

ARKANSAS CLAIMS COMMISSION

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



Questions? Send an email to
ascc.new.claims@arkansas.go

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

CLAIM FORM

1. Claimant. If a claim involves more than one claimant, additional pages may be attached with the other claimant name(s) and contact information.

Jamey Vanlandingham, Special Administrator of the Estate [redacted]

(title last name/compan first name (email)

[redacted]

(address)

[redacted]

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

2. Claimant's Legal Counsel. An individual claimant may act as his or her own attorney (which is known as proceeding pro se). Please review Ark. Code Ann. § 19-10-222 for information about when a business entity may file a pro se claim. If a claimant is proceeding pro se, this section may be left blank.

O'Quinn Michael Darren@DarrenOQuinn.com

(title) (last name) (first name) (email)

36 Rahling Circle, Suite 4

(address) AR bar number

Little Rock AR 72223 (501) 690-1643

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

3. State Agency Involved. The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission.

Arkansas Department of Human Services

4. Incident Date _____

5. Location of Incident _____

6. CHECK HERE if this claim involves damage to a motor vehicle. []

7. CHECK HERE if this claim involves damage to property other than a motor vehicle. []

8. Explanation of Incident Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form.

Estate of Jimmy Vanlandingham v. Arkansas Health Center, a DHS facility\

\

Claimant, Jamey Dale Vanlandingham, as Special Administrator of the Estate of Jimmy Vanlandingham and for his claim, states:\

\

Introduction\

1. This action arises under the common law of the state of Arkansas, the Arkansas Medical Negligence Act (Ark. Code Ann. §16-114-201 et seq.), the Arkansas Long Term Care Resident Rights Act (Ark. Code Ann. §20-10-1201 et seq.), the Arkansas Omnibus Long Term Care Reform Act (Ark. Code Ann. §20-10-1001 et seq.), the Arkansas Survival of Actions Act (Ark. Code Ann. § 16-62-101), the Arkansas Wrongful Death Act (Ark. Code Ann. § 16-62-102) and other applicable laws for medical negligence, violation of nursing home resident rights, and wrongful death by Arkansas Health Center.\

\

Facts\

2. Mr. Vanlandingham, [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] A central cord compression is an incomplete traumatic injury to the cervical spinal cord - the portion of the spinal cord that runs through the bones of the neck. This injury results in weakness in the arms more so than the legs. The injury is considered 'incomplete' because patients are usually not completely paralyzed.\

\

4. Unfortunately for Mr. Vanlandingham, however, his spinal cord compression rendered him a permanent and complete quadriplegic.\

\

5. [REDACTED]
[REDACTED] AHC is a 310-bed nursing home licensed by the Office of Long-Term Care as a skilled nursing facility that serves the needs of Arkansas residents who are elderly or have disabilities requiring specialized services or programs that are not generally available through community nursing facilities.\

\

6. [REDACTED]
[REDACTED]. A tracheostomy is a hole cut into the windpipe (trachea) that allows a breathing tube to be inserted.\

\

7. [REDACTED]
[REDACTED]

\

8. [REDACTED]
[REDACTED]
[REDACTED]

\

[REDACTED]
[REDACTED]

\

10. On the evening before his death, Mr. Vanlandingham was started [REDACTED]
[REDACTED] A PMV is a speaking valve that can help patients wean off a ventilator. It can help patients retrain their respiratory muscles and improve their confidence by helping them exhale through their upper airway. It also allows a patient with a tracheostomy to potentially voice and produce speech sounds. It is a one-way valve that connects to the tracheostomy tube. The valve opens during inspiration to allow air to go into the lungs and then closes during expiration and forces

air up through the vocal cords to allow for potential voicing and/or production of speech sounds.\

\

11. [REDACTED]

\

12. The next morning, however, on October 3, 2024, at 9:20 a.m. Mr. Vanlandingham's worst nightmare began - and he suffocated to death due to the negligence of AHC. Specifically, the AHC records reflect the following events leading up to this tragedy:\

\

Jacqueline D. McDonald, RT:\

\

[REDACTED]

|

[REDACTED]

|

[REDACTED]

|

[REDACTED]

|

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. Mr. Vanlandingham's autopsy reports concludes the following: [REDACTED]

[REDACTED]

Causes of Action\

Count One: Medical Negligence\

14.\tAHC deviated from the acceptable standard of medical and nursing care and did not apply the skill and learning the law required in the following respects: \

a.\tFailure to have proper resources, staff, and supplies prior [REDACTED]

\
b.\tFailure to provide the necessary care and services [REDACTED]

- \
- c.\tFailure to provide the necessary care and services to [REDACTED]
[REDACTED]
- \
- d.\tFailure to provide the necessary care and services to [REDACTED]
[REDACTED]
- \
- e.\tFailure to protect and promote Mr. Vanlandingham's right to a safe environment, to be free from abuse and neglect, and to a dignified existence;\
- \
- f.\tFailure to adequately assess, evaluate, and supervise the staff to ensure that Mr. Vanlandingham received appropriate care in accordance with professional standards of quality, facility policy and procedure, and the laws, regulations, and rules applicable to the facility;\
- \
- g.\tThe failure to provide care and treatment for Mr. Vanlandingham in accordance with his care plan and physician's orders;\
- \
- h.\tThe failure to maintain clinical records on Mr. Vanlandingham in accordance with accepted professional standards that are complete, accurate, timely, and organized;\
- \
- i.\tThe failure to take reasonable steps to prevent, eliminate, and correct problems in Mr. Vanlandingham's care;\
- \
- j.\tThe failure of the governing body of the facility to discharge their legal and lawful obligations by assuring that professional standards of quality, facility policy and procedure, and the laws, regulations, and rules applicable to the facility were consistently complied with on an on-going basis, that they remained up-to-date and modified as problems arose, and that appropriate corrective measures were implemented to correct problems concerning inadequate care; \
- \
- k.\tThe failure to use the degree of skill and care required of a nursing home when faced with the conditions of Mr. Vanlandingham;\
- \
- l.\tOther failures as set forth in the deposition testimony and discovery in this action.\
- \
- 15.\tA reasonably prudent nursing home operating under the same or similar conditions, as well as one following the standards of care as set forth in the Arkansas Medical Negligence Act and AMI 1501 and 1504, would have provided the care listed above and would have foreseen that the failure to provide this care would result in devastating injuries to Mr. Vanlandingham. Each of the foregoing acts of negligence on the part of AHC was a proximate cause of Mr. Vanlandingham's injuries and death that were foreseeable to it.\
- \
- Count Two: Nursing Home Resident Rights Violations\
- \
- 16.\tAs the licensee of the nursing home facility in which Mr. Vanlandingham was a resident, AHC had a statutorily mandated, non-delegable responsibility to provide him with his nursing home resident rights as set forth in Ark. Code Ann. § 20-10-1201, et seq. and other applicable laws and regulations.\
- 17.\tNotwithstanding the responsibilities of AHC to provide Mr. Vanlandingham with these mandated nursing home resident's rights, he was deprived of such rights by the following failures: \
- \
- a)\tThe failure to provide adequate and appropriate healthcare, protective, and support services;\
- \
- b)\tThe failure to provide adequate and appropriate therapeutic and rehabilitative services;\
- \
- c)\tThe failure to provide adequate and appropriate supervision and protection;\
- \
- d)\tThe failure to develop, implement, and update an adequate and appropriate resident care plan to

meet the needs of Mr. Vanlandingham;\

\

e)\tThe failure to maintain accurate medical and clinical records that contain sufficient information to justify the diagnosis and treatment and to accurately document the results, including, at a minimum, documented evidence of assessments and the needs of the resident, an establishment of appropriate plans of care and treatment, and the care and services provided;\

\

f)\tThe failure to appropriately monitor Mr. Vanlandingham and recognize significant signs and symptoms of change in his health condition;\

\

g)\tThe failure to properly supervise staff;\

\

h)\tThe failure to properly train staff; \

\

i)\tThe failure to provide sufficient staff and supplies to meet the needs Mr. Vanlandingham; and \

\

j)\tOtherwise violating Mr. Vanlandingham's resident rights as set forth herein.\

\

18.\tPursuant to Ark. Code Ann. § 20-10-1209(a)(4), AHC's failure to do that which a reasonably careful nursing home would do under circumstances similar to those shown by the evidence in this case, which caused the serious injuries to Mr. Vanlandingham as described herein, entitles him to recover actual damages in an amount exceeding that required for federal court jurisdiction in diversity of citizenship cases as provided by Ark. Code Ann. § 20-10-1209(c).\

\

Count Three: Wrongful Death\

19.\tAs a direct and proximate result of the previously alleged conduct, all of which was grossly negligent, willful and wanton, outrageous, reckless, malicious, and/or intentional, AHC caused the death of Mr. Vanlandingham.\

20.\tMr. Vanlandingham suffered serious injuries, loss of life, and death all of which caused his family to suffer more than normal grief upon losing their loved one in such an unexpected and painful manner.\

Damages\

21.\tAs a proximate result of the above conduct, claimant is entitled to damages for extreme pain and suffering, mental anguish, severe emotional distress and trauma, disability, disfigurement, degradation and deconditioning, loss of enjoyment of life, loss of quality of life and personal dignity, humiliation, fright, grief, medical, funeral, and related expenses and costs, loss of life, and death along with other injuries, damages, harms, and losses as described herein and in the discovery taken in this matter, in an amount exceeding the minimum amount required for federal court jurisdiction in diversity of citizenship cases.

9. Insurance Coverage. For a claim involving damage to a vehicle or other property, you must submit a copy of your insurance declarations in effect at the time of the incident. This is not the same as an insurance card. You can obtain a copy of your insurance declarations from your insurer or insurance agent. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have insurance covering the damaged property or motor vehicle at the time of incident, CHECK HERE**

10. Additional Required Documents for Property Damage Claim

You must submit (1) invoice(s) documenting the repair costs, (2) three estimates for repair, OR (3) an explanation why this documentation cannot be provided.

