F.01

Arkansas State Claims Commission
AUG 07 2020
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Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

Do Not Write in These Spaces
Claim No.
Date Filed (Month) (Day) (Year)
Amount of Claim $
Fund

☑ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Roy A. Hoggard II #[redacted], Claimant

vs.

State of Arkansas, Respondent

COMPLAINT

Roy A. Hoggard II (Name), the above named Claimant, of [redacted] (Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) County of _____ represented by _____ (Legal Counsel, if any, for Claim)

of _____ (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.), says:

State agency involved: Arkansas Department of Corrections Amount sought: $9,500.00

Month, day, year and place of incident or service: Sept. 26, 2019 thru Oct. 2, 2019 [redacted]

Explanation: 1. On Sept. 30, 2019, The Claimant Hoggard was being transported back to the [redacted] section of the [redacted] upon [redacted]

2. The transportation officers stopped at the Benton County Work Release Compound (BU) to take custody of several other inmates that was being transported from the BU to other units.
3. After departing the BU compound the ADC transport bus traveled approx. one hundred (100) yards from the compound on the main road before a burning smell filled the buses interior.
4. The officer driving the bus announced the bus had no power and he needed to return to the BU.
5. At that time the officers contacted Central Transportation which instructed them to contact Ramsey's Auto Repair to tow the bus in for repairs. The officers were also instructed to remain at the compound and await other vehicles being dispatched to take custody of the inmates being transported to other units.
6. There was only two (2) inmates being transported to the [redacted] Hoggard and Hubbard.
7. A shuttle van arrived to transport Hoggard and Hubbard back to [redacted]
8. Upon departing the BU compound and traveling approx. fifty (50) yards, the new transport officers was contacted via shortwave radio and cell phones, that the transport order to [redacted] had been canceled. The new orders were to return Hoggard and Hubbard back to [redacted]

Continued on additional pages that follow...

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

No (Yes or No); when? _____ (Month) (Day) (Year); to whom? _____ (Department): and that the following action was taken thereon: _____

and that $ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? _____; if so, state name and address

_____ (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: _____: and was acquired on _____, in the following manner:

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

Mr. Roy A. Hoggard II (Print Claimant/Representative Name)

Roy A. Hoggard II (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Marianna (City) Ark. (State)

on this 26th (Date) day of July (Month), 2020 (Year)

Allen Williams (Notary Public)

My Commission Expires: 3 (Month) 06 (Day) 2028 (Year)

(SEAL)

NOTARY PUBLIC ARKANSAS
ALICIA WILLIAMS
No. 12705686
LEE COUNTY
Commission Expires 3-06-2028

9. It was later discovered that the reason for the transport order being canceled was due to an Emergency Unit Lockdown occurring at the [redacted] Through the negligence of the security staff they failed to keep the [redacted] compound secure and lost the presence and custody of an inmate.

10. Upon the return to [redacted], Hoggard and Hubbard was escorted to a main control booth where the transport officers attempted to relinquish custody of Hoggard and Hubbard.

11. The female officer in command of the control booth stated that she did not have any paperwork or orders to accept either Hoggard or Hubbard.

12. At this time the female officer attempted to check her computer, then informed the transport officers that all of the paperwork, orders and information on the eOMIS (an ADC private computer program) on her computer states both Hoggard and Hubbard is in route to [redacted].

13. The transport officers informed the female officer the transport bus broke down before the transport order was completed to [redacted], then the transport order to [redacted] was canceled and they were instructed to return both Hoggard and Hubbard to [redacted].

14. The female officer made several telephone calls, then instructed the transport officers to escort both Hoggard and Hubbard to Housing Four, SN-C. ([redacted] New Commitments).

15. This fact is the reason Hoggard's grievance was assigned code "SNN" because Hoggard was housed in the [redacted] New commitment area when the situation occured and where Hoggard filed the grievance SNN19-00269. (See Exibit U, Grievance Codes.).

16. As being housed in the New commitment Cellblocks there should not have been any excuse for why a new commitment starter linen package not been readily available to be issued to Hoggard upon being placed in SN-C 301 cell on Sept. 30, 2019.

17. Upon arriving at Housing Four SN-C the transport officers relinquished custody of Hoggard and Hubbard to Corporal S.L. Ray.

18. Cpl. Ray placed Hoggard in SN-C 301 cell, which was completely empty, it did not have anything in it

19 [redacted]

20. [redacted] the

21. Hoggard informed Ray that he had not had a change of clothing since arriving at the unit Sept 26, 2019, four (4) days earlier and that this was day five (5) to be in the same dirty clothes.

22. At this time an inmate porter was in the dayroom of Housing Four SN-C block passing out clean laundry bags that had returned from being washed and dried at the units laundry.

23. The inmate porter overheard Hoggard informing Ray that he had not changed clothes in five (5) days now, so the inmate porter approached us with a clean jumpsuit in his hands.

24. Ray told the inmate porter "No" and ordered the porter to take the jumpsuit away.

25. Hoggard informed Ray that he needed hygiene items such as soap, tooth brush, toothpaste, toilet paper and linen, as per policy and procedure AD policy 12.03.0 (See Exibit B, Sec. VI, Procedures, Subsection A, B. and C.) and [redacted] policy (See Exibit C, page 14 Laundry/Clothing Room).

26. Ray laughed and slammed the food trap door closed on the solid door of SN-C 301 cell and walked away stating he would see what he could find.

27. Upon further inspection of SN-C 301 cell Hoggard discovered the water in the sink did not work.

28. When Ray came back in to make a security round Hoggard informed Ray that the water in the [redacted]

29. Ray stated that he would notify maintenance about the water in the sink not working and he would see what he could find on the rest.

30. At this time Hoggard requested to speak to a Sergeant or Lieutenant.

31. Ray once again stated that he would see what he could find and that Hoggard would get something to drink at chow call.

32. Per policy and procedure of [redacted] inmates are not allowed to keep the kitchen cup they are served a drink in at each meal. To do so suffers the results of disciplinary action.

33. The plastic cup is supplied with the drink at each meal along with a plastic spoon, then they are immediately collected with the food tray after each meal.

34. Inmates are only allowed to keep their own personally purchased cup from commissary in the cell, which all of Hoggard's personal property was still located at the [redacted]

35. Hoggard had no means of purchasing a cup from the commissary store due to being an indigent inmate and ADC does not offer drinking cups, bowls, spoons, etc. on the indigent supply list available to indigent inmates at any of the ADC units.

36. Ray never issued Hoggard any items at all during his work shift as per policy and procedure.

37. On Sept. 30, 2019, after 6 p.m. shift change Hoggard informed the new barracks commanding officer (C.O.) of the situation. Hoggard informed the new C.O. of how the water in his sink did not work, the new C.O. stated that he would put in a work order, but with it being after hours maintenan was gone for the night.

38. Hoggard informed the new C.O. that Hoggard did not have any hygiene items to brush his teeth o soap to wash his hands after using the bathroom even if his sink was working and that Hoggard [redacted]

39. Hoggard informed the new C.O. that he had not been given a change of clothes or had the clothe Hoggard was wearing washed in five (5) days.

40. The new C.O. (the officer did not have a name tag or visible i.d. badge to procure his name fo record) issued Hoggard one (1) roll of toilet paper, one half (½) of a ripped apart dirt covered piece of blanket that was approx. 40" x 48", (For the Commissions understanding, a concrete block, whic all cells are constructed from are standard concrete blocks that measure approx. 15½" long, 7½" tal and 7½" wide, this is a common means for an inmate to measure items) and one (1) dilapidated worn out mattress that the cover was barely hanging on it.

41. On Oct. 1, 2019, Hoggard used the prisoner grievance procedure available at [redacted] to try and solv the problem. Hoggard filed the grievance as an Emergency Grievance SNN 19-00269 (See Exibit D) because the situation constituted that it was not an ordinary problem as outlined in AD 19-34 Inmate Grievance Procedure, Page 2 of 31, Sec. F. (See Exibit G).

42. [redacted]

[redacted]

43. The unhygienic conditions Hoggard was being subjected to as for no water in the sink to b able to wash his hands after using the bathroom constituted as an emergency situation as defined in AD 19-34 an Emergency is "a problem that, if not immediately addressed, subjects the inmate to a substantial risk of personal or other serious and irreparable harm" (see Exibit G).

44. The substantial risk of contracting such diseases such as hepatitis, E.coli, diphtheria, dysentery, etc is the very definition of being an emergency situation.

45. The situation of not having running water in Hoggard's sink to consume or a cup to consume water if it was available in the sink, clearly constituted as an emergency situation.

46. On Oct. 1, 2019, Sergeant S. Kemp accepted Hoggard's Emergency Grievance and stated he would take care of it however, the [redacted] is on emergency lockdown due to inmate Adams being unacc- counted for therefore [redacted] is not accepting or releasing any inmates at that time and that was the reason the transport order was canceled.

47. Hoggard informed Kemp that the water in his cell did not work and that Hoggard had informed both Ray and the night shift relieving C.O. of the sitnation, how they both said they would contac maintenance however, maintenance still had not even looked at the sink muchless repaired it.

48. Kemp signed Hoggard's Emergency Grievance, but circled it to not be an emergency and stated that he would go see what he could do because he could get an intake package for Hoggard (The intake package is outlined in Exibit B(a), B(b) and C) But Kemp never returned with any item issuance or anything whatseever to resolve the problem.

49. On Oct. 1, 2019, at last chow call since Kemp had not returned nor had Hoggard been issued any hygiene items, linen or his clothes washed or exchanged, Hoggard attempted to question the office that was collecting the food trays.

50. Upon questioning the officer and Hoggard having his hands still remaining out through the food trap door located in the middle of the solid door to the cell from handing the officer Hoggard's evening meal tray, the officer kicked the trap door closed on Hoggard's bare hands and wrists.

51. Again, this officer did not wear any i.d. badge or name tag to indicate his name for reco
Apparently this is a common practice at the [redacted]

52. Hoggard was not afforded any medical attention for having his hands and wrists slammed i
the food trap door while at the [redacted] even though Hoggard requested to see medical repeatedly.

53. On Oct. 2, 2019, Hoggard was transported back to [redacted] after the unit lockdown was lifted due
to inmate Adams being located on the roof of the [redacted] where Adams had been the entire time.

54. [redacted]

55. On Oct. 24, 2019, Hoggard received the Warden's Decision on grievance SNN19-00269. The [redacted] Warden
did not address the issues of the policy and procedure violations or the living conditions even though
that is the grievance code number the Inmate Grievance Coordinator at [redacted] assigned to the
grievance SNN19-00269 "508" which is code for living conditions. (See Exibits D and U).

56. Instead the [redacted] Warden only stated why Hoggard was not returned to [redacted] on schedule and
the date Hoggard was returned to the [redacted] (See Exibit T(a)).

57. On Oct. 24, 2019, Hoggard appealed the Warden's Decision, and on Nov. 4, 2019, Hoggard received
an acknowledgment for the appeal of grievance SNN19-00269 from Mr. William F. Straughn statin
Hoggard would receive communication from His office by Dec. 18, 2019. (See Exibit V).

58. On Dec. 28, 2019, Hoggard received the "Chief Deputy/Deputy/Assistant Director's Decision" to the
grievance SNN19-00269. Only instead of the decision being made by Mr. Straughn, Assistant Director as
stated on the acknowledgment, it was responded to by Mr. Rory Griffin, Deputy Director for Health an
Correctional Service, which Griffin did not sign the document, an ink stamp was used but then someone
used a blue ink pen to date the document. (See Exibit Z).

59. The fact of the signature ink stamp, use of a separate ink pen to date the form, how on Dec. 16, 20 Griffin overrode Straughn by responding to grievance SNN 19-00269, but Griffin did not sign the document as his title of Deputy Director for Health and Correctional Service, Griffin assumed t title as full Director. (See Exibit Z). This all gives real question of who actually responded to t appeal of Warden's Decision on grievance SNN 19-00269.

60. In what is assumed is Griffin's response dated Dec. 16, 2019, Griffin stated and I quote, "A [redacted]

61. Per AD policy 12.03.0, page 2 of 3, Sec. VI. Procedures, Subsection F. Linen Exchange states, "The linen will be collected, washed and returned the same day." and Subsection G, "Clothing shall be laundered in accordance with the following schedule: 1. Regular work clothes - Monday throug Saturday." (See Exibit B

62. Per [redacted] policy and procedure, Page 14, under Hygiene Issuance, the second paragraph states, "Your clo hes will be washed daily (except Sundays)." (See Exibit C).

63. In both of these policies the procedure of washing clothing on a "daily" basis is to maintain a hygienic living condition to lower the risk of contracting and or the spread of such highly conta gious pathogenic specie as Staphylococcus and the Boils and Abscesses associated with the bacteria proving the "need" for changing clothing or at the very least washing the clothing the inmate has been wearing for an excess of a twenty-four (24) hour period.

64. Griffin's statement and I quote, "At the time of responding to your appeal, you have been transferr back to you home unit ([redacted] and now have the comfort of your property." (See Exibit Z).

65. [redacted] tha of and

66. Just forewarning the Commission, from previous dealings with Mr. Thomas Burns, General Counsel fo

the ADC. Mr. Burns will attempt to try and use Mr. Hoggard's Length of Sentence, Nature of Crime and even where Mr. Hoggard is housed as a tactical advantage of some sort to sway the opinio of the Commission to be prejudice and bias towards Mr. Hoggard to cover and blind the wrong doings by the ADC and discredit any inmate that opposes the ADC. Which neither the length sentence, nature of crime or where an inmate is housed has any bearing on ADC staff violating policy and procedure in any way.

67. And for the record, during the time in which it has taken to prepare and submit this claim Mr. Hogg [redacted]

68. The Claimant has no plain, adequate or complete remedy at law to redress the wrongs and wrongdoing described herein, Claimant Hoggard has been and will continue to be irreparably injured by the conduct of the Respondent unless this Commission grants the Declaratory and Injunctive Relief which the Claimant seeks.

WHEREFORE, the Claimant Hoggard respectfully prays that this court enter judgment granting the Claimant;

69. A declaration that the acts and omissions described herein violated the ADC Policy and Proced ure under the Administrative Directives.

70. A Permanent Injunction ordering the ADC to incorporate and include the sale of eating utens as in specifically, but not limited to, the Coffee Cups, Bowls with Lids and spoons, etc. to the indigent Inmates in All ADC Unit Commissary Stores.

71. Compensatory Damages in the amount of $ 7,000.00 against the Respondent.

72. Punitive Damages in the amount of $ 2,500 00 against the Respondent.

73. Claimant Hoggard also seeks a hearing on all issues outlined and stated throughout this claim.

74. Claimant Hoggard also seeks recovery of any court costs that may ensue in this claim, and

75. Any and all additional relief this court deems just, proper, and equitable to which the Claimant may be entitled.

Dated: July 26, 2020

Respectfully Submitted,

Mr. Roy A. Hoggard II, [redacted]

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Marianna, Arkansas on July 26, 2020

Roy A. Hoggard II

Mr. Roy A. Hoggard II

"Exibit B" (a)

	ARKANSAS DEPARTMENT OF CORRECTION	NUMBER:	12.03.0	PAGE NUMBER 1 of 3
	[redacted]	SUPERSEDES:		ISSUING EMPLOYEE:
	POLICY AND PROCEDURES	DATE:	04-28-95	WARDEN
CHAPTER:	Sanitation and Hygiene	SUBJECT:	Inmate Clothing, Bedding and Linen Supplies	

Revised on These Dates					
Annual Review on These Dates	06-08-11	06-11-12	**06-06-13**	**06-17-14**	**06-17-15**

I. AUTHORITY: The Warden's authority to issue this document is contained in Administrative Regulation 001. This policy shall supplement all related Administrative Regulations and Departmental policies.

II. PURPOSE: To prescribe unit standards for issue of inmate clothing, bedding and linens.

III. APPLICABILITY: To all inmates and employees involved in the procurement, storage or utilization of inmate clothing, bedding or linens.

IV. DEFINITIONS: None.

V. POLICY: All inmates are provided clothing which is properly fitted, climatically suitable and appropriate to meet the needs of the situation including sanitation and safety requirements. All inmates shall be supplied with bedding and linens sufficient to provide comfortable, sanitary and safe conditions during the entire period of confinement. Supply issue shall meet the requirements listed below:

A. Special protective clothing shall be issued to inmates assigned to such areas as food service (aprons if needed, hair covers); hospital (face mask, gloves, etc. if needed); maintenance (eye goggles when needed); and other special work details. The supervisors of each of these areas will ensure proper equipment is available in their areas.

B. All clothing and bedding supplies issued to inmates shall be that inmate's responsibility and he shall be held accountable for its use.

C. A supply of clothing, linen and bedding shall be maintained at a level adequate to supply the facility's maximum inmate population.

D. Clothing replacement as needed shall be available to all inmates Monday through Friday.

VI. PROCEDURES:

A. **Clothing and Personal Hygiene Items:** Upon arrival at the Unit, the inmate shall be issued the following items if needed. The inmate shall be accountable for each item after its issuance to him.

[redacted]

"Exibit B" (b)

POLICY AND PROCEDURES	POLICY NO.: 12.03.0	PAGE NUMBER: 2 of 3
SUBJECT: Inmate Clothing, Bedding and Linen Supplies	SUPERSEDES:	EFFECTIVE DATE: 04-28-95

1. 3 shirts
2. 3 pants
3. 1 pair of brogans
4. 3 undershorts
5. 3 pair of socks
6. 1 cap/toboggan (seasonal)
7. 1 jacket (seasonal)
8. Thermals (seasonal)
10. Raincoat (optional)
11. 1 Washcloth)
12. 2 Bath towels
13. 1 Laundry bag

1pr. Canvas Shoes (optional)

B. **Bedding:** Each inmate shall be issued the following upon arrival at the Unit:

1. 1 mattress
2. 1 pillow
3. 2 sheets
4. 1 pillowcase
5. 1 blanket

C. **Hygiene Items:** Each inmate upon arrival at the unit will be issued the following items:

1. 1 bar of soap
2. 1 safety razor
3. 1 roll of tissue paper
4. 1 tube of toothpaste

D. **Hygiene Items:** Therefore, these items will be made available to inmates on a weekly basis; on Sunday. Toothpaste will be made available to inmates on a monthly basis by medical/dental staff.

E. **Protective Clothing:** Special protective clothing shall be issued to any inmate that may be required in the performance of his duties. The supervisor of the area assignment shall be the one who determines what clothing may be needed.

F. **Linen Exchange**: The linen will be collected, washed and returned the same day. Line (Linen) may be included in personal laundry bags. This service is valuable three times a week.

G. Clothing shall be laundered in accordance with the following schedule:

1. Regular work clothes – Monday through Saturday.
2. Visitation clothes – once per week.
3. Infirmary – daily (and as needed)
4. County Jail – as needed

H. **Accountability:** Responsibility for all items issued shall rest with each inmate.

1. The Laundry Supervisor shall maintain an Inmate Clothing/Issuance clothing card for each inmate which includes the following information:

a. A listing of all items inmates arrive with and items issued to the inmate by department.
b. A receipt signed by the inmate for all issued items.
c. Date of issue of each item.



"Exibit C"

LAUNDRY/CLOTHING ROOM

- When you arrive at the [redacted] Unit you will be issued – 1 blanket, 1 pillowcase, 2 sheets, 1 towel, 1 washcloth, 1 pillow, 1 roll of toilet tissue, 2 razors, and 1 bar of soap. You will also be issued boxers and socks upon arrival as needed. You are only allowed to have 5 pair of state or store issue boxers and socks at any given time.
- Inmates will wear 1 set of clothing and will be issued 1 set of clothing and 1 set of clothing will be held for visitation purposes. T-shirts, boxers, socks, towels, washcloths, and thermals are the only items allowed in the laundry bag. Any other items placed in the bag will be confiscated and *could result in disciplinary action.*
- Appropriate footwear will be issued, according to your job assignment.
- Inmates are not to come to the laundry room for any reason without prior approval of the Laundry Supervisor. If you need clothing or repairs, you are to notify your picket man.
- **Repair and Replacement**: Clothing items (pants/shirt) only: Housing 1-Tuesday; Housing 2-Wednesday; Housing 3 – Thursday; and Housing 4 –Friday.
- **Inmate Request Form: Issuance** for requests will be on Thursday between 5:00 am and 6:00 am. Your records will be checked and, if you are eligible and the items are in stock, you will be issued the items requested. Be sure to put appropriate size(s) for item(s) on your request.
- **Hygiene Issuance**: Razors, toilet tissue and soap will be distributed and signed for on Wednesdays thru the laundry picket.
- Your clothes will be washed daily (except Sundays). Clothes and laundry bags are to be signed in and out through the laundry picket.
- **Sheets and Pillowcases** will be washed on: Tuesday for Housing 1; Wednesday for Housing 2; Thursday for Housing 3; Friday for Housing 4.
- **Blankets will be washed once a month** with sheet call for your barracks.
- Barracks picket hours will be 11:30 am thru 7:30 pm. All dirty clothes and laundry bags should be signed in by this time.

ISOLATION

1) No passing of articles to or from the isolation cells, and no inmate will be allowed inside the **RED LINES** between barracks and isolation cell doors.
2) There will be no loud talking, yelling, whistling, or banging of doors from the isolation cells. Any unnecessary noise from the isolation cells will result in Disciplinary Action.
3) Inmates on punitive segregation or punitive restriction serving consecutive punitive sentences will receive 48-hour relief at the end of each 30-day sentence. Inmates on 48-hour relief will be allowed to purchase commissary items, authorized personal hygiene items and legal supplies. Purchase limit will be the same as indigent inmates, up to **$12.00**.
4) You will go on your regularly scheduled day and will be limited to a quantity that can reasonably be consumed in 48 hours. Lists must be turned in the day before or no later than 11:30 a.m. the day of the regularly scheduled commissary. The commissary will fill 48 hour relief lists after 2:00 p.m. on the scheduled day - Your list must state 48 hour relief.
5) All 48-hour relief inmate lists must be approved and signed by a Captain or above.

PREA

If you have been pressured to have sex or if you have been sexually abused, report it to ORCU security or staff personnel immediately. If you don't feel comfortable going to personnel here, you need to call the rape crisis hotline, *870-267 (9002# for those on telephone restriction). We take every allegation very seriously and will address each situation in a professional and appropriate manner.



"Exibit D" RECEIVED

A 6 SNU

OCT 16 2019

UNIT LEVEL GRIEVANCE FORM (Attachment I)

FOR OFFICE USE ONLY
GRV. # SNU19-00269
Date Received: 10/16/19
GRV. Code #: 508

Unit/Center [redacted] Grievance Office [redacted]

Name Hoggard, Roy Adrin II

ADC [redacted] **Brks #** SNU 301 **Job Assignment** N/A

_____ (Date) STEP ONE: Informal Resolution

10/4/19 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.) If the issue was not resolved during Step One, state why: Because Sgt. Kemp did nothing to resolve my emergency grievance, I am seeking punitive damages for ADC staff violating policies.

10/1/19, (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff member. Attach emergency receipt. In an Emergency, state why: [redacted]

Are you requesting Medical or Mental Health Services? NO If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel [redacted]

Roy Hoggard II
Inmate Signature

10/1/19
Date

If you are harmed, threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

_____ _____ _____ 10-1-19

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including **dates:** _____

RECEIVED NOV 01 2019 INMATE GRIEVANCES SUPERVISOR ADMINISTRATION BUILDING

RECEIVED NOV 01 INMATE GRIEVANCES SUPERVISOR ADMINISTRATION BUILDING

_____ _____

Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on 10/8/19 (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: Sgt. K Kemp Date: 10/9/19

Action Taken: Forwarded (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

14 of 19

[redacted]

"Exibit G"

opportunity to resolve an issue on an informal basis, and to serve as a prerequisite to the second step, a formal grievance.

B. Grievance – the second (formal) step where a written complaint using the same form used for the Informal Resolution (Unit Level Grievance Form, Attachment I) is submitted by an inmate on the inmate's own behalf (an inmate cannot grieve on behalf of another inmate) regarding:

1. A policy applicable within his or her unit/center of assignment that personally affects the inmate;

2. A condition in the facility that personally affects the inmate;

3. An action of another inmate, or inmates, that personally affects the inmate;

4. An action of an employee(s), contractor(s), or volunteer(s) that personally affects the inmate; or

5. An incident occurring within his or her facility that personally affects the inmate.

C. Warden – the Warden or Center Supervisor of the facility or designee.

D. Appeal – a written request directed to a Chief Deputy/Deputy/Assistant Director for further action to resolve the issue or complaint in the grievance based upon the inmate's assertion that the issue has not been resolved at the Unit level. (The appeal cannot raise new or additional issues or complaints.)

E. Working Days – Monday through Friday, excluding state observed holidays.

F. Emergency – a problem that, if not immediately addressed, subjects the inmate to a substantial risk of personal injury or other serious and irreparable harm such as, physical abuse. If a grievance, submitted as an emergency grievance by the inmate, is deemed an emergency by the problem solver, the grievance is immediately submitted to the Warden/highest ranking supervisor at the unit without the completion of Step One, the informal process; however, if the grievance is not an Emergency, it will be processed under Step One.

G. PREA Grievance – Grievance where inmate is alleging staff-on-inmate or inmate-on-inmate sexual abuse or sexual harassment as those terms are defined in the PREA Administrative Directive. A Problem Solver should immediately submit a suspected PREA grievance to the highest ranking supervisor at the unit, who will then contact the duty warden, without the completion of Step One, the informal process; however, if the duty warden finds that the grievance is not a PREA grievance, it will be returned to the Problem Solver and processed under Step One.

[redacted]

"Exibit T" (a) EA

IGTT410
3GS

Attachment III

INMATE NAME: Hoggard, Roy A. II ADC #: [redacted] GRIEVANCE #: SNN19-00269

WARDEN/CENTER SUPERVISOR'S DECISION

[redacted]

After speaking to Central Transportation Captain, I was informed the reason you did not get returned to East Ar on 9-30-19 was not because the bus broke down but rather there was a Unit emergency and therefore the unit was shut down and not accepting any inmates either returning or transferring out. However, you did return to [redacted] on October 2, 2019.

I find this grievance without merit.

D. Earl Warden 10-21-19

Signature of Warden/Supervisor or Designee Title Date

RECEIVED NOV 01 2019 INMATE GRIEVANCES SUPERVISOR ADMINISTRATION BUILDING

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? The Warden's response is not addressing my grievance. As stated, the reason for the grievance being an emergency grievance in the first place was because [redacted] then as stated for the reason for proceeding to step 2 is because Sgt. S. Kemp did nothing to resolve the grievance by not issuing me any linen, no hygiene items per AD 12.30 and policy 12.03 [redacted] My grievance clearly states that after I was returned to the [redacted] which it does not matter for what reason it was, even though it is documented that the transportation bus did break down at the Benton County Work Release due to it's transmission giving out and in fact Central Transportation contacted Ramsey's repair service to accept the bus for repairs. The fact is that the staff, such as COII S.L. Ray and Sgt. S. Kemp violated ADC policies by placing me in a cell with only a half of a dirty blanket and a torn up mattress for 3 days (72 hours) with no hygiene items, no linen, no change of clothing, no shower, the sink in my cell did not work I only had a working toilet, Therefore, I appeal the Warden's decision because the only thing the Warden choose to address was clearly a Rhetorical Question. He did not address the grievance in any way or form.

RECEIVED OCT 17 2019 OUACHITA RIVER UNIT WARDENS OFFICE

[redacted] Roy Hoggard III 10/24/19

"Exibit U"

GRIEVANCE PROCEDURE CODES

Each Unit/Center is assigned a unit code as follows:

[redacted]

Which is succeeded by the last two digits of the calendar year, followed by a five digit sequential number beginning with 00001 (i.e., CU-03-00001).

GRIEVANCE TYPE CODES

100	Transfer
101	Unit Transfer
102	Interstate Compact
200	Institutional Assignment
201	Cell Barracks
202	Job
203	Classification
204	Enemy Alert List
205	Protective Custody
206	Punitive
207	Administrative Segregation
208	School/Vocation Training
209	Rehabilitation Programs
210	Counselors
211	Investigative Status – DCR
212	48 Hour Relief Privileges
300	Communication
301	Visits (non-legal)
302	Telephone
303	Radio/Television/Movie
304	Interview Request
305	Unit Policy/ADC Policy
306	Publication
307	Mail
308	Marriage
400	Disciplinary Matters
500	Institution Operations
501	Food/Food Services
502	Commissary
503	Inmate Funds
504	Sanitation – Showers, etc.
505	Inmate Property Claims
506	Clothing – Bedding/Footwear
507	Activity Rotation
508	Living Conditions
509	Working Conditions
510	Grooming
511	Recreation
512	Searches
513	Contraband/Confiscation Forms
514	Alternative Meals
515	Hunger Strike
516	Diet
600	Medical
601	Denial of Treatment
602	Harassment or Abuse
603	Records
604	Footwear/Orthotics
605	Sick Call – not otherwise specified
606	Vision
607	Food/Special Diet
608	Medication/Pill Call – not otherwise Specified

[redacted]

"Exibit V"

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Hoggard, Roy A. II ADC #: [redacted]
FROM: Straughn, William F TITLE: Assistant Director (ADC)
RE: Receipt of Grievance SNN19-00269 DATE: 11/01/2019

Please be advised, the appeal of your grievance dated 10/01/2019 was received in my office on this date 11/01/2019

You will receive communication from this office regarding this Grievance by 12/18/2019

- ☐ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
  - ☐ (a) Parole and/or Release matter
  - ☐ (b) Transfer
  - ☐ (c) Job Assignment unrelated to medical restriction
  - ☐ (d) Disciplinary matter
  - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
  - ☐ (f) Involves an anticipated event
- ☐ You did not send all the proper Attachments:
  - ☐ (a) Unit Level Grievance Form (Attachment 1)
  - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
  - ☐ (c) Did not give reason for disagreement in space provided for appeal
  - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
  - ☐ (e) Unsanitary form(s) or documents received
  - ☐ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

"Exhibit 2"

IGTT430
3GD

Attachment VI

INMATE NAME: Hoggard, Roy A. II ADC #: [redacted] GRIEVANCE#:SNN19-00269

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

[redacted]

On 10/21/19 the warden responded, "After speaking to Central Transportation Captain, I was informed the reason you did not get returned to [redacted] n 9-30-19 was not because the bus broke down but rather there was a Unit emergency and therefore the unit was shut down and not accepting any inmates either returning or transferring out. However, you did return to [redacted] on October 2, 2019.
I find this grievance without merit."

