From: Donna Johnson
To: ASCC New Claims
Cc: Arkie Byrd
Subject: Carl Sullivan, POA for Edward Wesson, Disabled Claim - 250032
Date: Wednesday, July 3, 2024 4:44:53 PM
Attachments: Wesson-SIGNED-Claims Commission Claim Form.pdf
Wesson Claims Complaint_FINAL-07-03-2024Revised TMO.pdf
Wesson-7-Exhibit 2-Medical Records and Billing.pdf
Wesson, Edward-UAMS bill 6-3-23 only.pdf

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

Good Afternoon, Kaitlyn --- I am attaching, for filing with the Arkansas State Claims Commission, the following:

1. Completed and Signed Arkansas State Claims Commission Claim Form. Attached to this form is additional information regarding No. 5 and No. 7. No. 7 are medical records and billing which is quite voluminous.

2. The Complaint for Damages Medical Malpractice.

Please confirm receipt. If you need me to do anything else, please let me know. Looks like some of the info is being sent through Google Drive and some are attachments.

Wesson, Edward- UAMS records 6-3-23 to 6-9-23.pdf

Wesson, Edward- UAMS records 8-9-22 to 8-16-23.pdf

Wesson, Edward- UAMS records 8-9-22 to 8-19-22.pdf

Wesson, Edward-UAMS Billing.pdf

Wesson, Edward-UAMS Records-1-100.pdf

Wesson, Edward-UAMS Records-101-200.pdf

Wesson, Edward-UAMS Records-201-300.pdf

Wesson, Edward-UAMS Records-301-445.pdf

Wesson, Edward-UAMS records 6-3-23 only.pdf

Wesson, Edward Rcv'd UAMS Bill.pdf

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Donna Johnson
Assistant to Richard L. Mays and Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center St.,7th Floor
LITTLE ROCK, AR 72201
501-372-6303 - OFFICE
501-399-9280 - FAX
501-801-1960 - DIRECT

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.

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

Byrd	Arkie	abyrd@maysbyrdlaw.com
(last name)	(first name)	(email)

212 Center St., Suite 700-A	Little Rock	AR	72201	501-372-6303
(address)	(city)	(state)	(zip)	(primary phone)

Arkansas Bar Number: 80020

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

2. Claimant

Sullivan, Carl, Power of Attorney for Edward Wesson, Disabled
(title/last name/first name or company) (email)

[redacted] Street	[redacted]	[redacted]	[redacted]	[redacted]
(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)
State of Arkansas, University of Arkansas (d/b/a The University of Arkansas for Medical Sciences), and The University of Arkansas Systems Board of Trustees

4. Incident Date

August 8, 2022; August 12, 2022

5. Claim Type

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

This is a medical negligence claim under Ark. Code Ann. §16-114-203. See additional explanation attached.

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 explaination why repair bill(s) or estimate(s) cannot be provided.**

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

N/A

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

7. Check here if this claim involves personal injury. YES.

All personal injury claims require a copy of your medical insurance information and relevant medical bills in place at the time of the incident. (See attached Exhibit 1-Medical Insurance Information and Exhibit 2-Medical Records)

I do not have health insurance ☐

8. Amount Sought: $3,500,000.00

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.

Carl Sullivan

Claimant -Carl Sullivan, As Power of Attorney
and Attorney-in-Fact for Edward Wesson

ACKNOWLEDGEMENT

State of ARKANSAS
County of PULASKI

On this the 3rd day of July, 2024, before me, the undersigned notary, personally appeared Carl Sullivan 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.

Donna Johnson

Signature of Notary Public

My Commission expires: 4-9-25

[seal of office]

DONNA JOHNSON
Notary Public-Arkansas
Pulaski County
My Commission Expires 04-09-2025
Commission # 12690475

ARKANSAS STATE CLAIMS COMMISSION – ADDENDUM TO THE CLAIM FORM

5. CLAIM TYPE:

CARL SULLIVAN WITH POWER OF ATTORNEY FOR EDWARD WESSON

V.

THE UNIVERSITY OF ARKANSAS, THE UNIVERSITY OF ARKANSAS d/b/a UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF ARKANSAS, and Its employees and/or agents JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and PROFESSIONAL NURSING SURGICAL STAFF

EXPLANATION OF CLAIM

This is a medical negligence claim against the above-referenced healthcare providers. Dr. Margolick, Dr. Taylor, Dr. Applebaum, and the surgical nursing and technical staff failed to remove a surgical sponge after the [redacted] operative procedure. They failed to document the instrument and sponge count at the end of the [redacted] operative procedure. The above-referenced healthcare providers were negligent and deviated from the applicable standard of care by failing to remove the surgical sponge and document the sponge count at the close of the [redacted] on August 12, 2022. The negligence and deviations from the applicable standards of care described above resulted in Mr. Wesson experiencing [redacted] pain and suffering, and the need for emergency surgery for the removal of a retained sponge on June 4, 2023.

On or about August 9, 2022, Mr. Wesson presented to UAMS with a complaint of [redacted] It was noted that Mr. Wesson was [redacted] Dr. Joseph Majolica performed a

ARKANSAS STATE CLAIMS COMMISSION – ADDENDUM TO THE CLAIM FORM

5. CLAIM TYPE:

CARL SULLIVAN WITH POWER OF ATTORNEY FOR EDWARD WESSON

V.

THE UNIVERSITY OF ARKANSAS, THE UNIVERSITY OF ARKANSAS d/b/a UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF ARKANSAS, and Its employees and/or agents JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and PROFESSIONAL NURSING SURGICAL STAFF

On August 12, 2022, Mr. Wesson was taken to the operating room for a . Dr. Margolick was assisted by Dr. Taylor and Dr. Applebaum. . Dr. Margolick's operative report did not account for the sponge, instrument, and needle counts.

On September 1, 2022, Mr. Wesson had a clinic visit and had a complaint of . It was attributed to incisional pain.

Mr. Wesson was diagnosed with with Dr. Govindarajan on October 31, 2022.

ARKANSAS STATE CLAIMS COMMISSION – ADDENDUM TO THE CLAIM FORM M

5. CLAIM TYPE:

CARL SULLIVAN WITH POWER OF ATTORNEY FOR EDWARD WESSON

V.

THE UNIVERSITY OF ARKANSAS, THE UNIVERSITY OF ARKANSAS d/b/a UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF ARKANSAS, and Its employees and/or agents JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and PROFESSIONAL NURSING SURGICAL STAFF

Between September 13, 2022, and May 11, 2023, Mr. Wesson visited various clinics for [redacted].

On June 3, 2023, Mr. Wesson presented to the Baptist Health Emergency Department for [redacted] He was evaluated by Dr. Darren Flamik. **An abdominal CT scan showed what appeared to be a retained surgical sponge in the right upper quadrant.** There was a [redacted] The findings were discussed with Dr. Bruce at UAMS, and Mr. Wesson was transferred to his service for further management. Mr. Wesson had surgery on June 4, 2023, to remove the retained sponge. The operative report provided that the operative findings were [redacted]

ARKANSAS STATE CLAIMS COMMISSION – ADDENDUM TO THE CLAIM FORM

5. CLAIM TYPE:

CARL SULLIVAN WITH POWER OF ATTORNEY FOR EDWARD WESSON

V.

THE UNIVERSITY OF ARKANSAS, THE UNIVERSITY OF ARKANSAS d/b/a UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF ARKANSAS, and Its employees and/or agents JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and PROFESSIONAL NURSING SURGICAL STAFF

The pathology gross findings showed: [redacted] The report stated that the [f]indings were suggestive of retained surgical sponge in the right subhepatic region at the site of prior surgery."

Therefore, given Mr. Wesson's history, the only opportunity for the sponge to be in the right subhepatic region was during the [redacted] surgery on August 12, 2022. The Res Ipsa Loquitor doctrine should apply, inferring that the sponge was negligently left in the abdomen during the August 12, 2022, surgery.

