

APR 25 2013

J1

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

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BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- Mr. Mrs. Ms. Miss

JEANIE RICHEY

Claimant

vs.

State of Arkansas, Respondent Highway Dept.

Do Not Write in These Spaces Claim No. 13-0746-CC Date Filed April 25, 2013 Amount of Claims 300,000.00 Fund AHTD LOSS OF Property

Loss of Wages, Refund of Exp. Personal Injury, Pain & Suffering Mental Anguish, Negligence, Failure to Follow Procedure

COMPLAINT

Jeanie Richey the above named Claimant, of 158 Lawrence 305, Smithville

AR 72466 County of Lawrence represented by Troy Henry 630 S. Main Street, Jonesboro, AR 72401 870-932-4522 870-932-4529

State agency involved: ARKANSAS HIGHWAY and TRANS. DEPT. Amount sought: \$300,000. Month, day, year and place of incident or service: August 23, 2012, State Highway 361, 6.3 mi south of Lynn, AR

Explanation: (SEE ATTACHED)

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? No; when? ; to whom? ; and that the following action was taken thereon: (Department) and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim? No; if so, state name and address and that the signature thereof is as follows: ; and was acquired on ; in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true. JEANIE RICHEY (Print Claimant/Representative Name) x Jeanie Richey (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Jonesboro, AR

(SEAL) TROY HENRY NOTARY PUBLIC-STATE OF ARKANSAS CRAIGHEAD COUNTY My Commission Expires: 10-16-2020 on this 18 day of April 2013 Troy Henry (Notary Public)

BF1- R799

My Commission Expires: (Month) (Day) (Year)

ARKANSAS STATE CLAIMS COMMISSION
MOTOR VEHICLE ACCIDENT REPORT FORM

SECTION I
CLAIMANT JEANIE RICHEY ADDRESS 158 Lawrence 305
CITY & STATE Smithville, AR ZIP CODE 72466
DATE OF ACCIDENT: August 23, 2013 TIME: 10:00 a.m.
MOTOR VEHICLE DAMAGED: TYPE Chevrolet MAKE Cavalier YEAR 2002
DRIVEN BY: Jeanie Richey ADDRESS 158 Lawrence 305

Give a brief description of accident, showing how accident happened, exact loss and extent of damage to car.

Car started sliding when I hit loose gravel at end of a curved bridge, went down embankment and overturned. Car was totaled.

SECTION II
Has this vehicle been repaired? Yes () No (X) If repairs have been made, give the following information: Amount \$ _____ Have you paid for the repairs? Yes () No (X) NOTE: Attach a copy of repair bill.

If repairs have not been made, list three estimates below and attach copies of each of them.

NAME	ADDRESS	AMOUNT
1. _____	_____	\$ _____
2. _____	_____	_____
3. _____	_____	_____

ARKANSAS STATE
CLAIMS COMMISSION

APR 25 2013

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SECTION III
Was vehicle covered by insurance? Yes (X) No () Liability Only ()
Comprehensive: Yes () No () What is your deductible? \$ 500.00
Collision: Yes (X) No () What is your deductible? \$ _____

NAME OF INSURANCE CARRIER ADDRESS
Southern Farm Bureau Ins. Co., P.O. Box 189, Walnut Ridge, AR 72476

SECTION IV
Type of State Vehicle Involved Not applicable License No. _____
Driver _____ Property of which State Agency _____
If accident was investigated by the State Police, give name of investigating officer: Corporal Phillip Roark, Newport, AR If investigation was made by some other agency, give name and title of officer making the investigation: _____

SECTION V
The undersigned states on oath that he/she is familiar with the matters and things set forth in the above statement, and that he/she verily believes that they are true.

Jeanie Richey
Signature of Claimant

TROY HENRY
NOTARY PUBLIC STATE OF ARKANSAS
CRAIGHEAD COUNTY
My Commission Expires 10-18-2020

Sworn to and subscribed before me at Jonesboro, AR
on this 18 day of April 2013 City, State
day month year

Troy Henry
Notary Public

My Commission Expires _____

**ARKANSAS STATE CLAIMS COMMISSION
NON VEHICLE PROPERTY DAMAGE/PERSONAL INJURY INCIDENT REPORT FORM**

SECTION I
CLAIMANT JEANIE RICHEY **ADDRESS** 158 Lawrence 305
CITY & STATE Smithville, AR **ZIP CODE** 72466

DATE OF INCIDENT: August 23, 2013 **TIME** 10:00 a.m.

Give a brief description of incident, showing how incident happened, exact loss and extent of damage to property and/or injury to person:
Car started slidding when I hit loose gravel at end of curved bridge, went down embankment and overturned. Car was totaled.

(If personal injury claim only, move on to Section IV)

SECTION II
 Has this property been repaired? Yes () No (X) If repairs have been made, give the following information: Amount: \$ _____ Have you paid for the repairs? Yes () No (X)

NOTE: Attach a copy of repair bill.

If repairs have not been made, list three estimates below and attach copies of each of them.

NAME	ADDRESS	AMOUNT
1. _____	_____	\$ _____
2. _____	_____	\$ _____
3. _____	_____	\$ _____

**ARKANSAS STATE
CLAIMS COMMISSION**

SECTION III
 Was property covered by insurance? Yes (X) No ()
 If yes, what is the deductible? \$ 500.00

APR 25 2013

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NAME OF INSURANCE CARRIER Southern Farm Bureau Ins. Co. **ADDRESS** _____

SECTION IV
 Is injured covered by medical insurance? Yes (X) No () If yes, is medical insurance: \$5,000.00 medical coverage on her auto policy.
 If yes, what is the deductible? \$ 0.00
 A. Job-Based Yes () No (X)
 B. Uninsured Motorist Yes () No (X)
 C. Private Pay Yes (X) No ()

NAME OF INSURANCE CARRIER Southern Farm Bureau Ins. Co. **ADDRESS** P.O. Box 189, Walnut Ridge, AR 72476

SECTION V
 If incident was investigated by the police or by some other agency, give name and title of officer/person making the investigation: State Policeman, Corporal Phillip Roark, Newport, AR

SECTION VI
 The undersigned states on oath that he/she is familiar with the matters and things set forth in the above statement, and that he/she verily believes that they are true.

x Jeanie Richey
 Signature of Claimant

Sworn to and subscribed before me at Jonesboro, AR
 City & State

on this 18 day of April, 2013.
 day month year

TROY HENRY
 NOTARY PUBLIC-STATE OF ARKANSAS
 GARLAND COUNTY
 My Commission Expires: 10-19-2020

Troy Henry
 Signature of Notary Public

My Commission Expires _____

Explanation:

I was driving my 2002 Chevrolet Cavalier going south on State Hwy. 361 and while proceeding on a curved bridge I drove into loose gravel that had been placed on the highway by the Arkansas Highway and Transportation Department (AHTD). Before I could attempt to slow down my car began skidding, which it did some 230 feet, then left the roadway on the northbound side going down a steep embankment then the car overturned landing on its wheels in a soybean field. When I came to I was several feet away but I could hear the motor was still running.