Your appeal was received on 11/1/19. In your appeal you stated that the warden's response did not

[redacted]

informed, you did not need changing clothing and due to unforeseen circumstances, you were kept at [redacted] for 2 extra days. These unforeseen circumstances also affected the unit, in that they had to find a bed space for you and make sure you were fed, the hygiene items were secondary. At the time of responding to your appeal, you have been transferred back to you home unit [redacted] and now have the comfort of your property, therefore, I find no merit in your appeal.

Appeal denied.

Director

12/16/19
Date

19 of 19

[redacted]

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

September 2, 2020

Roy A. Hoggard [redacted]

RE: ***Roy A. Hoggard v. Arkansas Department of Correction***
Claim No. 210188

Dear Mr. Hoggard,

Your claim has been filed but has not been transmitted to the Arkansas Department of Correction because the claim exceeds the page limitations set out in Ark. Code Ann. § 19-10-208(f). The text of this subsection is set out on the following page for your review.

Pursuant to Ark. Code Ann. § 19-10-208(f)(3)(A)(ii), you have forty-five days from the date of this letter to resubmit your complaint in compliance with the statute or to file a motion for leave to exceed the page limitations. Failure to do so will result in the dismissal of your claim without prejudice. Ark Code Ann. § 19-10-208(f)(3)(C).

Sincerely,

Kathryn Irby

ES: mshaynes

Enclosures

Ark. Code Ann. § 19-10-208(f)

(1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:

(A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and

(B) Five (5) additional pages of exhibits to accompany his or her complaint.

(2) (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.

(B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.

(3) (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:

(i) Assign the inmate's claim a docket number; and

(ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:

(a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or

(b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.

(B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.

(C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:

(i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or

(ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.

(D) (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.

(ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

To: Ms. Kathryn Irby, Director

Date: October 17, 2020

From: Mr. Roy A. Hoggard II

ADC: [redacted]

Re: Claim No. 210188

Arkansas State Claims Commission
OCT 21 2020
RECEIVED

Dear Ms. Irby,

I received your letters along with the filemarked copies of my claims in which you state I have exceeded the page limitation and needed to submit a motion for leave to exceed the page limitation.

Please file said enclosed Motion For Leave To Exceed The Page Limitation on Claim No. 210188, Thank you.

I do have a serious concern I wish to address with you and that is the conflicting dates you printed on the two separate letters you enclosed with the two filemarked copies of my two claims I submitted. Both claims are filemarked with the same dates and they Both along with the two separate letters were all enclosed in the same envelope Post Marked October 14, 2020, but as I said the dates on the two separate letters have very conflicting dates. Should I be concerned or is this merely a typographical error? Please contact me as soon as possible to let me know, thank you.

Sincerely
Roy Hoggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

Arkansas
State Claims Commission
OCT 21 2020
RECEIVED

MOTION FOR LEAVE TO EXCEED THE PAGE LIMITATIONS

Due to the letter received by the claimant from Ms. Kathryn Irby, Director Post Dated: October 14, 2020, received and ink stamped in the [redacted] Mail Room on October 16, 2020, then delivered on the evening of October 16, 2020 stating claim No. 210188 exceeded the page limitations, therefore I needed to submit this motion. Pursuant to Ark. Code Ann. § 19-10-208 (f) (2) Claimant moves for an order granting him this motion for leave to exceed the page limitations, claimant states:

1. First and Foremost, the issues involved in the claim submitted by the claimant is complex and is in need of the extra pages to prove the claim and present the most accurate details and factual exhibits.

2. With all State Claim Application Forms there are two pages of instructions that are enclosed with the form and they clearly state at the top of the second page in bold print, "If your supporting documentation (any documentation other than your Complaint Form) for your claim exceeds six (6) pages then you must submit: - ONE original complaint form and supporting documents - FOUR (4) additional copies (sets)." (Please See Enclosed Form). Which I fully complied with the instructions given by the State Claims Commission when I submitted my claim.

However, now the instruction form that is enclosed with all claim forms is being contradicted and my claim is not being processed due to my claim exceeding the

the page limitation in Ark. Code Ann. § 19-10-208 (f).

3. May I please point out that my claim only exceeds the factual allegations and legal arguments in my complaint by three (3) pages and only by five (5) additional pages of exhibits above those allowed in the limits outlined in Ark. Code Ann. § 19-10-208 (f).

4. The ADC has a whole legal team of paid attorneys to completely tear apart, discredit and attempt to destroy any claim submitted by an inmate in the ADC and therefore I need to be able to present my claim as proper, correct and with all the factual proof so the Commission can make the most concise and easy decision in the case.

WHEREFORE, the claimant respectfully prays that the Commission enter judgment granting the claimants motion.

Dated: October 17, 2020

Respectfully Submitted,

Roy A. Hoggard II

[redacted]

I have read the foregoing motion and hereby verify that the matters therein are true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Marianna, Arkansas on October 17, 2020.

Roy Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) **CLAIMANT**

V. **CLAIM NO. 210188**

ARKANSAS DIVISION OF CORRECTION **RESPONDENT**

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is a motion filed by Roy A. Hoggard II (the "Claimant") for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(f)(1). Upon review of the complaint and supporting documentation, the Claims Commission hereby GRANTS Claimant's motion for leave and will accept the complaint and supporting documentation previously submitted. However, this order does not constitute any determination as to the validity of Claimant's claim.

IT IS SO ORDERED.

Henry C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION

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

DATE: November 16, 2020

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).

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

November 16, 2020

Mr. Roy A. Hoggard II [redacted]
[redacted]

RE: **Claim No. 200188**

Dear Mr. Hoggard,

This office received correspondence from you regarding a discrepancy on the dates of letters. In the claim referenced in your letter, Claim No. 210188, it appears that only one letter has been sent to you by this office. That letter was dated September 2, 2020.

If this does not answer your question, please give more specific information about the letters that you received and the dates of those letters.

Sincerely,

Kathryn Irby

ES: mshaynes

Mika Tucker

From: ASCC New Claims
Sent: Monday, November 16, 2020 11:30 AM
To: Thomas Burns; Roni Gean
Cc: Kathryn Irby
Subject: CLAIM: Roy A. Hoggard II (ADC [redacted] v. ADC, Claim No. 210188
Attachments: Roy A. Hoggard II (ADC [redacted]) v. ADC, Claim No. 210188.pdf

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Maritza

Maritza S Haynes

Arkansas State Claims Commission
101 East Capitol Avenue
Suite 410
Little Rock, Arkansas 72201
501-682-2819
Maritza.Haynes@arkansas.gov

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

November 16, 2020

Mr. Roy A. Hoggard II (ADC [redacted]
[redacted]

RE: **Claim No. 200188**

Dear Mr. Hoggard,

This office received correspondence from you regarding a discrepancy on the dates of letters. In the claim referenced in your letter, Claim No. 210188, it appears that only one letter has been sent to you by this office. That letter was dated September 2, 2020.

If this does not answer your question, please give more specific information about the letters that you received and the dates of those letters.

Sincerely,

Kathryn Irby

ES: mshaynes

Please print in ink or type

Arkansas State Claims Commission
AUG 07 2020
RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

Do Not Write in These Spaces
Claim No.
Date Filed (Month) (Day) (Year)
Amount of Claim $
Fund

☑ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Roy A. Hoggard II #[redacted], **Claimant**

vs.

State of Arkansas, Respondent

COMPLAINT

Roy A. Hoggard II (Name), **the above named Claimant, of** [redacted] (Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) **County of** _____ **represented by** _____ (Legal Counsel, if any, for Claim)

of _____ (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.), **says:**

State agency involved: Arkansas Department of Corrections **Amount sought:** $ 9,500.00

Month, day, year and place of incident or service: Sept. 26, 2019 thru Oct. 2, 2019 [redacted]

[redacted]

2. The transportation officers stopped at the Benton County Work Release Compound (BU) to take custody of several other inmates that was being transported from the BU to other units.
3. After departing the BU compound the ADC transport bus traveled approx. one hundred (100) yards from the compound on the main road before a burning smell filled the buses interior.
4. The officer driving the bus announced the bus had no power and he needed to return to the BU.
5. At that time the officers contacted Central Transportation which instructed them to contact Ramsey's Auto Repair to tow the bus in for repairs. The officers were also instructed to remain at the compound and await other vehicles being dispatched to take custody of the inmates being transported to other units.
6. There was only two (2) inmates being transported to the [redacted], Hoggard and Hubbard.
7. A shuttle van arrived to transport Hoggard and Hubbard back to [redacted]
8. Upon departing the BU compound and traveling approx. fifty (50) yards, the new transport officers was contacted via shortwave radio and cell phones, that the transport order to [redacted] had been canceled. The new orders were to return Hoggard and Hubbard back to [redacted]

Continued on additional pages that follow...

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

No (Yes or No); when? _____ (Month) (Day) (Year); to whom? _____ (Department): and that the following action was taken thereon: _____

and that $ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? _____; if so, state name and address

_____ (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: _____: and was acquired on _____, in the following manner:

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

Mr. Roy A. Hoggard II
(Print Claimant/Representative Name)

Roy A. Hoggard II
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Marianna (City) Ark. (State)

on this 26th (Date) day of July (Month), 2020 (Year)

(SEAL)

ALICIA WILLIAMS
NOTARY PUBLIC ARKANSAS
No. 12705686
LEE COUNTY
Commission Expires 3-06-2028

Alicia Williams
(Notary Public)

My Commission Expires: 3 (Month) 06 (Day) 2028 (Year)

9. It was later discovered that the reason for the transport order being canceled was due to an Emergency Unit Lockdown occurring at the [redacted] Through the negligence of the security staff they failed to keep the [redacted] compound secure and lost the presence and custody of an inmate.

10. Upon the return to [redacted] Hoggard and Hubbard was escorted to a main control booth where the transport officers attempted to relinquish custody of Hoggard and Hubbard.

11. The female officer in command of the control booth stated that she did not have any paperwork or orders to accept either Hoggard or Hubbard.

12. At this time the female officer attempted to check her computer, then informed the transport officers that all of the paperwork, orders and information on the eOMIS (an ADC private computer program) on her computer states both Hoggard and Hubbard is in route to [redacted]

13. The transport officers informed the female officer the transport bus broke down before the transport order was completed to [redacted], then the transport order to [redacted] was canceled and they were instructed to return both Hoggard and Hubbard to [redacted].

14. The female officer made several telephone calls, then instructed the transport officers to escort both Hoggard and Hubbard to Housing Four, SN-C. ([redacted]ew Commitments).

15. This fact is the reason Hoggard's grievance was assigned code "SNN" because Hoggard was housed in the [redacted] commitment area when the situation occured and where Hoggard filed the grievance SNN19-00269. (See Exibit U, Grievance Codes.).

16. As being housed in the New Commitment Cellblocks there should not have been any excuse for why a new commitment starter linen package not been readily available to be issued to Hoggard upon being placed in SN-C 301 cell on Sept. 30, 2019.

17. Upon arriving at Housing Four SN-C the transport officers relinquished custody of Hoggard and Hubbard to Corporal S.L. Ray.

18. Cpl. Ray placed Hoggard in SN-C 301 cell, which was completely empty, it did not have anything in i

19. [redacted]

20. [redacted]

21. Hoggard informed Ray that he had not had a change of clothing since arriving at the unit Sep 26, 2019, four (4) days earlier and that this was day five (5) to be in the same dirty clothes

22. At this time an inmate porter was in the dayroom of Housing Four SN-C block passing out clean laundry bags that had returned from being washed and dried at the units laundry.

23. The inmate porter overheard Hoggard informing Ray that he had not changed clothes in fi (5) days now, so the inmate porter approached us with a clean jumpsuit in his hands.

24. Ray told the inmate porter "No" and ordered the porter to take the jumpsuit away.

25. Hoggard informed Ray that he needed hygiene items such as soap, tooth brush, toothpaste, toilet pap and linen, as per policy and procedure AD policy 12.03.0 (See Exibit B, Sec. VI, Procedures, subsection A B. and C.) and [redacted] olicy (See Exibit C, page 14 Laundry/Clothing Room).

26. Ray laughed and slammed the food trap door closed on the solid door of SN-C 301 cell and walked away stating he would see what he could find.

27. Upon further inspection of SN-C 301 cell Hoggard discovered the water in the sink did not work.

28. [redacted] th

29. Ray stated that he would notify maintenance about the water in the sink not working an he would see what he could find on the rest.

30. At this time Hoggard requested to speak to a Sergeant or Lieutenant.

31. Ray once again stated that he would see what he could find and that Hoggard would get some thing to drink at chow call.

32. Per policy and procedure of [redacted] inmates are not allowed to keep the kitchen cup they are served a drink in at each meal. To do so suffers the results of disciplinary action.

33. The plastic cup is supplied with the drink at each meal along with a plastic spoon, then they are immediately collected with the food tray after each meal.

34. Inmates are only allowed to keep their own personally purchased cup from commissary in the cell, which all of Hoggard's personal property was still located at the [redacted]

35. Hoggard had no means of purchasing a cup from the commissary store due to being an indigent inmate and ADC does not offer drinking cups, bowls, spoons, etc. on the indigent supply list available to indigent inmates at any of the ADC units.

36. Ray never issued Hoggard any items at all during his work shift as per policy and procedure.

37. On Sept. 30, 2019, after 6 p.m. shift change Hoggard informed the new barracks commanding officer (C.O.) of the situation. Hoggard informed the new C.O. of how the water in his sink did not work the new C.O. stated that he would put in a work order, but with it being after hours maintenan was gone for the night.

38. Hoggard informed the new C.O. that Hoggard did not have any hygiene items to brush his teeth a soap to wash his hands after using the bathroom even if his sink was working and that Hoggard [redacted]

39. Hoggard informed the new C.O. that he had not been given a change of clothes or had the clothe Hoggard was wearing washed in five (5) days.

40. The new C.O. (the officer did not have a name tag or visible i.d. badge to procure his name fo record) issued Hoggard one (1) roll of toilet paper, one half (½) of a ripped apart dirt covere piece of blanket that was approx. 40" x 48", (For the Commissions understanding, a concrete block, whic all cells are constructed from are standard concrete blocks that measure approx. 15½" long, 7½" ta and 7½" wide, this is a common means for an inmate to measure items) and one (1) dilapidated worn out mattress that the cover was barely hanging on it.

41. On Oct. 1, 2019, Hoggard used the prisoner grievance procedure available at [redacted] to try and sol the problem. Hoggard filed the grievance as an Emergency Grievance SNV 19-00269 (See Exibit D) because the situation constituted that it was not an ordinary problem as outlined in AD 19-3 Inmate Grievance Procedure, Page 2 of 31, Sec. F. (See Exibit G).

42. [redacted]

[redacted]

43. The unhygienic conditions Hoggard was being subjected to as for no water in the sink to b able to wash his hands after using the bathroom constituted as an emergency situation as defined in AD 19-34 an Emergency is "a problem that, if not immediately addressed, subjects the inmate to a substantial risk of personal or other serious and irreparable harm" (see Exibit G).

44. The substantial risk of contracting such diseases such as hepatitis, E.coli, diphtheria, dysentery, et is the very definition of being an emergency situation.

45. The situation of not having running water in Hoggard's sink to consume or a cup to consume wate if it was available in the sink, clearly constituted as an emergency situation.

46. On Oct. 1, 2019, Sergeant S. Kemp accepted Hoggard's Emergency Grievance and stated he would take care of it however, the [redacted] is on emergency lockdown due to inmate Adams being unacc counted for therefore [redacted] is not accepting or releasing any inmates at that time and that was the reason the transport order was canceled.

47. Hoggard informed Kemp that the water in his cell did not work and that Hoggard had informe both Ray and the night shift relieving C.O. of the sitnation, how they both said they would conta maintenance however, maintenance still had not even looked at the sink muchless repaired it.

48. Kemp signed Hoggard's Emergency Grievance, but circled it to not be an emergency and stated that he would go see what he could do because he could get an intake package for Hoggard (The intake package is outlined in Exibit B(a), B(b) and C) But Kemp never returned with any iten issuance or anything whatsoever to resolve the problem.

49. On Oct. 1, 2019, at last chow call since Kemp had not returned nor had Hoggard been issued any hygiene items, linen or his clothes washed or exchanged, Hoggard attempted to question the offic that was collecting the food trays.

50. Upon questioning the officer and Hoggard having his hands still remaining out through the food trap door located in the middle of the solid door to the cell from handing the officer Hoggard's evening meal tray, the officer kicked the trap door closed on Hoggard's bare hands and wrists.

51. Again, this officer did not wear any i.d. badge or name tag to indicate his name for recor Apparently this is a common practice at the ORCU.

52. [redacted]

53. On Oct. 2, 2019, Hoggard was transported back to EARU after the unit lockdown was lifted due to inmate Adams being located on the roof of the EARU where Adams had been the entire time.

54. [redacted]

55. On Oct. 24, 2019, Hoggard received the Warden's Decision on grievance SNN19-00269. The [redacted] Warden did not address the issues of the policy and procedure violations or the living conditions even though that is the grievance code number the Inmate Grievance Coordinator at [redacted] assigned to the grievance SNN19-00269 "508" which is code for living conditions. (See Exibits D and U).

56. Instead the [redacted]arden only stated why Hoggard was not returned to [redacted] on schedule and the date Hoggard was returned to the [redacted]. (See Exibit T(a)).

57. On Oct. 24, 2019, Hoggard appealed the Warden's Decision, and on Nov. 4, 2019, Hoggard received an acknowledgment for the appeal of grievance SNN19-00269 from Mr. William F. Straughn stati Hoggard would receive communication from His office by Dec. 18, 2019. (See Exibit V).

58. On Dec. 28, 2019, Hoggard received the "Chief Deputy/Deputy/Assistant Director's Decision" to the grievance SNN19-00269. Only instead of the decision being made by Mr. Straughn, Assistant Director as stated on the acknowledgment, it was responded to by Mr. Rory Griffin, Deputy Director for Health an Correctional Service, which Griffin did not sign the document, an ink stamp was used but then someone used a blue ink pen to date the document. (See Exibit Z).

59. The fact of the signature ink stamp, use of a separate ink pen to date the form, how on Dec. 16, 201 Griffin overrode Straughn by responding to grievance SNN 19-00269, but Griffin did not sign the document as his title of Deputy Director for Health and Correctional Service, Griffin assumed t title as full Director. (See Exibit Z). This all gives real question of who actually responded to t appeal of Warden's Decision on grievance SNN 19-00269.

60. In what is assumed is Griffin's response dated Dec. 16, 2019, Griffin stated and I quote, "A [redacted]

61. Per AD policy 12.03.0, page 2 of 3, Sec. VI. Procedures, Subsection F. Linen Exchange states, "The linen will be collected, washed and returned the same day." and Subsection G, "Clothing shall be laundered in accordance with the following schedule; 1. Regular work clothes - Monday throug Saturday." (see Exibit B

62. Per [redacted] olicy and procedure, Page 14, under Hygiene Issuance, the second paragraph states, "Your cl hes will be washed daily (except Sundays)." (See Exibit C).

63. In both of these policies the procedure of washing clothing on a "daily" basis is to maintain a hygienic living condition to lower the risk of contracting and or the spread of such highly cont gious pathogenic specie as Staphylococcus and the Boils and Abscesses associated with the bacteria proving the "need" for changing clothing or at the very least washing the clothing the inmate has been wearing for an excess of a twenty-four (24) hour period.

64. Griffin's statement and I quote, "At the time of responding to your appeal, you have been transferr back to you home unit [redacted] and now have the comfort of your property." (See Exibit Z).

65. In No Way Does, "now having the comfort of your property" justify the violation of ADC policie [redacted]

66. Just forewarning the Commission, from previous dealings with Mr. Thomas Burns, General Counsel fo

the ADC. Mr. Burns will attempt to try and use Mr. Hoggard's Length of Sentence, Nature of Crime and even where Mr. Hoggard is housed as a tactical advantage of some sort to sway the opinio of the Commission to be prejudice and bias towards Mr. Hoggard to cover and blind the wrong doings by the ADC and discredit any inmate that opposes the ADC. Which neither the length sentence, nature of crime or where an inmate is housed has any bearing on ADC staff violating policy and procedure in any way.

67. And for the record, during the time in which it has taken to prepare and submit this claim Mr. Hogg has tested positive for contracting Hepatitis.

---

68. The Claimant has no plain, adequate or complete remedy at law to redress the wrongs and wrongdoing described herein, Claimant Hoggard has been and will continue to be irreparably injured by the conduct of the Respondent unless this Commission grants the Declaratory and Injunctive Relief which the Claimant seeks.

WHEREFORE, the Claimant Hoggard respectfully prays that this court enter judgment granting the Claimant:

69. A declaration that the acts and omissions described herein violated the ADC Policy and Proced ure under the Administrative Directives.

70. A Permanent Injunction ordering the ADC to incorporate and include the sale of eating utens as in specifically, but not limited to, the Coffee Cups, Bowls with Lids and spoons, etc. to the indigent Inmates in All ADC Unit Commissary Stores.

71. Compensatory Damages in the amount of # 7,000.^{00} against the Respondent.

72. Punitive Damages in the amount of #2,500^{00} against the Respondent.

73. Claimant Hoggard also seeks a hearing on all issues outlined and stated throughout this claim.

74. Claimant Hoggard also seeks recovery of any court costs that may ensue in this claim, and

75. Any and all additional relief this court deems just, proper, and equitable to which the Claimant may be entitled.

Dated: July 26, 2020

Respectfully Submitted,

Mr. Roy A. Hoggard II, (AD[redacted]

[redacted]

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Marianna, Arkansas on July 26, 2020

Roy A. Hoggard II

Mr. Roy A. Hoggard II

"Exibit B" (a)

	ARKANSAS DEPARTMENT OF CORRECTION	NUMBER:	12.03.0	PAGE NUMBER 1 of 3
	[redacted]	SUPERSEDES:		ISSUING EMPLOYEE:
	POLICY AND PROCEDURES	DATE:	04-28-95	WARDEN
CHAPTER:	Sanitation and Hygiene	SUBJECT:	Inmate Clothing, Bedding and Linen Supplies	

Revised on These Dates					
Annual Review on These Dates	06-08-11	06-11-12	**06-06-13**	**06-17-14**	**06-17-15**

I. AUTHORITY: The Warden's authority to issue this document is contained in Administrative Regulation 001. This policy shall supplement all related Administrative Regulations and Departmental policies.

II. PURPOSE: To prescribe unit standards for issue of inmate clothing, bedding and linens.

III. APPLICABILITY: To all inmates and employees involved in the procurement, storage or utilization of inmate clothing, bedding or linens.

IV. DEFINITIONS: None.

V. POLICY: All inmates are provided clothing which is properly fitted, climatically suitable and appropriate to meet the needs of the situation including sanitation and safety requirements. All inmates shall be supplied with bedding and linens sufficient to provide comfortable, sanitary and safe conditions during the entire period of confinement. Supply issue shall meet the requirements listed below:

A. Special protective clothing shall be issued to inmates assigned to such areas as food service (aprons if needed, hair covers); hospital (face mask, gloves, etc. if needed); maintenance (eye goggles when needed); and other special work details. The supervisors of each of these areas will ensure proper equipment is available in their areas.

B. All clothing and bedding supplies issued to inmates shall be that inmate's responsibility and he shall be held accountable for its use.

C. A supply of clothing, linen and bedding shall be maintained at a level adequate to supply the facility's maximum inmate population.

D. Clothing replacement as needed shall be available to all inmates Monday through Friday.

VI. PROCEDURES: A. **Clothing and Personal Hygiene Items:** Upon arrival at the Unit, the inmate shall be issued the following items if needed. The inmate shall be accountable for each item after its issuance to him.



"Exibit B" (b)

POLICY AND PROCEDURES	POLICY NO.: 12.03.0	PAGE NUMBER: 2 of 3
SUBJECT: Inmate Clothing, Bedding and Linen Supplies	SUPERSEDES:	EFFECTIVE DATE: 04-28-95

1. 3 shirts
2. 3 pants
3. 1 pair of brogans
4. 3 undershorts
5. 3 pair of socks
6. 1 cap/toboggan (seasonal)
7. 1 jacket (seasonal)
8. Thermals (seasonal)
10. Raincoat (optional)
11. 1 Washcloth)
12. 2 Bath towels
13. 1 Laundry bag

1pr. Canvas Shoes (optional)

B. **Bedding:** Each inmate shall be issued the following upon arrival at the Unit:

1. 1 mattress
2. 1 pillow
3. 2 sheets
4. 1 pillowcase
5. 1 blanket

C. **Hygiene Items:** Each inmate upon arrival at the unit will be issued the following items:

1. 1 bar of soap
2. 1 safety razor
3. 1 roll of tissue paper
4. 1 tube of toothpaste

D. **Hygiene Items:** Therefore, these items will be made available to inmates on a weekly basis; on Sunday. Toothpaste will be made available to inmates on a monthly basis by medical/dental staff.

E. **Protective Clothing:** Special protective clothing shall be issued to any inmate that may be required in the performance of his duties. The supervisor of the area assignment shall be the one who determines what clothing may be needed.

F. **Linen Exchange:** The linen will be collected, washed and returned the same day. Linen (Line) may be included in personal laundry bags. This service is valuable three times a week.

G. Clothing shall be laundered in accordance with the following schedule:

1. Regular work clothes – Monday through Saturday.
2. Visitation clothes – once per week.
3. Infirmary – daily (and as needed)
4. County Jail – as needed

H. **Accountability:** Responsibility for all items issued shall rest with each inmate.

1. The Laundry Supervisor shall maintain an Inmate Clothing/Issuance clothing card for each inmate which includes the following information:

a. A listing of all items inmates arrive with and items issued to the inmate by department.
b. A receipt signed by the inmate for all issued items.
c. Date of issue of each item.

[redacted]

"Exibit C"

LAUNDRY/CLOTHING ROOM

- When you arrive at the [redacted] Unit you will be issued – 1 blanket, 1 pillowcase, 2 sheets, 1 towel, 1 washcloth, 1 pillow, 1 roll of toilet tissue, 2 razors, and 1 bar of soap. You will also be issued boxers and socks upon arrival as needed. You are only allowed to have 5 pair of state or store issue boxers and socks at any given time.
- Inmates will wear 1 set of clothing and will be issued 1 set of clothing and 1 set of clothing will be held for visitation purposes. T-shirts, boxers, socks, towels, washcloths, and thermals are the only items allowed in the laundry bag. Any other items placed in the bag will be confiscated and *could result in disciplinary action.*
- Appropriate footwear will be issued, according to your job assignment.
- Inmates are not to come to the laundry room for any reason without prior approval of the Laundry Supervisor. If you need clothing or repairs, you are to notify your picket man.
- **Repair and Replacement**: Clothing items (pants/shirt) only: Housing 1-Tuesday; Housing 2-Wednesday; Housing 3 – Thursday; and Housing 4 –Friday.
- **Inmate Request Form: Issuance** for requests will be on Thursday between 5:00 am and 6:00 am. Your records will be checked and, if you are eligible and the items are in stock, you will be issued the items requested. Be sure to put appropriate size(s) for item(s) on your request.
- **Hygiene Issuance**: Razors, toilet tissue and soap will be distributed and signed for on Wednesdays thru the laundry picket.
- Your clothes will be washed daily (except Sundays). Clothes and laundry bags are to be signed in and out through the laundry picket.
- **Sheets and Pillowcases** will be washed on: Tuesday for Housing 1; Wednesday for Housing 2; Thursday for Housing 3; Friday for Housing 4.
- **Blankets will be washed once a month** with sheet call for your barracks.
- Barracks picket hours will be 11:30 am thru 7:30 pm. All dirty clothes and laundry bags should be signed in by this time.

ISOLATION

1) No passing of articles to or from the isolation cells, and no inmate will be allowed inside the **RED LINES** between barracks and isolation cell doors.
2) There will be no loud talking, yelling, whistling, or banging of doors from the isolation cells. Any unnecessary noise from the isolation cells will result in Disciplinary Action.
3) Inmates on punitive segregation or punitive restriction serving consecutive punitive sentences will receive 48-hour relief at the end of each 30-day sentence. Inmates on 48-hour relief will be allowed to purchase commissary items, authorized personal hygiene items and legal supplies. Purchase limit will be the same as indigent inmates, up to **$12.00**.
4) You will go on your regularly scheduled day and will be limited to a quantity that can reasonably be consumed in 48 hours. Lists must be turned in the day before or no later than 11:30 a.m. the day of the regularly scheduled commissary. The commissary will fill 48 hour relief lists after 2:00 p.m. on the scheduled day - Your list must state 48 hour relief.
5) All 48-hour relief inmate lists must be approved and signed by a Captain or above.

PREA

If you have been pressured to have sex or if you have been sexually abused, report it to ORCU security or staff personnel immediately. If you don't feel comfortable going to personnel here, you need to call the rape crisis hotline, *870-267 (9002# for those on telephone restriction). We take every allegation very seriously and will address each situation in a professional and appropriate manner.



"Exibit D" RECEIVED

A 6 SNU

OCT 16 2019

Ouachita River Unit Grievance Office

FOR OFFICE USE ONLY
GRV. #6NN19-00269
Date Received: 10/16/19
GRV. Code #: 508

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [redacted]

Name Hoggard, Roy Adrin II

ADC# [redacted] **Brks #** SNC 301 **Job Assignment** N/A

_____ (Date) STEP ONE: Informal Resolution

10/4/19 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.) If the issue was not resolved during Step One, state why: Because Sgt. Kemp did nothing to resolve my emergency grievance, I am seeking punitive damages for ADC staff violating policies.

10/1/19 (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm: emergency grievances are not for ordinary problems that are not of serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state wh[redacted]

[redacted]

Is this Grievance concerning Medical or Mental Health Services? NO *If yes, circle one: medical or mental*

BRIEFLY state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel

[redacted]

Roy Hoggard II
Inmate Signature

10/1/19
Date

If you are harmed,threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

_____ _____ _____ 10-1-19

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including **dates:** _____

RECEIVED NOV 01 2019 INMATE GRIEVANCES SUPERVISOR ADMINISTRATION BUILDING

_____ _____

Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on 10/8/19 (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: Sgt. K. Kemp Date: 10/4/19

Action Taken: Forwarded (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

[redacted] 14 of 19

ADCF-15 www.acicatalog.com

"Exibit G"

opportunity to resolve an issue on an informal basis, and to serve as a prerequisite to the second step, a formal grievance.