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

(type of state vehicle involved)

(license number)

(driver)

12. If your claim involves personal injuries, please CHECK HERE

13. **Health insurance coverage.** All personal injury claims require a copy of your health insurance information in place at the time of the incident. Please review Ark. Code Ann. § 19-10-302 for more information.

****If you did NOT have health insurance on the date of the incident, CLICK HERE**

14. **Amount of Damages, if known:** \$0.00 _____

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission rules and a non-exhaustive list of statutes that relate to the Commission can be found on the Commission website (arclaimscommission.arkansas.gov). The Arkansas Rules of Civil Procedure can be found online (arcourts.gov) under "Info Resources."

STOP!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

If a BUSINESS OR CORPORATE ENTITY is filing a claim without an attorney (and meets the requirements of Ark. Code Ann. § 19-10-222 for doing so), there is a different signature page that must be used. Please call (501)682-1619 and ask for a corporate signature page.

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

Claimant Signature

ACKNOWLEDGEMENT

State of _____

County of _____

On this the __ day of _____, 20__, before me, the undersigned notary, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Signature of Notary Public

[seal of office]

My Commission Expires: _____

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

Arkansas
State Claims Commission

NOV 05 2024

RECEIVED

CLAIM SUBMISSION SIGNATURE PAGE

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

M. Darren O'Quinn

Attorney Name (must be printed legibly)

M. Darren O'Quinn

Attorney Signature M. Darren O'Quinn

Acknowledgement

State of Arkansas

County of Pulaski

On this the 5 day of November 2024, before me, the undersigned notary, personally appeared Darren O'Quinn known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Sabrina J Hyde
Signature of Notary Public

My Commission expires: March 29, 2027

[Seal of Office]



From: [ASCC New Claims](#)
To: [Jim Brader](#); [OCC Claims Commission Cases](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694
Date: Thursday, November 14, 2024 9:46:00 AM
Attachments: [Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham vs DHS agency ltr.pdf](#)
[Jamey Vanlandingham Special Admin. Elct Claim form and signature page \(combined\) - 250694.pdf](#)

Please see attached. Contact Kathryn Irby with any questions.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

November 14, 2024

Mr. Jim Brader
Arkansas Department of Human Services
700 Main Street, Slot S260
Little Rock, Arkansas 72203

(via email)

RE: ***Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham
v. Arkansas Department of Human Services
Claim No. 250694***

Dear Mr. Brader,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Department of Human Services. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Michael O'Quinn, *counsel for Claimant (w/o encl.) (via email)*

Note to Claimant or Claimant's counsel: The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

From: [ASCC New Claims](#)
To: ["Darren@DarrenOQuinn.com"](mailto:Darren@DarrenOQuinn.com)
Bcc: [Kathryn Irby](#); [SaBreana Hyché](#)
Subject: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694
Date: Thursday, November 14, 2024 10:44:00 AM
Attachments: [Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham vs DHS agency ltr.pdf](#)
[Jamey Vanlandingham Special Admin. Elct Claim form and signature page \(combined\) - 250694.pdf](#)

Dear Mr. O'Quinn,

Attached please find a copy of the letter sent with Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham's claim to the Arkansas Department of Human Services. I have also attached a file-marked copy of the claim per your request.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

From: [Darren O'Quinn](#)
To: [ASCC New Claims](#)
Subject: Re: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694
Date: Thursday, November 14, 2024 2:51:14 PM
Attachments: [PastedGraphic-2.png](#)

Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com

PastedGraphic-2.png



This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Nov 14, 2024, at 10:44 AM, ASCC New Claims
<ASCC.New.Claims@arkansas.gov> wrote:

Dear Mr. O'Quinn,

Attached please find a copy of the letter sent with Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham's claim to the Arkansas Department of Human Services. I have also attached a file-marked copy of the claim per your request.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

<Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham vs DHS agency ltr.pdf><Jamey Vanlandingham Special Admin. Elct Claim form and signature page (combined) - 250694.pdf>

From: [Vincent France](#)
To: [ASCC Pleadings](#)
Cc: [Darren O"Quinn](#); [Daiquiri Carter](#)
Subject: Estate of Vanlandingham v. DHS, 250694
Date: Friday, December 13, 2024 1:36:50 PM
Attachments: [DHS's Answer to Complaint.pdf](#)
[image001.png](#)
[image002.png](#)

Please find attached DHS’s Answer to the Complaint in the matter of *Estate of Vanlandingham v. DHS*, 250694.

Sincerely,

Vincent P. France
Deputy Chief Counsel for Litigation
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
Office Phone: 501-534-4127
Vincent.P.France@dhs.arkansas.gov



□ □ □

NOTE - This email may contain sensitive or confidential information.

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IN THE ARKANSAS STATE CLAIMS COMMISSION

**JAMEY VANLANDINGHAM, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JIMMY VANLANDINGHAM**

CLAIMANT

vs.

CC No. 250694

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

RESPONDENT'S ANSWER TO THE COMPLAINT

COMES NOW, Respondent, Arkansas Department of Human Services, by and through its attorney, Vincent P. France, Deputy Chief Counsel for the Arkansas Department of Human Services, and for its Answer to Complaint, states the following:

This claim was submitted electronically using the submission form provided by the Arkansas State Claims Commission. In order to properly address the allegations, Respondent's Answer will refer to the paragraphs listed in "Section 8: Explanation of Incident" within the claim form.

1. Respondent denies Paragraph 1 of the electronic claim form submitted by Claimant.¹

2. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 2 of the Complaint; therefore, the allegations in Paragraph 2 are denied.

3. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 3 of the Complaint; therefore, the allegations in Paragraph 3 are denied.

4. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 4 of the Complaint; therefore, the allegations in Paragraph 4 are denied.

¹ As indicated above, all paragraphs referenced herein are those contained in Section 8 of the Claim Form.

5. Respondent admits Paragraph 5 of the Complaint.

6. Respondent admits Paragraph 6 of the Complaint that Mr. Vanlandingham was

7. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 7 of the Complaint; therefore, the allegations in Paragraph 7 are denied.

8. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 8 of the Complaint; therefore, the allegations in Paragraph 8 are denied.

9. Respondent denies Paragraph 9 of the Complaint.

10. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 10 of the Complaint; therefore, the allegations in Paragraph 10 are denied.

11. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 11 of the Complaint; therefore, the allegations in Paragraph 11 are denied.

12. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 12 of the Complaint; therefore, the allegations in Paragraph 12 are denied. To the extent that Paragraph 12 contains extensive quotations from medical records, the medical records speak for themselves.

13. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 13 of the Complaint; therefore, the allegations in Paragraph 13 are denied.

14. Respondent denies the statements and allegations contained in Paragraph 14 of the Complaint.

15. Respondent denies Paragraph 14(a) of the Complaint.

16. Respondent denies Paragraph 14(b) of the Complaint.

17. Respondent denies Paragraph 14(c) of the Complaint.

18. Respondent denies Paragraph 14(d) of the Complaint.
19. Respondent denies Paragraph 14(e) of the Complaint.
20. Respondent denies Paragraph 14(f) of the Complaint.
21. Respondent denies Paragraph 14(g) of the Complaint.
22. Respondent denies Paragraph 14(h) of the Complaint.
23. Respondent denies Paragraph 14(i) of the Complaint.
24. Respondent denies Paragraph 14(j) of the Complaint.
25. Respondent denies Paragraph 14(k) of the Complaint.
26. Respondent denies Paragraph 14(l) of the Complaint.
27. Respondent denies all the statements and allegations contained in Paragraph 15 of the Complaint.
28. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 16 of the Complaint; therefore, the allegations in Paragraph 16 are denied.
29. Respondent denies the statements and allegations contained in Paragraph 17 of the Complaint.
30. Respondent denies Paragraph 17(a) of the Complaint.
31. Respondent denies Paragraph 17(b) of the Complaint.
32. Respondent denies Paragraph 17(c) of the Complaint.
33. Respondent denies Paragraph 17(d) of the Complaint.
34. Respondent denies Paragraph 17(e) of the Complaint.
35. Respondent denies Paragraph 17(f) of the Complaint.
36. Respondent denies Paragraph 17(g) of the Complaint.
37. Respondent denies Paragraph 17(h) of the Complaint.

38. Respondent denies Paragraph 17(i) of the Complaint.

39. Respondent denies Paragraph 17(j) of the Complaint.

40. Respondent denies the statements and allegations contained in Paragraph 18 of the Complaint.

41. Respondent denies the statements and allegations contained in Paragraph 19 of the Complaint.

42. Respondent denies the statements and allegations contained in Paragraph 20 of the Complaint.

43. Respondent denies the statements and allegations contained in Paragraph 21 of the Complaint.

44. Respondent denies all other statements and allegations contained in any other section of the electronic claim submission form.

Affirmative Defenses

45. Respondent affirmatively pleads that Claimant has failed to state a claim for relief pursuant to Ark. R. Civ. P. 12(b)(6).

46. Respondent affirmatively pleads the defense of unforeseeability of the causes and consequences of the actions taken in this matter.

47. Respondent affirmatively pleads the defense of assumption of risk.

48. Respondent affirmatively pleads the defense of intervening causation.

49. Respondent affirmatively pleads the defense of informed consent.

50. Respondent affirmatively pleads that it has the right to amend and add any additional affirmative defenses that may arise throughout the pendency of this matter.

WHEREFORE, Respondent moves that this claim be denied, and for all other just and proper relief to which it may be entitled.