Arkansas State Police investigation revealed that a warning sign of "LOOSE GRAVEL, 15 MPH" was not placed in advance of the loose gravel so a motorist would have adequate time to slow down. The warning sign was placed after a motorist was already on the loose gravel in violation of the requirements of the Manual of Uniform Traffic Control Devices adopted by the Arkansas State Highway Commission. See photo attached as Exhibit 1.

I was airlifted to The Med in Memphis and found to have fractures of the C7 and T1 transverse process, interspinous ligamentous strain injury of C4-C6 and paraspinal musculature edema from C4-T2, a paracentral disc bulge at C2-3 with deformity of the thecal sac, an acromioclavicular separation of the left shoulder and a prominent knot of the left shoulder.

I missed work for 3 weeks and 2 days losing \$850 in wages and have presently incurred \$154,782.72 in medical expenses.

I am claiming \$300,000 as the result of the employees of the Arkansas Highway and Transportation Department not properly placing the warning sign so I could have slowed before hitting the loose gravel they had placed on State Highway 361.

I have received \$5,000 in med pay benefits and \$336 in wage loss benefits from my insurance company, Farm Bureau. This exhausts all my insurance benefits.

MAY 07 2013

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

JEANIE RICHEY

CLAIMANT

V.

CLAIM NO. 13-0746-CC

ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT

RESPONDENT

ANSWER

COMES THE RESPONDENT and for its Answer to the Complaint herein states:

1. The Respondent denies all allegations of the Complaint not admitted herein.
2. The Claimant's damage, if any, was not caused by negligence of the Arkansas State Highway and Transportation Department or its employees.
3. Affirmatively pleading, the Respondent states that any injuries or damages sustained by the Claimant were proximately caused by Claimant's own contributory fault or negligence, which fault or negligence should bar or mitigate the Claimant's recovery in this case.
4. Respondent reserves the right to amend its answer and to add additional affirmative defenses if the facts disclose viable defenses as discovery progresses in this matter.

WHEREFORE, the Respondent PRAYS for dismissal of the Complaint, for cost, and all proper relief.

**ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT**

By: David Dawson

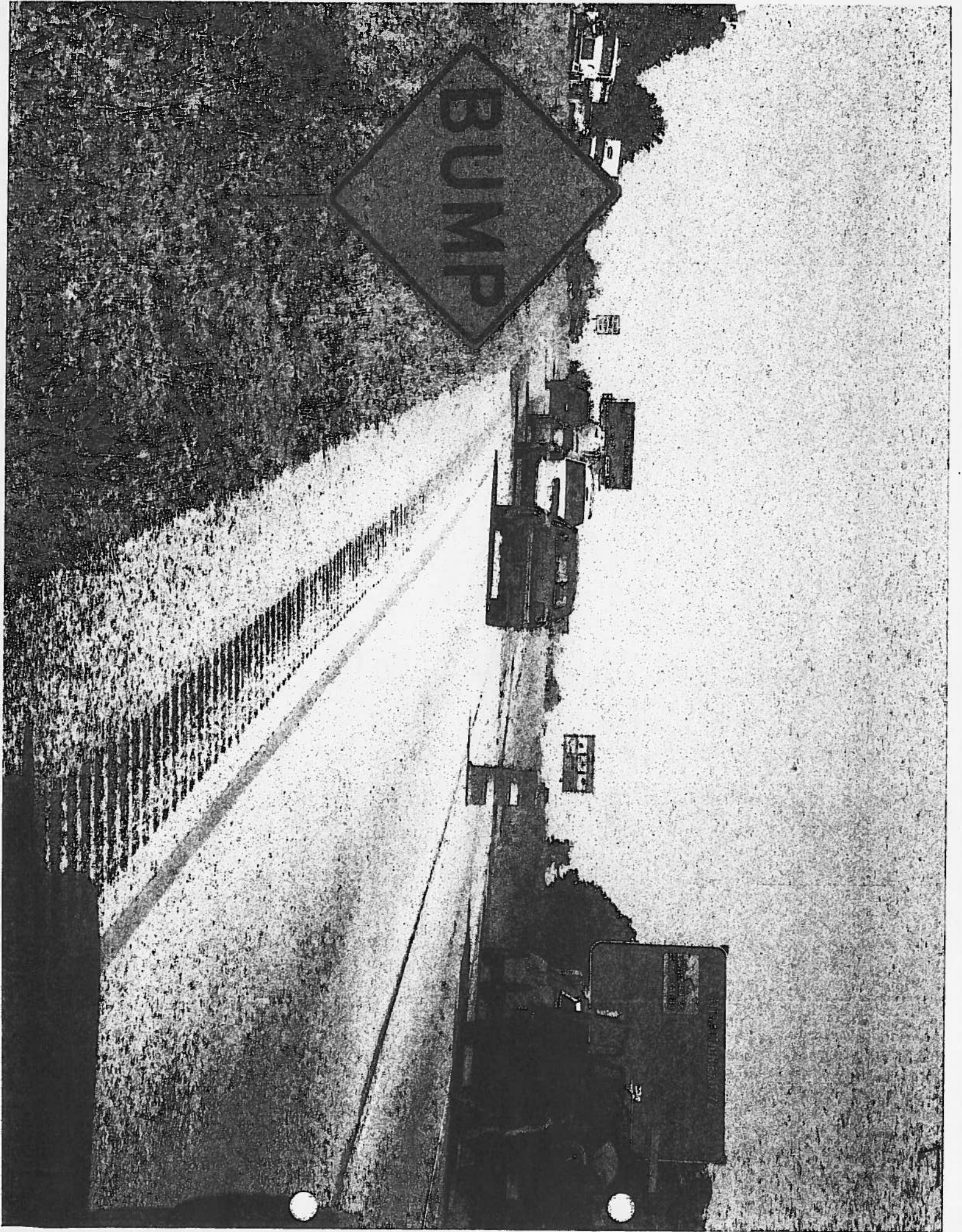
David Dawson
Staff Attorney
AHTD, Legal Division
Arkansas Bar No. 93087
P. O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2277