ARKANSAS STATE CLAIMS COMMISSION – ADDENDUM TO THE CLAIM FORM

7. CLAIM INVOLVES PERSONAL INJURY: SEE ATTACHED EXHIBIT 1-MEDICAL INSURANCE INFORMATION

CARL SULLIVAN WITH POWER OF ATTORNEY FOR EDWARD WESSON

V.

THE UNIVERSITY OF ARKANSAS, THE UNIVERSITY OF ARKANSAS d/b/a UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF ARKANSAS, and Its employees and/or agents JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and PROFESSIONAL NURSING SURGICAL STAFF

[redacted]

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

CARL SULLIVAN, as Attorney-In-Fact for EDWARD WESSON, a Disabled Adult, — CLAIMANT

v. Case No.: _____

THE STATE OF ARKANSAS; The UNIVERSITY OF ARKANSAS (d/b/a The UNIVERSITY OF ARKANSAS For MEDICAL SCIENCES), BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS SYSTEM — RESPONDENT

COMPLAINT FOR DAMAGES MEDICAL MALPRACTICE

COMES NOW the Claimant, CARL SULLIVAN, Attorney-In-Fact for EDWARD WESSON, a disabled adult, by and through his undersigned attorneys of record, files this cause of action against Respondent, State of Arkansas The UNIVERSITY OF ARKANSAS (d/b/a The UNIVERSITY OF ARKANSAS for MEDICAL SCIENCES), BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS SYSTEM, KELLY EICHLER, In Her Official Capacity as Trustee; STEVE COX, In His Official Capacity As Trustee; TED DICKEY, In His Official Capacity As Trustee; SHEFFIELD NELSON, In His Official Capacity As Trustee; TOMMY BOYERS, In His Official Capacity As Trustee; ED FRYAR, Ph.D., In His Official Capacity As Trustee; JEREMY WILSON, In His Official Capacity as Trustee, and state as follows:

CLAIMANT

1. At all times material, Claimant, CARL SULLIVAN, is the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult.

2. EDWARD WESSON was and is a resident of Little Rock, Pulaski County, Arkansas, residing at [redacted].

3. At all times material, CARL SULLIVAN was and is a resident of Little Rock, Pulaski County, residing at [redacted]

RESPONDENTS

4. At all times, material, as alleged herein, a doctor-patient relationship existed between EDWARD WESSON and Respondent, (State of Arkansas) The UNIVERSITY OF ARKANSAS (d/b/a The UNIVERSITY OF ARKANSAS for MEDICAL SCIENCES) (hereinafter UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES.

5. For all relevant purposes herein, any mention of UAMS collectively refers to Respondent State of Arkansas, UNIVERSITY OF ARKANSAS d/b/a The UNIVERSITY OF ARKANSAS for MEDICAL SCIENCES and the UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES.

6. For all relevant purposes herein any mention of Respondents, JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and the surgical staff/employees of UAMS collectively refers to the Respondent State of Arkansas, UNIVERSITY OF ARKANSAS d/b/a The UNIVERSITY OF ARKANSAS

for MEDICAL SCIENCES and the UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES.

7. At all times material, as alleged herein, Respondent, JOSEPH MARGOLICK, M.D., (hereinafter Respondent "MARGOLICK"), upon information and belief, is a citizen and resident of Pulaski County, Arkansas, and was a physician duly licensed to practice medicine and/or general surgery in the State of Arkansas. Upon information and belief, Respondent Margolick can be served with service of process at [redacted]. Said Respondent is subject to the venue and jurisdiction of this Court.

8. At all times material, as alleged herein, Respondent MARGOLICK expressly and implicitly represented to the general public that he practiced medicine in a skilled and proper manner and held himself out to be a specialist in the field of surgery, having the professional learning, skill, and ability possessed by other physicians specializing in general surgery in the same or similar communities in 2022.

9. At all times material, Respondent MARGOLICK, had a duty to provide Claimant WESSON with surgical care and treatment in accordance with the standards of practice applicable to physicians specializing in general surgery with similar training and experience in the same or similar communities in 2022.

10. At all times material, Respondent MARGOLICK, was and is an actual and/or apparent and/or ostensible agent, servant, or sole proprietor of UAMS and was acting in the course and scope of said employment, agency, or proprietary relationship at all times during the provision of medical care and treatment to Claimant.

11. At all times material, as alleged herein, Respondent, WHITNEY TAYLOR, M.D., (hereinafter Respondent "TAYLOR"), upon information and belief, is a citizen and resident of Pulaski County, Arkansas, and was a physician duly licensed to practice medicine in the State of Arkansas. Upon information and belief, this Respondent can be served with service of process at [redacted] Said Respondent is subject to the venue and jurisdiction of this Court.

12. At all times material, as alleged herein, Respondent TAYLOR expressly and implicitly represented to the general public that she practiced medicine in a skilled and proper manner and held herself out to be a specialist in the field of surgery, having the professional learning, skill, and ability possessed by other physicians specializing in general surgery in the same or similar communities in 2022.

13. At all times material, Respondent TAYLOR had a duty to provide Claimant WESSON with surgical care and treatment in accordance with the standards of practice applicable to physicians specializing in general surgery with similar training and experience in the same or similar communities in 2022.

14. At all times material, Respondent TAYLOR, was and is an actual and/or apparent and/or ostensible agent, servant, or sole proprietor of UAMS and was acting in the course and scope of said employment, agency, or proprietary relationship at all times during the provision of medical care and treatment to Claimant.

15. At all times material, as alleged herein, Respondent, NATALIE APPLEBAUM, M.D., (hereinafter Respondent "APPLEBAUM"), upon information and belief, is a citizen and

resident of Pulaski County, Arkansas, and was a physician and/or resident duly licensed to practice medicine in the State of Arkansas. Upon information and belief, this Respondent can be served with service at University of Arkansas (d/b/a UAMS), 4301 West Markham Street, Little Rock, Arkansas 72205. Said Respondent is subject to the venue and jurisdiction of this Court.

16. At all times material, as alleged herein, Respondent APPLEBAUM expressly and implicitly represented to the general public that she practiced medicine in a skilled and proper manner and held herself out to be a specialist in the field of surgery, having the professional learning, skill, and ability possessed by other physicians specializing in general surgery in the same or similar communities in 2022.

17. At all times material, Respondent APPLEBAUM, had a duty to provide Claimant WESSON with surgical care and treatment in accordance with the standards of practice applicable to physicians specializing in general surgery with similar training and experience in the same or similar communities in 2022.

18. At all times material, Respondent APPLEBAUM, was and is an actual and/or apparent and/or ostensible agent, servant, or sole proprietor of Respondent UNIVERSITY of ARKANSAS (d/b/a UAMS) and was acting in the course and scope of said employment, agency, or proprietary relationship at all times during the provision of medical care and treatment to Claimant.

19. At all times material, as alleged herein, UAMS, is, upon information and belief, an extension of Respondent THE UNIVERSITY OF ARKANSAS, a state agency, which is controlled by Respondent the BOARD OF TRUSTEES of the UNIVERSITY of ARKANSAS, a

private corporation which is organized and existing under the laws of the state of Arkansas was and is doing business in Pulaski County, Arkansas. It can be served with service of process through its Board of Trustees, Kelly Eichler, Chair, Scott Ford, Vice Chair, Ted Dickey, Secretary, Sheffield Nelson, Assistant Secretary, Tommy Boyer, Steve Cox, Ed Fryar, Jeremy Wilson, Nathaniel Todd, Kevin Crass, at University of Arkansas System, 2404 North University Avenue, Little Rock, Arkansas 72207. Said Respondent is subject to the venue and jurisdiction of this Court.

20. At all times material, as alleged herein, The UNIVERSITY OF ARKANSAS (d/b/a UAMS), and the BOARD OF TRUSTEES for The UNIVERSITY OF ARKANSAS employed professional nurses, surgical technicians, and physicians, including but not limited to JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., and NATALIE APPLEBAUM, M.D., who were responsible for the surgical care and treatment of EDWARD WESSON pursuant to the doctrine of respondeat superior, vicarious liability, and/or the principles of actual, apparent, or ostensible agency.

