

FEB 13 2019

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Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

☐ Mr.
☐ Mrs.
☐ Ms. Tinita Gilmore, individually and as natural
☐ Miss parent of [REDACTED] a minor, Claimant

vs.

State of Arkansas, Respondent

Tinita Gilmore, individually [REDACTED]

COMPLAINT

[REDACTED], the above named Claimant, of [REDACTED] (Name) [REDACTED] (Street or R.F.D. & No.) [REDACTED] (City) [REDACTED] (State) [REDACTED] (Zip Code) [REDACTED] (Daytime Phone No.) County of [REDACTED] represented by Rainwater, Holt & Sexton, P.A. (Legal Counsel, if any, for Claim)

of P.O. Box 17250 Little Rock Arkansas 72222 501-868-2500 501-868-2505 says: (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: Arkansas State Highway and Transportation Department Amount sought: _____

Month, day, year and place of incident or service: March 16, 2016 at approximately 8:10 a.m.; Interstate 430 North

Explanation:

I. STATEMENT OF FACTS

On or about March 16, 2016, at approximately 8:10 am, Claimants, Tinita Gilmore and her [REDACTED] were traveling northbound on Interstate 430 in a 2004 GMC Sierra. At the same time, Matthew Penix was traveling northbound on Interstate 430 in a 2012 Dodge Ram. Upon information and belief, Matthew Penix was an employee of the Arkansas Highway and Transportation Department on March 16, 2016. In moments prior to the motor vehicle collision, Tinita Gilmore reduced the speed of her vehicle due to traffic ahead. Upon information and belief, Matthew Penix failed to notice and/or observe Tinita Gilmore reducing the speed of her vehicle ahead of him. Suddenly and without warning, Matthew Penix's vehicle struck the rear end of Ms. Gilmore's vehicle.

Ms. Gilmore and [REDACTED] suffered personal injuries as a result of the incident.

(CONTINUED ON PAGE 2)

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? No; when? Not Applicable; to whom? Not Applicable (Yes or No) (Month) (Day) (Year) (Department)

Not Applicable; and that the following action was taken thereon: _____

and that \$ Not applicable was paid thereon: (2) Has any third person or corporation an interest in this claim? No; if so, state name and address Not Applicable (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

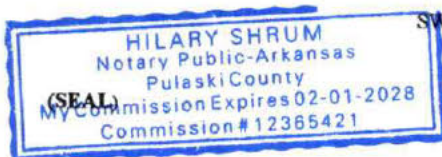
and that the nature thereof is as follows: Not Applicable; and was acquired on Not applicable, in the following manner: _____

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Lauren Manatt, AR Bar No. 2011150
(Print Claimant/Representative Name)

Lauren Manatt

(Signature of Claimant/Representative)



SWORN TO and subscribed before me at Little Rock Arkansas (City) (State)

on this 31st day of January, 2019 (Date) (Month) (Year)

Hilary Shrum

(Notary Public)

My Commission Expires: February 1, 2020 (Month) (Day) (Year)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TINITA GILMORE

CLAIMANTS

V.

CLAIM NO. 190821

**ARKANSAS DEPARTMENT OF
TRANSPORTATION**

RESPONDENT

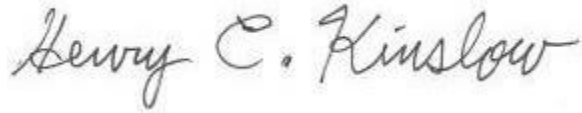
ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the Full and Complete Settlement and Release signed by Tinita Gilmore (the “Claimant”), Claimant’s attorney, and the attorney for the Arkansas Department of Transportation.

Based upon a review of the pleadings and the Full and Complete Settlement and Release, the Claims Commission hereby APPROVES the Full and Complete Settlement and Release.

As such, the Claims Commission refers the award of \$300,000.00 to the General Assembly for review and placement on an appropriations bill pursuant to Ark. Code Ann. § 19-10-215(b).

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

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

DATE: June 14, 2021

Notice(s) which may apply to your claim

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