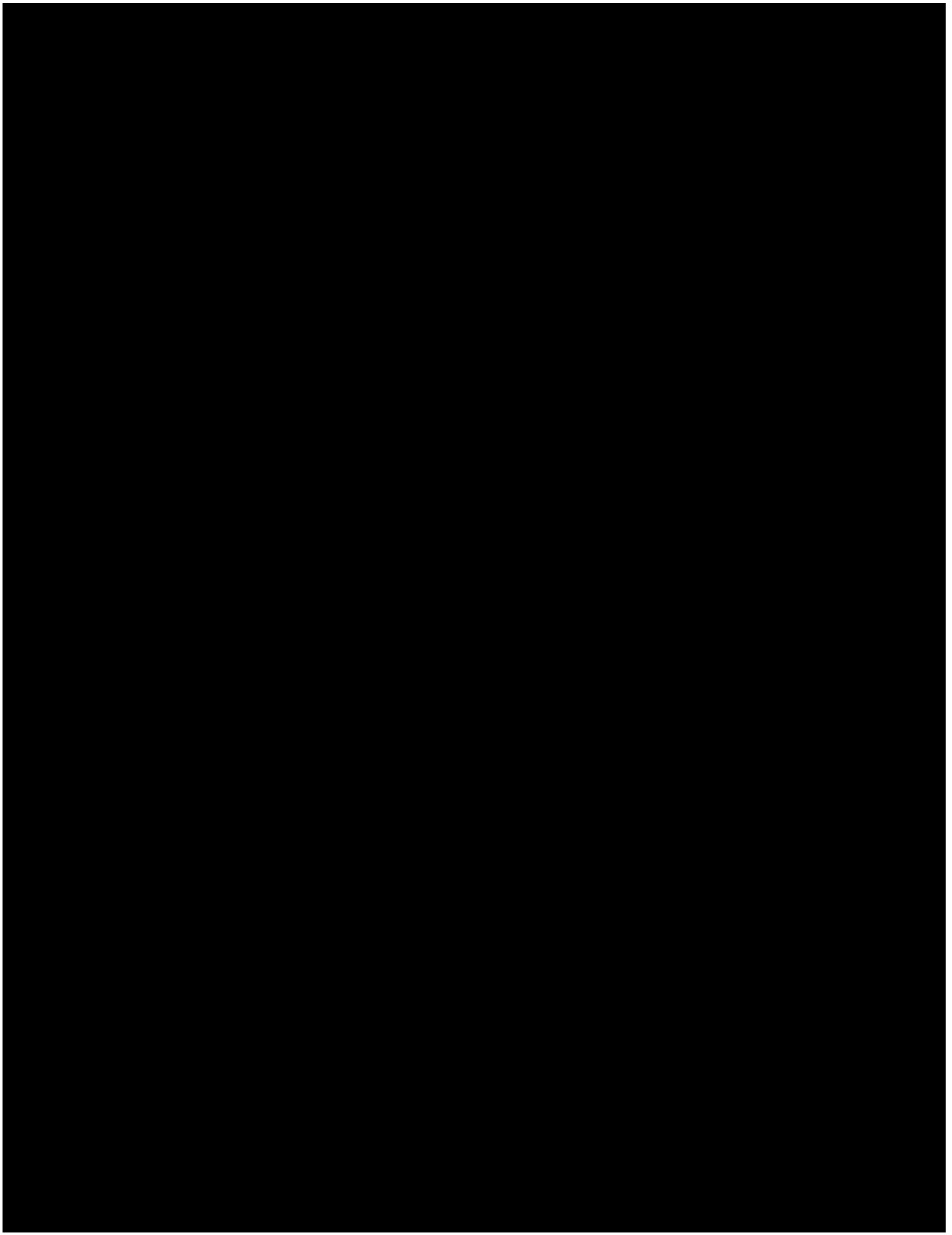

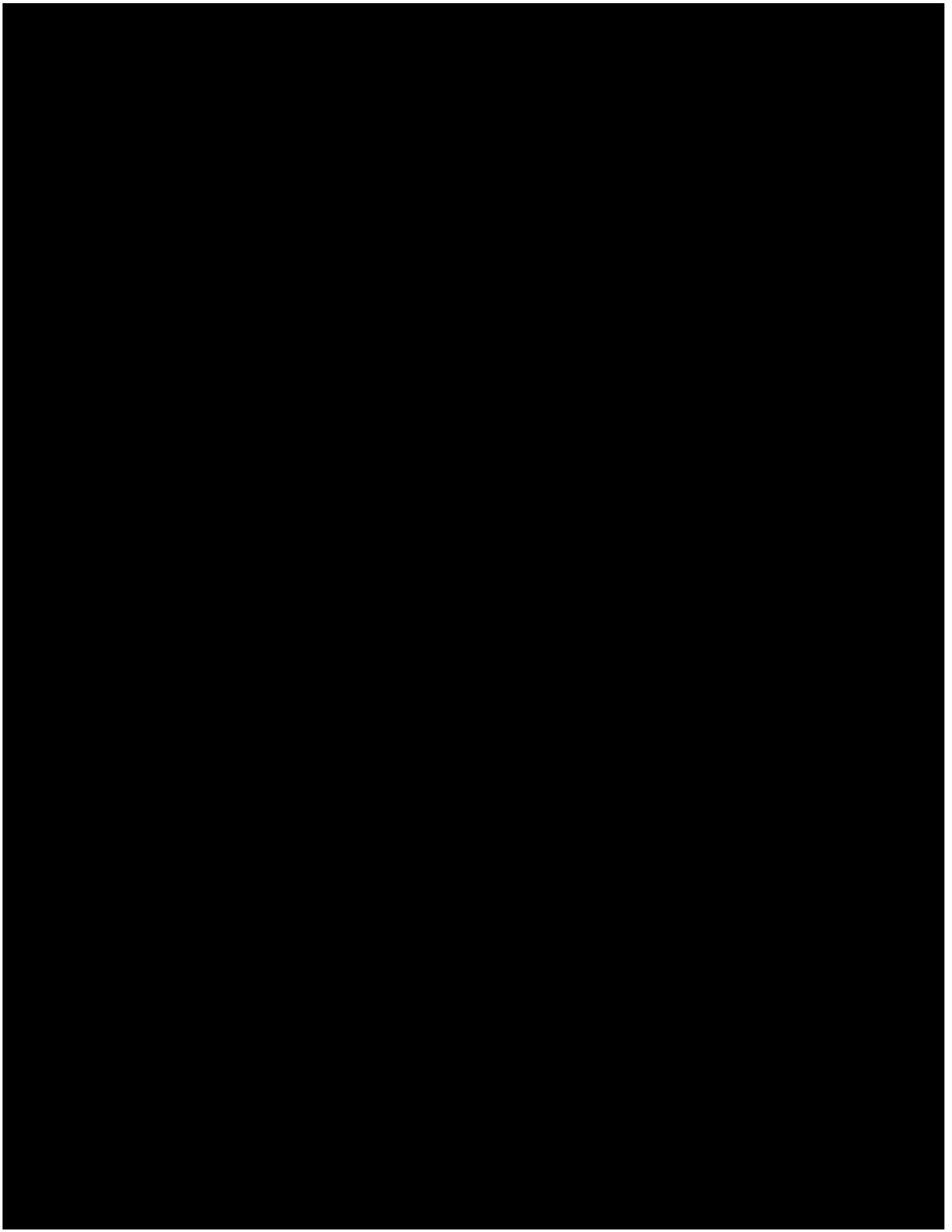

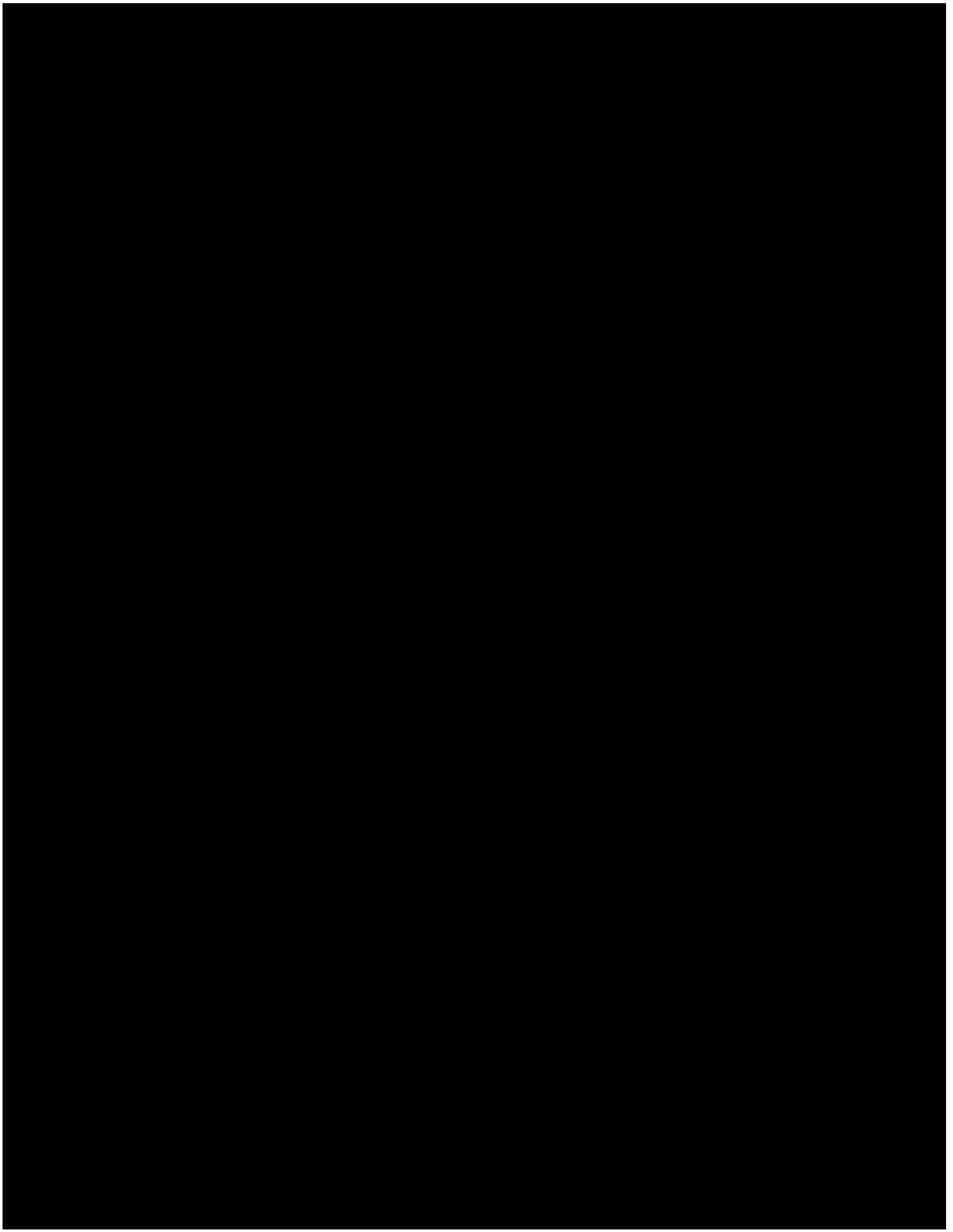

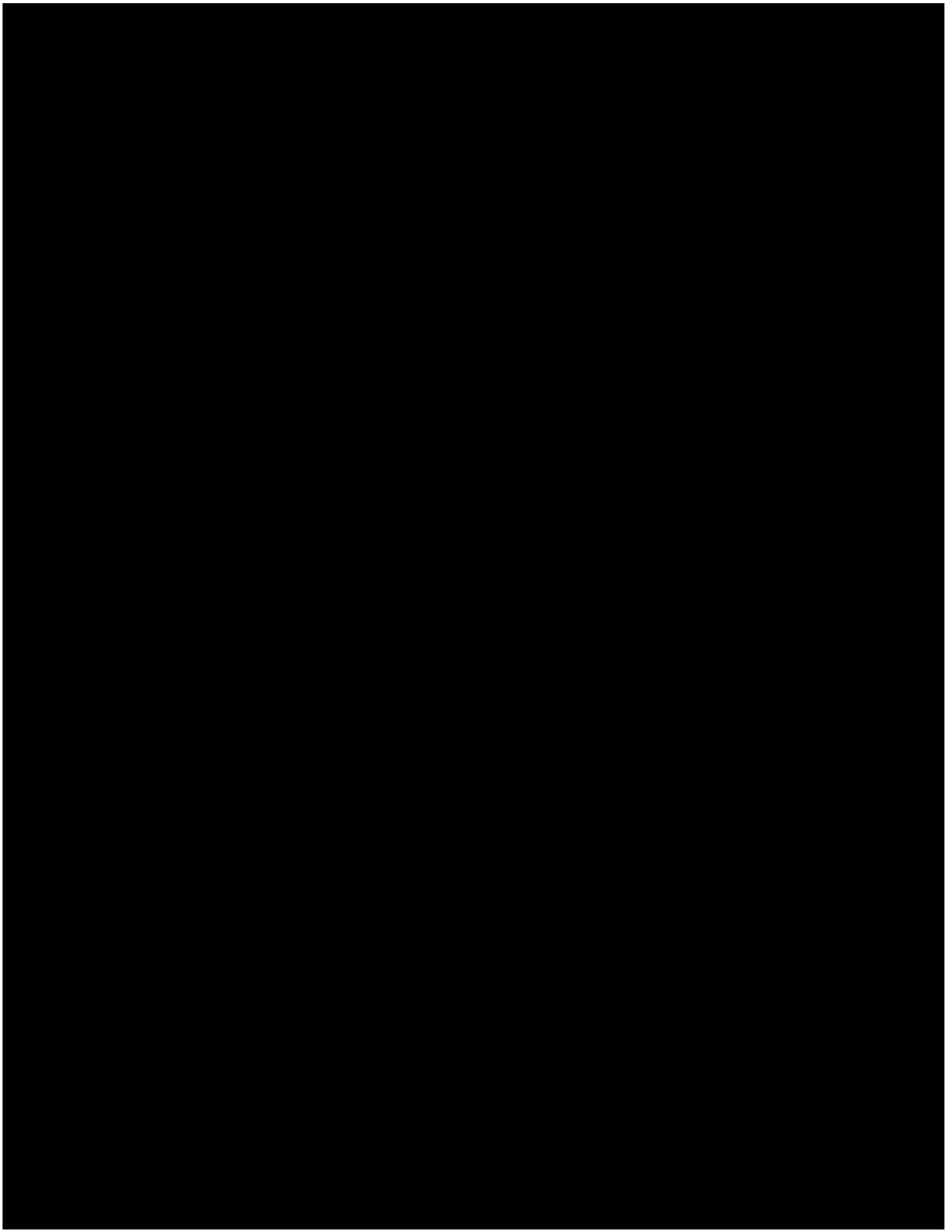

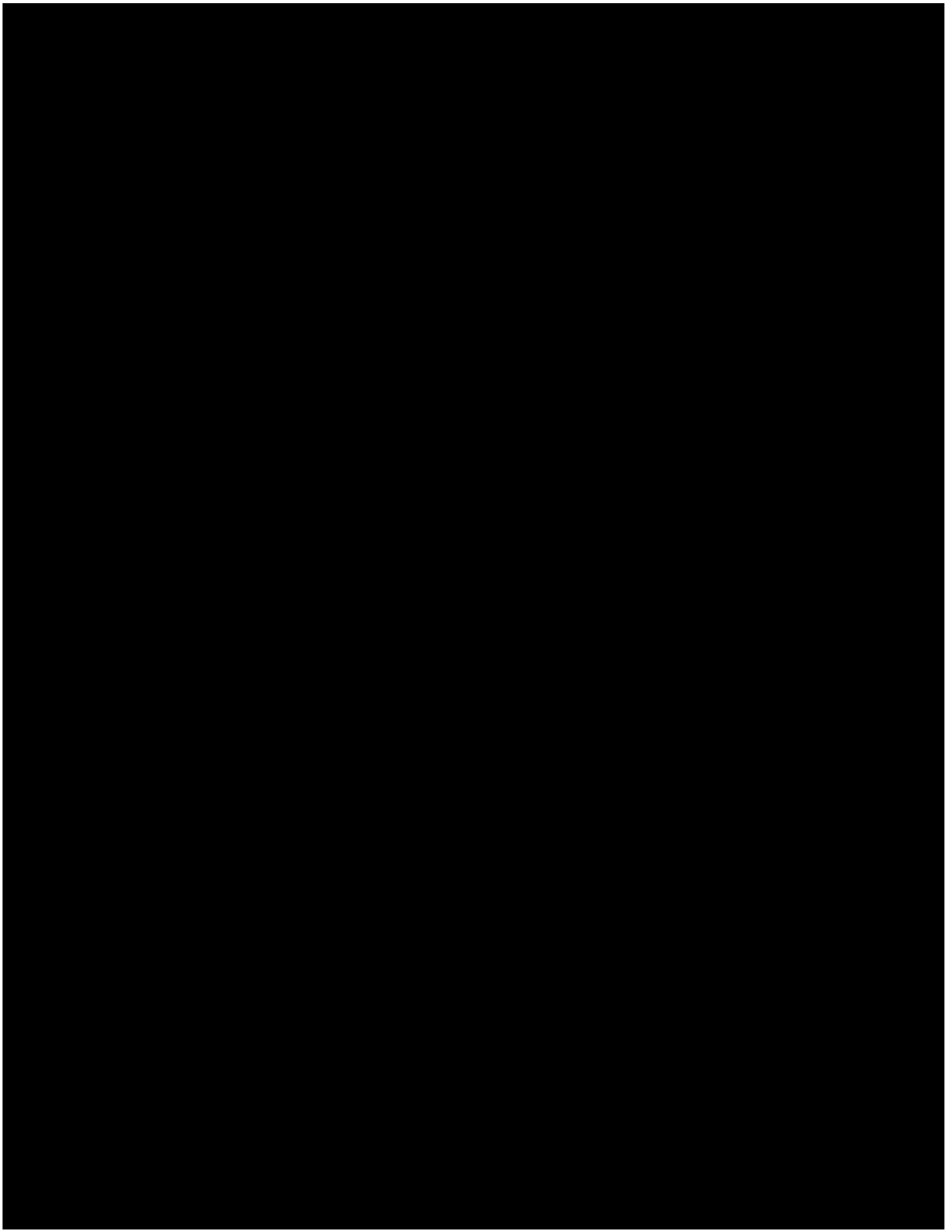

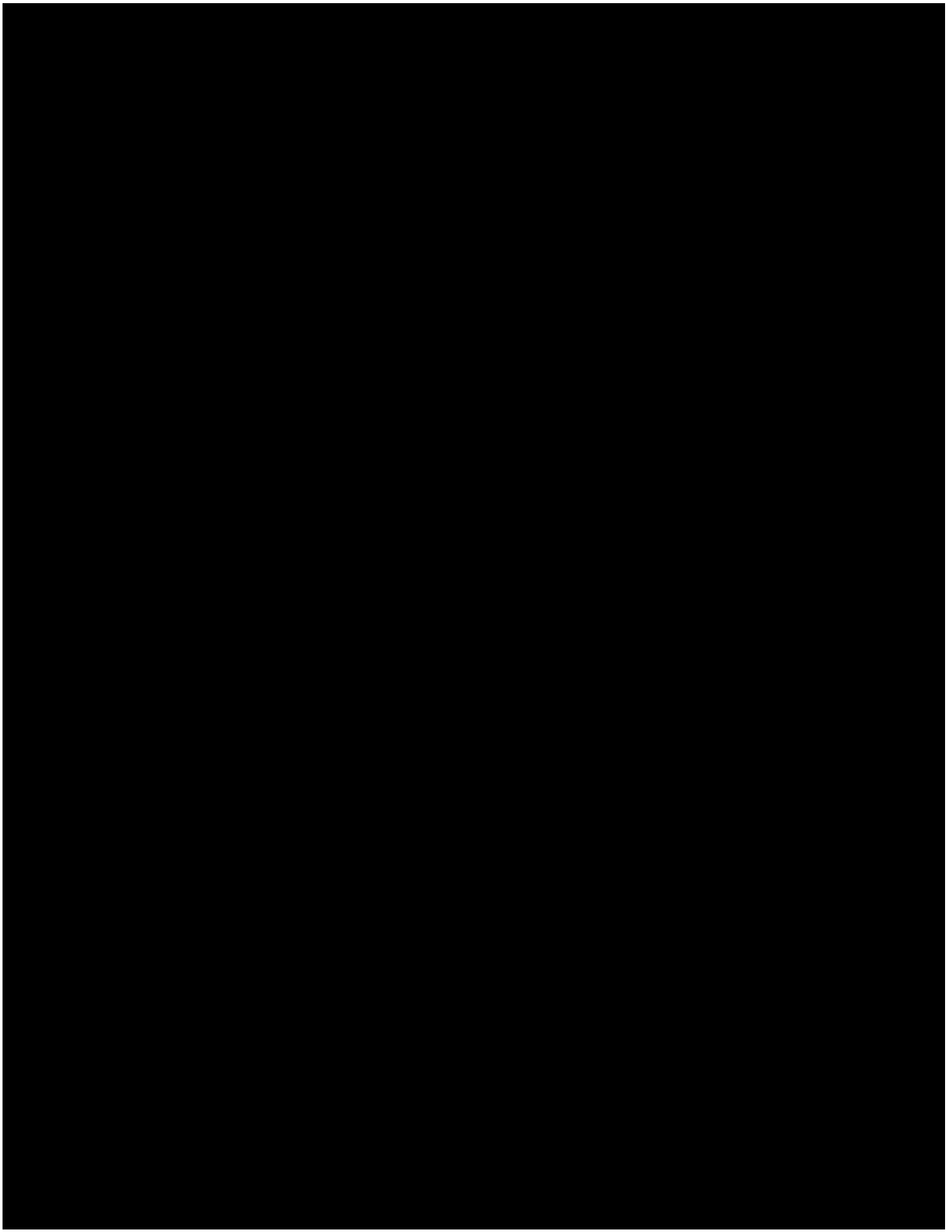

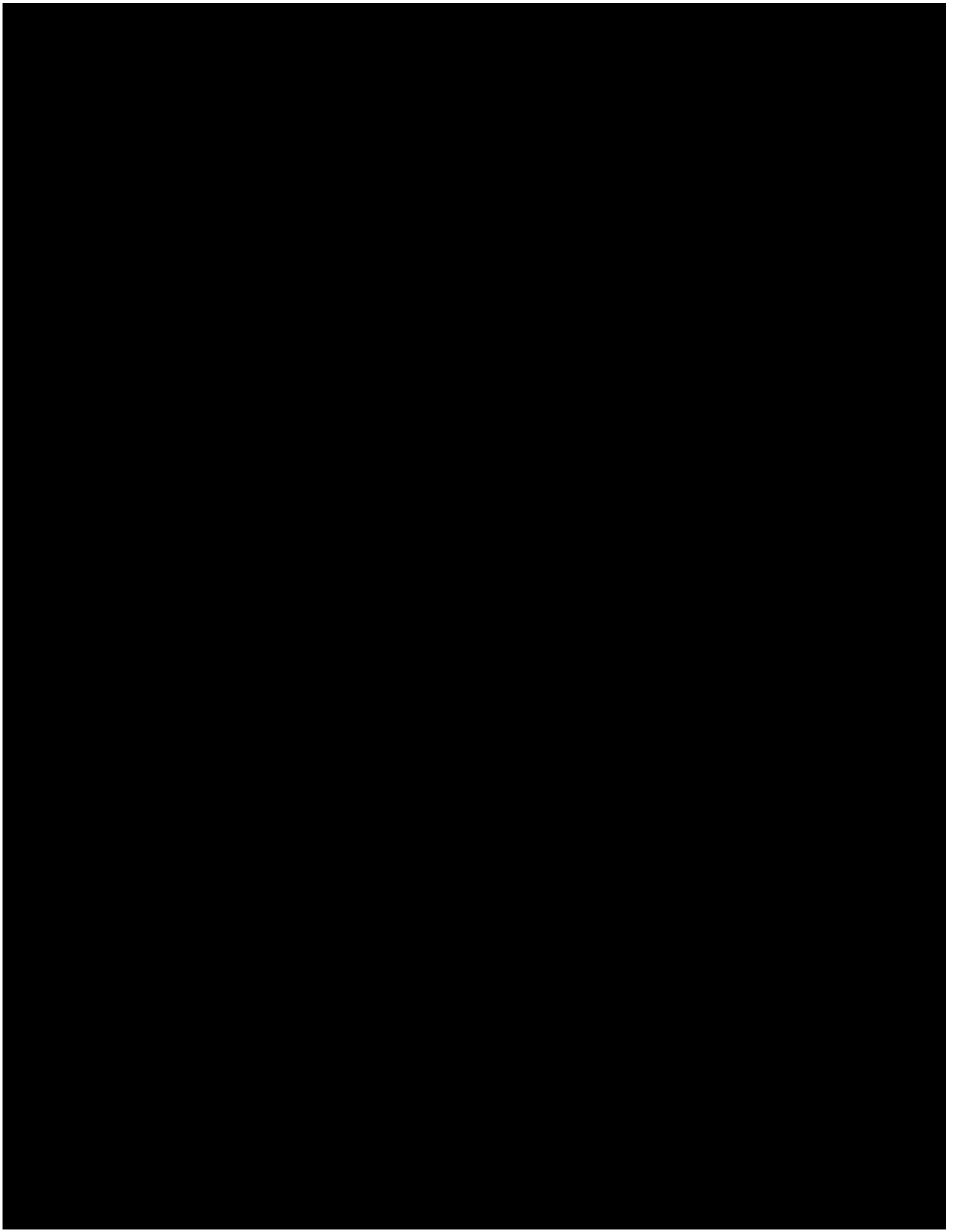

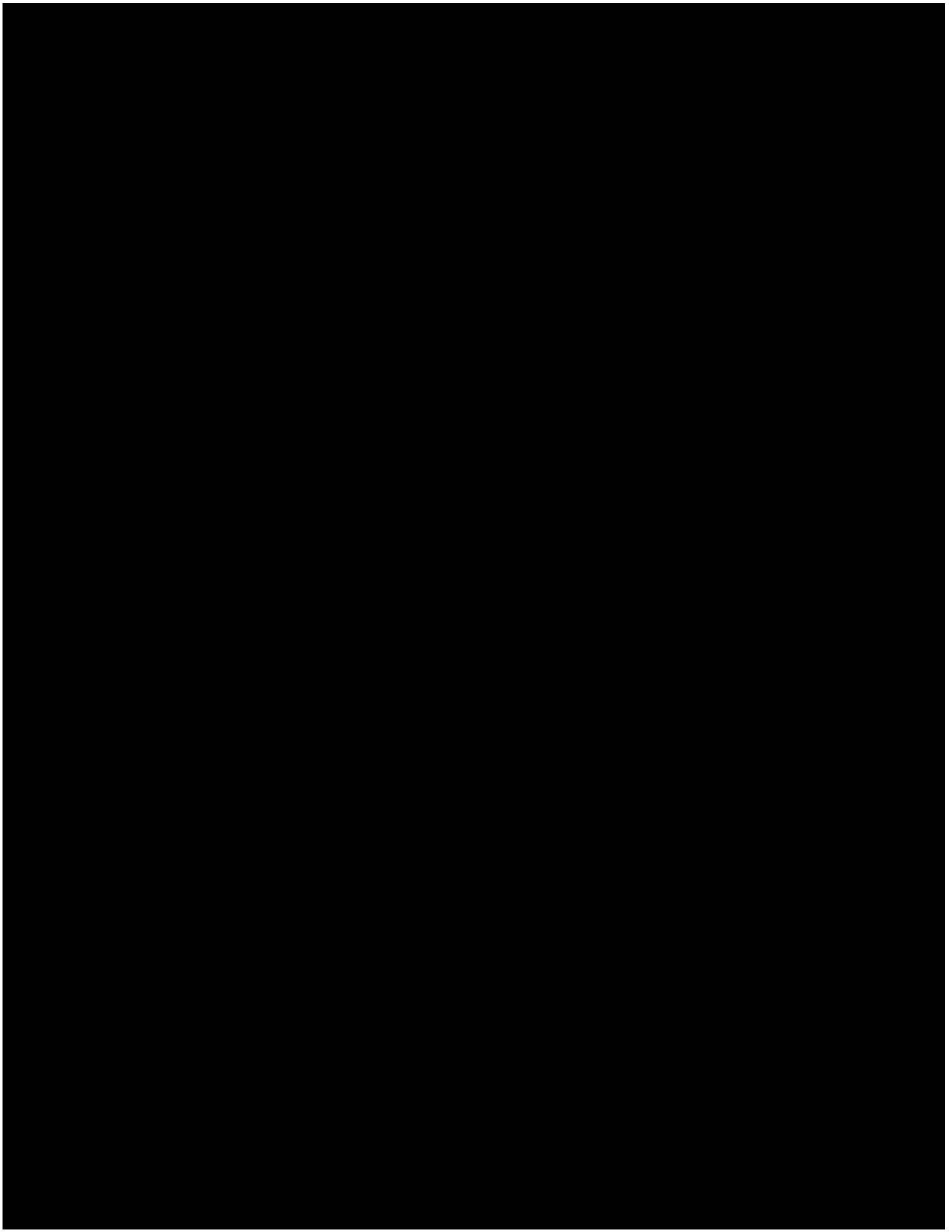

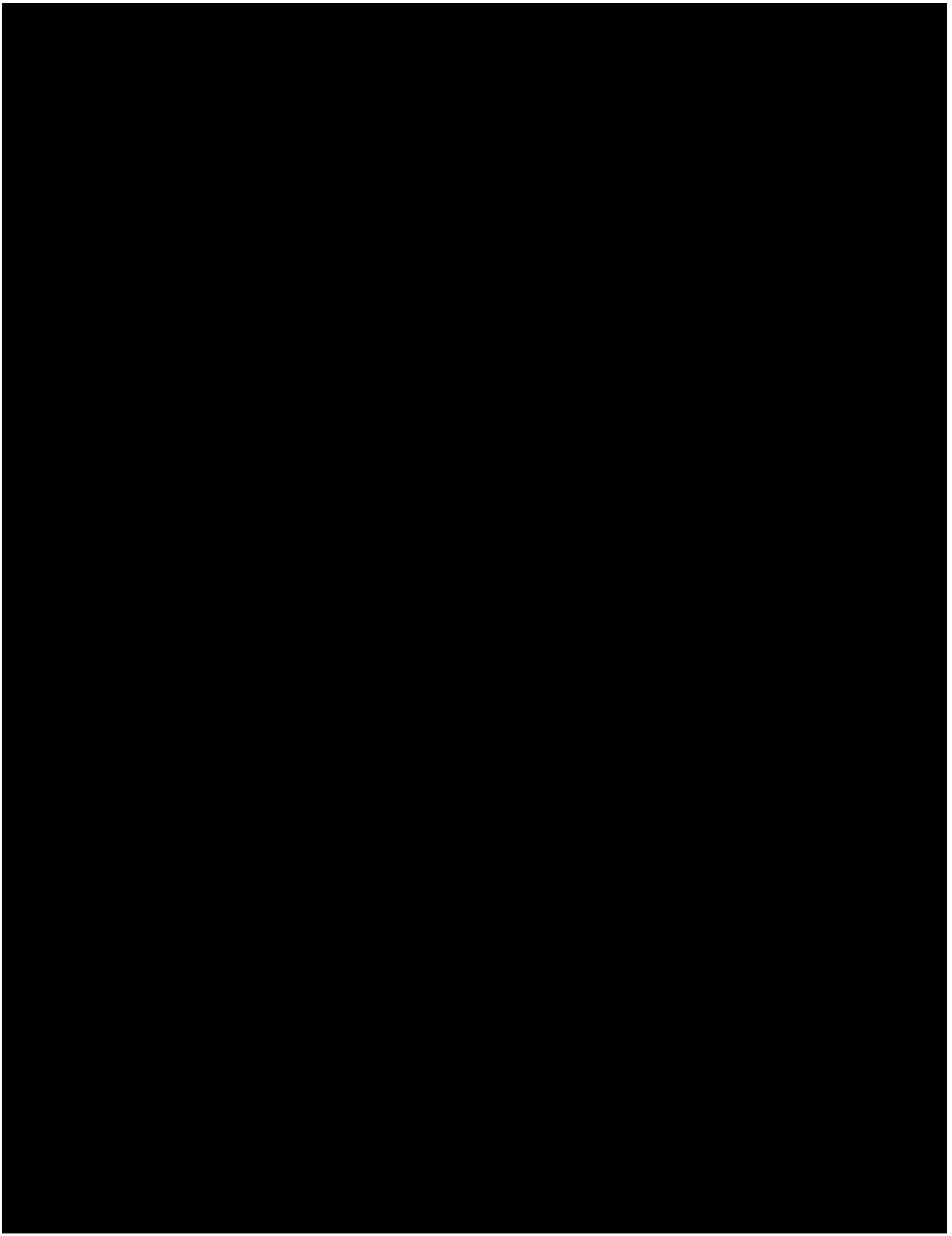

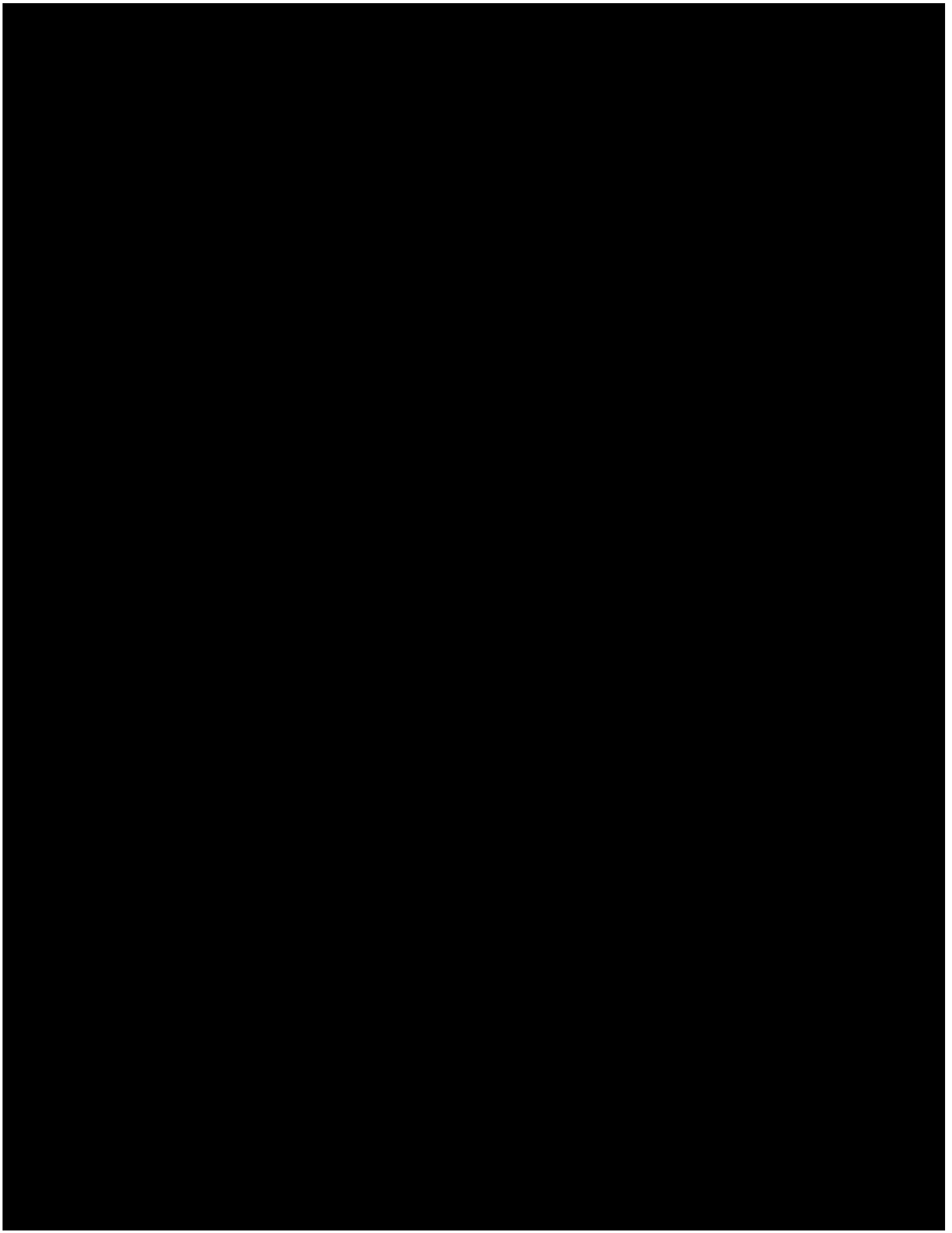

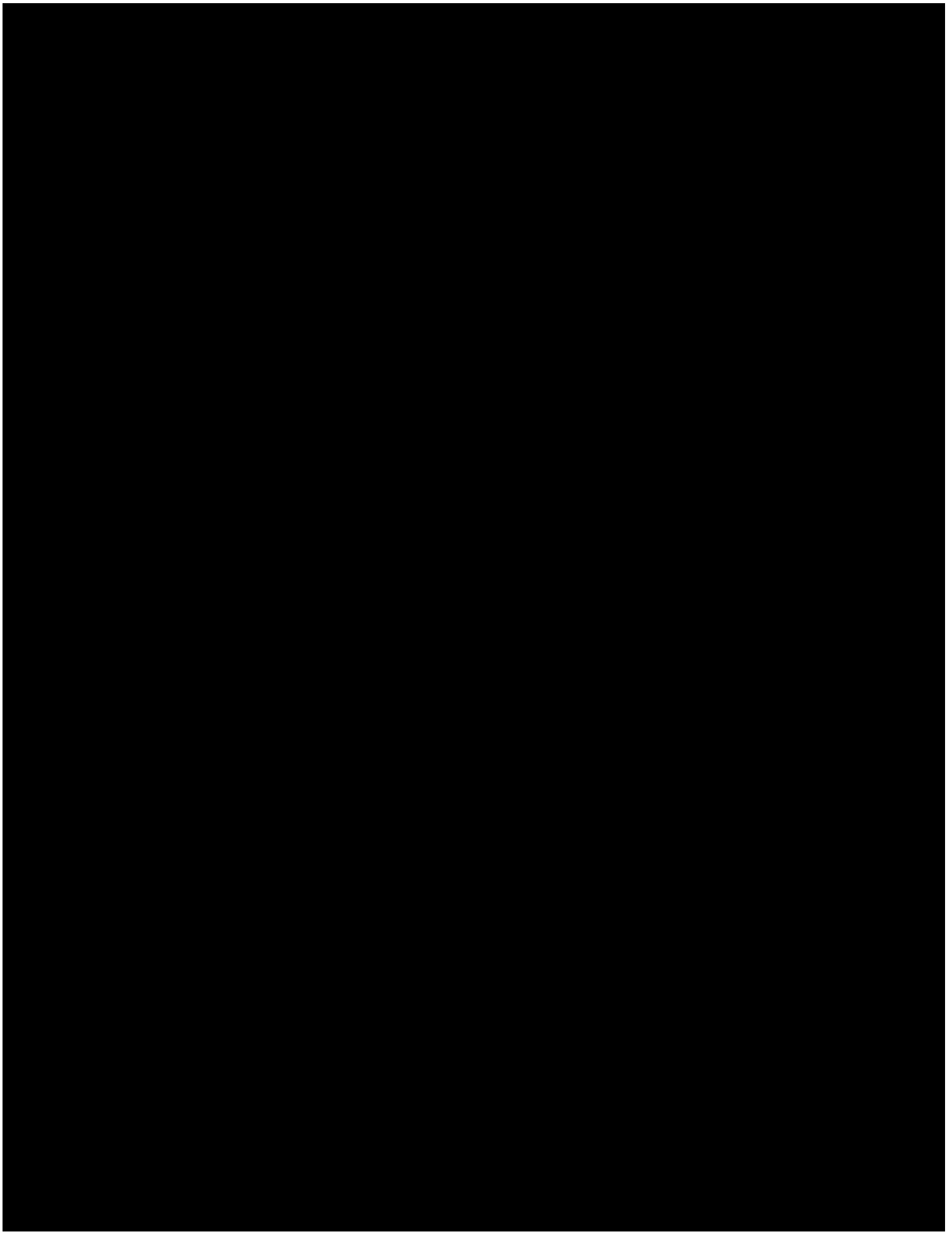

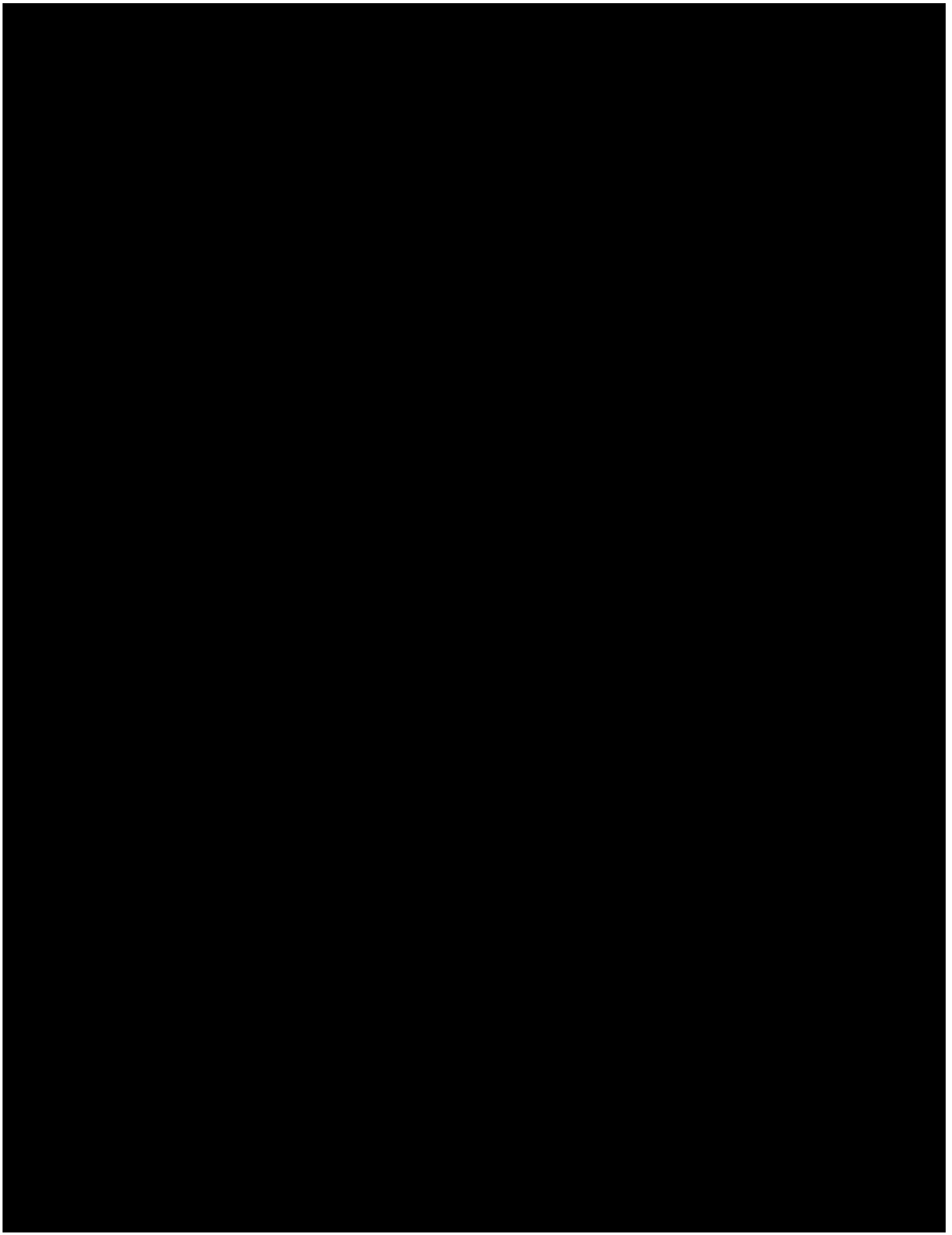

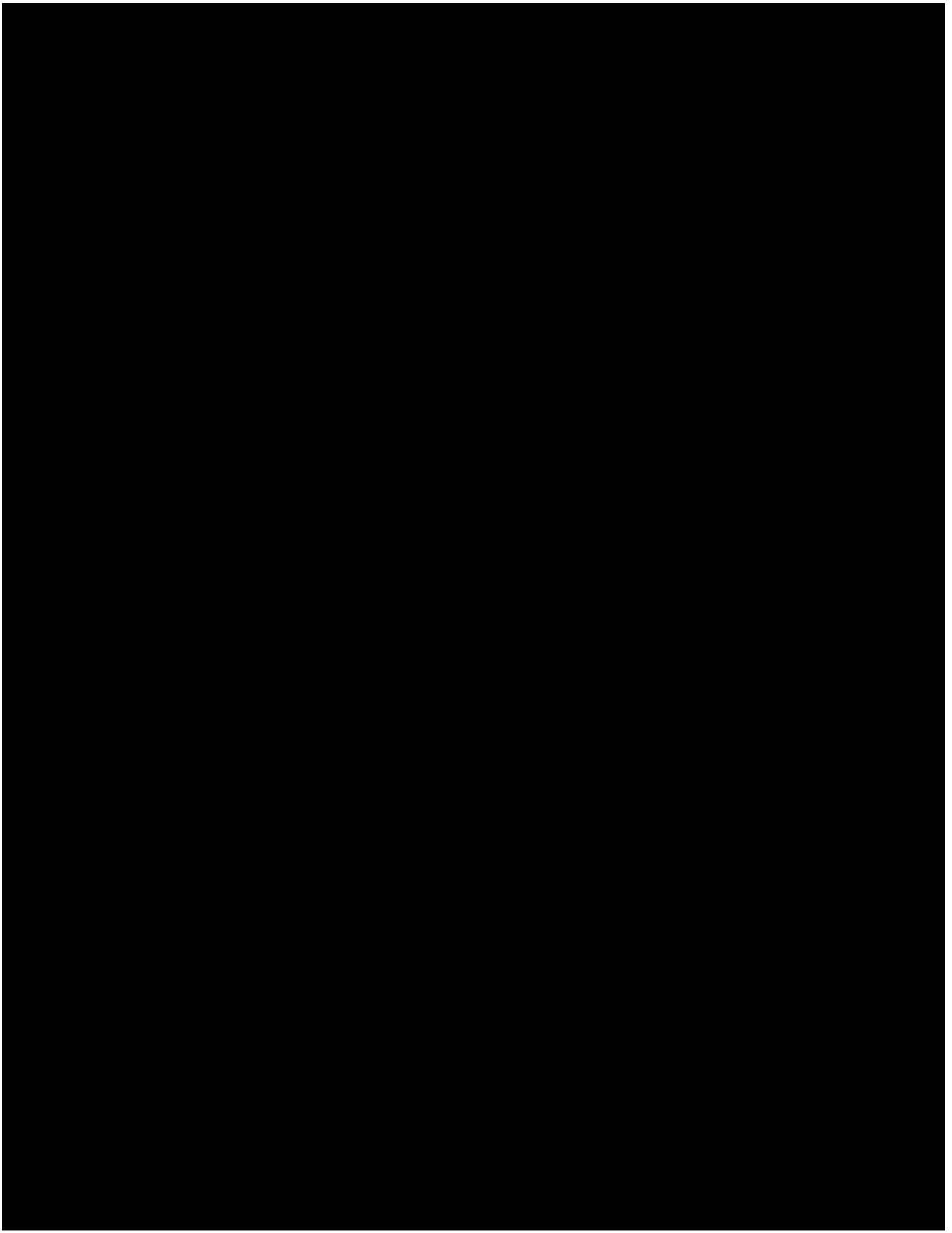