Respectfully submitted,
Arkansas Department of Human Services

By: /s/ Vincent P. France
Vincent P. France, Ark. Bar No. 2010063
Deputy Chief Counsel
Arkansas DHS
P.O. Box 1437, Slot S260
Little Rock, AR 72203
Phone: (501) 534-4127
Email: Vincent.P.France@DHS.Arkansas.gov
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Vincent P. France, hereby certify that on December 13, 2024, I electronically filed the foregoing with the Arkansas State Claims Commission by emailing it to ascpleadings@arkansas.gov and by sending a copy to Claimant’s attorney Jim Jackson via email as indicated below.

Darren O’Quinn
Darren@DarrenOQuinn.com

/s/ Vincent P. France
Vincent P. France

From: [Daiquiri Carter](#)
To: [Darren O'Quinn](#); [ASCC Pleadings](#)
Cc: [Vincent France](#); [Melanie Beth](#)
Subject: RE: Estate of Vanlandingham v. DHS, 250694
Date: Thursday, December 19, 2024 1:35:50 PM
Attachments: [DHS's Answer to Complaint.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)

Daiquiri D. Carter, M.Ed.
 Legal Services Specialist
 Office of Chief Counsel
 PO Box 1437, Slot S260
 Little Rock, AR 72203-1437
 501-320-6338 phone
 501-682-6720 fax
Daiquiri.carter@dhs.arkansas.gov



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CONFIDENTIALITY NOTICE: The information contained in this email message and any attachment(s) is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to which this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying or distributing this transmission is **STRICTLY PROHIBITED**. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.

From: Darren O'Quinn <darren@darrenoquinn.com>
Sent: Thursday, December 19, 2024 1:29 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Vincent France <Vincent.P.France@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Melanie Beth <melaniebeth@darrenoquinn.com>

Subject: Re: Estate of Vanlandingham v. DHS, 250694

[EXTERNAL SENDER]

Can you please resend the Answer?

Nothing was attached. Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com



This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Dec 16, 2024, at 11:02 AM, ASCC Pleadings
<ASCCPleadings@arkansas.gov> wrote:

Received on 12-13-24.

From: Vincent France <Vincent.P.France@dhs.arkansas.gov>
Sent: Friday, December 13, 2024 1:37 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Darren O'Quinn <darren@darrenoquinn.com>; Daiquiri Carter
<Daiquiri.Carter@dhs.arkansas.gov>

Subject: Estate of Vanlandingham v. DHS, 250694

Please find attached DHS's Answer to the Complaint in the matter of *Estate of Vanlandingham v. DHS*, 250694.

Sincerely,

Vincent P. France
Deputy Chief Counsel for Litigation
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
Office Phone: 501-534-4127
Vincent.P.France@dhs.arkansas.gov



□ □ □

NOTE - This email may contain sensitive or confidential information.

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From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: Darren@DarrenOQuinn.com; [Vincent France](#)
Cc: [ASCC Pleadings](#); [Daiquiri Carter](#); [Kathryn Irby](#)
Subject: CORR: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694
Date: Friday, January 3, 2025 1:27:16 PM
Attachments: [Jamey Vanlandingham v. DHS.pdf](#)

Mr. O'Quinn and Mr. France:

Please see attached. Contact Kathryn Irby 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

January 3, 2025

Mr. Michael O'Quinn
The Law Offices of Darren O'Quinn PLLC
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223

(via email)

RE: ***Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. Arkansas Department of Human Services***
Claim No. 250694

Dear Mr. O'Quinn,

Please be advised that the Arkansas Department of Human Services (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Kathryn Irby

ES: msscott

cc: Vincent P. France, *counsel for Respondent* (via email)

From: [Darren O'Quinn](#)
To: [ASCC Pleadings](#)
Cc: [Vincent France](#); [Daiquiri Carter](#); [Kathryn Irby](#); [Melanie Beth](#)
Subject: Re: CORR: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694
Date: Monday, January 6, 2025 11:20:10 AM
Attachments: [PastedGraphic-2.png](#)
[250106 Letter to ASCC Requesting Hearing.pdf](#)
[250106 1st Discovery to DHS.pdf](#)
[Jamey Vanlandingham v. DHS.pdf](#)

Ms. Scott, I am attaching my hearing request and first discovery to DHS.

Please confirm receipt and let me know if you need anything further. Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com



This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Jan 3, 2025, at 1:27 PM, ASCC Pleadings <ASCCPleadings@arkansas.gov> wrote:

Mr. O'Quinn and Mr. France:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott

Arkansas State Claims Commission

THE LAW OFFICES OF
Darren O'Quinn
PLLC

January 6, 2025

Via Email Only: ASCCPleadings@arkansas.gov
Kathryn.Irby@arkansas.gov

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201-3823

RE: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. Arkansas Department of Human Services, Claim No. 250694

Dear Ms. Irby,

I represent Mr. Vanlandingham in the referenced claim, and this is a response to your January 3, 2025, letter to me.

Since DHS has disputed liability, I have served my initial discovery requests on it. After those are answered, I plan on taking appropriate depositions. Once discovery is complete, I request a hearing on the merits.

As always, thank you for your consideration and please let me know about my hearing request.

Sincerely,

The Law Offices of Darren O'Quinn, PLLC



M. Darren O'Quinn

cc: Vincent P. France, counsel for Respondent (via e-mail only
Vincent.P.France@dhs.arkansas.gov)

Before The Arkansas State Claims Commission

Jamey Vanlandingham, Special Administrator
of the Estate of Jimmy Vanlandingham

Claimant

vs.

Claim No. 250694

Arkansas Department of Human Services

Respondent

Claimant’s First Set of Interrogatories and Requests for Production
to Respondent

Claimant, Jamey Vanlandingham, by his attorneys, propounds the following discovery requests to all respondent to be answered in writing and signed under oath within thirty days:

Note: The phrase “During the residency of Jimmy Vanlandingham at Arkansas Health Center” used below refers to his residency there from his admission [REDACTED], and, unless otherwise stated, is the relevant time frame for these discovery requests.

INTERROGATORY NO. 1: During the residency of Jimmy Vanlandingham at Arkansas Health Center, identify its governing body members, administrator, director of nursing, department head(s), supervisor(s), manager(s), MDS coordinator(s), and staffing coordinator(s), and

medical director giving their full name, date of birth, residence address, telephone number, title, job description, and employer (if employed by someone other than you).

INTERROGATORY NO. 2: During the residency of Jimmy Vanlandingham at Arkansas Health Center, identify all staff and other persons working at Arkansas Health Center giving their full name, date of birth, residence address, telephone number, title, unit, days/hours worked, job description, employer (if employed by someone other than you), and whether they are a current or former employee.

REQUEST FOR PRODUCTION NO. 1: Produce all documents maintained in the personnel files of each person identified in *Interrogatory Nos. 1 and 2*, deposed in this case, identified as an *Ark. R. Civ. P. 30(b)(6)* witness, designated as a representative at trial, or called as a witness in this case (you may redact health, financial, tax, and social security information).

REQUEST FOR PRODUCTION NO. 2: During the residency of Jimmy Vanlandingham at Arkansas Health Center, produce its staffing schedules, sign-in sheets, timecards, temporary/agency worker invoices, staffing reports, and similar staffing documents at Arkansas Health Center.

REQUEST FOR PRODUCTION NO. 3: During the residency of Jimmy Vanlandingham at Arkansas Health Center, produce its staffing formula/matrix and all policies, procedures, and guidelines related to staffing for Arkansas Health Center.

REQUEST FOR PRODUCTION NO. 4: During the residency of Jimmy Vanlandingham at Arkansas Health Center, produce its census/acuity level reports evidencing the number of residents at Arkansas Health Center and their acuity levels.

REQUEST FOR PRODUCTION NO. 4: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one-year prior thereto, produce all reports generated by independent auditors performing an audit of your operations.

REQUEST FOR PRODUCTION NO. 5: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one-year prior thereto, produce all Medicare and Medicaid cost reports for Arkansas Health Center.

REQUEST FOR PRODUCTION NO. 6: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all minutes of meetings and other documents (including, without limitation, emails and other electronically stored information) memorializing communications between the department head(s)/unit supervisors(s) and staff at Arkansas Health Center referring to Jimmy Vanlandingham or budgets, financial performance, staffing, quality of care, or [REDACTED] care.

INTERROGATORY NO. 3: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, identify by name all systems you had to record resident, family, or employee complaints, concerns, or suggestions (e.g. suggestion box, grievance log/procedure, complaint/concern form, 800 number, etc.) at Arkansas Health

Center and the types of records produced as a result of the system and the name, address, and title of the person(s) primarily responsible for handling the complaints, concerns, or suggestions.

REQUEST FOR PRODUCTION NO. 7: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all records identified in response to *Interrogatory No. 3* (you may redact resident identifying information) and communications (including emails) related thereto.

INTERROGATORY NO. 4: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, identify all information that you routinely collect from whatever source that is then compiled, analyzed, and distributed in order to monitor the quality of care at Arkansas Health Center and identify by name, address, and title all persons to whom this information is distributed.

REQUEST FOR PRODUCTION NO. 8: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all documents containing the information identified in response to *Interrogatory No. 4* (you may redact resident identifying information) and communications (including emails) related thereto.

INTERROGATORY NO. 5: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, identify all daily, weekly, monthly, quarterly, and/or yearly resident care

reports (e.g., quality measures, key indicators, care outcomes, etc.) that include data used to monitor care at Arkansas Health Center.

REQUEST FOR PRODUCTION NO. 9: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all documents containing the information identified in response to *Interrogatory No. 5* (you may redact resident identifying information) and communications (including emails) related thereto.

REQUEST FOR PRODUCTION NO. 10: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all documents related to complaints/concerns from staff at Arkansas Health Center related to staffing, working conditions, or residents not receiving care and all communications (including emails) related thereto.