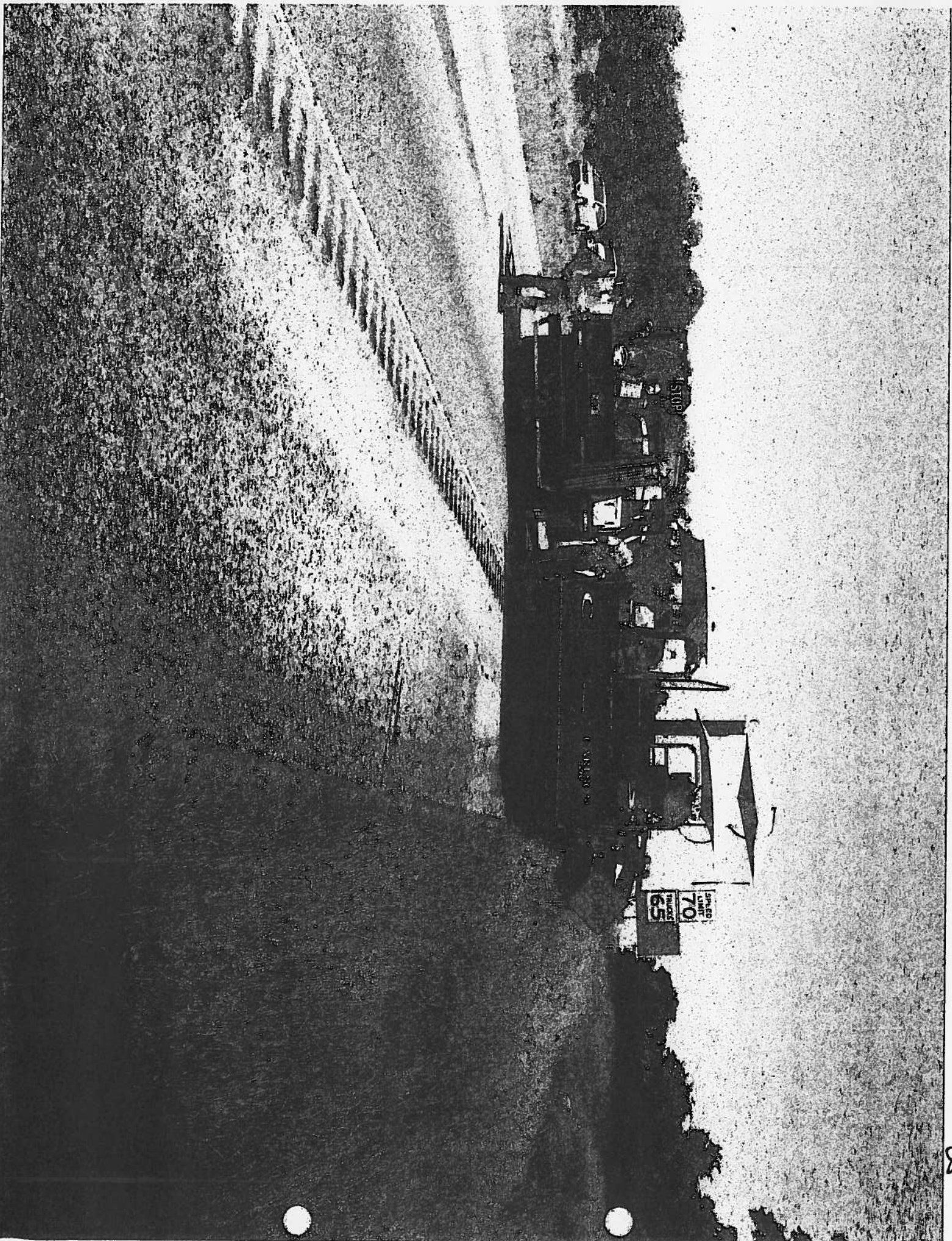
CERTIFICATE OF SERVICE

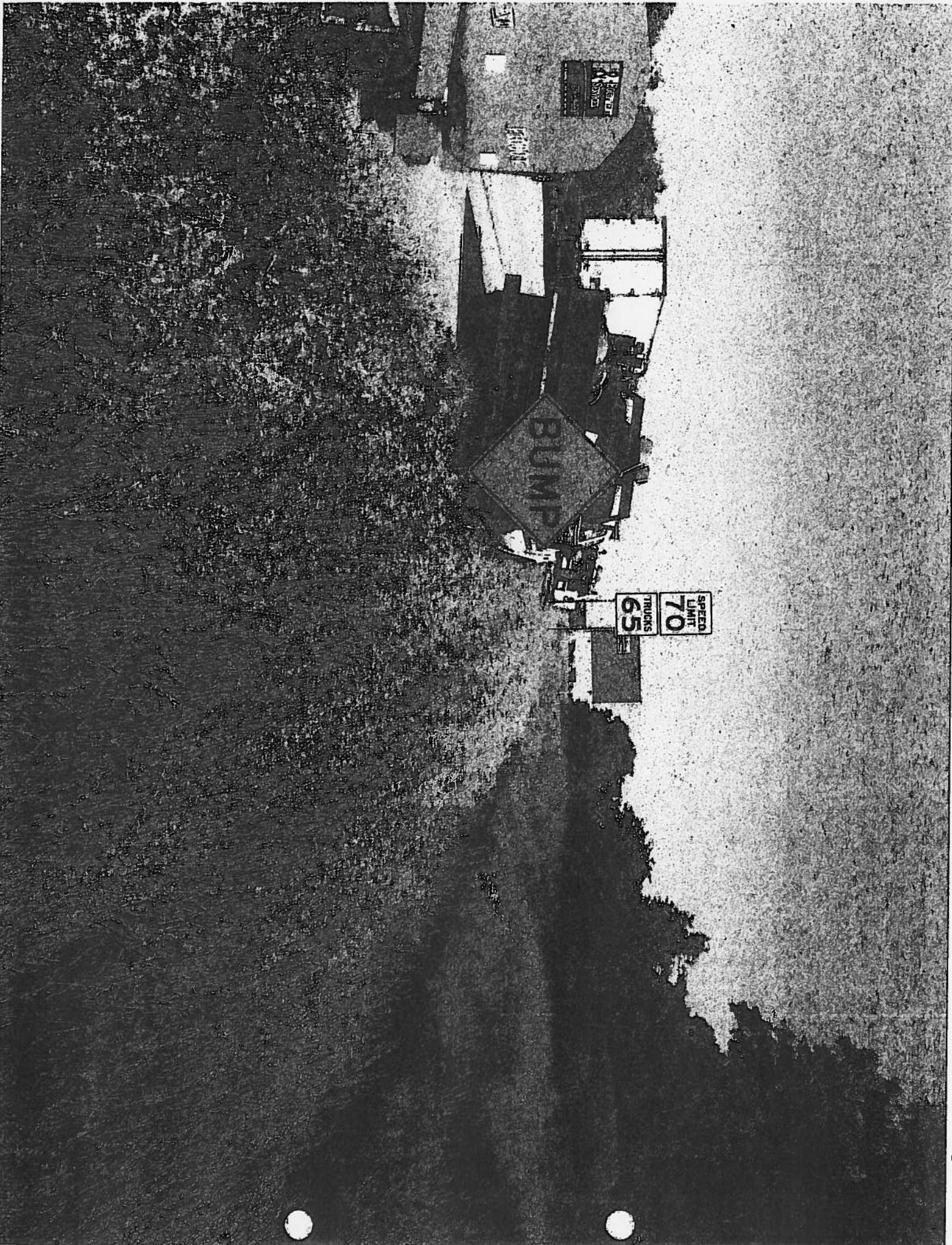
I, David Dawson, certify that I have served the foregoing Answer upon the
Claimant by mailing a true electronic copy of same this 6 of May, 2013, to:

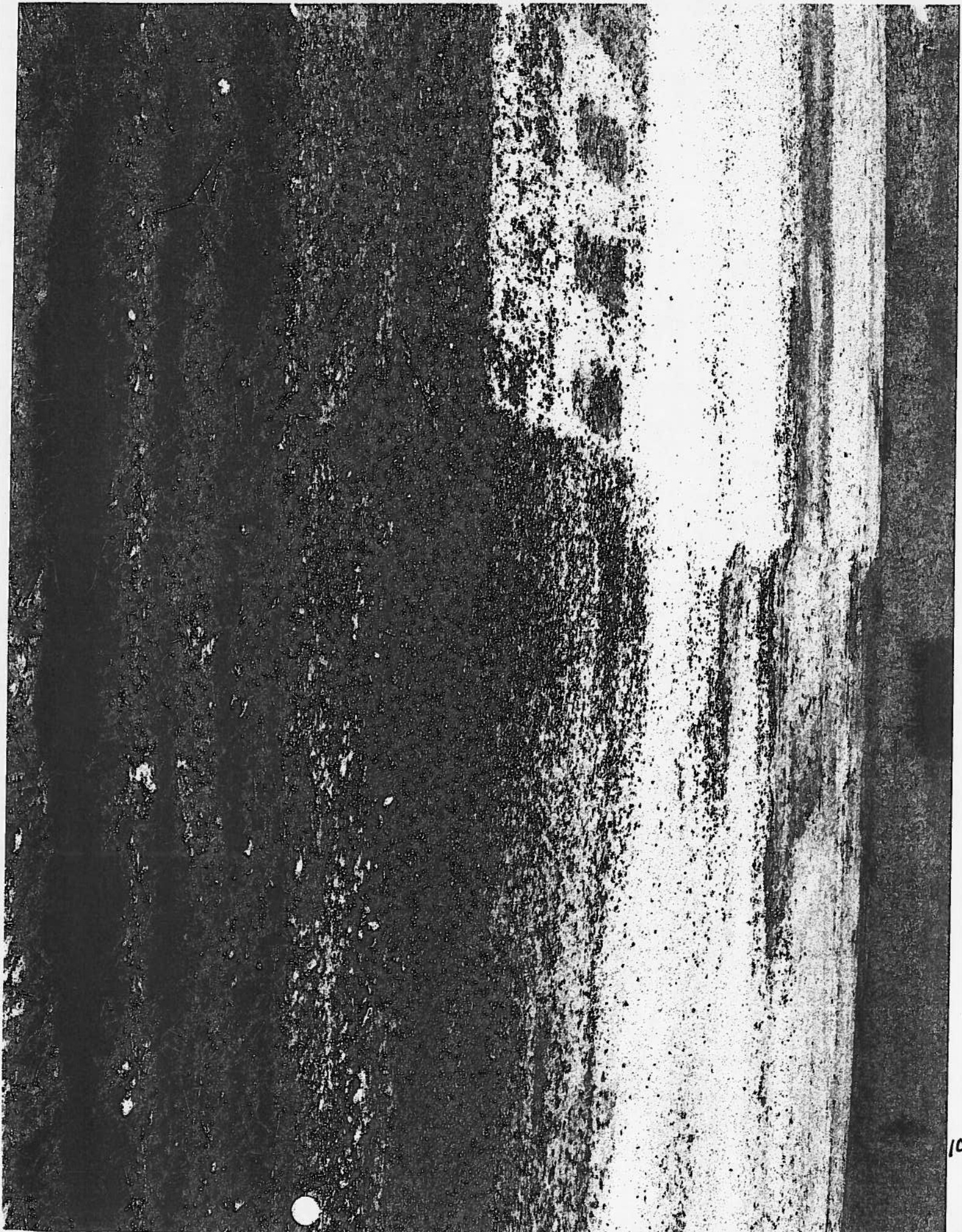
Troy Henry
Attorney at Law
630 S. Street
Jonesboro, AR 72401