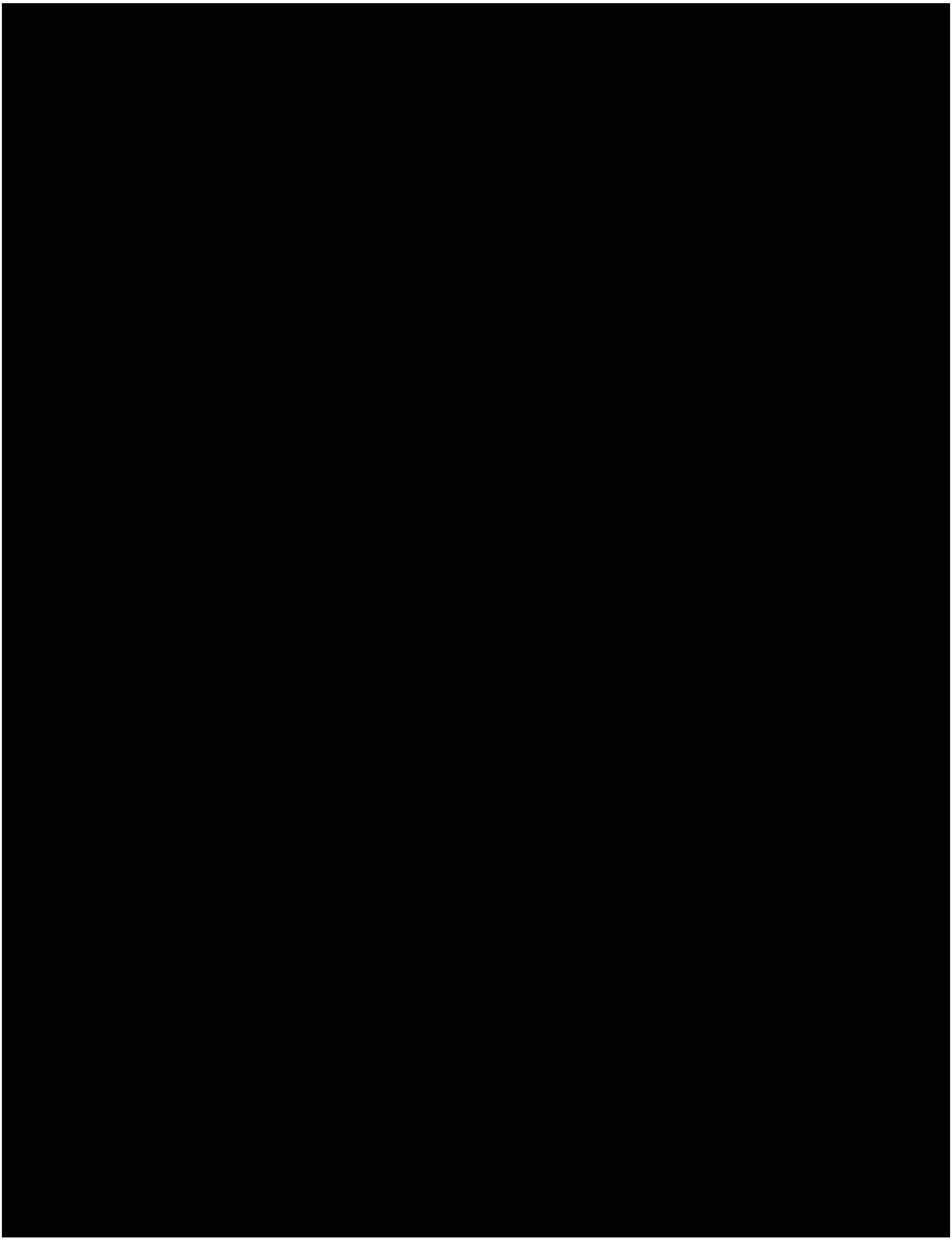

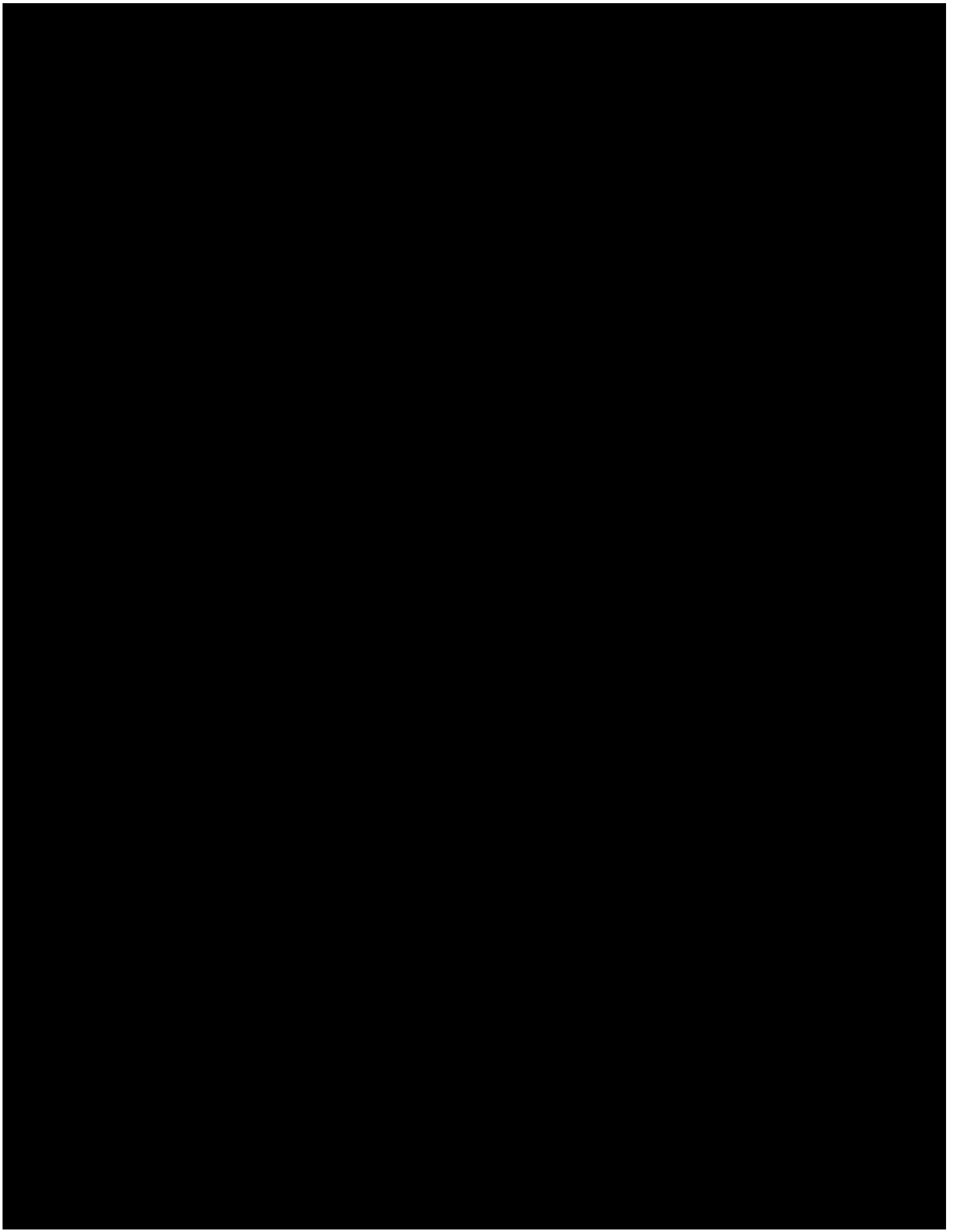

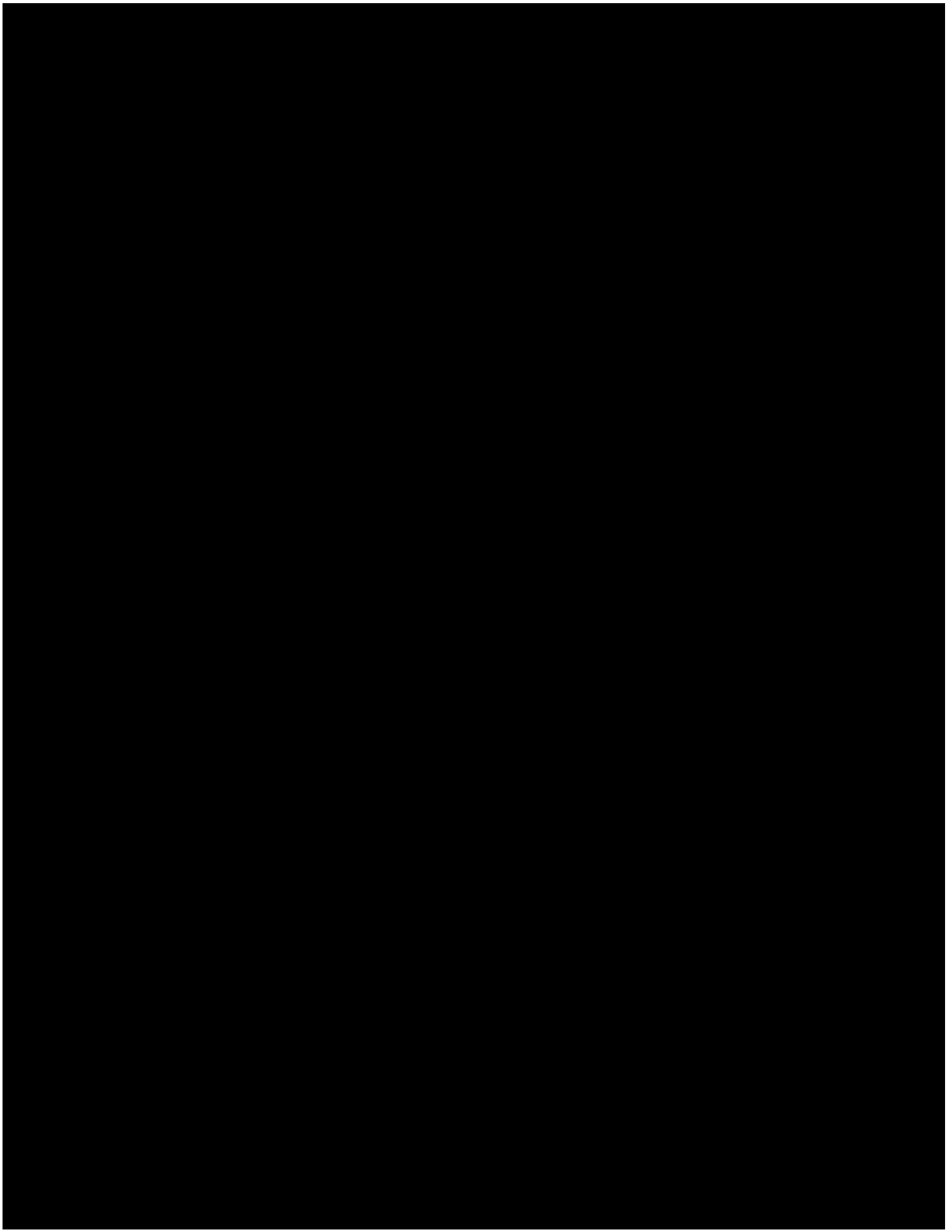

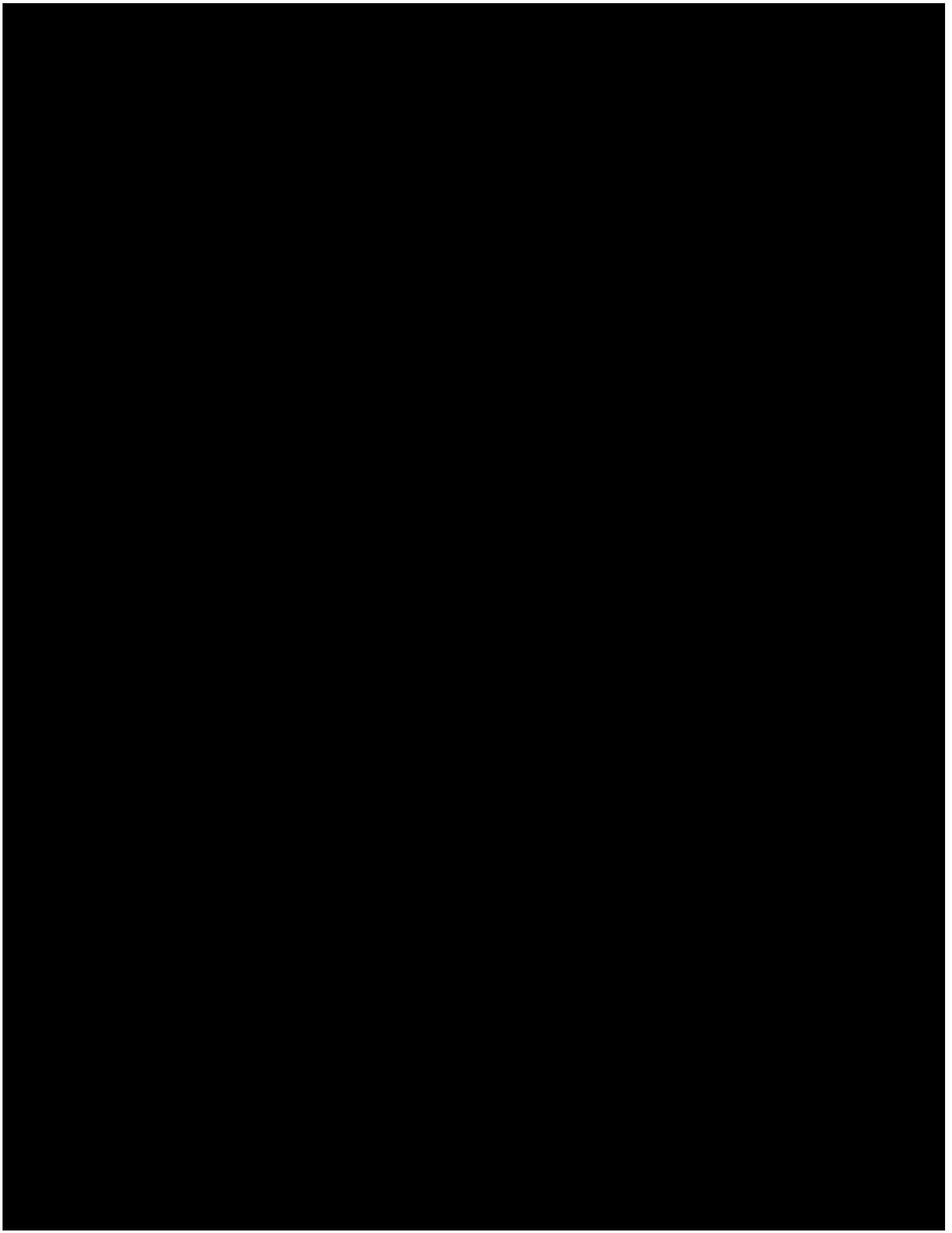

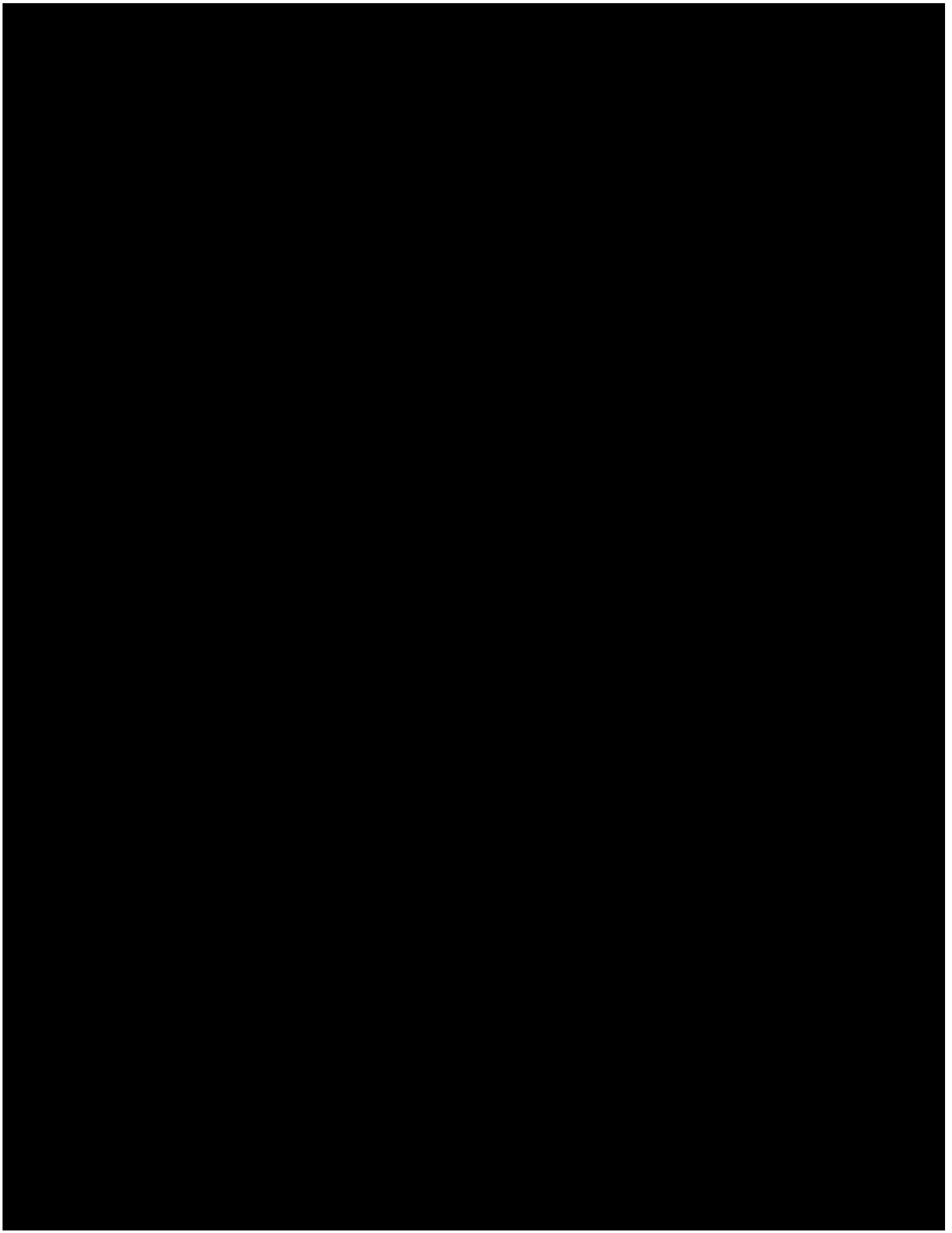

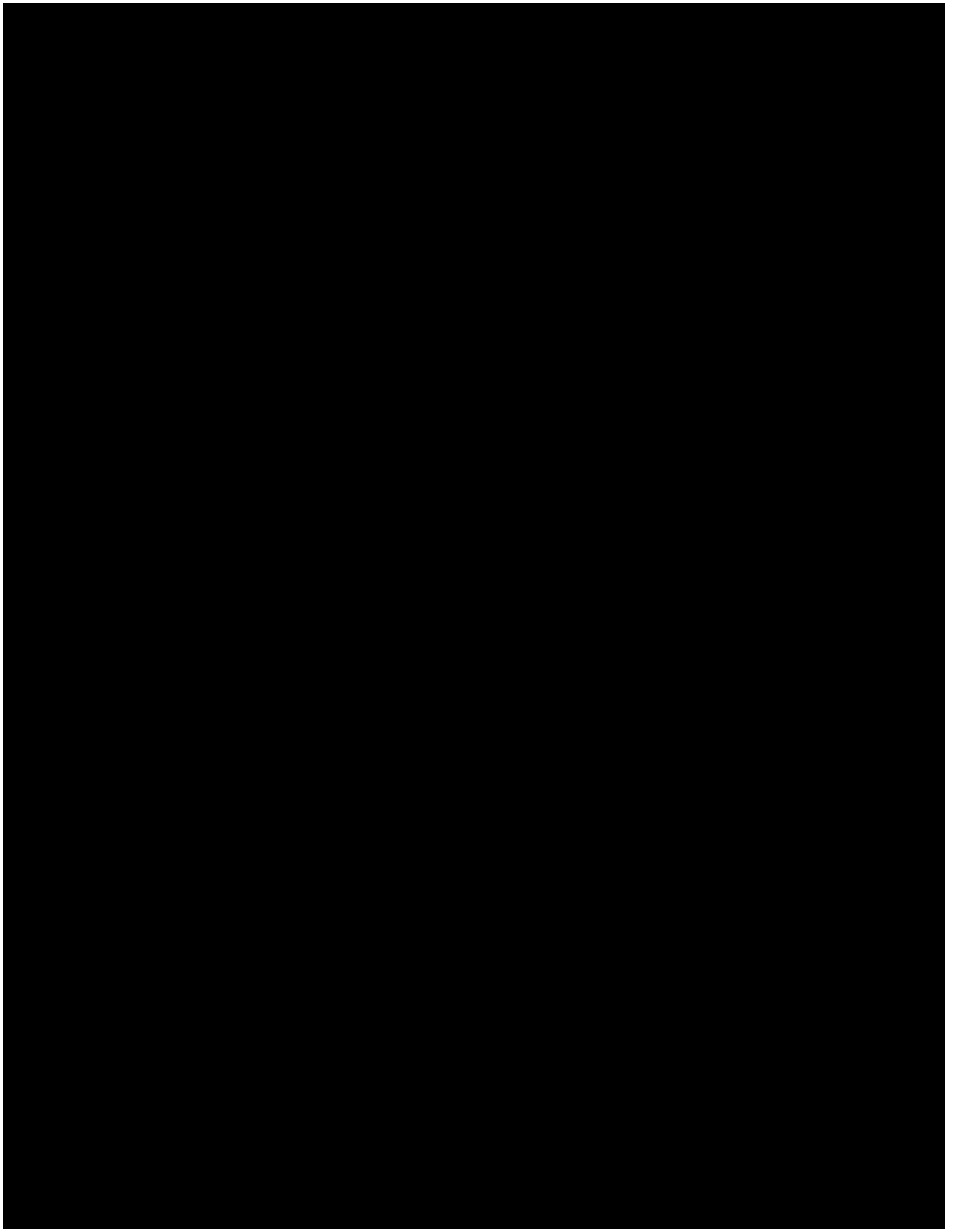

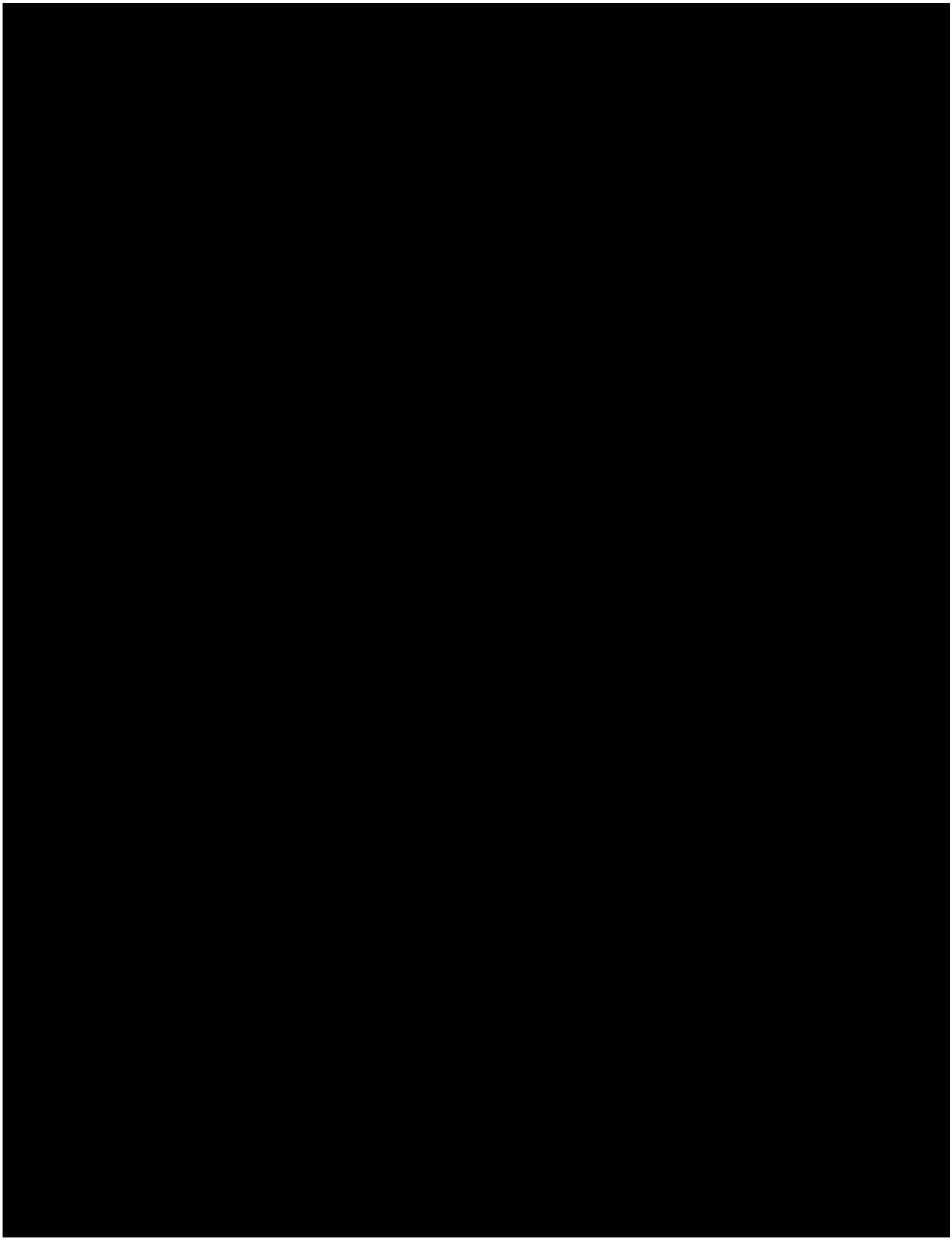

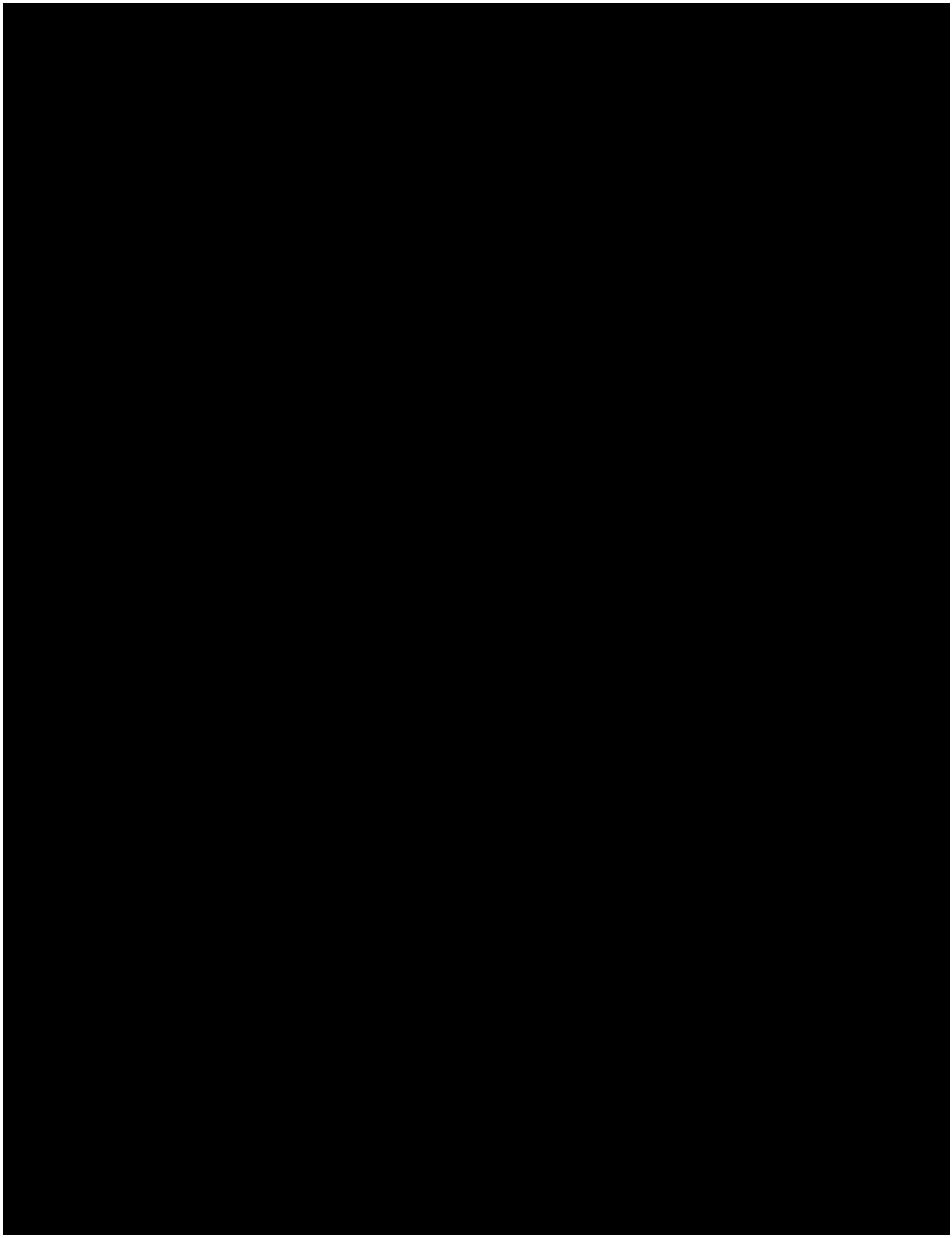

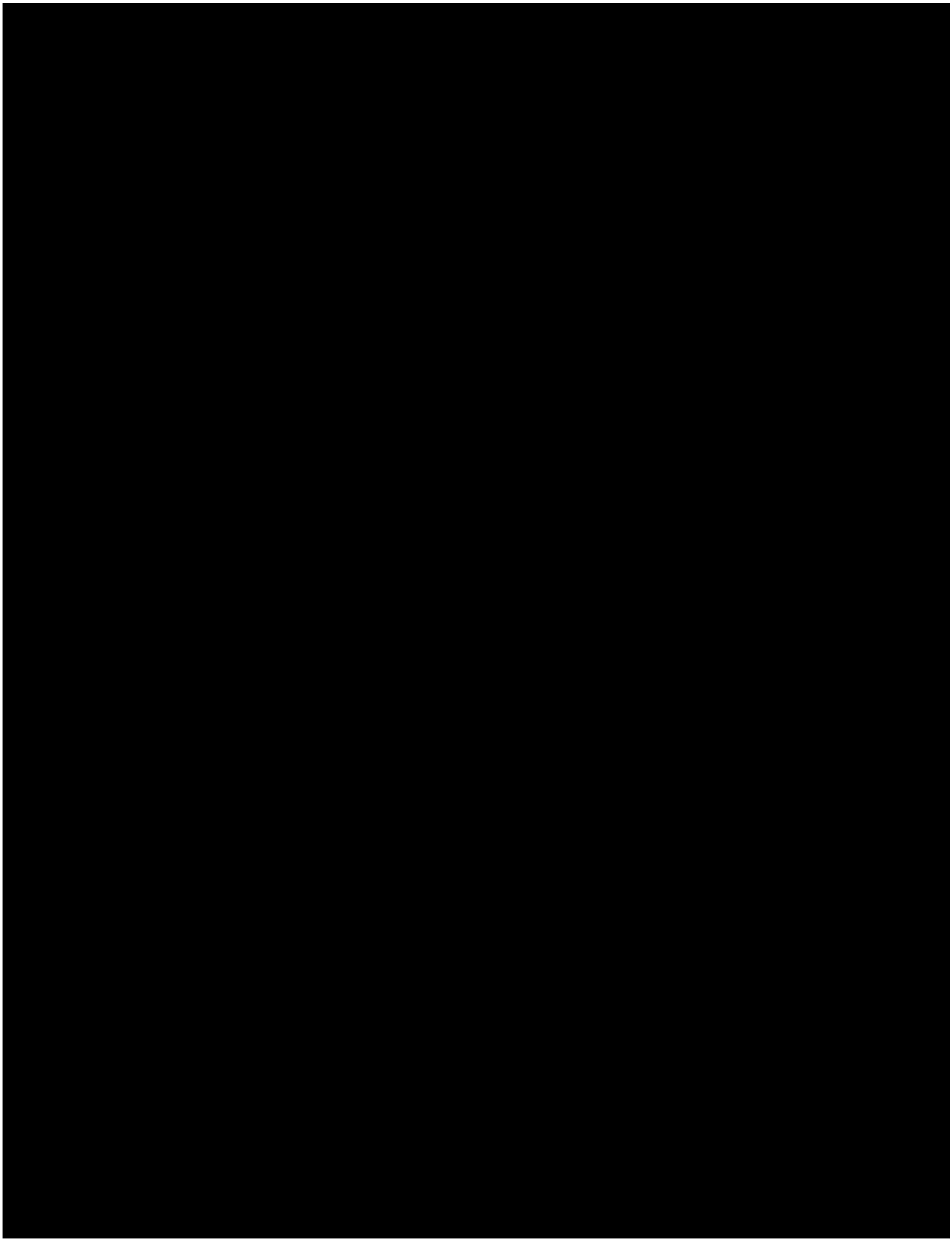

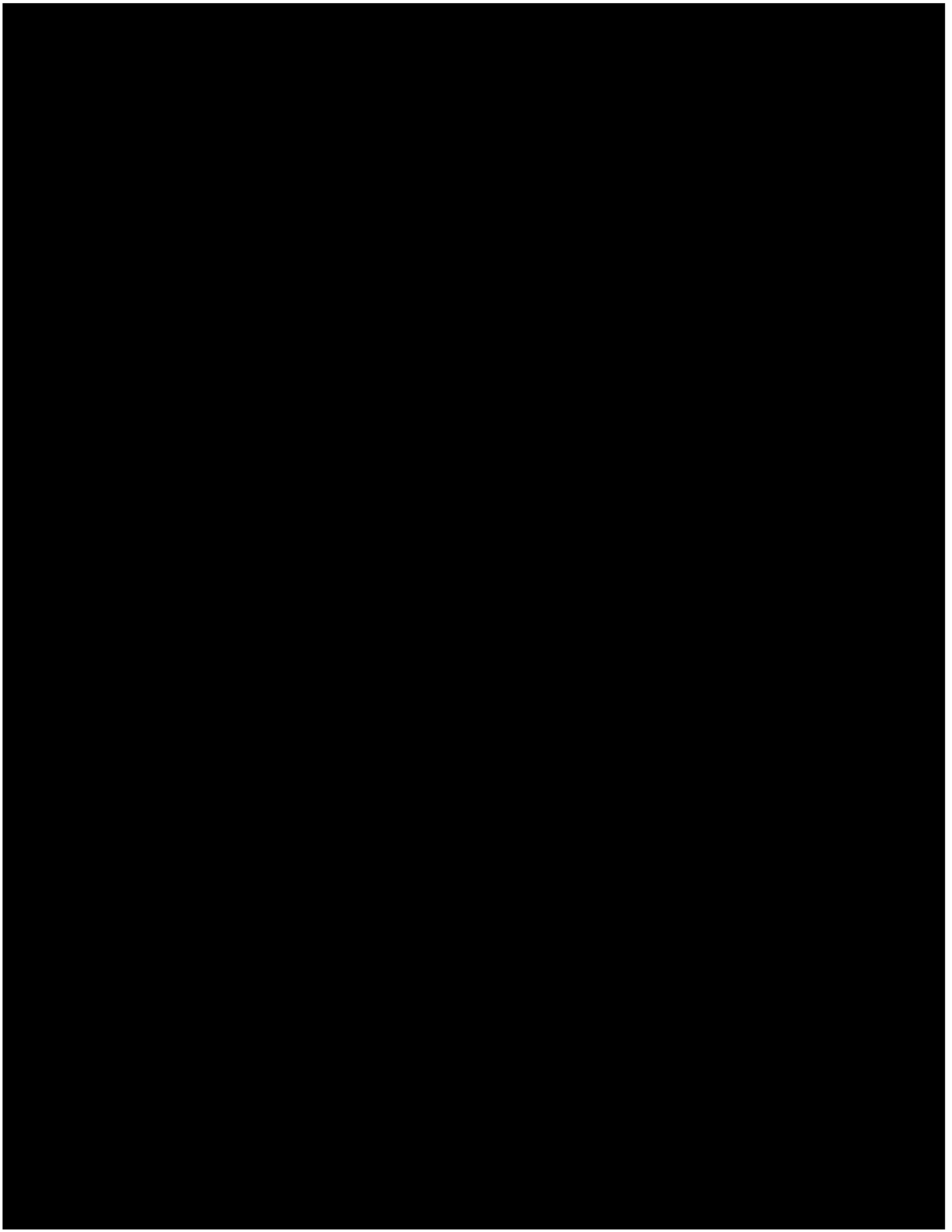

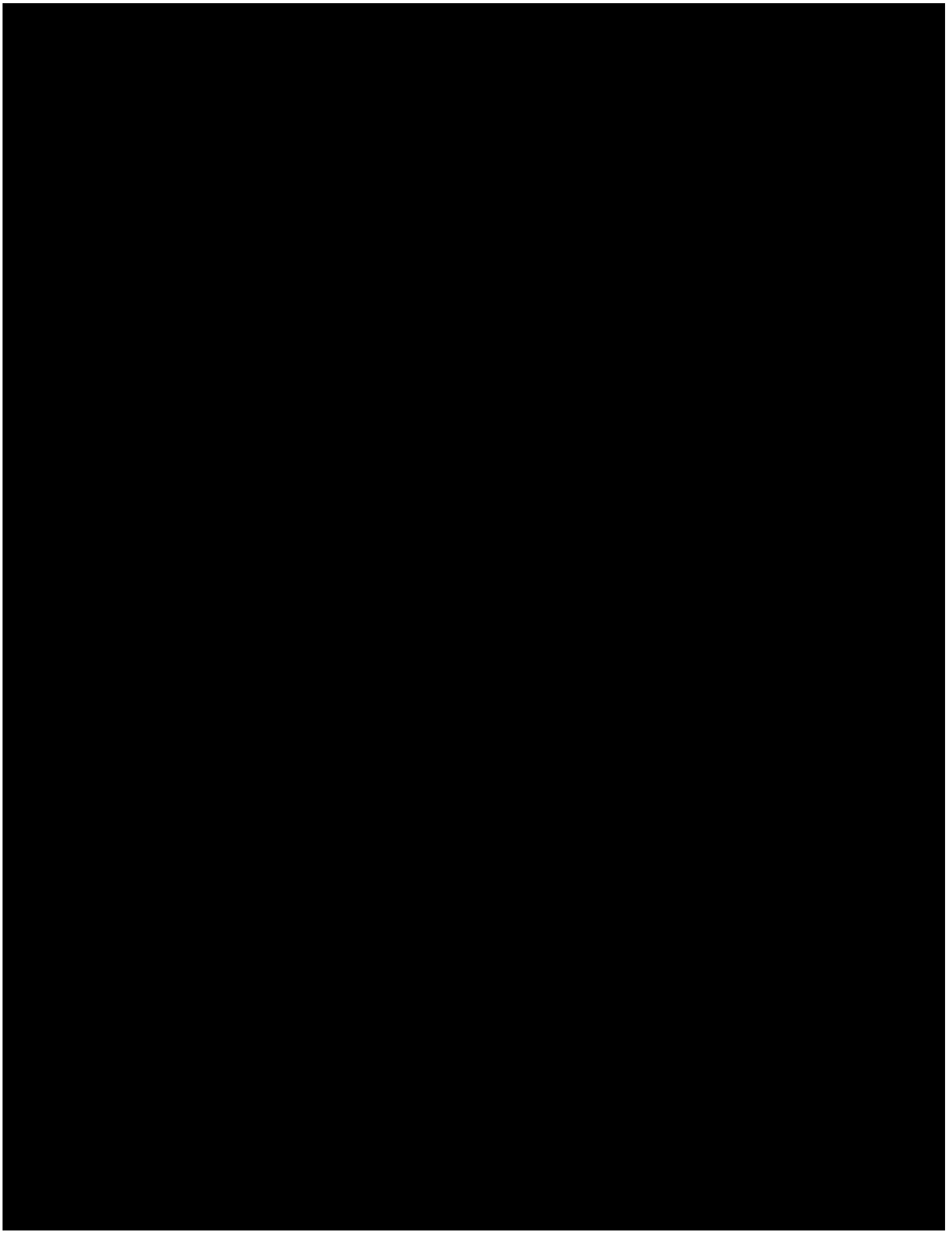

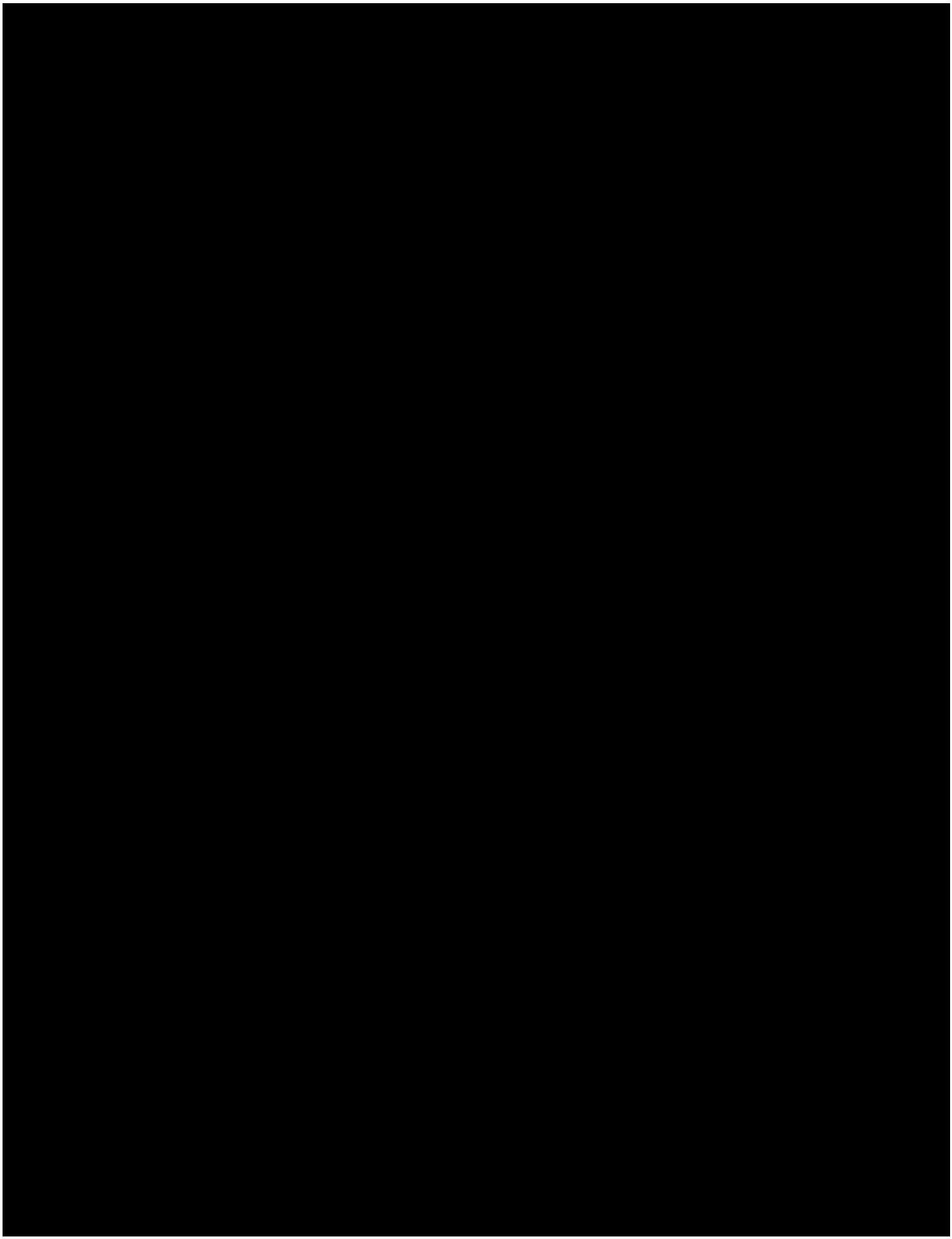

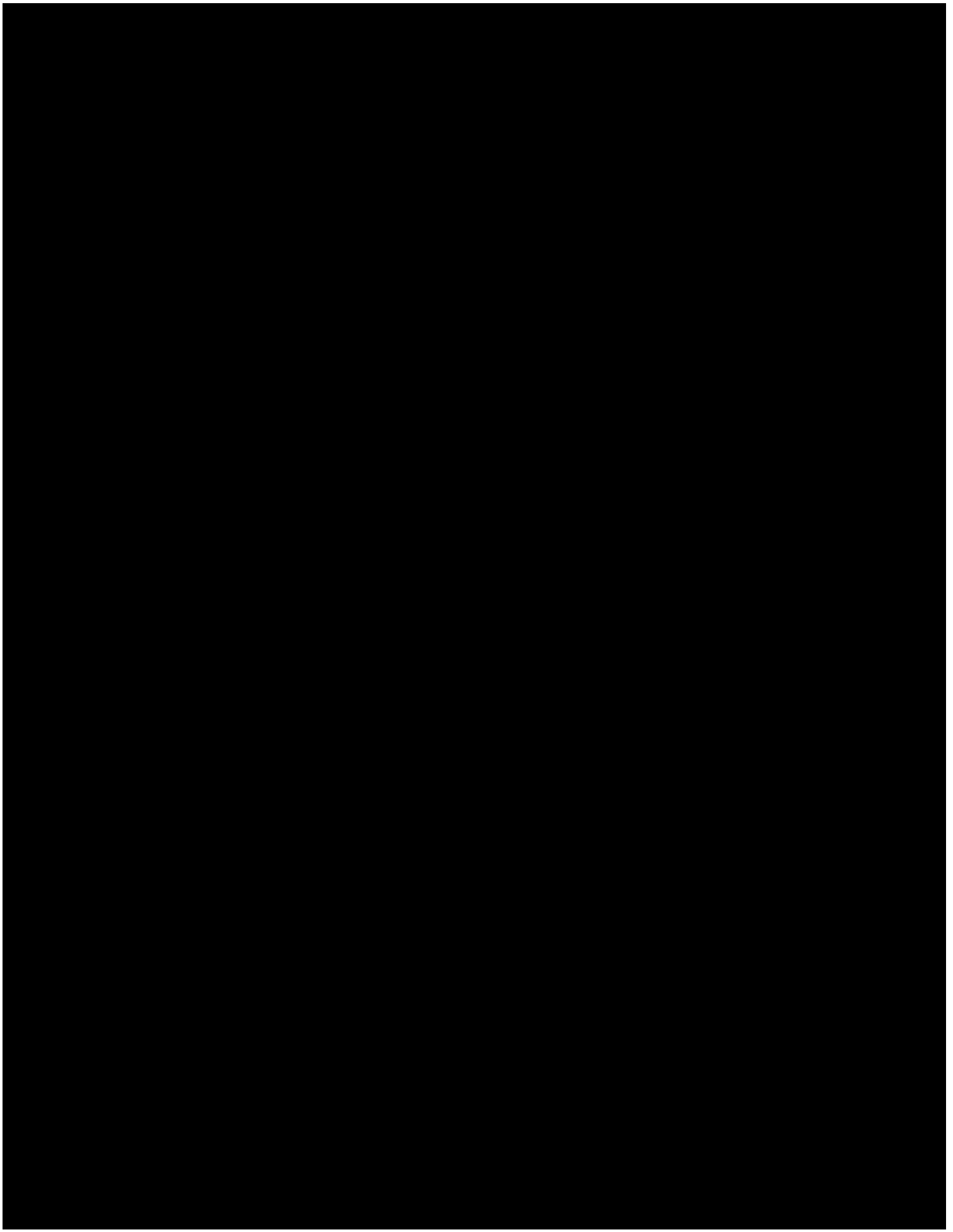