21. At all times material, as alleged herein, Respondents, THE UNIVERSITY OF ARKANSAS (d/b/a UAMS), and the BOARD OF TRUSTEES for The UNIVERSITY OF ARKANSAS are liable and responsible for all negligent acts and omissions of each of its employees, and actual, ostensible, and/or apparent agents, including all surgical technicians, nurses, and physicians who were responsible for the surgical care treatment of EDWARD WESSON pursuant to the doctrine of respondeat superior, vicarious liability, and/or the principles of actual, apparent, or ostensible agency.

22. At all times material, as alleged herein, Respondent CADENCE INSURANCE, hereinafter referred to as Respondent "CADENCE," is, upon information and belief, a foreign for-profit insurance organization with its principal address in Tupelo, Mississippi. Upon information and belief, Respondent Cadence was the primary insurance carrier for Respondents UAMS, JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and JOHN DOES 1-5 at all times material to this cause of action. Respondent Cadence is named as a party pursuant to the Arkansas Direct Action Statute, Ark. Code Ann. §23-79-210 to the extent that any of the referenced Respondents are determined to assert or avail themselves of any applicable immunity. It may be served with service of process through its registered agent, C T Corporation System located at 320 S. Izard Street, Little Rock, Arkansas 72201.

23. At all times material, as alleged herein, Respondent THE DOCTORS COMPANY INSURANCE SERVICES, LLC. hereinafter referred to as Respondent "DOCTORS," is, upon information and belief, a foreign for-profit insurance organization with its principal address in Napa, California. Upon information and belief, Respondent Doctors was the primary insurance carrier for THE UNIVERSITY OF ARKANSAS (d/b/a UAMS) and UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES, JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and JOHN DOES 1-5 at all times material to this cause of action. Respondent Doctors is named as a party pursuant to the Arkansas Direct Action Statute, Ark. Code Ann. §23-79-210 to the extent that any of the referenced Respondents are determined to assert or avail themselves of any applicable immunity. It may be served with

service of process through its registered agent, Corporation Service Company, located at 300 Spring Building, 300 S. Spring Street, Suite 900, Little Rock, Arkansas 72201.

JURISDICTION AND VENUE

24. Claimant CARL SULLIVAN, the attorney-in-fact for EDWARD WESSON, a disabled adult, is entitled to maintain this action for medical negligence and damages pursuant to A.C.A. 16-114-201 et. seq.

25. Jurisdiction is proper in this court because the amount in controversy is in excess of $10,000.

26. The venue of this action for medical negligence case is in Pulaski County, Arkansas, under A.C.A. §16-60-112.

27. All acts, events, and omissions relative to this case occurred in Pulaski County, Arkansas.

GENERAL ALLEGATIONS

28. On or about August 9, 2022, Mr. Wesson presented to UAMS with a complaint of recurrent [redacted]. It was noted that Mr. Wesson was [redacted] Dr. Joseph Majolica performed a [redacted]. The medical record documented the findings were [redacted]

[redacted] Dr. Margolick documented that at the "end of the procedure, all sponge, instrument, and needle counts were correct."

29. On August 12, 2022, Mr. Wesson was taken to the operating room for a [redacted]. Dr. Taylor and Dr. Applebaum assisted Dr. Margolick. A [redacted] was performed. Dr. Margolick's operative report did not account for the sponge, instrument, and needle counts.

30. On September 1, 2022, Mr. Wesson had a clinic visit and had a complaint of some [redacted]. It was attributed to incisional pain.

31. Mr. Wesson was diagnosed with [redacted] with Dr. Govindarajan on October 31, 2022.

32. Between September 13, 2022, and May 11, 2023, Mr. Wesson visited various clinics for [redacted].

33. On June 3, 2023, Mr. Wesson presented to the Baptist Health Emergency Department for [redacted]. Dr. Darren Flamik evaluated him. **An abdominal CT scan showed what appeared to be a retained surgical sponge in the right upper quadrant.** There was a [redacted]. The findings were discussed with Dr. Bruce at UAMS, and Mr. Wesson was transferred to his service for further management.

34. Mr. Wesson had surgery on June 4, 2023, to remove the retained sponge. The operative report provided that the operative findings were "[redacted]

35. The pathology gross findings showed: The report stated that the [f]indings were suggestive of retained surgical sponge in the right subhepatic region at the site of prior surgery." Therefore, given Mr. Wesson's history, the only opportunity for the sponge to be in the right subhepatic region was during the surgery on August 12, 2022.

COUNT I -MEDICAL MALPRACTICE
JOSEPH MARGOLICK, M.D.

36. Claimant, CARL SULLIVAN, the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, sues Respondent DR. MARGOLICK and incorporates paragraphs 1 -35 stated above as if more fully stated herein, and further alleges:

37. At all times material herein, Respondent DR. MARGOLICK undertook the duty to provide to his patient, EDWARD WESSON, surgical care, and treatment in accordance with the prevailing professional standard of care and treatment in Little Rock, Arkansas, or other similar medical localities in the United States in 2022.

38. Notwithstanding the duty undertaken by Respondent DR. MARGOLICK, he negligently failed to possess the degree of professional learning, skill, and ability possessed by other surgeons with similar training and experience situated in the same or similar localities such as Little Rock, Arkansas, at the time of the alleged act in 2022, including, but not limited to the following respects:

a. Failed to obtain the proper sponge count prior to the close of the [redacted] surgical procedure; and

b. Failed to document the appropriate sponge count at the close of the [redacted] surgical procedure.

39. As a direct and proximate result of the aforementioned negligence of Respondent DR. MARGOLICK, Claimant received improper medical care and suffered substantial permanent injuries as a result of the [redacted] to remove the retained sponge. Had Respondent DR. MARGOLICK complied with the prevailing professional standard of care, more likely than not, Claimant would not have suffered [redacted].

40. As a direct and proximate result of the aforementioned negligence of Respondent DR. MARGOLICK, the damages recoverable against Respondent by EDWARD WESSON include:

a. The actual damages such as are fair and reasonable for the permanent injuries suffered by the Claimant;

b. Past and future medical expenses;

c. Compensation for pain and suffering of the Claimant;

d. Disfigurement and emotional distress, and

e. For such other and further relief as this Court deems and proper.

WHEREFORE, Claimant, CARL SULLIVAN, is the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, and is entitled to recovery compensatory damages, the taxable cost of this action, and such other relief which he is entitled from the Respondents, and Claimant demands a trial by jury.

COUNT II -MEDICAL MALPRACTICE
WHITNEY TAYLOR, M.D.

41. Claimant, CARL SULLIVAN, the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, sues Respondent DR. TAYLOR and incorporates paragraphs 1 -40 stated above as if more fully stated herein, and further alleges:

42. At all times material herein, Respondent DR. TAYLOR undertook the duty to provide to her patient, EDWARD WESSON, surgical care, and treatment in accordance with the prevailing professional standard of care and treatment in Little Rock, Arkansas, or other similar medical localities in the United States in 2022.

43. Notwithstanding the duty undertaken by Respondent DR. TAYLOR, she negligently failed to possess the degree of professional learning, skill, and ability possessed by other surgeons with similar training and experience situated in the same or similar localities such as Little Rock, Arkansas, at the time of the alleged act in 2022, including, but not limited to the following respects:

a. Failed to obtain the proper sponge count prior to the close of the [redacted] surgical procedure; and

b. Failed to document the appropriate sponge count at the close of the [redacted] surgical procedure.

44. As a direct and proximate result of the aforementioned negligence of Respondent DR. TAYLOR, Claimant received improper medical care and suffered substantial permanent injuries as a result of the [redacted] to remove the retained sponge. Had Respondent DR. TAYLOR complied with the prevailing professional standard of care, more likely than not, Claimant would not have suffered [redacted].

45. As a direct and proximate result of the aforementioned negligence of Respondent DR. TAYLOR, the damages recoverable against Respondent by EDWARD WESSON include:

a. The actual damages such as are fair and reasonable for the permanent injuries suffered by the Claimant;

b. Past and future medical expenses;

c. Compensation for pain and suffering of the Claimant;

d. Disfigurement and emotional distress, and

e. For such other and further relief as this Court deems and proper.

