

## ARKANSAS CLAIMS COMMISSION

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



arclaimscommission.arkansas.gov  
ascc.new.claims@arkansas.gov

Arkansas  
State Claims Commission

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

FEB 07 2024

RECEIVED

## CLAIM FORM

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

## 1. Claimant(s)

Grider Ledora

(title/last name/first name or company)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

## 2. Claimant's Legal Counsel -

☐ (If representing yourself (Pro Se) please check this box and proceed to section 2)

(last name)

(first name)

(email)

(address)

(city)

(state)

(zip)

(primary phone)

Arkansas Bar Number:

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

## 3. State Agency Involved (If this section is not completed this claim will be returned as deficient).

The agency(ies) involved must be Arkansas state agencies. The Arkansas Claims Commission has no jurisdiction over county, city, or other municipalities.

High way department

(state agency involved)

## 4. Incident Date

January 30 2024

## 5. Claim Type

Please provide the location of the incident and an explanation of your claim. If additional space is required please attach additional pages for your statements to this form.

Location of Incident

On my way to work at 3:00 am on the freeway and hit a pot hole

Explanation of Incident

Roadside came out to change it

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

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

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

Please do not include a copy of your insurance card.  
You may obtain a copy of your insurance declaration  
from your insurance agent.

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

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

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

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

\_\_\_\_\_  
(type of state vehicle involved)

\_\_\_\_\_  
(license number)

\_\_\_\_\_  
(driver)

7. Check here if this claim involves personal injury.

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

I do not have health insurance ☐

8. Amount Sought: \$ \_\_\_\_\_

**STOP!**

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

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

Ledara Grider

Claimant

**ACKNOWLEDGEMENT**

State of Arkansas  
County of Pulaski

On this the 7 day of February, 2024, before me, the undersigned notary, personally appeared Ledara Grider 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.

Sabreana J. Hyche  
Signature of Notary Public

[seal of office]

My Commission Expires: March 29, 2027





## Preliminary Estimate

**Customer: Grider, Ledora****Job Number:**

2021 TOYO Camry XSE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection White

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARM8527, CCC Data Date 01/17/2024, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2024 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

**SYMBOLS FOLLOWING PART PRICE:**

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category.  
X=Miscellaneous Non-Taxed charge category.

**SYMBOLS FOLLOWING LABOR:**

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category.  
M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

**OTHER SYMBOLS AND ABBREVIATIONS:**

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel.  
CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel.  
HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non  
Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace.  
R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.  
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Intelligent Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway  
Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.



CHILANGOS TIRE  
7415B Geyer Springs Rd  
Little Rock, AR 72209  
(501) 541-0658  
MID: XXXXXXXX0801

## CC Sale

BRIC: 08YL6WEHP6A6N5B77NH  
Batch #: 0705  
01/31/01

Item 0002  
11.27.49

TAP-E

Amount

\$279.76

VED

CUSTOMER COPY



## LANDERS COLLISION & GLASS

10005 Colonel Glenn Road, Little Rock, AR 72204  
Phone: (501) 508-7530  
FAX: (501) 666-5140

Workfile ID:  
PartsShare:  
Federal ID:

37-181-6896

### Preliminary Estimate

**Customer:** Grider, Ledora

**Job Number:**

Written By: Lynn Brock

Insured: Grider, Ledora  
Type of Loss:  
Point of Impact:

Policy #:  
Date of Loss:

Claim #: N/A  
Days to Repair: 0

**Owner:**

Grider, Ledora

**Inspection Location:**

LANDERS COLLISION & GLASS  
10005 Colonel Glenn Road  
Little Rock, AR 72204  
Repair Facility  
(501) 508-7530 Business

**Insurance Company:**

CUSTOMER PAY

### VEHICLE

2021 TOYO Camry XSE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection White

VIN:

License:

State:

Interior Color:

Exterior Color: White

Production Date: 12/2020

Mileage In: 63,682

Mileage Out:

Condition:

Vehicle Out:

Job #:

**TRANSMISSION**

Automatic Transmission

**POWER**

Power Steering

Power Brakes

Power Windows

Power Locks

Power Mirrors

Heated Mirrors

Power Driver Seat

Power Passenger Seat

**DECOR**

Dual Mirrors

Tinted Glass

Console/Storage

Overhead Console

**CONVENIENCE**

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Alarm

Message Center

Steering Wheel Touch Controls

Telescopic Wheel

Climate Control

Remote Starter

Backup Camera

Intelligent Cruise

Home Link

**RADIO**

AM Radio

FM Radio

Stereo

Search/Seek

Auxiliary Audio Connection

Satellite Radio

**SAFETY**

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Communications System

Hands Free Device

Rear Side Impact Air Bags

Blind Spot Detection

Lane Departure Warning

**SEATS**

Bucket Seats

Leather Seats

Heated Seats

**WHEELS**

Aluminum/Alloy Wheels

**PAINT**

Clear Coat Paint

**OTHER**

Traction Control

Stability Control

Rear Spoiler

Signal Integrated Mirrors

Xenon or L.E.D. Headlamps

Power Trunk/Liftgate

Get live updates at [www.carwise.com/e/4HffSh](http://www.carwise.com/e/4HffSh)

## Preliminary Estimate

Customer: Grider, Ledora

Job Number:

2021 TOYO Camry XSE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection White

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		<b>FRONT BUMPER &amp; GRILLE</b>					
2		O/H bumper assy				3.5	
3	Repl	LT Front trim XSE	8148206200	1	178.63	Incl.	0.6
4	Repl	LT Lower molding outer XSE	5312406260	1	111.63	Incl.	
5		<b>MISCELLANEOUS OPERATIONS</b>					
6	#	Subl Hazardous Waste Removal		1	5.00		
<b>SUBTOTALS</b>					<b>295.26</b>	<b>3.5</b>	<b>0.6</b>

## ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			295.26
Body Labor	3.5 hrs @	\$ 75.00 /hr	262.50
Paint Labor	0.6 hrs @	\$ 75.00 /hr	45.00
Paint Supplies	0.6 hrs @	\$ 60.00 /hr	36.00
Subtotal			638.76
Sales Tax	\$ 638.76 @	8.6250 %	55.09
<b>Grand Total</b>			<b>693.85</b>
Deductible			0.00
<b>CUSTOMER PAY</b>			<b>0.00</b>
<b>INSURANCE PAY</b>			<b>693.85</b>

PLEASE NOTE THAT THIS IS AN ESTIMATE OF REPAIR COST BASED ON A VISUAL INSPECTION OF DAMAGE AND PRICES OF PARTS AT THE TIME THAT THE ESTIMATE WAS COMPLETED. THE ACTUAL COST OF REPAIRS MAY CHANGE ONCE THE VEHICLE IS DISASSEMBLED AND PARTS ARE RECIEVED. THE COST OF REPAIRS CAN CHANGE DUE TO HIDDEN DAMAGE AND PARTS PRICE CHANGES THAT ARE BEYOND OUR CONTROL.

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.

FAILURE TO USE THE INSURANCE PROCEEDS IN ACCORDANCE WITH A SECURITY AGREEMENT BETWEEN YOU AND A LIENHOLDER, IF ANY, MAY CONSTITUTE THE CRIMINAL OFFENSE OF DEFRAUDING A SECURED CREDITOR IN VIOLATION OF ARKANSAS CODE SECTION 5-37-203. IF YOU HAVE ANY QUESTIONS, CONTACT YOUR LIENHOLDER.



**From:** [ASCC New Claims](#)  
**To:** [Davenport, Michelle L.](#); [Blakley, Sharon](#); [LaKeysha.Walker@ardot.gov](mailto:LaKeysha.Walker@ardot.gov)  
**Subject:** NEW CLAIM: Grider v. ArDOT, Claim No. 241402  
**Date:** Wednesday, February 28, 2024 11:15:00 AM  
**Attachments:** [Ledore Grider ArDOT agency ltr .pdf](#)  
[Claim No. 241402.pdf](#)

---

Michelle, please see attached claim. I am also passing along Claimant's request that ArDOT's response be expedited to the extent possible. I will advise Claimant that I cannot shorten ArDOT's time to respond, but I can communicate Claimant's request to ArDOT.