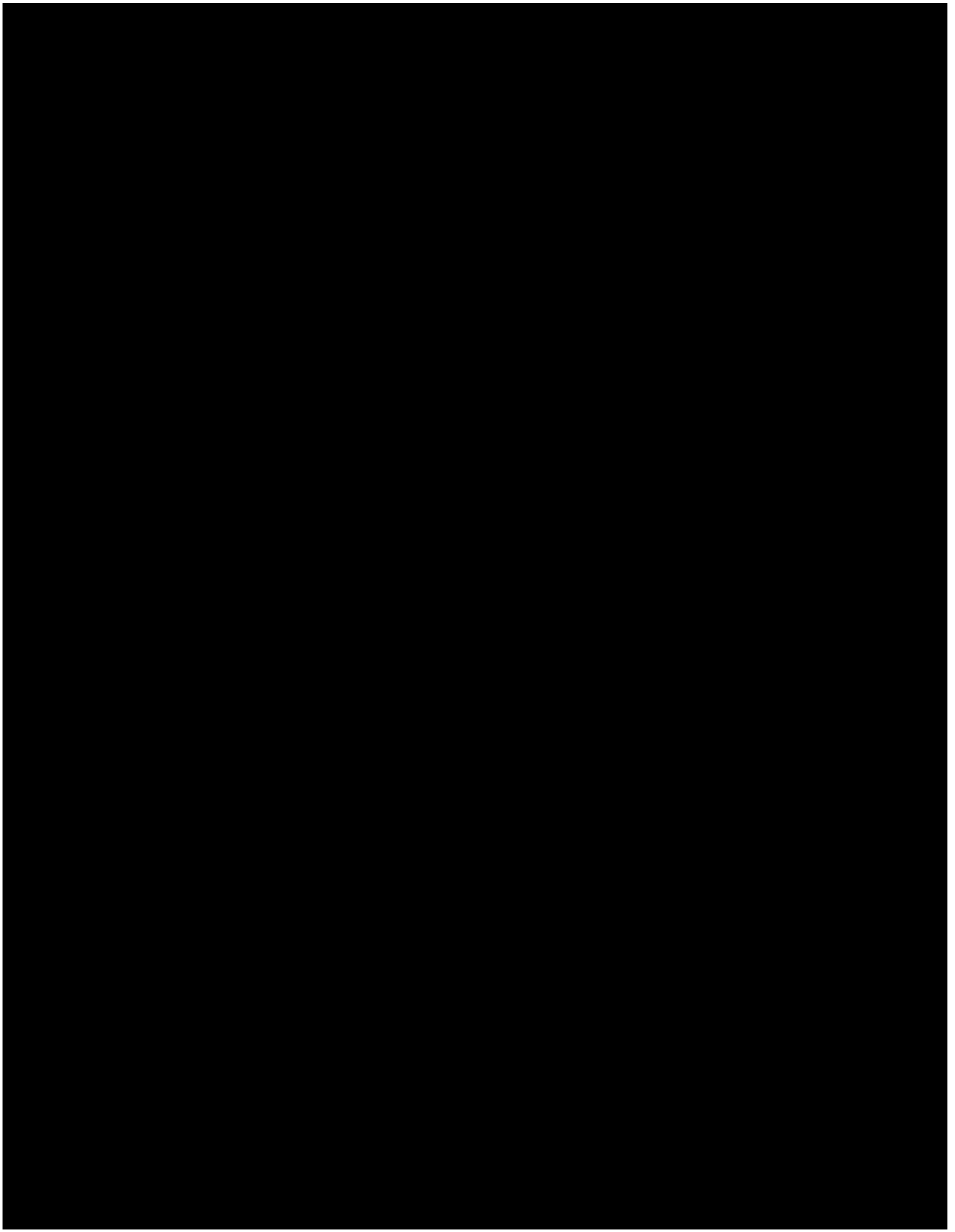

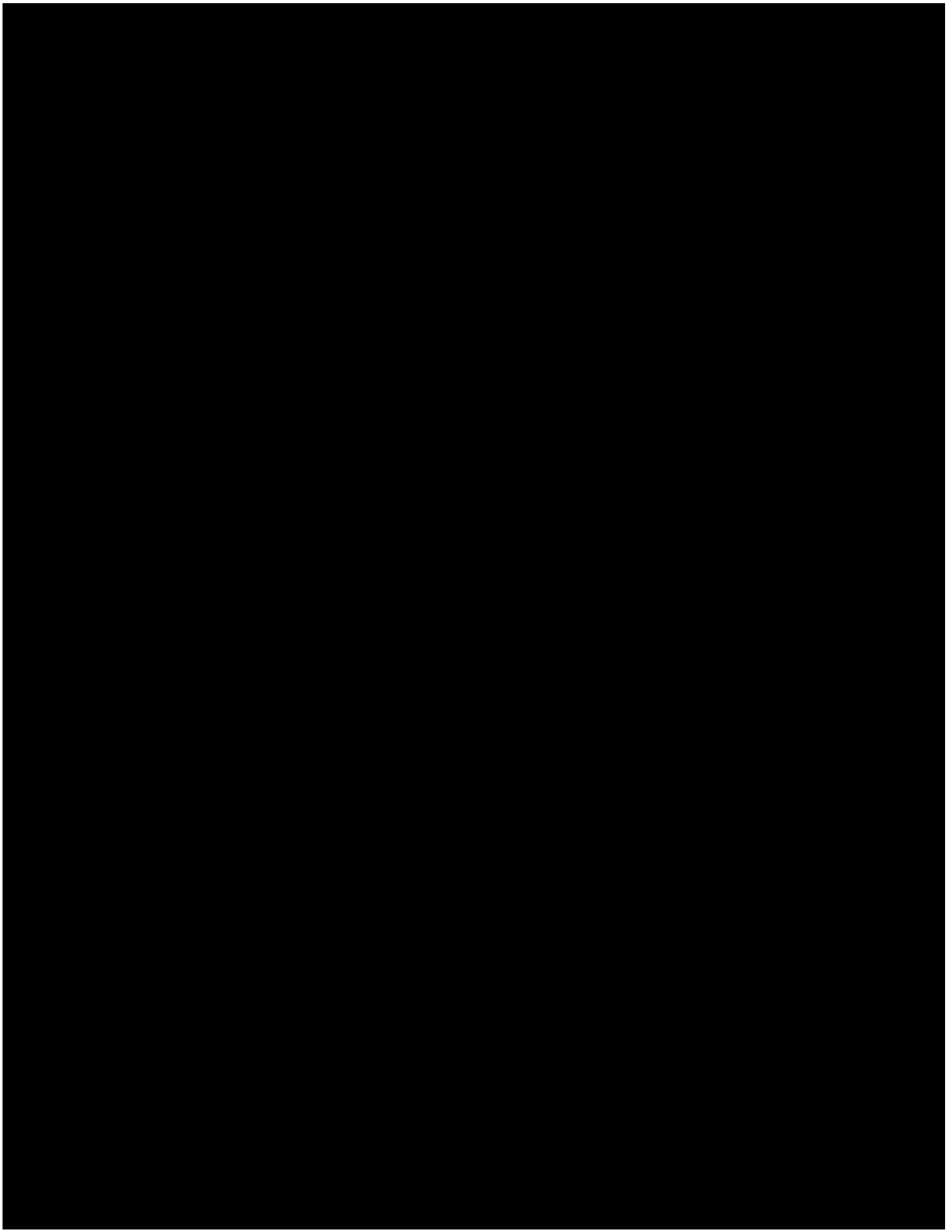

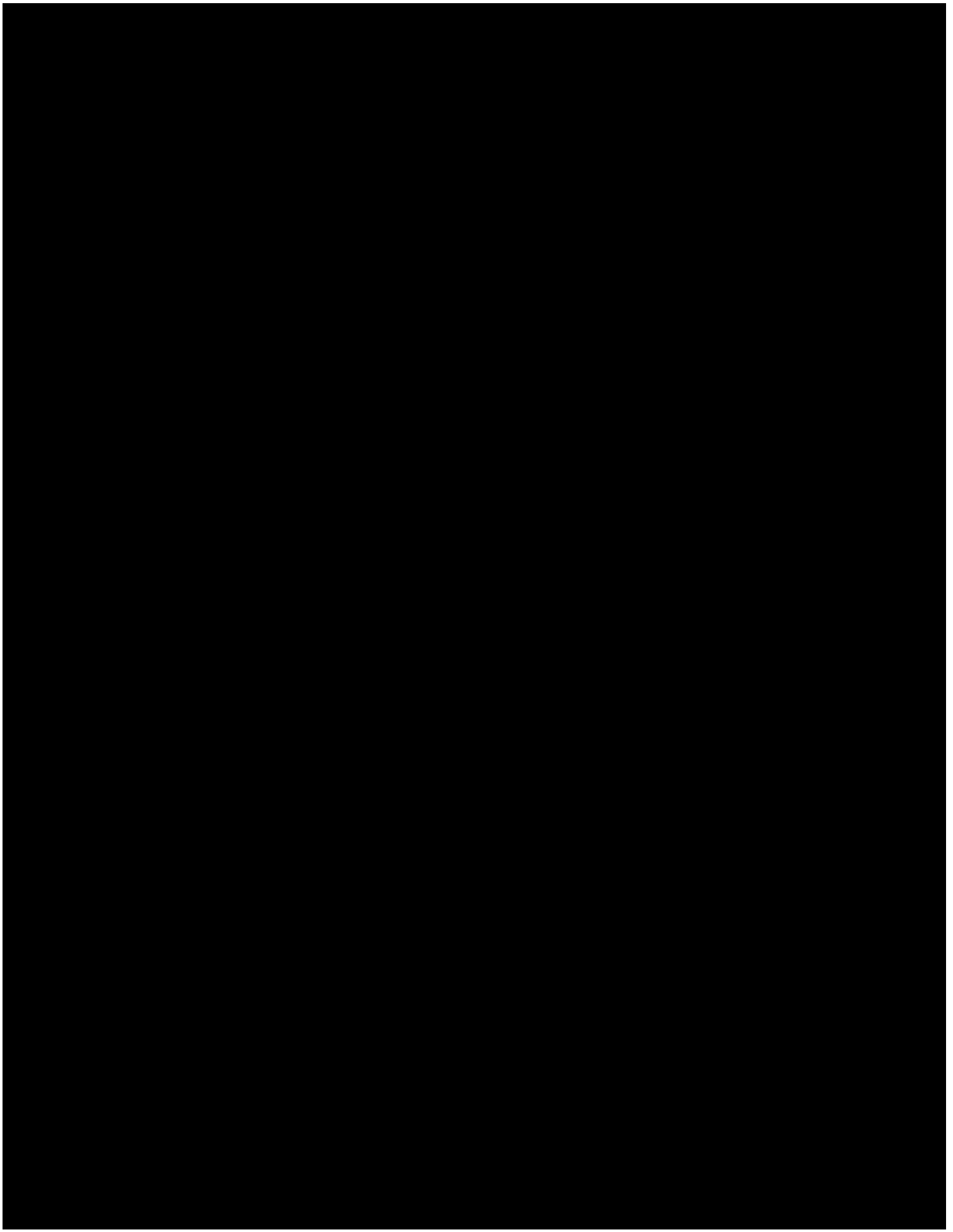

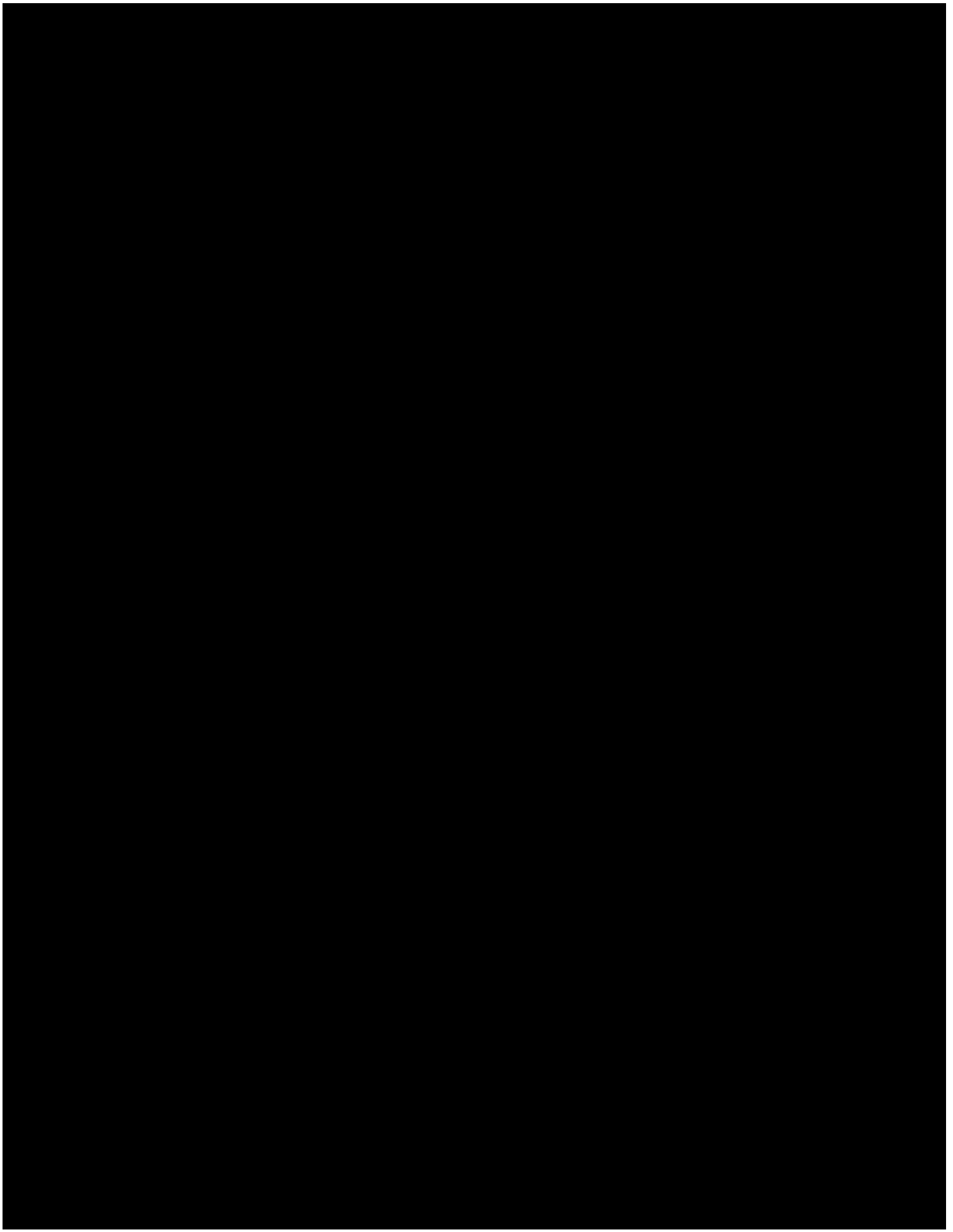

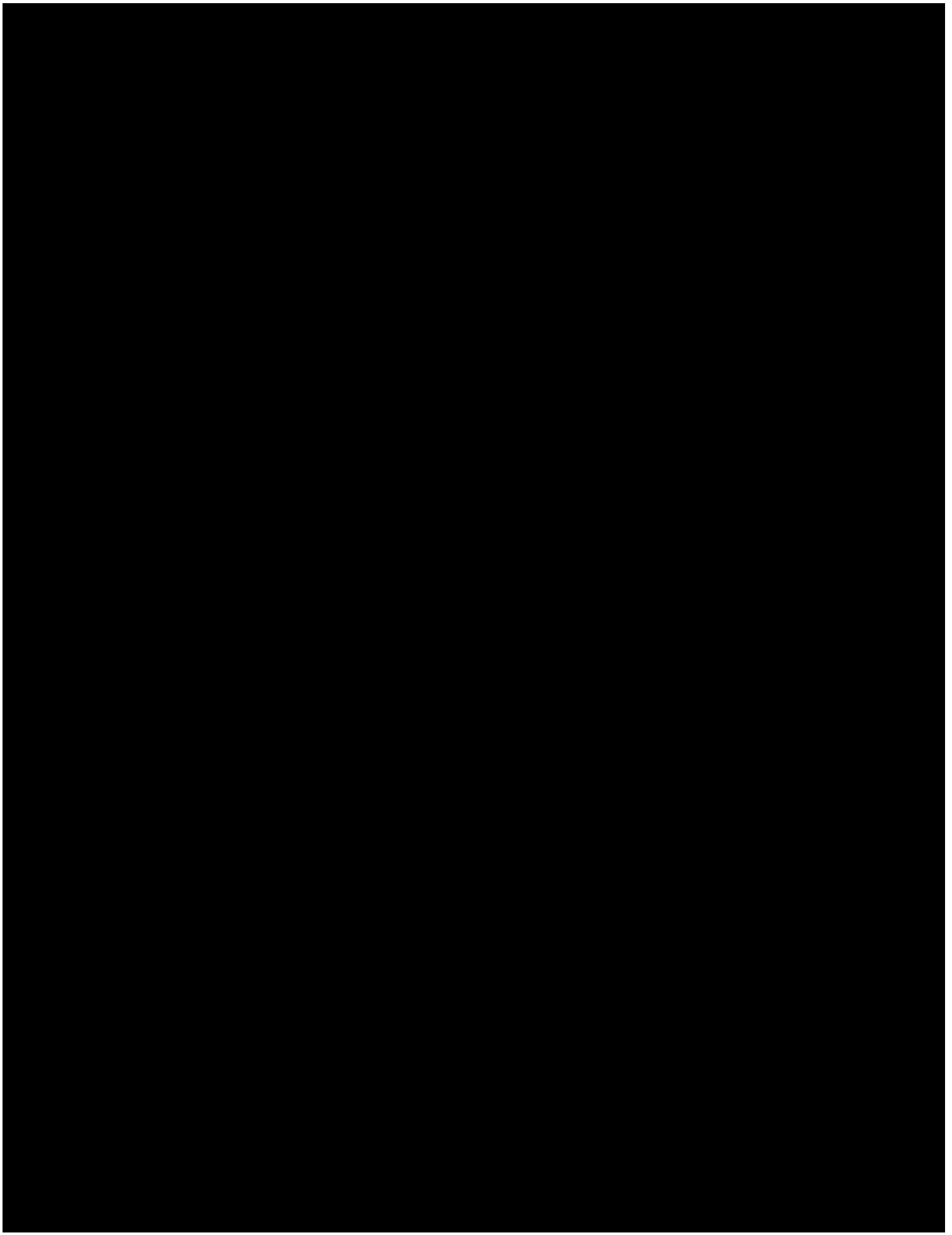

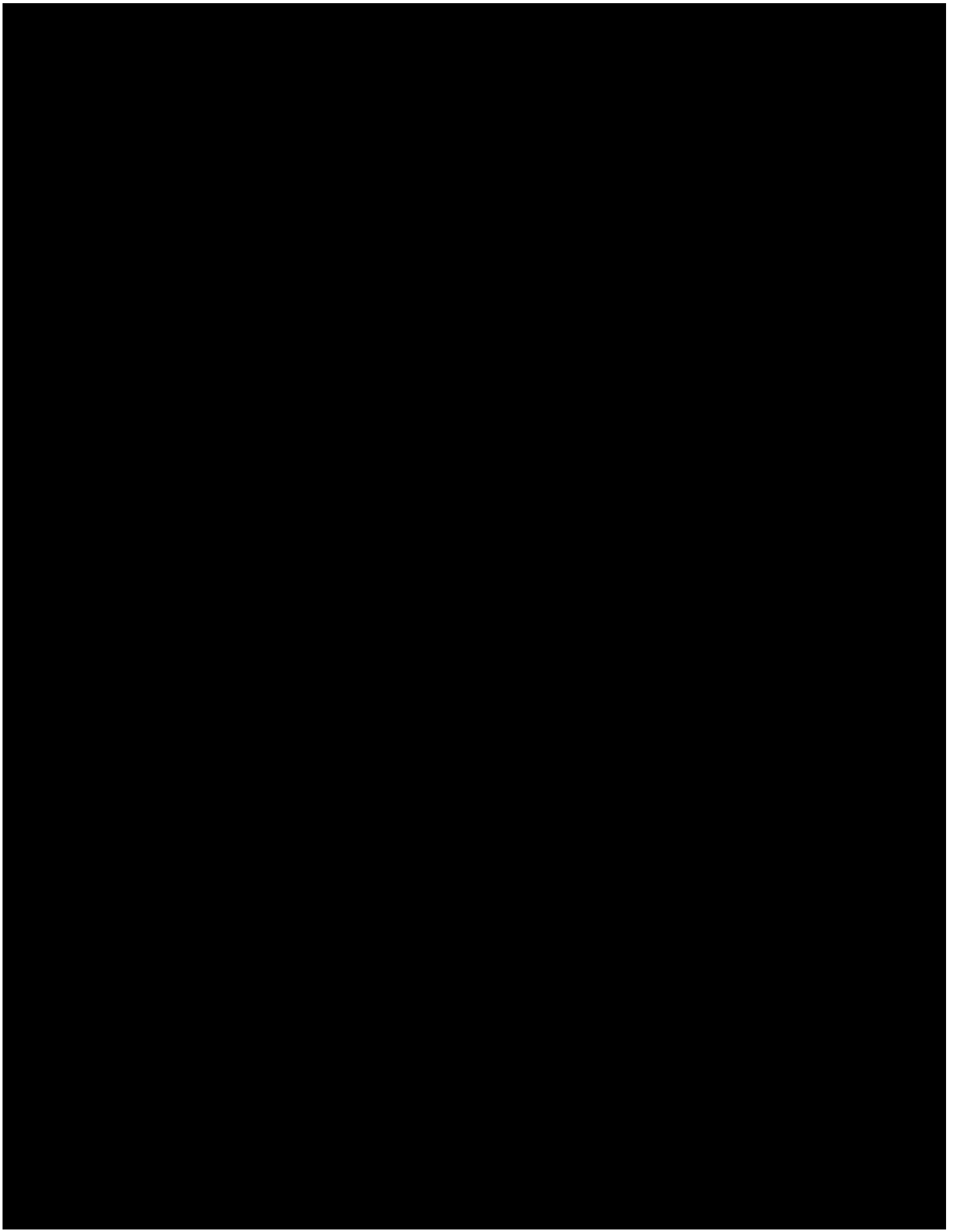

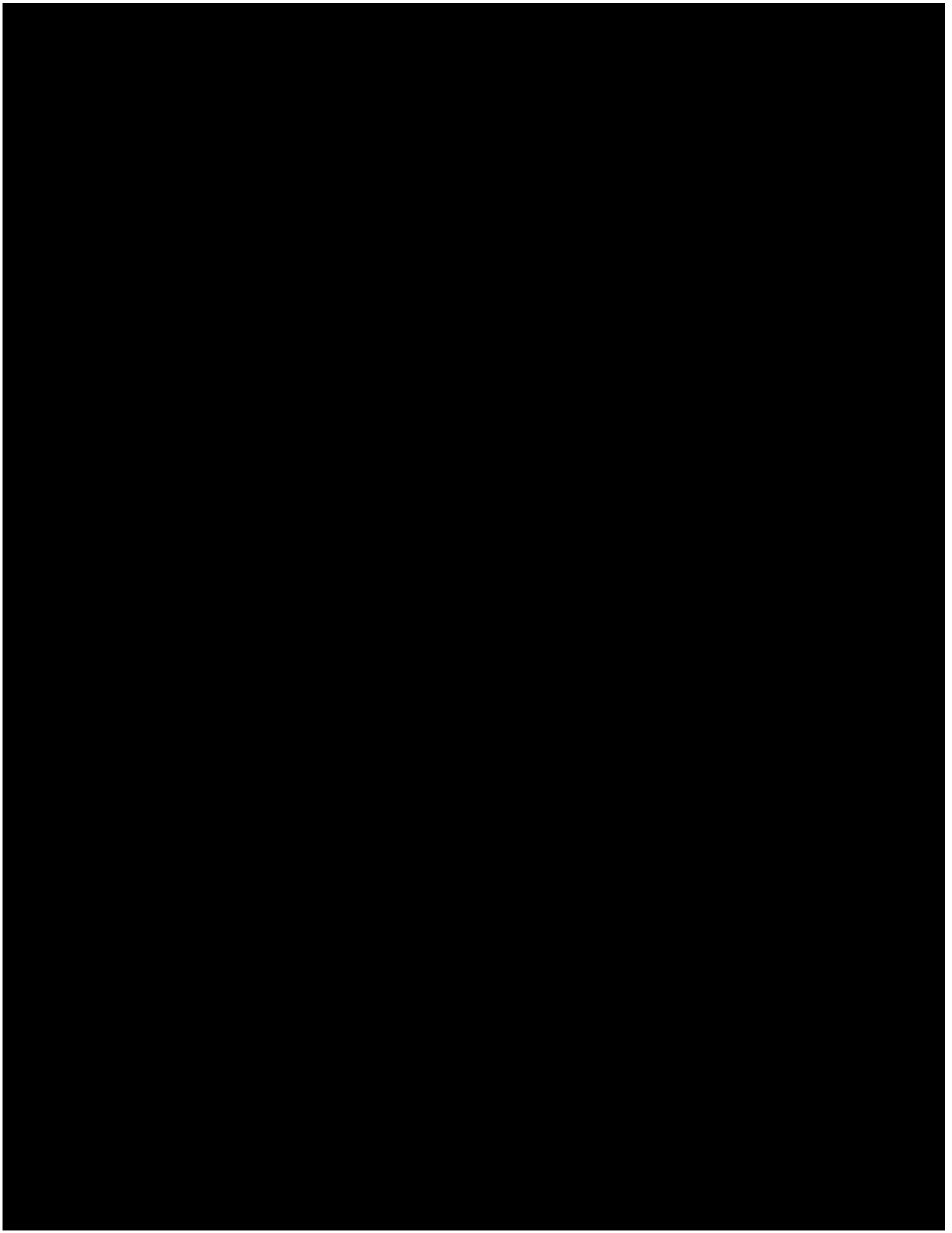

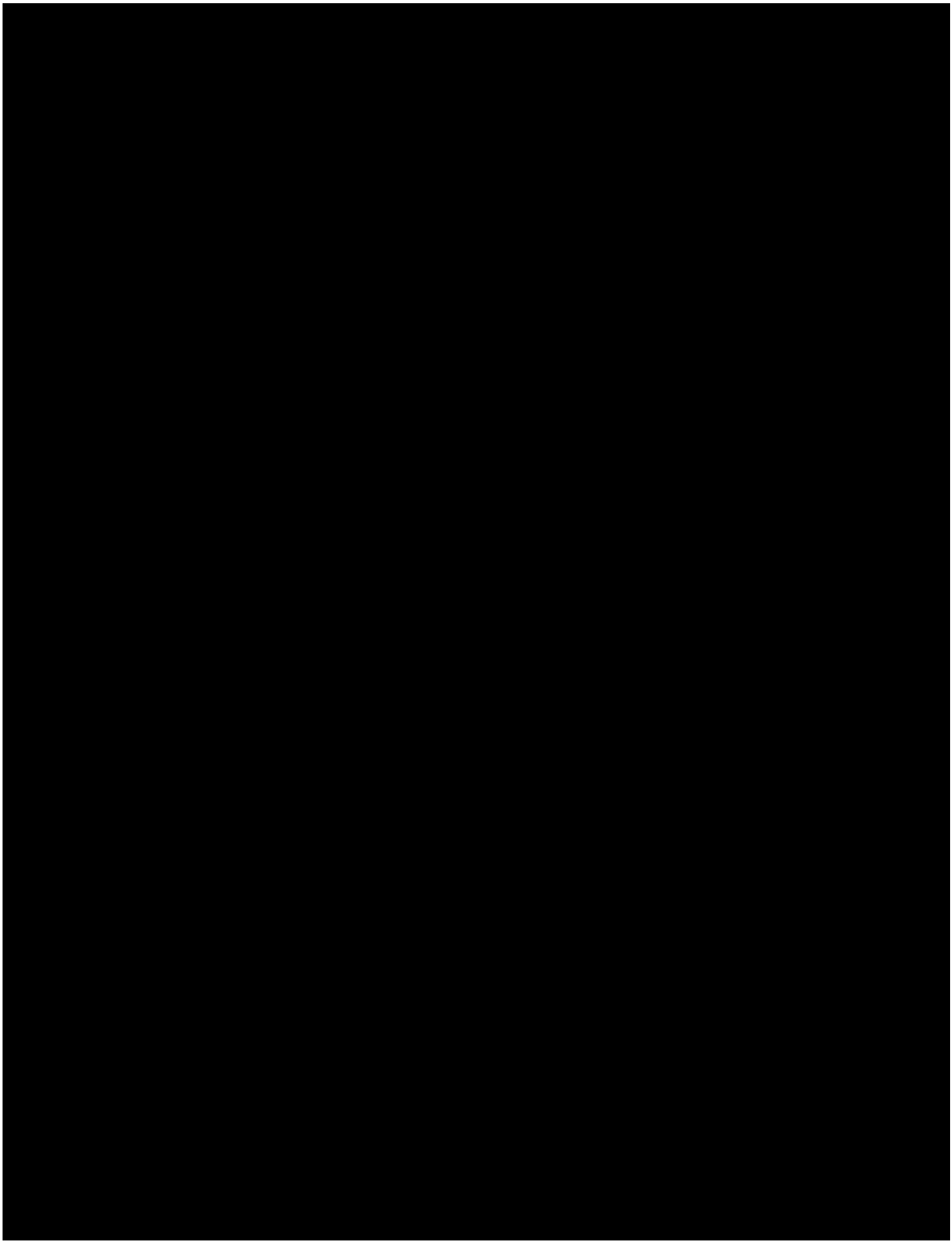

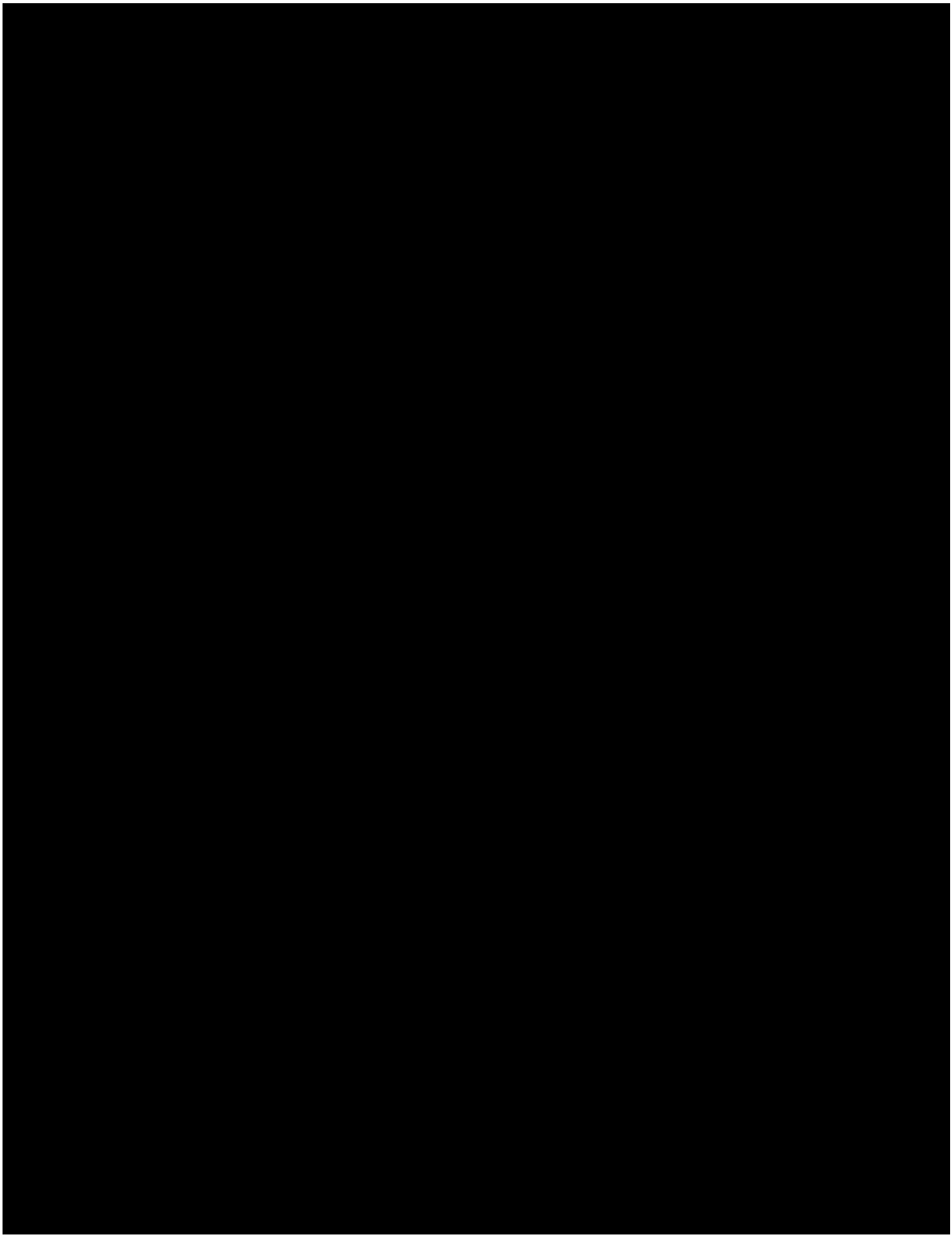

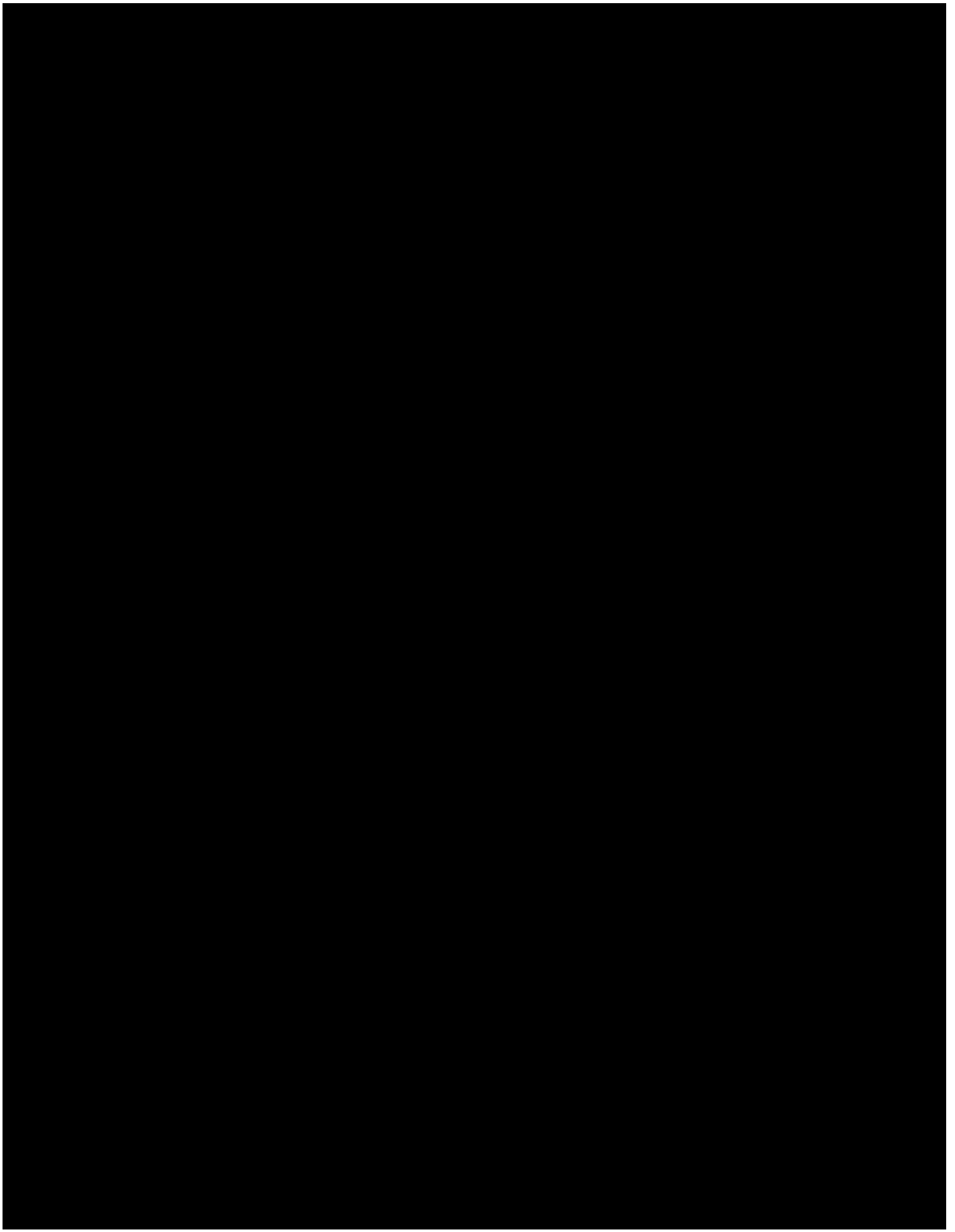

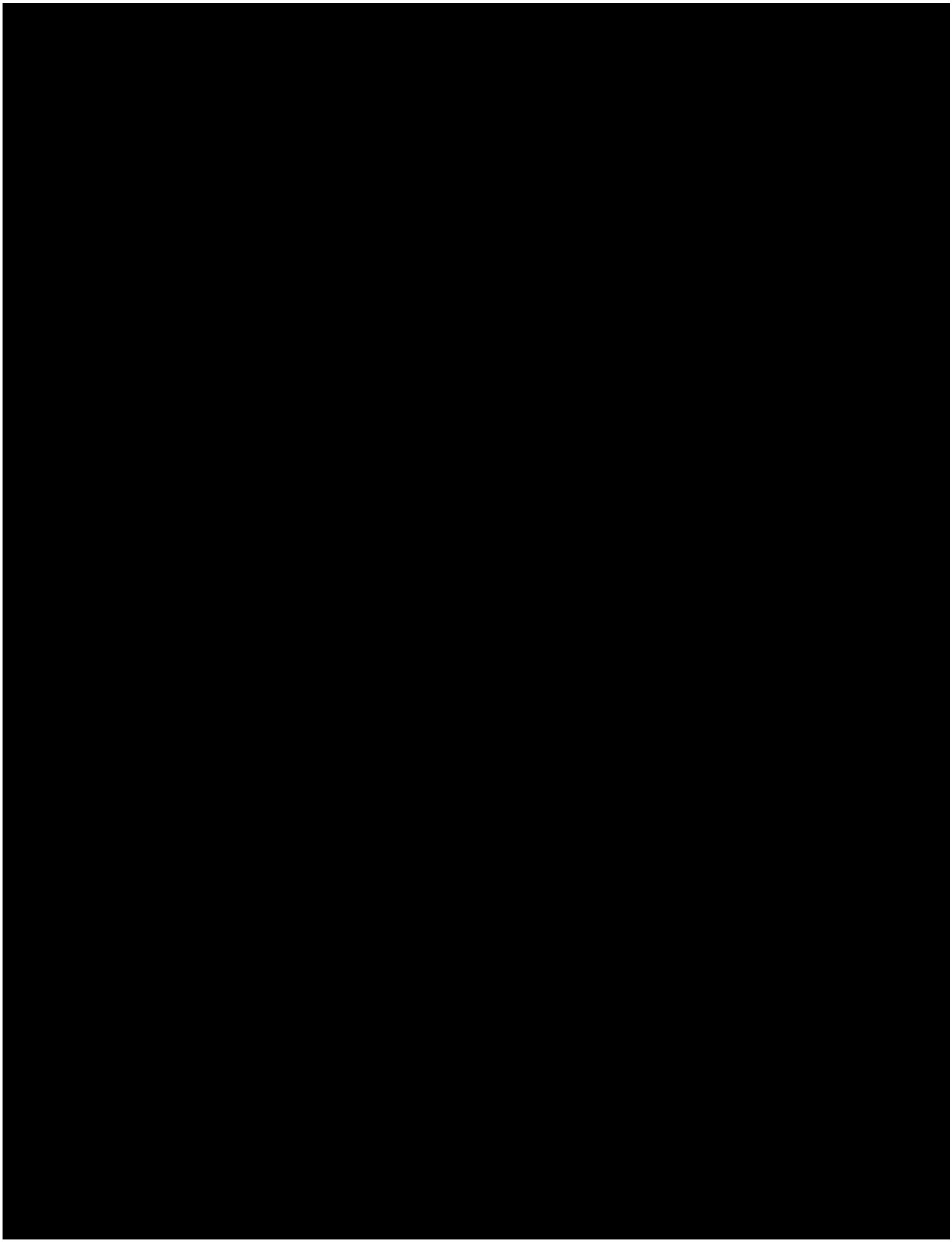

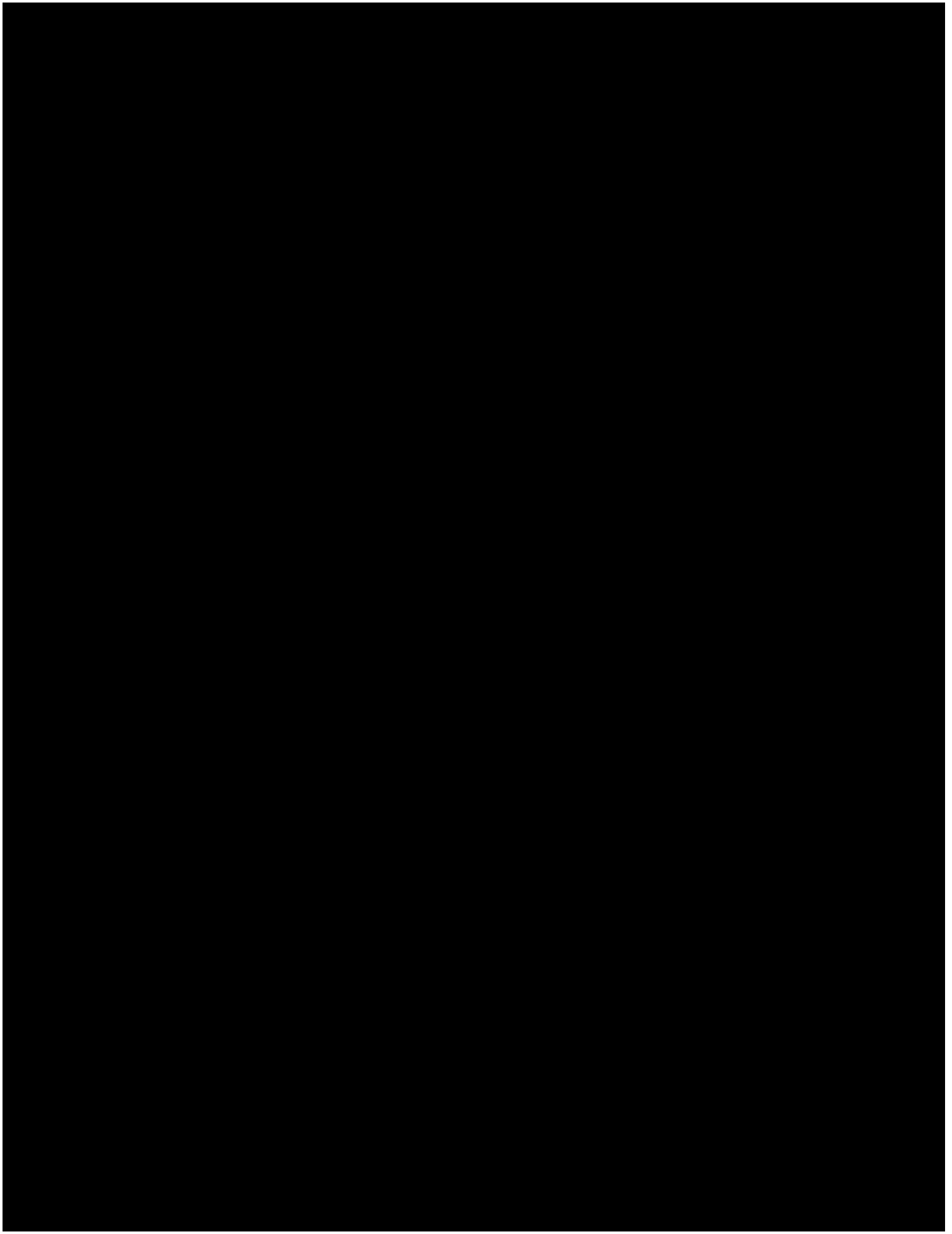

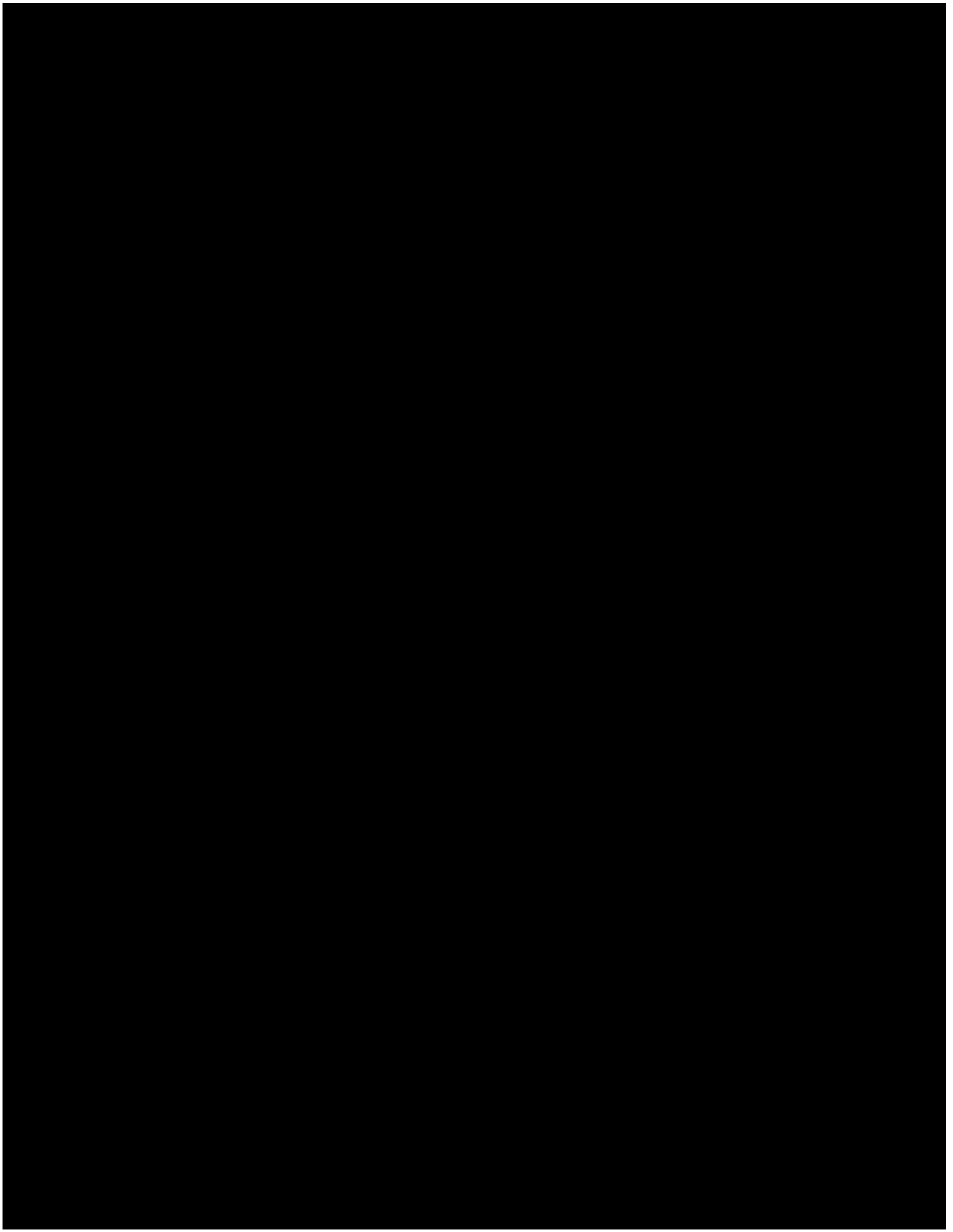