WHEREFORE, Claimant, CARL SULLIVAN, is the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, and is entitled to recovery compensatory damages, the

taxable cost of this action, and such other relief which he is entitled from the Respondents, and Claimant demands a trial by jury.

COUNT III -MEDICAL MALPRACTICE
NATALIE APPLEBAUM, M.D.

46. Claimant CARL SULLIVAN, the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, sues Respondent DR. APPLEBAUM and incorporates paragraphs 1 -45 stated above as if more fully stated herein, and further alleges:

47. At all times material herein, Respondent DR. APPLEBAUM undertook the duty to provide to her patient, EDWARD WESSON, surgical care and treatment in accordance with the prevailing professional standard of care and treatment in Little Rock, Arkansas, or other similar medical localities in the United States in 2022.

48. Notwithstanding the duty undertaken by Respondent DR. APPLEBAUM, he negligently failed to possess the degree of professional learning, skill, and ability possessed by other surgeons with similar training and experience situated in the same or similar localities such as Little Rock, Arkansas, at the time of the alleged act in 2022, including, but not limited to the following respects:

a. Failed to obtain the proper sponge count prior to the close of the [redacted] surgical procedure; and

b. Failed to document the appropriate sponge count at the close of the [redacted] surgical procedure.

49. As a direct and proximate result of the aforementioned negligence of Respondent DR. APPLEBAUM, Claimant received improper medical care and suffered substantial permanent injuries as a result of the [redacted] to remove the retained sponge. Had Respondent DR. APPLEBAUM complied with the prevailing professional standard of care, more likely than not, Claimant would not have suffered [redacted]

50. As a direct and proximate result of the aforementioned negligence of Respondent DR. APPLEBAUM, the damages recoverable against Respondent by EDWARD WESSON include:

a. The actual damages such as are fair and reasonable for the permanent injuries suffered by the Claimant;

b. Past and future medical expenses;

c. Compensation for pain and suffering of the Claimant;

d. Disfigurement and emotional distress, and

e. For such other and further relief as this Court deems and proper.

WHEREFORE, Claimant, CARL SULLIVAN, is the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, and is entitled to recovery compensatory damages, the taxable cost of this action, and such other relief which he is entitled from the Respondents, and Claimant demands a trial by jury.

COUNT IV-VICARIOUS LIABILITY
The UNIVERSITY OF ARKANSAS (d/b/a THE UNIVERSITY OF ARKANSAS for MEDICAL SCIENCES), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES

51. Claimant CARL SULLIVAN, the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, sues Respondent The UNIVERSITY OF ARKANSAS (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES and incorporates paragraphs 1 -50 stated above as if more fully stated herein, and further alleges:

52. At all times material herein, Respondent, DR. MARGOLICK, was an agent, apparent agent, or servant and/or employee of Respondent, The UNIVERSITY OF ARKANSAS, (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES and was acting within the course and scope of his agency or employment.

53. At all times material herein, Respondent, DR. TAYLOR, was an agent, apparent agent, or servant and/or employee of Respondent, The UNIVERSITY OF ARKANSAS, (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES and was acting within the course and scope of her agency or employment.

54. At all times material herein, Respondent, DR. APPLEBAUM, was an agent, apparent agent, or servant and/or employee of Respondent, The UNIVERSITY OF ARKANSAS, (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES and was acting within the course and scope of her agency or employment.

55. Respondents The UNIVERSITY OF ARKANSAS (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES are vicariously liable for the negligence of DR. MARGOLICK, DR. TAYLOR, and DR. APPLEBAUM, and their negligence

is imputed to the UNIVERSITY OF ARKANSAS, The UNIVERSITY OF ARKANSAS for MEDICAL SCIENCES, The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES.

56. As a direct and proximate result of the aforementioned negligence of Respondents DR. MARGOLICK, DR. TAYLOR, and DR. APPLEBAUM and for which Respondent The UNIVERSITY OF ARKANSAS (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES is liable; the damages recoverable against the Respondent by EDWARD WESSON include:

a. The actual damages such as are fair and reasonable for the permanent injuries suffered by the Claimant;

b. Past and future medical expenses;

c. Compensation for pain and suffering of the Claimant;

d. Disfigurement and emotional distress, and

e. For such other and further relief as this Court deems and proper.

WHEREFORE, Claimant, CARL SULLIVAN, is the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, and is entitled to recovery compensatory damages, the taxable cost of this action, and such other relief which he is entitled from the Respondents, and Claimant demands a trial by jury.

COUNT V-VICARIOUS LIABILITY
The UNIVERSITY OF ARKANSAS (d/b/a The UNIVERSITY OF ARKANSAS for MEDICAL SCIENCES), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES

57. Claimant CARL SULLIVAN, the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, sues Respondent The UNIVERSITY OF ARKANSAS (d/b/a

UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES and incorporates paragraphs 1 -56 stated above as if more fully stated herein, and further alleges:

58. Respondents, The UNIVERSITY OF ARKANSAS (d/b/a UAMS), and The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES, acting by and through its professional nursing staff, surgical technicians, and surgical staff, had a duty to render to its patient, EDWARD WESSON, surgical care and services in accordance with the prevailing professional standard of care in Pulaski County, Arkansas, and other similar medical communities, under similar circumstances, in the year 2022.

59. Respondents, The UNIVERSITY OF ARKANSAS (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES, breached its duty to EDWARD WESSON, was negligent and departed from the prevailing professional standard of care of nurses, surgical technicians, surgical staff and hospitals for surgical care and treatment in Pulaski County, Arkansas, and other similar medical communities in 2022, by its health care providers failure to do the following during the care and treatment of EDWARD WESSON on August 12, 2022:

a. Failed to obtain the proper sponge count prior to the close of the [redacted] surgical procedure; and

b. Failed to document the appropriate sponge count at the close of the [redacted] surgical procedure

60. As a direct and proximate result of the aforementioned negligence of nurses, surgical technicians, and surgical staff, Claimant received improper medical care and suffered substantial permanent injuries as a result of the [redacted]

[redacted] to remove the retained sponge. Had Respondents, the nurses, surgical technicians, and surgical staff complied with the prevailing professional standard of care, more likely than not, Claimant would not have suffered [redacted].

61. As a direct and proximate result of the aforementioned negligence of nurses, surgical technicians, and surgical staff, for which Respondents The UNIVERSITY OF ARKANSAS (d/b/a UAMS), The UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES, is liable, the damages recoverable against Respondents by EDWARD WESSON include:

a. The actual damages such as are fair and reasonable for the permanent injuries suffered by the Claimant;

b. Past and future medical expenses;

c. Compensation for pain and suffering of the Claimant;

d. Disfigurement and emotional distress, and

e. For such other and further relief as this Court deems and proper.

WHEREFORE, Claimant, CARL SULLIVAN, is the duly appointed Attorney-In-Fact for EDWARD WESSON, a disabled adult, and is entitled to recovery compensatory damages, the taxable cost of this action, and such other relief which he is entitled from the Respondents, and Claimant demands a trial by jury. Claimant reserves the right to amend and/or supplement this pleading.

THE CLAIMANT DEMANDS TRIAL BY JURY

Respectfully submitted:
/s/Arkie Byrd, AR Bar No. 80020
MAYS, BYRD, & O'GUINN, P.L.L.C.
212 Center Street, Suite 700-A
Little Rock, Arkansas 72201
501-372-6303-phone
501-399-9280- facsimile
E-mail: abyrd@maysbyrdlaw.com
Attorneys for Claimant

ARKANSAS STATE CLAIMS COMMISSION – ADDENDUM TO THE CLAIM FORM

7. CLAIM INVOLVES PERSONAL INJURY: SEE ATTACHED EXHIBIT 2-MEDICAL RECORDS

CARL SULLIVAN WITH POWER OF ATTORNEY FOR EDWARD WESSON

V.