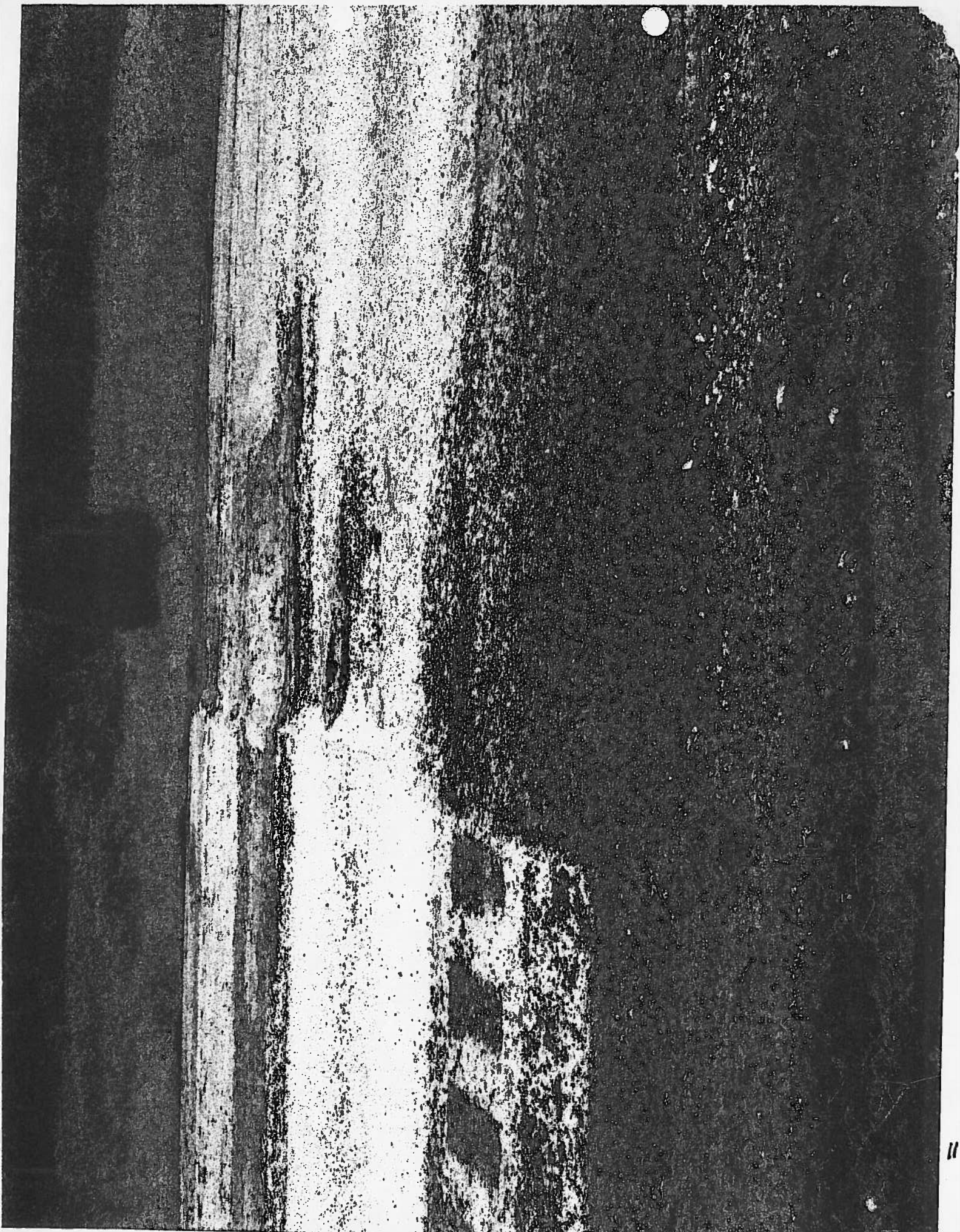
David Dawson
David Dawson

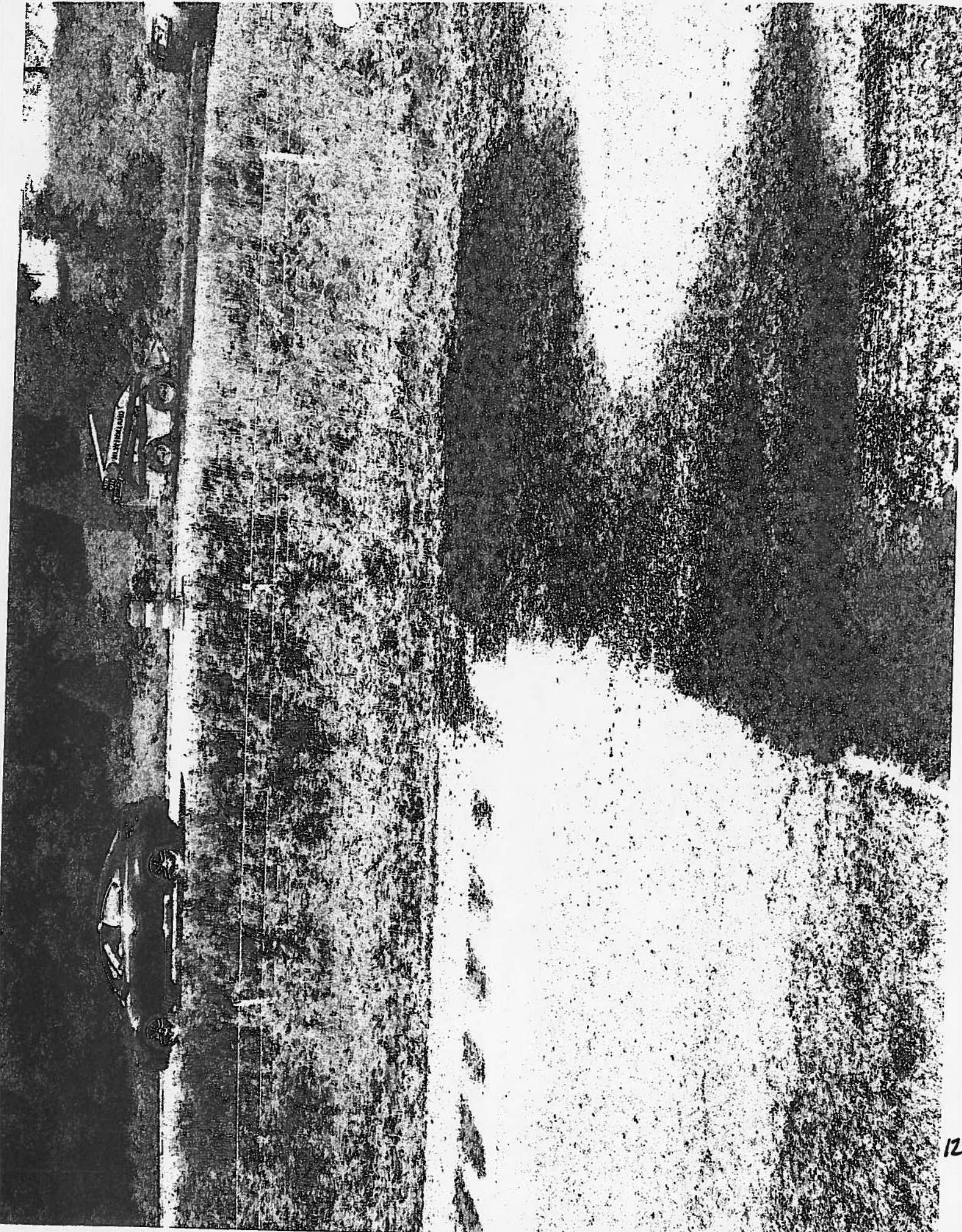














Add a Location

- Weather
- Lifestyle
- Social
- Maps
- Video
- News
- TV
- Search Zip, City or Place (Disney World)
- SEARCH
- Local
- National Forecast
- Severe Weather
- Alerts
- Tornado Central
- Safety & Preparedness
- Farming
- RSS
- Share
- Email
- Bookmark
- Print