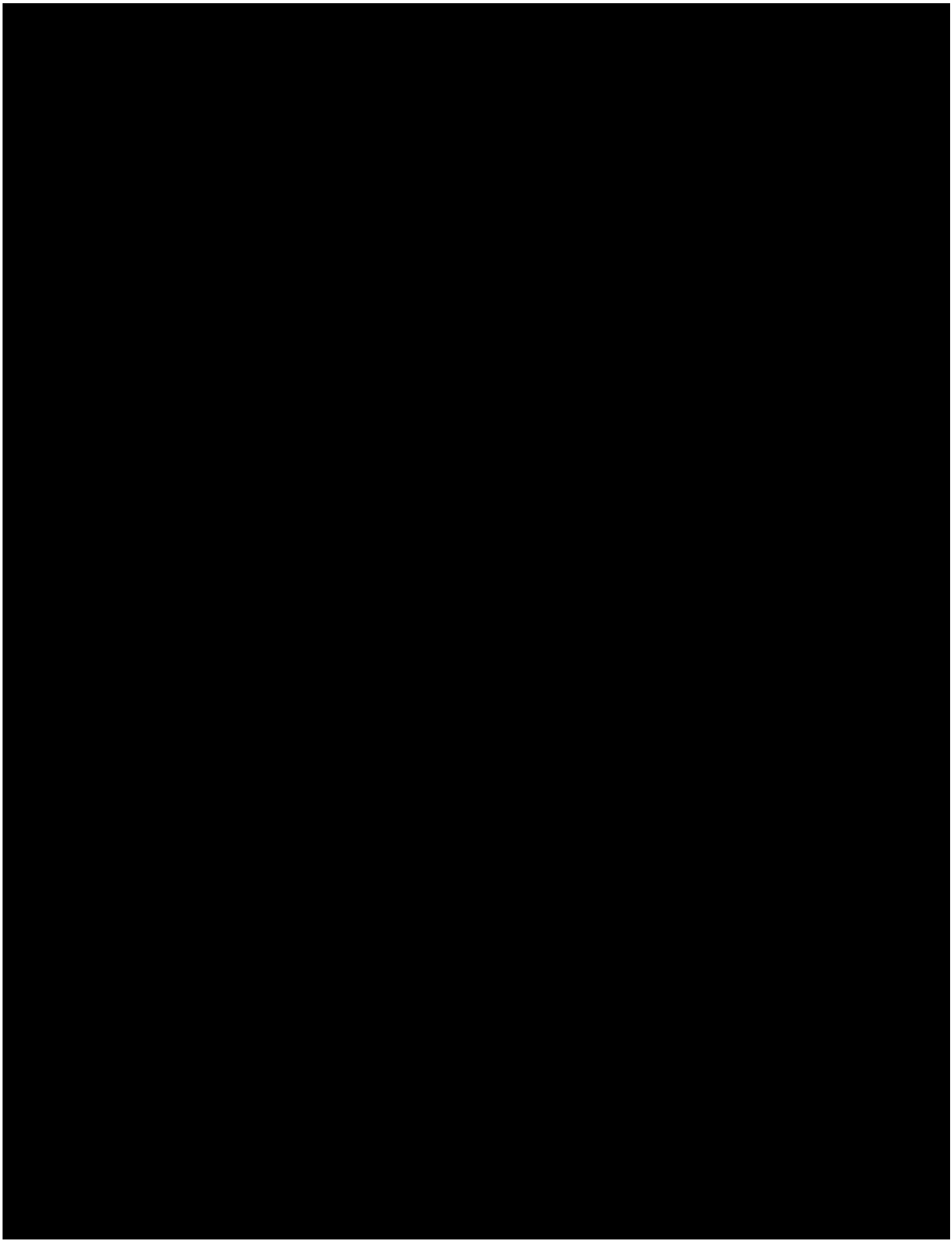

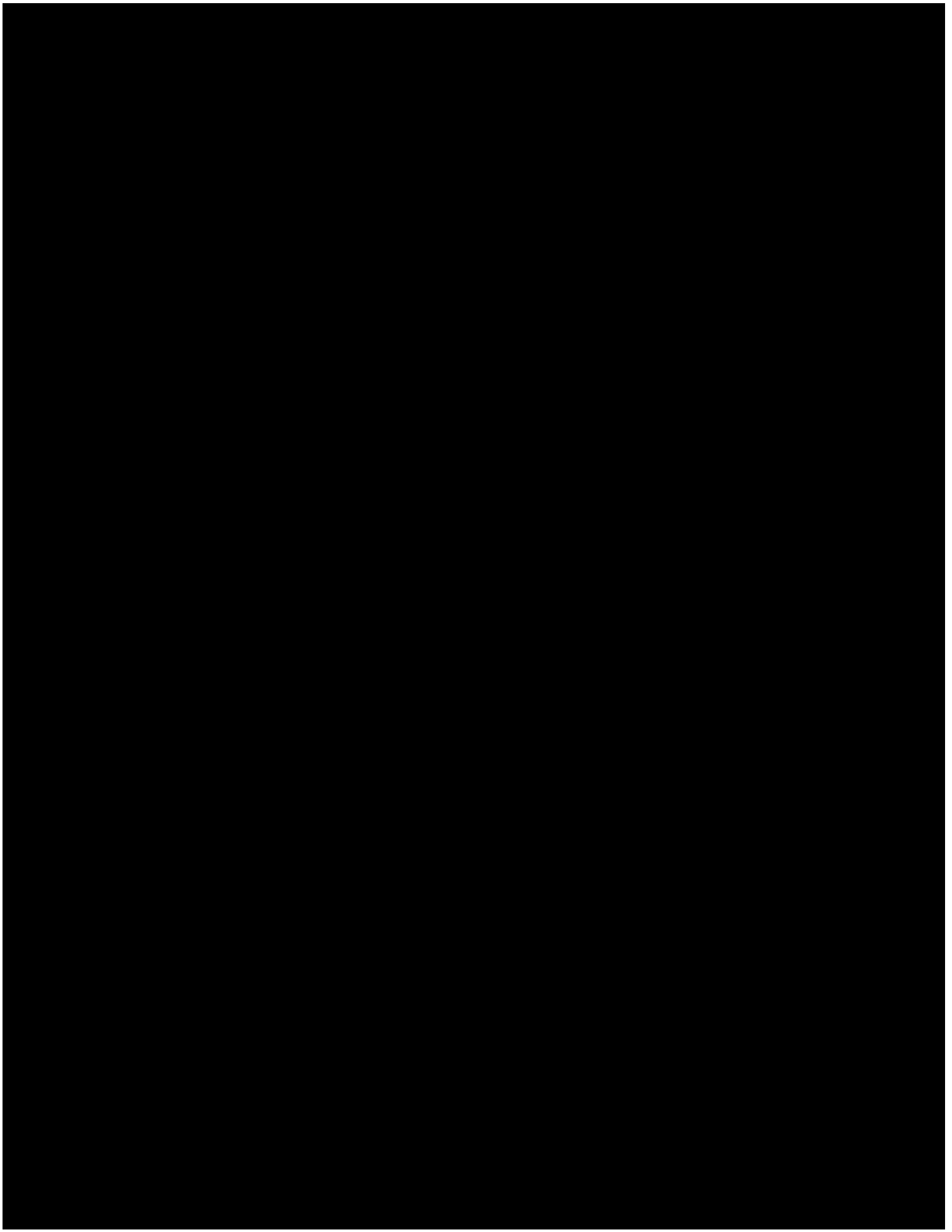

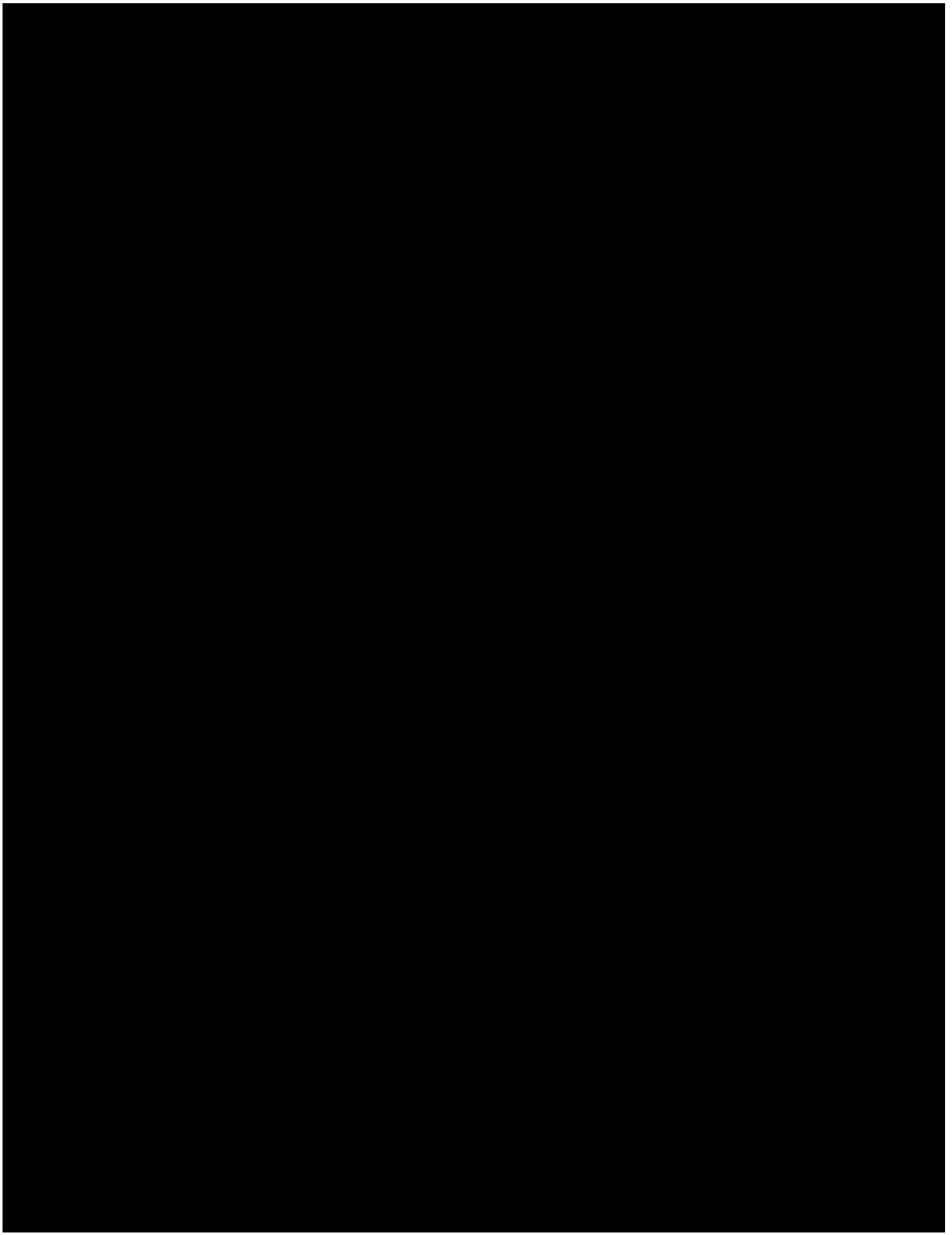

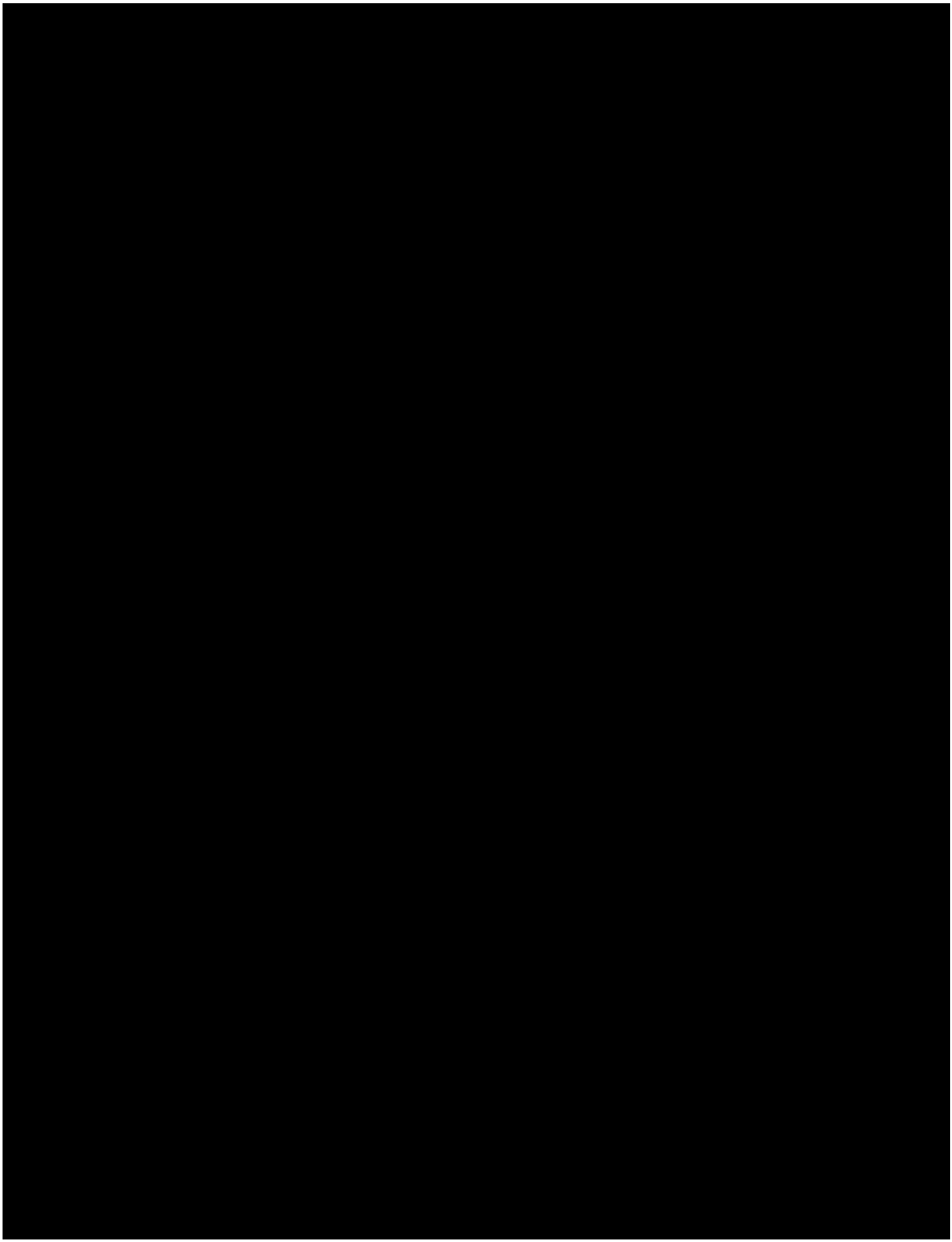

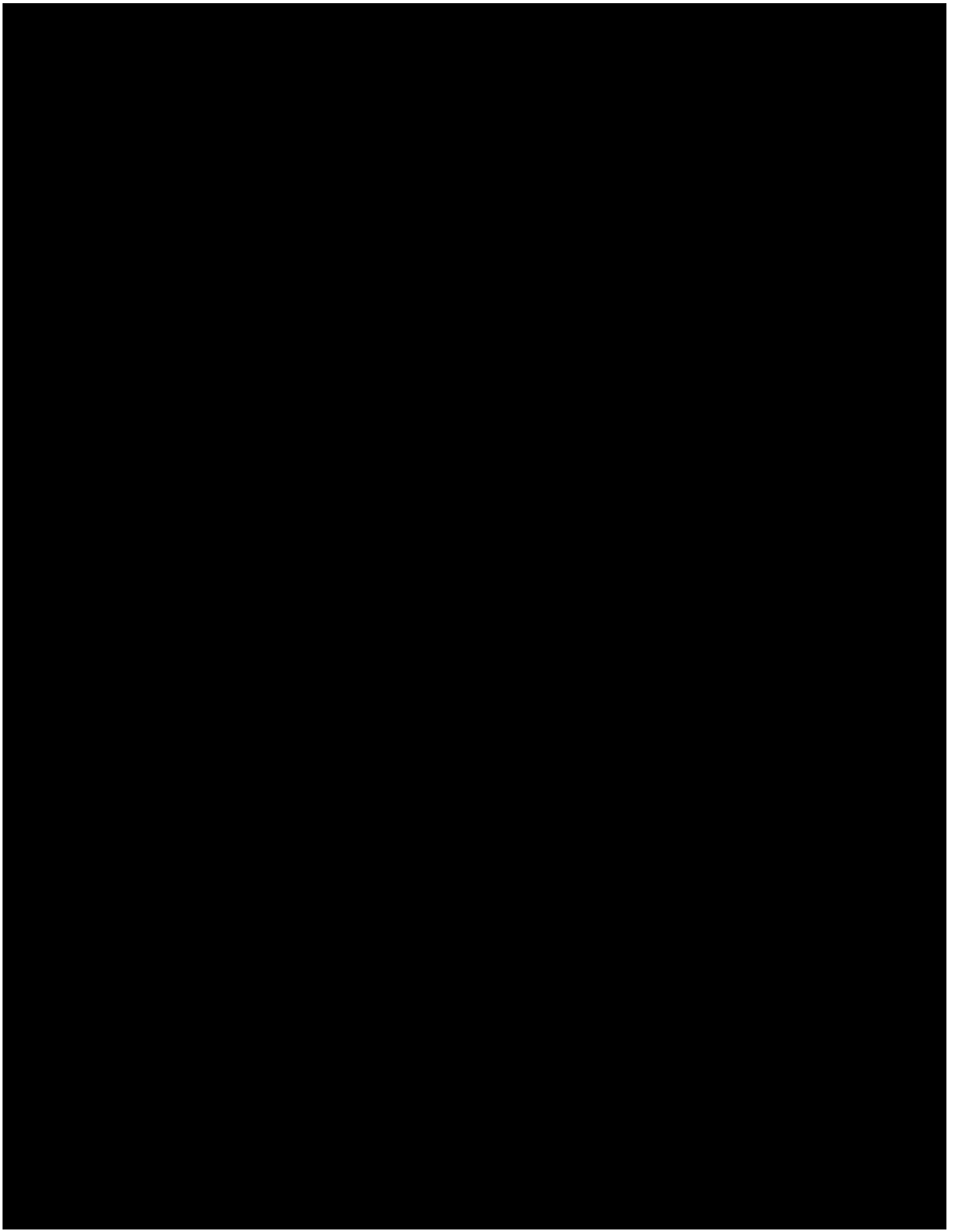

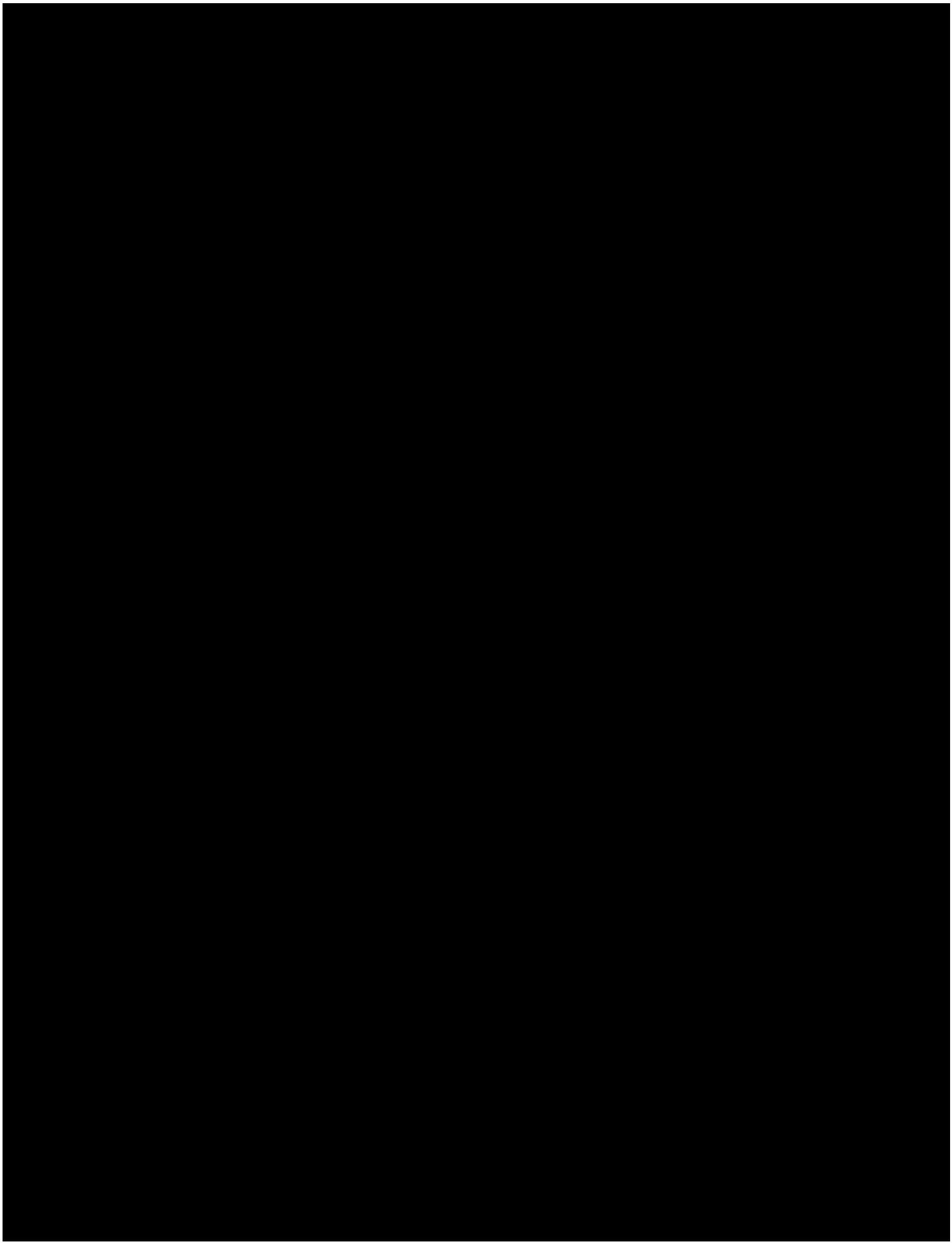

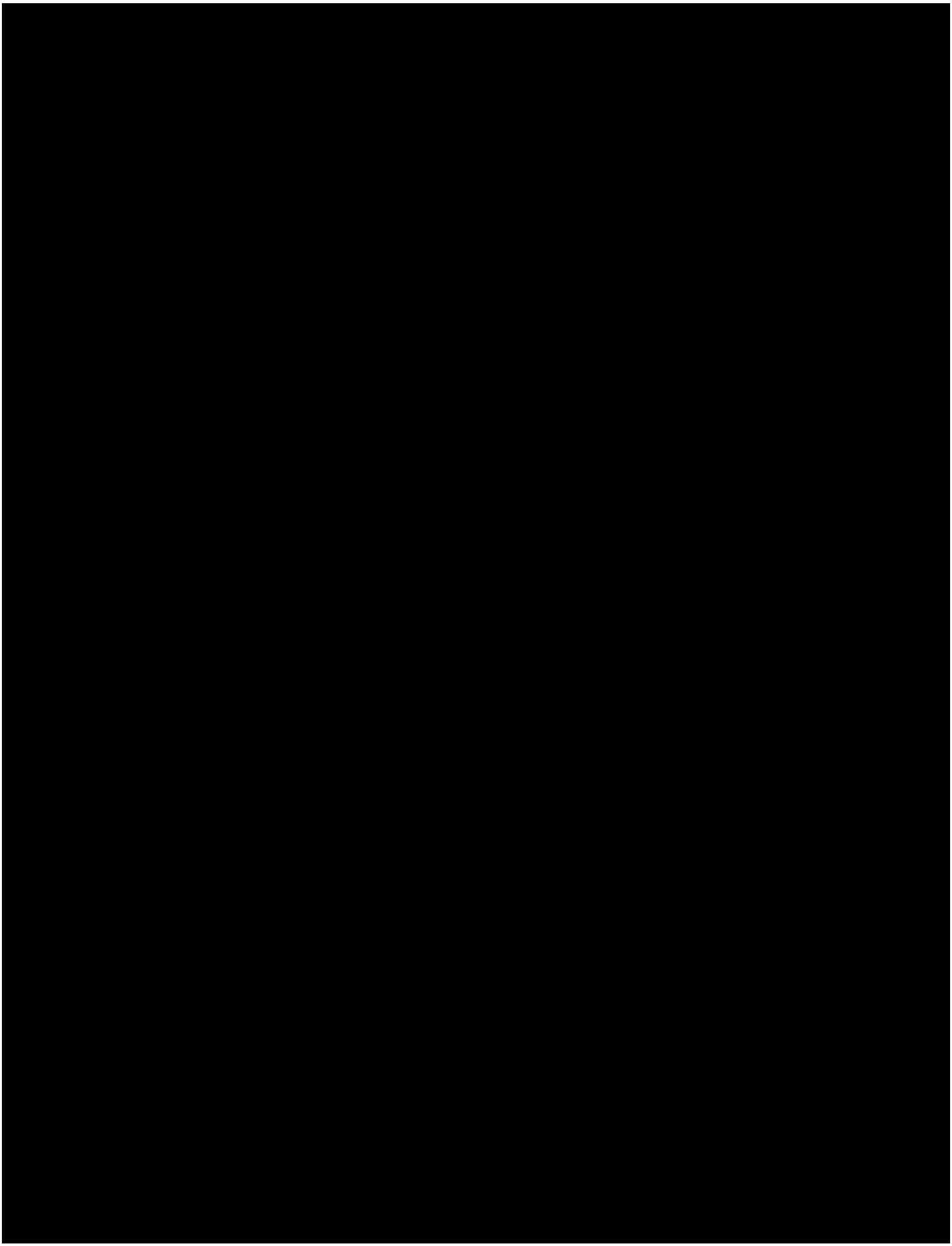

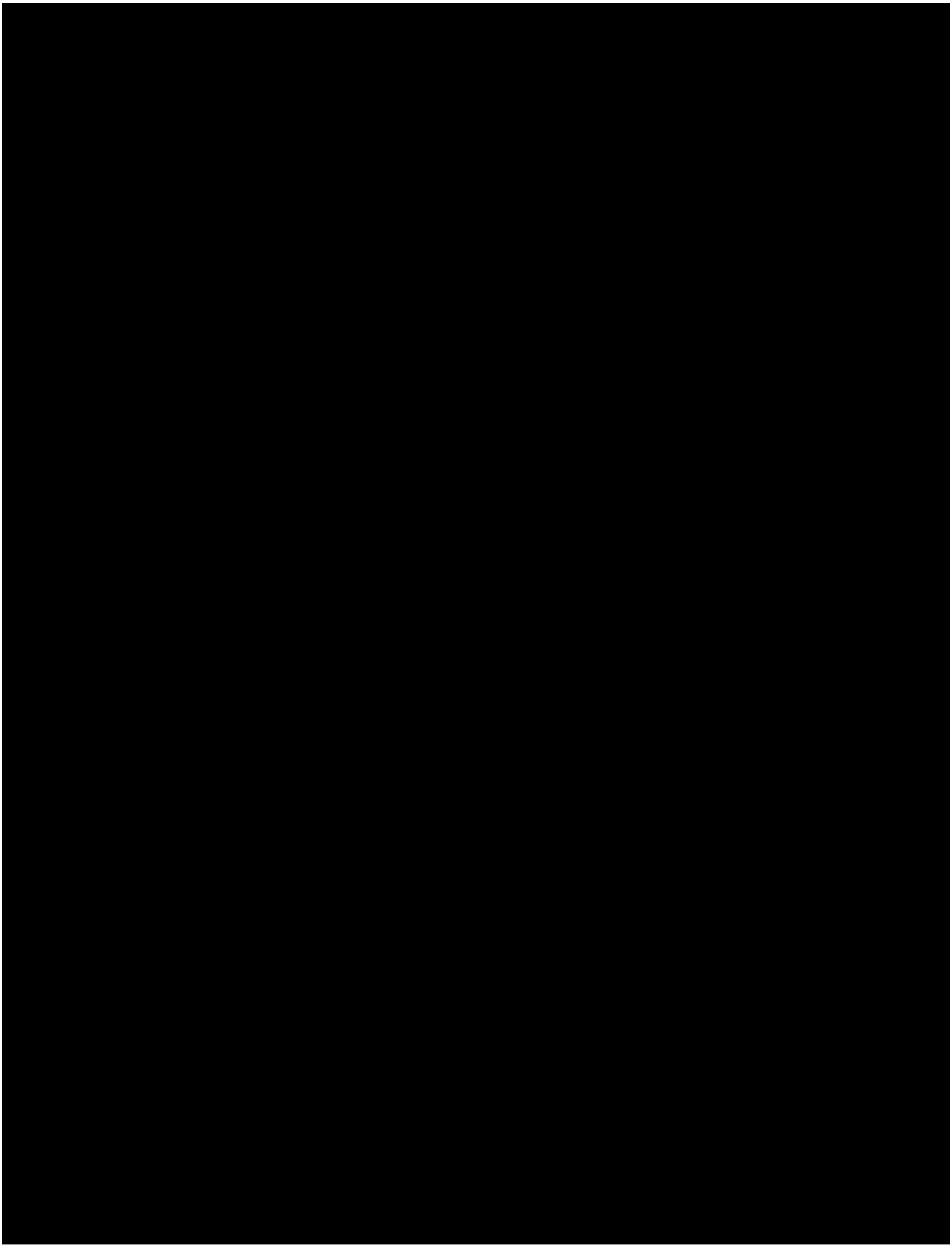

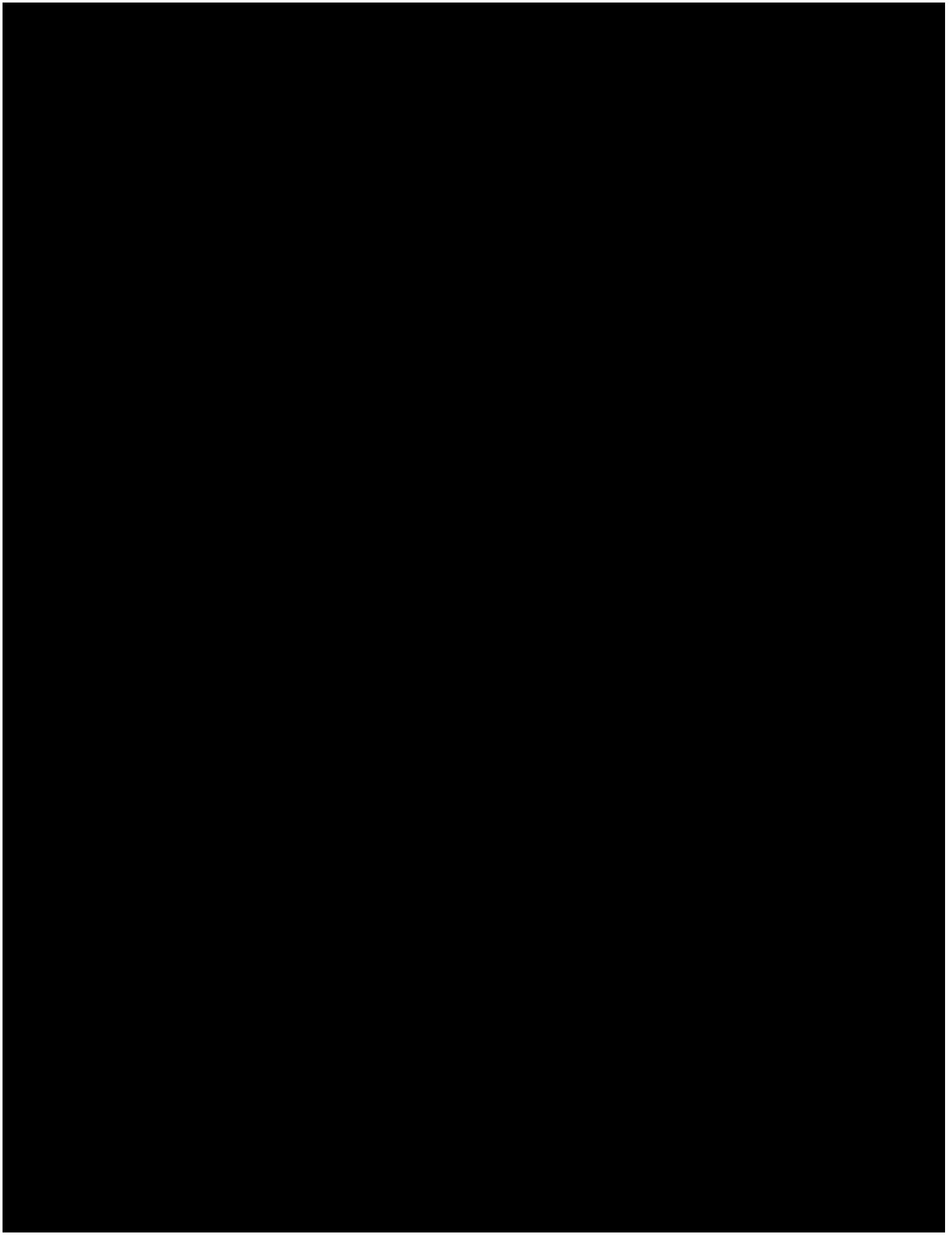

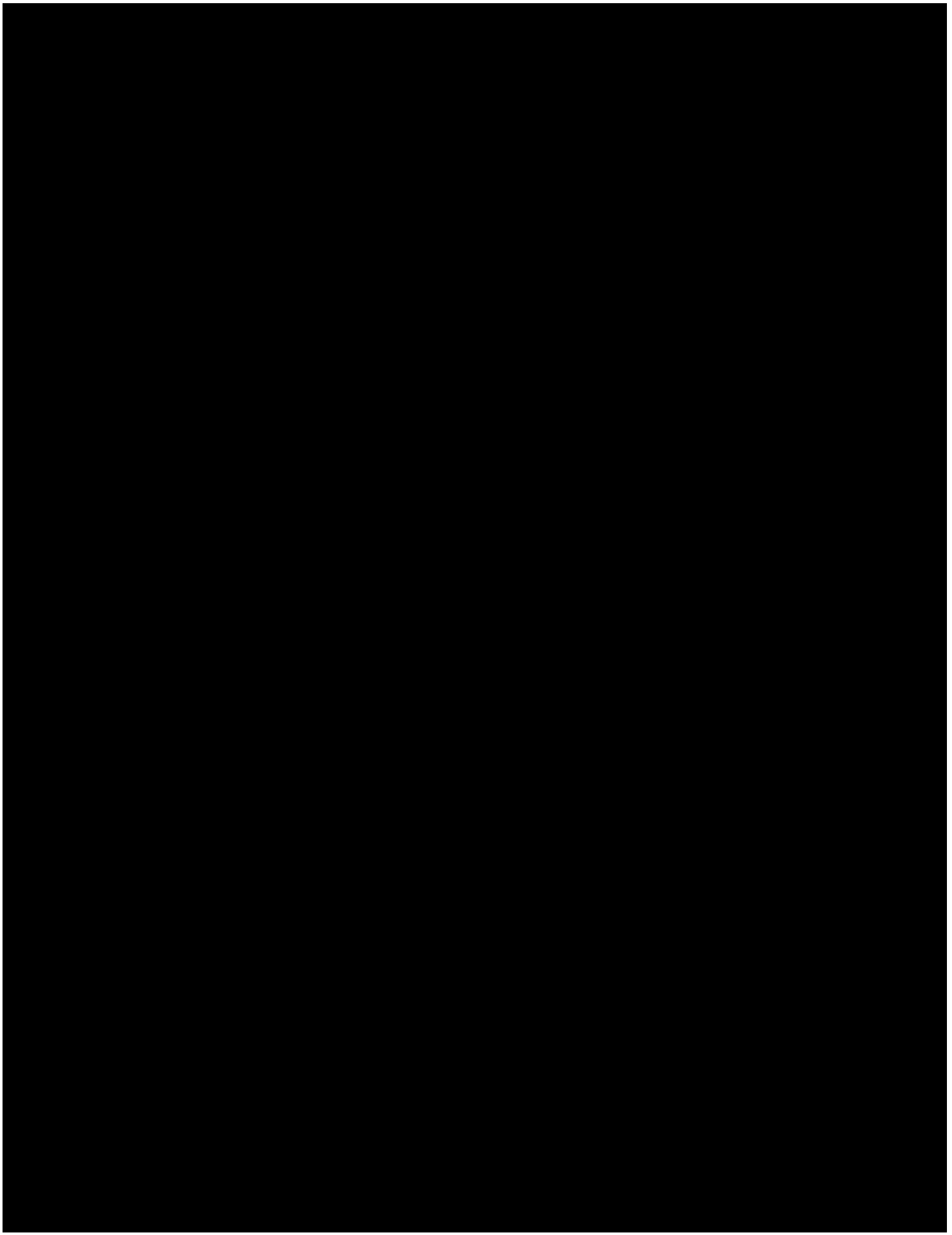

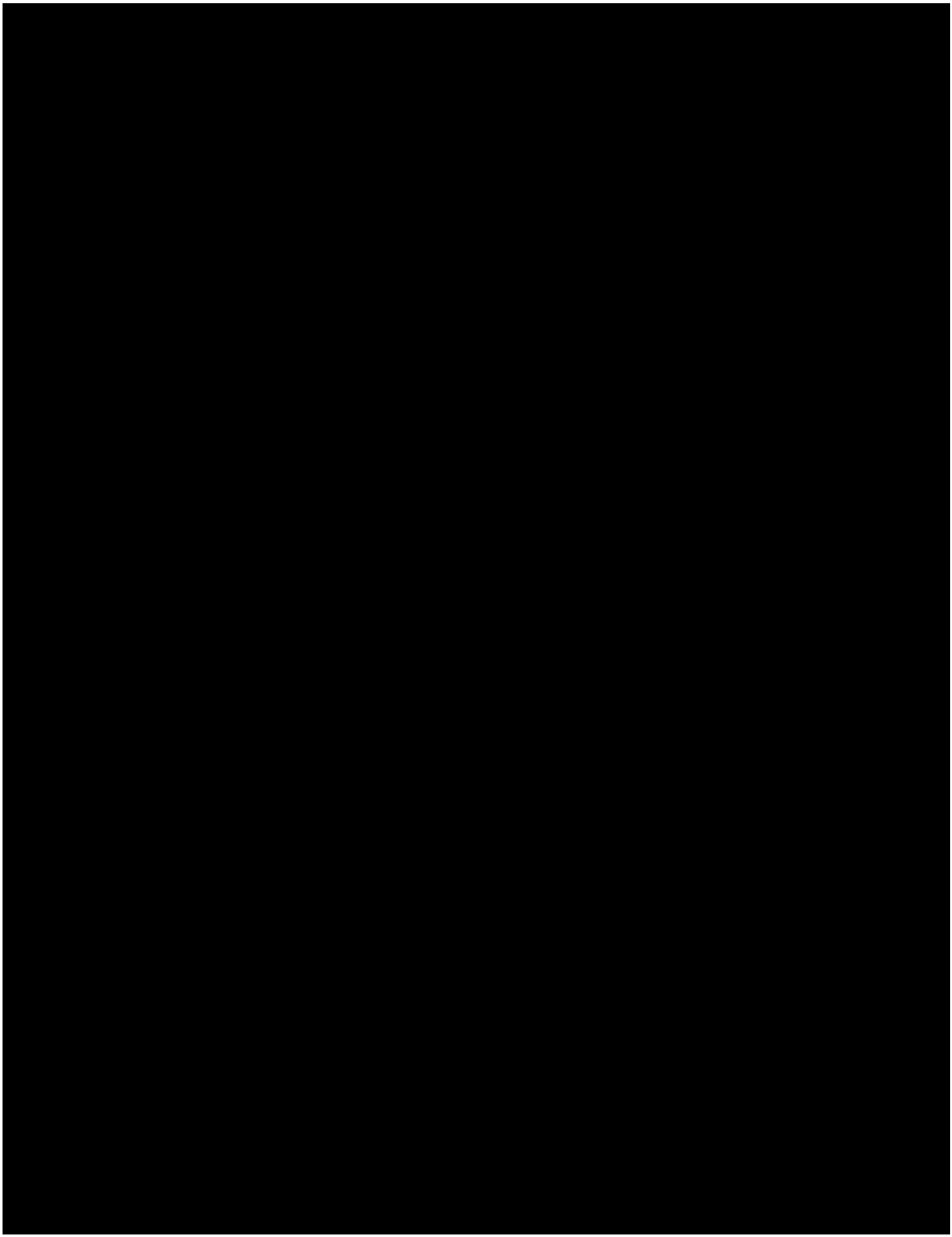

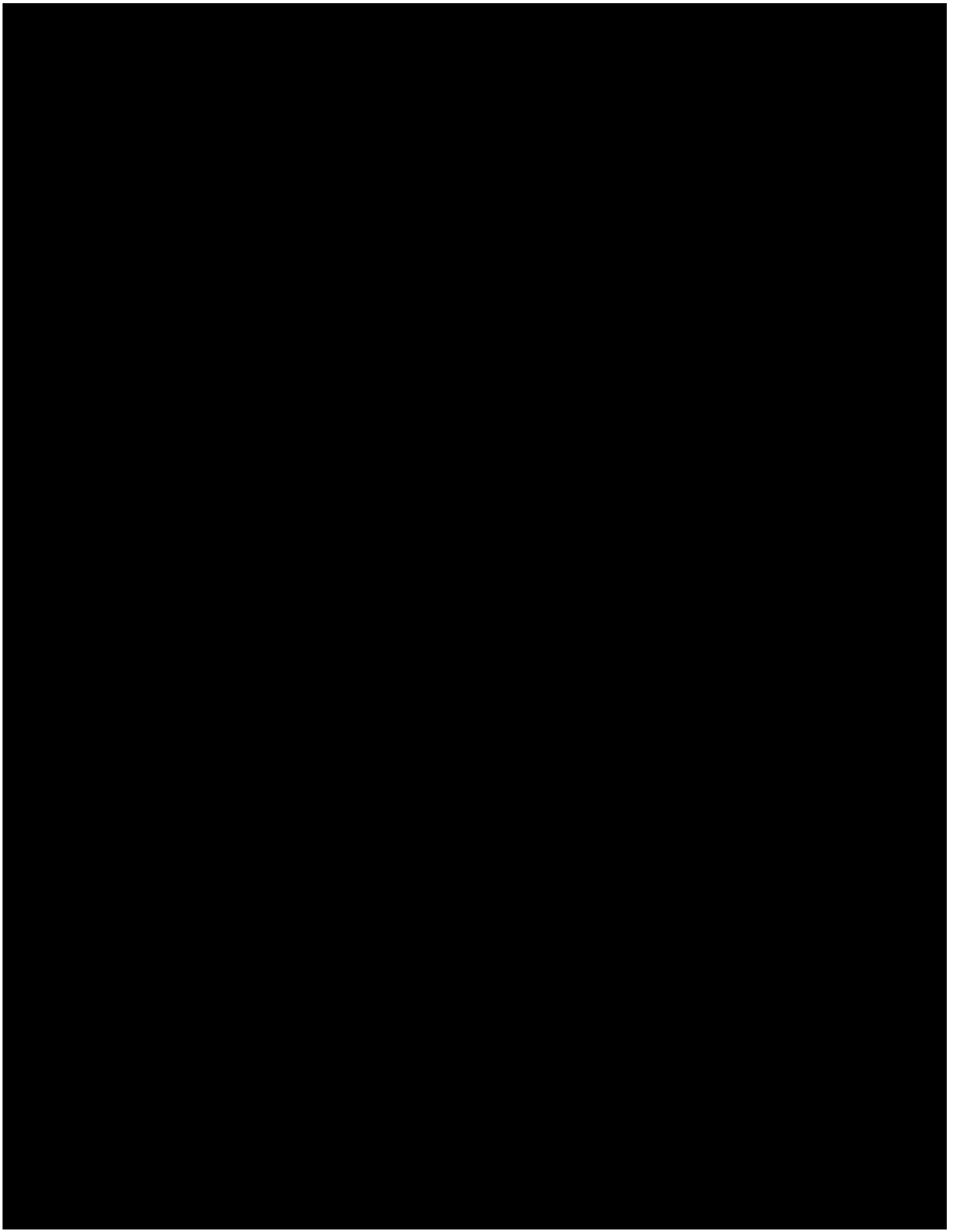

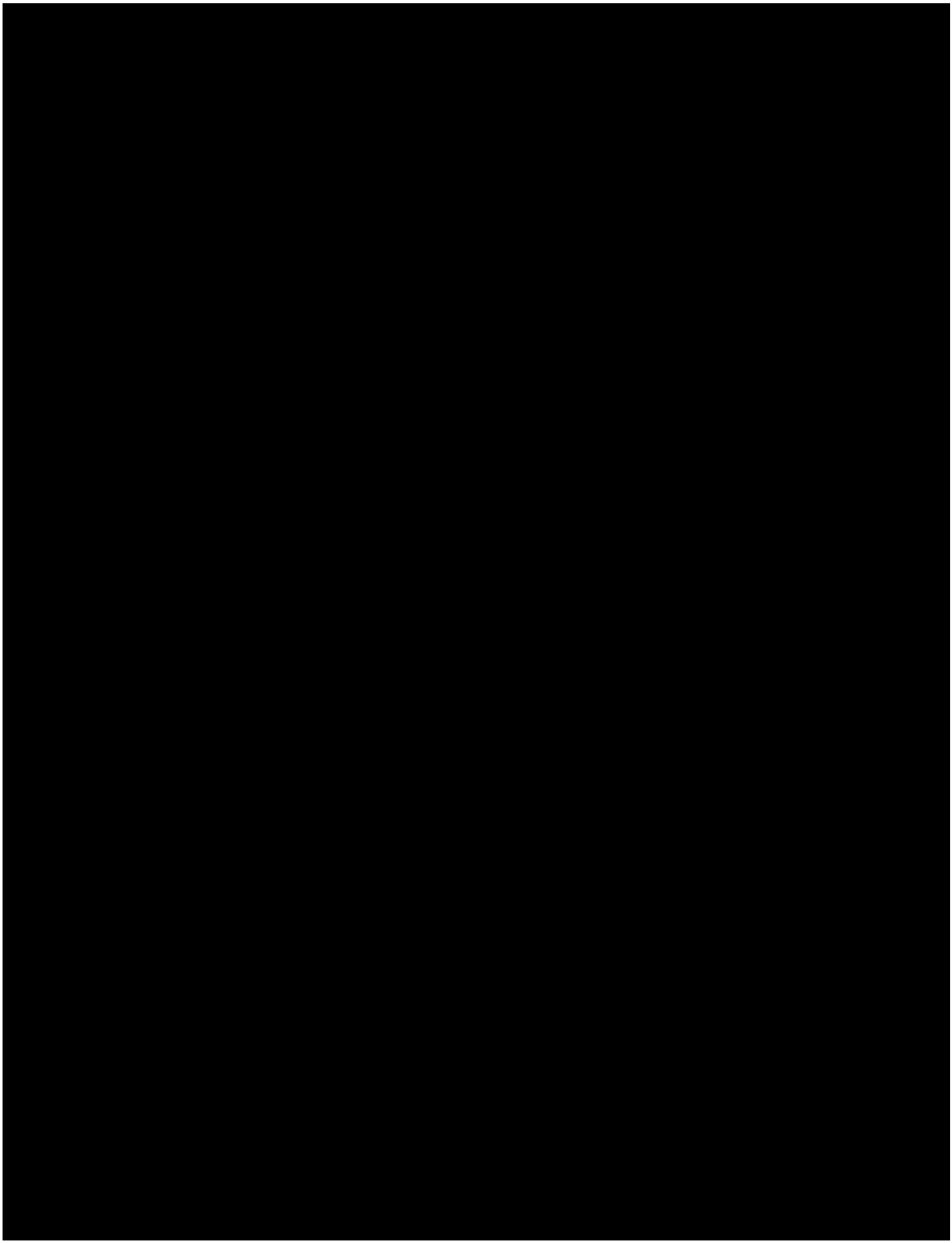

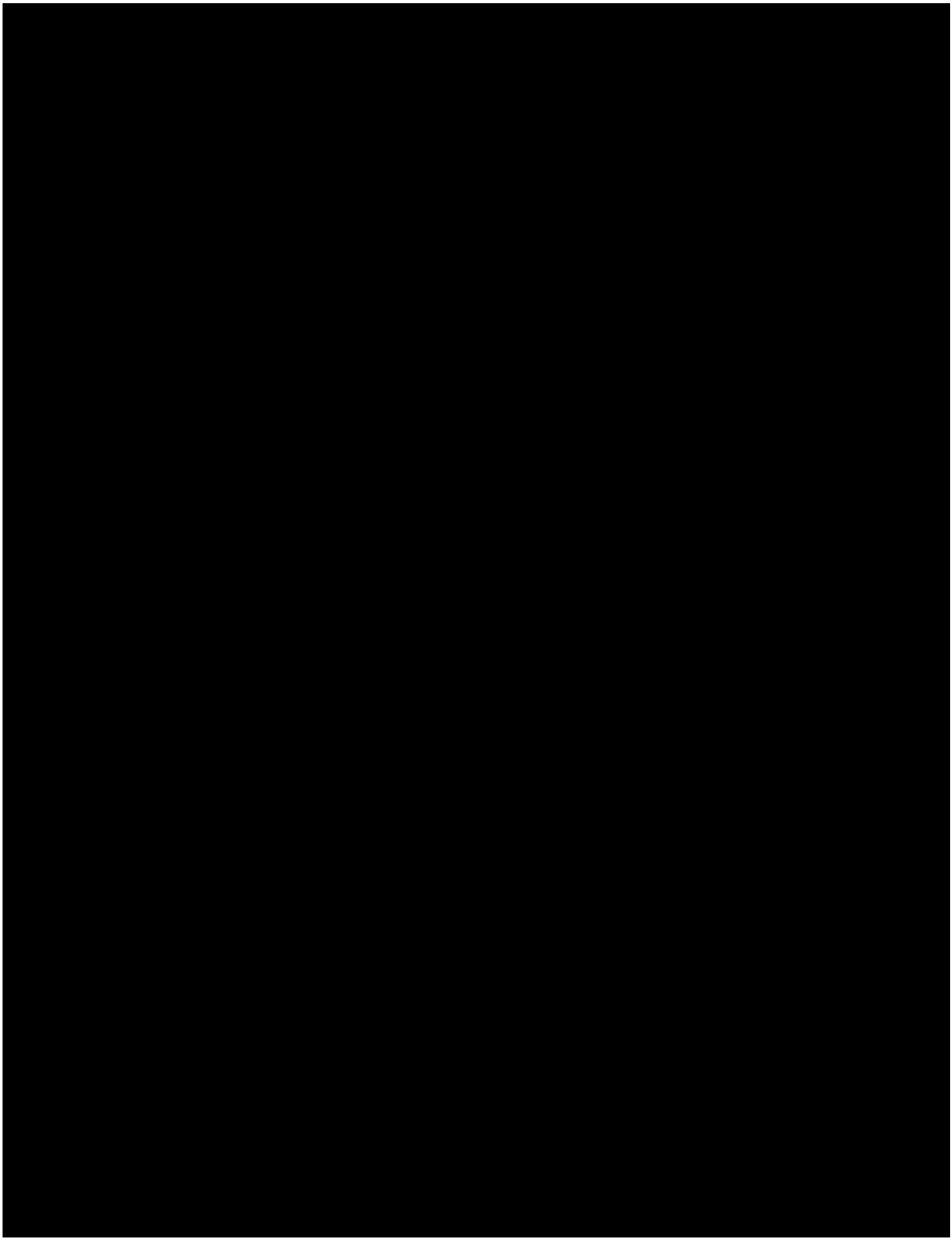