THE UNIVERSITY OF ARKANSAS, THE UNIVERSITY OF ARKANSAS d/b/a UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF ARKANSAS, and Its employees and/or agents JOSEPH MARGOLICK, M.D., WHITNEY TAYLOR, M.D., NATALIE APPLEBAUM, M.D., and PROFESSIONAL NURSING SURGICAL STAFF

[redacted]

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From: ASCC New Claims
To: abyrd@maysbyrdlaw.com
Subject: FW: New Claim for Filing
Date: Friday, July 5, 2024 12:29:00 PM
Attachments: Wesson-SIGNED-Claims Commission Claim Form.pdf
Wesson Claims Complaint_FINAL-07-03-2024Revised TMO.pdf
Wesson-7-Exhibit 2-Medical Records and Billing.pdf
Wesson, Edward-UAMS bill 6-3-23 only.pdf
~WRD3083.jpg

Dear Mr. Byrd,

We have received the attached documents relating to an incident that occurred but we cannot access the other attachments sent through Google Drive. Please send those attachments via email in PDF format or, if the attachments are too large to send via email, via facsimile, (501-682-2823) or mail (101 E. Capitol Ave., St. 410, Little Rock, Arkansas 72201).

Contact this office 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

From: Donna Johnson <djohnson@maysbyrdlaw.com>
Sent: Wednesday, July 3, 2024 4:44 PM
To: ASCC New Claims <ascc.new.claims@arkansas.gov>
Cc: Arkie Byrd <abyrd@maysbyrdlaw.com>
Subject: New Claim for Filing

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

Good Afternoon, Kaitlyn --- I am attaching, for filing with the Arkansas State Claims Commission, the following:

1. Completed and Signed Arkansas State Claims Commission Claim Form. Attached to

this form is additional information regarding No. 5 and No. 7. No. 7 are medical records and billing which is quite voluminous.

2. The Complaint for Damages Medical Malpractice.

Please confirm receipt. If you need me to do anything else, please let me know. Looks like some of the info is being sent through Google Drive and some are attachments.

Wesson, Edward- UAMS records 6-3-23 to 6-9-23.pdf

Wesson, Edward- UAMS records 8-9-22 to 8-16-23.pdf

Wesson, Edward- UAMS records 8-9-22 to 8-19-22.pdf

Wesson, Edward-UAMS Billing.pdf

Wesson, Edward-UAMS Records-1-100.pdf

Wesson, Edward-UAMS Records-101-200.pdf

Wesson, Edward-UAMS Records-201-300.pdf

Wesson, Edward-UAMS Records-301-445.pdf

Wesson, Edward-UAMS records 6-3-23 only.pdf

Wesson, Edward Rcv'd UAMS Bill.pdf

--

Donna Johnson
Assistant to Richard L. Mays and Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center St.,7th Floor
LITTLE ROCK, AR 72201
501-372-6303 - OFFICE

501-399-9280 - FAX
501-801-1960 - DIRECT

From: Arkie Byrd
To: ASCC New Claims; Donna Johnson
Subject: 250032 - Corr received in response to deficient email
Date: Friday, July 5, 2024 1:00:28 PM
Attachments: ~WRD3083.jpg

I will have things taken care of on Monday.

Thank.

Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center Street, 7th Floor
Little Rock, AR 72201
501-372-6303
Fax: 501-399-9280
E-mail: abyrd@maysbyrdlaw.com

On Fri, Jul 5, 2024 at 12:30 PM ASCC New Claims <ASCC.New.Claims@arkansas.gov> wrote:

> Dear Mr. Byrd,
>
> We have received the attached documents relating to an incident that occurred but we cannot access the other attachments sent through Google Drive. Please send those attachments via email in PDF format or, if the attachments are too large to send via email, via facsimile, (501-682-2823) or mail (101 E. Capitol Ave., St. 410, Little Rock, Arkansas 72201).
>
> Contact this office 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

From: Donna Johnson <djohnson@maysbyrdlaw.com>
Sent: Wednesday, July 3, 2024 4:44 PM
To: ASCC New Claims <ascc.new.claims@arkansas.gov>
Cc: Arkie Byrd <abyrd@maysbyrdlaw.com>
Subject: New Claim for Filing

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Good Afternoon, Kaitlyn --- I am attaching, for filing with the Arkansas State Claims Commission, the following:

1. Completed and Signed Arkansas State Claims Commission Claim Form. Attached to this form is additional information regarding No. 5 and No. 7. No. 7 are medical records and billing which is quite voluminous.

2. The Complaint for Damages Medical Malpractice.

Please confirm receipt. If you need me to do anything else, please let me know. Looks like some of the info is being sent through Google Drive and some are attachments.

Wesson, Edward- UAMS records 6-3-23 to 6-9-23.pdf

Wesson, Edward- UAMS records 8-9-22 to 8-16-23.pdf

Wesson, Edward- UAMS records 8-9-22 t? 19-22.pdf

Wesson, Edward-UAMS Billing.pdf

Wesson, Edward-UAMS Records-1-100.pdf

Wesson, Edward-UAMS Records-101-200.pdf

Wesson, Edward-UAMS Records-201-300.pdf

Wesson, Edward-UAMS Records-301-445.pdf

Wesson, Edward-UAMS records 6-3-23 only f

Wesson, Edward Rcv'd UAMS Bill.pdf

--

Donna Johnson

Assistant to Richard L. Mays and Arkie Byrd

MAYS, BYRD & ASSOCIATES, P.A.

CENTRE PLACE

212 Center St.,7th Floor

LITTLE ROCK, AR 72201

501-372-6303 - OFFICE

501-399-9280 - FAX

501-801-1960 - DIRECT

From: Donna Johnson (via Google Drive)
To: ASCC New Claims
Subject: Item shared with you: "Wesson, Edward- UAMS records 6-3-23 to 6-9-23.pdf" - 250032 (1)
Date: Monday, July 8, 2024 9:52:46 AM

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Donna

Wesson, Edward- UAMS records 6-3-23 to 6-9-23.pdf

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From: Donna Johnson (via Google Drive)
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Subject: Item shared with you: "Wesson, Edward- UAMS records 8-9-22 to 8-16-23.pdf" - 250032 (2)
Date: Monday, July 8, 2024 9:53:17 AM

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Subject: Item shared with you: "Wesson, Edward- UAMS records 8-9-22 to 8-19-22.pdf" - 250032 (3)
Date: Monday, July 8, 2024 9:54:25 AM

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Subject: Item shared with you: "Wesson, Edward-UAMS Records-1-100.pdf" - 250032 (5)
Date: Monday, July 8, 2024 9:55:10 AM

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To: ASCC New Claims
Subject: Item shared with you: "Wesson, Edward-UAMS Records-101-200.pdf" - 250032 (6)
Date: Monday, July 8, 2024 9:55:34 AM

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From: Donna Johnson (via Google Drive)
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Subject: Item shared with you: "Wesson, Edward-UAMS Records-201-300.pdf" - 250032 (7)
Date: Monday, July 8, 2024 9:55:56 AM

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From: Donna Johnson (via Google Drive)
To: ASCC New Claims
Subject: Item shared with you: "Wesson, Edward-UAMS Records-301-445.pdf" - 250032 (8)
Date: Monday, July 8, 2024 9:56:18 AM

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From: Donna Johnson (via Google Drive)
To: ASCC New Claims
Subject: Item shared with you: "Wesson, Edward-UAMS records 6-3-23 only.pdf" - 250032 (9)
Date: Monday, July 8, 2024 9:56:39 AM

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From: Donna Johnson (via Google Drive)
To: ASCC New Claims
Subject: Item shared with you: "Wesson, Edward Rcv"d UAMS Bill.pdf" - 250032 (10)
Date: Monday, July 8, 2024 9:57:00 AM

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Wesson, Edward Rcv'd UAMS Bill.pdf

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Google Workspace

From: Donna Johnson
To: ASCC New Claims
Subject: 250032 - Corr re shared google drive docs
Date: Monday, July 8, 2024 10:02:07 AM
Attachments: ~WRD3083.jpg
Wesson-SIGNED-Claims Commission Claim Form.pdf
Wesson Claims Complaint_FINAL-07-03-2024Revised TMO.pdf
Wesson-7-Exhibit 2-Medical Records and Billing.pdf
Wesson, Edward-UAMS bill 6-3-23 only.pdf

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

Good Morning, Caitlin.

