

ARKANSAS STATE CLAIMS COMMISSION

August 2023 Minutes

The Arkansas State Claims Commission (the “Commission”) scheduled hearings for August 10–11, 2023. A special hearing was also held on August 30, 2023.

Hearings scheduled for August 10, 2023

The following members of the Commission were scheduled to be present:

Courtney Baird  
Solomon Graves  
Paul Morris, chair

1. ***Catherine Canu and Matthew Canu, individually and as next friends, parents, and guardians of A.C. v. Arkansas School for the Deaf***, Claim No. 181020. [claim was continued on August 9, 2023, by agreement of parties due to the illness of Respondent’s attorney]
2. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered 1-25 on Exhibit A to these minutes without discussion.

Hearing scheduled for August 11, 2023

The following members of the Commission were scheduled to be present:

Courtney Baird  
Henry Kinslow  
Paul Morris, chair

1. ***Jaqualon Cunningham v. University of Arkansas for Medical Sciences***, Claim No. 230882. Claimant filed this claim seeking damages for medical malpractice. At the hearing on Respondent’s motion to dismiss, Claimant appeared *pro se*, and Sherri L. Robinson appeared on behalf of Respondent. Following Respondent’s argument, Claimant stated that his attorney requested a continuance. Based on Claimant’s failure to respond to the motion, Claimant’s appearance at the hearing unprepared to argue the motion, and Claimant’s request for a continuance by an attorney who was not present and has not filed an entry of appearance, the Commission dismissed Claimant’s claim without prejudice for failure to prosecute.
2. ***A Quality Staffing, LLC d/b/a Elite Medical Staffing v. Arkansas Department of Human Services***, Claim No. 230718. Claimant filed this claim seeking damages related to Respondent’s alleged breach of contract. At the hearing on the pending motions filed by Respondent, Bart Calhoun and Scott Richardson appeared on Claimant’s behalf, and Brent P. Gasper appeared on behalf of Respondent. Based upon a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission denied Respondent’s motion to cure and motion for more definite statement. The Commission also denied Respondent’s motion to order the filing of an amended complaint or, alternatively, motion to dismiss. The Commission directed the parties to begin discovery and gave Respondent thirty days from the date of the Order to respond to discovery requests previously propounded to Respondent. In light of the directions regarding discovery, the Commission denied Respondent’s motion for protective order as moot.
3. ***Carvant Financial LLC v. Arkansas Department of Finance and Administration***, Claim No. 230881. Claimant filed this claim seeking damages related to Respondent’s issuance of a title without Claimant’s lien listed. At the hearing on Respondent’s motion to dismiss, Claimant failed to appear. Eric Brock appeared on behalf of Respondent. Based on Claimant’s failure to appear, the Commission voted unanimously to dismiss Claimant’s claim without prejudice for failure to prosecute.
4. ***Morgan Elijah v. Arkansas Department of Transportation***, Claim No. 230330 [this claim was removed from the docket by the Commission prior to hearing].

5. ***Haley Hudson, as special administratrix of the Estate of Jacqueline Lynn Ashcraft, deceased, and as permanent guardian of Kadey Lynn Jones v. Arkansas Department of Human Services***, Claim No. 230641. Claimant filed this claim seeking damages after Ms. Ashcraft's death following a motor vehicle accident involving Ms. Ashcraft and an employee of Respondent. At the hearing on the pending motions (except Claimant's motion for partial summary judgment, and Respondent's motion to strike same), Jim Jackson appeared on Claimant's behalf, and Brent P. Gasper appeared on behalf of Respondent. Based on a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission denied Respondent's motion to compel but urged Claimant to provide Respondent with the older medical records and information that Claimant has collected. The Commission also denied Respondent's motion to sever and motion to hold claim in abeyance pursuant to the parental immunity doctrine. Upon additional questions by Respondent, the Commission confirmed that Respondent's motion to strike would be taken up by the Commission at the November 2023 hearing related to summary judgment issues and that, should the parties like for the Commission to review Respondent's response or Claimant's reply brief, those should be submitted in accordance with the briefing schedule in the Commission's July 21, 2023, order.
6. ***Derek Givens v. Arkansas Department of Transportation***, Claim No. 220876. Claimant filed this claim seeking compensation for damage to his vehicle. At the hearing on Claimant's motion for reconsideration of the Commission's previous order dismissing his claim, Claimant failed to appear. Michelle Davenport appeared on behalf of Respondent. Based on Claimant's failure to appear, the Commission voted unanimously to dismiss Claimant's claim without prejudice for failure to prosecute.
7. ***Kimberly Ellis v. Arkansas Department of Human Services***, Claim No. 230933. [Respondent withdrew its motion and admitted liability in the amount sought by Claimant prior to hearing, such that the hearing was not held and removed from docket prior to hearing]
8. ***Cheryl Shoemaker v. University of Arkansas for Medical Sciences***, Claim No. 221181. Claimant filed this claim seeking damages following a blood draw at Respondent's facility. At the hearing on Claimant's motion for reconsideration and Respondent's motion to dismiss, Claimant appeared *pro se*, and Sherri L. Robinson appeared on behalf of Respondent. Based on a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously granted Claimant's motion for reconsideration. The Commission also granted Respondent's motion to dismiss and denied and dismissed the claim.
9. ***Valerie Coakley-Tate v. Arkansas Department of Transportation***, Claim No. 230944. Claimant filed this claim seeking compensation for damage to her vehicle. At the hearing on Respondent's motion to dismiss, Claimant failed to appear. Amanda J. Andrews appeared on behalf of Respondent. Following confirmation by Commission staff that the hearing letter was emailed to Claimant at the email address provided by Claimant on her claim form, the Commission unanimously voted to dismiss Claimant's claim without prejudice for failure to prosecute.
10. ***Victoria Watkins v. Arkansas Department of Transportation***, Claim No. 231095. Claimant filed this claim seeking compensation for damage to her vehicle. At the hearing on Respondent's motion to dismiss, Claimant appeared *pro se*, and Amanda J. Andrews appeared on behalf of Respondent. Based upon a review of the claim file, the arguments of the parties, and the law of the State of Arkansas, the Commission unanimously voted to place this claim in abeyance to allow Claimant to exhaust her remedies against the contractor's insurance.
11. ***Lumen Technologies, Inc. f/k/a Century Tel Service Group LLC v. Arkansas Department of Transportation***, Claim No. 230170. [claim was resolved by Respondent filing a motion recommending payment in the amount sought by Claimant].
12. (Other Agency Business) The Commission reviewed and approved the entry of proposed orders numbered ADC1–ADC23 on Exhibit A to these minutes without discussion.