B. Grievance – the second (formal) step where a written complaint using the same form used for the Informal Resolution (Unit Level Grievance Form, Attachment I) is submitted by an inmate on the inmate's own behalf (an inmate cannot grieve on behalf of another inmate) regarding:

1. A policy applicable within his or her unit/center of assignment that personally affects the inmate;

2. A condition in the facility that personally affects the inmate;

3. An action of another inmate, or inmates, that personally affects the inmate;

4. An action of an employee(s), contractor(s), or volunteer(s) that personally affects the inmate; or

5. An incident occurring within his or her facility that personally affects the inmate.

C. Warden – the Warden or Center Supervisor of the facility or designee.

D. Appeal – a written request directed to a Chief Deputy/Deputy/Assistant Director for further action to resolve the issue or complaint in the grievance based upon the inmate's assertion that the issue has not been resolved at the Unit level. (The appeal cannot raise new or additional issues or complaints.)

E. Working Days – Monday through Friday, excluding state observed holidays.

F. Emergency – a problem that, if not immediately addressed, subjects the inmate to a substantial risk of personal injury or other serious and irreparable harm such as, physical abuse. If a grievance, submitted as an emergency grievance by the inmate, is deemed an emergency by the problem solver, the grievance is immediately submitted to the Warden/highest ranking supervisor at the unit without the completion of Step One, the informal process; however, if the grievance is not an Emergency, it will be processed under Step One.

G. PREA Grievance – Grievance where inmate is alleging staff-on-inmate or inmate-on-inmate sexual abuse or sexual harassment as those terms are defined in the PREA Administrative Directive. A Problem Solver should immediately submit a suspected PREA grievance to the highest ranking supervisor at the unit, who will then contact the duty warden, without the completion of Step One, the informal process; however, if the duty warden finds that the grievance is not a PREA grievance, it will be returned to the Problem Solver and processed under Step One.

[redacted]

IGTT410
3GS

"Exibit T" (a)

EA

Attachment III

INMATE NAME: Hoggard, Roy A. II ADC #: [redacted] GRIEVANCE #: SNN19-00269

WARDEN/CENTER SUPERVISOR'S DECISION

[redacted]

After speaking to Central Transportation Captain, I was informed the reason you did not get returned to East Ar on 9-30-19 was not because the bus broke down but rather there was a Unit emergency and therefore the unit was shut down and not accepting any inmates either returning or transferring out. However, you did return to [redacted] on October 2, 2019.

I find this grievance without merit.

D. Earl

Signature of Warden/Supervisor or Designee

Warden

Title

10-21-19

Date

RECEIVED
NOV 01 2019
INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? The Warden's response is not addressing my grievance. As [redacted] of [redacted] Then as stated for the reason for proceeding to step 2 is because Sgt. S. Kemp did nothing to [redacted] states that after I was returned to the [redacted] which it does not matter for what reason it was, even though it is documented that the transportation bus did break down at the Benton County Work Release due to it's transmission giving out and in fact Central Transportation contacted Ramsey's repair service to accept the bus for repairs. The fact is that the staff, such as COII S.L. Ray and Sgt. S. Kemp violated ADC policies by placing me in a cell with only a half of a dirty blanket and a torn up mattress for 3 days (72 hours) with no hygiene items, no linen, no change of clothing, no shower, the sink in my cell did not work I only had a working toilet; therefore, I appeal the Warden's decision because the only thing the Warden choose to address was clearly a Rhetorical Question. He did not address the grievance in any way or form.

RECEIVED
OCT 17 2019
OUACHITA RIVER UNIT
WARDENS OFFICE

Roy Hoggard II 10/24/19

"Exibit U"

GRIEVANCE PROCEDURE CODES

Each Unit/Center is assigned a unit code as follows:

[redacted]

Which is succeeded by the last two digits of the calendar year, followed by a five digit sequential number beginning with 00001 (i.e., CU-03-00001).

GRIEVANCE TYPE CODES

100	Transfer
101	Unit Transfer
102	Interstate Compact
200	Institutional Assignment
201	Cell Barracks
202	Job
203	Classification
204	Enemy Alert List
205	Protective Custody
206	Punitive
207	Administrative Segregation
208	School/Vocation Training
209	Rehabilitation Programs
210	Counselors
211	Investigative Status – DCR
212	48 Hour Relief Privileges
300	Communication
301	Visits (non-legal)
302	Telephone
303	Radio/Television/Movie
304	Interview Request
305	Unit Policy/ADC Policy
306	Publication
307	Mail
308	Marriage
400	Disciplinary Matters
500	Institution Operations
501	Food/Food Services
502	Commissary
503	Inmate Funds
504	Sanitation – Showers, etc.
505	Inmate Property Claims
506	Clothing – Bedding/Footwear
507	Activity Rotation
508	Living Conditions
509	Working Conditions
510	Grooming
511	Recreation
512	Searches
513	Contraband/Confiscation Forms
514	Alternative Meals
515	Hunger Strike
516	Diet
600	Medical
601	Denial of Treatment
602	Harassment or Abuse
603	Records
604	Footwear/Orthotics
605	Sick Call – not otherwise specified
606	Vision
607	Food/Special Diet
608	Medication/Pill Call – not otherwise Specified

[redacted]

"Exibit V"

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Hoggard, Roy A. II ADC #: [redacted]
FROM: Straughn, William F TITLE: Assistant Director (ADC)
RE: Receipt of Grievance SNN19-00269 DATE: 11/01/2019

Please be advised, the appeal of your grievance dated 10/01/2019
was received in my office on this date 11/01/2019

You will receive communication from this office regarding this Grievance by 12/18/2019

- ☐ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
  - ☐ (a) Parole and/or Release matter
  - ☐ (b) Transfer
  - ☐ (c) Job Assignment unrelated to medical restriction
  - ☐ (d) Disciplinary matter
  - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
  - ☐ (f) Involves an anticipated event
- ☐ You did not send all the proper Attachments:
  - ☐ (a) Unit Level Grievance Form (Attachment 1)
  - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
  - ☐ (c) Did not give reason for disagreement in space provided for appeal
  - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
  - ☐ (e) Unsanitary form(s) or documents received
  - ☐ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

"Exhibit 2"

IGTT430
3GD

Attachment VI

INMATE NAME: Hoggard, Roy A. II ADC #: [redacted] GRIEVANCE#:SNN19-00269

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

[redacted]

On 10/21/19 the warden responded, "After speaking to Central Transportation Captain, I was informed the reason you did not get returned to [redacted] on 9-30-19 was not because the bus broke down but rather there was a Unit emergency and therefore the unit was shut down and not accepting any inmates either returning or transferring out. However, you did return to [redacted] on October 2, 2019.
I find this grievance without merit."

[redacted]

at [redacted] for 2 extra days. These unforeseen circumstances also affected the unit, in that they had to find a bed space for you and make sure you were fed, the hygiene items were secondary. At the time of responding to your appeal, you have been transferred back to you home unit [redacted] and now have the comfort of your property, therefore, I find no merit in your appeal.

Appeal denied.

Director

12/16/19
Date

19 of 19

[redacted]

Mika Tucker

From: Roni Gean
Sent: Monday, November 16, 2020 12:19 PM
To: ASCC Pleadings
Cc: Thomas Burns
Subject: Hoggard, Roy [redacted] Claim 210188 - Answer
Attachments: Roy A. Hoggard II (ADC [redacted]) v. ADC Claim No. 210188 - Answer.pdf

Good Afternoon,

Please find attached our Answer in the above matter. Thank you.

Roni Gean
Administrative Specialist III
ADC Division of Correction/Legal Division
6814 Princeton Pike, Pine Bluff, AR 71603
Phone: (870) 267-6844; Fax: (870) 267-6373
roni.gean@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC# [redacted]) **CLAIMANT**

v. **NO. 200188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

ANSWER

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.

2. The applicable account information required by the Commission is:
   a. Agency number: 0480 b. Cost Center: HCA 0100
   c. Internal Order: 340301 d. Fund Center: 509

WHEREFORE, for the reasons cited above, the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing or, in the alternative, that the matter be held in abeyance until completion of the investigation by Internal Affairs.

Respectfully submitted,
Arkansas Department of Corrections
Office of Chief Counsel

Thomas Burns (02006)
ADC Legal Division
6814 Princeton Pike, Pine Bluff, AR 71602-9411
(870) 267-6845 Office/ (870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 16th day of November 2020 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Roy A. Hoggard II (ADC# [redacted])
[redacted]

Thomas Burns

Mika Tucker

From: Thomas Burns
Sent: Friday, December 4, 2020 3:55 PM
To: ASCC Pleadings
Cc: Roni Gean
Subject: Roy Hoggard v ADC 200188
Attachments: 2616_001.pdf

Motion to Dismiss

Thomas Burns
General Counsel
Arkansas Department of Corrections
Divison of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
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thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v **NO. 200188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.

2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan, 2011 Ark. 94.* "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*

3. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank, 339 F.3d 764 (8th Cir. 2003).* A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal 556 U.S. 662 (2009).* Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-accusations" are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to

relief that is plausible on its face. *Id.* A claim is facially plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*

4. The inmate seeks the sum of $9500.00 for alleged failure to be placed at East Arkansas Regional Unit (EARU). Although inmate seeks an award of damages ($9500.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008).* The inmate's claim, even if true, does not support a claim for monetary relief.

5. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992).* Even taking the inmate's allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

6. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm'n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008)).* The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019).*

7. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. *See Martin v Sargent, 780 F.2d 1334, 1337 (8th Cir. 1985).*

8. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss, 2010 Ark. 150.*

9. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is "not bound to accept as true a legal conclusion couched as a factual allegation." *Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)).* "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Id.* "Nor does a complaint suffice if it "tenders 'naked assertion[s]' devoid of 'further factual enhancement.'" *Id. (quoting Twombly, 550 U.S. at 557).* Rather, a complaint must plead "enough facts to state a claim to relief that is plausible on its face." *Twombly, 550 U.S. at 570.* "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal, 556 U.S. at 678.* "The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." *Id. (quoting Twombly, 550 U.S. at 556).* A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly, 550 U.S. at 556.* A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id. at 561.* Rather, the facts set forth in the complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id. at 570.* "[W]here the well-pleaded facts do not permit the court to infer more than the mere

possibility of misconduct, the complaint has alleged –but it has not 'show[n]' – 'that the pleader is entitled to relief.'" *Iqbal, 556 U.S. at 679 (quoting Fed.R.Civ.P. 8(a)(2)).*

10. The Plausibility standard is not akin to a "probability requirement" but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are "merely consistent with" a defendant's liability, it" stops short of the line between possibility a plausibility of entitlement to relief" *Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)*

11. The inmate is currently housed at the [redacted] of the ADC. He is serving a 35-year sentence on a conviction of Rape and other crimes.

12. The inmate claims that he was not taken back to [redacted] when he wanted to.

13. The inmate states in his complaint that he was kept at the [redacted] for four (4) extra days and not taken back to [redacted] immediately.

14. The Inmate is attempting to dictate where the ADC houses inmates. That is not the function of the Claims Commission.

15. The Inmate was sent to [redacted] for medical treatment on September 26, 2019 and returned to [redacted] on October 2, 2019. *See attached Ex A.*

16. T[redacted]e does not sow to have ever had such a limitation. *See attached Ex B.*

17. The inmate filed a grievance SNN19-00269 which was found without merit after two levels of review. *See attached to Inmate complaint.*

18. Neither the Claims Commission nor the Inmate get to dictate where, wen, why, or how Inmates are housed. That is strictly the purview of the ADC.

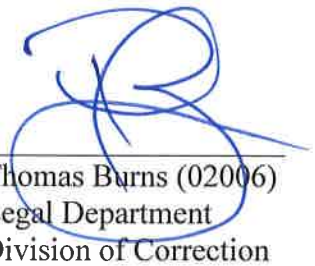
19. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

20. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

21. "The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity." Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). "Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim." Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 4th day of December 2020, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted]



Thomas Burns

Name: Hoggard, Roy A. II

ADC #: [redacted]

IPTS020A

External Movements

Friday December 04, 2020 03:45:52 PM

External Movements (1 - 20 of 64)

Date	Time	Reporting Location	Movement Type	Reason	Other Location
10/02/2019	04:42 PM	[redacted]	Received from Another Facility	[redacted]	
10/02/2019	09:28 AM		Transferred to Another Facility		
09/26/2019	02:11 PM		Received from Another Facility		
09/26/2019	08:52 AM		Transferred to Another Facility		
11/26/2018	03:17 AM		Received from Another Facility		
11/26/2018	03:16 AM		Transferred to Another Facility		
09/14/2018	04:21 PM		Received from Another Facility		
09/14/2018	04:18 PM		Transferred to Another Facility		
09/04/2018	06:30 PM		Received from Another Facility		
09/04/2018	06:30 PM		Transferred to Another Facility		
03/20/2017	12:39 PM		Received from Another Facility		
03/20/2017	12:38 PM		Transferred to Another Facility		
03/01/2017	05:00 PM		Received from Another Facility		
03/01/2017	01:05 PM		Transferred to Another Facility		
01/27/2017	09:34 PM		Received from Another Facility		
01/27/2017	09:33 PM		Transferred to Another Facility		
09/09/2014	04:46 PM		Received from Another Facility		
09/09/2014	04:43 PM		Transferred to Another Facility		
04/11/2014	03:47 PM		Received from Another Facility		
04/11/2014	02:37 PM		Transferred to Another Facility		

Next Page

Ex. A

Print This Screen

To: Ms. Kathryn Irby, Director

Date: December 25, 2020

From: Mr. Roy A. Hoggard II

ADC: [redacted]

Re: Oppositions

Claim No. 210188 and 210191

Arkansas State Claims Commission
DEC 30 2020
RECEIVED

Dear Ms. Irby,

Please find enclosed my Opposition to Claim No. 210188 and my Opposition to Claim No. 210191.

I have also enclosed a copy of both to be filemarked and returned to me.

Thank you for your time in this matter, I have placed spacer sheets of paper with instructional notes between each section.

Sincerely,

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. NO. 200188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas State Claims Commission
DEC 30 2020
RECEIVED

CLAIMANT'S OPPOSITION

Comes now Mr. Roy A. Hoggard, II pro se, for his Opposition to the Respondent's Motion to Dismiss, states:

1. I would like to begin by pointing out to the Court that the Respondent's Motion to Dismiss was drafted and mailed on the 4th day of December, 2020. The Post mark on the envelope reflects that it was received at the Post Office on the 7th day of December, 2020, where the Motion was mailed from Pine Bluff, Arkansas to [redacted] in Marianna, Arkansas, (Not even hours away) but the Court can see by the ink stamp on the front of the envelope from the [redacted] mail room, the Motion was (Supposedly) not received until the 22nd day of December, 2020 in which it was then delivered to me in the AM of the 23rd day of December, 2020 (See Exhibit A) This is clearly an attempt to delay time to make any response from me to the Court untimely. Plus it does not give me any time whatsoever to research the cases Mr. Burns sited in his Motion to Dismiss. There is no justification for the [redacted] mail room to hold Legal mail for over two (2) weeks before delivering it to the inmate.

2. My claim contains more than sufficient factual matter that, is true, and state a cla to relief that is plausible on its face. My claim is facially plausible due to the factual content that does allow the Court to draw the reasonable inference th the defendant is liable for the misconduct alleged.

3. The sum sought in this claim has rational basis for monetary relief (see clai No. 210188) not over speculations as Mr. Burns would like the Court to believe. I have proven the damages are beyond speculations, (see Exhibi presented with Claim No. 210188)

4. Nowhere in my claim is there any mere conclusions or speculations, my clai is presented with clear cut true facts. (see Exhibits with claim No. 210188) My claim is not about inconvenience as Mr. Burns foolely alleges, it is about ADC staff Members violating ADC Policies and Procedures, plain and simple.

5. As I prestated in my claim, as the Court can see Mr. Burns has to be so childish in his attempts to sway the opinion of the Court to be prejudice and bias against me to cover up the wrongdoings of the staff of the ADC he is trying to use the length of my sentence, the nature of one of my crimes and even where I am housed as a tactica advantage. However, as previously stated the length of my sentence, the nature of any of my crimes or where I am housed has No bearing what-so-ever on the treatment provided by ADC staff members in any way, shape or form.

6. My claim is not about not being taken back to [redacted] when I wante to or kept at [redacted] r only the four extra days. I never attempted to dictate where the ADC houses inmates as Mr. Burns foolely alleged yet

[redacted]

[redacted]

claim No. 210188) and the unhygienic living conditions I was forced t
be subjected to before being returned to the [redacted]

7. As stated in my claim the reason my grievance (SNV19-00269)
was found without merit is due to the issues not only not being
addressed properly, but it was not even assigned the correct code
(See Exhibits provided with original claim No. 210188) in an attemp
by ADC staff to ignore and not properly take corrective action for
the wrongdoings of the staff violating ADC Policies and Procedures

WHEREFORE, the Claimant respectfully prays that this Court
not only denys the Respondent's Motion to Dismiss, but Grant
the Claimant a Hearing at the Courts earliest convenience to
hear said claim.

Respectfully submitted,

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

I have read the foregoing opposition and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the forgoing is true and correct.

Executed at Marianna, Arkansas on December 25, 2020.

Roy Haggard II

Mr. Roy A. Haggard II

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 25th day of December 2020, on the below Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Mr. Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Haggard II

Mr. Roy A. Haggard II

Behind ● is The Page 5 of 5 (Exhibit A) to both Oppositions

(the Envelope Face showing the ink stamp date. from the [redacted] Mail Room)

Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602

LEGAL DIVISION

k212

NEOPOST
FIRST-CLASS MAIL
$000.80
12/07/2020 ZIP 71602
043M30200715
US POSTAGE

Roy Hoggard [redacted]

[redacted]

RETURN TO SENDER

Legal Mail

Exhibit A

5 of 5

Mika Tucker

From: Misty Scott on behalf of ASCC Pleadings
Sent: Friday, June 11, 2021 12:14 PM
To: Thomas Burns
Cc: ASCC Pleadings; Roni Gean; Kathryn Irby
Subject: ORDER: Roy Hoggard II v. ADC, Claim Nos. 210188 and 210191
Attachments: Roy A. Hoggard II v. ADC2.pdf; Roy Hoggard-Order.pdf

Thomas:

Please see attached. Contact Kathryn Irby with any questions.

Misty Scott
Arkansas State Claims Commission

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 11, 2021

Mr. Roy A. Hoggard II (ADC [redacted]
[redacted]

Mr. Thomas Burns (*via email only*)
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

Re: ***Roy A. Hoggard II v. Arkansas Division of Correction***
Claim Nos. 210188, 210191

Dear Mr. Hoggard and Mr. Burns:

Enclosed please find an Order entered on June 10, 2021, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD II (ADC [redacted]) **CLAIMANT**

V. **CLAIM NO. 210188**
CLAIM NO. 210191

ARKANSAS DIVISION OF CORRECTION **RESPONDENT**

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") are various claims filed Roy Hoggard II (the "Claimant") against the Arkansas Division of Correction (the "Respondent"). Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed Claim No. 210188 on August 7, 2020, seeking $9,500.00 in damages based upon the actions of Respondent following Claimant's [redacted].

2. Claimant filed Claim No. 210191 on August 10, 2020, seeking $5,000.00 in damages related to the [redacted]

Claim No. 210188

3. Respondent filed a motion to dismiss, arguing, that Claimant is attempting to dictate where he should be housed, that Claimant [redacted]

4. [redacted] and that Respondent violated its policies in how Claimant was processed at [redacted].

5. In reviewing Respondent's motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be

resolved in favor of the Claimant, and the complaint must be liberally construed. *See id*. However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not "a plaintiff's theories, speculation, or statutory interpretation." *See id*. (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

6. The Claims Commission finds that dismissal is premature. The claim does not appear to be related to where Claimant was housed at all. Claimant's complaint appears to be Respondent's alleged violations of policy related to Claimant's arrival back at [redacted] and violation of Claimant's [redacted]

7. As such, Respondent's motion to dismiss is DENIED, and the parties are instructed to conduct discovery.

Claim No. 210191

8. Respondent filed a motion to dismiss, arguing, *inter alia*, that this claim is against Respondent's [redacted] which is not a state agency subject to the jurisdiction of the Claims Commission.

9. Claimant filed a response opposing dismissal.

10. Respondent is correct that, [redacted]

11. The Claims Commission agrees with Respondent that Claimant's claim lies against the [redacted] and is outside the jurisdiction of the Claims Commission.

12. Respondent's motion to dismiss is GRANTED as stated herein, and Claimant's claim is DENIED and DISMISSED.

IT IS SO ORDERED.

Henry C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION

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

DATE: June 10, 2021

Notice(s) which may apply to your claim

(1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).

(2) If a Claimant is awarded less than $15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.

(3) Awards or negotiated settlement agreements of $15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

To: Ms. Kathryn Irby, Director

Date: June 23, 2021

From: Mr. Roy A. Hoggard II

ADC: [redacted]

RE: Claim No. 210188

Arkansas State Claims Commission
JUN 28 2021
RECEIVED

Dear Ms. Irby,

Please find enclosed two full sets of my discovery motions so you can return a file marked set to me as soon as possible.

I want to thank you for all you have done to aid me in my claim.

Executed at Marianna, Arkansas on June 23, 2021.

Sincerely,
Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas State Claims Commission
JUN 28 2021
RECEIVED

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Rory Griffin, Deputy Dicector for Health and Correctional Services, answer the following interrogateries under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogateries.

If you cannot answer the following interrogateries in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogateries shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. Is your official position and title for the ADC Deputy Director for Health and Correctional Services?

3. What training, education or degrees do you have that entitles you to hold that official position with the ADC?

4. How long have you held the position and title of Deputy Director for Health and Correctional Services?

5. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

6. Why did you assume the title and position of Director on December 16, 2019, to respond to the Claimant's grievance appeal (SWU19-00269) instead of allowing Assistant Director (ADC) William F. Straughn to respond to it as stated on the acknowledgment of grievance appeal dated November 1, 2019?

7. Why is the Claimant's grievance appeal (SWU19-00269) is per se signed by an ink stamp/computer printed, but the date is hand signed by ink pen?

8. Who actually signed and dated the claimant's grievance appeal (SWU19-00269) on December 16, 2019?

9. Who actually responded to the claimant's grievance appeal (SWU19-00269) on December 16, 2019?

10. Is it normal practice to outsource your job duties such as respond

to inmate grievance appeals to your secretary, assistant, or subordinates?

11. Is it normal practice to misdirect attention when responding to inmate grievance appeals to side with ADC staff members when they are clearly in the wrong and violating ADC Administrative Directives, Policies and Procedures and the like just to find the appeals without merit?

12. Would you testify under oath that it is health and hygienic to wear the same clothes, socks, and underwear without washing them for six (6) days straight?

13. Would you testify under oath that it is healthy and hygienic to be housed in a bare cell without a working sink or soap to wash your hands after using the toilet for several days straight?

14. Would you yourself go six (6) days wearing the same clothes, socks, and underwear without changing them or washing them, or use the toilet for days without washing your hands?

Executed at Marianna, Arkansas on June 23, 2021

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas State Claims Commission
JUN 28 2021
RECEIVED

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of collecting the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 on Tuesday, October 1, 2019 at the Ouachita River Correctional Unit, answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during your

employment with the ADC and what was they over/for?

3. To your best recollection what do you remember about Tuesday, October 1, 2019, when you collected the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 at the [redacted] when the claimant attempted to question you about Sergeant S. Kemp not returning with any issuances or anything to resolve his emergency grievance?

4. Is it common practice to use your foot to kick the food trap door shut on the solid steel doors in cell block SNC 3 especially on inmates hands and wrists as they are asking you for your assistance?

5. In your opinion is it hygienic in any manner what so ever to use your boot that has walked through every substance you can imagine to kick an inmates Food trap door, that they receive their meals on and through, with to close it?

6. In your own words, how would you feel to attempt to Plead for some humane help from an officer and instead of them refusing to help you verbally, they use their foot to kick the food trap door closed on your hands and wrists without warning?

Executed at Marianna, Arkansas on June 23, 2021

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas State Claims Commission
JUN 28 2021
RECEIVED

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of cell block SNC 3, 2nd shift on Monday, September 30, 2019 at the [redacted] answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined

during your employment with the ADC and what was they over/for?

4. To the best of your recollection, what do you remember about Monday, September 30, 2019, when you relieved Corporal S. L. Ray as barracks officer of cell block SNC 3, for the 2nd shift at the [redacted], when the claimant stopped you at SNC cell 301 and reported that the water in his sink did not work, and reported his physical condition along with being in a stripped bare cell with nothing what so ever?

5. What training, education, and time have you dedicated to learning, being aware, and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning all the claimant reported to you about the water not working in his sink and him being in a stripped bare cell with no linen, hygiene items, mattress, toilet paper, change of clothes in five (5) days straight, etc. which was in violation of Administrative Directives and Policies and Procedures?

7. What did you do to correct the conditions reported to you by the claimant to relieve the situation?

[redacted]

hygiene items or [redacted]
per ADC Administrative Directives and Policies and Procedures, you Plead for some humane help from every officer you seen, and you are given a dilapidated worn out piece of a mattress with the cover ripped open and at least a quarter of the mattress removed, a partial roll of toilet paper and a ripped in half piece of a filthy blanket that was so dirty it looked as if it had been used to clean the floor of the entire unit before it was given to you for you to be expected to cover yourself with?

Executed at Marianna, Arkansas on June 23, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas State Claims Commission
JUN 28 2021
RECEIVED

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Corporal S.L. Ray answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Monday, September 30,

2019, when transportation escorted the claimant to SNC 3 and relinquished custody of the claimant to you?

4. To your best recollection what do you remember about the cell SNC 301 that you placed the claimant in and what the claimant reported to you about the cell and his physical condition?

5. What training, education, and time have you dedicated to learning and being aware of Administrative Directives and Policies and Procedures of the ADC and the [redacted]

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, not having any toilet paper, linen, hygiene items, mattress, etc.?

7. What did you do to correct the conditions of cell SNC 301 for the claimant per Administrative Directive and Policy and Procedures?

8. In your own words, how would you feel to be escorted to a cell block and placed in a stripped bare cell, with no working sink to even get you a drink of water with [redacted] clothes in five (5) days, no mattress, much less the double mattress as per your [redacted] when you Plead with the barracks officer for some humane help, much less what is stated as your rights in the Administrative Directives and Polices and

Procedures, and this barracks officer orders the inmate barracks porter that brings a clean jumpsuit when he overhears what you have gone through, but the officer orders the inmate to take the clean jumpsuit away, slams the food trap closed on your door, laughs and walks away stating he would see what he could find, but then leaves you with nothing and you have to wait until the following shift to plead with them for some humane help?

Executed at Marianna, Arkansas on June 23, 2021.

Ray Haggard II

Mr. Ray A. Haggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
JUN 28 2021
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Sergeant S. Kemp answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during your

employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Tuesday, October 1, 2019, when you made rounds in cell block SNC 3 of the [redacted] and the claimant stopped you and informed you of the maintenance issues of cell SNC 301 and presented you with his submission of an emergency grievance concerning the situation?

4. Why did you not deem the situation an emergency as outlined in the Administrative Directives and Policies and Procedures?

5. What training, education, and time have you dedicated to learning, being aware, and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, and to resolve the claimant's emergency grievance?

7. What did you do to correct the conditions of cell SNC 301 and to resolve the claimant's emergency grievance per Administrative Directives and Policies and Procedures?

8. Is it common practice to accept an grievance, emergency or not and straight out look the inmate in the eyes and lie to them that you would take care of the situation, then walk away and throw away the grievance as soon as your out of eye sight of the inmate never intending to do anything

to resolve the grievance in the first place?

9. Why did you inform the claimant that you would take care of the situation and at least get him an new intake package and another mattress, but never returned with either, nor had maintenance repair the sink in cell SMC 301?

10. What did you do with the white and blue copies of the emergency grievance (the white copy that is to be returned to the inmate and the blue copy that is to be submitted to the Grievance Coordinator, to make copies to be placed in the inmate's institutional file per Administrative Directive) and can you produce the white and blue copies of the emergency grievance the claimant submitted to you on Tuesday, October 1, 2019?

11. In your own words, how would you feel to be placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped

[redacted]

your rights per ADC Administrative Directives and Policy and Procedures, you not only Plead for some humane help from every officer you seen, but then you Plead with the area Sergeant for some humane help along with submitting an emergency grievance just to have the Sergeant accept your emergency grievance, look you in your eyes and inform you that he would take care of the situation and at least get you a new inmate package, but never return with anything or help you in any way?

Executed at Marianna, Arkansas on June 23, 2021

Roy Haggard II

Mr. Roy A. Haggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas State Claims Commission
JUN 28 2021
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Claimant requests that the Respondent Mr. Thomas Burns, Chief Legal Counsel for the Arkansas Department of Corrections (ADC) produce for inspection and copying the following documents;

1. Any and all medical records, written and electronic (printed off) of the Claimants return to the [redacted] on October 2, 2019, entered by the receiving charge nurse on duty in the [redacted] infirmary.

2. A copy of the Security Logs, any and all documents showing and reflecting who all was on duty in cell block SNC 3, on all shifts, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the [redacted] ([redacted])

3. A copy of all inventory logs of the SNC Intake area and Laundry of the [redacted] on the dates of September 30, 2019, October 1, 2019, and October 2, 2019, that reflect mattresses, linen, new intake packages, clothing, etc.

4. Any and all documents, rules, regulations, policies and procedures of the

training and education of the [redacted] ADC staff on rules, regulations, policies and procedures.

5. All written statements, original or copies, identifiable as reports about any and all incidents concerning the Claimant on September 30, 2019, October 1, 2019, and October 2, 2019, made by ADCs employees, and/or witnesses at the [redacted] or the like.

6. Any and all rules, regulations, policies and procedures of the ADC concerning the treatment by staff of new accival intake inmates at the ORCU.

7. Any and all rules, regulations, policies and procedures of the ADC concerning inmates requesting immediate medical care (from being physically assaulted or harmed by an officer) and concerning inmates requesting to immediately speak to a supervising/superior officer.

8. Any and all rules, regulations, policies and procedures of the ORCU concerning inmates retaining a chow hall/kitchen cup/glass in their cell in Restrictive Housing such as SNC cell blocks.

Executed at Marianna, Arkansas on June 23, 2021

Roy Haggard II

Mr. Roy A. Haggard II (ADC [redacted])

[redacted]

Mika Tucker

From: Thomas Burns
Sent: Wednesday, July 14, 2021 11:52 AM
To: ASCC Pleadings
Cc: Roni Gean
Subject: Roy Hoggard v ADC 200188
Attachments: 1730_001.pdf

RFA to Inmate

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

FIRST SET OF REQUESTS FOR ADMISSIONS TO ROY HOGGARD

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Roy Hoggard, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 210188.

