

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.

MR Carson Arthur [redacted]
(title last name/compan first name (email)
[redacted]
(address)
[redacted] (state) [redacted] (zip) [redacted] (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)
(address) AR bar number
(city) (state) (zip) (primary phone)

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.

University of Arkansas for Medical Sciences

4. Incident Date 1/18/2023

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.

[REDACTED]

**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**

\_\_\_\_\_  
(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:** \$40,000.00  
\_\_\_\_\_

**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 CLAIMS COMMISSION

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



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

## CLAIM FORM

Please note that all sections must be completed, or this form will be returned to you, which will delay the processing of your claim.

**1. Claimant** *(If there are additional claimants, please fill out an additional form for each)*

Mr Carson Arthur

[Redacted]

(title/last name/first name or company)

(email)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(address)

(city)

(state)

(zip)

(primary phone)

**2. Claimant's Legal Counsel** *(If not represented by an attorney, you may skip this section)*

(last name)

(first name)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

Arkansas Bar Number: \_\_\_\_\_

*If not licensed to practice law in Arkansas, please contact the Claims Commission for more information.*

**3. State Agency Involved** University of Arkansas for Medical Sciences

*(If this section is not completed, the claim will be returned to you as deficient. Please note that the agency or agencies involved must be state agencies. The Claims Commission has no jurisdiction over claims against counties, cities, school districts, or other municipalities.)*

**4. Incident Date** \_\_\_\_\_

**5. Claim Type**

Negligence--Personal Injury

**5a. Location of Incident** \_\_\_\_\_

**5b. Explanation of Incident**

[Redacted]

5c. CHECK HERE if this claim involves damage to a motor vehicle.

5d. CHECK HERE if this claim involves damage to property other than a motor vehicle.

**5e. Insurance Coverage**

- If your property was covered by insurance on the date of the incident, you must provide a copy of the insurance declarations in effect at that time. This is not the same as your insurance card. You may obtain a copy of your insurance declarations from your insurer or insurance agent.

-If you did NOT have insurance coverage in effect on your property on the date of the incident, CHECK HERE

**5f. Additional Required Documents for Property Damage Claims**

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

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

---

(type of state vehicle involved)

(license number)

(driver)

**7. If your claim involves personal injuries, please CHECK HERE**

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

- If you did NOT have health insurance on the date of the incident, CHECK HERE

**8. Amount Sought:** \$10,000.00

**IMPORTANT**

Please note that the Claims Commission staff is happy to answer questions about the claim process, but Claims Commission staff cannot give legal advice. For questions please contact us through email at [ascc.new.claims@arkansas.gov](mailto:ascc.new.claims@arkansas.gov) or by phone at (501) 682-1619.

**STOP!**

**The following section MUST be completed in the presence of a Notary Public.**

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

\_\_\_\_\_  
Claimant

**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 CLAIMS COMMISSION

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



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

## CLAIM FORM

Please note that all sections must be completed, or this form will be returned to you, which will delay the processing of your claim.

**1. Claimant** *(If there are additional claimants, please fill out an additional form for each)*

MR Carson Arthur \_\_\_\_\_

(title/last name/first name or company) (email)

\_\_\_\_\_

(address) (city) (state) (zip) (primary phone)

**2. Claimant's Legal Counsel** *(If not represented by an attorney, you may skip this section)*

\_\_\_\_\_

(last name) (first name) (email)

\_\_\_\_\_

(address) (city) (state) (zip) (primary phone)

Arkansas Bar Number: \_\_\_\_\_ If not licensed to practice law in Arkansas, please contact the Claims Commission for more information.

**3. State Agency Involved** University of Arkansas for Medical Sciences

*(If this section is not completed, the claim will be returned to you as deficient. Please note that the agency or agencies involved must be state agencies. The Claims Commission has no jurisdiction over claims against counties, cities, school districts, or other municipalities.)*

**4. Incident Date** 1/18/2023

**5. Claim Type**  
Negligence--Personal Injury

**5a. Location of Incident** \_\_\_\_\_

**5b. Explanation of Incident**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5c. CHECK HERE if this claim involves damage to a motor vehicle.

5d. CHECK HERE if this claim involves damage to property other than a motor vehicle.

**5e. Insurance Coverage**

- If your property was covered by insurance on the date of the incident, you must provide a copy of the insurance declarations in effect at that time. This is not the same as your insurance card. You may obtain a copy of your insurance declarations from your insurer or insurance agent.

-If you did NOT have insurance coverage in effect on your property on the date of the incident, CHECK HERE

**5f. Additional Required Documents for Property Damage Claims**

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

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

---

(type of state vehicle involved)

(license number)

(driver)

**7. If your claim involves personal injuries, please CHECK HERE**

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

- If you did NOT have health insurance on the date of the incident, CHECK HERE

**8. Amount Sought:** \$40,000.00

**IMPORTANT**

Please note that the Claims Commission staff is happy to answer questions about the claim process, but Claims Commission staff cannot give legal advice. For questions please contact us through email at [ascc.new.claims@arkansas.gov](mailto:ascc.new.claims@arkansas.gov) or by phone at (501) 682-1619.



**STOP!**

**The following section MUST be completed in the presence of a Notary Public.**

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

\_\_\_\_\_  
Claimant

**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  
-Claim Form-

Please note that all sections must be completed, or this form will be returned to you, which will delay the processing of your claim.

Arkansas State Claims Commission

FEB 23 2023

RECEIVED

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

(last name) (first name) (email)

(address) (city) (state) (zip) (primary phone)

Arkansas Bar Number: \_\_\_\_\_

If not licensed to practice law in Arkansas, please contact the Claims Commission for more information.

2. Claimant

CARSON, ARTHUR



(title/last name/first name or company) (email)



(address) (city) (state) (zip) (primary phone)

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

VAMS EDUCATION AND TRUSTEES OF MEDICAL SCIENCE

(state agency involved)

4. Incident Date

1/18/2023

5. Claim Type

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

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

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

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

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

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

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

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

(type of state vehicle involved) (license number) (driver)

7. Check here if this claim involves personal injury.

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

I do not have health insurance

8. Amount Sought: \$40,000

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 or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

*Austin Corn*  
Claimant

ACKNOWLEDGEMENT

State of Arkansas  
County of Pulaski

On this the 23<sup>rd</sup> day of February 2023 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.

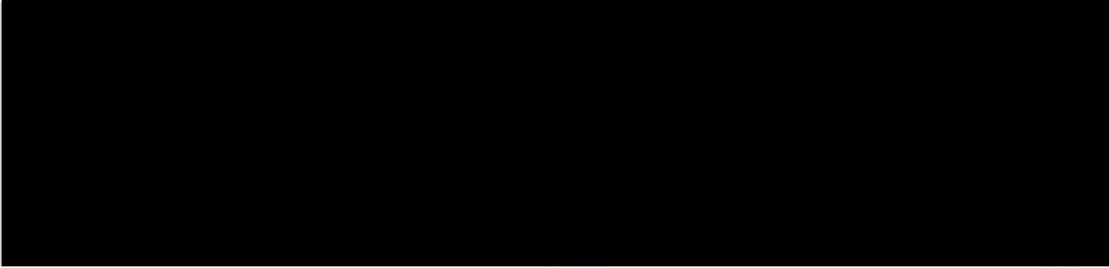
In witness whereof I hereunto set my hand and official seal.

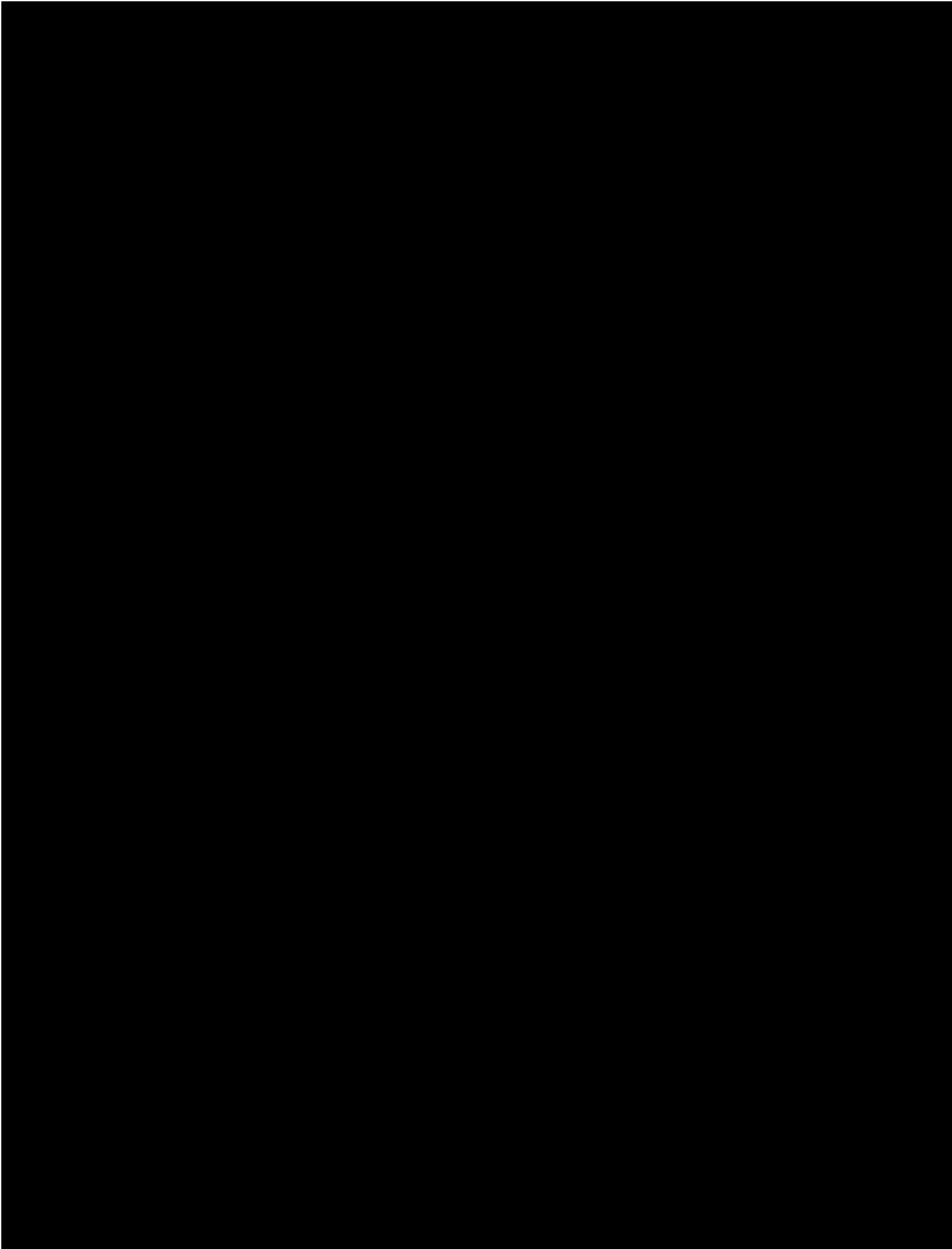
*[Signature]*  
Signature of Notary Public

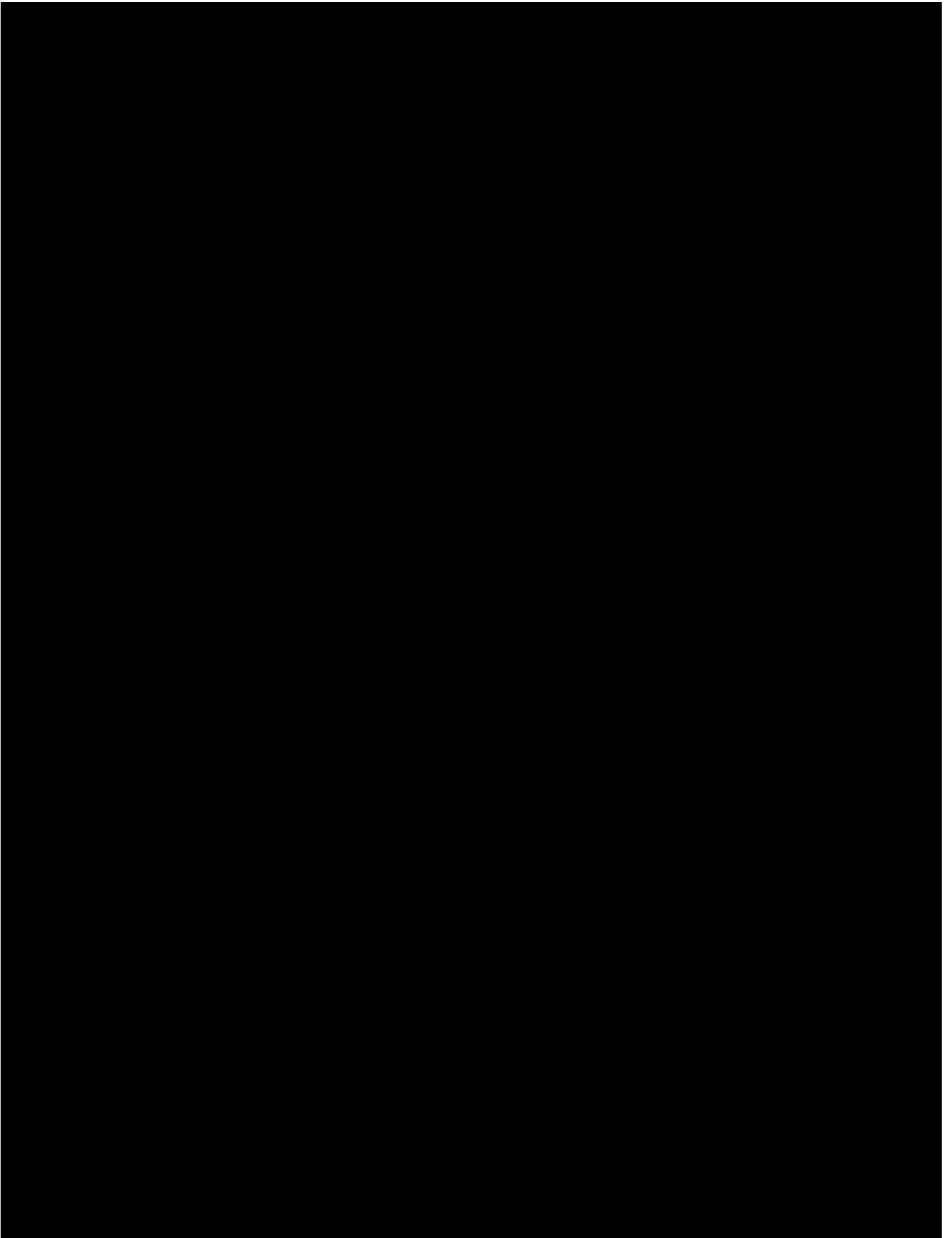
My Commission expires: April 6, 2028

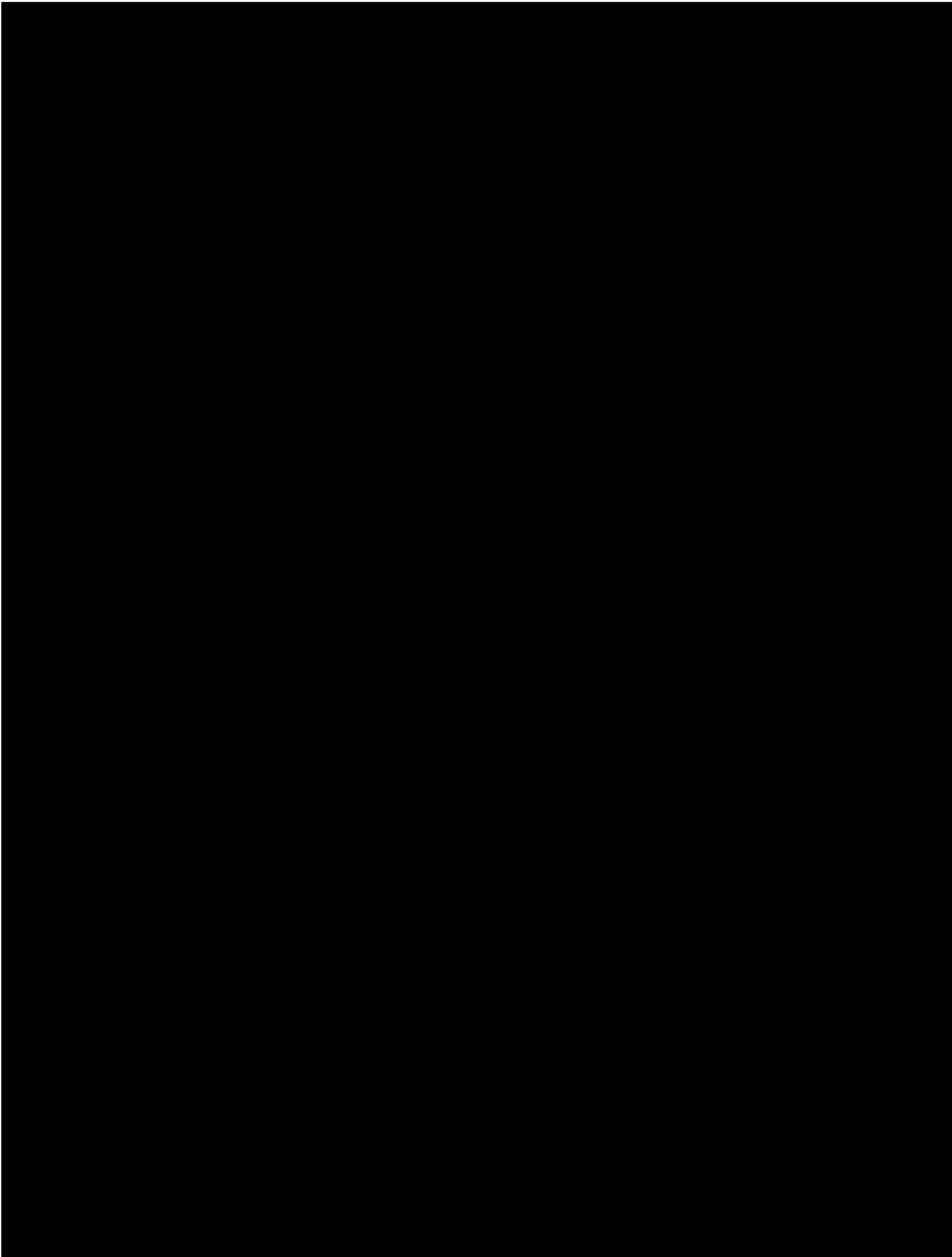


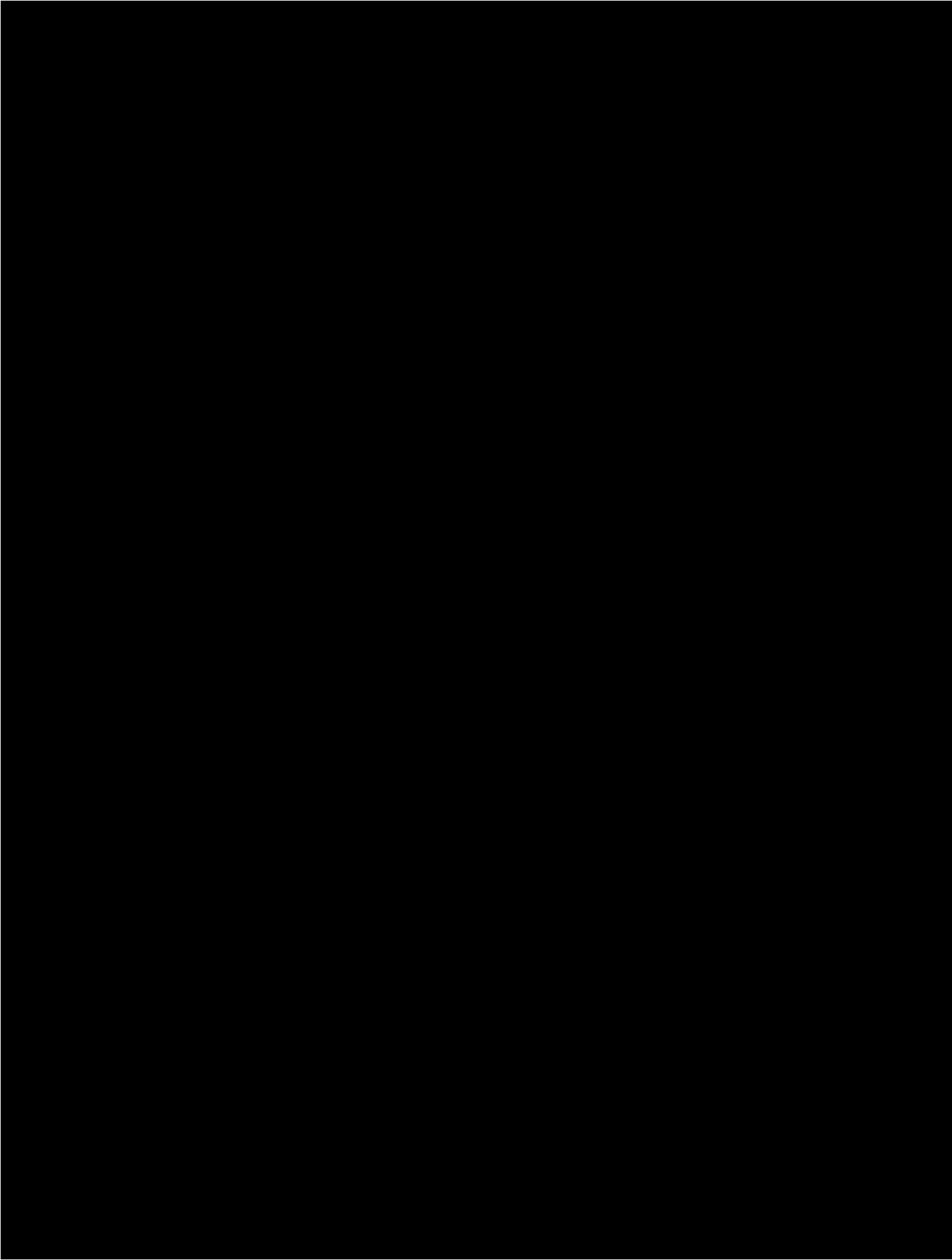
STATEMENT OF FACTS:



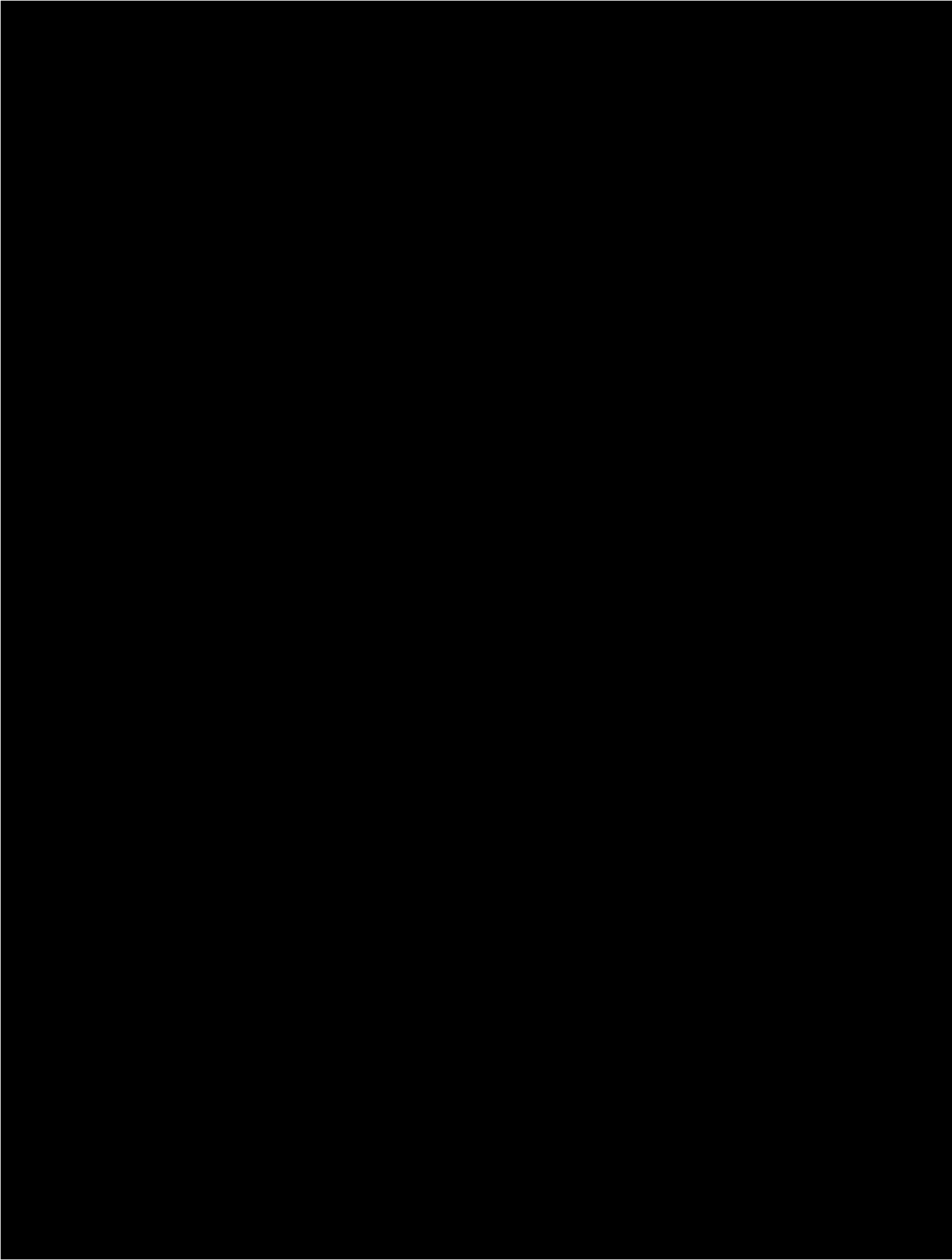


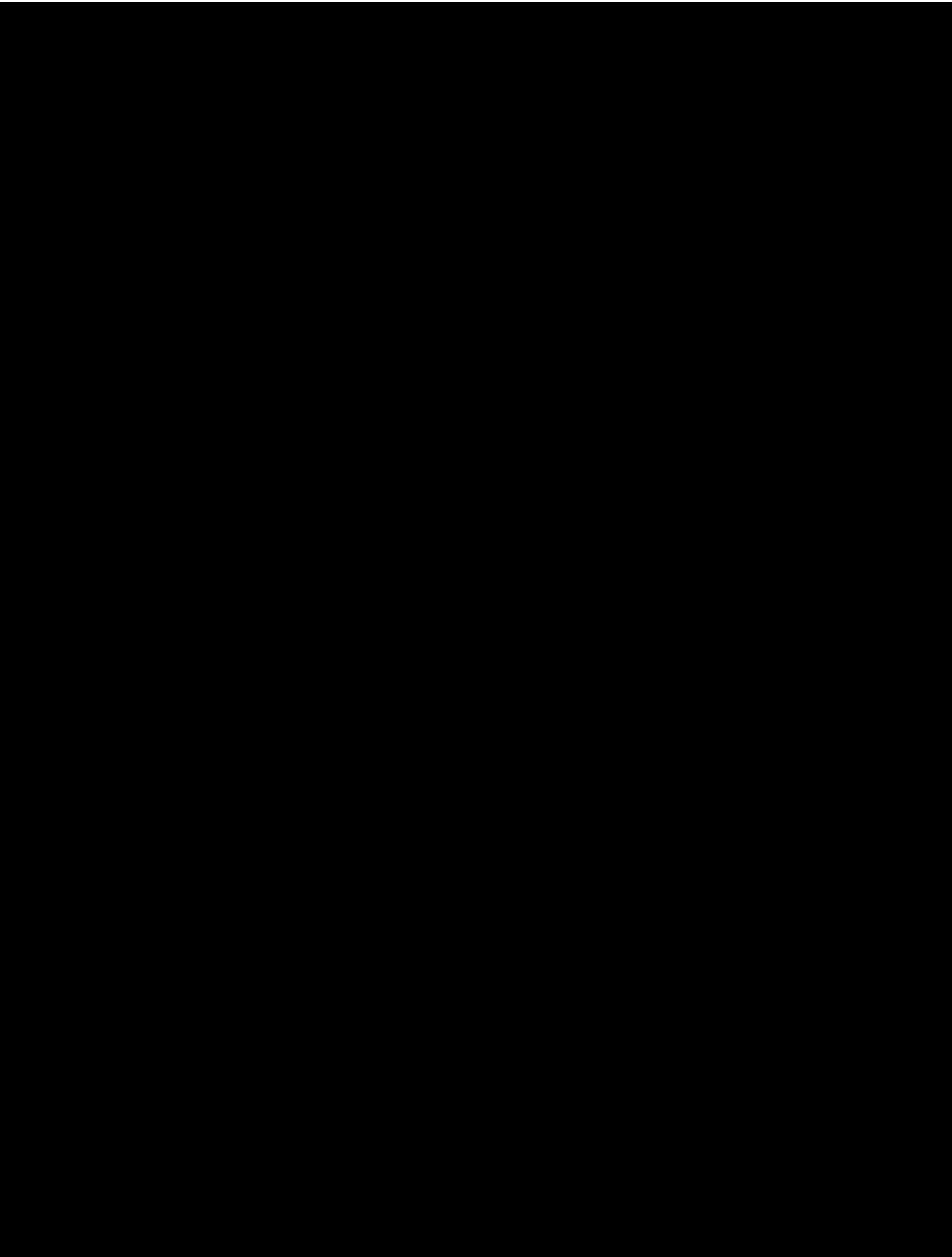


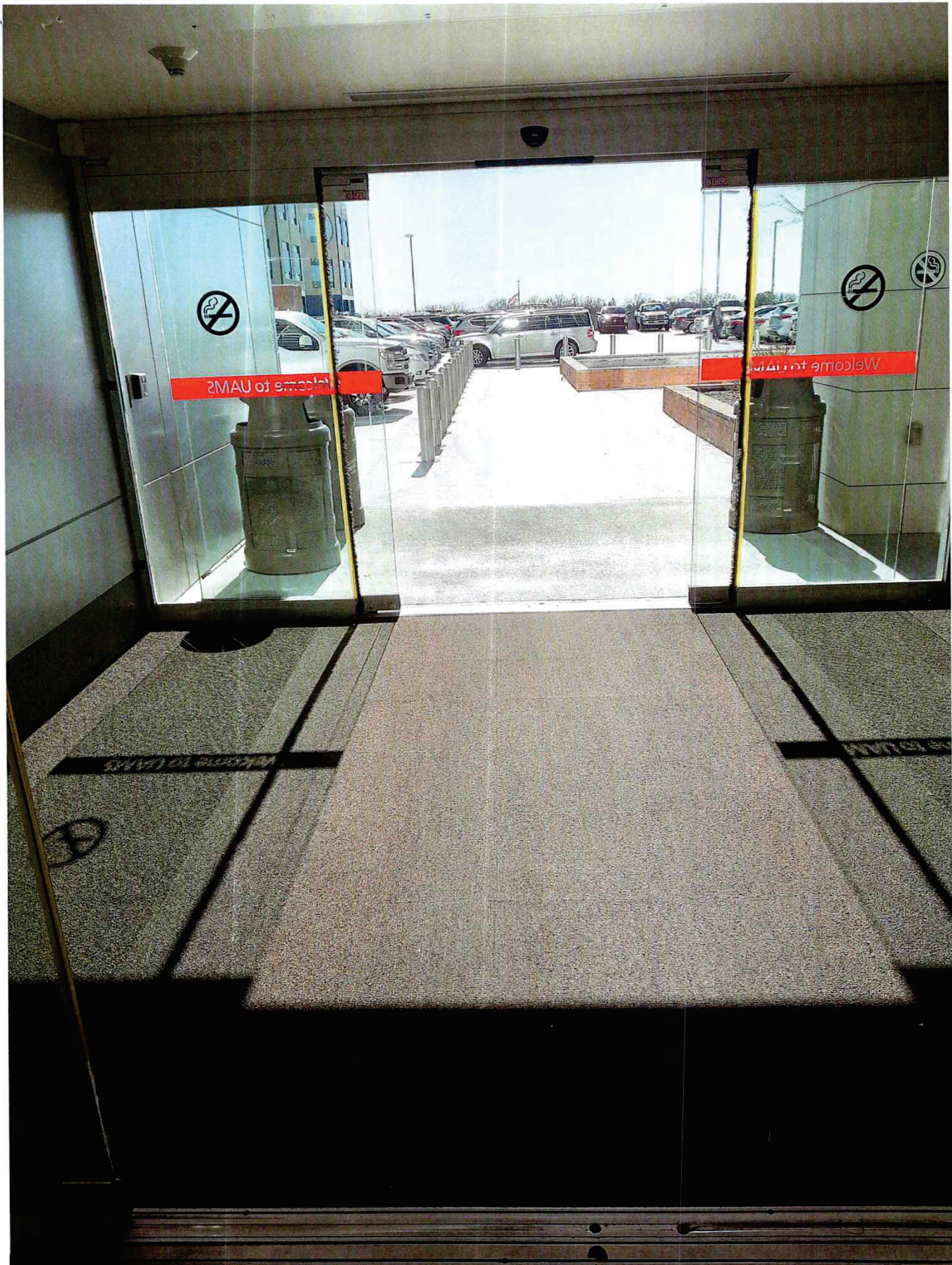













**From:** [ASCC New Claims](#)  
**To:** [SLRobinson@uams.edu](mailto:SLRobinson@uams.edu); [MCGHEE, SHELLY](#)  
**Cc:** [Kathryn Irby](#)  
**Subject:** CLAIM: Arthur Carson v. UAMS, Claim No. 230927  
**Date:** Wednesday, March 1, 2023 1:37:00 PM  
**Attachments:** [Arthur Carson UAMS agency ltr.pdf](#)



---

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

March 1, 2023

Ms. Sherri Robinson  
University of Arkansas for Medical Sciences  
4301 West Markham St. Slot 860  
Little Rock, Arkansas 72205

*(via email)*

RE: ***Arthur Carson v. University of Arkansas for Medical Sciences***  
**Claim No. 230927**

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Dear Ms. Robinson,

Enclosed please find a copy of the above-styled claim filed against the University of Arkansas for Medical Sciences. 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: Arthur Carson, *Claimant* (w/o encl.) *(via email)*

**From:** [ASCC New Claims](#)  
**To:** [REDACTED]  
**Bcc:** [Kathryn Irby](#)  
**Subject:** Arthur Carson v. UAMS, Claim No. 230927  
**Date:** Wednesday, March 1, 2023 1:37:00 PM  
**Attachments:** [Arthur Carson UAMS agency ltr.pdf](#)

---

Dear Mr. Carson,

Attached please find a copy of the letter sent with your claim to the University of Arkansas for Medical Sciences.

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:** [REDACTED]  
**To:** [ASCC New Claims](#)  
**Subject:** RE: Arthur Carson v. UAMS, Claim No. 230927  
**Date:** Thursday, March 16, 2023 1:32:57 PM  
**Attachments:** [FOI #0141.eml.msg](#)

---

Attached please find a copy of the 911 call Made by Claimant while on the Level 4 lobby.

A copy has been emailed to Sherri Roberson this day.

Sincerely,

Arthur Carson

---

**From:** [ASCC New Claims](#)  
**Sent:** Wednesday, March 1, 2023 1:37 PM  
**To:** [REDACTED]  
**Subject:** Arthur Carson v. UAMS, Claim No. 230927

Dear Mr. Carson,

Attached please find a copy of the letter sent with your claim to the University of Arkansas for Medical Sciences.

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:** [Robinson, Sherri](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED] [MCGHEE, SHELLY](#)  
**Subject:** Carson v. UAMS, Claim No. 230927  
**Date:** Monday, March 27, 2023 2:07:40 PM  
**Attachments:** [image001.png](#)  
[Carson v. UAMS, Claim No. 230927 - Answer by UAMS.pdf](#)

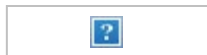
---

Director Irby,

Attached is an Answer to the above referenced claim on behalf of UAMS. I am serving a copy on Mr. Carson via this email as well. Please do not hesitate to contact me if you have any questions or concerns.

Respectfully,

Sherri L. Robinson | Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 W. Markham, Slot #860  
Little Rock, AR 72205  
Phone: 501-686-7964 | Fax: 501-686-7736



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**Confidentiality Notice:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

CLAIMANT

vs.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

ANSWER AND MOTION TO DISMISS

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Answer to the Complaint, states as follows:

1. UAMS admits that Claimant was a visitor to the UAMS campus on January 18, 2023.
2. UAMS denies that Claimant was injured on the UAMS campus on January 18, 2023.
3. Affirmatively pleading, UAMS states that it rained on the afternoon of January 18, 2023 while Claimant was a visitor at UAMS. Thus, [REDACTED]  
[REDACTED]  
[REDACTED]
4. UAMS denies all other material allegations in the Complaint.
5. UAMS denies that it or any of its employees, agents, officials or representatives are liable for damages as alleged in the Complaint.
6. Per the Commission’s request, UAMS provides the following information:
 

Agency	150
Fund CCA	0000

Fund Center 429

Cost Center 147011

7. UAMS reserves the right to plead further in this case as may become necessary.

WHEREFORE, having fully answered Carson's Complaint, UAMS prays that the Commission dismiss the claim against UAMS its entirety, and for all other relief to which it may be entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

By:



SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

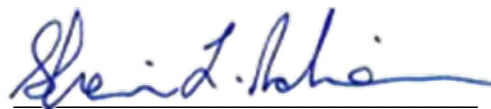
Attorney for Respondent,  
University of Arkansas  
For Medical Sciences

**CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on Claimant herein by emailing a copy of same, this 27th day of March, 2023, to the following:

Art Carson

████████████████████



Sherri L. Robinson

**From:** [Kathryn Irby](#)  
**To:** [REDACTED]  
**Cc:** [ASCC Pleadings](#); [ASCC New Claims](#)  
**Subject:** RE: claim # 230927  
**Date:** Tuesday, March 28, 2023 8:41:00 AM

---

Mr. Carson, we cannot open the document you submitted yesterday. Please transmit it to [ascppleadings@arkansas.gov](mailto:ascppleadings@arkansas.gov) in a different format. Thank you.

Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Monday, March 27, 2023 4:27 PM  
**To:** ASCC New Claims <[ASCC.New.Claims@arkansas.gov](mailto:ASCC.New.Claims@arkansas.gov)>  
**Subject:** claim # 230927

You don't often get email from [REDACTED] [Learn why this is important](#)

please find My Reply to Respondent answer

[claimant's response](#)

**From:** [REDACTED]  
**To:** [ASCC Pleadings](#)  
**Subject:** Carson V UAMS  
**Date:** Tuesday, March 28, 2023 8:50:22 AM

---

You don't often get email from [REDACTED]. [Learn why this is important](#)

 [claimant's respose](#)

**From:** [REDACTED]  
**To:** [Kathryn Irby](#)  
**Cc:** [Sherri Robinson](#)  
**Subject:** Re: INFO NEEDED: Carson V UAMS  
**Date:** Monday, July 29, 2024 4:45:20 PM

---

Ok, thanks

Get [Outlook for Android](#)

---

**From:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Sent:** Monday, July 29, 2024 4:16:47 PM  
**To:** [REDACTED]  
**Cc:** Sherri Robinson <srobinson3@uams.edu>  
**Subject:** INFO NEEDED: Carson V UAMS

Mr. Carson, the response that you filed on March 28 is no longer available through the below Google link. If you would like for it to be included in the claim file sent to the Legislature, you will need to resubmit it in pdf format. This is why Google docs are problematic – the links do not last forever like a pdf attached to an email will.

Thanks,  
Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Tuesday, March 28, 2023 8:50 AM  
**To:** ASCC Pleadings <asccpleadings@arkansas.gov>  
**Subject:** Carson V UAMS

You don't often get email from [REDACTED]. [Learn why this is important](#)

[claimant's response](#)

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Cc:** [Sherri Robinson](#)  
**Subject:** Re: INFO NEEDED: Carson V UAMS  
**Date:** Monday, July 29, 2024 5:31:14 PM

---

That document you just sent is unrelated to My Notice of Appeal, will use PDF tomorrow.

On Mon, Jul 29, 2024, 5:28 PM Art Carson <[REDACTED]> wrote:

No I will resend it

On Mon, Jul 29, 2024, 5:23 PM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson, if the attached is the mailed-in version of the document that was emailed on March 28, please let me know.

Thanks,

Kathryn Irby

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Monday, July 29, 2024 4:45 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Cc:** Sherri Robinson <[srobinson3@uams.edu](mailto:srobinson3@uams.edu)>  
**Subject:** Re: INFO NEEDED: Carson V UAMS

Ok, thanks

Get [Outlook for Android](#)

---

**From:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Sent:** Monday, July 29, 2024 4:16:47 PM  
**To:** Art Carson (via Google Docs) <[REDACTED]>  
**Cc:** Sherri Robinson <[srobinson3@uams.edu](mailto:srobinson3@uams.edu)>  
**Subject:** INFO NEEDED: Carson V UAMS

Mr. Carson, the response that you filed on March 28 is no longer available through the below Google link. If you would like for it to be included in the claim file sent to the Legislature, you will need to resubmit it in pdf format. This is why Google docs are problematic – the links do not last forever like a pdf attached to an email will.

Thanks,

Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Tuesday, March 28, 2023 8:50 AM  
**To:** ASCC Pleadings <[ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov)>  
**Subject:** Carson V UAMS

You don't often get email from [REDACTED]. [Learn why this is important](#)

[claimant's response](#)



**From:** [REDACTED]  
**To:** [ASCC Pleadings](#)  
**Subject:** Carson V. UAMS  
**Date:** Tuesday, March 28, 2023 8:51:54 AM

---

You don't often get email from [REDACTED]. [Learn why this is important](#)

 [production of doc/acc](#)

Arthur Carson  
[REDACTED]

Arkansas Claims Commission  
101 East Capitol Ave # 410  
Little Rock, AR 72201-3823

RE: Carson V. UAMS, et al.,#230927

CLAIMANT'S REQUEST FOR PRODUCTION OF DOCUMENTS  
FROM RESPONDENT'S

Via U.S. Mail and Email: SLRobinson@uams.edu  
Sherri L. Robinson  
Sr. Associate General Counsel  
4301 W. Markham Street # 860  
Little Rock, AR 72205-7199

In Accordance with Arkansas Claims Commission Rule 8.1, accord Rule 26, Arkansas  
Rules Civil Procedure, Request Respondent's to Produce the Following Documents.

- 1). The Unedited Video of January 18, 2023, Related to this Claim.
- 2). [REDACTED];
- 3). Names of the Unknown Level 4 Desk Workers during the time frame of Claimant's  
Injuries;
- 4). Copy of UAMS Accident Protocols, or Policy, Rules pertaining to Hospital Accidents;

(1)

\_\_\_\_\_  
Arthur Carson

CERTIFICATE OF SERVICE

I, Arthur Carson, Certify that a copy of the Foregoing Request for Documents are  
emailed/ and Mail by U.S. Mail to: Ms. Sherri Robinson, this 27th day of March, 2023.

I Swear the foregoing statements are true and Correct.

\_\_\_\_\_  
Arthur Carson



(2)

**From:** [Kathryn Irby](#)  
**To:** [REDACTED]  
**Subject:** RE: Carson V. UAMS #230927  
**Date:** Wednesday, March 29, 2023 9:49:00 AM  
**Attachments:** [Patient Portal - health care summaries.htm](#)

---

Mr. Carson, the website that you sent does not have any information. It appears to be from OrthoArkansas, but where all of the information would be, there are only black boxes.

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

---

**From:** Art [REDACTED]  
**Sent:** Wednesday, March 29, 2023 6:19 AM  
**To:** ASCC Pleadings <[ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov)>  
**Subject:** Carson V. UAMS #230927

You don't often get email from [REDACTED]. [Learn why this is important](#)

Attached, please find the Attached Medical Record related To My Injury

**From:** [Kathryn Irby](#)  
**To:** [REDACTED]  
**Subject:** RE: Carson V. UAMS #230927  
**Date:** Wednesday, March 29, 2023 10:16:00 AM

---

Excellent, thanks.

Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Wednesday, March 29, 2023 10:16 AM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Re: Carson V. UAMS #230927

By the way, I have been making sure the other side get a copy of everything.

On Wed, Mar 29, 2023, 10:14 AM Art Carson <[REDACTED]> wrote:

It appears the document has a security blocking it. Will mail.

On Wed, Mar 29, 2023, 10:06 AM Art Carson <[REDACTED]> wrote:

Thank you.

On Wed, Mar 29, 2023, 10:05 AM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson, you're welcome to mail filings to the Commission at the address listed on my signature block. Please note that, under the Arkansas Rules of Civil Procedure, you have to provide the attorney for UAMS with a copy of everything you file (just like Ms. Robinson has copied you on what she has filed with the Commission).

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Wednesday, March 29, 2023 9:50 AM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Re: Carson V. UAMS #230927

Sorry about that, I will have to mail it to you.

Arthur Carson

On Wed, Mar 29, 2023, 9:49 AM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson, the website that you sent does not have any information. It appears to be from OrthoArkansas, but where all of the information would be, there are only black boxes.

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

---

**From:** Art [REDACTED] >  
**Sent:** Wednesday, March 29, 2023 6:19 AM  
**To:** ASCC Pleadings <[ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov)>  
**Subject:** Carson V. UAMS #230927

You don't often get email from [REDACTED]. [Learn why this is important](#)

Attached, please find the Attached Medical Record related To My Injury

**From:** [REDACTED]  
**To:** [ASCC Pleadings](#)  
**Subject:** Carson V. UAMS NO.230927  
**Date:** Wednesday, March 29, 2023 4:14:26 PM

---

You don't often get email from [REDACTED]. [Learn why this is important](#)

 CLAIMANTS SUPP REPLY TO ANSW

 2023.02.16 Letter to Art Carson

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON, CLAIMANT

V. NO.230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES, RESPONDENT.

CLAIMANT'S SUPPLEMENTAL REPLY TO RESPONDENTS  
ANSWER AND MOTION TO DISMISS

TO THE HONORABLE COMMISSION:

Comes Now the Claimant, Arthur Carson, and brings this, His Supplemental Reply,

1). The Respondents Answer, Specifically NO.2, pg.1., states, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1)



WHEREFORE, Claimant Pray This Commission Grant Relief In this Matter.

RESPECTFULLY SUBMITTED.  
Arthur Carson

Dated: March 28,2023.

CERTIFICATE OF SERVICE

I, Arthur Carson, certify that a copy of the Foregoing Supplemental Reply, are emailed

To: Sherri L. Robinson, Associate General Counsel, and Kathryn Irby, Commissioner,

This 28th day of March, 2023.

Arthur Carson

A black rectangular redaction box covering the signature area of Arthur Carson.

(2)

Sherri L. Robinson Office of General Counsel Sr. Associate General Counsel 4301 West Markham Street, #860 Tel.: 501-686-7608 Little Rock, AR 72205-7199 Fax: 501-686-7736 [SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

February 16, 2023

Via U.S. mail and Email: [artcarson67@gmail.com](mailto:artcarson67@gmail.com)

Mr. Arthur Carson

[REDACTED]

Re: Letters to Dr. Cam Patterson

Dear Mr. Carson:

The letters dated January 24 and February 14, 2023 that you sent to Dr. Patterson

[REDACTED]

Your letter states that you hope that we can informally resolve the matter.

[REDACTED]

hus, there does not appear to be anything for UAMS to resolve.

If you disagree, you may contact the Arkansas State Claims Commission to file a claim. Information regarding the Commission and the process for filing a claim can be found at: <https://arclaimscommission.arkansas.gov/>.

Sincerely,


Sherri L. Robinson

Sr. Associate General Counsel


**From:** [REDACTED]  
**To:** [Kathryn Irby](#)  
**Subject:** CLAIMANTS SUPP REPLY TO ANSW  
**Date:** Wednesday, March 29, 2023 4:05:12 PM  
**Attachments:** [CLAIMANTS SUPP REPLY TO ANSW.pdf](#)

---

## Art Carson attached a document

 Art Carson ([REDACTED]) has attached the following document: [Learn more](#).

Carson V. UAMS, NO 230927,  
attachment will be sent separately

 CLAIMANTS SUPP REPLY TO ANSW

Use is subject to the Google [Privacy Policy](#)

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because [REDACTED] shared a document with you from Google Docs.

[Delete visitor session](#)



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON, CLAIMANT

V. NO.230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES, RESPONDENT.

CLAIMANT'S SUPPLEMENTAL REPLY TO RESPONDENTS  
ANSWER AND MOTION TO DISMISS

TO THE HONORABLE COMMISSION:

Comes Now the Claimant, Arthur Carson, and brings this, His Supplemental Reply,

1). The Respondents Answer, Specifically NO.2, pg.1., states, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1)

WHEREFORE, Claimant Pray This Commission Grant Relief In this Matter.

RESPECTFULLY SUBMITTED.  
Arthur Carson

Dated: March 28,2023.

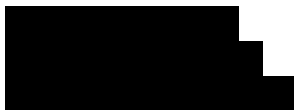
CERTIFICATE OF SERVICE

I, Arthur Carson, certify that a copy of the Foregoing Supplemental Reply, are emailed

To: Sherri L. Robinson, Associate General Counsel, and Kathryn Irby, Commissioner,

This 28th day of March, 2023.

Arthur Carson



(2)

MAR 29 2023

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

ART CARSON

V.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCECLAIMANT'S REPLY TO RESPONDENT'S  
ANSWER AND MOTION TO DISMISS

Comes Now the Claimant, Arthur Carson, and Brings this Reply to Respondent's Answer, and Motion To Dismiss, and Would Like to Show The Commission the Following:

- 1). The Respondent's, Owed Claimant, Hereinafter "Carson" a Duty of Care.
- 2). The Respondent failed to Provide Safety Mats, Warning Signs, Handrails, in areas That are susceptible to Water accumulation around its Exits, and created Conditions that Were unsafe, Pursuant to Collyard V. American Home Assurance Co., 271 Ark. 228, 607-S.W.666 (1980), accord Lemay V. W. & R Corp., 262 Ark. 530, 558 S.W. 2d 154 (1977).
- 3). None of the Level 4 Desk Staff Rendered Aid in accordance with Law, Ark. Code Ann.-27-53-401. Where Carson Called The 911 Operator for Help while laying on the lobby floor.
- 4). Claimants Were Indifferent to Carson's Medical Needs, [REDACTED]
- 5). The Respondents knew or should have known that the Elderly used these Exits,

(1)

And are owed a duty of Safety, that the Exit did not provide, e.g., "Uneven Painted Surface."

WHEREFORE, PREMISES CONSIDERED, CLAIMANT Pray The Commision Grant Relief.

Dated This 27th Day of March, 2023.

RESPECTFULLY,  
Arthur Carson

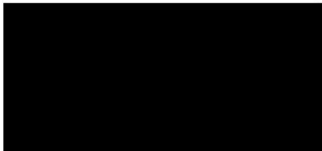
CERTIFICATE OF SERVICE:

I, Arthur Carson, Certify that a copy of the Foregoing Reply has been Served on Sherri L. Robinson this 27th day of March, 2023, by email, and U.S. Mail, postage Prepaid.

I Swear the Foregoing Statements are True and Correct.



Arthur Carson





Arkansas  
State Claims Commission

MAR 29 2023

RECEIVED

Arthur Carson  
[REDACTED]

Arkansas Claims Commission  
101 East Capitol Ave # 410  
Little Rock, AR 72201-3823

RE: Carson V. UAMS, et al.,#230927

CLAIMANT'S REQUEST FOR PRODUCTION OF DOCUMENTS  
FROM RESPONDENT'S

Via U.S. Mail and Email: SLRobinson@uams.edu  
Sherri L. Robinson  
Sr. Associate General Counsel  
4301 W. Markham Street # 860  
Little Rock, AR 72205-7199

In Accordance with Arkansas Claims Commission Rule 8.1, accord Rule 26, Arkansas  
Rules Civil Procedure, Request Respondent's to Produce the Following Documents.

- 1). The Unedited Video of January 18, 2023, Related to this Claim.
- 2). [REDACTED]
- 3). Names of the Unknown Level 4 Desk Workers during the time frame of Claimant's  
Injuries;
- 4). Copy of UAMS Accident Protocols, or Policy, Rules pertaining to Hospital Accidents;

Arthur Carson  
Arthur Carson

CERTIFICATE OF SERVICE

I, Arthur Carson, Certify that a copy of the Foregoing Request for Documents are  
emailed/ and Mail by U.S. Mail to: Ms. Sherri Robinson, this 27th day of March, 2023.

I Swear the foregoing statements are true and Correct.

Arthur Carson  
Arthur Carson



(2)

Arkansas  
State Claims Commission

MAR 30 2023

RECEIVED

03/28/23

Arthur Carson



Re: Case NO. 200927  
Carson V. UAMS

Enclosed Please find a Thumb drive containing Audio from My 911 Call



A copy is also being sent to: Sherri Robinson, Attorney for Respondent.

Thanks In Advance,

*Arthur Carson*

*Also, A copy of CLAIMANT'S FIRST ANSWER TO  
RESPONDENT.*

*MEDICAL RECORD - EX #1*

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MAR 30 2023

RECEIVED

ART CARSON

V.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCECLAIMANT'S REPLY TO RESPONDENT'S  
ANSWER AND MOTION TO DISMISS

Comes Now the Claimant, Arthur Carson, and Brings this Reply to Respondent's Answer, and Motion To Dismiss, and Would Like to Show The Commission the Following:

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- 2). The Respondent failed to Provide Safety Mats, Warning Signs, Handrails, in areas That are susceptible to Water accumulation around its Exits, and created Conditions that Were unsafe, Pursuant to Collyard V. American Home Assurance Co., 271 Ark. 228, 607-S.W.666 (1980), accord Lemay V. W. & R Corp., 262 Ark. 530, 558 S.W. 2d 154 (1977).
- 3). None of the Level 4 Desk Staff Rendered Aid in accordance with Law, Ark. Code Ann.-27-53-401. Where Carson Called The 911 Operator for Help while laying on the lobby floor.
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- 5). The Respondents knew or should have known that the Elderly used these Exits,

(1)

And are owed a duty of Safety, that the Exit did not provide, e.g., "Uneven Painted Surface."

WHEREFORE, PREMISES CONSIDERED, CLAIMANT Pray The Commision Grant Relief.

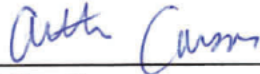
Dated This 27th Day of March, 2023.

RESPECTFULLY,  
Arthur Carson

CERTIFICATE OF SERVICE:

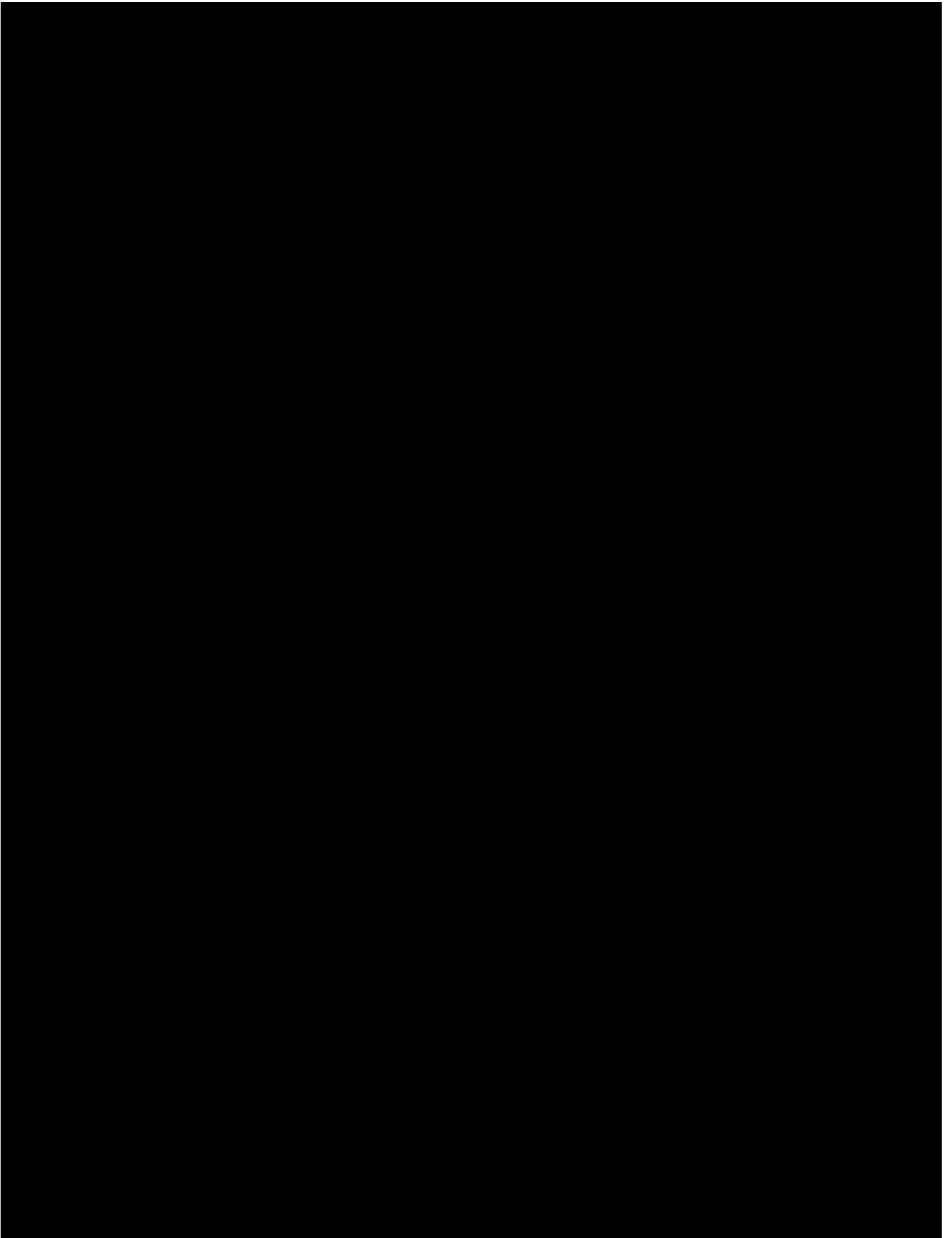
I, Arthur Carson, Certify that a copy of the Foregoing Reply has been Served on Sherri L. Robinson this 27th day of March, 2023, by email, and U.S. Mail, postage Prepaid.

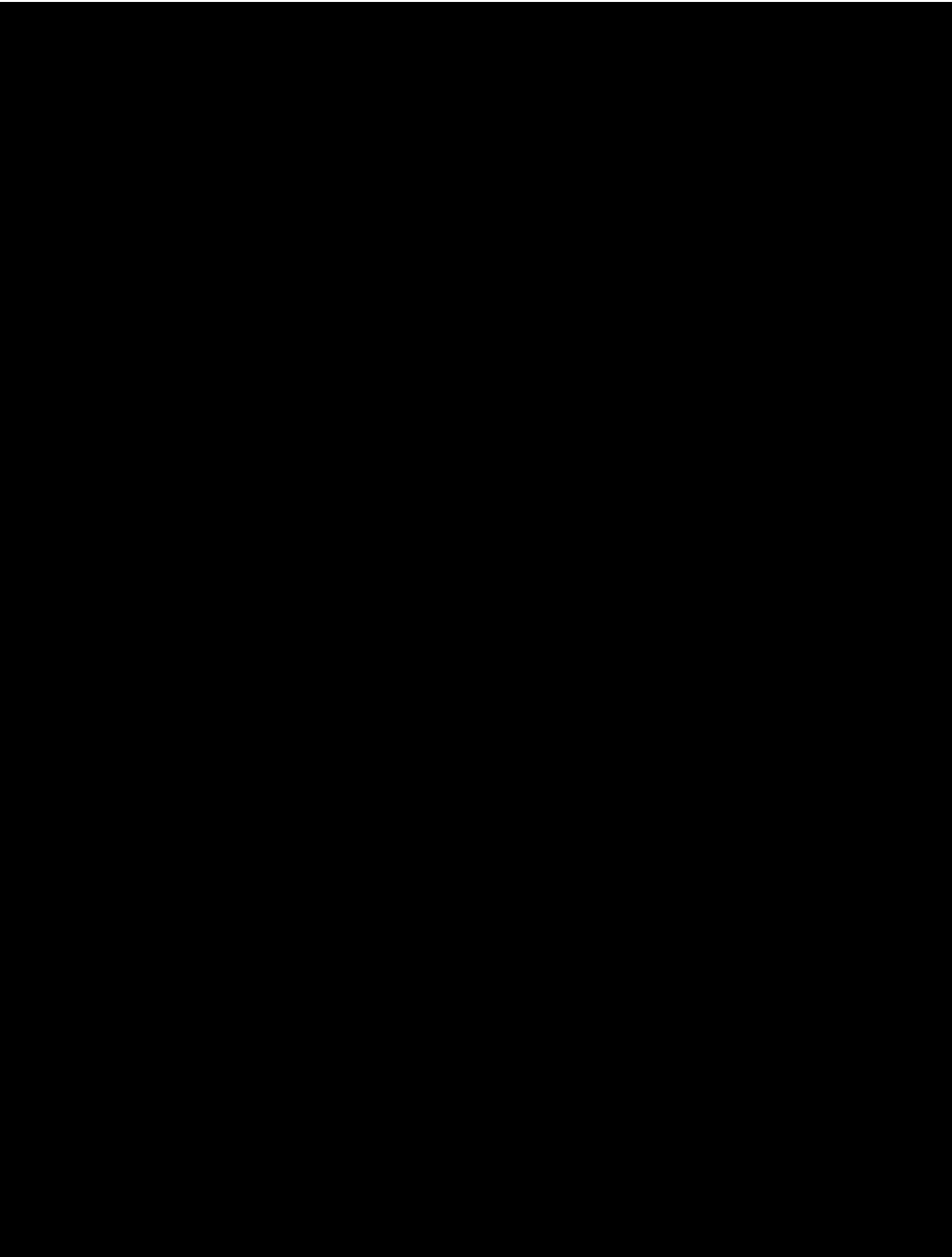
I Swear the Foregoing Statements are True and Correct.

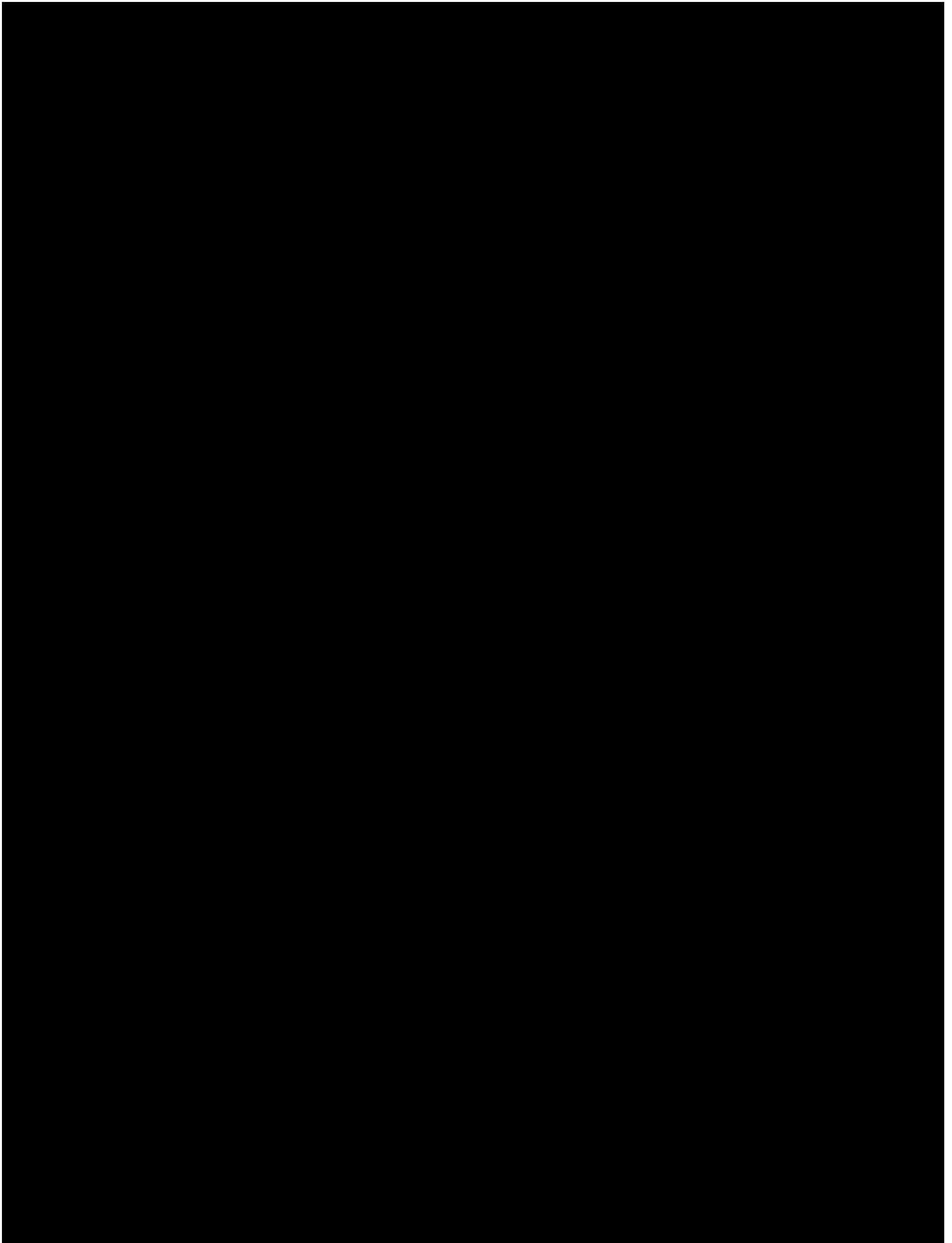


Arthur Carson











**From:** [Kathryn Irby](#)  
**To:** [Art Carson](#)  
**Cc:** [Sherri Robinson](#)  
**Subject:** RE: INFO NEEDED: Carson V UAMS  
**Date:** Monday, July 29, 2024 5:22:00 PM  
**Attachments:** [c24.pdf](#)

---

Mr. Carson, if the attached is the mailed-in version of the document that was emailed on March 28, please let me know.

Thanks,  
 Kathryn Irby

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Monday, July 29, 2024 4:45 PM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Cc:** Sherri Robinson <srobinson3@uams.edu>  
**Subject:** Re: INFO NEEDED: Carson V UAMS

Ok, thanks

Get [Outlook for Android](#)

---

**From:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Sent:** Monday, July 29, 2024 4:16:47 PM  
**To:** Art Carson (via Google Docs) [REDACTED]  
**Cc:** Sherri Robinson <[srobinson3@uams.edu](mailto:srobinson3@uams.edu)>  
**Subject:** INFO NEEDED: Carson V UAMS

Mr. Carson, the response that you filed on March 28 is no longer available through the below Google link. If you would like for it to be included in the claim file sent to the Legislature, you will need to resubmit it in pdf format. This is why Google docs are problematic – the links do not last forever like a pdf attached to an email will.

Thanks,  
 Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Tuesday, March 28, 2023 8:50 AM  
**To:** ASCC Pleadings <[ascoupleadings@arkansas.gov](mailto:ascoupleadings@arkansas.gov)>  
**Subject:** Carson V UAMS

You don't often get email from [REDACTED]. [Learn why this is important](#)

[claimant's response](#)

Arkansas  
State Claims Commission

APR 06 2023

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CASE NO. 230927

ART CARSON, CLAIMANT,

V.

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCE, RESPONDENTS.

AFFIDAVIT OF FACT

Before Me, the Undersigned authority in and for the State of Arkansas, on This Day Personally

Appeared Arthur Carson, who after being duly sworn, deposed and said:

I affirm and attest to the following;



(1)



Arthur Carson  
Arthur Carson



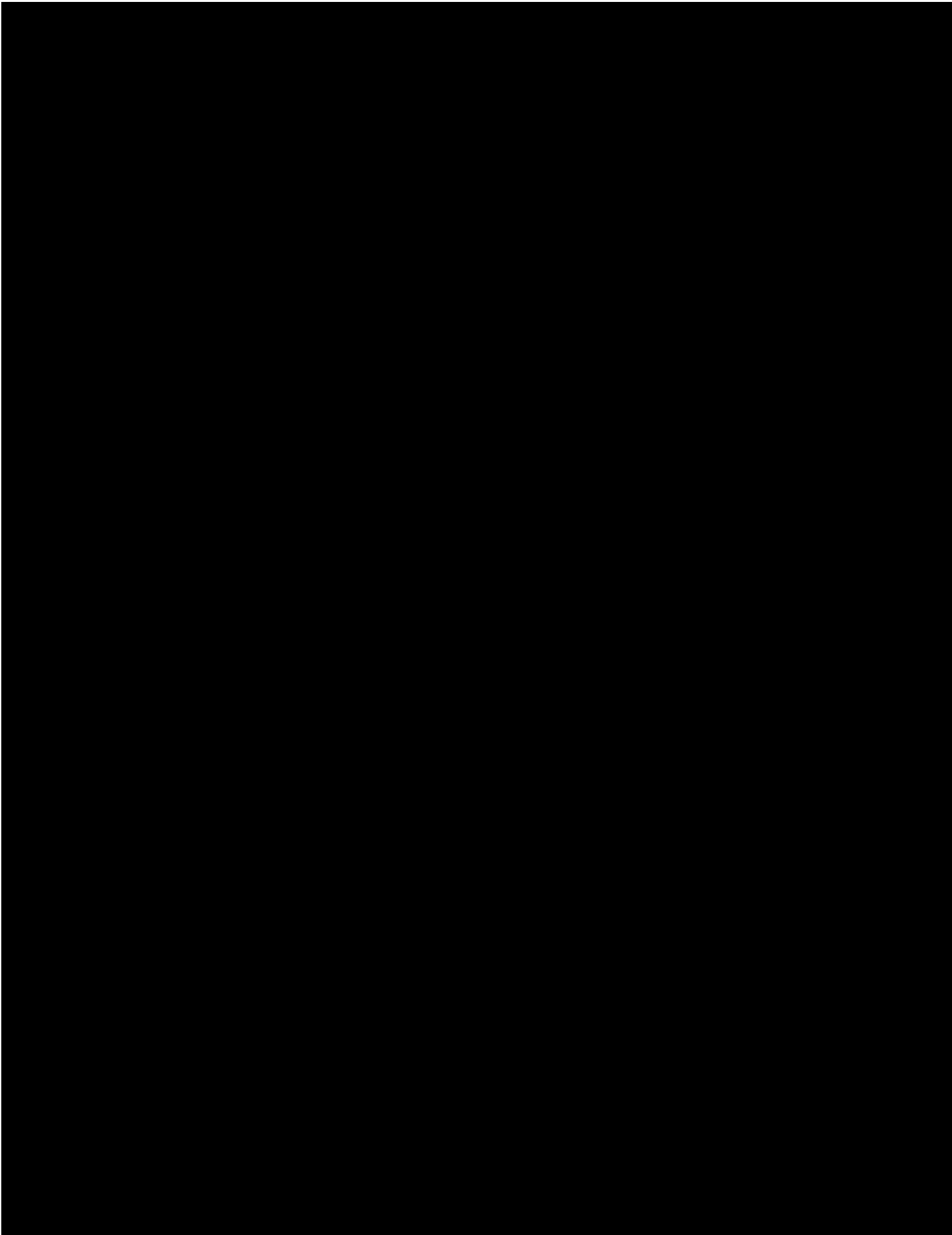
Subscribed and Sworn to before Me, the 4th Day of April, A.D. 2023.

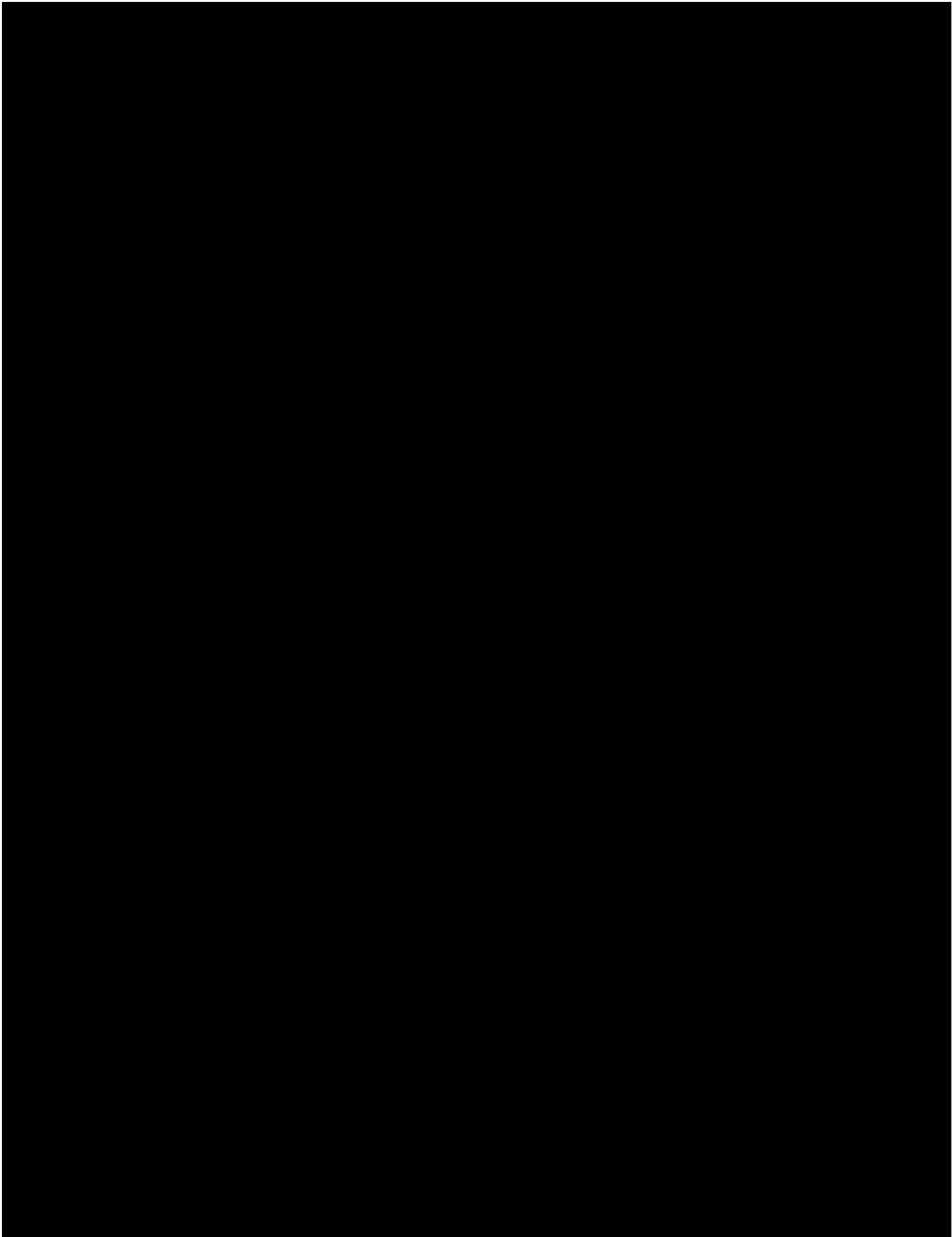
Tracey Eatmon

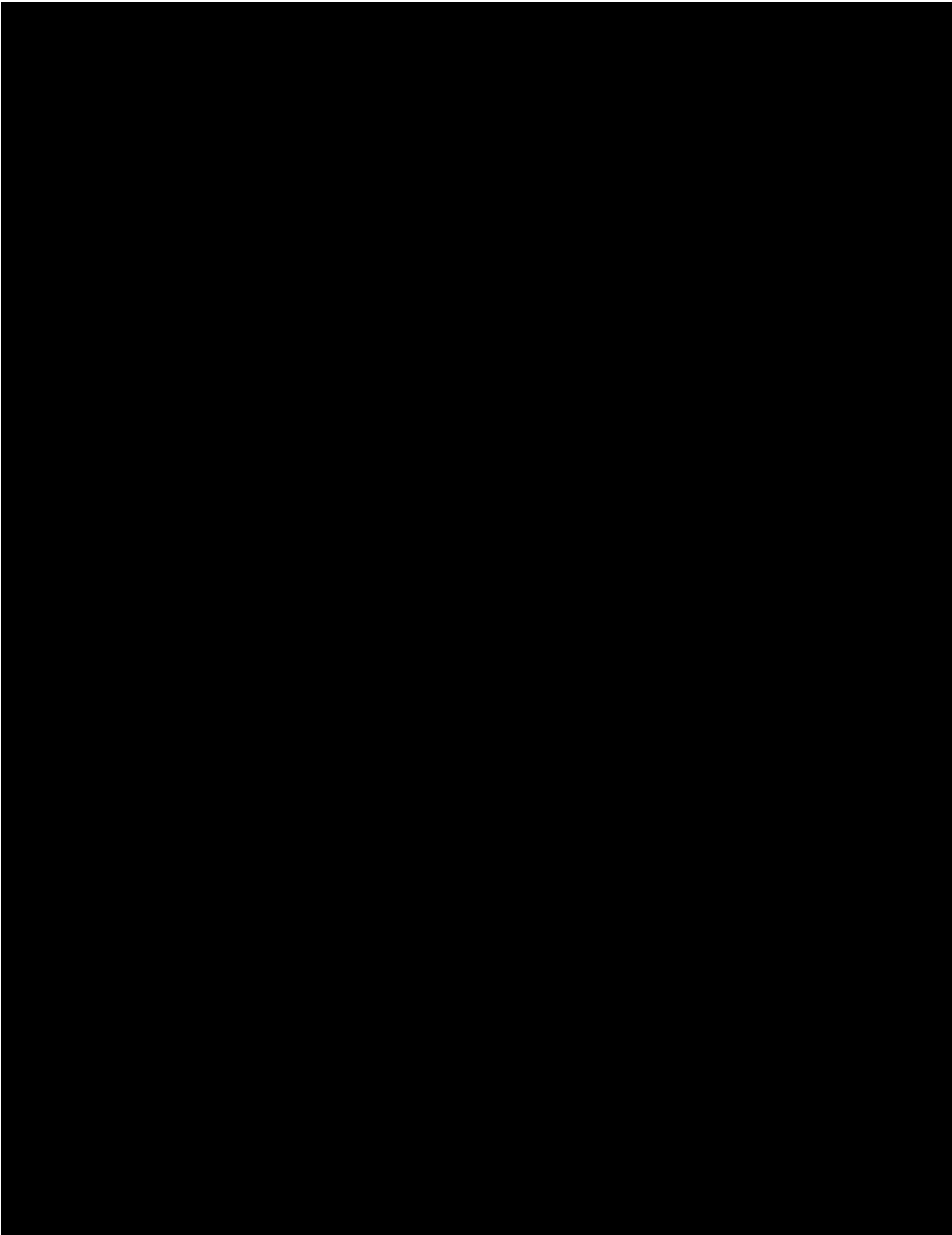
TRACEY EATMON  
NOTARY PUBLIC - ARKANSAS  
PULASKI COUNTY  
My Commission Expires 12-16-2032  
Commission # 12391520

NOTARY

(2)







**From:** [Kathryn Irby](#)  
**To:** [Art Carson \(via Google Docs\)](#); [Robinson, Sherri](#)  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** HEARING SCHEDULED: Carson v. UAMS, Claim No. 230927  
**Date:** Sunday, June 4, 2023 4:32:00 PM  
**Attachments:** [Carson v. UAMS -- 230927 -- hearing.ltr \(motion\).pdf](#)

---

Mr. Carson and Ms. Robinson, please see attached hearing letter and Zoom invitation.