My apologies. I believe I did not SHARE the Google Drive documents with you. I have since gone back into the e-mail and sent individually the Google Drive documents. You should have a total of 10 Google Drive documents. If you do not, please let me know and I'll just put everything on a thumb drive and bring it over.

Thank you so much for your assistance. If you need anything else, please let me know.

---------- Forwarded message ---------
From: **Arkie Byrd** <abyrd@maysbyrdlaw.com>
Date: Fri, Jul 5, 2024 at 12:37 PM
Subject: Fwd: FW: New Claim for Filing
To: Donna Johnson <djohnson@maysbyrdlaw.com>

FYI, Claims Commission request regarding documents.

Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center Street, 7th Floor
Little Rock, AR 72201
501-372-6303
Fax: 501-399-9280
E-mail: abyrd@maysbyrdlaw.com

---------- Forwarded message ---------
From: **ASCC New Claims** <ASCC.New.Claims@arkansas.gov>
Date: Fri, Jul 5, 2024 at 12:30 PM
Subject: FW: New Claim for Filing
To: abyrd@maysbyrdlaw.com <abyrd@maysbyrdlaw.com>

Dear Mr. Byrd,

We have received the attached documents relating to an incident that occurred but we cannot access

the other attachments sent through Google Drive. Please send those attachments via email in PDF format or, if the attachments are too large to send via email, via facsimile, (501-682-2823) or mail (101 E. Capitol Ave., St. 410, Little Rock, Arkansas 72201).

Contact this office 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

From: Donna Johnson <djohnson@maysbyrdlaw.com>
Sent: Wednesday, July 3, 2024 4:44 PM
To: ASCC New Claims <ascc.new.claims@arkansas.gov>
Cc: Arkie Byrd <abyrd@maysbyrdlaw.com>
Subject: New Claim for Filing

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

Good Afternoon, Kaitlyn --- I am attaching, for filing with the Arkansas State Claims Commission, the following:

1. Completed and Signed Arkansas State Claims Commission Claim Form. Attached to this form is additional information regarding No. 5 and No. 7. No. 7 are medical records and billing which is quite voluminous.

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Wesson, Edward- UAMS records 6-3-23 to 6-9-23.pdf

Wesson, Edward- UAMS records 8-9-22 to 8-16-23.pdf

Wesson, Edward- UAMS records 8-9-22 to 8-19-22.pdf

Wesson, Edward-UAMS Billing.pdf

Wesson, Edward-UAMS Records-1-100.pdf

Wesson, Edward-UAMS Records-101-200.pdf

Wesson, Edward-UAMS Records-201-300.pdf

Wesson, Edward-UAMS Records-301-445.pdf

Wesson, Edward-UAMS records 6-3-23 only.pdf

Wesson, Edward Rcv'd UAMS Bill.pdf

--

Donna Johnson

Assistant to Richard L. Mays and Arkie Byrd

MAYS, BYRD & ASSOCIATES, P.A.

CENTRE PLACE

212 Center St.,7th Floor

LITTLE ROCK, AR 72201

501-372-6303 - OFFICE

501-399-9280 - FAX

501-801-1960 - DIRECT

--
Donna Johnson
Assistant to Richard L. Mays and Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center St.,7th Floor
LITTLE ROCK, AR 72201
501-372-6303 - OFFICE
501-399-9280 - FAX
501-801-1960 - DIRECT

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From: ASCC New Claims
To: abyrd@maysbyrdlaw.com
Bcc: Kathryn Irby
Subject: Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. UAMS, Claim No. 250032
Date: Monday, July 22, 2024 1:27:00 PM
Attachments: Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. UAMS agency ltr.pdf

---

Dear Mr. Byrd,

Attached please find a copy of the letter sent with Carl Sullivan, Power of Attorney for Edward Wessen's 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: ASCC New Claims
To: Sherri Robinson; Robinson, Sherri; MCGHEE, SHELLY
Cc: Kathryn Irby
Bcc: Caitlin McDaniel
Subject: CLAIM: Sullivan v. UAMS, Claim No. 250032
Date: Tuesday, July 23, 2024 9:16:00 AM
Attachments: Claim No. 250032 -- letter to UAMS.pdf

Sherri, this claim is too large to send via email, so I am transmitting to you via Dropbox. **Please confirm receipt and confirm that the documents have been downloaded, at which point we will delete the Dropbox link.**

[redacted]

Thanks,
Kathryn

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

July 23, 2024

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

RE: ***Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. University of Arkansas for Medical Sciences***
Claim No. 250032

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: Arkie Byrd, *counsel for Claimant* (w/o encl.) (*via email*)

From: Arkie Byrd
To: ASCC New Claims
Subject: Re: Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. UAMS, Claim No. 250032
Date: Monday, July 22, 2024 1:32:13 PM

Received, thank you.

On Mon, Jul 22, 2024 at 1:27 PM ASCC New Claims <ASCC.New.Claims@arkansas.gov> wrote:

> Dear Mr. Byrd,
>
> Attached please find a copy of the letter sent with Carl Sullivan, Power of Attorney for Edward Wessen's 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

--
Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center Street, 7th Floor
Little Rock, AR 72201
501-372-6303
Fax: 501-399-9280
E-mail: abyrd@maysbyrdlaw.com

From: ASCC New Claims
To: Arkie Byrd
Bcc: Caitlin McDaniel
Subject: UPDATE: Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. UAMS, Claim No. 250032
Date: Tuesday, July 23, 2024 9:19:00 AM
Attachments: Claim No. 250032 -- letter to UAMS.pdf

Mr. Byrd, the claim was too large to send to UAMS via email, so we sent it this morning through an alternative method. Please see the attached updated agency letter. The only update is to the date to reflect the actual date that the claim was transmitted to UAMS.

Thanks,
Kathryn Irby

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

From: Arkie Byrd <abyrd@maysbyrdlaw.com>
Sent: Monday, July 22, 2024 1:32 PM
To: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Subject: Re: Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. UAMS, Claim No. 250032

Received, thank you.

On Mon, Jul 22, 2024 at 1:27 PM ASCC New Claims <ASCC.New.Claims@arkansas.gov> wrote:

> Dear Mr. Byrd,
>
> Attached please find a copy of the letter sent with Carl Sullivan, Power of Attorney for Edward Wessen's 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

--

Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center Street, 7th Floor
Little Rock, AR 72201
501-372-6303
Fax: 501-399-9280
E-mail: abyrd@maysbyrdlaw.com

From: Arkie Byrd
To: ASCC New Claims; Donna Johnson
Subject: Re: UPDATE: Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. UAMS, Claim No. 250032
Date: Tuesday, July 23, 2024 9:36:10 AM

We will get done.

Thanks.

Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center Street, 7th Floor
Little Rock, AR 72201
501-372-6303
Fax: 501-399-9280
E-mail: abyrd@maysbyrdlaw.com

On Tue, Jul 23, 2024 at 9:19 AM ASCC New Claims <ASCC.New.Claims@arkansas.gov> wrote:

> Mr. Byrd, the claim was too large to send to UAMS via email, so we sent it this morning through an alternative method. Please see the attached updated agency letter. The only update is to the date to reflect the actual date that the claim was transmitted to UAMS.
>
> Thanks,
>
> Kathryn Irby
>
> **Arkansas State Claims Commission**
>
> 101 East Capitol Avenue, Suite 410
>
> Little Rock, Arkansas 72201
>
> (501) 682-1619
>
> ---
>
> **From:** Arkie Byrd <abyrd@maysbyrdlaw.com>
> **Sent:** Monday, July 22, 2024 1:32 PM
> **To:** ASCC New Claims <ASCC.New.Claims@arkansas.gov>

Subject: Re: Carl Sullivan, Power of Attorney for Edward Wessen, Disabled v. UAMS, Claim No. 250032

Received, thank you.