REQUEST FOR ADMISSION NO. 2: Admit that you could not be taken back to [redacted] because of an emergency.

REQUEST FOR ADMISSION NO. 3: Admit that [redacted] gave you two mattress while temporally there.

REQUEST FOR ADMISSION NO. 4: Admit that you are making a 8th Amendment claim in claim 210188.

REQUEST FOR ADMISSION NO. 5: Admit that you are making a claim about prison conditions claim 210188.

REQUEST FOR ADMISSION NO. 6: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 7: Admit that personal property can only have a value of $200.00.

REQUEST FOR ADMISSION NO. 8: Admit that your claim 210188 is baseless.

Filed 14 July 2021.

Respectfully submitted,

Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 14th day of July 2021, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted]

Thomas Burns

TO: Ms. Kathryn Irby, Director

Date: July 20, 2021

From: Mr. Roy Adcia Haggard II

ADC: # [redacted]

Re: Claim No. 210188

Arkansas
State Claims Commission
JUL 26 2021
RECEIVED

Dear Ms. Irby,

Please find enclosed my First Set of Request For Admissions, along with a copy to be returned to me filemarked as soon as possible.

I still have not received my filemarked copy of my First Set of Interrogatories I mailed by U.S. Mail on June 24, 2021. Will you please check into this matter, for I need my filemarked copy as soon as possible. It has been almost a full month now and I still have not received it.

I need my filemarked copy to know the file date so if I am forced to file a Motion to Compel.

I also need a new State Claim Form. Thank you for your attention to these matters.

Sincerely,

Roy Haggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas State Claims Commission
JUL 26 2021
RECEIVED

FIRST SET OF REQUESTS FOR ADMISSIONS TO ARKANSAS DEPARTMENT OF CORRECTIONS

comes now, the Claimant, Mr. Roy A. Haggard II, for his First Set of Requests for Admissions to the Arkansas Department of Corrections, (ADC), to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

1. Admit that All ADC Staff Members (named in No. 210188) violated both Administrative Directives, and Policies and Procedures.

2. Admit that Claim No. 210188 has full merit.

3. Admit that Claim No. 210188 is clearly about ADC staff Members violating Administrative Directives, and Policies and Procedures.

4. Admit that at no time did Mr. Haggard II receive two mattresses per his valid medical script while he was at the ORCV.

5. Admit that the Security Video Footage of SNC-3, of the dates stated in No. 210188 proves everything Mr. Haggard II states is true and correct.

6. Admit that the only reason Mr. Haggard II could not be taken back to the EARU was due to ADC staff negligence at the EARU and should not been deemed an emergency situation.

7. Admit that ADC staff Members deliberately neglects their duties when it comes to dealing with inmates because they consider inmates less than human.

8. Admit that instead of simply admitting when ADC staff Members are in the wrong and simply correcting the situation, it is common practice to deflect responsibility by incorrectly responding to inmates grievances.

9. Admit it is common practice for ADC Problem Solvers to throw away the White and Blue copies of inmate grievances to keep from responding to or even attempting to solve an inmates grievance on Step One per Administrative Directive.

10. Admit that Mr. Haggard II, should be awared damages even more than that sought for the physical pain, mental anguish, the injuries to the quality of an individual's life, such as placement in inoperative conditions, or deprivation of privileges, ADC staff Members violating ADC Administrative Directives and Policies and Procedures.

Executed at Marianna, Arkansas on July 20th, 2021.

Roy A. Haggard II (ADC [redacted])

[redacted]

Respectfully Submitted,

Roy Haggard II

Mr. Roy A. Haggard II

(ADC [redacted])

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 20th day of July, 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

[redacted]
Mr. Ray A. Haggard III
(ADC [redacted])

To: Ms. Kathryn Irby, Director

Date: July 28, 2021

From: Mr. Roy A. Haggard II

ADC: [redacted]

Re: Claim No. 210188

Arkansas State Claims Commission
JUL 30 2021
RECEIVED

Dear Ms. Irby,

Please find enclosed my answers to the ADC's First Set of Requests for Admissions. I have enclosed a copy to be file-marked and returned to me as soon as possible.

Ms. Irby, I sent you my First Set of Interrogatories on June 24, 2021 with a copy to be filemarked and returned to me as soon as possible due to the ADC only had 30 days to respond. You still have not sent me my file marked copy. I wrote you again on July 15, 2021 and again on July 20, 2021 yet I still have not received my file marked copy from your office and now it has been over thirty (30) days and your office still has not sent my filemarked copy.

How can I have a chance to prevail when your office is not following the Arkansas Rules of Civil Procedure?

Please check into this matter as soon as possible.

Thank you.

Sincerely,

Roy Haggard

Mr. Roy A. Haggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas State Claims Commission
JUL 30 2021
RECEIVED

Ray A. Haggard II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

ANSWERS

Comes now, the Claimant, Mr. Ray A. Haggard II, with his answers to the Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, First Set of Requests for Admissions, in accordance with the Arkansas Rules of Civil Procedure, states:

1. By law I am entitled to damages related to claim no. 210188.

2. I, along with another inmate, was already in route to the [redacted], there was no emergency occurring at the [redacted], that could or should have prevented or terminated transportation mid-route.

[redacted]

this fact due to there is a security camera aimed directly toward SNC-3 cell, the inopperative cell I was placed in.

4. Claim No. 210188, is over ADC staff members (named in claim) violating both Administrative Directives and Policies and Procedures.

5. Claim No. 210188, is over ADC staff members (named in claim) violating both Administrative Directives and Policies and Procedures.

6. No, All ADC staff members (named in claim) violated both Administrative Directives and Policies and Procedures.

7. This is incorrect due to the property AD changing after the sale of MP4's and MP5's, which cost over $200.00 after tax, not excluding the purchase of songs at $2.00 per song, and only able to be purchased in $5.00 increments. Plus once an inmate purchases an MP4 or MP5 then a pair of earbuds he or she would automatically be in violation. Not to mention if they also bought a pair of shoes at either $40.58, $60.20 or $61.25, Sweatpants at either $16.01, $21.22 or $23.24, Sweatshirt at either $16.01 or $23.24 and these are not mentioning a cup, bowl, spoon, T-shirt, etc. Therefore, as stated, this question is incorrect.

8. Claim No. 210188, Has full merit and is completely founded on true facts.

I certify under penalty of perjury that the foregoing is true and correct. Executed at Marianna, Arkansas on July 28, 2021.

Ray Hoggard II

Mr. Ray A. Hoggard II (ADC [redacted])

Mr. Ray A. Hoggard II

[redacted]

72360

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 28th day of July 2021, on the Respondent, by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6819 Princeton Pike
Pine Bluff, Ar. 71602

Roy Haggard III
Mr. Ray A. Haggard III

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

August 4, 2021

Mr. Roy Hoggard II (ADC [redacted]
[redacted]

RE: ***Roy Hoggard II v. Arkansas Department of Correction***
Claim No. 210188

Dear Mr. Hoggard,

Enclosed please find file-marked copy of your answers to ADC's first set of request for admissions filed in the above-referenced claim. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: msscott

To: Ms. Kathryn Irby, Director

Date: July 31, 2021

From: Mr. Roy A. Haggard II

ADC: [redacted]

Re: Claim No. 210188

Mr. Roy A. Haggard II
[redacted]
Ar[redacted]
State Claim[redacted]
AUG [redacted]

RECEIVED

Dear Ms. Irby,

Please find enclosed the Resubmission of my First set of Interrogatories to Respondents. As stated in the motion due to both a error and the wait of over a month from your office to supply me with my filemarked copy of my First Set of Interrogatories to Respondents, it lead to the resubmission.

I did not make additional copies of the interrogatories due to the ones you filed on June 28, 2021 are the very same as stated in my motion of resubmission, I only added the new date of July 31, 2021 below the original date of June 23, 2021.

However, along with a full copy of the interrogatories, I have also supplied a full copy as stated in the resubmission of the resubmission and certificate of service to Mr. Thomas Burns (92006) Department of Corrections, 6814 Princeton Pike, Pine Bluff, Ar. 71602. And served them to Mr. Burns by U.S. mail, regular postage this same date July 31, 2021.

Please filemark one of the set of copies of my Resubmission and return it to me as soon as possible, Thank you.

Sincerely,

Roy Haggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas State Claims Commission
AUG 04 2021
RECEIVED

RESUBMISSION

Comes now, the Claimant, Mr. Roy A. Hoggard II, with the Resubmission of the Claimant's First Set of Interrogatories to Respondents, in accordance with the Arkansas Rules of Civil Procedure, states;

1. Due to several errors the copies of the claimant's first set of interrogatories to Respondents did not get served to Mr. Thomas Burns when they were filed on June 23, 2021, filemarked June 28, 2021.

2. The Claimant contacted Ms. Kathryn Irby, Director of the Arkansas State Claims Commission, on June 24, 2021, July 15, 2021, July 20, 2021 and July 28, 2021, requesting his filemarked copy of the Claimant's first set of interrogatories to Respondents to rectify the error. However, the State Claims Commission, by and through Ms. Kathryn Irby, did not reply until July 27, 2021, in which the claimant then received on July 31, 2021.

3. Therefore, the claimant has made another copy of all interrogatories with the only modification being in Red ink and marked with an asterisk and stating "* Re-executed at Marianna, Arkansas on July 31, 2021." to be served on the Respondent by placing a copy of the same in the

U.S. Mail, regular postage to Mr. Thomas Burns (82006) Department of Corrections, 6814 Princeton Pike, Pine Bluff, Arkansas 71602.

4. With the error and the extended wait in the return of the original documentation from the Arkansas State Claims Commission, the original date of June 23, 2021, is to be voided and the 30 day time limit in accordance with the Rules of Civil Procedure is to be in referral to the new file date of July 31, 2021.

Executed at Marianna, Arkansas on July 31, 2021.

Respectfully Submitted,

Roy Haggard II

Mr. Roy A. Haggard II

Mr. Roy A. Haggard II (ADC [redacted]

[redacted]

CERTIFICATE OF SERVICE

I certify that a copy of these pleadings have been served this 31st day of July, 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Hoggard III
Mr. Roy A. Hoggard II

3 of 3 (Set with interrogatories is 3 of 20)

From: Thomas Burns
To: ASCC Pleadings
Cc: Roni Gean
Subject: Roy Hoggard v ADC 200188
Date: Tuesday, August 17, 2021 9:35:22 AM
Attachments: 2338_001.pdf

Motion to Deem Admitted

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v. **NO. 200188**

ARKANSAS DEPARTMENT OF CORRECTIONS **RESPONDENT**
DIVISION OF CORRECTION

MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED

Comes now, the Respondent, Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their Motion, states:

1. On July 14, 2021, Respondent caused to be served via US Mail on Claimant a set of Requests for Admissions. *See attached Ex A.*

2. As such the Claimant responded on July 28, 2021 and resubmitted his responses on July 31, 2021. *See attached Ex B.*

3. Neither of the Claimants answers comport to the responses as prescribed by Rule 36(a).

4. The permissible responses, according to **RULE 36(a)**, are, (1) **admit**; (2) **deny**; (3) object, stating the reasons for the objection; (4) state the reasons why the responding party can neither **admit** or **deny**; (5) **admit** or **deny** to the remainder; or (6) **admit** or **deny** in whole or in part with qualification. In one of the few cases construing the **rule**, for example, the Court of Appeals held that "**denied**" was an adequate response. Even if a party has no personal knowledge, he or she must answer a request for admission if the information can be obtained through reasonable inquiry. *Chiodini v Lock; 2010 Ark App 340.*

5. ARCP Rule 36(a) states in part:

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party to whom the request is directed served upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney…If objection is made, the reasons therefore shall be stated. **The party answering requests for admissions shall repeat each request immediately before the answer or objection.** The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by his is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it…[emphasis added].

The Rule says the responses **SHALL** repeat each request. The true meaning of SHALL is that it has to happen. Since that has not happened and the Rule was not followed the matter is deemed admitted. He responded twice and still both times failed to follow Rule 36.

6. Responses to requests for admissions that "the defendant refuses to admit this statement is true" were improper, did not constitute a denial, and in fact amounted to admissions of the truth of the statements contained in the requests. *Young v Dodson 239 Ark 143 (1965).*

7 Requests for Admissions have their own procedures and requirements, which results in automatic consequences for failure to respond that are similar to though more stringent than failing to respond to pleadings, and much more stringent than those for failing to respond to written discovery such as Interrogatories and Requests for Production. No mention of any specific Requests for Admissions is made anywhere, and

no specific issue is taken, even by the respondent's own pleading, with any of the substance of the Requests for Admissions; to the extent any of the requests propounded are considered improper by the respondent, they were not independently objected to with grounds laid out in good faith as mandated by the above-quoted Rule. In any case, by the plain language of Rule 36, as quoted in paragraph 6 hereof, the matters on which admission was sought are deemed admitted. *Compare with Widmer v. Wood, 243 Ark. 547, 420 S.W.2d 828 (1967).*

8. Rule 36(a) further states that "The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion." Here, the Imamate has wholly failed to admit, deny, or properly object to any of the propounded requests. Respondent should be granted a reasonable fee for this motion.

9. The Claimant has not followed the Rules as set out for Responses to Requests for Admissions, as such the Requests **SHALL** be deemed admitted.

10. Inmates cannot sent documents through legal mail and it is not authorized by the Rules of Civil Procedure and there my not be a certificate of service as required by Rule 5.

WHEREFORE, the Respondent prays that the Requests for Admission be Deemed Admitted; for attorney's fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Legal Department
6814 Princeton Pike
Pine Bluff Arkansas 71602
Telephone (870) 267-6845
Fax (870) 267-6373
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 17th day of August 2021, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

FIRST SET OF REQUESTS FOR ADMISSIONS TO ROY HOGGARD

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Roy Hoggard, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 210188.

REQUEST FOR ADMISSION NO. 2: Admit that you could not be taken back to [redacted] because of an emergency.

REQUEST FOR ADMISSION NO. 3: Admit that [redacted] gave you two mattress while temporally there.

REQUEST FOR ADMISSION NO. 4: Admit that you are making a 8th Amendment claim in claim 210188.

REQUEST FOR ADMISSION NO. 5: Admit that you are making a claim about prison conditions claim 210188.

REQUEST FOR ADMISSION NO. 6: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 7: Admit that personal property can only have a value of $200.00.

REQUEST FOR ADMISSION NO. 8: Admit that your claim 210188 is baseless.

Ex. A

Filed 14 July 2021.

Respectfully submitted,

Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 14th day of July 2021, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard [redacted]

Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDEN

RECEIVED
01607
JUL 30 2021
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

ANSWERS

Comes now, the Claimant, Mr. Roy A. Haggard II, with his answers to the Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, First Set of Requests for Admissions, in accordance with the Arkansas Rules of Civil Procedure, states;

1. By law I am entitled to damages related to claim no. 210188.

2. I, along with another inmate, was already in route to the [redacted] there was no emergency occurring at the [redacted] that could or should have prevented or terminated transportation mid-route.

3. [redacted] while I was at the [redacted] the security footage in SNC-3 will verify this fact due to there is a security camera aimed directly toward SNC-30 cell, the inapperative cell I was placed in.

4. Claim No. 210188, is over ADC staff members (named in claim) violating both Administrative Directives and Policies and Procedures.

5. Claim No. 210188, is over ADC staff members (named in claim) violating both Administrative Directives and Policies and Procedures.

Ex B

6. No, All ADC staff members (named in claim) violated both Administative Directives and Policies and Procedures.

7. This is incorrect due to the property AD changing after the sale of MP4's and MP5's, which cost over $200.00 after tax, not excluding the purchase of songs at $2.00 per song, and only able to be purchased in $5.00 increments. Plus once an inmate purchases an MP4 or MP5 then a pair of earbuds he or she would automatically be in violation, Not to mention if they also bought a pair of shoes at either $40.58, $60.20 or $61.25, Sweatpants at either $16.01, $21.22 or $23.24, Sweatshirt at either $16.01 or $23.24 and these are not mentioning a cup, bowl, spoon, T-shirt, etc. Therefore, as stated, this question is incorrect.

8. Claim No. 210188, Has full merit and is completely founded on true facts.

I certify under penalty of perjury that the foregoing is true and correct. Executed at Marianna, Arkansas on July 28, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

Mr. Roy A. Hoggard II

[redacted]

72360

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 28th day of July 2021, on the Respondent, by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Haygard II
Mr. Roy A. Haygard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) / CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

RECEIVED
AUG 06 2021
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

RESUBMISSION

Comes now, the Claimant, Mr. Roy A. Hoggard II, with the Resubmission of the Claimant's First Set of Interrogatories to Respondents, in accordance with the Arkansas Rules of Civil Procedure, states:

1. Due to several errors the copies of the claimant's first set of interrogatories to Respondents did not get served to Mr. Thomas Burns when they were filed on June 23, 2021, filemarked June 28, 2021.

2. The Claimant contacted Ms. Kathryn Irby, Director of the Arkansas State Claims Commission, on June 24, 2021, July 15, 2021, July 20, 2021 and July 28, 2021, requesting his filemarked copy of the Claimant's first set of interrogatories to Respondents to rectify the error. However, the State Claims Commission, by and through Ms. Kathryn Irby, did not reply until July 27, 2021, in which the claimant then received on July 31, 2021.

3. Therefore, the claimant has made another copy of all interrogatories with the only modification being in Red ink and marked with an asterisk and stating "* Re-executed at Marianna, Arkansas on July 31, 2021." to be served on the Respondent by placing a copy of the same in the

U.S. Mail, regular postage to Mr. Thomas Burns (02006) Department of Corrections, 6814 Princetion Pike, Pine Bluff, Arkansas 71602.

4. With the error and the extended wait in the return of the original documentation from the Arkansas State Claims Commission, the original date of June 23, 2021, is to be voided and the 30 day time limit in accordance with the Rules of Civil Procedure is to be in referral to the new file date of July 31, 2021.

Executed at Marianna, Arkansas on July 31, 2021.

Respectfully Submitted,

Mr. Roy A. Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

CERTIFICATE OF SERVICE

I certify that a copy of these pleadings have been served this 31st day of July, 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Hoggard II
Mr. Roy A. Hoggard II

From: Thomas Burns
To: ASCC Pleadings
Cc: Roni Gean
Subject: Roy Hoggard v ADC 210188
Date: Tuesday, August 17, 2021 3:07:27 PM
Attachments: 2348_001.pdf

ADC responses to admissions

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

Confidentiality Notice: This e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or rely on this email.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTIONS **RESPONDENT**
DIVISION OF CORRECTION

ADC RESPONSE TO INMATES REQUESTS FOR ADMISSIONS

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their Response to Requests for Admissions of Roy Hoggard, in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that all ADC staff members (named in No. 210188) violated both Administrative Directives, and policy and procedures.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 2: Admit that claim No. 200188 has full merit.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 3: Admit that claim No. 200188 is clearly about ADC staff members violating Administrative Directives, and policies and procedures.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 4: Admit that at no time did Mr. Hoggard II receive t[redacted]

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 5: Admit that the security video footage of SNC-3 of the dates stated in No. 200188 proves everything Mr. Hoggard states is true and correct.

RESPONSE: Deny, there is no video as Inmate Hoggard did not request it.

REQUEST FOR ADMISSION NO. 6: Admit that the only reason Mr. Hoggard could not be taken back to the [redacted] was due to ADC staff negligence at the [redacted] and should not been deemed an emergency situation.

RESPONSE: Deny, there was an emergency at [redacted] and in this request the Inmate admits that.

REQUEST FOR ADMISSION NO. 7: Admit that ADC staff members deliberately neglects their duties when it comes to dealing with Inmates because they consider Inmates less than human.

RESPONSE: Deny, but in this request the Inmate is stating the ADC is deliberately indifferent (section 1983 claim)

REQUEST FOR ADMISSION NO. 8: Admit that instead of simply admitting when ADC staff members are in the wrong and simply correcting the situation, it is common practice to deflect responsibility by incorrectly responding to inmate grievances.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 9: Admit it is common practice for ADC problem solvers to throw away the white and blue copies of Inmate grievances to keep from responding to or even attempting to solve an Inmates grievance on step one per Administrative Directive.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 10: Admit that Mr. Hoggard should be awarded damages even more than sought ofr the physical pain mental anguish the injuries to the quality of an individuals life such as placement in inoperative conditions or deprivation of privileges ADC staff members violating ADC Administrative Directives and polices and procedures.

RESPONSE: Deny

Filed 17 August 2021.

Respectfully submitted,

Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870)267-6845 Office
(870)267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 17th day of August 2021, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard [redacted]

Thomas Burns

Arkansas
State Claims Commission
AUG 25 2021
RECEIVED

To: Ms. Kathryn Irby, Director
Date: August 21, 2021
From: Mr. Roy A. Hoggard II
ADC: [redacted]
Re: Claim No. 210188

Dear Ms. Irby,

Please find enclosed my response to respondent's motion to deem requests for admissions admitted and new corrected version of answers to respondent's first set of request for admissions.

I have enclosed an extra full set to be file-marked and returned to me as soon as possible.

Thank you for your time in this matter.

Executed at Marianna, Arkansas on August 21, 2021.

Respectfully Submitted,
Roy Hoggard II

Roy A. Hoggard II
[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
AUG 25 2021
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

RESPONSE TO RESPONDENT'S MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED

comes now, the Claimant, Mr. Roy A. Hoggard II, for his Motion, states;

1. With all due respect to all parties, the Arkansas State Claims Commission, the Arkansas Department of Corrections, and Mr. Thomas Burns.
2. As with being in both limited unit lock down due to the pandemic and being housed in the Max unit of the [redacted] the Claimant is extremely limited to access to the law library, typing, or even the access to proper copies. That is the reason as seen the Claimant has to rely on providing his own hand written copies of all motions filed.
3. Along with there is a minimum of a two week waiting period for to submit and receive law work from the [redacted] Law Library and a limit to law work ordered. See Attached Exhibit A.
4. As stated by Mr. Thomas Burns, attorney for the ADC, the Claimant has no personal knowledge as a lawyer, due to being Pro se and no degree in Law.
5. As this Court and Mr. Burns can clearly see, in no way did the Claimant try to deceive or file an inadequate response to Mr. Burns' First Set of Requests for Admissions.
6. In fact this Court and Mr. Burns can clearly see that the Claimant went above what was asked by his attempt to properly

respond immediately to Mr. Burns' First set of Requests for Admissions in full answers, unlike Mr. Burns that waited until the last minute to inform the Claimant, through the court that he did not draft his answers in the manner a professional lawyer would and therefore the claimant's response should be admitted.

7. As for Mr. Burns' No. 2. statement, as this court and Mr. Burns can clearly see, the Claimant's Motion of Resubmission is in no way Responses to any of Mr. Burns' Motions.

8. The Claimant's Motion of Resubmission clearly states that it is a Resubmission of the Claimant's First set of Interrogatories to Respondents, due to an clerical oversight, and

9. How the Claimant contacted Ms. Kathryn Irby, Director of the Arkansas State Claims Commission four (4) seperate times requesting the Interrogatories so to correct the error,

10. However, it took Ms. Kathryn Irby, Director of the Arkansas State Claims Commission until July 27, 2021, to respond and the Claimant did not receive the interrogatories until July 31, 202

11. The Claimant then painstakingly hand copied two full sets of twenty (20) Interrogatories along with all the accompanying paperwork that one evening to be able to mail back out the following morning to rectify the error,

12. The Claimant prays this court can see that Mr. Burns attempt to claim that the Claimant's respectfully submitted Resubmission of the Claimant's First set of Interrogatories to Respondents, is the Claimant's Response to Mr. Burns' First set of Request for Admissions is only Mr. Burns' attempt to refuse to respond to

the Claimant's First Set of Interrogatories to Respondents.

13. **WHEREFORE**, the Claimant sincerely prays that the Respondent's Motion to Deem Requests for Admissions Admitted be **DENIED**, and this Court compels the Respondent to respond immediately to the Claimant's First Set of Interrogatories filed by the Claimant on July 31, 2021.

Executed at Marianna, Arkansas on August 21, 2021.

Arkansas
State Claims Commission
AUG 25 2021
RECEIVED

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II
[redacted]

Certificate of Service

I certify that a copy of this pleading has been served this 21st day of August 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Arkansas
71602

Roy Hoggard II
Mr. Roy A. Hoggard
(ADC [redacted])

[redacted]

Arkansas
State Claims Commission
AUG 25 2021
RECEIVED

LAW LIBRARY REQUEST & ASSISTANCE FORM

DATE:_____

NAME:_____ ADC_____ BKS_____ BED_____

Request Three (3) Items ONLY per week. by Volume, Title, Chapter, and Section or Case Law Citation, or the kind of legal form that you need. Be specific! You will be permitted to keep Books, AR's, AD's, etc. that are checked out for three days. **DO NOT WRITE in or on these Legal materials.** Destruction of State Legal Materials will result in a Major Disciplinary being issued. **NOTE: Not returning State Legal Materials / Books, etc., will prevent you from receiving any law materials / books.** Write your request for cases, books, etc. on the line below. Give the best description that you can of the legal material that you are requesting. **PLEASE PRINT CLEARLY.** (Requests for anything other than Legal materials will not be filled.)

1._____

2._____

3._____

LEGAL SUPPLIES (Every 30 days)

When legal situations arise, and it can be verified then you can submit a request for envelopes and paper through the Law Library using the "LEGAL SUPPLY REQUEST". Those INDIGENT inmates with ongoing legal cases or who have qualifying **"PRIVELEDGED CORRISPONDENCE"** letters ready to be mailed pertaining to a current legal matter can receive supplemental legal supplies. These request must be signed by a Sgt. who has validated that need exists. Requests of this nature that are not signed by an officer will be automatically rejected. **THE STATE WILL NOT ISSUE YOU ENVELOPES AND PAPER FOR PERSONAL USE!**

ITEM	AMOUNT	LIMIT PER ISSUE
SMALL ENVELOPES	_____	02
LARGE ENVELOPES	_____	02
WRIT PAPER	_____	10

INMATES SIGNATURE_____ **DATE REQUESTED**_____

INMATES SIGNATURE_____ **DATE RECEIVED**_____

Exhibit A

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
AUG 25 2021
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

RESPONSE TO REQUEST FOR ADMISSIONS

Comes now, the Claimant, Mr. Roy A. Hoggard II, with his answers to the Arkansas Department of Corrections, (ADC), by and through their attorney, Mr. Thomas Burns, First set of Requests for Admissions, in accordance with the Arkansas Rules of Civil Procedure, states;

Request For Admission No. 1. Admit that you do not have any damages related to this matter claim 210188.

Response: Deny

Request For Admission No. 2. Admit that you could not be taken back to [redacted] because of an emergency.

Response; Deny

Request For Admission No. 3. Admit that [redacted] gave you two mattress while temporally there.

Response: Deny.

Request For Admission No. 4. Admit that you are making a 8th Amendment claim in claim 210188.

Response: Deny

Request For Admission No. 5. Admit that you are making a claim about prison conditions claim 210188.

Response: Deny

Request For Admission No. 6. Admit that ADC acted pursuant to policy.

Response: Deny

Request For Admission No. 7. Admit that personal property can only have a value of $200.00.

Response: Deny

Request For Admission No. 8. Admit that your claim 210188 is baseless.

Response: Deny

Executed at Marianna, Arkansas on August 21, 2021.

Respectfully Submitted,

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

Certificate of Service

I certify that a copy of this pleading has been served this 21st day of August 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Arkansas 71602

Roy Hoggard II

Mr. Roy A. Hoggard II

(ADC [redacted]

From:	Thomas Burns
To:	ASCC Pleadings
Cc:	Roni Gean
Subject:	Roy Hoggard v ADC 210188
Date:	Tuesday, August 31, 2021 10:52:09 AM
Attachments:	2612_001.pdf Resubmission of Claimant"s First Set of Interrogatories to Respondents.pdf

---

Motion for Protective Order and Attachments

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

V. **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

MOTION FOR PROTECTIVE ORDER

Respondent, Arkansas Department of Correction (ADC), for its Motion for Protective Order, states:

1. Pursuant to Rule 26(c) of the Arkansas Rules of Civil Procedure (ARCP), Respondent hereby moves for the entry a protective order.

2. A court (and by extension, this Commission), has broad authority in matters pertaining to discovery and broad discretion to enter protective orders under ARCP Rule 26. Parker v. Southern Farm Bureau, 326 Ark. 1073, 935 S.W. 2d194 (1996). For a number of reasons, it would be appropriate for the Commission to exercise that discretion here.

3. Whatever information the Claimant may garner in response to his discovery, it will not be considered by the Commission in the Commission's review of the Motion to Dismiss. A party cannot use a deficient complaint to justify discovery in the hopes of rehabilitating his pleadings. Treat v. Kreutzer, 290 Ark. 532, 720 S.W. 2d 716 (1986).

4. In the course of Discovery, inmate has presented the ADC with a document purporting to be Interrogatories to certain persons. *See attached Ex A.* They are directed to the Counsel for the ADC and Employees of the ADC which is wholly inappropriate since he is not a party.

5. A party may not use discovery for a fishing expedition. *BHW v Metropolitan Nat. Bank, 267 Ark. 182, 590 S.W.2d 247 (Ark. 1997).*

6. The proposed discovery will cause the Respondent annoyance, embarrassment, oppression or undue burden or expense. The ADC cannot respond to the averments in their current form.

7. The inmate is using discovery in a manner the is not in comport with the notions of good faith and fair dealing that are implicit under Rule 26 of the Arkansas Rules of Civil Procedure.

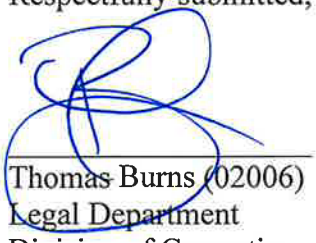
8. Respondent relies on Ark. R. Civ. P. 26(c)(4) and requests the Commission to limit the matters and scope of discovery requested by the inmate. Rule 26 provides as follows:

> Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following…..(2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place.

9. The Court in which the action is pending may make any order which justice requires to protect a party so that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters.
10. Claimant will not be prejudiced by a Stay of Discovery; claimant will have the opportunity to pursue discovery if the Motion to Dismiss is denied.