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619



## ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

June 4, 2023

Mr. Arthur Carson

*(via email)*

████████████████████  
████████████████████

Ms. Sherri L. Robinson

*(via email)*

University of Arkansas for Medical Sciences  
4301 West Markham Street, Slot 860  
Little Rock, Arkansas 72205

RE: *Arthur Carson v. University of Arkansas for Medical Sciences*  
Claim No. 230927

Dear Mr. Carson and Ms. Robinson,

The Commission has scheduled a hearing on any pending motions on **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 motion hearing, no prehearing materials are requested by the Commission.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

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

Topic: Claims Commission -- hearings

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/j/84688689286?pwd=b3RmN01jcTJzV1hwZW1YVHFtLzdLUT09>

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Subject:** Re: HEARING SCHEDULED: Carson v. UAMS, Claim No. 230927  
**Date:** Sunday, June 4, 2023 8:29:59 PM

---

Please be advised of My New Address:

[REDACTED]

Ms Robinson will also be notified.  
Thank You In Advance,  
Arthur Carson

On Sun, Jun 4, 2023, 4:32 PM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson and Ms. Robinson, please see attached hearing letter and Zoom invitation.

Thanks,

Kathryn Irby

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

**From:** [Kathryn Irby](#)  
**To:** [Art Carson \(via Google Docs\)](#); [Robinson, Sherri](#)  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** REVISED HEARING LTR: Carson v. UAMS, Claim Nos. 230927, 231269  
**Date:** Monday, June 12, 2023 10:31:00 AM  
**Attachments:** [EDITED --Carson v. UAMS -- 230927 -- hearing ltr \(motion\).pdf](#)

---

Mr. Carson and Ms. Robinson, please see attached revised hearing letter.

Thanks,  
Kathryn Irby

---

**From:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Sent:** Monday, June 5, 2023 8:54 AM  
**To:** Art Carson [REDACTED]  
**Subject:** RE: HEARING SCHEDULED: Carson v. UAMS, Claim No. 230927

Received on 6-4-2023, thanks.

Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Sunday, June 4, 2023 8:30 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Re: HEARING SCHEDULED: Carson v. UAMS, Claim No. 230927

Please be advised of My New Address:

[REDACTED]  
Ms Robinson will also be notified.  
Thank You In Advance,  
Arthur Carson

On Sun, Jun 4, 2023, 4:32 PM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

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Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

## ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

June 12, 2023

Mr. Arthur Carson

(via email)

Ms. Sherri L. Robinson  
University of Arkansas for Medical Sciences  
4301 West Markham Street, Slot 860  
Little Rock, Arkansas 72205

(via email)

RE: *Arthur Carson v. University of Arkansas for Medical Sciences*  
Claim No. 230927  
Claim No. 231269

Dear Mr. Carson and Ms. Robinson,

Please allow this hearing letter to replace the one previously sent, which did not specify that the hearing was on both of the above-referenced claims.

The Commission has scheduled a hearing on any pending motions in the above-referenced **two** claims 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 motion hearing, no prehearing materials are requested by the Commission.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

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

Topic: Claims Commission -- hearings

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/j/84688689286>

**From:** [Robinson, Sherri](#)  
**To:** [REDACTED]; [Kathryn Irby](#)  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** RE: Fwd:  
**Date:** Wednesday, June 21, 2023 12:12:44 PM  
**Attachments:** [image001.png](#)

---

Ms. Irby,

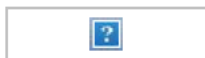
Mr. Carson's statement is incorrect. The only thing he has requested from UAMS thus far was video footage. I provided the footage in late February from the cameras that were in place. Mr. Carson believes that there should be an additional cameras angles (there are not) or that UAMS has edited the footage (it has not).

In reviewing all of my correspondence with Mr. Carson, the only time that I indicated that I could not access anything was in reference to his sending me a document via email on March 27. He sent the document in a manner that I could not open. I told him that I could only open documents via email that were in Word or pdfs. He stated that he would mail the documents, but I do not have anything else from him after that date.

With regard to his requests sent by email this morning, I can provide the information requested about the employees at the desk and a copy of his UAMS medical record for the day in question. With regard to his request to depose Dr. Holleyman, UAMS objects as Dr. Holleyman's treatment is the subject of Claim No. 231269 to which UAMS has filed a motion to dismiss which is based purely on whether Mr. Carson can bring this claim in the Claims Commission. I can file a formal motion to stay discovery in that matter if necessary.

Respectfully,

Sherri L. Robinson | Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 W. Markham, Slot #860  
Little Rock, AR 72205  
Phone: 501-686-7964 | Fax: 501-686-7736



**From:** Art Carson [REDACTED]  
**Sent:** Wednesday, June 21, 2023 11:47 AM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Cc:** Robinson, Sherri <SLRobinson@uams.edu>; MCGHEE, SHELLY <SMcgee@uams.edu>  
**Subject:** Re: Fwd:

**This Message Is From an External Sender**

This message came from outside your organization.

Yes, I did. Was told by Ms. Robinson She "didn't have access to the information".

On Wed, Jun 21, 2023, 9:11 AM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson, I don't think that you need a subpoena here. Have you asked Ms. Robinson for this information?

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

---

**From:** Art Carson [REDACTED]  
**Sent:** Wednesday, June 21, 2023 7:59 AM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Fwd:

----- Forwarded message -----

From: **Art Carson** [REDACTED]  
Date: Wed, Jun 21, 2023, 7:57 AM  
Subject:  
To: Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Attached please find My request for subpoena duce tecum and written deposition/Interrogatory.  
Thanks  
Art Carson

---

**Confidentiality Notice:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.



**From:** [Kathryn Irby](#)  
**To:** [Art Carson \(via Google Docs\)](#); [Robinson, Sherri](#)  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** RE: Subpoena duce tecum/Written Interrogatory Rewuest  
**Date:** Wednesday, June 21, 2023 11:10:00 AM  
**Attachments:** [SUBPOENA DUCE TECUM.pdf](#)

---

Mr. Carson, I don't think that you need a subpoena here. Have you asked Ms. Robinson for this information?

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

---

**From:** Art Carson [REDACTED]  
**Sent:** Wednesday, June 21, 2023 7:48 AM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:** Subpoena duce tecum/Written Interrogatory Rewuest

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

V.

NO. 230927/ AND  
231269UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCE, ET AL.,CLAIMANT'S REQUEST FOR  
SUBPOENA DUCE TECUM

Comes Now the Claimant, Arthur Carson, Pursuant to Claim Commission Rule 3.2,  
And Ark. R.Civ.P 45, Request The Commission issue Subpoena Duce Tecum requiring  
Respondents Produce the following:

- 1). Copy of the Report generated by the Level 4 Desk Women working January 18,2023,  
From 1600-1700 Hours when the Claimant was injured.
- 2).Copy of all statements made by Dr. D. Holleyman pertaining to Claimant.
- 3).The Name(s) of the Three Level 4 Desk Workers at the time of Claimant's Injury.

\_\_\_\_\_  
Arthur Carson

## CERTIFICATE OF SERVICE

I, Certify that a Copy of the foregoing Request for Subpoena Duce Tecum are being  
Emailed and sent By U.S. Mail to Ms. Sherri Robinson, this 21st day of June, 2023.

I swear the foregoing statements are true and correct.

(1)

---

Arthur Carson



(2)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

V.

NO.230927/ 231269

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCE, ET AL.,

CLAIMANT'S REQUEST FOR WRITTEN DEPOSITION  
ON RESPONDENT DANIEL HOLLEYMAN

Comes Now the Claimant, Arthur Carson, pursuant to Arkansas Claims Commission Rule 3.3, and Ark. R. Civ. P., Rule 31, Request Permission to Serve Written Interrogatories/ Deposition On Daniel Holleyman, prior to any Ruling on the merits of Claimant's Claims.  
Respectfully Submitted

\_\_\_\_\_  
Arthur Carson

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I, Arthur Carson, certify that a copy of the foregoing Request for written Interrogatories/ Deposition by email, and U.S. Mail.

I swear the foregoing statements are true and correct.

(1)

---

Arthur Carson



(2)

**From:** [Kathryn Irby](#)  
**To:** [Art Carson \(via Google Docs\)](#); [Robinson, Sherri](#); [MCGHEE, SHELLY](#)  
**Subject:** RE: Fwd:  
**Date:** Wednesday, June 21, 2023 11:11:00 AM  
**Attachments:** [SUBPOENA DUCE TECUM.pdf](#)

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**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

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**Subject:** Fwd:

----- Forwarded message -----

From: **Art Carson** [REDACTED]  
Date: Wed, Jun 21, 2023, 7:57 AM  
Subject:  
To: Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

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Thanks  
Art Carson

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

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NO. 230927/ AND  
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(1)

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Arthur Carson



(2)



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ART CARSON

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NO.230927/ 231269

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Arthur Carson

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I swear the foregoing statements are true and correct.

(1)

---

Arthur Carson



(2)

**From:** [Art](#)  
**To:** [Kathryn Irby](#)  
**Subject:** FW: Carson V. UAMS  
**Date:** Wednesday, June 21, 2023 2:00:46 PM

---

Sent from [Mail](#) for Windows

---

**From:** [Art](#)  
**Sent:** Wednesday, June 21, 2023 1:59 PM  
**To:** [Art Carson](#)  
**Subject:** RE: Carson V. UAMS

Ms. Robinson, Contrary to Your recent email, I mailed You a copy of My request for documents, You said then You had no access to these documents.

Sent from [Mail](#) for Windows

---

**From:** [Art Carson](#)  
**Sent:** Tuesday, March 28, 2023 8:51 AM  
**To:** [ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov)  
**Subject:** Carson V. UAMS

[production of doc/acc](#)

**From:** [Robinson, Sherri](#)  
**To:** [REDACTED]; [Kathryn Irby](#)  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** RE: Fwd:  
**Date:** Wednesday, June 21, 2023 12:12:44 PM  
**Attachments:** [image001.png](#)

---

Ms. Irby,

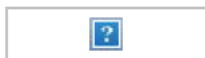
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Respectfully,

Sherri L. Robinson | Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 W. Markham, Slot #860  
Little Rock, AR 72205  
Phone: 501-686-7964 | Fax: 501-686-7736



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**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Cc:** Robinson, Sherri <SLRobinson@uams.edu>; MCGHEE, SHELLY <SMcgee@uams.edu>  
**Subject:** Re: Fwd:

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This message came from outside your organization.

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Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

---

**From:** Art Carson [REDACTED]  
**Sent:** Wednesday, June 21, 2023 7:59 AM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Fwd:

----- Forwarded message -----

From: **Art Carson** [REDACTED]  
Date: Wed, Jun 21, 2023, 7:57 AM  
Subject:  
To: Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Attached please find My request for subpoena duce tecum and written deposition/Interrogatory.  
Thanks  
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---

**Confidentiality Notice:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Subject:** Fwd: Claim #231269  
**Date:** Thursday, June 22, 2023 4:13:13 PM

---

Attached is My intent to dismiss the second claim, #231369. I will be filing a formal motion to reflect this. However, document production is the issue, as it relates to My original claim.

Art Carson

----- Forwarded message -----

**From:** Art [REDACTED]  
**Date:** Thu, Jun 22, 2023, 9:44 AM  
**Subject:** Claim #231269  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Ms. Robinson, My second claim filed, NO 231269, I will dismiss, I agree, This should be in Federal Court,

Will send a motion today to reflect this. But the Production of documents I would like as it relates to the original claim.

Arthur Carson

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Cc:** [Robinson, Sherri](#); [MCGHEE, SHELLY](#)  
**Subject:** Re: INFO NEEDED: Carson v. UAMS, Claim Nos. 230927, 231269  
**Date:** Friday, June 23, 2023 4:32:48 PM

---

Yes, thank you.

On Fri, Jun 23, 2023, 4:23 PM Kathryn Irby <[kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov)> wrote:

Mr. Carson and Ms. Robinson, please see below regarding both claims:

Claim No. 231269:

I acknowledge receipt of Mr. Carson's request to dismiss Claim No. 231269 against UAMS. I have removed this motion hearing from the August 2023 hearing docket, and I will submit this motion to the Commission for an order.

Claim No. 230927:

The answer filed by UAMS is titled "answer and motion to dismiss," but appears to be just an answer. Ms. Robinson, is this correct? If so, I will also remove this motion hearing from the August 2023 docket, and I'll put this claim into a discovery status to allow the parties to exchange documents and information.

Thanks,

Kathryn Irby

**Kathryn Irby**

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-2822

---

**From:** Art Carson (via Google Docs) [REDACTED]  
**Sent:** Friday, June 23, 2023 3:59 PM  
**To:** Kathryn Irby <[kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov)>  
**Subject:** motion to Dismiss

## Art Carson attached a document

Art Carson [REDACTED] has attached the following document:

[Learn more](#)



Use is subject to the Google [Privacy Policy](#).

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [REDACTED] shared a document  
with you from Google Docs. [Delete visitor session](#)

[Google](#)  
[Workspace](#)



JUN 23 2023

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

ART CARSON

V.

NO.230927/ 231269

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCE, ET AL.,

CLAIMANT'S REQUEST FOR WRITTEN DEPOSITION  
ON RESPONDENT DANIEL HOLLEYMAN

Comes Now the Claimant, Arthur Carson, pursuant to Arkansas Claims Commission  
Rule 3.3, and Ark. R. Civ. P., Rule 31, Request Permission to Serve Written Interrogatories/  
Deposition On Daniel Holleyman, prior to any Ruling on the merits of Claimant's Claims.

Respectfully Submitted



\_\_\_\_\_  
Arthur Carson

CERTIFICATE OF SERVICE

I, Arthur Carson, certify that a copy of the foregoing Request for written Interrogatories/  
Deposition by email, and U.S. Mail.

I swear the foregoing statements are true and correct.

(1)

*Arthur Carson*

Arthur Carson



(2)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JUN 23 2023

RECEIVED

ART CARSON

V.

NO. 230927/ AND  
231269

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCE, ET AL.,

CLAIMANT'S REQUEST FOR  
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Arthur Carson  
Arthur Carson

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I swear the foregoing statements are true and correct.

(1)

*Arthur Carson*

Arthur Carson



(2)

**From:** [Robinson, Sherri](#)  
**To:** [Kathryn Irby](#); [REDACTED]  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** RE: INFO NEEDED: Carson v. UAMS, Claim Nos. 230927, 231269  
**Date:** Monday, June 26, 2023 9:57:55 AM  
**Attachments:** [image001.png](#)

---

Good morning,

I apologize for the confusion on the response I filed in Claim No. 230927. It was intended to just be an Answer so that the parties could engage in discovery. Please remove it from the motion hearing docket in August, and Mr. Carson and I can conduct discovery.

Thank you.

Respectfully,

Sherri L. Robinson | Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 W. Markham, Slot #860  
Little Rock, AR 72205  
Phone: 501-686-7964 | Fax: 501-686-7736



**From:** Kathryn Irby <kathryn.irby@arkansas.gov>  
**Sent:** Friday, June 23, 2023 4:23 PM  
**To:** [REDACTED] Robinson, Sherri <SLRobinson@uams.edu>  
**Cc:** MCGHEE, SHELLY <SMcghee@uams.edu>  
**Subject:** INFO NEEDED: Carson v. UAMS, Claim Nos. 230927, 231269

**This Message Is From an External Sender**

This message came from outside your organization.

Mr. Carson and Ms. Robinson, please see below regarding both claims:

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I acknowledge receipt of Mr. Carson's request to dismiss Claim No. 231269 against UAMS. I have removed this motion hearing from the August 2023 hearing docket, and I will submit this motion to the Commission for an order.

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

---

**From:** Art Carson (via Google Docs) [REDACTED]  
**Sent:** Friday, June 23, 2023 3:59 PM  
**To:** Kathryn Irby <[kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov)>  
**Subject:** motion to Dismiss

## Art Carson attached a document

Art Carson [REDACTED] has attached the following document: [Learn more](#)

 motion to Dismiss

Use is subject to the Google [Privacy Policy](#).

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [REDACTED] shared a document with you from Google Docs. [Delete visitor session](#)

[Google](#)  
[Workspace](#)

---

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the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Cc:** [Robinson, Sherri](#); [MCGHEE, SHELLY](#)  
**Subject:** Re: INFO NEEDED: Carson v. UAMS, Claim Nos. 230927, 231269  
**Date:** Monday, June 26, 2023 10:47:53 AM  
**Attachments:** [image001.png](#)  
[image001.png](#)

---

Will do, thank you.

On Mon, Jun 26, 2023, 10:04 AM Kathryn Irby <[kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov)> wrote:

Ms. Robinson, thank you for this information.

Mr. Carson and Ms. Robinson, I have removed Claim No. 230927 from the August docket and put this claim into a discovery status. When discovery is nearing completion, please let me know.

Thanks,

Kathryn Irby

---

**From:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Sent:** Monday, June 26, 2023 9:58 AM  
**To:** Kathryn Irby <[kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov)>; [REDACTED]  
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University of Arkansas for Medical Sciences

4301 W. Markham, Slot #860

Little Rock, AR 72205

Phone: 501-686-7964 | Fax: 501-686-7736



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**Cc:** MCGHEE, SHELLY <[SMcgee@uams.edu](mailto:SMcgee@uams.edu)>

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**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-2822

---

**From:** Art Carson (via Google Docs) [REDACTED]  
**Sent:** Friday, June 23, 2023 3:59 PM  
**To:** Kathryn Irby <[kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov)>  
**Subject:** motion to Dismiss

## Art Carson attached a document

Art Carson [REDACTED] has attached the following document:

[Learn more](#)



Use is subject to the Google [Privacy Policy](#).

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [REDACTED] a document  
with you from Google Docs. [Delete visitor session](#)

[Google](#)  
[Workspace](#)

---

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**From:** [Kathryn Irby](#)  
**To:** [Art Carson \(via Google Docs\)](#); [Robinson, Sherri](#)  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** INFO NEEDED: Carson v. UAMS filing  
**Date:** Monday, July 10, 2023 6:35:00 PM  
**Attachments:** [carson-requests.pdf](#)

---

Mr. Carson, have you transmitted the attached request for deposition to Ms. Robinson? Your certificate of service does not specify who, if anyone, has been served with your request.

Typically, deposition requests do not have to be filed with the Commission, although it does not hurt to do so.

Regarding the subpoena request that was filed after our last correspondence regarding subpoenas, please review the Arkansas Rules of Civil Procedure regarding the discovery process. Rules 26-37 address discovery issues, and these rules are readily available online. A subpoena is not required in this instance.

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

JUN 23 2023

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

V.

NO.230927/ 231269

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCE, ET AL.,

CLAIMANT'S REQUEST FOR WRITTEN DEPOSITION  
ON RESPONDENT DANIEL HOLLEYMAN

Comes Now the Claimant, Arthur Carson, pursuant to Arkansas Claims Commission  
Rule 3.3, and Ark. R. Civ. P., Rule 31, Request Permission to Serve Written Interrogatories/  
Deposition On Daniel Holleyman, prior to any Ruling on the merits of Claimant's Claims.

Respectfully Submitted



\_\_\_\_\_  
Arthur Carson

CERTIFICATE OF SERVICE

I, Arthur Carson, certify that a copy of the foregoing Request for written Interrogatories/  
Deposition by email, and U.S. Mail.

I swear the foregoing statements are true and correct.

(1)

*Arthur Carson*

Arthur Carson



(2)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JUN 23 2023

RECEIVED

ART CARSON

V.


NO. 230927/ AND  
231269

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCE, ET AL.,

CLAIMANT'S REQUEST FOR  
SUBPOENA DUCE TECUM

Comes Now the Claimant, Arthur Carson, Pursuant to Claim Commission Rule 3.2,  
And Ark. R.Civ.P 45, Request The Commission issue Subpoena Duce Tecum requiring  
Respondents Produce the following:

- 1). Copy of the Report generated by the Level 4 Desk Women working January 18,2023,  
From 1600-1700 Hours when the Claimant was injured.
- 2).Copy of all statements made by Dr. D. Holleyman pertaining to Claimant.
- 3).The Name(s) of the Three Level 4 Desk Workers at the time of Claimant's Injury.

  
\_\_\_\_\_  
Arthur Carson

CERTIFICATE OF SERVICE

I, Certify that a Copy of the foregoing Request for Subpoena Duce Tecum are being  
Emailed and sent By U.S. Mail to Ms. Sherri Robinson, this 21st day of June, 2023.

I swear the foregoing statements are true and correct.

(1)

*Arthur Carson*

Arthur Carson



(2)



**From:** [Kathryn Irby](#)  
**To:** [Art Carson](#)  
**Cc:** [Robinson, Sherri](#); [MCGHEE, SHELLY](#)  
**Subject:** RE: INFO NEEDED: Carson v. UAMS filing  
**Date:** Monday, July 10, 2023 7:36:00 PM

---

Mr. Carson, thank you for this information. Please make sure to copy opposing counsel on any communication to the Commission.

Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Monday, July 10, 2023 7:28 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Re: INFO NEEDED: Carson v. UAMS filing

Since the Deposition relates to Mr Holleyman, He is part of the dismissed Claim, and now moot. But My Production of Documents and names of the level 4 desk staff at time of injury; and any reports made, were served on Ms Robinson.

On Mon, Jul 10, 2023, 6:35 PM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson, have you transmitted the attached request for deposition to Ms. Robinson? Your certificate of service does not specify who, if anyone, has been served with your request.

Typically, deposition requests do not have to be filed with the Commission, although it does not hurt to do so.

Regarding the subpoena request that was filed after our last correspondence regarding subpoenas, please review the Arkansas Rules of Civil Procedure regarding the discovery process. Rules 26-37 address discovery issues, and these rules are readily available online. A subpoena is not required in this instance.

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

**From:** [Robinson, Sherri](#)  
**To:** [Kathryn Irby](#); [REDACTED]  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** RE: INFO NEEDED: Carson v. UAMS filing  
**Date:** Tuesday, July 11, 2023 9:00:21 AM  
**Attachments:** [image001.png](#)

---

Ms. Irby and Mr. Carson,

I have Mr. Carson's requests which I received on June 21, 2023. I have been very busy but will respond to the requests before the due date of July 21.

Thank you.

Sherri L. Robinson | Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 W. Markham, Slot #860  
Little Rock, AR 72205  
Phone: 501-686-7964 | Fax: 501-686-7736



**From:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Sent:** Monday, July 10, 2023 7:36 PM  
**To:** [REDACTED]  
**Cc:** Robinson, Sherri <SLRobinson@uams.edu>; MCGHEE, SHELLY <SMcghee@uams.edu>  
**Subject:** RE: INFO NEEDED: Carson v. UAMS filing

**This Message Is From an External Sender**

This message came from outside your organization.

Mr. Carson, thank you for this information. Please make sure to copy opposing counsel on any communication to the Commission.

Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Monday, July 10, 2023 7:28 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Re: INFO NEEDED: Carson v. UAMS filing

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made, were served on Ms Robinson.

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Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

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**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Subject:** Fwd:  
**Date:** Tuesday, July 11, 2023 9:32:04 AM  
**Attachments:** [production of doc-acc.pdf](#)

---

My Request for Documents made March 23,2023.

----- Forwarded message -----

**From:** Art Carson <[REDACTED]>  
**Date:** Tue, Jul 11, 2023, 9:29 AM  
**Subject:**  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

I made a request for documents to You via email and U.S. Mail, March 2023.

Arthur Carson




Arkansas Claims Commission  
101 East Capitol Ave # 410  
Little Rock, AR 72201-3823

RE: Carson V. UAMS, et al.,#230927

CLAIMANT'S REQUEST FOR PRODUCTION OF DOCUMENTS  
FROM RESPONDENT'S

Via U.S. Mail and Email: SLRobinson@uams.edu  
Sherri L. Robinson  
Sr. Associate General Counsel  
4301 W. Markham Street # 860  
Little Rock, AR 72205-7199

In Accordance with Arkansas Claims Commission Rule 8.1, accord Rule 26, Arkansas  
Rules Civil Procedure, Request Respondent's to Produce the Following Documents.

- 1). The Unedited Video of January 18, 2023, Related to this Claim.
- 2). 
- 3). Names of the Unknown Level 4 Desk Workers during the time frame of Claimant's  
Injuries;
- 4). Copy of UAMS Accident Protocols, or Policy, Rules pertaining to Hospital Accidents;

(1)

\_\_\_\_\_  
Arthur Carson

CERTIFICATE OF SERVICE

I, Arthur Carson, Certify that a copy of the Foregoing Request for Documents are  
emailed/ and Mail by U.S. Mail to: Ms. Sherri Robinson, this 27th day of March, 2023.

I Swear the foregoing statements are true and Correct.


\_\_\_\_\_  
Arthur Carson



(2)

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Claim# 230927  
**Date:** Friday, October 13, 2023 2:30:45 PM

---

 [doc16744420231013131859.pdf](#)

Attached, Please find My Motion to Compel Discovery, a Copy will be forwarded to Ms.Robinson,  
Thanking You In advance

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

VS.

NO.230927

UAMS MEDICAL SCIENCES

## CLAIMANT'S MOTION TO COMPEL DISCOVERY


Comes Now the Claimant/Petitioner, Arthur Carson, and brings this His Request to Compel Respondent Disclose Relevant Discoverable Information Requested as follow: The Address, or phone Number for Jessica Parker, Tammy Grant, Tanisha Dodson, and Maria Acosta-Delgado, the Level Four Desk Workers the Day of Claimants Injury.

Claimant also seek these Individuals Employment Records, Employment Disciplinary Records at UAMS Medical Center. Whereas, Respondent's Counsel, Ms. Sherri Robinson, Has Refused to disclose this Matter,

The Information Sought by Claimant encompass matters that bears on, or that reasonably Could lead to other matters that could bear on His Claim. These Desk Workers are crucial To Claimant's case, since They Negligently ignored Claimant's Cry's for Help.

WHEREFORE, CLAIMANT Request This Commission Compel the Disclosure of All Requested Information regarding this Matter.

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_

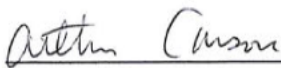
October 13, 2023.



CERTIFICATE OF SERVICE:

I, Arthur Carson. Certify that a copy of the Foregoing Motion to Compel is hereby  
Emailed to Sherri Robinson, this 13th day of October, 2023.

I certify that the foregoing statements are true and correct.



Arthur Carson



**From:** [Robinson, Sherri](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED]  
**Subject:** RE: Carson v. UAMS, Claim No. 230927 - UAMS Response to Claimant's Motion to Compel  
**Date:** Friday, October 20, 2023 12:55:27 PM  
**Attachments:** [image001.png](#)  
[Carson v. UAMS, Claim No. 230927 - UAMS Response to Motion to Compel.pdf](#)

---

Dear Director Irby,

I inadvertently left Mr. Carson off of my email earlier. I am resending it to you with a cc to him.

Apologetically,

Sherri

---

**From:** Robinson, Sherri  
**Sent:** Friday, October 20, 2023 12:09 PM  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Subject:** Carson v. UAMS, Claim No. 230927 - UAMS Response to Claimant's Motion to Compel

Dear Director Irby,

Attached please find UAMS's Response to Claimant's Motion to Compel for filing in the above referenced case. Please do not hesitate to contact me if you have any questions.

Respectfully,

Sherri L. Robinson | Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 W. Markham, Slot #860  
Little Rock, AR 72205  
Phone: 501-686-7964 | Fax: 501-686-7736



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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

CLAIMANT

vs.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

RESPONSE TO CLAIMANT'S MOTION TO COMPEL

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Response to Claimant's Motion to Compel, states as follows:

Claimant filed a Motion to Compel with the Commission on October 13, 2023 demanding the contact information and various employment files for certain information desk workers stating that UAMS counsel has refused to disclose the information. Claimant argues that the information is "crucial" to his case because he claims the workers "negligently [REDACTED]." (emphasis added). Claimant's motion should be denied for two reasons: (1) Claimant has not made a formal discovery request for the information; and (2) Claimant has no legitimate need for the information in order to pursue his claims.

First, Claimant has not made a formal discovery request for the contact information and employment files of the information desk workers. Claimant asked for the names of the desk workers in the only discovery he propounded in June 2023 and Respondent provided the names in July 2023. In late July, Claimant then asked for the contact information via email. UAMS counsel denied the request stating that the individuals could be contacted through counsel. Exhibit 1 – July 27-28, 2023 Email Exchange. Claimant then stated that he intended to "have them served Summons and Complaint in Pulaski County Circuit Court."

Id. Counsel for UAMS informed Claimant that there was no reason to sue the desk workers as his claim is covered in the claim filed before this Commission. Id.

Claimant again requested the addresses of the information desk workers on August 14 and further tried to make his position on August 15 in response to the July 28 email exchange. Exhibit 2 – August 15, 2023 Email Exchange. Counsel for UAMS provided the information she had received from the only desk worker who recalled seeing and speaking to Claimant as well as an Arkansas Supreme Court case explaining that state employees, which includes the information desk workers at UAMS, are immune from negligence claims. Id. Over the next two months, Claimant sent several more emails requesting the contact information for the desk workers which UAMS counsel has refused to provide. Claimant never sent formal discovery requesting the information; thus, his motion to compel should be denied.

Assuming *arguendo* that Claimant's emails are formal discovery, Respondent has preserved its objection to providing the contact information and employment files for UAMS employees. In this case, Claimant [REDACTED]

[REDACTED]. [REDACTED]. [REDACTED] there were four potential individuals working the desk at that time. UAMS counsel interviewed all four individuals and only one individual recalled the brief encounter with Claimant. She stated that she asked Claimant to sit in a chair near the desk and she called for a wheelchair. [REDACTED]

[REDACTED]. The desk workers had no further contact with Claimant.

Counsel for UAMS provided the names of the desk workers in response to Claimant's initial discovery in the event that Claimant wanted to depose any or all of the employees. Claimant has not made a request for a deposition, and Respondent does not believe that a deposition or the testimony of any of the information desk workers would be helpful. None of them [REDACTED].

Respondent can certainly stipulate to those facts. Whether or not the any of the information desk employees were negligent in their interactions with Claimant is irrelevant as a delay in getting to the emergency room [REDACTED] does not change his claim for negligence against UAMS in this matter. UAMS does not release the personal contact information for its employees because it would be an unwarranted invasion of privacy and UAMS wants to protect its employees from potential harassment. In this instance, Claimant cannot show a legitimate need for the contact information of the information desk employees.

There is no question under Arkansas law that state employees are immune from negligence claims against them. Arkansas Code Annotated § 19-10-305(a) states: "Officers and employees of the State of Arkansas are immune from liability and from suit, except to the extent that they may be covered by liability insurance, for damages for acts or omissions, other than malicious acts or omissions, occurring within the course and scope of their employment." Here, the desk workers were clearly acting within the course and scope of their employment. None of those employees have liability insurance, so there is no insurance claim to pursue in state court. Moreover, Claimant himself has stated in his motion to compel that the claim he would pursue involves only negligence and not a malicious act. As a result, § 19-10-305(a) is directly on point – the information desk workers are immune from any negligence claim that Claimant could raise. Any lawsuit filed in state court making a negligence claim

against the desk workers would be baseless and frivolous based on the applicable law. As a result, the Commission should deny Claimant's motion to compel.

WHEREFORE, Respondent UAMS, having fully responded to the Motion to Compel, requests that the motion be denied and for all other just and proper relief to which it is entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

By:



SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent,  
University of Arkansas  
For Medical Sciences

#### **CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on Claimant herein by emailing a copy of same, this 20th day of October, 2023, to the following:

Art Carson

████████████████████



Sherri L. Robinson

**From:** [Robinson, Sherri](#)  
**To:** [Art Carson](#)  
**Subject:** RE: Case NO 230927  
**Date:** Friday, July 28, 2023 1:10:00 PM

---

Mr. Carson,

With all due respect, none of those individuals had a responsibility to you, and none of them make enough money to the subject of your lawsuit. You can raise any claim about their alleged inaction in your already pending Claims Commission case against UAMS as they are not insured providers. You do not have to name them as Defendants or Respondents. Your claim already states that "staff and medical personnel were indifferent" to [REDACTED]. They would be considered staff. There is no reason for a separate lawsuit in Pulaski County Circuit Court.

Sherri Robinson

**From:** Art Carson [REDACTED]  
**Sent:** Friday, July 28, 2023 12:47 PM  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Subject:** Re: Case NO 230927

**This Message Is From an External Sender**

This message came from outside your organization.

OK, I needed their address to have them served Summons and Complaint in Pulaski County Circuit Court.

On Fri, Jul 28, 2023 at 12:39 PM Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)> wrote:

Mr. Carson,

As I stated in UAMS's Responses to the Discovery Requests, those individuals may be contacted through me. If you have questions that you want to ask them, I can treat those as a discovery request and get answers from each of them. I talked to all of them earlier this year and only one person recalled seeing you. I cannot find my notes right this moment so I cannot remember who that was, but I will find out.

Sherri Robinson

**From:** Art Carson [REDACTED]  
**Sent:** Thursday, July 27, 2023 7:06 PM  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Subject:** Case NO 230927

**This Message Is From an External Sender**

This message came from outside your organization.

I would like the addresses for Jessica Parker, Tammy Grant, Tanesha Dodson, and Maria Acosta-Delgado, as per Response NO. 3, "Responses to RFP NO.3", in Your Responses to Discovery Requests.

Thank You in advance.

Art Carson

P.S. I don't expect a response at this time of day, but at Your earliest convenience.

---

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**From:** [Robinson, Sherri](#)  
**To:** [Art Carson](#)  
**Subject:** RE: Case NO 230927  
**Date:** Tuesday, August 15, 2023 11:22:00 AM  
**Attachments:** [Simons v Marshall - immunity.pdf](#)

---

Mr. Carson,

I appreciate your position, but you are incorrect. Individuals working at the information desk do not have medical training and had no duty to render aid to you. [REDACTED]

[REDACTED]  
 [REDACTED]. If that is the case, she would have no liability as state employees are immune from negligence claims (see attached case). Your only forum to raise a negligence claim for the desk workers' actions is in the current matter before the Claims Commission. With that, I will not provide you with the personal addresses for any of the information desk workers.

Sherri Robinson

**From:** Art Carson [REDACTED]  
**Sent:** Tuesday, August 15, 2023 9:34 AM  
**To:** Robinson, Sherri <SLRobinson@uams.edu>  
**Subject:** RE: Case NO 230927

**This Message Is From an External Sender**

This message came from outside your organization.

The Lawsuit will involve Dr.Holleyman, and those Desk Staff Workers, whom acted on behalf of UAMS, I beg to Differ. Those Worker were indifferent to My Medical Needs, and did not act in good faith, Ark. Indifferent to medical needs.

is what should have been included instead of failure to render aid.

Sent from [Mail](#) for Windows

---

**From:** [Robinson, Sherri](#)  
**Sent:** Friday, July 28, 2023 1:11 PM  
**To:** [REDACTED]  
**Subject:** RE: Case NO 230927

Mr. Carson,

With all due respect, none of those individuals had a responsibility to you, and none of them make enough money to the subject of your lawsuit. You can raise any claim about their alleged inaction in your already pending Claims Commission case against UAMS as they are not insured providers. You do not have to name them as Defendants or Respondents. Your claim already states that "staff and medical personnel were indifferent" [REDACTED]. They would be considered staff. There is no reason for a separate lawsuit in Pulaski County Circuit Court.

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**Sent:** Friday, July 28, 2023 12:47 PM  
**To:** Robinson, Sherri <SLRobinson@uams.edu>

**Subject:** Re: Case NO 230927

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Thank You in advance.

Art Carson

P.S. I don't expect a response at this time of day, but at Your earliest convenience.

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**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Claimants Response # 230927  
**Date:** Monday, October 23, 2023 6:56:22 AM

---



Please find Claimant's response below,  
A copy is being forwarded to Ms Robinson.  
Arthur Carson

THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON,  
CLAIMANT,

VS.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES  
RESPONDENTS.

CLAIMANT’S RESPONSE TO RESPONDENT’S  
RESPONSE TO CLAIMANT’S MOTION TO COMPEL

TO THE HONORABLE STATE CLAIMS COMMISSION:

Comes Now The Claimant, Arthur Carson, and in accordance with This Commission’s Rule 8.1, which Holds in pertinent Part, “ The Rules of Civil Procedure as adopted by the Circuit Court of the State will Apply in the Arkansas Claim Commission”.

Rule 26(b)(1), Arkansas Rules of Civil procedure states “Parties may obtain discovery Regarding any matter not Privileged, which is Relevant to the Subject Matter”.