On Mon, Jul 22, 2024 at 1:27 PM ASCC New Claims <ASCC.New.Claims@arkansas.gov> wrote:

> Dear Mr. Byrd,
>
> Attached please find a copy of the letter sent with Carl Sullivan, Power of Attorney for Edward Wessen's 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

--

Arkie Byrd

MAYS, BYRD & ASSOCIATES, P.A.

CENTRE PLACE

212 Center Street, 7th Floor

Little Rock, AR 72201

501-372-6303

Fax: 501-399-9280

E-mail: abyrd@maysbyrdlaw.com

From: MCGHEE, SHELLY
To: Kathryn Irby; Robinson, Sherri
Subject: RE: FOLLOW UP: CLAIM: Sullivan v. UAMS, Claim No. 250032
Date: Wednesday, July 31, 2024 8:17:23 AM

My apologies. I thought we responded. Yes we have this and it has been downloaded.
Thanks,
Shelly

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Wednesday, July 31, 2024 8:15 AM
To: Robinson, Sherri <SLRobinson@uams.edu>
Cc: MCGHEE, SHELLY <SMcghee@uams.edu>
Subject: FOLLOW UP: CLAIM: Sullivan v. UAMS, Claim No. 250032

This Message Is From an External Sender

This message came from outside your organization.

Sherri and Shelly, I'm just following up on this one to confirm receipt and download?

Thanks,
Kathryn

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Tuesday, July 23, 2024 9:16 AM
To: Sherri Robinson <srobinson3@uams.edu>; Robinson, Sherri <SLRobinson@uams.edu>; MCGHEE, SHELLY <SMcghee@uams.edu>
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: CLAIM: Sullivan v. UAMS, Claim No. 250032

Sherri, this claim is too large to send via email, so I am transmitting to you via Dropbox. **Please confirm receipt and confirm that the documents have been downloaded, at which point we will delete the Dropbox link.**

[redacted]

Thanks,
Kathryn

Kathryn Irby
Arkansas State Claims Commission

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

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From: Robinson, Sherri
To: ASCC Pleadings
Cc: Arkie Byrd; MCGHEE, SHELLY
Subject: Sullivan v. UAMS, Claim No. 250032 - UAMS Answer
Date: Monday, August 19, 2024 10:31:32 AM
Attachments: image001.png
Sullivan v. UAMS, Claim No. 250032 - UAMS Answer.pdf

Dear Director Irby,

Attached is the Answer and Motion to Hold in Abeyance for filing on behalf of the University of Arkansas for Medical Sciences in the above referenced case. Because I am not yet clear whether Ms. Byrd will accept service solely by email, I am serving her on this email as well as by U.S. Mail.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any questions or need additional information.

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

UAMS.edu|UAMSHealth.com

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CARL SULLIVAN, as Attorney-In-Fact
For EDWARD WESSON, a Disabled Adult, **CLAIMANT**

V. **NO. 250032**

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES **RESPONDENT**

ANSWER AND MOTION TO HOLD IN ABEYANCE

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

1. Respondent denies each and every material allegation contained in the complaint.
2. Respondent denies that it was negligent in treating Claimant.
3. Respondent specifically denies that it or any of its employees, agents, officials or representatives took any action or inaction that was the proximate cause of Claimant's alleged medical injuries.
4. Respondent specifically denies that it or any of its employees, agents, officials or representatives is liable for any damages as alleged in the complaint or that Respondent is liable under the theory of *respondeat superior* or any other theory.
5. Respondent notes that a case regarding the same facts and circumstances has been filed against Dr. Joseph Margolick and Dr. Natalie Applebaum as well as their insurers in Pulaski County Circuit Court (60CV-24-5497). Arkansas Code Annotated § 19-10-302(a)

states that the Commission "shall hear no claim until the claimant has exhausted all remedies against insurers." Because there are insured parties and insurers named as defendants in the Pulaski County action, the case against UAMS should be held in abeyance pending Claimant's exhaustion against these parties.

6. Per the Commission's request, UAMS provides the following codes:

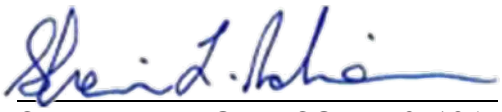
Agency	150
Fund CCA	0000
Fund Center	429
Cost Center	147011

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

WHEREFORE, having fully answered the Complaint, Respondent prays that said Complaint be held in abeyance pending the outcome of the case in Pulaski County Circuit Court, that the claim against it ultimately be denied and dismissed in 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

Attorney for Respondent

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 and mailing a copy of the same on this 19th day of August, 2024, to:

Arkie Byrd
Mays, Byrd & O'Guinn
abyrd@maysbyrdlaw.com
212 Center Street, 7th Floor
Little Rock, AR 72201

Sherri L. Robinson

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CARL SULLIVAN, AS ATTORNEY-IN-FACT FOR EDWARD WESSON, A DISABLED ADULT **CLAIMANT**

V. **CLAIM NO. 250032**

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES **RESPONDENT**

ORDER

Now before the Arkansas State Claims Commission (the "Commission") is the motion filed by the University of Arkansas for Medical Sciences (the "Respondent") to hold the claim filed by Carl Sullivan, as attorney-in-fact for Edward Wesson, a disabled adult (collectively referred to herein as the "Claimant") in abeyance pending resolution of Claimant's related lawsuit against the medical providers. Respondent stated in its motion that the underlying lawsuit was filed in Pulaski County Circuit Court as Case No. 60CV-24-5497. Claimant did not respond or object to Respondent's motion. As such, the Commission places this claim in abeyance pending resolution of the underlying lawsuit.

IT IS SO ORDERED.

ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb

ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: September 20, 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:	Arkie Byrd; Robinson, Sherri
Cc:	MCGHEE, SHELLY
Bcc:	Mika Tucker
Subject:	ORDER: Sullivan v. UAMS, Claim No. 250032
Date:	Thursday, September 26, 2024 7:27:00 AM
Attachments:	C27--Sullivan v. UAMS, 250032.pdf

Mr. Byrd 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: Donna Johnson
To: Kathryn Irby
Subject: Re: Fw: Question
Date: Sunday, June 15, 2025 4:22:40 PM

It's Carl Sullivan on behalf of Edward Wesson, a disabled adult v. UAMS

If you still can't find it this way, let me know and I'll get the claim number tomorrow when I'm in the office.

Donna Johnson
Assistant to Richard L. Mays and Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center St.,7th Floor
LITTLE ROCK, AR 72201
501-372-6303 - OFFICE
501-399-9280 - FAX
501-801-1960 - DIRECT

On Sun, Jun 15, 2025 at 3:50 PM Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

> Ms. Johnson, I have searched in our database for "Wesson" and am not finding an open claim. Will you please confirm the claimant's name and/or the claim number?
>
> Kathryn Irby
>
> ---
>
> **From:** Donna Johnson <djohnson@maysbyrdlaw.com>
> **Sent:** Tuesday, June 10, 2025 10:22 AM
> **To:** Kathryn Irby <Kathryn.Irby@arkansas.gov>
> **Subject:** Re: Fw: Question
>
> Thank you for the info. I will check with Ms. Byrd and get back with you.
>
> On Tue, Jun 10, 2025 at 10:19 AM Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:
>
> > Ms. Johnson, has Mr Byrd visited with UAMS counsel to determine if both parties are ready for hearing and how long the parties expect to need for hearing? If not, please do that and let me know. That will affect when I can schedule a claim hearing.

Kathryn Irby

Get Outlook for iOS

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Tuesday, June 10, 2025 11:15 AM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: FW: Question

From: Donna Johnson <djohnson@maysbyrdlaw.com>
Sent: Tuesday, June 10, 2025 10:13 AM
To: ASCC New Claims <ascc.new.claims@arkansas.gov>
Subject: Question

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

Good Morning. Attorney Arkie Byrd has a question and I am trying to find the answer.

First, is this still Caitlin?

Attorney Byrd would like to know who a request would be sent to to be put back on the docket. This is the Wesson v. UAMS medical malpractice matter filed sometime in 2024.

Thank you for your assistance.

--

Donna Johnson

Assistant to Richard L. Mays and Arkie Byrd

MAYS, BYRD & ASSOCIATES, P.A.