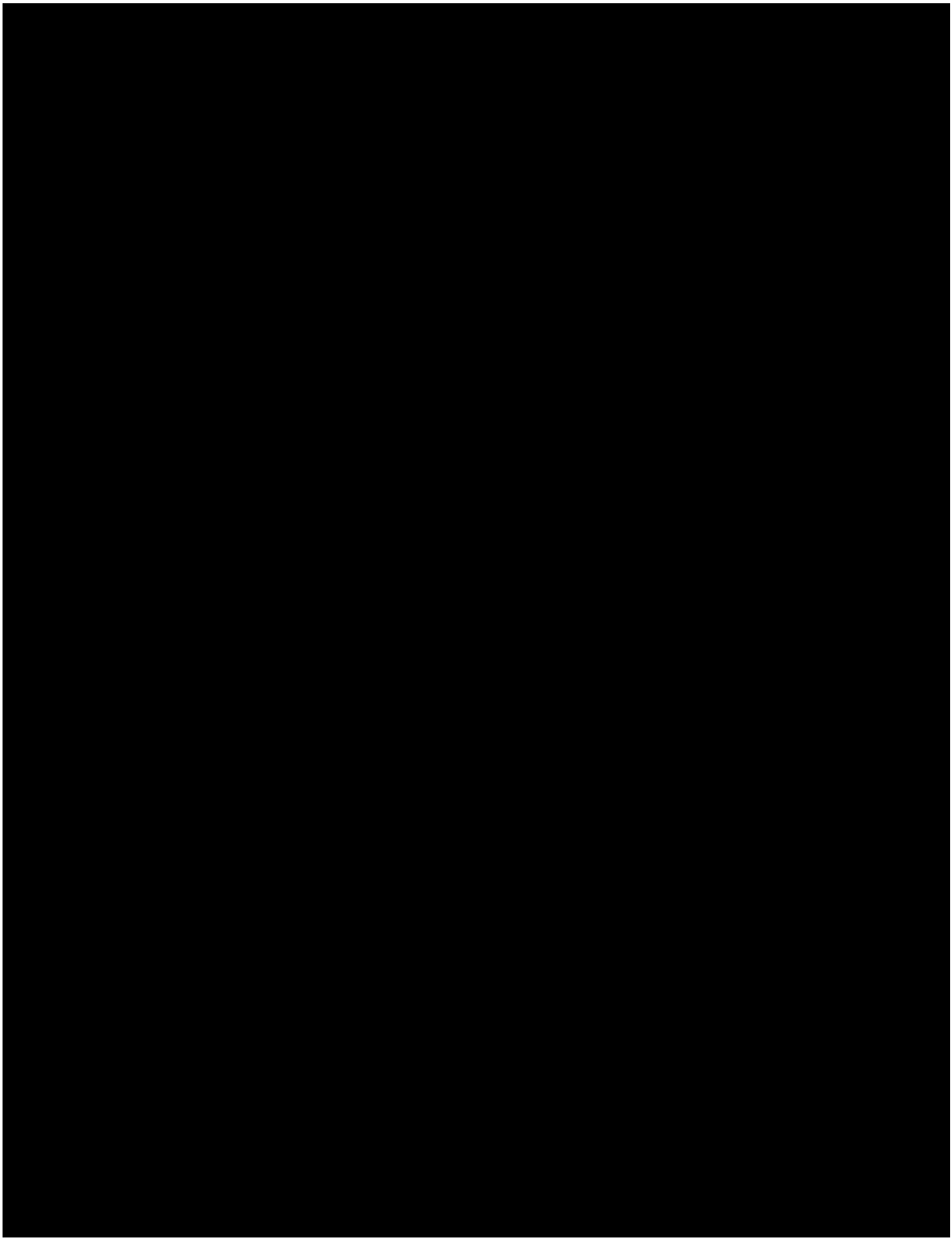

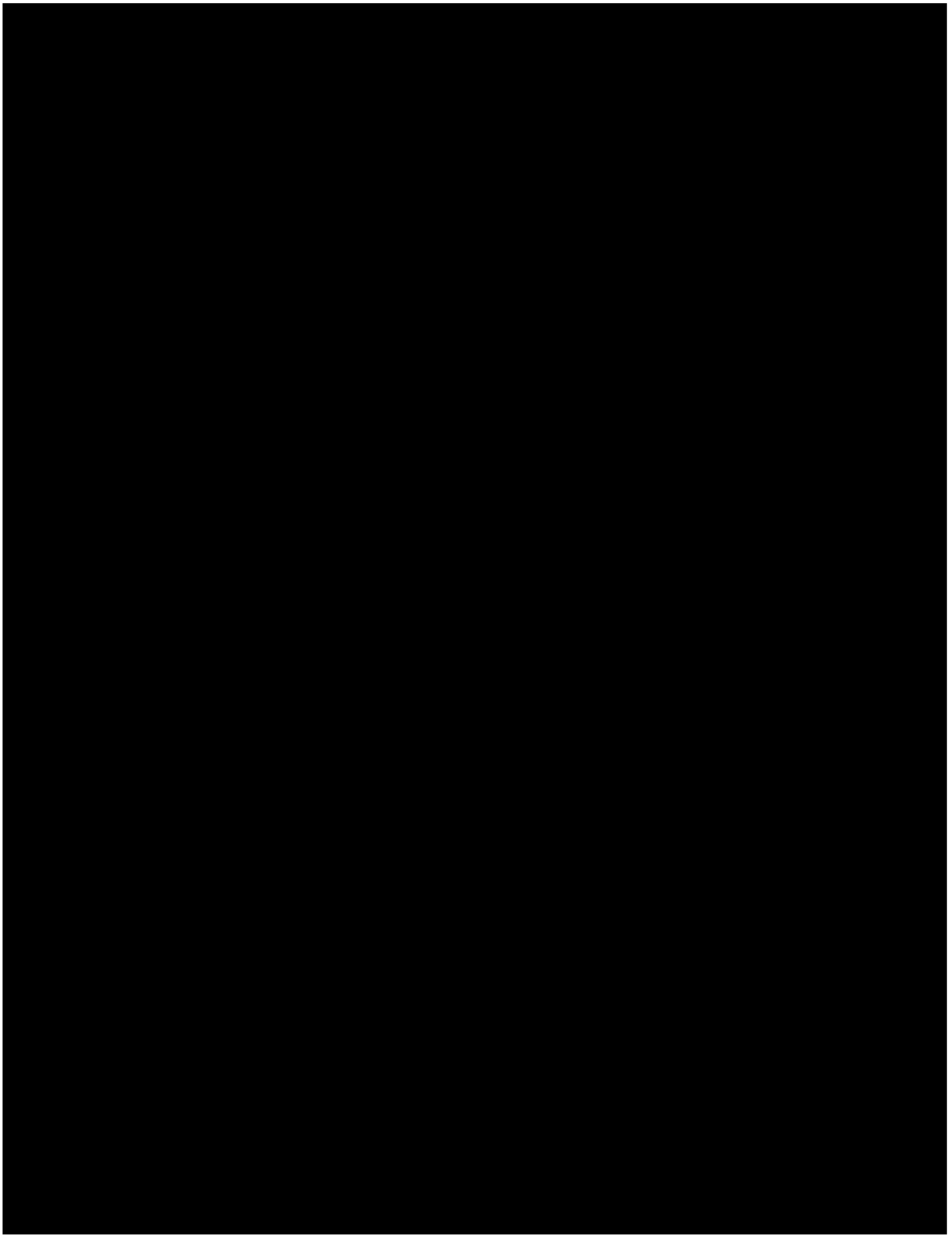

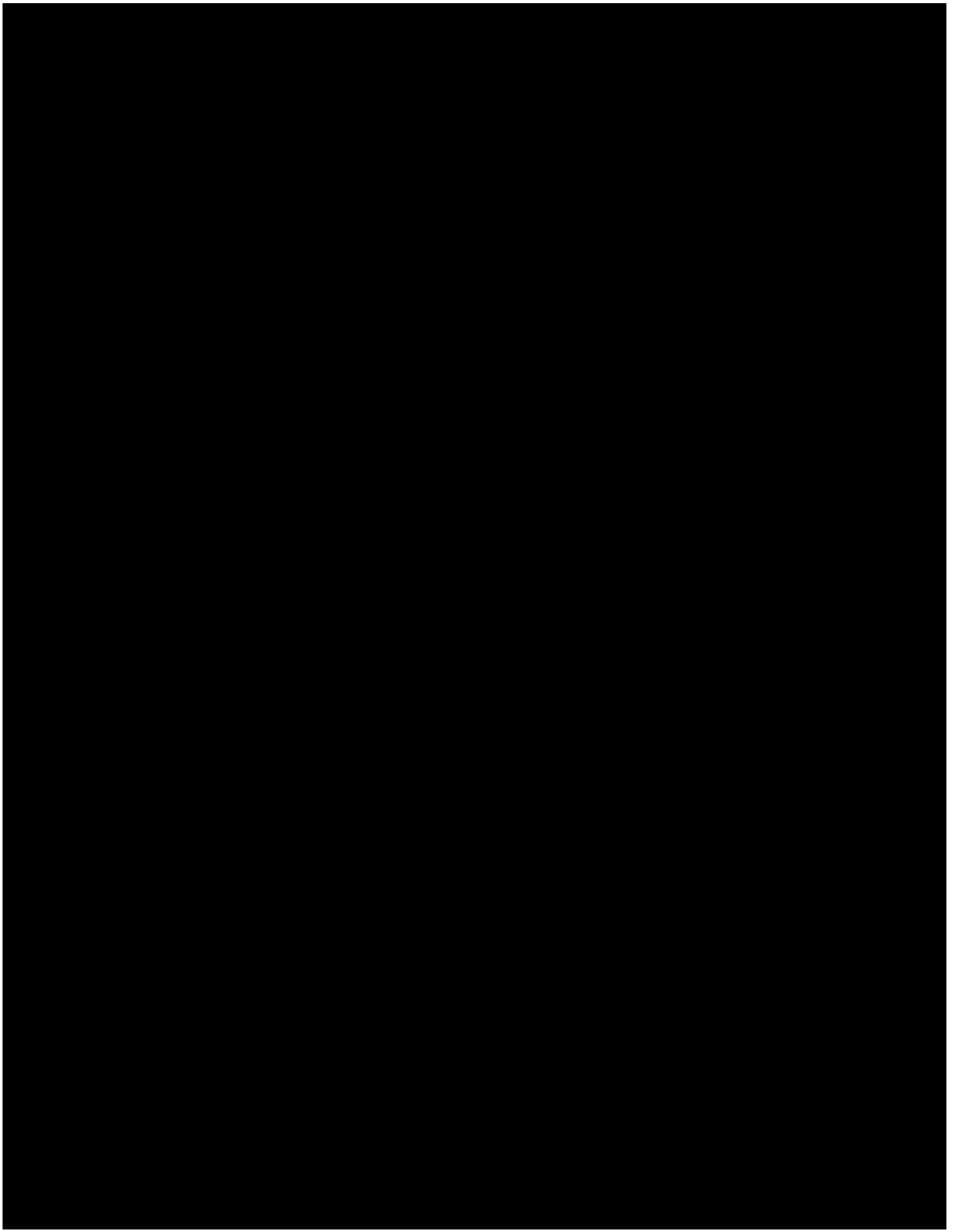

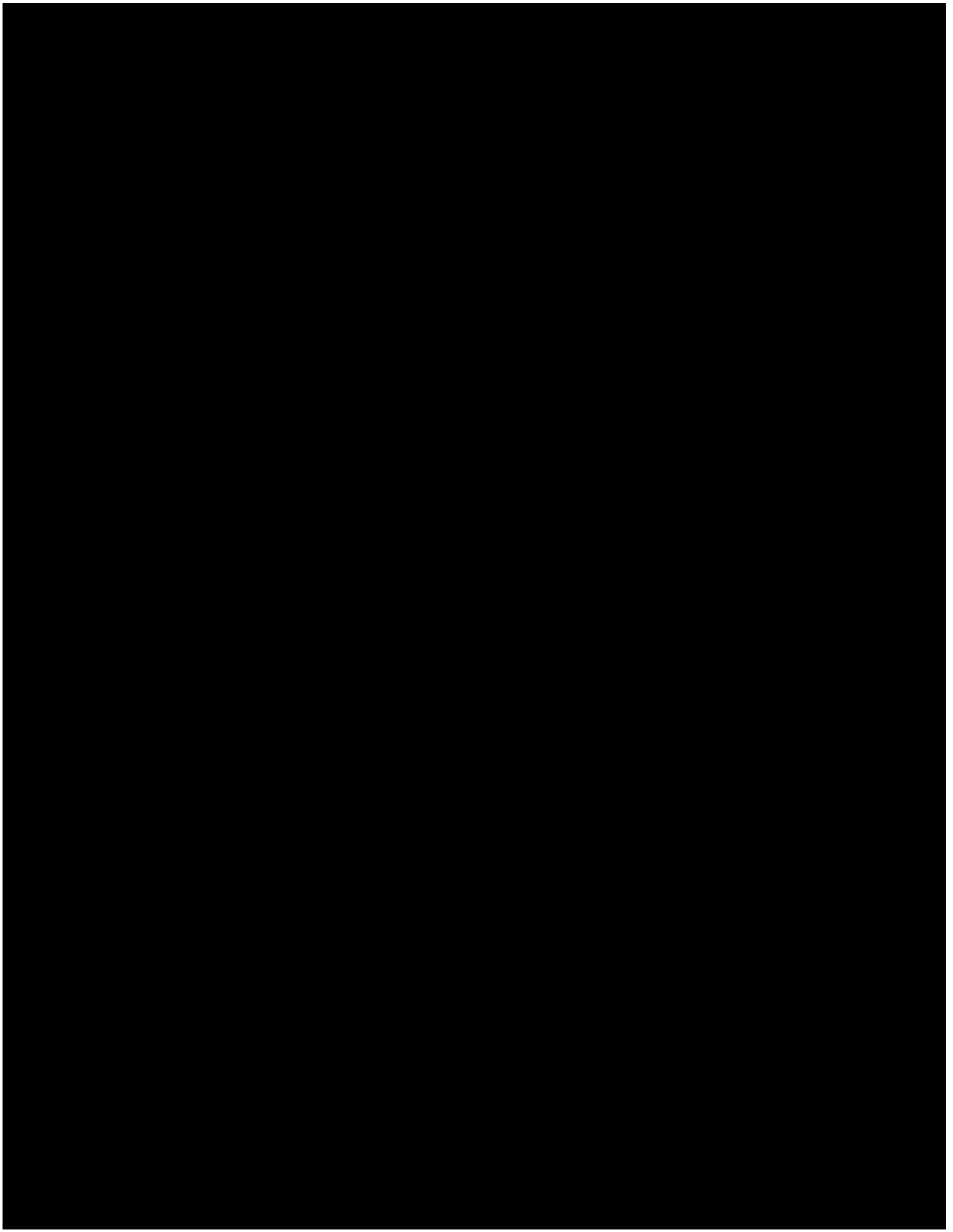

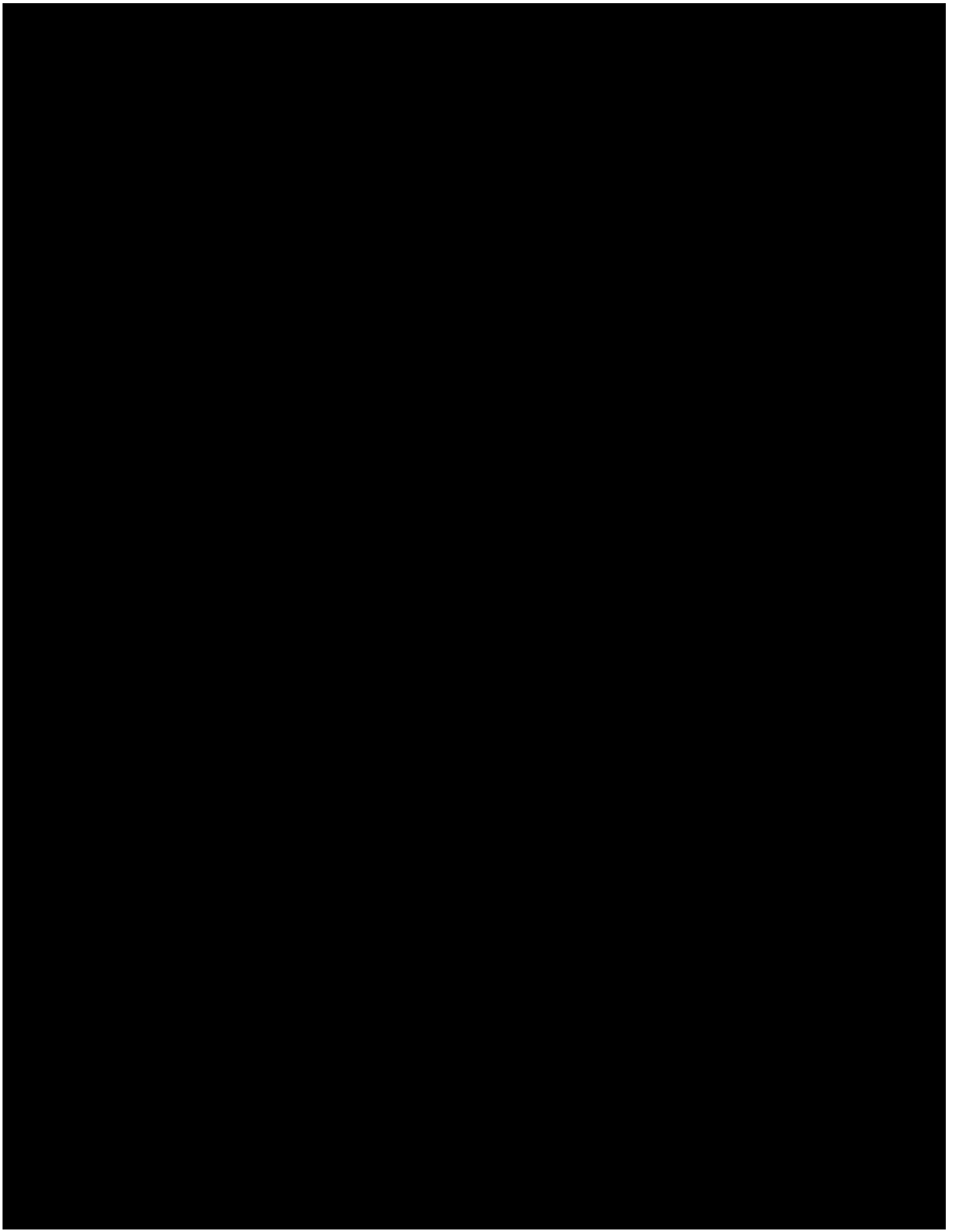

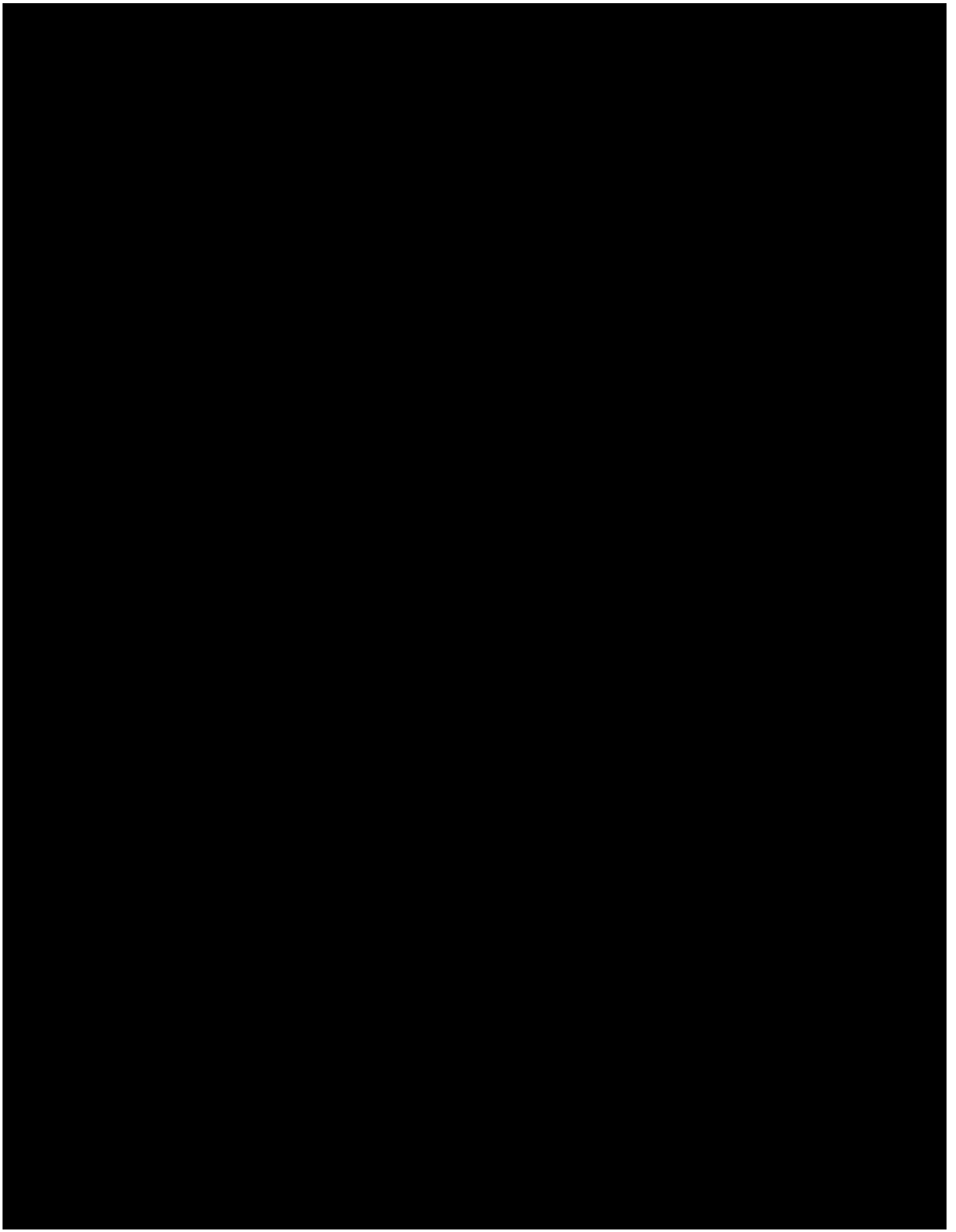

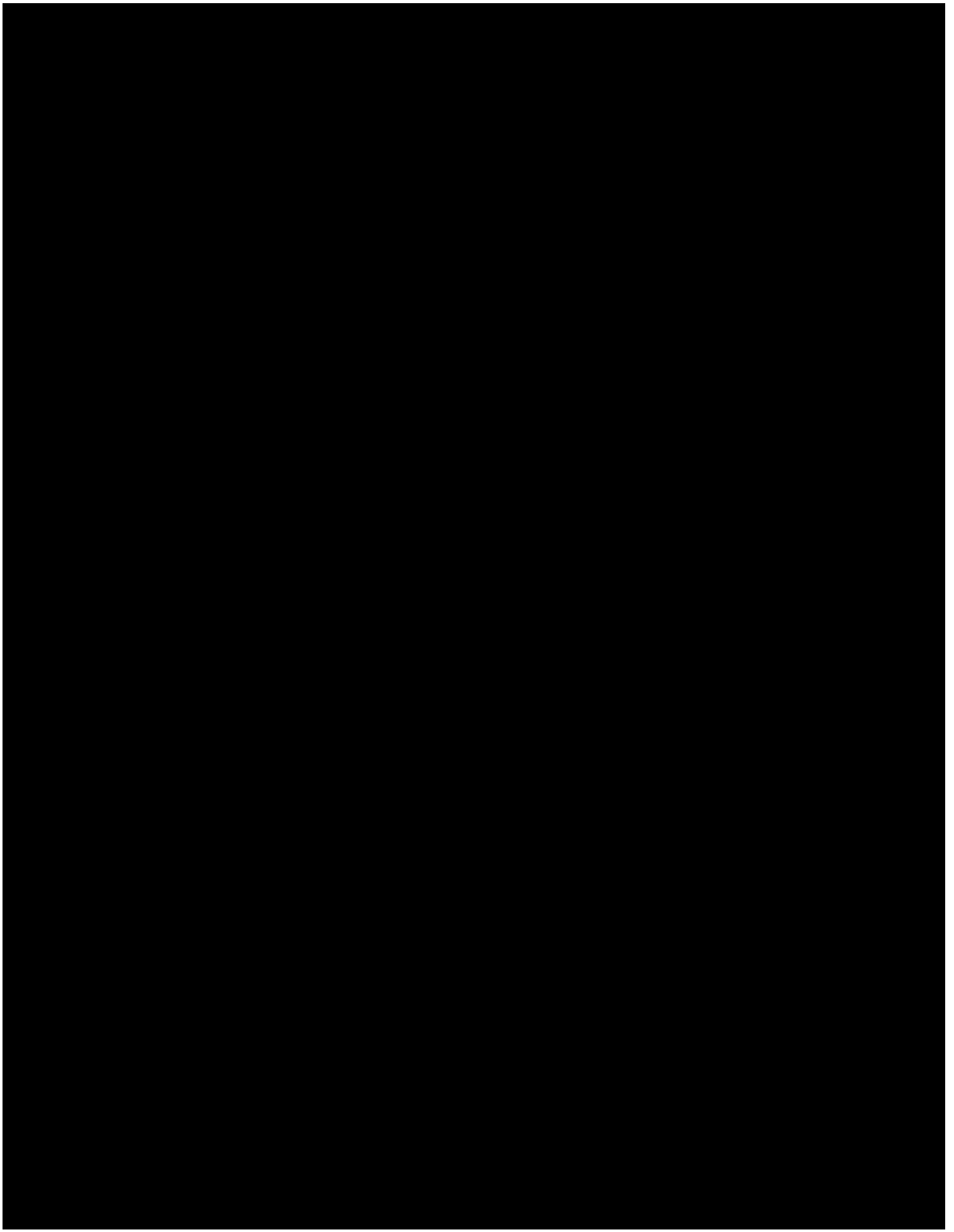

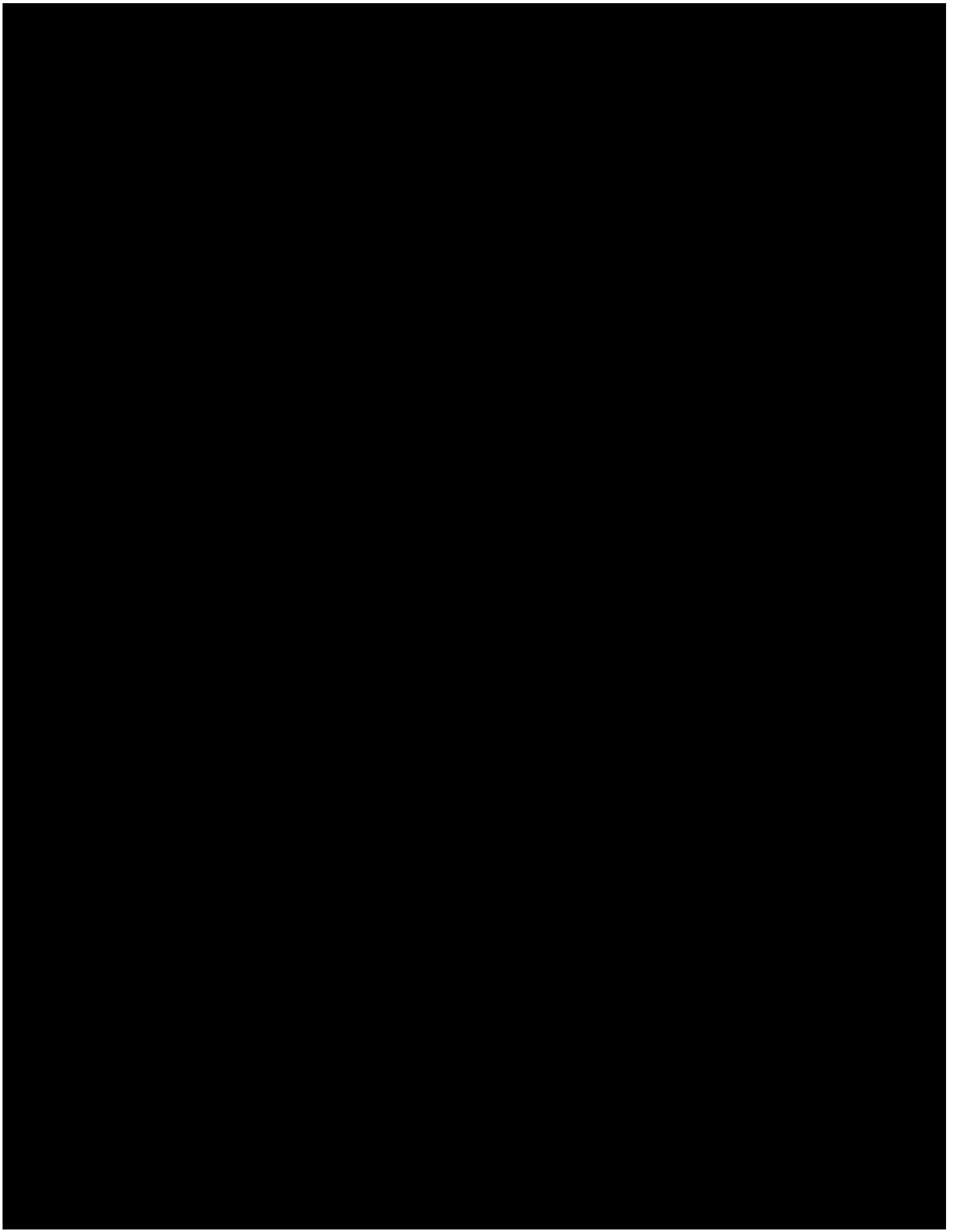

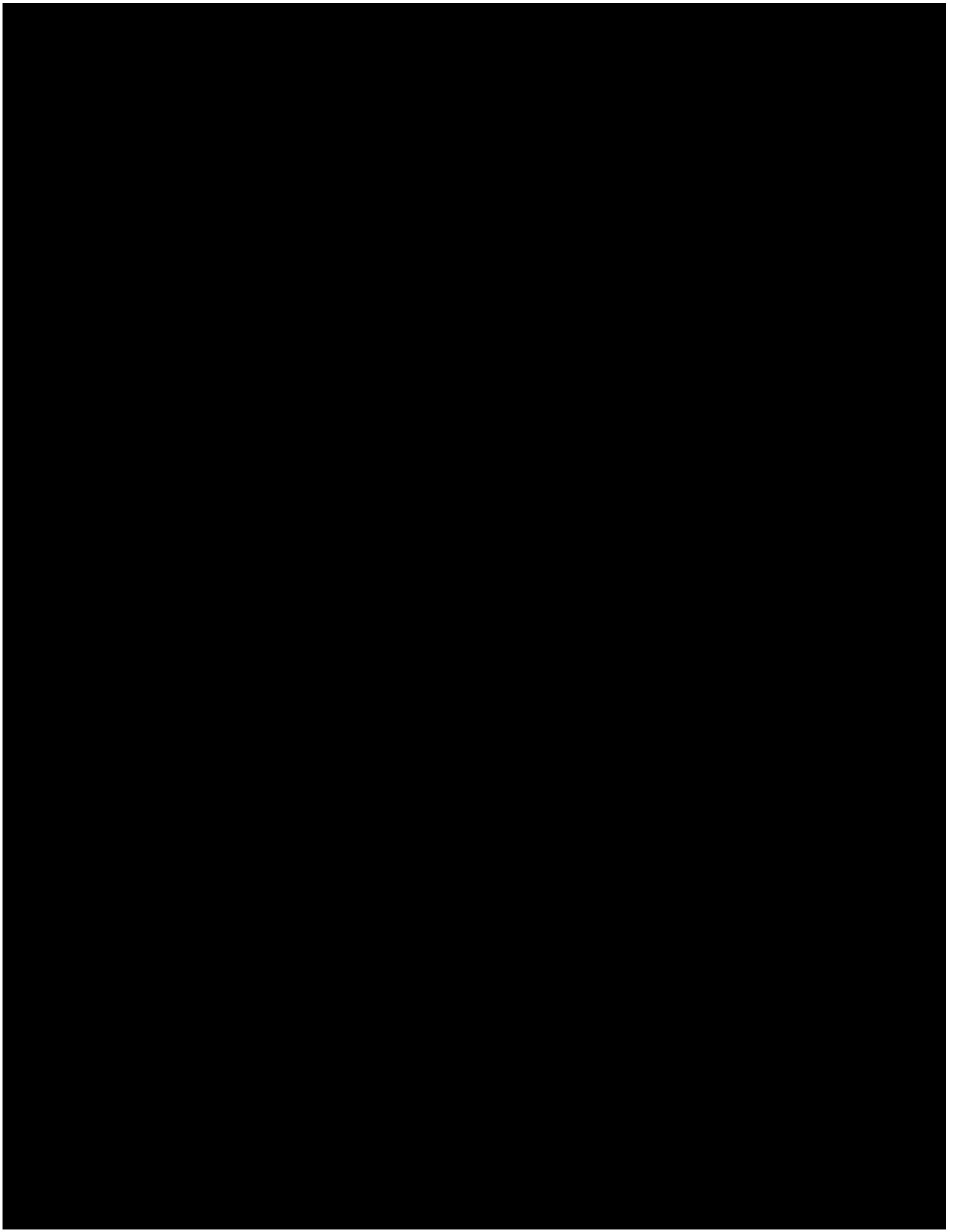

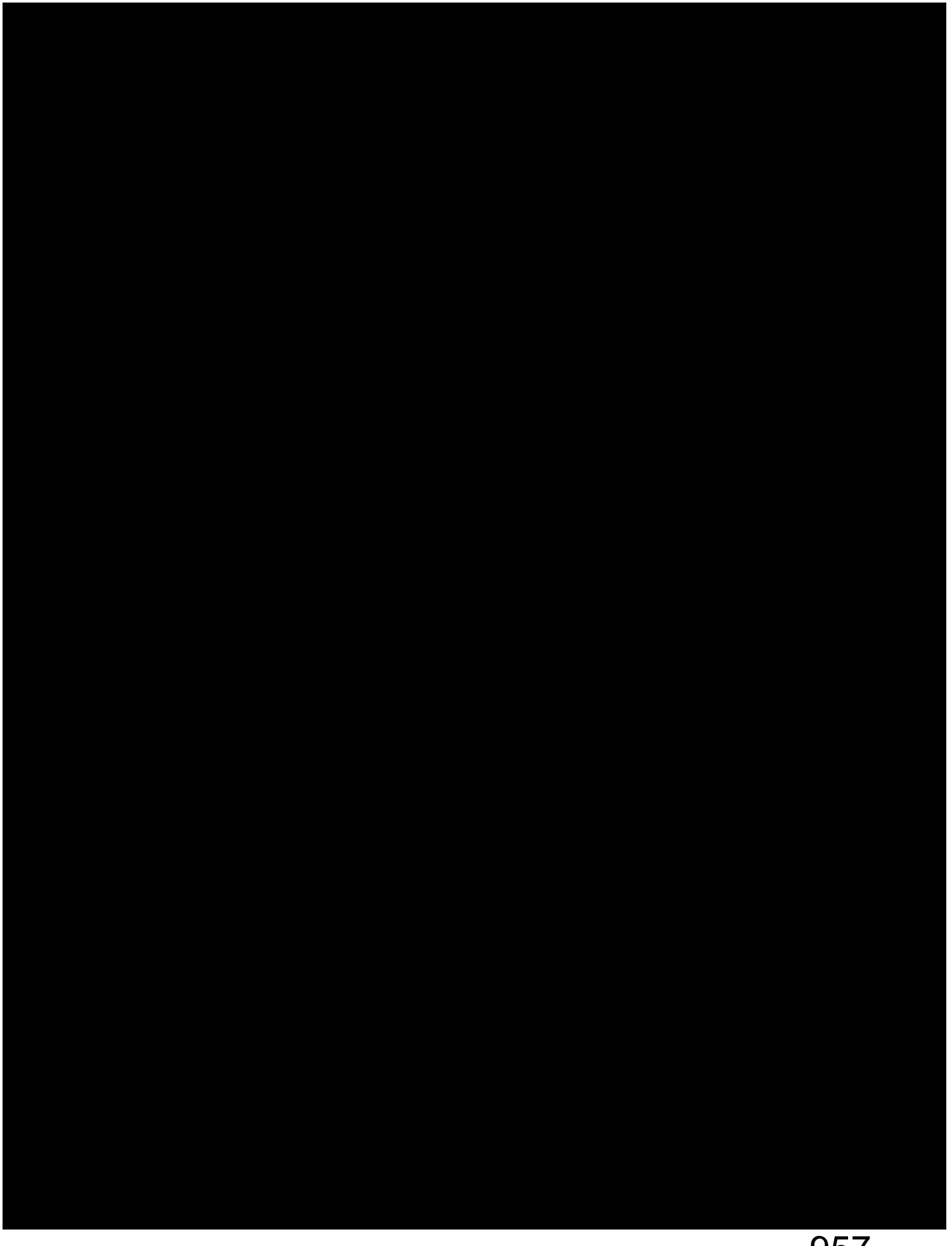

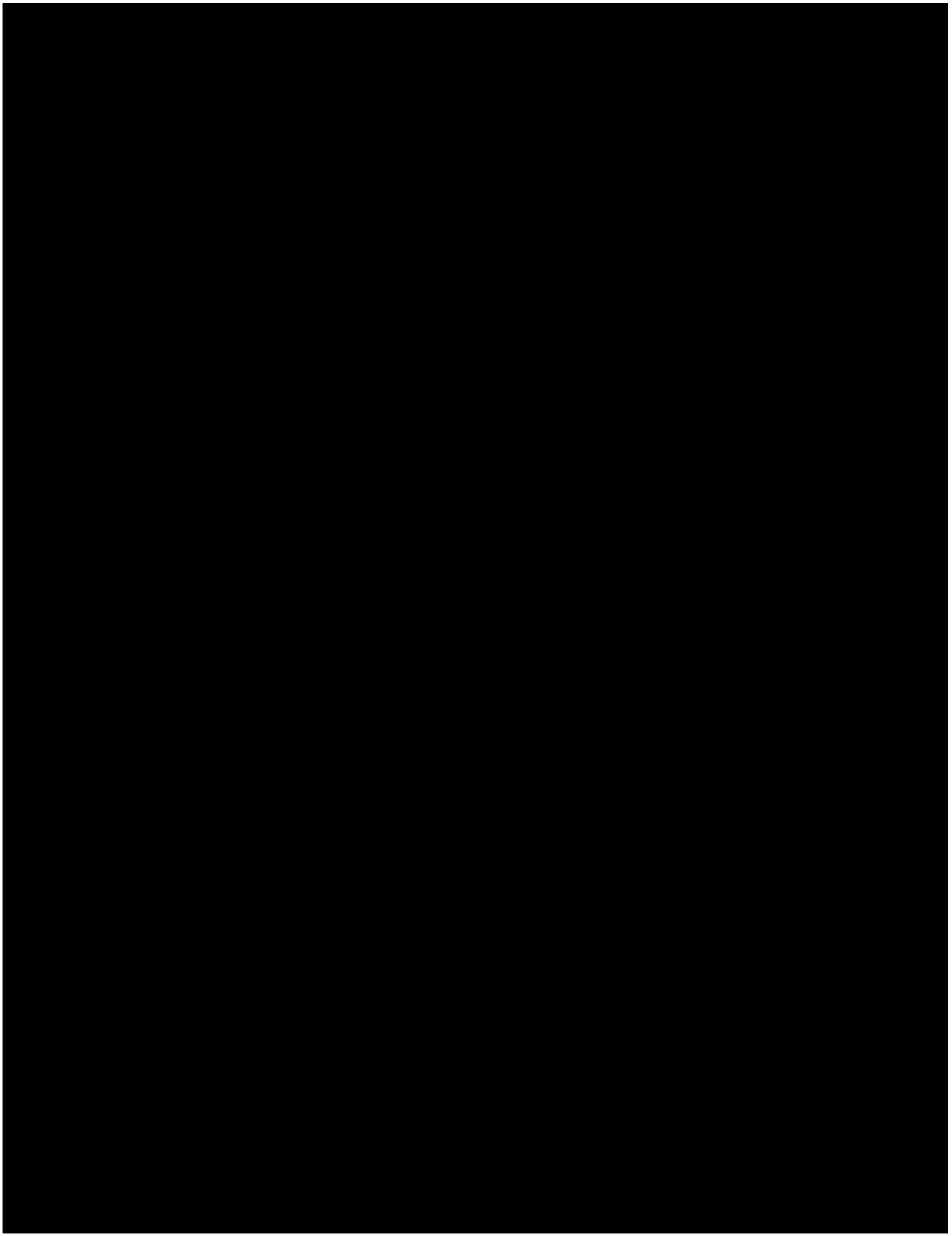

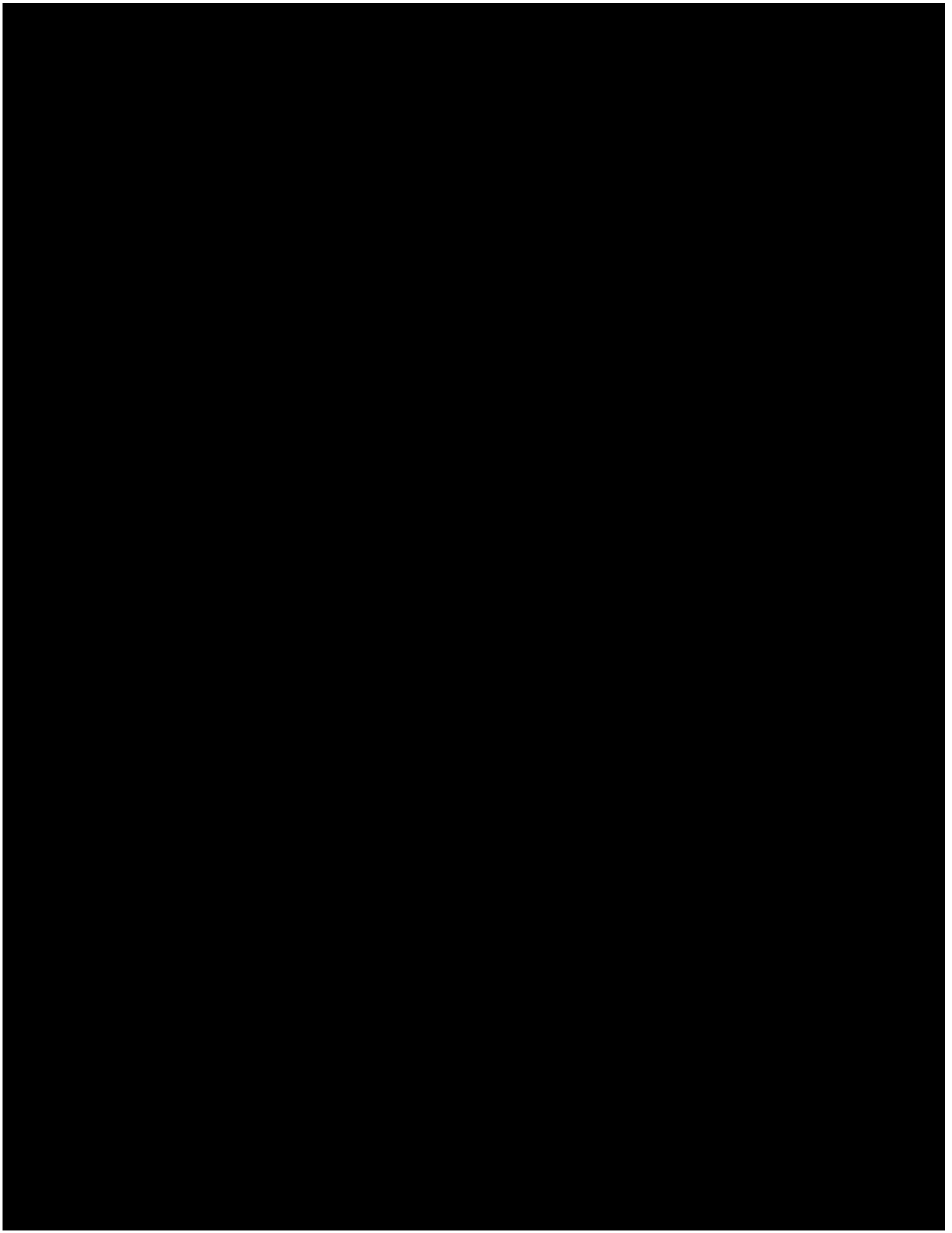

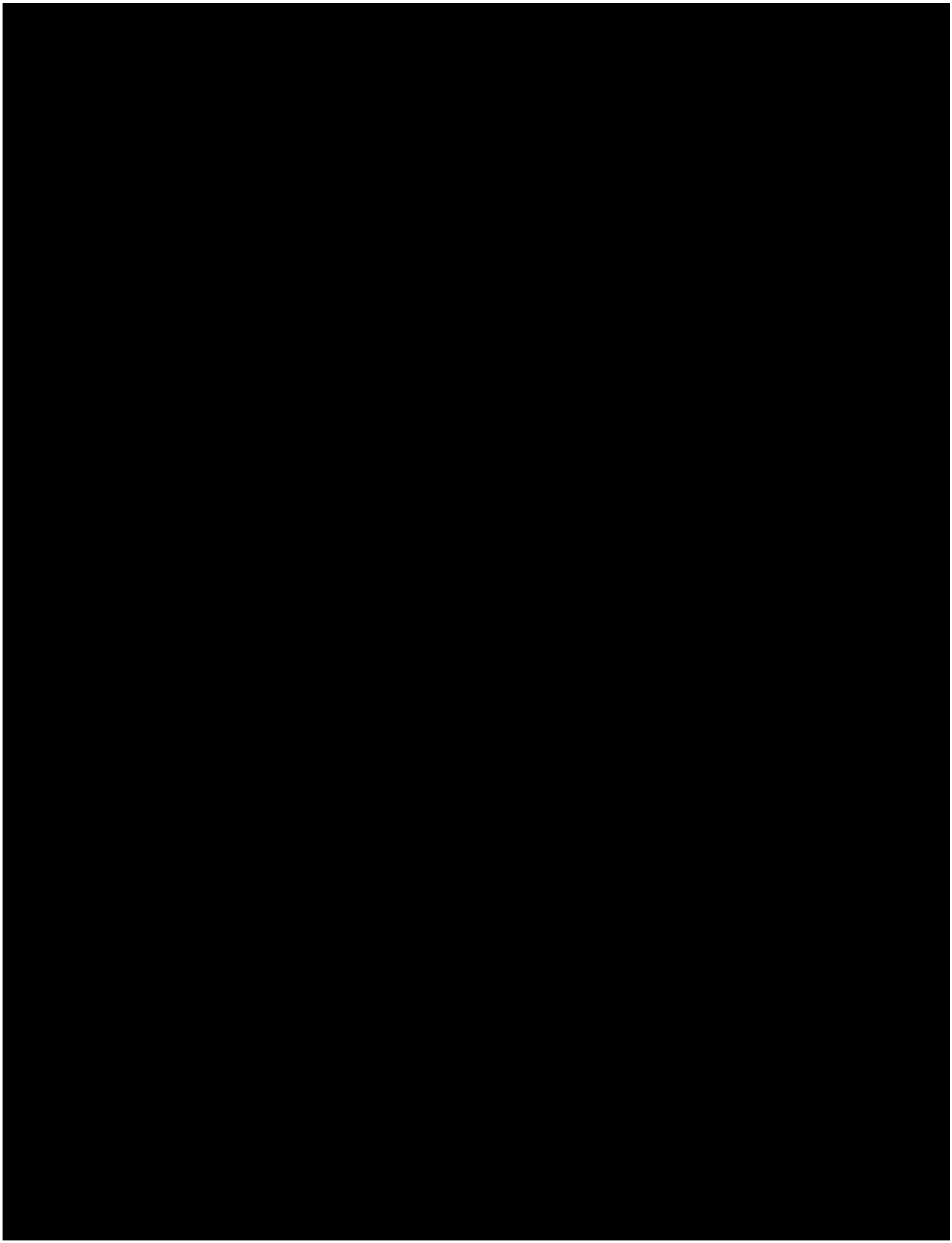