The matter at Hand, Claimant seek the Work Disciplinary Records of Four Desk Workers of January 18, 2023. Whom these four No Longer are Employed by Respondent. While Claimant’s Counsel seek to Conceal all information regarding These former Employees, For reasons yet to be determined . it should be noted, [REDACTED]

[REDACTED]

[REDACTED]

(1)

Claimant seek Written Interrogatories, or Live Testimony from These Workers to Established the Negligent Attitude of These UAMS Employees, that are Relevant. Respondent's Counsel seek to dictate what Evidence Claimant may use, or obstructing His ability to Present a Clear cohesive Claim.

Claimant Ask This Commission to Take Judicial Notice of these Four Employees That No Longer are Employed by UAMS, and Respondent's Counsel seek to Conceal these Workers Disciplinary Record at UAMS, what are the odds the Same four Workers whom are the subject Of Claimant's Negligence Claim No Longer Work for UAMS.

1). There Exist Relevant factual matters these Workers can Attest, e. [REDACTED]

Respondent's Counsel seeks to eviscerate Claimant's ability to Present His Claims, by Shielding Unscrupulous Employees Whom were Negligent January 18, 2023.

2). Respondent's Counsel have refused to Disclose the identity of the One Worker it Claims [REDACTED]

3). Over the last few Months Claimant and Respondent's Counsel, Sherri Robinson have Exchanged numerous emails regarding Discovery. Thus, Claimant's email seeking the Name Of the Worker [REDACTED] is Relevant, and the email Request complies With the Rules of Civil Procedures, see Rule 26(c)(1), Ark Civ. P.

Counsel's goal all alone has been to burden the Process for Claimant, acting Pro Se.

WHEREFORE, PREMISES CONSIDERED, Claimant Request The Compel The Work Disciplinary Records of These Four Former UAMS Employees Present the Day of Claimant's Injury.

(2)

RESPECTFULLY SUBMITTED,  
Arthur Carson

\_\_\_\_\_  
Arthur Carson



CERTIFICATE OF SERVICE

I, Arthur Carson, Certify that a copy of the foregoing Response To Claimant's Motion To Compel is hereby emailed to Sherri Robinson, this 23 day of October, 2023.

I Swear the foregoing Statements are true and Correct.


Arthur Carson

\_\_\_\_\_  
Arthur Carson

(3)

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Carson V. Uams # 230927  
**Date:** Tuesday, October 24, 2023 8:46:46 AM

---

 **CLAIMAMT REQUEST FOR SANCTIONS**

Attached, Please find My Motion For Sanction,  
Thank You.  
Arthur Carson

IN THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON  
CLAIMANT,

V. NO. 230927

UAMS,  
RESPONDENT.

CLAIMANT'S MOTION FOR SANCTIONS  
AGAINST RESPONDENTS COUNSEL

Comes Now the Claimant, Arthur Carson, Pursuant to Rule 11, Ark. Civ. P., and Seek Sanctions Against Respondent Counsel, Sherri Robinson, Who Has been disingenuous with This Commission In Her Pleadings, casting False Light on the Facts Herein.

1). In as early as February 2023, [REDACTED]  
[REDACTED]  
[REDACTED]

Yet on March 27, 2023, Counsel In Her Motion to Dismiss, Denied [REDACTED]  
[REDACTED]

This Misrepresentation of the Facts, or Lack of Candor with the Commission in Her Pleadings are Contrary to Arkansas Rules of Professional Conduct 3.4.(a);

2). Counsel's failure to disclose material facts of the Desk Worker [REDACTED]  
[REDACTED] or other information regarding Counsel's Interview, or Making any of the Desk Workers Statements available for Claimant to Review" constitute

(1)



Obstructing Carson from any meaningful Discovery, and contrary to Rule-  
4.1, Ark. R. Prof. Cond., "Failure to disclose material facts".

Therefore, After Counsel Viewed the Video, Spoke with Desk Workers, No Reasonable  
Belief or Good Faith Argument That [REDACTED] could have been  
Deduced. (Due to the Large Volume of the Video, Claimant unable to Forward Video);

Wherefore, Claimant Move The Commission Imposed Sanctions by Precluding Respondent's  
Defense in This Matter.

Respectfully Submitted,

\_\_\_\_\_  
Arthur Carson

Dated This 24th Day of October, 2023.

CERTIFICATE OF SERVICE:

I, Arthur Carson, certify that a Copy of the Foregoing Motion for Sanctions, is hereby  
Emailed / and U.S. Mail to: Sherri Robinson this, 24th day of October, 2023.

I Swear the foregoing Statements are true and Correct.

Arthur Carson

\_\_\_\_\_  
Arthur Carson

[REDACTED]

**From:** [Robinson, Sherri](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED]; [MCGHEE, SHELLY](#)  
**Subject:** Carson v. UAMS, Claim No. 230927 - UAMS Sur-Reply to Motion to Compel and Response to Motion for Sanctions  
**Date:** Tuesday, October 24, 2023 10:24:27 AM  
**Attachments:** [image001.png](#)  
[Carson v. UAMS, Claim No. 230927-Respondent's Sur-Reply to Motion to Compel.pdf](#)  
[Carson v. UAMS, Claim No. 230927 - Respondent's Response to Motion for Sanctions.pdf](#)

---

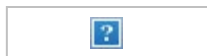
Dear Director Irby,

Attached for filing are UAMS's (1) Sur-Reply to Claimant's Response to UAMS's Response to Motion to Compel; and (2) Response to Motion for Sanctions.

I am serving Mr. Carson by copying him on this email.

Respectfully,

Sherri L. Robinson | Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 W. Markham, Slot #860  
Little Rock, AR 72205  
Phone: 501-686-7964 | Fax: 501-686-7736



---

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

CLAIMANT

vs.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

SUR-REPLY TO CLAIMANT’S RESPONSE TO  
DEFENDANT’S RESPONSE TO MOTION TO COMPEL

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Sur-Reply, states as follows:

Respondent does not wish to belabor the discovery dispute with Claimant; however, it must point out that Claimant is significantly altering the facts of his claim in his Response to Respondent’s Response. On page two of the Claimant’s Response, he states “[t]here exist [sic] relevant factual matters these workers can attest, e.g.,

[REDACTED]

Respondent seeks to prevent the disclosure of personal contact information for the four desk workers because Claimant, a non-attorney, has already demonstrated a propensity for what would be considered by some “harassing” communication via email as well as harassing

<sup>1</sup> Video also shows that Claimant waits less than 15 minutes in a chair at the information desk before he decides to roll the chair to the elevators and leave the area.

filings with the Commission. (See e.g., Motion for Sanctions filed on October 24, 2023). Case law clearly shows, and Claimant has made no effort to refute, that the four desk workers would be immune from a claim of negligence. There is no exception for Claimant's personal opinion. Additionally, as a point of clarification, only two of the desk workers are no longer at UAMS which UAMS Counsel communicated to Claimant. There is certainly nothing nefarious about individuals changing jobs, and nothing to link the employees' departures to Claimant or his alleged incident.

Respondent requests that the Commission deny Claimant's motion to compel and find that the personal contact information should not be disclosed and that Claimant is not entitled to the disciplinary records of the employees.

WHEREFORE, Respondent UAMS, having fully responded to the Motion to Compel, requests that the motion be denied and for all other just and proper relief to which it is entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

By:



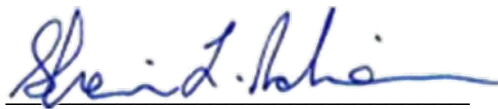
SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent,  
University of Arkansas  
For Medical Sciences

**CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on Claimant herein by emailing a copy of same, this 24th day of October, 2023, to the following:

Art Carson  
[REDACTED]



\_\_\_\_\_  
Sherri L. Robinson

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

CLAIMANT

vs.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

**RESPONSE TO CLAIMANT'S  
MOTION FOR SANCTIONS**

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Response to the Motion for Sanctions, states as follows:

Claimant has now filed a motion for sanctions before the Commission has even ruled on the alleged discovery dispute. Claimant has not provided any grounds in his motion to justify the extraordinary measure of imposing sanctions. Rule 37 of the Arkansas Rules of Civil Procedure states that sanctions should not be awarded if the “opposing party’s response or objection was substantially justified.” Respondent was justified in seeking to protect the personal contact information of its employees in a matter where they are immune from suit and none of the employees in question [REDACTED].

As explained by the Arkansas Supreme Court, the public official immunity statute, Ark. Code Ann. § 19-10-305(a), “provides state employees with statutory immunity from civil liability for non-malicious acts occurring within the course of their employment.” *Simons v. Marshall*, 369 Ark. 447, 452, 255 S.W.3d 838, 842 (2007). The Court examined whether the plaintiff sufficiently pleaded facts to establish personal liability for a state employee and thereby preclude the application of statutory immunity. The dispositive element is whether a

party pleads facts establishing malice, and “a bare allegation of willful and wanton conduct is not enough to demonstrate malice.” *Id.* at 454, 255 S.W.3d at 845.

Here, Claimant cannot establish malice as to the information desk workers. He has stated on multiple occasions that he believes [REDACTED]

[REDACTED]

[REDACTED]


Even if the desk workers were negligent, they are immune from suit. Respondent seeks to protect its employees and former employees from an invasion of privacy by Claimant and from the frivolous lawsuit that Claimant is threatening.

Respondent has tried to cooperate with Claimant’s requests and when it objected, Counsel has tried to explain the reasoning behind the objection. Claimant’s motion to compel and motion for sanctions are baseless and should be denied.

WHEREFORE, Respondent UAMS, having fully responded to the Motion for Sanctions, requests that the motion be denied and for all other just and proper relief to which it is entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

By:   
SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)


Attorney for Respondent,  
University of Arkansas  
For Medical Sciences

**CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on Claimant herein by emailing a copy of same, this 24th day of October, 2023, to the following:

Art Carson



  
Sherri L. Robinson



**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Discovery  
**Date:** Tuesday, October 24, 2023 3:00:45 PM

---

----- Forwarded message -----

From: **Art Carson** [REDACTED]  
Date: Tue, Oct 24, 2023, 2:59 PM  
Subject: Discovery  
To: Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Ms Robinson, I have not seen a Video that shows me in a chair, rolling to the elevator.  
I would to see this.  
Arthur Carson

IN THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission

OCT 26 2023

ARTHUR CARSON  
CLAIMANT,

RECEIVED

V.

NO. 230927

UAMS,  
RESPONDENT.

CLAIMANT'S MOTION FOR SANCTIONS  
AGAINST RESPONDENTS COUNSEL

Comes Now the Claimant, Arthur Carson, Pursuant to Rule 11, Ark. Civ. P., and Seek Sanctions Against Respondent Counsel, Sherri Robinson, Who Has been disingenuous with This Commission In Her Pleadings, casting False Light on the Facts Herein.

1). In as early as February 2023, Counsel had reviewed UAMS Video of [REDACTED]

[REDACTED]

Yet on March 27, 2023, Counsel In Her Motion to Dismiss, Denied [REDACTED]

[REDACTED]

This Misrepresentation of the Facts, or Lack of Candor with the Commission in Her Pleadings are Contrary to Arkansas Rules of Professional Conduct 3.4.(a);

2). Counsel's failure to disclose material facts of the Desk Worker [REDACTED]

[REDACTED] or other information regarding Counsel's Interview, or

Making any of the Desk Workers Statements available for Claimant to Review" constitute

(1)

Obstructing Carson from any meaningful Discovery, and contrary to Rule-


4.1, Ark. R. Prof. Cond., "Failure to disclose material facts".

Therefore, After Counsel Viewed the Video, Spoke with Desk Workers, No Reasonable  
Belief or Good Faith Argument That [REDACTED] could have been

Deduced. (Due to the Large Volume of the Video, Claimant unable to Forward Video);

Wherefore, Claimant Move The Commission Imposed Sanctions by Precluding Respondent's  
Defense in This Matter.

Respectfully Submitted,

  
\_\_\_\_\_  
Arthur Carson

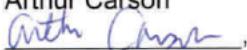
Dated This 24th Day of October, 2023.

CERTIFICATE OF SERVICE:

I, Arthur Carson, certify that a Copy of the Foregoing Motion for Sanctions, is hereby

Emailed / and U.S. Mail to: Sherri Robinson this, 24th day of October, 2023.

I Swear the foregoing Statements are true and Correct.

Arthur Carson  
  
Arthur Carson

[REDACTED]

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION****ARTHUR CARSON****CLAIMANT****V.****CLAIM NO. 230927****UNIVERSITY OF ARKANSAS FOR  
MEDICAL SCIENCES****RESPONDENT****ORDER**

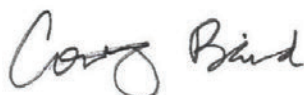
Now before the Arkansas State Claims Commission (the “Commission”) are two motions filed by Arthur Carson (the “Claimant”) in his claim against the University of Arkansas for Medical Sciences (the “Respondent”). In Claimant’s first motion, he seeks to compel Respondent to provide the address and phone number for four individuals who were employed by Respondent on January 18, 2023. In Claimant’s second motion, he seeks to have the Commission impose sanctions upon Respondent’s counsel. Respondent opposed both motions.

As to Claimant’s motion to compel, the Commission has reviewed the formal discovery requests sent by Claimant to Respondent. In those discovery requests, Claimant requested the names of the four individuals, and Respondent has provided their names. It does not appear that Claimant has served formal discovery upon Respondent requesting contact information or personnel files for those four individuals to allow Respondent to formally respond or object. As such, the Commission finds that Claimant’s motion to compel is premature. Additionally, the Commission notes that, as to the four individuals’ contact information, Claimant has not shown that such information is relevant to the claim, given that Claimant’s claim is against Respondent, not the four individuals. *See* Ark. R. Civ. Proc. 26(b)(1). This is especially true in light of Respondent’s counsel’s statements that the four individuals can be contacted through her.

As to Claimant's motion for sanctions, the Commission finds that the motion should be denied, as Claimant has not demonstrated a basis for sanctions to be awarded pursuant to Ark. R. Civ. Proc. 37.

As such, the Commission finds that Claimant's motions should be DENIED.

IT IS SO ORDERED.




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ARKANSAS STATE CLAIMS COMMISSION  
Courtney Baird




---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris

DATE: November 8, 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](#) on behalf of [ASCC Pleadings](#)  
**To:** [Art Carson](#); [Robinson, Sherri](#)  
**Cc:** [MCGHEE, SHELLY](#); [Mika Tucker](#)  
**Subject:** ORDER: Carson v. UAMS, Claim No. 230927  
**Date:** Wednesday, November 8, 2023 12:53:00 PM  
**Attachments:** [13--Carson v. UAMS.pdf](#)

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Mr. Carson and Ms. Robinson, please see attached order entered by the Commission.

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Carson V. UAMS #230927  
**Date:** Sunday, November 12, 2023 11:09:31 AM  
**Attachments:** [Sparks Regional Medical Center v. Smith, 976 SW 2d 396 - Ark Court of Appeals, 2nd Div. 1998 - Google Scholar.html](#)

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claimants second request for Doc

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON

VS.

NO.230927

UAMS MEDICAL SCIENCES

CLAIMANT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

1). Claimant Request Respondent Produce the Employee Disciplinary Reports and Contact Information for Jessica Parker, Tammy Grant, Tanisha Dodson and Maria Acosta-Delgado, the Level Four Desk Workers the Day of Claimant's Injuries.

RELEVANCE:

[REDACTED]

The Respondent Negligent Hiring of these Desk Workers whom failed to Notify Proper Hospital Personnel Regarding The Lack of Mats or Slippery when Wet Sign at the Exit Door.

In Accordance with the Respondeat Superior Liability Theory, The Respondents Are Liable For The Negligent Hiring, Supervision of these Desk Workers [REDACTED]

[REDACTED], see Sparks Regional Medical Center V. Smith, 976 -



S.W. 2d 396(1998), "attached",and Turner V. Northwest Arkansas Neurosurgery, 210 S.W. 3d.-  
123 Ark. Ct. App., 2nd Div.

2). Claimant request Respondent Produce The Job Duties of Desk Workers At UAMS.

3). Claimant Request Respondent Produce the Name of the Desk Worker [REDACTED]  
[REDACTED].

4). Claimant Request the Name of the Desk Worker who Logged Claimant in for Visitation.

\_\_\_\_\_  
Arthur Carson

CERTIFICATE OF SERVICE:

I, Arthur Carson, Certify, that a copy of the foregoing Second Request for Production of Documents are emailed, and Mail via U.S. Mail to: Ms Sherri Robinson, Attorney for Respondents, this 13th Day of November, 2023.

I Swear the foregoing Statements are true and correct.

\_\_\_\_\_  
Arthur Carson  
[REDACTED]

976 S.W.2d 396 (1998)

63 Ark.App. 131

**SPARKS REGIONAL MEDICAL CENTER, Appellant,****v.****Donna SMITH, Appellee.**No. CA 97-1478.**Court of Appeals of Arkansas, Division II.**

October 7, 1998.

397 \*397 G. Alan Wooten, Kathryn Stock Campbell, Fort Smith, for Appellant.

Charles Karr, Fort Smith, for Appellee.

PITTMAN, Judge.

The appellee in this tort case, Donna Smith, sued the appellant, Sparks Regional Medical Center, alleging that, while she was a patient at Sparks on July 2, 1994, she was sexually assaulted by an employee assigned to bathe her. Appellee asserted that appellant had been negligent in hiring the employee, Jeff Chavez, because he previously had been discharged by another hospital for sexually harassing a patient. Appellee further asserted that appellant had been negligent in failing to properly supervise Mr. Chavez because appellant knew that Mr. Chavez had sexually harassed other patients while employed by appellant. The jury found in favor of appellee and awarded her damages in the amount of \$80,000. From that decision, comes this appeal.

For reversal, appellant contends that the trial court erred in denying its motions for directed verdict at the close of the trial and for judgment notwithstanding the verdict after the verdict was returned. Appellant argues that it was not responsible for the intentional criminal conduct of Mr. Chavez because Mr. Chavez was acting outside the scope of his employment when he sexually assaulted appellee. We affirm.

A motion for a directed verdict is a challenge to the sufficiency of the evidence. Medlock v. Burden, 321 Ark. 269, 900 S.W.2d 552 (1995). Our standard in reviewing the sufficiency of the evidence is well settled: (1) the evidence is viewed in a light most favorable to the appellee; (2) the jury's finding will be upheld if there is any substantial evidence to support it; and (3) substantial evidence is evidence of sufficient force and character to induce the mind of the fact finder past speculation and conjecture. *Id.* Similarly, where a motion for judgment notwithstanding the verdict is denied, we must also determine whether the verdict is supported by substantial evidence. Rathbun v. Ward, 315 Ark. 264, 866 S.W.2d 403 (1993).

398 \*398 Viewing the evidence, as we must, in the light most favorable to the appellee, the record reflects that, before he was hired by appellant, Mr. Chavez was discharged by St. Edward Mercy Medical Center for sexually abusing patients. Criminal charges were filed against him based on one of those incidents. After being terminated by St. Edward, Mr. Chavez applied in July 1993 for a position at the appellant hospital. He did not list St. Edward as a prior employer on his application, and, although a five-year gap in Mr. Chavez's employment history appeared on his application for employment with appellant, appellant neither investigated the matter nor performed a background check. Mr. Chavez was hired by appellant and, after

beginning his employment, was seen by other employees of appellant who had worked with him at St. Edward and were aware of the incident resulting in his dismissal. In January 1994, a fellow employee reported that two female patients in the psychiatric ward informed him that Mr. Chavez had engaged in sexual contact and conversation with them in their rooms. Appellant placed Mr. Chavez on probation in a disciplinary-action report that stated:

Jeff, as you are aware, this is an extremely serious situation. This behavior would certainly result in immediate termination if verified by those patients involved. At this time, I am placing you on probation as there is still some variation in the report by the patients involved. Jeff, you must understand that any occurrence of this nature *will* result in immediate termination. I would advise you to consider very carefully the areas in which you agree to work—do not put yourself in a position that might result in a repeat of this.

Although Mr. Chavez was placed on disciplinary probation, his work activities at the hospital were not altered or restricted. Approximately six months later, on July 2, 1994, Mr. Chavez entered the hospital room of appellee, who was recovering from surgery to correct complications arising out of a heart catheterization. Mr. Chavez announced that he had been assigned to bathe appellee, and he did so against her express wishes and protestations. He pushed her gown up to her breasts, bathed only her vaginal area, and left her in a wet bed when he was finished. Appellee suffered extreme psychological trauma, anxiety, and distress as a result of the incident. Appellant concedes that Mr. Chavez's act was criminal and that it resulted in a conviction of first-degree sexual abuse.

Appellee proceeded below on the theories of respondeat superior, negligent hiring, and negligent supervision. Appellant argues that the evidence was insufficient to support a verdict for appellee on any of these theories. We limit our discussion to the sufficiency of the evidence to support a finding of negligent supervision because we find that issue to be dispositive.

Appellant contends that this case is controlled by *Porter v. Harshfield*, 329 Ark. 130, 948 S.W.2d 83 (1997). We do not agree. *Porter* involved a claim against an employer when a radiology technician in his employ sexually assaulted a patient during an ultrasound examination. Although the facts of *Porter* and the case at bar are not dissimilar, the supreme court's discussion focused on the question of whether the employer was vicariously liable under the respondeat superior doctrine for the technician's criminal conduct. The supreme court held that no vicarious liability arose because the technician was not acting within the scope of his employment when he assaulted the patient. Although issues were presented regarding the separate theory of negligent supervision, the supreme court declined to address them because the appellant in *Porter* (whose burden it was to show error) failed to offer any convincing argument or authority in support of his contention. Consequently, while *Porter* does indeed stand for the proposition that an employer is not *vicariously* liable for the intentional, unexpected, criminal acts of his employees, it says nothing about an employer's liability for his *own* negligent failure to supervise such an employee.

The distinction between the theories of respondeat superior and negligent supervision has been described as follows:

Employers are subject to direct liability for the negligent hiring, retention, or supervision of their employees when third \*399 parties are injured by the tortious acts of such unfit, incompetent, or unsuitable employees. In order to recover, the plaintiff must show that the employer knew, or in the exercise of ordinary care should have known, that its employee's conduct would subject third parties to an unreasonable risk of harm.

This theory is completely separate from the respondeat superior theory of vicarious liability because the cause of action is premised on the wrongful conduct of the employer, such that the employer's negligence was the proximate cause of the plaintiff's injuries.

\* \* \* \*

In addressing the risk created by exposing the public to potentially dangerous individuals, employer liability does not, in most jurisdictions, depend upon the scope of employment requirement of respondeat superior. Therefore, the claim provides a remedy to third parties who otherwise would not be able to recover under respondeat superior because of the scope of employment requirements.

27 AM. JUR.2d *Employment Relationship* § 472 (1996).

Arkansas recognizes the tort of negligent supervision. See *American Automobile Auction, Inc. v. Titsworth*, 292 Ark. 452, 730 S.W.2d 499 (1987). Even where the employee commits an intentional tort, the victim may proceed against the employer under the theory of negligent supervision of the employee who committed the tort. *Id.* In *St. Paul Fire & Marine Insurance Co. v. Knight*, 297 Ark. 555, 764 S.W.2d 601 (1989), the supreme court reversed a verdict against an employer for negligently retaining an employee where the employer had no information that would have led it to conclude that the employee might be predisposed to commit violent acts against anyone. In the case at bar, however, we think that the evidence would support a finding that appellant had sufficient information to conclude that there was a distinct danger that Mr. Chavez would pose a danger to female patients; appellant itself characterized the report of Mr. Chavez's sexual abuse of the psychiatric patients as "extremely serious" but took no action to protect other patients from such abuse. Under these circumstances, we think that there was sufficient evidence to support a finding that appellant had been negligent in supervising Mr. Chavez following the report of his abuse of the psychiatric patients, and we affirm.

ROGERS and GRIFFEN, JJ., agree.

Save trees - read court opinions online on Google Scholar.

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Carson V. UAMS #230927  
**Date:** Sunday, November 12, 2023 11:21:44 AM  
**Attachments:** [Sparks Regional Medical Center v. Smith, 976 SW 2d 396 - Ark. Court of Appeals, 2nd Div. 1998 - Google Scholar.html](#)

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----- Forwarded message -----

**From:** Art Carson [REDACTED]  
**Date:** Sun, Nov 12, 2023, 11:20 AM  
**Subject:** Fwd: Carson V. UAMS #230927  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

----- Forwarded message -----

**From:** Art Carson <[REDACTED]>  
**Date:** Sun, Nov 12, 2023, 11:09 AM  
**Subject:** Carson V. UAMS #230927  
**To:** <[ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov)>



claimants second request for Doc

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON

VS.

NO.230927

UAMS MEDICAL SCIENCES

CLAIMANT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

1). Claimant Request Respondent Produce the Employee Disciplinary Reports and Contact Information for Jessica Parker, Tammy Grant, Tanisha Dodson and Maria Acosta-Delgado, the Level Four Desk Workers the Day of Claimant's Injuries.

RELEVANCE:

[REDACTED]

The Respondent Negligent Hiring of these Desk Workers whom failed to Notify Proper Hospital Personnel Regarding The Lack of Mats or Slippery when Wet Sign at the Exit Door.

In Accordance with the Respondeat Superior Liability Theory, The Respondents Are Liable For The [REDACTED]

[REDACTED], see Sparks Regional Medical Center V. Smith, 976 -

S.W. 2d 396(1998), "attached",and Turner V. Northwest Arkansas Neurosurgery, 210 S.W. 3d.-  
123 Ark. Ct. App., 2nd Div.

2). Claimant request Respondent Produce The Job Duties of Desk Workers At UAMS.

3). Claimant Request Respondent Produce the Name of the Desk Worker [REDACTED]  
[REDACTED].

4). Claimant Request the Name of the Desk Worker who Logged Claimant in for Visitation.

\_\_\_\_\_  
Arthur Carson

CERTIFICATE OF SERVICE:

I, Arthur Carson, Certify, that a copy of the foregoing Second Request for Production of Documents are emailed, and Mail via U.S. Mail to: Ms Sherri Robinson, Attorney for Respondents, this 13th Day of November, 2023.

I Swear the foregoing Statements are true and correct.

\_\_\_\_\_  
Arthur Carson  
[REDACTED]

|2)

976 S.W.2d 396 (1998)

63 Ark.App. 131

**SPARKS REGIONAL MEDICAL CENTER, Appellant,****v.****Donna SMITH, Appellee.**No. CA 97-1478.**Court of Appeals of Arkansas, Division II.**

October 7, 1998.

397 \*397 G. Alan Wooten, Kathryn Stock Campbell, Fort Smith, for Appellant.

Charles Karr, Fort Smith, for Appellee.

PITTMAN, Judge.

The appellee in this tort case, Donna Smith, sued the appellant, Sparks Regional Medical Center, alleging that, while she was a patient at Sparks on July 2, 1994, she was sexually assaulted by an employee assigned to bathe her. Appellee asserted that appellant had been negligent in hiring the employee, Jeff Chavez, because he previously had been discharged by another hospital for sexually harassing a patient. Appellee further asserted that appellant had been negligent in failing to properly supervise Mr. Chavez because appellant knew that Mr. Chavez had sexually harassed other patients while employed by appellant. The jury found in favor of appellee and awarded her damages in the amount of \$80,000. From that decision, comes this appeal.

For reversal, appellant contends that the trial court erred in denying its motions for directed verdict at the close of the trial and for judgment notwithstanding the verdict after the verdict was returned. Appellant argues that it was not responsible for the intentional criminal conduct of Mr. Chavez because Mr. Chavez was acting outside the scope of his employment when he sexually assaulted appellee. We affirm.

A motion for a directed verdict is a challenge to the sufficiency of the evidence. Medlock v. Burden, 321 Ark. 269, 900 S.W.2d 552 (1995). Our standard in reviewing the sufficiency of the evidence is well settled: (1) the evidence is viewed in a light most favorable to the appellee; (2) the jury's finding will be upheld if there is any substantial evidence to support it; and (3) substantial evidence is evidence of sufficient force and character to induce the mind of the fact finder past speculation and conjecture. *Id.* Similarly, where a motion for judgment notwithstanding the verdict is denied, we must also determine whether the verdict is supported by substantial evidence. Rathbun v. Ward, 315 Ark. 264, 866 S.W.2d 403 (1993).

398 \*398 Viewing the evidence, as we must, in the light most favorable to the appellee, the record reflects that, before he was hired by appellant, Mr. Chavez was discharged by St. Edward Mercy Medical Center for sexually abusing patients. Criminal charges were filed against him based on one of those incidents. After being terminated by St. Edward, Mr. Chavez applied in July 1993 for a position at the appellant hospital. He did not list St. Edward as a prior employer on his application, and, although a five-year gap in Mr. Chavez's employment history appeared on his application for employment with appellant, appellant neither investigated the matter nor performed a background check. Mr. Chavez was hired by appellant and, after



beginning his employment, was seen by other employees of appellant who had worked with him at St. Edward and were aware of the incident resulting in his dismissal. In January 1994, a fellow employee reported that two female patients in the psychiatric ward informed him that Mr. Chavez had engaged in sexual contact and conversation with them in their rooms. Appellant placed Mr. Chavez on probation in a disciplinary-action report that stated:

Jeff, as you are aware, this is an extremely serious situation. This behavior would certainly result in immediate termination if verified by those patients involved. At this time, I am placing you on probation as there is still some variation in the report by the patients involved. Jeff, you must understand that any occurrence of this nature *will* result in immediate termination. I would advise you to consider very carefully the areas in which you agree to work—do not put yourself in a position that might result in a repeat of this.

Although Mr. Chavez was placed on disciplinary probation, his work activities at the hospital were not altered or restricted. Approximately six months later, on July 2, 1994, Mr. Chavez entered the hospital room of appellee, who was recovering from surgery to correct complications arising out of a heart catheterization. Mr. Chavez announced that he had been assigned to bathe appellee, and he did so against her express wishes and protestations. He pushed her gown up to her breasts, bathed only her vaginal area, and left her in a wet bed when he was finished. Appellee suffered extreme psychological trauma, anxiety, and distress as a result of the incident. Appellant concedes that Mr. Chavez's act was criminal and that it resulted in a conviction of first-degree sexual abuse.

Appellee proceeded below on the theories of respondeat superior, negligent hiring, and negligent supervision. Appellant argues that the evidence was insufficient to support a verdict for appellee on any of these theories. We limit our discussion to the sufficiency of the evidence to support a finding of negligent supervision because we find that issue to be dispositive.

Appellant contends that this case is controlled by *Porter v. Harshfield*, 329 Ark. 130, 948 S.W.2d 83 (1997). We do not agree. *Porter* involved a claim against an employer when a radiology technician in his employ sexually assaulted a patient during an ultrasound examination. Although the facts of *Porter* and the case at bar are not dissimilar, the supreme court's discussion focused on the question of whether the employer was vicariously liable under the respondeat superior doctrine for the technician's criminal conduct. The supreme court held that no vicarious liability arose because the technician was not acting within the scope of his employment when he assaulted the patient. Although issues were presented regarding the separate theory of negligent supervision, the supreme court declined to address them because the appellant in *Porter* (whose burden it was to show error) failed to offer any convincing argument or authority in support of his contention. Consequently, while *Porter* does indeed stand for the proposition that an employer is not *vicariously* liable for the intentional, unexpected, criminal acts of his employees, it says nothing about an employer's liability for his *own* negligent failure to supervise such an employee.

The distinction between the theories of respondeat superior and negligent supervision has been described as follows:

Employers are subject to direct liability for the negligent hiring, retention, or supervision of their employees when third \*399 parties are injured by the tortious acts of such unfit, incompetent, or unsuitable employees. In order to recover, the plaintiff must show that the employer knew, or in the exercise of ordinary care should have known, that its employee's conduct would subject third parties to an unreasonable risk of harm.

This theory is completely separate from the respondeat superior theory of vicarious liability because the cause of action is premised on the wrongful conduct of the employer, such that the employer's negligence was the proximate cause of the plaintiff's injuries.

\* \* \* \*

In addressing the risk created by exposing the public to potentially dangerous individuals, employer liability does not, in most jurisdictions, depend upon the scope of employment requirement of respondeat superior. Therefore, the claim provides a remedy to third parties who otherwise would not be able to recover under respondeat superior because of the scope of employment requirements.

27 AM. JUR.2d *Employment Relationship* § 472 (1996).

Arkansas recognizes the tort of negligent supervision. See *American Automobile Auction, Inc. v. Titsworth*, 292 Ark. 452, 730 S.W.2d 499 (1987). Even where the employee commits an intentional tort, the victim may proceed against the employer under the theory of negligent supervision of the employee who committed the tort. *Id.* In *St. Paul Fire & Marine Insurance Co. v. Knight*, 297 Ark. 555, 764 S.W.2d 601 (1989), the supreme court reversed a verdict against an employer for negligently retaining an employee where the employer had no information that would have led it to conclude that the employee might be predisposed to commit violent acts against anyone. In the case at bar, however, we think that the evidence would support a finding that appellant had sufficient information to conclude that there was a distinct danger that Mr. Chavez would pose a danger to female patients; appellant itself characterized the report of Mr. Chavez's sexual abuse of the psychiatric patients as "extremely serious" but took no action to protect other patients from such abuse. Under these circumstances, we think that there was sufficient evidence to support a finding that appellant had been negligent in supervising Mr. Chavez following the report of his abuse of the psychiatric patients, and we affirm.

ROGERS and GRIFFEN, JJ., agree.


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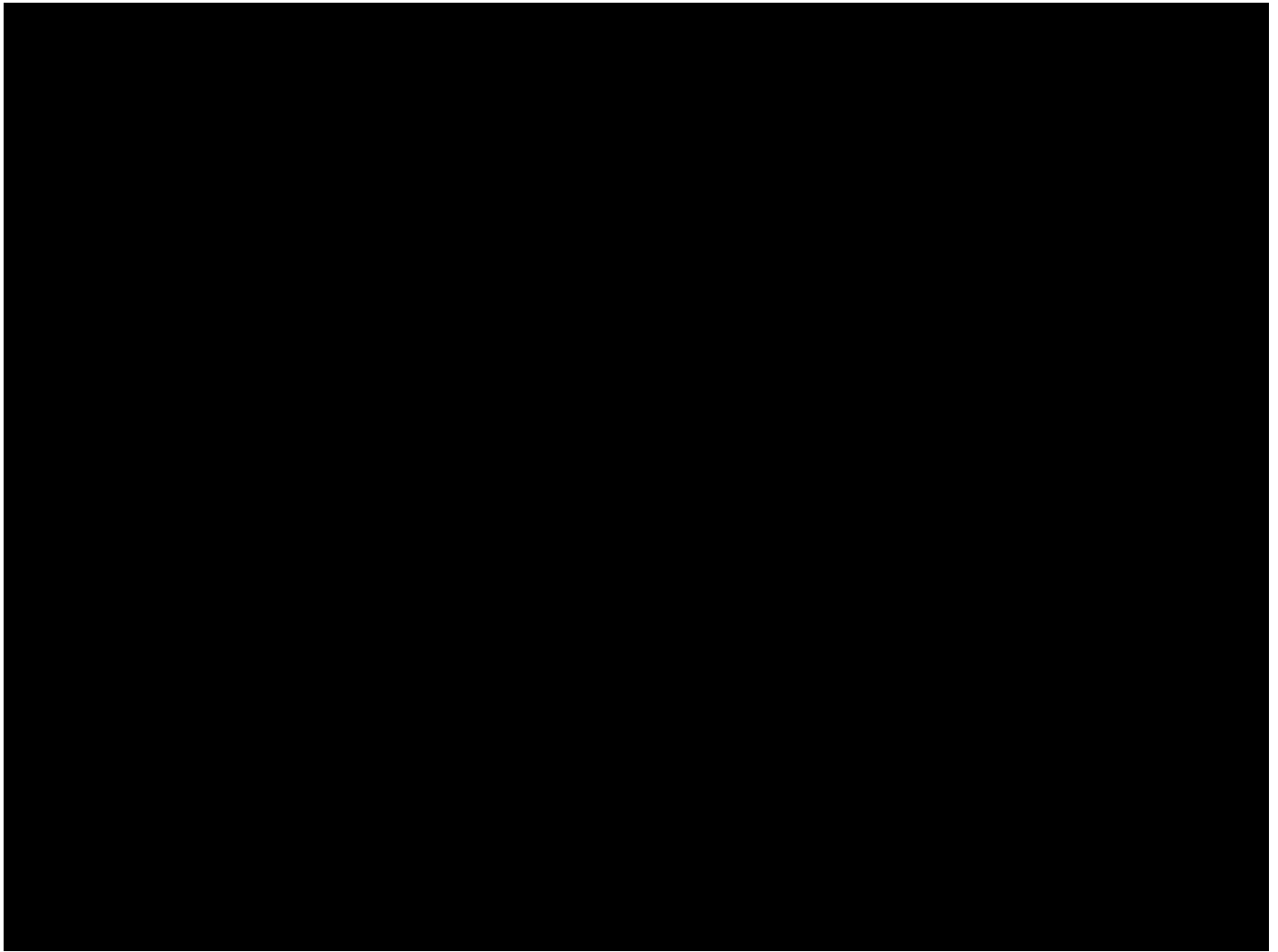
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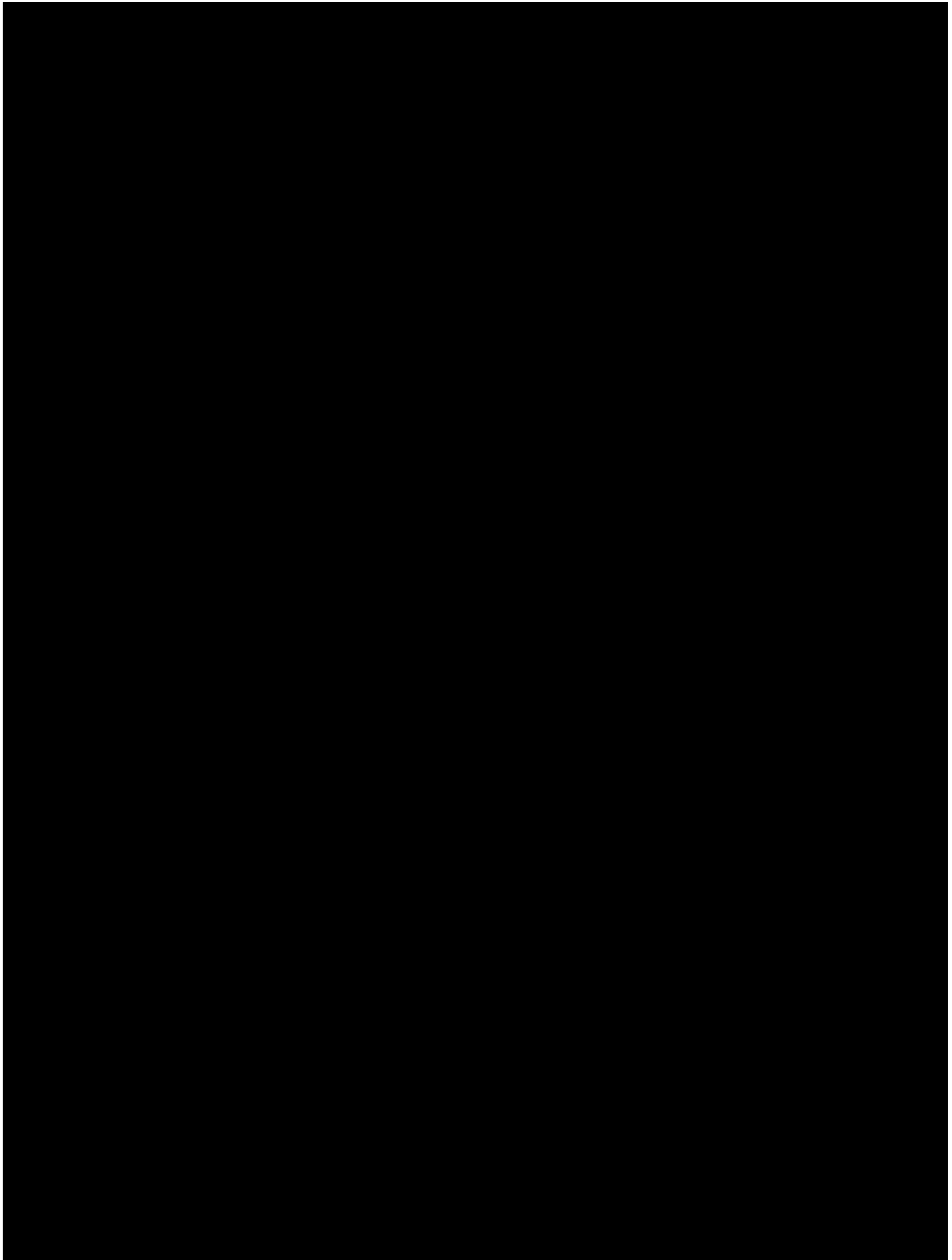
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284 S.W.3d 499 (2008)

373 Ark. 455

**BAPTIST HEALTH d/b/a Baptist Health Rehabilitation Institute, Petitioner,****v.****The CIRCUIT COURT OF PULASKI COUNTY and Evelyn Reichen, by and through her next friend and Attorney in fact Sheila Hinds, Respondents.**No. 07-960.**Supreme Court of Arkansas.**

May 22, 2008.