CENTRE PLACE

212 Center St.,7th Floor

LITTLE ROCK, AR 72201

501-372-6303 - OFFICE

501-399-9280 - FAX

501-801-1960 - DIRECT

--

Donna Johnson

Assistant to Richard L. Mays and Arkie Byrd

MAYS, BYRD & ASSOCIATES, P.A.

CENTRE PLACE

212 Center St.,7th Floor

LITTLE ROCK, AR 72201

501-372-6303 - OFFICE

501-399-9280 - FAX

501-801-1960 - DIRECT

From: Misty Scott on behalf of ASCC Pleadings
To: Kathryn Irby
Subject: FW: Carl Sullivan, POA for Edward Wesson, v. UAMS, Claim No. 250032
Date: Thursday, October 30, 2025 9:52:37 AM
Attachments: image001.png
Joint Motion to Approve Settlement Agreement-Executed.pdf

From: Robinson, Sherri <SLRobinson@uams.edu>
Sent: Thursday, October 30, 2025 9:00 AM
To: ASCC Pleadings <asccpleadings@arkansas.gov>
Cc: McGhee, Shelly <SMcghee@uams.edu>; Arkie Byrd <abyrd@maysbyrdlaw.com>; Tiffany Mays O'Guinn <toguinn@mbolawgroup.com>; Gillespie Law Firm <phyllis@gillespielawfirm.net>
Subject: Carl Sullivan, POA for Edward Wesson, v. UAMS, Claim No. 250032

Dear Director Irby,

Attached is a Joint Motion to Approve Settlement Agreement with the Release and Settlement Agreement attached as Exhibit 1. The parties appreciate the Commission's consideration at its earliest convenience.

Please contact me if you have any questions

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

UAMS.edu|UAMSHealth.com

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CARL SULLIVAN, Power of Attorney
For EDWARD WESSON, a Disabled Adult, **CLAIMANT**

V. **NO. 250032**

UNIVERSITY OF ARKANSAS
FOR MEDICAL SCIENCES **RESPONDENT**

JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT

Come now Carl Sullivan as Power of Attorney for Edward Wesson, a disabled adult, by and through his attorney Arkie Byrd, and the University of Arkansas for Medical Sciences (UAMS), by and through its attorney Sherri L. Robinson, and for their Joint Motion to Approve Settlement Agreement, state as follows:

1. Sullivan and UAMS desire to resolve this claim through the attached Release and Settlement Agreement (Agreement) executed by the parties. See Exhibit 1.
2. Per the Agreement, the Board of Trustees of the University of Arkansas and UAMS deny that they or any current or former officers, officials, representatives, or employees committed any act of medical negligence.
3. The parties request that the commission approve the attached Agreement and recommend its approval to the Claims Review Subcommittee or other appropriate legislative committee of the Arkansas General Assembly.
4. UAMS provides the following payment code information:

Agency 150

Fund CCA 0000

Fund Center 429

Cost Center 147011

WHEREFORE, Sullivan and UAMS respectfully request that the Arkansas State Claims Commission approve the Release and Settlement Agreement and Recommend approval of the Agreement by the Claims Review Subcommittee or other appropriate legislative committee of the Arkansas General Assembly.

Respectfully submitted,

ARKIE BYRD, #80020
Mays, Byrd & O'Guinn, P.L.L.C.
212 Center St., Suite 700-A
Little Rock, AR 72201
(501) 372-6303
AByrd@maysbyrdlaw.com

Attorneys for Claimant

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

Attorney for Respondent

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

From: Arkie Byrd
To: Kathryn Irby
Cc: ASCC Pleadings; Gillespie Law Firm; McGhee, Shelly; Robinson, Sherri; Tiffany Mays O"Guinn
Subject: Re: Carl Sullivan, POA for Edward Wesson, v. UAMS, Claim No. 250032
Date: Friday, November 14, 2025 1:55:56 PM
Attachments: image001.png

Thank you for the update.

Arkie Byrd
MAYS, BYRD & ASSOCIATES, P.A.
CENTRE PLACE
212 Center Street, 7th Floor
Little Rock, AR 72201
501-372-6303
Fax: 501-399-9280
E-mail: abyrd@maysbyrdlaw.com

On Fri, Nov 14, 2025 at 1:53 PM Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

> Counselors, I am submitting this claim file to the Commission at the next Commission meeting for an order. I expect to have an order to the circulate to the parties by mid-December.
>
> Please contact me with any questions.
>
> Kathryn Irby
>
> ---
>
> **From:** Robinson, Sherri <SLRobinson@uams.edu>
> **Sent:** Thursday, October 30, 2025 9:00 AM
> **To:** ASCC Pleadings <ASCCPleadings@arkansas.gov>
> **Cc:** McGhee, Shelly <SMcghee@uams.edu>; Arkie Byrd <abyrd@maysbyrdlaw.com>; Tiffany Mays O'Guinn <toguinn@mbolawgroup.com>; Gillespie Law Firm <phyllis@gillespielawfirm.net>
> **Subject:** Carl Sullivan, POA for Edward Wesson, v. UAMS, Claim No. 250032
>
> Dear Director Irby,
>
> Attached is a Joint Motion to Approve Settlement Agreement with the Release and Settlement Agreement attached as Exhibit 1. The parties appreciate the Commission's

consideration at its earliest convenience.

Please contact me if you have any questions

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

UAMS.edu|UAMSHealth.com

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CARL SULLIVAN, power of attorney for
EDWARD WESSON, a disabled adult **CLAIMANT**

V. **CLAIM NO. 250032**

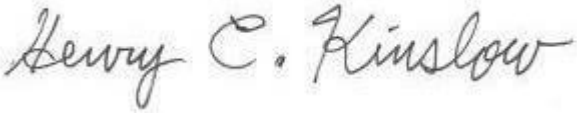
UNIVERSITY OF ARKANSAS FOR
MEDICAL SCIENCES **RESPONDENT**

ORDER

Now before the Arkansas State Claims Commission (the "Commission") is the Release and Settlement Agreement (referred herein as the "Agreement") signed by Carl Sullivan (the "Claimant") and interim chancellor for the Board of Trustees of the University of Arkansas on behalf of the University of Arkansas for Medical Sciences. Also before the Commission is the parties' joint motion to approve the Agreement. Based upon a review of the claim file, the Agreement, and the joint motion, the Commission hereby GRANTS the joint motion, APPROVES the Agreement and REFERS the award of $150,000.00 to the General Assembly for review and placement on an appropriations bill pursuant to Ark. Code Ann. § 25-44-215(b).

IT IS SO ORDERED.

ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair

ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: December 4, 2025

Notices which may apply to this 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 Commission. Ark. Code Ann. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).

(2) If a Claimant is awarded $15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under Ark. Code Ann. § 25-44-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.

(3) Awards or negotiated settlement agreements of more than $15,000.00 are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 25-44-215(b).

From: Kathryn Irby
To: "Robinson, Sherri"
Cc: "McGhee, Shelly"; "Arkie Byrd"; "Tiffany Mays O"Guinn"; "Gillespie Law Firm"; Mika Tucker
Subject: ORDER: Carl Sullivan, POA for Edward Wesson, v. UAMS, Claim No. 250032
Date: Friday, December 5, 2025 9:18:00 AM
Attachments: C3--Sullivan v. UAMS, 250032.pdf
image001.png

Counselors, please see attached order. I will copy you on my email transmitting this claim file to the Legislature.

Kathryn Irby

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

From: Kathryn Irby
Sent: Friday, November 14, 2025 1:54 PM
To: 'Robinson, Sherri' <SLRobinson@uams.edu>; ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: McGhee, Shelly <SMcghee@uams.edu>; Arkie Byrd <abyrd@maysbyrdlaw.com>; Tiffany Mays O'Guinn <toguinn@mbolawgroup.com>; Gillespie Law Firm <phyllis@gillespielawfirm.net>
Subject: RE: Carl Sullivan, POA for Edward Wesson, v. UAMS, Claim No. 250032

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Sherri L. Robinson
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