Thanks,  
Kathryn

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

# ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

February 28, 2024

Ms. Michelle Davenport  
Arkansas Department of Transportation  
Post Office Box 2261  
Little Rock, Arkansas 72209

(via email)

RE: ***Ledora Grider v. Arkansas Department of Transportation***  
**Claim No. 241402**

Dear Ms. Davenport,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Department of Transportation. 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: kmirby

cc: Ledora Grider, *Claimant* (w/o encl.) (via email)

<p><b><u>Note to Claimant or Claimant's counsel:</u></b> 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.</p>
---

**From:** [Kathryn Irby](#)  
**To:** [REDACTED]  
**Cc:** [SaBreana Hyche](#)  
**Subject:** CLAIM SENT: Grider v. ArDOT, Claim No. 241402  
**Date:** Wednesday, February 28, 2024 11:17:00 AM  
**Attachments:** [Ledora Grider vs. ArDOT Agency Ltr.pdf](#)

---

Ms. Grider, your claim has been transmitted to ArDOT. Please see attached letter, which was sent with a copy of your claim file. I also communicated to ArDOT your request that this matter be expedited to the extent possible. While I cannot shorten ArDOT's time to respond, I did pass along your request.

Thanks,  
Kathryn Irby

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

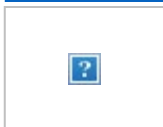


**From:** [Blakley, Sharon D.](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Wilkins, Jay D.](#)  
**Subject:** Grider v ARDOT Claim 241402 ANS-MTD  
**Date:** Thursday, March 21, 2024 10:17:26 AM  
**Attachments:** [image.png](#)  
[Grider-241402-ANS-MTD-4-02-24.pdf](#)

---

Please acknowledge receipt of the attached Answer & Motion to Dismiss for the referenced claim.

Sharon D. Blakley  
ARDOT - Legal Administrator  
(501) 569-2022 fax (501)569-2164  
[Sharon.Blakley@ardot.gov](mailto:Sharon.Blakley@ardot.gov)





## ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

LEGAL DIVISION | Jay D. Wilkins, Staff Attorney | Jay.Wilkins@ardot.gov

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2277 | Fax: 501.569.2164

March 21, 2024

Ledora Grider



Re: *Ledora Grider v. Arkansas Dept. of Transportation*  
*Claim No. 241402*

Dear Ledora Grider:

Reference is made to the subject claim. The purpose of this letter is to inform you that the Arkansas Department of Transportation (Department) has filed an Answer and Motion to Dismiss your claim with the Arkansas State Claims Commission. Enclosed, you will find a copy of the Answer and Motion to Dismiss that contains the legal arguments that support the Department's position.

Please know this is not the final decision regarding your claim. The handling of your claim, as well as the final decision, is made by the Arkansas State Claims Commission. If you have questions concerning when a decision will be issued, you can contact them at (501) 682-1619.

If you need to submit additional information to the Arkansas State Claims Commission or if you wish to dispute the Motion to Dismiss, please do so in writing because this provides a record of your submission. Their address is 101 E Capitol Avenue, #410, Little Rock, AR 72201. The law requires that you provide a copy to our Legal Division so that we are aware of the information as well. Our address is Arkansas Department of Transportation, Legal Division, P.O. Box 2261, Little Rock, AR 72203.

One other point to make is that if you need legal advice, none of the Department's attorneys can provide it to you or even discuss the merits of your claim over the phone or by email. The reason for this, is that we represent the Arkansas Department of Transportation. If you need legal advice, please contact your own attorney.

If you have any questions, concerns, or you would like additional information concerning this process, please contact Jay D. Wilkins at (501) 569-2277. We appreciate your patience as we seek a resolution to this disagreement through the process that has been established by State law.

Sincerely,

A handwritten signature in cursive script that reads 'J.D. Wilkins'.

Jay D. Wilkins  
 Staff Attorney, Arkansas Dept of Transportation

Enclosure

cc: Katherine Irby, Director  
 Arkansas State Claims Commission (*via email*)



## ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director

LEGAL DIVISION | Jay D. Wilkins, Staff Attorney | Jay.Wilkins@ardot.gov  
 10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261 | Phone: 501.569.2277 | Fax: 501.569.2164

March 21, 2024

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

(via email)

Re: *Ledora Grider v. Arkansas Dept of Transportation*  
*Claim No. 241402*

Dear Ms. Irby:

Please find attached the Answer and Motion to Dismiss in the above-styled claim. Please confirm receipt at your earliest convenience.