WHEREFORE, Respondent prays that this Motion to Stay Discovery be granted; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 31st day of August 2021, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) / CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

RECEIVED
AUG 06 2021
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

RESUBMISSION

Comes now, the Claimant, Mr. Roy A. Hoggard II, with the Resubmission of the Claimant's First Set of Interrogatories to Respondents, in accordance with the Arkansas Rules of Civil Procedure, states;

1. Due to several errors the copies of the claimant's first set of interrogatories to Respondents did not get served to Mr. Thomas Burns when they were filed on June 23, 2021, filemarked June 28, 2021.

2. The Claimant contacted Ms. Kathryn Irby, Director of the Arkansas State Claims Commission, on June 24, 2021, July 15, 2021, July 20, 2021 and July 28, 2021, requesting his filemarked copy of the Claimant's first set of interrogatories to Respondents to rectify the error. However, the State Claims Commission, by and through Ms. Kathryn Irby, did not reply until July 27, 2021, in which the claimant then received on July 31, 2021.

3. Therefore, the claimant has made another copy of all interrogatories with the only modification being in Red ink and marked with an asterisk and stating "* Re-executed at Marianna, Arkansas on July 31, 2021." to be served on the Respondent by placing a copy of the same in the

U.S. Mail, regular postage to Mr. Thomas Burns (02006) Department of Corrections, 6814 Princetion Pike, Pine Bluff, Arkansas 71602.

4. With the error and the extended wait in the return of the original documentation from the Arkansas State Claims Commission, the original date of June 23, 2021, is to be voided and the 30 day time limit in accordance with the Rules of Civil Procedure is to be in referral to the new file date of July 31, 2021.

Executed at Marianna, Arkansas on July 31, 2021.

Respectfully Submitted,

Roy Hoggard III

Mr. Roy A. Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

CERTIFICATE OF SERVICE

I certify that a copy of these pleadings have been served this 31st day of July, 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Hoggard II
Mr. Roy A. Hoggard II

Mr. Roy Adrin Hoggard II

[redacted]

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08/04/2021
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ZIP 72320
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USA FOREVER

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar,
71602

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Rory Griffin, Deputy Director for Health and Correctional service, answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. Is your official position and title for the ADC Deputy Director for Health and Correctional Services?

3. What training, education or degrees do you have that entitles you to hold that official position with the ADC?

4. How long have you held the position and title of Deputy Director for Health and Correctional Services?

5. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

6. Why did you assume the title and position of Director on December 16, 2019, to respond to the Claimant's grievance appeal (SNN 19-00269) instead of allowing Assistant Director (ADC) William F. Straughn to respond to it as stated on the acknowledgment of grievance appeal dated November 1, 2019?

7. Why is the Claimant's grievance appeal (SNN 19-00269) is per se signed by an ink stamp/computer printed, but the date is hand signed by ink pen?

8. Who actually signed and dated the claimant's grievance appeal (SNN 19-00269) on December 16, 2019?

9. Who actually responded to the claimant's grievance appeal (SNN 19-00269) on December 16, 2019?

10. Is it normal practice to outsource your job duties such as respond

to inmate grievance appeals to your secretary, assistant, or subordinates?

11. Is it normal practice to misdirect attention when responding to inmate grievance appeals to side with ADC staff members when they are clearly in the wrong and violating ADC Administrative Directives, Policies and Procedures and the like just to find the appeals without merit?

12. Would you testify under oath that it is healthy and hygienic to wear the same clothes, socks, and underwear without washing them for six (6) days straight?

13. would you testify under oath that it is healthy and hygienic to be housed in a bare cell without a working sink or soap to wash your hands after using the toilet for several days straight?

14. Would you yourself go six (6) days wearing the same clothes, socks, and underwear without changing them or washing them, or use the toilet for days without washing your hands?

Executed at Marianna, Arkansas on June 23, 2021. *

* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of collecting the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 on Tuesday, October 1, 2019 at the [redacted] answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during your

employment with the ADC and what was they over/for?

3. To your best recollection what do you remember about Tuesday, October 1, 2019, when you collected the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 at the [redacted] when the claimant attempted to question you about Sergeant S. Kemp not returning with any issuances or anything to resolve his emergency grievance?

4. Is it common practice to use your foot to kick the food trap door shut on the solid steel doors in cell block SNC 3 especially on inmates hands and wrists as they are asking you for your assistance?

5. In your opinion is it hygienic in any manner what so ever to use your boot that has walked through every substance you can imagine to kick an inmates Food trap door, that they receive their meals on and through, with to close it?

6. In your own words, how would you feel to attempt to Plead for some humane help from an officer and instead of them refusing to help you verbally, they use their foot to kick the food trap door closed on your hands and wrists without warning?

Executed at Marianna, Arkansas on June 23, 2021. *

*Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of cell block SNC 3, 2nd shift on Monday, September 30, 2019 at the [redacted] answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

these interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined

during your employment with the ADC and what was they over/for?

4. To the best of your recollection, what do you remember about Monday, September 30, 2019, when you relieved Corporal S. L. Ray as barracks officer of cell block SNC 3, for the 2nd shift at the [redacted] when the claimant stopped you at SNC cell 301 and reported that the water in his sink did not work, and reported h[redacted] along with being in a stripped bare cell with nothing what so ever?

5. What training, education, and time have you dedicated to learning, being aware, and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning all the claimant reported to you about the water not working in his sink and him being in a stripped bare cell with no linen, hygiene items, mattress, toilet paper, change of clothes in five (5) days straight, etc. which was in violation of Administcative Directives and Policies and Procedures?

7. What did you do to correct the conditions reported to you by the claimant to relieve the situation?

8. In your own words, how would you feel to be placed in a stripped [redacted] clothes in five (5) days straight, you have been given no linen,

[redacted]

per ADC Administrative Directives and Policies and Procedures, you Plead for some humane help from every officer you seen, and you are given a dilapidated worn out piece of a mattress with the cover ripped open and at least a quarter of the mattress removed, a partial roll of toilet paper and a ripped in half piece of a filthy blanket that was so dirty it looked as if it had been used to clean the floor of the entire unit before it was given to you for you to be expected to cover yourself with?

Executed at Marianna, Arkansas on June 23, 2021. *

* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Corporal S. L. Ray answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

these interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Monday, September 30,

2019, when transportation escorted the claimant to SNC 3 and relinquished custody of the claimant to you?

4. To your best recollection what do you remember about the cell SNC 301 that you placed the claimant in and what the claimant reported to you about the cell and his physical condition?

5, What training, education, and time have you dedicated to learning and being aware of Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, not having any toilet paper, linen, hygiene items, mattress, etc.?

7. What did you do to correct the conditions of cell SNC 301 for the claimant per Administrative Directives and Policies and Procedures?

8. In your own words, how would you feel to be escorted to a cell block and placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been given [redacted] for four (4) days, no toilet paper, you had not been given [redacted] clothes in five (5) days, no mattress, much less the double mattress as per your [redacted] states you are allowed so you could lay down on something other than a cold concrete slab, no linen, no hygiene items, nothing and when you Plead with the barracks officer for some humane help, much less what is stated as your rights in the Administrative Directives and Policies and

Procedures, and this barracks officer orders the inmate barracks porter that brings a clean jumpsuit when he overhears what you have gone through, but the officer orders the inmate to take the clean jumpsuit away, slams the food trap closed on your door, laughs and walks away stating he would see what he could find, but then leaves you with nothing and you have to wait until the following shift to plead with them for some humane help?

Executed at Marianna, Arkansas on June 23, 2021.*

* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Sergeant S. Kemp answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during your

employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Tuesday, October 1, 2019, when you made rounds in cell block SNC 3 of the [redacted] and the claimant stopped you and informed you of the maintenance issues of cell SNC 301 and presented you with his submission of an emergency grievance concerning the situation?

4. Why did you not deem the situation an emergency as outlined in the Administrative Directives and Policies and Procedures?

5. What trainiag, education, and time have you dedicated to learning, being aware, and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, and to resolve the claimant's emergency grievance?

7. What did you do to correct the conditions of cell SNC 301 and to resolve the claimant's emergency grievance per Administrative Directives and Policies and Procedures?

8. Is it common practice to accept an grievance, emergency or not and straight out look the inmate in the eyes and lie to them that you would take care of the situation, then walk away and throw away the grievance as soon as your out of eye sight of the inmate never intending to do anything

to resolve the grievance in the first place?

9, Why did you inform the claimant that you would take care of the situation and at least get him an new intake package and another mattress, but never returned with either, nor had maintenance repair the sink in cell SNC 301?

10, What did you do with the white and blue copies of the emergency grievance (the white copy that is to be returned to the inmate and the blue copy that is to be submitted to the Grievance Coordinator, to make copies to be placed in the inmates institutional file per Administrative Directive) and can you produce the white and blue copies of the emergency grievance the claimant submitted to you on Tuesday, October 1, 2019?

11, In your own words, how would you feel to be placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been given [redacted] days, you had not been given a clean change of clothes in six (6) days straight, you have been given no linen, hygiene items or your [redacted] per your rights per ADC Administrative Directives and Policies and Procedures, you not only Plead for some humane help from every officer you seen, but then you Plead with the area Sergeant for some humane help along with submitting an emergency grievance just to have the Sergeant accept your emergency grievance, look you in your eyes and inform you that he would take care of the situation and at least get you a new inmate package, but never return with anything or help you in any way?

Executed at Marianna, Arkansas on June 23, 2021. *

* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Claimant requests that the Respondent Mr. Thomas Burns, Chief Legal Counsel for the Arkansas Department of Corrections (ADC) produce for inspection and copying the following documents:

1. Any and all medical records, written and electronic (printed off) of the Claimants return to the E[redacted] on October 2, 2019, entered by the receiving charge nurse on duty in the [redacted] infirmary.

2. A copy of the Security logs, any and all documents showing and reflecting who all was on duty in cell block SNC 3, on all shifts, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the [redacted]

3. A copy of all inventory logs of the SNC Intake area and Laundry of the [redacted] on the dates of September 30, 2019, October 1, 2019, and October 2, 2019, that reflect mattresses, linen, new intake packages, clothing, etc.

4. Any and all documents, rules, regulations, policies and procedures of the

training and education of the [redacted] ADC staff on rules, regulations, policies and procedures.

5. All written statements, original or copies, identifiable as reports about any and all incidents concerning the claimant on September 30, 2019, October 1, 2019, and October 2, 2019, made by ADCs employees, and/or witnesses at the [redacted] or the like.

6. Any and all rules, regulations, policies and procedures of the ADC concerning the treatment by staff of new arrival intake inmates at the [redacted].

7. Any and all rules, regulations, policies and procedures of the ADC concerning inmates requesting immediate medical care (from being physically assaulted or harmed by an officer) and concerning inmates requesting to immediatelly speak to a Supervising/Superior officer.

8. Any and all rules, regulations, policies and procedures of the [redacted] concerning inmates retaining a chow hall/kitchen cup/glass in their cell in Restrictive Housing such as SNC cell blocks.

Executed at Marianna, Arkansas on June 23, 2021. *

* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

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ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

DECLARATION IN SUPPORT OF MOTION FOR AN ORDER COMPELLING DISCOVERY

Mr. ROY A. HOGGARD II declares under penalty of perjury:

1. I am the Claimant in this case. I make this affidavit in support of my motion to compel discovery.
2. On July 31, 2021, I served on the Respondent's Chief Legal Counsel, Mr. Thomas Burns, a request for production of documents, which a copy is attached to Motion to compel discovery.
3. Respondents did not respond to this request within the 30 days allowed, nor did they request an extension of time from this Court or agreement from the Claimant to an extension of time.
4. On August 31, 2021, The Respondent Thomas Burns, Chief Legal Counsel for the Respondents (ADC), submitted a Motion for Protective Order in a frivolous attempt to waste all parties time especially this court.
5. Thomas Burns, Chief Legal Counsel for the Respondents (ADC), attempts to use the excuse in "his" Motion (No.4) the reason not to answer the interrogateries or produce the documents requested by the Claimant is because Mr. Burns is not a party. See Motion for Protective Order.
6. As can be seen by this Court, all Motions and Briefs submitted by the Respondents are addressed and titled, "Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), 'by and through' their

attorney, Thomas Burns...", See Attached Exhibit A

7. If you sue a top official, discovery includes what his subordinates know and the information in records available to him. This could possibly even include information that is only held by a party's attorney. Hickman v. Taylor, 329 U.S. 495 (1947).

8. Thomas Burns, being the Respondent's attorney, it is only correct and proper to have requested the documentation from the Respondents be produced "by and through" Thomas Burns, Chief Legal Counsel for the Respondents.

9. The Respondent's objections on the grounds that the discovery sought is to cause the Respondents annoyance, embarrassment, oppression or undue burden or expense has no merit, and their argument is frivolous.

10. The items sought by the Claimant is relevant to the claim and defense in the claim.

11. Rule 26(b)(1), Federal Rules of Civil Procedure, permits discovery of "any nonprivileged matter that is relevant to any party's claim or defense. ... Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence."

12. All documentation requested by the Claimant, such as the logs that have proof of the Claimant's claim, as well as the Policies and Procedures, Regulations, Medical Records, etc. are all relevant to this claim.

13. All interrogatories requested by the Claimant is also relevant to this claim. To again show proof of the actions taken by the Respondents, along with what proper training, education, etc. and motives.

14. For these reasons the material sought is relevant and should be produced.

WHEREFORE, the Claimant prays that this Court should grant Claimant's Motion to Compel Discovery.

Executed at Marianna, Arkansas on September 9th, 2021.

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II

Certificate of Service

I certify that a copy of this pleading has been served this 9th day of September 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Roy Hoggard II
Mr. Roy A. Hoggard II

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

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Exhibit A

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

FIRST SET OF REQUESTS FOR ADMISSIONS TO ROY HOGGARD

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Roy Hoggard, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 210188.

REQUEST FOR ADMISSION NO. 2: Admit that you could not be taken back to [redacted] because of an emergency.

REQUEST FOR ADMISSION NO. 3: Admit tha[redacted]gave you two mattress while temporally there.

REQUEST FOR ADMISSION NO. 4: Admit that you are making a 8th Amendment claim in claim 210188.

REQUEST FOR ADMISSION NO. 5: Admit that you are making a claim about prison conditions claim 210188.

REQUEST FOR ADMISSION NO. 6: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 7: Admit that personal property can only have a value of $200.00.

REQUEST FOR ADMISSION NO. 8: Admit that your claim 210188 is baseless.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDEN

MOTION FOR AN ORDER COMPELLING DISCOVERY

The Claimant, Mr. Roy A. Hoggard II, moves this court for an order pursuant to Rule 34(b) and 37(a) of the Federal Rules of Civil Procedure, for an order compelling the Respondents to produce for inspection and copying the following documents, copies of which are attached hereto:

The Claimant, Mr. Roy A. Hoggard II, submitted a written request for these documents, pursuant to Rule 34 of the Federal Rules of Civil Procedure on July 31, 2021, but have not yet received the documents.

Executed at Marianna, Arkansas on September 9th, 2021.

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Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II

Certificate of Service

I certify that a copy of this pleading has been served this 9th day of September 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Hoggard II
Mr. Roy A. Hoggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
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ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Claimant requests that the Respondent Mr. Thomas Burns, Chief Legal Counsel for the Arkansas Department of Corrections (ADC) produce for inspection and copying the following documents;

1. Any and all medical records, written and electronic (printed off) of the Claimants return to the [redacted] on October 2, 2019, entered by the receiving charge nurse on duty in the [redacted] infirmary.

2. A copy of the Security Logs, any and all documents showing and reflecting who all was on duty in cell block SNC 3, on all shifts, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the [redacted]

3. A copy of all inventory logs of the SNC Intake area and Laundry of the [redacted] on the dates of September 30, 2019, October 1, 2019, and October 2, 2019, that reflect mattresses, linen, new intake packages, clothing, etc.

4. Any and all documents, rules, regulations, policies and procedures of the

training and education of the [redacted] ADC staff on rules, regulations, policies and procedures.

5. All written statements, original or copies, identifiable as reports about any and all incidents concerning the Claimant on September 30, 2019, October 1, 2019, and October 2, 2019, made by ADCs employees, and/or witnesses at the [redacted] or the like.

6. Any and all rules, regulations, policies and procedures of the ADC concerning the treatment by staff of new arrival intake inmates at the [redacted]

7. Any and all rules, regulations, policies and procedures of the ADC concerning inmates requesting immediate medical care (from being physically assaulted or harmed by an officer) and concerning inmates requesting to immediately speak to a supervising/superior officer.

8. Any and all rules, regulations, policies and procedures of the [redacted] concerning inmates retaining a chow hall/kitchen cup/glass in their cell in Restrictive Housing such as SNC cell blocks.

Executed at Marianna, Arkansas on June 23, 2021 *
* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

Arkansas
State Claims Commission
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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION FOR AN ORDER COMPELLING DISCOVERY

The Claimant, Mr. Roy A. Hoggard II, moves this court for an order pursuant to Rule 34(b) and 37(a) of the Federal Rules of Civil Procedure, for an order compelling the Respondents to answer fully interrogatories, copies of which are attached hereto.

The Claimant, Mr. Roy A. Hoggard II, submitted these interrogatories, pursuant to Rule 33 of the Federal Rules of Civil Procedure on July 31, 2021, but have not yet received the answers.

Executed at Marianna, Arkansas on September 9th, 2021.

Respectfully Submitted,

Roy Hoggard II

Mr. Roy A. Hoggard II

Certificate of Service

I certify that a copy of this pleading has been served this 9th da of September 2021, on the Respondent by placing a copy of the sam in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Hoggard

Mr. Roy A. Hoggard

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
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ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Rory Griffin, Deputy Director for Health and Correctional service, answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. Is your official position and title for the ADC Deputy Director for Health and Correctional Services?

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3. What training, education or degrees do you have that entitles you to hold that official position with the ADC?

4. How long have you held the position and title of Deputy Director for Health and Correctional Services?

5. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

6. Why did you assume the title and position of Director on December 16, 2019, to respond to the Claimant's grievance appeal (SNN19-00269) instead of allowing Assistant Director (ADC) William F. Straughn to respond to it as stated on the acknowledgment of grievance appeal dated November 1, 2019?

7. Why is the Claimant's grievance appeal (SNN19-00269) is per se signed by an ink stamp/computer printed, but the date is hand signed by ink pen?

8. Who actually signed and dated the claimant's grievance appeal (SNN19-00269) on December 16, 2019?

9. Who actually responded to the claimant's grievance appeal (SNN19-00269) on December 16, 2019?

10. Is it normal practice to outsource your job duties such as respond

to inmate grievance appeals to your secretary, assistant, or subordinates?

11. Is it normal practice to misdirect attention when responding to inmate grievance appeals to side with ADC staff members when they are clearly in the wrong and violating ADC Administrative Directives, Policies and Procedures and the like just to find the appeals without merit?

12. Would you testify under oath that it is health and hygienic to wear the same clothes, socks, and underwear without washing them for six (6) days straight?

13. Would you testify under oath that it is healthy and hygienic to be housed in a bare cell without a working sink or soap to wash your hands after using the toilet for several days straight?

14. Would you yourself go six (6) days wearing the same clothes, socks, and underwear without changing them or washing them, or use the toilet for days without washing your hands?

Executed at Marianna, Arkansas on June 23, 2021 *
Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard III

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

JUN 28 2021

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CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of collecting the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 on Tuesday, October 1, 2019 at the [redacted] answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during yo

employment with the ADC and what was they over/for?

3. To your best recollection what do you remember about Tuesday, October 1, 2019, when you collected the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 at the [redacted], when the claimant attempted to question you about Sergeant S. Kemp not returning with any issuances or anything to resolve his emergency grievance

4. Is it common practice to use your foot to kick the food trap door shut on the solid steel doors in cell block SNC 3 especially on inmates hands and wrists as they are asking you for your assistance?

5. In your opinion is it hygienic in any manner what so ever to use your boot that has walked through every substance you can imagine to kick an inmates Food trap door, that they receive their meals on and through, with to close it?

6. In your own words, how would you feel to attempt to Plead for some humane help from an officer and instead of them refusing to help you verbally, they use their foot to kick the food trap door closed on your hands and wrists without warning?

Executed at Marianna, Arkansas on June 23, 2021 *
* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMAN

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDE

Arkansas
State Claims Commission
JUN 28 2021
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CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claiman requests that Respondent (name unknown, but identified as) the male officer in char of cell block SNC 3, 2nd shift on Monday, September 30, 2019 at the Ouachita Riv Correctional Unit, answer the following interrogatories under oath, and that th answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising du diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatev information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplementa answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined

during your employment with the ADC and what was they over/for?

4. To the best of your recollection, what do you remember about Monday, September 30, 2019, when you relieved Corporal S.L. Ray as barracks officer of cell block SNC 3, for the 2nd shift at the [redacted], when the claimant stopped you at SNC cell 301 and reported that the water in his sink did not work, and reported his physical condition along with being in a stripped bare cell with nothing what so ever?

5. What training, education, and time have you dedicated to learning being aware, and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning all the claimant reported to you about the water not working in his sink and him being in a stripped bare cell with no linen, hygiene items, mattress, toilet paper, change of clothes in five (5) days straight, etc. which was in violation of Administrative Directives and Policies and Procedures?

7. What did you do to correct the conditions reported to you by the claimant to relieve the situation?

8. In your own words, how would you feel to be placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you [redacted] you had not been given a clean change of clothes in five (5) days straight, you have been given no linen,

hygiene items or your [redacted]
per ADC Administrative Directives and Policies and Procedures, you Plead for some humane help from every officer you seen, and you are given a dilapidated worn out piece of a mattress with the cover ripped open and at least a quarter of the mattress removed, a partial roll of toilet paper and a ripped in half piece of a filthy blanket that was so dirty it looked as if it had been used to clean the floor of the entire unit before it was given to you for you to be expected to cover yourself with?

Executed at Marianna, Arkansas on June 23, 2021. *
* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

Arkansas
State Claims Commission
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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas
State Claims Commission
JUN 28 2021
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CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENT

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Corporal S.L. Ray answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Monday, September 30

2019, when transportation escorted the claimant to SNC 3 and relinquished custody of the claimant to you?

4. To your best recollection what do you remember about the cell SNC 301 that you placed the claimant in and what the claimant reported to you about the cell and his physical condition?

5. What training, education, and time have you dedicated to learning and being aware of Administrative Directives and Policies and Procedures of the ADC and the [redacted]

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, not having any toilet paper, linen, hygiene items, mattress, etc.?

7. What did you do to correct the conditions of cell SNC 301 for the claimant per Administrative Directive and Policy and Procedures?

8. In your own words, how would you feel to be escorted to a cell block and placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been [redacted] o toilet paper, you had not been given a clean change of clothes in five (5) days, no mattress, much less the double mattress as per your valid medical script states you are allowed so you could lay down on something other than a cold concrete slab, no linen, no hygiene items, nothing and when you Plead with the barracks officer for some humane help, much less what is stated as your rights in the Administrative Directives and Polices and

Procedures, and this barracks officer orders the inmate barracks porter that brings a clean jumpsuit when he overhears what you have gone through, but the officer orders the inmate to take the clean jumpsuit away, slams the food trap closed on your door, laughs and walks away stating he would see what he could find, but then leaves you with nothing and you have to wait until the following shift to plead with them for some humane help?

Executed at Marianna, Arkansas on June 23, 2021. *

* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard III

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

Arkansas
State Claims Commission
SEP 13 2021
RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
JUN 28 202

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

RECEIVED

CLAIMANT'S FIRST SET OF INTERROGATORIES TO RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Sergeant S. Kemp answer the following interrogatories under oath, and that the answers be signed by the person making them and be serve on claimant within 30 days of service of these interrogateries.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogateries shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the Arkansas Department of Corrections?

2. How many times have you been reprimanded and/or disciplined during you

employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Tuesday, October 1, 2019, when you made rounds in cell block SNC 3 of the [redacted] and the claimant stopped you and informed you of the maintenance issues of cell SNC 301 and presented you with his submission of an emergency grievance concerning the situation?

4. Why did you not deem the situation an emergency as outlined in the Administrative Directives and Policies and Procedures?

5. What training, education, and time have you dedicated to learning, being aware and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, and to resolve the claimant's emergency grievance?

7. What did you do to correct the conditions of cell SNC 301 and to resolve the claimant's emergency grievance per Administrative Directives and Policies and Procedures?

8. Is it common practice to accept an grievance, emergency or not and straight out look the inmate in the eyes and lie to them that you would take care of the situation, then walk away and throw away the grievance as soon as your out of eye sight of the inmate never intending to do anything

to resolve the grievance in the first place?

9. Why did you inform the claimant that you would take care of the situation and at least get him an new intake package and another mattress, but never returned with either, nor had maintenance repair the sink in cell SNC 301?

10. What did you do with the white and blue copies of the emergency grievance (the white copy that is to be returned to the inmate and the blue copy that is to be submitted to the Grievance Coordinator, to make copies to be placed in the inmates institutional file per Administrative Directive) and can you produce the white and blue copies of the emergency grievance the claimant submitted to you on Tuesday, October 1, 2019?

11. In your own words, how would you feel to be placed in a stripped bare cell with no working sink to even get you a drink of water with your bare cupped hands after you ha[redacted] days, you had not b[redacted] you have been given no line[redacted] your rights per ADC Administrative Directives and Policy and Procedures, you not only Plead for some humane help from every officer you seen, but then you Plead with the area Sergeant for some humane help along with submitting an emergency grievance just to have the Sergeant accept your emergency grievance, look you in your eyes and inform you that he would take care of the situation and at least get you a new inmate package, but never return with anything or help you in any way?

Executed at Marianna, Arkansas on June 23, 2021 *

* Re-executed at Marianna, Arkansas on July 31, 2021.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted]

[redacted]

Arkansas
State Claims Commission
SEP 13 2021
RECEIVED

To: Ms. Kathryn Irby, Director

Date: October 4, 2021

From: Mr. Roy A. Hoggard II

ADC: # [redacted]

Re: Claim No. 210188

Arkansas
State Claims Commission
OCT 08 2021
RECEIVED

Dear Ms. Irby,

I am writing to inquire the Commissions ruling status on my Motion for an Order Compelling Discovery filed September 9th, 2021 and file-markered September 13th, 2021.

It has been over three weeks since filing yet I have not received a response on the ruling which is time sensitive.

Thank you for your time in this matter.

Executed at Marianna, Arkansas on October 4, 2021.

Respectfully Submitted,

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

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

October 11, 2021

Mr. Roy A. Hoggard II (ADC [redacted])
[redacted]

RE: ***Roy A. Hoggard II v. Arkansas Division of Correction***
Claim No. 210188

Dear Mr. Hoggard,

This office received your correspondence on October 8, 2021. The motion for an order compelling discovery is still pending. When the Claims Commission enters an order on the motion, you will receive a copy via US Mail. The Claims Commission will rule on the motion as quickly as it can.

Sincerely,

Kathryn Irby

ES: msscott

Arkansas
State Claims Commission
MAR 09 2022
RECEIVED

To: Ms. Kathryn Irby, Director

Date: March 6, 2022

From: Mr. Roy A. Hoggard II

ADC: [redacted]

Re: No Response

Cl. No: 210188 and New Claim

Dear Ms. Irby,

With all due respect I have contacted your office several times, October 4, 2021, November 7, 2021 and Janurary 19, 2022 to be precise, and that does not enclude the submission of the documentations in the first place, but you have not responded to Any of my correspondence.

On September 9, 2021, I submitted both my Motion For An Order Compelling Discovery and a Declaration in Support of Motion For An Order Compelling Discovery. Which are time sensitive, when I never received a response from your office, I attempted to contact your office as stated above. On October 15, 2021, I received a letter from your office informing me that my Motion was still pending and once the Commission rules on it I would be notified via U.S. Mail.

However, as seen it has been over four (4) full months and I still have not received any response

concerning the ruling on my Motion.

The other issue I have mentioned at each of the dates mentioned above is I submitted a Seperate New Claim Complaint on September 23, 2021 which I still have not received my File-marked copy nor any response of my new claim being processed and set up, given a claim number, etc.

As stated I have contacted your office several times now inquiring information on these same two issues, but still have not received any response.

This time I am having this correspondence Notarized and recorded, will you please check into these Two (2) issues mentioned and address them as soon as possible.

Thank you for your time in this matter.

Respectfully Submitted,

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

NOTARY PUBLIC ARKANSAS
MATTHEW LYLES
No. 12707918
CRITTENDEN COUNTY
Commission Expires 4-23-2029

(Seal)

Sworn to and subscribed before me at Brickey (City) AR (State)

on this 6 (Date) day of March (Month), 2022 (Year)

Matthew Lyles
(Notary Public)

My Commission Expires March (Month) 6 (Day) 2022 (Year)

NOTARY
ARKANSAS
PUBLIC

From:	Kathryn Irby
To:	Thomas Burns (DOC)
Cc:	Roni Gean (DOC)
Subject:	ORDER: Roy A. Hoggard II v. ADC, Claim No. 210188
Date:	Friday, March 11, 2022 11:56:00 AM
Attachments:	Hoggard -- 210188 and new claim -- corr to parties.pdf Hoggard -- 210188 -- order.pdf

---

Thomas, please see attached.

Thanks,
Kathryn

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

ARKANSAS STATE CLAIMS COMMISSION

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

KATHRYN IRBY
DIRECTOR

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

March 11, 2022

Mr. Roy A. Hoggard II (ADC [redacted]
[redacted]
[redacted]

Mr. Thomas Burns *(via email)*
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

RE: ***Roy A. Hoggard II v. Arkansas Division of Correction***
Claim No. 210188 and a new claim

Dear Mr. Hoggard and Mr. Burns,

Enclosed please find an order entered by the Claims Commission today in Claim NO. 210188. To the extent that this order does not address Mr. Hoggard's concerns in his March 6, 2022, correspondence as to the status Claim No. 210188, Mr. Hoggard should send correspondence to the Claims Commission with any additional questions. Mr. Hoggard is reminded that the Claims Commission handles a large volume of claims each year with a small support staff and that the Claims Commission works through the claims as quickly as it can.

With regard to Mr. Hoggard's questions regarding the a "new claim" submitted on September 23, 2021, the Claims Commission does not have such a claim. If you will transmit the claim documents to our office, the Claims Commission can process your claim and send it to the appropriate agency for response.

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

Sincerely,

Kathryn Irby

ES: kmirby

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) **CLAIMANT**

V. **CLAIM NO. 210188**

ARKANSAS DIVISION OF CORRECTION **RESPONDENT**

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is the motion filed by the Arkansas Division of Correction (the "Respondent") seeking to deem admitted its requests for admission propounded to Roy A. Hoggard II (the "Claimant"). Also pending are Respondent's motion for protective order and Claimant's motion for an order compelling discovery. Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on August 7, 2020, seeking $9,500.00 in damages related to Respondent's actions following Claimant's medical procedure.