500 \*500 Friday, Eldredge & Clark, LLP, by: Donald H. Bacon, Laura Hensley Smith, and T. Michelle Ator, Little Rock, for petitioner.

Dustin McDaniel, Att'y Gen., by: Carolyn Boies Nitta, Ass't Att'y Gen., for respondent.

Dover Dixon Horne PLLC, by: Michael G. Smith, Little Rock, for separate respondent Evelyn Reichen.

Wilkes & McHugh, P.A., by: Susan Nichols Estes and David L. Eanes, Little Rock, for amicus curiae Arkansas Advocates for Nursing Home Residents.

Elisa M. White, Little Rock, for amicus curiae Arkansas Hospital Association.

Brian G. Brooks, Attorney at Law, PLLC, by: Brian G. Brooks, Greenbrier, for amicus curiae Arkansas Trial Lawyers Association.

The Brad Hendricks Law Firm, brief filed by amicus curiae George Wise, Jr., Little, Rock.

501 \*501 TOM GLAZE, Justice.

Baptist Health, doing business as Baptist Health Rehabilitation Institute (BHRI), has petitioned this court for a writ of certiorari directed to the Circuit Court of Pulaski County. BHRI contends that the circuit court has acted in excess of its jurisdiction in ordering it to disclose certain documents that the hospital contends are privileged.

Respondent, 79-year-old Evelyn Reichen, presented to the emergency room at Baptist Hospital in Little Rock on November 4, 2004, after injuring her shoulder in a fall in a parking lot. She was admitted to the hospital and underwent surgery on her shoulder on November 9, 2004. Two days later, she was admitted to BHRI for rehabilitation. Reichen's admitting physician stated in his orders that she should be monitored for her safety and daily living activities and would need assistance with ambulation. During her initial assessment, BHRI staff noted that Reichen was fragile and would require assistance for safe movement. An Assessment History Report dated November 14, 2004, stated that she was a fall risk due to weakness, and it also noted that sedation was among her medication side effects. The report also reflected that she should have side rails on her bed.

On November 22, 2004, Reichen developed an earache and was given Ambien and Darvocet. An entry on her chart that night stated "fall risk IDs in place-supervise toilet." Around 11:00 that night, Reichen needed

to go to the bathroom and called for a nurse, but no one responded to her call. Sometime around 3:00 the next morning, Reichen was discovered on the floor of the bathroom, where she had fallen. A CT scan performed the next morning revealed that she had broken her left hip in the fall; she underwent a hip replacement surgery on November 23, 2004.

Reichen and her family sued BHRI on August 10, 2006, and BHRI filed an answer on August 22, 2006. On May 10, 2007, Reichen filed a motion for order compelling discovery in which she sought, among other things, "performance enhancement forms" that had not previously been disclosed. BHRI had previously objected to disclosing these forms on the grounds that they were protected by the "peer review and quality assurance privileges" found in Ark.Code Ann. § 16-46-105 (Repl.1999). BHRI responded to Reichen's motion to compel on May 24, 2007, again asserting that the materials she sought were protected by § 16-46-105.

The trial court held a hearing on Reichen's motion to compel and, on August 31, 2007, entered a protective order in which it ordered BHRI to provide Reichen with copies of the occurrence report related to her fall. The court also ordered BHRI to provide Reichen with copies of reports of falls at BHRI for the six-month time period prior to November 23, 2004 (the "prior fall material"). The court also stated that it would review *in camera* any of the prior fall material deemed by BHRI to be protected by the quality assurance or peer review statute.

On September 17, 2007, the circuit court entered an order in which it stated that, after examining the "occurrence reports" *in camera*, it had determined that the "information contained on page one of the document is clearly the type of information typically contained in an incident report." Because Ark.Code Ann. § 16-46-105 did not apply to "incident reports" and "other records," the court found that the statute did not protect the materials and ordered BHRI to produce the documents for discovery. That same afternoon, BHRI filed the instant petition for writ of certiorari, asking this court to vacate and reverse the circuit court's order compelling discovery.

502 \*502 BHRI argues that it is entitled to a writ of certiorari because the materials the trial court ordered it to disclose are privileged under Ark.Code Ann. § 16-46-105, which provides as follows:

The proceedings, minutes, records, or reports of organized committees of hospital medical staffs or medical review committees of local medical societies having the responsibility for reviewing and evaluating the quality of medical or hospital care, and any records, other than those records described in subsection (c) of this section, compiled or accumulated by the administrative staff of such hospitals in connection with such review or evaluation, together with all communications or reports originating in such committees, *shall not be subject to discovery pursuant to the Arkansas Rules of Civil Procedure or the Freedom of Information Act of 1967, § 25-19-101 et seq., or admissible in any legal proceeding and shall be absolutely privileged communications.*

Ark.Code Ann. § 16-46-105(a)(1)(A) (Repl. 1999) (emphasis added). BHRI contends that the trial court's order compelling the production of the documents is in clear contradiction of the statute and that, absent extraordinary relief, it would suffer irreparable harm.

The standard for granting a writ of certiorari is well settled in Arkansas. A writ of certiorari is extraordinary relief, and there are two requirements that must be satisfied in order for this court to grant the writ. The first requirement is that there can be no other adequate remedy but for the writ of certiorari. Second, a writ of certiorari lies only where (1) it is apparent on the face of the record that there has been a plain, manifest,

and gross abuse of discretion, or (2) there is a lack of jurisdiction, an act in excess of jurisdiction on the face of the record, or the proceedings are erroneous on the face of the record. See Jordan v. Circuit Court of Lee County, 366 Ark. 326, 331, 235 S.W.3d 487, 491 (2006) (citing Arkansas Game & Fish Comm'n v. Herndon, 365 Ark. 180, 226 S.W.3d 776 (2006)).

In addition, this court has held that, in determining the applicability of the writ, we will not look beyond the face of the record to ascertain the actual merits of a controversy, or to control discretion, or to review a finding of fact, or to reverse a trial court's discretionary authority. Jordan, 366 Ark. at 331, 235 S.W.3d at 491; see also Chiodini v. Lock, 373 Ark. 88, 281 S.W.3d 728 (2008).

In this case, BHRI essentially seeks a writ of certiorari that would reverse the trial court's ruling on a discovery question. This court has, on several occasions, specifically held that a petition for writ of certiorari is not an appropriate remedy when a party seeks to reverse a discovery order. Most recently, we addressed this precise issue in Chiodini v. Lock, in which the petitioner sought a writ of certiorari to reverse the circuit court's rulings on his numerous discovery requests. In denying the request for the extraordinary writ, this court wrote as follows:

Our court has clearly held that a discovery order is not the proper subject for an extraordinary writ because the trial court's jurisdiction allows it to decide such discovery issues. See Ford Motor Co. v. Harper, 353 Ark. 328, 107 S.W.3d 168 (2003) (Glaze, J., concurring) (citing Lupo v. Lineberger, 313 Ark. 315, 855 S.W.2d 293 (1993)). In Ballard v. Martin, 349 Ark. 564, 79 S.W.3d 838 (2002), this court noted that a trial court has broad discretion in matters pertaining to discovery, and the exercise of that discretion will not be reversed by this \*503 court absent an abuse of discretion that is prejudicial to the appealing party.

.... Because a trial court's discovery ruling is a matter well within the court's jurisdiction and discretion, a writ of certiorari will not lie to correct any perceived error in the court's ruling.

Chiodini, 373 Ark. at 93, 281 S.W.3d at 732 (emphasis in original).

This court has denied petitions for writs of certiorari even when the alleged discovery violation pertains to materials that the petitioning party claims are privileged. In Arkansas State Highway Commission v. Ponder, 239 Ark. 744, 393 S.W.2d 870 (1965), Justice George Rose Smith wrote that, even where a party objects to discovery on the grounds that the information sought is privileged, certiorari will not lie:

This petitioner insists that if it complies with the trial court's order, under protest, its remedy by eventually taking an appeal from the final judgment will be inadequate, for, even if we should hold that the discovery order was an error, the harm will already have been done. *In effect it is argued that if the cat is ever let out of the bag it can never be gotten back into the bag. An identical argument can be made whenever a discovery order is objected to. To sustain the argument in this case would mean that we should have to make a similar piecemeal decision whenever an application for discovery is unsuccessfully resisted at the trial level. We have repeatedly held that we cannot review interlocutory orders in this fashion.*

Ponder, 239 Ark. at 745-46, 393 S.W.2d at 871 (emphasis added). See also Farm Servs. Coop. v. Cummings, 262 Ark. 810, 561 S.W.2d 317 (1978).

In its petition, BHRI urges that, if the reports at issue in this case are ordered to be disclosed through discovery, it will have a chilling effect on hospitals and medical care providers, in that hospitals will be



reluctant to engage in the peer review and quality assurance process if they fear the materials will not be absolutely privileged. In essence, BHRI maintains that, once the cat has been let out of the bag, it cannot be put back; harm will have been done that cannot be repaired by taking an appeal. However, BHRI's argument is precisely the same argument that the court rejected in *Ponder*, and we cannot agree that the writ will lie in these circumstances.

BHRI cites *HCA Health Services of Midwest, Inc. v. National Bank of Commerce*, 294 Ark. 525, 745 S.W.2d 120 (1988), in support of its argument that the reports at issue in this case are privileged and should not have been ordered to be disclosed.<sup>[1]</sup> However, that case is distinguishable in at least two important respects: first, that case came before this court as an appeal, not as a petition for writ of certiorari; and second, the issue on appeal in *HCA* did not arise from a discovery matter. BHRI's reliance on *HCA* is thus inapposite. Moreover, BHRI cites *HCA* for the proposition that the documents at issue fall under the protection of § 16-46-105; however, to decide this question would require us to delve into the underlying merits of the controversy, which this court has frequently held is improper in deciding whether to issue the writ. See *Chiodini v. Lock*, supra; *Jordan v. Circuit Court of Lee County*, supra; *Ark. Dep't of Human Servs. v. Collier*, 351 Ark. 506, 95 S.W.3d 772 (2003).

504 \*504 In this case, BHRI appears to have conflated the circuit court's jurisdiction, or its authority to act, with the court's error in interpreting a statute. This precise issue was addressed in *Arkansas Department of Human Services v. Circuit Court of Sebastian County*, 363 Ark. 389, 214 S.W.3d 856 (2005). In that case, the court explained the distinction as follows:

The rule of almost universal application is that there is a distinction between want of jurisdiction to adjudicate a matter and a determination of whether the jurisdiction should be exercised. Jurisdiction of the subject matter is power lawfully conferred on a court to adjudicate matters concerning the general question in controversy. It is power to act on the general cause of action alleged and to determine whether the particular facts call for the exercise of that power. Subject matter jurisdiction does not depend on a correct exercise of that power in any particular case. If the court errs in its decision or proceeds irregularly within its assigned jurisdiction, the remedy is by appeal or direct action in the erring court. If it was within the court's jurisdiction to act upon the subject matter, that action is binding until reversed or set aside.

*id.* at 393, 214 S.W.3d at 859 (quoting *Young v. Smith*, 331 Ark. 525, 529, 964 S.W.2d 784, 786 (1998)).

Here, it is clear that the circuit court *had jurisdiction* to enter a discovery order; what is at issue is whether the circuit court correctly *interpreted a statute and applied its interpretation* of that statute to the facts before it. Certiorari simply will not lie in these circumstances. See *id.* at 394, 214 S.W.3d at 860.

As a final matter, we note that BHRI, in its reply brief, attempts to rely on *Arkansas Department of Human Services v. Collier*, 351 Ark. 506, 95 S.W.3d 772 (2003), in support of its argument that an erroneous interpretation or application of a statute may warrant a writ of certiorari. However, *Collier* is distinguishable on its facts. There, the Faulkner County Circuit Court ordered an unborn fetus to be placed in the custody of the Department of Human Services and further ordered DHS to pay for the fetus's mother's prenatal care. DHS petitioned for a writ of certiorari, alleging that because there was no "juvenile," as defined by the Juvenile Code, the court lacked jurisdiction to order the fetus into DHS custody as dependent-neglected or to order DHS to pay for prenatal care. *Collier*, 351 Ark. at 512, 95 S.W.3d at 775.

This court agreed with DHS. Noting that the Juvenile Code defined a "juvenile" as an individual "from birth to the age of eighteen years," see Ark.Code Ann. § 9-27-303(29) (Repl.2002), the court held that, in the context of a dependency-neglect case, an unborn fetus was not a "juvenile." *Id.* at 522, 95 S.W.3d at 781. Because the Juvenile Code only gave the courts jurisdiction over a "juvenile,"<sup>[2]</sup> the court clearly acted in excess of its jurisdiction in placing the fetus in the custody of DHS and requiring DHS to provide prenatal care. *Id.* at 523, 95 S.W.3d at 782.

As mentioned above, in the instant case, BHRI argues that *Collier* stands for the proposition that an erroneous interpretation of a statute can justify the issuance of the writ. However, that argument simply misses the mark. *Collier* does not mean that certiorari is proper to correct an improper statutory  
 505 interpretation; rather, it held that, where a statute does \*505 not give a court *jurisdiction to act*, certiorari can be used to control acts the court takes that are in excess of its jurisdiction.

BHRI goes further in its reply and specifically asks this court to "interpret the law." In essence, BHRI is asking this court to interpret the statute at issue and determine whether the trial court properly construed and applied it — that is, it wants us to address the merits of the underlying discovery ruling. However, that is exactly what the court will not do on a petition for writ of certiorari. See, e.g., *Jordan v. Circuit Court of Lee County, supra* ("we will not look beyond the face of the record to determine the actual merits of a controversy").

Petition for writ of certiorari denied.

[1] In *HCA, supra*, this court held that a nurse's written response to a personnel action report fell within the ambit of the peer-review and quality-assurance privilege and should not have been admitted into evidence at trial. See *HCA Health Services*, 294 Ark. at 534, 745 S.W.2d at 125.

[2] Ark.Code Ann. § 9-27-305 (Repl.2008) provides that "[a]ny *juvenile* within this state may be subjected to the care, custody, control, and *jurisdiction* of the circuit court." (Emphasis added.)

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**To:** [ASCC Pleadings](#)  
**Cc:** [Robinson, Sherri](#)  
**Subject:** Re: Carson V. UAMS  
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**To:** [Art Carson \(via Google Docs\)](#)  
**Cc:** [Robinson, Sherri](#)  
**Bcc:** [Kathryn Irby](#)  
**Subject:** RE: Carson V. UAMS  
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Thanks,  
Kathryn Irby

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**Sent:** Monday, December 18, 2023 3:39 PM  
**To:** ASCC Pleadings <[ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov)>  
**Cc:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
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**To:** [Kathryn Irby](#)  
**Cc:** [Robinson, Sherri](#)  
**Subject:** Re: Carson V. UAMS  
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Okay, thanks

On Mon, Jul 29, 2024, 5:49 PM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson, we submit the entire claim file when we send a claim over to the Legislature on appeal. But where the attachments no longer exist, as with some of your Google docs, they will have to be submitted in a format that I can send to the Legislature.

If the Legislature would like to review the recording of the hearing, it will request that information from the Commission.

Kathryn Irby

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**From:** Art Carson [REDACTED]  
**Sent:** Monday, July 29, 2024 5:45 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Cc:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Subject:** Re: Carson V. UAMS

I would like the entire file submitted, along with the hearing transcript

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**From:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Sent:** Monday, July 29, 2024 5:42:23 PM  
**To:** Art Carson (via Google Docs) [REDACTED]  
**Cc:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
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**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED]; [MCGHEE, SHELLY](#)  
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**Attachments:** [image001.png](#)  
[Carson v. UAMS, Claim No. 230927-Response to Claimant's Response to Respondent's Discovery Response.pdf](#)

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Dear Director Irby,

Attached please find UAMS's Response to Claimant's latest filing. As stated in the response, UAMS would appreciate consideration of its request to place this case on the calendar for a hearing on the merits as soon as the Commission has an available time. I am serving a copy of the filing on Claimant by copy of this email.

Respectfully,

**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

**University of Arkansas for Medical Sciences**

4301 W. Markham St., #860  
Little Rock, AR 72205-7199  
Main: 501-686-7964; Mitel: 10648  
Email: SLRobinson@UAMS.edu

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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

CLAIMANT

vs.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

**RESPONSE TO CLAIMANT'S RESPONSE TO  
RESPONDENT'S DISCOVERY RESPONSE**

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Response to Claimant's Response to Respondent's Discovery Response, states as follows:

While not titled a "Motion to Compel," the relief Claimant seeks is to "compel all materials relating to the three desk workers." In the course of his filing, Claimant is now resorting to defamatory and unsupported statements about Respondent's counsel. Respondent's counsel has tried desperately to work with Claimant and send him all available relevant information to his claim. When the notes for the interviews of the desk workers were lost, Respondent's counsel could have told Claimant that the information was not available. Instead, counsel provided the information she had in the moment and kept searching for the additional information. Once the information was located, counsel supplemented the responses with correct information. Counsel has made every attempt to provide timely and accurate information. Counsel has even made multiple copies of videos at Claimant's request because he does not have the equipment to play the video in its original form. This has taken hours of time for other more knowledgeable individuals to produce the video in a format that Claimant can play.



The truth is, only one individual at the information desk even remembered Claimant – Jordan Fleek. Ms. Fleek attempted to [REDACTED]

[REDACTED] The information desk workers, including Ms. Fleek, are not trained to diagnose or even assess an individual claiming to be injured, so Ms. Fleek did what she was trained to do – she called for patient transport and Claimant refused to wait. Claimant’s decision to leave the area does not equate to even negligence by Ms. Fleek, let alone a malicious act as Claimant attempts to make it.

The information desk workers did not make water allegedly pool by the hospital entrance, [REDACTED]

[REDACTED] Ms. Fleek made the call for assistance; Claimant refused to wait, period. The fact that no one filed an incident report regarding Claimant’s alleged fall, does not “pierce the immunity” that cloaks all of the desk workers present on the day Claimant was at UAMS. At most, it would be an act of negligence which is before this Commission now against UAMS. The desk workers are not subject to suit in the Claims Commission.

Should Claimant desire to file a lawsuit against them in Pulaski County Circuit Court, counsel will address his argument in detail there. For now, Claimant is not entitled to the personal contact information for current or former employees of UAMS. If he would like to depose any of these individuals, counsel will work to contact them and produce them as witnesses. However, Claimant should understand before taking that action that he will be responsible for all costs associated with any deposition.

Respondent requests that the Commission deny the “Motion to Compel” and sanction Claimant by ending discovery and setting this matter for a hearing at the earliest possible time. Moreover, Respondent requests that the Commission caution Claimant on making baseless accusations against counsel of unethical conduct. Counsel has been engaged in constant discovery with Claimant for over six months and made every attempt to give him the available relevant information he has requested and to which he is entitled. There are no materials in this case that are harmful to UAMS or its employees, and Claimant has no right to access confidential contact information.

WHEREFORE, Respondent UAMS, having fully responded to Claimant’s Response to Respondent’s Discovery Response, requests that Claimant’s motion to compel be denied, the discovery period be closed, the claim be set for hearing, and for all other just and proper relief to which it is entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

By:



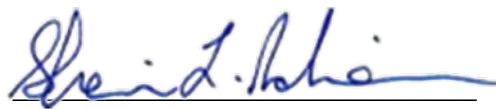
SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent,  
University of Arkansas  
For Medical Sciences

**CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on Claimant herein by emailing a copy of same, this 19th day of December, 2023, to the following:

Art Carson  
[REDACTED]



Sherri L. Robinson

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Robinson, Sherr](#)  
**Subject:** Carson V. Uams #230927  
**Date:** Wednesday, December 20, 2023 7:08:44 AM  
**Attachments:** [Claimants Cross Response.docx](#)

---

You don't often get email from [REDACTED]. [Learn why this is important](#)

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO.230927

UAMS, RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENTS  
AND CROSS CLAIM

TO THE HONORABLE COMMISSION:

Comes Now the Claimant, Arthur Carson, and In Response to Respondent's Response to Claimant's Request for Discovery. In That the Irony Now is that Counsel Sherri Robinson Defense to Her discovery Evasiveness is Defamation,{ sic}. It should be Noted, "What Could be more defamatory than to get Injured while Visiting a Dying Love One, And Told Your Claim of Injury did not happen By This Attorney.". further, the Attorney making this erroneous Defense, [REDACTED]

[REDACTED]

[REDACTED]

Where Counsel Knows the circumference of UAMS Property, and the time it would take To get off UAMS Property from the Level Four Exit, to ground floor and through the Parking Gate. That it would Not have been possible for Claimant to Leave UAMS Property In Seconds. in essence, Claimant Has been Defamed, by ignoring the obvious, that Claimant

Was Injured At UAMS. This Was Defamation, from Someone Whom Duty is to Do Justice,

(1)

Not Distort the Facts, and Concealing Discoverable evidence. The best Defense to defamation is the truth, The Refusal to fully disclose all materials related To the Claim, or Allowed Written Interrogatories To the Desk Workers are obstructing Discovery.

**CLAIMANT PLEADINGS HAVE ABSOLUTE PRIVILEGE FROM DEFAMATION:**

Arkansas Rules of Civil Procedures, Rule 26(3), holds in Pertinent Part, “A Party may obtain Discovery of documents and tangible things in anticipation of litigation, or Defense”, pursuant to *Openheimer Fund, Inc. V. Sanders*, 437 U.S. 340, 98 S.Ct. 2380(1978). Thus, Counsel’s Arguments of Immunity or future litigation have No Merit.

The Respondents have refused to Disclose all Relevant materials or Permit Written Interrogatories to the Desk Workers, since Respondent’s Counsel agrees That Deposition can be taken. Also, Respondent Counsel States, “Multiple copies of videos were made at Claimant’s Request”. Multiple copies of the Video were made because Counsel sent email links Claimant were not able to Open, this did not constitute disclosure by sending links that Could not be Open. It is these sham type allegations by Counsel that are unfounded, along with This Deceptive and defamation ploy, while evading the facts of This Claim and Discovery.

Respectfully Submitted,  
Arthur Carson

---

Arthur Carson

Dated: December 20th, 2023

CERTIFICATE OF SERVICE:

I, Arthur Carson, Certify, that a copy of the foregoing Claimant's Response is hereby

Emailed to: MS.Sherri Robinson, this 20th day of December, 2023.

I Swear the foregoing Statements are true and correct.

Arthur Carson

████████████████████  
████████████████████  
████████████████████

(3)

**From:** [Kathryn Irby](#)  
**To:** [Robinson, Sherri](#)  
**Cc:** [REDACTED]; [MCGHEE, SHELLY](#)  
**Subject:** INFO NEEDED: Carson v. UAMS, Claim No. 230927  
**Date:** Wednesday, January 3, 2024 2:34:22 PM  
**Attachments:** [image001.png](#)

---

Mr. Carson and Ms. Robinson, how long do the parties anticipate needing for a claim hearing? I can do a 2-hour in-person hearing on the afternoon of March 8. That's my earliest availability right now.

Thanks,  
Kathryn Irby

---

**From:** Robinson, Sherri <SLRobinson@uams.edu>  
**Sent:** Tuesday, December 19, 2023 3:21 PM  
**To:** ASCC Pleadings <ASCCPleadings@arkansas.gov>  
**Cc:** [REDACTED]; MCGHEE, SHELLY <SMcghee@uams.edu>  
**Subject:** Carson v. UAMS, Claim No. 230927 - UAMS Response

Dear Director Irby,

Attached please find UAMS's Response to Claimant's latest filing. As stated in the response, UAMS would appreciate consideration of its request to place this case on the calendar for a hearing on the merits as soon as the Commission has an available time. I am serving a copy of the filing on Claimant by copy of this email.

Respectfully,

**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

University of Arkansas for Medical Sciences

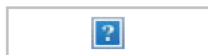
4301 W. Markham St., #860

Little Rock, AR 72205-7199

Main: 501-686-7964; Mitel: 10648

Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

UAMS.edu | UAMSHealth.com



---

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contact the sender by reply e-mail and destroy all copies of the original message.

**From:** [Kathryn Irby](#)  
**To:** [Art Carson](#); [Robinson, Sherri](#)  
**Cc:** [MCGHEE, SHELLY](#)  
**Subject:** HEARING SCHEDULED: Carson v. UAMS, Claim No. 230927  
**Date:** Wednesday, January 3, 2024 3:06:00 PM  
**Attachments:** [Carson v. UAMS, 230927 -- hearing ltr \(claim\).pdf](#)

---

Mr. Carson and Ms. Robinson, please see attached hearing letter.

Thanks,  
Kathryn Irby

---

**From:** Art Carson [REDACTED]  
**Sent:** Wednesday, January 3, 2024 3:00 PM  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Cc:** Kathryn Irby <[kathryn.irby@arkansas.gov](mailto:kathryn.irby@arkansas.gov)>; MCGHEE, SHELLY <[SMcghee@uams.edu](mailto:SMcghee@uams.edu)>  
**Subject:** Re: INFO NEEDED: Carson v. UAMS, Claim No. 230927

Works for me too.

On Wed, Jan 3, 2024, 2:56 PM Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)> wrote:

Ms. Irby,

The afternoon of March 8 is a good day for UAMS as well.

Thanks,

Sherri Robinson

On Jan 3, 2024, at 2:51 PM, Art Carson [REDACTED] wrote:

**This Message Is From an External Sender**  
This message came from outside your organization.

That works for me.

On Wed, Jan 3, 2024, 2:34 PM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

Mr. Carson and Ms. Robinson, how long do the parties anticipate needing for a claim hearing? I can do a 2-hour in-person hearing on the afternoon of March 8. That's my earliest availability right now.

Thanks,  
Kathryn Irby

---

**From:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Sent:** Tuesday, December 19, 2023 3:21 PM  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Cc:** [REDACTED]; MCGHEE, SHELLY <[SMcgee@uams.edu](mailto:SMcgee@uams.edu)>  
**Subject:** Carson v. UAMS, Claim No. 230927 - UAMS Response

Dear Director Irby,

Attached please find UAMS's Response to Claimant's latest filing. As stated in the response, UAMS would appreciate consideration of its request to place this case on the calendar for a hearing on the merits as soon as the Commission has an available time. I am serving a copy of the filing on Claimant by copy of this email.

Respectfully,

**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

**University of Arkansas for Medical Sciences**

4301 W. Markham St., #860  
Little Rock, AR 72205-7199  
Main: 501-686-7964; Mitel: 10648  
Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

UAMS.edu | UAMSHealth.com

---

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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, 2024

Mr. Arthur Carson

(via email)

Ms. Sherri L. Robinson

(via email)

University of Arkansas for Medical Sciences  
4301 West Markham Street, Slot 860  
Little Rock, Arkansas 72205

RE: *Arthur Carson v. University of Arkansas for Medical Sciences*  
Claim No. 230927

Dear Mr. Carson and Ms. Robinson,

The Commission has scheduled this claim for a two-hour hearing on **Friday, March 8, 2024**, beginning at 1:00 p.m. The hearing will take place at the Commission's office. The parties should arrive 15 minutes prior to the scheduled hearing time to allow the hearing to begin on time.

The following prehearing materials are due on or before **February 16, 2024**, and should be submitted electronically to [ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov) (if either party believes that electronic submission will be cumbersome or otherwise unworkable, please contact me to discuss):

- Each party's list of witnesses who will testify live at the hearing or via deposition;
- Each party's list of exhibits that may be introduced at the hearing;
- Deposition transcripts if any deposition testimony will be submitted in lieu of live testimony;
- Prehearing briefs if either party would like to submit for Commission review; and
- Subpoena requests (absent a showing of good cause, the Commission will not issue subpoenas for requests received after the prehearing material deadline).

**Please note that a party's failure to submit these prehearing materials may prevent a party from being able to introduce witness testimony or exhibits at hearing.**

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed pursuant to the Arkansas Rules of Civil Procedure by **February 16, 2024**.

Please note that a copy of any filing must be served upon the opposing party in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Subject:** Fwd: Carson V. Uams  
**Date:** Friday, February 9, 2024 12:02:30 PM  
**Attachments:** [FedEx Scan 2024-02-09\\_11-06-03.pdf](#)

---

Please find the attached Prehearing Brief in Support of My Claims.  
My Witness and Exit List will be forth coming,  
Art Carson

----- Forwarded message -----

From: **Art Carson** [REDACTED]  
Date: Fri, Feb 9, 2024, 11:58 AM  
Subject: Carson V. Uams  
To: Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Please find My Brief in Support of Claim,  
Thanks in advance,  
Art Carso

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

VS.

NO, 230927

UAMS MEDICAL SCIENCE, RESPONDENT.

CLAIMANT'S BRIEF IN SUPPORT OF HIS  
PREMISE LIABILITY/ NEGLIGENCE

STATEMENT OF THE CASE:

This is a Premise Liability/ Negligence Claim, in which Claimant Seeks Damages for Medical Expenses, Pain, Suffering, and Emotional Distress.

STATEMENT OF THE CASE:

Comes Now The Claimant, Arthur Carson, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[1)

[REDACTED]

ARGUMENT:

1), UAMS took NO Action to alleviate the hazard , with No Warning Signs, or anything to Warn Visitors, especially Elderly whom must navigate this area of the exits where there exist Uneven Surfaces, and No Handrails for Assistance, Thompson V. American Drug Stores, Inc., 326 Ark. 536, 932 S.W. 2d. 4,(1991).

2). Substantial Evidence is defined as "That which is sufficient force and character that Will compel a conclusion one way or another. It must force or induce the Mind to pass Beyond a suspicion or conjecture", Kinco, Inc., V. Schueck Steel, Inc., 283 Ark. 72, 76-671 S.W. 2d. 178, 181 (1984).



Even in Arguendo, any "Unreasonable Person" should use the calculations of Physics From the Lobby Video of Claimant's Exit and Return within thirty-two seconds. By using Claimant's Walking Speed, Distance, and Time of His Re-entry.

Research has shown, the average Person Walking Speed, depending on Age and Health Factors between two-four Miles Per hour, see (Exhibit NO. 1, Walking Speed-Research). Claimant at 68 Years Old January 18, 2023, even if Exiting at 3 miles-Per hour exit and return were thirty-two seconds, means Claimant could not have went No more than "0.0266667 miles, or 140.8 Feet; or 46 yards. Contemporaneously taking In account Claimant Laid on His Back fifteen to twenty seconds trying to get up, would Eviscerated the Exit ,re-entry time to twelve seconds at best. Thus, It is axiomatic that Claimant Injury occurred where Claimant Alleged.

Claimant had no time to Leave UAMS from this Level four Lobby, to level One, pay Parking, and leave the Hospital. Respondent's Counsel Response to Claimant's In jury Flies in the face of logic, Fairness, and Justice.

3). The Respondent's failed to provide safety mats around the exit doors, or prevent Water puddling around the decline/incline area of the Exit/Entrance Vestibule.

The Respondent created conditions that were Unsafe, pursuant to, Collyard V.American Home Assurance Co., 271 Ark 228, 607 S.W. 2d. 666 (1980), accord, Lemay V. W & R., Corp., 262 Ark. 530, 558 S.W. 2d. 154 (1977).

(3)

4). Respondent's Employees Working the Desk displayed disdain toward Claimant, and

Had a duty to Aid Claimant, yet failed. see Section 27-53-401, Ark. Code Ann.

Such Contempt caused Claimant to [REDACTED].

The UAMS Hospital subjected Claimant to a Parade of Horribles on January 18, 2023.

Claimant, were an Invitee to UAMS, as a Result, deserved the Highest Duty of Care.

Respondent's Breach of Duty were the Proximate cause of [REDACTED]

[REDACTED]

See, ( Exhibit NO.2, by Dr. Mark D. Miller,MD, on Tendon Ruptures).

5). Respondents failed to provide a Dry walking Area, even exit surfaces, or safety mat,

Or Handrails, Violates Osha's Rules, see 29 CFR 1910.22(a),(2).

WHEREFORE, PREMISES CONSIDERED, Claimant Pray this Commission Grant

Relief as Requested in His Claim.

RESPECTFULLY SUBMITTED,

*Arthur Carson*

Arthur Carson

Dated This 9th day of February, 2024.

CERTIFICATE OF SERVICE:

I, Arthur Carson, certify that a Copy of the Foregoing Brief, is hereby mailed to:

Sherri Robinson, Counsel for Respondent, this 9th day of February, 2024, by placing

Same in the hands of the U.S. Postal Staff.

I Swear the foregoing statements are true and correct.

  
\_\_\_\_\_

Arthur Carson



5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Average walking speed by age

In general, walking speed significantly decreases as your age increases. According to research from 2011, walking speed decreases slightly each year as you age. This averages out to a difference of 1.2 minutes slower for every kilometer (.62 mile) at age 60 than at age 20.

Here's a table that shows average walking speeds as we age:

Age	Meters/second	Miles/hour
20 to 29	1.34 to 1.36	3.0 to 3.04
30 to 39	1.34 to 1.43	3.0 to 3.2
40 to 49	1.39 to 1.43	3.11 to 3.2
50 to 59	1.31 to 1.43	2.93 to 3.2
60 to 69	1.24 to 1.34	2.77 to 3.0
70 to 79	1.13 to 1.26	2.53 to 2.82
80 to 89	.94 to .97	2.10 to 2.17

Walking is a wonderful way to help prevent decline in physical function that often accompanies aging. It's free, easy to do, and can be done almost anywhere, making it an ideal form of exercise for all ages.

SUBSCRIBE

FITNESS [Get Motivated](#) [Cardio](#) [Strength Training](#) [Yoga](#) [Rest and](#) >

## Average walking speed by sex

On average, men walk faster than women, with the speeds between the sexes being most similar when people are in their 20s. Both men and women have a walking speed that stays fairly consistent until reaching their 60s, which is when it starts to decline considerably.

This difference could be because many older adults don't get the recommended amount of weekly physical activity. In general, women are less likely than men to get the recommended amount of weekly physical activity.

This table shows the difference in walking speed by sex and age:

ADVERTISEMENT

X

2/9/24, 2:20 AM

Average Walking Speed: Pace, and Comparisons by Age and Sex

30 to 39	Female	1.34	3.0
	Male	1.43	3.2
40 to 49	Female	1.34	3.0
	Male	1.43	3.2
50 to 59	Female	1.39	3.11
	Male	1.43	3.2
60 to 69	Female	1.31	2.93
	Male	1.34	3.0
70 to 79	Female	1.24	2.77
	Male	1.26	2.82
80 to 89	Female	1.13	2.53
	Male	0.97	2.17
	Female	0.94	2.10

ADVERTISEMENT

## What is a brisk pace?

Walking at a brisk pace means you'll be walking faster than you would normally. Your speed is determined, in part, by your fitness level. Many fitness experts consider a brisk walking pace to be 100 steps per minute or 3 to 3.5 miles per hour.<sup>1</sup>

A brisk pace is relative since it refers to your level of exertion, which depends on your fitness level. In order for it to be considered a brisk pace, you need to raise your heart and breathing rate. You may feel slightly out of breath or sweaty when walking briskly.

You can use an app or a speedometer to measure your speed. Or you can measure your heart rate using a pulse monitor, fitness band, or calculator.<sup>2</sup>

ADVERTISEMENT

X

**From:** [Kathryn Irby](#) on behalf of [ASCC Pleadings](#)  
**To:** [Art Carson \(via Google Docs\)](#)  
**Subject:** RESUBMISSION NEEDED: Motion For Summary Judgment  
**Date:** Wednesday, February 14, 2024 11:58:00 AM

---

Mr. Carson, only the link labeled "post surgery.jpg" would open. I could not open your filing titled "summary judgment" or the jpg's with numbers in the title. Please send these filings in pdf format.

Kathryn Irby

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Wednesday, February 14, 2024 6:20 AM  
**To:** ASCC Pleadings <ascpleadings@arkansas.gov>  
**Subject:** Motion For Summary Judgment

You don't often get email from [REDACTED]. [Learn why this is important](#)

Please find My Motion for summary judgment and exhibitd

[summary judgment](#)

[20230119\\_082159.jpg](#)

[post surgery.jpg](#)

[20240213\\_172241.jpg](#)

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** I may have to mail in My exhibits, I will try to send them seperate.  
**Date:** Wednesday, February 14, 2024 12:26:33 PM

---

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 [summary judgment](#)



## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO. 230927

UAMS, RESPONDENT.