Sincerely,

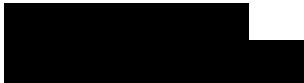
*J.D. Wilkins*

Jay D. Wilkins

Staff Attorney, Arkansas Dept. of Transportation

Enclosure

cc: Ledora Grider





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

**LEDORA GRIDER**

**CLAIMANT**

**V.**

**CLAIM NO. 241402**

**ARKANSAS DEPARTMENT OF TRANSPORTATION**

**RESPONDENT**

**ANSWER AND MOTION TO DISMISS**

**COMES THE RESPONDENT**, Arkansas Department of Transportation, by and through its Staff Attorneys, Jay D. Wilkins and Helen Newberry, and for its Answer and Motion to Dismiss states the following:

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 Department of Transportation or its employees.
3. The Claimant's damage, if any, cannot be verified as having been caused by negligence of the Arkansas Department of Transportation or its employees. Claimant has not filed her complaint to include “a statement of facts sufficiently clear to identify the Claimant, the *Respondent* state agency or agencies, *the circumstances giving rise to the claim* and the amount of monetary damages sought” as is required under Rule 2.1 of the Arkansas State Claims Commission Rules and Regulations.
4. Affirmatively pleading, the Respondent states, “There are almost 16,000 miles of State Highway in Arkansas. It is impossible to predict when and where a pothole will develop, therefore encountering a pothole is a risk assumed by the public in general as a part of travel.

Historically and legally, the Commission will not award damages caused by a pothole unless a Claimant can show some negligence on the part of the Respondent. Such proof of negligence must generally include facts to indicate that the respondent had *prior* knowledge of the pothole, yet the respondent *failed to respond within a reasonable amount of time* to repair the pothole.” Claimant has not provided any such evidence, therefore the claim should be denied and dismissed.

5. The State is not a no-fault insurer of the general public. Without any claim and proof of negligence on the part of the Respondent, the State should not be liable for Claimant’s damages.

6. A Claim for Negligence requires a duty, breach, damages, and causation. *Chambers v. Stern*, 347 Ark. 395, 406, 64 S.W.3d 737, 744 (2002); *Prosser and Keeton on Torts*, Ch. 5, § 30. Arkansas is a fact-pleadings state. Claimant has not stated facts sufficient to support a claim for these elements of negligence.

7. Claimant is required to exhaust all remedies pursuant to Ark. Code Ann. § 19-10-302.

8. Claimant has failed to state a claim against the Respondent for which relief can be granted. This matter should be denied and dismissed pursuant to Arkansas Rules of Civil Procedure, Rule 12(b)(6).

**WHEREFORE**, the Respondent prays for dismissal of the Complaint, for its costs, and for all other proper relief to which it may be entitled.

**RESPECTFULLY SUBMITTED,  
ARKANSAS DEPARTMENT OF TRANSPORTATION**

By: J.D. Wilkins

Jay D. Wilkins AR Bar No. 2022067  
Staff Attorney  
(501) 569-2277  
jay.wilkins@ardot.gov  
Helen Newberry AR Bar No. 2018101  
Staff Attorney  
(501) 569-2003  
helen.newberry@ardot.gov  
Arkansas Department of Transportation  
P. O. Box 2261  
Little Rock, AR 72203-2261

**CERTIFICATE OF SERVICE**

I, Jay D. Wilkins, certify that I have served the foregoing Answer and Motion to Dismiss upon the Claimant by mailing a true copy of same this 21st of March, 2024, to:

Ledora Grider  


  
\_\_\_\_\_  
Jay D. Wilkins



## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEDORA GRIDER

CLAIMANT

V.

CLAIM NO. 241402

ARKANSAS DEPARTMENT OF  
TRANSPORTATION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Department of Transportation (the “Respondent”) to dismiss the claim of Ledora Grider (the “Claimant”). Based upon a review of the claim file, including Respondent’s motion, and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed the instant claim, alleging damage to Claimant’s vehicle from a pothole.
2. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant failed to show that Respondent had prior knowledge of a pothole yet failed to respond within a reasonable amount of time to repair it. Respondent asked for the claim to be dismissed pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure.
3. Claimant did not respond to the motion.
4. In reviewing this motion to dismiss, the Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at \*6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s

theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. The Commission agrees with Respondent that dismissal of this claim is proper. Claimant did not allege any facts regarding Respondent’s prior knowledge of a pothole or failure to repair it within a reasonable amount of time. Respondent is unable to monitor every part of the state highway system at all times. As stated by Respondent in the motion to dismiss, encountering a pothole is a risk assumed by the public in general as a part of travel. In the absence of evidence that Respondent had prior knowledge of the pothole that caused Claimant’s damage and failed to repair it in a reasonable amount of time, the existence of a pothole is insufficient to establish liability.