2. Respondent filed a motion to dismiss, which was denied by the Claims Commission on June 10, 2021. As part of that order denying the motion to dismiss, the parties were instructed to begin discovery.

3. Respondent sent requests for admission to Claimant on July 14, 2021.

4. Respondent subsequently filed a motion to deem admitted, arguing that Claimant failed to respond pursuant to Ark. R. Civ. Proc. 36(a).

5. Ark. R. Civ. Proc. 36(a) provides, in pertinent part, that:

> . . . Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his

> attorney. . . . If objection is made, the reasons therefore shall be stated. The party answering requests for admissions shall repeat each request immediately before the answer or objection. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it.
>
> The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served.

6. The Claims Commission finds that, while Claimant responded, Claimant did not specify whether he was admitting, denying, or objecting to the request pursuant to Ark. R. Civ. Proc. 36(a). Typically, the Claims Commission would require Claimant to file amended responses. However, Claimant already filed amended responses on August 25, 2021. As such, the Claims Commission will DENY Respondent's motion to deem admitted.

7. Respondent's motion for protective order will also be DENIED based upon lack of specifics in Respondent's motion. Respondent does not specify how the requested discovery will cause "annoyance, embarrassment, oppression, or undue burden or expense" or how the requested discovery does not "comport with the notions of good faith and fair dealing that are implicit under Rule 26." Additionally, Respondent does not state how it would like for the Claims Commission to "limit the matters and scope of discovery." The Claims Commission directs Respondent to respond to the discovery requests, although Respondent may object to a requested as permitted by the Arkansas Rules of Civil Procedure.

8. The parties are instructed to continue discovery and to notify the Claims Commission when discovery is nearing completion, so that this claim can be added to the hearing docket.

9. Claimant's motion for an order compelling discovery is hereby rendered moot.

IT IS SO ORDERED.

Henry C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION

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

DATE: March 11, 2022

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).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
MAR 21 2022
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, the Claimant requests that the Respondent, on and through, Mr. Thomas Burns, Chief Legal Counsel for the Arkansas Department of Corrections (ADC) produce for inspection and copying the following documents, etc.;

1. Any and all [redacted] written and electronic (printed off) of the Claimants return to the [redacted] on October 2, 2019, entered by the receiving charge nurse on duty in the [redacted] infirmary.

2. A copy of the Security Logs, any and all documents showing and reflecting who all was on duty in cell block SNC3, on all shifts, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the [redacted]

3. A copy of the Security Footage of cell block SNC 3, specifically the angles focused on and toward SNC cell 301, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the ORCU while the Claimant occupied SNC cell 301. (Digital copy for the court and print out for the Claimant).

4. A copy of all inventory logs of the [redacted] area and Laundry of the [redacted] the dates of September 30, 2019, October 1, 2019, and October 2, 2019, that reflect mattresses, linen, new intake packages, clothing, etc.

5. Any and all documents, rules, regulations, policies and procedures of the training and education of the [redacted] ADC staff on rules, regulations, policies and procedures.

6. All written statements, original or copies, identifiable as reports about any and all incidents concerning the Claimant on September 30, 2019, October 1, 2019, and October 2, 2019, made by ADC's employees, and/or witnesses at the [redacted] or the like.

7. Any and all rules, regulations, policies and procedures of the ADC concerning the treatment by staff of new arrival intake inmates at the [redacted].

8. Any and all rules, regulations, policies and procedures of the ADC concerning inmates requesting immediate medical care (from being physically assaulted or harmed by an officer) and concerning inmates requesting to immediately speak to a Supervising/Superior officer.

9. Any and all rules, regulations, policies and procedures of the [redacted] concerning inmates retaining a chow hall/kitchen cup/glass in their cell in Restrictive Housing such as SNC cell blocks.

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

(ADC [redacted])

[redacted]

In accordance with Rule 34 of the Federal Rules of Civil Procedure the documents, etc., requested in this motion is to be made available and/or produced for inspection and copying by being served on claimant within 30 days of service of this request.

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 16th day of March 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Hoggard II
Mr. Roy A. Hoggard II
(ADC [redacted])

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Rory Griffin, Deputy Director for Health and Correctional Service, answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. Is your official position and title for the ADC, Deputy Director for Health and Correctional Service?

3. What training, education or degrees do you have that entitles you to hold that official position with the ADC?

4. How long have you held the position and title of Deputy Director for Health and Correctional Services?

5. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

6. Why did you assume the title and position of Director on December 16, 2019, to respond to the Claimant's grievance appeal (SNV19-00269) instead of allowing Assistant Director (ADC) William F. Straughn to respond to it as stated on the acknowledgment of grievance appeal dated November 1, 2019?

7. Why is the Claimant's grievance appeal (SNV19-00269) is per se signed by an ink stamp/computer printed, but the date is hand signed by ink pen?

8. Who actually signed and dated the claimant's grievance appeal (SNV19-00269) on December 16, 2019?

9. Who actually responded to the claimant's grievance appeal (SNV19-00269) on December 16, 2019?

10. Is it normal practice to outsource your job duties such as respond

to inmate grievance appeals to your secretary, assistant, or subordinates?

11. Is it normal practice to misdirect attention when responding to inmate grievance appeals to side with ADC staff members when they are clearly in the wrong and violating ADC Administrative Directives, Policies and Procedures and the like just to find the appeal without merit?

12. Would you testify under oath that it is healthy and hygienic to wear the same clothes, socks, and underwear without washing them for six (6) days straight?

13. Would you testify under oath that it is healthy and hygienic to be housed in a bare cell without a working sink or soap to wash your hands after using the toilet for several days straight?

14. Would you yourself go six (6) days wearing the same clothes, socks, and underwear without changing them or washing them, or use the toilet for days without washing your hands?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard III

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Corporal S.L. Ray answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Monday, September 30,

2019, when transportation escorted the claimant to SNC 3 and relinquished custody of the claimant to you?

4. To your best recollection what do you remember about the cell SNC 301 that you placed the claimant in and what the claimant reported to you abou the cell and his physical condition?

5. What training, education, and time have you dedicated to learning and being aware of Administrative Directives and Policies and Procedures of the ADC and the ORCU?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, not having any toilet paper, linen, hygiene items, mattress, etc.?

7. What did you do to correct the conditions of cell SNC 301 for the claimant per Administrative Directive and Policy and Procedures?

8. In your own words, how would you feel to be escorted to a cell block and placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been g[redacted] for four (4) days, no toilet paper, you had not been given a clean change of clothes in five (5) days, no mattre[redacted] [redacted] es you are allowed so you could lay down on something other than a cold concrete slab, no linen, no hygiene items, nothing and when you Plead with the barracks officer for some humane help, much less what is stated as your rights in the Administrative Directives and Polices and

Procedures, and this barracks officer orders the inmate barracks porter that brings a clean jumpsuit when he overhears what you have gone through, but the officer orders the inmate to take the clean jumpsuit away, slams the food trap closed on your door, laughs and walks away stating he would see what he could find, but then leaves you with nothing and you have to wait until the following shift to plead with them for some humane help?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGTORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Sergeant S. Kemp answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materialize

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Tuesday, October 1, 2019, when you made rounds in cell block SNC 3 of the [redacted] and the claimant stopped you and informed you of the maintenance issues of cell SNC 301 and presented you with his submission of an emergency grievance concerning the situation?

4. Why did you not deem the situation an emergency as outlined in the Administrative Directives and Policies and Procedures?

5. What training, education, and time have you dedicated to learning, being aware and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, and to resolve the claimant's emergency grievance?

7. What did you do to correct the conditions of cell SNC 301 and to resolve the claimant's emergency grievance per Administrative Directives and Policies and Procedures?

8. Is it common practice to accept an grievance, emergency or not and straight out look the inmate in the eyes and lie to them that you would take care of the situation, then walk away and throw away the grievance as soon as your out of eye sight of the inmate never intending to do anything

to resolve the grievance in the first place?

9. Why did you inform the claimant that you would take care of the situation and at least get him an new intake package and another mattress, but never returned with either, nor had maintenance repair the sink in cell SNC 301?

10. What did you do with the white and blue copies of the emergency grievance (the white copy that is to be returned to the inmate and the blue copy that is to be submitted to the Grievance Coordinator, to make copies to be placed in the inmates institutional file per Administrative Directive) and can you produce the white and blue copies of the emergency grievance the claimant submitted to you on Tuesday, October 1, 2019?

11. In your own words, how would you feel to be placed in a stripped bare cell with no working sink to even get you a drink of water with your bare [redacted] hands after you h[redacted] days, you had not been given a clean change of clothes in six (6) days straight, you have been given no linen, hygiene items or your [redacted] your rights per ADC Administrative Directives and Policy and Procedures, you not only Plead for some humane help from every officer you seen, but then you Plead with the area Sergeant for some humane help along with submitting an emergency grievance just to have the Sergeant accept your emergency grievance, look you in your eyes and inform you that he would take care of the situation and at least get you a new inmate package, but never return with anything or help you in any way?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

From: Thomas Burns (DOC)
To: ASCC Pleadings
Cc: Roni Gean (DOC)
Subject: Roy Hoggard v ADC 210188
Date: Tuesday, April 5, 2022 11:59:26 AM
Attachments: 0751_001.pdf

Motion Protective Order

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTIONS DIVISION OF CORRECTION **RESPONDENT**

MOTION FOR PROTECTIVE ORDER

Comes Now the Respondent, Arkansas Department of Corrections (ADC), by Thomas Burns, and for his Motion for Protective Order pursuant to Rule 26 (c) of the Arkansas Rules of Civil Procedure, states:

1. In the course of Discovery, inmate has presented the ADC with a document purporting to be Interrogatories and Request for Production. *See attached Ex. A*. The requests are directed toward individuals.

2. The requests are directed to employees of the ADC. This is wholly inappropriate as individuals have qualified immunity.

3. This is the second time that the inmate has filed inappropriate discovery requests and as such the claim should be dismissed.

4. The inmate has caused and continues to cause the ADC undue expense and burden by failing to follow the rules.

5. A party may not use discovery for a fishing expedition. *BHW v Metropolitan Nat. Bank, 267 Ark. 182, 590 S.W.2d 247 (Ark. 1997).*

6. The proposed discovery will cause the Respondent annoyance, embarrassment, oppression or undue burden or expense. The ADC cannot respond to the averments in their current form.

7. The inmate is using discovery in a manner the is not in comport with the notions of good faith and fair dealing that are implicit under Rule 26 of the Arkansas Rules of Civil Procedure.

8. Respondent relies on Ark. R. Civ. P. 26(c)(4) and requests the Commission to limit the matters and scope of discovery requested by the inmate. Rule 26 provides as follows:

> Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following…..(2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place.

9. The Court in which the action is pending may make any order which justice requires to protect a party so that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters.

10. While there are no Arkansas cases on point, Rule 26(c) is the same as its Federal counterpart. The discovery rules were intended to allow the parties greater opportunity to gather information as to pertinent facts and documents within the knowledge and possession of the other party, in order to ensure a more adjudication on the merits. *27 C.J.S. Discovery § 1 (1959).* They also were intended to guarantee accountability and to reduce surprise at trial. *See J. Whigmore, Whigmore on evidence § 1845, at 487 (1976).* The courts, however, are given broad authority to intervene to protect against abuses. *See 27 C.J.S. Discovery § 2 (1959).* The answer to discovery abuses is to employ reasonable measures to protect against unduly burdensome and unduly intrusive discovery inquiries. *See 8 C. Wright & A. Miller, Federal Practice and*

Procedure § 2008, at 45 (1970). Therefore, the courts will protect against discovery efforts that are unreasonable and abusive. *See 27 C.J.S. Discovery § 2 (1959)*

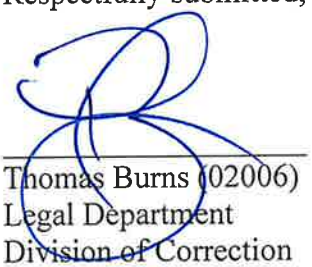
11. The Respondent asks this Commission require inmate to remove duplicative questions, immaterial inquires , and limit the scope of their inquiry to the action at hand, which is a straight forward claim wherein the Inmate just doesn't agree with the investigative outcome.

12. The ADC requests that the inmate complaint be dismissed for harassment and failure to follow the rules. This is the second time the inmate has filed inappropriate requests

13. The inmate should have to pay a reasonable attorney fee for having to bring this protective order motion.

WHEREFORE, the Respondent prays that the Commission enter a Protective Order on behalf of the Respondent; that this Commission limit the scope and extent of inmate's discovery; for his attorney fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,

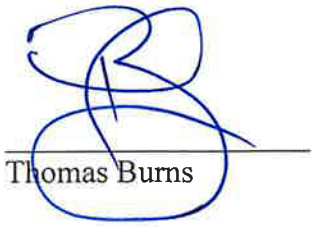


Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 5th day of April 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted]
[redacted]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
APR 01 2022
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

ROY A. HOGGARD II (ADC [redacted]) 2125 CLAIMANT

V. No. 21.0188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Rory Griffin, Deputy Director for Health and Correctional Service, answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. Is your official position and title for the ADC, Deputy-Director for Health and Correctional Service?

Ex. A

3. What training, education or degrees do you have that entitles you to hold that official position with the ADC?

4. How long have you held the position and title of Deputy Director for Health and Correctional Services?

5. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

6. Why did you assume the title and position of Director on December 16, 2019, to respond to the claimant's grievance appeal (SNV 19-00269) instead of allowing Assistant Director (ADC) William F. Straughn to respond to it as stated on the acknowledgment of grievance appeal dated November 1, 2019?

7. Why is the Claimant's grievance appeal (SNV 19-00269) is per se signed by an ink stamp/computer printed, but the date is hand signed by ink pen?

8. Who actually signed and dated the claimant's grievance appeal (SNV 19-00269) on December 16, 2019?

9. Who actually responded to the claimant's grievance appeal (SNV 19-00269) on December 16, 2019?

10. Is it normal practice to outsource your job duties such as respond

to inmate grievance appeals to your secretary, assistant, or subordinates?

11. Is it normal practice to misdirect attention when responding to inmate grievance appeals to side with ADC staff members when they are clearly in the wrong and violating ADC Administrative Directives, Policies and Procedures and the like just to find the appeal without merit?

12. Would you testify under oath that it is healthy and hygienic to wear the same clothes, socks, and underwear without washing them for six (6) days straight?

13. Would you testify under oath that it is healthy and hygienic to be housed in a bare cell without a working sink or soap to wash your hands after using the toilet for several days straight?

14. Would you yourself go six (6) days wearing the same clothes, socks, and underwear without changing them or washing them, or use the toilet for days without washing your hands?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
2128
APR 01 2022
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Corporal S.L. Ray answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Monday, September 30,

2019, when transportation escorted the claimant to SNC 3 and relinquished custody of the claimant to you?.

4. To your best recollection what do you remember about the cell SNC 301 that you placed the claimant in and what the claimant reported to you about the cell and his physical condition?

5. What training, education, and time have you dedicated to learning and being aware of Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, not having any toilet paper, linen, hygiene items, mattress, etc.?

7. What did you do to correct the conditions of cell SNC 301 for the claimant per Administrative Directive and Policy and Procedures?

8. In your own words, how would you feel to be escorted to a cell block and placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been giv[redacted] for four (4) days, no toilet paper, you had not been given a clean change of clothes in five (5) days, no mattress, much [redacted] states you are allowed so you could lay down on some-thing other than a cold concrete slab, no linen, no hygiene items, nothing and when you Plead with the barracks officer for some humane help, much less what is stated as your rights in the Administrative Directives and Polices and

Procedures, and this barracks officer orders the inmate barracks porter that brings a clean jumpsuit when he overhears what you have gone through, but the officer orders the inmate to take the clean jumpsuit away, slams the food trap closed on your door, laughs and walks away stating he would see what he could find, but then leaves you with nothing and you have to wait until the following shift to plead with them for some humane help?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
2126
APR 01 2022
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of collecting the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 on Tuesday, October 1, 2019 at the [redacted], answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the A.D.C.?

2. How many times have you been reprimanded and/or disciplined during your

employment with the ADC and what was they over/for?

3. To your best recollection what do you remember about Tuesday, October 1, 2019, when you collected the dinner/last/evening meal trays, glasses and utensils in cell block SMC 3 at the [redacted], when the claimant attempted to question you about Sergeant S. Kemp not returning with any issuances or anything to resolve his emergency grievance?

4. Is it common practice to use your foot to kick the food trap door shut on the solid steel doors in cell block SMC 3 especially on inmates hands and wrists as they are asking you for your assistance?

5. In your opinion is it hygienic in any manner what so ever to use your boot that has walked through every substance you can imagine to kick an inmates food trap door, that they receive their meals on and through, with to close it?

6. In your own words, how would you feel to attempt to Plead for some humane help from an officer and instead of them refusing to help you verbally, they use their foot to kick the food trap door closed on your hands and wrists without warning?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
2124
APR 01 2022
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, the Claimant requests that the Respondent, on and through, Mr. Thomas Burns, Chief Legal Counsel for the Arkansas Department of Corrections (ADC) produce for inspection and copying the following documents, etc.;

1. Any and all [redacted], written and electronic (printed off) of the Claimants return to the [redacted] on October 2, 2019, entered by the receiving charge nurse on duty in the [redacted].

2. A copy of the Security Logs, any and all documents showing and reflecting who all was on duty in cell block SNC3, on all shifts, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the [redacted].

3. A copy of the Security Footage of cell block SNC3, specifically the angles focused on and toward SNC cell 301, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the [redacted] while the Claimant occupied SNC cell 301. (Digital copy for the court and print out for the Claimant)

4. A copy of all inventory logs of the SNU Intake area and Laundry of the [redacted] on the dates of September 30, 2019, October 1, 2019, and October 2, 2019, that reflect: mattresses, linen, new intake packages, clothing, etc.

5. Any and all documents, rules, regulations, policies and procedures of the training and education of the [redacted] ADC staff on rules, regulations, policies and procedures.

6. All written statements, original or copies, identifiable as reports about any and all incidents concerning the Claimant on September 30, 2019, October 1, 2019, and October 2, 2019, made by ADC's employees, and/or witnesses at the [redacted] or the like.

7. Any and all rules, regulations, policies and procedures of the ADC concerning the treatment by staff of new arrival intake inmates at the ORCU.

8. Any and all rules, regulations, policies and procedures of the ADC concerning inmates requesting immediate medical care (from being physically assaulted or harmed by an officer) and concerning inmates requesting to immediately speak to a Supervising/Superior officer.

9. Any and all rules, regulations, policies and procedures of the [redacted] concerning inmates retaining a chow ball/kitchen cup/glass in their cell in Restrictive Housing such as SNU cell blocks.

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

(ADC [redacted]

[redacted]

In accordance with Rule 34 of the Federal Rules of Civil Procedure the documents, etc., requested in this motion is to be made available and/or produced for inspection and copying by being served on claimant within 30 days of service of this request.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
2127
APR 01 2022
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 21018B

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of cell block SAVC 3, 2nd shift on Monday, September 30, 2019 at the [redacted] answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered positions.

These interrogatories shall be deemed continuing so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined

during your employment with the ADC and what was they over/for?

3. To the best of your recollection, what do you remember about Monday, September 30, 2019, when you relieved Carporal S. L. Ray as barracks officer of cell block SNC 3, for the 2nd shift at the [redacted] when the claimant stopped you at SNC cell 301 and reported that the water in his sink did not work, and re[redacted] along with being in a stripped bare cell with nothing what so ever?

4. What training, education, and time have you dedicated to learning, being aware, and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

5. What did you record in your reports concerning all the claimant reported to you about the water not working in his sink and him being in a stripped bare cell with no linen, hygiene items, mattress, toilet paper, change of clothes in five (5) days straight, etc. which was in violation of Administrative Directives and Policies and Procedures?

6. What did you do to correct the conditions reported to you by the claimant to relieve the situation?

7. In your own words, how would you feel to be placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you [redacted] every day for four (4) days, you had not been given a clean change of clothes in five (5) days straight, you have been given no linen,

hygiene items on your [redacted] per your rights per ADC Administrative Directives and Policies and Procedures, you Plead for some humane help from every officer you seen, and you are given a dilapidated worn out piece of a mattress with the cover ripped open and at least a quarter of the mattress removed, a partial roll of toilet paper and a ripped in half piece of a filthy blanket that was so dirty it looked as if it had been used to clean the floor of the entire unit before it was given to you for you to be expected to cover yourself with?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
2129
APR 01 2022
ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 21018S

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGTORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Sergeant S. Kemp answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Tuesday, October 1, 2019, when you made rounds in cell block SNC-7 of the [redacted] and the claimant stopped you and informed you of the maintenance issues of cell SNC 301 and presented you with his submission of an emergency grievance concerning the situation?

4. Why did you not deem the situation an emergency as outlined in the Administrative Directives and Policies and Procedures?

5. What training, education, and time have you dedicated to learning, being aware, and applying Administrative Directives and Policies and Procedures of the A.D.C. and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, and to resolve the claimant's emergency grievance?

7. What did you do to correct the conditions of cell SNC 301 and to resolve the claimant's emergency grievance per Administrative Directives and Policies and Procedures?

8. Is it common practice to accept an grievance, emergency or not and straight out look the inmate in the eyes and lie to them that you would take care of the situation, then walk away and throw away the grievance as soon as your out of eye sight of the inmate never intending to do anything

to resolve the grievance in the first place?

9. Why did you inform the claimant that you would take care of the situation and at least get him an new intake package and another mattress, but never returned with either, nor had maintenance repair the sink in cell SMC 301?

10. What did you do with the white and blue copies of the emergency grievance (the white copy that is to be returned to the inmate and the blue copy that is to be submitted to the Grievance Coordinator, to make copies to be placed in the inmates institutional file per Administrative Directive) and can you produce the white and blue copies of the emergency grievance the claimant submitted to you on Tuesday, October 1, 2019?

11. In your own words, how would you feel to be placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been given very [redacted] days, you had not been given a clean change of clothes in six (6) days straight, you have been given no linen, hygiene items or yo[redacted]ared per your rights per ADC Administrative Directives and Policy and Procedures, you not only Plead for some humane help from every officer you seen, but then you Plead with the area Sergeant for some humane help along with submitting an emergency grievance just to have the Sergeant accept your emergency grievance, look you in your eyes and inform you that he would take care of the situation and at least get you a new inmate package, but never return with anything or help you in any way?

Executed at Marianna, Arkansas on March 16th, 2022.

Ray Hoggard II

Mr. Ray A. Hoggard II

[redacted]

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 16th day of March 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Roy Hoggard III
Mr. Roy A. Hoggard III
(ADC [redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
APR 25 2022
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

DECLARATION IN SUPPORT OF MOTION FOR AN ORDER COMPELLING DISCOVERY

I, Mr. ROY A. HOGGARD II, declares under penalty of perjury:

1. I am the Claimant in this case. I make this affidavit in support of my motion to compel discovery.

2. On March 11, 2022, the Arkansas State Claims Commission (the "Claims Commission") Entered an ORDER, sentence #7., which DENIED the Respondent's Motion for Protective Order and Directs the Respondent to respond to the Discovery Requests.

3. Therefore, on March 16, 2022, I served on the Respondent's Chief Legal Counsel, Mr. Thomas Burns, a copy of my request for production of documents and interrogatories as the Claims Commission directed the Respondent to respond to, which a copy of each is attached hereto.

4. Respondents did not respond to these requests within the 30 days allowed, nor did they request an extension of time from this court or agreement from the Claimant to an extension of time.

5. On April 5, 2022, the Respondent Thomas Burns, Chief Legal Counsel for the Respondents (ADC), submitted yet another motion for protective order in another frivolous attempt to waste all parties time especially this Court.

6. Mr. Thomas Burns, used the same arguments in his second motion for protective order, as he did in his first motion that was DENIED by the Claims Commission on March 11, 2022, just to keep from complying with the orders of this court.

7. The items sought by the Claimant is relevant to the claim at hand and the defense in the claim. This is why Mr. Thomas Burns is doing everything he can to hide this evidence from this Court.

8. Rule 26 (b) (1), Federal Rules of Civil Procedure, permits discovery of "any nonprivileged matter that is relevant to any party's claim or defense. ... Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence."

9. All documentation requested by the Claimant, such as the logs that have proof of the Claimant's claim, as well as the Policies and Procedures, Regulations, Medical Records, etc. are all relevant to this claim.

10. All interrogatories requested by the Claimant is also relevant

to this claim. Again to show proof of the actions taken by the Respondents, along with what proper training, education, etc. and motives.

11. Nothing in either the Documentation Or the Interrogateries will cause any of the Respondents annoyance, embarrassment, oppression or undue burden or expense, For this reason all material sought is relevant and should be produced as ordered by this court.

WHEREFORE, the Claimant prays that this Court will grant the Claimant's Motion to Compel Discovery.

Executed at Marianna, Arkansas on April 17, 2022.

Certificate of Service

I certify that a copy of this pleading has been served this 17th day of April 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. NO. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas
State Claims Commission
APR 25 2022
RECEIVED

MOTION FOR AN ORDER COMPELLING DISCOVERY

Comes Now the Claimant, Roy A. Hoggard II, moves this court for an order pursuant to Rule 34(b) and 37(a) of the Federal Rules of Civil Procedure, for an order compelling the Respondents to produce for inspection and copying the following documents, copies of which are attached hereto:

The Claimant, Roy A. Hoggard II, submitted a written request for these documents, pursuant to Rule 34 of the Federal Rules of Civil Procedure on March 16, 2022, but have not yet received the documents.

Executed at Marianna, Arkansas on April 17, 2022.

Certificate of Service

I certify that a copy of this pleading has been served this 17th day of April 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas
State Claims Commission
APR 25 2022
RECEIVED

CLAIMANT'S SECOND REQUEST FOR THE PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, the Claimant requests that the Respondent, on and through, Mr. Thomas Burns, Chief Legal Counsel for the Arkansas Department of Corrections (ADC) produce for inspection and copying the following documents, etc.;

1. Any and all [redacted], written and electronic (printed off) of the Claimants return to the [redacted] on October 2, 2019, entered by the receiving charge nurse on duty in the [redacted],

2. A copy of the Security Logs, any and all documents showing and reflecting who all was on duty in cell block SNC3, on all shifts, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the [redacted]

3. A copy of the Security Footage of cell block SNC 3, specifically the angles focused on and toward SNC cell 301, on the dates of September 30, 2019, October 1, 2019, and October 2, 2019 at the ORCU while the Claimant occupied SNC cell 301. (Digital copy for the court and print out for the Claimant).

4. A copy of all inventory logs of the SNC Intake area and Laundry of the [redacted] on the dates of September 30, 2019, October 1, 2019, and October 2, 2019, that reflect mattresses, linen, new intake packages, clothing, etc.

5. Any and all documents, rules, regulations, policies and procedures of the training and education of the [redacted] ADC staff on rules, regulations, policies and procedures.

6. All written statements, original or copies, identifiable as reports about any and all incidents concerning the Claimant on September 30, 2019, October 1, 2019, and October 2, 2019 made by ADCs employees, and/or witnesses at the [redacted] or the like.

7. Any and all rules, regulations, policies and procedures of the ADC concerning the treatment by staff of new arrival intake inmates at the [redacted].

8. Any and all rules, regulations, policies and procedures of the ADC concerning inmates requesting immediate medical care (from being physically assaulted or harmed by an officer) and concerning inmates requesting to immediately speak to a Supervising/Superior officer.

9. Any and all rules, regulations, policies and procedures of the [redacted] concerning inmates retaining a chow hall/kitchen cup/glass in their cell in Restrictive Housing such as SNC cell blocks.

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

(ADC [redacted]

In accordance with Rule 34 of the Federal Rules of Civil Procedure the documents, etc., requested in this motion is to be made available and/or produced for inspection and copying by being served on claimant within 30 days of service of this request.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION FOR AN ORDER COMPELLING DISCOVERY

Comes Now the Claimant, Roy A. Hoggard II, moves this court for an order pursuant to Rule 34 (b) and 37 (a) of the Federal Rules of Civil Procedure, for an order compelling the Respondents to answer fully interrogatories, copies of which are attached hereto:

The Claimant, Roy A. Hoggard II, submitted these interrogatories, pursuant to Rule 33 of the Federal Rules of Civil Procedure on March 16, 2022, but have not yet received the answers.

Executed at Marianna, Arkansas on April 17, 2022.

Certificate of Service

I certify that a copy of this pleading has been served this 17th day of April 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II

(Full set is 16 pg)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
APR 25 2022
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Rory Griffin, Deputy Director for Health and Correctional Service, answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. Is your official position and title for the ADC, Deputy Director for Health and Correctional Service?

3. What training, education or degrees do you have that entitles you to hold that official position with the ADC?

4. How long have you held the position and title of Deputy Director for Health and Correctional Services?

5. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

6. Why did you assume the title and position of Director on December 16, 2019, to respond to the Claimant's grievance appeal (SNV19-00269) instead of allowing Assistant Director (ADC) William F. Straughn to respond to it as stated on the acknowledgment of grievance appeal dated November 1, 2019?

7. Why is the Claimant's grievance appeal (SNV19-00269) is per se signed by an ink stamp/computer printed, but the date is hand signed by ink pen?

---

8. Who actually signed and dated the claimant's grievance appeal (SNV19-00269) on December 16, 2019?

9. Who actually responded to the claimant's grievance appeal (SNV19-00269) on December 16, 2019?

10. Is it normal practice to outsource your job duties such as respond

to inmate grievance appeals to your secretary, assistant, or subordinates?

11. Is it normal practice to misdirect attention when responding to inmate grievance appeals to side with ADC staff members when they are clearly in the wrong and violating ADC Administrative Directives, Policies and Procedures and the like just to find the appeal without merit?

12. Would you testify under oath that it is healthy and hygienic to wear the same clothes, socks, and underwear without washing them for six (6) days straight?

13. Would you testify under oath that it is healthy and hygienic to be housed in a bare cell without a working sink or soap to wash your hands after using the toilet for several days straight?

14. Would you yourself go six (6) days wearing the same clothes, socks, and underwear without changing them or washing them, or use the toilet for days without washing your hands?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) — CLAIMANT

v

No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS — RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of collecting the dinner/last/evening meal trays, glasses and utensils in cell block SMC 3 on Tuesday, October 1, 2019 at the [redacted] answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined during you

employment with the ADC and what was they over/for?