CLAIMANT'S MOTION FOR SUMMARY JUDGMENT  
AND AFFIDAVIT IN SUPPORT

Comes Now the Claimant, Arthur Carson, and in Accordance with Rule 56, Ark.R.Civ.-  
Procedures, Moves This Commission to Grant this Motion for Summary Judgment, as to The  
Liability of the Respondent , and that there exist NO Genuine issues as to any material  
Fact, and Claimant is Entitled to Relief, and Would Like to Show The Following:

1). Respondents Security Camera Video Captures Claimant [REDACTED]  
[REDACTED], see attached, (Exhibit-(A) "Photo taken From Security Video,  
January 18, 2023.

The Elements in this Claim is Whether Claimant was injured On UAMS Property.  
Claimant's Pleadings, Answer On File, Affidavit, and the Video Photo Shows there exist  
No genuine issue as to any Material fact, and the Moving Party is entitled to Judgment as a  
Matter of Law, Celotex Corp. V. Catrett, 477 U.S. 317, 106 S.Ct. 2548 (1986), accord,  
Ark. R. Civ. P. 56(c).

(1)

2). Respondents failed to take the reasonable Precautions, and [REDACTED]

[REDACTED]

[REDACTED]

WHEREFORE, CLAIMANT Request This Motion Be Granted,

Arthur Carson

Dated This 14th Day of February, 2024.

CERTIFICATE OF SERVICE:

I, Arthur Carson, certify that a copy of the foregoing Summary Judgment and Affidavit In Support, are hereby mailed to: Sherri Robinson, Counsel for Respondent, this 14th- Day of February, 2024, by email.

I Swear the foregoing statements are true and correct.

Arthur Carson

[REDACTED]

(2)

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO.230927

UAMS, RESPONDENT.

AFFIDAVIT IN SUPPORT OF SUMMARY JUDGMENT

I, Arthur Carson, being duly sworn, depose, and Says:

That I Am the Claimant, and have Personal knowledge of the facts, and Video Footage Picture taken herein.

The Photo was taken from video footage taken by UAMS Security Video Camera On January 18, 2023, given to Claimant during Discovery, by Respondent.

[REDACTED]

I Swear the foregoing statements are true and correct, and said Photos are true And correct.

Arthur Carson  
[REDACTED]

(3)

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Amended Brief & Witness, Exhibit List  
**Date:** Thursday, February 15, 2024 5:50:56 AM

---

You don't often get email from [REDACTED] [Learn why this is important](#)

----- Forwarded message -----

**From:** Art Carson [REDACTED]  
**Date:** Thu, Feb 15, 2024 at 5:50 AM  
**Subject:** Amended Brief & Witness, Exhibit List  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>



AMENDED BRIEF

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Carson V. UAMS  
**Date:** Thursday, February 15, 2024 6:17:14 AM  
**Attachments:** [AMENDED BRIEF.pdf](#)

---

Please substitute this amended brief, the prior brief contained a major typo. Sorry for the confusion.

----- Forwarded message -----

**From:** Art Carson <[REDACTED]>  
**Date:** Thu, Feb 15, 2024, 6:14 AM  
**Subject:** Carson V. UAMS  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Please substitute this for the earlier amended brief, there was A typo in the prior brief.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

VS.

NO, 230927

UAMS MEDICAL SCIENCE, RESPONDENT.

CLAIMANT'S AMENDED BRIEF IN SUPPORT OF HIS  
PREMISE LIABILITY/ NEGLIGENCE CLAIM

STATEMENT OF THE CASE:

This is a Premise Liability/ Negligence Claim, in which Claimant Seeks Damages for Medical Expenses, Pain, Suffering, and Emotional Distress.

STATEMENT OF THE CASE:

Comes Now The Claimant, Arthur Carson, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ARGUMENT:

1), UAMS took NO Action to alleviate the hazardous , with No Warning Signs, or anything to Warn Visitors, especially Elderly whom must navigate this area of the exits where there exist Uneven Surfaces, and No Handrails for Assistance, Thompson V. American Drug Stores, Inc., 326 Ark. 536, 932 S.W. 2d. 4,(1991).

2). Substantial Evidence is defined as “That which is sufficient force and character that Will compel a conclusion one way or another. It must force or induce the Mind to pass Beyond a suspicion or conjecture”, Kinco, Inc., V. Schueck Steel, Inc., 283 Ark. 72, 76-Ki 671 S.W. 2d. 178, 181 (1984).

Even in Arguendo, any "Unreasonable Person" should use the calculations of Physics From the Lobby Video of Claimant's Exit and Return within thirty-two seconds. By using Claimant's Walking Speed, Distance, and Time of His Re-entry.

Research has shown, the average Person Walking Speed, depending on Age and Health Factors between two-four Miles Per hour, Claimant at 68 Years Old January 18, 2023, even if Exiting at 3 miles- Per hour exit and return were thirty-two seconds, means Claimant could not have gone No more than "0.0266667 miles, or 140.8 Feet; or 46 yards. Contemporaneously taking In account Claimant Laid on His Back fifteen to twenty seconds trying to get up, would Eviscerate the Exit ,re-entry time to twelve seconds at best. Thus, It is Axiomatic Claimant Injury occurred where Claimant Alleged, as the Security Camera Video lucidly Shows Claimant on the ground.

Claimant had no time to Leave UAMS from this Level four Lobby, to level One, pay Parking, and leave the Hospital. Respondent's Counsel Response to Claimant's Injury Flies in the face of logic, Fairness, and Justice.

3). The Respondent's failed to provide safety mats around the exit doors, or prevent Water puddling around the decline/incline area of the Exit/Entrance Vestibule. The Respondent created conditions that were Unsafe, pursuant to, Collyard V.American Home Assurance Co., 271 Ark 228, 607 S.W. 2d. 666 (1980), accord, Lemay V. W & R., Corp., 262 Ark. 530, 558 S.W. 2d. 154 (1977).

(3)



4). Respondent's Employees Working the Desk displayed disdain toward Claimant, and

Had a duty to Aid Claimant, yet failed. see Section 27-53-401, Ark. Code Ann.

Such Contempt caused Claimant to [REDACTED]. the totality

The UAMS Hospital subjected Claimant to a Parade of Horribles on January 18, 2023.

Claimant, were an Invitee to UAMS, as a Result, deserved the Highest Duty of Care.

Respondent's Breach of Duty were the Proximate cause of [REDACTED]

[REDACTED]

5). Respondents failed to provide a Dry walking Area, even exit surfaces, or safety mat,

Or Handrails, Violates Osha's Rules, see 29 CFR 1910.22(a),(2).

WHEREFORE, PREMISES CONSIDERED, Claimant Pray this Commission Grant

Relief as Requested in His Claim.

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
Arthur Carson

Dated This 9th day of February, 2024.

(4)

CERTIFICATE OF SERVICE:

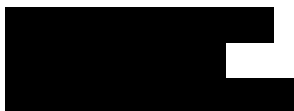
I, Arthur Carson, certify that a Copy of the Foregoing Brief, is hereby mailed to:

Sherri Robinson, Counsel for Respondent, this 14th day of February, 2024, by email.

I Swear the foregoing statements are true and correct.

Arthur Carson

\_\_\_\_\_  
Arthur Carson



(5)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO. 230927

UAMS MEDICAL SCIENCE, RESPONDENT.

CLAIMANT'S WITNESS AND EXHIBIT LIST

WITNESSES:

Claimant will Have No Witnesses other Than Himself;

EXHIBIT LIST:

Claimant's List includes the following;

- 1). 911 Audio,
- 2). Video of Claimant's Exit and Return,
- 3). [REDACTED] Photos of the Level Four Exit, and  
Wet Surfaces on January 19, 2023;
- 4). Reconstruction Videos;
- 5). Medical Records;
- 6). Weather Report for January 18, 2023

(1)

CERTIFICATE OF SERVICE:

I, Arthur Carson, Certify that a copy of the foregoing Witness/Exhibit List are being  
Emailed to: Sherri Robinson, Counsel for Respondent, this 14th day of February, 2024,

Arthur Carson

(2)

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Re: I may have to mail in My exhibits, I will try to send them seperate.  
**Date:** Thursday, February 15, 2024 11:25:52 AM

---

Thank you.

On Thu, Feb 15, 2024, 11:19 AM ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)> wrote:

Received on 2-14-24.

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Wednesday, February 14, 2024 12:26 PM  
**To:** ASCC Pleadings <[asccpleadings@arkansas.gov](mailto:asccpleadings@arkansas.gov)>  
**Subject:** I may have to mail in My exhibits, I will try to send them seperate.

You don't often get email from [REDACTED] [Learn why this is important](#)

[summary judgment](#)

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO. 230927

UAMS, RESPONDENT.

CLAIMANT'S MOTION FOR SUMMARY JUDGMENT  
AND AFFIDAVIT IN SUPPORT

Comes Now the Claimant, Arthur Carson, and in Accordance with Rule 56, Ark.R.Civ.-  
Procedures, Moves This Commission to Grant this Motion for Summary Judgment, as to The  
Liability of the Respondent , and that there exist NO Genuine issues as to any material  
Fact, and Claimant is Entitled to Relief, and Would Like to Show The Following:

1). Respondents Security Camera Video Captures [REDACTED]  
[REDACTED], see attached, (Exhibit-(A) "Photo taken From Security Video,  
January 18, 2023.

The Elements in this Claim is Whether Claimant was injured On UAMS Property.  
Claimant's Pleadings, Answer On File, Affidavit, and the Video Photo Shows there exist  
No genuine issue as to any Material fact, and the Moving Party is entitled to Judgment as a  
Matter of Law, Celotex Corp. V. Catrett, 477 U.S. 317, 106 S.Ct. 2548 (1986), accord,  
Ark. R. Civ. P. 56(c).

(1)

2). Respondents failed to take the reasonable Precautions, and [REDACTED]

[REDACTED]

[REDACTED]

WHEREFORE, CLAIMANT Request This Motion Be Granted,

Arthur Carson

Dated This 14th Day of February, 2024.

CERTIFICATE OF SERVICE:

I, Arthur Carson, certify that a copy of the foregoing Summary Judgment and Affidavit In Support, are hereby mailed to: Sherri Robinson, Counsel for Respondent, this 14th- Day of February, 2024, by email.

I Swear the foregoing statements are true and correct.

Arthur Carson

[REDACTED]

(2)

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO.230927

UAMS, RESPONDENT.

AFFIDAVIT IN SUPPORT OF SUMMARY JUDGMENT

I, Arthur Carson, being duly sworn, depose, and Says:

That I Am the Claimant, and have Personal knowledge of the facts, and Video Footage Picture taken herein.

The Photo was taken from video footage taken by UAMS Security Video Camera On January 18, 2023, given to Claimant during Discovery, by Respondent.

[REDACTED]

[REDACTED]

[REDACTED]

I Swear the foregoing statements are true and correct, and said Photos are true

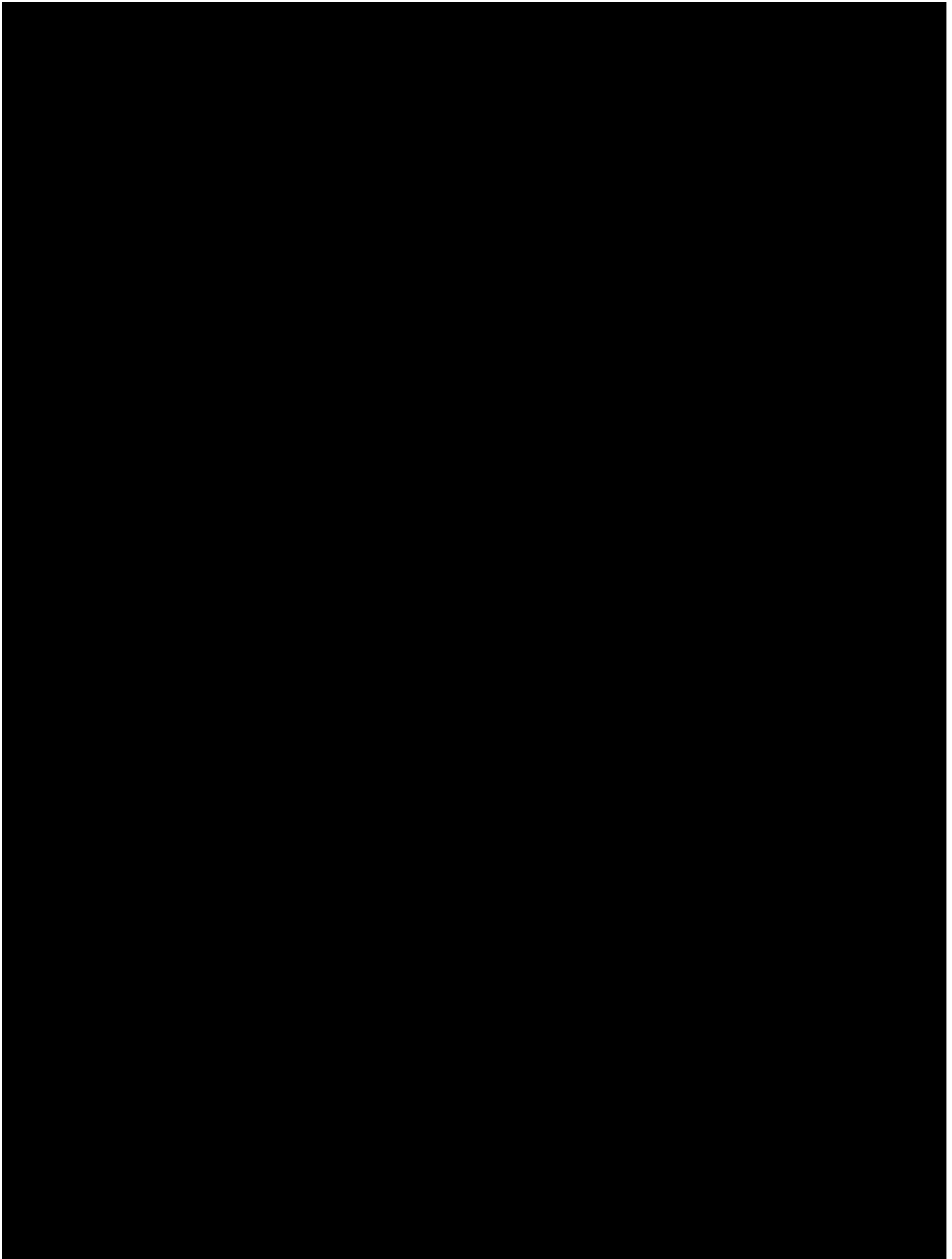
And correct.

Arthur Carson

[REDACTED]

(3)





**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd:  
**Date:** Friday, February 16, 2024 5:52:15 AM  
**Attachments:** [20240213\\_172241.jpg](#)

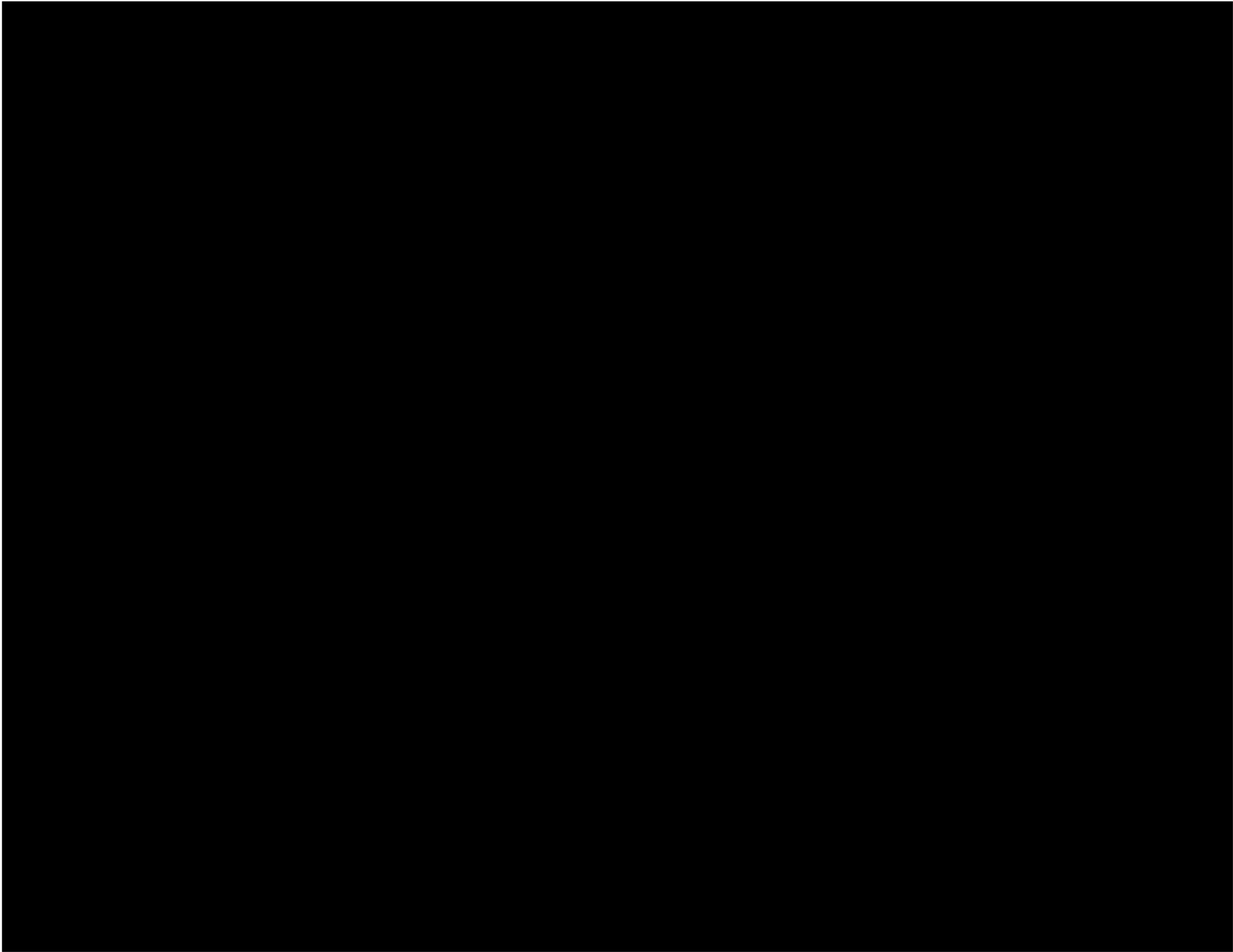
---

In case the prior attachments, Photos of post surgery knee Repair, and photo of Claimant on the ground outside the exit door could not be opened, I am sending  
Each photo sent separate.  
Arthur Carson

----- Forwarded message -----

**From:** Art Carson [REDACTED]  
**Date:** Fri, Feb 16, 2024, 4:03 AM  
**Subject:**  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

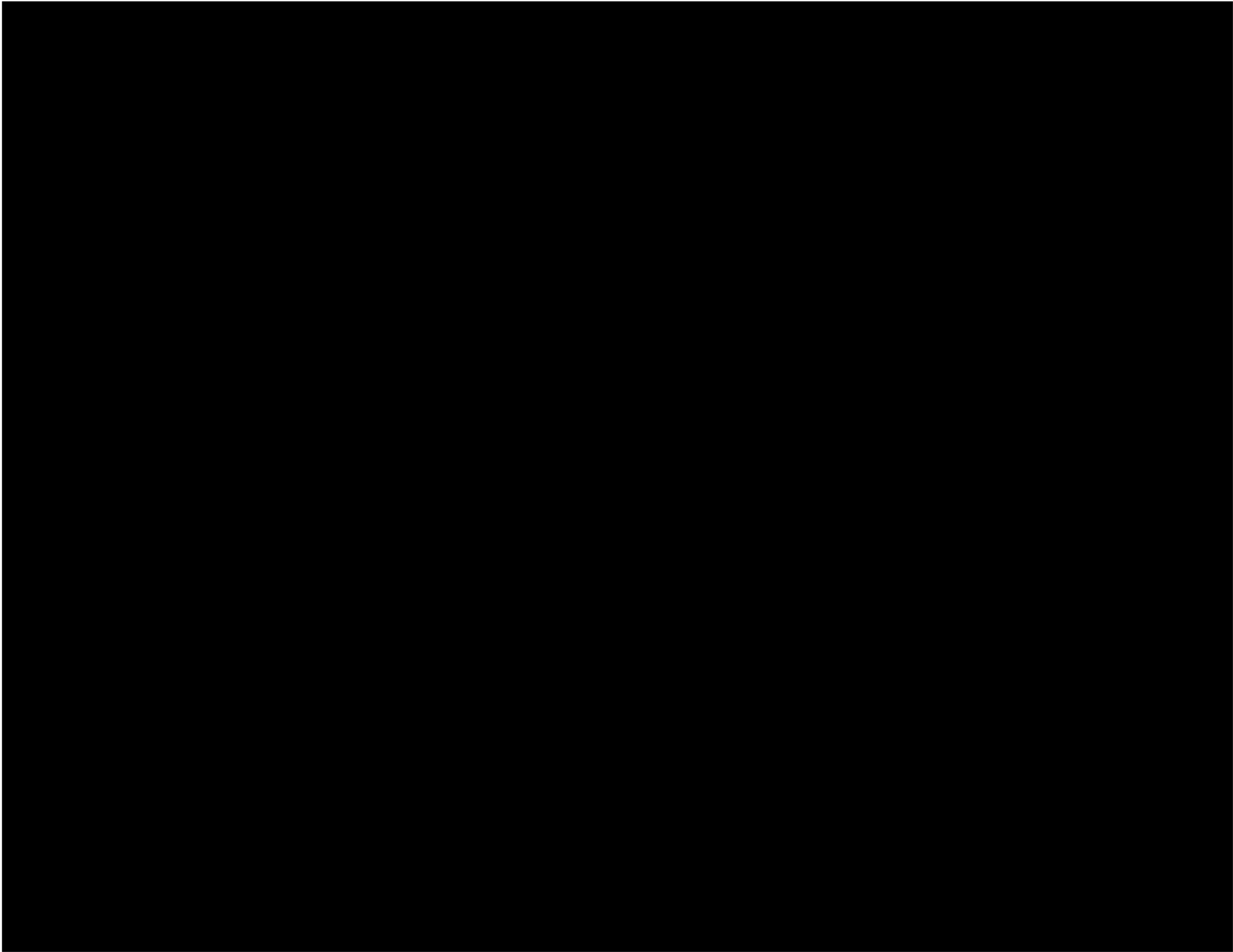
Sent separate to see if this Works



**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Carson V. Uams  
**Date:** Friday, February 16, 2024 5:55:49 AM  
**Attachments:** [20230216\\_102626.jpg](#)

---

Photo #2



**From:** [Robinson, Sherri](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED]; [MCGHEE, SHELLY](#)  
**Subject:** Carson v. UAMS, Claim No. 230927 - UAMS Pre-hearing filings  
**Date:** Friday, February 16, 2024 1:57:47 PM  
**Attachments:** [image001.png](#)  
[UAMS Witness and Exhibit List.pdf](#)  
[UAMS Pre-hearing Brief.pdf](#)

---

Dear Director Irby,

Attached are the Witness and Exhibit List and Pre-Hearing Brief for filing on behalf of UAMS in the above referenced matter.

Please contact me if you have any questions.

Respectfully submitted,

**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

**University of Arkansas for Medical Sciences**

4301 W. Markham St., #860  
Little Rock, AR 72205-7199  
Main: 501-686-7964; Mitel: 10648  
Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

UAMS.edu | UAMSHealth.com



---

**Confidentiality Notice:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON

CLAIMANT

V.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

**RESPONDENT'S WITNESS AND EXHIBIT LISTS FOR  
HEARING SCHEDULED ON MARCH 8, 2024**

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Witness and Exhibit Lists, states as follows:

**Witness List**

1. Mark Griffin, Assistant Security Systems Administrator at UAMS.
2. Jaden Fleeks, Former Patient Ambassador at UAMS, she is the individual who interacted with Mr. Carson at the Information Desk.
3. Al Graham, Director of Planning, Design and Construction at UAMS.
4. Sonja Hart, Assistant Director in the Office of Health and Safety at UAMS.

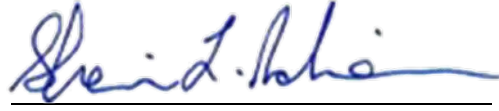
**Exhibit List**

1. Video clips of [REDACTED]
2. Video clip of [REDACTED]
3. Pictures and/or videos of the surface [REDACTED]
4. Discovery exchanged between the parties.
5. Relevant portion of Mr. Carson's Medical records.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

By:



SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
Univ. of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent

**CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading was served on claimant herein by emailing a copy of same this 16th day of February, 2024 to the following:

Mr. Art Carson

████████████████████



Sherri L. Robinson



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON

CLAIMANT

V.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

RESPONDENT'S PRE-HEARING BRIEF

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Pre-Hearing Brief, states as follows:

**Summary of Facts and Expected Testimony.**

[REDACTED]

[REDACTED] Significantly, Carson has absolutely no evidence to support his allegations.

It is indisputable that [REDACTED], and not in front of UAMS employees. While there was no surveillance camera in the area to capture the full extent of [REDACTED], an indoor camera facing the entryway and a camera outside to the side of the door used to identify folks for afterhours entry [REDACTED]. The video footage of the event is the best evidence in this matter. According to the video footage, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]



provide testimony from Al Graham, Director of Planning, Design and Construction who will testify that the surface of the area is treated with a slip-resistant, grainy coating. Further, Sonja Hart, Assistant Director of Office of Health and Safety, will testify that there have not been [REDACTED].

#### **Summary of Applicable Law.**

To recover on an action for negligence, Carson must show that UAMS owed him a duty, breached that duty and the breach caused him harm. *Lloyd v. Pier West Property Owners Assoc.*, 2015 Ark. App. 487, 4, 470 S.W.3d 293, 297 (citation omitted). Carson was a business invitee; thus, UAMS “had a duty to use ordinary care in maintaining its premises in a reasonably safe condition.” *House v. Wal-Mart Stores, Inc.*, 316 Ark. 221, 223, 872 S.W.2d 52, 52 (1994). This duty applies, however, only when the danger is foreseeable. *Benson v. Shuler Drilling Co.*, 316 Ark. 101, 112, 871 S.W.3d 552, 558 (1994). There is no duty to guard against merely possible, as opposed to probable, harm. *Ethyl Corp. v. Johnson*, 345 Ark. 476, 481-82, 49 S.W.3d 644, 648 (2001).” *Id.* (emphasis added). The simple fact that Carson fell on UAMS property “does not give rise to an inference of negligence.” See *House v. Wal-Mart Stores, Inc.*, *supra* (citation omitted) (emphasis added). See also, *AutoZone v. Horton*, 87 Ark. App. 349, 354, 192 S.W.3d 291, 295 (2004). “The burden of proof is always on the party asserting negligence, as negligence is never presumed.” *AutoZone v. Horton*, 87 Ark. App. at 354, 192 S.W.3d 291, 295 (citation omitted).

Carson alleges that [REDACTED] and that the surface was made slicker by the paint on the concrete. Carson does not have any evidence to support his position. In *Dollar General Corp. v. Elder*, 2020 Ark. 208

(2020), the Arkansas Supreme Court heard the appeal of a verdict against Dollar General where a woman slipped outside of the store on concrete in the rain. The Supreme Court found two particular facts compelling to support the jury's finding of liability: (1) "the concrete presented an unreasonably dangerous condition;" and (2) "appellants were aware of the dangerous condition."

First, the Court found it significant that the plaintiff presented testimony from an expert who stated that "the smoother area of the concrete created the potential for an accident." *Dollar General*, 2020 Ark. at 8. The expert testified that a slip-resistant mat or coating could have reduced the risk of an accident. *Id.* Second, the Arkansas Supreme Court found it significant that a Dollar General Assistant Manager testified that she knew other people had slipped in that area and that she had notified three different Dollar General Store district managers of the problem. *Id.* For these reasons, the Court found substantial evidence existed to support the jury's verdict of liability against Dollar General.

Here, UAMS will present testimony that the surface [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Consequently, Carson cannot establish that the area where he fell presented an unreasonably dangerous condition of which UAMS knew or should have known.

### **Conclusion.**


Carson maintains the burden throughout this proceeding to prove by a preponderance of the evidence that UAMS was negligent and therefore liable for his

injuries. Carson cannot meet that burden. As a result, UAMS is entitled to judgment in this matter.

WHEREFORE, Respondent requests that the Commission find in favor of UAMS and for all other relief to which it may be entitled.

Respectfully submitted,

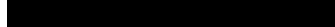
UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent


By:   
SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
Univ. of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent

**CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading was served on claimant herein by emailing a copy of same this 16th day of February, 2024 to the following:

Mr. Art Carson  


  
Sherri L. Robinson

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Carson V. UAMS  
**Date:** Friday, February 16, 2024 6:20:54 PM

---

----- Forwarded message -----

**From:** Art Carson [REDACTED] >  
**Date:** Fri, Feb 16, 2024, 6:16 PM  
**Subject:** Carson V. UAMS  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>



motion to strike

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO. 23097

UAMS, RESPONDENT

CLAIMANT'S MOTION TO STRIKE  
JADEN FLEEK AND SANCTIONS

Comes Now the Claimant, Arthur Carson, Pursuant to Sec. 16-41-101, AR. Code, Rule 11, Ark. Civ. Proc., In That Claimant's Rights To Discovery were Violated.

1). Claimant, Proceeding Pro se, Have been Hampered, and Blocked from Serving Interrogatories. Counsel, Sherri Robinson, Claimed Jaden Fleek, knew nothing, and Should not be allowed to be brought into this Case, yet in This Case. thus, Claimant Have been denied Access to Jaden Fleeks Employment Records as an Employee.

Wherefore, Claimant Request Jaden Fleek, is Stricken in this case. Alternatively, Claimant allowed to depose Her with Written Deposition/Interrogatories, and all else Relief Deem Equitable.

Arthur Carson

DATED: 02/16/2024

## CERTIFICATE OF SERVICE

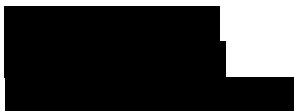
I, Arthur Carson, Certify that a copy of the Forgoing Motion to Strike, are

(1)

Being emailed to: Sherri Robinson, this 15th Day of February, 2024.

I Swear these Statements are true and correct.

Arthur Carson



(2)



**From:** [Robinson, Sherri](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED] [MCGHEE, SHELLY](#)  
**Subject:** Carson v. UAMS, Claim No. 230927 - Response to Claimant's Motion for Summary Judgment  
**Date:** Tuesday, February 20, 2024 1:46:45 PM  
**Attachments:** [image001.png](#)  
[UAMS Response to Claimant's MSJ.pdf](#)

---

Dear Director Irby,

Attached is UAMS's Response to Claimant's Motion for Summary Judgment for filing in the above referenced case. I am serving a copy on Mr. Carson via this email as well.

Respectfully,

**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

University of Arkansas for Medical Sciences

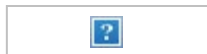
4301 W. Markham St., #860

Little Rock, AR 72205-7199

Main: 501-686-7964; Mitel: 10648

Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

UAMS.edu | UAMSHealth.com



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON

CLAIMANT

V.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

RESPONSE TO CLAIMANT’S MOTION FOR SUMMARY JUDGMENT

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Response to Claimant’s Motion for Summary Judgment, states as follows:

**Summary of Facts.**

Arthur Carson’s [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Significantly, Carson has absolutely no evidence to support his allegations.

It is indisputable that [REDACTED], and not in front of UAMS employees. While there was no surveillance camera in the area to capture the full extent of [REDACTED], an indoor camera facing the entryway and a camera outside to the side of the door used to identify folks for afterhours entry [REDACTED]. The video footage of the event is the best evidence in this matter. According to the video footage, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[Redacted text block containing approximately 22 lines of blacked-out content]

Carson argues that the surface [REDACTED]. Carson has provided no evidence to support his claim.

**Argument.**

Rule 56(c)(2) of the Arkansas Rules of Civil Procedure states that summary judgment

shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law on the issues specifically set forth in the motion.

Ark. R. Civ. P. 56(c)(2). See also *Martin v. Hallum*, 2010 Ark. App. 193 at 10, 374 S.W.3d 152, 159. The evidence is to be viewed by the court in the light most favorable to the non-moving party. *Id.* Claimant has offered no evidence to establish that UAMS is liable for his fall. Based on his filing, it appears that he believes that merely falling on UAMS property entitles him to a recovery. Claimant's conclusion is incorrect under the law.

To recover on an action for negligence, Carson must show that UAMS owed him a duty, breached that duty and the breach caused him harm. *Lloyd v. Pier West Property Owners Assoc.*, 2015 Ark. App. 487, 4, 470 S.W.3d 293, 297 (citation omitted). Carson was a business invitee; thus, UAMS "had a duty to use ordinary care in maintaining its premises in a reasonably safe condition." *House v. Wal-Mart Stores, Inc.*, 316 Ark. 221, 223, 872 S.W.2d 52, 52 (1994). This duty applies, however, only when the danger is foreseeable. *Benson v. Shuler Drilling Co.*, 316 Ark. 101, 112, 871 S.W.3d 552, 558 (1994). There is no duty to guard against merely possible, as

opposed to probable, harm. *Ethyl Corp. v. Johnson*, 345 Ark. 476, 481-82, 49 S.W.3d 644, 648 (2001).” *Id.* (emphasis added). The simple fact that Carson fell on UAMS property “does not give rise to an inference of negligence.” See *House v. Wal-Mart Stores, Inc.*, supra (citation omitted) (emphasis added). See also, *AutoZone v. Horton*, 87 Ark. App. 349, 354, 192 S.W.3d 291, 295 (2004). “The burden of proof is always on the party asserting negligence, as negligence is never presumed.” *AutoZone v. Horton*, 87 Ark. App. at 354, 192 S.W.3d 291, 295 (citation omitted).

Carson alleges that [REDACTED]

[REDACTED]. Carson does not have any evidence to support his position. In *Dollar General Corp. v. Elder*, 2020 Ark. 208 (2020), the Arkansas Supreme Court heard the appeal of a verdict against Dollar General where a woman slipped outside of the store on concrete in the rain. The Supreme Court found two particular facts compelling to support the jury’s finding of liability: (1) “the concrete presented an unreasonably dangerous condition;” and (2) “appellants were aware of the dangerous condition.”

First, the Court found it significant that the plaintiff presented testimony from an expert who stated that “the smoother area of the concrete created the potential for an accident.” *Dollar General*, 2020 Ark. at 8. The expert testified that a slip-resistant mat or coating could have reduced the risk of an accident. *Id.* Second, the Arkansas Supreme Court found it significant that a Dollar General Assistant Manager testified that she knew other people had slipped in that area and that she had notified three different Dollar General Store district managers of the problem. *Id.* For these

reasons, the Court found substantial evidence existed to support the jury's verdict of liability against Dollar General.


Here, Carson has provided no evidence regarding the surface where [REDACTED]. This matter is set for a hearing on the merits on March 8. At this hearing, UAMS will present testimony that the surface [REDACTED]. Additionally, UAMS will present the testimony that [REDACTED].

Carson cannot establish that the area [REDACTED] presented an unreasonably dangerous condition of which UAMS knew or should have known. Moreover, he cannot establish that he is entitled to judgment as a matter of law.

WHEREFORE, Respondent requests that the Commission deny Claimant's motion and for all other relief to which it may be entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

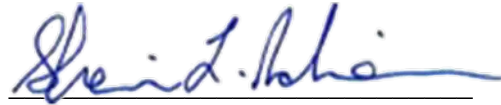
By:   
SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
Univ. of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent

**CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading was served on claimant herein by emailing a copy of same this 20th day of February, 2024 to the following:

Mr. Art Carson  
[REDACTED]



Sherri L. Robinson

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Cc:** [Robinson, Sherri](#)  
**Subject:** Carson v. UAMS  
**Date:** Tuesday, February 20, 2024 1:59:03 PM

---

Ms. Irby,

Has some special rule being applied to Ms Robinson, today is the 20th, past the deadline.

What goes here?

Arthur Carson



**From:** [Kathryn Irby](#)  
**To:** [Art Carson](#); [Robinson, Sherri](#)  
**Subject:** RE: Carson v. UAMS, Claim No. 230927 - Response to Claimant's Motion for Summary Judgment  
**Date:** Tuesday, February 20, 2024 2:43:00 PM

---

**Ms. Robinson**, I confirm receipt of your filing.

**Mr. Carson**, you filed a motion for summary judgment on February 14. UAMS has 21 days under the Arkansas Rules of Civil Procedure to respond. I assume that you are referring to the hearing letter, which required all motions to be filed "in sufficient time . . . to be fully briefed pursuant to the Arkansas Rules of Civil Procedure by February 16, 2024." Your motion did not comply with this requirement because it was not filed in time for the motion to be fully briefed (meaning that UAMS would have time to respond and you would have time to file a reply brief before February 16). The Commission will decide at the hearing whether to consider the motion or to deny it as untimely filed.

Thanks,  
 Kathryn Irby

---

**From:** Art Carson [REDACTED] >  
**Sent:** Tuesday, February 20, 2024 1:55 PM  
**To:** Robinson, Sherri <SLRobinson@uams.edu>  
**Cc:** ASCC Pleadings <ascpleadings@arkansas.gov>  
**Subject:** Fwd: Carson v. UAMS, Claim No. 230927 - Response to Claimant's Motion for Summary Judgment

You don't often get email from [REDACTED]. [Learn why this is important](#)

So the deadline was'nt, The deadline for the State? Will I be able to file late pleadings now?  
 Arthur Carson..

----- Forwarded message -----

**From:** **Robinson, Sherri** <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Date:** Tue, Feb 20, 2024, 1:46 PM  
**Subject:** Carson v. UAMS, Claim No. 230927 - Response to Claimant's Motion for Summary Judgment  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Cc:** [REDACTED] MCGHEE, SHELLY <[SMcghee@uams.edu](mailto:SMcghee@uams.edu)>

Dear Director Irby,

Attached is UAMS's Response to Claimant's Motion for Summary Judgment for filing in the above referenced case. I am serving a copy on Mr. Carson via this email as well.

Respectfully,

**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

University of Arkansas for Medical Sciences

4301 W. Markham St., #860

Little Rock, AR 72205-7199

Main: 501-686-7964; Mitel: 10648

Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

UAMS.edu | UAMSHealth.com



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**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Carson V. UAMS  
**Date:** Wednesday, February 21, 2024 2:03:31 PM

---

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----- Forwarded message -----

**From:** Art Carson [REDACTED]  
**Date:** Wed, Feb 21, 2024 at 1:07 PM  
**Subject:** Carson V. UAMS  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Motion To Compel



motion to compel#2

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT,

V.

NO.230927

UAMS, RESPONDENT.

CLAIMANT'S MOTION TO COMPEL  
JADEN FLEEK'S EMPLOYEE FILES

Comes Now The Claimant, Arthur Carson, in Accordance With Rule 37, Ark. R. Civ. P., Moves this Court to Compel Respondents Produce the Employee Files for Jaden Fleek, Former Employee of UAMS, whom Respondents listed as Witness February 16, 2024.