REQUEST FOR PRODUCTION NO. 11: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all exit interviews from staff at Arkansas Health Center.

REQUEST FOR PRODUCTION NO. 12: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all resident, family, or employee satisfaction surveys at Arkansas Health Center.

REQUEST FOR PRODUCTION NO. 13: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all minutes and other documents memorializing staff in-service or

other meetings/programs at Arkansas Health Center related to [REDACTED] care.

REQUEST FOR PRODUCTION NO. 14: During the residency of Jimmy Vanlandingham at Arkansas Health Center and one year prior thereto, produce all minutes and other documents memorializing Resident or Family Council meetings.

INTERROGATORY NO. 6: State in detail all professional services, care, and treatment provided by you to Jimmy Vanlandingham that are *not* contained in the medical records or other documents produced pursuant to these discovery requests.

INTERROGATORY NO. 7: State your version of how Jimmy Vanlandingham suffered a [REDACTED] [REDACTED] providing a detailed description of all relevant conditions and events, in chronological order, with the time and place of each specific event and the names, addresses, and telephone numbers of all persons present or who investigated the event, including, without limitation, the following:

- (a) Your version of when each of these conditions and events developed;
- (b) Your version of where each of these conditions and events developed;
- (c) Your version of how each of these conditions and events developed;
- (d) Your version of why each of these conditions and events developed;

- (e) Who you notified of these conditions and events and when you did so;
- (f) What you did you address/treat these conditions and events;
- (g) Whether you accept responsibility for failing to prevent Jimmy Vanlandingham from developing these conditions; and
- (h) Whether Jimmy Vanlandingham was harmed or suffered losses because of these conditions and events.

REQUEST FOR PRODUCTION NO. 15: Produce the following in electronic form on CD in the Adobe Acrobat .pdf format and the originals for inspection in real time:

- (a) Jimmy Vanlandingham's **MEDICAL RECORDS** (include **everything** in his file, and related to his care, including office notes, forms completed by you for submission to any third party (other than your attorney), imaging, diagnostic studies and reports, prescription records, any correspondence from you or any person on your behalf, all records required to be maintained by federal and state law, as well as any information received from other healthcare providers, and any other documents, by whatever name known, in your possession, custody, or control regarding any services, care, or treatment of him during your care or treatment of him).
- (b) Jimmy Vanlandingham's **ITEMIZED BILLING STATEMENT** for services matching the above records, showing the total amount charged for services (produce this even if his balance is \$0).
- (c) Jimmy Vanlandingham's **ADMINISTRATIVE FILE** (including, without limitation, any Admission Agreements/Arbitration Agreement/Power of Attorney/Guardianship Order).
- (d) An **AFFIDAVIT OF CUSTODIAN OF MEDICAL RECORDS** for the medical and billing records requested.
- (e) All staff locator or activity reports (i.e., indicating location of staff, whether/when staff enters a resident's room, and activity

performed), video surveillance (either hallway or in resident's room, or other electronic monitoring of Jimmy Vanlandingham or Jimmy Vanlandingham's room, wing/unit, or activities).

REQUEST FOR PRODUCTION NO. 16: Produce a complete copy of all reports, notes, records, writings, recordings, emails, text messages, electronically stored information, tangible items, or other documents in your possession, custody, or control that refer or relate to Jimmy Vanlandingham.

REQUEST FOR PRODUCTION NO. 17: Produce an unedited in both hardcopy (including excel format) and original electronic form all audit records maintained pursuant to 45 C.F.R. § 164.312 and other applicable laws evidencing electronic charting activity on or access to Jimmy Vanlandingham's electronic medical record and electronic protected health information at Arkansas Heath Center from admission to the present. The term "all audit records" is meant to include, without limitation, all audit records/data/trails from each and every application that stores or processes electronic protected health information as well as all communications/emails/texts/messaging between users/healthcare providers via "Secure Chat" (or similar applications/tools in non-Epic based software) that may not be in the actual chart (and, if an application does not contain electronic protected health information for Jimmy Vanlandingham, you are to produce a "no response" for that application demonstrating that your search was properly performed). This production should include, without limitation, all persons who accessed the audit records and that person's

location (on site or remote), what was done during the access, and how long the access occurred.

REQUEST FOR PRODUCTION NO. 18: Produce a real-time viewing of Jimmy Vanlandingham's medical records as they appear on your electronic devices.

INTERROGATORY NO. 8: Identify all health care providers, including physicians, nurses, or other medical personnel, who assisted you in rendering medical, nursing, therapy, lab, or other services to Jimmy Vanlandingham.

REQUEST FOR PRODUCTION NO. 19: In addition to any medical records that you produce for Jimmy Vanlandingham, produce the following items that refer or relate to Jimmy Vanlandingham:

- a) All incident, accident, or occurrence reports;
- b) All change of mental status records;
- c) All transfer records;
- d) All hydration and fluid intake records;
- e) All input and output (I&O) records;
- d) All nutrition records;
- e) All weight loss records;
- f) All pressure sore, skin condition, or skin audit or treatment records;
- g) All infection records;
- h) All care plan committee records;

- i) All 24-hour and shift change reports;
- j) All lab book records;
- k) All records evidencing heightened monitoring or observation;
- l) All correspondence;
- m) All photographs, videotapes, x-rays, scans/imaging, and recordings;
- n) All care plans (and care plan meeting announcements), resident assessment protocols, and minimum data sets;
- o) All drug inventory/disposal records;
- p) All physician communication books;
- q) All nurse communication books;
- r) All communications regarding transfer of corpse/burial/cremation;
- s) All visitor logs;
- t) All bathing records and bathing schedules;
- u) All diet or meal consumption cards records;
- u) All closed record audit forms;
- v) All staff locator or activity reports, video surveillance, or other electronic monitoring of Jimmy Vanlandingham or Jimmy Vanlandingham's room or wing/unit/activities;

and

- w) All other documents in your custody, possession, or control that reference Jimmy Vanlandingham.

INTERROGATORY NO. 9: Do you contend that Jimmy Vanlandingham's injuries as set forth in the Complaint were caused in whole or part by some person other than yourself, or that any party to this action or non-party to this action (including without limitation any other healthcare provider, Jimmy Vanlandingham, or Jimmy Vanlandingham's family/representatives) was at fault, negligent, or comparatively negligent, in whole or in part, or otherwise responsible for such injuries? If your answer is in the affirmative, please identify by name, address, and telephone number each such person, describe in specific detail the basis for your contention, and describe every act or omission that you contend caused or contributed to Jimmy Vanlandingham's injuries.

REQUEST FOR PRODUCTION NO. 20: If you are aware of any facts or information, or if you hold any opinion, which does or might implicate any pre-existing, co-existing or subsequently existing condition or conduct which caused or contributed to cause the matters set forth in the Complaint, then produce any materials and documents including, but not limited to all letters, documents, reports, memos, notes, photographs, objects or other tangible thing which in any way relate(s) to the facts, information or opinion in question.

REQUEST FOR PRODUCTION NO. 21: Produce all published treatises, periodicals, books, or pamphlets (or portions or excerpts therefrom) that you refer to or referred to, concerning treatment of residents exhibiting signs and symptoms similar to those of Jimmy Vanlandingham including, without limitation, [REDACTED]

REQUEST FOR PRODUCTION NO. 22: During the residency of Jimmy Vanlandingham at Arkansas Health Center, list by author, title, publisher, and publication and edition the texts, treatises, articles, periodicals, and other works which you regarded at the time of the matters set forth in the Complaint as reliable authority in the long-term care industry for [REDACTED] (including any policy and procedures that Arkansas Health Center may have for the same) and the following:

- a) Administration/Management of the facility,
- b) Nursing Services,
- c) [REDACTED],
- d) Monitoring,
- e) Assessments,
- i) Care Plans,
- j) Charting,
- k) Transport of Resident to ER,
- l) Resident Rights,

- m) Staffing,
- n) Employee Supervision and Training,
- o) Employee Discipline,
- p) Governing Body, and,
- q) Any other failures, maladies, and indignities set forth in the Complaint.

REQUEST FOR PRODUCTION NO. 23: During the residency of Jimmy Vanlandingham at Arkansas Health Center, produce the index for *all* your policy and procedure manuals and the *specific* policies and procedures for Arkansas Health Center related to items in the preceding Interrogatory.

INTERROGATORY NO. 10: During the residency of Jimmy Vanlandingham at Arkansas Health Center, state your standard practice and procedure related to [REDACTED], and any other maladies and indignities set forth in the Complaint.

INTERROGATORY NO. 11: During the residency of Jimmy Vanlandingham at Arkansas Health Center, were you covered by any policy of primary, excess, or umbrella liability insurance, insurance reciprocal, self-insurance trust or pool, or other indemnifying type arrangements or agreements? If your answer is affirmative, state the exact name of the insurer, reciprocal, trust (including trustee), pool, arrangement, or agreement; the name of the insured(s); the policy or certificate number; the effective dates of

beginning and end of the coverage; the exact amount of coverage; the exact amount of any aggregate (and the amount remaining on any aggregate); if coverage has been denied or is being defended under a reservation of rights; and identify all pending claims and persons (and their) attorneys making a claim that might affect the amount of insurance available to satisfy the claim in this case.

INTERROGATORY NO. 12: Identify every person with whom you have discussed or corresponded regarding Jimmy Vanlandingham's case, care, treatment, injuries, condition, or claim.

INTERROGATORY NO. 13: Has the license or any certifications of Arkansas Health Center ever been surrendered, put on probation, suspended, restricted, cited, tagged, or revoked, or a renewal ever been refused? If your answer is in the affirmative, set forth all facts surrounding any surrender, probation, suspension, restriction, citation, tag, revocation, or refusal including the state, date, and reasons therefor.