3. To your best recollection what do you remember about Tuesday, October 1, 2019, when you collected the dinner/last/evening meal trays, glasses and utensils in cell block SNC 3 at the [redacted] when the claimant attempted to question you about Sergeant S. Kemp not returning with any issuances or anything to resolve his emergency grievance?

4. Is it common practice to use your foot to kick the food trap door shut on the solid steel doors in cell block SNC 3 especially on inmates hands and wrists as they are asking you for your assistance?

5. In your opinion is it hygienic in any manner what so ever to use your boot that has walked through every substance you can imagine to kick an inmates Food trap door, that they receive their meals on and through, with to close it?

6. In your own words, how would you feel to attempt to Plead for some humane help from an officer and instead of them refusing to help you verbally, they use their foot to kick the food trap door closed on your hands and wrists without warning?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II (ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent (name unknown, but identified as) the male officer in charge of cell block SNC 3, 2nd shift on Monday, September 30, 2019 at the [redacted] answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined

during your employment with the ADC and what was they over/for?

3. To the best of your recollection, what do you remember about Monday September 30, 2019, when you relieved Corporal S.L. Ray as barracks officer of cell block SNC 3, for the 2nd shift at the [redacted], when the claimant stopped you at SNC cell 301 and reported that the water in his sink did not work, and reported his physical condition along with being in a stripped bare cell with nothing what so ever?

4. What training, education, and time have you dedicated to learning being aware, and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]

5. What did you record in your reports concerning all the claimant reported to you about the water not working in his sink and him being in a stripped bare cell with no linen, hygiene items, mattress, toilet paper, change of clothes in five (5) days straight, etc. which was in violation of Administrative Directives and Policies and Procedures.

6. What did you do to correct the conditions reported to you by the claimant to relive the situation?

7. In your own words, how would you feel to be placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been give[redacted] every day for four (4) days, you had not been given a clean change of clothes in five (5) days straight, you have been given no linen,

hygiene items or your [redacted] per your rights per ADC Administrative Directives and Policies and Procedures, you Plead for some humane help from every officer you seen, and you are given a dilapidated worn out piece of a mattress with the cover ripped open and at least a quarter of the mattress removed, a partial roll of toilet paper and a ripped in half piece of a filthy blanket that was so dirty it looked as if it had been used to clean the floor of the entire unit before it was given to you for you to be expected to cover yourself with?

Executed at Marianna, Arkansas on March 16th, 2022

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGATORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Corporal S.L. Ray answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Monday, September 30,

2019, when transportation escorted the claimant to SNC 3 and relinquished custody of the claimant to you?

4. To your best recollection what do you remember about the cell SNC 301 that you placed the claimant in and what the claimant reported to you abo the cell and his physical condition?

5. What training, education, and time have you dedicated to learning and being aware of Administrative Directives and Policies and Procedures of the ADC an the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, not having any toilet paper, linen, hygiene items, mattress, etc.?

7. What did you do to correct the conditions of cell SNC 301 for the claimant per Administrative Directive and Policy and Procedures?

8. In your own words, how would you feel to be escorted to a cell block and placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been given [redacted] for four (4) days, no toilet paper, you had not been given a clean change of clothes in five (5) days, no mattress, much less the [redacted] ates you are allowed so you could lay down on something other than a cold concrete slab, no linen, no hygiene items, nothing and when you Plead with the barracks officer for some humane help, much less what is stated as your rights in the Administrative Directives and Polices and

Procedures, and this barracks officer orders the inmate barracks porter that brings a clean jumpsuit when he overhears what you have gone through, but the officer orders the inmate to take the clean jumpsuit away, slams the food trap closed on your door, laughs and walks away stating he would see what he could find, but then leaves you with nothing and you have to wait until the following shift to plead with them for some humane help?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

(ADC [redacted])

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S SECOND SET OF INTERROGTORIES TO THE RESPONDENTS

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Claimant requests that Respondent Sergeant S. Kemp answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on claimant within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes

1. How long have you been employed by the ADC?

2. How many times have you been reprimanded and/or disciplined during your employment with the ADC and what was they over/for?

3. To your best recollection, what do you remember about Tuesday, October 1, 2019, when you made rounds in cell block SNC 3 of the [redacted] and the claimant stopped you and informed you of the maintenance issues of cell SNC 301 and presented you with his submission of an emergency grievance concerning the situation?

4. Why did you not deem the situation an emergency as outlined in the Administrative Directives and Policies and Procedures?

5. What training, education, and time have you dedicated to learning, being aware and applying Administrative Directives and Policies and Procedures of the ADC and the [redacted]?

6. What did you record in your reports concerning the conditions of the cell SNC 301 the claimant reported to you about the water not working in the sink, and to resolve the claimant's emergency grievance?

7. What did you do to correct the conditions of cell SNC 301 and to resolve the claimant's emergency grievance per Administrative Directives and Policies and Procedures?

8. Is it common practice to accept an grievance, emergency or not and straight out look the inmate in the eyes and lie to them that you would take care of the situation, then walk away and throw away the grievance as soon as your out of eye sight of the inmate never intending to do anything

to resolve the grievance in the first place?

9. Why did you inform the claimant that you would take care of the situation and at least get him an new intake package and another mattress, but never returned with either, nor had maintenance repair the sink in cell SNC 301?

10. What did you do with the white and blue copies of the emergency grievance (the white copy that is to be returned to the inmate and the blue copy that is to be submitted to the Grievance Coordinator, to make copies to be placed in the inmates institutional file per Administrative Directive) and can you produce the white and blue copies of the emergency grievance the claimant submitted to you on Tuesday, October 1, 2019?

11. In your own words, how would you feel to be placed in a stripped bare cell, with no working sink to even get you a drink of water with your bare cupped hands after you have been given [redacted] days, you had not been given a clean change of clothes in six (6) days straight, you have been given no linen, hygiene items or you[redacted]ared per your rights per ADC Administrative Directives and Policy and Procedures, you not only Plead for some humane help from every officer you seen, but then you Plead with the area Sergeant for some humane help along with submitting an emergency grievance just to have the Sergeant accept your emergency grievance, look you in your eyes and inform you that he would take care of the situation and at least get you a new inmate package, but never return with anything or help you in any way?

Executed at Marianna, Arkansas on March 16th, 2022.

Roy Hoggard II

Mr. Roy A. Hoggard II

(ADC [redacted]

[redacted]

From: Thomas Burns (DOC)
To: ASCC Pleadings
Cc: Deborah Williams (DOC); Roni Gean (DOC)
Subject: Roy Hoggard v ADC 210188
Date: Friday, May 6, 2022 2:53:08 PM
Attachments: 1584_001.pdf

Response to Order compelling discovery

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

V. **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTION **RESPONDENT**

ADC RESPONSE TO MOTION FOR ORDER COMPELLING DISCOVERY

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.

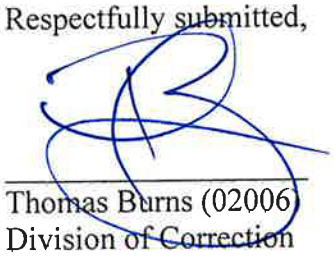
2. The inmate has not included a declaration that he attempted to confer with the ADC to get discovery without Court interaction.

3. Rule 37(a)(2) states in part: The motion shall include a statement that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action.

4. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. He should know the difference between the rules of civil procedure and criminal procedure.

WHEREFORE, Respondent prays that this Motion for Discovery be denied, that the claim be denied and dismissed; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,

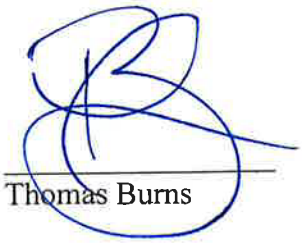


Thomas Burns (02006)
Division of Correction
Legal Department
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 6th day of May 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted]
[redacted]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
MAY 23 2022
RECEIVED

ROY A. HOGGARD II ([redacted]) ..... CLAIMANT

V. ..... No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS ..... RESPONDENT

RESPONSE TO RESPONDENT'S RESPONSE

Comes Now the Claimant, Mr. Roy A. Hoggard II, with his response to the Respondent's response to the Claimant's Motion for an Order Compelling Discovery, states;

1. The Claimant wishes to extend his deepest sympathy to this Court for yet more of Mr. Thomas Burns, Chief legal Counsel for the (ADC) Respondent, attempt at wasting the Claims Commission and all parties time with frivolous paperwork, especially of fraudulent intent.

2. The Respondent's response can be easily proven incorrect by simply reviewing the File-marked documentation presented by the Claimant.

3. As stated on April 17, 2022, in the Claimant's Declaration in support of his Motion to Compel Discovery, the Claimant stated that after the Official Order by the Claims Commission on March 11, 2022, directing the Respondent to respond to the Claimant's discovery request and Denied the Respondent's motion for protective order. The Claimant submitted a Second set of Interrogatories and Request for Production of Documents on March 16, 2022, File-marked March 21, 2022.

4. On April 5, 2022, once again the Respondent Refused to comply or to comply with the Claims Commission's orders by submitting another Motion for Protective Order.

5. This completely proves the Respondent's response stating the Claimant did not attempt to confer with the respondent to get discovery without Court interaction is totally and completely false.

WHEREFORE, The Claimant prays that his Motion for an Order Compelling Discovery be granted.

I certify that a copy of this pleading has been served this 19th day of May 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Division of Correction
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,

Mr. Roy A. Hoggard III

[redacted]

Executed at Marianna, Arkansas on May 19, 2022.

Arkansas
State Claims Commission
JUN 10 2022
RECEIVED

To: Ms. Kathryn Irby, Director
Date: June 8, 2022
From: Mr. Roy A. Hoggard II
ADC: [redacted]

Re: Claim No. 210188

Dear Ms. Irby,

Please find enclosed the envelope of the previously sent file-marked copies you sent me post marked May 5, 2022. The reason I have sent this to you is so you see the clear cut proof of how my legal mail along with all the other inmates here at the East Arkansas Regional Unit is being tampered with by our mailroom supervisor.

As you can check I mailed you a letter post marked May 3, 2022, and you received my letter and responded to it three days later. However, using the same postal service, same post offices and the exact same distance my mailroom supervisor is to have me believe it took 26 days for your letter to reach me and she stamped that she received it. As stated she holds our mail in the mailroom for a minimum of two weeks, we have proven this time and time again, and then she will stamp it that she received it and deliver it weeks late.

We have even had mail sent with tracking numbers

so that we could prove when the mail arrived at the unit and still she has held it for weeks before delivering it claiming that she had just received it and that the tracking number and system is incorrect.

Just like how I wanted to send this the following day after I received it, but I had to wait to receive a stamped envelope due to our commissary store supervisor claimed that the supply truck did not deliver any stamped envelopes and therefore we all had to wait an extra week to receive stamped envelopes.

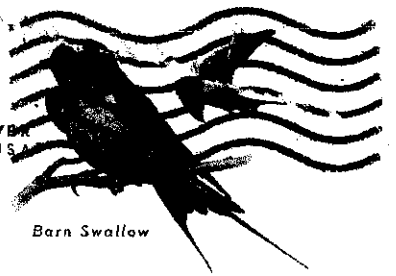
Thank you for your time in this matter and any instructions of help would be greatly appreciated.

Sincerely

Executed at Marianna, Arkansas on June 8, 2022.

Mr. Roy A. Hoggard #
[redacted]

MEMPHIS TN 380
8 JUN 2022 PM 3
FOREVER
USA



Arkansas State Claims Commission
Attn. Ms. Kathryn Irby, Director
101 E. Capitol Ave., Suite 410
Little Rock, Ar. 72201-3823

72201-382410

[redacted]

RECEIVED
MAIL ROOM
MAY 31 2022

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Mr Roy A Hoggard II (ADC [redacted])

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S STATE CLAIMS COMMISSION
E. CAPITOL AVE., SUITE 410
ROCK, ARKANSAS 72201-3823

From:	Misty Scott on behalf of ASCC Pleadings
To:	Thomas Burns (DOC)
Cc:	Leslie Browning (DOC); ASCC Pleadings; Mika Tucker
Subject:	ORDER: Roy A. Hoggard II v. ADC, Claim Nos. 210188 and 220385
Date:	Monday, July 25, 2022 2:50:00 PM
Attachments:	Roy A. Hoggard II v. ADC .pdf Roy A. Hoggard II-order.pdf

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Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

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

July 25, 2022

Mr. Roy A. Hoggard II (ADC [redacted]
[redacted]

Mr. Thomas Burns *(via email)*
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

Re: ***Roy A. Hoggard II v. Arkansas Division of Correction***
Claim Nos. 210188 and 220385

Dear Mr. Hoggard and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. **CLAIM NO. 210188**
CLAIM NO. 220385

ARKANSAS DIVISION OF CORRECTION RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is the motion for protective order filed by the Arkansas Division of Correction (the "Respondent") in Claim No. 210188, as well as a motion to compel filed by Roy A. Hoggard (the "Claimant") in Claim No. 210188. Also pending is a motion to dismiss filed by Respondent to dismiss Claim No. 220385 of Claimant. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

Claim No. 210188

1. Claimant filed Claim No. 210188 on August 7, 2020, seeking $9,500.00 in damages related to Respondent's actions following Claimant's [redacted]

2. Respondent filed a motion to dismiss, which was denied by the Claims Commission on June 10, 2021. As part of that order denying the motion to dismiss, the parties were instructed to begin discovery.

3. On August 31, 2021, Respondent filed a motion for protective order related to discovery requests sent by Claimant. The motion was denied by the Claims Commission in its March 11, 2022, order based upon lack of specifics in Respondent's motion.

4. Claimant sent Respondent new discovery requests after the Claims Commission's March 11, 2002, order. Respondent filed the instant motion for protective order related to those discovery requests.

5. Respondent argues, *inter alia*, that Claimant's interrogatories and requests for production are directed at Respondent's employees who have qualified immunity. Respondent requests that the Claims Commission require Claimant to remove duplicative questions, immaterial inquiries and limit the scope of discovery.

6. On April 25, 2022, Claimant filed a motion to compel. Claimant argues, *inter alia*, that Respondent has failed to respond to his interrogatories and requests for production he served on March 16, 2022.

7. The Claims Commission finds that Respondent's motion for protective order does not include a statement that it has in good faith conferred or attempted to confer with Claimant in an effort to resolve the dispute without action from the Claims Commission. The Claims Commission finds that such a statement is a requirement under Ark. R. Civ. Proc. 26(c). As such, the Claims Commission DENIES Respondent's motion for protective order.

8. The Claims Commission finds that Claimant's motion to compel does not include a statement that he has in good faith conferred or attempted to confer with Respondent in an effort to secure the information or documents. The Claims Commission finds that this requirement is mandatory under Ark. R. Civ. Proc. 37(a)(2). As such, Claimant's motion to compel is DENIED.

9. The Claims Commission advises the parties to notify the Claims Commission when discovery is nearing completion so that this matter may be added to the hearing schedule.

Claim No. 220385

10. Claimant filed Claim No. 2220385 on September 27, 2021, seeking $4,000.00 in damages. Claimant alleges that Respondent violated its policy when it gave him photocopies of photos he ordered and destroyed the photos.

11. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant did not suffer damages.

12. Claimant responded to the motion to dismiss, arguing, *inter alia*, that dismissal was not proper.

13. In reviewing Respondent's motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id*. However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382 (2011). The facts alleged in the complaint will be treated as true, but not "a plaintiff's theories, speculation, or statutory interpretation." *See id*. (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

14. The Claims Commission elects to exclude the evidence attached to Respondent's motion for purposes of considering this motion to dismiss. *See* Ark. R. Civ. P. 12(b). This exclusion relates only to this motion to dismiss. Respondent is free to use these documents as permitted by all applicable rules of practice and procedure and to file a motion for summary judgment once discovery is completed.

15. The Claims Commission finds that dismissal of Claimant's claim is premature.

16. Respondent's motion to dismiss Claim No. 2220385 is DENIED, and the parties are instructed to conduct discovery.

17. Also pending is Claimant's motion for preliminary injunction. Claimant requests that the Claims Commission enjoin certain persons from retaliating against Claimant. The Claims Commission notes that it has no authority to order injunctive relief. Therefore, Claimant's motion for preliminary injunction is denied.

IT IS SO ORDERED.

Henry C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION

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

DATE: July 25, 2022

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: Leslie Browning (DOC)
To: ASCC Pleadings
Cc: Thomas Burns (DOC)
Subject: Roy Hoggard ([redacted] Claim 200188
Date: Tuesday, August 2, 2022 1:56:36 PM
Attachments: Interr & RFPD to Claimant.pdf
RFA to Claimant.pdf

Interr & Admissions to Claimant

Leslie Browning

Arkansas Division of Correction
Central Office/Legal Division
6814 Princeton Pike
Pine Bluff, AR 71602
Legal Support Specialist
Phone: 870-267-6844
Email: leslie.browning@arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD, II ([redacted]) **CLAIMANT**

v **CLAIM NO. 200188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION PROPOUNDED TO CLAIMANT

In accordance with Rules 33 and 34 of the Arkansas Rules of Civil Procedure, Defendant hereby requests the answers and responses to the following Interrogatories and Requests for Production. You are required to serve your answers and responses at the expiration of thirty (30) days from the date upon which you receive a copy of these Interrogatories and Requests for Production.

INTERROGATORY NO. 1: Please list all witness you may call in relation to this matter and a synopsis of their expected testimony.

INTERROGATORY NO. 2: Please state what monies you paid out of pocket for medical treatment.

INTERROGATORY NO. 3: Please state how officers failed to provide you with hygiene products, clothing, and bedding.

INTERROGATORY NO. 4: Please state how ADC is liable for these acts.

INTERROGATORY NO. 5: Is this claim against the Officers individually.

INTERROGATORY NO. 6: Please state why you should receive money.

INTERROGATORY NO. 7: What Doctors have you seen and what were their diagnosis in conjunction with this incident.

INTERROGATORY NO. 8: Please state how you came up with $9,500.00 in damages

INTERROGATORY NO. 9: Please state what your measure of damages is.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please attach a copy of any documents you plan to introduce in any hearing of this matter

Respectfully submitted,

Thomas Burns (02006)
Division of Correction
Legal Department
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 2nd day of August 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard, II [redacted]

Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD ([redacted]) **CLAIMANT**

v **CLAIM NO. 200188**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

FIRST SET OF REQUESTS FOR ADMISSIONS TO ROY HOGGARD

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Roy Hoggard, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 200188.

REQUEST FOR ADMISSION NO. 2: Admit that you did not pay for medical care for the incident complained of in 200188.

REQUEST FOR ADMISSION NO. 3: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 4: Admit that you do not have any monetary loss.

REQUEST FOR ADMISSION NO. 5: Admit that there is not a deduction for your medical care

Filed 2nd August 2022.

Respectfully submitted,

Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 2nd day of August 2022, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted]
[redacted]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
AUG 18 2022
RECEIVED

ROY A. HOGGARD II (ADC# [redacted] CLAIMANT

No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

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

1. Interrogatory No. 1: Please list all witnesses you may call in relation to this matter and a synopsis of their expected testimony. Objection The Respondent is aware that the Claimant does not have this information due to the Respondent not responding to the Claimant's requests for Production of Documents. Without waiving said Objection this information may be availible at a later time within these proceedings.

2. Interrogatory No. 2: Please state what monies you paid out of pocket for medical treatment. Objection This is tedious and overburdensome because the Respondent already has access to this information which is located in the Claiman inmate file.

3. Interrogatory No. 3: Please state how officers failed to provide you with hygiene products, clothing, and bedding. Objection The answer to this Interrogatory is within the questio Without waiving said objection, The officers simply failed to supply the Claimant with these items by just not giving the

claimant these items its that simple, thats why it was a clear violation of policy.

4. Interrogatory No. 4: Please state how ADC is liable for these acts. The ADC is liable because the ADC through its agents violated an established policy that resulted in the Claimant [redacted]

5. Interrogatory No. 5: Is this claim against the officers individually. Objection The Respondent is well aware that claims against individuals can not be brought before the Arkansas State Claims Commission, without waiving said objection, the answer is no this claim is against the Arkansas Department of Correction who is responsible for the actions of its agents who act on its behalf.

6. Interrogatory No. 6: Please state why you should receive money. Because the actions of the Respondent which violated policy resulted in the Claimant suffering obvious [redacted]

7. Interrogatory No. 7: What doctors have you seen and what were their diagnosis in conjunction with this incident Objection All this information is already availible to the Respondent by simply reviewing the Claimant's inmate file.

8. Interrogatory No. 8: Please state how you came up with

$9,500.00 in damages. $1,000.00 for every day the Claimant was forced to go without being able to drink water due to sink not working in the housing cell, every day not being able to brush his teeth, take a shower, change into clean clothes, wash his hands and preform the basic human necessities. $3,000.00 for the October 1, 2019 incident where officials kicked the food trap closed on the Claimant's hands and wrists creating a significant physical injury. $3,500.00 for being denied a [redacted] which agg[redacted].

9. Interrogatory No. 9: Please state what your measure of damages is. Objection This has already been addressed, without waiving said objection the Claimant's measure of damages is $9,500.00 in monetary relief.

10. Request for Production No. 1: Please attach a copy of any documents you plan to introduce in any hearing of this matter. Objection The Respondent is well aware that the documents that the Claimant needs are in possession of the Respondent. Without waiving said objection the Claimant submits Exhibit "C" at this time being that this is the only document in the Claimant's possession. (Please See Exhibit C of Claim No. 210188)

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 14 day of August, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II
(ADC # [redacted])

Executed at Marianna, Arkansas on August 14, 2022.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC # [redacted] CLAIMANT
No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

Arkansas
State Claims Commission
AUG 18 2022
RECEIVED

THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION PROPOUNDED TO RESPONDENT

In accordance with Rules 33 and 34 of the Arkansas Rules of Civil Procedure, the Claimant hereby requests the answers and responses to the following Interrogatories and Requests for Production. You are required to serve your answers and responses at the expiration of 30 days from the date upon which you receive a copy of these Interrogatories and Requests for Production.

To the Respondent:

1. Interrogatory No. 1: Please state why was the Claimant not given proper supplies upon intake at [redacted] housing SNC 3 cell 01.
2. Production of Documents No. 1: If there are any documents related to Interrogatory No. 1 please produce them.
3. Interrogatory No. 2: Please State why the Claimant was placed in SNC 301 cell at the [redacted] without any proper supplies, bedding or otherwise.
4. Production of Documents No. 2: If there is any documentation related to Interrogatory No. 2 please produce them.
5. Interrogatory No. 3: Why was the Claimant not given toilet

paper when it was well known that he had just completed [redacted]

6. Production of Documents No. 3: If there are any documents related to Interrogatory No. 3 please produce them.
7. Interrogatory No. 4: Please state why the Claimant was not given a mat when placed in cell SNC 301 when Claimant had [redacted] during this time period.
8. Production of Documents No. 4: If there are any documents related to Interrogatory No. 4 please produce them.
9. Interrogatory No. 5: Please state why the Claimant was not given clean clothes after the Claimant informed [redacted] officials that the Claimant had been in the same dirty, unsanitary clothes for five days and counting.
10. Production of Documents No. 5: If there are any documents related to Interrogatory No. 5 please produce them.
11. Interrogatory No. 6: Please state why did [redacted] ials command an inmate porter not to give the Claimant a clean jumpsuit, when it was known the Claimant had been forced to wear the same dirty, filthy clothes for five days in a rou
12. Production of Documents No. 6: If there are any documents related to Interrogatory No. 6 please produce them.
13. Interrogatory No. 7: Please state why was the Claimant placed in a cell where the sink did not work thus denying the Claimant the ability to have drinking water.
14. Production of Documents No. 7: If there are any documents

related to Interrogatory No. 7 please produce them, including all maintenance work orders for cell SNC301 during this time.

15. Interrogatory No. 8: Please state why was the Claimant's medical restrictions violated during the Claimant's time [redacted] this due to th[redacted] not being honored which s[redacted] a[redacted]

16. Production of Documents No. 8: If there are any documents related to Interrogatory No. 8 please produce them.

17. Interrogatory No. 9: Please state why was the Claimant not given the opportunity to wash his hands before meals and after using the bathroom when it was well known that the sink in cell SNC301 did not work.

18. Production of Documents No. 9: If there are any documents related to Interrogatory No. 9 please produce them.

19. Interrogatory No. 10: Please state why was the Claimant not issued any soap or hygiene items in accordance with ADC and Unit policy.

20. Production of Documents No. 10: If there are any documents related to Interrogatory No. 10 please produce them.

21. Interrogatory No. 11: Please state why was the Claimant not issued toothpaste, a toothbrush, deodorant or any other items in which to clean himself when it was well known that the Claimant had been denied these items for five days and counting.

22. Production of Documents No. 11: If there are any documents

related to Interrogatory No. 11 please produce them.

23. Interrogatory No. 12: Please state why was the Claimant not afforded the opportunity to shower and clean himself in accordance with ADC Policy and Procedure.

24. Production of Documents No. 12: If there are any documents related to Interrogatory No. 12 please produce them.

25. Interrogatory No. 13: Please state on October 1, 2019 during last chow call in the housing area where the Claimant was confined, why did [redacted], officials kick the solid food tray slot in the middle of the cell door close while the Claimant's hands and wrists were placed inside the slot, creating a significant injury.

26. Production of Documents No. 13: If there are any documents related to Interrogatory No. 13 please produce them.

27. Interrogatory No. 14: Please state why was the Claimant denied medical attention in reference to the incident discribed in Interrogatory No. 13 when the Claimant [redacted]

28. Production of Documents No. 14: If there are any document related to Interrogatory No. 14 please prodnce them.

29. Interrogatory No. 15: Please state how the ADC is not liable for the bruises on the Claimant's hands and wrists, the rashes and dermatitis outbreaks on the Claimant's belly, chest, and arms when this is a result of ADC policy being violated while the Claimant was forcefully housed at [redacted] ont any hygiene items, clean clothes,

drinking water, opportunity for showers and being subject

[redacted]

30. Production of Documents No. 15: If there are any documents related to Interrogatory No. 15 please produce them.

31. Interrogatory No. 16: Please state, Please list all witnesses you may call in relation to this matter and a synopsis of their expected testimony.

32. Production of Documents No. 16: If there are any documen related to Interrogatory No. 16 please produce them.

33. Production of Documents No. 17: Please produce video footage from October 1, 2019 during last chow call in housing area SNC 3 with view of cell 1 for review.

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 14 day of August, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II
(ADC [redacted]

Executed at Marianna, Arkansas on August 14, 2022.

Arkansas
State Claims Commission
SEP 07 2022
RECEIVED

To: Ms. Kathryn Irby, Director
Date: September 2, 2022
From: Mr. Roy Hoggard II
[redacted]
Re: Claim No. 210188 and 220385

Dear Ms. Irby,

Please find enclosed two (2) copies of my Good Faith Letter to Mr. Thomas Burns, Chief Legal Counsel for the Respondent. Please return a File-Marked copy to me as soon as possible.

I would like to also mention that I did receive the last file-marked copies dated 8/18/22, Thank you very much.

Next is concerning my Claim No. 220385, As I stated when I submitted my motion for a Preliminary Injunction on 6/24/22, I was unable to make any copies and I therefore had to submit my only original documents. Since the Claims Commission was unable to grant said injunction can you please send me my original documents from just my preliminary injunction back to me, or at least just the yellow Major Disciplinary itself. Thank you for your time in this matter.

Sincerely
Roy Hoggard III

To: Mr. Thomas Burns, Chief Legal Counsel (ADC)

Date: September 2, 2022

From: Mr. Roy A. Hoggard II

ADC [redacted]

Re: Claim No. 210188

Dear Mr. Burns,

This is Mr. Roy A. Hoggard II, and I am writing this letter as a good faith effort to resolve this ongoing issue of you not responding proper to my discovery requests.

I have sent Interrogatories and requests for Production, but as of yet you have not saw fit to produce the necessary documents that I need to Marshall the facts and litigate this claim.

I am attempting to resolve this matter without having the Claims Commission intervene, but its been three seperate attempts to obtain these documents and the documents I am requesting pose no security risk to the institution. Therefore, there should be no reason why I am being denied the ability to discover the facts I desperately need to move forward with this claim.

You are violating the rules of discovery and I respectfully ask that you produce the material that I have requested several times already.

Thank you for your time and again, I state this letter is a good faith effort to resolve this lack of participation on behalf of the Respondent, which is hindering the Claimant's discovecy effort. I seek to resolve this matter by simply receiving your coopecation.

Executed at Marianna, Arkansas on September 2, 2022.

Respectfully Submitted,

Roy Hoggard III

Mr. Roy A. Hoggard III

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
SEP 15 2022
RECEIVED

ROY A. HOGGARD II (ADC# [redacted]) CLAIMANT

No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION TO END DISCOVERY AND SCHEDULE A HEARING

Comes Now, the Claimant, Mr. Roy A. Hoggard II, with his Motion to End Discovery and Schedule a Hearing, states:

1. Due to the Respondent Not complying with the rules of discovery, per the Rules of the Arkansas Rules of Civil Procedure the Claimant is unable to obtain the proper information to Marshall the facts and properly litigate this claim. Therefore, the claimant feels that this period of discovery is a waste of the Claims Commissions time and seeks to move this claim on to the next phase because the Claimant feels that he can prevail on the merits of this claim despite the Respondent Not responding and properly participating in discovery.

The Claimant seeks to also Schedule a Hearing in which to argue the merits of this claim and prays for any and all additional relief this Court deems just, proper, and equitable to which the Claimant may be entitled.

WHEREFORE, the Claimant, Mr. Roy A. Hoggard II, prays this Honorable Claims Commission grants this motion and end discovery and schedule a hearing in which the Claimant can present and argue the merits of this claim, along with all other entitled just and

proper relief.

Executed at Marianna, Arkansas on August 25, 2022.

Respectfully Submitted,

Roy Haggard III

Mr. Roy A. Haggard II

(ADC [redacted]

Certificate of Service

I certify that a copy of this pleading has been served this 25th day of August, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ark. 71602

From: Leslie Browning (DOC)
To: ASCC Pleadings
Cc: Thomas Burns (DOC)
Subject: Roy Hoggard, II 210188
Date: Monday, September 19, 2022 1:31:19 PM
Attachments: ADC Resp Interr.pdf

ADC Resp to Interr

Leslie Browning

Arkansas Division of Correction
Central Office/Legal Division
6814 Princeton Pike
Pine Bluff, AR 71602
Legal Support Specialist
Phone: 870-267-6844
Email: leslie.browning@arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD, II (ADC [redacted]) **CLAIMANT**

V. **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTION **RESPONDENT**

ADC RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

COMES NOW, The Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their responses, state:

INTERROGATORY NO. 1: Please state why was the Claimant not given proper supplies upon intake o[redacted]. housing SNC 3 cell 01.