Claimant Served Sherri Robinson, His Second Request for Documents On November-15, 2024, seeking the Employee Records, i.e." Disciplinary Records, Separation or Termination information, etc., with Redacted Personal information redacted. Furthermore, Ms. Robinson initially alleged this Witness Had No Knowledge of the events of January 18, 2024, yet This Person is Now a Witness for Respondent. The surreptitious exclusion of this Witness expected Testimony subject Claimant to an ambush.

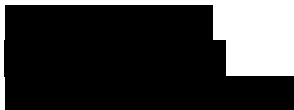
Claimant is entitled to the basis of all Expert Witness Testimony newly disclosed, as per, Rule 26 (b)(4)(A)(i), Ark. R. Civ. P .Respondents have been evasive in the Discovery process.

WHEREFORE, PREMISES CONSIDERED, Claim Request This Commission Compel Discovery In this Case.

(1)

RESPECTFULLY SUBMITTED,

Arthur Carson



CERTIFICATE OF SERVICE

I, Arthur Carson, certify that a copy of the foregoing Motion To Compel, is hereby  
Emailed to Sherri Robinson, this 21st day of February, 2024.

I Swear the foregoing statements are True and Correct.

Arthur Carson.

(2)

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Re: Carson v. UAMS, Claim No. 230927 - UAMS Pre-hearing filings  
**Date:** Wednesday, February 21, 2024 4:17:37 PM  
**Attachments:** [image001.png](#)  
[image001.png](#)

---

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Ms Robinson, I never received a copy of the video of me in the chair, what goes with that?

On Wed, Feb 21, 2024, 4:14 PM ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)> wrote:

Received on 2-16-24.

---

**From:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
**Sent:** Friday, February 16, 2024 1:58 PM  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Cc:** [REDACTED]; MCGHEE, SHELLY <[SMcghee@uams.edu](mailto:SMcghee@uams.edu)>  
**Subject:** Carson v. UAMS, Claim No. 230927 - UAMS Pre-hearing filings

Dear Director Irby,

Attached are the Witness and Exhibit List and Pre-Hearing Brief for filing on behalf of UAMS in the above referenced matter.

Please contact me if you have any questions.

Respectfully submitted,

**Sherri L. Robinson**  
Sr. Associate General Counsel

Office of General Counsel

University of Arkansas for Medical Sciences  
4301 W. Markham St., #860  
Little Rock, AR 72205-7199  
Main: 501-686-7964; Mitel: 10648  
Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

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**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Carson V. UAMS  
**Date:** Wednesday, February 21, 2024 5:53:36 PM  
**Attachments:** [20240216\\_164718.jpg](#)

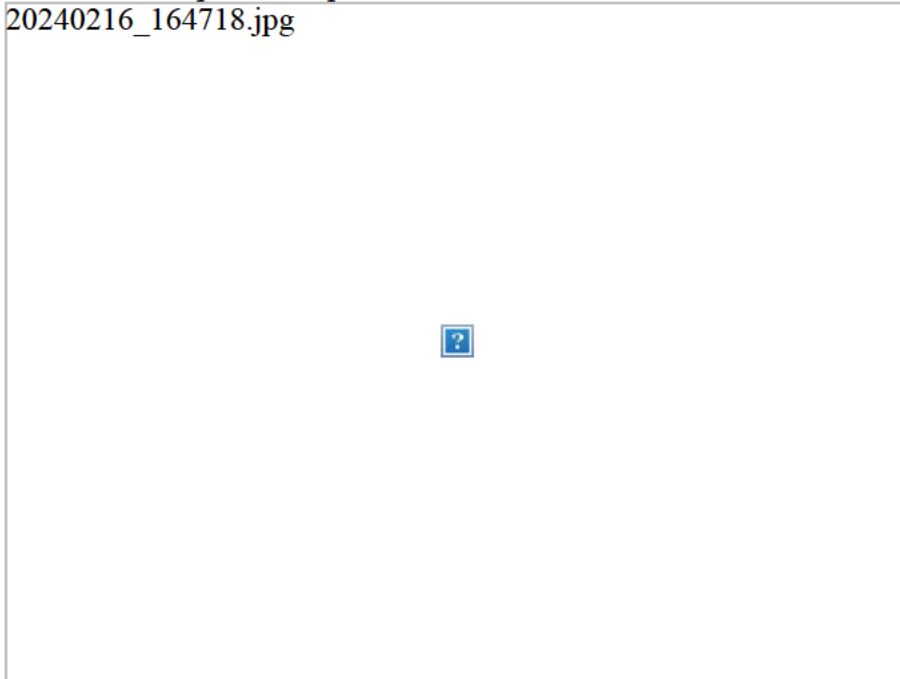
---

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 Response to Respondent's brief

----- Forwarded message -----  
**From:** Art Carson [REDACTED] >  
**Date:** Wed, Feb 21, 2024 at 4:55 PM  
**Subject:** Carson V. UAMS  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>

Claimant's Response Respondent's Brief  
20240216\_164718.jpg





BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

V. NO.230927

UAMS,RESPONDENT.

CLAIMANT’S RESPONSE TO RESPONDENT’S  
PRE-HEARING BRIEF

COMES Now the Claimant, Arthur Carson, and Brings this His Response to the Prehearing Brief Filed By Respondent. Claimant would like to Show the Following:

1). The Exit Ramp Where [REDACTED]

[REDACTED], pursuant to Claimant’s attached Exhibit-(A),

“Photo taken January 19, 2023, the day after His Injury.

It should be Noticed, the concrete or friction ws lost with the smooth areas, which can be Seen. pursuant to Dollar General Corp., V. Elder, 2020 Ark. 208,(2020),

WHEREFORE, CLAIMANT REQUEST This Commission Grant Summary Judgment, as Requested.

Respectfully Submitted,

Dated: 02/21/2024.

Arthur Carson

CERTIFICATE OF SERVICE:

(1)

I, Arthur Carson, Certify that a copy of the foregoing Response to Respondent's Brief,  
Is hereby mailed to, Sherri Robinson, Attorney for Respondent, this 21st Day of February,  
2024.

I Swear the foregoing statements are True and Correct.

Arthur Carson

A black rectangular redaction box covering the signature of Arthur Carson.

(2)

**From:** [Art Carson](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Fwd: Objection/And Motion to Strike  
**Date:** Thursday, February 22, 2024 7:06:38 AM

---

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----- Forwarded message -----

**From:** Art Carson [REDACTED] >  
**Date:** Thu, Feb 22, 2024 at 6:10 AM  
**Subject:** Objection/And Motion to Strike  
**To:** Robinson, Sherri <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>



objections/strike

## BEFORE THE ARKANSAS CLAIMS COMMISSION

ARTHUR CARSON, CLAIMANT

V.

NO.230927

UAMS, RESPONDENT.

CLAIMANT'S OBJECTION /MOTION TO STRIKE  
RESPONDENT EXHIBITS NO.2 & 3

Comes Now Claimant, Arthur Carson, and in accordance with Rules 5(c), and 37, Ark. R. Civ. Procedure, in that the Respondent have failed to disclose to Claimant Video Clips of Him [REDACTED], Pictures and Video of the surface, As pursuant to Respondent's Exhibit NO. 2 & 3, filed February 21st, 2024.

The Respondents have not been forthcoming with Discovery, and left Claimant In the dark with Discovery matters, in the effort to conduct a Hearing by ambush. Claimant Proceeding Pro Se, do not have the Resources as the State, yet Respondents Counsel Have refused to act in a fair manner when it relates to every aspect of this Claim.

WHEREFORE, CLAIMANT REQUEST This Commission Permit Claimant to Review Respondents Exhibit Nos. 2 & 3, prior to any Hearing of this Matter.

Respectfully Submitted,

Dated: 02/22/ 2024,

Arthur Carson

(1)

CERTIFICATE OF SERVICE:

I, Arthur Carson, certify, that A Copy of the Foregoing Objections and Motion to Strike,  
Are being emailed to: Sherri Robinson, this 22nd day of February, 2024.

I Swear the foregoing Statements are True and Correct.

Arthur Carson

A black rectangular redaction box covering the signature of Arthur Carson.

**From:** [Robinson, Sherri](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED]; [MCGHEE, SHELLY](#)  
**Subject:** Carson v. UAMS, Claim No. 230927 - UAMS's Response to Claimant's Motion to Strike and for Sanctions  
**Date:** Thursday, February 22, 2024 9:06:18 AM  
**Attachments:** [image001.png](#)  
[Respondent's Response to Motion to Strike and for Sanctions.pdf](#)

---

Dear Director Irby,

Attached please find UAMS's Response to Claimant's Motion to Strike which Mr. Carson emailed me last week. While I recognize that Mr. Carson's motion was untimely, I wanted to provide the Commissioners information in advance of the hearing to assure them that Ms. Fleeks had been previously disclosed to Mr. Carson.

I see that Mr. Carson has apparently made several other filings yesterday and today which I have not had an opportunity to review. If any of those warrant a filed response on behalf of UAMS, I will advise the Commission as soon as possible.

Respectfully,

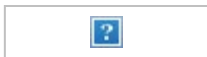
**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

**University of Arkansas for Medical Sciences**

4301 W. Markham St., #860  
Little Rock, AR 72205-7199  
Main: 501-686-7964; Mitel: 10648  
Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

CLAIMANT

vs.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

**RESPONSE TO CLAIMANT'S  
MOTION TO STRIKE JADEN FLEEKES AND FOR SANCTIONS**

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Response to the Motion to Strike Jaden Fleeks and for Sanctions, states as follows:

Claimant filed a Motion to Strike Jaden Fleeks and for Sanctions arguing that he has been “hampered, and blocked from serving interrogatories,” that Respondent’s counsel claimed Fleeks did not know anything, and claimant has “been denied access to Jaden Fleeks employment records.” Respondent’s counsel provided Jaden Fleeks name to Claimant in Response to discovery requests on December 13, 2023. (See Exhibit 1). In a filing to the Commission on December 19, 2023, Response to Claimant’s Response to Respondent’s Discovery Response, Respondent’s counsel advised the Commission that only one information desk worker recalled Claimant – Jordan Fleek. Respondent’s counsel clearly made a typographical error because the employee’s name is Jaden Fleeks whose name had been provided to Claimant only days earlier. Regardless of the mistake, Claimant has never directed interrogatories to Ms. Fleeks or asked to take her deposition.

Claimant has not been “hampered, blocked, or denied access to” any relevant information to his claim before the Commission. Claimant seeks to blame Ms. Fleeks or other information desk workers for [REDACTED]

██████████ Ms. Fleeks will be present to testify in the hearing before the Commission on March 8. Claimant can ask questions that the Commission deems relevant on that day.

WHEREFORE, Respondent UAMS, having fully responded to the Motion for to Strike and for Sanctions, requests that the motion be denied and for all other just and proper relief to which it is entitled.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

By:



SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent,  
University of Arkansas  
For Medical Sciences

### **CERTIFICATE OF SERVICE**

I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on Claimant herein by emailing a copy of same, this 22nd day of February, 2024, to the following:

Art Carson  
██████████



Sherri L. Robinson



## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ART CARSON

CLAIMANT

vs.

NO. 230927

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES

RESPONDENT

**RESPONSES TO CLAIMANT'S DISCOVERY REQUESTS  
ON BEHALF OF UAMS**

Comes now Respondent, University of Arkansas for Medical Sciences (UAMS), by and through its undersigned counsel, and for its Responses to Claimant's Discovery Requests, states as follows:

**REQUEST FOR PRODUCTION NO. 1:** Claimant request [sic] respondent produce the employee disciplinary reports and contact information for Jessica Parker, Tammy Grant, Tanisha Dodson and Maria Acosta-Delgado, the level four desk workers the day of claimant's injuries.

[Claimant also provides the following paragraph in Request for Production No. 1:

**RELEVANCE:**

These Desk Workers Owed a Duty of Care to Claimant and failed to do so, where Their Dereliction of Duties contributed to the Negligent Atmosphere of UAMS, where they failed To Prepare an Injury Report, Since these Workers checked Claimant In for Visitation, and Either Saw [REDACTED]. The Respondent Negligent Hiring of these Desk Workers whom failed to Notify Proper Hospital Personnel Regarding The Lack of Mats or Slippery when Wet Sign at the Exit Door. In Accordance with the Respondeat Superior Liability Theory, The Respondents Are Liable For The Negligent Hiring, Supervision of these Desk Workers whom failed to make any Report Of

██████████, see Sparks Regional Medical Center V. Smith, 976 S.W. 2d 396(1998), “attached”, and Turner V. Northwest Arkansas Neurosurgery, 210 S.W. 3d.123 Ark. Ct. App., 2nd Div.]

**RESPONSE TO RFP NO. 1:** Objection. The information requested by Claimant is not relevant and not reasonably calculated to lead to the discovery of admissible information relevant to the issues before the Commission. The issues raised by Claimant’s claim are: (1) Did UAMS owe a duty of care to Claimant to prevent rainwater from pooling outside of the building? (2) If so, did UAMS breach that duty? (3) Did UAMS owe a duty to Claimant to ██████████? (4) If so, did UAMS breach that duty? UAMS is the only party subject to Claimant’s claim before the Claims Commission. While Claimant has expressed an intent to sue the individual desk workers in state court, Claimant does not have a cognizable claim to raise against them. He admits in the relevance statement of his Requests for Production as well as other communication with the Claims Commission (see Motion to Compel) and separately with UAMS counsel that his claims are solely based in negligence. As state employees, the desk workers are immune from negligence claims. See Ark. Code Ann. § 19-10-305 and *Simons v. Marshall*, 369 Ark. 447, 452, 255 S.W.3d 838, 842 (2007) (the public official immunity statute “provides state employees with statutory immunity from civil liability for non-malicious acts occurring within the course of their employment.”) Moreover, as Claimant does not have a legitimate need for the personal contact information or disciplinary files, if any, it would be a violation of the desk worker’s privacy to require such production.

**REQUEST FOR PRODUCTION NO. 2:** Claimant request [sic] respondent produce the job duties of the desk workers at UAMS.

**RESPONSE TO RFP NO. 2:** See attached Patient Ambassador PCQ.

**REQUEST FOR PRODUCTION NO. 3:** Claimant request [sic] respondent produce the name of the desk worker [REDACTED]


**RESPONSE TO RFP NO. 3:** Respondent has located additional notes indicating that instead of Jessica Parker, Jaden Fleeks was at the desk. Ms. Fleeks called [REDACTED] but there are no records of who she spoke to.

**REQUEST FOR PRODUCTION NO. 4:** Claimant request [sic] the name of the desk worker who logged claim in for visitation.

**RESPONSE TO RFP NO. 4:** Unknown. The computerized log does not have that information.

Respectfully submitted,

UNIVERSITY OF ARKANSAS  
FOR MEDICAL SCIENCES,  
Respondent

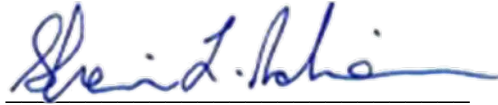
By:   
SHERRI L. ROBINSON, #97194  
Sr. Associate General Counsel  
University of Arkansas for Medical Sciences  
4301 West Markham, Slot 860  
Little Rock, AR 72205  
(501) 686-7608  
[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)

Attorney for Respondent,  
University of Arkansas  
For Medical Sciences

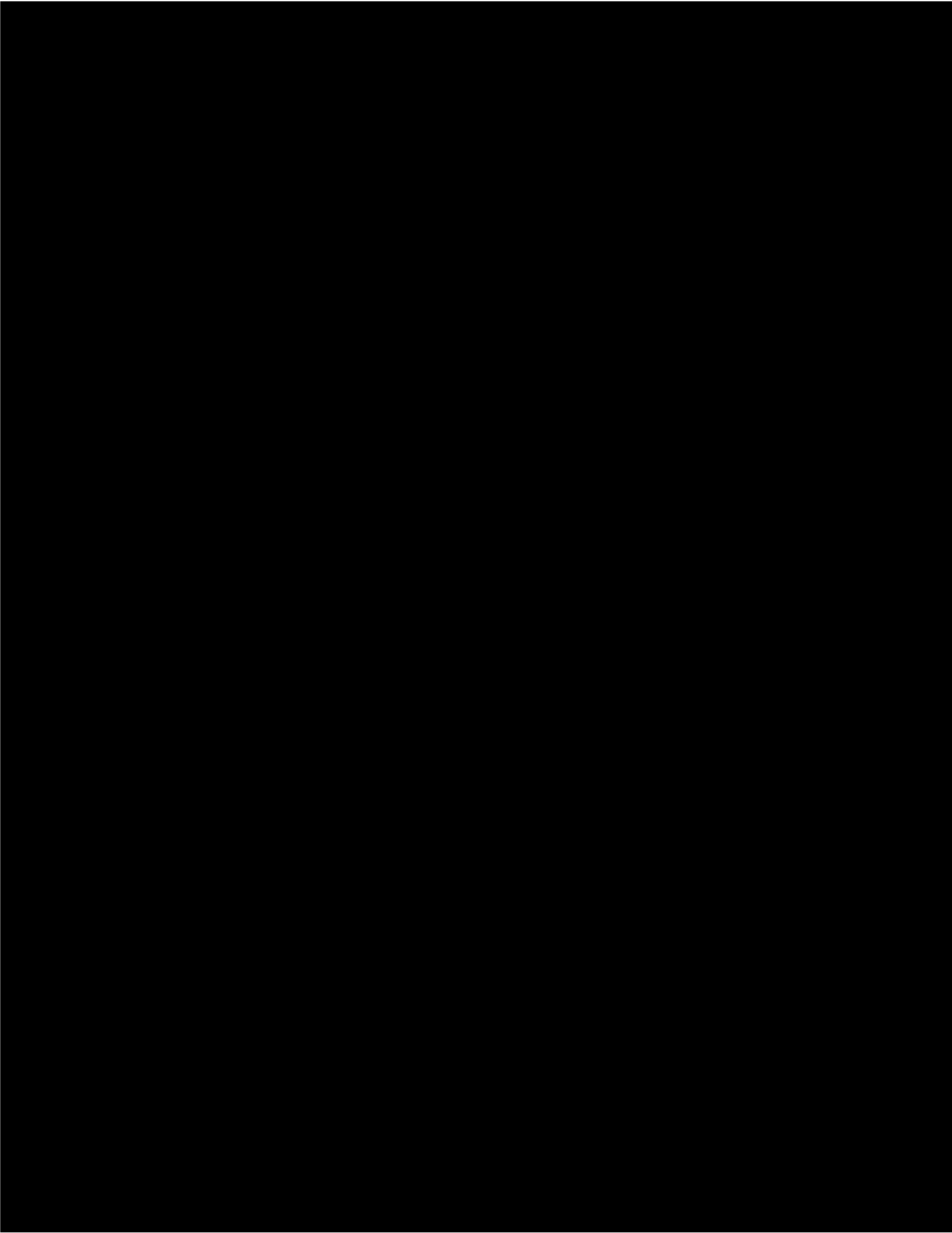
CERTIFICATE OF SERVICE

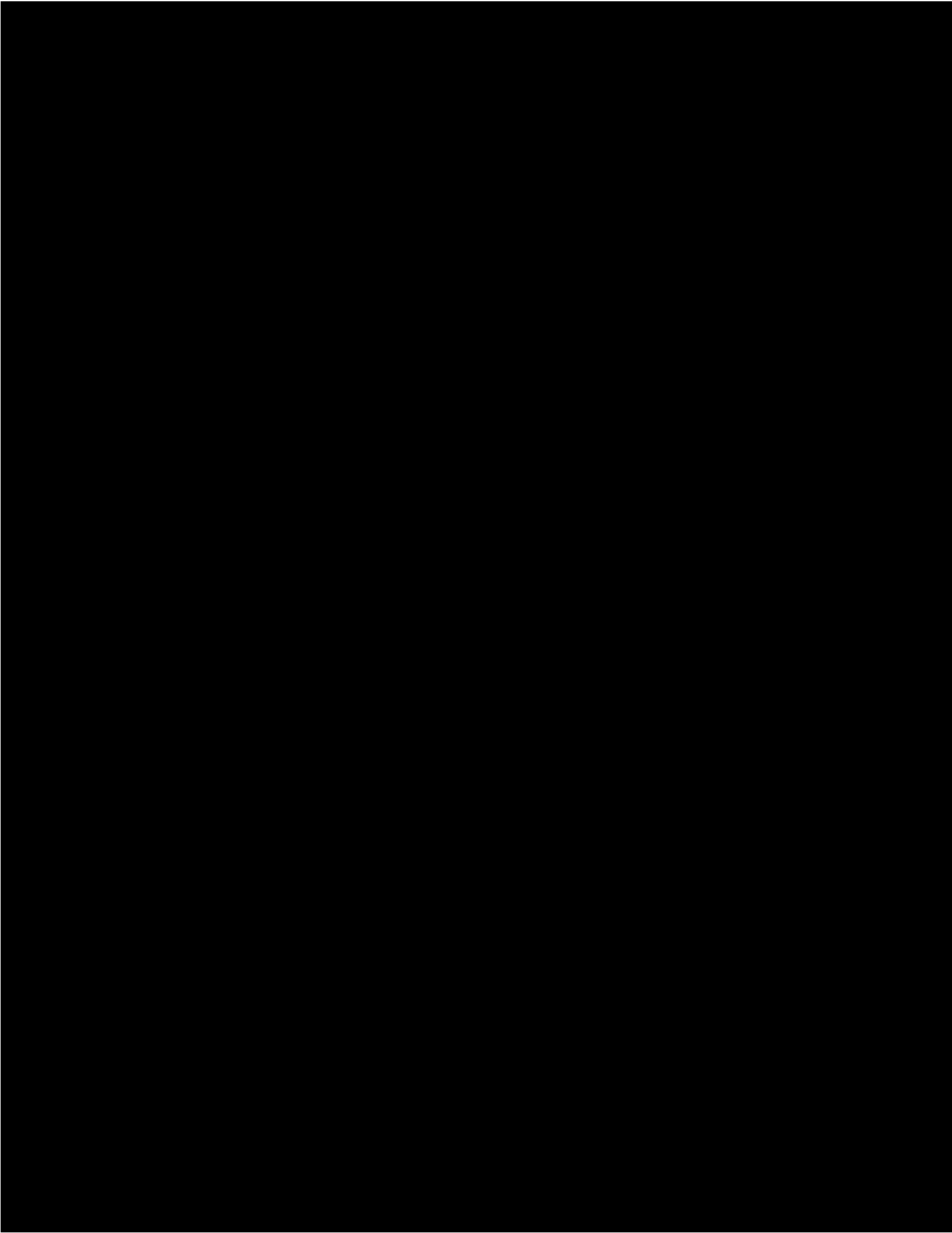
I, Sherri L. Robinson, do hereby certify that a copy of the foregoing pleading has been served on Claimant herein by emailing a copy of same, this 13th day of December, 2023, to the following:

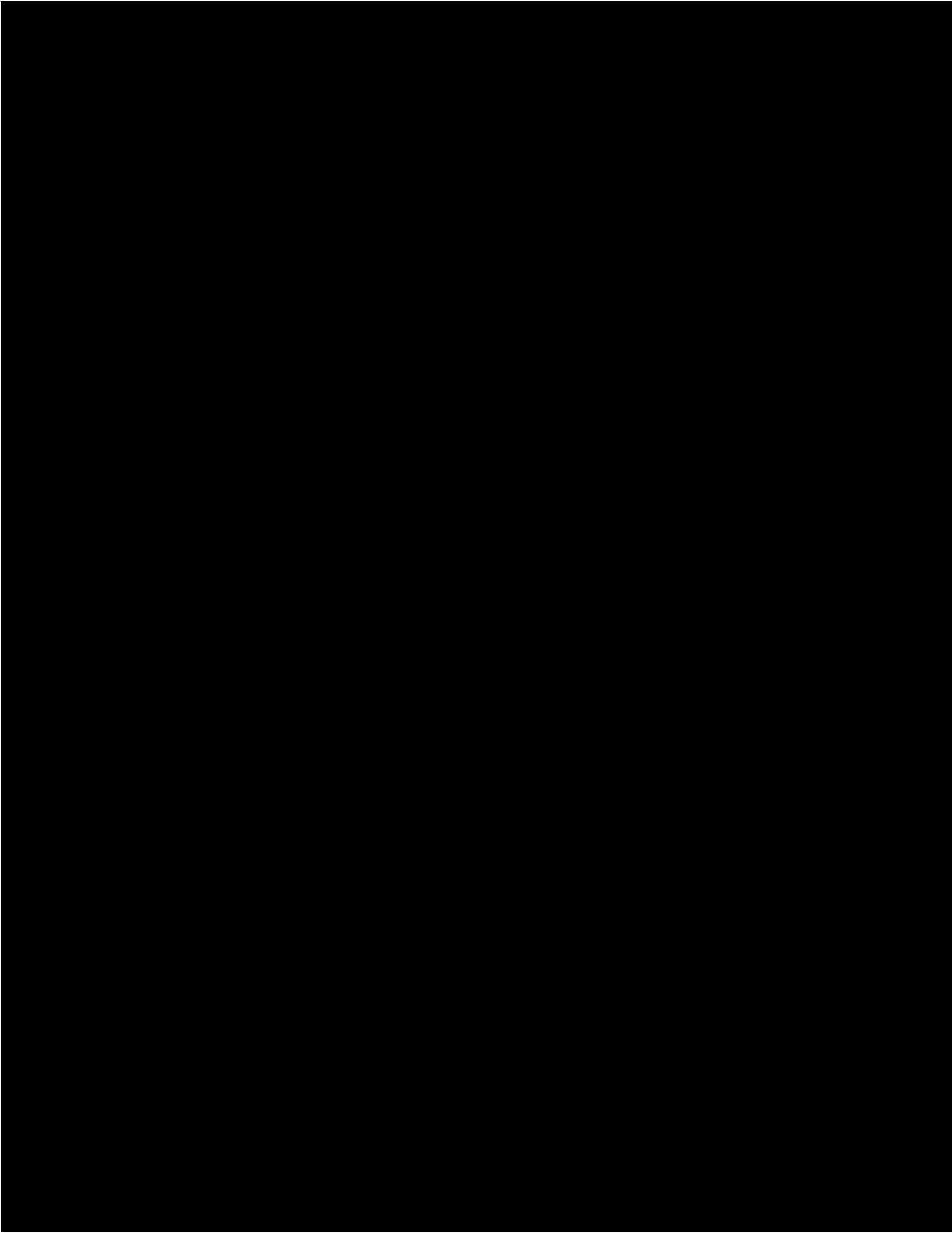
Art Carson  
[REDACTED]

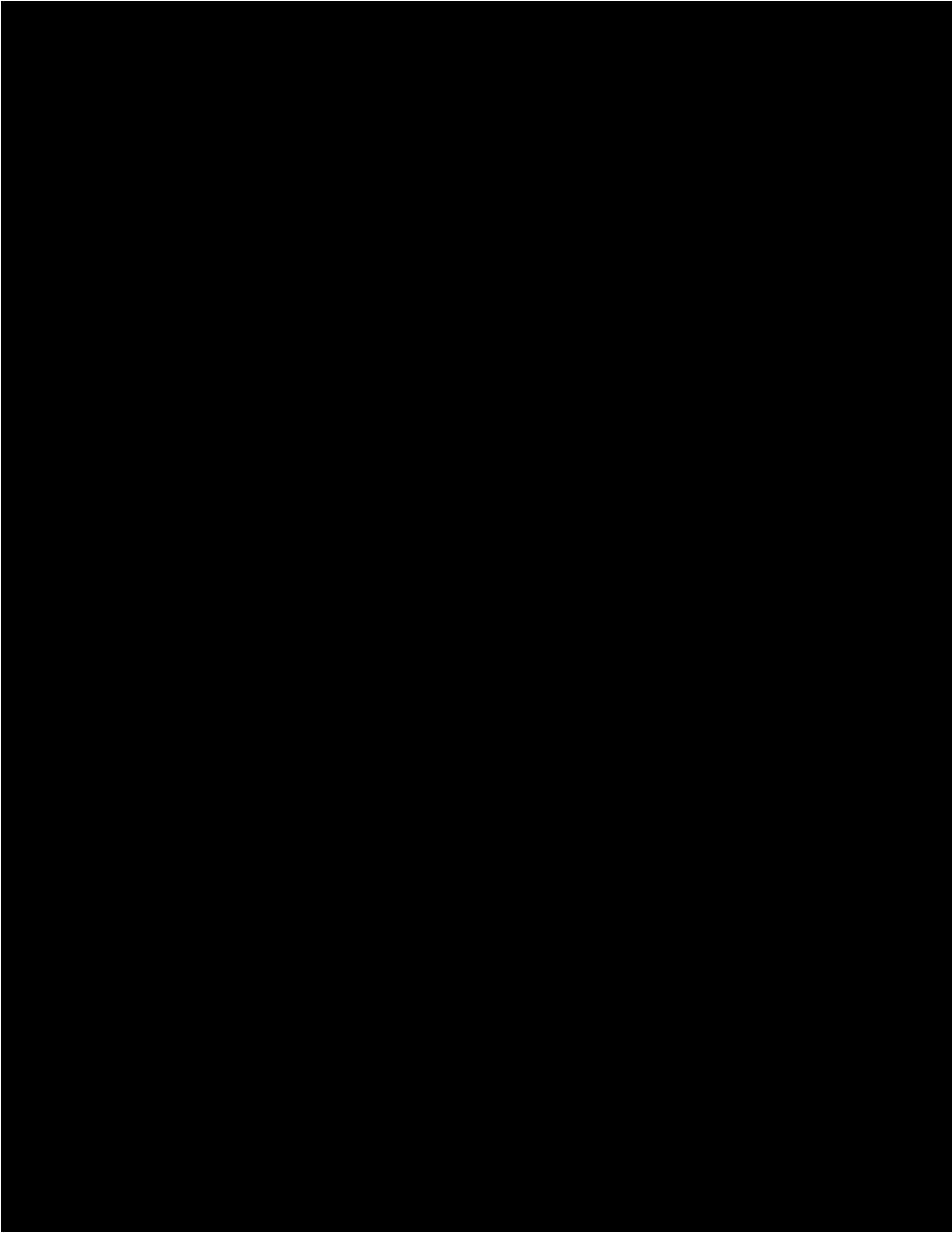


\_\_\_\_\_  
Sherri L. Robinson











**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Subject:** Fwd: Carson v. UAMS, Claim No. 230927 - UAMS's Response to Claimant's Motion to Strike and for Sanctions  
**Date:** Thursday, February 22, 2024 9:16:08 AM  
**Attachments:** [image001.png](#)  
[image001.png](#)  
[Respondent's Response to Motion to Strike and for Sanctions.pdf](#)

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----- Forwarded message -----

From: **Robinson, Sherri** <[SLRobinson@uams.edu](mailto:SLRobinson@uams.edu)>  
Date: Thu, Feb 22, 2024, 9:06 AM  
Subject: Carson v. UAMS, Claim No. 230927 - UAMS's Response to Claimant's Motion to Strike and for Sanctions  
To: ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
Cc: [REDACTED], MCGHEE, SHELLY  
<[SMcghee@uams.edu](mailto:SMcghee@uams.edu)>

Dear Director Irby,

Attached please find UAMS's Response to Claimant's Motion to Strike which Mr. Carson emailed me last week. While I recognize that Mr. Carson's motion was untimely, I wanted to provide the Commissioners information in advance of the hearing to assure them that Ms. Fleeks had been previously disclosed to Mr. Carson.

I see that Mr. Carson has apparently made several other filings yesterday and today which I have not had an opportunity to review. If any of those warrant a filed response on behalf of UAMS, I will advise the Commission as soon as possible.

Respectfully,

**Sherri L. Robinson**  
Sr. Associate General Counsel

Office of General Counsel

University of Arkansas for Medical Sciences  
4301 W. Markham St., #860  
Little Rock, AR 72205-7199  
Main: 501-686-7964; Mitel: 10648  
Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

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**From:** [Robinson, Sherri](#)  
**To:** [Kathryn Irby](#)  
**Cc:** [REDACTED]; [MCGHEE, SHELLY](#)  
**Subject:** Carson v. UAMS, Claim No. 230927 - Carson filings  
**Date:** Thursday, February 22, 2024 2:51:16 PM  
**Attachments:** [image001.png](#)

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Dear Director Irby,

Mr. Carson made 2 additional filings yesterday and today – “Motion to Compel Jaden Fleeks Employee Files” and “Claimant’s Objection/Motion to Strike Respondent Exhibits No. 2 & 3.” UAMS has the matter of employee files in response to a previous filing. With regard to the objection to UAMS’s exhibits, I will respond to his argument in person at the hearing unless the Commission prefers a written response prior to the hearing.

Respectfully,

**Sherri L. Robinson**

Sr. Associate General Counsel  
Office of General Counsel

[University of Arkansas for Medical Sciences](#)

4301 W. Markham St., #860

Little Rock, AR 72205-7199

Main: 501-686-7964; Mitel: 10648

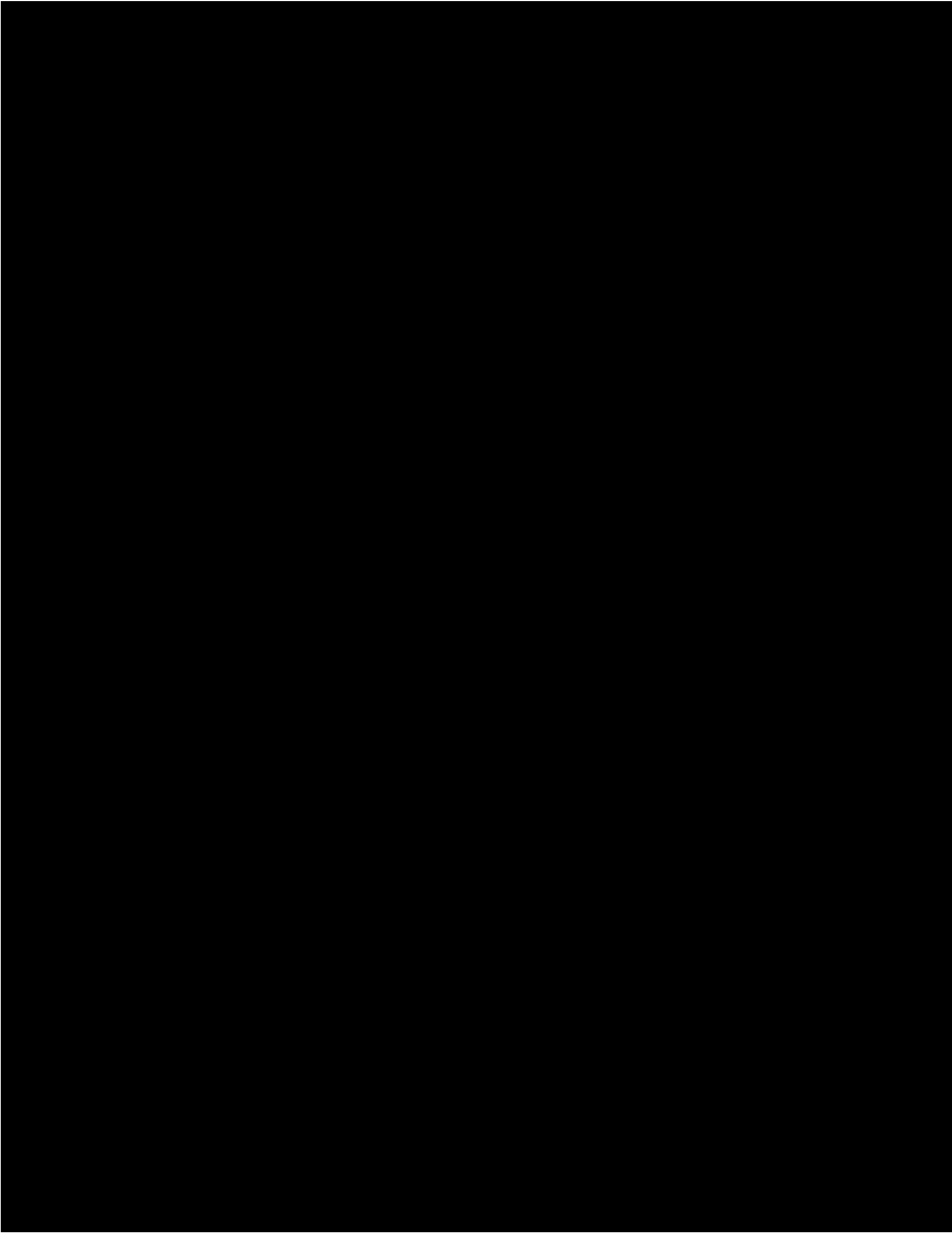
Email: [SLRobinson@UAMS.edu](mailto:SLRobinson@UAMS.edu)