Home Weather Monthly Weather for Springdale

- Right Now
- Today
- Hourly
- Tomorrow
- Weekend
- 5 day
- 10 day
- Monthly
- Map

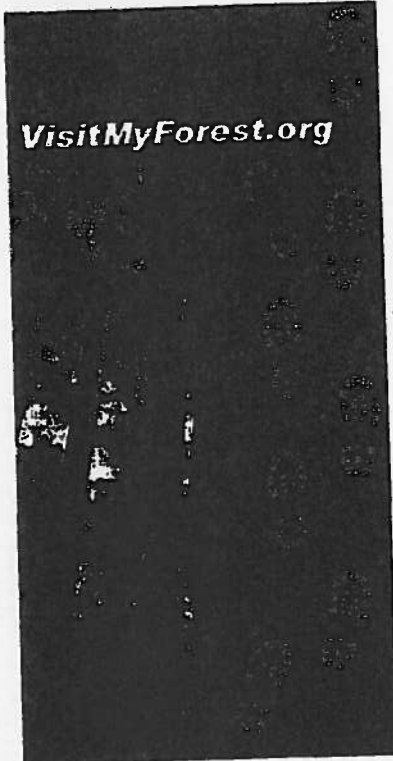
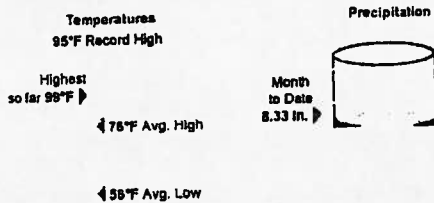
Monthly Planner for Springdale, AR
(English | Metric)

May			Next Month ▶			
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
			OBSERVED	OBSERVED	OBSERVED	OBSERVED
			Hi 82°F Lo 55°F	Hi 62°F Lo 34°F	Hi 47°F Lo 33°F	Hi 45°F Lo 35°F
			Precip (in) 0in.	Precip (in) 0.89in.	Precip (in) 0.12in.	Precip (in) 0.09in.
5	6	7	8	9	10	11
OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED
Hi 59°F Lo 37°F	Hi 64°F Lo 45°F	Hi 76°F Lo 43°F	Hi 79°F Lo 53°F	Hi 76°F Lo 55°F	Hi 70°F Lo 55°F	Hi 73°F Lo 49°F
Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0.13in.	Precip (in) 2.46in.	Precip (in) 0in.	Precip (in) 0.01in.
12	13	14	15	16	17	18
OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED
Hi 68°F Lo 42°F	Hi 80°F Lo 45°F	Hi 84°F Lo 61°F	Hi 77°F Lo 63°F	Hi 68°F Lo 51°F	Hi 81°F Lo 55°F	Hi 84°F Lo 63°F
Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0.47in.	Precip (in) 0.02in.	Precip (in) 0in.	Precip (in) 0in.
19	20	21	22	23	24	25
OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED
Hi 66°F Lo 72°F	Hi 75°F Lo 61°F	Hi 87°F Lo 67°F	Hi 75°F Lo 63°F	Hi 75°F Lo 64°F	Hi 79°F Lo 58°F	Hi 81°F Lo 60°F
Precip (in) 0in.	Precip (in) 0.76in.	Precip (in) 1.36in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.
26	27	28	29	30	31	
OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	OBSERVED	
Hi 89°F Lo 63°F	Hi 84°F Lo 66°F	Hi 83°F Lo 71°F	Hi 82°F Lo 65°F	Hi 75°F Lo 62°F	Hi 84°F Lo 62°F	
Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0in.	Precip (in) 0.32in.	Precip (in) 1.51in.	Precip (in) 0.39in.	

FORECAST: Updated Jun 24 07:05 a.m. CT

- Details
- Video
- Text
- Averages

Month-to-Date Totals



Today's Top Picks

- What Ticks Have to Do Lyme Disease
- Top 20 Ways to Stop Allergies
- 10 Worst Traffic Cities
- A Different Kind of Alaskan Cruise
- See Cape Cod from a New Perspective
- Check the Weather On Your Route
- How to Cook Your Catch
- Book Your Weekend Tee Time
- Bahamas Family Fun Before Back to School

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS**

JEANIE RICHEY

CLAIMANT

V.

CLAIM NO. 13-0746-CC

**ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT**

RESPONDENT

RESPONDENT'S PREHEARING STATEMENT

Facts

On Thursday, August 23, 2012, at approximately 9:57 a.m., Claimant was driving her 2002 Chevy Cavalier south on Highway 361 in Lawrence County. Claimant approached a long curving bridge where the highway makes a 45 degree turn to the west. On the previous day, beginning at the end of the bridge, near the end of the curve, the Respondent's crew had performed a chip/seal operation, leaving loose gravel on the roadway to cure and adhere to the base. The speed limit for this area of Highway 361 was 55 MPH. Before entering the right-hand curve, the Claimant passed an advisory speed sign for the curve which read "45 MPH." *See illustration A.*



Illustration A

Arkansas
State Claims Commission

OCT 03 2013

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There was a temporary sign located where the chip/seal started that stated "15 MPH - Loose Gravel." The purpose of this sign was to slow drivers so that they would not throw loose gravel into the windshields of oncoming traffic. As Claimant drove onto the chip/seal area, she lost control of her vehicle and skidded off of the highway and into an adjacent field, receiving injuries.

Claimant claims that her accident was caused by the Respondent's failure to provide loose gravel warning signs prior to the start of the loose gravel area. Respondent claims that the Claimant's own contributory negligence in driving too fast and under the possible influence of intoxicants exceeded any claimed negligence of the Respondent.