INTERROGATORY NO. 14: If Arkansas Health Center has ever been a defendant/respondent in a suit/claim, other than this one, where substandard care was alleged, identify the case by name, court/Claims Commission, trial docket/claim number, and attorneys involved and indicate the substance of the allegations and the outcome of the case, including the terms of any settlement/award, and identify by name, date of birth, residence address, telephone number, title, and job duties any of your directors, officers, or employees who provided testimony, affidavits, or reports.

REQUEST FOR PRODUCTION NO. 24: Produce a copy of the pleadings, discovery responses, and depositions from each lawsuit/claim to which Arkansas Health Center has ever been a defendant/respondent.

INTERROGATORY NO. 15: State whether anyone discussed the matters set forth in the Complaint with the Jimmy Vanlandingham or any member of Jimmy Vanlandingham's family, and, if so, identify each person involved in each such conversation, state the time and place of each such occasion, and state what was said by each person involved in said conversation.

INTERROGATORY NO. 16: Identify all documents relating to the matters described in the Complaint that have been destroyed, lost, or altered (i.e., changed in any manner after the document was dated) since the matters described in the Complaint occurred, and state when and under what circumstances the destruction, loss, or alteration occurred.

INTERROGATORY NO. 17: Do you claim that any expert designated by the claimant is not qualified to testify in this case? If so, state the basis for any such claim.

INTERROGATORY NO. 18: State whether you or your attorneys know of the existence of any documents (including electronically stored information) or other tangible items that have any relevance to any fact at issue in this suit, including without limitation, all documents related to the issues in the Complaint or your Answer to the Complaint. If so, regarding each such item:

- a) Provide a complete description of each such item;

- b) Provide the name, address, and telephone number of the present custodian of each such item;
- c) Provide an explanation of how and why each such item is relevant to any such fact at issue.

INTERROGATORY NO. 19: State whether you will present any exhibits or demonstrative evidence at the trial of this matter. If your answer is affirmative, state:

- a) The description of each such exhibit or demonstrative aid you propose to introduce or use at trial in any manner;
- b) The name, address, and telephone number of the custodian of each such exhibit or demonstrative aid; and
- c) The facts to be presented or described by each such exhibit or demonstrative aid.

REQUEST FOR PRODUCTION NO. 25: Produce all exhibits, demonstrative aids, or other tangible items that will be used in any manner at the trial of this matter including without limitation for voir dire, opening, direct examination, cross-examination, and closing and regardless of whether the item will be offered into evidence.

REQUEST FOR PRODUCTION NO. 26: Produce all diagrams, photographs, videotapes, recordings, and other tangible items relevant to the matters set forth in the Complaint.

REQUEST FOR PRODUCTION NO. 27: Produce all documents, notes, records, reports, or written materials of any kind which support your contentions in this case.

REQUEST FOR PRODUCTION NO. 28: Produce (a) any charts, summaries or calculations of the contents of any voluminous writings, recordings or photographs as defined by *Ark. R. Evid. 1001*, which cannot conveniently be examined in court, and which you may offer as evidence at the trial of this cause pursuant to the *Ark. R. Evid. 1006* or any other law; and (b) the contents of voluminous writings, recordings or photographs which you may present in the form of such summaries, charts or photographs as described in (a) above.

REQUEST FOR PRODUCTION NO. 29: Produce all documents and medical records that you contend support your defenses in this lawsuit or that you contend refute, in any way, the allegations contained in the Complaint.

REQUEST FOR PRODUCTION NO. 30: Produce all records that you obtain with any records authorization provided to you for Jimmy Vanlandingham or that you obtain via any other means that refer to Jimmy Vanlandingham.

INTERROGATORY NO. 20: Identify by name, address, and telephone number all persons who:

- a) Witnessed or claim to have witnessed any act, omission, occurrence, injury, or damage alleged in the Complaint;

- b) Witnessed or claim to have witnessed any defense alleged in your Answer to the Complaint;
- c) Spoke with or to Jimmy Vanlandingham or Jimmy Vanlandingham's family/representatives about any act, omission, or occurrence alleged in the Complaint or any defense alleged in your Answer to the Complaint.
- d) You or your attorneys/representatives have interviewed or who have provided a statement or account (either oral or written) to you, your attorneys, or any other agent or representative of yours; and
- e) For each person identified in response to this discovery request, state in detail the nature and substance of the person's knowledge about this case.

REQUEST FOR PRODUCTION NO. 31: Produce copies of any witness statements that are in the possession, custody, or control of you or your attorneys including all statement made by Jimmy Vanlandingham or his family members/representatives.

REQUEST FOR PRODUCTION NO. 32: Produce all documents you contend bears the handwriting and/or signature of Jimmy Vanlandingham, claimant, or any member of Jimmy Vanlandingham's family which relate to the matters set forth in the Complaint or which your will rely upon at trial.

REQUEST FOR PRODUCTION NO. 33: Produce photographs, illustrations, or video tapes which relate to or depict the following (including

any from mounted cameras in the facility, on Jimmy Vanlandingham's hallway, or in Jimmy Vanlandingham's room):

- (a) Any aspect of your care and treatment of Jimmy Vanlandingham;
- (b) The condition of Jimmy Vanlandingham before and/or after the matters set forth in the Complaint;
- (c) The matters set forth in the Complaint.

INTERROGATORY NO. 21: Identify by name, address, and telephone number all persons you or your attorneys intend to call as witnesses at the trial of this cause and state in detail the nature and substance of the proposed or expected testimony of each such witness.

INTERROGATORY NO. 22: With respect to each expert witness who you may call as a witness at trial, and with respect to each expert used by you or your attorneys for consultation whose work-product forms a basis either in whole or part of the opinions of an expert who may be called at trial, please state:

- (a) The witness' identity, giving the name, address, and profession or occupation;
- (b) The date the witness was first contacted;
- (c) The subject matter or area on which the witness is expected to testify;
- (d) The substance of the specific facts and opinions to which the witness is expected to testify; and

- (e) A summary of the specific grounds for each opinion.

REQUEST FOR PRODUCTION NO. 34: With respect to each and every expert witness who you may call as a witness at trial, and with respect to each and every expert used by you or your attorneys for consultation whose work-product forms a basis either in whole or part of the opinions of an expert who may be called at trial, produce the following:

- (a) A current copy of witness' *curriculum vitae*;
- (b) A copy of the specific passages or sections, with a citation to the source, of all books, texts, treatises, articles, statutes, rules, regulations, guidelines, or any other material which has been or may be referred to or relied upon by the witness with regard to the witness' opinions in this case;
- (c) A copy of the product of all computer, analytical, spreadsheet, or statistical programs or any other computer-based tool utilized by the witness in any manner with regard to the witness' opinions in this case;
- (d) A copy of all documents that the witness has read or reviewed in reference to this case;
- (e) A copy of all reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings, computer files, e-mails, or other tangible items of any kind that the witness has sent to you, your attorneys, or any representative of you or your attorneys;

- (f) A copy of all reports, correspondence, notes, documents, writings, diagrams, charts, records, photographs, video or audio recordings, computer files, e-mails, or other tangible items of any kind sent to the witness by you, your attorneys, or any representative of you or your attorneys;
- (g) A copy of all bills or invoices the witness has sent or prepared for compensation for the witness' time spent in connection with this case or, if no bills or invoices have been sent, a copy of all records reflecting the time spent in connection with this case;
- (h) A list of all cases in which the witness has acted as an expert witness within the past ten years and a copy of all testimony given in such cases.
- (i) A copy of all articles written by the witness that are relevant or related to the issues in this case.

INTERROGATORY NO. 23: State whether you intend to waive any rights you may have under *Ark. Code Ann. § 16-114-207 (3)* and personally or through your employees or agents offer expert testimony in the trial of this case? If your answer is in the affirmative, identify each such witness and state the subject matter on which the witness is expected to testify, the substance of the specific facts and opinions to which the witness is expected to testify, a summary of the specific grounds for each opinion, and respond to immediately preceding Request for Production related to expert witnesses for each such witness.

INTERROGATORY NO. 24: If you contend that Jimmy Vanlandingham or Jimmy Vanlandingham's family/representatives made any statements or admissions which have any relevance to the matters set forth in the Complaint or your Answer to the Complaint, state:

- (a) The name, address, and telephone of the person who made each such statement or admission;
- (b) The date and approximate time of day of each such statement or admission;
- (c) Insofar as possible, a precise quote of each such statement or admission;
- (d) The name, address, and telephone number of all persons who have knowledge of each such statement or admission.

INTERROGATORY NO. 25: Did you or any agent or employee of yours ever take or receive any statement, either orally or in writing, from any person, including the parties, who had information or knowledge related to the matters set forth in the Complaint? If your answer is in the affirmative, please state as to each such person:

- (a) The name, address, and telephone number;
- (b) The date of the statement;
- (c) The substance, as best you can give it, of any statement;
- (d) If such statement was in writing, attach a copy to your answers.

INTERROGATORY NO. 26: If any investigation into the causes or circumstances of the care set forth in the Complaint has been performed by

you or at your direction, identify the date of the investigation, the nature of the investigation, the findings of the investigation, all witnesses (by name, residence address, and telephone number), the nature and substance of any witness statements, and all documents (including, without limitation, emails and electronically stored information) in your possession, custody, or control related to the investigation.

REQUEST FOR PRODUCTION NO. 35: Produce copies of all investigative reports or results of investigations regarding the matters set forth in the Complaint.

INTERROGATORY NO. 27: State whether Arkansas Health Center, its medical staff, or any officer, committee, or agency of yours or any public body or other person(s) held any hearings covering the care and treatment of Jimmy Vanlandingham. If your answer is in the affirmative, please state:

- (a) The name and nature of the person, persons, or committee which held such hearings;
- (b) The date and time of each such hearing;
- (c) The name and addresses, professions, or professional relationship to you of all persons present at each such hearing;
- (d) The nature and purpose of each such hearing;
- (e) Whether the hearing was recorded; and
- (f) The name and address of each person who has any records concerning each such hearing.