6. As such, Respondent’s motion to dismiss is GRANTED, and Claimant’s claim is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION  
Solomon Graves



ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow, chair

DATE: June 14, 2024

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the 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:** [REDACTED] [Newberry, Helen A.](#); [Wilkins, Jay D.](#)  
**Cc:** [Blakley, Sharon](#); [Mika Tucker](#)  
**Subject:** ORDER: Grider v. ArDOT, Claim No. 241402  
**Date:** Wednesday, June 19, 2024 8:42:00 PM  
**Attachments:** [C47 - Grider v. ArDOT, Claim No. 241402.pdf](#)

---

Ms. Grider, Mr. Wilkins, and Ms. Newberry, please see attached order entered by the Commission. To the extent that either party disagrees with the order, please review the text box at the end of the order, along with the referenced statutes.

If either party will be submitting another filing related to this claim pursuant to Ark. Code Ann. 19-10-211, that filing can be transmitted via mail to the below address or via email to [ascpleadings@arkansas.gov](mailto:ascpleadings@arkansas.gov).

Thanks,  
Kathryn Irby

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

**From:** [REDACTED]  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED]  
**Subject:** Claim No 241402  
**Date:** Wednesday, July 10, 2024 8:21:06 PM  
**Attachments:** [\[REDACTED\]](#)

---

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Please attachment. I am writing to request an appeal

Sent from my iPhone

To whom this may concern:

I am writing to formally contest the decision made regarding my claim, which was submitted on February 7, 2024. While traveling on I-30 East to Loomis at 3:00 am, I encountered a pot hole on the left side of the road, resulting in damage to the front end of my 2021 Toyota Camry XSE.

Despite the incident, I managed to reach my destination at 6001 Lindsey Rd, Suite D, Little Rock, AR 72206, where roadside assistance was contacted to repair the flat tire. However, visible front end damage was discovered after the tire was changed.

The vehicle was subsequently taken to Landers Collision Center for a preliminary estimate, which recommended replacing the front bumper, grille, left front rim XSE, and left lower molding outer XSE, totaling \$693.85. I believe that these repairs are necessary given the unexpected circumstances of the situation.

■

**From:** [REDACTED]  
**To:** [ASCC Pleadings](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Claim No 241402  
**Date:** Thursday, July 11, 2024 6:25:55 PM  
**Attachments:** [STEVE.pdf](#)

---

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

Receipt attached for repairs

Sent from my iPhone

On Jul 11, 2024, at 1:38 PM, ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)> wrote:

Received.

---

**From:** [REDACTED]  
**Sent:** Wednesday, July 10, 2024 8:21 PM  
**To:** ASCC Pleadings <[asccpleadings@arkansas.gov](mailto:asccpleadings@arkansas.gov)>  
**Cc:** [REDACTED]  
**Subject:** Claim No 241402

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Please attachment. I am writing to request an appeal

Sent from my iPhone

# STEVE LANDERS COLLISION CENTER

## LANDERS COLLISION & GLASS

10005 Colonel Glenn Road, Little Rock, AR 72204

Phone: (501) 508-7530

FAX: (501) 666-5140

Workfile ID:

PartsShare:

Federal ID:

37-181-6896

### Preliminary Estimate

Customer: Grider, Ledora

Job Number:

Written By: Lynn Brock

Insured: Grider, Ledora

Type of Loss:

Point of Impact:

Policy #:

Date of Loss:

Claim #: N/A

Days to Repair: 0

Owner:

Grider, Ledora

Inspection Location:

LANDERS COLLISION & GLASS

10005 Colonel Glenn Road

Little Rock, AR 72204

Repair Facility

(501) 508-7530 Business

Insurance Company:

CUSTOMER PAY

### VEHICLE

2021 TOYO Camry XSE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection White

VIN:

License:

State: AR

Interior Color:

Exterior Color: White

Production Date: 12/2020

Mileage In: 63,682

Mileage Out:

Condition:

Vehicle Out:

Job #:

#### TRANSMISSION

Automatic Transmission

#### POWER

Power Steering

Power Brakes

Power Windows

Power Mirrors

Power Driver Seat

Power Passenger Seat

#### DECOR

Dual Mirrors

Tinted Glass

Console/Storage

Overhead Console

#### CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Alarm

Message Center

Steering Wheel Touch Controls

Telescopic Wheel

Climate Control

Remote Starter

Backup Camera

Intelligent Cruise

Home Link

#### RADIO

AM Radio

FM Radio

Stereo

Search/Seek

Auxiliary Audio Connection

Satellite Radio

#### SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Communications System

Hands Free Device

Rear Side Impact Air Bags

Blind Spot Detection

Lane Departure Warning

#### SEATS

Bucket Seats

Leather Seats

Heated Seats

#### WHEELS

Aluminum/Alloy Wheels

#### PAINT

Clear Coat Paint

#### OTHER

Traction Control

Stability Control

Rear Spoiler

Signal Integrated Mirrors

Xenon or L.E.D. Headlamps

Power Trunk/Liftgate

Get live updates at [www.carwise.com/e/4HffSh](http://www.carwise.com/e/4HffSh)



## Preliminary Estimate

Customer: Grider, Ledora

Job Number:

2021 TOYO Camry XSE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection White

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARM8527, CCC Data Date 01/17/2024, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2024 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

## SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category.  
X=Miscellaneous Non-Taxed charge category.

## SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category.  
M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

## OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel.  
CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel.  
HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non  
Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace.  
R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.  
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Intelligent Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway  
Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.



## Preliminary Estimate

Customer: Grider, Ledora

Job Number:

2021 TOYO Camry XSE Automatic 4D SED 4-2.5L Gasoline Port/Direct Injection White

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		<b>FRONT BUMPER &amp; GRILLE</b>					
2		O/H bumper assy				3.5	
3	Repl	LT Front trim XSE	8148206200	1	178.63	Ind.	0.6
4	Repl	LT Lower molding outer XSE	5312406260	1	111.63	Ind.	
5		<b>MISCELLANEOUS OPERATIONS</b>					
6	#	Subl Hazardous Waste Removal		1	5.00		
<b>SUBTOTALS</b>					<b>295.26</b>	<b>3.5</b>	<b>0.6</b>

## ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			295.26
Body Labor	3.5 hrs @	\$ 75.00 /hr	262.50
Paint Labor	0.6 hrs @	\$ 75.00 /hr	45.00
Paint Supplies	0.6 hrs @	\$ 60.00 /hr	36.00
Subtotal			638.76
Sales Tax	\$ 638.76 @	8.6250 %	55.09
<b>Grand Total</b>			<b>693.85</b>
Deductible			0.00
<b>CUSTOMER PAY</b>			<b>0.00</b>
<b>INSURANCE PAY</b>			<b>693.85</b>

PLEASE NOTE THAT THIS IS AN ESTIMATE OF REPAIR COST BASED ON A VISUAL INSPECTION OF DAMAGE AND PRICES OF PARTS AT THE TIME THAT THE ESTIMATE WAS COMPLETED. THE ACTUAL COST OF REPAIRS MAY CHANGE ONCE THE VEHICLE IS DISASSEMBLED AND PARTS ARE RECIEVED. THE COST OF REPAIRS CAN CHANGE DUE TOHIDDEN DAMAGE AND PARTS PRICE CHANGES THAT ARE BEYOND OUR CONTROL.

ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.

FAILURE TO USE THE INSURANCE PROCEEDS IN ACCORDANCE WITH A SECURITY AGREEMENT BETWEEN YOU AND A LIENHOLDER, IF ANY, MAY CONSTITUTE THE CRIMINAL OFFENSE OF DEFRAUDING A SECURED CREDITOR IN VIOLATION OF ARKANSAS CODE SECTION 5-37-203. IF YOU HAVE ANY QUESTIONS, CONTACT YOUR LIENHOLDER.