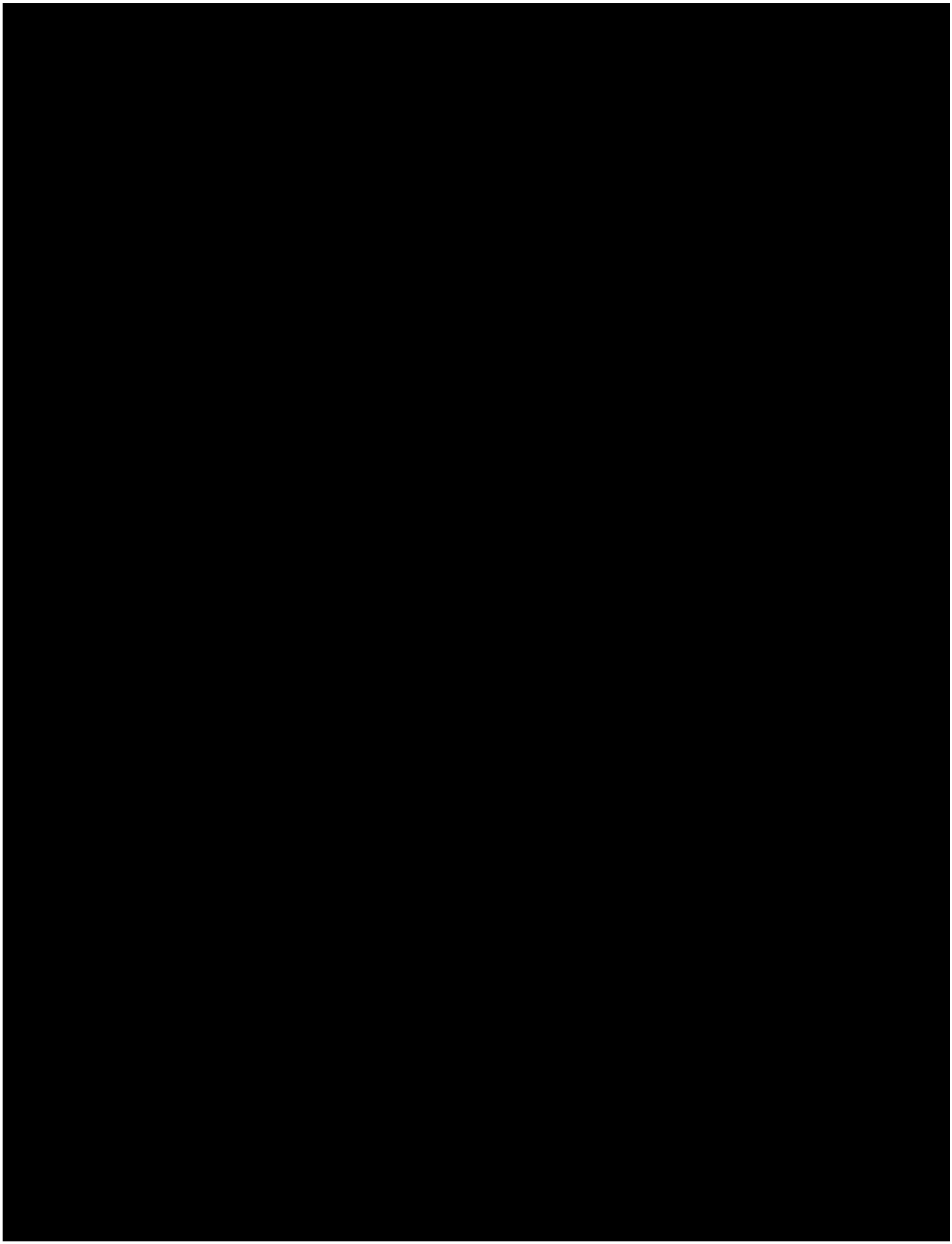

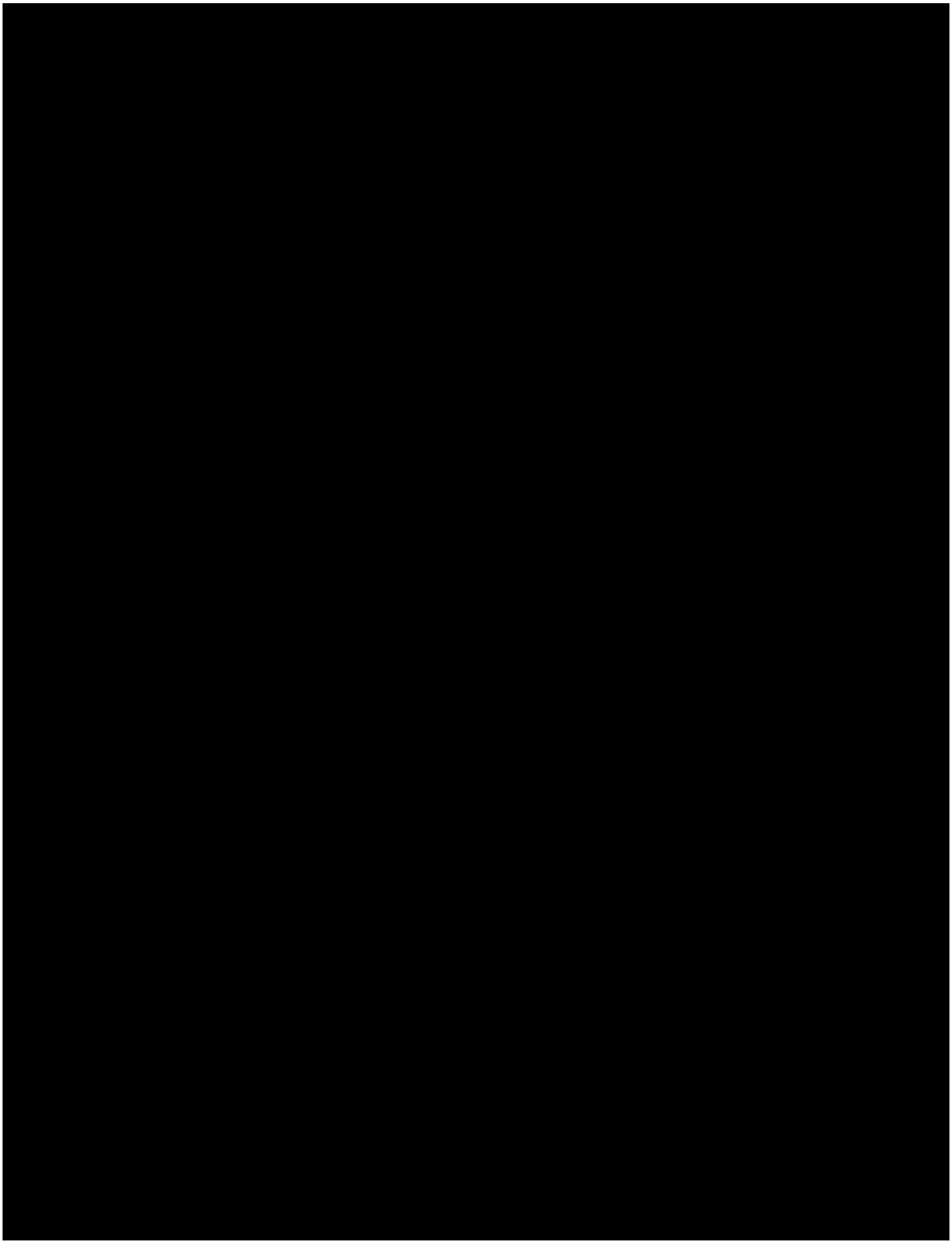

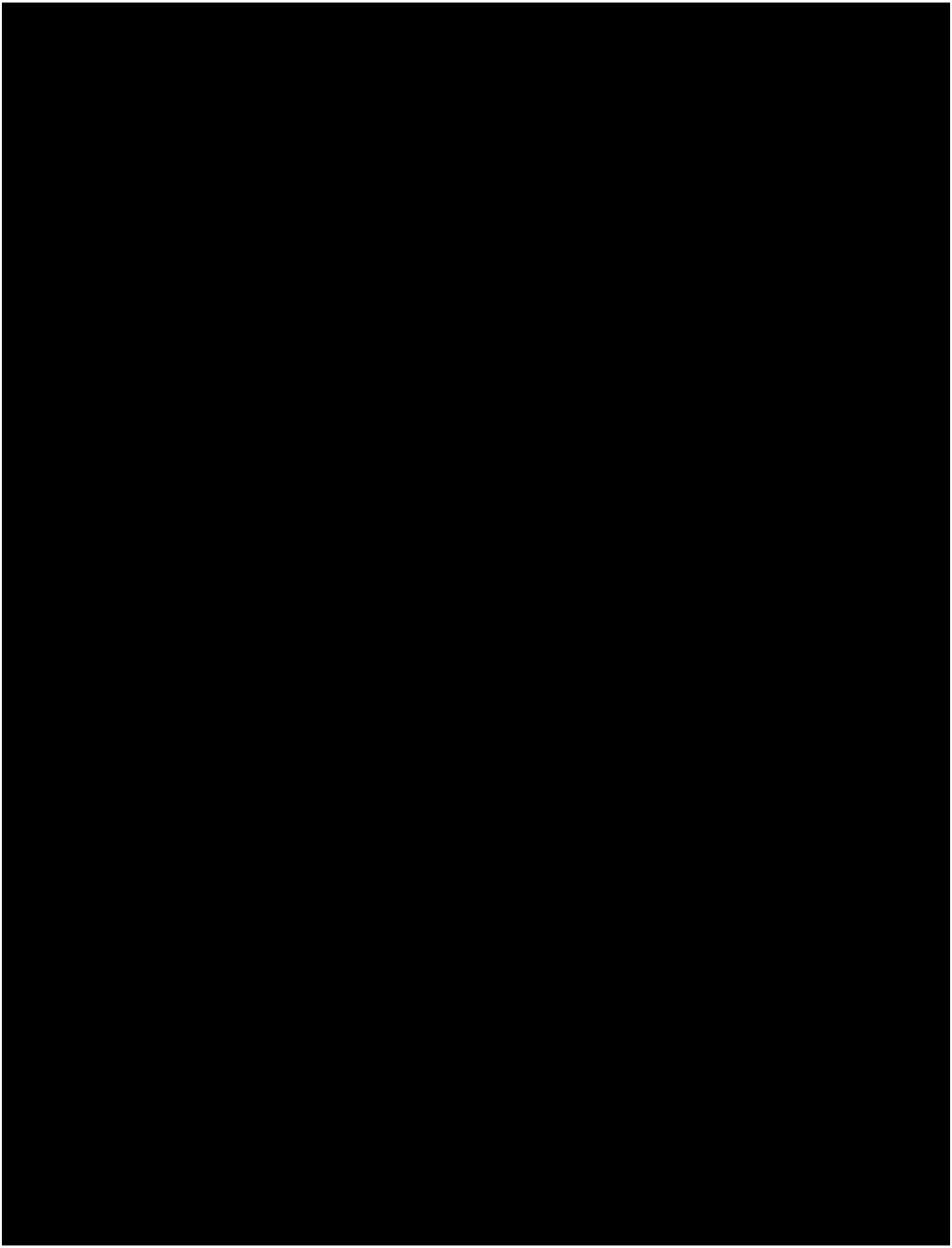

From: Daiquiri Carter
To: ASCC Pleadings; Kathryn Irby; jim@jimjacksonatty.com; Martha Cox
Cc: Brent Gasper; Daiquiri Carter
Subject: CC # 230641
Date: Friday, June 23, 2023 3:30:41 PM
Attachments: Respondent"s Motion to Strike et al_001.pdf
image001.png
image002.png

Please find attached Respondent's Motion to Strike claimants' Motion for summary Judgment et al…. I have copied Claimants' attorney on this email.