Respondent's argument

John Bentley, an Accident Reconstruction Expert, will testify on behalf of the Respondent that upon investigation, he determined:

- The driver of the Chevrolet Cavalier was traveling at a speed in excess of the 55 mph limit, and nearer to the speed of 63 to 64 mph.
 - At the speed of 63 to 64 mph the vehicle would exceed the lateral traction available on the chip seal surface. Traction test conducted on gravel indicates a traction value of approximately 0.48.
 - At the speed of 45 mph, the recommended curve speed, the vehicle would not exceed the lateral traction available.
 - The speed of 55 mph, the vehicle would not exceed the lateral traction available.
 - Had the driver of the Chevrolet Cavalier been traveling within the speed limit or the recommended curve speed, the accident could have been avoided.
- See Report of John Bentley attached hereto.*

Investigating Arkansas State Police Trooper Phillip O'Roark also verified in his deposition that the toxicology report for the Claimant, requested as part of his investigation, revealed the presence of Cannabinoids, or Marijuana, in Claimant's system at the time of the accident. *See Arkansas State Crime Laboratory Report of Laboratory Analysis attached hereto.*

Under Arkansas law it is not enough for Claimant to show some wrongdoing or negligence on the part of the Respondent (placement of the loose gravel signs at the beginning of the chip/seal). Claimant must also show that this claimed negligence was the primary proximate cause of the accident. *Scott v. Cent. Ark. Nursing Ctrs., Inc.*, 101 Ark.App. 424, 278 S.W.3d 587 (2008). Also, pursuant to Arkansas law on comparative fault, if a Claimant is 50% or greater at fault for causing her own damages, she cannot recover anything from the Respondent in this case. Ark. Code Ann. §16-64-122.

The Claimant cannot ignore her own negligence in this matter and claim that the Respondent's negligence exceeds 50%. The evidence will clearly indicate that had the Claimant obeyed the posted speed limit or responded to the advisory curve speed sign, this accident would not have happened, because even on loose gravel there was enough traction at those speeds to keep the vehicle from sliding off the roadway. It was Claimant's negligently excessive speed of 63 to 64 MPH that caused the vehicle to lose traction. Hundreds of other drivers safely traveled across the chip/seal area during this time period. The presence of marijuana in Claimant's system may have also contributed to the accident. **But for the Claimant's own negligence, the accident would never have occurred.**

**ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT**

By: David Dawson


David Dawson
Staff Attorney
AHTD, Legal Division
Arkansas Bar No. 93087
P. O. Box 2261
Little Rock, AR 72203-2261
(501) 569-2277

CERTIFICATE OF SERVICE

I, David Dawson, certify that I have served the foregoing Answer upon the Claimant by mailing a true electronic copy of same this 3 of October, 2013,

to:

Troy Henry
Attorney at Law
630 S. Street
Jonesboro, AR 72401



David Dawson

John M. Bentley, P.E.

BENTLEY TECHNICAL SERVICES, INC.

110 SHADY LANE

PERRYVILLE, ARKANSAS 72126

PH. (501) 333-2480 • FAX (501) 333-2299

E-MAIL: JB@BENTLEYTECHNICAL.COM

September 16, 2013

Mr. David Dawson
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-226

Re: Richey vs AR Highway Department H73-55

Dear Mr. Dawson:

As you know on July 24, 2013 our office was contacted in this matter to perform an initial speed calculation for the single vehicle accident that occurred on Highway 361, approximately 6.3 miles south of Lynn, Arkansas. The accident occurred when a 2002 Chevrolet Cavalier, driven by Jeanie Richey, lost control as the vehicle was heading westbound while negotiating a right-hand curve and upon entering a chip seal process. A bridge was present within the right-hand curve having a length of 700'. The curve has a 6° of curvature or a radius of 954'. The curve has a length of approximately 1488'. The chip seal was in place upon exiting the bridge. The posted speed limit is 55 mph. The recommended curve speed is 45 mph.

According to the accident report narrative, "V1 (Richey) was southbound on SH 361, V1 was negotiating a curved bridge. V1 drove into some loose gravel that was on the highway and lost control. V1 began skidding. V1 skidded approximately 233 feet on the pavement, some in the southbound lane, and some in the northbound lane. V1 then left the roadway, and began skidding on the northbound roadside. V1 skidded an additional 18' on the northbound roadside, and overturned. V1 then skidded an additional 84', coming to rest on its wheels, in a field, located south of the highway. There is no driver's statement due her injuries."

The following material was reviewed:

- i.) Arkansas Uniform Motor Vehicle Collision Report
- ii.) On-scene photographs
- iii.) Photographs of the Chevrolet Cavalier
- iv.) Arkansas State Highway Commission Construction Plans
- v.) Answers to the first set of interrogatories and responses to request for production of documents and inspection of property
- vi.) Arkansas state claims commission non vehicle damage/personal injury incident report form

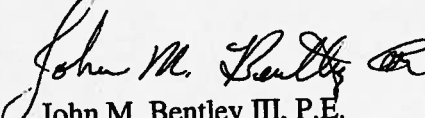
- vii.) Arkansas state highway commission "Minute Order"
- viii.) Manual on Uniform Traffic Control Devices for Streets and Highways (USDOT 2009 Edition)
- ix.) Braking on Dry Pavement and Gravel With and Without ABS, SAE 2010-01-0066

Calculations were made to determine the initial speed of the Chevrolet Cavalier. The kinetic energy analysis indicates that the Chevrolet Cavalier was traveling within the range of 63 to 64 mph. Additional calculations were made to determine the lateral acceleration the Chevrolet Cavalier would experience within the curve at speeds of 45, 55, and 63 mph. At 45 mph the vehicle would experience 0.28 g's. At 55 mph the vehicle would experience 0.42 g's. At 63 mph the vehicle would experience 0.56 g's.

Certain observations and opinions were made, they are:

- The driver of the Chevrolet Cavalier was traveling at a speed in excess of the 55 mph limit, and nearer to the speed of 63 to 64 mph.
- At the speed of 63 to 64 mph the vehicle would exceed the lateral traction available on the chip seal surface. Traction test conducted on gravel indicates a traction value of approximately 0.48.
- At the speed of 45 mph, the recommended curve speed, the vehicle would not exceed the lateral traction available.
- The speed of 55 mph, the vehicle would not exceed the lateral traction available.
- Had the driver of the Chevrolet Cavalier been traveling within the speed limit or the recommended curve speed, the accident could have been avoided.