REQUEST FOR PRODUCTION NO. 36: Produce all documents, records, transcripts, recordings, or memoranda provided to any committee, peer review committee, medical organization committee, or similar group that reviewed the medical records of Jimmy Vanlandingham and any documents, letters, or memoranda between you and any such committee.

INTERROGATORY NO. 28: State the specific factual and legal basis for each affirmative defense set forth in your Answer to the Complaint.

INTERROGATORY NO. 29: For any document requested in these discovery requests that you do *not* produce due to a claim of privilege or other exemption from discovery, state following:

- (a) The name/title and nature of the document;
- (b) The Bates number of the document;
- (c) The date of the document's origination;
- (d) The name and title of the document's author(s) or sender(s);
- (e) The name and title of the document's recipient(s);
- (f) The name of each person other than clerical assistants participating in the preparation of the document;
- (g) The name and title of each person(s) to whom the contents of the document have heretofore been communicated by copy, exhibition, reading, or substantial summarization;
- (h) The subject matter of the document;
- (i) A statement of the specific basis on which privilege is claimed and whether the subject

matter or contents of the document is limited to legal advice or information provided for the purpose of securing legal advice; and

- (j) The name and title of the person(s) supplying the attorney signing these discovery responses with the information requested in the subparagraphs above.

INTERROGATORY NO. 30: State whether, prior to finalizing your responses to these discovery requests, you made a diligent search and inquiry for the information requested.

INTERROGATORY NO. 31: Identify each person and that person's official capacity that contributed in any way to the gathering of the information upon which your responses to these discovery requests are based and who is accepting responsibility for responding to these discovery requests on your behalf.

REQUEST FOR PRODUCTION NO. 37: Produce all documents and tangible items identified by you in connection with any response to these discovery requests or which you referred to, relied upon, consulted, or used in any manner in preparing, answering, or formulating any such discovery response.

INTERROGATORY NO. 32: During the residency of Jimmy Vanlandingham at Arkansas Health Center, describe in detail the services and resources available at Arkansas Health Center including, without limitation, the number of beds, services offered, latest technologies, number

of nurses and aides on staff, whether it is accredited by any accrediting organization, and its comparison to other similar facilities in similar localities.

REQUEST FOR PRODUCTION NO. 38: During the residency of Jimmy Vanlandingham at Arkansas Health Center and two years prior thereto, produce all results, reports, 2567L's, letters, and other documents related to any surveys (annual, complaint, or licensure) or inspections at Arkansas Health Center by the Arkansas Department of Human Services (ADHS), Arkansas Office of Long Term Care (OLTC), Arkansas Department of Health (ADH), Centers for Medicare & Medicaid Services (CMS), The Joint Commission (TJC, formally JCAHO), governmental agencies, licensing bodies, or law enforcement and any and all documents listing any deficiencies, violations, conclusions, penalties, actions, or recommended sanctions as well as all Informal Dispute Resolutions (IDRs) and appeals related thereto.

REQUEST FOR PRODUCTION NO. 39: During the residency of Jimmy Vanlandingham at Arkansas Health Center and two years prior thereto, produce all incident, occurrence, and accident reports at Arkansas Health Center that reference any of the types of injuries Jimmy Vanlandingham suffered as set forth in the Complaint including [REDACTED] [REDACTED] and any other maladies and indignities set forth in the Complaint.

REQUEST FOR PRODUCTION NO. 40: During the residency of Jimmy Vanlandingham at Arkansas Health Center, produce all applications with supporting documentation/schedules to a state or federal agency for

license to operate Arkansas Health Center and related annual disclosure statements.

REQUEST FOR PRODUCTION NO. 41: During the residency of Jimmy Vanlandingham at Arkansas Health Center and two years prior thereto, produce all promotional literature, websites, brochures, press releases, or advertisements that were used to advertise or to inform or educate the public, healthcare institutions, healthcare providers, or others about Arkansas Health Center and its services.

REQUEST FOR PRODUCTION NO. 42: Produce all documents (including, without limitation, emails and electronically stored information) generated relating to suspected abuse, neglect, or injury to Jimmy Vanlandingham (including, without limitation, all OLTC DMS-762, DMS 7734, and OLTC Incident and Accident (I & A) reports).

REQUEST FOR PRODUCTION NO. 43: Produce all documents required to be maintained by state or federal law that refer or relate to the care and treatment of Jimmy Vanlandingham.

INTERROGATORY NO. 33: State whether prior to filing your Answer to the Complaint you or your attorneys consulted with any medical care provider who would be qualified to testify as an expert in this suit. If your answer is in the affirmative, identify the expert by name, specialty, and qualifications and state the substance of the opinions to which the expert provided and provide a summary of the specific grounds for each opinion.

REQUEST FOR PRODUCTION NO. 44: During the residency of Jimmy Vanlandingham at Arkansas Health Center, produce a copy of the floor plan for Jimmy Vanlandingham’s unit(s) at Arkansas Health Center.

REQUEST FOR PRODUCTION NO. 45: Sign and return the Verification of Answers attached hereto and return with your answers.

Dated: January 6, 2025.

Respectfully submitted,



M. Darren O’Quinn, AR Bar No. 87-125
LAW OFFICES OF DARREN O’QUINN PLLC
Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, AR 72223
(501) 817-3124 telephone
(501) 817-3128 facsimile
Darren@DarrenOQuinn.com email

Attorneys for Claimant

CERTIFICATE OF SERVICE

I, M. Darren O’Quinn, state that on January 6, 2024, I have served the foregoing document on the following via electronic mail:

Vincent P. France
Vincent.P.France@dhs.arkansas.gov



M. Darren O'Quinn

VERIFICATION OF ANSWERS

(Signature of defendant responding to these discovery requests)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary

My commission expires: _____

[SEAL]

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

January 3, 2025

Mr. Michael O'Quinn
The Law Offices of Darren O'Quinn PLLC
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223

(via email)

RE: ***Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. Arkansas Department of Human Services***
Claim No. 250694

Dear Mr. O'Quinn,

Please be advised that the Arkansas Department of Human Services (the "Respondent") in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the "Claims Commission") in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Kathryn Irby

ES: msscott

cc: Vincent P. France, *counsel for Respondent* (via email)

From: [Kathryn Irby](#)
To: [Darren O'Quinn](#); [ASCC Pleadings](#)
Cc: [Vincent France](#); [Daiquiri Carter](#); [Melanie Beth](#)
Subject: RE: CORR: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694
Date: Monday, January 6, 2025 12:56:00 PM
Attachments: [image001.png](#)

Darren, thanks for this information. The Commission would like for the parties to conduct discovery prior to the scheduling of a hearing in this matter, and it looks like you're already starting that process.

I have put this claim into a discovery status in our database. When discovery is nearing completion, please reach out so we can add this claim to the hearing docket.

Kathryn Irby

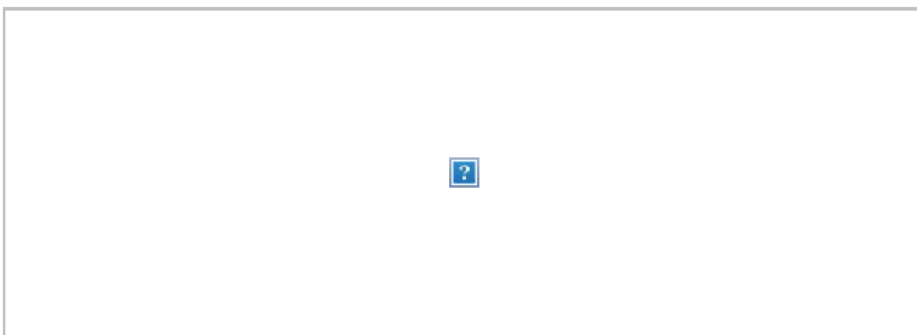
From: Darren O'Quinn <darren@darrenoquinn.com>
Sent: Monday, January 6, 2025 11:20 AM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Vincent France <Vincent.P.France@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Melanie Beth <melaniebeth@darrenoquinn.com>
Subject: Re: CORR: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694

Ms. Scott, I am attaching my hearing request and first discovery to DHS.

Please confirm receipt and let me know if you need anything further. Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com



This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Jan 3, 2025, at 1:27 PM, ASCC Pleadings
<ASCCPleadings@arkansas.gov> wrote:

Mr. O'Quinn and Mr. France:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

From: [Darren O'Quinn](#)
To: [Kathryn Irby](#)
Cc: [ASCC Pleadings](#); [Vincent France](#); [Daiquiri Carter](#); [Melanie Beth](#)
Subject: Re: CORR: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694
Date: Monday, January 6, 2025 1:04:22 PM

Kathryn, thank you and will do. Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
[36 Rahling Circle, Suite 4](#)
[Little Rock, Arkansas 72223](#)
P: [501-817-3124](#)/F: [501-817-3128](#)
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com

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On Jan 6, 2025, at 12:57 PM, Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

Darren, thanks for this information. The Commission would like for the parties to conduct discovery prior to the scheduling of a hearing in this matter, and it looks like you're already starting that process.

I have put this claim into a discovery status in our database. When discovery is nearing completion, please reach out so we can add this claim to the hearing docket.

Kathryn Irby

From: Darren O'Quinn <darren@darrenoquinn.com>
Sent: Monday, January 6, 2025 11:20 AM
To: [ASCC Pleadings](#) <ASCCPleadings@arkansas.gov>
Cc: Vincent France <Vincent.P.France@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Melanie Beth <melaniebeth@darrenoquinn.com>
Subject: Re: CORR: Jamey Vanlandingham, Special Administrator of the Estate of Jimmy Vanlandingham v. DHS, Claim No. 250694

Ms. Scott, I am attaching my hearing request and first discovery to DHS.