Thank you,

Daiquiri D. Carter, M.Ed.
Legal Services Specialist
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
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TIME-SENSITIVE PLEADING

ARKANSAS STATE CLAIMS COMMISSION

HALEY HUDSON, INDIVIDUALLY, HALEY HUDSON, SPECIAL ADMINISTRATRIX OF THE ESTATE OF JAQUELINE LYNN ASHCRAFT, DECEASED, AND HALEY HUDSON, AS PERMANENT LEGAL GUARDIAN OF [redacted] MINOR CHILDREN[1] **CLAIMANTS**

v. **CC No. 230641**

ARKANSAS DEPARTMENT OF HUMAN SERVICES **RESPONDENT**

RESPONDENT'S MOTION TO STRIKE CLAIMANTS' MOTION FOR SUMMARY JUDGMENT OR, ALTERNATIVELY, RESPONDENT'S MOTION FOR AN ENLARGED OF TIME TO RESPOND TO CLAIMANTS' MOTION FOR SUMMARY JUDGMENT
AND
MOTION TO EXPEDITE A DECISION ON THE MOTIONS HEREIN

COMES NOW, the Respondent, the State of Arkansas, Department of Human Services, Office of Chief Counsel, by its attorney, Brent P. Gasper, Assistant Deputy Chief Counsel, and for its Motion to Strike Claimants' Motion for Summary Judgment, or, alternatively, Respondent's Motion for an Enlarged Period of Time to Respond to Claimants' Motion for Summary Judgment, states:

CLAIMANTS' RUSH TO JUDGMENT

1. Claimants have filed a Motion for Summary Judgment alleging therein that there remains *no dispute* as to the material facts concerning liability in this case. ***Claimants could not be more wrong***. Claimants have cherry-picked certain pieces of evidence it contends are

[1] Respondent acknowledges that Claimants have filed a motion to non-suit Haley Hudson, individually, and [redacted] individually, as Claimants in this case. However, until the Commission grants the motion Respondent will continue to use the original styling of the case.

absolutely, one hundred percent (100%) dispositive of Respondent's total and complete liability in this case and now attempts to convince this Commission that, concerning liability, it is time to *move right along now, nothing more to see here*! This, all the while willfully ignoring the *mountain* of evidence that has yet to be unearthed[2], ready to be located during the normal course of discovery. Claimants likewise *refuse to even acknowledge* to this Commission the evidence currently *in Claimants' own possession* that clearly shows a legitimate question of liability. Due to the foregoing and for the reasons to be set out in the motions below, Claimants' utterly premature motion for summary judgment should be ***stricken in its entirety*** until discovery is complete. Alternatively, the Commission should enlarge the time period allotted to Respondent to respond to the Motion for Summary Judgment until discovery– at the very least as to liability – is complete.

MOTION TO EXPEDITE

2. First, however, Respondent respectfully requests this Commission expedite the decision on the substantive motions herein, as failure to do so threatens Respondent's due process rights as well as hinders Respondent's ability to avail itself to the provisions concerning summary judgment responses as set forth in the Arkansas Rules of Civil Procedure.

3. Specifically, Respondent has just twenty-one (21) days from the day the motion is served to respond to Claimants' motion for summary judgment. *See* Ark. R. Civ. Pro. 56(c)(1). This puts Respondent's response due date on July 5th, 2023.[3]

4. Respondent desires to move to strike the entire summary judgment motion as clearly and obviously premature. However, through conversations with the Director of the

[2] See, for instance, the huge amount of discovery tendered to Claimants' counsel just *today*, with Respondent obtaining the State Police photographs just *yesterday*.

[3] This is also the day following Independence Day, a state and federal holiday, where Respondent's office will be closed.

Arkansas State Claims Commission, Kathryn Irby, it is not a certainty that the Commission will even see Respondent's motion before the due date for the response to the pending motion for summary judgment arrives. This puts Respondent at a distinct disadvantage, unable to obtain a ruling on its Motion to Strike before being forced to file a response to protect itself from an argument by Claimants that Respondent failed to file a timely response.

5. Equity and due process should allow Respondent to obtain a ruling on its Motion to Strike before being required to respond to a premature summary judgment motion wherein it will be forced to provide all available evidence to defeat the motion and also be forced to compromise its case strategy by potentially divulging nondiscoverable or impeachment evidence it would normally choose to keep under wraps until an appropriate time. The Claimants should not be allowed to flush out and be privy to privileged trial strategy and nondiscoverable evidence simply by filing a summary judgment so early in the litigation and to use the Rules of Civil Procedure as a sword against which Respondent, due to the part-time nature of the Claims Commission, has no shield.

6. Moreover, Rule 56(c) contains the following provision:

> *For good cause shown, the court may by order reduce or enlarge the foregoing time periods.*

7. As is clearly laid out in the Rule, Respondent may request an enlargement of time to respond to the summary judgment motion. However, unless these motions are expedited and put in front of the Commission before July 5, Respondent again will be forced to file a response to the summary judgment motion itself to meet its obligation to file a timely response.

8. It is clear that unless these motions are expedited and considered by the Commission during the week of June 26-30, Respondent will be substantially disadvantaged and its due process rights violated by not being able to avail itself of proper responses, defenses, or

pleadings to which it is entitled under Rule 56 of the Arkansas Rules of Civil Procedure as well as other rules of the Commission.

9. **Due to the foregoing, Respondent MOVES that consideration of the motions herein are EXPEDITED, CONSIDERED, AND RULED UPON prior to June 30, 2023**.

10. Turning to its substantive motions, Respondent moves to strike Claimants' Motion for Summary Judgment or, alternatively, moves for an enlarged period of time in which to respond to the motion.

MOTION TO STRIKE

11. In their motion, Claimants have presented "undisputed facts" and have made numerous factual assertions that Respondent disputes and has disputed in the clearest possible way, having contested Claimants' version of events in both its original Answer and its Answer to Claimants' Second Amended Complaint. It is this mad dash to altogether skip the question of liability that is the first indicator that, in fact, the issue of liability is FAR from resolved. Indeed, even Claimants' counsel himself knows this to be true, having as recently as May 31, 2023, been in discussions with personnel at the State Crime Lab concerning the unlawful controlled substances that were found in Jacqueline Ashcraft's urine at the time of the accident.[4] This discussion was memorialized in a memo to the file by the State Crime Lab that was given to Respondent in response to a subpoena. *See* Respondent's Exhibit "A", attached.

[4] It is noteworthy and perhaps of importance to the Commission that Claimants' counsel has still failed or refused to turn over the toxicology report for Jacqueline Ashcraft *even though he has had this clearly discoverable evidence in his possession for months*. In fact, documents of this nature were *specifically* requested by Respondent in its first set of interrogatories and requests for production of documents. As of this date, Claimants' attorney has still not satisfied his obligation to turn over this discoverable evidence. Respondent was forced to obtain a subpoena duces tecum from Commission to acquire this evidence from the State Crime Lab on its own accord.

12. Jacqueline Ashcraft's intoxication at the time of the accident and how it adversely affected the operation of her vehicle is just the tip of the iceberg, however, when counting the number of "disputed facts" concerning liability that Claimants either refuses or fails to recognize. Examples are listed below:

a) Trooper James Rays' inaccurate, flawed, and problematic accident report.

13. Claimants rely totally and completely on the accident report and the deposition of former State Trooper James Ray to make their case as to liability. Whether they know it or not, Claimants have done so to their detriment. Respondent repeatedly contested and questioned Mr. Ray's findings in the accident report and as Respondent has now discovered, it was correct in doing so. Respondent has and is developing evidence that will show that *not only are Mr. Ray's findings flawed and incomplete but that the accident report itself is flawed to the extent that Mr. Ray cannot be relied upon as a reliable witness*. If Mr. Ray's accident report and deposition are unreliable – or perhaps in parts even dead wrong – how can Claimants rely upon *other* information in the accident report? Even more importantly, how can the Commission??[5]

14. One example involves the GPS coordinates listed on the accident report. They are incorrect. The GPS coordinates listed on the accident report actually take you to an altogether

[5] It should be noted that Claimants' own pleadings are currently fatally flawed and will likewise require *yet another* Amended Complaint and *yet another* Answer to be filed in response. To wit: in each of Claimants' Complaints the address and location of the accident is incorrectly stated as either [redacted] when in fact the correct address is [redacted] While Respondent understands this may very well have been a scrivener's error or the result of erroneous typing or transcription, the Commission should note that *as a fact-pleading state*, this error is currently fatal to Claimants' case as no accident occurred at the address Claimants claim on the face of their pleadings. Moreover, as many times as Claimants attempt to make factual claims that they contend are absolute and unassailable, that the Claimants have overlooked such a simple, straightforward, and fatal error multiple times over multiple months should inform this Commission on the extent to which it should rely on Claimants' claims in the past and moving forward.

different location on [redacted] to a spot ½ mile down the road. Respondent obtained on its own accord and through its own investigation and due diligence the correct GPS address. *See* Respondent's Exhibit "B", attached. Please see also a map of the incorrect GPS coordinates as listed on the attached report attached as Respondent's Exhibit "C". Respondent acknowledges that, when viewed on its own, this may simply have been a clerical error by Mr. Ray. However, the importance of this error is magnified in the litigation of this case. For starters, Mr. Ray and Claimants' counsel **relied upon and used these flawed coordinates in Mr. Ray's deposition.** Specifically, the wrong GPS coordinates when used in the Google Maps online application take you to an entirely different location than the accident scene as you see in Exhibit "C". A print-out of this erroneous address was then used as a picture of the accident scene at Trooper Ray's deposition that shows the wrong house. *See* Respondent's Exhibit "D", attached. The entirety of that overhead photograph does not accurately depict what both Mr. Ray and Claimants' counsel stated occurred in a sworn deposition. While the picture used at the deposition had a picture of a house and a driveway it is the ***wrong house and driveway*** and Mr. Ray did not seem to recognize this error when he so carefully and assuredly described what occurred at the accident scene. This calls into question not only Mr. Ray's memory, accuracy, and judgment, but also the actual physical measurements taken at the scene.

15. Mr. Ray's already demonstrated incomplete and flawed accident report diagram is extensively used and directly cited to by Claimants in their summary judgment motion. This too, highlights more errors made by Mr. Ray while investigating the accident. Specifically, the diagram in the report references only one (1) set of skid marks at the scene. Moreover, there were measurements taken of only one (1) set of skid marks. There are, however, *two (2) sets of skid marks*, as is clearly shown on a newly obtained photograph of the accident scene. *See*

Respondent's Exhibit "E", attached hereto, with arrows noting the two distinct skidmarks. The accident report diagram also does not show the actual locations of both sets of skid marks, one of which starts on the shoulder of the road and one of which starts at the fog line and then curves all the way across the lane.

16. The reason that the skid marks are important is that, as later evidence will show, Ms. Ashcraft's vehicle likely created the second set of skid marks that were not noted on the accident report diagram. If this turns out to be correct as Respondent believes, the skid mark evidence will definitively show that the position of Ms. Ashcraft's vehicle was NOT entirely in the roadway as Mr. Ray and Claimants contend, but in fact was *partially on the shoulder*. Why is that important? First, it continues to cast doubt on the accuracy and veracity of Mr. Ray's accident report, investigation, and testimony. Second, the angle of Ms. Ashcraft's skidmarks, coupled with the impact damage her vehicle sustained primarily on the right passenger side, show that her vehicle was angled diagonally relative to the roadway. This proves that Ms. Ashcraft was actually reentering the main roadway from the shoulder. And why is that important? *Because the traffic laws of the state and the Rules of the Road require all vehicles reentering the roadway from the shoulder to yield to oncoming traffic.*[6] If this is the case – and Respondent will prove that it is – then it is actually Ms. Ashcraft that caused the accident through her negligent operation of her vehicle, not Jennifer Wilkerson.

[6] Find attached as Respondent's Exhibit "F" excerpts from both the Arkansas Highway and Transportation 2019 Motor Vehicles and Traffic Laws publication and the 2022 Arkansas State Police Study Guide.

b) The eyewitness account of Bobby Dale Wilson.

17. It would be one thing if all Respondent had to argue were skid marks and a theory that it was Jacqueline Ashcraft who was responsible for the accident. But in fact, Respondent has much more than that.

18. Mr. Bobby Dale Wilson is a truck driver from Alabama. He is also apparently the sole identified eyewitness to the entire accident. Mr. Wilson was driving west on Highway 22 with an oversize load on his truck when he saw the entire accident occur right in front of him, with a birds-eye view from his elevated truck cabin. He also witnessed the accident's aftermath as Jennifer Wilkerson's car collided with his truck and trailer after striking Ms. Ashcraft's vehicle.

19. While Mr. Wilson did make a brief written statement shortly after the accident (which was included in Mr. Ray's accident report), this statement was woefully incomplete. Mr. Wilson, in fact, had more information to give concerning the accident that Mr. Ray nor Claimants felt was important enough to track down.[7] Respondent, however, believed differently.

20. It was extremely time consuming and oftentimes frustrating to locate Mr. Wilson and ultimately obtain his sworn affidavit. This process took many months with more failures than successes. However, Respondent was ultimately able to do what both Mr. Ray and Claimants' counsel apparently decided was unimportant – ***actually talking to an eyewitness***.[8] Attached as Respondent's Exhibit "G" is the sworn affidavit of Bobby Dale Wilson, the only eyewitness with

[7] Why Mr. Ray did not follow up with Mr. Wilson about this accident is as much of a mystery as to *why was no one ever charged with any offense concerning this accident?* Mr. Wilson was potentially an eyewitness to actual criminal conduct. However, Mr. Ray did not charge *anyone* with *any* offense – not even a traffic ticket. This, despite the fact that the accident involved two (2) drivers with unknown amounts of multiple illegal substances in their system and three (3) children, one (1) of whom suffered a concussion. And, ultimately, a dead participant.

[8] And there are more eyewitnesses out there that Respondent is still trying to locate. This will be explored further herein.

an advantageous view of the entire accident, start to finish. Why his testimony is so vital is that Mr. Wilson under no uncertain terms states that immediately before the accident Ms. Ashcraft's car was only partially in the main roadway. Already established with the missing skid mark evidence, this corroborating evidence is drastically different than what Mr. Ray described in his accident report. Moreover, for the purposes of this motion, Mr. Wilson's statement *is by its very existence evidence that Claimants' Motion for Summary Judgment is not only premature now but will never be operative at any point in this litigation*.

21. Indeed, while Claimants may not recognize or want to admit the fact, we are still in deep on the very question of *what exactly happened here*?

c) The need for an accident reconstruction expert.

22. To answer that question – really, the main question in the entire trial – and given the consistent stream of liability evidence filtering back thanks to Respondent's investigative and discovery efforts, it is almost a certainty that Respondent will employ an accident reconstruction expert to testify as to exactly *how this accident occurred*.

23. Expert analysis and the opinion of an accident reconstruction expert will be vital to Respondent's case at trial. Respondent is obviously entitled to a full and fair defense in this matter and considering it has from the very outset raised both comparative fault and, to the extent it is applicable, contributory negligence, Respondent should be given plenty of time and leeway to develop its case before being forced to defend a premature declaration by the Claimants that the question of liability is a foregone conclusion when Respondent is just getting started proving otherwise. Part of developing its case will likely be to turn toward expert opinions on the accident itself and that process takes time, especially when Respondent is still collecting evidence.

d) Additional witnesses still unidentified or not yet located.

24. Through its diligent investigative efforts, Respondent has also several witnesses that it is still attempting to locate. These include:

1. Stacey Lowe, a person named in the 911 call logs maintained by the Logan County Sheriff's Department, and her mother, who were presumably driving along Highway 22 when the accident occurred. Ms. Lowe stated on her 911 call that her mother was assisting one (1) or more of the persons involved in the accident. Ms. Lowe's mother may have spoken to any of the persons in the accident shortly after it occurred. These statements would be non-hearsay evidence and might have included a narrative of what had happened. Respondent is still attempting to track down these two women.

2. Ms. Latosha Lewis of Hamilton, Alabama, was driving the flag escort in front of and for Mr. Wilson's oversize load at the time of the accident. A flag escort was required per the regulations of the Arkansas Highway and Transportation Department. Respondent has identified Ms. Lewis through its own efforts speaking to Bobby Dale Wilson and does not believe any of the law enforcement officers spoke with her about the accident at the scene, even though she may have observed all or part of the accident. Moreover, if Ms. Lewis was driving in front of Mr. Wilson as his flagged escort she would have driven past both Ms. Ashcraft and Ms. Wilkerson and may have seen their relative positions on the roadway. Nevertheless, Respondent is still attempting to locate Ms. Lewis as Mr. Wilson does not currently know her whereabouts.

3. Members of the Paris Police Department responded to the scene of the accident. Respondent is in the process of locating these officers to see if they have any relevant evidence or information.

4. The owners of the residence at [redacted] where the accident occurred have been identified as Jessica and Adam Capo. Respondent is still attempting to obtain statements from these witnesses to the aftermath of the accident[9]. Ms. Ashcraft spent approximately twenty-four (24) minutes inside of the residence with these witnesses without medical personnel or law enforcement personnel present. Ms. Ashcraft may have made statements concerning the accident to these witnesses. Further, these witnesses may have evidence of any acts by Ms. Ashcraft subsequent to the accident that may have instead caused her head injury.[10]

e) Respondent is still asking for subpoenas to be issued by the Commission.

25. Even with all the evidence outlined in the foregoing, Respondent has not ceased in its attempt to procure evidence of Ms. Ashcraft's liability. In fact, the Commission itself is still issuing subpoenas duces tecum at Respondent's request. In the past month, the Respondent has requested, and the Commission has issued, subpoenas duces tecum to law enforcement agencies, police departments, cell phone carries, internet providers, and emergency medical providers. On the same day that this motion was being drafted, the Arkansas State Police answered a subpoena issued by the Commission and provided photographs, dispatch logs, and a "Fatal Crash Preliminary Reporting Form" *that was not part of the documentation either provided by Mr. Ray*

[9] Ms. Capo indicated to Respondent's counsel that she believed Adam Capo was present at the residence at the time of the accident but she was not completely sure. Respondent is still attempting to verify this information.

[redacted]

or that was, as far as Respondent knows, not yet part of the case.[11] Direct evidence in the form of photographs that no one has yet seen arrived at Respondent's offices on the *same day* that Respondent's counsel was responding to Claimants' unfounded assertion that liability was already decided and a foregone conclusion. Only due to Respondent's independent effort and it's newfound belief that Mr. Ray's accident report was incomplete and inaccurate – prompting Respondent to ask for its accident records independent of what was provided by Mr. Ray – would these photographs and other documentary evidence have been discovered at all.

COMPARATIVE FAULT AND CONTRIBUTORY NEGLIGENCE DEFENSES REPEATEDLY RAISED

26. Claimants have raised with the Commission the defense of comparative fault and, to the extent it applies, contributory negligence. Indeed, if this Commission were to even consider a Motion for Summary Judgment in this case, it would altogether prevent and deprive Respondent from being able to argue these defenses at trial. As the Arkansas Court of Appeals held:

> Where the decision on a question of law by the trial court depends upon an inquiry into the surrounding facts and circumstances, the trial court should **refuse to grant a motion for summary judgment until the facts and circumstances have been sufficiently developed** to enable the trial court to be reasonably certain that it is making a correct determination of the question of law. *Ingram v. Chandler*, 63 Ark.App. 1, 971 S.W.2d 801 (1998).
>
> [S]ummary judgment is **only appropriate** when the state of the evidence as portrayed by the pleadings, affidavits, discovery responses, and admissions on file **is such that the nonmoving party is not entitled to a day in court**. *Guidry v. Harp's Food Stores, Inc.*, 66 Ark.App. 93, 987 S.W.2d 755 (1999).[12]

[11] This evidence was provided to Claimants' counsel via email on the same day this motion was filed.

[12] *See also, First National Bank v. Newport Hospital Clinic*, 281 Ark. 221, 663, S.W.2d 742 (1984) (holding that before being required to fully demonstrate that evidence in response to a motion for summary judgment a plaintiff is entitled to have the benefit of adequate discovery from the

(emphasis added)

27. Citing back to Respondent's Answer to Claimants' Second Amended Complaint, Respondent has asserted the following factual claims pertaining to the issue of liability for the accident of June 11, 2021:

> *c. Claimant Jacqueline Ashcraft's own actions caused the accident described in the Second Amended Complaint. These actions include operating her vehicle while under the influence of one (1) or more controlled substances at the time of the accident. Those controlled substances, as identified in a toxicology screen conducted by the Arkansas State Crime Lab from a sample taken from Ms. Ashcraft after the accident, were identified as amphetamines, methamphetamine, a benzodiazapine, and cannabis. Being under the influence of these controlled substances at the time of the accident impaired Ms. Ashcraft's judgment, vision, reaction time, depth perception, perspective, attentiveness, as well as other possible mental or physical issues that would have directly and negatively affected her ability to drive safely. Additionally, Jacqueline Ashcraft was not physically in good health on the day the accident occurred, stating to the EMTs after the accident that she was weak and had been vomiting for the previous (2) days. She was also noted in the medical records to appear "frail" and having "diaphoretic skin". Simply, Jacqueline Ashcraft was in no condition to be operating a vehicle on the roads of this state, much less to drive safely with three (3) minor children in the car;*
>
> *d. Further, Jacqueline Ashcraft violated the traffic laws of the state and the Rules of the Road by negligently operating her vehicle, pulling off the shoulder of the road directly in front of Jennifer Wilkerson. This sudden entry onto Highway 22 caught Ms. Wilkerson by surprise and did not leave her with sufficient distance or reaction time to avoid the collision. Because Ms. Ashcraft was on the shoulder of the road, it was her responsibility to yield to oncoming traffic, which she failed to do. Ultimately, it was Ms. Ashcraft's own negligent driving that caused the accident.*
>
> *f. Ultimately, Respondent is not liable for any injuries sustained by any of the claimants as Respondent was not negligent for the acts attributed to it in the Second Amended Complaint. Respondent's*

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opposing parties. The trial court should not have granted summary judgment until appellant was able to complete discovery and develop the necessary proof.

actions did not cause or contribute to Ms. Ashcraft's injuries or death, nor were Respondent's actions the cause of the injuries alleged by the two minor children herein.

See Respondent's Answer to Claimants' Second Amended Complaint.

28. Further, Respondent raised to the Commission in its Answer to Claimants' Second Amended Complaint the potential existence of a cross-claim between the two minor children Claimants and the Estate of Jacqueline Ashcraft. Specifically:

EXISTENCE OF CROSS-CLAIM

56. Based on the facts alleged and defenses asserted, Respondent now raises the existence of a potential cross-claim concerning liability for the damages allegedly sustained by Claimants [redacted] *and* [redacted] *who were passengers in the car driven by Ms. Ashcraft. Specifically, Claimant Ms. Jacqueline Ashcraft was at fault and caused of the accident described in the Second Amended Complaint.*

57. As previously described herein, Ms. Ashcraft had physical and/or mental limitations that led to her negligently operating her vehicle, resulting in the accident described in the Second Amended Complaint. Specifically, at the time of the accident, Claimant Jacqueline Ashcraft was operating her motor vehicle under the influence of amphetamines, methamphetamines, benzodiazepines, and cannabinoids in violation of Ark. Code Ann. § 5-65-103. Ms. Ashcraft was also not physically fit at the time to drive her vehicle, having spent the prior days being weak and constantly vomiting. See exhibit "A", attached. The EMTs also noted that Ms. Ashcraft displayed an "altered mental status" when they arrived at the scene. See exhibit "B", attached. Notably, this observation was made as a secondary impression by the EMTs when Ms. Ashcraft was still up walking around and talking after the accident and before signing a form where she refused medical care. See exhibit "B". This "altered mental status" is direct evidence of Ms. Ashcraft being under the influence of one (1) or more controlled substances. Simply, being under the influence of narcotics and being physically unable to safely operate her vehicle were negligent acts that led to the collision described in the Second Amended Complaint.

58. Further, Ms. Ashcraft violated the state's traffic laws and Rules of the Road and these violations were a direct cause of the accident described in the Second Amended Complaint.

59. Additionally, Ms. Ashcraft was in fact not fully stopped in the roadway and instead was on the shoulder of the roadway shortly before

> *the accident and illegally and suddenly drove her vehicle back into the lane of traffic giving Jennifer Wilkerson no time to react and avoid the collision.*
>
> *60. A vehicle entering the roadway from the shoulder of the road is required to yield to oncoming traffic, which Ms. Ashcraft failed to do.*
>
> *61. The combination of Ms. Ashcraft's being under the influence of one (1) or more controlled substances combined with her negligent operation of her own motor vehicle was the direct cause of the accident described in Claimants' Second Amended Complaint.*
>
> *62. Under Rule 13(f) of the Arkansas Rules of Civil Procedure, "[a] cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant." In this case Claimant Jacqueline Ashcraft's own actions led in whole or in part to the injuries sustained by Claimants Kadey Lynn Jones and Carley Rae Jones and she is therefore liable in whole or in part to the Claimants Kadey Lynn Jones and Carley Rae Jones and is likewise responsible for the damages the Claimants alleged they are owed in the Second Amended Complaint.*
>
> *63. Further, to the extent that Respondent is found to be wholly or partially liable – a claim that Respondent categorically denies – Claimant Jacqueline Ashcraft is jointly and severally liable as to the accident as well and therefore would be jointly and severally liable as to any damage award awarded Claimants Kadey Lynn Jones and Carley Rae Jones stemming from this accident.*

See Respondent's Answer to Claimants' Second Amended Complaint.

29. Because of the existence of a potential cross-claim, Respondent moved this Commission to hold the case in abeyance due to jurisdictional issues and "until any potential action between Claimants Estate of Jacqueline Ashcraft and Ms. Ashcraft's insurance company and Claimant[redacted] is resolved, either through settlement or in the state courts." *See id.*

30. All of the foregoing issues are set to be decided at a hearing on August 11, 2023, as well as a Motion to Compel that has direct implications as to the causation of the accident.

31. Respondent's Motion to Compel, while not directly concerning evidence of liability, may very well add to Respondent's argument if the evidence sought is ever provided by the Claimants. This is because Claimants have stonewalled Respondent's attempts at discovering the names of the medical providers seen by Ms. Ashcraft prior to her death. Respondent believes that it will prevail on its motion and finally be able to review Ms. Ashcraft's personal health and medical records once this occurs. Why this is important to the Respondent is, because as explained earlier, Ms. Ashcraft was a user of controlled substances and was under the influence of ***FOUR different controlled substances*** to certain degrees at the time of the accident – methamphetamine, amphetamine, benzodiazepines, and marijuana. This not only violated the criminal law, *see* Ark. Code Ann. § 5-65-103, it also directly influenced Ms. Ashcraft's ability to drive or otherwise control her vehicle at the time of the accident. This evidence is a lynchpin of Respondent's defenses of comparative fault and contributory negligence. However, because Claimants refuse to adhere to and comply with their discovery obligations, Respondent cannot attempt to procure this information and asked the Commission to hear the matter and render a decision.

32. To sum up and to put colloquially, Respondent is still actively "working its case". The fact that it now may have to defend against an obviously premature motion for summary judgment[13] at this point only serves to slow down its progress and to tip its hand, evidentiary- and strategy-wise, to Claimants, who for their part have actively refused and delayed providing evidence concerning one of the major factual questions of this case – Ms. Ashcraft's health prior to and the day of the accident.

33. Due to the foregoing, Respondent MOVES TO STRIKE Claimants' Motion for Summary Judgment and to request that the motion be removed from consideration. Moreover,

[13] Not to mention be forced to draft and file this very motion.

Respondent MOVES that this Commission ORDER Claimants to refrain from filing a subsequent Motion for Summary Judgment until the end of the Discovery period.

ALTERNATIVE MOTION FOR ENLGARGEMENT OF TIME TO RESPOND

34. Rule 56(c) of the Arkansas Rules of Civil Procedure provides that leave may be given to a "defending party" to "enlarge" the time to file a pleading "for good cause shown".

35. Should the Commission rule adversely against Respondent in its Motion to Strike, Respondent respectfully requests the Commission to expand the timeframe to allow the hearing on August 11, 2023, and the contested issues therein, to resolve themselves before being required to respond to Claimants' Motion for Summary Judgment. This expanded timeframe would allow the Commission to rule on Respondent's Motion to Compel, its Motion to Sever, and its Motion to Hold in Abeyance, as well as any other motion or matter that should come before it prior to that time. Resolution of those issues would likewise inform Respondent on its response or perhaps make the motion for summary judgment moot itself. Because Rule 56(c) of the Arkansas Rules of Civil Procedure allow twenty-one (21) days to file a response to a motion for summary judgment, Respondent respectfully requests twenty-one (21) days after the matters heard on August 11, 2023, are formally ruled upon and orders issued before it is required to file a formal response to Claimants' Motion for Summary judgment.

36. Due to the foregoing, should this Commission deny its previous Motion to Strike, Respondent alternatively MOVES that this Commission GRANT AN ENLARGED PERIOD OF TIME for the Respondent to respond to Claimants' Motion for Summary Judgment to a date twenty-one (21) days after the Commission issues formal decisions on all the pending motions and matters before it on August 11; 2021.

Respectfully submitted,

By: _____

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Ark. Bar No. 98240

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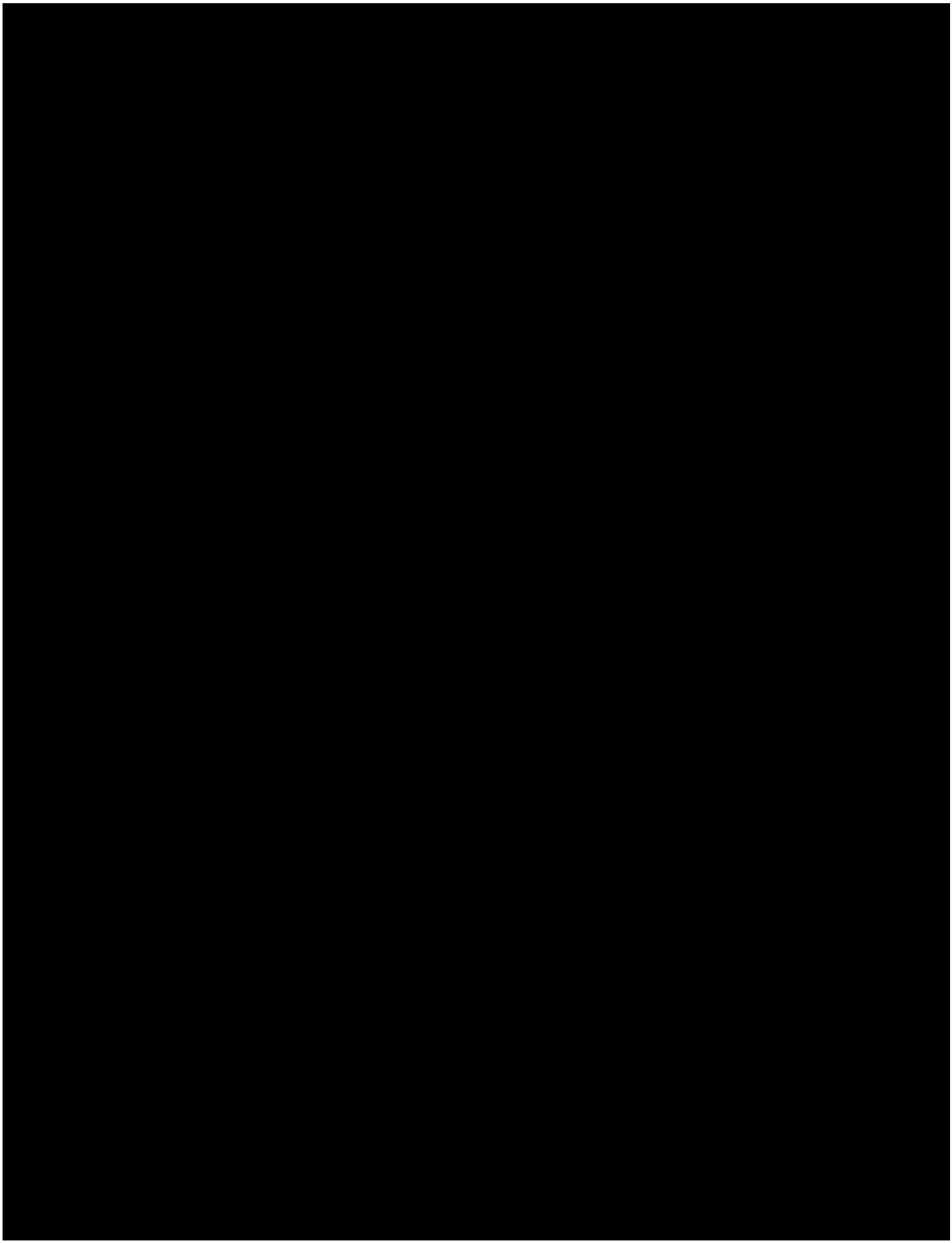
Little Rock, AR 72203
Phone (501) 320-8950
Brent.Gasper@dhs.arkansas.gov

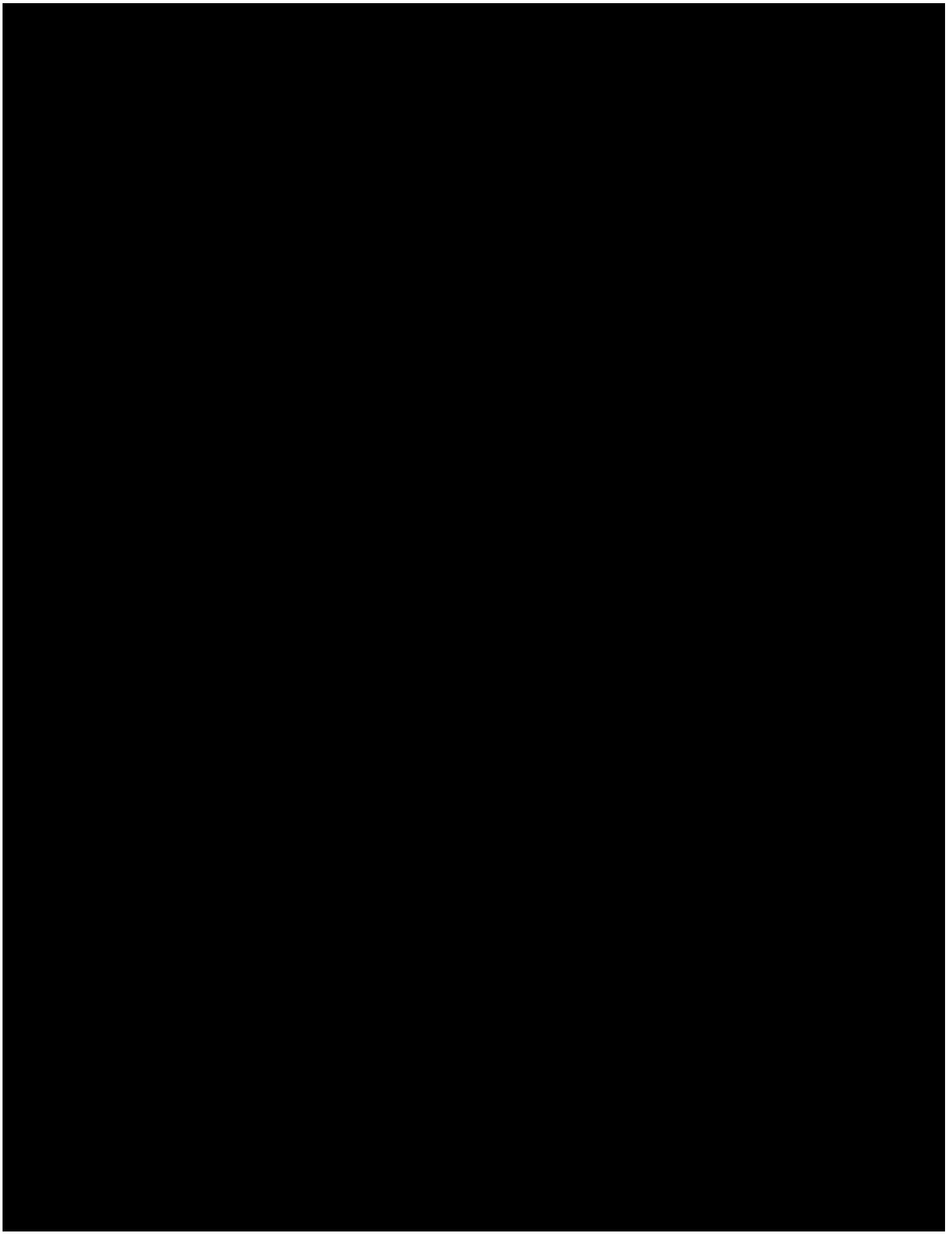
CERTIFICATE OF SERVICE

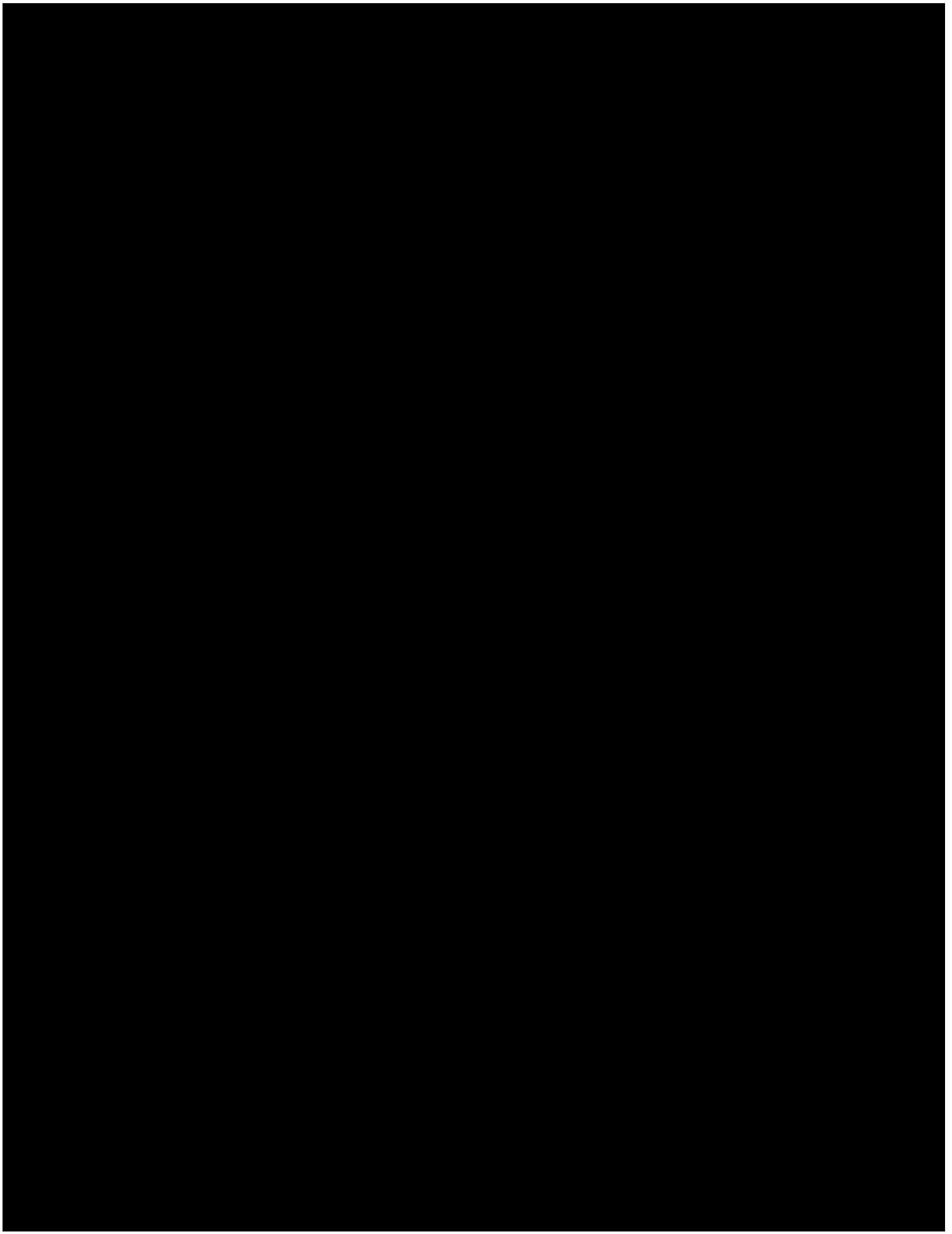
I, Brent Gasper, hereby certify that on 23 June, 2023, I electronically filed the foregoing with the Claims Commission and copied Claimants' attorney Jim Jackson via email.