Respectfully submitted,


John M. Bentley III, P.E.

JB/mel



Arkansas State Crime Laboratory
P.O. Box 8500
3 Natural Resources Drive
Little Rock, Arkansas 72215



An ASCLD/LAB Accredited Laboratory
(Since December 13, 2004)

Laboratory Services
(501) 227-5747

REPORT OF LABORATORY ANALYSIS

Investigating Officer/Agency/Address

Laboratory Case Number: 2012-019116

Page 1 of 1

Agency Case Number: 380812054

Phillip Roark
A.S.P. - Troop B - Newport
3200 Highway 67 North
Newport, AR 72112

Victim(s):

Suspect(s):

Jeanie Richey

Date of Report: 11/28/2012

I do hereby attest and confirm as specified by A.C.A 12-12-313, that the information listed below is a true and accurate report of the results of analysis performed of evidence received in a sealed condition at the Arkansas State Crime Laboratory. The results stated below relate only to the items tested and represent the interpretations/opinions of the undersigned analyst. This is only an official Arkansas State Crime Laboratory report when reproduced in full.

Jeanie Richey:

Blood

Volatiles

Acetone	not detected
Ethanol	not detected
Isopropanol	not detected
Methanol	not detected

Immunoassay

Note: Preliminary testing on the specimen(s) submitted has yielded the following results. Should confirmatory or additional testing be required, you must contact this office within 90 days of the issuance of this report. The specimen(s) will be destroyed after 90 days.

Benzodiazepines	Negative
Cannabinoids	Positive
Cocaine	Negative
Methadone	Negative
Methamphetamines	Negative
Opiates	Negative
Oxycodone	Negative
Propoxyphene	Negative

Leanne Hazard, Forensic Toxicologist
leanne.hazard@crimelab.arkansas.gov

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 300,000.00

Claim No. 13-0746-CC

Jeanie Richey Claimant

Attorneys

Troy Henry, Attorney Claimant

vs.

AR Highway & Transportation Dept.
Respondent

David Dawson, Attorney Respondent

State of Arkansas

Date Filed April 25, 2013

Type of Claim Personal injury, pain & suffering,
mental anguish, negligence, failure to
follow procedure, & loss of property

FINDING OF FACTS

This claim was filed for personal injury and negligence in the amount of \$300,000.00 against the Arkansas Highway and Transportation Department.

Present at a hearing October 9, 2013, was the Claimant, represented by Troy Henry, Attorney, and the Respondent, represented by David Dawson, Attorney.

The Claims Commission unanimously finds liability on the part of the Respondent. The Respondent's own witnesses admitted that the appropriate signage was not present at the site of the accident that is the subject of this claim.

The doctrine of "comparative negligence" was argued by the claim parties. The Claims Commission unanimously agrees that it is appropriate. On finding "comparative negligence" the Claims Commission assesses liability on the Claimant's part at twenty percent (20%) and on the Respondent's part at eighty percent (80%). The award is \$200,000.00 which, when the Claimant's percentage of fault is deducted, leaves an award of \$160,000.00 to the Claimant for her "pain and suffering."

The Claimant is fortunate in that, in spite of the seriousness of the wreck, she has suffered no long term permanent disability.

The Claims Commission hereby unanimously awards this claim in the amount of \$160,000.00 and will include the claim in a claims bill to be submitted to the 89th General Assembly, Arkansas State Legislature 2014 Session, for subsequent approval and payment.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby unanimously awards this claim in the amount of \$160,000.00 and will include the claim in a claims bill to be submitted to the 89th General Assembly, Arkansas State Legislature 2014 Session, for subsequent approval and payment.

Date of Hearing October 9, 2013

Date of Disposition October 9, 2013

Keith L. May
Chairman

H. H. H. H.
Commissioner

Pat Moran
Commissioner

**ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT**

Scott E. Bennett
Director
Telephone (501) 569-2000
Telefax (501) 569-2400



P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

Writer's Direct Line (501) 569-2277

David.Dawson@ahtd.ar.gov

Writer's Direct Fax (501) 569-2164

October 22, 2013

Dr. Norman L. Hodges, Jr., Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Main Street Mall
Little Rock, Arkansas 72201-3823

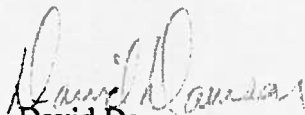
Re: *Richey v. AHTD*
Claim No. 13-0746-CC

Dear Dr. Hodges:

Pursuant to Ark. Code Ann. §19-10-211, the Respondent, Arkansas State Highway and Transportation Department, files this Notice of Appeal in the above referenced claim, appealing the award of \$160,000 to the Claimant. The Respondent appeals the placement of only 20% contributory negligence upon the Claimant and seeks a higher assessment of negligence on the part of the Claimant.

Please forward the relevant information to the Claims Review Subcommittee for appeal of the Commission's award in this claim. Thank you.

Sincerely,


David Dawson
Staff Attorney

/DD

cc: Troy Henry, Attorney for Claimant

Arkansas
State Claims Commission

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LAW OFFICES OF
HENRY LAW FIRM, PLC

630 S. MAIN
JONESBORO, ARKANSAS 72401
870-932-4522
FAX 870-932-4529

TROY HENRY
MEGAN HENRY

email: info@hhtlawfirm.com
website: www.hhtlawfirm.com

October 31, 2013

Norman L. Hodges, Jr., Director
Arkansas State Claims Commission
101 East Capitol Ave., Suite 410
Little Rock, AR 72201-3823

Re: Jeanie Richey
Claim # 13-0746-CC
vs.
AR Highway Dept.

Dear Mr. Hodges:

The claimant, Jeanie Richie, hereby gives Notice of Appeal in the above captioned claim pursuant to Ark. Code Ann § 19-10-211. Claimant appeals from the award of only \$160,000 to claimant as the award should have been greater. Claimant also appeals the finding of 20% contributory negligence upon the claimant, as the amount of negligence should be zero.

It is my understanding you will forward all information and documents submitted at the hearing to the Claims Review Subcommittee for appeal of the Commission's award in this claim.

Yours truly,

HENRY LAW FIRM, PLC


Troy Henry

TH:cs

cc: Mr. David Dawson
Ms. Jeanie Richey

Arkansas
State Claims Commission
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