Please confirm receipt and let me know if you need anything further. Thanks,
Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com

<image001.png>

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On Jan 3, 2025, at 1:27 PM, ASCC Pleadings

<ASCCPleadings@arkansas.gov> wrote:

Mr. O'Quinn and Mr. France:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

From: [Vincent France](#)
To: [Kathryn Irby](#)
Cc: [Darren O'Quinn](#); [Melanie Beth](#); [Daiquiri Carter](#)
Subject: Estate of Vanlandingham v. DHS, CC 250694
Date: Tuesday, April 8, 2025 3:14:56 PM
Attachments: [SIGNED SETTLEMENT AGREEMENT.pdf](#)
[image001.png](#)
[image002.png](#)

Kathryn,

I am pleased to inform you and the Arkansas State Claims Commission that the Estate of Jimmy Vanlandingham and DHS have reached and executed a settlement agreement, which I have attached to this email. I appreciate the courtesy and professionalism of Mr. O'Quinn in his handling of this matter.

Here are the fund codes:

- Cost Center [REDACTED]
- Internal Order [REDACTED]
- Fund [REDACTED] and
- Fund Center [REDACTED]

If the Commission needs anything further, please let me know.

Sincerely,

Vincent P. France
Deputy Chief Counsel for Litigation
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
Office Phone: 501-534-4127
Vincent.P.France@dhs.arkansas.gov



□ □ □

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and delete the message and attachment(s) from your system.

IN THE ARKANSAS STATE CLAIMS COMMISSION

**JAMEY VANLANDINGHAM, SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JIMMY VANLANDINGHAM
CLAIMANT**

vs.

CC No. 250694

**ARKANSAS DEPARTMENT OF
HUMAN SERVICES
RESPONDENT**

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into voluntary between Jamey Vanlandingham as Special Administrator of the Estate of Jimmy Vanlandingham ("Claimant") and the Arkansas Department of Human Services (the "Department") as a full and fair settlement of the above-referenced matter pending before the Arkansas State Claims Commission and including any claims that could have been brought. The settlement agreement is as follows:

1. The State of Arkansas on behalf of the Department agrees to pay the sum of \$500,000.00 to Claimant as settlement in full satisfaction of any and all claims arising from the admission, stay, and treatment of Jimmy Vanlandingham while he was at the Arkansas Health Center [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. The State of Arkansas on behalf of the Department also agrees that it has no lien, right of recovery, or claim of any kind, character, nature, or description, either direct or consequential; at law or in equity, against the settlement proceeds as provided by *Ark. Code Ann. §§19-10-214 and 16-62-102 (e)*.

2. This proposed settlement is contingent upon approval of the Arkansas State Claims Commission, the appropriate legislative committee, and the Arkansas General Assembly and is fully supported by the Arkansas Governor's Office.

3. This Agreement will be presented by the parties for consideration by the Arkansas State Claims Commission and, if approved, referred for the legislative review process and funding of the above settlement agreement.

4. The Department and Claimant agree to work cooperatively and to use their best efforts to secure approval from the Legislative Council.

5. The parties understand and agree that such legislative approval is a condition precedent to the enforceability of this Agreement.

6. After this Agreement is presented by the parties and considered by the Arkansas State Claims Commission and, if approved, referred for the legislative review process, Claimant agrees to dismiss the pending claim before the Arkansas State Claims Commission with prejudice and this Agreement will serve as a release in full and be responsible for payment of any valid subrogation liens.

7. Each party shall be responsible for their own costs and attorney's fees.

8. This Agreement contains the entire agreement between the parties. Claimant and the Department have not relied upon any promise or statement, oral or written, that is not set forth in this Agreement.

9. Claimant and the Department acknowledge that each has read this Agreement, that each has had the opportunity to consult with legal counsel of their

choosing concerning the advisability, meaning and effect of this Agreement, and that each has signed this Agreement voluntarily and without duress.

10. The parties agree that this Agreement is a legally binding and enforceable contract, subject to approval by the above authorities of the State of Arkansas.

11. The persons signing this Agreement assert that they are authorized to do so by the party on whose behalf they purport to act.

12. This Agreement will become effective immediately upon approval by the Legislative Council.

[Signatures on Page 3 of 3]

CLAIMANT

By: [Signature]

Title: Special Administrator of Estate

Date: 04-08-25

DEPARTMENT

By: [Signature]

Title: Secretary

Date: 4/8/2025

From: [Darren O'Quinn](#)
To: [Kathryn Irby](#)
Cc: [Vincent France](#); [Daiquiri Carter](#); [Melanie Beth](#)
Subject: Re: Estate of Vanlandingham v. DHS, CC 250694
Date: Tuesday, April 8, 2025 4:13:57 PM
Attachments: [PastedGraphic-2.png](#)

Kathryn, thank you for this information and help in expediting getting this to the legislative level for final review and approval. Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com

PastedGraphic-2.png



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On Apr 8, 2025, at 3:30 PM, Kathryn Irby <Kathryn.Irby@arkansas.gov> wrote:

Darren, this award amount, if approved by the Legislature, will not be paid out

until around June 2026. The appropriation bill for the 2025 session is already working its way through the Legislature, and there is only one appropriation bill per year.

That said, the settlement agreement will be submitted to the Commission in May with a proposed order. If approved by the Commission, the claim will be transmitted to the Legislature by mid-June. I expect that the Claims Review Subcommittee will meet at least twice before the end of the year.

Kathryn

From: Darren O'Quinn <darren@darrenoquinn.com>
Sent: Tuesday, April 8, 2025 3:19 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Vincent France <Vincent.P.France@dhs.arkansas.gov>; Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Melanie Beth <melaniebeth@darrenoquinn.com>
Subject: Re: Estate of Vanlandingham v. DHS, CC 250694

Kathryn, the below is confirmed and I appreciate Mr. France's professionalism in bringing this claim to a timely and efficient conclusion , as well.

What is the quickest route to getting this in front of the legislature for approval? Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
[36 Rahling Circle, Suite 4](#)
[Little Rock, Arkansas 72223](#)
P: [501-817-3124](tel:501-817-3124)/F: [501-817-3128](tel:501-817-3128)
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com

This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Apr 8, 2025, at 3:15 PM, Vincent France
<Vincent.P.France@dhs.arkansas.gov> wrote:

Kathryn,

I am pleased to inform you and the Arkansas State Claims Commission that the Estate of Jimmy Vanlandingham and DHS have reached and executed a settlement agreement, which I have attached to this email. I appreciate the courtesy and professionalism of Mr. O'Quinn in his handling of this matter.

Here are the fund codes:

1. Cost Center [REDACTED]
2. Internal Order [REDACTED]
3. Fund [REDACTED] and
4. Fund Center [REDACTED]

If the Commission needs anything further, please let me know.

Sincerely,

Vincent P. France
Deputy Chief Counsel for Litigation
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
Office Phone: 501-534-4127
Vincent.P.France@dhs.arkansas.gov

<image001.png>

<image002.png>

□□□

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reading, copying or distribution this transmission is **STRICTLY PROHIBITED**. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return and delete the message and attachment(s) from your system.

<SIGNED SETTLEMENT AGREEMENT.pdf>

From: [Darren O'Quinn](#)
To: [Kathryn Irby](#)
Cc: [Vincent France](#); [Daiquiri Carter](#); [Melanie Beth](#)
Subject: Re: Estate of Vanlandingham v. DHS, CC 250694
Date: Monday, April 14, 2025 3:40:44 PM
Attachments: [PastedGraphic-2.png](#)
[250414 Order Approving \(ENTERED\).pdf](#)

Kathryn and Vincent, the first entered order was for another case (doing too many cases today).

Here is the one for the Vandlangham case:

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com



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On Apr 14, 2025, at 3:29 PM, Darren O'Quinn <darren@darrenoquinn.com> wrote:

Kathryn and Vincent, I am attaching the file-marked *Order Approving Petition for Approval of Settlement and Order of Distribution* that has now been entered by the Court.

Let me know if you need anything else from me. Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, Arkansas 72223
P: 501-817-3124/F: 501-817-3128
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com

<PastedGraphic-2.png>

This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Apr 11, 2025, at 5:06 PM, Darren O'Quinn
<darren@darrenoquinn.com> wrote:

Kathryn and Vincent, attached is the probate order approving the settlement from its end of the equation (just received from the case coordinator and do t have a file-marked copy yet).

Let me know if you need anything further.

Have a nice weekend. Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
[36 Rahling Circle, Suite 4](#)
[Little Rock, Arkansas 72223](#)
P: [501-817-3124](tel:501-817-3124)/F: [501-817-3128](tel:501-817-3128)
Darren@DarrenOQuinn.com
www.DarrenOQuinn.com

This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Apr 8, 2025, at 3:30 PM, Kathryn Irby

<Kathryn.Irby@arkansas.gov> wrote:

Darren, this award amount, if approved by the Legislature, will not be paid out until around June 2026. The appropriation bill for the 2025 session is already working its way through the Legislature, and there is only one appropriation bill per year.

That said, the settlement agreement will be submitted to the Commission in May with a proposed order. If approved by the Commission, the claim will be transmitted to the Legislature by mid-June. I expect that the Claims Review Subcommittee will meet at least twice before the end of the year.

Kathryn

From: Darren O'Quinn <darren@darrenoquinn.com>
Sent: Tuesday, April 8, 2025 3:19 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Vincent France <Vincent.P.France@dhs.arkansas.gov>;
Daiquiri Carter <Daiquiri.Carter@dhs.arkansas.gov>; Melanie
Beth <melaniebeth@darrenoquinn.com>
Subject: Re: Estate of Vanlandingham v. DHS, CC 250694

Kathryn, the below is confirmed and I appreciate Mr. France's professionalism in bringing this claim to a timely and efficient conclusion , as well.