RESPONSE: ADC acted pursuant to policy.

PRODUCTION OF DOCUMENTS NO. 1: If there are any documents related to Interrogatory No. 1 please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 2: Please state why the Claimant was placed in SNC 301 cell at the [redacted] without any proper supplies, bedding or otherwise.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 2: If there are any documentation related to Interrogatory No. 2, please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 3: Why was the Claimant not given toilet paper when it was [redacted]

RESPONSE: ADC acted pursuant to policy.

PRODUCTION OF DOCUMENTS NO. 3: If there are any documents related to Interrogatory No. 3 please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 4: Please state why the Claimant was not given a mat when placed in cell SNC 301 when Claimant had [redacted] during this time period.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 4: If there are any documents related to Interrogatory No. 4 please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 5: Please state why Claimant was not given clean clothes after the Claimant informed [redacted]fficials that the Claimant had been in the same dirty, unsanitary clothes for five days and counting.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 5: If there are any documents related to Interrogatory No. 5 please produce them

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 6: Please state why did [redacted] officials command an inmate porter not to give the Claimant a clean jumpsuit, when it was known the Claimant had been forced to wear the same dirty, filthy clothes for give days in a row.

RESPONSE: ADC is unaware of this interaction. ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 6: If there are any documents related to Interrogatory No. 6 please produce them

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 7: Please state why was the Claimant placed in a cell where the sink did not work thus denying the Claimant the ability to have drinking water.

RESPONSE: ADC has no knowledge of this alleged incident. ADC acted pursuant to policy.

PRODUCTION OF DOCUMENTS NO. 7: If there are any documents related to Interrogatory No. 7 please produce them, including all maintenance work orders for cell SNC301 during this time.

RESPONSE: ADC has no knowledge of Claimant's sink not working.

INTERROGATORY NO. 8: Please state why was the Claimant's medical restrictions violated during the Claimant's time at ORCU this due to the [redacted] being honored which subjected the Claimant to [redacted]

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 8: If there are any documents related to Interrogatory No. 8 please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 9: Please state why was the Claimant not given the opportunity to wash his hands before meals and after using the bathroom when it was well known that he sink in cell SNC301 did not work.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 9: If there are any documents related to Interrogatory No. 9 please produce them.

RESPONSE: N/A

INTERROGATORY NO. 10: Please state why was the Claimant not issued any soap or hygiene items in accordance with AD and Unity policy.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 10: If there are any documents related to Interrogatory No. 10, please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 11: Please state why was the Claimant not issued toothpaste, a toothbrush, deodorant or any other items in which to clean himself when it was well known that the Claimant had been denied these items for give days and counting.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 11: If there are any documents related to Interrogatory No. 11 please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 12: Please state why was the Claimant not afforded the opportunity to shower and clean himself in accordance with ADC policy and procedure.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 12: If there are any documents related to Interrogatory No. 12 please produce them.

RESPONSE: N/A

INTERROGATORY NO. 13: Please state on October 1, 2019 during last chow call in the housing area where the Claimant was confined, why did [redacted] officials kick the solid food tray slot in the middle of the cell door close while the Claimant's hands and wrists were placed inside the slot creating a significant injury.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 13: If there are any documents related to Interrogatory No. 13 please produce them.

RESPONSE: N/A

INTERROGATORY NO. 14: Please state why was the Claimant denied [redacted] nt [redacted]

RESPONSE: ADC acted pursuant to policy and Claimant refused treatment.

PRODUCTION OF DOCUMENTS NO. 14: If there are any documents related to Interrogatory No. 14 please produce them.

RESPONSE: ADC does not have access to the medical records of the Claimant.

[redacted]

housed at [redacted] without any hygiene items, clean clothes, drinking water, opportunity for showers and bring subject of any assault by staff along with Claimant[redacted] violated. Please explain.

RESPONSE: ADC acted pursuant to policy

PRODUCTION OF DOCUMENTS NO. 15: If there are any documents related to Interrogatory No. 15 please produce them.

RESPONSE: Inmate is in possession of his property inventory list.

INTERROGATORY NO. 16: Please state, please list all witnesses you may call in relation to this matter and a synopsis of their expected testimony.

RESPONSE: This information will be provided prior to any hearing.

PRODUCTION OF DOCUMENTS NO. 16: If there are any documents related to Interrogatory No. 16 please produce them.

RESPONSE: This information will be provided prior to any hearing or is already in the possession of the inmate.

PRODUCTION OF DOCUMENTS NO. 17: Please produce video footage from October 1, 2019 during last chow call in housing area SNC3 with view of cell 1 for review.

RESPONSE: ADC is not in possession of any video footage.

DATED: September 19, 2022

Respectfully submitted,



Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 19th day of September, 2022, on the Claimant via email, to:

Roy Hoggard [redacted]
[redacted]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
SEP 26 2022
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

CLAIMANT'S MOTION FOR AN ORDER COMPELLING DISCOVERY

Comes Now, the Claimant, Mr. Roy A. Haggard II, with his Motion Compelling Discovery, moves for this Claims Commission to Order, pursuant to Rules 34(b) and 37(a) of the Arkansas Rules of Civil Procedure, compelling the Respondent to produce for inspection and review the following documents which poses zero threat to institutional security:

The CLAIMANT STATES the following:

1. The CLAIMANT, submitted a pleading for Production of Documents pursuant to Rule 34 of the Arkansas Rules of Civil Procedure on August 14, 2022, but have not yet received any kind of response to the Claimant's proper pleading. The Claimant then sent the Respondent a letter on September 2, 2022 attempting to resolve this matter in a good faith effort but to no avail. (See Exhibit AA) Thus the Respondent is in clear violation of Arkansas Rules of Civil Procedure and the Claimant seeks immediate and proper relief accordingly.

Executed at Marianna, Arkansas on September 21, 2022.

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 21st day of September, 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II
(ADC [redacted]

"Exhibit AA"

To: Mr. Thomas Burns, Chief Legal Counsel (ADC)

Date: September 2, 2022

From: Mr. Roy A. Hoggard II

ADC: [redacted]

Re: Claim No. 210188

Dear Mr. Burns,

This is Mr. Roy A. Hoggard II, and I am writing this letter as a good faith effort to resolve this ongoing issue of you not responding proper to my discovery requests.

I have sent Interrogatories and a request for Production, but as of yet you have not saw fit to produce the necessary documents that I need to Marshall the facts and litigate this claim.

I am attempting to resolve this matter without having the Claims Commission intervene, but its been three seperate attempts to obtain these documents and the documents I am requesting pose no security risk to the institution. Therefore, there should be no reason why I am being denied the ability to discover the facts I desperately need to move forward with this claim.

You are violating the rules of discovery and I respectfully ask that you produce the material that I have requested several times already.

Thank you for your time and again, I state this letter

is a good faith effort to resolve this lack of participation on behalf of the Respondent, which is hindering the Claimant's discovery effort. I seek to resolve this matter by simply receiving your cooperation.

Executed at Marianna, Arkansas on September 2, 2022.

Respectfully Submitted,

Roy Hoggard II

Mr. Roy A. Hoggard II

AD [redacted]

Arkansas
State Claims Commission

OCT 0 8 2022

RECEIVED

To: Ms. Kathryn Irby, Director

Date: October 4, 2022

From: Mr. Roy A. Hoggard II

ADC: [redacted]

Re: Claim No. 220385 and 210188

Dear Ms. Irby,

Please find enclosed two full copies of both my response to Respondents request for admissions and interrogatories.

Please return the dog eared top set of copies file-marked to me as soon as possible.

As for regards to claim no. 210188, please disregard my motion to compel discovery, for even though the Respondent responded past the allotted time frame, they did respond. So my motion to compel is now moot.

Thank you for your time in this matter.

Respectfully Submitted,

Roy Hoggard II

Mr. Roy A. Hoggard II

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
OCT 08 2022
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

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

Comes Now, the Claimant, Roy A. Hoggard II, and for his responses, states;

1. INTERROGATORY NO. 1: Please list all witness you may call in relation to this matter and a synopsis of their expected testimony.
RESPONSE: This information will be provided prior to any hearing.

2. INTERROGATORY NO. 2: Please state why monies were paid for publications which are not allowed.
RESPONSE: Claimant acted pursuant to policy.

3. INTERROGATORY NO. 3: Please state why you ordered the referenced publications knowing they were not allowed according to AD 17-17.
RESPONSE: Claimant acted pursuant to policy.

4. INTERROGATORY NO. 4: Blank

5. INTERROGATORY NO. 5: Please state why you should receive money.

RESPONSE: Because the actions of the respondent which violated ADC policy resulted in the Claimant suffering obvious damages.

6. INTERROGATORY NO. 6: Please state how you came up with $4,000.00 in damages.

RESPONSE: Cost and expenses of, but not limited to, the destruction of persenal property, legal copies, stationary supplies, legal advisory and preparation, postage, time and labor, etc..

7. INTERROGATORY NO. 7: Please state what your measure of damages is.

RESPONSE: $4,000.00

8. REQUEST FOR PRODUCTION NO. 1: Please attach a copy of any documents you plan to introduce in any hearing of this matter.

RESPONSE: Respondent is in possession of documentation requested.

Certificate of Service

I certify that a copy of this pleading has been served this 4th day of October 2022, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Bucas (02006)
Division of Correction
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard III
Mr. Roy A. Hoggard III
ADC [redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY A. HOGGARD II (ADC# [redacted]) — CLAIMANT

v. No. 220385

ARKANSAS DEPARTMENT OF CORRECTIONS — RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENTS REQUEST FOR ADMISSIONS

Comes Now, the Claimant, Roy A. Hoggard II, and for his response to requests for admissions, in accordance with the Arkansas Rules of Civil Procedure, states;

1. REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 220385.

RESPONSE: Deny

2. REQUEST FOR ADMISSION NO. 2: Admit that the publications you ordered with regard to this matter contained sexually explicit material.

RESPONSE: Deny, Respondent needs to review definition of "Sexually Explicit" in ADC policy AD 20-04 and [redacted] Policy 16.05.0.

3. REQUEST FOR ADMISSION NO. 3: Admit that ADC acted pursuant to policy.

RESPONSE: Deny.

4. REQUEST FOR ADMISSION NO. 4: Admit that inmates are not allowed to possess sexually explicit material.

RESPONSE: Admit, that is why by ADC Policy Definition the Publications in question are not in any way Sexually Explicit.

5. REQUEST FOR ADMISSION NO. 5: Admit that you had knowledge of directive AD 17-17 and its restrictions prior to your order for the referenced publications being placed.

RESPONSE: Admit, this is why Claimant acted pursuant to policy.

Certificate of Service

I certify that a copy of this pleading has been served this 4th day of October 2022, on the Respondent by placing a copy of the same in the U.S. mail, regular postage to;

Thomas Burns (02006)
Division of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Haggard
mr. Roy A. Haggard II
ADC# [redacted]

From: Kathryn Irby
To: Thomas Burns (DOC)
Cc: Leslie Browning (DOC)
Subject: HEARING SCHEDULED: Hoggard v. ADC, Claim No. 210188
Date: Wednesday, December 28, 2022 11:26:00 AM
Attachments: Hoggard v. ADC -- 210188 -- hearing ltr.pdf

Thomas, please see attached.

Kathryn

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

December 28, 2022

Mr. Roy A. Hoggard II (ADC [redacted])
[redacted]
[redacted]

Mr. Thomas Burns *(via email)*
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

RE: ***Roy A. Hoggard II v. Arkansas Division of Correction***
Claim No. 210188

Dear Mr. Hoggard and Mr. Burns,

The Claims Commission has scheduled this claim for hearing on **Friday, March 10, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed. The Claims Commission requests that Mr. Burns transmit the Zoom invitation and hearing details to Mr. Hoggard's unit.

Each party's witness lists, exhibit lists, and exhibits are due by February 3, 2023. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by February 3, 2023. The subpoena requests must include the witnesses' names and addresses. If ADC objects to issuance of any subpoena, ADC will have until February 8, 2023, to file a motion to quash or detailed objections to the witness's proposed testimony.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness's

testimony, Claimant will need to submit a subpoena request by February 3, 2023. The subpoena request must include the witness's name and address. Once the Claims Commission issues the subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on February 3, 2023.

Absent good cause shown, any subpoena requests received after February 3, 2023, will be denied.

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 by February 3, 2023.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail 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

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

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

Join Zoom Meeting
https://us06web.zoom.us/j/84070339416?pwd=MTJ3Q1ZuYkg4WURWdFA0VDdRZUhlUT09

Meeting ID: 840 7033 9416
Passcode: 9A1twG
One tap mobile
+13017158592,,84070339416#,,,,*492071# US (Washington DC)
+13052241968,,84070339416#,,,,*492071# US

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

Meeting ID: 840 7033 9416
Passcode: 492071
Find your local number: https://us06web.zoom.us/u/kpygt83Im

Arkansas
State Claims Commission

FEB 07 2023

RECEIVED

To: Ms. Kathryn Irby, Director
Date: January 27, 2023
From: Mr. Roy A. Hoggard II
ADC: [redacted]

Re: Claim No. 210188

Dear Ms. Irby,

Please find enclosed two (2) copies of my witness and exhibit lists along with request for Subpoenas. Please return one copy file-marked as soon as possible.

As stated in my motion, our copy machine is down for repairs, I have attempted to wait and hope it would be repaired in time, but my time limit has reached it's end and therefore I had to submit my motion as I did. Plus I have requested from the Law Library the correct format in which to properly request a Subpoena be issued and the correct format in which to properly state what exhibits I shall be entering, but I have not been issued either one.

So please, if I have not formatted my requests correctly, then inform me as soon as possible so I may make any corrections needed.

I sincerely thank you for all your help in my claim.

Sincerely,
Roy Hoggard II

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

FEB 07 2023

RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. No. 210188

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

CLAIMANT'S WITNESS AND EXHIBIT LISTS

Comes Now, the Claimant, Mr. Roy A. Hoggard II, with his witness and exhibit lists for the hearing set for March 10, 2023, for claim number 210188, states;

1. Due to the copier machine being temporarily down for repair, I am unable to make extra copies of my exhibits. However, all parties envolved have personal copies in their possession of all exhibits I shall be entering in said hearing. The Claims Commission and Mr. Thomas Burns, chief legal counsel for the ADC, have actual file-marked copies of all exhibits presented and/or be entered in said hearing.

2. The Claimant only has need to present and enter the exhibits that he has already presented to the Claims Commission for file-marking and presented copies to the Respondent's attorney, Mr. Thomas Burns.

3. Exhibits being the Claimants original filed complaint with its exhibits file-marked Aug. 7, 2020, such as;

[redacted]

Exhibits B-C, Policy and Procedures of laundry issuances,
Exhibits D-2, Claimant's Grievance Procedure and responses.

Motions and Briefs that has been submitted to the Claims Commission for file-marking in this claim no. 210188.

4. The Claimant only wishes to request one (1) subpoena to be issued and that is for [redacted] October 2, 2019, from the [redacted] upon the Claimant's return and reporting all injuries obtained during his medical procedure at the [redacted]. It is understood that the Respondent shall be calling the ADC personnel envolved and needed to be subpoenaed.

Executed at Marianna, Arkansas on January 27, 2023.

Certificate of Service

I certify that a copy of this pleading has been served this 27th day of January 2023, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II
(ADC [redacted])

From: Thomas Burns (DOC)
To: ASCC Pleadings
Cc: Leslie Browning (DOC)
Subject: Roy Hoggard v ADC 210188
Date: Wednesday, February 8, 2023 9:45:36 AM
Attachments: 2497_001.pdf

Witness and Exhibit List

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD (ADC [redacted]) **CLAIMANT**

v **NO. 210188**

ARKANSAS DEPARTMENT OF CORRECTIONS **RESPONDENT**
DIVISION OF CORRECTION

RESPONDENT WITNESS and EXHIBIT LIST

Comes Now the Respondent, Arkansas Department of Correction (ADC), for its Motion, states:

Witness List

1. Claimant
2. Any Witnesses of the Claimant.
3. Cpl. Stephen Ray
4. Sgt. Steven Kemp

Exhibit List

5. Health Classification and Restrictions
6. Transfer Request
7. Health Encounter SOAPE Notes
8. Grievance SNN19-00269

Respectfully submitted,



Thomas Burns (02006)
Legal Department
Division of Corrections
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Telephone
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 8th day of February 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roy Hoggard ([redacted])
[redacted]



Thomas Burns

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

March 17, 2023

Mr. Roy Hoggard II (ADC [redacted])
[redacted]

Mr. Thomas Burns *(via email)*
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

Re: ***Roy Hoggard II v. Arkansas Division of Correction***
Claim No. 210188

Dear Mr. Hoggard and Mr. Burns:

Enclosed please find an Order entered on March 16, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD II (ADC [redacted]) **CLAIMANT**

V. **CLAIM NO. 210188**

ARKANSAS DIVISION OF CORRECTION **RESPONDENT**

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is the claim filed by Roy Hoggard II (the "Claimant") against the Arkansas Division of Correction (the "Respondent"). At the hearing on March 10, 2023, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on August 7, 2020, seeking $9,500.00 in damages related to Respondent's actions following [redacted]

2. Respondent denied liability.

3. The Claims Commission denied Respondent's motion to dismiss on June 10, 2021, and instructed the parties to conduct discovery.

4. During discovery, the Claims Commission entered an order denying Respondent's motion to deem admitted requests for admission propounded to Claimant as well as Respondent's motions for protective order. The Claims Commission also entered an order denying Claimant's motion to compel.

5. At the hearing, Claimant testified that on September 26, 2019, he went to the [redacted] On September 30, 2019, Respondent attempted to transport him back to his unit. However, there was an issue with an inmate attempting an escape, so Respondent returned

Claimant and another inmate to [redacted] and housed them in an overflow of punitive barracks. Claimant testified that he has a [redacted], but Respondent put him in a stripped-down cell with nothing in it and with inoperable water facilities. He testified that as soon as he got in the cell he notified Cpl. Ray and explained to him that he had been [redacted]. He was given nothing. He was given no water to drink, no toilet paper and no mat. Claimant testified he submitted an emergency grievance and explained everything to Sgt. Kemp, but nothing was ever done. Claimant testified that all he was told was that "they would look into it… they would get back to [him]." Claimant stayed in this cell from September 30, 2019, to October 2, 2019, when he was brought back to his unit. On cross-examination, Claimant testified that his [redacted] that Respondent had in a satchel and that Claimant told Cpl. Ray where it was. He also testified that he was not given anything you get when you are transferred and that he was not given any clothes during the time he was there. Upon a question from a commissioner, Claimant testified that he only had something to drink at breakfast, lunch and dinner, and that typically he could get water from the sink in his cell. Upon a question from a commissioner, Claimant testified that he was [redacted] and very [redacted] because he had been [redacted] Upon a question from a commissioner, Claimant testified that it was debilitating, that he could not wash his hands, and that an officer kicked his food trap and [redacted]. Claimant also testified that he was denied [redacted]

6. Respondent called Cpl. Stephen Ray to testify. Cpl. Ray testified that he did not remember if Claimant had water in his cell. He did not remember Claimant and did not remember if he told him about a [redacted] or if he got Claimant what he needed. Cpl. Ray

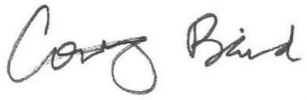
testified that it was his job to provide for the needs of the inmates. On cross-examination, Cpl. Ray testified again that he did not remember Claimant being there.

7. Respondent called Sgt. Steven Kemp to testify. Sgt. Kemp testified that he would have been the shift sergeant that day. Sgt. Kemp testified that he would have been contacted if the unit did not have water and if they had not been able to reach the utility sergeant and he would have contacted maintenance. Sgt. Kemp testified that he remembered the incident that caused Claimant to be returned to the unit but he did not remember Claimant specifically. Upon a question from a commissioner, Sgt. Kemp testified that he took Claimant's grievance but does not remember him. On cross-examination, Sgt. Kemp testified he only remembered the grievance from the documentation he received.

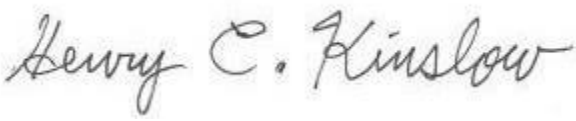
8. The Claims Commission finds Claimant's testimony to be credible and unrefuted as Claimant was the only witness who remembered the details of the events at issue.

9. The Claims Commission finds that Respondent was negligent in failing to provide Claimant with drinking water outside of mealtimes and toilet paper from September 30, 2019, to October 2, 2019, following [redacted] As such, the Claims Commission AWARDS Claimant $200.00 and further directs the Claims Commission clerk to issue a voucher in payment thereof.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: March 16, 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).

Arkansas
State Claims Commission

APR 12 2023

RECEIVED

To: Ms. Kathryn Irby, Director
Date: April 9th, 2023
From: Mr. Roy A. Hoggard II
ADC: [redacted]
P. [redacted]
[redacted]

Re: Claim No. 210188 and Claim No. 220385

Dear Ms. Irby,

Please find enclosed two (2) full sets of my Motion for Reconsideration of Damages Awarded. Please return one copy file-marked as soon as possible.

As for Claim No. 220385, can you please give me an updated status on where it is at this time.

Thank you for your time in this matter.

Sincerely,
Roy Hoggard

Mr. Roy A. Hoggard II
(ADC [redacted])

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

Arkansas
State Claims Commission
APR 12 2023
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

V. NO. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION TO RECONSIDER DAMAGES AWARDED

Comes Now, the Claimant, Mr. Roy A. Hoggard II, with his Motion to Reconsider the Damages Awarded in Claim No. 210188 on March 16, 2023, states;

1. At the hearing held on March 10, 2023, the Claimant's testimony was found to be fully credible and unrefuted. Where as the Respondent's Witnesses were all fomd unreliable and confuted. therefore, the Claims Commission ruled in favor of the Claimant and the Respondent was found to be negligent.

2. However, the Claims Commission failed to Award the full amount of Damages the Claimant sought for all he suffered and forced to endure for days at the abusive hand of the Respondent's negligence.

3. The Claimant sought a mere $9,500.00 in Damages, explained in both Claim No. 210188 and a full breakdown in the Claimant's response to the Respondent's Interrogatories #8. filed August 14, 2022, file-marked August 18, 2022.

4. However, only $200.00 was awarded in damages, not even one sixteenth ($\frac{1}{16}$) of the amount sought, which in no way justifies

the debilitating emotional and physical injuries contracted by the Claimant at the hands and negligence of the Respondent.

5. [redacted] lical al placed be t of

6. [redacted] nied elf ng

7. When the Claimant attempted to plead for help, he was physically abused even further by the Respondent by having [redacted]

8. The Claimant had to suffer wearing the same dirty clothes without the opportunity of his clothes being washed and even an order being given by the Respondent not to be given a clean set of clothes to change into or shower for over a full calendar week.

9. The Claimant had to suffer severe pain, emotional and physical injuries, humiliation and debilitating actions at the negligence of the Respondent violating several of their own Policy and Procedures, along with several of their Administrative Directives by not honoring the Claimant's valid medical script, not issuing supplies and manditory issuance items outlined in these Policy and Procedures and Administrative Directives.

10. Since the Respondent was found fully and wholly negligent in this claim the Claims Commission should Grant the entire $9,500.00 amount in damages sought in the original complaint of the Claimant.

11. The Claims Commission should not insert its feelings and what it accepts as damages since the negligence was not experienced by any Commissioner.

12. Therefore, for all facts stated above and throughout this pleading this Claims Commission must Grant All relief the Claimant has sought and is rightly due including the $9,500.00 in damages.

WHEREFORE, the Claimant prays that this Claims Commission Grant the Claimant's Motion for Reconsideration of Damages Awarded.

Executed at Marianna, Arkansas on April 9th, 2023.

Certificate of Service

I certify that a copy of this pleading has been served this 9th day of April 2023, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II
(ADC [redacted])

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

April 19, 2023

Mr. Roy A. Hoggard II (ADC [redacted])
[redacted]

RE: ***Roy A. Hoggard II v. Arkansas Division of Correction***
Claim Nos. 210188 and 220385

Dear Mr. Hoggard,

This office received your correspondence on April 12, 2023. The motions are still pending for claim number 220385. When the Claims Commission enters an order on the motions, you will receive a copy via US Mail. The Claims Commission will rule on the motions as quickly as it can.

Enclosed please find a file-marked copy of your motion to reconsider damages awarded in claim number 210188. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

From:	Misty Scott on behalf of ASCC Pleadings
To:	Thomas Burns (DOC)
Cc:	ASCC Pleadings; Mika Tucker; Bilenda Harris-Ritter
Subject:	ORDER: Roy Hoggard II v. ADC, Claim No. 210188
Date:	Tuesday, August 15, 2023 4:17:12 PM
Attachments:	Roy Hoggard II v. ADC2 .pdf Hoggard-order.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

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

August 15, 2023

Mr. Roy Hoggard II (ADC [redacted]
[redacted]

Mr. Thomas Burns *(via email)*
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

Re: ***Roy Hoggard II v. Arkansas Division of Correction***
Claim No. 210188

Dear Mr. Hoggard and Mr. Burns:

Enclosed please find an Order entered on August 11, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROY HOGGARD II (ADC [redacted]) **CLAIMANT**

V. **CLAIM NO. 210188**

ARKANSAS DIVISION OF CORRECTION **RESPONDENT**

ORDER ON CLAIMANT'S MOTION FOR RECONSIDERATION

Now before the Arkansas State Claims Commission (the "Commission") is a motion filed by Roy Hoggard II (the "Claimant") for reconsideration of the Commission's March 16, 2023, order awarding him $200.00 in damages in his claim against the Arkansas Division of Correction (the "Respondent"). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on August 7, 2020, seeking $9,500.00 in damages related to Respondent's actions following Claimant's [redacted]

2. Respondent denied liability and filed a motion to dismiss.

3. The Commission denied Respondent's motion to dismiss on June 10, 2021, and instructed the parties to conduct discovery.

4. During discovery, the Commission entered an order denying Respondent's motion to deem admitted requests for admission propounded to Claimant as well as Respondent's motions for protective order. The Commission also entered an order denying Claimant's motion to compel.

5. Following a hearing on the claim on March 10, 2023, the Commission found sufficient evidence of negligence on the part of Respondent and awarded Claimant $200.00 in its May 16, 2023, order.

6. Claimant thereafter filed the instant motion for reconsideration, arguing, *inter alia*, that the Commission should have awarded the entire amount of damages sought by Claimant.

7. In analyzing a motion for reconsideration, Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration "will only be entertained if they set forth new or additional evidence which was not [previously] available . . . ."

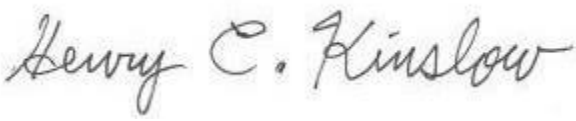
8. The Commission finds that the motion does not set forth new or additional evidence not previously available.

9. As such, Claimant's motion for reconsideration is DENIED, and the May 16, 2023, Commission order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: August 11, 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).

To: Ms. Kathryn Irby, Director
Date: September 3, 2023
From: Mr. Roy A. Hoggard II
ADC: [redacted]

Arkansas
State Claims Commission
SEP 07 2023
RECEIVED

Re: No. 210188

Dear Ms. Irby,

Please find enclosed two full sets of my Motion of Appeal.

Please return one full set file-marked to me as soon as posible.

Thank you for your time in this matter.

Sincerely,
Roy Hoggard

Mr. Roy A. Hoggard II
(ADC [redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas State Claims Commission
SEP 07 2023
RECEIVED

ROY A. HOGGARD II (ADC [redacted]) CLAIMANT

v No. 210188

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT

MOTION OF APPEAL

Comes Now, the Claimant, Mr. Roy A. Hoggard II, with his Motion of Appeal, states;

1. In the order entered on August 11, 2023, by the Claims Commission, the issue was raised that per Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration "will only be entertained if they set forth new or additional evidence which was not [previously] available...."

2. The Supreme Court has identified several "reprehensibility" factors relevant to damage claims. The Court should consider whether: "(1) the harm caused was physical as opposed to economic; (2) the tortious conduct evinced an indifference to or a reckless disregard of the health or safety of others; (3) the target of the conduct had financial vulnerability; (4) the conduct involved repeated actions or was an isolated incident; and (5) the harm was the result of intentional malice, trickery, or deceit, or mere accident." State Farm, 538 U.S. at 419, 123 S. Ct. 1513 (/opinion/127910/state-farm-mut-automobile-ins-co-v-campbell/).

3. The point of damages is not only to try and get the wronged [individual] back to the condition they were in before they were injured. The point of damages is also to punish individuals who violate rights, rules, regulations, policy and procedures, and to set an example to discourage others from acting

illegally in the future.

4. The Claimant pointed out that at the hearing held on March 10, 2023, the Claimant's testimony was the only one found to be fully credible and unrefuted. Where as all of the Respondent's witnesses were found to be unreliable and confuted. At no time did any of the ADC personnel (witnesses) ever show any remorse, guilt or reproach for what they had done by treating the Claimant less than human.

[redacted]

6. The Claimant was still placed in a stripped-down cell with no

[redacted]

7. The $200.00 damages the Claims Commission awarded the Claimant will not even cover the Claimant's legal fees in this claim, therefore, how does it punish or discourage ADC personnel

from violating policy and procedures again, or abusing other inmates in the same or worse manner.

8. The ADC its self collects approx. $350.^{00}$ per inmate per day, therefore, I reiterate, how does $200.^{00}$ come close to be a fair award of damages for all the harm caused.

WHEREFORE, the Claimant prays that the Claims Commission will Grant the Claimant's Motion of Appeal and award the Claimant the full amount of damages sought.

Executed at Marianna, Arkansas on September 3rd, 2023.

Certificate of Service

I certify that a copy of this pleading has been served this 3rd da of September, 2023, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to;

Thomas Burns (02006)
Department of Corrections
6814 Princeton Pike
Pine Bluff, Ar. 71602

Respectfully Submitted,
Roy Hoggard II
Mr. Roy A. Hoggard II
(ADC [redacted]