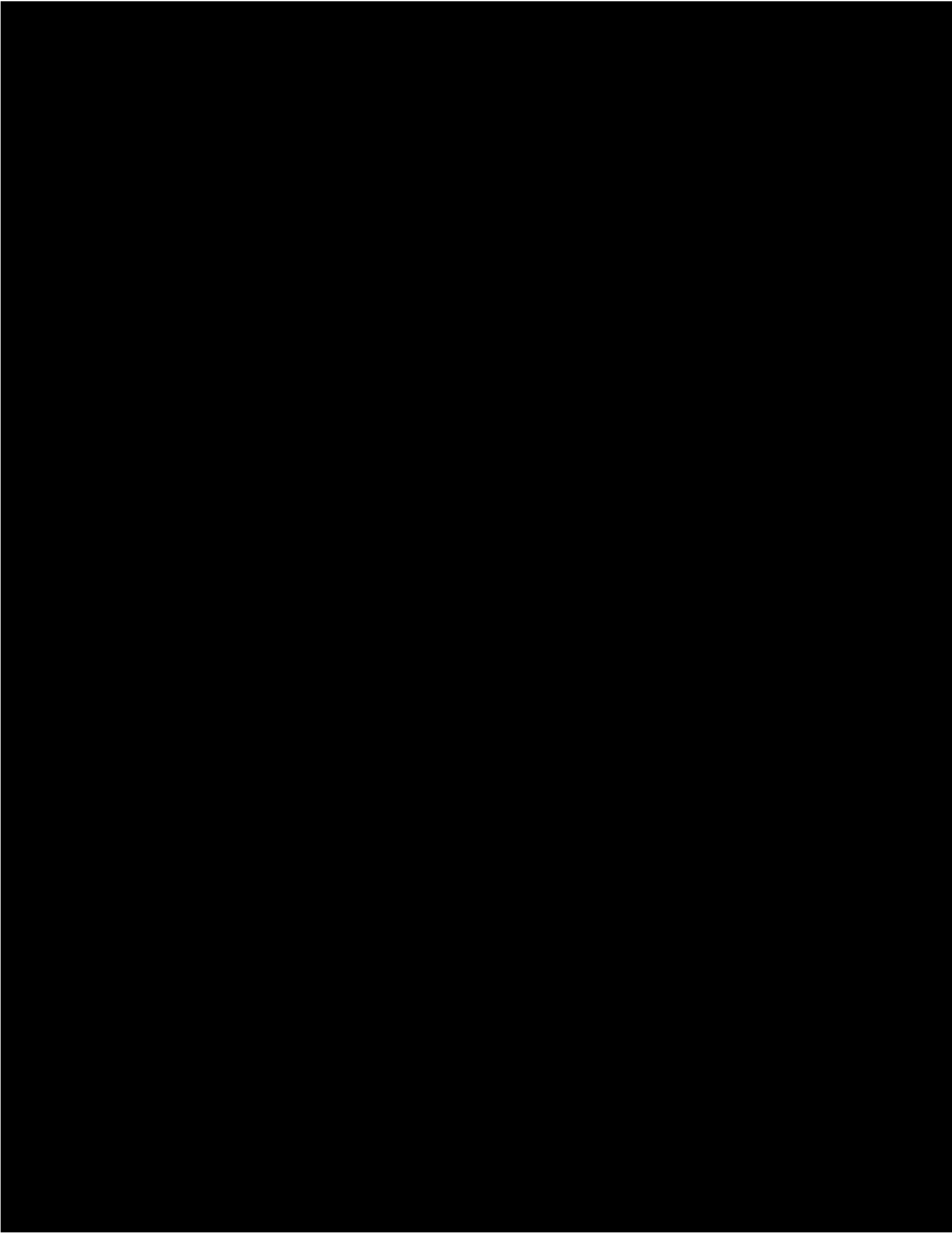
UAMS.edu | UAMSHealth.com

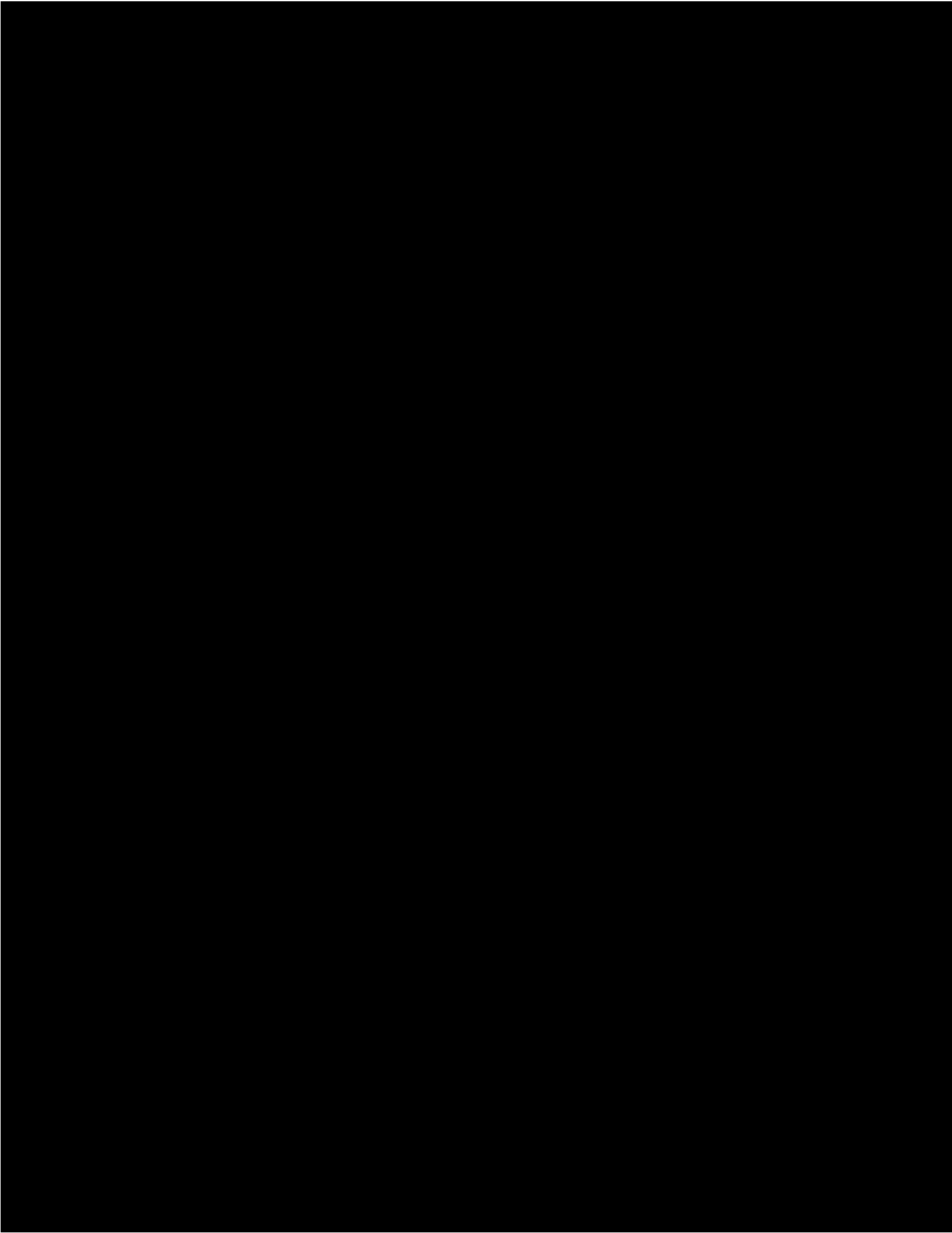


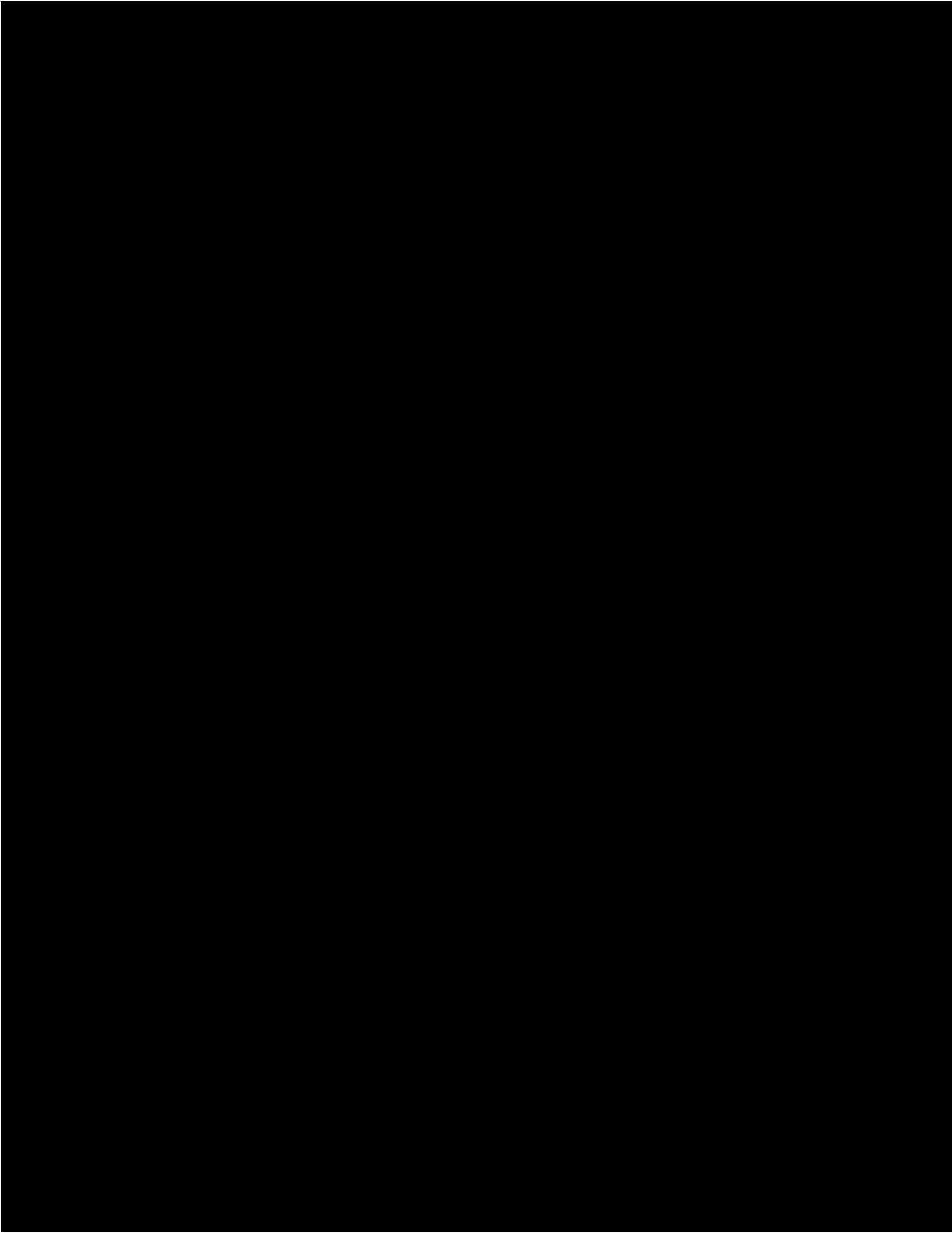
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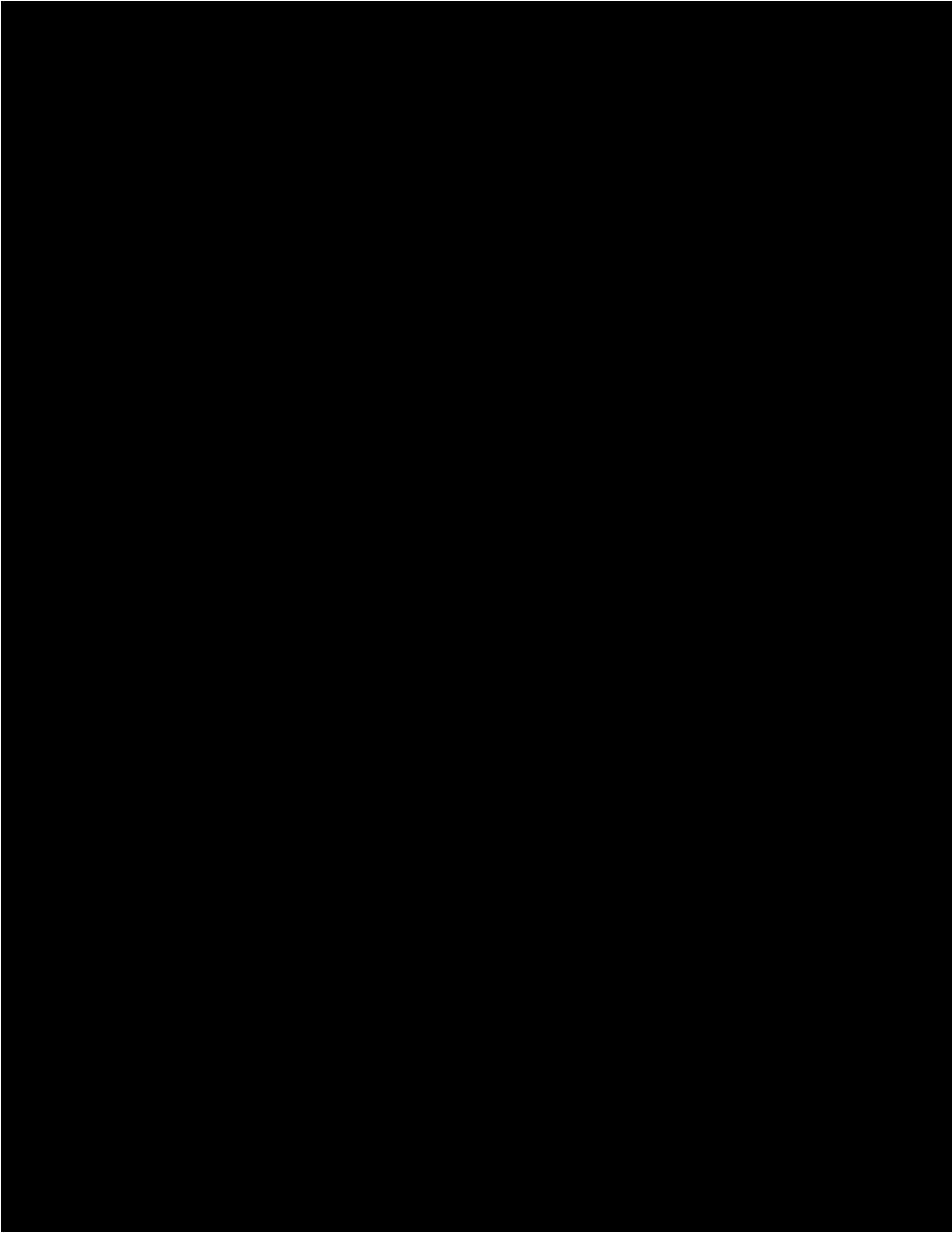
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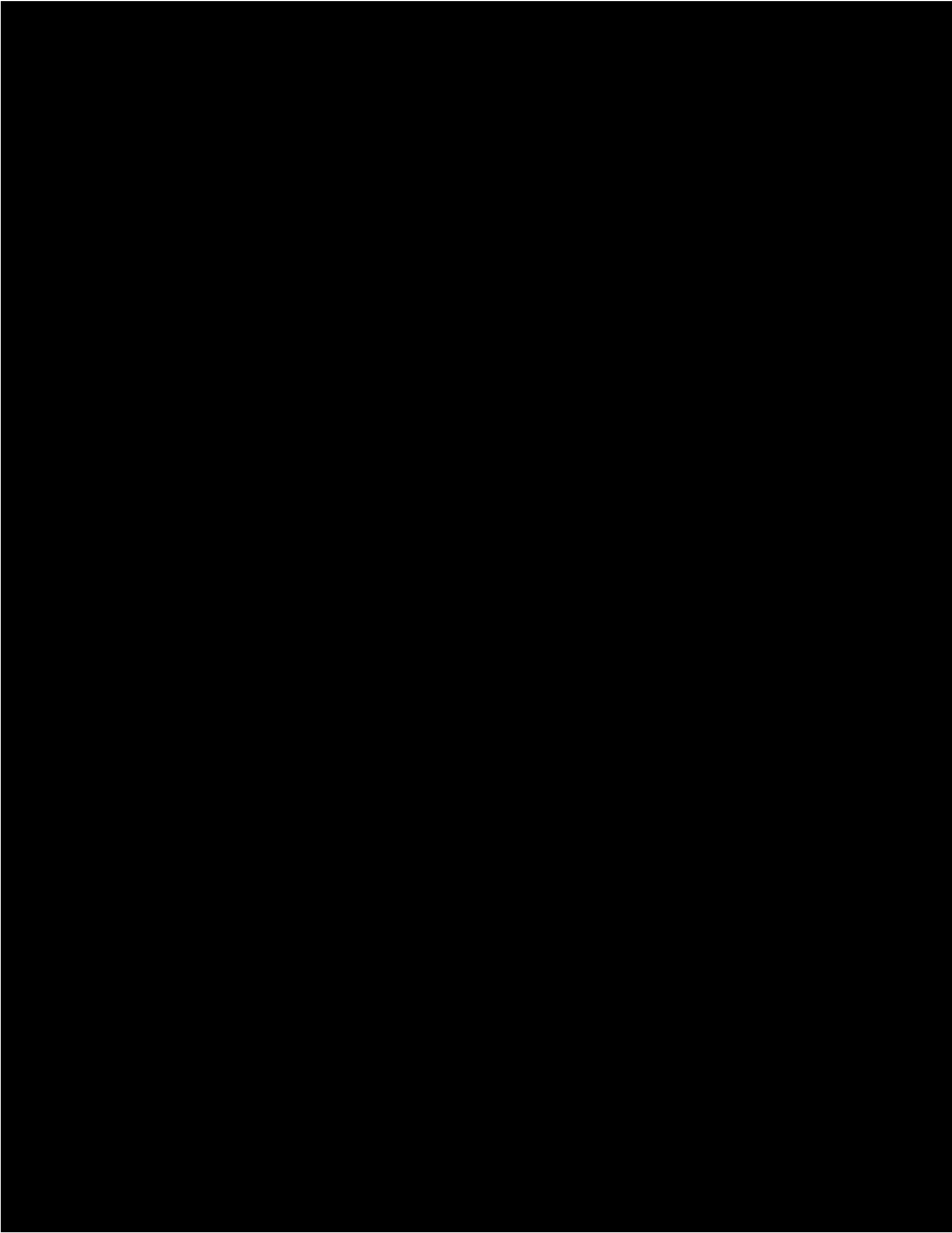


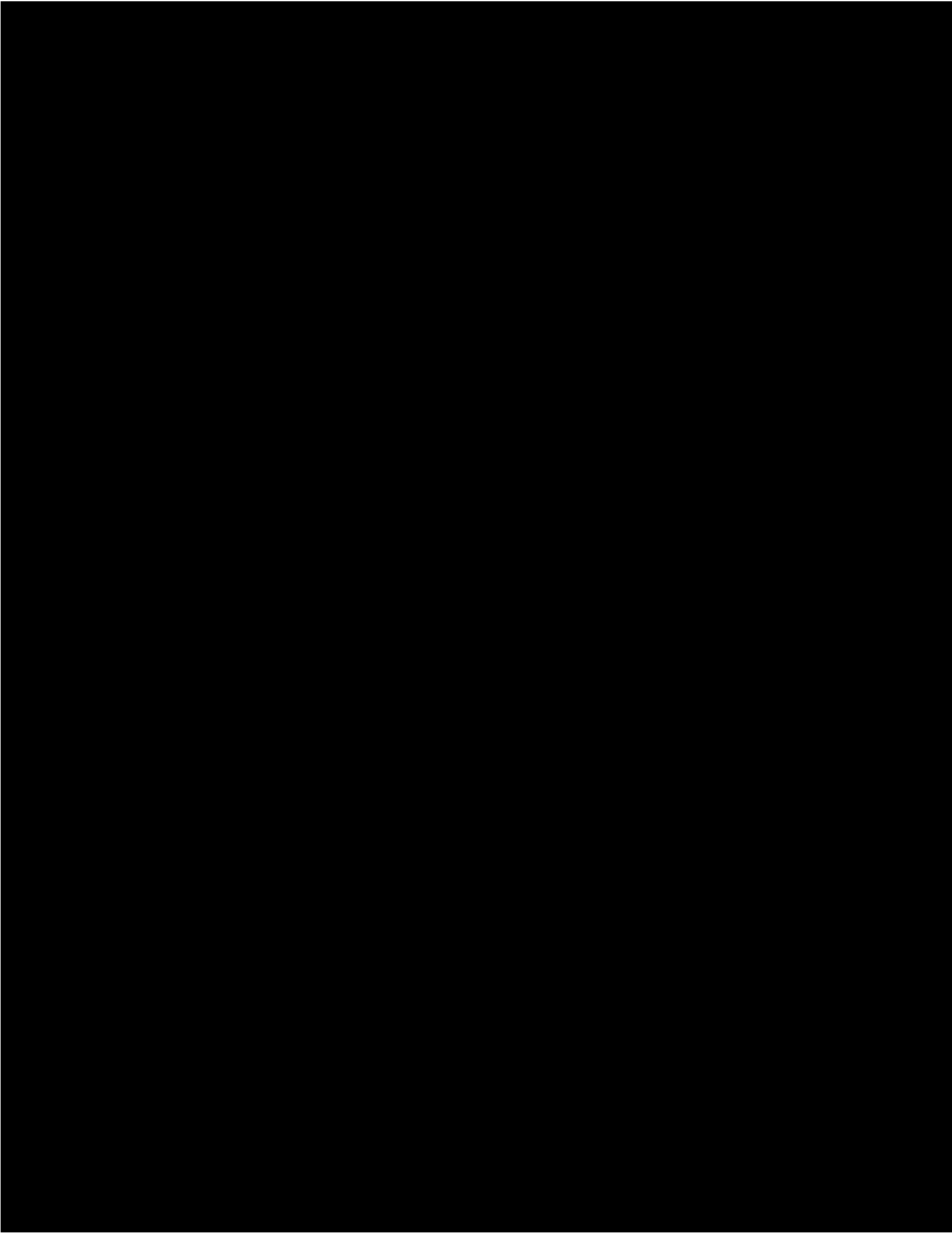


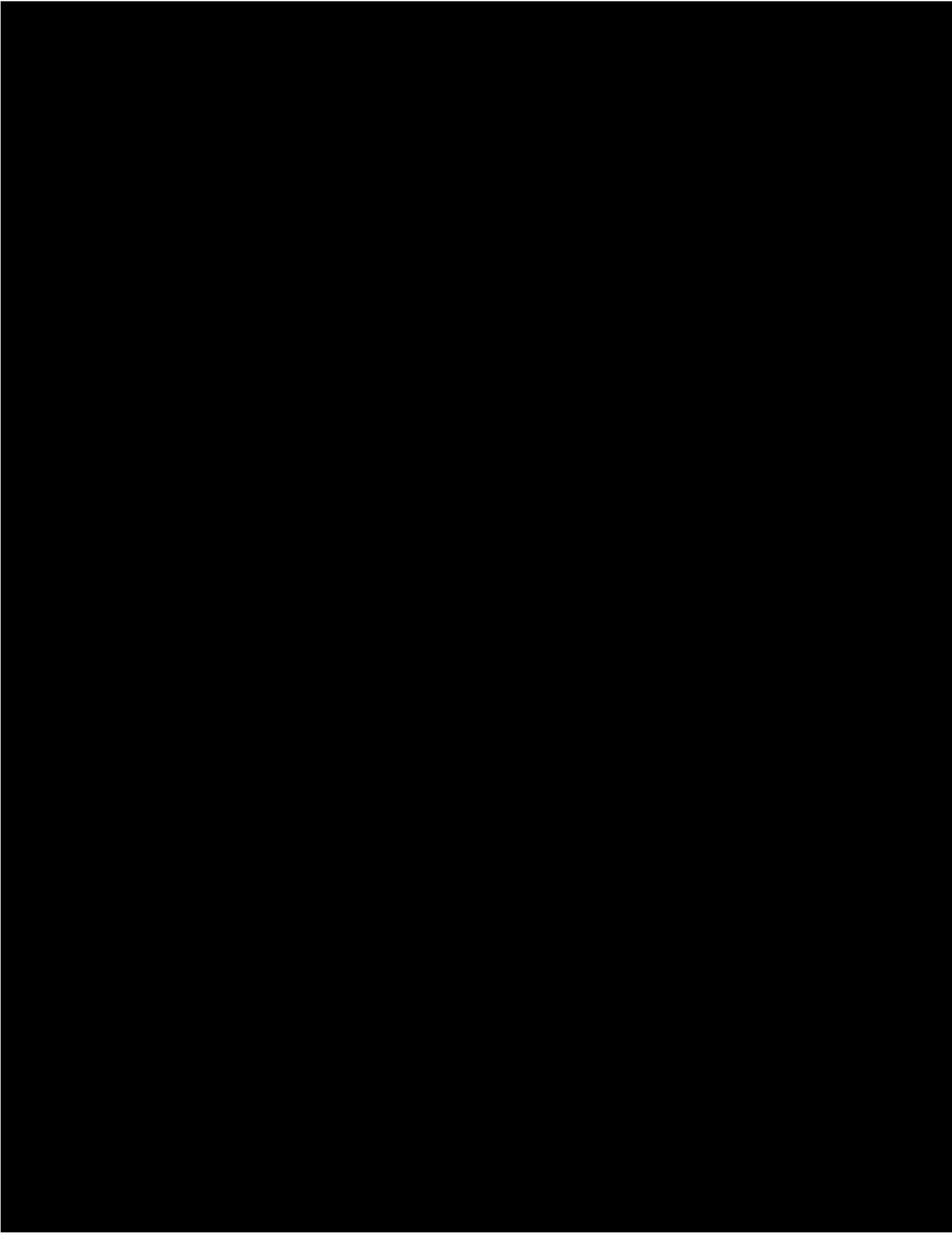












## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARTHUR CARSON

CLAIMANT

V.

CLAIM NO. 230927

UNIVERSITY OF ARKANSAS FOR  
MEDICAL SCIENCES

RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the claim of Arthur Carson (the “Claimant”) against the University of Arkansas for Medical Sciences (the “Respondent” or UAMS). At the hearing held March 8, 2024, Claimant appeared *pro se*, and Sherri L. Robinson appeared on behalf of Respondent. The Commission’s hearing panel included Commissioners Dee Holcomb, Henry Kinslow, and Paul Morris as chair.

**Procedural History, Prehearing Matters, and Witness Testimony**

1. Claimant filed his claim against Respondent in January 2023, seeking \$40,000 in damages related to injuries suffered by Claimant [REDACTED].
2. Respondent filed an answer denying liability.<sup>1</sup>
3. During discovery, Claimant filed a motion to compel and a motion for sanctions, both of which were denied by the Commission in a November 8, 2023, order.
4. Claimant then filed a motion for summary judgment, two motions to compel Respondent to produce the employee records for Jaden Fleeks, a motion to strike any testimony by Ms. Fleeks and for sanctions, and a motion to strike Respondent’s proposed Exhibit Nos. 2 and 3. Respondent opposed each of these motions.

---

<sup>1</sup> Respondent’s response to the claim was titled “Answer and Motion to Dismiss.” Respondent later clarified that the response was intended to be an answer only.

5. At the outset of the hearing, the Commission heard argument from the parties regarding Claimant's motions to compel, then found that Ms. Fleeks' employment records were not relevant to Claimant's negligence claim against Respondent.

Testimony of Claimant

6. After being sworn in, Claimant testified that [REDACTED]  
[REDACTED]  
[REDACTED]. Respondent objected to Claimant's introduction of five pictures taken around the UAMS campus, but the Commission overruled Respondent's objection and admitted the pictures collectively as Claimant's Exhibit No. 1. Claimant stated that the area [REDACTED] and that Respondent should have had signs and mats in that area.

7. On cross-examination, Respondent showed a security video to Claimant. He identified himself in the video. [REDACTED]  
[REDACTED]  
[REDACTED] Claimant conceded that he did not have an expert test the surface where he slipped but stated that the surface was obviously fatigued. Claimant admitted that he did not request information in discovery about the surface or ask for any depositions. Claimant admitted that he did not ask any discovery requests pertaining to Ms. Fleeks except for asking for her personnel file.

Testimony of Mark Griffin

8. Respondent called Mark Griffin to testify. After being sworn in, Mr. Griffin testified that he is Respondent's assistant security systems administrator. He stated that he maintains all security cameras in the lobby and is very familiar with those cameras. He described

the cameras that have a view of the area in which [REDACTED]. Mr. Griffin identified the apparent locations of the pictures in Claimant’s Exhibit No. 1. He stated that there was no tampering or manipulation of the footage.

9. Claimant declined to cross-examine Mr. Griffin.

Testimony of Jaden Fleeks

10. Respondent called Jaden Fleeks to testify. After being sworn in, Ms. Fleeks testified that at the time of Claimant’s incident, she was a patient care ambassador for Respondent. Her job duties in that role included helping visitors navigate the hospital. Ms. Fleeks did not recognize Claimant at the hearing but stated that she knew his name. On January 18, 2023, Ms. Fleeks was working at the u-shaped desk near the atrium door. She testified that a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Ms. Fleeks called her manager because she was not permitted to leave the desk. Ms. Fleeks testified that Claimant did not tell her [REDACTED]. If Claimant had told her [REDACTED], Ms. Fleeks would have called her supervisor and filled out an incident report.

11. On cross-examination, Ms. Fleeks went through her employment history. She testified that she started working at UAMS in 2021. Ms. Fleeks agreed that people handle pain

differently and that golf carts are used inside the hospital. Ms. Fleeks stated that housekeeping places any necessary warning signs.

#### Testimony of Al Graham

12. Respondent called Al Graham to testify. After being sworn in, Mr. Graham testified that he is the director of planning, design, and construction for Respondent. He stated that his role includes parking lots and sidewalks. Mr. Graham stated that the surfaces in Claimant's Exhibit No. 1 had rubberized texture with aggregate, which is designed to keep water from infiltrating the surface. He explained that this surface material was designed for foot and vehicular traffic and extends the life of the surface structure. Mr. Graham further explained that aggregate is small, pebbled rock added with the topcoat. He testified that this is slip-resistant coating. Mr. Graham personally examined the surface and testified that it is holding up well. He also went out and examined the surfaces when they were wet and testified that there were no slippery spots or anything out of the norm.

#### Testimony of Sonja Hart

13. Respondent attempted to introduce the declaration of Sonja Hart. Upon objection by Claimant, the Commission excluded the declaration as hearsay.

#### Closing Arguments

14. Claimant argued in closing that Respondent failed to maintain a safe and dry walkway. He stated that the surface fatigue can be seen in the discoloration and that there were no warning signs or mats or handrails. Claimant asked for \$40,000 in damages.

15. Respondent argued in closing that Claimant did not provide any evidence to support his allegation that the surface was fatigued. Moreover, Mr. Graham testified that the surface was

not fatigued. Respondent also testified that no evidence was offered by Claimant that Respondent knew the area was slippery and that Claimant did not report [REDACTED] to Respondent.

### **Findings of Fact and Conclusions of Law**

Based upon a review of the claim file, the testimony and evidence presented by the parties, and the law of the State of Arkansas, the Commission unanimously finds as follows:

16. The Commission finds that it has jurisdiction to hear this claim pursuant to Ark. Code Ann. § 19-10-204.

17. Regarding Claimant's motion for summary judgment, the Commission finds that there are genuine issues of material fact remaining in this matter. As such, Claimant's motion is denied pursuant to Ark. R. Civ. Proc. 56.

18. Regarding Claimant's motions to strike, the Commission finds that Claimant has not established a sufficient basis for the granting of such motions. As such, Claimant's motions are denied.

19. The Commission finds that Claimant is alleging negligence on the part of Respondent. In order to prevail on a negligence claim, Claimant must prove that (1) Respondent owed a duty to Claimant, (2) Respondent breached the duty owed to Claimant, and (3) Respondent's breach was the proximate cause of Claimant's damages. *Lloyd v. Pier W. Prop. Owners Ass'n*, 2015 Ark. App. 487, \*4, 470 S.W.3d 293, 297.

20. As to Arkansas law regarding duty, the Commission finds that Claimant was an invitee, such that Respondent had a duty to use "ordinary care to maintain its premises in a reasonably safe condition." *House v. Wal-Mart Stores, Inc.*, 316 Ark. 221, 223, 872 S.W.2d 52, 52-53 (1994). The Commission further finds that Respondent's duty extends only to foreseeable



dangers. *Benton v. Shuler Drilling Co., Inc.*, 316 Ark. 101, 112, 871 S.W.2d 552, 558 (1994) (“Foreseeability is a necessary ingredient of actionable negligence in this state”).

21. As to Arkansas law regarding breach, the Commission finds that Claimant must prove that (1) the substance that caused Claimant to slip was there as the result of Respondent’s negligence, or (2) the substance had been there “for such a length of time that . . . [Respondent] knew or reasonably should have known of its presence and failed to use ordinary care to remove it.” *House*, 316 Ark. at 223, 872 S.W.2d at 53. As the Arkansas Supreme Court explained in *House*, “the presence of a foreign or slick substance which causes a slip and fall is not alone sufficient to prove negligence, but instead, it must be proved that the substance was negligently placed there or allowed to remain.” *Id.*

22. The Commission finds that Claimant’s statement in prehearing brief that he was owed “the Highest Duty of Care” is simply wrong. *See id.*

23. The Commission finds that Claimant has not met his burden of proof to prevail in this matter. Specifically, the Commission finds that Claimant did not prove that Respondent breached the duty of care owed to him as an invitee. The Commission found the testimony of Al Graham to be especially persuasive regarding the condition of the surface and the slip-resistant coating. As stated by the Arkansas Supreme Court in *House*, “the mere fact that a person slips and falls does not give rise to an inference of negligence.”

24. As such, the Commission unanimously finds that Claimant’s claim must be DENIED.

IT IS SO ORDERED.




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ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb




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ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow




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ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair

DATE: July 26, 2024

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from transmission 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 transmission 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:** [Art Carson \(via Google Docs\)](#); [Robinson, Sherri](#)  
**Cc:** [REDACTED]; [MCGHEE, SHELLY](#)  
**Subject:** ORDER: Carson v. UAMS, Claim No. 230927  
**Date:** Friday, July 26, 2024 9:31:00 AM  
**Attachments:** [Carson -- hearing -- 230927 -- order.pdf](#)

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Mr. Carson and Ms. Robinson, attached please find an order entered by the Commission. . To the extent that either party disagrees with the order, please review the text box at the end of the order, along with the referenced statutes.

If either party will be submitting another filing related to this claim pursuant to Ark. Code Ann. 19-10-211, that filing can be transmitted via mail to the below address or via email to [ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov).

Thanks,  
Kathryn Irby

**Arkansas State Claims Commission**  
101 East Capitol Avenue, Suite 410  
Little Rock, Arkansas 72201  
(501) 682-1619

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Cc:** [Robinson, Sherri](#)  
**Subject:** Notice of Appeal  
**Date:** Monday, July 29, 2024 7:10:56 AM

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Please let me know if a form is needed in addition to the attached Notice of Appeal.  
Arthur Carson



NOTICE OF APPEAL

## BEFORE THE ARKANSAS CLAIMS COMMISSION

ARTHUR CARSON

VS.

CLAIM NO. 230927

UAMS

CLAIMANT'S NOTICE OF APPEAL /AND  
REQUEST FOR HEARING TRANSCRIPT

Comes Now The Claimant, Arthur Carson, and in Accordance with Ark. Code Ann. Sec.-  
19-10-211(a)(3), Brings This His Notice of Appeal of the Decision entered July 26, 2024,  
Denying Claimant's Claims by subjective cherry picking Testimony, while ignoring other relevant  
And essential Testimony and evidence that established knowledge of the fatigue surface  
To ensure a predetermined narrative in the finding of facts by the Commission.

Contemporaneously, This Commission came up sua sponte, with a defense never raised by  
Respondent, or waived. and did not allow Claimant to Respond, contrary to law, Rules 12,4(b);  
56(c)(e), Ark. Civ. P. This was an Abuse of Discretion in these findings, and Biased Hearing.

Also, Claimant Request a Copy of the March 8, 2024, Hearing Transcript of the Testimony  
Of all Witnesses, needed for Claimant's Appeal Brief, and Request an opportunity to view  
Said Record prior to any Brief due date.

Respectfully Submitted,

(1)

Dated This 29th day of July, 2024.

Arthur Carson



CERTIFICATE OF SERVICE

I, Arthur Carson, certify that a copy of the Foregoing Notice of Appeal/ Request for Hearing Transcript, are being emailed to Sherri Robinson, Attorney for Uams, this 29th Day of July, 2024.

Arthur Carson

**From:** [Kathryn Irby](#)  
**To:** [Art Carson](#)  
**Subject:** RE:  
**Date:** Monday, July 29, 2024 6:16:00 PM

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Mr. Carson, we do not transcribe hearings. If you would like to hire a court reporter to transcribe it (at your expense), you may do so and have the court reporter reach out to me.

Kathryn Irby

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**From:** Art Carson [REDACTED]  
**Sent:** Monday, July 29, 2024 5:59 PM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:**

Also, I would like to obtain a copy of the transcript of the March 8, 2024 hearing.

Thanks,

Arthur Carson

**From:** [Kathryn Irby](#)  
**To:** [Art Carson](#)  
**Cc:** [Robinson, Sherri](#)  
**Subject:** RE: Appeal Records  
**Date:** Tuesday, July 30, 2024 1:40:00 PM

---

Mr. Carson, Ark. Code Ann. 16-13-506 applies to circuit courts, not the Claims Commission. If you want to have the hearing transcribed, you will need to bear that cost. The Claims Commission does not utilize court reporters, so I do not have any names to give you.

Thanks,  
Kathryn Irby

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Tuesday, July 30, 2024 12:36 PM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:** Re: Appeal Records

Also, I will be seeking a copy of the transcript pursuant to Sec. 16-13-506(b)(1)(A), of the Arkansas Code, due to my indigency.

On Tue, Jul 30, 2024, 12:30 PM Art Carson <[REDACTED]> wrote:

Ms Irby, could I get the Court Reporter contacted information,  
Arthur Carson



**From:** [Kathryn Irby](#)  
**To:** [Art Carson](#)  
**Cc:** [Robinson, Sherri](#)  
**Subject:** RE:  
**Date:** Tuesday, July 30, 2024 1:54:00 PM

---

Mr. Carson, I do not have a court reporter's name to give you. As I said previously, the Claims Commission does not utilize court reporters. There are a lot of court reporters working in central Arkansas. If I were looking for a court reporter, I would start with a phone book or an internet search.

I would note that not all statutes apply to the Claims Commission. Some, like the indigent statute that you referenced, apply to circuit courts. The Claims Commission is not a circuit court.

That said, you are free to pursue any of your legal remedies.

Kathryn Irby

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**From:** Art Carson [REDACTED] >  
**Sent:** Tuesday, July 30, 2024 1:46 PM  
**To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>  
**Subject:**

Well I will be filing a Mandamus in Circuit Court to see, your office must comply with this law also. Furthermore You have not given me the Reporters name or contact.

**From:** [Art Carson](#)  
**To:** [Kathryn Irby](#)  
**Subject:** Re:  
**Date:** Tuesday, July 30, 2024 2:00:24 PM

---

The Rules of civil procedures applies to this Agency, I know you like to think otherwise, so let's see what the Court says.

Thanks

On Mon, Jul 29, 2024, 8:25 PM Art Carson <[REDACTED]> wrote:

Ok, thank you.

On Mon, Jul 29, 2024, 6:33 PM Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)> wrote:

I don't know – you'll have to reach out to a court reporter and find out that information.

Kathryn Irby

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**From:** Art Carson <[REDACTED]>  
**Sent:** Monday, July 29, 2024 6:26 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:** Re:

How much does it cost for the transcript

Get [Outlook for Android](#)

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**From:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Sent:** Monday, July 29, 2024 6:16:13 PM  
**To:** Art Carson <[REDACTED]>  
**Subject:** RE:

Mr. Carson, we do not transcribe hearings. If you would like to hire a court reporter to transcribe it (at your expense), you may do so and have the court reporter reach out to me.

Kathryn Irby

---

**From:** Art Carson <[REDACTED]>  
**Sent:** Monday, July 29, 2024 5:59 PM  
**To:** Kathryn Irby <[Kathryn.Irby@arkansas.gov](mailto:Kathryn.Irby@arkansas.gov)>  
**Subject:**

Also, I would like to obtain a copy of the transcript of the March 8, 2024 hearing.

Thanks,

Arthur Carson