What is the quickest route to getting this in front of the legislature for approval? Thanks, Darren.

M. Darren O'Quinn
Pharmacist/Attorney

Suri Professional Building
[36 Rahling Circle, Suite 4](#)
[Little Rock, Arkansas 72223](#)
P: [501-817-3124](tel:501-817-3124)/F: [501-817-3128](tel:501-817-3128)

Darren@DarrenOQuinn.com

www.DarrenOQuinn.com

This e-mail is confidential. If you received it in error, please notify the sender and destroy the original message.

On Apr 8, 2025, at 3:15 PM, Vincent

France

<Vincent.P.France@dhs.arkansas.gov>

wrote:

Kathryn,

I am pleased to inform you and the Arkansas State Claims Commission that the Estate of Jimmy Vanlandingham and DHS have reached and executed a settlement agreement, which I have attached to this email. I appreciate the courtesy and professionalism of Mr. O'Quinn in his handling of this matter.

Here are the fund codes:

1. Cost Center [REDACTED]
2. Internal Order [REDACTED]
3. Fund [REDACTED] and
4. Fund Center [REDACTED]

If the Commission needs anything further, please let me know.

Sincerely,

Vincent P. France

Deputy Chief Counsel for Litigation

Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
Office Phone: 501-534-4127
Vincent.P.France@dhs.arkansas.gov

<image001.png>

<image002.png>

□□□

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<SIGNED SETTLEMENT AGREEMENT.pdf>

<250408 Order Approving Petition for Approval of Settlement and Order of Distribution (SIGNED).pdf>

<250414 Order Approving Settlement.pdf>

<p>ELECTRONICALLY FILED Woodruff County Circuit Court - Probate Division Jackie S. Meredith, County Clerk 2025-Apr-11 16:45:20 74PR-24-20 C01D01 : 3 Pages</p>
--

IN THE CIRCUIT COURT OF WOODRUFF COUNTY, ARKANSAS
1st DIVISION

In the Matter of the
ESTATE OF JIMMY DALE VANLANDINGHAM,
Deceased

No. 74PR-24-20

ORDER APPROVING PETITION FOR APPROVAL OF SETTLEMENT
AND ORDER OF DISTRIBUTION

On this date petitioner's *Petition for Approval of Settlement and Order of Distribution* came on to be heard. Based on the pleadings and other matters of proof before the Court, it is hereby found and ordered as follows:

1. Petitioner was appointed Special Administrator of the Estate by the Court on July 11, 2024
2. Petitioner filed a claim against Arkansas Health Center, a DHS facility, with the Arkansas State Claims Commission, Claim No. 250694, alleging, *inter alia*, that the deceased, Jimmy Dale Vanlandingham, suffered personal injuries and a wrongful death as the result of negligence by them. This claim was contested including liability and damages.
3. The state of Arkansas, on behalf of the Arkansas Health Center, has offered by way of compromise to pay the estate a settlement in full

and complete settlement of their potential liability in this case. Petitioner desires confidentiality of the amount of the settlement for personal reasons and privacy concerns.

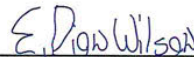
4. Petitioner believes, and the Court finds, the settlement of the claims against the state of Arkansas, on behalf of the Arkansas Health Center, to be in the best interests of the estate and its beneficiaries and, therefore, moves the Court to approve and authorize, and the Court does hereby approve and authorize, the settlement and allow the petitioner to execute all documents necessary to effectuate a full and final release and dismissal of all claims against potential parties as provided by *Ark. Code Ann. § 28-49-104 (1987)*.

5. The Court has authorized, and the petitioner has retained, The Law Offices of Darren O'Quinn, PLLC as attorneys to represent the decedent, her estate, and its wrongful death beneficiaries in the underlying wrongful death claim. Pursuant to the contract entered into by the petitioner and previously approved by the Court, petitioner states, and the Court orders, that the law firm should be paid forty (40%) percent of the gross settlement as attorney's fees along with litigation expenses advanced on behalf of the estate. Attorneys have provided petitioner with a settlement statement detailing the calculation of the attorney's fee and litigation expenses, which has been reviewed and approved by petitioner and is available for the Court to

inspect *in camera* due to its confidential nature and to protect the privacy interests of the parties. Petitioner understands that there may be liens claimed by Medicaid, Medicare, or others against the settlement proceeds and the process of identifying any potential liens is ongoing.

6. Petitioner requests, and the Court orders, that these attorney's fees and litigation expenses be approved for distribution and paid immediately. Petitioner further requests, and the Court orders, that the remaining balance of the settlement, after payment of these attorney's fees and litigation expenses and any valid liens, be distributed according to the Family Settlement Agreement (or, if a Family Settlement Agreement cannot be consummated, then upon further orders of this Court). Thereafter, and upon the filing of receipts, this estate should be closed and the Special Administrator discharged from all obligations herein.

IT IS SO ORDERED.



Honorable Elliot D. Wilson, Circuit Judge

Date: April 11, 2025

Prepared By:
M. Darren O'Quinn
THE LAW OFFICES OF DARREN O'QUINN PLLC
Suri Professional Building
36 Rahling Circle, Suite 4
Little Rock, AR 72223
Telephone: (501) 817-3124
Facsimile: (501) 817-3128
Email: Darren@DarrenOQuinn.com

From: [Kathryn Irby](#)
To: [Darren O'Quinn](#)
Cc: [Vincent France](#); [Daiquiri Carter](#); [Melanie Beth](#)
Subject: RE: Estate of Vanlandingham v. DHS, CC 250694
Date: Friday, April 25, 2025 11:29:00 AM
Attachments: [image001.png](#)

Assuming the Commission approves the settlement in May, the claim will be sent to the Leg in June or July with the expectation that it will be heard by the Claims Review Subcommittee in fall/winter 2025 (in advance of the 2026 fiscal session).

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Kathryn, thank you very much.

Assuming the Commission approves the settlement, what is the timeline for getting it to the Legislature (next special or fiscal session)?

Thanks, Darren.

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Here are the fund codes:

1. Cost Center [REDACTED]
2. Internal Order
[REDACTED]
3. Fund [REDACTED] and
4. Fund Center [REDACTED]

If the Commission needs anything further, please let me know.

Sincerely,

Vincent P. France
Deputy Chief Counsel for
Litigation
Office of Chief Counsel
PO Box 1437, Slot S260
Little Rock, AR 72203-1437
Office Phone: 501-534-4127
Vincent.P.France@dhs.arkansas.gov

<image001.png>

<image002.png>

□□□

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<SIGNED SETTLEMENT
AGREEMENT.pdf>

<250408 Order Approving Petition for Approval of
Settlement and Order of Distribution (SIGNED).pdf>

<250414 Order Approving Settlement.pdf>

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

**JAMEY VANLANDINGHAM,
SPECIAL ADMINISTRATRIX OF
THE ESTATE OF JIMMY
VANLANDINGHAM**

CLAIMANT

V.

CLAIM NO. 250694

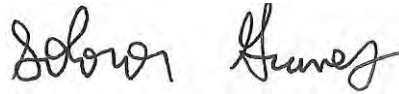
**ARKANSAS DEPARTMENT OF
HUMAN SERVICES**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the Settlement Agreement (the “Agreement”) signed by Jamey Vanlandingham, Special Administratrix of the Estate of Jimmy Vanlandingham (the “Claimant”) and the Secretary of the Arkansas Department of Human Services. Based upon a review of the claim file and the Agreement, the Commission hereby APPROVES the Agreement and REFERS the total award of \$500,000.00 to the General Assembly for review and placement on an appropriations bill pursuant to Ark. Code Ann. § 19-10-215(b).

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, chair

DATE: May 2, 2025

Notice(s) which may apply to your claim

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

From: [Kathryn Irby](#)
To: [Darren O'Quinn](#)
Cc: [Vincent France](#); [Daiquiri Carter](#); [Melanie Beth](#)
Subject: ORDER: Estate of Vanlandingham v. DHS, Claim No. 250694
Date: Tuesday, May 6, 2025 12:19:00 PM
Attachments: [C6--Vanlandingham v. DHS, 250694.pdf](#)
[image001.png](#)

Darren and Vincent, please see attached order. I am in the process of transmitting this claim to the Bureau of Legislative Research, and I will copy both of you on my email to Lacey Johnson at BLR when I send it.

Thanks,
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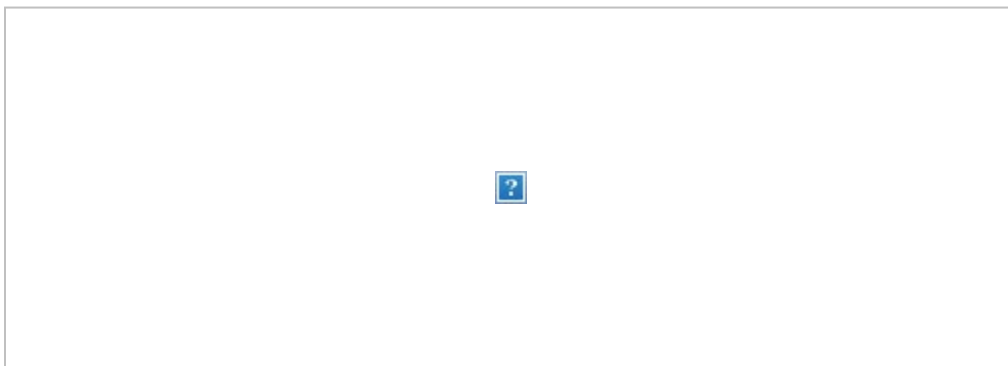
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