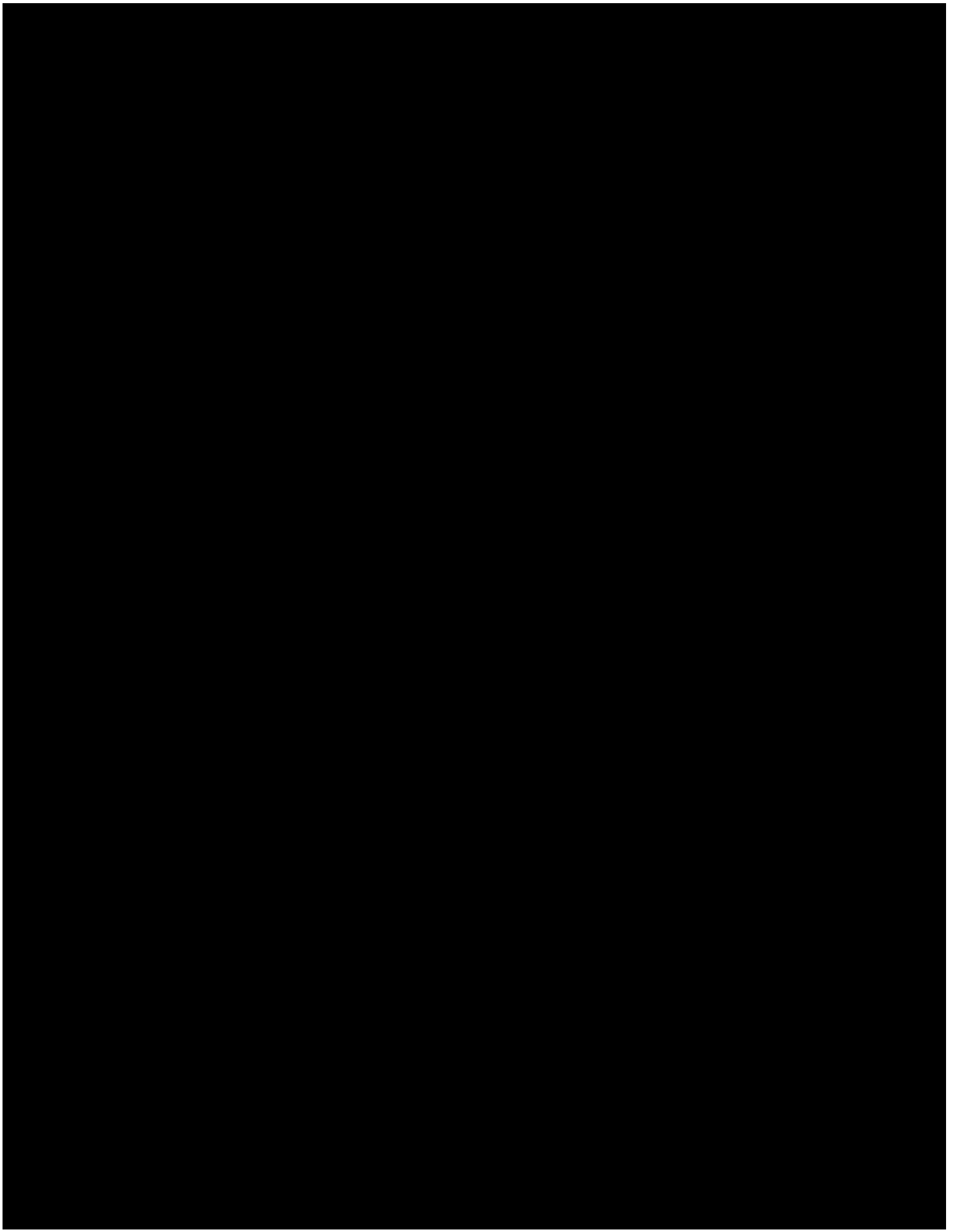
_____

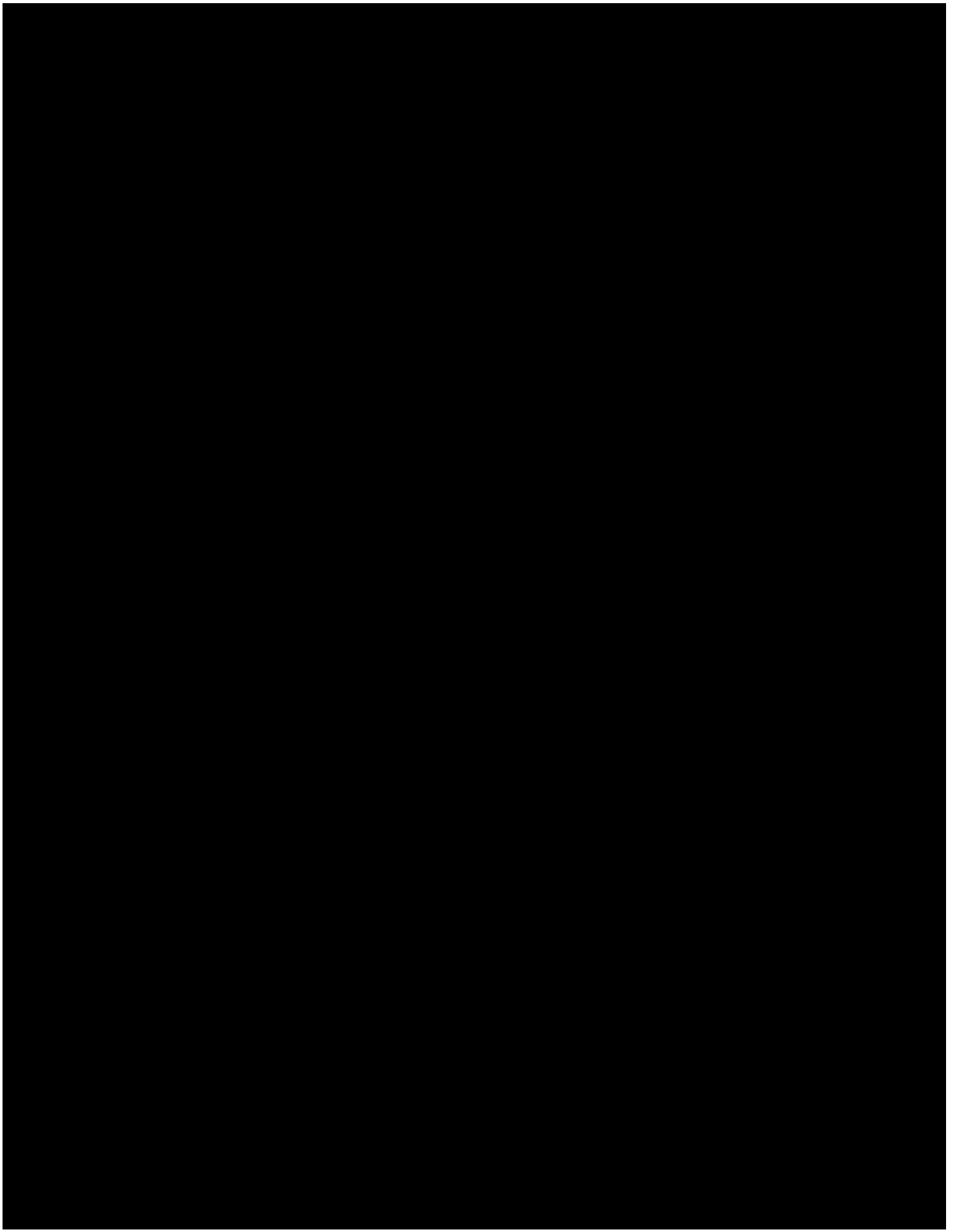
Brent P. Gasper

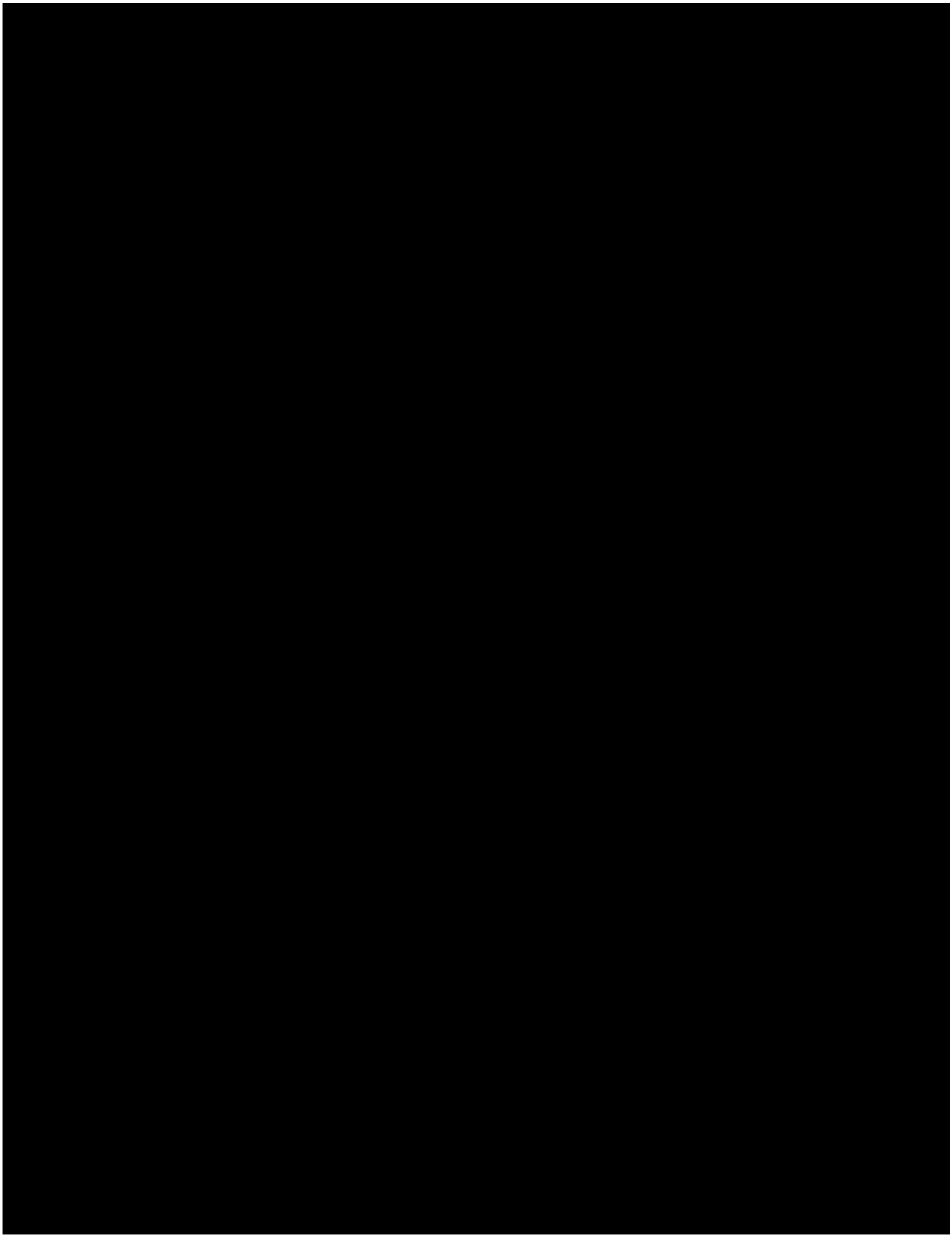


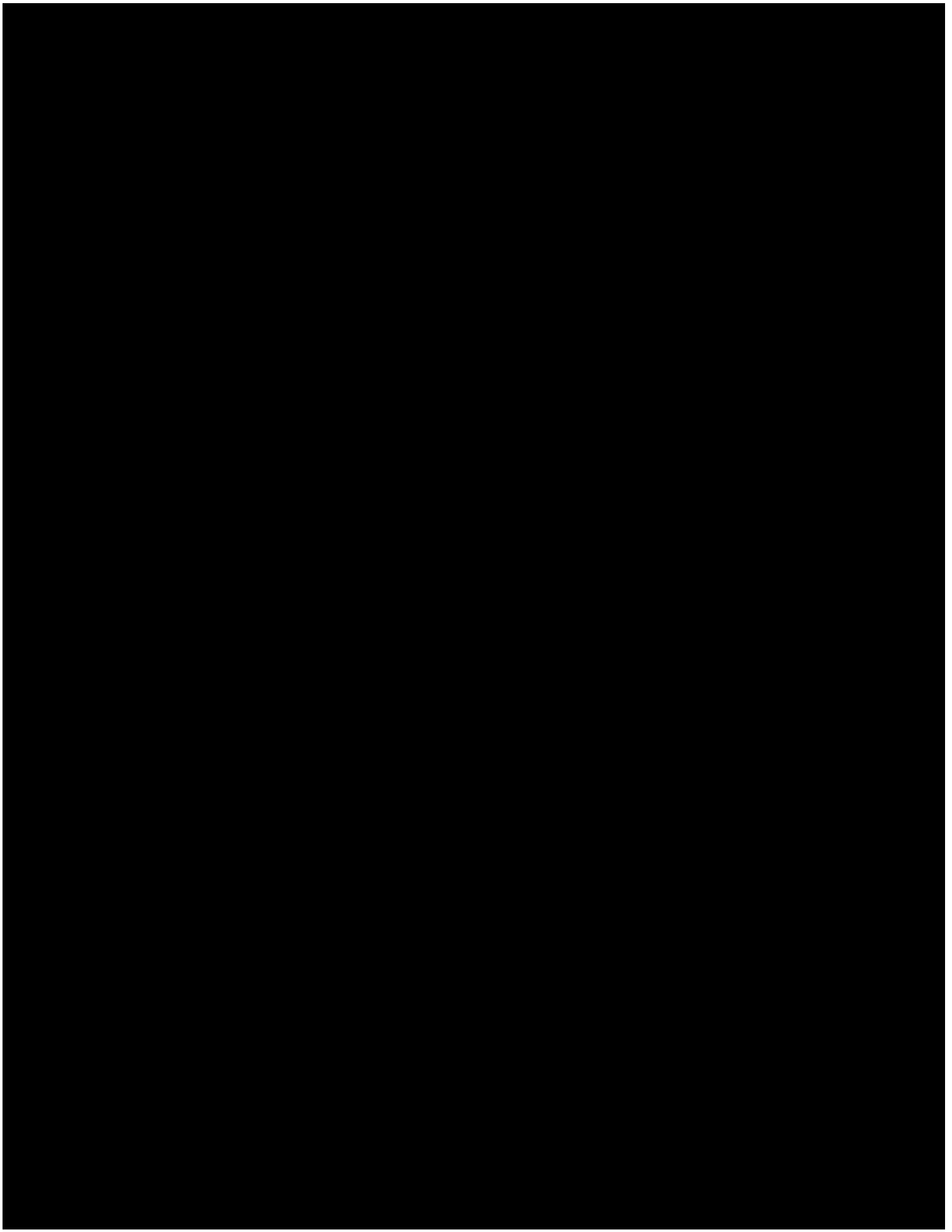


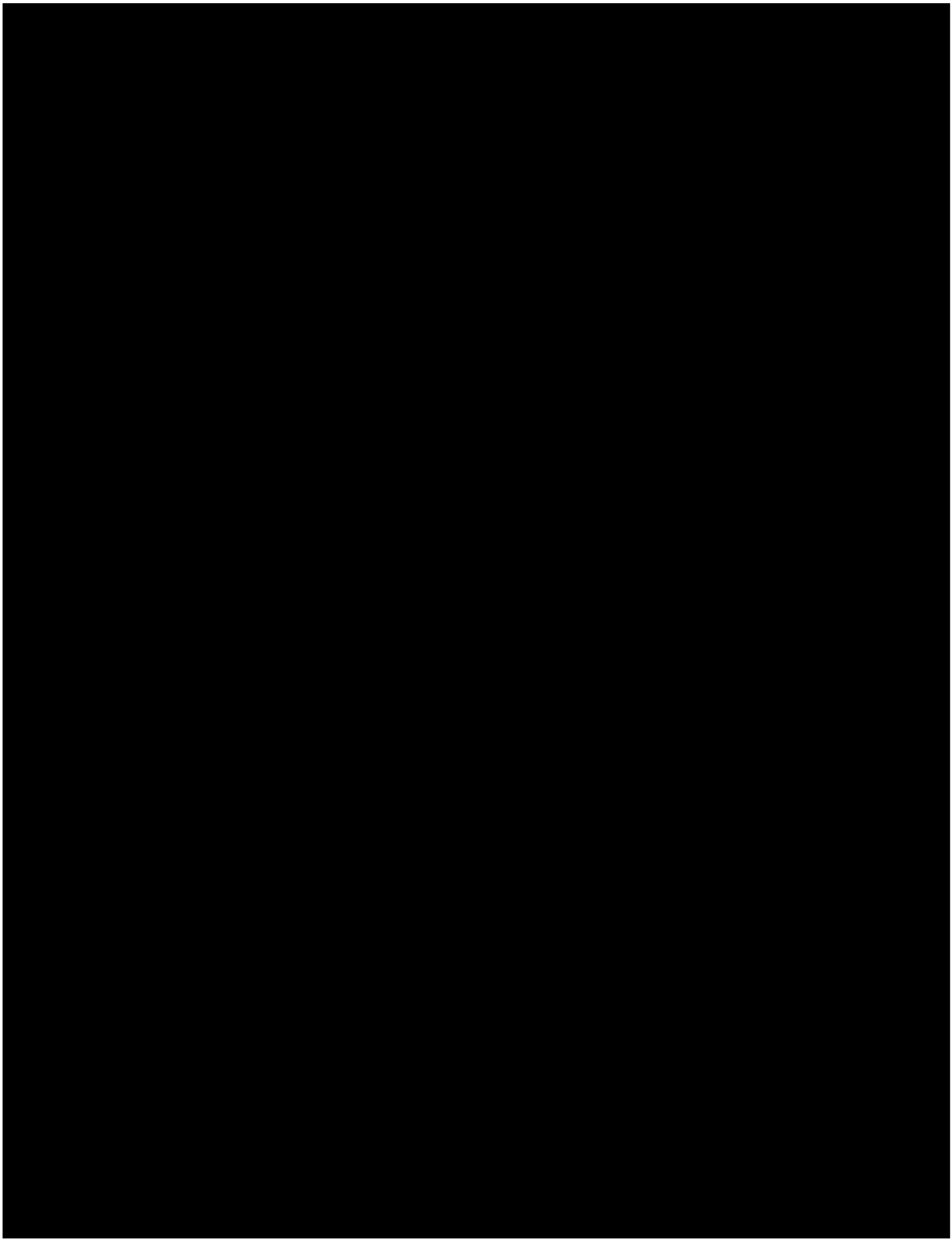


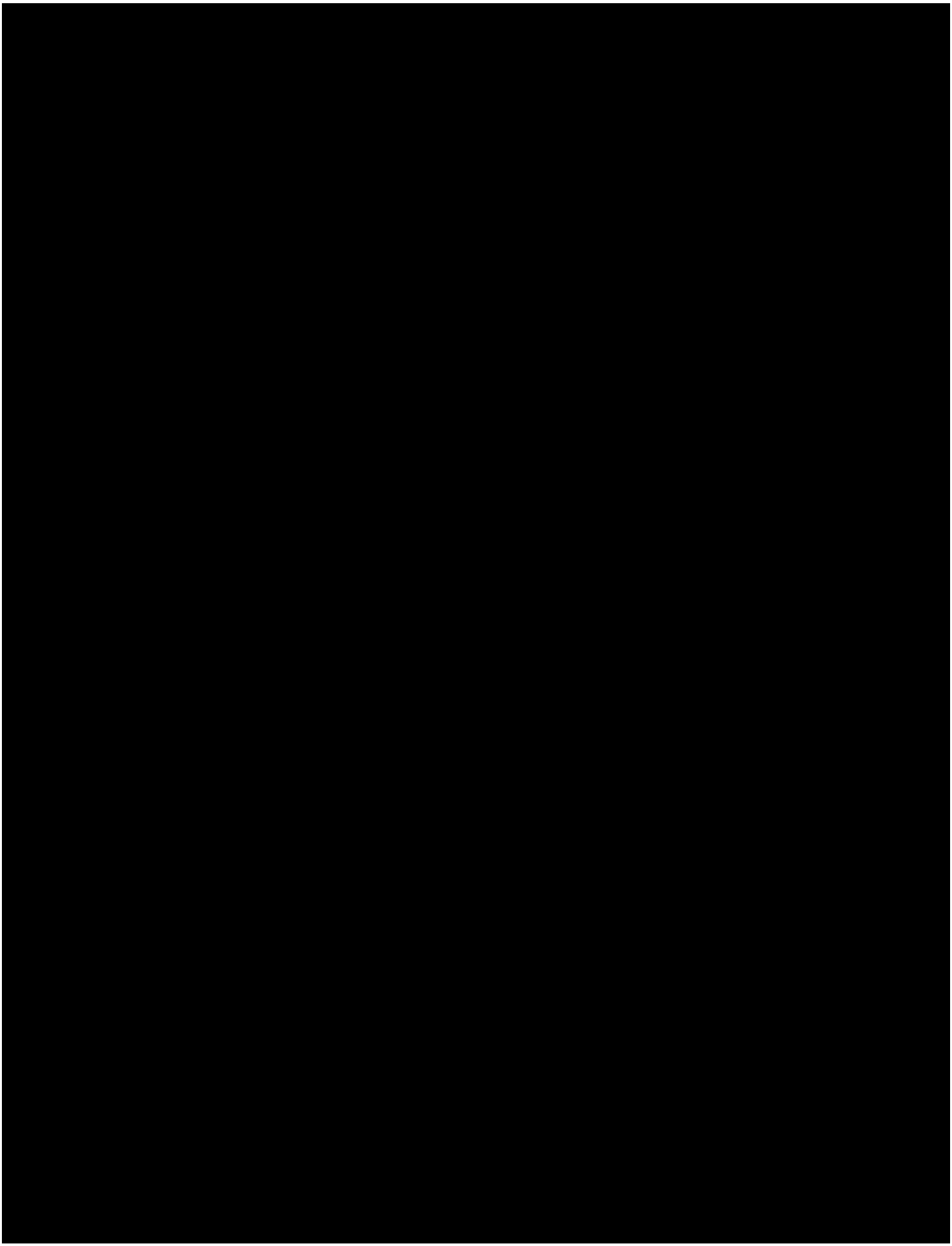


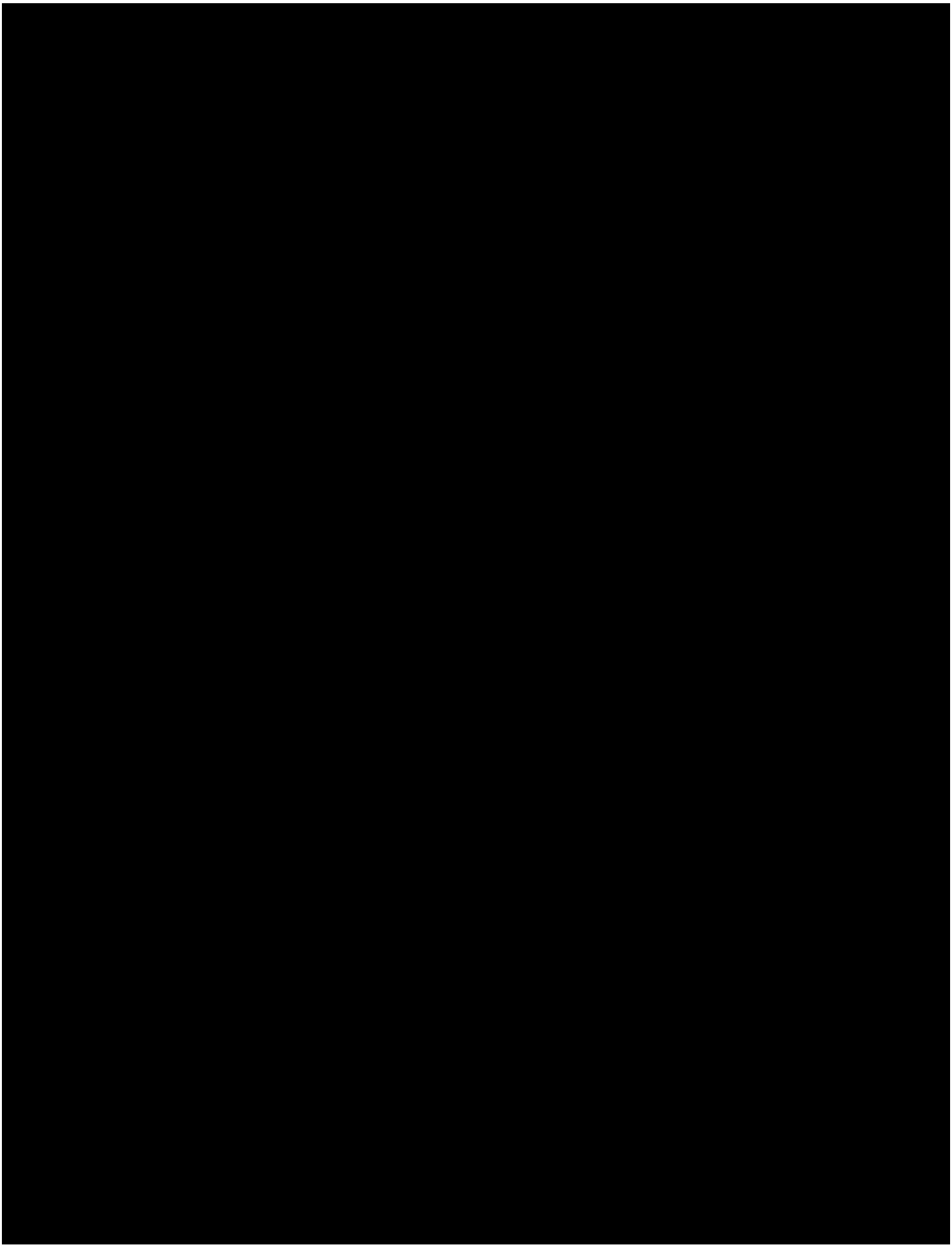


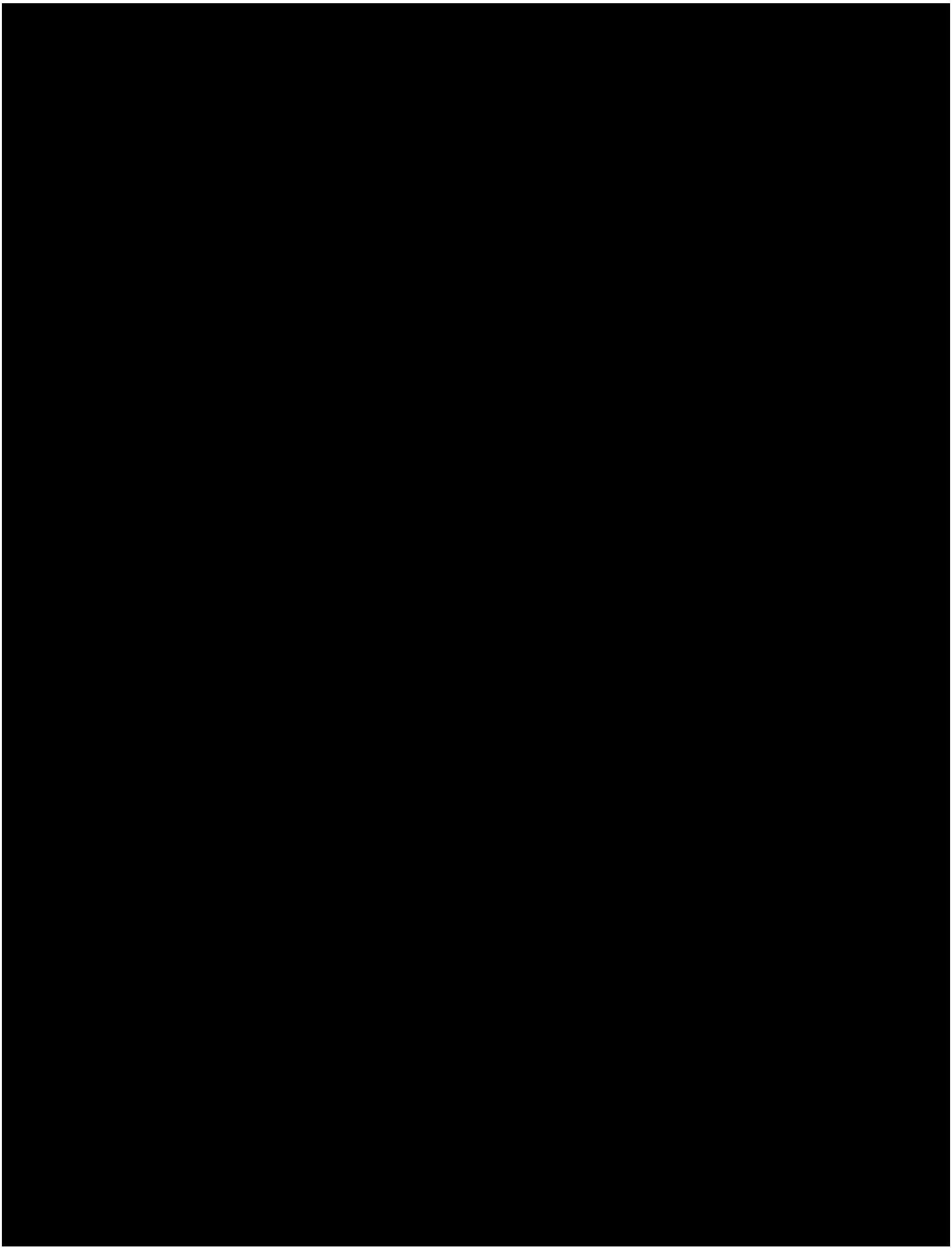


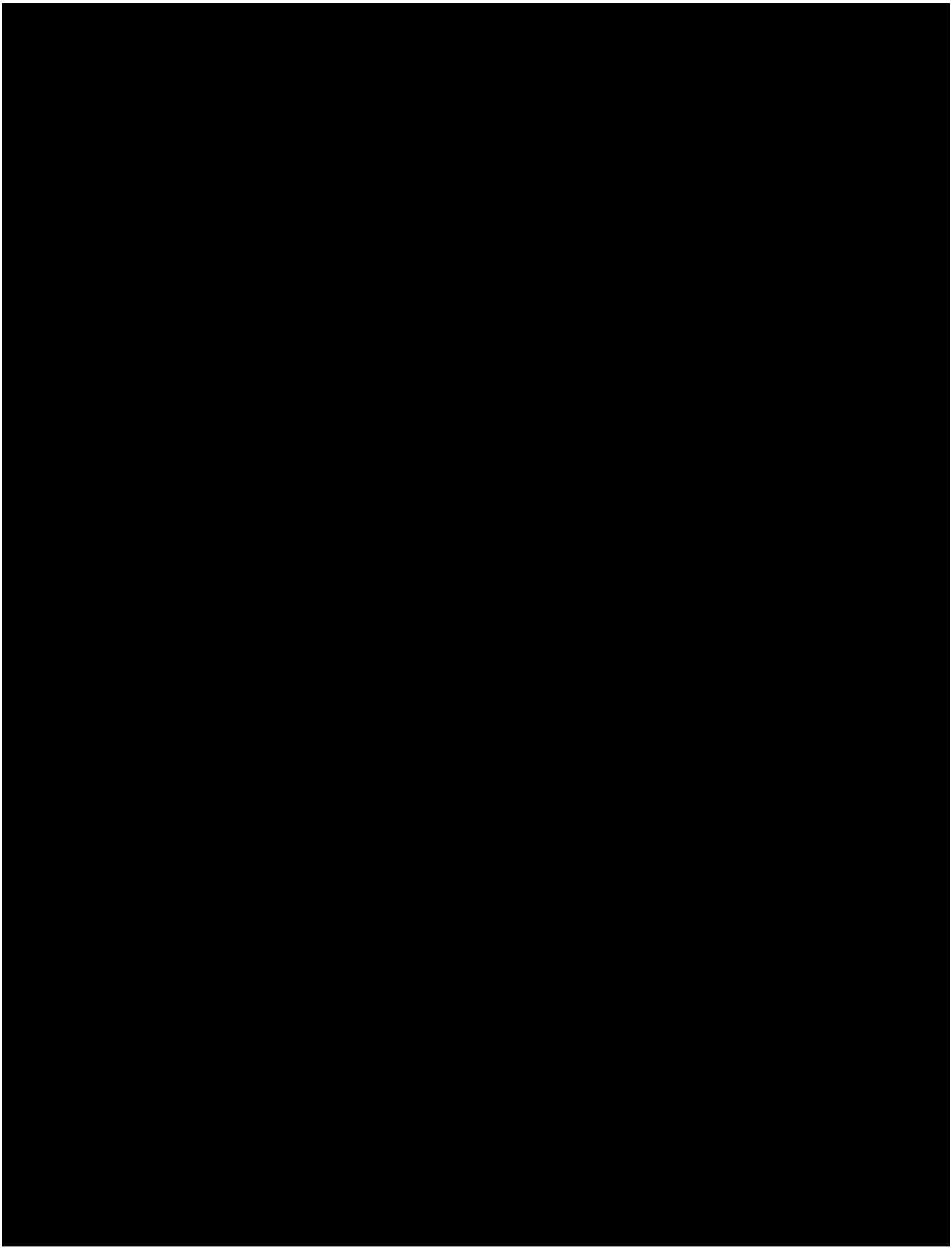












2019 EDITION

ARKANSAS Motor Vehicle and Traffic Laws and State Highway Commission Regulations

Issued by Authority of
the Arkansas Department of Transportation and the
Department of Finance and Administration

Blue360° Media

PENGAD 800-631-6989
EXHIBIT
F

27-51-1302. Stopping, standing, or parking prohibited in specified places.

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

(1) On a sidewalk;

(2) In front of a public or a private driveway;

(3) Within an intersection;

(4) Within fifteen feet (15′) of a fire hydrant;

(5) On a crosswalk;

(6) Within twenty feet (20′) of a crosswalk at an intersection;

(7) Within thirty feet (30′) upon the approach to any flashing beacon, any stop sign, or any traffic-control signal located at the side of a roadway;

(8) Between a safety zone and the adjacent curb or within thirty feet (30′) of points on the curb immediately opposite the ends of a safety zone, unless the local traffic authority indicates a different length by signs or markings;

(9) Within fifty feet (50′) of the nearest rail of a railroad crossing;

(10) Within twenty feet (20′) of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet (75′) of the entrance when properly signposted;

(11) Alongside or opposite any street excavation or any street obstruction when stopping, standing, or parking would obstruct traffic;

(12) On a roadway side of any vehicle stopped or parked at the edge of a curb or a street;

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(14) At any place where official signs prohibit stopping; or

(15) On the shoulders, the median, the ramps, and all other highway rights-of-way along interstate or fully controlled access highways, except in designated parking areas, provided that stopping, standing, or parking that is brief in duration and is due to an emergency, a vehicle disablement, or to correct or avert an unsafe condition shall not be considered a violation of this section.

(b) No person shall move a vehicle not owned by the person into any such prohibited area or away from a curb a distance that is unlawful.

History.

Acts 1937, No. 300, § 92; Pope's Dig., § 6749; A.S.A. 1947, § 75-649; Acts 2007, No. 997, § 1.

27-51-1303. Stopping, standing, or parking outside of business or residence district.

(a) (1) Upon any highway outside of a business or residential district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or leave the vehicle off that part of the highway. In every event, an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicles shall be available from a distance of two hundred feet (200′) in each direction upon the highway.

(2) Any driver who shall violate the provisions of this section shall be liable for any damages of which the violation is the proximate cause.

(3) This subsection shall not apply to:

(A) Employees or vehicles of the Arkansas Department of Transportation engaged in necessary construction, maintenance, or repair of the highways;

(B) Authorized emergency vehicles on emergency trips such as police vehicles on duty, fire vehicles on calls, or ambulances and wreckers engaged in the

ARKANSAS DRIVER LICENSE STUDY GUIDE

VOLUME 1 – EDITION 8

January
2022

RIGHT OF WAY

When there are no signs or signals to regulate traffic and pedestrians may be present, there are rules in which a vehicle must yield the right-of-way. The rules will determine which vehicle goes first and which vehicle must wait.

Traffic laws determine which vehicle must yield the right-of-way and does not give a vehicle absolute right-of way. As a driver, you must do everything possible to prevent striking a pedestrian or another vehicle, regardless of the circumstance.

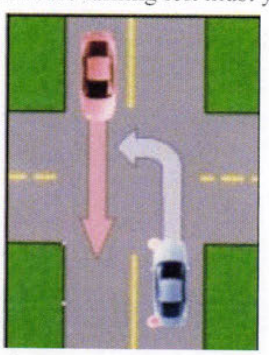
Intersections- Right of Way

Pedestrians:

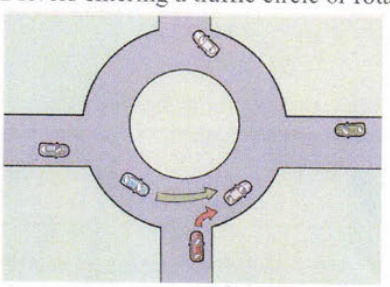
- Drivers must yield where necessary to avoid striking pedestrians who are legally crossing the road.
- Drivers crossing a sidewalk when entering or exiting a driveway, alley, or parking lot must yield to pedestrians. It is illegal to drive on a sidewalk except to cross it.
- Pedestrians using a guide dog or carrying a white cane have absolute right-of-way. Do not use your horn as it could confuse or frighten a blind pedestrian.

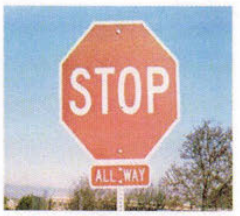
Left Turns:

- Drivers turning left must yield to oncoming cars traveling straight ahead.



- Drivers entering a traffic circle or rotary must yield to drivers already in the circle.



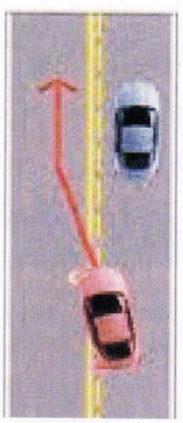


At "3 WAY", "4 WAY and an "ALL WAY" stop sign, the driver reaching the intersection first goes first, after making a complete stop.

General Right of Way Rules

- Drivers crossing a sidewalk when entering or exiting a driveway, alley, or parking lot must yield to pedestrians. It is illegal to drive on a sidewalk except to cross it.
- Drivers entering a road from a driveway, alley or roadside must yield to vehicles already on the main road
- Drivers may not enter an intersection unless they can get through it without having to stop. You should wait until traffic clears, so that you are not blocking the intersection.
- Before entering an intersection you should look left and right.

Passing



Example: Red vehicle must yield to blue vehicle being passed. Be aware of the vehicle you are passing and watch for any possible sudden turns or stops.

- Drivers passing a vehicle traveling in the same direction must yield to the vehicle being passed, even if the vehicle is slowing or coming to a stop, because the vehicle may be attempting to turn left or may be approaching a hazard the overtaking vehicle does not see.