Special hearing scheduled for August 30, 2023

The following members of the Commission were scheduled to be present:

Courtney Baird  
Solomon Graves  
Paul Morris, chair

1. *Shannon Forrest, as special administrator of the Estate of Melissa Forrest v. Arkansas Department of Transportation*, Claim No. 210930. Claimant filed this claim seeking damages for the death of Melissa Forrest following a motor vehicle accident with a vehicle owned and operated by Respondent. At the special hearing on Respondent's motion change the format of the hearing and the time allotted for the hearing, David Couch appeared on Claimant's behalf, and Amanda Andrews and Brian Black appeared on behalf of Respondent. Based upon a review of the claim file, the argument of the parties, and the law of the State of Arkansas, the Commission unanimously voted to treat Respondent's motion as a motion for continuance and to continue the claim.

This completed all of the business on the August 2023 Commission docket.



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**Kathryn Irby, Director**

Date: November 1, 2023

# August 2023

<u>Dropbox No.</u>	<u>Claim No.</u>	<u>Claimant</u>	<u>Agency</u>	<u>Sent</u>
<b>NON-ADC</b>				
1	230589	PMJV	ADOT	Sent
2	230330	Elijah	ADOT	Sent
3	231336	Sprayberry	ADOT	Sent
4	231627	White Oak	ABC	Sent
5	231450	Robinson	ADOT	Sent
6	231459	Fernando	ADOT	Sent
7	231422	Holt	ADOT	Sent
8	231603	Johnson	ADOT	Sent
9	231362	Fields	ADOT	Sent
10	240012	MV Corp	ADPHT	Sent
11	240007	Westrock Coffee Services	ADPHT	Sent
12	240008	Westrock Coffee Services	ADPHT	Sent
13	240009	Westrock Coffee Services	ADPHT	Sent
14	240001	Wells	ADPHT	Sent
15	240014	McClain	ASP	Sent
16	240015	Engagemed	ASP	Sent
17	240089, 240090	Ayers and Ayers	DFA	Sent
18	220984	Cross	DFA	Sent
19	231501	Hampton	DFA	Sent
20	210450	Kodavanti	DFA	Sent
21	240023	Wright	ADWS	Sent
22	230170	Lumen Technologies	ADOT	Sent
23	231653	Peacher	ADOT	Sent
24	231702	Harwell	SOA	Sent
25	230050	Rivera	ADOT	Sent

**ADC**

1	230369	Crain	ADC	Sent
2	220436	Daniels	ADC	Sent
3	230852	Turner	ADC	Sent
4	231137	Robinson	ADC	Sent
5	210188	Hoggard	ADC	Sent
6	231219	McCulley	ADC	Sent
7	230811	White	ADC	Sent
8	211374	Hudson	ADC	Sent
9	231220, 231494	Elmore	ADC	Sent
10	230951	Moore	ADC	Sent
11	221217	Obama	ADC	Sent
12	230739	Gray	ADC	Sent
13	231201	Stompingbear	ADC	Sent
14	230761	Lewis	ADC	Sent
15	230677	Doering	ADC	Sent
16	221306	Overton	ADC	Sent
17	231637	Gray	ADC	Sent
18	240002	Professional Credit MGM	ADC	Sent
19	231282	Robertson	ADC	Sent
20	231302	Walker	ADC	Sent
21	220118	Jones	ADC	Sent
22	231311	Basinger	ADC	Sent
23	231257	Hutcherson	ADC	Sent